



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 1st December, 2015**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London SW1E 6QP**

Members: **Councillors:**

Peter Freeman (Chairman)
Paul Church
Melvyn Caplan
Jason Williams

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 Jason Williams 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. 1-8 BATEMAN'S BUILDINGS AND 55 GREEK STREET, W1 | (Pages 3 - 38) |
| 2. BENTINCK CLOSE, 76-82 PRINCE ALBERT ROAD, NW8 | (Pages 39 - 76) |
| 3. 53B CLIFTON HILL, NW8 | (Pages 77 - 104) |
| 4. 25 CHESHAM MEWS, LONDON, SW1X 8HS | (Pages 105 - 126) |
| 5. 9 AND 10 EATON MEWS NORTH, SW1 | (Pages 127 - 142) |

**Charlie Parker
Chief Executive
23 November 2015**

Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 1 DECEMBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	15/07747/FULL West End	1-8 BATEMAN'S BUILDINGS AND 55 GREEK STREET, LONDON W1D 3EN	Partial demolition and external alterations to 1-8 Bateman's Buildings associated with the use of lower ground and ground floor levels as two restaurants (Class A3), office (Class B1) and residential (Class C3) accommodation; and use of the first, second, third and fourth floors for office (Class B1) and residential accommodation (Class C3) to provide five residential units. Associated external alterations including the creation of two terraces at main roof level; the installation of plant within an associated enclosure at roof level, the installation of a high level extract duct and the installation of a new shopfront to 55 Greek Street.	
2	15/00496/FULL Regent's Park	BENTINCK CLOSE, 76-82 PRINCE ALBERT ROAD, LONDON NW8 7RY	Roof extension to provide four new residential (Class C3) units (3x3 bed and 1x4 bed) with external terraces and planters.	
3	15/01668/FULL Abbey Road	53B CLIFTON HILL, LONDON NW8 0QE (Addendum Report)	Erection of dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.	
4	15/02502/FULL Knightsbridge And Belgravia	25 CHESHAM MEWS, LONDON SW1X 8HS	Replacement of mansard roof and excavation to create a single storey basement beneath the existing building footprint and alterations to front elevation.	
5	15/03309/FULL Knightsbridge And Belgravia	9 AND 10 EATON MEWS NORTH, LONDON SW1X 8AR	Erection of a mansard roof extension to Nos. 9 and 10 and use of the property as two separate dwellings and associated external alterations.	

j:\d_wpdocs\short-tel\sc\2015-11-10\12-rc1.doc\0 - 20/11/2015

This page is intentionally left blank

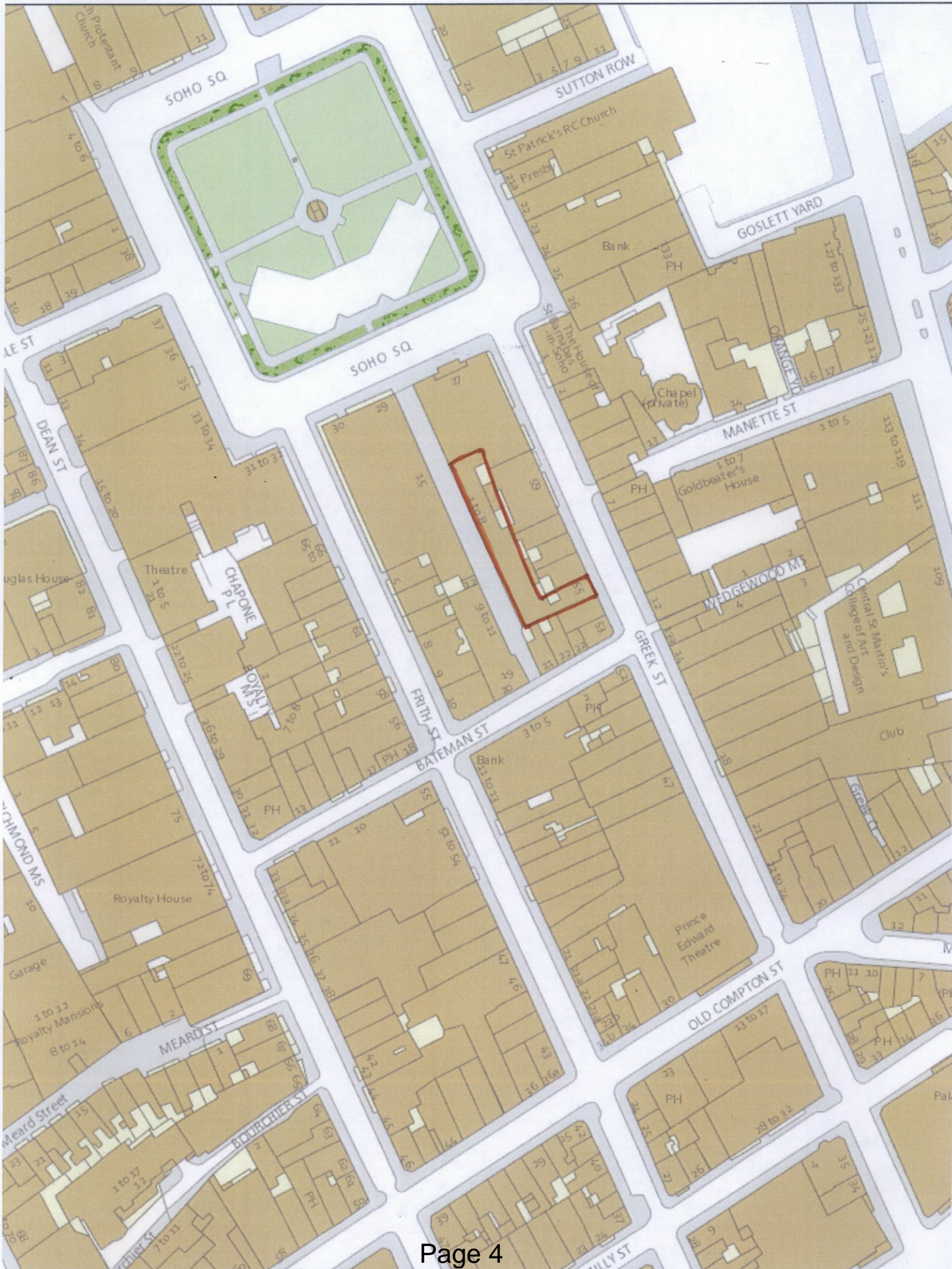
Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 December 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	1-8 Bateman's Buildings and 55 Greek Street, London, W1D 3EN		
Proposal	Partial demolition and external alterations to 1-8 Bateman's Buildings associated with the use of lower ground and ground floor levels as two restaurants (Class A3), office (Class B1) and residential (Class C3) accommodation; and use of the first, second, third and fourth floors for office (Class B1) and residential accommodation (Class C3) to provide five residential units. Associated external alterations including the creation of two terraces at main roof; the installation of plant within an associated enclosure at roof level, the installation of a high level extract duct and the installation of a new shopfront to 55 Greek Street.		
Agent	Turley		
On behalf of	Harley Property Holdings		
Registered Number	15/07747/FULL	TP / PP No	TP/13985
Date of Application	20.08.2015	Date amended/ completed	20.08.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
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 Core Central Activities Zone		
Stress Area	Within West End Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





1-8 BATEMAN'S BUILDINGS AND 55 GREEK STREET, W1

2. SUMMARY

The application site includes 1-8 Bateman's Buildings and 55 Greek Street. The buildings comprise basement, ground and first to third floor levels fronting Bateman's Buildings, whilst the Greek Street property extends to fourth floor level. The buildings are used entirely as office accommodation (Class B1) except for a small area of the ground floor of 55 Greek Street which is in use as a retail unit.

Permission is sought for the change of use of part lower ground and ground floors of 1-8 Bateman's Buildings to a restaurant (Class A3) and use of the upper floors of the property as residential accommodation comprising five residential units. Terraces are proposed at main roof level to serve the residential units. The upper floors of 55 Greek Street are to remain as office accommodation. A high level extract duct is proposed to serve the new restaurant and plant is proposed at main roof level of the Bateman's Buildings property.

The key issues in this case are:

- The impact in land use terms, of the loss of the existing uses and proposed restaurant on the character and function of the area;
- The impact on amenity in the vicinity, in relation to noise from the restaurant and residents of the new residential units;
- The impact in design terms.

Subject to appropriate conditions, the proposal is considered acceptable in land use, transport, design and amenity terms. The application is therefore recommended for approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. CONSULTATIONS

SOHO SOCIETY

Objection on the following grounds:

- Potential noise disturbance from patrons of the restaurant, outside seating and servicing.
- Noise impact of the restaurant use upon amenity within the West End Stress Area.
- Loss of office floorspace.

BUILDING CONTROL

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

CROSSRAIL

No comment.

ENGLISH HERITAGE

Authorisation to determine as seen fit.

DESIGNING OUT CRIME

No objection subject to certain conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 69; Total No. of Replies: 1

Objection on the following grounds from a neighbouring hotel operator:

- Detrimental design impact upon the Soho Conservation Area and nearby listed buildings.
- Potential noise disruption to hotel guests from outside dining and the restaurant operation.
- Potential noise disruption to hotel guests from the Juliet balconies associated with the residential flats.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The site comprises 1-8 Bateman's Buildings and 55 Greek Street. The properties are currently entirely used as office accommodation (Class B1) except for a small retail unit (Class A1) at ground floor level within 55 Greek Street. Neither of the buildings are listed but they are located within the Soho Conservation Area, the West End Stress Area and the Core Central Activities Zone.

55 Greek Street comprises of lower ground, ground and first to fourth floor levels, 1-8 Bateman's Buildings comprises of lower ground, ground and first to third floor levels.

4.2 Relevant History

Two previous planning applications have been submitted for the redevelopment of the property (13/09984/FULL and 14/03646/FULL), however, these were both withdrawn before determination after officers expressed concerns with regard to viability, the provision of on-site affordable housing and the size of the proposed residential units.

In relation to 55 Greek Street, planning permission was refused on the 5 February 1998 for the 'enclosure of central lightwell and erection of extract duct in connection with use of basement and ground floors as a restaurant (Class A3)'. The application was refused as it would result in the loss of retail floorspace. An appeal was submitted and subsequently dismissed. The report in relation to this application considered the lawful use of the basement and upper floors of the property as B1 office accommodation.

In relation to 1-8 Bateman's Buildings, planning permission was refused on the 21 September 1995 for the 'use of the basement as a nightclub'. The officer's report states that the ground floor of the premises is in use as a recording studio whilst the first to third floors of the property are in use as office accommodation.

Planning permission was granted on the 28 February 1938 in relation to 55 Greek Street and 1-8 Bateman's Buildings 'to rebuild the premises to a height of four storeys for use as workrooms with stores in the basement and a shop on the ground floor next to Greek Street'.

5. THE PROPOSAL

Permission is sought for the use of part of the basement and ground floor areas of 1-8 Bateman's Buildings as two restaurant premises (Class A3) and to install high level extraction ducts on the rear elevation of the property above the height of the residential windows. The retail unit at ground floor level in 55 Greek Street is retained and the upper floors of the property remain in office use. Residential flats are proposed at first to third floor levels within 1-8 Bateman's Buildings with ancillary residential areas at ground and lower ground floors. It is also proposed to create residential terraces at main roof level on 1-8 Bateman's Buildings and install plant with associated screening.

There are two proposed restaurants within the development, one would measure 463m² whilst the other would measure 389m².

5.1.1 Existing and Proposed Land Uses:

Use	Existing (GEA)	Proposed (GEA)	+/- difference (m2)
Retail	46	46	0
Office	2471	566	-1905
Residential	0	978	+978
Restaurant	0	852	+852
Refuse and Sub-station	0	75	+75
TOTAL	2517	2517	0

5.1.2 Restaurant Uses:

	Proposed restaurant incorporating basement and ground floor levels
Restaurant 1 Floorspace (m2)	389m ²
Restaurant 2 Floorspace (m2)	463m ²
Restaurant 1 Covers	86
Restaurant 2 Covers	117
Hours of Operation	07:00 till 01:00 daily
Ventilation arrangements	Full height kitchen extract duct and a/c units
Refuse Storage arrangements	To be stored within separate refuse and recycling storage areas at basement level.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The planning permission granted in 1938 allowed the use of the Bateman Street buildings as office, workrooms and stores. No conditions restrict the use of the property to specific use classes and it is therefore considered to be in lawful office use. 55 Greek Street (except for the ground floor retail unit) is also considered to be in lawful office use.

6.1.1 Loss of office accommodation:

The application would result in a net reduction of 1905m² of office floorspace. Interim measures (set out in an initial statement dated 1 March 2015) have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace. As the current application was submitted in August 2015, it is not subject to consideration under the interim measures or emerging policies, but should be considered in the light of adopted development policies which do not protect existing office uses.

The Soho Society have commented on the cumulative loss of B1 office floorspace in Soho and suggested the lower ground floor of the property is retained as office accommodation, but for the reasons outlined above, it is not considered that the application could be refused on these grounds.

6.1.2 New restaurant uses:

As the proposal is for new entertainment uses comprising 463m² and 389m² it needs to be considered under the TACE policies. Whilst cumulatively the total restaurant floorspace of both units is over 500m², the individual restaurants both measure under 500m². Policy TACE9 of the UDP states that permission for restaurant uses (Class A3) of between 150m² – 500m² of gross floorspace inside the Core CAZ and designated West End Stress Area may be permissible where the proposed development will have no adverse impact on residential amenity or local environmental quality, and no adverse effect on the character or function of its area. Policy S24 of the City Plan also relates to new entertainment uses and has similar policy requirements for units of this size.

Policy TACE9 requires that within Stress Areas, permission will only be granted for restaurant uses (between 150m² and 500m²) where the City Council is satisfied that the proposed development has:

1. No adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of:
 - a) noise
 - b) vibration
 - c) smells
 - d) increased late night activity, or
 - e) increased parking and traffic; and
2. No adverse effect on the character or function of its area.

The site is located within the defined West End Stress Area, an area where the numbers of restaurants, cafés, takeaways, public houses, bars and other entertainment uses is considered to have reached a level of saturation. Paragraph 8.89 of the UDP states that “in some parts of the city, particularly in the Stress Areas, there are significant numbers of entertainment premises close together. In such circumstances the City Council will consider whether any additional entertainment proposal, when taken alongside others nearby, will adversely affect residential amenity, local environmental quality, or the character or function of the surrounding area.”

In determining the acceptability of the proposal the City Council may seek to control the following:

1. The number of customers who may be present on the premises.
2. The opening hours.
3. The arrangements to be made to safeguard amenity and prevent smells, noise and vibration disturbance (including that from the use of ventilation and air conditioning plant) from the premises.
4. Servicing arrangements.
5. Arrangements for the storage, handling and disposal of waste, recyclable materials and customer litter.
6. The positioning of tables and chairs in open areas within the curtilage of the premises.

It is recognised that there can be considerable variation between the uses within a Use Class in terms of their effects on the local environment and residential amenity. For example, restaurants with a waiter service tend to have fewer adverse effects than bars used by large numbers of customers. Factors that the Council will take into account when assessing new

entertainment uses include the gross floorspace to be occupied by the proposed use, its capacity, the type of use, servicing arrangements and any supporting statement provided in respect of the management of a use.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. The immediate vicinity is characterised mainly by restaurant and retail units on the lower floors and office or residential uses on the upper floors.

The proposed restaurants would both be accessed from Bateman's Buildings. There are no residential properties within Bateman's Buildings and the closest residential units are on the upper floors of 21 Bateman Street immediately to the south of the application site. Council records indicate there are also residential properties on the upper floors of 22 Bateman Street, and 57, 58 and 59 Greek Street to the east of the application site. The upper floors of 9-11 Bateman's Buildings are in use as a hotel.

As set out above, Policy TACE 9 states that permission for new restaurant uses will only be permissible where there would be no adverse effect on residential amenity as a result of noise, vibration, smells or increased late night activity.

The opening hours of the premises are proposed as 07:00 till 01:00 daily. Paragraph 8.88 of the UDP states that; 'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'. Considering this is not a 'predominantly residential area', the proposed opening hours are considered reasonable and in line with the UDP requirements for this location. These hours also correspond to nearby entertainment uses as private members club in the basement at 21 Bateman Street is licensed to open Monday to Saturday 09:00 – 03:30 and 09:00 – 00:30 Sundays, the ground floor restaurant at 21 Bateman Street is licensed to open Sunday to Thursday 12:00 -00:00 and Friday and Saturdays 12:00 – 03:00. The restaurant at 57 Greek Street is licensed to open Monday to Saturday 11:00 till 01:30 and Sunday 12:00 – 01:30.

A condition is proposed to ensure that there is no takeaway service provided from either of the restaurants or a home delivery service which might result in increased vehicular movements. Conditions are also proposed to ensure that any bar area provided does not exceed 15% of the floor area and that all customers consuming alcohol on the premises do so with a meal. A condition is also proposed to ensure that any live or recorded music played in the premises is not audible externally or in adjacent premises.

It is noted that annotations on the proposed elevation drawing indicate that the doors at ground floor level serving the restaurants will be fully openable within every glazed opening, whilst the proposed plan only shows the provision of one openable door to each restaurant unit. In order to contain noise from the entertainment uses, a condition is proposed to ensure that only one openable door is provided to each restaurant unit with the remaining windows/ doors being fixed shut.

The applicant has requested 86 covers within restaurant 1 (389m²) and 117 covers within restaurant 2 (463m²), which is considered relatively modest and a condition is proposed to ensure this is the case.

In order to further ensure the protection of residential occupiers in the vicinity, a condition is proposed requiring the submission of an Operational Management Plan to ensure the

restaurants are managed effectively. A condition is also proposed to ensure that no more than 15% of the restaurant floor area is used for a bar/bar seating and that drinks can only be served at the bar to restaurant customers, before, during or after their meals. A standard condition is also proposed in relation to noise transference through the building structure to the residential units.

It is acknowledged that the restaurant premises would be located within the designated West End Stress Area and that the Soho Society have objected to the introduction of a restaurant use and on noise grounds. However, the number of covers (86 and 117) is relatively modest, the hours of use are similar to other premises in the immediate vicinity and are only slightly later than the City Council 'core hours' for 'entertainment' premises in residential areas. It is therefore not considered that, subject to conditions, the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality and it is not considered the application could be refused on these grounds.

Given the existing office use, it is considered the new restaurant premises would help to enliven the street frontage which would be considered a benefit of the scheme. The principle of the proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

6.1.3 Residential floorspace:

The introduction of residential floorspace is welcomed and would comply with Policies H3 of the UDP and S14 of the City Plan, which seek to maximise the amount of land or buildings in residential use. The proposal includes an increase of residential floorspace of 978m² (GEA), in the form of five residential flats.

As the scheme would not result in an increase of residential floorspace exceeding 1000m² or in excess of 10 additional residential units there is no requirement for an affordable housing provision as set out in Policy S16 of the City Plan. The residential unit sizes accord with the size and space standards of the London Plan. Whilst in the current proposal the residential units are quite large, it is not considered they are oversized and due to the configuration of the building including more residential units would result in long corridors and the creation of single aspect units. The size of the units has been reduced through negotiations with the City Council and the proposal is now considered acceptable in this regard.

Policy H5 of the UDP requires that in new developments 33% of the residential units should be family sized (in excess of three bedrooms). 60% of the proposed units would have three or more bedrooms and therefore the proposal accords with this policy requirement.

The units are all double aspect on an east – west orientation and whilst mechanical ventilation is proposed there are openable windows which allows for natural ventilation.

6.2 Townscape and Design

The application site comprises No.55 Greek Street and Nos. 1-8 Bateman's Buildings which forms a large part of the east side of Bateman's Buildings and is in the Soho Conservation Area. Opposite the site in Bateman's Buildings is the rear of the Grade II listed 'Hospital for Women' in Soho Square, and to the rear (east) is the back of the Grade II listed No. 58 Greek Street. Neither of the buildings forming the site are designated as making any particular contribution to the conservation area, but are deemed unsuitable for roof extensions in the Soho Conservation Area Audit. All the neighboring buildings, except for No.27 Soho Square, are designated as unlisted buildings of merit.

The proposed alterations to the Bateman's Buildings façade involves replacing all the windows and rendered apron panels with enlarged windows with some incorporating Juliet balconies, ground floor shopfronts, and a rebuilt top floor with enlarged dormer windows. A new shopfront is proposed for No.55 Greek Street. Modest fixed canopies are to be provided above the entrances on Bateman's Buildings along with retractable awnings to the shopfronts. Two areas of roof terrace are proposed along with a screened area of plant.

In design and heritage asset terms, the alterations to the Bateman's Buildings façade will improve its appearance and introduce a more active frontage at street level which should help to reduce anti-social behaviour. De-cluttering the roof and providing visually screened plant will also improve the appearance of the building. This accords with UDP Policies DES 5, DES 6, DES 9 and DES 10 and ensures that the development will maintain the character and appearance of the Soho Conservation Area and the setting of neighbouring listed buildings.

The alterations to the shopfront of No.55 Greek Street are acceptable in design and heritage asset terms, in accordance with UDP Policies DES 5 and DES 9, and will maintain the character and appearance of the Soho Conservation Area.

The Designing Out Crime Officer at the Metropolitan Police has requested a condition be attached to any permission to ensure the applicant gains 'Secured by Design' accreditation. However, this is not considered necessary to make the development acceptable and instead an Informative is proposed advising the applicant of the benefits of incorporating crime reduction features into the design of the development.

6.3 Amenity

6.3.1 Plant Noise

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Some of the proposed plant will serve the commercial floorspace (retail, restaurants and office accommodation) with proposed operational hours of 08:00 till 00:00 (midnight) whilst the plant serving the residential units would require permission to operate at any time over a 24 hour period. The acoustic report specifies the hours of operation for the plant from 08:00 to 00:00 which differs to the proposed opening hours of the restaurant uses. The applicant has been made aware of this issue and advised that if they wish to operate the plant between the hours of 07:00 and 08:00 and 00:00 and 01:00 to accord with the proposed opening hours they will need to submit additional acoustic information to confirm the plant can comply with the City Council criteria and apply to vary the relevant conditions. An Informative has also been attached in relation to this issue.

The area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP, the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows. The report identified a design level criteria of 42dB for the commercial plant (operational between 07:00 and 01:00) and 36dB for the residential plant (operational at any time in a 24 hour period) which is 10dB below the lowest recorded background noise levels.

The nearest noise sensitive window was identified as being at third floor level in the building itself serving the proposed residential accommodation.

In order to ensure the plant noise is compliant with the City Council criteria, Environmental Health require that certain mitigation measures are installed as detailed within the submitted acoustic report. This includes the acoustic screening for the units located on the main roof area and the installation of silencers within the kitchen extract ducting. With these acoustic mitigation measures in place, Environmental Health have confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal subject to conditions.

6.3.2 Extract duct

Environmental Health consider the proposed high level extract ducting suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity.

6.3.3 Internal noise levels and overheating

An acoustic report has been submitted to assess the existing noise levels in the vicinity to ascertain the impact upon the proposed residential units. The area has high levels of noise both during the day and night and to accord with the City Council standard noise criteria in relation to internal noise levels in new residential dwellings the windows will need to be closed which may result in overheating. As climate control condensers are proposed for the residential accommodation, this is sufficient to overcome the overheating issue.

The whole property is being redeveloped which enables the applicant to carry out all necessary mitigation works to ensure noise transference through the building structure from the commercial uses to the residential accommodation is minimised. Standard conditions are proposed with regard to internal noise in the new flats and Environmental Health have confirmed they are satisfied with this approach subject to relevant conditions and Informatives.

6.3.4 Terraces

There are two terraces proposed on the main roof level of 1-8 Bateman's Buildings. One of the terraces is proposed for use by all the tenants, the other terrace will be private for one of the flats within the development.

Policy ENV13 of the UDP states that 'new 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.' Policy S29 of the City Plan has a similar aim and seeks to ensure that new development does not result in an unacceptable loss of residential amenity.

It is noted that there are residential flats within 57, 58 and 59 Greek Street to the east of the proposed terrace areas. There is also the hotel at 9-11 Bateman's Buildings to the west, windows for which are approximately 5m from the proposed terrace areas. In order to address any issue of overlooking of both the residential flats and the hotel accommodation, it is proposed to install planters along the east and west sides of the terraces at roof level on the Bateman's Buildings property. The planters include trellises of 1.7m which will be used to support climbing plants.

This screening/planting is welcomed and conditions are proposed to ensure the planters are installed and maintained in situ. Taking into account the terraces will serve residential units, it is not considered necessary to condition the capacity or the hours of use. With a condition in place relating to the screening, it is considered the proposal will be compliant with Policy ENV13 of the UDP and S29 of the City Plan.

6.3.5 Noise Disturbance

An objection has been received to the application from the owners of the hotel at 9-11 Bateman's Buildings. They consider that any external seating will result in noise disturbance to patrons of the hotel. Whilst it is noted that some of the visuals in the supporting documentation show external tables and chairs within Bateman's Buildings, these are not shown on the submitted drawings and do not form part of the planning application. Any application for external seating will need to be considered on its own merits if and when an application is submitted (the street in Bateman's Buildings is adopted highway).

The hotel owner has also expressed concern that the flush 'Juliet balconies' on the Bateman's Buildings elevation will (when opened) result in noise nuisance from the occupants of the new flats detrimentally impacting upon the hotel guests. Whilst these concerns are noted, and a hotel would be considered a noise sensitive property, the noise levels from five residential flats would have minimal impact upon the operation of the hotel and it is not considered the application could be refused on these grounds.

6.4 Transportation/Parking

No off-street car parking is proposed for the new flats. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond identified 'stress levels'.

2011 census figures indicate 29% of households in the West End ward have one or more cars. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%. Within a 200m radius of the site, parking occupancy during the day is 69%; overnight parking occupancy reduces to 63%. Parking pressures in the area therefore remain below the threshold and it is considered any additional parking demand can be absorbed into the surrounding street network.

Cycle parking is shown in the basement for the restaurants (12 spaces), the office accommodation (6 spaces) and the residential flats (5 spaces). This level of cycle parking accords with the stipulations of the Further Amendments to the London Plan. A condition is proposed requiring that the cycle parking spaces are provided and maintained in perpetuity. Waste and recycling storage areas are also shown for the commercial and residential occupiers within the basement vaults. A condition is proposed to ensure this storage is provided and retained.

Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that 'vehicular servicing needs of developments are fully accommodated on-site and off street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development'. The Highways Planning Manager has requested the addition of a condition to any approval requiring the submission of a Servicing Management Strategy to ensure that deliveries to the restaurant do not adversely impact upon residential amenity or the road network.

6.5 Economic Considerations

Any economic benefits generated are welcome.

6.6 Access

Level access will be provided to both the restaurant premises with an internal lift within the southern restaurant to provide access to the basement. Level access is also maintained to the retail unit and office entrance from Greek Street. Level access is also provided to the new residential units with internal lifts.

6.7 Other UDP/Westminster Policy Considerations

None.

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 application does not raise a requirement for a planning obligation.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The scale of the proposed development does not require the submission of an Environmental Impact Assessment or provide opportunities for additional sustainability measures.

6.12 Conclusion

The proposals are considered acceptable in land use, transport, amenity and design terms and accord with the relevant UDP and City Plan policies. The application is therefore recommended for conditional planning approval.

BACKGROUND PAPERS

1. Application form.
2. Letter from Historic England dated 22 September 2015.
3. Email from the Design Out Crime Officer - Metropolitan Police dated 23 September 2015.
4. Memorandum from the Highways Planning Manager dated 28 September 2015
5. Memorandum from Environmental Health dated 30 October 2015.
6. Email from the Crossrail Safeguarding Team dated 30 October 2015.
7. Email from the Soho Society dated 6 October 2015.
8. Letter from the commercial hotel occupier at 6 Frith Street dated 5 October 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – jpalme@westminster.gov.uk

DRAFT DECISION LETTER

Address: 1-8 Bateman's Buildings and 55 Greek Street, London, W1D 3EN

Proposal: Partial demolition and external alterations to 1-8 Bateman's Buildings associated with the use of lower ground and ground floor levels as two restaurants (Class A3), office (Class B1) and residential (Class C3) accommodation; and use of the first, second, third and fourth floors for office (Class B1) and residential accommodation (Class C3) to provide five residential units. Associated external alterations including the creation of two terraces at main roof; the installation of plant within an associated enclosure at roof level, the installation of a high level extract duct and the installation of a new shopfront to 55 Greek Street.

Plan Nos: Noise Impact Assessment (103014.ad.Issue1), Environmental Noise Assessment (103014A.ad.Issue1), Drawings: C645_P_LG_002 RevJ, C645_P_00_002 RevH, C645_P_01_004 RevF, C645_P_02_004 RevF, C645_P_03_005 RevG, C645_P_04_004 RevI, C645_P_RF_001 RevB, C645_E_NE_002 RevE, C645_E_NE_001 RevB, C645_E_SW_004 RevB, SK_070 RevA, SK_071 RevA, 1937-P-02, C645_S_AA_001, C645_S_FF_001 RevC.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 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 You must not sell any hot-food take-away or drink within either approved restaurant premises (Class A3), nor operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted restaurant uses (Class A3) because it would not meet Policy TACE9 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case.

- 4 The bar areas and bar seating in each of the restaurants, must not take up more than 15% of the floor area of the individual restaurant premises. You must use the bar (if provided) to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE9 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not play live or recorded music within either of the restaurant premises that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, 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. (R13EC)

- 6 The high level extract ducting shown on the approved drawings shall be fully installed before either restaurant use commences and thereafter maintained for as long as the Class A3 restaurants are in operation.

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)

- 7 You must not allow more than 86 customers into the restaurant premises marked Restaurant 2 on the approved plans at any one time.

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)

- 8 You must not allow more than 117 customers into the restaurant premises marked Restaurant 1 on the approved plans at any one time.

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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho 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 apply to us for approval of detailed drawings of the following parts of the development - all new windows, shopfronts and external doors. 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 Soho 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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

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

Reason:

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

- 14 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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 Soho 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)

- 15 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 16 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings. You must clearly mark them and make them available at all times to everyone using the property.

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)

- 17 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.

- 18 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)

- 19 Prior to the occupation of the restaurant units, you shall submit and have approved in writing by the local planning authority, detailed servicing management strategies for each of the restaurants to include an assessment of delivery noise combined with mechanical services, noise from doors and gates and activity noise from trolleys and/or human voices. All servicing shall be undertaken in accordance with the approved strategies unless otherwise agreed in writing by the local planning authority.

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)

- 20 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.

- 21 (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.

- 22 As detailed within the approved acoustic report the plant/machinery serving the commercial uses hereby permitted shall not be operated except between 08:00 hours and 00:00 hours daily. The plant serving the residential accommodation can operate at any time over a 24 hour period.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

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

The design of the separating wall should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LFM_{ax} in the octave bands of 63 Hz & 125 Hz.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 25 Maximum music noise level condition:

o Any amplified music played in the restaurants shall only be played through an in house sound system which is under the control of a frequency based electronic sound limiting device set at a maximum Music Noise Level so as to achieve compliance with condition 24.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 26 You must install the noise mitigation measures as detailed in the approved acoustic reports at the same time as the plant is installed and to the specification stipulated. These measures must then be maintained in situ for as long as the plant is in place.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R39BB)

- 27 You must not open either of the restaurant premises to customers, and you must not allow customers on the premises, outside the hours of 07.00 to 01:00 daily.

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)

- 28 You must not internally connect the two restaurant units hereby approved and they must be operated as two distinct restaurant premises.

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 or S24 of our City Plan that we adopted in November 2013.

- 29 You must install the planters on the roof terraces as shown on the submitted drawings and as detailed on the container schedule before the terraces can be used as such. They must thereafter be maintained in situ.

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)

- 30 You must apply to us for approval of a management plan for each of the approved restaurant premises to show how you will prevent customers who are leaving the premises from causing nuisance for people in the area, including people who live in nearby buildings. You must not start either of the restaurant uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurants are in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 31 Notwithstanding what is shown on the approved drawings there must only be one openable door serving each of the approved restaurant units, the rest of the ground floor glazing in Bateman's Buildings to these units must be fixed shut.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, 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. (R13EC)

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 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing

- and collecting waste. (I08AA)
- 5 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
 - 6 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
 - 7 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
 - 8 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
 - 9 You are advised to consider the benefits of 'Secured by Design' accreditation, which encourages new developments to incorporate design features which reduce the susceptibility of the development to certain crimes. For further information please consult with the following website: <http://www.securedbydesign.com>.
 - 10 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
 - 11 Internal sound transfer informative:
 - o The developer/freeholder must include in any tenancy agreement with the restaurant operator that any amplified music shall only be played through a in house sound system which is under the control of a frequency based electronic sound limiting device.
 - 12 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.

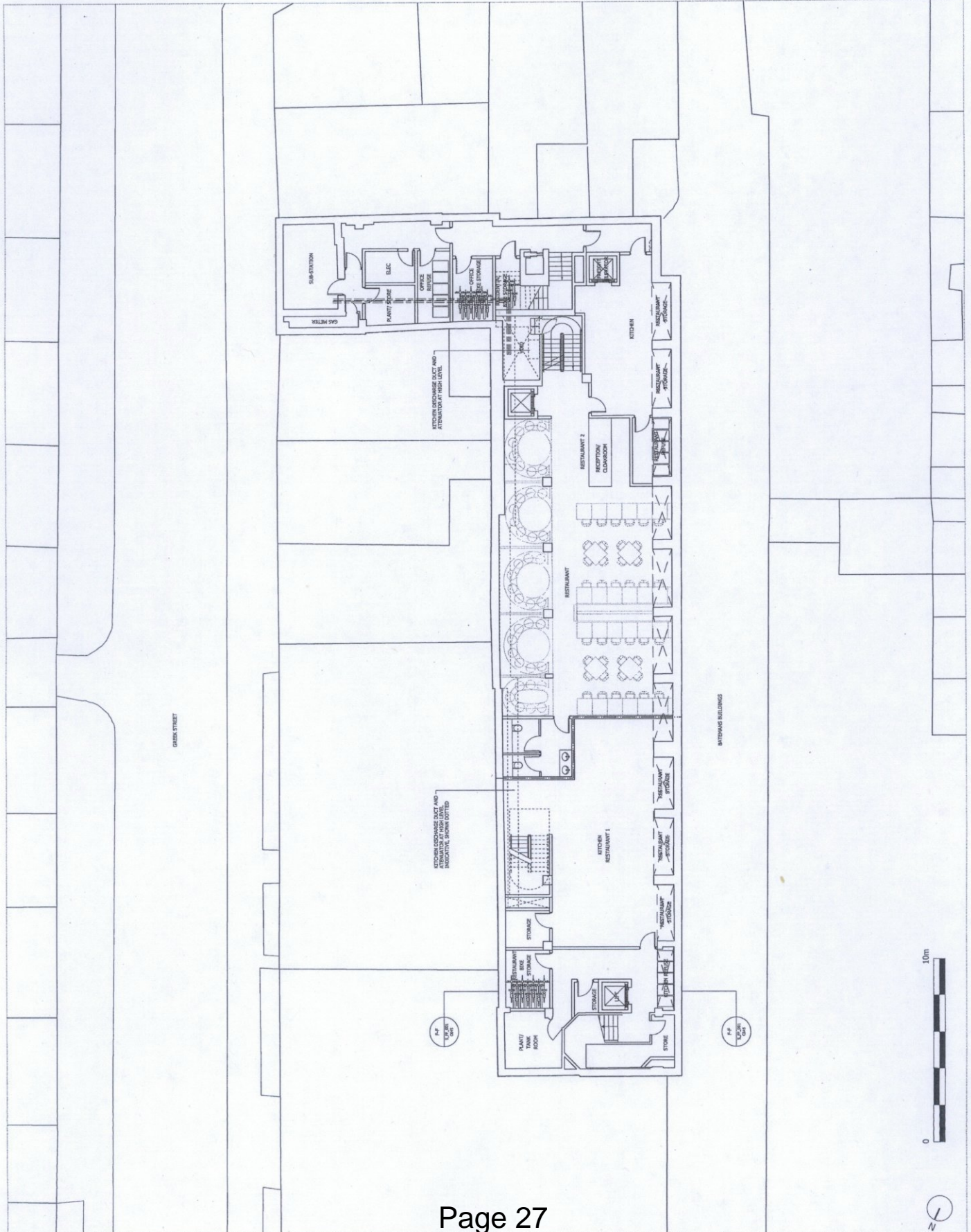
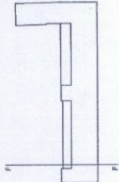
24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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. (150AA)

- 13 Approval for this residential use has been given on the basis of façade sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation i.e. windows kept closed and ventilation scheme utilised
- 14 Kitchen Extract Informative:
- o The kitchen extract ducts should be designed to discharge vertically at highest roof level and clear of all existing and proposed windows in the vicinity. We accept systems with a flue height level which is higher than any building within 20 metres of the building housing the commercial kitchen.
 - o A scheme of odour reduction will need to be incorporated together with full height discharge if there are surrounding premises that are between 20 m - 50 m distance and which are also higher than the discharge point of the building housing the commercial kitchen.
 - o All odour producing processes/cooking must be placed under the extract canopy hood in the kitchen to avoid low level odour escape from kitchen windows and doors.
 - o All kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance at approximately 3 metre intervals and also complying with the H & S safe access standards (Informative 180CB).
- 15 You are advised the hours of operation for the plant differ to the proposed opening hours of the restaurant uses. If you wish to operate the plant between the hours of 07:00 and 08:00 and 00:00 and 01:00 to accord with the proposed opening hours you will need to submit additional acoustic information to confirm the plant can comply with the City Council criteria and apply to vary the relevant conditions.

NOTE:
DO NOT SCALE FROM THIS DRAWING.
ALL DIMENSIONS TO BE CHECKED ON SITE.
ALL OMISSIONS AND DISCREPANCIES TO BE
REPORTED TO THE ARCHITECT IMMEDIATELY.
ALL RIGHTS RESERVED. THIS WORK IS COPYRIGHT
AND CANNOT BE REPRODUCED OR COPIED OR MODIFIED
IN ANY FORM OR BY ANY MEANS, GRAPHIC ELECTRONIC
OR MECHANICAL, INCLUDING PHOTOCOPYING, WITHOUT
THE EXPRESS PERMISSION OF SQUIRE AND PARTNERS
ARCHITECTS.



DATE	CHECK	BY
05/07/15	HK	J
18/07/15	RC	I
20/07/15	RC	H
20/07/15	RC	G
20/07/14	LO	F
15/07/14	LO	E
24/07/14	LO	D
19/12/13	LO	C
19/12/13	LO	B
28/10/13	LO	A
07/10/13	LO	A

SQUIRE & PARTNERS

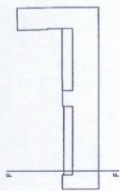
77 Watling Street London WC2X 8NY
T: 020 7748 8888 F: 020 7729 3466
info@squireandpartners.com
www.squireandpartners.com

Project:
1-8 Batemans Buildings,
London, W1D 3EK.

Drawn by:
Proposed Lower Ground Floor Plan
Mixed Use

DATE	BY	SCALE
18/06/2015	E:1888841	
12/08/2015	E:1888841	
12/08/2015	E:1888841	

NOTES:
 DO NOT SCALE FROM THIS DRAWING.
 ALL DIMENSIONS TO BE CHECKED ON SITE.
 ALL OMISSIONS AND DISCREPANCIES TO BE
 REPORTED TO THE ARCHITECT IMMEDIATELY.
 ALL WORKS RESERVED. THIS WORK IS COPYRIGHT
 AND NOT TO BE REPRODUCED OR TRANSMITTED
 IN ANY FORM OR BY ANY MEANS, GRAPHIC ELECTRONIC
 OR MECHANICAL, INCLUDING PHOTOCOPIING WITHOUT
 THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS
 ARCHITECTS.



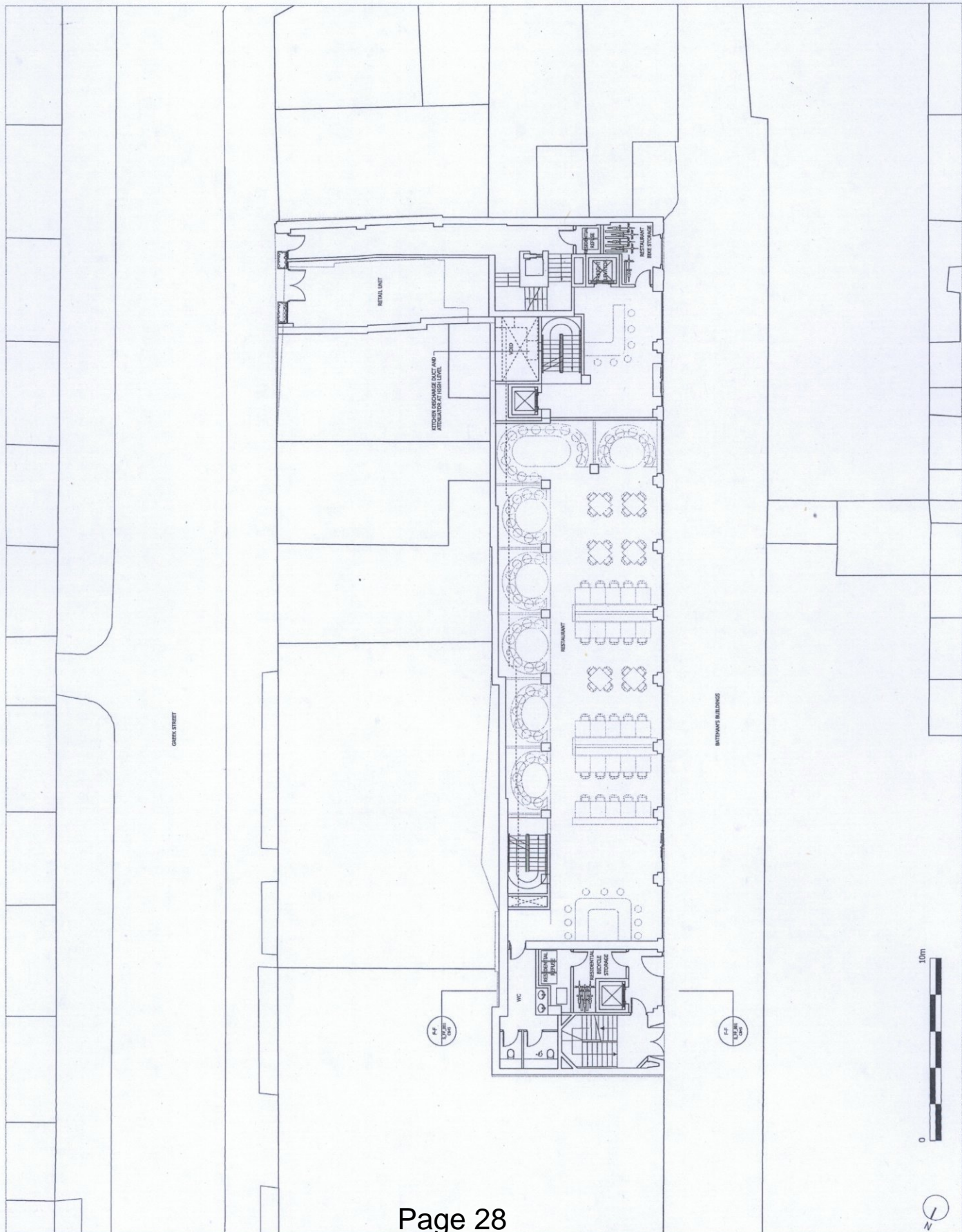
Revision description	Date	Check	By
05/08/15 IM		H	
18/04/15 RC7		G	
19/01/15 L10		F	
18/01/15 L10		E	
15/04/14 L10		D	
24/03/14 L10		C	
29/11/13 L10		B	
28/10/13 L10		A	
07/10/13 L10		-	

SQUIRE & PARTNERS
 77 Watling Street London WC1X 6UY
 T: 020 7798 5885 F: 020 7730 6885
 info@squirepartners.com
 www.squirepartners.com

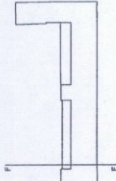
Project
 1-8 Batemans Buildings,
 London, W1D 3ER.

Drawing
 Proposed Ground Floor Plan

Drawn	Date	Scale
RCr	19/06/2015	1:1000
Job number	12088	Revision
Drawing number	C645_P_00_002	H



NOTES:
DO NOT SCALE FROM THIS DRAWING.
ALL DIMENSIONS AND DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.
ALL RIGHTS RESERVED. THIS WORK IS COPYRIGHTED BY SQUIRE & PARTNERS. NO PART OF THIS WORK MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, GRAPHIC ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPIING WITHOUT THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS ARCHITECTS.



PLANNING ISSUE	DATE	CHECK	BY
PLANNING ISSUE	06/06/15	HM	F
PLANNING ISSUE	15/07/14	LD	D
PLANNING ISSUE	28/07/14	LLD	C
ISSUE FOR INFORMATION	15/04/14	LLD	C
PLANNING ISSUE	24/03/14	LLD	B
PLANNING ISSUE	28/10/13	LLD	A
PLANNING ISSUE	07/10/13	LLD	-

SQUIRE & PARTNERS

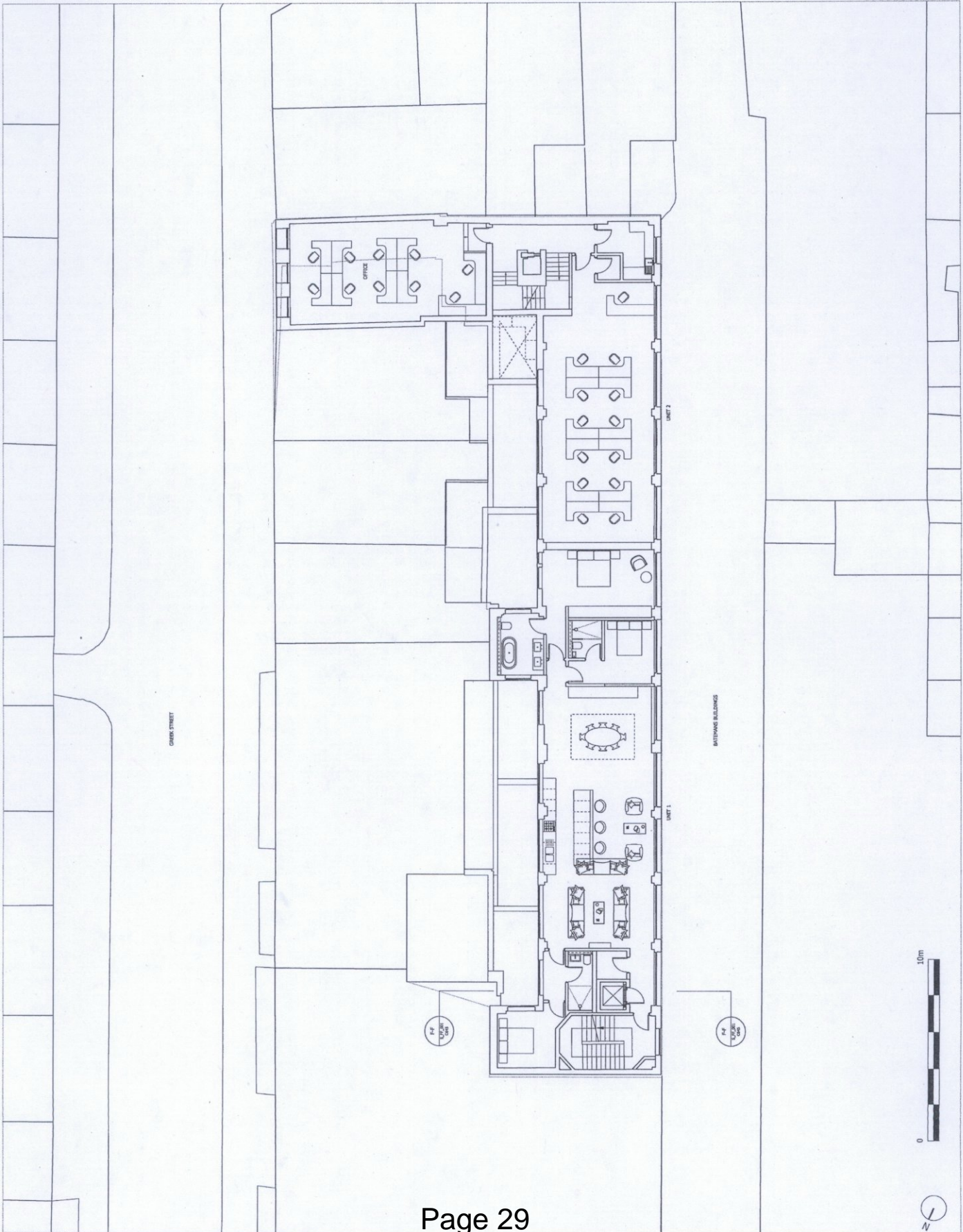
71 Watlington Street, London WC1X 6JY
T: 020 7778 8595 F: 020 7238 8585

info@squireandpartners.com
www.squireandpartners.com

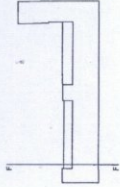
Project
1-8 Batemans Buildings,
London, W1D 3ER.

Drawing
First Floor Plan
Proposed

Drawn	Date	Scale
RCr	19/06/2015	1:1000
Job number	Drawing number	Revision
12088	C645_P_01_004	F



NOTES:
 1. SCALE FROM THIS DRAWING
 2. DIMENSIONS AND DIMENSIONS TO BE
 ALL DIMENSIONS AND DIMENSIONS TO BE
 REPORTED TO THE ARCHITECT IMMEDIATELY.
 ALL RIGHTS RESERVED. THIS WORK IS COPYRIGHT
 SQUIRE & PARTNERS. IT IS NOT TO BE REPRODUCED OR
 IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR
 OR MECHANICAL, INCLUDING PHOTOCOPYING WITHOUT
 THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS
 ARCHITECTS.



Revision description	Date	Checked	By
PLANNING ISSUE	05/08/15	PM	F
PLANNING ISSUE	10/08/15	NC	E
PLANNING ISSUE	15/08/15	LL	C
PLANNING ISSUE	24/09/14	LL	B
ISSUE FOR INFORMATION	24/09/14	LL	B
PLANNING ISSUE	28/10/13	LL	A
PLANNING ISSUE	07/09/13	LL	A

SQUIRE & PARTNERS

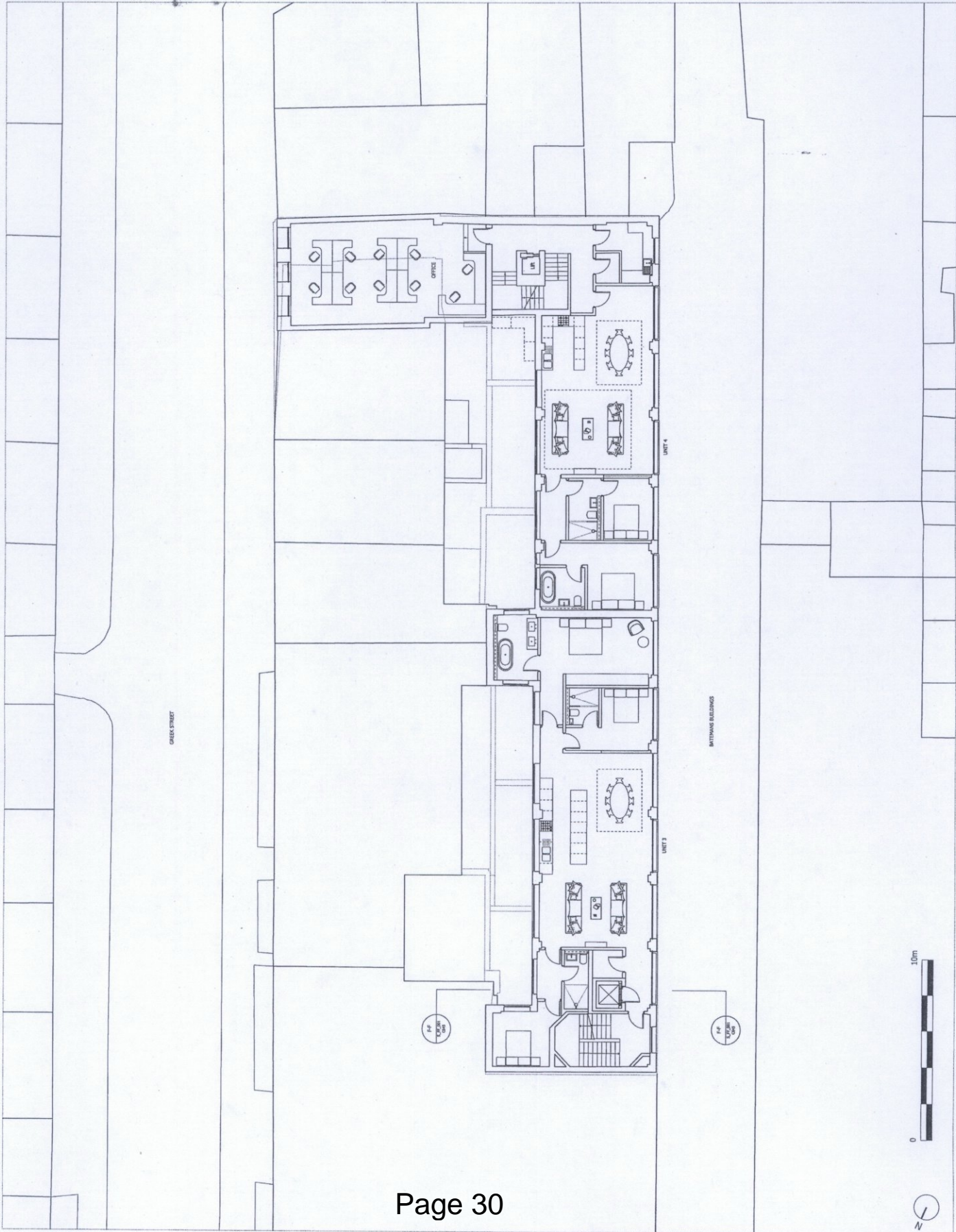
77 Whitehall Street London, W1D 3ER
 T: +44 (0) 20 778 8558 F: +44 (0) 20 7728 2495

info@squireandpartners.com
 www.squireandpartners.com

Project:
 1-8 Batemans Buildings,
 London, W1D 3ER.

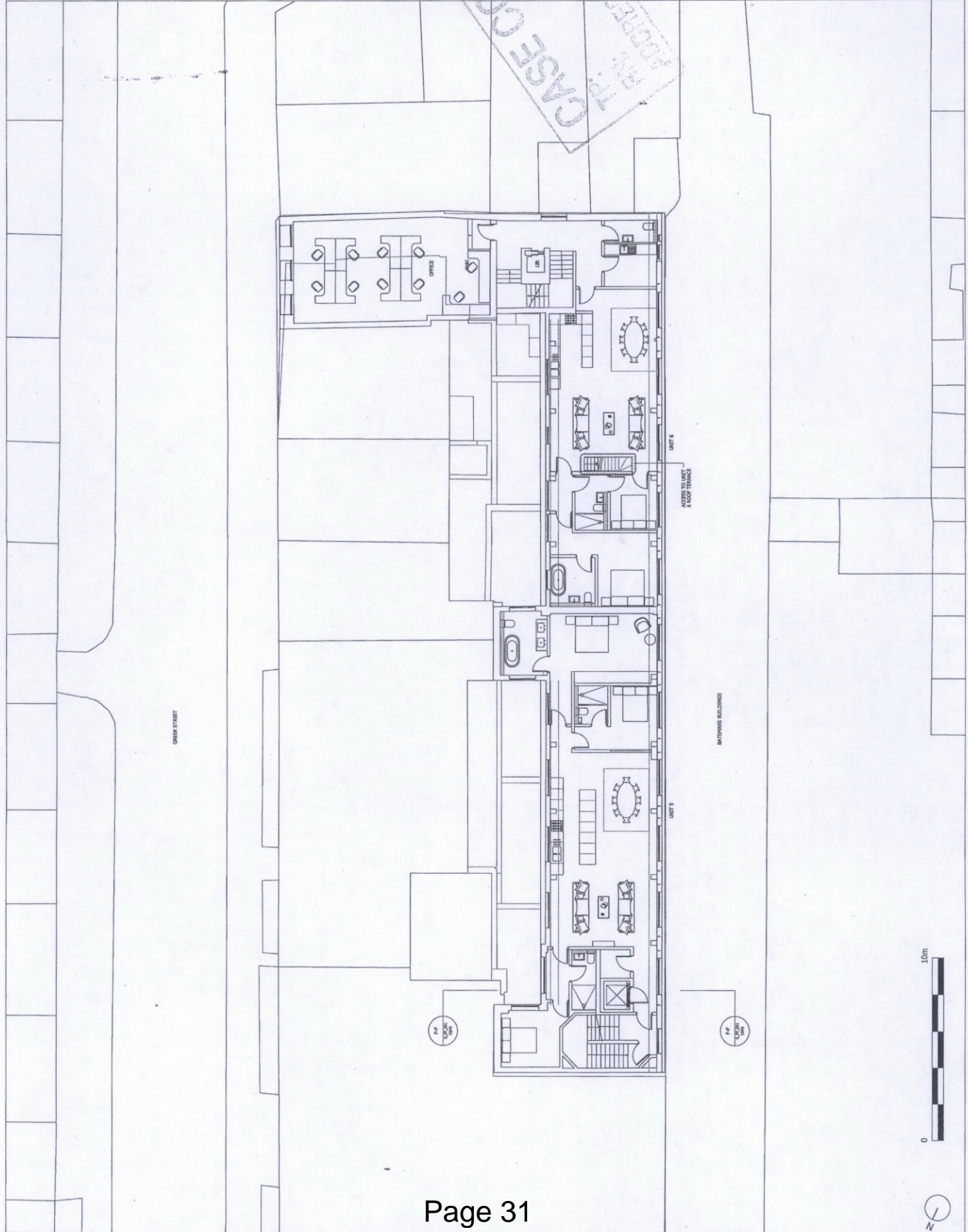
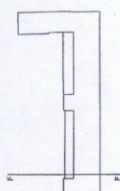
Drawing:
 Second Floor Plan
 Proposed

Drawn	Date	Scale
RCr	19/06/2015	1:1000
Job number	Drawing number	Revision
12088	C645_P_02_004	F



NOTES:
 DO NOT SCALE FROM THIS DRAWING.
 ALL DIMENSIONS AND DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.

ALL RIGHTS RESERVED. THIS WORK IS COPYRIGHTED BY SQUIRE & PARTNERS ARCHITECTS IN ANY FORM OR BY ANY MEANS, GRAPHIC, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPIING WITHOUT THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS ARCHITECTS.



TOP CASE COPY
 MR. J. HARRIS

PLANNING ISSUE	DATE	CHECK BY
30/10/15 HM	β	
06/09/15 HM	F	
18/06/15 RC	E	
15/04/14 LLO	C	
24/03/14 LLO	B	
28/10/13 LLO	A	
07/10/13 LLO	-	

SQUIRE & PARTNERS

71 Victoria Street, London, W1B 0AB
 T: 020 7278 8085 F: 020 7230 0489

info@squireandpartners.com
 www.squireandpartners.com

Project
**1-8 Batemans Buildings,
 London, W1D 3ER.**

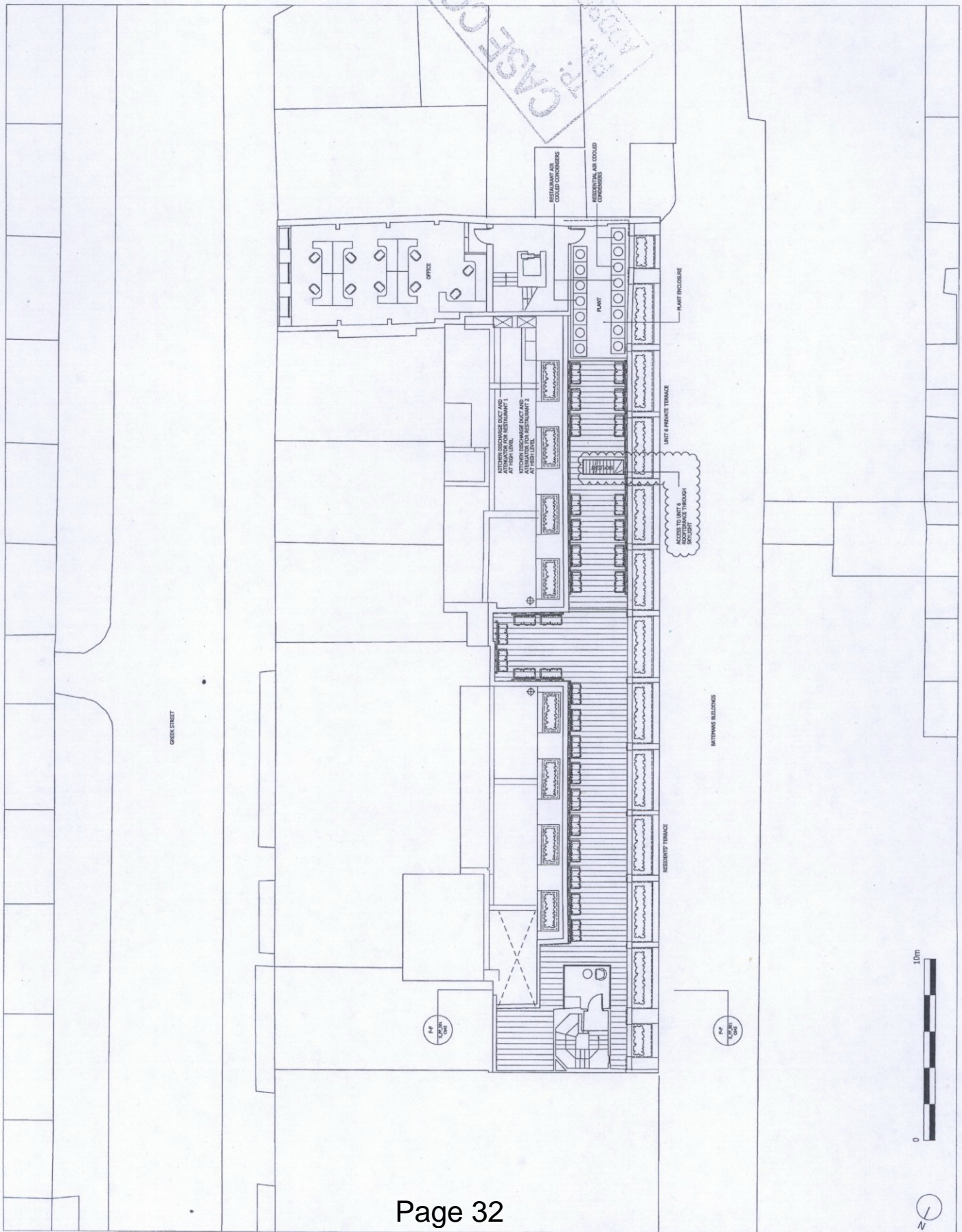
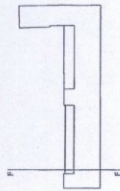
Drawing
Third Floor Plan
 Proposed

Drawn	Date	Scale
RCR	18/06/2015	1:1000
Job number	Drawing number	Revision
12088	C645_P_03_005	G



NOTES:
 1. ANY GAPS FROM THIS DRAWING
 2. ALL DIMENSIONS TO BE CHECKED ON SITE.
 3. ALL DIMENSIONS AND DISCREPANCIES TO BE
 REPORTED TO THE ARCHITECT IMMEDIATELY.

ALL RIGHTS RESERVED. THIS WORK IS COPYRIGHT
 © 2015 SQUIRE & PARTNERS ARCHITECTS
 IN ANY FORM OR BY ANY MEANS, GRAPHIC, ELECTRONIC
 OR MECHANICAL, INCLUDING PHOTOCOPIING WITHOUT
 THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS
 ARCHITECTS.



Revision	Description	Date	Check	By
1	PLANNING ISSUE	26/10/15	HM	I
2	PLANNING ISSUE	28/10/15	HM	H
3	PLANNING ISSUE	05/08/15	HM	G
4	PLANNING ISSUE	05/08/15	HM	F
5	PLANNING ISSUE	18/06/15	RC	E
6	PLANNING ISSUE	18/06/15	RC	D
7	PLANNING ISSUE	15/04/14	LL	C
8	PLANNING ISSUE	24/03/14	LL	B
9	PLANNING ISSUE	28/10/13	LL	A

SQUIRE & PARTNERS

15 Abchurch Lane, London, EC4A 3DF
 T: 020 7278 8035 F: 020 7239 0495
 info@squireandpartners.com
 www.squireandpartners.com

PROJECT
 1-8 Batemans Buildings,
 London, W1D 3ER.

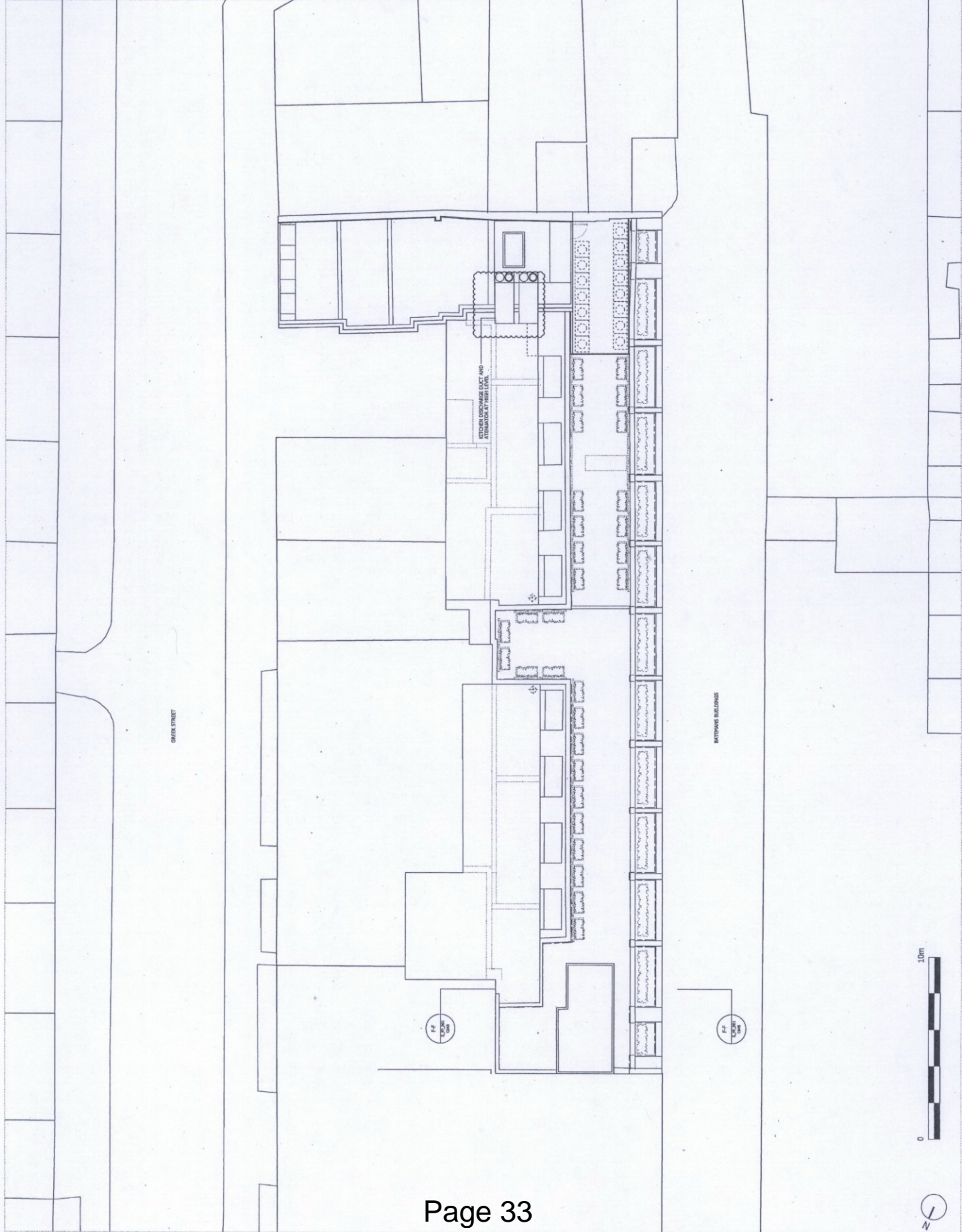
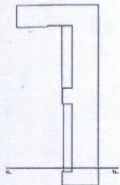
Drawing
 Fourth Floor Plan
 Proposed

Drawn	Date	Scale	Sheet	Revision
RC	18/06/2015	1:1000	11	1

12088 C645_P_04_004



NOTES:
DO NOT SCALE FROM THIS DRAWING.
ALL DIMENSIONS AND DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.
ALL RIGHTS RESERVED. THIS WORK IS COPYRIGHTED AND CANNOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, GRAPHIC, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPIING WITHOUT THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS ARCHITECTS.



PLANNING ISSUE	DATE	CHK	BY	
PLANNING ISSUE	28/10/15	HM	B	
PLANNING ISSUE	05/09/15	HM	A	
PLANNING ISSUE	15/07/15	RCF	A	
Revised description				
		DATE	CHK	BY

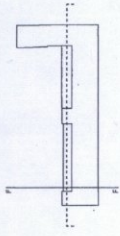
SQUIRE & PARTNERS
71 Watling Street London WC2E 8JY
T: 0207 7278 5058 F: 0207 7230 0455
info@squireandpartners.com
www.squireandpartners.com

Project:
1-8 Batemans Buildings,
London, W1D 3ER.

Roof Plan
Proposed

Drawn	CHK	Date	Scale
RCF	HM	15/07/2015	1:1000
Job number	Revision		
12088	C645_P_RF_001		B

NOTES:
 DO NOT SCALE FROM THIS DRAWING.
 ALL DIMENSIONS AND DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.
 ALL RIGHTS RESERVED. THIS WORK IS COPYRIGHTED AND CANNOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, GRAPHIC ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING WITHOUT THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS ARCHITECTS.



PLANNING ISSUE	DATE	CREATED BY	NO.
38/07/15 MM	E		
05/09/15 MM	D		
29/07/14 LG	C		
15/04/14 LG	B		
28/10/13 PS	A		
07/01/13 PS	-		

SQUIRE & PARTNERS
 77 Whitehall Street London WC1E 3UY
 T: 020 7274 8008 F: 020 7238 0485
 info@squireandpartners.com
 www.squireandpartners.com

Project:
 1-8 Batemans Buildings,
 London, W1D 3ER.

Drawing:
 North West Elevation
 Proposed

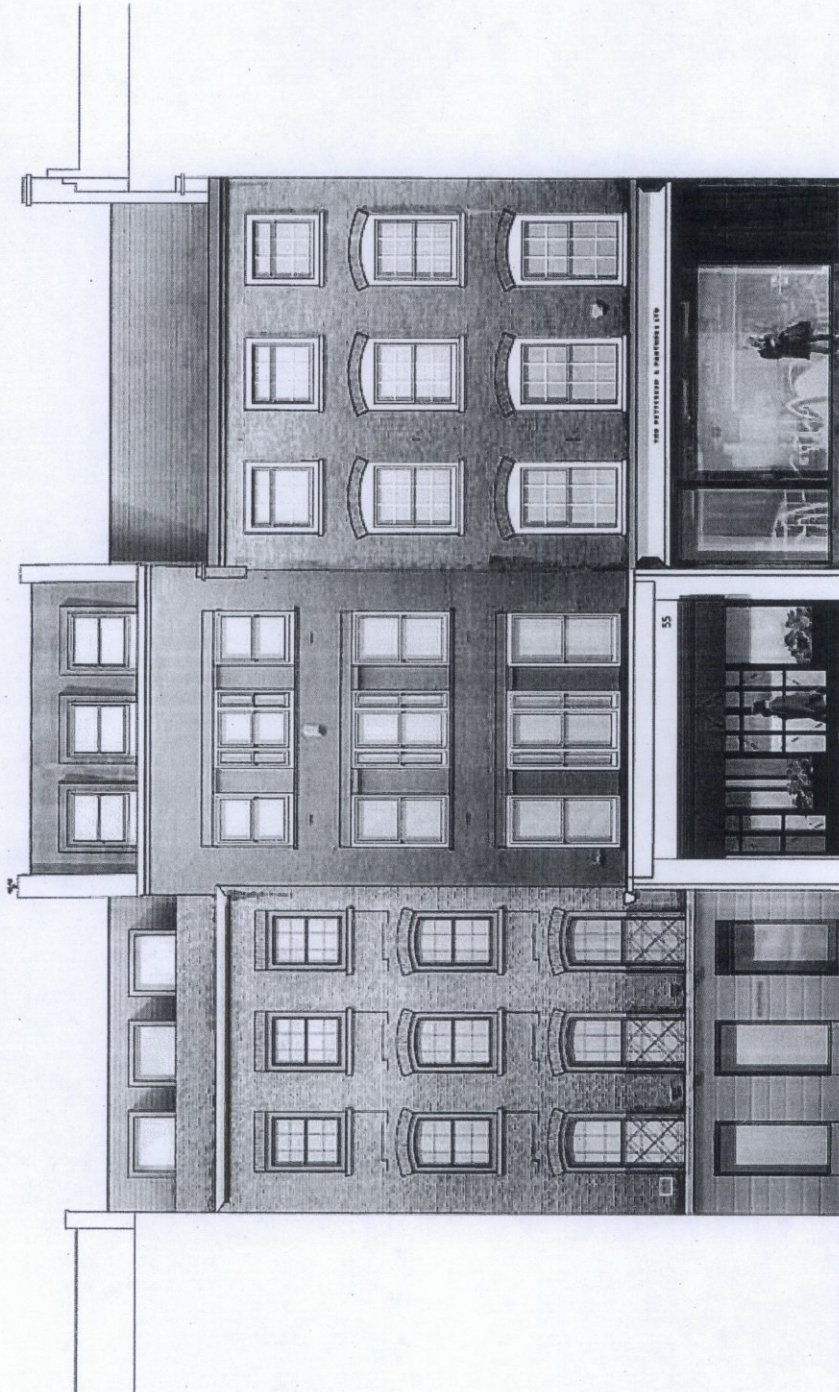
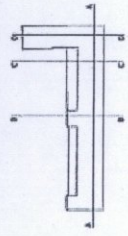
DRAWN	DATE	DRAWING NUMBER	REVISION
LLD	24/09/2013		
12088	C645_E_NE_002		E



01 North East Elevation - Proposed

NOTES:
DO NOT SCALE FROM THIS DRAWING
ALL DIMENSIONS AND LOCATIONS ARE TO BE
AS SHOWN ON THE ARCHITECT'S DRAWINGS
EXCEPT TO THE ARCHITECT'S IMMEDIATELY.

ALL RIGHTS RESERVED. THIS WORK IS CONFIDENTIAL
AND CANNOT BE REPRODUCED OR COPIED OR MODIFIED
WITHOUT THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS
ARCHITECTS.



PLANNING ISSUE: 0
PLANNING ISSUE: 1000/1/4
PLANNING ISSUE: 07/10/13
DATE: 18/06/2015

Squire and Partners
77 Middle Row, London, W1C 2EY
T: 020 7796 9555 F: 020 7299 8495
www.squireandpartners.com

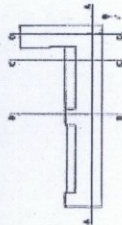
PROJECT:
1-8 Batemans Buildings,
London, W1D 3ER.

ISSUE:
01 Proposed Greek Street Elevation
Proposed

DATE	18/06/2015	SCALE	1:1000
DRAWN BY	SR	CHECKED BY	SR
JOB NUMBER	12088	PROJECT	C645_E_NE_001

01 Proposed Greek Street Elevation

NOTE:
DO NOT SCALE FROM THIS DRAWING.
ALL DIMENSIONS AND DISCREPANCIES TO BE
REPORTED TO THE ARCHITECT IMMEDIATELY.
ALL RIGHTS RESERVED. THIS WORK IS COPYRIGHT
AND CONTROLLED BY SQUIRE AND PARTNERS
AND IS NOT TO BE REPRODUCED OR TRANSMITTED
IN ANY FORM OR BY ANY MEANS, ELECTRONIC
OR MECHANICAL, INCLUDING PHOTOCOPIING, RECORDING,
OR BY ANY INFORMATION STORAGE AND RETRIEVAL
SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS
ARCHITECTS.



PLANNING ISSUE 21/07/14 LL B
PLANNING ISSUE (PRO) 10/06/14 LL A
PLANNING ISSUE APPROVAL 04/07/14 LL A
REVISION DESCRIPTION DATE DRAWN CHECKED BY

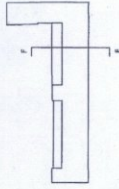
Squire and Partners
77 Waterloo Street London WC2E 9JY
T: 020 7798 9305 F: 020 7799 6676
info@squireandpartners.com
www.squireandpartners.com

Project:
1-8 Batemans Building,
London, W1D 3ER.
Drawn:
South West Elevation
Proposed

Drawn	SW	Check	LL	Issue	11/15/14
LL0	23/09/2013	11/15/14			
Job Number	12086	Drawn By	SW	Checked By	LL
Revision	C645_E_SW_004	Revision			B

01 South West Elevation - Proposed

NOTES:
DO NOT SCALE FROM THIS DRAWING.
ALL DIMENSIONS AND DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.
ALL RIGHTS RESERVED. THIS WORK IS COPYRIGHTED BY SQUIRE & PARTNERS ARCHITECTS AND ENGINEERS. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, GRAPHIC ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPIING WITHOUT THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS ARCHITECTS.



PLANNING ISSUE	DATE	CHECK BY
06/11/15 HM C		
29/07/14 LLO B		
15/04/14 LLO A		
28/03/13 LLO A		

SQUIRE & PARTNERS

77 Wicklow Street London, WC2Y 8XV
T: 020 7278 8868 F: 020 7239 0488

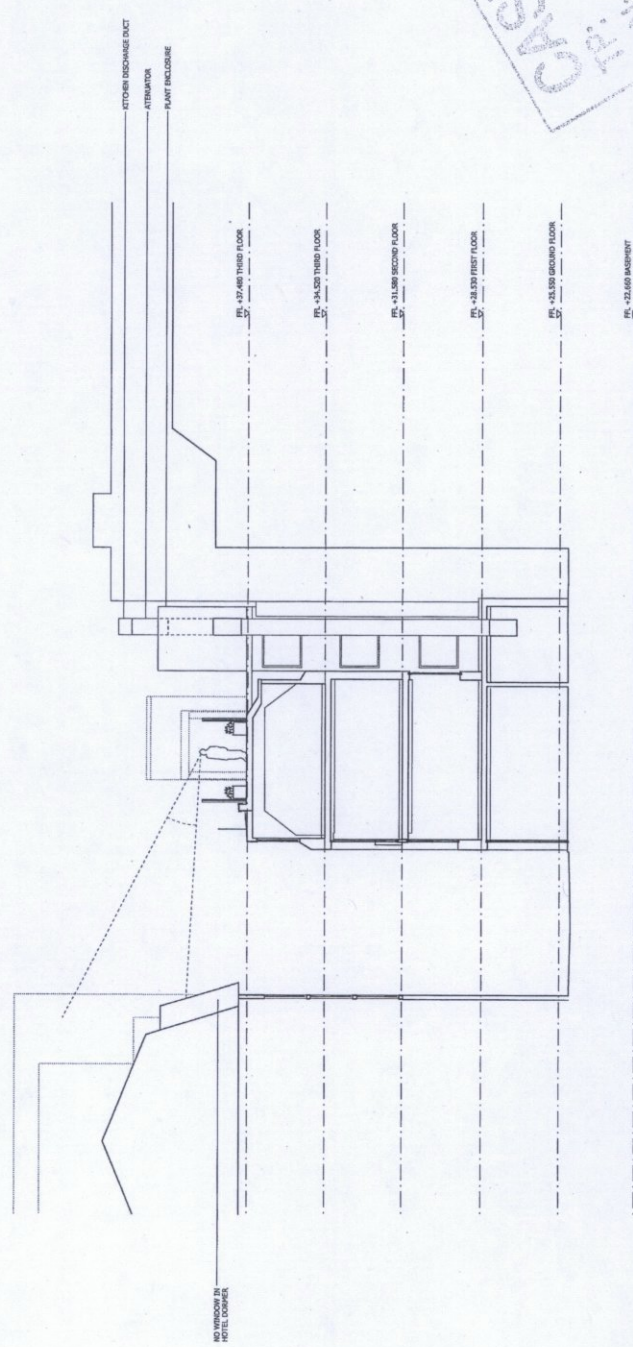
info@squireandpartners.com
www.squireandpartners.com

PROJECT
1-8 Batemans Buildings,
London, W1D 3ER.

Section FF
Proposed

Drawn	Date	Scale
LLO	23/10/2013	1:2000
Job number	0645_5_FF_001	Revision
12088	C645_5_FF_001	C

P.N. ADDRESS:
 TO CASE COPY



01 Section FF - Proposed
06.45.5_FF.01

NOTES:
 DO NOT SCALE FROM THIS DRAWING.
 ALL DIMENSIONS AND DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.
 ALL RIGHTS RESERVED. THIS WORK IS COPYRIGHTED AND CANNOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, GRAPHIC ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPIPING WITHOUT THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS ARCHITECTS.



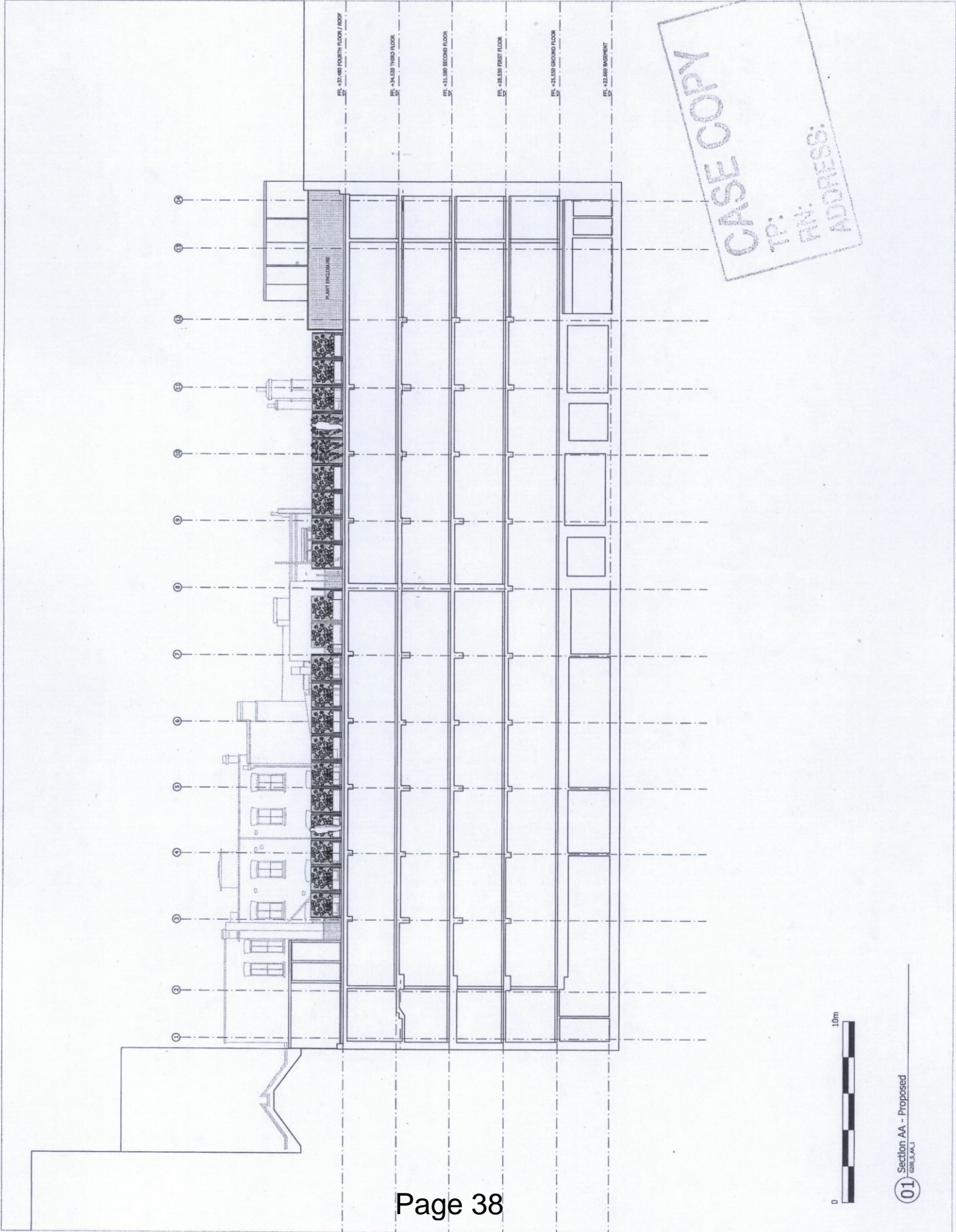
PANNING ISSUE 06/11/15 JPH
 Revision description Date Check Issued

SQUIRE & PARTNERS
 77 Wicklow Street London W1C1S, U.K.
 T: 020 7278 9559 F: 020 728 0486
 info@squireandpartners.com
 www.squireandpartners.com

Project
 1-8 Batemans Buildings,
 London, W1D 3ER.

Section AA
 Proposed

Drawn DATE 07/05/2014 Scale 1:1000
 LLO
 Job number Drawing number Revision
 12088 C645_S_AA_001



Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 December 2015	Classification For General Release	
Report of Director of Planning		Wards involved Regent's Park	
Subject of Report	Bentinck Close, 76-82 Prince Albert Road, London, NW8 7RY		
Proposal	Roof extension to provide four new residential (Class C3) units (3x3 bed and 1x4 bed) with external terraces and planters.		
Agent	JLL		
On behalf of	Coinsun Ltd		
Registered Number	15/00496/FULL	TP / PP No	TP/25237
Date of Application	21.01.2015	Date amended/ completed	11.11.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area (but abuts the St John's Wood Conservation Area)		
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

Grant conditional permission.





BENTINCK CLOSE, 76-82 PRINCE ALBERT ROAD, NW8

2. SUMMARY

The application building is a seven storey block of 40 flats built in the 1920s. The application site is not located within a conservation area and does not contain a listed building. It does abut the St John's Wood Conservation Area to the south, which includes the neighbouring block of flats (Park View).

The applicant seeks planning permission for a single storey roof extension over the entire block. This extension would contain four flats and be of a contemporary design, including terracotta louvre screens and areas of green roof. Existing rooftop plant would be relocated to the basement. The applicant also proposes enclosing the existing service stairs and installing new lifts.

The main issues for consideration are:

- Provision of additional residential units;
- Impact of the proposed extension on the character and appearance of the existing building and the setting of the adjacent St John's Wood Conservation Area;
- Impact of the proposed extension on the amenity of existing residents on and off the application site; and
- Provision of sufficient car parking.

The residential units are supported in principle by the development plan and would provide an acceptable standard of accommodation. Subject to recommended conditions, the roof extension would not harm the character and appearance of the existing building or the setting of the adjacent St John's Wood Conservation Area. Whilst the amenity concerns of local residents are understood, the proposal does not give rise to a loss of amenity of such magnitude that permission could sustainably be refused. Subject to recommended conditions, the proposal would also provide satisfactory car and cycle parking. Accordingly, the proposed development has been recommended for conditional approval.

3. CONSULTATIONS

COUNCILLOR ROBERT RIGBY

Request that the concerns of residents are considered and that this application is referred to the Planning Applications Committee.

ST JOHN'S WOOD SOCIETY

Concerned that the roof extension would result in a loss of light to neighbours.

ENVIRONMENTAL HEALTH

Object to proposed layout and absence of an acoustic report. However, they have recommended conditions to overcome these concerns.

HIGHWAYS PLANNING MANAGER

Undesirable but could be made acceptable. Have recommended conditions requiring provision of acceptable car and cycle parking.

CLEANSING MANAGER

No objection.

BUILDING CONTROL

Any response to be reported verbally.

THAMES WATER

There appears to be insufficient wastewater capacity for the proposed development. Request condition requiring that the applicant submit a Drainage Strategy to the City Council before development commences to address this.

Sufficient water capacity exists to accommodate the proposed development.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 225; Total No. of Replies: 5

In summary, the issues raised include the following:

- The proposed flats would result in increased noise for existing residents within Bentinck Close. An acoustic assessment and double glazing should be provided to address this;
- The proposed extension would result in loss of light for the occupants of other flats within Bentinck Close and Charlbert Court;
- No assessment has been provided to demonstrate the level of light loss to other flats within Bentinck Close;
- The proposed flats and their terraces would result in loss of privacy through overlooking for the occupants of existing flats within Bentinck Close;
- The proposed extension would be overly dominant when viewed from other flats within Bentinck Close;
- Light from the proposed extension would adversely affect existing residents within Bentinck Close;
- The proposal would result in unacceptable levels of light loss to skylights serving top floor flats;
- Contend that there are minor inaccuracies in the drawings that should be addressed;
- No affordable housing is proposed.

These issues are considered in the body of the main report below.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is located on the western side of Prince Albert Road. It contains a seven storey block of 40 flats built in the 1920s. This building has a U-shaped plan form set around a landscaped courtyard. It is of brick and stone clad concrete frame construction, with a flat roof with rooftop plant rooms and chimneys. The basement level also contains plant rooms, as well as cycle space/storage, plus underground parking for 16 cars.

The application site is not located within a conservation area and does not contain a listed building. It does abut the St John's Wood Conservation Area to the south, which includes the neighbouring block of flats (Park View).

Residential apartment blocks like that found on the application site are the prevailing building type found in this locality, although four semi-detached dwellinghouses are located on land adjoining the application site to the south west. Regent's Park is located opposite the application site to the east.

4.2 Relevant Planning History

An application (91/03785/FULL) for a roof extension to create two new flats was refused in January 1992.

A further application (93/01007/FULL) for a roof extension to create two new flats was refused in April 1993.

5. THE PROPOSAL

The applicant seeks planning permission for a single storey roof extension over the entire block. This extension would contain four flats and be of a contemporary design, including terracotta louvre screens and areas of green roof. Each flat would have its own outdoor terrace. Existing rooftop plant would be relocated to the basement. The applicant also proposes enclosing the existing service stairs and installing new lifts.

The sizes of the flats are set out below:

	No. of Bedrooms	Size (m2)
Flat 1	3	118
Flat 2	3	128
Flat 3	3	106
Flat 4	4	152

6. DETAILED CONSIDERATIONS

6.1 Land Use

Policies H3 of the Unitary Development Plan (adopted 2007) (“the UDP”) and S14 of the City Plan seek to encourage the provision of more residential floorspace, including the creation of new residential units. Accordingly, the provision of residential flats on this site is supported in principle.

Policy H5 of the UDP specifies that the Council will ensure an appropriate mix of unit sizes is achieved and would normally expect at least one-third of the units to be ‘family sized’ (i.e. having three or more bedrooms). The proposed mix of units exceeds this requirement and is therefore consistent with this policy.

The proposed flats exceed the space requirements set out in the Nationally Prescribed Space Standard (March 2015) and all would be dual aspect. Each flat also has a private terrace that would provide suitable outdoor amenity space.

Overall, the proposed development would provide an acceptable standard of accommodation for future occupants and is therefore consistent with Policy S28 of the City Plan, Policies H5 and ENV 13 of the UDP.

6.2 Townscape and Design

6.2.1 Issues

Policies DES 6 and DES 12 of the UDP are directly relevant to the consideration of this application.

Policy DES 12 specifies that extensions to buildings adjacent to parks will be granted where they preserve the setting and views out from the parks, and that the extensions do not project above existing building or tree lines. Along the north side of Prince Albert Road there are a number of similarly scaled buildings, with some rising higher than this building including the extension proposed. The extension would only be visible when in close proximity to the

existing building, with the building principally being screened in views further back into the park by the heavy tree cover.

Policy DES 6 considers, amongst other issues, the appropriateness of new extensions, including their height and design. In terms of the principle of a new single storey structure to this building, it is noted that an extension has been approved to the building to the immediate west on Prince Albert Road which when built will rise up much of the height of the extension proposed, and also the building to the immediate east on Prince Albert Road is a floor higher than the application building. In views from the south, the extension would therefore not appear unduly bulky to roof level. Though the existing elevations have a cornice to their top which marks them as a visual feature in the design, the building is not considered to appear definitively as a completed composition and a further set back roof storey is considered acceptable.

The height of the extension is not markedly higher than the floors below in the main building. The principle and the height of the extension are therefore acceptable. The extension is also set back from the existing parapets around the roof perimeter to further reduce its bulk and ensure that it does not dominate the existing building.

The design is comprised principally of a main elevation line screened in very large part by a continuous series of vertical fins to the outside of both solid and glazed parts of the elevations, giving a unified but very blank and imposing visual impression to the extension. There is little visual relationship between the design of the extension and the formal arrangement of windows to the existing building below, and on this basis it can be seen as running contrary to the aims and objectives of Policy DES 6 which seeks to ensure the design of roof extensions is appropriate to the building they are located on. The southern elevation is the most clearly visible given the longer views possible from Regent's Park and to this elevation the blank run of vertical fins which comprises the external expression of the extension is not considered appropriate when seen in context with the attractive and balanced harmony and symmetry of window openings and balconies set into the brickwork elevations of the main building. As such, an amending condition is recommended which would require the removal of the fins from the central part of this elevation, in an area to line up with the main central area of brickwork to the main elevation lined up above the centrally located main entrance to the building. Behind this area of fins is a principally solid area of extension with two windows set in which would help give some solid visual feature, lined up with the solidity of the brickwork to the central part of the main elevation below, and thereby provide some visual link between the extension and the main building to help integrate its design better into the overall composition of the building. The windows behind this area are relatively small and the loss of any solar shading from the fins to such small windows would be more limited. With this condition attached to more clearly integrate the design of the extension with the most public street elevation of the building, the extension is considered acceptable in design terms.

Subject to the recommended conditions, the proposed extension would not harm the character and appearance of the existing building and would preserve the setting of the adjacent St John's Wood Conservation Area. Accordingly, the proposal would be consistent with Policies S25 and S28 of the City Plan (adopted 2013) and Policies DES1, DES 5 and DES 6 of the UDP.

6.3 Amenity (Daylight and Sunlight/Sense of Enclosure/Privacy/Noise and Disturbance)

Several objections have been received in relation to potential loss of light from the proposed extension. UDP Policy ENV13 seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight.

Regard is to be had to BRE's "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2011) ("the BRE Guide"). The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Light Study and addendum to demonstrate compliance with the BRE Guide. This study has assessed all windows facing the subject property and that are most likely to be affected by the new extension in comparison to the existing building.

The applicant has assessed the impact of the proposed extension on flats within the top three floors of the existing building. These flats would be the most susceptible to light loss after the extension by virtue of their close proximity to it. The applicant has also assessed light loss to all surrounding residential buildings, including the following:

- 52-61 Charlbert Court;
- 62-71 Charlbert Court;
- 1-16 Tower Court;
- 58-74 Viceroy Court;
- 83-86 Park View;
- 6-12 Charlbert Street;
- 1-10 Charlbert Court.

6.3.1 Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE Guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE Guide also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6m²) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

Flats Within Bentinck Close

The majority of windows would comply with the BRE Guide. Two windows on the seventh floor of 16-29 Bentinck Close would incur VSC losses exceeding the BRE Guide. However, these windows are secondary windows to rooms lit by at least one other window that would be BRE compliant. In accordance with the BRE Guide, the mean value of VSC loss for windows to the rooms affected would exceed 0.8 times its former value and the level of light loss would therefore be unnoticeable.

Of the 60 rooms tested, three would have NSL losses of 0.7 times their former value, which would marginally exceed BRE Guidelines. Given the minor nature of this transgression, the fact that VSC levels would remain high and the urban nature of the application site, refusal of permission on this ground would not be justified.

Flats within Surrounding Buildings

The proposed extension would not result in VSC losses exceeding the BRE Guide. Three rooms within 52-61 Charlbert Court would have NSL losses of 0.7 times their former value. Given the minor nature of this transgression, the fact that VSC levels would remain high and the urban nature of the application site, refusal of permission on this ground would not be sustainable.

6.3.2 Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Flats Within Bentinck Close

The Light Study concludes that the proposal would not result in sunlight loss exceeding BRE guidance for flats on the application site.

Flats within Surrounding Buildings

The windows facing the application site and within 83-86 Park View and 6-12 Charlbert Street are not orientated within 90 degrees of due south. As such, they do not qualify for sunlight assessment under the BRE Guide.

Of the remaining windows that do qualify, six out of 198 windows have sunlight losses that exceed BRE guidance. These windows are on the second and third floors of 52-64 and 61-71 Charlbert Court. Of these six windows, one serves a stairwell and therefore does not qualify for assessment. Four windows serve bedrooms rather than living rooms and therefore sunlight is of less importance to the use of these rooms according to the BRE Guide. Notwithstanding this, these bedrooms also have a second set of windows with BRE compliant sunlight levels. Accordingly, an objection to the proposal on this ground would not be sustainable.

One living room window does qualify for assessment and would have sunlight levels below BRE guidance. However, this loss only marginally exceeds that BRE tests. Given this and the high level of compliance with BRE guidance for all other relevant windows despite the application site's location in a dense urban area, an objection to the development on this basis would not be sustainable.

6.3.3 Sense of Enclosure

The proposed extension would increase the height of this building by approximately 3.2 metres. This height would be relatively modest in comparison to the approximately 20 metre height of the existing building. It would also be located approximately 18 horizontal metres away from the nearest residential unit on a neighbouring site. It would also be located approximately 16 horizontal metres away from other flats on-site whilst those located perpendicular to the extensions would have only oblique views of it. Given the relatively modest height increase and the relatively large separation distance between the proposed extension and nearby residential properties, the proposal would not result in a significantly increased sense of enclosure for the occupants of neighbouring or nearby residential properties. Accordingly, the proposed development would be consistent with Policy ENV13 of the UDP and Policy S29 of the City Plan.

6.3.4 Privacy

Concerns have been raised regarding loss of privacy to neighbouring properties.

The proposed flats would be located above existing flats which already have outlook over the other flats within Bentinck Close and other residential properties surrounding the application site. The existing flats also have a varied internal arrangement which means that bedrooms already have the potential to overlook living rooms and vice versa. Many existing flats also have balconies which would have a comparable outlook and ability to accommodate potentially noisy people to those proposed under this application. In this context, the proposed extension and flats would not result in a significant increase in overlooking or noise in comparison to the existing situation.

Given the above, the proposal would not result in significant increases in overlooking and is therefore consistent with Policy ENV13 of the UDP and Policy S29 of the City Plan.

6.3.5 Noise and disturbance

The City Council's Environmental Health officer has raised concerns with the location of bedrooms on the noisy Prince Albert Road frontage of the site. They have also requested an acoustic assessment with regards to potential noise increases from the lifts on-site as a result of the proposal. However, the Environmental Health officer has recommended conditions controlling plant noise and vibration levels and requiring submission of supplementary acoustic reports with full details of all the plant equipment and sound insulation to be used to ensure that the Council's residential noise standards are met. Accordingly, it would be unreasonable to withhold permission where acceptable noise and vibration levels can be secured by condition. Accordingly, and subject to these conditions, an objection to the scheme on this basis could not be sustained.

6.4 Highways, Servicing and Parking

6.4.1 Car Parking

There are currently 17 parking spaces available within the basement parking area. Of these, the applicant indicates that six will be available to the proposed flats. This would be consistent with Policy TRANS 23 of the UDP, which requires the provision of four to six on-site parking spaces for the proposed flats.

The Highways Planning Manager advises that the existing development pre-dates current planning law and therefore it is considered unlikely to have a condition linking the existing spaces to the existing residential units. As such, it would be difficult to sustain a reason to refuse the application on this basis. However, a plan has not been submitted indicating which spaces will be linked to which units. The applicant has also not provided any information to demonstrate that the provision of these spaces would compromise the ability of existing residents to have adequate parking. Accordingly, a condition is recommended that requires the applicant to demonstrate that these five spaces will be provided and maintained for the lifetime of the development.

6.4.2 Cycle Parking

Policy 6.9 of The London Plan (Further Amendments – March 2015) ("London Plan") requires the provision of two cycle parking spaces per residential unit of two or more bedrooms. The applicant has indicated that this would be provided within the storage area for each flat proposed within the basement. A condition is recommended to secure details of this and to safeguard their provision for the future. Subject to this condition, the proposal would be consistent with Policy 6.9 of the London Plan.

6.4.3 Waste and Recycling Storage

The submitted drawings do not indicate where waste and recyclable material would be stored. However, waste from this building is currently stored in three 1,000 litre waste storage containers and there is space for an additional container if required. Accordingly, sufficient waste storage exists for the proposed flats.

6.5 Economic Considerations

None relevant.

6.6 Equalities and Diversities (including disabled access)

The proposed flats would all be accessible by lifts and will be single level. Accordingly, they would provide suitable accommodation for disabled persons.

6.7 London Plan

The proposal does not raise strategic issues.

6.8 National Planning Policy Framework (NPPF)

The relevant NPPF considerations have been assessed above.

6.9 Planning Obligations

The proposed development is not large enough to require completion of a S106 agreement.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

6.10.1 Sustainability

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Policy 5.2 E of the London Plan states that where specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

The applicant has submitted a Sustainability and Energy Statement that indicates that the proposal would achieve Code for Sustainable Homes Level 4. Achievement of this level would meet the aspirations of the above policies, although recent changes introduced by Central Government prohibit the City Council from requiring this by condition.

6.11 Other UDP/Westminster Policy Considerations

6.11.1 Other Matters

An objector is concerned that light from the proposed extension would harm the amenity of existing residents within Bentinck Close. However, the proposed extension and flats are of a domestic scale and located above the flats below. It is not anticipated that they would result in lighting levels that would harm the amenity of existing residents, particularly when it is also considered that the existing flats already cause high levels of light spill/glow. Accordingly, refusal of the permission on this basis would be unsustainable.

An objector is also concerned that the proposal would result in light loss to existing skylights despite the applicant retaining light tunnels to these skylights. However, the BRE Guide does not accommodate light loss to skylights as they will always be well lit by virtue of their skyward orientation. As the BRE Guide forms the basis for assessing light loss under current policy, an objection on this ground could not be sustained.

The same objector is also of the view that the proposed flats should not have more skylights than they do. As the proposed skylights would not be visible from surrounding properties, they would therefore have no appreciable impact on the character and appearance of the building. As they provide additional light to the proposed flats, they also do not harm the amenity of future residents. Accordingly, a refusal on this basis would be untenable.

The proposed development does not provide more than 1000m² of floorspace. Accordingly, no affordable housing is required under current policy.

Loss of rental income is not a material planning consideration.

6.12 Conclusion

The residential units are supported in principle by the development plan and would provide an acceptable standard of accommodation. Subject to recommended conditions, the roof extension would not harm the character and appearance of the existing building or the setting of the adjacent St John's Wood Conservation Area. Whilst the amenity concerns of local residents are understood, the proposal does not give rise to a loss of amenity of such magnitude that permission could sustainably be refused. Subject to recommended conditions, the proposal would also provide satisfactory car and cycle parking. Accordingly, the proposed development has been recommended for conditional approval.

BACKGROUND PAPERS

1. Application form.
2. Email from Councillor Robert Rigby dated 21 March 2015.
3. Email from St John's Wood Society dated 13 March 2015.
4. Email from Thames Water dated 18 February 2015.
5. Memorandum from Highways Planning Manager dated 16 November 2015.
6. Memorandum from Arboricultural Manager dated 11 February 2015.
7. Memorandum from Environmental Health dated 9 February 2015.
8. Representations from owner/occupier of 57 Charlbert Court dated 9 February 2015.
9. Representations from owner/occupier of 6-8 Charlbert Street dated 24 February 2015.
10. Representation from Knight Frank dated 24 February 2015.

11. Representations from owner/occupier of 12 Charlbert Street dated 2 March 2015.
12. Representation from owner/occupier of 28 Bentinck Close dated 5 March 2015.
13. Representation from owner/occupier of 34 Bentinck Close dated 5 March 2015.
14. Representations from owner/occupier of 36 Bentinck Close dated 6 March 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – ogibson@westminster.gov.uk

DRAFT DECISION LETTER

Address: Bentinck Close, 76-82 Prince Albert Road, London, NW8 7RY

Proposal: Roof extension to provide four new residential (Class C3) units (3x3 bed and 1x4 bed) with external terraces and planters.

Plan Nos: Drawing numbers 302.PL-001, -002 Revision A, -003 Revision A, -004 Revision A, -005 Revision A, -006 Revision A, -007 Revision A, -009 Revision A, -010, -011, -013, -014, -015, -016, -017, -018, -019, -020, -021, -025, -026; Planning Statement by JLL (January 2015); Daylight and Sunlight Report by eb7 (13 January 2015); Sustainability and Energy Statement by Max Fordham (20 January 2015); Daylight/Sunlight Addendum by eb7 (10 November 2015)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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

you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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 apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:-

Vertical fins omitted from the following section of the southern elevation of the extension to Block 1 facing onto Prince Albert Road:- between the western end of the solid pier behind the fins to the west side of the western-side central bathroom to this elevation and the eastern end of the eastern pier behind the fins to the eastern-side central bathroom to this elevation, and a drawing showing the materials proposed to finish these elements of the elevation.

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 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)

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

Reason:

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)

- 7 You must apply to us for approval of detailed elevations and sections (Scale 1:20) showing the design of the vertical fins including their supporting framework and their integration with the design of the main body of the extension.

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 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)

- 8 **Pre Commencement Condition.** The development hereby approved shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by, the local planning authority in consultation with Thames Water. No

discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 9 **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.

- 10 You must not occupy the residential units until we have approved appropriate arrangements to secure the following.

-Six on-site car parking spaces to be maintained for the exclusive use of the residential units.

In the case of the above benefit, you must include in the arrangements details of when you will provide the benefit, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013 and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

12 (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 LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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.

- 13 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.

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

Reason:

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

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 16 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 17 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 14 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to

the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

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

Reason:

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

- 19 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

Informative(s):

- 1 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)

- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACMs). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACMs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 4 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.
- 5 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 6 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.

- 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 Approval for this residential use has been given on the basis of façade sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation i.e. windows kept closed and ventilation scheme utilised.
- 9 The supplementary acoustic report relating to plant must include:
- (a) A schedule of all plant and equipment installed;
 - (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 all most affected noise sensitive receptor locations and the most affected windows;
 - (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) The lowest existing L A90 (15 minutes) measurement as already established.

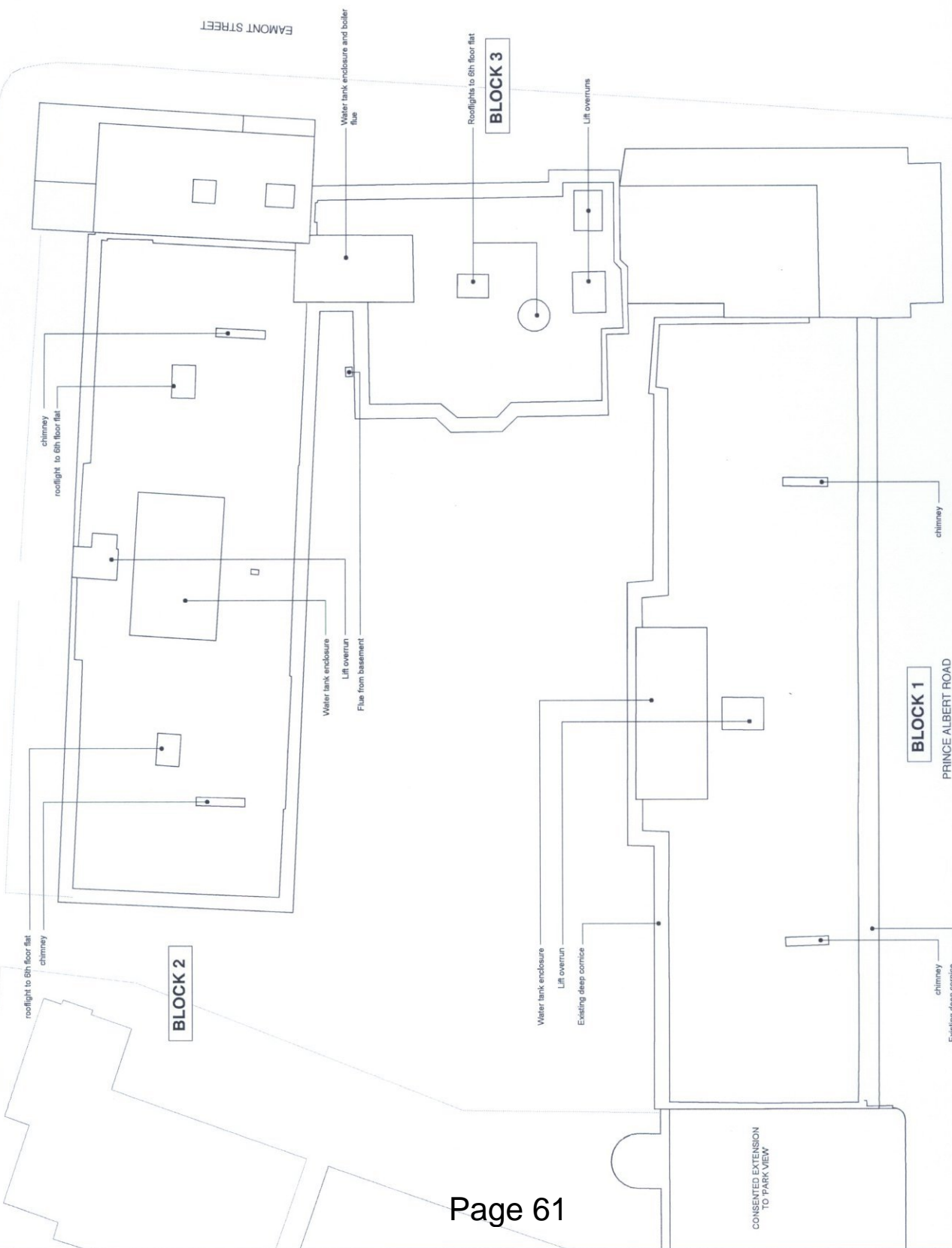
- (g) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.
- 10 Under condition 10, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure a contribution towards on-street parking surveys. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.



MACKENNA STREET

EAMONT STREET

PRINCE ALBERT ROAD

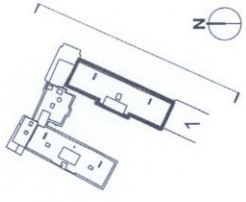


BLOCK 2

BLOCK 3

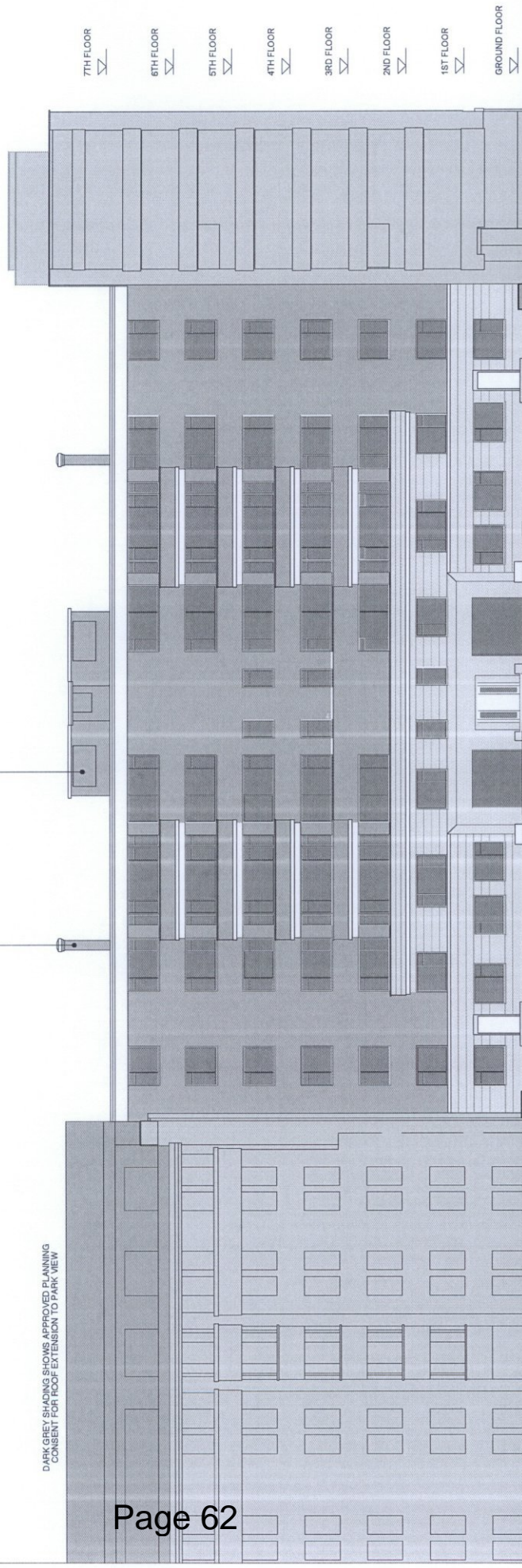
BLOCK 1

CONSENTED EXTENSION TO PARK VIEW



Water tank enclosure and lift overrun
Brick chimneys

DARK GREY SHADING SHOWS APPROVED PLANNING
CONSENT FOR ROOF EXTENSION TO PARK VIEW



75 PRINCE ALBERT RD.

BENTINCK CLOSE - BLOCK 1

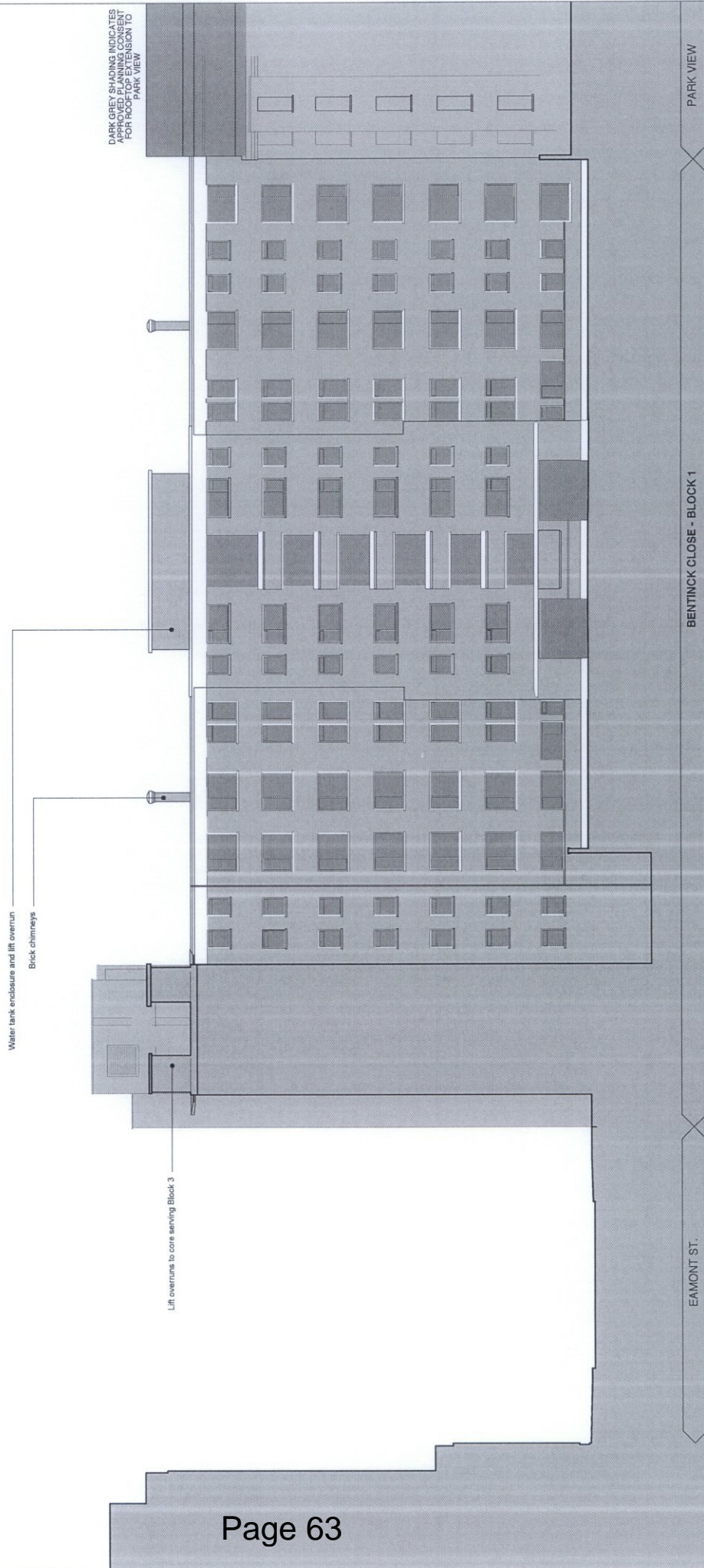
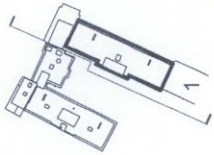
PARK VIEW

EAMONT ST.

McDowell+Benedetti
 150, ARTS 200
 100, JARVIS 200
 100, JARVIS 200

DRAWING NO: 302_PL_014
 SCALE: 1:200 @ A3 / (1:100 @ A1)
 DATE: JANUARY 2015
 DRAWING STATUS: PLANNING

DRAWING: BLOCK 1: EXISTING EAST ELEVATION
 TO PRINCE ALBERT ROAD
 CLIENT: COINSUN LTD
 PROJECT: BENTINCK CLOSE, LONDON, NW8 7RY



DARK GREY SHADING INDICATES
PROPOSED EXTENSION
FOR ROOFTOP EXTENSION TO
PARK VIEW

DRAWING: BLOCK 1: EXISTING WEST ELEVATION
TO COURTYARD

CLIENT: COINSUN LTD

PROJECT: BENTINCK CLOSE, LONDON, NW8 7RY

DRAWING NO: 302_PL015

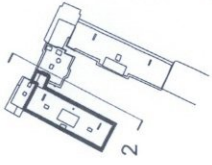
SCALE: 1:200 @ A3 / (1:100 @ A1)

DATE: JANUARY 2015

DRAWING STATUS: PLANNING

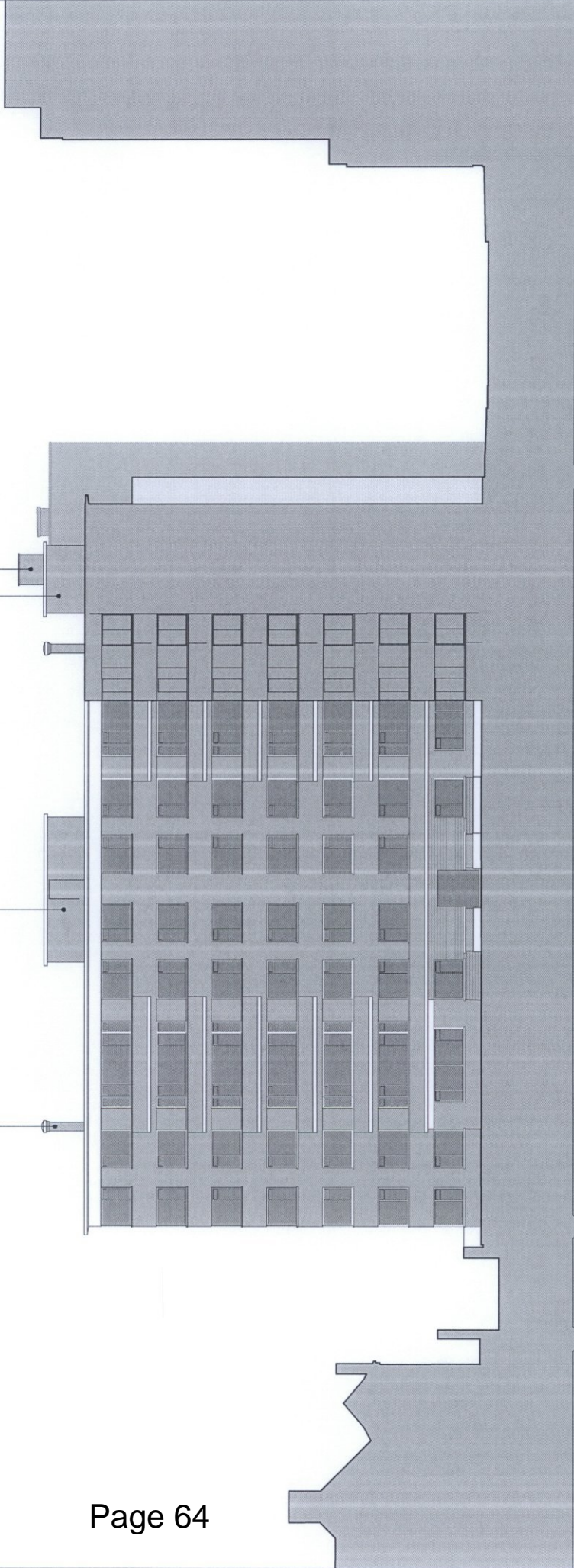
McDowell+Benedetti

302, PL015
1, 200, 2015
www.mcdowellbenedetti.com



Water tank enclosure and lift overrun
Black chimneys

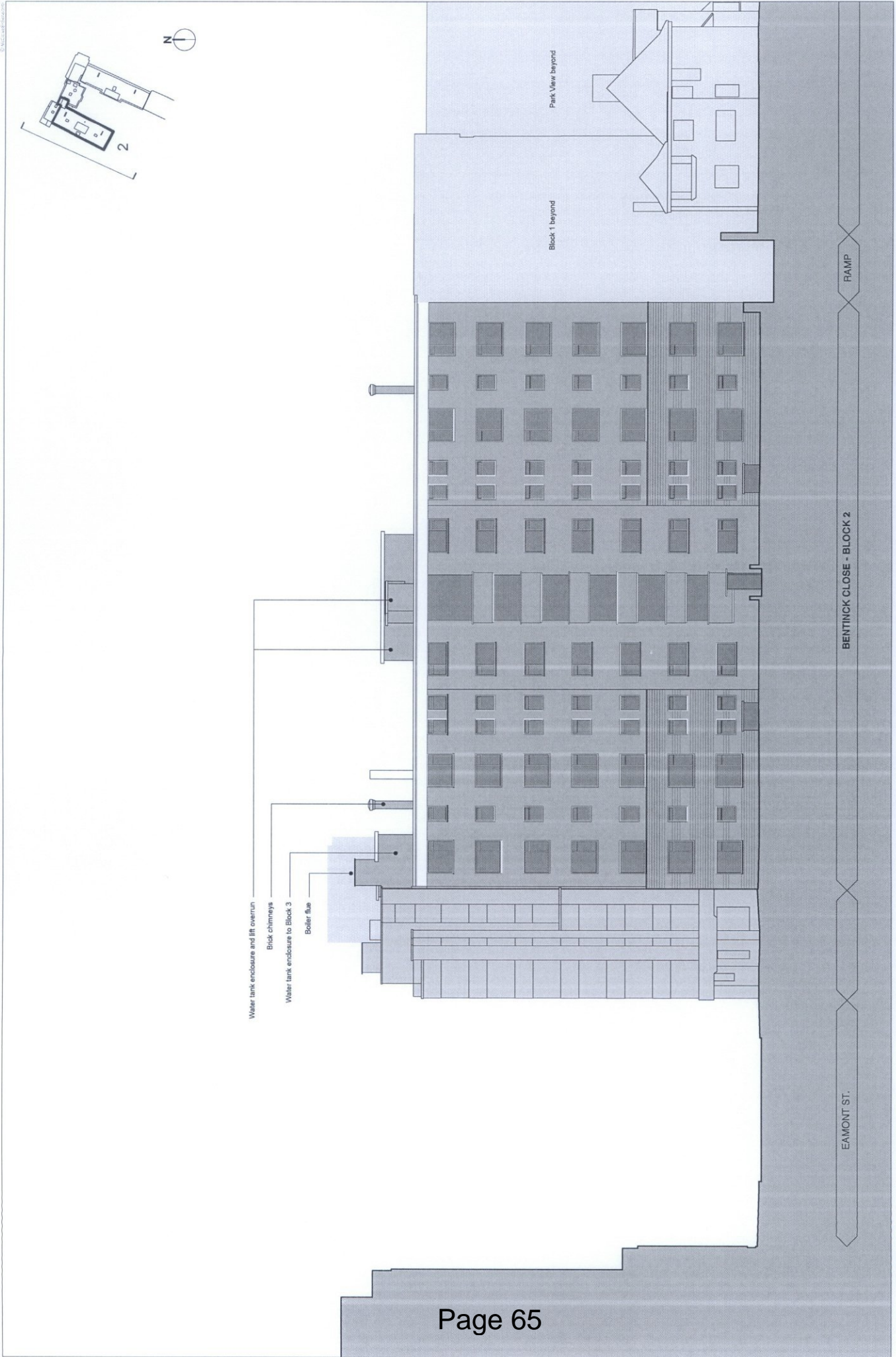
Boiler flue to Block 3
Water tank enclosure to Block 3



BENTINCK CLOSE - BLOCK 2

RAMP

EAMONT ST.

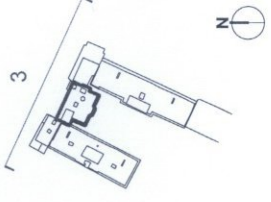


© McDowell + Benedetti

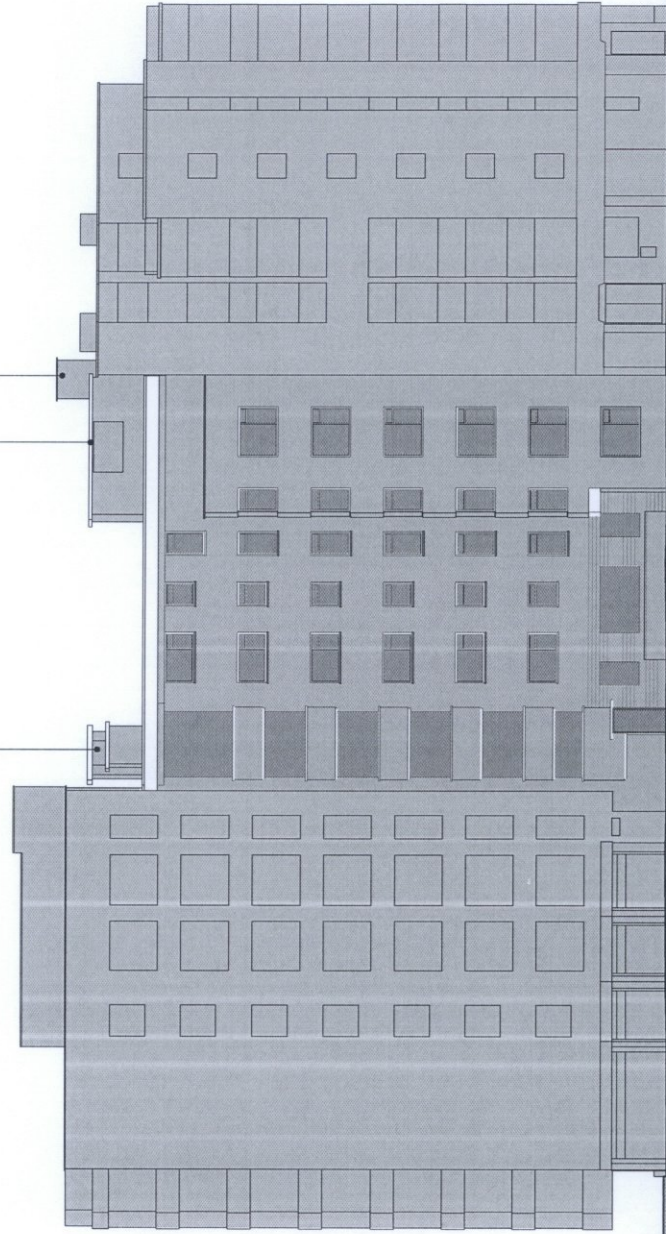
McDowell + Benedetti
 34-35 Holborn Gardens, London EC1N 2DX
 email: info@mcdbenedetti.com
 L 020 3475 5000
 F 020 3475 7001

DRAWING NO: 302.PL.017
 SCALE: 1:200 @ A3 / 1:100 @ A1
 DATE: JANUARY 2015
 DRAWING STATUS: PLANNING

DRAWING: BLOCK 2: EXISTING WEST ELEVATION
 TO MACKENZIAL STREET
 CLIENT: COINSUN LTD
 PROJECT: BENTINCK CLOSE, LONDON, NW8 7RY



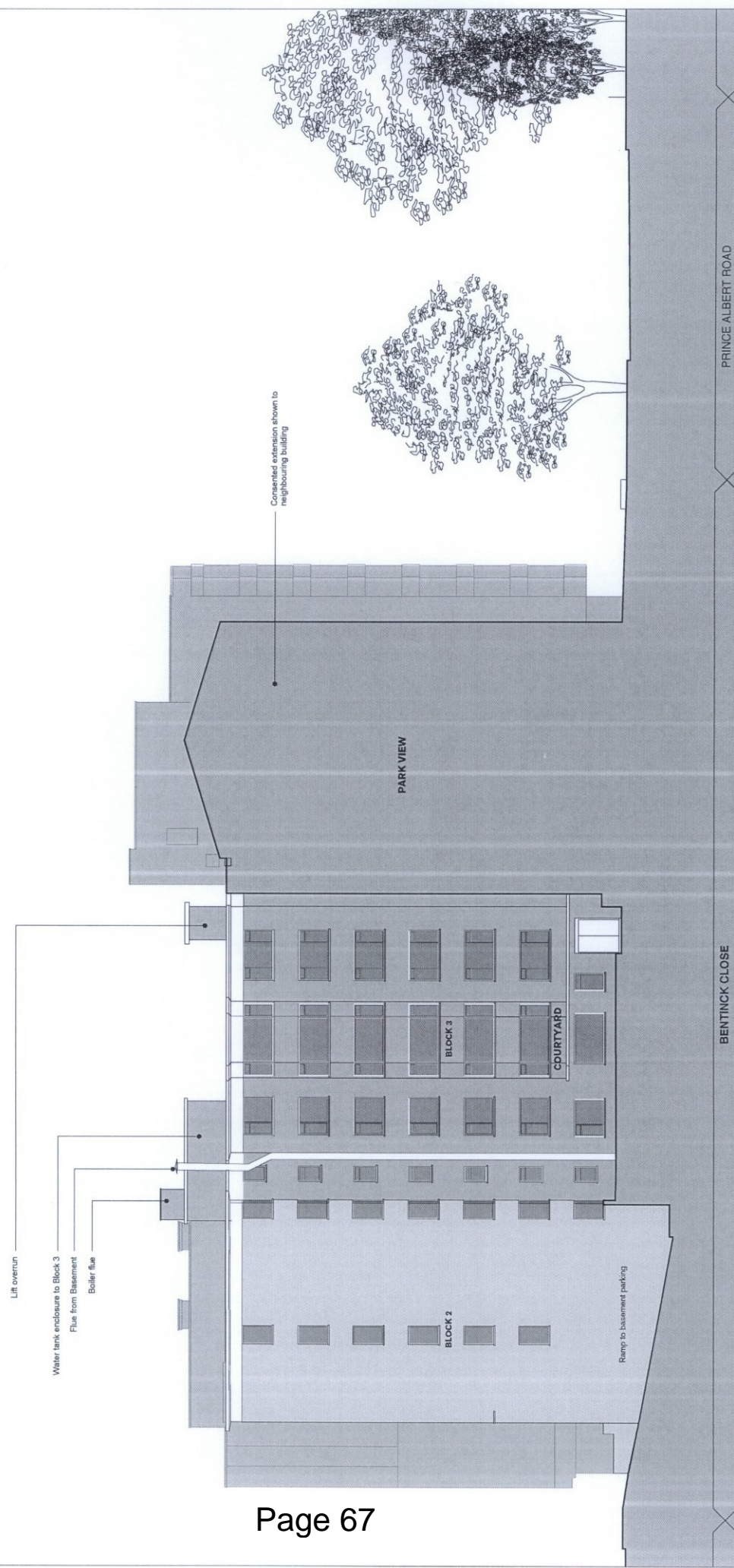
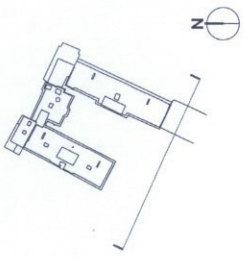
Boiler flue
Water tank enclosure
Lift overruns

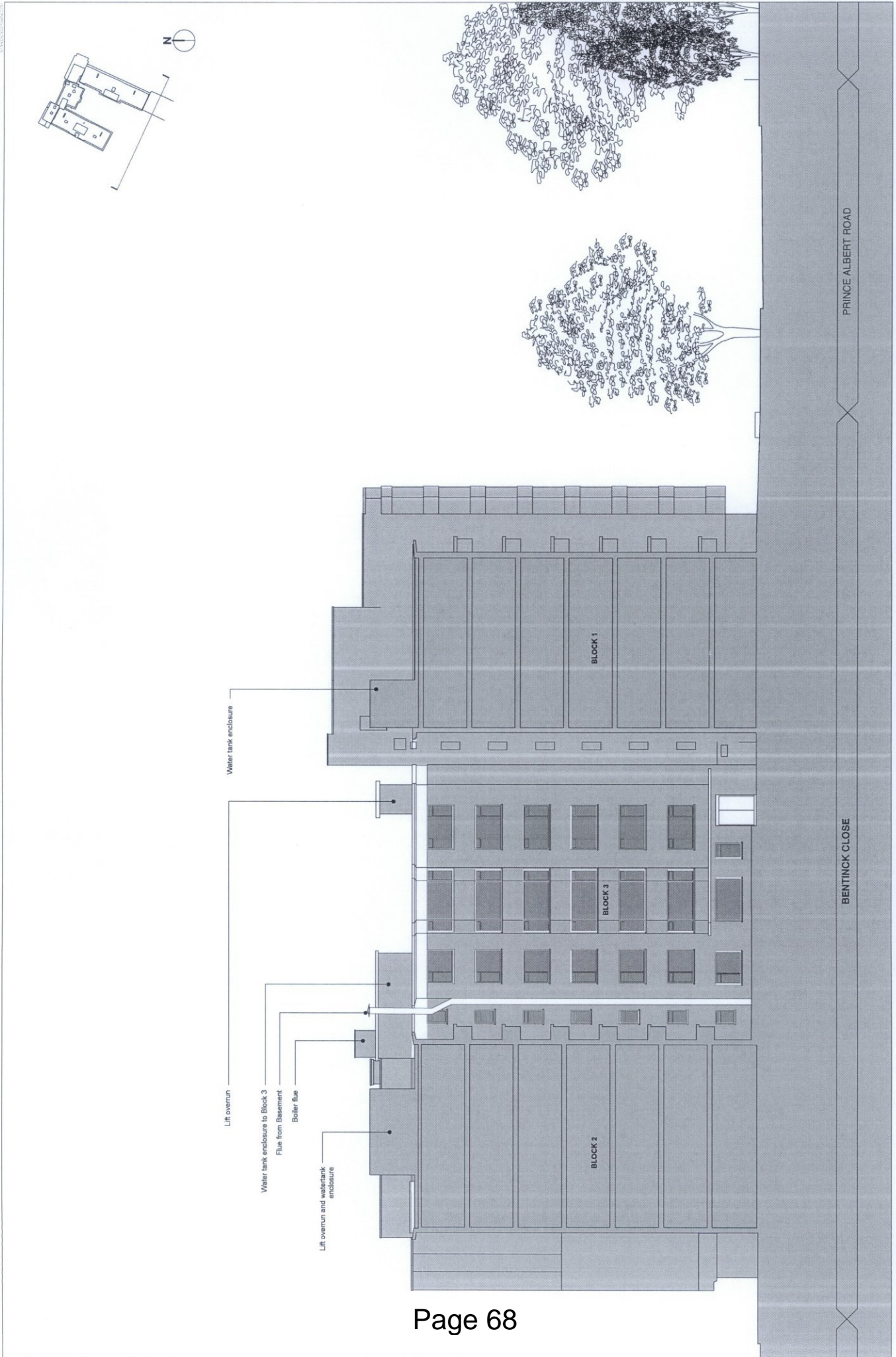


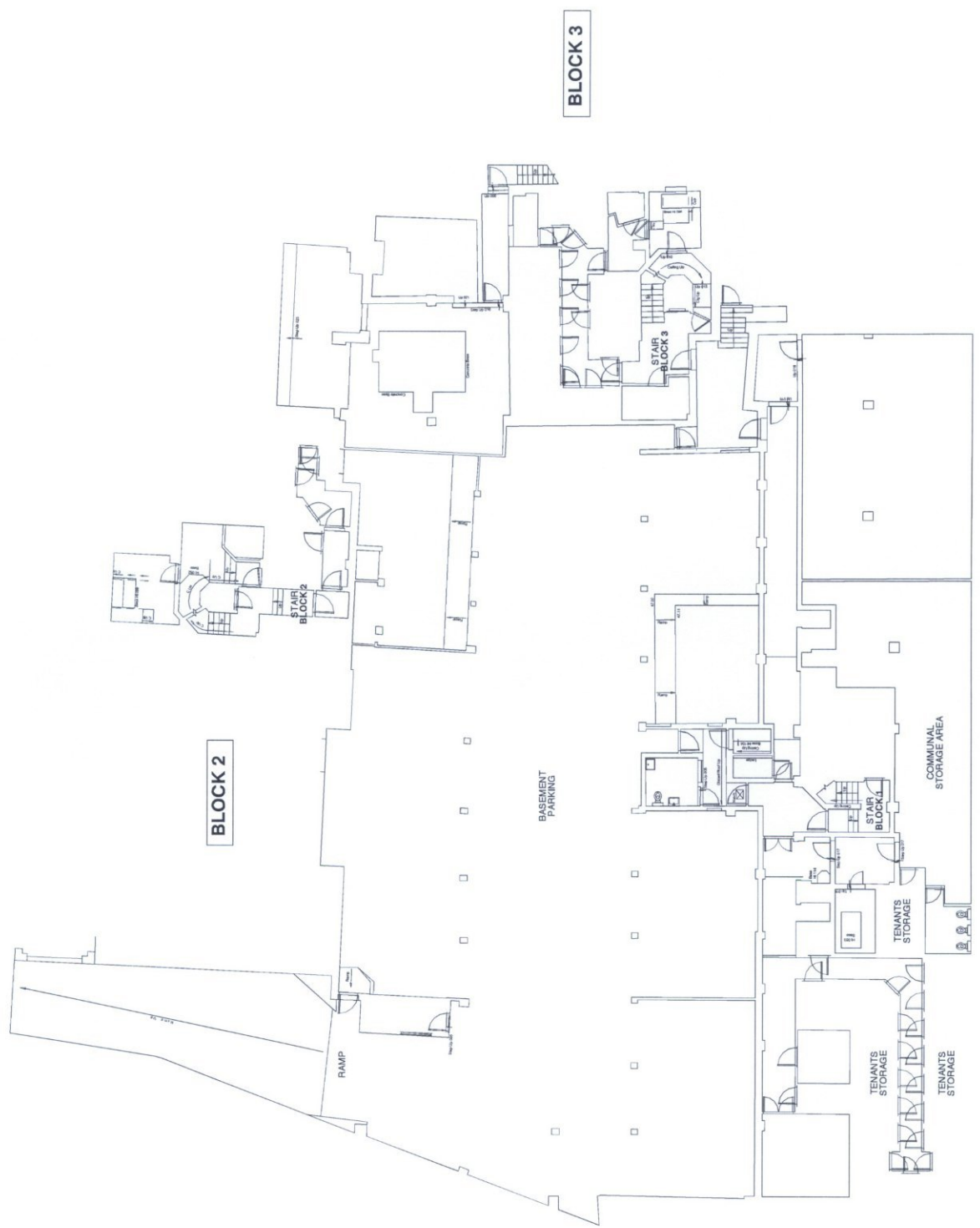
BENTINCK CLOSE - BLOCK 3

75 PRINCE ALBERT RD.

PRINCE ALBERT ROAD

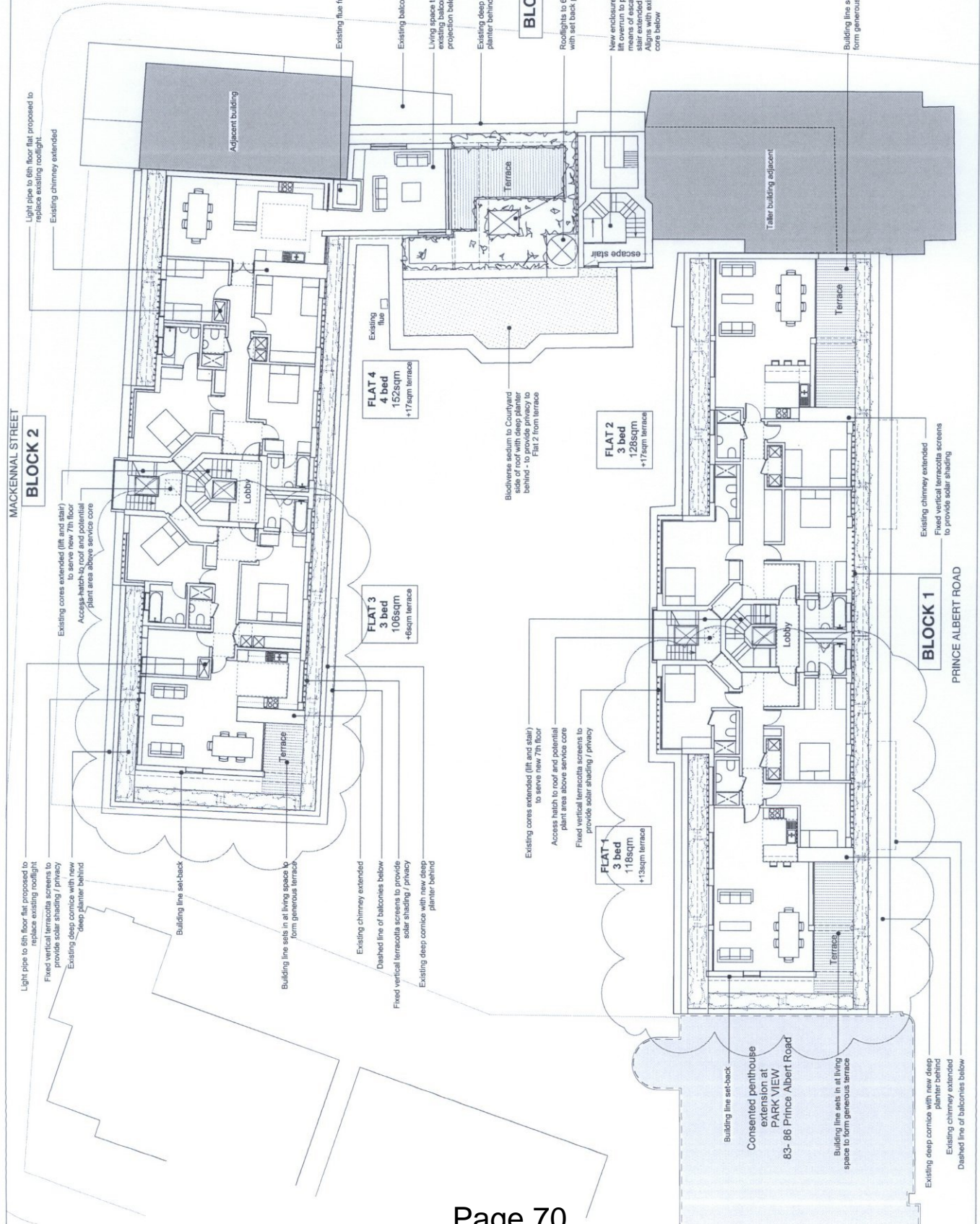






Revisions
A 01.07.15

Setback to west end of blocks 1 + 2 and flat 1 + 3 to align with existing alterations to windows



MACKINNAL STREET

BLOCK 2

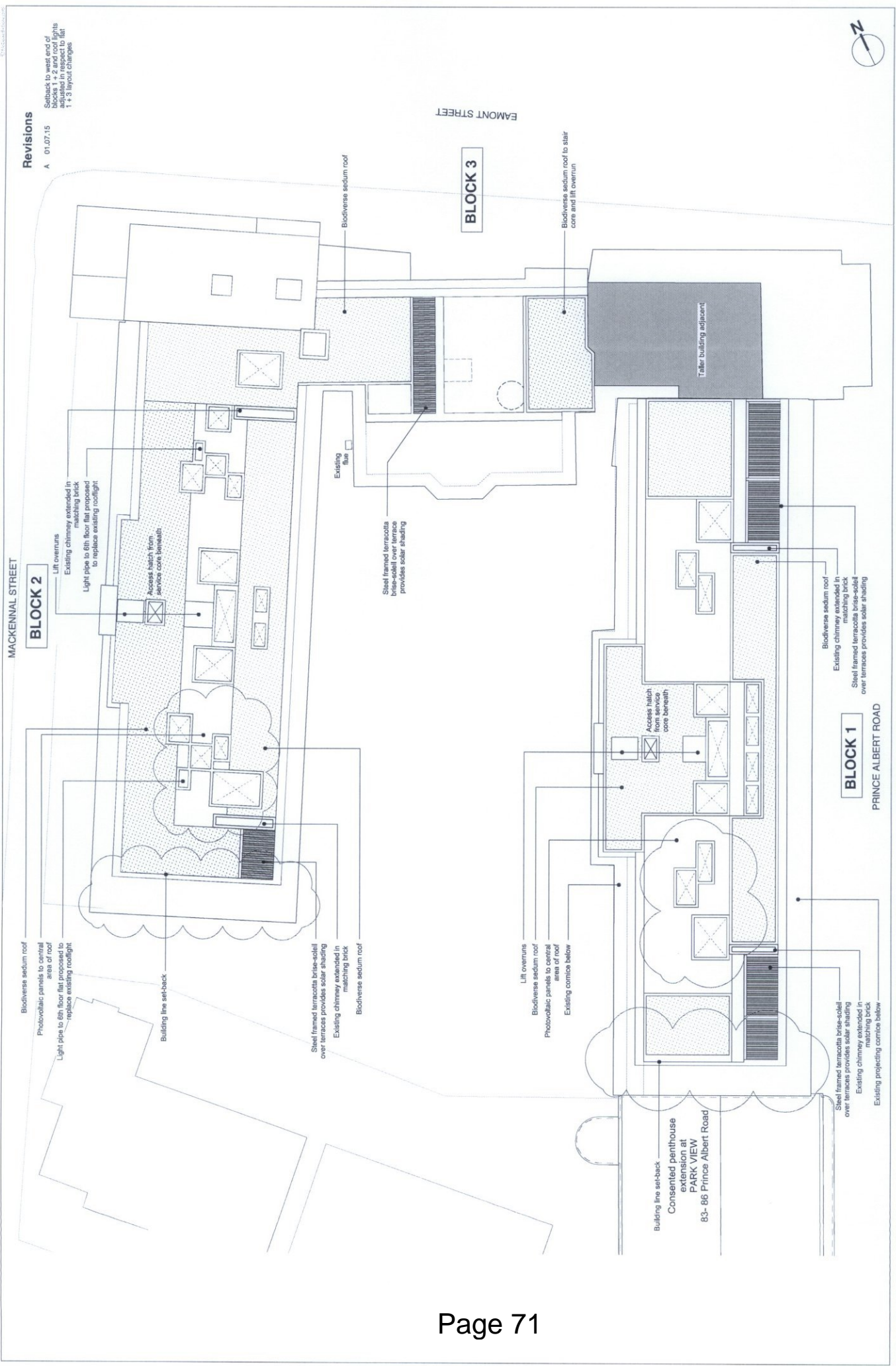
BLOCK 1

PRINCE ALBERT ROAD

EMAMONT STREET

BLOCK 3



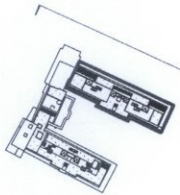


Revisions
 A 01.07.15
 Setback to west end of blocks 1 + 2 and roof lights to be replaced to fit 1 + 3 layout changes

McDowell+Benedetti
 34-36 Habor Quay, London EC1A 8DT
 L 020 3475 7600
 email@mcdbb.com

DRAWING NO: 302.PL.003 Revision A
 SCALE: 1:200 @ A3 / 1:100 @ A1
 DATE: JULY 2015
 DRAWING STATUS: PLANNING

DRAWING: PROPOSED ROOF PLAN
 CLIENT: COINSUN LTD
 PROJECT: BENTINCK CLOSE, LONDON, NW8 7RY



Revisions

A 01.07.15 Setback to west end and minor alterations to windows

Metal cladding trim to roof edge

Existing chimneys extended in matching brick

Terracotta brise-soleil with steel frame provides solar shading to terrace

Steel frame extends across facade, uniting full height composite glazing to living spaces

Building line set-back

Metal clad lift overrun set back in centre of plan

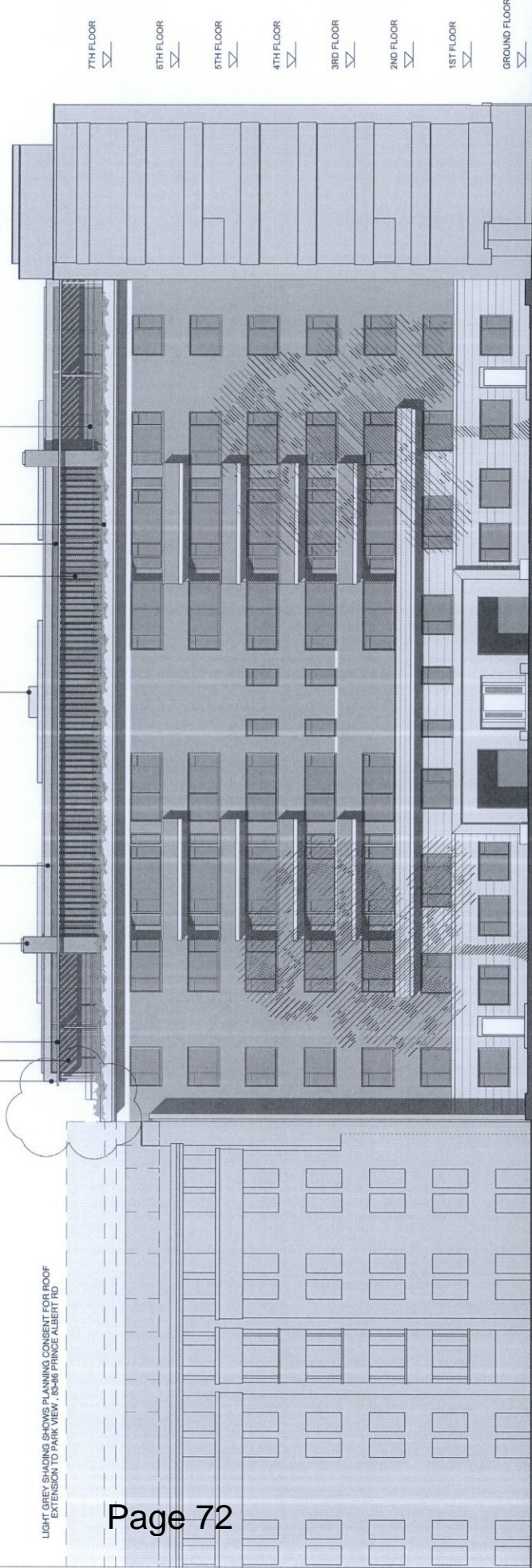
Terracotta louvre screens upper central portion of elevation and provides solar shading

Mid-grey recessed cladding panels

Continuous set-back planter forms extension of existing cornice

Glazed balustrade to terrace, set-back behind planter

LIGHT GREY SHADING SHOWS PLANNING CONSENT FOR ROOF EXTENSION TO PARK VIEW, 28-36 PRINCE ALBERT RD



7TH FLOOR

6TH FLOOR

5TH FLOOR

4TH FLOOR

3RD FLOOR

2ND FLOOR

1ST FLOOR

GROUND FLOOR

DRAWING: BLOCK 7, PROPOSED EAST ELEVATION TO PRINCE ALBERT ROAD

CLIENT: CONSUN LTD

PROJECT: BENTINCK CLOSE, LONDON, NW8 7RY

DRAWING NO: 302.PL004 Revision A

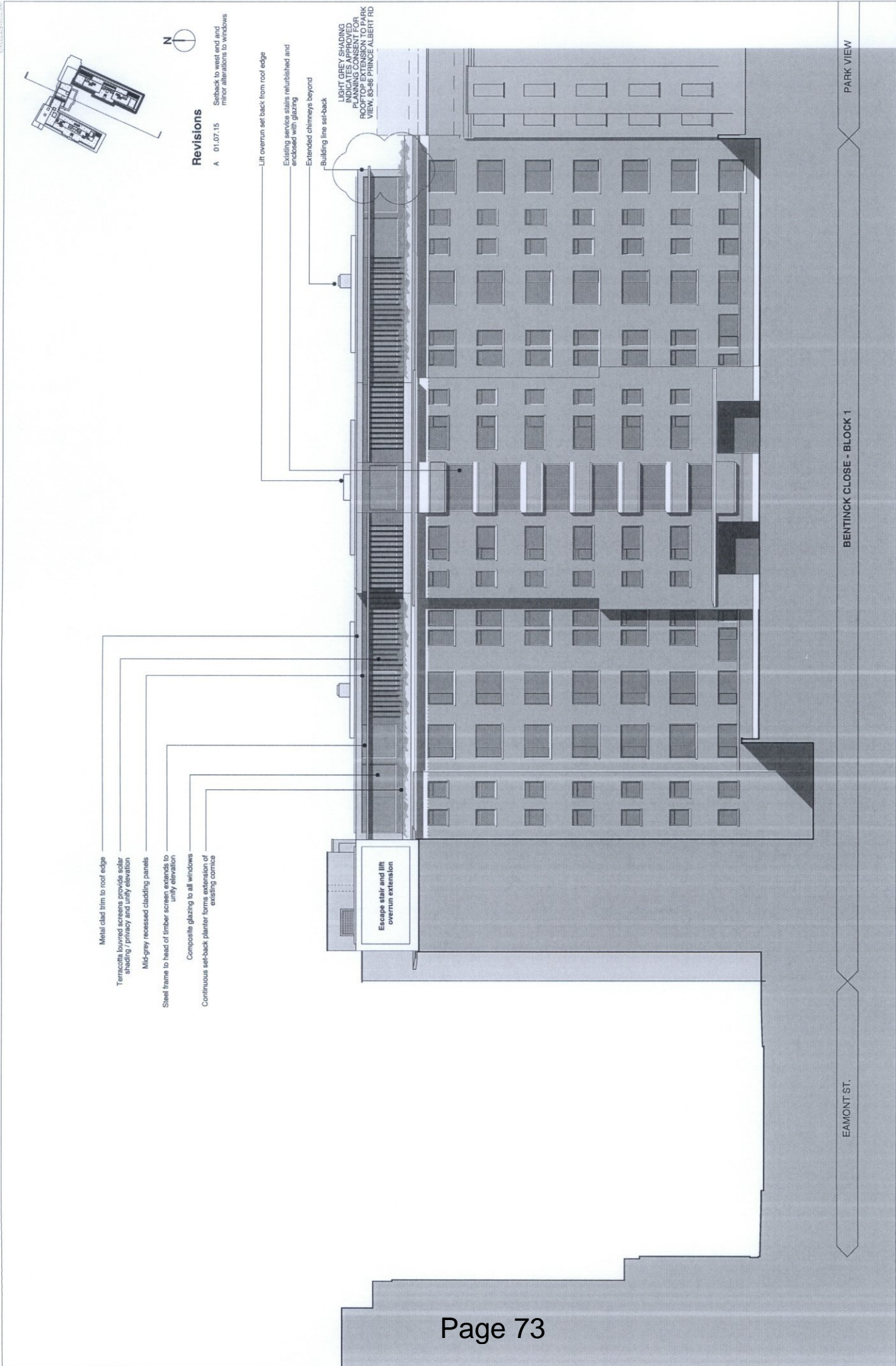
SCALE: 1:200 @ A3 / (1:100 @ A1)

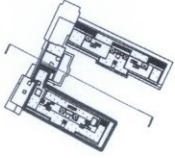
DATE: JULY 2015

DRAWING STATUS: PLANNING

McDowell+Benedetti

34-35 Nelson Garden, London EC1N 8DQ
 L: 020 3492 7500
 F: 020 3492 7501
 email@McDowellBenedetti.com





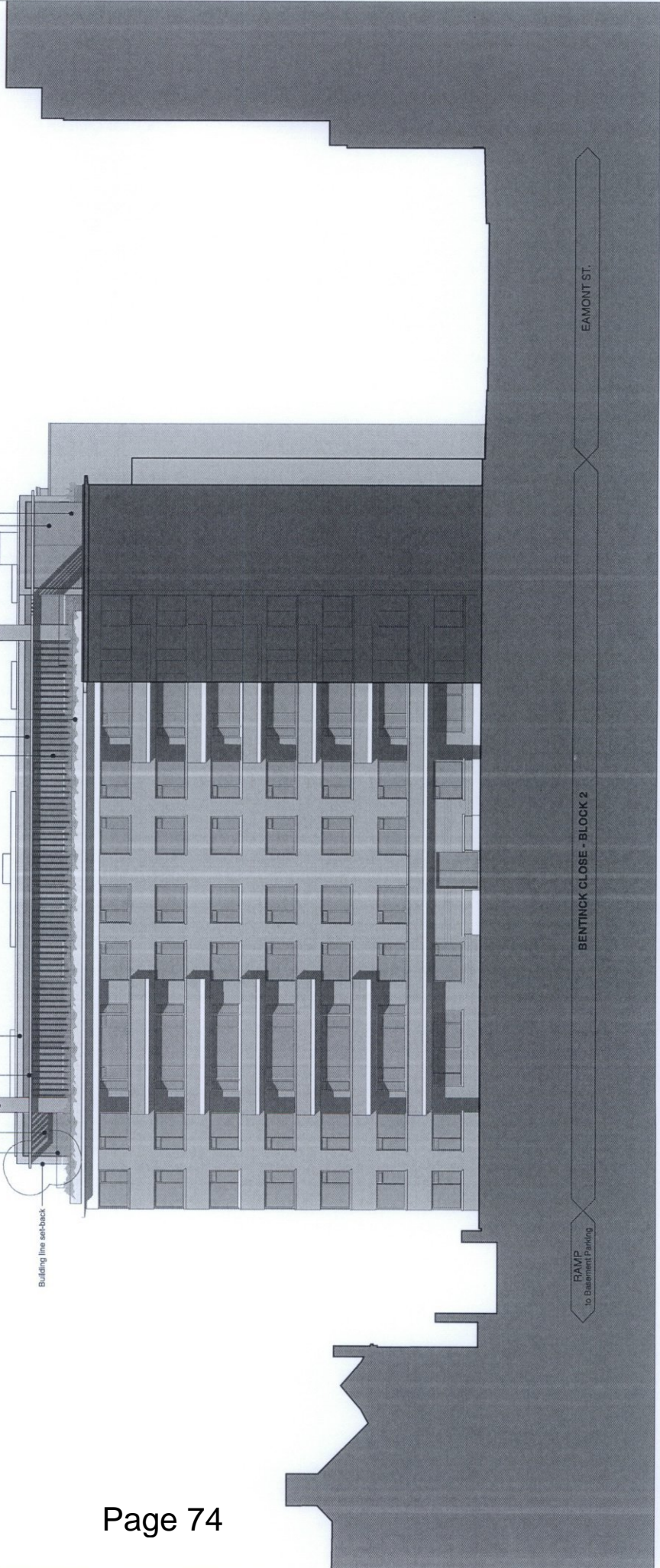
Revisions

- A 01.07.15 Setback to west end and minor alterations to windows

- Terracotta louvred screens provide solar shading / privacy and unify elevation
- Mid-grey recessed cladding panels
- Continuous set-back planter forms extension of existing cornice
- Terrace to Flat 4
- Composite glazing to all windows
- Existing boiler flue

- Metal clad trim to roof edge
- Steel frame to head of timber screen extends to unify elevation
- Existing chimneys extended in matching brickwork
- Composite glazing to all windows
- Glazed balustrade to terrace, set-back behind planter

Building line set-back



EAMONT ST.

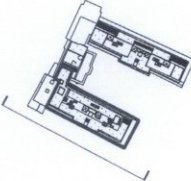
BENTINCK CLOSE - BLOCK 2

RAMP to Basement Parking

DRAWING: BLOCK 2: PROPOSED EAST ELEVATION TO COURTYARD
 CLIENT: COINSUN LTD
 PROJECT: BENTINCK CLOSE, LONDON, NW6 7RY

DRAWING NO: 302 PL006 Revision A
 SCALE: 1:200 @ A3 / 1:100 @ A1
 DATE: JULY 2015
 DRAWING STATUS: PLANNING

McDowell+Benedetti
 24-26 Nelson Square, London EC1N 8BX
 L 020 3475 7600
 F 020 3475 7601
 email@McDowell+Benedetti.com



- Existing service stairs refurbished and enclosed with glazing
- Metal clad trim to roof edge
- Steel frame to head of terracotta screen extends to unity elevation
- Extended chimney beyond
- Terracotta loured screens unity elevation and provide solar shading / privacy
- Mil-grey recessed cladding panels
- Continuous set-back planter forms extension of existing cornice
- Composite glazing to all windows

Revisions

- A 01.07.15 Setback to west end and minor alterations to windows

Building line set-back



BLOCK 1 BEYOND

PARK VIEW BEYOND

EAMONT ST.

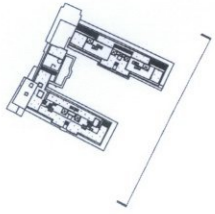
BENTINCK CLOSE - BLOCK 2

RAMP to Basement Parking

DRAWING: **BLOCK 2: PROPOSED WEST ELEVATION TO COURTYARD**
 CLIENT: COMSUN LTD
 PROJECT: BENTINCK CLOSE, LONDON, NW8 7RY

DRAWING NO: **302.PL.007 Revision A**
 SCALE: 1:200 @ A3 / (1:100 @ A1)
 DATE: JULY 2015
 DRAWING STATUS: PLANNING

McDowell+Benedetti
 100, 105, 110, 115
 110, 115, 120, 125
 130, 135, 140, 145
 150, 155, 160, 165
 170, 175, 180, 185
 190, 195, 200, 205
 210, 215, 220, 225
 230, 235, 240, 245
 250, 255, 260, 265
 270, 275, 280, 285
 290, 295, 300, 305
 310, 315, 320, 325
 330, 335, 340, 345
 350, 355, 360, 365
 370, 375, 380, 385
 390, 395, 400, 405
 410, 415, 420, 425
 430, 435, 440, 445
 450, 455, 460, 465
 470, 475, 480, 485
 490, 495, 500, 505
 510, 515, 520, 525
 530, 535, 540, 545
 550, 555, 560, 565
 570, 575, 580, 585
 590, 595, 600, 605
 610, 615, 620, 625
 630, 635, 640, 645
 650, 655, 660, 665
 670, 675, 680, 685
 690, 695, 700, 705
 710, 715, 720, 725
 730, 735, 740, 745
 750, 755, 760, 765
 770, 775, 780, 785
 790, 795, 800, 805
 810, 815, 820, 825
 830, 835, 840, 845
 850, 855, 860, 865
 870, 875, 880, 885
 890, 895, 900, 905
 910, 915, 920, 925
 930, 935, 940, 945
 950, 955, 960, 965
 970, 975, 980, 985
 990, 995, 1000, 1005

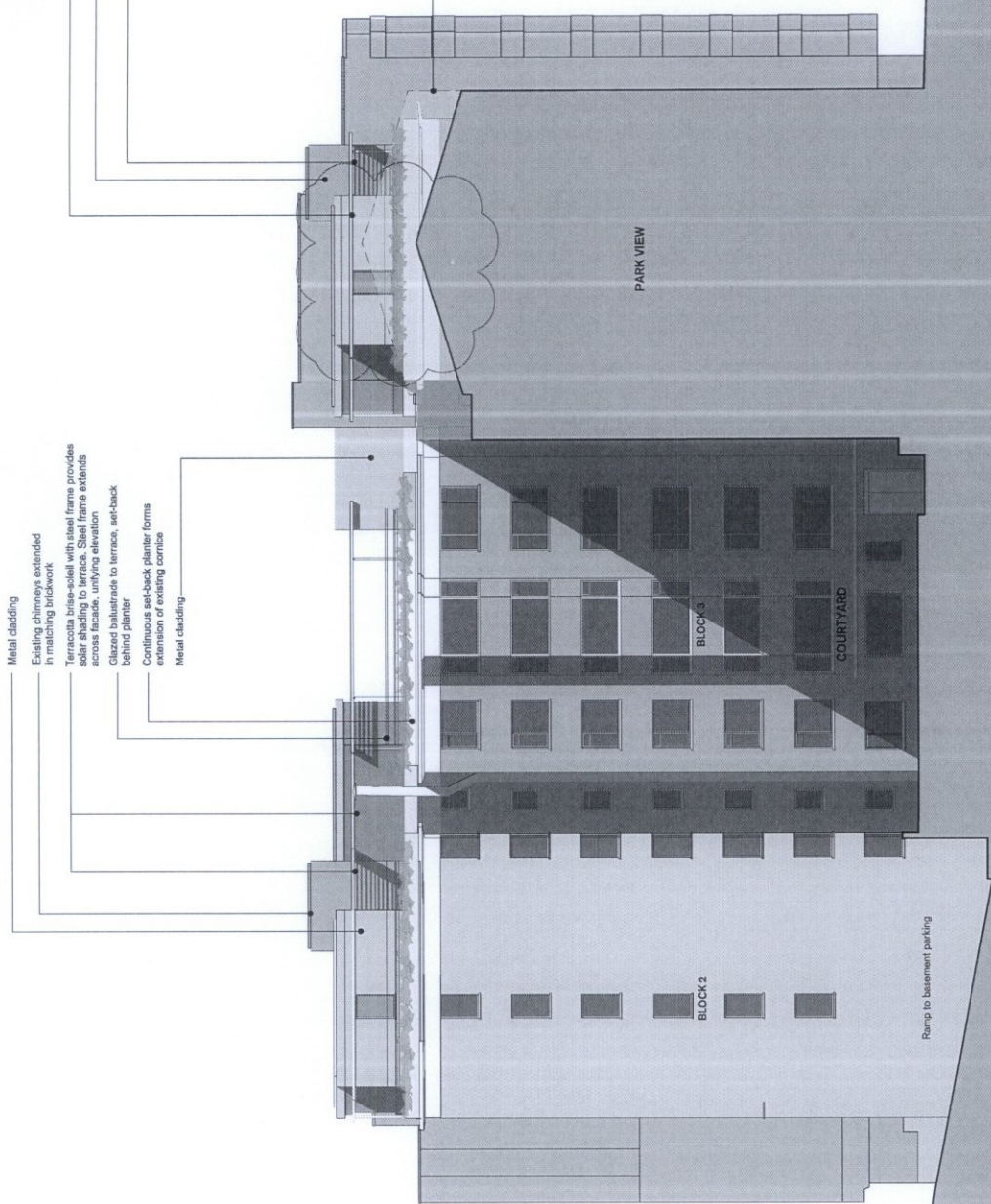


Revisions

A 01.07.15 Setback to west end and minor alterations to windows

Metal cladding
Existing chimneys extended in matching brickwork
Terracotta brise-soleil with steel frame provides solar shading to terrace. Steel frame extends across facade, unifying elevation
Glazed balustrade to terrace, set-back behind planter
Continuous set-back planter forms extension of existing cornice
Metal cladding

Outline indicates approved planning consent for rooftop extension to Park View, B3-B6 Prince Albert Rd.



Agenda Item 3

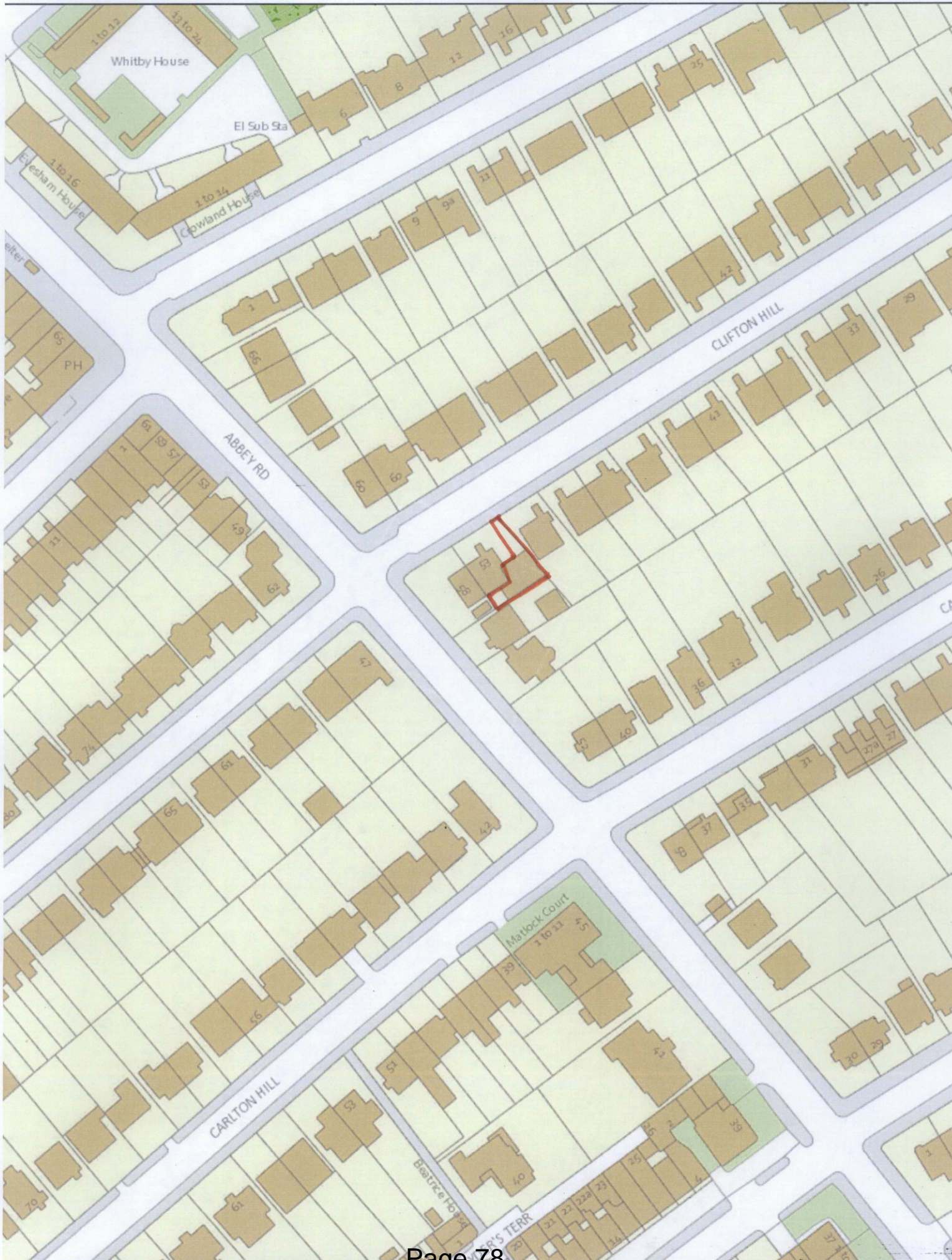
Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 December 2015	Classification For General Release	
Addendum Report of Director of Planning		Wards involved Abbey Road	
Subject of Report	53B Clifton Hill, London, NW8 0QE		
Proposal	Erection of dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.		
Agent	Alastair Howe Architect		
On behalf of	Mr & Mrs Sam Green		
Registered Number	15/01668/FULL	TP / PP No	TP/12048
Date of Application	24.02.2015	Date amended/ completed	09.10.2015
Category of Application	Other		
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

Grant conditional permission.





Front elevation (top) and rear elevation from No.56 Abbey Road (bottom).

2. SUMMARY

This application was reported to the Planning Applications Committee on 6 October 2015. At that meeting, the Committee resolved to defer a decision on the application to allow the applicant to remove the glazing on the rear elevation as the Committee considered that this glazing would have an adverse impact on the amenity of the occupiers of No.56 Abbey Road. The applicant was also advised that the Committee was likely to accept the provision of three rooflights if the application drawings were revised to show these rooflights, which have already been installed on site.

In response to the reasons for deferral of the decision, the applicant has amended the drawings to show the three rooflights to the rear roofslope of the building that have been installed on site. In terms of the dormer windows to the rear, the applicant has declined to remove the glazing to the proposed rear dormer and instead has re-stated that this glazing will be 'opaque glass panels'. The applicant advises that the opaque glass panels proposed '...are now completely obscured (no light in or out)'. The applicant considers that this would alleviate concerns regarding light spill.

In this context, the application is being reported back for the Committee's further consideration of the applicant's response to the earlier reasons for deferral.

3. CONSULTATIONS

ADDITIONAL AND LATE REPRESENTATIONS REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 6 OCTOBER 2015

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

One letter received raising objection on all or some of the following grounds:

- What has been built on site is a permanent structure and not a mock up. These works are unauthorised.
- Applicant has provided false promises in respect of the size of the dormer.
- Committee report for 6 October 2015 committee meeting does not cover all material considerations.
- Revised drawings do not address the initially raised concerns of occupiers of No.56 Abbey Road.

CONSULTATION ON REVISED SCHEME FOLLOWING PLANNING APPLICATIONS COMMITTEE ON 6 OCTOBER 2015 - AMENDMENT TO ADD TWO ROOFLIGHTS AND CONFIRM WINDOWS IN DORMER WILL BE OPAQUE GLAZED (OCTOBER 2015)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 11; Total No. of Replies: 1.

One letter from the occupier of No.56 Abbey Road raising objection on the following grounds:

- All reasons specified in the previous objections remain valid and revised design does not address these.
- Revised drawings do not address the requirements of the Committee resolution.
- Ask that the drawings submitted show dimensions of the proposed dormer.
- Revised drawings are less informative than those previously submitted.
- Email on behalf of applicant dated 9 October 2015 should be disregarded.
- Note that the dormer that has been built on site is larger than that for which permission is sought and believe internal floor level is higher than shown on submitted drawings.
- Not convinced applicant will comply with the City Council's decision on this application.

BACKGROUND PAPERS

1. Representations and report to Planning Applications Committee on 30 June 2015 and 6 October 2015.

ADDITIONAL AND LATE REPRESENTATIONS REPORTED VERBALLY TO THE 6 OCTOBER 2015 COMMITTEE

2. Letter from the occupier of 56 Abbey Road dated 1 October 2015.

REPRESENTATIONS RECEIVED FOLLOWING DEFERRAL OF APPLICATION ON 6 OCTOBER 2015 IN RESPONSE TO RECONSULTATION ON REVISIONS

3. Letter from the occupier of 56 Abbey Road dated 15 November 2015.

4. Email on behalf of the applicant dated 9 October 2015.

5. Email on behalf of the applicant dated 16 October 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – ogibson@westminster.gov.uk

**Planning Applications Committee (2)
6 October 2015**

6 53B CLIFTON HILL, NW8

Erection of dormer and rooflight to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.

An additional representation was received from Petr Medvedev (01.10.2015).

The presenting officer tabled the following conditions and an informative in the draft decision letter:

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. The windows must be timber-framed and painted white. They must then be maintained that 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)

4. The roof must be covered in natural slate with the exception of the lower rear roof slope which must be covered in zinc.

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 samples of the following parts of the development:

- (i) the natural slate for the pitched roof;
- (ii) zinc cladding for the rear roof.

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 samples. (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)

6. The rooflights in the front and rear roof slope must be "Conservation style" rooflights.

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. The windows in the rear dormer must be obscure glazed. A sample of the obscure glass shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development. The dormer windows shall also be fitted with restrictors to limit the extent of opening. Details of the restrictors and size of the opening shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development.

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.

RESOLVED:

That the application be deferred to allow the applicant to remove the glazing on the rear elevation on amenity grounds and to inform the applicant that the rooflights already constructed are considered acceptable.

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 6 October 2015	Classification For General Release	
Addendum Report of Director of Planning		Wards involved Abbey Road	
Subject of Report	53B Clifton Hill, London, NW8 0QE		
Proposal	Erection of dormer and rooflight to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.		
Agent	Alastair Howe Architect		
On behalf of	Mr & Mrs Sam Green		
Registered Number	15/01668/FULL	TP / PP No	TP/12048
Date of Application	24.02.2015	Date amended/ completed	24.07.2015
Category of Application	Other		
Historic Building Grade	No. 53 Grade II Listed Building		
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

Grant conditional permission.

2. SUMMARY

This application which seeks permission for the erection of a dormer and one rooflight to rear roof slope, installation of new rooflights to the front roof slope and alterations to the front elevation was reported to the Planning Applications Committee on 30 June 2015. The Committee resolved to defer the application to enable the applicant to consider revisions to the dormer windows on the boundary of the site with No.56 Abbey Road to address the Committee's concerns that the dormer would be un-neighbourly and give rise to an increased sense of enclosure and perceived sense of being overlooked for occupiers of this neighbouring property.

Since the Planning Applications Committee on 30 June 2015 the applicant has revised the scheme as follows in response to the Committee's resolution:

- (i) The rear dormer has been set back from the eaves of the rear roof slope by 550mm to either side of the central glazed section, which is set back by 250mm (previously the set back across the entire length of the dormer was 250mm).
- (ii) A conservation rooflight has been added to the rear roofslope above the rear dormer.
- (iii) The drawings have been annotated to make clear that the rear dormer windows will be fitted with opaque glass.

The form and detailed design of the revised dormer window is similar to that previously considered by the Committee in June 2015. The amendments to address the Committee's amenity concerns have resulted in the dormer being set back further from the existing roof edges and rear elevation, which forms the boundary with the garden of No.56 Abbey Road and as such, following revision the dormer would become slightly more recessive than was initially proposed. The objector has queried the height of the revised dormer above the garden wall of No.56 Abbey Road; however, this would be no higher than previously proposed; namely 900mm. The additional conservation rooflight set within the rear roof slope is not objectionable in design terms. In this context, it is not considered that permission could reasonably be withheld on the design grounds for objection that have been raised in response to consultation on the revised scheme.

The Committee's previous concerns were principally concerned with the impact the proposed dormer would have on the occupiers of No.56 Abbey Road in terms of increased sense of enclosure and overlooking. The revisions to the scheme, set out in detail earlier in this report have set the dormer windows further back from the roof edge at the boundary with No.56 Abbey Road, by approximately 300mm either side of a projecting central section of the dormer. Additionally the applicant has now confirmed by annotation of the drawings that the dormer windows will be obscure glazed. A condition is recommended requiring the windows to be obscure glazed and fitted with restrictors to prevent overlooking towards the windows and rear garden of No.56 Abbey Road. The occupiers of No.56 Abbey Road do not consider the amendments to have overcome their amenity concerns and their representations in relation to the revised scheme are summarised in this report with the full copy of their letter included in the background papers. However, notwithstanding these sustained objections, it is considered that the recommended condition would ensure that the proposed rear dormer would not give rise to an unacceptable loss of amenity for the occupiers of No.56 Abbey Road.

Concern has been raised in response to consultation on the revised scheme that works are being undertaken on the application site without the benefit of planning permission. These matters have been reported to the Planning Enforcement Team and they are in the process of investigating these alleged breaches of planning control.

3. CONSULTATIONS

ADDITIONAL AND LATE REPRESENTATIONS REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 30 JUNE 2015

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

2 emails/ letters received raising objection on all or some of the following grounds:

- The report fails to acknowledge previous application 12/01980/FULL and 12/02006/LBC involving 'Extension of time for the commencement of development granted on 5 March 2009 (extant permission 08/04431) for demolition of existing two storey house and construction of new house comprising basement, ground and first floors with terrace at rear first floor level'. Its refusal is a material consideration.
- The report incorrectly refers to the height of the dormer above the boundary wall of 500mm.
- Report does not address the loss of skyline when viewed from the ground floor conservatory and annex. This point was made extensively in initial representations.
- Request that the draft condition requiring opaque glass to be changed so that it is also opaque and does not allow interior lighting to be seen externally to prevent light pollution.
- Committee report recommends restrictors to be fixed to the windows however this was not included in the draft decision notice.
- Concerned that construction works have commenced on site without planning permission. No survey or party wall and it is understood from conveyance report there was an uncertainty/ dispute regarding this matter that still remains unresolved. If this matter is outside of the Councils controls guidance from the Council as to which of Westminster's authorities should be contacted is requested.

CONSULTATION ON REVISED SCHEME FOLLOWING PLANNING APPLICATIONS COMMITTEE ON 30 JUNE 2015 - AMENDMENT TO REAR DORMER AND ADDITIONAL ROOFLIGHT (AUGUST 2015)

ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 10; Total No. of Replies: 1.

One email from the occupier of No.56 Abbey Road raising objection on the following grounds:

Design

- All reasons specified in the previous objections remain valid and revised design does not address these.
- Poor design and choice of materials. Partial zinc covering does not respect character of Conservation Area.
- Proposed alterations are not in keeping with existing urban grain of this part of St John's Wood.

Amenity

- Proposed dormer reduces the amount of visible sky thus reducing the quality of living space.

Other Matters

- Sceptical that conditions requiring glass to be opaque will be adhered with. This is due to construction works being undertaken presently without buildings regulations approval, planning approval, and boundary wall agreements. Photographs supplied.

- Design of the roof being erected presently is not in compliance with revised drawings as per letter of 14 August 2015.
- Lack of clarity of the drawings still. Dormer appears to be 1.2m above height of rear wall compared to 900mm in scheme considered by the Committee 30 June 2015 so is taller.
- Revised drawings do not include details of west elevation containing the existing window, even though works are evidently being carried out in relation to this window facing No. 53 Clifton Hill.
- No fire escape route planned.

Letter received from the applicant in support of the application, which makes the following observations:

- Acknowledge the objections received from adjoining occupiers.
- Confirm that works have been undertaken involving the removal of the roof which does not require planning permission.
- Note that they intend to erect a "mock up" of the dormer for parties to see and invite the case officer and adjoining occupiers to come and view the mock up to understand the impact.

BACKGROUND PAPERS

1. Representations as report to the Planning Applications Committee on 30 June 2015.
2. ADDITIONAL AND LATE REPRESENTATIONS REPORTED VERBALLY TO THE 30 JUNE 2015 COMMITTEE
3. Emails (x3) from occupier of 56 Abbey Road dated 12 June and 30 June 2015 and email responses from the case officer.
4. Email on behalf of the occupier of 56 Abbey Road dated 29 June 2015.
5. Historic email received by Westminster Council requesting the withdrawal of their 2012 applications RN:12/01980/FULL and 12/02006/LBC dated 3 April 2014.
6. REPRESENTATIONS RECEIVED FOLLOWING DEFERRAL OF APPLICATION ON 30 JUNE 2015 IN RESPONSE TO RECONSULTATION ON REVISIONS
7. Email from the occupier of 56 Abbey Road dated 28 June 2015, including attached letter and photographs.
8. Letter from the owners of 53B Clifton Hill (the applicants) dated 8 September 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – ogibson@westminster.gov.uk

RESOLUTION

Planning Applications Committee Minute – 30 June 2015

ITEM 353B CLIFTON HILL, NW8

Erection of dormer to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.

Late representations were received from Petr Medvedev (29.06.15 and 30.06.15) and Robert Bullock (29.06.15).

RESOLVED:

That the application be deferred, to enable the applicant to consider revisions to the dormer windows on the boundary.

APPENDIX

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 30 June 2015	Classification For General Release	
Report of Director of Planning	Wards involved Abbey Road		
Subject of Report	53B Clifton Hill, London, NW8 0QE		
Proposal	Erection of dormer to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.		
Agent	Alastair Howe Architect		
On behalf of	Mr & Mrs Sam Green		
Registered Number	15/01668/FULL	TP / PP No	TP/12048
Date of Application	24.02.2015	Date amended/ completed	24.02.2015
Category of Application	Other		
Historic Building Grade	No. 53 Grade II Listed Building		
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

Grant conditional permission.

Item No.
3

2. SUMMARY

This application was due to be considered by Committee on 2 June 2015 but was withdrawn from the agenda by officers in the light of late representations received. This application relates to a full width rear dormer window to this two storey house which is attached to the Grade II listed house at No. 53 Clifton Hill. Other alterations include three new rooflights to the front slope and relocating the front door and new window.

Objections have been received from neighbours on the grounds that the rear dormer will result in loss of privacy, loss of light and enclosure, and out of keeping with the existing building and conservation area. Objections also raised to alterations to the front of the building on design and land ownership grounds.

The main issues are:

- The impact on adjoining residents' amenities.
- The impact on the appearance of this building, the setting of the adjoining listed buildings and on this part of the St John's Wood Conservation Area.

The principle of adding a rear dormer (which included a small recessed external terrace) has been previously agreed by the City Council in 2009 when permission was granted for a new house, albeit this permission has now lapsed.

In design terms, the proposed dormer and external alterations are considered acceptable. It is recognised that the location of the rear dormer on the garden boundary (which is not a good neighbour) with No. 56 Abbey Road has the potential to cause overlooking, but it is recommended that a condition be imposed to ensure the use of obscure glazing to the windows in the dormer. It is not considered that the proposal will result in such a material loss of light or increased sense of enclosure to neighbouring houses or gardens to warrant refusal of permission.

3. CONSULTATIONS

ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 10; Total No. of Replies: 5.

Five objections received from Nos. 51 and 53 Clifton Hill and No. 56 Abbey Road.

Land Use

- Creating a three bedroom house fails to comply with the Mayor's space standards. The proposal seeks to increase the property into a three double bedroom house with less living space and without complying with internal space standards or outdoor amenity space.

Amenity

- Dormer windows would result in overlooking, and perceived overlooking, of neighbouring properties given windows are located in close proximity to boundary.
- Conservatory which dormer faces at No. 56 Abbey Road now contains a kitchen compared to the 2009 permission where the conservatory was not a main habitable room.
- Development would result in daylight/sunlight deficiencies for adjoining properties. The Council should request that the applicant submit a BRE Daylight analysis as officers have made a finger in the air judgement.

Item No.
3

- Proposal will result in loss of light and overshadowing to the small rear yard of No. 53 which is their only outside space. Loss of light to rear facing windows at first floor to No. 53.
- Report fails to address the objections made by No. 56 to loss of skyline.
- Request more updated and detailed plans be provided.
- Request that if opaque glass is a condition, the glass should not allow any interior lighting to be seen externally to address light pollution to the upper floors of No. 56. The draft decision letter does not include a condition to impose restrictors to be fitted to the dormer windows.

Design

- The application has failed to explain how it has been considered in terms of the conservation area or listed buildings context. The proposed changes alter the existing subservient relationship to the main house.
- Construction of windows on the boundary is a poor design.
- Alterations to the fenestration of the front elevation disrupts the subservient relationship between the host building, No. 53 Clifton Hill, and the application site.
- Proposal fails to comply with Policies DES 1, DES 5 and DES 6 in the UDP.

Other Matters

- Relocated door on front elevation results in access over land which is not in the application site demise and is impractical - applicant has no legal right of access.
- Section AA and proposed east elevation show different roof height in relation to host building (No. 53) therefore it is difficult to assess impact and the Committee report dated 2 June 2015 fails to consider this.
- Question how construction works will take place given it is such a tight site.
- No Construction Method Statement provided.
- The Committee report in the Planning History section is mute that an application to extend the 2009 permission was denied by the Council.
- Report is incorrect in relation to the increase in height and this needs to be corrected.
- Construction works have already started on site.

ADVERTISEMENT/SITE NOTICE: Yes

ADDITIONAL INFORMATION RECEIVED

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 3; Total No. of Replies: 0.

A 14 day consultation letter has been sent out and any responses received will be reported verbally to Committee.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site at 53B Clifton Hill is a converted former coach house/garage which is currently in use as a single family dwelling. It comprises open plan accommodation on the ground floor with two bedrooms in the roof space. Although the building is not listed, it is physically attached to the Grade II listed building at No. 53 Clifton Hill and is also within the St John's Wood Conservation Area.

Item No.
3

4.2 Planning History

Planning permission and listed building consent were granted on 5 March 2009 for the demolition of existing two storey house and construction of new house comprising basement, ground and first floors with terrace at rear first floor level.

This permission resulted in a new dwelling that mirrored the form of the existing building and incorporated a new rear dormer. The approved drawings indicated that the windows in the rear dormer (serving a bedroom and shower room) would be fitted with translucent glass (which was conditioned). The plans also indicated a small recessed terrace as part of the new dormer. These approvals have now expired but are material considerations in the determination of this latest planning application, albeit the weight which can be attached is less.

Applications were submitted in 2012 for an extension of time of the 2009 planning permission and listed building consent for a new house, but were withdrawn by the applicant.

5. THE PROPOSAL

Permission is sought for the erection of a full width rear dormer. It will be 0.9m above the height of the existing garden wall parapet, 8.1m in length and 1.2m below the apex of the roof. Other alterations include the installation of three 'conservation' rooflights to front roof slope and alterations to front elevation which include new window and repositioning the front door. Internally it is proposed to lower the first floor level in the rear part of the house.

This application was due to be considered by Committee on 2 June 2015. In the light of late representations received regarding the accuracy of the submitted drawings and land ownership, the application was withdrawn by officers from the agenda.

As a result, the agent submitted additional drawings, and confirms that the apex to the roof is not changing height. There is a difference between the east elevation and the section due to the fact that this elevation forms a parapet which is significantly higher than the roof itself as examination of the north and south elevations and the submitted photographs show.

The applicant has confirmed that the location plan submitted with the application is correct according to the land registry. There is a strip of land in front of the north elevation which is in the applicant's ownership, and the applicant states that the proposed front door location does not require access over land not in the ownership of the applicant. The objectors have been consulted on these additional changes and any responses received will be reported verbally to Committee.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The works are proposed in connection with the creation of more internal floor area in connection with the existing single dwelling. There are no objections therefore in land use terms. An objection has been received that the resulting three bedroom house fails to meet the Mayor's space standards and has no outdoor amenity space. This proposal is for an extension to an existing house rather than a new build or conversion and therefore it would be unreasonable for the Council to refuse permission on these grounds.

Item No.
3

6.2 Townscape and Design

The existing building has the appearance of a converted garage as it is clearly subordinate to the attached listed house at 53 Clifton Hill. The proposed external alterations would consist of a full width dormer with a zinc covered roof that is located on the rear roof slope. The height of the dormer would be 500mm above the back rear wall. The form would be similar to that which was granted in 2009, albeit its detailed design is now different.

Objections have been raised on the grounds that the full width dormer would not be in keeping with the character of the area and that the party wall upstand be visible from Abbey Road. It is acknowledged that the party wall upstand will be visible from public views from Abbey Road and the dormers will be visible from private views from adjoining houses and gardens. Nevertheless, the proposal is not considered to materially harm the special architectural and historic interest of the adjoining Grade II listed houses and preserve the character and appearance of this part of the St John's Wood Conservation Area.

In terms of the front alterations, these consist of reorganization of the fenestration and relocation of the door. The objector from No. 53 states these alterations increase the prominence of No. 53B to the detriment of the historically subservient relationship between the converted garage and host building at No. 53. These comments are acknowledged, however, this relationship is not considered to be altered to an extent which would disrupt the hierarchy of the two buildings or harm the special architectural and historic interest of the main building.

An objection has been raised that the applicant has not provided a Heritage Statement explaining the alterations within the conservation area and listed building setting. The agent subsequently provided a Design and Access Statement at the request of officers. It describes the proposed alterations but does not expand on the rationale in terms of the impact upon the surrounding heritage assets, other than explaining that the proposed materials consisting of zinc roof and powder coated aluminum windows are of good quality with an attractive appearance that would take account of the adjoining buildings. It is acknowledged that the supporting statement is brief in its consideration of the neighbouring context. Notwithstanding this, the impact on the special architectural and historic interest on the adjoining listed buildings and the wider conservation area has been fully assessed on site by officers.

The proposals therefore comply with Policies S25 and S28 in the City Plan and DES1, DES5, DES6, DES9 and DES10 in the UDP.

6.3 Residential Amenity (Light /Enclosure and Privacy)

Loss of light

The adjoining neighbours all object on grounds that the proposal will result in daylight/sunlight deficiencies at their respective properties and request that the Council insist that the applicant submit a detailed analysis using the BRE guidelines. It is not considered that such a detailed report is required in this instance as the proposal has been assessed by officers on site.

With regard to No. 56 Abbey Road, given that the application site lies to the north of the objector's property, in accordance with the BRE guidelines, a sunlight test is not required. In terms of daylight, it is acknowledged by the previous decision that the increase in height is likely to lead to a reduction in daylight to the annexe and conservatory. However, this property is a single family dwelling with well-lit rooms to the majority of the house whilst the annexe is dual aspect with windows facing north and west. Furthermore, the conservatory where the kitchen is now located lies in front of the dormer for less than half of its length. It is not considered therefore that a small reduction in daylight to the north facing windows to the studio annexe and a small portion of the kitchen would be material.

Item No.
3

With regard to the courtyard at No. 53 Clifton Hill, it is acknowledged that this area is sensitive given the existing enclosed character due to the flank wall of the application site and garden wall of No. 56 Abbey Gardens. In terms of daylight, there will be some loss, but again not so severe to justify refusal of permission. In terms of sunlight, given the sunken nature of the courtyard already, the proposed dormer is not likely to interfere with sunlight in this location. There may be some minor impact upon the rear elevation in the morning, however, the rear elevation has a south east orientation with windows on the upper floors that would remain well sunlit, which, in accordance with the BRE guide, is an indication of a reasonably sunlit building.

With regard to No. 51 Clifton Hill, given that the rear elevation of the application site is approximately 5m forward of the rear facade of No. 51 Clifton Hill, the impact of the dormer upon daylight and sunlight levels is considered to be negligible. Furthermore, the rear elevation of No. 51 also has a south east orientation with windows across three floors that would continue to receive good levels of sunlight.

Sense of Enclosure

It is recognised that the rear dormer, because of its size and location, will result in an increased sense of enclosure to the rear garden of No. 53 Abbey Road and affect outlook from the studio annexe. There will also be an increase in the sense of enclosure to the occupiers at No. 53 and No. 51 Clifton Hill, but again the loss of amenity is not considered to be so severe to warrant the refusal of permission.

Overlooking

Objections have been received on overlooking grounds from No. 56 Abbey Road, whose garden directly abuts the rear wall of the application property, and similar concerns have been raised by No. 51 Clifton Hill.

With regards to No. 56 the objector has a kitchen conservatory which has a direct view of the rear elevation of the application site. Both objectors are concerned that their properties will be overlooked from the proposed windows in the rear dormer, the former also citing a perceived overlooking.

The proposed windows in the dormer are 1.6m above floor level of No. 53B which may limit direct views into neighbouring houses and gardens, however, given the dormer is located on the boundary, the concerns of the neighbours are well understood.

It is recommended that a condition be imposed to ensure that these windows are obscure glazed and given they serve two bedrooms and a shower, it is recommended that restrictors be fitted to limit the degree which these windows can open. The applicant has confirmed that these windows open inwards.

An objector requested that the windows be obscure glazed to prevent any internal light to be visible from neighbouring properties. It is not considered that the proposal would result in unacceptable light pollution to neighbours, and it is considered that the use of obscure glazing and restrictors are reasonable in the circumstances.

6.4 Transportation/Parking

Not relevant in the determination of this householder application.

Item No.
3

6.5 Equalities and Diversities (including Disabled Access)

The proposal is not considered to raise equality and diversity issues.

6.6 Economic Considerations

The proposal does not raise specific economic considerations.

6.7 Other UDP and Policy Considerations

The proposal raises no additional policy issues.

6.8 London Plan

The proposal raises no London Plan issues.

6.9 National 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 is a limited degree of conflict with the framework. The City Council is now required to give due weight to the 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 policies in 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 not of sufficient scale to require a planning obligation.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The proposal is not of sufficient scale to require a planning obligation.

6.12 Other Matters

Representations from No. 53 highlight that the repositioned front door will align with the driveway of No. 53 over which the owner/occupiers of No. 53B have no legal right of way. This, however, is a private matter and is not a material planning consideration that could form grounds for withholding planning permission.

Objectors have stated there are discrepancies in the plans that have made it difficult to assess. Officers have visited the site and adjoining sites of No. 53 Clifton Hill and No. 56 Abbey Gardens, and have been able to clearly see the proposal within the context of the site.

Revised plans were submitted at the request of officers to better demonstrate any differences in height that are proposed. The east (side) elevation indicates with a dashed line the pitch of the existing roof and proposed dormer. The two solid lines show the existing parapet line which is raised at the party wall to accommodate the dormer behind it. The dormer rises above the garden wall by 900mm. This is the same as was proposed in the 2009 permission. The plans therefore are considered to be legible and accurate for the purposes of determining the application.

Given this is a household application, there is no need for the Council to insist that a Construction Management Plan is submitted.

7. CONCLUSION

The proposal is acceptable in design and amenity terms and is recommended for approval.

BACKGROUND PAPERS

1. Application form.
2. Letter from agent on behalf of occupier of 53 Clifton Hill London NW8 dated 26 March 2015.
3. Letter from agent on behalf of occupier of 56 Abbey Road London NW8 dated 24 March 2015.
4. Email from agent on behalf of occupier of 56 Abbey Road London NW8 dated 24 March 2015.
5. Letter from Barrister on behalf of occupier of 56 Abbey Road London NW8 dated 24 March 2015.
6. Letter from agent on behalf of occupier of 51 Clifton Hill London NW8 dated 24 March 2015.
7. Letter from agents acting on behalf of 53 Clifton Hill c/o Smith Jenkins 30 A High Street Stoney Stratford Milton Keynes dated 2 June 2015.
8. Email from 56 Abbey Road, London NW8 dated 11 June 2015.
9. Copy of 2009 permission and plans.

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: 53B Clifton Hill, London, NW8 0QE

Proposal: Erection of dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.

Plan Nos: Letter from DP9 dated 24 July 2015, A-01c, A-02a, A-03a, A-04c, A-05d, SK-10a, Land registry Plan dated 3/5/77.

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

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 The windows must be timber framed and painted white. They must then be maintained that 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)

- 4 The roof must be covered in natural slate with the exception of the lower rear roof slope which must be covered in zinc.

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 samples of the following parts of the development:

- (i) the natural slate for the pitched roof;
- (ii) zinc cladding for the rear roof.

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 samples.
(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)

6 The rooflights in the front and rear roof slope must be "Conservation style" rooflights.

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 All of the windows in the rear dormer must be opaque glazed and permanently fixed shut. A sample of the opaque glass shall be submitted to and approved by the City Council as local planning authority prior to occupation of the development. The development shall be carried out in accordance with the sample of opaque glazing that we approve. The obscure glass shall then be fitted prior to occupation of the enlarged dwellinghouse and shall not be removed, unless approved in writing by the City Council.

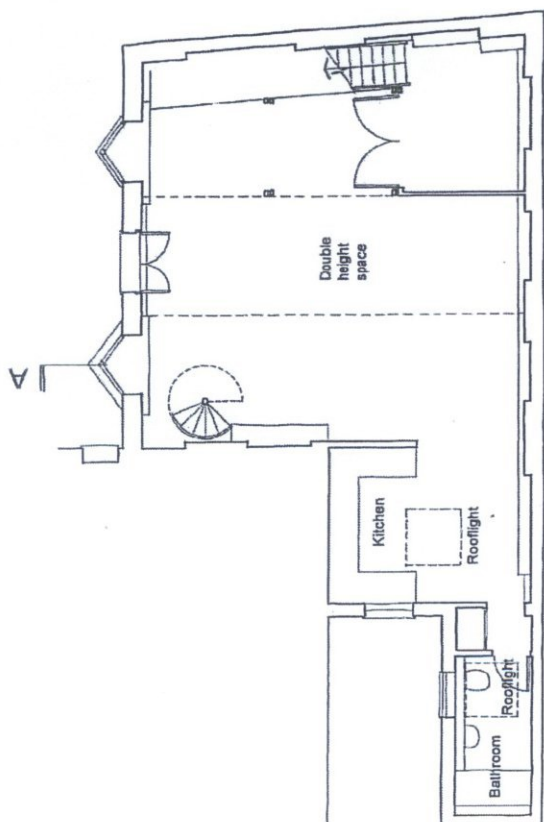
Reason:

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)

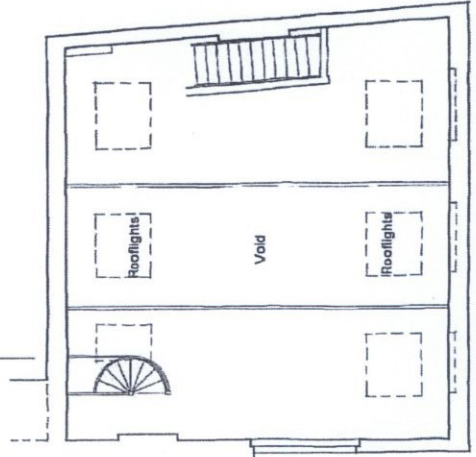
Informative(s):

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.

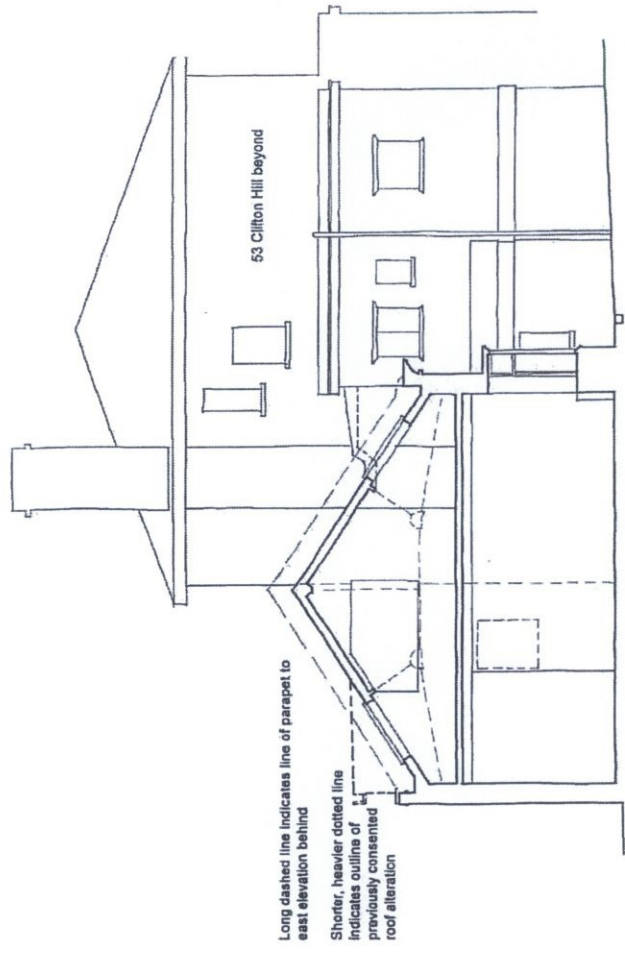
EXISTING



Ground Floor Plan



First Floor Plan

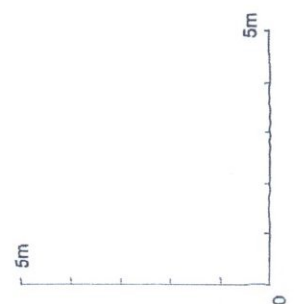
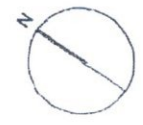


Section A-A

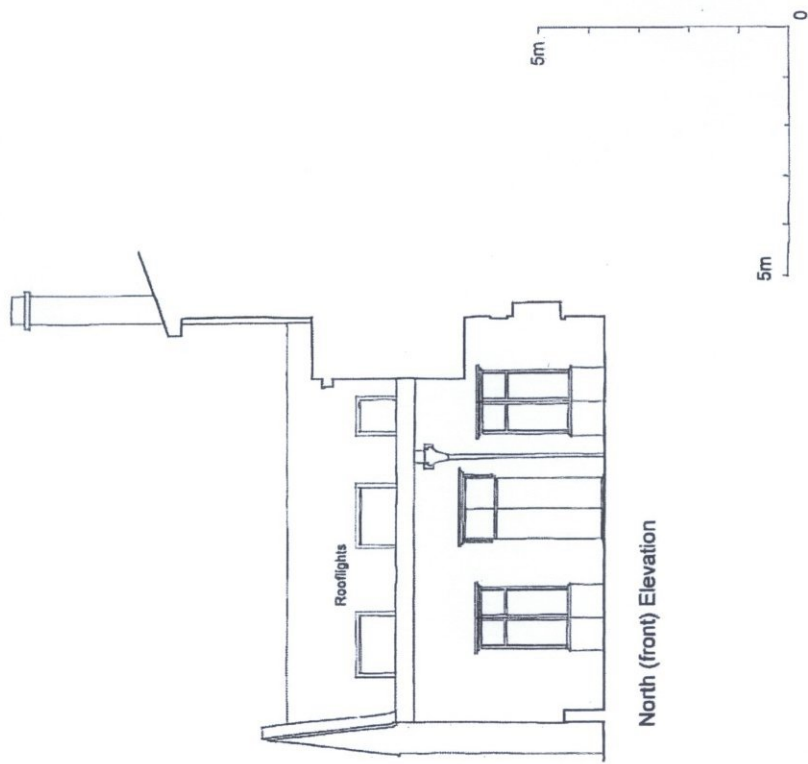
Revisions:
 A - 6.5.15 - Line of parapet to east elevation added to section
 Do not scale from drawing. Work to figured dimensions only. In event of discrepancy contact architect for clarification before proceeding. If in doubt ASK Dimensions in millimetres.

Drig No Project: 53b Clifton Hill, London NW8 0QE
 Title Existing Plans & Section
 Scale 1:100 FS@A3 Date Feb 2015

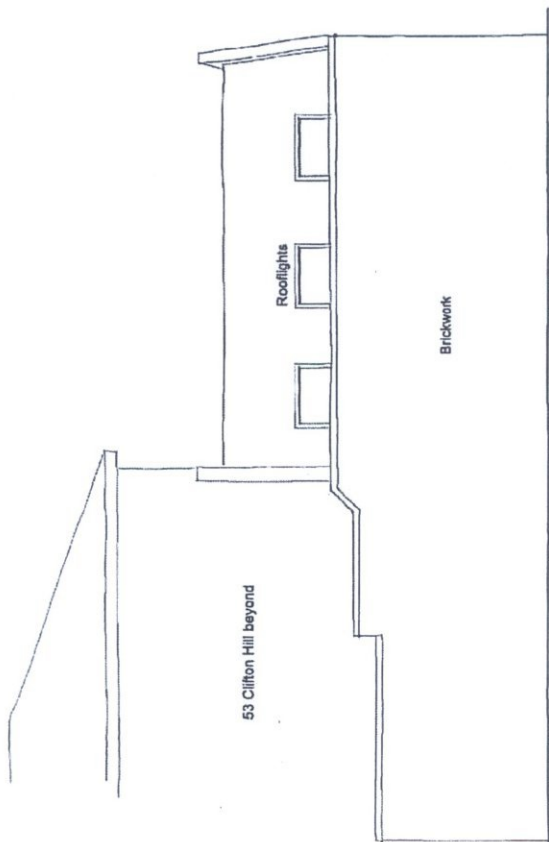
A-02a T. 0 1 2 7 9 4 3 9 6 4 0
ALASTAIR HOWE ARCHITECT
 www.alastairhowe.co.uk



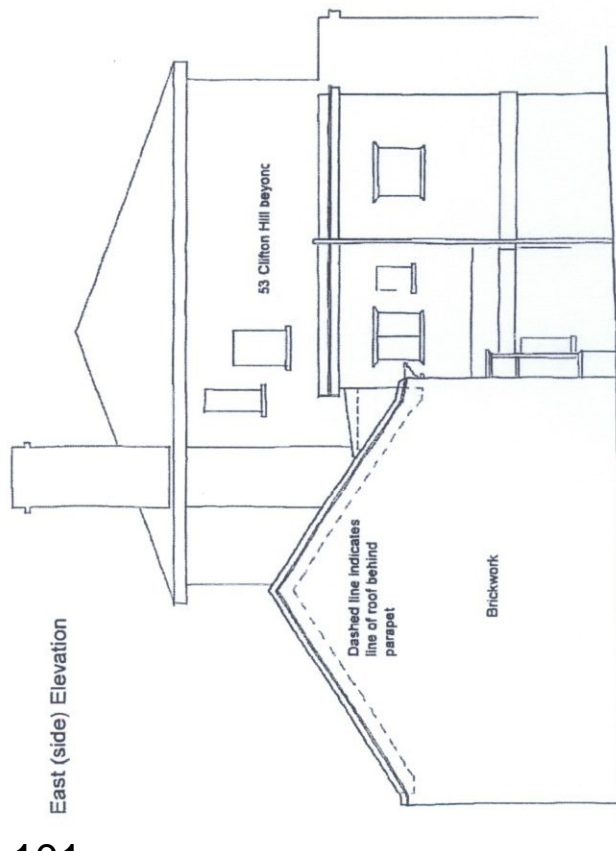
EXISTING



North (front) Elevation



South (rear) Elevation



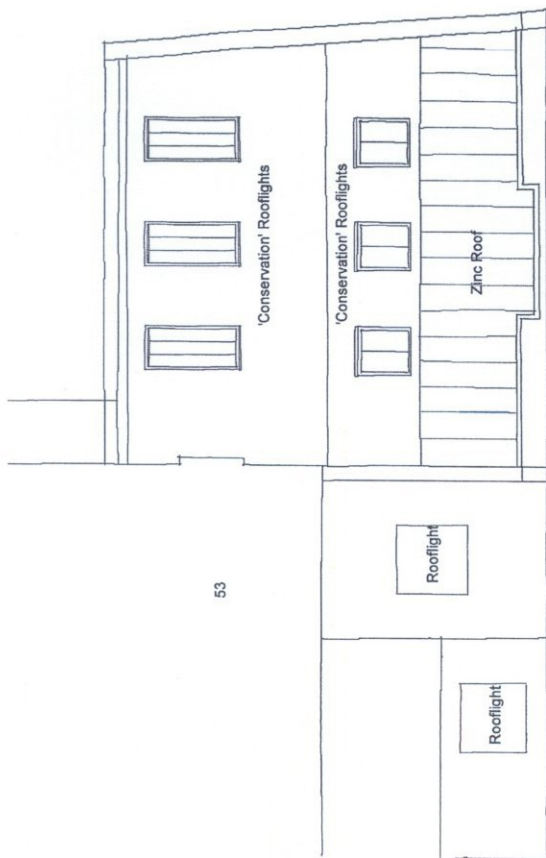
East (side) Elevation

Revisions
 A - 6.6.15 - Line of roof behind parapet added to east elev.
 Do not scale from drawing. Work to figured dimensions only. In event of discrepancy contact architect for clarification before proceeding. If in doubt ASK. Dimensions in millimetres.

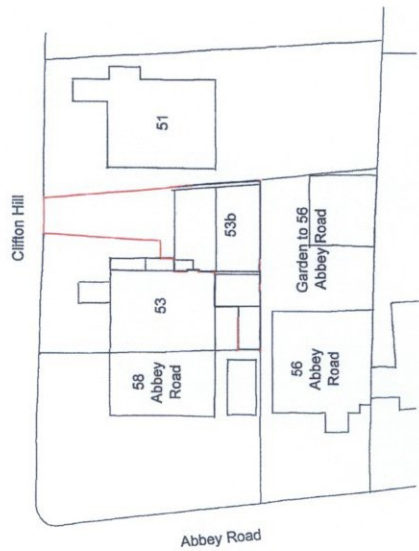
Dwg No Project: 53b Clifton Hill, London NW8 0QE
 Title Existing Elevations
 Scale 1:100 FS @ A3 Date Feb 2015

A-03a T. 0 1 2 7 9 4 3 9 6 4 0

ALASTAIR HOWE ARCHITECT
 W W . a l a s t a i r h o w e . c o . u k



Roof Plan - Proposed



Block Plan
Scale 1:500



Location - 1:1250 Scale

Reproduced with the permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationary Office.
© Crown Copyright AL100032090

CASE COPY

- Revisions
 A - 6.6.15 - 56 Abbey Road labeled
 B - 23.7.15 - Volume to eaves reduced
 C - 9.10.15 - Additional rear rooflights added

Do not scale from drawing. Work to figured dimensions only. In event of discrepancy contact architect for clarification before proceeding. If in doubt ASK Dimensions in millimetres.

Dwg No Project: 53b Clifton Hill, London NW8 0QE

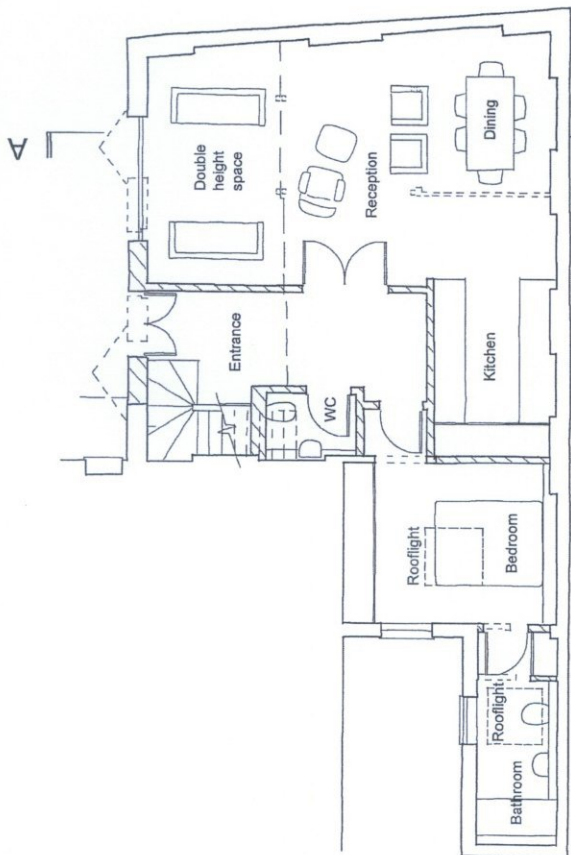
Title Location, Block & Roof Plans

Scale 1:100, 500 & 1250 FS@ A3 Date Feb 2015

ALASTAIR HOWE ARCHITECT

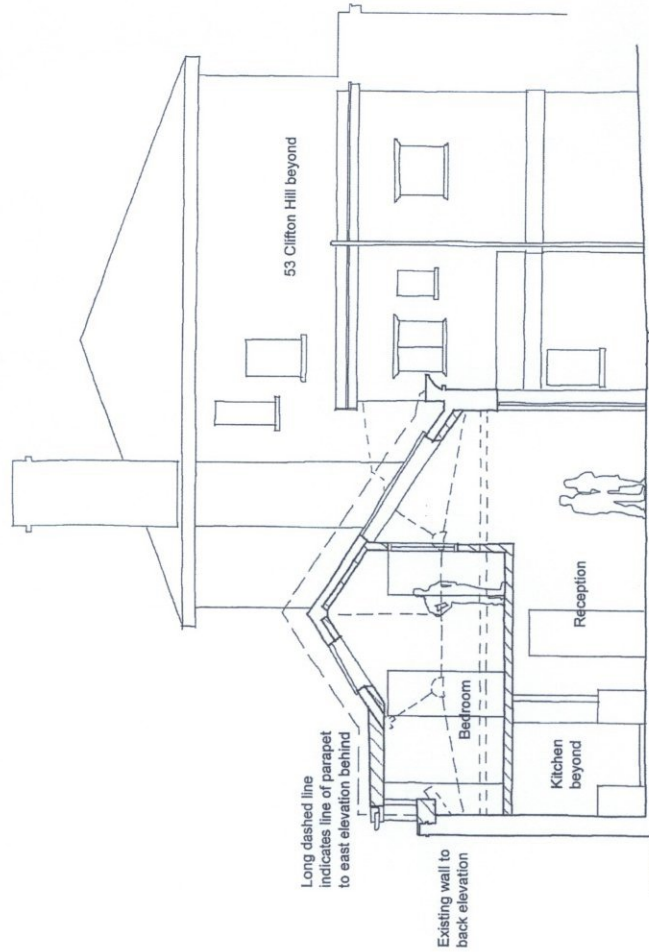
www.alastairhowe.co.uk

T. 0 1 2 7 9 4 3 9 6 4 0

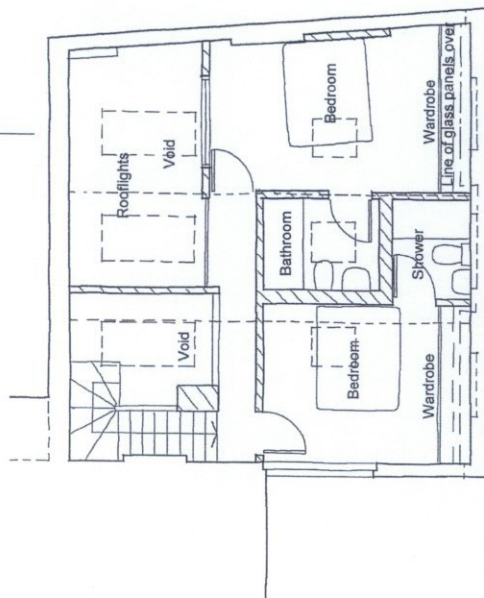


Ground Floor Plan

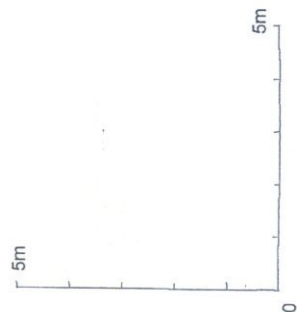
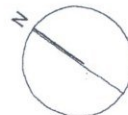
Hatched areas indicate new walls



Section A-A



First Floor Plan



CNS COSM

- Revisions
 A - 6.6.15 - Parapet to east elevation indicated on section
 B - 23.7.15 - Volume reduction to eave
 C - 8.10.15 - Additional rooflights to rear elev

Do not scale from drawing. Work to figured dimensions only. In event of discrepancy contact architect for clarification before proceeding. If in doubt ASK Dimensions in millimetres.

Drg No Project: 53b Clifton Hill, London NW8 0QE
 Title Proposed Plans & Section
 Scale 1:100 FS @ A3 Date Feb 2015
A-04c T: 0 1 2 7 9 4 3 9 6 4 0
ALASTAIR HOWE ARCHITECT
 www.alastairhowe.co.uk

This page is intentionally left blank

Agenda Item 4

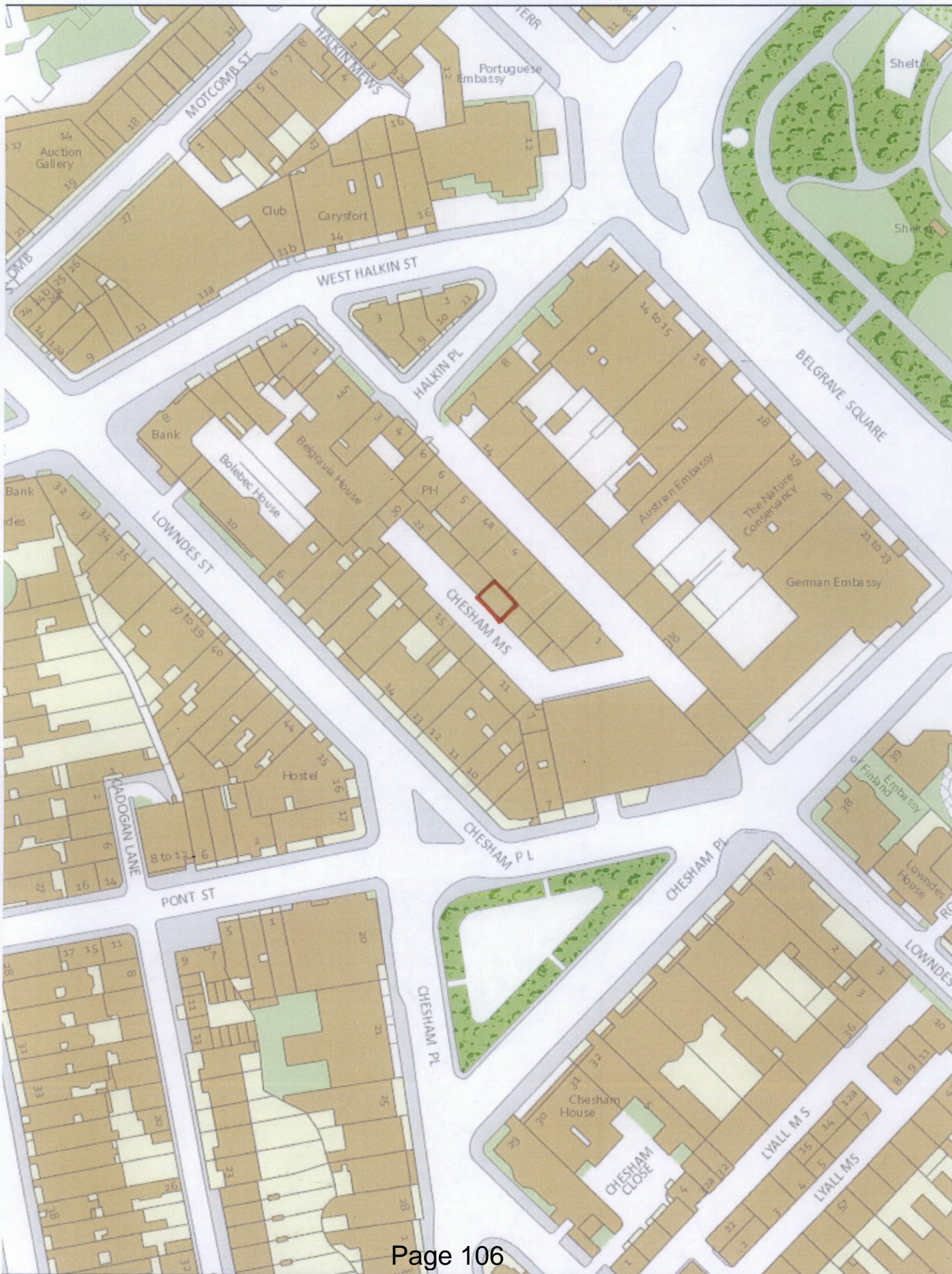
Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 December 2015	Classification For General Release	
Report of Director of Planning		Wards involved Knightsbridge And Belgravia	
Subject of Report	25 Chesham Mews, London, SW1X 8HS		
Proposal	Replacement of mansard roof and excavation to create a single storey basement beneath the existing building footprint and alterations to front elevation.		
Agent	Concept Eight Architects Ltd		
On behalf of	Mr Romanos Brihi		
Registered Number	15/02502/FULL	TP / PP No	TP/7674
Date of Application	20.03.2015	Date amended/ completed	02.04.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		
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

Grant conditional permission.





25 CHESHAM MEWS SW1

2. SUMMARY

25 Chesham Mews is a two storey mid terrace mews property with mansard roof. It is in use as a single family dwellinghouse and is located within the Belgravia Conservation Area.

Planning permission is sought for a replacement mansard roof extension, excavation to create a single storey basement beneath the existing building footprint and alterations to the front elevation.

The key issues for consideration are:

- The impact on the character and appearance of the building and the Belgravia Conservation Area.
- The impact on the amenity of neighbouring residents.

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

3. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Raise concern that internal works within the garage may result in the loss of an off-street parking space.

BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using traditional underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 14; Total No. of Replies: 1.

One objection from a neighbour on the following grounds:

- Chesham Mews is a small cul-de-sac and residents have been adversely affected by a cumulative impact of developments.
- Noise and disturbance caused during construction works.
- Construction will cause traffic management problems.
- Basement will provide sub-standard accommodation.
- Adverse impact on the water table.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

25 Chesham Mews is a mid terrace single family dwellinghouse comprising of two storeys with mansard roof. The property is not listed but is located within the Belgravia Conservation Area.

4.2 Relevant History

27 February 1992: Planning permission granted for a mansard roof extension (91/05234/FULL).

5. THE PROPOSAL

Planning permission is sought for a replacement mansard roof extension, excavation to create a single storey basement beneath the existing building footprint and alterations to the front elevation.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The new basement and extension would create ancillary residential accommodation. The proposal to extend this single family dwelling is considered acceptable in principle and is in line with Policy H3 of the UDP and S14 of the City Plan.

6.2 Townscape and Design

25 Chesham Mews is located within the Belgravia Conservation Area. It is not a listed building. This application proposes to excavate a basement and to remove and then rebuild the existing mansard.

The basement has no external manifestation and given that the building is not listed, it is not considered harmful.

The mansard would match that of the neighbouring building and is only slightly taller than existing. Again, this is not considered to harm the appearance of the building or the character and appearance of the conservation area.

The proposals are therefore considered acceptable in design terms in accordance with design Policies S28 of the City Plan and DES 1, DES 5, DES 6 and DES 9 of the UDP.

6.3 Amenity (Daylight/Sunlight/Noise/Sense of Enclosure)

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

Given its subterranean location and limited external manifestations, the proposed basement would not materially impact on the amenity of neighbouring residents.

The replacement mansard is only slightly taller than existing and is not considered to harm the amenity of neighbouring residents in terms of loss of light, sense of enclosure, or overlooking.

A condition is recommended to prevent the use of the extension's roof for sitting out or for any other purpose except for emergency or maintenance purposes.

The proposal is considered to comply with Policies S29 and S32 in the City Plan and Policies ENV6 and ENV 13 in the UDP.

6.4 Transportation/Parking

As the enlarged property will continue to be used as a single family dwelling, the proposals are considered acceptable in highways terms.

The Highways Planning Manager raised concerns that should works within the garage reduce its depth to below 4.9m then it may no longer be able to facilitate off-street parking. Consequently, the garage floor plan has been amended to show it would provide a depth of 5.485m. A condition is recommended to restrict the use of the garage for off-street parking.

The impact associated with the excavation and construction is considered in Section 6.11 of this report.

6.5 Economic Considerations

The economic benefits generated by the development are welcomed.

6.6 Other UDP/Westminster Policy Considerations

Whilst it is inevitable that the development of the site would result in some disturbance to neighbouring occupiers, it is not considered that it would be reasonable to impose more stringent hours of work controls than would normally be imposed in relation to this type of development.

It is acknowledged that the new accommodation at basement level may not meet recommended guidelines with regards to natural light and ventilation. The plans show that the new accommodation will provide a gym, TV room, toilet, and plant/linen area, and will not be used for primary habitable purposes, such as a bedroom. The proposals are acceptable on the basis that the new basement is used as ancillary accommodation in connection with a large single family dwellinghouse.

The application drawings do not include any details of new external mechanical plant. An Informative is recommended to advise the applicant that permission would be required for external plant.

6.7 London Plan

The proposal does not raise strategic issues.

6.8 National Policy/Guidance Considerations

Central Government's 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 City Plan 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 proposals are of insufficient scale to generate a requirement for any planning obligations.

6.10 Environmental Assessment

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

6.11 Other issues

6.11.1 Basement Excavation

Although it is accepted that there is no specific provision within the Town and Country Planning (General Permitted Development) (England) Order (2015) for the excavation of basements, it is reasonable to assume that such works fall within an 'enlargement' of a dwellinghouse and should be subject to the same limitations as a conventional extension, as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order (2015).

The enlarged single storey basement accommodation is beneath the entire footprint of the original property and as such may be considered permitted development. However, because a planning application has been submitted the Council's normal basement considerations apply.

The impact of the basement excavation is at the heart of concerns expressed by objectors. They are concerned that the excavation of new basements is a risky construction process with potential harm to the property and adjoining buildings.

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. 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.

This report has been considered by our Building Control officers who advised that the structural approach and consideration of the local hydrology appears satisfactory. 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 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 other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (24 October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. Consultation on a revised formal policy, 'Draft Basements Policy', is currently underway, and will form part of the local plan (replacing the UDP) once adopted.

The basement guidelines and basements policy documents have different status in the planning process. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). It is expected that weight will be attached to the draft policy for all applications submitted after 1 November 2015.

6.11.2 Construction Management

A neighbouring resident has raised concerns in relation to the management of construction traffic, access arrangements during construction and the general disturbance and potential damage caused by the construction process and construction traffic. It is possible to mitigate the effects of construction through a Construction Management Plan (CMP) and through controlling the hours when noisy works are permitted.

An initial CMP has been submitted with the application. This details the measures proposed to minimise the impact of the construction works on surrounding neighbours. It is recommended that a full CMP is secured by condition.

Whilst it is recognised that there will inevitably be an element of disturbance to residents, particularly during the construction of the new basement, conditions are recommended to

restrict the hours of building works in order to mitigate the impact on nearby residential occupiers. It is considered that works can be adequately controlled by use of the City Council's standard hours of work condition, which includes additional controls to prevent excavation works at weekends and on bank holidays. It is not considered reasonable, however, to restrict all construction works to Monday to Friday only.

An Informative is also recommended to encourage the applicant to join the nationally recognised Considerate Constructors Scheme as well as keeping residents informed concerning the works.

7. CONCLUSION

The application is considered acceptable in design and amenity terms, in accordance with Policies S25, S28 and S29 of the City Plan and Policies ENV6, ENV13, DES1, DES5, DES6, DES9 and TRANS23 of our UDP, subject to the conditions set out in the draft decision letter.

BACKGROUND PAPERS

1. Application form.
2. Memo from Highways Planning Manager dated 28 April 2015.
3. Letter from owner/occupier of 27 Chesham Mews dated 01 May 2015.
4. Memo from Building Control dated 11 May 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:** 25 Chesham Mews, London, SW1X 8HS
- Proposal:** Replacement of mansard roof and excavation to create a single storey basement beneath the existing building footprint and alterations to front elevation.
- Plan Nos:** PL001, PL002, PL003, PL004, PL005, PL101A, PL102, PL103, PL104, PL204, PL302, PL303, Heritage Statement, (For Information Purposes: Construction Management Plan, Engineering Design & Construction Method Statement, Basement Impact Assessment).
- Case Officer:** David Dorward **Direct Tel. No.** 020 7641 2408

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

i) Windows,

ii) Garage door, including vent louvers,

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia 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 new mansard roof shall be natural Welsh slate to match the neighbouring properties.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia 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 **Pre Commencement Condition.** Notwithstanding the information provided, you must submit an updated Construction Management Plan for our approval prior to any works commencing. 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, refuse and emergency vehicles 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.
 - (vii) details of how access to Chesham Mews will be retained throughout the building 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.

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

Reason:

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

Informative(s):

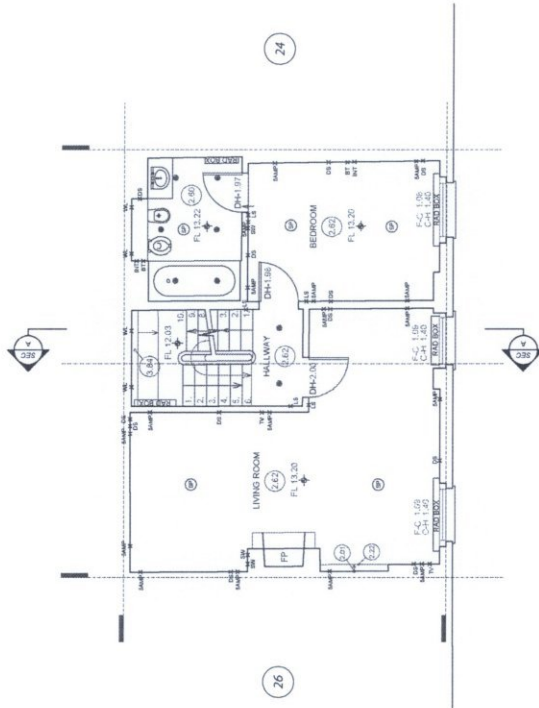
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic 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 are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 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)
- 4 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)
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 6 This permission is based on the drawings and reports submitted by you including the structural

methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

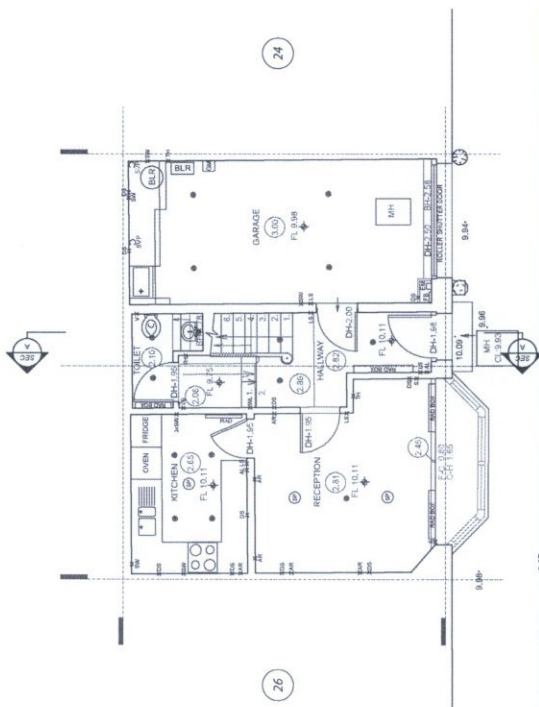
- 7 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

- 8 You are advised that Chesham Mews is a cobbled public highway. The applicant will be liable to pay for any damage caused to the highway as a result of the proposed basement excavation/construction works. I would suggest that you carry out a survey of the condition of the cobbles outside your property before any works start on site on the basement. If you require any further information you need to speak to Highways Licensing (020 7641 2642).
- 9 The proposed basement shows the provision of a plant room. This permission does not permit the installation of any new external mechanical plant. A separate planning application accompanied by an acoustic report would be required for any new external mechanical plant.



EXISTING - FIRST FLOOR GA PLAN



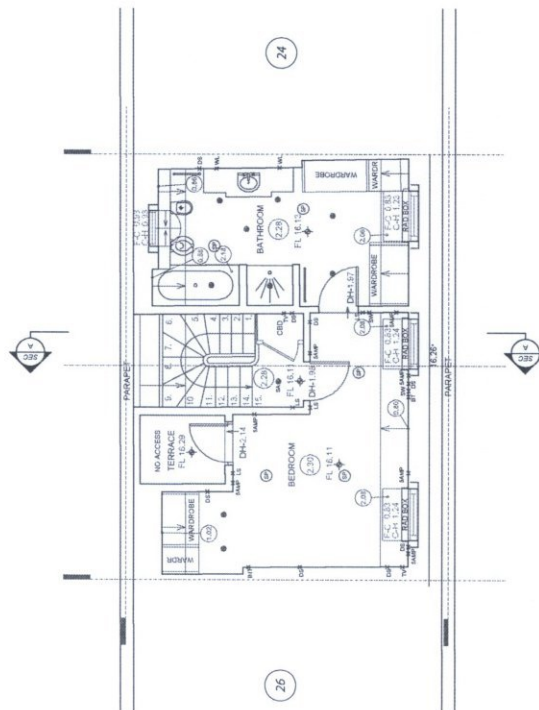
EXISTING - GROUND FLOOR GA PLAN

Rev	Description	MMW	10/03	Chkd	Date
-	Issued for Planning	MMW	10/03		

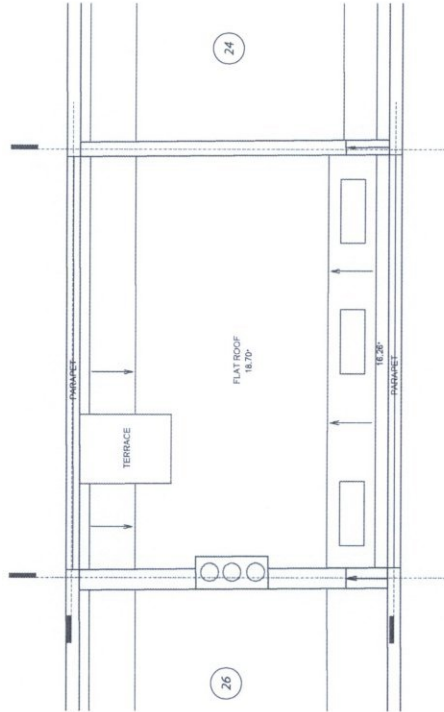
Project
 No.25 CHESHAM MEWS,
 SW1X 8HS

Drawing Title
 EXISTING GA PLANS
 GF, FF

PLANNING	
Scale	1:100 @ A3
Drawn By	MMW
Date	10/10/14
Drawing Number	PL002
Revision	



EXISTING - SECOND FLOOR GA PLAN



EXISTING - ROOF PLAN

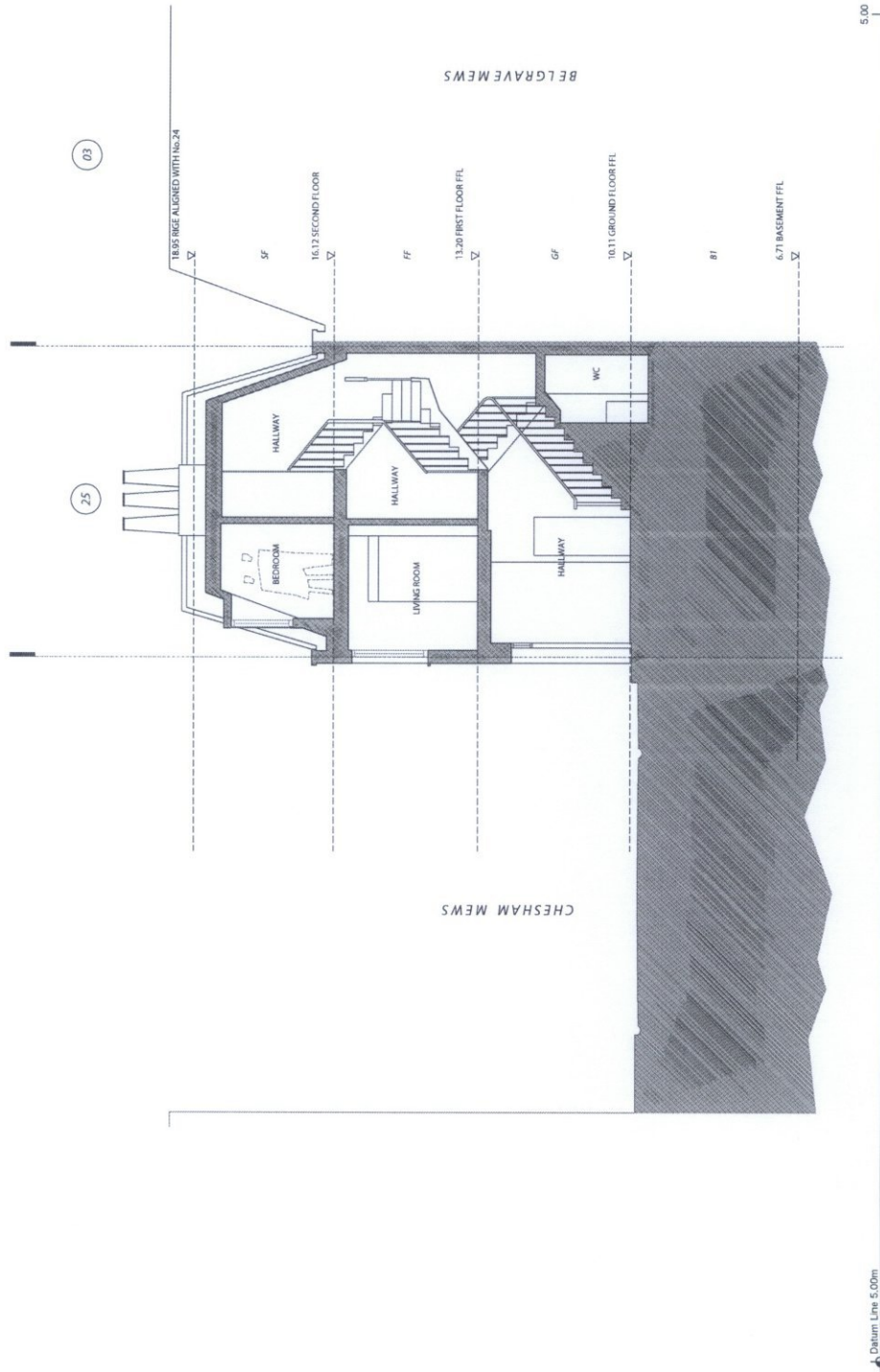
Rev	Description	MW	Chkd	Date
-	Issued for Planning	MW		18/03

CONCEPT
 Nicholas House
 41 Thames Street
 Weybridge
 Surrey
 KT13 8JG
 Tel +44(0) 1870 438 438
 mob +44(0) 7779 24004
 info@conceptpl.co.uk
 www.conceptpl.co.uk

Project
 No.25 CHESHAM MEWS,
 SW1X 8HS

Drawing Title
 EXISTING GA PLANS
 SF, ROOF

Status	
PLANNING	
Scale	Drawn By
1:100 @ A3	MW
Drawing Number	Date
PL003	10/10/14
Revision	Revision
	-



Datum Line 5.00m

EXISTING - SECTION A

Rev	Description	MW	Chkd	Date
-	Issued for Planning	MW		16/03

CONCEPT
 CONSULTANTS
 Nicholson House
 41 Thames Street
 Weybridge
 Surrey
 KT13 8JG
 Tel +44(0) 1832 428 438
 mob +44(0) 7779 234004
 info@conceptplanning.co.uk
 www.conceptplanning.co.uk

Project
**No. 25 CHESHAM MEWS,
 SW1X 8HS**

Drawing Title
EXISTING SECTION A - A

Status	
PLANNING	
Scale	1:100 @ A3
Drawn By	MW
Date	16/03/15
Drawing Number	PL005
Revision	-



LEGEND



DEMOLITION
(AREA TO BE REPLACED)

Rev	Description	MW	16/03	Chkd	Date
-	Issued for Planning	MW	16/03		

CONCEPT
 Nicholson House
 41 Thames Street
 Weymouth
 Dorset
 DT1 3BJ
 Tel +44(0) 1329 429 438
 mob +44(0) 7779 234034
 info@conceptpld.co.uk
 www.conceptpld.co.uk

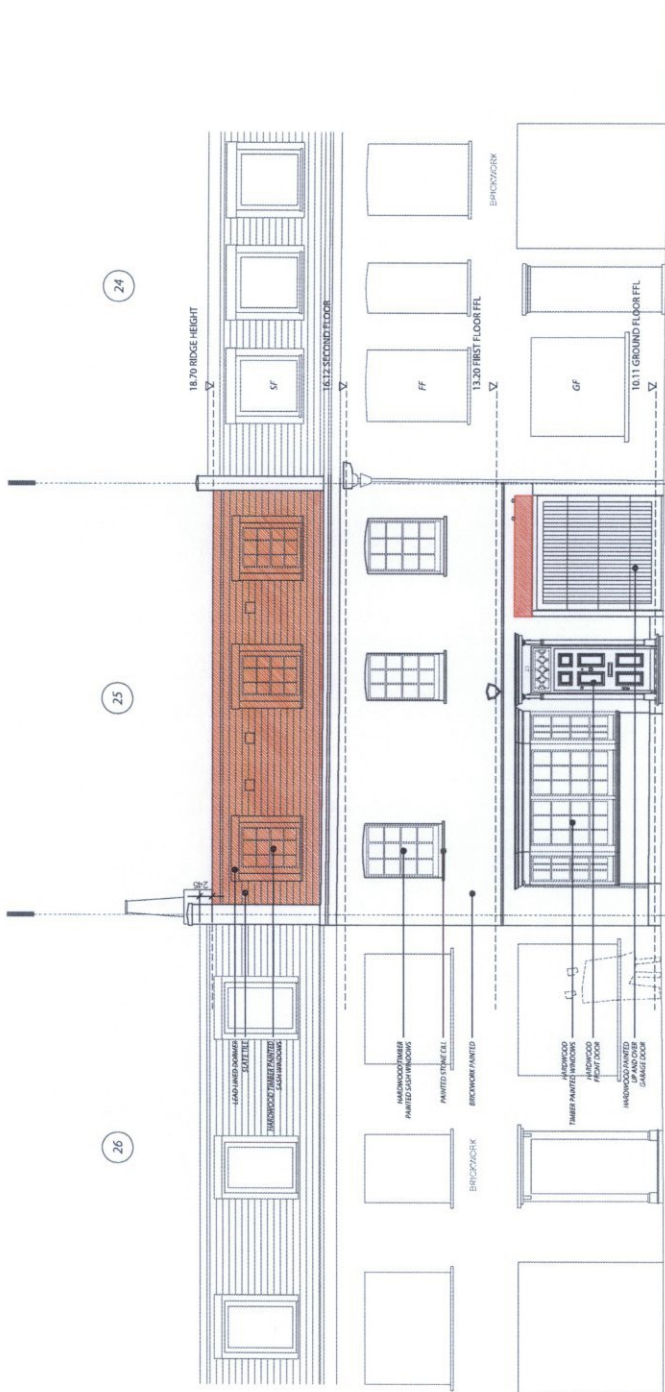
Project:
**No.25 CHESHAM MEWS,
 SW1X 8HS**

Drawing Title
DEMOLITION, FRONT ELEVATION

Status
PLANNING

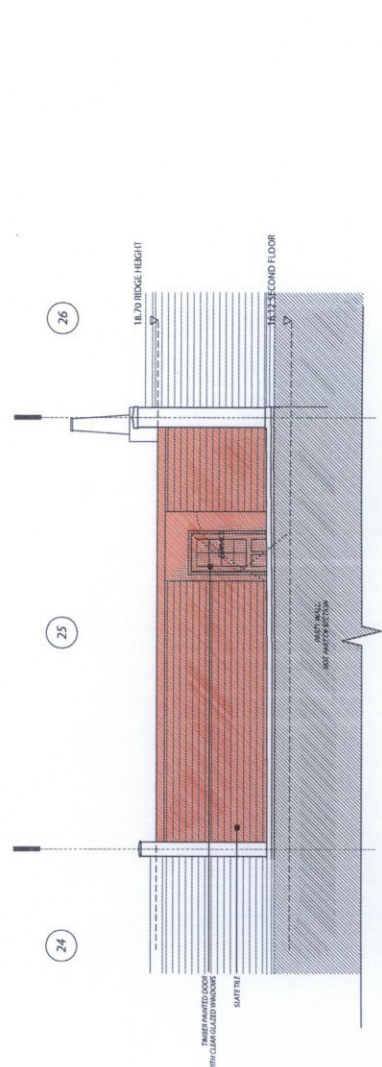
Scale	Drawn By	Date
1:100 @ A3	MW	23/01/15
Drawing Number	Revision	
PL204		

Copyright of Concept Planners ©

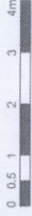


EXISTING - FRONT ELEVATION

Datum Line 5.00m



EXISTING - REAR MANSARD ELEVATION



Rev	Description	Chkd	Date
A	Garage Dimensions Added	MW	17/11
-	Issued for Planning	MW	16/03

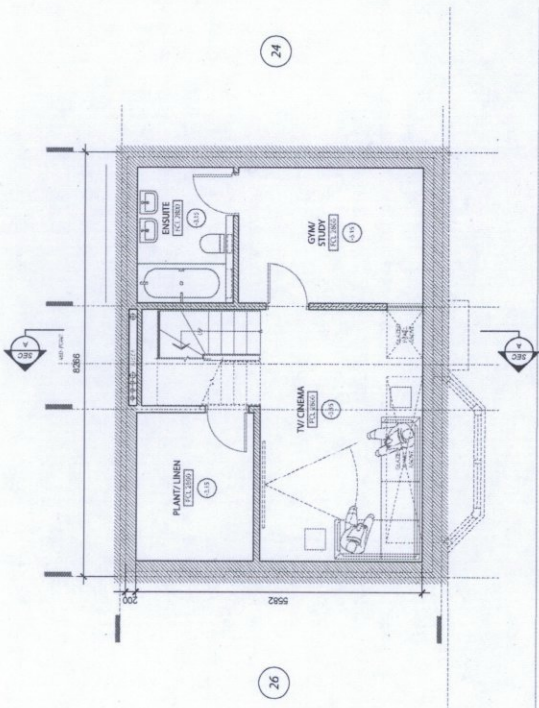
CONCEPT
 CONSULTANTS
 Nicholson House
 41 Thames Street
 Weybridge
 Surrey
 KT13 8LG
 Tel +44(0) 1832 439 438
 mob +44(0) 7779 234004
 info@conceptpl.co.uk
 www.conceptpl.co.uk

Project
**No.25 CHESHAM MEWS,
 SW1X 8HS**

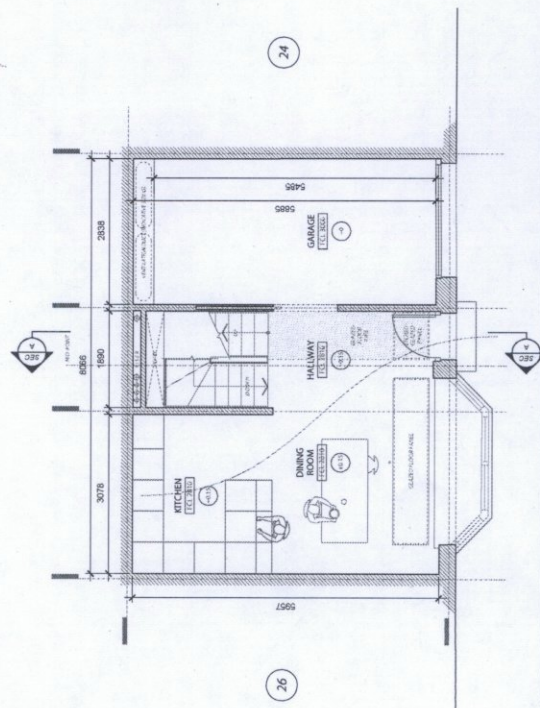
Drawing Title
**PROPOSED GA PLANS
 B1, GF, FF**

Status	PLANNING
Scale	1:100 @ A3
Date	16/01/15
Drawn By	MW
Drawing Number	PL101
Revision	A

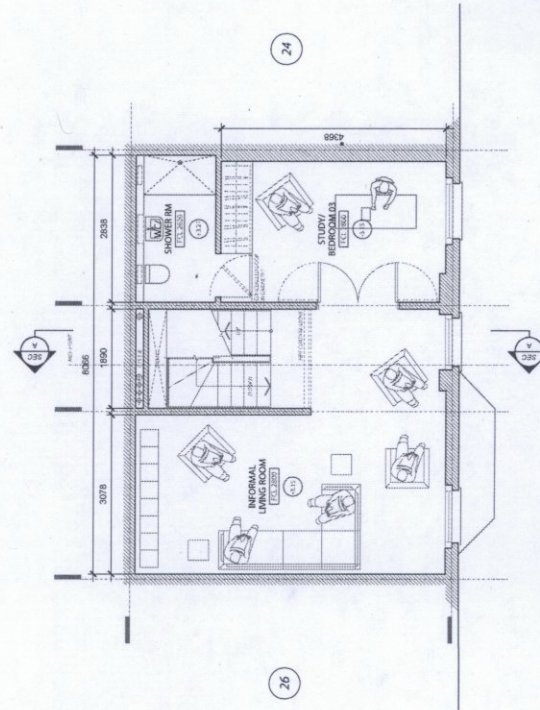
Copyright © Concept Design Architects



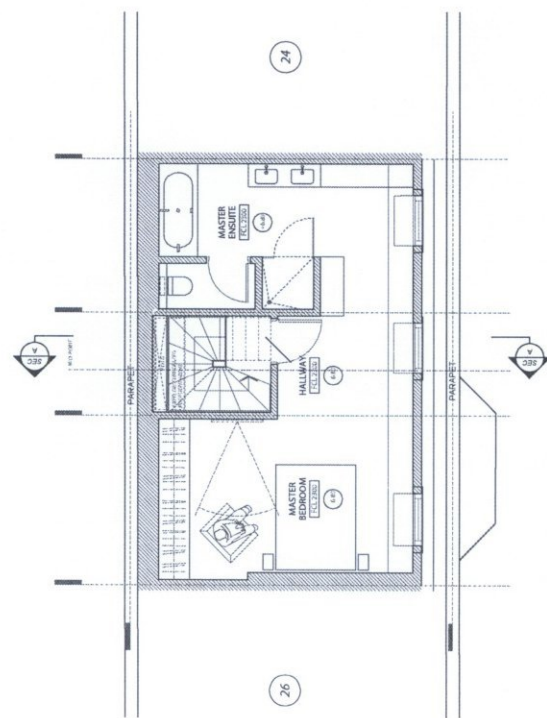
PROPOSED BASEMENT LEVEL



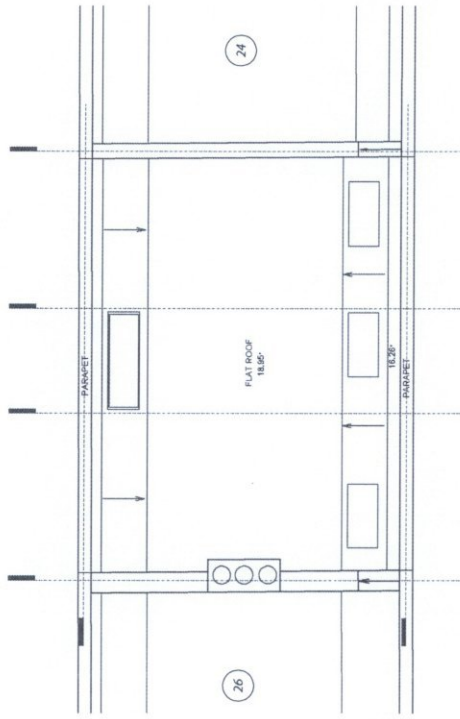
PROPOSED GROUND FLOOR GA PLAN



PROPOSED FIRST FLOOR GA PLAN

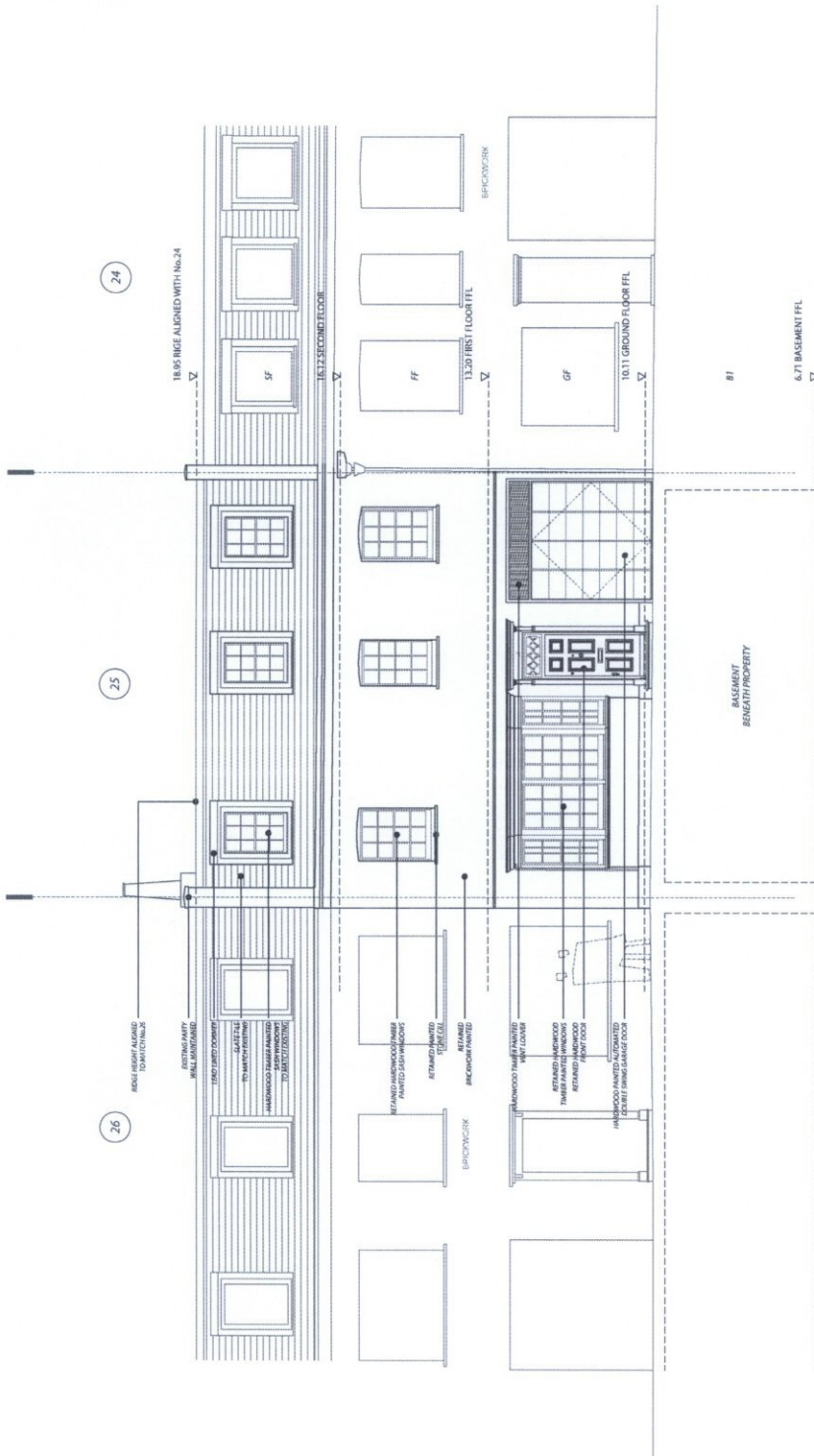


PROPOSED SECOND FLOOR GA PLAN

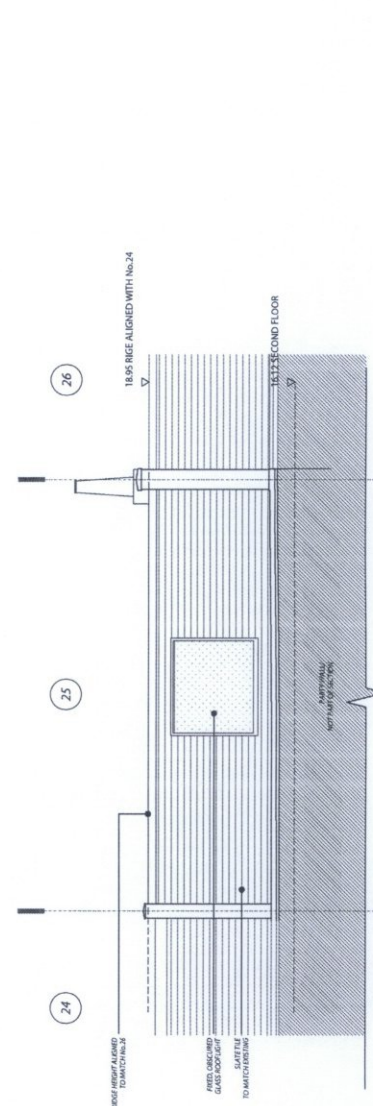


PROPOSED - ROOF PLAN

Issued for Planning	MW	16/03
Rev	Description	Chkd Date
Nicholson House 41 Thames Valley Park Uxbridge Surrey KT13 6JG Tel +44(0) 1832 428 438 mob +44(0) 7779 234004 info@conceptplanning.co.uk www.conceptplanning.co.uk		
CONCEPT PLANNING Project: No.25 CHESHAM MEWS, SW1X 8HS		
Drawing Title: PROPOSED GA PLANS SF. ROOF		
Status: PLANNING		
Scale	Drawn By	Date
1:100 @ A3	MW	16/01/15
Drawing Number	Revision	
PL102	-	



Datum Line 5.00m



PROPOSED - REAR MANSARD ELEVATION

Rev	Description	MW	Date
-	Issued for Planning	MW	16/03

Nicholson House
 41 The Quadrant
 Weybridge
 Surrey
 KT13 8JG
 Tel +44(0) 1832 428 438
 mob +44(0) 7779 234004
 info@concept8.co.uk
 www.concept8.co.uk

Project
 No.25 CHESHAM MEWS,
 SW1X 8HS
 Drawing Title
 PROPOSED FRONT ELEVATION
PROPOSED

Status	PLANNING
Scale	1:100 @ A3
Drawn By	MW
Date	23/01/15
Drawing Number	PL 103
Revision	-



Rev	Description	Chd	Date
-	Issued for Planning	MW	16/03
-	Issued for Planning	MW	16/03

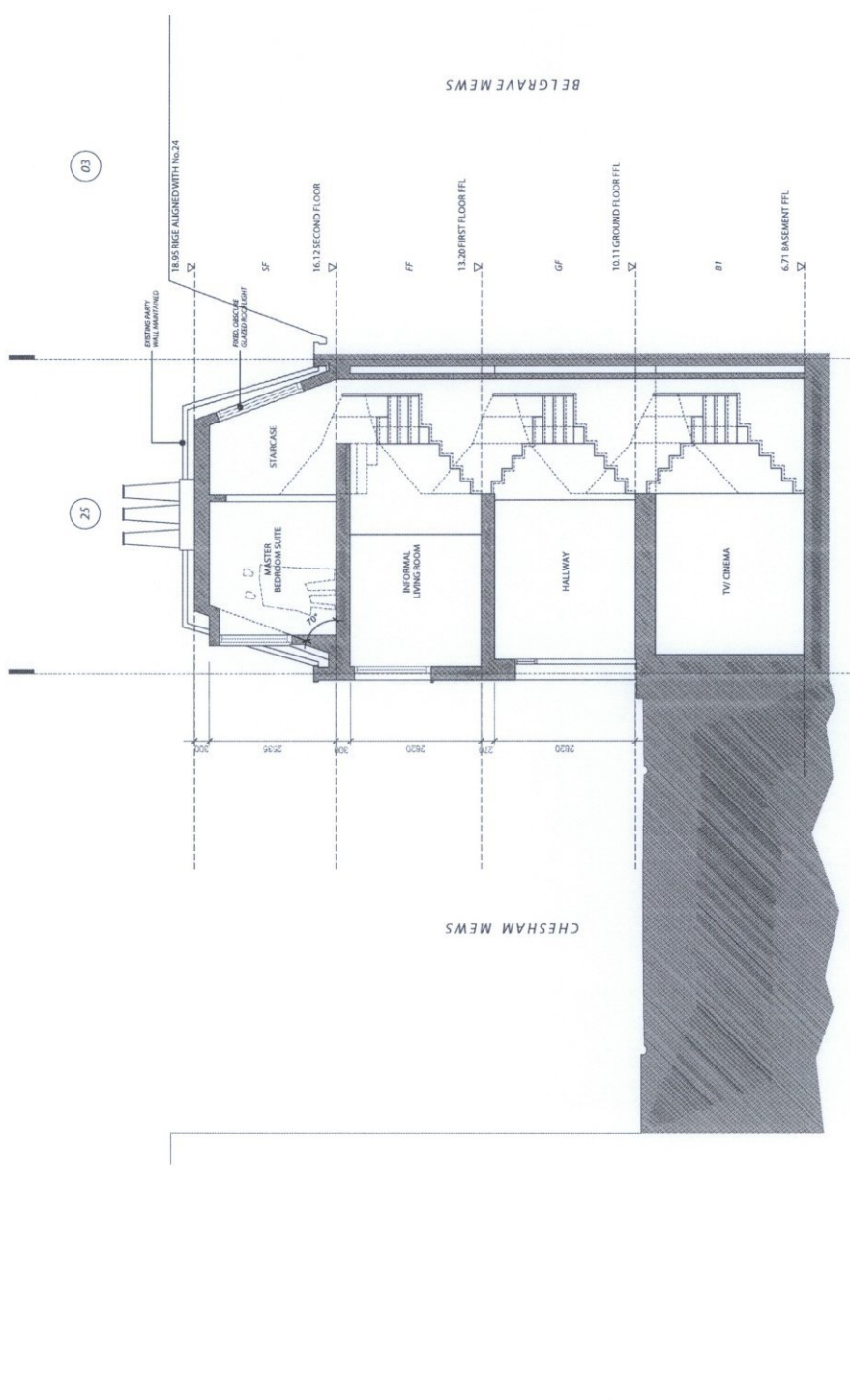
Nicholas House
 Weybridge
 Surrey
 KT13 8JG
 tel +44(0) 1832 428 438
 mob +44(0) 7719 234004
 info@concepts.co.uk
 www.concepts.co.uk

Project
 No.25 CHESHAM MEWS,
 SW1X 8HS

Drawing Title
 PROPOSED SECTION A - A

Status		INFORMATION	
Scale	1:100 @ A3	Drawn By	MW
Drawing Number	PL104	Date	16/03/15
		Revision	-

Copyright of Concept High Architects ©



Datum Line 5.00m

This page is intentionally left blank

Agenda Item 5

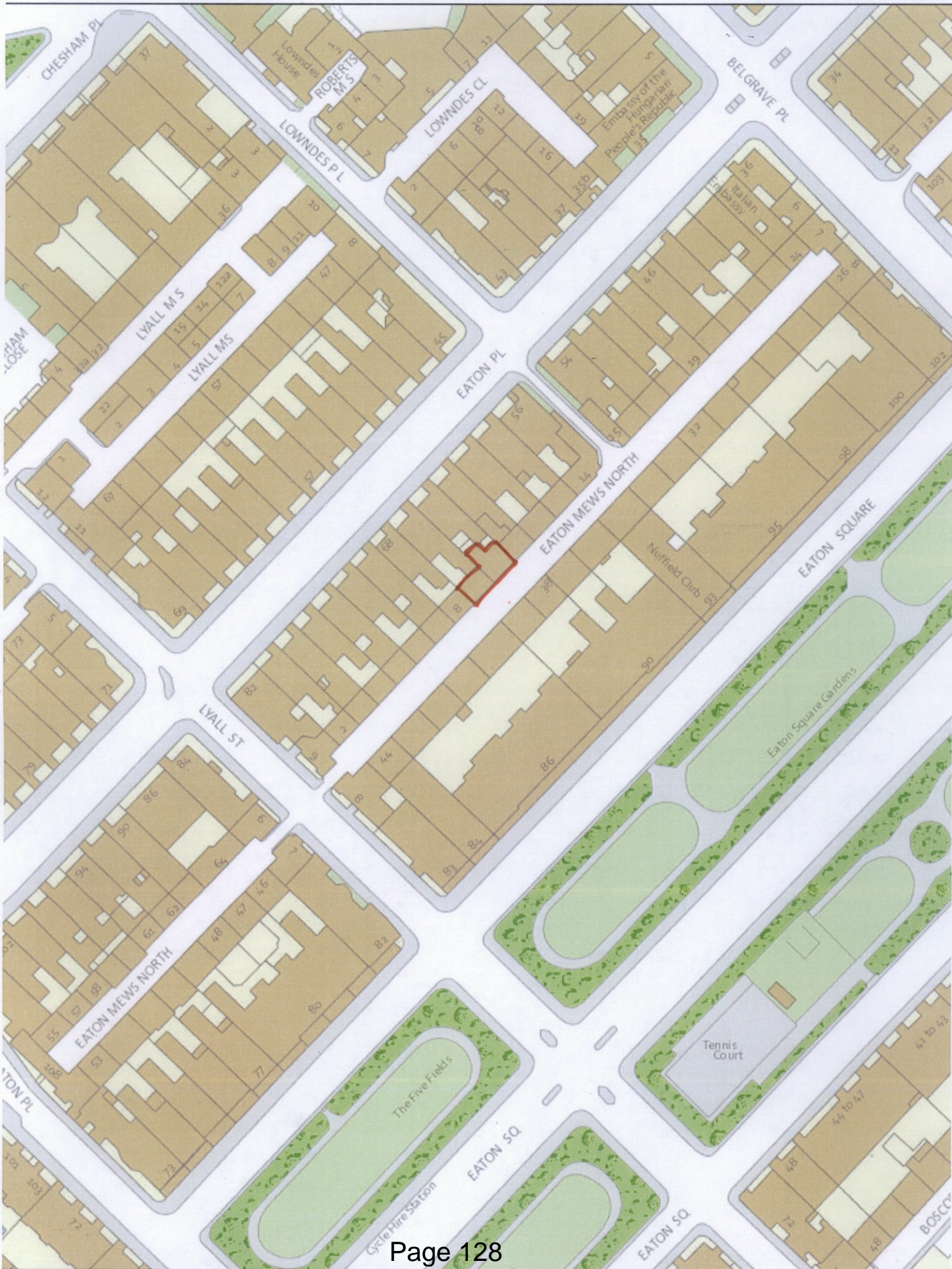
Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 December 2015	Classification For General Release	
Report of Director of Planning	Wards involved Knightsbridge And Belgravia		
Subject of Report	9 and 10 Eaton Mews North, London, SW1X 8AR		
Proposal	Erection of a mansard roof extension to Nos. 9 and 10 and use of the property as two separate dwellings and associated external alterations.		
Agent	Savills		
On behalf of	Leconfield		
Registered Number	15/03309/FULL	TP / PP No	TP/25662/25661
Date of Application	15.04.2015	Date amended/ completed	15.04.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		
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 Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





9 AND 10 EATON MEWS NORTH, SW1

2. SUMMARY

Nos. 9 and 10 Eaton Mews North is a single dwellinghouse comprising of ground and first floor levels. The building is unlisted but within the Belgravia Conservation Area. Permission is sought for the erection of a mansard roof extension to Nos. 9 and 10 and use of the property as two separate dwellings.

The key issues in this case are:

- * The impact of the proposals on residential amenity.
- * The impact of the proposals on the character and appearance of the conservation area.

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

3. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 32; Total No. of Replies: 3.

Amenity

- * Loss of privacy and increased overlooking.
- * Loss of light.
- * Increased sense of enclosure.
- * Loss of view.

Design

- * Extensions are large and overbearing given scale of mews.

Other

- * Noise and disturbance during building works.
- * No notice received by adjoining occupiers of proposed development.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

Nos. 9 and 10 Eaton Mews North are two unlisted buildings within the Belgravia Conservation Area. The buildings are currently amalgamated into a single family dwelling comprising of ground and first floor levels. The building is located on the north side of Eaton Mews North.

4.2 Relevant History

9 Eaton Mews North

A Lawful Development Certificate was issued on the 20 March 2015 confirming that the excavation of a single level basement under the existing property (15/01707/CLOPUD) would be permitted development.

10 Eaton Mews North

A Lawful Development Certificate was issued on the 20 March 2015 for the excavation of a single level basement under the existing property (15/01709/CLOPUD) would be permitted development.

Planning permission was granted on the 27 January 1992 for an additional mansard floor on existing mews house and conservatory link to main house (64 Eaton Place) (91/04641/FULL).

5. THE PROPOSAL

Permission is sought for the erection of a mansard roof extension to Nos. 9 and 10 and use of the property as two separate dwellings.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal seeks to provide additional residential floorspace to the existing dwellinghouses. In land use terms the proposals are considered acceptable and comply with Policy S14 of the City Plan and saved Policy H3 of the UDP.

6.2 Townscape and Design

Roof extension

It is proposed to erect a roof extension to both Nos. 9 and 10. Along with No. 11, the two mews properties are the only remaining mews houses which retain their traditional pitched roofs. Given the overwhelming change in the character of the roof scape within the mews, the principle of roof extensions is not opposed in townscape terms.

In design terms the mansards conform to the established roof line in terms of their height and are in line with the guidance contained within the City Council's supplementary planning guidance on roofs, and exhibit a traditional form and well-designed details such as modest dormer windows. The proposals are acceptable in accordance with Policies DES1, DES6, DES9, S25 and S26.

Alterations to the front elevation

Alterations are also proposed to the front elevation which comprise the replacement of the existing bay windows, repositioning of the front entrance door to No. 9 and alterations to the existing garage doors. These alterations benefit from permitted development rights under Schedule 2, Part 1 Class A of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

6.3 Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

Daylight and Sunlight

Policy ENV 13 seeks to ensure good lighting 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 included in the assessment are Nos. 37-40 Eaton Mews North and Nos. 62, 64, 66 and 68 Eaton Place.

Objections have been received from (Flat 1) 66 Eaton Place on the grounds that the proposed roof extension would cause a loss of light. Flat 1 occupies the lower ground and ground floor level and has a small courtyard area which backs onto the rear of No. 9 Eaton Mews North. The lower ground floor level has two sets of doors which serve a study/living room on the rear elevation and a bedroom on the side elevation. At ground floor level there is a rear window which serves the dining room and a side window that serves a kitchen.

The objector at Flat 1 appointed Delva Patman Redler to review the applicant's daylight and sunlight assessment. Delva Patman Redler conclude that whilst there will be no loss of light in terms of VSC to the study/living room there will be a reduction of 27.8% in terms of daylight distribution. The applicant's daylight consultant has now had the opportunity to visit the objector's property and has revised the daylight and sunlight assessment accordingly.

The application does not fully meet the BRE guidelines as the proposal fails the daylight distribution test. However, the reduction is only marginally over the 20% reduction permitted under the BRE guidelines. Given the layout of the flat, where the principal living accommodation is at ground floor level (whose windows are not materially affected by the proposal) and the presence of large closet wing extensions and a small overhanging balcony at first floor level, the impact is considered acceptable in amenity terms.

In respect of sunlight, the objector's sunlight assessment shows that whilst the study/living room will receive less than 0.8 times its former sunlight hours (the figure is 0.75), the proposal does not breach the BRE guidelines as the reduction in sunlight received over the whole year is 3%.

Overlooking

There is already a degree of mutual overlooking between No. 9 Eaton Mews North and 66 Eaton Place. The dormer windows in the proposed roof extension will serve staircases, circulation spaces and en-suite bathrooms. It is proposed to obscurely glaze the lower three panes of the windows which is considered acceptable and will be secured by condition.

Sense of enclosure

With the exception of Nos. 9 to 11 Eaton Mews North, the majority of the mews properties along the terrace have roof extensions.

The occupiers of Flat 1 at 66 Eaton Place and the lower ground/ground floor flat of 64 Eaton Place would be able to see the new mansard extension but not to a degree which would be regarded as causing an increased sense of enclosure.

6.4 Transportation/Parking

Concern has been raised that the proposal to split the existing property into two separate dwellings will increase parking demand. The property was originally designed as two separate dwellings. The mews is a private road. The existing garages to both properties are to be retained therefore a refusal on parking grounds is not considered sustainable in this instance.

6.5 Economic Considerations

Not applicable.

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 this application 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 residential occupier of 66 Eaton Place has stated that they were not consulted about the proposals. However, the City Council had sent out neighbour notification letters to the nearest affected residential properties including 66 Eaton Place as well as placing a site notice and press notice to advertise the application.

Concern has been raised that the proposed works would result in a loss of rent to an adjoining property within the mews as a result of the noise and disturbance caused by the works. This is not a planning matter.

6.11 Conclusion

Subject to conditions, the application is acceptable in design, conservation area and amenity terms. In all other respects the proposals are considered acceptable.

BACKGROUND PAPERS

1. Application form.
2. E-mail from Savills dated 8 October 2015.

Item No.
5

3. E-mail from the occupier of 11 Eaton Mews North dated 20 May 2015.
4. E-mail from the occupier of Flat 1, 62 Eaton Place dated 1 June 2015.
5. Letters from Peter Weatherhead Planning on behalf of the occupiers of Flat 1, 66 Eaton Place dated 6 July 2015, 20 August 2015, 20 September 2015, 2 November 2015 and 12 November 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:** 9 and 10 Eaton Mews North, London, SW1X 8AR
- Proposal:** Erection of a mansard roof extension to Nos. 9 and 10 and use of the property as two separate dwellings and associated external alterations.
- Plan Nos:** EX100, EX200, EX201, EX202, EX203, EX204, EX205, EX206, EX207, PL201 Rev. A, PL202, PL203, PL204, PL205, PL206, PL207, PL208, Daylight and Sunlight Study and Planning, Design and Access Statement dated April 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 this part of the Belgravia 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 roofs shall be covered in traditional Welsh slate. You must then keep the roofs in that condition.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: 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 The windows shall be timber. You must then keep them in that condition.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: 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 dormer windows in the rear roof extension hereby approved and as shown annotated on drawing PL206 must not be clear glass. 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)

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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 The garage doors are 'permitted development', but are very close to the public road. They may block the road when they are open. You will need to be sure that you can open the doors safely without causing any danger to the public or breaking any other law before carrying out this part of the development. (I37BA)

COPYRIGHT AND LIABILITY NOTES:

The design and drawings remain the property of Peak Architecture + Design. The client for this project will be licensed to use this design and documents on this site only upon full payment of architectural fees. This license is non-transferable. The design and drawings shall not be used, copied, or reproduced in any form or format without the permission of Peak Architecture + Design.

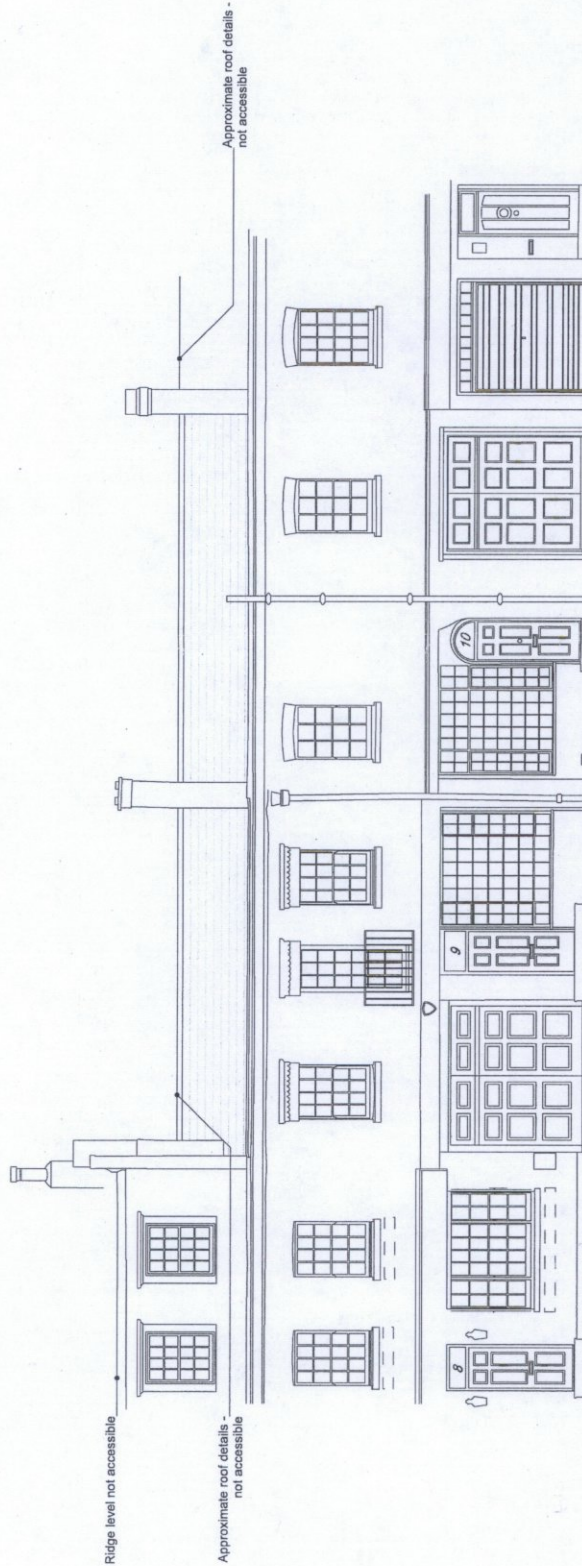
This drawing has been prepared from a survey drawing from Peak Architecture and Design Ltd commissioned by the client. It is VERY IMPORTANT that all dimensions are checked carefully before any work commences or any materials are ordered. If any discrepancies are identified, please contact Peak Architecture + Design immediately.

DO NOT SCALE UNLESS DIMENSIONS ONLY.
All dimensions to be verified on site prior to the commencement of any work or the production of any shop drawing.

This drawing to be used in conjunction with all related Architects and Engineer's drawings and any other relevant information.

GENERAL NOTES:

CASE COPY
 TP:
 RN:
 ADDRESS:



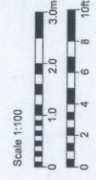
DATUM: 15.00m

DATE:	REVISION:	REVISION COMMENTS:	AUTHOR:	CHECKER:
			YH	DT

**9 & 10 EATON MEWS NORTH,
 LONDON**
 DRAWING NAME:
EXISTING FRONT ELEVATION

PROJECT NO: DRAWING NO: REVISION: SCALE & SIZE:
P728 EX204 - 1:100 @ A3
 START DATE: FIRST AUTHOR:
JAN 2015 YH

PEEK | Architecture + Design Ltd
 Address: 15 St Albans Street, London, W1F 9JH
 Tel: +44 (0)20 7734 3034
 Email: info@peekarchitecture.co.uk
 Website: www.peakarchitecture.co.uk



COPYRIGHT AND LIABILITY NOTES:

The design and drawings remain the property of Peek Architecture + Design. The client for this project will be held responsible for any and all documents on this site only upon full payment of architectural fees. This license is non-transferable. The design and drawings shall not be used, in whole or in part, for any other project without the permission of Peek Architecture + Design.

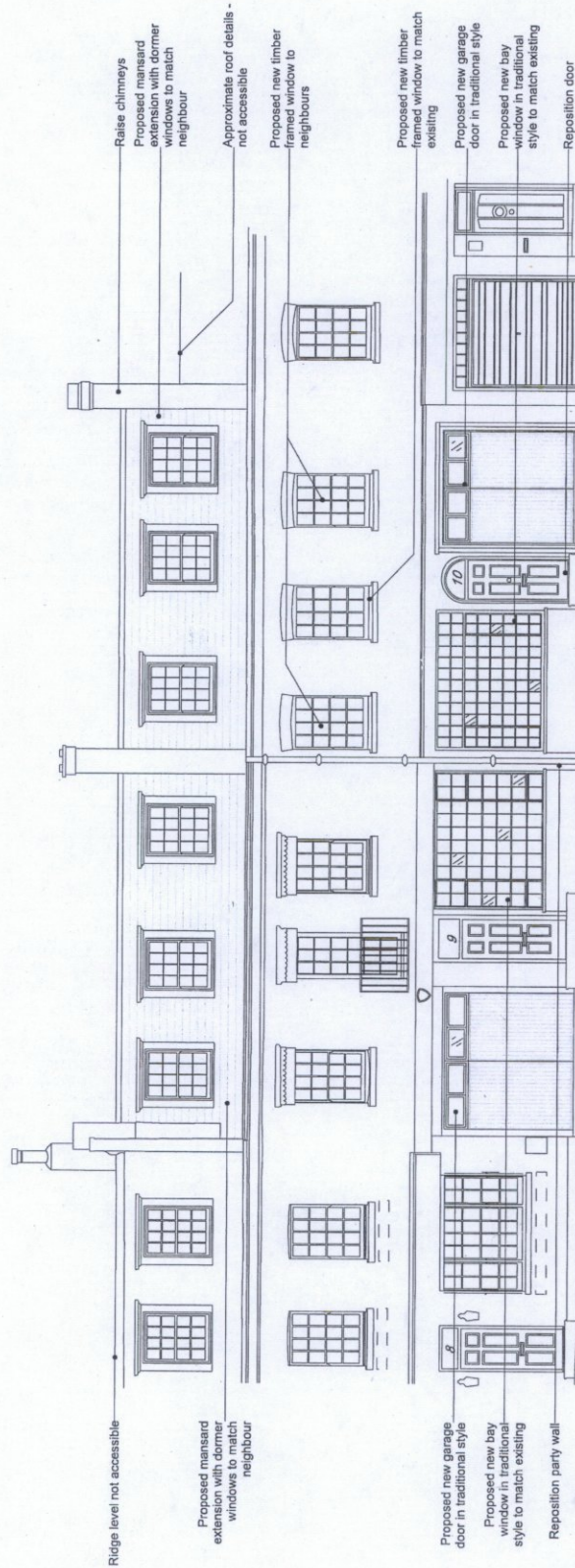
This drawing has been prepared from a survey drawing from Peek Architecture and Design. It is recommended that the client verify the accuracy of all dimensions and details before any work commences or any materials are ordered. If any discrepancies are identified, please contact Peek Architecture + Design immediately.

DO NOT SCALE. USE DIMENSIONS ONLY.
All dimensions to be confirmed on site prior to the commencement of any work or the production of any shop drawings.

This drawing to be used in conjunction with the Checklist of Architects and Engineer's drawings and any other relevant information.

GENERAL NOTES:

TP: _____
 RN: _____
 ADDRESS: _____
CASE COPY



DATUM 18.00m

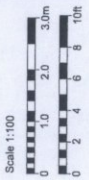
DATE	REVISION	REVISION COMMENTS	YH (DT)	AUTHOR	CHKD BY

**9 & 10 EATON MEWS NORTH,
LONDON**

PROPOSED FRONT ELEVATION

PROJECT NO: P728
 DRAWING NO: PL205
 DRAWING NAME: PROPOSED FRONT ELEVATION
 SCALE & SIZE: 1:100 @ A3
 STREET DATE: JAN 2015
 FIRST AUTHOR: YH

PEEK | Architecture + Design Ltd
 Address: 151 Finsbury Park, London, N4 3BE
 Web: www.peekarchitecture.co.uk | Email: info@peekarchitecture.co.uk | Tel: 0207 754 3094



COPYRIGHT AND LIABILITY NOTES:

The design and drawings remain the property of Peak Architecture + Design. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Peak Architecture + Design. This license is non-transferable. The design and drawings shall not be used for any other project without the permission of Peak Architecture + Design.

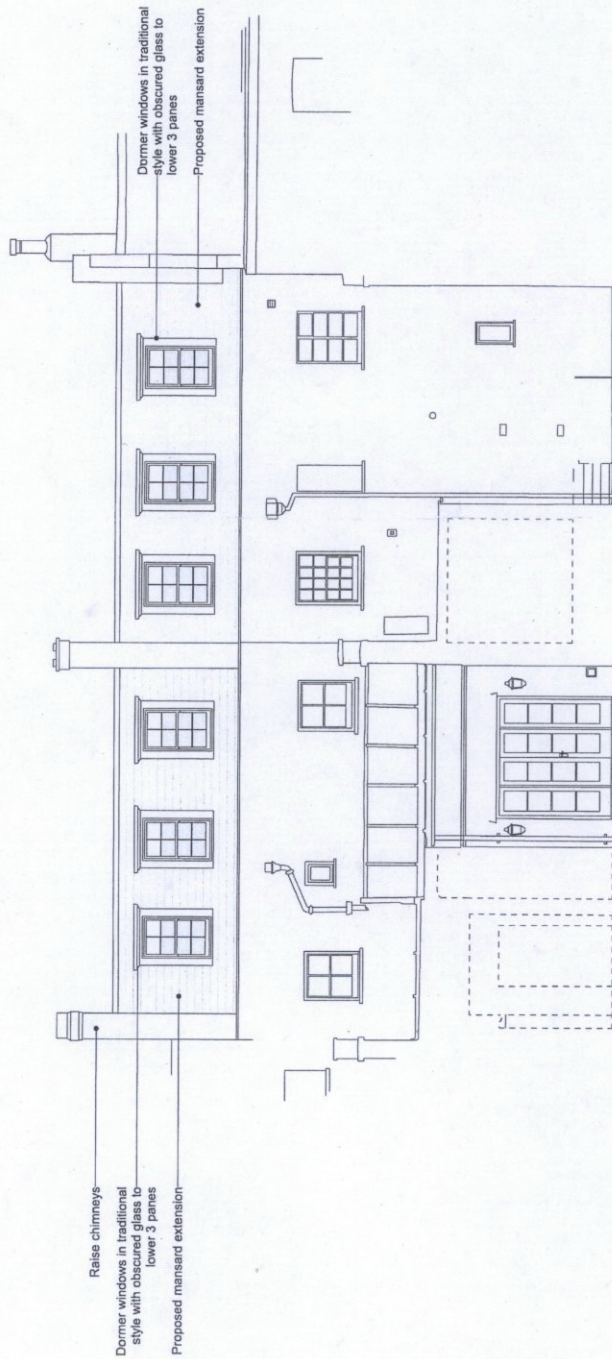
This drawing has been prepared from a survey drawing from Peak Architecture + Design. It is the responsibility of the client to ensure that the information provided is accurate and complete. It is **IMPORTANT** that all dimensions are checked carefully before any work commences or any materials are ordered. If any discrepancies are identified, please contact Peak Architecture + Design immediately. Please contact Peak Architecture + Design immediately.

DO NOT SCALE USE FIGURED DIMENSIONS ONLY
 This drawing is for information only and is not to be used for the commencement of any work or the production of any shop drawing.

This drawing is to be read in conjunction with all other Architect's and Engineer's drawings and any other relevant information.

GENERAL NOTES:

TP:
 PN:
 ADDRESS:
CASE COPY



DATUM 18.00m

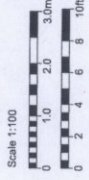
DATE	REVISION	REVISION COMMENTS	AUTHOR	CHECKED
	1	First Issue	YH	ST

**9 & 10 EATON MEWS NORTH,
 LONDON**

PROPOSED REAR ELEVATION

PROJECT NO: **P728** DRAWING NO: **PL206** REGION: **1:100 @ A3**
 START DATE: **JAN 2015** FIRST AUTHOR: **YH**
 SCALE & SIZE: **1:100 @ A3**

PEEK | Architecture + Design Ltd
 Address: 11-13 Pined Street, London, W1F 8DB
 Tel: 020 7437 2400
 Email: info@peekarchitecture.com
 Website: www.peakarchitecture.com



COPYRIGHT AND LIABILITY NOTES:

The design and drawings remain the property of Peek Architecture + Design Ltd. It is not to be used for any other project or purpose without the written consent of Peek Architecture + Design Ltd. This license is non-transferable. The design and drawings shall not be reproduced, up-loaded to the internet or stored without the permission of Peek Architecture + Design Ltd.

This drawing has been prepared from a survey drawing from Peek Architecture + Design Ltd. It is not to be used for any other project or purpose without the written consent of Peek Architecture + Design Ltd. **IMPORTANT!** All dimensions are shown in millimeters. If any discrepancies are noticed between this drawing and any other contract document then please contact Peek Architecture + Design immediately.

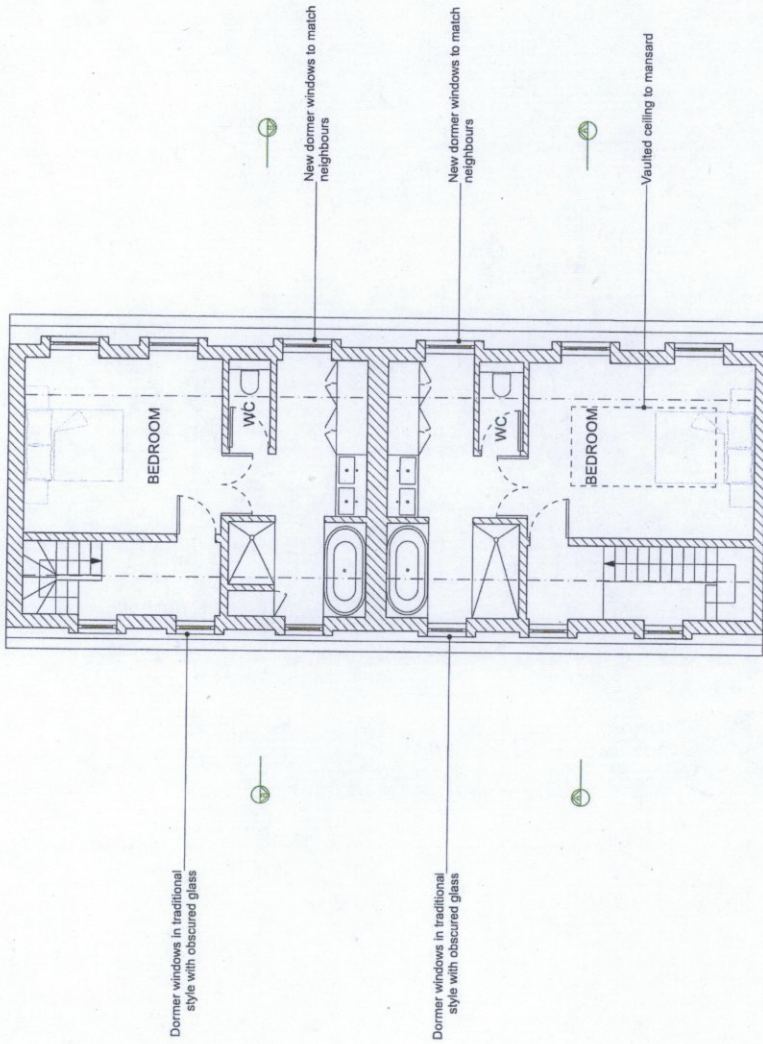
DO NOT SCALE USE FIGURED DIMENSIONS ONLY

This drawing is to be used in conjunction with all related Architect's and Engineer's drawings and any other relevant information.

This drawing is to be used in conjunction with all related Architect's and Engineer's drawings and any other relevant information.

GENERAL NOTES:

TP: _____
 RN: _____
 ADDRESS: _____
CASE COPY

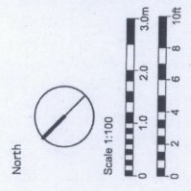


DATE	REVISION	REVISION COMMENT	AUTHOR	CHECKED

**9 & 10 EATON MEWS NORTH,
LONDON**
DRAWING NAME:
PROPOSED SECOND FLOOR PLAN

PROJECT NO: DRAWING NO: REVISION: SCALE & SIZE:
P728 PL203 - 1:100 @ A3
 START DATE: FIRST AUTHOR:
JAN 2015 YH

PEEK | Architecture + Design Ltd
 Address: 12-13 Pined Street, London, W1F 6DB
 Website: peekarchitecture.co.uk | Email: george@peekarchitecture.co.uk | Tel: 0207 734 3094



This page is intentionally left blank