



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 3rd April, 2018

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Andrew Smith (Chairman)
Barbara Grahame
Louise Hyams
Robert Rigby



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

Admission to the public gallery is by ticket, issued from the ground floor reception 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. BLACKSTONE HOUSE, 3 GARDEN COURT, MIDDLE TEMPLE, LONDON, EC4Y 9BW | (Pages 9 - 20) |
| 2. BROWN HART GARDENS AND LUMLEY STREET, LONDON, W1 | (Pages 21 - 42) |
| 3. 12 GARWAY ROAD, LONDON, W2 4NH | (Pages 43 - 80) |
| 4. 14 GARWAY ROAD, LONDON, W2 4NH | (Pages 81 - 112) |
| 5. TREVELYAN HOUSE, 30 GREAT PETER STREET, LONDON, SW1P 2BU | (Pages 113 - 126) |
| 6. 126 WARWICK WAY, LONDON, SW1V 4JA | (Pages 127 - 148) |
| 7. 8 PEARSON SQUARE, W1T 3BF | (Pages 149 - 162) |

8. 20 OSSINGTON STREET, LONDON, W2 4LY

(Pages 163 -
176)

9. 14 DENNING CLOSE, LONDON, NW8 9PJ

(Pages 177 -
196)

Stuart Love
Chief Executive
22 March 2018

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CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 3rd April 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/08153/FULL 17/08154/LBC St James's	Blackstone House, London, EC4Y 9BW	Erection of an infill extension between Blackstone House and 1 & 2 Garden Court to create a new atrium connecting the buildings at second, third and fourth floor levels, to provide additional chamber floorspace and to improve the circulation between the buildings, and associated external alterations including installation of rooftop plant to Blackstone House. (Addendum Report)	
	Recommendation Refuse permission - design and increased sense of enclosure.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 17/11322/FULL West End	Brown Hart Gardens and Lumley Street, London, W1	Use of three areas of carriageway each measuring 12.0m x 2.0m on the west side of Lumley Street for the placing of 20 stalls as a street market (four times per year and not more than once per calendar month, excluding Sundays) for the sale and display of goods (Class A1) and use of two areas of Brown Hart Gardens deck each measuring 23.6m x 2.0m for the placing of up to 24 stalls for an artisan food market, including hot food takeaway, no more than one day per week (excluding Sundays) for a temporary period of one year.	
	Recommendation Grant conditional permission for a temporary period of one year			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/01993/FULL 17/01994/LBC Lancaster Gate	12 Garway Road London W2 4NH	Excavation of a basement floor below existing house and part of front and rear gardens, demolition and rebuilding of rear lower ground floor level conservatory, enlargement of front lightwell, insertion of rooflight with decorative metal grille over within front lightwell, internal alterations and removal of tree from rear garden.	
	Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 16/06234/FULL 16/06235/LBC Lancaster Gate	14 Garway Road London W2 4NH	Excavation of a basement floor below existing house and part of front garden, insertion of rooflight with decorative metal grille over within front lightwell, internal alterations, including the insertion of 3 rooflights in the floor of rear extension between lower ground and new basement level and removal of tree from front garden.	
	Recommendation 1. Grant conditional permission and conditional listed building consent.			

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 3rd April 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 18/00095/FULL St James's	Trevelyan House 30 Great Peter Street London SW1P 2BU	Erection and installation of metal railings and gates around the external frontages of the building for security purposes.	
	Recommendation Refuse permission (townscape, setting of listed building and highway safety).			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/09354/FULL Warwick	126 Warwick Way London SW1V 4JA	Erection of extensions at rear basement and ground floor levels and a mansard roof extension in connection with upgrading the existing hotel.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/10799/FULL West end	8 Pearson Square W1T 3BF	Use of ground floor unit as a mixed Class A1 retail/A3 food and drink (sui generis) use.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
8.	RN(s) : 17/10761/FULL Lancaster Gate	20 Ossington Street London W2 4LY	Lowering floor of front lightwell, relocation of front door from side to centre of front facade and replacement of existing doorway with window. Erection of sloping roof extension to rear at first floor level.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 3rd April 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

9.	RN(s) : 17/10421/FULL Regent's Park	14 Denning Close London NW8 9PJ	Partial demolition of existing property, excavation of a basement; construction of part two storey and part single storey front extensions, erection of front and rear dormer extensions and associated external alterations.	
	Recommendation Grant conditional permission.			

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 April 2018	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Blackstone House, London, EC4Y 9BW		
Proposal	Erection of an infill extension between Blackstone House and 1 & 2 Garden Court to create a new atrium connecting the buildings at second, third and fourth floor levels, to provide additional chamber floorspace and to improve the circulation between the buildings, and associated external alterations including installation of rooftop plant to Blackstone House.		
Agent	Indigo Planning Limited		
On behalf of	The Honourable Society of the Middle Temple		
Registered Number	17/08153/FULL	Date amended/ completed	26 February 2018
Date Application Received	11 September 2017		
Historic Building Grade	Blackstone House is unlisted and 1 & 2 Garden Court are grade II listed		
Conservation Area	Strand (City of Westminster) and Temple (City of London)		

1. RECOMMENDATION

Refuse permission – design and increased sense of enclosure.

2. SUMMARY

This application was reported to Planning Applications Sub-Committee on 9 January 2018. Committee resolved that the application be deferred to allow further discussions to take place between the applicant and officers, regarding the technical aspects of the application, and between the applicant and local residents. Following these discussions, the Planning Sub-Committee would conduct a site visit to the application.

On 1 February and 1 March 2018, the applicant held meetings with residents. The applicant reports that residents raised concerns regarding the proposal impacts on residential amenity (loss of light and increased sense of enclosure) together with concerns relating to the existing fire escape staircase outside Aldwych Chambers. On 7 February 2018, the applicant met with officers to discuss the application in light of their conversations with residents. On 8 February 2018, a site visit was conducted with the applicant, members of the Planning Sub-Committee, and the case officer to both the application site and Aldwych Chambers.

On 26 February 2018, the applicant submitted revisions to the City Council. The revisions include the reduction in height of the infill extension on the boundary with Aldwych Chambers by 1.2 metres. The applicant has also revised the internal layout of the building to allow for an internal means of escape for its occupants in the event of fire. The applicant reviewed options for the fire escape in light of the fact that these internal changes would mean it is no longer required as part of their fire strategy. However, the fire escape staircase falls outside of their site and ownership and so they cannot propose to remove it as part of this application. The applicant has attempted to engage the freeholder of Aldwych Chambers regarding potential options for the staircase. The applicant has advised that whilst the fire escape would no longer be required for the occupiers of the application site, it would still form part of a fire escape exit route for occupiers of 20, 21, 22 and 23 Essex Street who access the fire escape staircase via the roof of Blackstone House.

Residents have been consulted on these revisions and 8 additional objections have been received on grounds that the revisions do not overcome their concerns, which were previously reported to Sub-Committee on 9 January 2018. In addition, new concerns are raised regarding the safety of the existing fire escape staircase which residents' state is non-compliant with building regulations, and therefore alternative routes should be found within the other buildings who use the fire escape (20, 21, 22 and 23 Essex Street). This would then allow the fire escape to be removed.

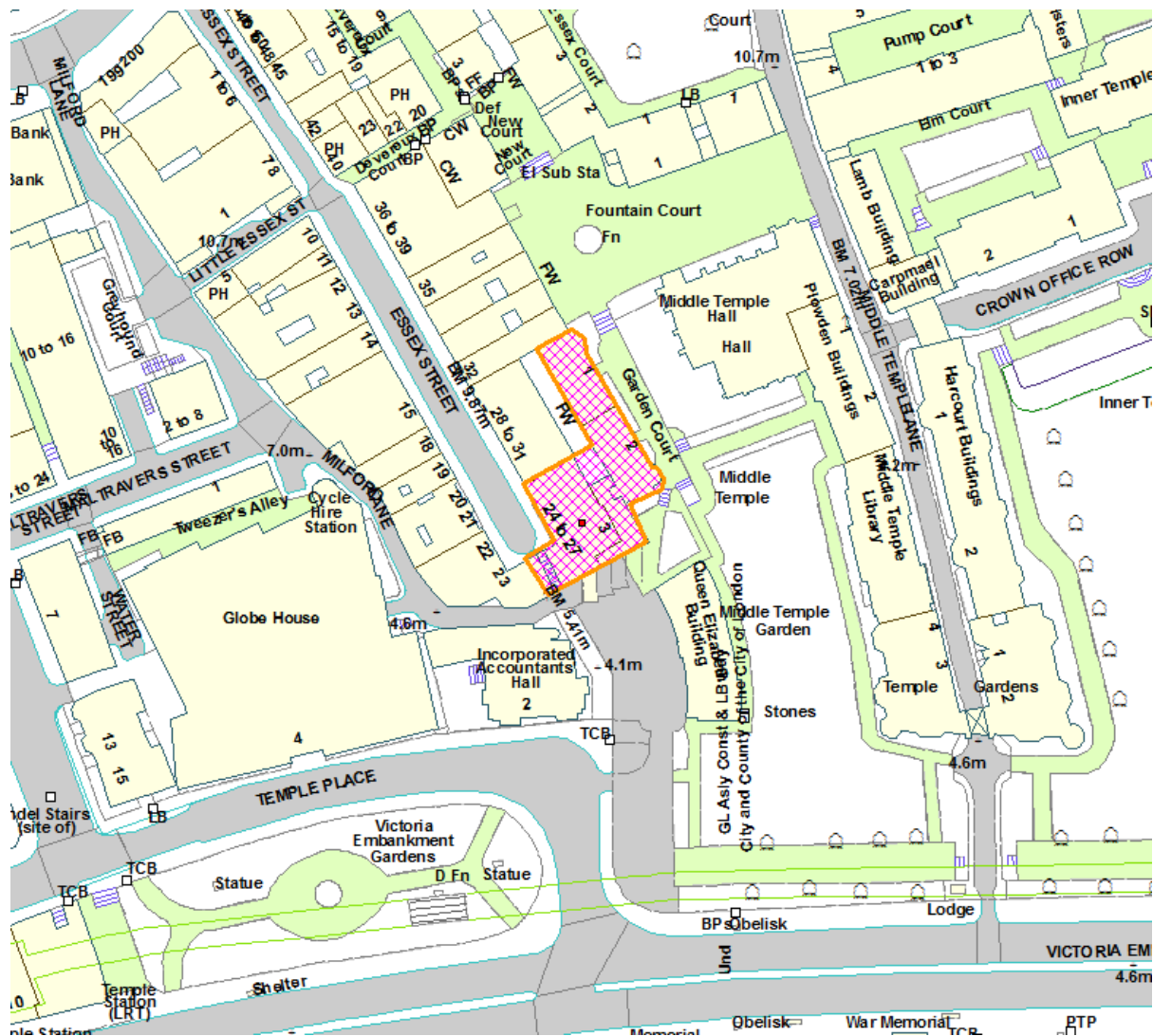
Whilst the applicant's efforts concerning the fire escape staircase are noted, and it is clear that both the applicant and residents would welcome its improvement or removal, only what is proposed in the application can be considered in its determination, and it is not proposed to remove or alter the fire escape staircase. In addition, it is outside of the scope of this planning application to consider the compliance with building regulations of the existing fire escape routes. It is understood that the offending part of the fire escape route is outside of the application site and would not be changed by the proposals.

The revisions do not significantly alter the scale, design or materiality of the extension, nor would it noticeably alter the relationship the extension would have with neighbouring buildings and its surroundings.

Whilst the revisions do reduce the height of the infill extension on the boundary with Aldwych Chambers, because the reduction is limited to 1.2 metres, this is not considered sufficient to avoid an unacceptable increased sense of enclosure for residents living in Aldwych Chambers, Essex Street. The revised proposals would still involve building over two storeys on this boundary and this would still have the effect of further enclosing this already narrow gap. The openness between the Essex Street and Garden Court buildings is limited to the two ends, north and south. The external fire escape staircase compromises the openness to the southern end and the proposed extension would worsen this to an even greater degree, to the detriment of residential amenity.

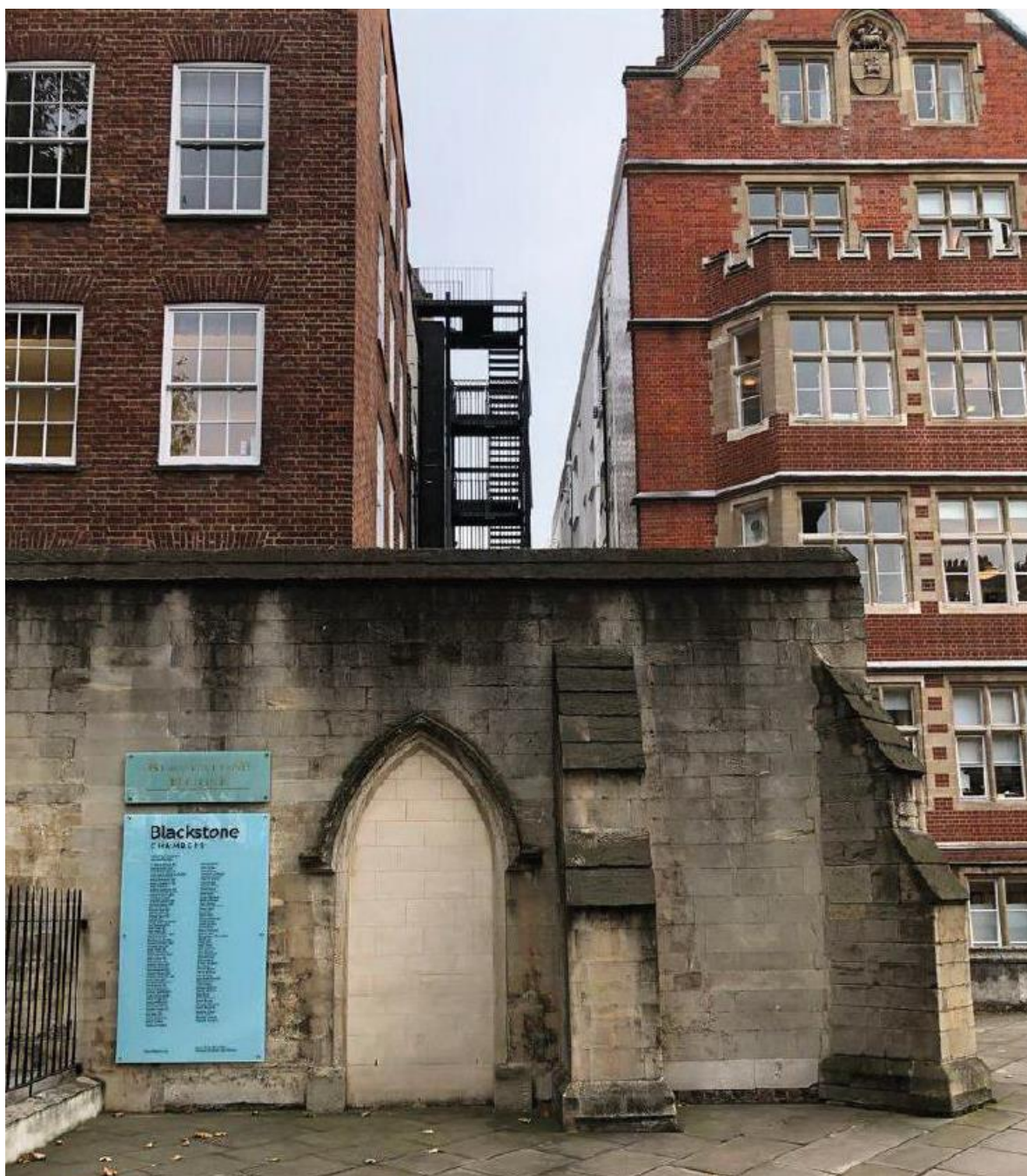
It is recommended that permission be refused for the same reasons as set out in the original report to Planning Applications Sub-Committee on 9 January 2018. The proposed infill extension would harm the character and appearance of Blackstone House and the Strand Conservation Area; and would harm the setting of the Grade II listed 1 & 2 Garden Court, the Temple Conservation Area and the neighbouring Grade II Registered Gardens at Middle Temple Gardens. The extension would also result in a significant increase in a sense of enclosure for residents living in Aldwych Chambers, Essex Street. As such, the proposal fails to meet with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is recommended for refusal for the reasons set in the draft decision notice.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Blackstone House (left) and 1 & 2 Garden Court (right)



**View from fire escape
Blackstone House (right) and 1 & 2 Garden Court (left)**

5. CONSULTATIONS

COMMENTS RECEIVED TO AMENDED PROPOSALS SINCE 9 JANUARY 2018

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 45

Total No. of replies: 8

Objections received on the following grounds:

- The revisions do not satisfactorily address the concerns raised previously which include:
 - o Loss of light and increased overshadowing;
 - o Increased sense of enclosure/ overbearing;
 - o Loss of privacy;
 - o Harm to the character and appearance of the buildings and conservation area;
 - o Noise and disturbance during construction; and
 - o The proposals would provide minimal benefits to the applicant and significant harm to residents.
- Safety concerns regarding compliance of the current fire escape route with building regulations on fire safety, and whilst the proposals will overcome some of these issues, an alternative fire exit routes should identified for occupants of buildings who still may use the fire escape thereby enabling its removal;
- Residents may seek legal recourse to stop the development under right to light legislation;
- The revisions were submitted (26 February 2018) before the applicants' final consultation meeting with residents (1 March 2018).

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

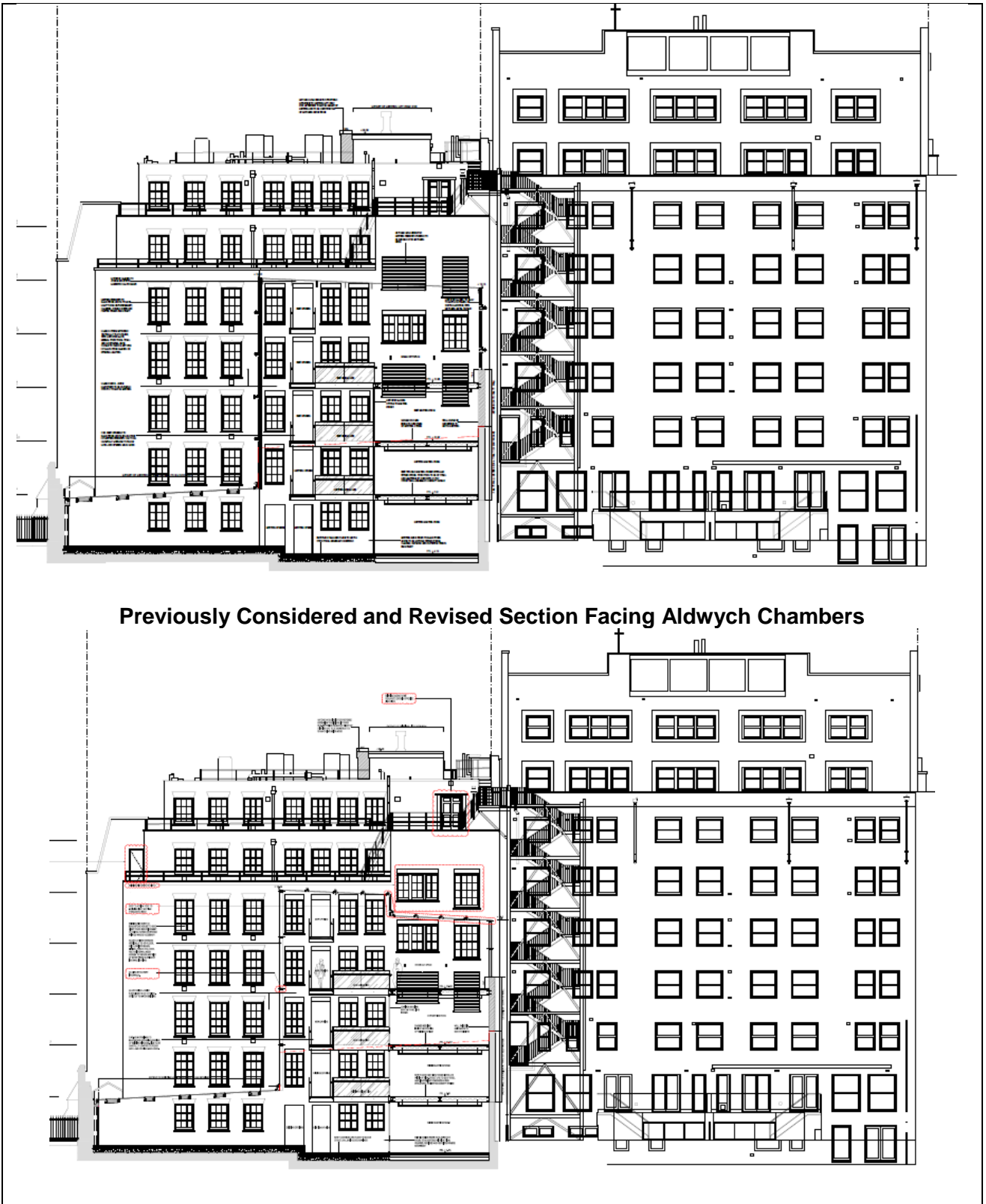
1. Application form
2. Objections (x2) from the occupiers of Flat 2, Aldwych Chambers, 29 Essex Street dated 6 March 2018 & 14 March 2018
3. Objection from occupier of Flat 7, Aldwych Chambers, 29 Essex Street dated 7 March 2018
4. Objection from occupier of Flat 1, Aldwych Chambers, 29 Essex Street dated 8 March 2018
5. Objection from freeholder of Aldwych Chambers, 29 Essex Street dated 9 March 2018
6. Objection from occupier of Flat 14, Aldwych Chambers, 29 Essex Street dated 10 March 2018
7. Objection from occupier of Flat 15, Aldwych Chambers, 29 Essex Street dated 13 March 2018
8. Objection from occupier of Flat 6, Aldwych Chambers, 29 Essex Street dated 13 March 2018
9. Minutes of Planning Applications Sub-Committee meeting held on 9 January 2018
10. Officer report and representations from Planning Applications Sub-Committee on 9 January 2018

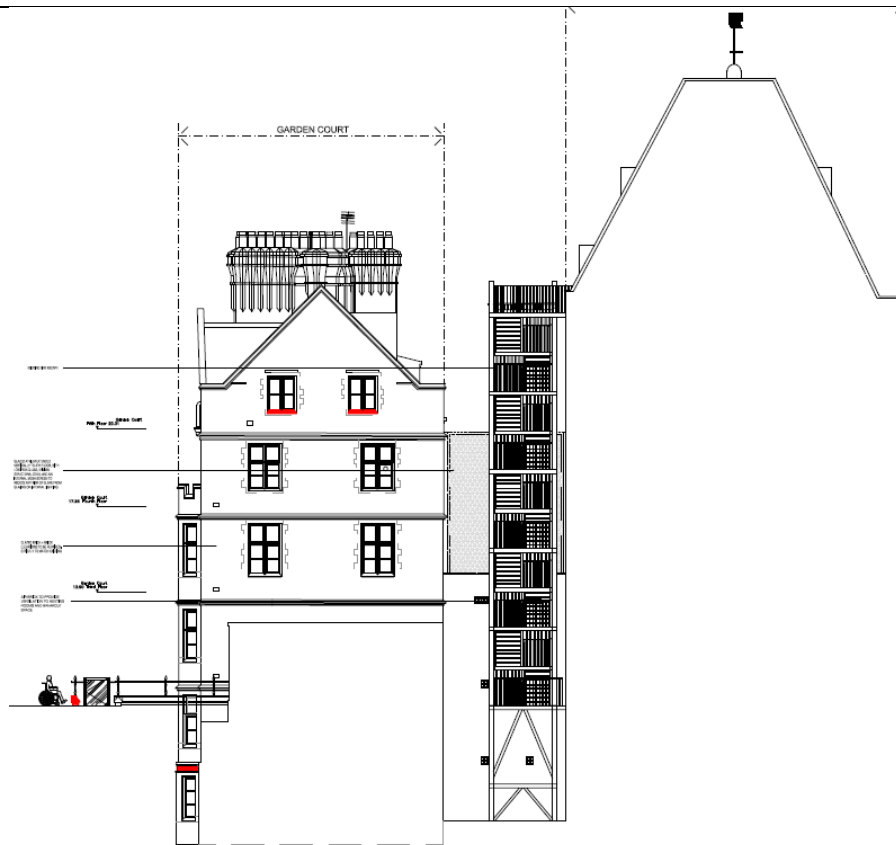
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

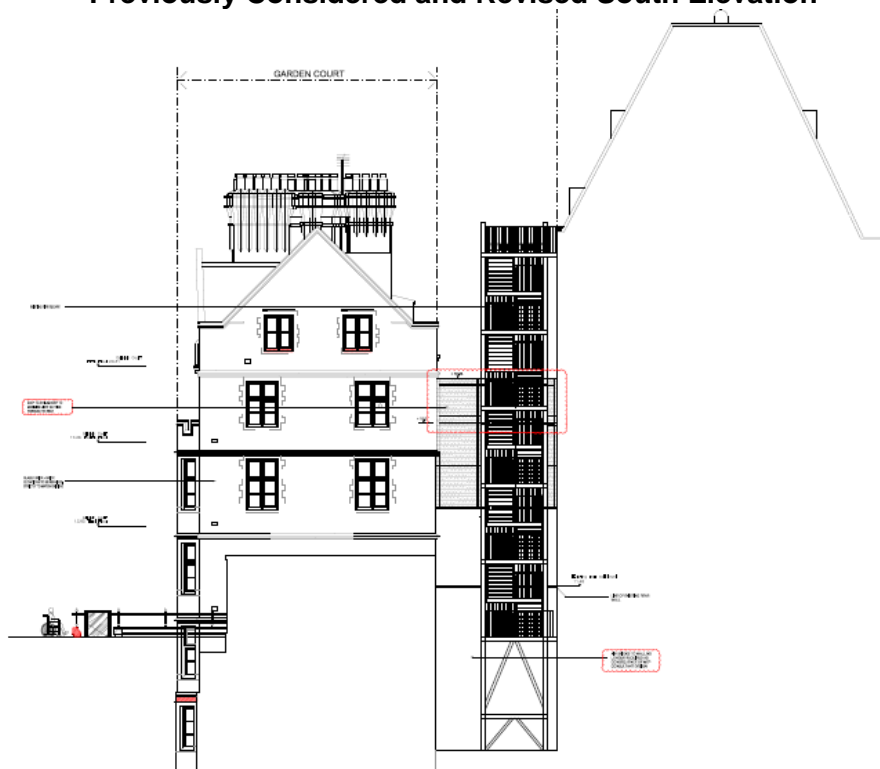
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk</p>
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7. KEY DRAWINGS





Previously Considered and Revised South Elevation



DRAFT DECISION LETTER

Address: Blackstone House, 3 Garden Court, Middle Temple, London, EC4Y 9BW,

Proposal: Erection of an infill extension between Blackstone House and 1 & 2 Garden Court to create a new atrium connecting the buildings at second, third and fourth floor levels, to provide additional chamber floorspace and to improve the circulation between the buildings, and associated external alterations including installation of rooftop plant to Blackstone House.

Reference: 17/08153/FULL

Plan Nos: Site Location and Boundary Plan; MS 100; MS 101; MS 102; MS 103; MS 104; MS 105; MS 106; MS 10R; MS 150; MS151; MS152; MS 153; MS 154; MS 160; MS 170; MS 171; MS 172; MS 173; MS 174; MS 175 rev A; MS 176; MS17R; MS 180; MS 181; MS 182; MS 183; MS 184; MS 200; MS 201; MS 202; MS 203; MS 204; MS 205 rev B; MS 206 rev B; MS 20R rev A; MS 220; MS 221; MS 222; MS 223; MS 224; MS 225; MS 600; MS 610; MS 611; MS 700; MS 701 rev A; MS 702 rev A; MS 703; MS 704; MS 705 rev A; Planning Statement (Indigo Planning dated Sept. 17); Design and Access Statement (MoreySmith dated 25/08/17); Additional Design Information Note including Historic Maps and Photos (MoreySmith submitted 01/12/17); Structural Plans; Acoustic Statement and Additional Plant Information Memo note M005-A (Sandy Brown dated 11/10/17); Daylight and Sunlight Report and two Addendum Letters (Malcolm Willis dated 09/08/17, 31/10/17 and 18/12/17); Historic Environment Assessment (MOLA dated Aug. 17); Historic Building Report (Donald Insall Associates dated Sept. 17); Energy and Sustainability Statement (Medland Metropolis dated 09/17); Letter and three Supplementary Letters (Indigo Planning dated 09/17, 31/10/17 and 01/12/17); Letter from Julia Horner (Blackstone Chamber dated 23/11/17) Updated Daylight and Sunlight Report and Addendum Letter (Malcolm Willis dated 16/02/18 and 28/02/18).

Case Officer: Joshua Howarth

Direct Tel. No. 020 7641 2069

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

Because of its scale, design, materials and its relationship with neighbouring buildings and its surroundings, the infill extension would harm the character and appearance of Blackstone House and the Strand Conservation Area and harm the setting of the Grade II listed 1 & 2 Garden Court, the Temple Conservation Area and the neighbouring Grade II Registered Gardens at Middle Temple Gardens. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 10 (A) and 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

Reason:

The infill extension would make the people living Aldwych Chambers Street, feel too shut in. This is because of its bulk and height and how close it is to the windows in that property. 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. (A) (C)

Item No.
1

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify amendments to address the issues identified with the scheme. You did not wish to amend the scheme in the manner suggested. Should you reconsidered your scheme, you are encouraged to consider the submission of a fresh application incorporating the amendments set out in the officer report.

- 2 You have submitted identical applications to the City of London and the City of Westminster as is required of you for cross boundary applications. Whilst the submissions are identical, each planning authority can only authorise or refuse work within their boundaries. This decision only relates to work within the City of Westminster, and does not constitute a decision on the works shown in your submission that are within the boundaries of the City of London.

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

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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Brown Hart Gardens and Lumley Street, London, W1,		
Proposal	Use of three areas of carriageway each measuring 12.0m x 2.0m on the west side of Lumley Street for the placing of 20 stalls as a street market (four times per year and not more than once per calendar month, excluding Sundays) for the sale and display of goods (Class A1) and use of two areas of Brown Hart Gardens deck each measuring 23.6m x 2.0m for the placing of up to 24 stalls for an artisan food market, including hot food takeaway, no more than one day per week (excluding Sundays) for a temporary period of one year.		
Agent	Gerald Eve		
On behalf of	Grosvenor West End Properties		
Registered Number	17/11322/FULL	Date amended/ completed	21 December 2017
Date Application Received	21 December 2017		
Historic Building Grade	II – Brown Hart Gardens deck building		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of one year.

2. SUMMARY

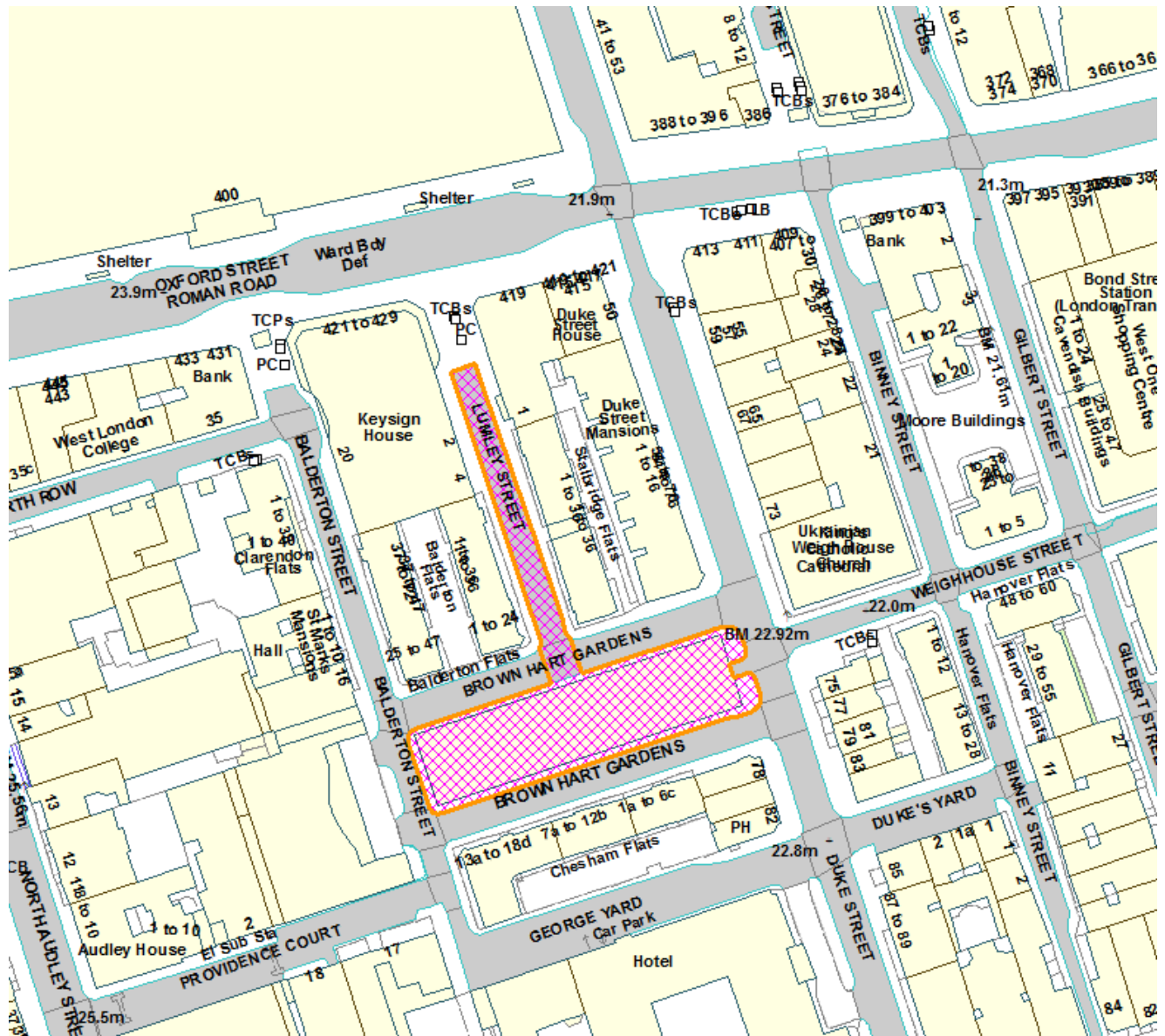
This application is for the renewal of planning permission, approved twice previously, for the creation of two temporary markets comprising a weekly market of 24 stalls, including a maximum of 8 hot food stalls, on the Grade II listed deck area in Brown Hart Gardens, and a quarterly craft and gift market (no cooking) on 20 stalls in Lumley Street which would coincide with the deck market. The markets would be open to the public from 11.00 until 16.00 (excluding Sundays). Market setting up would commence at 9.00 hours and the markets would be removed by 18.00 hours. Operation of the Lumley Street market would necessitate the closure of the road and the suspension of 12 residents' parking bays. The deck market was operating until October 2017 but it appears that the Lumley Street market has never been held since permission was granted for that use. Permission is sought for the renewal of the previous permission, granted in February 2017, pending a change in market operator.

The key issues in this case are:

- The impact of the market operations on residents' amenities and
- The impact of the proposals upon residents' parking and on-street parking availability in the area.

Objections/comments have been received on land use, amenity and highways grounds. As previously, the markets are considered acceptable in land use terms and, subject to operational conditions, it is not considered that the use would have a significant impact on neighbours' amenities. Similarly, with appropriate arrangements for the suspension of parking bays, when required, it is not considered that there would be a significant impact upon on-street parking availability and residents' amenity. Given their temporary nature, the impact of the markets upon the character and appearance of this part of the Mayfair conservation area or upon the special interest of the listed host structure in Brown Hart Gardens would be limited. The scheme accords with relevant UDP and City Plan policies and is recommended for approval for a further temporary period of one year.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Brown Hart Gardens Deck



Lumley Street, looking south towards Brown Hart Gardens



5. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR & ST JAMES'S

Any response to be reported verbally

ENVIRONMENTAL HEALTH

No objection subject to the submission of a revised Operational Management Plan providing details of measures to minimise potential smell nuisance from the food stalls.

CLEANSING

No objection

HIGHWAYS

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 178; Total No. of replies: 4

No. of objections: 3; No. in support: 1

Objections/comments received on the following grounds:

- Commercialisation of residential areas
- Previously some noise from setting-up and dismantling of stalls and loading/unloading but accept that market has been well organised and that any problems have been addressed quickly
- Noise disturbance to neighbouring flats
- No amplified music should be permitted; use of mobile phone (or smoking) should not be permitted close to Lumley Street flats
- Previous smell nuisance to Lumley Street flats, primary cooking stalls should be positioned away from Lumley Street with a potential reduction in their number
- No primary cooking or sales of alcohol should be permitted
- Loss of privacy to lower floors of Balderton Flats (east block)
- Residents should not bear the cost of retrieving vehicles that have been towed away unless they have been given advance notice of Lumley Street market dates. Request that notices should be sent to Lumley Street flats/and displayed on notice boards giving the year's craft market dates.
- No parking should be permitted for stallholders except for loading/unloading
- No goods to be hung from street railings; refuse bins to be provided on market days; a market supervisor/security guard should be on duty on market days

- Goods should be removed by 16.30 and stalls by 17.00 hours
- No goods should be transported on the disabled persons lift to the Brown Hart Gardens deck

One letter of support:

- Some commercial activity is required to make the public deck area a going concern and the market is a “low impact” way of achieving this.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The deck in Brown Hart Gardens forms part of a Grade II listed building, located in the Mayfair Conservation Area and within the Core Central Activities Zone. It was built as an electricity sub-station in 1905 with a deck over, accessed from the street via two sets of stairs at the east and west ends of the structure. The deck was laid out as a formal public space and used as such up until the 1980s. After that it was closed, until 2007, when the Grosvenor Estate secured responsibility for the deck and reopened it for use as a public open space between the hours of 11.00 and 18.00 from May - September, and between 11.00 and 15.00 from October - April.

The lawful use of the deck is considered to be a publicly accessed open space (sui generis). There is a small café building at the western end of the deck, erected pursuant to a permission dated 28 March 2012.

The deck is fronted on the north and south sides by residential blocks of social housing occupied by Peabody tenants. There are a significant number of elderly residents. Adjacent to the site, at 8 Balderton Street, is the Beaumont Hotel.

Lumley Street is a no-through road running northwards from the Brown Hart Gardens deck towards Oxford Street. The street is bordered by Peabody flats. There is also an entrance to Oxford Street offices at 1 Lumley Street. The northern end of the street is a cul-de-sac. The pavement beyond, on the south side of Oxford Street, houses a street trading kiosk, cycle racks and refuse bins.

The western side of the highway in Lumley Street provides residents' parking (9 bays). The eastern side of the carriageway is marked by double yellow lines.

6.2 Recent Relevant History

21.12.2015: Permission granted, until 30 September 2016, for

- i) the use of three areas of carriageway each measuring 12.0m x 2.0m on the west side of Lumley Street for the placing of 20 stalls as a street market (four times per year

and not more than once per calendar month, excluding Sundays) for the sale and display of goods (Class A1) – the Lumley Street market

ii) use of three areas of carriageway each measuring 12.0m x 2.0m on the west side of Lumley Street for the placing of 20 stalls as a street market (four times per year and not more than once per calendar month, excluding Sundays) for the sale and display of goods (Class A1) - the "deck market" (14/12253/FULL). This was a regularisation of a use which had operated on an "ad hoc" basis - monthly, fortnightly then weekly for the previous 18 months.

21.12.2015 Listed building consent granted for the installation of four copper-clad plinths, one at each corner of the Brown Hart Gardens deck, for the display of works of public artworks (14/12254/LBC).

5.05.2016 Details of a Servicing Management Plan pursuant to Condition 14 of planning permission dated 21 December 2015 refused (16/02215/ADFULL) – failed to address how far in advance of the market days the parking suspensions will be sought and potential conflict between arriving market stalls and parked cars.

28.02.2017 Permission granted for the renewal of the permission of 21.12.2015 for a temporary period until 28 February 2018 (16/11128/FULL).

The applicants have confirmed that, since the granting of permission in December 2015, the deck market was held weekly from 14 January 2016 until the use ceased in October 2017, when the previous market operator ceased their involvement with the markets. They have also confirmed that the Lumley Street market was last held on 16 December 2015, prior to the granting of the first planning permission.

7. THE PROPOSAL

Permission is sought for the renewal of previous permission for the Brown Hart Garden deck and Lumley Street markets, for a temporary period of one year. The market operator ceased trading in Brown Hart Gardens in October 2007 and the applicant, the Grosvenor Estate, wishes to enter into negotiations with an alternative market operating company.

All details of the market operation are as previously submitted and approved: The Lumley Street market would sell sweets, jewellery, olive oil and gifts. When this market is in operation, nine residents' parking bays on the western side of Lumley Street and three residents' parking bays on the north side of Brown Hart Gardens would be suspended.

The deck market would sell pastries, pancakes, cakes, honey products and rice/noodle dishes and meat/fish/vegetable dishes. When only the deck market is operating, a maximum of six stalls would undertake primary cooking. On those occasions when the Lumley Street market is also operating, there would be fewer stalls on the deck, but a maximum of eight stalls would undertake primary cooking.

No generators would be used to provide power. Any cooking would be done using chafing fuels, gas cartridges or gas cylinders. Market stalls on both locations would measure 3m x 3m, and a maximum of 3m at the highest part of the roof.

The markets would operate between 11.00 and 16.00 (excluding Sundays); with the supplementary Lumley Street market coinciding with the date of the deck market. Setting up of the market stalls would commence at 09.00. All stalls and associated equipment would be removed by 18.00.

8. DETAILED CONSIDERATIONS

8.1 Land Use

UDP Policy SS13 states that proposals for new street markets will be considered with reference to amenity, parking, servicing, highways, cleansing, refuse storage/recycling and licensing considerations and the effect on existing street markets and local shopping facilities.

Policy S18 directs new commercial development to the Core CAZ and designated shopping centres, amongst other specific locations, but states that proposals for new commercial uses must be appropriate in terms of the scale and intensity of land uses and their impact on the character and function of the area. Policy S21 directs new retail uses (floorspace) to the designated shopping centres, amongst other specified locations.

Policy DES12 states that development will not be permitted on or under parks, landscaped spaces and public or private gardens where the open spaces form an important element in the townscape, part of a planned estate or street layout; are characteristic features of conservation areas; provide the setting of a listed building or are of significant ecological value. Under Policy S35, all open spaces and their quality, heritage and ecological value, tranquillity and amenity will be protected.

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

The Council's Open Space Strategy SPD 2007 is intended to improve the quality, management, accessibility and use of parks and other open spaces in the city and to provide new facilities where there are deficits in their provision. The strategy acknowledges the contribution of open spaces, and sports and recreational facilities, to the residential environment. The SPD includes a list of protected open spaces. Although the Brown Hart Gardens deck is not included on this list, the SPD makes it clear that all open space is protected, whether or not it is included on the list.

As part of the Cross River Partnership, the City Council is a project partner in the Sustainable Urban Markets project which seeks to explore the potential of street and covered markets as drivers of local economic development.

Although, due to their regular nature, the proposed market uses are considered to constitute development, the policies detailed above are largely concerned with the

permanent displacement of public open space rather than with the effects of temporary uses where, once these have ceased, the space returns to its previous condition.

One objection has been received on the grounds that the proposal represents an unwelcome commercialisation of a residential area. A letter of support has been received from a member of the management committee for Brown Hart Gardens who considers that some commercial activity is required to make the public deck area a going concern and the market is a “low impact” way of achieving this.

The proposals would result in the commercialisation of a publically accessible open space, including the deck area which provides some valuable outside space to local residents, workers and visitors. However, an element of commercialisation of this space has already been approved through the granting of permission for a permanent cafe use and previous permissions for the market use. The markets would supplement and support retail activity in neighbouring Oxford Street and given their temporary nature and scale, it is not considered that they would have an adverse impact upon the character of the area. As previously, the proposals are considered acceptable in principle in land use terms.

The impact of the proposals upon residents' amenity and the local highways network is considered in Sections 8.3 and 8.4 below.

8.2 Townscape and Design

The Brown Hart Gardens deck comprises the roof of a building erected in 1904-05 as an electricity sub-station, concealed by a raised terrace. It was designed by C.S. Peach for the Grosvenor Estate. The list description states:

“An architecturally tasteful disguise for the sunken sub-station, in Edwardian Baroque. Stone paved terrace with garden, surrounded by balustrades and with stone domed and columned pavilions to east and west end, the whole raised over rusticated arcade of lunettes lighting the sub-station below.”

The building makes a positive contribution to the character and appearance of the Mayfair Conservation Area.

The market stalls for the deck on Brown Hart Gardens are supplied by the traders themselves and comprise a gazebo cover with tables and serving points beneath. The stalls for the Lumley Street market are hired by the applicant and comprise a metal frame with plastic canopy and wooden counter top.

One objector has requested a condition to prevent market goods from being hung from street railings. The Operational Management Plan has been updated to ensure that no goods are hung or displayed on the street level railings or on the walls to the deck.

Given their temporary nature, it is not considered that these stalls would have an adverse impact upon the special interest of the listed deck or upon the character and appearance of this part of the Mayfair Conservation Area and the proposals are considered acceptable and comply with relevant City Plan and UDP policies.

8.3 Residential Amenity

UDP policy ENV 13 states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight to existing dwellings and will refuse permission where the resulting level is unacceptable. In addition, developments should not result in a significant increase in the sense of enclosure, or overlooking, and should not cause unacceptable overshadowing, particularly on gardens or on adjoining buildings. Policy S29 also states that permission will be refused for developments that would result in a material loss of residential amenity.

UDP policies ENV6 and ENV7 deal with the subject of noise pollution and vibration from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be ameliorated through design features and operational controls. Similarly, policy S32 requires disturbance from noise and vibration to be contained.

The deck, and both sides of Lumley Street, are bordered by a large number of residents living in small flats managed by Peabody. The flats are occupied by a range of tenants including elderly people and families. The blocks face the deck on the north and south sides.

Objections were raised to the original application on amenity grounds including noise and smell nuisance and overlooking. No objections were raised to the 2016 application for the renewal of the permission although one local resident requested various conditions relating to the operation of the deck market. At that time, there was no record of any complaints having been received in relation to the operation of the deck market. It appears that the Lumley Street market has never been held. There is no record of any complaints having been received regarding the markets since the original permission was renewed.

Noise

a) Market operation including servicing activity

Given the nature of markets, and the vagaries of the weather, it is not possible to anticipate the level of customer activity generated by the markets. However, the proposed trading hours 11.00 to 16.00, are relatively short and are less than those permitted for general public access to the deck (11.00 to 18.00).

Few objections have been received to the current application. One respondent has advised that there have been some issues with noise disturbance associated with the setting up and dismantling of market stalls but that any problems resulting from the market operation have been resolved quickly. One objection has been received on the grounds of noise disturbance to the east side of Balderton Flats and the west side of Stalbridge Flats. Others have requested that any permission should include conditions to prevent the playing of amplified music and to prevent the use of mobile phones (or smoking) near to the Lumley Street flats, to require a market supervisor/security guard to be on duty at all times and to require all market goods to be removed by 16.30 and all stalls to be removed by 17.00 hours.

The restricted trading hours proposed will serve to minimise the impact of the markets' operations upon the amenities of neighbouring residents. The applicants have re-submitted the approved Operational Management Strategy, which any new market operator would be required to comply with. This includes various measures to ameliorate the impact of the market use, including preventing the playing of amplified music and an undertaking that stallholders will not be permitted to operate noisy equipment, including generators. A member of the market operator's management team would be on site at all times.

As Lumley Street is a public highway, where pedestrians are free to use mobile phones (and smoke), it is not possible to make a distinction between that general activity and such activity taking place in association with the market use. Consequently, it would not be reasonable to attempt to control these activities by condition. However, it is not considered that disturbance to local residents as a result of mobile phone use (or smoking) is likely to be significant.

Operating at the busiest times of the day, but not on Sundays, and given their proximity to Oxford Street, it is not considered that the general level of activity associated with the markets would have a significant adverse impact upon the amenities of local residents.

As previously approved, the market stalls would be set up from 09.00, with all equipment removed by 18.00 hours. There is no record of any complaints having been received to suggest that activity associated with the dismantling of the market between 16.00 and 18.00 has resulted in any significant disturbance to local residents or that requiring the markets to be removed by 17.00 hours (as requested by an objector) would have a more beneficial material impact upon residents' amenity. In these circumstances, it is not considered that the suggested restrictions could be justified.

ii) Loss of privacy

One objection has been received on the grounds that the proposals would result in a loss of privacy to residents of Balderton Flats (east block). The approved scheme in 2007, for the deck refurbishment and cafe, approved a seating design which minimised the potential for overlooking from the deck, including fixed perimeter seating and moveable seating/planters in the centre of the deck. These non-fixed elements will be moved to facilitate the erection of the market stalls, which will be confined to the centre and eastern end of the deck. Residents objected to the original application on the grounds that people visiting the market will be able to look into neighbouring flats, particularly from the western end of the deck. However, that potential situation currently exists during the hours that the deck is open to the public. The proposed market trading hours are less than the permitted hours for public access to the deck and would take place on one day a week. In these circumstances, it is not considered that the proposals would significantly worsen the existing position.

Given that the Lumley Street market would be located on the public highway, it is not considered that this use would have a material impact upon the privacy of neighbouring residents. Consequently, it is not considered that the objection on these grounds could be supported.

iii) **Smell nuisance**

Policy ENV 5 requires new developments to be designed to safeguard air quality and to minimise the potential for smell nuisance. Policy S29 seeks to resist proposals which have an adverse effect on the residential environment.

When the original application was assessed, the Council's Environmental Health Officer considered that as cooking in the deck market would be limited to a maximum of eight stalls, between 11.00 and 16.00 hours on one day a week and as there would be sufficient distance between the deck area and neighbouring flats to enable the dilution and dispersal of cooking smells, that the operation of the market food stalls would be unlikely to result in smell nuisance to residents. No comments were received regarding smell nuisance in relation to the application for the renewal of the permission (approved in February 2017), notwithstanding the fact that the market had been operating on a weekly basis since January 2016.

An objection has been received to the current application from an occupier in Balderton Flats on the grounds that the market use has resulted in nuisance from cooking smells which travel down Lumley Street. This objector has requested that primary cooking stalls should be positioned away from Lumley Street with a potential reduction in their number. Another respondent has requested a condition to prevent any primary cooking, with only the warming-up of pre-cooked food being permitted. As the market ceased operating in October last year, it has not been possible to visit the market or the objector's property to investigate this complaint. However, no other objections have been received on these grounds.

The Environmental Health Officer has confirmed that no complaints have been received regarding smell nuisance. However, they are aware of the objection to the current application and have reviewed the submitted Operational Management Plan. Since the applicant is seeking to engage a new market operating company, they consider that the OMP should be revised to include measures to ameliorate potential smell nuisance from the deck market (which does not require a street trading licence) similar to measures which included in assessments of potential smell nuisance for street trading licences, including details of food type, equipment and fuel used, duration of operation and the location and number of food stalls.

Given the history of market use, subject to the submission and approval of an updated OMP prior to the commencement of the market use, the application is considered acceptable on amenity grounds.

8.4 Transportation/Parking

Servicing/parking

When the weekly deck market is in operation, the applicant advises that servicing would take place in 15-minute time slots between 09.00 and 11.00 and from 16.00 until 18.00. Traders would be allocated a time slot, during which no more than three vans (no lorries) would be in attendance. Servicing would take place in Brown Hart Gardens, as at present. Given the limited number of servicing vehicles present at any one time, no

suspension of parking bays would be required in either Lumley Street or Brown Hart Gardens. These arrangements would not conflict with the agreed servicing arrangements for the deck cafe, which is serviced from Balderton Street.

When both the Lumley Street and deck markets are in operation, on a maximum of four occasions a year, servicing would take place at the same times, using the same system of 15-minute time slots. Again, there would be no more than three vehicles in attendance at any one time. However, Lumley Street would be closed to traffic and all nine residents' parking bays on the west side of the street would be suspended, together with three visitor parking bays on the north side of Brown Hart Gardens. These arrangements would allow for the free flow of traffic around the deck.

There is a regular turnover of visitor parking. Bays operate from 8.30am - 6.30pm Monday to Saturday in this area. As long as parking bay suspensions are advertised sufficiently in advance, there is no objection to these suspensions, albeit that the number of visitor parking bays would be reduced by three.

As previously, the Highways Planning Manager has expressed concern about the number of parking suspensions that would be required to operate a market in Lumley Street, particularly the suspensions of residents' parking bays. With the residents' parking bays, any resident of Zone E could leave their car in a Lumley Street bay but may not necessarily live in close proximity or visit Lumley Street for a number of days. Consequently, more notice would be required of the suspension of these bays. Although there is concern over the reduction in the number of residents' parking bays, this would take place only 4 times per year. The 2015 parking survey (Sunday) showed that only four of the nine spaces in Lumley Street were occupied. Although residents would need to move their vehicles, the parking survey indicates that there would be alternative spaces available in the area.

The Head of Parking Services has advised that no applications were made for parking suspensions associated with a craft market in Lumley Street since the permission was renewed. The applicants have confirmed that this market was last held in December 2015, prior to the granting of the first planning permission. The Lumley Street market could not operate without arrangements for the suspension of parking bays and removal of vehicles having been agreed in advance with the Parking Suspensions Team. An informative is proposed advising the applicants to contact the Parking Team, as has been agreed with them.

One objector considers that residents should not be required to bear the cost of retrieving vehicles that have been towed away unless they have been given advance notice of Lumley Street market dates. They have requested that notices should be sent to Lumley Street flats/displayed on notice boards giving the year's craft market dates. As the City Council has recognised procedures for the advertising and suspension of parking bays and as vehicles parked in Lumley Street may not necessarily belong to occupants of the Lumley Street flats, it is not considered that any additional measures for advertising market dates/parking suspensions are reasonable or necessary.

Given that the deck market will operate without parking suspensions, there is less concern over this weekly market on servicing grounds. However, as previously, a

detailed Servicing Management Plan is considered necessary to formalise the servicing arrangements for both markets.

One respondent has requested that no parking be permitted for stallholders except for loading/unloading. However, any stallholder parking in the area would be subject to the usual parking controls and it is not considered that such a condition would be necessary or reasonable. It is not considered that the operation of the markets is likely to generate any additional customer parking.

8.5 Economic Considerations

Any economic benefits generated by the development are welcomed.

8.6 Access

The Brown Hart Gardens deck is accessible via the original steps and also by way of a wheelchair access lift. These access arrangement remain unchanged.

One local resident is concerned that market traders should not be able to use the access lift serving the deck, to transfer goods from the deck to street level, and vice versa. As previously, a condition is recommended to deal with this issue.

8.7 Other UDP/Westminster Policy Considerations

Cleaning and litter

An objection was received to the original application on the grounds that the proposal would result in increased litter generation. One respondent has requested that refuse bins be provided on market days.

The OMP sets out previous measures relating to refuse disposal and litter generation, which would continue. All market stallholders will be responsible for removing, and disposing of their own packaging and food waste. Given the nature of the operation, it is considered that little packaging waste would be generated and that any waste generated by customers can be accommodated by existing litter bins on the site. However, given the hot food stalls on the deck, there is the potential for existing bins to overflow with food packaging/food waste. To address this concern, a team of cleaners will attend the site on market days to ensure that the bins are emptied when they become full and that no litter remains at the end of the day. Some of the “smart” bins alert cleaners when they are full.

As previously, the Cleansing Manager has requested a condition requiring the submission of details of refuse storage and revised plans showing details of the storage of general refuse, food waste and cooking oil, in accordance with adopted Council protocols. However, as previously, given the arrangements outlined in the OMP, no such condition is considered necessary.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The application does not trigger any planning obligations

8.11 Environmental Impact Assessment

The environmental impact of the assessment is discussed elsewhere in this report.

8.12 Other issues

One objector has requested a condition to prevent the sale of alcohol within the food market. This is a licensing matter and could not justify the withholding of permission.

8.13 Conclusion

Subject to conditions, the proposals are considered acceptable in land use amenity and design terms and the application is recommended for approval. Given the change in market operator, and in accordance with the submitted application, it is recommended that permission be granted for a further temporary period of one year to enable the impact of the market operation to be monitored.

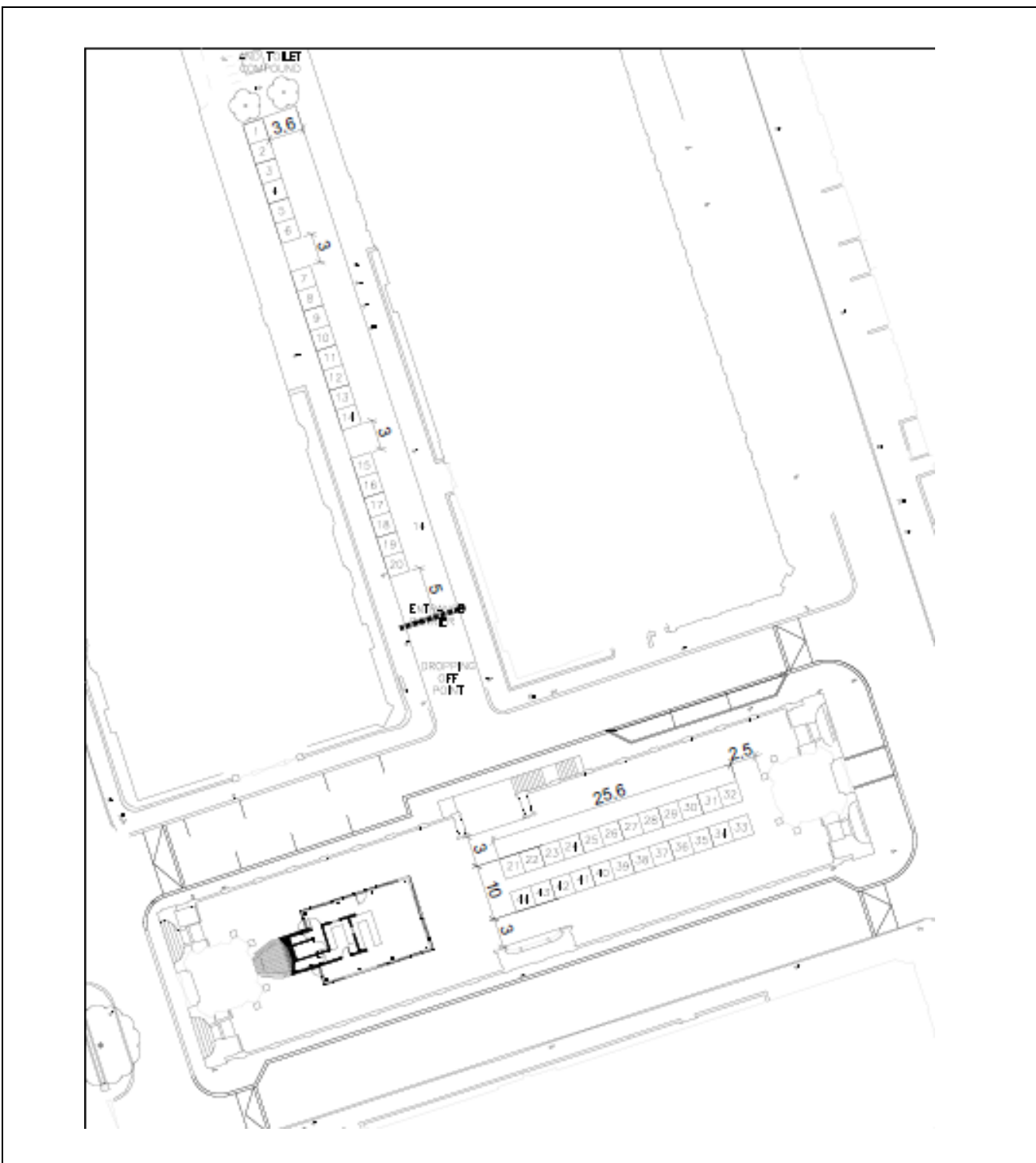
9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Health dated 21 February 2018
3. Email from Highways Planning dated 27 February 2018 (enclosure)
4. Memorandum from Cleansing dated 4 January 2018
5. Letter from occupier of 19 Stalbridge Flats, Lumley Street, dated 15 January 2018
6. Letter from occupier of 19 Balderton Flats, London, dated 14 January 2018
7. Letter from occupier of 32 Balderton Flats, Brown Hart Gardens, dated 22 January 2018
8. Letter from occupier of flat 32, 129 Park St, dated 11 February 2018
9. Brown Hart Gardens Operational Management Strategy dated March 2018

(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 AT pquayle@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Brown Hart Gardens, London, ,

Proposal: Use of three areas of carriageway each measuring 12.0m x 2.0m on the west side of Lumley Street for the placing of 20 stalls as a street market (four times per year and not more than once per calendar month, excluding Sundays) for the sale and display of goods (Class A1) and use of two areas of Brown Hart Gardens deck each measuring 23.6m x 2.0m for the placing of up to 24 stalls for an artisan food market, including hot food takeaway, no more than one day per week (excluding Sundays) for a temporary period of one year.

Reference: 17/11322/FULL

Plan Nos: Proposed market plan (entitled Lumley Street) dated 16 October 2014;

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must apply to us for approval of an updated operational management plan to show how you will prevent the market uses causing nuisance for people in the area, including people who live in nearby buildings. In particular, this must include details of the location of the food stalls in the Brown Hart Gardens deck market and any measures to deal with cooking smells. You must not start either of the market uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the markets are in use.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties and to protect neighbouring residents from noise nuisance as set out in S24, S29, S32 and S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20, TRANS 21 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 3 The Brown Hart Gardens deck market hereby approved shall take place on a maximum of one day per week (excluding Sundays) and shall only be open to customers between 11.00 and 16.00 hours.

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.

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- 4 The Lumley Street market hereby approved shall take place on a maximum of four times per year (excluding Sundays) and not more than once in any calendar month and shall only be open to customers between 11.00 and 16.00 hours.

Reason:

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

- 5 The setting-up of the markets, including the loading and unloading of goods and market fixtures from vehicles, shall not commence before 09.00 and all goods, fixtures and traders' refuse associated with the market use shall have been removed from the market sites by 18.00 hours.

Reason:

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

- 6 A maximum of 20 market stalls shall be located in the Lumley Street market and a maximum of 24 market stalls shall be located in the Brown Hart Gardens market.

Reason:

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

- 7 You must not undertake any primary cooking (cook raw or fresh food) and no hot food shall be served within the Lumley Street market.

Reason:

To ensure that occupants in neighbouring properties do not suffer from unacceptable nuisance from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan adopted November 2016 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 8 A maximum of 6 stalls within the Brown Hart Garden market shall be permitted to undertake primary cooking (cook raw or fresh food) except on those occasions when the Lumley Street market is also in operation, when a maximum of 8 stalls within the Brown Hart Gardens shall be permitted to undertake primary cooking and only these stalls can serve hot food.

Reason:

To ensure that occupants in neighbouring properties do not suffer from unacceptable nuisance from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 9 No mechanical plant, including generators, shall be operated in association with the market use hereby approved.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 10 No amplified music shall be played in association with the market operations hereby approved.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 11 The access lift serving the Brown Hart Gardens deck shall not be used for the transfer of goods or fixtures associated with the market use.

Reason:

To make sure that the existing access for people with disabilities is maintained set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 12 Other than the market stalls hereby approved, no additional structures such as gazebos, umbrellas or tables and chairs shall be provided in association with the market operations.

Reason:

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

- 13 You must apply to us for approval of a Servicing Management Plan. You must not commence the use until we have approved what you have sent us., You must then operate the use in accordance with the approved Servicing Management Plan

Reason:

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

- 14 The market use allowed by this permission is limited until 31 March 2019.

Reason:

In order to assess the impact of the use of the market on the amenities of nearby residents.

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

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(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 Your proposals for the Lumley Street market will require the suspension of parking bays, without which, this use cannot be implemented. You should contact Adam Warnes, Head of Parking Services (0207-641-4074) to agree measures for the suspension of the spaces and the removal of vehicles, if necessary.

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 COMMITTEE	Date 3 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	12 Garway Road, London, W2 4NH		
Proposal	Excavation of a basement floor below existing house and part of front and rear gardens, demolition and rebuilding of rear lower ground floor level conservatory, enlargement of front lightwell, insertion of rooflight with decorative metal grille over within front lightwell, internal alterations and removal of tree from rear garden.		
Agent	Savills		
On behalf of	Mr & Mrs Marco Arosio		
Registered Number	17/01993/FULL & 17/01994/LBC	Date amended	27 November 2017
Date Application Received	6 March 2017		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

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

2. SUMMARY

The application site forms one half of a grade II listed 1830's semi-detached villa pair located within the Bayswater Conservation Area.

Planning permission and listed building consent were granted on 13 December 2016 (RNs: 16/05395/FULL and 16/05396/LBC) for the excavation of a basement extension under the building and part of the front and rear gardens, with front and rear lightwells. The decision to grant permission and consent was subsequently the subject of a Judicial Review, which cited three linked grounds in relation to the City Council's assessment of the impact of the development in terms of flood risk, particularly from surface water flooding, given the site is located within a 'surface water flood risk hotspot' in the 'Basement Development in Westminster' Supplementary Planning Document (October

2014). The grounds for the Judicial Review are set out in further detail in Section 6.2 of this report. The Judicial Review was not contested and the Consent Order was sealed by the court on 9 March 2017 thereby quashing the permission and consent granted on 13 December 2016.

Prior to the permission and consent that were quashed in March 2017, two earlier appeals against non-determination had been dismissed on 22 September 2015 and 20 May 2016 for excavation of basement extensions of differing detailed design. In both of these decisions, the Inspector and City Council concluded that the principle of the basement extension was acceptable; albeit it is recognised that this was prior to the adoption of the 'basement development' policy, CM28.1 in the City Plan in July 2016, and this report re-examines the acceptability of the principle of basement development below this listed building in light of the adoption of this policy. The dismissed appeals identified elements of the detailed design, in relation to the front and rear lightwells, which were not appropriate in listed building and conservation area terms.

The applications for permission and consent that have now been submitted propose the excavation of a basement below the existing house and part of the front and rear gardens, demolition and rebuilding of the rear lower ground floor level conservatory, enlargement of the front lightwell, insertion of a rooflight with a decorative metal grille over within front lightwell, internal alterations and the removal of tree from rear garden.

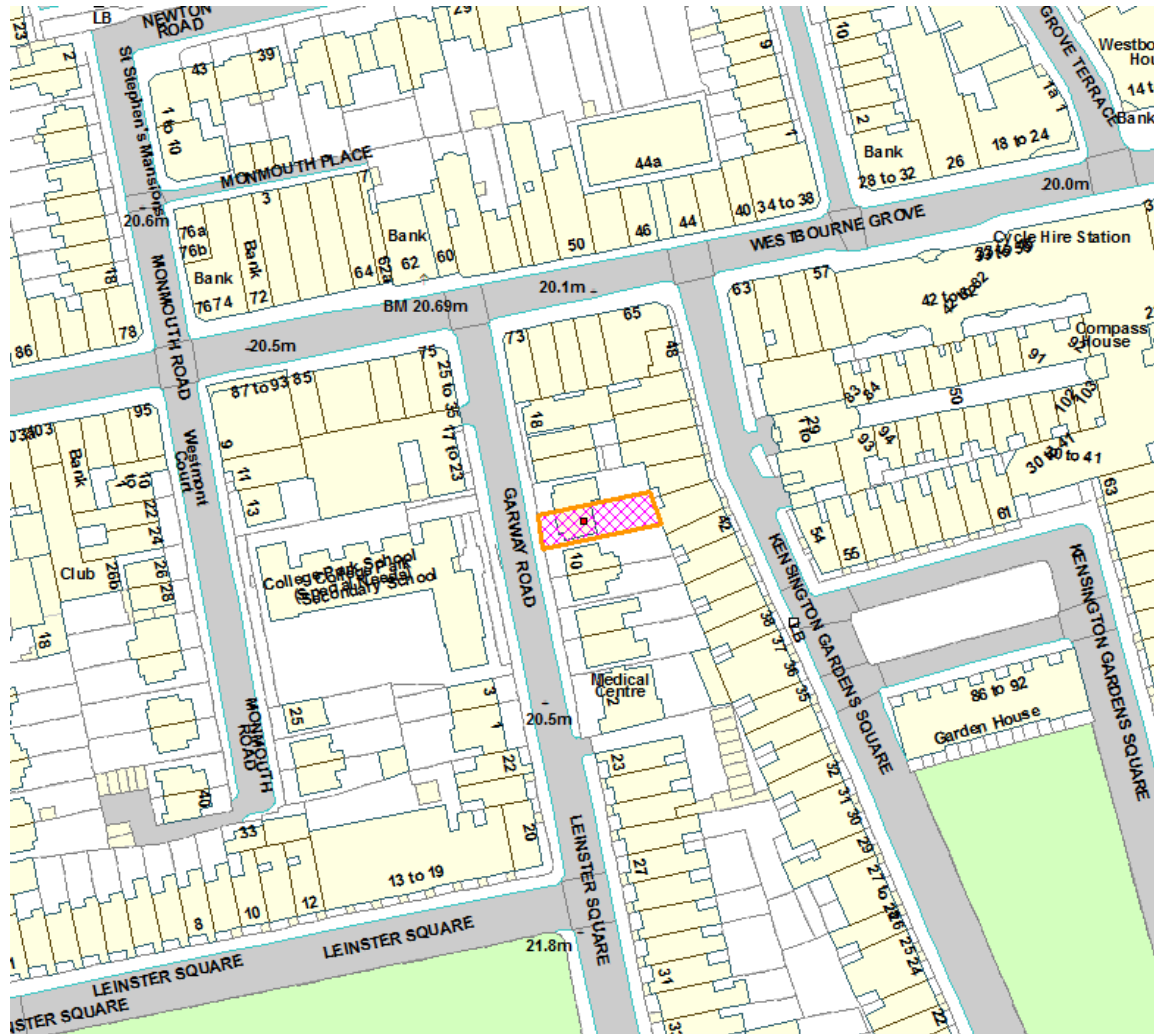
Also of note is that an application for the excavation of a basement extension below the neighbouring property at No.14 Garway Road, which comprises the other half of this semi-detached villa pair, is also on this committee meeting agenda (Item 4).

The key considerations in this case are:

- The impact of the proposed internal and external alterations on the significance of the listed building and the setting of the listed paired villa.
- The impact of the proposed external alterations on the character and appearance of the Bayswater Conservation Area.
- The compliance of the proposed basement with the basement development policy (CM28.1 in the City Plan), including the impact of the development on flood risk and the appropriateness of the structural methodology in terms of its suitability to the ground conditions in this location and its ability to safeguard the host listed building and its neighbour at No.14.
- The impact of the proposed development on trees on the site and adjacent to it.
- The impact on the amenity of neighbouring residents.

For the detailed reasons set out in this report, it is not considered that the proposed development would harm the significance of the host listed building, the setting of neighbouring listed buildings including No.14 Garway Road or the character and appearance of the Bayswater Conservation Area. Furthermore, the current application demonstrates general compliance with the basement development policy (Policy CM28.1 in the City Plan) and is also acceptable in land use, amenity and environment terms. Accordingly, the proposed development would comply with the relevant policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). Therefore, it is recommended that planning permission and listed building consent are granted subject to the conditions set out in the draft decision letters appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation with No.12 on right (top) and existing front lightwell (bottom).



Existing lower ground floor level conservatory (top) and rear patio area (bottom).

5. CONSULTATIONS

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

ARBORICULTURAL MANAGER:

Proposal results in loss of a bay tree in the rear garden, which is considered regrettable, but has previously been accepted as part of the scheme considered at appeal. Trial excavations demonstrate that roots of the Sycamore in adjacent garden are unlikely to be affected by rear excavation. Trees to be retained to the rear must be protected during works. Proposed basement below the front garden would have an undeveloped margin and a soil depth of 1300mm above it and this is welcomed. The undeveloped margin at the rear would be offset/ provided on one side of the basement only and there would be no soil depth provided over the rear section of the basement. Considers that the offsetting of the undeveloped margin and lack of soil depth are contrary to Policy CM28.1 in the City Plan (the 'basement development' policy). Notes though that the excavation to the rear would be below the existing sunken patio/ shallow lightwell. On balance raises no objection, but recommends landscaping and replacement tree planting is secured by condition.

BUILDING CONTROL

Further to the provision of further information in April 2017 and November 2017 the following comments have been provided. The structural stability, geology and hydrology issues have all been adequately covered in the submitted documents.

Structural Stability:

- While engineering and structural matters are controlled through the Building Act 1984, Building Regulation 2010 and the party Wall Act 2005, the feasibility report submitted illustrates that the basement can be achieved, whilst structurally supporting the building, with piles and steel framing for lateral support.
- The buildings do not have any visible damage from wartime bombing. The basement will provide a firm base for the buildings above.

Geology:

- A site investigation in 2014 with 6m deep test excavations showed that the subsoil was firm to stiff London clay, so there would be no damming effect from the concrete construction of the basement.

Hydrology:

- The site does not fall within a sea or river floodplain and there is a low chance of flooding by extreme rainfall. The site investigation shows that surface water only flows in the top 1.6m of permeable soil.
- The proposed basement would be constructed in London clay which has a very low rate of absorption. The basement will result in the replacement of the existing drainage system and will allow for the increased capacity of storage for drainage in line with the Building Regulations. The new system will have a sump system, to deal with any water ingress through the wall or from under the slab.

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3

- The proposal would not increase flood risk to other properties and this property could be 'operated' safely.

CLEANSING MANAGER

No objection. Condition recommended.

ENVIRONMENT AGENCY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection. Conditions and informatives recommended.

HISTORIC ENGLAND

Do not consider it necessary to be consulted.

LONDON AND MIDDLESEX ARCHAEOLOGY SOCIETY (LAMAS)

Strong objection to the insertion of a basement under the whole site was deemed wholly inappropriate.

ANTICENT MONUMENT SOCIETY

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHEAOLGY

Any response to be reported verbally.

THE GEORGIAN GROUP

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

THE VICTORIAN SOCIETY

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Consultation on Originally Submitted Scheme (April/ May 2017)

No. Consulted: 24.

Total No. of Replies: 3.

No. of Objections: 2.

No. of Support: 1.

Objection raised on all or some of the following grounds:

Design, Conservation and Listed Building Issues:

- Clerestorey windows and lay-lights should be omitted from the front lightwell in accordance with the appeal decision dated 20 March 2016.
- Concern that the basement would adversely affect the hierarchy of the listed building, contrary to Policy CM281(B)(6). Note that the 'Basement Development in Westminster' SPD adopts a 'case by case' approach to basements development below listed buildings having regard to the impact on the significance of the building.
- Note that the number of floors is part of the list description and consider that the hierarchy and significance of the building would be harmed.
- Submitted Heritage Statement fails to address the issue of hierarchy of spaces within the building.
- Consider that the scheme would cause less than substantial harm, as defined by Para 134 of the NPPF, but that this is not outweighed by any public benefits.
- Applicants approach to assessing harm to the heritage asset does not accord with the NPPF.
- 'Basement Development in Westminster' SPD advises that the structural method statement should be prepared by a CARE accredited engineer with expertise in historic buildings, but the appointed engineers do not appear to have this qualification. This risks harm to the heritage asset.

Flood Risk Issues:

- Adverse impact on drainage from basement.
- Adverse impact on flood risk.
- Application should be accompanied by a flood risk assessment in compliance with CM28.1 in the City Plan and the 'Basement Development in Westminster' SPD as is located within a Surface Water Hotspot.
- CMS submitted by the applicant is not a flood risk assessment.
In absence of a flood risk assessment it is not possible to determine what mitigation measures are required.

Other Issues:

- Loss of green space from rear garden.
- Harm to retained trees and loss of trees.
- Removal of tree would reduce privacy of neighbours.
- Noise and disturbance from construction works.
- Additional light spill from larger windows, doors and rooflights.
- Security lights, if installed, would cause light pollution.

One email received from a neighbouring occupier stating they share a party wall and they support the proposal.

Consultation on Revised Scheme Including Flood Risk Assessment dated 21 November 2017 (December 2017/ January 2018)

No. Consulted: 3.

Total No. of Replies: 1.

No. of Objections: 1.

No. of Support: 0.

Objection received from the represent of the three freeholders of 14 A, B and C Garway Road maintain the grounds for objection raised in their earlier representation dated 2 May 2017.

These applications were due to be considered by Sub-Committee on 6 March 2018. However, the applicant's Flood Risk Assessment was unavailable to view online. The document is now available to view. The objector raising the flood risk issue was re-consulted on 5 March, giving a further 21 days to comment. Any responses will be reported verbally to Sub-Committee.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a grade II listed, early 1830's semi-detached single bay house with side flanking wing. It has attractive brick with stucco detailing and comprises lower ground, ground and two upper floors, below a shallow pitched roof. The building is in use as a single dwelling house.

The house is broadly symmetrical to No.14 and together they form a typical Regency villa composition. These remaining examples of the earlier forms of development within Bayswater positively contribute to the architectural and historical character and appearance of the Bayswater Conservation Area in which they are located.

In terms of the wider context, the neighbouring semi-detached pair to the south at Nos.8 and 10 Garway Road are also grade II listed. Opposite the site is the relatively recently rebuilt College Park School, whilst to the rear of the site the terrace properties facing Kensington Gardens Square are also grade II listed.

6.2 Recent Relevant History

9 March 2017: Consent Order granted quashing the permission and listed building consent of 13 December 2016. The complainant's grounds for bringing the Judicial Review that led to the Consent Order were that in granting planning permission and listed building consent the City Council:

- i. Failed to comply with Policy CM28.1 in the City Plan, which requires the submission of a flood risk assessment for basement development in 'surface water flood risk hotspots', as defined in the 'Basement Development in Westminster' SPD (October 2014);
- ii. Failed to adequately consider all relevant material considerations, namely, it did not have regard to impact of the development on surface water flooding (including cumulatively with No.14); and the impact of the proposed development on flood risk
- iii. Made an error of fact by granting permission and consent on the basis that objections relating to flood risk had been satisfactorily addressed by officers,

members and at the previous appeal relating to No.14 Garway Road (see Item 4 on this committee agenda).

13 December 2016: Permission and listed building consent granted under delegated powers for 'Excavation of a basement extension under building and front and rear gardens, with front and rear lightwells' (RNs: 16/12221/FULL and 16/12222/LBC). These decisions were later quashed (see above).

20 May 2016: Non-determination appeals in respect of planning and listed building consent applications for 'Basement extension under the house and part of the garden' were dismissed (RNs: 15/09360/FULL and 15/09361/LBC).

In dismissing the appeal, the Inspector had concerns regarding the clerestory windows and lay-lights/ rooflights within the front lightwell. The Inspector stated *'Light would play on the façade of the building from the clerestory windows, and this would appear out of place and disturb the appearance of the building after dark... There would also be lay-lights in the floor of the basement area and these together with the windows would be visible from the house and the front steps, and the interests of listed buildings is not confined only to those places accessible to the general public'*.

The Inspector also raised concerns regarding the lack of soil depth within the front garden area to be reinstated. The Inspector had regard to the 'Basement Development in Westminster' SPD and noted that whilst an SPD compliant depth of 1 metre plus a 200mm drainage layer was not necessarily required, the depth proposed was not sufficient. The Inspector concluded that *'The risk is that the garden area would not suit or support the level of soft landscaping necessary to even go some way to softening the harsh and intrusive lines of the enlarged basement lightwell and its glazing, in addition to which, in listed buildings, hiding inappropriate or jarring details by planting would not overcome the harm that would have been caused. Whilst the proposals result in only a 'modest increased depth' as was suggested by the previous Inspector, this modest visual increase would have an adverse effect on the appearance of the designated heritage assets of the listed building and the wider conservation area'*.

22 September 2015: Non-determination appeals in respect of planning and listed building consent applications for "Excavation of basement extension, demolition and rebuilding of single storey rear extension, removal and replacement of front garden boundary wall and railings" were dismissed on design and listed building grounds (see appeal decision in background papers) (RNs: 14/11717/FULL and 14/11718/LBC).

In dismissing the appeal, the Inspector concluded that the removal of an original window and introduction of French doors to the front elevation at lower ground floor level and the enlargement of the existing front lightwell would harm the special interest of the listed building. To the rear the Inspector had concerns regarding the size and design of the rear lightwell. She stated that it *'...would be a much wider and deeper feature than the one at the front, in part to include an external staircase to the rear garden. It would not directly abut the original listed building but nonetheless it would be a very large and incongruous feature, which the Council aptly describes as having a moat effect'*. For these reasons the Inspector concluded that the rear lightwell proposed would diminish and detract from listed building and its garden setting.

However, whilst the appeal was dismissed, the Inspector did note that ‘...the basement proposal would not harm the listed buildings structural integrity, plan form, or hierarchy of spaces. I therefore find no objection in principle to the overall size of the basement, even though it would extend beyond the listed building’s existing footprint’. The Inspector also concluded that the removal of the Bay tree from the rear garden was not objectionable subject to a replacement tree being secured by condition.

In determining the appeal, the Inspector did not apply Policy CM28.1, which was at that stage a draft policy, which was not being applied by the City Council to proposals for basement development received before November 2015. The Inspector did though provide the following commentary in terms of compliance with the then emerging policy:

‘It is also the case that the proposed lightwell arrangement would not accord with emerging basement Policy CM28.1 part A9 in failing to protect the character and appearance of the building, garden setting or surrounding area as the lightwell would not be sensitively designed or discreetly located. However, the shortcomings identified in this Decision adversely affect the listed building and its setting, and as a result the emerging Policy is not determinative of these Appeals, since the adopted policy and Supplementary Planning Document are sufficient with regard to the specifics of the proposal. The apparent anomaly between the stated implementation date of November 2015 and the guidance in the Framework need not be addressed’.

22 September 2015: Non-determination appeals in respect of planning and listed building consent applications for: “Installation of five roof lights to main roof, one roof light to flat roof, one window to side elevation at lower ground floor level, removal of window in side elevation at second floor level, erection of front porch and front boundary treatment and associated internal alterations” were part dismissed/ part allowed (14/11841/FULL and 14/11842/LBC).

The Inspector resolved to refuse the rooflights within the main roof of the building, but allowed the other alterations proposed by the appeals, subject to conditions. In terms of the rooflights, in dismissing this part of the appeal the Inspector concluded that ‘adding so many rooflights would harm rather than preserve the listed building’s special interest’.

7. THE PROPOSAL

Permission and listed building consent are sought for the excavation of a basement extension below the existing house and part of the front and rear gardens, demolition and rebuilding of the rear lower ground floor level conservatory, enlargement of the front lightwell, insertion of a rooflight with decorative metal grille over within front lightwell, internal alterations and removal of a Bay tree from the rear garden.

The current scheme is similar to the scheme quashed following Judicial Review (see Section 6.2), but the design of the basement has been amended to take into account the requirements of Policy CM28.1 in the City Plan and a flood risk assessment has been submitted in support of the application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwelling house accords with Policy H3 in the UDP and is acceptable in land use terms.

8.2 Townscape and Design

8.2.1 Legislative and Policy Context

In term of national legislative context, Section 16 of the Planning (Listed Buildings and Conservation Area) Act 1990 (as amended) requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historical interest which it possesses, when considering whether to grant listed building consent.

Section 66 of the same act requires the local planning authority to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest it possesses, when considering whether to grant planning permission for development affecting a listed building or its setting.

Section 72 of that act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In design, conservation and historic building terms Policies DES1, DES5, DES9 and DES10 in the UDP and Policies S25, S28 and CM28.1 in the City Plan are relevant.

8.2.2 Significance of the Affected Heritage Assets

No.12 Garway Road, along with its semi-detached pair, dates from the mid-nineteenth century and represents the first phase of townscape development on this site. The semi-detached villa layout was a typical form of development during this mid-nineteenth century period and alongside rows of terraced housing were and remain the predominant form of development in this part of Bayswater/ Westbourne.

To the front façade the two semi-detached villas exhibit a high degree of symmetry with a main four storey block flanked by lower entrance wings. A hipped roof with oversailing eaves has a central party wall with chimney stacks. The villas comprise lower ground floor, a raised ground floor and two upper floors and the front façade exhibits a classical hierarchy with raised ground floor appearing as the main floor level, with diminishing window sizes to the upper floors. The lower ground floor windows are subordinate in prominence. The symmetry of the villas is less evident to the rear, where later extensions have altered the original form.

In terms of the interior the principal ground floor layout retains much of its historic plan form and character with cornices and traditional joinery surviving. The double door between the two main rooms is likely to be a later alteration. The main staircase, within the side bay retains its original detailing with an open string balustrade and a curtail step with volute newel post at its base. The room to the rear of the staircase is likely to form part of a later extension of the side wing.

The first floor layout again maintains its historic cellular floor plan, with front and rear rooms divided by a stair flight from first to second floor. Original joinery survives at this level. The floor plan of the side wing appears to have undergone modification and extension and these secondary areas are now used to provide ensuite facilities.

At second floor level while two main rooms survive these spaces have undergone some alteration including the introduction of a bathroom within the front room and the addition of a wide dormer in the side of the roof.

The lower ground floor is where the greatest degree of change to the layout and historic floor plan has occurred. While the stair flight down from the ground floor appears to be in its original location and may retain some original fabric, the historic plan form has been heavily eroded with the removal of the cross wall between front and back rooms; the removal of sections of wall between the entrance wing and the main house; and the addition of a modern rear conservatory extension accessed via a double-width door opening in the rear wall. The effect of these changes has been to create a modern open plan layout to this floor level.

In terms of the significance of No.12 Garway Road as a designated heritage asset, it is considered that its external appearance, along with its pair at No.14, make an important contribution to the historic and architectural character of the townscape, exhibiting the original appearance of a first phase of development in the area. The paired villa design, with classical elements is also reflective of late Georgian/ early Victorian development, which is found elsewhere within the conservation area and makes a very important contribution to the area's character and appearance. Thus the external appearance of the building has significance both in terms of historical value and in terms of aesthetic value.

The interior of No.12 also contributes to its significance with a discernible hierarchy of spaces and traditional plan form, which are common features within properties of this period. There are also numerous elements of surviving historic fabric and/ or later complementary fabric. It is considered that the ground floor spaces and the main staircase make the greatest contribution to the significance of the interior, having undergone the least amount of modification. The second floor and to a greater degree the lower ground floor make a lesser contribution to the significance of the building, having undergone quite considerable alteration, particularly in the case of the lower ground floor. The interior elements which contribute to the building's significance do so in terms of historical value and aesthetic value, but the degree of significance varies with elements such as the ground floor and staircase making a far greater contribution than areas such as the lower ground floor.

In terms of the significance of the Bayswater Conservation Area, this is a large conservation area which can be characterised as primarily residential and of nineteenth century date; however, it is composed of sub-areas and in this instance Garway Road sits within the western extent of the conservation area, which is predominantly mid to late nineteenth century speculative housing in the form of villa style properties and to a greater extent terraced housing. The conservation area has historic and aesthetic value revealing the westward expansion of London in the Victorian period. Unquestionably the

appearance of Nos.12 and 14 Garway Road underpin and reinforce this character and appearance.

Objection has been raised on grounds that the proposed basement would harm the significance of the listed building, particularly in terms of the hierarchy of spaces within the listed building and as it would add to the number of floors within the building relative to those described in the list description.

In this case the principle of forming a basement extension below the existing building and parts of the front and rear gardens is considered acceptable. This is because the proposal would not result in the loss of historic fabric of significance at lower ground floor level, as there is little internal fabric of interest at this floor level, and as the hierarchy of the original floors within the building would remain, with the internal link to the new basement confined to a discreetly located single staircase below the existing stair at lower ground floor level.

In addition to the basement having no adverse impact on the significance of the interior; its discreet external manifestations are such that there would be no adverse impact on the external appearance of the building, which would thus maintain its significance and that of the wider conservation area (see Sections 8.2.3 and 8.2.4).

In terms of the structural impact of the proposed basement on the existing listed building, basements can be safely constructed below existing structures through specialist design and construction, including hand excavation, sequential underpinning and temporary support for the internal structure. One objector notes that the structural engineer that drafted the submitted structural methodology does not appear to be a Conservation Accreditation Register for Engineers (CARE) accredited engineer. However, this is recommended by the 'Basement Development in Westminster' SPD and is not a requirement. Building Control have considered the submitted structural methodology and are content that it is sufficient to demonstrate that the proposed basement can be constructed without structural harm occurring to the heritage asset. The detailed structural design will be subject to building regulations approval. In this context the objections raised on structural grounds by neighbours and the LAMAS cannot be supported as a ground on which to withhold permission.

8.2.3 Alterations to Front Lightwell and Garden

When concluding her opinions on the front lightwell, the first Inspector made the following statement on its potential to be considered favourably:

'Subject to appropriate detailing of hard and soft landscaping to the front garden area, a modest increase in the depth of the light-well would not necessarily appear incongruous or detract from the listed building's setting, but that would not overcome the harm arising from loss of the existing window'.

The second appeal Inspector agreed with the City Council's view that the use of clerestory windows beneath the garden facing the house would not be appropriate to the setting of the houses. Clerestory windows do not form part of this proposal, notwithstanding the neighbour's statement in their objection that they do.

The front lightwell now proposed would be more enclosed with a higher retaining wall to the front garden. The proposed lightwell would be rectangular in form with a metal grille measuring 1m deep by 1.8 m wide located directly in front of the existing lower ground floor window in the floor of the lightwell. Below this grille, a rooflight is proposed to provide natural light to the front of the proposed basement. As above, the clerestory windows, which formed part of the previously refused proposal, in the side of retaining wall to the lightwell are no longer proposed and the historic sash window within the front elevation of the building at lower ground floor level will be retained.

Given the height of the retaining wall to the front of the lightwell, the less open character of the lightwell and its design (now a rooflight with a metal grille over), the proposed lightwell overcomes the concerns raised by the Inspectors in the earlier appeal schemes with regard to its detailed design and form. A condition is recommended to require further details of the design of the grille within the lightwell. The associated landscaping within the front garden area is also significantly improved from the earlier appeal schemes with 1.3m of soil and drainage depth provided over the basement where it projects below the front garden area and the structure of the basement designed to allow drainage from this area out under the highway (i.e. the soil within this area would not be isolated like a planter). As such, the concerns expressed by the previous Inspectors in respect of the landscaped setting of the listed building have been addressed in the current scheme.

As such, the external manifestations of the front of the proposed basement would have an acceptable visual impact in terms of the listed building, preserving its setting, as well as the character and appearance of the Bayswater Conservation Area.

8.2.4 Alterations to Rear Elevation

The demolition and rebuilding of the glazed rear extension, which was erected around 2010 is acceptable in principle and there would be no adverse impact on the significance or setting of the listed building as a consequence of this element of the application given that it involves the demolition and replacement of a modern addition to the building.

The rear lightwell proposed as part of the appeal determined in September 2015 was found by the Inspector to be excessive in size and had the effect of creating a 'moat' effect around the base of the rear of the building. As part of the subsequent scheme dismissed at appeal scheme in May 2016 the rear lightwell had been substantially reduced in scale and its relationship to the original building improved, such that the Inspector did not find the lightwell in the second appeal scheme harmful to the significance of the listed building or the character or appearance of the Bayswater Conservation area.

The reduced size of the rear lightwell and more discreet location in front of the closet wing remains the same as the second appeal scheme in the current application. Given the discreet location of the lightwell and its small size, it is not considered that it is contrary to the Policy CM28.1(B)(5), which was adopted after the determination of the second appeal.

8.2.5 Design, Conservation and Listed Building Conclusion

It is considered that the development proposed by the current planning and listed building consent applications preserves the overall character of the building's setting, its features of interest and the character of the Bayswater Conservation Area. Thus the alterations to the listed building are considered to accord with Policies DES 1, DES 5, DES 9 and DES10 in the UDP and Policies S25, S28 and CM28.1 (where relevant to design and heritage assets) in the City Plan. The proposal is also consistent with the relevant guidance provided in the 'Repairs and Alterations to Listed Buildings' SPG (1995) and the 'Basement Development in Westminster' SPD (2014) (in respect of design and heritage asset considerations – see also Section 8.7.1 of this report).

In line with the requirements of the NPPF, the significance of affected heritage assets has been considered and the impact on significance of the proposals has been assessed. It is concluded that the significance of the listed pair and of the conservation area would not be adversely affected by the proposals.

8.3 Residential Amenity

Given the subterranean location of the proposed extension and the fact the proposed rear extension replaces an extension of the same size in the same location, the alterations and extensions proposed do not give rise to significant amenity concerns.

Concern has been expressed by one neighbouring occupier that the loss of the Bay tree to the rear would result in additional overlooking and noise disturbance as the rear of the site would be less effectively screened compared to the existing situation. However, the loss of this tree has already been accepted at appeal and as such, permission could not reasonably be withheld on the basis of the privacy/ noise attenuation screening that the retention of this tree would provide.

The perceived loss of privacy from a greater extent of glazing is not considered to harm amenity. The existing conservatory will be removed and rebuilt, resulting in no net increase, while the new basement windows would be set within a narrow light well with very limited views out. As such, the additional glazing proposed at basement level would not result in a material increase in overlooking to neighbours.

Noise and disturbance arising from construction works is to be controlled by a condition limiting the hours of works, which will be more restrictive in respect of particularly noisy works of excavation, which will not be permitted at weekends.

As such, the scheme accords with Policies S29 and S32 in the City Plan and Policy ENV6 and ENV13 in the UDP and is acceptable in amenity terms.

8.4 Transportation/Parking

The proposed development does not raise any significant transportation or parking considerations.

The Cleansing Manager and the Highways Planning Manager have suggested conditions relating to waste storage and the opening of doors over the highway, but as the scheme represents an extension of an existing dwellinghouse and not the creation of

a new dwelling and as the scheme does not propose any doors or gates opening over the highway, these conditions have not been included in the draft decision letters.

8.5 Economic Considerations

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

8.6 Access

The proposed development would not alter the existing means of access to this private residential dwelling.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development

The 'Basement Development' policy in the City Plan (CM28.1) is split into four parts with not all parts and sub-sections being applicable in every case of basement development. In this case, parts A to C are relevant, whilst part D is not as the proposed basement does not extend under the highway.

In terms of parts A(1) and A(2) of the policy, the applicant has provided a site investigation report, a structural methodology prepared by a suitably qualified structural engineer and a flood risk assessment.

The structural methodology submitted has been assessed by Building Control who are content that the methodology proposed is appropriate for the ground conditions on this site and would safeguard the structural stability of the listed building and its nearby neighbours. Building Control officers have visited the site and are content that there are no signs of historical damage to the building that would mean the structural methodology proposed is not appropriate. As such, part A(3) of Policy CM28.1 has been satisfied.

Part A(4) of Policy CM28.1 requires that all applications for basement development will not increase or otherwise exacerbate flood risk on the site or beyond. It is the assessment of this aspect of the scheme determined in December 2016, which led to the permission and consent being Judicially Reviewed and subsequently quashed in March 2017. Objection has been received relating to the potential of flooding both within the building and increasing surface water flooding and stating that the flood risk assessment initially submitted is inadequate. Following the submission of a more detailed flood risk assessment in November 2017 the scheme has been the subject of further consultation, but the objector maintains their objection on this ground.

Due to the location of the site within Surface Water Flood Risk Hotspot 'No.10 – Bayswater', where there is a 1 in 100 year risk of flooding as a result of extreme rainfall leading to surface water flooding, in accordance with the requirements of Policy CM28.1 and the supplementary guidance in the 'Basement Development in Westminster' SPD, the current application is accompanied by a flood risk assessment (see copy of this document in the background papers). Other supporting documents with the current application have also been corrected from previous application to show the site within the 'hotspot' area.

Paragraph 6.3.6 of the 'Basement Development in Westminster' SPD states that basement development beneath gardens may result in increased surface water runoff through reducing infiltration capacity. Furthermore, the reduction in ground capacity may reduce the ability to act as a store for rainwater. The guidance adds that self-contained basement dwellings should be located outside of surface water 'hotspots', to reduce vulnerability to surface water flooding where possible.

Furthermore, the reasoned justification for City Plan Policy CM28.1 states that basements are more susceptible to flooding, both from surface water and sewage than conventional extensions, adding that fitting basements with positive pumped devices will ensure that they are protected from sewer flooding.

The proposed basement would not significantly increase the impermeable area of the site as it is largely contained below the existing building and the hard paved front lightwell and patio areas. Only where the basement extend below part of the front garden area would this increase impermeable area for water infiltration on the site. However, as identified in the application documents and by Building Control this is not a large area of additional impermeable area and the site is located above London Clay meaning that only the top 1.6m of top soil is readily permeable at present. Given these factors and as the scheme would allow for the replacement of 1.3m of soil and drainage layer over the front part of the basement where it would be below the front garden, it is not considered that the proposed basement would materially increase the surface water flood risk to other properties within the Surface Water Flood Risk Hotspot.

In terms of the proposed basement itself, the following measures are proposed by the applicant's engineer to ensure the new basement accommodation is resilient to future episodes of surface water flooding:

- The basement development will be entirely tanked (i.e. sealed from water ingress);
- Where perched groundwater is encountered (during site investigation / construction) a sump will be installed to eliminate any residual groundwater;
- A positive pumped sump will be permanently installed;
- Installation of a pump discharge to the foul sewer, along with 24hr attenuation storage;
- External floor levels to the lightwell will be set below the internal finished floor of the new accommodation;
- The soil area within the front garden area will be linked to adjoining areas of soil to allow drainage of water from this area in the event of water infiltration into the front garden. A condition is recommended to secure details of how this is to be designed.

In addition, the applicant has confirmed that a trial pit will be completed prior to undertaking the work to identify the level of the water table. The design of the foundations will have to satisfy the requirement of the Building Regulations which require the water table to be considered.

On the basis of the considerations set out in the preceding paragraphs, the proposed development would not exacerbate existing levels of flood risk and the mitigation

measures identified are considered to be adequate through maintaining the surface water infiltration capacity of the site and through incorporating suitable resistance and resilience measures within the design of the basement. For these reasons, it is considered that the proposal accords with part A(4) despite the site being located within a surface water flooding 'hot spot'. Accordingly, the objection raised on flood risk ground cannot be supported as a ground on which to withhold permission.

In terms of part A(5) of Policy CM28.1, which relates to construction impact of basement development, as noted in Section 8.3, it is recommended that the hours of construction works are controlled by condition. A further condition is recommended pursuant to the requirements of Policy CM28.1 in the City Plan, to require the construction works to construct the proposed basement to be carried out in accordance with the Code of Construction Practice, including the funding of monitoring of the site by the Environmental Inspectorate at the applicant's expense. The applicants have confirmed that they do not object to the recommended condition.

In respect of part A(6), which relates to the impact on archaeological deposits, the site is not within an Archaeological Priority Area and is a 'Tier 3' development under Historic England's Archaeological Risk Model. Accordingly, the proposal poses a negligible risk to archaeological remains and further assessment is therefore not required.

Part B(1) of the policy requires the provision of '*a satisfactory landscaping scheme, incorporating planting and permeable surfacing as appropriate*'. The provision of a soil and drainage layer depth of 1.3m over the element of the basement under the front garden allows for flexibility in terms of planting and this will allow an appropriate landscaping scheme to be delivered pursuant to the recommended landscaping condition. The permeable area to the rear will not be reduced from the existing arrangement and the landscaped area will remain the same and therefore the rear garden will be capable of providing landscaping commensurate with the existing situation.

The impact of the proposed development on trees is considered in Section 8.7.2 of this report and the loss of the Bay tree to the rear is considered acceptable subject to its replacement being secured by condition. Subject to this condition and a condition to secure details of tree protection measures during construction, part B(2) of the policy has been met.

The applicant's Design and Access Statement sets out that the highest levels of sustainability possible, having regard to the need to retain the historic fabric of the building, will be employed in delivery of the proposed development. This will include energy efficient insulation where possible, energy efficient boiler, use of water efficient fixtures and fittings and use of materials with a reduced carbon footprint, such as those that are recycled or recyclable. This approach is consistent with the requirements of part B(3) of policy CM28.1.

Part B(4) requires the inclusion of sustainable urban drainage measures to reduce peak run off and to reduce the general risk of flooding. The measures proposed have been set out earlier in this section of the report in respect of part A(4) of the policy and these are sufficient to ensure that the proposed development would not contribute to increased flood risk.

Parts B(5) and B(6) require basement development to protect the character and appearance of the existing building and surrounding area and to protect heritage assets. The impacts of the proposed development in these regards are considered separately in Section 6.2 of this report and have been found to be acceptable and in compliance with Policy CM28.1, the NPPF and other relevant policies within the development plan.

Part B(7) of CM28.1 requires the installation of a suitable pumped device to prevent sewer flooding. As set out earlier in this section of the report in respect of Part A(4) of the policy, the scheme would include such a pump and is therefore compliant with part B(7).

The final relevant part of Policy CM28.1 is part C. Part C(1) seeks to limit the size of basement development so that it extends beneath no more than 50% of the garden land and would leave a margin of undeveloped garden land proportionate to the scale of the development around the entire site boundary except where it is beneath the existing building. The proposed basement would extend under less than 50% of the garden land on the site. To both sides at the front and along the whole southern side of the site the extent of the basement would be compliant, with the basement proportionately set in from the site boundaries. To the front, the proposed basement would extend to the front edge of the site at the boundary with the highway. However, given this is a relatively small area, as a policy compliant soil depth is to be provided and as the soil volume is to be linked to other areas of soil around the perimeter to aid drainage, this is not considered to be such a significant departure from the policy requirement so as to warrant withholding permission.

To the rear the proposed basement would extent to the boundary with No.14 where it would be below the existing rear patio. However, given this is currently an impermeable surface and as the purpose of this part of the policy is to ensure the set back of basements from site boundaries to allow for the soak away of water, it is not considered that permission could reasonably be withheld in relation to this aspect of the proposed basement, as the aim of this part of the policy would not be undermined.

Part C(2) requires the provision of 1m of soil depth and a 200mm drainage layer over basements where they extend beyond existing buildings. To the front of the site, the proposal incorporates 1.3m of soil and drainage layer over the front part of the basement and this is compliant with this part of the policy. To the rear, where the proposed basement would be below the existing impermeable patio area there is no soil depth proposed. However, in this instance the patio area is shallow in projection from the house and acts as a shallow lightwell so as to allow access to the lower ground floor. In this context, and as a large area of garden would be undisturbed, it is not considered that permission could reasonably be withheld on the basis of this limited conflict with this particular part of Policy CM28.1.

In terms of part C(3), the proposed basement extension would be limited to a single storey and therefore it is compliant with this part of the policy.

In summary, the proposed basement is considered to be largely compliant with the Basement Development policy CM28.1, except where specifically identified in this section of the report. The area of transgression with the precise requirements of parts

C(1) and (2) are though sufficiently minor for the reasons set out so as not to warrant withholding permission.

8.7.2 Arboricultural Issues

The removal of the Bay tree within the rear garden was accepted by the Inspectors in the two previous appeal decisions in 2015 and 2016 and the Arboricultural Manager does not object to the loss of this tree, provided a replacement tree is secured by condition. A condition to secure a replacement tree is recommended, as well as conditions to secure details of tree protection measures for other trees on or close to the site during construction works and to secure a landscaping scheme for the front and rear gardens following completion of the development. Subject to these conditions, it is considered that the scheme would accord with Policies ENV16 and ENV17 in the UDP.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/ Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant these issues have been considered elsewhere in this report.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from Historic England dated 14 March 2017.
3. Memo from the Cleansing Manager dated 15 March 2017.
4. Email from the London and Middlesex Archaeological Society 11 April 2017.
5. Memo from the Highways Planning Manager dated 29 March 2017.
6. Memo from the Arboricultural Manager dated 20 December 2017.
7. Memo from Building Control dated 23 February 2018.
8. Email from the occupier of 14 Garway Road dated 19 March 2017.
9. Email from the occupier of 43 Kensington Garden Square dated 31 March 2017.
10. Email from the occupiers of 14 A, B, C Garway Road dated 2 May 2017 and

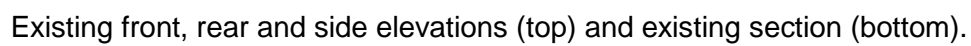
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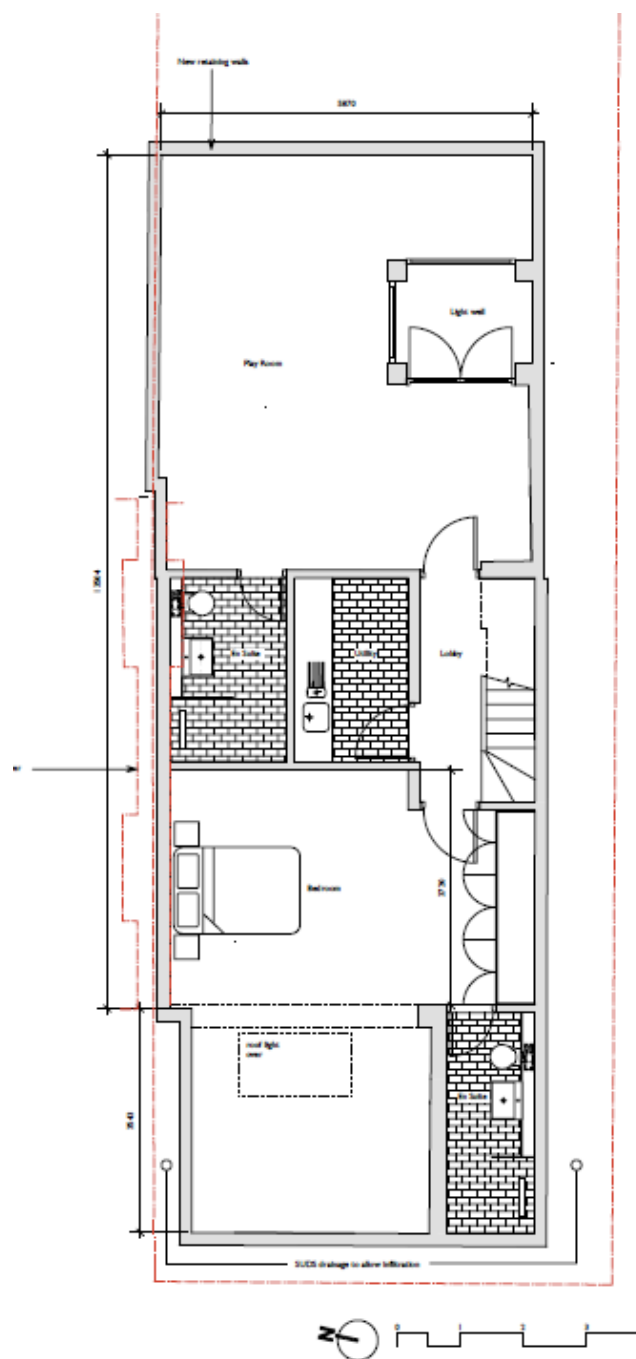
- attached documents (Appendix 1 and Appendices A to F).
11. Appeal decision letter dated 22 September 2015 and relevant drawings.
 12. Appeal decision letter dated 20 May 2016 and relevant drawings.
 13. Judicial Review Consent Order dated 9 March 2017 quashing planning permission and listed building consent dated 13 December 2016.
 14. Copy of planning permission and listed building consent dated 13 December 2016 and relevant drawings.
 15. Copy of applicant's Flood Risk Assessment dated 21 November 2017 prepared by Lyons O'Neil Structural Engineers.
 16. Email to occupier of 14 A, B, C Garway Road dated 22 February 2018.
 17. Email to occupier of 14 A, B, C Garway Road dated 02 March 2018.

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

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RICHARD LANGSTON BY EMAIL AT rlangston@westminster.gov.uk.</p>
--

Existing lower ground floor.



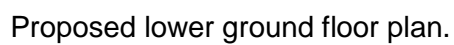


Unit 9, Shoreham Tiers Hall
 390 Old Street
 London EC1Y 1LT
 Tel: 020 7719 0099
 info@goldenharvestinteriors.com
 12 Garway Road, W2
 Basement Floor Plan
 as proposed
 BASEMENT APPLICATION
 1:50 @ A2 September 2017
534GR-20H

Proposed basement plan.



Proposed front, rear and side elevations (top) and proposed Section AA (bottom).





Proposed Section BB.

DRAFT DECISION LETTER

Address: 12 Garway Road, London, W2 4NH,

Proposal: Excavation of a basement below existing house and part of front and rear gardens, demolition and rebuilding of rear lower ground floor level conservatory, enlargement of front lightwell, insertion of rooflight with decorative metal grille over within front lightwell and removal of tree from rear garden.

Plan Nos: 534GR-01, 534GR-02B, 534GR-03, 534GR-06, 534GR-07, 534GR-11, 534GR-17C, 534GR-18D, 534GR-20H, 534GR-22F, 534GR-24E, 534GR-56 and 534GR-83E. Design and Access Statement dated February 2017, Listed Building Assessment dated October 2015, letter from Savills dated 6 March 2017, Flood Risk Assessment dated 21 November 2017, Construction Method Statement dated February 2017 (Rev.C) (for information only - see Informative 11), Tree Survey and Arboricultural Impact Assessment ('Revised October 2015').

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

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)

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- 3 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)

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

Reason:

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: Decorative grille to front lightwell shown in context with surrounding paving and rooflight below. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings and you must not occupy the basement extension until the grille has been installed. Thereafter the grille must be permanently retained in accordance with the details we approve. (C26DB)

Reason:

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

- 6 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. The landscaping scheme must include the provision of at least one tree to replace the Bay tree that is to be removed from the rear garden. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time

limit we agree to in writing).

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

Reason:

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

- 7 **Pre Commencement Condition.** Notwithstanding the content of the submitted arboricultural assessment, you must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 534GR-83E. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

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

- 8 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement where it extends beyond the front of the building and the front lightwell, as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

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

- The sustainable urban drainage system to be incorporated into the design of the structure of the front part of the basement to enable the flow of water through the areas of soil around the perimeter of the basement structure and below the highway.

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

Reason:

To reduce flood risk and improve the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

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 When you apply to us for approval of tree protection measures during construction works you must include details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:
 - o identification of individual responsibilities and key personnel.
 - o induction and personnel awareness of arboricultural matters.
 - o supervision schedule, indicating frequency and methods of site visiting and record keeping
 - o procedures for dealing with variations and incidents.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

- 3 When you apply to us to for approval of details of landscaping you must include section drawing(s) demonstrating how the soil above the basement will be connected to adjacent, unexcavated soil volumes.

- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 5 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 6 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)
- 7 You may need to seek technical approval for the works prior to commencement of development if they comprise a structure that is supporting the highway. You should contact Andy Foster on 020 7641 2541 in Engineering and Transportation Projects to progress the application for works to the highway.
- 8 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.
- 9 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 10 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

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

You are urged to give this your early attention

- 11 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

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Council in an in depth way in which it would at a building control stage 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 listed 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.

DRAFT DECISION LETTER

Address: 12 Garway Road, London, W2 4NH,

Proposal: Excavation of a basement below existing house and part of front and rear gardens, demolition and rebuilding of rear lower ground floor level conservatory, enlargement of front lightwell, insertion of rooflight with decorative metal grille over within front lightwell and internal alterations.

Plan Nos: 534GR-01, 534GR-02B, 534GR-03, 534GR-06, 534GR-07, 534GR-11, 534GR-17C, 534GR-18D, 534GR-20H, 534GR-22F, 534GR-24E, 534GR-56 and 534GR-83E. Design and Access Statement dated February 2017, Listed Building Assessment dated October 2015, letter from Savills dated 6 March 2017, Flood Risk Assessment dated 21 November 2017, Construction Method Statement dated February 2017 (Rev.C) (for information only - see Informative 3), Tree Survey and Arboricultural Impact Assessment ('Revised October 2015').

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

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

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of detailed drawings of the following parts of the development: Decorative grille to front lightwell shown in context with surrounding paving and rooflight below. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings and you must not occupy the basement extension until the grille has been installed. Thereafter the grille must be permanently retained in accordance with the details we approve. (C26DB)

Reason:

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

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

Reason:

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

Informative(s):

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

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

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

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It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 This consent 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 in an in depth way in which it would at a building control stage 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 listed 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. If this results in alterations to the impact of the development on the listed building, then further listed building consent may be required, as set out in Informative 2.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	14 Garway Road, London, W2 4NH,		
Proposal	Excavation of a basement floor below existing house and part of front garden, insertion of rooflight with decorative metal grille over within front lightwell, internal alterations, including the insertion of 3 rooflights in the floor of rear extension between lower ground and new basement level and removal of tree from front garden.		
Agent	Manalo & White Architects		
On behalf of	Mr Helio Romero de Diego		
Registered Number	16/06234/FULL & 16/06235/LBC	Date amended	27 November 2017
Date Application Received	07.07.2016		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

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

2. SUMMARY

The application site forms one half of a grade II listed 1830's semi-detached villa pair located within the Bayswater Conservation Area.

Planning permission and listed building consent are sought for the excavation of a basement floor below the existing house and part of the front garden, insertion of a rooflight with decorative metal grille over it within front lightwell, internal alterations, including the insertion of three rooflights in the floor of rear extension between lower ground and new basement levels and removal of a Mulberry tree from within the front garden.

The current applications for planning permission and listed building consent follow the dismissal of an appeal against non-determination of earlier planning and listed building consent applications for a similar development, including a basement extension with alterations to the front lightwell, formation of a rear lightwell and demolition and reconstruction of the modern rear extension on 20 May 2016. The current applications seek to overcome the grounds that the Inspector gave for dismissing the earlier appeal, as well as addressing the requirements of the subsequently adopted basement development policy in the City Plan, Policy CM28.1.

Also of note is that an application for the excavation of a basement extension below the neighbouring property at No.12 Garway Road, which comprises the other half of this semi-detached villa pair, is also on this committee meeting agenda (Item 4). The applications at No.12 Garway Road follow the quashing in March 2017 of the planning permission and listed building dated 13 December 2016 that were granted for development including a basement extension with front and rear lightwells. Full details of the planning history for No.12 Garway Road can be found in the report on this agenda for the current applications at that address.

The key considerations in this case are:

- The impact of the proposed internal and external alterations on the significance of the listed building and the setting of the listed paired villa.
- The impact of the proposed external alterations on the character and appearance of the Bayswater Conservation Area.
- The compliance of the proposed basement with the basement development policy (CM28.1 in the City Plan), including the impact of the development on flood risk and the appropriateness of the structural methodology in terms of its suitability to the ground conditions in this location and its ability to safeguard the host listed building and its neighbour at No.14.
- The impact of the proposed development on trees on the site and adjacent to it.
- The impact on the amenity of neighbouring residents.

For the detailed reasons set out in this report, it is not considered that the proposed development would harm the significance of the host listed building, the setting of neighbouring listed buildings including No.12 Garway Road or the character and appearance of the Bayswater Conservation Area. Furthermore, the application demonstrates general compliance with the basement development policy (Policy CM28.1 in the City Plan) and is also acceptable in land use, amenity and environment terms. Accordingly, the proposed development would comply with the relevant policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). Therefore, it is recommended that planning permission and listed building consent are granted subject to the conditions set out in the draft decision letters appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation (No.14 to left of photograph) (top) and rear elevation as seen from No.12 (bottom).



Existing front lightwell.

5. CONSULTATIONS

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Mulberry tree in front garden is small but attractive and until recent pruning without notification to the Council it made a positive contribution to the character and appearance of the conservation area. Difficult to object to its removal given its current condition but it should be replaced. Support soil depth proposed over basement below front garden but soil depth should be the same across whole of the front garden (i.e. omitting the stepped lightwell) and this soil volume should be linked to surrounding volumes of soil and not treated as a 'planter'. Tree protection measures in the application documents need amendment and updating and it is suggested that details of tree protection measures and a landscaping scheme for the site are secured by condition.

BUILDING CONTROL

Further to the provision of further information in April 2017 and November 2017 the following comments have been provided. The structural stability, geology and hydrology issues have all been adequately covered in the submitted documents.

Structural Stability:

- While engineering and structural matters are controlled through the Building Act 1984, Building Regulation 2010 and the party Wall Act 2005, the feasibility report submitted illustrates that the basement can be achieved, whilst structurally supporting the building, with piles and steel framing for lateral support.
- The buildings do not have any visible damage from wartime bombing. The basement will provide a firm base for the buildings above.

Geology:

- A site investigation in 2014 with 6m deep test excavations showed that the subsoil was firm to stiff London clay, so there would be no damming effect from the concrete construction of the basement.

Hydrology:

- The site does not fall within a sea or river floodplain and there is a low chance of flooding by extreme rainfall. The site investigation shows that surface water only flows in the top 1.6m of permeable soil.
- The basements are constructed in London clay which has a very low rate of absorption. The basement will result in the replacement of the existing drainage system and will allow for the increased capacity of storage for drainage in line with the Building Regulations. The new system will have a separate sump system for each property, to deal with any water ingress through the wall or form under the slab.
- The proposal would not increase flood risk to other properties and this property could be 'operated' safely.

ENVIRONMENT AGENCY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection in principle. The rooms in the basements and lower ground floor are acceptable for habitable use on proportionality grounds if these are used with rest of the premises as part of a single family dwelling. If new basement rooms are used as staff accommodation or separate habitable use this would likely fail the Housing Health and Safety Rating System test under the Housing Act 2004 and be subject to enforcement action by the Residential Enforcement Team. Advice provided on means of escape and ventilation matters and conditions and informatives recommended.

HIGHWAYS PLANNING MANAGER

No objection. Conditions and informatives recommended.

HISTORIC ENGLAND

Do not consider it necessary to be consulted.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVEDConsultation on Originally Submitted Scheme (July/ August 2016)

No. Consulted: 68.

Total No. of replies: 3.

No. of objections: 3.

No. of support: 0.

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

Amenity

- Loss of privacy.
- Light pollution from increased glazing.
- Noise disturbance from use of proposed basement.

Other Matters

- Harm to/ loss of trees.
- Noise disturbance from construction works.

Consultation on Revised Scheme Including Flood Risk Assessment dated 21 November 2017 (December 2017/ January 2018)

No. Consulted: 5.

Total No. of Replies: 2.

No. of Objections: 2.

No. of Support: 0.

Two objections received raising objection on all or some of the following grounds:

Amenity

- Loss of privacy.
- Light pollution from increased glazing.
- Noise disturbance from use of proposed basement.

Other Matters

- Harm to/ loss of trees.
- Noise disturbance from construction works.
- Objection received from the representative of the three freeholders of 14 A, B and C Garway Road stating that they maintain the grounds for objection raised in their earlier representations made on the planning application. (Note that the City Council has no record of earlier representations on this planning application and has written to the objector on 22 February 2018 requesting that they make a copy of their earlier representation, if one was made, available for consideration).

These applications were due to be considered by Sub-Committee on 6 March 2018. However, the applicant's Flood Risk Assessment was unavailable to view online. The document is now available to view. The objector raising the flood risk issue was re-consulted on 5 March, giving a further 21 days to comment. Any responses will be reported verbally to Sub-Committee.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a grade II listed, early 1830's semi-detached single bay house with side flanking wing. It has attractive brick with stucco detailing and comprises lower ground, ground and two upper floors, below a shallow pitched roof. The rear elevation is dominated by a large two storey predominantly glazed extension, which replaced an earlier addition to the building of similar scale. The building is in use as a single dwelling house.

The house is broadly symmetrical to No.12 and together they form a typical Regency villa composition. These remaining examples of the earlier forms of development within Bayswater positively contribute to the architectural and historical character and appearance of the Bayswater Conservation Area in which they are located.

In terms of the wider context, the neighbouring semi-detached pair, to the south of No.12 at Nos.8 and 10 Garway Road, are also grade II listed. Opposite the site is the relatively recently rebuilt College Park School, whilst to the rear of the site the terrace properties facing Kensington Gardens Square are also grade II listed.

6.2 Recent Relevant History

20 May 2016: Non-determination appeals in respect of planning and listed building consent applications for 'Excavation of a new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell and removal of tree from front garden' were dismissed (RNs: 15/05881/FULL and 15/05882/LBC).

In dismissing the appeal, the Inspector had concerns regarding the clerestory windows and lay-lights/ rooflights proposed within the front lightwell. The Inspector concluded that they *'...would allow light to play on the façade of the building ...and this could appear out of place and disturb the appearance of the building after dark... There would also be lay-lights in the floor of the basement area and these together with the windows would be visible from the house and the front steps, and the interests of listed buildings is not confined only to those places accessible by the general public. As it is there would be a risk of harm to the character and appearance of the conservation area from light spillage'*.

The Inspector also agreed with the City Council that the positioning of one of the proposed internal lay-lights/ rooflights within the original building at lower ground floor level was unacceptable in listed building terms. The Inspectors comments on the positioning of the internal lay-lights were as follows: *'The one near the cooking range is shown inboard of the walls of the chimney breast to a sufficient degree and the precise arrangement could be conditioned. The one by the front doors however is over large and does not have any visible margin, and as such would appear as an incongruous feature, risking being seen in the same views as the front elevation of the building, and in that location the possibility of lighting from underneath would be harmful, not in denoting a basement, but in the intrusive and unusual effect. The external lay-light would have a similar harmful effect'*.

The Inspector was not convinced that the Mulberry tree must be retained, but he was clear that *'...there would be a need to maintain at least the existing level of planting'*. The Inspector concluded that the City Council was right to be sceptical that the appeal scheme would have the ability to reintroduce meaningful landscaping and that this would result in harm to the character and appearance of the Bayswater Conservation Area.

The Inspector concluded that whilst there was harm as a result of the areas of concern identified above, the harm was less than substantial harm as per paragraph 134 of the NPPF.

26 November 2012: Permission and listed building consent granted for installation of recessed letter box and call point to existing brickwork pier; removal of flower bed in front garden and installation of new gate to side boundary entrance. Installation of storage cupboard below front flower beds within front lightwell (RNs: 12/08641/FULL and 12/08642/LBC).

18 August 2011: Permission and listed building consent granted for installation of new security gate, and retention of new drainage pipework locations, flower bed in front garden and lights to front basement lightwell elevation (RN: 11/01782/FULL and 11/01783/LBC).

5 January 2010: Permission and listed building consent granted for infill of window opening on side (north) elevation at lower ground floor level and formation of new window opening on side (north) elevation at lower ground floor level (RNs: 09/08439/FULL and 09/08440/LBC).

29 September 2009: Permission and listed building consent granted for alterations during the course of construction to a scheme granted planning permission 22 June 2004 (RN: 04/03270) for removal of existing dormer windows and rear conservatory. Erection of new conservatory to rear and works to alter existing internal layout; namely, revised design of alterations and extensions (RNs: 09/05941/FULL and 09/05942/LBC).

22 June 2004: Permission and listed building consent were granted for removal of existing dormer windows and rear conservatory. Erection of new conservatory to rear and works to alter existing internal layout (RNs: 04/03270/FULL and 04/02383/LBC).

7. THE PROPOSAL

Planning permission and listed building consent are sought for the excavation of a basement floor below existing house and part of the front garden, insertion of a rooflight with decorative metal grille over it within front lightwell, internal alterations, including the insertion of three rooflights in the floor of rear extension between lower ground and new basement levels and removal of a Mulberry tree from within the front garden.

The current applications for planning permission and listed building consent follow the dismissal of an appeal against non-determination of earlier planning and listed building consent applications for a similar development, including a basement extension with alterations to the front lightwell, formation of a rear lightwell and demolition and reconstruction of the modern rear extension on 20 May 2016. The current applications seek to overcome the grounds that the Inspector gave for dismissing the earlier appeal, which are set out in section 6.2 of this report, as well as addressing the requirements of the subsequently adopted basement development policy in the City Plan, Policy CM28.1.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwelling house accords with Policy H3 in the UDP and is acceptable in land use terms.

8.2 Townscape and Design

8.2.1 Legislative and Policy Context

In term of national legislative context, Section 16 of the Planning (Listed Buildings and Conservation Area) Act 1990 (as amended) requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historical interest which it possesses, when considering whether to grant listed building consent.

Section 66 of the same act requires the local planning authority to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest it possesses, when considering whether to grant planning permission for development affecting a listed building or its setting.

Section 72 of that act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In design, conservation and historic building terms Policies DES1, DES5, DES9 and DES10 in the UDP and Policies S25, S28 and CM28.1 in the City Plan are relevant.

8.2.2 Significance of the Affected Heritage Assets

No.14 Garway Road, along with its semi-detached pair, dates from the mid-nineteenth century and represents the first phase of townscape development on this site. The semi-detached villa layout was a typical form of development during this mid-nineteenth century period and alongside rows of terraced housing were and remain the predominant form of development in this part of Bayswater/ Westbourne.

To the front façade the two semi-detached villas exhibit a high degree of symmetry with a main four storey block flanked by lower entrance wings. A hipped roof with oversailing eaves has a central party wall with chimney stacks. The villas comprise lower ground floor, a raised ground floor and two upper floors and the front façade exhibits a classical hierarchy with raised ground floor appearing as the main floor level, with diminishing window sizes to the upper floors. The lower ground floor windows are subordinate in prominence. The symmetry of the villas is less evident to the rear, where later extensions have altered the original form. This is particularly the case where a two storey full width extension obscures the whole of the rear of the original building at lower ground and ground floor level.

In terms of the interior the principal ground floor layout retains much of its historic plan form and character with cornices and traditional joinery surviving. The double door between the two main rooms is likely to be a later alteration. The main staircase, within the side bay retains its original detailing, albeit unlike No.12, the original handrail and balustrade have been lost. The room to the rear of the staircase is likely to form part of a later extension of the side wing.

The first floor layout again maintains its historic cellular floor plan, with front and rear rooms divided by a stair flight from first to second floor. Original joinery survives at this level.

At second floor level while two main rooms survive these spaces have undergone some alteration including the introduction of en-suite bathroom to both rooms.

The lower ground floor is where the greatest degree of change to the layout and historic floor plan has occurred. While the stair flight down from the ground floor appears to be in its original location and may retain some original fabric, the historic plan form has been heavily eroded with the removal of the cross wall between front and back room and the addition of a modern two storey rear extension accessed via an almost full width opening

in the rear wall. The effect of these changes has been to create a modern open plan layout to this floor level, which has little relationship to the plan form of the original building.

In terms of the significance of No.14 Garway Road as a designated heritage asset, it is considered that its external appearance, along with its pair at No.12, make an important contribution to the historic and architectural character of the townscape, exhibiting the original appearance of a first phase of development in the area. The paired villa design, with classical elements is also reflective of late Georgian/ early Victorian development, which is found elsewhere within the conservation area and makes a very important contribution to the area's character and appearance. Thus the external appearance of the building has significance both in terms of historical value and in terms of aesthetic value.

The interior of No.14 also contributes to its significance with a discernible hierarchy of spaces and traditional plan form, which are common features within properties of this period. There are also numerous elements of surviving historic fabric and/ or later complementary fabric. It is considered that the ground floor front room, main staircase and first floor make the greatest contribution to the significance of the interior, having undergone the least amount of modification. The second floor, rear room at ground floor level (which opens in to the modern double height extension), and to a greater degree the lower ground floor make a lesser contribution to the significance of the building, having undergone quite considerable alteration, particularly in the case of the lower ground floor. The interior elements which contribute to the building's significance do so in terms of historical value and aesthetic value, but the degree of significance varies with elements such as the front portion of the ground floor, staircase enclosure and first floor making a far greater contribution than areas such as the lower ground floor.

In terms of the significance of the Bayswater Conservation Area, this is a large conservation area which can be characterised as primarily residential and of nineteenth century date; however, it is composed of sub-areas and in this instance Garway Road sits within the western extent of the conservation area, which is predominantly mid to late nineteenth century speculative housing in the form of villa style properties and to a greater extent terraced housing. The conservation area has historic and aesthetic value revealing the westward expansion of London in the Victorian period. Unquestionably the appearance of Nos.12 and 14 Garway Road underpin and reinforce this character and appearance.

Having regard to the preceding assessment of the significance of the listed building, it is considered that in this case the principle of forming a basement extension below the existing building and part of the front garden is acceptable in listed building terms. This is because the proposal would not result in the loss of historic fabric of significance at lower ground floor level, as there is little internal fabric of interest at lower ground floor level (the historic, but non-original range at lower ground floor level is to be reinstated in the rear chimney breast), and as the hierarchy of the original floors within the building would remain, with the internal link to the new basement within the original portion of the building confined to a discreetly located single staircase below the existing stair at lower ground floor level. As per the 2016 appeal scheme, the current scheme does include internal lay-lights within the floor of the modern rear extension, but these are located outside the volume of the original building and, as per the Inspector's findings in the

2016 appeal decision, this arrangement, in what is an overtly modern element of the building, is not considered to adversely affect the significance of the listed building.

In addition to the basement having no adverse impact on the significance of the interior; its discreet external manifestations are such that there would be no adverse impact on the external appearance of the building, which would thus maintain its significance and that of the wider conservation area (see Sections 8.2.3 and 8.2.4).

In terms of the structural impact of the proposed basement on the existing listed building, basements can be safely constructed below existing structures through specialist design and construction, including hand excavation, sequential underpinning and temporary support for the internal structure. It is noted that the structural engineer that drafted the submitted structural methodology does not appear to be by a Conservation Accreditation Register for Engineers (CARE) accredited engineer. However, this is recommended by the 'Basement Development in Westminster' SPD and is not a requirement. Building Control have considered the submitted structural methodology and are content that it is sufficient to demonstrate that the proposed basement can be constructed without structural harm occurring to the heritage asset. The detailed structural design will be subject to building regulations approval.

8.2.3 Alterations to Front Lightwell and Garden

In light of the 2016 appeal decision the applicant has omitted the clerestory windows in the front wall of the lightwell in the current scheme (see Inspector's comments in Section 6.2.2) and has consolidated the previously proposed rooflights into a single rooflight located directly in front of the existing lower ground floor French doors. Over the rooflight a metal grille is proposed. Grilles are a normal part of the architectural vocabulary of cellars and lightwells, and provided the design is appropriate to the period of the building, then it will not stand out as a utilitarian feature. A condition is recommended to secure details of the proposed grille.

The omission of the clerestory windows proposed in the 2016 appeal scheme has allowed the current scheme to deliver a soil and drainage layer depth of 1.29m over the front part of the basement and the structure of the basement is to be designed to allow drainage from this area out under the highway (i.e. the soil within this area would not be isolated like a planter). As a result, the garden area in front of the reinstated stepped front lightwell will be able to support a suitable replacement landscaping scheme that addresses the concerns of the Inspector in the 2016 appeal. This would include a replacement tree for the existing Mulberry tree, which the applicant has agreed to replace (see Section 8.7.2).

As such, the external manifestations of the front of the proposed basement would have an acceptable visual impact in terms of the listed building, preserving its setting, as well as the character and appearance of the Bayswater Conservation Area.

8.2.4 Design, Conservation and Listed Building Conclusion

It is considered that the development proposed by the current planning and listed building consent applications preserves the overall character of the building's setting, its features of interest and the character of the Bayswater Conservation Area. Thus the

alterations to the listed building are considered to accord with Policies DES 1, DES 5, DES 9 and DES10 in the UDP and Policies S25, S28 and CM28.1 (where relevant to design and heritage assets) in the City Plan. The proposal is also consistent with the relevant guidance provided in the 'Repairs and Alterations to Listed Buildings' SPG (1995) and the 'Basement Development in Westminster' SPD (2014) (in respect of design and heritage asset considerations – see also Section 8.7.1 of this report).

8.3 Residential Amenity

Given the subterranean location of the proposed extension, the alterations and extensions proposed do not give rise to significant amenity concerns.

Concern has been expressed by one neighbouring occupier that the development would result in increased overlooking and noise disturbance from use of the enlarged dwellinghouse. However, the increases in glazing would be negligible with three rooflights proposed within the building to the rear and one rooflight within the front lightwell. As such, there would not be any material increase in overlooking or noise disturbance to neighbouring residents as a result of the proposed development.

Noise and disturbance arising from construction works is to be controlled by a condition limiting the hours of works, which will be more restrictive in respect of particularly noisy works of excavation, which will not be permitted at weekends.

Many of the grounds for objection in amenity terms relate to the proposed development at No.12 Garway Road and the impact of that scheme, which includes the removal of a Bay tree from the rear garden of No.12. The current application for No.12 is also on this committee agenda, and the report for that item (Item 3) considers the impact of that development on the amenity of neighbouring residents.

As such, the scheme at No.14 accords with Policies S29 and S32 in the City Plan and Policy ENV6 and ENV13 in the UDP and is acceptable in amenity terms.

8.4 Transportation/Parking

The proposed development does not raise any significant transportation or parking considerations.

The Highways Planning Manager has suggested conditions relating to waste storage and the opening of doors over the highway, but as the scheme represents an extension of an existing dwellinghouse and not the creation of a new dwelling and as the scheme does not propose any doors or gates opening over the highway, these conditions have not been included in the draft decision letters.

8.5 Economic Considerations

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

8.6 Access

The proposed development would not alter the existing means of access to this private residential dwelling.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development

The 'Basement Development' policy in the City Plan (CM28.1) is split into four parts with not all parts and sub-sections being applicable in every case of basement development. In this case, parts A to C are relevant, whilst part D is not as the proposed basement does not extend under the highway.

In terms of parts A(1) and A(2) of the policy, the applicant has provided a site investigation report, a structural methodology prepared by a suitably qualified structural engineer and a flood risk assessment.

The structural methodology submitted has been assessed by Building Control who are content that the methodology proposed is appropriate for the ground conditions on this site and would safeguard the structural stability of the listed building and its nearby neighbours. Building Control officers have visited the site and are content that there are no signs of historical damage to the building that would mean the structural methodology proposed is not appropriate. As such, part A(3) of Policy CM28.1 has been satisfied.

Part A(4) of Policy CM28.1 requires that all applications for basement development will not increase or otherwise exacerbate flood risk on the site or beyond. Although not an objection received in respect of this application, the application at No.12 Garway Road, which is under consideration concurrently with the application at No.14, has been the subject of objection on grounds that the proposed basement would increase the potential of flooding within the building and increase surface water flooding in the area. This scheme was not initially accompanied by a full Flood Risk Assessment, but was amended in November 2017 by the addition of a Flood Risk Assessment, which has now been assessed by officers and has been the subject of further consultation.

Due to the location of the site within Surface Water Flood Risk Hotspot 'No.10 – Bayswater', where there is a 1 in 100 year risk of flooding as a result of extreme rainfall leading to surface water flooding, in accordance with the requirements of Policy CM28.1 and the supplementary guidance in the 'Basement Development in Westminster' SPD, the current application is accompanied by a flood risk assessment (see copy of this document in the background papers).

Paragraph 6.3.6 of the 'Basement Development in Westminster' SPD states that basement development beneath gardens may result in increased surface water runoff through reducing infiltration capacity. Furthermore, the reduction in ground capacity may reduce the ability to act as a store for rainwater. The guidance adds that self-contained basement dwellings should be located outside of surface water 'hotspots', to reduce vulnerability to surface water flooding where possible.

Furthermore, the reasoned justification for City Plan Policy CM28.1 states that basements are more susceptible to flooding, both from surface water and sewage than

conventional extensions, adding that fitting basements with positive pumped devices will ensure that they are protected from sewer flooding.

The proposed basement would not significantly increase the impermeable area of the site as it is largely contained below the existing building and the hard paved front lightwell and patio areas. Only where the basement extend below part of the front garden area would this increase impermeable area for water infiltration on the site. However, as identified in the application documents and by Building Control this is not a large area of additional impermeable area and the site is located above London Clay meaning that only the top 1.6m of top soil is readily permeable at present. Given these factors and as the scheme would allow for the replacement of 1.29m of soil and drainage layer over the front part of the basement where it would be below the front garden, it is not considered that the proposed basement would materially increase the surface water flood risk to other properties within the Surface Water Flood Risk Hotspot.

In terms of the proposed basement itself, the following measures are proposed by the applicant's engineer to ensure the new basement accommodation is resilient to future episodes of surface water flooding:

- The basement development will be entirely tanked (i.e. sealed from water ingress);
- Where perched groundwater is encountered (during site investigation / construction) a sump will be installed to eliminate any residual groundwater;
- A positive pumped sump will be permanently installed;
- Installation of a pump discharge to the foul sewer, along with 24hr attenuation storage;
- The soil area within the front garden area will be linked to adjoining areas of soil to allow drainage of water from this area in the event of water infiltration into the front garden. A condition is recommended to secure details of how this is to be designed.

In addition, the applicant has confirmed that a trial pit will be completed prior to undertaking the work to identify the level of the water table. The design of the foundations will have to satisfy the requirement of the Building Regulations which require the water table to be considered.

On the basis of the considerations set out in the preceding paragraphs, the proposed development would not exacerbate existing levels of flood risk and the mitigation measures identified are considered to be adequate through maintaining the surface water infiltration capacity of the site and through incorporating suitable resistance and resilience measures within the design of the basement. For these reasons, it is considered that the proposal accords with part A(4) despite the site being located within a surface water flooding 'hot spot'.

In terms of part A(5) of Policy CM28.1, which relates to construction impact of basement development, as noted in Section 8.3, it is recommended that the hours of construction works are controlled by condition. A further condition is recommended pursuant to the requirements of Policy CM28.1 in the City Plan, to require the construction works to construct the proposed basement to be carried out in accordance with the Code of Construction Practice, including the funding of monitoring of the site by the

Environmental Inspectorate at the applicant's expense. The applicants have confirmed that they do not object to the recommended condition.

In respect of part A(6), which relates to the impact on archaeological deposits, the site is not within an Archaeological Priority Area and is a 'Tier 3' development under Historic England's Archaeological Risk Model. Accordingly, the proposal poses a negligible risk to archaeological remains and further assessment is therefore not required.

Part B(1) of the policy requires the provision of *'a satisfactory landscaping scheme, incorporating planting and permeable surfacing as appropriate'*. The provision of a soil and drainage layer depth of 1.29m over the element of the basement under the front garden allows for flexibility in terms of planting and this will allow an appropriate landscaping scheme to be delivered pursuant to the recommended landscaping condition. The Arboricultural Manager has raised concern that a lesser depth of soil will be provided over the basement where the lightwell is stepped, but this is a replication of the existing form of the front lightwell and this is therefore not objectionable. As set out in Section 8.7.2, the landscaping scheme for the front garden must include a replacement tree for the Mulberry tree that is to be removed. The permeable area to the rear will not be reduced from the existing arrangement as the proposed basement would not extend beyond the existing rear building line. The landscaped area will remain the same and therefore the rear garden will be capable of providing landscaping commensurate with the existing situation. Subject to conditions and a condition to secure details of tree protection measures during construction and a replacement tree for the Mulberry tree that is to be removed, part B(2) of the policy has been met.

The applicant's Design and Access Statement sets out that the highest levels of sustainability possible, having regard to the need to retain the historic fabric of the building, will be employed in delivery of the proposed development. This will include use of water efficient fixtures and fittings and use of materials with a reduced carbon footprint, such as those that are recycled or recyclable. This approach is consistent with the requirements of part B(3) of policy CM28.1.

Part B(4) requires the inclusion of sustainable urban drainage measures to reduce peak run off and to reduce the general risk of flooding. The measures proposed have been set out earlier in this section of the report in respect of part A(4) of the policy and these are sufficient to ensure that the proposed development would not contribute to increased floor risk.

Parts B(5) and B(6) require basement development to protect the character and appearance of the existing building and surrounding area and to protect heritage assets. The impacts of the proposed development in these regards are considered separately in Section 6.2 of this report and have been found to be acceptable and in compliance with Policy CM28.1, the NPPF and other relevant policies within the development plan.

Part B(7) of CM28.1 requires the installation of a suitable pumped device to prevent sewer flooding. As set out earlier in this section of the report in respect of Part A(4) of the policy, the scheme would include such a pump and is therefore compliant with part B(7).

The final relevant part of Policy CM28.1 is part C. Part C(1) seeks to limit the size of basement development so that it extends beneath no more than 50% of the garden land and would leave a margin of undeveloped garden land proportionate to the scale of the development around the entire site boundary except where it is beneath the existing building. The proposed basement would extend under less than 50% of the garden land on the site. To both sides at the front and along the whole southern side of the site the extent of the basement would be compliant, with the basement proportionately set in from the site boundaries. To the front, the proposed basement would extend to the front edge of the site at the boundary with the highway. However, given this is a relatively small area, as a policy compliant soil depth is to be provided and as the soil volume is to be linked to other areas of soil around the perimeter to aid drainage, this is not considered to be such a significant departure from the policy requirement so as to warrant withholding permission. To the rear the proposed basement would not extend beyond the existing rear building line and therefore it would be compliant with this part of the policy.

Part C(2) requires the provision of 1m of soil depth and a 200mm drainage layer over basements where they extend beyond existing buildings. To the front of the site, the proposal incorporates 1.29m of soil and drainage layer over the front part of the basement and this is compliant with this part of the policy.

In terms of part C(3), the proposed basement extension would be limited to a single storey and therefore it is compliant with this part of the policy.

In summary, the proposed basement is considered to be largely compliant with the Basement Development policy CM28.1, except where specifically identified in this section of the report. The area of transgression with the precise requirements of part C(1) is though sufficiently minor for the reasons set out so as not to warrant withholding permission.

8.7.2 Arboricultural Issues

As set out in Section 6.2, the Inspector in the previous appeal relating to this site did not consider that the case had been made to justify the retention of the Mulberry tree and in this context the Arboricultural Manager does not object to the loss of this tree, provided a replacement tree is secured by condition. A condition to secure a replacement tree is recommended, as well as conditions to secure details of tree protection measures for other trees on or close to the site during construction works, which the Arboricultural Manager considers need refinement from the details provided with the application, and to secure a landscaping scheme for the front and rear gardens following completion of the development. Subject to these conditions, it is considered that the scheme would accord with Policies ENV16 and ENV17 in the UDP.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant these issues have been considered elsewhere in this report.

8.12 Other Issues

None relevant.

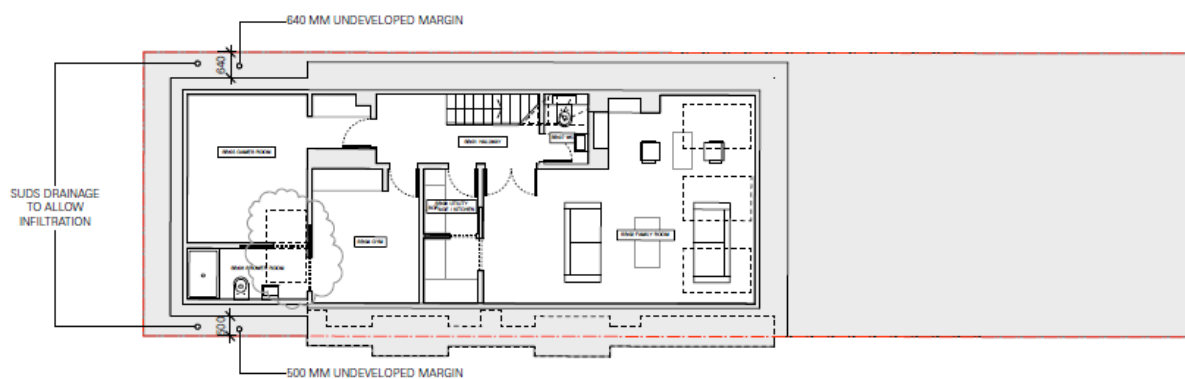
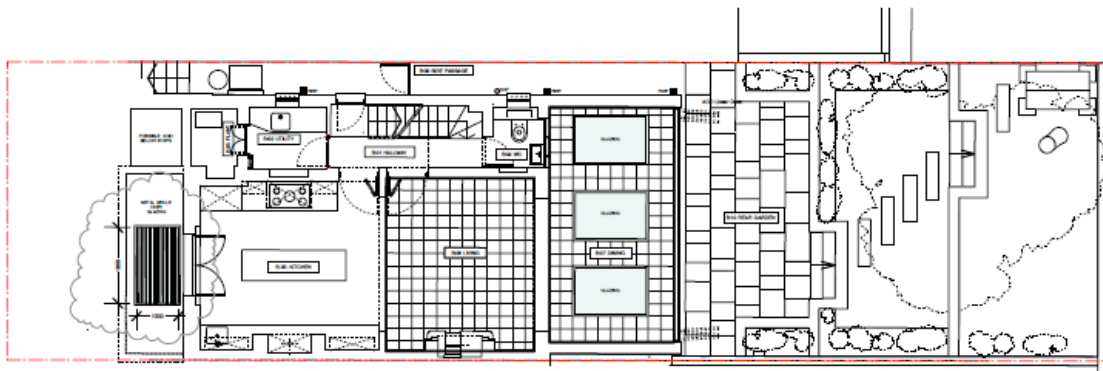
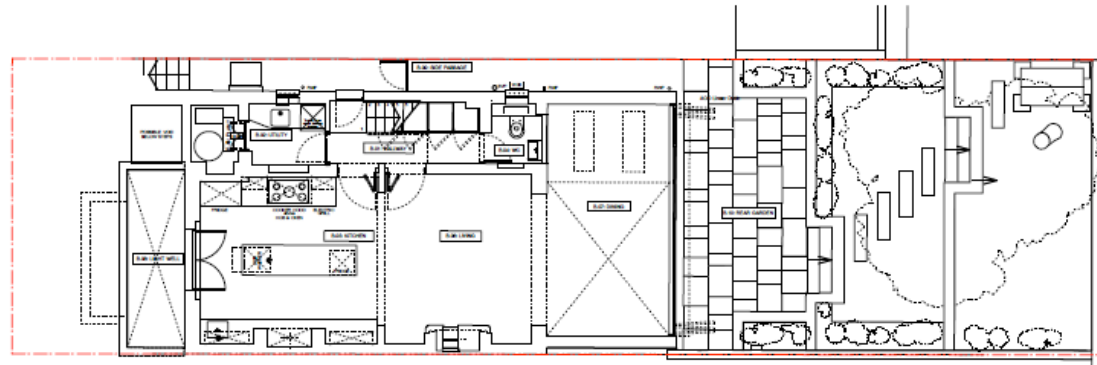
9. BACKGROUND PAPERS

1. Application form.
2. Memo from Environmental Health dated 4 August 2016.
3. Memo from the Arboricultural Manager dated 20 December 2017.
4. Memo from Building Control dated 23 February 2018.
5. Memo from the Highways Planning Manager dated 19 February 2018.
6. Emails from the occupier of Ground Floor, 46 Kensington Gardens Square dated 6 August 2016, 5 June 2017 and 28 December 2017.
7. Email from the occupier of 46 Kensington Gardens Square dated 3 June 2017.
8. Email from the occupier of 14C Garway Road on behalf of the freeholders of 14A, B and C Garway Road dated 31 January 2018.
9. Email from case officer to occupier of 14C Garway Road dated 22 February 2018.
10. Appeal decision dated 20 May 2016 and associated drawings.
11. Copy of applicant's Flood Risk Assessment dated 21 November 2017.
12. Email to occupier of 14 A, B, C Garway Road dated 22 February 2018.
13. Email to occupier of 14 A, B, C Garway Road dated 02 March 2018.

Selected relevant drawings

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

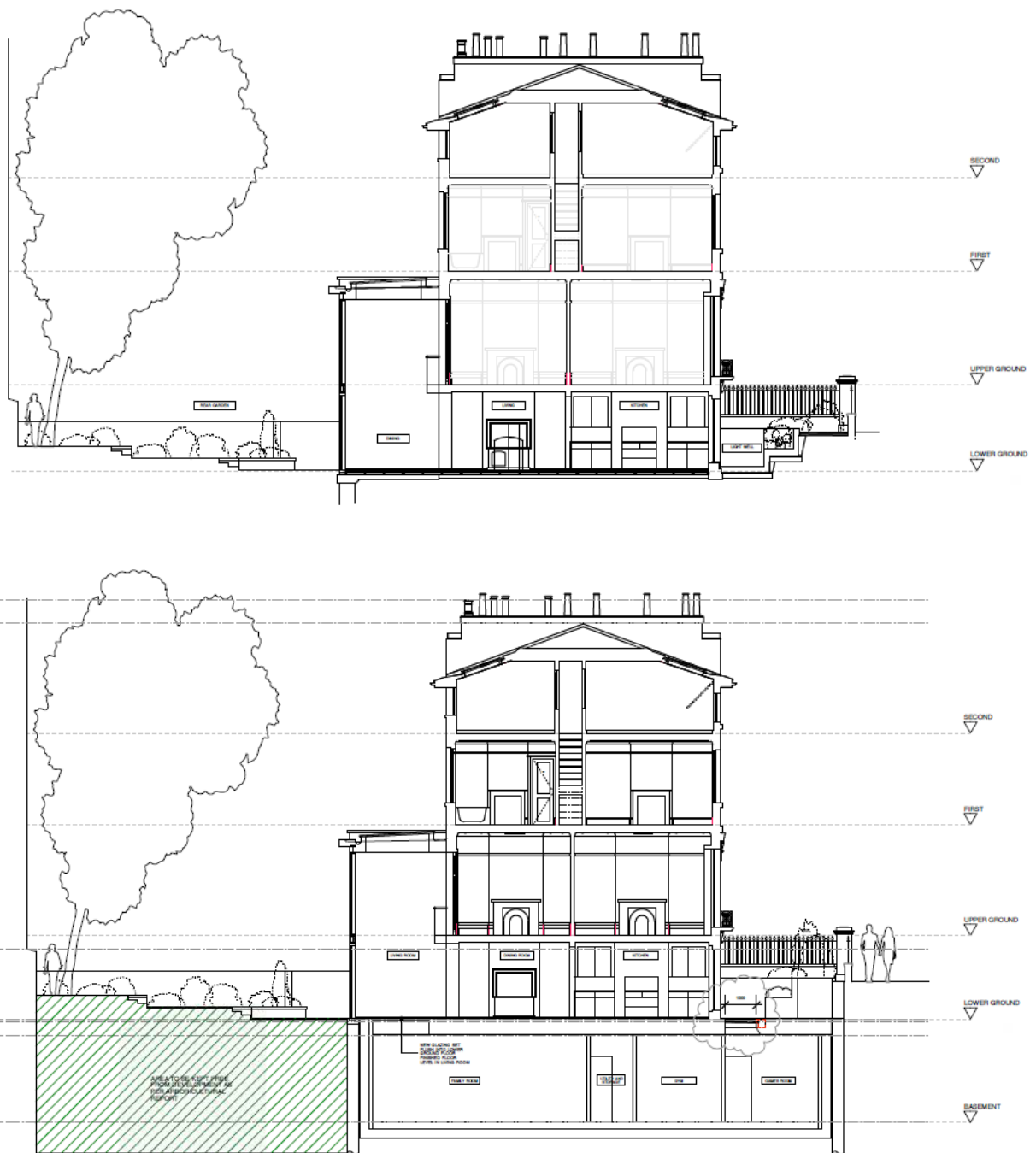
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RICHARD LANGSTON
ON 020 7641 2680 OR BY EMAIL AT rlangston@westminster.gov.uk.

10. KEY DRAWINGS

Existing lower ground floor (top), proposed lower ground floor (middle) and proposed basement (bottom).



Existing front and rear elevations (top) and proposed front and rear elevations (bottom).



Existing section AA (top) and proposed section AA (bottom).

DRAFT DECISION LETTER

Address: 14 Garway Road, London, W2 4NH,

Proposal: Excavation of a basement floor below existing house and part of front garden, insertion of rooflight with decorative metal grille over within front lightwell, internal alterations, including the insertion of 3 rooflights in the floor of rear extension between lower ground and new basement level and removal of tree from front garden.

Plan Nos: 838/01/0100 P2, 825/01/0200 P2, 825/01/0202 P2, 825/01/0301 P2, 825/01/0302 P2, 825/01/0303 P2, 825/01/0304, 825/03/0210 P4, 825/03/0211 P6, 825/03/0210 P4, /82503/0211/P6, 825/03/0212 P5, 825/03/0213 P3, 825/03/0311 P5, 825/03/0312 P4, 825/03/0313 P4, 825/03/0314 P4, 825/03/0315 P6, Design and Access Statement and Historic Building Impact Assessment dated June 2016, Flood Risk Assessment dated 21 November 2017, Construction Method Statement dated June 2016 (Rev.A) (for information only - see Informative 11), Arboricultural & Method Statement 17 June 2015 and 3062-BT1 (For information only).

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

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

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

- 3 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)

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

Reason:

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: Decorative grille to front lightwell shown in context with surrounding paving and rooflight below. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings and you must not occupy the basement extension until the grille has been installed. Thereafter the grille must be permanently retained in accordance with the details we approve. (C26DB)

Reason:

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

- 6 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. The landscaping scheme must include the provision of at least one tree to replace the Mulberry tree that is to be

removed from the front garden. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

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

Reason:

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

- 7 **Pre Commencement Condition.** Notwithstanding the content of the submitted arboricultural assessment, you must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 13062-BT1. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

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

- 8 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement were it extends beyond the front of the building and the front lightwell, as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

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

- The sustainable urban drainage system to be incorporated into the design of the structure of the front part of the basement to enable the flow of water through the areas of soil around the perimeter of the basement structure and below the highway.

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

you have sent us. You must then carry out the work according to these detailed drawings.
(C26DB)

Reason:

To reduce flood risk and improve the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

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 When you apply to us for approval of tree protection measures during construction works you must include details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:
 - o identification of individual responsibilities and key personnel.
 - o induction and personnel awareness of arboricultural matters.
 - o supervision schedule, indicating frequency and methods of site visiting and record keeping
 - o procedures for dealing with variations and incidents.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

- 3 When you apply to us to for approval of details of landscaping you must include section drawing(s) demonstrating how the soil above the basement will be connected to adjacent, unexcavated soil volumes.

You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 5 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 6 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 7 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)
- 8 You may need to seek technical approval for the works prior to commencement of development if they comprise a structure that is supporting the highway. You should contact Andy Foster on 020 7641 2541 in Engineering and Transportation Projects to progress the application for works to the highway.
- 9 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.
- 10 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

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

You are urged to give this your early attention

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- 11 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 in an in depth way in which it would at a building control stage 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 listed 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.

DRAFT DECISION LETTER

Address: 14 Garway Road, London, W2 4NH,

Proposal: Excavation of a basement floor below existing house and part of front garden, insertion of rooflight with decorative metal grille over within front lightwell and internal alterations, including the insertion of 3 rooflights in the floor of rear extension between lower ground and new basement level.

Plan Nos: 838/01/0100 P2, 825/01/0200 P2, 825/01/0202 P2, 825/01/0301 P2, 825/01/0302 P2, 825/01/0303 P2, 825/01/0304, 825/03/0210 P4, 825/03/0211 P6, 825/03/0210 P4, /82503/0211/P6, 825/03/0212 P5, 825/03/0213 P3, 825/03/0311 P5, 825/03/0312 P4, 825/03/0313 P4, 825/03/0314 P4, 825/03/0315 P6, Design and Access Statement and Historic Building Impact Assessment dated June 2016, Flood Risk Assessment dated 21 November 2017, Construction Method Statement dated June 2016 (Rev.A) (for information only - see Informative 3), Arboricultural & Method Statement 17 June 2015 and 3062-BT1 (For information only).

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

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

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of detailed drawings of the following parts of the development: Decorative grille to front lightwell shown in context with surrounding paving and rooflight below. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings and you must not occupy the basement extension until the grille has been installed. Thereafter the grille must be permanently retained in accordance with the details we approve. (C26DB)

Reason:

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

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

Reason:

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

Informative(s):

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

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

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

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Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 This consent 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 in an in depth way in which it would at a building control stage 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 listed 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. If this results in alterations to the impact of the development on the listed building, then further listed building consent may be required, as set out in Informative 2.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Trevelyan House, 30 Great Peter Street, London, SW1P 2BU		
Proposal	Erection and installation of metal railings and gates around the external frontages of the building for security purposes.		
Agent	Modus Workspace Ltd		
On behalf of	The Embassy of the Republic of Indonesia		
Registered Number	18/00095/FULL	Date amended/ completed	5 January 2018
Date Application Received	5 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	Not within a conservation area.		

1. RECOMMENDATION

Refuse permission - townscape/ setting of listed building; and highway safety.

2. SUMMARY

The application relates to the Indonesian Embassy on Great Peter Street. The site is not a listed building nor is it within a conservation area, although it is immediately bounded on both sides by adjacent conservation areas (Peabody Estates: South Westminster, and Westminster Abbey and Parliament Square) and by a Grade II listed building (Church of St Matthew).

Planning permission is sought for the erection of security railings and gates on top of the existing site boundary walls fronting Great Peter Street and St Ann's Lane.

The proposals are considered to be harmful to the quality of the local townscape and, in particular, would harm the setting of the adjacent listed building and conservation areas.

Minor highway safety issues arise with regards to the side outwards opening gates, although these are likely to be resolvable through minor design revisions.

An objection has been received from the Thorney Island Society and the Highways Planning Manager. No objections have been raised by the MPS Designing Out Crime Officer. The Foreign and Commonwealth Office's Protocol Directorate have declined to intervene in the case having been advised of officers' recommendations.

4. PHOTOGRAPHS



Photo 1: Front (south) elevation – site to left, St Matthew's Church to right.



Photo 2: Corner of Great Peter St and St Ann's Lane, site on right.

5. CONSULTATIONS

WARD COUNCILLORS FOR ST JAMES'S:

Any response to be reported verbally.

FOREIGN AND COMMONWEALTH OFFICE (Protocol Directorate):

Thanks very much for letting us know about this application, we were aware that the Indonesians were considering submitting an application for a fence, but we didn't know to what extent it would be. We have no view on this application, so are content for you to do as you suggest.

THORNEY ISLAND SOCIETY:

We object to this proposal because it will increase the visual clutter on the street. It also seems a pity that such a visually aggressive addition should be made in the vicinity of a primary school.

VICTORIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

I have no problem with the gates proposed on Great Peter Street, but those proposed on St Ann's Lane open out over what is highway, which is unacceptable.

Under the Highways Act 1980 gates are not allowed to open out over highway. We have allowed some, to avoid having recesses where ASB can take place, but only where the doors or gates are only going to be used in an emergency.

From my reading of Section 3 of the cover letter associated with the application it seems that the gates on St Ann's Lane are also going to provide for "Consular Area access" and for disabled access too, so I would recommend refusal unless a solution can be found that does not involve the gates opening over the highway.

DESIGNING OUT CRIME:

- The height of the proposed railings is above the recommended 1.8 metres which is satisfactory for protecting the boundary.
- The railings are 'open' which do allow for greater surveillance from the main building.
- It is expected that the developers will install railings that are of a high standard to ensure security and longevity of the boundary. A high quality boundary that lasts for a long time will provide security and reduce overall maintenance costs. A boundary that has a long predicted life is also more sustainable.
- For the above reason the boundary should be constructed as follows... 1) the method of fixing between rails and posts should create a secure mechanical bond so they cannot be easily removed 2) The fixings employed should be galvanized steel or stainless steel with a design life to match the components 3) The railing with a horizontal slats should be avoided to prevent step-ups points for climbing and flush across the attack face to resist being pried off 4) With the railings on top of the current wall they should be located as close to the outer face of the wall as possible to eliminate climbing opportunities or to be used as informal seating.
- The maintaining of an overall height of 2.0 metres appears to be achieved and there appears to be no raking/stepping to maintain the height over the different terrain.

- Pedestrian gates should be framed design, any hinges and fixings should be mounted behind the attack face. Hinges should not be able to be 'lifted off' therefore restrictions to prevent removal of the fence post or wall should be added. The gate should be capable of being locked (FOB access is preferable with a locking mechanism, minimum of two (2) magnetic locks situated two thirds from the top and bottom, self-locking and self-closing mechanism fitted on the non-attack face) The release mechanism to exit the gate should be situated far enough away from the gate or protected to prevent a person reaching through with their hand or with an extension device to activate the lock.
- The gate construction should have the same design and attributes as the boundary.
- Consideration should be given if the change in levels of the terrain allow for access underneath any of the considered gates.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 31

No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to Trevelyan House, 30 Great Peter Street, now in use as the Indonesian Embassy to the United Kingdom. It is a large modern office block of limited architectural merit.

It is not a listed building or otherwise architecturally designated / noted, and is not within a conservation area, but immediately bounds the Peabody Estates: South Westminster Conservation Area to the west and the Westminster Abbey and Parliament Square Conservation Area to the east.

The Church of St Matthew which sits immediately adjacent to the east of the site (and therefore within the Westminster Abbey and Parliament Square CA) is a Grade II listed building of considerable architectural and historic interest.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

The application seeks planning permission for the erection of metal security railings and gates on top of the existing boundary walls, and lining both the front entrance steps, and the secondary entrance on St Ann's Lane. These would stand at a general height (from the footway) of 1.96 metres.

Where the railings would follow up onto the front entrance steps this would increase with the rise of the steps, and beneath the rear side of the entrance canopy they would fill the aperture which overlooks the Church frontage.

The front steps would be fitted with a sliding entrance gate, whilst the ramp access would be fitted with an inward swinging gate. Both of these gates would be highly decorative and would include the logo of the embassy.

The two side entrances onto St Ann's Lane would feature outward swinging plainly designed gates.

8. DETAILED CONSIDERATIONS

8.1 Land Use

This application raises no land use issues.

8.2 Townscape and Design

The application relates to Trevelyan House, 30 Great Peter Street, now in use as the Indonesian Embassy to the United Kingdom. It is a large modern office block of limited architectural merit. It is not a listed building or otherwise architecturally designated / noted, and is not within a conservation area, but immediately bounds the Peabody Estates: South Westminster Conservation Area to the west and the Westminster Abbey and Parliament Square Conservation Area to the east. The Church of St Matthew which sits immediately adjacent to the east of the site (and therefore within the Westminster Abbey and Parliament Square CA) is a Grade II listed building of considerable architectural and historic interest. The building line of Trevelyan House is set back from the street frontage, in apparent deference to the sightlines to the Church from the west, which are significant to the local townscape. The site is bounded by a broad front area on both frontages, separated from the public footways by a low brick boundary wall. This cuts back to the Embassy entrance via a set of steps which runs down to the public footway immediately adjacent to the Church frontage.

The main issues in this case are considered to be:

- a) The preservation of the setting of the Grade II listed Church of St Matthew;
- b) The preservation of the setting of the adjacent conservation areas (Peabody Estates: South Westminster and Westminster Abbey and Parliament Square);
- c) To protect the amenity of the local townscape;
- d) To protect public highway safety.

The railings and gates would be significantly intrusive to the character of the local townscape due to their significant height coupled with the length of the boundaries to which they would be applied. Where the railings would follow the line back of the front entrance steps they would be particularly harmful due to the layering of the front and side railings in views along the street. This would significantly detract from views of the listed Church in both directions that currently contribute positively to the street scene, both within and outside of the two conservation areas. This would harm the appreciation of the architectural and historic significance of both the church and the conservation areas and would, in more general terms, detract from the quality of the local townscape.

8.3 Residential Amenity

This application raises no amenity issues.

8.4 Transportation/Parking

The proposed front entrance gates have been designed to be contained within the site and therefore would not obstruct the Great Peter Street footway. However, the secondary access gates onto St Ann's Lane would open outwards and would therefore obstruct the public footway. Whilst these are apparently secondary, if not emergency-only exits, the submission includes reference to the use of these for 'consular access' and as such the obstruction that these gates could cause to the footway could be regular. This would be a highway safety and flow risk and would be contrary to the Highways Act 1980. It would also be contrary to Policies TRANS 2 and 3 of the UDP.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposals would retain the existing level access to the site.

8.7 Other UDP/Westminster Policy Considerations

There are no other UDP considerations.

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

The application proposals are not EIA development.

8.12 Other Issues

Crime and security

The application states that the motivation for the erection of the railings is due to rough-sleeping and general security for the Embassy. No evidence has been presented of the nature or regularity of the problems being encountered. Whilst a level of security for the Embassy can be expected, no explanation has been given about why the existing or alternative solutions could not provide an adequate level of protection. If specific diplomatic reasons exist for such a proposal, the advice of the Embassy's or their MPS / FCO liaison advisors would be expected to form a part of the application.

In the absence of justification for the specific proposals put forward, the proposals would be contrary to Policies DES 1, DES 5, DES 9 and DES 10 of the UDP, and to paragraph 134 of the NPPF. Planning permission is therefore recommended to refused.

9. BACKGROUND PAPERS

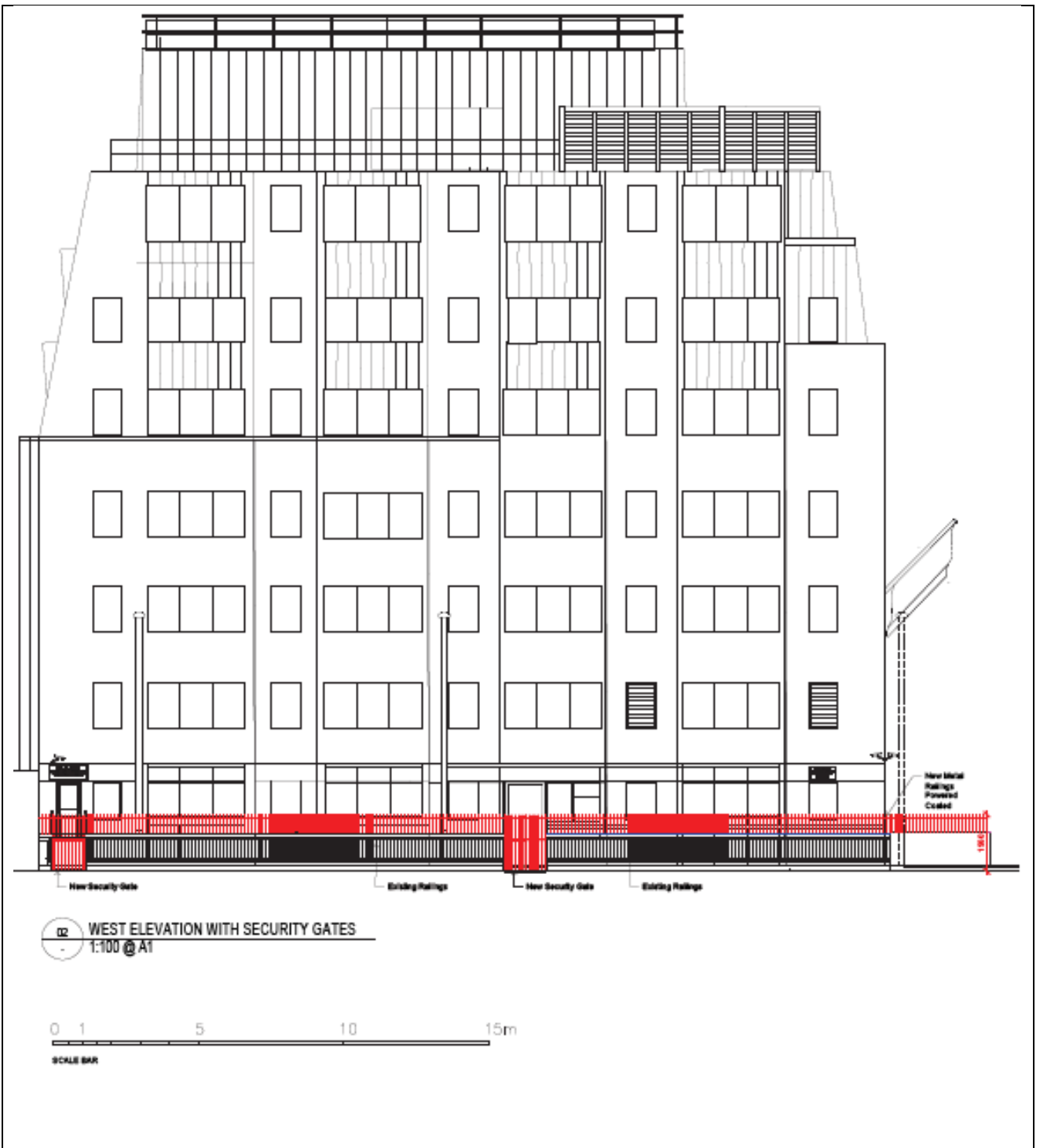
1. Application form
2. Response from Thorney Island Society, dated 25 January 2018
3. Response from Highways Planning - Development Planning, dated 6 February 2018
4. Response from Designing Out Crime Officer, dated 1 February 2018
5. Response from Foreign & Commonwealth Office, dated 9 February 2018
6. Letter from Indonesian Embassy to WCC Chief Executive dated 29 January 2018

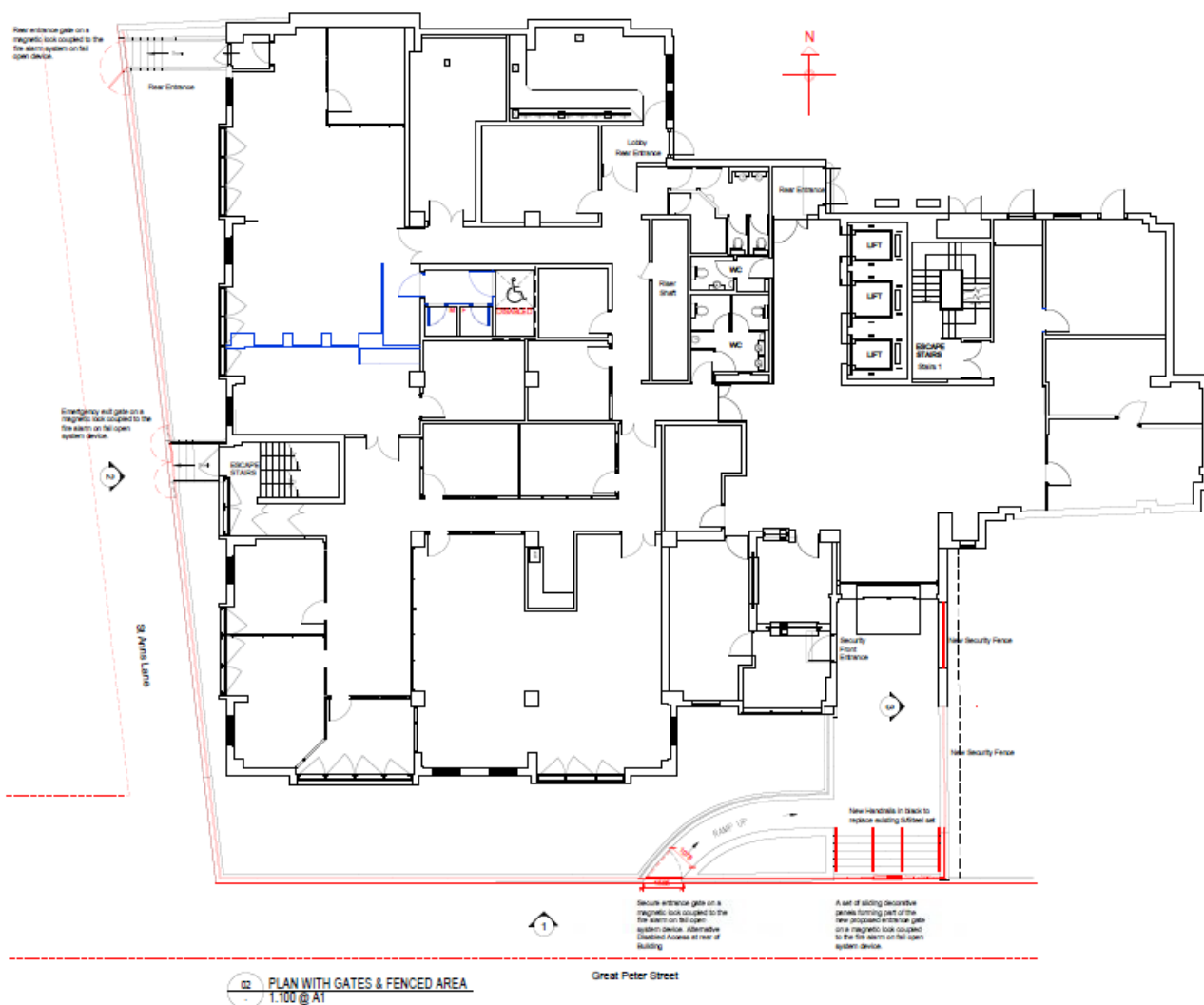
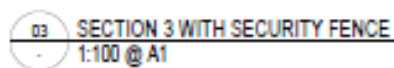
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK.</p>

10. KEY DRAWINGS







DRAFT DECISION LETTER

Address: Trevelyan House, 30 Great Peter Street, London, SW1P 2BU

Proposal: Erection and installation of metal railings and gates around the external frontages of the building for security purposes.

Reference: 18/00095/FULL

Plan Nos: LOCATION PLAN; 1358WPS PL 1-01-00-A; 1358WPS PL 1-02-00-A; 1358WPS PL 1-03-00-A.

Case Officer: Andrew Barber

Direct Tel. No. 020 7641 7708

Recommended Reasons for Refusal

- 1 Because of the scale and visual clutter around the main entrance, the proposed new railings and gates would harm the appearance of this building and this part of the City, and would harm the setting of the neighbouring grade II listed building (The Church of St Matthew), and would fail to maintain or improve (preserve or enhance) the setting of the neighbouring Westminster Abbey and Palace of Westminster Conservation Area and the Peabody Estates: South Westminster Conservation Area. The proposal would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 2, DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007. The application is also contrary to paragraph 134 of the NPPF. (X16BC) (X20AC) (X21AD)
- 2 The outward opening gate onto St Ann's Lane would block the flow of pedestrians along the footpath and so could be unsafe. This would not be contrary to the Highways Act 1980, and to TRANS 2 AND TRANS 3 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 supportive 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 and Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore

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5

encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- a) Significantly lower height of railings throughout to measure no more than 1.4 metres high (as measured from the public footway);
- b) Consider options to replace existing boundary wall to produce more integrated solution of lower wall and railings;
- c) Cut back line of railings / gates at entrance to beneath the entrance canopy (in order to preserve views of the Church).

You are advised to take advantage of our pre-application advice service to discuss options and for informal advice from us before you re-apply.

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 3 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	126 Warwick Way, London, SW1V 4JA		
Proposal	Erection of extensions at rear basement and ground floor levels and a mansard roof extension in connection with upgrading the existing hotel.		
Agent	Wharmby Kozdon Architects		
On behalf of	Bakers Hotel LLP		
Registered Number	17/09354/FULL	Date amended/ completed	26 February 2018
Date Application Received	21 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

126 Warwick Way is an unlisted building located within the Pimlico Conservation Area. It is in use as a hotel with 12 guest bedrooms. Permission is sought for the erection of extensions at rear basement and ground floor levels and a mansard roof extension in connection upgrading existing hotel. The total number of rooms will remain unchanged, but owing to the upgrade, the capacity of these rooms will fall from 28 to 26 guests.

The key issues in this case are:

- the acceptability of the proposals in land use terms;
- the impact of the proposals on the character and appearance of the building and the Pimlico Conservation Area; and
- the impact of the proposals on adjoining properties.

As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the application is recommended for approval subject to the conditions as set out on the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear elevation and courtyard



5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

PIMLICO FREDA:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

No. of objections: 9 (from 4 individuals)

Objections received from neighbouring residents in Cambridge Street on the following grounds:

Land use:

- the extensions would unacceptably intensify the hotel use.

Amenity:

- loss of privacy, and the proposed obscure glazed windows at roof level to the rear are not a satisfactory solution;
- loss of light;

Other:

- the rear extension would block a boiler flue, and the applicant's solution is not satisfactory;
- the applicant has breached planning control in the past and residents have little faith the applicant will adhere to any permissions going forward, and the current application should be considered in light of this;
- the development would result in the loss of neighbouring property's monetary value;
- the development would pose a security risk to neighbouring residents;
- the City Council should have due regard to its responsibilities under the Human Rights Act; and
- whilst grateful to be kept informed, it is considered that the case officer 'pre-determined' the application by sharing his views on it with neighbouring residents, this was unfair as it 'circumvents due process and amounts to a procedural irregularity in the planning application;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

126 Warwick Way is an unlisted building located within the Pimlico Conservation Area. The building is in use as a hotel with 12 guest bedrooms providing accommodation for a maximum of 28 guests.

6.2 Recent Relevant History

On 23 September 2016 a planning enforcement complaint was received regarding an unauthorised structure on top of the rear courtyard extension (RN: 16/62934/M). This structure has since been removed.

On 13 October 2005 planning permission was granted for the erection of single storey extension within rear courtyard area to existing hotel (RN: 05/05418/FULL). This permission followed an enforcement investigation relating to works beginning on this extension without planning permission (RN: 05/31528/M).

On 19 January 2001 planning permission was granted for alterations at third floor level to introduce a mansard slope at the front, and to provide an additional hotel bedroom in a new mansard at the rear; associated works to raise both party walls. (RN: 00/09459/FULL)

7. THE PROPOSAL

Permission is sought for the erection of extensions at rear basement and ground floor levels and a mansard roof extension in connection with upgrading the existing hotel.

The floorspace figures are summarised in the below table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
C1 (hotel)	210.5	224.4	13.9

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S23 of the City Plan notes that hotels are often not compatible with residential neighbourhoods because the amount of activity they generate can cause amenity problems, the policy seeks to address the existing over-concentration of hotels in areas such as Pimlico, although it does encourage the improvement in quality of existing hotels where they do not have an adverse effect on neighbouring residential occupiers. Policy TACE 2 of the UDP also relates to hotels and states that in Pimlico, extensions to existing hotels will only be where granted where:

- these would be of an appropriate scale to their surroundings and linked to the upgrading of the hotel
- facilities that can be used by non-residents of the hotel would not be introduced
- the extension would not result in intensification of use of existing facilities by non-residents

- d) there would be no adverse effects on residential amenity and no loss of permanent residential accommodation.

Objection has been raised on the grounds the proposal would unacceptably intensify the hotel use to the detriment of neighbours.

The proposed extensions are considered to be an appropriate scale to its surrounding, as outlined in section 8.2 of this report, and are in connection with upgrading the hotel. The lower floor extensions are in connection with improving the guest breakfast room and improving the reception/ office area. It is not proposed to use the breakfast room facility for non-guests, and this is to be ensured by condition. The mansard roof extension would improve and enlarge the rooms at this level. These extensions would be connected to internal changes which are intended to improve the existing guest room layout, and would create en-suite shower rooms. The total number of rooms will remain unchanged, at 12. But owing to the upgrade, the capacity of these rooms will fall from 28 to 26 guests. Therefore, there would not be an unacceptable intensification of the hotel use as a result of these proposals. The proposed extensions would have no adverse effect on residential amenity as outlined in section 8.3 of this report.

8.2 Townscape and Design

Policies DES 1, DES 5, DES 6 and DES 9 of the UDP and policies S25 and S28 of the City Plan and the SPGs 'Roofs A Guide to Alterations and Extensions on Domestic Buildings', 'Pimlico Conservation Area Audit' and 'Pimlico Design Guide' are the relevant design policies for extensions to this building.

At basement level there is an existing outbuilding/ shed which negatively impacts on the building and area, and which does not benefit from planning permission. This is to be removed and the courtyard then partially infilled with a rear extension, retaining a small external space at the rear. Above at ground floor level, the existing closet wing is to be extended to increase the size of the reception/ office area at this level. These extensions are confined to the rear of the building and are partially out of sight of neighbouring buildings, bar from some upper storeys and a glimpse view from Cambridge Street. Given the current appearance of the building and their proposed location, these extensions are not considered to harm the character and appearance of the conservation area.

The view from Cambridge Street would be altered as a result of the extensions, but a separation between the buildings would be retained. Alterations to the appearance of the windows within the rear closet wing on the upper storeys are also proposed. The replacement of the windows is considered acceptable as the existing are of little overall interest and their replacement would provide a visual benefit to the rear of the building.

The existing roof addition, which is limited to the front of the building, is not of a traditional appearance. The proposals would create a standard mansard that would be in keeping with the character and appearance of the area and neighbouring buildings and would improve the appearance of the application site. The asymmetrical windows on the front elevation would be removed and new dormers installed that are aligned with the fenestration below new dormers would also be installed within the rear elevation. These works are considered acceptable and beneficial to the building and Pimlico Conservation Area.

The application also proposes to reposition the front lightwell stair to the traditional location running against the façade of the building. These works are considered acceptable subject to details of the stair being secured by way of condition.

8.3 Residential Amenity

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

Objections have been received from residents to the rear on Cambridge Street on the grounds the proposal would harm the amenity of neighbouring occupiers, particularly in terms of loss of privacy and light.

The residential neighbours reside to the west at 128 Warwick Way and to the rear on Cambridge Street. The adjacent property to the east, 124 Warwick Way, is in a hotel use.

The rear building line of 128 Warwick Way is set back from that of the application site, and consequently the basement level extension would have no impact on this property. The ground floor extension would be located away from the boundary of 128 Warwick Way, and so would also not result in a harmful impact on the these residents.

The properties to the rear do not contain rear windows on their lower floors, and so these properties would not be affected, in terms of enclosure, privacy or light. One property on the lower floor enjoys a courtyard accessed from the side of 55 Cambridge Street. The rear extensions would be visible from the courtyard, but would be located away from this boundary and so would not unacceptably enclose or overlook this outside space.

The mansard roof extension would introduce new rear windows which would face toward the upper floors of the Cambridge Street properties, whilst there are no windows in close proximity to the roof extension, this is adjacent a residential roof terrace serving 59 Cambridge Street. The access to this roof terrace is by a glazed door, but this door is set back from the application site. In order to maintain the existing level of privacy on the roof terrace, the new rear windows will be obscure and fixed shut, which is to be ensured by condition. In these circumstances, it is not considered that the roof extension would be harmful to neighbouring residents.

8.4 Transportation/Parking

Given the modest increase in floorspace (and that the upgrade would reduce capacity of the hotel rather than increase it) it is not considered that there would any implications in highway terms.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposal would not alter access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Given its modest size, it is accepted that the proposed extensions are unlikely to result in additional generation of waste and recycling material.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

The development is not liable for a CIL payment as the floorspace increase is below 100sqm.

8.11 Other Issues

Boiler Flue

A boiler flue associated with 55A Cambridge Street is located on the boundary wall which is venting out into the courtyard area of the application site. The proposed rear extension would conflict with this boiler flue, and an objection has been raised by the neighbour whose boiler would be impacted if this flue is blocked. The applicant has responded to this concern by revising their proposals to allow the flue to run through their proposed extension.

The Party Wall Act 1996 deals with works, which relate to boundary walls including flues positioned in them. The provisions of this act is for the building owner and adjoining owner to resolve, and not a matter that can be dealt with under planning legislation.

Property Values:

An objection has been received on the grounds of loss of monetary value to neighbouring properties. The impact of planning decisions on property values is not a material planning consideration. However, it should be noted that the impact of the proposals on neighbouring amenity and the character and appearance of the area have been considered elsewhere in this report.

Planning Control Breaches:

Objectors have noted past breaches of planning control relating to the site, and suggest the Council ought to consider the current application in a different way in light of this. Planning applications must be considered based on their planning merits.

Crime and Security:

Objection has been raised on the grounds the proposals pose a security risk as the proposed roof extension could make access to adjoining properties easier. The new rear openings at roof level are to be conditioned to be fixed shut. Therefore, it is not considered that permission could reasonably be withheld on the grounds of potential access through them.

Human Rights Act:

An objector has requested due regard be had to the Human Rights Act. The Council is satisfied that any interference with an individual's rights in terms of Article 8 of the Human Rights Act, which requires that "respect" be given to private and home life, would be a proportionate means of achieving a legitimate end, that being the Council's function to determine planning applications. This right exists for both the applicant as well as the objector. It is considered that there is nothing in human rights or equality law that could, as a matter of law, require the application for planning permission to be refused and the objections on these grounds cannot therefore be supported.

Procedural Irregularity:

An objector, whilst grateful to be kept informed, considers that the case officer 'pre-determined' the application by sharing his view that he was minded to recommend the proposal be approved. The objector states this was unfair as it 'circumvents due process and amounts to a procedural irregularity in the planning application'. The views expressed by the case officer did not represent a determination of the application. Case officers do not have the authority to determine applications. The email the resident refers to also explained the following: 'Any views or opinions expressed in this email are those of the sender, and whilst given in good faith, do not necessarily represent a formal decision of the Local Planning Authority unless a statutory application is or has been made and determined in accordance with requisite procedures, planning policies and having had regard to material considerations.'

9. BACKGROUND PAPERS

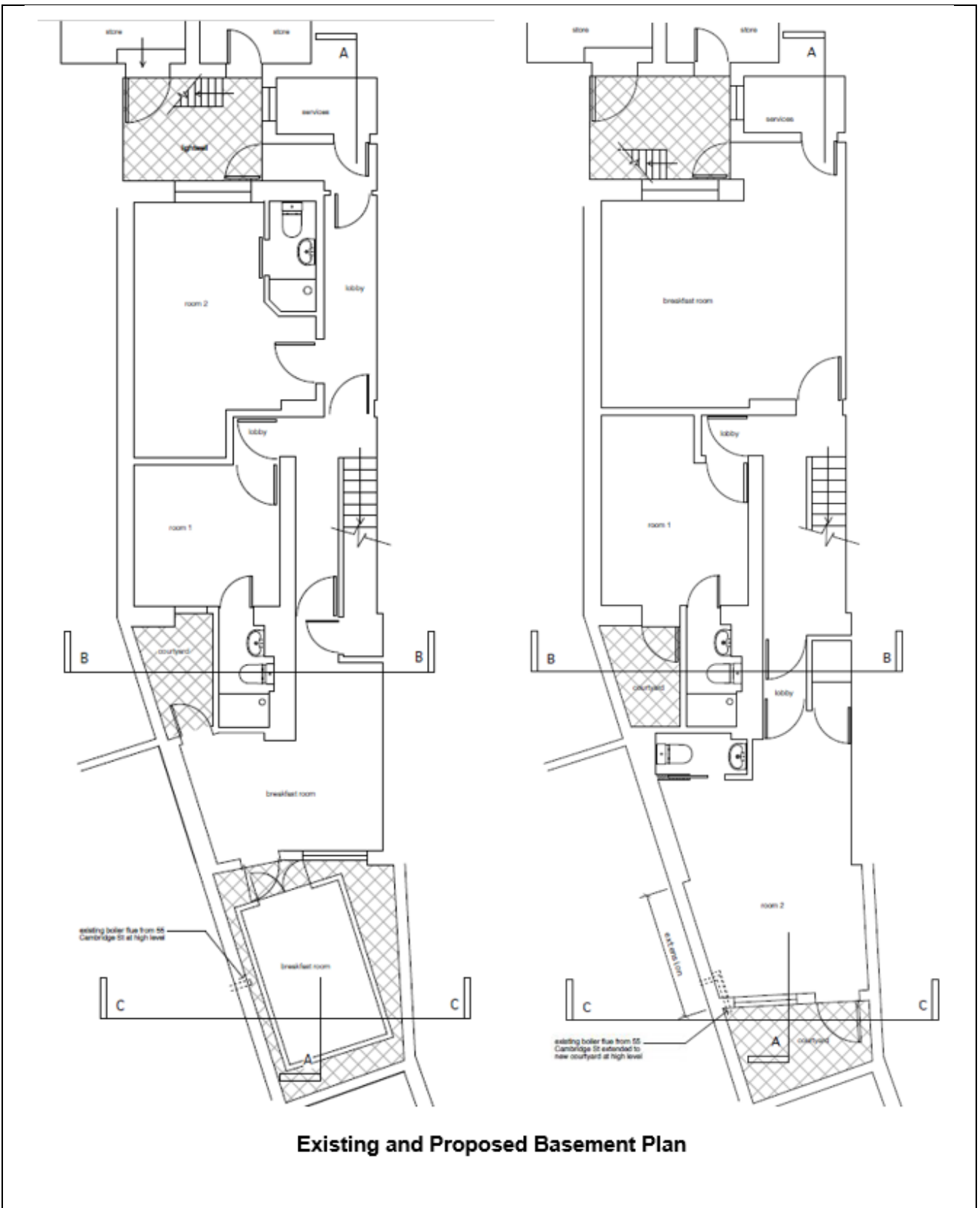
1. Application form
2. Response from Westminster Society dated 26 October 2017
3. Objections (x3) from the occupiers of 59 Cambridge Street dated 5 December 2017, 9 February 2018 and 9 March 2018
4. Objection from occupier of 55 Cambridge Street dated 5 December 2017
5. Objection from occupier of 59 Cambridge Street dated 9 December 2017
6. Objections (x4) from occupier of 55A Cambridge Street dated 6 December 2017, 24 February 2018, 28 February 2018 and 6 March 2018
7. Case officer email dated 26 February 2018 (in response to email dated 24 February 2018 from occupier of 55A Cambridge Street).

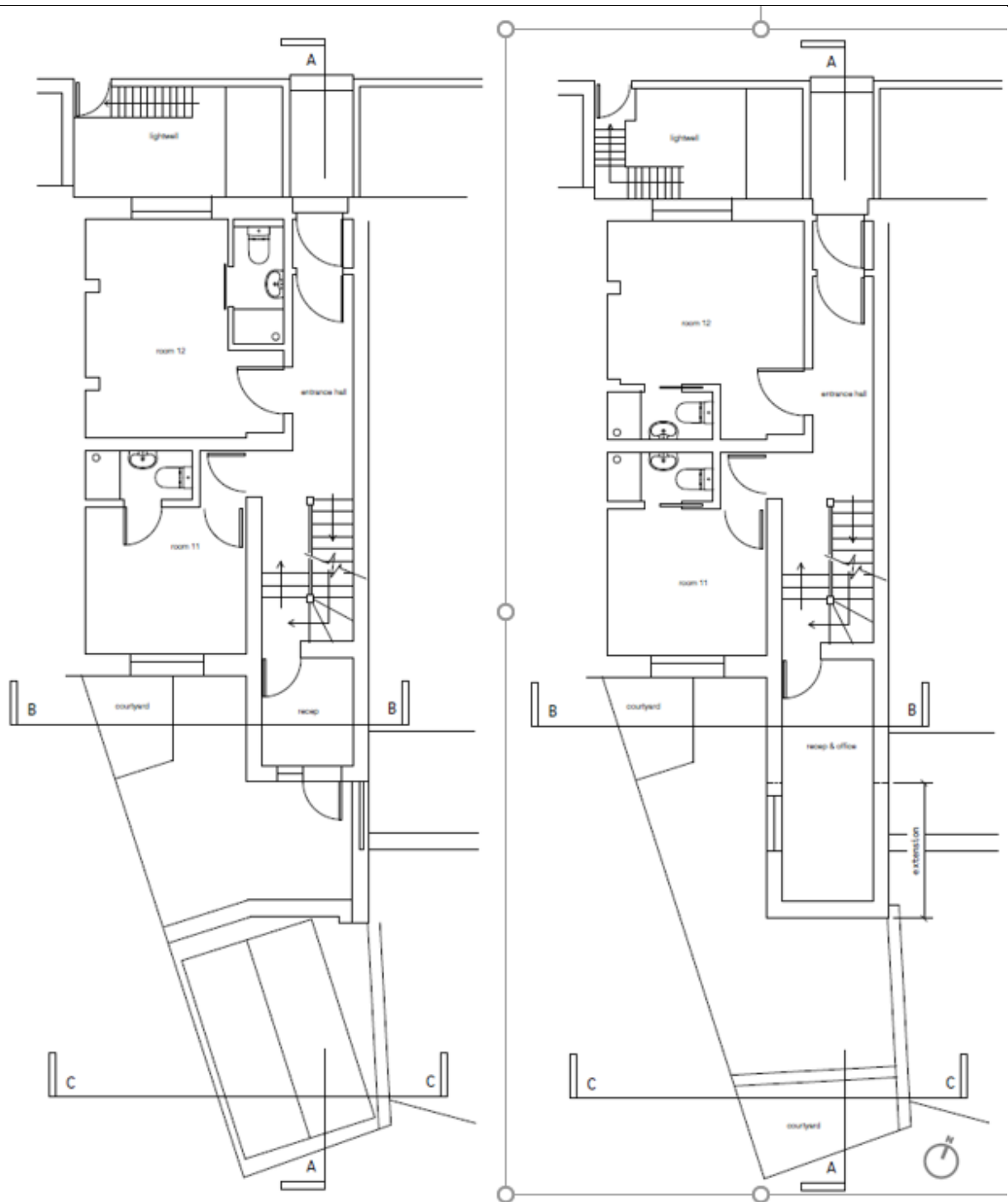
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

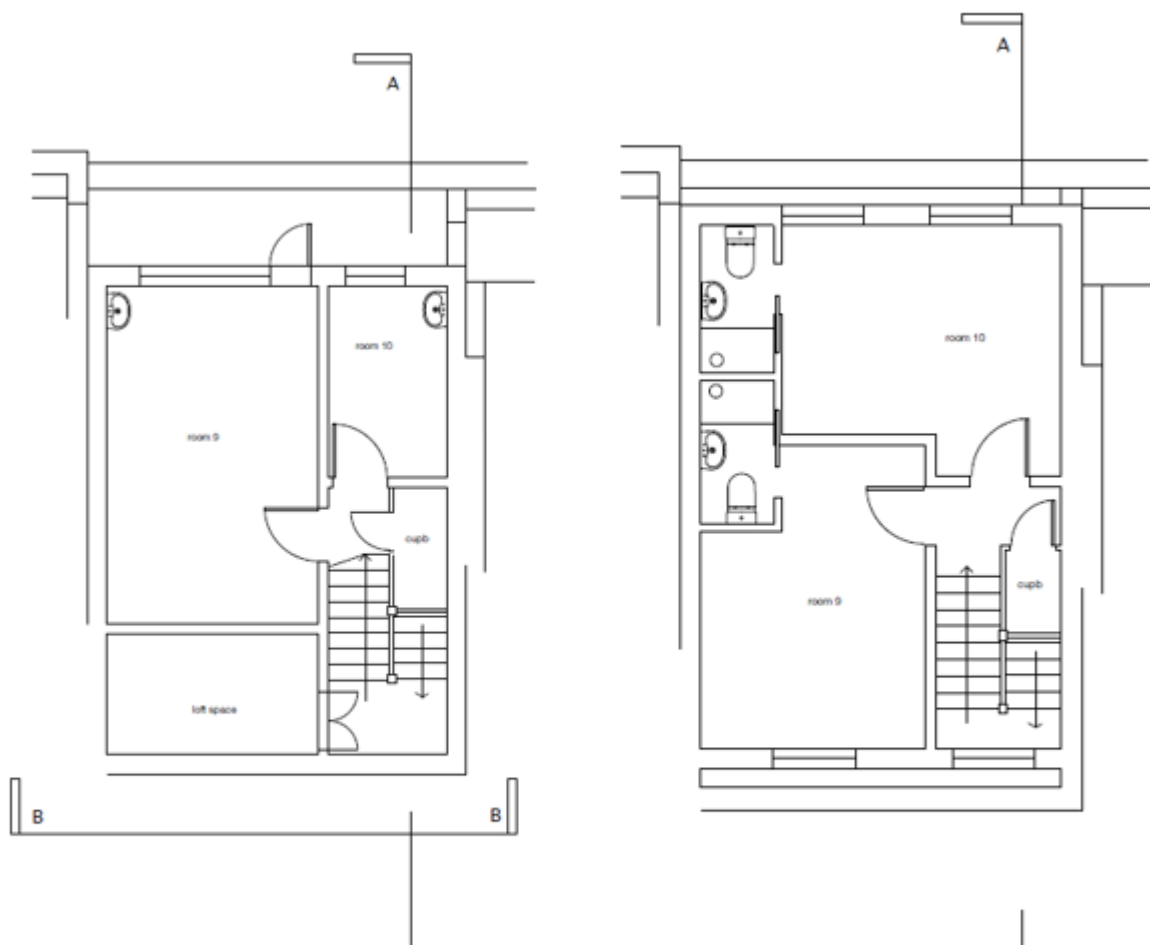
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

10. KEY DRAWINGS





Existing and Proposed Ground Floor Plan



Existing and Proposed Third Floor Plan



Existing and Proposed Front Elevation



Existing and Proposed Rear Section B B



Existing and Proposed Rear Section C C

DRAFT DECISION LETTER

Address: 126 Warwick Way, London, SW1V 4JA

Proposal: Single storey extensions to rear of basement and ground floor and extension to existing mansard roof.

Reference: 17/09354/FULL

Plan Nos: Site Plan; Location Plan; BH 101A; BH 102; BH 103; BH 104; BH 105; BH 106; BH 107; BH 108A; BH 109; BH 201A; BH 202; BH 203; BH 204; BH 205; BH 206; BH 207; BH 208A; Design and Access Statement.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

You must carry out piling, excavation and demolition work:

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

Noisy work must not take place outside these hours unless otherwise 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 the public (C11AB)

Reason:

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

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

Reason:

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

- 4 The mansard roof shall be covered in slate to match the neighbouring properties.

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 Pimlico 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
 - i) Windows, including dormer construction;
 - ii) Doors, and
 - iii) Front lightwell stair.

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

Reason:

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

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- 6 You must not use the roof of the 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)

- 7 The glass that you put in the windows in the rear elevation of the roof extension must not be clear glass and the windows must not open. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and you must fix the windows shut and you must not change it without our permission.

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)

- 8 The hotel breakfast room shall only be used by hotel guests.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

Informative(s):

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

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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 03 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved	
Subject of Report	8 Pearson Square, W1T 3BF		
Proposal	Use of ground floor unit as a mixed Class A1 retail/A3 food and drink (sui generis) use.		
Agent	Savills		
On behalf of	Open House London Ltd.		
Registered Number	17/10799/FULL	Date amended/ completed	12 December 2017
Date Application Received	6 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is a small ground floor retail unit (Class A1) within the redeveloped Middlesex Hospital Site, now known as Pearson Square. It is located within the Core CAZ. Planning permission is sought to allow the use of ground floor unit as mixed use (Class A1/A3).

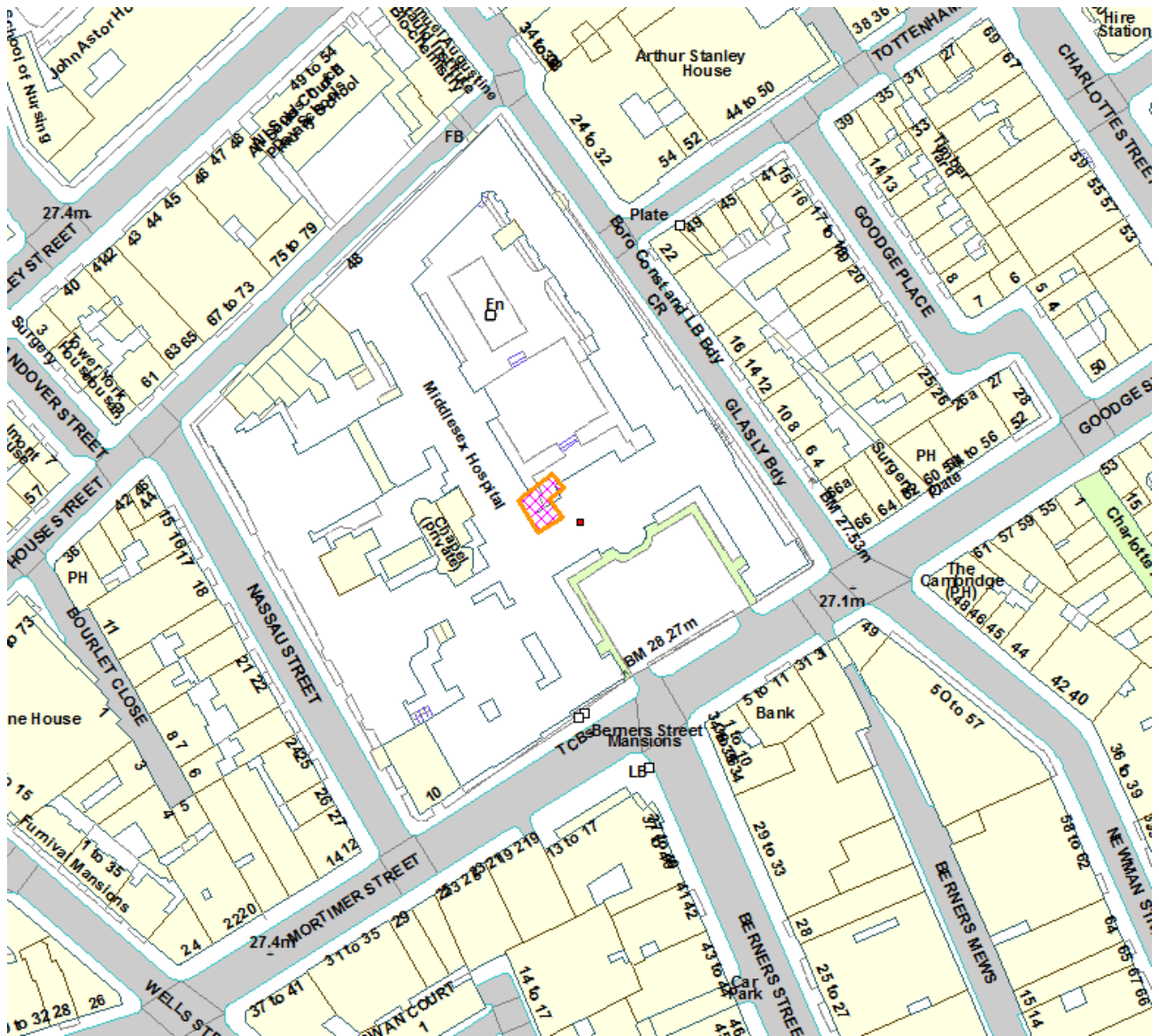
Permission is sought for the use of the premises for a mixture of retail and food and drink purposes. Because it is not possible to provide a full height extract duct, the applicant is proposing an internal re-circulation system for dealing with cooking fumes.

The key issues for consideration are:

1. The impact on the character and function of the area, and
2. The impact on amenity.

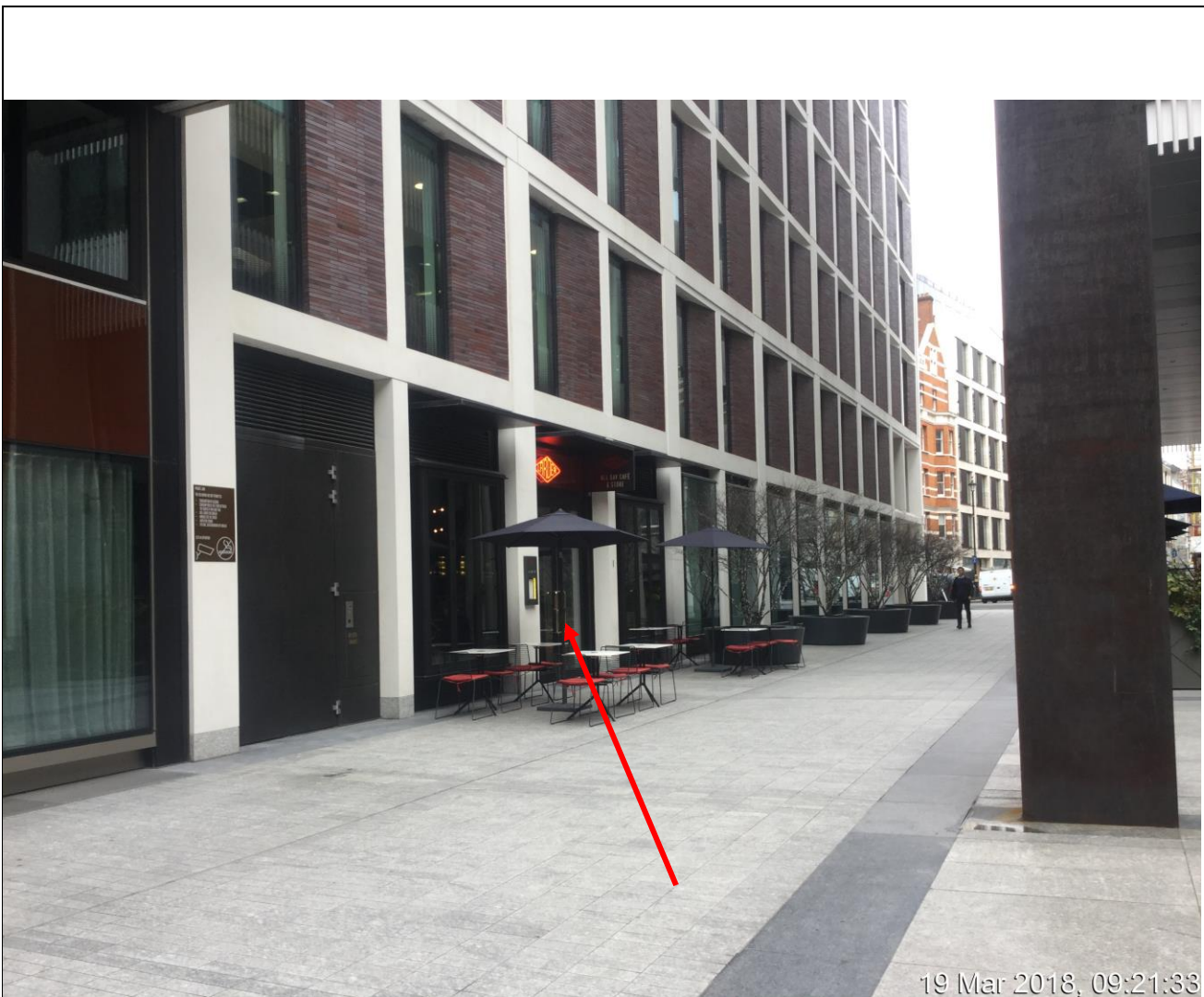
The scheme is considered acceptable in land use terms and, subject to conditions, it is not considered that the use would adversely affect the amenities of neighbouring residents and local environmental quality. The scheme complies with relevant policies set out in the Unitary Development Plan (UDP) and City Plan and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response to date

ENVIRONMENTAL HEALTH

No objection subject to conditions

HIGHWAYS PLANNING

No objection

CLEANSING

No objection subject to conditions

ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 63; No. responded: 0

SITE AND PRESS NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a small ground floor retail unit (Class A1) within the redeveloped Middlesex Hospital Site (approved March 2012), now known as Pearson Square. It comprises 74 sqm and is located within the Core CAZ. The applicant advises that the unit in question is currently occupied by The Larder, a delicatessen selling cheese, cured meats, pastries, eggs, wine, tea & coffee, sandwiches and salads (among other things). While there is some limited seating available, there is currently no on-site cooking and the majority of sales are of food for consumption off the premises.

6.2 Recent Relevant History

None

7. THE PROPOSAL

Planning permission is sought for a change of use of the ground floor from A1 retail to A1/A3 shop / restaurant. Associated to this change of use is the internal installation of recirculating kitchen extract. This will achieve the complete recirculation of exhaust air with no requirement for a route to the external atmosphere and no external equipment and, therefore, does not require planning permission. The change will facilitate some limited cooking on-site to broaden the menu range. There will be approximately 44 covers. The current delicatessen offer will still be available. The applicant has advised that the opening times would be Monday 7.30am to 4.30pm, Tuesday – Friday 7.30am to 10pm and Saturday – Sunday closed (though these hours are considered to be excessively restricted and the proposed hours condition will allow longer opening times).

There will be no external alterations.

All deliveries and refuse & recycling collections will be made from the basement via the goods entrance on Cleveland Street, as part of the shared back of house facilities in this new block. Refuse & recycling storage is provided by the landlord in the basement.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Reduction of retail function

The lawful use of the premises is as a retail shop (Class A1) and the proposals would effectively result in part loss of this use, albeit that the proposed replacement will maintain a strong retail function.

City Plan 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. UDP Policy SS5 Part (A) states that A1 uses at ground, basement or first floor level in the CAZ will be protected. Part (B) states that permission for the introduction of a non-A1 town centre use at basement, ground or first floor levels will only be granted where this would not be detrimental to the character and function of an area to the vitality or viability of a shopping frontage or locality. Part (C) of SS5 identifies that such proposals also must not lead to, or add to a concentration of three or more consecutive non-A1 uses or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

The applicant advises that it is not possible to demonstrate long-term vacancy because the applicant is the existing occupier. It is claimed that the shop in its current guise does not make a profit, despite concerted marketing campaigns and overhauls. The applicant is tied in to a long lease and has, informally, sought alternative operators to take over the lease both among traditional retailers and more restaurant focussed operators with no interest whatever. It is acknowledged that the location of the shop off the main thoroughfare of Mortimer Street is likely to be a contributing factor both to the lack of operating success and the lack of offers for the lease.

While there is no way for long term vacancy to be demonstrated for this retail unit, it is considered that an exception can be made in this instance. The Middlesex Hospital development site had no history of retail units within it until permission was granted for its redevelopment. Furthermore, as the proposed use is mixed in nature and contains a large element of retail which can be conditioned (all of the walls in the unit are products for sale), it would not be considered that there is a total loss of retail from the unit. Accordingly, subject to condition to retain a strong retail element in the unit, the loss of the retail A1 unit is considered acceptable in this instance.

Proposed A3 use

The A3 element of the proposed mix use introduces an 'entertainment' use. City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ. City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is

applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500sqm), only in exceptional circumstances.

City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

The site is located within the Core CAZ but outside of a stress area. Given the small size of the premises (74 sqm), UDP policy TACE 8 is applicable. The closest residential accommodation to the application unit are located within Pearson Square, though not directly above or opposite the unit in question. The block containing the application unit has offices (Class B1) located above and opposite, with residential units located on the northern end of this block. Other residential units are located in the northern block (fronting onto Nassau Street) and western block (fronting onto Riding House Street) of the site.

The applicant advises that the intended opening hours of the unit are Monday: 07:30-16:30, Tuesday - Friday 07:30-22:00 and closed on Saturday and Sunday: these are considered to be excessively limited and it is proposed that the condition allows sufficient flexibility with hours of 07.30 to 22.00 hours on Monday to Saturday and 08.00 to 19.00 hours on Sunday. The intended capacity within the unit is 44 covers, which is also considered modest and can be secured by condition.

Given the size of the premises, the mixed use type and low-key nature of the use (with the significant element of retail) and the modest opening hours, it is not considered that the proposals would not have an adverse impact on the character or function of the area, nor on residential amenity. It is not considered that the activity generated would have any greater impact on neighbours' amenities than the existing retail use.

The issue of kitchen extraction is dealt with in section 8.6.

8.2 Townscape and Design

There are no external changes proposed.

8.3 Transportation/Parking

The Highways Planning Manager has assessed the application and raised no objection to the proposal. The change of use is considered unlikely to create any significant change in the servicing requirements for the unit nor have an impact on the cycle storage requirements. It is not anticipated that the proposed use would generate any significant traffic from customers.

8.4 Economic Considerations

Any economic benefits generated by the proposed are welcomed.

8.5 Access

No changes are proposed to the building access.

8.6 Other UDP/Westminster Policy Considerations

Kitchen extraction

The applicant advises that the change of use will facilitate some limited cooking, so as to broaden the menu range, while maintaining the current delicatessen offer of the unit. No external cooking discharge is proposed for the unit as is usually required when commercial primary cooking takes place. The applicant has explored routes through the building for 'standard' discharge equipment at high level however; there is no capacity in the existing risers for such equipment.

Instead the applicant is proposing the internal installation of recirculating kitchen extract. They have advised that this will achieve the complete recirculation of exhaust air with no requirement for a route to the external atmosphere and no external equipment. Environmental Health have raised no objection to this proposal subject to imposing a range of conditions including on the type of cooking equipment and the manner in which it can be used (for example, cooking must be done by electricity rather than gas, so as to minimise the need for ventilation). There is also a requirement that the existing openable windows in the shop front are fixed shut, to ensure there is no dispersal of cooking fumes into the public domain. Following discussions with the applicant, it has been confirmed that they are willing to operate within such conditions.

The normal planning requirement for food establishments is that they must install a high level kitchen extract to ensure the proper dispersal of cooking smells. However, there may be exceptional cases where a high level duct cannot be installed (as is the case here) and the type of proposed restaurant use and food being cooked is such that Environmental Health advise that a wholly internal re-circulation system might be an acceptable alternative. The current proposal is considered to be an exceptional case and on that basis approval is recommended.

It should be noted that the applicant has advised that without permission being granted for the proposed mixed use, they may pursue a Class A3 use through the General Permitted Development Order 2015 (as amended) Schedule 2, Part 4, Class D of which says that a change of use is permitted from an A1 Use to an A3 Use for up to 150 Sqm for a temporary period of two years. The application unit would fall within that section. The unit may become a restaurant at any time by virtue of permitted development rules, subject to notification being served on the Council.

The applicant has advised that this method of changing the use forms a fall-back position (as defined by the High Court decision in *Mansell v Tonbridge and Malling BC* (2017)) and is a material consideration which, in the applicants opinion, negates the requirement of Policy S21 to protect all retail uses in Westminster. The applicant states that this application allows the Council some measure of control over the operation of the shop/restaurant (by imposing conditions) and, in turn, allows the applicant a measure of permanence.

Refuse /Recycling:

The Cleansing Officer has assessed the application and raised concern that adequate waste storage is not indicated in the proposal. They have requested details of this be requested by condition. However, as the unit forms part of a larger site with centralised waste storage, and as the unit is already in operation, it is not considered necessary to request such details. The applicant has confirmed that all deliveries and refuse and recycling collections will be made from the basement via the developments goods entrance on Cleveland Street.

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

Not applicable. The proposal does not trigger any CIL payment.

8.10 Environmental Impact Assessment

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

9. BACKGROUND PAPERS

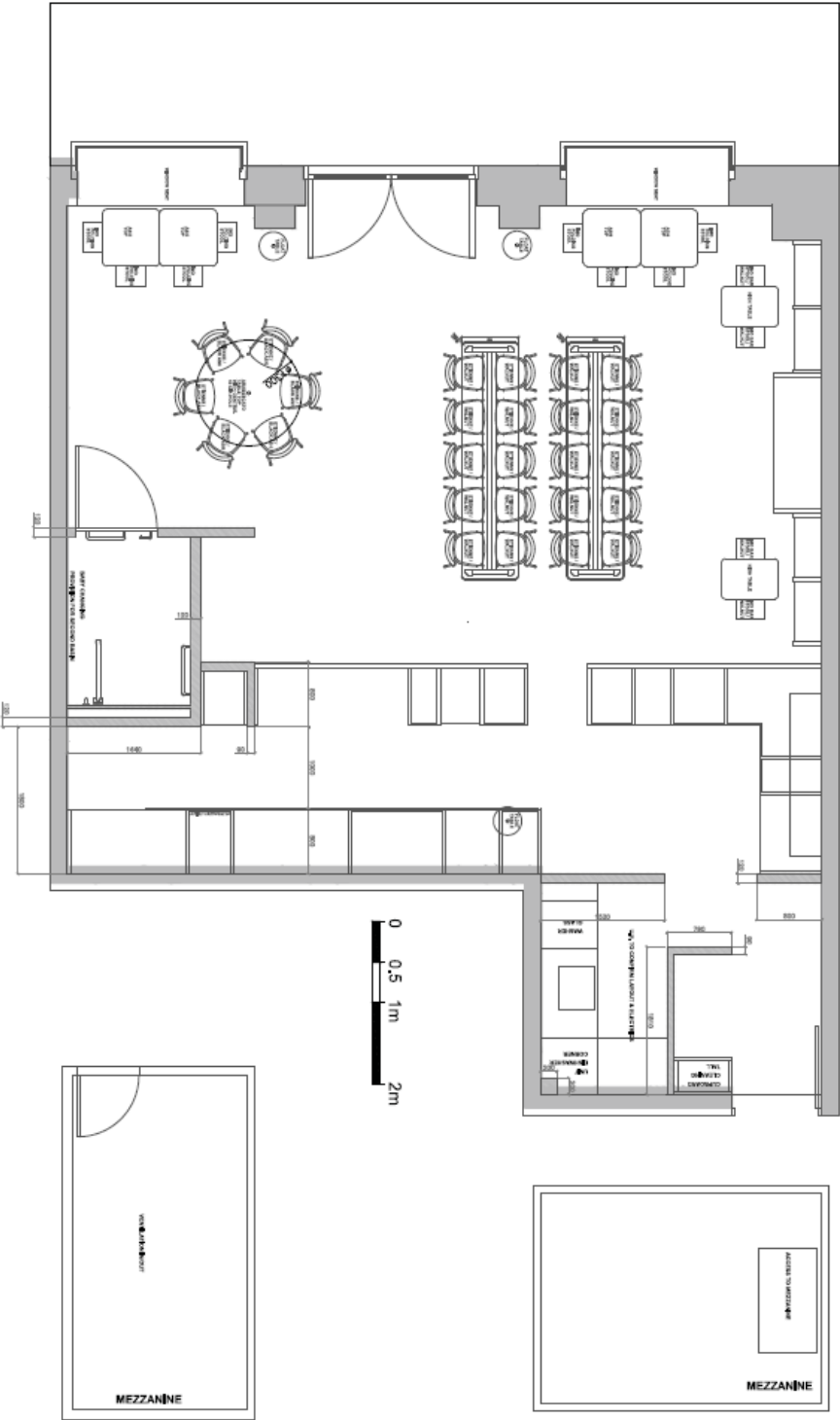
1. Application form
2. Response from Environmental Health, dated 16 January 2018
3. Response from Cleansing - Development Planning, dated 28 December 2017
4. Response from Highways Planning - Development Planning, dated 23 January 2018

(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

Existing/Proposed Ground Floor Plan



DRAFT DECISION LETTER

Address: 8 Pearson Square, W1T 3BF,

Proposal: Use of ground floor unit as a mixed Class A1 retail/A3 food and drink (sui generis) use.

Reference: 17/10799/FULL

Plan Nos: FITZROY LARDER existing and proposed layout plan received by the Council on 19.02.2018

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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

lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 3 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the mixed use (Class A1/A3) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the mixed use (Class A1/A3) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

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

Reason:

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

- 5 There shall be no external discharge of cooking fumes from the mixed use (Class A1/A3)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 6 The mixed use (Class A1/A3) use allowed by this permission must not begin until you have installed the reco-air internal re-circulation system (in accordance with the details submitted as part of this application). The kitchen extract ventilation for the removal of cooking fumes shall consist only of a re-circulation system approved by the Local Planning Authority where:

- i. All cookline/kitchen equipment shall operate by electricity only, and,
- ii. All cookline/kitchen equipment shall be placed under the re-circulation canopy.

This equipment must be permanently retained for as long as the mixed use (Class A1/A3) use continues.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 7 Customers shall not be permitted within the A1/A3 premises before 07.30 or after 22.00 hours on Monday to Saturday and before 08.00 or after 19.00 hours on Sunday.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must not allow more than 44 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 9 You must, as a minimum, maintain the existing retail displays of products for sale on the walls, sales counter and chiller unit within the mixed use (Class A1/A3) unit hereby approved.

Reason:

To protect the retail character of the unit and ensure it remains as a mixed use (Class A1/A3) to accord with S21 of Westminster's City Plan (November 2016) and SS 5 of our Unitary Development Plan that we adopted in January 2007.

- 10 The mixed use (Class A1/A3) use allowed by this permission must not begin until you have permanently fixed shut the openable windows in the front elevation (as approved under application reference: 14/11101/NMA), and you have fitted self-closing door mechanisms to the main entrance doors. You must not leave these doors open except in an emergency or to carry out maintenance.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 2, 3 and 4 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 Prominent signage must be placed on the re-circulation equipment stating no combustible fuel such as gas, charcoal, wood etc can be utilised within the premises.
- 4 You may need separate licensing approval for the mixed use A1/A3 premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission.
- 5 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission.

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 3 April 2018		Classification For General Release	
Report of Director of Planning			Ward(s) involved Lancaster Gate	
Subject of Report	20 Ossington Street, London, W2 4LY			
Proposal	Lowering floor of front lightwell, relocation of front door from side to centre of front facade and replacement of existing doorway with window. Erection of sloping roof extension to rear at first floor level.			
Agent	Ariel Greis			
On behalf of	Mr & Mrs Morris			
Registered Number	17/10761/FULL	Date amended/ completed	5 December 2017	
Date Application Received	5 December 2017			
Historic Building Grade	Unlisted			
Conservation Area	Bayswater			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a three-storey terrace dwellinghouse.

Planning permission is sought for an increase in depth of the front lightwell, the relocation of the front door from the side to the centre of the front facade and the installation of new sloping roof to the existing rear extension.

An objection has been received from a neighbour concerning the potential impact of the rear sloping roof extension on the residential amenity as result of a loss of daylight/sunlight and an increase in noise pollution.

The key issue in the consideration of this application is the impact of the rear sloping roof extension on the amenity of the occupiers of 33 Palace Court.

The proposal is considered to accord with City Council's adopted policies in the City Plan (November 2016) and the Unitary Development Plan (UDP) (January 2007) in land use, design, and amenity terms. The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation Facing Ossington Street



Rear Elevation Viewed From South at a Right Angle

5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26

Total No. of replies: 1

No. of objections: 1

No. in support: 0

1 objection on the following grounds:

- The proposed sloping roof would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss of daylight/sunlight.
- The proposal would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a three storey (two-storey plus mansard level) mid terraced dwellinghouse located on the east side of Ossington Street.

The building is not listed but lies within the Bayswater Conservation Area.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Permission is sought for the lowering of the floor level of the front lightwell, the relocation of the front door from the side to the centre of the front façade and the replacement of the existing doorway with a window. The works to the rear involve a sloping roof extension to an existing rear extension to facilitate an internal staircase.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwellinghouse is acceptable in principle in land use terms and would accord with Policy S14 of the City Plan (November 2016) and Policy H3 in the UDP (2007).

8.2 Townscape and Design

The relevant policies for consideration of this case are DES 1, DES 5, DES 6, and DES 9 of the adopted UDP 2007, S25 and S28 of the adopted City Plan 2016.

The proposed roof extension uses slate tiles which match the existing properties. Due to its size, height, position, and materials, the proposed roof appears as a subservient addition to the original dwellinghouse and would not visually dominate the rear elevation.

The proposed lowering of the floor of the existing front lightwell will result in it matches the depth of the lightwell at No. 22 Ossington Street, the neighbouring property. This alteration is not considered to be contentious in design terms.

The proposal swaps the position of the front door and a window to the front (Ossington Street) elevation so that the proposed front door is positioned between two ground floor windows. The design of the proposed window matches the design of the existing ground floor window and the detailed design of the proposed front door is similar to the detailed design of other front doors within the streetscene. There are other examples within the street of front doors positioned centrally on the façade between two ground floor windows.

For the reasons stated above the proposals are considered to preserve and enhance the character of the Bayswater Conservation Area. The proposed works are therefore in accordance with policies DES 1, DES5, DES 6, DES 9 of the adopted UDP 2007, S25, S28 of the adopted City Plan Nov 2016.

8.3 Residential Amenity

Policies ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality.

Overlooking

Other than a roof light, the proposal does not add any additional fenestration to the rear elevation of the property. The proposed roof light would not facilitate direct overlooking and is not considered to worsen the current overlooking from the existing side elevation windows of the application site that face onto the rear courtyard.

Sunlight/daylight and Sense of enclosure

To the rear of the application site is a narrow courtyard. The windows of No. 31 Palace Court and No. 33 Palace Court face into this courtyard within close proximity to the proposed rear sloping roof extension.

The window most effected by the proposed rear extension is a basement level window serving a bedroom at No. 33 Palace Court which faces directly onto the rear wall of the existing ground floor rear extension on the application site. The proposed roof extension would rise one storey above this extension, sloping up at an angle from behind the existing parapet.

In order to assess the proposal, the Planning Officer visited this basement level. The site visit took place at midday and it was clear that the daylight levels within the room served by the window were very low due to the close proximity of the buildings surrounding the lightwell. The proposed extension would be within the shadow of these existing buildings and therefore it is not considered that it would materially worsen the situation.

The extension would potentially increase the sense enclosure experienced by the occupiers the basement level flat at No. 33 Palace Court when looking out of this window. However, as this window is already enclosed within a small lightwell, it is considered that on balance the proposal would not materially worsen the existing situation to such an extent as to justify a refusal of permission. It should be noted that this bedroom is served by an additional window, and due to its orientation, the sense of enclosure from this window would not be materially different.

The proposed roof is set back at a minimum distance of 1.9 metres from the ground floor rear elevation window of No. 33 Palace Court. The height of the proposed roof extension only reaches approximately half the height of this window and the extension slopes away from this window and therefore this window would not be significantly affected by the proposal.

There are two basement level windows at No. 31 Palace Court but due to their position in relation to the proposed roof extension, it is considered that the extension's impact on these windows would be less in terms of daylight and sunlight and sense of enclosure than the impact on the basement window at No. 33 Palace Court.

Noise

The proposed rear extension will accommodate an internal staircase and it is not considered that this would result in the occupiers of neighbouring properties suffering a material loss of amenity as a result of increased noise and disturbance. It is recommended that a condition is attached to any permission restricting the hours that demolition and construction work can take place on the application site.

For these reasons, the proposed works are considered to be acceptable in amenity terms and in accordance with ENV 13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

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

8.5 Economic Considerations

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

8.6 Access

The accessibility of the building would remain unchanged by the proposals.

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

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

8.12 Other Issues

None.

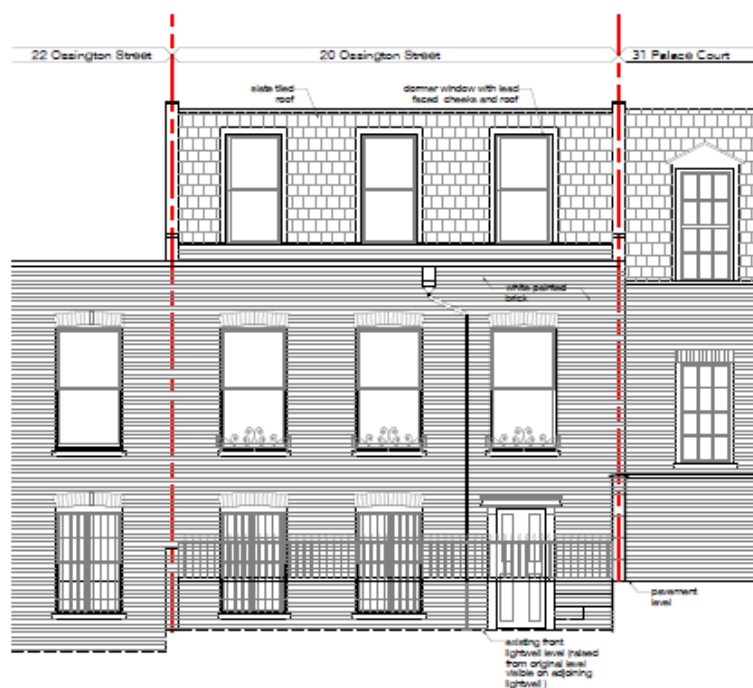
9. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of 33 Palace court, Basement, dated 20 February 2018

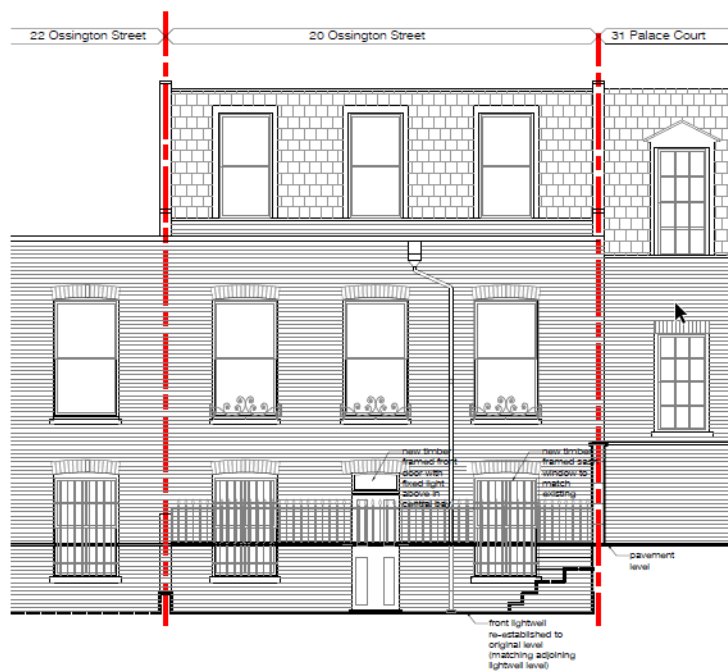
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RICHARD LANGSTON BY EMAIL AT rlangston@westminster.gov.uk</p>

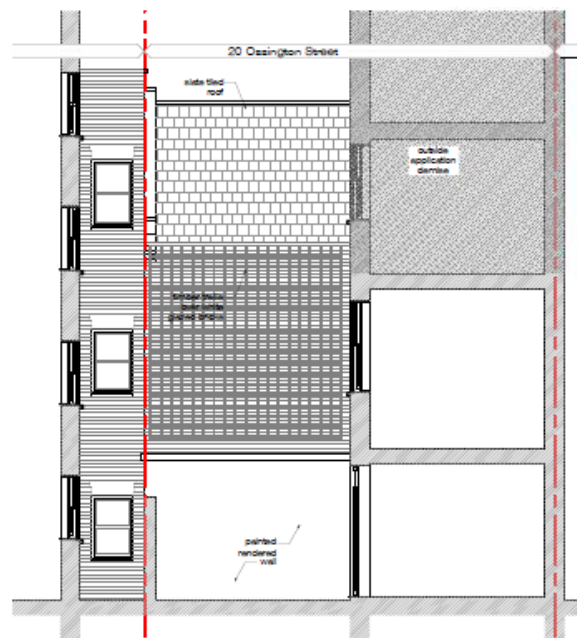
KEY DRAWINGS



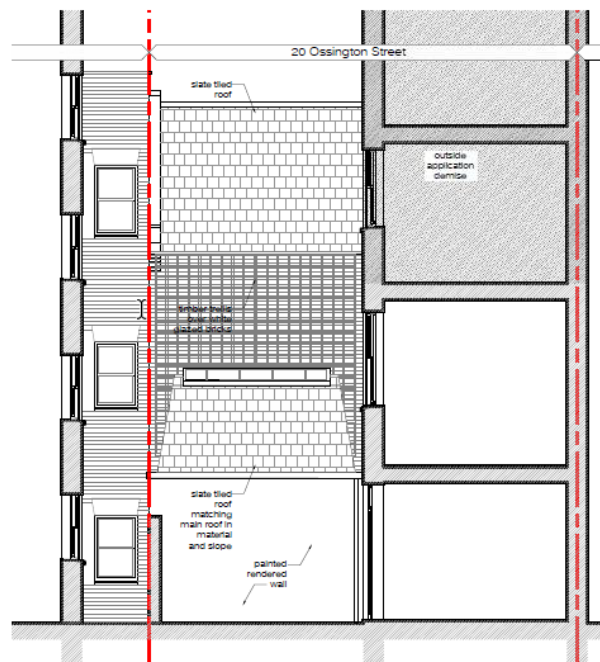
Existing Front Elevation



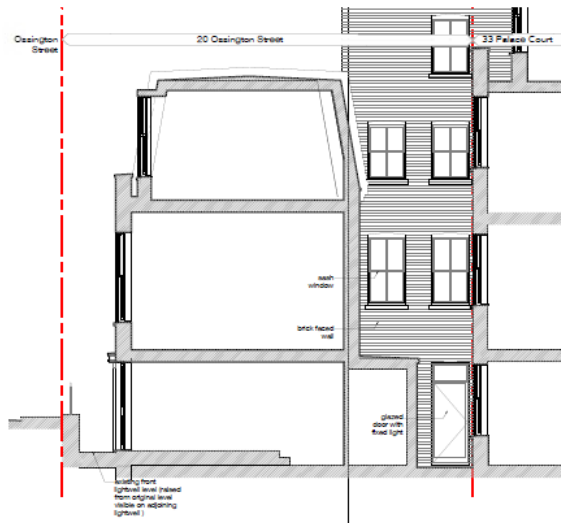
Proposed Front Elevation



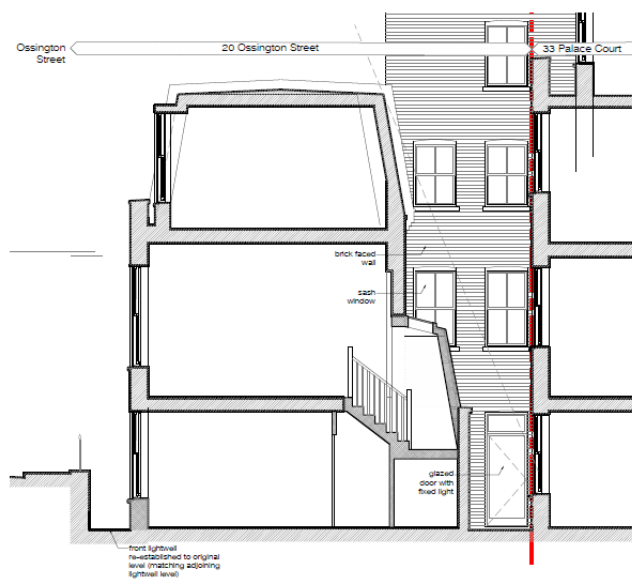
Existing Rear Elevation



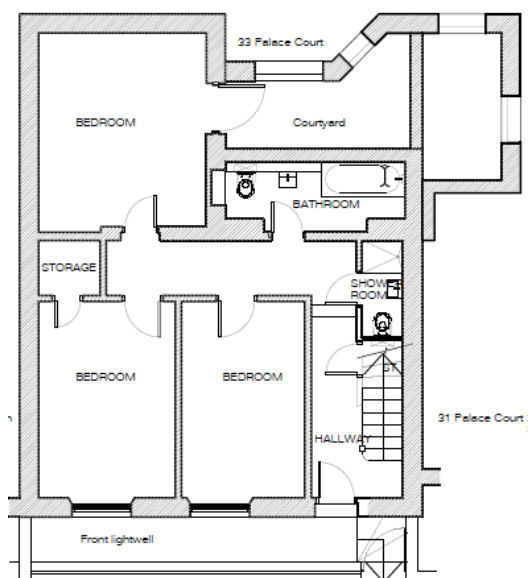
Proposed Rear Elevation



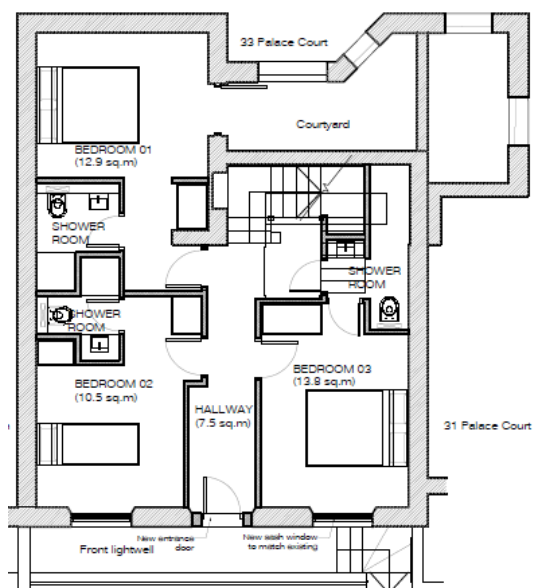
Existing Side Elevation



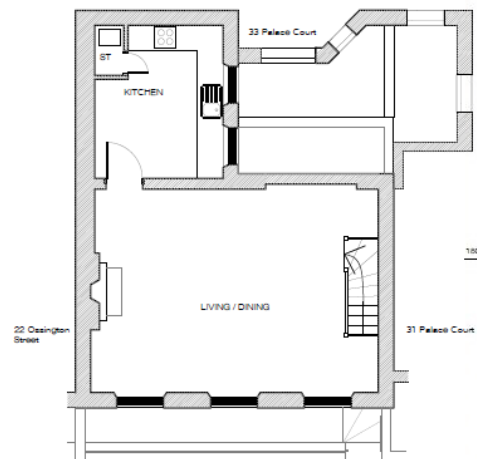
Proposed Side Elevation



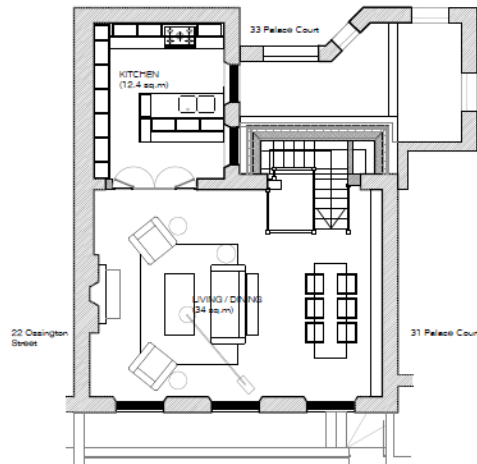
Existing Ground Floor Plans



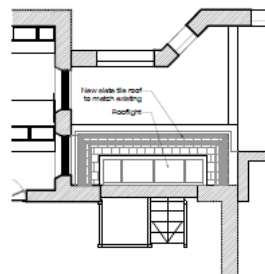
Proposed Ground Floor Plans



Existing First Floor Plan



Proposed First Floor Plan



Proposed Roof Plan

DRAFT DECISION LETTER

Address: 20 Ossington Street, London, W2 4LY

Proposal: Lowering floor of front lightwell, relocation of front door from side to centre of front facade and replacement of existing doorway with window. Erection of sloping roof extension to rear at first floor level.

Reference: 17/10761/FULL

Plan Nos: APL-01, APL-02, APL-03, APL-04, APL-05

Case Officer: William Philps

Direct Tel. No. 020 7641 3993

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents 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 in the interests of proper planning.

- 2 Except for piling, excavation and foundation work, you must carry out any building work which can be heard at the boundary of the property between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 18.00 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 consultation 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 set out in S29 and S32 of Westminster's City Plan (November 2016) and ENP of our Urban 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 to all references are shown on the drawings we have approved or are required by conditions to this permission. (S26AA)

Reason:

Item No.
8

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

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 3 rd April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	14 Denning Close, London, NW8 9PJ,		
Proposal	Partial demolition of existing property, excavation of a basement; construction of part two storey and part single storey front extensions, erection of front and rear dormer extensions and associated external alterations.		
Agent	Mr Jack Hastie		
On behalf of			
Registered Number	17/10421/FULL	Date amended/ completed	23 November 2017
Date Application Received	23 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission has previously been granted at the application site for a number of works including the erection of extensions to the front elevation at ground and first floor levels, excavation of a basement level, alterations to the roof and the replacement of the conservatory to the rear.

This application seeks permission for works to include those that have already been granted, namely the excavation of a basement level and a two-storey extension to the front elevation and additional works including alterations to the garage and the erection of dormer extensions to the front and rear.

The application has received objections from four neighbouring residents. The St John's Wood Society do not raise objection to the proposals however request that careful consideration is given to the comments of the neighbours and that previous construction management, overlooking and privacy concerns have been overcome.

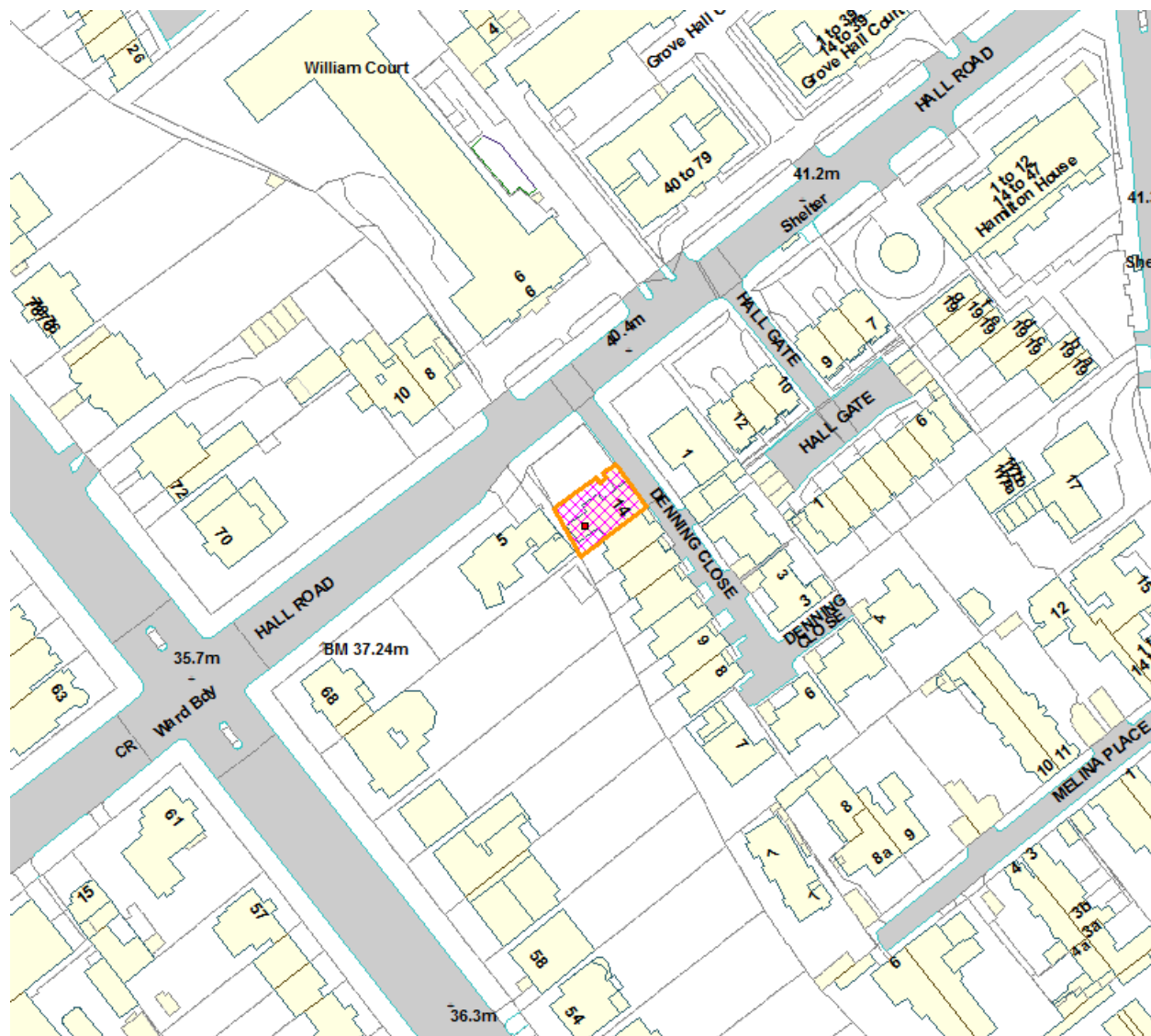
The key issues in this case are:

- The impact of the proposed development on the character and appearance of the adjoining St John's Wood Conservation Area.

- The impact of the proposal and associated construction activity on the amenity of neighbouring residents.

For the detailed reasons set out in this report, the proposed development is considered to accord with the relevant land use, design, amenity and environment policies in the Unitary Development Plan adopted in January 2017 and Westminster's City Plan adopted in November 2016. Therefore, subject to the recommended conditions set out in the draft decision letter appended to this report, it is recommended that permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

CONSULTATIONS**ST JOHN'S WOOD SOCIETY**

Careful consideration of the construction management plan has been requested which ensures the restrictions of Saturday working and protects the amenity of neighbours by addressing issues caused by difficult access. The concerns raised in previous application of overlooking and loss of privacy should be addressed.

ARBORICULTURAL SECTION

Query raised relating to the tree categories in the Arboricultural Report. Objection given the loss of existing soft landscaping and that there is no indication that it will be possible to restore or maintain sustainable soft landscaping within the proposed courtyard.

HIGHWAYS PLANNING

No objection.

THAMES WATER

No objection, subject to information relating to groundwater discharges into the public sewer.

BUILDING CONTROL

No objection. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 19

Total No. of replies: 4

No. of objections: 4

No. in support: 0

In summary, the following issues were raised:

Construction

- Parking disruption during construction, ability of residents to drive in/out of the close as a large number of collections/deliveries may block access both in and out of the close.
- Skips during construction will block pedestrian access.
- Constructors parking and therefore causing traffic in the close.
- The construction management plan provided is a previous version. More information required where on site personal intend to park. It fails to include details of lorry swept path drawings.
- Private car park to front of property should not be used except for parking for the properties intended for. Construction works will prevent residents from 8-13 Denning Close from using this public car park.

- Impossible for lorries to access to load/unload skips due to the narrowness of Denning Close, possible damage to walls, pavements, lampposts and bollards. (Not shown on applicants drawings.).

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Reconsultation has been carried out on receipt of amended plans relating to the roof alterations.

RECONSULTATION RESPONSES:

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 19

Total No. of replies: 0

No. of objections: 0

No. in support: 0

Any responses to be reported verbally.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

14 Denning Close is a dwellinghouse located at the entrance of the close (a cul de sac off Hall Road). The building is not listed and is not within a conservation area, although the boundary of the St John's Wood Conservation Area runs along its eastern boundary.

5.2 Recent Relevant History

11/06254/FULL – Permission Refused; Erection of a two storey front extension and an additional storey onto existing garage.

12/01158/FULL - Permission Granted; Erection of first floor extension with pitched roof to north (front) elevation, a front single storey extension at ground floor level and associated external alterations.

15/05949/FULL - Permission Granted; Works of partial demolition of the existing house in connection with its enlargement, including the excavation of a basement and new rear glazed roof to conservatory.

15/10567/FULL – Permission granted; Erection of two storey front extension.

The applicant has supported the application with a letter from Savills advising that the permission 15/05949/FULL has been implemented in that the front extension to the house has been demolished, the demolition of the rear conservatory has commenced and a 2m deep trench has been excavated in association with the basement excavation.

6. THE PROPOSAL

Planning permission is sought for partial demolition of the existing property, excavation of a basement; construction of part single storey, part two storey front extensions, dormer roof extensions to the front and rear roof slope and associated external alterations.

This application is an amalgamation of the works permitted under references 15/05949/FULL and 15/10567/FULL but with additional works including the alterations to the garage and the front fenestration of the property.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential	254.36	450.28	195.92
Total			

7. DETAILED CONSIDERATIONS

7.1 Land Use

The application will result in an increase in residential floorspace which is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan, both of which seek to increase residential floorspace within Westminster.

7.2 Townscape and Design

The relevant policies are DES 1, DES 5 and DES 6 of Westminster's Unitary Development Plan and S28 of Westminster's City Plan.

In design terms, extensions beyond the front building line, and extensions at roof level to principle elevations are normally resisted under policies DES 5 and DES 6 of the adopted UDP. The proposal in terms of then front extensions are similar to those granted in 2012 and 2015.

Given the new façade is set back substantially from Hall Road and will be partly screened by the existing high brick boundary wall and trees, it is not considered that the front addition will harm the proportions of this house. In addition, the front dormer extension is similar to the dormer windows on the other properties in Denning Close in terms of design, form and location and is therefore considered to be a subordinate addition within the street scape. Whilst it is accepted that the proposed extensions will be visible from views within the St John's Wood Conservation Area along Hall Road, it is considered to be in keeping with the host building and its immediate surrounding.

The proposal will therefore preserve the character and appearance of the adjoining Conservation Areas.

The basement does not have any external manifestations (with the exception of a flush roof light which is not visible from public or private views) and therefore is considered acceptable in design terms.

There are no objections to the replacement rear conservatory, or to the two side windows.

7.3 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 aims to protect the amenity of residents from the effects of development.

Sunlight and Daylight

The proposed front extension follows the same profile as the 2012 and 2015 permission. There is an existing dormer window in the side elevation of No. 5 Hall Road, which serves a bedroom. The proposed front extension sits just behind this dormer. It is accepted that the front extension will be visible from the neighbour's bedroom, but will not result in any material loss of daylight. There will be no significant impact on No. 1 Denning Close and any loss of sunlight will be within acceptable limits.

Sense of Enclosure

There will be a small increase in enclosure to No. 5 Hall Road and No. 1 Denning Close, but these losses will be within acceptable limits. In terms of the location of the dormer in relation to that of No. 13 Denning Close, this dormer window is already enclosed by a party wall at roof level which restricts its outlook. The dormer will not result in any significant increase in sense of enclosure.

Overlooking

The dormer extension facing No. 13 Denning Close will not benefit from any windows, it will however be served by a rooflight. Therefore, it will not result in any loss of privacy to the adjoining property. It is recommended that a condition restricting permitted development rights is attached to any permission to ensure that windows are not added to this dormer which has the potential to introduce overlooking from this rear dormer.

With regards to the side windows onto Denning Close, these windows have previously been accepted and are considered difficult to resist given they would constitute permitted development.

Noise Disturbance

The proposals includes the provision of plant within the basement. The application has been supported by an acoustic report which has been reviewed by the City Council's Environmental Health Team.

Environmental Health raise no objection to the proposed plant on noise or nuisance grounds.

The acoustic report indicated that with noise reduction measures in place, the City Council's design noise level criteria can be met. It is recommended that a condition is imposed to require compliance with the Council's noise criteria.

Transportation/Parking

The proposal does not represent an increase in residential units. No car parking provision is lost.

The Highways Planning Manager has reviewed the proposals and states that it is important to note that the altered position of the garage access leaves sufficient manoeuvring area for one car to gain easy access. However if a car is already in the garage this may result in a second car having more difficulty gaining entry. However, Denning Close is a private road and the proposed access point is far enough from the junction with Hall Road for the proposal to not affect the public highway.

Given the above the proposed works are acceptable and comply with policies TRANS2 or TRANS23.

7.4 Economic Considerations

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

7.5 Access

Access arrangements will remain unchanged.

7.6 Other UDP/Westminster Policy Considerations

Refuse/Recycling

The property will remain as a single dwelling and it is therefore not considered necessary to secure any additional waste/recycling storage.

Trees

The applicant has submitted an Arboricultural Report to support the application. The Arboricultural Manager has reviewed the submission and does not think that the proposal will affect any existing trees. It is stated however that they cannot support the application, as there is no indication that it will be possible to restore or maintain sustainable soft landscaping within the courtyard amenity space.

In this instance, given the small size of the courtyard, it is not possible to include a significant amount of planting and therefore it is not considered that Arboricultural Manager's objection can be supported. The proposal includes the provision of a green wall which is considered to mitigate the absence of soft landscaping and a condition is recommended to ensure that this is provided.

7.7 London Plan

This application raises no strategic issues.

7.8 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.

7.9 Planning Obligations

Planning obligations are not relevant in the determination of this application. The development is CIL liable due to more than 100m² of additional residential floorspace being created. Based on the applicant's floorspace figures the CIL liability is expected to be £13,750 in respect of the Mayor's CIL and £45,256.60 in respect of Westminster's CIL; albeit it should be noted that this is before consideration of any exemptions that may apply.

7.10 Environmental Impact Assessment

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

7.11 Other Issues

Basement

The proposed basement development is compliant with the City Plan policy on basement development (Policy CM28.1). The policy requires the basement developments to residential buildings not to extend beneath more than 50% of the garden land of the original and not be more than a single storey below the original floor level. The proposed development complies with these elements of the policy.

Building Control have assessed the proposed basement, the accompanying structural method statement, the method of construction, underpinning and safeguarding of the neighbouring site and confirmed that these are acceptable. They have confirmed that the proposal to safeguard adjacent properties during construction is considered to be acceptable and that the proposal should not have significant effects on the structural stability of neighbouring building. It is noted that the site is within the Maida Vale surface water flood risk hotspot as shown in the "Basement Development in Westminster" SPG however building control have stated that the proposal would not increase the likelihood of flooding in the local area.

In terms of the requirements of the policy for the provision of 1.2m soil depth above basement excavations, in this instance there would be a small strip of land above the basement that would not comply with this policy. Given the small area concerned (6m x 1m) it is not considered that the provision of the required soil depth is necessary to make the proposal acceptable in this instance.

Objections have been received from residents in Denning Close on the grounds that the proposed basement will result in disruption during construction. The objections raise very detailed concerns relating to the impact of construction traffic on the ability of residents to park and to access and egress the close. The objections also include very

detailed criticism of the Construction Management Plan submitted with the application dated December 2016. Residents consider that this plan does go into such detail regarding the management of construction traffic as conditioned in the 14th March 2017 permission. The applicants have now submitted the Construction Traffic Management Plan as previously approved by the City Council.

The applicants have submitted the required Appendix A to indicate their compliance with the Code of Construction Practice which is to be secured by condition. It is considered that requiring the construction works to be approved by the Council's Environmental Inspectorate and to comply with the council's Code of Construction Practice would be the most effective way of ensuring that the disruption to the neighbouring residents during construction is reasonably minimised.

The proposed basement is compliant with all other relevant elements of the policy and considered acceptable.

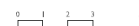
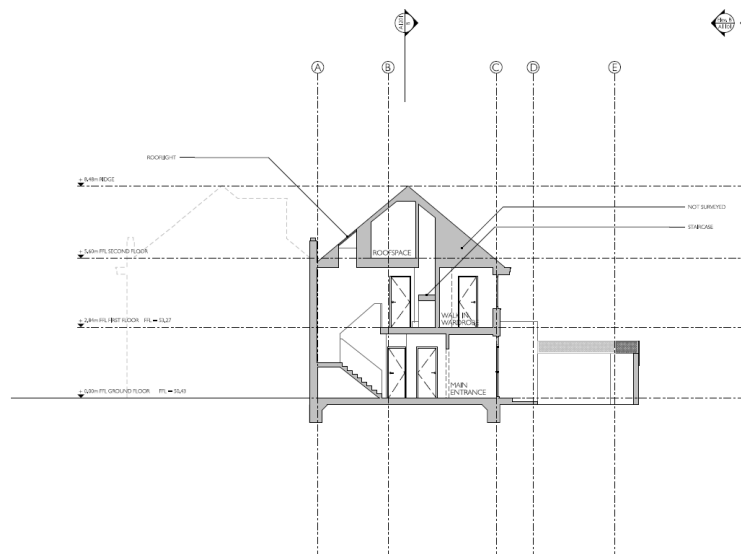
8. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning dated 18th January 2018
3. Response from Thames Water dated 5th December 2017
4. Response from Arboricultural Manager dated 4th January 2018
5. Response from St John's Wood Society, dated 18 December 2017
6. Response from Building Control dated 15th March 2018
7. Response from Environmental Health dated 15th March 2018
8. Letter from occupier of 7 Denning Close, London, dated 3 December 2017
9. Letter from occupier of 9 Denning Close, Hall Road, dated 5th December 2017
10. Letter from occupier of 10 Denning Close, St John's Wood, dated 8 December 2017
11. Letter from occupier of 4 Denning Close, Hall Road, dated 11 December 2017

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

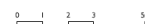
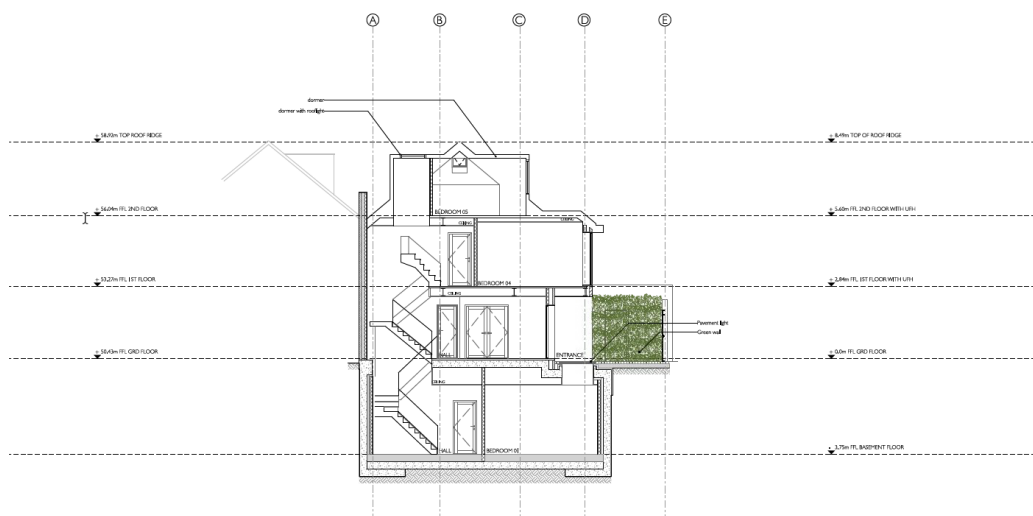
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RICHARD LANGSTON BY EMAIL AT rlangston@westminster.gov.uk.</p>
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EXISTING SECTION A



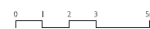
01	22.01.07	Issue for planning
00	23.05.07	Information
New	Date	Reason for Issue

Rev. 2
A3101



02	08/03/18	Issued for Planning
01	22/11/17	Issued for Planning
00	25/09/17	Issued for reference - Phase 1
Rev	Date	Reason for Issue

Architectural elevation drawing of the rear facade of a building. The drawing shows a two-story structure with a gabled roof. The ground floor features a central entrance with a small porch, flanked by a garage on the left and a large window unit on the right. The second floor has several windows. The drawing includes vertical section lines numbered 1 through 5 and horizontal level markers for the ridge, second floor, first floor, and ground floor. Labels include 'existing roofline', 'existing ceiling garage', and 'MAIN ENTRANCE'.



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w www.uberrraum.co.uk
e info@uberrraum.co.uk

Notes

DO NOT SCALE. Use figured dimensions only. ALL corrections are requested to check all dimensions on the before proceeding. All dimensions to be noted in feet to the nearest 1/8 inch. All dimensions are in meters unless stated otherwise.

All dimensions in meters unless stated otherwise.

No areas included, or areas calculated from the drawing should not be used as evidence for purposes or as the basis for development contracts.

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Client
Farnsworth Fender

Project
14 Derrig Close
London, NW8 1



01	22,11,17	Issued for Printing
00	26,09,17	Submitted
Rev.	Date	Reason for Issue

Project **14 DENNING CLOSE**
Drawing Title **Existing Elevation 2**
Scale **1/8" = 1'-0"**
Date **05/05/17**



Project No	Drawing No	Rev
1705	A0101	01

Architectural elevation drawing of the rear of a house. The drawing includes vertical level markers on both sides and numbered callouts 1 through 6.

Left Side Level Markers:

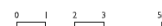
- 18.67m TOP OF ROOF RIDGE
- 15.35m FFL 2ND FLOOR
- 13.35m FFL 1ST FLOOR
- 10.08m FFL GND FLOOR
- 4.33m FFL BASEMENT FLOOR

Right Side Level Markers:

- 18.67m TOP OF ROOF RIDGE
- 15.60m FFL 2ND FLOOR WITH UPH
- 12.86m FFL 1ST FLOOR WITH UPH
- 10.0m FFL GND FLOOR TIS
- 3.75m FFL BASEMENT TIS

Callouts and Features:

- 1: Vertical line marker
- 2: Vertical line marker
- 3: Vertical line marker
- 4: Vertical line marker
- 5: Vertical line marker
- 6: Vertical line marker
- Main Gate
- Verandah
- Acme Road
- Dormer to match neighbouring dormer
- Rooflight
- Juliet balcony to match existing



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Notes
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No area indicated, or areas added from this drawing should be used for valuation purposes or as the basis for development contracts.
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Client
Famous Fashions

Project
14 Derrington Close
London, NW11 7



04	08.03.18	Issued for planning
03	22.11.17	Issued for planning
02	11.09.17	Gange finished
01	24.08.17	Pre-Planning Issue
00	14.08.17	Issue for Information to Design Team

Project | 4 DENNING CLO
Drawing Title Proposed Elevation 2
Scale 1:100 @ A3



Project No	Drawing No	Rev
1705	A2101	01

14 DENNING CLOSE
Existing Roof Plan

Scale: 1:500 @ A3
Date: 04/11/17

Project: 1705
Drawing No: A0013
Rev: 01

UBERRALUM
ARCHITECTS

Notes:
1. EXISTING ROOF PLAN FOR THE I4 DENNING CLOSE PROJECT.
2. THE ROOF PLAN IS BASED ON THE EXISTING ROOF PLAN.
3. THE ROOF PLAN IS BASED ON THE EXISTING ROOF PLAN.
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Architectural drawing of the proposed roof plan for 14 Denning Close. The drawing shows a complex roof layout with various levels and features. A red dashed line outlines the main roof area. Key features include a 'Dormer above staircase', 'Flat roof', and 'No. 13 Denning Close' and 'No. 14 Denning Close' labels. The drawing is overlaid with a grid system (1-5 horizontally, A-E vertically). Annotations include 'Existing neighbouring corner', 'Dormer above staircase', 'Flat roof', and 'No. 13 Denning Close'. A scale bar at the bottom right indicates 0, 1, 2, 3, 4 meters. A north arrow is located at the bottom center. The drawing is titled '14 DENNING CLOSE Proposed Roof Plan'.

Architectural drawing of the existing elevation of the 14 Denning Close house. The drawing shows a two-story house with a gabled roof, a chimney, and a porch. The elevation is divided into five vertical sections labeled A, B, C, D, and E. Section A is the left side of the house, Section B is the central part, Section C is the right side, and Sections D and E are the porch area. The drawing includes a north arrow pointing up and a scale bar at the bottom right. The drawing is titled '14 DENNING CLOSE Existing Elevation' and is dated 17/05/21.

[illegible]

DRAFT DECISION LETTER

Address: 14 Denning Close, London, NW8 9PJ,

Proposal: Excavation of a basement; construction of a two storey front extension, extension in width and height of existing garage; roof extension and associated external alterations.

Reference: 17/10421/FULL

Plan Nos: Eva_091 REV A; A1100 01; A1101 01; A1102 01; A1011 01; A1010 01; A1013 01; A1012 01; A1200 01; A1201 01; A1202 01; EVA_300; EVA_301; EVA_302; EVA_303; EVA_310; EVA_320; A2009 10; A2100 04; A2101 04; A2011 10; A2010 10; A2013 08; A2200 02; A2201 02; Acoustic Report 440633/SS1; Desk Study & Ground Investigation Report J14207; Arboricultural Report 140532-PD-11; Construction Methodology Statement June 2016; Geotechnical Environmental Report; Structural Method Statement August 2015

Case Officer: Coelho

Direct Tel. No. 020 7641 6204

Recommendation and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision and any drawings approved subsequently by the City Council as local planning authority pursuant to the 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 not carry out any building work which can be heard at the boundary of the site only: , o 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and you must not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless you have 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 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site., , You must highlight on the copy of the planning permission any condition that restricts the hours of building work.

Reason:

To make sure other people in the building are fully aware of the conditions and to protect their rights and safety. (R21FA),

- 5 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

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

- 6 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)

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

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

Reason:

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

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

Reason:

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

- 9 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application., , Green wall., , You must not remove any of these features. (C43FA)

Reason:

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

- 10 You must not form any windows or other openings (other than those shown on the plans) in the rear dormer of the building without our permission. This is despite the provisions of Classes A and B of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it).

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 4 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)

- 5 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 6 During demolition and construction, you are advised to collaborate/co-operate with other developments in Denning Close in order to ameliorate the impact of works on the amenity of local residents.

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.