



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (2)**

Meeting Date: **Tuesday 3rd November, 2015**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Peter Freeman (Chairman)
Melvyn Caplan
Paul Church
Barbara Grahame

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 at City Hall 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, Reuben Segal, Senior Committee and Governance Officer.

**Tel: 020 7641 3160; email: rsegal@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Barbara Grahame has replaced Councillor Ruth Bush

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. 351 HARROW ROAD, W9 | (Pages 3 - 18) |
| 2. 22 WELLINGTON ROAD, NW8 | (Pages 19 - 48) |
| 3. ORION HOUSE, 5 UPPER ST MARTINS LANE, WC2 | (Pages 49 - 60) |
| 4. 10 B MONTAGU MEWS WEST, W1 | (Pages 61 - 84) |
| 5. 2 MONTAGU MEWS WEST, W1 | (Pages 85 - 114) |
| 6. MOORE HOUSE, 2 GATLIFF ROAD, SW1 | (Pages 115 - 124) |

Charlie Parker
Chief Executive
26 October 2015

Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE -3 NOVEMBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL
1	RN 15/05371/FULL Westbourne	351 HARROW ROAD, W9	Use of ground floor unit as betting shop (a sui generis use) with associated alterations to elevations.
	Recommendation Refuse permission: loss of a public house and the proposed use will harm the retail vitality and viability of the Harrow Road District shopping centre.		
2	RN 14/12320/FULL Regent's Park	22 WELLINGTON ROAD, NW8	Demolition of existing building and replacement with four storey building plus new basement level, to provide seven residential units (1x1 bedroom, 3x2 bedroom and 3x3 bedroom units) and installation of plant.
	Recommendation 1. Grant conditional permission subject to satisfactory completion of a Section 106 legal agreement to secure: i) free lifetime (25 years) car club membership for residents of the development and. ii) provision of 2 off street residential car parking spaces on an unallocated basis. 2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then: (a) The Director of Planning shall consider whether it would be possible and 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; (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.		
3	RN 15/05804/FULL St James's	ORION HOUSE, 5 UPPER ST MARTIN'S LANE, WC2	Variation of Conditions 7 and 9 of planning permission dated 17 April 2013 (RN: 13/01238/FULL) for the reconfiguration and use of existing ground floor office reception and retail unit to provide a new office entrance (Class B1) and retail unit (Class A1) and alterations to the ground floor, namely to amend the hours of servicing and the hours of opening for the (Class A1) retail unit.
	Recommendation Grant conditional permission.		
4	RN 15/06674/FULL Bryanston And Dorset Square	10B MONTAGU MEWS WEST, W1	Erection of roof extension.
	Recommendation Grant conditional permission.		

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE -3 NOVEMBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL
5	RN 15/05523/FULL Bryanston And Dorset Square	2 MONTAGU MEWS WEST, W1	Alterations including the erection of a single storey roof extension with roof terrace to the front of the building.
Recommendation Grant conditional permission.			
6	RN 15/02701/FULL Churchill	MOORE HOUSE, 2 GATLIFF ROAD, SW1	Variation of Condition 4 of planning permission dated 23 July 2007 (RN:06/07097/FULL) for the erection of two buildings: Building A - part five/part six/part seven/part ten storeys for use as 164 residential units, two retail/restaurant (Class A1/A3) units and a street sweepers depot; Building B - rising in stages from six storeys to fourteen storeys with tower feature for use as a 159 residential units (including 71 affordable units) and a retail/restaurant (Class A1/A3) unit, namely to extend the opening hours of the cafe/ restaurant (Unit A2) to open from 07.00 to 23.00 on a daily basis.
Recommendation Grant conditional permission subject to a deed of variation.			

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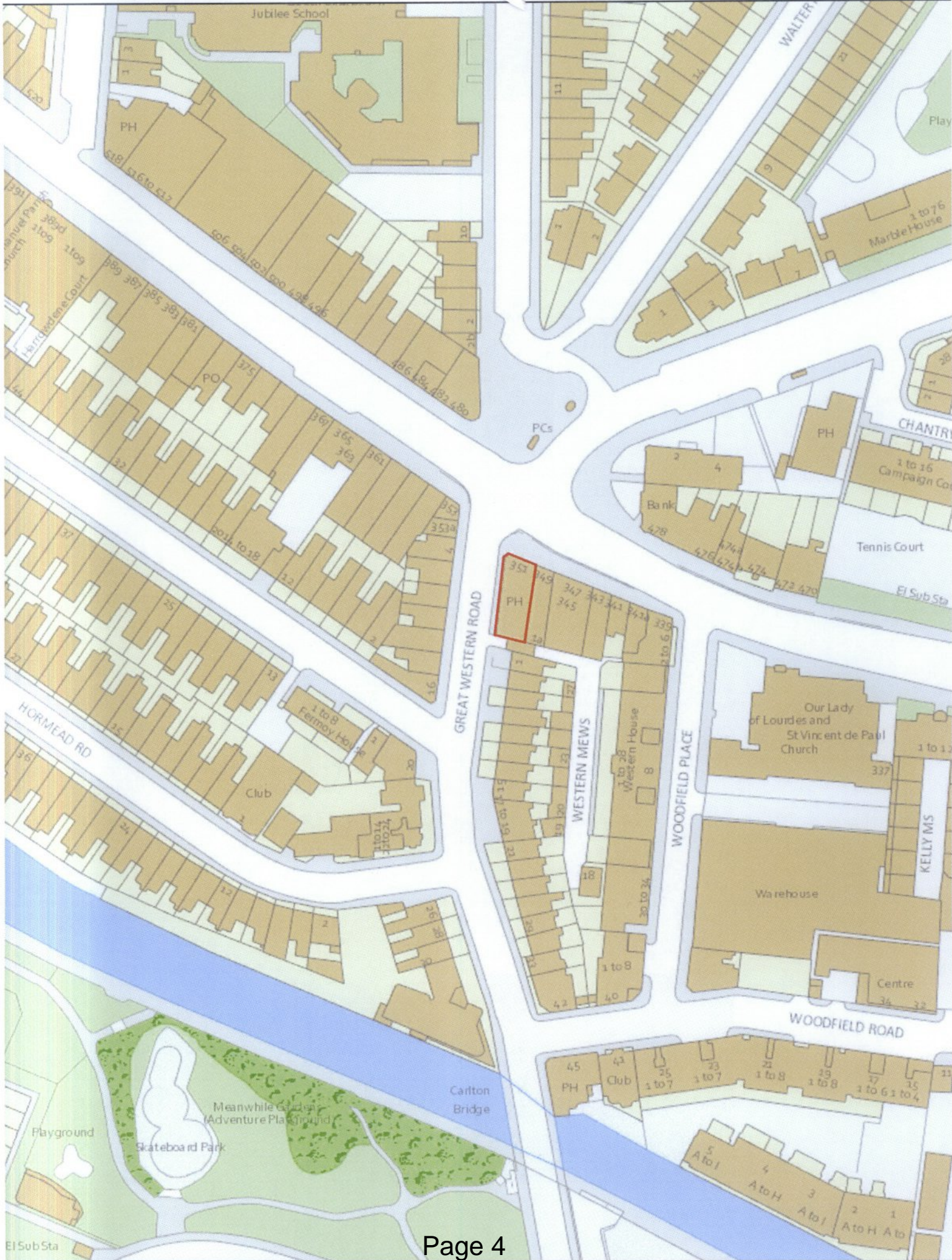
Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Westbourne	
Subject of Report	351 Harrow Road, London, W9 3RA		
Proposal	Use of ground floor unit as betting shop (a sui generis use) with associated alterations to elevations.		
Agent	ID Planning		
On behalf of	Done Brothers (Cash Betting) Ltd		
Registered Number	15/05371/FULL	TP / PP No	TP/2665
Date of Application	15.06.2015	Date amended/ completed	15.07.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Outside a Conservation Area		
Development Plan Context	<ul style="list-style-type: none"> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007 		
Stress Area	Outside Stress Area		
Current Licensing Position	Licence under the Gambling Act refused		

1. RECOMMENDATION

Refuse permission: loss of a public house and the proposed use will harm the retail vitality and viability of the Harrow Road District Shopping Centre.





351 Harrow Road, W9

2. SUMMARY

Permission is sought for the change of use of the ground floor of this public house (Class A4) to a betting shop (a sui generis use) and associated changes to the elevations of the building. The premises is located within the secondary frontage of the Harrow Road District Shopping Centre. The application has attracted strong objections from Karen Buck MP, Ward Councillors, the North Paddington Society and the local community, with over 80 individual objections and two on line petitions; one with 604 signatures and the other with 164 signatures.

The key issues in this case are:

- Whether the loss of the existing public house is acceptable in land use terms and the impact of the proposed use on the character, function and vitality of the Harrow Road local shopping centre.
- The impact on residential amenity - and the impact of the proposed elevational changes.

It is considered that the proposal will result in the loss of a valued local community facility and no marketing information has been provided to date to demonstrate that the public house is not viable. This site occupies a prominent position in the District Centre, and it is considered that another betting shop will lead to a clustering effect which in turn will adversely affect the vitality and viability of this District Shopping Centre, contrary to Policy S12 in the City Plan and SS6 in the UDP. It is recommended that the application be refused.

3. CONSULTATIONS

KAREN BUCK MP

Objection

- A betting shop on prominent and physically significant site will be harmful to the character of the local area.
- The proposed development would undermine efforts to regenerate and improve area and jeopardise progress made to date.
- Concern about proximity of proposal to residential centres for vulnerable people.

COUNCILLOR ROCA

Objection

- Proposed site is a landmark building and development should seek to improve the Maida Hill Market Area.
- Concern regarding the number of betting shops within this part of the city and the local shopping area.
- Overwhelming community opposition to proposed change of use. Licence was recently declined which was objected by Metropolitan Police, Councillors and Karen Buck MP.
- Urge that the application is rejected.

COUNCILLOR HUG

Objection

- Proposed betting shop would cause harm to residents living nearby and vulnerable residents.
- Proposal would add to existing cluster of betting shops within vicinity of site.
- Proposal would result in an inactive frontage with the loss of a historic frontage for a pub with design and townscape value.
- Proposed use would be detrimental to the commercial development of the area and the vitality and viability of local shopping area.

- Issue of deep concern for local residents in Westbourne and Harrow Road Wards and across North Westminster. There were 604 signatories to the original petition opposing Bet Fred taking over the Prince of Wales site and 149 residents have signed new petition.
- In refusing the licence application, the arrival of a further betting shop would cause significant harm to a number of vulnerable residents nearby and potential to add to problems of disorder and crime.

NORTH PADDINGTON SOCIETY

- Proposed development would undermine efforts to improve the surrounding Maida Hill Place shopping area.
- Proposal could contribute to anti social behaviour and crime.
- Concern about proximity of development to existing betting shops.
- Concern about proximity of development to housing for vulnerable people and schools.

ENVIRONMENTAL HEALTH

No objections subject to conditions.

HIGHWAYS PLANNING MANAGER

To be reported verbally.

WESTMINSTER POLICE LICENSING TEAM

Objected to the Gambling Licence which was refused this year. Licence was refused on anti-social behaviour caused by the large number of betting shops in the Harrow Road area, strong objections from numerous residents due to existing problems of anti-social behaviour caused by the existing betting shops. The WCC Gambling Team identified a number of hostels and referral centres in the area, therefore raising the risk of vulnerable people being attracted to the premises. There are also schools, Council's sports centres and transport links nearby, raising the risk of children being attracted to the premises. Therefore, object to planning application.

METROPOLITAN POLICE DESIGNING OUT CRIME OFFICER

No objections but recommend that this site achieve Secure by Design standards.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 492; Total No. of Replies: 83.

In addition there are two line Petitions submitted: One containing 604 signatures submitted by Councillor Dimoldenberg requesting that the Council bring in an Article 4 Direction to prevent the Prince Of Wales pub on Harrow Road becoming a betting shop in order to protect local amenity and the well being of the area. The second petition to the Council submitted by Councillor Hug with 164 signatures requesting that the City Council refuse Bettfred planning permission for the former Prince of Wales pub on Harrow Road.

The objections received raise the following grounds:

Loss of existing pub

- Concern about loss of pub and use as social and community facility.
- Absence of evidence that existing pub is not viable, and has been marketed for other A3 or A1 uses.
- Previous venue had offered social and community benefits including a dance venue to Irish community.
- Prince of Wales Pub was a community asset and supported local community.
- Concern about under provision of pubs within this part of the City following closure of other pubs nearby (Chippenham and the Neeld).

Proposed use

- Concerns expressed about impact of use on the character and vitality of Harrow Road shopping area.
- Concern that the proposal will undermine efforts to attract shoppers from outside walking distance of the harrow road retail area.
- Proposal will reinforce perceptions of crime and anti-social behaviour in surrounding area.
- Potential to create additional burglaries and opportunistic crimes in response to loss of income from cash betting.
- Betting shop will only attract clients from existing consumer group and will not attract interest to local area.
- Proposed use will attract anti- social behaviour thereby undermining the economic regeneration of the area and reducing economic activity.
- Concern about proximity to sensitive locations including care centres for vulnerable people, schools and hostels.
- Proximity to cash machines.
- Proposal will result in a reduction of purchasing power from shopping centre.
- Proposed use would counter attempts to make area more family friendly.
- Proposal will result in additional anti- social behaviour, begging, loitering in crowds, swearing and harassment.
- Proposed use will undermine attempts to improve character of area and a diversity of retailers.
- Proposal will add to existing cluster of betting shops in this location.
- Proposed use would be very prominent in the centre as it would form part of a landmark building.
- Proposal would harm possibility of creating a civic space on junction.
- Use is unsuitable in light of its proximity to prayer room on junction of Fermoy Road and Great Western Road.

Design

- Proposed shop front would be inactive thereby reducing vitality of surrounding shopping area.
- Signage and other alterations to shopfront would remove historic interest, thereby resulting in an incongruous addition.

Amenity

- Proposal would be harmful to amenity of residents of upstairs units and close to application site.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

No. 351 Harrow Road is a vacant building that was most recently used as a public house 'The Prince of Wales' (Class A4 use). It is an attractive landmark Victorian building on the corner of Harrow Road and Great Western Road, adjacent to the junction of Elgin Avenue, Fernhead Road and opposite the Maida Hill Market. Works are taking place to convert and extend the upper floors and to add a mansard to create five new flats.

In terms of planning policy designations, the application site falls within a secondary shopping frontage of the Harrow Road District Shopping Centre. It is located within the North Westminster Economic Development Area (NWEDA).

4.2 Relevant History

Permission granted on appeal on 19.1.2015 for the demolition of the rear part of the building and the replacement with a three storey building with a four storey set back in association with the use of the upper floors as five residential units.(Ref: 14/04354/FULL). There is an earlier permission granted on appeal on 20.11.2014 for the refurbishment and conversion of the existing upper floors including extensions at first and second floor to create four flats and the adaption of the roof to create one flat and minor alteration to the ground floor (Ref: 13/12567/FULL)

The Licensing Sub-Committee on 1 July 2015 refused a Premises Licence under the Gambling Act 2005 for the betting shop.

5. THE PROPOSAL

Planning permission is sought for the change of use of the ground floor of this building to a betting shop (sui generis use class), with associated changes to the front and side elevations of this building. These physical alterations relate to a new shopfront and entrance off Harrow Road, and along the Great Western Road the two sets of entrance doors are to be removed and replaced with glass. The existing decorative pilasters will be retained.

The planning statement submitted with the application cites that the proposal will have a number of significant benefits; the unit is currently vacant and has a negative impact on the vitality and viability of the centre, the proposed use will increase footfall and enhance the vitality and viability of the centre. The proposed betting shop will be open from 08.00 to 22.00 hours Monday to Saturday and 09.00 to 22.00 on Sundays and Bank Holidays.

The application has attracted strong objections from Karen Buck MP, Ward Councillors and the local community with over 80 objections and two on line petitions submitted by Councillors Dimoldenberg and Hug.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The lawful use of the lower floors is a public house (A4 use class) and it closed in October 2014.

The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 had the effect of removing betting offices from the A2 use class. As a result, from 15 April 2015 they are defined as 'sui generis' use and therefore planning permission is required to assess the appropriateness in land use terms for a change of use to a betting shop. This Order also introduced a new set of prior approvals in respect of the demolition and change of use of Class A4 uses to ascertain whether the premises has been nominated as an asset of community value (ACV).

As such the key issues under consideration as part of this application are:

- Whether the loss of the existing public house is acceptable in this location, whether the proposed betting shop use is appropriate in this location, having regard to the vitality or viability, character and function of the Harrow Road shopping centre.

In policy terms there is no specific City Plan or UDP policy on betting shops. As such the relevant policies against which this application is to be considered are those relating to the provision of shops and services within the location including Policies S12 and S21 of the City

Plan: Strategic Policies (adopted 2013), and Policy SS6 of the UDP, and the advice set in Chapter 7 of the UDP relating to the loss of traditional public houses.

6.1.1 Loss of existing use

A number of respondents to the consultation exercise draw attention to the importance of the public house that previously occupied the building as a community asset within this part of the City. Whilst there were issues associated with crime and anti-social behaviour that resulted in the revocation of the license of the existing business in late 2014, it is nonetheless clear from the consultation responses that the public house in question provided a meeting point and community facility, which would be lost as a result of this proposal.

In land use terms it provided an active frontage and consultation responses indicate that it was used as a community facility (i.e. as a venue for dancing by the Irish community). Concerns are expressed about the number of public houses in close proximity to the site that have recently closed down, including the Chippenham Pub at 207 Shirland Road, the Neeld and Windsor Castle further along Harrow Road.

Policy S12 of the City Plan sets out policies relevant to development within the North Westminster Economic Development Area (NWEDA), which states that development, should deliver improved and appropriate local services including opportunities to provide facilities for local community groups. In this case, the former public house provided a local service and community facility.

Paragraph 69 of the National Planning Policy Framework ("NPPF") advises that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. Paragraph 70 of the NPPF also advises that planning decisions should "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs" (emphasis added). The NPPF expressly refers to public houses as community facilities.

Policy 4.8 of The London Plan (Consolidated with Alterations - March 2015) ("the London Plan") states, inter alia, that policies should be developed "to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses". This is based on the Mayor of London's "recognition of the important role that London's public houses can play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses" (paragraph 4.48A).

The Mayor of London's "Town Centres: Supplementary Planning Guidance" (adopted July 2014) advises that policies to protect public houses should include consideration of the viability of the public house, history of vacancy, the prospect for achieving re-use at prevailing market values and whether it has been marketed effectively for re-use.

Paragraph 7.98 in the UDP recognises that traditional public houses are generally considered to add to the character and function of a locality and their loss will only be acceptable if they have been vacant and marketed for at least 18 months without success.

Although at a very early stage in the consultation process, the City Council is considering potential changes to policy in relation to public houses in (Booklet No. 5 "Food, Drink, Entertainment, Tourism, Arts and Culture"). In relation to growing concern at the accelerating pace of public house loss, proposed Policy CM24.1 specifies that public houses will be protected unless the premise is vacant and has been actively marketed for at least 12 months at a

reasonable market price/rent and those reasonable attempts have been made to find an occupier. Whilst the proposed policy is at such an early stage of development that it has effectively no weight, it is indicative of the City Council's direction of travel in relation to public house protection.

In this case, the former public house use provided a local service and community facility to the local community. No evidence has been provided by the applicant to demonstrate that it is no longer viable to operate as a public house in its current form or its marketing. The proposal will result in the loss of a public house which provided a community facility to the local community. As such the proposal fails to comply with Policy S12 of the City Plan, as it does not deliver benefits to the local community.

6.1.2 Acceptability of proposed use

The proposed use is a betting shop. Policy SS6 of the UDP sets out criteria that apply where non-A1 uses are proposed at ground floor level in secondary frontages of district centres. In this case, an existing non-A1 use is being replaced by another non-A1 use, therefore there is no increase in the total length of the frontage in non-A1 use as set out in SS6 (C). However, under the terms of the policy, the impact of the change of use on the vitality or viability, or character and function of the frontage has to be assessed.

A number of objections draw attention to the fact that the application site is a landmark building that occupies a very prominent position within the centre, directly adjacent to the Maida Hill market area and on the intersection of four major roads. As such, more than most other buildings within this centre it makes a significant architectural and functional contribution to the character of the Harrow Road District Shopping Centre.

Recent changes to planning legislation have acknowledged that the provision of betting shops can have land use impacts that go beyond those of other uses within the A2 use class. Concerns are expressed by a number of respondents that the nature of the use proposed is likely to exacerbate existing issues of anti-social behaviour which are associated with the existing betting shops located within this district centre, and also affect the retail viability of the centre.

There are already a number of betting shops in the District Centre including one two doors away from the site at No. 357, a double unit at No. 347 and another at No. 364. This proposal will result in another betting shop in this part of the centre. It is considered that another betting shop will affect the vitality and viability of the District Centre leading to a clustering effect.

In terms of the vitality and viability of the centre concerns are expressed that the addition of a betting shop would undermine efforts to attract local residents to the centre, and attract additional spending to the area by attracting visitors from outside the local area are supported. The Maida Hill market area immediately opposite the site is of key importance to achieving this objective. There is a strong perception amongst residents that the provision of a betting shop in this location would undermine these efforts, by the provision of a use that has associations with anti-social behaviour in close proximity to the Maida Hill Market area.

In planning terms it is considered that the change of use of this building to a betting shop would by virtue of its prominent location in a landmark building, result in the clustering of betting shops and will harm to the viability and vitality of the Harrow road district shopping centre. It is therefore contrary to Policy SS6 of the UDP, and the application is recommended for refusal for this reason.

6.2 Townscape and Design

The proposal involves alterations to the shopfront involving the changes to the Great Western Road and Harrow Road elevations. The alterations proposed are minor and generally sympathetic to existing proportions of the host building. Objections have been received on the grounds that the new 'Betfred' signage and associated alterations to shopfront would reduce the historic interest of this building. Given that the existing building has been heavily altered and is located outside a conservation area, the design alterations are not considered to harm this Victorian building.

Objections have been received that the proposed use will create a 'dead frontage' and had this proposal been considered acceptable a shopfront display on both elevations could have been secured by condition.

The design alterations are considered to be consistent with the City Councils policies on design as set out in S25 of the City Plan and DES5 of the UDP.

6.3 Amenity

Objections have been raised that the proposed betting shop use would result in a harmful impact on the residential amenity of surrounding residents, including those residents in the proposed flats that would live directly above the betting shop. In residential amenity terms, a betting shop is considered to have a materially similar impact on residential amenity to the existing public house use. Therefore this objection cannot be supported.

6.4 Transportation/Parking

The proposal does not raise transportation and parking issues. The formal views of the Highways Planning Manager will be reported verbally to Committee.

6.5 Economic Considerations

Whilst it is recognised that the proposal will result in the loss of an employment generating use, the proposed use would also create employment opportunities. The impact on the vitality and viability of the centre are set out in Section 6.1 of this report.

6.6 Equalities and Diversities (including disabled access)

Level access is being provided and a disabled WC inside the proposed betting shop.

6.7 Other Westminster /UDP considerations

Had this scheme been considered acceptable, a condition would have been imposed to secure refuse storage.

6.8 London Plan

Not relevant to this application.

6.9 National Planning Policy Framework (NPPF)

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning

policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. The relevant policies in the City Plan which has replaced the Core Strategy have been discussed in this report and other policies in the previous report have not changed significantly. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.10 Planning Obligations

Not relevant in the determination of this application.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

Not relevant in the determination of this application.

6.12 Other Issues

Crime and Disorder

Many of the objections relate to the impacts on gambling on crime and disorder in the area and increase anti-social behaviour, and protecting children and other vulnerable persons. These matters were taken into consideration by the Licensing Committee when they refused the Licence on 1 July 2015.

Article 4 Direction

One of the on line petitions requests that the Council bring in an Article 4 Direction to prevent the Prince of Wales public house becoming a betting shop. Given that betting shops have now been excluded from the Class A2 use class, planning permission is required for the change of use, and therefore it is not considered that an Article 4 is necessary in this case.

BACKGROUND PAPERS

1. Application forms
2. Email from Karen Buck MP dated 20.7.2015
3. Email from Councillor Roca dated 20.8.2015
4. Email from Councillor Hugs dated 14 and 21.8.2015.
5. On line Petition against proposed development with 604 signatures submitted by Councillor Dimoldenberg and another on line petition with 164 signatures submitted by Councillor Hug.
6. Email from North Paddington Society dated 21 July 2015.
7. Email from Environmental Health dated 14.9.2015.
8. Email from Westminster Police Licensing Team dated 22.9.2015.
9. Letter from Metropolitan Police Designing Out Crime Team dated 1.9.2015.
10. Email from Flat 8 361 Harrow Road London W9 dated 26.8.2015.
11. Email from 44 Oakington Road London W9 2DH dated 20.8.2015.
12. Email on behalf of the freeholders of 14a, Page 43
12a, Page 43
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13. Email from 53 Hornead Road London W9 3NQ dated 26.8.2015.
14. Email from 6 Chippenham Mews London W9 2AW dated 26.8.2015.
15. Email from 38 Hornead Road London W 9 dated 14.8.2015.
16. Email from 451 a Harrow Road London W 9 dated 14.8.2015.
17. Email from 9 a Fernhead Road London W 9 dated 15.8.2015.
18. Email from 50 a Warlock Road London W 9 dated 14.8.2015.
19. Email from 50 a Warlock Road London W 9 dated 14.8.2015.
20. Email from Flat D 3 Elgin Avenue London W 9 dated 18.8.2015.
21. Email from 3 Westbourne Park Road London W 2 5PX dated 20.8.2015.
22. Email from 5A Hornead Road London W 9 3NG dated 20.8.2015.
23. Email from 53 Hornead Road London W9 3NQ dated 20.8.2015.
24. Email from 48 Hornead Road London W 9 3NQ dated 14.8.2015.
25. Email from 9 Chippenham Mews London W 9 dated 13.8.2015.
26. Email from 391 Harrow Road London W 9 dated 14.8.2015.
27. Email from 4 Holt Close London N10 3HW dated 20.8.2015.
28. Email from a local resident W9 2LY dated 20.8.2015.
29. Email from Flat 95 Elgin Mansions Elgin Avenue London W 9 1 JN dated 13.8.2015.
30. Email from 1 Hornead Road London W 9 3NG dated 13.8.2015.
31. Email from 8 Chippenham Mews London W 9 dated 13.8.2015.
32. Email from 20 Cheney Court Shirland Road London W 9 2EG dated 13.8.2015.
33. Email from 2-4 Fernhead Road London W9 dated 14.8.2015.
34. Email from 26 Riverton Close London W9 3DS dated 14.8.2015.
35. Email from 28 Hornead Road London W9 3NG dated 13.8.2015.
36. Email from 65 Barnsdale Road London W3 dated 14.8.2015.
37. Email from 16 A Walterton Road London W9 3PN dated 14.8.2015.
38. Email from 27c Walterton Road London W9 3Pe dated 14.8.2015.
39. Email from 17 Fernhead Road London W9 dated 14.8.2015.
40. Email from 121 Fifth Avenue London W9 dated 14.8.2015.
41. Email from Flat 4 15 Great Western Road London W9 dated 8.8.2015.
42. Email from 163 Fernhead Road London W9 dated 5.8.2015
43. Email from 62 a Walterton Road London W9 dated 14.8.2015.
44. Email from 17 a Fernhead Road London W9 dated 14.8.2015.
45. Email from 2 Fernhead Road London W9 dated 14.8.2015.
46. Email from 19 Western Mews London W9 dated 25.7.2015
47. Email from 35 Hornead Road London W9 dated 12.8.2015.
48. Email from 5 Chippenham Mews London W9 dated 13.8.2015.
49. Email from 18c Orsett Terrace London W2 dated 13.8.2015.
50. Email from Flat 22 79 Fermoy Road London W9 dated 11.8.2015
51. Email from Flat 22 79 Fermoy Road London W9 dated 11.8.2015.
52. Email from 86B Randolph Avenue London W 9 dated 11.8.2015.
53. Email from 4 Sussex Street London W 2 dated 10.8.2015.
54. Email from 60 a Walterton Road London W 9 dated 6.8.2015.
55. Email from 10 c Walterton Road London W9 dated 10.8.2015.
56. Email from 174G Fifth Avenue London W9 dated 10.8.2015.
57. Email from 37 Burlington Close London dated 10.8.2015.
58. Email from Flat 4 1 Great Western Road London W9 dated 3.8.2015
59. Email from Flat 3 64 Saltram Crescent London W9 dated 31.7.2015.
60. Email from Flat e 11 Formosa Street London W9 dated 30.7.2015.
61. Email from 361 Harrow Road London W9 dated 30.7.2015.
62. Email from 25 a Stankelt Road Silverdale Carnforth dated 31.7.2015.
63. Email from 37 Queens Park Court London dated 21.7.2015
64. Email from 7 Portgate Close London dated 14.8.2015.
65. Email from 49 Ashmore Road London W9 dated 23.7.2015.
66. Email from 28 Edbrooke Road London W9 dated 29.7.2015.
67. Letter from 44 Oakington Road London W9 2DH dated 26.7.2015
68. Email Flat 1 25 Great Western Road London W9 dated 27.7.2015.

69. Email from 48 Hornead Road London W9 dated 14.8.2015.
70. Email from 7 Great Western Road London W9 dated 14.8.2015
71. Email from 98 Saltram Crescent London W9 dated 13.8.2015.
72. Email from 63 Shirland Road London W9 dated 13.8.2015.
73. Email from 42 Goldney Road London W9 dated 13.8.2015.
74. Email from 51 Croxley Road London W9 dated 13.8.2015.
75. Email from 6 a Errington Road London W9 dated 13.8.2015.
76. Email from 48 A Hornead Road London W9 dated 13.8.2015.
77. Email from 11 a Edbrooke Road London W9 dated 13.8.2015
78. Emails x 3 from 20 Great Western Road London W9 dated 13.8.2015.
79. Email from Cost cutter 482 Harrow Road London W9 dated 13.8.2015.
80. Email from 62 Queens Gardens London W2 dated 23.7.2015.
81. Email from 49 Ashmore Road London W9 dated 24.7.2015.
82. Email from 2 Western Mews London W2 dated 30.7.2015.
83. Email from 70 Clifton Court Northwick Terrace London NW8 dated 14.8.2015.
84. Email from 168 Shirland Road London W9 dated 20.7.2015.
85. Email from 25 Hornead Road London W9 dated 29.9.2015
86. Email from 27C Walerton Road London W9 dated 29.9.2015.
87. Email from 7 Ashmore Road London W9 dated 29.9.2015.
88. Email from Emmanuel Parish Church 389E Harrow Road London W9 dated 29.9.2015.
89. Email from 70c Walerton Road London W9 dated 4.10.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – acoulson@westminster.gov.uk

DRAFT DECISION LETTER

Address: 351 Harrow Road, London, W9 3RA

Proposal: Use of ground floor unit as betting shop (a sui generis use) with associated alterations to elevations.

Plan Nos: Planning statement by ID Planning, site location plan, drawing number 988BF-351SF, 988BF-351LP, JDD/HR/E2, 11190/A/E/020, 11190/A/E/021.

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641 2875

Recommended Reason for Refusal:**Reason:**

- 1 The proposed change of use would result in the loss of this public house, a valued community facility to the detriment of the local community. The proposed betting shop would harm the retail vitality and viability of this part of the Harrow Road District Centre. Therefore, the proposal would be contrary to the advice set out in the National Planning Policy Framework, policy 4.8 of the London Plan (Consolidated Alterations -March 2015), policy S 12 of the City Plan: Strategic Policies adopted November 2013 and policy SS6 of our Unitary Development Plan adopted January 2011.

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Location:



Drawing Approval

Nick Lowe

Mark Stebbings

Regional Manager

Other

General Shopfitting Notes:

1. All fixtures to the shop are to be stocked with the warehouse at least 48 hours in advance.
2. Vans are loaded up before 12pm the day before so any forgotten items need to be rung through to the warehouse by 10am.
3. All Contractors, Sub-Contractors, Electricians and Shopfitters are all responsible for the removal of their own rubbish. No rubbish is to be left on site at the end of the fit without approval from the PM.
4. Highest lighting is to be installed above all paper displays runs.
5. A500 Led down lights are to be installed on a 4x4 grid based system.
6. Best Led's are to be installed under the counter.
7. A full height wall with vectors is to be fitted along with entrance to the counter for security purposes.
8. The lead shopfitter for the allocated jobs are responsible for the site for the full programme, even if they finish early.
9. Slips are to be organised to be collected prior to leaving site on the final day.

New Blue - RAL 5017

Old Blue - RAL 5002

Old Red - Ral 3020

Tote Green - Ral 6016

All dimensions are to be checked on site.

Drawing Title:

Shopfront Plan

Location:

Betfred

351 Harrow Road

W9 3RA

Drawing No: 9888F-351SF

Revision: 1

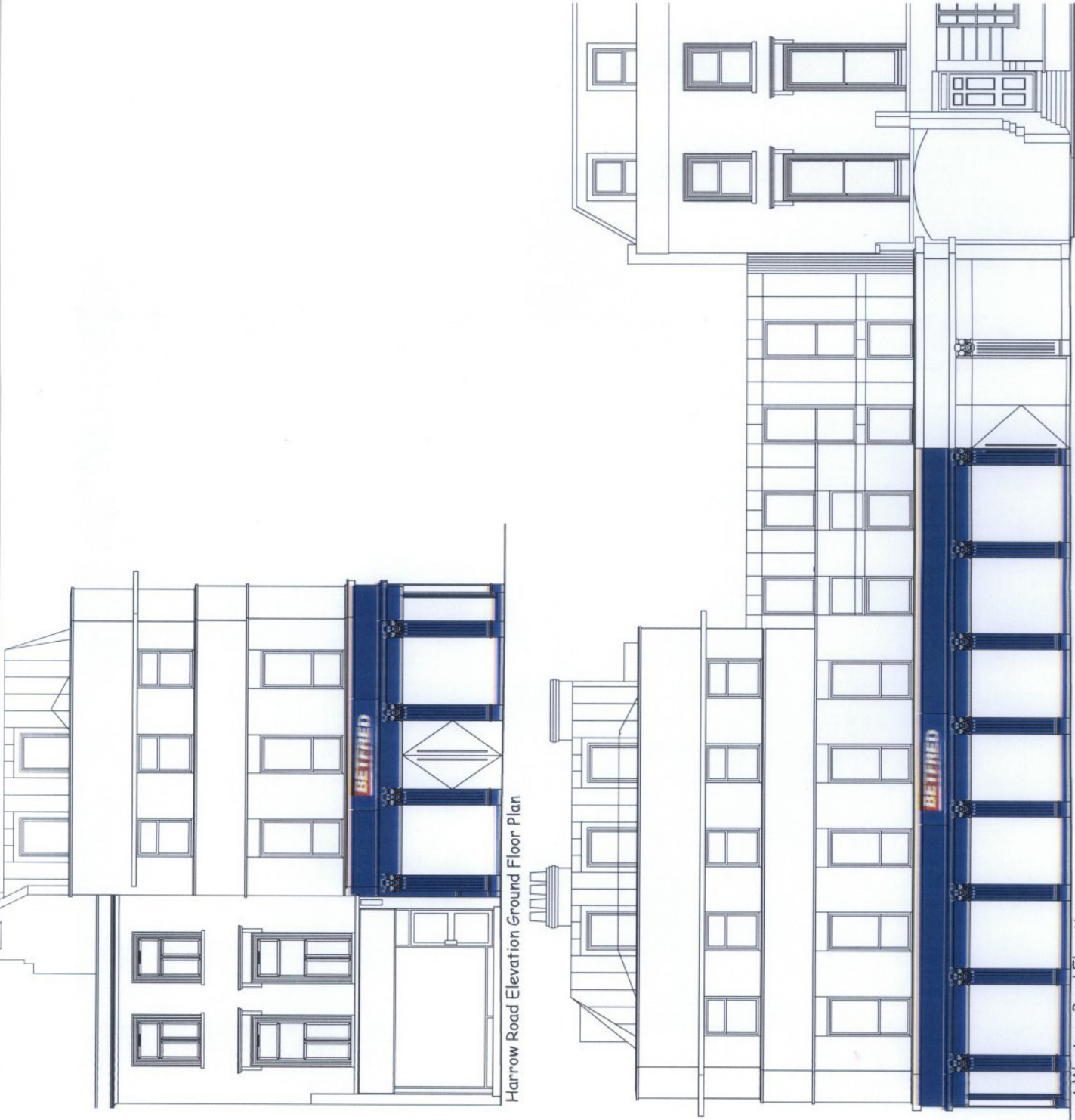
Scale: 1:100

Date: 12/06/2015

Drawn: TG



Spectrum, 55-59 Bensusan Road
Birkenhead, Wirral, Merseyside, Warrington, W9 3RA
Tel: 01924834800 - Fax: 01924834902



Harrow Road Elevation Ground Floor Plan

Great Western Road Elevation

Location:



Drawing Approval

Nick Lowe

Mark Stebbings

Regional Manager

Other

All dimensions are to be checked on site.

Drawing Title:

Proposed Layout Plan

Location:

Betfred

351 Harrow Road

W9 3RA

Drawing No: | 988BF-351LP

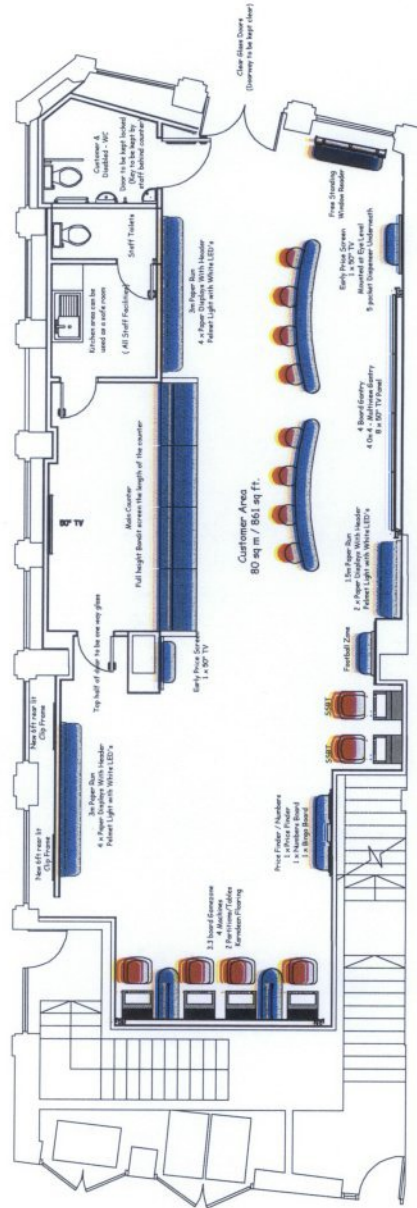
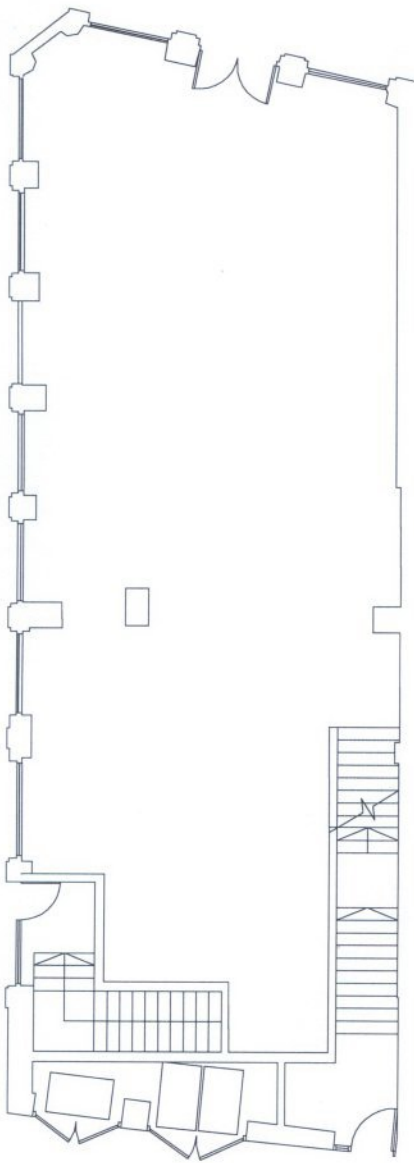
Revision: | 3

Scale: | 1:100

Date: | 05/06/15

Drawn: | TG

BETFRED
THE BONUS KING
 Speecham, 65-69 Beckett Road
 Harrogate, West Yorkshire, HG3 7PD
 Tel: 01953 838000 - Fax: 01953 838002



Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 November 2015	Classification For General Release	
Report of Director of Planning	Wards involved Regent's Park		
Subject of Report	22 Wellington Road, London, NW8 9SP		
Proposal	Demolition of existing building and replacement with four storey building plus new basement level, to provide seven residential units (1x1 bedroom, 3x2 bedroom and 3x3 bedroom units) and installation of plant.		
Agent	Savills		
On behalf of	Wellington Land Ltd		
Registered Number	14/12320/FULL	TP / PP No	P/12375
Date of Application	01.12.2014	Date amended/ completed	23.06.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

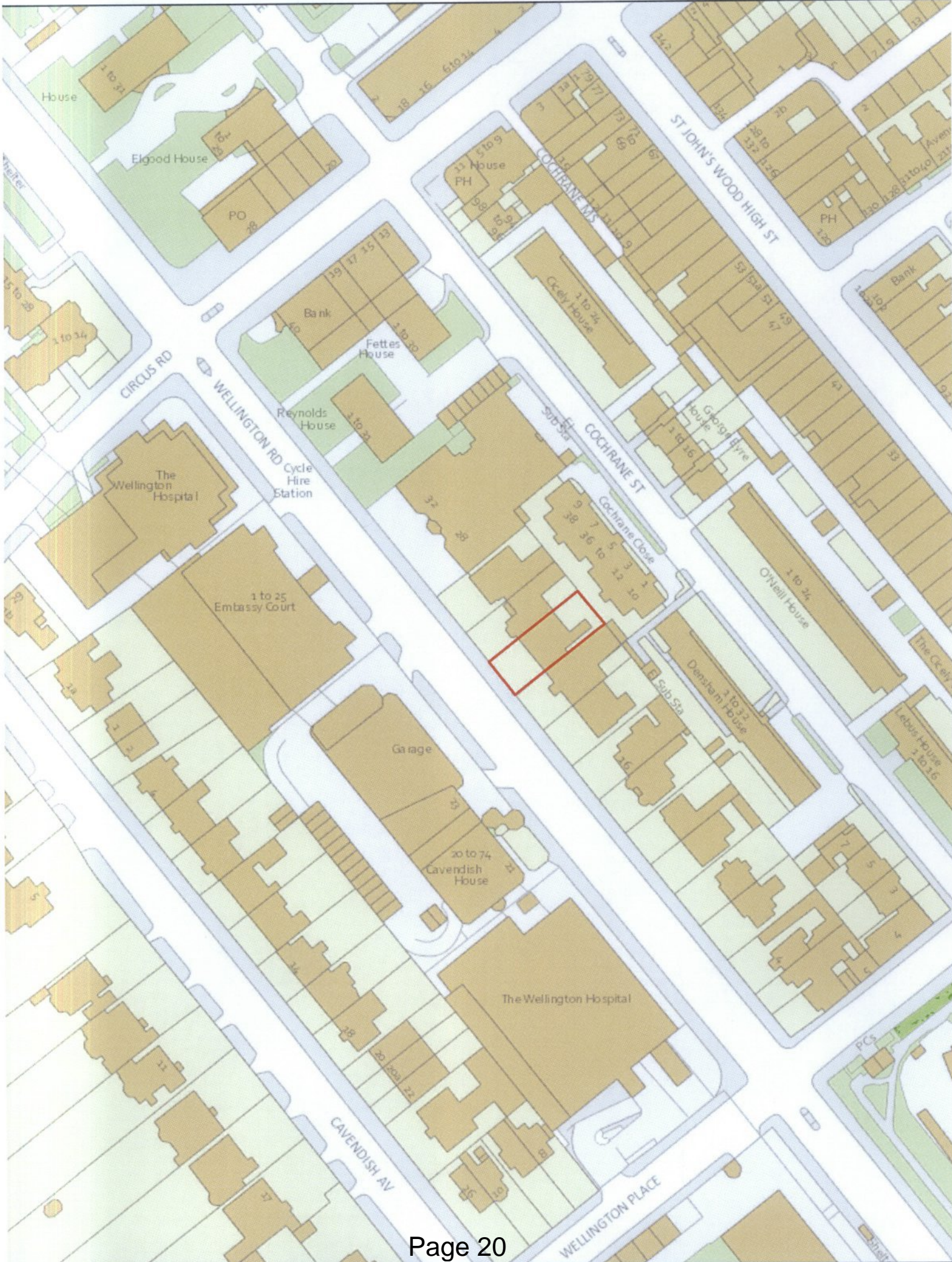
1. Grant conditional permission subject to satisfactory completion of a Section 106 legal agreement to secure:

- i) free lifetime (25 years) car club membership for residents of the development and.
- ii) provision of 2 off street residential car parking spaces on an unallocated basis.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

(a) The Director of Planning shall consider whether it would be possible and 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;

(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.





22 Wellington Road, NW8

2. SUMMARY

Permission is sought for the demolition of the existing four storey semi-detached building which accommodates four flats and the construction of a new building to create seven flats and the excavation of a basement. Two off street car parking spaces are being proposed. Three TPO lime trees in the front garden are shown to be felled and a Chinese Privet at the rear. St Johns Wood Society and three local residents object to the proposal on a number of grounds including to the size of the replacement building at the rear and its impact on the amenities of adjoining residents in Wellington Close and to the flats at the rear in Cochrane Close. The Highways Planning Manager objects to the lack of parking.

The key issues are:

- Demolition of an unlisted building of merit in the St John's Wood Conservation Area and the scale and design of the proposed new building.
- The impact of the proposal upon the amenities of neighbours.
- The impact of the additional flats on on-street car parking.

Although the St John's Wood Conservation Area Audit identifies the existing building to be an unlisted building of merit dating between 1850-1879, this is an error. This a modern replacement building dating from the late 1980s, and is considered to be a 'neutral' building. Therefore its demolition is considered acceptable. The proposed new building and basement are considered acceptable in townscape terms and will not harm this part of the St. John's Wood Conservation Area or affect the setting of the listed building at No 26. Whilst there will be some loss of daylight, sunlight and increased sense of enclosure to neighbours, the impact is not considered to be so material to warrant refusal. It is recommended to grant conditional permission subject to the completion of a legal agreement to ensure that the two car parking spaces are unallocated and Lifetime Car Club Membership for all the residents (25 years) to mitigate the impact of the additional flats on on-street parking.

3. CONSULTATIONS

ST JOHN'S WOOD SOCIETY

Objection to the projection to the rear of the building and its impact on No.24 Wellington Road in terms of loss of light, amenity and sense of enclosure. Railings and lightwells are overpowering and not sympathetic to the building.

LONDON UNDERGROUND

No objection in principle but request conditions to secure that the development shall not be commenced until detailed design and method statements for all foundations, basement and ground floor structures have been submitted to and approved by the local planning authority.

TRANSPORT FOR LONDON

Considers two on site car parking spaces excessive -suggests consider car free scheme. Wellington Road must not be blocked during construction and no skips kept on it and requests Construction Logistics Plan is submitted to and approved by the City Council.

THAMES WATER

Requests applicant incorporates within the proposal protection to the property to avoid backflow of sewerage. Request a condition requiring that development shall not commence until a drainage strategy has been submitted to and approved by the City Council in conjunction with Thames Water.

HISTORIC ENGLAND

Do not consider necessary to notify them of application.

ENVIRONMENTAL HEALTH

No objection subject to standard noise conditions.

CLEANSING MANAGER

No objection subject to condition securing waste/recycling provision.

BUILDING CONTROL

Structural method statement considered acceptable. Ground investigation of sufficient detail.

HIGHWAYS PLANNING MANAGER

Refuse on transportation grounds. Area above 80% threshold level in terms of off street parking pressure. Only two on site spaces provided meaning that the proposal is five spaces short of what is required by TRANS23. If permission granted recommend legal agreement to secure the two car parking spaces as unallocated, and to provide lifetime Car Club Membership and a parking mitigation payment.

ARBORICULTURAL OFFICER

Following amendments to remove the rear basement lightwells no objection subject to conditions securing landscaping to the front and rear garden.

The removal of the three TPO lime trees at the front of the boundary, although they provide useful screening and greening, they have been brutally reduced in height and the presence of basal decay means that it would be imprudent to allow them to regain a stature much greater than existing and have a limited safe life expectancy estimated at 10-20 years. Recommend to reserve landscaping and condition replacement tree at the rear.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 33; Total No. of Replies: 3 2 addresses.

Three letters raising objection (one from resident of Cochran Close, one from resident of 24 Wellington Road and one from representative of 24 Wellington Road) raising objections on all or some of the following grounds.

Design

- Loss of the existing building which is designated as an unlisted building of merit and has a positive contribution to the St John's Wood Conservation Area which is contrary to Council policy.
- Appearance, bulk and height of scheme and impact on appearance of Conservation Area, in particular the increase of the bulk at the rear.
- The rear of the new building projects further forward than neighbouring properties. The existing building is already visually dominant and the new building will make this worse.
- Rear of property would be overbearing.
- Impact of the proposed basement on the heritage assets.

Amenity

- Effect on sunlight and daylight and overlooking to Flat 24 Cochrane Close behind, in particular loss of sunlight to kitchen window.
- Impact on sunlight and daylight to 24 Wellington Road of rear extensions.
- Reduction in amenity space and the space provided is inadequate for seven flats.
- Proposal will be an eyesore and affect outlook from Cochrane Close.

Transport/Parking

- Impact on traffic, parking and servicing.
- Lack of on site car parking.

- Traffic may use Cochrane Street and given there is a primary school this may pose a danger to residents and pupils.
- Vehicles may wait on Wellington Road and affect traffic and opposite the site is a petrol filling station.

Trees

- Loss of trees and resultant impact on setting.

Other Matters

- Lack of detail in structural statement and construction management plan.
- Lack of dialogue with neighbouring properties in relation to basement.
- No consultation with neighbours by developer.
- Increase in traffic and noise and dust during construction.
- Residents of existing flats would lose their homes as a result of this proposal.
- Vagueness of construction management and structural information.
- Noise report is not available on line.

4. BACKGROUND INFORMATION

4.1 The Application Site

No. 22 Wellington Road is a four storey semi-detached building situated on the northern eastern side of Wellington Road. It comprises four residential duplex flats served by two off street car parking spaces. The property is unlisted but is located within the St John's Wood Conservation Area. Wellington Road is a Red Route. No 28 is Grade II listed.

4.2 Planning History

Permission was granted on 10.04.1987 for the change of use of the property from a single family dwelling to four maisonettes and associated extension (87/00087/FULL).

5. THE PROPOSAL

Permission is sought for the demolition of the existing four storey semi-detached building and its replacement with four storey building plus new basement level, to provide seven residential units (1x1 bedroom, 3x2 bedroom and 3x3 bedroom units) and installation of associated plant. Two off street parking spaces are shown in the front garden.

The application has been amended to make changes to the detailed design of the front elevation, amend the design of the bike store and to remove the rear lightwells in order to safeguard existing trees.

The application involves the removal of four trees, a Chinese Privet in the rear garden and (T3) and three Limes (T4-T6) in the front garden.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The principle of additional residential floorspace in land use terms is supported by Policy H3 of the UDP and Policy S14 of the City Plan. Of the seven units created three are 3 bed units, exceeding the 33% requirement for family sized units under Policy H5 of the UDP. All the flats are an acceptable size.

The proposal new building (592m² GIA) falls below the Council's threshold for affordable housing and creates a residential density in the region of 576 habitable rooms per hectare

(hrh). Whilst it is accepted that this is in excess of the recommended density range in the Council's adopted UDP for St John's Wood (120-350 hrh), it is not considered that the new building represents an over-development of the site.

6.2 Townscape and Design

Demolition of the Existing Building

The existing building is identified in the adopted St. John's Wood Conservation Area Audit as an Unlisted Building of Merit. The Audit however identifies the property as a building dating from between 1850 to 1879, which appears a mistake in the drafting of this document. The on-site assessment and other photographic evidence suggests clearly that despite its traditional styling it is a modern building dating from a permission granted in 1988.

Despite its modern date of construction however, the existing building fits relatively well into the townscape to the east side of Wellington Road, which has a number of similar villa style buildings, and together they form a relatively cohesive section of townscape through use of similar materials, detailing, building height and plot width.

Considered in detail however, the existing building does not have a significant degree of intrinsic architectural quality in itself. The front elevation has windows lined up in two separate bays to either end of this elevation, with the central bay having a series of blank window panels giving an awkward proportioning to the arrangement of this elevation. The windows to the front elevation are particularly squat in proportion, which stands out in contrast to the consistent use of more elegant vertically proportioned sash windows to the surrounding historic buildings, and the building lacks a distinct base to the composition of the front elevation. The rear elevation has some relatively crude window surrounds and some poorly considered post-modernist design detailing.

Given the above, it is considered that the application property makes a neutral contribution to the character and appearance of this part of the St. John's Wood Conservation Area, despite the guidance to the contrary in the Conservation Area Audit. As such, its demolition is considered to be acceptable and in accordance with Policy DES9 in the UDP and S25 in the City Plan, subject to a suitable replacement building.

Architectural Approach for New Building

Objections have been received on design grounds from St Johns Wood Society and neighbours on the grounds of the appearance, bulk and height of scheme, its projection to the rear when compared with neighbouring properties, the overbearing nature of the rear elevation and its impact on appearance of conservation area.

The proposed building draws a significant part of its inspiration from the surrounding buildings to this terrace on Wellington Road. It is designed as a classically inspired villa style property, with rendered elevations, a low pitched roof structure with overhanging eaves which is characteristic of the terrace and St John's Wood as a whole, and with traditionally detailed sash windows in a regular arrangement to the front elevation.

To the front elevation the new development matches the height and roof profile of the existing building, adopting the low pitched roof structure with overhanging eaves which is characteristic of this building and the other buildings in the terrace. Whilst to the rear the building has a small degree of additional bulk, this does not adversely affect its character and appearance.

The proposed front elevation is a significant improvement upon the existing building which incorporates some of these classical elements though in a relatively crudely designed form. In place of the existing squat windows with a large blank area to the centre of the front elevation,

there are now three regularly spaced bays of windows rising up the front elevation, with each of the windows being of more vertical proportions which is more reflective of the windows to the surrounding 19th century buildings. The front entrance door is designed as a classically inspired entrance porch, which again is complimentary to the style of surrounding buildings. The ground floor windows are designed as projecting bay windows, which together with the front entrance porch will give a defined base to the overall composition, which the existing building notably lacks. The rear of the building largely follows the existing arrangement of windows, and will not adversely affect the character of the area.

The building is proposed to be clad principally in a white render and incorporate traditional materials of timber windows and slates to roof level which will all help integrate the new building into this traditional street scene.

A new bike rack structure is proposed within the front garden of the property, which though shown on the plan drawing only is considered acceptable in principle as the most appropriate location for this structure. Further details of its design are to be secured by condition. Given the high boundary walls to the front garden however this will not be readily visible, if at all, from street level and will not adversely clutter the front forecourt of the building. The new bin store structure to the front garden is also relatively small, screened by the high boundary walls, and is also considered acceptable. The new plant enclosure to the rear garden is discreetly sited and acceptable in design terms.

Overall, the new building will integrate well into this section of 19th century townscape, by adopting the height, profile, architectural features and materials of the surrounding buildings. It is considered that the proposed building is of sufficient design quality and would be appropriately scaled in terms of its overall height and bulk and will enhance the character and appearance of this part of the Conservation Area and will not affect the setting of nearby listed building at No 26. As such, it is considered that, subject to the conditions set out in the draft decision letter, it would accord with Policies DES1, DES4 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

For the reasons outlined above it is not considered that these objections are sustainable.

6.3 Residential Amenity

In terms of impact on neighbouring amenities, the increase in bulk of the proposed scheme over the existing property on the site is restricted to the rear. There is no overall increase in depth but open sections to either side of the rear wing would be infilled. Effectively this results in an additional depth of 3.2 metres on the boundary line at ground floor level, 2 metres at first floor level and 0.8 metres at second floor level.

There is considered to be sufficient separation distances to properties to the rear of the site as to not raise any substantial concerns in terms of loss of light and outlook. Five metres of rear garden space is retained beyond the building line and the additional bulk would be viewed in the context of the host property, the ridge line is not raised and the extent of rear projection not increased.

In respect of the flats at the rear in Cochrane Close, the applicant's Daylight and Sunlight Analysis identifies that a number of ground floor windows will just in excess of 20% of the Annual Probable Sunlight Hours (APSH) in the winter months, but existing levels are low, therefore any loss will be expressed as a high percentage figure. However, it is not considered that the loss of sunlight will be so great to warrant refusal of permission. There will be an increased sense of enclosure, but again it is not felt to be harmful.

The property to the south of the site is 20 Wellington Road. At ground floor level 20 Wellington Road is entirely covered by additional amenity space. Rooflights appear to serve the

ground floor level of this unit, but the proposal is set away from the largest rooflight so is unlikely to result in significant loss of light. There are windows serving a bedroom at first floor level, but these windows are set back from the rear building line and as such are unlikely to be significantly impacted upon by the modest increase in depth of building line at first floor level.

No. 24 Wellington Road to the north of the site has the potential to suggest the greatest impact as a result of the scheme. Objections have been raised that the scheme would result in loss of light and enclosure on this side. Acknowledging the existing building the increased bulk of the proposal would be limited to the additions that sit on the boundary of the property resulting in a 3.2 metre deeper building line at ground floor level, 2 metres at first floor level and 0.8 metres at second floor level. Number 24 has recently been extended and altered and itself has a 2 storey side extension that projects to the rear of the site restricting available amenity space to the southern side of the plot. At ground floor level the property has a set of rear facing bi-fold doors that appear to serve an open plan dining/ living and kitchen room while there are two rear facing windows at first floor level that appear to serve a master bedroom close to the boundary line.

In terms of loss of daylight, the losses are within the BRE guidelines, and the most affect rooms at ground floor level are well served by a set of bi-fold doors to the rear while the open plan internal rooms are also served by light from a front bay and side facing windows. The projection of the additions at first floor level are relatively modest and the room that would be most impacted on is a bedroom that is served by two rear facing windows and appears to receive light from a front bay. As such the impact on light is considered not to provide sustainable ground for refusing the application.

In terms of enclosure it would be difficult to sustain concerns on these grounds given the scale of additions proposed. The bi fold doors at ground floor level are set off the boundary line and are significant in width so the enclosure of internal space would be limited at ground floor level. The 2 metre projection at first floor level would have little impact on first floor windows. The enclosure of amenity space would be greater and it is acknowledged that the amount of rear amenity space is relatively modest on number 24, though it has been restricted to the southern side of the plot by virtue of extensions on the property itself. At ground floor level the extension would project approximately 70cm above the existing boundary treatment and has a relatively modest projection. There is a section of additions that projects over three storeys, but the projection at upper floor levels is modest and would always be viewed in the context of the existing three storey projection on the host plot.

Concerns have been raised that the proposal would result in loss of privacy to neighbouring properties. However no new side facing windows are proposed and though there are additional rear facing windows proposed these are unlikely to have significant additional impact over existing rear facing windows, which currently include a Juliette Balcony, which offer similar views.

6.4 Transportation/Highways

The City Council's Highways Planning Manager has recommended that the application be refused on transportation grounds as the vicinity is above the 80% threshold level in terms of off street parking pressure and only two on site spaces are provided meaning that the proposal is 5 spaces short of what is required by TRANS23. However it has been recommended that if permission is granted a legal agreement should be made to secure the two car parking spaces as unallocated and to secure lifetime Car Club Membership. In this case the number of units has increased by only three (from four existing units to seven proposed) and it is considered that if Lifetime Car Club Membership and unallocated car parking spaces are secured this could address this issue. A legal agreement could secure this. A draft legal agreement has already been discussed with the applicants.

Transport for London considers two on site car parking spaces excessive and suggests the Council considers a car free scheme. This would be contrary to Council policy for the reasons set out above. They have also stated that Wellington Road must not be blocked during construction and that no skips are kept on it. The submitted Construction Traffic Management Plan shows skips are to be stored on site and not on the highway and in any case licenses would need to be approved for use of the public highway. They have requested that a Construction Logistics Plan and this can be secured via condition.

6.5 Equalities and Diversities

Level access is being provided to the entrance to the new building with lift access to all floors.

6.6 Economic Considerations

Not relevant in the determination of this application.

6.7 Other Westminster/UDP Considerations

London Underground

There are underground tunnels and infrastructure beneath the site. London Underground have no objection in principle to the proposal but request a pre commencement condition to ensure that the development shall not be commenced until detailed design and method statements for all foundations, basement and ground floor structures have been approved .

Noise /Plant

The residents' concerns about the impact of the construction works on their amenities are well understood. The applicant's framework Construction Management Plan (CMP) does not contain a detailed construction programme or emergency contact details. It is recommended that conditions be imposed regarding hours of building works and to require a more detailed CMP.

The proposal includes seven heat recovery units and two external condensers. The applicant's noise report confirms that the plant will comply with the Council's standard noise conditions. Environmental Health raises no objections subject to standard noise/vibration conditions being attached to any permission.

6.8 The London Plan

This proposal raises no strategic issues.

6.9 Central Government Advice

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.10 Planning Obligations

As set out section 6.4 of this report it is recommended to grant permission subject to the completion of a legal agreement to ensure that the two car parking spaces are provided on an unallocated basis and car club membership for the seven flats.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues Sustainability

The applicant has submitted a Code for Sustainable Homes pre-assessment which shows that the new building will meet Code 4. Following a fundamental review of technical housing standards, the government has withdrawn the Code for Sustainable Homes. It is recommended to add a condition to secure the provision of PV panels

Biodiversity

The removal of three lime trees (T4, T 5, and T6) which are subject to Tree Preservation Orders at the front of the property is proposed as part of the development. Although they provide useful screening and greening, they have been rather brutally reduced in height in the past, and the presence of basal decay means that it would be imprudent to allow them to regain a stature much greater than existing. It also means they have a limited safe life expectancy, estimated at 10-20 years. As such the Arboricultural Officer considers it unreasonable to insist on their retention, subject to the provision of adequate replacements.

The proposal also involves the loss of a Chinese Privet tree in the rear garden which is considered to be of low value. The applicant is proposing 4 replacement trees and landscaping will be secured by condition. Subject to adequate tree protection for the retained trees and the Arboricultural Officer is of the opinion it should be possible to construct the basement without significant harm to the remaining existing trees.

6.12 Other Matters

Basement Excavation

In terms of the progression of our policy towards basements, the City Council recently adopted its Supplementary Planning Document (SPD) 'Basement Development in Westminster' on 24 October 2014. The SPD provides detailed advice and clarification on how current policy is implemented in relation to basement development. It does not introduce any additional restrictions on basement development above and beyond the precautionary approach that the City Council had already adopted in response to such development.

The Draft Basements Policy remains the subject of consultation and has not yet been adopted. It is this document which will provide a specific basement policy and it will form part of the local plan (replacing the UDP) in due course. It has some, but only very limited, legal weight (known as material weight or a material consideration). It will not gain more legal weight until after consultation and amendment and will need to be tested at an independent examination before formal legal adoption.

The new basements policy may introduce restrictions on basement excavations provided there is a valid planning reason for doing so, but, as explained above, it has to go through a formal process including an examination in public by an independent Inspector and then legal adoption and it is not, therefore, likely to be formally adopted until early 2016.

In this case concern has been raised by residential occupiers of neighbouring properties over the potential impact of the basement excavation on the structure and foundations on adjoining Grade II listed properties in this terrace. While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

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

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

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

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

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures, particularly where the buildings in question are heritage assets, as is the case with this site. To seek to address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

Objections have been received from neighbours concerned that the submitted structural information is not sufficiently detailed however Building Control advise that the structural approach for the construction of the proposed basement is acceptable and of sufficient detail and the likelihood of flooding and adverse effects on the water table are negligible.

We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed

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

BACKGROUND PAPERS

1. Application forms.
2. Memorandum from St John's Wood Society dated 16.01.2015
3. Letter from London Underground dated 3.03.15
4. Email from Transport for London dated 9.03.15
5. Letter from English Heritage dated 24.12.14
6. Memorandum from Highways Planning Manager dated 13.01.14.
7. Memorandum from Environmental Health dated 12.01.2014
8. Memorandum from Cleansing Manager dated 5.01.15
9. Email from Building Control dated 23.12.2014.
10. Memorandum from Arboricultural Officer dated 12.06.15
11. Letter from Owner/Occupier of Flat 24 Cochrane Close London NW8
12. Letter from Attwaters Jameson Hill Solicitors on behalf of owners of 24 Wellington Road London NW8 dated 26.1.2015.
13. Letter from Owner/Occupier of 24 Wellington Road London NW8 dated 26.01.2015
14. Email from Thames Water dated 24.12.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – acoulson@westminster.gov.uk

DRAFT DECISION LETTER

Address: 22 Wellington Road, London, NW8 9SP

Proposal: Demolition of existing building and replacement with four storey building plus new basement level, to provide seven residential units (1x1 bedroom, 3x2 bedroom and 3x3 bedroom units) and installation of plant.

Plan Nos: 0855_EX101; 0855_EX102; 0855_EX103; 0855_EX104; 0855_EX105; 0855_EX200; 0855_EX201; 0855_EX300; 0855_EX301; 0855_PL.SLPRRevE; 0855_PL.100RevE; 0855_PL.101RevG; 0855_PL102RevB; 0855_PL103RevB; 0855_PL104RevB; 0855_PL105RevD; 0855_PL200RevE; 0855_PL201RevC; 0855_PL202RevA; 0855_PL300; 0855_301RevE; 0855_PL.PL302RevD; 0855_PL.PL400; Tree Survey and Arboricultural Method Statement; Planning, Design and Access Statement; Code for Sustainable Homes Pre-Assessment Report; Framework Construction Traffic Management Plan; Energy Strategy Report; Daylight & Sunlight Report; Structural Engineers Structural Methodology Statement for Planning (for information only); Transport and Highways Technical Note.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

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 basement excavation 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 basement excavation 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. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 render to the external elevations shall be a smooth render. You must apply to us for approval of a colour sample for the new render. You must not start any work on the application of render before we have approved the sample. You must then carry out the work according to the colour sample, and maintain it as such thereafter. (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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed elevation and section drawings to show the size, projection and design of the window surrounds, and the design of the new windows (including the relationship of their glazing bars to the glazing). 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 windows shall be formed of glazing with timber framing, and the window framing and window surrounds shall be painted and retained in a white 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 You must apply to us for approval of a sample of natural slate for use on the main pitched roofs of the building. 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must apply to us for approval of a sample of the material(s) you propose to use to pave the front and rear gardens. 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 You must apply to us for approval of detailed elevation and section drawings (as appropriate) of the new cycle rack structure within the front garden, and including confirmation of materials to be used. 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. (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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 The enclosure around the plant equipment within the rear garden shall be erected prior to the equipment being brought into use and shall be retained in position 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 12 You must plant new trees to replace the trees which you propose to remove as part of this development (tree numbers 3, 4, 5, and 6 in your tree report) in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St Johns Wood 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: Strategic Policies adopted November 2013 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)

13 Pre Commencement Condition

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof
- and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

14 Pre Commencement Condition. No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

15 (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: Strategic Policies adopted November 2013, 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.

- 16 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.

- 17 You must provide the waste store shown on drawing 0855_PL.101RevG 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: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 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 TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 19 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: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 20 Notwithstanding that shown on the submitted drawings 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 5 years of planting them, you must replace them with trees of a similar size and species.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood 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: Strategic Policies adopted November 2013 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)

- 21 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, and be provided on an unallocated basis.

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)

- 22 Pre-Commencement Condition. Before any development (including demolition) takes place on site, you will need to submit a Construction Logistics Plan (CLP) for approval by the City Council in consultation with Transport for London (TfL). The development shall be carried out in accordance with the agreed Plan.

Reason:

In order to safeguard the impact on Transport for London's Road network.

- 23 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

pv panels on the roof

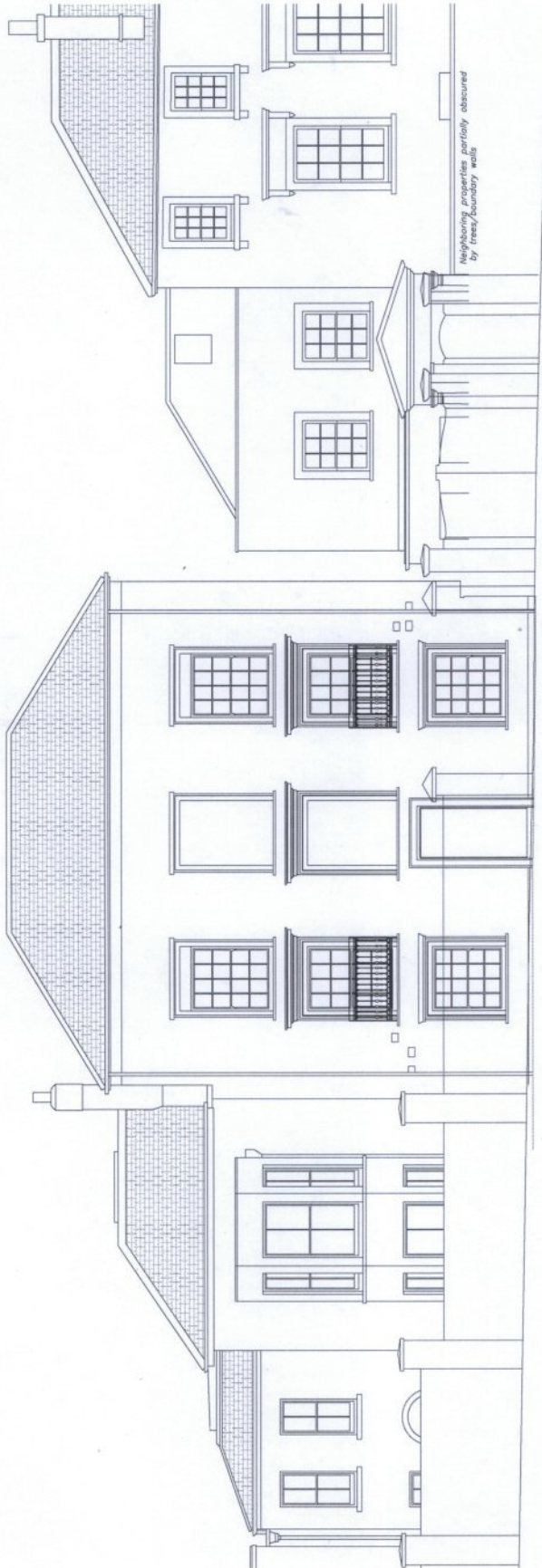
You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

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: Strategic Policies adopted November 2013, 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 In reference to condition 13 you are advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation and construction methods;
- 3 You are advised that in respect of Condition 22 Transport for London have requested a condition to secure a Construction Logistics Plan given that Wellington Road forms part of the Transport for London Road Network (TLRN).
- 4 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to
 - i) free lifetime (25 years) car club membership for residents of the development and.
 - ii) provision of 2 off street residential car parking spaces on an unallocated basis.



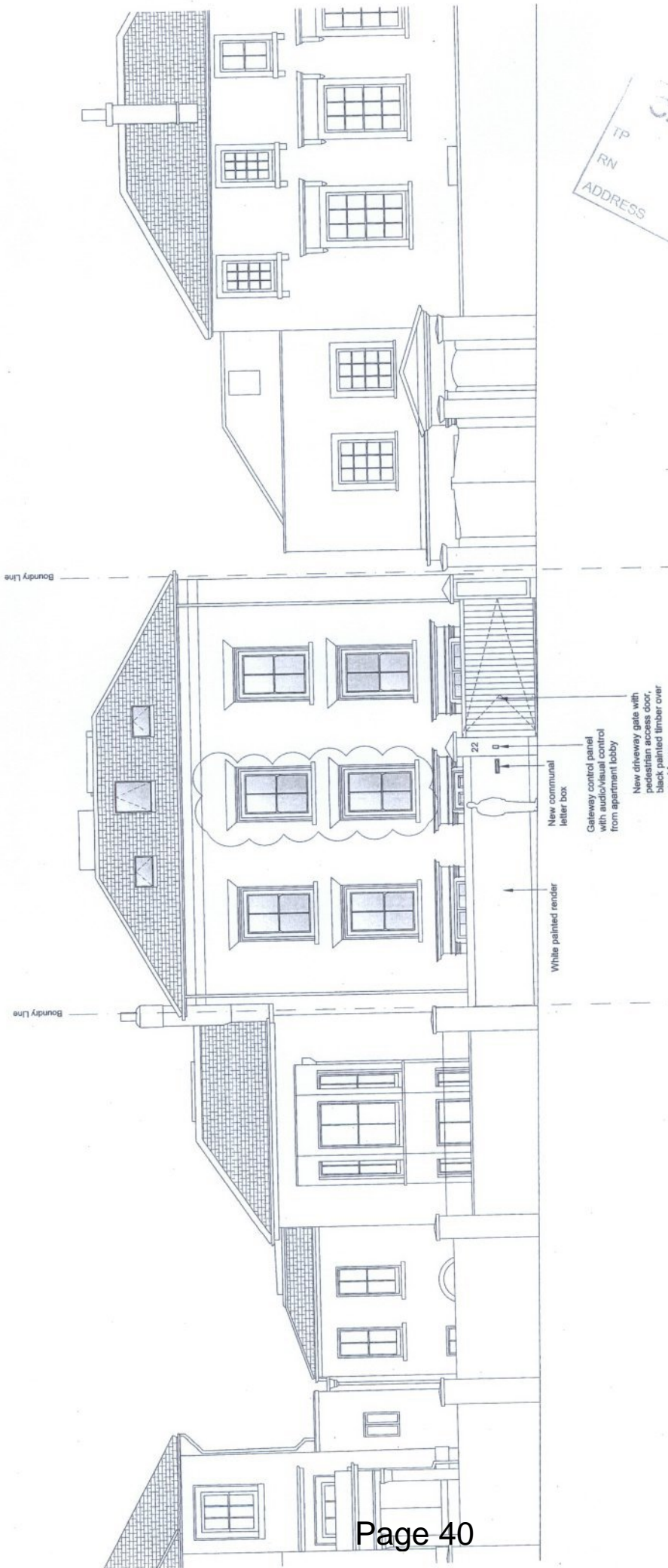
01 EXISTING FRONT ELEVATION

NOTES:
 ALL RIGHTS RESERVED IN QUANTER BY OF THE COPYRIGHT AND
 PATENTS ACT 1988 HAVE BEEN GENERALLY ASSERTED
 REPORT ANY DRAWING INCOMPATIBILITIES TO THE ARCHITECT
 DO NOT SCALE - ALL DIMENSIONS TO BE CHECKED ON SITE
 Scale 1:50 @ A1



REVISIONS:
 / 17.11.2014 General Arrangements

Project No:	RDV0855	Date:	May 2014
Client:	Wellington Land LTD	Scale:	1:50 @ A1 / 1:100 @ A3
Project:	22 Wellington Road	Sheet No:	EXISTING FRONT ELEVATION
Architect:	RODICI DAVIDSON ARCHITECTS	Quantity:	ID
Address:	1 Plead Bull Yard London WC1A 2JR T: +44 (0)207 043 8551 F: +44 (0)207 043 8552 www.rodicidavidson.co.uk	Drawing No:	0855_EX_200



TP
RN
ADDRESS

CASE COPY

01 PROPOSED STREET ELEVATION

NOTES:
 ALL RIGHTS RESERVED BY ARCHITECTS FOR THE CONSULTANT AND
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 REPORT ANY DRAWING MODIFICATIONS TO THE ARCHITECT
 DO NOT SCALE - ALL DIMENSIONS TO BE CHECKED ON SITE

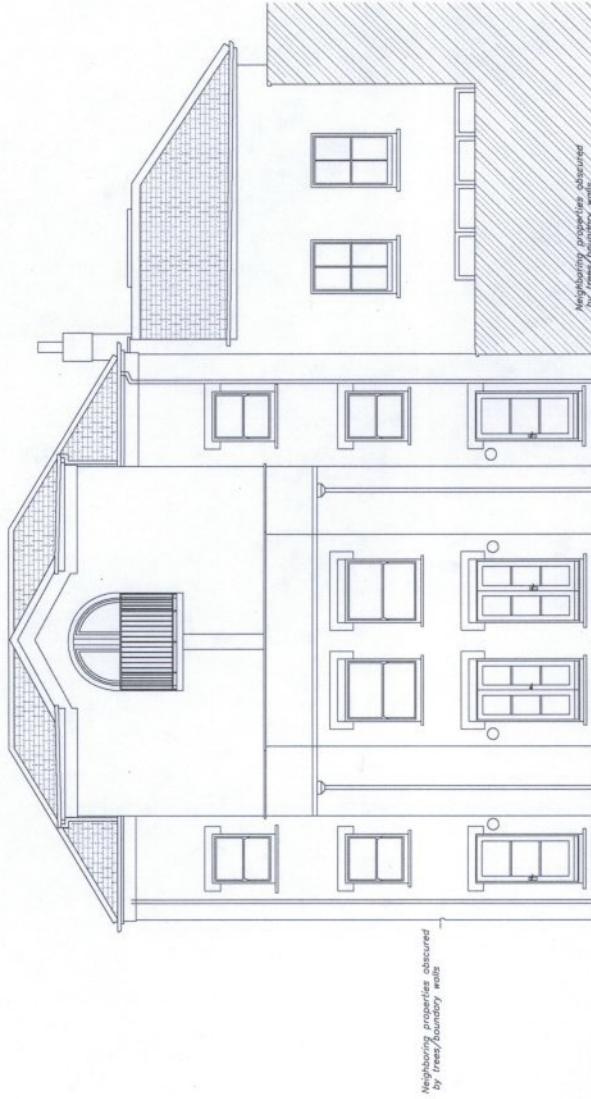


REVISIONS:
 / 01.12.2014 General Arrangements
 A 15.02.2015 Minor Amendments

RODIC DAVIDSON ARCHITECTS is the trading name of Rodic & Davidson Architects Ltd

Project	22 Wellington Road	Client	Wellington Land LTD
Drawn by	PG	Scale	1:50 @ A1 / 1:100 @ A3
Checked by	ID	Date	November 2014
Project No.	0855_PL_002	Page No.	RD0855
Sheet No.	PROPOSED STREET ELEVATION	Revision	

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01 EXISTING REAR ELEVATION

NOTES:
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 Scale 1:50 @ A1



REVISIONS:
 / 17.11.2014 General Amendments

RODRIĆ DAVIDSON ARCHITECTS is the trading name of Rodrić & Davidson Architects Ltd

Client Wellington Land LTD	Project 22 Wellington Road	Architect RODRIĆ DAVIDSON ARCHITECTS
Date 1:50 @ A1 / 1:100 @ A3	Issue No EXISTING REAR ELEVATION	Address 1 Pied Bull Yard London WC1A 2ER T: +44 (0)20 743 3552 F: +44 (0)20 743 3552 www.rodricdavidson.co.uk
Page No RD/0855	Issue May 2014	Drawing No 0855_EX.201
		Check No ID



Boundary Line

Boundary Line

Flat PV panels

Slate roof

White painted stucco render

All boiler flues white in colour to match white render

White, painted, timber, double glazed sash windows

Cast iron, black downpipes

Neighboring properties obscured by trees/boundary walls

Black metal railings

Neighboring properties obscured by trees/boundary walls

01 PROPOSED REAR ELEVATION
E - E and F - F

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REVISIONS:
A. 11.12.14. General Arrangements
B. 03.03.15. Revision to door of entrance
C. 16.05.2015. Minor Amendments

PROJECT NO. RD0855
DATE: November 2014

Client: Wellington Land Ltd
Scale: 1:50 @ A1 / 1:100 @ A3
Date: November 2014

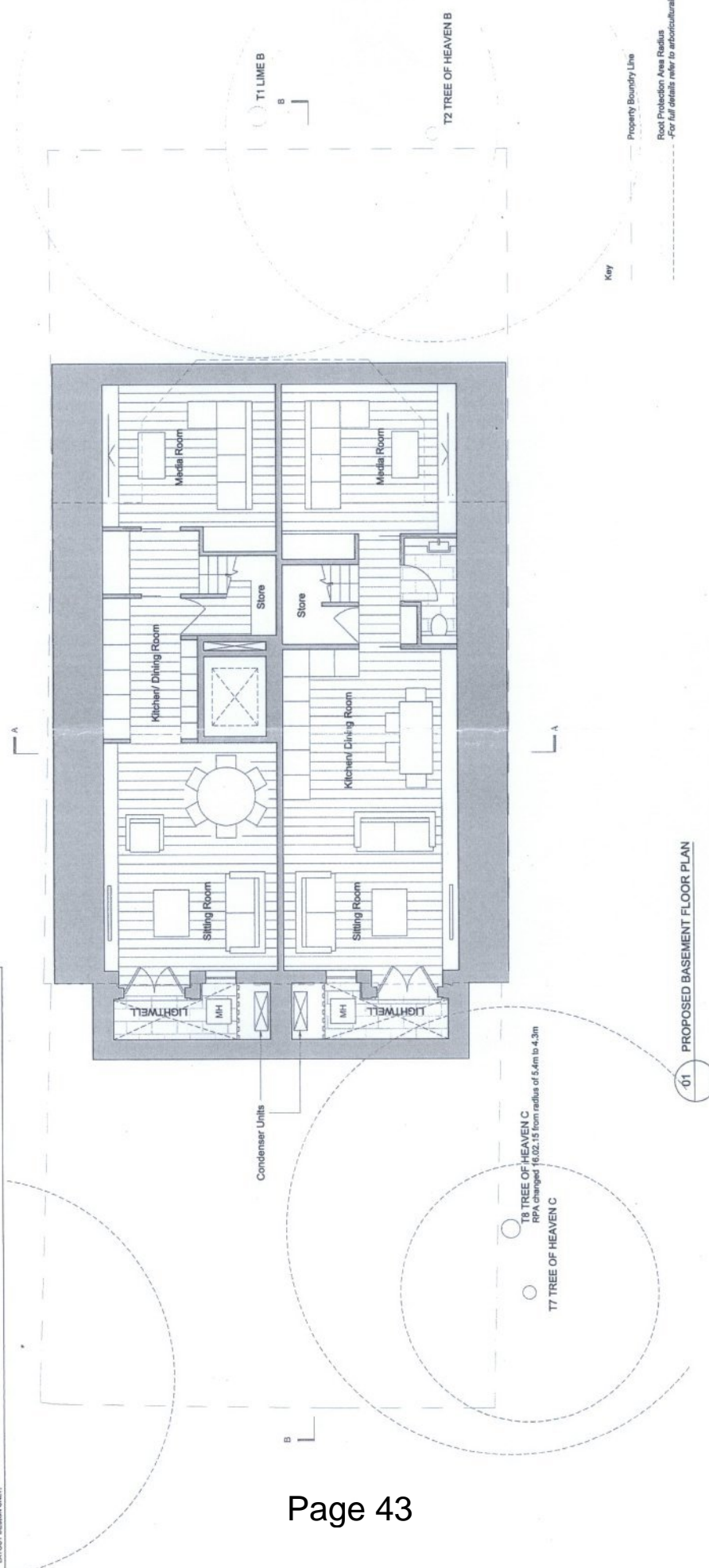
Drawn by: PG
Checked by: ID

Project: 22 Wellington Road
Drawing No: PROPOSED REAR ELEVATION
Drawing No: 0895_PL_201

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Schedule of Accommodation									
EXISTING	PROPOSED			EXISTING			PROPOSED		
	Apartment	GIA (sqm)	Bedrooms	Floor	GIA (sqm)	Floor	GIA (sqm)	Bedrooms	GIA (sqm)
1	113.8	1	3B/5P	Basement	118.5	Basement	118.5		118.5
2	113	2	3B/5P	Ground	130.2	Ground	130.2		152.1
3	98.7	3	2B/3P	First	132.6	First	142.9		142.9
4	97.9	4	2B/3P	Second	125.5	Second	138.6		138.6
		5	2B/3P	Third	104.9	Third	118.4		118.4
		6	3B/5P						
		7	1B/2P						
		63.0							
TOTAL APARTMENT AREA	423.4			TOTAL FLOOR AREA	589		493.2		670

IMPORTANT NOTE: ALL AREAS ARE APPROXIMATE AND BASED UPON SURVEY BY OTHERS AND INITIAL LAYOUT DESIGN ONLY.



01 PROPOSED BASEMENT FLOOR PLAN

NOTES:
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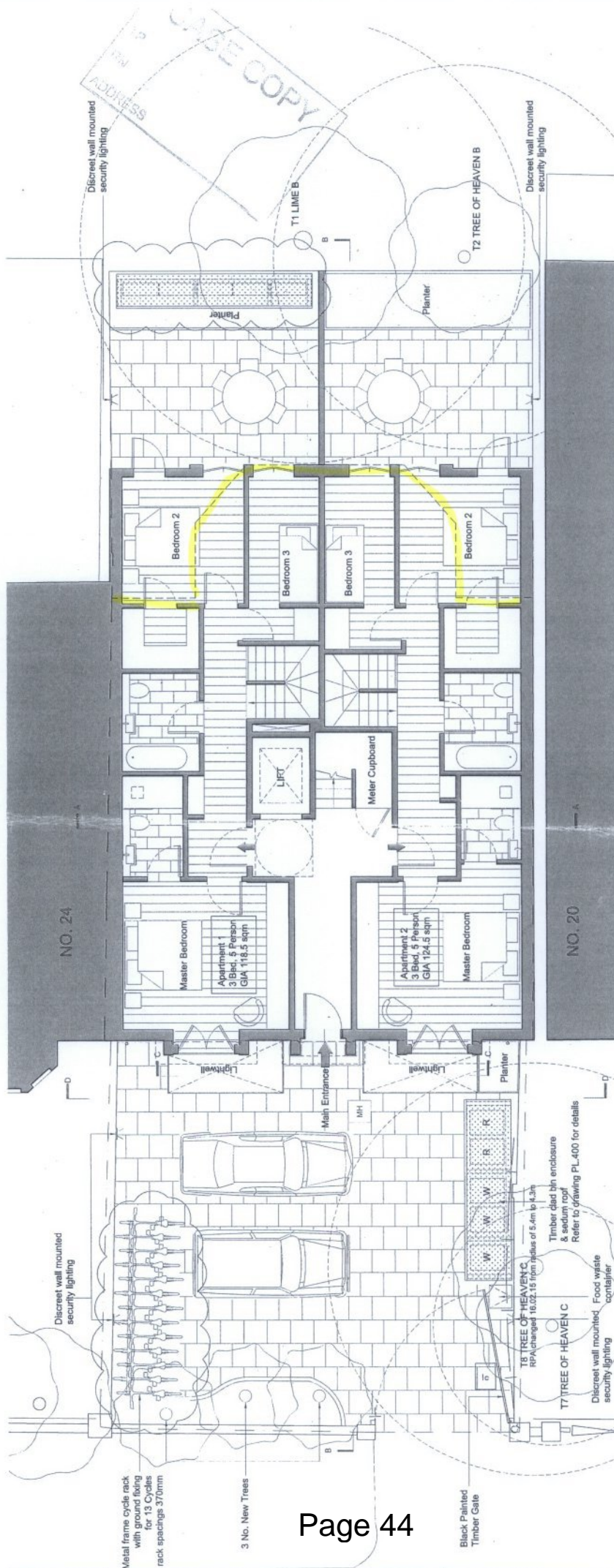
0 1 2 3 4 5 6 7 8 9 10

REVISIONS:

Rev	Date	Description
A	12.13.2014	Ground Annotations
B	01.12.2014	Minor amendments to layout
C	19.02.2015	Reduction in size of lightwells
D	19.02.2015	T1 RPA changed
E	12.03.2015	Minor amendments

Project: 22 Wellington Road
Client: Wellington Land LTD
Drawn by: PG
Scale: 1:50 @ A1 / 1:100 @ A3
Date: November 2014
Project No.: RD0855
Drawn No.: 0855_PL100
Quantity: E
Rev: E

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01 PROPOSED GROUND FLOOR PLAN

Key
 - - - - - Property Boundary Line
 - - - - - Existing Building Footprint
 - - - - - Roof Protection Area Radius
 - - - - - For full details refer to arboricultural report

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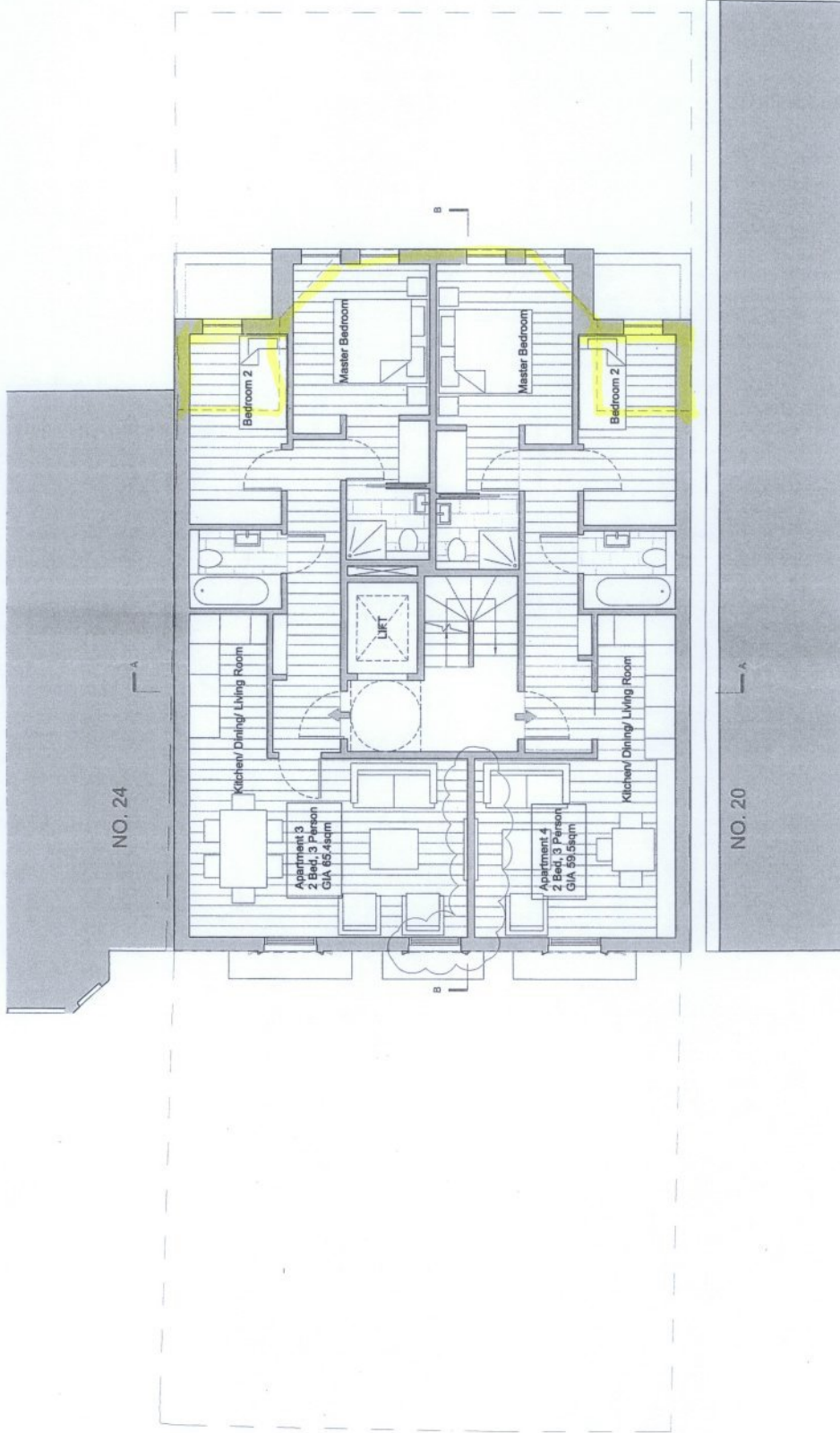
Project: 22 Wellington Road
 Drawing No: **PROPOSED GROUND FLOOR PLAN**
 Drawn by: PG
 Checked by: ID
 Date: 0855_PL_101
 Scale: A1

Client: Wellington Land LTD
 Date: 15/0 @ A1 / 1:100 @ A3
 Project No: RD/0855
 Date: November 2014

Revisions:
 A 19.11.2014 Amendments to walls, cycle and stair enclosures
 B 01.12.2014 Minor amendments to bay window
 C 06.12.2014 Amendments to cycle enclosures
 D 10.02.2015 TR RPA changed
 E 24.04.2015 Removal of new lightwells
 F 24.04.2015 Removal of new lightwells
 RODICI DAVIDSON ARCHITECTS. It is the working name of RDA Ltd

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Key
 - - - - - Property Boundary Line
 - - - - - Existing Building Footprint

01 PROPOSED FIRST FLOOR PLAN

NOTES:
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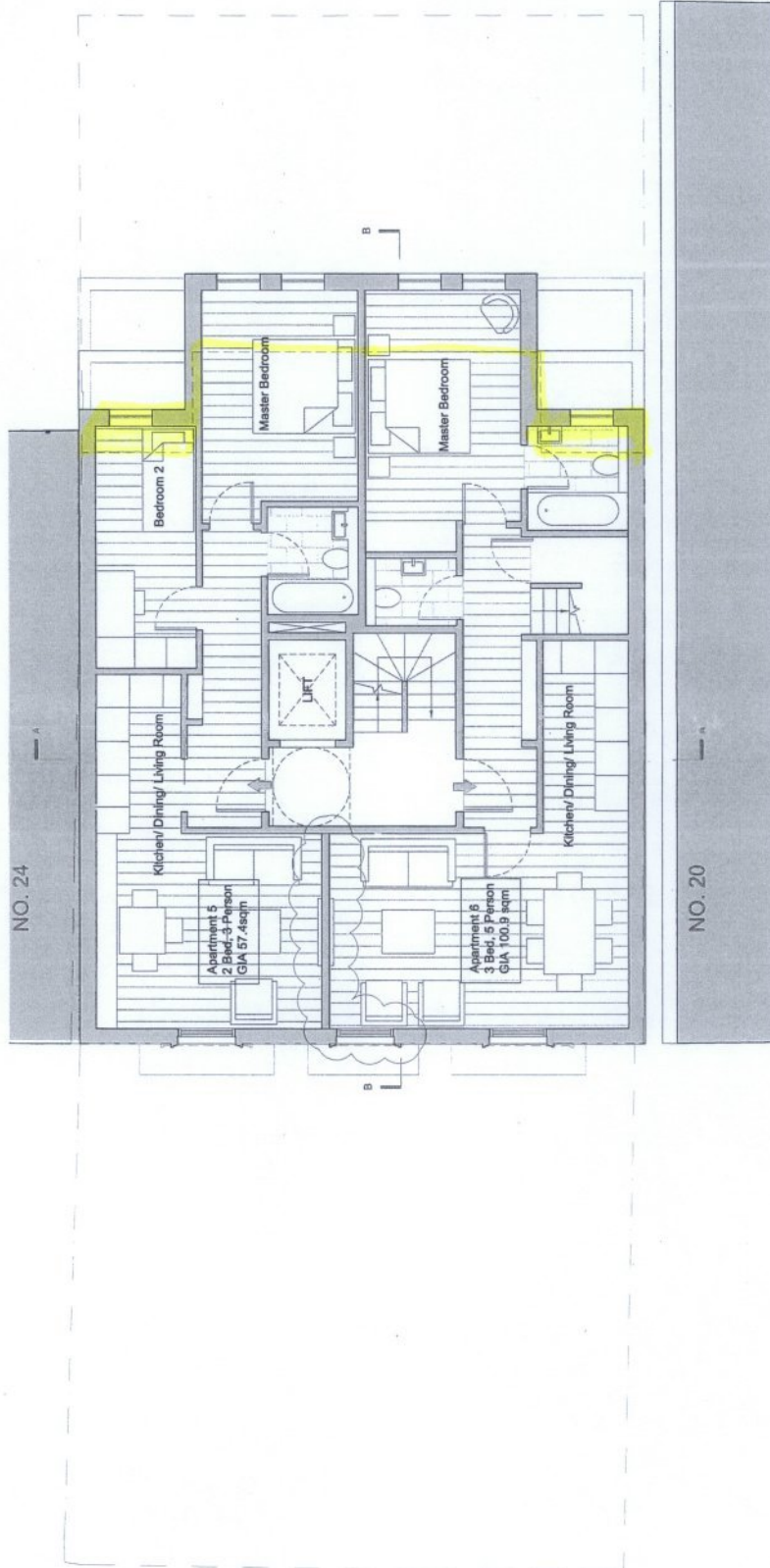
REVISIONS:
 1. 11.12.2014 Created Floorplans
 A. 01.12.2014 Additional detail shown to roof fabricator
 B. 18.05.2015 Minor Amendments

Client: Wellington Land LTD
 Date: 15.09.2014
 Project No: RD/0855
 Date: November 2014

Drawn by: PG
 Checked by: ID

Project: 22 Wellington Road
 Drawn No: PROPOSED FIRST FLOOR PLAN
 Drawing No: 0855_PL-102

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Key
 - - - - - Property Boundary Line
 - - - - - Existing Building Footprint

01 PROPOSED SECOND FLOOR PLAN

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Project: 22 Wellington Road
 Name: PG
 Drawing No: 0855_PL_103
 Date: November 2014

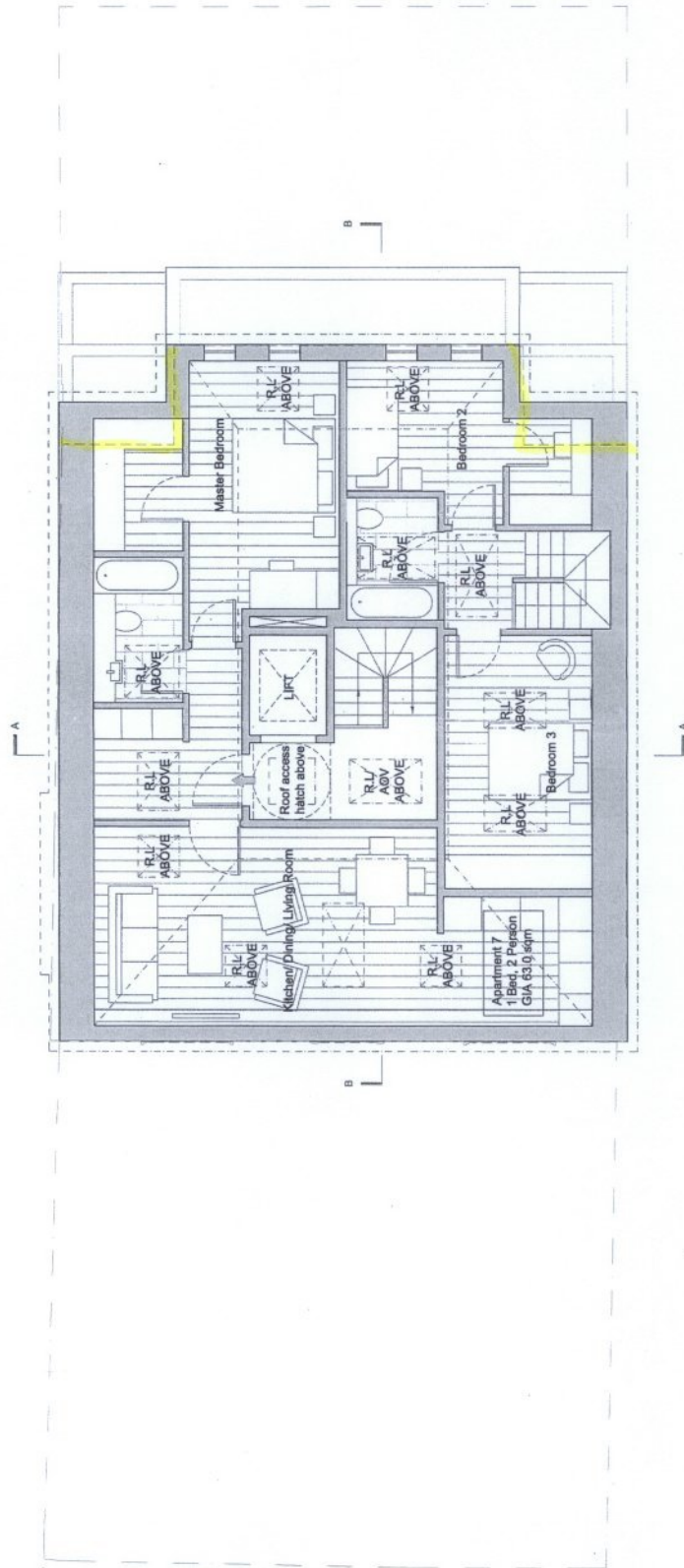
Client: Wellington Land Ltd
 Scale: 1:50 @ A1 / 1:100 @ A3
 Project No: RDV0855



REVISIONS:
 A 01.12.2014 Ground Annotations
 B 15.08.2015 Minor Amendments

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Key
 --- Property Boundary Line
 --- Existing Building Footprint

01 PROPOSED THIRD FLOOR PLAN

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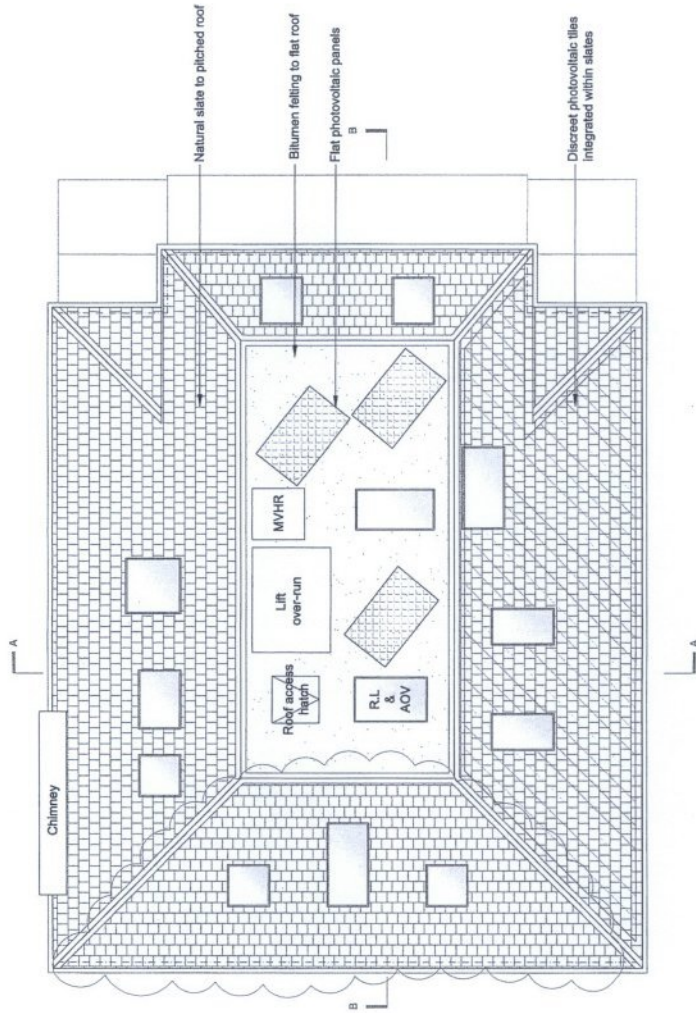
REVISIONS:
 7 17/11/2014 General Amendments
 8 18/11/2014 Amend to reflect current details
 9 18/11/2014 Amend Annotations

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Wellington Land LTD
 Date: 15th November 2014
 Time: 1:50 @ A1 / 1:100 @ A3
 Project No: RD10855
 ID: November 2014

22 Wellington Road
 Project No: 0855_PL_104
 Drawing No: 0855_PL_104
 PG
 ID

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01 PROPOSED ROOF PLAN

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- REVISIONS:
- F 11.11.2014 Council Amendments
 - A 21.12.2014 Additional detail doors to roof ladder
 - B 20.12.2014 Address of PV panels
 - C 18.02.2015 Minor Amendments
 - D 20.02.2015 PV tiles removed from front roof

RODICI DAVIDSON ARCHITECTS is the trading name of Rodici Ltd

Client: Wellington Land LTD
 Date: 15.0 @ A1 / 1:100 @ A3
 Project No: RD00855
 Issue: November 2014

Project: 22 Wellington Road
 Drawing No: PROPOSED ROOF PLAN
 Issue: PG
 Drawing No: 0855_PL_105
 Check by: ID

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Agenda Item 3

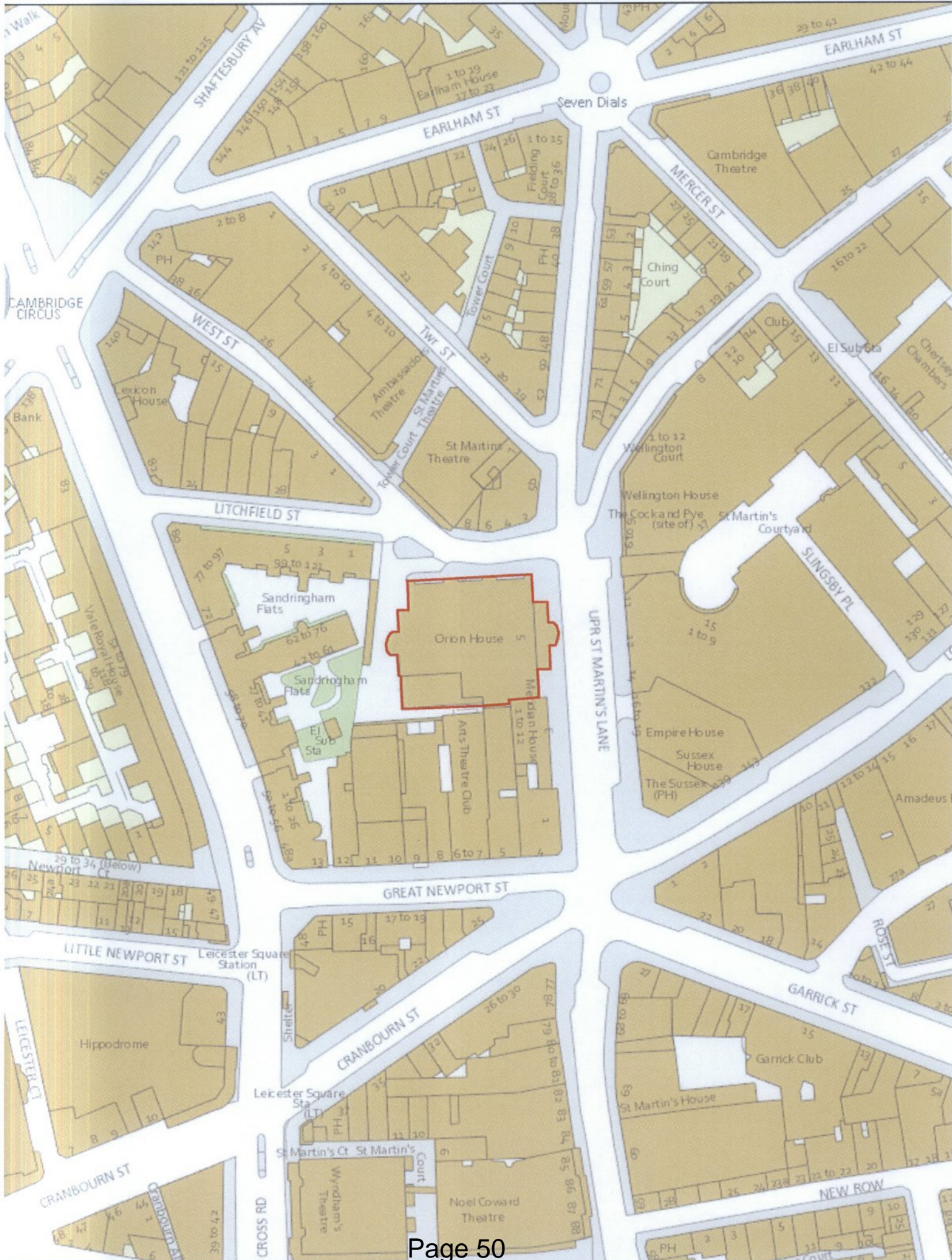
Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved St James's	
Subject of Report	Orion House, 5 Upper St Martin's Lane, London, WC2H 9EA		
Proposal	Variation of Conditions 7 and 9 of planning permission dated 17 April 2013 (RN: 13/01238/FULL) for the reconfiguration and use of existing ground floor office reception and retail unit to provide a new office entrance (Class B1) and retail unit (Class A1) and alterations to the ground floor, namely to amend the hours of servicing and the hours of opening for the (Class A1) retail unit.		
Agent	Pegasus Group		
On behalf of	Starbucks Coffee Co (UK) Ltd		
Registered Number	15/05804/FULL	TP / PP No	TP/8645
Date of Application	26.06.2015	Date amended/ completed	26.06.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area			
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Within Stress Area		
Current Licensing Position	15/05778/LIPN: Supply of alcohol from 16.00 to 22.00 hours Monday to Saturday		

1. RECOMMENDATION

Grant conditional permission.





Orion House, 5 Upper St Martin's Lane, WC2

2. SUMMARY

The application site comprises a vacant Class A1 shop unit on West Street located within Orion House. To the west of the site are Sandringham Flats and to the rear is a service yard. The site boundary with the London Borough of Camden runs along the middle of West Street. The site is located outside of a conservation area but within the Core Central Activities Zone (CAZ) and the West End Stress Area.

Permission is sought to extend the hours of servicing and the hours of opening to the shop unit. The proposal is seeking additional servicing on Sundays and later opening and closing times Monday to Sunday.

The key issue in this case is the impact of extending the opening and servicing hours on the amenity of neighbouring residents.

For the reasons set out in the report the proposal is considered to comply with the Council's policies in relation to residential amenity as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). The application is recommended for approval.

3. CONSULTATIONS

HIGHWAYS PLANNING

No objection.

COVENT GARDEN COMMUNITY ASSOCIATION

COVENT GARDEN AREA TRUST

Objection on the following grounds:

- Increase public nuisance.
- Cause noise nuisance.
- Nothing has changed to merit removing the condition.
- Windows of Sandringham Flats directly overlook the site.
- Variation of hours should not take advantage of the stress area policies relates to restaurant use.
- If variation of condition allowed would make this the only Starbucks serving alcohol in this area.
- If minded to grant hours of servicing (deliveries and collections) should be restricted to 0800 to 2100 daily.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 66; Total No. of Replies: 8.

Amenity

- Noise from extension of opening and servicing hours.
- Use of the building for selling alcohol and other beverages inconsistent with WCC planning and licensing.
- Location immediately next to residential and will have no respite from longer hours.
- A coffee bar serving alcohol will create a nuisance.
- Extension of hours will cause early morning and late night delivery and bin disposal nuisance.
- Bedroom overlooks forecourt towards Orion House and would disturb sleep.

REVISED SCHEME:**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 8; Total No. of Replies: 4.

Amenity

- Amended opening hours will allow deliveries etc to fall outside amended servicing hours.
- Proposed servicing hours are acceptable but opening hours should be the same.
- Bedroom overlooks the application site.
- Deliveries should be 09.00 to 18.00 Monday to Friday and no deliveries and collections on Saturday and Sunday.
- Opening hours should be 09.00 to 21.00 Monday to Friday and 09.00 to 18.00 on Saturday.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION**4.1 The Application Site**

The application site comprises a vacant Class A1 shop unit on West Street located within Orion House. To the west of the site are Sandringham Flats and to the rear is a service yard. The site boundary with the London Borough of Camden runs along the middle of West Street. The site is located outside of a conservation area but within the Core Central Activities Zone (CAZ) and the West End Stress Area.

4.2 Relevant History

Permission granted 17 April 2013 for the variation of Condition 8 of the planning permission dated 19 January 2012 (RN: 11/11433/FULL), namely to reword Condition 8 to read as follows 'notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall not be used as a food retail supermarket' (13/01238/FULL).

Permission granted 19 January 2012 for the reconfiguration and use of existing ground floor office reception and retail unit to provide a new office entrance (Class B1) and retail unit (Class A1) and external alterations to the ground floor entrance (11/11433/FULL).

Planning permission was granted on the 4 March 2005 for the use of part of ground floor reception as coffee shop (Class A1) and replacement of revolving doors with a set of double doors (04/02149/FULL).

5. THE PROPOSAL

Permission is sought to vary Conditions 7 and 9 of the planning permission dated 17 April 2013 to extend the hours of servicing and the hours of opening to the shop unit.

Condition 7 states: All servicing for the Class A1 retail unit must take place between 08.00 - 21.00 on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

The variation proposed to Condition 7 is to allow servicing of the Class A1 unit between 08.00 to 18.00 hours Monday to Saturday and 11.00 to 17.00 hours on Sunday

Condition 9 states: Customers shall not be permitted within the Class A1 premises before 08.00 or after 21.00 hours each day.

The variation proposed to Condition 9 is to allow customers within the Class A1 premises between 07.00 to 23.00 Monday to Saturday and between 08.00 to 23.00 hours on Sundays.

The applicant advises that the retail unit is to be occupied by Starbucks as a coffee shop. The applicant had initially sought to vary the conditions to allow servicing and opening hours from 06.30 to 23.00 hours daily but revised the application following officer advice.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The lawful use of the premises is a Class A1 retail unit and the proposal raises no land use implications.

6.2 Townscape and Design

Not applicable.

6.3 Amenity

It is not considered that the additional servicing hours on a Sunday or the longer opening hours proposed will cause harm to residential amenity. The site is located in a busy part of the West End with entertainment uses nearby including The Ivy restaurant and two large theatres. It is recognised that there are flats nearby on Litchfield Street however the proposal relates to a Class A1 shop use rather than an entertainment use. A1 shop units do not generally present a significant problem in amenity terms, and in this case the retail unit would be separated from Sandringham Flats by a service access road and boundary wall.

Variation of servicing hours

Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. Condition 6 was also imposed which requires all goods to be received within the curtilage of the building and not on the public highway. The site benefits from a service yard to the rear and private drop off area to the front. The applicant has confirmed that daily deliveries will be limited to 1-2 milk cages, one cage of fresh goods and one cage of ambient goods. Weekly deliveries of non-food and drink items will be limited to 1 to 2 deliveries per week which may involve between 1 to 7 cages depending on the ordering pattern.

The concerns of the Covent Garden Community Association, Covent Garden Area Trust and residents within Sandringham Flats about increased noise disturbance are noted. However it is not considered that the additional servicing hours requested on Sundays is unreasonable given the location of the site in the CAZ. The applicant advises that servicing is required on Sundays to allow the delivery of perishables such as milk

Variation of opening hours

The proposal will allow the Class a1 shop unit to open from 07.00 until 2300 Monday to Saturday and from 0800 to 2300 on Sundays. Given that the proposal is for an A1 shop use these opening hours are not considered unreasonable and the terminal hour will be similar to other entertainment uses in the vicinity of the site. For example The Ivy has a terminal hour of 23.00 Monday to Wednesdays; midnight on Thursdays to Saturdays and 22.30 hours on Sundays. The Ambassador Theatre is also directly opposite the application site and has licensed hours for the sale of alcohol until 23.00 hours and the playing of recorded music until midnight.

On this basis it is considered that the amended hours for servicing and opening times are considered acceptable in amenity terms.

6.4 Transportation/Parking

The proposed servicing of the unit is within the curtilage of the application site and off the public highway. As such the proposals are considered acceptable in highways terms subject to conditions controlling the hours of servicing.

6.5 Economic Considerations

The economic benefits of the proposals are welcomed.

6.6 Other UDP/Westminster Policy Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

6.7 London Plan

The proposal does not raise strategic issues.

6.8 Planning Obligations

Not applicable.

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

The proposal is of insufficient scale to require an environmental assessment.

6.10 Other Issues

The concerns about the grant of a licence for the sale of alcohol from the unit are noted. However as long as the primary purpose of the application site remains a Class A1 coffee shop this does not materially change the use of the premises.

7 Conclusion

The proposed variation of servicing and opening hours of the Class A1 unit is considered acceptable in this busy part of the City and is not considered to give rise to harm residential amenity.

BACKGROUND PAPERS

1. Application form.
2. Memorandum from the Highways Planning Manager dated 12 October 2015.
3. Letters from Covent Garden Community Association dated 14 October 2015 and 12 August 2015.
4. Letters from Covent Garden Area Trust dated 13 August 2015 and 14 October.
5. Letter on behalf of Soho Housing Association dated 4 September 2015.
6. Letters on behalf of Sandringham Flats Resident Association dated 12 October 2015 and 4 September 2015.
7. Letters from owner/occupier of 20 Sandringham Flats dated 11 August 2015.
8. Letters from owner/occupier of 104 Sandringham Flats dated 12 October 2015 and 10 August 2015 (x2).
9. Letter from owner/occupier of 21 Sandringham Flats dated 11 August 2015.
10. Letters from owner/occupier of 57 Sandringham Flats dated 16 August 2015.
11. Letters from owner/occupier of 59 Sandringham Flats dated 12 October 2015 and 17 August 2015.
12. Letters from owner/occupier of 76 Sandringham Flats dated 12 October 2015 and 17 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – mmason@westminster.gov.uk

DRAFT DECISION LETTER

Address: Orion House, 5 Upper St Martin's Lane, London, WC2H 9EA

Proposal: Variation of Conditions 7 and 9 of planning permission dated 17 April 2013 (RN: 13/01238/FULL) for the reconfiguration and use of existing ground floor office reception and retail unit to provide a new office entrance (Class B1) and retail unit (Class A1) and alterations to the ground floor, namely to amend the hours of servicing and the hours of opening for the (Class A1) retail unit.

Plan Nos: Site location plan, I-1105 and planning statement dated October 2015.

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 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 residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must keep to the sample approved on the 15 June 2012 under reference 12/05018/ADFULL relating to the stone for the entrance steps.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our

Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must 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: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 6 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 7 All servicing for the Class A1 retail unit must take place between 08.00 to 18.00 hours Monday to Saturday and 11.00 to 17.00 hours on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 8 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall not be used as a food retail supermarket.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 9 Customers shall not be permitted within the Class A1 premises before 07.00 hours or after 23.00 hours Monday to Saturday and before 08.00 hours or after 23.00 hours on Sundays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Bryanston And Dorset Square	
Subject of Report	10B Montagu Mews West, London, W1H 2EE		
Proposal	Erection of roof extension		
Agent	Neil Wilson Architects Limited		
On behalf of	Sir Peter Ellwood		
Registered Number	15/06674/FULL	TP / PP No	TP/1190
Date of Application	21.07.2015	Date amended/ completed	21.07.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Outside Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





10B Montagu Mews West, W1

2. SUMMARY

10B Montagu Mews West is an unlisted single family dwelling house within a mews in the Portman Estate conservation area.

Planning permission is sought for the erection of a single storey roof extension.

The key issues for consideration are:

- Whether the additional storey would result in a material loss of residential amenity
- The impact of the roof extension on the character of the area

For the reasons set out in the main report, the application it is not considered that the additional storey would result in a material loss of amenity to adjoining neighbouring properties and the extension is considered acceptable in design terms. The proposal complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies.

3. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

Object on the grounds of possible amenity problems and overlooking and loss of privacy to 48 Montagu Square.

ENVIRONMENTAL HEALTH

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 34; Total No. of Replies: 10 (from 8 respondents)

ORIGINAL CONSULTATION

Design

- Detrimental impact on views into the mews,
- The extension would be an incongruous feature with the conservation area and fails to have regard to the adopted guidance on design.
- The wholly alien glazed structure is inappropriate in this location and provides an awkward relationship to the buildings on each site of the mews.
- The extension is dominated by a chimney stack which only draws attention to the non-traditional and awkward design of the addition.
- The extension would be substantially harmful to the Portman Estate conservation area to which there are no countervailing public benefits that outweigh the harm.
- The extension has no design merit which has been shoehorned into a small space.
- The roof terrace screens are large in scale, out of context with the setting and highly visible.

Amenity

- Overlooking.
- Loss of privacy.
- Loss of light.
- Overshadowing.
- Increased sense of enclosure.
- Increase in noise disturbance.
- The proposed extension and roof terrace screens are overbearing.

- The proposal is an over-development of the site.
- The extension would cause loss of light and overshadowing to the adjoining roof terrace.
- Light pollution from the rooflight.
- Daylight report fails to provide window plans, omits to include assessment of key windows and fails to assess the impact of the roof terrace screening.
- The proposed height of the chimney would impact on a further reduction in sunlight, daylight and overshadowing.
- The proposed roof surface is dark and depressing and will detract from the amenity of adjoining residents.

Other

- Loss of views.
- The terrace would increase security risks.
- Inaccuracies and misleading information within the documentation, and no reference to a roof terrace.
- Lack of consultation with neighbours.
- The existing flat roof cannot support heavy planters and could damage to the party wall from water ingress and cracking.
- The eastern roof terrace screen is outside the perimeter of the terrace railings and the only means of maintaining this screen would be from neighbouring properties (to which the applicant does not have access).

RE-CONSULTATION FOLLOWING REVISED PLANS (omitting roof terrace)

No. Consulted: 12; Total No. of Replies: 0

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application premises is a two storey mews building located on the northern side of Montagu Mews West, a cul-de-sac accessed from George Street to the south. The building is in use as a 3 x bedroom house, comprising living/dining room and kitchen at ground floor level with bedrooms and bathrooms on the first floor. The mews and surrounding area are primarily in residential use.

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

4.2 Relevant History

None.

5. THE PROPOSAL

Planning permission is sought for the erection of a single storey roof extension to provide an additional bedroom. Initially the proposals also included the use of the flat roof of the existing building as a roof terrace, however, the application has been amended to remove the roof terrace.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The additional residential floorspace is within policy terms.

6.2 Townscape and Design

The application site is a two-storey unlisted building in the Portman Estate Conservation Area. It is not noted as making any particular contribution to the character or appearance of the conservation area, but is designated as unsuitable for a roof extension in the conservation area audit. Its facades are of brickwork and it has a flat roof.

The building stands at the end of the street and terminates views along Bryanston Mews East from the north and Montagu Mews West from the south. Historic maps indicate that the building was originally two properties, back to back, and that division remains apparent internally although it is not readily apparent from outside. However, this does have some bearing on the suitability in principle of the building for a roof extension.

Buildings at the northern end of Montagu Mews West are not characterised by roof extensions, although there are plenty of roof terraces. However, many properties in Bryanston Mews East have been extended at roof level. Therefore, subject to its detailed design, a roof extension on the northern side of the building i.e. fronting Bryanston Mews East may be acceptable because it would not be incongruous or out of character with its surroundings.

The proposed roof extension is set on the northern side of the site and would be clearly visible from street level in Bryanston Mews East, because the ground rises towards Montagu Mews West. Objections have been raised to the impact of the extension in street views and to its detailed design. However, in street level views the roof would not appear incongruous because its detailed design is similar to that of others in the street. Therefore, in views from the north the roof extension will maintain the character and appearance of the conservation area and the setting of neighbouring listed buildings in accordance with UDP Policies DES 6, DES 9 and DES 10.

In views from the south, the roof extension is also visible, but sufficiently set back as to have no adverse impact in street level views and is therefore acceptable in design and heritage asset terms from this vantage point.

When seen from the upper floors of surrounding properties, the roof extension will be visible in the context of the much altered roofscape of both mews. Therefore, it will not be an unusual feature or out of character. Whilst objections have been raised on design grounds, given that the building is not listed, and in view of the inconsistent roofscape within the Mews, the extension is considered acceptable in design terms and, accordingly, the objections from neighbouring occupiers are not supported.

6.3 Amenity

Policies within the City Plan and the Unitary Development Plan (UDP) seek to protect and improve the residential environment. Proposals will be resisted where they result in a material loss of daylight/sunlight, particularly to existing dwellings. Developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

6.3.1 Daylight/Sunlight

Policy ENV13 seeks to ensure good daylighting levels for habitable rooms in existing premises. Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for

daylight and sunlight' (second edition 2011). The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines.

The properties tested include No's 47 and 48 Montagu Square, Nos. 10-12 Bryanston Square, 1 Montagu Mews West and 11 and 13 Bryanston Mews all of which are residential properties. Objections have been raised on the grounds of loss of both sunlight and daylight, overshadowing and on the grounds that the sunlight report fails to consider the impact on key windows of adjoining residential properties. A revised sunlight/daylight report has been submitted which tests all adjoining residential windows which face the proposed extension (within 25 degrees).

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to all the affected properties. If the VSC achieves 27% or more, then the BRE guide advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable.

In all cases there would be no material loss of daylight and no breach in BRE guidelines and it is not considered that the application could be refused on the grounds of loss of daylight.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH) including at least 5% during the 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% of the original sunlight hours either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

At 47 Montagu Square (Flat 1) the lower ground floor living room window and an adjacent kitchen window would experience losses of annual sunlight of 29% and 33% respectively. No other neighbouring residential windows would be adversely affected. The occupier of this flat has raised concerns regarding the losses of sunlight. However, the high percentage changes are due the fact that existing levels of sunlight are already very low. These windows would only see an actual reduction of annual probable sunlight hours of 2% and 1%.

It is considered that within this urban built-up location, the levels of sunlighting retained are acceptable and the impact is not considered sufficient to justify a refusal.

6.3.2 Overshadowing

Objections have been received on the ground that the extension would result in overshadowing of the adjoining terrace at 11 Bryanston Mews East. The BRE guidelines also address the matter of overshadowing to outdoor amenity spaces. The guidelines suggest that, in order to appear adequate throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If, as a result of the development, the space does not attain these levels, and the area which can receive some two hours of sun on 21 March is less than 20% of its former value, then the loss of sunlight is likely to be noticeable.

The submitted daylight/sunlight report examines the issue of overshadowing to the adjoining terrace and provides a set of overshadowing images (existing and proposed). These images

show that 61% of the terrace is able to receive 2 hours sunlight and the scheme is therefore considered to comply with the advice in the BRE guidelines.

6.3.3 Overlooking

The application initially proposed a roof terrace which would have caused direct overlooking of the adjoining properties, most notably with 48 Montagu Square. This has now been removed from the proposals. The drawings still show a door leading onto the flat roof of the existing building, however, access to this area is prevented by a 1.1m high metal railing. Conditions are proposed to ensure that access to this flat roofed area is for maintenance and means of escape only and not for any amenity purpose.

The proposed bedroom is served by one dormer window and a further two rooflights. The dormer window faces north and would be relatively close to bedroom windows within both 11 and 13 Bryanston Mews East and to the roof terrace at No.11. However, the proposed window does not directly face any nearby windows and therefore any overlooking would be from an oblique angle and as a result it is not considered that this would cause any significant loss of residential amenity. The occupiers of No. 11 also object to overlooking of their roof terrace. The proposed bedroom window would obliquely overlook the terrace area, however a high degree of mutual overlooking to this terrace already exists. This is a common feature in Central London and it is not considered that given the proximity of other overlooking windows to this terrace area that the location of the proposed bedroom window would be so significantly harmful to warrant refusal.

An obscurely glazed stair enclosure is proposed in the southern facing roof slope of the proposed extension. As this would not serve any habitable accommodation, subject to conditions to maintain the obscure glazing, this element of the application would not create overlooking to the adjoining property at 48 Montagu Square.

6.3.4 Sense of Enclosure/overdevelopment

The roof extension would be directly opposite the rear (west) facing windows within 47 Montagu Square, due south of the bedroom window to 11 Bryanston Mews East and due north of bedroom windows to 10A Montagu Mews West. Objectors in 47 Montagu Square and the occupiers of 11 Bryanston Mews East are concerned about increased sense of enclosure, the overbearing nature of the extension and consider that the scheme represents an overdevelopment of the site. However, the roof extension is set back from the party wall with No. 47, and the design incorporates a mansard roof which slopes back from both 47 Montagu Square and 11 Bryanston Mews East. At roof level, the proposed extension is 10m from the rear elevation of 47 Montagu Square. Given the relationship with adjoining properties, it is not considered that the impact on sense of enclosure would be so significant as to warrant refusal.

6.3.5 Light Pollution

Neighbours are concerned about the impact of light pollution and impact on the amenity of adjoining neighbours caused by the glazed stair enclosure. Policy ENV10 seeks to reduce light pollution, however, given the non-habitable status of the stair enclosure and the use of opaque glass, it is not considered that any light spill would be so harmful to adversely affect adjoining residential amenity.

6.3.6 Other amenity issues

Neighbours are also concerned about the height of the proposed chimney and the use of lead and slate materials, which they consider would be dark, depressing and cause further loss of

amenity. Given that the main bulk of the roof extension is 10m from the rear of 47 Montagu Square, that the chimney is the same height of the proposed roof extension and that the sunlight/daylight report shows no significant loss of sunlight or daylight, it is not considered that the concerns raised would warrant refusal.

6.4 Transportation/Parking

The proposals would not result in any increase in residential units and there would therefore be no significant increase in demand for parking in the area.

6.5 Economic Considerations

Any economic benefits generated are welcomed.

6.6 Access

Access to the property is to remain unchanged.

6.7 Other UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.10 Planning Obligations

The proposal is of insufficient scale as to trigger a requirement for planning obligations.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The proposal is of insufficient scale as to require an Environmental Assessment.

6.12 Other Issues

A number of concerns were initially raised on the impact of the roof terrace, including the increase to security risks, the fact that the planters would cause damage to party walls, and the fact that the daylight assessment failed to consider the impact of the roof terrace screening. As the roof terrace has now been removed from the proposals these concerns are therefore no longer relevant.

Objections relating to the loss of private views are not a material planning consideration.

Neighbours also comment that there has been a lack of consultation by the developer. However, the City Council has undertaken a full consultation with all immediate neighbours.

7 Conclusion

The extension is not considered to result in a material loss of residential amenity, in terms of loss of daylight/sunlight, overlooking or increased sense of enclosure to neighbouring properties. The works would preserve the character and appearance of the Portman Estate Conservation Area and will not harm the setting of the adjoining listed buildings. The application is recommended for approval.

BACKGROUND PAPERS

1. Application forms
2. Letters from the Marylebone Association dated 20 August and 12 October 2015
3. Memorandum from Environmental Health dated 2 September 2015
4. Letter on behalf of occupiers of Flats 2 and 3, 48 Montagu Square dated 15 August and 20 August 2015
5. Letter from occupier of 11 Bryanston Mews East dated 26 August 2015
6. Letters from occupier of Flat 3, 47 Montagu Square dated 24 August and 22 September 2015
7. Letter from occupier of 48 Montagu Square dated 1 September 2015
8. Letter from occupier of Flat 4, 47 Montagu Square dated 25 August 2015
9. Letter from occupier of Flat 2, 47 Montagu Square dated 23 August 2015
10. Letters from occupier of Flat 1, 47 Montagu Square dated 26 August and 15 September 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARA SPURRIER ON 020 7641 3934 OR BY E-MAIL – sspurrier@westminster.gov.uk

DRAFT DECISION LETTER

Address: 10B Montagu Mews West, London, W1H 2EE

Proposal: Erection of roof extension

Plan Nos: P-2013.12.101, 102A, 103A, 200A, 201A, 300A, 301, 302, 303, 701, 702, 703, 704;
Daylight and Sunlight report dated 14 October 2015; E-2013.12.100, 101, 102, 200,
201, 300, 301, 302, 303; Design and Access Statement dated 21 July 2015

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must 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 residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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 glass that you put in the windows in the east facing elevation of the roof extension must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

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: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 5 You must not use the flat roof of the existing dwelling for sitting out or for any other purpose. You can however use the roof for maintenance purposes or to escape in an emergency. (C21CA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development - new windows and railings. You must not start any work on these parts of the development until we have approved what you have sent us.

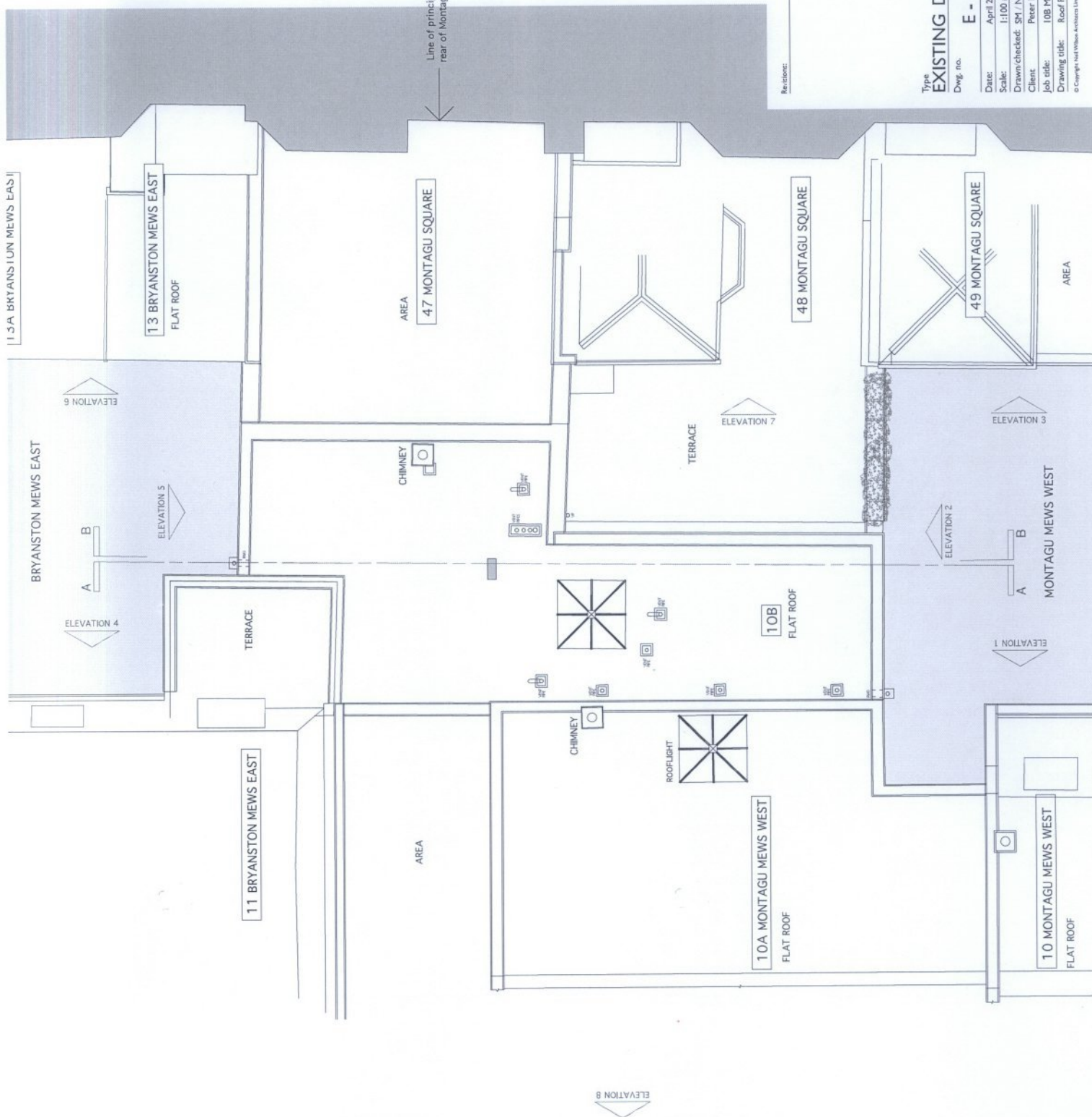
You must then carry out the work according to these approved drawings. (C26DB)

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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013, 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.



Revision: _____ Note: All dimensions in mm.

Type
EXISTING DRAWING
Dwg. no. **E - 2013.12.102**

Date: April 2014
Scale: 1:100 @ A3
Drawn checked: SM / NW
Client: Peter Ellwood
Job title: 10B Montagu Mews West
Drawing title: Roof Plan
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Revisions: _____ Note: All dimensions in mm.



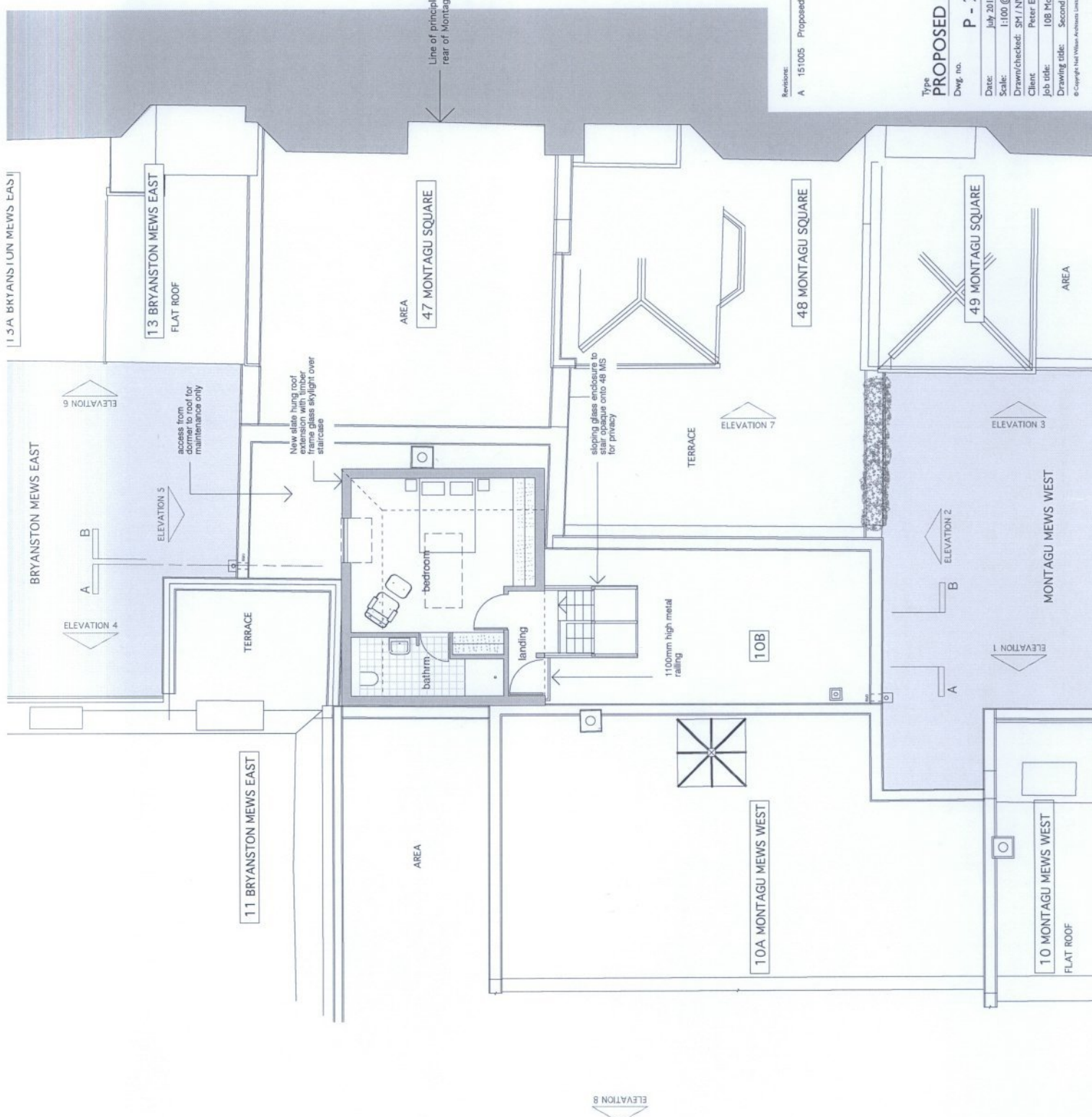
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Dwg. no. **P- 2013.12.101**

Date: July 2015
 Scale: 1:100 @ A3
 Drawn/checked: SM / NW
 Client: Peter Ellwood
 Job title: 10A Montagu Mews West
 Drawing title: First Floor Plan

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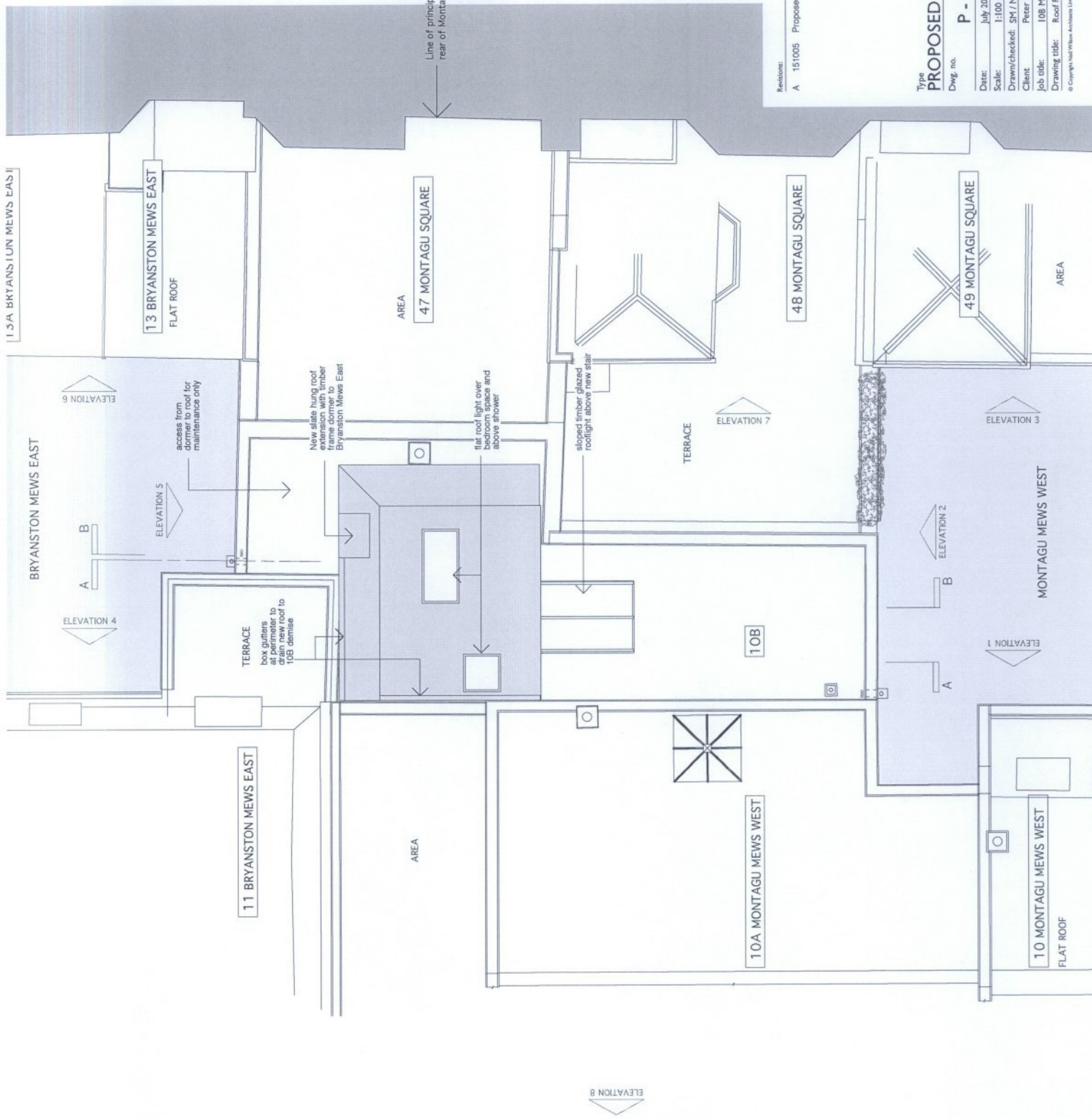


Line of principle facade rear of Montagu Square

Revisions:
 A 151005 Proposed roof terrace and green screening omitted
 Notes: All dimensions in mm.

Type
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Date: July 2015
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 Drawn/checked: SM / NW
 Client: Peter Ellwood
 Job title: 10B Montagu Mews West
 Drawing title: Second Floor Plan
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Revisions:
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Notes: All dimensions in mm.

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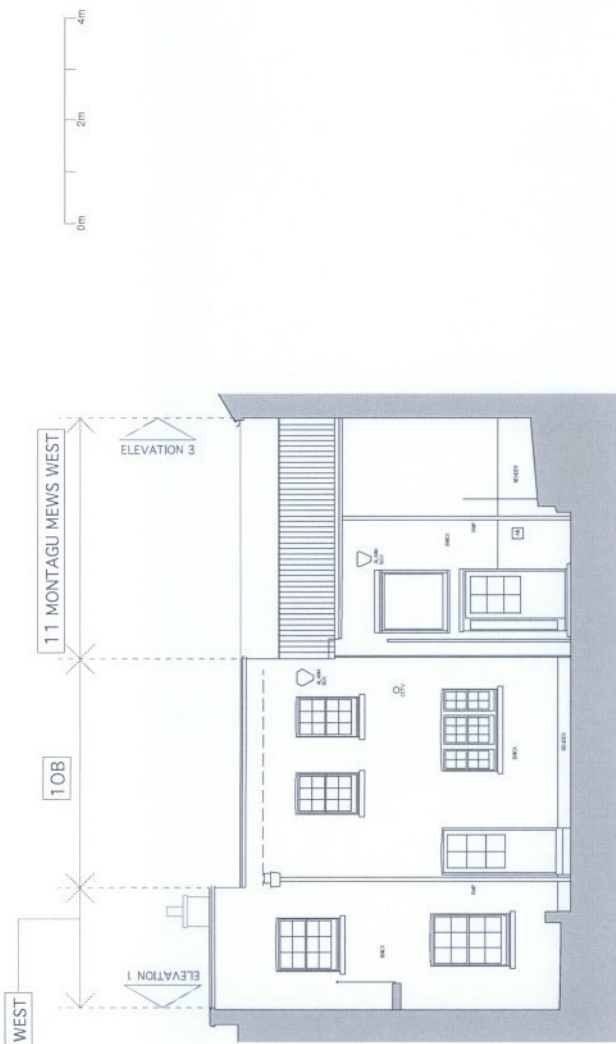
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 Drawing title: Roof Plan

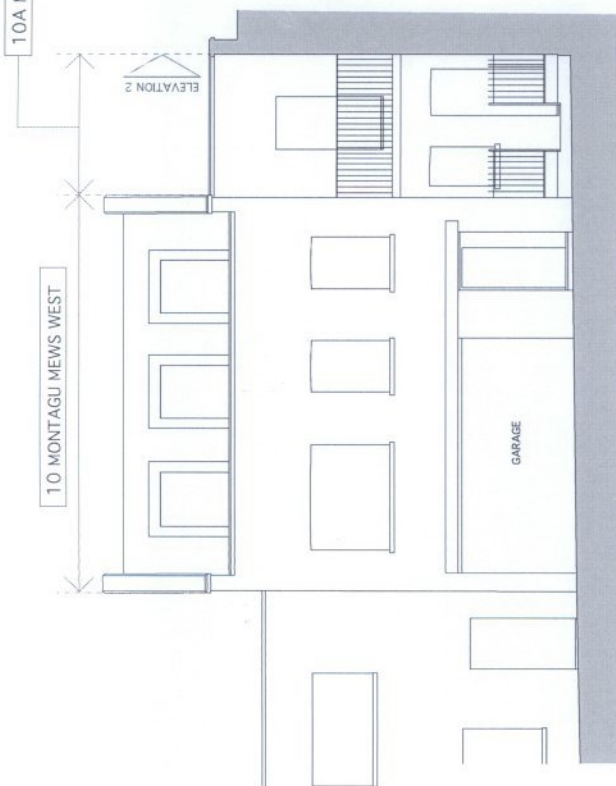


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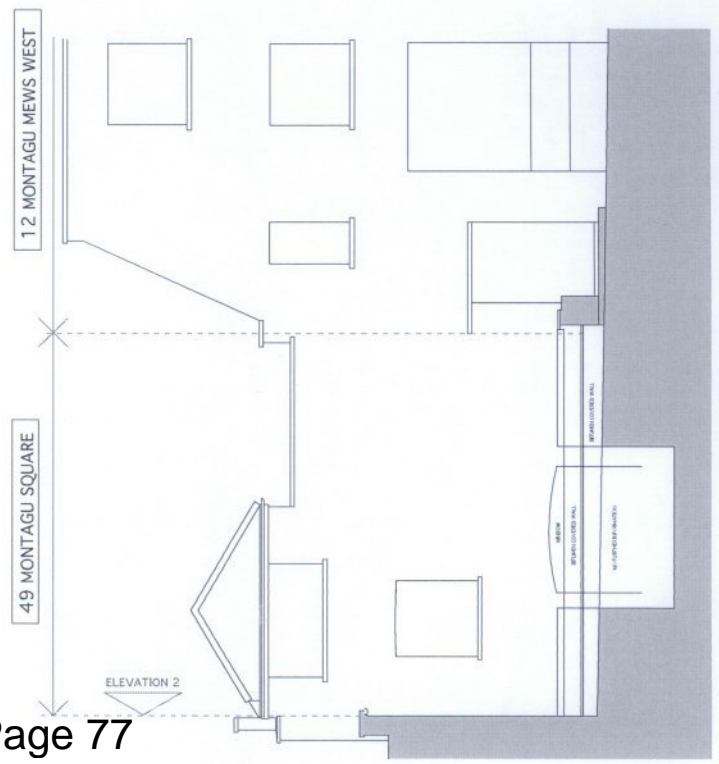
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ELEVATION 2 - Montagu Mews West: Elevation of 10B



ELEVATION 1 - Montagu Mews West looking west



ELEVATION 3 - Montagu Mews West looking east

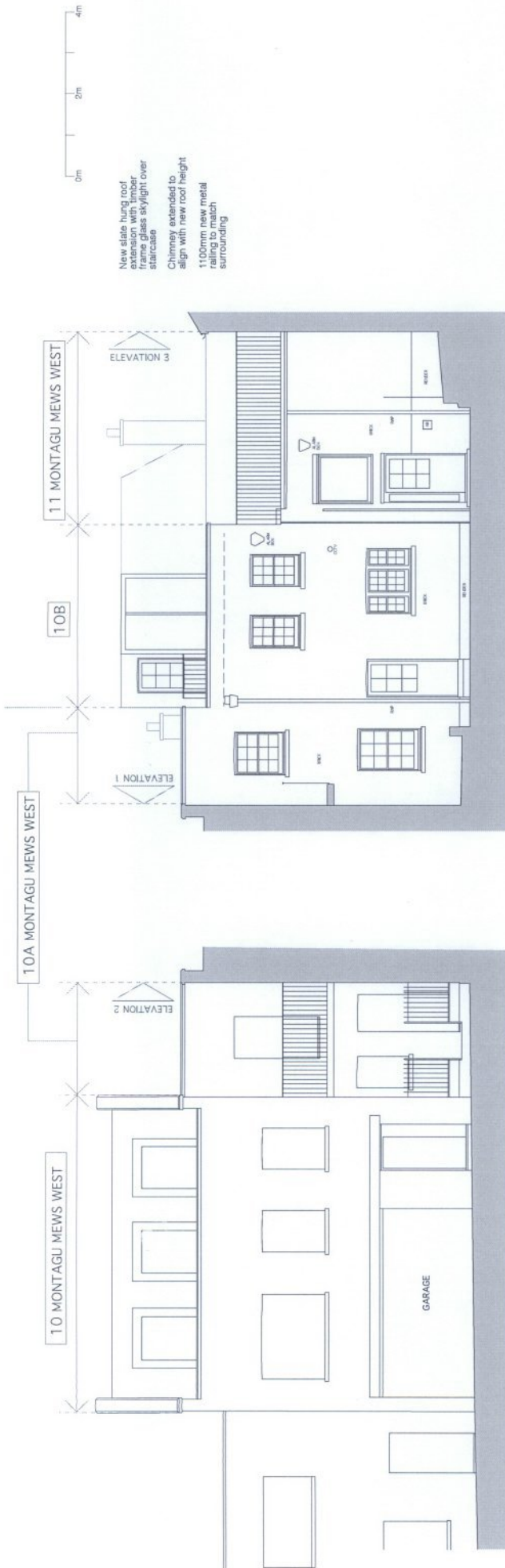
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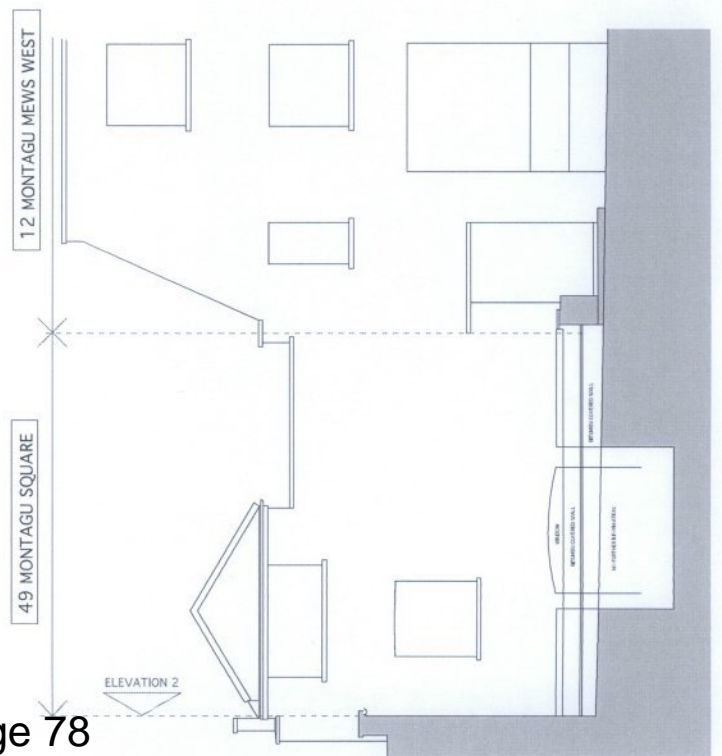
Date: April 2014
 Scale: 1:100 @ A3
 Drawn/checked: SM / ANW
 Client: Peter Ellwood
 Job title: 10B Montagu Mews West
 Drawing title: Elevation Sheet 1

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ELEVATION 2 - Montagu Mews West: Elevation of 10B

ELEVATION 1 - Montagu Mews West looking west



ELEVATION 3 - Montagu Mews West looking east

Revisions: A 151005 Proposed roof terrace and green screening omitted

Note: All dimensions in mm.

Type
PROPOSED DRAWING

Dwg. no. **P - 2013.12.300 A**

Date: July 2015

Scale: 1:100 @ A3

Drawn/checked: SM / NW

Client: Peter Ellwood

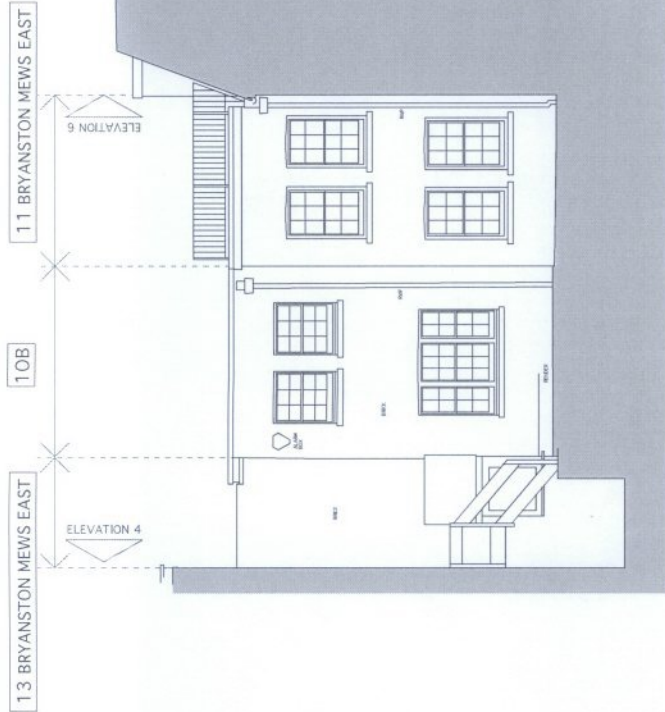
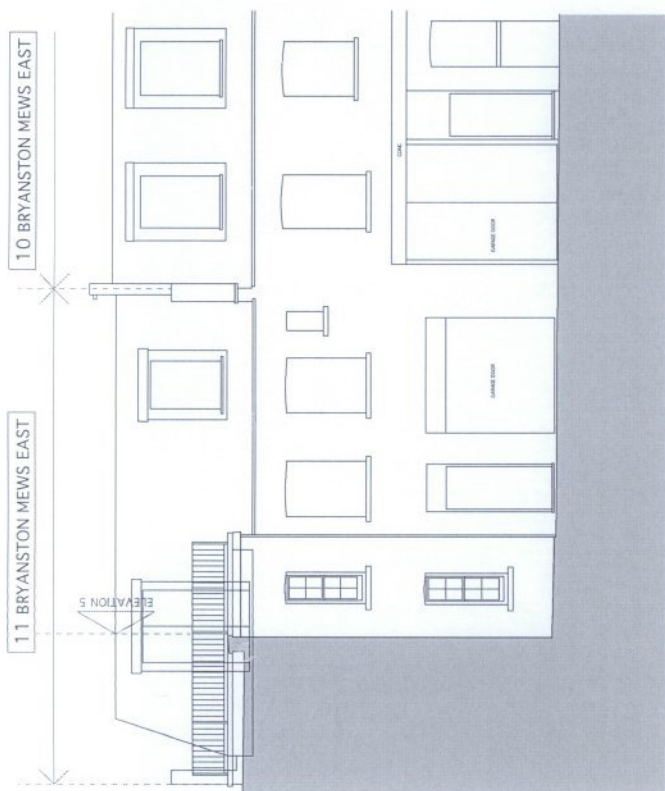
Job title: 10B Montagu Mews West

Drawing title: Elevation Sheet 1



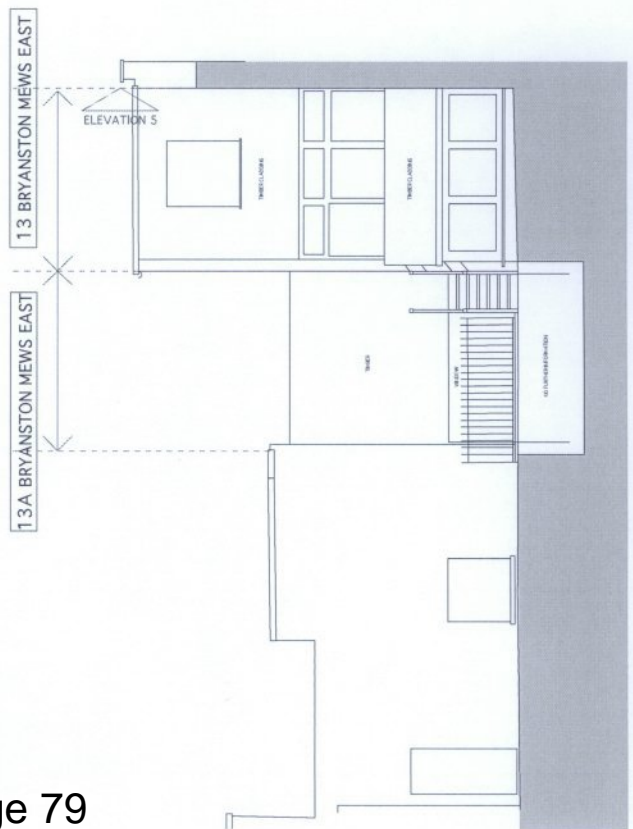
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ELEVATION 4 - Bryanston Mews East looking west

ELEVATION 5 - Bryanston Mews East: Elevation of 10B



ELEVATION 6 - Bryanston Mews East looking east

Revisions: _____
 Notes: All dimensions in mm.

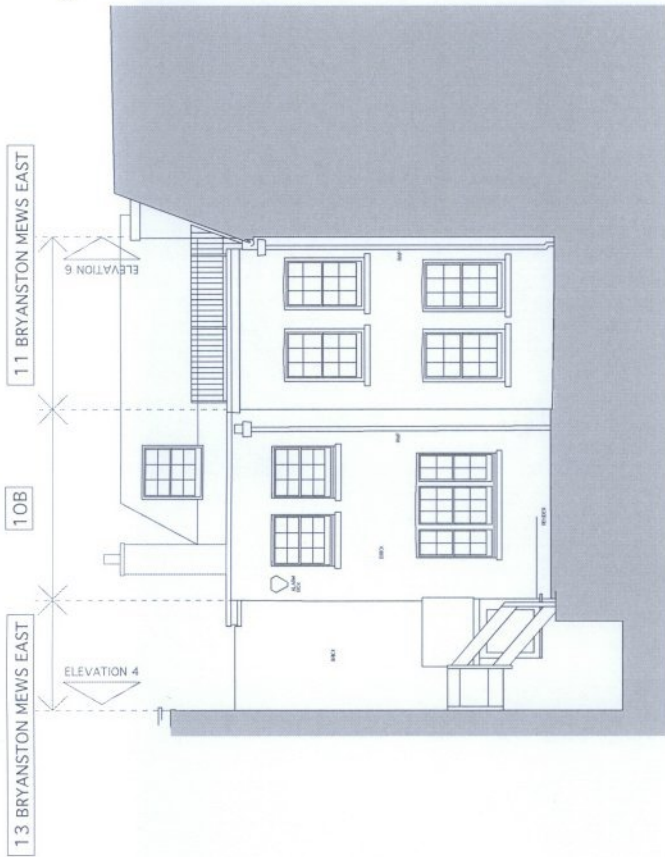
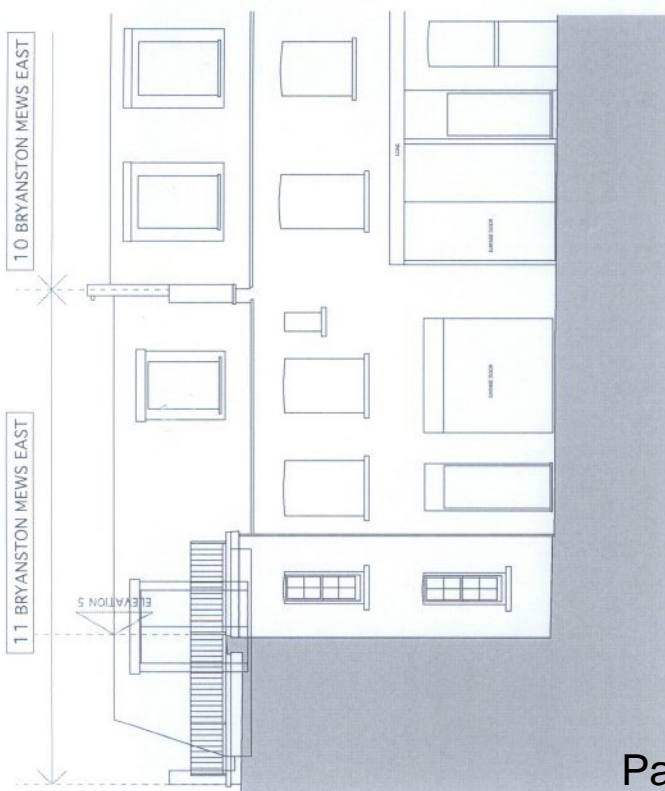


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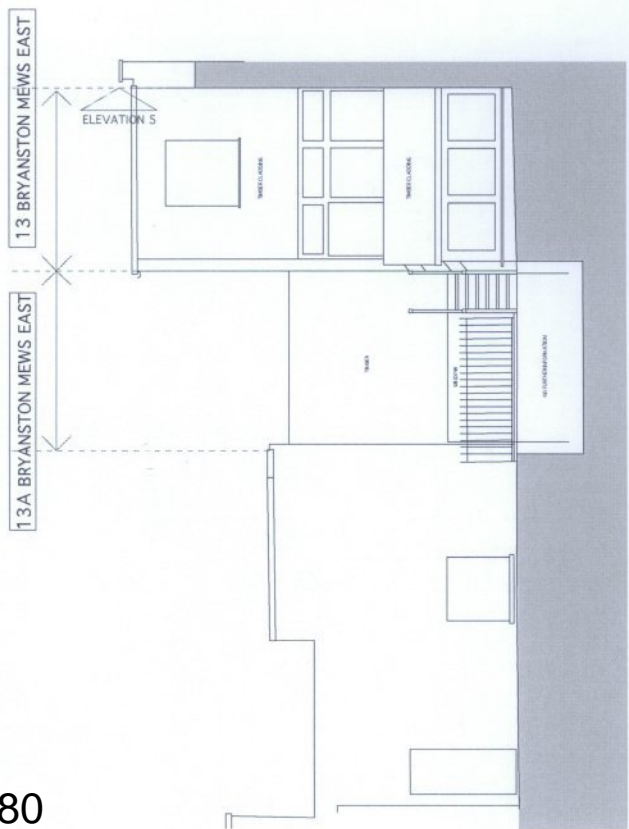
Date: April 2014
 Scale: 1:100 @ A3
 Drawn/checked: SM / NW
 Client: Peter Ellwood
 Job title: 10B Montagu Mews West
 Drawing title: Elevation Sheet 2

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ELEVATION 4 - Bryanston Mews East looking west

ELEVATION 5 - Bryanston Mews East: Elevation of 10B



ELEVATION 6 - Bryanston Mews East looking east

Revisions: _____
Notes: All dimensions in mm.



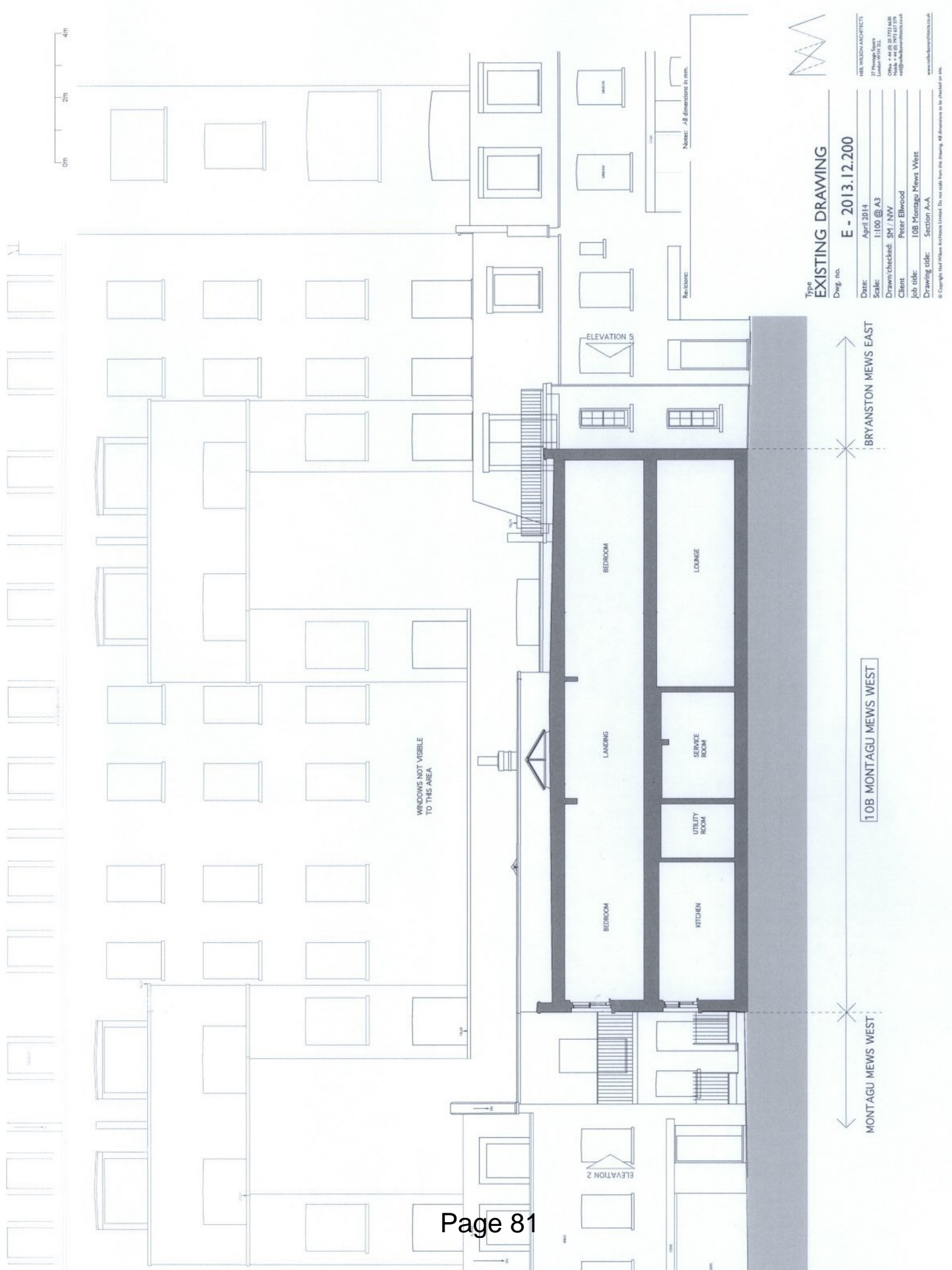
Type
PROPOSED DRAWING

Dwg. no. **P - 2013.12.301**

Date:	July 2015
Scale:	1:100 @ A3
Drawn/Checked:	SH / NW
Client:	Peter Ellwood
Job title:	10B Montage Mews West
Drawing title:	Elevation Sheet 2

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0m 2m 4m

WINDOWS NOT VISIBLE TO THIS AREA

ELEVATION 5

ELEVATION 2

Notes: All dimensions in mm.

Revisions:



Type: **EXISTING DRAWING**

Dwg. no. **E - 2013.12.200**

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Date: April 2014
Scale: 1:100 @ A3
Drawn/checked: SM / ANW
Client: Peter Ellwood
Job title: 10B Montagu Mews West
Drawing title: Section A-A

BRYANSTON MEWS EAST

10B MONTAGU MEWS WEST

MONTAGU MEWS WEST

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New slate hung roof extension with timber frame glass skylight over staircase
 timber framed dormer window with leadwork Chase to Bryanston Mews East

WINDOWS NOT VISIBLE TO THIS AREA

ELEVATION 5

ELEVATION 2

Revisions:
 A 151005 Proposed roof terrace and green screening omitted
 Notes: All dimensions in mm.



Type **PROPOSED DRAWING**

Dwg. no. **P - 2013.12.200A**

Date: July 2015
 Scale: 1:100 @ A3
 Drawn/checked: SM / NW
 Client: Peter Ellwood
 Job title: 108 Montagu Mews, West
 Drawing title: Section A-A

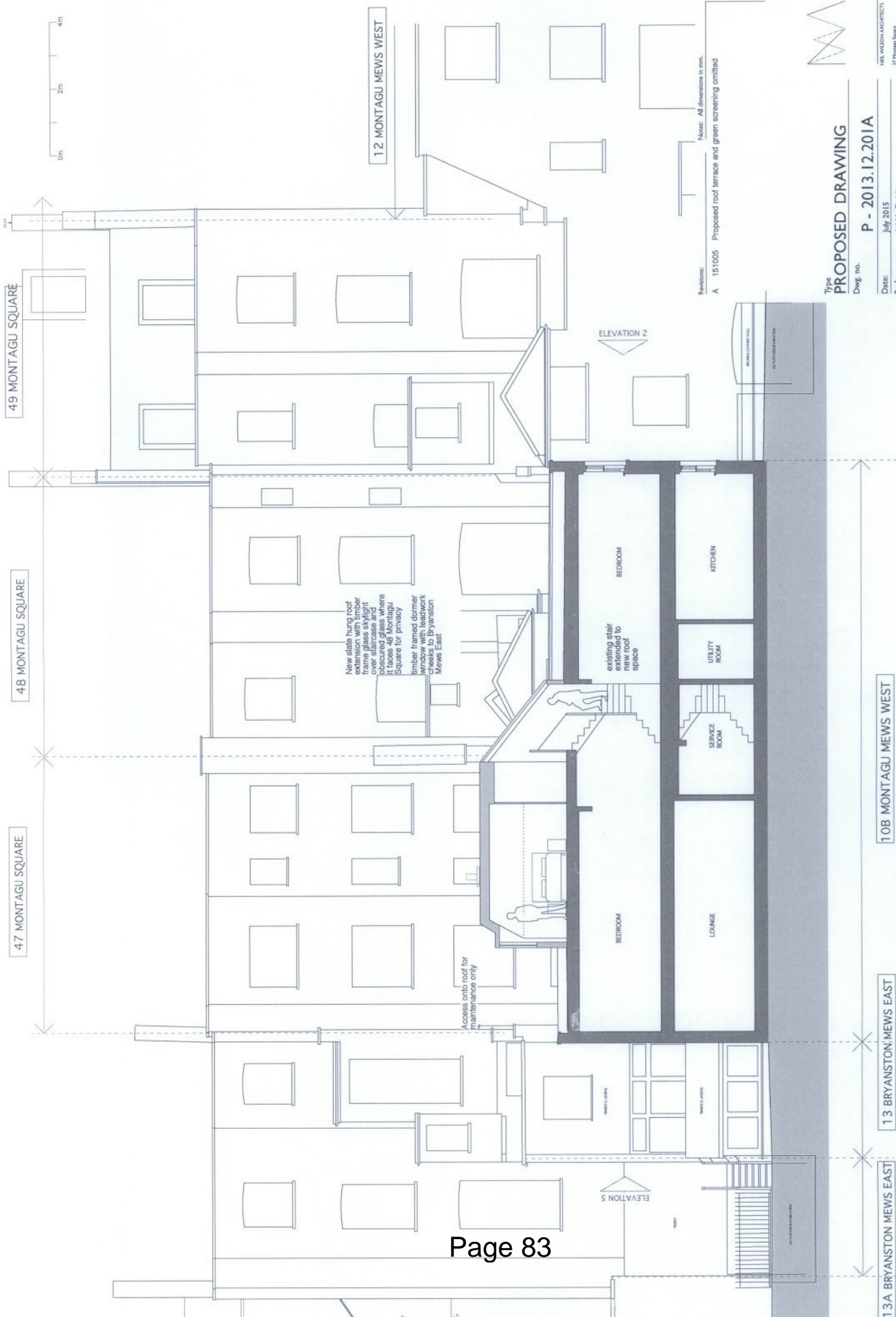
← BRYANSTON MEWS EAST

108 MONTAGU MEWS WEST

← MONTAGU MEWS WEST

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Type
PROPOSED DRAWING

Dwg. no. **P - 2013.12.201A**

Date: July 2015
 Scale: 1:100 @ A3
 Drawn/Checked: SM / NW
 Client: Peter Ellwood
 Job title: 10B Montagu Mews West
 Drawing title: SECTION B-B

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Bryanston And Dorset Square	
Subject of Report	2 Montagu Mews West, London, W1H 2EE		
Proposal	Alterations including the erection of a single storey roof extension with roof terrace to the front of the building.		
Agent	Patalab		
On behalf of	Mr & Mrs Ian Barclay		
Registered Number	15/05523/FULL	TP / PP No	TP/5256
Date of Application	19.06.2015	Date amended/ completed	08.07.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Outside Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





2 Montagu Mews West, W1

2. SUMMARY

2 Montagu Mews West is an, unlisted, single family dwelling house within a mews in the Portman Estate conservation area. Permission is sought for alterations to the building including the erection of a single storey roof extension and the creation of a roof terrace to the front of the building. Other alterations to the front and rear facades would constitute permitted development.

The key issues for consideration are:

- The impact of the proposals upon the amenities of neighbouring residents.
- The impact of the roof extension upon the character and appearance of the conservation area.

For the reasons set out in the main report, the application is considered acceptable in land use, amenity and design terms. The proposal complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies and is therefore recommended for approval.

3. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

Objection - the roof form places constraints on future development at 1 Montagu Mews West. The southern end new roof should terminate against raised gable wall. The extension sets a precedent for future roof additions in a Mews where very few properties have been extended. The front terrace is not contextual and may become a source of noise disturbance.

ENVIRONMENTAL HEALTH

Potential noise disturbance from use of roof terrace which is at the same level as habitable rooms of neighbouring properties. The terrace should be omitted or screened. Lack of protected route in case of fire.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 59; Total No. of Replies: 3.

Amenity

- and on wider views in the area.
- loss of daylight and sunlight.

Construction process

- Impact of construction works (including the cumulative impact of the basement and extension and proposed roof addition), obstruction of the mews, storage of materials and the removal of spoil.
- Potential impact on the fabric of the mews house through parallel project to excavate basement.
- Potential noise disturbance from reverberation and echoing given the enclosed nature of the site.
- Obstruction of the narrow mews and neighbouring garages from skips and construction vehicles.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

2 Montagu Mews West is an unlisted single family dwelling (Class C3) house located on the west side of the mews, towards its entrance from George Street. The building, which is situated within the Portman Estate Conservation Area, provides living accommodation over two floors.

The mews is residential in character and backs on to larger scaled residential properties in Bryanston Square

4.1 Relevant History

26 August 2014: A Certificate of Lawful Development was issued which conformed that a proposed basement extension constituted permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and therefore did not require the benefit of planning permission.

The basement extension has not yet been constructed, but this accommodation is shown on the submitted plans.

A previous planning application for a mansard roof extension (RN: 15/00625/FULL) was withdrawn in June 2015 to give the applicant the opportunity to address officers' concerns about the proposed design.

5. THE PROPOSAL

Permission is sought for the erection of a single storey roof extension and for the creation of a roof terrace to the front of the building.

Further alterations to the front and rear facades of the dwelling including the installation of timber garage doors, a replacement entrance door, and the replacement of windows, would constitute permitted development.

The proposed extension would provide an additional living room. The extension would be set back from the front building line by 2m, to form a roof terrace enclosed by a metal handrail positioned 0.45m from the roof edge. A flat roof to the rear will be accessible for maintenance only. On the southern side, the extension has been set in 0.9m from the existing gable/party wall will no. 1 Montagu Mews West. The rear dormer window and the rooflight serving the southern stairwell would contain obscure glass.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The additional residential floorspace is welcomed and complies with Unitary Development Plan Policy H3 and City Plan Policy S14.

6.2 Townscape and Design

Whilst the application premises is unlisted, the townhouses immediately behind it, fronting Bryanston Square, are listed Grade II. The application building, which dates from the 1970s is of no particular architectural or historic interest and is not identified as an unlisted building of merit within the conservation area and, in any event, the property, which is of two storeys

with flat roof behind the parapet cornice, reflects the traditional scale of properties within the Mews.

The Portman Estate Conservation Area Audit identifies the application building (and all buildings within the mews) as being unsuitable for a roof extension. This is to protect the original character of the mews which, in large part, derives from its small scale. However, the roofscape within the mews is not entirely consistent, particularly at the southern end where the application property is located. The property immediately to the north, No. 3 has a (poorly detailed) mansard roof extension. To the other side, at 1a Montagu Mews, there is a roof terrace. No. 26 Montagu Mews, opposite, also has a mansard roof extension and a large number of other properties within the mews roof terraces with railings visible from the street. There are also several other properties with small, set back, roof extensions in a variety of designs, which are not visible from street level.

The proposed roof extension would be set back approximately 2m behind the front parapet and would not be visible in street level views. As such, given the mews context, it is considered the principle of a roof extension on this site is acceptable, despite the advice within the conservation area audit.

The detailed design of the proposed extension has been amended from the previous proposal, and will incorporate traditional materials, with slate clad roof and lead-clad dormers. Terrace railings would be set back behind the parapet to minimise their visual impact. There would be high level views of the extension from neighbouring properties, especially those on Bryanston Square. However, the traditional detailing and materials would ensure that the appearance of the extension is satisfactory in these views.

The applicants are also proposing a number of changes to the building's elevation. The front will be re-rendered, with new windows and doors in painted timber and vertical timber boarded garage doors. Windows to the rear will also be replaced. These changes, which do not require permission, are nevertheless considered acceptable in design terms.

As such, overall, the proposals are considered acceptable in design and historic building terms. Subject to the quality of detail and materials being assured by condition, the scheme is considered to accord with UDP Policy DES 6 (roof extensions), will preserve the character and appearance of the Portman Estate Conservation Area and will not harm the setting of the adjoining listed buildings. Consequently, the proposals would also comply with UDP Policies DES 9 and DES 10.

Objections have been raised on design grounds. However given that the building is not listed and in view of the inconsistent roofscape of within the mews and the existence of various roof terraces and extensions, it is not considered that these objections could be supported.

6.3 Amenity

Policies within the City Plan (S29) and the Unitary Development Plan (UDP) (ENV 13) seek to protect and improve the residential environment. Proposals will be resisted where they result in a material loss of daylight and sunlight or cause unacceptable overshadowing, particularly to existing dwellings. Developments should not result in a significant increase in the sense of enclosure or overlooking.

6.3.1 Daylight/Sunlight

The closest residential properties to the application site are those to either side (No. 1 and 3 Montagu Mews West), to the rear (No. 2 Bryanston Square) and properties opposite (25 and 24 Montagu Mews West). An objection has been received from the occupier of the ground, first and mezzanine floor apartment at 2 Bryanston Square on the grounds that the proposed

roof extension would result in a loss of daylight and sunlight that property. The Portman Estate has also expressed concern about the potential loss of light to the first floor kitchen/diner and living room window to this flat, where there is a separate dining room.

The proposed roof extension has been set back from the front and rear elevations, in order to reduce its impact. The application is supported by a daylight/sunlight assessment.

6.3.1.1 Daylight

In measuring the level of daylight received to neighbouring properties, BRE guidance states that if the Vertical Sky Component (VSC), which measures the amount of light received at the face of a window, is less than 27% and there would be more than a 20% reduction to the window, the of light loss would start to be noticeable. The supporting text of UDP Policy ENV13 recognises that where the level of light received by a property already falls well below the recommendations made in the BRE document, any loss of light may be unacceptable.

The submitted report outlines that neighbouring windows most affected by the proposals do not currently achieve the benchmark of 27% for VSC. However, reductions are small in real terms (at a maximum of 2.8%) and all reductions are below 20%.

Light to some of the objectors' windows at the rear of 2 Bryanston Square will be affected by the proposals. A first floor kitchen within the closet wing leads into open plan accommodation within the main part of the building comprising a seating area at the front and a dining area at the rear. This kitchen window will experience a reduction in VSC of 11.6%. However, this room is served by a second window within the side elevation. The first floor window to the dining area would be unaffected. A ground floor bedroom within the rear closet wing would see a VSC reduction of 0.26% while the ground floor bedroom window in the main rear elevation would see a reduction of 7.19%.

The most significant loss is to a window within the rear undercroft to flats at 1 Bryanston Square, which would see the greatest reduction in VSC (16%). It is unclear what room this windows serves and no objection has been received from the occupants. However, this window currently achieves a VSC value of 1.5% and the resulting loss would not have a significant impact.

In view of the above, it is not considered that the proposals would have a material impact upon levels of daylight to neighbouring properties and a recommendation for refusal on these grounds could not be supported.

6.3.1.2 Sunlight

The BRE sunlight tests are only applicable to windows which face within 90 degrees of due south. The BRE guidance recommends that main windows should receive at least 25% of the total annual probable sunlight hours, including at least 5% of the annual probable sunlight hours in the winter months between 21 September and 21 March. Sunlight availability will be adversely affected if the total number of sunlight hours falls below these targets and is less than 0.8 times the amount prior to the development.

Two windows in the front elevation of Nos. 24 and 25 Montagu Mews West require testing. The report shows that the reduction in annual sunlight to No. 25 would be less than 1% and there would be no loss of winter sun. The window at No. 24 would see small loss in annual and winter sun but would still achieve values exceeding the BRE threshold. In these circumstances, it is not considered that the scheme would have a material impact on levels of sunlight to neighbouring buildings.

6.3.2 Overlooking

Historic photographs show that the roof of No. 1 Montagu Mews West, to the south of the application site, has been used as a terrace for a number of years. To address the potential for overlooking an obscure glazed rooflight is proposed within the south facing roof slope, which would serve a staircase.

The dormer window to the rear elevation would also be obscurely glazed. This new living room would be predominately lit by the openable windows in the front elevation (leading onto the roof terrace). Subject to a condition requiring the use of obscure glass, within windows fixed shut, it is not considered that the use of the roof extension would lead to a significant loss of privacy to neighbouring occupiers.

6.3.3 Proposed roof terrace

Objections have been received regarding potential noise disturbance from the use of the proposed roof terrace. However, many properties within the mews benefit from terraces (Nos. 1, 3, 4, 5, 6 and 24). The scheme proposes create a small terrace overlooking the mews which would occupy a depth of approximately 2m, and is set back 0.45m from the front edge of the roof.

There is already a high degree of mutual overlooking between properties within the mews and to adjacent sites. Terraces are a common feature in central London, given the limited space for gardens, and could be a source of noise and general disturbance. However it is not considered that the use of the proposed terrace would, given its limited size and in the context of terraces on neighbouring buildings, have a significant impact on overlooking or noise disturbance to neighbouring residents.

It is considered that the proposed screening to the southern boundary of terrace would not be sufficient to prevent overlooking to the existing terrace at No. 1 Montagu Mews West. However the applicant is willing to provide a planted screen, maintained to a minimum height of 1.8m along this boundary. The installation of this screen would be secured by condition.

The occupiers of No. 1 Montagu Mews West have erected a timber screen and planted trees and shrubs along this shared boundary. In these circumstances, and given the distance (approx. 4m) to windows at the rear of at property, it is not considered that the erection of a 1.8m screen would result in any loss of light to the neighbouring property.

The plans indicate that the flat roof to the rear which wraps around the southern side of the extension would not be used as a rear terrace, and access only for maintenance purposes. A condition is recommended to this effect.

The proposal is considered to maintain the amenities of neighbouring residents, in terms of overlooking and noise and disturbance.

6.3.4 Sense of Enclosure

The form of the proposed extension has been designed to reflect that of the approved extension to 3 Montagu Mews West and would have a similar relationship with windows at the rear of Bryanston Square. In these circumstances, and given the distance between the properties, it is not considered that the application could justifiably be recommended for refusal on the grounds that it would have an unacceptable impact on the sense of enclosure to the first floor kitchen and dining area windows or the ground floor bedroom windows at 2 Bryanston Square.

6.4 Transportation/Parking

The proposals would not result in any increase in residential units and there would therefore be no significant increase in demand for parking in the area.

6.5 Economic Considerations

Any economic benefits arising from the proposal are welcomed.

6.6 Other UDP/Westminster Policy Considerations

Not applicable

6.7 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.9 Planning Obligations

The proposal is of insufficient scale as to trigger a requirement for planning obligations.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The proposal is of insufficient scale to require an Environmental Assessment.

6.11 Access

Access to the property is to remain unchanged.

6.12 Other Issues

6.12.1 Future Roof Extensions

The Marylebone Association has objected to the proposals on the grounds that it would place constraints on any future roof addition at 1 Montagu Mews West. The City Council is obliged to consider the acceptability of proposals for the site and could not reasonably seek amendments to facilitate potential extensions on adjoining buildings, which may never materialise.

The Marylebone Association also considers that the extension should be set against the neighbouring gable/party wall to no. 1 Montagu Mews West. However, the proposed extension has been set back from this boundary in order to safeguard the amenities of the occupiers of that property.

6.12.2 Loss of Views

Objections have been received from the Portman Estate relating to the loss of views from an existing flat at 2 Bryanston Square. However, the protection of private views is not a material planning consideration.

6.12.3 Impact of Construction Works

Objections have been received from the occupiers of 3 Montagu Mews West concerning both the potential impact of any future basement excavation upon the structural integrity of other buildings and the cumulative impact of the construction of the basement and roof extension. Objections relate to potential obstruction within the mews from skips etc. and the fact that there is no space available on the site for the storage of building materials waste and spoil.

The City Council has previously determined that the basement excavation is permitted development. As application does not include a new basement, the concerns about the potential impact of these works cannot be taken into account. However, any future basement excavations will require approval under the Building Regulations.

Proposals for roof extensions to mews properties are relatively common and would not normally require the submission of a supporting construction management plan. Any issues surrounding the siting of skips etc would be dealt with by Highways Licensing but it is not considered that the concerns raised could justify a recommendation for refusal.

6.12.4 Means of escape

The Environmental Health Officer has objected to the application on the grounds that the means of escape in case of a fire which would be via the stairway, which leads into an open plan living room/kitchen area. The absence of a protected escape route is considered to constitute a fire safety risk.

As this is not a listed building, any necessary internal alterations to provide a protected route would not require planning permission. And it is understood that other measures, including the installation of sprinkler systems, can overcome these concerns. In these circumstances, it is recommended that an informative be added to the decision notice advising the applicants to seek further advice on this matter.

7 Conclusion

Subject to appropriate conditions, the scheme is considered acceptable in land use, amenity and design terms and is therefore recommended for approval.

BACKGROUND PAPERS

1. Application forms
2. Memorandum from Environmental Health dated 20.07.2015
3. Letter from the Marylebone Association dated 13.08.2015
4. Letter from the Portman Estate dated 31.07.2015
5. Letter from the occupiers of 2 Bryanston Square dated 29.07.2015
6. Letter from the occupiers of 3 Montagu Mews West dated 30.07.2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARA SPURRIER ON 020 7641 3934 OR BY E-MAIL – sspurrier@westminster.gov.uk

DRAFT DECISION LETTER

Address: 2 Montagu Mews West, London, W1H 2EE

Proposal: Alterations including the erection of a single storey roof extension with roof terrace to the front of the building.

Plan Nos: PA2_2010 03 2011 03, 2012 04, 2013 03, 2100 04, 2101 03, 2200 04,

Case Officer: Lindsay Jenkins **Direct Tel. No.** 020 7641 5707

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must 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 residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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 glass that you put in the windows in the western and southern elevation of the roof

extension must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

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: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 5 The area indicated as 'Flat Roof' on the proposed second floor plan drawing no. PA2_2012 04 must only be used for maintenance or to escape in an emergency. It must not be used as a roof terrace or for sitting out.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 You must not use the roof of the permitted extension as a balcony or for any other purpose. You can however use the roof to escape in an emergency. (C21CA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme

The installation of a privacy screen (at least 1.8m tall) to the southern boundary of the second floor (front) terrace.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National

Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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 will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 3 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)
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 5 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.

- 6 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.

- 7 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)

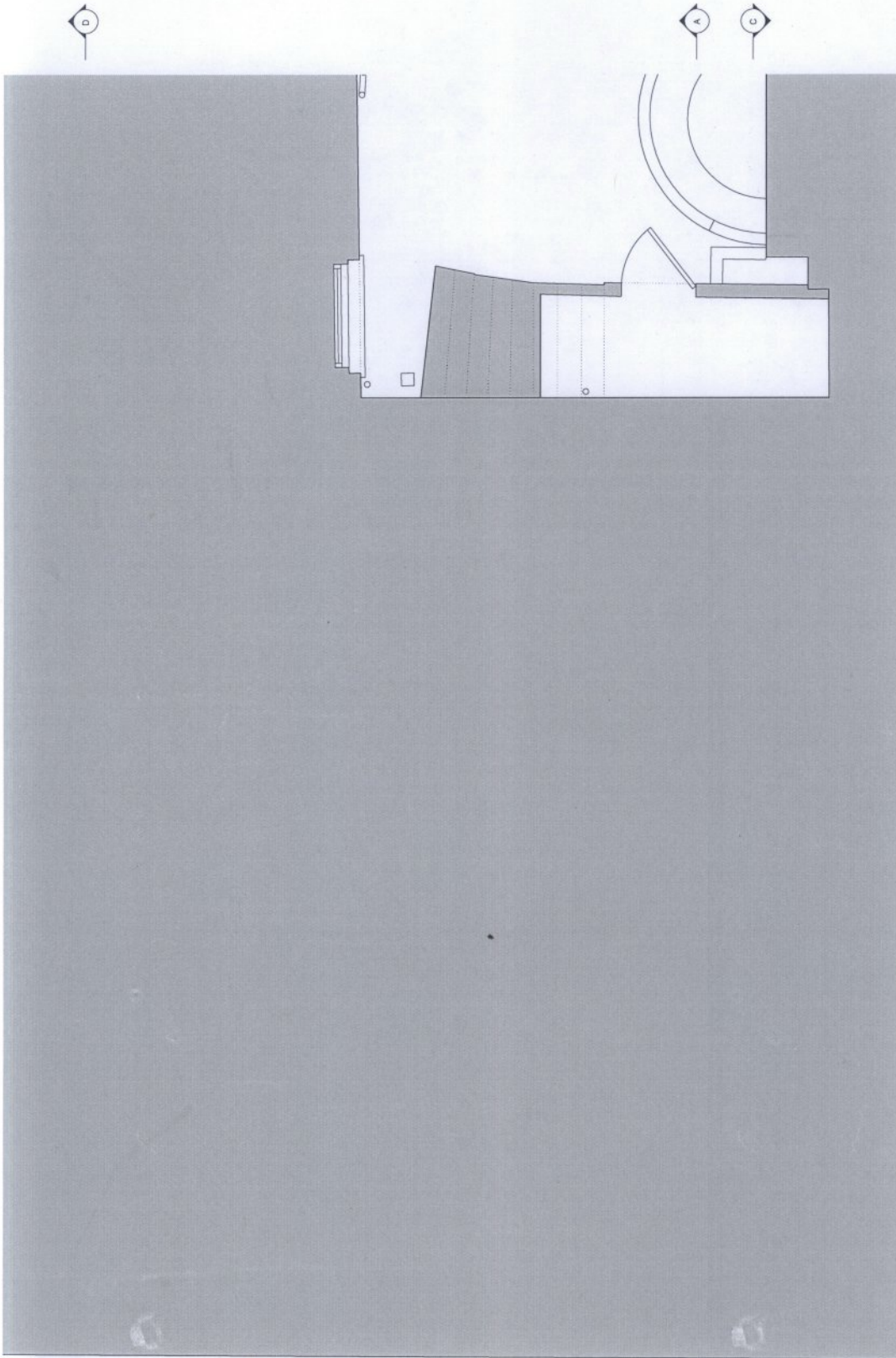
- 8 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly 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 You are advised that the internal layout of the development only had one means of escape in the event of a fire through a high risk room (kitchen). The applicant should contact the Residential Environmental Health Team for information concerning protected routes.

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.



0m 0.5m 1m 1.5m 2m 2.5m



Client
Iari and Nicole Barclay

Project
2 Montagu Mews West
London
W1H 2EE

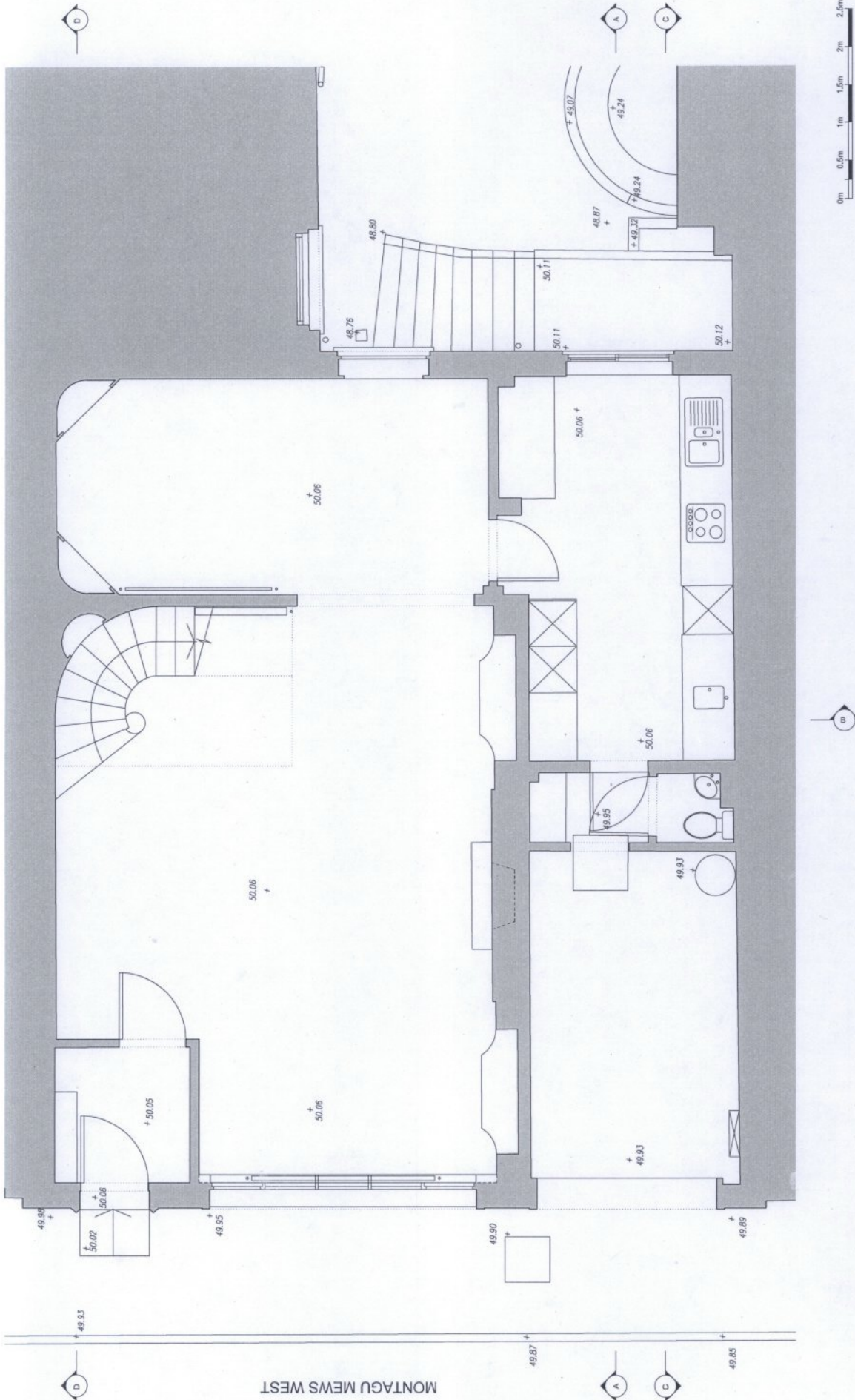
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Drawing Title **Existing Garden Level Plan**
Scale 1:25 / 1:50 Project No 1407 Drawing No A1009
Paper Size A1 / A3 Date 20.10.15 Rev 00

Rev	Date	Reason for Issue
00	20.10.15	Issued for planning

MONTAGU MEWS WEST



MONTAGU MEWS WEST

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Project **2 Montagu Mews West**

Drawing Title **Existing Ground Floor Plan**

Scale 1:25 / 1:50 Project No. 1407

Paper Size A1 / A3

Date 30.06.14

Rev

02

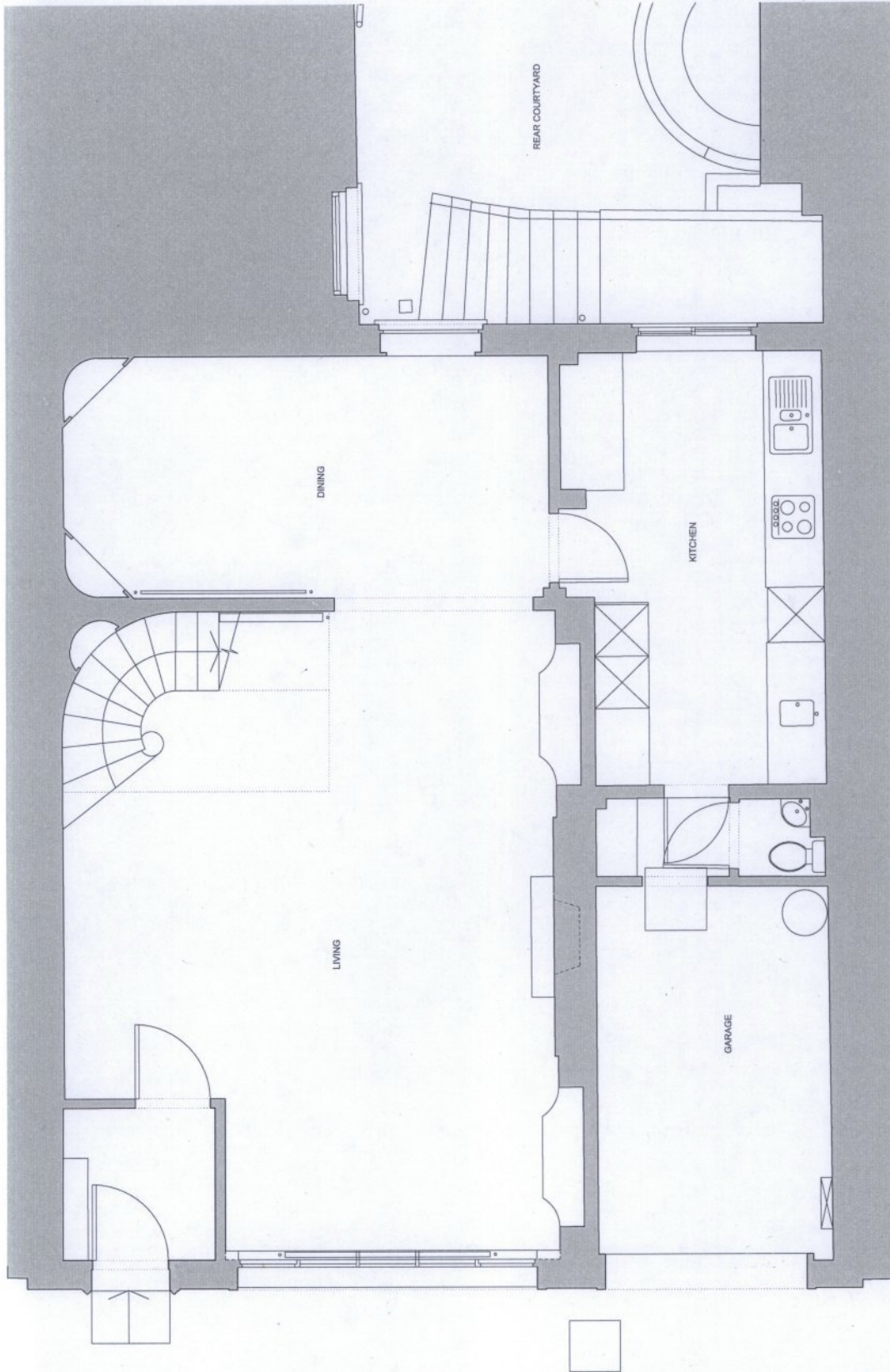
Rev	Date	Reason for Issue
02	20.10.15	For Planning Application
01	03.07.14	For Permitted Development
00	-	Not Issued



Client: Ian and Nicola Barclay
 Project: 2 Montagu Mews West, London, W1H 2EE

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Note: No change proposed



MONTAGU MEWS WEST



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Project **2 Montagu Mews West**

Drawing Title **Proposed Ground Floor Plan**

Scale 1:25 / 1:50 Project No **1407** Drawing No **PA2_2010_03**

Paper Size A1 / A3 Date 13.01.15 Rev

Rev	Date	Reason for Issue
03	20.10.15	For Planning Application
02	18.06.15	For Planning Application
01	26.01.15	For Planning Application
00	13.01.15	For Planning Application

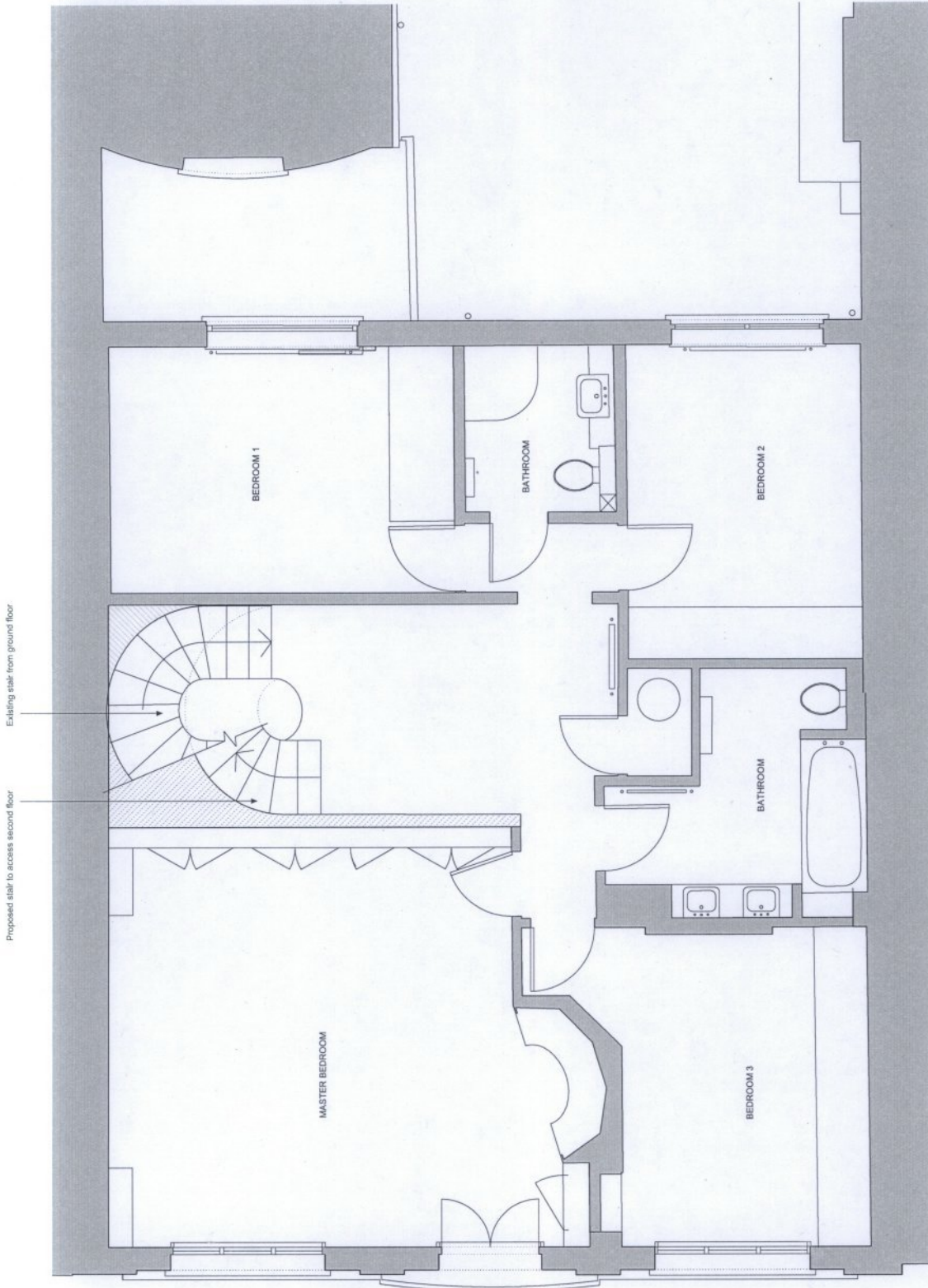
Key Plan

Client
Ian and Nicola Barclay

Project
2 Montagu Mews West
London
W1H 2EE

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Proposed stair to access second floor

Existing stair from ground floor



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 Drawing Title **Proposed First Floor Plan**
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 Date 13.01.15

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02	18.06.15	For Planning Application
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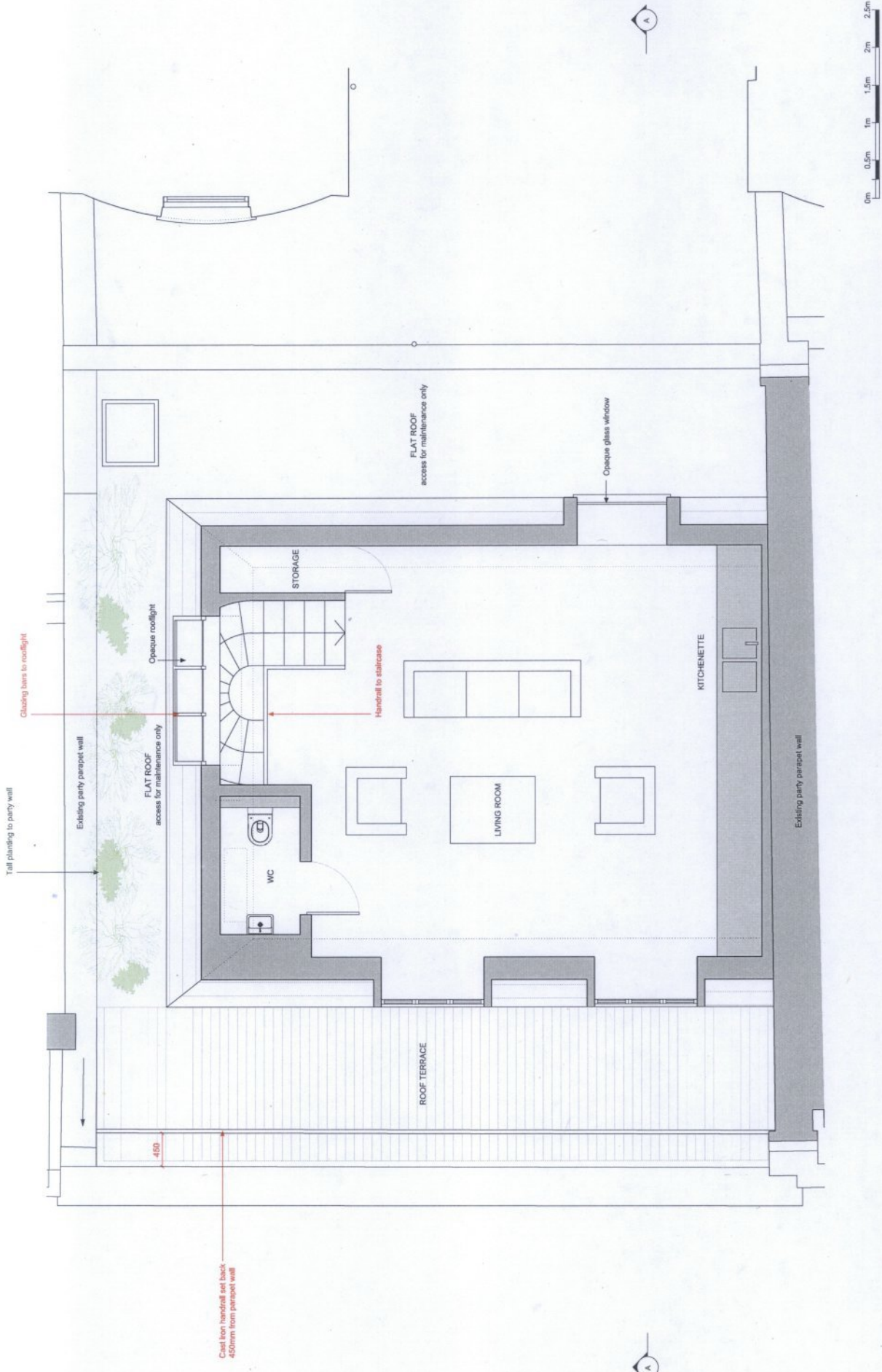


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 Ian and Nicola Barclay

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Drawing Title: **Proposed Second Floor Plan**

Scale: 1:25 / 1:50

Paper Size: A1 / A3

Date: 13.01.15

Project No: 1407

Drawing No: PA2_2012

Rev: 04

Rev	Date	Reason for Issue
04	20.10.15	For Planning Application
03	10.09.15	Updated For Planning Application
02	18.08.15	For Planning Application
01	28.01.15	For Planning Application
00	13.01.15	For Planning Application

Key Plan

Client: Ian and Nicole Barclay

Project: 2 Montagu Mews West, London, W1H 2EE

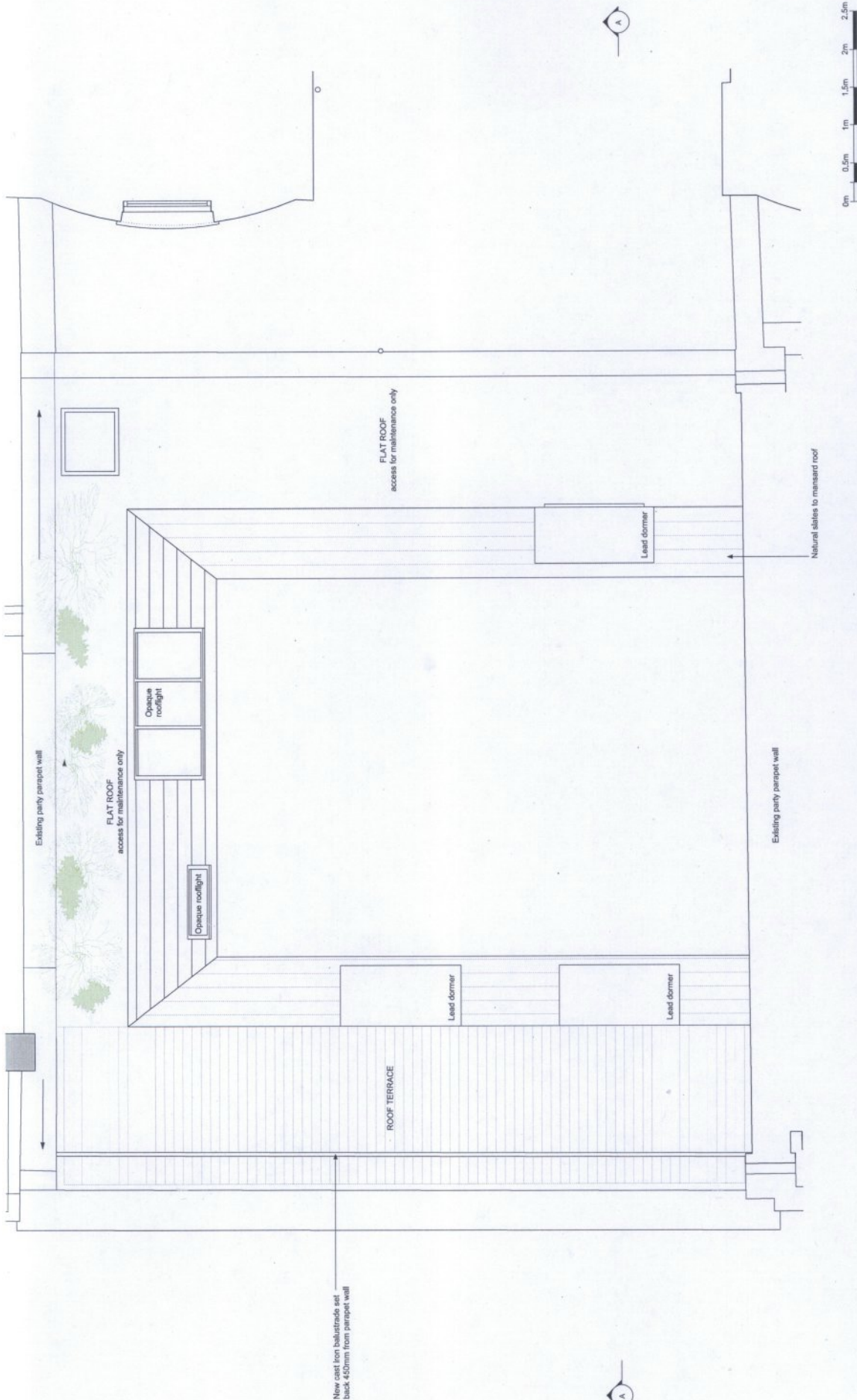
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Project: **2 Montagu Mews West**

Drawing Title: **Proposed Roof Plan**

Scale: 1:25 / 1:50

Paper Size: A1 / A3

Date: 13.01.15

Project No: 1407

Drawing No: PA2_2013_03

Rev: 03

Rev	Date	Reason for Issue
03	20.10.15	For Planning Application
02	18.06.15	For Planning Application
01	26.01.15	For Planning Application
00	13.01.15	For Planning Application

Key Plan

Client: Ian and Nicola Barclay

Project: 2 Montagu Mews West
London
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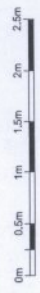
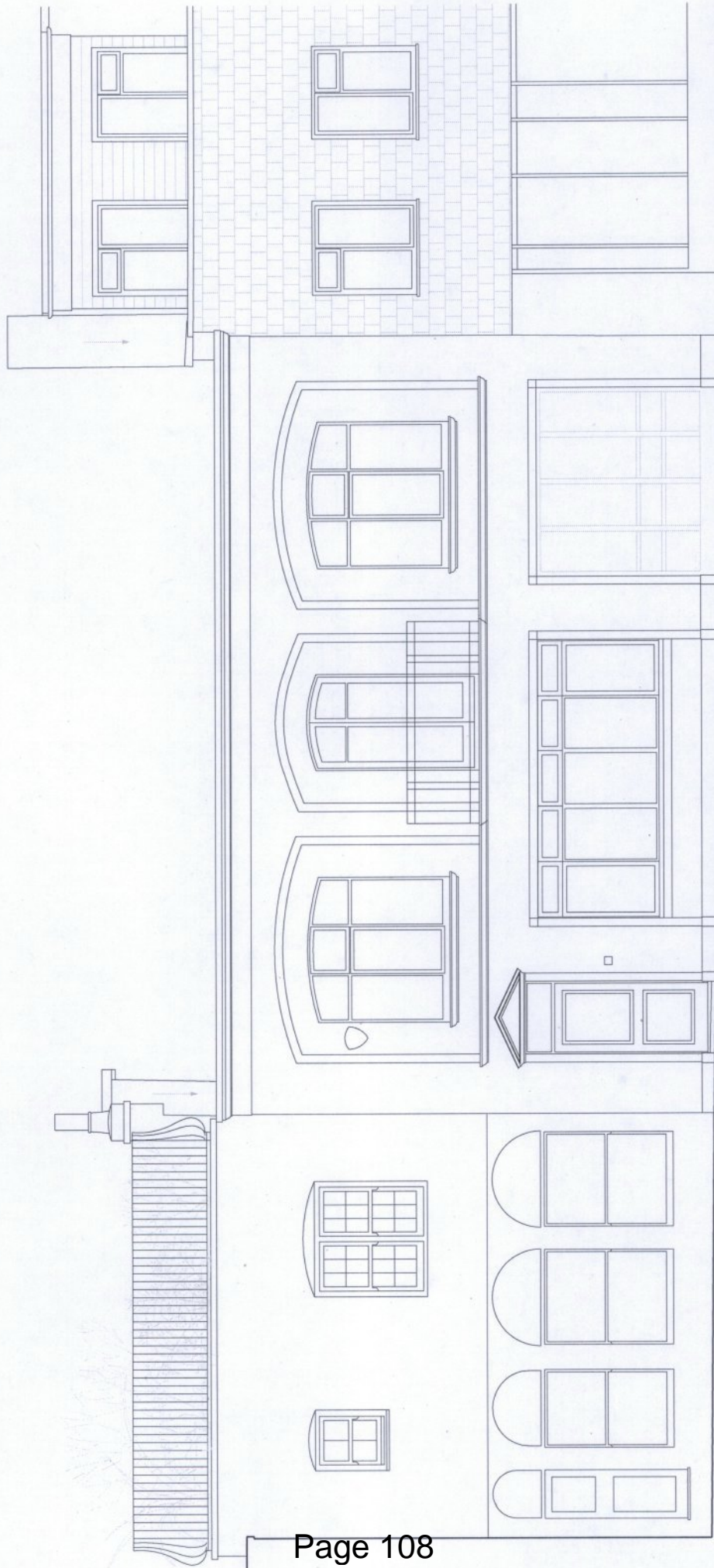
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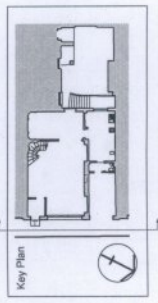
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Paper Size A1 / A3 Drawing No 1407

Date 03.07.14 Date 03.07.14

Rev	Date	Reason for Issue
02	20.10.15	For Planning Application
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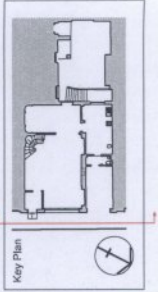
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Project No 1407

Drawing No PA2_2100

Rev 04

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02	18.06.15	For Planning Application
01	28.01.15	For Planning Application
00	13.01.15	For Planning Application



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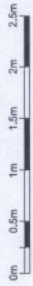
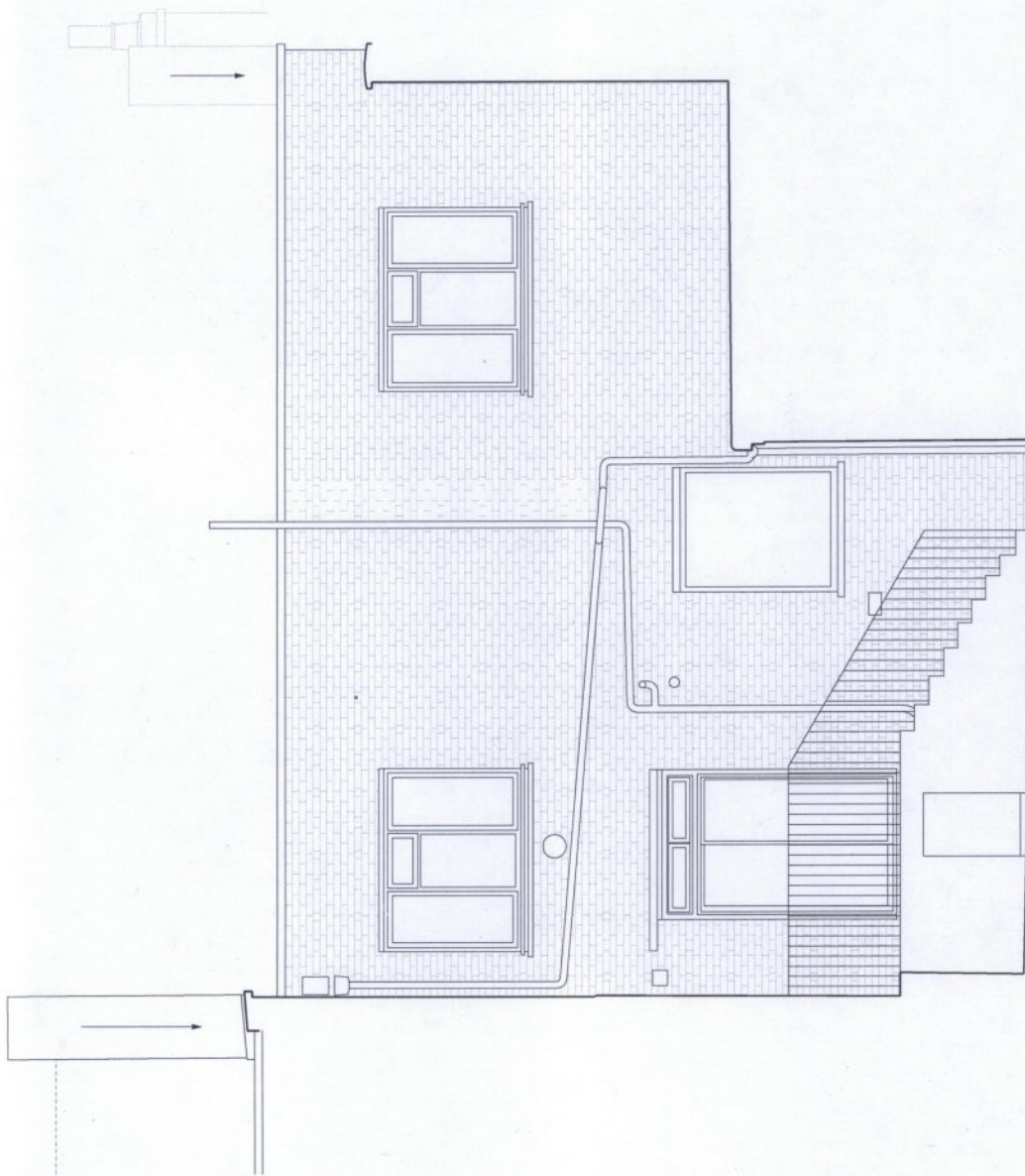
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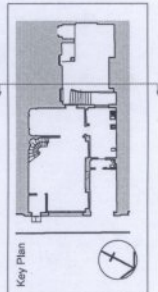
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 Date 02.07.14

Project No **1407**
 Drawing No **A1101**
 Rev **02**

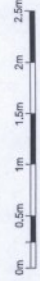
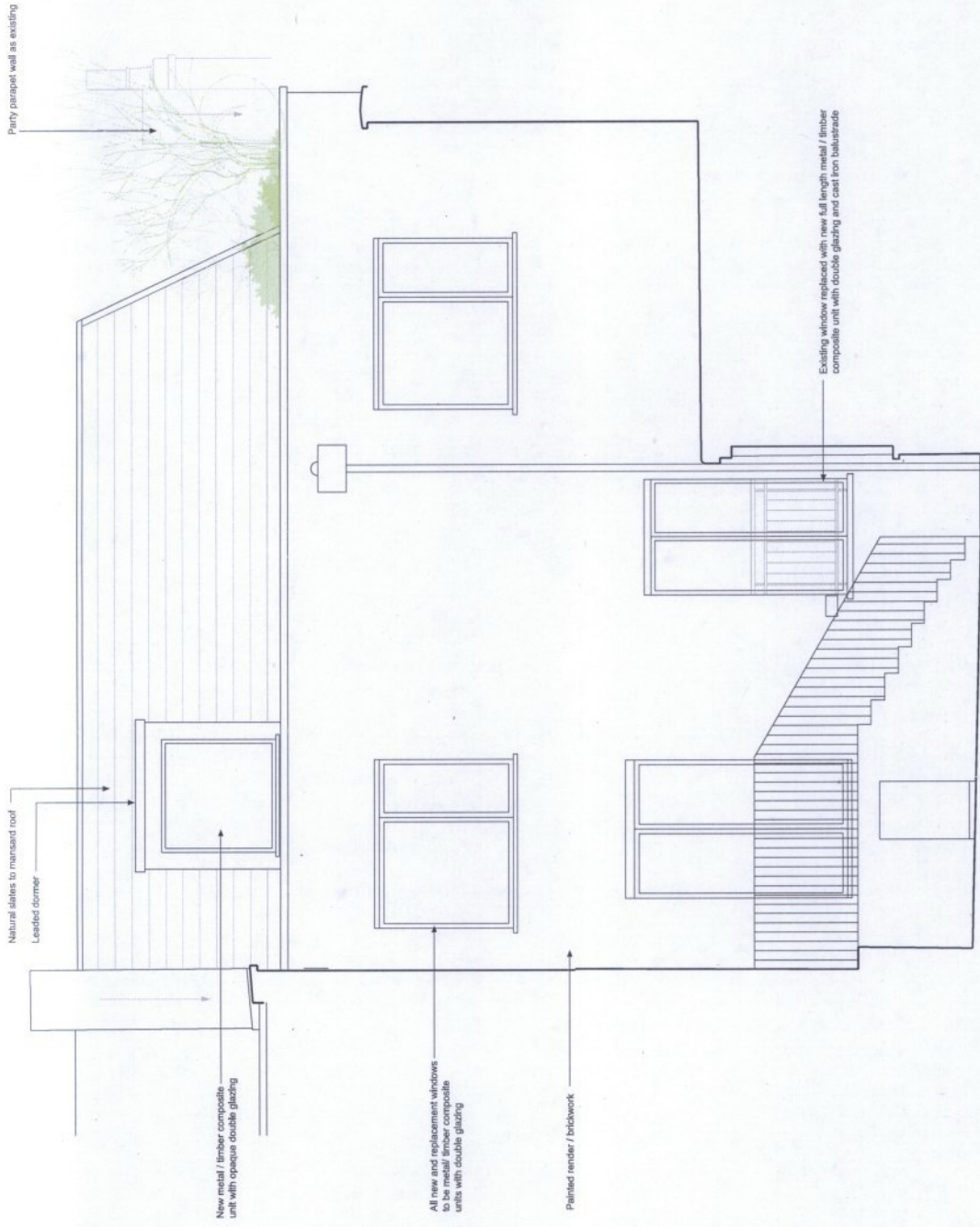
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02	20.10.15	For Planning Application
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 Project **2 Montagu Mews West**
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Project: **2 Montagu Mews West**

Drawing Title: **Proposed Rear Elevation (E2)**

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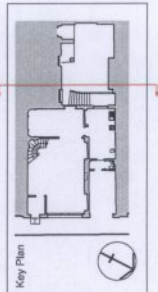
Date: 13.01.15

Project No: 1407

Drawing No: PA2_2101

Rev: 03

Rev	Date	Reason for Issue
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02	18.06.15	For Planning Application
01	26.01.15	For Planning Application
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Client: Iain and Nicole Barclay

Project: 2 Montagu Mews West, London, W1H 2EE

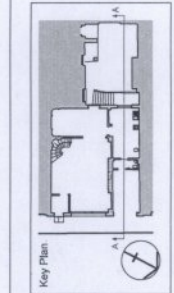
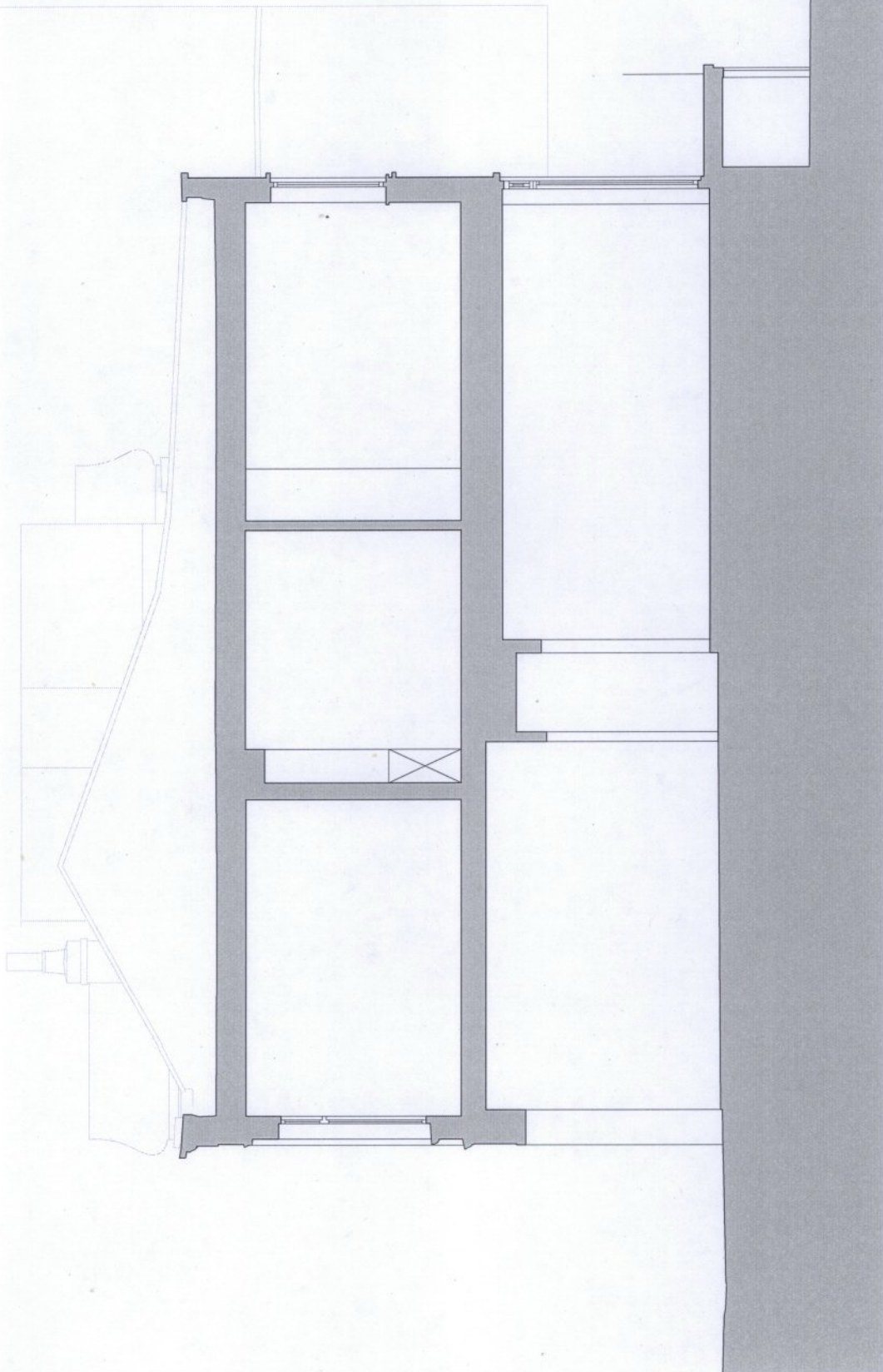
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Key Plan

Client
Iain and Nicole Barclay

Project
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Drawing Title **Existing Section AA**

Scale 1:25 / 1:50

Paper Size A1 / A3

Date 30.06.14

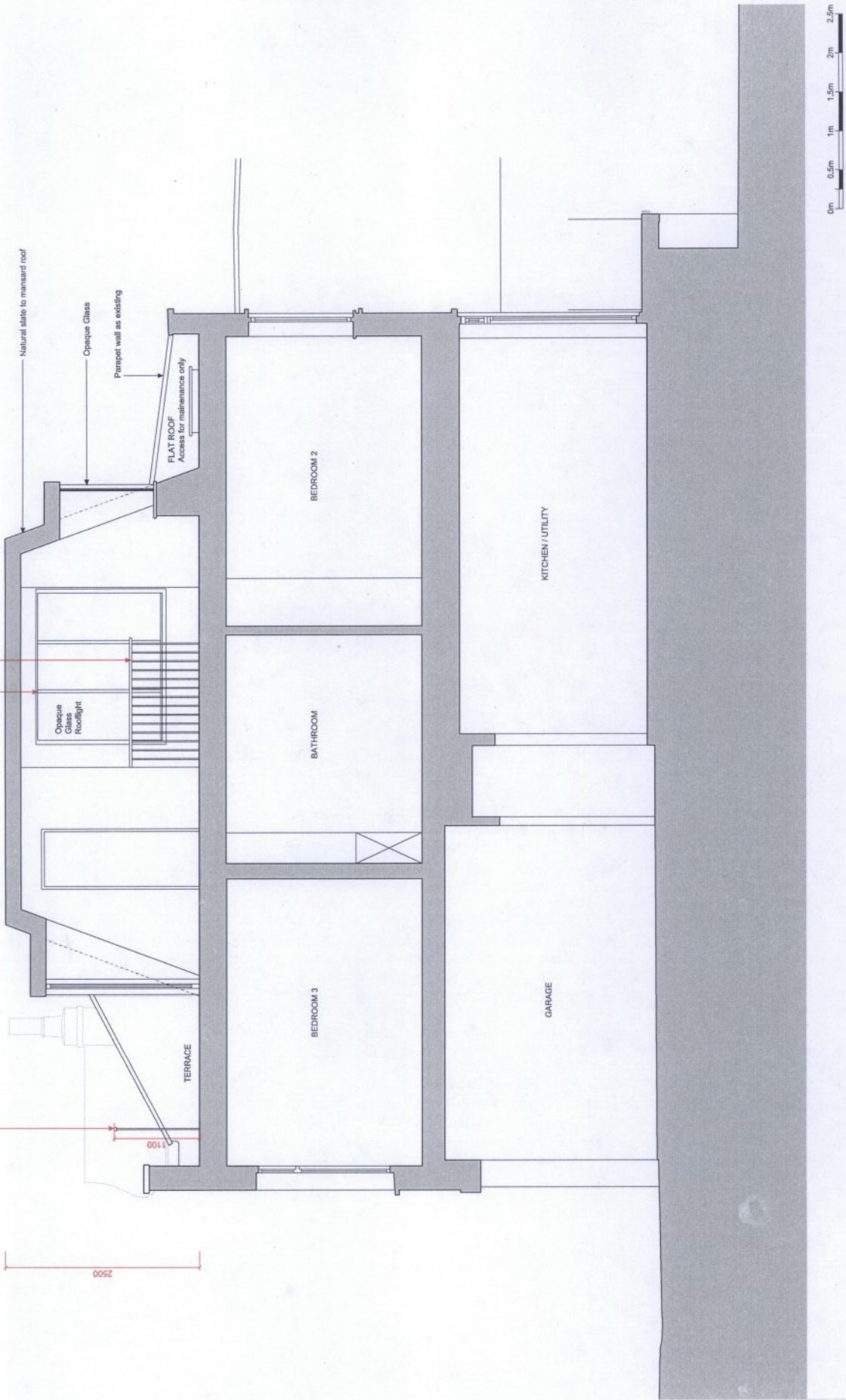
Project No **1407**

Drawing No **A1200**

Rev **02**

External cast iron balustrade to terrace set back from parapet wall

Glazing bars to rooflight
Internal balustrade to staircase



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Project **2 Montagu Mews West**

Drawing Title **Proposed Section AA**

Scale 1:25 / 1:50

Paper Size A1 / A3

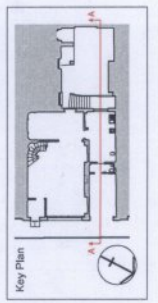
Date 13.01.15

Project No **1407**

Drawing No **PA2_2200**

Rev **04**

Rev	Date	Reason for Issue
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03	10.09.15	Updated For Planning Application
02	18.06.15	For Planning Application
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Client
Ilan and Nicole Barclay

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Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Churchill	
Subject of Report	Moore House, 2 Gatliff Road, London, SW1		
Proposal	Variation of Condition 4 of planning permission dated 23 July 2007 (RN:06/07097/FULL) for the erection of two buildings: Building A - part five/part six/part seven/part ten storeys for use as 164 residential units, two retail/restaurant (Class A1/A3) units and a street sweepers depot; Building B - rising in stages from six storeys to fourteen storeys with tower feature for use as a 159 residential units (including 71 affordable units) and a retail/restaurant (Class A1/A3) unit, namely to extend the opening hours of the cafe/ restaurant (Unit A2) to open from 07.00 to 23.00 on a daily basis.		
Agent	Barton Willmore		
On behalf of	St James Group Ltd		
Registered Number	15/02701/FULL	TP / PP No	TP/25131
Date of Application	26.03.2015	Date amended/ completed	17.04.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area			
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Application for premises licence transfer 15/07943/LIPT (decision pending) Previous premises licence opening hours: Monday to Saturday: 11.00 – 23.00 Sunday 11.00- 22.30		

1. RECOMMENDATION

Grant conditional permission subject to a deed of variation.





Moore House, 2 Gatliff Road, SW1

2. SUMMARY

The site is a vacant commercial unit (Unit A2) on the ground floor of Moore House originally referred to as Building A within the Grosvenor Waterside development. Permission has been granted for the unit to be used as a Class A3 café/restaurant, with a condition restricting the hours of use to between 11.00 and 23.00 daily.

Planning permission is sought to vary condition 4 of permission 06/07097/FULL granted 23 July 2007 for the café/restaurant to operate from 07.00 to 23.00 daily.

The key issue in the determination of this application is the impact of the extended opening times on the amenity of neighbouring residential occupiers.

The proposal is considered to be acceptable in amenity terms and accord with Unitary Development Plan (UDP) policies and Westminster City Plan: Strategic Policies (City Plan) policies and is therefore recommended for approval.

3. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 267; Total No. of Replies: 2.

Objections received on behalf of Gatliff Close Residents Association and Grosvenor Committee on the following grounds:

Amenity:

- Noise from deliveries and servicing.

Other:

- The public consultation procedure with regards to site notices was not carried out correctly and not put up in the correct locations.
- Discrepancies within the application form, particularly with regard to the name of the previous operator.
- The applicant does not state who the end user is and therefore can the application be properly assessed.
- There has been reference to the operators being Purple Dragon, who operate the children's private members club within the development which would be unacceptable.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

This application relates to a vacant ground floor Class A3 (restaurant) unit within Moore House which is situated within the Grosvenor Waterside residential development. The unit measures approximately 200m² (GEA) and fronts Gatliff Road and Wentworth Court. The site is also known as Unit A2.

4.2 Relevant History

Permission granted in 2007, under 06/07097/FULL, for construction of two buildings, comprising 164 residential units in Building A (Moore House) and 159 residential units in

Building B. On the ground floor of Moore House permission was also granted for two commercial units (Units A1 and A2) for use as either Class A1 shop units or Class A3 restaurant units. In Building B, a Class A1 or Class A3 unit was also approved.

Condition 4 of this permission states "You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the following times: between 11.00 and 23.00".

Planning permission was granted for the use of Unit A1 as a supermarket in September 2012 (12/03886/FULL). This permission was subject to a condition which stated that 'Customers shall not be permitted within the supermarket premises before 07.00 or after 22.00 Monday to Saturday and before 08.00 or after 21.00 on Sundays and Bank Holidays'.

5. THE PROPOSAL

Permission is sought for the variation of condition 4 of the 2007 permission to extend the opening times of the Class A3 restaurant in the morning to allow it to open from 0700 to 2300 on a daily basis.

Until recently the unit was occupied by the 'Old Tree Restaurant' but is now vacant. The applicant advises that the previous occupier failed to survive given the position of the unit (set back from Ebury Bridge Road) and because the restaurant was not able to attract morning customers because of the restrictive opening times. The applicant considers that the additional four hours sought (between 07.00 and 11.00) would capture the morning breakfast trade.

The application has been submitted on behalf of the managing agents, rather than a specific restaurant operator. Objections have been received on this basis in that without an end user a full assessment of the application cannot be made. It is not uncommon for planning applications to be submitted without an end user in mind and it is the Council's responsibility, when granting planning permission to impose conditions which would negate the harm to residential amenity. This does not however prohibit the end user submitting a further application to vary conditions.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal does not alter the authorised land use of the application site.

6.2 Townscape and Design

The proposals do not alter the external appearance of the property.

6.3 Amenity

The key issue in the impact from the earlier opening time proposed on residential amenity. Objections to noise disturbance from the extended hours of opening and from servicing and deliveries have been received from Grosvenor Waterside residents.

Although Grosvenor Waterside is a primarily a residential development there are other commercial units within the development. The nearby Sainsbury's supermarket within Unit A1 is open from 7am and this does not appear to have raised any amenity concerns or complaints. The application site is located on Gatliff Road which forms the main vehicle entrance for visitors to the site and is located opposite the civic square. Given the level of activity on Gatliff Road and the overall permeability of the Grosvenor Waterside development

for pedestrians, there is no reason to consider that the extended opening hours proposed for Unit A1 will cause harm to residential amenity. In addition the extended hours would be likely to enhance the viability of this commercial unit and encourage a 'mixed-use' feel to this development, as originally intended.

The concerns about servicing are noted. Grosvenor Waterside is a private development and there are no conditions that restrict how the commercial units within the development are serviced. The applicant proposes to service the restaurant unit using the service ramp for Moore House with deliveries brought up to ground floor level from the internal lifts. The deliveries would then have to be wheeled in front of two ground floor flats adjacent to the restaurant entrance. The applicant is seeking servicing hours of 0700 to 1700 daily. Given that there are no restrictions on the current servicing hours of this restaurant unit, this is considered acceptable. It is recommended that these servicing hours are controlled by condition.

Refuse will be contained within the premises. The waste is then collected by a private collection company from the rear of the site. The previous operator, Old Tree Restaurant would have operated in this way. It is proposed that this arrangement would continue with any new operator. This is considered acceptable.

It is considered that the proposal will not result in significant levels of noise and disturbance or have a detrimental impact upon residential amenity to warrant refusal.

6.4 Transportation/Serviceing

The Highways Planning Manager has raised no objections to the proposal.

6.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated are welcomed.

6.6 Access

The proposals raise no access issues.

6.7 Other Core Strategy/ UDP/Westminster Policy Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13th November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.8 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.9 Planning Obligations

The proposal does not raise the need for planning obligations.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

Not applicable.

6.11 Other Issues

It is accepted that the Council's site notices advertising the planning application were placed on Ebury Bridge Road and not within Grosvenor Waterside itself. Following neighbour concerns additional site notices were placed closer to the site itself. It is therefore considered that the planning application has been advertised properly.

Objections were received on the grounds of discrepancies within the application form, particularly with regard to the name of the previous operator. A revised application form and supporting statement has been received which rectifies these issues and has been available for public view on the Council's website.

An objection has been received on the basis that Purple Dragon, who operate the children's private members club within the development, had expressed an interest in the lease of the restaurant to use as a deli open to members of the public and as potentially a space for private hire. As stated above, the application has been submitted on behalf of the managing agent and should Purple Dragon operate the unit, they would have to do so within the confines of a Class A3 restaurant use and relevant planning conditions.

7 Conclusion

The proposals are considered to accord with the City Council's policies in relation to amenity and highways and are recommended for approval.

BACKGROUND PAPERS

1. Application forms.
2. Letter from Westminster Society dated 13 May 2015.
3. Email on behalf of Gatliff Close Residents Association dated 5 June 2015.
4. Emails on behalf of Grosvenor Waterside Residents Association dated 10; 11; 16 and 18 June.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – mmason@westminster.gov.uk

DRAFT DECISION LETTER

Address: Moore House, 2 Gatliff Road, London,

Proposal: Variation of Condition 4 of planning permission dated 23 July 2007 (RN:06/07097/FULL) for the erection of two buildings: Building A - part five/part six/part seven/part ten storeys for use as 164 residential units, two retail/restaurant (Class A1/A3) units and a street sweepers depot; Building B - rising in stages from six storeys to fourteen storeys with tower feature for use as a 159 residential units (including 71 affordable units) and a retail/restaurant (Class A1/A3) unit, namely to extend the opening hours of the cafe/ restaurant (Unit A2) to open from 07.00 to 23.00 on a daily basis.

Plan Nos: 9795-T-02-0462-ZXX 01; 9821-F-02-9121-Z00 02; Position Statement received 10 September 2015 and updated 6 October 2015; 2A4 colour photographs.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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 Customers shall not be permitted within the Class A3 restaurant premises (Unit A2) before 0700 or after 2300 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: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 3 All servicing for Unit A2 must take place between 07.00 and 17.00 daily. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 You must carry out the servicing of the Class A3 restaurant (Unit A2) in accordance with the Position Statement submitted as part of this application.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV

7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 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 TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 6 If Unit A2 is to be used for restaurant purposes then it shall be constructed and sound insulated and ventilated so as to ensure that there is no perceptible noise (including amplified and non-amplified music and human voices) or vibration transmitted through the structure to adjoining residential premises.

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.

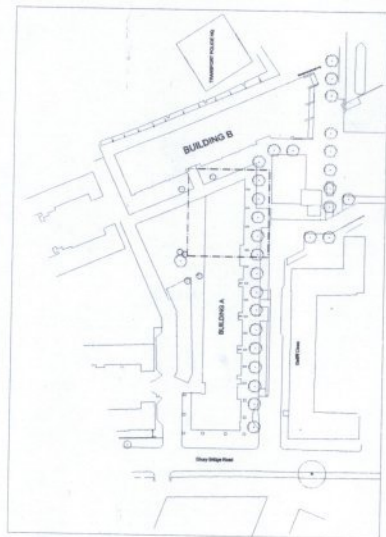
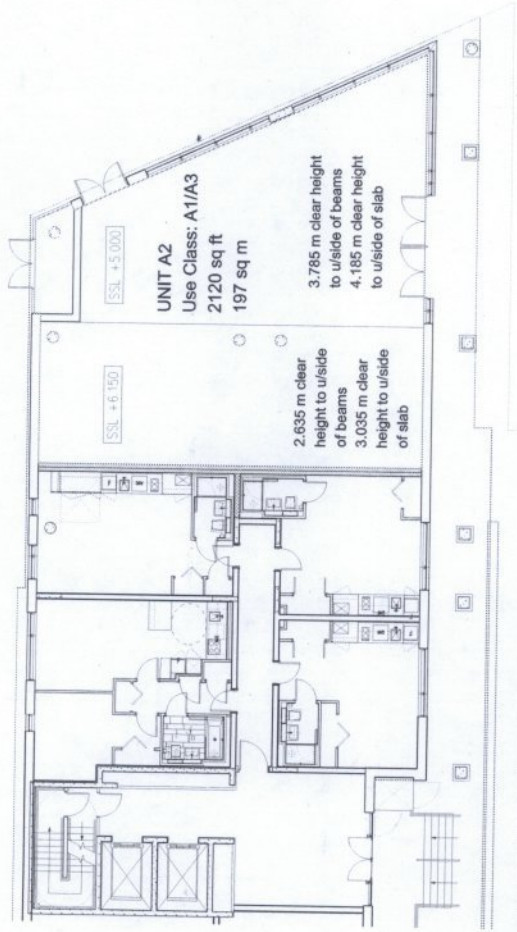
- 7 You must apply to us for approval of details of the ventilation system to get rid of cooking smells from the restaurant kitchen of Unit A2, including details of how it will be built and how it will look. You must not use Unit A2 for restaurant purposes until we have approved a ventilation system and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.



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GROSVENOR WATERSIDE
 BUILDING A

UNIT A2 - COMMERCIAL UNITS SITE
 CONVEYANCE PLAN

Project No	Type	RU	Number	1:200@A3	13.10.08
INFORMATION			Zone	Zone	File
9821 - F - 02 - 9121 - Z00 02					



14.10.08 AAT	Date
13.10.08 AAT	Date
	Initial

Notes:
 1. Do not scale
 2. Contractor to check all dimensions and report omissions and errors to the Architect
 02 Issued for information - columns outlined in green
 01 Issued for information
 No Revision