

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>8 Chesterfield Hill, London, W1J 5BW,</b>		
<b>Proposal</b>	Excavation to lower existing lower ground floor by 1 metre and erection of building over lower ground, ground, first - third floors and set-back mansard roof to accommodate five flats (Class C3), creation of terrace at fourth floor level and installation of plant and sedum roof at roof level.		
<b>Agent</b>	Jon Dingle		
<b>On behalf of</b>	Wellingtons Developments Ltd		
<b>Registered Number</b>	16/09976/FULL	<b>Date amended/ completed</b>	26 October 2016
<b>Date Application Received</b>	14 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

<p>1. Grant conditional planning consent subject to a S106 agreement to secure a financial contribution of £438,480 towards the Council's affordable housing fund</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>
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## 2. SUMMARY

<p>The application site was last occupied by an unlisted, 4-storey office building with a residential flat at third floor level. This building has recently been demolished and the site is currently under construction following a permission granted in 2016. The current application differs from that under construction, by way of an additional storey, changes to the façade design, and to the residential mix and internal</p>
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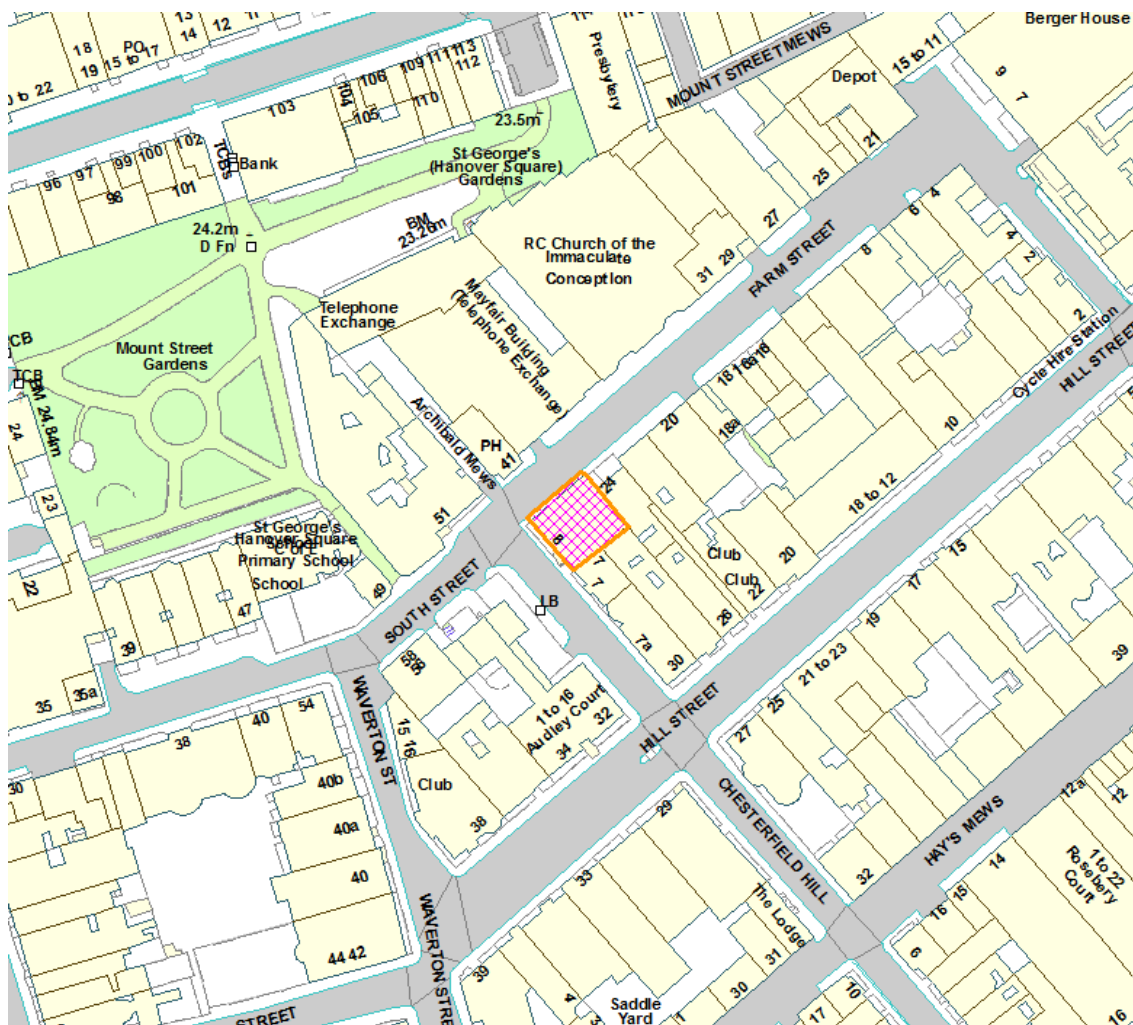
layout.

The key issues are:

- The impact on the character and appearance of the Mayfair Conservation area
- The impact on residential amenity – with particular regard to privacy and daylight.
- The acceptability of the proposed units

Objections have been received on design, amenity, highways safety and development density grounds. The application has been revised to remove a roof terrace and neighbours have been re-consulted following the submission of a revised sunlight/daylight report. It is considered that the proposed scheme is acceptable in design and amenity terms, and it is recommended that conditional planning consent be granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1: Original building before demolition





**Photograph 2: Site as viewed from 51 South Street**  
6 Dec 2016, 10:21:37



## 5. CONSULTATIONS

### WARD COUNCILLORS

Councillor Roberts raises strong objections on the grounds of overdevelopment and inappropriate design in the conservation area. Requests that the application be determined by committee.

### RESIDENTS SOCIETY OF MAYFAIR & ST.JAMES'S

No response to date

### HIGHWAYS PLANNING MANAGER

Considers that cycle parking and waste storage is acceptable, but raises objections to lack of off street parking.

### BUILDING CONTROL MANAGER

The structural method statement is considered to be acceptable

### ENVIRONMENTAL HEALTH

No objection provided conditions are applied to limit plant machinery and vibration, and subject to a supplementary acoustic report.

### CLEANSING

No objection, the proposed layout of waste storage is as previously approved.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 68

Total No. of replies: 16 (from 10 respondents)

16 letters of objections on the following grounds:

#### **Amenity**

- Loss of privacy
- Loss of daylight and sunlight
- Noise pollution from plant
- Increased sense of enclosure and overbearing
- Impact on listed buildings by way of overshadowing
- Impacts on street level winds
- Increase of pollution

#### **Design**

- Mansard not in-keeping with surrounding area or setting
- Unnecessary and unjustified increased roof height
- Windows unduly large
- Mansard windows would not align to windows below
- Loss of symmetry, rhythm and proportion inherent to classical architecture
- No roof set-back to the south side
- Proposed facades have a vertical emphasis which conflicts with the horizontal emphasis of neighbouring buildings.

- Height, scale, mass and bulk would harm the character and appearance of the listed buildings in close proximity.
- Contemporary design does not meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Harm to setting and aesthetic value of the grade II listed Punch Bowl Public House
- Discordant juncture and loss of overlap between roof profiles of the proposed building and 7 Chesterfield Hill

### **Process and policy**

- Cumulative change through multiple applications
- Underdevelopment of a site with capacity for 15 units
- Increase in floorspace without any gain in unit numbers would be a failure to optimise the site in accordance with policy S14
- Over development of the site
- Ground floor north entrance has potential to be converted to a garage access over time
- Increased size of exit to Farm Street would be dangerous
- Excessive size of units fails to comply with policy S14 'Optimising Housing Delivery'
- Size of units exceeds London Plan minimum space standards
- Conflicts with policy S20 'Offices and Other B1 Floorspace' by way of loss of office floorspace
- Conflicts with policy S18 'Commercial Development'
- Proposal is not in accordance with the development plan

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

This application site is situated on the east side of Chesterfield Hill at its junction with Farm Street, within the Mayfair Conservation Area, within the Core Central Activities Zone.

The former building on the site, a 4-storey office building, with a flat at third floor, has been demolished.

The site is located within a mixed commercial and residential area. The closest residential properties are immediately adjacent at 24 Farm Street and 7 Chesterfield Hill and to the rear, at 26 and 28 Hill Street.

### **6.2 Recent Relevant History**

Permission was granted on 22/1/2009 for 'Demolition of the existing office building and redevelopment to create new building comprising sub-basement, lower ground, four upper floors and a roof terrace for use as a single family dwelling.'

Permission was granted on 14/01/14 for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3). Installation of plant and terrace at roof level.'

Permission was granted on 10/09/16 for 'Variation of condition 1 of planning permission dated 14 January 2014 (RN: 13/10660) for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3) and installation of plant and terrace at roof level namely to allow changes to the approved scheme including extension to rear lightwell on basement to third floors, alterations to windows north east elevation, alterations to Farm Street elevation, alterations to plant at roof level; omission of roof level stair enclosure and refuse lift within lightwell; alterations to internal layout including changes to the mix of residential units and lowering the height of the floor slab at lower ground floor level by approximately 1 metre.'

## **7. THE PROPOSAL**

The application site is on the east side of Chesterfield Hill at its junction with Farm Street and South Street, and is in the Mayfair Conservation Area. Since 2009, a number of planning consents have been granted to redevelop the site for residential use. The original building on site has now been demolished and construction works have commenced in relation to the 2016 consent.

This application proposes 'Excavation to lower existing lower ground floor by 1 metre and erection of building over lower ground, ground, first - third floors and set-back mansard roof to accommodate five flats (Class C3), creation of terrace at fourth floor level and installation of plant and sedum roof at roof level.'

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Loss of office use**

Permission was originally granted in 2014 for the demolition of the former building on this site. Records suggest that the lawful use of the building was offices (Class B1) on basement to second floor level, with a residential flat at third floor level. This original application was amended by a 2016 permission which made changes to the rear light well, elevations, roof plant, internal layout and residential mix and the level of the lower ground floor.

The site is currently under construction following that recent permission in compliance with Condition 16 which required the development to commence no later than 13/1/17. The demolition triggers the legal requirement for the continuous construction of the existing planning consent - for five residential units.

To this end, and despite the objections raised, there is no longer any office space on site to protect. The current proposal has been designed to be structurally identical to the approved scheme therefore the current application does not prejudice the continuous building out of the site as part of the permitted scheme.

Given that the original building has already been demolished, and that works have commenced for 5 residential dwellings on site, the scheme could not reasonably be resisted in land use terms. On balance, the proposals would not be contrary to policy S20 'Offices and Other B1 Floorspace'.

### **Residential use**

Policy H3 of the UDP sets out that the Council will seek to maximise the amount of land in housing use, where appropriate, within the CAZ. Policy S14 of the City Plan sets out that residential use is a priority across the city and that the number of residential units on development sites will be optimised. The supporting text notes that "Land and buildings should be used efficiently, and larger development sites should optimise the number of units in schemes, taking into account other policies and objectives." This is to support the Council in meeting its housing targets.

The 2014 application granted permission for 5 x 3-bed units. The 2016 application amended this to 1 x 1-bed, 1 x 2-bed and 3 x 3-bed units. Both schemes were for four-storey buildings with a lower ground floor. The acceptability of the site for residential use is therefore already established.

The current application proposes 5 residential units, comprising a mix of 1x 1-bed, 1x 2-bed, 2 x 3-bed and 1 x 4-bed units. Policy H5 of the UDP requires developments to provide a mix of housing units with 33% to be family sized units and 5% to have five or more habitable rooms. Three of the units (60%) would be family-sized and all three would have five or more habitable rooms, which accords with policy H5.

The proposed building would be five storeys with a lower ground floor. The scheme would create an additional floor of accommodation when compared to the previous consents on this site, however the number of residential units would remain as 5. The penthouse flat would fall over the top two floors providing a 5-bed unit in place of the approved 3-bed top floor flat. Objections have been raised on the grounds that the application is contrary to Policy S14 and the London Plan. It is accepted that the site could accommodate more than five flats, however, with the exception of the penthouse flat, the scheme is identical to the previous consents on this site and it is not considered that the scheme could be refused on the grounds that the development fails to optimise the development potential of the site.

The floor areas of the flats is proposed as follows:

Flat 1: 1 bed duplex, 124 sq.m

Flat 2: 2 bed duplex, 118 sq. m

Flat 3: 3 bed, 176 sq. m

Flat 4: 3 bed, 176 sq. m

Flat 5: 4 bed duplex, 266 sq. m

Each unit would generously exceed the London Plan (2016) internal space standards as set out in policy 3.5, and the Nationally Described Space Standards (NDSS) adopted in 2015. All proposed units would therefore provide good quality living accommodation. It is noted that with the exception of flat 5 – which would be significantly larger - these are all similar to the proposed unit sizes for the previous two planning consents.



It follows that the proposal is considered to provide good quality living accommodation and would generally be in accordance with line with policies H3 and H5 of the UDP, S15 of the City Plan and the intent of London Plan policy 3.3 and 3.5.

### **Affordable housing**

City Plan Policy S16 requires the provision of affordable housing on all new developments of either 10 units or more, or over 1000 sq.m of additional residential floorspace. The scheme would provide 1101sq.m of residential floorspace and therefore triggers the requirement for affordable housing in accordance with Policy S16 of the adopted City Plan.

UPD policy H4 and City Plan policy S16 set out that on-site provision should take priority, however, where it is demonstrated that on-site affordable housing is not viable or practical, the council will accept off-site provision provided that this would be of a higher quality and greater amount.

In this instance, the scheme would trigger the requirement for one affordable housing unit. Given the tight constraints of the site and the proposed internal layout and core, it would not be practical to deliver this unit on-site and off-site provision is not achievable as it is understood that the applicant does not have other suitable sites within their ownership/control. It would therefore be appropriate to accept a payment in lieu to provide the affordable housing off-site which in this case requires £438 480 to be paid as a financial contribution towards off-site affordable housing.

It should be noted that neither of the previous applications granted exceeded the 1000sq.m threshold for providing affordable housing.

## **8.2 Townscape and Design**

Strong objections to the proposed design of the building, its impact on the Mayfair Conservation area and adjacent buildings have been received.

The now demolished building on the site dated from the late twentieth century and was a concrete-framed replica of the pre-existing late eighteenth century building that was once on site. It was not a particularly faithful replica and its execution was rather harsh and mechanical, consequently it made only a neutral contribution to the character and appearance of the conservation area.

Audley Court, opposite, on the west side of Chesterfield Hill is a post-war development of no architectural interest, but neighbouring buildings at No.7 and 7a are attractive and make a positive contribution to the conservation area. The rear of grade II listed buildings in Hill Street overlook the site

Opposite the site, to the north, is the grade II listed 'Punch Bowl' public house, and the grade II-star listed Church of the Immaculate Conception, Farm Street. Both of which are visible from the site, as is the grade II listed St George's Church School in South Street. The setting of the grade II listed pub 'The Punchbowl', can be appreciated in views towards the proposed building from the surrounding area and also in views of the surrounding area seen from the building. It is the uses, urban landscape, and architecture of the pub's surroundings which form its setting.

The pub stands on the north side of the street, opposite the application site. There are taller buildings to either side of the pub and beyond it to rear. In views towards the pub from the south, east and west, the neo-Georgian telephone exchange is particularly dominant. The visual impact of the tall block of flats on the west side of Archibald Mews is also substantial but mitigated by its detailed design and physical separation from the pub by the road. The south side of Farm Street is generally of domestic scale and use and comprises buildings mostly of four-storeys above street level. The north side of Farm Street is more mixed in scale, design, and land use terms.

Chesterfield Hill has, some attractive buildings on its eastern side near the pub which are from four to five storeys above street level with an unusual two-storey bow window being a distinctive feature. Hill Street contains buildings of typically five or six storeys above street level, although there are few buildings of four storeys. South Street is of highly varied architectural character, and its gentle curve hides the pub in views from beyond its junction with Waverton Street. The rear of offices in Berkeley Square (No. 7 Farm Street) is clearly visible in the background of the view along Farm Street from South Street.

The architecture of the area around the pub (its setting) is mixed and represents most of the main-stream styles of architecture from the Georgian era though to the current time.

There is no predominant style or scale of development characterising the setting of the pub. Instead, its setting is richly varied. Nevertheless, there is still an appreciable historic hierarchy of scale from the modest height of buildings on Farm Street to the grander scale of buildings on South Street and Hill Street. Walking around the area, these features contribute to the pub's setting and in this context the redevelopment of No. 8 Chesterfield Hill is set.

The primary views from the pub are from windows facing south which overlook the site of No. 8 Chesterfield Hill and there are secondary oblique views to the east and west. The main view is of No. 8 Chesterfield Hill's north façade which, until recently demolished, was partly an attempt to replicate the original Georgian design.

In this context, the proposed redevelopment alters the setting of the pub by replacing the existing building with one of a different height and design. Noting the varied character of the pub's setting in terms of building heights and design the proposed building will maintain the setting of the pub. The building as proposed would not appear incongruous in streets displaying architectural designs spanning 300 years and the palette of materials for its facades is the same as many buildings in the immediate area. The modern interpretation of a mansard roof is an appropriate form of roofing for the area, and it successfully integrates the building in to its surroundings.

Furthermore, the building's height is not incongruous in its surroundings and it maintains the historic hierarchy of building scale found in the area. Consequently, objections to the proposed development in terms of a claimed adverse impact on the setting of the pub are not sustainable. The setting of the pub will be maintained when seen from surrounding streets and improved when seen from the pub by virtue of the greater visual interest of the new north façade of No. 8 Chesterfield Hill.

The listed buildings within the vicinity of the site all have a degree of separation from the site by virtue of the public highway, and it is not considered that the proposal would harm their significance or setting.

In urban design terms, the now-demolished building at No. 8 Chesterfield Hill was designed to face west. Farm Street was historically a mews and it retains vestiges of its menial status particularly on the south side where, despite the architectural pretensions of recent rebuilds, the original subordinate scale and character of the street is still tangible. Chesterfield Hill was always of a grander scale and Hill Street greater still. This hierarchy of streets is apparent and is an important characteristic of the conservation area.

The planning permission granted in 2016 was for the redevelopment of the site with a late-Victorian styled building, and that scheme is currently being implemented. However, approval is now sought for a modern reinterpretation of historic building forms characteristic of the conservation area. The proposed building would have a brick and stone design with a double-pitched mansard roof including habitable accommodation and a living roof.

The height and bulk of the proposed building would be one storey greater than previously approved. Objections have been received on the grounds that the mansard would not be in-keeping with the character of the area, however there are a variety of building heights in the vicinity- although notably there are no other buildings along Farm Street of this height. The detailed design of the mansard roof is such that the increased height would be set back from the facades and would not appear obtrusive or out of character. Furthermore, the building would still be of an appropriate scale in terms of its position in the hierarchy of streets, particularly given its corner plot location. Given the relationship with the adjoining property 7 Chesterfield Hill it is considered appropriate that there is no mansard set back to the south side of the site.

The proposed red-brick and Portland stone facades would be typical for building materials found in the area, and the carefully detailed windows including canted bays to Chesterfield Hill, add richness to the overall design. At roof level, the mansard would be clad with dark-grey perforated grey aluminium cladding with recessed bronze coloured windows. Windows to the north and east elevations would have recessed limestone detailing and bronze coloured metal balustrades.

There would be no objection to the enlarged footprint to the building achieved by infilling the original lightwell and this would be the same as the previously approved development. Concerns have also been raised about the size and scale of the door to the refuse and cycle store. The door is formed of bronze coloured metal, with a single openable central panel and is acceptable in design terms given the hierarchy of openings within the building.

The design, and in particular the height, of the building is suitable for its location and it correctly addresses the scale of Chesterfield Hill which it faces, rather than the smaller scale of development behind in Farm Street. It is an appropriate response to the local character of the street and surrounding conservation area, and makes use of locally characteristic facing materials, in accordance with Section 7 of the NPPF which requires good design. The development is therefore considered acceptable in design terms and would maintain the character and appearance of the Mayfair Conservation Area and the

setting of nearby listed buildings including the grade II listed pub opposite the site in Farm Street. This accords with the Planning (Listed Buildings and Conservation Areas) Act 1990, and UDP policies DES 1, DES 4, DES 9 and DES 10, and the City Councils 'Development and Demolition in Conservation Areas' supplementary planning guidance.

### 8.3 Residential Amenity

The properties adjoining the application site are in residential use; 7 Chesterfield Hill and 24 Farm Street are single family dwelling houses, whilst 28 Hill Street is subdivided into flats. None of the properties have windows which face directly towards the application site, although there is a ground floor roof lantern at 28 Hill Street.

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.

#### Overlooking

There would be no loss of privacy to either 24 Farm Street or 7 Chesterfield Hill, since neither property has windows which face the site. It is noted that 24 Farm Street has a roof terrace to the rear, and that windows to the lightwell of the proposed development would provide limited, oblique views of this space, however it is not considered that the degree of overlooking to the roof terrace would be sufficient to be a sustainable reason for refusal given the previous two consents for the site.

The original submission included a roof terrace to the east side of the roof, however amended plans have been received which remove this element, and which maintain the privacy of neighbouring properties. A condition prevents the use of the flat roof as a terrace in future.

The nearest residential windows at 28 Hill Street, are set back approximately 15m from the site, similarly, the nearest windows to flats at 51 South Street are afforded a degree of separation by the highway and as such, there would be no loss of privacy to either of these properties as the separation distances are considered to be of a normal residential relationship for Mayfair.

It is noted that objections have been raised to the style of windows at roof level giving rise to loss of privacy, given the separation distances it is not considered that the mansard windows would cause unacceptable loss of privacy to properties along the opposing side of Farm Street or Chesterfield Hill.

#### Daylight and Sunlight

An amended BRE daylight and sunlight report has been submitted by BVP which demonstrates that the proposed building will have minimal impact on the daylight and sunlight levels received by the adjoining residential properties. One window at ground floor within 28 Hill Street would experience a 41% loss in VSC values contrary to BRE guidance. However, this window currently receives very poor VSC values (1.53%) and would only experience a change of 0.62%. Given this low change in the VSC value it is not considered that the impact will be significant.

The objector at 22 Farm Street comments that their property has not been included in the daylight/sunlight report, however, this property is divorced from the application site by the intervening building at No. 24 which has been included within the amended daylight report. The report demonstrates that there would be no material losses of light to No.24 and any losses of light to No.22, being further away from the application site, would likewise be non material.

There would be no material loss of sunlight. Objections have been received on the grounds that the proposals would result in the overshadowing of both neighbouring properties either side of the application site and the roof terrace at 24 Farm Street. The application site is located to the north of No. 7 Chesterfield Hill and north-west of the neighbouring terrace at No. 24 Farm Street. The proposals would not affect the amount of sunlight received to the terrace at 7 Chesterfield Hill which sits behind the existing party wall. The proposed roof extension is to the north-west and set back from the roof terrace to 24 Farm Street and any loss of sunlight to this space would be in the late afternoon, and as the terrace is south facing it would still receive good levels of daylight throughout the day. The report acknowledges the north facing windows at 24 Farm Street which are not required to be assessed as set out in BRE guidelines.

The daylight and sunlight report has demonstrated that the scheme would be BRE guideline compliant with regard to the impact on south facing bay windows at 51 South Street.

An objection from Point 2 Surveyors has been received on behalf of a number of neighbouring residents. The objection queries the accuracy of the survey information used in the daylight and sunlight report by BVP. To address this concern, BVP offered to send their 3D model (based on survey information) to Point 2, however, it is understood that Point 2 Surveyors have not been instructed to engage further with BVP in verifying the accuracy of the daylight and sunlight report. In any event, the report, submitted as in this case, by a member of the RICS carries a duty of care which the Council considers sufficient to rely on.

#### Sense of Enclosure

The proposed building would be similar to the previously approved building, in terms of its L shaped footprint with a lightwell in the site's south eastern corner. The height and bulk of the proposed building would be increased from previously permitted scheme due to an additional mansard storey. However, given the location of the windows to neighbouring properties it is not considered that there would be any unacceptable sense of enclosure.

Neighbours at 7 Chesterfield Hill have objected on grounds of undue sense of enclosure. This neighbouring property is located due south of the application site, and has windows to the front and rear facing west and east respectively. The proposed building would maintain the existing building line onto Chesterfield Hill and there would be no sense of enclosure to habitable rooms facing west. To the rear, the proposal would partially infill the light well to the south east corner of the site, however given the existing and proposed relationship along the boundary, this would not encroach on the 45 degree angle of outlook from windows at the rear of 7 Chesterfield Hill. Whilst the proposed building would have an additional storey, the mansard design would ensure that the main bulk of the development would be set away from the east boundary of the site, thereby minimising the

sense of enclosure to neighbours. Along the shared boundary with number 7 Chesterfield Hill the mansard level would be adjacent to existing chimneys and given the orientation and outlook from the rear of the property it is not considered that there would be any unacceptable sense of enclosure.

51 South Street is afforded a degree of separation by the highway and as such, and the separation distances are considered to be of a normal residential relationship for Mayfair. Despite the objections raised, it is not considered that there would be an undue sense of enclosure to these neighbouring properties.

#### Noise and Plant

The application is supported by an acoustic report which demonstrates that the roof plant would be designed to be 10dB below the lowest existing background noise. The acoustic report states that the plant equipment will be operated twenty four hours daily. The nearest residential window has been identified at 7 Chesterfield Hill, 5 metres from the proposed plant. As the proposed plant has yet to be finalised, the Environmental Health Officer has requested a condition in imposed which requires a supplementary acoustic report to demonstrate the plant's compliance with the design noise criteria.

### **8.4 Transport and Access**

The City Council's Highways Officer has indicated that the application site is within an area where on street parking demand exceeds defined stress levels where the occupancy of on-street legal parking bays has exceeded 80% within a 200m radius of the development site, and has objected to the scheme on the grounds that the scheme does not include off-street parking for the flats. The potential increased pressure for on street parking needs to be balanced against the land use objective to increase the housing stock. It was not previously considered that the scheme could be refused on parking grounds, and that permission for the creation of five flats remains extant. In these circumstances, it is not considered that the lack of off-street parking could justify a recommendation for refusal.

The application proposes 11 secure cycle parking spaces contained within the ground floor of the property. This would satisfy the policy requirement for cycle parking spaces.

Objectors have commented that the size of the exit onto Farm Street would be dangerous. However, the door to the waste store is the same size as the approved scheme and the submitted plans show the door to the refuse store would open inwards, and this would be controlled by condition

Objectors have commented that there is potential for the ground floor entrance to the waste and cycle storage to be converted into a garage access over time. The application can only be assessed as it currently stands and on its own merits. In addition, the installation of a garage door would require subsequent planning permission. A condition is also proposed to retain this area as a waste and cycle store.

### **8.5 Waste and Recycling**

The proposed waste and recycling store remains the same as in the previously approved schemes, and again is considered acceptable.



## 8.6 Biodiversity and Sustainability

The scheme provides a limited area of green sedum roof, which would enhance the site's contribution to the biodiversity of the area and is welcomed. Full details of the green roof could be secured by condition.

## 8.7 Economic Considerations

Any economic benefits resulting from the development are welcomed.

## 8.8 Other Issues

The application proposes to excavate the lower ground floor by a further 1m in depth. This is the same as previously approved in 2016 and there has been no objection to this element of the works. The basement excavation is in accordance with City Plan policy CM28.1. A construction method statement has been submitted in support of this, and Building Control are satisfied with this element of the proposals.

Objectors have raised concerns over the impact of the proposed development on street level winds. Wind tunnel impacts typically only occur where a building is significantly taller than its surrounding context, or where there is a cluster of 'tall buildings'. At five storeys, the proposed development would not be considered a 'tall building'. Whilst the mansard roof would project above the adjoining properties, it is not considered that the proposal could be refused on these grounds.

Objectors have commented that the proposals would give rise to an increase in pollution. The proposal is for a residential use, as 5 residential flats, it is not considered that a development of this nature would significantly contribute to local pollution.

## 8.9 London Plan

This application raises no strategic issues.

## 8.10 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.

## 8.11 Planning Obligations

The proposal does not generate any planning obligations. The estimated CIL payment is £605,550

## 9. BACKGROUND PAPERS

1. Application form and letter from applicant dated 25 January 2017 and 8<sup>th</sup> February 2017
2. Letter from Councillor Roberts dated 24 November 2016 and 18 January 2017
3. Memorandum from Environmental Health, dated 10 November 2016
4. Memorandum from Building Control dated 22 December 2016
5. Memorandum from Highways Planning Manager dated 6 December 2016

6. Letters from occupiers of 51 South Street, London, dated 1 and 2 December 2016 and 23 January 2017.
7. Letter from occupier of Chairman, Mayfair Residents Group, dated 2 December 2016
8. Letter from Burlington Estates London Ltd, on behalf of the residents at 51 South Street, dated 2 December 2016
9. Letter from occupier of 16 Farm Street, dated 1 December 2016
10. Letter from occupier of 22 Farm Street, dated 1 December 2016 and 23 January 2017
11. Letter from H Planning Limited, 7 Ridgemount Street, on behalf of 7 Chesterfield Hill dated 21 November 2016 and 26 January 2017
12. Letter on behalf of the occupier of 24 Farm Street, dated 30 November 2016
13. Email from 24 Farm Street dated 24, 25 and 27 January 2017
14. Letter from Point 2 Surveyors on behalf of 7 Chesterfield Hill dated 25<sup>th</sup> January 2016 (received 26 January 2017)
15. Letter from Parker Dann on behalf of Burlington Estates London Limited and residents at 51 South Street, dated 17 February 2017

### **Selected relevant drawings**

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

10. KEY DRAWINGS

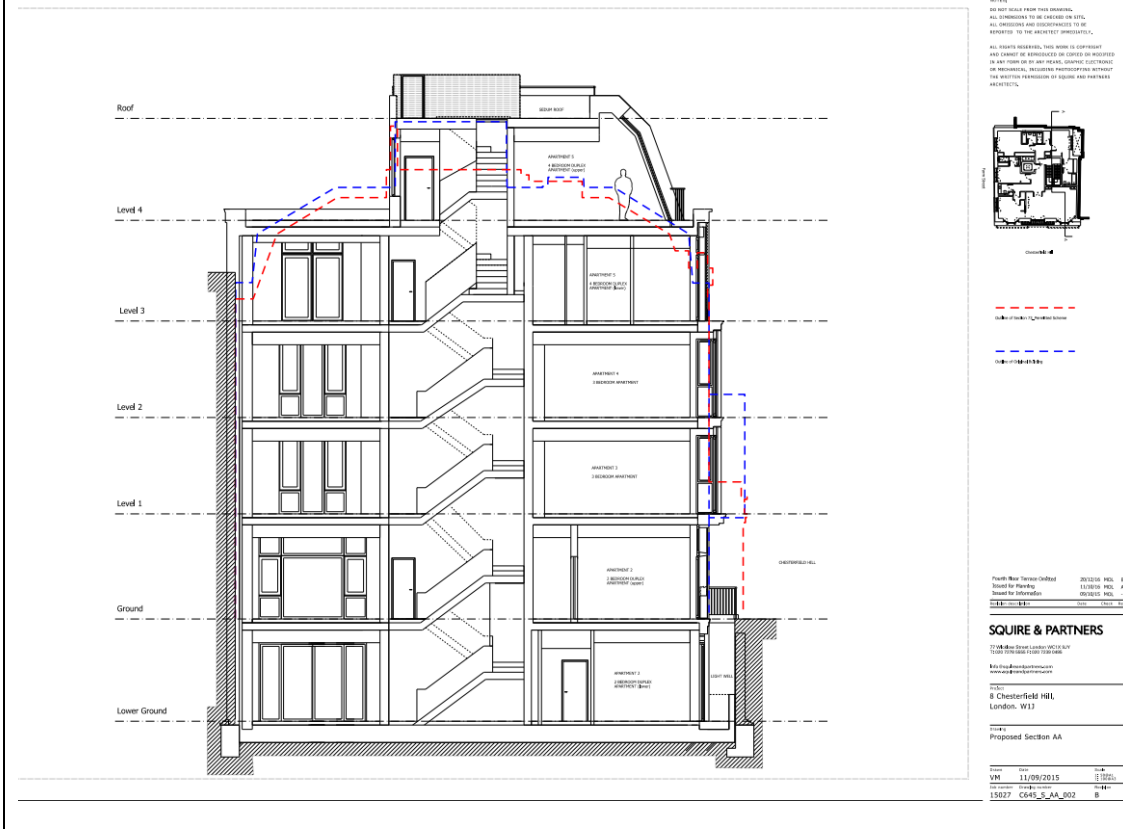
Below: West elevation of the previously approved scheme now under construction

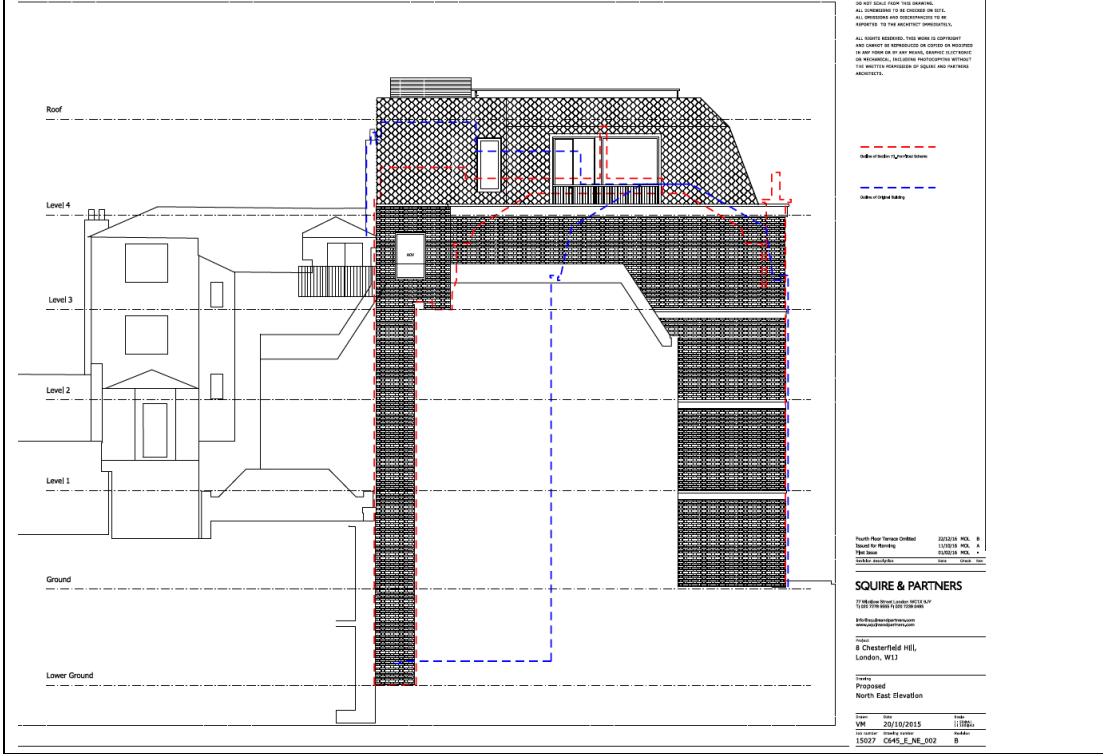
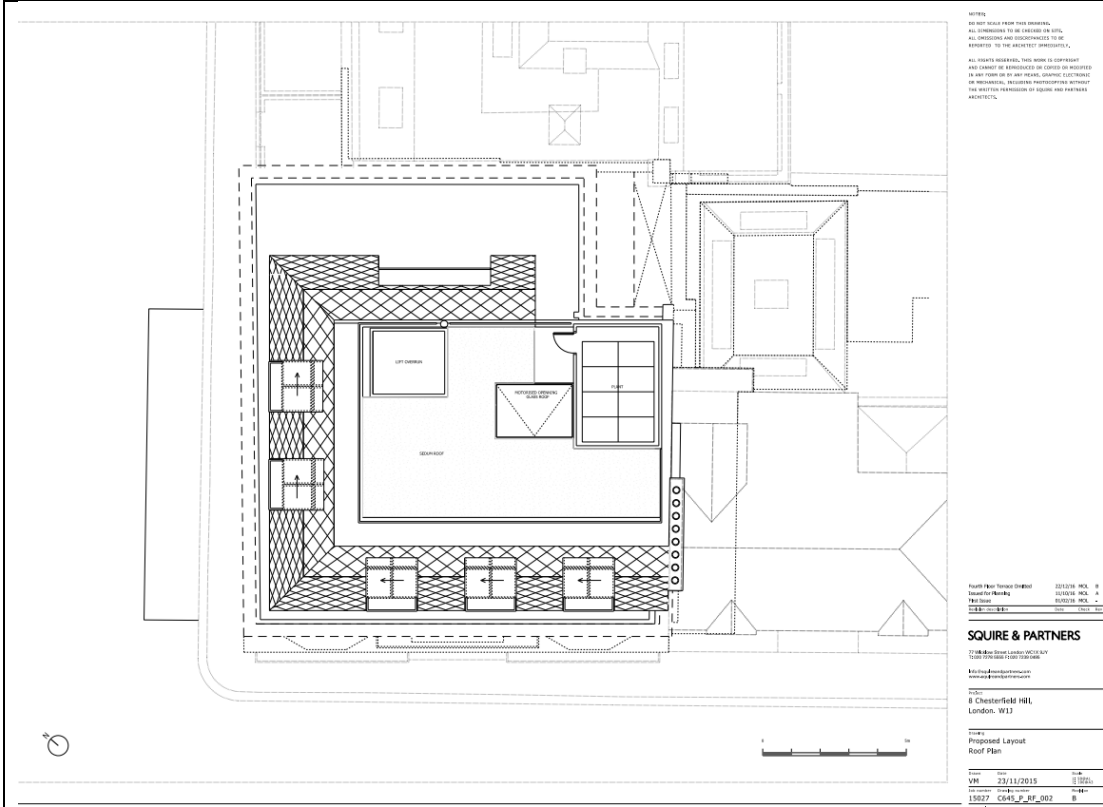


Elevation of permitted scheme (ref: 16/00807/FULL) and No.7 Chesterfield Hill.



Elevation of proposed scheme (ref: 16/09976/FULL) and No.7 Chesterfield Hill.





**DRAFT DECISION LETTER**

**Address:** 8 Chesterfield Hill, London, W1J 5BW,

**Proposal:** Excavation to lower existing lower ground floor by 1 metre and erection of building over lower ground, ground, first - third floors and set-back mansard roof to accommodate five flats (Class C3), creation of terrace at fourth floor level and installation of plant and sedum roof at roof level.

**Reference:** 16/09976/FULL

**Plan Nos:** G100\_P\_00\_002, C645\_P\_00\_002 Rev B, C645\_P\_B1\_002 Rev B  
C645\_P\_01\_002 Rev A, C645\_P\_02\_002 Rev A, C645\_P\_03\_002 Rev A  
C645\_P\_04\_002 Rev B, C645\_P\_RF\_002 Rev B, C645\_E\_SW\_002 Rev A  
C645\_E\_NW\_002 Rev B, C645\_E\_NE\_002 Rev B, C645\_E\_SE\_002 Rev B  
C645\_S\_AA\_002 Rev B, C645\_S\_BB\_002 Rev A

JA12\_P\_00\_001, JA12\_P\_LG\_001, JA12\_P\_01\_001, JA12\_P\_02\_001  
JA12\_P\_03\_001, JA12\_P\_RF\_001, JA12\_E\_SW\_001, JA12\_E\_NW\_001  
JA12\_E\_NE\_001, JA12\_E\_SE\_001, JA12\_S\_BB\_001

Submission to discharge materials dated January 2017, Grey PPC metal, Grey anodised aluminium cladding (analoc B713, B715, B717), Bronze anodised aluminium analoc 545, Limestone parapet and detailing, Albion Stone- Jordans Basebed, Albion stone - Jordans Grove Whitbed, Limestone bay window and porch, Flemish Bond brickwork in Charnwood Farnham red brick, Limestone Mullion, Marshalls prospero (mid/dark grey) flamed, Marchalls Despina (Mid/Dark grey) - flamed, bronze coloured metal screens, Weinerberger hurstwood stockbrick, Pilkington Suncool 70/40 glass.

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641 2814

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

Reason:

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

- 2 You must 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., , Noisy work must not take place outside these hours. (C11AA)

Reason:



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

- 3 You must provide the waste store shown on drawing C645\_P\_00\_002 rev B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

- 4 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.

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

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

Reason:

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

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

Reason:

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

7

You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 8 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 9 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the sedum roof to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 10 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof.

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 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)

- 11 You must not use the roof of the development for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. 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)

- 12 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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

- 13 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

**Reason:**

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

**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 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk) , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and

collecting waste. (I08AA)

- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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.