



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 19th June, 2018

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Robert Rigby (Chairman)
David Boothroyd
Louise Hyams
James Spencer



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 Director of Law 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. 7 BULSTRODE PLACE, LONDON, W1U 2HU | (Pages 5 - 32) |
| 2. 64 NORTH ROW, LONDON, W1K 7DA | (Pages 33 - 42) |
| 3. 9 RUSSELL STREET, LONDON, WC2B 5HZ | (Pages 43 - 58) |
| 4. SHERIDAN HOUSE, 10 HERTFORD STREET, LONDON, W1J 7RL | (Pages 59 - 72) |
| 5. 16-17 HAY HILL, LONDON, W1J 8NY | (Pages 73 - 92) |
| 6. 21 KNIGHTSBRIDGE, LONDON, SW1X 7QB | (Pages 93 - 124) |
| 7. 15-16 SHILLIBEER PLACE, LONDON, W1H 4DJ | (Pages 125 - 140) |
| 8. 12 GARWAY ROAD, LONDON, W2 4NH | (Pages 141 - 166) |

9.	14 GARWAY ROAD, LONDON, W2 4NH	(Pages 167 - 188)
10.	61A AND 60B BLOMFIELD ROAD, LONDON, W9 2PA	(Pages 189 - 210)
11.	63 ST MARTIN'S LANE, LONDON, WC2N 4JS	(Pages 211 - 230)
12.	18-24 WESTBOURNE GROVE, LONDON, W2 5RH	(Pages 231 - 248)
13.	READING HOUSE, HALLFIELD ESTATE, LONDON, W2 6HD	(Pages 249 - 264)
14.	70 HEREFORD ROAD, LONDON, W2 5AL	(Pages 265 - 292)

Stuart Love
Chief Executive
11 June 2018

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Agenda Annex

CITY OF WESTMINSTER PLANNING APPLICATIONS SUB COMMITTEE – 19th June 2018 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s) : 18/01713/FULL Marylebone High Street	7 Bulstrode Place London W1U 2HU	Demolition of the existing building and creation of a new basement plus four storey building to comprise a single residential unit (Class C3) with integral garage.	Gawor Architects
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 17/10442/FULL West End	64 North Row London W1K 7DA	Variation of Condition 3 of planning permission dated 25 October 2001(RN: 00/09772/FULL) for the ' Use of part ground floor, basement and sub-basement as a health and fitness centre (Class D2)'; NAMELY, to extend the opening hours to 02.00 daily for a temporary 30 day period each year during Ramadan until 2020.	Virgin Active Ltd
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
3.	RN(s) : 18/00997/FULL St James's	9 Russell Street London WC2B 5HZ	Installation of kitchen air-supply and air-extract ducting and air conditioning condenser units to rear with associated works.	Red Farm London Ltd
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
4.	RN(s) : 18/00962/FULL 18/00963/LBC West End	Sheridan House 10 Hertford Street London W1J 7RL	Erection of a single storey roof extension on the rear mews building at third floor level for use in association with the residential dwelling (Class C3).	Dorset Assets Limited
	Recommendation 1. Grant conditional permission and conditional listed building consent.			
Item No	References	Site Address	Proposal	Applicant
5.	RN(s) : 17/07518/FULL West End	16-17 Hay Hill London W1J 8NY	Use of lower ground, ground and first floors as a restaurant (Class A3) and minor works to connect to existing riser.	Midas Ltd.
	Recommendation Grant conditional permission.			

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Item No	References	Site Address	Proposal	Applicant
6.	RN(s) : 17/07713/FULL Knightsbridge And Belgravia	21 Knightsbridge London SW1X 7QB	Use of part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis). Use of part basement for ancillary storage space and removal of five car parking spaces at basement level. Extension of existing plant area at first floor roof level and installation of a full height kitchen extract duct to the rear elevation. Alterations to the ground floor elevation including replacing windows and installation of awnings, installation of new decking to the ground floor frontage to accommodate exterior seating and balustrade, provision of two DDA lifts at front ground floor level, replacement and refurbishment of planters and installation of two condenser units within a basement lightwell area on the front elevation.	KARAMNA ALKHALEEL RESTAURANT & CAFE
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
7.	RN(s) : 17/10844/FULL Bryanston And Dorset Square	15-16 Shillibeer Place London W1H 4DJ	Erection of single storey mansard roof extension to create a new third floor and alterations to existing second floor mansard to create a sheer storey, both to enlarge existing residential units (Class C3).	G Mundie and M Stanford
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
8.	RN(s) : 17/01993/FULL Lancaster Gate	12 Garway Road London W2 4NH	Excavation of a basement , extending into part of front and rear garden, demolition and rebuilding of rear glazed conservatory at lower ground floor level, enlargement of front light well with decorative metal grille, addition of roof lights, internal alterations and removal of tree to rear. (ADDENDUM REPORT).	Mr & Mrs Marco Arosio
	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	Applicant
9.	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 roof lights in the floor of rear	Mr Helio Romeo de Diego

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			extension between lower ground and new basement level and removal of tree from front garden. (ADDENDUM REPORT)	
	Recommendation 1. Grant conditional permission and conditional listed building consent. 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	Applicant
10.	RN(s) : 18/00287/FULL Little Venice	61A And 60B Blomfield Road London W9 2PA	Excavation of a single storey basement beneath footprint of the existing dwelling at 61A Blomfield Road incorporating excavation to rear garden area and a front lightwell. Alterations to the existing rear balcony/access stairs serving 61a and 60b Blomfield Road to create one balcony serving only 61a Blomfield Road and creation of new external new steps at the rear of No. 60 Blomfield Road.	Mrs Heskia-Farhadi
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
11.	RN(s) : 18/01639/FULL St James's	63 St Martin's Lane London WC2N 4JS	Erection of roof extension to create a glazed sunroom with roof terrace in connection with enlargement of top floor flat.	Mr Piers Smerin
	Recommendation Refuse permission - design			
Item No	References	Site Address	Proposal	Applicant
12.	RN(s) : 18/02288/FULL Bayswater	18-24 Westbourne Grove London W2 5RH	Installation of two air conditioning units and acoustic screen on first floor flat roof to rear of Tennyson House.	Launcelot Investments Limited
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
13.	RN(s) : 17/08516/FULL 17/08517/LBC Lancaster Gate	Reading House Hallfield Estate London W2 6HD	Installation of gas pipe apparatus.	tRiiO Strategic Partnership
	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision			

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	letter.			
Item No	References	Site Address	Proposal	Applicant
14.	RN(s) : 18/02778/LBC 18/02859/LBC 18/03077/LBC 18/02865/LBC 18/03228/LBC 18/03305/LBC 18/03335/LBC 18/03293/LBC Bayswater	70 Hereford Road London W2 5AL	Installation of an alarm box on the front elevation. (retrospective).	Mr Andrew Coats
	Recommendation Refuse listed building consent			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018		Classification For General Release
Report of Director of Planning			Ward(s) involved Marylebone High Street
Subject of Report	7 Bulstrode Place, London, W1U 2HU		
Proposal	Demolition of the existing building and erection of a single family dwelling house on basement, ground and first to third floors, with integral garage (Class C3).		
Agent	Polly Mason		
On behalf of	Gawor Architects		
Registered Number	18/01713/FULL	Date amended/ completed	19 March 2018
Date Application Received	28 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission

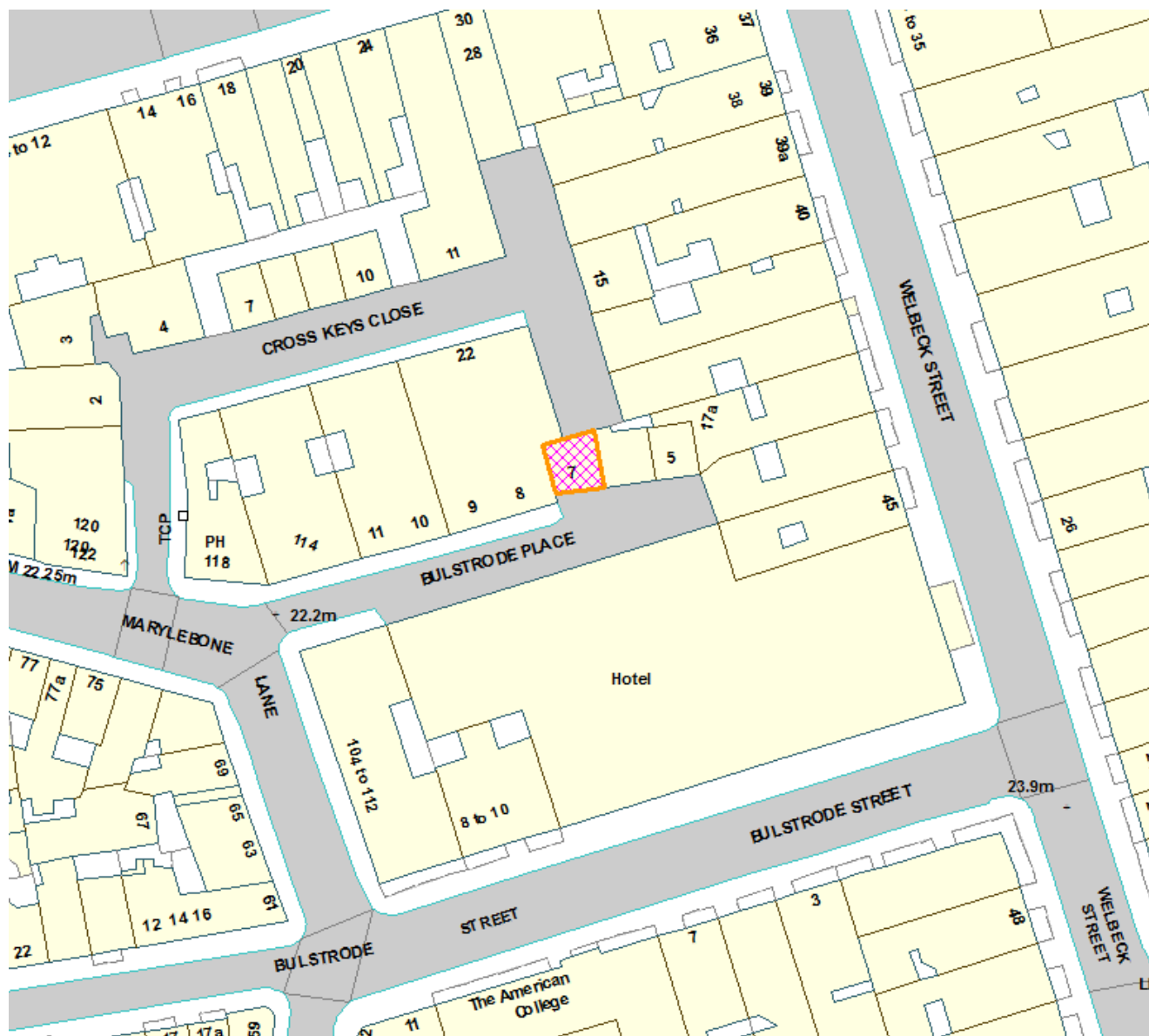
2. SUMMARY

The application relates to an unlisted building of merit within the Harley Street Conservation Area, which is part of a group of three mews houses on the north side of Bulstrode Place. The existing building comprises ground and two upper floors. Permission is sought for the demolition of the existing building and for the erection of a new residential dwelling house on basement, ground and three upper floors, with an integral garage and plant at rear roof level.

The key issues in this case are;

- The acceptability of the demolition of the existing building;
- The impact of the proposal upon the character and appearance of this part of the conservation area;
- The effect of the development upon the amenities of neighbouring properties;
- The acceptability of the scheme in land use terms.

Objections have been received on design/townscape, land use and amenity grounds. However, the scheme is considered acceptable for the reasons set out in the main report.



4. PHOTOGRAPHS

Front facade



Rear facade



5. CONSULTATIONS

COUNCILLOR BOTT

Request that application reported to Committee

MARYLEBONE ASSOCIATION

Building forms part of a group which reinforces the pattern of development of the street but, in isolation, its quality and importance as a heritage asset is limited value; proposed building provides a step up between No. 6 and the taller buildings at Nos. 8-11 but windows designed to reflect those in the adjacent warehouse-style buildings and are out of proportion with the scale of the new building; appropriate to reduce width of window openings and parapet height.

THAMES WATER

No objection: request informatives attached to the decision notice

HIGHWAYS PLANNING

No objection subject to conditions

CLEANSING

Details of arrangements for storage and refuse and recyclable materials required

ENVIRONMENTAL HEALTH

No objection subject to conditions

BUILDING CONTROL

No objection – considers the proposals to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23; Total No. of replies: 7

No. of objections: 6 (2 from/on behalf of the same objector), No. in support: 0, Neutral: 1

Objections on all or some of the following grounds:

Adverse impacts of the scheme outweigh any planning benefit. Building should be retained and extended, which would have a lesser impact on the neighbourhood

Land use

- Proposed use is not consistent with the commercial character of the area
- Development should provide smaller scale, affordable, units to meet current demand
- Intensification of use, building use “more dense”
- Query proposed use of new building

Amenity

- Loss of light
- Noise disturbance

- Increased rubbish generation
- Increased traffic
- Intensification of use

Design/townscape

- Existing building is one of a group of three houses which are designated as unlisted buildings of merit within the conservation area and make a positive contribution to its character and appearance; building should be retained and/or extended in manner of neighbouring properties; demolition contrary to Council policies and to national planning policy; no public benefits to justify demolition; can be no justification for replacement of an existing building of merit, on any grounds, regardless of any merits of the replacement building; demolition would impact on the subject building and compromise the architectural integrity of the group of which it forms part.
- Proposed building of unacceptable height, bulk, detailed design and materials; building should reflect scale/appearance of existing domestic buildings within the group rather than industrial scale/appearance of adjacent commercial/warehouse building; building, including large glazed entrance at rear, is more reminiscent of offices than a house

Sustainability

- Existing building should be retained and refurbished; redevelopment is environmentally unsustainable, wasting energy and materials

Construction impact

- No objection to proposed development but concern about the impact of construction works on the operation of the neighbouring hotel
- Structural implications for adjacent buildings including listed buildings

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building on the north side of Bulstrode Place, with frontages on Bulstrode Place and Cross Keys Close, to the rear. The building is located within the Harley Street Conservation Area and outside of the core CAZ, which encompasses the south side of Bulstrode Place. The building, which is currently vacant, comprises a single family dwelling house on ground and two upper floors, with an integral garage accessed from Bulstrode Place. There are entrances to the building on both street frontages. Part of the (blank) rear elevation to the building abuts the rear wall to 22 Cross Keys Close so that only part of the façade is apparent in views from Cross Keys Close.

The north side of Bulstrode Place is primarily in commercial use, with residential properties at nos. 5, 6, 7 and 17a. The south side of Bulstrode Place comprises the flank

facade of the Marylebone Hotel, 47 Welbeck Street. Cross Keys Close is also largely commercial in character although there are residential properties at nos. 3, 7 -10 (inclusive) and 17a. The nearest listed building is at 43- 45 Welbeck street, the rear of which forms the head of Bulstrode Place.

The site is not in a designated Archaeological Priority Area but is within the Marylebone and Mayfair Surface Water Flood Risk Hotspot.

6.2 Recent Relevant History

7 May 1997: Permission granted for the erection of a third floor mansard roof extension to provide additional residential accommodation and the provision of a secondary means of escape. Not implemented.

7. THE PROPOSAL

The application is for the demolition of the existing building and for the erection of a replacement single family dwelling house, on basement, ground and three upper floors, with an integral ground floor garage, accessed from Bulstrode Place and the main entrance on Cross Keys Close.

The scheme also involves the installation of plant in the basement and at rear roof level. The drawings including a glazed access to the roof of the building, which would be enclosed by frosted glass balustrades to the front and rear. The drawings are annotated to show that access to the roof would be for maintenance purposes only.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The scheme would replace a 2-bed house (100sqm) with a 3-bed family house (153 sqm). Objections have been received on the grounds that the proposed house is unacceptable in an area characterised by commercial building, and that the scheme does not provide any “meaningful” new residential accommodation when current housing demand is for smaller scale affordable units.

This area is characterised by a mixture of commercial and residential uses. Notwithstanding the objection on the grounds that the proposed residential use is inappropriate in this “commercial” location, the replacement of the existing house is required by development plan policies. The new basement would provide a cinema, plant area and w.c. and has no requirement for natural light. The ground floor would provide a garage/storage/waste stores and the living areas and bedrooms would be set out on the upper floors. The accommodation is considered to be acceptable in terms of room size and layout and access to natural light and the development would provide a good standard of accommodation for future occupants. The proposed increase in residential floorspace accords with policy H3 of the UDP and S14 of the City Plan.

While the City Plan acknowledges that the housing demand is for affordable housing is for two and three bed units, there is no policy objection, in principle, to the extension of an existing dwelling house, or its redevelopment as a dwellinghouse, to provide more

living accommodation. Neither the existing dwelling nor the proposed house is unusually large. Although policy S14 requires residential developments to optimise the number of new dwellings within residential developments, it would be unreasonable for an individual, who had bought a property /land as a potential family home, to be required to develop the land as flats and the objection to the nature of the development cannot be supported.

This same objector is concerned that the proposed building is “more dense” in its use than the existing. It is not considered that the provision of a larger dwelling, with one additional bedroom, would result in any significant increase in the level of activity on the site.

As the increase in floorspace is below 1,000sqm, the scheme does not trigger a requirement to provide affordable housing and the application is considered acceptable in land use terms.

One objector has queried the proposed use of the new building, largely based upon its design. The application is for the use of the building as a single family dwelling house (Class C3). Any home office use would be acceptable provided that this is ancillary to the primary residential use in terms of its size and the nature of activities undertaken. It would not be permissible for non-residents to be employed on the premises or for third parties to visit the premises for business meetings etc. Should permission be granted for the proposal, any future reports of any unauthorised use would be subject to enforcement investigations.

8.2 Design/townscape

The application building is one of a group of three early to mid C20 mews-type dwelling houses (Nos. 5 , 6 and 7), located on the north side of Bulstrode Place within the Harley Street conservation area. The conservation area audit identifies these properties as unlisted buildings of merit and identifies No. 7 as being suitable for a roof extension. Although the buildings are not identical, the front facades are of similar appearance and detailing and the parapet height is consistent. Nos 5 and 6 have been extended to provide third floor mansard roof additions. Nos. 6 and 7 have rear frontages on Cross Keys Close.

Bulstrode Place includes a variety of building types including mews style properties, a warehouse-style building rising to 3 storeys with a plant room above, immediately to the west of the application site (no. 8) and similar buildings running westwards to meet Marylebone Lane. The south side of the mews is taken up by the rear of the Marylebone Hotel. Buildings to the rear of the site, in Cross Keys Close, are of a more consistent scale and appearance. The properties are generally three storeys, many of which feature metal-famed, multi-paned, warehouse style windows.

This application involves the demolition of the existing building and its replacement with a dwelling house of a more contemporary design. The new house would include a new basement and an additional storey at third floor. Dormers in the Cross Keys Close roof pitch would provide access to small balconies set behind metal balustrades. On the roof would be glass balustrades to the front and rear to provide safe maintenance access to new air conditioning units located at the rear, screened from public views by the adjacent building at 22 Cross Keys Close.

Policy context

As the building is in a conservation area, the Planning (Listed Building and Conservation Area) Act 1990, requires the Council to 'pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area'. Policy S25 of the City Plan seeks to conserve Westminster's heritage assets including its listed buildings, conservation areas, World Heritage Site, its historic parks, squares, gardens and other open spaces, their settings,

UDP policy DES 1 requires new developments to pay careful attention to definition, scale, use and surface treatment, and the use of high quality and durable materials appropriate to the building and its setting. The character, urban grain, scale and hierarchy of existing buildings, streets and mews should also be respected.

Policy DES9 relates to the potential impact a proposal may have on a conservation area. The policy relates to various matters including to applications involving demolition in conservation areas. In this regard, part B of the policy states:

1) Buildings identified as of local architectural, historical or topographical interest in adopted conservation area audits will enjoy a general presumption against demolition.

2) Development proposals within conservation areas, involving the demolition of unlisted buildings, may be permitted:

a) if the building makes either a negative or insignificant contribution to the character or appearance of the area, and/or

b) if the design quality of the proposed development is considered to result in an enhancement of the conservation area's overall character or appearance, having regard to issues of economic viability, including the viability of retaining and repairing the existing building.

3) In any such case, there should also be firm and appropriately detailed proposals for the future viable redevelopment of the application site that have been approved and their implementation assured by planning condition or agreement

Conservation areas are designated heritage assets within the National Planning Policy Framework (para 132) states:

'When considering the impact of a proposed development on the significance of a designated heritage asset, the greatest weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm should require clear and convincing justification'.

The NPPF differentiates between the degrees of harm that may be caused to heritage assets and requires convincing justification for any works causing harm. It makes a distinction between 'substantial harm' and 'less than substantial harm' to the significance of the heritage asset.

Paragraph 134 states that:

“Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals, including securing its optimum viable use’.

Paragraph 20 of the National Planning Policy Guidance (March 2018) recognises that public benefits may stem from many developments. These can include economic, social, environmental or heritage benefits, but should not be a private benefit.

The applicant’s case

The applicant has made the following points in support of the proposal both in their original submission and their response to comments received:

- The retained building would need to be supported if a basement was excavated beneath it.
- The existing low floor to ceiling heights and shallow plan form and small windows do not provide a good standard of living accommodation. If the floor levels were changed and larger window openings created, little of the existing building fabric would remain.
- The existing external walls are of poor construction. Significant thickening/insulation would be required to meet current standards.
- The existing building makes a limited contribution to the character and appearance of the conservation area. The assessment of its contribution includes an analysis of the impact of the proposals upon the value of the group of buildings at 5, 6 and 7 Bulstrode Place (which have never functioned as traditional mews buildings). The heritage value of the group will be retained as two of the three buildings will remain.
- The applicants point out that case law supports the view that where a development proposal would affect a heritage asset or its setting, which may be in a positive or negative way, the decision maker may conclude that although each of the effects may have an impact, the overall effect should be judged on the basis of the development as a whole. It has been held (*Dorothy Bohm vs SSCLG* (2017)) that the demolition of a non-designated heritage asset in a conservation area does not necessarily equate to substantial harm triggering paragraph 133 but that a decision must take into account the development as a whole, including the replacement building. Paragraphs 133 and 134 of the NPPF are only be engaged where the overall harm is not outweighed by the heritage benefits delivered by a development.
- The overall effect of the proposal is to provide a net benefit to the character and appearance of the conservation area (the designated heritage asset) as the harm arising from the demolition of the building is outweighed by the benefits of the proposals. These include improvements to the rear elevation, the screening of the Marylebone Hotel in views from Cross Keys Close, the delivery of a sustainable development in line with the NPPF and improvements to the townscape quality,

including through the use of high quality materials, and the creation of improved residential accommodation.

- The neighbouring building at no. 6 is one storey taller than the application building and no. 8 is two floors higher
- At the rear, there is no delineation between the facades to 6 and 7 Bulstrode Place and no order or balance in the fenestration.
- The proposals would provide improved accommodation with increased floor to ceiling heights and a brighter, well lit, entrance. Positioning and enlarging windows to match those at no. 8 would ‘free up’ the floor plans and maximise levels of natural light.
- The scale, form and massing of the building are in keeping with similar neighbouring dwellings. The fact that the adjoining building is in commercial use is immaterial to the acceptability of the current proposals in townscape terms. One extra floor (above ground) would be provided, as has been built at nos.5 and 6 Bulstrode Place. The scheme does not seek to maximize the upward extension of the building to reflect the heights of taller buildings on Bulstrode Place.
- The proposed building would be constructed from hard-wearing, high quality, traditional materials (brick/glazed brick, timber garage doors, metal framed windows/bars, slate roof and lead dormers) which reflect the industrial style and detailing of the neighbouring buildings immediately to the west (8-12).
- The proposed development would respect the character and appearance of Bulstrode Place and Cross Keys Close, the setting of neighbouring buildings and the character and appearance of the conservation area and would provide a more vibrant and attractive street environment.
- The development accords with emerging council policy outlined in the document ‘Building height; getting the right kind of growth for Westminster’ (published for consultation in March 2017).
- The scheme would result in significant reductions in carbon dioxide emissions.

Whilst these comments are noted, it is not considered that matters such as the need to support the retained building during basement excavation, the requirement for additional building insulation or the current standard of accommodation offered by the existing mews house provide any overriding justification for the demolition of the existing building. These issues would be common to all similar developments, including in the case of listed buildings, and would result in the demolition of many historic mews houses, which might not provide the type of accommodation sought by modern developers.

The consultation document referred to above took the form of a questionnaire, which asked respondents to think about the potential measures to make the best use of available sites, whilst protecting the areas that make Westminster special, and

suggested that this might be achieved through increases in building heights. However, this is not a formal consultation document setting out detailed policies for comment and cannot be relied upon as an indicator of any potential changes in townscape policies.

Other comments are addressed in detail in the paragraphs below.

Objections to the application

Consultation responses have been received from, and on behalf of, local residents and business occupiers, who object to the demolition of the existing building, and consider the proposed replacement building to be of an unacceptable height, bulk and detailed design and that the use of materials, particularly glazed brick on the lower floors, to be inappropriate. Objectors consider that the building should be retained, and extended in the manner of neighbouring houses, and that this would have a lesser impact on the conservation area.

Demolition of the existing building

The existing building is one of a group of three similar mews-type houses which are designated as ‘unlisted buildings of merit’ within the Harley Street conservation area. Objectors consider these to be the only buildings of architectural merit within the street, which is otherwise flanked by industrial scale buildings and the, rather unattractive, rear of the hotel. Consequently, they do not agree with the applicant’s contention that the buildings make a limited contribution to the character and appearance of the conservation area. Rather, they consider the buildings to make a positive contribution. Their designation as buildings of townscape merit is held to be a positive endorsement of the buildings’ worth, particularly as the audit recognises other buildings as having a neutral or negative impact. Objectors question why the Council would invest in a conservation area audit if its conclusions are not adhered to.

Objectors consider that the demolition of the existing building would be contrary to national planning policy and guidance, which requires protection of heritage assets, and to adopted Council policies and that no proper case has been made by the applicants to justify a departure from this guidance and policies. They consider that the application building should not be viewed in isolation from its neighbours at 5 and 6, as these appear to have been built at the same time, and share identical architectural features, and that the demolition of no. 7 would destroy the architectural integrity of the group of heritage assets.

Objectors are of the opinion that the level of harm resulting from the proposal would be ‘less than substantial’ in terms of NPPF but consider that significant importance and weight should still be attached to it, in the balance. They also consider that there can be no justification for the replacement of an unlisted building merit, on any grounds, regardless of any merits of the replacement building.

The applicants contend that the heritage benefits of replacement building would outweigh the harm caused to the conservation area by the proposed demolition, while the objectors argue that the NPPF (para 134) does not take into account the quality of the replacement building. They consider rather that such an approach could only be justified if the existing building made either a neutral or a negative contribution. Given

the building’s designation as an unlisted building of merit, by definition, the objectors consider that its demolition should be resisted.

As the Harley Street conservation area audit states that a roof extension to 7 Bulstrode Place would be acceptable, objectors consider that the existing building should be retained and extended, (at roof and/or basement level) to form a larger family home - as nos. 5 and 6 Bulstrode Place have been, and has been previously permitted on the application site.

The identification of a building as ‘of merit’ does not give it protection from demolition; it is not an equivalent to listing. The replacement of a building which makes a positive contribution will be permitted where the proposed replacement makes an equal or greater contribution to the character of the area. This is not an unusual occurrence in Westminster, where buildings that make a modest contribution to a conservation area have relatively frequently been replaced by modern buildings of good design quality.

The contribution to the character and appearance of the conservation area made by 7 Bulstrode Place derives from its being of a scale and building type that is typical of this location. A functional-mews type building from the mid - twentieth century – in a group with two others, it does make a modest, positive, contribution to the character and appearance of the area. However, it is not considered that this contribution is a particularly strong one. The buildings are only visible from part way down Bulstrode Place; their contribution is strictly limited to this particular part of the conservation area as they are not visible from any further distance. Given their discreet location and their plain, functional, design and materials, the buildings are considered to make a minor positive contribution to the character of the area. While it is the case that, with the demolition of no. 7, the group value of nos. 6 and 5 would be somewhat compromised, they would still appear as a pair, which is considered to have a modest value.

The objector suggests that the loss of an unlisted building of merit should never be permitted without a public benefit, relying on UDP policy DES 9 and the NPPF to support this contention. Unlisted buildings of merit do indeed enjoy a presumption against demolition but the application building is considered to be at the lower end of the spectrum of such buildings.

The binary designation of buildings as ‘of merit’ or ‘neutral’ does not allow for nuance. In this instance, 7 Bulstrode Place is considered to make a very modest positive contribution. The treatment of all unlisted buildings of merit as equally deserving of preservation is not within the spirit of the NPPF, nor the UDP policy.

The supporting text to policy DES 9 of the UDP states that there is general presumption against demolition, and identifies (in relation to buildings that have not been subject to an audit, but equally relevant where the value of a building’s contribution is disputed):

“In particular the City Council will assess ... the relative contribution of the existing building and the anticipated contribution of proposed building to the character and appearance of the conservation area.”

In this case, if the proposed new building makes an equal or greater contribution to the character or appearance of the conservation area than the existing building, its demolition would be acceptable.

Replacement building

The objectors contend that there is no justification for seeking a relationship in terms of scale, architectural detailing or materials between the application building and the taller adjacent building at no.8.

The Marylebone Association considers that the window openings are over-scaled in the context of the proposed façade and that they, and the parapet height, should be reduced. Other objectors consider that the use of glazed brick to reflect that on the adjacent commercial building, and the glazed entrance on Cross Keys Close, is more reminiscent of an office building than a dwelling house

If the principle of demolition is considered to be acceptable, then the decision as to whether the replacement building should relate to the retained mews buildings at nos. 5 and 6 Bulstrode Place, or to the taller building at no. 8, is considered to be evenly weighted. Objectors dispute that no. 8 makes a contribution to the character of the area. However, the conservation area audit also identifies it as an unlisted building of merit and it is considered that this building makes an equal, and arguably greater, contribution to the character and appearance of the conservation area than the application building.

The proposed building makes a step in height between nos. 6 and 8, although the storey heights and design details relate more closely to no. 8., Although the window openings are large, and objectors consider them to be over-scaled in the context of nos. 5 and 6, they relate well to no.8. The proposed materials relate well to the buildings on both sides. The objection to the use of glazed bricks on a domestic building is not considered to be supportable. Glazed brick has often been used on domestic buildings, and this is considered to be an acceptable design approach.

At the rear, (the Cross Keys Close façade) the existing fenestration is inconsistent and the elevation as a whole makes a neutral contribution to the character of the area. The proposed rear elevation will use higher quality materials and introduce consistent fenestration.

Overall, it is considered that the proposed building will make an equal contribution to the character of the conservation area in terms of its design, and may make a higher contribution in terms of its materials, replacing materials of relatively poor quality.

The proposed glazed balustrades are unacceptable in principle. They should be removed with an amending condition. A lanyard system would be the preferable rooftop safety system from a design perspective.

Objectors consider that no public benefits would accrue from the development. They consider that the application should be refused on the grounds that it fails to comply with national planning policy and guidance and adopted Council policy and that there are no material planning considerations to justify departure from those policies.

The loss of the existing building can be regarded as resulting in 'less than substantial' harm to the conservation area. However, in a spectrum of both the significance of the building and the degree of harm caused it is considered to be a very modest degree of harm. Further, while there is no significant public benefit arising from the scheme, there is a minor public benefit through the partial screening of the adjacent hotel in views from Cross Keys Close, from the introduction of higher quality materials and from improvements to the rear elevation.

8.3 Residential Amenity

UDP Policy ENV13 seeks to protect existing premises, particularly those in residential use, from the impact of new development and to ensure that neighbouring properties do not experience and material loss of daylight or sunlight, increased sense of enclosure to windows or a loss of privacy. Similarly, policy S29 states that the Council will resist development proposals which result in a material loss of amenity to existing residents.

An objection has been received from an office occupier in Cross Keys Close on the ground that the proposal, would have an adverse impact upon neighbouring businesses as a result of increased noise disturbance rubbish generation and traffic. It is unclear whether these concerns relate to the construction process or to the completed development. They have also objected to the scheme on the ground of loss of light and because the proposed building is "more dense" in its use than the existing.

Daylight, sunlight and sense of enclosure

The application is supported by a daylight/sunlight statement, based on guidance published by the Building Research Establishment. This assesses the impact of the development on levels of light to neighbouring residential properties

An objection has been received from the office occupier at 22 Cross Keys Close on the grounds that the proposals would result in a loss of light, although the objector does not specify which properties he believes would be affected. In this case, the nearest residential building with the potential to be affected by the proposals is the adjacent house at 6 Bulstrode Place. Given that windows at that property overlook the front and rear only, and as the proposed building would not extend beyond the front and rear building line to no. 6, it is not considered that the proposals would have a material impact on the levels of daylight or sunlight received to this property.

The statement also considers the potential impact of on first and second floor residential windows at 17a cross keys close, which forms the rear of 43 Welbeck Street. These windows are set within a very narrow lightwell between the flank wall to 42 Welbeck Street/17 Cross Keys Close (to the north) and the rear of 5 Bulstrode Place and look out on to the flank wall of 6 Bulstrode Place. As the proposed building will be wholly obscured by the existing building at no. 6, it is not considered that levels of daylight and sunlight to these windows would be materially affected.

The western and (part) northern facades of the new building would be set against the blank flank/rear walls to offices at 8 Bulstrode Place/22 Cross Keys Close. Windows to the offices at 22 cross keys close look eastwards, at right angles to the rear of the

application site and it is not considered that the proposal would compromise the future operation of these neighbouring offices, or other commercial buildings in the Close.

The building is located opposite, north facing hotel rooms, at the rear of the Marylebone hotel. Again, it is not considered that any potential loss of light arising from the increase in height and bulk on the site would compromise the future operation of the hotel.

In these circumstance, it is not considered that the objection to loss of light could be supported.

Given the relationship of the new building with adjoining properties, there would not be any material increase in the sense of enclosure to neighbouring windows.

Overlooking/noise disturbance/litter generation

Windows on the upper floors of the new building are in a similar position to those within the existing building, albeit considerably larger. The proposed mansard roof extension would incorporate two dormer providing access to two small balconies set behind the rear parapet and a decorative metal railing. Given the relationship of the building to neighbouring residential and commercial properties, it is not considered that there would be any material impact on the privacy of neighbouring occupiers.

Access to the roof of the building would be provided but the applicants have confirmed that this would be for maintenance purposes only. In these circumstances, and given the proximity of this roof to windows at 6 Bulstrode Place, a condition is recommended to prevent access to the roof of the building other than for maintenance purposes or in the case of emergency.

It is not considered that the completed development would result in any increased litter generation and the objection on these grounds is not sustainable.

Subject to appropriate conditions, it is not considered that the proposals would adversely affect the amenities of neighbouring occupiers and the application therefore complies with relevant UDP and City Plan policies.

8.4 Transportation/Parking

The proposals provides a replacement ground floor garage, accessed from Bulstrode Place. The garage would include adequate space for cycle parking for 2-3 wall hung bicycles. It is not considered that the replacement of the existing dwelling house would result in any increase in traffic generation.

The Highways Planning Manager has raised no objection to the scheme subject to conditions requiring the retention of the garage space for parking by future occupants of the development and to prevent any doors opening out over the public highway.

8.5 Economic Considerations

Any economic benefits generated by the development area welcomed

8.6 Access

The development provides level access to the building on both frontages. The scheme also incorporates a lift, which provides access to all floors. Access would be provided to the roof for maintenance purposes only.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposals involve the installation of plant at roof level, within an acoustic enclosure. The roof level units would be sited on the rear roof, adjacent to the blank wall to the rear of 22 Cross Keys Close. The application is accompanied by an acoustic report. This report has been assessed by the Council's Environmental Health officer who considers that the plant operation is likely to comply with Council standards. Conditions are recommended relating to plant noise and vibration and requiring the submission of a supplementary acoustic report to demonstrate that these conditions can be complied with. A further condition has been requested to restrict the hours of plant use. However, as this is a residential use, and where the plant will operate in accordance with the requirements of the noise condition, the Council does normally seek to restrict the hours of plant operation. In these circumstances, the proposals would comply with UDP policy ENV 7 and S32 of the City Plan.

Refuse/recycling

The submitted plans do not include details of separate facilities for the storage of refuse and recyclable materials in accordance with the Council's adopted protocols (showing bin capacity and separate, marked, refuse and recycling bins). Consequently, a condition is recommended requiring the submission of revised drawings showing these details.

Basement construction

The proposal includes the excavation of a new basement level. As required by City Plan policy S28 the applicant has provided a structural method statement setting out the construction methodology for the basement. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction, which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The City Council is not approving this report or imposing a condition that the works will be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

The application has been assessed by the Building Control Officer who has advised that the proposed structural methodology appears satisfactory and is appropriate for this site. 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 low.

One objection has been received on the ground that the proposal would adversely affect the structure of adjacent buildings, including neighbouring listed buildings. The nearest listed building to the application site is at 43-45 Welbeck, the rear of which forms the head of the cul-de-sac at Bulstrode Place and it considered that these buildings are not in sufficiently close proximity to the application site to be affected by the proposals. For the reasons outlined above, it is not considered that permission could be withheld on the basis that the structural integrity of neighbouring buildings could be adversely affected.

As the site is located outside the Core CAZ, policy CM28.1 permits the excavation of an additional storey below the lowest original floor level subject to restriction on the degree of excavation below garden and associated requirements for landscaping etc. However, as the site is entirely wholly covered by the existing and proposed buildings, many of these requirements are not relevant in this case. Where new build residential schemes incorporate basements, and the site adjoins residential properties, the character and appearance of the building and the surrounding area should be safeguarded by ensuring that plant, skylights, vents etc. are sensitively designed. As there is no external manifestation of the proposed basement many of these requirements are not relevant to this case. The acceptability of plant proposals is discussed elsewhere in the report.

Sustainable Urban Drainage measures (SUDs) can be used to reduce surface water run off including the provision of rainwater tanks, permeable paving and the introduction of living roofs. The site is located within the Marylebone and Mayfair Surface Water Risk Hotspot (as identified in the Council's SPD on basement Development) where steps should be taken to avoid increasing, and where possible to reduce, surface water flood risk for the site and beyond. Additional flood resistance and resilience measures should be incorporated within the design to prevent water ingress and to reduce flood damage e.g. raised thresholds. The submitted Flood Risk Assessment states that since the site is already fully developed, the excavation of the basement would not have any impact on surface water run-off. However, the application confirms that a roof level stormwater attenuation drainage system would be provided to reduce peak flows from the site.

As there is no external manifestation of the basement, additional flood resistance measures e.g. increased threshold height would not be required.

Construction Impact

Comments have been received from the neighbouring hotel which, although broadly supportive of the proposed development, has expressed concern about the potential impact of construction noise and traffic upon neighbouring hotel rooms fronting Bestrode Place, other hotel facilities with entrances in Bulstrode Place and upon the hotel restaurant/bar's alfresco dining area on Marylebone Lane. The hotel has requested that site access is limited to Cross Keys Close and that conditions are imposed to limit construction noise. An objection has been received from an officer occupier in Cross Keys Close on the grounds that the proposal, would have an adverse impact upon

neighbouring businesses as a result of increased noise disturbance, increased rubbish generation and increased traffic. It is unclear whether these concerns relate to the construction process or to the completed development.

As required by policy CM 28.1 the applicant has confirmed that they will sign up to the Council's 'Code of Construction Practice' (CoCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and to ensure compliance. These arrangements would be secured by condition. A further condition is recommended to control the hours of excavation and building works any further period of quiet work could be considered under the CoCP.

It is acknowledged that construction works have the potential to affect the amenity of neighbouring residential and business occupiers. However, subject to the conditions outlined above, it is considered that the potential effects of the construction process upon the amenities of neighbouring occupiers will be ameliorated as far as possible and the concerns raised could justify the withholding of planning permission.

Biodiversity

The site is fully developed, with no greening. As the roof of the proposed building would be accessible for maintenance purposes only, the scheme potentially provides the opportunity to provide an area of living roof, which would contribute to biodiversity of the area in accordance with UDP policy ENV17 and City Plan policy S38 which seeks to maximise opportunities to create new wildlife habitats as part of new developments. However, the applicant considers that this would be impractical for the following reasons:

- The need for access between the rooflight and the AC units to allow for ongoing maintenance – concern is that any living roof would get trampled or would be insufficiently hardwearing;
- There would likely be an impact on design, including the potential need for an overall increase in height;
- There would likely be structural implications with knock on cost implications, which have not be accounted for; and
- Given the presence of AC units, any living roof would comprise only a small area with minimal biodiversity benefits.
- Given the above compromises, it is considered that requiring a living roof in this case would not represent an overall benefit to the scheme.

Sustainability

An objection has been received on the grounds that the redevelopment of the site would constitute a waste of energy and resources and that the building should be retained.

The applicants contend that one of the benefits of the proposal is the reduction in carbon emissions from the new building. As required under the Building Regulations, the development would include thermally efficient fabric, including glazing, and energy efficient heating/cooling, lighting and water systems, which are requirement under the Building Regulations. London Plan policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions by using less energy, supplying energy efficiently and using renewable energy .This is not a major development and the application does not detail the level of energy savings delivered by the proposals. However, it is accepted that there are likely to be some, which should be balanced against the concerns raised, and it is not considered that the objections could justify the withholding of permission.

8.8 London Plan

This 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 scheme does not trigger any planning obligations

8.11 Environmental Impact Assessment

Environmental Impact issues are covered elsewhere in this report

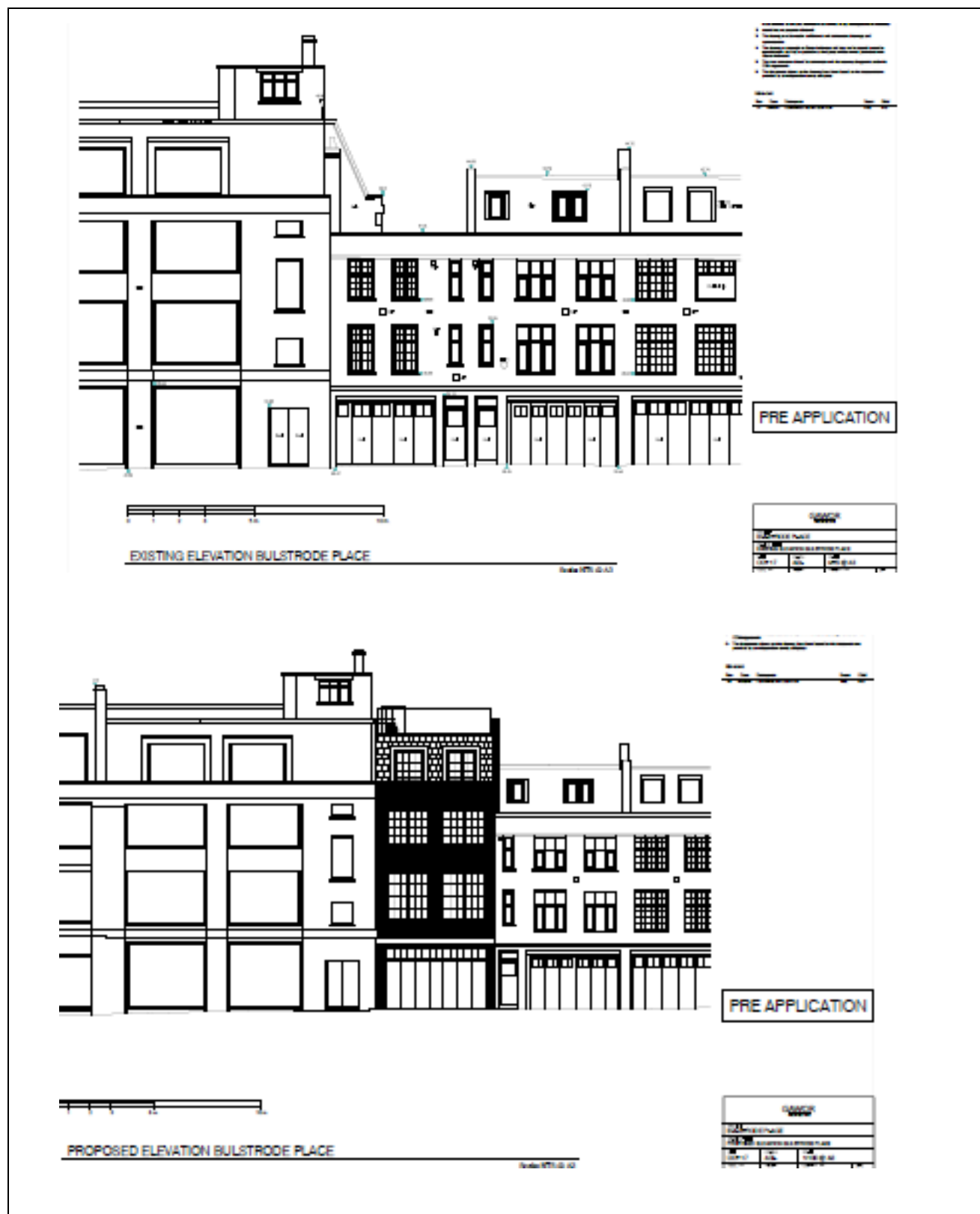
8.12 Other Issues

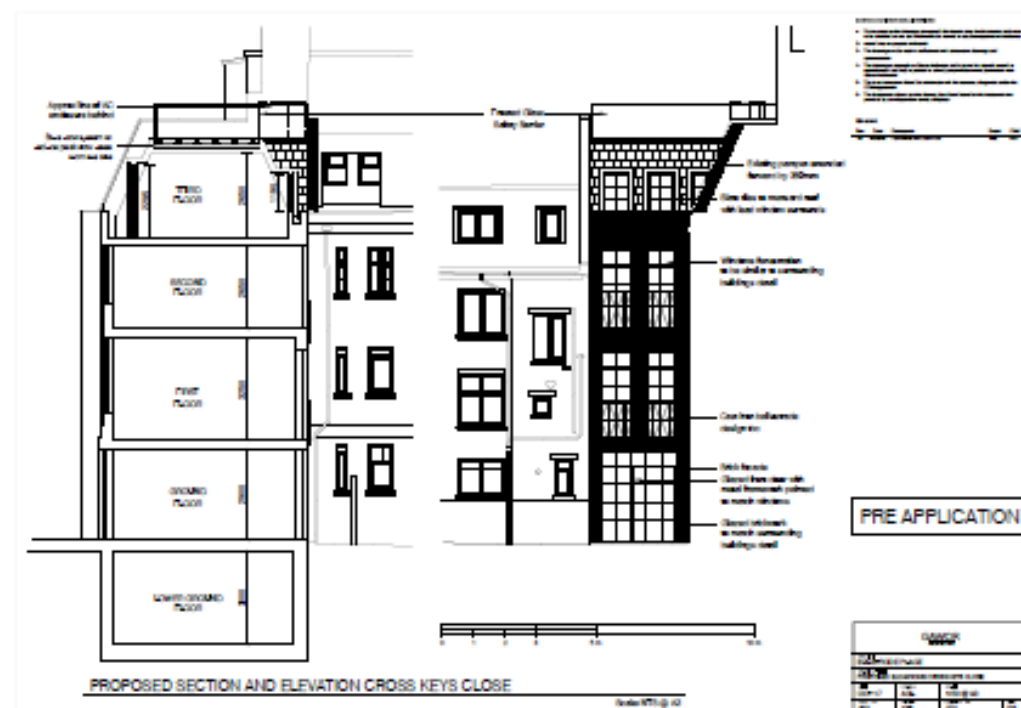
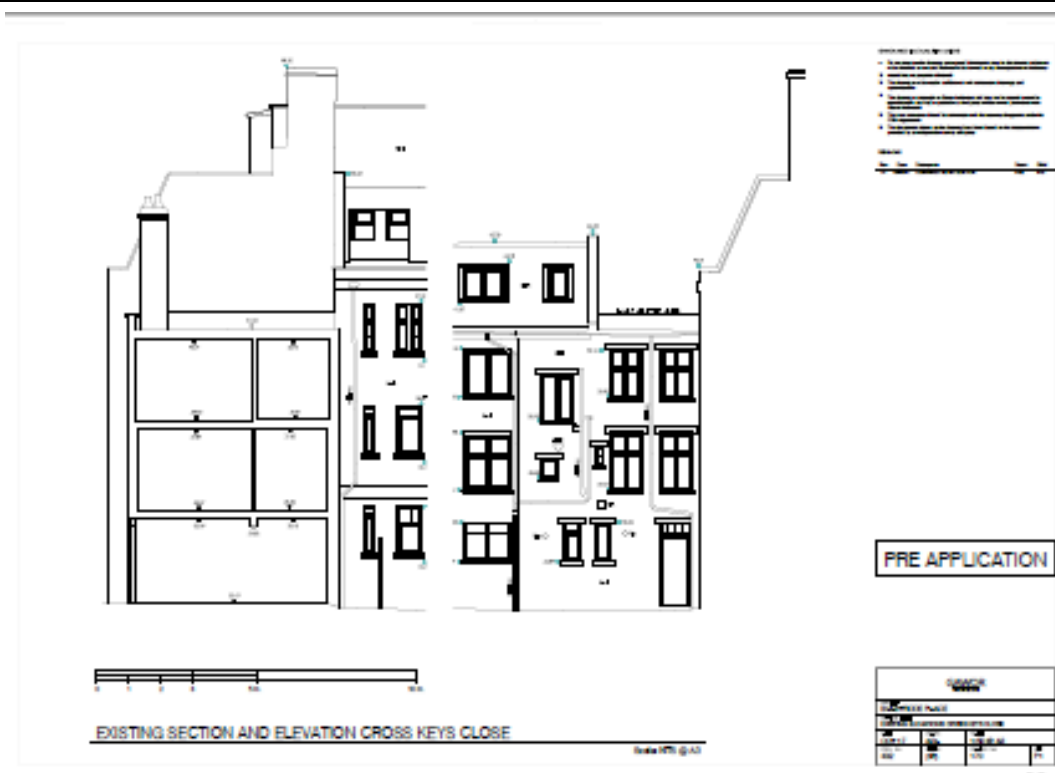
None.

(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

KEY DRAWINGS





DRAFT DECISION LETTER

Address: 7 Bulstrode Place, London, W1U 2HU

Proposal: Demolition of the existing building and creation of a new basement plus four storey building to comprise a single residential unit (Class C3) with integral garage.

Reference: 18/01713/FULL

Plan Nos: 432 (08)/200 P8, 210 P7, 220 P8, 230 P8, 240 P8, 250 P8, 260 P8, 261 P8, 270 P8, 290 P8

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

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

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

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

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

Reason:

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

- 3 (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.

- 4 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

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

Reason:

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

- 6 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance purposes. (C21AA)

Reason:

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

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

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)

- 8 You must not use the garages for trade or business purposes. (C22DA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 9 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the . You must not use the waste store for any other purpose.

Reason:

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

- 10 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 11 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)

- 12 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, 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. (R13AC)

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

Reason:

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

- 14 You must apply to us for approval of drawings at 1:5 and 1:20 of the following parts of the development: 1) Windows and doors, 2) Balconies. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings.

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 Harley Street 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)

- 15 Notwithstanding the details shown on drawings 260 P8, 261 P8, 270 P8 and 290 P8, the roof level frosted glass safety barrier is not granted permission. You must apply to us for approval of detailed drawings showing the an alternative safety system for access to the roof. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Thames Water requests that the Applicant incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 3 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are

situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email Thames Water a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

- 4 A Groundwater Risk Management Permit will be required from Thames Water for discharging groundwater into a public sewer. Any discharge without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water will expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on-line via www.thameswater.co.uk/wastewaterquality.
- 5 You should refer to the City Council's Recycling and Waste storage Requirements (sections 2.3.1 and 3.1) at <https://www.westminster.gov.uk/waste-storage-planning-advice>
- 6 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)
- 7 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:., , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;., , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM

Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 8 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 9 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.;
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.;
 - * Lighting - ensure luminaires can be safely accessed for replacement.;
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).;
 More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm. , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 10 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 11 A lanyard-type rooftop safety system will be the least intrusive type of safety measure in design terms and is likely to be acceptable. More visually obtrusive systems may not be acceptable.

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

Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	64 North Row, London, W1K 7DA		
Proposal	Variation of Condition 3 of planning permission dated 25 October 2001 (RN: 00/09772/FULL) for the ' Use of part ground floor, basement and sub-basement as a health and fitness centre (Class D2)'; NAMELY, to extend the opening hours to 02.00 daily for a temporary 30 day period each year during Ramadan until 2020.		
Agent	Adams Planning and Development		
On behalf of	Virgin Active Ltd		
Registered Number	17/10442/FULL	Date amended/ completed	23 November 2017
Date Application Received	23 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site relates to a Virgin Active gym, known as the Mayfair Health Club, which is located at part ground floor, part basement and most of the sub-basement level of Hereford House; a mixed block between Oxford Street and North Row. The site falls within the Core Central Activities Zone (Core CAZ) and the Mayfair Conservation Area.

Planning consent was granted in 2001 for the use of the premises as a health and fitness centre (Class D2) comprising some 4,500sqm. The basement level accommodates a swimming pool, jacuzzi, sauna, café, reception, office and staff room. The sub-basement level accommodates a cycle studio, fitness studio, stretch area, free-weights, activity area, cardio equipment area and changing rooms. The 2001 consent does not have a limit on the capacity of the health and fitness centre (apart from a restriction of 100 persons in any ancillary bar/café element). The submission indicated up to 500 people using the premises as a whole but this was not restricted by condition. The current applicant advises that, when each piece of equipment is used and every studio, pool and office is occupied to maximum capacity at the same time, there is actually a maximum overall capacity of 400.

Condition 3 of the 2001 consent restricts the opening hours to:
06.00 – 23.00 Monday to Saturday excluding Bank Holidays,
07.00 – 22.00 Sundays and Bank Holidays.

This was to protect the amenity of the adjoining premises and the area generally.

Virgin Active seek to vary this condition in order to allow the health and fitness centre to operate until 02.00 daily for a temporary 30 day period each year during Ramadan. The applicant sets out that the Mayfair Health Club has a high proportion of Muslim membership and that the current opening hours do not accommodate fasting. As a consequence the applicant states that there is an annual reduction in membership during the month of Ramadan where customers change membership to 24 hour gyms.

It should be noted that the applicant originally proposed opening until 03.00 during Ramadan each year, for a 10 year period; in response to objections this has been reduced to 02.00 for a temporary period of two years as a trial run.

The dates of Ramadan for which extended opening hours are sought, have been defined in the submission as: 6 May – 4 June 2019, and 24 April – 23 May 2020.

The key issue for consideration is the impact of the extended hours of opening on neighbouring residential amenity. The nearest residential properties are 40 flats located within the same building (Hereford House) over second to eighth floor levels. There are also residential buildings to the south, located along North Row.

Four objections have been received on the grounds of excessive late night opening hours and increased noise disturbance.

During the past two years (2016 and 2017) no complaints have been received about noise relating to customers entering or leaving the Virgin Active premises. Six complaints were received regarding early morning linen deliveries to Virgin Gym between the hours of 5am and 6am. Condition 6 currently limits service deliveries to 08.00 – 18.00 daily. It should be noted that there have been several complaints received from residents regarding deliveries to Primark and Pizza Hut, both of which operate entirely independently from the application site.

Since the health and fitness club is located at basement and sub-basement level (apart from the ground floor corner entrance), the use of the space itself would not result in any harm to neighbours living conditions: there is no light-spill from any ground floor windows, and any internal noise is controlled by condition 4 of the 2001 consent, which requires: “No sound emanating from the establishment should be audible in any adjoining or adjacent properties”.

The entrance to the gym is directly beneath residential windows at second floor level and it is acknowledged that the opening of the health and fitness centre until 02.00 is likely to give rise to an increase in noise from gym members entering and exiting the premises. However, it is considered that gym users are unlikely to arrive or leave in large numbers. Further, any noise would be transient in nature, and limited to a temporary period of thirty days during Ramadan each year.

An Operational Management Plan (OMP) has been submitted which sets out that opening times for the club will be clearly displayed, and that pool, sauna and steam facilities will close 15 minutes prior to the advertised closing time. No personal training, induction programmes or studio classes will be

carried out during the extended opening hours for Ramadan, and members will be refused entry if under the influence of alcohol, narcotics or certain medications. The OMP sets out that there will be a minimum of 5 members of staff present during the extended opening hours and that a reception staff member will monitor the number of members on site. During the extended hours the front door will be locked, only members will be able to gain access via a keycard (and not potential members using free trial day passes). Notices will be displayed encouraging members to leave quietly.

The applicant has highlighted that the terms of their lease prevents noise nuisance, and that other conditions attached to the consent already protect residents from noise disturbance –namely condition 4 which sets out that the use should not result in noise that is audible to any adjoining or adjacent properties. It should be noted that the terms of the lease are not directly controlled by the planning system.

Since the original submission, the applicant has provided additional information on the current attendance figures for the last two hours of opening. This demonstrates that on average there are currently 24-31 people arriving at the health and fitness centre between the hours of 20.00 and 21.00, and that this reduces to an average of just 5-9 people arriving between 21.00 and 22.00.

On this basis, the applicant has agreed to a capacity limit of 100 people between the hours of 23.00 and 02.00 daily during the 30-day Ramadan period although it is expected that far fewer members would actually attend during these hours.

It should be noted that there are other late night uses in the surrounding area; directly to the west, at 141 Park Lane there is a lounge bar which is licenced Thursday to Saturday 23.00 – 03.00, and to the north is the Thistle Hotel which allows 24hr access for guests, and has licensed bars which open daily until 02.00. As such, the proposal for a health and fitness centre to open for a limited period until 02.00 during Ramadan would not be at odds with the general character or function of the area.

It is recommended that conditional planning consent be granted for a capacity limit of 100 people between the hours of 23.00 and 02.00 daily during the 30-day Ramadan period for a trial period of two years. On this basis it is considered that the objections would be adequately addressed.

4. PHOTOGRAPHS



5. CONSULTATIONS

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 252

Total No. of replies: 4 (4 Objection, 0 Support)

Objections have been received on the following grounds:

- Increase in noise disruption
- Excessively late opening hours sought

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

Use of part ground floor, basement and sub-basement as a health and fitness centre (Class D2) - Granted 21/09/2001

Alterations to Park Street and North Row elevations to accommodate a new canopy, louvres and window openings. – Granted 21/06/2002

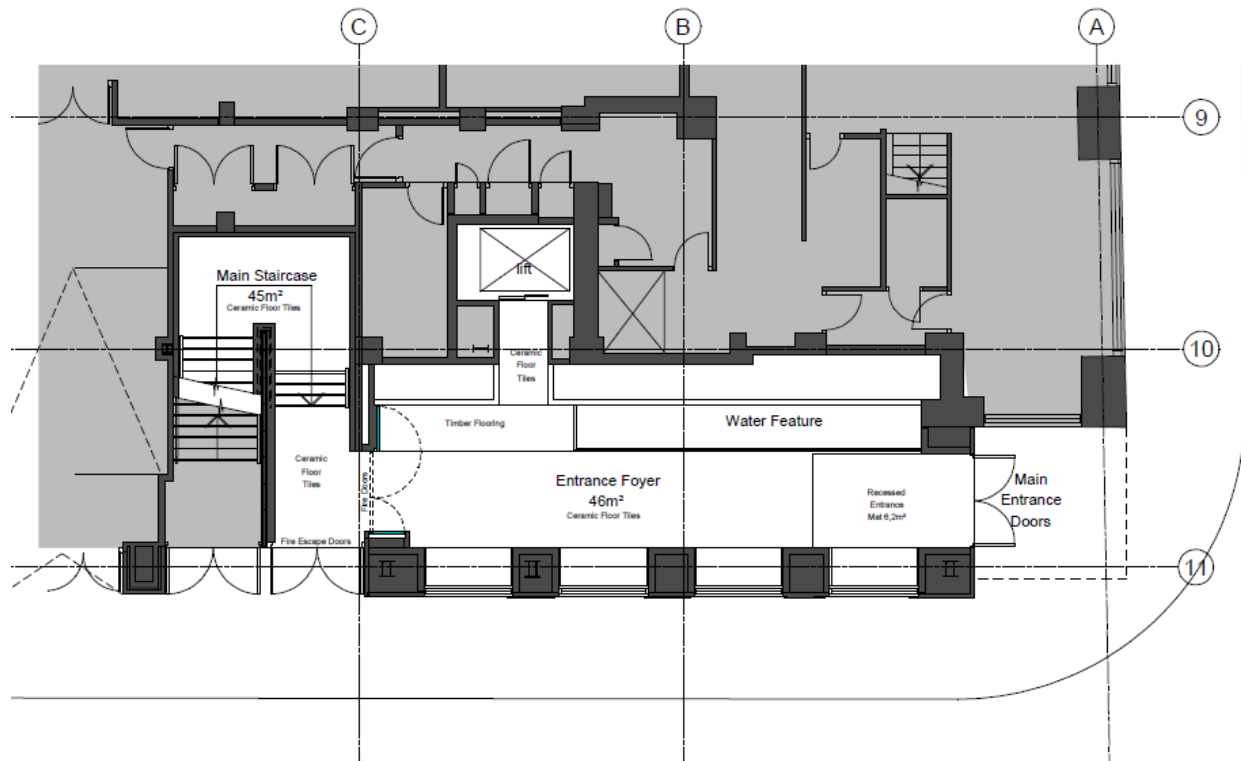
Details of refuse areas pursuant to condition 5 of planning permission dated 25 October 2001 (RN0009772) - Granted 17/12/2002

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

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

7. KEY DRAWINGS

EXISTING AND PROPOSED GROUND FLOOR LEVEL



[illegible][illegible]

DRAFT DECISION LETTER

Address: 64 North Row, London, W1K 7DA,

Proposal: Variation of Condition 3 of planning permission dated 25 October 2001(RN: 00/09772/FULL) for the ' Use of part ground floor, basement and sub-basement as a health and fitness centre (Class D2)'; NAMELY, to extend the opening hours to 03.00 daily for a temporary 30 day period each year during Ramadan until 2020.

Reference: 17/10442/FULL

Plan Nos: 5714/9/01, 57149/02A, 5714/9/03, 5714/2/36C, 5714/2/37C, as amended by 2/46C, 2/45B, 2/48B, Operational management statement by Adams Planning + Development ref. 2013-59e

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

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 The accommodation hereby approved shall only be used for health club purposes and for no other purpose (including any other purpose within Class D2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order). (C05A)

Reason:

In granting this permission the City Council has had regard to the policies set out in H10 and SC19 of the City of Westminster Unitary Development Plan adopted July 1997, and ENV6 of our Replacement Unitary Development Plan (First Deposit version) , and considers that planning permission would have been refused for unrestricted use within Class D2 of the Use Classes Order. (R05A)

- 3 The use hereby permitted shall not be carried on except between the hours of 6.00am to 11.00pm on Monday to Saturday excluding Bank Holidays and 7.00am to 10.00pm on Sundays and Bank Holidays, except for a temporary period during the following specified 30-day time periods each year during Ramadan:

2019: 6 May - 4 June,
2020: 24 April - 23 May.

During these specified periods, opening hours will be extended to 06.00am - 2.00am the following day, Monday to Sunday. (C12B)

Reason:

To safeguard the amenity of the adjoining premises and the area generally. (R12D)

- 4 No sound emanating from the establishment should be audible in any adjoining or adjacent properties.(C13H)

Reason:

To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise nuisance. This is in accordance with SC19 of our Unitary Development Plan and ENV6 of our Replacement Unitary Development Plan (Second Deposit version). (R13E)

- 5 You must provide the separate stores for waste and materials for recycling for the lifetime of the development. The stores shall be in accordance with the details approved by the City Council as Local Planning Authority on 17 December 2002 under reference 02/09184/ADFULL or in accordance with other soundproofing measures as submitted to and approved by the City Council .You must clearly mark them and make them available at all times to everyone using the health and fitness centre (D2 use);.

Reason:

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

- 6 Service deliveries to the premises shall not take place except between the hours of 8.00am and 6.00pm

Reason:

To safeguard the amenity of the adjoining premises and the area generally. (R12D)

- 7 Any bar/cafe element shall accommodate a maximum of 100 persons only and shall remain ancillary to the primary use of the premises as a health and fitness centre (Class D2). It shall not be open to visiting members of the public other than those persons who are members of the health and fitness club on the site.

Reason:

To safeguard the amenity of surrounding residential occupiers.

- 8 You must not allow more than 100; customers into the property at any one time between the hours of 23.00 and 03.00 during the temporary 30 day period of late opening for Ramadan each year until 2020.

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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

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 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	9 Russell Street, London, WC2B 5HZ,		
Proposal	Installation of kitchen air-supply and air-extract ducting and air-conditioning condenser units to rear with associated works.		
Agent	Euan Brown		
On behalf of	Red Farm London Ltd		
Registered Number	18/00997/FULL	Date amended/ completed	30 May 2018
Date Application Received	5 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

- | |
|-------------------------------|
| 1. Grant planning permission. |
|-------------------------------|

2. SUMMARY

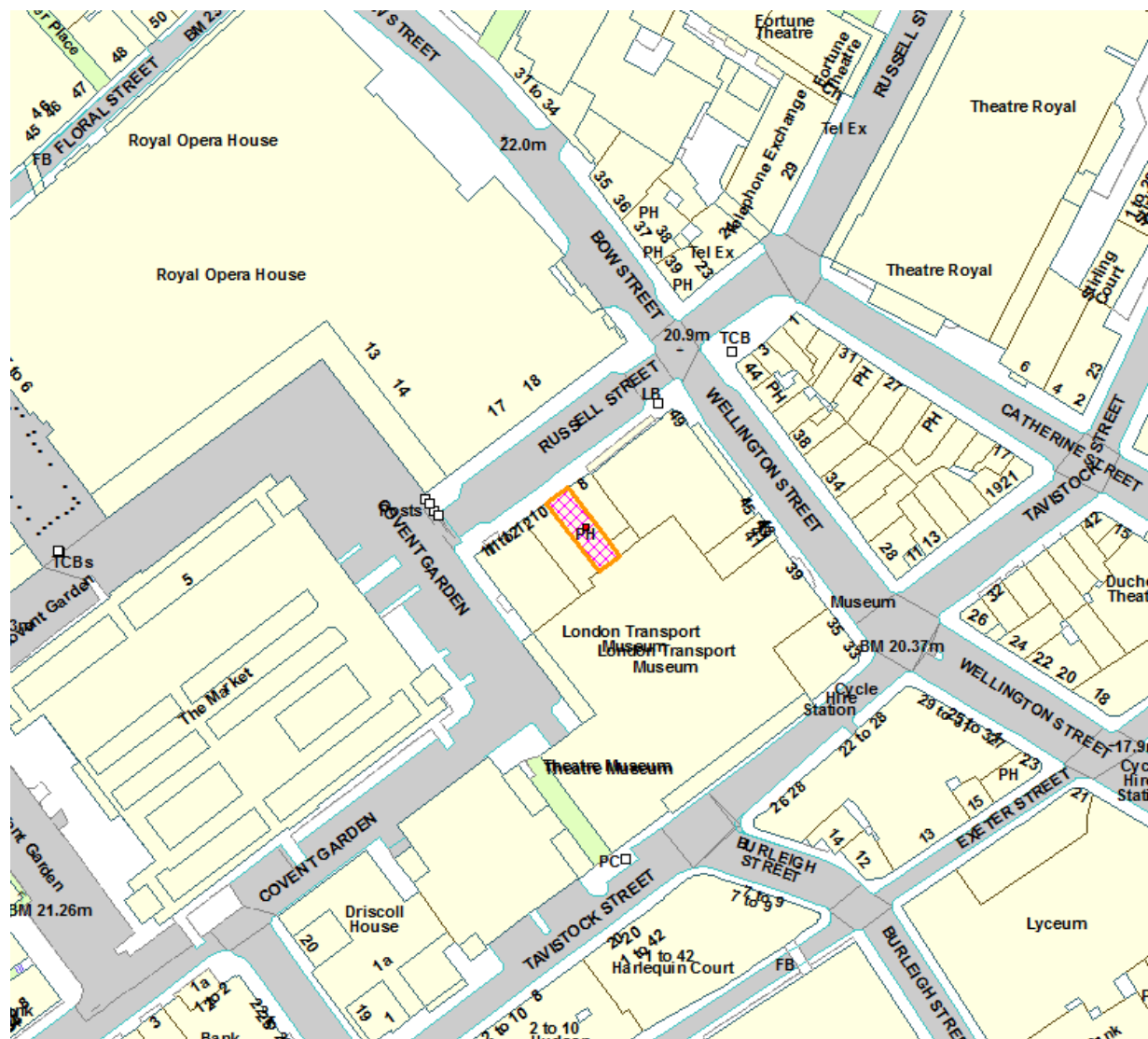
An application has been submitted seeking planning permission for the installation of kitchen air-supply and air-extract ducting and air conditioning condenser units to the rear of the No. 9 Russell Street in conjunction with the use of the property as a restaurant (Class A3).

The key issues for consideration are:

- * The impact of the proposals on the appearance of the building and character of the surrounding Covent Garden Conservation Area.
- * The impact of the proposals on the amenity of neighbouring residents.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION

Objects to the installation of amount of plant and equipment directly adjacent to residents' noise-sensitive windows. The applicant has ignored planning regulations, installing plant and equipment without permission after planning permission had been expressly refused. The applicant has shown no concern for the impact of the commercial use on local residents. The amount of proposed plant would result in visual clutter when considered cumulatively with existing surrounding plant.

COVENT GARDEN AREA TRUST

Acknowledge concerns of local residents and CGCA. No objection on grounds of impact on conservation area or architectural character of area. Concerns that work has progressed without planning permission and have advised applicant that subject to consent been given works must be completed prior to occupation of the premises.

ENVIRONEMNTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

1. Original Consultation

No. Consulted: 45

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Five letters of objection, from Soho Housing Association and residents of two flats at the adjoining No. 10 Russell Street, on the following grounds:

Design

*Negative impact on conservation area

Amenity

*Noise and vibration

*Loss of light

*Impact on view

Other

*Not enough of an improvement on previously refused scheme to merit approval

*Queries over accuracy of noise assessment

*Plant has been installed without permission.

2. Consultation on revised proposals (17 May 2018)

No. Consulted: 53

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Three letters of objection, from residents of the three flats at the adjoining No. 10 Russell Street, on the following grounds:

Design

*Proposals are very large and not in keeping with conservation area.

Amenity

- *Noise and vibration
- *Loss of light
- *Impact on view
- *Sense of enclosure.

Other

- *Concerns over accuracy of noise assessment.
- *Queries over daylight and sunlight assessment
- *Developers have ignored local residents and council and continued with the development.
- *No notification received

3. Consultation on further revised proposals (30 May 2018)

No. Consulted: 55

Total No. of replies: Any responses to be reported verbally at committee

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 9 Russell Street is an unlisted building within the Covent Garden Conservation Area and falls within the Central Activities Zone in a mixed commercial and residential area. The property comprises lower ground, ground and four upper storeys. The application property is currently vacant having previously been occupied as a bar with ancillary bar use on the upper floors. (Belushi's). The nearest residential properties are to the west of the site at 10 Russell Street. The nearest listed building is the grade II London Transport Museum to the south.

6.2 Recent Relevant History

Planning permission was refused in January 2018 for the installation of kitchen air-supply and air-extract ducting and air conditioning condenser units to rear with associated works, on the grounds of its appearance in the conservation area, sense of enclosure and potential loss of light and insufficient information with respect to noise.

Planning permission was granted in March 2015 for the change of use of first, second, third and fourth floors from bar/ancillary bar (Class A4) to three residential flats (Class C3). External works were approved including a rear extension at third and fourth floor

levels, installation of a replacement shopfront, six air conditioning units and acoustic screen at roof level.

7. THE PROPOSAL

Planning permission is sought for the installation of a full height kitchen air-supply and air-extract ducting and air conditioning condenser units to the rear elevation. The applicant is Red Farm Ltd who are seeking to operate the application premises as a Chinese style restaurant. Works to install a kitchen duct have already commenced on site. However the application has been revised during the course of consideration in an attempt to reduce the impact on the occupiers of flats within No. 10 Russell Street who have windows that overlook the site. The air conditioning condenser units are proposed to be installed on the rear of the closet wing at first and second floor level

8. DETAILED CONSIDERATIONS

8.1 Land Use

The kitchen extract duct and air conditioning units do not raise any land use issues. However, it is understood that they are required in connection with the use of the premises as a restaurant by Red Farm Ltd. This application does not seek planning permission for the change of use of the premises to Class A3 as the applicant is seeking to change the use under permitted development. On this basis this report does not consider the change of use to restaurant and conditions, such those relating to hours of operation and capacity, are not applicable.

Townscape and Design

The application site previously had a kitchen extract duct running up the rear elevation of the premises. This has been removed and works have commenced on the new duct. The proposed duct is substantially larger than the previous duct, and following concerns relating to its amenity impact, it has been redesigned to be sited partly on the closet wing. The revised location makes the duct more prominent than its previously considered location abutting the main rear wall of the application site.

Given the scale of the duct, the applicant was asked to consider locating some or all of the structure inside the building. However, the applicant has advised that due to the stepped profile of the rear of the building it is only feasible to run the extract duct internally from basement to ground floor level. To extend the duct further internally would entail structural work at upper floor level, the relocation of stairs and significant loss of commercial floor space. The applicant argues that the loss of commercial floorspace would make the business unviable.

Although some limited private views do exist from the upper storeys of surrounding buildings, the rear of the building is obscured from view due to the presence of the Grade II listed London Transport Museum. On this basis the proposed ductwork can only be viewed from a small number of private upper floor windows that overlook the site and this is in the context of an already cluttered set of rear elevations. Whilst the proposed duct work would not preserve or enhance the Convent Garden Conservation Area and

would result in some harm, this would be lessened by the very restricted visibility of it from both public and private vantage points.

In such cases, the harm caused must be weighed against any public benefits which the scheme might secure. In this case the proposals would provide public benefits in the form of securing a viable tenant for the commercial unit. In addition the use of the premises as a restaurant rather than a bar is considered to be a public benefit as it will enhance the character and function and local environmental quality of this part of Covent Garden. It is considered that the low degree of harm caused to the conservation area in this case would be outweighed by these benefits.

A condition is recommended requiring that the ductwork and acoustic screening is painted to match the prevailing colour of the building's brickwork.

There is no objection in design terms to the air conditioning units.

On balance the works are considered acceptable in design terms in line with policies DES1, DES5, DES6 and DES9 of Westminster's Unitary Development Plan and policy S25 and S28 of Westminster's City Plan: Strategic Policies.

8.2 Residential Amenity

The scheme has been revised to take account of the impact of the duct on residential amenity. The revised scheme moves the duct further away from windows in 10 Russell Street. The council has received letters of objection from neighbouring residents that directly overlook the site at first, second and third floor levels and from the Covent Garden Community Association.

Noise

The proposed ductwork and air conditioning condenser units, which will operate between 08:00 hours and 00:00 hours daily, will be acoustically lagged and screened appropriately to ensure that noise from the plant complies with the City Council's policies at all times. An acoustic report has been submitted in support of the application which has been assessed by Environmental Health who have no objection subject to imposition of the City Council's standard noise conditions.

However in view of residents' strong concerns on this matter, a further condition requiring submission of a post-commissioning noise survey is also recommended to demonstrate that the plant/ machinery complies with the noise criteria applied and to include details of any amendments to the acoustic screen or other changes to proposed attenuation or acoustic lagging and any changes to plant.

Subject to imposition of the recommended conditions, it is not considered that the proposals will have a detrimental impact on residential amenity in terms of noise.

Daylight and Sunlight

A daylight and sunlight assessment has been submitted to assess the impact of the proposed works upon the light levels of the windows to the first and second floor flats at 10 Russell Street. The report concludes that the proposals will comply with the BRE's vertical sky component (VSC) guidelines, and are compliant with the BRE guidelines in

all other regards (with any transgressions falling within the guideline's permissible values). A sunlight assessment is not necessary as there are no affected windows that face the site that are within 90 degrees of due south.

The affected flats at first and second floor levels each have a further window and partially glazed door on their western elevation that face into an internal courtyard. As such the flank windows that face the application site, which have been the subject of the daylight and sunlight assessment, are not the only windows serving these two rooms.

Sense of Enclosure

The scheme that was originally submitted to the council for determination, and which has been partly constructed, was considered unacceptable to officers in terms of its impact to the second floor flat and its living room. This would have involved a large acoustic screen (necessary to reduce the noise impact) to be located within 1.7m of the living room window. The window to the first floor flat has an opaque treatment to the lower half of the window and is therefore less affected. The windows to the third floor flat are also less affected as they are set back behind a roof terrace.

Revisions to the scheme were therefore specifically sought by officers in an attempt to reduce the impact on the second floor flat. The revised scheme currently being considered has reconfigured the ductwork in such a way that the acoustic screen is no longer required and the ductwork has been set back to approximately 2.5m from the affected window. This has made the ductwork more prominent in terms of its design considerations but is considered to satisfactorily address the sense of enclosure concerns raised by the objectors.

As such the proposals are considered acceptable in amenity terms compliant with policies S29 of the City Plan and ENV13 of the UDP.

8.3 Transportation/Parking

The application does not propose any changes to the existing situation.

8.4 Economic Considerations

The scheme will allow this property to be brought into beneficial commercial use resulting in economic benefits through job creation.

8.5 Access

Access arrangements will remain unaltered by the proposals.

8.6 London Plan

This application raises no strategic issues.

8.7 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.

8.8 Planning Obligations

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

8.9 Environmental Impact Assessment

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

8.10 Other Issues

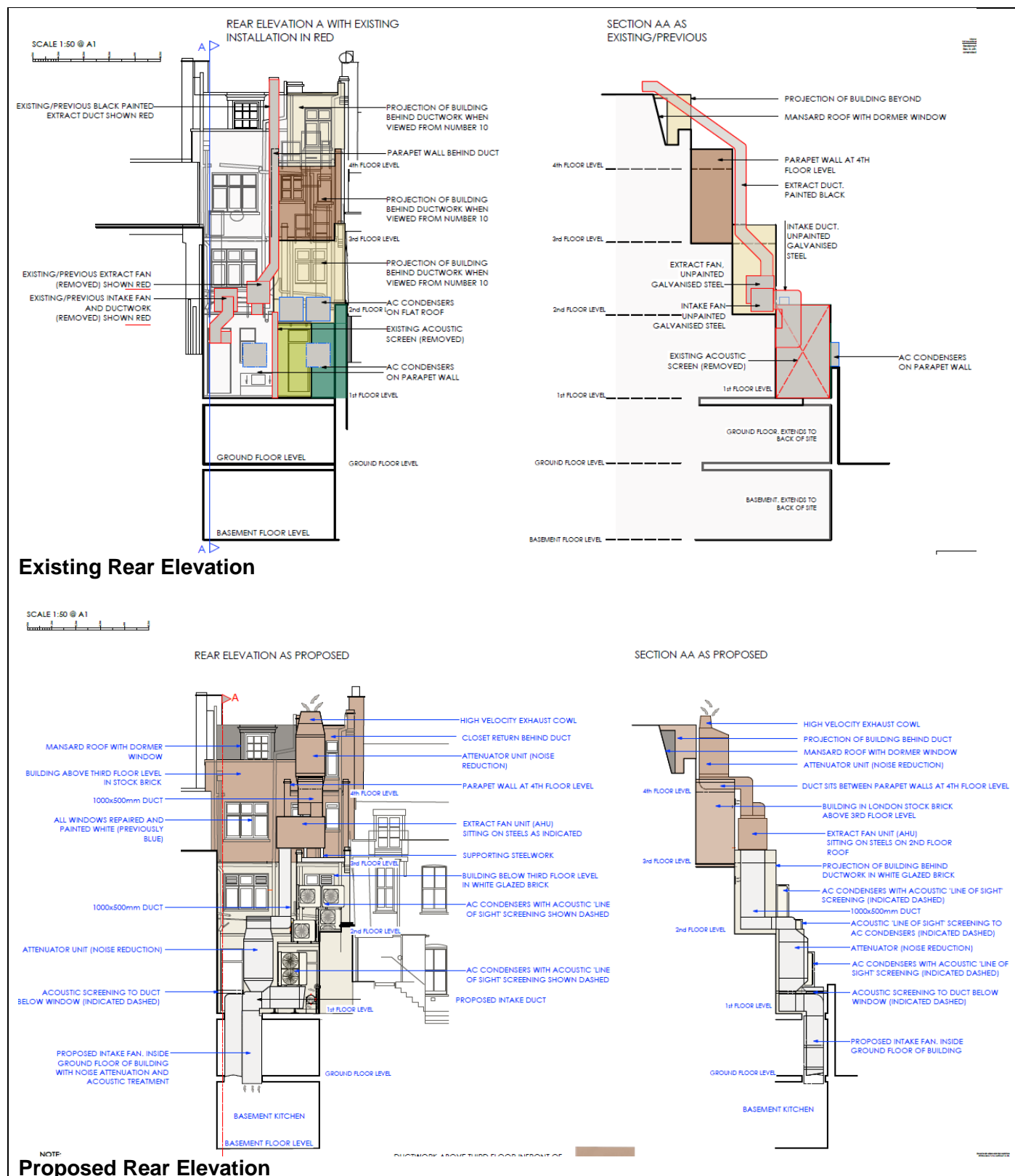
The objections have raised the issue of the activity from the use of the property as a restaurant. The property is currently capable of operating as a bar (Class A4) subject to the requisite licensing requirements and as previously considered the application does not seek express permission for the change of use of the premises, given permitted change of use rights in this regard.

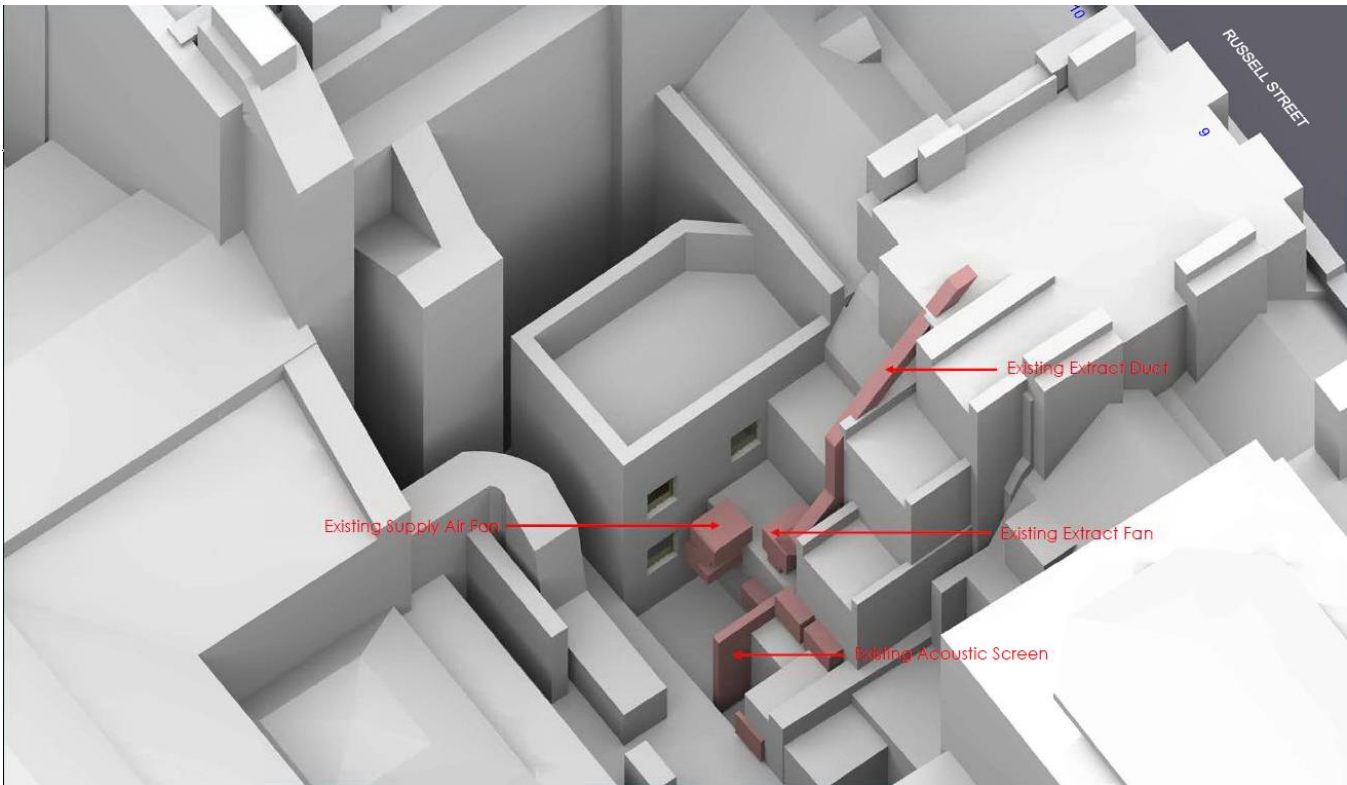
The concern of residents regarding the commencement of works before permission has been obtained is noted. However, whilst regrettable, this is not a reason in itself to refuse the application.

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

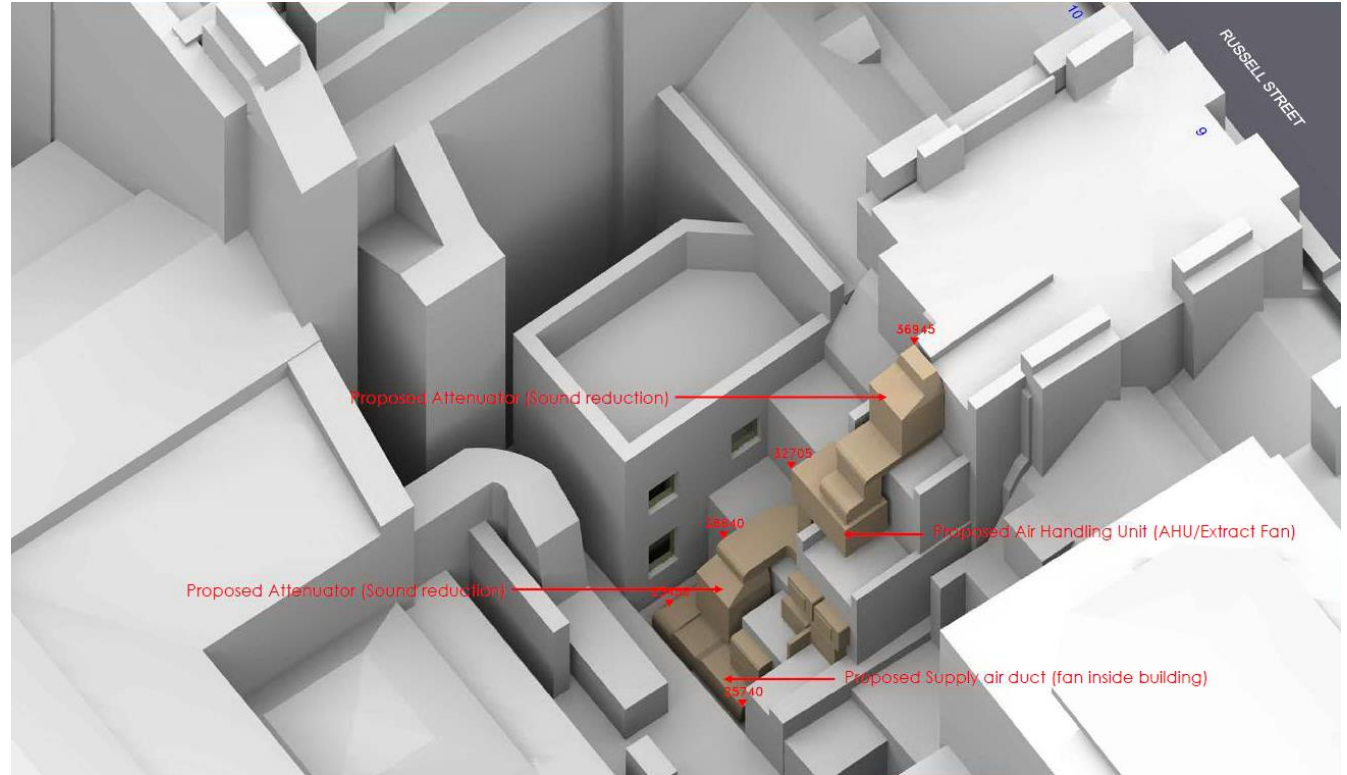
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **MATTHEW MASON** BY EMAIL AT mmason@westminster.gov.uk.

KEY DRAWINGS





Existing 3D Model View



Proposed 3D Model View

DRAFT DECISION LETTER

Address: 9 Russell Street, London, WC2B 5HZ,

Proposal: Installation of kitchen air-supply and air-extract ducting and air-conditioning condenser units to rear with associated works.

Plan Nos: Site location plan; 07/005 Rev. E; 07/006 Rev. G; 07/010 Rev. A; Daylight and Sunlight Report dated May 2018; prepared by Point 2 Surveyors Ltd; Planning Compliance Report 13208-NIA-01 Rev. A dated 1 June 2018, prepared by Clement Acoustics.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s):

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

Reason:

In 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 Sunday, 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 Saturday, Sunday, 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 permit 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 residents. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and NV 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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must paint the ductwork and acoustic screening so that it matches the prevailing colour of the building's brickwork. You must apply to us for approval of the paint colour(s) you will use and must not undertake this part of the development until we have approved what you have sent us. You must then carry out the work using the approved colour(s) and must maintain it in that condition for as long as it remains in place.

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

- 5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;

- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 7 The plant/machinery hereby permitted shall not be operated except between 08:00 hours and 00:00 hours daily.

Reason:

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

- 8 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning

noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 5 and 6 of this permission and include details of any amendments to the acoustic screen or other changes to proposed attenuation or acoustic lagging and any changes to plant.

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.

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 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)

- 3 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

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

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

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

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

- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 5 Conditions 5, 6 and 7 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)

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Sheridan House , 10 Hertford Street, London, W1J 7RL		
Proposal	Erection of a single storey roof extension on the rear mews building at third floor level and for use in association with the residential dwelling (Class C3).		
Agent	Donald Insall Associates		
On behalf of	Dorset Assets Limited		
Registered Number	18/00962/FULL and 18/00963/LBC	Date amended/ completed	2 February 2018
Date Application Received	2 February 2018		
Historic Building Grade	I		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission and listed building consent.

2. SUMMARY

10 Hertford Street is a Grade I listed building located within the Mayfair Conservation Area, the property comprises the main building fronting Hertford Street and a mews property to the rear (25 Brick Street) which fronts a courtyard accessed off Brick Street to the south of the property and which provides rear access to a small number of properties. The buildings are in use as single family dwelling.

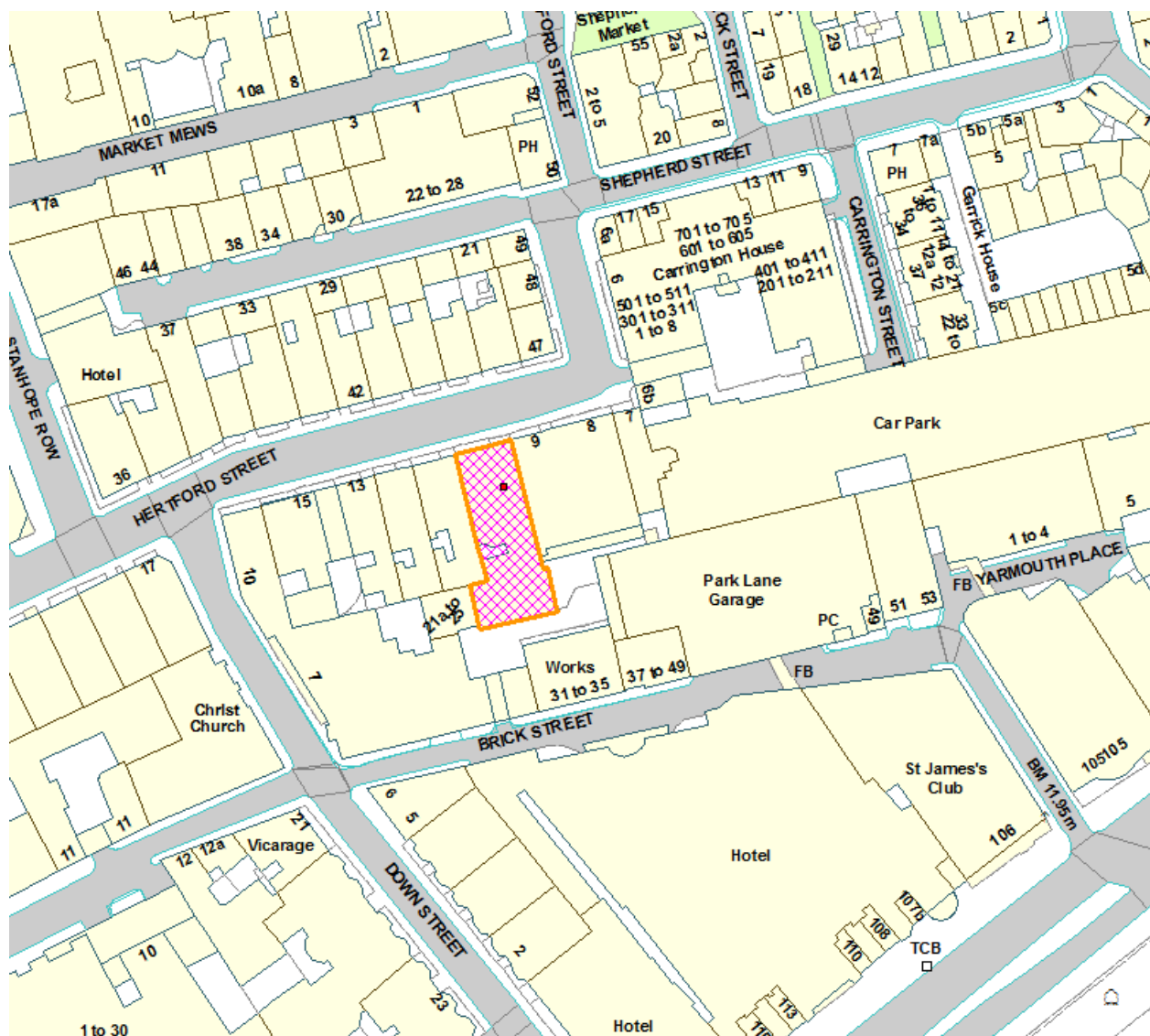
Planning permission and listed building consent are sought for the erection of a single storey extension on the mews property being 25 Brick Street, to provide additional residential accommodation.

The key issues are:

- The impact of the proposal on the amenity of nearby sensitive occupiers.
- The acceptability of the proposal in design terms with regard the impact upon the listed building.

Subject to conditions, the proposal is considered acceptable on design, amenity and land use grounds and complies with relevant City Plan and Unitary Development Plan (UDP) policies. It is therefore recommended that conditional planning permission and listed building consent are granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Aerial Photograph looking from the south:



Elevation of the news property:



5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation to determine as seen fit.

NATIONAL AMENITY SOCIETIES

Any responses to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 39; Total No. of replies: 15

No. of objections: 15 [including more than one objection from the same residents]

Letters of objection on the following grounds:

- Loss of daylight / sunlight to surrounding properties (especially when considered in association with the redevelopment of 31-49 Brick Street to the south).
- Noise disturbance from the proposed plant and discrepancies within the acoustic report [though the plant has now been removed from the proposals].
- Increased sense of enclosure to neighbouring properties.
- Obstruction of views.
- Increased parking pressure on on-street parking availability.
- Detrimental impact upon the listed building and its setting.
- Required structural alterations to support the development are detrimental to the listed building.
- The applicant has conducted insufficient consultation with the neighbours.
- Disruption to nearby occupiers during the construction process (including scaffolding).

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

10 Hertford Street (Sheridan House) is a single family dwelling house with an associated mews property to the rear being 25 Brick Street. The main property comprises of lower ground, ground and first to third floor levels whilst the mews property comprises lower ground, ground and first to second floor levels.

The property is Grade I listed and located within the Mayfair Conservation Area and the Core Central Activities Zone.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

Permission is sought for the erection of a single storey extension on the mews property (25 Brick Street) at the rear of the site with associated internal alterations, to provide additional floorspace to the existing single family dwelling.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

The proposed extension to the single family dwelling will increase the residential floorspace by 76sqm (GIA). This accords with Policy H3 of the UDP and Policy S14 of the City Plan, both of which encourage the increase in residential floorspace at suitable locations within Westminster. Given this modest increase, there is no policy requirement to provide affordable housing.

8.2 Townscape and Design

Normally the addition of another floor on a three storey mews building would be contentious and contrary to the City Council's urban design and conservation policies. In this case it not only has an impact on the scale of the mews but also the setting of the grade 1 listed building at 10 Hertford Street. Objections have been received referring to the inappropriateness of the proposed extra storey. Officers had previously advised (in response to a pre-application inquiry) that an additional storey would be unlikely to receive planning permission. However, it is considered that circumstances have changed materially since that advice was given, due to changes in the height in surrounding properties.

In January 2017 planning permission was granted for the erection of a two storey roof extension to create new third and fourth (mansard) at 21A Brick Street, which despite its address is within the mews, to the west of the application site. This has been built.

Also, in December 2017 the City Council agreed to grant planning permission for the demolition of 31-35 Brick Street and 37-49 Brick Street and the erection of a stepped ground plus four - seven storey building, to be used for up to 135 hotel bedrooms and function and meeting rooms in connection with the existing hotel at 108-115 Piccadilly (Park Lane Hotel). This site is on the south side of the mews. Planning permission has not yet been issued as it is subject to a legal agreement.

As a result of these decisions, the other buildings in this very small mews are, or will be, taller than the proposed building. The proposed extension does have an impact on the setting of the rear of the listed building, but this is already highly enclosed and the view from the rear of the listed building is of the rear of other buildings on the other side of the mews. The mews building will still be architecturally subservient to the main building.

The proposed roof extension will require additional structural support in the form of a column located in the garage area of the mews building. This is a modern building, built in the 1990's, and the additional column will not affect the special architectural and historic interest of the listed building.

Taking into account these factors, it is considered, on balance, that the proposal would not harm the setting of the listed building or the character and appearance of the Mayfair Conservation Area. The proposal complies with the City Council's urban design and conservation policies, including DES 5, DES 6, DES 9 and DES 10. Given that there is no harm to the listed building or the conservation area, there is no need to apply the NPPF test of weighing up harm against public benefits.

8.3 Residential Amenity

Sunlight and Daylight

A daylight and sunlight report has been submitted with the application which assesses the impact of the development with regard to Building Research Establishment (BRE) guidelines for daylight and sunlight to existing sensitive properties. Paragraph 2.2.2 of the BRE guidelines states that they 'may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.'

Under the BRE guidelines the level of daylight received by a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

With regard to situations where the existing daylight levels are below the BRE recommendations, Policy ENV13 states that 'where principal habitable rooms such as bedsits, living rooms, studies or kitchens are affected, the City Council may find any loss of light unacceptable.' The BRE guidelines state that daylight to living rooms, kitchens, and bedrooms should be assessed but 'windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed'.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the occupants of the existing building are likely to notice the loss of sunlight.

Several objections have been received concerned that the development will result in a material loss of daylight / sunlight to the residential flats within 8-9 Hertford Street.

The windows included in the daylight and sunlight assessment serve residential properties at 29 Brick Street, 21A Brick Street and 8-9 Hertford Street. The assessment demonstrates that no windows within these properties experience losses of VSC (daylight) in excess of the BRE recommendations as a result of the development. With regards to sunlight (APSH), only six windows within 8-9 Hertford Street need to be assessed due to their orientation; again the assessment shows no windows experience losses in excess of the BRE guidance.

The Daylight and Sunlight Assessment submitted has also measured the Daylight Distribution within the relevant properties and the Average Daylight Factor (ADF). The ADF is normally used to measure whether there will be acceptable levels of daylight within new developments as opposed to existing buildings and is not normally taken into account when assessing a proposal's impact. However, when considering the cumulative impact of this proposal in association with the hotel development at 31-49 Brick Street, it is noted there is a loss to a first floor living room window in 8-9 Hertford Street of the daylight distribution and ADF in excess of the BRE Guidance, but the room is still compliant with the VSC and APSH. The majority of the losses to this window result from the hotel development and it is not considered that planning permission could be reasonably refused due to the impact of the current proposal alone. For these reasons the objections with regard the loss of daylight / sunlight are not considered sustainable and the proposal is considered acceptable in this regard.

Sense of Enclosure

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure' whilst Policy S29 of the City Plan also seeks to protect residential amenity. The mews property is located to the rear of 10 Hertford Street and part of 11 Hertford Street to the west. 11 Hertford Street is in use as office accommodation associated with the Thai Embassy. Objections have been received from occupiers of the residential flats within 8-9 Hertford Street, the adjoining building to the east of the application site. The objectors raise concerns that the proposal will result in an increased sense of enclosure to the flats within their building. The mews building is located to the west of the flats within 9 Hertford Street and all the flats have recessed balconies on the rear of the building, so only oblique views would be afforded of the proposal from within the flats themselves. Additionally, the mews building is located to the west of the recessed balcony areas in 9 Hertford Street which are all south facing, and the increase in the height of the mews by one storey could not be considered to result in a 'significant increase in the sense of enclosure' as detailed in Policy ENV13. The proposed extension to the building is therefore considered acceptable in terms of the sense of enclosure to surrounding properties and compliant with the policies detailed above.

8.4 Transportation/Parking

It is not considered the small proposed extension to the existing single family dwelling would have any implications with regard the on-street parking demands in the area. An objection has been received expressing concern that the proposal will lead to an increase in parking demand but the development does not create any new residential units and it is not foreseen how this small increase to a large single family dwelling could result in any additional parking demand. Furthermore, there is parking provision within

the ground floor of the mews building. For these reasons, the objection on these grounds is not sustainable.

8.5 Economic Considerations

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

8.6 Access

No changes are proposed to the existing access arrangements for the property.

8.7 Other UDP/Westminster Policy Considerations

Plant

Initially it was proposed to install plant within an associated acoustic enclosure on the new roof level of the mews, but this element of the scheme was removed from the proposal due to issues with regard the accuracy of the acoustic information submitted. A number of objections were received raising concern with regard the location of the proposed plant and the potential for noise disruption to neighbouring occupiers. As the plant has been removed from the proposal these objections are no longer considered applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Other Issues

An objection has been received with regard the potential for noise disruption during construction. The standard condition is proposed with regard acceptable building hours to ensure that noisy building works do not take place at sensitive times of the day in order to protect the amenity of sensitive neighbouring occupiers. It is not considered necessary to restrict the hours of building works further and the objection is considered to be addressed through the imposition of this condition.

An objection has been received commenting on the potential loss of views from their property. Whilst the loss of a specific view is not considered a material planning objection the potential increase in sense of enclosure is and has been addressed in Section 8.3 of this report.

An objection to the application comments on the lack of consultation by the applicant prior to submission of the application. They consider the applicant should have approached them prior to submission: whilst this might have been considered good practice it is not essential for the applicant to notify neighbouring occupiers before submission and the City Council has carried out the required level of consultation on the application.

An objection comments on the potential for any scaffolding necessary for construction to block access to the mews and the rear of the flats at 8-9 Hertford Street. Any scaffolding installed on the public highway requires a license from the City Council and all issues surrounding the impact of its installation will be considered through this statutory process. It is not considered planning permission could be reasonably withheld on this basis.

(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

9. KEY DRAWINGS

Existing Elevation:

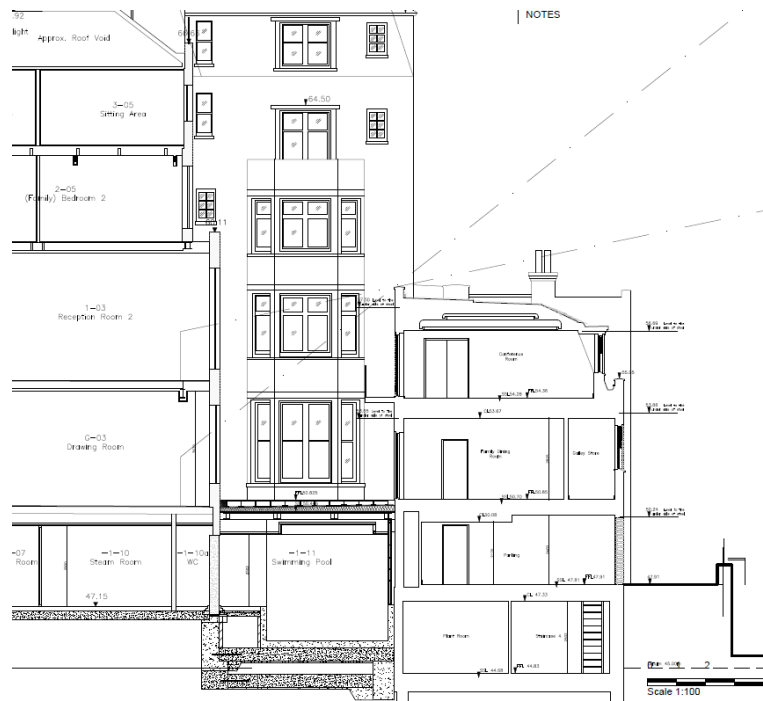


Proposed Elevation:

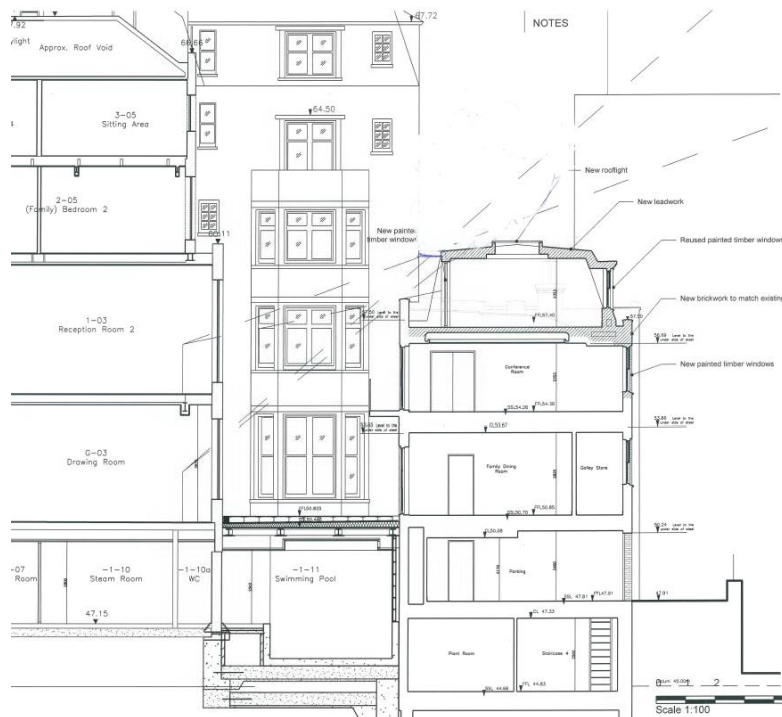


01 South Elevation as Proposed
2200

Existing Section in Context:



Proposed Section in Context:



DRAFT DECISION LETTER

Address: Sheridan House , 10 Hertford Street, London, W1J 7RL

Proposal: Erection of a single storey roof extension on the rear mews building at third floor level and for use in association with the residential dwelling (Class C3).

Reference: 18/00962/FULL

Plan Nos: Drawings: 2002 Rev2, 2003 Rev4, 2004 Rev5, 2005 Rev5, 2100 Rev5, 2101 Rev5, 2102 Rev3, 2200 Rev3, 2201 Rev1.

Case Officer: Matthew Giles **Direct Tel. No.** 020 7641 5942

Recommended Condition(s) and Reason(s)

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

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

Reason:
To protect the special architectural or historic interest of this 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 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:
Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)
- 4 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and, not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through

a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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.

DRAFT DECISION LETTER

Address: Sheridan House , 10 Hertford Street, London, W1J 7RL

Proposal: Erection of a single storey roof extension on the rear mews building at third floor level and associated internal and external works.

Reference: 18/00963/LBC

Plan Nos: Drawings: 2002 Rev2, 2003 Rev4, 2004 Rev5, 2005 Rev5, 2100 Rev5, 2101 Rev5, 2102 Rev3, 2200 Rev3, 2201 Rev1.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this 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 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

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

Informative(s):

- 1 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 SPG/HB1-3 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. 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.

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 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	16-17 Hay Hill, London, W1J 8NY,		
Proposal	Use of lower ground, ground and first floors as a restaurant (Class A3) and minor works to connect to existing riser.		
Agent	Firstplan		
On behalf of	Midas Ltd.		
Registered Number	17/07518/FULL	Date amended/ completed	21 August 2017
Date Application Received	21 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The site is part of a large block along the south eastern side of Hay Hill. Permission is sought to allow a restaurant (Class A3) at lower ground, ground and first floors.

The key issues for consideration are:

- The loss of existing retail floorspace; and,
- The impact of the proposed restaurant use on the amenity of neighbouring residential properties.

The scheme is considered acceptable in land use terms as the applicant has provided evidence to demonstrate that the existing retail unit is not viable despite reasonable attempts to let it. It is not considered the proposed use would negatively impact on residential amenity nor detract from the character and function of the area. The scheme is therefore recommended for approval and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S

Any response to be reported verbally

CLEANSING

Objection- no waste storage provision

HIGHWAYS PLANNING

Objection- no cycle or waste storage provision

ENVIRONMENTAL HEALTH

No objection subject to conditions

ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 88

No. responded: 3

Three objections (all from the same person on the same grounds) raising the following concerns:

- increased traffic
- impact on amenity
- over-saturation of restaurant uses in area

SITE AND PRESS NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located within the Mayfair Conservation Area, the Core Central Activities Zone (CAZ) and the Mayfair Special Policy Area (SPA). The building comprises basement, ground and seven upper floors. The basement, ground and first floors are currently vacant but were last used as retail (Class A1). The upper floors are in residential use and form part of Berkeley House, 15 Hay Hill, which contains 44 flats.

6.2 Recent Relevant History

None applicable

7. THE PROPOSAL

Planning permission is sought to allow the use of basement, ground floor and first floor as a restaurant (Class A3) and minor works to connect to the existing riser for the kitchen extract. The existing and proposed floorspace figures are set out in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class A1)	479.8	0	-479.8
Restaurant (Class A3)	0	479.8	+479.8
Total	479.8	479.8	0

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Retail (Class A1) use

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 seeks to provide an appropriate balance of town centre uses within the Core CAZ and states that A1 uses at ground, basement and first floors will be protected. The introduction of non-A1 town centre uses at these floors will only be granted where the proposal would not be detrimental to the character and function of an area. Furthermore, proposals for non-A1 uses 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. Hill Street is not identified as a shopping frontage, which would add extra protection to the retail use. The UDP glossary identifies long term vacancy as premises which have been vacant for at least 18 months.

City Plan Policy CM2.5 protects The Mayfair Special Policy Area (SPA) and seeks to protect existing art galleries and antiques traders as well as encouraging the provision of further uses of these types. The policy states that development in the SPA will *"support and enhance its international reputation as a centre for the art trade, complemented primarily by other commercial uses."* The policy recognises that art galleries may fall under one of two use classes, depending on their primary purpose and how they function (Class D1 Non-residential Institutions for larger public viewing galleries, and Class A1 Retail for galleries whose primary function is the display of art for sale to the general public). It is also recognised that existing lawful A1 galleries may be able to change to other A1 uses without planning permission. As a result, new A1 galleries in the SPA would be secured by legal agreement where appropriate.

The unit subject to this application was previously occupied by a furniture store and prior to that it was occupied by a printing shop. The unit is isolated on this side of the street with the neighbouring unit being occupied by the private members' Rififi Club, and the frontage next to that being the entrance to Berkeley House, with more retail units beyond that. There is a retail (clothes) shop to the north of the application site (on the corner with Dover Street). The opposite side of Hill Street does have a number of small units which appear to be retail in character.

At the time the application was submitted (August 2017), the unit was vacant and the applicant advised it had been since July 2017. However, during the determination of the application a temporary tenant has been secured by the applicant who has operated a pop up store in the unit. This occupier was a women's clothes shop, trading as HIGH by

Claire Campbell. The applicant advises that this tenant was provided with a lease at a severely reduced rate (almost 50% below the asking price) to cover the continued costs of maintaining the vacant unit. This occupier commenced occupation in January 2018 to provide a stop gap location for them while awaiting another unit to be prepared, and have already handed in their notice stating their intention to vacate the premises in June 2018.

As a result of this new tenant, the unit has been vacant from July 2017 to January 2018, a total of 6 months. However, the marketing has continued throughout. An inspection of the site while it was occupied by this temporary tenant showed that an estate agents board was still displayed in the window advertising the retail space. Due to the temporary nature of the tenant and the reduced rates it is considered that this should not be seen as securing a new retail occupier.

The unit has been marketed since July 2016, before it became vacant. A range of marketing evidence has been submitted which shows that the unit has been marketed by different letting agents (Levy Real Estate LLP from July 2016 followed by Jenkins Law from March 2017), all of whom received little to no interest from retail occupiers of the space. Jenkins Law have advised that the interest which was shown was limited to early enquiries for full details and viewings of the property. However, none of these inquiries led to firm interest and feedback indicated that the rent and rates were too high and location didn't benefit for a sufficient volume of footfall compared to neighbouring streets. The asking rent was lowered in June and then again in July 2017 and, while those who previously showed interest were informed of the reduction and the unit was marketed again, there has still been limited interest. Low footfall on the street and high rates were cited as the key issues for leasing the space as retail (Class A1).

Jenkins Law describe that they consider the retail property market is experiencing a general slowdown which is particularly apparent in Mayfair. They have also advised that during the marketing campaign, there were numerous approaches from restaurant operators and considering the lack of retail interest, they consider that a restaurant may be a plausible use for the unit.

These marketing details have been independently assessed by Wilson McHardy (property consultants and marketing advisers) to establish if the marketing of the unit was reasonable. They have concluded that the marketing campaigns undertaken by the letting agents are appropriate and robust for a retail unit of this size. The marketing agents have explored the traditional routes for marketing such properties and consider that the lack of success in marketing the property, despite the reductions in asking rent, reflect the current trend in the retail market in this area.

The report by Wilson McHardy also addresses the new tenant in the unit, advising that it is understood that they have taken a lease whereby nominal rent which is subject to termination on one weeks notice by either party. They advise that this leasing option is often adopted by landlords as a default position to secure some form of rental income and cover rates payable, as an alternative to an empty unit.

In this instance, considering the conclusion drawn by Wilson McHardy and the marketing efforts undertaken by the applicant, it is considered that the loss of the retail (Class A1) in this location is acceptable.

Proposed Restaurant (Class A3) 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, depending on the size of the proposed entertainment use and its location: where TACE 8 is applicable it would be ‘generally’ permissible and where TACE10 is applied (where the gross floorspace exceeds 500 sqm), the proposal is only acceptable in exceptional circumstances. The application will create a medium sized restaurant (Class A3) measuring 479.8sqm over lower ground, ground and first floors. Given the size of the development and its location inside the Core CAZ, it needs to be assessed against UDP Policy TACE 8.

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 policy states that new large-scale late-night entertainment uses of over 500 sqm will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance. The nearest residential properties are located directly above the application site at Berkeley House, 15 Hay Hill. There is also one residential property opposite the site at 4 Hay Hill (within the building occupying No.1-11 Hay Hill) at upper ground floor. The rest of No. 1-11 is in commercial use.

The applicant has advised that, while there is currently no operator identified for the unit, the opening hours are intended to be between 11:00-23:00 daily and the intended capacity would be 148 people.

There is currently no operator secured for the premises. As a result, only a general Operational Management Plan (OMP) has been submitted on the operation of the premises. Information on the detailed operation of the premises will only become clear once an operator has been secured; therefore a condition will be applied to secure both an OMP and a Servicing Management Plan so as to ensure the operation of the unit does not detrimentally impact the amenity of the area of the operation of the highway.

The applicant has advised that they intend to install a false ceiling at first floor level to ensure that the amenity of the residential flats above is protected. No detailed drawings of this have been submitted at this stage but they can be secured by condition. The installation of this ceiling has been assessed in the submitted acoustic report and Environmental Health have confirmed that this is likely to meet the noise requirements.

The proposals include a very small amount of external works to connect the proposed kitchen area to an existing external extract duct. This existing duct was previously used by Rififi’s kitchen in the neighbouring property but is now redundant. This duct

discharges at very high level on the building. Environmental Health have raised no objection to this proposal. The works to connect to the existing duct will be secured by condition to ensure they are undertaken prior to the use commencing.

In addition to the conditions to secure the opening hours and capacity, further conditions restricting the size of any bar area in the unit, ensuring the dining only being for waiter service and the installation of a small entrance lobby with self-closing doors will be imposed. Subject to this, it is considered that the proposed restaurant use (Class A3) would be acceptable.

Three objections (from the same person, on the same grounds) have been received from an occupier of a flat in Berkeley House. The grounds of increased traffic, the impact on amenity and over saturation of restaurant uses in the area were all raised. The conditions outlined above are considered to sufficiently address the point regarding amenity.

A condition will be imposed prohibiting the operation of a delivery service from the proposed use to minimise the impact of the proposed use on the road network as requested by the Highways Planning Manager. They do not consider that the change of use would create any other significant impacts on the highway network nor increase in traffic aside from the possibility of takeaway service, therefore the resident's objection on increased traffic cannot be upheld.

The application site is located in the Core CAZ which is identified as being suitable for a range of uses, including restaurants (Class A3). The site is not located in a stress area where there is considered to be an over saturation of entertainment uses. There are few commercial units on Hay Hill and most of these are small, including a cafe. None of these currently provide large entertainment uses. There is a current planning application for the temporary use of 12 Hay Hill for a mix of uses comprising offices, conference facilities and private members' business club (including café/bar/dining); permission has been granted for a new restaurant at basement, lower ground and ground floor of 20 Berkeley Street, part of the application site's block, on the corner of Hay Hill and Berkeley Street, but this has not been implemented. There are a number of other entertainment uses located close by Berkeley Square and in Berkeley Street, but it is not considered that this is close enough for there to be a cumulative impact in this immediate location. It would therefore be unreasonable to withhold permission on the grounds that this proposal would lead to an oversaturation of such uses and the objection on these grounds is not considered to be sustainable.

It is considered that, with the restrictive conditions detailed above, the proposed use is considered acceptable and complies with TACE 8 of the UDP.

8.2 Townscape and Design

Not applicable.

8.3 Residential Amenity

The impacts of the proposed use on residential amenity have been assessed above.

8.4 Transportation/Parking

The Highways Planning Manager has assessed the application and raised an objection on the grounds that no cycle storage has been provided. The London Plan would require a minimum of 2 cycle spaces for a proposal of this type. However, considering that the site is limited with regards to having only one point of access (the entrance to the restaurant), it is not considered suitable to impose a condition requesting this provision and it would be unreasonable to refuse permission on such grounds. This objection therefore cannot be upheld.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access arrangements to the site will remain unchanged as a result of the proposals.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposed scheme includes connecting a new internal kitchen extract system to an existing extract duct and flue at the rear of the property. An acoustic report has been submitted in support of the application which details existing background noise levels. Environmental Health have assessed this report and confirmed that the calculated noise levels of the proposed plant are likely to comply with the conditions set out by the Council.

As such, they have raised no objection to the application subject to appropriate noise conditions which requires all plant to operate at a level 10dB below background noise levels. The operational hours of the plant will be secured through condition to 09:00-00:00 (midnight) daily.

Refuse /Recycling

The Highways Planning Manager and the Cleansing Officer have objected on the grounds that no waste storage has been provided. Details of waste storage can be secured through condition therefore these aspects of the objections cannot be upheld.

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.

Item No.
5

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues

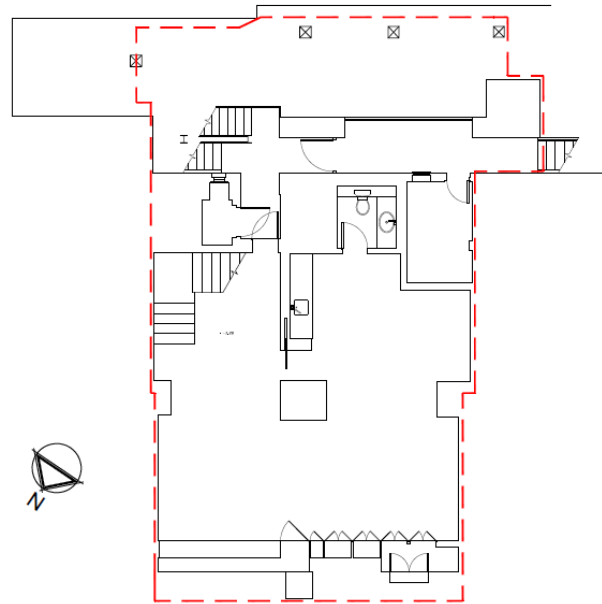
Not applicable

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

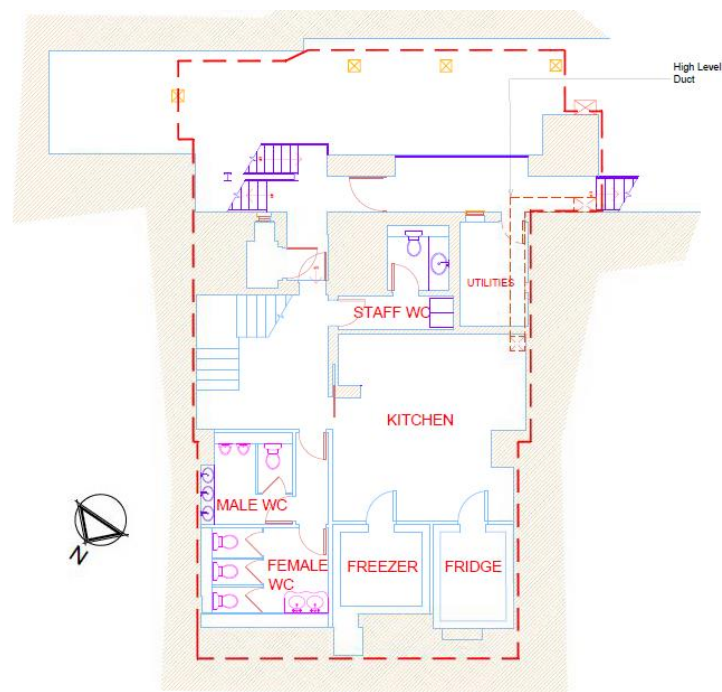
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE, BY EMAIL AT pquayle@westminster.gov.uk</p>

9. KEY DRAWINGS

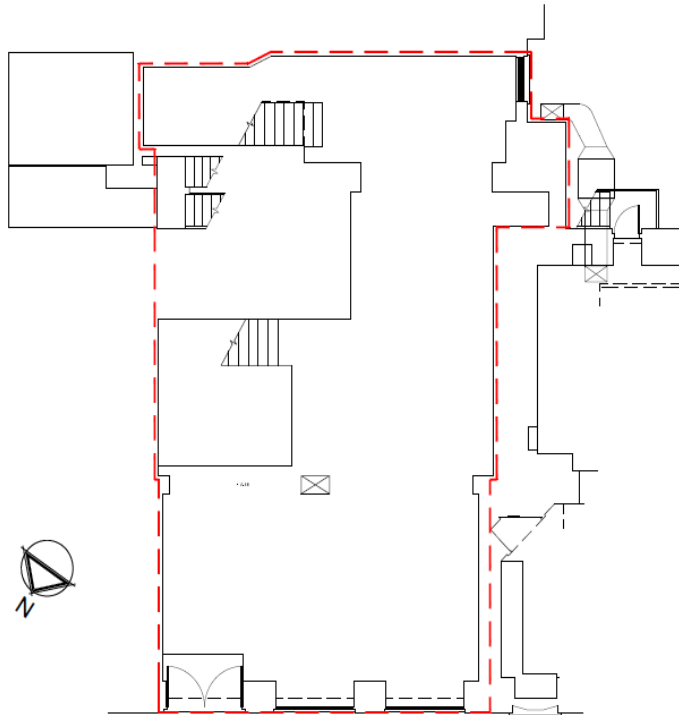
Existing and Proposed Lower Ground Floor Plan



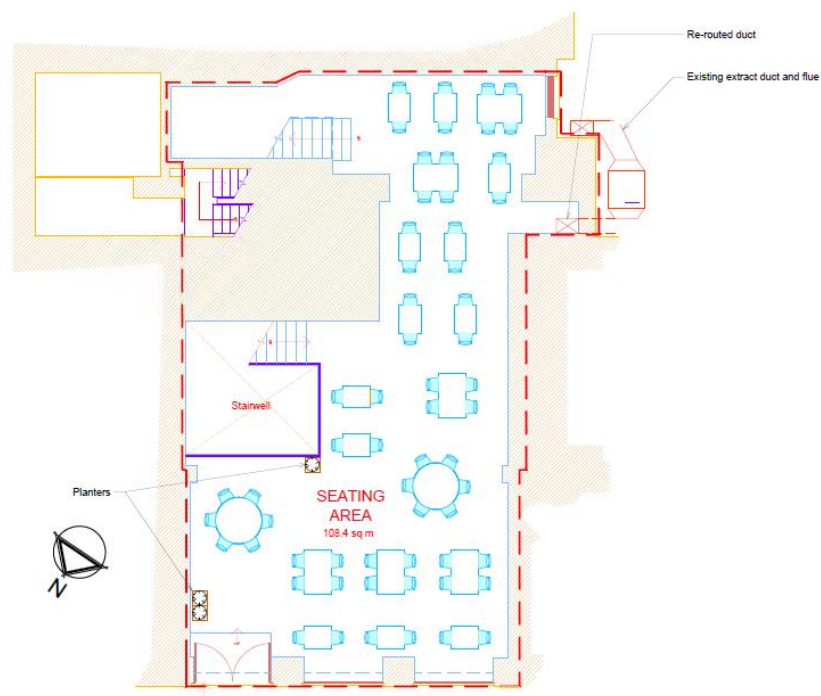
Gross external area - 160.0 sq m



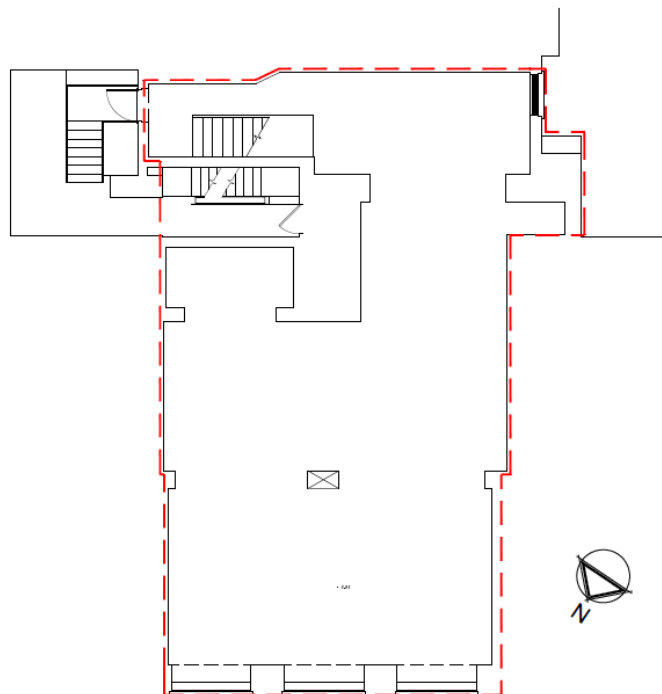
Gross external area - 160 sq m

Existing and Proposed Ground Floor Plan

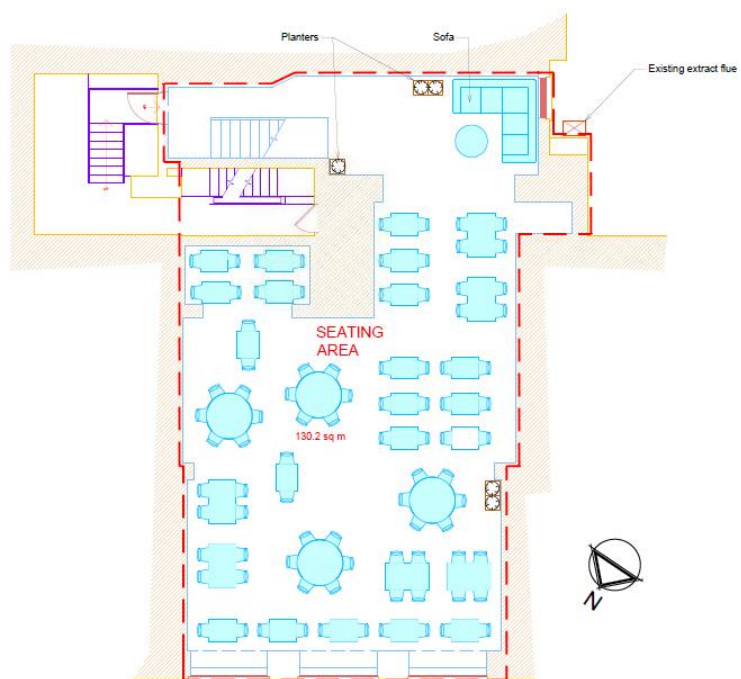
Gross external area -160.1 sq m



Gross external area - 160.1 sq m

Existing and Proposed First Floor Plan

Gross external area - 159.7 sq m



Gross external area - 159.1 sq m

DRAFT DECISION LETTER

Address: 16-17 Hay Hill, London, W1J 8NY,

Proposal: Use of lower ground, ground and first floors as a restaurant (Class A3) and minor works to connect to existing riser.

Plan Nos: BP350-07C ; BP350-08C ; BP350-09C

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 (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.

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

Reason:

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

- 6 The plant/machinery hereby permitted shall not be operated except between 09:00 hours and 00:00 (midnight) hours daily.

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.

- 7 (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 restaurant (Class 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 restaurant (Class 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.

- 8 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. You must not provide a delivery service from the A1/B1 'cafe', including no deliveries by any independent delivery operators.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 9 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 10 You must not allow more than 148 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 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 11 You must only use the property as a sit-down restaurant with waiter service.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 12 Customers shall not be permitted within the restaurant (Class A3) premises before 11:00 or after 23:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

- 1 - an entrance lobby with self-closing doors for the approved restaurant (Class A3);
- 2 - the proposed suspended ceiling at first floor level.

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. The entrance lobby and suspended ceiling must be installed prior to the commencement of the approved restaurant (Class A3) use. They must be maintained in the approved form for the life of the development.

You must not use the approved entrance lobby for any activities associated with the restaurant use, you must not put tables and chairs in it.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 14 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant (Class A3). (C14EC)

Reason:

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

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

Reason:

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

- 16 You must not commence the restaurant (Class A3) use allowed by this permission until an updated Operational Management Plan, incorporating a Servicing Management Plan, has been submitted to and approved by the City Council which includes details of how you will prevent

customers who are leaving the building from causing nuisance for people in the area (including people who live in nearby buildings), schedule and hours of delivery and storage locations. You must not commence the restaurant (Class A3) use until we have approved what you have sent us. You must then carry out the measures included in the servicing management plan at all times that the restaurant (Class A3) is in use

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

Reason:

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

- 18 You must connect any internal extract system to the existing full height extract duct to get rid of cooking smells. You must not begin the restaurant (Class A3) use allowed by this permission until you have done so. The use of this duct must be maintained for the life of the permission unless new full height extract equipment is approved by the City Council.

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, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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:

Item No.
5

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 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 3 Conditions 4, 5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 The service management plan operational management plan required by condition 16 should identify the hours of servicing, delivery process, storage locations, scheduling of deliveries and staffing arrangements; as well detailing how delivery vehicle size will be managed. It should clearly outline how servicing will occur on a day to day basis to avoid obstruction of residential garages and the public highway.
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 The term 'clearly mark' in condition 14 means marked by a permanent wall notice or floor markings, or both. (I88AA)

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	21 Knightsbridge, London, SW1X 7QB,		
Proposal	Use of part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis). Use of part basement for ancillary storage space and removal of five car parking spaces at basement level. Extension of existing plant area at first floor roof level and installation of a full height kitchen extract duct to the rear elevation. Alterations to the ground floor elevation including replacing windows and installation of awnings, installation of new decking to the ground floor frontage to accommodate exterior seating and balustrade, provision of two DDA lifts at front ground floor level, replacement and refurbishment of planters and installation of two condenser units within a basement lightwell area on the front elevation.		
Agent	Mr Nicholas Short		
On behalf of	Mr Housman Aslan		
Registered Number	17/07713/FULL	Date amended/ completed	7 September 2017
Date Application Received	29 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

21 Knightsbridge is located on the south side of Knightsbridge and comprises a vacant bank at ground floor level, offices at first to sixth floor and two residential flats at seventh floor level. There is residential and commercial parking in the basement. To the rear at first floor level is a flat roof area and area of mechanical plant which backs onto the residential properties in Grosvenor Crescent Mews. The building is not listed but is located within the Belgravia Conservation Area.

Permission is sought for the use of part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis); and use of part basement for ancillary storage space. The plans show the removal of five commercial car parking spaces at basement level. The

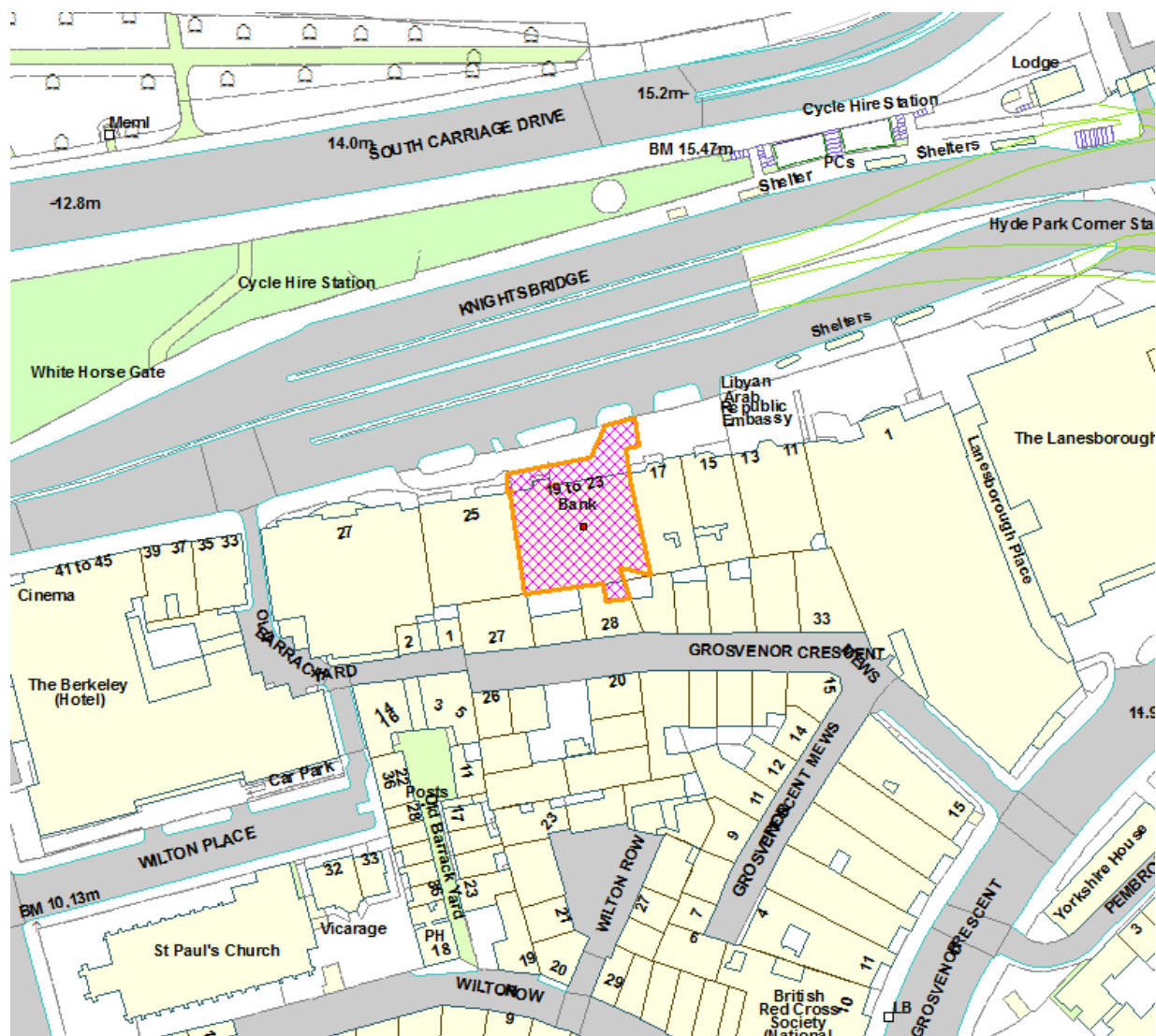
existing plant area is to be extended at first floor roof level and a full height kitchen extract duct is proposed to the rear elevation. Alterations to the front of the building include decking for outdoor seating, provision of two lifts and installation of two condenser units within the basement lightwell.

The key issues in this case are:

- *The impact on the proposals on the amenity of the office and residential occupiers of the building.
- * The impact of the proposals upon the appearance of the Belgravia Conservation Area.

The proposals are considered to comply with the Council's policies in relation to amenity, design and highways as set out in the Unitary Development Plan (UDP), Westminster's City Plan (City Plan) and the City Council's strategy 'Reducing the Harm of Shisha: Towards a Strategy for Westminster (February 2017). The application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION:

Broadly supportive of application. Only major concern is the noise effect on neighbouring residential properties and light pollution on adjacent properties.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

No response.

TRANSPORT FOR LONDON:

Raise no concerns.

HIGHWAYS PLANNING:

No objection to works to forecourt area but object to internal ducting which is sited above a car parking space within the car park area at basement level.

ENVIRONMENTAL HEALTH:

No objection.

DESIGNING OUT CRIME OFFICER:

No response received.

METROPOLITAN POLICE:

Objection.

- proposed planters provide little protection if subjected to a Vehicle As Weapon (VAW) attack.
- recommend the installation of Hostile Vehicle Mitigation (HVM).
- recommend laminated glass (toughened outer) as a minimum for the facade of the building.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 66

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Design

The works are not in keeping with other properties and not aesthetically pleasing.

Amenity

The proposal does not fit in with general standing of the office building.

The use of outside area as a 'shisha' bar not suitable with respect to type of clients the current occupiers of the building cater to.

Impact of smoking, noise and anti-social behaviour associated with shisha premises.

Smoking facilities are already provided at the Wellesley Hotel which has two cigar terraces.

Highways

The pavement is already congested with cars and people and the proposal would encourage more traffic for both pedestrians and taxis/cars.

Reduction in basement/car parking spaces and objection to any loss of cycle spaces.

Use of front area for outdoor seating would cause additional congestion.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located within a terrace of properties from Nos. 1 to 27. The Lanesborough Hotel is located at No. 1, The Wellesley at Nos. 11-13, the Libyan Embassy at No. 15-17, offices at Nos. 21 to 27, the terrace is separated by Old Barracks Yard and from Nos. 33 to 45 are commercial units at ground floor level including a cafe and retail unit at No. 33 and 37 and the Berkeley Hotel which fronts both Wilton Place and Knightsbridge.

21 Knightsbridge is located on the south side of Knightsbridge and comprises a vacant bank at ground floor level, offices at first to sixth floor and two residential flats at seventh floor level. There is residential and commercial parking in the basement. To the rear at first floor level is a flat roof area and area of mechanical plant which backs onto the residential properties in Grosvenor Crescent Mews. The building is not listed but is located within the Belgravia Conservation Area.

The application site is unlisted but is located within the Belgravia Conservation Area and Core Central Activities Zone (CAZ). No. 15 is Grade II listed.

6.2 Recent Relevant History

17/08815/ADFULL

Details of sound insulation and construction logistics plan pursuant to Conditions 13 and 17 of planning permission dated 6 April 2016 (RN:15/11995).

Application Permitted 28 November 2017

17/08076/ADFULL

Details of hours of operation and supplementary acoustic report pursuant to condition 5 and 7 of planning permission dated 6 April 2016 (RN:15/11995).

Application Permitted 7 December 2017

15/11995/FULL

Use of the ground floor for restaurant use (Class A3) and part basement for ancillary storage space and removal of five car parking spaces at basement level. Extension of existing plant area at first floor roof level and installation of a full height kitchen extract duct to the rear elevation.

Application Permitted 6 April 2016

15/03508/FULL

Replacement of glazing to front and rear facade, reconfiguration of the basement parking area to provide eight car parking spaces, 16 bicycle spaces and six motorcycle parking spaces and replacement plant at basement level and rear first floor level.

Application Permitted

4 August 2015

7. THE PROPOSAL

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Bank (Class A2)	450	0	0
Restaurant and outdoor shisha smoking area (Sui generis)	0	486	486
Total	450	486	+36

Permission was previously granted in 2016 for the use of the ground floor for restaurant use (Class A3) and part basement for ancillary storage space including the removal of five commercial car parking spaces and the erection of a kitchen extract duct. This permission is extant.

The current proposal is reapplying for works already approved under the 2016 scheme but is also seeking to use the previously approved Class A3 restaurant as a mixed-use restaurant with outdoor shisha smoking area (sui generis). Other new works not proposed in 2016 include a new shopfront, installation of decking, exterior seating, provision of two DDA lifts and installation of two condenser units within the front basement lightwell.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Class A2

Part of the basement and ground floor of the application site was previously occupied by a bank (Class A2). The loss of the bank was accepted in 2016 with the previous permission for a restaurant. Given that circumstances have not materially changed and the 2016 permission is still extant the loss of the bank is again considered acceptable.

Restaurant and shisha in principle is currently vacant, but was previously occupied as a bank (Class A2). Policy SS5 of the UDP aims to protect and enhance the attraction of the West End International Centre and other parts of the CAZ and the CAZ Frontages, as shopping and entertainment destinations, as well as attractive places in which to live, visit, and work, and to encourage a balanced mix of appropriate street-level activities, whilst maintaining and safeguarding their residential communities.

Planning permission was granted in 2016 for the use of the basement and ground floor for restaurant use (Class A3) (15/11995/FULL). Therefore the loss of the Class A2 use has previously been accepted. The premises would effectively continue to operate as a restaurant but would introduce an outdoor seating area on the existing private forecourt, which would be used for dining purposes but include shisha smoking. It is this aspect which would change the approved restaurant use from a Class A3 use to a sui generis use. There is no policy to protect the loss of restaurant (Class A3) floorspace and the principle of the proposed use in this location is considered acceptable.

Restaurant and shisha (Sui generis)

The Class A3 restaurant approved in 2016 has a floorspace of 450sqm GIA. The size of the restaurant does not change as part of the current scheme, however, the introduction of the shisha terrace onto Knightsbridge would provide an additional 36sqm. The proposed restaurant and shisha is to be operated by Karamna Al Khaleej a Dubai based restaurant brand providing Middle Eastern cuisine. Despite the provision of an outdoor seating area the capacity of the restaurant will be reduced from 200 covers as approved to 90 covers (inclusive of the outdoor seating area). The outdoor seating area would accommodate 12 tables and 24 chairs. The ground floor will accommodate the majority of customer seating together with the kitchen and servery. The basement provides the new plant room and reconfigured parking area. The works to the basement area are as per the approved 2016 scheme.

The principle of a restaurant has already been established in this location by the 2016 permission. Given that the restaurant element of the scheme is the similar to that previously approved it is again considered acceptable in principle. The key issue is whether introduction of a shisha element is considered acceptable.

The applicant has advised that the opening hours for the restaurant element would be the same as permitted in the 2016 scheme, namely 1000 to 2330 hours Monday to Saturday and from 1000 to 2230 hours on Sundays, Public Holidays and Bank Holidays. The shisha, which will operate only from the outdoor seating area, will have different opening hours, namely 1800 to 2330 hours Monday to Saturday and from 1800 to 2230 hours on Sundays, Public Holidays and Bank Holidays.

The City Council has introduced its strategy 'Reducing the Harm of Shisha: Towards a Strategy for Westminster' (February 2017) and in relation to planning the regulation of such an activity when used in conjunction with a commercial use, in this instance the proposed restaurant.

Knightsbridge is a busy thoroughfare and is characterised by a mix of commercial uses including a hotel, offices and embassy. Shisha smoking is synonymous with the wider middle eastern community and is an authentic element of their customers' experience. As such, it is considered that the introduction of shisha to be served within the external seating area associated with the proposed Middle Eastern cuisine restaurant is an authentic part of the customer's overall experience. The shisha will only be for customers who have had a full sit down meal and will be restricted to the external seating area only. There is a dedicated area within the ground floor area for the preparation of the shisha, which provides direct access to the outdoor seating area. It is

recommended that an operational management plan is secured by condition to control this element of the proposal.

The officer occupiers of the building have objected to the proposed shisha as they consider that it is out of keeping with the general standing of the office building and that employees should have a right to a healthy workplace and not be subjected to second hand smoke. Concern is also raised that the proposed use would create noise and anti-social behaviour.

In response to these concerns the applicant has now agreed to restrict shisha smoking until after 18:00 hours only which is towards the end of normal office hours. In this instance however given the open nature of the forecourt at the front of the building and the location of the site on a busy main road it is not considered that the impact on the office or residential occupiers of the building from noise, odour and fumes will be so severe as to justify a refusal. It is important to note that the outside seating area could be used for normal smoking purposes in any case and if the premises are found to be causing nuisance from noise and fumes, the council can serve a notice under the Environmental Protection Act 1990. There is no fixed level to constitute nuisance, but it must seriously affect an individual's use or enjoyment of their property for a period of time and be a frequent problem. Two fabric awnings have been approved to the front elevation which may also direct smoke away from the upper floors of the premises. It is also recommended that the operational management plan to be secured by condition includes details of a phone number that the office or residential occupiers can use in case of problems.

8.2 Townscape and Design

The building dates from 1963 and is located on a busy stretch of the Knightsbridge frontage which has a mixed character and is lined with a number of large scale modern buildings. However, immediately adjoining the application site to the east is Nos. 15-17 Knightsbridge, which dates from 1870 and is Grade II listed.

The main design considerations in assessing the proposals are the impact on the townscape, character and appearance of the conservation area and the impact on the setting of the adjoining listed buildings and views from the park opposite.

External seating area

The proposed decked seating area has been revised to ensure that it does not extend beyond the existing planter or in front of the listed building at Nos. 15-17. This will enable the remainder of the forecourt area to be used for its original purpose. The use of clear glazing around the perimeter of the decking is considered acceptable given the modern nature of the building.

Alterations to the front facade

The application originally proposed an openable shopfront to the ground floor elevation. However the design has since been amended with glazed panels and black aluminium frames to match the upper floors of the building. A new canopy is proposed which is acceptable in design terms and two new retractable awnings have been approved

across the raised seating area immediately in front of the building. The proposed disabled access lifts are not considered contentious in design terms. The two air conditioning units within the front lightwell area concealed behind the existing planter, they are not visible from the wider public realm and in design terms are considered an acceptable location.

An objection has been received from No. 27 and the office occupiers within No. 21 on the grounds that the design changes set out above are not in keeping with other properties and not aesthetically pleasing. However following the submission of revised drawings to reduce the size of the decking and to remove the openable shopfront the proposals are considered acceptable in design and conservation area terms. In addition similar proposals have also been granted to the Wellesley Hotel at Nos. 11-13.

8.3 Residential Amenity

The nearest residential properties are located to the rear of the site in Grosvenor Crescent Mews and two residential flats at seventh floor within the application site. The full height extract duct and mechanical plant to the rear first floor flat roof area has already been approved under the 2016 scheme and no changes are proposed to these works as part of the proposed scheme. Environmental Health has raised no objection to the kitchen duct or the air conditioning units in noise terms subject to our standard noise conditions.

The applicant has provided details of how the restaurant at ground floor level and its rear wall with the properties in Grosvenor Crescent Mews will be insulated to reduce noise passing between them. These details are considered acceptable to Environmental Health.

8.4 Transportation/Parking

Car Parking

The site benefits from off street servicing and is within a Controlled Parking Zone. The site has a good level of public transport accessibility. It is therefore accepted that the proposal is unlikely to have a significant impact on on-street car parking in the area. The loss of the existing commercial car park is acceptable and compliant with TRANS21.

Four car parking spaces are to be retained and in consultation with officers the applicant has agreed to retain two car parking spaces for the residential flats. It is recommended that the

The Highways Planning Manager has raised no objection to the proposed works to the forecourt area. However a concern has been raised about ducting which is shown to be sited above a car parking space at basement level. An area of existing plant was present above the existing car parking spaces within the basement parking area and under the 2016 scheme new mechanical plant was also located within this area. Further to the comments raised by the Highways Planning Manager, the applicant has provided an updated plan confirming that the mechanical plant would not interfere with

the parking space. The objections to the loss of car parking are noted however the council's adopted parking policies do not seek to protect commercial parking.

The submitted basement plan shows the provision of 16 cycle spaces and motorbike spaces. The provision of cycle spaces is above the recommended standard and it is recommended these are secured by condition.

Servicing

The largest regular vehicle expected to be associated with the development in this location would be a refuse collection vehicle. Off-street servicing is provided for the development and for the majority of service vehicles which will visit the site. This will service this property in a similar fashion to the existing use and nearby properties.

8.5 Economic Considerations

The proposed restaurant would create additional jobs and provide additional revenue to the local economy. The applicant has stated that 24 full time staff and 16 part time staff would be employed.

8.6 Access

New disabled lifts are proposed to facilitate ambient access into the restaurant and outdoor seating area.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

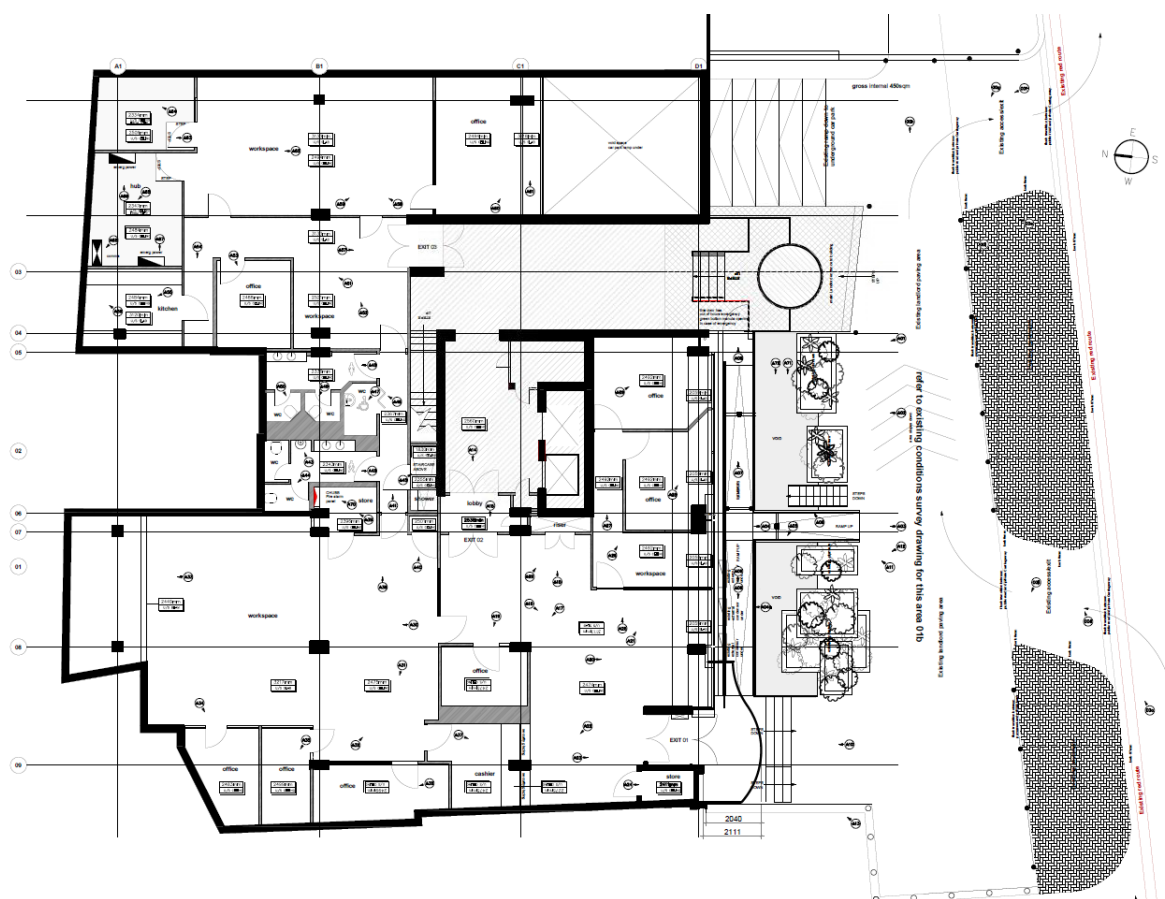
Crime and security

The Metropolitan Police have provided advice on security measures and recommend the installation of Hostile Vehicle Mitigation measures tested to a specific standard and toughened laminated glass. The security advice from the police is noted however it is not considered reasonable to require this level of protection for private external seating. To a restaurant and shisha. However an informative is added so that the applicant is aware of this advice should they wish to take it into account when designing their outdoor seating.

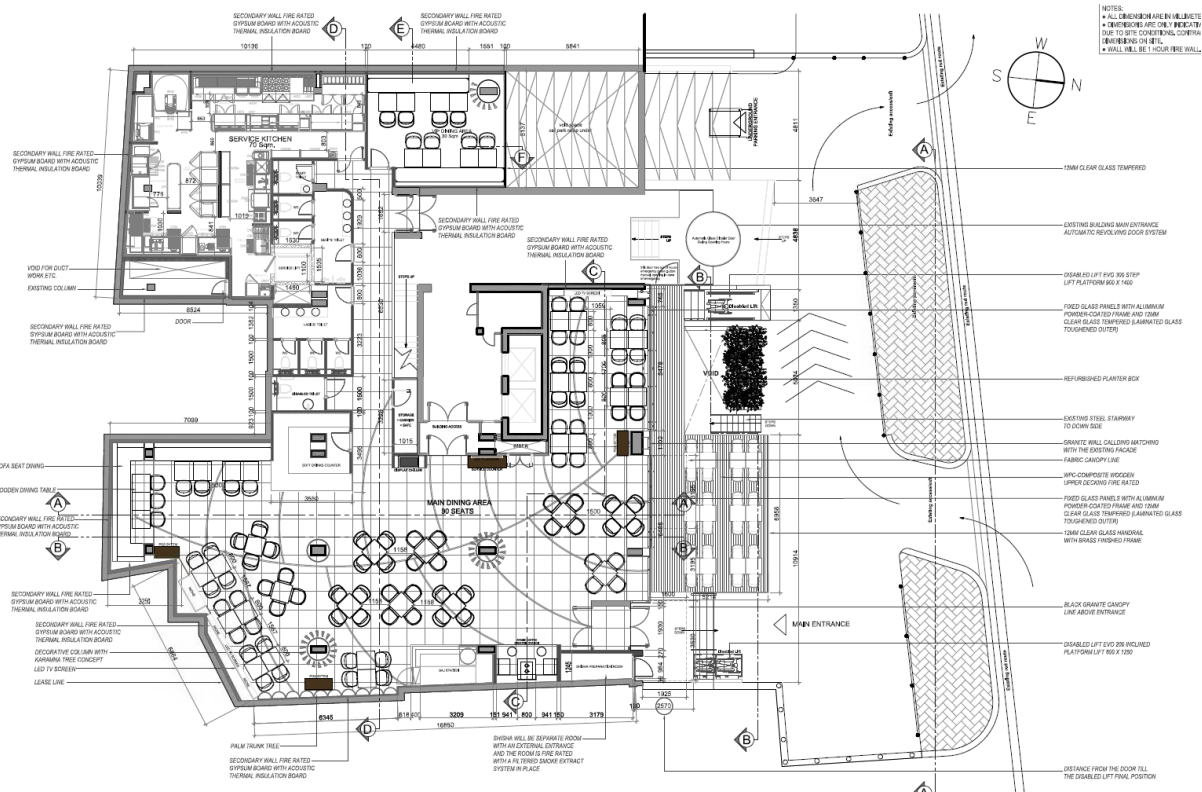
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT MMASON@WESTMINSTER.GOV.UK

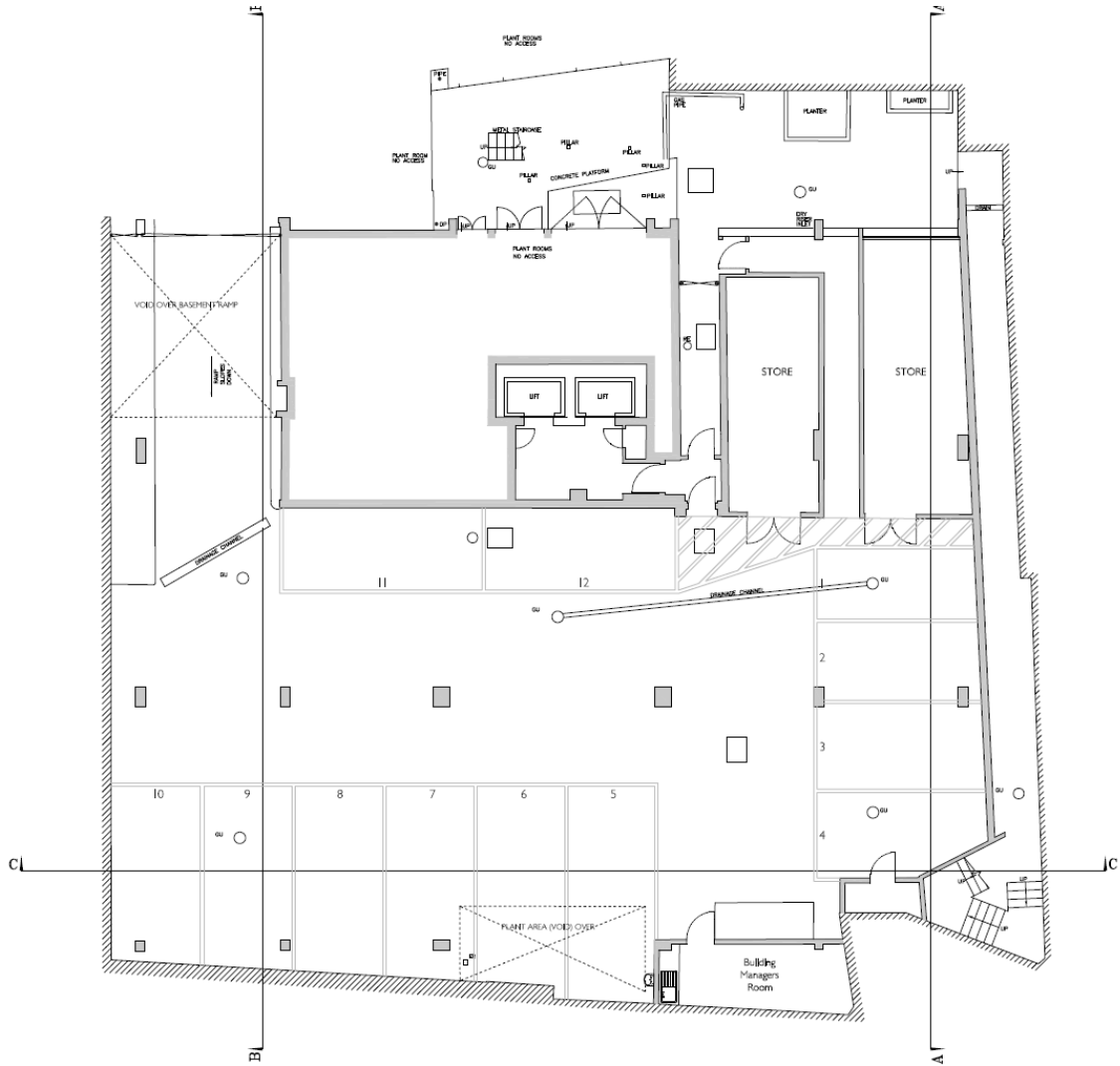
9. KEY DRAWINGS



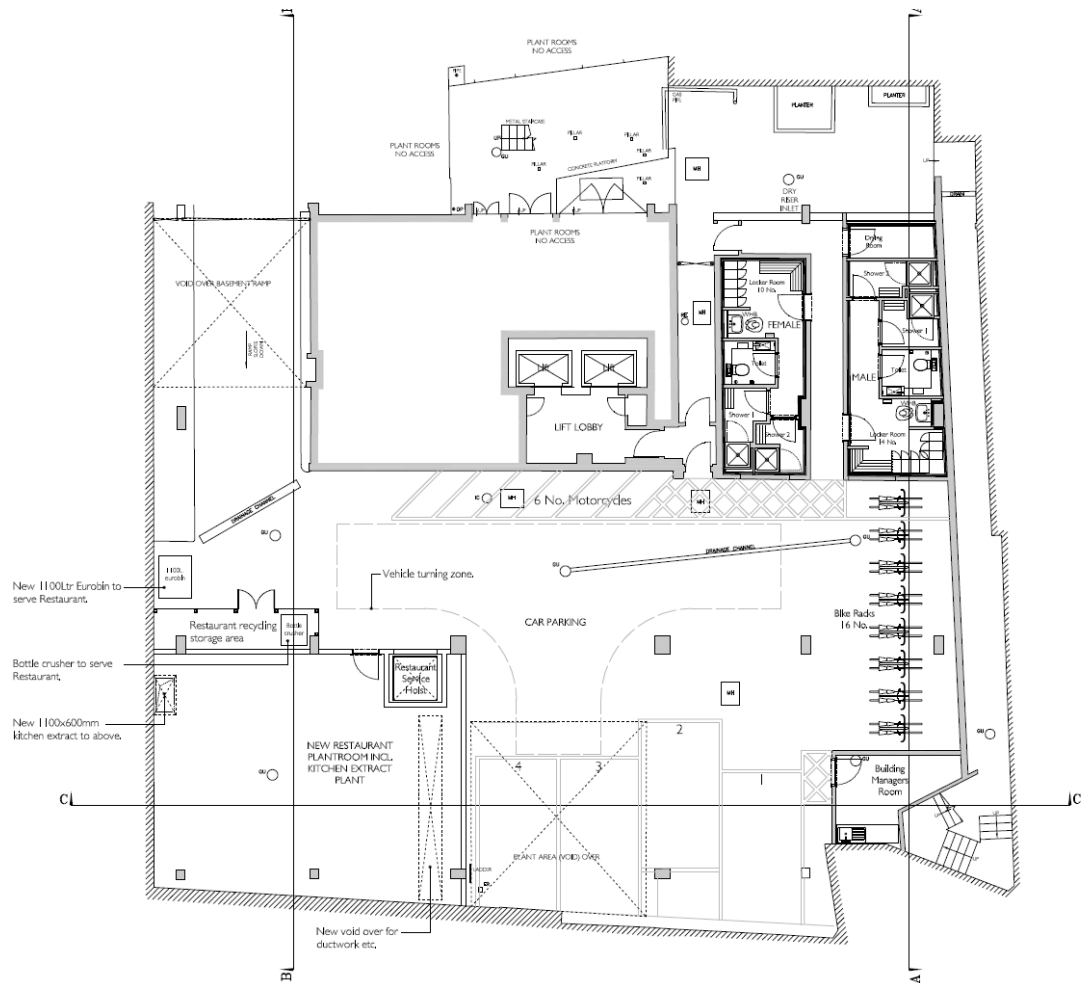
Existing ground floor plan



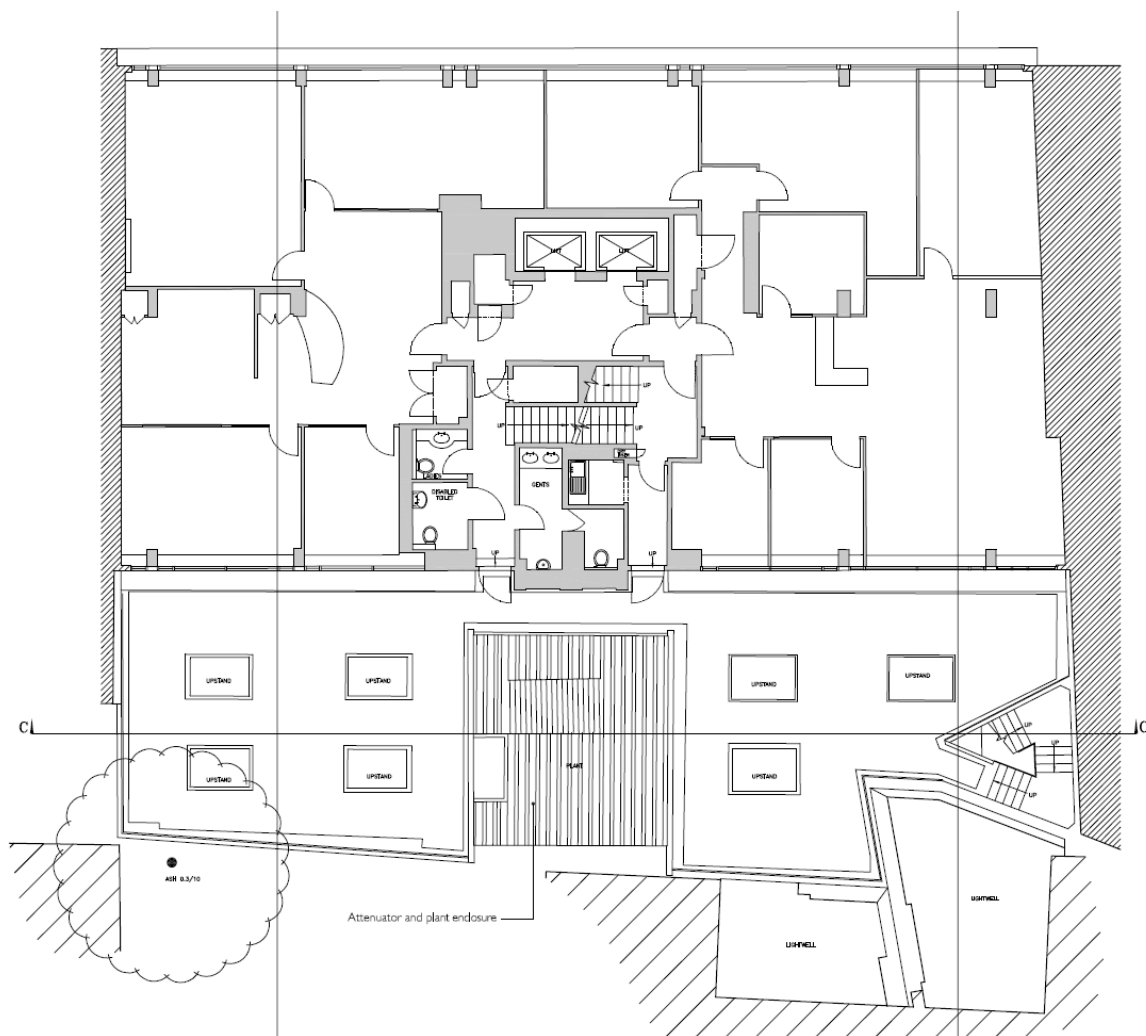
Proposed ground floor plan



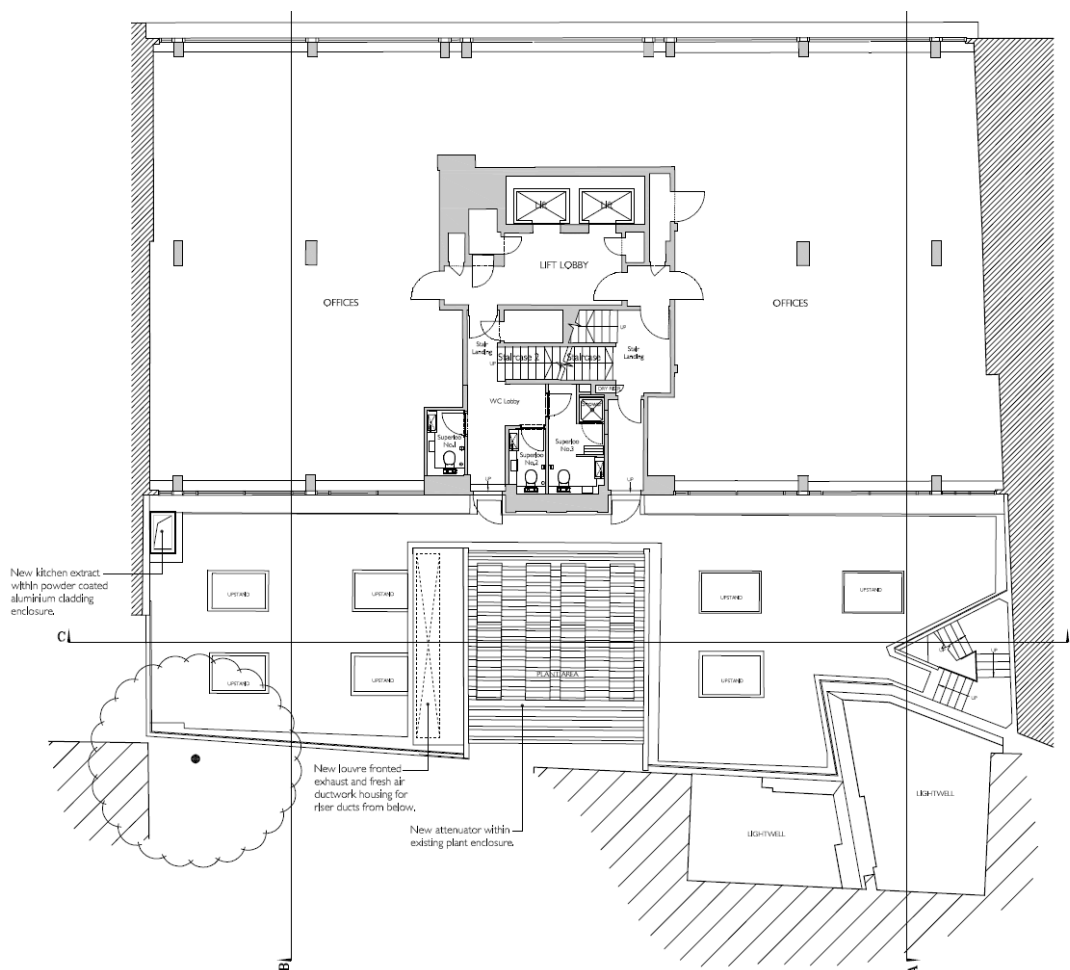
Existing basement plan



Proposed basement plan



Existing first floor plan

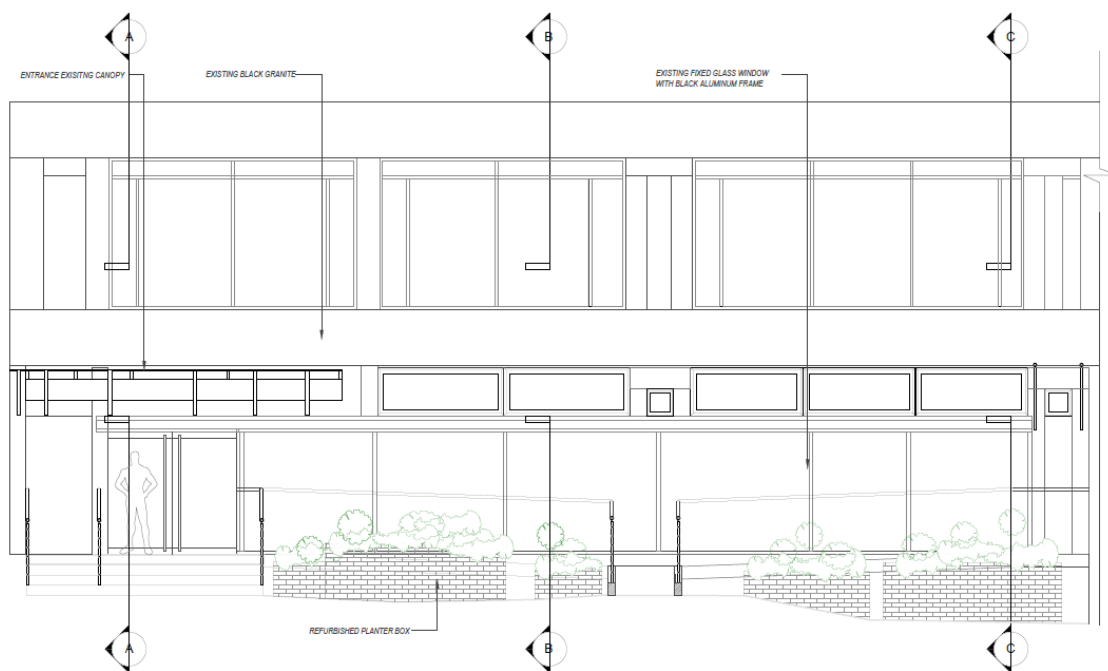


Proposed first floor plan

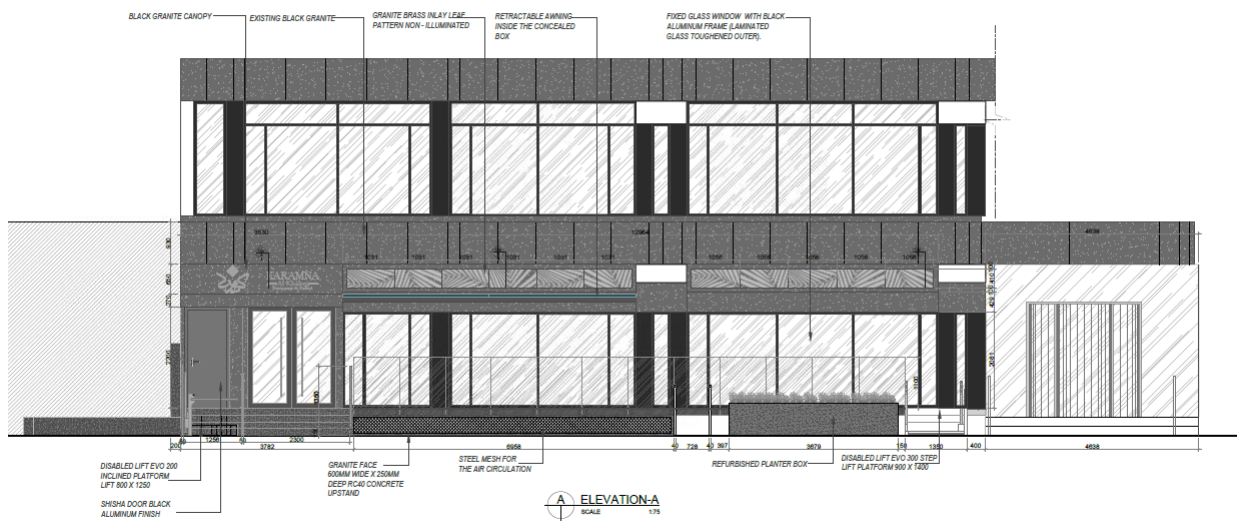


Existing rear elevation





Existing front elevation



Proposed front elevation

DRAFT DECISION LETTER

Address: 21 Knightsbridge, London, SW1X 7QB,

Proposal: Use of part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis). Use of part basement for ancillary storage space and removal of five car parking spaces at basement level. Extension of existing plant area at first floor roof level and installation of a full height kitchen extract duct to the rear elevation. Alterations to the ground floor elevation including replacing windows and installation of awnings, installation of new decking to the ground floor frontage to accommodate exterior seating and balustrade, provision of two DDA lifts at front ground floor level, replacement and refurbishment of planters and installation of two condenser units within a basement lightwell area on the front elevation.

Reference: 17/07713/FULL

Plan Nos: Site location plan, E(-)01 Rev. C, E(-)02 Rev. B, E(-)03 Rev. C, E(-)04 Rev. B, E(-)05 Rev. B, E(-)06 Rev. C, E(-)09 Rev. B, L(re)01 Rev.C, L(re)03 Rev. B, L(re) Rev. 04, L(re) Rev. 05, L(re)06 Rev. A, L(re)09 Rev. A, DET/07/54 Rev. 0, DET-11/58 Rev. 00, ARC-15/23 Rev. 00, ARC-01/23 Rev. 00, ARC- 16-23 Rev. 01, ARC-17/23 Rev. 01, DET-09/58 Rev. 00, DET-22/58 Rev. 01, DET-06/58 Rev. 00, DET-15/58 Rev. 01, DET-16/58 Rev. 01, DET-17/58 Rev. 01, DET-04/58 Rev. 01, DET-05/58 Rev. 01, ARC-02/23 Rev. 02, DET-08/58 Rev. 00, DET-13/58 Rev. 02, DET-14/58 Rev. 02, DET-12/58 Rev. 02, DET-18/58 Rev. 01, DET-19/58 Rev. 01, DET-20/58 Rev. 01, DET-03/12 Rev. 0, DET-04/12 Rev. 0, DET-05/12 Rev. 0, DET-07/54 Rev. 00, 220.1.08, EVO 300 Step Lift Platform 900 x 1400, EVO 200 Inclined Platform Lift 800 x 1250, 220.1 01, 220.1 12, 220.1 13, Proposed service lift cut sheet (DET-03/12 Rev.0), Letter dated 28/9/2017 prepared by QT Acoustics Ltd, Metal Stud Partition system type- GypLyner IWL prepared by Gyproc Saint-Gobain, Assessment of Sound Insulation to Adjoining Properties at Karamna Restaurant dated October 2017 (Ref: Qt11452-SI Revision 001) prepared by QT Acoustics Ltd, Noise Impact Assessment Issue Date - September 2017 (Ref: Qt11452 Rev. 002 prepared by Qt Acoustics Ltd and Noise Impact Assessment Issue Date September 2017 (Ref: Qt11452 Rev. 002) prepared by Qt Acoustics and Existing site photographs.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

- 4 You must not put planters, tubs, furniture or other obstructions on the forecourt. (C26QA)

Reason:

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

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

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

Reason:

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

- 6 The plant/machinery hereby permitted shall not be operated except between 10.00 to 23.30 hours Monday to Saturday and 10.00 to 22.30 hours daily Sundays, Public and Bank Holidays.

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.

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.

- 8 You must install the mitigation measures recommended in section 7.2 of the Noise Impact Assessment Issue Date September 2017 (Ref: Qt11452 Rev. 002) prepared by Qt Acoustics prior to the operation of the mechanical plant hereby approved. You must then maintain the mitigation measures for as long as the mechanical plant remains in place.

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.

- 9 You must install the full height extract duct as shown on drawing L(re)09 Rev. A prior to operation of the mixed-use restaurant with outdoor shisha smoking area (sui generis) hereby approved. The duct must be retained for as long as the use hereby approved remains in operation.

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, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 10 You must install the acoustic wall to the rear ground and basement wall as shown on drawings 220.1 12 and 220.1 13 and in accordance with the details contained in the letter dated 28/9/2017 prepared by QT Acoustics Ltd, Metal Stud Partition system type- GypLyner IWL prepared by Gyproc Saint-Gobain and Assessment of Sound Insulation to Adjoining Properties at Karamna Restaurant dated October 2017 (Ref: Qt11452-SI Revision I) prepared by QT Acoustics Ltd prior to the use of the mixed-use restaurant with outdoor shisha smoking area (sui generis). You must retain the acoustic wall for as long as the mixed-use restaurant with outdoor shisha smoking area (sui generis) is operational.

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.

- 11 Customers shall not be permitted within the part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis) before 1000 or after 2330 hours Monday to Saturday, and before 1000 or after 2230 hours on Sundays, Public Holidays and Bank Holidays. .

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 You must not allow more than 90 customers in total into the part basement and part ground floor area mixed-use restaurant including the outdoor shisha smoking area (sui generis) at any one time.

Reason:

To protect neighbouring residents from noise and vibration nuisance, 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. (R13AC)

- 13 You must only serve the shisha to customers taking a sit down meal within the outdoor shisha smoking area (sui generis) between 1800 to 2330 hours Monday to Saturday and between 1800 to 2230 hours on Sundays, Public Holidays and Bank Holidays.

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.

- 14 You must provide no more than 12 tables and 24 chairs within the outdoor shisha smoking area as shown on drawing ARC-02/23 Rev. 02.

Reason:

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

- 15 No delivery service for food and drink is to operate from the premises in connection with the use hereby approved, even as an ancillary part of the mixed-use restaurant with outdoor shisha smoking area (sui generis).

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)

- 16 You must apply to us for approval of a servicing management plan for the mixed-use restaurant with outdoor shisha smoking area (sui generis). You must not start the use until we have approved what you have sent us. Thereafter you must carry out the work according to the approved 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)

- 17 You must apply to us for approval of an operational management plan for the mixed-use restaurant with outdoor shisha smoking area (sui generis). You must not start the use until we have approved what you have sent us. Thereafter you must carry out the use according to the approved plan.

Reason:

To protect neighbouring residents from noise and vibration nuisance, 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. (R13AC)

- 18 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 19 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number L(re)01 Rev. C. You must clearly mark them and make them available at all times to everyone using the part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis). (C14FB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 20 You must provide at least one parking space for each of the residential flats in the development. The parking spaces reserved for residents must be clearly identified. (C22CA)

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)

- 21 You must not use the first floor flat roof area in connection with the part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis) hereby approved. You can however use the first floor flat roof to escape in an emergency. (C21CA)

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)

- 22 You must ensure that any mechanical plant and associated duct work located over the car manoeuvring and parking areas maintains a minimum of 2.1m clearance above the parking areas.

Reason:

To make sure that the parking bay will be available for all types of vehicles for which it has been designed and to avoid blocking the car park area and surrounding streets 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. (R23BB)

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), Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The lettering on the canopy has 'deemed' consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This means that you do not need to apply for planning

- permission for the canopy. However, if you want to light up the lettering by spotlight or other means, you will need to apply for 'express' consent under the advertisement regulations. And if you remove the lettering, the canopy will require planning permission. (I43AA)
- 3 Conditions 5, 6 and 7 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)
 - 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
 - 5 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
 - 6 You may need separate licensing approval for the basement and ground floor of the 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. (I61AB)
 - 7 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
 - 8 You are advised that no goods are to be left on the highway for servicing purposes.
 - 9 The lettering on the canopy has 'deemed' consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This means that you do not need to apply for planning permission for the canopy. However, if you want to light up the lettering by spotlight or other means, you will need to apply for 'express' consent under the advertisement regulations. And if you remove the lettering, the canopy will require planning permission. (I43AA)
 - 10 The Metropolitan Police have advised that in order to protect the building and public in the seated areas the installation of Hostile Vehicle Mitigation (HVM) products successfully tested to ISO IWA 14 - 1:2013 (BSI PAS 68) is recommended. Installation of this equipment should be carried out in accordance with IWA 14 - 2:2013 (BSI PAS 69); guidance for the selection, installation and use of vehicle barriers. You are advised that should such installations materially impact on the external appearance of the building then a further application for planning permission may be required.

Item No.
6

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.

BACKGROUND PAPERS - 21 Knightsbridge, London, SW1X 7QB, 17/07713/FULL

1. Application form
2. Response from Metropolitan Police Service (for Licensing), dated 26 October 2017
3. Response from Plant And Equipment, dated 20 October 2017
4. Response from Plant And Equipment, dated 4 April 2018
5. Response from Knightsbridge Association, dated 22 October 2017
6. Response from Plant And Equipment, dated 27 October 2017
7. Response from Transport For London - Borough Planning, dated 23 October 2017
8. Letter from occupier of 21 Knightsbridge, 4th Floor East, dated 11 April 2018
9. Letter from occupier of 21 Knightsbridge, 21 Knightsbridge, dated 5 April 2018
10. Letter from occupier of 27 Knightsbridge, London, dated 13 October 2017
11. Letter from occupier of 110 Ramillies Road, London, dated 5 April 2018
12. Letter from occupier of 21 Knightsbridge, London, dated 5 April 2018

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	15-16 Shillibeer Place, London, W1H 4DJ,		
Proposal	Erection of single storey mansard roof extension to create a new third floor and alterations to existing second floor mansard to create a sheer storey, both to enlarge two existing residential units (Class C3).		
Agent	Mr Anthony Richardson		
On behalf of	G Mundie and M Stanford		
Registered Number	17/10844/FULL	Date amended/ completed	19 January 2018
Date Application Received	6 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

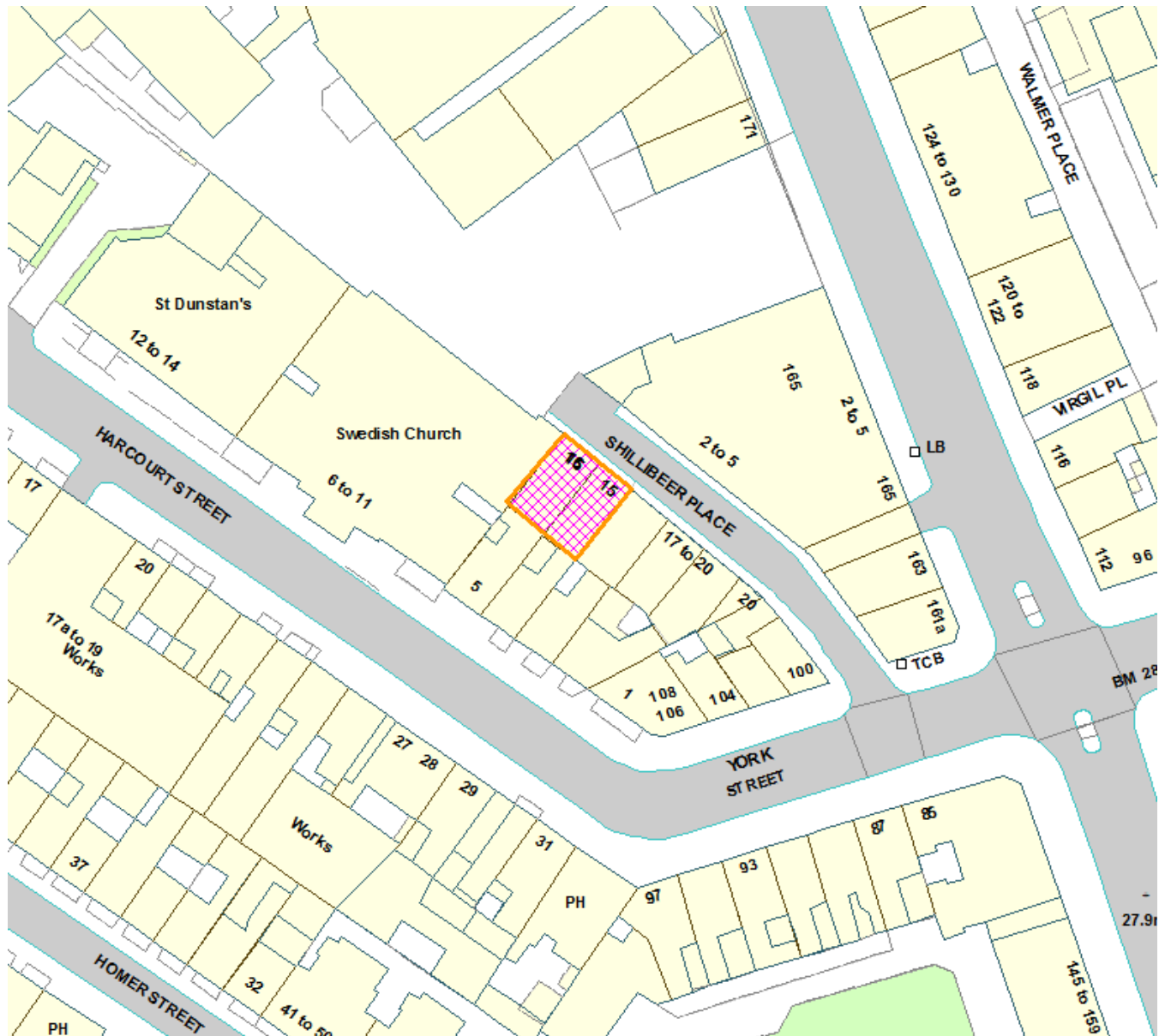
Permission is sought for a roof extension to both 15 and 16 Shillibeer Place, which are currently configured as two separate, two-storey mews houses with accommodation at roof level.

The key issues for consideration are:

- The impact on neighbouring residential amenity;
- The impact on the character and appearance of the Portman Estate Conservation Area.

The proposal has been amended to ensure that the works would preserve or enhance the character and appearance of the Portman Estate Conservation Area. It is not considered that there would be any unacceptable harm to neighbours living conditions, for the reasons set out in the main report, and the proposal is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

MARYLEBONE ASSOCIATION: Objection

- Loss of daylight and sunlight to Harcourt Street and the Swedish Church
- Internal floor to ceiling heights are substandard
- Uniformity not characteristic for the area (due to some close buildings being 3-storey)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34, Total No. of replies: 4

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

4 letters of objection were received on the following grounds:

- Loss of daylight and sunlight to the rear of 3 and 5 Harcourt Street
- Loss of daylight to flats and community space at the Swedish Church
- Noise disturbance from construction
- Loss of privacy during construction
- Increased waste from construction

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site contains two unlisted buildings within the Portman Estate Conservation Area. Number 15 is adjoined to the north east by the Swedish Church in London (6 Harcourt Street) which is grade II listed. At the rear of the site and to the south-west is 2-5 Harcourt Street which are also grade II listed buildings. The site falls within the Central Activities Zone (CAZ) and is identified as an area of archaeological importance.

6.2 Recent Relevant History

17-20 Shillibeer Place was previously occupied by an office building which was demolished and replaced by four townhouses. This neighbouring terrace is now three storeys with a mansard roof.

15-16 Shillibeer Place

Erection of a mansard roof extension at 2nd floor level and rear ground floor extensions with terraces at first floor level. (00/08275/FULL)

Refused March 2001

Reasons: Height and bulk of the roof extension would harm the character and appearance of the conservation area.

An informative on the decision notice notes that a floor to ceiling height of 2.3m or less, with a reduced secondary pitch would be viewed more favourably by the council.

Application 01/02952/FULL was subsequently submitted for the same works but with a revised design, and was approved in June 2001. This has been implemented.

17-20 Shillibeer Place

Demolition of existing offices at 17-20 Shillibeer Place and erection of three four-bedroom houses. Conversion of 100-102 York Street to create two single family dwellings with a further two-bedroom dwelling between the Shillibeer Place and York Street buildings. Conversion of existing pavement lights into a lightwell with metal railings. (Site includes 100-102 York Street).(06/03184/FULL)

Application Permitted 10 October 2006

08/10733/FULL

Alterations during the course of construction to a permission dated 10 October 2006 (RN: 06/03184/FULL) for demolition of existing offices at 17-20 Shillibeer Place and erection of 3x4 bedroom houses; conversion of 100-102 York Street to create two single family dwellings with a further two bedroom dwelling between the Shillibeer Place and York Street buildings; conversion of existing pavement lights into a lightwell with metal railings. (Site includes 100-102 York Street); namely, the erection of 3 x 3 bedroom houses at 17-20 Shillibeer Place with first floor terraces at the rear of nos.17-19; increase in the height of the Shillibeer Place buildings by 0.7m and alterations to front and rear elevations.

Application Permitted 14 May 2009 This has been implemented

7. THE PROPOSAL

The application proposes an additional mansard roof storey to both 15 and 16 Shillibeer Place. The existing second floor mansard would be converted to a sheer second storey. The proposal would extend both properties by 23 sqm. and would provide a third bedroom and en-suite bathroom to each.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of extending residential properties is supported in land use terms. In this instance, the proposals would result in 2x 2-bed properties being increased to 2 x 3-bed properties which the Council considers to be capable of use as family accommodation. This would be supported, and is in accordance with policy S14 of the Westminster City Plan.

8.2 Townscape and Design

The site is identified in the Portman Estate Conservation Area Audit (2003) as a building where a roof extension is unlikely to be acceptable in principle. The building is sited in a sensitive location in heritage asset terms, immediately adjacent to a grade II listed building at the Swedish Church, 6-11 Harcourt Street and a number of grade II listed buildings to the rear of the site at 1- 5 Harcourt Street, as well as 101- 108 York Street.

Planning permission was granted in 2001 for a single storey mansard extension at second floor level to 15- 16 Shillibeer Place. Planning permission is now sought for the demolition of this mansard storey and the addition of a sheer storey at second floor level with a new mansard storey above.

In 2009, planning permission was granted (08/10733/FULL) for the redevelopment of the neighbouring group of buildings at 17- 20 Shillibeer Place, which involved the demolition

of the pre-existing three storey (including mansard level) buildings with a group of three four-storey buildings, including a mansard storey. Following the implementation of this approval, the buildings forming 17- 20 Shillibeer Place are currently a storey higher than that at 15 and 16 Shillibeer Place, which are located immediately to the west. It is therefore considered that a single storey upwards extension to 15 and 16 Shillibeer Place to create a pair of four storey buildings is not uncharacteristic of this part of the conservation area and will preserve the unity of this group of buildings on the south side of Shillibeer Place.

Although the site is identified in the Portman Estate Conservation Area Audit as a building where a roof extension is unlikely to be acceptable in principle, this Audit dates from 2003, and pre-dates both the 2006 and 2009 planning consents at the adjoining site; 17 – 20 Shillibeer place. Given the change in circumstances, the addition of a third storey (to match the adjoining properties) is now considered to be acceptable in principle.

The proposed mansard extension is to be slightly higher than that approved to the neighbouring building given the differential levels of the site. Following pre- application discussions the design has been revised to align the front parapet with that of the neighbouring site and the mansard has been hipped away from the grade II listed Swedish Church immediately to the west of the proposal site. Given that it will face a secondary (rear) elevation of the church, it is considered that the proposed roof extension will not harm the setting of this listed building. Following negotiations, the design has also been revised to show a 70 degree pitch to the rear of the mansard storey, which reflects a traditional mansard form, compliant with the Council's Supplementary Planning Guidance on Roof Extensions, and the form of the existing mansard storey at nos. 17- 20. Following these design amendments, the proposed mansard storey will preserve the character and appearance of the roofscape in this part of the conservation area and is recommended for approval.

The proposed replacement windows with glazing bars are acceptable in design terms subject to detail, which can be secured through condition.

One objection has been received on design grounds from the local amenity society, who note that the buildings to the corner of Shillibeer Place and Harcourt Street are three storeys in height, which reduces the argument for uniformity. Whilst it is accepted that 20 Shillibeer Place and the grade II listed buildings at 100- 105 York Street are lower than the proposed scheme, views of the proposal site in relation to these buildings are very limited. The relationship between the proposal site and nos. 17- 19 Shillibeer Place is more important given that the application site is viewed immediately alongside these higher buildings. It is therefore considered that refusal on these grounds would be unsustainable and this objection cannot be supported in design terms.

Overall, the proposal is considered compliant with DES 6 and DES 9 of the UDP and will preserve the character and appearance of this part of the conservation area and the setting of the nearby listed buildings. The application is therefore recommended for approval in design terms.

8.3 Residential Amenity

UDP policy ENV13 states that permission will not be granted for development proposals which result in a material loss of amenity to neighbouring residential properties with regard to the level of daylight or sunlight received, any increase in the sense of enclosure to adjoining windows or any loss of privacy. Similarly, City Plan policy S29 seeks to safeguard the amenities of neighbouring residential properties.

The nearest residential dwelling adjoins to the south of the site (17 Shillibeer Place). This property is three storeys with accommodation at roof level. The rear wall of this property is stepped further back than the rear wall of 15-16 Shillibeer place, and as such it is not considered that the proposal would harm the living conditions at this neighbouring property.

3 – 5 Harcourt Street is a terrace of properties located to the rear of the application site, generally with commercial uses on the ground floor and residential maisonettes above. These properties have residential windows that directly overlook the application site with a separation distance of approximately 7.5m. To each property, one column of windows serves the stairwell, and the other, mostly bathrooms, with one bedroom at second floor level at 3 Harcourt Street and possibly a kitchen at rear first floor of No. 5: access to this property has not been possible and available plans show either bedroom or kitchen. At the Swedish Church there is residential accommodation to the upper floors (third floor and above) of the south west wing.

Sunlight and Daylight

Policy ENV 13 seeks to ensure good daylight levels to habitable rooms in existing residential properties.

The principle test for measuring the impact of the development upon the level of light received to neighbouring properties is the Vertical Sky Component (VSC), the amount of light reaching the face of a window. If the VSC is both less than 27% and values as a result of the development would be less than 0.8 times its former value then the impact would be noticeable. The submitted report confirms that some neighbouring rooms already have a VSC below 27%, but no neighbouring rooms would receive less than 0.8 times their former value: the maximum loss of light is 18.1% VSC to the rear of 5 Harcourt Street. However, this room is a bathroom. Therefore the proposal fully complies with BRE guidelines for VSC.

The impact of the development on the amount of sunlight received to neighbouring properties is measured by Annual Probable Sunlight Hours (APSH). Only those windows which face within 90 degrees of due south need to be tested. If the proposed sunlight is less than 25% APSH including 5% in the winter months and the loss is greater than 20% over the whole year, then the loss of sunlight will be noticeable. None of the windows along Harcourt Street face within 90 degrees of south, therefore no assessment of daylight to these properties is required. Properties along the opposing side of Shillibeer place have been assessed and the report demonstrates compliance with the BRE guidelines.

There are residential apartments within the Swedish Church, located at third floor and above to the south west wing of the building. No access has been obtained to these units (though access was provided to parts of the church): it is understood that this

accommodation is used by visitors to the church. These residential windows are obliquely offset from the application site, and have a separation distance of approximately 7m. Owing to the variation in natural ground level, and internal floor to ceiling heights, these residential windows are approximately one storey higher than the existing mansard roof at 15-16 Shillibeer Place. Given the relationship between the two sites, the proposed mansard level would only have very limited oblique views towards the accommodation at the Swedish Church, it is therefore considered that there would be no unacceptable loss of privacy to residential units at the Swedish Church.

Objections are raised that the proposal will adversely affect the church hall, library and café, which are below ground and receive natural light via a skylight and a number of ground floor south facing windows. However, since these are not habitable spaces in residential use, they cannot be afforded the same level of protection under the BRE guidelines as residential accommodation. Nevertheless, it is considered that the impact of the proposals will be minimal. These spaces are located at basement level and predominantly benefit from double height floor-ceiling clearance. A site visit has shown that a number of large high level windows and rooflights provide good levels of daylight and sunlight into these spaces given their location at basement level. The proposal is for a roof extension to existing buildings due north east of the Swedish Church: the proposed development area is already significantly screened from view by a protruding chimney stack/flue which forms part of the Swedish Church itself. Accordingly it is not considered that the proposed roof extension would result in any unacceptable loss of daylight to the church hall, café or library (nor a flat roof that is informally used as a terrace).

The daylight and sunlight report has demonstrated that the scheme would be BRE guideline compliant and the proposal is acceptable with this regard and the objections are not sustainable.

Sense of Enclosure

The proposed building would be similar in height and massing to the existing building at 17-20 Shillibeer Place. Given its central London location, the application site has a normal domestic relationship with neighbouring residential properties along Harcourt Street and the opposite side of Shillibeer Place. The nearest windows to each being approximately 8.5m away. The positioning and mansard design of the additional storey is not considered to cause any unacceptable sense of enclosure to neighbouring properties.

Privacy

Given that the proposed use of the third floor/ mansard roof space would remain as residential, and that both 15 and 16 Shillibeer Place would remain as single family dwellings the proposal is not considered to adversely impact neighbouring properties in terms of overlooking.

Noise

The proposed additional storey would serve as an two single family dwellings. It is not considered that the nature of the proposed development would result in any unacceptable noise disturbance.

Quality of living accommodation

The proposed extension would increase both 15 and 16 Shillibeer Place by 23 sqm. to provide an additional bedroom and en-suite bathroom to each property. This would make both units 3-beds and therefore suitable for family accommodation.

One objection raises concern that the proposed accommodation would have an internal floor to ceiling height of 2.3m. Nationally Described Space Standards (NDSS) 2015 sets out that the minimum internal floor to ceiling height should be 2.3m the application complies with this standard, and it is noted that lower floors to the properties already have 2.3m internal headroom.

Overall, the proposed living accommodation would be of a good quality and would comply with the NDSS.

8.4 Transportation/Parking

There would be no change to the existing access or parking arrangement.

8.5 Economic Considerations

Any economic benefits would be welcomed.

8.6 London Plan

This application raises no strategic issues.

8.7 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.

8.8 Planning Obligations

The application does not trigger any planning contributions.

8.9 Other Issues

Construction impact

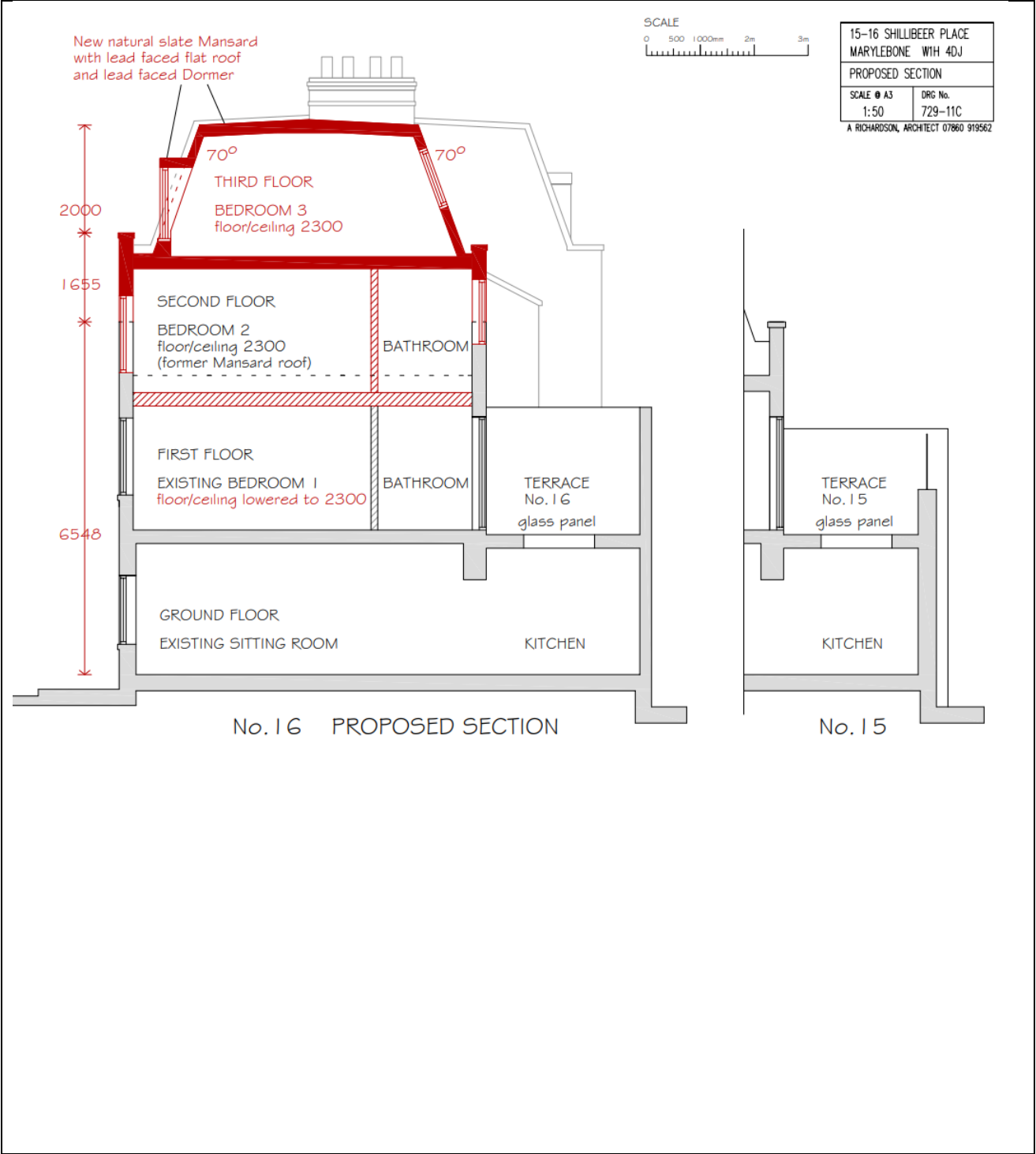
Objections have been received on the grounds of construction impact, in terms of noise, loss of privacy and increased waste and litter (during construction). Any construction impacts would be transient in nature, and therefore not a sustainable reason for refusal. A condition is recommended to limit the hours of construction, and informative has been added to advise the applicant of the Considerate Contractors scheme.

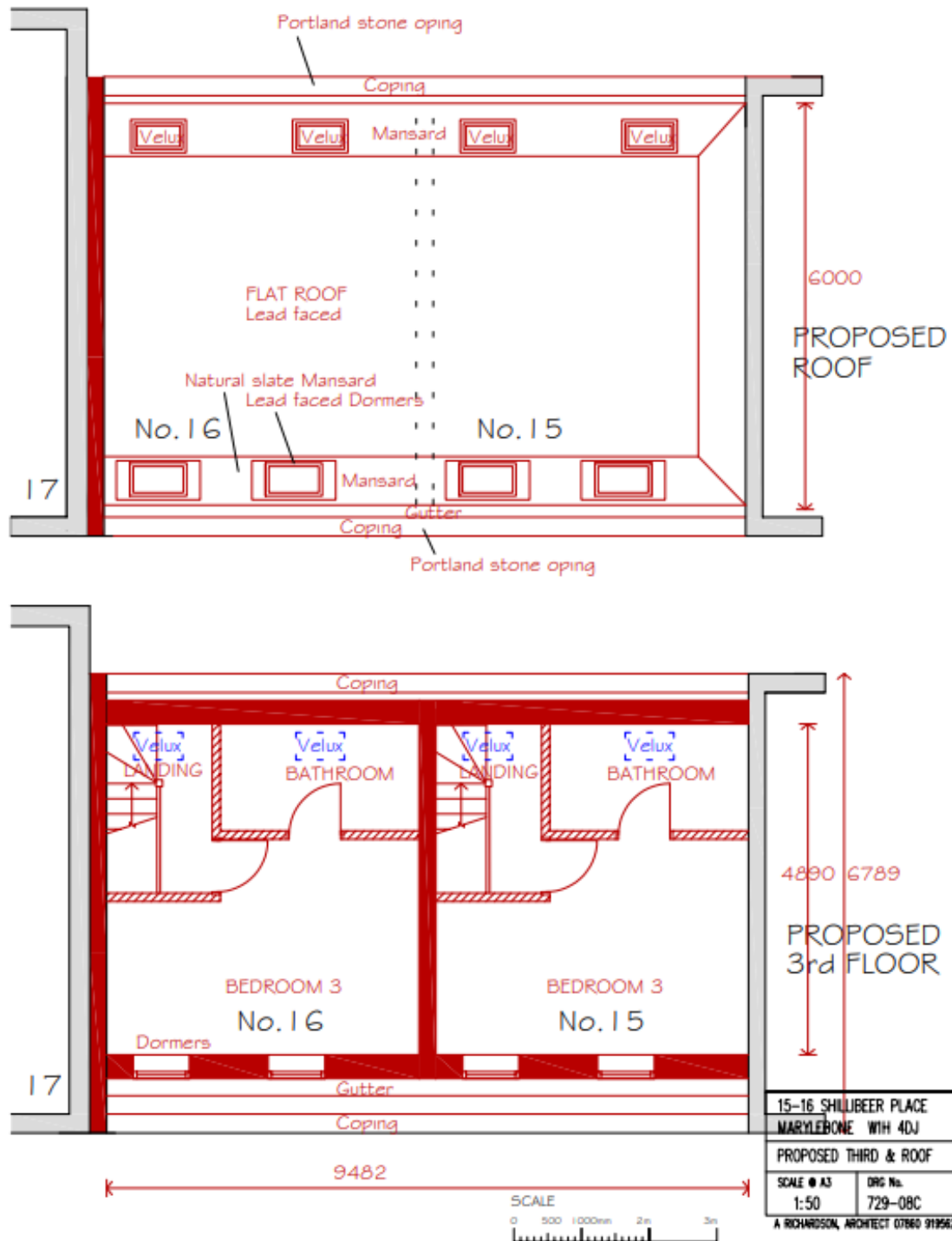
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS







DRAFT DECISION LETTER

Address: 15-16 Shillibeer Place, London, W1H 4DJ,

Proposal: Erection of single storey mansard roof extension to create a new third floor and alterations to existing second floor mansard to create a sheer storey, both to enlarge existing residential units (Class C3).

Reference: 17/10844/FULL

Plan Nos: 729-06B, 729-07A, 729-08C, 729-09G, 729-10D, 729-11C

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and , not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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

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

Reason:

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

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

1. External windows (1:20 and 1:5)
2. Dormers (1:20 and 1:5)
3. Rooflights (1:20)
4. Junction at roof level between proposal site and Swedish Church (1:5)

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

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

Reason:

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

- 5 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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

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

Reason:

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

- 7 The mansard storey hereby approved shall be clad in a natural slate of a dark grey colour to match the existing neighbouring mansard at 17- 19 Shillibeer Place.

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

- 8 The height of the mansard storey hereby approved shall not exceed the height of the existing flank party wall adjacent to 17 Shillibeer Place (excluding the chimney stack).

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

- 9 Notwithstanding the roof plan hereby approved, the existing chimney shall be retained.

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

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.

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

Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 19 June 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 , extending into part of front and rear garden, demolition and rebuilding of rear glazed conservatory at lower ground floor level, enlargement of front light well with decorative metal grille, addition of roof lights, internal alterations and removal of tree to rear. (ADDENDUM REPORT).		
Agent	Charlotte Orrell		
On behalf of	Mr & Mrs Marco Arosio		
Registered Number	17/01993/FULL	Date amended/ completed	01/06/2018
Date Application Received	6 March 2017		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission and 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

These applications were reported to the Planning Applications Committee on 3rd April 2018, when it was resolved to defer a decision for a members site visit. The committee site visit is planned for 15 June 2018.

Further to the publication of the original report to the Planning Applications Committee, additional consultation responses were received from the adjoining occupiers, Karen Buck MP and Councillor Hug, which were circulated to members of the Planning Applications Committee on the night.

As previously, reported, the proposal is considered acceptable in terms of the significance of the host building, the setting of no. 14 and the character and appearance of the Bayswater Conservation Area. Furthermore, the current application demonstrates compliance with the basement development policy in the City Plan and is also acceptable in land use, amenity and environment terms.

Item No.
8

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 conditional planning permission and conditional listed building consent are granted.

3. LOCATION PLAN

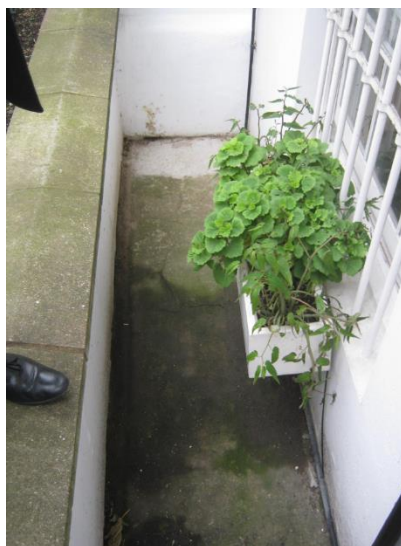


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4. PHOTOGRAPHS



Top: Front elevation (No.12 on right). Bottom: Existing front light well



5. CONSULTATIONS

ORIGINAL REPRESENTATIONS AS DETAILED IN REPORT TO COMMITTEE OF 3rd APRIL 2018 (GREENS).

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.

- 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 ARCHAEOLOGY

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.

ADDITIONAL REPRESENTATIONS RECEIVED AFTER REPORT OF 3rd APRIL WAS PUBLISHED AND CIRCULATED TO MEMBERS PRIOR TO COMMITTEE (BLUES)

Objection from adjoining occupiers on the following grounds:

Heritage: Lack of expert heritage advice, light spill from the roof lights will remain despite the objections of an Inspector who dismissed an early appeal based on light spill. Officer states no harm caused, rather than less than substantial. Notwithstanding the discreet stair to the new basement, the basements will harm the hierarchy of spaces, contrary to CM 28.1 as they will have higher ceilings than the present lower ground floor, officer does not follow Inspector's views. There are no public benefits outweighing the harm.

Structural Methodology: the SPD states CARE accreditation should be used for the structural engineering statement, states that Building Controls judgement is not sufficient, repeated criticism of the lack of expertise and conservation input, ignoring LAMAS Victorian Society – CARE accreditation is needed.

Flood Risk: Flood risk assessment ignores the fact that the building is in a surface flood risk hotspot and the Building Control ignore the Environment Agency. The application does not propose any suitable SUD's.

Bin Store: The access to the side bin store to no. 14 a, b, c will be blocked in breach of a condition to a permission of 2011, which requires access to be maintained.

Other: Application correspondence not available online.

LATE REPRESENTATIONS RECEIVED AFTER REPORT FOR 3rd APRIL 2018 MEETING WAS PUBLISHED AND CIRCULATED TO MEMBERS AT THE COMMITTEE MEETING (REDS).

Karen Buck MP: Forwarded objection from adjoining occupiers. The objection relates to the report being written before responses were received from these occupants, prejudging the issue, accusations of impropriety re hospitality and timing of report writing, as well as raising the issues described below.

Councillor Hug: Objection based on the access to the bin store and heritage issues. Seeks confirmation that the Engineers have the necessary skills to deal with bomb danged building and assessing ricks to adjoining properties (29/03/18).

6. DETAILED CONSDIERATIONS

The considerations detailed below are in response to the late representations received, which were presented to the members on the evening of the Planning Applications Committee

The objections from the adjoining occupiers state that considerations in the report are not heritage lead and disagree with its conclusions. The report includes detailed assessment of the heritage issues, as is normal for a listed building application. Both the internal and external impact on the building and conservation area have been considered, as is required by section 16 of the Town and Country Planning Act 1990 and section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990. An assessment of the case has also been made under section 12 of the NPPF and the works do not cause harm. The City Council attaches great weight to the preservation of the building, its setting and the features of interest it possesses, as it does to the character and appearance of the conservation area.

While the objection from LAMAS has been considered, the City Council cannot support an ‘in principle’ objection to basement development, as each case is considered on its merits. The principle of basement development is accepted in City Council policy and guidance and has not been ruled out through three appeals decisions on no 12/14 Garway Road. The detail of any given development need to be carefully considered in terms of their impact.

There will be light spill from the roof lights and this is contrary to a concern from one of the Inspectors. However, that concern was raised in relation to a clerestory window projecting from the front garden – the muted light spill from roof light, whether in a light well or not, is not harmful per se. It’s a normal occurrence, as would be artificial up lighting of elevation, which are also regularly approved.

The rooflight to the more open nature of no. 14, is counter balanced by the omission of internal roof lights in the lower ground floor. In the case of no. 12, the visibility of the roof lights is limited due to the size of the lightwell.

In terms of hierarchy, the proportions of one room in relation to another is only apparent when those spaces are linked and viewed together. The slightly greater internal height of a new basement room, would have no discernible visual or spatial impact on the rest of the building.

While the new basement is a private benefit, no harm is caused and therefore no public benefits are required.

CARE accreditation for the engaged engineers is advised in guidance, as is the use of

specialists generally for listed building works in other City Council guidance. However, it is not a requirement, as it could not be legally enforced. Policy is CM28.1 has greater weight than the guidance, which predates it.

The District Surveyor Service consider the structural information suitable and have extensive experience of assessing basements at planning stage and of approving building notices and detailed structural schemes for basements. The issue of bomb damage has been covered previously and special attention does not needed when damage which may or may not have occurred more than 70 years ago, has been resolved and the buildings are structurally sound.

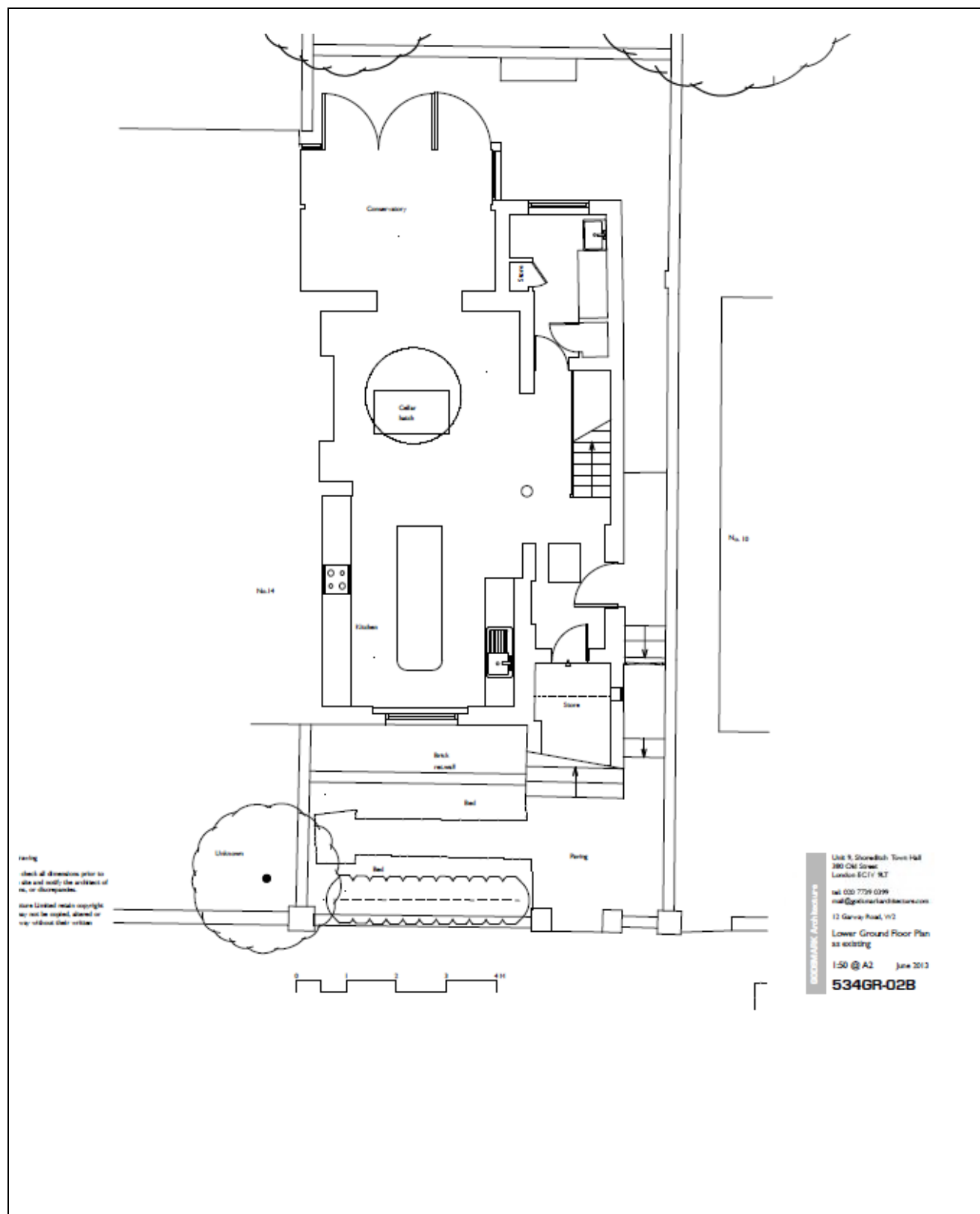
The Flood risk issue has been covered in depth within the original committee reported to members. While the area is a surface water run off risk 'hot spot', the probability of flooding is very low. The creation of a basement will have limited impact of this issue and test holes show that water found was 'perched water' in the London clay.

The access to be bin store of no. 14, will not be affected, as the works to the basement will be undertaken internally. As such, the present external access will be maintained. An e mail of 25/04/18 from the agent confirms this.

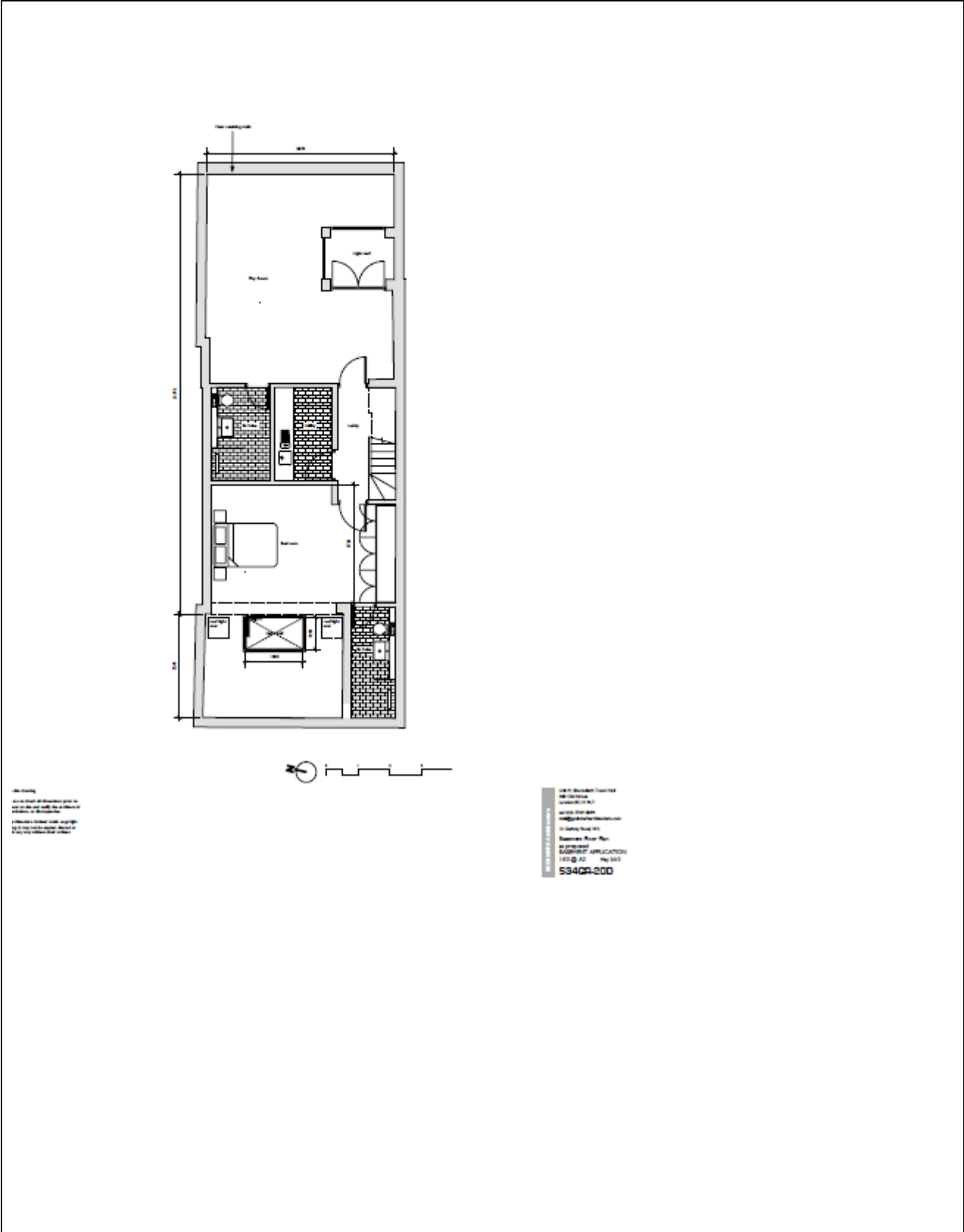
The other issue was that correspondence was not uploaded online. It's not standard practice to upload all correspondence, given the practical and resourcing implications of doing so. However, an FOI request was received on 11 April 2018 and all correspondence between the applicant and the City Council after January 2017 has been provided to the consultee

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

7. KEY DRAWINGS

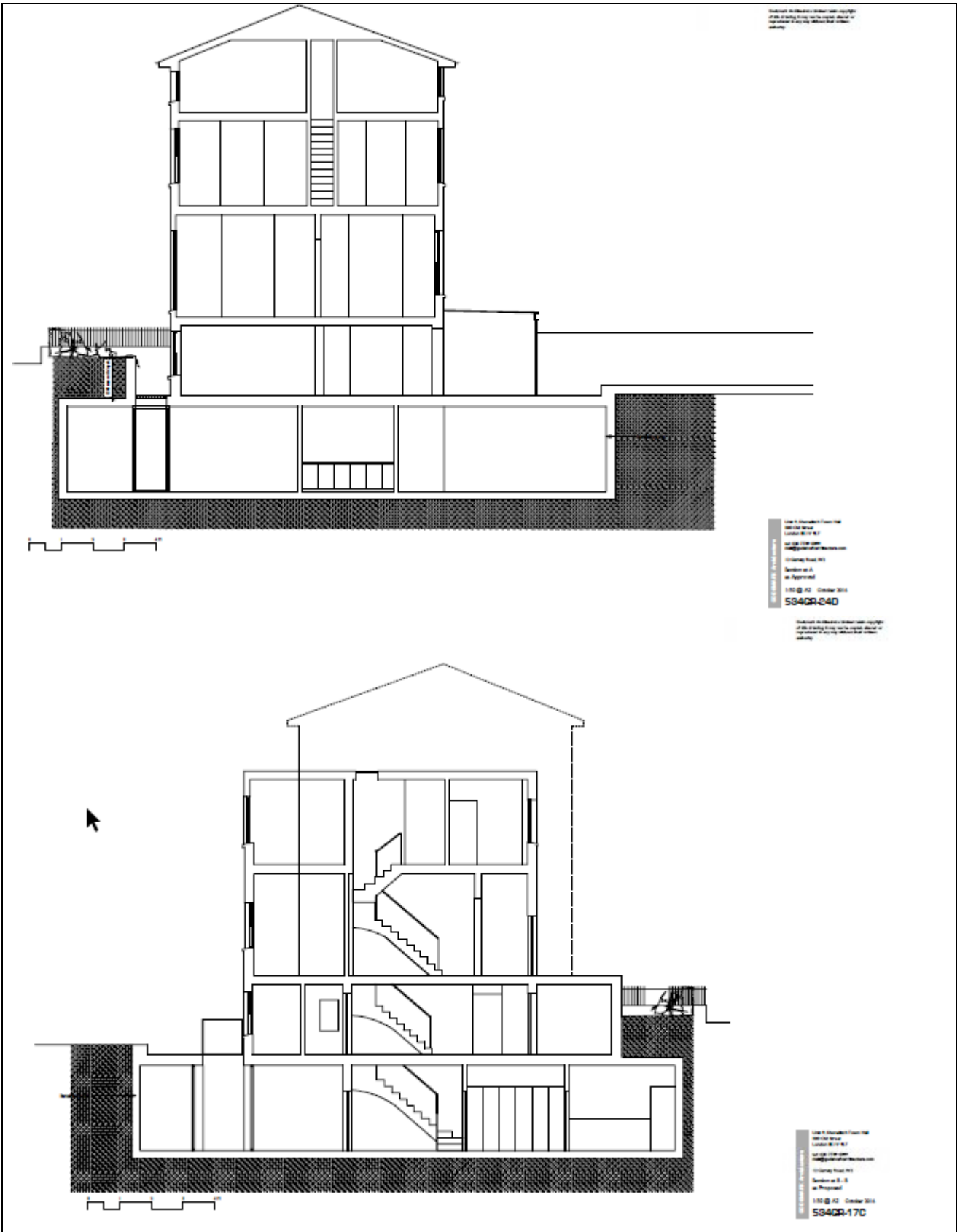




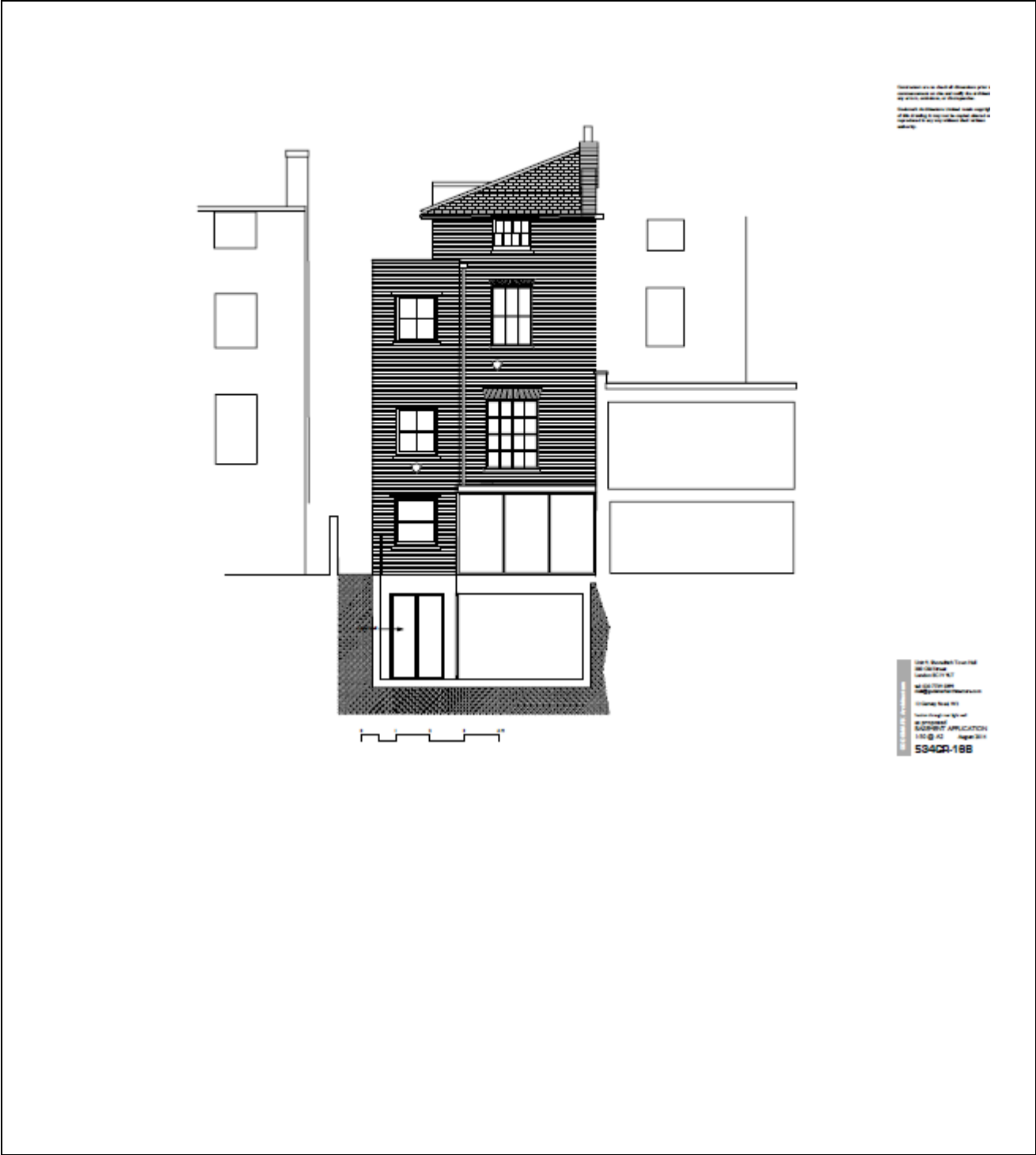












DRAFT DECISION LETTER

Address: 12 Garway Road, London, W2 4NH

Proposal: Excavation of a basement , extending into part of front and rear garden, demolition and rebuilding of rear glazed conservatory at lower ground floor level, enlargement of front light well with decorative metal grille, addition of roof lights, internal alterations and removal of tree to rear. Linked to 17/01994/LBC

Reference: 17/01993/FULL

Plan Nos: 534 GR 01, 534 GR 02B, 534 GR 03, 534 GR 06, 534 GR 07, 534 GR 11, 534 GR 20D, 534 GR 21E, 534 GR 16B, 534 GR 24C, 534 GR 17B, 534 GR 18A, 534 GR 22C , 151007 12 Garway Road Listed Building Statement V5 (Heritage Statement), 14180 – 12 Garway Rd – Construction Traffic Management Plan – Rev B – June 2016, 14180 – LON CMS 12 Garway Road Rev B Jun 16 (Part 1-5) , Design and Access Statement Basement Rev B, Planning Statement, Tree Report – 12 Garway Road Tree Report Oct 2015.pdf, Tree Constraints Plan.

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 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 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.

- 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.

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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 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.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 19 June 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. (ADDENDUM REPORT)		
Agent	Manalo & White Architects		
On behalf of	Mr Helio Romero de Diego		
Registered Number	16/06234/FULL & 16/06235/LBC	Date amended	01/06/2018
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

These applications were reported to the Planning Applications Committee on 3rd April 2018, when it was resolved to defer a decision for a members site visit. The committee site visit is planned for 15 June 2018.

Further to the publication of the original report to the Planning Applications Committee, additional consultation responses were received from the adjoining occupiers, Karen Buck MP and Councillor Hug, which were circulated to members of the Planning Applications Committee on the night.

As previously, reported, the proposal is considered acceptable in terms of the significance of the host building, the setting of no. 14 and the character and appearance of the Bayswater Conservation Area. Furthermore, the current application demonstrates compliance with the basement development

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policy 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 conditional planning permission and conditional listed building consent are granted.

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

ORIGINAL REPRESENTATIONS AS DETAILED IN REPORT TO COMMITTEE OF 3rd APRIL 2018 (GREENS).

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 RECEIVED

Consultation 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.

ADDITIONAL REPRESENTATIONS RECEIVED AFTER REPORT OF 3rd APRIL WAS PUBLISHED AND CIRCULATED TO MEMBERS PRIOR TO COMMITTEE (BLUES)

Objection from adjoining occupiers on the following grounds:

Heritage: Lack of expert heritage advice, light spill from the roof lights will remain despite the objections of an Inspector who dismissed an early appeal based on light spill. Officer states no harm caused, rather than less than substantial. Notwithstanding the discreet stair to the new basement, the basements will harm the hierarchy of spaces, contrary to CM 28.1 as they will have higher ceilings than the present lower ground floor, officer does not follow Inspector's views. There are no public benefits outweighing the harm.

Structural Methodology: the SPD states CARE accreditation should be used for the structural engineering statement, states that Building Controls judgement is not sufficient, repeated criticism of the lack of expertise and conservation input, ignoring LAMAS Victorian Society – CARE accreditation is needed.

Flood Risk: Flood risk assessment ignores the fact that the building is in a surface flood risk hotspot and the Building Control ignore the Environment Agency. The application does not propose any suitable SUD's.

Bin Store: The access to the side bin store to no. 14 a, b, c will be blocked in breach of a condition to a permission of 2011, which requires access to be maintained.

Other: Application correspondence not available online.

LATE REPRESENTATIONS RECEIVED AFTER REPORT FOR 3rd APRIL 2018 MEETING WAS PUBLISHED AND CIRCULATED TO MEMBERS AT THE COMMITTEE MEETING (REDS).

Karen Buck MP: Forwarded objection from adjoining occupiers. The objection relates to the report being written before responses were received from these occupants, prejudging the issue, accusations of impropriety re hospitality and timing of report writing, as well as raising the issues described below.

Councillor Hug: Objection based on the access to the bin store and heritage issues. Seeks confirmation that the Engineers have the necessary skills to deal with bomb damaged building and assessing risks to adjoining properties.

8. DETAILED CONSIDERATIONS

The considerations detailed below are in response to the late representations received, which were presented to the members on the evening of the Planning Applications Committee

The objections from the adjoining occupiers state that considerations in the report are not heritage lead and disagree with its conclusions. The report includes detailed assessment of the heritage issues, as is normal for a listed building application. Both the internal and external impact on the building and conservation area have been considered, as is required by section 16 of the Town and Country Planning Act 1990 and section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990. An assessment of the case has also been made under section 12 of the NPPF and the works do not cause harm. The City Council attaches great weight to the preservation of the building, its setting and the features of interest it possesses, as it does to the character and appearance of the conservation area.

While the objection from LAMAS has been considered, the City Council cannot support an 'in principle' objection to basement development, as each case is considered on its merits. The principle of basement development is accepted in City Council policy and guidance and has not been ruled out through three appeals decisions on no 12/14 Garway Road. The detail of any given development need to be carefully considered in terms of their impact.

There will be light spill from the roof lights and this is contrary to a concern from one of the Inspectors. However, that concern was raised in relation to a clerestory window projecting from the front garden – the muted light spill from roof light, whether in a light well or not, is not harmful per se. It's a normal occurrence, as would be artificial up lighting of elevation, which are also regularly approved.

The rooflight to the more open nature of no. 14, is counter balanced by the omission of

internal roof lights in the lower ground floor. In the case of no. 12, the visibility of the roof lights is limited due to the size of the lightwell.

In terms of hierarchy, the proportions of one room in relation to another is only apparent when those spaces are linked and viewed together. The slightly greater internal height of a new basement room, would have no discernible visual or spatial impact on the rest of the building.

While the new basement is a private benefit, no harm is caused and therefore no public benefits are required.

CARE accreditation for the engaged engineers is advised in guidance, as is the use of specialists generally for listed building works in other City Council guidance. However, it is not a requirement, as it could not be legally enforced. Policy is CM28.1 has greater weight than the guidance, which predates it.

The District Surveyor Service consider the structural information suitable and have extensive experience of assessing basements at planning stage and of approving building notices and detailed structural schemes for basements. The issue of bomb damage has been covered previously and special attention does not needed when damage which may or may not have occurred more than 70 years ago, has been resolved and the buildings are structurally sound.

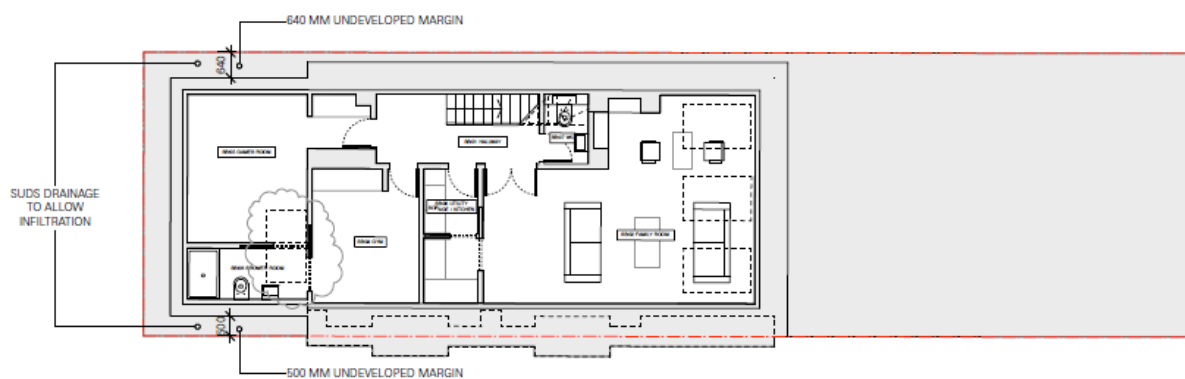
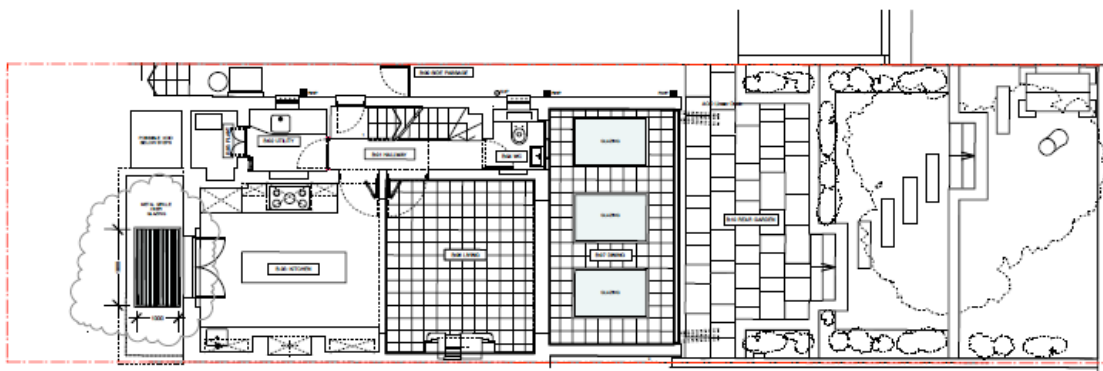
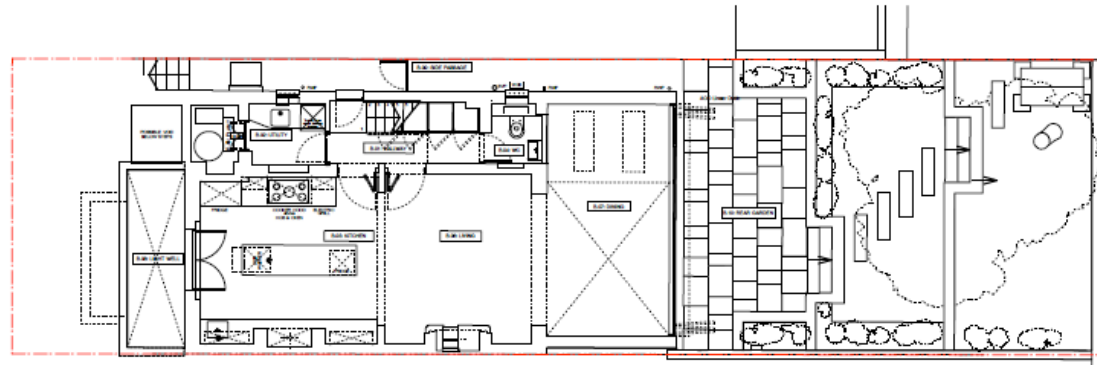
The Flood risk issue has been covered in depth within the original committee reported to members. While the area is a surface water run off risk 'hot spot', the probability of flooding is very low. The creation of a basement will have limited impact of this issue and test holes show that water found was 'perched water' in the London clay.

The access to be bin store of no. 14, will not be affected, as the works to the basement will be undertaken internally. As such, the present external access will be maintained. An e mail of 25/04/18 from the agent confirms this.

The other issue was that correspondence was not uploaded online. It's not standard practice to upload all correspondence, given the practical and resourcing implications of doing so. However, an FOI request was received on 11 April 2018 and all correspondence between the applicant and the City Council after January 2017 has been provided to the consultee.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERELY DAVIES BY EMAIL AT kdavies@westminster.gov.uk.

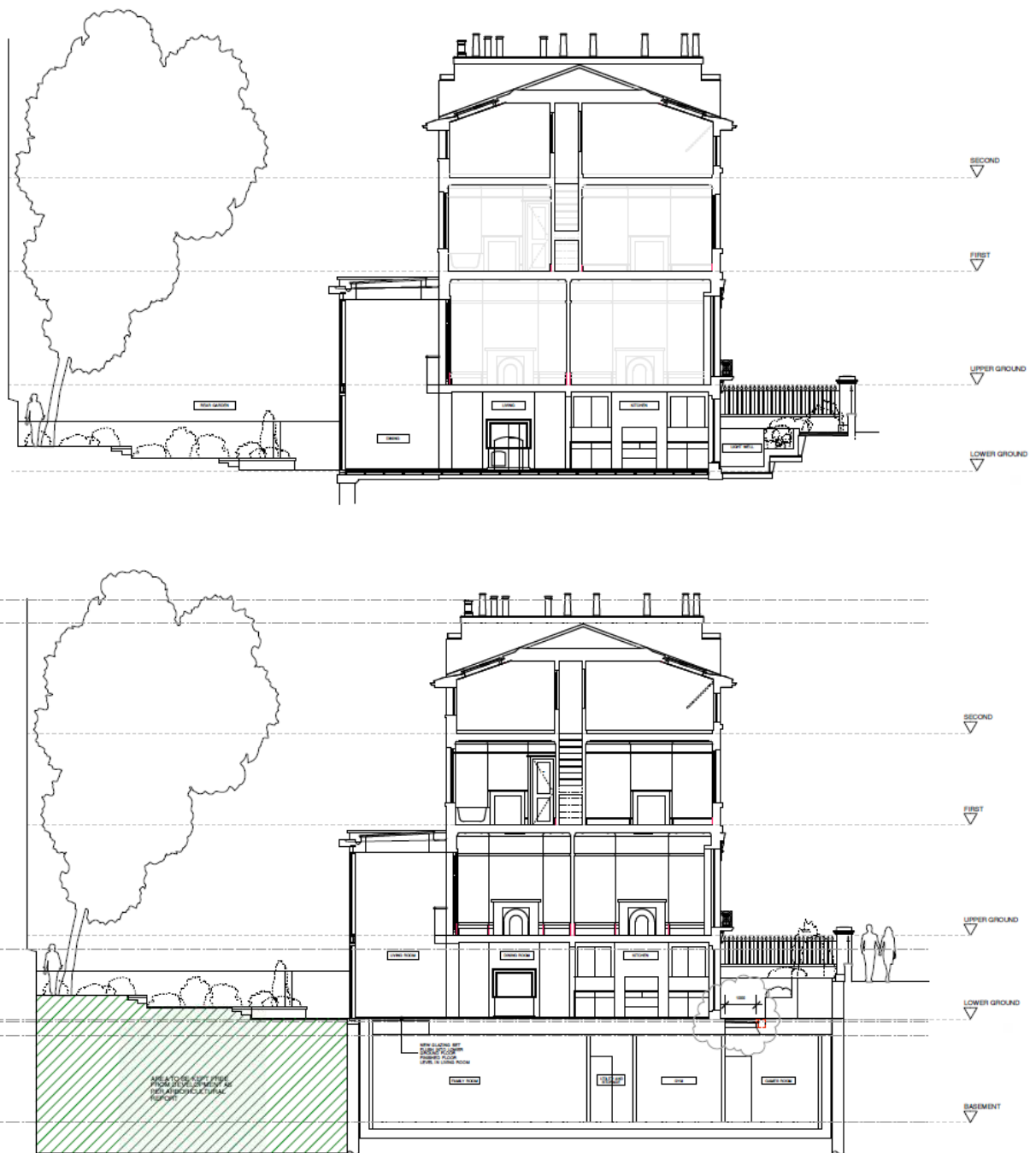
9. KEY DRAWINGS



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 – 16/06234/LBC

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

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.
- 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 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

Item No.
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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 – 16/06235/LBC

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	61A And 60B Blomfield Road, London, W9 2PA		
Proposal	Excavation of a single storey basement beneath footprint of the existing dwelling at 61A Blomfield Road incorporating excavation to rear garden area and a front lightwell. Alterations to the existing rear balcony/access stairs serving 61a and 60b Blomfield Road to create one balcony serving only 61a Blomfield Road and creation of new external new steps at the rear of No. 60 Blomfield Road.		
Agent	Mr Simon Johnson		
On behalf of	Mrs Heskia-Farhadi		
Registered Number	18/00287/FULL	Date amended/ completed	15 January 2018
Date Application Received	15 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to a two-storey maisonette within an unlisted property in the Maida Vale Conservation Area, and is located opposite the Grand Union Canal. The application proposes the excavation of a single storey basement beneath footprint of the existing dwelling at 61A Blomfield Road incorporating excavation to rear garden area and a front lightwell; alterations to the existing rear balcony/access stairs serving 61a and 60b Blomfield Road to create one balcony serving only 61a Blomfield Road and creation of new external new steps at the rear of No. 60 Blomfield Road. Excavation of a single storey basement beneath footprint of the existing dwelling at 61A Blomfield Road incorporating excavation to rear garden area and a front lightwell.

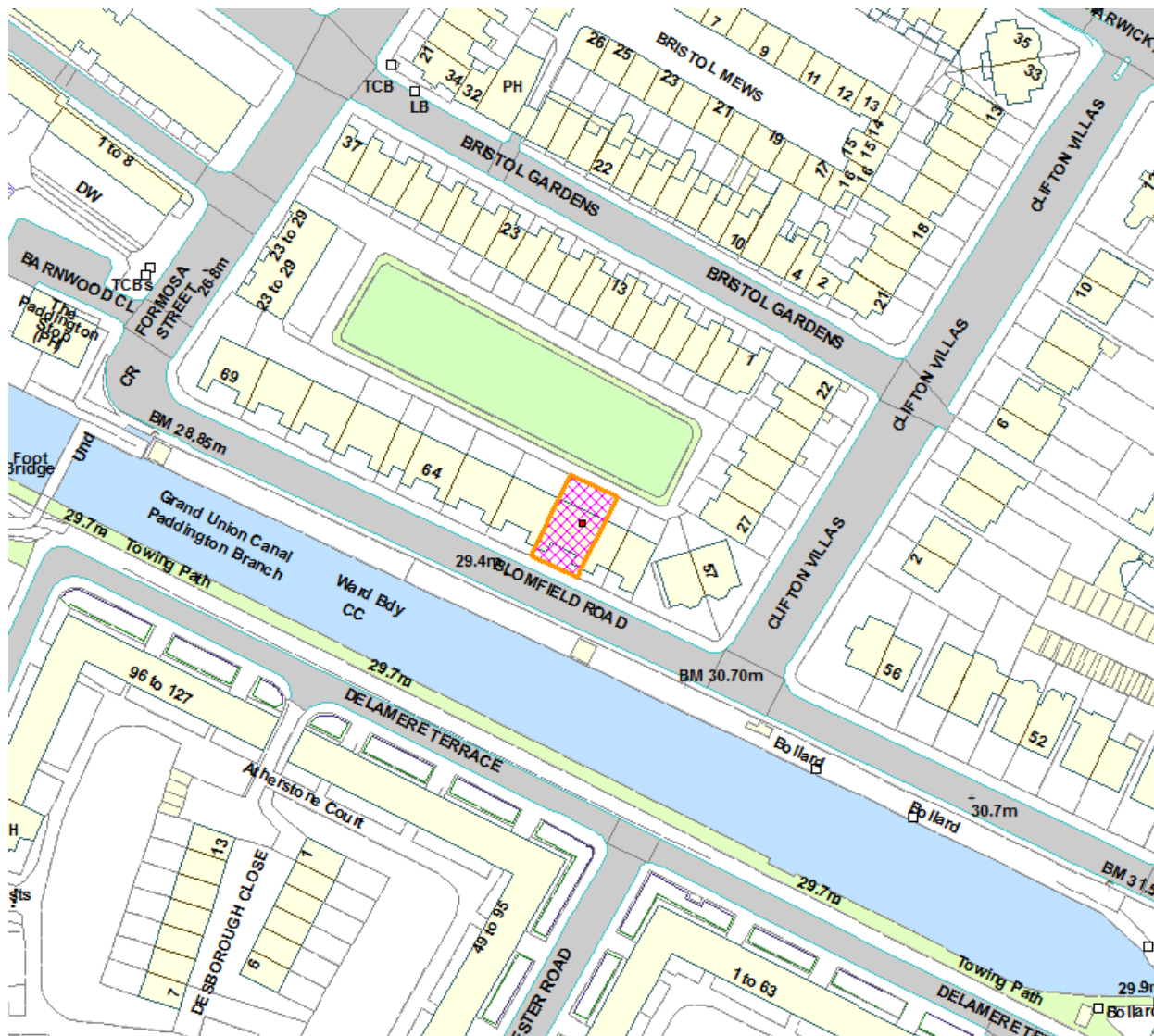
Re-consultation of the application has been undertaken given that the works to the rear of the site were not originally included in the description of development, which also prompted revisions to the site address; site location plan and certificate of ownership.

The key issues in this case are:

- * The impact on the appearance of the host building and the character and appearance of this part of the Maida Vale Conservation Area;
- * The standards of habitable accommodation proposed as part of the works; and
- * The impact of the proposal upon the amenity of adjoining residents.

Subject to appropriate conditions as set out in the draft decision letter appended to this report, the redevelopment proposals are considered to comply with the relevant design, conservation, amenity and transportation policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

20 Feb 2018 at 15:21:30



Front elevation (61A is located at lower ground floor level)



Rear Elevation

5. CONSULTATIONS

ORIGINAL CONSULTATIONS (sent 19 January 2018):

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Objection raised on the following grounds:

- Installation of grille is considered harmful to the conservation area.
- Concerns over natural light to basement rooms.
- Loss of rear stair arrangement and installation of doors is considered harmful to both the host building and the conservation area.

THAMES WATER:

No objection raised.

ENVIRONMENT AGENCY:

Any response to be reported verbally.

ARBORICULTURAL OFFICER:

Any response to be reported verbally.

BUILDING CONTROL:

Objection on the grounds that both bedroom and kitchen/living at basement level are inner rooms and requires alternative means of escape. Structural method statement has not been provided.

ENVIRONMENTAL HEALTH:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25; Total No. of replies: 6 (3 from the same address)

Six objections raised on all or some of the following grounds:

Design:

- Lightwell will affect the appearance of the building.
- Appearance of the rear will be changed and will affect views from the communal gardens.

Amenity:

- Potential loss of front garden area
- Concerned by impact to access to the communal gardens to the rear whilst works are undertaken

Other:

- Disruption and negative impact on health and quality of life as a result of construction work.
- Dust and dirt will bring on related health problems.
- Structural damage to the building

- Limited road access whilst construction is carried out.
- Loss of income for flats rented out

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

CONSULTATION ON REVISED PROPOSAL INCLUDING A CHANGE TO THE SITE ADDRESS (sent 17 April 2018):

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No objection – ensure all new material matches with existing fabric.

THAMES WATER:

Any response to be reported verbally.

ENVIRONMENT AGENCY:

Any response to be reported verbally.

ARBORICULTURAL OFFICER:

Following an additional section drawing showing the existing ground levels in the rear garden superimposed on the proposed section, no objection subject to landscaping and an arboricultural supervision conditions.

BUILDING CONTROL:

Further to the receipt off additional information the works are acceptable - Suggested an informative to remind the applicant to obtain technical approval from the City Council highways engineers prior to starting works.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25; Total No. of replies: 2

Two objections raised on all or some of the following grounds:

Design:

- Appearance is out of character with existing development in the area.
- Adverse effect on the character and appearance of the conservation area.
- Lightwell grille in basement will spoil appearance and is not in keeping with the uniformity of the rest of the street.

Other:

- Noise disruption and pollution as a result of construction work.
- Over-development of the site
- Significant risk to building and surrounding buildings in regards to high water table
- Adverse effect to the existing subsidence issues
- Increased risk of structural and damp issues which would result in increased costs to other flat owners to remedy in the future

- Query ownership certificate
- Damage to the buildings
- Inaccuracies in water report

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

CONSULTATION ON REVISED DRAWINGS AND CORRECT CERTIFICATE OF OWNERSHIP (sent 11 May 2018):

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25; Total No. of replies: 2

Two objections raised on all of the following grounds:

Other:

- Concerns over the freeholder allowing the extension of the lease into the land
- Noise disruption and pollution as a result of construction work.
- Health concerns due to the construction work

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a five storey mid-terrace property on the northern side of Blomfield Road, opposite the Grand Union Canal. The property is not listed, but is situated within the Maida Vale Conservation Area. The property has been divided into six self-contained flats, and the application relates to the existing maisonette at lower and upper ground floor levels.

6.2 Recent Relevant History

10/03633/FULL

Excavation of basement floor below existing building with alterations to front and rear elevations (Flat B), including the creation of lightwell and rear balcony.

Application Permitted 23 September 2010

7. THE PROPOSAL

The application proposes the excavation of a new basement level beneath the entire footprint of the property, the creation of a lightwell to the front courtyard, changes to an existing balcony, the removal of the shared external steps at the rear of No. 61A Blomfield Road and the installation of new steps at the rear of No. 60B Blomfield Road. The works would create a bedroom with an en-suite bathroom and a kitchen/dining room with access onto the garden for the existing property.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The addition of an increased amount of residential floorspace is considered acceptable in principle under housing Policy H3 of the UPD which was adopted in January 2007.

8.2 Townscape and Design

Objections have been received on the grounds that the front lightwell and grill will affect the appearance of the building and that the changes to the rear elevation will affect the view from the communal gardens.

Due to its subterranean nature, the majority of the prospect works would not be visible in townscape and conservation area terms. Excavational work would provide an enclosed small lightwell to the front of the property and new doors would be provided at basement level to provide access to the rear garden.

The grill to the front lightwell will appear relatively discreet in design terms set to the base of this lightwell and it is not considered excessively large. As it caps a lightwell rather than directly to a room its presence will not be highlighted by a strong sense of light spilling out of a room.

The works to the rear elevation maintain the general appearance of the line of railings and balcony structures, and the new doors are in character with the building and in line with other similar work along the terrace. Overall, it is considered that the works would not adversely affect the character and appearance of the building or the Maida Vale Conservation Area, and are considered acceptable in design terms.

On this basis, the proposal is considered to comply with design Policies DES 1, DES 5 and DES 9 of the UDP.

8.3 Residential Amenity

Objections have been received on amenity grounds, notably in relation to loss of front garden area.

In regards to the amenity of the future occupiers of the property, Environmental Health has been consulted on the application with regards to the standards of habitable accommodation being proposed by the basement excavation and they have made no objection to the works as long as the basement is used in connection with the main house as a single family dwelling. The property currently comprises three bedrooms, an open planned kitchen/dinning/living room covering the lower and upper ground floor levels. Therefore the proposed basement would be ancillary living space to the residential unit. An informative is attached to advise the applicant that the basement should not be used as a self-contained unit in its own right, including as staff accommodation.

To the rear of 61a, the new balcony at lower ground floor level would be the same depth as the existing, spanning full width across the two door openings, and is therefore is not

considered to cause any material worsening or overlooking to the neighbouring residential occupiers. The nature of the proposal ensures there would be no issues in terms of loss of light, or increased sense of enclosure to neighbouring occupiers.

The new stairs to the rear of 60b are sited on the boundary with the 61a but sufficiently set away from the windows of this property, but in any event given that these access stairs were originally shared between these properties raises on issues of overlooking. The new stairs raises no overlooking to adjacent property to the east.

The removal of the existing communal stairs to 61a and 60b Blomfield Road to allow for a new balcony to 61a would result in the temporary loss of the external staircase to 60b whilst the works to implement the permission. This is considered unacceptable and would harm the amenity of the residents of 60b Blomfield and as the applicant could choose to only partially implement the permission, a condition to secure that the new staircase at 60b is installed prior to any works on site is recommended.

On this basis, the proposal is considered to comply with Policy ENV13 of the UDP and Policy S29 of Westminster's City Plan.

8.4 Transportation/Parking

The proposal does not raise any transportation or parking considerations.

8.5 Economic Considerations

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

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy Considerations

Basement Development

The proposals are considered to be in accordance with policy CM28.1 of the City Plan (July 2016) for the reasons set out as follows:

Part A. 1-4

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions found on this site. Objections on structural matters have been received, however these cannot be sustained.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with

the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

Objections have been received on flooding and surface water drainage grounds. A flood risk assessment has been provided as part of the structural statement and this demonstrates that the application site is located within a Surface Water Flood Risk Hotspot therefore additional flood mitigation has been incorporated within the proposal.

Part A. 5-6

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

Part B. 1 & 2

The proposals involve the loss of shrubs/ bushes in the rear garden of 61a. The arboricultural officer has not raised objection to the loss of this landscaping, subject to a

section drawing confirming no level changes being proposed in the root protection area of the trees at the rear of 62 Blomfield Road and the London Plane tree in the communal rear garden. This section drawing is acceptable subject to recommended conditions and informatives.

Part B. 3

The proposals include natural ventilation by opening sliding sash windows within the front lightwell, which will serve the bedroom and the en-suite. The doors to access the garden at the rear will also provide natural ventilation to the kitchen/dining area. Therefore this is considered acceptable.

Part B. 4 & 7

The only external manifestations of the basement to the front would be the lightwell, which is not considered to have a significant impact in terms of sustainable urban drainage. Due to the change in ground level and the garden excavation proposed to the rear the basement elevation will be seen from private views, permeable paving and soft borders are proposed in the garden to provide drainage.

Part B. 5 & 6

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

Part C. 1

The proposals are directly under the footprint of the property with the addition of a small lightwell to the front. It does not extend under more than 50% of this garden area. A margin of undeveloped garden land is retained around the proposed basement. This part of the policy is therefore considered to have been met.

Part C. 2

One metre of soil depth and 200mm drainage layer is provided over the proposed basement which is compliant with this part of the policy.

Part C. 3

Only a single basement is proposed which is considered acceptable and in accordance with this part of the policy.

Part D

The basement does not extend under the highway, therefore this part of the policy does not apply in this case.

8.8 London Plan

This 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.

The existing property has a floorspace of 98m². The proposed scheme provides a gross internal area of 148m², which is an uplift of 50m². This is below the 100m² of new floorspace above which the requirement to pay CIL is triggered.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Objections have been raised on the grounds on noise and disruption during the course of works. As has been noted in the basement excavation section of this report, the applicant has agreed to sign up to the City Council's Code of Construction Practice which seeks to ensure that development is carried out with as minimal impact to neighbouring properties as possible. It is also recommended that the City Council's standard hours of working condition is attached so as to minimise disruption as far as possible. Permission could not reasonably be withheld on these grounds.

A concern has been raised regarding the freeholder extension of the lease. Matters of land ownership, subject to the correct completion of the certificate of ownership, are a private matter.

An objection has been received from a resident on the grounds that should they wish to let out their flats during the construction impact they are unlikely to be able to and therefore will lose income. This again is not a material planning consideration.

An objection has been received on the grounds that not many objections were received because the City Council will only accept these via the Council's website. This is incorrect and the Council can accept letters of objection via the post.

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

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

9. KEY DRAWINGS

Existing Front Elevation



Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation



DRAFT DECISION LETTER

Address: 61A And 60B Blomfield Road, London, W9 2PA,

Proposal: Excavation of a single storey basement beneath footprint of the existing dwelling at 61A Blomfield Road incorporating excavation to rear garden area and a front lightwell. Alterations to the existing rear balcony/access stairs serving 61a and 60b Blomfield Road to create one balcony serving only 61a Blomfield Road and creation of new external new steps at the rear of No. 60 Blomfield Road.

Plan Nos: Site Location Plan, SJA-108-DR-E(-)005_A, SJA-108-DR-E(-)001_A, SJA_108_DR_E(-)002, SJA-108-DR-E(-)006_A, SJA_108_DR_E(-)007_A, SJA-108-DR-G(-)000_A, SJA-108-DR-G(-)005_A, SJA-108-DR-G(-)001_A, SJA-108-DR-G(-)006_A, SJA-108-DR-G(-)007_A, SJA-108_DR_G(-)008, SJA-108-DR-E(-)0012, SJA-108-DR-G(-)0012_A, 02826P_TPP_01 Rev A and Design, Access & Heritage Statement dated 15 January 2018.

For information only:

Arboricultural Impact Assessment dated January 2018, Construction Management Plan dated 15 January 2018; Flood Risk and Drainage Assessment dated January 2018.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

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 conditions listed on this decision letter, and any drawings approved subsequently by the local planning authority pursuant to any conditions on this decision letter.

Reason:

In 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 Sunday, 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 Sunday, 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 permit in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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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 Maida Vale 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 grille to the front lightwell shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter, and shall be formed of black coloured metal.

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

- 5 The new external metalwork shall be painted or otherwise treated permanently maintained in a black colour.

Reason:

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

- 6 The new doors shall be formed in glazing and white painted timber framing.

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

- 7 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)

- 8 **Pre Commencement Condition.** 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 within the tree protection plan 02826P TPP 01 Rev A. 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)

- 9 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 1 year of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

- 10 The staircase and alterations to the rear of 60b Blomfield Road shall be carried out prior to any works at 61a Blomfield Road.

Reason:

To protect the environment and accessibility of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan

that we adopted in January 2007. (R21AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well

as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 5 With reference to condition 7 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

- 6 When you apply to us under the terms of (C31AC), in addition to the fencing that you show on your tree protection plan 02826P TPP 01 rev A, you should include details of arboricultural supervision you will carry out over the duration of the development, and address tree protection during the landscaping phase of works.
- 7 This site and adjacent properties are in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 2922.
- 8 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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

Item No.
10

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	63 St Martin's Lane, London, WC2N 4JS,		
Proposal	Erection of roof extension to create a sunroom with roof terrace in connection with enlargement of top floor flat.		
Agent	Piers Smerin		
On behalf of	Mr Piers Smerin		
Registered Number	18/01639/FULL	Date amended/ completed	26 February 2018
Date Application Received	26 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Refuse planning permission – design.

2. SUMMARY

63 - 66 St Martins Lane is an unlisted, post-war building, which lies within the Covent Garden Conservation Area. The application relates to the top floor flat (Flat 24). Permission is sought for the erection of a roof extension to create a sunroom at main roof level with terrace.

A similar application for a fully glazed sunroom with roof terrace was refused on design grounds at sub-committee in October 2017 (17/04855/FULL). An informative was attached to the decision notice stating that sub-committee was content with some form of roof extension.

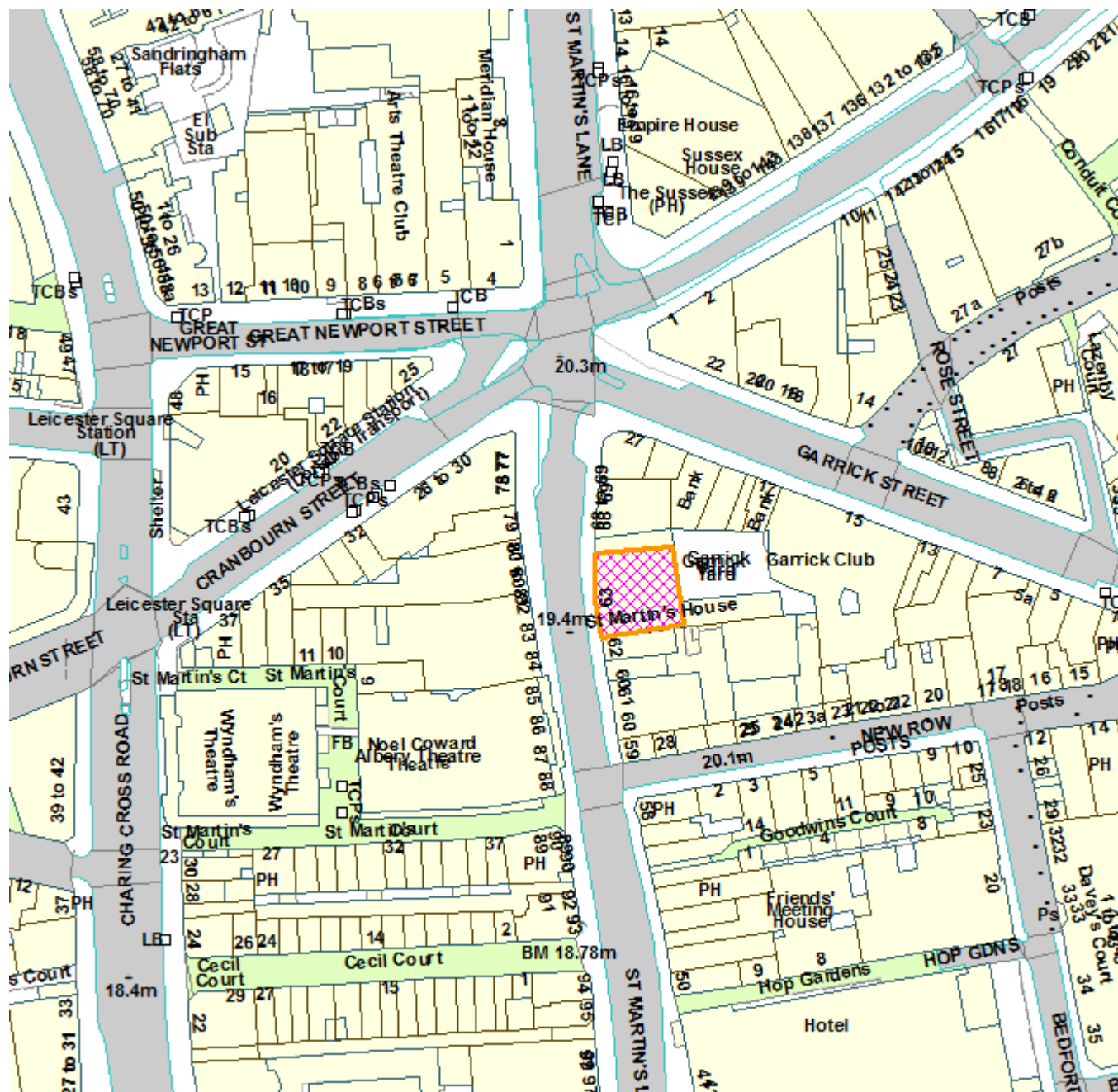
The key issues are:

*The impact on the appearance of the building and upon the character and appearance of the Covent Garden Conservation Area;

*The impact of the proposals on neighbouring residential amenity.

The proposed development is considered to be unacceptable in design terms and does not accord with the policies set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP). As such, the application is recommended for refusal.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION

- The proposed roof terrace would cause significant nuisance and harm to the amenity of neighbours. This includes overlooking and loss of privacy, noise, light spillage and security.
- A neighbouring resident at 61 St. Martin's Lane objected to the previous application (17/04855/FULL) due to the impact on residential amenity, including overlooking and loss of privacy. The applicant's efforts to address these concerns are appreciated but the Council's reasons for refusing the previous scheme remain.
- If permission is granted, conditions should be included to limit the hours of use of the terrace to 0800 – 2300 and to prohibit music during these hours, which should also be included in residential leases.

COVENT GARDEN AREA TRUST

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 110

Total No. of replies: 4

No. of objections: 1

No. in support: 2

Two letters of support have been received from local residents on design grounds:

- The proposal will contribute to the overall quality, standard and value of the entire property. It is entirely in keeping with the building itself and the surrounding built environment.
- The design looks great and if anything will lift the overall quality of the building.
- The proposals follow the compositional logic (scale and mass) of the original building.

One letter of objection has been received from a local resident on the following grounds:

- The extension adds significant height to the building, visible from St Martin's Lane and Upper St Martin's Lane.
- Particular concern is raised to the appearance looking down St Martin's Lane as the proposed extension massively overshadows 27 Garrick Street, which is Grade II listed.
- The development does not increase the availability of housing stock in Westminster.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

63 – 66 St Martin's Lane is an unlisted, post-war building, which lies within the Covent Garden Conservation Area. It comprises ground plus seven upper storeys, with commercial units at ground floor level and residential flats on the upper floors. The fifth

and sixth floors are set back from the St Martin's Lane elevation and the seventh floor is substantially set back with a large terrace. The application relates to the top floor flat.

6.2 Recent Relevant History

Planning permission was granted in July 2010 for the erection of a small infill extension at seventh floor level; alterations to fenestration at sixth and seventh floor level; installation of glass balustrading; access hatch and air conditioning unit at seventh floor roof level in connection with use as a roof terrace (10/02612/FULL).

In October 2017 sub-committee refused planning permission for the erection of a roof extension to create a glazed sunroom with associated roof terrace, on design grounds (17/04855/FULL). An informative was attached to the decision notice stating that sub-committee was content with some form of roof extension.

7. THE PROPOSAL

8.

Planning permission is sought for the erection of a roof extension to create a partially glazed sunroom with green roof above and associated roof terrace

9. DETAILED CONSIDERATIONS

9.1 Land Use

9.2

The extension would enlarge the existing top floor flat (flat 24), creating additional residential floorspace. In land use terms the creation of additional residential floorspace is considered to be acceptable in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

9.3 Townscape and Design

An objection has been received from a neighbouring residential occupier on the grounds that the proposed design adds significant height to the building, visible from St Martin's Lane and Upper St Martin's Lane. Particular concern is raised to the appearance looking down St Martin's lane as the proposed extension would overshadow 27 Garrick Street, which is Grade II listed.

The previous application was refused because it was considered that the location, scale, massing, design and materials of the proposed glazed extension would harm the appearance of the building and fail to maintain or improve (preserve or enhance) the character and appearance of the Covent Garden Conservation Area. An informative was attached to the decision notice stating that sub-committee was content with some form of roof extension.

Whilst the informative is noted, the proposals must still be assessed against our relevant design policies and supplementary planning guidance (SPG).

Policy DES 6 of the UDP relates to roof level alterations and extensions and states that permission may be refused for roof extensions to existing buildings (which may include the installation of conservatories and roof terraces) in the following circumstances:

- 1) where any additional floors, installations or enclosures would adversely affect either the architectural character or unity of a building or group of buildings
- 2) where buildings are completed compositions or include mansard or other existing forms of roof extension
- 3) where the existing building's form or profile makes a contribution to the local skyline or was originally designed to be seen in silhouette
- 4) where the extension would be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels
- 5) where unusual or historically significant or distinctive roof forms, coverings, constructions or features would be lost by such extensions.'

Westminster's 'Development and Demolition in Conservation Areas' SPG states that roof extensions, should always complement the appearance of the existing building and, where appropriate its neighbours; and that they will not be acceptable in principle, if they have an adverse impact on the architectural integrity of a building and its setting, or upon the character and appearance of the area.

Following the previous refusal, the size of the proposed extension has increased from an area of approx. 35.5m² with a maximum height of approx. 2.6m to approx. 38m² with a maximum height of approx. 3.0m (including rooflight). The proposed extension would further increase the height of the building, which is currently already equal or taller than its neighbours and would appear at odds with the seventh floor.

Officers remain of the view that although the seventh floor is shown on drawings from 1955, it was clearly a plant housing and separate to the architectural composition of the building below. The floor was subsequently converted into living space and now appears as an "extension".

Whilst the extensions detailed design and materials have been altered to better reflect the character of the building below, using render panels with glazing, the overarching policy position does not support extensions of this nature and therefore it is still considered unacceptable in design terms.

The extension would be visible from ground level and would also be clearly visible from the upper storeys of the surrounding buildings. These views highlight the presence of the proposed extension, where reflections from the glass within the façades would further the harm caused. Given the proposal is considered to harm the character of the building, it must therefore follow that it is harmful to the character and appearance of the conservation area and as such cannot be considered to preserve or enhance as is required. The terrace approved under application 10/02612/FULL is noted, however the access to the terrace only projected by 0.92m, which is substantially less than that proposed.

In summary the works are considered unacceptable in design terms.

9.4 Residential Amenity

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

The Covent Garden Community Association have raised concerns about overlooking, loss of privacy, noise, light spillage and security associated with the terrace.

The roof terrace approved in July 2010 (10/02612/FULL) measures approx.43.7 m2 and is set back from the parapet on the eastern boundary of the roof by approx. 0.8m. The proposed roof extension would be set back from the parapet by approx. 0.6m and would measure approx. 38 m2 with an associated terrace measuring 9.2 m2.

Given the reduction in the size of the terrace over that previously approved, it would not be sustainable to refuse the proposals on the grounds raised by the Covent Garden Community Society. Further, it is not considered reasonable to restrict the use of the terrace by condition.

The previous application (17/0485/FULL) was recommended for refusal on the grounds that the glazed sunroom would lead to an unacceptable loss of privacy for people in neighbouring properties. However, this reason for refusal was not supported by sub-committee. Whilst the redesigned sunroom is still heavily glazed, it has been set back from the parapet edge and it is no longer considered sustainable to refuse the proposals on these grounds.

Given the orientation of the property and the scale and massing of the proposed extension, it is considered that the proposals would not result in any significant loss of light to surrounding residential properties.

Accordingly, the proposals are considered to accord with policies S29 and ENV13.

9.5 Transportation/Parking

The proposals would not have a material impact on traffic regeneration or on-street parking pressure in this area.

9.6 Economic Considerations

No economic considerations are applicable for a development of this size

9.7 Access

The application does not propose any alteration to the existing means of access to this private residential dwelling.

9.8 Other UDP/Westminster Policy Considerations

None relevant.

9.9 London Plan

This application raises no strategic issues.

9.10 National Policy/Guidance Considerations

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

9.11 Planning Obligations

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

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

9.12 Environmental Impact Assessment

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

9.13 Other Issues

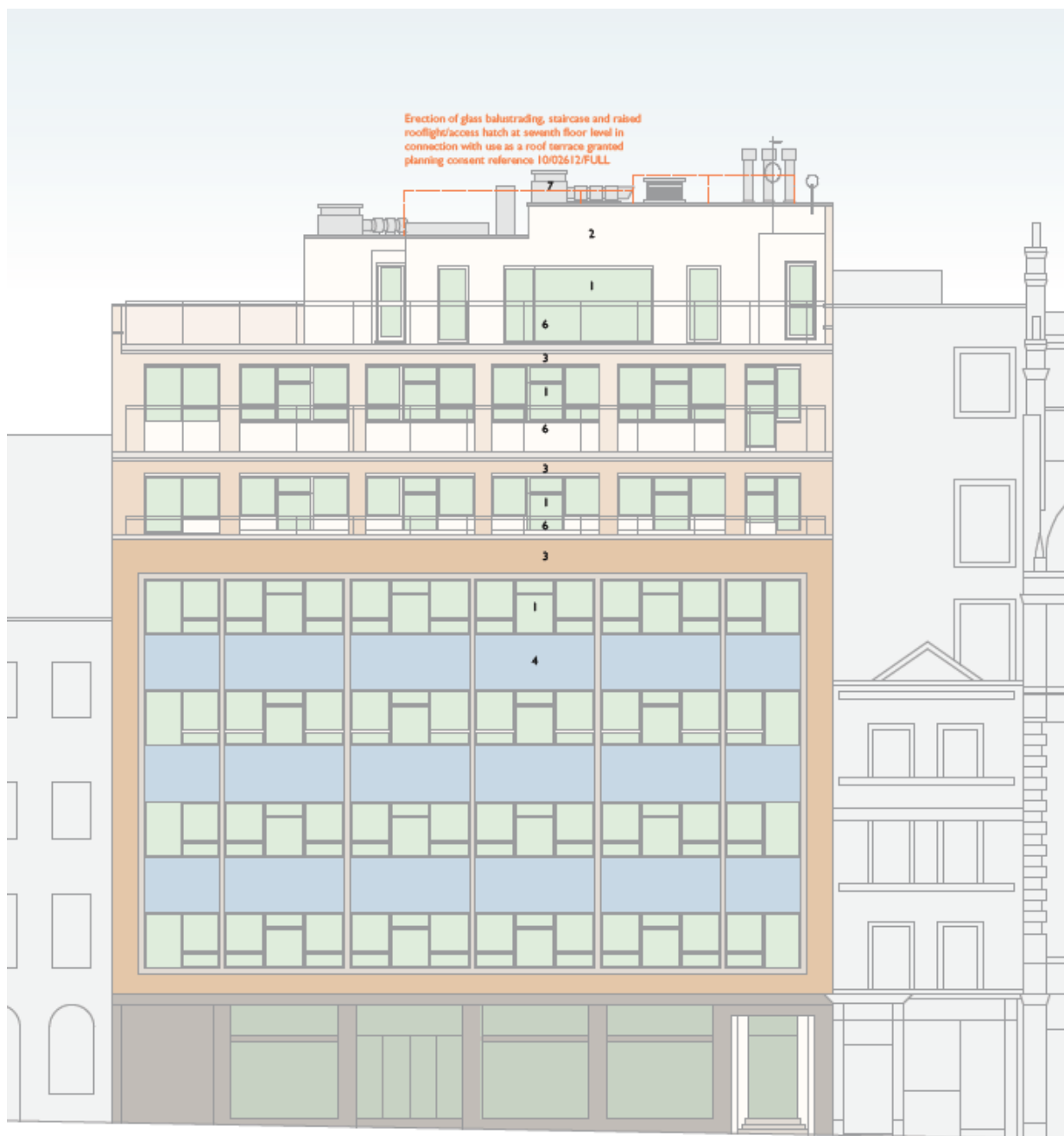
None.

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

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

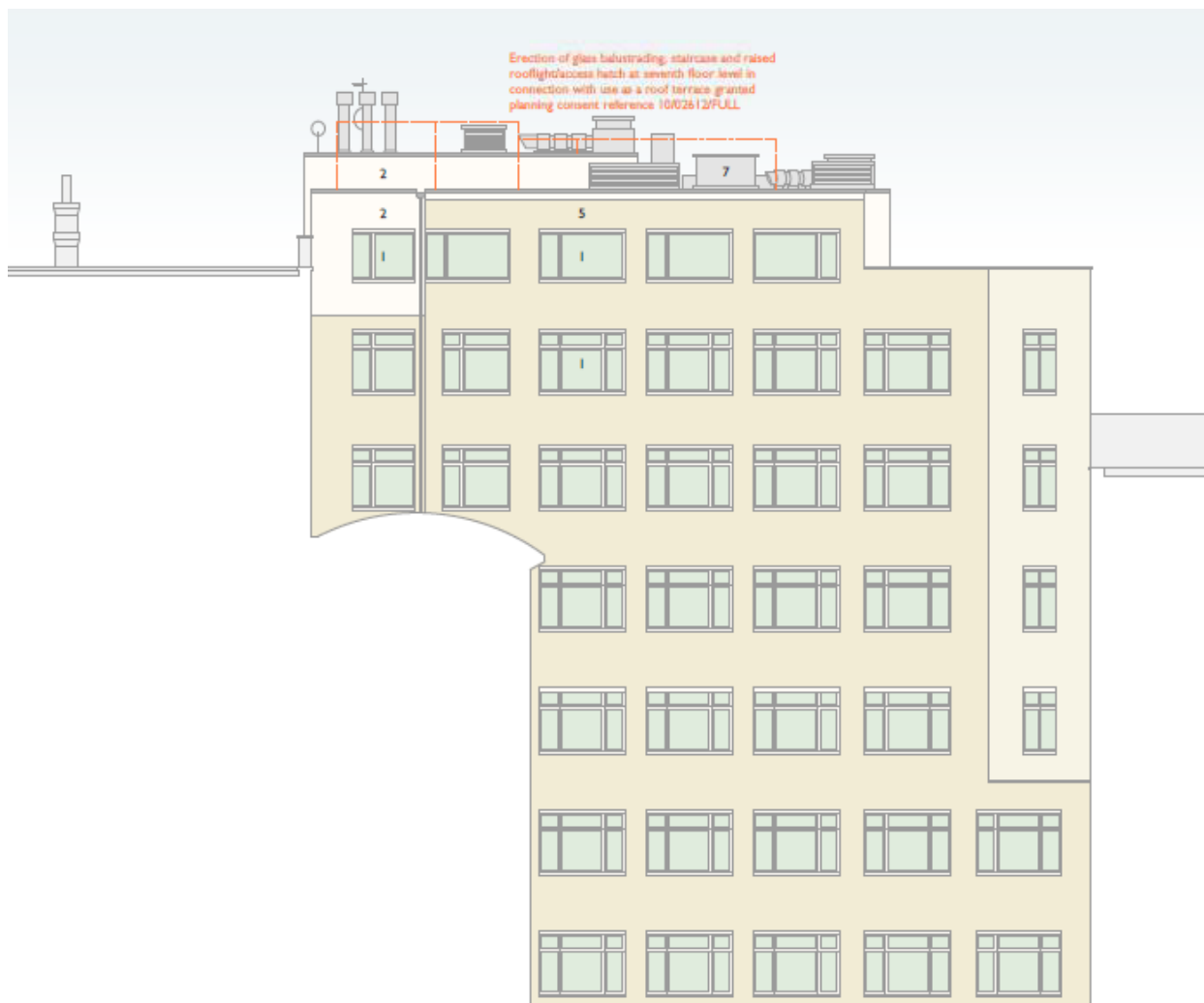
10. KEY DRAWINGS

Existing West Elevation



Proposed West Elevation

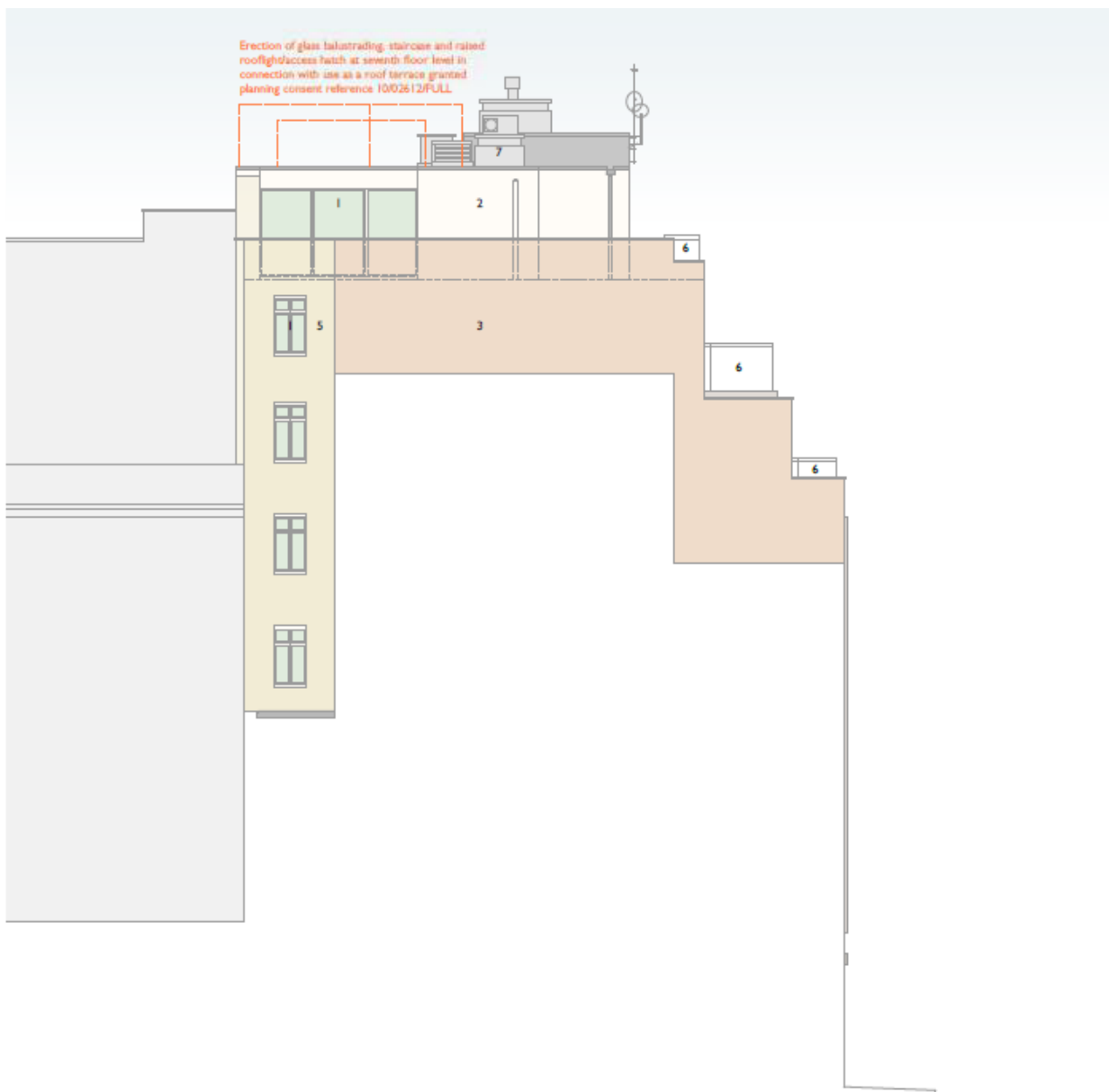


Existing East Elevation

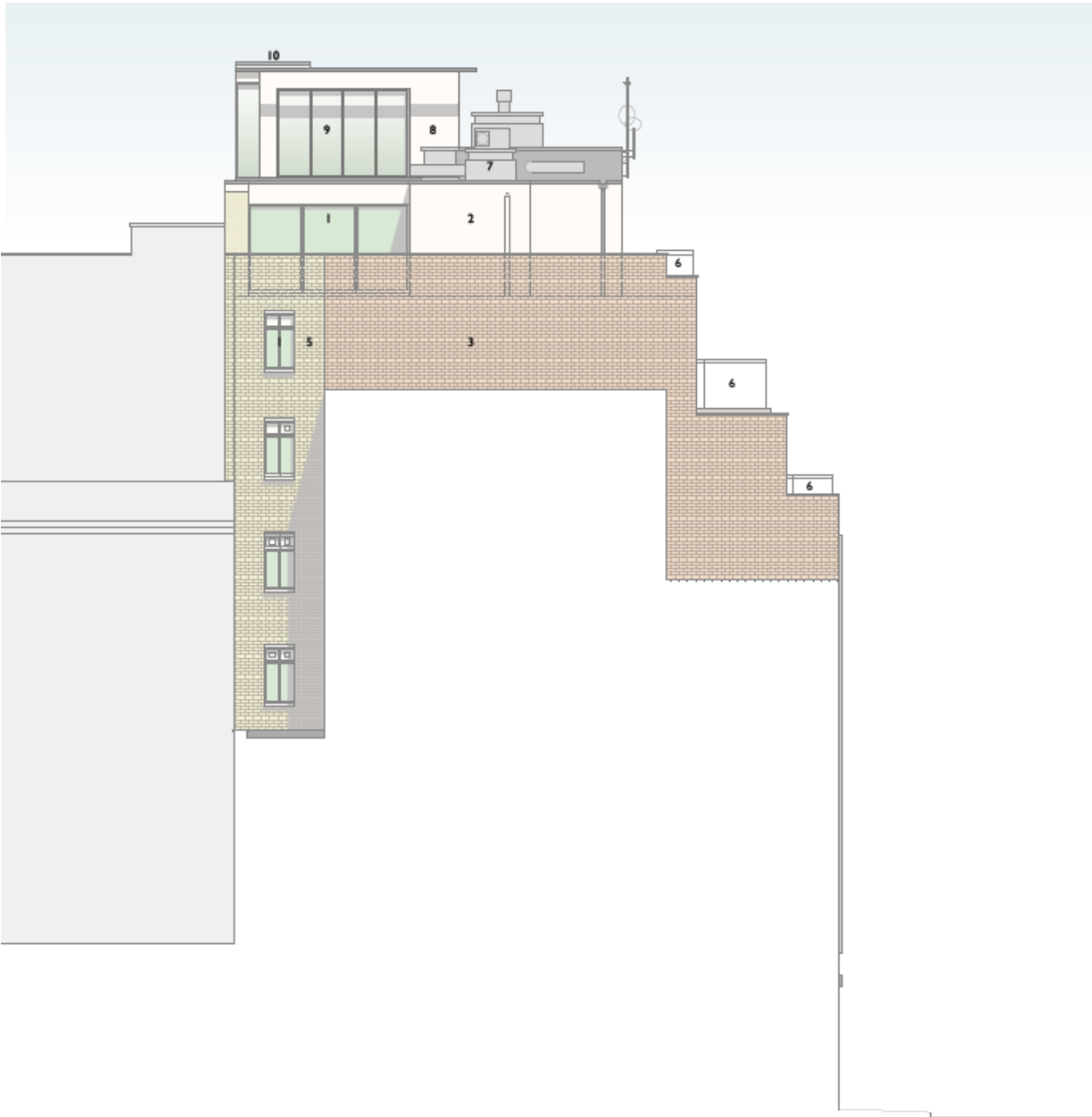
Proposed East Elevation



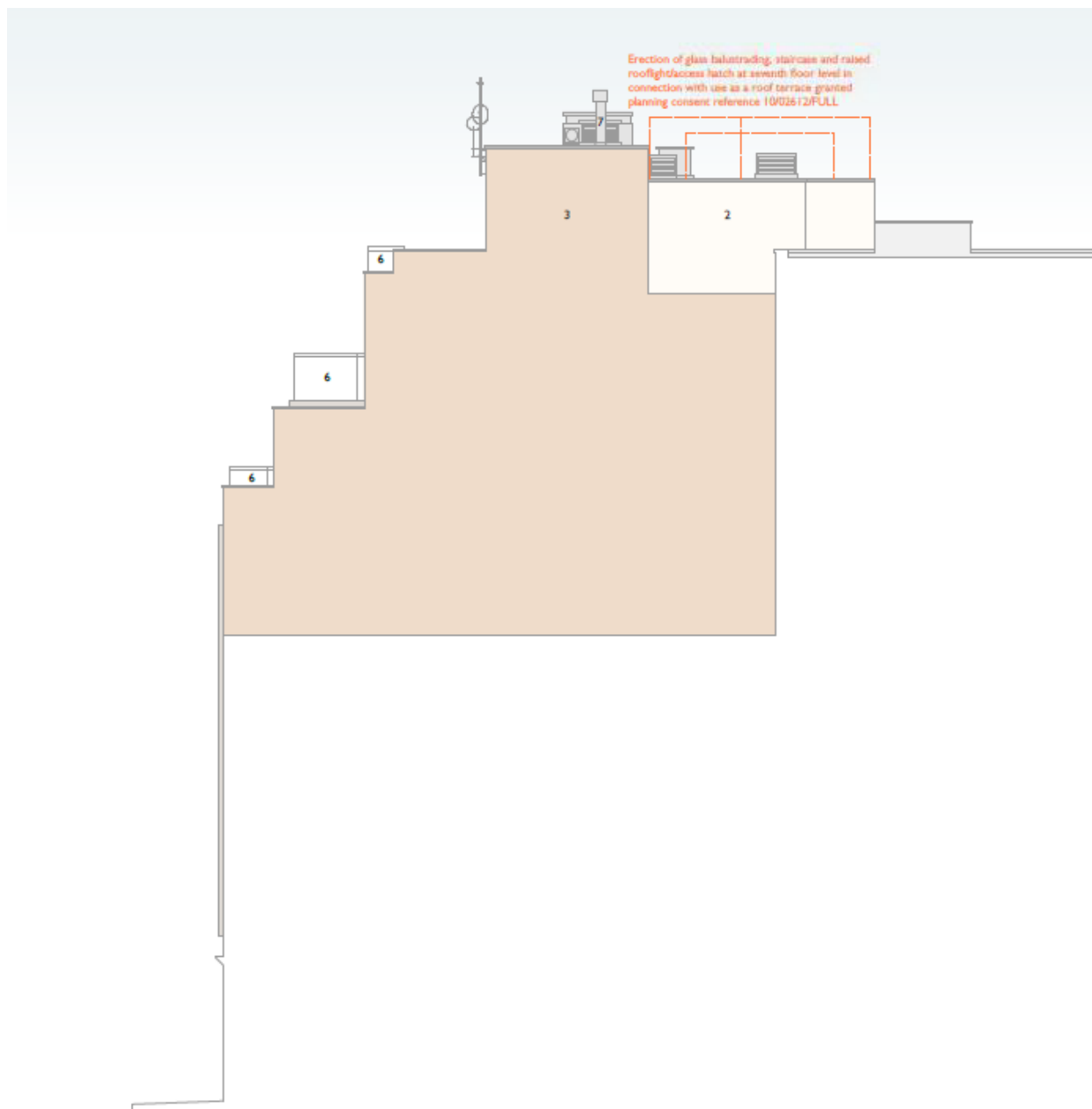
Existing North Elevation



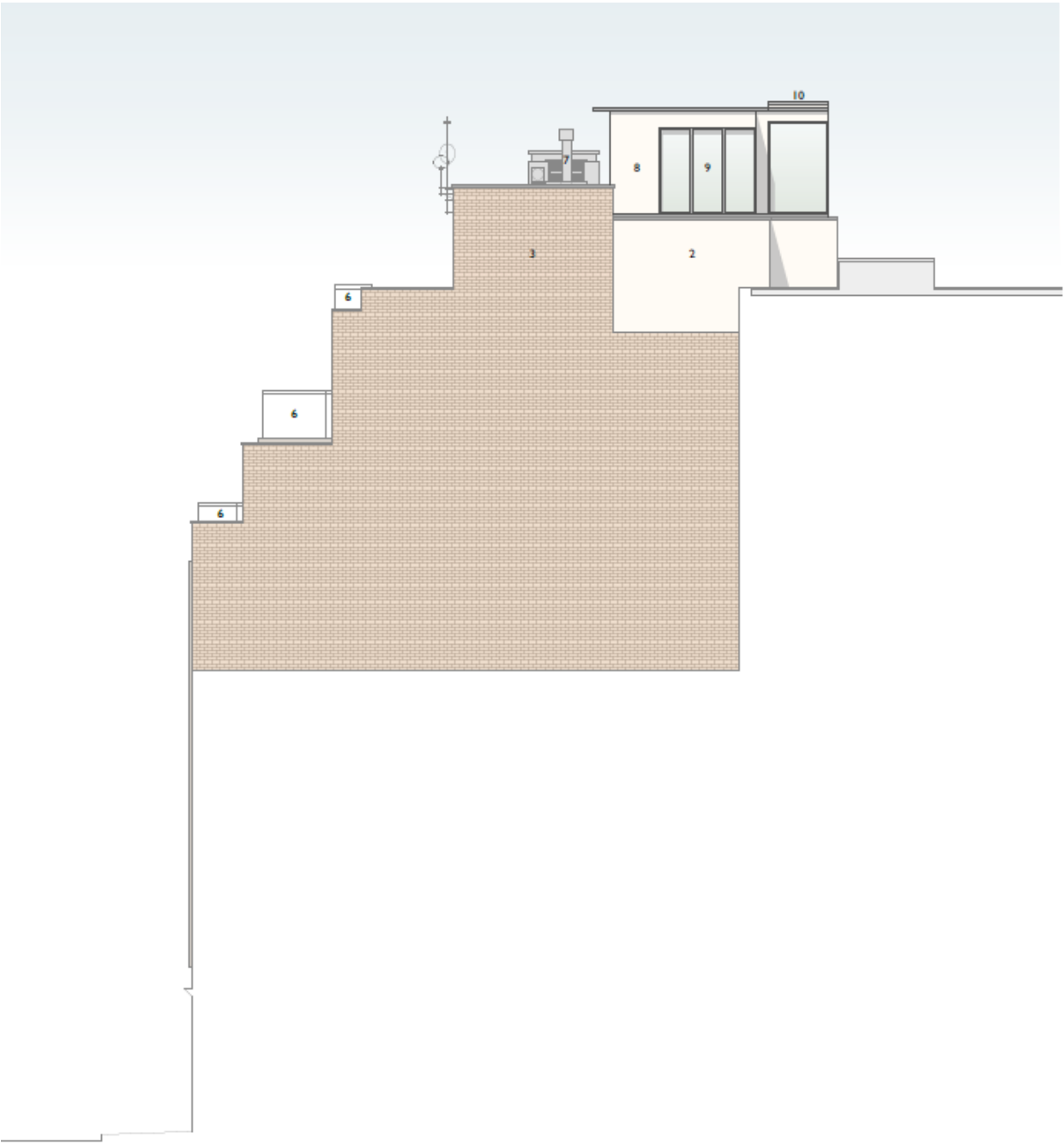
Proposed North Elevation

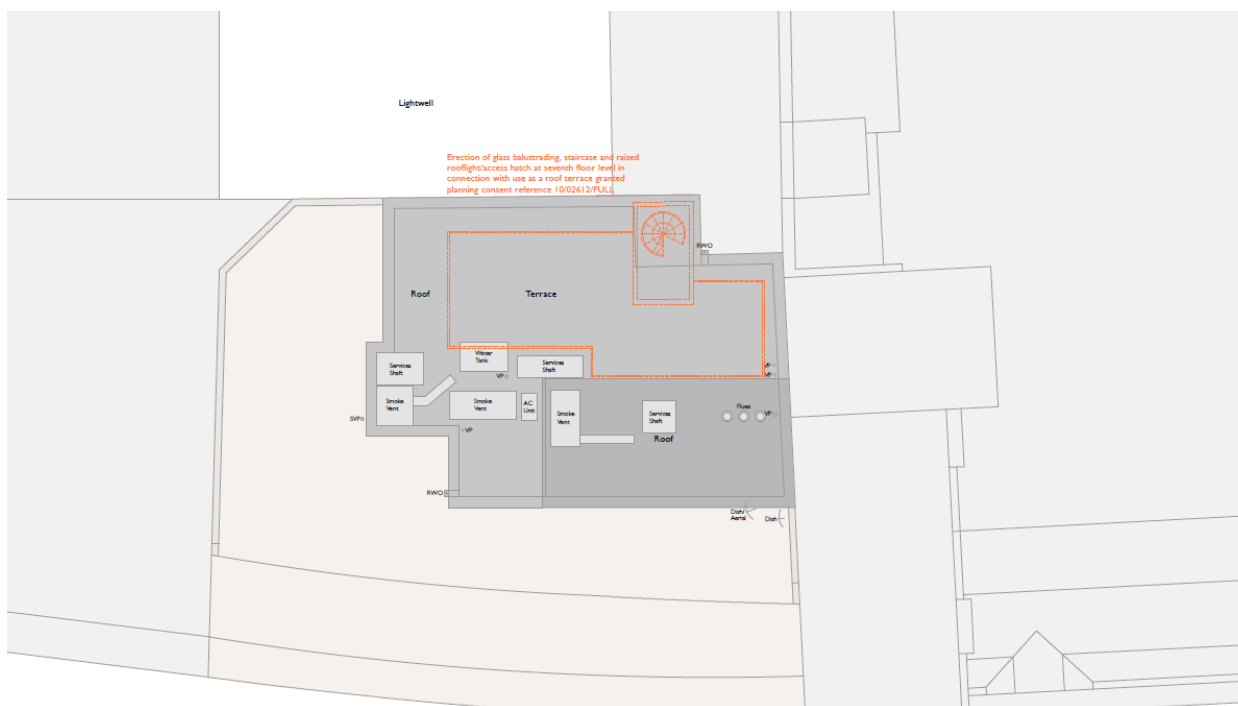


Existing South Elevation

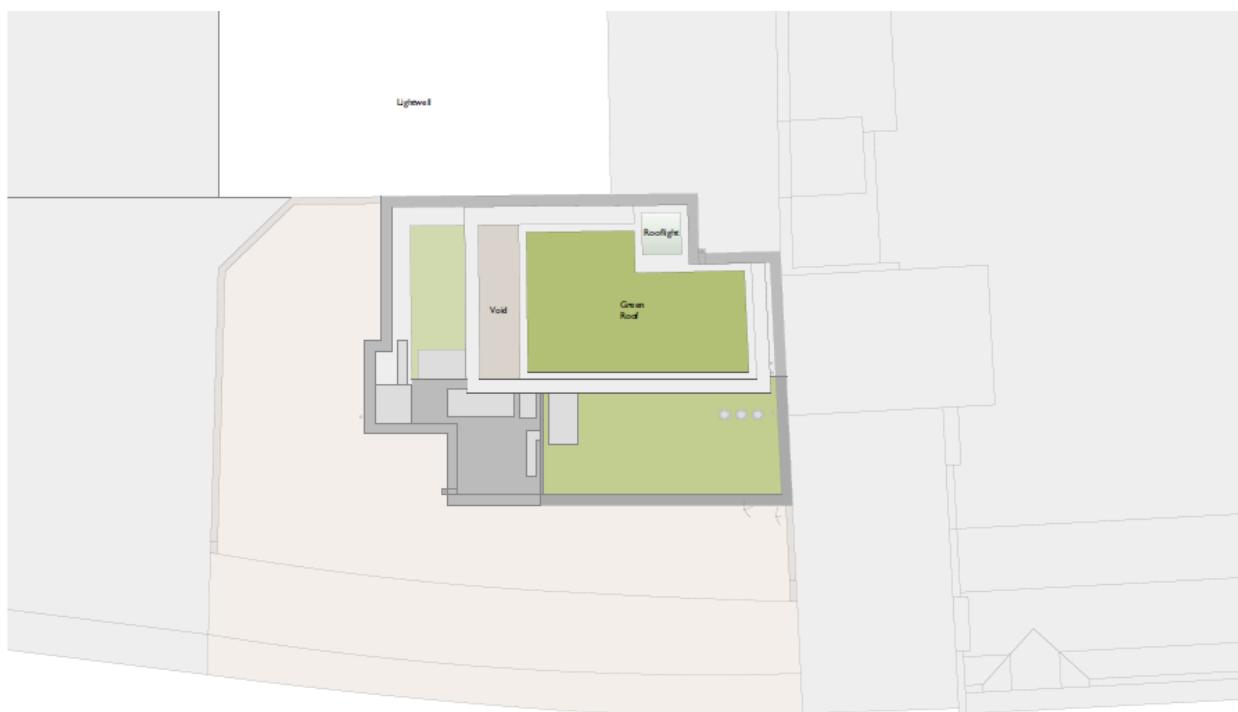


Proposed South Elevation



Existing Eighth Floor Plan**Proposed Eighth Floor Plan**

Proposed Roof Plan



DRAFT DECISION LETTER

Address: 63 St Martin's Lane, London, WC2N 4JS,

Proposal: Erection of roof extension to create a glazed sunroom with roof terrace in connection with enlargement of top floor flat.

Reference: 18/01639/FULL

Plan Nos: PL 001; PL 014 Rev. A; PL 010 Rev. A; PL012 Rev. A; PL 011 Rev. A; PL 009; PL 013 Rev. A; PL 015 Rev. A.

For information: , Street Level Views; External Materials/ Finishes Data Sheet; Design and Access Statement and Heritage Assessment Revision A dated 5 February 2018; Planning Statement Revision A dated 5 February 2018.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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

Because of its location, scale and massing the proposed sunroom would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Covent Garden Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 6 and DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)

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.

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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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	18-24 Westbourne Grove, London, W2 5RH,		
Proposal	Installation of two air conditioning units and acoustic screen on first floor flat roof to rear of Tennyson House.		
Agent	Mr Alistair Hood		
On behalf of	Mr Jamie Byrom		
Registered Number	18/02288/FULL	Date amended/ completed	23 March 2018
Date Application Received	20 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to an unlisted building located within the Westbourne Conservation Area. Works are nearing completion on site for the conversion of an office building to residential. Permission is sought to relocate two units which are currently located within what will become an internal entrance to the residential block. The units are proposed to be located on a flat roof at first floor level to the rear of both 18-24 Westbourne Grove and the adjacent residential building, Tennyson house, 1A Westbourne Grove Terrace.

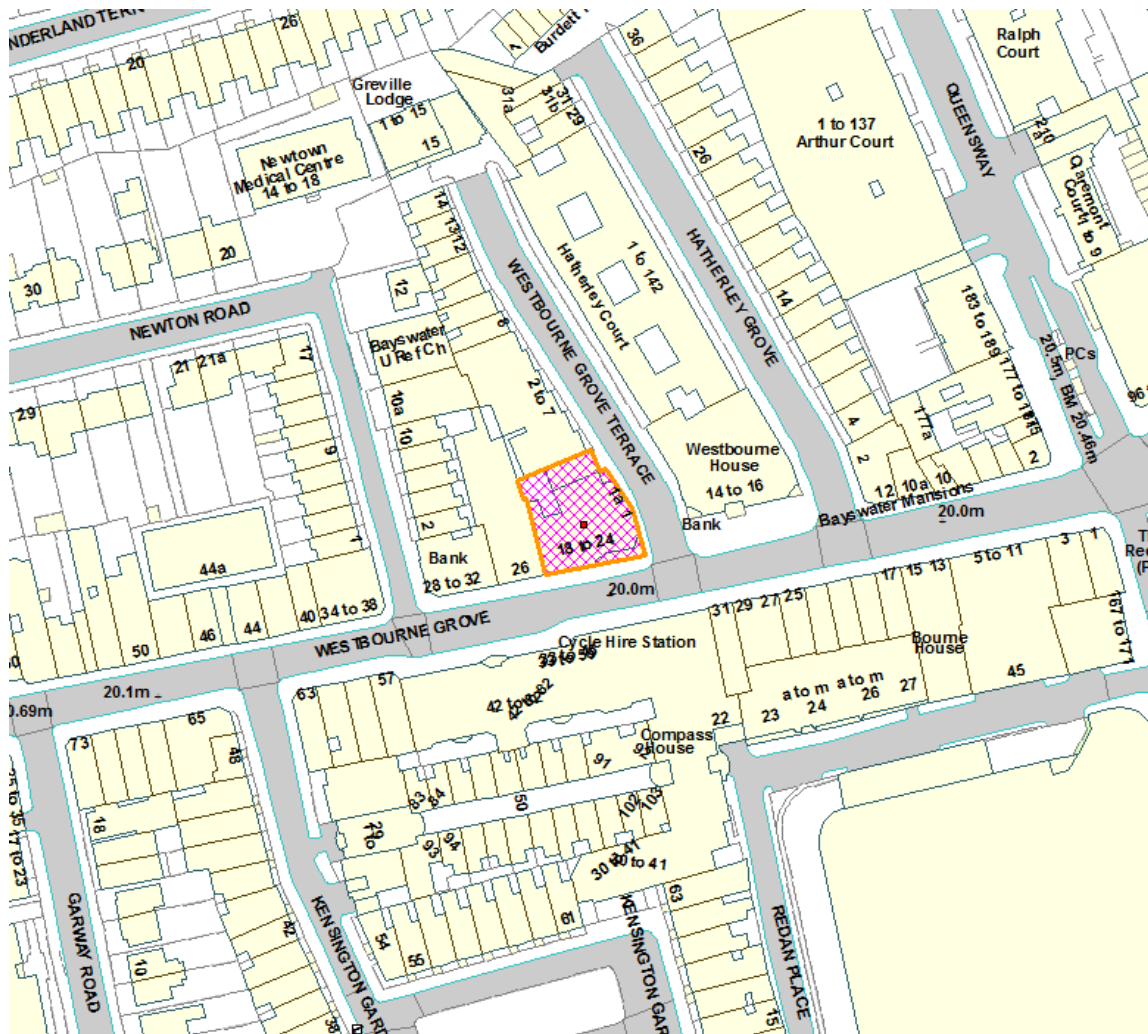
Objections have been received from the adjacent residents on various grounds, but mainly in relation to noise disturbance from the proposed relocated units.

The main points of consideration are:

- The impact of the proposals on the amenity of adjacent occupiers;
- The impact of the proposals on the character and appearance of the Westbourne Conservation Area.

Subject to the conditions as set out on the draft decision letter, it is considered that the proposed alterations are acceptable in design, conservation area and amenity terms and in accordance with policies in the City Councils adopted Unitary Development Plan and City Plan. The application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Westbourne Grove Terrace frontage



View from above of where units are to be sited (box outlined)



Area where units to be installed (box outlined)



5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

No objection subject to Westminster standard noise conditions and a condition to limit the hours of operation of the plant equipment.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 60

Total No. of replies: 4 objections raising some or all of the following concerns:

Amenity:

- Noise disturbance, particularly as bedroom windows are adjacent.

Design:

- Visual pollution to adjoining flats.

Other:

- As the units serve a commercial occupier, there should be no impact on the residential occupiers.
- Building works have already caused considerable disturbance to residents.
- No justification for the relocation of the units.
- Increased stress due to psychological impact of units due to lack of space and resultant impact on the NHS.
- Request for Westminster residents to be represented and protected and for the correct decision to be made to refuse the application.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to a flat roof at first floor level to the rear of both 18-24 Westbourne Grove, which sits on the corner of Westbourne Grove and Westbourne Grove Terrace and Tennyson House, which fronts Westbourne Grove Terrace (No 1a). The adjacent building at 26 Westbourne Grove is listed grade 2. The site is within the Bayswater Stress Area and the Westbourne Grove Conservation Area.

The flat roof is bounded to the south by a stair core which serves 18-24 Westbourne Grove, west facing bedroom windows to the rear of Tennyson House, the flank wall of the residential terraced properties to the north (1 Westbourne Grove Terrace) and the barrelled roof to the rear of 26 Westbourne Grove.

6.2 Recent Relevant History

10/00731/FULL

Installation of two air conditioning condenser units on main flat roof of office block.

Application Permitted 23 June 2010

11/01547/FULL

Installation of three air conditioning condenser units on main flat roof of office block.

Application Permitted 12 April 2011

13/01498/FULL

Remodelled fourth floor and the erection of an additional fifth floor level, recladding of elevations and alterations to fenestration, reconfiguration of existing rear access core extension and associated alterations including roof terraces, mechanical plant and pv panels; all in connection with the use of the first to fifth floor levels as 5x3 bed residential flats accessed from Westbourne Grove Terrace, continued use of part ground floor and part basement as Class A1 and the creation of a new unit fronting Westbourne Grove Terrace as either shop (Class A1) or financial and professional services (Class A2).

Application Permitted 17 June 2014

15/06292/FULL

Variation of Conditions 1 and 18 of planning permission dated 17 June 2014 (RN: 13/01498) "Remodelled fourth floor and the erection of an additional fifth floor level, recladding of elevations and alterations to fenestration, reconfiguration of existing rear access core extension and associated alterations including roof terraces, mechanical plant and pv panels; all in connection with the use of the first to fifth floor levels as 5x3 bed residential flats accessed from Westbourne Grove Terrace, continued use of part ground floor and part basement as Class A1 and the creation of a new unit fronting Westbourne Grove Terrace as either shop (Class A1) or financial and professional services (Class A2)." namely; alterations to internal layout, reduction in size of retail unit, replacement energy strategy, reduction in PV panels on roof.

Application Permitted 29 December 2015

15/10735/FULL

Relocation of two existing external air-conditioning units from roof level to ground floor ramp access; installation of 5 new air-conditioning units at roof level; associated external changes, including installation of aesthetic acoustic screens at both ground and roof levels, and treatment of brickwork to match approved facade treatment.

Application Permitted 1 February 2016

16/02107/FULL

Erection of single storey roof extension, creation of a landscaped roof terrace and external works associated with external air-conditioning units.

Application Refused 21 June 2016

18/00791/FULL

Installation of telecommunications equipment on the roof of the building comprising a 6 metre high flagpole antenna, a 300mm transmission dish, 4 no. radio equipment cabinets and ancillary equipment. (Retrospective application).

Currently Pending Determination

7. THE PROPOSAL

Permission is sought to install two air conditioning units behind an acoustic screen on a flat roof at rear first floor level. The units are to serve the ground floor commercial property facing Westbourne Grove (Bo Concept store).

8. DETAILED CONSIDERATIONS

8.1 Land Use

No change to existing.

8.2 Townscape and Design

An objection has been received that the proposed units would have a negative impact on the visual amenity of flats within Tennyson House.

The units and screen are proposed to be located on a flat roof which is currently relatively uncluttered, having only recently been completed as part of the redevelopment of the adjacent building. There is a 1m high parapet wall which runs along the western boundary, which sits in front of a large barrelled roof of the adjacent property at No.26. The proposed screen which surrounds the units is approximately 1.9m high and therefore rises 0.9m above the level of the existing parapet. While the proposed screen does increase the bulk of the units, it is required in order to mitigate against the sound of the units.

The units and screen have been located in a slightly set back area of the roof, and while they will project above the level of the existing parapet, it is not considered that they will have a significant negative impact on the character or appearance of the conservation area, given their location to the rear of the buildings and in the context of the barrelled roof which raises up behind. A condition is recommended for the screen to be coloured grey to match the roof to ensure that its impact is reduced.

The proposals are therefore considered to be acceptable in design and conservation area terms.

8.3 Residential Amenity

Due to the location of the proposed units and screen, set back from windows and in front of the adjacent parapet wall and barrelled roof, it is not considered that they would give rise to a significant loss of amenity through loss of light or increased sense of enclosure to adjacent residential occupiers.

Considerable concern has been raised in relation to noise and general disturbance from a number of the residents within Tennyson House, whose bedrooms overlook the area where the proposed air conditioning units are proposed.

The applicant has submitted a noise survey as part of the application. The air conditioning units are proposed to operate during store opening times, namely Monday to Saturday 10:00 to 18:00 and Sunday 12:00 to 18:00. The noise report indicates that the units are likely to be inaudible at the nearest residential premises over the proposed operational period.

Environmental Health Officers have scrutinised the report and note the close proximity of neighbouring bedroom windows of Tennyson House and the adjacent building 1 Westbourne Grove Terrace. They conclude that with the installation of the acoustic screen, that the proposals are considered acceptable, subject to standard City Council conditions in relation to noise, vibration and to control the hours of operation to daytime hours in line with the opening times for the retail unit. A further condition is recommended to ensure that the units do not operate until the screen has been installed. Subject to these conditions it is considered the units will not result in a loss of residential amenity.

8.4 Transportation/Parking

No change to existing arrangements.

8.5 Economic Considerations

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

8.6 Access

The units can be accessed via the adjacent flat roof. The roof can only be accessed for maintenance purposes (as existing).

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. The proposals would not trigger the requirement for a CIL payment.

8.11 Environmental Impact Assessment (EIA)

The development is of insufficient scale to trigger the requirement for the submission of an EIA.

8.12 Other Issues

Residents have raised objection in relation to the lack of justification for the proposed works and that they do not consider that as the units should be allowed as they are required in association with a commercial use. They note that the proposals should not be allowed to the detriment of residential occupiers who should be suitably protected by the council. They further comment that such proposals may increase stress and result in increased strain on the NHS.

While these points are noted, they are not a valid planning ground for refusal. As noted within this report, it is considered that the applicant has demonstrated that with suitable conditions to limit the units, they will not cause harm in relation to noise. It is also not considered that they have a significant negative impact in relation to their appearance.

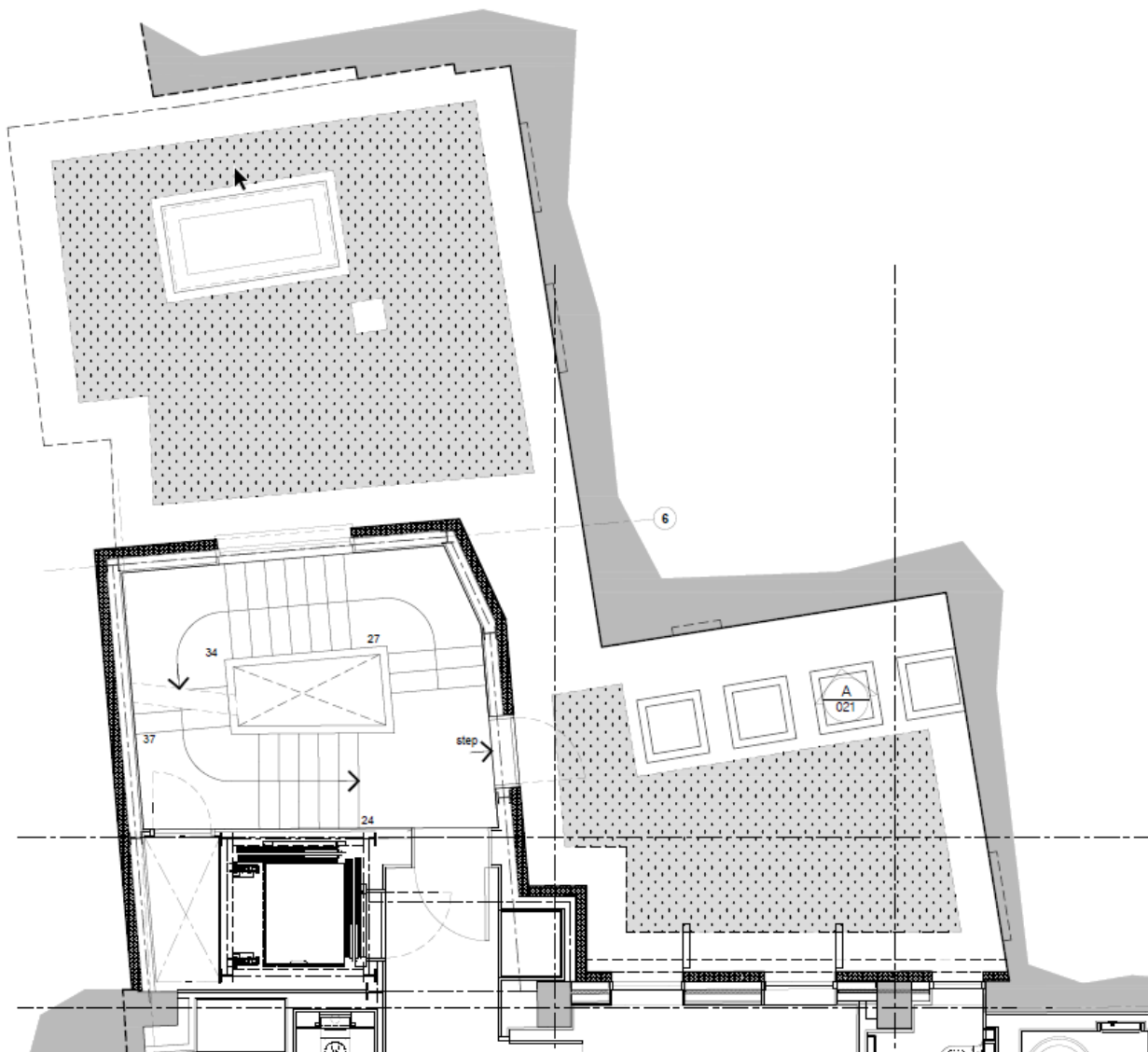
Concerns have also been raised in relation to ongoing disturbance from building works. While officers have sympathy with residents in relation to ongoing disruption from building works, this is not a reason to refuse permission for the works currently proposed, with each application being assessed on its merits.

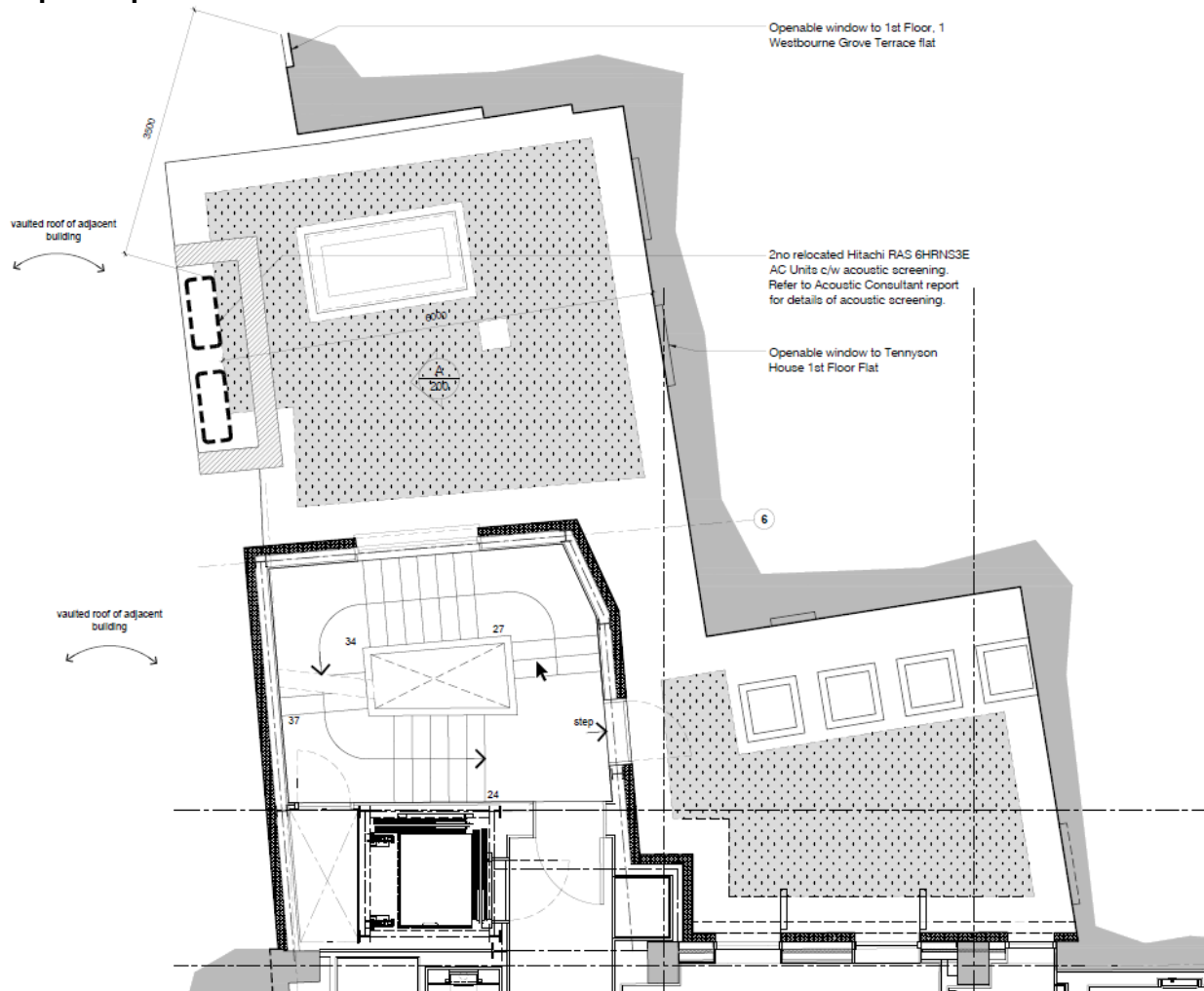
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

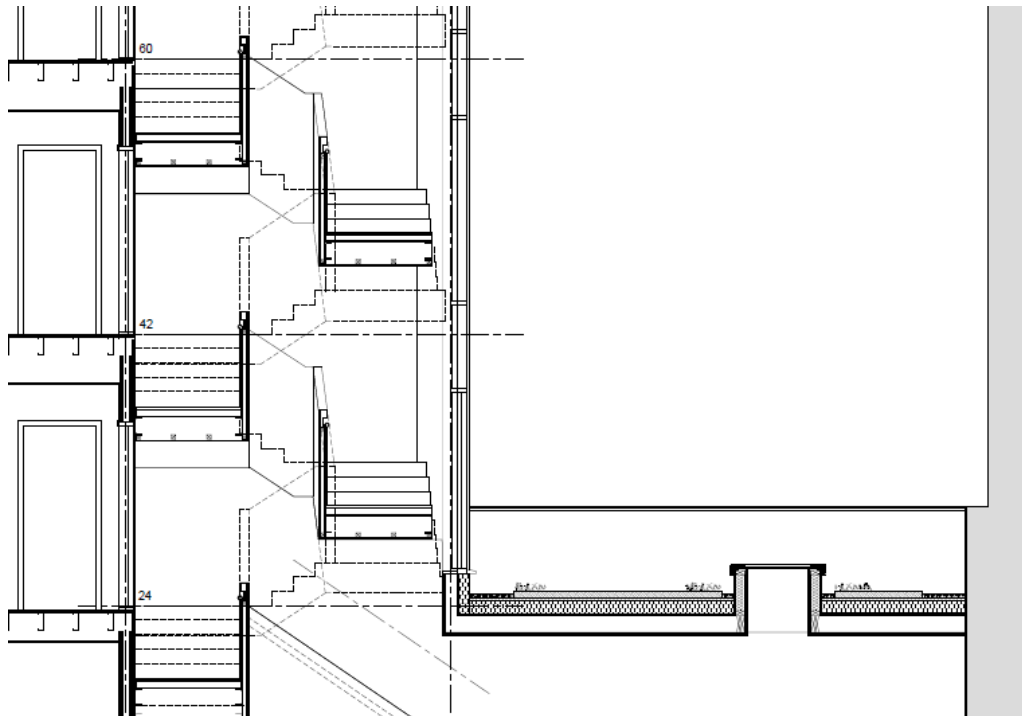
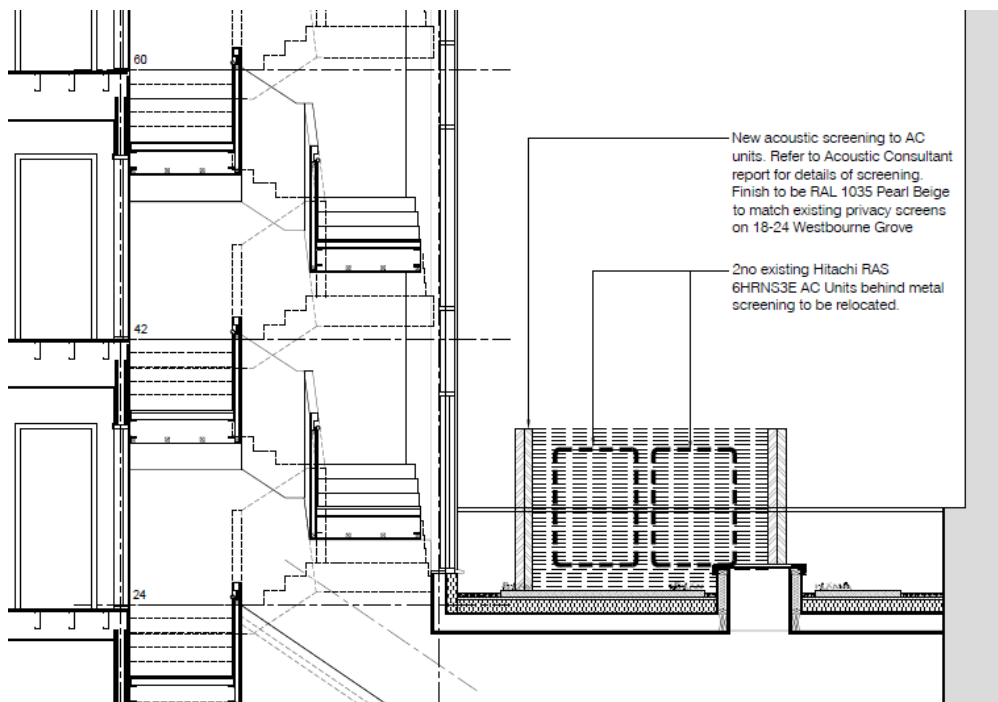
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

9. KEY DRAWINGS

Existing plan



Proposed plan

Existing elevation**Proposed Elevation**

DRAFT DECISION LETTER

Address: 18-24 Westbourne Grove, London, W2 5RH,

Proposal: Installation of two air conditioning units and acoustic screen on first floor flat roof to rear of Tennyson House.

Plan Nos: 14023 PL-5-001; 14023 PL-5-010; 14023 PL-5-011; 14023 PL-5-020; 14023 PL-5-021; 14023 PL-5-101; 14023 PL-5-200; Acoustic Assessment Report by PC Environmental dated 14 March 2018.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

In 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 Sunday, 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 Saturday, Sunday, 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 permit 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 residents. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and NV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level

should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 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 The plant/machinery hereby permitted shall not be operated except between 10:00 to 18:00 hours Monday to Saturday and 12:00 to 18:00 hours on Sundays and Bank Holiday Mondays.

Reason:

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

- 6 The air conditioning units must not operate until the mitigation measures specified in Part 3 of the Acoustic Assessment dated 14 March 2018 by PC Environmental have been installed and shall be retained for as long as the air conditioning units remains in use.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 Notwithstanding the annotations on the drawings, the acoustic screen shall be coloured grey to match the colour of the roof and maintained as such.

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

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 Conditions 3, 4, 5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Reading House Hallfield Estate, London, W2 6HD		
Proposal	Installation of gas pipe apparatus.		
Agent	Mr Simon Williams		
On behalf of	Mrs Gemma Gosney		
Registered Number	17/08516/FULL & 17/08517/LBC	Date amended/ completed	27 September 2017
Date Application Received	22 September 2017		
Historic Building Grade	II		
Conservation Area	Hallfield Estate		

1. RECOMMENDATION

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

2. SUMMARY

The Hallfield Estate is a mid 20th century housing estate located within the Hallfield Estate Conservation Area. The Estate comprises 14 residential blocks which are all Grade II listed, and other ancillary blocks. The applications relate to the installation of new gas pipes in association with upgraded supply to the remaining residents in Reading House.

The key issues in this case are:

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

It is considered that given the circumstances of this case, the harm to the special architectural and historical interest is outweighed by the overwhelming public benefit of providing updated gas supply to the residents. It is therefore recommended that conditional permission and listed building consent is granted subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Reading House

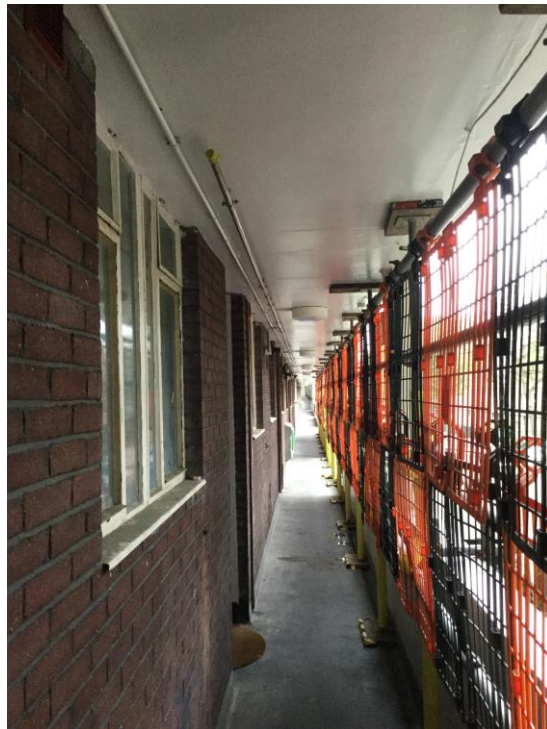


Ground, East Elevation

Vertical pipe route between floors in the stairwell



Horizontal pipe route against the soffit



5. CONSULTATIONS

WARD COUNCILLORS:

Any comments to be reported verbally.

HISTORIC ENGLAND:

No comment.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any comments to be reported verbally.

BUILDING CONTROL:

Any comments to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80

Total No. of replies: 2

No. of objections: 2

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

Design:

- Concern that the pipe work would add to the visual clutter of existing pipes, wires and cable attached to the building. any surplus pipe work should be removed.
- The pillars should be free of pipe work.
- There appears to be conflict with the pipe work using the same routes as the electrical trays that are carrying lighting and lateral mains.

Other:

- Work commenced in Autumn 2017.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relate to Reading House, which is one of the residential blocks on the Hallfield Estate, that was constructed between 1949-1955. The estate was designed by the architectural practice Tecton, and then executed by two of its members, Lindsay Drake and Sir Denys Lasdun. Lasdun in particular is one of the most respected mid 20th century architects and the estate, as designed and executed, is of particular architectural merit.

The residential buildings were Grade II listed in 2011 and all the buildings on the estate are included within the Hallfield Estate Conservation Area.

6.2 Recent Relevant History

16/10752/FULL and 16/10753/LBC: Installation of gas pipe apparatus at Marlow House. Granted on 04.01.2017.

18/03242/FULL and 18/03243/LBC: Variation of condition 2 of listed building consent dated 20 December 2016 (RN 16/17053/LBC) for the installation of gas pipe apparatus at Marlow House. NAMELY, Removal of condition 2 (linked with 18/03242/FULL). Pending consideration.

16/02898/COFUL and 16/02899/COLBC: Proposed replacement of the communal lighting with new surface mounted conduit/trunking and new lighting fittings to the deck access walkways to all blocks on the Hallfield Estate. Granted on 24.03.2017.

16/04961/COFUL and 16/10753/LBC: Mechanical extract fan installation to kitchens and bathrooms, localised external soffit insulation to ground floor level, and installation of bathroom towel-rail/radiator heating units. Granted on 19.12.2016.

7. THE PROPOSAL

The application proposes the installation of externally located gas pipes. The proposed gas pipes would necessitate a new underground supply being run to the south-eastern corner of the building. The proposed gas pipe would rise from the ground at the south-eastern corner of the building then run vertically along the underside of the overhanging soffit to the eastern elevation. From here the proposed gas pipe would run vertically up the full height of the building within the stair core. On each floor of this 10 storey block, lateral branches are attached to the soffit of the balconies and small vertical branches would provide gas to individual flats.

The application has been submitted following a gas main failure that has affected 20 homes in Reading House. The supply was isolated on 21 June 2017 by Cadent (National Grid) as an immediate safety requirement. Works started to re-establish a supply to the 20 residents in October 2017. Therefore, the proposal seeks permission to install gas pipes to restore gas to the residents as well as providing a upgrade supply to flats in Reading House.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The scheme does not raise any land use considerations.

8.2 Townscape and Design

The main issue in this case is the impact of the proposal on the special architectural and historical interest of this grade II listed building in the Hallfield Estate Conservation Area.

Reading House is one of the six 10 storey blocks on the Hallfield Estate. The block consists of a pair of dog-leg staircases located either end of the building. The front façade is north facing and comprises of central located light and stairwell, with

cantilevered reinforced concrete access decks/ balconies on each floor running the length of the façade. The balconies are faced with a solid screen of pre-cast concrete panels that appear to float from the façade with alternate vertical links between each floor level. The stair wells at either end project slightly and are enclosed by concrete panels but faced in cream tiles. The front walls of the flats are well set back and are of brown concrete brick. The rear elevation (south elevation) is arranged in a chequered pattern of windows and alternating red concrete brick and blue engineering brick panels.

The 14 residential blocks and laundry building are listed for the distinctive and sophisticated aesthetic approach to social housing whereby the facades are treated like works of abstract art. The estate provided post-war mass housing and associated landscaping in an urban environment, as inspired by Le Corbusier's 'Radiant City'. The Hallfield Estate is the work of some of the 20th Century's most significant architects.

The statutory requirements are set out in the Planning (Listed Building and Conservation Areas) Act 1990. In particular Section 16 concerns listed building consents *"the local planning authority shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historical interest which it possesses"*. Section 66 relates to planning permission affecting a listed building and states that *"the local planning authority shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historical interest which it possesses"*. Section 72 set out duties relating to conservation areas where *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area"*.

The applicant, tRIIO Strategic Partnership, is a strategic joint venture partnership between Skanska and Morrison Utility Services. They are responsible for replacing gas mains in London and the east of England. The applicant has explored the reuse of the existing pipe work and would normally seek to undertake upgrading works through a like for like replacement. However, in this case, they are unable to reuse the existing pipes for the reasons set out in the following paragraphs.

The applicant states that the existing gas pipes cannot be reused for the following reasons:

1. The applicant cannot access the service duct that provides the connection between the service risers in the building and the mains supply underground. The service duct was found to contain standing water and asbestos. The water in the duct would potentially contribute to pipe degradation. The duct is unventilated and any gas leakage has the potential to migrate into the adjacent building through duct apertures, leading to an uncontrolled situation where gas may build up. In addition, works to the foot of the building would damage the fabric of this part of the building.
2. The condition of the existing pipes and their buried location in the building would result in intrusive disruption to the building fabric. Also if internally installed any potential gas leak could be into a confined space with limited natural ventilation, leading to a dangerous gas build up this is a high risk option in a Multi-Occupancy building.
3. The gas riser in the flats is located adjacent to neighbouring services such as electrical mains and works to the riser may disrupt other services.

The existing pipes are connected to the underground mains gas supply via a service duct that is located at the foot of the north elevation, large concrete slabs cover the service duct. There are several full height vertical risers located in the flats (usually in the kitchen adjacent to the main front door of the flat). Following investigations, the pipe network had significantly deteriorated with pipe barrel corrosion being the predominant identified condition failing.

The proposed new gas pipes would be visible in many private and public views. The balconies are a fundamental feature in the design of Reading House and a recurring feature across the estate. The single vertical riser is discreetly located against a utilitarian wall of the stairway and is partially obscured by the forward concrete features. However, the lateral gas pipe attached to the soffit of the access decks/ balconies above would be clearly seen in many public views and their number exacerbates this.

The existing balconies and their soffits are largely free of fixtures, albeit there are a few examples of flues, otherwise when viewed from the ground the clutter free balconies, including soffits, significantly contribute to the elegant appearance of this intrinsic feature of this grade II listed building. Therefore, the proposal would have a harmful impact on the significance of the building, and would fail to preserve the special architectural interest of this listed building and undermine the wider architectural integrity of the estate. The degree of harm is less than substantial and therefore Paragraph 134 of the National Planning Policy Framework (NPPF) 2012 states that the harm caused is weighed against the public benefits of the proposal, including securing its optimum viable use.

A similar proposal was submitted in 2016 and granted in early 2017 with a temporary 3 year permission to replace gas pipes following a leak at Marlow House. The proposal for externally located gas pipes was considered harmful to the special architectural and historical interest of the building however, the improved health and social wellbeing of the occupants as a result of reconnecting the residents to a safe gas supply outweighs the harm to the building in the short term. Therefore the proposed gas pipework was considered acceptable in design terms; however, a condition was attached to the permission to enable the applicant to carry out full and comprehensive investigation works to explore alternative options for reusing/ upgrading the gas supply to this and other blocks on the Hallfield Estate.

The applicant has submitted a detailed document entitled 'Technical Note: A Review of Gas Network Pipe Replacement Options for Reading House, Hallfield Estate, London, W2 6HD'. In this document, legislation and regulations are set out in Section 2 and identify key parts where gas pipe installers and operators must comply. In this document, a justification for externally located gas pipe is set out and concludes that it is not viable to contemplate the reuse of the internal gas pipes as installed in the legacy gas system and therefore an external gas network configuration is proposed.

Therefore, in this specific context having considered the information submitted as part of this application, the departure from policy DES1, DES5, DES9 and DES10 in the UDP and S25 and S28 in the City Plan is justified and recommended for approval.

8.3 Residential Amenity

The proposal does not raise any residential amenity concerns.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposals do not affect the access arrangements to the flats in this building.

8.7 Other UDP/Westminster Policy Considerations

No other applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment..

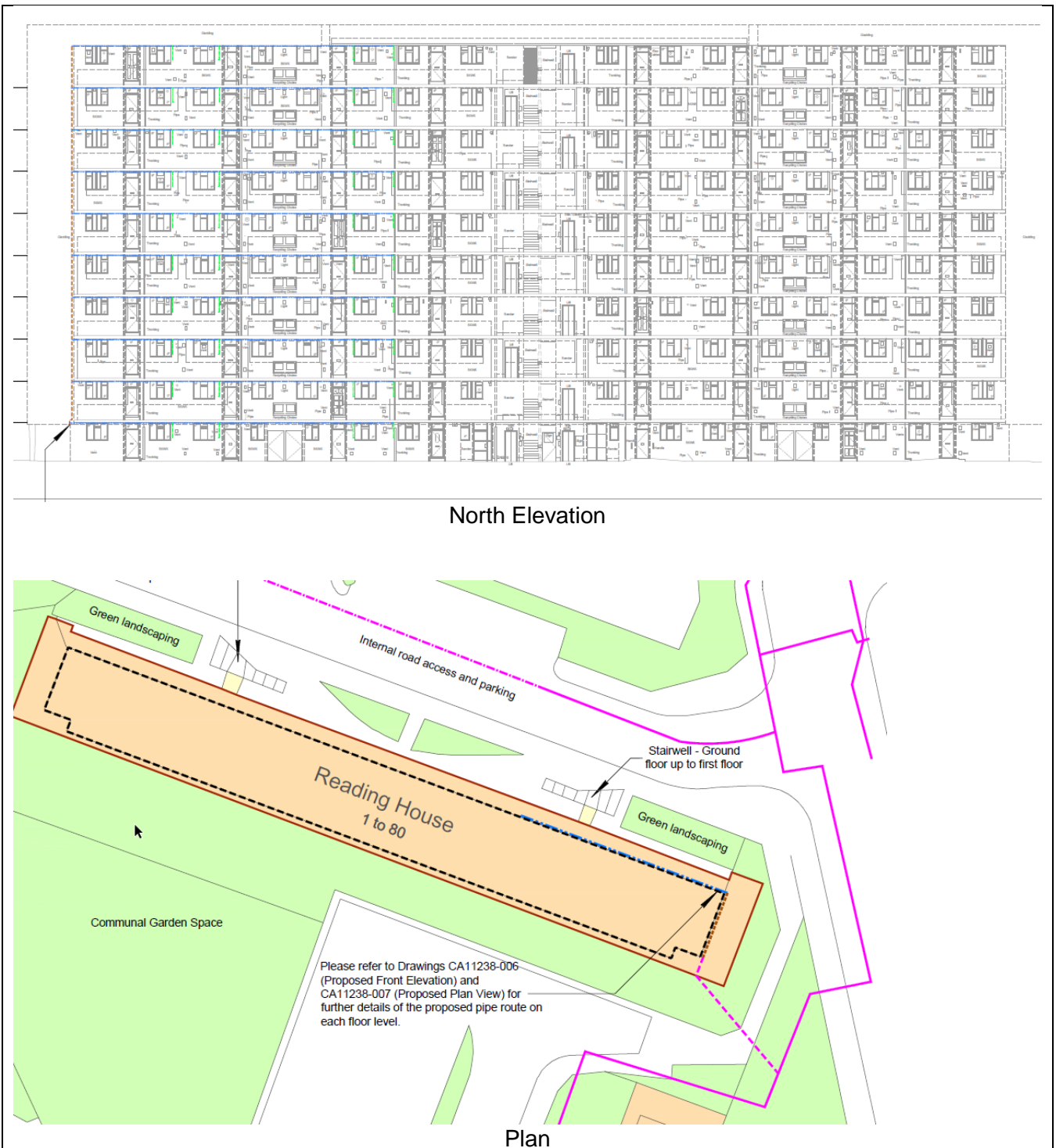
8.12 Other Issues

None relevant.

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

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

9. KEY DRAWINGS



DRAFT DECISION LETTER – 17/08516/FULL

Address: Reading House , Hallfield Estate, London, W2 6HD

Proposal: Installation of gas pipe apparatus.

Reference: 17/08516/FULL

Plan Nos: CA11238-001, CA11238-002, CA11238-003A, CA11238-004, CA11238-005, CA11238-006A, CA11238-007A, Heritage and Design Statement November 2017. Technical Note: A review of Gas Network Pipe Replacement Options for Reading House rec on 10.05.2018.

Case Officer: Shui-Fung Siu

Direct Tel. No. 020 7641 2522

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents issued on this decision letter, and any drawings approved subsequently by the City Council as local planning authority subject 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; , 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 Saturday, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside the hours otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in certain 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. The policy 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 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 Hallfield Estate 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)

- 4 The gas pipes shall be finished/ painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish.

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 Hallfield 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)

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), Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 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.

5

DRAFT DECISION LETTER – 17/08517/LBC

Address: Reading House , Hallfield Estate, London, W2 6HD

Proposal: Installation of gas pipe apparatus.

Plan Nos: CA11238-001, CA11238-002, CA11238-003A, CA11238-004, CA11238-005, CA11238-006A, CA11238-007A, Heritage and Design Statement November 2017.
Technical Note: A review of Gas Network Pipe Replacement Options for Reading House rec on 10.05.2018.

Case Officer: Shui-Fung Siu

Direct Tel. No. 020 7641 2522

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 of Westminster local planning authority pursuant to any conditions on this decision letter.

Reason:

In 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 is unless differences are shown on the approved drawings or are required in connection with the 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 Hallfield Estate 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 The gas pipes shall be finished/ painted in a colour which match the adjacent material and thereafter maintained in a matching colour and finish.

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 Hallfield Estate 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)

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 character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

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

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

Item No.
13

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	Application 1: 70 Hereford Road, London, W2 5AL. Application 2: 85 Hereford Road, London, W2 5BB. Application 3: 82 Hereford Road, London, W2 5AL. Application 4: 86 Hereford Road, London, W2 5AL. Application 5: 80 Hereford Road, London, W2 5AL. Application 6: 48-50 Hereford Road, London, W2 5AJ. Application 7: 54 Hereford Road, London, W2 5AJ. Application 8: 49 Hereford Road, London, W2 5BB.		
Proposal	Installation of an alarm box on the front elevation (Retrospective).		
Agent	No Agent		
On behalf of	On behalf of homeowners		
Registered Number	Application 1: 18/02778/LBC Application 2: 18/02859/LBC Application 3: 18/03077/LBC Application 4: 18/02865/LBC Application 5: 18/03228/LBC Application 6: 18/03305/LBC Application 7: 18/03335/LBC Application 8: 18/03293/LBC	Date amended/ completed	8 April 2018
Date Application Received	8 April 2018		
Historic Building Grade	II		
Conservation Area	Westbourne		

1. RECOMMENDATION

Application 1: Refuse listed building consent – location and appearance.
Application 2: Refuse listed building consent – location and appearance.
Application 3: Refuse listed building consent – location and appearance.
Application 4: Refuse listed building consent – location and appearance.
Application 5: Refuse listed building consent – location and appearance.
Application 6: Refuse listed building consent – location and appearance.
Application 7: Refuse listed building consent – location and appearance.

Application 8: Refuse listed building consent – location and appearance.**2. SUMMARY**

The application sites are attractive c1850's terraced houses located on the east and west sides of Hereford Road, north of the junction with Westbourne Grove. The buildings are all Grade II and located within the Westbourne Conservation Area.

A member of the public reported an unauthorised alarm box on Hereford Road to the Planning Enforcement Team in 2013. It was noted during the most recent site inspection that there were a number of alarm boxes on the listed buildings on both sides of the street and currently there are 25 unauthorised alarm boxes on Hereford Road. The 8 applications currently being presented to Planning Committee seek consent retrospectively for the installation of an alarm box on the front elevation of the building.

The Notting Hill East Neighbourhood Forum initially raised an objection against all the applications on the grounds that they are visual clutter within the streetscene. They also stated research has found that there is no evidence of alarm boxes acting as a deterrent and there are modern ways of achieving security. The forum has since clarified their position on the applications, and whilst they still maintain in the objections in general to the many and varied unacceptable designs of the boxes and their locations; they note that alarm boxes have been allowed to proliferate throughout Westminster without the relevant consents. They further note that the official UK Police recommendations include the installation of a visual burglar alarms, as a deterrent to potential offenders and that this is often a requirement of insurance providers. Those boxes connected to a fire alarm, also allow the Fire Brigade to identify properties quicker. The forum conclude that if a consistent location and style could be established for these listed buildings and become a London wide policy then there would be no objections to the proposals.

The key issue in this case is:

- The impact of the alarm box on the special interest of the listed building
- The impact of the alarm box on the appearance of the building and the character and appearance of the Westbourne Conservation Area.

The proposed alarm boxes harms the special interest of the listed building and the appearance of the building and the character and appearance of the Westbourne Conservation Area and would be contrary to policies DES1, DES5, DES9 and DES10 in the Unitary Development Plan (UDP) and Policies S25 and S28 of Westminster's City Plan: Strategic Policies (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS**Application 1: 18/02778/LBC****Application 2: 18/02859/LBC****Application 4: 18/02865/LBC****Application 3: 18/03077/LBC**

Application 5: 18/03228/LBC**Application 6: 18/03305/LBC****Application 7: 18/03335/LBC****Application 8: 18/03293/LBC**

5. CONSULTATIONS

Application 1: 18/02778/LBC

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

1st Response - Objection: Research reports that there is no evidence of alarm boxes as acting as a deterrent. They are visual clutter within the streetscene.

2nd Response - The forum has since clarified their position on the applications, and whilst they still maintain in the objections in general to the many and varied unacceptable designs of the boxes and their locations; they note that alarm boxes have been allowed to proliferate throughout Westminster without the relevant consents. They further note that the official UK Police recommendations include the installation of a visual burglar alarms, as a deterrent to potential offenders and that this is often a requirement of insurance providers. Those boxes connected to a fire alarm, also allow the Fire Brigade to identify properties quicker. The forum conclude that if a consistent location and style could be established for these listed buildings and become a London wide policy then there would be no objections to the proposals.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

PLANNING ENFORCEMENT TEAM:

Any response to be reported verbally

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2: 18/02859/LBC

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

1st Response - Objection: Research reports that there is no evidence of alarm boxes as acting as a deterrent. They are visual clutter within the streetscene.

2nd Response - The forum has since clarified their position on the applications, and whilst they still maintain in the objections in general to the many and varied unacceptable designs of the boxes and their locations; they note that alarm boxes have been allowed to proliferate throughout Westminster without the relevant consents. They further note that the official UK Police recommendations include the installation of a visual burglar alarms, as a deterrent to potential offenders and that this is often a requirement of insurance providers. Those boxes connected to a fire alarm, also allow the Fire Brigade to identify properties quicker. The forum conclude that if a consistent location and style could be established for these listed buildings and become a London wide policy then there would be no objections to the proposals.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

PLANNING ENFORCEMENT TEAM:

Any response to be reported verbally

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 3: 18/03077/LBC**NOTTING HILL EAST NEIGHBOURHOOD FORUM:**

1st Response - Objection: Research reports that there is no evidence of alarm boxes as acting as a deterrent. They are visual clutter within the streetscene.

2nd Response - The forum has since clarified their position on the applications, and whilst they still maintain in the objections in general to the many and varied unacceptable designs of the boxes and their locations; they note that alarm boxes have been allowed to proliferate throughout Westminster without the relevant consents. They further note that the official UK Police recommendations include the installation of a visual burglar alarms, as a deterrent to potential offenders and that this is often a requirement of insurance providers. Those boxes connected to a fire alarm, also allow the Fire Brigade to identify properties quicker. The forum conclude that if a consistent location and style could be established for these listed buildings and become a London wide policy then there would be no objections to the proposals.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

PLANNING ENFORCEMENT TEAM:

Any response to be reported verbally

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 4: 18/02865/LBC**NOTTING HILL EAST NEIGHBOURHOOD FORUM:**

1st Response - Objection: Research reports that there is no evidence of alarm boxes as acting as a deterrent. They are visual clutter within the streetscene.

2nd Response - The forum has since clarified their position on the applications, and whilst they still maintain in the objections in general to the many and varied unacceptable designs of the boxes and their locations; they note that alarm boxes have been allowed to proliferate throughout Westminster without the relevant consents. They further note that the official UK Police recommendations include the installation of a visual burglar alarms, as a deterrent to potential offenders and that this is often a requirement of insurance providers. Those boxes connected to a fire alarm, also allow the Fire Brigade to identify properties quicker. The forum conclude that if a consistent location and style could be established for these listed buildings and become a London wide policy then there would be no objections to the proposals.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

PLANNING ENFORCEMENT TEAM:

Any response to be reported verbally

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 5: 18/03228/LBC**NOTTING HILL EAST NEIGHBOURHOOD FORUM:**

1st Response - Objection: Research reports that there is no evidence of alarm boxes as acting as a deterrent. They are visual clutter within the streetscene.

2nd Response - The forum has since clarified their position on the applications, and whilst they still maintain in the objections in general to the many and varied unacceptable designs of the boxes and their locations; they note that alarm boxes have been allowed to proliferate throughout Westminster without the relevant consents. They further note that the official UK Police recommendations include the installation of a visual burglar alarms, as a deterrent to potential offenders and that this is often a requirement of insurance providers. Those boxes connected to a fire alarm, also allow the Fire Brigade to identify properties quicker. The forum conclude that if a consistent location and style could be established for these listed buildings and become a London wide policy then there would be no objections to the proposals.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

PLANNING ENFORCEMENT TEAM:

Any response to be reported verbally

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 6: 18/03305/LBC

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

1st Response - Objection: Research reports that there is no evidence of alarm boxes as acting as a deterrent. They are visual clutter within the streetscene.

2nd Response - The forum has since clarified their position on the applications, and whilst they still maintain in the objections in general to the many and varied unacceptable designs of the boxes and their locations; they note that alarm boxes have been allowed to proliferate throughout Westminster without the relevant consents. They further note that the official UK Police recommendations include the installation of a visual burglar alarms, as a deterrent to potential offenders and that this is often a requirement of insurance providers. Those boxes connected to a fire alarm, also allow the Fire Brigade to identify properties quicker. The forum conclude that if a consistent location and style could be established for these listed buildings and become a London wide policy then there would be no objections to the proposals.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

PLANNING ENFORCEMENT TEAM:

Any response to be reported verbally

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 7: 18/03335/LBC

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

1st Response - Objection: Research reports that there is no evidence of alarm boxes as acting as a deterrent. They are visual clutter within the streetscene.

2nd Response - The forum has since clarified their position on the applications, and whilst they still maintain in the objections in general to the many and varied unacceptable designs of the boxes and their locations; they note that alarm boxes have been allowed to proliferate throughout Westminster without the relevant consents. They further note that the official UK Police recommendations include the installation of a visual burglar alarms, as a deterrent to potential offenders and that this is often a requirement of insurance providers. Those boxes connected to a fire alarm, also allow the Fire Brigade to identify properties quicker. The forum conclude that if a consistent location and style could be established for these listed buildings and become a London wide policy then there would be no objections to the proposals.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

PLANNING ENFORCEMENT TEAM:

Any response to be reported verbally

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 8: 18/03293/LBC

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

1st Response - Objection: Research reports that there is no evidence of alarm boxes as acting as a deterrent. They are visual clutter within the streetscene.

2nd Response - The forum has since clarified their position on the applications, and whilst they still maintain in the objections in general to the many and varied unacceptable designs of the boxes and their locations; they note that alarm boxes have been allowed to proliferate throughout Westminster without the relevant consents. They further note that the official UK Police recommendations include the installation of a visual burglar alarms, as a deterrent to potential offenders and that this is often a requirement of insurance providers. Those boxes connected to a fire alarm, also allow the Fire Brigade to identify properties quicker. The forum conclude that if a consistent location and style could be established for these listed buildings and become a London wide policy then there would be no objections to the proposals.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

PLANNING ENFORCEMENT TEAM:

Any response to be reported verbally

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application sites are 8 Grade II listed buildings located intermittently on the east and west sides of Hereford Road. All the buildings are located within the Westbourne Conservation Area.

6.2 Recent Relevant History

Planning Enforcement History

In 2013 a member of the public reported the installation of an alarm box on the front elevation of a listed building at 54 Hereford Road to the Planning Enforcement Team. Following the initial investigation it was determined that the alarm box was causing harm to the special interest of the listed building and that formal enforcement action was warranted.

It was then noted during the most recent site inspection that there were a number of alarm boxes on properties, which were also Grade II listed, on both sides of Hereford Road. In order to provide a consistent approach it was then necessary to open investigations about the other alarm boxes also. Advice was sought from design officers on the alarm boxes and it was advised that where the alarm boxes were sited in a visually prominent location, the installation was considered to harm the special interest of the listed building and it was recommended that the Enforcement Team pursue the relocation of the alarm boxes.

The alarm box introduced at 88 Hereford Road was considered to be in an acceptable location (within the front portico screened by the column), so that case was closed. Alarm boxes located on two other properties on the road were removed following the Council's letter and two properties were able to demonstrate the alarm boxes were installed prior to the buildings being listed and therefore were beyond planning control; these enforcement cases have been closed. The remaining 25 properties were advised to relocate their alarm boxes to a position that was considered to have minimal impact on the listed building.

Planning History

There is no relevant planning history for the application sites in relation to the installation of alarm boxes, however there are a number of appeal decisions which are worthy of note. Additionally there is no planning history for the whole of Hereford Road relating to the installation of alarm boxes.

Relevant Appeal Decisions

24 Chilworth Street (RN: 09/43652/P)

Appeal against a listed building enforcement notice requiring the removal of an alarm box, which has been installed on the front elevation of the property and to make good any damage to the fabric of the building caused by the installation.

The inspector concluded that there was harm to the heritage asset, which is less than substantial, but they did not consider that there are any appropriate public benefits, which outweigh the harm caused. They noted that the Council would not have granted consent for this particular installation and they found no justification in doing so at the appeal stage.

21 Hyde Park Square (incorporating 20 and 20A Hyde Park Square and 43 and 43A Gloucester Square) (RN:05/07454/LBC)

Appeal against the refusal to grant listed building consent for the retention of 7no CCTV cameras.

The Inspector concluded that 'the CCTV cameras which are located within the projecting porches are reasonably well screened. Consequently the amount of unobtrusive fittings do not materially detract from the appearance of the listed building'. The cameras fixed within the front lightwell and on the cornice at first floor level are obtrusive and appear as an incongruous and insensitive modern addition attached to a classical façade. The cameras harm rather than preserve the character of the historic building and the appearance of the street and the conservation area.

The Colonies, 25 Wilfred Street (RN:14/00787/FULL)

Appeal against the refusal of planning permission for the installation of antennas on the face of the building, which is located within a conservation area.

The Inspector concluded the appeal development would have an unacceptable appearance within the conservation area. There would be conflict with UDP and City Plan policies and would fail to 'conserve' heritage assets. The development causes less than substantial harm to the heritage asset and the public benefits do not outweigh the harm identified.

7. THE PROPOSAL

All the applications are seeking retrospective listed building consent for the installation of an alarm box on the front elevation of the building. Each application includes a photograph of the existing alarm box and a historic impact assessment. The specifics of each application is below:

Application 1: 18/02778/LBC

White coloured square shaped alarm box located at first floor level between a window and quoins.

Application 2: 18/02859/LBC

Beige coloured triangular shaped alarm box with the manufactures name located at first floor level between a window and quoins.

Application 3: 18/03077/LBC

Beige coloured triangular shaped alarm box with the manufacturers name located centrally at first floor level between two windows.

Application 4: 18/02865/LBC

Beige coloured triangular shaped alarm box with the manufacturers name located centrally at first floor level between two windows.

Application 5: 18/03228/LBC

Beige coloured triangular shaped alarm box with the manufacturers name located centrally at first floor level between two windows.

Application 6: 18/03305/LBC

Beige coloured triangular shaped alarm box with the manufacturers name located centrally at first floor level between two windows.

Application 7: 18/03335/LBC

Yellow hexagonal shaped alarm box with the manufacturers name located at first floor level adjacent to the window.

Application 8: 18/03293/LBC

Beige coloured hexagonal shaped alarm box with the manufacturers name located at first floor level adjacent to the window.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application does not raise land use issues.

8.2 Townscape and Design

The application sites are 3 storey terraced houses with basement and attic levels. Dating from c1850 each building is 2 widows wide with square headed windows which are architraved above the ground floor level and have a continuous bombe balcony at first floor level. The end buildings are distinguishable by the rusticated quoins and slight projection forward. The buildings have maintained a uniform appearance with the exteriors retaining their original architectural features; this architectural style and detailing is considered to contribute to the special interest of the heritage assets. They also contribute to the character and appearance of the conservation area.

Section 72 of the Planning (Listed Building Conservation Areas) Act 1990 places a duty upon the decision maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area. The 1990 Act also requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation

The pertinent policies contained in the adopted City Plan are S25 and S28. The relevant policies in the adopted UDP are set out in Chapter 10, Urban Design and Conservation. The most applicable policies are DES 1 that sets out principles of urban design and

conservation, DES 5 relating to alterations, DES 9 that concerns the impact of development on conservation areas and DES10 which relates to works affecting listed buildings.

The City Council's Supplementary Planning Guidance document *Repair and Alterations to listed buildings* advised that it should be demonstrated that burglar alarms are necessary and have been designed and located to minimise their impact. Where such proposal are considered to harm to appearance or character of a listed building consent will be refused.

The Supplementary Planning Guidance document *Demolition and Development in Conservation Areas* advises in paragraph L.5 that features such as alarm boxes can have an adverse impact on the external appearance of buildings. It states they should be located where they have minimal visual impact.

The Local Amenity society originally strongly objected to all the applications. They referred to a research document which reports there being no evidence of alarm boxes acting as a deterrent. They stated that the reward to the property owner is slim, piling into insignificance when measured against the risk of public nuisance. They also considered alarm boxes as being visual litter to the public and those who visually enjoy the streetscape, stating that there are modern methods now which can achieve the same result. The society has since clarified their position on the applications, and whilst they still maintain in the objections in general to the many and varied unacceptable designs of the boxes and their locations; they note that alarm boxes have been allowed to proliferate throughout Westminster without the relevant consents. They further note that the official UK Police recommendations include the installation of a visual burglar alarms, as a deterrent to potential offenders and that this is often a requirement of insurance providers. Those boxes connected to a fire alarm, also allow the Fire Brigade to identify properties quicker. The forum conclude that if a consistent location and style could be established for these listed buildings and become a London wide policy then there would be no objections to the proposals.

In their current location the alarm boxes are highly prominent in the street scene and in longer townscape views. All are located at first floor level, have a slight projection, are of a colour which is different from the elevation to which they are attached and contain manufacturers information which results in them being visually apparent. Despite the alarm box being small in scale in relation to the elevation as a whole, due to their location, form and features, the alarm box appears as an intrusive and detracting feature against the attractive Victorian terrace buildings. The alarm boxes are modern utilitarian features which do not sympathetically relate to the architectural style and detailing of the host building and the wider terrace as a whole. The principle elevations are highly decorative with the quoins and window architrave detailing contributing to their appearance, which is juxtaposed with the modern introduction, in some cases located adjacent to them. Therefore the alarm boxes are considered to be intrusive and detracting, having a harmful impact on the special interest of the listed building.

In the appeal decision at 24 Chilworth Street the Inspector acknowledged that the alarm box was not large however it was prominently sited at a high level on the listed building. They stated 'because it is centred on the windows and within a relatively small gap between the architraved/pedimented first floor window and the sill of the second floor

window it is obtrusive and visually distracting... it is in a dominant position between the windows and its colour emphasises its stark visual impact'. Therefore the principle of having an alarm box on a highly visible part of the principle elevation, which does not sympathetically relate to the architectural detailing, was not supported by the Planning Inspectorate and the appeal was dismissed due to the harm caused to the designated heritage assets.

Due to the number of properties that have alarm boxes on their principal elevations the impact on the special interest of the listed buildings and wider conservation area is considered to be exacerbated by the collective impact of the visual clutter. Furthermore should alarm boxes be introduced to every building in the street then the amount of clutter on the elevations would detract from the appearance of the street.

As demonstrated within the Planning History section, 2 properties within the street have complied with the City Council's position and have recognised the harm the alarm boxes caused to the designated heritage assets, and as such have removed their alarm boxes from the principal façade.

In a comparable appeal decision at 21 Hyde Park Square, in relation to CCTV cameras on the front elevation, the Inspector concluded that the security measures serve to harm rather than preserve the character of the listed building and the appearance of the street scene and conservation area. the Inspector noted that the development failed to comply with UDP policies DES 9 and DES 10 as well as the City Council's supplementary planning guidance on siting security cameras, which aim to prevent the historic character of listed buildings from being harmed.

There is a private benefit to the occupant of the building whereby the installation of an alarm box will raise attention in the event of burglary, but more so act as a deterrent. It is acknowledged that the display of security measures help to deter potential crime, however in this case the alarm boxes are insensitively located and would have a harmful impact on the listed building and character and appearance of the conservation area.

There is potentially scope for alternative siting of the alarm box, such as within the front lightwell, behind the top light of the principal entrance and adjacent to the floor of the bomb balcony at first floor level behind the railings. There is also scope for alternative security measures, such as display of warning notifications applied to windows that would serve as a deterrent and which would have no impact on the character and appearance of the building or the conservation area. These alternatives have been suggested to the applicants but they have declined to amend their proposals.

A number of statements accompanying the applications state that the alarm boxes are required to prevent crime within the area. In the appeal at 21 Hyde Park Square the Inspector noted that the appeal site was located in a 'high crime area', however these considerations do not justify the insensitive and damaging positions of the cameras in relation to the historic building. Therefore as there are alternative measures which are considered to be less harmful to the heritage asset, the increased security benefit of the proposal is not considered to outweigh the identified harm.

The alarm boxes have a harmful impact on the listed building and upon the Westbourne Conservation Area, appearing as a highly prominent and incongruous addition and as

such, in accordance with the Act, it is unacceptable. The proposal is also contrary to policies S25 and S28 of our City Plan; and DES 1, DES 5, DES 9 and DES 10 of our UDP.

The works are considered to result in less than substantial harm to the significance of the Heritage Assets, which in this instance is the application site, the terrace it forms part of and the Westbourne Conservation Area. In accordance with section 12 of the NPPF, noting in particular that under paragraph 134, any harm identified should be weighed against the public benefits of the proposal. The Planning Practice Guidance sets out at Reference: ID 18a-020-20140306 that public benefits should be of a nature or scale to benefit the public at large and not just a private benefit. During the course of the applications it has not been demonstrated that the proposal would create any notable public benefits and as such there are not considered to be any public benefits that would outweigh the harm identified. The proposal would only provide private benefits to the occupants of the building. It is therefore concluded that the public benefits of the proposal would be limited and do not amount to the clear and convincing justification for the harm that would be caused.

8.3 Residential Amenity

The application does not raise amenity issues.

8.4 Transportation/Parking

8.5 Economic Considerations

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

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

Item No.
14

8.12 Other Issues

Not applicable.

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

9. KEY DRAWINGS

Application 1: 18/02778/LBC



Application 2: 18/02859/LBC



Application 4: 18/02865/LBC



Application 3: 18/03077/LBC



Application 6: 18/03305/LBC

Application 5: 18/03228/LBC**Application 6: 18/03305/LBC****Application 7: 18/03335/LBC****Application 8: 18/03293/LBC**

DRAFT DECISION LETTER – 18/02778/LBC

Address: 70 Hereford Road, London, W2 5AL,

Proposal: Installation of an alarm box on the front elevation. (retrospective).

Plan Nos: Photograph (alarm box centrally located on front elevation at first floor level).

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

Because of its prominent high level location, projection, materials and design the alarm box on the front elevation at first floor level would harm the special architectural and architectural interest of the grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not be in accordance with S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of the Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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 that is likely to be considered favourably. In addition further guidance was offered by the City Council to the applicant during the processing of the application to identify amendments to address the concerns of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the original 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 for Communities and Local Government. You are therefore encouraged to consider making a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

You are advised that a sympathetic approach would be to locate an alarm box:

- o Just behind the front door so the box is visible through the fan light
- o At basement level, within the lightwell - preferably under the entrance stairs or adjacent to a window (and painted white)
- o Immediately above the first floor balcony (and painted white)

DRAFT DECISION LETTER – 18/02859/LBC

Address: 85 Hereford Road, London, W2 5BB.

Proposal: Installation of an alarm box on the front elevation. (retrospective).

Plan Nos: Photograph (alarm box centrally located on front elevation at first floor level).

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

Because of its prominent high level location, projection, materials and design the alarm box on the front elevation at first floor level would harm the special architectural and architectural interest of the grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not be in accordance with S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of the Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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, 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 that is likely to be considered favourably. In addition further guidance was offered by the City Council to the applicant during the processing of the application to identify amendments to address the concerns of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the original 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 for Communities and Local Government. You are therefore encouraged to consider making a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

You are advised that a sympathetic approach would be to locate an alarm box:

- o Just behind the front door so the box is visible through the fan light
- o At basement level, within the lightwell - preferably under the entrance stairs or adjacent to a window (and painted white)
- o Immediately above the first floor balcony (and painted white)

DRAFT DECISION LETTER – 18/03077/LBC

Address: 82 Hereford Road, London, W2 5AL.

Proposal: Installation of an alarm box on the front elevation. (retrospective).

Plan Nos: Photograph (alarm box centrally located on front elevation at first floor level).

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

Because of its prominent high level location, projection, materials and design the alarm box on the front elevation at first floor level would harm the special architectural and architectural interest of the grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not be in accordance with the policies of the Westbourne Conservation Area (WCA) set out in the Westbourne Conservation Area (WCA) S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.114 of the Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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 material written guidance, as well as offering a full pre application advice service, in order that the applicant has been given every opportunity to submit an application that is likely to be considered favourably. In addition further guidance was offered by the case officer to the applicant during the processing of the application to identify amendments to address the concerns of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which would not take place within the statutory determination period specified by the Department for Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below, where necessary to make the scheme acceptable.

Required amendments:

You are advised that a sympathetic approach would be to locate an alarm box:

- o Just behind the front door so the box is visible through the fan light
- o At basement level, within the lightwell - preferably under the entrance stairs or adjacent to a window (and painted white)
- o Immediately above the first floor balcony (and painted white)

DRAFT DECISION LETTER – 18/02865/LBC

Address: 86 Hereford Road, London, W2 5AL.

Proposal: Installation of an alarm box on the front elevation. (retrospective).

Plan Nos: Photograph (alarm box centrally located on front elevation at first floor level).

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

Reason:

Because of its prominent high level location, projection, materials and design the alarm box on the front elevation at first floor level would harm the special architectural and architectural interest of the grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not be in accordance with the policies of the Westbourne Conservation Area (WCA) set out in the Westbourne Conservation Area (WCA) S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.114 of the Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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 that is likely to be considered favourably. In addition further guidance was offered by the City Council to the applicant during the processing of the application to identify amendments to address the elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the original 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 for Communities and Local Government. You are therefore encouraged to consider making a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

You are advised that a sympathetic approach would be to locate an alarm box:

- o Just behind the front door so the box is visible through the fan light
- o At basement level, within the lightwell - preferably under the entrance stairs or adjacent to a window (and painted white)
- o Immediately above the first floor balcony (and painted white)

DRAFT DECISION LETTER – 18/03228/LBC

Address: 80 Hereford Road, London, W2 5AL

Proposal: Installation of an alarm box on the front elevation. (retrospective).

Plan Nos: Photograph (alarm box centrally located on front elevation at first floor level).

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

Because of its prominent high level location, projection, materials and design the alarm box on the front elevation at first floor level would harm the special architectural and architectural interest of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not be in accordance with the policies of the City of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.114 of the Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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- o At basement level, within the lightwell - preferably under the entrance stairs or adjacent to a window (and painted white)
- o Immediately above the first floor balcony (and painted white)

DRAFT DECISION LETTER- 18/03305/LBC

Address: 48-50 Hereford Road, London, W2 5AJ

Proposal: Installation of an alarm box on the front elevation. (retrospective).

Plan Nos: Photograph (alarm box centrally located on front elevation at first floor level).

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

Because of its prominent high level location, projection, materials and design the alarm box on the front elevation at first floor level would harm the special architectural and architectural interest of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not be in accordance with the policies of the City of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.114 of the Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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- o Just behind the front door so the box is visible through the fan light
- o At basement level, within the lightwell - preferably under the entrance stairs or adjacent to a window (and painted white)
- o Immediately above the first floor balcony (and painted white)

DRAFT DECISION LETTER – 18/03335/LBC

Address: 54 Hereford Road, London, W2 5AJ.

Proposal: Installation of an alarm box on the front elevation. (retrospective).

Plan Nos: Photograph (alarm box centrally located on front elevation at first floor level).

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

Reason:

Because of its prominent high level location, projection, materials and design the alarm box on the front elevation at first floor level would harm the special architectural and architectural interest of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not be in accordance with the policies of the City of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.114 of the Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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You are advised that a sympathetic approach would be to locate an alarm box:

- o Just behind the front door so the box is visible through the fan light
- o At basement level, within the lightwell - preferably under the entrance stairs or adjacent to a window (and painted white)
- o Immediately above the first floor balcony (and painted white)

DRAFT DECISION LETTER – 18/03293/LBC

Address: 49 Hereford Road, London, W2 5BB.

Proposal: Installation of an alarm box on the front elevation. (retrospective).

Plan Nos: Photograph (alarm box centrally located on front elevation at first floor level).

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

Because of its prominent high level location, projection, materials and design the alarm box on the front elevation at first floor level would harm the special architectural and architectural interest of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not be in accordance with the policies of the City of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.114 of the Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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, 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 that is likely to be considered favourably. In addition further guidance was offered by the City Council to the applicant during the processing of the application to identify amendments to address the elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the original 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 for Communities and Local Government. You are therefore encouraged to consider making a fresh application incorporating the material amendments set out below, if necessary to make the scheme acceptable.

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You are advised that a sympathetic approach would be to locate an alarm box:

- o Just behind the front door so the box is visible through the fan light
- o At basement level, within the lightwell - preferably under the entrance stairs or adjacent to a window (and painted white)
- o Immediately above the first floor balcony (and painted white)

BACKGROUND PAPERS

Appeal decisions

24 Chilworth Street (RN: 09/43652/P)

21 Hyde Park Square (incorporating 20 and 20A Hyde Park Square and 43 and 43A Gloucester Square) (RN:05/07454/LBC)

The Colonies, 25 Wilfred Street (RN:14/00787/FULL)

Application 1: 18/02778/LBC

1. Application form
2. Letters from Notting Hill East Neighbourhood Forum dated 16 May and 1 June 2018

Application 2: 18/02859/LBC

1. Application form
2. Letters from Notting Hill East Neighbourhood Forum dated 16 May and 1 June 2018 (attached only under Application 1 for Background Paper purposes)

Application 3: 18/03077/LBC

1. Application form
2. Letters from Notting Hill East Neighbourhood Forum dated 16 May and 1 June 2018 (attached only under Application 1 for Background Paper purposes).

Application 4: 18/02865/LBC

1. Application form
2. Letters from Notting Hill East Neighbourhood Forum dated 16 May and 1 June 2018 (attached only under Application 1 for Background Paper purposes)

Application 5: 18/03228/LBC

1. Application form
2. Letters from Notting Hill East Neighbourhood Forum dated 16 May and 1 June 2018 (attached only under Application 1 for Background Paper purposes).

Application 6: 18/03305/LBC

1. Application form
2. Letters from Notting Hill East Neighbourhood Forum dated 16 May and 1 June 2018 (attached only under Application 1 for Background Paper purposes).

Application 7: 18/03335/LBC

1. Application form
2. Letters from Notting Hill East Neighbourhood Forum dated 16 May and 1 June 2018 (attached only under Application 1 for Background Paper purposes).

Item No.
14

3. Letter from applicant dated 24 May 2018

Application 8: 18/03293/LBC

1. Application form
2. Letters from Notting Hill East Neighbourhood Forum dated 16 May and 1 June 2018
(attached only under Application 1 for Background Paper purposes).