

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	19 Balcombe Street, London, NW1 6HE,		
Proposal	Use of communal basement storage as a residential flat (Class C3) and associated external alterations to provide access to amenity spaces at front and rear.		
Agent	Mr Sean Coyne		
On behalf of	CityWest Homes Ltd		
Registered Number	16/06623/COFUL	Date amended/ completed	27 July 2016
Date Application Received	13 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

1. RECOMMENDATION

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

2. SUMMARY

The application site comprises a modern building set over lower ground, ground and three upper floors, currently in use as 4 flats, located on the eastern side of Balcombe Street. The property is unlisted and but lies within the Dorset Square Conservation Area. Permission is sought to use the basement as a flat and associated external alterations to windows and doors to provide new amenity spaces at front and rear.

Objections have been received, primarily from residents within the building with regards to the loss of the communal storage and refuse accommodation in the basement for the creation of a flat.

The key issues in this case are:

*The impact of the development on the amenity of neighbouring properties;

*The impact of the development on the character and appearance of the building and the Dorset Square Conservation Area.

The proposals are considered to be acceptable in land use, amenity, design and highways terms and

comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan).

3. LOCATION PLAN



4. PHOTOGRAPHS



Front and Side Elevations of Application Site

5. CONSULTATIONS

THE ST MARYLEBONE SOCIETY

Concerns regarding loss of communal storage area and queries raised regarding the adequacy of refuse and bicycle storage.

CLEANSING - DEVELOPMENT PLANNING

Revisions required regarding the existing and proposed capacity of the general waste and recycling.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

RE-CONSULTATION ON REVISED PLANS

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 7

No. of objections: 7 letters of objection on behalf of four properties on the following grounds:

Amenity:

- The provision of formal outside amenity space will result in overlooking and noise concerns;
- Overlooking from the windows of the new flat to residents across the road;
- Noise from the proposed gate to the rear of the building which allows access to refuse collectors;

Transportation:

- The creation of an additional flat in the area will lead to an increase in parking.

Waste:

- Do the proposals provide sufficient waste and recycling facilities;
- Do the proposals meet Council's requirements;

Other:

- Loss of communal basement storage and waste facilities;
- Dissatisfaction with process of consultation by both the applicant and the City Council as part of the planning process;
- Queries regarding whether pre-application advice was sought;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is a modern building on the eastern side of Balcombe Street, on the corner with Taunton Mews. The property comprises lower ground, ground and three upper floors and is in use as four flats. The lower ground floor is currently used as ancillary storage and refuse storage for the flats above. To the rear of the site is a rear lightwell accessed from Taunton Mews. The building is not listed but lies within the Dorset Square Conservation Area.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

Permission is sought to use the lower ground floor storage area as a 2 bedroom (72m²) flat. Alterations are proposed to windows and doors to provide access to amenity spaces at front and rear and to allow sufficient light to the flat itself.

The description of development, as initially consulted on, did not refer to the external alterations proposed. Further, the applicant was asked to revise the plans to show indicative locations for cycle and refuse storage. As a result the application was re-advertised by way of letter to neighbours.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of an additional residential unit (providing 2 bedrooms) is supported in principle by policy S14 in the City Plan and policy H3 of the UDP. The loss of the communal basement storage facility and the area used for waste storage is regrettable, however they are not protected by any conditions and therefore its loss cannot be resisted in this instance. In response to objections on this point, it is not considered reasonable in this instance to ask the applicant to provide storage elsewhere.

The proposed unit would have a floor area of approximately 72m². This would meet the minimum floor area for a 2 bedroom 4 person flat (i.e. 70m²) set out in the Government's Technical Housing Standards (March 2015) and is considered to provide an acceptable standard of accommodation in terms of size, layout and natural light and ventilation given its location at lower ground floor. The proposals includes two small areas of outdoor space in the front and rear lightwells which is welcomed under policy H10 of the UDP.

8.2 Townscape and Design

Minor alterations are proposed to the lower ground floor front and rear elevations to increase the size of existing windows and to create two doorways from windows which will increase light availability into the proposed flat and allow access to proposed outdoor amenity spaces to the front and rear. The proposals will only be seen in minimal views if looking into the front and rear lightwell and are considered acceptable in conservation and design terms. The alterations are considered to preserve the character and appearance of the Dorset Square Conservation Area.

8.3 Residential Amenity

Uses:

The proposed use of the internal basement accommodation as residential flat is not considered to result in an unacceptable relationship with the other flats within the building.

Comment has been made that the consultation letters and proposed plans did not indicate who could access the 'amenity spaces'. It is clear from the plans that the amenity spaces are to be provided for the occupiers of the proposed basement flat.

Noise:

Objections have been raised on the grounds that the two proposed amenity spaces to the front and rear lightwells will have an impact upon the residents living directly above due to an increase in noise levels. Given the size of these amenity spaces it is not considered that the spaces will give rise to unacceptable noise levels to residents within the same building or adjacent properties.

Waste and recycling storage for the proposed flat is proposed externally in the rear lightwell. It is unclear whether this will serve the existing residents also (further discussed in paragraph 8.7 of this report). The proposed storage area will not be sited adjacent any windows so should not cause any issue with regards to noise. One objector has commented that the gate to this rear lightwell bangs against the wall of the building and will only get worse if this is where the refuse is collected from. The applicant has therefore agreed to install a rubber stopper on this gate to prevent any noise, and is secured by condition.

Overlooking:

An objection has been received from one of the flats above on the grounds that the new window and door openings and the use of the amenity space will result in overlooking. Given the narrow depth of the front and rear lightwells, there are limited views to ground and upper floor windows, and any such views would be so oblique so the proposals do not warrant refusal on this basis.

An objection from one of the residents in the building refers to customers of the public house opposite the application site being able to look directly into the windows of the proposed basement flat. Any future residents of the basement flat are unlikely to experience any significant overlooking from people walking by the property at street level.

An objection has been received from an occupier of a flat directly opposite the site on the grounds of overlooking from the new flat. Given that the flat is to be located at lower

ground floor, where the only outlook is to within the front and rear lightwells of the application site, this objection cannot be sustained.

8.4 Transportation/Parking

The Highways Planning Manager has confirmed that the latest on-street parking survey indicates there is insufficient on-street parking availability in the vicinity during daytime hours, however, during the night time hours there is sufficient parking availability with the use of single yellow lines. Although an objection to the scheme is raised, it is not considered that the creation of one flat in this location will have a detrimental impact upon the existing car parking situation in the area to such a detrimental level so as to warrant refusal. As such, the proposed development is consistent with Policy TRANS23 in the UDP.

Currently, residents argue that the basement storage area allows for adequate cycle storage for the flats (although upon the case officers site inspection some cycles were parked in the front lightwell at lower ground and to the front railings by the entrance door way) and that no replacement facilities appear to be shown on the plans.

As a result of the proposals, the applicant indicates that cycle parking for the new flat will be to the rear of the site in the alleyway from Taunton Mews. At present it is unclear as to what form this storage is to take and therefore details of the cycle storage both undercover and secure are to be secured by condition.

The applicant has not shown any cycle storage for the existing flats which will be displaced as a result of the proposals, however as there appears to be no historic conditions relating to this basement storage, and as some of the existing residents use the lightwells and railings, although regrettable, it is not considered that the application could be refused on this basis.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Given the constraints of the existing building, it is not possible to provide step free access to the proposed basement level flat. The proposed flat is only accessible via a staircase, as are the rest of the flats in the building. Whilst unfortunate that there is no level access, the proposals are not considered to warrant refusal on this basis.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

At present, refuse storage is within the basement and the front basement lightwell in the form of six domestic rubbish bins. One of the objectors confirms that the waste storage comprises eight waste bins and three recycling bins, although this did not appear to be the case from the officers site visit. The applicant has been asked to provide information

on the capacity of these bins and the arrangements of storage and collection which has not be forthcoming.

The proposals seek to displace this facility. The submitted floor plans indicate that refuse storage can be provided within bins to the rear of the site accessed from Taunton Mews. The objectors argue that this provision does not appear to be in accordance with City Council guidance 'Recycling and Waste Storage Requirements 2015/2016'. Whilst the proposed storage facilities may be acceptable in principle, it is unclear whether this will be sufficient to accommodate waste and recycling for all five flats or just the proposed basement flat. This, and the fact that the applicant has not referred to specific City Council guidance is not considered to justify refusal of this application and therefore details of the waste and recycling facilities are to be secured by condition. Should the waste storage facilities only serve the proposed basement flat, this will unfortunately be considered acceptable, as with the issue of cycle parking and storage facilities, there are no historic conditions to prohibit their removal. Waste storage for the flats above will therefore be a private matter between the occupiers.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The estimated CIL payment is £28,000 based on the floorplans submitted with the application.

8.11 Environmental Impact Assessment

Not applicable for a development of this scale.

8.12 Other Issues

One response objects on the grounds that they were not notified of the proposals with due diligence. It appears that there has been some overlap and confusion between the communication from City West Homes to its tenants and the formal consultation undertaken as part of the planning application. The City Council has carried out in excess of its statutory requirements with regards to consultation with letters sent to neighbours, an advert put into the local press and a site notice displayed in the street.

Comment has also been made that the letters that were sent to neighbours did not include the planning reference number, which added to delays in providing comments to the application. City Council records indicate that the neighbour consultation letter and the site and press notice all had a complete reference number, in which to find the application details on the Council's website.

One of the objectors state that the applicant should have sought pre-application advice from the City Council. Although the seeking of pre-application advice is recommended this is not a statutory requirement.

An objection has been made on the grounds that the application submission includes no details with regards to structural soundness, drainage or fire escape facilities. These are all considered to be a matter for Building Regulations rather than a planning control.

Concerns have been raised with regards to noise and disruption during the course of building works. The application cannot be refused on this basis and the Council's standard hours of working condition is proposed.

The matter of tenant/ leaseholder contracts regarding the basement storage facilities is considered to be a private matter.

9. BACKGROUND PAPERS

1. Application form
2. Response from The St Marylebone Society, dated 9 August 2016
3. Memorandum from Cleansing Manager dated 7 September 2016
4. Letters from occupier of 19b Balcombe Street, dated 24 and 25 August 2016
5. Letters from occupier of 19d Balcombe Street, dated 25 August 2016
6. Letters from occupier of 19a Balcombe Street, dated 25 August 2016
7. Letter from occupier of 26b Balcombe Street, dated 25 August 2016

(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@wesminster.gov.uk

10. KEY DRAWINGS





Proposed Front Elevation
West Facing



Proposed Rear Elevation
East Facing

New white timber double
glazed windows to front
elevation

New fence

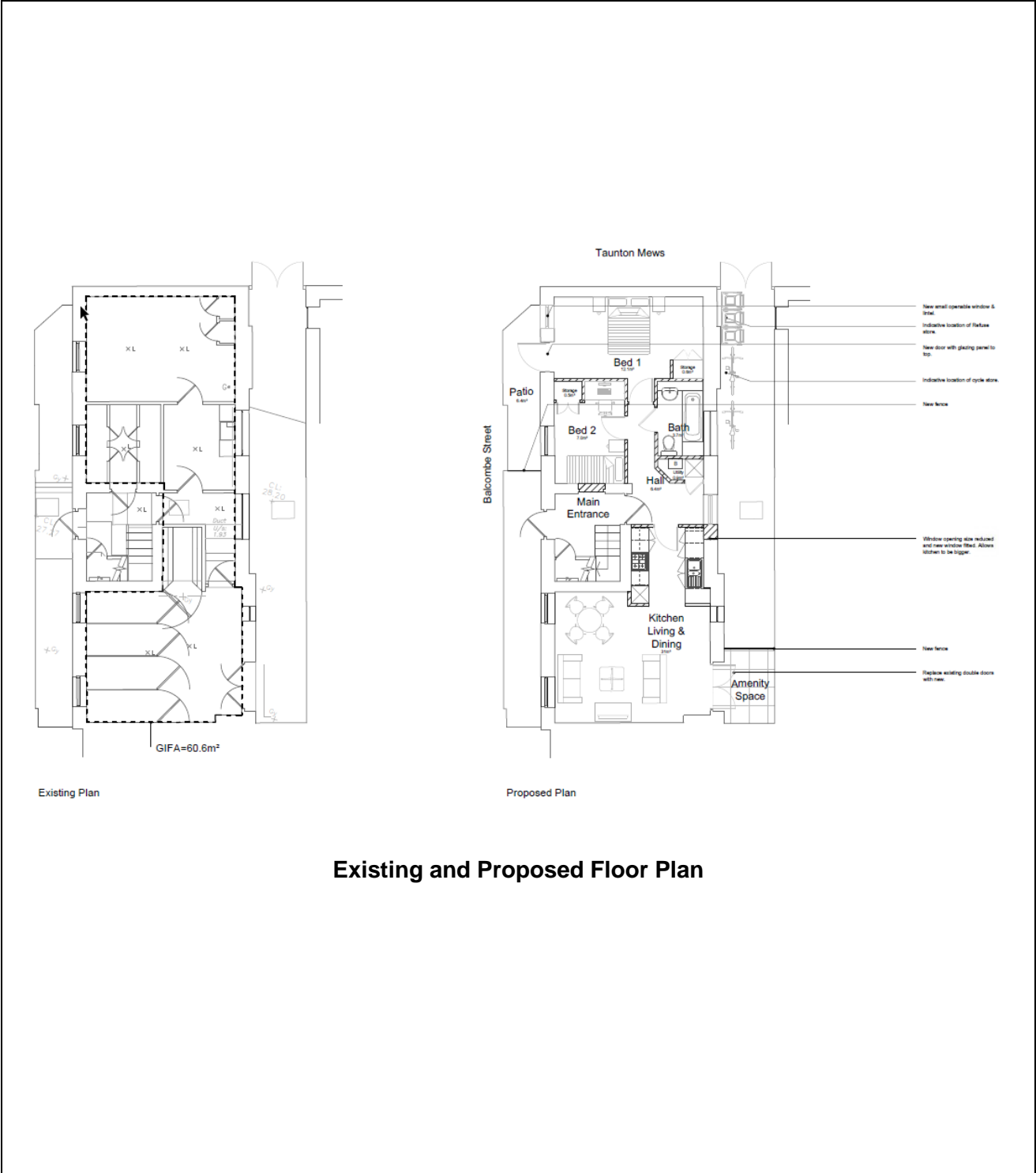
New Bus & MISC drawings

New yellow stock brick in 1/2
inch mortar brick. New
white spin framed double
glazing to match existing.

Replace existing double door
with new white spin doors w
double glazing

New white timber double
glazed door

Proposed Elevations



Existing and Proposed Floor Plan

DRAFT DECISION LETTER

Address: 19 Balcombe Street, London, NW1 6HE,

Proposal: Use of communal basement storage at 19 Balcombe House as a flat and associated external alterations to provide access to amenity spaces at front and rear.

Plan Nos: 22895_03_E; 007B; 005M; Site Plan

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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 (July 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 Dorset Square Conservation Area. This is as set

out in S25 and S28 of Westminster's City Plan (July 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 All new windows and doors shall match the existing in terms of their materials and be painted white and retained in that condition thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 gate to the rear access of the building from Taunton Mews shall be fitted with a rubber stopper prior to the occupation of the flat and be retained in that condition thereafter.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

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

Reason:

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

- 7 You must apply to us for approval of details of secure cycle storage for the basement flat in the rear lightwell use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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.

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

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

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

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

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

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

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

- 3 You are reminded that the cycle storage should be a weatherproof and secure facility.

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

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