



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 5th December, 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. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

1. GARAGES TO THE REAR OF ORDNANCE MEWS, LONDON, NW8 6PF	(Pages 3 - 32)
2. KEITH HOUSE, 47 CARLTON VALE, LONDON, NW6 5EX	(Pages 33 - 62)
3. HELMSDALE HOUSE, 43 CARLTON VALE, LONDON, NW6 5EN	(Pages 63 - 94)
4. 61 - 71 VICTORIA STREET, LONDON, SW1H 0HW	(Pages 95 - 118)
5. WELBECK HOUSE, 66-67 WELLS STREET, LONDON, W1T 3PY	(Pages 119 - 146)
6. 1-2 STAR STREET, LONDON, W2 1QD	(Pages 147 - 158)
7. 99 WILTON ROAD, LONDON, SW1V 1DT	(Pages 159 - 168)

Charlie Parker
Chief Executive
27 November 2017

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 5th December 2017
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/06573/COFUL Abbey Road	Garages To The Rear Of Ordnance Mews London NW8 6PF	Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).	
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 17/06180/COFUL Maida Vale	Keith House 47 Carlton Vale London NW6 5EX	Demolition of single storey garages and erection two buildings ranging between one and three storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.	
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/06181/COFUL Maida Vale	Helmsdale House 43 Carlton Vale London NW6 5EN	Demolition of single storey garages and erection of buildings ranging between two and four storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.	
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 17/02123/FULL St James's	61 - 71 Victoria Street London SW1H 0HW	Facade replacement with retention of existing structural frame and erection of two additional storeys, to provide a building of basement, ground and eight upper floors with covered and screened plant area at rear eighth floor level, lift overrun at main roof level and associated works in connection with use of the building as retail (Class A1) at part basement and part ground floor level and offices (Class B1) on the upper floors.	

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 5th December 2017
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 17/02705/FULL 17/02711/LBC West End	Welbeck House 66-67 Wells Street London W1T 3PY	Demolition of existing building and excavation at basement level, and redevelopment to provide a new building comprising basement, ground and four upper floors, with retail (Class A1) use at part ground floor and part basement level and office use (Class B1) at part ground floor and part basement and at upper levels.	
	Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/09133/FULL Hyde Park	1-2 Star Street London W2 1QD	Erection of a statue at the front of 1-2 Star Street (retrospective application).	
	Recommendation Refuse permission – location, siting, position and relationship to context.			
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/08473/FULL Warwick	99 Wilton Road London SW1V 1DT	Use of part of the basement as a back-of-house facility in connection with the existing retail unit (Class A1), for the purpose of obtaining consent of the City Council in relation to condition (xi) of planning permission allowed on appeal 6 July 1998 (APP/X5990/A/97/285620).	
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved	
Subject of Report	Garages To The Rear Of Ordnance Mews, London, NW8		
Proposal	Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).		
Agent	Metropolitan Workshop		
On behalf of	City West Homes		
Registered Number	17/06573/COFUL	Date amended/ completed	28 July 2017
Date Application Received	24 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, including a condition to secure highway works necessary to make the development acceptable, including relocation and/ or replacement of the existing street lamp in Ordnance Mews.

2. SUMMARY

The application seeks permission for the demolition of nine garages and erection of a replacement building comprising between two and three storeys to provide 3 dwellinghouses (Class C3). The site does not contain any listed buildings, but is located within the St. John's Wood Conservation Area.

The key issues in this case are:

- The acceptability of the proposed residential units in terms of their size and mix.
- The acceptability of the design of the development and its impact on the character and appearance of the St. John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.
- The acceptability of loss of existing off-street parking.
- The impact on the availability of on-street residents' parking in the vicinity of the site.
- The impact on neighbouring trees.

For the detailed reasons set out in this report the proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms and, given the public benefits of the scheme, would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster's City Plan adopted in November 2016. Therefore the application is recommended for approval subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of existing garages from Aquila Street (top) and view of garages looking east within Ordnance Mews (bottom).

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme – July 2017

ST. JOHN'S WOOD SOCIETY

Objection and comment on the following grounds/ issues:

- Delighted to see affordable housing provided locally but do not consider that the design of the mews houses makes best use of the site.
- The design of the mews houses is incongruous to the St. John's Wood Conservation Area.
- St. John's Wood Society was not consulted about proposals until very late in the process, contrary to comments made about community engagement in the application.
- Object to terraces at first and second floor levels due to overlooking it will cause to neighbours in St. Anne's Terrace, Aquila Street and Ordnance Mews.
- Proposed privacy screens will not prevent noise nuisance and could be removed.
- Object to the sense of enclosure created by the height and bulk of the proposed building, particularly at the Aquila Street end of the development.
- Query the inclusion of three garages in the scheme due to the difficult access and as there is excellent public transport facilities locally.
- As residents' parking is already in short supply in the area this affordable housing scheme should be 'car free' without garages in accordance with the Mayor's Transport Strategy, the Council's policy to promote cycling quiet ways and superhighways and the Council's walking strategy.

ARBORICULTURAL MANAGER

No objection to loss of tree in rear garden of No.7 Aquila Street, but replacement tree should be provided. Condition not necessary on soft landscaping given the limited amount proposed.

BUILDING CONTROL

No comment given no basement development is proposed.

CLEANSING MANAGER

No objection subject to a condition to secure additional details of the layout of the proposed bin stores to ensure they can accommodate waste and recycling.

HIGHWAYS PLANNING MANAGER

Objection to the loss of the existing garages if they are secured by condition to provide residents parking. Loss of garages would be likely to increase pressure on on-street residents parking in the vicinity. No objection to cycle storage and content that the garages within the proposed development and those existing garages/ parking spaces opposite in Ordnance Mews would be accessible; albeit it is recognised that the manoeuvre required to access the existing garages/ parking opposite would become more difficult. Conditions and informatives recommended.

LONDON FIRE BRIGADE

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 50; No. of Responses: 5.

Five emails received raising objection on all or some of the following grounds:

Land Use

- Overdevelopment of the site due to density of development.
- Not an appropriate development for social rented housing. Would prefer intermediate or key worker housing.

Design

- Development is too high on Aquila Street side.
- Building line of development should stop at existing block in Aquila Street to prevent crime and anti-social behaviour issues.
- Development would be overbearing, out of scale and out of character with existing properties surrounding the mews.
- Development would not preserve or enhance the St. John's Wood Conservation Area.
- Development bears no resemblance to the surrounding terrace houses or the blocks in Aquila Street.
- Materials used are not consistent with neighbouring buildings.
- The surrounding Victorian buildings have valley roofs and not gable roofs as proposed.
- Roofs should be flat as per the parapets of Victorian properties and the roofs of the Aquila Street blocks.
- Supporting documents refer to the wrong conservation area.
- Soldier brick work is not consistent with the appearance of the conservation area.
- Dark grey aluminium windows are not consistent with the white timber sash windows of neighbouring properties.
- Lamp post to be moved is a heritage lamp post and contributes to the conservation area.

Amenity

- Loss of daylight and sunlight.
- Increased sense of enclosure.
- Overlooking from windows and terraces in development.
- Development would be closer to neighbouring windows that appears the case in submitted images
- Neighbouring properties have previously been refused permission for terraces.
- Daylight distribution figures should be provided for daylight loss.
- Noise disturbance from proposed terraces.

Highways/ Parking

- Loss of existing off-street parking for local residents.
- Garages should not be provided in development to discourage car use.
- Development will reduce safety for pedestrians.
- Social rented units are unlikely to require parking.
- Mews is cobbled and no elements are tarmacked as suggested in the application.
- Not clear how blockwork would be laid given slope of the mews.
- Not clear how new garages will be accessed.

- Extent of private land shown to extend further on to the cobbled street than elsewhere in mews and concerned this will make the mews too narrow for vehicles to pass along.
- Not clear where pedestrians will walk. Mews is busy during the day as used by estate agencies with parking accessed from the mews.
- Cycle parking proposed is un-useable as garages not wide enough to accommodate two cycles as shown.
- Bins for neighbouring properties will have to be left in Aquila Street rather than on the garages hardstanding.
- Adverse impact on emergency vehicle access.
- Construction works are likely to damage the cobbles in the mews.
- Lamp post should not be removed from the mews as it will leave it poorly lit.
- Concern that the development will necessitate turning on private land to access adjacent garages if existing forecourt area is removed.
- Proposed building will extend 2.5m on to the forecourt area and make manouvering into neighbouring garages and parking more difficult/ impossible.
- Tracking drawings should be drawn for all neighbouring off-street parking and drawn on topographic drawings and not OS maps.

Other Matters

- Consider drainage shown to be wrong as drain runs under Ordnance Mews.
- Pigeons nest in neighbouring trees.
- Existing garages provide useful storage for nearby residents.
- Public consultation has been limited and not as set out in the statement of community involvement.
- Ordnance Mews was not heavily bombed and was not redeveloped with social housing, only garages.
- Supporting documents fail to fully recognise that there are residential properties in Ordnance Mews that are accessible from the mews.
- State of repair of the garages is as a result of lack of maintenance and should not be a justification for redevelopment.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Consultation on Revised Scheme (amendments to height of parapet and detailed design of two storey dwellinghouse) – November 2017

ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 50; No. of Responses: 0.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises 9 garages originally built to serve the mid 20th Century residential flats in the blocks arranged around the northern end of Aquila Street. However, whilst this appears to be the original purpose of the garages there are no planning conditions requiring their use by occupiers of the blocks in Aquila Street or specifically for the use as car parking and not for any other purpose. The applicant has submitted evidence demonstrating that only 5 garages are currently let to occupiers of the Aquila Street blocks.

The garages are not listed, but are located within the St. John's Wood Conservation Area. The nearest listed buildings are the grade II listed terrace of houses facing St. Ann's Terrace to the west of the application site.

6.2 Recent Relevant History

9 October 1956 – Planning permission granted for '*The erection of one block of 14 maisonettes, one block of three flats and one block of six flats together with a block of ten lock-up garages, on a site in the Aquila Street Extension*'. One condition was imposed requiring approval of the proposed facing materials.

7. THE PROPOSAL

The application, made by City West Homes, seeks permission for the demolition of the existing nine garages and the erection of a replacement building comprising between two and three storeys to provide 3 dwellinghouses (Class C3). The scheme would deliver 2x2 bedroom houses and 1x3 bedroom house. The two bedroom houses would be arranged over three storeys with garages at ground floor level and terraces at second floor level. The three bedroom house would be arranged over two storeys with a garage at ground floor level and a terrace to the western elevation at first floor level. The three storey houses would have pitched roofs, with a flat roof with a green roof to the two storey house. Replacement landscaping is proposed to the front forecourt of the site, adjacent to the cobbled road surface in Ordnance Mews.

8. DETAILED CONSIDERATIONS

8.1 Land Use

For the reasons set out in Section 8.4 of this report, it is not considered that the loss of the existing garages can reasonably be resisted in land use terms. In this context, the principle of providing new residential accommodation on this site is acceptable in land use terms and accords with Policies S13 and S14 in the City Plan and Policy H3 in the UDP. In terms of density, the development would have a density of 577hr/ha and this falls comfortably within the density range in Policy 3.4 of the London Plan, which is between 200 and 700 hr/ha for an urban location with a PTAL rating of between 4 and 6. As such, the objection raised on density grounds cannot be supported.

The proposed development would provide a mix of units (2x2 bed houses and 1x3 bed houses) which is consistent with the requirements of Policy H5 in the UDP and Policy S15 in the City Plan. The size and layout of the accommodation would be compliant with the minimum standards set out in the Government's Technical Housing Standards and Policy

3.5 of the London Plan. As such, the residential accommodation proposed would be of a good standard.

The applicant has identified that the units are intended to be used to provide social rented housing. However, given only three residential units are proposed and the scheme delivers less than 1,000m² of new residential floorspace on the site, it does not trigger a requirement to provide affordable housing under Policy H4 in the UDP and Policy S16 in the City Plan. Therefore whilst the provision of the units as a form of affordable housing is welcomed, it is not necessary, nor would it be reasonable to require that the units are provided as affordable housing via a planning condition or legal agreement. In this context the objections raised regarding the type of affordable housing tenure to be provided on this site cannot be supported.

8.2 Townscape and Design

The site is currently functional in appearance reflecting its use as garage accommodation. The garage structures are of simple form and construction and have little, if any, architectural merit. Similarly the garages are alien in terms of their form and detailing to all of the neighbouring buildings, although they share a similar palette of materials to the neighbouring Aquila Street block. Therefore, the garages are considered to be harmful to the character and appearance of this part of the St. John's Wood Conservation Area and their demolition is not considered to be objectionable, subject to the replacement building on the site being one that preserves or enhances the character and appearance of the conservation area.

The proposed building is conceived as a contemporary mews style development with buildings of relatively limited scale such that they would be lower than the adjoining properties in Aquila Street, St. John's Wood Terrace and St. Ann's Terrace. The form and massing of the proposed buildings would be mews like with garage accommodation predominant at ground floor level, a sheer storey of accommodation at first floor level and, a recessive roof storey of additional accommodation at second floor level; albeit the form of the second storey would comprise a setback sheer storey with a pitched roof rather than a traditionally detailed mansard roof form. Given that there is not an existing mews vernacular along Ordnance Mews, it is considered that the contemporary mews approach taken to the design and massing of the proposed development is appropriate. In this context, the objections raised on bulk and massing grounds are not supported as a ground for withholding permission.

Concern has been expressed regarding the use of a pitched roof to the three storey houses, rather than a valley roof as found to surrounding Victorian terraces. However, the pitched roofs provide a varied roof line and in combination with the flat roof of the two storey house, the development would provide a blend of roof forms which reflect the relatively varied roof forms of neighbouring buildings, which include valley roofs, flat roofs and a pitched roof to one of the Aquila Street blocks.

In terms of footprint, the proposed development would extend 2.5m further forward on the site than the existing garages (reducing the forecourt area from 5.1m to 2.6m) and would extend to the full east/ west length of the site. At the western end this is coupled with a reduction in bulk which provides for a comfortable transition to the neighbouring garden boundary walls. To the eastern end in Aquila Street the end mews house would extend

beyond the front elevation of the block containing No.1-14 Aquila Street. However, it would replicate the building line formed by the side elevation of No.98 St. John's Wood Terrace to the south and therefore there is a sound design rationale for seeking to continue this building line along the eastern side of Aquila Street. This will result in a three storey return elevation adjacent to Nos.7 and 14 Aquila Street and concerns have been raised regarding the risk of crime and anti-social behaviour in the area to the north of the eastern end of the development. However, the garages already form a similar secluded landscaped corner at ground floor level and the proposed development would not materially worsen the existing situation as it would not enclose this area at ground floor level to a materially greater extent than existing.

The detailing and palette of materials proposed has attracted objection for being un-contextual. The scheme proposes the use of yellow/ brown brick as the predominant facing material and this is appropriate given the predominant use of brick in the construction of immediate neighbouring buildings.

The palette of materials is otherwise relatively restrained with dark grey aluminium windows and timber garage and front doors. The majority of the detailing to the houses would be generated by use of the brick in less traditional forms, such as laid in multiple soldier courses. This is not considered to be objectionable as this reflects that the development is conceived as a contemporary interpretation of a traditional mews house form. It also assists in breaking down the bulk and massing of the mews houses. The fenestration proposed, whilst modern in appearance, being a grey aluminium frame, would be dimensioned to echo the sash windows in neighbouring properties to the south and west, which predominantly contain sash windows with a strong vertical emphasis.

Sample panels of the brickwork and other facing materials and details of the key elevational treatments are to be secured by condition to ensure they are appropriate.

In conclusion in design terms, for the reasons set out, the proposed development would not harm the character and appearance of the St. John's Wood Conservation Area. The proposed development would be more prominent within the conservation area, but nevertheless, it is considered to enhance its character and appearance relative to the existing mid 20th Century garages. It would also not harm the setting of adjacent listed buildings. As such, the proposed development would accord with Policies DES1, DES4, DES9 and DES10 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

The applicant has submitted a daylight and sunlight assessment of the proposed development, which assesses its impact on properties at Nos.4-14 St. Ann's Terrace, Nos.98-105 St. John's Wood Terrace (including properties to the rear in Ordnance Mews) and Nos.1-14 Aquila Street (the block directly to the north of the application site) and Nos.23-28 Aquila Street.

The proposed development would not result in a material loss of daylight to any neighbouring windows in neighbouring properties in St. John's Wood Terrace, Ordnance Mews, St. Ann's Terrace or Nos.23-38 Aquila Street, with any losses of daylight that would

occur to windows in properties in these streets limited to levels below the threshold at which the Building Research Establishment (BRE) Guidelines (2011) identify that the loss of daylight would be noticeable.

The only material losses of daylight that would occur using the VSC method of assessment, which the BRE Guidelines identify as the primary method of assessing daylight loss of new development on windows serving existing neighbouring light sensitive uses, would be to five windows serving the lower maisonette in Nos.7-14 Aquila Street, which is located immediately to the rear of the application site.

As a consequence of the additional bulk proposed, the ground floor window to the rear of No.7, adjacent to the boundary with the application site would suffer a material loss of daylight (a reduction of 26% of its existing VSC value). The windows and glazed front door to the front elevation would also suffer material losses of daylight (see Table 1 below). The glazed front door and side light windows are though likely to serve a non-habitable room and furthermore, when assessed without the oversailing first floor above, which the BRE Guidelines allows, the windows would fall within the tolerances of the BRE Guidelines for daylight loss.

Table 1 – Material Losses of Daylight to No.7 Aquila Street using Vertical Sky Component (VSC).

Window Location	Habitable Room	Existing VSC	Proposed VSC	VSC Loss	Ratio
Rear Ground Floor Window	Yes	29.9%	22.2%	4.9	0.74
Front Ground Floor Window	Yes	10.6%	7.4%	3.2	0.7
Front Ground Floor Door/ Sidelight Window	No	3.4%	2.3%	1.1	0.68
Front Ground Floor Door/ Sidelight Window	No	0.3%	0.2%	0.1	0.67
Front Ground Floor Door/ Sidelight Window	No	1.8%	1.3%	0.5	0.72

Consequently, the material losses of daylight would be limited to two windows; namely, the ground floor front and rear windows of the ground and first floor maisonette at No.7 Aquila Street. Given that the material loss to the rear ground floor level window would only be marginally above the 20% VSC loss threshold above which the losses would become noticeable and as the window would continue to receive a good level of daylight, the impact on this window is not so significant so as to justify withholding permission.

The window to the front elevation at ground floor level is over sailed by the upper floor of the maisonette at first floor level and this design feature of the block already reduces the extent of daylight it receives. Given this, and as the windows serving the upper floors of the maisonette would not suffer a material loss of daylight, the overall impact on the maisonette would not be so significant in daylight loss terms so as to warrant withholding permission.

In terms of sunlight loss, the proposed development would not cause any material losses to the windows or gardens of neighbouring properties, save for the neighbouring maisonette immediately to the north of the site at No.7 Aquila Street. The rear windows would suffer a material loss of sunlight. The proposed development would also increase

the overshadowing of the rear garden of this property to a noticeable degree with sunlight availability reduced to less than 0.8 times its former value. Cumulatively the impact on the rear of No.7 Aquila Street and its rear garden would be significant; however, it is considered that the public benefit of the scheme in terms of delivering three additional units would outweigh the harm that would be caused in this instance.

In light of the above considerations the proposed development is considered to be acceptable in terms of its impact on daylight and sunlight and would accord with Policy ENV13 in the UDP and S29 in the City Plan.

8.3.2 Sense of Enclosure

In sense of enclosure terms the occupiers of neighbouring properties on the south side of Ordnance Mews have raised concerns that the development would increase enclosure to their windows to a significant degree. However, the windows of neighbouring properties on the south side of the mews are well set back from the boundary and the proposed development would be set back 2.6m from the northern edge of the highway in Ordnance Mews, such that the cumulative distance between the properties opposite and the proposed development would not be dissimilar to many mews across the City. In this context, whilst there would be an increase in enclosure as a result of the introduction of a two to three storey building, it would not have such a significant impact on neighbouring occupiers to the south of the site so as to justify withholding permission.

The proposed development would be sufficiently distant from neighbouring properties to the east and west so as not to cause a material increase in enclosure to these neighbouring buildings.

The most significant impact would be to the adjoining residential accommodation to the north in Nos.7-14 Aquila Street, as noted by the St. John's Wood Society, who object on this basis. It is acknowledged that the maisonette at No.7 will suffer an increase in the degree of enclosure to its front and rear windows and its rear garden. However in the case of the windows, these are set at 90 degrees to the proposed development and they would therefore retain an otherwise unobstructed outlook. The rear garden would be enclosed by a two, rather than a single storey wall to its southern side. As identified in the preceding section of this report, this will undoubtedly diminish the quality of the amenity space the garden provides; however, the public benefits of the proposed development would outweigh the harm caused to this one existing residential unit. On this basis the proposal is considered to be capable of being supported, despite the material increase in enclosure that would occur, which would ordinarily be contrary to Policy ENV13 in the UDP and S29 in the City Plan.

8.3.3 Overlooking

No windows are proposed in the rear elevation of the development, save for two windows in the north eastern corner, and these are sufficiently distant from the block at Nos.1-14 Aquila Street so as not to cause any significant overlooking.

There are no windows in the side elevations of the development and therefore no significant overlooking would occur to neighbouring properties to either side, provided the degree of enclosure around the terrace at the western end of the development, which is

immediately adjacent to neighbouring boundary walls, is improved. Currently only a 1.3m high enclosure is proposed around the terrace and this is insufficient to prevent overlooking to neighbouring windows and gardens. A raised enclosure of not less than 1.7m is to be secured by condition to overcome this concern.

Objection has been raised by neighbours in Ordnance Mews that the proposed development will cause significant overlooking to their properties on the south side of the mews. The closest distance between the front elevation of the proposed development and windows in properties on the south side of the mews will be at least 10m. At this distance, although the windows in the proposed development will be appreciable, they would be sufficiently distant so as not to result in a significant increase in overlooking. The majority of windows facing the application site on the south side of the mews are further back from the front elevation of the proposed development, with the windows in the main rear elevation of the terrace along St. John's Wood Road approximately 18m from the proposed development.

The scheme includes three roof terraces, but all would be small in size and as such they would not be likely to give rise to significant overlooking to neighbouring properties on the south side of the mews given the aforementioned distances to neighbouring windows, nor would their use cause significant noise disturbance to neighbouring occupiers.

8.3.4 Other Amenity Issues

Conditions are recommended to control the amenity impact of the development. The recommended conditions comprise a condition to prevent the future addition of new windows or extensions which may increase enclosure or overlooking to neighbours and to prevent the use of the roofs of the houses as roof terraces, except where terraces are proposed as part of the proposed development.

In conclusion in amenity terms, given the benefits of the scheme, the amenity impacts of the development are acceptable, subject to the recommended conditions.

8.4 Transportation/Parking

The Highways Planning Manager objects to the loss of the existing garages on the basis that their loss is likely to increase the pressure on on-street residents' parking in the vicinity of the site; however, he notes that this objection is on the basis that the existing garages are protected by condition. In this case the garages are not restricted by condition to use by occupiers of adjoining residential properties and they are already used for a number of different purposes and by persons residing or working a range of distances from the application site (see Table 2 below). In addition it is evident from the representations received that at least one of the garages is used solely as storage. In this context, and having regard to the public benefit of providing additional housing on this site, it is not considered that the loss of the garages would have such a demonstrable impact on on-street parking pressure in the immediate vicinity of the site so as to warrant withholding permission pursuant to Policies STRA25 and TRANS23 in the UDP.

Table 2 – Location of Existing Garage Leasees and Letting Status of Garages.

ID	Occupier Address	Status
1	Aquila Street	Let
2	Aquila Street	Let
3	Ordnance Mews	Let
4	Aquila Street	Let
5	Scott Ellis Gardens	Let
6	Aquila Street	Let
7	Scott Ellis Gardens	Let
8	Cotman House	Let
9	Alma Square	Let

The proposed development would reduce the depth of the forecourt area in front of the new mews houses from 5.1m to 2.6m (measured outside No.3 Ordnance Mews). The applicant has provided vehicle tracking demonstrating that typical sized vehicles will be capable of accessing existing garages and parking areas opposite the site on the south side of the mews using the reduced private forecourt area. The Highways Planning Manager does not object to this aspect of the application, but does note that the manoeuvres required to access the adjacent garages and parking areas would become more difficult. However, this in itself is not a reasonable ground on which to withhold permission; rather a condition is recommended preventing the use of the forecourt area for parking or for any other purpose that would obstruct the forecourt area at any time. Subject to this recommended condition, the proposed development would maintain adequate access to the neighbouring off street residents parking and as such, the proposed development would accord with Policy TRANS23 in the UDP in this regard.

The provision of one car parking space for each of the three houses is considered acceptable and in accordance with Policy TRANS23 in the UDP and therefore objection raised on grounds by the St. John's Wood Society that less parking should be provided cannot be supported. The Highways Planning Manager is content that the garages would be accessible from Ordnance Mews. The parking spaces are to be secured by condition to provide parking for residents of the development.

The scheme includes cycle parking within the rear of the garages, which would be secure and weather proof. One objection notes that two bicycles would not fit next to each other at the end of the garages; however, they could be overlapped in this location or alternatively one cycle could be wall hung above the other. As such, the location for cycle parking is acceptable and in accordance with Policy 6.9 in the London Plan and the objection raised cannot be supported. A condition is recommended to secure the cycle parking.

The Cleansing Manager does not object to the general strategy of waste storage, with waste stores provided to the front of each house, but asks that the arrangement of the waste and recycling bins within the stores is clarified to ensure compliance with Policy ENV12 in the UDP. It is recommended that these additional details are secured by condition.

Objection has been raised with regard to the impact of the development on the safety and accessibility of Ordnance Mews. In terms of pedestrian safety, pedestrians will continue to be able to walk along the forecourt area, as is currently the case and this will not materially worsen pedestrian safety relative to the existing situation. Similarly the proposed development would not narrow the existing vehicular carriageway and therefore the proposed development would not materially worsen the accessibility of Ordnance Mews for vehicles, including emergency vehicles. Furthermore, the recommended condition preventing obstruction of the forecourt area on the application site will ensure the width of the mews will not be narrowed in future by items such as bollards.

Concerns have been raised that the development may harm the cobbled surface of the mews. However, there is no intention to alter or replace the cobbles and the cost of repairs for any damage caused by construction vehicles will be reclaimed from the developer by the Local Highway Authority.

One objector has concerns about how the fall in the level of the site from west to east will be incorporated into the development. The fall in levels is not though so great so as to preclude the provision of the proposed garages and as such, the precise levels across the forecourt area are to be reserved by condition (as part of the recommended hard and soft landscaping scheme condition).

The proposed development will necessitate occupiers of properties with entrances on the south side of Ordnance Mews to relocate where they leave their bins for collection as they currently place them on the forecourt of the existing garages. However, the existing arrangement relies on the bins being placed on private land outside the ownership of the occupiers of the affected properties and in this context, permission could not reasonable be withheld on the basis that the bins of these properties will need to be left in a less convenient location in Aquila Street.

Concerns have been expressed about the removal/ relocation of the existing heritage lamp post within the mews. Its removal cannot be resisted in design terms given it is not in itself a historic item of street furniture; rather it is a modern lamp in a traditional style. The impact on the lighting level within Ordnance Mews is though of concern given the applicant intends to relocate the existing lamp further to the west. It is unclear at this stage whether the relocation of this street lamp to the location proposed would be acceptable to the local highway authority and therefore a condition is recommended to reserve details of appropriate arrangements to deliver the relocation of the street lamp and/ or the provision of replacement street lighting within the mews. It is recommended that this condition also delivers any necessary highway works to the edge of the existing highway that are necessary to facilitate access to the forecourt of the proposed development.

8.5 Economic Considerations

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

8.6 Access

The forecourt of the proposed development would be level with the existing level of Ordnance Mews and the paving to the forecourt is to be agreed as part of the recommended hard and soft landscaping condition to ensure it is appropriate for persons

with disabilities affecting their movement. Due to the limited size of the site, two of the houses, whilst provided with level access, would not have habitable accommodation at ground floor level. The two storey house to the western end of the site would though have two bedrooms and bathrooms at ground floor level that would provide accessible habitable accommodation at ground floor level. Given the constraints of the site this level of accessibility is considered to be acceptable.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Tree Impact

It is intended to remove a Plum Cherry tree in the rear garden of No.7 Aquila Street owing to its proximity to the boundary of the site and the Arboricultural Manager does not object to this given its poor condition. The Arboricultural Manager would like to see a replacement tree provided. However, given the limited size and contribution to visual amenity within the conservation area of the existing tree, it is not considered that this is necessary in this instance. The loss of the Plum Cherry tree is therefore not considered to be objectionable and would be compliant with Policy ENV16 and DES9 in the UDP and Policy S38 in the City Plan. However, as the tree is outside of the red line boundary of the application site, a separate tree works application will need to be submitted to secure its removal. An informative advising the applicant of this is recommended.

8.7.2 Biodiversity

The applicant has assessed the impact of the development on wildlife and this includes assessment of the likelihood of bats roosting in the existing garage structures. The assessment concludes that given their condition, the garages are unlikely to provide for bat roosting and therefore their demolition is unlikely to disturb this protected species. An informative is recommended to advise the applicant of the measures to be taken in the unlikely event that roosting bats are discovered.

The submitted Ecological Appraisal and Surface Water Drainage Strategy suggest that a green roof will be provided over the roof of the two storey house at the western end of the site. This is not indicated on the drawings, but the applicant has verbally advised that a green roof is proposed in this location. The provision of a green roof is considered to be necessary on three grounds. Firstly the scheme does not include any substantive soft landscaping and a green roof would mitigate this lack of landscaping; secondly the roof of this lower house will be significantly overlooked and the provision of a green roof would substantially enhance the visual appearance of this large flat roof; and thirdly the green roof is necessary to provide attenuation of water run off as set out in the applicant's drainage strategy. A condition is therefore recommended requiring the submission of revised drawings showing a green roof on the second floor level flat roof and requiring its provision prior to occupation and its retention thereafter.

8.7.3 Sustainability

As identified in the application documents, the site is in an area of low flood risk and is therefore an appropriate and sustainable location for residential development.

The energy strategy for the development targets compliance with 2013 Building Regulations, primarily through the energy efficiency of the building fabric. Given that this is a non-major development of limited scale this is acceptable and in accordance with Policy S28 in the City Plan. The introduction of photovoltaic panels at roof level has been considered to provide on-site renewable energy but has been discounted in this instance due to the conservation area setting of the development, which includes listed buildings immediately to the west of the site.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

With the exception of the appropriate arrangement to secure relocation and/ or replace the existing street lamp in Ordnance Mews and associated highway works necessary to form access to the development, which are to be obtained via a Grampian condition (see Section 8.4), no other planning obligations are relevant in the determination of this application.

The proposed development would be CIL liable; however, if built as social rented affordable housing it is likely to be eligible for CIL relief.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Concerns have been expressed that pigeons nest in neighbouring trees; however, pigeons are not a protected species and as such, the impact of the development on them is not a ground on which permission could reasonably be withheld.

One objector identifies that the existing garages provide useful storage for nearby residents. However, this is not the intended purpose of the garages and there are alternative storage providers in the St. John's Wood area that provide storage facilities for residents.

Concerns have been raised by more than one objector and the St. John's Wood Society in relation to the level and timing of public consultation that was undertaken by the applicant prior to the submission of the application. The objectors consider that this consultation was not as extensive as is suggested by the applicant's Statement of Community Involvement. Whilst this is regrettable, it is not a ground on which to withhold planning permission. The City Council as Local Planning Authority has consulted widely during the course of the

planning application and the consultation exercise undertaken accords with the City Council's 'Statement of Community Involvement for Planning'. The concerns expressed with regard to the applicant's pre-application consultation have been raised with the applicants so they can address these concerns should they consider bringing forward similar proposals elsewhere on their estate.

Objection has been raised on the basis that some of the supporting documents fail to fully recognise that there are residential properties in Ordnance Mews that are accessible from the mews. As set out earlier in this report, officers are fully aware of the location of residential properties on the south side of Ordnance Mews and the impact on these neighbouring properties has been fully considered in the assessment of the application.

Concern has been expressed that the drainage strategy submitted does not identify the existing drain that the objector states runs below Ordnance Mews, as the strategy suggests the development will be directly linked to the drain running below Aquila Street. However, this is not a ground to withhold permission; rather the detailed design of the drains from the development is a building control matter. The possible presence of a drain below Ordnance Mews has been reported to the applicant to assist them with the future detailed design of the drainage from the development.

One objector notes that the current state of repair of the garages is as a result of lack of maintenance by the applicant and should not be a justification for redevelopment. Officers concur that the state of repair should not be a material consideration in the determination of the application and the assessment of the proposed development in this report does not attribute any significant weight to the current condition of the existing garages.

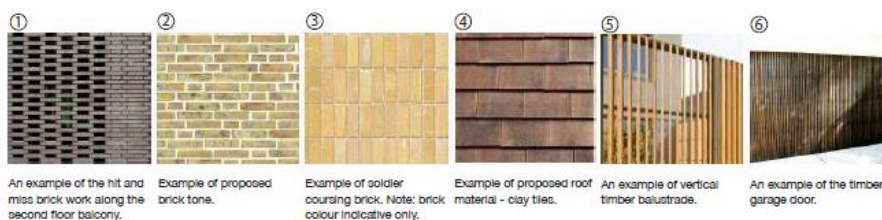
9 BACKGROUND PAPERS

1. Application form.
2. Email from St. John's Wood Society, dated 14 August 2017.
3. Memo from the Cleansing Manager dated 14 August 2017.
4. Memo from the Highways Planning Manager dated 18 August 2017.
5. Email from Building Control dated 22 August 2017.
6. Memo from the Arboricultural Manager dated 23 November 2017.
7. Email from the occupier of 2 Ordnance Mews dated 15 August 2017.
8. Email and attachment from occupiers of 3 Ordnance Mews dated 23 August 2017.
9. Email from the occupier of 10 Cotman House, Charlbert Street dated 31 August 2017
10. Email from the occupier of 10 Aquila Street dated 15 September 2017.

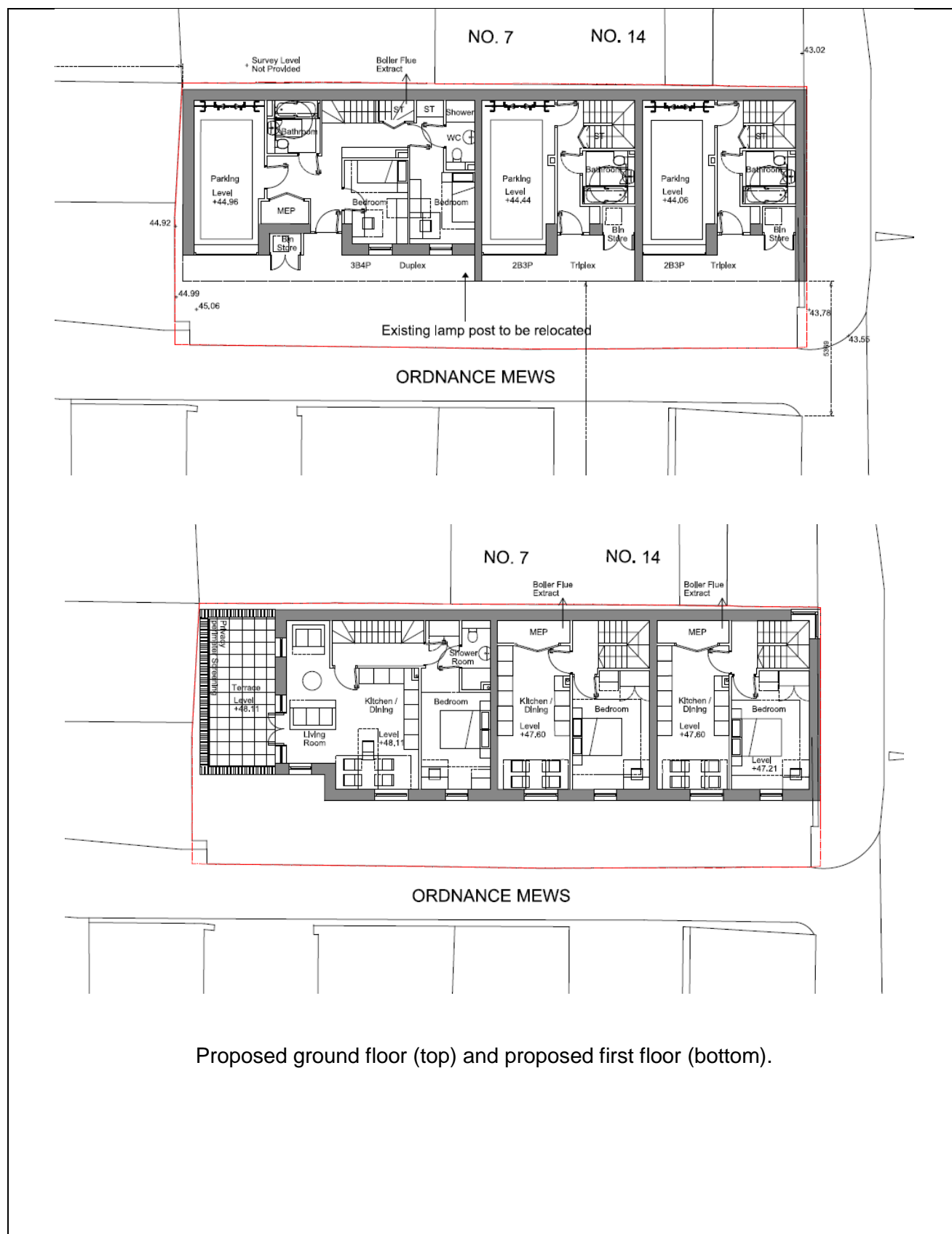
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

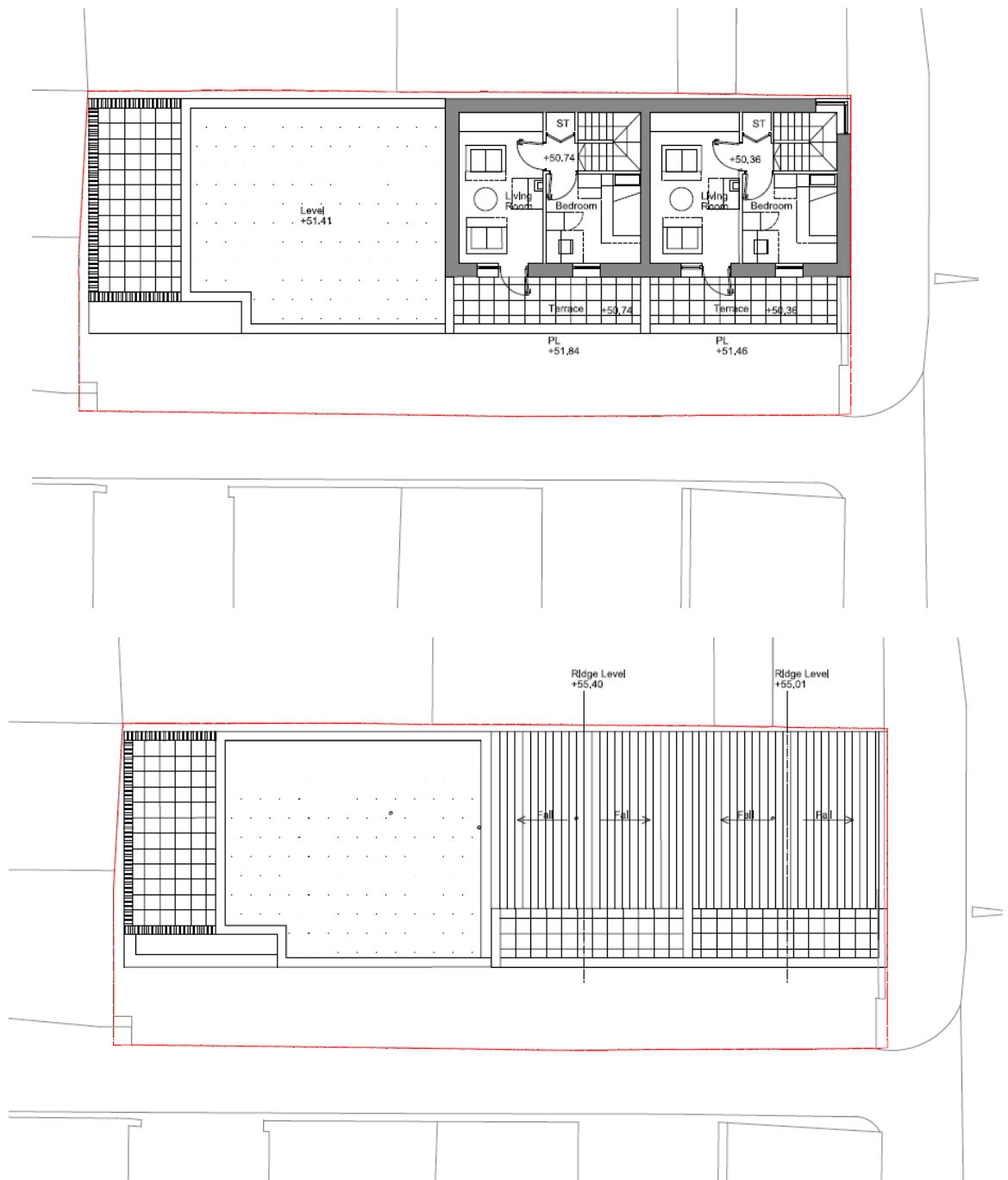
10 KEY DRAWINGS



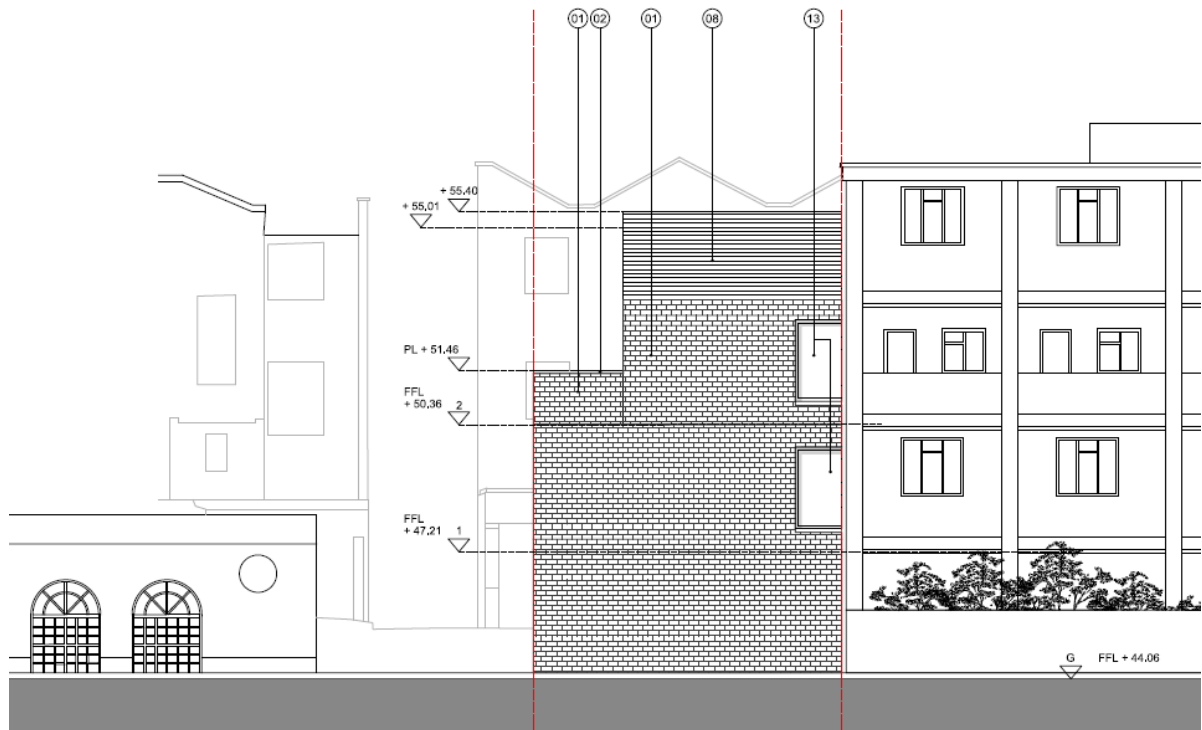
Aerial view of proposed development (top) and colour front elevation and proposed materials (bottom).



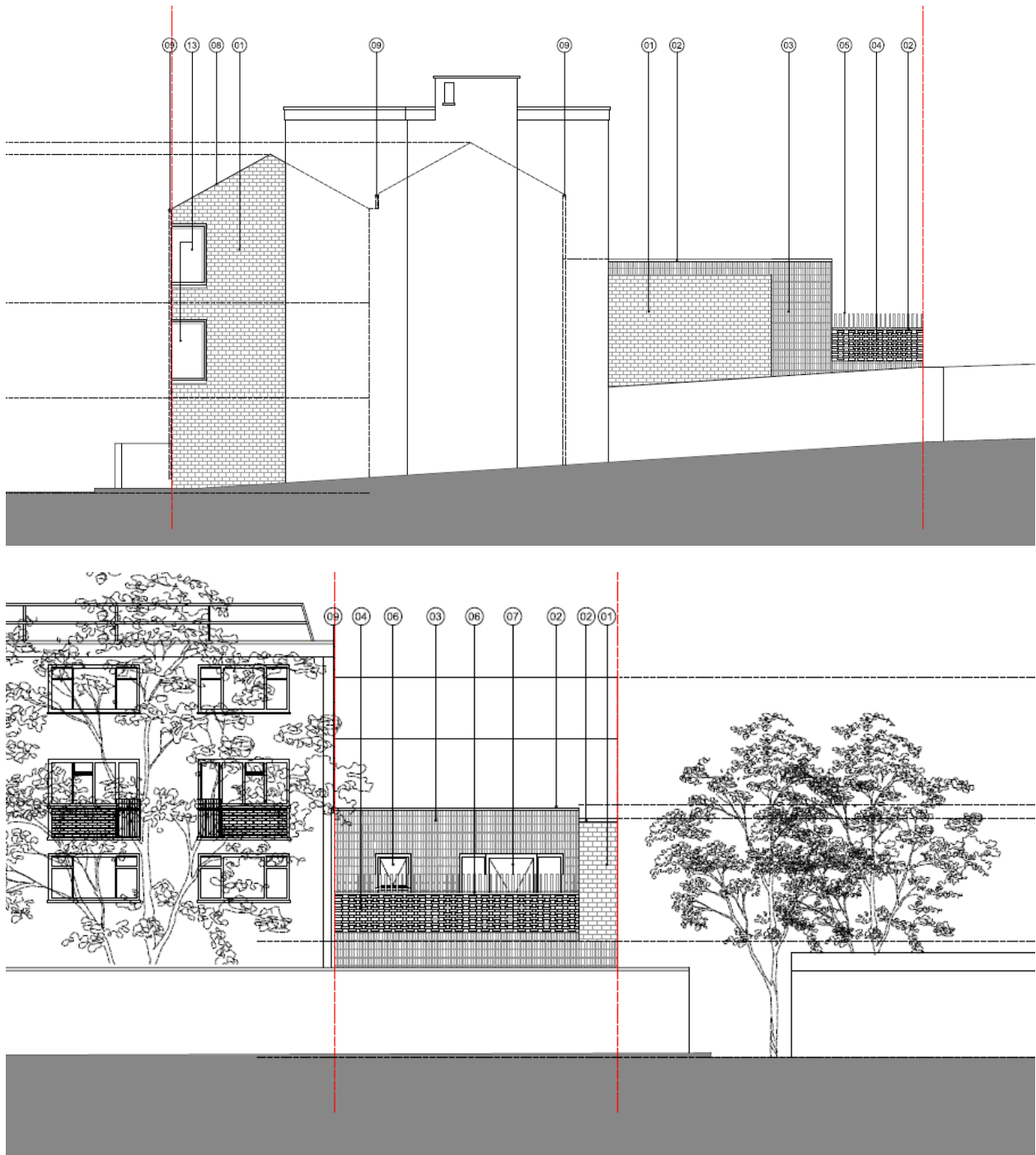
Proposed ground floor (top) and proposed first floor (bottom).



Proposed second floor (top) and proposed roof plan (bottom).



Proposed front elevation (top) and proposed side (Aquila Street) elevation (bottom).



Proposed rear (north) elevation (top) and proposed side (west) elevation (bottom).

DRAFT DECISION LETTER

Address: Garages To The Rear Of, Ordnance Mews, London,

Proposal: Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).

Plan Nos: 1638-1/A/106/003 (site location plan), 1638-1/A/106/001, 1638-1/A/106/002, 1638-1/A/101/001 Rev.01, 1638-1/A/101/002 Rev.01, 1638-1/A/101/003 Rev.01, 1638-1/A/102/000 Rev.01, 1638-1/A/102/001 Rev.01, 1638-1/A/103/000 Rev.01, Design and Access Statement dated July 2017 (as amended Updated Planning Drawings document dated November 2017), Daylight and Sunlight Study dated 20 April 2017, Heritage Statement dated July 2017, Ecological Appraisal dated June 2017, Air Quality Assessment dated April 2017, Statement of Community Involvement dated July 2017, Ground Investigation Report dated May 2017, Surface Water Drainage Strategy dated July 2017, Structural Notes to Accompany Planning Submission dated July 2017, Transport Statement dated 24 July 2017 (Version 4), Acoustic Planning Report dated March 2017, Energy Statement dated 14 June 2017 (Issue 01) and LD-SKE-003 Rev.A (for information only).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

Reason:

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

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

Reason:

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

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

- (a) All windows in context with the window surrounds and window reveals.
- (b) All external doors, including garage doors.
- (b) Hit and miss brickwork to roof terraces/ balconies.

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

Reason:

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

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

Reason:

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

- 7 Except where the drawings here by approved are cross hatched and annotated 'Terrace', you must not use the roofs of the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21AA)

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)

- 8 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, C and D of Schedule 2, Part 1 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To protect the privacy and environment of people in neighbouring properties and protect the appearance of the development and the character and appearance of the St. John's Wood Conservation Area. This is as set out in S25, S28 and S29 of Westminster's City Plan (November 2016) and DES1, DES5, DES6, DES9 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 9 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of a living green roof at second floor level on the flat roof at the western end of the development.

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 the living green roof must be installed prior to the occupation of the development. Thereafter the green roof must be permanently retained in the approved location. (C26UB)

Reason:

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

- 10 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 11 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.

- 12 Notwithstanding the bin stores shown on the drawings hereby approved, 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 (bins for waste and recycling should be indicated with the letters 'w' and 'r' respectively). 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 occupying the dwellinghouses. (C14EC)

Reason:

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

- 13 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)

- 14 The ground floor forecourt area to the southern side of the site between the dwellinghouses and Ordnance Mews must not be used to park vehicles and must not be obstructed in any other way at any time.

Reason:

To ensure that the existing off-street residents parking on the south side of Ordnance Mews remains accessible in accordance with Policies STRA25 and TRANS23 in the Unitary Development Plan we adopted in January 2007.

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

- Highway works necessary to facilitate access to the development, including relocation and/ or replacement of the existing street lamp column.

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 and S41 of Westminster's City Plan (November 2016) and in TRANS2 and TRANS3 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 16 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of a privacy screen/ means of enclosure to the side (western) and rear (northern) sides of the roof terrace at first floor level that is not less than 1.7 metres in height above the finished floor level of the terrace.

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 you must not use the terrace until the means of enclosure we approve has been installed. Thereafter the means of enclosure must be permanently retained in accordance with the approved drawings. (C26UB)

Reason:

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

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

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 3 This permission does not permit the removal of the tree indicated on drawing LD-SKE-003 Rev.A as it is located outside the application site. You will need to make a separate tree works application should you wish to remove the tree.
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 You 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.
- 6 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.
- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

- 8 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)

- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 10 Under condition 15 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the relocation of the street lamp and/ or its replacement in Ordnance Mews and provision of necessary highway works to facilitate access to the development. 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)
- 11 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	Keith House, 47 Carlton Vale, London, NW6 5EX,		
Proposal	Demolition of single storey garages and erection two buildings ranging between one and three storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.		
Agent	Metropolitan Workshop		
On behalf of	City West Homes		
Registered Number	17/06180/COFUL	Date amended/ completed	18 July 2017
Date Application Received	12 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, including a Grampian condition to secure the removal and replacement of trees adjacent to the site in Paddington Recreation Ground.

2. SUMMARY

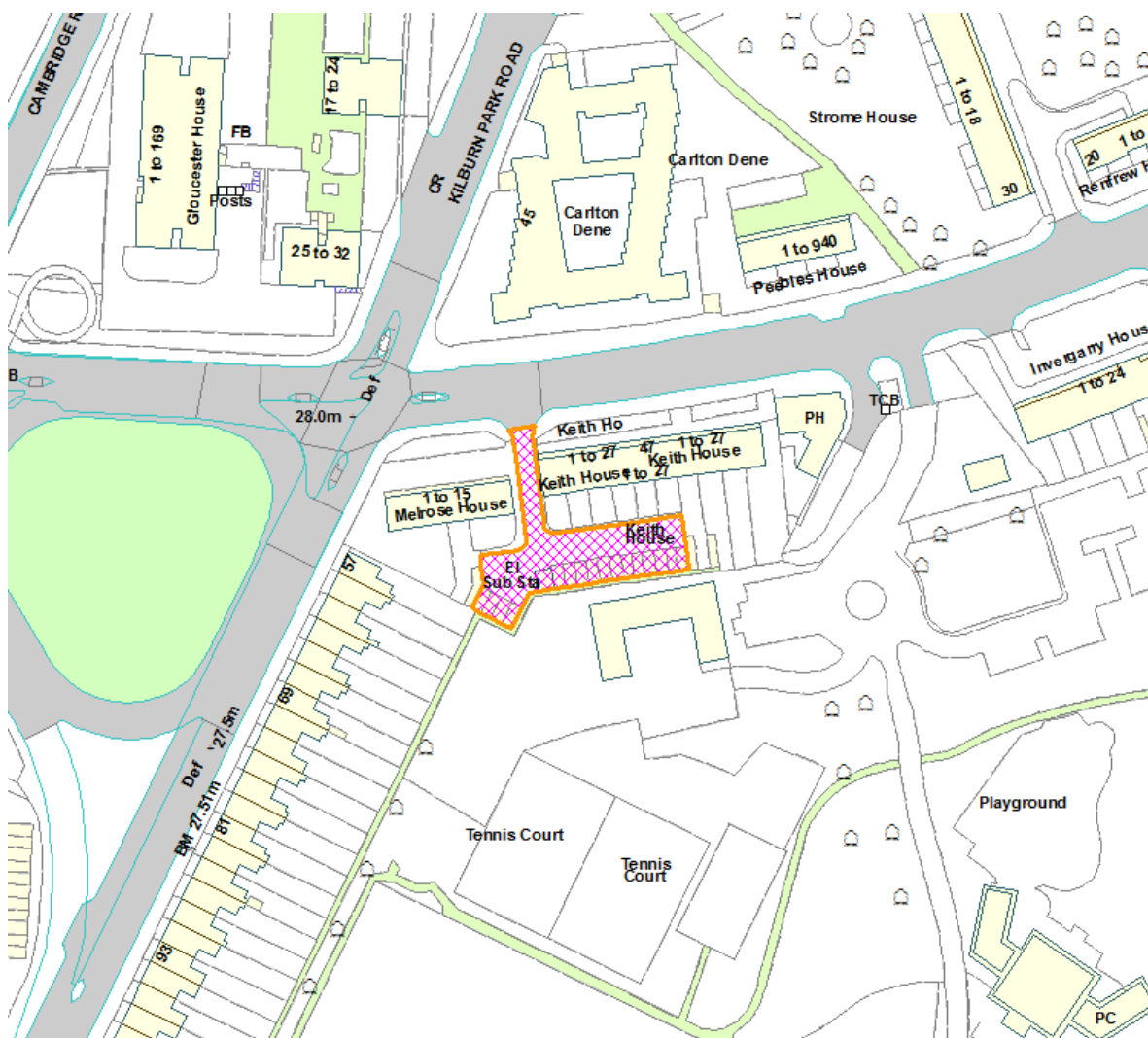
The application seeks permission for the demolition of 16 garages and erection two buildings ranging between one and three storeys to provide 6 residential units (Class C3), with associated alterations and landscaping. The site does not contain any listed buildings and is not located within a conservation area, but is located at the northern boundary of the Maida Vale Conservation Area where the site adjoins Paddington Recreation Ground.

The key issues in this case are:

- The acceptability of the proposed residential units in terms of their size and mix.
- The acceptability of the design of the development and its impact on the setting of the neighbouring Maida Vale Conservation Area.
- The impact on trees neighbouring the application site.
- The impact on the amenity of neighbouring residents.

- The acceptability of loss of existing off-street parking.
- The impact on the availability of on-street residents' parking in the vicinity of the site.

For the detailed reasons set out in this report the proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms and, given the public benefits of the scheme, would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Policy S29 in Westminster's City Plan adopted in November 2016. Therefore the application is recommended for approval subject to the conditions set out in the draft decision letter appended to this report.



4. PHOTOGRAPHS



View of eastern end of site to rear of Keith House (top) and view of western end of site to rear of Melrose House (bottom).



View of access to garages from Carlton Vale between Keith House (left) and Melrose House (right).

5. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Note that there was a consultation event for the scheme but the Society was not notified or invited. Loss of parking is likely to cause an increase in on-street parking demand.

Surprised the houses to be accessible for ambulant and non-ambulant residents do not have integral garages. However, note the proposed tenure and overall, subject to the preceding points they support the application. Ask that neighbours views are taken into account.

ARBORICULTURAL MANAGER

Comments and objection on the following grounds:

- Not clear precisely how many trees are intended to be removed from Paddington Recreation Ground to facilitate the development (supporting documents suggest 15, 16 and 17 trees are to be removed).
- Irrespective of the number proposed to be removed the trees are protected by virtue of being within Maida Vale conservation area. They are largely self-seeded sycamores, and together they create a valuable backdrop to the park and a pleasant outlook for residents of Keith and Melrose Houses. Their loss would have a harmful impact on visual amenity and the character and appearance of the park.
- Question whether the trees could be retained if the trees are not rooting under the existing garages.
- Results of the ecological survey suggest that the trees are also of some wildlife value.
- Merits of the trees as individuals are such that it would not be reasonable to insist on their retention per se. However, the loss of these trees without adequate mitigation would be a justifiable reason for refusal of planning permission.
- Four sycamore trees within the Recreation Ground are proposed to be retained (33, 43 44, 45). Clarification is required in relation to the root barrier that is preventing rooting from these trees under the application site.
- In the absence of clarification of the structures that are currently stated to be acting as a root barrier it is not possible to make an informed judgement as to whether the roots of trees proposed to be retained would be affected by the proposal.
- Tree surgery referred to in the Design and Access Statement is not included in the Arboricultural Statement.
- The proposed tree planting on the site and the three replacement trees in Paddington Recreation Ground are insufficient to mitigate the harm caused by the scale of the proposed tree removal.
- Clarification required regarding the operation of the 'rain garden' as it will impact on the tree species that can be planted on this part of the site.
- Suggest that a biodiverse green roof is provided rather than a sedum roof.

CLEANSING MANAGER

No objection in principle but a condition is required to ensure the scheme delivers the waste and recycling storage set out in the Transport Statement but not shown on the application drawings.

DESIGNING OUT CRIME ADVISOR (METROPOLITAN POLICE)

No objection provided the advice provided to the applicant at pre-application stage is followed.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objection to the loss of the existing 16 garages if they are secured by condition to provide residents parking. Loss of garages would be likely to increase pressure on on-street residents parking in the vicinity. Some cycle parking spaces would not be secure and weatherproof. The provision of 6 parking spaces for the 6 new residential units is acceptable. Conditions and informatives recommended.

LONDON FIRE BRIGADE

Any response to be reported verbally.

SPORT AND LEISURE

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 52; No. of Responses: 4.

Four emails/ letters received from three respondents raising objection on all or some of the following grounds:

Land Use

- Not clear who units are aimed at (i.e. private or social housing or mixed tenure).

Design

- Not a good place to build new housing.

Landscaping

- Loss of mature trees and shrubs at the fence line will reduce screening of the Forest School site.
- Loss of trees is a disgrace.
- Removal of trees will remove acoustic buffering.
- Loss of trees will have an adverse impact on biodiversity.
- Adverse impact on the heavily used Forest School which is the only access for some children to nature and wildlife.
- Insufficient mitigation of the loss of trees/ biodiversity and the impact on the Forest School.

Amenity

- Noise from occupiers of proposed flats, especially if occupied by persons with dogs.

Highways/ Parking

- Parking is at a premium and this will make things worse.
- Adverse impact on access for emergency vehicles.

Other Matters

- Documents not initially accessible on Council website.

- Adverse impact on the value of neighbouring properties.
- Loss of view of Paddington Recreation Ground.
- Noise and general disturbance during construction.
- Obstruction of access to current storage shed.
- Garages are a valuable amenity.
- Adverse impact on water pressure.
- Not clear who will move bins to collection point.
- One of garages to rear of Keith House is used as a bulky waste store for the estate and does not appear to be replaced.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises 16 garages originally built to serve the mid 20th Century residential flats in Keith House and Melrose House, which front on to Carlton Vale. The planning history records for the Melrose House and Keith House sites do not contain the original planning permissions for these blocks and therefore there is no evidence to establish whether the garages are restricted to use by the occupiers of these blocks by planning condition. The applicant has submitted evidence demonstrating that only 5 of the garages are currently let to occupiers of the adjacent blocks.

The garages are not listed and are not located within a conservation area. However, the site is located adjacent to the northern boundary of the Maida Vale Conservation Area, where it includes Paddington Recreation Ground.

6.2 Recent Relevant History

No relevant planning history. The original planning permissions for Keith House and Melrose House are not held within the City Council's records for these sites.

7. THE PROPOSAL

The application, made by City West Homes, seeks permission for the demolition of 16 garages and erection two buildings ranging between one and three storeys to provide 6 residential units (Class C3).

The scheme would deliver 1x1 bedroom flat (which would be fully wheelchair accessible), 1x2 duplex flat and 4x3 bedroom houses. The flat and duplex flat would be located in a separate three storey block to the rear of Melrose House, with the wheelchair accessible unit at ground floor level and the duplex flat on the two upper floors with a terrace at first floor level. The three bedroom houses would be located in a three storey terrace to the rear of Keith House and would have small courtyard gardens at ground level and screened terraces at second floor level. Parking for all of the units (six spaces) would be provided

within the public realm to be created between the new residential blocks and Melrose House and Keith House.

To facilitate the development, the applicant has identified that 16 trees in Paddington Recreation Ground would need to be removed along the northern boundary of the recreation ground with the application site due to their proximity to the rear elevations of the proposed buildings. These trees are located outside of the application site boundary and therefore their removal will require separate approval given they are protected trees located within the Maida Vale Conservation Area.

8. DETAILED CONSIDERATIONS

8.1 Land Use

For the reasons set out in Section 8.4 of this report, it is not considered that the loss of the existing garages can reasonably be resisted in land use terms. In this context, the principle of providing new residential accommodation on this site is acceptable in land use terms and accords with Policies S13 and S14 in the City Plan and Policy H3 in the UDP.

The proposed development would provide a mix of units (1x1 bedroom flat, 1x2 duplex flat and 4x3 bedroom houses) which is consistent with the requirements of Policy H5 in the UDP and Policy S15 in the City Plan. The size and layout of the accommodation would be compliant with the minimum standards set out in the Government's Technical Housing Standards and Policy 3.5 of the London Plan. The provision of a wheelchair accessible flat would accord with Policy H8 in the UDP. As such, the residential accommodation proposed would be of a good standard.

The applicant has identified that the units are intended to be used to provide social rented housing. However, given only six residential units are proposed and the scheme delivers less than 1,000m² of new residential floorspace on the site, it does not trigger a requirement to provide affordable housing under Policy H4 in the UDP and Policy S16 in the City Plan. Therefore whilst the provision of the units as a form of affordable housing is welcomed, it is not necessary, nor would it be reasonable to require that the units are provided as affordable housing via a planning condition or legal agreement.

8.2 Townscape and Design

The site is currently functional in appearance reflecting its use as garage accommodation. The garage structures are of simple form and construction and have little, if any, architectural merit. The site is largely screened from Carlton Vale by Keith House and Melrose House and the existing single storey garages on the site cannot be seen from Paddington Recreation Ground given their limited height and the combination of the existing service yard structure within the recreation ground and the 'green screen' of existing trees running along the boundary of the site with the recreation ground.

Given their lack of architectural merit and as they are not located within a conservation area the demolition of the existing garages cannot be resisted and there is no objection to their demolition in design terms in any event.

The bulk and height of the replacement buildings would only be visible in fleeting public views from Carlton Vale, but would be much more readily apparent in views from within Paddington Recreation Ground which forms part of the Maida Vale Conservation Area. In these views the removal of the existing self sown trees at the boundary of the recreation ground (see arboircultural considerations in Section 8.7.1) would mean that the replacement building would be a more stark intervention at the recreation grounds perimeter. However, whilst this impact on the neighbouring conservation area would adversely affect its setting, due to the erosion of its mature landscaped character and appearance, the more prominent of the two proposed buildings would be modulated at second floor level to break down its overall massing and both buildings would be seen against the larger bulk and scale of Keith House and Melrose House, which are immediately beyond the application site to the north. As such, the harm caused to the neighbouring heritage asset (the Maida Vale Conservation Area), would be less than substantial and therefore in accordance with Paragraph 134 of the NPPF the harm must be weighed against the public benefit of the proposal. In this case, the public benefit of providing six residential units on this site is considered to outweigh the harm caused to the setting of the neighbouring conservation area.

In addition to the modelling of the bulk and mass at second floor level, referred to in the preceding paragraph, both blocks would have front wings at ground floor level, with the massing of the buildings further broken down by the use of brickwork in differing brickwork patterns and bonds.

In terms of footprint, the proposed development would have a comfortable relationship to Keith House and Melrose House with the block to the rear of Melrose House 16m from the rear of Melrose House and the block to the rear of Keith House 15m from the rear of Keith House (excluding the bays to the front elevation at ground floor level that would be screened by the existing rear boundary wall of Keith House. At these distances and given the modulated three storey form of the proposed development described earlier in this section of the report, the proposal would not comprise overdevelopment of the site in design terms.

The scheme proposes the use of yellow/ brown brick as the predominant facing material and this is appropriate given the predominant use of brick in the construction of immediate neighbouring buildings. The palette of materials is otherwise relatively restrained with dark grey aluminium windows and timber garage and front doors. The majority of the detailing to the houses would be generated by use of the brick in less traditional forms, such as laid in multiple soldier courses. This is not considered to be objectionable as this reflects that the development is conceived as a contemporary interpretation of a traditional mews house form. As noted above, it also assists in breaking down the bulk and massing of the mews houses. Sample panels of the brickwork and other facing materials and details of the key elevational treatments are to be secured by condition to ensure they are appropriate.

In conclusion in design terms, whilst the development and associated tree removal would cause less than substantial harm to the setting of the neighbouring Maida Vale Conservation Area, the public benefits of the development would outweigh the degree of harm caused. The scheme is otherwise sensitively designed in terms of its scale and architectural detailing and, subject to the recommended conditions, would be acceptable

in design terms and in accordance with the Policies DES1, DES4 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

The applicant has submitted a daylight and sunlight assessment of the proposed development, which assesses its impact on properties in Melrose House, Keith House and Nos.57 and 59 Kilburn Park Road.

As a result of the distance between the proposed three storey buildings and the existing blocks (16m from the rear of Melrose House and 15m from the rear of Keith House), the proposed development would not result in a material loss of daylight or sunlight to any windows in Keith House or Melrose House. Similarly no windows in Nos.57 and 59 Kilburn Lane would suffer a material loss of daylight or sunlight. That is not to say there would be no losses to neighbouring windows, rather the losses caused would all be less than the 20% threshold set out in the Building Research Establishment (BRE) Guidelines (2011), below which the BRE considers that the impact would be imperceptible to the occupiers of the affected windows.

In terms of increased enclosure the scheme would introduce two three storey buildings to the rear of Keith House and Melrose House. The block to the rear of Keith House would be well set back from the rear elevation of the existing block and the rear windows of Keith House already look out onto the two storey high rear elevation of the maintenance depot within the recreation ground. In this context, whilst the proposed building would be a storey higher and closer to the rear of Keith House, the increase in enclosure would not be so significant so as to warrant withholding permission.

The block to the rear of Melrose House and at the end of the rear gardens of properties in Kilburn Park Road would be smaller in terms of its bulk and set at a 45 degree angle to the rear of Melrose House, such that it views out of the rear windows of Melrose House and properties in Kilburn Park Road would appreciate views beyond the proposed building in most instances. As such, whilst the proposed building would be readily appreciable from these neighbouring buildings, the impact would not amount to an unacceptably increased sense of enclosure.

The scheme has been carefully considered to limit the number and size of windows where they would face existing windows in adjoining properties, so as to avoid overlooking. As a result, whilst there would be some increase in overlooking from new windows within the proposed development, the effect would not be such that the objections raised on this ground could be supported. The scheme includes a number of roof terraces and all of these external amenity spaces would be adequately screened by timber louvred privacy screens, the detail of which is to be secured by condition. The amenity spaces at ground floor level would be screened by the existing rear boundary walls of gardens to the rear of Keith House and Melrose House and all of the amenity spaces would be sufficiently small so as not to give rise to significant noise concerns as a result of their use.

Conditions are also recommended to control the potential future amenity impact of the development. The recommended conditions comprise a condition to prevent the future addition of new windows or extensions under permitted development rights, which may increase enclosure or overlooking to neighbours, and to prevent the use of the roofs of the

houses as roof terraces, except where terraces are proposed as part of the proposed development.

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

8.4 Transportation/Parking

The Highways Planning Manager objects to the loss of the existing garages on basis that their loss is likely to increase the pressure on on-street residents' parking in the vicinity of the site. However, he notes that this objection is on the basis that the existing garages are protected by condition. In this case no evidence can be found to demonstrate that the existing garages are restricted by condition to use by occupiers of adjoining residential blocks (Keith House and Melrose House). In addition, the applicant's evidence indicates that the garages are currently largely underused, with only five of the 16 garages let to occupiers of Keith House (see Table 2 below). The applicant advises that of the occupied garages, only one was used for car parking when visually inspected in April 2017. Parking Services have reviewed on-street residents parking permits on issue to occupiers of Keith House and Melrose House and this shows that 19 vehicles are already parked on street that are registered to occupiers of these blocks. In this context, and having regard to the public benefit of providing additional housing on this site, it is not considered that the loss of the garages would have such a demonstrable impact on on-street parking pressure in the immediate vicinity of the site so as to warrant withholding permission pursuant to Policies STRA25 and TRANS23 in the UDP.

Table 2 – Location of Existing Garage Leasees and Letting Status of Garages.

ID	Occupier Address	Status
1	-	Vacant
2	-	Vacant
3	-	Vacant
4	-	Vacant
5	Keith House	Let
6	Keith House	Let
7	Keith House	Let
8	Keith House	Let
9	-	Vacant
10	-	Vacant
11	-	Vacant
12	-	Vacant
13	-	Vacant
14	Keith House	Vacant
15	-	Vacant
16	-	Vacant

The applicant has provided vehicle tracking to demonstrate that the six parking spaces proposed would be accessible to typical sized vehicles and the Highways Planning Manager does not object to the parking layout proposed. The provision of one parking

space for each residential unit within the development, including the wheelchair accessible unit would accord with Policy TRANS23 in the UDP.

The Paddington Waterways and Maida Vale Society state that they would expect parking to be provided in garages within the residential units; however, this would reduce the quantum and quality of the residential accommodation that could be provided on the site and as such, the amenity societies concerns in this regard are not supported. Furthermore, there is no policy requirement for car parking to be provided in the form of garage accommodation.

The scheme includes cycle parking in a communal store for the two flats and within stores in the front gardens of the four dwellinghouses. It is unclear whether these cycle stores would be weather proof and secure and therefore it is recommended that further details of the stores are secured by condition to address the Highways Planning Managers concerns in this regard.

The Cleansing Manager does not object to the general strategy of waste storage, with waste stores provided within each house/ flat, with a communal store at the entrance to the development from which the waste and recycling would be collected. However, he has requested that the detail of the strategy is shown more clearly on the approved drawings and therefore a condition is recommended to ensure the waste and recycling storage is amended to address the detailed issues raised in the Cleansing Manager memo. The applicant has confirmed that a member of City West Homes staff will be responsible for ensuring waste and recycling bins will be presented ready for collection by the Council's refuse contractor and returned to the store following collection. Subject to the recommended condition the proposal would accord with Policy ENV12 in the UDP.

A number of objectors have raised concerns regarding the accessibility of the rear of Helmsdale House for emergency services in the event of a fire. The proposed development is not to be gated and therefore free access to the rear of Helmsdale House would be retained; albeit the available space for the manoeuvring of a fire appliance or similar would be reduced relative to the existing situation. The views of the London Fire Brigade on this aspect of the scheme have been sought and will be reported verbally to the Sub-Committee.

8.5 Economic Considerations

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

8.6 Access

The forecourt of the proposed development would provide level access to the new residential units from the public highway. All four dwellinghouses would have level access to their ground floor level, with the wheelchair accessible flat designed so that the whole unit is fully accessible to wheelchair users. This accords with Policies DES1 and H8 in the UDP and S28 in the City Plan.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Tree Impact

Since the Arboricultural Manager's initial comments on the application the applicant has confirmed that it is intended to remove 16 trees from the adjoining Paddington Recreation Ground to facilitate the development (14 x Sycamores and 2 x Elders). The applicant has also provided other information seeking to address some of the Arboricultural Managers other initial concerns and any response to these will be reported verbally to the Committee.

The trees to be removed appear to be self sown and are located immediately adjacent to the boundary of the recreation ground with the application site, such that their retention would be difficult to accommodate without substantial and regular pruning of the canopies of the trees. It is accepted that in practice the proximity of the trees to the boundary is likely to mean their retention is not practical in such close proximity to residential accommodation.

As noted in Section 8.2, the loss of these trees, although generally of limited individual quality, will have a material impact on the character and appearance of this part of the Maida Vale Conservation Area, as their group value contributes to the mature planted screen to the majority of the northern edge of the recreation ground. The trees also form part of the setting for the 'Environmental Area'/ Forest School area within the recreation ground, which is used by local school groups for learning about the environment as the current setting provides a comparatively natural and biodiverse setting within the surrounding urban landscape. Accordingly the loss of these trees will also have an adverse impact on this particular function within the recreation ground and this is an issue of particular concern to one objector.

Whilst the provision of 6 new residential units does offer public benefit which is sufficient to outweigh some of this harm that would be caused to the function and appearance of this part of the recreation ground, it is considered that the extent of tree loss likely as a result of the development can only be considered favourably if substantive replacement planting of suitable tree species within the recreation ground, ideally within a similar area to where the trees are intended to be removed, is proposed. At present the applicant proposes three replacement trees within the recreation ground with three further smaller trees within the landscaping scheme for the development itself. The trees within the landscaping for the development will not contribute to the character and appearance of the Maida Vale Conservation Area as they wouldn't be visible from within the recreation ground and therefore cannot be considered to mitigate the trees that are likely to be removed. Therefore only three trees to mitigate the 16 trees likely to be lost are proposed. The Arboricultural Manager considers this number to be insufficient to adequately mitigate the number of trees that are likely to be removed and her view in this regard is supported.

A condition is therefore recommended to firstly deliver appropriate arrangements prior to commencement of development to secure the tree removals necessary to allow the development to be carried out. This is necessary as the trees to be removed are on land outside the red line of the application site, which is not within the applicant's control. Therefore whilst it is necessary as part of the current application to consider the implications of the development on the adjoining trees (namely that the 16 trees are likely to be removed), the planning application cannot expressly grant the necessary consent for their removal. It is recommended that the condition also requires the provision of appropriate arrangements for replanting of replacement trees within the recreation ground

and the expectation is that significantly more than 3 trees will be provided to mitigate the trees to be lost.

Any further comments from the Arboricultural Manager on the proposed tree protection measures during construction works for retained trees will be reported verbally to the Committee.

8.7.2 Biodiversity

The applicant has assessed the impact of the development on wildlife and this includes assessment of the likelihood of bats roosting in the existing garage structures. The assessment concludes that given their condition, the garages are unlikely to provide for bat roosting and therefore their demolition is unlikely to disturb this protected species. An informative is recommended to advise the applicant of the measures to be taken in the unlikely event that roosting bats are discovered. A similar informative is recommended to remind the applicant of the requirements to avoid disturbing nesting birds.

The submitted Ecological Appraisal and Surface Water Drainage Strategy suggest that a green roof will be provided on the flat roofs of the proposed buildings. This is not indicated on the drawings, but the applicant has verbally advised that green roofs are proposed. The provision of green roofs is considered to be necessary on three grounds. Firstly the scheme does not include a substantive area of soft landscaping at ground level and a green roof would mitigate this lack of landscaping and the tree loss necessary to facilitate the development; secondly the roofs of the buildings will be significantly overlooked and the provision of a green roof would substantially enhance the visual appearance of these flat roofs; and thirdly the green roofs are necessary to provide attenuation of water run off as set out in the applicant's drainage strategy. A condition is therefore recommended requiring the submission of revised drawings showing a green roof on the flat roofs at first floor level and at main roof level where they are not to be used as roof terraces. The condition will also require the provision of the green roofs prior to occupation and their retention thereafter.

The Arboricultural Manager comments that a biodiverse green roof should be considered rather than a sedum green roof to enhance the range of species supported by the green roofs. Whilst the desire for such a specification of green roof is understood, it is not considered that it is necessary to deliver the benefits set out in the previous paragraph.

8.7.3 Sustainability

As identified in the application documents, the site is in an area of low flood risk and is therefore an appropriate and sustainable location for residential development.

The energy strategy for the development targets compliance with 2013 Building Regulations, primarily through the energy efficiency of the building fabric. Given that this is a non-major development of limited scale this is acceptable and in accordance with Policy S28 in the City Plan. The submitted Energy Strategy also includes the provision of PV panels, although these are not indicated on the application drawings. A condition is recommended to secure the provision of the photovoltaic panels so that on-site renewal energy is provided in accordance with Policies S28 and S40 in the City Plan.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

With the exception of the appropriate arrangement to secure removal of the existing 16 trees within Paddington Recreation Ground and secure replacement tree planting, which are to be obtained via a Grampian condition (see Section 8.7.1), no other planning obligations are relevant in the determination of this application.

The proposed development would be CIL liable; however, if built as social rented affordable housing it is likely to be eligible for CIL relief.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

The impact of development on the value of neighbouring properties and on private views are not valid planning grounds for objection and therefore permission cannot reasonably be withheld on the basis of objections raised on these grounds.

Objection has been raised on grounds that the proposal will cause noise and general disturbance during construction works to neighbouring residents. Permission could not reasonably be withheld on the basis of the impact of construction works; however, the impact of construction works would be mitigated by the recommended condition restricting the hours of building works to between 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays, with no works permitted on Sundays and Bank Holidays.

Concerns have been expressed that obstruction would be caused to existing storage sheds located to the rear of Keith House and Melrose House. However, the scheme has been designed to ensure that access to these sheds for existing residents will be maintained.

9. BACKGROUND PAPERS

1. Application form.
2. Email from the Paddington Waterways and Maida Vale Society dated 1 September 2017.
3. Memo from the Cleansing Manager dated 4 August 2017.
4. Email from the Metropolitan Police dated 14 August 2017.

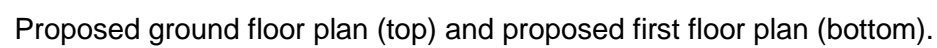
5. Memo from the Highways Planning Manager dated 18 August 2017.
6. Memo from the Arboricultural Manager dated 17 October 2017.
7. Emails from the occupier of 15 Melrose House, 49 Carlton Vale (x2) dated 3 August 2017
8. Email from the occupier of the Main Pavilion, Paddington Recreation Ground dated 7 August 2017.
9. Email from the Carlton Vale RMO, 1 Helmsdale House, 43 Carlton Vale dated 10 August 2017.
10. Letter from the occupier of 1 Melrose House, 49 Carlton Vale dated 14 August 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: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

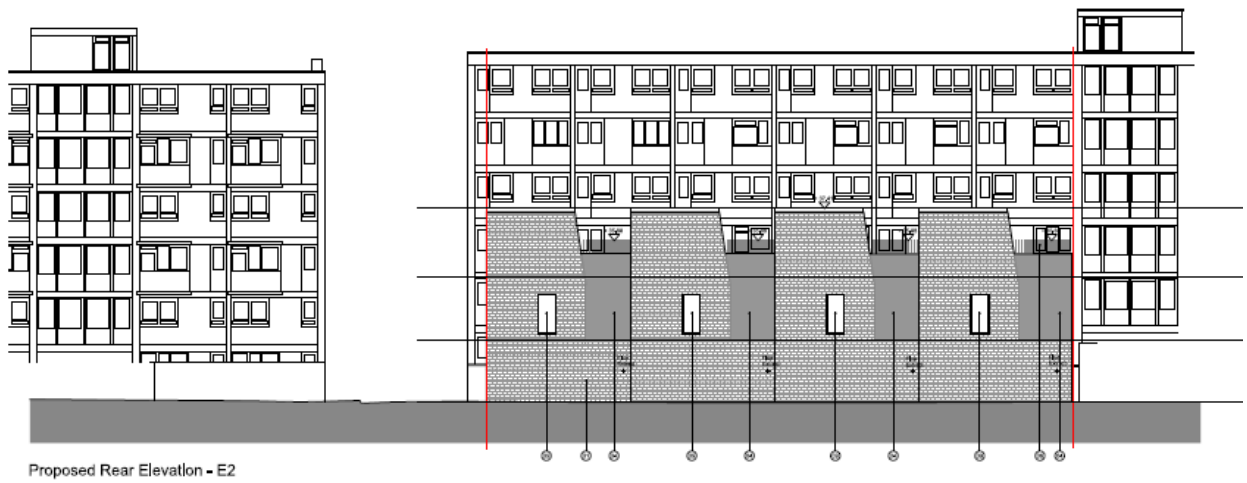
10. KEY DRAWINGS

Perspective view of proposed development (top) and montage of part of proposed development to rear of Keith House (bottom).

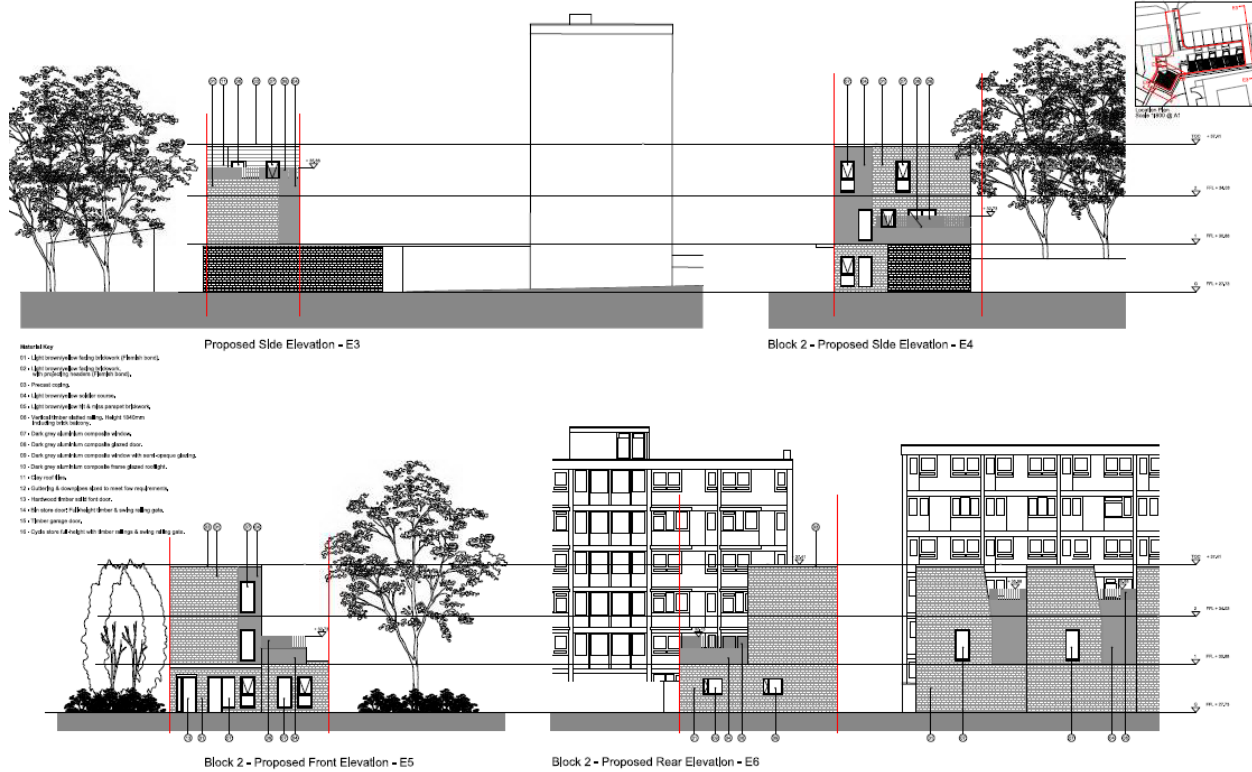




Proposed second floor plan (top) and roof plan (bottom).



Proposed front elevations (top) and rear elevation (bottom).



Proposed side and rear elevations.

DRAFT DECISION LETTER

Address: Keith House, 47 Carlton Vale, London, NW6 5EX

Proposal: Demolition of single storey garages and erection of two buildings ranging between one and three storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.

Plan Nos: 1638-3/A/106/003 (Site location plan), 1638-2/A/103/000, 1638-3/A/106/001 Rev.P1, 1638-3/A/106/002 Rev.P1, 1638-2/A/102/000, 1638-2/A/102/001, 1638-3/A/101/001, 1638-3/A/101/002, 1638-3/A/101/003, 1638-3/A/101/004, Design and Access Statement dated July 2017, Daylight and Sunlight Study dated 20 April 2017, Arboricultural Impact Assessment dated 30 October 2017, 1004.2.01, letter from LUC dated 02.11.2017, Acoustic Planning Report dated March 2017, Air Quality Assessment dated April 2017, Statement of Community Involvement dated July 2017, Ground Investigation Report dated May 2017, Transport Statement dated 4 July 2017 (Version 3), Surface Water Drainage Strategy dated July 2017, Structural Notes to Accompany Planning Submission dated July 2017, Ecological Appraisal dated June 2017, Energy Statement dated 14 June 2017 (Issue 01) and LD-SKE-001 Rev.A (for information only).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

- (a) All windows in context with the window surrounds and window reveals.
- (b) All external doors.
- (c) Timber screens to balconies.
- (d) Enclosure around existing sub-station.
- (e) Waste and recycling collection storage structure.
- (f) Front boundary walls/ fences to the 3 bedroom houses.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 Except where the drawings hereby approved are cross hatched and annotated 'Terrace', you must not use the roofs of the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21AA)

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)

- 8 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the dwellinghouses forming part of this development or erect any extensions without our permission. This is despite the provisions of Classes A, B, C and D of Schedule 2, Part 1 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To protect the privacy and environment of people in neighbouring properties and protect the appearance of the development and this part of the City. This is as set out in S28 and S29 of Westminster's City Plan (November 2016) and DES1, DES5, DES6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 9 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of a living green roofs on all flat roofs at first floor and main roof level that are not to be used as roof terraces.

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 the living green roof must be installed prior to the occupation of the development. Thereafter the green roof must be permanently retained in the approved locations. (C26UB)

Reason:

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

- 10 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

- Revised cycle parking for the residential units that is weather proof and secure.

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 install the cycle parking we approve prior to occupation of the residential units. Thereafter the cycle parking must be permanently retained. (C26UB)

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.

- 12 Notwithstanding the bin stores shown some of the drawings and documents hereby approved, 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 (the details must include (i) the location of the communal bin store, (ii) the bins for waste and recycling should be indicated with the letters 'w' and 'r' respectively, and written confirmation should be given of under counter waste and recycling storage compartments in the kitchens of the residential units).

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 occupying the dwellinghouses. (C14EC)

Reason:

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

- 13 You must provide the timber privacy screens around the roof terraces in accordance with the drawings hereby approved (and as detailed in the drawings we approve pursuant to Condition 5) prior to occupation of the development. Thereafter the timber privacy screens must be permanently retained in accordance with the approved drawings.

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)

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

- (a) Removal of trees in Paddington Recreation Ground necessary to facilitate the development.
 (b) Replacement tree planting within Paddington Recreation Ground to adequately mitigate the trees to be removed pursuant to (a) in terms of their contribution to the 'green screen' to the northern edge of the recreation ground and the existing 'Environmental Area'.

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

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 and S38 of Westminster's City Plan (November 2016) and in ENV15, ENV16, ENV17 and DES9 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

- 16 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of photovoltaic panels in accordance with the submitted Energy Statement dated June 2017.

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 prior to occupation of the development and thereafter you must permanently retain the photovoltaic panels. (C26UB)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The trees within Paddington Recreation Ground are in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. This permission does not permit the removal of the trees within the recreation ground as indicated on drawing LD-SKE-001 Rev.A as they are located outside the application site. You will need to make a separate tree works application should you wish to remove the trees. This would form part of the appropriate arrangements required pursuant to Condition 14.
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 6 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)
- 7 The development for which planning permission has been granted has been identified as

potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 8 Under condition 14 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the removal of trees necessary to facilitate the development and to plant replacement trees within Paddington Recreation Ground to mitigate the loss of the trees that are removed. 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)
- 9 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)
- 10 When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81CA)

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	Helmsdale House, 43 Carlton Vale, London, NW6 5EN		
Proposal	Demolition of single storey garages and erection of buildings ranging between two and four storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.		
Agent	Metropolitan Workshop		
On behalf of	City West Homes		
Registered Number	17/06181/COFUL	Date amended/ completed	18 July 2017
Date Application Received	12 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside of but opposite Maida Vale		

1. RECOMMENDATION

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

2. SUMMARY

The application seeks permission for the demolition of the existing 12 single storey garages and erection of buildings ranging between two and four storeys to provide 6 residential units (Class C3), with associated alterations and landscaping. The site does not contain any listed buildings and is not located within a conservation area, but is located opposite the boundary of the Maida Vale Conservation Area, both to the front (east) of the site and to the side (south) of the site where the boundary of the conservation area runs to the south of Nos. 223 and 225 Randolph Avenue.

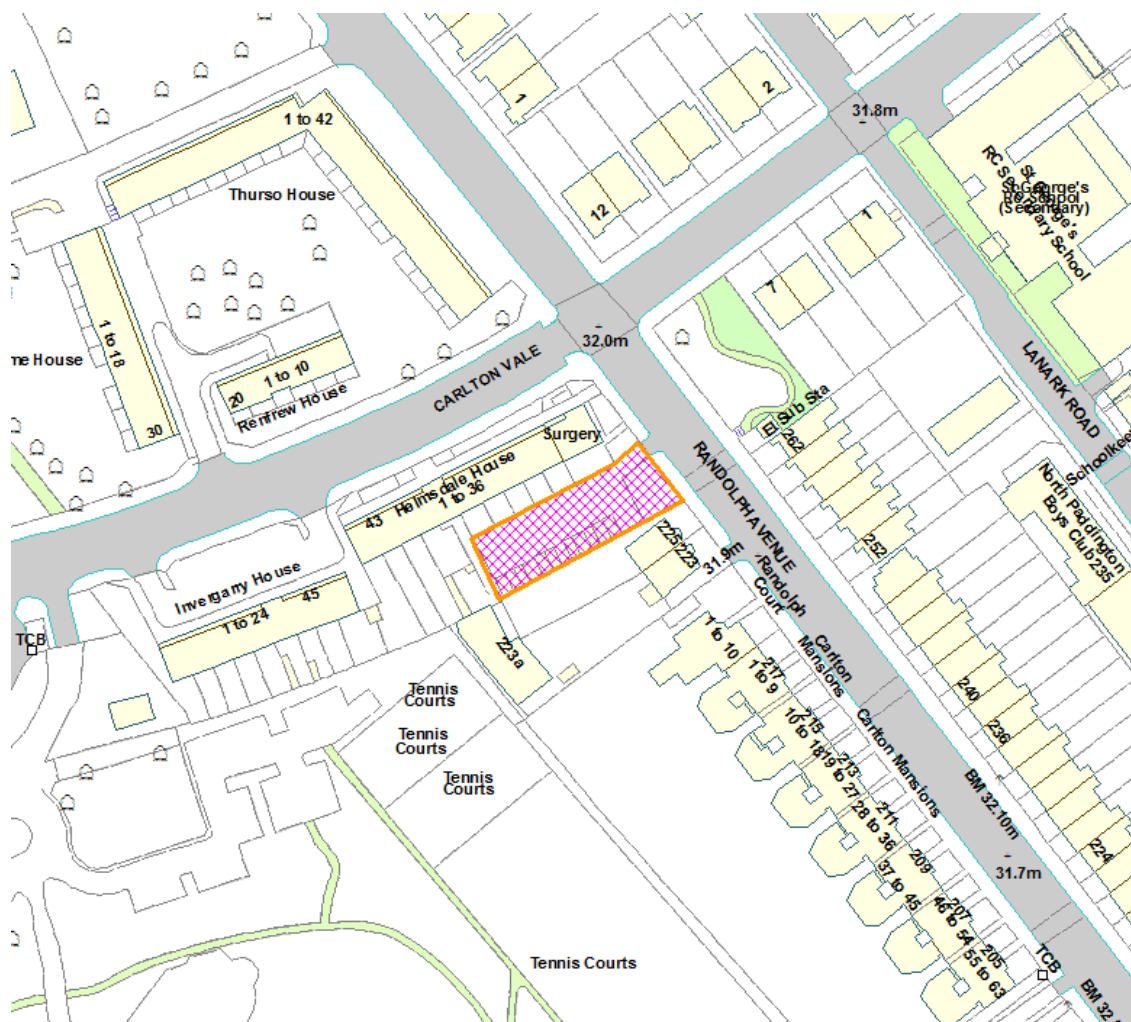
The scheme has been amended during the course of the application to reduce the western end of the development from 3 to 2 storeys and increase the height of the western end (front) of the scheme from 3 to 4 storeys, with associated alterations to the detailed design of the scheme. The amendments have been the subject of further consultation with neighbouring residents and other relevant consultees and the responses received are set out in Section 5 of this report.

The key issues in this case are:

- The acceptability of the proposed residential units in terms of their size and mix.
- The acceptability of the design of the development and its impact on the setting of the neighbouring Maida Vale Conservation Area.
- The impact on the amenity of neighbouring residents.
- The impact on trees neighbouring the application site.
- The acceptability of loss of existing off-street parking.
- The impact on the availability of on-street residents' parking in the vicinity of the site.

For the detailed reasons set out in this report the proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms and, given the public benefits of the scheme, would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016. Therefore the application is recommended for approval subject to the conditions set out in the draft decision letter appended to this report.

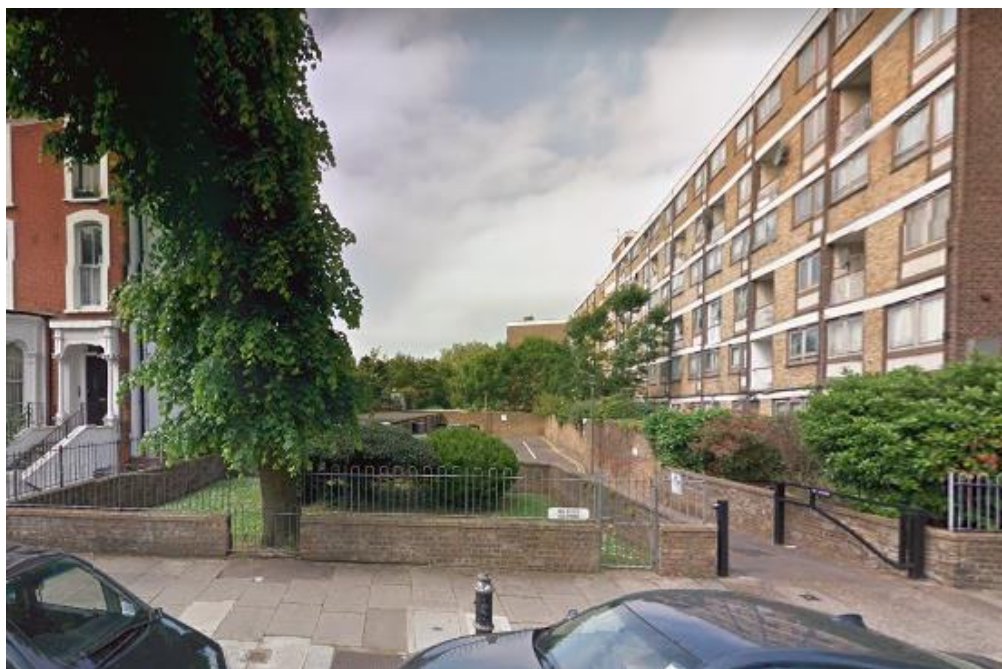
3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site from Randolph Avenue (top) and view of garages from within the site (bottom).

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme – July 2017

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Generally supportive of scheme but raise the following points:

- Parking proposed looks difficult to manoeuvre in and out of.
- Proposed parking will hinder access for emergency vehicles.
- Compromise in design of the elevations leads to a poor presentation of the upper sloping tiling. This is architecturally inappropriate and a reduction in the number of units and increase in size would seem a better approach.
- Potential for overlooking to neighbouring gardens.
- Potential for daylight and sunlight losses.
- Ask that neighbours views are taken into account.

ARBORICULTURAL MANAGER

Not clear if lime tree to the front of the site, which is worthy of statutory protection but currently isn't protected, is rooting beyond the raised bed at the front of the site. Trial pits are required to establish the extent of rooting. Confirmation should be provided regarding any changes in levels. Sewer connection has the potential to cause root severance. Steps within the existing raised bed are within the root protection area of the lime tree and should be omitted if tree is rooting in this area. An ash tree to the rear of the site (off-site) also has the potential to be affected but consider it could be safely retained as part of the development. Note that space for landscaping is limited and suggests a more bio-diverse green roof specification as sedum roofs provide less wildlife value than more varied green roofs.

CLEANSING MANAGER

No objection in principle but a condition is required to ensure the scheme delivers the individual waste stores for each unit and to demonstrate that the stores can accommodate waste and recycling.

DESIGNING OUT CRIME ADVISOR (METROPOLITAN POLICE)

Any response to be reported verbally.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objection to the loss of the existing 12 garages if they are secured by condition to provide residents parking. Loss of garages would be likely to increase pressure on on-street residents parking in the vicinity. Notes that on-street parking in the vicinity is at 66% capacity overnight but at 85% capacity during daytime hours. Access arrangements may require vehicles to wait on the highway to access the site, but this is no worse than arrangement for existing garages. The cycle parking spaces would not be secure and weatherproof and this should be addressed by amendments. The provision of 5 parking spaces for the 6 new residential units is acceptable, but on the basis that car club membership is also provided for the new residential units. Conditions and informatives recommended.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 68; No. of Responses: 8.

Eight emails/ letters received from three respondents raising objection on all or some of the following grounds:

Land Use

- Unreasonable to convert garage spaces into residential accommodation.

Amenity

- Development will make Helmsdale House more crowded.
- Loss of daylight and sunlight to windows and gardens of neighbouring properties.
- Increased sense of enclosure.
- Additional noise from new properties relative to existing quiet garages.
- Amenity harm outweighs the benefit of six new residential units.
- The height of the development furthest from Randolph Avenue should be limited to two storeys.
- Development would create a tunnel effect to the rear of Helmsdale House in terms of noise.
- Loss of privacy/ increased overlooking.

Highways/ Parking

- Residents of Helmsdale House use the garages and their loss would be a loss of amenity for existing residents.
- Not clear if alternative garages will be provided by the applicant.
- Lack of on-street parking in Carlton Vale and Randolph Avenue.
- It can already take 15 minutes to find a space.
- Adverse impact on access for emergency vehicles. Noted that this has been raised with the applicant without a response being received.
- Any redevelopment should include replacement parking for residents of Helmsdale House.
- Increased pressure on on-street parking in the vicinity.
- Does not appear to be sufficient room for the number of spaces proposed on site.

Other Matters

- Timing of consultation in school holidays will mean many miss the chance to comment.
- Elderly residents will not be able to comment via the website.
- Consultation period should be longer.
- Not sufficient information on the proposed development provided.
- Adverse impact on views from flats in Helmsdale House.
- Adverse impact on the value of neighbouring properties.
- Noise and disruption from construction works.
- Dust and dirt from construction works.
- Cumulative impact of construction works with those being carried out in Brent opposite as part of estate regeneration.

- Construction work hours should be limited to 08.00 to 17.30 on weekdays and 09.00 to midday on Saturdays and no work at any other time.
- Not clear why applicant does not consider the residents of existing blocks 'key stakeholders'.
- Unclear who will be responsible for relocating refuse to the collection area and returning the bins to the store.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Consultation on Revised Scheme – November 2017 (Amendments comprising reduction of height of western end of scheme and increased height to eastern end with associated alterations to the detailed design of the development)

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

ARBORICULTURAL MANAGER

The results from trial pits indicate the lime tree at the front of the site is rooting in the north west corner of the raised bed/ garden area and therefore the whole of the planting bed should be regarded as the root protection area (RPA). The proposed steps should therefore be relocated to an alternative location. Trial pits indicate that the degree of rooting outside the raised bed/ garden is limited and therefore the initial concerns regarding the layout of the development have been overcome.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

LONDON FIRE BRIGADE

Any comments to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 68; No. of Responses: 3.

Three emails received raising objection on all or some of the following grounds:

Land Use

- Proposal will lead to further overcrowding.

Amenity

- Some amenity issues will be eased by revised plans for some residents due to reduction in bulk to the rear of the site, but the impact on other residents in the eastern end of Helmsdale House will be increased.
- Loss of light.
- Increased sense of enclosure.
- Site is unsuitable for additional residential properties due to proximity to neighbours.
- Noise and disturbance from more vehicles and people in the area.

Highways/ Parking

- Removal of garages will exacerbate parking issues in the area.

Other Issues

- Noise and disturbance from construction works.
- Restricted access to the rear could obstruct emergency services in the event of a fire or other emergency.
- None of the previously raised concerns have been addressed.
- Adverse impact on services including water pressure.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises 12 garages originally built to serve the mid 20th Century residential block of flats facing Carlton Vale known as Helmsdale House. The planning history records for Helmsdale House sites do not contain the original planning permission for the block and therefore there is no evidence to establish whether the garages are restricted to use by the occupiers of the block by planning condition. The applicant has submitted evidence demonstrating that 11 of the garages are currently let to occupiers of Helmsdale House.

The site does not contain any listed buildings and is not located within a conservation area, but it is located opposite the boundary of the Maida Vale Conservation Area, both to the front (east) of the site, and to the side (south) of the site where the boundary of the conservation area runs to the south of Nos. 223 and 225 Randolph Avenue.

6.2 Recent Relevant History

No relevant planning history. The original planning permissions for Helmsdale House are not held within the City Council's records for these sites.

7. THE PROPOSAL

The application, made by City West Homes, seeks permission for the demolition of 12 garages and erection of a buildings ranging between two and four storeys to provide 6 residential units (Class C3).

The scheme would deliver 2x1 bedroom flats (one of which would be wheelchair accessible), 2x2 bedroom houses, 1x2 bedroom duplex flat and 1x3 bedroom duplex flat. The proposed development would be arranged as a short mews scale terrace, with a taller four storey frontage building facing Randolph Avenue located between No.225 and the end elevation of Helmsdale House.

The two bedroom duplex unit within the four storey block would have access to a roof terrace, with the other units having access to courtyard gardens or terraces to the north elevation of the development. The two dwellinghouses and the upper 1 bedroom unit at the western end of the site would also have screened roof terraces at first floor level. Five parking spaces would be provided to serve the six residential units. These would be

provided within the public realm to be created between the new residential blocks and Helmsdale House.

The application has been amended during the course of the application as follows:

- Remove a third storey from the western end of the development to reduce the degree to which this element of the scheme increases enclosure and causes a loss of light to windows in Helmsdale House.
- Raise the height of the part of the building facing Randolph Avenue from three storeys to four storeys and amendment of the detailed design of this part of the scheme. This amendment was made to improve the architectural relationship of the proposed development to the neighbouring buildings on either side when seen in views from within the conservation area in Randolph Avenue.

8. DETAILED CONSIDERATIONS

8.1 Land Use

For the reasons set out in Section 8.5 of this report, it is not considered that the loss of the existing garages can reasonably be resisted in land use terms. In this context, the principle of providing new residential accommodation on this site is acceptable in land use terms and accords with Policies S13 and S14 in the City Plan and Policy H3 in the UDP.

The proposed development would provide a mix of units (2x1 bedroom units, 3x2 bedroom units and 1x3 bedroom unit) which would fall below the requirements of Policy H5 in the UDP and Policy S15 in the City Plan to provide 33% of new residential units as 3 bedroom family size units. The scheme would provide 17% of the units as family sized accommodation. However, given the relatively limited number of units to be provided and the constraints of the site in terms of the size and form of the building in which the residential accommodation is to be provided (which has been modelled to limit the amenity impact on neighbouring residents), the proposed proportion of family size housing is considered to be acceptable. It is also noted that Policy H5 in the UDP states that the 33% threshold for family sized units will be applied flexibly.

The size and layout of the accommodation would be compliant with the minimum standards set out in the Government’s Technical Housing Standards and Policy 3.5 of the London Plan. The provision of a wheelchair accessible flat would accord with Policy H8 in the UDP. As such, the residential accommodation proposed would be of a good standard.

The applicant has identified that the units are intended to be used to provide social rented housing. However, given only six residential units are proposed and the scheme delivers less than 1,000m² of new residential floorspace on the site, it does not trigger a requirement to provide affordable housing under Policy H4 in the UDP and Policy S16 in the City Plan. Therefore whilst the provision of the units as a form of affordable housing is welcomed, it is not necessary, nor would it be reasonable to require that the units are provided as affordable housing via a planning condition or legal agreement.

8.2 Townscape and Design

The site is currently functional in appearance reflecting its use as garage accommodation. The garage structures are of simple form and construction and have little, if any, architectural merit. The site is appreciable in public views from Randolph Avenue; albeit the garages are partially screened by the change in levels between the site and street level and the lime tree within the raise bed/ garden at the front of the site.

Given their lack of architectural merit and as they are not located within a conservation area the demolition of the existing garages cannot be resisted and there is no objection to their demolition in design terms in any event.

The footprint of the proposed development is limited to the southern side of the site in order to distance the development from the neighbouring habitable windows in the rear of Helmsdale House to the north. This results in a linear development being proposed along the southern boundary of the site. The northern elevation facing Helmsdale House would be modulated by the stepping forward and back of the footprint of the building to create sheltered courtyard gardens. In view of the proximity of the building to Helmsdale House, and following amendment, the rear of the development would be limited to two storeys with the upper storey at first floor level articulated as a roof tile clad roof storey. The front quarter of the development, where it faces Randolph Avenue would increase in height to four storeys; albeit the third floor level would be relatively slender. Like the top storeys to the rear of the development, the third floor level would take the form of a tile clad roof storey with pitched front and rear elevations identifying it as the terminating element of the overall composition. Below this floor, the building would have windows with a strong vertical emphasis and a relatively ordered pattern of fenestration to seek to tie the design of the building into the surrounding townscape, much of which is located within the Maida Vale Conservation Area.

In addition to the modelling of the bulk and mass of the proposed development referred to in the preceding paragraph, the massing of the building would be further broken down by the use of brickwork in differing brickwork patterns and bonds, false chimneys and tile clad roof storeys.

The scheme proposes the use of yellow/ brown brick as the predominant facing material and this is appropriate given the predominant use of brick in the construction of immediate neighbouring buildings from the 19th and 20th Centuries. The palette of materials is otherwise relatively restrained with dark grey aluminium windows and timber garage and front doors, clay tiles and timber privacy screens.

The majority of the detailing to the houses would be generated by use of the brick in less traditional forms, such as laid in multiple soldier courses. This is not considered to be objectionable as this reflects that the development is conceived as a contemporary interpretation of a traditional mews house form. As noted above, it also assists in breaking down the bulk and massing of the mews houses.

Sample panels of the brickwork and other facing materials and details of the key elevational treatments are to be secured by condition to ensure they are appropriate.

Therefore in design terms, subject to the recommended conditions, the scheme is considered to be acceptable and would preserve the character and appearance of the

neighbouring Maida Vale Conservation Area. The scheme would be in accordance with the Policies DES1, DES4 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

The applicant has submitted a daylight and sunlight assessment of the proposed development, which assesses its impact on properties within Helmsdale House and immediate neighbouring properties in Randolph Avenue, closest of which is No.225 Randolph Avenue immediately to the south of the application site.

The proposed development would not result in a material loss of daylight to any neighbouring windows in neighbouring properties other than to 11 windows in Helmsdale House and No.225 Randolph Avenue. All other windows would either not be affected or affected by losses of daylight that would be below the threshold at which the Building Research Establishment (BRE) Guidelines (2011) identify that the loss of daylight would be appreciable. The 11 windows that would suffer material losses of daylight using the VSC method of assessment, which the BRE Guidelines identify as the primary method of assessing daylight losses to existing neighbouring windows as a result of proposed development, are set out in Table 1 below.

Table 1 – Material Losses of Daylight using Vertical Sky Component (VSC).

Window Location	Habitable Room	Existing VSC	Proposed VSC	VSC Loss	Ratio	Ratio (excl. Over Sailing Balcony)
Helmsdale House – 1 st floor	Likely to be living room window	1.2%	0.9%	0.3%	0.75	0.94
Helmsdale House – 1 st floor	Likely to be living room window	5.4%	4.0%	1.4%	0.74	0.94
Helmsdale House – Grd Floor (No.3)	Likely to be living room window	5.0%	3.7%	1.3%	0.74	0.96
Helmsdale House – Grd Floor (No.3)	Likely to be living room window	7.5%	4.6%	2.9%	0.61	0.86
Helmsdale House – Grd Floor (No.4)	Likely to be living room window	5.2%	4.1%	1.1%	0.79	0.97
Helmsdale House – Grd Floor (No.4)	Likely to be living room window	8.2%	5.9%	2.3%	0.72	0.88
Helmsdale House – Grd Floor (No.5)	Likely to be living room window	8.9%	6.4%	2.5%	0.72	0.89
225 Randolph Ave – Basement level side window	Unknown	28.5%	21.2%	7.3%	0.74	N/A

225 Randolph Ave – Basement level side door	No	27.2%	17.4%	9.8%	0.64	N/A
225 Randolph Ave – Basement level side window	Unknown	27.4%	9.4%	18.0%	0.34	N/A
225 Randolph Ave – Grd level side window	Unknown	30.5%	21.6%	8.9%	0.71	N/A

The material losses that would be caused would be focused towards the eastern end of Helmsdale House adjacent to the taller four storey element of the proposed development. The losses would all occur to windows that are recessed, such that the over sailing element of Helmsdale House above already significantly limits the amount of daylight received by the affected windows. The BRE Guidelines identify that in such circumstances it is reasonable to assess these windows as though they were located in the face of the building and not, so as to identify the extent to which the windows are affected by the existing obstruction rather than the proposed development. The applicant has undertaken such an assessment and as set out in Table 1 above, this demonstrates that if the windows were not recessed they would not suffer a material loss of daylight as a result of the proposed development. In this context, it is not considered that objections raised on grounds of daylight loss to windows in the rear of Helmsdale House can reasonably be supported as a ground on which to withhold permission.

The windows in No.225 Randolph Avenue are at basement and ground floor levels. The windows are in close proximity to the boundary of the site and in such circumstances the BRE Guidelines allow the assessment of the windows against an existing situation with an indicative 'mirror' development on the application site (i.e. a mirror of the built form of No.225 on the application site). Using this test, three of the four windows would no longer fail to accord with the BRE Guidelines with only the penultimate window in Table 1 continuing to fall below the BRE Guidelines. This window is the rearmost side window at basement level. However, the accommodation at basement level in No.225 includes further windows serving habitable rooms to the front and rear and therefore proportionately the impact on this neighbouring property in terms of daylight loss of not considered to be so significant so as to warrant withholding permission.

Only one window in Helmsdale House would suffer a material loss of sunlight as a result of the proposed development and this would be one of the ground floor windows serving No.3 (the window fourth down in Table 1, which also suffers a material loss of daylight). It would suffer a 45% reduction in annual probable sunlight hours and a 40% reduction in winter sunlight hours. Given that the material losses of sunlight would be limited to a single window the impact of the proposed development in sunlight terms is considered to be acceptable.

The applicant has assessed the overshadowing to existing garden spaces to the rear of Helmsdale House. The assessment demonstrates that the proposed development would be compliant with the BRE Guidelines as at least 50% of all the gardens would receive at least two hours of sunlight on 21 March.

8.3.2 Sense of Enclosure

In sense of enclosure terms the occupiers of neighbouring properties in Helmsdale House and the Paddington Waterways and Maida Vale Society have raised concerns that the development would increase enclosure to their windows to a significant degree. The windows in the rear of Helmsdale House would be between 11.6 and 12.2m from the proposed development where it steps forward to its northern elevation, with the recessed elements where the balconies are located set back between 15.5m and 15m. However, as the proposed development would be limited to two storeys at its western end, with the ground floor largely screened by the existing rear boundary of Helmsdale House, this element of the scheme is not considered to give rise to a significant increase in enclosure to properties in Helmsdale House. The four storey element would have a more appreciable impact on views from windows serving properties in the eastern end of Helmsdale House. However, these views are already terminated to some degree by the flank elevation of No.225 Randolph Avenue. Given this and as the bulk and form of the four storey element of the proposed scheme is relatively slender, it is not considered that it would materially increase the sense of enclosure felt by neighbouring occupiers in Helmsdale House to such a degree so as to justify withholding permission given the public benefit of providing new residential accommodation. It is recognised that this element of the proposal would though be readily appreciable in views from windows in the eastern end of Helmsdale House.

To the south of the site, the proposed development would increase the height of the boundary of the rear garden of No.225 Randolph Avenue, albeit the applicant has sought to mitigate this by setting the bulk of the first floor back marginally from the boundary. The proposed development will be readily appreciable in views from the rear windows of No.225 and the rear garden of this property. However, it would only be visible in oblique views from the rear windows and in garden views the garden, which is generous in size, would retain an open aspect to the south and west. The side windows at basement and ground level would be marginally forward of the front building line of the proposed development such that they would not be significantly enclosed. Furthermore, the windows at basement level already face the boundary wall with the application site and so have limited existing outlook.

8.3.3 Overlooking

The scheme has been carefully considered to limit the number and size of windows where they would directly face existing windows in Helmsdale House, so as to limit the potential for overlooking. As a result, whilst there would be some increase in overlooking from new windows within the proposed development, the effect would not be such that the objections raised on this ground could be supported. The scheme includes a number of roof terraces and all of these external amenity spaces would be adequately screened by timber louvred privacy screens, the detail of which is to be secured by condition. The amenity spaces at ground floor level would be screened by the existing rear boundary walls of gardens to the rear of Helmsdale House.

To the south elevation facing No.225 Randolph Avenue, only one window is proposed at first floor level. This is located at the western end of the development and as a result would not cause significant overlooking as it faces the end of the rear garden of the property and is set back from the boundary of the site.

8.3.4 Other Amenity Issues

Conditions are recommended to control the amenity impact of the development. The recommended conditions comprise a condition to prevent the future addition of new windows or extensions which may increase enclosure or overlooking to neighbours and to prevent the use of the roofs of the houses as roof terraces, except where terraces are proposed as part of the proposed development.

Concerns have been expressed regarding the potential for noise from the proposed residential units. However, given the relatively limited number of units proposed, the limited size of the amenity spaces to be provided and the distance from neighbouring flats in Helmsdale House, it is not considered that the proposed development would give rise to such a significant increase in noise so as to warrant withholding permission on this ground.

In conclusion in amenity terms, subject to the recommended conditions, the amenity impacts of the development are acceptable and would accord with Policies ENV 6 and ENV13 in the UDP and S29 and S32 in the City Plan.

8.4 Transportation/ Parking

The Highways Planning Manager objects to the loss of the existing garages on basis that their loss is likely to increase the pressure on on-street residents' parking in the vicinity of the site. However, he notes that this objection is on the basis that the existing garages are protected by condition. In this case no evidence can be found to demonstrate that the existing garages are restricted by condition to use by occupiers of adjoining residential block (Helmsdale House). The applicant's evidence indicates that the garages are largely let, with only one of the 12 garages not let to occupiers of Helmsdale House (see Table 2 below). However, the applicant's survey of the garages in April 2017 indicated that of the 11 garages that are let, only six were being used to park cars at the time of the survey.

Parking Services have reviewed on-street residents parking permits on issue to occupiers of Helmsdale House and this shows that 14 vehicles are already parked on street that are registered to occupiers of these blocks. The Highways Planning Manager has confirmed that on-street parking in the vicinity of the site is at 66% occupancy at night and is at 85% occupancy during the daytime. Therefore it is above the stress level of 80% occupancy referred to in Policy TRANS23 in the UDP during daytime hours, but well below this level overnight.

In this context, whilst it is apparent that the proposal would result in an increase in on-street parking pressure, given the public benefit of providing additional housing on this site, it is not considered that the loss of the garages would have such a significant adverse impact on on-street parking pressure in the immediate vicinity of the site so as to warrant withholding permission pursuant to Policies STRA25 and TRANS23 in the UDP.

Table 2 – Location of Existing Garage Leasees and Letting Status of Garages.

ID	Occupier Address	Status
1	Helmsdale House	Let
2	Helmsdale House	Let
3	Helmsdale House	Let
4	Helmsdale House	Let
5	Helmsdale House	Let
6	Helmsdale House	Let
7	Helmsdale House	Let
8	Helmsdale House	Let
9	Helmsdale House	Let
10	Helmsdale House	Let
11	Helmsdale House	Let
12	-	Vacant

Objectors and the Paddington Waterways and Maida Vale Society have raised concerns regarding the accessibility of some of the parking spaces within the proposed development. The applicant has provided vehicle tracking to demonstrate that the five parking spaces proposed would be accessible to typical sized vehicles and the Highways Planning Manager does not object to the parking layout proposed. The ratio of 0.83 parking spaces per residential unit is relatively high and therefore, despite the Highways Planning Manager's concerns, the level of parking ratio proposed is considered to be acceptable and the provision of car club membership for the residential units within the development is not considered to be necessary to mitigate the parking demand arising from the proposed residential units.

The scheme includes cycle parking in a communal store at the western end of the development. It is unclear whether these cycle stores would be weather proof and secure and therefore it is recommended that further details of the stores are secured by condition to address the Highways Planning Managers concerns in this regard.

The Cleansing Manager does not object to the general strategy of waste storage, with waste stores provided within each house/ flat, with a communal store at the entrance to the development from which the waste and recycling would be collected. However, he has requested that the detail of the strategy is shown more clearly on the approved drawings and therefore a condition is recommended to ensure the waste and recycling storage is amended to address the detailed issues raised in the Cleansing Manager memo. The applicant has confirmed that a member of City West Homes' staff will be responsible for ensuring waste and recycling bins will be presented ready for collection by the Council's refuse contractor and returned to the store following collection. Subject to the recommended condition the proposal would accord with Policy ENV12 in the UDP.

A number of objectors and the Paddington Waterways and Maida Vale Society have raised concerns regarding the accessibility of the rear of Helmsdale House for emergency services in the event of a fire. The proposed development is not to be gated and therefore free access to the rear of Helmsdale House would be retained; albeit the available space for the manoeuvring of a fire appliance, or similar, would be reduced

relative to the existing situation. The views of the London Fire Brigade on this aspect of the scheme have been sought and will be reported verbally to the Committee.

8.5 Economic Considerations

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

8.6 Access

The forecourt of the proposed development would provide level access to the new residential units from the public highway. Both dwellinghouses would have level access to their ground floor level, with the wheelchair accessible flat designed so that the whole unit is fully accessible to wheelchair users. This accords with Policies DES1 and H8 in the UDP and S28 in the City Plan.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Tree Impact

The proposed development would not necessitate the removal of any trees. Trial pits have been dug during the course of the application to demonstrate the extent of rooting of the Lime tree to the front of the site below the site. This has demonstrated that its roots are generally confined to the raised bed/ garden to the front of the site which is to be retained. As such, the Arboricultural Manager does not object to the layout of the development. She does though have concerns regarding the formation of a staircase within the raised bed/ garden area and a condition is recommended to require the location of this stair to be relocated.

A condition is recommended to ensure the provision of the tree protection measures set out in the submitted Arboricultural Statement. Further details of hard and soft landscaping are also be secured by condition. Subject to the recommended conditions the proposal would accord with Policies ENV16 and ENV17 in the UDP and S38 in the City Plan.

8.7.2 Biodiversity

The applicant has assessed the impact of the development on wildlife and this includes assessment of the likelihood of bats roosting in the existing garage structures. The assessment concludes that given their condition, the garages are unlikely to provide for bat roosting and therefore their demolition is unlikely to disturb this protected species. An informative is recommended to advise the applicant of the measures to be taken in the unlikely event that roosting bats are discovered.

The submitted Ecological Appraisal and Surface Water Drainage Strategy suggest that a green roof will be provided on the flat roofs of the proposed buildings. This is not indicated on the drawings, but the applicant has verbally advised that green roofs are proposed. The provision of green roofs is considered to be necessary on three grounds. Firstly the scheme does not include a substantive area of soft landscaping at ground level and a green roof would mitigate this lack of landscaping; secondly the roofs of the buildings will be significantly overlooked and the provision of a green roof would

substantially enhance the visual appearance of these flat roofs; and thirdly the green roofs are necessary to provide attenuation of water run off as set out in the applicant's drainage strategy. A condition is therefore recommended requiring the submission of revised drawings showing a green roof on the flat roofs where they are not to be used as roof terraces. The condition will also require the provision of the green roofs prior to occupation and their retention thereafter.

The Arboricultural Manager comments that a biodiverse green roof should be considered rather than a sedum green roof to enhance the range of species supported by the green roofs. Whilst the desire for such a specification of green roof is understood, it is not considered that it is necessary to deliver the benefits set out in the previous paragraph.

8.7.3 Sustainability

As identified in the application documents, the site is in an area of low flood risk and is therefore an appropriate and sustainable location for residential development.

The energy strategy for the development targets compliance with 2013 Building Regulations, primarily through the energy efficiency of the building fabric. Given that this is a non-major development of limited scale this is acceptable and in accordance with Policy S28 in the City Plan. The submitted Energy Strategy also includes the provision of PV panels, although these are not indicated on the application drawings. A condition is recommended to secure the provision of the photovoltaic panels so that on-site renewal energy is provided in accordance with Policies S28 and S40 in the City Plan.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

No planning obligations are relevant in the determination of this application.

The proposed development would be CIL liable; however, if built as social rented affordable housing it is likely to be eligible for CIL relief.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

The impact of development on the value of neighbouring properties and on private views are not a valid planning grounds for objection and therefore permission cannot reasonably be withheld on the basis of objections raised on these grounds.

Objection has been raised on grounds that the proposal will cause noise and general disturbance and dust and dirt during construction works to neighbouring residents. Permission could not reasonably be withheld on the basis of the impact of construction works. However, the impact of construction works would be mitigated by the recommended condition restricting the hours of building works to between 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays, with no works permitted on Sundays and Bank Holidays. To restrict the hours of construction to a greater degree, as suggested by one objector would be unreasonable and would risk elongating the overall period of construction works.

A number of concerns were initially expressed regarding the timing of consultation and the length of time given for comments. However, the consultation undertaken in both July and November 2017 has accorded with the City Council's Statement for Community Involvement for Planning (2014) and ample time for comment on the application in its originally submitted and revised forms has been provided. As such, permission could not reasonably be withheld on this basis.

Objections have been raised on grounds that the development would have an adverse impact on private views from flats in Helmsdale House and would have an adverse effect the value of neighbouring properties. However, these are not valid planning grounds for objection and therefore permission cannot reasonably be withheld on these grounds.

9 BACKGROUND PAPERS

1. Application form.

Responses to Consultation on Initially Submitted Scheme (July 2017)

2. Email from Paddington Waterways and Maida Vale Society dated 1 September 2017.
3. Memo from the Cleansing Manager dated 2 August 2017.
4. Memo from the Highways Planning Manager dated 18 August 2017.
5. Memo from the Arboricultural Manager dated 17 October 2017.
6. Email from the occupier of 27 Helmsdale House, 43 Carlton Vale dated 26 July 2017.
7. Email from the occupier of 10 Helmsdale House, 43 Carlton Vale dated 26 July 2017.
8. Email from the occupier of 25 Helmsdale House, 43 Carlton Vale dated 2 August 2017.
9. Email from the occupier of 8 Melrose House, 49 Carlton Vale dated 2 August 2017.
10. Email from the occupier of 31 Helmsdale House, 43 Carlton Vale dated 5 August 2017.
11. Email from the occupier of 25 Helmsdale House, 43 Carlton Vale dated 9 August 2017.
12. Email from the Carlton Vale RMO, 1 Helmsdale House, 43 Carlton Vale dated 10 August 2017.
13. Email from the occupier of 25 Helmsdale House, 43 Carlton Vale dated 11 August 2017.

Responses to Consultation on Revised Scheme (November 2017)

14. Memo from the Arboricultural Manager dated 20 November 2017.
15. Email from the occupier of 25 Helmsdale House, 43 Carlton Vale dated 19 November 2017.
16. Email from the occupier of Carlton Vale RMO, 1 Helmsdale House, 42 Carlton Vale dated 23 November 2017.
17. Email from the occupier of 25 Helmsdale House, 43 Carlton Vale dated 24 November 2017.

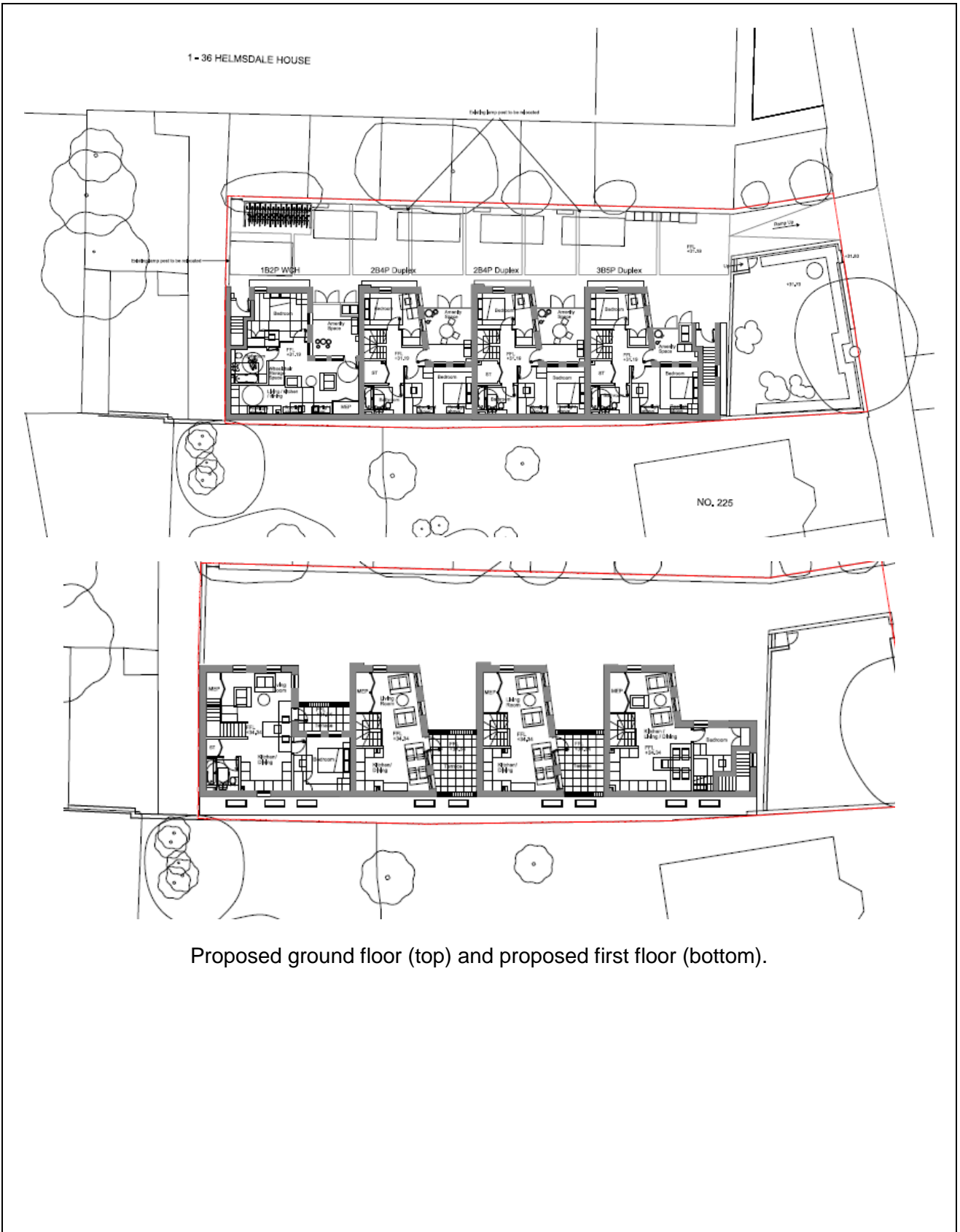
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

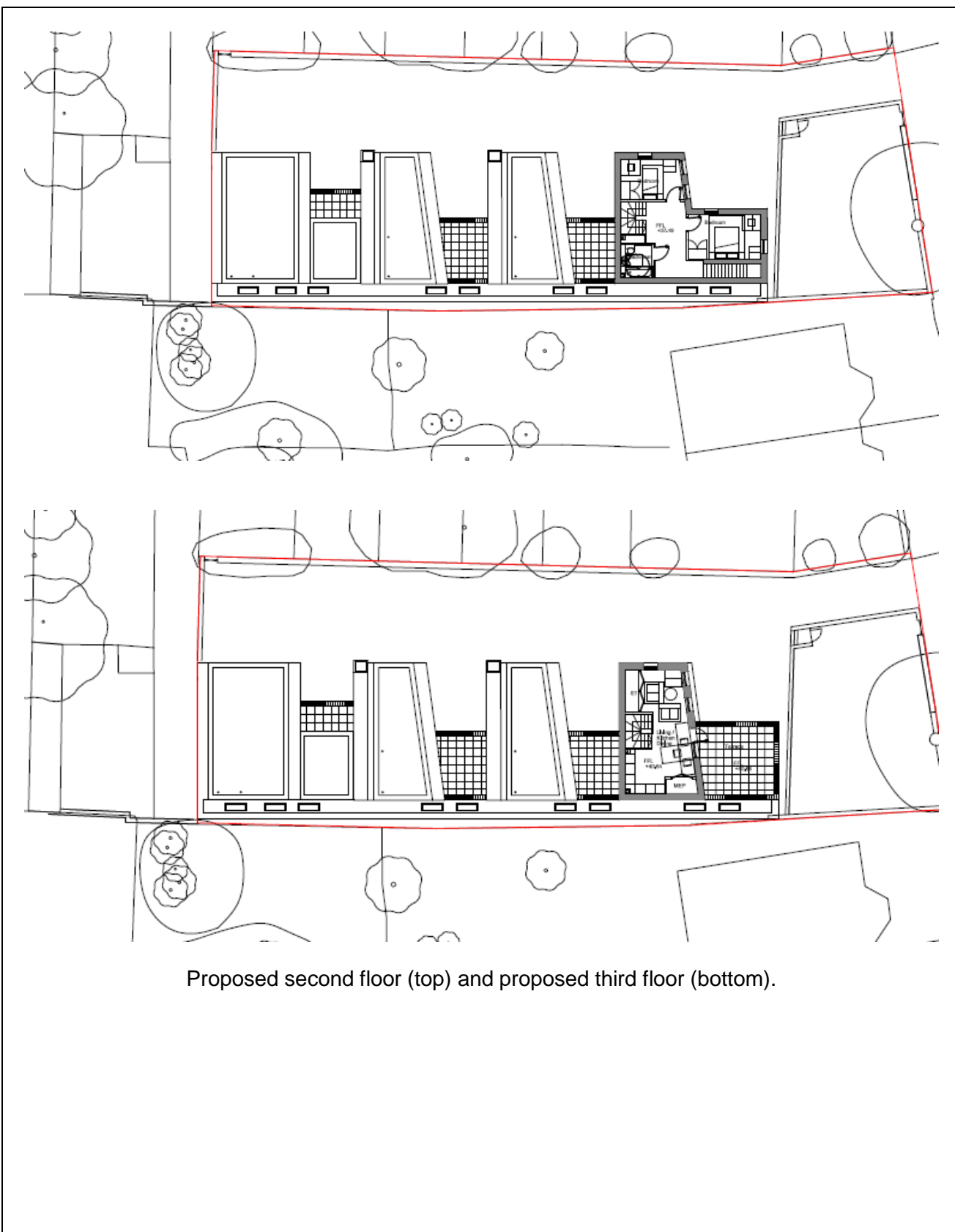
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

10 KEY DRAWINGS

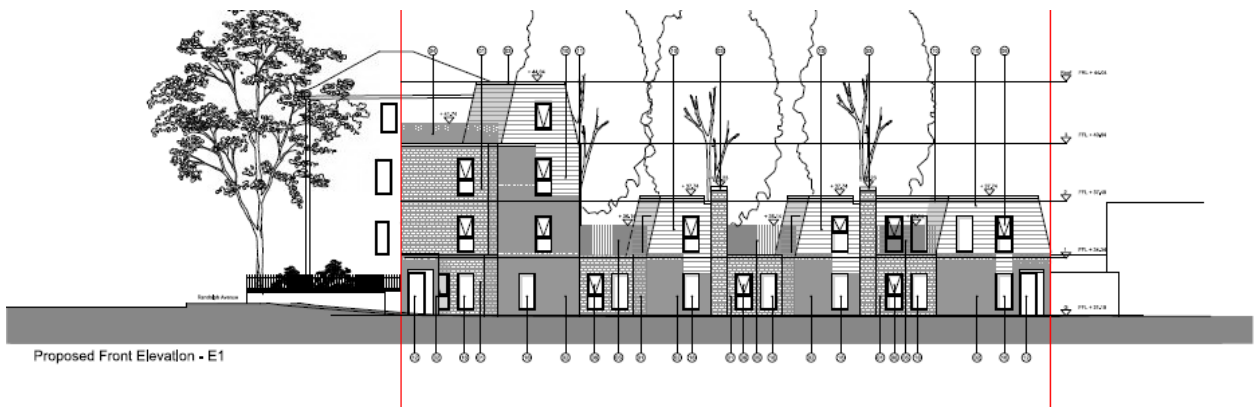
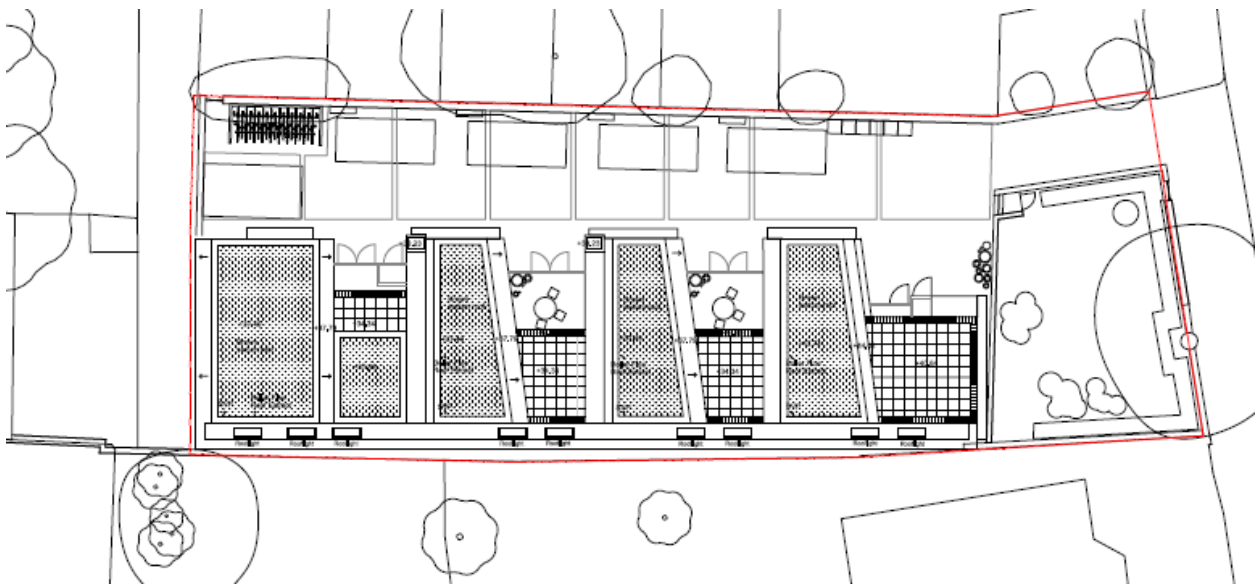


Photomontage of proposed development as seen from Randolph Avenue (top) and colour north elevation facing the rear of Helmsdale House (bottom).

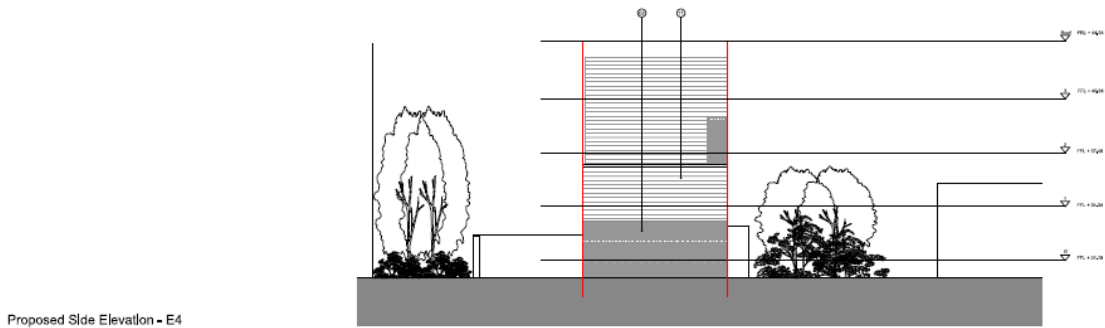
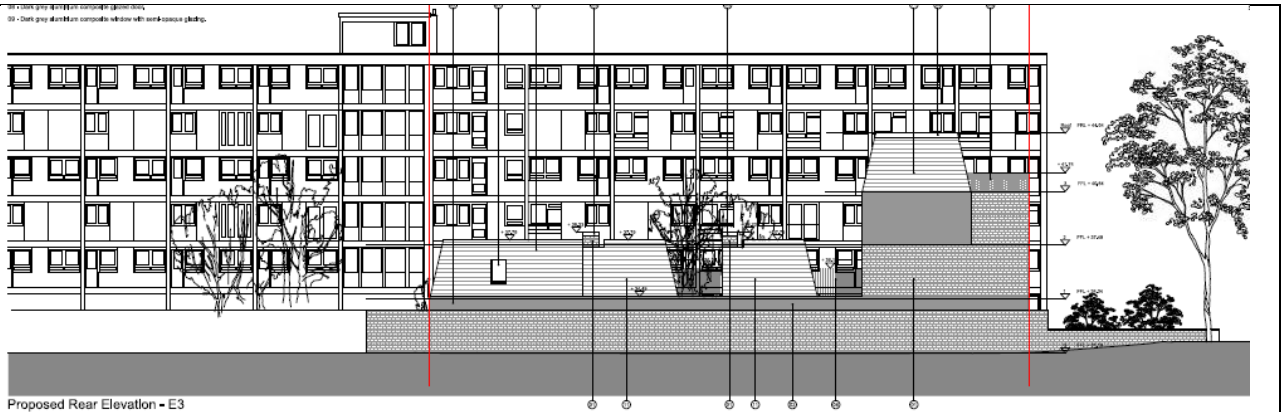




Proposed second floor (top) and proposed third floor (bottom).



Proposed roof plan (top) and proposed side (north – facing Helmsdale House) and proposed front (east – facing Randolph Avenue) elevations (bottom).



Proposed side elevation (south – facing No.225 Randolph Avenue) (top) and proposed west elevation (bottom).

DRAFT DECISION LETTER

Address: Helmsdale House, 43 Carlton Vale, London, NW6 5EN

Proposal: Demolition of single storey garages and erection of buildings ranging between two and four storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.

Plan Nos: 1638-2/A/106/003 (site location plan), 1638-2/A/101/001 Rev.02, 1638-2/A/101/102 Rev.02, 1638-2/A/101/103 Rev.02, 1638-2/A/101/104 Rev.01, 1638-2/A/101/003 Rev.02, 1638-2/A/102/000 Rev.01, 1638-2/A/102/001 Rev.01, 1638-2/A/103/001 Rev.01, Design and Access Statement dated July 2017 (as amended by the Planning Drawings document dated November 2017), Daylight and Sunlight Study dated 19 May 2017, Daylight and Sunlight (Within Development) Study dated 19 May 2017, Air Quality Report dated April 2017, Statement of Community Involvement dated July 2017, Ground Investigation Report dated May 2017, Acoustic Planning Report dated March 2017, Surface Water Drainage Strategy dated July 2017, Structural Notes to Accompany Planning Submission dated July 2017, Noise Assessment dated July 2017, Ecological Appraisal dated June 2017, Cultural Impact Assessment dated 17 May 2017, Energy Statement dated June 2017, 1638-2/A/106/001 Rev.P1, 1638-2/A/106/002 Rev.P1 and LD-SKE-002 Rev.A (Removals).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and 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 preventing noise.

- 2 Except for piling, excavation and demolition work, you must carry out 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)

Item No.
3

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

- (a) All windows in context with the window surrounds and window reveals.
- (b) All external doors.
- (c) Timber screens to balconies.
- (d) Hit and miss brickwork to front block roof terrace.
- (e) Waste and recycling collection storage structures.
- (f) Front boundary walls/ fences.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 Except where the drawings hereby approved are cross hatched and annotated 'Terrace', you must not use the roofs of the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21AA)

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)

- 8 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the dwellinghouses forming part of this development or erect any extensions without our permission. This is despite the provisions of Classes A, B, C and D of Schedule 2, Part 1 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:
To protect the privacy and environment of people in neighbouring properties and protect the appearance of the development and this part of the City. This is as set out in S28 and S29 of Westminster's City Plan (November 2016) and DES1, DES5, DES6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 9 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of a living green roofs on all flat roofs that are not to be used as roof terraces.

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 the living green roof must be installed prior to the occupation of the development. Thereafter the green roof must be permanently retained in the approved locations. (C26UB)

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

- 10 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential

part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

- Revised cycle parking for the residential units that is weather proof and secure.

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 install the cycle parking we approve prior to occupation of the residential units. Thereafter the cycle parking must be permanently retained. (C26UB)

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.

- 12 Notwithstanding the bin stores shown some of the drawings and documents hereby approved, 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 (the details must include (i) the provision of a revised ground floor plan showing waste storage within the amenity areas as well as the communal bin store and (ii) the bins for waste and recycling should be indicated with the letters 'w' and 'r' respectively).

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 occupying the dwellinghouses. (C14EC)

Reason:

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

- 13 You must provide the timber privacy screens around the roof terraces in accordance with the drawings hereby approved (and as detailed in the drawings we approve pursuant to Condition 5) prior to occupation of the development. Thereafter the timber privacy screens must be permanently retained in accordance with the approved drawings.

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)

- 14 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Relocation of the steps up to the communal front garden area so they are not located within the root protection area of the tree within the garden area.

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

Reason:

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

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

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

- 16 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of photovoltaic panels in accordance with the submitted Energy Statement dated June 2017.

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 prior to occupation of the development and thereafter you must permanently retain the photovoltaic panels. (C26UB)

Reason:

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

- 17 You must not carry out the development until you have implemented the tree protection

measures set out in the Arboricultural Impact Assessment dated 17 May 2017. Thereafter the tree protection measures must be maintained for the duration of the construction works.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)

- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	61 - 71 Victoria Street, London, SW1H 0HW		
Proposal	Facade replacement with retention of existing structural frame and erection of two additional storeys, to provide a building of basement, ground and eight upper floors with covered and screened plant area at rear eighth floor level, lift overrun at main roof level and associated works in connection with use of the building as retail (Class A1) at part basement and part ground floor level and offices (Class B1) on the upper floors.		
Agent	DP9		
On behalf of	Standard Life Investments		
Registered Number	17/02123/FULL	Date amended/ completed	26 September 2017
Date Application Received	8 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Broadway And Christchurch Gardens		

1. RECOMMENDATION

Grant planning permission.

2. SUMMARY

No. 61 - 71 Victoria Street comprises basement, ground and six upper floors with retail (Class A1 and A4) uses at basement and ground floor level and offices on the upper floors.

An application has been submitted seeking planning permission for the replacement of the façade retaining the existing structural frame and the erection of two additional floors including a covered and screened plant area at rear eighth floor level, in connection with continued use of the building as offices (Class B1) on the upper floors and retail (Class A1) at part basement and part ground floor.

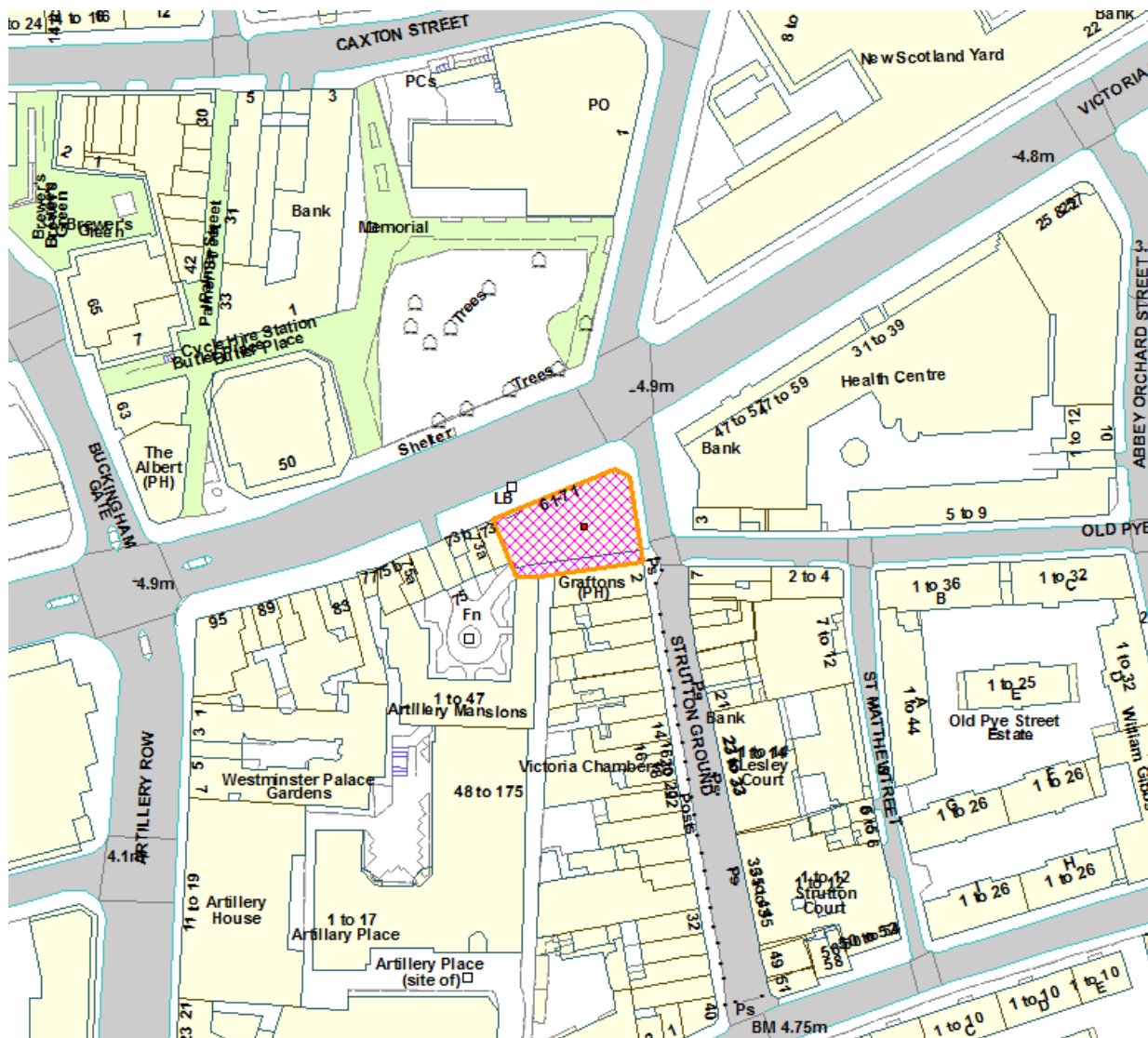
The key issues for consideration are:

* The impact of the proposals on the appearance of the building and character of the surrounding Broadway and Christchurch Gardens Conservation Area.

* The impact of the proposals on the amenity of neighbouring residents.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

TRANSPORT FOR LONDON:

Any response to be reported verbally.

ENVIRONMENT AGENCY:

Any response to be reported verbally.

THORNEY ISLAND SOCIETY:

Objection on the grounds that the proposed building will detract from Artillery Mansions, which the existing building complements well.

WESTMINSTER SOCIETY:

Objection on the grounds that the proposed building would not add anything to the existing streetscape when compared to the existing building. The increase in height by two storeys will detract from the characterful appearance of Artillery Mansions which is wholly unwelcome.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

HIGHWAYS PLANNING MANAGER:

Cycle parking and waste storage to be secured by condition. Servicing arrangements acceptable given that the proposal will not alter the building or existing use significantly.

CLEANSING MANAGER:

Revised details of waste storage to be secured by condition.

BUILDING CONTROL:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted - 130

Total No. of replies - 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application property lies within the Core Central Activities Zone and is situated in the Broadway and Christchurch Gardens Conservation Area on the corner of Victoria Street and Strutton Ground. The building comprises retail at basement and ground floor level and offices at first to sixth floor level with plant at main roof level.

6.2 Recent Relevant History

Planning permission was granted in August 1988 for the redevelopment of the site and erection of office and retail accommodation on basement, ground level and six floors above.

7. THE PROPOSAL

It is proposed to replace the façade whilst retaining the existing structural frame and erect two additional floors in order to provide a building of basement, ground and eight upper floors. A covered and screened plant area is proposed at rear eighth floor level along with a lift overrun at main roof level.

The building would continue to provide office accommodation (Class B1) on the upper floors and retail (Class A1) at part basement and part ground floor level. A land use table is provided below illustrating the existing and proposed floorspace figures.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	2,879.75	3,845.46	+965.71
Retail (Class A1)	293.25	474.73	+181.48
Bar (Class A4)	524.35	0	-524.35
Total	3,697.35	4,320.19	+622.84

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application proposes a total commercial uplift of approximately 623 sq m GIA. Under Policy S1 of the City Plan which considers developments which should provide a mix of uses, this does not trigger the requirement for the provision of any residential accommodation.

There is an increase of approximately 966 sq m of office accommodation (Class B1) which is welcome in policy terms in the Core CAZ.

There will be a reduction of retail floorspace at ground floor level of approximately 49 sq m in order to allow a larger reception area for the offices above, however given that there will be an overall increase in retail (Class A1) accommodation at part basement and part ground floor levels of approximately 181 sq m as a result of the loss of the existing bar (Class A4) at basement level, this is considered acceptable in policy terms.

Up to four retail units are proposed to the Victoria Street elevation having flexible divisions to allow for their use individually or together. It is understood that the connection to the basement retail floorspace from the units will be in accordance with the tenants' requirements. A separate retail unit at ground floor level will be provided on the Strutton Ground elevation which will serve to activate this frontage.

8.2 Townscape and Design

Objections have been received from the Westminster Society and the Thorney Island Society on the grounds that they feel the design and scale of the new building is detrimental to the adjacent Artillery Mansions. They consider the existing building to be a better design with a more comfortable relationship to the adjoining building.

The building currently on the site is a late 20th century design which, while competent, is not considered to make any positive contribution to the character or appearance of the conservation area. It is described in the Broadway and Christchurch Gardens Conservation Area Audit as making a neutral contribution and this attribute is considered correct.

The building occupies a prominent position on the corner of Victoria Street and Strutton Ground. There is a considerably taller and larger scale of development to Victoria Street than to the smaller, more domestic scale of buildings in Strutton Ground. This pattern is typical of the Victoria Street area. Artillery Mansions, adjacent to the site is a handsome Victorian mansion block and is identified as an unlisted building of merit in the Conservation Area Audit. The smaller scale Victorian buildings in Strutton Ground that adjoin the site are similarly identified as buildings of merit.

The existing building is to have its facades removed and the proposed replacement design utilizes the existing concrete frame. This will minimize on-site disruption and is generally considered a more sustainable form of development than total demolition and rebuild. The design has been the subject of significant discussion between Officers and the applicant.

The proposal is for a building of comparable scale to parapet level but with a two storey, inhabited roof compared to the single storey roof structure of the existing building. The new building would be approximately one storey higher than the existing. The projecting bays of the existing building would be cut back to approximately half the projection of those existing and the bays would be made wider. The degree of projection over the highway therefore remains substantially the same.

The projecting bays help to animate the façade, creating depth and shadow and reflect the tradition of projecting bays on the more traditional Victorian buildings in the area, including the adjacent Artillery Mansions. The façade design is contemporary but maintains the tradition of a brick wall with punched openings. Materials have been simplified to a palette of red brick, Portland stone detailing and metal window frames and decorative details to the openings. This restrained use of materials is again typical of the more traditional buildings in the area.

The roof parapet aligns with that of Artillery Mansions and a double height, double-pitched traditional mansard with dormers provides additional accommodation. This is approximately one storey higher than the adjacent Artillery Mansions, but due to the 35 degree angle of the secondary pitch its visibility in the streetscene is limited. It is also considered that due to its corner location, it would not be atypical to have a slightly taller building in such a location in the townscape. The scale of building on the opposite corner of Strutton Ground is also considerably taller again and the building sits comfortably within the scale of the streetscene.

It is not considered that the building is too high nor that it visually dominates the adjacent Artillery Mansions. The rear of the building is also modelled in brick with stone banding and fenestration where internal planning and overlooking allows. The rear is visible in some street views from the south and it is considered to provide a well-designed, secondary façade to these views.

With regard to the objections received from the local amenity societies, the appreciation of the façade design is necessarily subjective to a degree, but the new building is characteristic of the tradition of Victorian mansion-type buildings in both its materiality and its design. The use of red brick, Portland stone and slate roof along with projecting bays and a double-pitched mansard roof are all typical details of such a building type and is considered to sit better with its neighbours than the current design which has more reference to a post-modern interpretation of Victorian architecture.

In summary, it is considered that the new building is an improvement on the existing in design terms and the scale is not inappropriate for its context. The building is considered to enhance the character and appearance of the conservation area.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

The proposed development would increase the overall height of the building, however broadly maintains the existing parapet heights. The neighbouring properties are in residential use with residential properties found in Artillery Mansions and in the recently completed 55 Victoria Street. It is understood that there may also be ancillary residential accommodation above the Grafton Pub at 2 Strutton Ground. No objections to the proposals have been received from neighbouring residents.

The rear of the building faces the flank wall of The Grafton Arms public house and the flank wall of one of the internal blocks to Artillery Mansions. Given the relationship of the site with the neighbouring buildings and as the proposals will replace existing facades it is not considered that the proposals will give rise to significant amenity issues for adjoining residents in terms of sense of enclosure, outlook or privacy sufficient to merit a refusal of the application on these grounds.

Sunlight and Daylight

In terms of daylight, the applicant has submitted a daylight and sunlight study in support of the application which demonstrates that the proposed development will not lead to any significant impacts on neighbouring windows with regard to the BRE guidelines which would be sufficient to merit the refusal of permission on these grounds.

No. 55 Victoria Street is situated to the east of the application site across Strutton Ground. Two windows, at third and fourth floor, are reduced to 0.7 times their former value, however these are secondary windows to Living / Kitchen / Dining rooms where the primary window is unaffected and retains very high VSC levels in excess of 35%. In such

circumstances the guidelines suggest consideration of the mean VSC for all the windows serving the room and the proposal is therefore fully compliant with the targets.

There are residential flats situated to the south west of the proposal within the eastern wing of Artillery Mansions, the flank wall containing windows which look onto the application site. The applicant's assessment confirms that the scheme will cause no material additional impact to VSC levels except for a single window at third floor level which will experience a slight deviation to 0.7 times its former value. However, as the room affected is lit by two further windows which are not materially affected by the proposal it is considered that the proposals meet BRE targets in this regard and no objection has been received from the occupier of this property.

The rear of the application site faces the flank wall of The Grafton Public House at 2 Strutton Ground, which is situated to the south of the site and is separated from application site by a narrow alley.

The applicant has considered the daylight and sunlight impact on this property on the basis that there may be an element of ancillary residential accommodation to the upper floors. The majority of windows retain VSC levels at or within 0.8 times their former value or, in the case of dual aspect space, experience reductions only to a secondary window such that mean VSC levels are fully compliant with the BRE targets. A small number of the single aspect rooms experience reductions to 0.7 times their former value, however, these percentage reductions are exacerbated by the low pre-existing levels. Absolute changes in VSC to these windows does not exceed c.1% and is likely to be unnoticeable.

In respect of direct sunlight all main living room windows within 90 degrees of due South have been considered. The results of the study show that all relevant windows / rooms in surrounding properties remain compliant with the BRE sunlight criteria. The impact of the proposal on surrounding properties is therefore fully compliant with the BRE targets.

8.4 Transportation/Parking

No changes are proposed to the servicing/loading arrangements which will remain as existing arrangements with servicing taking place on street, from Strutton Ground and Old Pye Street. There is a rear lane to the back of the site however this is not used as off street service access for the existing building, given that its predominant use is as a means of fire escape from Artillery Mansions, who have a right of access through this lane.

Cycle parking (40 spaces) and showers are proposed at basement level for the office element, which are recommended to be secured by condition. No cycle parking is provided for the retail element, which although regretful is considered acceptable in this instance given the accepted difficulty of accessing the cycle storage area from these units.

8.5 Economic Considerations

The proposals are CIL liable and the total estimated sum is £169,005.63 of which £39,381.36 corresponds to Mayoral CIL and £129,624.27 corresponds to Westminster CIL.

8.6 Access

The proposed new entrance thresholds will be flush with pavement level on Victoria Street and Strutton Ground. Inclusive access is provided from the ground to upper office accommodation via a new lift core. Office staff will have inclusive access to the basement facilities using the new lift core.

8.7 Other UDP/Westminster Policy Considerations

Plant

A dedicated area for plant is proposed at eighth floor level, where an acoustically screened external plant deck is proposed. The plant specifications have not been specified at this stage, however this will need to meet the Council's standard noise conditions and a supplementary acoustic report is required to be secured by condition when the plant has been selected.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

The applicant has submitted a Sustainability Statement which confirms that the proposed development will deliver a building which is significantly more energy efficient than at present, resulting in a reduction in energy and carbon consumed by the site. It will target substantial improvements over what is required by the Building Regulations.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

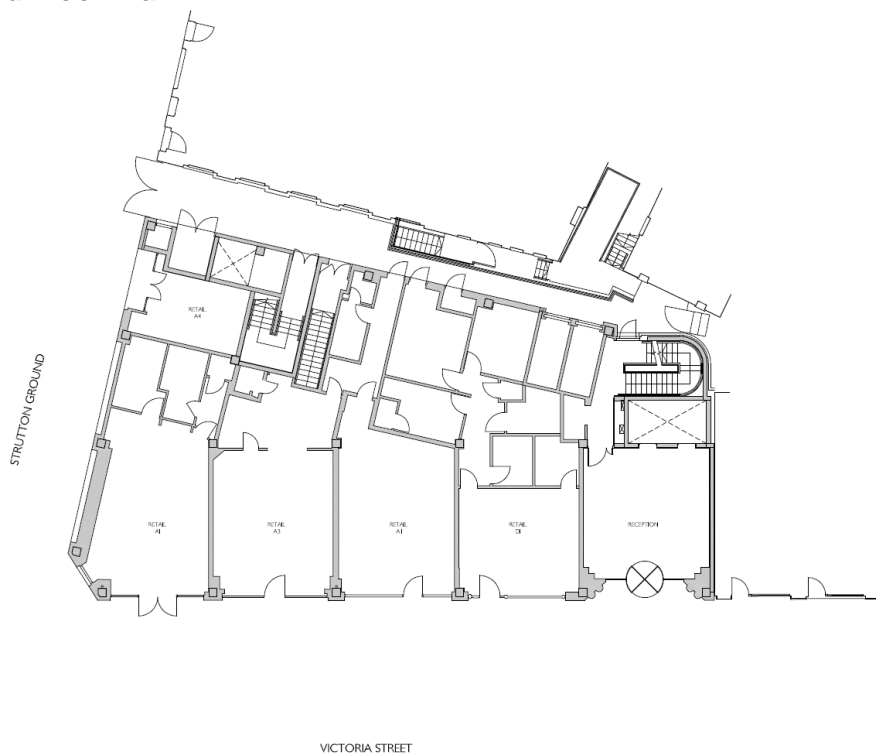
1. Application form
2. Responses from Thorney Island Society, dated 23 March 2017 and 4 October 2017
3. Responses from Westminster Society, dated 4 April 2017 and 5 October 2017
4. Responses from Plant And Equipment, dated 18 April 2017 and 16 November 2017
5. Responses from Cleansing, dated 31 March 2017 and 16 November 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: SEBASTIAN KNOX BY EMAIL AT sknox@westminster.gov.uk.

10. KEY DRAWINGS

Existing Ground Floor Plan



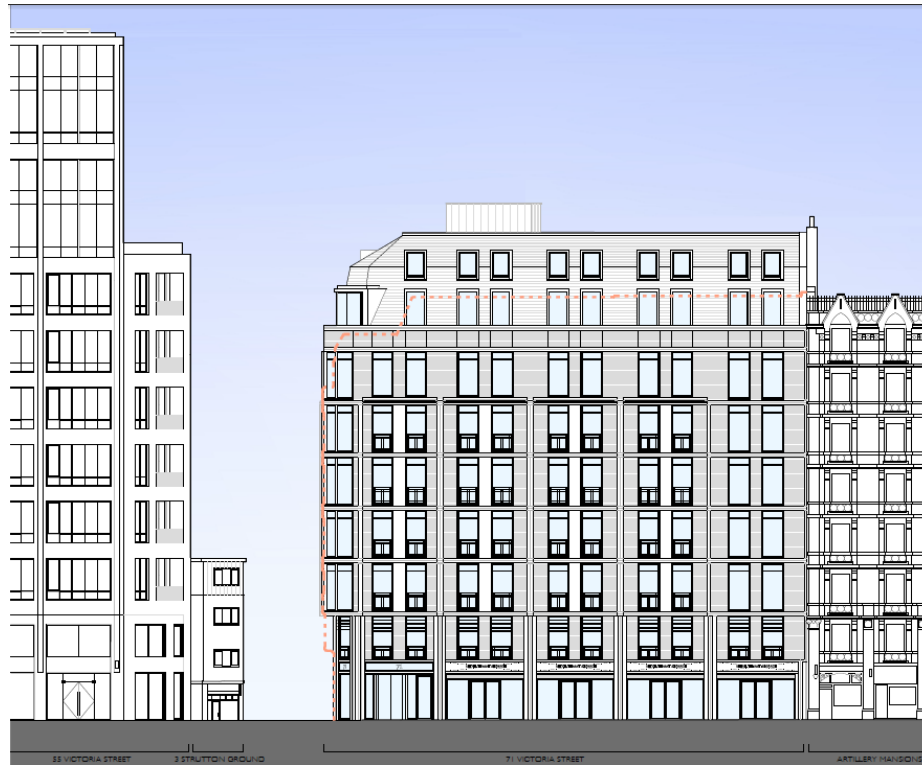
Proposed Ground Floor Plan



Existing Victoria Street Elevation**Existing Strutton Ground Elevation****Existing Rear Elevation**

Proposed Victoria Street Elevation



Visual as proposed**Proposed development in context**

DRAFT DECISION LETTER

Address: 61 - 71 Victoria Street, London

Proposal: Facade replacement with retention of existing structural frame and erection of two additional storeys, to provide a building of basement, ground and eight upper floors with covered and screened plant area at rear eighth floor level, lift overrun at main roof level and associated works in connection with use of the building as retail (Class A1) at part basement and part ground floor level and offices (Class B1) on the upper floors.

Plan Nos: P(OS)01 Rev. A; P(OS)02 Rev. A; E(-)01; E(-)02; E(-)03; E(-)04; E(-)05; E(-)06; E(-)07; E(-)08; E(-)09; E(-)11; E(-)12; E(-)13; D(-)01; D(-)02; D(-)03; D(-)04; D(-)05; D(-)06; D(-)07; D(-)08; D(-)09; P(-)01 Rev. C; P(-)02 Rev. F; P(-)03 Rev. C; P(-)04 Rev. C; P(-)05 Rev. C; P(-)06 Rev. B; P(-)07 Rev. B; P(-)08 Rev. C; P(-)09 Rev. C; P(-)10 Rev. C; P(-)11 Rev. C; P(-)12 Rev. E; P(-)13 Rev. D; P(-)14 Rev. D; P(-)15 Rev. B; Sustainability Statement Rev. B dated February 2017, prepared by Hoare Lea; Structural Engineering Concept Design Report dated 17 February 2017, prepared by Acies; Transport Statement dated March 2017, prepared by Caneparo Associates; Plant Noise Assessment Rev. 2 dated 27 February 2017, prepared by Hoare Lea; Daylight and Sunlight Report dated 17 February 2017, prepared by Eb7; Flood Risk Statement Rev. B dated March 2017, prepared by Peter Brett Associates; Daylight and Sunlight Addendum Letter dated 25 September 2017 prepared by Eb7; Sustainability Report, External Lighting Statement, Ventilation Statement and Plant Noise Assessment Addendum Letter dated 21 September 2017, prepared by Hoare Lea; Transport Assessment Addendum dated September 2017, prepared by Caneparo Associates; Flood Risk Assessment Addendum dated 22 September 2017, prepared by Peter Brett Associates.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

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

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

Reason:

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

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

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

- o between 08.00 and 18.00 Monday to Friday; and

- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway And Christchurch Gardens 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 detailed drawings of the following parts of the development -
 - (a) Typical bay design at 1:25 scale;
 - (b) Shopfront details at 1:20 scale with detailed cross-sections at 1:10;
 - (c) Typical window and external door details at 1:10 scale.
 You must not start any work on these parts of the development until we have approved what you have sent us.
 You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway And Christchurch Gardens 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 (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 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.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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.
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 6 Conditions 5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 9 With reference to condition 12 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 10 Any structure or awning over the footway (highway) must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge.
- 11 No development should occur between the footway and a depth of 900mm. This is to ensure sufficient space remains for utilities and in accordance with TRANS19.
- 12 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020

7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 13 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 th December 2017		Classification For General Release
Report of Director of Planning			Ward(s) involved West End
Subject of Report	Welbeck House, 66-67 Wells Street, London, W1T 3PY		
Proposal	Demolition of existing building and excavation at basement level, and redevelopment to provide a new building comprising basement, ground and four upper floors, with retail (Class A1) use at part ground floor and part basement level and office use (Class B1) at part ground floor and part basement and at upper levels.		
Agent	Cooley Architects		
On behalf of	Davis Brown		
Registered Number	17/02705/FULL 17/02711/LBC	Date amended/ completed	30 October 2017
Date Application Received	28 March 2017		
Historic Building Grade	Unlisted. Adjoining building (All Saints Church) is listed Grade I.		
Conservation Area	East Marylebone		

1. RECOMMENDATION

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

2. SUMMARY

The application site is an unlisted property located in the East Marylebone Conservation Area and comprises basement, ground and four upper floors plus a two storey linked building at the rear. The basement and ground floors to the main building are in Class A1 retail use, the remainder of the site is occupied for office purposes (Class B1). Permission is sought to demolish the existing building and to erect a new five storey building with an enlarged basement floor, for office and retail purposes. Listed building consent is also sought as the new building adjoins All Saints Church which is listed Grade I.

The key issues for consideration are:

- * The height, bulk and detailed design of the proposed building and its impact on the character and appearance of the conservation area;
- * The impact of the proposal on the special interest of the adjoining Grade I listed building;

* the impact on nearby residential properties;

The principle of redevelopment, with a degree of additional height and bulk to the rear, is considered acceptable and the proposed design, which incorporates a glazed curtain wall behind a brickwork skin, is considered an acceptable approach in this instance. In all other respects the scheme is considered to comply with adopted policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Original application

HISTORIC ENGLAND

Do not wish to offer any comments.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised subject to conditions

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any comments to be reported verbally

HIGHWAYS PLANNING

No objections raised subject to conditions.

ENVIRONMENTAL HEALTH

No objections raised. Planning permission will be required for any future mechanical plant.

CLEANSING

No objections raised subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 74; Total No. of comments: 2

Two letters of objection on the following grounds:

Historic building issues

* The wall of the development site, adjacent to the courtyard to the neighbouring church, and the height of the proposed development adjacent to the church's east wall affect the setting of the Grade I church

*Building against the external wall to the church will alter its hygrothermal performance and may have a detrimental effect on the interior architectural work including frescos

*Vibration from construction works could cause irreparable damage to the interior of the church

*Displacement of ground water may affect the foundations of the church

*Structural method statement is largely generic and makes no specific provision on the impact on the adjoining Grade I listed church

Amenity

*Loss of light

*Increased sense of enclosure

Other issues

*Inadequate drawings

*The east wall of the church is not a party wall and the applicant has no rights to underpin this wall

*Insufficient detail relating to rainwater disposal

*Disruption from demolition and construction noise

Re-consultation following submission of revised plans

BUILDING CONTROL

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2; Total No. of comments: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted property located in the East Marylebone Conservation Area and the Central Activities Zone. The property comprises a main building of basement, ground and four upper floors, with a basement and ground floor linked extension at the rear. Part of the basement and ground floor of the main building is occupied by a courier company, although the lawful use of these floors is for retail (Class A1) purposes. The remainder of the building is in office use.

The surrounding area is largely commercial in character although there is a block of flats immediately opposite the site (St Andrews Chambers). The site to the immediate north, at 59-65 Wells Street, has recently been redeveloped for office and a flexible retail/restaurant use. On Margaret Street, to the immediate rear of the site, lies All Saints Church which is Grade I listed. No. 6 Margaret Street forms part of All Saints Church and is in residential use.

6.2 Recent Relevant History

Planning application withdrawn on 18th June 2009 for the erection of a roof extension at fifth floor level, infilling of rear light well from ground to fourth floor and erection of a rear roof extension at third floor level. Use of first to new fifth floor levels as 4 x studio flats 1x1 bed and 4x2 bed units. Alterations to front facade including new shop front. Installation of screening at roof level.

Planning permission refused on the 12th February 2010 for the erection of a roof extension at fifth floor level and rear extension from first to fourth floor levels. Use of first to new fifth floor levels a 4x1 bedroom studios, 3x2 bed and 1x3 bed units. Alterations to rear and front facade including new shop front. Permission refused on design grounds (mansard roof), lack of parking, mix and amenity (impact of roof extension on St Andrews Mansion) and unacceptable living conditions (caused by overlooking from rear office building).

Planning permission granted on the 10th February 2011 for the erection of rear extensions from first to fourth floor levels in connection with the use of these floors as seven residential units (2 x 3 bed, 2 x 2 bed, 2 x 1 bed flats and 1 studio flat); alterations to rear and front facade including replacement dormer windows, re-covering of the mansard roof in lead; new shopfront, alterations to the commercial building at the rear; including revised roof profile and removal of windows.

Planning permission granted on the 24th March 2014 for the erection of rear extensions from first to fourth floor levels in connection with the use of these floors as seven residential flats (2x3 bedroom, 2x2 bedroom, 2x1 bedroom units and 1x studio flat); alterations to rear and front facade including replacement dormer windows, re-covering of the mansard roof in lead; new shopfront, alterations to the commercial building at the rear, including revised roof profile and removal of windows.

7. THE PROPOSAL

The application seeks permission for the demolition of the existing building and for the construction of a new five storey building with an extended basement floor (covering a wider area and to an increased depth). The proposed building would be taller than the existing and would project further at the rear. The building design which incorporates a glazed curtain wall behind a brickwork skin, has been amended during the course of the application to reduce the extent of glazing and the size of the front projecting bay. In addition, the area of basement excavation has been reduced to ameliorate any potential impact on the adjacent Grade I listed church.

The existing UKPN substation is to be retained at basement level, cycle storage is proposed within the front pavement vaults and a green roof and PV panels are proposed at roof level. The new development would be used for retail purposes at part ground and basement floors with office use in the remainder of the building, as set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail	229	200	-20
Office	935	1,289	+354
Total	1,164	1,489	+325

8. DETAILED CONSIDERATIONS

8.1 Land Use

Retail use

The existing building has two retail units at part basement and ground floors, although only the unit at 66 Wells Street is in retail use. The shop at 67 Wells Street is currently unlawfully occupied by a courier company. The proposals provide a single retail unit on at part ground and basement levels comprising 200 sqm, a net loss of retail floorspace of 29 sqm. The City Council places a high priority on retaining A1 uses and both the UDP and City Plan seek to protect the retail role and function of CAZ. Policy SS4 states that 'development schemes should provide at least the same amount of retail floorspace as was there before, and should provide for at least the same amount of A1 use as was there before. The size and type of units must be appropriate to the character and function of the street.'

Whilst the loss of retail floorspace would be strictly contrary to Policy SS4, the replacement accommodation would be better configured than the existing, which is relatively fragmented and compartmentalised. Whilst only one retail unit is proposed, it would be superior in qualitative terms, comprising more open floorplates. In these circumstances it is not considered that the loss of 29 sqm of Class A1 floorspace would compromise the retail offer on the site.

Office use

Policy S20 directs new office development to the Core CAZ and therefore the uplift in office floorspace is welcome. Under policy S1, this increase in office provision, being less than 400 sqm, does not require any on-site residential accommodation to be provided.

8.2 Townscape and Design

No. 66-67 Wells Street is an unlisted property located in the East Marylebone Conservation Area. The Conservation Area Audit does not classify the property as a building of merit which makes a positive contribution to the character and appearance of the conservation area. Demolition is acceptable if the replacement building preserves or enhances the conservation area.

The proposed building is five storeys high with an extended basement level. It makes a transition between the three storey building to the south, with the new seven storey building to the north. The top floor is set back, with projecting dormer like windows. This massing is acceptable.

The design is modern. The facade is divided in to two sections. The southern one comprises a brick facade with large vertical openings. A glazed facade, with metal spandrel panels at floor level, is set back behind the brickwork. This facade is revealed in the northern section, which features a projecting bay clad in metal. The bay is set 500 mm forward of the facade line. This design approach, of detached brick facade and projecting bay, is an unusual, atypical, arrangement but in this location, adjacent to the new development to the north, it is considered to be an acceptable approach.

The site adjoins the eastern end of All Saints Church, Margaret Street, which is listed Grade 1. The Church has expressed concerns about the potential structural and environmental impact of the development, and impact on the internal decorative scheme, and the proposal has been revised in order to address these issues. The basement excavation is now set away from the party wall with the church and this should not cause structural problems for the Church. The extent to which the new building abuts the external wall is only marginally greater than the existing and in this regard it is considered that the impact on the special interest of the Church would not be harmful.

The Church has also requested that consideration be made to retain the rear wall of the existing building in order to limit the impact to the arched window in the north east wall of the Church. This part of the new building is set back from the Church, separated by an existing courtyard and, whilst there would be a marginal increase in height at this point, it is not considered that the application could be refused on the impact on the listed status of the Church.

The application is recommended for approval in design terms and is in accordance with UDP policies DES 1; DES 4, DES 9; DES 10, City Plan policies S25; S28 and the NPPF.

8.3 Residential Amenity

The nearest residential property to the rear of the application is at 6 Margaret Street, a single residential dwelling attached to All Saints Church. There is also a block of flats, St Andrews Chambers, on the opposite side of Wells Street. A daylight and sunlight report has been commissioned (by Right of Light Consulting) which examines the impact on daylight and sunlight conditions to the adjacent residential properties.

Sunlight and Daylight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlight and daylight levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC 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 BRE advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The daylight assessment shows that only a first floor lantern light at 6 Margaret Street would experience losses in excess of the BRE guidelines. All Saints Church has objected to the loss of light to this window, however, that this roof lantern serves a non-habitable space, it is not considered that the application could be refused on these grounds. All of the other windows within the neighbouring residential properties will comfortably meet the BRE thresholds.

The report demonstrates that only minor losses of sunlight would be experienced and all would be well within the parameters set out above.

Sense of Enclosure

Policy ENV13 (F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity.

The first floor of the new building would be taller than the existing rear link extension and would be directly on the boundary with 6 Margaret Street. However, this part of the

building would be only 2.2m higher than existing and would be set back by some 8m from the closest windows to habitable rooms. On this basis, it is not considered that the proposals would result in any adverse increase in the sense of enclosure.

8.4 Transportation/Parking

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development”. The site is currently serviced from the street. The Highways Planning Manager considers, with the proposed reduction in retail floorspace and the limited increase in office floorspace, that the servicing demands of the development are unlikely to be significantly different from the existing. In this instance, on-street servicing is acceptable.

Cycle Parking

Thirteen cycle spaces are proposed at basement level but this falls short of the London Plan standards, by 4 spaces. An increased level of cycle parking will be secured by condition.

Oversailing of the highway

The projecting bay oversails the highway at first floor level and above. As its underside is more than 2.6m above ground level, and as the bay is set more than 1m from the carriageway, this is considered acceptable subject to the requirement for an oversailing licence.

Undersailing of the highway

UDP Policy TRANS 19 states that “The City Council will generally restrict the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway.” The proposal extends the basement out under the highway but without the necessary 900mm clearance, which restricts the City Council’s ability to install street furniture and would compromise the activities of the Utilities. The minimum vertical depth for the area of new basement is secured by amending condition. An undersailing licence is also required.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

The main entrance into the building and doorways into the retail and office units are level and wide enough for wheelchair access. These measures comply with Document M of the Building Regulations.

8.7 Other UDP/Westminster Policy Considerations

Archaeology

Although the site is not located within an Archaeological Priority Area, a Historic Environment Assessment produced for the development at 59-65 Wells Street confirmed the potential for survival of post-medieval remains of former structures and deposits on that site. It is likely there are similar remains on the application site and a condition, requiring a two-stage process of archaeological investigation and evaluation followed by full investigation in accordance with Historic England (Archaeology) advice, is therefore recommended.

Plant

The application does not involve the installation of any new external plant. This matter has been raised with the applicants who have confirmed that no external plant is proposed. However, it is clear that some mechanical plant will be required to serve the retail and office use and it is therefore assumed that any plant for the development will be located internally. A condition is recommended requiring the operation of any internal plant to comply with standard noise conditions to ensure that this would not cause noise disturbance to neighbouring residential occupiers in accordance with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan. Any plant proposed outside of the building envelope will require further planning permission.

Refuse /Recycling

Dedicated areas for the storage of waste and recyclable materials are proposed at basement level. These facilities will be secured by condition.

Biodiversity

A green roof is proposed at roof level. This would enhance the site's contribution to the biodiversity of the area and is welcomed.

Sustainability

Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions in line with the Mayor's energy hierarchy. Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The application is supported by an Energy Assessment which focuses on maximising the scheme's potential to reduce energy consumption and carbon emissions and demonstrates that the development will achieve 23% reduction in carbon dioxide emissions from the Part L compliant baseline. This is to be complemented with on-site renewable technologies in the form of Air Source Heat Pumps together with photovoltaic collectors proposed at roof level. This is considered to satisfy the requirements of Policy S28.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Basement

Policy CM28.1 requires all applications for basement development to demonstrate that they have taken into account site-specific ground conditions, and to be accompanied by a detailed structural methodology statement. Developers will also be expected to comply with the Code of Construction Practice. The proposed development involves the excavation of a single storey basement beneath the footprint of the property, which deepens and extends the existing part basement. All Saints Church initially raised detailed concerns regarding the impact of the basement excavation on the church and the generic nature of the structural report. A revised structural report has been received, by Peter Dann Consulting Engineers, which provides details regarding the site's ground conditions, constraints, and approach to the excavation of the additional basement areas and construction of the new building. The degree of excavation has also been reduced and the structural report confirms that all underpinning and new foundations will be set back sufficiently from the church boundary.

Building Control have assessed the structural method statement, the method of construction, underpinning and safeguarding of the neighbouring sites and confirmed that these are acceptable. The Church has been re-consulted on the amended proposals, and any response will be reported verbally.

Construction impact

One letter of objection has been received from a resident in St Andrews Chambers on the grounds of noise and disruption during demolition and construction works. A condition is recommended requiring the developer to comply with the City Council's Code of Construction Practice (CoCP). This requires the submission of, and approval by the Environmental Sciences Team, a detailed (SEMP) prior to the commencement of works and payment of all costs arising from site inspections and monitoring by the Code of Construction Practice Team. The CoCP also requires the developer to undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel, and to ensure that contractors and sub-contractors also comply with the code requirements.

Crime and security

The proposals also involve the installation of a recessed combined office and retail entrance. The introduction of recessed entrances is generally resisted in order to

prevent anti-social behaviour and to avoid the creation of hiding places. However, to overcome this issue, the entrances would be screened by gates which would be kept closed outside of office hours. This is controlled by condition.

Other issues

All Saints church also raises concerns regarding the accuracy of the submitted drawings. Revised drawings have been submitted to address these concerns.

9. BACKGROUND PAPERS

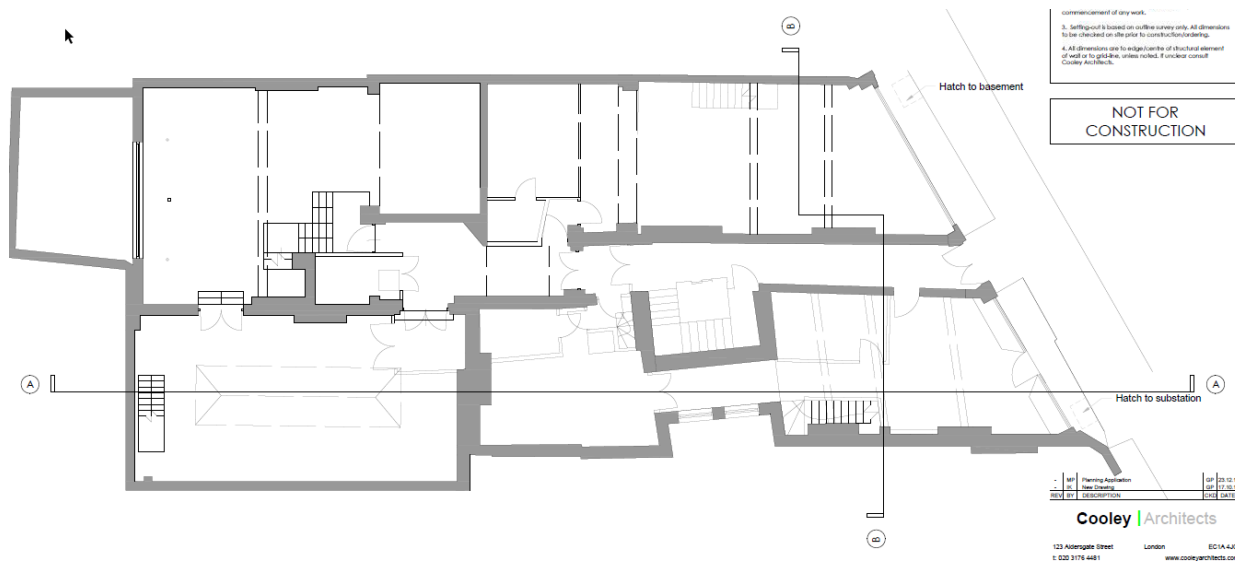
1. Application form
2. Response from Historic England dated 5 September 2017
3. Response from Historic England (Archaeology), dated 17 July 2017
4. Response from Environmental Health dated 28 June 2017
5. Response from Highways Planning Manager dated 20 November 2017
6. Response from Cleansing dated 5 July 2017
7. Response from Building Control dated 7 August and 23 November 2017
8. Letter from occupier of 15 St Andrews Chambers, Wells Street, dated 27 June 2017
9. Letters from Church Warden, All Saints' Margaret Street, dated 12 July and 2 August 2017

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

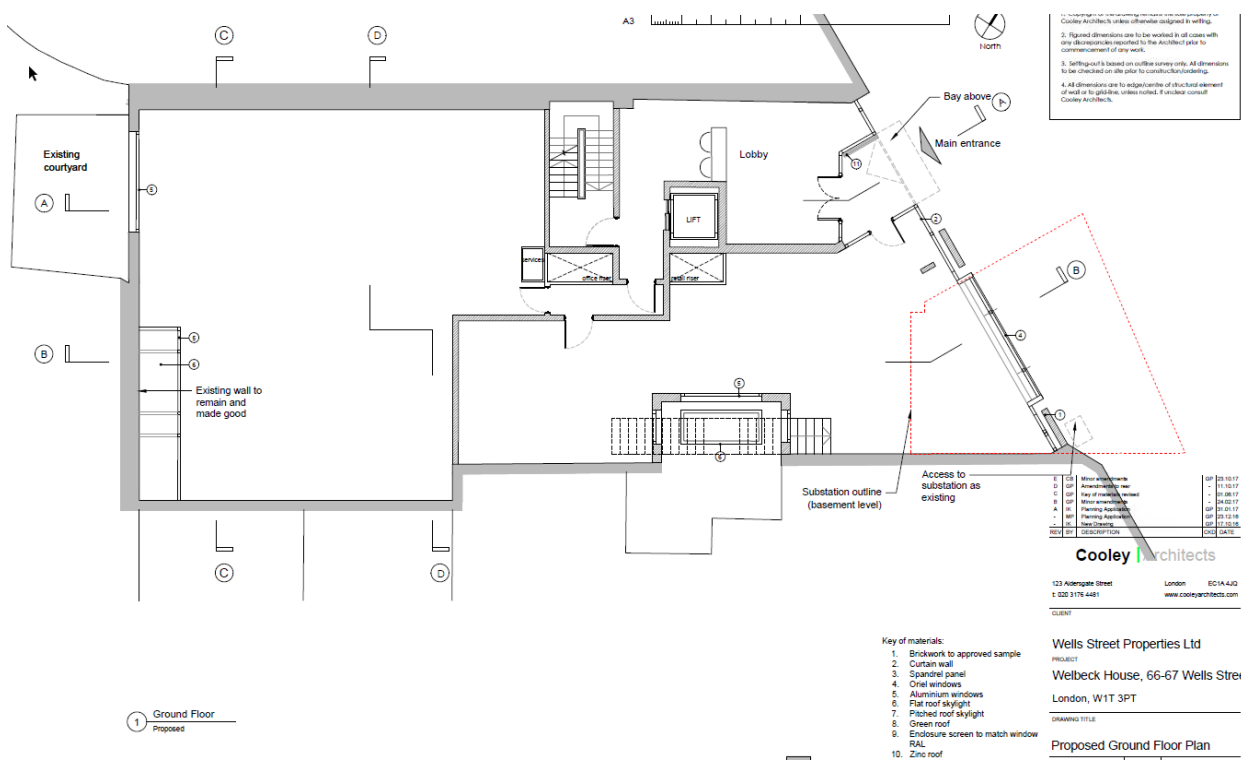
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS

Existing ground floor



Proposed ground floor



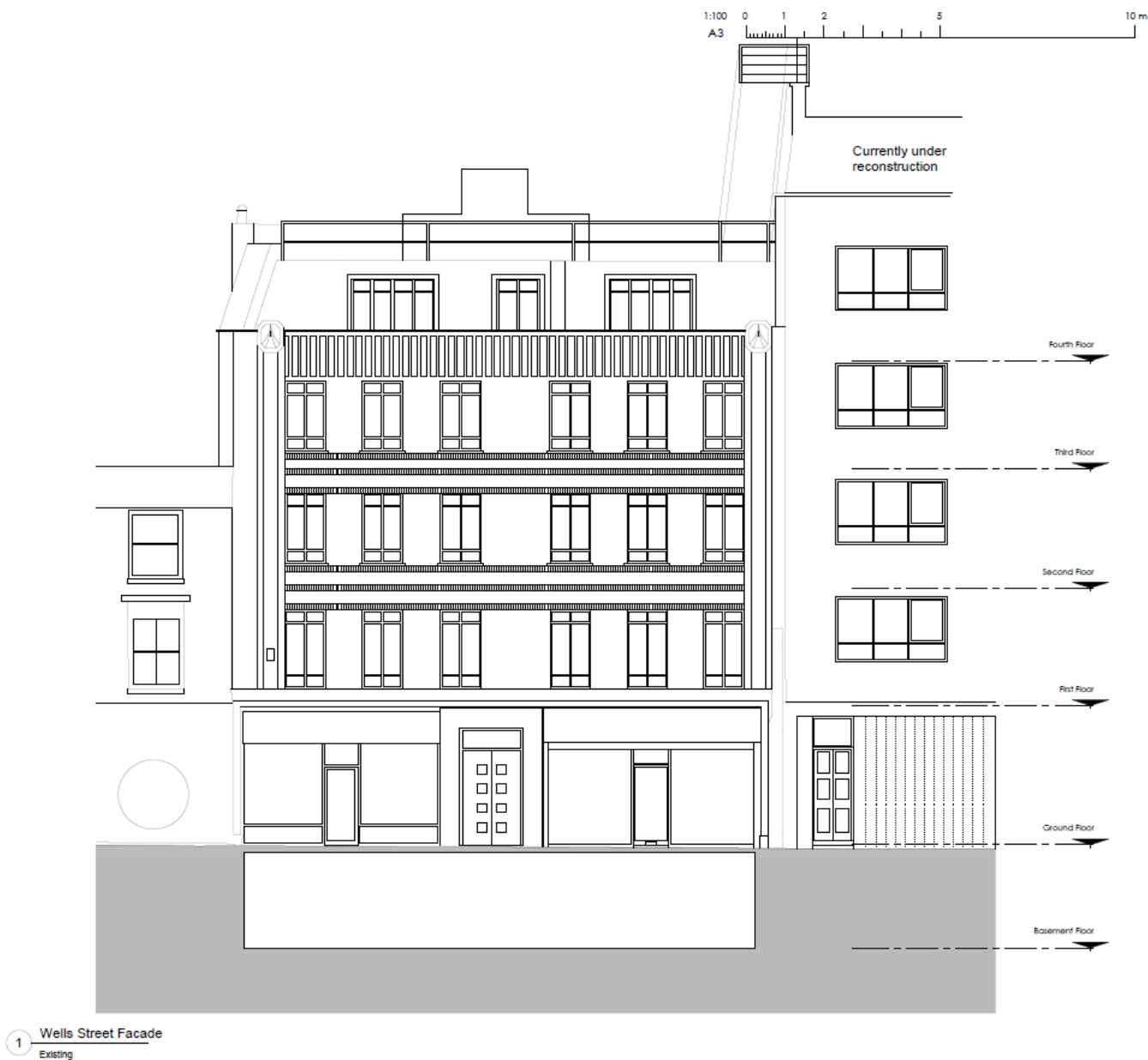
Architectural drawing of the existing basement floor plan. The plan shows a complex layout of rooms and corridors. A north arrow is located in the top right corner. A box in the top right corner contains the text "NOT FOR CONSTRUCTION". A legend in the bottom right corner defines the drawing's components: 1. Existing structure (thick grey line), 2. Proposed structure (thin grey line), 3. Existing walls (dashed line), 4. All dimensions are to the edge of the structural element of wall or floor/ceiling, unless noted, if unclear consult Cooley Architects. The drawing includes labels "NO ACCESS" and "Substation NO ACCESS". A table in the bottom right corner lists the drawing's history.

REV	BY	DESCRIPTION	DATE
1	GP	Existing structure	15.03.20
2	GP	Proposed structure	15.03.20
3	GP	Existing walls	15.03.20
4	GP	All dimensions are to the edge of the structural element of wall or floor/ceiling, unless noted, if unclear consult Cooley Architects.	15.03.20

Cooley Architects
123 Aldersgate Street London EC1A 4JZ
T: 020 7176 4861 www.cooleyarchitects.com

[illegible]

Existing Wells Street façade



Proposed Wells Street façade



1 Wells Street Façade

DRAFT DECISION LETTER

Address: Welbeck House, 66-67 Wells Street, London, W1T 3PY

Proposal: Demolition of existing building and excavation at basement level, and redevelopment to provide a new building comprising basement, ground floor and four upper floors, with retail (Class A1) use at part ground floor and part basement level and office use (Class B1) at part ground floor and part basement and at upper levels.

Reference: 17/02705/FULL

Plan Nos: 829-DG-0001 Rev F, 0002, 0101 Rev F, 0201 Rev E, 0301 Rev E, 0401 Rev F, 0R01 Rev F, B101 Rev F, XX04 Rev G, XX05 Rev E, XX06 Rev E, XX07 Rev E, XX08 Rev F, XX09 Rev F, XX10 Rev E, XX11 Rev D, XX12; Structural Method Statement dated 20 October 2017 (FOR INFORMATION ONLY).

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

To protect the environment of 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)

- 5 Notwithstanding the details shown on the approved plans, you must submit revised drawings showing 17 cycle spaces. You must thereafter 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.

- 6 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 building. (C14EC)

Reason:

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

- 7 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the Class A1 retail accommodation hereby approved shall not be used as a food retail supermarket outlet or similar.

Reason:

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

- 8 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 9 You must apply to us for approval of detailed drawings at scales of 1:20 and 1:5 (as appropriate) of the following parts of the development:

1. Typical details of facades at all levels.
2. Ground floor Wells Street frontage (including entrance gates)

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.

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

- 10 The folding gates to the recessed office/retail entrance can only be fully opened between 07:00-24:00. Outside these times the folding gates should be extended across the recessed area.

Reason:

The provision of the recessed areas outside these times may give rise to anti-social behaviour and crime, contrary to the requirements of policy S29 of Westminster's City Plan.

- 11 (1) Where noise emitted from the proposed internal plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal 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 internal 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 internal 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.

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

Reason:

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

- 13 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

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

Buildings and Conservation Areas) Act 1990. (R29AC)

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

Reason:

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

- 15 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)

- 16 The extent of new basement under the highway must not encroach laterally more than 1.8m under any part of the highway and you must also provide a minimum vertical depth below the footway or carriageway of at least 900mm

Reason:

To ensure sufficient space for future street furniture and/or utility plant as set out in TRANS 19 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan

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

- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 3 The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 With reference to condition 4 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 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.
- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 8 You will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.
- 9 Any works to extend the basement will need an undersailing licence and the oversailing of the highway will need an oversailing licence.
- 10 This decision is made on the basis that no external plant or machinery is proposed, in accordance with the submitted application. You are advised that any plant located outside of the building envelope will require further planning permission and that any application for planning

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permission must be accompanied by a detailed acoustic report.

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

DRAFT DECISION LETTER

Address: Welbeck House, 66-67 Wells Street, London, W1T 3PY,

Proposal: Alterations to the rear wall of All Saints Church, 7 Margaret Street, associated with the demolition of 66-67 Wells Street and excavation at basement level, and redevelopment to provide a new building comprising basement, ground floor and four upper floors, with retail (Class A1) use at part ground floor and part basement level and office use (Class B1) at part ground floor and part basement and at upper levels.

Reference: 17/02711/LBC

Plan Nos: 829-DG-0001 Rev F, 0002, 0101 Rev F, 0201 Rev E, 0301 Rev E, 0401 Rev F, 0R01 Rev F, B101 Rev F, XX04 Rev G, XX05 Rev E, XX06 Rev E, XX07 Rev E, XX08 Rev F, XX09 Rev F, XX10 Rev E, XX11 Rev D, XX12

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

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

Reason:

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

Informative(s):

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

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

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 4.1N; of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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Agenda Item 6

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	1-2 Star Street, London, W2 1QD		
Proposal	Erection of a statue at the front of 1-2 Star Street (retrospective application).		
Agent	Mr Cathal Brennan		
On behalf of	Mr Abir Burhan		
Registered Number	17/09133/FULL	Date amended/ completed	13 October 2017
Date Application Received	13 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Not applicable		

1. RECOMMENDATION

Refuse permission – design grounds.

2. SUMMARY

1-2 Star Street is an unlisted building on the north side of the street, close to its junction with Edgware Road. The site lies outside a conservation area although the Bayswater Conservation Area is immediately adjacent, with the buildings on the opposite side of the road and from no.6 Star Street onwards all lying within the conservation area. The buildings opposite at 93-107 Star Street and the buildings to the west within the conservation area (6-16 Star Street) are also grade II listed buildings.

The application site was formerly a post office building and comprises lower ground, ground and three upper floors. The former post office building was altered and extended in the late 1980s/early 90s and accommodates a mixture of office (Use Class B1) over lower floors and a self-contained maisonette (Use Class C3) over the top two (or three) floors. Permission was granted in July 2013 to convert the lower three floors to provide three self-contained flats (Class C3), but this permission does not appear to have been implemented. A further permission was granted in March 2014 for the use of the first floor as residential floor space in connection with enlargement of the existing maisonette at second and third floor levels and the erection of a two storey rear extension at second and third floor levels. It is not known if this permission has been implemented.

Certainly the lower floors still appear to be in office use (Class B1).

This current application seeks permission for the erection of a memorial statue immediately adjacent to the front light well of the property. The statue has already been installed and this application is retrospectively made following a Planning Enforcement investigation.

The statue was installed in August 2017 and commemorates Kumait Al-Ali (1974-2016), who was the International Sales Director of IKB Travel and Tours Ltd, a family-run company which has operated from 1-2 Star Street since 2014 and where Mr Kumait Al-Ali was based. As far as has been ascertained, the company has been in operation since 1996 (although in an earlier form of it may have started in 1994). The business specialises in running airline operations in Iraqi airspace and employs 40 people on a full time basis, 13 of whom are based at 1-2 Star Street.

The statue which sits on a low plinth at the western end of the front light well and adjacent to the perimeter railings to the light well is a life-sized rendering in bronze of Mr Al-Ali and was created by Laura Lin, a professional and established artist with an impressive CV of commissions. A small plaque is fixed at the base of the statue. The statue is not located on public highway.

An important policy document in considering a proposal of this nature is the City Council's adopted supplementary planning document 'Statues and Monuments in Westminster' (2008) which explains the City Council's policy and procedure for considering proposals to erect new statues and monuments in Westminster. One of the main reasons for developing this guidance was in response to the high demand for new memorials, with the City Council regularly receiving enquiries from people seeking to commemorate individuals, groups, organisations and events, while at the same time suitable sites for such memorials grow ever more limited.

Some of the key points of guidance from this document include:

- "Any proposal for a statue or monument must have a clear and well defined historical or conceptual relationship with the proposed location. Proposals for new statues and monuments where there is no relationship between subject and location will not be acceptable";
- "No statues or memorials should be erected before ten years have elapsed from the death of the individual or the event commemorated. Only in the most exceptional circumstances will statues or monuments be considered within the ten-year period".

The guidance clarifies this second point in stating that decisions on memorials made so quickly in the wake of an event can lead to the emotional investment in the subject over-riding issues of aesthetic design or good planning.

The guidance also identifies a 'Monuments Saturation Zone', within which new statues and monuments will not be permitted unless there is an exceptionally good reason, but this is not relevant to this application as Star Street lies outside the Monuments Saturation Zone.

Other development plan policies of particular relevance are DES 1 of our UDP and S28 of our City Plan which seek to ensure the highest standards of design; and DES 7 of the UDP which relates to Townscape Management and in respect to public artwork requires high standards of design and execution, using high quality materials; and that the work should be spatially related to the development scheme in question and, "where fixed to a building, integral to the design of that building."

In the case of the current application, it is considered that the proposed memorial does not accord with the adopted policy and guidance referred to. With respect to the adopted guidance the memorial statue commemorates an individual who only died in 2016 and thus the ten year deferral period between event and consideration of memorial has not occurred; furthermore while Mr Al-Ali's company have a recent association with the Star Street location since 2014, this is largely incidental and there is no known close historic association between him and the Star Street building or the immediate area, apart from him being based at the Star street offices.

Turning to the merits of the sculpture and its siting, it is accepted that as a figurative piece, intended as a life-size rendering of Mr Al-Ali the statue is well executed, using high quality materials and by an established professional artist, however, the chosen location and positioning of the statue is far less satisfactory and is considered to be poorly designed. The statue sits on a narrow plinth at one end of the front light well, immediately adjacent to the light well railings and amidst planters, he is orientated to face eastward overlooking the light well and slightly towards the footway. When viewing the statue from the east most of it is obscured by railings and planters, which means that only the head and shoulders are visible; when viewed from the west the entire statue is visible but in this view it is the rear of the statue which can be seen. Overall the statue appears very incongruously positioned and has seemingly been placed where there was space, rather than there being any meaningful association between the pose and the spatial arrangement. As such it is not considered to accord with design policies DES 1 and DES 7 of our UDP; and S28 of our City Plan.

While the application site is close to the Bayswater Conservation Area and to several listed buildings in Star Street, the proposal is not considered to have a harmful impact on the setting of these designated heritage assets.

While the commissioning, creation and installation of this memorial have unquestionably been undertaken with the best possible motives, it is suggested that this proposal demonstrates the value of the ten-year deferral period advocated in the Statues and Monuments SPD, which allows a sensible period of time to elapse before considering the best possible means of commemoration, particularly if it is to be in the public realm. For the reasons set out above, the application is recommended for refusal.

4. PHOTOGRAPHS









5. CONSULTATIONS

WARD COUNCILLORS FOR HYDE PARK:

Any responses to be reported verbally.

HYDE PARK ESTATE ASSOCIATION:

Any response to be reported verbally.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING:

No objection.

PLANNING ENFORCEMENT TEAM - DEVELOPMENT PLANNING:

Are aware that application has been submitted.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

86/00398/FULL

CONSTRUCTION OF 2 STOREY MAISONETTE ON EXISTING FLAT ROOF AND REAR EXTENSION AT GROUND FLOOR AND NEW OPEN AREAS IN BASEMENT
Grant PP with Conditions HIST 10 June 1986

13/02313/FULL

Conversion of lower ground, ground and first floor to provide three self-contained flats (Class C3), comprising 1x1 bed and 2x2 bed flats.
Application Permitted 2 July 2013

13/12624/FULL

Use of first floor as residential floor space in connection with enlargement of existing maisonette at second and third floor levels. Erection of two storey rear extension at second and third floor levels.
Application Permitted 6 March 2014

14/04561/FULL

Installation of frameless glass doors below ground floor entrance podium, to facilitate 3 sq. m lower ground floor office extension. Relocation of stairs from front to rear light well. Installation of extended vertical railing around front light well (in place of existing gate) and new balustrade around rear light well.

Application Permitted

4 July 2014

7. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning - Development Planning, dated 10 November 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: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

DRAFT DECISION LETTER

Address: 1-2 Star Street, London, W2 1QD,

Proposal: Erection of a statue at the front of 1-2 Star Street (retrospective application).

Reference: 17/09133/FULL

Plan Nos: 0317/SS/001; 0317/SS/002; 0317/SS/100; 0317/SS/110; 0317/SS/200;
0317/SS/210; planning statement prepared by Nicholas Taylor and Associates,
dated October 2017.

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of location, siting, position and relationship with the area, the memorial statue would harm the appearance of this building and this part of the City. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1 and DES 7 of our Unitary Development Plan that we adopted in January 2007.
- It would also be contrary to our Supplementary Planning Document 'Statues and Monuments in Westminster' (2008).

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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	99 Wilton Road, London, SW1V 1DT		
Proposal	Use of part of the basement as a back-of-house facility in connection with the existing retail unit (Class A1), for the purpose of obtaining consent of the City Council in relation to condition (xi) of planning permission allowed on appeal 6 July 1998 (APP/X5990/A/97/285620).		
Agent	Indigo Planning		
On behalf of	Sainsbury's Supermarkets Ltd		
Registered Number	17/08473/FULL	Date amended/ completed	08 October 2017
Date Application Received	21 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Sainsbury's supermarket, 99 Wilton Road, is on a secondary frontage in the Warwick Way / Tachbrook Street District Centre. The supermarket's sales area is located at ground floor level; the basement level is used for customer car parking. The basement is accessed by a traveller from the ground floor sales area and a vehicular access from Gillingham Street.

The supermarket forms part of a development granted on appeal in July 1998 for 160 residential units, Class A1 retail store and 8 retail units for Class A1/A2 or A3 use together with associated car parking and service areas. The permission was granted subject to a condition which requires the supermarket to retain its basement level car parking for use by its customers, unless prior consent of the Council is obtained.

Permission is sought for the use of part of the basement car park as a back-of-house facility and associated plant room of 495sqm. The basement car park is ancillary to the retail unit and the proposals would result in a reduction in the number of car parking spaces from 146 to 108.

The proposals are in relation to the provision of an Argos concession within the supermarket at ground floor level, with the proposed back-of-house facility at basement level supporting it. No new planning units would be created and no external alterations are proposed. Had the condition requiring the basement level car park to be retained for customer car parking not been imposed, the conversion of this part of the basement to a back-of-house facility would not require permission.

The existing customer car park represents a significant over provision of car parking space for a retail use. Policy SS 11 of the Unitary Development Plan (UDP) relates to supermarkets and states that general customer car parking facilities will not be permitted. Policy TRANS 22 of the UDP relates to car parking for non-residential development and also states retail units should have no car parking space for customers. Modest provision for staff, visitors and those with disabilities are allowed by the policy.

The applicant has conducted a survey of the car park which demonstrates that it is under-used, with a peak occupancy of 33% (48 spaces used out of 146). Based on this survey, the proposals would lead to a peak occupancy of 44% meaning a majority of the car parking spaces would still be free even at peak times. The number of spaces for disabled customers would be maintained (7 spaces). In these circumstances, the proposals would not negatively impact on customers, the operation of the car park or increase on-street parking demand in the area. Therefore, the Highway Planning Manager raises no objection to the loss of these car parking spaces.

One objection has been received from a neighbouring resident on the grounds that the proposal would result in increased deliveries that could harm local residents and increase pollution.

In terms of deliveries, the supermarket has an existing on-site and off-street servicing area accessed from Gillingham Street and deliveries would continue to be taken here. Policy TRANS 20 of the UDP states that convenient access to all premises for servicing vehicles will be required, and this should be accommodated on-site and off-street. The applicant expects that there would be a modest increase in deliveries as a result of the proposal and states that these can be adequately accommodated by the existing servicing arrangement.

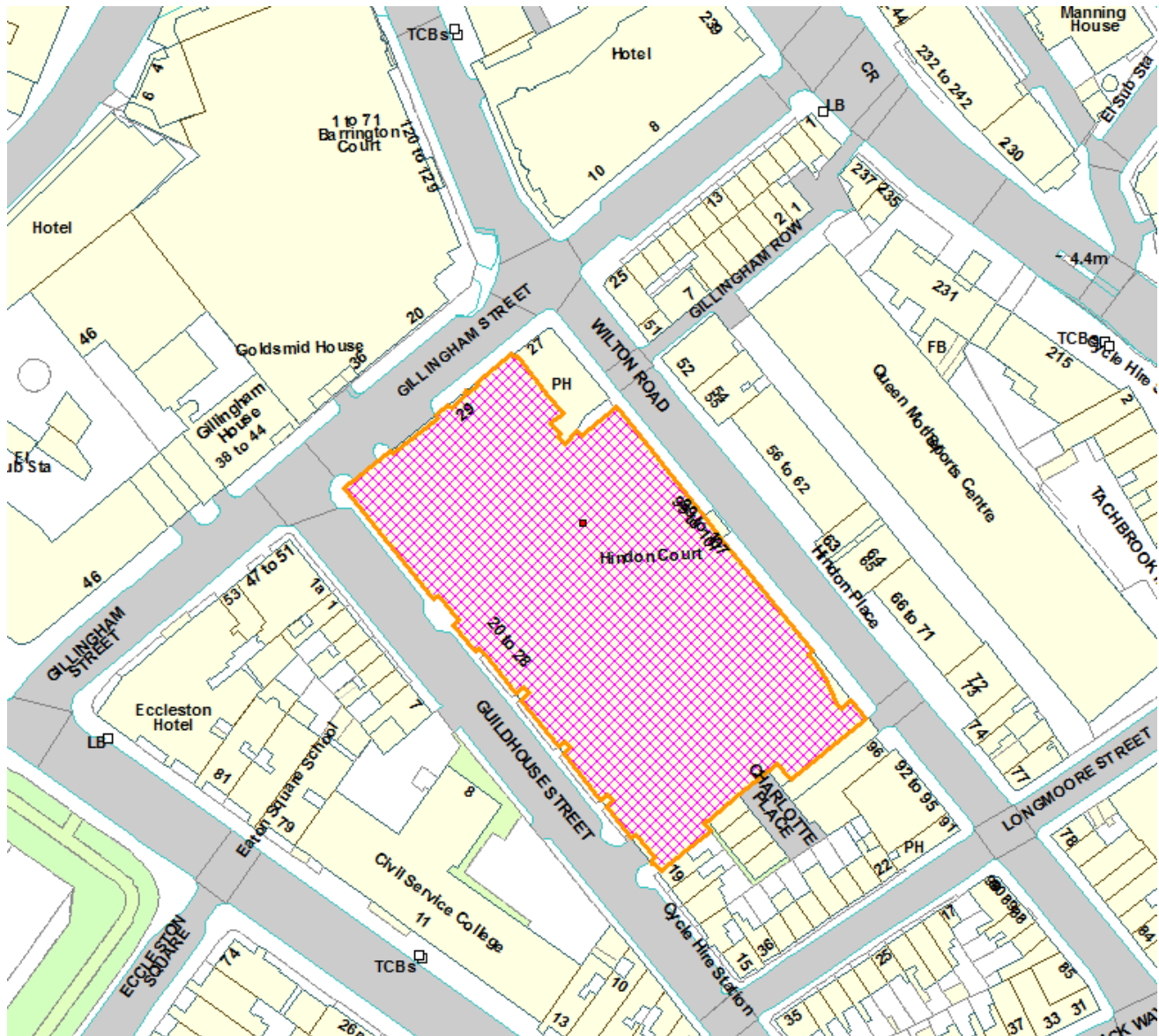
They expect one additional truck delivery every other day and a smaller van to make fast-track deliveries up to twice a day. The trucks will vary in size, but the applicant has confirmed that none would be greater in size than the existing trucks used to service the supermarket. The conditions attached to the 1998 permission will continue to apply which include restrictions on deliveries, and the applicant has confirmed that they will continue to comply with them.

The Highway Planning Manager is satisfied that the existing servicing area can adequately accommodate the additional vehicles. Given that the number of additional trucks would be low and that the existing arrangements can accommodate them, it is not considered that any disturbance, inconvenience and pollution experienced by adjoining occupiers as a result of the proposal would be significant.

For these reasons, the proposals are considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 and Westminster's City Plan adopted in November 2016.

As such, it is recommended that planning permission is granted subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Wilton Road

5. CONSULTATIONS

WESTMINSTER SOCIETY:
No objection.

HIGHWAY PLANNING MANAGER:
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 172
Total No. of replies: 1 (objection)

One neighbouring resident objects for the following reason:

- Significant increase in loading trucks and increased pollution.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RELEVANT HISTORY

On 6 July 1998 permission was granted on appeal for the erection of 160 residential units plus Class A1 retail store and 8 retail units for Class A1/A2 or A3 use together with associated car parking and service areas. (Appeal ref: APP/X5990/A/97/285620 and application ref: 97/04365/FULL).

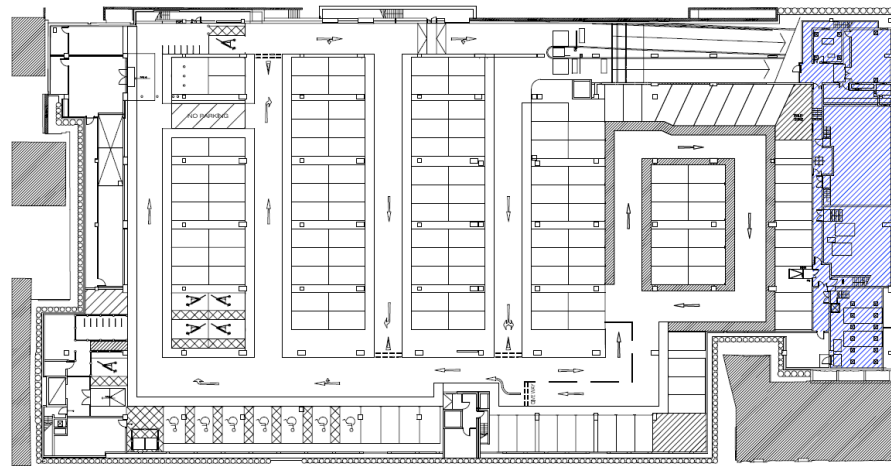
7. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 5 October 2017
3. Memo from Highway Planning Manager, dated 23 November 2017
4. Letter from occupier of 28 Guildhouse Street, dated 3 October 2017
5. Appeal decision dated 6 July 1998

(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: SEBASTIAN KNOX BY EMAIL AT sknox@westminster.gov.uk

8. KEY DRAWINGS



Existing Basement Floor Plan

GENERAL NOTES

This drawing is subject to the following conditions:
 1. The drawing is for the existing basement floor plan only.
 2. The drawing is for the existing basement floor plan only.
 3. The drawing is for the existing basement floor plan only.
 4. The drawing is for the existing basement floor plan only.
 5. The drawing is for the existing basement floor plan only.
 6. The drawing is for the existing basement floor plan only.
 7. The drawing is for the existing basement floor plan only.
 8. The drawing is for the existing basement floor plan only.
 9. The drawing is for the existing basement floor plan only.
 10. The drawing is for the existing basement floor plan only.

Legend:
 Sainsbury's Warehouse Area

Standard	100
Specialist	1
Plant/Plant	1
Total	102

PLANNING

Sainsbury's

99 Wilton Road
 Pimlico, London
 SW1V 1DT

Existing Basement
 Floor Plan



DATE: 07/03/17 DRAWN: DA
 TOTAL: 1,000 B.A. CHECKED: BA
 CHQ-17.12171-PL15

Existing Basement Level

DRAFT DECISION LETTER

Address: 99 Wilton Road, London, SW1V 1DT

Proposal: Use of part of the basement as a back-of-house facility in connection with the existing retail unit (Class A1), for the purpose of obtaining consent of the City Council in relation to condition (xi) of planning permission allowed on appeal 6 July 1998 (APP/X5990/A/97/285620).

Reference: 17/08473/FULL

Plan Nos: CHQ.17.12171-PL02; CHQ.17.12171-PL13; CHQ.17.12171-PL15; CHQ.17.12171-PL17; Cover Letter; Flood Risk Assessment; Parking Assessment; Parking Survey; Supplementary Transport Information; Delivery Information.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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 the 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 Saturdays;
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work:

- 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 permitted 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 (see Part 12 of the CAB).

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 3 This permission allows you to use part of the basement level as a back-of-house facility in connection with the existing retail unit (Class A1). You must otherwise keep to the terms and conditions of the original permission dated 6 July 1998 (APP/X5990/A/97/285620) and any other subsequent permissions we have approved. Your attention is drawn to conditions v, xii and xiii which relate to the hours of use of the customer car park and deliveries.

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

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