



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 4th July, 2017

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Melvyn Caplan (Chairman)
Ruth Bush
Paul Church
Gotz Mohindra



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 from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. TREE PRESERVATION ORDER NO. 635 (2017) - 39 BROOK STREET, MAYFAIR, LONDON, W1K 4JE

(Pages 1 - 36)

5. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

1. 39 BROOK STREET, MAYFAIR, LONDON, W1K 4JE

(Pages 39 - 46)

2. 110 VAUXHALL BRIDGE ROAD, LONDON, SW1V 2RQ

(Pages 47 - 72)

3. 27 SAXON HALL, PALACE COURT, LONDON, W2 4JA

(Pages 73 - 88)

4. 4 BINGHAM PLACE, LONDON, W1U 5AT

(Pages 89 - 106)

5. BASEMENT AND GROUND FLOOR, 54 QUEENSWAY, LONDON, W2 3RY

(Pages 107 - 122)

6. 19 KINGLY STREET, LONDON, W1B 5QD

(Pages 123 - 130)

7. FLAT 15 MONTAGU COURT, 27-29 MONTAGU SQUARE, LONDON, W1H 2LG

(Pages 131 - 142)

Chief Executive
26 June 2017

This page is intentionally left blank

Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 635
(2017) 39 Brook Street, Mayfair,
London, W1K 4JE**

Date: 4th July 2017

Summary of this Report

The City Council has made a Tree Preservation Order (TPO) to protect one Indian bean tree (T1) located in the rear courtyard garden at 39 Brook Street, Mayfair, London, W1K 4JE. The TPO is provisionally effective for a period of six months from 18th January 2017 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 19th July 2017.

The TPO was made because the tree has significant amenity value and makes a valuable contribution to the character and appearance of the Mayfair conservation area. The City Council, having been made aware of the proposal to remove the bay tree considers it expedient in the interests of the amenity that a TPO is made in order to safeguard its preservation and future management.

Objection to the TPO has been made by Mr Nigel Hughes of Grosvenor Investments Limited, The Grosvenor Office, 70 Grosvenor Street, London, W1K 3JP

The City Council's Arboricultural Officer has responded to the objection.

Recommendations

The Sub-Committee should decide EITHER

(a) NOT to confirm Tree Preservation Order No. 635 (2017); OR

(b) Confirm Tree Preservation Order No. 635 (2017) with or without modification with permanent effect.

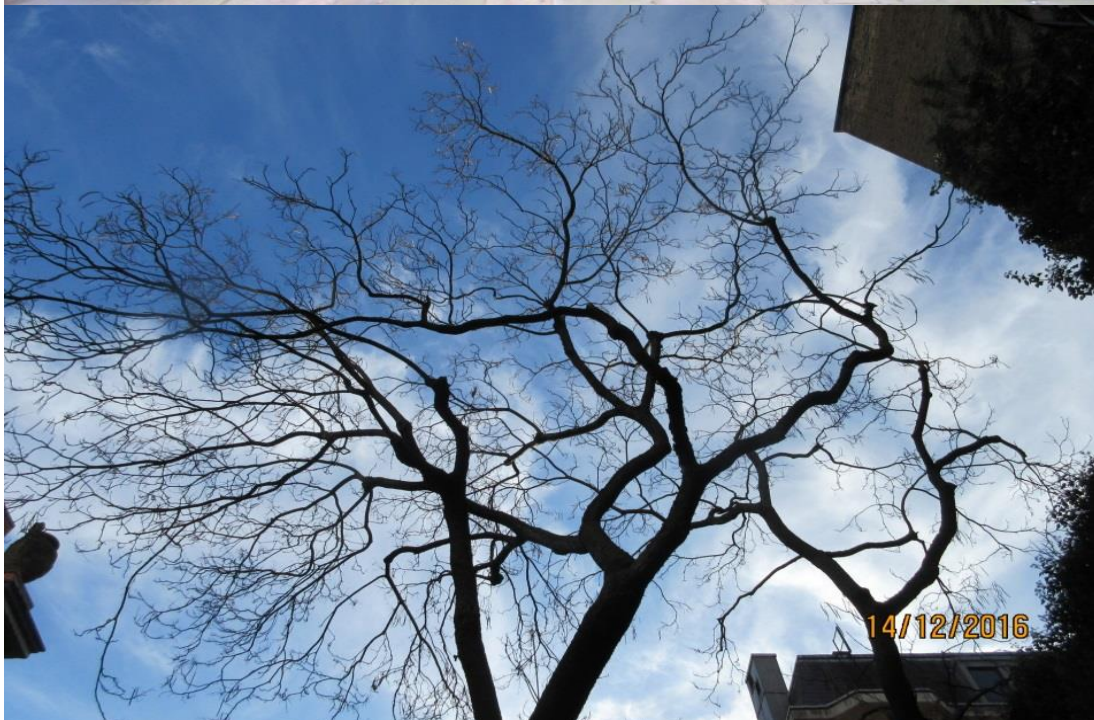


City of Westminster

Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 635
(2017) 39 Brook Street, Mayfair,
London, W1K 4JE**

Date: 4th July 2017





City of Westminster

Committee Report

Item No:	
Date:	4th July 2017
Classification:	General Release
Title of Report:	Tree Preservation Order No. 635 (2017) 39 Brook Street, Mayfair, London, W1K 4JE
Report of:	The Director of Law
Wards involved:	West End
Policy context:	
Financial summary:	No financial issues are raised in this report.
Report Author:	Daniel Hollingsworth
Contact details	dhollingsworth@westminster.gov.uk

1. Background

- 1.1 Under current legislation the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 635 (2017), authorised by the Operational Director Development Planning acting under delegated powers on 10th January 2017, was served on all the parties whom the Council is statutorily required to notify and took effect on 18th January 2017.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they have to be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 635 (2017) was made following the receipt by the City Council of six weeks notice of intention to remove the Indian Bean Tree (T1) submitted under section 211 of the Town and Country Planning Act 1990 (Trees in Conservation Areas). The tree is located in a paved courtyard completely enclosed by the main dwelling on two sides and high boundary walls on the other two. On receipt of such notice the City Council can either raise no objections to the works or make a Tree Preservation Order.
- 1.4 An application for consent to fell the tree has also been made under reference 17/03311/TPO, and there is a separate report on the application elsewhere on this agenda.
- 1.5 The reasons given for the proposed removal of the tree were:
 - The tree is in very poor condition. Although the main structure of the trees gives rise to concern, the main reason for urgency is that there are now signs of cracking in the dead wood at the main fork which is supported by a brace. My view is that failure could occur at any time. Dysfunction is evident throughout the main scaffold limbs and crown. The courtyard has not been much used in the past but the tenancy ends this month and refurbishment works are imminent which will mean that there will be constant activity in this area. In addition, structural failure is likely to damage the buildings surrounding the courtyard.
- 1.6 Subsequent to the making of the TPO the City Council received one objection.

2. Objection by Grosvenor Investments Ltd

- 2.1 On 9th February 2017 the Council's Development Planning Section received a letter from Grosvenor Investments Ltd objecting to the TPO on the grounds that: The making of the TPO does not

follow Planning Policy Guidance in relation to the making of TPOs

The tree is not visible from a public place therefore does not fulfil criteria to be made subject to a TPO.

2.1.1 The TPO protects a tree which is in an unsafe condition.

- The tree is in severe decline with very large areas of dead wood and all main structural limbs and decay in the main fork at the top of the stem
- The tree is currently supported by a cable brace which has so far prevented structural failure; however the extent of decay and the brittle nature of the dead wood make failure a very real possibility.
- Refurbishment works to the courtyard area of the listed building where the tree is growing have been put on hold because of the fragile nature and size of the tree.
- It is an unsafe working environment
- The tree is in a conservation area and the proposal is to remove the tree and to replant it and replace it with the same species.

2.2 On 08 June the Council's Development Planning Section received an email from Grosvenor Investments Ltd setting out removing a tree that is in such poor condition with such poor prospects is the most appropriate way forward.

3. Response to Objection

3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 14th June 2017. The Officer considered that the tree is of amenity value such that it contributes to a pleasant outlook from nearby properties and it makes a positive contribution to the conservation area. The tree is not visible from public locations but it contributes to a pleasant outlook from nearby properties. The appearance of the tree is characterful and it complements the secluded and tranquil courtyard setting.

3.2 The tree was assessed tree following a structured amenity assessment suggested in current national Planning Practice Guidance (Tree Preservation Orders and Trees in conservation areas (March 2014)).

3.3 Inspection of the tree in January 2017 found various defects however it was not considered that there was enough information to justify the removal of the tree on the basis of these defects

3.4 The more detailed assessment that was subsequently commissioned by Grosvenor Estate found that despite the indications of previous basal movement and the presence of internal faults, the lower stem appeared stable, but some reduction in the current size of the crown should be considered if it is to be retained beyond the short term.

3.5 Inspection of the tree in June 2017 found the leaf coverage to be sparse. The officer concluded it is more likely than not that the reduction of the tree will hasten its demise of the tree, but it is possible that it could extend its safe life expectancy. On this basis the removal of the tree at this stage could be considered appropriate, although if the tree is valued locally then it strengthens the case to endeavour to retain it

4. Support for TPO

- 4.1 On 22 December 2016 the City Council received support for TPO 635 from Mr Ron-Whelan (Chairman of Mayfair Residents Group)
- 4.2 On 24 January 2016 the City Council received support for TPO 635 from Lady Michele Michels
- 4.3 On 11 February 2017 the City Council received support for TPO 635 from Councillor Roberts
- 4.4 On 2 June 2017 the City Council received support for TPO 635 from D Osborne

5. Ward Member Consultation

- 5.1 Ward member comments were sought in this matter and a response was received from Councillor Glenys Roberts.

6. Conclusion

- 6.1 In light of the representations received from the objector it is for the Planning Applications Sub-Committee to decide whether to confirm the TPO, with or without modification, or whether the TPO should not be confirmed.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT DANIEL HOLLINGSWORTH, PLANNING AND PROPERTY SECTION, LEGAL SERVICES ON 020 7641 1822 (FAX 020 7641 2761) (Email dhollingsworth@westminster.gov.uk)

Local Government (Access to Information) Act 1985

Appendix 1 - Copy of TPO 635 (2017)

Background Papers

1. Objection letter from Grosvenor Investments Ltd dated 9th February 2017
2. Response letter from City Councils Arboricultural officer dated 14th June 2017
3. Objection e-mail from Nigel Hughes dated 8th June 2017
4. Tree inspection Report from Harraway Trees dated 22nd February 2017
5. E-mail in support from Mr Ron-Whelan (Chairman of Mayfair Residents Group) dated 22nd December 2016
6. E-mail in support from Lady Michele Michels dated 24th January 2017
7. E-mail in support from Councillor Roberts dated 11th February 2017
8. E-mail in support from D Osborne dated 2nd June 2017

This page is intentionally left blank



GROSVENOR

Director of Planning
Development Planning
Growth, Planning and Housing
City of Westminster
PO Box 732
64 Victoria Street
London SW1E 6QP

1 FEB 2017

09 February 2017

Dear Sirs

39 Brook Street, London, W1K 4JE - Tree Preservation Order 635 (2017)

Grosvenor are the owners of 39 Brook Street and object to The City of Westminster Tree Preservation Order 635 (2017), which protects one Indian Bean Tree at 39 Brook Street, W1K 4JE, on the following grounds:

1. The making of the TPO does not follow Planning Policy Guidance (PPG) in relation to the making of TPOs.
2. The TPO protects a tree which is in an unsafe condition.

THE TPO

The TPO document states that the Order has been made because *"The tree makes a valuable contribution to public amenity, to the outlook from nearby properties and the character and appearance of the local area."*

Westminster's web site incorrectly directs viewers to guidance on TPO procedures which was withdrawn in March 2014 and fails to direct viewers to current guidance.

No part of the tree is visible from any public place. The DCLG's current planning policy guidance (PPG) on the making of TPOs states:

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact



Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- **size and form;**
- **future potential as an amenity;**
- **rarity, cultural or historic value;**
- **contribution to, and relationship with, the landscape; and**
- **contribution to the character or appearance of a conservation area**

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order

We have asked the Council for a copy of their amenity assessment but have received no reply. However, the fact that the tree is not visible to the public makes it difficult to understand how it “*makes a valuable contribution to public amenity*” or to “*the character and appearance of the local area.*” when considering the above guidance. The PPG clearly makes public visibility the starting point of any amenity assessment and the tree fails to meet this criterion.

Although the TPO also states that the tree makes a valuable contribution “*to the outlook from nearby properties*”, this is not a valid reason for the making of a TPO and, despite suggestions for many years that this factor should be included in the PPG, it has not been. This matter was last considered in the consultation phase of the current PPG (which was updated in 2014) and the suggestion was rejected.

Grosvenor’s arboricultural consultants, Tim Moya Associates, have assessed the tree and concluded that it does not satisfy the requirements for a TPO in relation to any of the factors listed in the above PPG.

The lack of an explanation or response to the request for an amenity assessment is also contrary to policy which states “***Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.***” This issue has not been addressed when making the TPO or in response to our request for an amenity assessment.

THE TREE

The tree is a large Indian bean tree which is in severe decline with very large areas of dead wood in all main structural limbs and decay in the main fork at the top of the stem. The tree is currently supported by a cable brace which has so far prevented structural failure at the main fork in one plane only. However, the extent of decay and the brittle nature of the extensive dead wood make failure a very real possibility. Tim Moya Associates have stated that in their opinion the tree “could fail at any time” and this opinion was part of their notice of works to Westminster.

Refurbishment works to the courtyard area of the listed building where the tree is growing have been put on hold because the very fragile nature and size of the tree make this an unsafe working environment.



The TPO is also unnecessary as the tree is in a Conservation Area and Grosvenor propose to remove the tree and replant with the same species.

Yours sincerely,



Nigel Hughes MBE BSc FRICS

The Estate Surveyor
Grosvenor Britain & Ireland
70 Grosvenor Street, London W1K 3JP

Direct Line +44 (0) 20 7312 6180
Mobile +44 (0) 7799 77 40 56
Email nigel.hughes@grosvenor.com

This page is intentionally left blank



Nigel Hughes
The Estate Surveyor
Grosvenor Britain & Ireland
70 Grosvenor Street
London
W1K 3JP

John Walker
Director of Planning

Please reply to: **Barbara Milne**
Direct Line/Voicemail: 020 7641 2922
Email: bmilne@westminster.gov.uk

Your Ref:
My Ref:
Date: 14 June 2017

Dear Mr Hughes

**THE TOWN AND COUNTRY PLANNING ACT 1990
CITY OF WESTMINSTER TREE PRESERVATION ORDER (TPO) 635 (2017)**

39 BROOK STREET LONDON W1K 4JE

Thank you for your letter of 09 February 2017 and email of 08 June 2017, objecting to the making of a Tree Preservation Order (TPO) for the Indian bean tree at the above location. They have been passed to me for response. I will also refer to the report prepared for you by John Harraway dated February 2017.

Objection summary

The letter of objection dated 09 February 2017 sets out that:

- The making of the TPO does not follow Planning Policy Guidance in relation to the making of TPOs.
- The TPO protects a tree which is in an unsafe condition.

The email of 08 June 2017 sets out that:

- In this case removing a tree that is in such poor condition with such poor prospects is the most appropriate way forward.

Response to objection

In summary the Indian bean tree is of amenity value such that it contributes to a pleasant outlook from nearby properties and it makes a positive contribution to the conservation area. The structural defects noted in the tree are not sufficient to justify its loss. I reassessed the physiological condition of the tree in June 2017 and found leaf coverage to be sparse. Whilst I am not optimistic that crown reduction would extend the life expectancy of the tree, it is possible.

Explanation for the reasons for making the TPO and evidence of assessment of the amenity value of the tree.

My report dated 10 January 2017 was sent you on 10 February, and recommended the making of a TPO for the Indian bean tree. In the report I set out my assessment of the tree which reflects the structured amenity assessment suggested in current national Planning



Practice Guidance (Tree Preservation Orders and Trees in conservation areas (March 2014)).
In my assessment I concluded that the tree is of public amenity value.

Tree safety

My inspection of the tree in January this year found various defects including some decay on the upper side of the trunk and at crown break and on the eastern limb, but I did not consider that there was enough information to justify the removal of the tree on the basis of these defects.

The more detailed assessment that you commissioned by John Harraway found that despite the indications of previous basal movement and the presence of internal faults, the lower stem appears stable at present. The report of John Harraway advised that the continued stability of the tree should not be assumed and some reduction in the current size of the crown should be considered if it is to be retained beyond the short term.

Your application for consent to reduce the crown of the tree has been agreed under delegated authority and your tree consultant should receive the decision letter shortly.

Tree condition

My initial assessment of the found the tree to be in reasonable condition for its age, but it had low vigour. On re-inspection in June this year to examine the tree in leaf, I found the leaf coverage to be sparse. On the basis of that re-inspection, I consider it is more likely than not that the reduction of the tree will hasten its demise of the tree, but it is possible that it could extend its safe life expectancy. On this basis I appreciate the comments you make about the removal of the tree at this stage, although if the tree is valued locally then it strengthens the case to endeavour to retain it. I note the quote that you take from the Council's supplementary planning guidance Trees and the Public Realm (September 2011), but this sets out a case for tree removal in the specific context of trees which are cause of private amenity problems.

The matter will now be considered by a Planning Applications Committee, where Councillors will decide whether or not to confirm the Tree Preservation Order. At present the intended date of the Committee is 4 July, although if this is altered I will ask my colleagues in the Legal section to let you know. Your application for consent to remove the tree will be reported at the same time.

Yours sincerely

Barbara Milne

Barbara Milne
Senior Arboricultural Officer

Mistry, Asha: WCC

From: Nigel Hughes <Nigel.Hughes@grosvenor.com>
Sent: 08 June 2017 13:47
To: Milne, Barbara: WCC
Cc: Walker, John: WCC; Tim.Moya@tma-consultants.co.uk
Subject: RE: Catalpa at 39 Brook Street Mayfair London W1K 4JE

Dear Barbara

Notwithstanding the strong desire of Cllr Roberts to see the tree retained (principally, it would seem, for reasons of sentiment rather than arboricultural good practice) and notwithstanding our own natural aversion to removing any healthy mature trees, we really do believe that in this case removing a tree that is in such poor condition with such poor prospects is the most appropriate way forward. If we can replace it with a semi-mature Catalpa, or other approved tree, that can be enjoyed for the next 80 years, that must be in the public benefit.

The purpose of the Council's own Tree Strategy (*Trees and the Public Realm – a tree strategy for Westminster 2011*), is summarised as being *"To ensure that, for the benefit of both current and future generations, Westminster's tree stock is planted, and when appropriate replaced (emphasis added), in accordance with contemporary arboricultural best practice, and with careful consideration of its relationship with townscape, amenity, biodiversity and historic character."* Appendix F3 of the strategy, when talking specifically about trees in private gardens (and we should note here that the tree in question is not visible from the public highway) says that *"The focus here returns to "The right tree in the right place". Whilst the council will still consider amenity benefit (which tends to be wider), against amenity detriment (which tends to be more localised), the balance will be more likely to be tipped towards the owner's wish to remove the tree, subject to the long term amenity and biodiversity contributions the replacement tree is likely to make."* (emphasis added).

We would appreciate receiving your formal confirmation that the crown may be reduced. Under the circumstances however and taking into account our wider concerns over safety, we do not wish to withdraw our objection to the TPO and we wish both this and our application to fell to be considered by a Planning Applications Committee.

I should be grateful if you could kindly confirm, in due course, the date of the committee meeting and also that this email and all our previous written correspondence will be included within your officer's report.

Kind regards

Nigel

Nigel Hughes MBE BSc FRICS
The Estate Surveyor
Grosvenor Britain & Ireland
70 Grosvenor Street, London W1K 3JP

Direct Line +44 (0) 20 7312 6180
Mobile +44 (0) 7799 77 40 56
Email nigel.hughes@grosvenor.com

From: Milne, Barbara: WCC [mailto:bmilne@westminster.gov.uk]
Sent: 08 June 2017 11:58
To: Nigel Hughes
Cc: Walker, John: WCC; Tim.Moya@tma-consultants.co.uk
Subject: Catalpa at 39 Brook Street Mayfair London W1K 4JE

Hello Nigel

I inspected the Catalpa at 39 Brook Street last week. Cllr Roberts joined me on my visit.

The canopy is very sparse. I am not optimistic that crown reduction would extend the life expectancy of the tree, but it is possible. However, there is a strong desire on the part of Cllr Roberts for the tree to be reduced so that its response to pruning can be assessed. Two residents support its retention, as do the Mayfair Residents Group.

I will recommend that consent is granted for your application to reduce the crown of the tree (my ref 17/03304/TPO). This can be dealt with under officers delegated authority.

If you are content with this, do you want to withdraw your objection to the TPO dated 09 February and your application to fell the tree (my ref 17/03311/TPO)? If so the TPO will be confirmed. Otherwise both the decision on whether to confirm the Order and the application to fell the will need to go to Planning Applications Committee for consideration.

Kind regards
Barbara

Barbara Milne
Senior Arboricultural Officer
Development Planning | Growth, Planning and Housing
Westminster City Council, PO Box 732, Redhill, RH1 9FL
Tel: 020 7641 2922 | westminster.gov.uk

Please don't print this e-mail unless you really need to.

Any views or opinions expressed in this email are those of the sender, and whilst given in good faith, do not necessarily represent a formal decision of the Local Planning Authority unless a statutory application is or has been made and determined in accordance with requisite procedures, planning policies and having had regard to material considerations.



Global city, strong neighbourhoods, thriving community

Join us at the first ever #MyWestminster Day at Paddington Recreation Ground on Sunday 18 June from 11am-3pm. Free food, activities and entertainment for all the family. Find out more at www.westminster.gov.uk/mywestminster

Recognise people who have made life better for others by nominating them for a Community Award. Nominate today at www.westminster.gov.uk/community-awards

Find out how much sugar is in your food and drink and make a healthy change to improve your family's health by downloading the free Change4Life Be Food Smart app today at <https://t.co/P1KQhgwYTD>

Westminster City Council switchboard: +44 20 7641 6000.
www.westminster.gov.uk

Harraway Trees

Tree Management and Training

Tree Inspection Report



39 Brook Street, London W1

February 2017

Harraway Trees

Tree Management and Training

John Harraway F.Arbor.A, MICFor, DipArb (RFS)
33 Freshbrook Road, Lancing, BN15 8DF
Tel: 01903 756153 mobile
Email: john@harrawaytrees.co.uk



Member of the Expert Witness Institute

TREE INSPECTION REPORT

Client: Grosvenor London
Location: 39 Brook Street, London, W1K 4JE
Date of inspection: 16 February 2017
Inspector: J. Harraway F Arbor A, MICFor, Dip Arb (RFS)
Our reference: TIR/0217/3

Instructions received:

I am instructed by Andrew Maskell CMLI, C Hort, Head of Landscape and Management for Grosvenor, to carry out an inspection and decay evaluation on a mature tree within the curtilage of 39 Brook Street and report on its current condition.

Tree species: Indian Bean Tree (*Catalpa bignoniodes*)

General description:

The tree rises to an approximate height of 15 metres (exact measurement with a clinometer was impracticable due to the limited space in which the tree is sited). The lower stem is recumbent and rests on paving adjacent a rectangular pond, currently drained. The main stem divides into two at approx. two metres and a steel cable has been inserted some metres above, as a precaution against possible fracture at the union.

The tree is located in a paved courtyard completely enclosed by the main dwelling on two sides and high boundary walls on the other two. The property currently stands empty, presumably pending re-development.

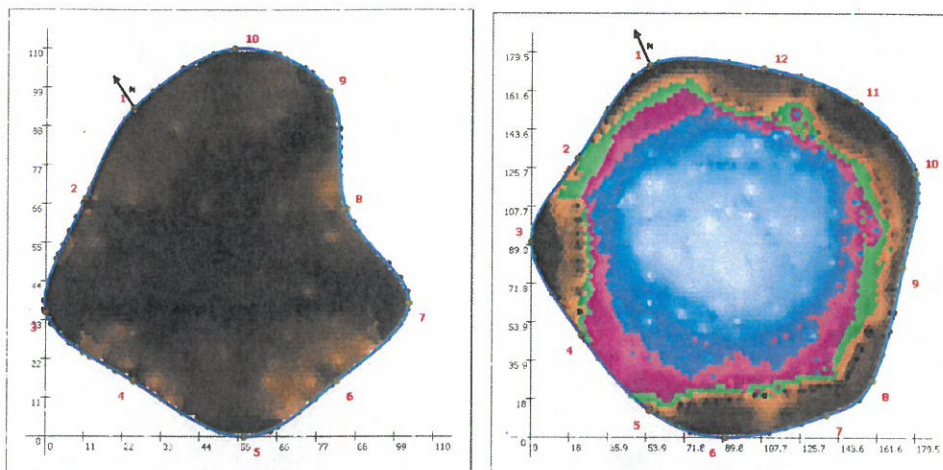
Method of inspection:

In addition to visual inspection, the base of the stem was investigated using a Picus sonic tomography unit and an IML Resi decay detecting drill in three selected locations. The two sub-stems were also assessed with the Resi in a number of locations in the vicinity of wounds just above their union with the main stem. Brief details of the operating systems of both instruments are included overleaf for information.

Harraway Trees tel: 01903 756153
john@harrawaytrees.co.uk
Document reference: TIR/0217/3

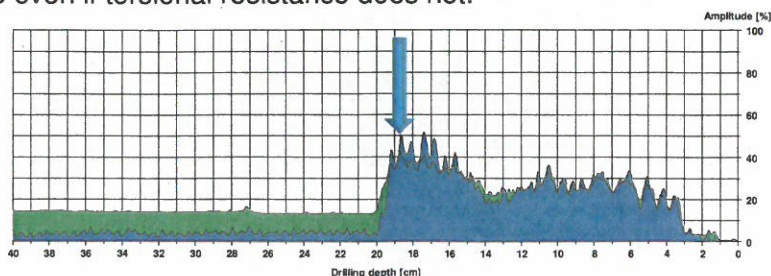
Decay Evaluation in Standing Trees

The Picus sonic tomograph uses the relative velocity of sound waves induced across the stem to compose a colour-shift image. Dark areas correspond to higher velocities and, hence, denser wood. Decay (or hollowing) results in lower sound speeds and a shift to lighter colours, with maroon and blue/white indicating more significant decay. Examples of a sound tree (on the left) and one with significant decay/hollowing are shown below:



The latest version of the Picus in use at the base of a London plane tree

The IML Resi PD400 measures the drilling resistance of a very fine drill bit (to a maximum depth of 40cm). Significant drops in drilling resistance are indicative of decay. On the example below decay is indicated at a drilling depth of 20cm. Note the difference between the resistance to forward motion (blue) and drilling resistance (green). In some instances dense wood can mask drops in drilling resistance because of the shaft dragging in sound wood. This version of the Resistograph makes such decay visible as resistance to forward motion will drop even if torsional resistance does not.

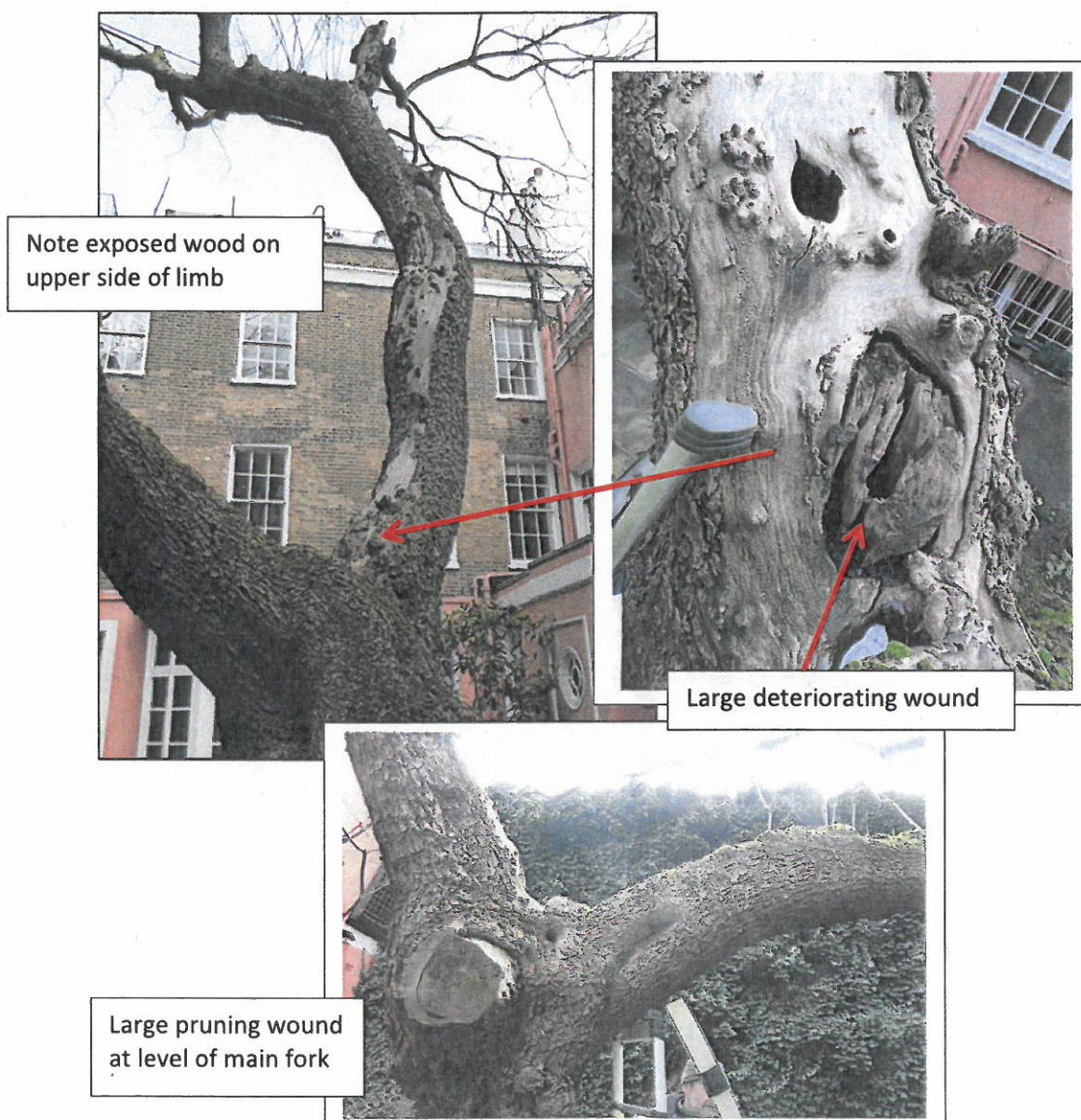


Harraway Trees tel: 01903 756153
 john@harrawaytrees.co.uk
 Document reference: TIR/0217/3

Results of inspection:

The distinct lean of the lower stem is not typical of the species and is almost certainly due to previous basal movement; this view is supported by the presence of apparent delamination of wood on the upper (tension) side of the stem. Continued movement appears to have been arrested by the underside of the stem coming into contact with the paved surface of the courtyard.

A large limb has previously been removed from the west side of the stem, just below the level of the main fork, leaving a short dead stub. The ascending limb on the north side exhibits extensive bark loss on its upper side from the fork and extending some four metres up the limb and also affecting the first lateral limb to the west. Cavities are evident at the base of the limb at the site of limbs now removed. See photos below:

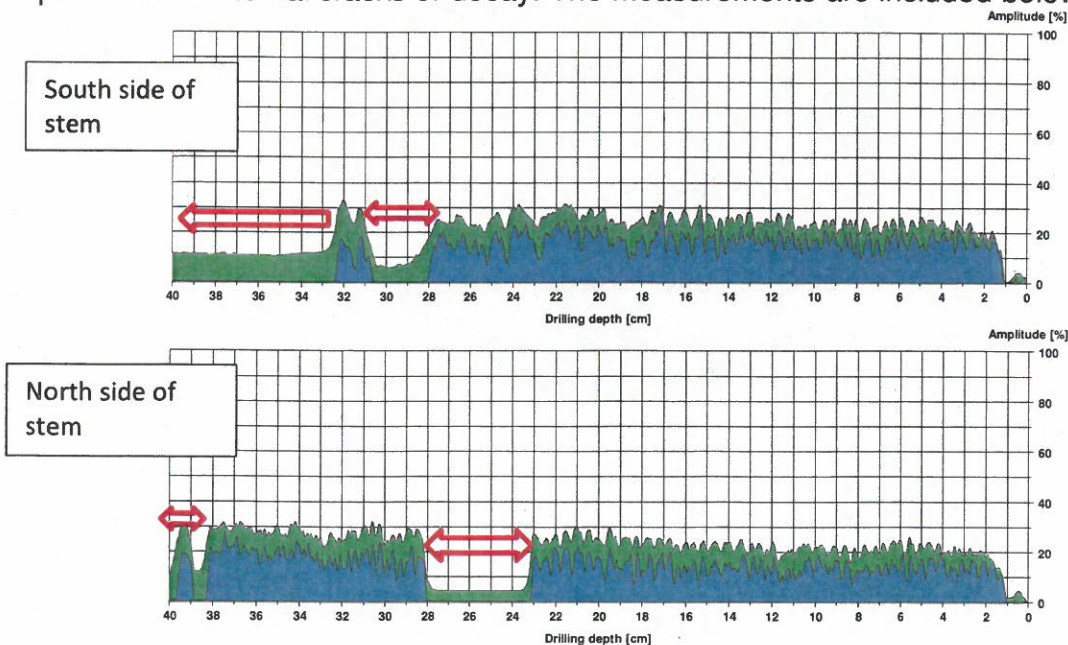


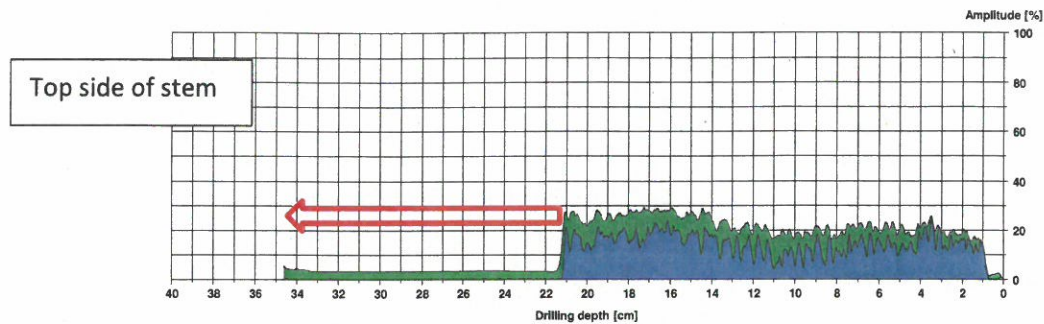
A further lower limb on the west side has also suffered extensive bark loss and is virtually dead. The remaining crown is somewhat sparse, due in part to previous pruning work, and its vigour appeared low (accurate assessment of vitality was limited by the season of inspection).

The base of the stem was investigated using the Resi micro-drill on its north and south sides and from the top of the stem, through the part affected by previous delamination (see below):



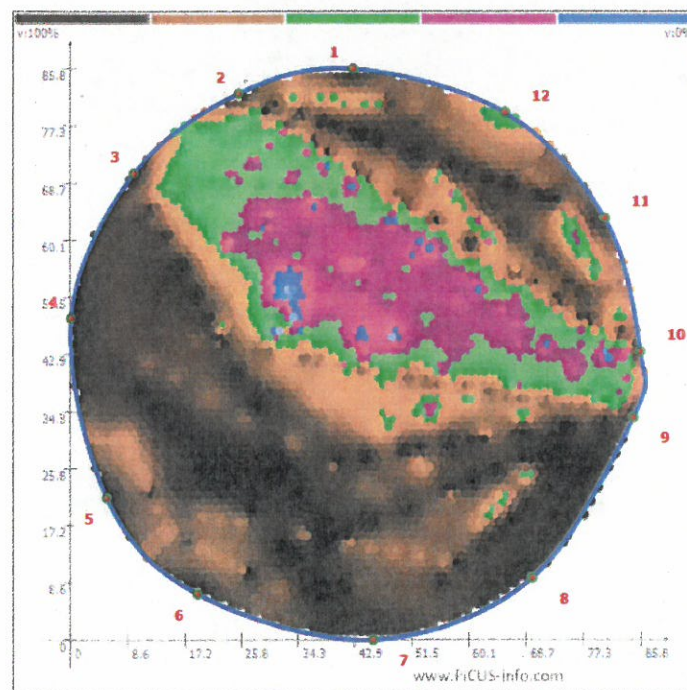
Drops in drilling resistance were recorded at each drilling location, suggesting the presence of internal cracks or decay. The measurements are included below:





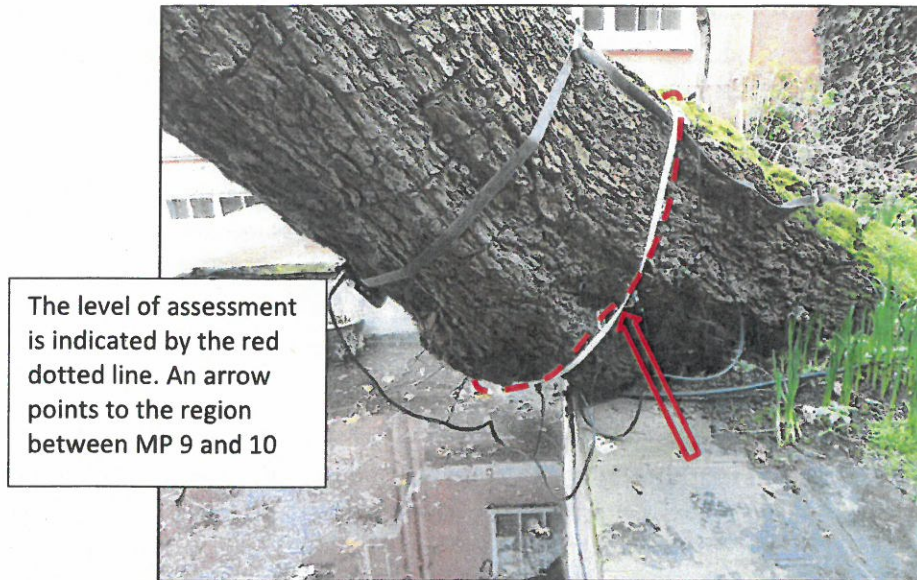
The needle was auto-retracted on the last measurement at a depth of 34cm due to deviation caused by a lack of lateral support within a void.

The main stem was also investigated with the Picus; however due to the requirement to place measuring points around the complete stem, this was carried out at the level at which the recumbent stem clears the side of the pool. A total of twelve measuring points (MP) were used, with MP 1 placed on the upper side of the stem. The stem shape was assumed to be circular as exact measurement of its geometry was hindered due to its proximity to the proximity of the pond; however the exact location of each measuring point around the stem circumference is recorded.



A distinct zone of reduced sonic velocity is indicated across the upper side of the stem from MP 9-10 to MP 2-3 (coloured maroon/green). The form and location of the area of lowered sonic velocity suggests the presence of a significant internal crack, possibly accompanied by some decaying wood. The result appears to corroborate the results with the Resi micro-drill.

*Harraway Trees tel: 01903 756153
john@harrawaytrees.co.uk
Document reference: TIR/0217/3*



Further investigation was also undertaken with the Resi at the base of both sub-limbs, just above the level of the main fork; no internal deterioration was recorded and the results are not included (although they will be retained as a record of the assessment). However, the site of an old branch stub is likely to be subject to further decay (see photo on page 4).

Observations:

Despite the indications of previous basal movement and the presence of internal faults, the lower stem *appears* stable at present. However, its continued stability should not be assumed and some reduction in the current size of the crown should be considered if it is to be retained beyond the short term.

The form of the crown does not provide many opportunities for reduction to suitable secondary growth and it is likely that the tree's current visual appeal could be adversely affected by reduction. However, significant bark loss has occurred from the sub-stem to the north side of the crown, which has already virtually encompassed two lower limbs and will require their removal. The cause of this dysfunction was not apparent at the time of inspection. Continued deterioration of the limb may well occur and if its removal becomes necessary the crown will be left one-sided, unbalanced and lacking any real merit, in my opinion.

I am unaware of the future use of the premises but assume that it will continue to provide accommodation for a number of people. The area in which the tree stands provides the only outside space available to occupants and is thus a valuable component of the property. Refurbishment will presumably be planned for it, possibly involving alterations to the current paved surface and removal of the water feature.

I cannot comment whether a comparatively large tree, in deteriorating condition, will be compatible with the future design but would merely advise that any major work to the tree should be carried out whilst the current refurbishment is in progress.

Harraway Trees tel: 01903 756153
 john@harrawaytrees.co.uk
 Document reference: TIR/0217/3

The only apparent access to the courtyard is via a tortuous route through the premises and of out the main door onto the street; this obviously creates logistical difficulties in carrying out work.

On available evidence, I do not consider the tree is likely to be subject to major structural failure at present but its structural and physiological condition is obviously impaired. Assuming that continued use of the premises will utilise the courtyard as a recreational area, perhaps in an altered form, I suggest that consideration is given to removing the tree completely at this juncture and replacing it with one or more new plantings that will contribute to the future amenity of the space, without the current constraints.

The tree only appears to be visible from the rear of buildings to the east of the property, limiting its contribution to the amenity of the wider neighbourhood. However, if the tree is covered by a tree preservation order or the property is located within a conservation area, formal application to the local planning authority will be necessary and written consent received before any work is carried out to the tree.

Recommendations:

- Consider making application for the tree's removal and replacement whilst the property is uninhabited
- If the tree is retained beyond the short term, the crown should be reduced in height by 2-3 metres, depending on available options for pruning to suitable secondary growth in each instance; dysfunctional limb in the lower crown should also be removed, and:
- The tree's level of vigour, post-reduction, should be monitored regularly by those on site and arboricultural assistance sought if deterioration is noted, and:
- A further assessment of the tree's physiological and structural condition should be carried out in 2-3 years

Signed:

John Harraway *Chartered Arboriculturist*

Date: 22 February 2017

Mistry, Asha: WCC

From: Ron Whelan <
Sent: 22 December 2016 09:50
To: Milne, Barbara: WCC
Cc: Church (Cllr), Paul: WCC; Glanz, Jonathan (Cllr): WCC; Roberts, G (cllr); Walker, John: WCC; Davis, Robert (Cllr): WCC
Subject: RE: Proposed tree removal 39 Brook Street Mayfair London W1K 4JE my ref 16/11740/TCA

Dear Ms. Milne,

Thank you for this email.

I and other local residents strongly object to the proposed felling of this tree. We believe that an act would be pure vandalism. We would like a second, objective, assessment of the condition of the tree before any commitment is made to destroy it. We would therefore be grateful if you would agree to this and make the necessary arrangements.

Yours sincerely,

Ron Whelan

Chairman

Mayfair Residents Group

29A Brook Street W1K 4HE

From: Milne, Barbara: WCC [<mailto:bmilne@westminster.gov.uk>]
Sent: Tuesday, December 20, 2016 2:28 PM
To:
Cc: Church (Cllr), Paul: WCC; Glanz, Jonathan (Cllr): WCC; Roberts, G (cllr)
Subject: Proposed tree removal 39 Brook Street Mayfair London W1K 4JE my ref 16/11740/TCA

Hello Mr Whelan

We exchanged correspondence in August this year about the Indian bean tree in the rear courtyard of the above property.

I am writing you to let you know we have received a proposal to fell the tree. I have today written to nearby owners/ occupiers seeking views - please see the attached consultation letter.

The initial email from the applicant is just being uploaded to the database, and it should be available by tomorrow on the planning pages of the Council's [website](#)

If you have any views or if you want to discuss please let me know.

Kind regards

Barbara

Barbara Milne
Senior Arboricultural Officer
Development Planning | Growth, Planning and Housing
Westminster City Council, PO Box 732, Redhill, RH1 9FL
Tel: 020 7641 2922 | westminster.gov.uk



ASPIRATION

CHOICE

HERITAGE

Any views or opinions expressed in this email are those of the sender, and whilst given in good faith, do not necessarily represent a formal decision of the Local Planning Authority unless a statutory application is or has been made and determined in accordance with requisite procedures, planning policies and having had regard to material considerations.

Did you know, your two-year-old could qualify for up to 15 hours of free childcare a week? Apply now at www.westminster.gov.uk/information-childcare

Keep making a Real Change to the lives of rough sleepers in Westminster. Report their location via www.streetlink.org.uk, text REALCHANGE plus the amount you wish to give to 70500, or visit www.westminster.gov.uk/real-change

Join the conversation on childhood obesity by completing the Great Weight Debate survey and tell us what can be done to tackle this growing problem <https://www.westminster.gov.uk/great-weight-debate>

Westminster City Council switchboard: +44 20 7641 6000.
www.westminster.gov.uk

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.

You should not disclose the contents to any other person or take copies.

Mistry, Asha: WCC

From: Michele Michels
Sent: 24 January 2017 17:13
To: Milne, Barbara: WCC
Subject: Tree Preservation Order at 39 Brook Street

Dear Ms. Milne,

As an owner/resident at 50 Brooks Mews, I would like to add my comments regarding the Indian bean tree at the above property.

My building backs directly onto the courtyard where the tree is situated at the rear of 39 Brook Street. We are very fortunate to enjoy views of this lovely tree from our balconies and would be most upset if it were to be removed. The tree is home to numerous birds and the pleasures of birdsong in central Mayfair cannot be understated! One of the reasons that I purchased my apartment was the lovely outlook and I know that other owners feel the same way.

I would be most grateful if you could keep me informed as to any future orders regarding this tree.

With kind regards,

Lady Michels

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>

This page is intentionally left blank

Mistry, Asha: WCC

From: Roberts, G (cllr)
Sent: 11 February 2017 12:34
To: Walker, John: WCC
Cc: Nigel Hughes; , Barbara: WCC
Subject: Re: 39 Brook St Catalpa tree [TMA150307]

Dear John,

we visited the tree the other day and it is my view that the first course of action would be to give it a good pruning and see how it responds. Catalpas are often severely pollarded in France where they line the streets. They bounce right back in spring so this catalpa may not object at all to being cut back and should come back stronger.

. It has had branches removed in the past and there are signs of growth at a lower level as a result.

Because it was not planted in the centre of the courtyard it leans inwards to the centre looking for light and has been allowed to grow upwards unchecked, the courtyard is dark and covered in ivy which it is proposed to remove and that will give it more light and could help it regain its shape

There are several reasons why no hasty decisions should be made including the provenance of the tree. Colefax and Fowler are famous for inventing English country house style. It's original owner was American born Nancy Lancaster who knew everyone from Churchill down. She was Nancy Astor's niece, Joyce Grenfell's cousin and Jeremy Tree's mother and when she died at 97 I went to her funeral. My companion had married into the family of famous gardener Gertrude Jekyll and has a Jekyll garden of her own and I am hopeful she will be able to fill in the gaps in the tree's history.

So far we know that Nancy Lancaster's family owned and had to sell a plantation Mirador in Virginia in the Southern U.S. where catalpas come from. She loved Mirador so much that when she married Ronnie Tree he bought it back for her. The age of this tree suggests she may have planted it herself and certainly cherished it because it reminded her of her roots in Mirador.

It would therefore be very much part of the very beautiful listed building it adorns where she started her world famous decorating firm.

Another friend of mine is looking out some early pictures of the courtyard which he remembers show a large tree. If it is the catalpa it will be identifiable by its large leaves.

Catalpas love enclosed courtyards and thrive in city pollution which they obviously help to absorb so it is in the right place and of timely interest,

Obviously if it really is dangerous this is another matter though there may be ways to be stabilise it without cutting it down. Grosvenor's tree specialist has pointed out some damage but whether this is a Health and Safety issue is not conclusive. A party was held under its branches as recently as Christmas and no concerns were expressed at the time. As your report says it provides a lovely outlook for the surrounding properties and from the upper stories of Colefax it really comes into its own.

I see the report indicates another tree, a small cherry, is also earmarked for removal and there is no mention of it being dangerous. The overall objective therefore would seem to be to clear the courtyard

The premises is about to be marketed and it would be interesting to see the opinion of future occupants meanwhile I don't think we should jump to any irrevocable conclusions. I will share any further information when I have it

Regards Glenys

Sent from my iPhone

On 10 Feb 2017, at 17:29, Walker, John: WCC <JWalker2@westminster.gov.uk> wrote:

External Sender

Nigel

I am now confused.

So far the discussions with Barbara Milne have been over the poor condition of the tree. Your email of 1st February seems to concentrate on the issue of amenity and whether or not a TPO should have been made on this basis. Up to this point and looking at your email of 24th January, it was the condition of the tree that was the cause of concern, and it was the extent of decay which warranted further investigation. Barbara Milne has suggested John Harraway is an experienced arboriculturist in assessing decay (01903 756153 / 07831 651090, john@harrawaytrees.co.uk). Subject to the extent of decay it may be possible to keep the tree, but if the tree is indeed hazardous such that its removal is required, then the TPO will not be appropriate, in which case we can invite a further 5 day notice or an application to fell depending on whether the tree could be deemed exempt from the requirement to apply for consent.

The difference of opinion between your arboriculturist and the Council's arboricultural officer on the appropriateness of the TPO on the grounds of amenity is not something we can agree by a shortcut to the normal process. The view of my arboriculture officer is the tree has amenity value and I know Cllr Roberts and local residents share this view. Of course you can lodge an objection on this basis but it may be that if indeed the tree is hazardous then it becomes irrelevant anyway.

Please find attached the report recommending the making of the TPO. For information, since the report was written a local resident has written to support tree retention.

John

John Walker
Director of Planning
Development Planning
Growth, Planning and Housing
PO Box 732
Tel: 020 7641 2524
westminster.gov.uk



LONDON PLANNING AWARDS 2015/16
WINNER - BEST PLANNING AUTHORITY

OFFICIAL JUDGE

INTERNATIONAL PROPERTY AWARDS

OFFICIAL JUDGE

INTERNATIONAL HOTEL AWARDS



ASPIRATION

CHOICE

HERITAGE

Any views or opinions expressed in this email are those of the sender, and whilst given in good faith, do not necessarily represent a formal decision of the Local Planning Authority unless a statutory application is or has been made and determined in accordance with requisite procedures, planning policies and having had regard to material considerations.

From: Nigel Hughes [<mailto:Nigel.Hughes@grosvenor.com>]
Sent: 07 February 2017 17:49
To: Walker, John: WCC
Subject: FW: 39 Brook St Cataipa tree [TMA150307]

Just to keep you in the loop. The first picture is from an unusual angle – you are looking down the length of the trunk that is foreshortened by the camera but you can clearly see the decay and fissures in the fork of the tree. The green at the top of the photo is moss covering the base of the trunk which again has numerous cavities and area of rot.

As per my previous email, it would be helpful to see Barbara's assessment of the tree.

Kind regards

Nigel

From: Tim Moya [<mailto:Tim.Moya@tma-consultants.co.uk>]

Sent: 07 February 2017 17:30

To:

Cc: Nigel Hughes; bmilne@westminster.gov.uk; Desk

Subject: 39 Brook St Catalpa tree [TMA150307]

Glenys and Ron

Thank you for taking the time to meet at Brook Street today. As promised, I have attached three photographs which I took today from the fire escape, a view which I had not previously experienced.

I think the photographs are fairly self-explanatory but in relation to the discussion we had today I think the following points are worth making:

Photo 1 shows the level of decay at the main fork which is not visible from ground level.

Photo 2 shows one of the lateral branches in the mid crown which has previously been reduced. The response to pruning has not been promising with extensive exposed dead wood now visible at the elbow half way down the branch.

Photo 3 shows a branch in the lower crown which has now split longitudinally (at a previous pruning point).

I believe that these photographs and our inspection of the tree today support my original view that the tree is in a fragile and unsafe condition.

We discussed alternative management options on site but I believe that the tree's past response to pruning and its evident current condition demonstrate that crown reduction would not address the safety concerns or prolong the life of the tree.

As also discussed, Grosvenor would be happy to plant another semi-mature Catalpa as a replacement for the tree.

TIM MOYA
Director



TIM MOYA ASSOCIATES

ARBORICULTURE / ECOLOGY / LANDSCAPE / MyTrees

THE BARN, FELTIMORES PARK, CHALK LANE, HARLOW, ESSEX, CM17 0PF.

TEL: 0845 094 3268

This email and all attachments are intended for the sole use of the named recipient. This email and all attachments remain the intellectual property of Tim Moya Associates and may not be copied or re-used without the express permission of the sender. If you are not the named recipient please contact the sender and delete this email and all attachments.

DISCLAIMER: This message is confidential and may be legally privileged. It is intended solely for the addressee and access to this message by anyone else is unauthorised. If you have received the message in error, please notify us immediately and delete it, as any disclosure, copying, distribution or any other use is prohibited and may be unlawful. If you are not the addressee, you must not disclose its contents to anyone, retain, copy, distribute or take action in reliance upon it. This message is provided for informational purposes and should not be construed as a solicitation or offer to buy or sell any securities or related financial instruments. E-Mails are not secure and may contain software viruses which could damage your own computer systems. While Grosvenor has taken every reasonable precaution to minimise this risk, we cannot accept liability for any damage which you sustain as a result of software viruses. Grosvenor Group Limited - Registered in England No. 3219943 Wheatsheaf Group Limited - Registered in England No. 3221116. Registered office: 70 Grosvenor Street, London W1K 3JP, United Kingdom Tel: +44 (0) 20 7408 0988 and Fax: +44 (0) 20 7629 9115 The above comprise all subsidiaries including Grosvenor Limited (Registered in England and Wales No 2874626, Registered office as above), and Grosvenor Investment Management Limited (GIML) (Registered in England and Wales No 2774291, Registered office as above). GIML is authorised and regulated by the Financial Conduct Authority to conduct investment business.

Did you know, your two-year-old could qualify for up to 15 hours of free childcare a week? Apply now at www.westminster.gov.uk/information-childcare

Keep making a Real Change to the lives of rough sleepers in Westminster. Report their location via www.streetlink.org.uk, text REALCHANGE plus the amount you wish to give to 70500, or visit www.westminster.gov.uk/real-change

Find out how much sugar is in your food and drink and make a healthy change to improve your family's health by downloading the free Change4Life Be Food Smart app today at <https://t.co/P1KQhwgYTd>

Westminster City Council switchboard: +44 20 7641 6000.

www.westminster.gov.uk

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.

You should not disclose the contents to any other person or take copies.

<TPO 635 report 39 Brook Street.pdf>

Disclaimer

This e-mail and any attached files are intended for the named addressee only. It contains information, which may be confidential and legally privileged and also protected by copyright. Unless you are the named addressee (or authorised to receive for the addressee) you may not copy or use it, or disclose it to anyone else. If you received it in error please notify the sender

Mistry, Asha: WCC

From: Dobedoo deedee <
Sent: 02 June 2017 15:33
To: Milne, Barbara: WCC
Subject: Re: 17/03311/TPO Catalpa at 39 Brook Street (your ref RE: Resident D. Osborne,

Dear Barbra

Comments are not allowed on the Westminster site at this time.

Please accept this email as a rejection to the tree in the courtyard of 39 Brook Street being cut down. I appreciate this tree is not in the best of health but there is life in it yet and therefore should be preserved. There are very few trees in this area and a tree on the corner of Bond Street and Brook Street was taken down recently. There are far too many trees under threat in this Mayfair enclave at the moment.

Please advise.

D.Osborne

From: Milne, Barbara: WCC <bmilne@westminster.gov.uk>
Sent: 02 June 2017 13:40
To: Dobedoo deedee
Subject: RE: 17/03311/TPO Catalpa at 39 Brook Street (your ref RE: Resident D. Osborne,

Hello Mr/ Ms Osborne

The above is the correct reference for 39 Brook Street.

I know nothing about tree removal at Carlos Place.

Please call me if you would like a word.

regards

Barbara Milne
Senior Arboricultural Officer
Development Planning | Growth, Planning and Housing
Westminster City Council, PO Box 732, Redhill, RH1 9FL
Tel: 020 7641 2922 | westminster.gov.uk

Please don't print this e-mail unless you really need to.

Any views or opinions expressed in this email are those of the sender, and whilst given in good faith, do not necessarily represent a formal decision of the Local Planning Authority unless a statutory application is or has been made and determined in accordance with requisite procedures, planning policies and having had regard to material considerations.



From: Dobedoo deedee ~
Sent: 02 June 2017 14:37
To: Milne, Barbara: WCC
Subject: Re: 17/03311/TPO Catalpa at 39 Brook Street (your ref RE: Resident D. Osborne, '

Dear Barbara

I cannot seem to find the correct reference to object to the tree felling in Carlos Place.
Can you please send me the reference and the link, the one above: 17/03....
does not work.

As soon as please.

D.Osborne

From: Milne, Barbara: WCC <bmilne@westminster.gov.uk>
Sent: 01 June 2017 10:07
To: Dobedoo deedee
Subject: 17/03311/TPO Catalpa at 39 Brook Street (your ref RE: Resident D. Osborne,

Hello Mr/ Ms Osborne

You can comment on/ object to the application to fell the tree using the above reference number and by following the instructions on how to comment on a planning application at the website <https://www.westminster.gov.uk/planning>

Planning | Westminster City Council

www.westminster.gov.uk

Planning. Find out how to search and comment on applications, make a planning application and see all the planning policies.

The Council will also need to consider the confirmation of a Tree Preservation Order for the tree shortly. If you would like your email to be treated as a letter of support for the Tree Preservation Order please let me know.

Kind regards
Barbara

Barbara Milne
Senior Arboricultural Officer
Development Planning | Growth, Planning and Housing
Westminster City Council, PO Box 732, Redhill, RH1 9FL
Tel: 020 7641 2922 | westminster.gov.uk

Please don't print this e-mail unless you really need to.

Any views or opinions expressed in this email are those of the sender, and whilst given in good faith, do not necessarily represent a formal decision of the Local Planning Authority unless a statutory application is or has been made and determined in accordance with requisite procedures, planning policies and having had regard to material considerations.



Global city, strong neighbourhoods, thriving community

From: Dobedoo deedee
Sent: 18 May 2017 10:43
To: Milne, Barbara: WCC
Subject: Resident D. Osborne,

Dear Barbara Milne

It has been brought to my attention that a tree is under threat in Avery Row, Mayfair. It is a Catalpa Tree. I would very much like to object to the cutting down of this tree. Could you please tell me where I officially object?

Many thanks.
D.Osborne

Enjoy a great bank holiday day out by taking part in the Vitality Westminster Mile on Sunday 28th May 2017. Apply for a place today at www.vitalitywestminstermile.co.uk

Recognise people who have made life better for others by nominating them for a Community Award. Nominate today at www.westminster.gov.uk/community-awards

Find out how much sugar is in your food and drink and make a healthy change to improve your family's health by downloading the free Change4Life Be Food Smart app today at <https://t.co/P1KQhwgYTd>

Westminster City Council switchboard: +44 20 7641 6000.
www.westminster.gov.uk

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster

City Council immediately on receipt.

You should not disclose the contents to any other person or take copies.

Enjoy a great bank holiday day out by taking part in the Vitality Westminster Mile on Sunday 28th May 2017. Apply for a place today at www.vitalitywestminstermile.co.uk

Recognise people who have made life better for others by nominating them for a Community Award. Nominate today at www.westminster.gov.uk/community-awards

Find out how much sugar is in your food and drink and make a healthy change to improve your family's health by downloading the free Change4Life Be Food Smart app today at <https://t.co/P1KQhwgYTd>

Westminster City Council switchboard: +44 20 7641 6000.

www.westminster.gov.uk

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.

You should not disclose the contents to any other person or take copies.

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 4th July 2017
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s) : 17/03311/TPO West End	39 Brook Street Mayfair London W1K 4JE	1 x Indian bean tree (T1, Catalpa bignonioides, rear courtyard): Fell	Grosvenor Estates
	Recommendation 1. If Committee decide to confirm Tree Preservation Order (TPO) no. 635, to refuse consent. 2. If Committee decide not to confirm TPO no. 635, this application to remove the tree becomes invalid as there is no Order under which the application is made. In this case, the report is withdrawn.			
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 16/07328/FULL Vincent Square	110 Vauxhall Bridge Road London SW1V 2RQ	Use of ground and basement floors as two residential flats (Class C3). Alterations, including to windows, doors, the rear extensions at ground and first floor levels, the creation of a lightwell to Vauxhall Bridge Road frontage.	Mendoza Limited
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Applicant
3.	RN(s) : 17/01729/FULL Lancaster Gate	27 Saxon Hall Palace Court London W2 4JA	Erection of a single storey roof extension and external alterations to create a second floor level.	Abbey Property Limited
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Applicant
4.	RN(s) : 15/06433/FULL 15.07.2015 Marylebone High Street	4 Bingham Place London W1U 5AT	Demolition of 4 Bingham Place behind retained facade and erection of replacement three storey dwelling (Class C3) with one new basement level. Rear extensions at ground, first and part second floor levels in connection with existing use as Hotel (Class C1) at 19 Nottingham Place. (SITE INCLUDES 19 NOTTINGHAM PLACE).	Lockbane Limited
	Recommendation Refuse permission - design			
Item No	References	Site Address	Proposal	Applicant
5.	RN(s) : 17/00786/FULL Lancaster Gate	Basement And Ground Floor 54 Queensway London	Use of ground floor and basement as hot food take-away (class a5).	APOGEE ENTERPRISES LIMITED

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 4th July 2017
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

		W2 3RY		
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
6.	RN(s) : 17/01430/FULL West End	19 Kingly Street London W1B 5QD	Use of basement and ground floor as a mixed retail/café/bar (A1/A3/A4) (sui generis) (retrospective application).	Shaftesbury AV Ltd
Recommendation Grant conditional permission				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	39 Brook Street, Mayfair, London, W1K 4JE		
Proposal	1 x Indian bean tree (T1, Catalpa bignonioides, rear courtyard): Fell		
Agent	Mr James Chambers		
On behalf of	Mr Andrew Maskell		
Registered Number	17/03311/TPO	Date amended/ completed	13 April 2017
Date Application Received	13 April 2017		
Historic Building Grade			
Conservation Area	Mayfair		

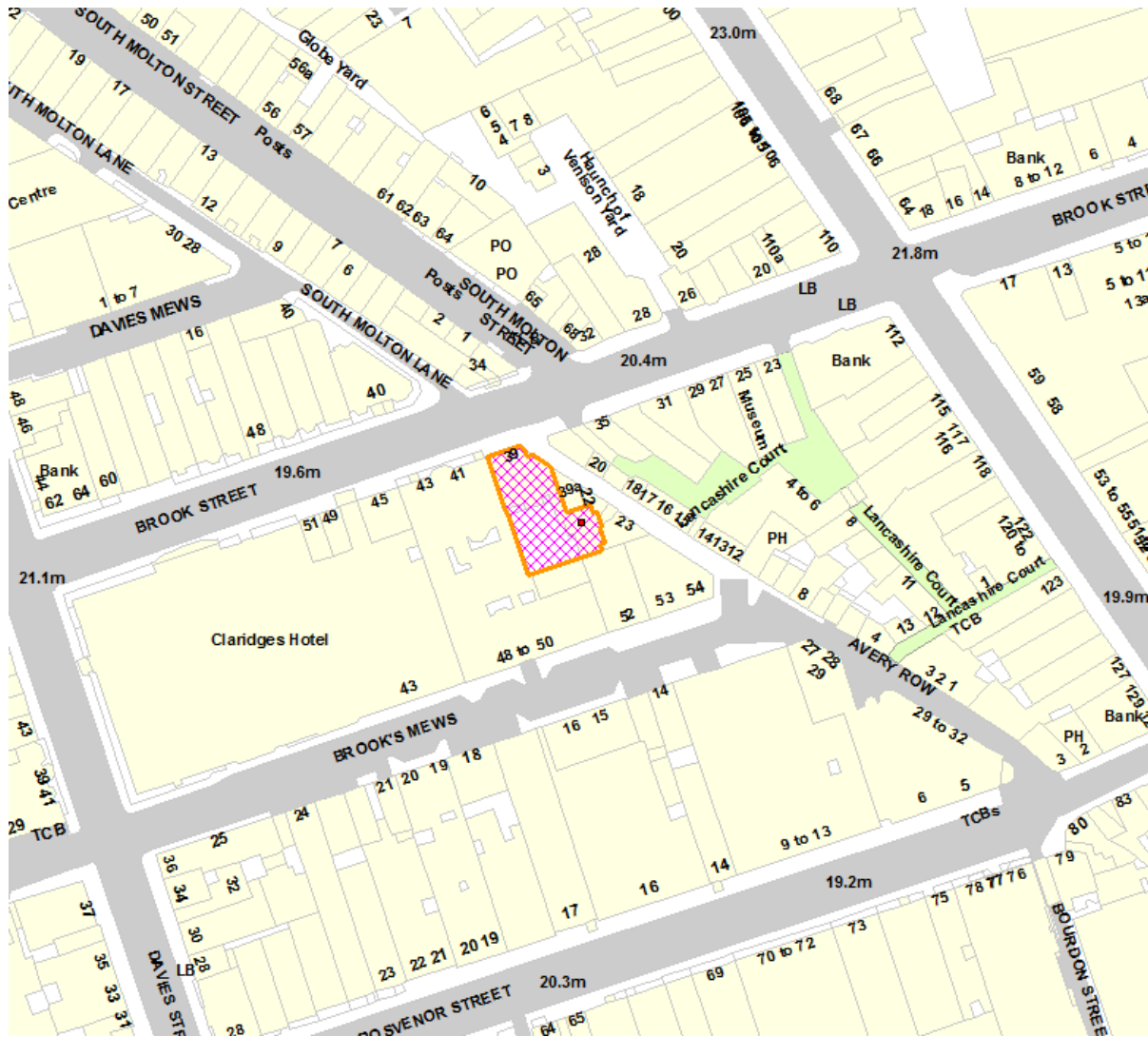
1. RECOMMENDATION

- | |
|---|
| <ul style="list-style-type: none"> (i) If the Committee decides to confirm Tree Preservation Order (TPO) no. 635, to refuse consent. (ii) If the Committee decides not to confirm TPO no. 635, this application to remove the tree becomes invalid as there is no Order under which the application is made. In this case, the report is withdrawn. |
|---|

2. SUMMARY

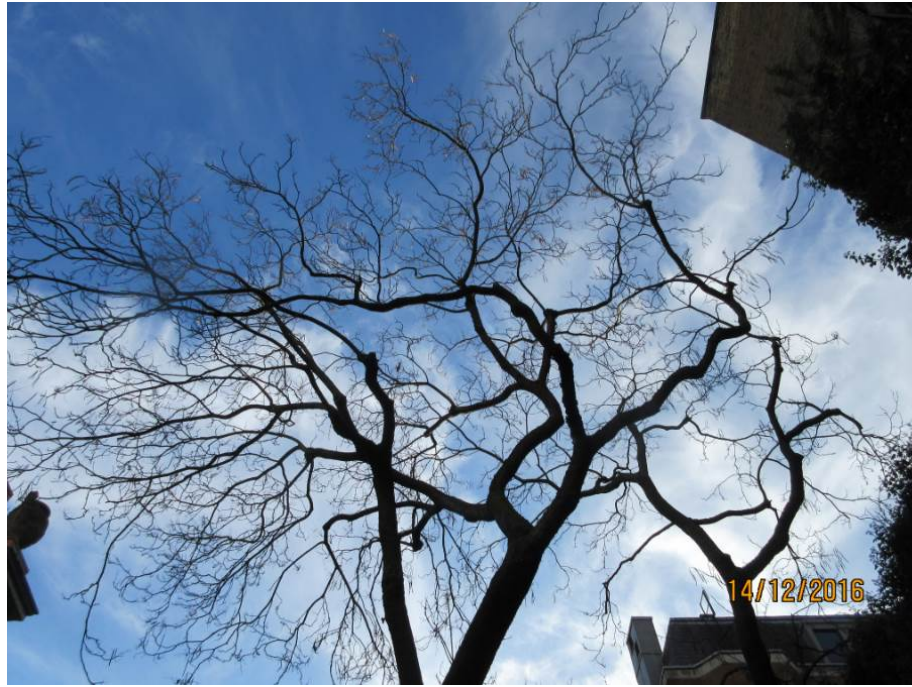
2.1	Consent is sought to remove one Indian bean tree from the rear courtyard of garden of 39 Brook Street. The application has been made in order to manage the risk of branch or tree failure. Reduction of the canopy of the tree has recently been agreed under delegated authority.
2.2	Committee will already have considered the report of the Director of Law concerning the confirmation of TPO no. 635 which protects the tree. If the Committee decides to confirm the Order then the key issues to consider in relation to this application are the loss of amenity should the trees be removed, balanced with the reasons put forward to support tree removal. If the Committee decides not to confirm the Order, then no decision is necessary on this application and the tree can be removed without further reference to the Council.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

MAYFAIR RESIDENTS GROUP

Objection on the grounds that felling would be vandalism. A second objective report on the condition of the tree is sought.

WARD COUNCILLORS FOR WEST END

Cllr Roberts objects. Tree is part of the listed building. Tree is appropriate in location. Supports pruning the tree.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

Total No. of replies: 3

No. of objections: 2

No. in support: 0

Three letters/ emails from two respondents raising objection on all or some of the following grounds:

- Although not in the best of health the tree is still alive and therefore should be preserved
- Too many trees are under threat in Mayfair
- Harm to outlook
- Loss of habitat for birds.

PRESS ADVERTISEMENT / SITE NOTICE:

No

6. BACKGROUND INFORMATION

6.1 The Application Site/ Tree

The application site is a Grade II listed building within the Central Activities Zone and Mayfair Conservation Area.

The Indian bean tree is located in an enclosed rear courtyard. It is about 12 m in height and is a mature specimen. It has a significant lean to the northwest. The trunk divides at about 3m into a wide fork, and thereafter it branches into a wide spreading canopy. It has a cable brace and it has been reduced in height and spread in the past. By virtue of the wide fork its form is below average, but it is not unusual for mature Indian bean trees to develop similarly inclined stems. The incline appears to have developed several decades ago, since which time the tree has not continued to move.

6.2 Recent Relevant History

16/11740/TCA

1 x Indian bean tree (rear courtyard): removal
TPO 635 made 10 January 2017

17/00825/TCA

1 x Prunus (small cherry T2, rear garden): fell
No objections 14 March 2017

17/03304/TPO

1 x Indian bean tree (T1, Catalpa bignonioides, rear courtyard): Reduce crown by 25% - crown height by up to 2m and spread by up to 3m to create more compact and balanced form.

Application permitted

7. THE PROPOSAL

1 x Indian bean tree (T1, Catalpa bignonioides, rear courtyard): Fell

8. DETAILED CONSIDERATIONS

8.1 Reasons for the application

The applicant seeks to fell the tree to manage high risk of branch or whole tree failure due to fragile condition of a declining tree in an area likely to be frequented by people.

Two reports have been submitted in support of the application. A brief report sets out that the structural and physiological condition of the tree is poor and states:

'Decline - Evident / observed. Decay / structural defect in crown limb / limbs - Extensive. Decay / structural defect - Extensive. Leaning trunk - Major. partially collapsed tree with decay in buttress roots, stem and branches'.

A further, more detailed report sets out that despite the indications of previous basal movement and the presence of internal faults, the lower stem appears stable at present. However, some reduction in the current size of the crown should be considered if it is to be retained beyond the short term. Recommendations for consideration of either removal and replacement of the tree or crown reduction are set out.

8.2 Appraisal

Inspection of the tree in January this year found various defects including some decay on the upper side of the trunk and at crown break and on the eastern limb, but these defects were not considered to be sufficient to justify the removal of the tree. The tree was found to have low vigour. Re-inspection of the tree when in leaf in June this year found the foliage to be sparse.

The structural defects in the tree could be managed by crown reduction, and consent for the reduction of the canopy of tree has recently been granted. However the poor

physiological condition of the tree suggests that crown reduction is more likely than not to hasten its demise of the tree, although it is possible that it could extend its safe life expectancy.

The tree is not visible from public locations but it is overlooked by a number of surrounding properties. In this densely built up townscape, trees in the infrequent private courtyards or gardens make a greater contribution to amenity than would be the case in areas with a greater number of street trees or other garden trees. Due to the height of the buildings in the locality, few trees are visible over the existing buildings, and the same would be true of other trees within the conservation area. The appearance of the tree is characterful and it complements the secluded and tranquil courtyard setting. For this reason the contribution of the Indian bean tree to amenity in terms of private views is significant. It is considered to make a valuable contribution to amenity, to the outlook from nearby properties and to the character and appearance of the conservation area.

8.3 Legal and financial implications

Under the terms of regulations 24 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 there are rights to claim compensation from the City Council. These terms allow that should loss or damage be experienced as a result of refusal of consent, or imposition of conditions, the applicant can claim compensation for loss or damage incurred, within 12 months of the date of the decision.

8.4 Other UDP/Westminster Policy Considerations

Policy S25 of Westminster's City Plan adopted in November 2016 aims to conserve Westminster's extensive heritage assets including listed buildings and conservation areas.

Policy S38 of Westminster's City Plan adopted in November 2016 aims to protect and enhance biodiversity and green infrastructure.

UDP Policy DES 9 aims to preserve or enhance the character or appearance of conservation areas and their settings.

UDP Policy ENV16 states that trees subject to Tree Preservation Orders will be safeguarded unless dangerous to public safety or, in rare circumstances, when felling is required as part of a replanting programme.

There is no requirement to have regard to Development Plan policies when deciding to create a new TPO but special attention should be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

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.

9. CONCLUSION

- 9.1 There is a case to be made for the removal of the tree at this stage, given the poor outlook for crown reduction to reinvigorate the canopy. However, the tree is valued locally, and it may be considered that reduction of the canopy is a worthwhile exercise as it is possible that it could extend its safe life expectancy.

10. BACKGROUND PAPERS

1. Application form
2. Letter of consultation dated 20 December 2016
3. Emails from Councillor Roberts dated 11 February 2017 and 2 June 2017.
4. Emails from Mayfair Residents Group dated 22 December 2016 and 11 February 2017.
5. Email from owner/ occupier of 50 Brook Street dated 24 January 2017
6. Email from unknown address dated 01 June 2017
7. Email from unknown address dated 02 June 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: BARBARA MILNE BY EMAIL at bmilne@westminster.gov.UK

DRAFT DECISION LETTER

Address: 39 Brook Street, Mayfair, London, W1K 4JE
Proposal: 1 x Indian bean tree (T1, Catalpa bignonioides, rear courtyard): Fell
Reference: 17/03311/TPO

Case Officer: Barbara Milne

Direct Tel. No. 020 7641 2922

Recommended Condition(s) and Reason(s)

Reasons:

1. Removal of the tree would be detrimental to public amenity and would have an adverse effect on the character and appearance of this part of Mayfair Conservation Area, thereby contrary to policies S25 and S38 of Westminster's City Plan (November 2016), and ENV 16 and DES 9 of our Unitary Development Plan that we adopted in January 2007.
2. The removal of the tree on the grounds that it is in poor structural condition is not considered to be justified. The tree can be managed by crown reduction.
3. The removal of the tree on the grounds of its poor physiological condition is considered to be premature. It is recognised that the tree is of low vigour and the canopy is sparse, but there is no obvious cause identified. Trees can recover with suitable pruning and care.

Informative(s):

1. It is recommended that the tree is reduced in accordance with consent reference 17/03304/TPO and is re-inspected after one growing season to assess its response to pruning.

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

Item No.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	110 Vauxhall Bridge Road, London, SW1V 2RQ		
Proposal	Use of ground and basement floors as two residential flats (Class C3); alterations, including to windows, doors and the rear extensions at ground and first floor levels and the creation of a lightwell to Vauxhall Bridge Road frontage.		
Agent	Peter Munnelly		
On behalf of	Mendoza Limited		
Registered Number	16/07328/FULL	Date amended/ completed	18 November 2016
Date Application Received	1 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Vincent Square		

1. RECOMMENDATION

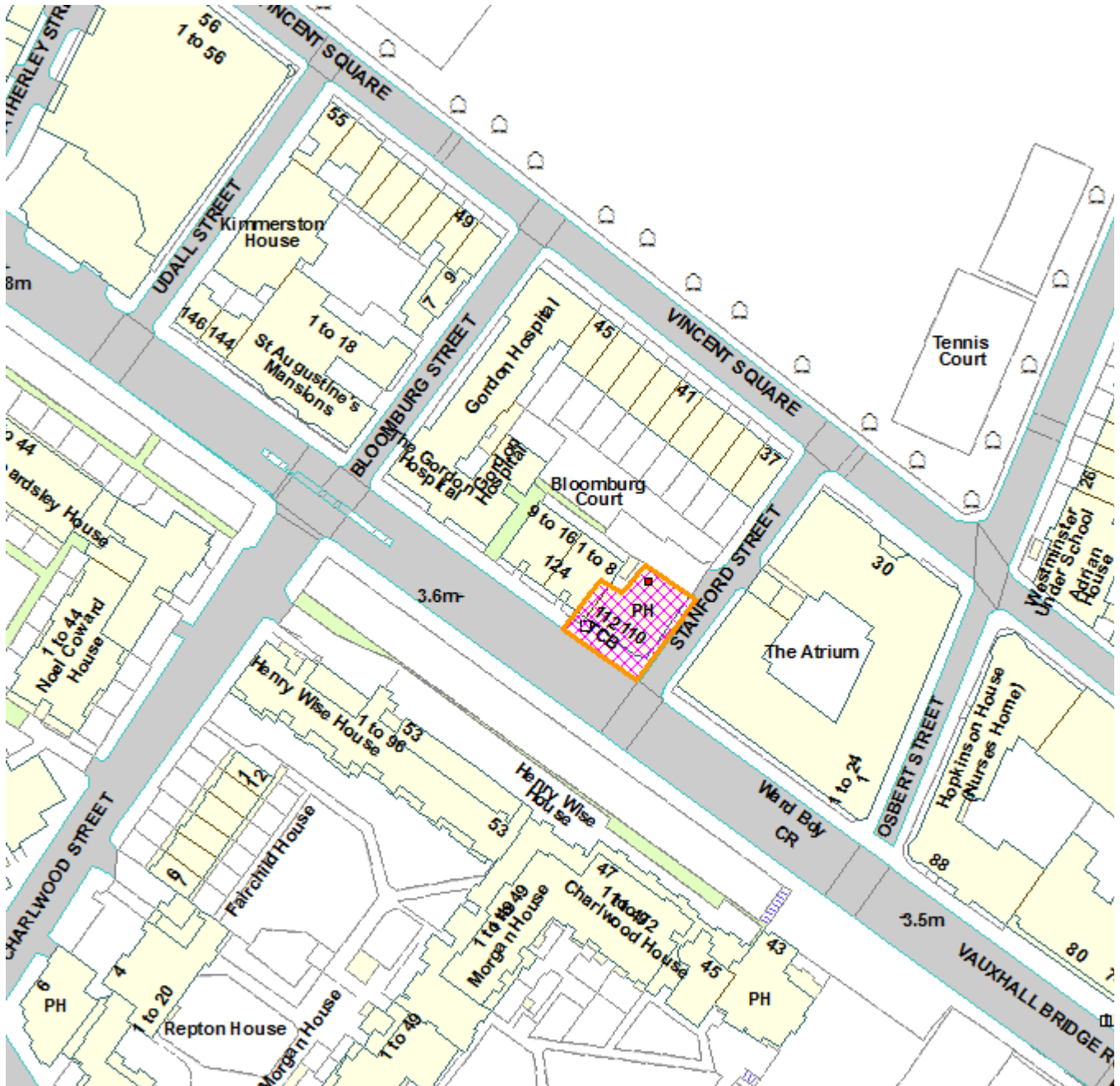
<p>Grant conditional permission including a condition to secure the following benefits:</p> <ul style="list-style-type: none"> • Measures to mitigate the impact of the new residential units on-street parking demand.
--

2. SUMMARY

<p>The application property is an historic (late 19th century) but unlisted public house (The Surprise) which comprises of basement, ground and two upper floors and is located within the Vincent Square Conservation Area.</p> <p>Permission is sought for the use of The (former) Surprise public house at ground and basement floors to provide two residential flats, as well as alterations including to windows, doors and the rear extensions at ground and first floor levels and the creation of a lightwell to Vauxhall Bridge Road frontage.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> *The loss of the existing public house; *The impact on the character and appearance of the conservation area;
--

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

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

ENVIRONMENTAL AGENCY:

No objection.

TRANSPORT FOR LONDON:

No objection subject to a condition to secure a construction management plan (CMP); residents of the scheme should be exempt from being able to obtain CPZ permits; consideration should be given to encouraging use of a car club by residents; improvements should be made to accessibility of the cycle parking spaces in the basement.

WESTMINSTER SOCIETY:

No objection.

VINCENT SQUARE RESIDENTS' ASSOCIATION:

No objection.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

HIGHWAYS PLANNING MANAGER:

No objection, subject to conditions.

CLEANSING:

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 209

Total No. of replies: 1

No. of objections: 0

No. in support: 1

One letter of support received from the residents of 37-45 Vincent Square

Support the conversion of the public house to residential accommodation but would like the existing planting to their side of the north eastern boundary wall to be protected and retained

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application property is an historic (late 19th century) but unlisted public house (The Surprise) which comprises of basement, ground and two upper floors and is located within the Vincent Square Conservation Area.

The building is currently vacant but was last occupied as a public house (Class A4) on the basement and ground floors with an unlawful tourist hostel (Class C1) on the upper floors.

6.2 Recent Relevant History

15/09678/FULL

Retention of the existing public house at part basement and part ground floor levels; Use of first and second floors and new roof extension to provide 8 flats (6 x 1 bed, 2 x 3 bed) with associated rear extensions at first and second floor levels, and external alterations including new windows to rear elevation, creation of an entrance door at ground floor level, and installation of wall lighting and entry system.

Application Permitted 5 April 2016

7. THE PROPOSAL

Permission is sought for the use of The (former) Surprise public house at ground and basement floors to provide two residential flats (1 x 1 bed; 1 x 3), as well as alterations including to windows, doors and the rear extensions at ground and first floor levels and the creation of a lightwell to Vauxhall Bridge Road frontage.

Access to the residential units would be via Vauxhall Bridge Road and Stanford Street respectively. No car parking is proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Public House (Class A4)	169	0	-169
Residential (Class C3)	0	169	+169
Total	169	169	0

Loss of Existing Public House

Policy S21 of the City Plan states that existing non-A1 retail uses, and uses occupying shop-type premises within designated shop-type premises within designated shopping centres will be protected from changing to uses that do not serve visiting members of the public and that do not have active shop fronts.

UDP Policy SS8 states that the loss of Non-A1 retail uses outside District and Local Centres to residential, B1 or other uses which do not serve visiting members of the public will only be permitted in isolated shop-type units. The policy states that, "traditional public houses are generally considered to add to the character and function of a locality, and their loss will only be acceptable if they have been vacant and marketed for at least 18 months without success".

The public house, although vacant since February 2014, has in the past provided a service to local residents and businesses. Local residents have made representations supporting the loss of the public house and no representations have been received from

neighbours objecting to its loss. Despite this, it is considered that the premises constitute a “traditional” public house for the purposes of Policy SS8.

In order to justify the loss of the public house, the applicant has submitted a marketing report in connection with the marketing of the property prepared by Jenkins Law. The report explains the process of marketing the public house since October 2014. The marketing period undertaken is over the 18 months required under Policy SS8.

It concludes that the location of the property has been the main reason potential operators have not made any offers. This is attributed to poor footfall by comparison to other locations in Pimlico and Victoria, the residential use of the upper floors and lack of outdoor drinking/dining space attributed to traffic noise and emissions coming from Vauxhall Bridge Road.

The marketing report has been independently assessed by Fleurets on behalf of the City Council who agree that the external trade area to the front is unappealing due to its proximity to a major, busy thoroughfare. Notwithstanding, they go on to provide examples of other public houses, albeit with larger trading areas, that have managed to continue to trade in this area.

Fleurets have confirmed that Jenkins Law have adopted a marketing approach consistent across the property sector as a whole, with marketing particulars circulated to applicants registered with the company as well as targeted approaches to known local and national operators. The marketing particulars have also been listed on the Jenkins Law website and remain so to date. However, Fleurets do not consider that there has been extensive coverage, with circulation of the marketing particulars described as “very low”, they also highlight that a To Let board was never erected at the property.

In terms of viability, it is clear that the public house is impacted by a number of compounding factors. These relate to competition from other public houses, reduced trading spaces, lack of owner’s domestic accommodation, costs associated with modernisation/refurbishment and re-opening the business and the inability of the projected turnover to result in a sufficient level of profit.

Fleurets confirm that the public house would only be capable of generating a relatively small profit, subject to investment and modernisation of the premises and a period of time to re-establish the business. Jenkins Law maintain that they have no confidence in letting the property as a public house and strongly believe that if the property had benefitted from planning permission for other uses it would have been let by now.

Considering the information submitted and findings of the independent assessment, officers consider that the loss of the pub is acceptable in this instance.

Provision of Residential Accommodation

The proposed use of the ground and basement floors of the building as residential flats is supported under Policies S14 of the City Plan and H3 of the Unitary Development Plan (UDP).

The mix of the proposed units is as follows: 1 x 1 bed; 1 x 3. UDP policy H5 seeks to ensure that an appropriate mix of unit sizes is achieved in all housing developments. The proposed mix of residential units is in accordance with the policy's requirement for a third to be family sized (3 or more beds).

In terms of internal floor area, the residential units would all provide a good standard of accommodation, which would be consistent with guidance in the Technical Housing Standards – Nationally Described Space Standard (2015).

A condition has been attached ensuring that prior to the occupation of the residential flats; details shall be submitted of a scheme of ventilation to be installed, to prevent overheating with the windows closed.

Affordable housing

Policy S16 of the City Plan relates to affordable housing. It requires that proposals of 10 or more new residential units, or over 1000sqm of additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing.

When considered in conjunction with the previously consented scheme for the creation of 8 residential units on the upper floors of the building (RN: 15/09678), the combined number of residential units is 10 with a floorspace of 540sqm.

However, there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 (HCWS50).

These circumstances are that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. Accordingly, no affordable housing contribution has been sought in this instance.

8.2 Townscape and Design

In design terms, the proposals include minimal changes to the appearance of the building. The main new additional proposal is the creation of a lightwell marked by traditional metal railings to the Vauxhall Bridge Road frontage. This would reinstate a previous lightwell and would continue a theme of front railings on this street block. The design proposed would respect the character of the building, and would be consistent with the character of the area. The proposals have been revised to retain the pub door and link it to the pavement via a new lightwell bridge which is welcomed.

The lightwell elevations submitted during the application show a style of window which would be harmful to the appearance of the building. Accordingly, an amending condition is recommended requiring traditional painted timber sash windows at basement level to match the rest of the building. The alterations to the rear extensions are considered to be acceptable and visually reduce the impact on the rear elevations.

The change of use does introduce conservation issues regarding the contribution the use of the building, as a public house, makes to the character and appearance of the area. Pubs are traditional and positive components of all urban communities, and it is the building's original designed use – the building's appearance is definitively that of a London pub. Its position on the corner of a junction between a major and minor road acts as a punctuation mark to Vauxhall Bridge Road, and aids the legibility of the transition between Pimlico and Vincent Square. The loss of the use will inevitably cause some changes in character beyond the physical changes set out by this application. This would include the level of activity around the building, and the continuity of the building's original use in purely historical terms. There would also be pressure to remove the pub signage. There is also some risk of accumulated domestic paraphernalia at ground floor level, visible from the street in the lightwell, which might have otherwise been restrained by the continued use of the ground floor and basement. Accordingly, a condition is recommended to ensure that structures such as canopies, fences, trellises or satellite or radio antennae are not put within the front lightwells.

However, it must also be recognised that the pub's relationship with the core of the Vincent Square Conservation Area is limited and that the site relates more to the busy thoroughfare of Vauxhall Bridge Road. Equally, it does not relate directly to the character of the Lillington and Longmoore Gardens Conservation Area opposite, and the remaining pub signage is limited to the main applied lettering at main fascia level (no traditional pub hanging sign remains). A condition is recommended to ensure that the existing pub fascia sign is restored to the Council's satisfaction before the residential use is commenced.

Given the above, and the potential protection which can be secured through conditions, the proposed loss of pub use would cause only a limited degree of harm to the character of the conservation area. This harm is considered to be outweighed by the benefits of securing a long-term viable use for the site.

8.3 Residential Amenity

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

Due to their scale, design and position it is considered that the altered rear extensions would not result in a material loss of light, increased overshadowing, increased sense of enclosure or loss of privacy over the existing arrangement. A condition is recommended to prevent the roof of the ground floor extension being used for sitting out or any other purpose.

The proposed terrace at ground floor level would measure approx. 12 sqm and would be set back approx. 3.5m from the boundary with 124 Vauxhall Bridge Road and approx. 20m from the rear elevations of the nearest Vincent Square buildings. Accordingly, it is considered that the proposed terrace would not result in an unacceptable increase in noise or loss of privacy to neighbouring occupiers.

The proposals are considered to accord with policies S29 and ENV13.

Transportation/Parking

The application site is located on Vauxhall Bridge Road which forms part of the Transport for London Road Network (TLRN). Transport for London (TfL) is the highway authority of the TLRN and is therefore concerned about any proposal which may impact the safety and or performance of this road.

TfL have requested that the footway on the TLRN is not blocked during demolition or construction. A condition has been added to ensure that no development shall take place, including any works of demolition, until a construction logistics and management plan for the proposed development has been submitted to the Council and approved in consultation with TfL.

No off-street parking is provided as part of the development; however parking pressures in the area remain below the 80% stress level set out in policy TRANS23. On the basis of the Council's data and car ownership levels any additional on-street parking generated by the proposed residential units can be absorbed into the surrounding street network. Therefore the development is consistent with TRANS23. Given the car free nature of the proposals, TfL has suggested that consideration be given to encouraging use of a car club by residents. Accordingly, the applicant has agreed to meet the costs of providing lifetime membership of a car club for future residents of both flats. There are no UDP or City Plan policies which would support exempting residents from being able to obtain CPZ permits.

The London Plan requires 1 cycle parking space per 1 bed residential unit and 2 spaces for all others. 4 secure cycle parking spaces are proposed, this will be secured by condition. Due to the constraints of the site, the cycle parking will be located at basement level, making use of a bike wheeling ramp and self-opening and closing doors.

The design of the lightwell has been amended during the application process to include a chamfered corner, to maintain pedestrian ease and directness of movement on the highway in line with TRANS3. It is considered that the proposed lightwell will not impact on pedestrian movement.

8.4 Economic Considerations

No economic considerations are applicable for a development of this size

8.5 Access

Due to the compact nature of the site a residential passenger lift is not a viable solution for access. Accordingly, the proposed development has been designed to accommodate residents with a centralised staircase, designed to provide safe and secure access to all units, with handrails, treads and nosings in accordance with Part M of the Building Regulations.

8.6 Other UDP/Westminster Policy Considerations

Refuse/ Recycling

The proposals include storage for waste and recyclable materials at ground floor level, accessed from Stanford Street which is in line with the requirements of the City Council. A condition is recommended to ensure that the waste storage facilities are made permanently available and used for no other purpose.

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

The City Council adopted its own Community Infrastructure Levy Charge (CIL) on the 1st of May 2016. The estimated charge for this development for Westminster CIL is £67,600 and for the Mayoral CIL is £8,450; which will be verified in due course.

8.10 Environmental Impact Assessment

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

8.11 Other Issues

Planting on rear boundary wall

It is proposed to reduce the height of the north east boundary wall to allow more light into one of the proposed residential units. The residents of 37-45 Vincent Square have asked for clarification about how the applicant will maintain and support the existing planting on their side of the wall (located on their land). Having reviewed this with the Council's Arboricultural Officer, it is not considered that the planting could reasonably be protected through the planning process. This is considered to be a private matter between the respective land owners. An informative has added to encourage the applicant to make contact the residents of 37-45 Vincent Square regarding this issue.

9. BACKGROUND PAPERS

1. Application form
2. Response from Environment Agency, dated 2 May 2017
3. Response from Transport for London, dated 23 December 2016
4. Response from Westminster Society, dated 29 November 2016
5. Response from Vincent Square Residents' Association, dated 25 April 2017
6. Response from Highways Planning Manager, dated 29 November 2016
7. Response from Cleansing, dated 29 November 2016
8. Response from Environmental Health, dated 30 March 2017
9. Letter from occupier of 43 Vincent Square, Westminster, dated 12 December 2016
10. Written Ministerial Statement dated 28.11.14 (HCWS50)

Item No.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

10. KEY DRAWINGS



Existing South East Elevation



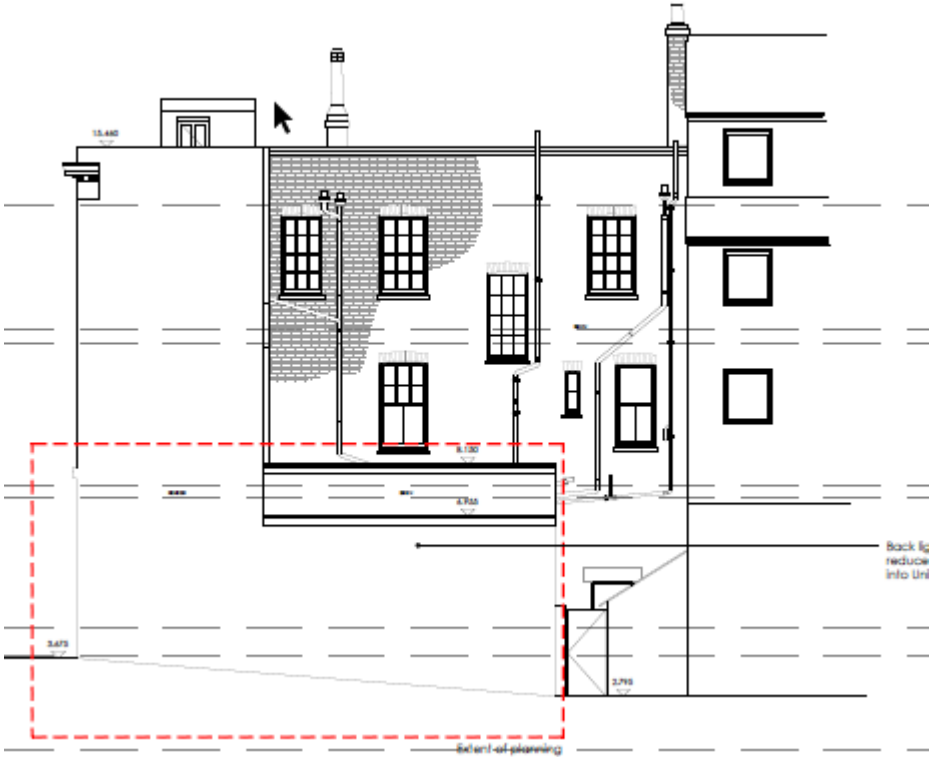
Proposed South East Elevation



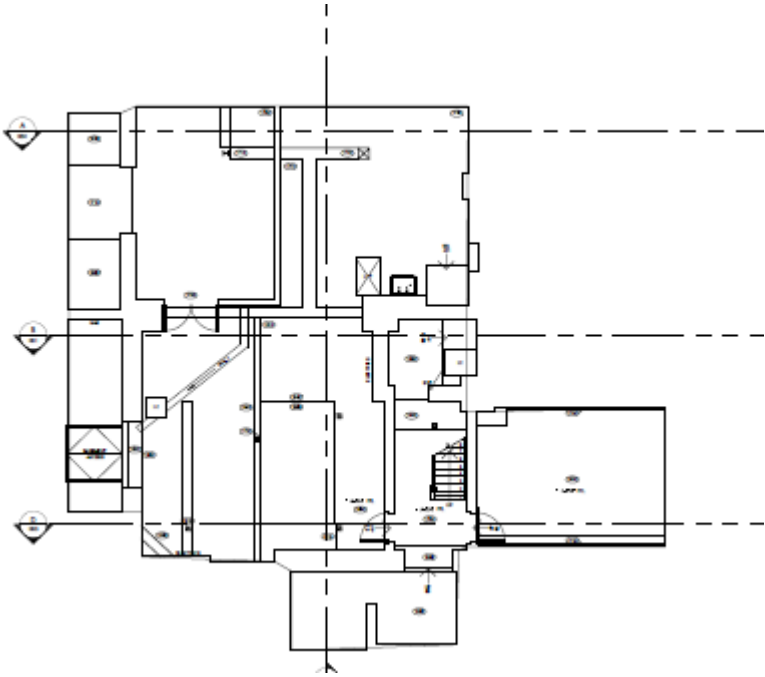
Existing North East Elevation



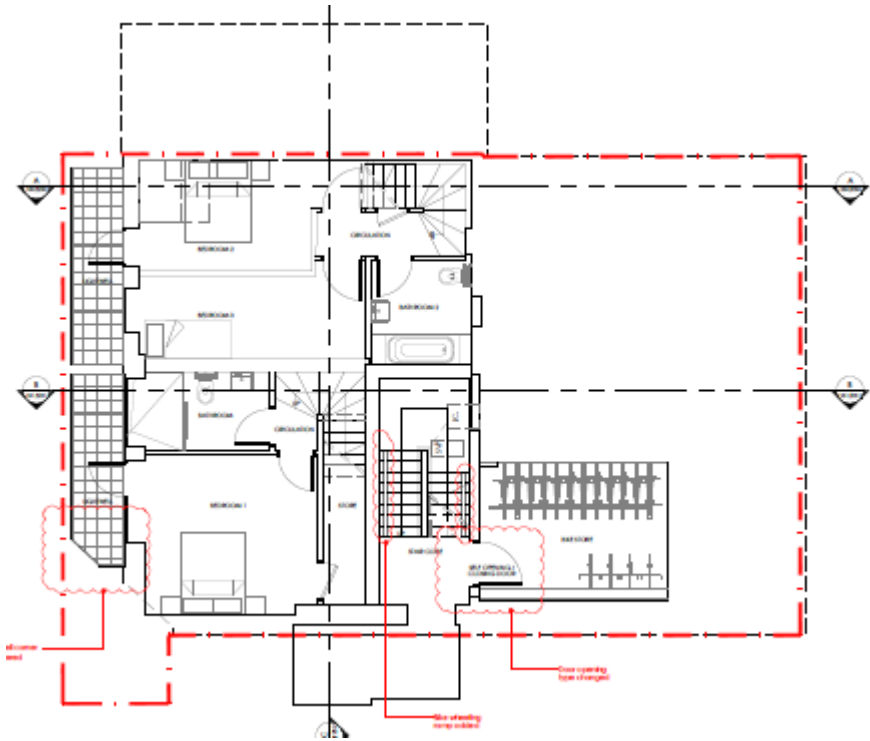
Proposed North East Elevation

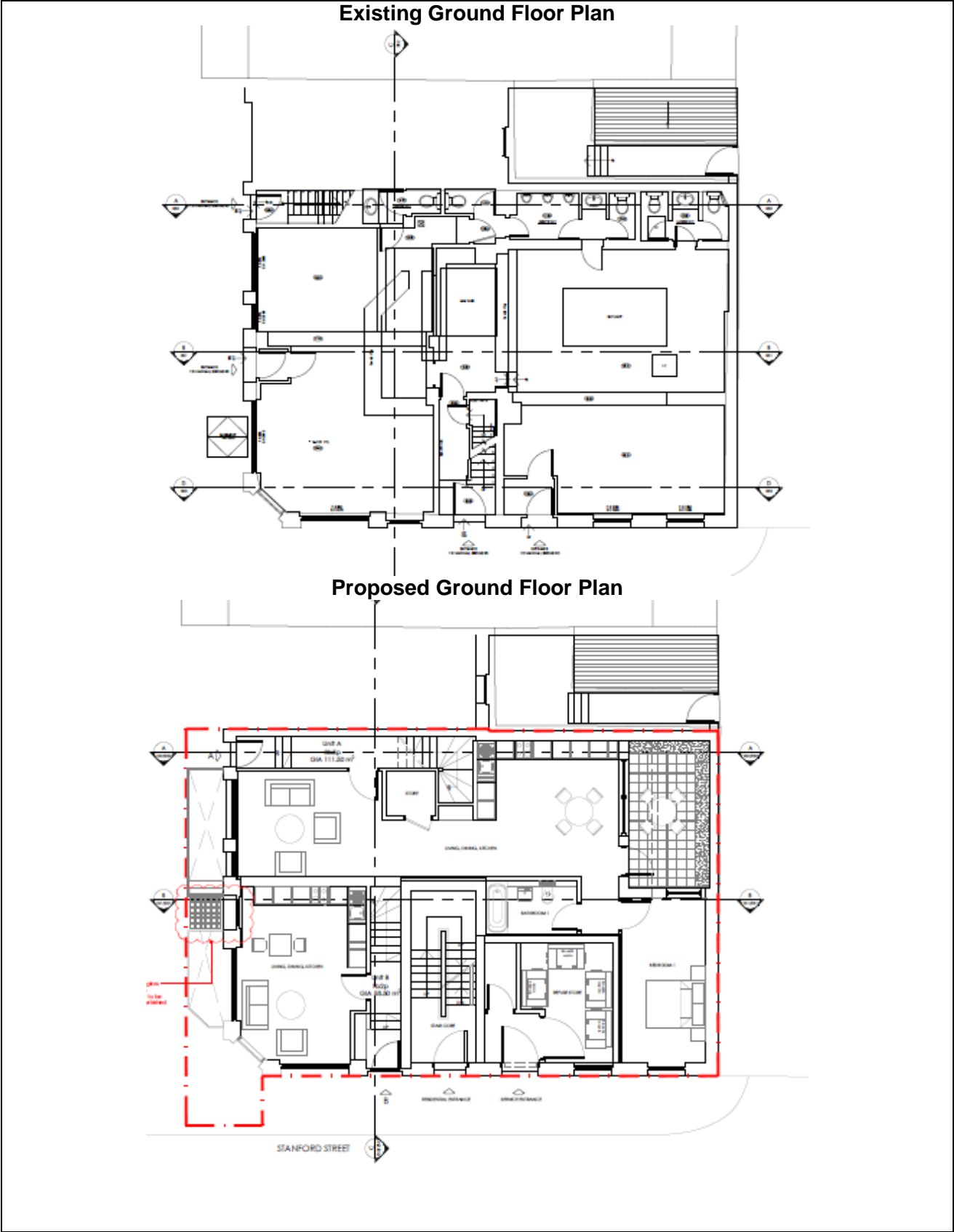


Existing Basement Plan

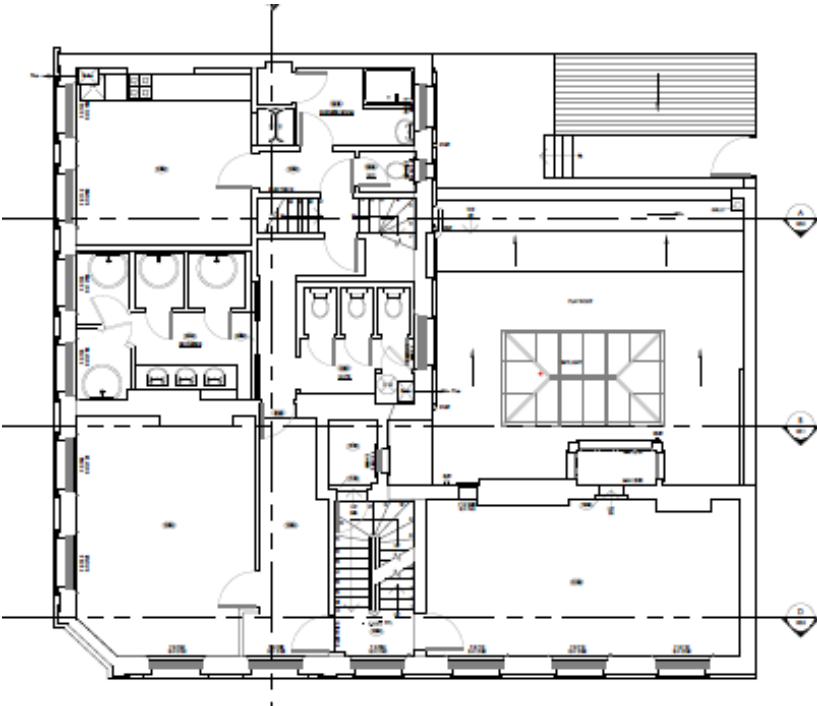


Proposed Basement Plan

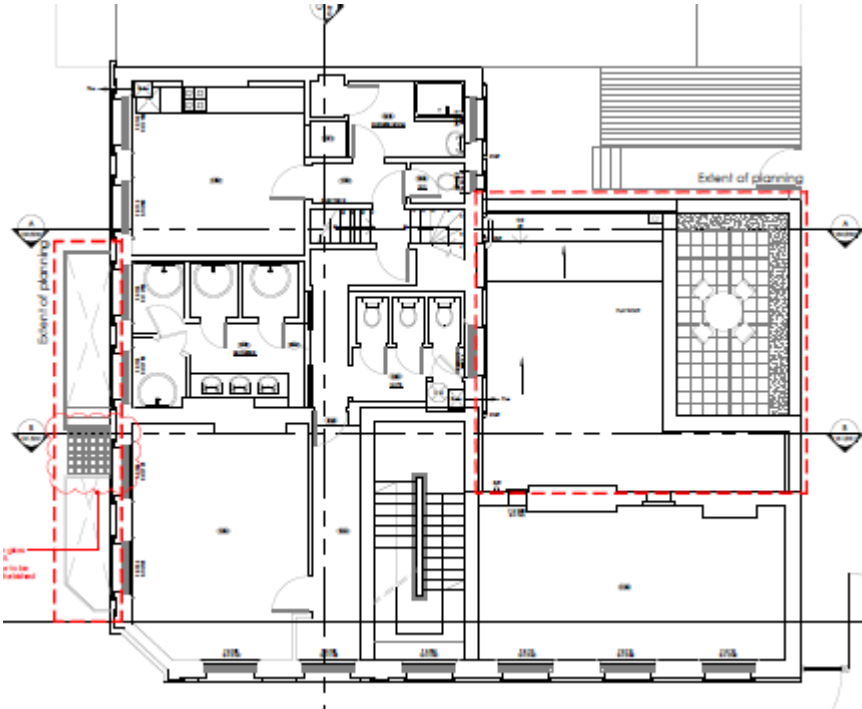




Existing First Floor Plan



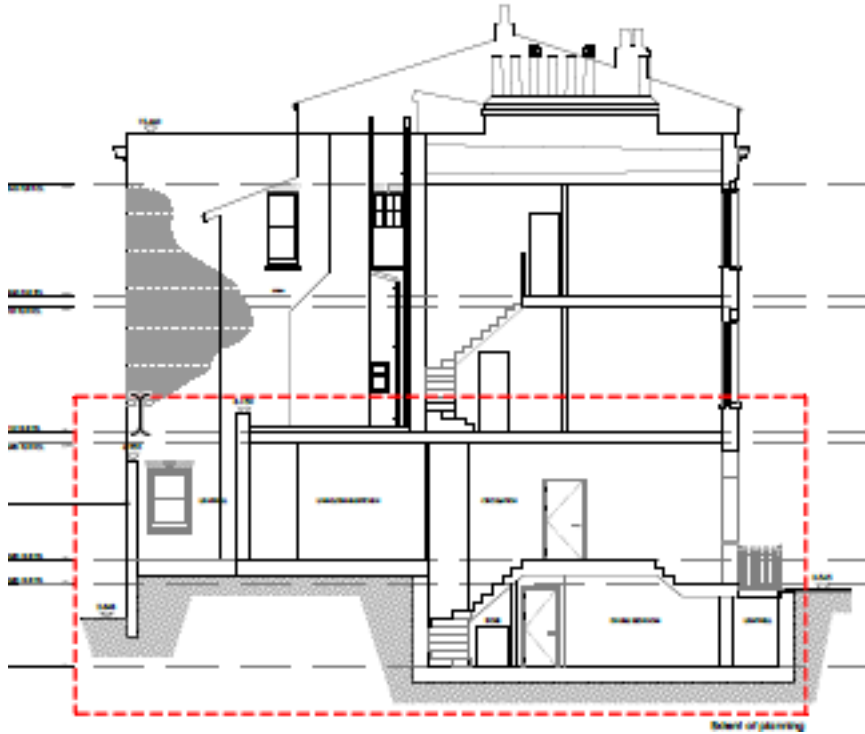
Proposed First Floor Plan



Existing Section AA



Proposed Section AA



DRAFT DECISION LETTER**Address:** 110 Vauxhall Bridge Road, London, SW1V 2RQ**Proposal:** Use of ground and basement floors as two residential flats (Class C3). Alterations, including to windows, doors, the rear extensions at ground and first floor levels and the creation of a lightwell to Vauxhall Bridge Road frontage.**Reference:** 16/07328/FULL**Plan Nos:** 001; 110 Rev. A; 111 Rev. B; 112 Rev. B; 120 Rev. A; 121 Rev. B; 122; 123; 125; 130; 131 Rev. A;

For information:

Design and Access Statement, Sustainability Statement, Acoustic Statement dated July 2016; Marketing Report dated 26 April 2016; Flood Risk Assessment dated April 2017.

Case Officer: Ian Corrie**Direct Tel. No.** 020 7641 1448**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

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

- 3 You must apply to us for approval of detailed drawings at 1:20 showing the following alteration(s) to the scheme:

- (a) Traditional painted timber sash windows at basement level to match the rest of the building;
- (b) Retention and restoration of existing pub fascia sign fronting Vauxhall Bridge Road.,

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings and must be maintained to the Council's satisfaction. (C26UB),

Reason:

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

- 4 You must apply to us for approval of further information as set out below of the following parts of the development:

- (a) New railings and bridge link (drawn elevations, plans and sections at 1:10);
- (b) New windows and doors (drawn elevations and sections at 1:5).

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

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

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae within the front lightwell. (C26OA)

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

- 7 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

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 Vincent Square 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 Prior to the occupation of the residential flats, details shall be submitted of a scheme of ventilation to be installed, to prevent overheating with the windows closed, demonstrating compliance to at least the Overheating Standard of CIBSE Guide A (2006), Specifically;

- i, for living rooms, less than 1% of occupied hours are over an operative temperature of 28 degrees C;
ii, for bedrooms, less than 1% of occupied hours are over an operative temperature of 26 degrees C.

Reason:

To safeguard the amenity of residential occupiers of the development as set out in S29 of Westminster's City Plan (November 2016) and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must provide the waste store shown on drawing PL 111 Rev.B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 10 No development shall take place, including any works of demolition, until a construction logistics and management plan for the proposed development has been submitted to the Council and approved in consultation with Transport for London.

Reason:

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

- 11 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 16 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.

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

-Measures to mitigate the impact of the new residential units upon on-street parking demand.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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

Reason:

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

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 encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423,

siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 4 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 5 Under condition 17, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure free lifetime (25 years) car club membership for residents of the development, as set out in the letter dated 16 June 2017 from Peter Munnely. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 6 You are encouraged to make contact with the residents of 37-45 Vincent Square regarding the proposed changes to the height of the rear boundary wall and the impact this might have on the existing planting against their side of the wall

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

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	27 Saxon Hall, Palace Court, London, W2 4JA,		
Proposal	Erection of a single storey roof extension and external alterations, to create a second floor level of habitable accommodation.		
Agent	Miss Laura Dimond		
On behalf of	Mr Michael Wrennall		
Registered Number	17/01729/FULL	Date amended/ completed	2 March 2017
Date Application Received	27 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to the construction of an additional storey to the two storey dwellinghouse recently constructed to the rear of Saxon Hall on Palace Court. Saxon Hall is a purpose built residential block on the eastern side of Palace Court. Other alterations relate to the construction of a door opening at first floor level to provide access to the flat roof of the recently completed lower ground floor infill extension, for emergency access only.

Letters of objection have been received in relation to the increase in scale of this infill development as detailed in the planning history, increased sense of enclosure, loss of light and unacceptable townscape implications as a result of additional storey, and loss of amenity due to creation of access onto flat roof of lower ground floor extension.

The key issues for consideration in this application are:

- The impact of the proposed extension and alterations on the character and appearance of the Bayswater Conservation Area;
- The impact of the proposed extension and alterations upon the amenity of adjacent properties.

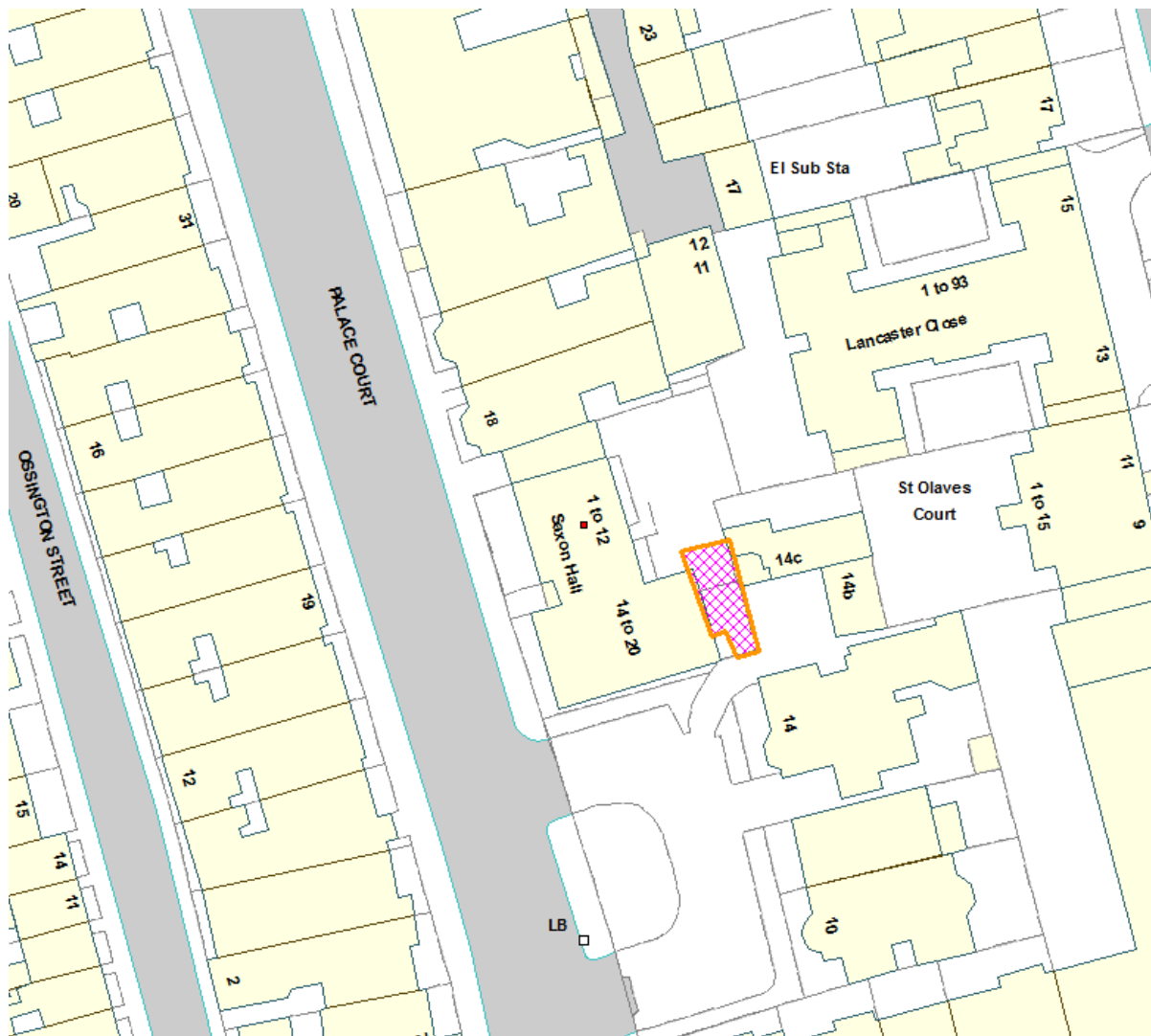
Revised plans have been received securing the use of the roof of the extension for emergency and maintenance access only and for the reasons set out within the report, notwithstanding the objections

Item No.

3

received, the proposals are considered to comply with the relevant policies within the City Plan and UDP and is recommended favourably, subject to conditions.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.
All rights reserved License Number LA

4. PHOTOGRAPHS

Aerial photograph, application site highlighted.



North (front) elevation



South (rear) elevation with newly erected lower ground floor extension in foreground



South elevation with front of 14C Palace Court to the right



5. CONSULTATIONS

BAYSWATER RESIDENTS ASSOCIATION

Any reply to be reported verbally

WESTMINSTER PLANNING ENFORCEMENT

Current application creates access to green roof which is not currently conditioned to prevent its use as an outside amenity space.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 102

Total No. of replies: 10

No. of objections: 6 (4 from one property)

No. in support: 4

Six objections received on behalf of 4 properties on the following grounds:

Land Use:

- Incremental increase in size of residential unit

Design:

- Loss of separation between application site and 14c Palace Court;
- Proposals out of keeping with character of area;

Amenity:

- Loss of light
- Increased enclosure
- Overlooking and loss of privacy from proposed south facing (rear) windows and through use of flat roof of lower ground extension as terrace;
- Noise transference.

Other:

- Noise and disruption on road/traffic access on Palace Court
- No notification of planning application received.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to a new infill development originally granted planning permission in 2011 currently undergoing construction. It is a two storey single dwellinghouse (comprising 1 bedroom), constructed at the rear of a post war residential block of flats, Saxon Hall. The site lies on the eastern side of Palace Court and next to a two storey dwellinghouse with mansard roof, No. 14B Palace Court (previously known as 14 B and

14C Palace Court). The building is not listed but lies within the Bayswater Conservation Area. Buildings to the immediate south of the site, within the private crescent of Palace Court, are Grade II and Grade II* listed. Applications 10/08269/FULL and 13/07714/FULL are those which created the existing one bedroom dwelling to which this application relates.

6.2 Recent Relevant History

10/08269/FULL

Alterations and excavation at lower ground floor level to create a three bedroom flat with new double height rear extension (to south east corner of application site), lightwells, windows, doors and green roof and walls.

Application Permitted 14 April 2011

11/01453/FULL

Conversion of part lower ground floor to create one-bedroom flat and associated external alterations involving the introduction of new windows and doors.

Application Permitted 21 July 2011

12/05820/FULL

Lowering of rear courtyard, alterations to external staircase, and alterations to access ramp.

Application Permitted 28 May 2013

12/10510/FULL

Variation to Condition 1 of planning permission dated 14 April 2011 (RN: 10/08269/FULL) for alterations and excavation at lower ground floor level to create a three bedroom flat with new double height rear extension (to south east corner of application site), lightwells, windows, doors and green roof and walls., namely to revise internal layout of the approved flat and minor alterations to fenestration.

Application Permitted 21 October 2013

13/07714/FULL

Conversion of 1x3 bed flat in rear south east corner of site to 1x1 bed and 1x2 bed flats and associated external alterations including installation of rooflight, fenestration changes and subdivision of existing terrace.

Application Permitted 3 February 2015

14/00018/FULL

Conversion of part lower ground floor to create two-bedroom flat and associated external alterations including new windows and doors, and rear terrace with trellis screening.

Application Permitted 3 February 2015

16/10856/FULL

Infilling of lightwell to the rear of site at ground floor level to create an extension to an existing flat (Flat 27) and creation of a roof terrace.

Application Permitted 19 January 2017

7. THE PROPOSAL

The proposal is to construct an additional storey to the existing two storey (1 bedroom) dwellinghouse positioned to the rear of Saxon Hall, to provide additional living accommodation. Other alterations include the creation of a door opening at first floor level providing maintenance access onto the flat roof of the newly constructed ground floor infill extension recently granted planning permission 19 January 2017.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of creating more internal living space in connection with the existing dwellinghouse accords with policies H3 of the UDP (January 2007) and S14 of the City Plan (November 2016). Objections have raised concerns to the incremental increase in scale of the building. This current application however has to be considered on its own merits and the increase in living space in land use terms is not objectionable.

8.2 Townscape and Design

The existing building is a new infill development, granted planning permission originally in April 2011. Since that time subsequent permissions have been obtained for cosmetic alterations mainly, and for the conversion from two flats into a single dwelling. The most recent permission dated 19 January 2017 related to the erection of a lower ground floor infill extension (occupying an originally approved lower ground floor courtyard).

The proposed additional storey facilitates the creation of a second floor bedroom and study. The additional storey follows the same footprint as the host building. The front façade of the host building projects forward of the northern (side) elevation of the adjacent part of Saxon Hall by 4.7m. The host building and therefore the extension, also sits forward of the rear elevation of 14b Palace Court by some 1.2m. The rear façade of the host building and extension is set back by 1.7m behind the front elevation of 14B Palace Court. The roof extension will add a further 1.5m of vertical mass to the building, which lines up with the roof coping stones of the parapet wall at 14B Palace Court. The additional height amounts to a half storey (1.5m), made possible by lowering the internal ceiling height of the existing first floor. The design would be consistent with the existing buildings brick material with fenestration to the front and rear to match. In massing and detailed design terms, the proposals are considered acceptable.

A neighbour raises an objection in relation to the loss of the separation between no.14C Palace Court and the rear façade of Saxon Hall and the views through the site this enables. The City Council's Design policies, specifically DES 4 (infill development) encourage the retention of separation between buildings that are distinctive and characteristic of the townscape. In this instance this is a back land site and does not form part of an overall consistent pattern, visible in important streetscape views and as such that the marginal reduction of separation at second floor level between the two buildings, Saxon Hall and 14B Palace Court, is not considered to result in material harm in respect to townscape and urban grain.

The works are considered to preserve the character and appearance of the Bayswater Conservation Area and are not considered to harm the setting of the adjacent listed buildings.

8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Objections have been received from residents of flats within Saxon Hall, who's ground, first and second floor windows on the eastern elevation and the north elevation of the rear projecting bulk adjacent the application proposals, on grounds of losses of daylight and increased sense of enclosure as a result of the increase in scale. They also object to the creation of a door leading onto the roof of the lower ground floor infill extension, a concern that is shared by 14B Palace Court.

Daylight/Enclosure

Application of the 45 degree indicator within the BRE guidelines, that stipulates some reductions in daylight may be experienced if the midpoint of an affected window falls below a notional line of 45 degrees taken from the edge of the enlarged structure, in this case the parapet of the extension, indicates that there may be a reduction towards the first floor windows of Saxon Hall within the north and east facades.

Whilst this is noted, the additional massing is limited to 1.5m in height, which within the context of the building as a whole is unlikely to be appreciable from these windows and any reductions upon daylight would be marginal. Moreover the works do not impede upon the reductions negotiated at the time of the original permission in 2011 whereby the rear façade was pulled backwards away from the adjoining first floor kitchen window on the south east elevation of Saxon Hall. As such, whilst the concerns of neighbours are acknowledged, it is not considered the additional 1.5m in height amounts to significant harm that would justify withholding planning permission on these grounds.

There will be no loss of light to the north facing window in the rear façade of 14B Palace Court, adjacent the site.

It is not considered that at 1.5m high, the proposed extension would result in any significant sense of enclosure to residents in Saxon Hall. The roof extension at 1.5m in height, projecting some 1.2m forward of the rear façade of 14B Palace Court, is not considered to give rise to any detrimental sense of enclosure to the first floor window.

Privacy

The proposed door leading onto the roof of the recently completed single storey lower ground floor infill extension is proposed to facilitate emergency access. Revised plans

have been provided during the course of this application removing any reference to its use as a terrace, including new annotations to clarify the use of the roof and door is for emergency and maintenance only.

It is important that the roof is not used as a recreational or amenity space given its proximity to first floor habitable room kitchen window within Saxon Hall. The previous consent for the infill extension dated 19 January 2017 did not restrict access to the roof for emergency purposes only as the plans did not show any means of access. In this instance, such a condition is recommended given access is proposed, and subject to its inclusion in the decision notice, concerns regarding the impact of activity on the roof are allayed.

The new window (serving the study) and door in the rear elevation is not considered to give rise to overlooking from within these rooms to the windows in the eastern elevation of Saxon Hall.

Given the constrained nature of the site, it is considered necessary to remove permitted development rights under Class A of the Town and Country Planning General Permitted Development Order 1995 (as amended). This will be secured by planning condition.

The proposals are considered to comply with the City Council's amenity policies.

8.4 Transportation/Parking

Objections have raised concerns with regard to impact on traffic and road access to Palace Court. Given the nature of the proposals which are limited to creation of an additional floor to an existing dwelling, the impact upon the local highways network is considered to be negligible.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

The neighbour at 14B Palace Court raises concerns with regards to the transmission of sound from the new second floor into the adjacent dwellinghouse. Concerns relating to the transmission of sound in these circumstances is a Building Control matter in relation 'Approved Document E, Resistance to the passage of sound'.

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 development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). The estimated CIL payment would be £12,400 for Westminster's CIL (£400 per square metre in the Residential Core Area), and £1,550 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

9. BACKGROUND PAPERS

1. Application form
2. Response from Planning Enforcement, dated 23 March 2017.
3. Letter from occupier of Flat 26 Saxon Hall, Palace Court, dated 17 March 2017.
4. Letter from occupier of 108 Holland Park Avenue, London, dated 17 March 2017.
5. Letter from occupier of 14B Palace Court, Palace Court, dated 19 March 2017.
6. Letter from occupier of 3 Saxon Hall, Palace Court, dated 22 March 2017.
7. Letter from occupier of 25 Saxon Hall, 16 Palace Court, dated 27 March 2017.
8. Letters from occupiers (x3) of Flat 6, 16 Palace Court, dated 28 March 2017 and 29 March 2017.
9. Letter from occupier of 23 Saxon Hall, 16 Palace Court, dated 28 March 2017.
10. Letter from occupier of Flat 2, Saxon Hall, 16 Palace Court, London, dated 29 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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

10. KEY DRAWINGS

Existing floor plans/elevations



Proposed plans/elevations



DRAFT DECISION LETTER

Address: 27 Saxon Hall, Palace Court, London, W2 4JA

Proposal: Erection of a single storey roof extension and external alterations to create a second floor level.

Plan Nos: Location Plan, 1589 -p41 rev N, 1589 - x40 rev C, Email from Maddox Associates dated 27 April 2017.

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

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

- 4 You must install the green roof in accordance with the drawings hereby approved prior to occupation of the extension and it shall be retained thereafter.

Reason:

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

- 5 You must not use the roof of the lower ground floor rear extension permitted under RN:16/10856/FULL for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes.

Reason:

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

- 6 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B and C of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)

Reason:

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

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.

Item No.
3

- 2 You are advised that the door permitted at first floor level is to be used for emergency or roof maintenance purposes only and shall be kept permanently shut unless in use for the above reasons.

Agenda Item 4

Item No.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	4 Bingham Place, 19 Nottingham Place, London, W1U 5AT,		
Proposal	Demolition of 4 Bingham Place behind retained facade and erection of replacement three storey dwelling (Class C3) with one new basement level. Rear extensions at ground, first and part second floor levels in connection with existing use as Hotel (Class C1) at 19 Nottingham Place.		
Agent	HB Surveyors		
On behalf of	Lockbane Limited		
Registered Number	15/06433/FULL	Date amended/ completed	11 November 2016
Date Application Received	15 July 2015		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Refuse planning permission.

2. SUMMARY

The application site comprises a three storey mews building in Bingham Place which is linked to a larger five storey building on Nottingham Place. No 4 Bingham Place is a single family dwelling (Class C3), No 19 Nottingham Place is in use as a hotel (Class C1).

Permission is sought for the redevelopment of the mews building behind a retained façade to provide an enlarged residential dwelling. The proposal includes the provision of a new single basement level, and alterations to rear lightwells. The scheme would result in a reconfiguration of the lower floors of the hotel resulting in an overall slight reduction in hotel floorspace.

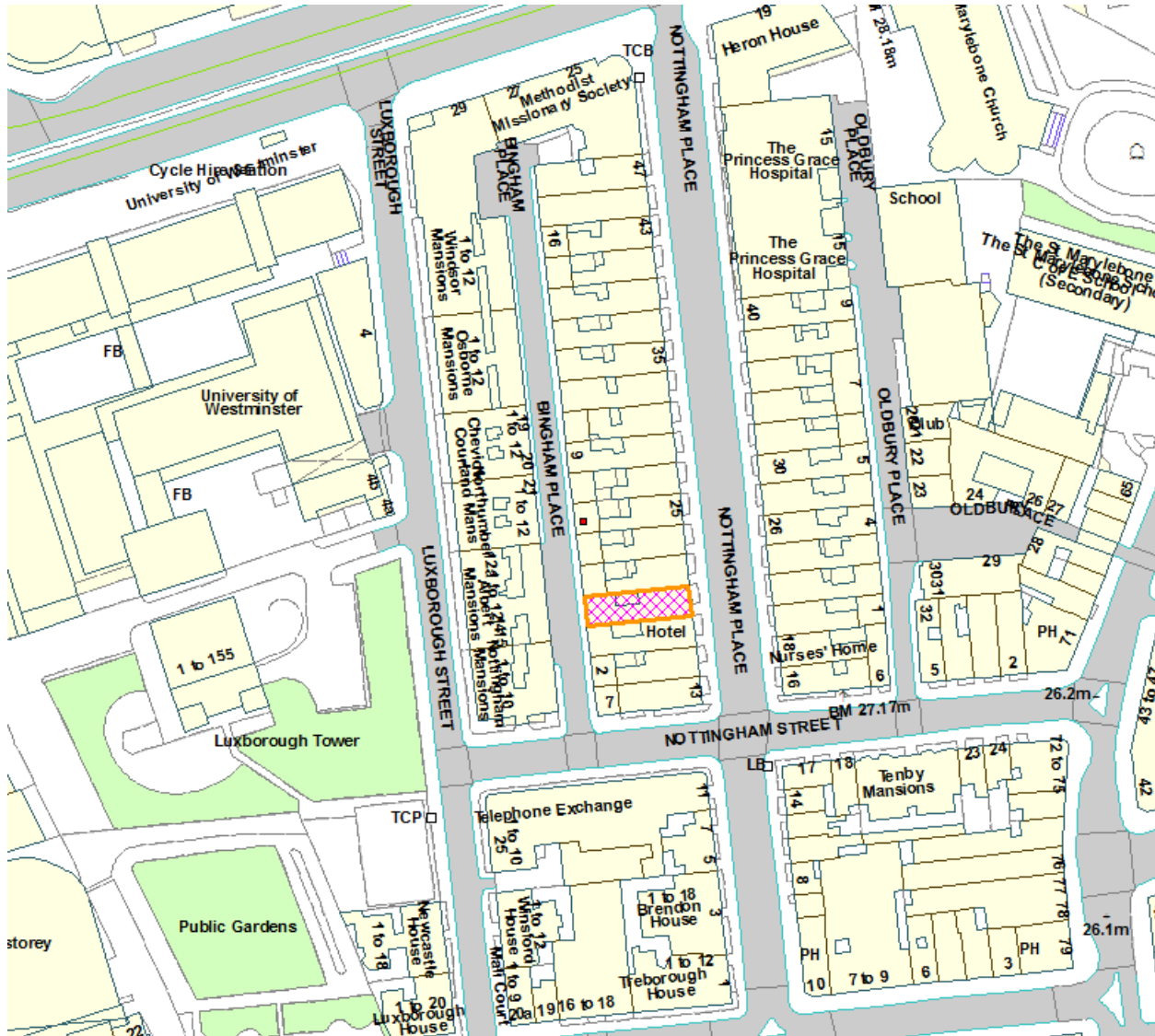
The key issues for consideration are:

- * The impact of the works in design terms, to the character and appearance of the Harley Street
- * The impact on residential amenity

The scheme is considered acceptable in land use and amenity terms. The existing small scale mews building is an unlisted building of merit which makes a positive contribution to the Conservation Area. Although the application refers the front façade being retained, it is evident that the proposal would

involve its substantial demolition and rebuilding. The new building is considered to be a poor design which would be harmful to the character and appearance of the Harley Street Conservation Area, contrary to UDP policies DES1, DES4, DES6 and DES9. The application is therefore recommended for refusal.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Photograph 1. Front elevation of the mews property at 4 Bingham Place



Photograph 2: View from upper floors of No. 19 Nottingham Place to rear of 4 Bingham Place



5. CONSULTATIONS

ORIGINAL APPLICATION (which included 2 x new basements)

MARYLEBONE ASSOCIATION

Any response to be reported verbally

BUILDING CONTROL

No objection

HIGHWAYS PLANNING MANAGER

No objection; comment that if a street light on the front façade is to be removed the applicant should contact the Council's Asset Manager for Public Lighting.

ENVIRONMENTAL HEALTH

No objection;

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 128, Total No. of replies: 8

No. of objections: 8

8 objections have been received raising some or all of the following issues;

Amenity

Loss of daylight, sunlight and privacy.

Design

Increase in height is unacceptable, harmful to the mews.

Harm to the character and appearance of the conservation area.

The street lamp should be retained

Highways

Adverse impact on traffic, parking and servicing

Basement and Construction issues

Extensive excavation would result in structural damage to neighbouring properties

The scheme needs to be assessed against the City Council's new basement policy

Noise and disturbance, and increase in pollution

Other

A legal commitment must be given by the council that any subsequent increase of insurance costs or resultant damage to any property and their owners are compensated financially.

The scheme seeks to exploit high market values

Inadequate refuse provision

Revised Application (involving deletion of 2nd basement level and design changes)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 136, Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises three storey mews building (ground, first and second floors) in use as a three bedroom single family dwellinghouse (Class C3). The mews house is linked at rear ground floor level to 19 Nottingham Place which is in use as a 20 bedroom hotel (Class C1). The buildings are in the same ownership. The residential mews building is occupied by the hotel manager. The link provides access for the manager between both buildings.

The buildings are not listed situated within the Harley Street Conservation Area. The site is located outside the Core Central Activities Zone (CAZ), within the wider CAZ.

Relevant History

None relating directly to either No's 4 Bingham Place or 19 Nottingham Street.

5 Bingham Place (adjacent) on 27 October 2015 permission was granted for a mansard roof extension and the excavation of a new double basement to form a larger single family dwelling (RN: 15/02805/FULL).

7. THE PROPOSAL

The application initially sought permission for redevelopment of the No 4 Bingham Place to provide a five storey residential dwelling including two basement levels. Further to protracted negotiations the 2nd basement level has been omitted from the proposal, and the application is now described as redevelopment behind a retained front façade. The scheme involves rear extensions at ground to 2nd floor levels and new rear lightwells.

The scheme will result in an enlarged mews house in use as a single family dwelling, and a reconfiguration of the layout of the hotel at 19 Nottingham Place. This would result in a slight reduction in hotel floorspace and the loss of one guest bedroom, but provide enlarged kitchen and dining areas. These changes do not require the provision of any new plant or ventilation for the hotel. There is an existing extract duct rising up the rear elevation which will remain in situ. Access between the mews building and hotel will be retained.

8. DETAILED CONSIDERATIONS

8.1 Land Use

	Existing (GIA) m ²	Proposed (GIA) m ²	Net Loss/Gain (GIA) m ²
Hotel	446.9	437.60	- 9.3
Residential	104.3	168.7	64.4
Total	551.2m²	606.3	+55.1

Residential (Class C3)

The scheme proposes the provision of an enlarged residential dwelling through the conversion of small areas of hotel floorspace at basement, ground and first floor levels and the creation of a new single basement. The increase in residential floorspace accords with UDP Policy H3 and City Plan Policy S14.

Hotel (Class C1)

The site is located within Marylebone in an area mixed use in character. The scheme would result in the reconfiguration of the hotel. Overall there would be a slight reduction in hotel floorspace with a reduction in the number of bedrooms from 20 to 19. The hotel use is longstanding and has been operating without any complaints. The proposed reconfiguration of the hotel is considered acceptable in accordance with City Plan policy S23 and UDP policy TACE 2(c).

8.2 Townscape and Design

4 Bingham Place is a traditionally detailed brick mews house located within the Harley Street Conservation Area. It is identified as an unlisted building of merit in the adopted conservation area audit SPG. The front elevation has been altered and partially rebuilt with changes to the openings and parapet at first floor level but it nonetheless retains its original character and scale and it contributes positively to the character and appearance of the area.

Bingham Place as a whole is lined with small, stock brick mews style houses, all characterised by their simple, traditional materials, detailing and proportions. Many have had mansard roof extensions added and the street displays some variety in building heights and detail. However, this slight variation in heights adds to the character of the street and the slightly smaller scale of the application building also adds to its charm. The applicants were advised that demolition behind the retained façade is likely to be acceptable in principle in this location and they have indicated this is their intention. However, submitted proposals raise the height of the front façade substantially and there will also be significant demolition and rebuilding associated with creation of new windows at first floor level, which means that effectively the building will be rebuilt above ground floor level. Further, given that proposals also involve basement excavation, it is highly unlikely that any of the façade will be retained.

To the rebuilt façade the parapet height would be raised to align with no. 5, introducing more consistency to the roofscape and losing the current step down in heights. The larger floor to ceiling heights created would also change the proportions of the façade and introduce significant areas of new brickwork between ground and first floor windows and to the raised parapet, creating a patchwork of detail, lacking overall coherence. There were a number of objections received in relation to the size and height of the new building.

With regards to the rear extensions, these are large and will infill the gap between the mews and Nottingham Place, which is not desirable. However, the majority of properties along this stretch of mews have been significantly extended and a similar proposal was permitted at the adjoining property no.5. The extensions will be in brick with timber

windows and a small lightwell will be retained at the rear. This element of proposals is therefore acceptable. The basement storey does not involve any external alteration to the front and is also acceptable in design terms.

Overall, however, given the proposed substantial demolition and rebuilding of the front façade of this unlisted building of merit, the increase in height, patchwork of brickwork and poor quality of detailing to the retained façade of the proposed replacement building, this proposal would be of poor design and cause harm the character and appearance of the Harley Street Conservation Area and would not meet our UDP policies DES1, DES4, DES6 and DES9. There are no public benefits associated with this proposal which outweigh the harm caused to the conservation area.

8.3 Residential Amenity

Daylight and Sunlight

A daylight and sunlight assessment has been submitted with the application which assesses the impact of the development with regard to Building Research Establishment guidelines (BRE).

The following residential properties that have been assessed 3 and 5 Bingham Place, 17 and 21 Nottingham Place, 1-12, 1-10 and 14-15 Luxborough Street (including Albert Mansions and Nottingham Mansions).

Objections have been received on behalf of flats 6 and 11 Albert Mansions and from the Albert Mansions management company Luxborough Street that the scheme would result in a loss of daylight and sunlight. Albert Mansions is located on the western side of Bingham Place opposite the site.

Daylight

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidance suggests that daylight may be adversely affected if the VSC levels are reduced by 20% or more and the resulting VSC level is less than 27%.

The scheme will result in a relatively minor increase in height of the mews building. The daylight report demonstrates that there would be no material loss of light. The losses are small scale ranging between 0.1 and 2.6 %. The proposal therefore accords with BRE guidelines. Objections that the scheme would result in a loss of daylight are not sustainable.

Sunlight

Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore,

BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed.

BRE guidance recommends that the APSH received at a given window should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4% over the whole year or more than 20% in either the summer or winter months the guidelines state that the loss of sunlight would be noticeable.

The objections from residents at Albert Mansions, Luxborough Street are to a loss of sunlight. Albert Mansions does not however face within 90 degrees of due south and therefore is not required to be analysed for the purposes of sunlight under the BRE guidelines. The report has assessed all windows facing 90 degrees of due namely windows at 3 and 5 Bingham Place and 17 and 21 Nottingham Place. In all cases there would be no material loss of sunlight and the scheme complies with the BRE guidelines in respect of sunlight.

Overlooking

The objections from Albert Mansions Luxbrough Street are also to overlooking. The scheme would not materially change the existing position. There would be no increased overlooking between the buildings. This aspect of the application is considered acceptable.

8.4 Transportation/Parking

Objections have been raised that the proposed development will result in increased traffic, congestion, servicing and pressure on parking

The scheme would extend an existing residential premises and would not result in an intensification of the hotel use. The highways planning manager has raised no objection and the application is considered acceptable in highways terms.

8.5 Economic Considerations

The economic benefits are welcomed.

8.6 Access

Access will be unchanged from existing; the hotel will continue to be accessed from Nottingham Place and the mews dwelling will be accessed from Bingham Place. The link between the buildings is retained however the mews property will be retained as a separate residential dwelling (Class C3).

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

An objection has been received that details of refuse waste storage have not been provided. The scheme will not result in a significant change in potential refuse provision however had the application been considered acceptable in design terms it is recommended that details of refuse storage would have been secured by condition.

8.8 London Plan

The 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 estimated CIL payment is £64,476

Formal determination of the CIL liability will be made by Westminster Council when a Liability Notice is issued after the CIL liable application is approved and the final figure might change due to indexation.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Basement

Three objections have been received from nearby residents raising concern about the impact of the proposed basement works on ground stability, structural integrity of the surrounding buildings.

As the basement excavation will be to the residential part of the site, to an existing residential property and the site's location outside of the Core CAZ means that the basement excavation should be assessed under Parts A, B and C of City Plan Policy CM28.1.

The policy seeks to control the depth and size of new basements. The policy requires basements to be single storey only and not extend beyond more than 50% of a garden. The application has been revised omitting a second basement and now proposes a single storey basement. The site is entirely covered by buildings and impermeable surfaces with no garden area. There is a rear lightwell which will be slightly enlarged and relocated. The provision a single storey basement accords with the basement policy.

Structural Issues

The objections received refer to potential adverse structural impacts to neighbouring properties. A structural report by Elliott Wood has been submitted in support of the application. The report identifies that the excavation of the basement would not result in harm to neighbouring properties. 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.

Building Control officers have reviewed the submitted details and raise no objection to the application. 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 structural statement 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.

Construction impact

Objections have been made on the grounds that construction would result in nuisance to the occupants of surrounding dwellings. The City Council published its Code of Construction Practice was in July 2016. This is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all basement developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. The applicant has confirmed that the development would be carried out in accordance with the City Council's COCP. Had the application been considered acceptable in all other aspects a condition would have been recommended requiring adherence to the COCP.

Flood Risk

City Plan policy CM28.1. requires all basement developments to demonstrate that the site specific ground conditions, drainage and water environments in the area of the development have been considered. A Flood Risk Assessment by Elliot Wood has been submitted which identifies the site being within an area of high risk from surface water flooding ('Flooding Hotspot 7'). The site also lies within Flood Zone 1 where there is a low risk of flooding.

The drainage at basement level will be pumped via a submersible packaged pumping station, which will include dual pumps, non-return valves, alarms and telemetry. The Flood Risk Assessment concludes that there is a low risk of flooding and the proposed development will not increase the risk of flooding elsewhere.

Again a condition would have been recommended requiring that all measures set out in the Flood Risk Assessment are implemented.

Air Quality

Objections received raise concerns that the development will increase localised air pollution. This aspect of the development would be covered under the COCP had the scheme been recommended favourably.

Means of escape

The internal arrangement of the residential dwelling at 4 Bingham Place has been revised. Environmental Health does not raise any objections to the revision and the residential dwelling is considered to have adequate means of escape.

Other issues

Objections have been received that the proposal seeks to exploits high market values , and that if consent is granted the City Council would be liable for any damage to neighbouring properties. These are not however planning matters and permission could not be withheld on this basis.

9. BACKGROUND PAPERS

1. Application form
2. Response from Building Control, dated 9 January 2017
3. Response from Environmental Health, dated 12 December 2016
4. Response from Highways Planning Manager, dated 13 December 2016
5. Letter from occupier of 8 Albert Mansions, Luxborough Street, dated 9 January 2017
6. Letter from occupier of Flat 11, Albert Mansions, Luxborough Street, dated 10 January 2016
7. Letter from occupier of 1A Nottingham Mansions, Nottingham Street, dated 12 January 2016
8. Letter from occupier of 6 Albert Mansions, Luxborough Street, dated 13 January 2016
9. Letter from occupier of 8 Bingham place, London, dated 14 February 2016
10. Letter from occupier of 11 Albert Mansions, Luxborough St, dated 26 February 2016
11. Letter from occupier of Flat 11 Northumberland Mansions, Luxborough St, dated 26 February 2016
12. Letter from occupier of 21 Bingham Place, dated 27 February 2016

Selected relevant drawings

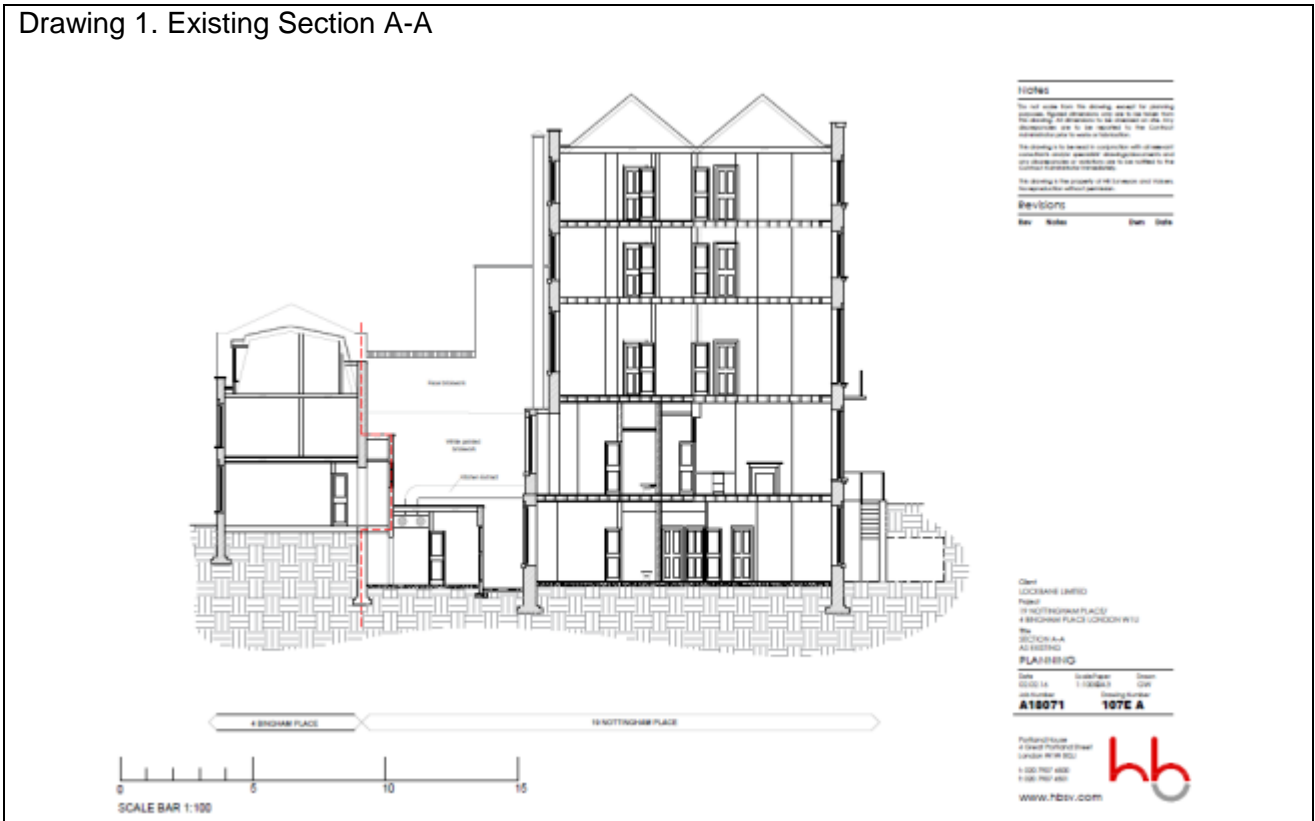
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.

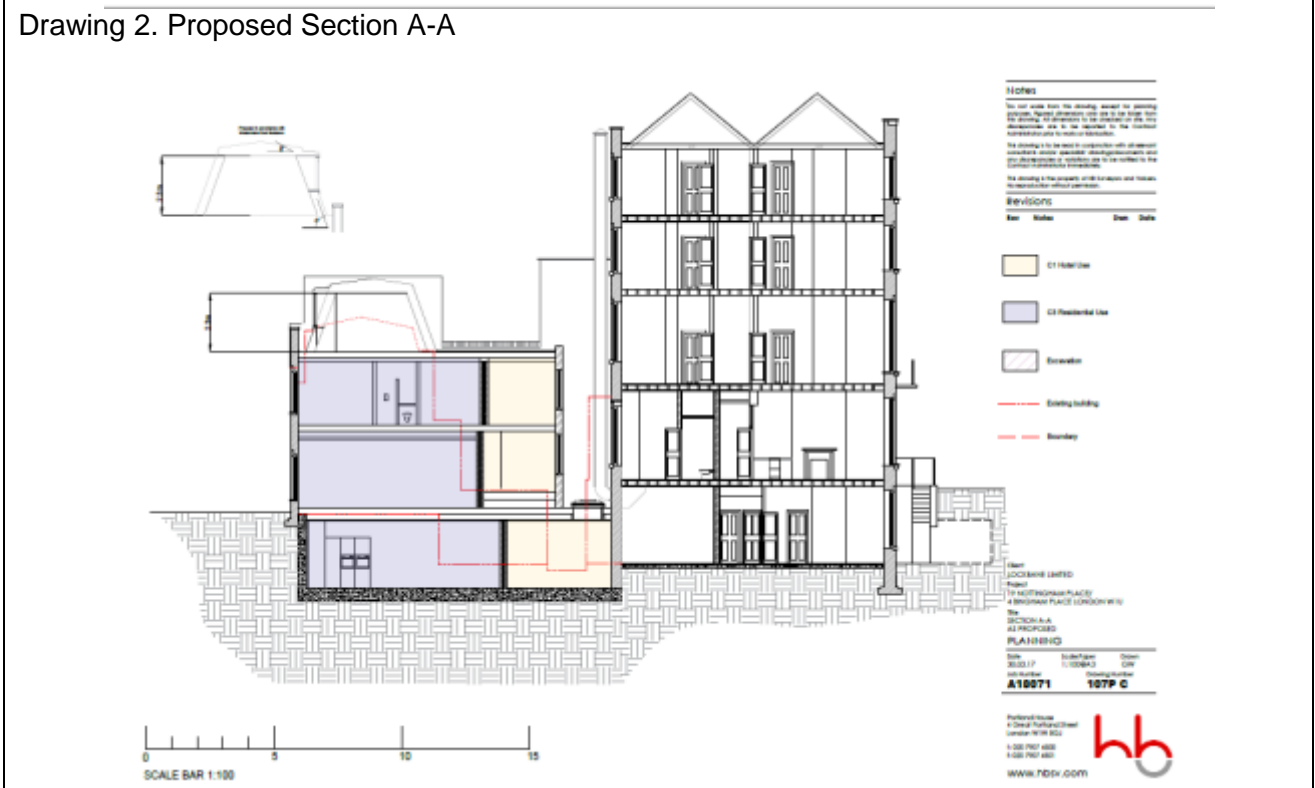
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

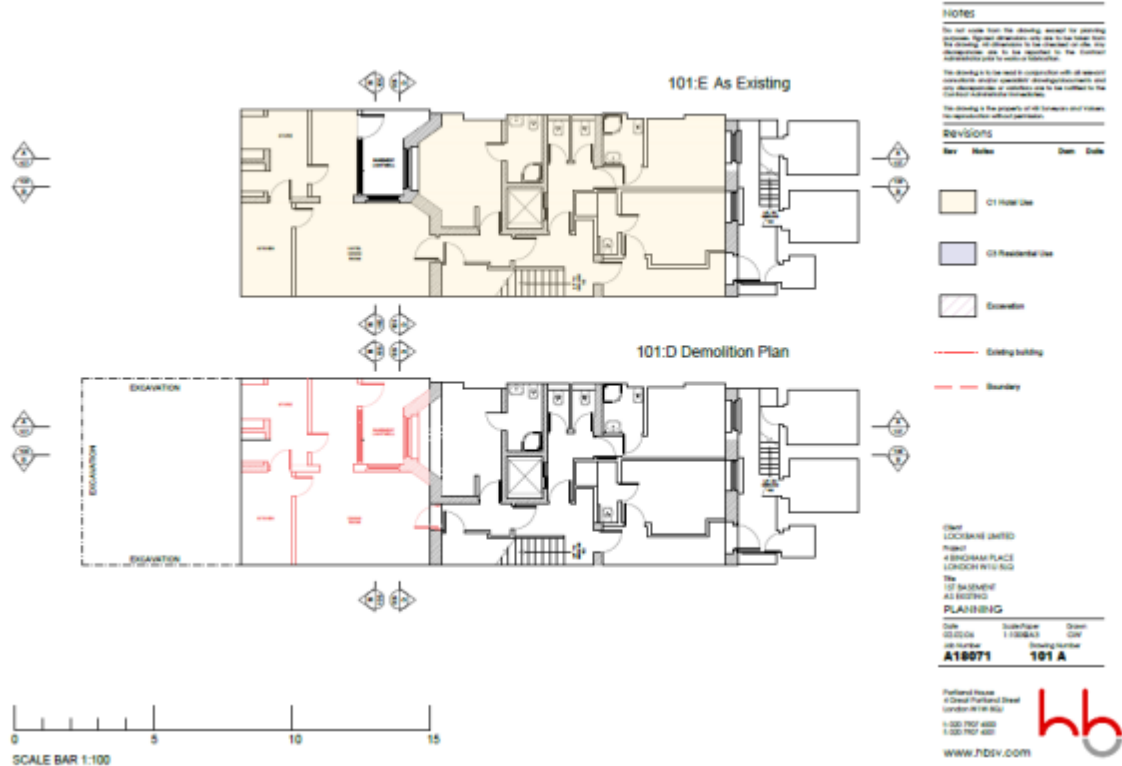
Drawing 1. Existing Section A-A



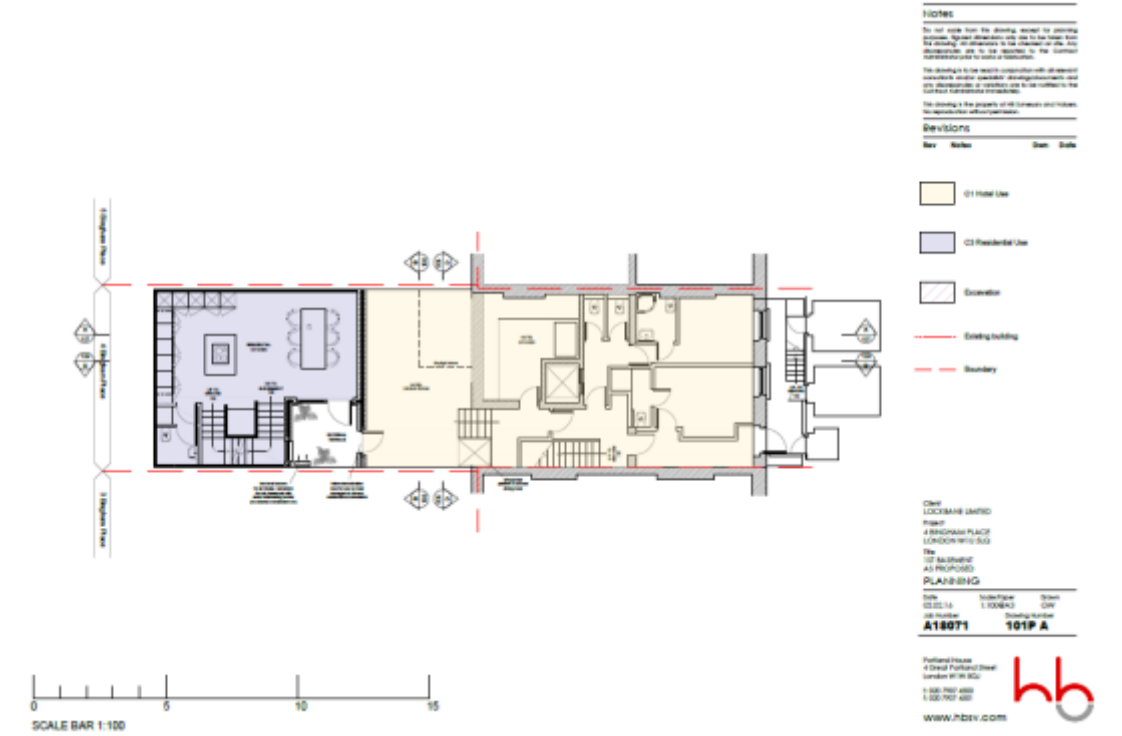
Drawing 2. Proposed Section A-A



Drawing 3. Existing and demolition plans at basement level



Drawing 4. Proposed basement level



DRAFT DECISION LETTER

Address: 4 Bingham Place, London, W1U 5AT,

Proposal: Demolition of 4 Bingham Place behind retained facade and erection of replacement three storey dwelling (Class C3) with one new basement level. Rear extensions at ground, first and part second floor levels in connection with existing use as Hotel (Class C1) at 19 Nottingham Place.

Reference: 15/06433/FULL

Plan Nos: 101P A, 102P A, 103P B, 104P A, 105P A, 106P A, 107P C, 108P C, 109P C, 110P B, 111P A. Flood Risk Assessment, 2150756 P2 dated 19.04.17.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s)

1 Reason:

Because of the extent of demolition to the front façade, and the height, alterations and detailed design of the replacement façade, the proposed redevelopment would be of poor design and would fail to maintain or improve (preserve or enhance) the character and appearance of the Harley Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES1, DES4, DES5, DES 6 and DES9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable. , , Required amendments: , - Retention of the front facade, - Retention of the parapet height as existing

Item No.

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.

This page is intentionally left blank

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Basement And Ground Floor , 54 Queensway, London, W2 3RY		
Proposal	Use of ground floor and basement as hot food take-away (class A5).		
Agent	Mr Adam Beamish		
On behalf of	Mr BEAMISH		
Registered Number	17/00786/FULL	Date amended/ completed	7 February 2017
Date Application Received	1 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

1. RECOMMENDATION

Further to any response from the Lancaster Gate Safer Neighbourhoods Team, grant conditional permission.

2. SUMMARY

The application relates to the 'Tuk Tuk Thai Noodle bar' (Use Class A3) on Queensway. It is situated within the Queensway District Centre and Queensway Stress Area. It occupies the ground floor with a kitchen located in the basement. The upper floors are in use as offices (use Class B1). Permission is sought for a conversion to a hot food takeaway (Use Class A5).

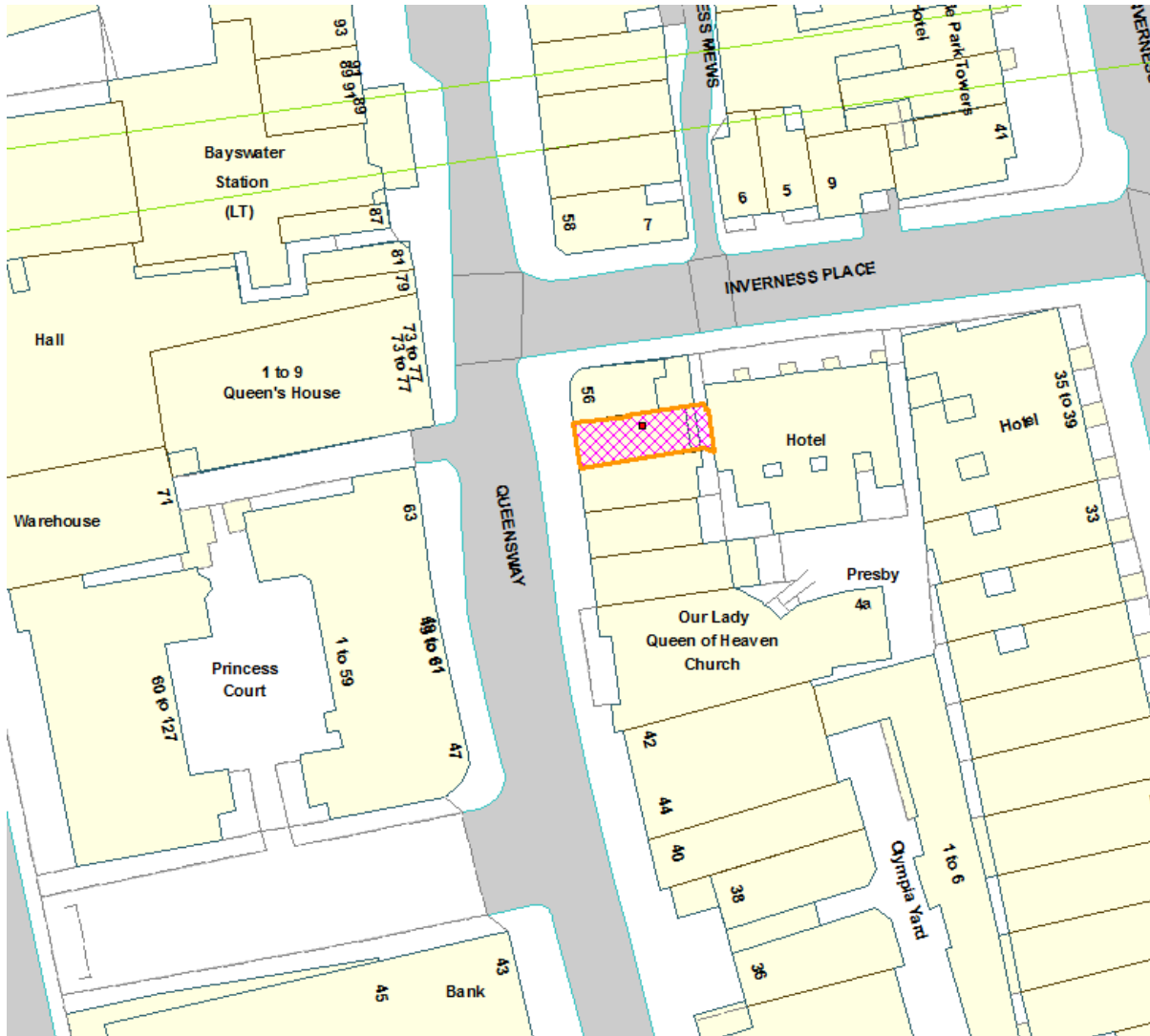
Objections have been received from neighbouring residents and the South East Bayswater Residents Association (SEBRA) on grounds of the proposed A5 use unduly impacting the local environment, whilst letters of support have also been received.

The main issues in the consideration of this application are:

- * The impact of the use upon character and function of the area.
- * The impact of the use upon the neighbouring residents and local environment.

Notwithstanding the objections received, the proposed takeaway use is not considered to unduly impact the amenity of the locality and complies with the relevant policies within the City Plan and UDP and is therefore recommended favourably, subject to conditions.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Front of application site 'Tuk Tuk noodle bar



Basement Kitchen and ground floor interior



Existing rear service entrance from Inverness Place



5. CONSULTATIONS

ENVIRONMENTAL HEALTH

No objections.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

* Takeaway use not appropriate for location.

* Noise and disturbances from increased comings and goings.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

LANCASTER GATE SAFER NEIGHBOURHOODS TEAM

Any response to be reported verbally.

DESIGNING OUT CRIME

No objections, defer to local policing team.

HIGHWAYS PLANNING MANAGER

No objection

CLEANSING MANAGER

No objection subject to details of refuse storage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 99

Total No. of replies: 6

No. of objections: 3

No. in support: 3

Three objections received on the following grounds:

Land Use:

- New A5 use does not provide retail use pursuant to policy S13 of City Plan.

Amenity:

- Increased comings and goings late at night.
- Disturbances to neighbouring residents.
- Impact from late night servicing.

Support

* Use would be welcome to the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to the 'Tuk Tuk Thai Noodle Bar' (Use Class A3) occupying the ground and basement floors of No. 54 Queensway, a four storey building, the upper floors are in office use (Use Class B1). The premises is located within the designated Queensway District Shopping Centre (Core Frontage) and the Bayswater Queensway Stress Area, as identified in the UDP and the Major Shopping Area of the City Plan. The property lies outside of the Central Activities Zone (CAZ) and the North Westminster Economic Development Area (NWEDA). The adjacent premises are in use as a currency exchange at No. 56 and a souvenir shop at No.52.

6.2 Recent Relevant History

There is no relevant history to this site.

7. THE PROPOSAL

This application seeks permission for change of use from a restaurant to hot food takeaway (Use Class A5). The premises has a gross internal floor area of 85sqm.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The premises comprises an A3 restaurant use (Tuk Tuk Noodle Bar) with a gross internal floor area of 85sqm. The upper floors of the building are in office use. Policy S13 of the City Plan (November 2016) advises that the priority for the core frontage outside of the CAZ and NWEDA will be for retail and other appropriate town centre uses whilst policy SS6 of the UDP seeks to safeguard an appropriate proportion of retail uses within the core frontage of designated District Centres, in this case the Queensway District Centre. The conversion from a restaurant (Use Class A3) to hot food takeaway (Use Class A5) would not result in the loss of retail floor area so would not directly impact the overall proportion of retail uses within the centre.

Notwithstanding this, the above policies advise that new entertainment uses such as a takeaway use will only be allowed within the designated Stress Area where the Council considers that they are low-impact, would not result in an increased concentration of late-night uses and would not compromise the retail character and functioning of the Shopping Centre either individually or cumulatively. This aim is also supported by policies TACE 8-10 of the UDP which seeks to ensure uses classified as 'entertainment uses', such as a hot food takeaway, maintain the established character and function of the various parts of the city and safeguard the amenity of local residents and the local environment.

Pursuant to this, there are a mixture of various restaurants, retail and other town centre use along the Queensway frontage. The most recent Town centre health checks (2013) record A5 uses occupying 1.8% of the frontage as a whole. The premises sits in between a currency exchange and a souvenir shop, whilst in the immediate vicinity the uses are a mixture of retail uses and restaurant uses that appear predominantly oriented

to dining in. There are no other hot food takeaway uses within the immediate vicinity. It is not therefore considered the proposed use would harm the character and function of the locality or result in an over concentration of hot food takeaways.

In terms of safeguarding residential amenity, UDP policy TACE 9, which relates to uses with a floor area of 150sqm or less, stipulates that within the stress area, permission will only be granted where it can be demonstrated that it will have no adverse impacts. The application appears to be speculative given it is not related to a particular operator. In the absence of this detail, a detailed operational management statement (OMS) would be required by way of condition in order to provide details of the operator and arrangements for avoiding any adverse impacts on the local environment. Subject to this, and the conclusions arrived at in the following paragraphs of this report it is considered the conversion satisfies the City Councils landuse policies with regards to character and function and safeguarding the local environment.

8.2 Residential Amenity

With regards to the impacts of the operation on the locality, SEBRA and neighbours have objected to the increased comings and goings, particularly late at night that the conversion to an A5 use would result in. Originally the proposed operating hours were to be between 12:00pm until 00:00 Monday to Saturday and 12:00pm until 23:30pm Sunday. This would have been consistent with the current opening hours, and the hours permitted through their premises licence. It is acknowledged that, consistent with the character of hot food takeaway uses, the volume of customers may increase as a result of the conversion, as reflected by the uplift in staff members as listed on the application forms, of between 8 – 10 staff on site at any one time. The Designing out crime Officers have not objected to the proposals and any comments from the Lancaster Gate Safer Neighbourhoods Team will be reported verbally to members. Given the nature of the change the agent was asked to agree to earlier closing times, 11pm rather than midnight sought. Written confirmation of this has been provided by the agent and a condition is recommended securing these earlier closing times.

In terms of operating a delivery service, the Highways Planning Manager has advised that this aspect of a takeaway use is often contentious given that delivery vehicles can reduce the availability of parking for other uses and increase fumes and vehicular activity in the area. In this instance the application has not set out their intention is to operate a delivery service nor provided any details of how one would operate. Following a request for clarification from Officers, the agent has supplied written confirmation that it is not intended to operate a delivery service. This will therefore be secured through planning condition.

The premises benefits from an existing extraction system serving the lower ground floor kitchen, which utilises a duct terminating at roof level above the eaves. The City Council's Environmental Health Officers have no objection to the proposals on grounds of potential odour nuisance. With regards noise and vibration, Environmental Health confirm that there are no registered complaints in this respect. However given the nature of the existing operation will change to accommodate the takeaway use, with different demands potentially placed on the extraction system, it is recommended a condition is attached requiring a supplementary acoustic report; to demonstrate compliance with the Councils standard conditions with regards to noise and vibration.

As such, whilst applications for hot food takeaway uses within the designated stress areas are treated with caution to avoid the over concentration of such uses, in this instance taking the circumstances of this site into account including the use of the upper floors as offices rather than residential, it is not considered the proposals would result in harm to local amenity. This is due to; the premises already being in A3 use with the extraction equipment to operate in this way already established, the opening hours being restricted to 11pm which are earlier than the existing hours, no uplift in floor area, confirmation from agent that it is not intended to operate a delivery service and details of an OMS to be provided prior to the occupation of the premises. Subject to the above the proposals are considered acceptable in amenity terms.

8.3 Townscape and Design

Given the proposals are not accompanied by any elevation details, pertaining to the shop front for example, there are no townscape and design considerations in this application, although an informative is recommended to advise that a full application and potentially advertisement consent will be required for future alterations and signage.

8.4 Transportation/Parking

No car parking is provided for the proposed use. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls (the areas Residential Bays are restricted from 08:30 to 22:00, seven days a week. The impact of the change of use on residential bays parking levels is likely to be minimal due to the hours of restriction.

In terms of servicing, given the location, the proposals size and the proposed use it is considered that there is unlikely to be a significant change in the servicing generated by the site and any change can be accommodated without significant impact on the operation of the highway network. Double yellow lines in the vicinity of the site allow loading and unloading to occur. Notwithstanding this it is recommended details of servicing are provided in the operational management plan, to ensure servicing takes place during reasonable hours to coincide with other existing operators to minimise disruption.

The agreement from the applicant that the premises does not intend on operating a delivery service is welcomed.

Concern is raised that the proposed change of use does not include provision for cycle parking. This would be for staff use and encourage sustainable travel modes. The London Plan would require 2 spaces for the 1st 100m² and an additional space for every 175m². Given the floor area of the proposal no cycle parking provision is required under the London Plan.

8.5 Economic Considerations

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

8.6 Access

The entrance to the premises is via a short set of steps on the left hand side of the shop front. This does not facilitate wheelchair access, however given that it is an existing situation, it is not sustainable to withhold permission on these grounds. An informative will be included to advise that the inclusion of step free access would be a welcome part of any application to make alterations to the shop front.

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. The application is not liable to pay CIL given application involves a change of use from its existing lawful use with no change in floor area.

8.10 Other Issues

Waste:

In terms of waste storage, Officers site visit confirmed the existing provisions for waste storage are to the rear of the premises with access to Inverness Place provided. Notwithstanding this, no details of proposed waste arrangement are included although it is expected it will utilise the same location. A condition is therefore recommended to secure this facility.

9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health Consultation (x2), dated 7 March 2017 and 21 June 2017.
3. Letter from South East Bayswater Association, dated 13 March 2017.
4. Response from Waste Planning, dated 14 February 2017.
5. Response from Highways Planning, dated 15 February 2017.
6. Response from Designing out Crime, dated 20 June 2017.
7. Letter from occupier of 35 Princess Court, London, dated 12 February 2017.
8. Letter from occupier of First floor, 54 Queensway, dated 13 February 2017.
9. Letter from occupier of 53 Queensway, London, dated 13 February 2017.
10. Letter from occupier of 80 Princess Court, London, dated 23 February 2017.
11. Letter from occupier of 56 Queensway, 2nd Floor, dated 1 March 2017.
12. Letter from occupier of 238 Gloucester Terrace, London, dated 21 March 2017.

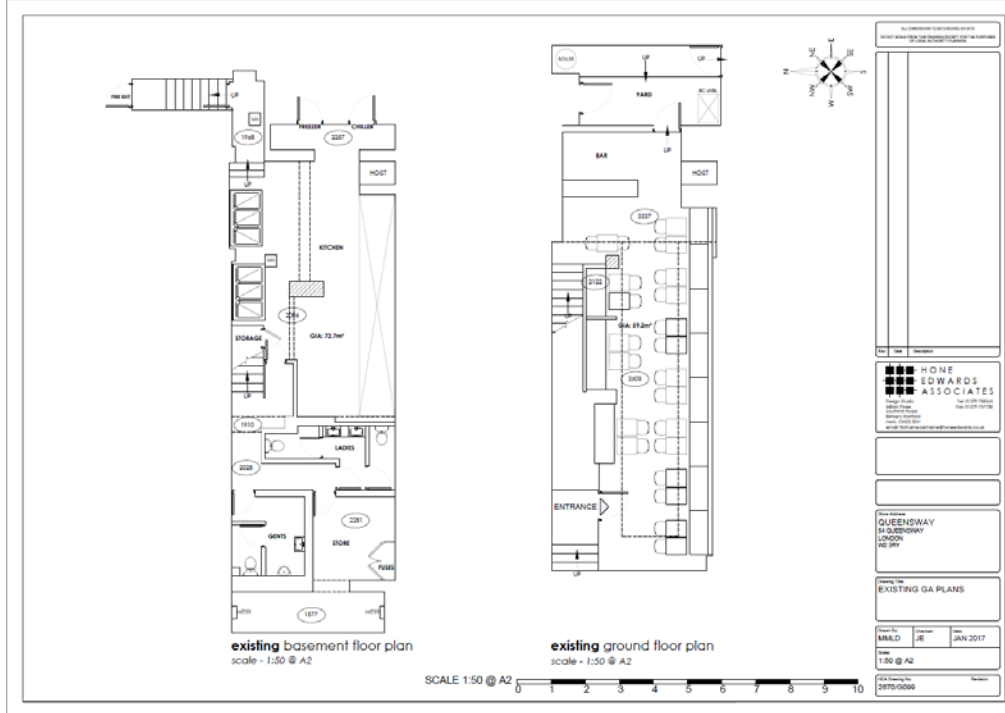
13. Letter from occupier of 56 Queensway, 2nd Floor, dated 1 March 2017.

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

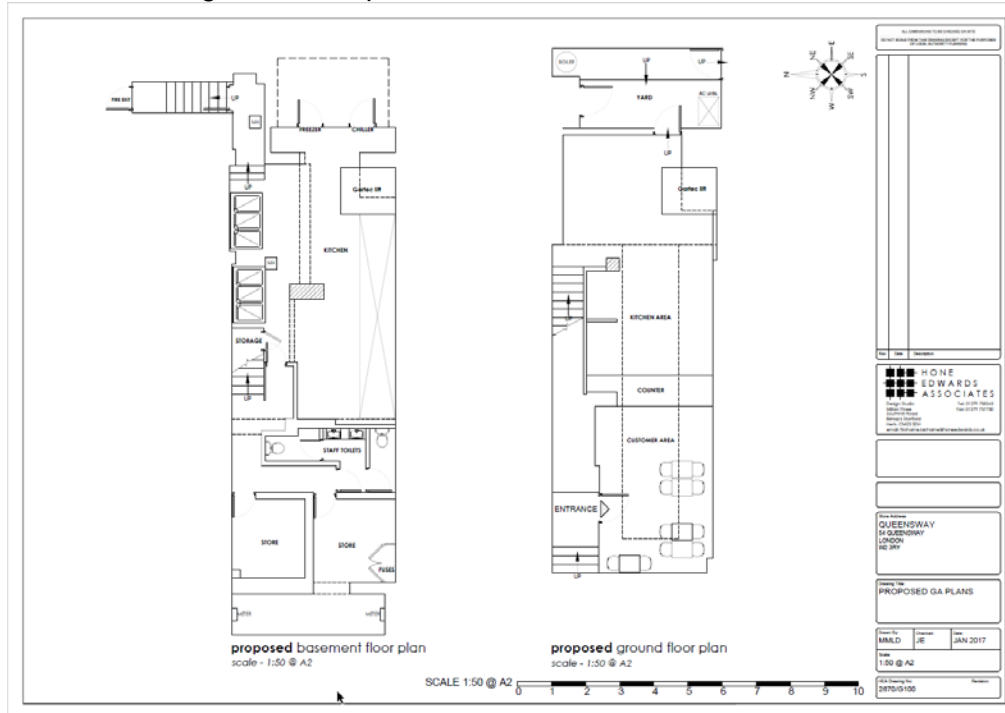
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

10. KEY DRAWINGS

Existing basement and ground floor plan



Proposed basement and ground floor plan



DRAFT DECISION LETTER

Address: Basement And Ground Floor , 54 Queensway, London, W2 3RY

Proposal: Use of ground floor and basement as hot food take-away (class a5).

Plan Nos: Planning cover letter dated 1 February 2017, Site location plan, 2670/G100, 2670/G099, email from agent dated 21 June 2017

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

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 Customers shall not be permitted within the takeaway premises before midday or after 11:00pm on any day of the week.

Reason:

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

- 4 The plant/machinery in connection with the takeaway use shall not be operated except between the hours of midday to 11:00pm on any day of the week.

Reason:

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

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

complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 7 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 5 and 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 8 The door to the premises shall be fitted and permanently maintained within a self closing door.

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)

- 9 You must not operate a delivery service for the takeaway use hereby approved.

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)

- 10 You must apply to us for approval of an operational management plan for the proposed takeaway use which provides details of the following;
1. How the takeaway use will operate.
 2. How customers leaving premises will be prevented from causing nuisance for people in the area, including people who live in nearby buildings.
 3. General procedures to prevent noise and nuisance.
 4. Waste, recycling storage and collections provision.
 5. Staff welfare facilities provision.
 6. How daily deliveries to and from the premises are managed effectively.

You must not occupy the premises until we have approved what you have sent us. You must then operate the use in accordance with the details approved at all times.

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)

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

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)

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 full planning permission and advertisement consent are likely to be required to undertake alterations to the shopfront or install signage associated with the conversion. Please seek additional information from the City Councils Planning department if you are intending on carrying out these works. You are encouraged to incorporate step free access if you are considering making shop front alterations.

Agenda Item 6

Item No.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 th July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	19 Kingly Street, London, W1B 5QD,		
Proposal	Use of basement and ground floor as a mixed retail/café/bar (sui generis)		
Agent	Rolfe Judd Planning Ltd		
On behalf of	Shaftesbury AV Ltd		
Registered Number	17/01430/FULL	Date amended/ completed	21 February 2017
Date Application Received	21 February 2017		
Historic Building Grade	Grade II		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

The application premises is a basement and ground floor unit situated on Kingly Street, which is in the Soho Conservation Area and West End Stress Area. The lawful use of the unit is as a restaurant (A3), a lawful development certificate was granted for restaurant purposes in June 2011. The upper floors are in office use (Class B1).

The unit has been occupied by Urban Tea Rooms as a mixed retail/ café/ bar since 2012. Permission is sought or retention of the use.

The key issue for consideration are:

- the land use implications to the character and function of the area
- the impact on residential amenity.

Permission was granted in December 2011 for the use of the application premises for retail purposes (Class A1) and the upper floors as B1 offices. This was part of a land use swap in involving the conversion of a retail unit at number 21 Kingly Street to a restaurant. Permission was however subsequently granted in July 2016 for use of the ground and basement unit at 21 Kingly Street for restaurant purposes, without a link requiring retail provision at the application premises. As the retail use has not been implemented at the application premises, permission could not now be withheld on the grounds that the preferred use is retail.

The application needs to be assessed against City Plan policies S6 and S24 which state that new entertainment uses need to demonstrate that they are appropriate in terms of the type, size and scale of activity, and their cumulative effects. As the site is within the West End Stress Area and the scheme would permit an entertainment use of under 150m² UDP policies TACE 8 and TACE 9 are applicable which state that entertainment uses will generally be permitted where there would have no adverse effect on the environment or residential amenity.

The unit is occupied as mixed retail / café/ bar. There is no primary cooking and no ventilation ducting. A significant element of the business is for cold food takeaway (which is a retail activity), but as there are 38 covers and the premises includes the sale of alcohol the use does not fall within retail Class A1 but is a mixed use (Sui Generis). The current opening hours are as follows:

Monday 07.30 – 17.30,
Tuesday 07.30 – 23.00
Wednesday and Thursday 07.30 - 23.30
Friday 07.30 - 00.00
Saturday 10.00 – 00.00
Sunday 12.00 – 22.30

Kingly Street is characterised by café's bars and restaurants that support the retail offer on Carnaby Street and the prime shopping frontages of Regent Street and Oxford Street. There are some residential properties in the locality, the nearest being above the Blue Post Public House at No 18 Kingly Street and on the upper floors of 25 Kingly Street. The site is not however in a predominantly residential area. There have been no objections to the application or complaints to the operation of the use. The use is considered to be acceptable in amenity terms and appropriate to the area in accordance with adopted UDP and City Plan policies, it is therefore recommended that permission is granted.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Any comments to be reported verbally

CLEANSING MANAGER:

No objection subject to a condition to secure details of waste and recycling storage

HIGHWAYS PLANNING MANAGER:

No objection .

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23, Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

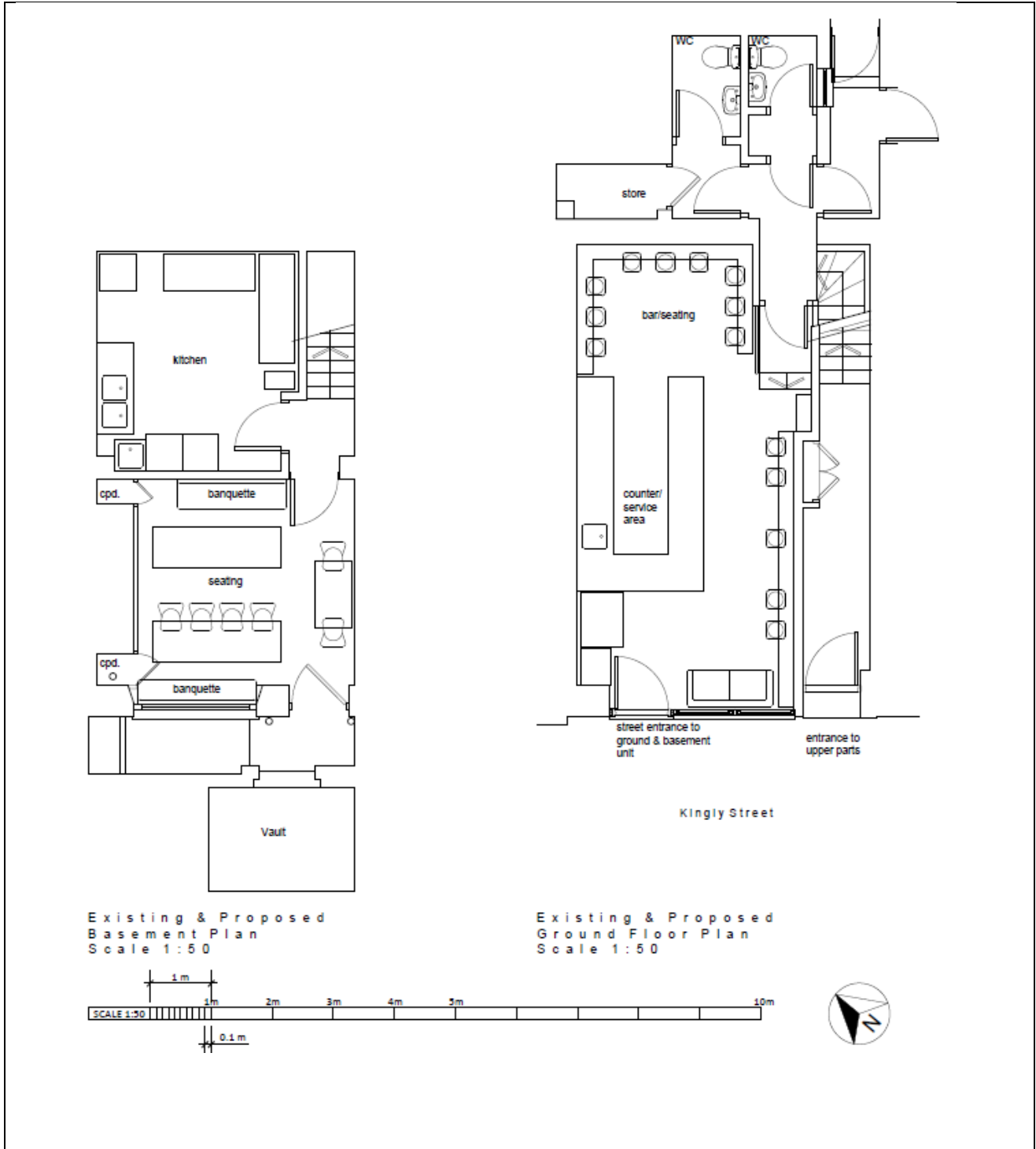
6. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing – Development Planning, dated 11 April 2017
3. Response from Highways Planning – dated 11 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 MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk .

7. KEY DRAWINGS



DRAFT DECISION LETTER**Address:** 19 Kingly Street, London, W1B 5QD,**Proposal:** Use of basement and ground floor as a mixed café/bar (sui generis) (retrospective application).**Reference:** 17/01430/FULL**Plan Nos:** 250.61/PLA500A**Case Officer:** Gemma Bassett**Direct Tel. No.** 020 7641 2814**Recommended Condition(s) and Reason(s)**

1	<p>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.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
2	<p>You must not allow more than 38; customers into the property at any one time</p> <p>Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 & 9; and ENV 6 of our Unitary Development Plan that we adopted in January 2007.</p>
3	<p>No delivery service shall operate from the (Sui Generis) retail/café/bar hereby approved</p> <p>Reason: To make sure that the development does not affect people using the neighbouring properties next door as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.</p>
4	<p>Customers shall not be permitted within the sui generis retail/café/bar; premises outside of the following hours:</p> <p>07.30 – 17.30 Monday 07.30 – 23.00 Tuesday 07.30 - 23.30 Wednesday and Thursday 07.30 - 00.00 Friday 10.00 – 00.00 Saturday 12.00 – 22.30 Sunday, bank holidays, public holidays</p> <p>Reason: To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 & 9; of our Unitary Development Plan that we adopted in January 2007.</p>

Item No.

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

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Flat 15, Montagu Court, 27-29 Montagu Square, London, W1H 2LG,		
Proposal	External alterations to the rear elevation to alter access to the fire escape.		
Agent	Mr Kiu Samii		
On behalf of	Mr Kiu Samii		
Registered Number	17/03734/FULL	Date amended/ completed	2 May 2017
Date Application Received	2 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

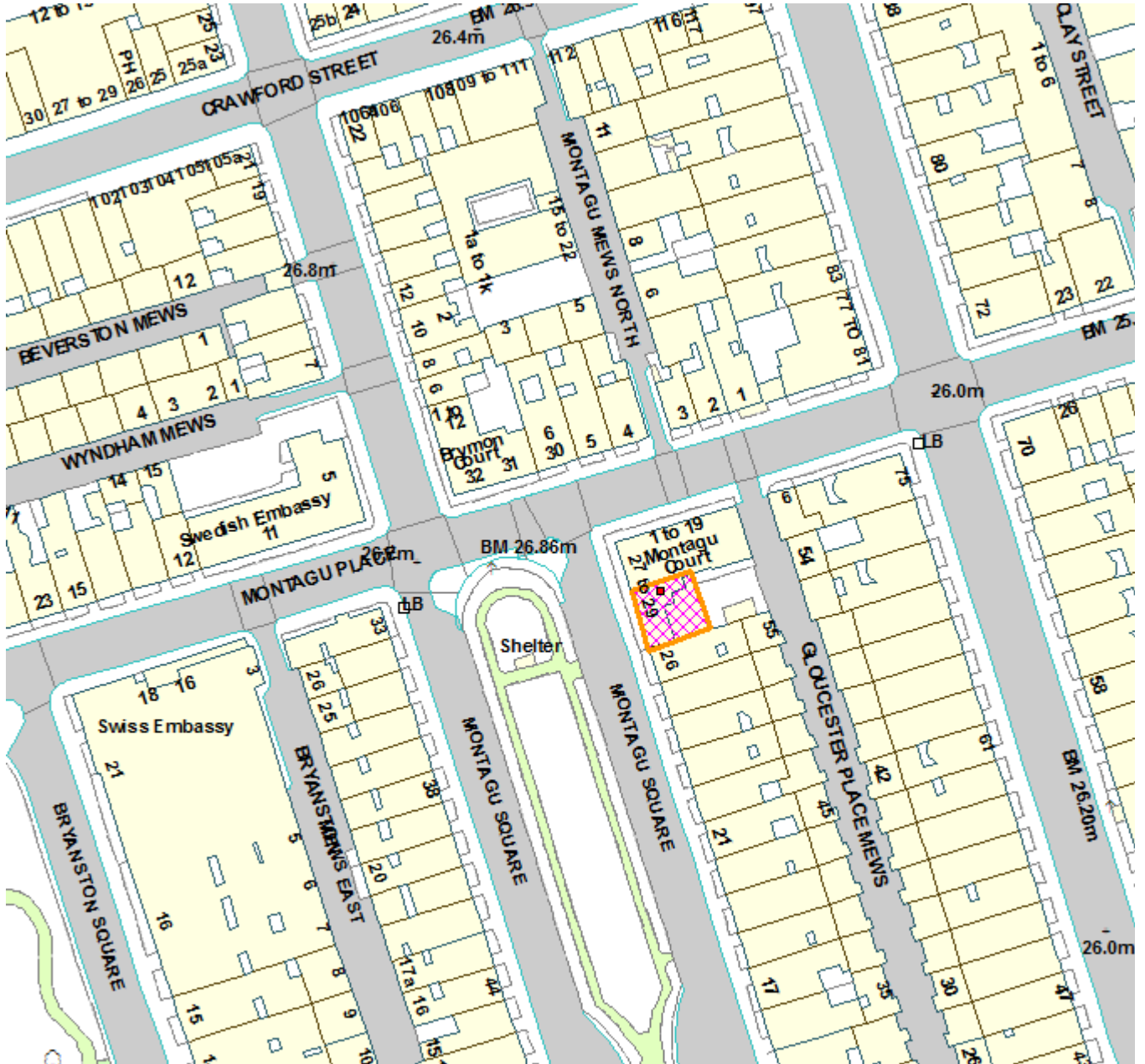
The proposed works are the infilling of two windows and an existing door to the recessed balcony at fifth floor level (rear), and the creation of a new glazed door to the balcony.

The key issue is whether the proposed works are harmful to the appearance of the building, or to the character or appearance of the Portman Estate Conservation Area.

The proposed works are acceptable because they are modest in scale, at a high level, and recessed from the building facade. The visual impact of the works will be minimal because of their discreet location.

Item No.
7

3. LOCATION PLAN



4. PHOTOGRAPHS



Rear of Montagu Court
viewed from Gloucester
Place Mews

5. CONSULTATIONS

Marylebone Association
No objection

Adjoining owners/occupiers and other representations received:

No. Consulted: 34
Total No. of replies: 5
No. of objections: 5

5 objections raising some or all of the following issues,

Design
Harmful to the appearance of the building
Would set an unwanted precedent

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Montagu Court is at the north eastern corner of Montagu Square, in the Portman Estate Conservation Area.

It is not listed, and the Portman Estate conservation area audit identifies it as a building which is neutral in terms of its contribution to the character or appearance of the conservation area (that is, it neither contributes to nor detracts from the character or appearance of the area).

The building is a purpose built block of the late 1950s by notable architect Richard Seifert. It is a six storey block with Portland stone cladding to the ground floor and buff brick above. The front of the building faced Montage Square, and the rear faces Gloucester Place Mews.

Flat 15, the application property, is on the fifth of six storeys.

7. THE PROPOSAL

Planning permission is sought for the infilling of two windows and one door on the recessed balcony on the fifth floor. A new glazed door is proposed in place of the existing windows.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Not applicable

8.2 Townscape and Design

Montagu Court is a building which, while identified in the conservation area audit as neutral, is considered to have some design interest.

It was an early design by Richard Seifert, who would go on to design buildings which were subsequently listed, including Centre Point on New Oxford Street.

The principal design interest of the building is in the front elevations, to Montagu Square and Montagu Place, where repetition of detail, flat brick elevations and the restrained use of Portland stone make the building a good example of a purpose built 1950s block of flats. At the front of the building consistency of detail makes a significant contribution to the quality of design.

At the rear however the building is of only modest interest. The proposed works do not face directly onto Gloucester Place Mews, but are set back by some 12 metres. The works are to the rear and side of the recessed balcony, and at fifth floor level. They would not therefore be highly visible.

The windows at all levels (except first floor) are replacement metal framed windows of no particular interest. The original steel windows have largely been lost.

The proposed changes to the door and windows in this area would not be detrimental to the appearance of the building because they would be discreet, and because at the rear of the building the consistency in design is less important than at the front.

Five objections have been received from other occupiers of the building, all on the grounds that the works are harmful to the appearance of the building and will harm the consistent appearance of the rear elevation. Objections have also been received on the grounds that the proposals will create a precedent.

The objections on these grounds are considered to be on valid design grounds. The proposals will affect the consistency of the rear elevation of the building. However, and as set out above, this is not considered to be a sufficient reason for refusal, as the design interest is concentrated at the front of the building.

Every application is considered on its merits and the objections on these grounds are not considered to be sustainable.

An objection has also been received on the grounds that insufficient neighbour consultations have been carried out, 34 letters have been sent in addition to the statutory press and site notice, therefore this is not a sustainable reason to refuse the application.

The proposal complies with S28 of Westminster's City Plan, or with DES 1, DES 5, DES 9 of Westminster's Unitary Development Plan (adopted January 2007).

8.3 Residential Amenity

The proposals do not introduce new access to the balcony, nor do they increase the degree of overlooking. There is therefore no impact on residential amenity.

The building line remains unchanged.

8.4 Transportation/Parking

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

There are no net changes to the access to or within the property.

8.7 Other UDP/Westminster Policy Considerations

Other policy considerations do not apply.

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.

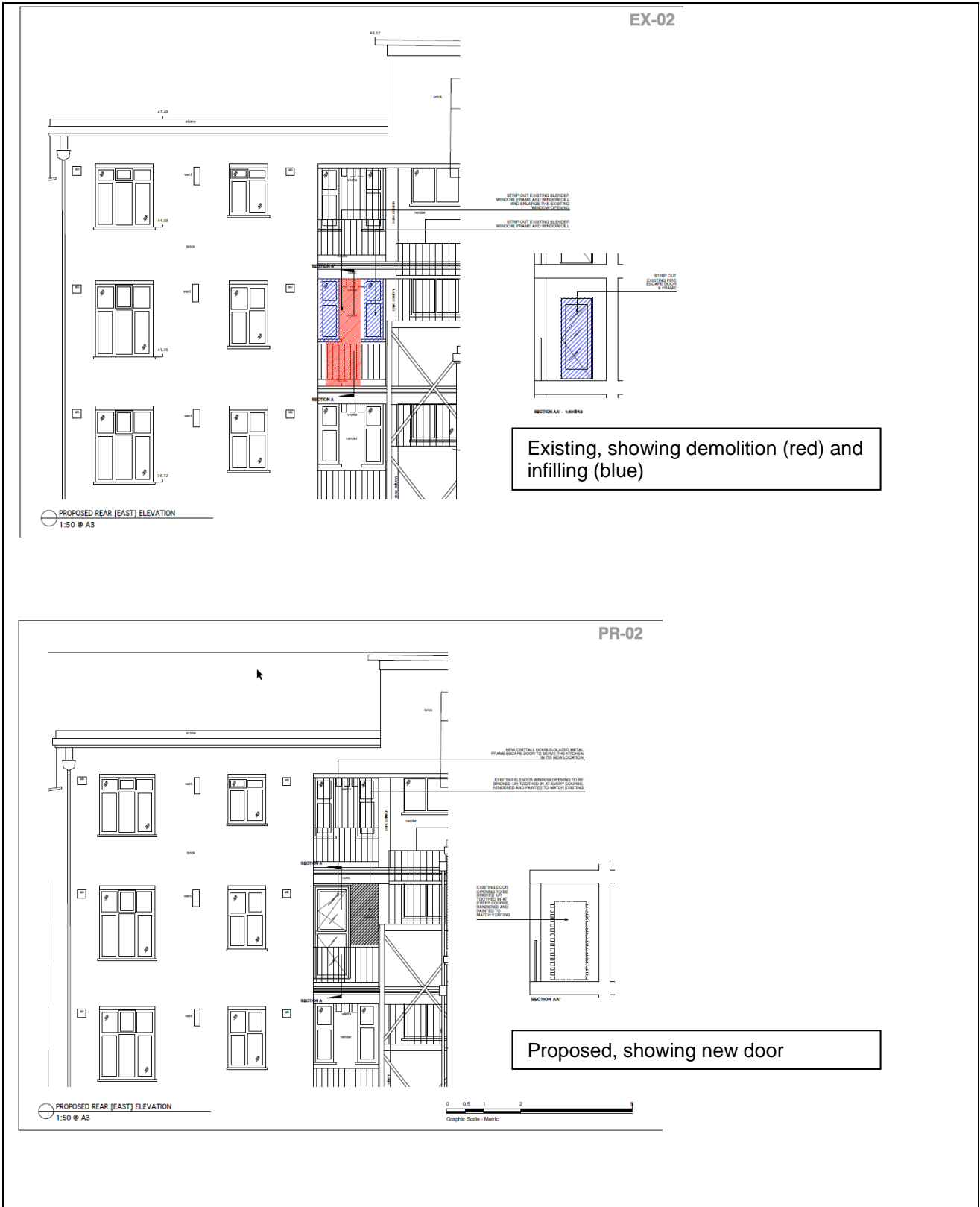
9. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 25 May 2017
3. Letter from occupier of 18 Montagu Court, 27-29 Montagu Square, London, dated 24 May 2017
4. Letter from occupier of 10 Montagu Court, 27 Montagu Square, dated 1 June 2017
5. Letter from occupier of 2 Montagu Court, 27-29 Montagu Square, dated 8 June 2017
6. Letter from occupier of 12 Montagu Court, dated 7 June 2017
7. Letter from occupier of 18 Montagu Court, 27-29 Montagu Square, dated 8 June 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.

10. KEY DRAWINGS



Existing, showing demolition (red) and infilling (blue)

Proposed, showing new door

DRAFT DECISION LETTER

Address: Flat 15, Montagu Court, 27-29 Montagu Square, London, W1H 2LG,

Proposal: External alterations to the rear elevation to alter access to the fire escape.

Reference: 17/03734/FULL

Plan Nos: 15MC/PR/01, 15MC/PR/02.

Case Officer: Toby Cuthbertson

Direct Tel. No. 020 7641 8705

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

- 2 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 Portman 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)

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

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

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

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

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

Reason

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have 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 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..

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.

This page is intentionally left blank