



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (4)

Meeting Date:

Tuesday 17th October, 2017

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Angela Harvey (Chairman)
Peter Cuthbertson
Jonathan Glanz
Jason Williams



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception 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. FLAT 11.01, THE KNIGHTSBRIDGE APARTMENTS, 199 KNIGHTSBRIDGE, LONDON, SW7 1RH | (Pages 5 - 12) |
| 2. FLAT 11.01 AND 11.02, THE KNIGHTSBRIDGE APARTMENTS, 199 KNIGHTSBRIDGE, LONDON, SW7 1RH | (Pages 13 - 22) |
| 3. ARCADE HOUSE, 13 ALBEMARLE STREET, LONDON, W1S 4HJ | (Pages 23 - 36) |
| 4. IVOR COURT, GLOUCESTER PLACE, LONDON, NW1 6BJ | (Pages 37 - 52) |
| 5. 16 BROADLEY STREET, LONDON, NW8 8AE | (Pages 53 - 66) |
| 6. PITCH 1633, REGENT STREET, LONDON, W1B 5BQ | (Pages 67 - 74) |
| 7. PITCH 1701, NEW BOND STREET, LONDON, W1S 3SU | (Pages 75 - 82) |
| 8. PITCH 1726, DUKE STREET, LONDON, W1U 3EG | (Pages 83 - 90) |

9. 43 SUSSEX STREET, LONDON, CITY OF WESTMINSTER, SW1V 4RJ
10. 22 MONTPELIER PLACE, LONDON, SW7 1HL

(Pages 91 - 102)

(Pages 103 - 126)

Charlie Parker
Chief Executive
9 October 2017

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CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 17th October 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/06994/CLOP UD Knightsbridge And Belgravia	Flat 11.01 The Knightsbridge Apartments 199 Knightsbridge London SW7 1RH	The amalgamation of two residential Units, Flats 11.01 and 11.02.	
	Recommendation Refuse certificate.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 17/06993/FULL Knightsbridge And Belgravia	Flat 11.01 And 11.02 The Knightsbridge Apartments 199 Knightsbridge London SW7 1RH	Amalgamation of 2no. residential units and associated external alterations.	
	Recommendation Refuse permission - loss of housing unit.			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/04094/FULL West End	Arcade House 13 Albemarle Street London W1S 4HJ	Use of the basement as a mixed showroom/event/retail space (sui generis use); use of third floor as office (Class B1) and infilling of the atrium at third, fourth and fifth floor level to provide additional B1 office floor space.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 17/04806/FULL Bryanston And Dorset Square	Ivor Court Gloucester Place London NW1 6BJ	Use of store room as residential flat (Use Class Class C3), creation of access steps to create new entrance into flat, installation of 3no. rooflights set within existing roof, proposed windows to replace existing fan lights, and associated works.	
	Recommendation			

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 17th October 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Refuse planning permission			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 17/03935/FULL Church Street	16 Broadley Street London NW8 8AE	Installation of metal balustrades and sliding rooflight to facilitate the use of the roof as a terrace.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/06624/FULL West End	Pitch 1633 Regent Street London W1B 5BQ	Installation of a retail kiosk (Class 1A) adjacent to 52 Regent Street	
	Recommendation Refuse permission : Unacceptable in design terms			
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/06592/FULL West End	Pitch 1701 New Bond Street London W1S 3SU	Installation of a free standing retail kiosk (Class A1).	
	Recommendation Grant conditional permission for a temporary period of one year.			
Item No	References	Site Address	Proposal	Resolution
8.	RN(s) : 17/06208/FULL West End	Pitch 1726 Duke Street London W1U 3EG	Installation of a free standing retail kiosk (Class A1).	
	Recommendation Grant conditional permission for a temporary period of one year.			

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 17th October 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation Refuse permission : Unacceptable in design terms			
Item No	References	Site Address	Proposal	Resolution
9.	RN(s) : 17/03557/FULL Churchill	43 Sussex Street London City Of Westminster SW1V 4RJ	Alterations to balcony and staircase at rear ground floor level to create enlarged terrace.	
	Recommendation Refuse – impact on residential amenity.			
Item No	References	Site Address	Proposal	Resolution
10.	RN(s) : 17/02785/FULL Knightsbridge And Belgravia	22 Montpelier Place London SW7 1HL	Excavation of a new basement (including under existing vaults) and lowering of existing lower ground floor level. Construction of a single storey rear extension at lower ground floor, external lift shaft to the rear running from new basement level to upper ground and a rear mansard roof with dormers to match the front roof slope.	
	Recommendation Grant conditional permission			

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Flat 11.01, The Knightsbridge Apartments, 199 Knightsbridge, London, SW7 1RH,		
Proposal	The amalgamation of two residential Units, Flats 11.01 and 11.02.		
Agent	Ms Sophie Hinton		
On behalf of	Mr Ashley Tabor		
Registered Number	17/06994/CLOPUD	Date amended/ completed	4 August 2017
Date Application Received	4 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

1. Refuse certificate.

2. SUMMARY

An application is submitted seeking a Certificate of Lawfulness of Proposed Use or Development for the amalgamation of two residential Units, Flats 11.01 and 11.02 of The Knightsbridge Apartments, 199 Knightsbridge.

The works proposed would amalgamate the two top floor flats of the block through the central link corridor and would combine Flat 11.01, currently comprising 4 bedrooms, and Flat 11.02, comprising 6 bedrooms, and would maintain 10 bedrooms within the amalgamated single unit. There would be no loss of residential floorspace or bedrooms under the proposals, however there would be a loss of one residential unit.

A change from one dwellinghouse to two or more would constitute a material change of use; however, the relevant legislation does not provide guidance on whether the same is true for the reverse. The test therefore is whether the proposed change of use would, as a matter of fact and degree, be 'material' and therefore constitute 'development' under s.55(1) of the Town and Country Planning Act 1990.

The applicant cites two planning decisions within the Knightsbridge Apartments which refer to the amalgamation of units not being considered as constituting development under s.55(1) of the Town and Country Planning Act 1990. Firstly in September 2010, where the City Council granted a Certificate of Lawfulness of Proposed Use or Development for the amalgamation of two residential

units into a single dwelling unit and the removal of front entrance door and replacement with glazing (RN: 10/06205/CLOPUD). Secondly in September 2006, where the City Council considered that planning permission was not required for internal alterations in connection with linking Flat Nos. 124 and 125 at first floor level (RN: 06/06301/FULL).

Since these decisions, the City Council has introduced Policy S14 of the City Plan (adopted in November 2016) which prevents proposals that result in a reduction in the number of residential units, except in certain circumstances, including two flats being joined in order to create a larger family sized (3 bedroom or more) unit. While the current proposal would create a larger family sized dwelling, the policy seeks to protect each individual unit.

Given that Policy S14 serves the express purpose of controlling the merging of any residential units in the City it is a significant material consideration in arriving at a planning decision as to whether the amalgamation of residential units in the City constitutes development.

In this context, the amalgamation of the two existing family sized flats is considered to be a material change of use which would constitute 'development' under s.55(1) of the Town and Country Planning Act 1990. The policy background has changed since the previous decisions in September 2010 and September 2006 cited by the applicant and so the question of whether the amalgamation of units constitutes development cannot be effectively argued from the point of inconsistency.

The applicant has submitted a Legal Opinion from C. Lockhart-Mummery QC, which draws on case law involving the amalgamation of residential units. Firstly, in *The London Borough of Richmond upon Thames v. The Secretary of State for the Environment, Transport and the Regions and Richmond upon Thames Churches Housing Trust* [2000] 2 PLR 115, the matter involved the refusal by the local authority, and subsequent grant on appeal, of a certificate confirming that the change of use of seven self-contained flats into a single dwelling house would be lawful. The Court held that the extent to which a particular use fulfils a legitimate or recognised planning purpose (in terms of a purpose relating to the character of the land), is relevant in deciding whether a change away from that use is a material change of use. The case did not however establish that the mere inclusion of such a "policy" factor meant that there had to be a material change of use, nor that a change of use would necessarily be material if the policy factor was the only factor.

The most recent authority with regards to amalgamation of residential units is the case of *R (Royal Borough of Kensington and Chelsea) v. Secretary of State for Communities and Local Government* [2016] EWHC 1785 (Admin). In this case, the Royal Borough of Kensington and Chelsea relied on the policy factor as the sole determinant of whether planning permission was required. The case concerned the grant of a certificate of lawfulness and planning permission for the amalgamation of two flats. At the time the Royal Borough had a policy resisting the net loss of five or more residential units through amalgamation nevertheless the council was also concerned at the steady erosion of the Borough's net housing stock as existing flats had been joined together to create a smaller number of larger units. In this case the Court held that despite not having a specific planning policy in place, the impact of the loss of a single unit through amalgamation of two units could constitute 'a significant planning consequence'. On that basis the amalgamation of two units was accepted to be a material change of use that would require planning permission.

Following on from this, the applicant's Legal Opinion considers the issue to be 'whether the amalgamation in the present case, involving the loss of a single unit, could reasonably be held to cause significant planning consequences, in the Westminster context.' It is argued that the situation concerning housing supply in Westminster is 'starkly different' to that of Kensington and Chelsea

because the predicted supply in Westminster, as demonstrated in the City Plan, will consistently exceed the London Plan target. The Legal Opinion argues that this is in contrast to Kensington and Chelsea where 'there has been a record of under-delivery against relevant housing targets from the London Plan'. In addition the legal opinion argues that 'there are some 120,000 dwellings in Westminster. The loss of one unit (0.0008%) would be imperceptible. It would be of no planning significance whatever, let alone a matter of "significant consequence"'.

Officers have a different opinion to that presented by the applicant. To achieve and exceed Westminster's London Plan housing targets it is necessary to bring forward new housing as appropriate across the City but also to protect the existing housing stock. The policy framework to protect existing housing is set out in Policy S14 [Optimising Housing Delivery] of the City Plan, adopted November 2016. The policy states that 'The Council will work to achieve and exceed its borough housing target set out in the London Plan....All residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable, except where:

- the Council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need;
- a converted house is being returned to a family-sized dwelling or dwellings; or
- 2 flats are being joined to create a family-sized dwelling.

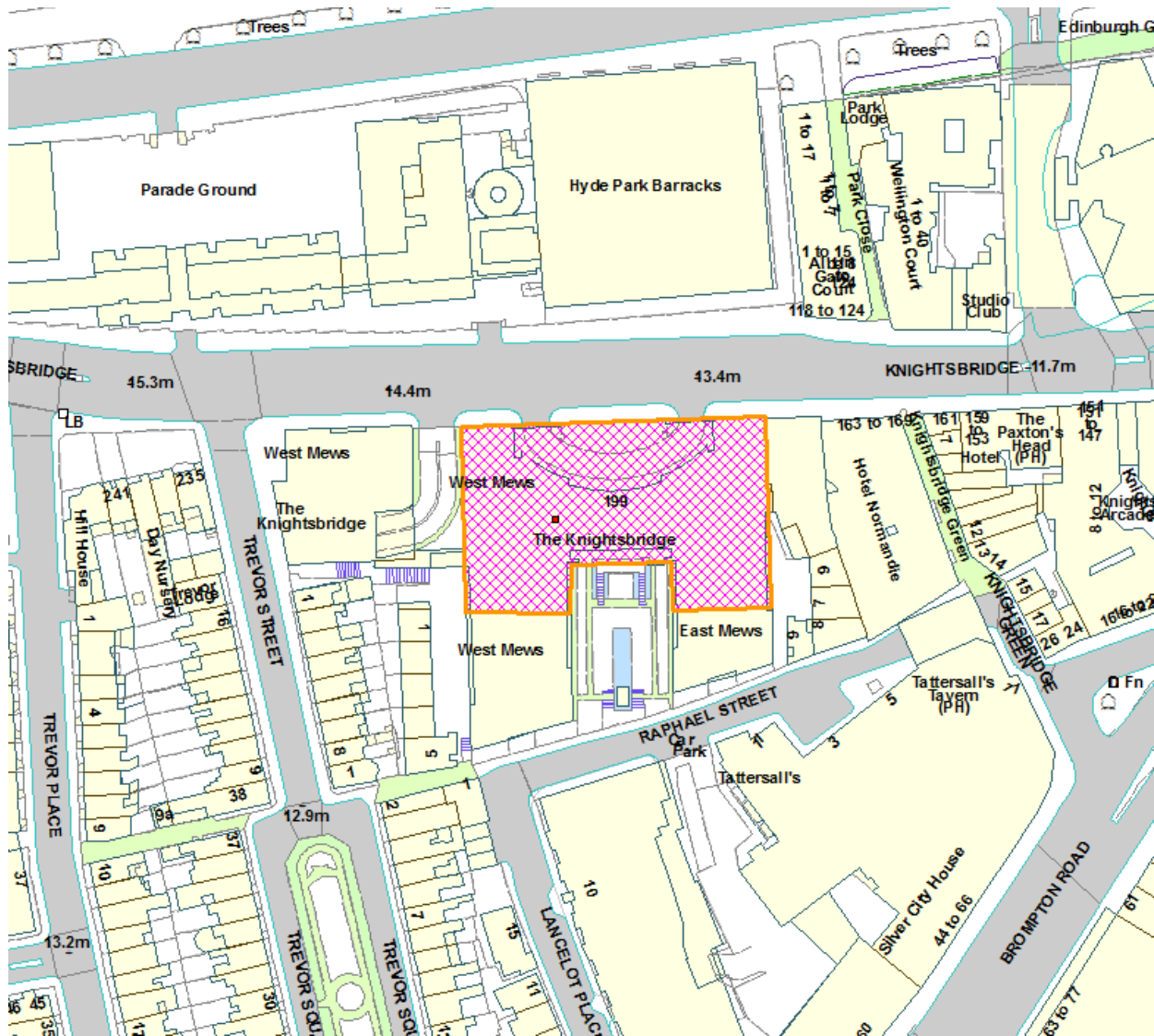
Family-sized dwellings are defined as comprising three or more bedrooms. Given that both of the units to be amalgamated are already family-sized (Flat 11.01 having four bedrooms and Flat 11.02 six bedrooms) it is not considered that this exception could be applied in these circumstances as although the amalgamation would create a larger family-sized dwelling, the proposals would result in the loss of a family-sized residential unit. Therefore, rather than a family-sized unit being brought about by the proposed amalgamation, a family-sized unit would in fact be lost by the proposals.

Both the London Plan and the City Plan set aspirations in policy to exceed the London Plan Housing target for Westminster and there is a clear policy imperative to do so. The Council considers that optimising the number of new homes delivered, rather than simply meeting London Plan housing targets, is important in Westminster because significant amounts of market housing within Westminster are unavailable to residents as its global city role means some housing is used as second homes, left empty as an investment, or is used as temporary sleeping accommodation/ short-term lets.

If the certificate for the amalgamation of two flats was granted then it would effectively prevent the Council from optimising housing delivery contrary to the aims of adopted Policy S14. Whilst it may be true that any individual unit of housing will inevitably represent only a small percentage of the entire housing stock in the City, the potential for numbers of similar cases coming forward and the potential cumulative impact of this on overall housing availability is considered to be a significant planning consequence. The granting of the certificate would mean that other flats across the City could be joined to create a smaller number of larger units. This would erode the City Council's housing stock and prevent the Council from meeting or exceeding its housing need targets.

In this context, the amalgamation would at least in part prevent the Council from optimising housing delivery and meeting or exceeding its housing need targets set out in S14 of the City Plan and consequently the amalgamation of the two existing family sized flats is considered to be a material change of use which would constitute 'development' under s.55(1) of the Town and Country Planning Act 1990.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

None required.

6. RELEVANT PLANNING HISTORY

Planning permission was granted in April 2001 for demolition and reconstruction to form buildings between 2 and 13 storeys, to provide 196 flats, 8 houses, an ancillary health club and 343 basement car parking spaces (204 for the flats only and 139 for the flats or other local residents).

Planning permission was granted in April 2016 for the installation of glazed wind screens to existing outdoor terrace and electric heaters to roof overhang at eleventh floor level in relation to Flat 11.02.

7. BACKGROUND PAPERS

1. Application form

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

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

8. KEY DRAWINGS

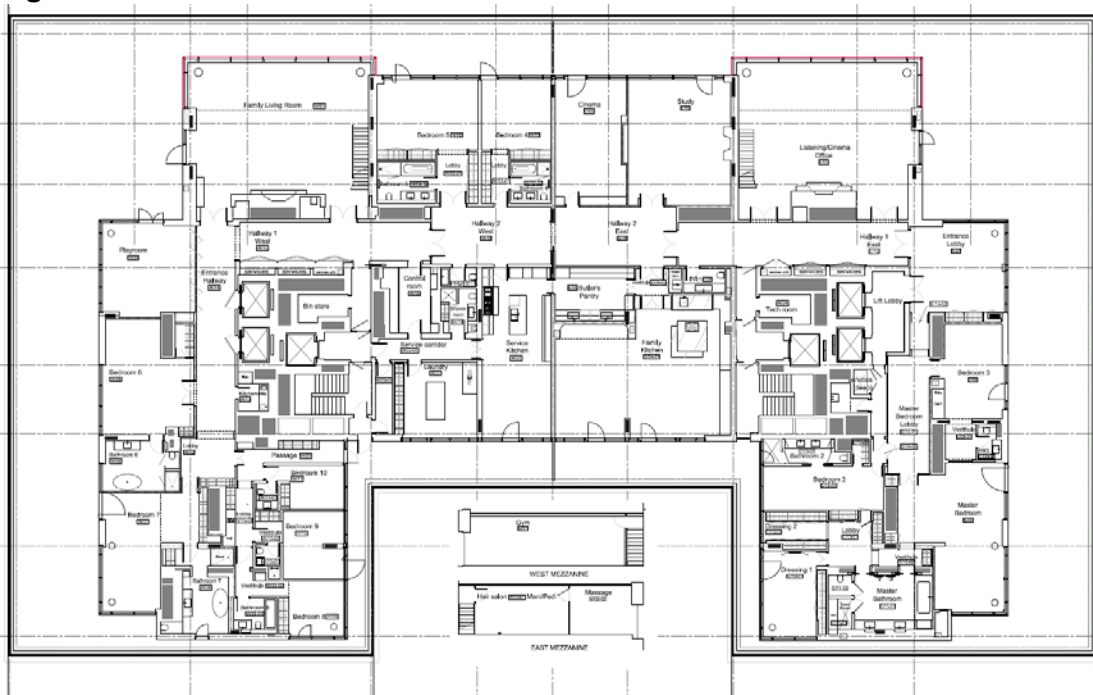


NOTE:
Total amount of bedrooms - 10
Gross Internal Area: 1,415.50 m²

General notes:
1. All dimensions to be verified in field, architect owner to be notified of discrepancy before construction commences.
2. All building work to be in accordance with local building regulations.
3. All materials to meet architect's sample, all materials to be chosen in advance prior to fabrication.

RENTS LTD
Interior Architecture
45 Macclesfield Street
London

Date: 10/04/17
Scale: 1:200 @
EXISTING 11th FLC

Existing 11th Floor Plan

NOTE:
Total amount of bedrooms - 10
Gross Internal Area: 1,415 m²

General notes:
1. All dimensions to be verified in field, architect owner to be notified of discrepancy before construction commences.
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RENTS LTD
Interior Architecture
45 Macclesfield Street
London

Date: 10/04/17
Scale: 1:200
PROPOSED 11th

Proposed 11th Floor Plan

DRAFT DECISION LETTER

Address: Flat 11.01, The Knightsbridge Apartments, 199 Knightsbridge, London, SW7 1RH,
Proposal: The amalgamation of two residential Units, Flats 11.01 and 11.02.
Reference: 17/06994/CLOPUD
Plan Nos: 1.0; (01)03-01; (03)01; Certificate of Lawfulness of Use or Proposed Development, 11.01 and 11.02 Knightsbridge Apartments (Statement and Appendices) dated 4 August 2017, prepared by Gerald Eve LLP.
Case Officer: Sebastian Knox **Direct Tel. No.** 020 7641 4208

Recommended Condition(s) and Reason(s)

- Reason:
- 1 The amalgamation of two residential units into one unit constitutes a material change of use for the purposes of s.55(1) of the Town and Country Planning Act 1990 which is not permitted by any Statutory Order or Act and therefore planning permission is required.

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

CITY OF WESTMINSTER				
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 October 2017		Classification For General Release	
Report of Director of Planning			Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Flat 11.01 And 11.02, The Knightsbridge Apartments, 199 Knightsbridge, London, SW7 1RH			
Proposal	Amalgamation of 2no. residential units and associated external alterations.			
Agent	Ms Sophie Hinton			
On behalf of	Mr Ashley Tabor			
Registered Number	17/06993/FULL	Date amended/ completed	4 August 2017	
Date Application Received	4 August 2017			
Historic Building Grade	Unlisted			
Conservation Area	No			

1. RECOMMENDATION

1. Refuse planning permission.

2. SUMMARY

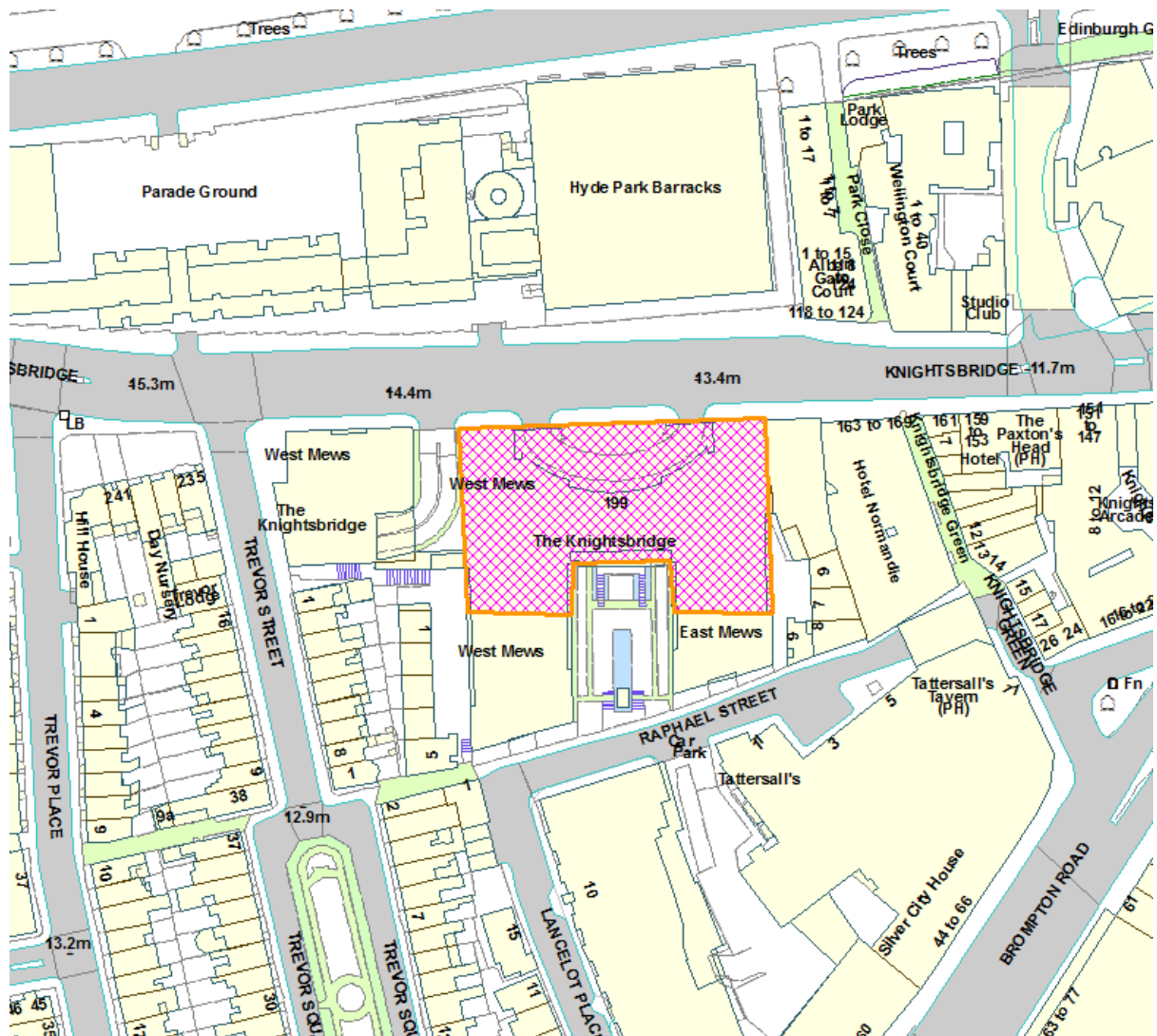
The Knightsbridge Apartments, 199 Knightsbridge are an unlisted block of flats located outside of any conservation area. Permission is sought for the amalgamation of flats 11.01 and 11.02 at eleventh floor level.

The key issues for consideration are:

- * The impact of the proposals in land use terms.

The proposal would lead to the loss of a residential unit. Given the strong policy presumption within Policy S14 of Westminster's City Plan to protect residential accommodation and Policy 3.4 of the London Plan to protect residential accommodation and optimise housing delivery, the application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION

Any response to be reported verbally.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

Any response to be reported verbally.

CLEANSING MANAGER

Waste storage arrangements to be secured by condition.

HIGHWAYS PLANNING MANAGER

Existing conditions and legal agreement requirements that apply to car parking, cycle parking and waste storage should still apply to the proposed single residential unit, should planning permission be granted.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 298

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The Knightsbridge Apartments, 199 Knightsbridge is an unlisted building outside of any conservation area, but surrounded by the Knightsbridge, Knightsbridge Green and Royal Parks Conservation Areas.

6.2 Recent Relevant History

Planning permission was granted in April 2001 for demolition and reconstruction to form buildings between 2 and 13 storeys, to provide 196 flats, 8 houses, an ancillary health club and 343 basement car parking spaces (204 for the flats only and 139 for the flats or other local residents).

Planning permission was granted in April 2016 for the installation of glazed wind screens to existing outdoor terrace and electric heaters to roof overhang at eleventh floor level in relation to Flat 11.02.

7. THE PROPOSAL

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	1,415.5	1,418	+2.5
Total	1,415.5	1,418	+2.5

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application proposes the amalgamation of flats 11.01 and 11.02, which are the penthouse apartments located on the top floor of the block. No. 11.02 comprises 6 bedrooms, and No. 11.01 4 bedrooms. The proposals would result in the creation of a single 10 bedroom apartment of 1,418 sq m, which includes a 2.5 sq m increase generated by the creation of a link extension.

Loss of residential unit

Although no residential floorspace would be lost as a result of the proposal, it would lead to the loss of a residential unit, which is contrary to both Policy S14 of the City Plan and Policy 3.4 of the London Plan, which seek to optimise housing delivery.

Policy 3.4 of the London Plan, adopted March 2016, seeks to optimise housing delivery and resist development proposals which compromise this objective.

The applicant contends that planning permission was granted in November 2015 for the amalgamation of two residential units into one residential unit at Flats 3.03 and 3.05, within the block (RN: 15/08278/FULL). This application involved the amalgamation of two existing 3 bedroom units, which the City Council considers to be family-sized, to create a large 4 bedroom flat on the basis that the amalgamation of the two flats would provide a family-sized unit following the amalgamation.

Policy S14 of Westminster's City Plan, adopted November 2016, seeks to optimise housing delivery in the city and seeks to protect all residential uses, floorspace and land. The policy states that 'All residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable, except where:

- the council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need;
- a converted house is being returned to a family-sized dwelling or dwellings; or
- 2 flats are being joined to create a family-sized dwelling.

Family-sized dwellings are defined as comprising three or more bedrooms. Given that both of the units to be amalgamated are already family-sized (Flat 11.01 having four bedrooms and Flat 11.02 six bedrooms) it is not considered that this exception could be applied in these circumstances as although the amalgamation would create a larger family-sized dwelling, the proposals would result in the loss of a family-sized residential unit. Therefore, rather than a family-sized unit being brought about by the proposed amalgamation, a family-sized unit would in fact be lost by the proposals.

Notwithstanding any contrary decisions made under this policy or its precursors, the Council considers that this is the correct way to interpret the policy going forward.

The proposals would result in the loss of a residential unit which would not accord with the aim of Policy S14 or Policy 3.4 of the London Plan. The proposed amalgamation can therefore not be supported in land use policy terms.

8.2 Townscape and Design

The application proposes the construction of a minor link extension with west facing external door to create a corridor connecting the bedroom area with back of house, creating an additional 2.5 sq m in GIA. Given their minor nature and high level location the proposals are not considered to raise any issues in terms of design and the proposals are considered compliant with DES5 of the UDP.

8.3 Residential Amenity

Given their location, the external alterations are not considered to raise any amenity issues and the proposals are considered compliant with policies S29 of Westminster's City Plan and ENV13 of the UDP which seek to protect residential amenity.

8.4 Transportation/Parking

Existing conditions and legal agreement requirements that apply to car parking, cycle parking and waste storage would still apply to the proposed single residential unit.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No changes to the access arrangements are sought.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

This development does not generate a Mayor CIL or WCC CIL payment.

8.11 Environmental Impact Assessment

The application is not a sufficient scale to require an Environmental Impact Assessment.

8.12 Other

The applicant has put forward personal grounds in support of his application, including that he is a permanent Westminster resident who has lived in The Knightsbridge Apartments for over 10 years as his principal full time residence. Having bought the adjoining flat, he wishes to amalgamate it with the existing adjoining flat in order to create additional space for his family.

He also works in Westminster, where he is Founder and Executive President of Global, the media and entertainment group based in Leicester Square, employing around 500 people locally and is therefore committed to Westminster.

Whilst these grounds are recognised, in planning terms they cannot be considered reasons which would overcome the strong presumption in policy to protect residential accommodation in Westminster and optimise the delivery of housing in London as a whole.

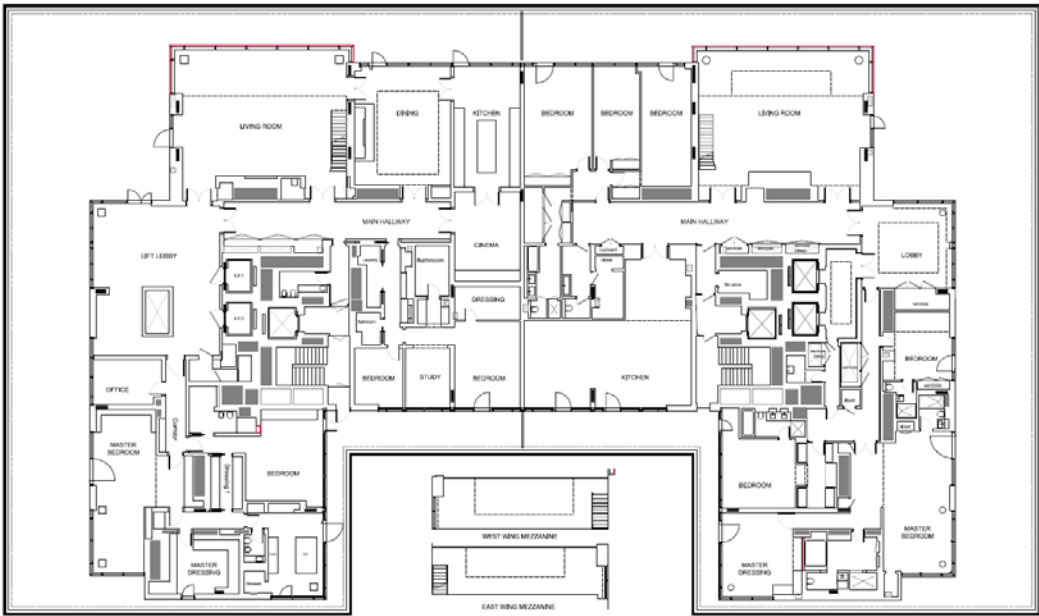
9. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing dated 21 August 2017
3. Response from Highways Planning dated 22 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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

10. KEY DRAWINGS



NOTE:
Total amount of bedrooms - 10
Gross Internal Area: 1,415.50 m²

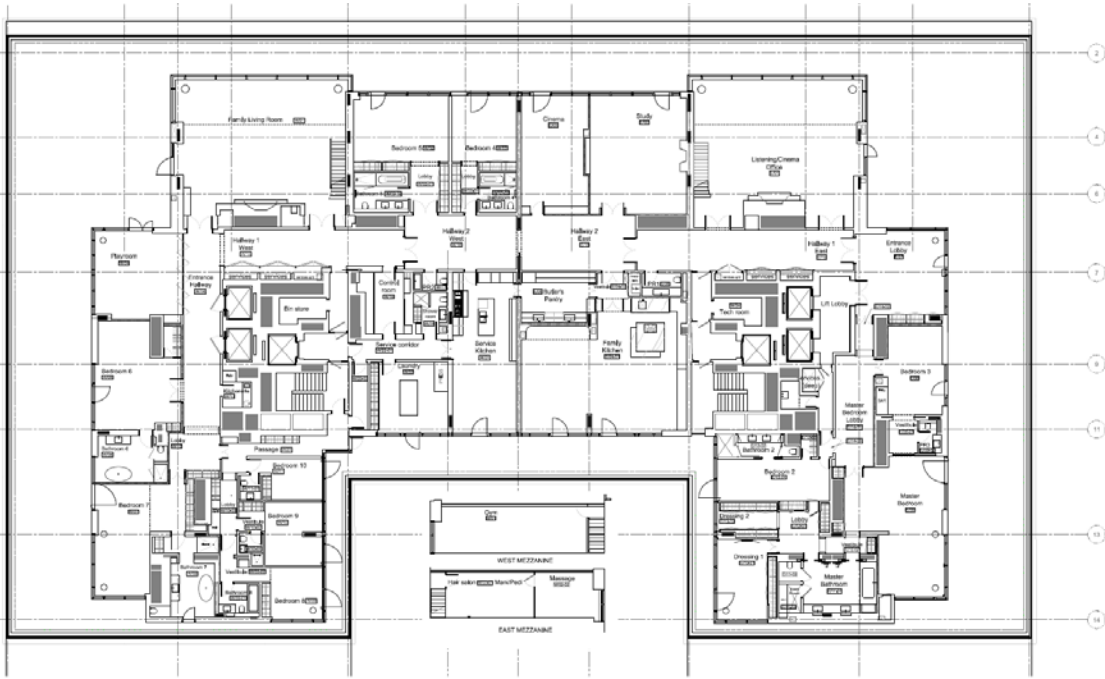
N

Existing Floor Plan

Comments:
1. All dimensions to be verified in field, and not to be relied on for emergency reference.
2. All dimensions to be in accordance with building regulations.
3. All dimensions to be in accordance with building regulations.

RENTS LTD
Interior Architecture
10/04/17

10/04/17
1:200@A3
EXISTING 11th FLOOR PLAN



NOTE:
Total amount of bedrooms - 10
Gross Internal Area: 1,418 m²

Proposed Floor Plan

Comments:
1. All dimensions to be verified in field, and not to be relied on for emergency reference.
2. All dimensions to be in accordance with building regulations.
3. All dimensions to be in accordance with building regulations.

RENTS LTD
Interior Architecture
10/04/17

10/04/17
1:200@A3
PROPOSED 11th FLOOR PLAN

DRAFT DECISION LETTER

Address: Flat 11.01 And 11.02, The Knightsbridge Apartments, 199 Knightsbridge, London, SW7 1RH

Proposal: Amalgamation of 2no. residential units and associated external alterations.

Reference: 17/06993/FULL

Plan Nos: 1.0; 1.1; (01)90-20; (01)03-01; (01)90-01; (90)20; (03)01; (90)10.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Your development would lead to the loss a of housing unit which would not meet S14 of Westminster's City Plan (adopted November 2016) and Policy 3.4 of the London Plan (adopted March 2016).

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 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Arcade House, 13 Albemarle Street, London, W1S 4HJ,		
Proposal	Use of the basement as a mixed showroom/event/retail space (sui generis use); use of third floor as office (Class B1) and infilling of the atrium at third, fourth and fifth floor level to provide additional B1 office floorspace.		
Agent	Lichfields		
On behalf of	Chanel Ltd		
Registered Number	17/04094/FULL	Date amended/ completed	11 May 2017
Date Application Received	11 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application relates to Arcade House, 13 Albemarle Street, which is an unlisted building located in the Mayfair Conservation Area. The site is designated as part of the Core Central Activities Zone (CAZ), the West End Special Retail Policy Area (WESRPA) and Mayfair Special Policy Area. The building extends through to Old Bond Street (designated as a Primary Shopping frontage), which has the access to the main retail unit.

The basement was last in use as a restaurant (Class A3) and has been vacant for approximately one year; the retail floorspace (Class A1) was previously occupied by DKNY (vacated late June), and the office floorspace (Class B1) is part vacant.

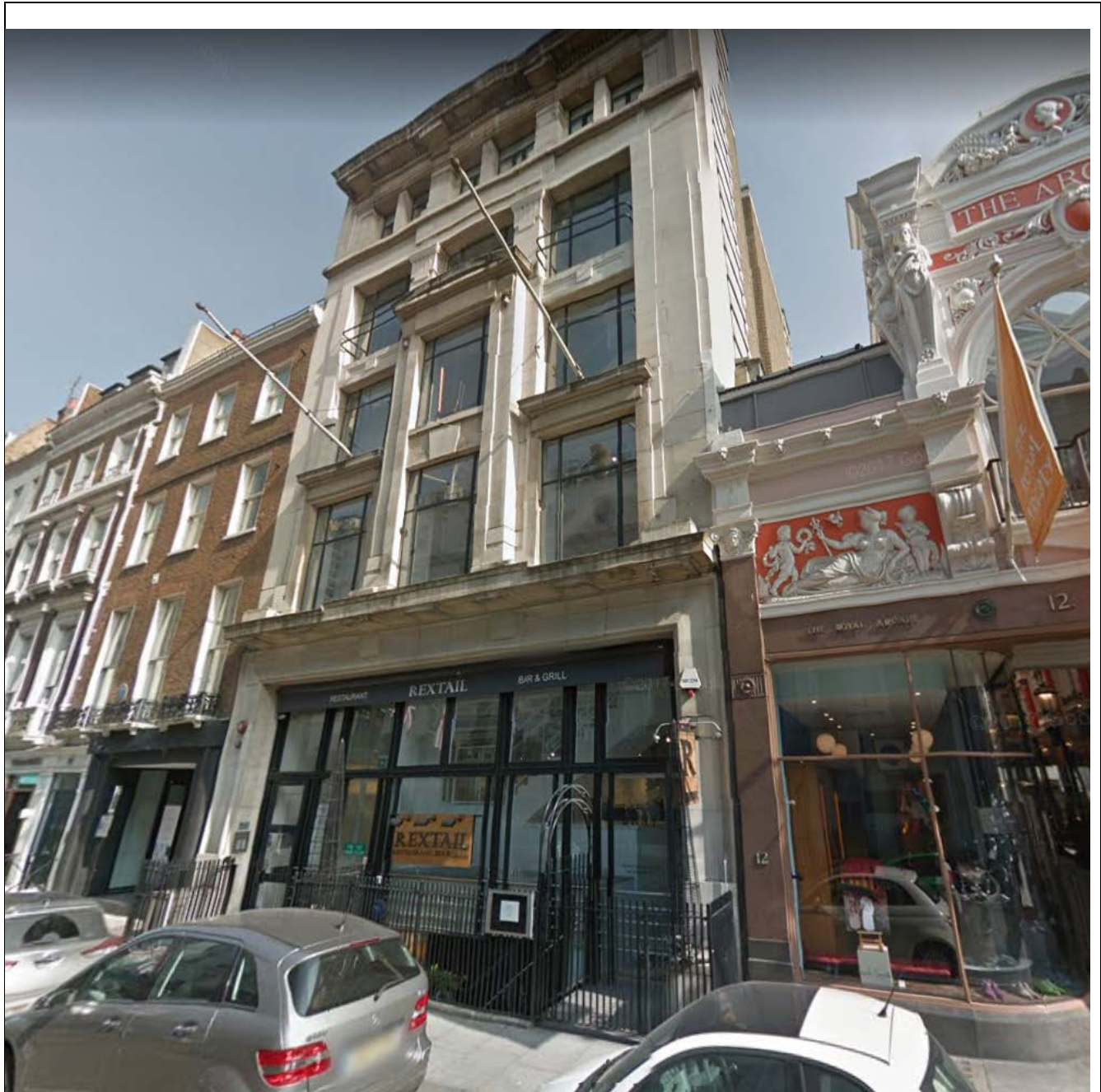
The key issue for consideration is the acceptability of the land use changes, which would increase in B1 floorspace and relocate and reduce the A1 floorspace.

For reasons set out in the main report, the proposals are considered acceptable in land use terms and it is recommended that conditional consent be granted.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S

No objection

HIGHWAYS PLANNING MANAGER

No objection; Conditions are recommended to secure details of cycle parking, and to prevent doors from opening outward onto the highway.

CLEANSING MANAGER:

No objection; A condition recommended to secure details of waste and recycling.

ADJOINING OWNERS / OCCUPIERS

No. Consulted: 74; No. of responses: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is Arcade House, 13 Albemarle Street, London, W1S 4HJ, which is an unlisted building located in the Mayfair Conservation Area. The basement of the site is only accessible from Albemarle Street; access to the retail unit is accessible from Old Bond Street, whilst the access to the offices on the top floors is also on Albemarle Street. The site is designated as part of the Core CAZ, the West End Special Retail Policy Area (WESRPA) and Mayfair Special Policy Area. Old Bond Street is designated as Primary Shopping frontage.

The basement was last in use as a restaurant (Class A3) and has been vacant for over a year (August 2016). The ground floor to third floor comprises retail accommodation (Class A1) last occupied by DKNY, who vacated earlier this year. The fourth and fifth floors are currently in use as offices (Class B1), accessed from Albemarle Street.

6.2 Recent Relevant History

July 1991 - Redevelopment behind street façade structures of 27 Old Bond Street/13 Albemarle Street to provide a new building of basement, ground and five upper storeys for A1 retail (ground to third floors), A3 restaurant (basement) and B1 offices (fourth and fifth floors) with central atrium and with roof plant.

7. THE PROPOSAL

The application has been made on behalf of Chanel Ltd who wish to change the use of the basement level from restaurant (A3 use class) to a mixed showroom/event/retail space (sui generis, full details below); the retail unit (A1 use class) would be retained at ground, first and second floors, to be operated by a separate retailer. At third floor level the use would change from retail (A1 use class) to offices (B1 use class) resulting in the loss of 260 sq.m of A1 floorspace.

The existing atrium would be infilled at third, fourth and fifth floor level, to increase the floor area of the property by 85 sqm (additional office floorspace). There would be no changes to the existing curved curtain wall or to the exterior of the building.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Basement

The proposals would result in the net loss of 312 sqm of A3 restaurant floorspace at basement level, which has been vacant since 11th August 2016. For the purposes of the City Plan and UDP, A3 restaurant uses are considered to be entertainment uses, and are not protected. As such, the change of use of the restaurant would be acceptable in principle. The proposed space will utilise existing vaults and area's in the landlord's domain, increasing the overall area to 375 sqm.

It is proposed to utilise the space by Chanel as a retail/showroom/event space. The basement will consist of:

- An area providing a customer service role;
- Showroom which allows for browsing a full range of Chanel Fragrance and Beauty products;
- Events, such as cat walk shows, promotions, etc;
- A personal consultation area; and
- Support Facilities

The basement use would be a unique concept store, open to the general public. It is anticipated that it would provide space for up to 120 customers, and would provide sales, aftercare, consultation and product advice. The central space of the basement would include a product library, flexible use meeting rooms, photoshoot space, with makeup and dressing space. Customers will have the ability to purchase items in store and therefore Class A1 retail use is a key function, but given the other activities that are proposed, the overall use is considered to be sui generis. There are no external alterations. Chanel will be applying for associated advertisement consent at a later date.

In relation to the 'after-hours' events in the basement unit, it is difficult to accurately predict this because it is a new concept for Chanel. However, has suggested the following:

- Events twice a month finishing between 9 - 10pm; and
- Two events per year finishing at 12am.

By way of comparison, the opening hours for the previous restaurant use extended to 1am, Monday to Sunday, so the proposed use would be an improvement. Given that there are residents in the area, it is considered appropriate to condition events in the late evening, but there is no need to restrict normal opening hours.

Policy S6 of the City Plan sets out that the Core CAZ is appropriate for a range of commercial uses, and encourages retail floorspace throughout the area. Policy S7 seeks to maintain and enhance retail space. The wording of policy S7 specifies that A1 retail

along the primary shopping frontages should be at least at basement, ground and first floor level. The proposal would introduce a mixed use, showroom/event/retail space at basement level which would, by virtue of its inclusion of an A1 retail element, be in accordance with Policy S7.

Policy CM2.5 seeks to support and enhance Mayfair's reputation as a centre for art trade. It sets out that new retail uses should be in keeping with the character and function of the area and should sell bespoke, unique, antique or limited edition goods. The application proposes to retain an element of retail functionality within the sui generis use at basement level that would be occupied by Chanel.

It is considered that subject to conditions, the proposed use at basement level would be acceptable and would contribute to the character and function of the West End Special Retail Policy Area. As such there is no objection to the loss of the existing restaurant use, especially as there are no policies to protect restaurant uses.

Third floor

The application proposes a loss of 300 sqm of A1 retail floorspace at third floor level. Policy S7 sets out that within the West End Special Retail Policy, improved retail floorspace and growth is a priority. It seeks provision of A1 retail uses within Primary Shopping Frontages at basement, ground and first floor levels and generally seeks to protect retail uses, but there is no specific policy requirement to protect retail use above these levels. Given this, it is not considered that this element of the proposals would be contrary to policy.

Policy S21 states that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let it.

A marketing report has been submitted which sets out that the retail floorspace on the ground, first, second and third floors has been reconfigured over time; since 2012 both the second and third floors have been in use as ancillary facilities and storage by DKNY, which represents approximately 50% of the floorspace of the unit, inaccessible to visiting members of the public. The unit has been marketed by Harper Dennis Hobbs since late 2015, after the previous occupier – DKNY- surrendered their lease and subsequently vacated the unit in June 2017. A supplementary marketing report has been submitted which sets out that in 2016 there was interest in a comparable retail unit at 27 Bond Street from high end retailers, both of whom found the unit to be larger than required, and no interest has been expressed for A1 use of the third floor.

Since the unit has only been recently vacated, the proposals would be strictly contrary to policy S21 of the City Plan. It is however noted that there is no existing access for customers to the third floor of the unit, which has been used as ancillary space, and as additional A1 retail floorspace would be partially provided at basement level, the proposals are considered to be acceptable.

Policy S18 sets out that commercial uses are a priority within the Core CAZ and that new commercial uses should be appropriate in terms of scale and intensity of land use. Policy

S20 seeks to provide additional office floorspace in order that the Council can meet its employment targets. New office development is encouraged within the Core CAZ. The proposed offices, which are small scale, are considered to be an appropriate use in terms of both scale and intensity.

Policy S1 of the City Plan encourages mixed use developments to support the vitality, function and character of Westminster. As well as the change of use of the third floor from retail to office, the proposal would result in 85 sqm of net additional floorspace (from partial infilling of the internal atrium). There is no requirement for contributions or provision of residential floorspace in accordance with this policy.

8.2 Transport & Accessibility

The existing stepped access to the basement would be retained. The applicant has suggested that wheelchair access to the basement accommodation will be provided via the Albemarle Street office entrance and that this will be managed by staff within the basement level unit. Although not ideal, this would be better than no disabled access at all.

No car parking is provided. The site is within a Controlled Parking Zone and has a good level of public transport accessibility. It is considered that the proposal would not have a significant impact on on-street car parking in the area.

In terms of servicing, the increase in B1 floor area is not expected to generate a significant increase in traffic. The proposed mixed use would not be expected to generate a higher level than the existing A3 use. It is noted that the show room/event use could give rise to infrequent higher levels of servicing during set up/ close down periods. The basement would continue to be serviced from Albemarle Street, which is considered acceptable.

In accordance with the London Plan, the proposals would require the provision of 4 cycle spaces to meet the needs of the B1 extension and 2 for the mixed use aspect. No details have been included, and a condition is recommended to secure this.

The application includes a set of doors onto Old Bond Street which would open over the public highway. This is unacceptable and contrary to TRANS3, S41 and Section 153 of the Highways Act. A condition is recommended to ensure all doors open clear of the public highway.

8.3 Refuse & Recycling

No details for waste and recycling have been submitted. Details can be secured by condition.

8.4 Impact on Amenity

No objections have been received from any neighbouring residential properties. The nearest residential dwellings are flats at 14 Albemarle Street which adjoins the application site to the north. Provided that conditions are applied to limit the number of customers to the basement unit, and to limit late night events and playing of amplified music, there would be no harm to neighbours' amenity.

The proposed change of use of the third floor from A1 to B1 would not be considered to cause any harm to neighbours amenity.

8.5 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

8.6 National Policy/Guidance Considerations

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

8.7 Planning Obligations

Any economic benefits generated are welcomed.

9. BACKGROUND PAPERS

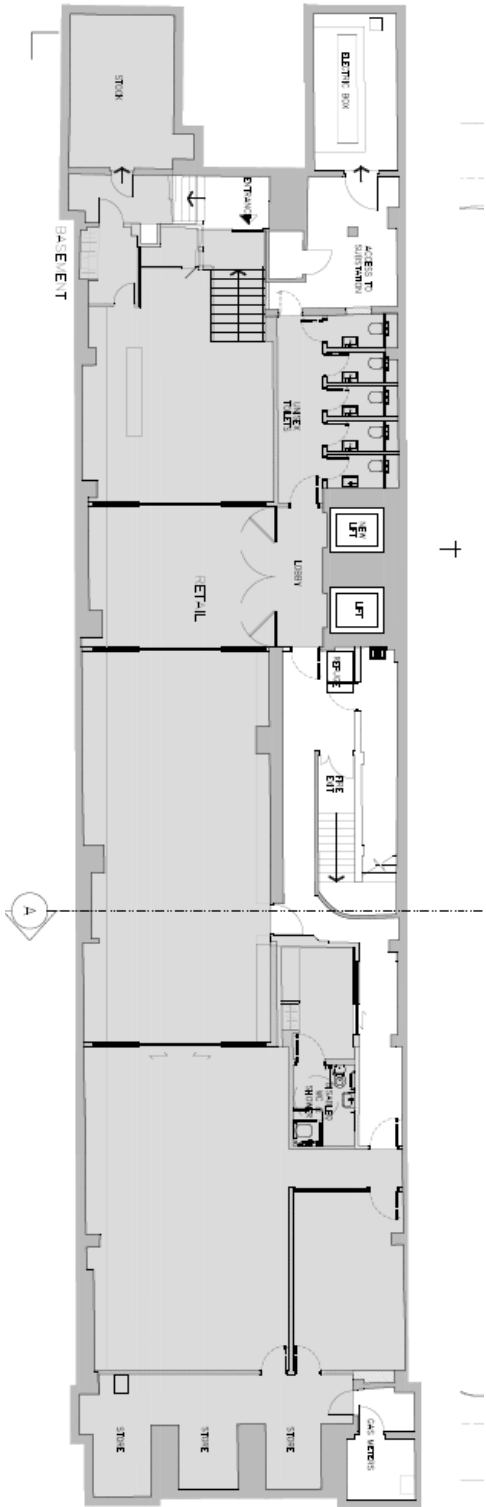
1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 13 June 2017
3. Memorandum from the Projects Officer (Waste) dated 26 May 2017
4. Memorandum form the Highways Planning Officer dated 1 June 2017

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

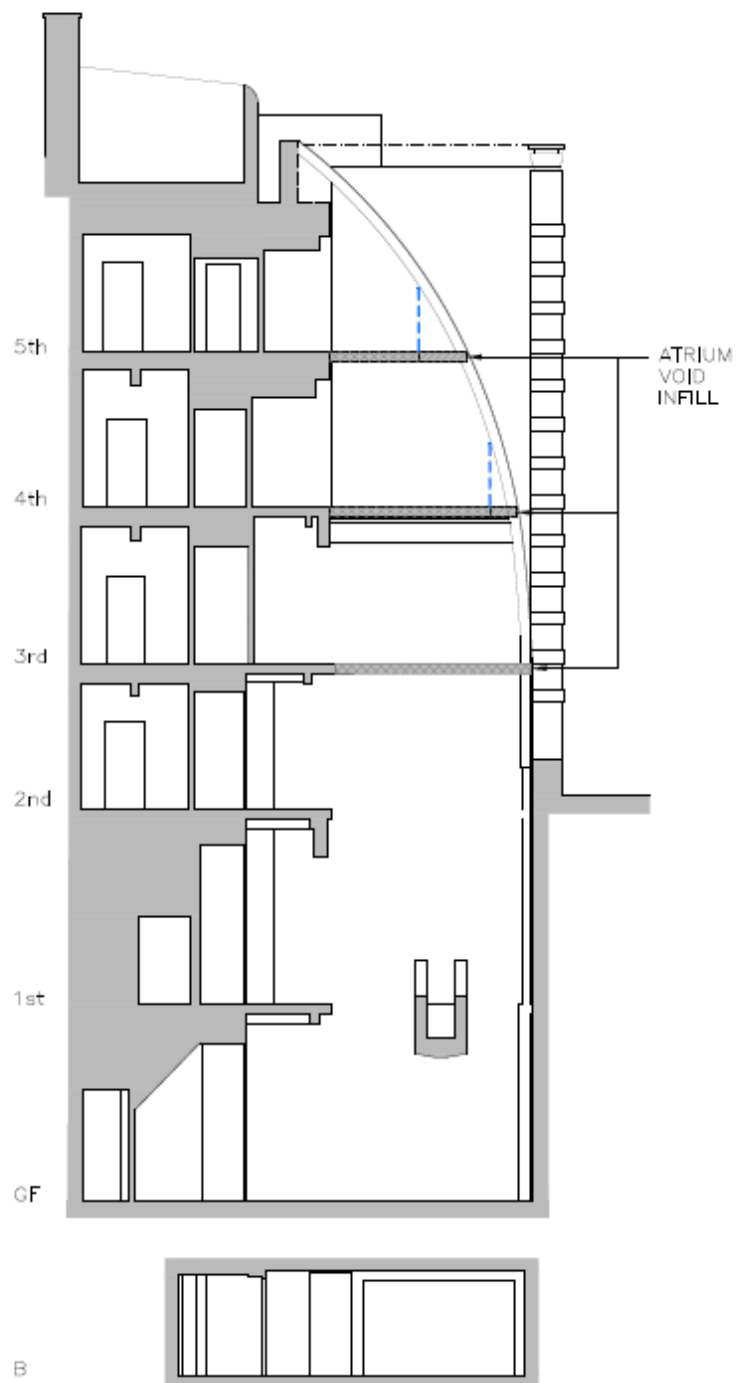
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS

Proposed Basement plan



Proposed section



DRAFT DECISION LETTER

Address: Arcade House, 13 Albemarle Street, London, W1S 4HJ,

Proposal: Use of the basement as a mixed showroom/event/retail (sui generis use), use of third floor as office (Class B1) and infilling of the atrium at third, fourth and fifth floor level.

Reference: 17/04094/FULL

Plan Nos: 1265-026, 1265-027

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

1	<p>The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
2	<p>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: ,</p> <ul style="list-style-type: none"> * between 08.00 and 18.00 Monday to Friday; * between 08.00 and 13.00 on Saturday; and * not at all on Sundays, bank holidays and public holidays. <p>You must carry out piling, excavation and demolition work only: ,</p> <ul style="list-style-type: none"> * between 08.00 and 18.00 Monday to Friday; and * not at all on Saturdays, Sundays, bank holidays and public holidays. <p>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)</p> <p>Reason: To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)</p>
3	<p>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 Sui Generis, A1 and B1 uses;. (C14EC)</p> <p>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)</p>
4	<p>You must not allow more than 120 customers into the property at any one time. (C05HA)</p>

	We cannot grant planning permission for unrestricted use in this case because it would not meet S18; of our Unitary Development Plan that we adopted in January 2007. (R05AB)
5	<p>The Sui Generis use hereby approved must be provided prior to the occupation of the B1 office use on the third floor.</p> <p>Reason: To ensure that the proposals would accord with the intent of policies S7 and CM2.5 of the Council's City Plan (November 2016)</p>
6	<p>The basement shall not be used for evening events more than:</p> <p>i) three times a month finishing later than 22.00 hours; ii) three times a year for events finishing later than 00.00 hours midnight.</p> <p>Reason: To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)</p>
7	<p>Customers shall not be permitted within the A1 retail unit at ground, first and second floor, outside of the following hours: Monday – Saturday: 10.00 – 19.30 Sunday: 12.00 – 18.00</p> <p>Reason: To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)</p>
8	<p>You must apply to us for approval of details of secure cycle storage. You must not commence the B1 or Sui Generis we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.</p> <p>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.</p>
9	<p>You must hang all doors so that they do not open over or across the road or pavement. (C24AA)</p> <p>Reason: In the interests of public safety 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. (R24BC)</p>
10	<p>No amplified or live music entertainment can be provided at the premises beyond 'background level' (as defined under guidance to the Licensing Act 2003). Any such music must not be audible externally or in the adjacent properties (including the first floor residential accommodation above).</p> <p>Reason: To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)</p>

INFORMATIVES

1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
2. Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. 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.
3. Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
4. Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
5. 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)
6. 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 (0207 641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway

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 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Ivor Court , Gloucester Place, London, NW1 6BJ		
Proposal	Use of store room as residential flat (Use Class Class C3), creation of access steps to create new entrance into flat, installation of 3no. rooflights set within existing roof, proposed windows to replace existing fan lights, and associated works.		
Agent	Miss Helen Thomas		
On behalf of	Strike a Light Limited		
Registered Number	17/04806/FULL	Date amended/ completed	1 August 2017
Date Application Received	1 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Refuse planning permission

2. SUMMARY

The application relates to the conversion of a basement utility room of a residential apartment block, Ivor Court, on Gloucester Place, to a single residential dwelling and separate utility space.

The main issues relate to;

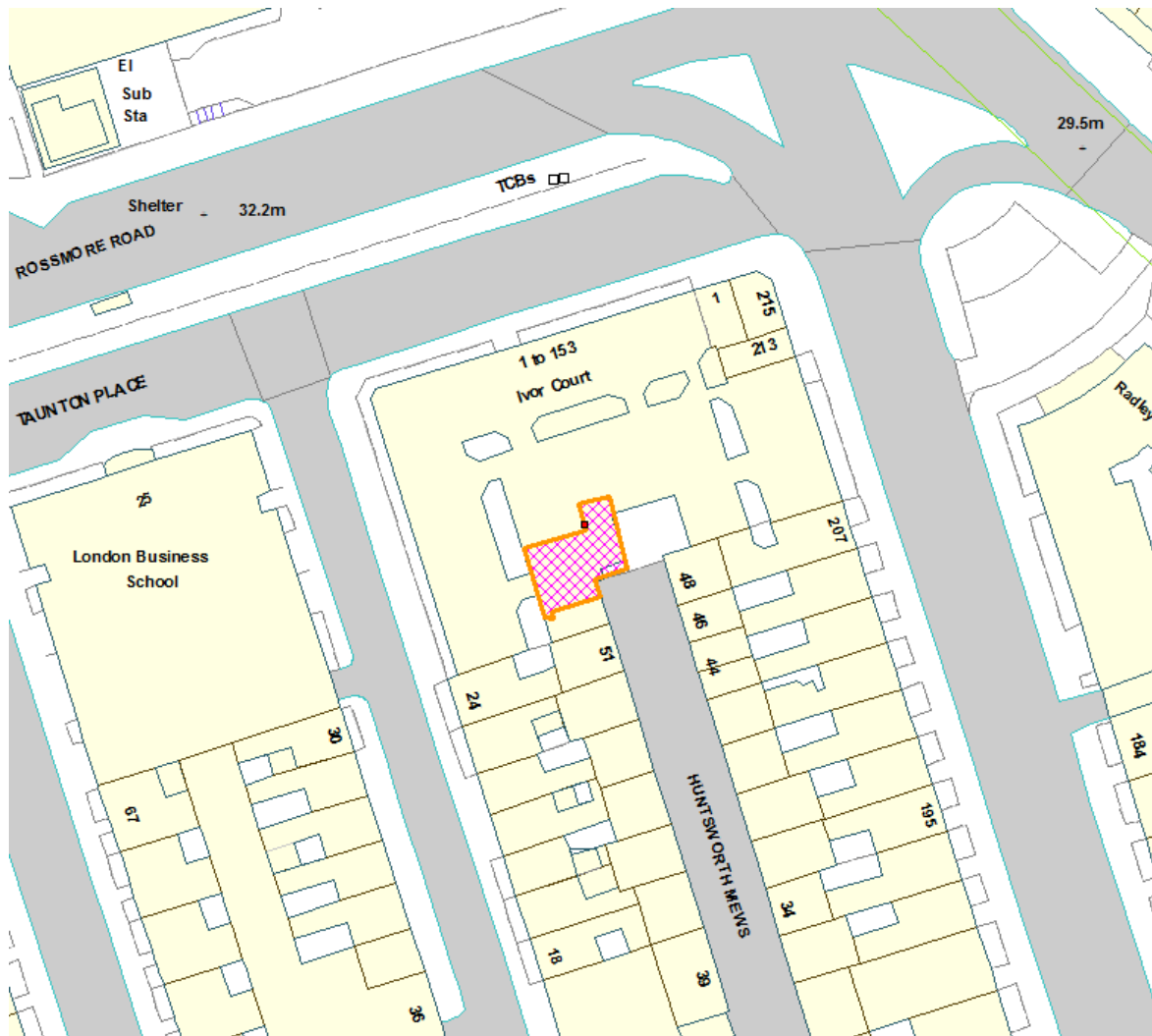
- The impact of the conversion upon neighbouring amenity.
- The quality of accommodation for future occupiers.

The application has attracted objections from the City Councils Environmental Health department on grounds of substandard accommodation. Residents of Ivor Court have raised objections on similar grounds as well as issues relating to access, and impact upon fire safety in the building. In addition the Director of Ivor Court Freehold Limited has written in to support of the conversion and provide clarifications over ownership and access queries raised.

Notwithstanding the comments in support of the application received, the application is considered to provide a substandard of accommodation, with particular regards to deficiencies of natural light, and

would have an adverse impact upon the amenity of neighbouring occupiers, and therefore fails to comply with the relevant policies within the City Plan, UDP, London Plan and NPPF and is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS**Approach from Huntsworth Mews**

Front door of Flat No. 17, directly opposite the application site.



Front elevation of existing store room



5. CONSULTATIONS

ST MARYLEBONE SOCIETY:

Note objections from other third parties. Defer to Planning Officer.

ENVIRONMENTAL HEALTH

- * Means of escape unsatisfactory.
- * Solar gain from large rooflights cause of over heating.
- * No details of thermal performance of structure.
- * No details of acoustic environment, plant potentially in close proximity to windows.
- * Poor natural light reaching windows.
- * No details of security, with regards to operational bedroom window at night.

HIGHWAYS PLANNING MANAGER:

No objections.

ADJOINING OWNER/OCCUPIERS:

Total No consulted: 168

No of responses: 5 (3 objections, 2 support)

Three objections received on some or all of the following grounds:

- * Residential flat would have poor natural light and ventilation.
- * Front access Stairs is proposed on land which falls outside of site curtilage and adjacent to vents.
- * Roof is used as terrace for upstairs occupiers. Rooflights would cause disruption.
- * Conversion results in fire hazard for existing building.
- * Flat roof of the balcony area in which the roof lights are to be installed is owned by Ivor Court Freehold Limited, and is not demised to the adjacent flat.

SITE AND PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is Ivor Court located on Gloucester Place which is an unlisted apartment block with Art Deco appearance dating from the interwar period. It is located in the Dorset Square Conservation Area. The application relates to a utility and store room located in at basement level in the building which is partly extended to the rear into an external courtyard. The store room is currently accessed from the internal utility core of the building which is a semi enclosed space spine within the building providing a series of lightwells, fire escapes and refuse and utilities at basement level. The extended element faces onto an open courtyard at the rear of the building which is served by an existing flight of steps leading up to Huntsworth Mews.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

The application proposes: 'Use of store room at lower ground level as flat (Class C3), access steps to create new entrance into new flat, 3no. rooflights set within existing terrace. Proposed windows to replace existing fan lights, and associated works.'

The site curtilage red line is comprised of the existing storage unit at basement level, plus a small part of the rear courtyard, where a small sunken light well is proposed accommodating the front door to the new dwelling. The additional annotated ground and basement floor plans provided show the principle access to the new dwelling from Huntsworth Mews via the existing rear entrance and flight of steps leading down to the rear courtyard. The plans do not show any means of accessing the semi enclosed internal utility core of the building from the proposed flat although access is shown from the ground floor foyer and via the existing door used for refuse access on Huntsworth Mews.

During the course of the application, the site curtilage (red line) was increased slightly to take in the small section of courtyard where an excavated sunken light well entrance is proposed. Notice was subsequently served on those with an ownership interest in the land pursuant to Certificate B of the application forms.

In addition floor plans were provided incorporating this revised site curtilage plus additional background information (annotated ground and basement floor plans for Ivor Court) identifying access and refuse arrangements for the proposed flat.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (store)	67	28	- 39
Use (residential) Class C3	0	39	+ 39
Total	67	67	67

8. DETAILED CONSIDERATIONS

8.1 Land Use

New residential unit

The existing room is a redundant utility room in the lower ground floor of the building, which the agent advised used to be used for the storage of oil tanks to serve the residential building and is now redundant following the updating of the buildings central heating. The proposal retains a small storage room of 28sqm and provides a new one bedroom dwelling of 39sqm. In landuse terms, the creation of a new residential dwelling accords with the Councils objectives for provision of new housing in policies H3 of the UDP (January 2007) and S14 of the City Plan (November 2016), whilst the storage room maintains a utility function at this lower level so the principle of conversion is not objected to.

Quality of accommodation

In terms of quality of accommodation, the rooms current use as a basement utility store does not make it ideal for residential conversion, given that it is at basement level, is single aspect presently and is not integrated into the overall residential part of the building. The City Council's Environmental Health Officer has raised the following concerns in this respect.

- * Deficiency of natural light reaching bedroom.
- * Means of escape unsatisfactory.
- * Solar gain from large roof lights cause of overheating.
- * No details of thermal performance of structure.
- * No details of acoustic environment, plant potentially in close proximity to windows.
- * No details of security, with regards to operational bedroom window at night.

The flat size is 39sqm in line with 1 person accommodation requirements in the DCLG Technical Housing Standards (March 2015). It is proposed to be a dual aspect dwelling, as a result of external alterations proposed. The proposed south facade which would serve the kitchen/living room faces the rear external courtyard and would benefit from a new window and front door plus two large rooflights. The north facade serving the bedroom is located further inside facing into the communal semi enclosed communal core of the building. This area is a highly enclosed utility space which is not suitable location for principle bedroom window. Moreover it is extremely likely this room would suffer from deficiencies in natural light. No day light and sunlight report has been provided to demonstrate that the new dwelling would provide minimum values of ADF pursuant to the BRE guide (Para. 2.1.8) which requires 1% for bedrooms. As such, the single bedroom would suffer from a poor standard of outlook with an oppressive surrounding and would also likely experience deficiencies in natural light, contrary to policies S29 of Westminster's City Plan (November 2016) and ENV 13 the UDP (January 2007), and would be contrary to policy 3.5 (Quality and Design for Housing Developments) of the London Plan (March 2016), chapter 2.3 (Para 34 - 35) of the Mayors Housing Supplementary Planning Guidance (March 2016) and paragraph 17 of the NPPF.

Other matters raised by Environmental Health and neighbouring occupiers are addressed further in this report.

8.2 Townscape and Design

The proposed external alterations comprise changes to the fenestration on the south elevation (projecting element into the rear open courtyard), comprising the installation of a door, window and small excavated entrance courtyard, plus the installation of rooflights in the flat roof and a single window facing into the internal service courtyard. Given the rear location of these changes, they will not be prominent in the townscape and are also not considered contentious in their own right on design terms.

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 Westminster's City Plan: Strategic Policies aims to protect the amenity of residents from the effects of development.

The proposed access to the new residential unit would be reliant upon an existing secure gate on Huntsworth Mews, that opens onto a small flight of steps down to the rear courtyard where the new front door and windows are proposed. This route would go directly passed the habitable room windows of a flat located at the same level, labelled on the submitted 'ground floor' site plans as a bedsitting room. Having an access that is wholly reliant on passing directly past these windows which are the only windows serving this unit according to the floor plans, is an infringement unduly impacts the amenity and privacy of this unit. This would be contrary to policies ENV13 of the UDP and S29 of the City Plan.

A neighbour has identified a potential conflict between the installation of rooflights serving the new dwelling and the use of the external terrace for a neighbouring property Flat 29. The roof currently has decking and a doorway provides access from flat No. 29 onto it. Notwithstanding this, the flat does not have rights of access onto the roof according to the applicant which has also been clarified by the Director of Ivor Court Freehold Limited in an email dated 25 September 2017. In any case, the rights of access are a private matter and given the proposed plans do not show the retention of decking it is assumed would be removed as part of the proposed development.

8.4 Transportation/Parking

Highways Officers have advised that the parking pressure in this area is below the 80% stress level and that the introduction of a single unit in this area without off-street parking or on-street parking restraint is not likely to increase the stress levels. Therefore on the basis of the Council's data and car ownership levels, with the addition of residential units in this location, any additional on-street parking generated can be absorbed into the surrounding street network. Therefore development is consistent with TRANS23 (B) and (D).

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Given that the application relates to the creation of a single dwelling only, requirements such as creation of a level access would not be required in this instance.

8.7 Other UDP/Westminster Policy Considerations

Environmental Health observations

Environmental Health have raised additional concerns as listed above. These are addressed below;

Concerns regarding solar gain are acknowledged and a submission of this kind should provide further details of how this would be managed given the constraints of the site. This

is not however sustainable grounds to withhold planning permission given that such details could be sought through planning condition whilst an occupier could easily fix shades to these windows.

With regards to means of escape from the bedroom, the Environmental Health Officer advises that owing to the layout of the flat, showing a separation of the bedroom and main living space, a dedicated means of escape from the bedroom without having to pass through the living space would be required to satisfy building regulations in due course. Given the site curtilage does not include the basement utility core, it would not be possible to condition such a provision. In the event of permission being granted this would be raised in an informative although given that it is strictly a building control matter it cannot be raised as a reason for refusal.

With regards to ventilation, cooling and security for the bedroom, also having regards to the louvres serving plant within the courtyard, it is acknowledged that the dwelling may require some other means of cooling in hot weather. This is something however that could be perused at a later date if deemed necessary and it is not considered sustainable grounds to withhold permission.

With regards to concerns regarding thermal insulation and building materials, this goes beyond the remit of planning controls although it could be raised as an informative in the event of planning permission being granted.

Contamination

The last use of the utility room was for the storage of oil tanks prior to the updating of the buildings central heating system. Officers have consulted with Environmental Health who have advised there is potential for oil leakage historically which would require investigation and remediation if necessary. This could be addressed through a pre commencement condition relating to remediation in the event of planning permission being granted.

Fire escape for Ivor Court

A resident of Ivor Court has raised concerns with the refurbishments undertaken across the remainder of the building, and also to the impact of the conversion upon the fire escape route. The agent has responded to advise that the existing room has no function within the overall fire strategy for the building. Officers visited the site and could see no way in which the rooms conversion to a residential unit would effect current arrangements for fire safety in the building as a whole. In any case these concerns are primarily Building Control matters, and also relate to parts of the building which fall outside of the site curtilage.

Site Ownership

A resident of Ivor Court has made comments regarding the particulars of the sale of the unit which may preclude access via the rear courtyard and Huntsworth Mews. The application is however assessed on the basis of the details provided. As sets out above the necessary notices have now been served under Certificate B of the application forms and the rights of access as pointed out is a private matter that is beyond the remit of this planning assessment.

8.8 London Plan

This application raises no strategic issues although the application raises issues relating to quality of accommodation which in accordance with policy 3.5 (Quality and Design for Housing Developments) of the London Plan (March 2016), chapter 2.3 (Para 34 - 35) of the Mayors Housing Supplementary Planning Guidance

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. In addition paragraph 17 of the NPPF, which relates to quality of accommodation is considered to be of particular relevance to this determination.

8.10 Planning Obligations

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

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floor space figures, the estimated CIL payment would be £15,600 for Westminster's CIL (£400 per square metre in the residential core area), and £1,950 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

9. BACKGROUND PAPERS

1. Application form
2. Response from The St Marylebone Society (x2), dated 10 June 2017 and 10 July 2017.
3. Response from EH Consultation, dated 22 September 2017.
4. Response from Highways Planning Manager, dated 7 August 2017.
5. Response from Highways Planning (Waste), dated 15 June 2017.
6. Email from occupier of 57 Ivor Court, Gloucester Place, dated 13 June 2017.
7. Email (x 2) from occupier of 25 Ivor Court, Gloucester Place, dated 25 June 2017 and 5 September 2017.
8. Letter from occupier of 67 Ivor Court, Gloucester Place, dated 4 July 2017.
9. Email from occupier of 133 Ivor Court (x2) , Gloucester Place, dated 18 September and 22 September 2017.
10. Email from Director of Ivor Court Freehold Limited, dated 25 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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk .

Item No.
4

Existing floor plans and elevations



DRAFT DECISION LETTER

Address: Ivor Court , Gloucester Place, London, NW1 6BJ

Proposal: Use of store room as residential flat (Use Class Class C3), creation of access steps to create new entrance into flat, installation of 3no. rooflights set within existing roof, proposed windows to replace existing fan lights, and associated works.

Reference: 17/04806/FULL

Plan Nos: TRS070_EX_000 A, TRS070_EX_001 A, TRS070_EX_101 A, ground floor and basement plan dated 1 August 2017, Planning Statement dated 1 June 2017, Design and Access Statement dated 1 June 2017

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s)

- Reason:
- 1 By virtue of the proposed residential units location and the highly enclosed bedroom, future occupiers would feel too shut in and would likely experience deficiencies in natural light. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007, and would be contrary to policy 3.5 (Quality and Design for Housing Developments) of the London Plan (March 2016), chapter 2.3 (Para 34 - 35) of the Mayors Housing Supplementary Planning Guidance (March 2016) and paragraph 17 of the NPPF.
- Reason:
- 2 The access to the proposed residential unit via an existing flight of stairs from Huntsworth Mews would lead to an unacceptable loss of privacy for people in the lower ground floor flat No. 17 facing into the rear courtyard. This is because the stairs and access pass directly next to their habitable room windows. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. 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.

Item No.
4

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 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	16 Broadley Street, London, NW8 8AE		
Proposal	Installation of metal balustrades and sliding rooflight to facilitate the use of the roof as a terrace.		
Agent	Mr John McGarrity		
On behalf of	Mr Joseph Holderness		
Registered Number	17/03935/FULL	Date amended/ completed	19 June 2017
Date Application Received	7 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

16 Broadley Street is a mid terrace four storey property in use as a single family dwelling, which is not listed or in a conservation area. The building forms part of a terrace of four properties that have been redeveloped over recent years but retain a uniform appearance from the front, rear.

Planning permission is sought for the erection of a metal balustrade and a sliding, glazed rooflight to create a terrace at roof level. The proposal has been revised from the original submission to set the balustrade back from front and back and to replace glass balustrade with black metal.

The St Marylebone Society has commented that the terrace may raise amenity concerns for neighbouring properties regarding noise and overlooking. One objection from a neighbour has been received primarily on the grounds of design and overlooking.

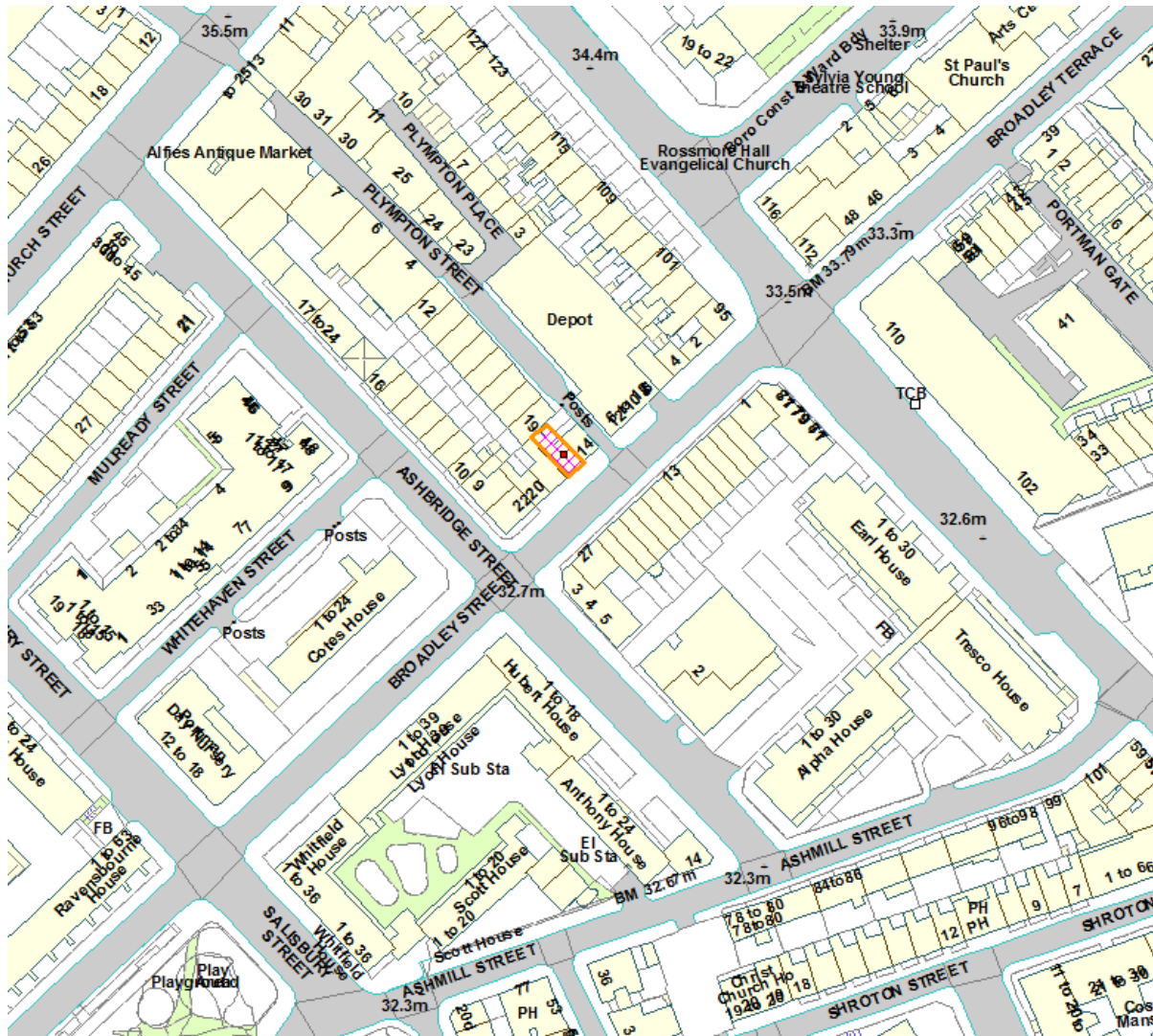
The key issues in this case are:-

- The acceptability of the proposals in townscape terms;
- The implications of the proposals upon the amenity of neighbouring properties

The proposal is considered acceptable in design and townscape terms and is not considered to

significantly increase overlooking towards neighbouring properties. As such the proposal is in accordance with the relevant Unitary Development Plan and City Plan policies and is recommended for approval.

3. LOCATION PLAN

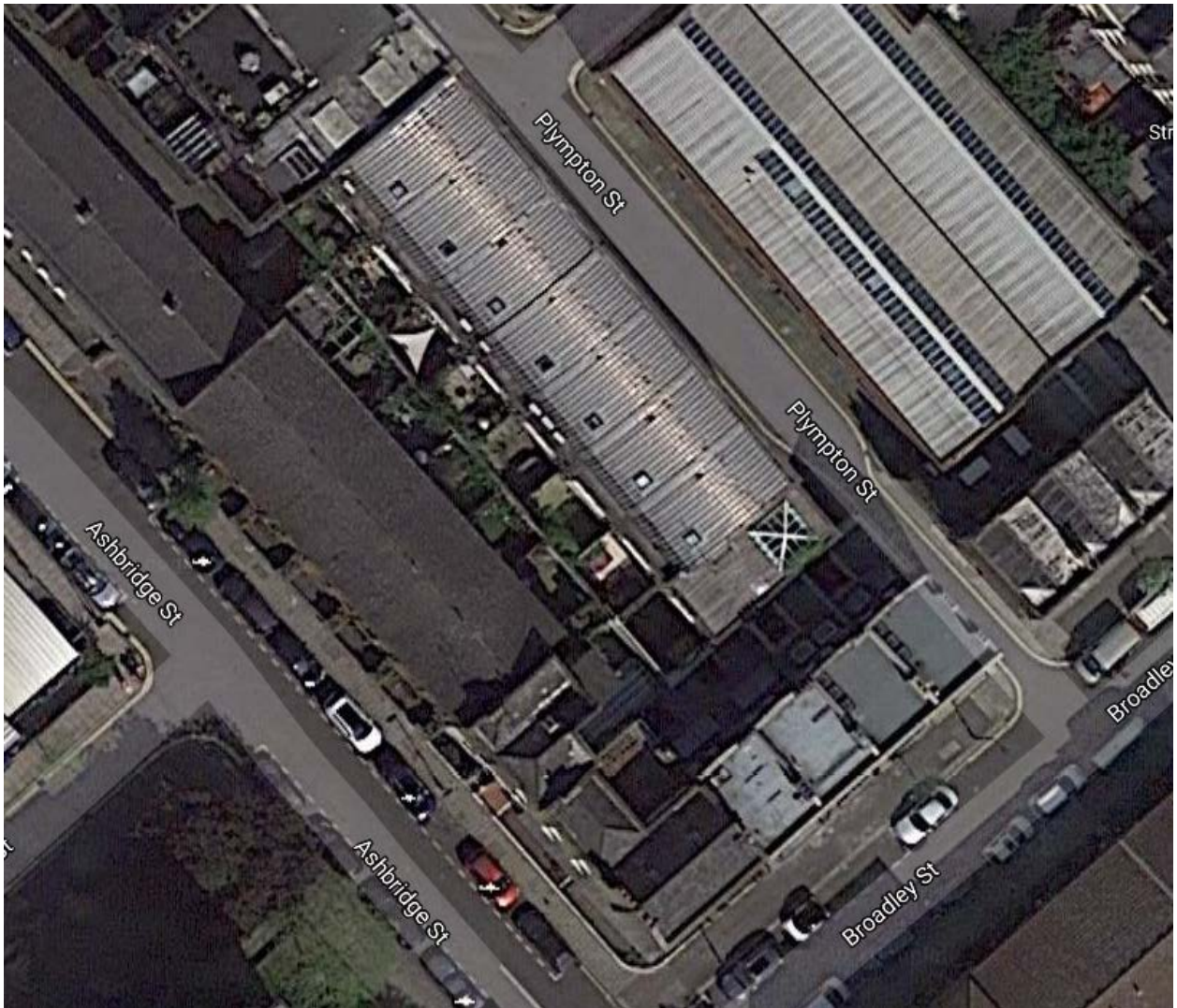


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4. PHOTOGRAPHS

Views from roof towards neighbouring properties on Plympton Street



Existing roof and surrounding area of 16 Broadly Street

5. CONSULTATIONS

THE ST MARYLEBONE SOCIETY:

Roof terrace may be problematic regarding noise, nuisance and overlooking for neighbours. Permission may lead to neighbours seeking use of roofs as terraces.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 10

Total No. of replies: 1

No. of objections: 1

1 objection received on the following grounds:

DESIGN

- Glass balustrade not suitable

AMENITY

- Loss of privacy
- Overshadowing
- Noise and disturbance

OTHER

- Lack of information

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

16 Broadley Street is an attractive mid terrace four storey property in use as a single family dwelling which is not listed or in a conservation area. The building forms part of a terrace of four properties that have been redeveloped over recent years but retain a uniform appearance from the front and rear. At roof level the butterfly roofs have been replaced with flat roofs, however to the rear the original V-shaped form of the roof can still be read.

6.2 Recent Relevant History

13/11406/CLOPUD

Removal of the existing butterfly roof and replacement with a flat roof.

Application Permitted 21 March 2014

7. THE PROPOSAL

Planning permission is sought for the erection of a metal balustrade and sliding, glazed rooflight to create a terrace at roof level. The proposal has been revised from the original submission to set the balustrade back from front and back and to replace glass balustrade with black metal. The balustrades are set 1 meter from the front parapet and 2.4 meters back from the rear parapet with a height of 1.1 meters. The glass rooflight is sited over a

new access stair and is on a sliding mechanism. The rooflight measures 200 mm above the flat roof.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The increase in residential floorspace to this single family dwelling raises no land use issues.

8.2 Townscape and Design

The balustrades have been set back from the front and rear boundaries of the roof and as such views of the terrace will be limited from the street scene. The roofs of surrounding buildings have similar balustrades to provide safe access. Balustrades at this level are therefore not out of character in this part of the city, which is not in a conservation area. As such it is not considered that the simple black metal balustrade would harm the appearance of the host building when seen in private views from the upper floors of surrounding buildings.

The proposed balustrade is in accordance with DES 1 and DES 6 of the UDP and S 28 of the City Plan, as such they would not harm the character of the building or roof, the works are considered acceptable on design and townscape grounds.

8.3 Residential Amenity

Policy ENV 13 of the UDP and S29 of the City Plan seeks to protect amenities, daylight and sunlight and environmental quality. The policies states that developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing.

Privacy

Objections have been received from a neighbour and concerns raised by the amenity society regarding increased overlooking towards residential properties on Plympton Street which is directly to the rear of the application site. The written objection is accompanied by a YouTube video clip to illustrate views from 19 Plympton Street to 16 Broadley Street.

The balustrades have been set back from the front parapet by 1 meter and by 2.4 meters from the rear parapet. As such any prospective users of the terrace would not be able to stand at the edge of the roof and look down directly towards the rooflight at no. 19 Plympton Street. While there may be some oblique views towards the rooflight and the living accommodation inside of the property, there would be no direct overlooking to the internal living space. Similarly given the setbacks proposed and the existing butterfly parapet wall there would be little, if any view into the gardens of 19 Plympton Street. The objectors have provided views (including a video) to the application site from their internal accommodation and garden area to show the implications of the terrace, however reciprocal views from the proposed terrace to the objectors property will not be the same.

Accordingly, it is not considered that the terrace would result in harm to the amenity of the neighbouring residential properties.

Looking south, those using the terrace would have very oblique views towards windows of the residential properties on the south side of Broadley Street. Given the oblique nature of the views, the existing situation in which properties on either side of Broadley Street overlook one another and the full streets width between the properties it is not considered there would be increased harm from overlooking.

Sunlight and Daylight and Sense of Enclosure

The proposed roof terrace has a metal balustrade to the front and rear and does not have a solid form which would prevent light from passing through. The works are to the roof of the building and would not result in a loss of daylight/sunlight or increase the sense of enclosure for neighbouring properties.

Noise

In terms of noise it is not considered that a terrace of 16 sqm would raise an unacceptable level of noise.

The proposed terrace is in accordance with ENV13 of the UDP and S29 of the City Plan, and is therefore acceptable on amenity grounds.

8.4 Transportation/Parking

The proposal does not raise any transportation/parking issues

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the site will remain the same as the current situation.

8.7 Other UDP/Westminster Policy Considerations

None

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

This development does not require an Environmental Impact Assessment

8.12 Other Issues

Neighbour objection state that not enough information has been submitted regarding the obscure glazed balustrade. The balustrade is not to be constructed from black metal as glass is not considered acceptable on design grounds. The applicant has submitted adequate information to allow the City Council to assess the merits of the application.

9. BACKGROUND PAPERS

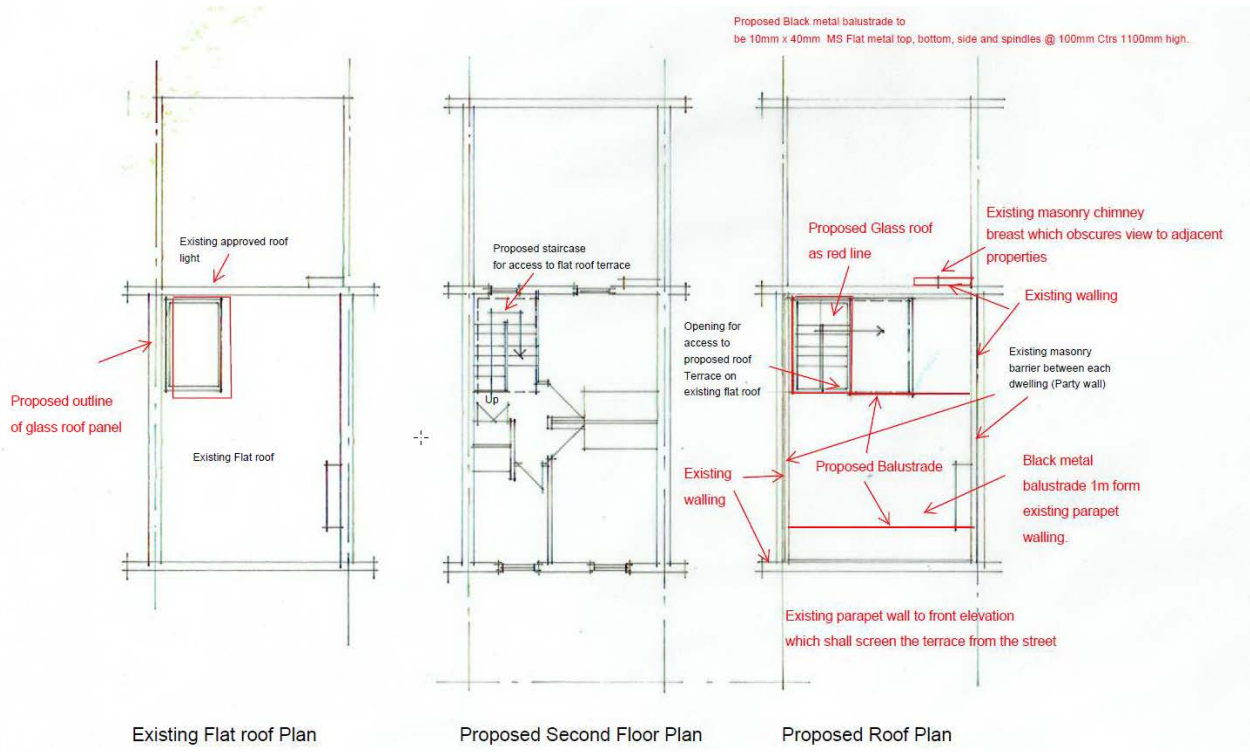
1. Application form
2. Response from The St Marylebone Society, dated 3 July 2017
3. Letter from occupier of 19 Plympton Street, London, dated 22 August 2017

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

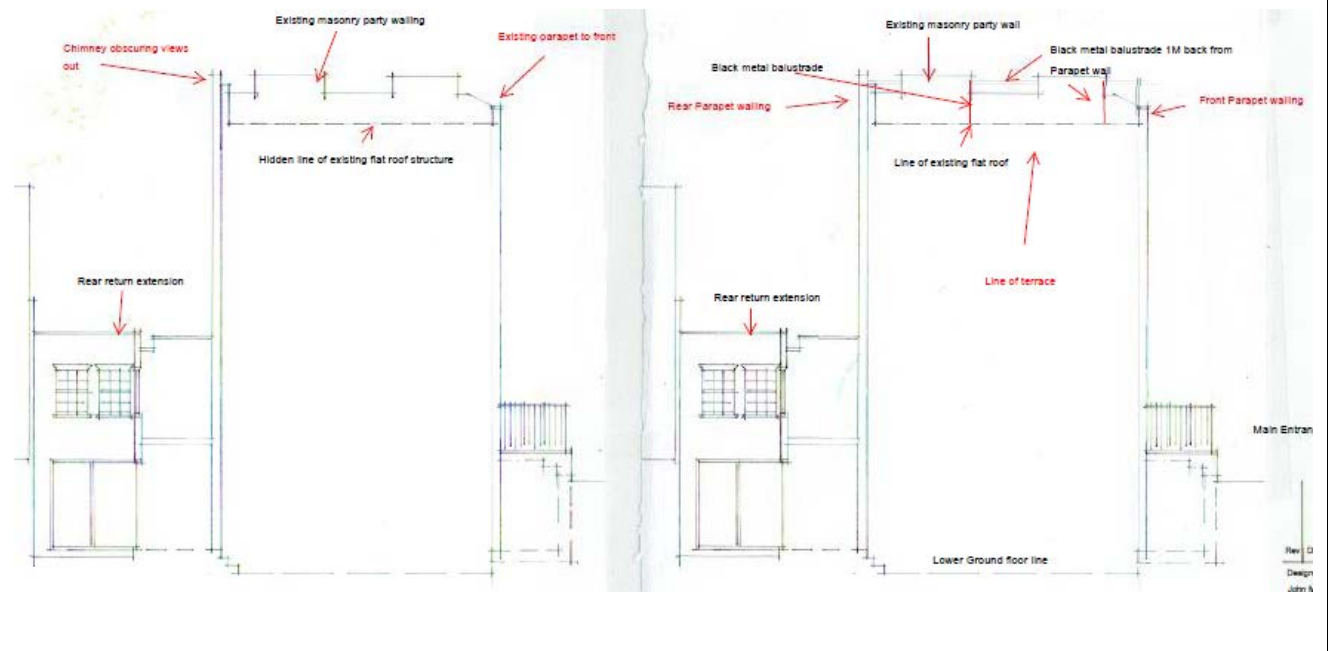
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

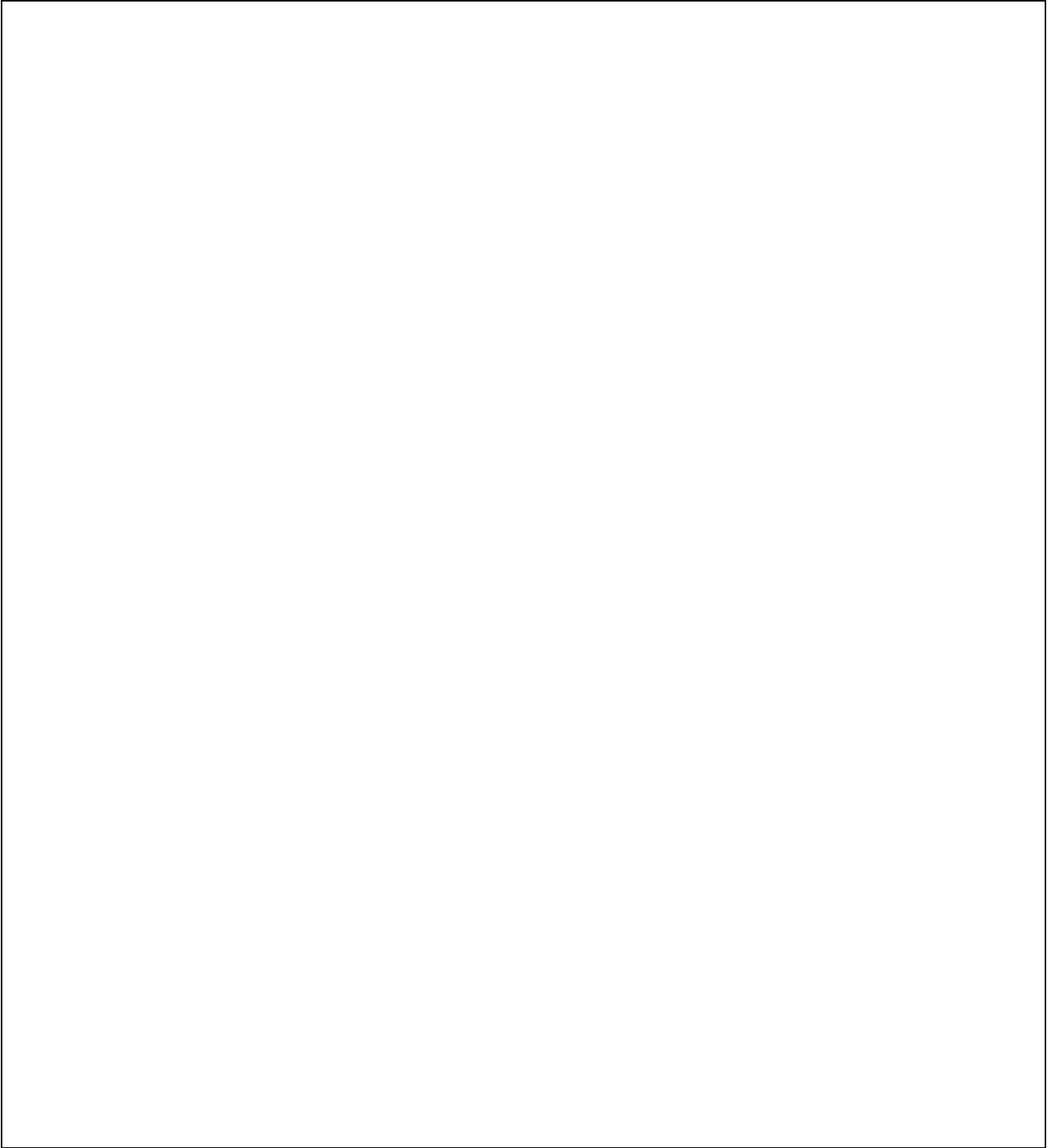
10. KEY DRAWINGS

Existing and proposed roof plans



Existing and proposed sections





DRAFT DECISION LETTER

Address: 16 Broadley Street, London, NW8 8AE,

Proposal: Installation of a glazed balustrades and sliding rooflight to facilitate the use of the roof as a terrace.

Plan Nos: Site location plan, 23-17-04 Rev 4, 23-17-05, 23-17-06, 23-17-09 Rev A, 23-17-08 Rev C

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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 The railings must be black metal balustrades and retained in that condition thereafter.

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 not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (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)

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

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

24 Hour Noise Team
Environmental Health Service

Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

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

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Pitch 1633, Regent Street, London, W1B 5BQ,		
Proposal	Installation of a retail kiosk (Class 1A) adjacent to 52 Regent Street		
Agent	Capital Kiosks Co Ltd		
On behalf of	Mrs Jeanette Foster		
Registered Number	17/06624/FULL	Date amended/ completed	25 July 2017
Date Application Received	25 July 2017		
Historic Building Grade			
Conservation Area	Regent Street		

1. RECOMMENDATION

Refuse permission : Unacceptable in design terms

2. SUMMARY

The site is on the northern side of Regent Street at its southern end, close to Piccadilly Circus. The existing pitch is on the highway, at a distance of 4.1m from the main building line of 52 Regent Street, adjacent to an arcade entrance where the building steps forward. At present a small removable kiosk occupies part of the pitch. Planning permission has not previously been required for this kiosk as it is not a permanent structure, which could be removed overnight. The pitch has a street trading licence. Permission is sought for a new street trading kiosk which would remain in situ outside trading hours. The proposed new kiosk is slightly larger than existing and would occupy the whole of the pitch.

In design terms this is a sensitive location directly in front of listed buildings on Regent Street and close to Piccadilly Circus. Because of its design and location, the permanent installation of the street trading kiosk would harm the setting of adjacent listed buildings on the north side of Regent Street, including 50-52 Regent Street, and would fail to maintain or improve (preserve or enhance) the character and appearance of the Regent Street Conservation Area.

This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 7, DES 9 and DES 10, and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

With regards to the impact on pedestrian movements, an objection has been received from the Soho Society that due to the high footfall, the location would result in an obstruction. The Highways Planning Manager has not however objected as there is 4.1m between the edge of the kiosk and the building line of 52 Regent Street. This complies with the adopted Westminster Way and is sufficient space to ensure that the kiosk would not cause an obstruction to pedestrian movement.

The Highways Planning Manager has advised that as there is only 900mm between the kiosk and kerb edge, this is insufficient space to serve customers on that side of the kiosk. Had the application been considered acceptable in design terms, a condition would have been recommended requiring a change to design of the kiosk which would prevent serving on the southern side closest to the kerb.

4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Comment that the new design is an improvement but the location causes an obstruction due to high footfall

CLEANSING

No objection

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

No objection on the basis that the kiosk is no bigger than the existing pitch.

Comment that as the kiosk should not be open on both sides and there is only 900mm kiosk and kerb edge, which is insufficient space to serve customers

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted:7 Total No. of replies: 1 -

One neutral comment requesting information regarding the location and the proximity to a Reiss department store.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

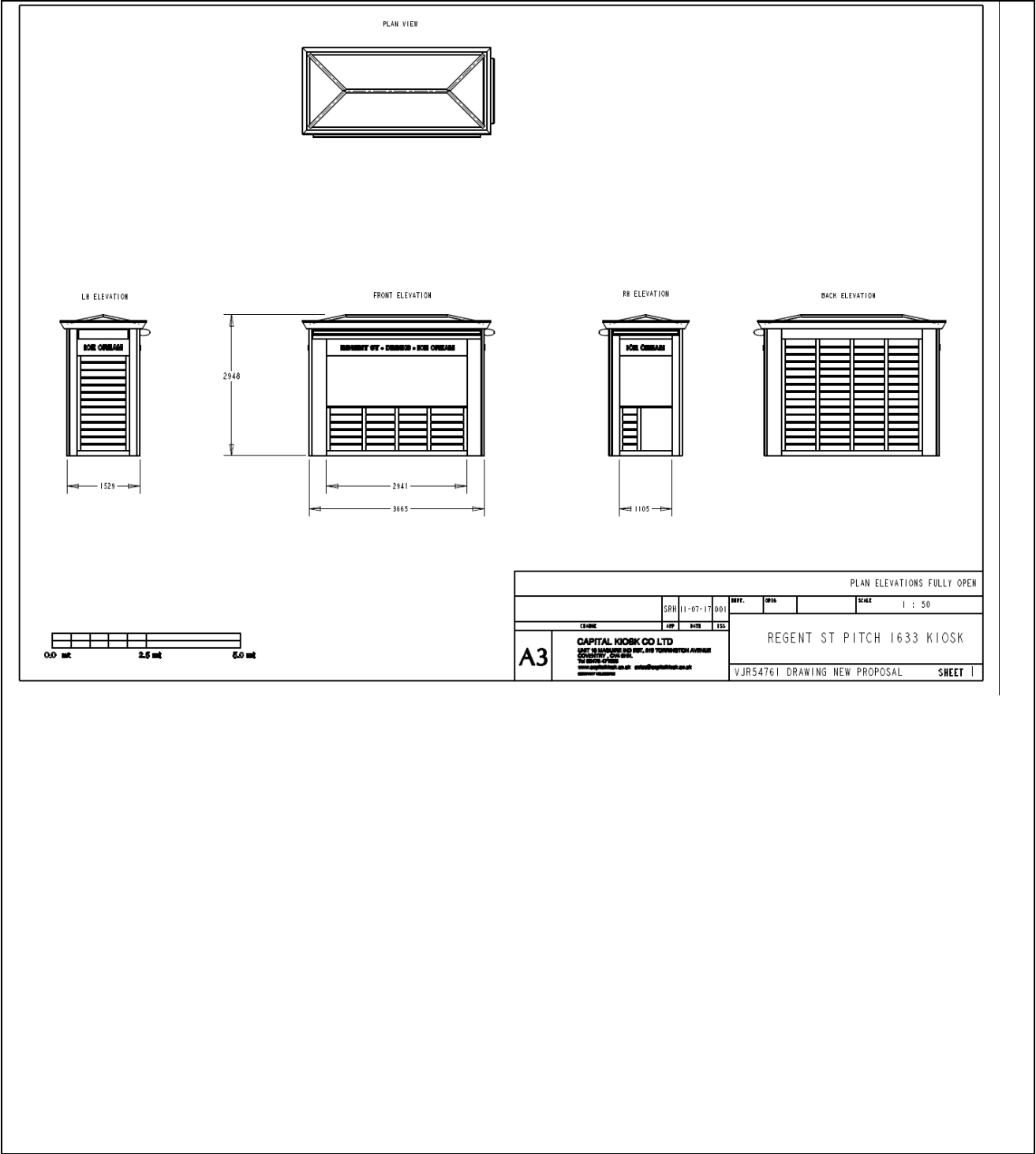
6. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of Reiss - Head Office, 12 Picton Place, dated 2 August 2017
3. Letter from occupier of The Soho Society, St. Anne's Church Tower, dated 10 August 2017
4. Memorandum from Cleansing dated 10 August 2017
5. Email from Highways Planning Manager dated 29 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: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Pitch 1633, Regent Street, London, W1B 5BQ,

Proposal: Installation of a retail kiosk (Class 1A) adjacent to 52 Regent Street

Reference: 17/06624/FULL

Plan Nos: CKC A1633, VJR54761

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of its design and location, the permanent installation of the street trading kiosk would harm the setting of adjacent listed buildings on the north side of Regent Street, including 50-52 Regent Street, and would fail to maintain or improve (preserve or enhance) the character and appearance of the Regent Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 7, DES 9 and DES 10, and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)

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 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Pitch 1701, New Bond Street, London, W1S 3SU,		
Proposal	Installation of a free standing retail kiosk (Class A1).		
Agent	Turley		
On behalf of	New West End Company		
Registered Number	17/06592/FULL	Date amended/ completed	25 July 2017
Date Application Received	25 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of one year

2. SUMMARY

The site is on the eastern side of New Bond Street in a small pedestrianised area south of Clifford Street and north of Grafton Street. The public realm in Old and New Bond Streets is the subject of a City Council enhancement scheme. This proposal forms part of that scheme. The pedestrianised space between Clifford Street and Grafton Street is to be paved in York stone and various types of granite, consistent with the scheme for both streets. The adjacent Allies bench sculpture, installed in 1995, is to be reinstated when the works are complete in a slightly adjusted position. A new mature tree will be put in the southern part of the space, with a bench alongside it. The two way cycle route is retained, and the existing cycle racks and CCTV pole relocated away from the space.

The existing heritage style kiosk will be replaced by a bespoke kiosk. This is of modern design, but with references to Classical precedents. The kiosk is a rectangular structure with a tall lantern feature at its north end which acts as a small landmark.

The kiosk has bi-folding doors on its east side (the trading frontage) and south side. The north side has a smaller opening with two sliding shutters. The west side is solid, with cast floral relief. A small solid canopy runs around the kiosk on the east and south sides, over the main openings.

The kiosk is constructed using three types of reconstituted stone/concrete. These are a light grey acid etched concrete, a light grey terrazzo/polished concrete and a green polished terrazzo/concrete. These materials are considered acceptable in principle, and if planning permission is to be granted, samples should be required for submission and approval.

It is considered that this is a high quality design which will contribute positively to the scheme for the Bond Streets improvements, and to the character and appearance of the Mayfair Conservation Area. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 7 and DES 9.

No objections have been received and the Highways Planning Manager has confirmed that the kiosk would not result in an obstruction to pedestrian movements. It is recommended that permission is granted for a temporary period of one year, as is normal practice with kiosks on the highway, so the situation can be continually assessed and reviewed.

4. PHOTOGRAPH



Fig 19. West elevation of existing kiosk



Fig 21. North Elevation of existing kiosk



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

CLEANSING

No objection

HIGHWAYS PLANNING

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No consulted 9 Total No of Replies 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6 BACKGROUND PAPERS

1. Application form
2. Email from Highways Planning Manager dated 7 September 2017.
3. Memorandum from Cleansing dated 10 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: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Pitch 1701, New Bond Street, London, W1S 3SU,
Proposal: Installation of a free standing retail kiosk (Class A1).
Reference: 17/06592/FULL
Plan Nos: 443-110,120,121revA,122,123,124.

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Condition(s) and Reason(s)

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

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 You must advise us in writing the date of installation of the kiosk, which can remain in situ one year from the date of installation. After that you must remove it and return the land to its previous condition.

Reason:
So that we can assess the effect of the kiosk in light of experience and the prevailing circumstances and make sure it meets DES 7 and SS 16 of our Unitary Development Plan and CS24 and CS27 of our Core Strategy that we adopted in January 2011.
- 3 All trading activity and storage of refuse shall be within the licensed trading area.

Reason:
To prevent obstruction of the footway and make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 7 and SS 16 of our Unitary Development Plan that we adopted in January 2007 and S25 and S28 of our Strategic Policies that we adopted in January 2011.
- 4 No items of merchandise shall be displayed or installed on the outside of the kiosk. No items shall be hung from the projecting canopies.

Reason:
To make sure that the appearance of the kiosk 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: Strategic Policies adopted November 2013 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 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)

- 6 The windows shall remain clear of advertisements at all times. No advertisements shall be displayed on the outside or behind the windows of the kiosk, nor shall there be any advertisements on the folding doors.

Reason:

To make sure that the appearance of the kiosk 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: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 No advertisements shall be displayed on the kiosk hereby approved other than those comprising the name of the trader of the kiosk and the nature of his or her business. You must apply for details of any advertisement. You must then carry out work according to the approved details.

Reason:

To make sure that the appearance of the kiosk 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: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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.

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Pitch 1726, Duke Street, W1U 3EG		
Proposal	Installation of a free standing retail kiosk (Class A1)		
Agent	Capital Kiosk Co Ltd		
On behalf of	Mr P Stein		
Registered Number	17/06208/FULL	Date amended/ completed	20 July 2017
Date Application Received	12 July 2017		
Historic Building Grade	N/A		
Conservation Area	Mayfair		

1. RECOMMENDATION

Refuse permission : Unacceptable in design terms

2. SUMMARY

The site is on the eastern side of Duke Street south of its junction with Oxford Street, within the Mayfair Conservation Area. Since 1998 various temporary permissions have been granted for 'Heritage' style trading kiosks throughout the West End, particularly on or near Oxford Street. Permission has previously been granted for a heritage style kiosk that covers part of the licensed pitch area. The current application is for a kiosk of a new design that covers the whole of the pitch and will extend further towards Oxford Street than the existing kiosk.

The key issues for consideration are:

- The impact on the townscape and
- The impact on pedestrian movements

The City Council has granted planning permission for a number of new kiosks in the Oxford

Street area in the last few years. These include kiosks in Binney Street, Vere Street, Marylebone Lane and Bird Street. Some of these permissions allowed a new kiosk, larger than the existing one, which filled the whole street trading pitch as is proposed on this site.

However, historically, kiosks have not generally filled the whole pitch, and their size has reflected what has been considered acceptable in the context of the space, and its architectural relationship to adjacent buildings. It should not be considered automatically acceptable for new kiosks to fill the whole of the street trading pitch, as this may have harmful impacts on the streetscape. This is the case in Davies Street. It is considered the proposed kiosk is too large for this part of the street, would appear incongruous, and would obstruct street views. No objection is raised to the principle of a new kiosk but it should not exceed the size of the existing kiosk.

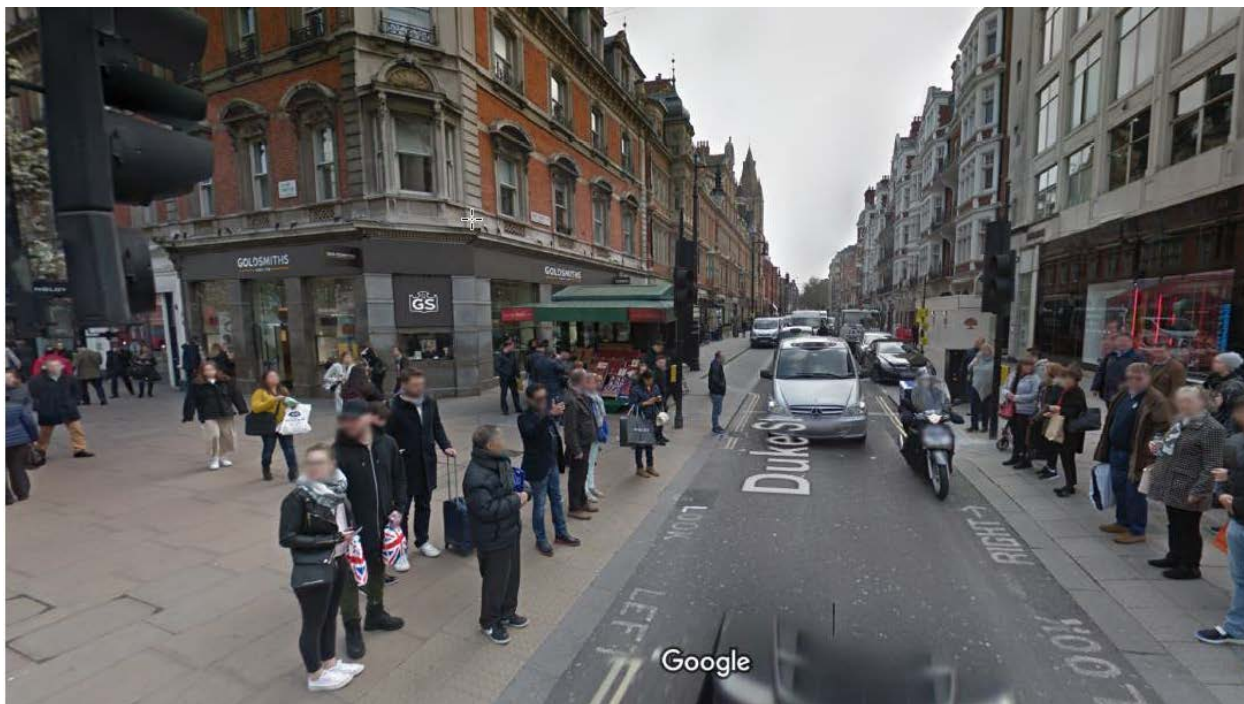
The Highways Planning Manager, whilst not objecting to the kiosk, advises that the kiosk should not trade on the side adjacent to Duke Street. Although there is 2.2m between the edge of the kiosk and the kerb, serving in this area could result in congestion. Had the application been considered acceptable in design terms, this aspect of the application could have been dealt with by a condition.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

CLEANSING

No objection

HIGHWAYS PLANNING

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED ;

No consulted 17 Total No of Replies 0

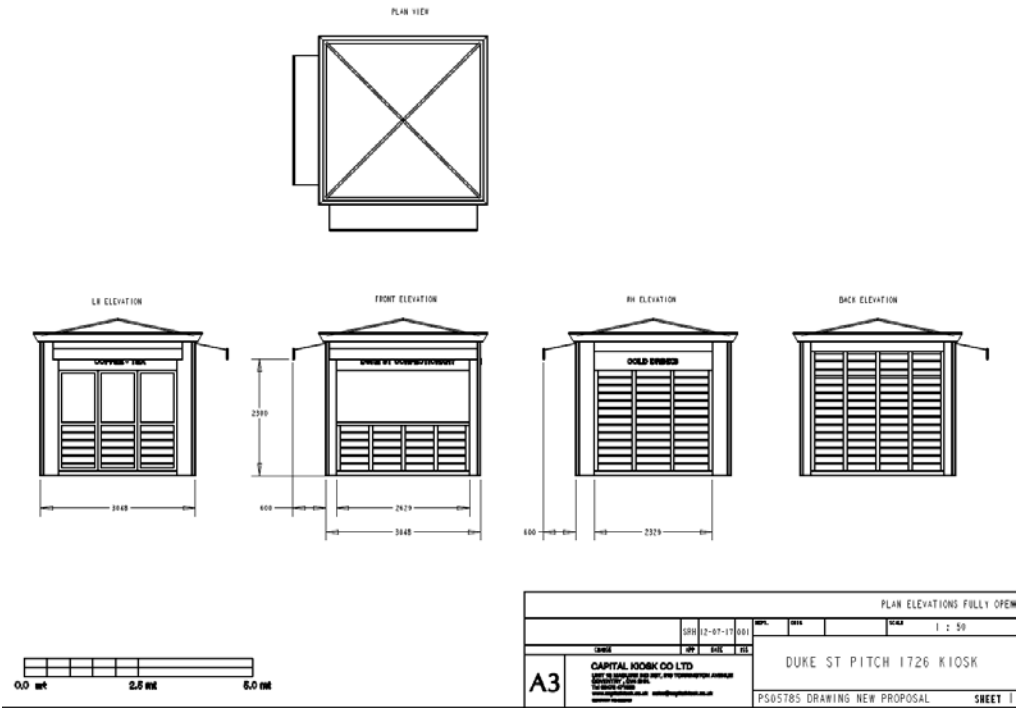
PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Email from Highways Planning Manager dated 1 September 2017
3. Memorandum from Cleansing dated 7 August 2017

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

7.
KEY DRAWINGS



DRAFT DECISION LETTER

Address: Pitch 1726, Duke Street, London, W1U 3EG,
Proposal: Installation of a free standing retail kiosk (Class A1).
Reference: 17/06208/FULL
Plan Nos: CKC-A1726, PS0785, PS05785

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

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

Because of its size, the proposed kiosk would harm the appearance of this part of Duke Street and fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 7 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)

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.

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 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	43 Sussex Street, London, City Of Westminster, SW1V 4RJ		
Proposal	Alterations to balcony and staircase at rear ground floor level to create enlarged balcony terrace.		
Agent	Mrs Ana Agag		
On behalf of	Mrs Ana Agag		
Registered Number	17/03557/FULL	Date amended/ completed	27 April 2017
Date Application Received	26 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Refuse – impact on residential amenity.

2. SUMMARY

The application property is an unlisted building of merit within the Pimlico Conservation Area. The property is mid-terrace comprising lower ground, ground and two upper floors in use as a single family dwellinghouse. The rear elevation faces onto an enclosed space with neighbouring properties that front onto Westmoreland Place.

Planning permission is sought for alterations to the existing 'L' shaped balcony and spiral staircase at the rear ground floor level to create an enlarged terrace. It is proposed to extend the depth of part of the balcony to create an enlarged sitting area. It is also proposed to remove the existing spiral staircase and replace it with a parallel staircase adjacent to the boundary with Nos. 45 Sussex Street and Westmoreland Place. Part of the existing balcony will also be reduced in depth but overall the modifications sought would increase the size of the raised balcony from 7.44m² to 7.60m².

The key issue with this proposal is the impact of the enlarged balcony on the amenity of neighbouring residents.

Four letters of objection have been received from neighbouring residents mainly raising concerns on

amenity grounds from loss of privacy and overlooking and increased noise and disturbance.

It could be argued that the existing lawful raised balcony (it was approved in 20015) could be considered unneighbourly as it already allows views into neighbouring windows and gardens from the raised ground floor level. There are privacy screens along the boundary with the neighbouring properties however this does not fully eliminate overlooking. There are no screens on the terrace that currently prevent overlooking into the garden and rear windows of 16 Westmoreland Place. The existing balcony also generates noise and disturbance in what is a very enclosed space at the rear.

It is considered that the proposal would intensify the use of the balcony (it would make the balcony a more useable space) to the detriment of the residential amenity of neighbours through increased overlooking, noise and disturbance.

The enlarged balcony would intensify the sense of overlooking for the occupants of 16 and 18 Westmoreland Place and allow overlooking into the habitable room of 45 Sussex Street. It is accepted that the two windows that are overlooked in 18 Westmoreland Place are non-habitable, however, even enhanced views into a staircase and hallway window could be considered unneighbourly. Whilst some form of screening could be provided this would create additional bulk at high level and increase the sense of enclosure and affect daylight for affected neighbours. The impact on the adjoining property No. 41 Sussex Street is likely to remain the same in terms of overlooking as the existing vegetative trellis screening is to be retained.

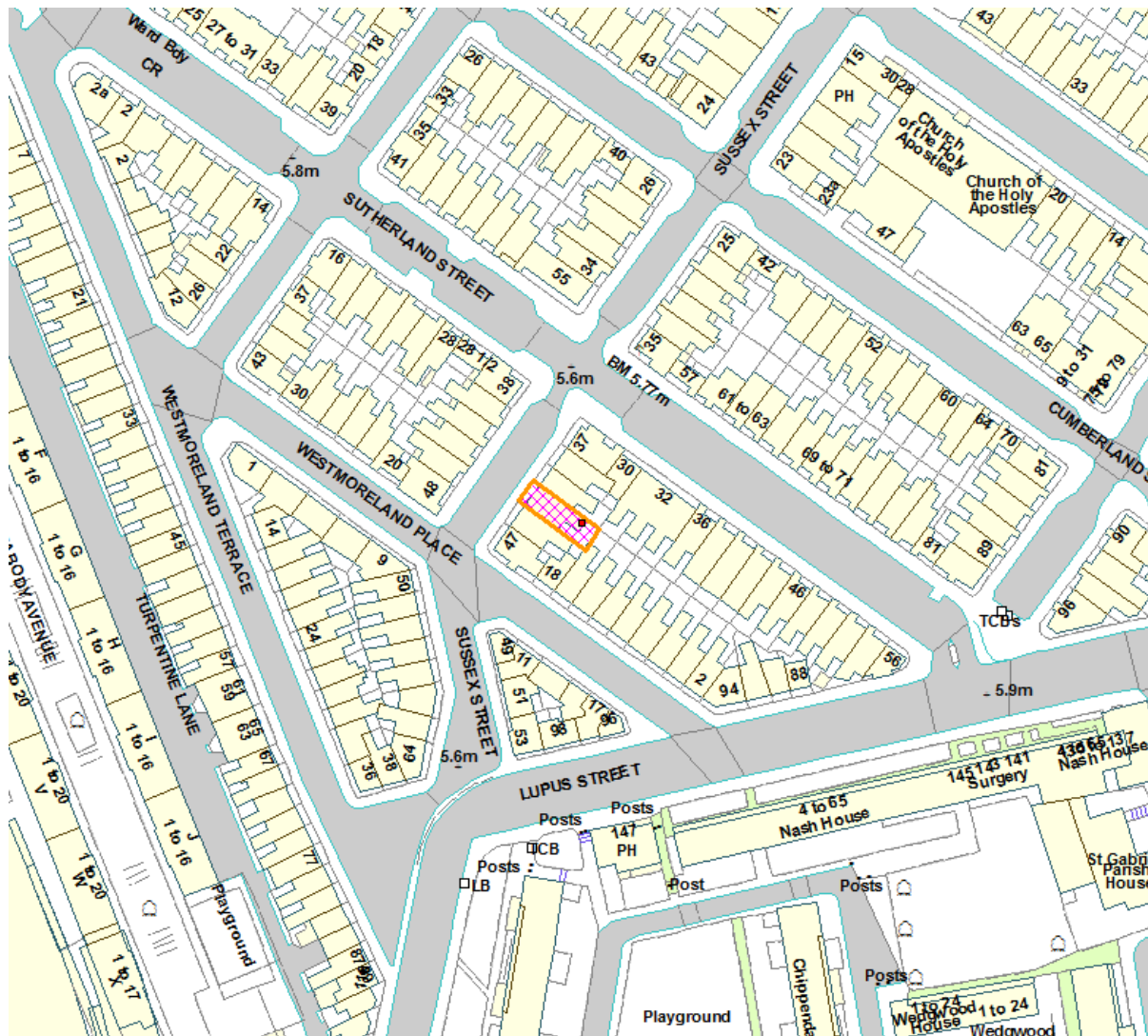
The enlarged balcony is also likely to result in more noise and disturbance for neighbours. The additional space will not only increase the attractiveness of the balcony for outdoor activities but also allow it to accommodate more people. The balcony is located at high level and noise and disturbance from its use will cause harm to the residential amenity of neighbours whose windows are located in very close proximity.

It is accepted that there are other roof terraces in the vicinity however these may be unlawful or historic. They are also located at a higher level than the current scheme and therefore have a different relationship with neighbouring properties. The current scheme is located in a very sensitive location and the rear of the property is almost fully enclosed by the rear elevations of neighbouring properties.

There are no objections to the scheme in design or conservation area terms. The proposal would be to the rear of the dwelling, the impact of the railings and vegetative screening would be discreet and would not be highly visible in the Pimlico Conservation Area. Therefore, the proposal would not detract significantly from the character and appearance of the Conservation Area and would be in compliance with the NPPF, strategic policies S25 and S28 in Westminster's City Plan, UDP policies DES 1, DES 5, DES 6, DES 9 and our SPGs 'Roofs' and 'Pimlico Conservation Area Audit'.

The proposal is therefore considered to be harmful to residential amenity through increased overlooking and noise and disturbance. This would be contrary to policies S29 of S32 of the City Plan and ENV 6 and ENV13 of the UDP.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front view



Rear view showing existing raised balcony

5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 4

No. of objections: 4

No. in support: 0

The objection letters that have been received raise the following concerns:

Amenity

- Overlooking and loss of privacy;
- Sense of enclosure;
- Loss of enjoyment of peace and quiet of the neighbouring dwellings and their gardens;
- Unencumbered rear view of a peaceful open stretch of pretty back gardens;
- Existing balcony was never to be a recreational area;
- Proposed expansion is of great concern due to the associated noise and activities from the dining, drinking and BBQ's;
- Screening would result in a loss of light from the north facing small and confined area and would not prevent the noise and disturbance;
- Loss of privacy to kitchen and garden and;
- It is observed that the applicants already have a full terrace on the roof which is very much in use and where they enjoy their outside space

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5.1 Recent Relevant History

05/04311/FULL

Erection of mansard roof, alterations including new balcony to rear ground floor and spiral stair between balcony and basement level courtyard.

Application Permitted on 13.09.2005

16/03018/FULL

Erection of mansard roof extension. Alterations to front lightwell including part enclosure and creation of external bin store under the basement stair landing; enlargement of doors to rear elevation at lower ground and ground floor levels, creation of a terrace at first floor level above the closet wing infill extension with associated external alterations.

Application Permitted on 14 June 2016

6. BACKGROUND PAPERS

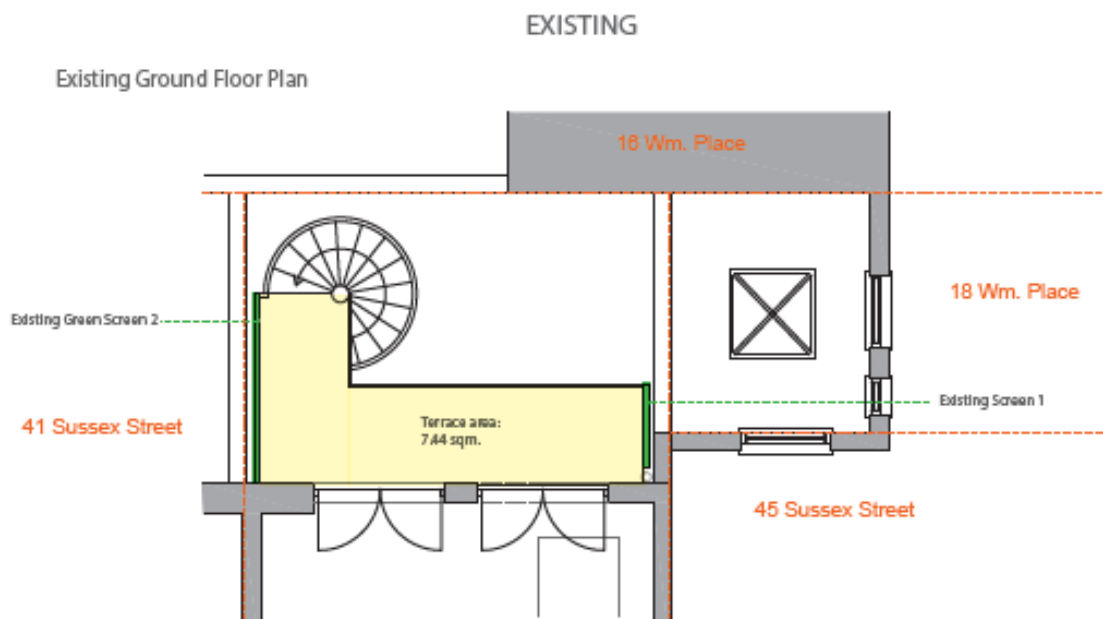
1. Application form
2. E-mail from Westminster Society, dated 9 May 2017
3. E-mail from occupier of 18 Westmoreland Place dated 14 September and 26 May 2017
4. E-mail from occupier of 41 Sussex Street dated 29 May 2017
5. E-mail from occupier of 45 Sussex Street dated 7 June 2017
6. E-mail from occupier of 16 Westmoreland Place, dated 4 June 2017

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

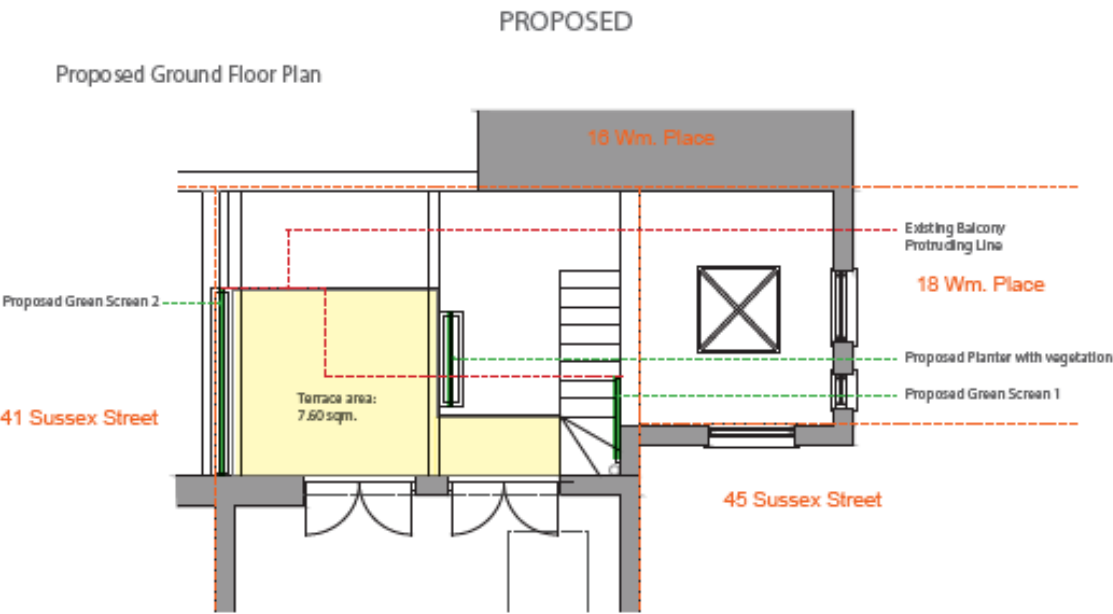
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

7. KEY DRAWINGS

Existing Ground Floor Plan

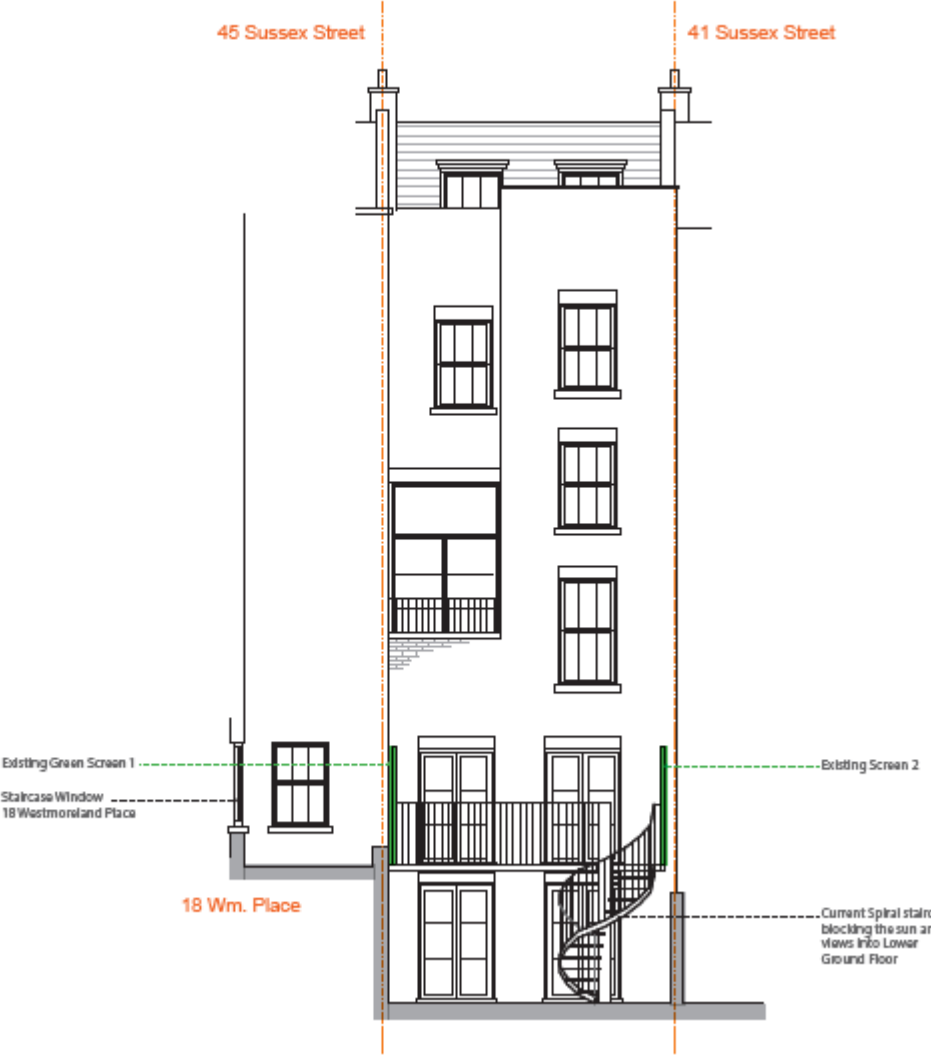


Proposed Ground Floor Plan

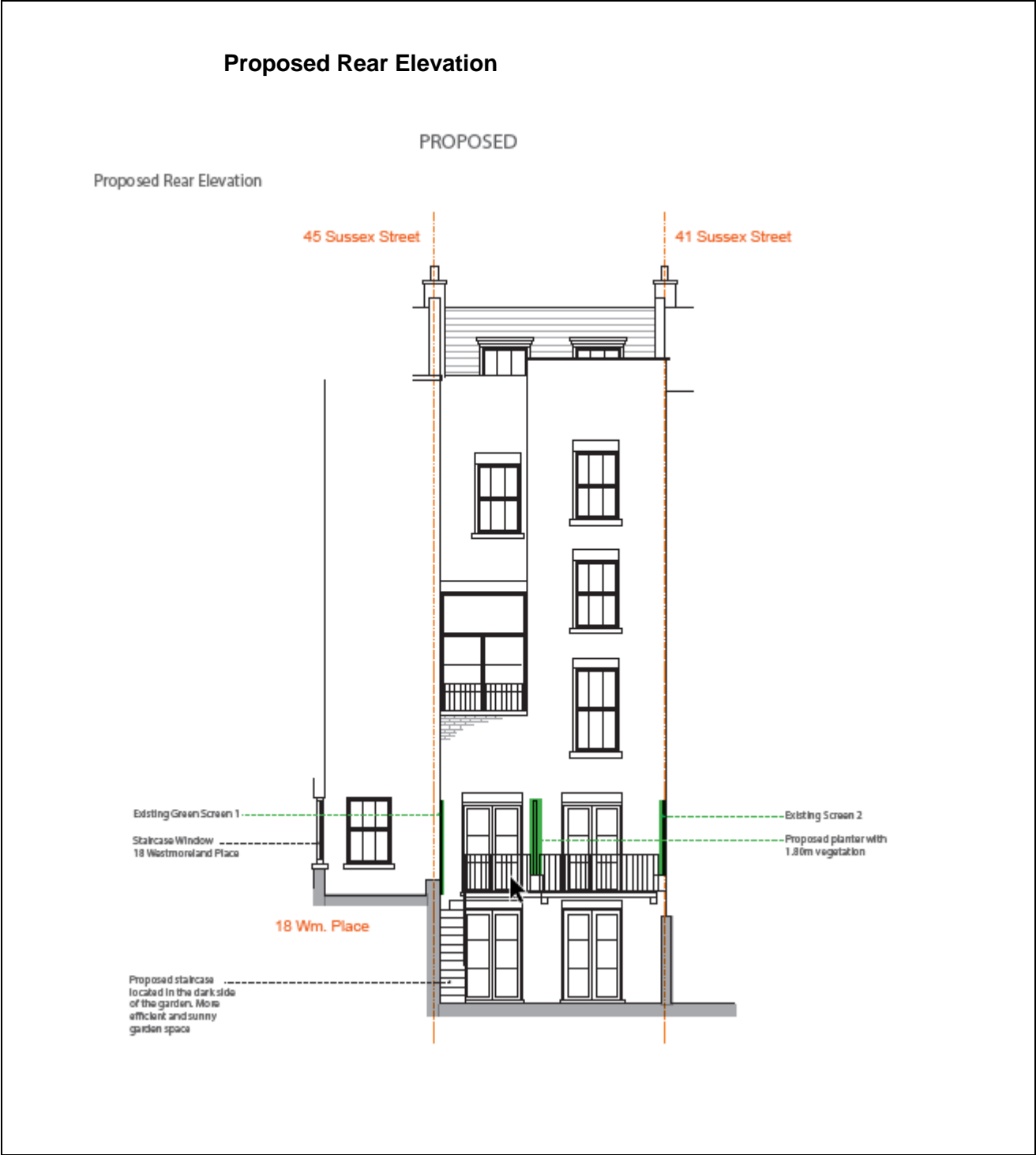


Existing Rear Elevation

Existing Rear Elevation



Proposed Rear Elevation



DRAFT DECISION LETTER

Address: 43 Sussex Street, London, City Of Westminster, SW1V 4RJ

Proposal: Alterations to balcony and stair at rear upper ground floor level to create enlarged balcony terrace.

Reference: 17/03557/FULL

Plan Nos: 01, 02, 03, 04, 05, 06 and 07 - revised pack received on 18/09/17, Design and Access Statement (for information only)

Case Officer: Nosheen Javed

Direct Tel. No. 020 7641

Recommended Condition(s) and Reason(s)

- 1 The enlarged balcony would result in overlooking and increased levels of noise and disturbance to surrounding residential properties. This would be contrary to policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	22 Montpelier Place, London, SW7 1HL		
Proposal	Excavation of a new basement (including under existing vaults) and lowering of existing lower ground floor level. Construction of a single storey rear extension at lower ground floor, external lift shaft to the rear running from new basement level to upper ground and a rear mansard roof with dormers to match the front roof slope.		
Agent	Place Architecture and Design Ltd.		
On behalf of	Mr & Mrs Shackleton		
Registered Number	17/02785/FULL	Date amended/ completed	19 April 2017
Date Application Received	29 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

22 Montpelier Place is an unlisted dwellinghouse located within the Knightsbridge Conservation Area. It was originally two properties and forms a group of terraces with No. 23 Montpelier Place. The Knightsbridge Conservation Area Audit identifies the building as an unlisted building of merit that makes a positive contribution to the character and appearance of the area.

Planning permission is sought to extend the property with the excavation of a new basement (to include the area under the existing vaults) and the construction of a single storey rear extension at lower ground floor and a rear mansard roof with dormers to match the front roof slope. It is also proposed to install an external lift running from basement level to first floor level and to lower the existing lower ground internal floor level.

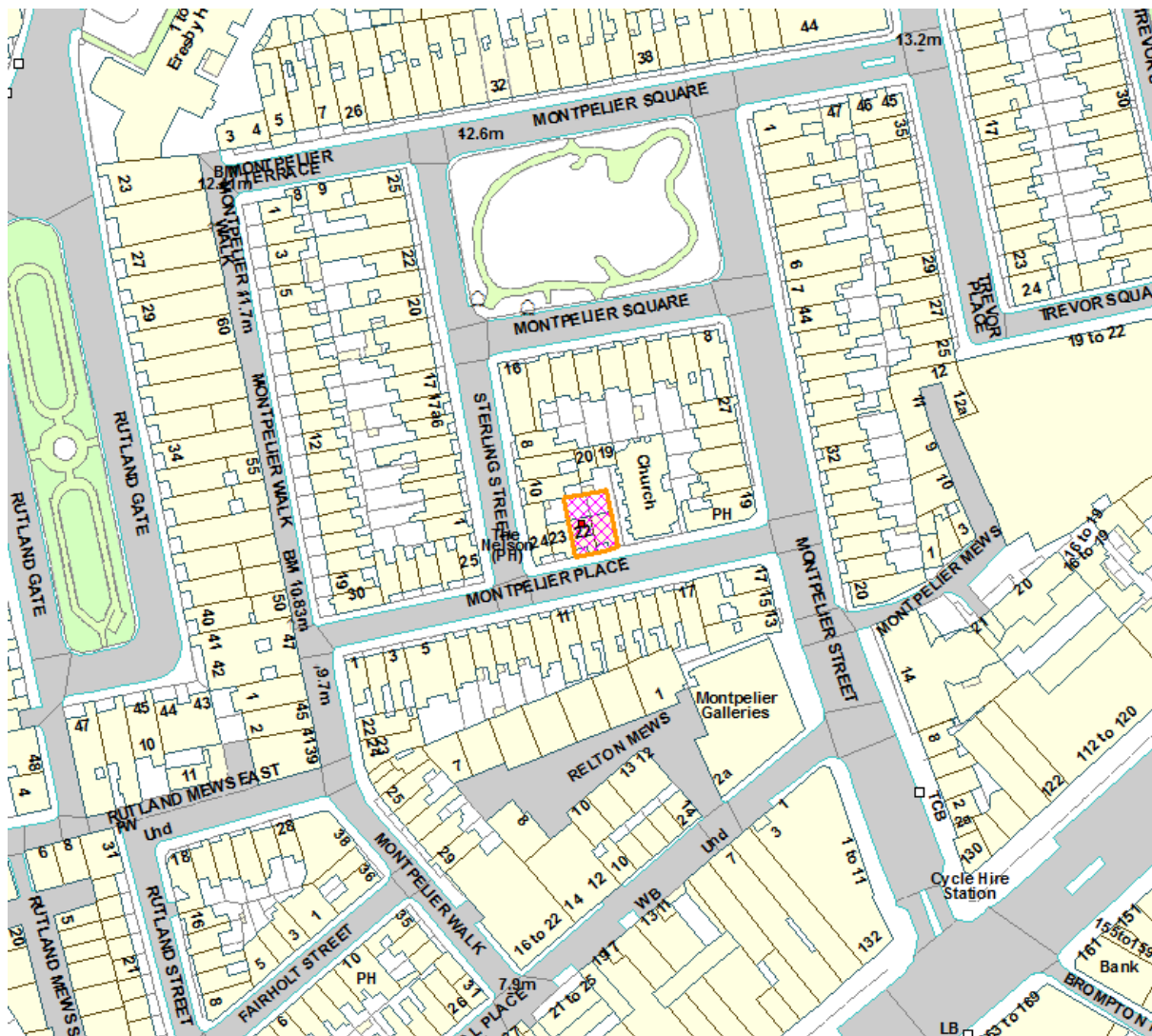
The key issues in this case are:

* The impact of the proposals upon the character and appearance of the Knightsbridge Conservation Area and;

- * The impact of the proposals upon the amenity of neighbouring residents.
- * The structural implications of the basement excavation.

Objections have been received from neighbouring residents on design, amenity and the impact from the basement works. However for the reasons set out in the report the proposals are considered to comply with the Council's policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION

No objection.

BUILDING CONTROL

An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The basement is to be constructed using contiguous piling/concrete underpin and RC slab foundation, which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction have been outlined and are fine. The means of escape from the basement is acceptable subject to the provision of more detailed plans for the Building Control submission. A supplementary note on the existence of groundwater, including underground rivers, is considered reasonable at this stage of the process. The likelihood of local flooding or adverse effects on the water table been found to be negligible.

HIGHWAYS PLANNING

No objection subject to the recommended informatives to be attached to any grant of planning permission.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 9

Total No. of replies: 5

No. of objections: 5

Objections raised on the following grounds.

Design:

- The basement light-well and associated glass and metal grilled walkway would adversely visually impact on the traditional historic Georgian layout of the front of the property and visually impact the street scene;
- The proposed lift shaft to the rear of the property will be an ugly addition out of context with the historic Georgian nature of the building. Any lift shaft should be internally located within the existing footprint of the building;
- The resultant large dwellinghouse and the cottage like feel of the 'Yellow House' would be lost and would not be in character with the terraces in the street and;
- The mansard roof extension should be refused as it was for other houses;

Basement works:

- There is no other complete storey basement in the locality and if permitted would set a precedent;
- A branch of the River Westbourne flows under Montpelier Place and the proposed basement could divert the flow of these rivers which can affect the neighbouring properties;
- Restrictions should be placed to ensure that no large machinery is placed on the pavement;
- Significant concerns over the stability and potential damage to the neighbouring property as a result of the proposed sub-basement works; and
- Conditions should be imposed to any planning permission granted to restrict the disturbance from the construction noise and construction vehicles;

Amenity

- Potential loss of privacy to the rear by removal of the trellising above the party wall and proposed walk on rooflight;

Other:

- Works have already been carried out to the party wall between the neighbouring property.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a distinctive yellow painted double fronted dwellinghouse located on the north side of Montpelier Place. It is an unlisted building of merit which lies within the Knightsbridge Conservation Area.

The house was originally two properties (Nos. 21 and 22) and was knocked into one in the early 1920's, and now appears as one single dwellinghouse. It forms part of a terrace group with Nos. 23 and 24 Montpelier Place. To the immediate rear and in close proximity is Church Cottage, 19-20 Montpelier Place.

6.2 Recent Relevant History

There is an open enforcement case at the property dated 26 April 2017 relating to basement monitoring.

7. THE PROPOSAL

Planning permission is sought to extend the existing single family dwelling house through the excavation of a new basement, a single storey rear extension, a lift extension and an extension of the mansard roof extension at the rear..

The basement extension is to extend beneath the footprint of the house and the pavement vaults. The scheme proposes a lightwell to serve the new basement to be sited within the existing front lightwell. It is also proposed to increase the head room of the existing lower ground floor from 2010mm to 2.5m. The front lightwell and rear garden would be realigned accordingly.

The proposed single storey rear extension will be at lower ground floor level and accommodate a kitchen/diner with bi-folding doors leading into the courtyard garden and a flat roof with a central roof-light. An external lift is proposed to run from the new basement level to the ground floor (it was originally intended to run up to second floor level but this was resisted by officers) on the rear elevation.

At roof level it is proposed to replace the existing roof form to construct a mansard. The rear mansard will have three rear dormer windows to match the front that would serve a bedroom, hallway and dressing room.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal to extend this single family dwellinghouse is acceptable in terms of Policy S14 of the City Plan.

8.2 Townscape and Design

The principle of a basement in this location, set largely under the footprint of the building, is considered acceptable in design terms and would be in compliance with policies DES1, DES 5 and DES9 of the UDP and the advice on design implications of basements in CM28.1 of the City Plan. It would have limited visual impact, with the exception of a large metal grille/pavement light proposed within the front lightwell. The pattern of open light-wells is an important and characteristic feature of this street and conservation area, and policy seeks to protect these from this type of unsympathetic alteration. It is recommended that an amending condition is used to secure the removal of the grille and lightwell.

With regards to the rear extensions, of particular relevance is saved UDP policy DES 5, which notes that extensions should not visually dominate and should reflect the style and detail of the existing building. The main extension covers half the width of the rear elevation, is confined to lower ground floor and retains some garden space. The proposed lift shaft extension to the rear has been amended with the height reduced extending to ground floor level only. It would be rendered, which matches the existing rendered rear elevation. Given that both extensions are confined to lower ground and ground floor level, they would form sufficiently subordinate additions to the rear of the building, which would have limited impact on the character and appearance of the conservation area. It is noted that the roof-light to the rear extension is large but given its location at lower ground floor level and in an area enclosed by the existing high boundary walls, it would not be particularly visible and is considered acceptable.

In terms of the alterations to the roof, the building is not listed and its roof has been altered in the past, with a mansard form to the front. The adjoining building at No. 23 forms part of the same terrace group and already has a full mansard. The principle of the change in pitch to create a mansard roof form to the rear is therefore acceptable in this instance. The proposed mansard roof would have a pitch of less than 70 degrees and matches the detail and design to the front and that to the adjoining property. Consequently, the proposal would be in compliance with saved policy DES 6 of the UDP which relates to roof extensions and alterations. Conditions are recommended to secure details of materials and detailed drawings of the rear dormer windows.

8.3 Residential Amenity

The existing rear garden of the application property is highly enclosed with limited views available from a small number of properties.

The proposed lower ground floor extension will be set within the existing high boundary walls of the rear garden. The lift extension will extend beyond the boundary walls but it is

centrally positioned and modest in size. It is considered that these extensions will have no real impact on neighbouring properties. In order to safeguard residential amenity though it is considered reasonable to attach a condition preventing the use of the flat roof of the lower ground floor and lift extensions as a terrace.

The proposed rear mansard will introduce additional windows to the rear elevation that will serve a bedroom, staircase and dressing room. The windows are at high level compared to Church Cottage at the rear and whilst some additional overlooking will occur this is not considered to be a sustainable reason for refusal.

The structural and construction implications of the basement excavation are set out in paragraph 8.11 of this report.

8.4 Transportation/Parking

There are no changes to the existing highway infrastructure. The existing dwellinghouse does not have any off-street parking spaces and no spaces would be required as part of this application.

8.5 Economic Considerations

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

8.6 Access

The proposal would not alter the existing access arrangements.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

The floor space of the basement would be about 98sqm which would be less than 100sqm gross internal area. Therefore it would be exempt from CIL liability.

8.10 Environmental Impact Assessment

Not applicable.

8.11 Other Issues

Basement

Many of the objectors have expressed strong concerns to the excavation of the new basement, its size, stability and potential damage to the adjoining properties, flooding and construction noise.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural

integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The site lies within flood zone 1 and due to its low probability of flooding no flood risk assessment would be required. The surface water flood risk is also considered to be relatively low in this area. Furthermore, the basement would not extend below the garden and consequently the run-off would remain unchanged from the current situation.

The submitted documents have been reviewed by Council's Building Control department who have advised that these details are acceptable and that flood risk would be negligible, the method of underpinning is appropriate and that proposals to safeguard adjoining properties during construction are appropriate. Concerns have been raised about the implications of construction a basement close to the course of the subterranean River Westbourne. An addendum report has been produced by the applicant to deal with this issue which satisfies building control at this stage of the development process.

Policy CM28.1 of the City Plan sets out the council's policy for basement developments.

Part C(1)(a) of the policy outlines that any proposed basement must not extend beneath more than 50% of the garden land. Garden land is defined as the site area excluding the footprint of the original building. Part C(2) of CM28.1 requires that a minimum of 1m soil depth (plus a 200mm drainage layer) is provided above the top cover of the basement and Part C(1)(c), requires a margin of undeveloped garden land to be left around the affected garden. The proposed basement would be beneath the existing dwelling and would not extend into the garden and therefore the basement would be compliant with the aims of this policy.

It should also be noted that planning permission for a comparable size basement has been implemented at the adjoining property No. 23 Montpelier Place. It is also worth taking into consideration recent basements that have been granted planning permission for Nos. 9 and 15 Montpelier Place.

Therefore, based on the circumstances of the site, the proposed basement would comply with the objectives of Policy CM28.1 and would be acceptable. To clarify a party wall agreement is covered by separate legislation and is not a material planning consideration.

Construction impact

In terms of the impact of construction on the amenity of neighbours and the operation of the local highway network, whilst it is recognised that there would inevitably be an element of disturbance to residents particularly during construction of the new basement, the applicant would be required to adhere to the Council's Code of Construction Practice. The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The new Code of Construction Practice was adopted in July 2016 and the applicant is required to sign up to it, which has been agreed. Compliance is monitored by the Environmental

Inspectorate. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work. This would address concerns raised by neighbours regarding hours of construction and delivery vehicles.

Conclusion

In light of the above, it is not considered that the objections can be sustained in this case as the proposal would be considered acceptable in terms of its construction impact, structural implications, impact on amenity and impact on the character and appearance of the conservation area.

9. BACKGROUND PAPERS

1. Application form
2. Email from Building Control dated 5 October 2017
3. Comments from Building Control dated September 2017.
4. E-mail from Knightsbridge Association received on 9 May 2017
5. Memorandum from Highways Planning dated 4 May 2017
6. E-mail from occupier of 23 Montpelier Place received on 31 May 2017
7. E-mail from occupier of 15 Montpelier Place received on 15 May 2017
8. E-mail from occupier of 14 Montpelier Place received on 16 May 2017
9. E-mail from occupier of 16 Montpelier Place received on 4 August 2017
10. E-mail from occupier of Church Cottage, Montpelier Place on 12 September 2017
11. Letter from Aland Baxter Partnership dated 4 October 2017.
12. Email from Sinead Hagerty dated 4 October 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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

Existing and proposed basement floor plan

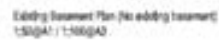
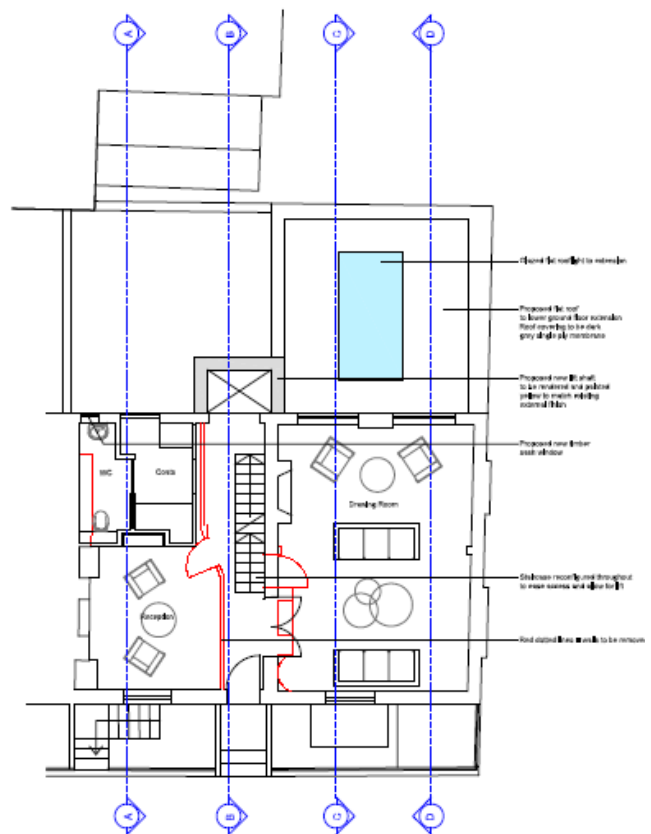


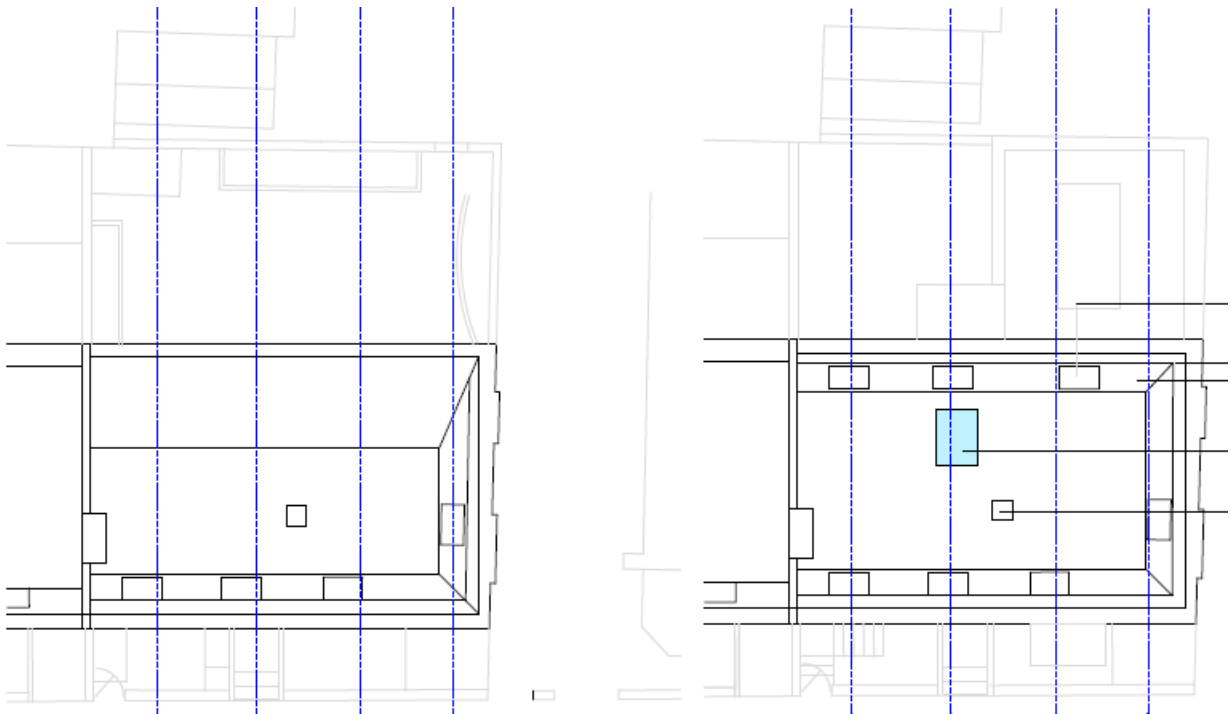
Figure 10 consists of two floor plans of a building. The left plan shows the existing layout, and the right plan shows the proposed layout. The right plan includes a list of 15 items detailing the proposed changes:

- Proposed kitchen island
- Proposed dining room
- Proposed living room
- Proposed family room
- Proposed bedroom
- Proposed bathroom
- Proposed kitchen
- Proposed dining room
- Proposed living room
- Proposed family room
- Proposed bedroom
- Proposed bathroom
- Proposed kitchen
- Proposed dining room
- Proposed living room

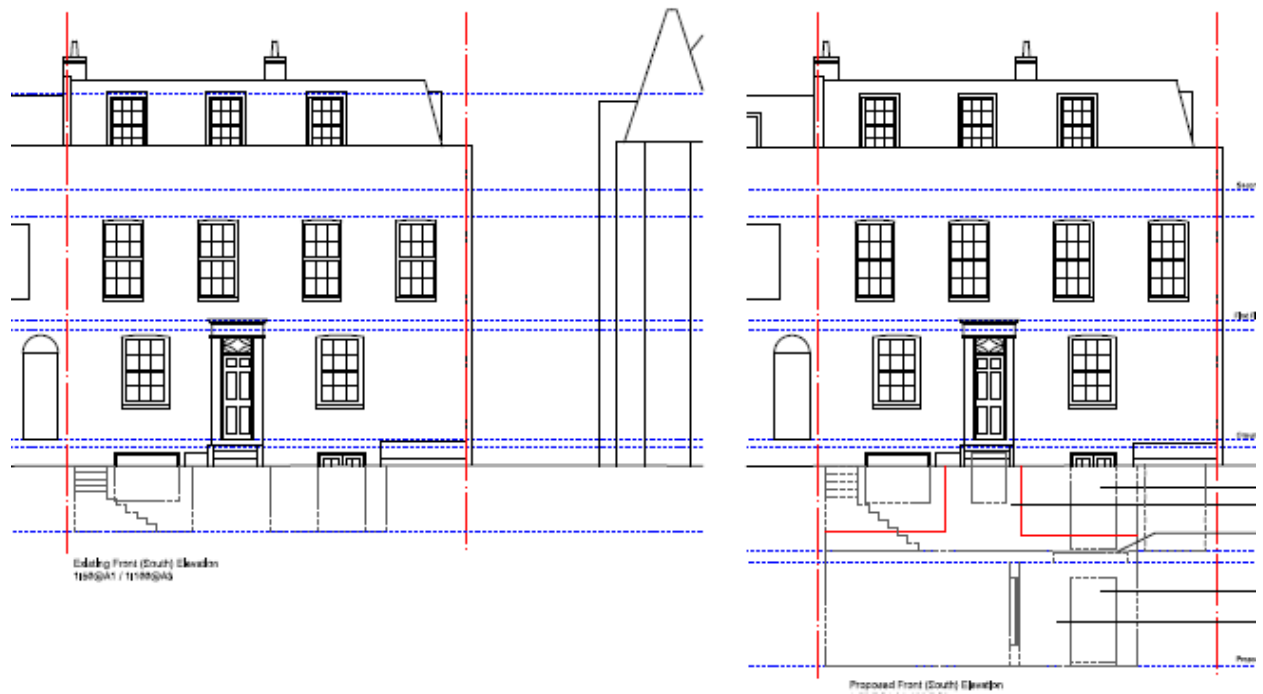
Existing Upper Ground Floor Plan
1:50@A1 / 1:100@A3



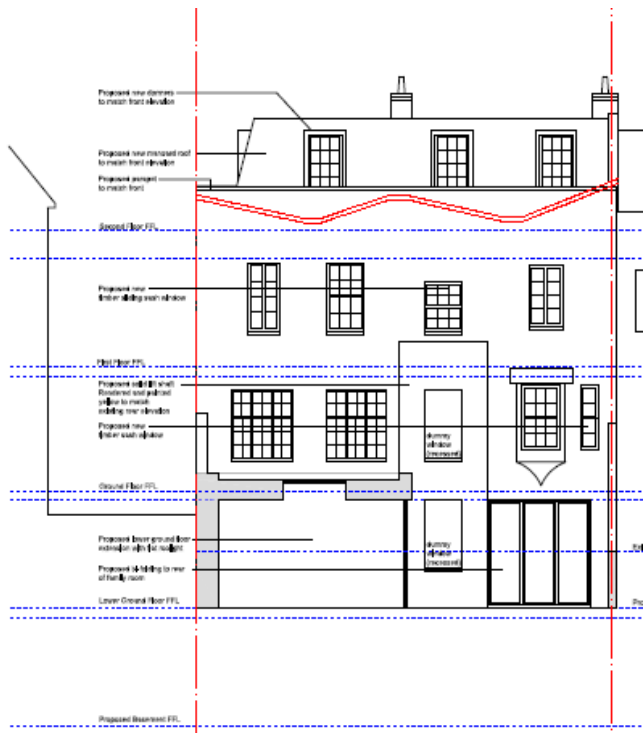
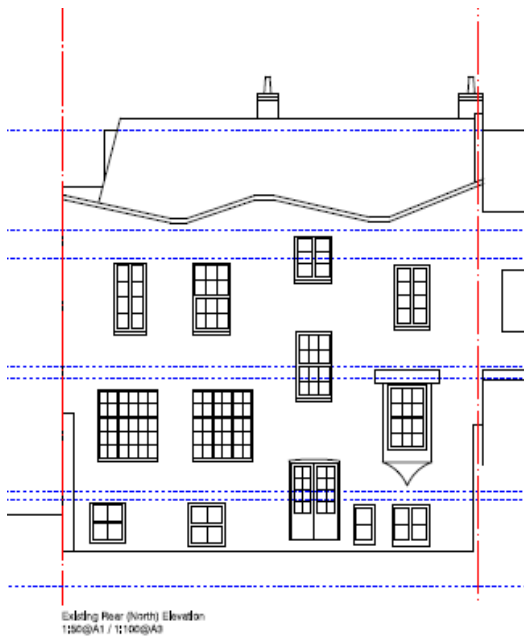
Proposed Upper Ground Floor Plan
1:50@A1 / 1:100@A3

Existing and proposed roof plan

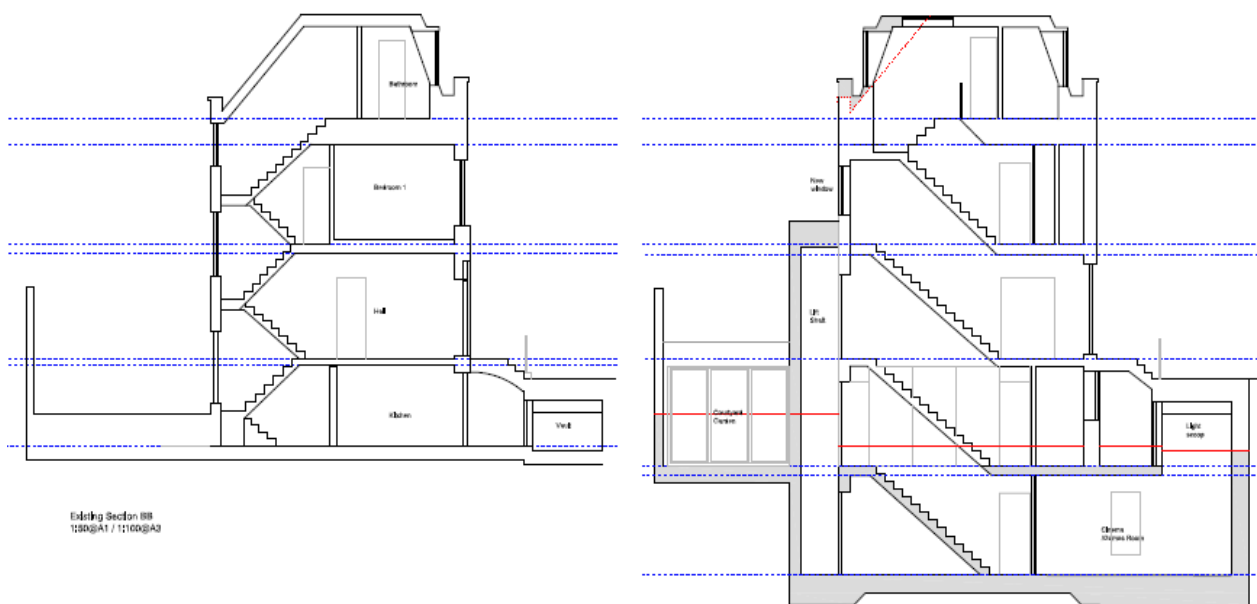
Existing and proposed front elevation



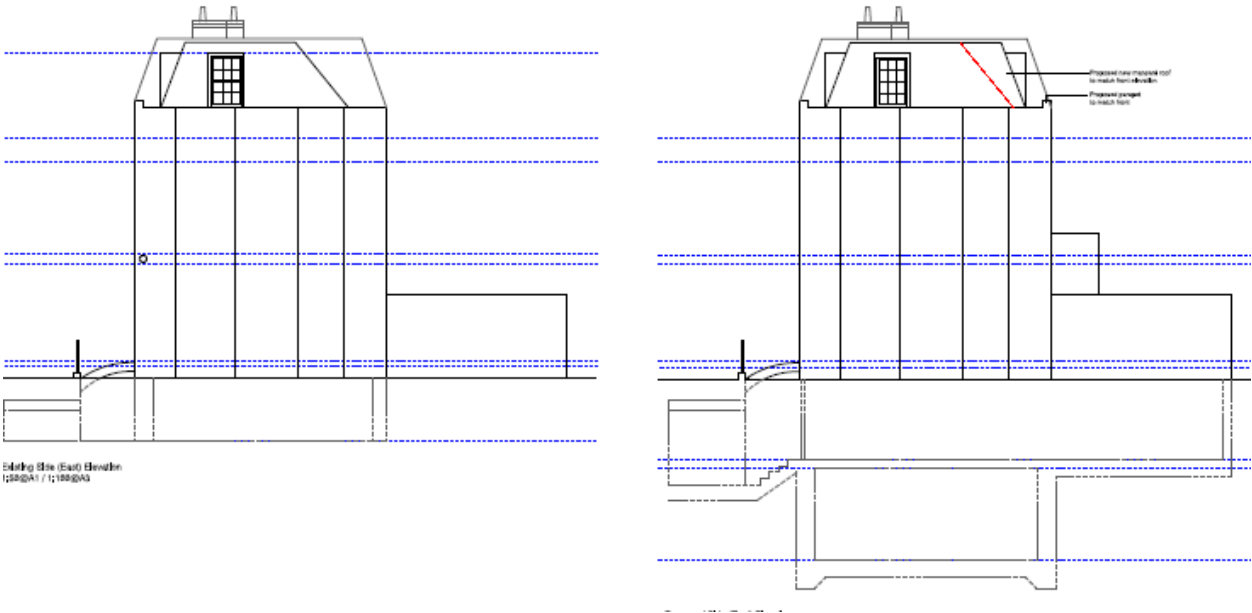
Existing and proposed rear elevation



Existing and proposed section BB



Existing and proposed side (east) elevation



DRAFT DECISION LETTER

Address: 22 Montpelier Place, London, SW7 1HL

Proposal: Excavation of a basement including the area under the existing vaults, lowering of the existing lower ground floor level, a single storey rear extension at lower ground floor with access onto the courtyard garden, a new external lift shaft to the rear of the property running from basement level to the first floor penultimate level, a rear mansard roof with dormers to match the front roof slope and the insertion of one new dormer to the front roof.

Reference: 17/02785/FULL

Plan Nos: 16.34.100 rev: 02, 101 rev: 02, 102 rev: 02, 103 rev: 02, 104 rev: 01, 105 rev: 01, 160 rev: 01, 161 rev: 02, 162 rev: 02, 300 rev: 02, 301 rev: 02, 302 rev: 01 and 303 rev: 02

For information only - Structural Methodology Statement dated 28 March 2017, Addendum Structural Methodology Statement dated 4 October 2017 and Design and Access Statement

Case Officer: Nosheen Javed

Direct Tel. No. 020 7641 2858

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 Except for piling, excavation and demolition work, you must carry out any building work which can be

heard at the boundary of the site only:

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

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

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

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

Reason:

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

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

- the grille to the front lightwell,
- all new windows including rear dormer windows and rooflights,
- all external doors
- front lightwell elevation showing traditional semi-solid doors to openings

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

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 Knightsbridge 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 details of the facing materials you will use, including details of air bricks and 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 Knightsbridge 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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

- 7 The lightwells must be surfaced in riven York stone.

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

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

- 9 The mansard roof shall be finished in natural blue-grey slate.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Knightsbridge 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 All new windows and doors shall be formed of painted timber and maintained in that material.

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 Knightsbridge 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)

- 13 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)

- 14 You must not use the roof of the single storey rear extension and lift extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency (C21BA)

Reason:

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

- 15 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: removal of grille and lightwell to new basement. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 11 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). You are urged therefore to give this your early attention.

- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 4 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.

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.