



City of Westminster

# Committee Agenda

Title: **Planning Applications Committee (3)**

Meeting Date: **Tuesday 25th August, 2015**

Time: **6.30 pm**

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

Members: **Councillors:**

Andrew Smith (Chairman)  
Louise Hyams  
Robert Rigby  
Barbara Grahame

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Joe McBride, Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [jmcbride@westminster.gov.uk](mailto:jmcbride@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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**

No change.

#### **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**

- |  |                          |
|--|--------------------------|
| <b>1. 28 CHILWORTH STREET, W2</b>                | <b>(Pages 3 - 44)</b>    |
| <b>2. 80 CHEPSTOW ROAD, W2</b>                   | <b>(Pages 45 - 68)</b>   |
| <b>3. 22 SUNDERLAND TERRACE, W2</b>              | <b>(Pages 69 - 82)</b>   |
| <b>4. 51 MARLBOROUGH PLACE, NW8</b>              | <b>(Pages 83 - 104)</b>  |
| <b>5. 12-14 WIGMORE STREET, W1</b>               | <b>(Pages 105 - 128)</b> |
| <b>6. BOND HOUSE, 19-20 WOODSTOCK STREET, W1</b> | <b>(Pages 129 - 158)</b> |
| <b>7. 15 BUCKINGHAM GATE, SW1</b>                | <b>(Pages 159 - 180)</b> |
| <b>8. 43 DRURY LANE, WC2</b>                     | <b>(Pages 181 - 190)</b> |

**9. THE MARKET, COVENT GARDEN, WC2**

**(Pages 191 -  
202)**

**Charlie Parker  
Chief Executive  
17 August 2015**

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# Agenda Item

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 25 AUGUST 2015  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL
<b>1</b>	RN 15/01224/FULL RN 15/01225/LBC Lancaster Gate	28 CHILWORTH STREET, W2	External and internal alterations to public house, including full height internal kitchen extract duct to extract at roof level, removal of condenser units and installation of two new condenser units to rear first floor flat roof, installation of close circuit television cameras; planter boxes, external lights to elevations and underside of archway; replacement pavement lights.
	Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.		
<b>2</b>	RN 14/10100/FULL Bayswater	80 CHEPSTOW ROAD, W2	Installation of kitchen extract duct to rear elevation and ducting to first floor rear flat roof together with fence screening, in connection with Prince Bonaparte Public House.
	Recommendation Grant conditional permission.		
<b>3</b>	RN 15/04782/FULL Bayswater	22 SUNDERLAND TERRACE, W2	Conversion of two of the front vaults to habitable accommodation and cycle storage, including lowering floor level of vaults and infilling of bridge; single storey rear infill extension, installation of French doors to replace window at ground floor rear elevation and metal spiral staircase to rear elevation (Flat A).
	Recommendation Grant conditional permission.		
<b>4</b>	RN 15/05798/FULL Abbey Road	51 MARLBOROUGH PLACE, NW8	Excavation of basement under part of front garden, alterations to front elevation and alterations at rear including landscaping, changes to garden levels and balcony.
	Recommendation Grant conditional permission.		
<b>5</b>	RN 14/12813/FULL Marylebone High Street  (ADDENDUM REPORT)	12-14 WIGMORE STREET, W1	Erection of extensions at rear first to fourth floors and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.
	Recommendation Grant conditional permission.		

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 25 AUGUST 2015  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
6	RN 15/02707/FULL West End	BOND HOUSE, 19-20 WOODSTOCK STREET, W1	Use of part ground and first to fifth floors as eight residential flats (Class C3), erection of an extension at fifth floor level, extensions to the rear at first - fourth floors, re-facing of the front and rear elevations and other associated external alterations to include the provision of a terrace and screened plant area at fifth floor level.	
	Recommendation Grant conditional permission.			
7	RN 15/02130/FULL RN 15/02131/LBC St James's	15 BUCKINGHAM GATE, SW1	Use as a single family dwelling (Class C3). Erection of two storey garden building and single storey link structure.	
	Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
8	RN 15/04293/TCH St James's	43 DRURY LANE, WC2	Use of an area of the public highway measuring 2.5m x 7.5m for the placing of four tables, eight chairs, two parasols and four planters in connection with the adjacent ground floor restaurant unit (Class A3).	
	Recommendation Grant conditional permission.			
9	RN 15/04885/LBC St James's	THE MARKET, COVENT GARDEN, WC2	Installation of 32 planters to the ground floor railings surrounding the South Wells for a temporary period between 1 June 2015 and 30 September 2015	
	Recommendation 1. Grant conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			

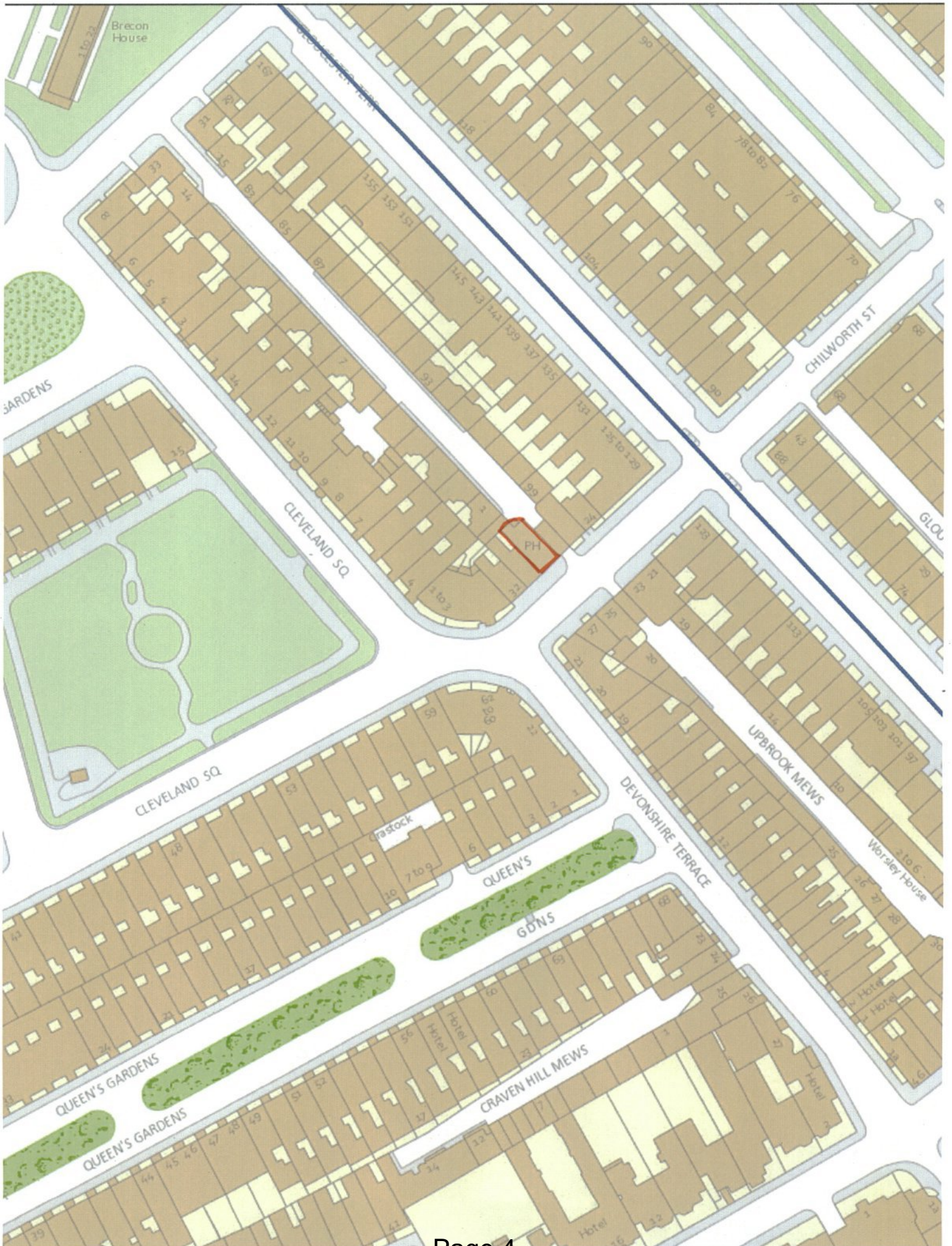
# Agenda Item 1

Item No.
1

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 August 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>28 Chilworth Street, London, W2 6DT</b>		
<b>Proposal</b>	External and internal alterations to public house, including full height internal kitchen extract duct to extract at roof level, removal of condenser units and installation of two new condenser units to rear first floor flat roof, installation of close circuit television cameras; planter boxes, external lights to elevations and underside of archway; replacement pavement lights.		
<b>Agent</b>	Penttinen Schone		
<b>On behalf of</b>	Cleveland House (Chilworth) Ltd		
<b>Registered Number</b>	15/01224/FULL 15/01225/LBC	<b>TP / PP No</b>	TP/16598
<b>Date of Application</b>	12.02.2015	<b>Date amended/ completed</b>	11.03.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Grade II Listed Building		
<b>Conservation Area</b>	Bayswater		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	To be reported verbally		

## 1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter.







28 CHILWORTH STREET, W2

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## 2. SUMMARY

Planning permission and listed building consent are sought to install a kitchen extract duct to this Grade II listed building within the Bayswater Conservation Area, together with air conditioning units and a number of external and internal works all associated with bringing the basement of the public house back into public use (currently back of house use), as a restaurant/wine bar, ancillary to the continued public house use.

Representations of support have been received to the proposal on the basis that it would aid the continued public house use, however, objections have also been received to more detailed design and operational aspects in respect to the potential for them to harm residential amenity.

The key issues in this case are:

- The impact on the special architectural or historic interest of this Grade II listed building and the character and appearance of the Bayswater Conservation Area.
- The impact on residential amenity.

Subject to the imposition of a number of conditions to minimise the impact of the proposal on local residents, the proposal is considered acceptable and accords with relevant Unitary Development Plan and City Plan policies and a favourable recommendation is made.

## 3. CONSULTATIONS

ORIGINAL PROPOSAL (included ground floor apartment, low level kitchen extract to rear)

### ENGLISH HERITAGE

Authorisation given to determine application.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Concerned that proposal will compromise viability of the pub, loss of ground floor floorspace, staff required to operate over two floors, not convinced by basement wine bar. Suggest a condition to prevent change of use from a pub to another use. The low level kitchen duct may harm resident's amenities; question whether Environmental Health is satisfied. Opening hours should be restricted to existing hours. The rear bin store should be restricted to use between 08.00-22.00 to prevent noise nuisance to mews residents. The bin store appearance (design and materials) should match the listed pub. The archway leading to the mews (including side elevation) should be painted white.

### CAMPAIGN FOR REAL ALE (CAMRA) WEST LONDON BRANCH

Support proposal for renovation works. The site is a much loved community pub and was joint winner of Pub of the Year. The pub changed ownership a year ago and the new owners require that the pub be run as a profitable business and the proposed plans are designed to further that aim. 32 pubs have been lost in the Bayswater area (closed pubs.co.uk) and CAMRA is fighting pub closures all over the country and it is essential for its future survival that this pub is able to be run as a profitable business. The proposals are in keeping with urban design and conservation principles.

### HIGHWAYS PLANNING MANAGER

No off street parking provided for apartment although any additional on-street car parking can be absorbed into the surrounding street network. Cycle parking is required and waste storage should be secured by condition.

## ENVIRONMENTAL HEALTH CONSULTATION TEAM

Objection, low level kitchen extract is unacceptable due to risk of cooking odours and loss of amenity to residents.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 137; Total No. of Replies: 20 (11 in support, 9 raising objection)

### Land Use

- Reduction in floorspace of the pub will make it uneconomical.
- Pub is being turned into something commercial and unpleasant.
- Building a flat inside a pub seems wrong on so many levels for neighbours and citizens of Westminster.
- The pub needs updating and a kitchen and separate dining area away from the bar.
- Pub is a local pub for residents and should not be allowed to have a kitchen attached too.

### Amenity

- Removal of sound box lobby will cause noise nuisance/disturbance to neighbours.
- Reopening of the doors to the mews will encourage smokers to congregate under the arch and the tunnel effect will amplify noise pollution down the mews and into Chilworth Street.
- Any ventilation from cooking and preparation of foods should be extracted above roof level to avoid smell nuisance.
- Impact on health.
- Noise and litter under the arches.
- Side doors and windows should not be allowed to be opened or be functional unless noise mitigation proposed.
- The side doors and windows were blocked and sound insulated because of noise over 35 years ago- restoration will increase noise problems.
- No food or household waste should be disposed of within the store at the rear, as it has only ever been used for commercial waste and recycling generated by the pub.
- The removal of the hoarding in the alley has already brought about noise and music to the rear part of the mews, on a Sunday night it was like being at a disco.
- The exposure of the two steps has encouraged loitering.
- A full working restaurant kitchen is not acceptable as it would create smells and noise and extra footfall.
- Relocation of egress to the pub from the current left hand door on Chilworth Street to the right hand door will increase noise leaking into the mews and will encourage patrons to loiter under the archway.
- Will seek restriction on licence to prevent consumption of alcohol after 22.00 and to have the archway declared as a no drinking area.

### Design

- Cleveland Arms is an important listed building and it would be nice for it to remain close to its Victorian heritage.
- The kitchen extract duct would extract adjacent to bedroom window of 1 Gloucester Mews West.
- The bin store would be adjacent to front door of 1 Gloucester Mews West.

### Transportation

- Increased traffic and parking problems.
- People will drive to eat at the restaurant and increase in parking on yellow lines in the mews congesting the mews.

## Other

- Fire escape at basement level is inadequate.
- The new owners do not know how to run a pub, beer overpriced, sad atmosphere.
- Application states incorrectly that there is no watercourse within 20m, the Westbourne runs beneath the west side of the mews.
- Current staff not as diligent as previous staff.
- A ground floor disabled toilet should be provided.

## Representations received in support

- Excellent pub.
- New design will greatly enhance the building, pub and neighbourhood.
- Joint winner of West London Pub of the Year 2013.
- None of the works would be harmful or lead to loss of amenity.
- Owner has put forward a viable plan to run the pub as a going concern with additional facilities.
- A rejection of the proposals may lead to the pub being uneconomical and closing which would be catastrophic for local community.
- Want to see pub remain as a pub and not go to an estate agency.
- Pub is a key community asset within the area, both socially and economically.
- Proposed works breathes new life into the pub.
- Proposal is more viable and sustainable.
- The proposed works help the pub's economic viability and chances of survival.
- Cleveland Arms must survive as it plays a special role in the neighbourhood with a unique character.
- Opening up the windows will be an improvement.

## ADVERTISEMENT/SITE NOTICE: Yes

REVISED PROPOSAL (Omission of ground floor apartment, full height internal extract, air conditioning units to rear, CCTV cameras, planter boxes, external lights, replacement pavement lights, additional documentation including Operational Management Plan).

## HISTORIC ENGLAND (PREVIOUSLY ENGLISH HERITAGE)

Authorisation given to determine application.

## SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No change of use of pub to another use under PD rights, planning approval would be needed. Important that basement should be conditioned to be part/ancillary to the pub, i.e. no separate restaurant in the basement. Loss of inner lobby area door would cause increased noise outbreak, a closed internal lobby should be maintained. Retention of pub should be secured, should limit hours of kitchen 08.00-22.30, hours of use and hours of bin store to be 08.00-22.00. Suggest painting the side elevation and undercroft white.

## HIGHWAYS PLANNING MANAGER

No objection, subject to provision of secure cycle parking, restriction on delivery service and omission of pendant lights beneath the undercroft.

## ENVIRONMENTAL HEALTH CONSULTATION TEAM

No objection, subject to conditions.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 137; Total No. of Replies:57 (52 in support (a number from addresses outside of Westminster), 7 raising objection)

#### Land Use

- Social hub for community.
- Provides employment.
- Will help pub remain viable.
- Community asset.
- Kitchen should not be allowed- only support a purely pub use.
- Kitchen is essential for pub to survive.
- Enhance local community.

#### Amenity

- New door under archway will encourage drinkers and smokers in the archway causing increased noise and disturbance.
- Concerned that new lamps will increase light pollution to flats in 26 Chilworth Street.
- Concerned about idea of roof terrace looking down the mews and overlooking into windows.
- Noise and lack of privacy is frightening.
- Pollution from patrons smoking outside.
- Kitchen extract above the bin store is still directly next to windows of 1 Gloucester Mews West and is unacceptable.
- Use of bin store by entire building is unacceptable next to 1 Gloucester Mews West- potential rats from food waste.
- Where is the CCTV camera in the mews to stop people loitering?
- Waste and kitchen extract in mews is a health hazard.
- Basement kitchen should not be allowed.
- Restoration of door and window to covered archway leading to Gloucester Mews West will increase noise pollution (previously sound insulated) unless double or triple glazed and not openable.
- Door will encourage people to stand outside and smoke, under cover in wet weather. The rear sash window will increase noise, the existing window is double glazed, sealed, and cannot be opened.
- Waste storage to rear on mews results in dumping of waste including food waste- should not be used for food waste.
- Noise from external condensers to rear.
- Doors and windows to side and rear were previously blocked up and sound insulated to prevent noise disturbance to residents. Fully working kitchen will cause odours and fumes.
- Doors and windows to side/rear should not be functional in order to protect resident's amenity.
- Door step should be physically blocked to prevent people from sitting on step or depositing rubbish there.
- Mitigation (use existing entrances and install greenery in front of archway side door) needs to be conditioned to ensure they are carried out.
- Increase in disturbance from pub patrons and non patrons using the uncovered doorway as a resting spot for loud conversation, dumping of waste and other anti-social behaviour.
- Bin store to rear still proposed for residential parts of site- smells from food waste and noise from access will be detrimental to resident's amenity. All food waste should be stored internally until put out to front on Chilworth Street for collection.

#### Design

- Support external and internal refurbishment.
- Protects historically important parts of the building.

#### Transportation

- Traffic from restaurant use.

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Other

- The application incorrectly states that there is no watercourse within 20m, however, the Westbourne runs beneath the west side of the mews and has caused flooding in a nearby house.
- The new owners are encouraging division within the mews.

Representations received in support

- Cleveland Arms is a fantastic social hub for the local community and helps local businesses (working lunches, networking with local business owners).
- Internal and external refurbishment works will enhance and provide benefits for the local community and surrounding areas.
- Revised proposal adequately addresses local residents concerns, protects historic parts of the building and at the same time allows the pub to evolve in line with current market requirements and remain economically viable.
- Improved food offering is welcomed.
- Proposed works gives the opportunity to breathe new life into this pub and the services it can provide to cater for 21st century needs and demands.
- Asset to the community.
- Current landlord is doing a good job under tricky circumstances (including no proper kitchen).
- Don't understand why planning has taken so long because of a couple of objections.
- Current vendors have got rid of the drug dealers.
- Revised duct is improvement.
- Uncovering door and window will improve visibility and discourage anti-social behaviour.

ADVERTISEMENT/SITE NOTICE: Yes

#### 4. BACKGROUND INFORMATION

##### 4.1 The Application Site

The Cleveland Arms Public House is a Grade II listed property located within the Bayswater Conservation Area with front forecourt seating. The ground floor and basement continue to be operated as a public house with the bar and seating at ground floor level and ancillary toilets and back of house uses within the basement. The upper floors are in residential use as a number of small bedsit type rooms.

##### 4.2 Relevant History

An application has recently been submitted which seeks a Certificate of Lawful Use of first, second and third floors as 18 serviced apartments (Class C1). However, this application is currently held as invalid (15/05710/CLEUD).

#### 5. THE PROPOSAL

Planning permission and listed building consent are sought for external and internal alterations to the public house, including full height internal kitchen extract duct to extract at roof level, alterations to fenestration to side elevation, removal of condenser units and installation of two new condenser units to rear first floor flat roof, installation of close circuit television cameras; planter boxes, external lights to elevations and underside of archway, replacement pavement lights, and replacement bin store all in connection with the continued use as a public house at ground floor level and new ancillary wine bar/restaurant within the basement.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The proposal seeks to retain the use of the ground floor as a public house with external seating to the front forecourt area and to bring the basement into public use by utilising the ancillary basement accommodation as an ancillary wine bar/restaurant with kitchen, tap/cold room, utility storage areas and toilets. The property would continue to operate as a public house with ancillary wine bar/restaurant within the basement. As such, it is not considered that the proposal would be harmful to the future protection of the public house, which is clearly of significant value to the local community. However, given its community value it is considered appropriate to retain the public house use as the primary use and to ensure that the wine bar/restaurant remain ancillary. A condition to this effect is recommended (Condition 3).

Apart from the internal works at first, second and third floor levels to facilitate the proposed internal kitchen extract duct, no change of use or other internal alterations are currently proposed to these floors.

### 6.2 Townscape and Design

The Cleveland Arms is a Grade II listed building located within the Bayswater Conservation Area and therefore the proposal falls to be considered under Policies DES1, DES5, DES6, DES9 and DES10 of our UDP and Policies S25 and S28 of our City Plan as well as the National Planning Policy Framework (NPPF). The following Supplementary Planning Guidance is also of relevance; Bayswater Conservation Area Audit; Development and Demolition in Conservation Areas and Repairs and Alterations to Listed Buildings.

#### 6.2.1 Kitchen Extract Duct

The introduction of kitchen extract ducting to this Grade II listed building is challenging in terms of designing a fully functional extract that minimises its impact on this important Grade II listed building. The applicant has considered a number of different options including a low level duct, full height external duct etc. While it is considered that the use of chimney voids and the rear WC enclosures could have been given more consideration, the applicant has routed the duct through rear rooms adjacent and one WC area.

The full height kitchen extract duct which is routed internally from the basement kitchen to roof level where it extracts externally, is considered to be acceptable. Apart from at ground floor level where it is enclosed within the centre of the bar area, the duct has been located to the internal rear parts of the building and is contained within cupboards and secondary areas, rather than primary rooms. As such, it is considered that the impact of the duct on the fabric and historic plan form of the listed building is limited. At roof level the duct would not project beyond the height of the existing parapet wall and would not therefore be visible in views of the rear of the building from within the Bayswater Conservation Area.

#### 6.2.2 Air conditioning units

The two existing air conditioning units located on the rear first floor flat roof are proposed to be removed and two new units are proposed in a revised location also on the rear first floor flat roof within an acoustic enclosure. This would be of minimal visibility.

#### 6.2.3 External Alterations

With respect to the side elevation fenestration, the retention of the existing joinery and size of

openings and the re-introduction of glass, where currently boarded over is welcomed in historic building terms. Whilst the re-introduction of pavement lights is acceptable, it is expected that traditional design and materials (cast iron and glass) are proposed to respect the historic building. The replacement bin store to the rear is also acceptable, subject to traditional detailing.

Close circuit television cameras (CCTV) are proposed to the front elevation to Chilworth Street over each of the two doorways and also to the side elevation adjacent to the entrance door to the upper floors. In addition, four new external wall lights are proposed to the side elevation either side of the two doors and two new pendant lights are proposed to be installed to the underside of the existing archway. Subject to appropriate detailing and materials these additions are not contentious in listed building and townscape terms. However, the pendant lights raise highways concerns as set out elsewhere in this report.

#### **6.2.4 Internal alterations**

At ground floor level it is proposed to remove the entrance lobby, public bar, some minor areas of wall and the staircase between ground and basement levels. A new bar is to be installed along with a timber entrance screen to an alternative entrance door and a staircase between ground and basement is proposed along with new walls and partitions and associated alterations.

At basement level a number of partitions and walls are also proposed to be removed to “open up” this area and the stone larder shelves are to be relocated also within the basement. It is regrettable that the original stone larder shelves which are rare surviving features of the pub located within the basement are not being retained in situ, which could be achieved if the use of rooms were reorganised. However, they are to be relocated within the basement and are proposed as a feature available for public view from customers of the new ancillary wine bar/restaurant and this is considered to be an appropriate compromise, subject to the existing fabric being carefully dismantled and re-erected including the bricks and stone slabs.

### **6.3 Residential Amenity**

#### **6.3.1 Mechanical plant and machinery**

With respect to the kitchen extract duct, it is acknowledged that to be fully functional for all potential types of cooking, a full height duct is required and is the most workable solution from a noise and odour perspective. The City Council's Environmental Health Consultation Team has confirmed that the proposal meets the City Council's standards in respect of noise, vibration and odours so as not to cause a loss of amenity to surrounding residential occupiers. The proposed replacement two air conditioning units to the rear first floor flat roof would also meet noise standards. An air intake grille is proposed to provide fresh air to the basement but is not mechanical and does not extract at this location. As advised by Environmental Health, conditions are recommended to ensure mitigation measures are installed, ensure on-going compliance with our standards for noise and vibration as well as to restrict the hours of use of the plant, and also to require a supplementary report to evidence compliance (Conditions 4, 15, 16, 17, 18). As such, the proposal is considered acceptable and in accordance with Policies ENV6 and ENV7 of our UDP and S29 of our City Plan.

#### **6.3.2 Noise escape from Public House**

Whilst there are currently two doors to the front of the public house on Chilworth Street, the southern-most door previously formed the main entrance with an associated internal lobby area. It is now proposed to use the northern-most door as the main entrance incorporating an



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internal timber screen. Whilst objection has been raised to the use of this alternative entrance door and the loss of the internal lobby, given the distance to the nearest residential properties, it is not considered that this objection can be supported.

To the side elevation beneath the archway, a currently boarded up door is to be reinstated with acoustic glass, but it is to remain fixed shut and a new metal trough planter is to be fixed within the doorway. The existing fenestration on this elevation is also to be reinstated with acoustic glazing. Further replacement windows are proposed to the rear ground floor. Objection has been received from local residents to these elements of the proposal on grounds that these doors and windows were originally boarded up as a noise mitigation measure to prevent noise escape from the public house and consequently to prevent associated disturbance to local residents particularly those within Gloucester Mews West. The reinstatement of glazing is welcomed in listed building terms and also to provide natural surveillance to the archway, however, the concerns of local residents in terms of noise outbreak are recognised. It is therefore considered appropriate to require acoustic glass to be installed and for these windows and doors to remain fixed shut. To this effect, Conditions 8 and 11 are recommended.

Entry to the upper floors of the building is to remain from the existing door within the side elevation beneath the archway.

### **6.3.3 Operational Management Plan**

The applicant has submitted an Operational Management Plan which sets out management rules, servicing and hours of operation and measures which will be put in place to minimise any impact of the pub/restaurant use on residential properties within the building and nearby. There are currently no planning restrictions controlling the operation of the premises.

The applicant indicates that a management team of two, with one bar manager and another five to 10 staff supervised by a general manager would operate the business between 08.00-23.30 Monday to Thursday, 08.00-midnight on Friday and Saturday and 09.00-22.50 on Sundays (excluding those before a Bank Holiday). The early operation is to provide breakfast to customers.

In terms of deliveries it is proposed that beer deliveries continue to be made via the hatch to the rear of the building and that all other deliveries including breakfast deliveries will take place via the front of the building from Chilworth Street, between 07.00 and 08.00 for breakfast deliveries and all other deliveries and services after 09.00. Staff and customer access and egress is via the main front entrance. All mechanical units are proposed to be shut down outside of trading hours. It is considered appropriate to require the operation of the premises in accordance with this Operational Management Plan, although it is acknowledged that further restrictions may be imposed by Licensing.

### **6.4 Transportation/Highways**

The applicant has indicated that all servicing (apart from beer delivery) will take place via the front of the building from Chilworth Street from 07.00 for breakfast deliveries and 09.00 for all other deliveries and services although no terminal hour is proposed.

The commercial waste associated with the public house, restaurant/wine bar will be stored internally. The intended use of the replacement bin store to the rear by residents of the upper floors for storage of food waste has brought about objection from local residents concerned that the storage of food waste will cause odours and vermin. The concern is acknowledged, however, with proper management in place, this should not be the case. The objections raised on this ground are therefore not supported by officers. It is proposed that the use of the

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bin store be restricted to between 08.00 and 21.00 in order to protect the amenities of residents within Gloucester Mews West.

The Highways Planning Manager has also requested a condition to prevent a delivery service from the premises on highways grounds and this is recommended as Condition 7. Furthermore, the proposed pendant lights within the arch of the undercroft would overhang the highway and consequently due to their low height, the Highways Planning Manager has raised objection to them on grounds of obstruction, as likely to be an obstruction to a vehicle reversing into or out of this new through road. In order to address this point, an amending condition is recommended (Condition 13) to seek the removal of this element of the proposal.

#### **6.5 Equalities and Diversities**

An objector has suggested that provision should be made for a disabled access toilet at ground floor level. There is currently no level access to the building and no accessible toilet, as the current toilets are at basement level accessed via a staircase. The applicant is not intending to install a disabled access toilet, due to the historic building constraints. Given that no change is proposed to the existing situation it would be difficult to withhold permission on this ground.

#### **6.6 Economic Considerations**

Not relevant in the determination of this application.

#### **6.7 Other Westminster/UDP Policy Considerations**

No further policies are relevant to the current application.

#### **6.8 Central Government Advice/Guidance**

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

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

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

#### **6.9 London Plan**

This application raises no strategic issues.

#### **6.10 Planning Obligations**

Not applicable.

### 6.11 Environmental Assessment including Sustainability and Biodiversity Issues

Not applicable.

### 6.12 Other Matters

Not applicable.

### 6.13 Conclusion

The proposal is considered acceptable in historic building terms and subject to a number of conditions to mitigate the potential impact of the proposal on surrounding residents, is also considered acceptable in amenity terms.

Therefore, notwithstanding the objections raised, a favourable recommendation is made.

## BACKGROUND PAPERS

### ORIGINAL PROPOSAL

1. Application forms
2. Letter of authorisation from English Heritage dated 18.03.2015
3. Email from Campaign for Real Ale (CAMRA) West London branch dated 25.03.2015.
4. Memo from Highways Planning Manager dated 30.03.2015
5. Memo from Environmental Health dated 16.03.2015
6. Email from South East Bayswater Residents Association (SEBRA) dated 06.04.2015
7. Letter from Hurley Bennett as owner of 25 and 27 Chilworth Street dated 30.03.2015.
8. Email from owners of 26 Chilworth Street dated 30.03.2015
9. Email from the occupier of 27 Chilworth Street dated 01.04.2015
10. Email from the occupier of 28 Chilworth Street dated 01.05.2015
11. Emails from the occupier of 1 Gloucester Mews West dated 18.03.2015 (x2) and 19.03.2015 (x1)
12. Email from the occupier of 2 Gloucester Mews West dated 20.03.2015
13. Emails from the occupier of 3 Gloucester Mews West dated 19.03.2015 (x2)
14. Email from the occupier of 4 Gloucester Mews West dated 09.04.2015
15. Email from the occupier of 96 Gloucester Mews West dated 04.05.2015 (with attachment)
16. Email from the occupier of 98 Gloucester Mews West dated 25.03.2015
17. Email from the occupier of 99 Gloucester Mews West dated 30.03.2015
18. Email from the occupier of Flat 1 and 2 basement, ground, first and second floor, 21 Cleveland Square dated 02.04.2015
19. Email from the occupier of 30 Cleveland Square dated 06.04.2015
20. Email from the occupier of Flat 2, 31 Cleveland Square dated 07.04.2015
21. Email from the occupier of 53 Cleveland Square dated 09.04.2015
22. Email from the occupier of 4 Craven Hill dated 23.03.2015
23. Email from the occupier of 4 Heron Court, Lancaster Gate dated 30.03.2015
24. Email from the occupier of Flat G, 19-21 Westbourne Terrace dated 25.03.2015
25. Email from the occupier of 23 Tamarisk Square East Acton dated 19.03.2015
26. Email from the occupier of 26 Sutton Road, Barking dated 09.04.2015

### REVISED PROPOSAL

1. Letter of authorisation from Historic England (previously English Heritage) dated 18.03.2015
2. Email from South East Bayswater Residents Association dated 13.08.2015.
3. Memo from Environmental Health dated 03.08.2015
4. Memo from Highways Planning Manager dated 04.08.2015

5. Email from the occupier of Ground floor 26 Chilworth Street dated 16.07.2015
6. Email from the occupier of 26 Chilworth Street dated 24.07.2015
7. Email from the occupier of 26 Chilworth Street dated 16.07.2015
8. Email from the occupier of 26 Chilworth Street dated 16.07.2015
9. Email from the occupier of Flat 7, 8 Cleveland Square dated 20.07.2015
10. Email from the occupier of 21 Cleveland Square dated 18.07.2015
11. Email from the occupier of 21 Cleveland Square dated 19.07.2015
12. Email from the occupier of 28 Cleveland Square dated 18.07.2015
13. Email from the occupier of Flat 6, 31 Cleveland Square dated 22.07.2015
14. Email from the occupier of 33 Cleveland Square dated 23.07.2015
15. Email from the occupier of 42 Cleveland Square dated 20.07.2015
16. Email from the occupier of 48b Cleveland Square dated 16.07.2015
17. Email from the occupier of 50 Cleveland Square dated 20.07.2015
18. Email from the occupier of 53 Cleveland Square dated 21.07.2015
19. Email from the occupier of Room 50, 55 Cleveland Square dated 16.07.2015
20. Email from the occupier of Flat 4, 7 Cleveland Gardens dated 20.07.2015
21. Emails from the occupier of 1 Gloucester Mews West dated 20.07.2015, 22.07.2015 and 23.07.2015 (x2)
22. Email from the occupier of 1 Gloucester Mews West dated 20.07.2015
23. Email from the occupier of 2 Gloucester Mews West dated 18.07.2015
24. Emails from the occupier of 3 Gloucester Mews West dated 16.07.2015 (x2)
25. Email from the occupier of 96 Gloucester Mews West dated 20.07.2015
26. Emails from the occupier of 98 Gloucester Mews West dated 20.07.2015 and 23.07.2015
27. Email and letter from the occupier of 99 Gloucester Mews West dated 21.07.2015 and 23.07.2015
28. Email from the occupier of 66 Gloucester Terrace dated 16.07.2015
29. Email from the occupier of 117 Gloucester Terrace dated 16.07.2015
30. Email from the occupier of 121 Gloucester Terrace dated 21.07.2015
31. Email from the occupier of 20a Craven Terrace dated 16.07.2015
32. Email from the occupier of 34 Craven Road dated 20.07.2015
33. Email from the occupier of Craven Hill Mews dated 21.07.2015
34. Email from the occupier of 19A Westbourne Terrace dated 25.07.2015
35. Email from the occupier of Flat G 19 Westbourne Terrace dated 20.07.2015
36. Email from the occupier of Flat 10, 60-62 Westbourne Terrace dated 16.07.2015
37. Email from the occupier of Flat 2, 92 Westbourne Terrace dated 16.07.2015
38. Email from occupier (MP/Councillor) of Flat 9, 92 Westbourne Terrace dated 17.07.2015
39. Email from the occupier of 104 Westbourne Terrace dated 16.07.2015
40. Email from the occupier of 120 Westbourne Terrace dated 17.07.2015
41. Email from the occupier of 121-141 Westbourne Terrace dated 17.07.2015
42. Email from the occupier of 121-141 Westbourne Terrace dated 17.07.2015
43. Email from the occupier of 23 Queens Gardens dated 16.07.2015
44. Email from the occupier of 70 Kensington Garden Square dated 17.07.2015
45. Email from the occupier of 15 Crastock Court, Queens Gardens dated 16.07.2015
46. Email from the occupier of 7 Droop Street dated 16.07.2015
47. Email from the occupier of 71 Kendal Steps dated 16.07.2015
48. Email from the occupier of 71 Kendal Steps dated 16.07.2015
49. Email from the occupier of 24 Winchester House Wholefield Estate dated 17.07.2015
50. Emails from the occupier of 35 Gatliff Close, Pimlico dated 17.07.2015 (x2)
51. Email from the occupier of 10 Littlebury Road London dated 16.07.2015
52. Email from the occupier of 36 Honeybrook Road London dated 16.07.2015
53. Email from the occupier of 85 Royal Crescent Ruislip dated 16.07.2015
54. Email from the occupier of 103 King Court Hamlet Gardens dated 16.07.2015
55. Email from the occupier of 199 Goulden House, Bullen Street, London dated 16.07.2015
56. Email from the occupier of 36B Osiers Road, Wandsworth dated 17.07.2015
57. Email from the occupier of 132 Coulsdon Road, Coulsdon Surrey dated 17.07.2015
58. Email from the occupier of 23 St Catherines Court, Bedford Road London dated 21.07.2015

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- 59. Email from the occupier of 97 Manor Road, Witney dated 17.07.2015
- 60. Email from the occupier of 2 Mill House Rose Lane, Apsley dated 17.07.2015
- 61. Email from the occupier of 44 St Saviours Road, St Leonards on Sea dated 16.07.2015

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

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17/08/2015

**DRAFT DECISION LETTER**

**Address:** 28 Chilworth Street, London, W2 6DT

**Proposal:** External and internal alterations to public house, including full height internal kitchen extract duct to extract at roof level, removal of condenser units and installation of two new condenser units to rear first floor flat roof installation of close circuit television cameras; planter boxes, external lights to elevations and underside of archway; replacement pavement lights.

**Plan Nos:** Existing :-PL\_001 P1, PL\_002P1, PL\_003P2, PL\_004P2, PL\_005P2, PL\_006P2, PL\_007P2, PL\_008P2, PL\_009P1, PL\_030P1, PL\_031P1, PL\_032P1. Demolition:- PL\_020P2, PL\_021P2, PL\_022P2, PL\_023P2, PL\_024P3, PL\_025P2, PL\_040P1, PL\_041P1, PL\_042P1, PL010. Proposed:- PL\_010P3, PL\_011P3, PL\_012P3, PL\_013P4, PL\_014P4, PL\_015P3, PL\_016P1PL\_035P1, PL\_036P1, PL\_037P1. Design and Access Statement Rev A 22.06.2015, Planning Statement Rev A 22.06.2015, Heritage Statement Rev B 189-2015-06-30: Operational Management Plan Rev A 22.06.2015, ACP Acoustic consultancy Report Rev C 07.07.2015, Penttinen Schone Statement of Design Proposals - Kitchen Extract Ducting, Penttinen Schone Statement of Design Proposals- Stone Slabs, photographs, Existing Basement Layout Rev A28.05.2015, Existing Plan of Spirit Store and photographs, Proposed Basement Layout Rev B 15.06.2015, Proposed plan of Utilities and Tap room an photographic examples, Proposed section AA/Side elevation under archway 15.06.2015

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641 2929

**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 use the property only for Public House use with ancillary basement wine bar/restaurant (Class A4).

**Reason:**

We cannot grant planning permission for unrestricted mixed use within Classes A3/A4 because it would not meet Policy SS8 of our Unitary Development Plan that we adopted in January 2007

and Policy S13 of the City Plan: Strategic Policies that we adopted in November 2013, and because of the special circumstances of this case. (R05BB)

4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

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

- 5 Notwithstanding the submitted details, you must apply to us for approval of detailed drawings (location, size, , manufacturing specification) of the following parts of the development You must not start work until we have approved what you have sent us:-

- 1)Plant enclosure;
- 2)Pavement lights;
- 3)Joinery sections through new windows and doors;
- 4)Bin store
- 5)Close Circuit Television
- 6)Wall lights
- 7)Planter boxes

You must then carry out the work according to these details. (C26CB)

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 Bayswater 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 All new and replacement external waste water and rainwater pipes must be constructed of cast iron with traditional eared collars.

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 Bayswater 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 No delivery service shall be operated from the premises.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 8 Apart from the existing side entrance door to the upper floors of the building, all doors and windows to side elevation and rear elevation at ground floor level and the roof light to the ground floor all as shown on drawings PL-011 Revision P3, PL-012 Revision P3 and PL\_014 Revision P4 , shall be fixed shut and non-openable. You must keep these doors and windows closed. You can use them in an emergency or for maintenance only.

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)

- 9 The bin store to the rear at basement level shown on drawing PL\_010 Revision P3, shall not be used between 21.00 and 08.00 daily.



## 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)

- 10 You must provide the waste stores shown on drawing PL\_010 Revision P3 before the ancillary wine bar and restaurant use is begun. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

## Reason:

To protect 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)

- 11 The glass that you put in the doors and windows in the side elevation and rear elevation at ground floor level and the roof light to the ground floor all as shown on drawings PL-011 Revision P3, PL-012 Revision P3 and PL\_014 Revision P4 (Apart from the existing side entrance door to the upper floors of the building) must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

## Reason:

To protect 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)

- 12 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

## Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

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

Omission of proposed pendant lights to undercroft area.

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:

In the interests of public safety (as vehicles would hit the pendant lights) as set out in TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 14 The development hereby approved must be carried out in accordance with the Operational Management Plan Rev A 22.06.2015, unless an alternative is agreed in writing by us.

Reason:

To minimise the impact of the use on neighbouring residents, 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)

- 15 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.

- 16 The kitchen extract duct and heat recovery unit shall hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily.

Reason:

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

- 17 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 4, 15, 16. 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.

- 18 You must provide the acoustic and visual mitigation measures as shown on the drawings before the associated mechanical plant and machinery is operated and it shall be maintained in situ thereafter.

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 and the visual impact is minimised in the interest of the character and appearance of the listed building and the Conservation Area in accordance with Policy DES1, DES5, DES9, DES10 of our Unitary Development Plan that we adopted in January 2007 and S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013.

**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 Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 8 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for

Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk).

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)

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

- 9 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org](http://www.ccscheme.org).
- 10 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.
- 11 You may need separate licensing approval for the premises.
- 12 Please contact a Metropolitan Police Crime Prevention Design Adviser about suitable security measures for your development. You should also check whether these features will need planning approval.

You should contact either:

Gordon Semple on 020 7641 2073 or  
David Fisher on 07841 292 689.

They are based at:  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
(I74AA)

- 13 When you apply to us to approve the details under the above conditions, we will be able to deal with your application more quickly if you send us a copy of this permission and the relevant approved drawings. (I79AA)
- 14 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](http://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.

- 15 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](http://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)

- 16 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.

- 17 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.

- 18 Conditions 4, 15, 16, 17; 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)

**DRAFT DECISION LETTER**

- Address:** 28 Chilworth Street, London, W2 6DT
- Proposal:** External and internal alterations to public house, including full height internal kitchen extract duct to extract at roof level, removal of condenser units and installation of two new condenser units to rear first floor flat roof installation of close circuit television cameras; planter boxes, external lights to elevations and underside of archway; replacement pavement lights.
- Plan Nos:** Existing :-PL\_001 P1, PL\_002P1, PL\_003P2, PL\_004P2, PL\_005P2, PL\_006P2, PL\_007P2, PL\_008P2, PL\_009P1, PL\_030P1, PL\_031P1, PL\_032P1. Demolition:- PL\_020P2, PL\_021P2, PL\_022P2, PL\_023P2, PL\_024P3, PL\_025P2, PL\_040P1, PL\_041P1, PL\_042P1, PL010. Proposed:- PL\_010P3, PL\_011P3, PL\_012P3, PL\_013P4, PL\_014P4, PL\_015P3, PL\_016P1PL\_035P1, PL\_036P1, PL\_037P1. Design and Access Statement Rev A 22.06.2015, Planning Statement Rev A 22.06.2015, Heritage Statement Rev B 189-2015-06-30: Operational Management Plan Rev A 22.06.2015, ACP Acoustic consultancy Report Rev C 07.07.2015, Penttinen Schone Statement of Design Proposals - Kitchen Extract Ducting, Penttinen Schone Statement of Design Proposals- Stone Slabs, photographs, Existing Basement Layout Rev A28.05.2015, Existing Plan of Spirit Store and photographs, Proposed Basement Layout Rev B 15.06.2015, Proposed plan of Utilities and Tap room an photographic examples, Proposed section AA/Side elevation under archway 15.06.2015
- Case Officer:** Sarah Whitnall **Direct Tel. No.** 020 7641 2929

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

- 1 Notwithstanding the submitted details, you must apply to us for approval of detailed drawings (location, size, , manufacturing specification) of the following parts of the development You must not start work until we have approved what you have sent us:-
- 1)Plant enclosure;
  - 2)Pavement lights;
  - 3)Joinery sections through new windows and doors;
  - 4)Bin store
  - 5)Close Circuit Television
  - 6)Wall lights
  - 7)Planter boxes
  - 8)Detail of new internal stair from ground floor to basement;
  - 9)Retention of joinery detailing on internal partition wall adjacent to bar;

You must then carry out the work according to these details. (C26CB)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 2 All new and replacement external waste water and rainwater pipes must be constructed of cast iron with traditional eared collars.

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area.

This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of a sample of acoustic glass you will use, including 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Omission of proposed pendant lights to undercroft area.

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:

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

- 5 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

#### **Informative(s):**

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

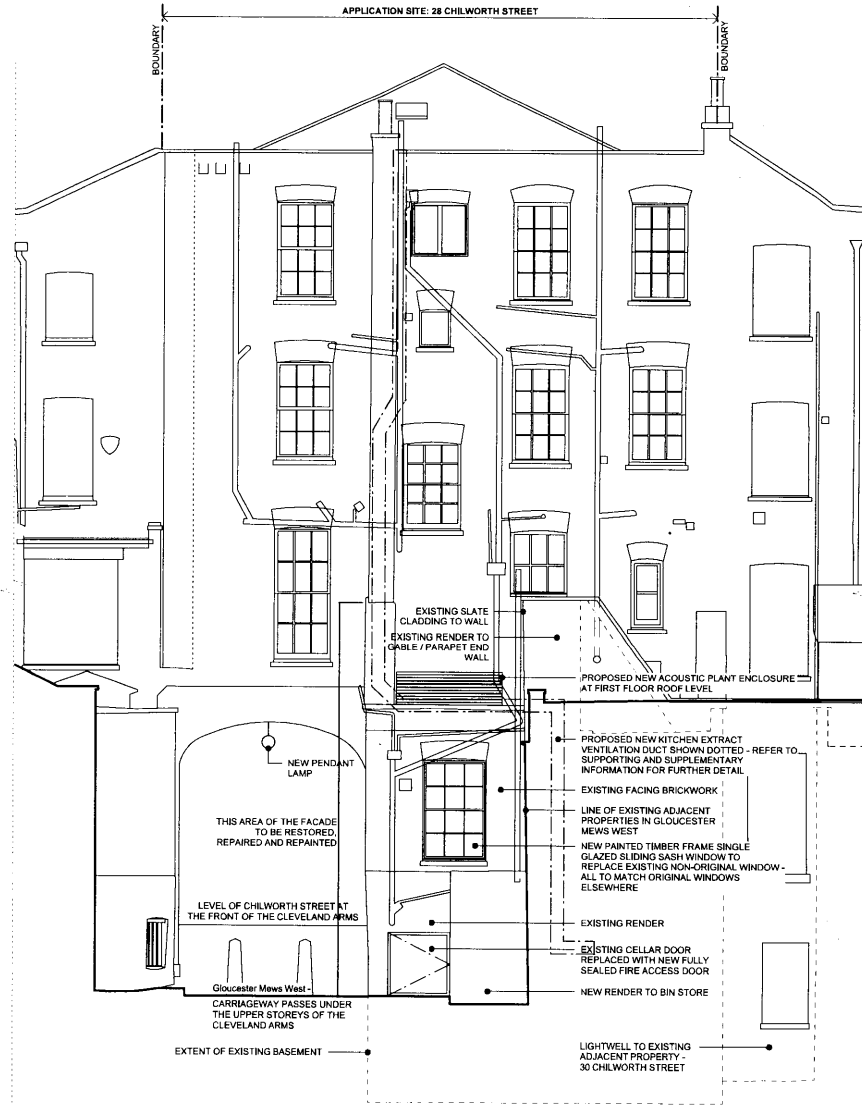
The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.



PROPOSED FRONT ELEVATION  
1:100



PROPOSED REAR ELEVATION  
1:100

NOTES:

- DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCY.
- THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	11.03.15
P3	Amended planning application.	22.06.15
P4	Amended planning application - acoustic enclosure indicated.	02.07.15

KEY:

- EXISTING FABRIC TO BE RETAINED
- EXISTING FABRIC TO BE REMOVED
- PROPOSED NEW CONSTRUCTION

- NOTES:
- ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
  - ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
  - EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
  - EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
  - EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
  - LOOSE FURNITURE LAYOUTS ARE INDICATIVE.

DRAWING: As Proposed Front and Rear Elevations

CLIENT: Maria Tamander

PROJECT: Cleveland House  
28 Chilworth Street, London W2 6DT

JOB NUMBER: 038

DRWG STATUS: Planning

SCALE AT A3: 1:100 CHECKED: PS

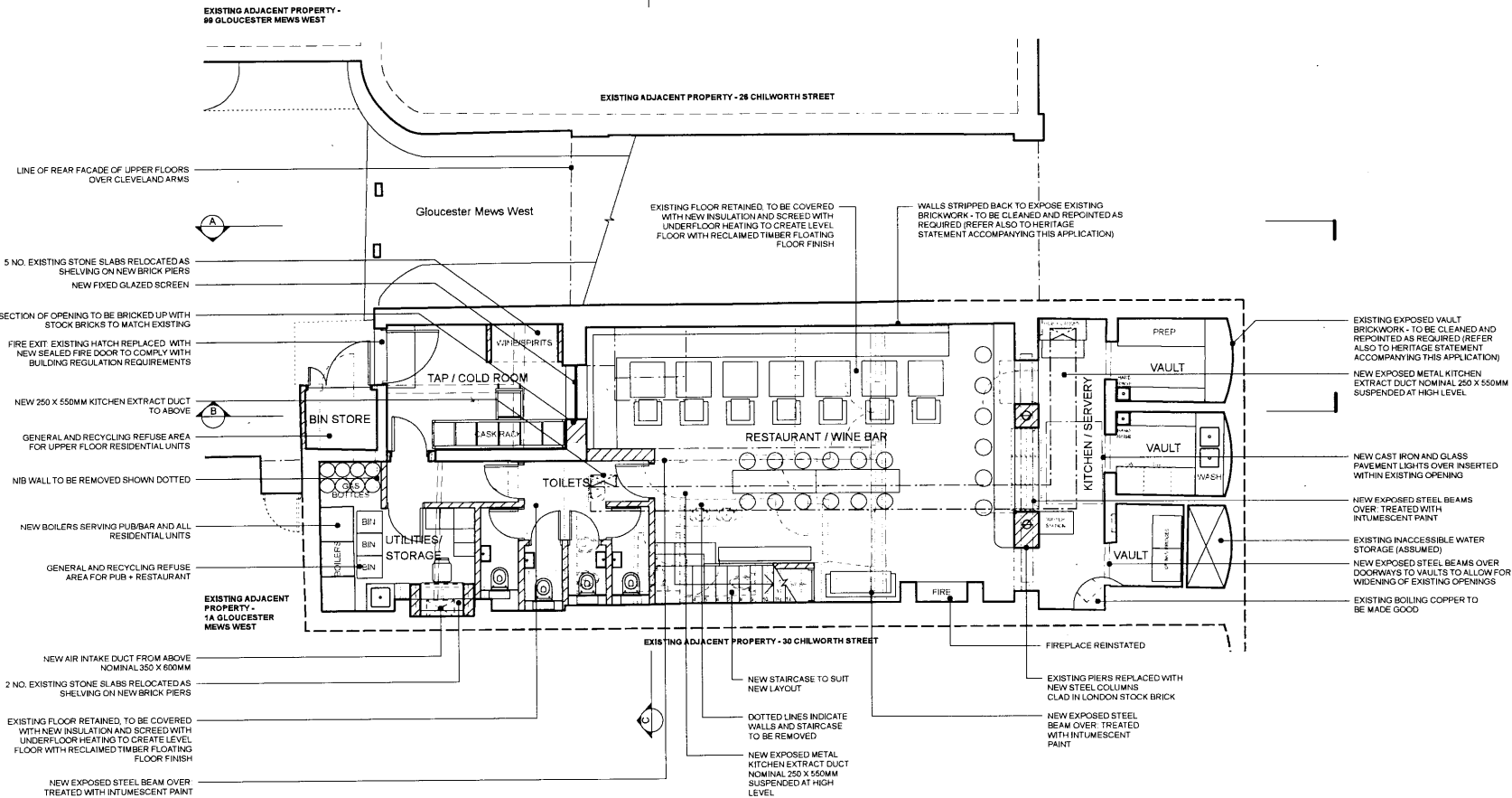
DRAWING NO: PL\_014 REVISION: P4

PENTTINEN SCHÖNE  
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London WC1X 0AN tel: 0207 833 9947  
studio@penttinschone.co.uk



Page 28





PROPOSED BASEMENT FLOOR PLAN  
1:100

NOTES:  
1. DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCY.  
2. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS AND SCHEDULES.

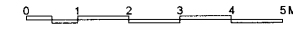
No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	11.03.15
P3	Amended planning application.	22.06.15

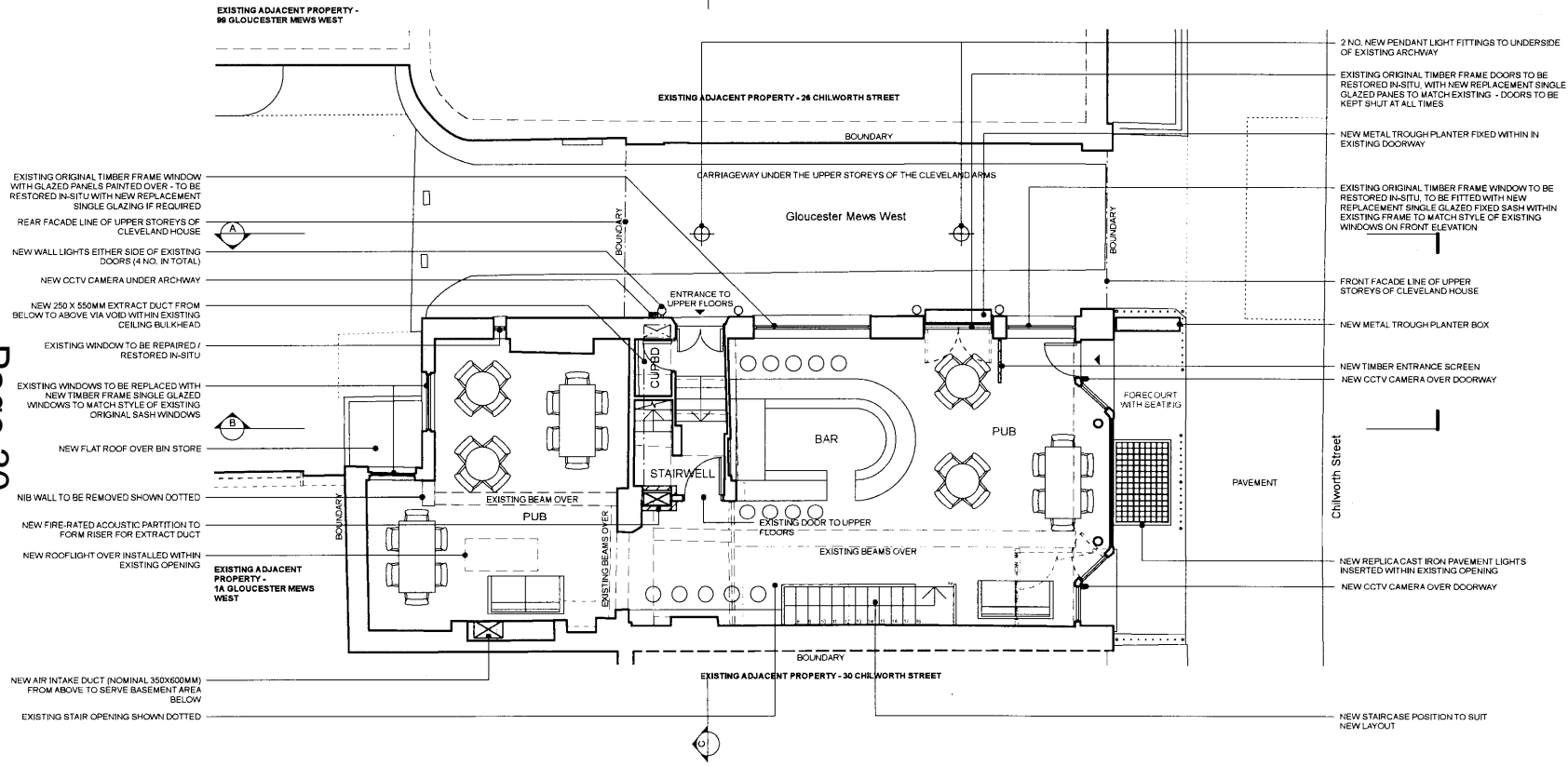
KEY:

NOTES:  
 1. ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.  
 2. ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.  
 3. EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.  
 4. EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.  
 5. EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.  
 6. LOOSE FURNITURE LAYOUTS ARE INDICATIVE.

DRAWING: As Proposed Basement Floor Plan  
 CLIENT: Maria Tamander  
 PROJECT: Cleveland House  
 28 Chilworth Street, London W2 6DT  
 JOB NUMBER: 038  
 DRWG STATUS: Planning  
 SCALE AT A3: 1:100 CHECKED: PS  
 DRAWING NO: PL\_010 REVISION: P3

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 studio@penttinen-schone.co.uk





PROPOSED GROUND FLOOR PLAN  
1:100

**NOTES:**

- DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCY.
- THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	11.03.15
P3	Amended planning application.	22.06.15

**KEY:**

- [Solid line] EXISTING FABRIC TO BE RETAINED
- [Dotted line] EXISTING FABRIC TO BE REMOVED
- [Hatched area] PROPOSED NEW CONSTRUCTION

**NOTES:**

- ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
- ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
- EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
- EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
- EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
- LOOSE FURNITURE LAYOUTS ARE INDICATIVE.

DRAWING: As Proposed  
Ground Floor Plan

CLIENT: Maria Tamander

PROJECT: Cleveland House  
28 Chilworth Street, London W2 8DT

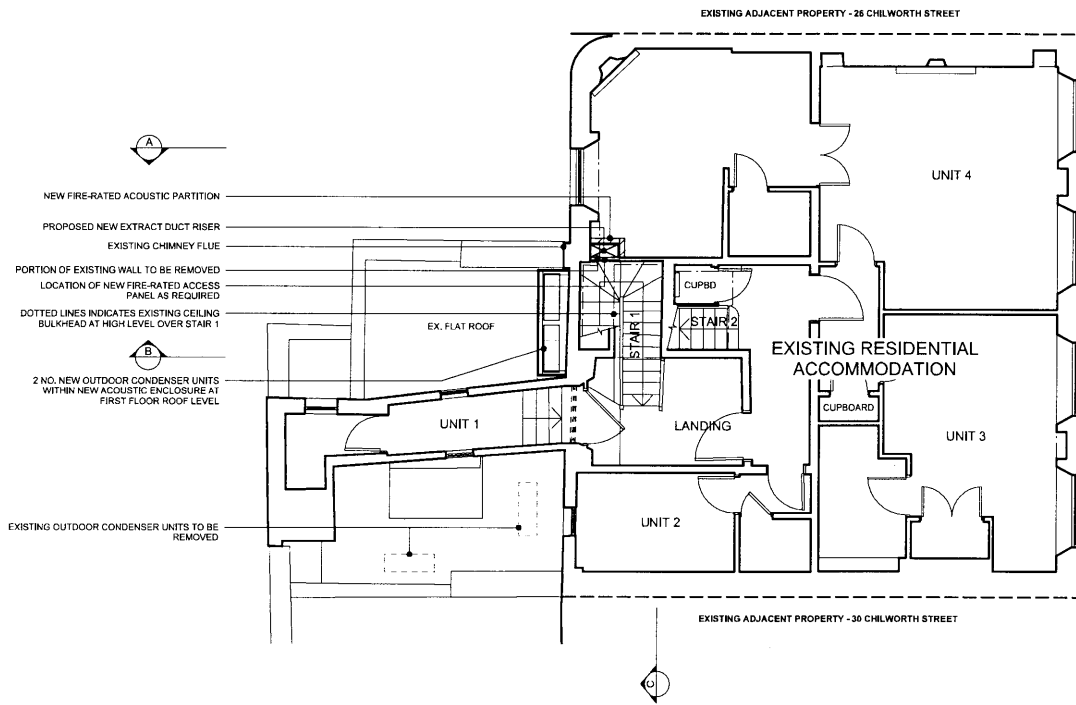
JOB NUMBER: 038

DRWG STATUS: Planning

SCALE AT A3: 1:100 CHECKED: PS

DRAWING NO: PL\_011 REVISION: P3

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London WC1X 0AN tel: 0207 833 9947  
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**PROPOSED FIRST FLOOR PLAN**  
1:100

- NOTES:
- DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCY.
  - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	02.07.15

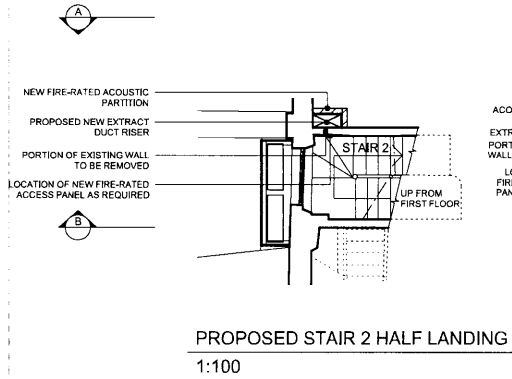
- EXISTING FABRIC TO BE RETAINED
- EXISTING FABRIC TO BE REMOVED
- PROPOSED NEW CONSTRUCTION

- NOTES:
- ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
  - ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
  - EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
  - EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
  - EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.

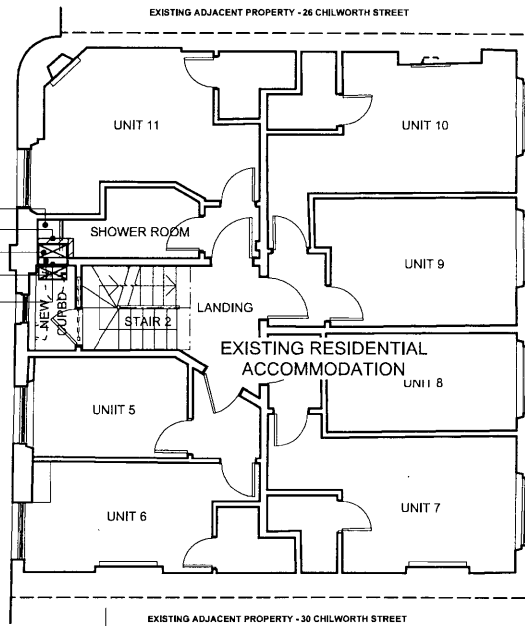
DRAWING:	As Proposed First Floor Plan
CLIENT:	Maria Tamander
PROJECT:	Cleveland House 28 Chilworth Street, London W2 6DT
JOB NUMBER:	038
DRWG STATUS:	Planning
SCALE AT A3:	1:100      CHECKED: PS
DRAWING NO.:	PL_035      REVISION: P1

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EXISTING VOID  
 NEW FIRE-RATED ACOUSTIC PARTITION  
 PROPOSED NEW EXTRACT DUCT RISER  
 PORTION OF EXISTING WALL TO BE REMOVED  
 LOCATION OF NEW FIRE-RATED ACCESS PANEL AS REQUIRED



**NOTES**

- DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCY.
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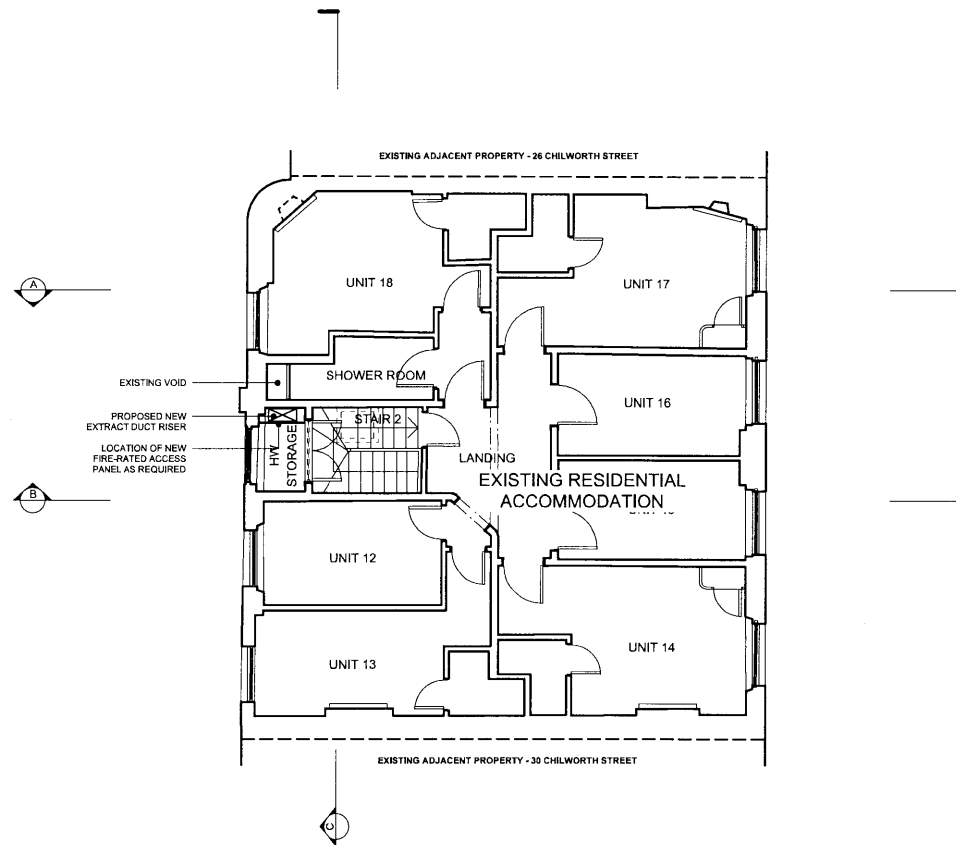
No.	ISSUE/REVISIONS	DATE
P1	Planning application.	02.07.15

- EXISTING FABRIC TO BE RETAINED
  - EXISTING FABRIC TO BE REMOVED
  - PROPOSED NEW CONSTRUCTION
- NOTES:**
- ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
  - ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
  - EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
  - EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
  - EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE. TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.

DRAWING: As Proposed  
 Second Floor Plan  
 CLIENT: Maria Tamander  
 PROJECT: Cleveland House  
 28 Chilworth Street, London W2 6DT  
 JOB NUMBER: 038  
 DRWG STATUS: Planning  
 SCALE AT A3: 1:100 CHECKED: PS  
 DRAWING NO: PL\_036 REVISION: P1

**PENTTINEN SCHÖNE**  
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 London WC1X 3AN Tel: 0207 833 9947  
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PROPOSED THIRD FLOOR PLAN  
1:100

NOTES

1. DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCY.
2. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	02.07.15

EXISTING FABRIC TO BE RETAINED  
 EXISTING FABRIC TO BE REMOVED  
 PROPOSED NEW CONSTRUCTION

NOTES:

1. ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
2. ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
3. EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
4. EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
5. EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE. TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.

DRAWING: As Proposed  
Third Floor Plan

CLIENT: Maria Tamander

PROJECT: Cleveland House  
28 Chilworth Street, London W2 6DT

JOB NUMBER: 038

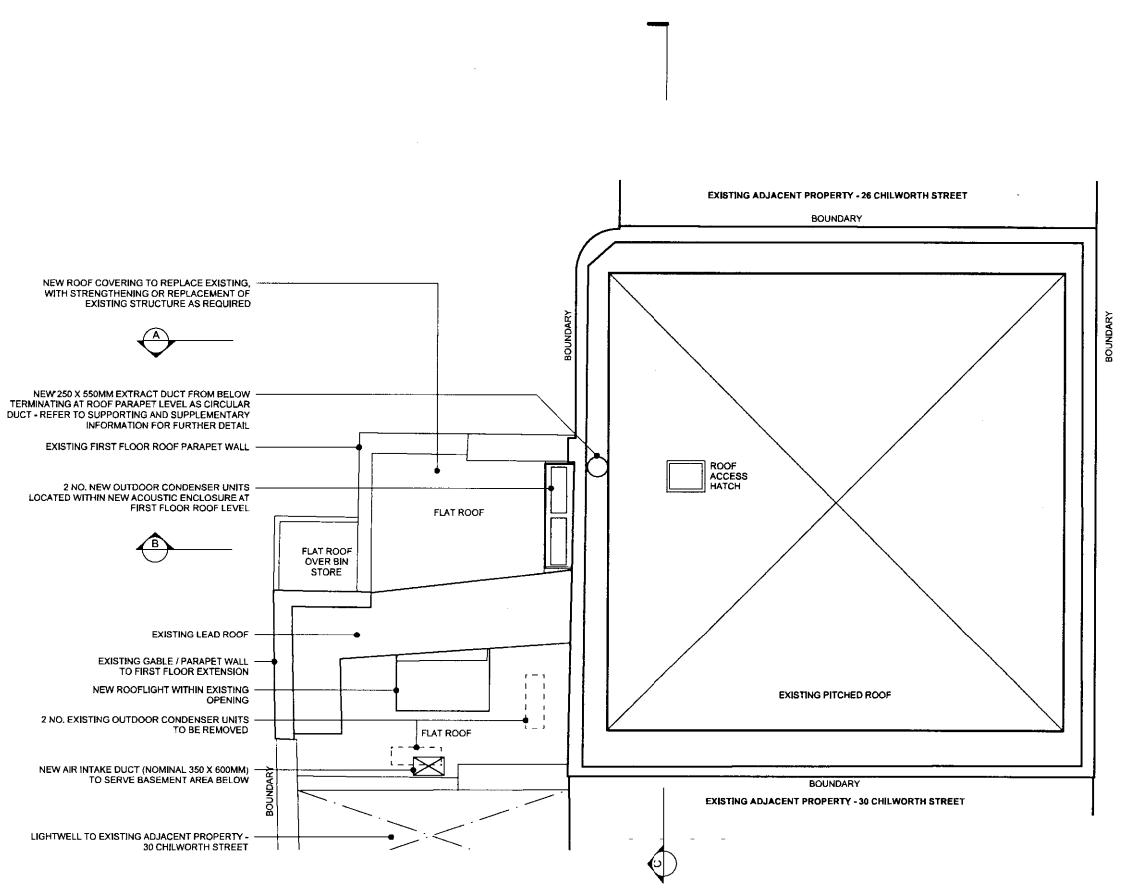
DRWG STATUS: Planning

SCALE AT A3: 1:100 CHECKED: PS

DRAWING NO. PL\_037 REVISION: P1

**PENTTINEN SCHÖNE**  
 Unit 311 Panther House, 38 Mount Pleasant  
 London W1X 0AN Tel: 0207 833 9847  
 studio@penttinen-schone.co.uk





PROPOSED ROOF PLAN  
1:100

**NOTES:**

- DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCY.
- THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	11.03.15
P2	Amended planning application.	22.06.15
P3	Amended planning application - acoustic enclosure indicated.	02.07.15

**KEY:**

- [Solid line] EXISTING FABRIC TO BE RETAINED
- [Dotted line] EXISTING FABRIC TO BE REMOVED
- [Hatched area] PROPOSED NEW CONSTRUCTION

**NOTES:**

- ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
- ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
- EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
- EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
- EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
- LOOSE FURNITURE LAYOUTS ARE INDICATIVE.

DRAWING: As Proposed Roof Plan

CLIENT: Maria Tamander

PROJECT: Cleveland House  
28 Chilworth Street, London W2 6DT

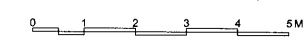
JOB NUMBER: 038

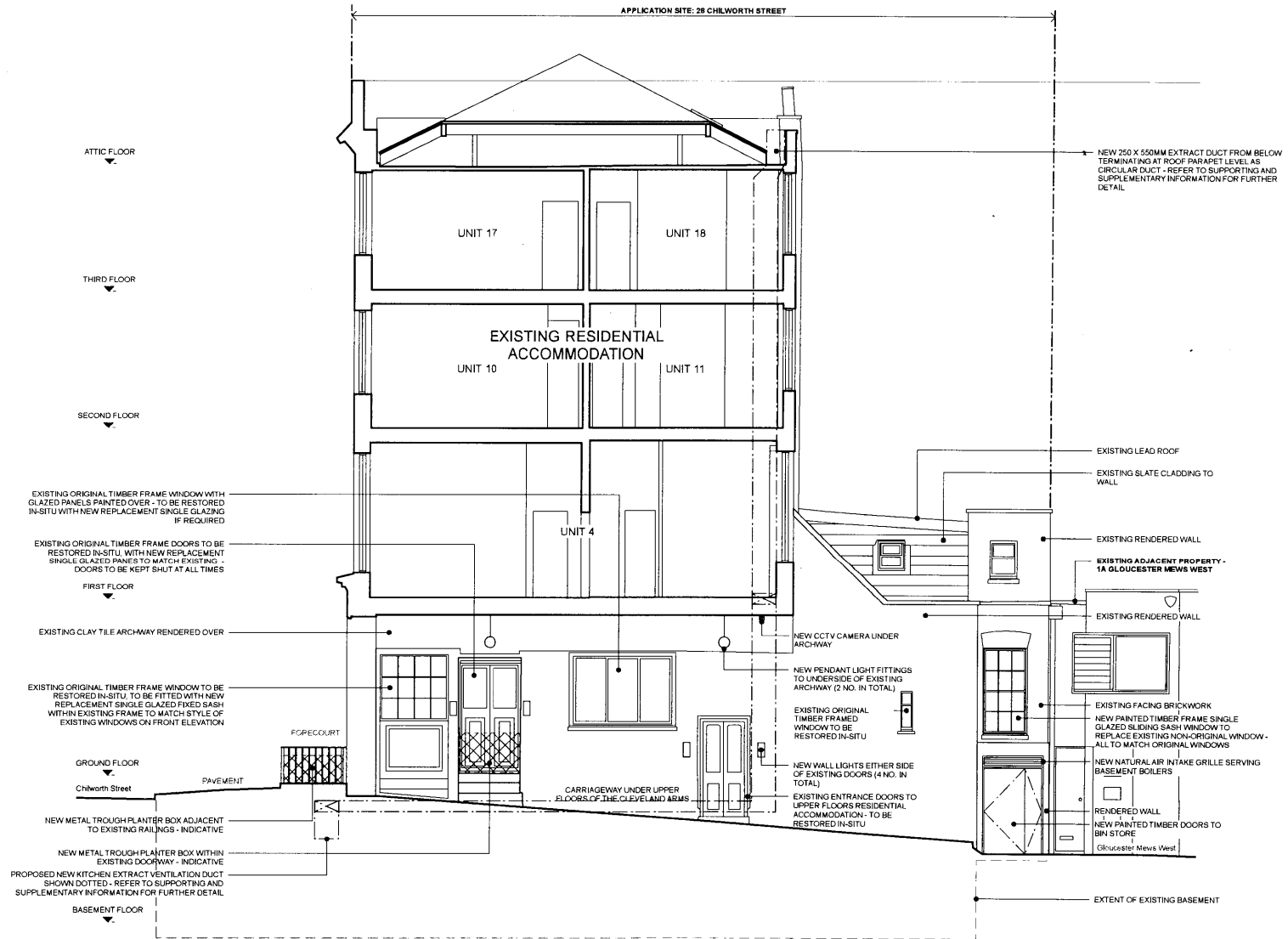
DRWG STATUS: Planning

SCALE AT A3: 1:50      CHECKED: PS

DRAWING NO: PL\_015      REVISION: P3

**PENTTINEN SCHÖNE**  
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 London WC1X 9AN    tel: 0207 833 9947  
 studio@penttinenschone.co.uk





PROPOSED SECTION AA / SIDE ELEVATION  
1:100

- NOTES
- DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCY.
  - THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	11.03.15
P3	Amended planning application.	22.06.15

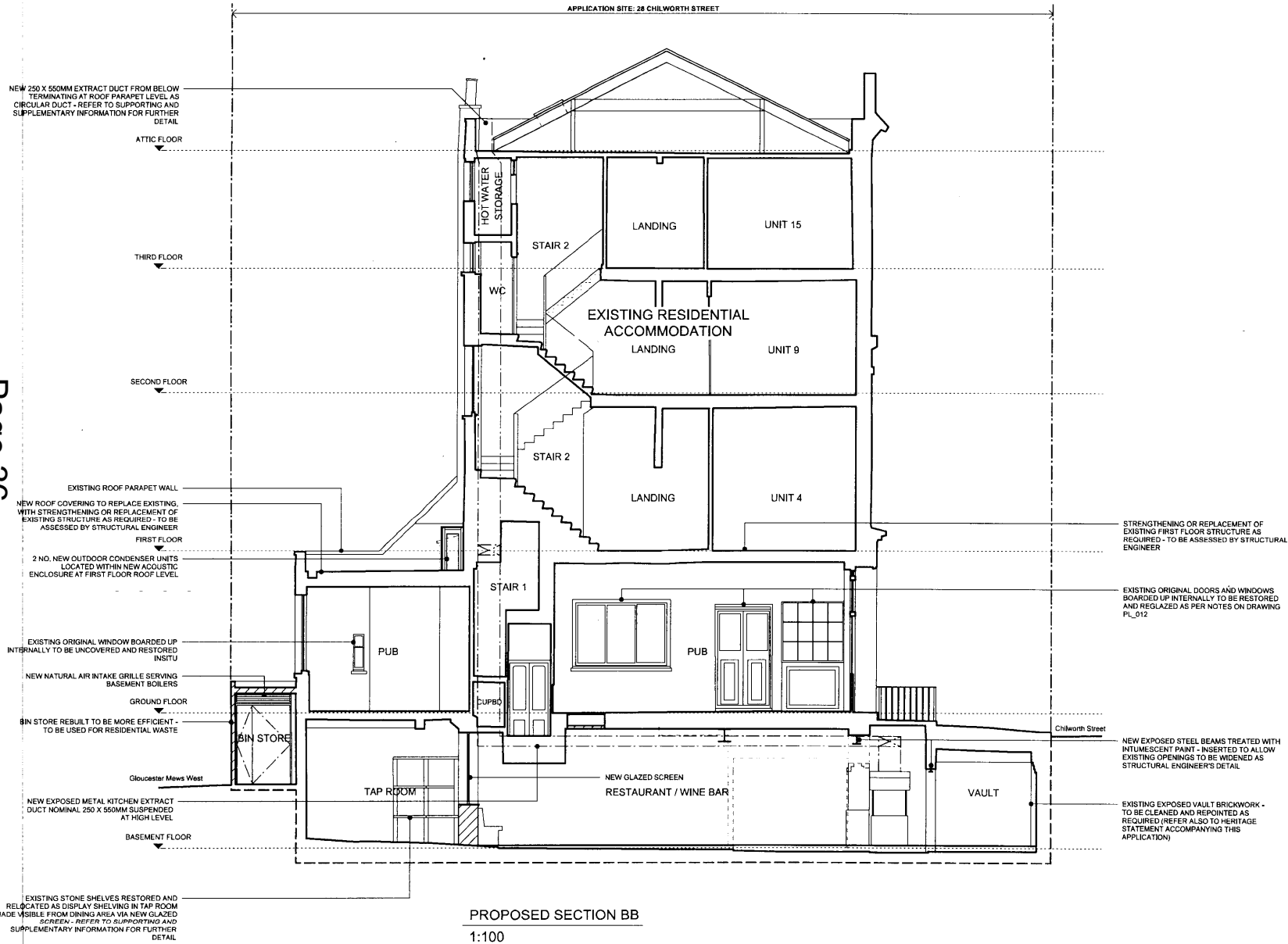
- KEY:
- EXISTING FABRIC TO BE RETAINED
  - EXISTING FABRIC TO BE REMOVED
  - PROPOSED NEW CONSTRUCTION

- NOTES:
- ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
  - ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
  - EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
  - EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
  - EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
  - LOOSE FURNITURE LAYOUTS ARE INDICATIVE.

DRAWING:	As Proposed Section AA / Side Elevation
CLIENT:	Maria Tamander
PROJECT:	Cleveland House 28 Chilworth Street, London W2 6DT
JOB NUMBER:	038
DRWG STATUS:	Planning
SCALE AT A3:	1:100 CHECKED PS
DRAWING NO:	PL_012 REVISION P3

**PENTTINEN SCHÖNE**  
 Unit 311 Panther House, 38 Mount Pleasant  
 London W1X 0AN tel: 0207 833 9947  
 studio@penttinen-schone.co.uk





NOTES

- DO NOT SCALE FROM THIS DRAWING. USE FINISHED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCY.
- THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	11.03.15
P3	Amended planning application.	22.06.15
P4	Amended planning application - acoustic enclosure indicated.	02.07.15

KEY:

- EXISTING FABRIC TO BE RETAINED
- EXISTING FABRIC TO BE REMOVED
- PROPOSED NEW CONSTRUCTION

NOTES:

- ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
- ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
- EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
- EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
- EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
- LOOSE FURNITURE LAYOUTS ARE INDICATIVE.

DRAWING: As Proposed Section BB

CLIENT: Maria Tamander

PROJECT: Cleveland House  
28 Chilworth Street, London W2 6DT

JOB NUMBER: 038

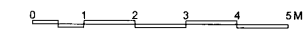
DRWG STATUS: Planning

SCALE AT A3: 1:100 CHECKED: PS

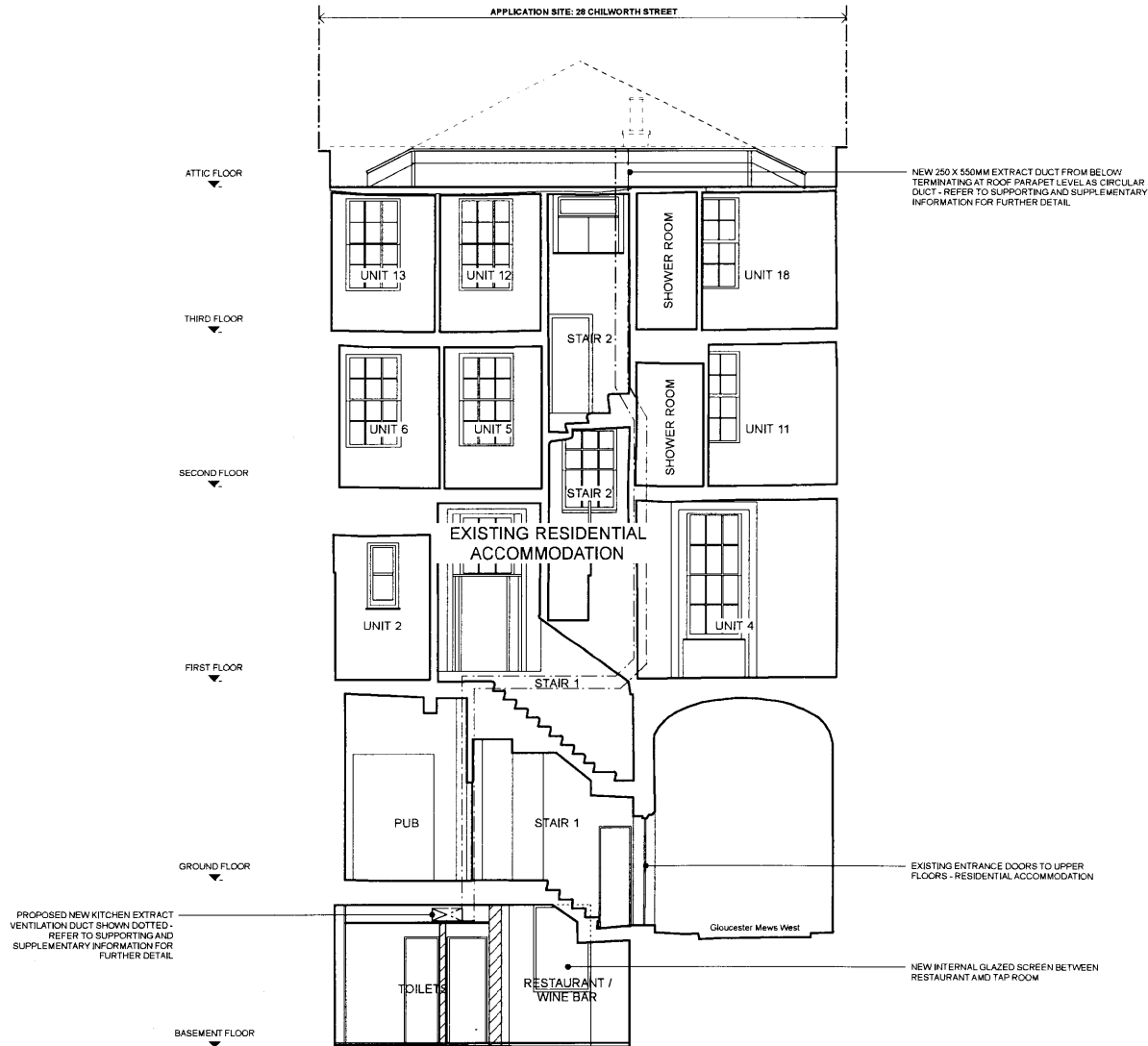
DRAWING NO: PL\_013 REVISION: P4

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**PROPOSED SECTION CC**  
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**NOTES**

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- THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

No	ISSUE/REVISIONS	DATE
P1	Planning application.	22.06.15

**KEY:**

- EXISTING FABRIC TO BE RETAINED
- EXISTING FABRIC TO BE REMOVED
- PROPOSED NEW CONSTRUCTION

**NOTES:**

- ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
- ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
- EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
- EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
- EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
- LOOSE FURNITURE LAYOUTS ARE INDICATIVE.

**DRAWING: As Proposed Section CC**

**CLIENT: Maria Tamander**

**PROJECT: Cleveland House**  
28 Chilworth Street, London W2 6DT

**JOB NUMBER: 038**

**DRWG STATUS: Planning**

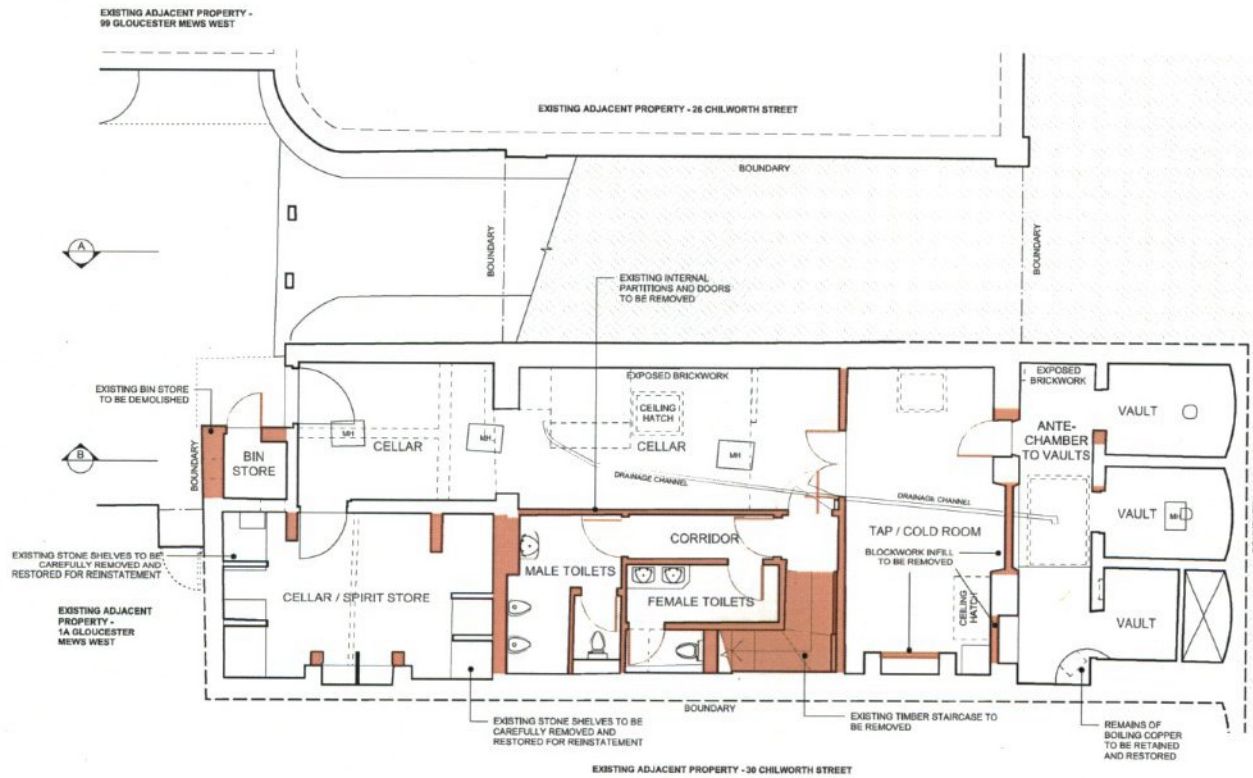
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**DRAWING NO: PL\_016**    **REVISION: P1**

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EXISTING BASEMENT FLOOR PLAN  
1:100

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- THIS DRAWING TO BE READ IN CONNECTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	22.06.15

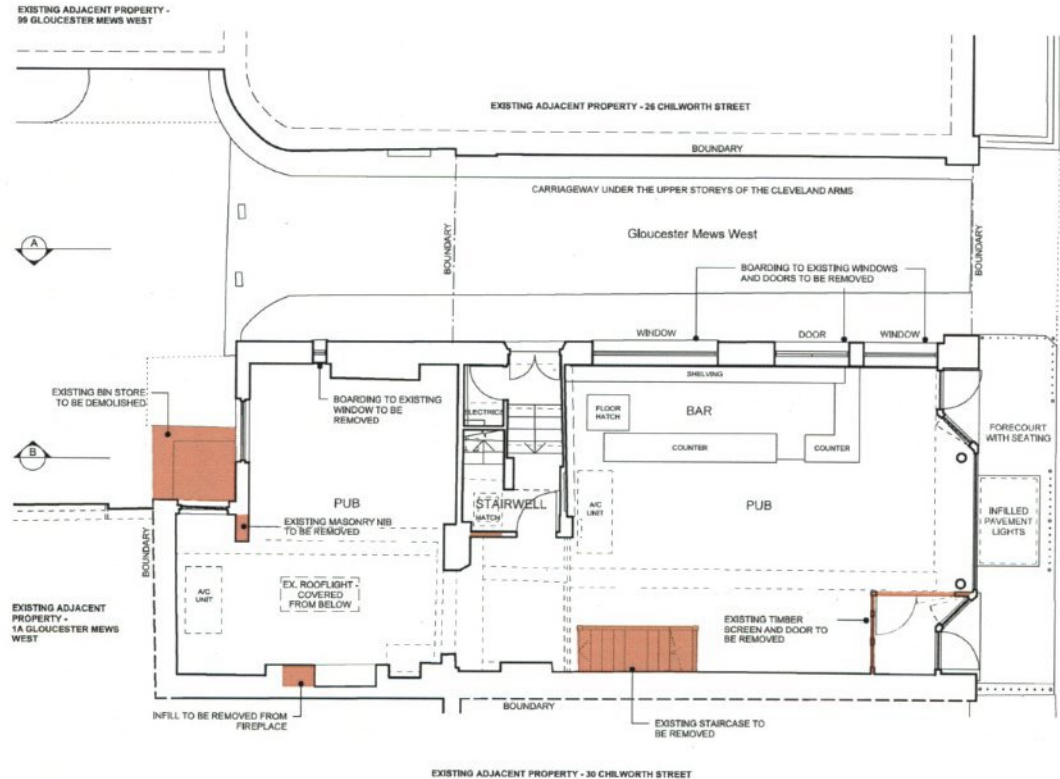
KEY:

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DRAWING:	Demolitions - Basement Plan
CLIENT:	Maria Tamander
PROJECT:	Cleveland House 28 Chilworth Street, London W2 6DT
JOB NUMBER:	03B
DRWG STATUS:	Planning
SCALE AT A3:	1:100      CHECKED: PS
DRAWING NO.:	PL_020      REVISION: P2

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EXISTING GROUND FLOOR PLAN  
1:100

- NOTES:
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  - THIS DRAWING TO BE READ IN CONNECTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

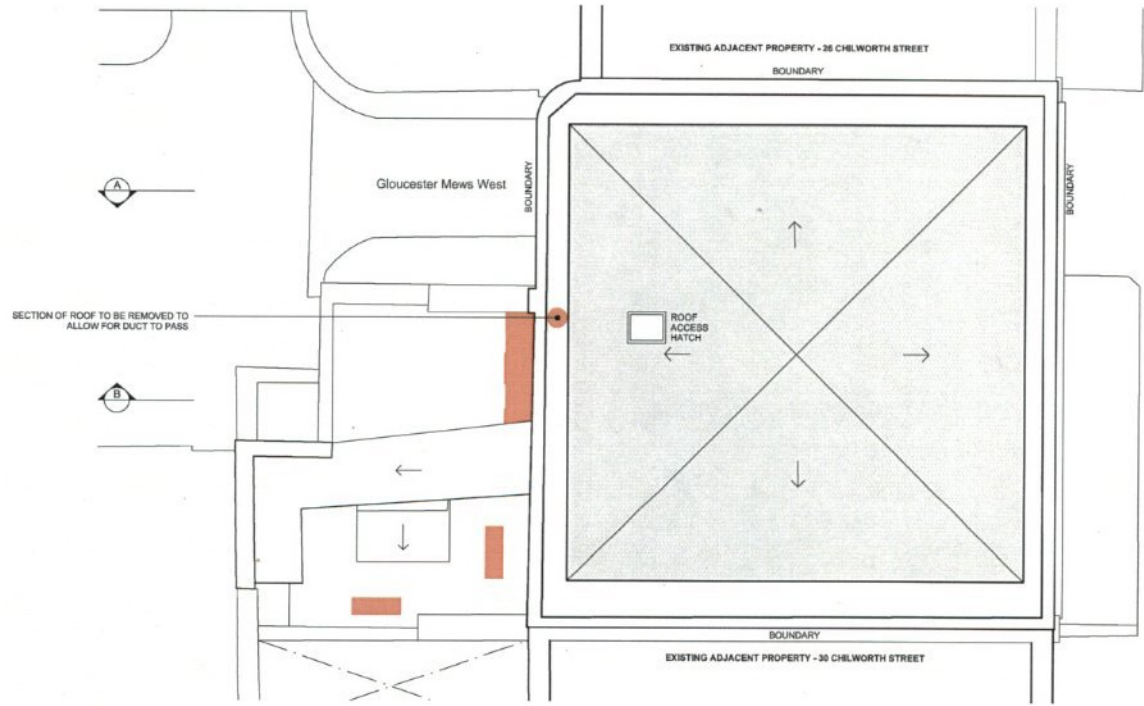
No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	22.06.15

KEY:  
 EXISTING FABRIC TO BE STRIPPED OUT / REMOVED

DRAWING:	Demolitions - Ground Floor Plan
CLIENT:	María Tamander
PROJECT:	Cleveland House 28 Chilworth Street, London W2 8DT
JOB NUMBER:	038
DRWG STATUS:	Planning
SCALE AT A3:	1:100 CHECKED: PS
DRAWING NO.:	PL_021 REVISION: P2

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EXISTING ROOF PLAN  
1:100

NOTES:

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NO.	ISSUE/REVISIONS	DATE
P1	Amended planning application.	22.06.15
P2	Amended planning application.	22.06.15

KEY:  
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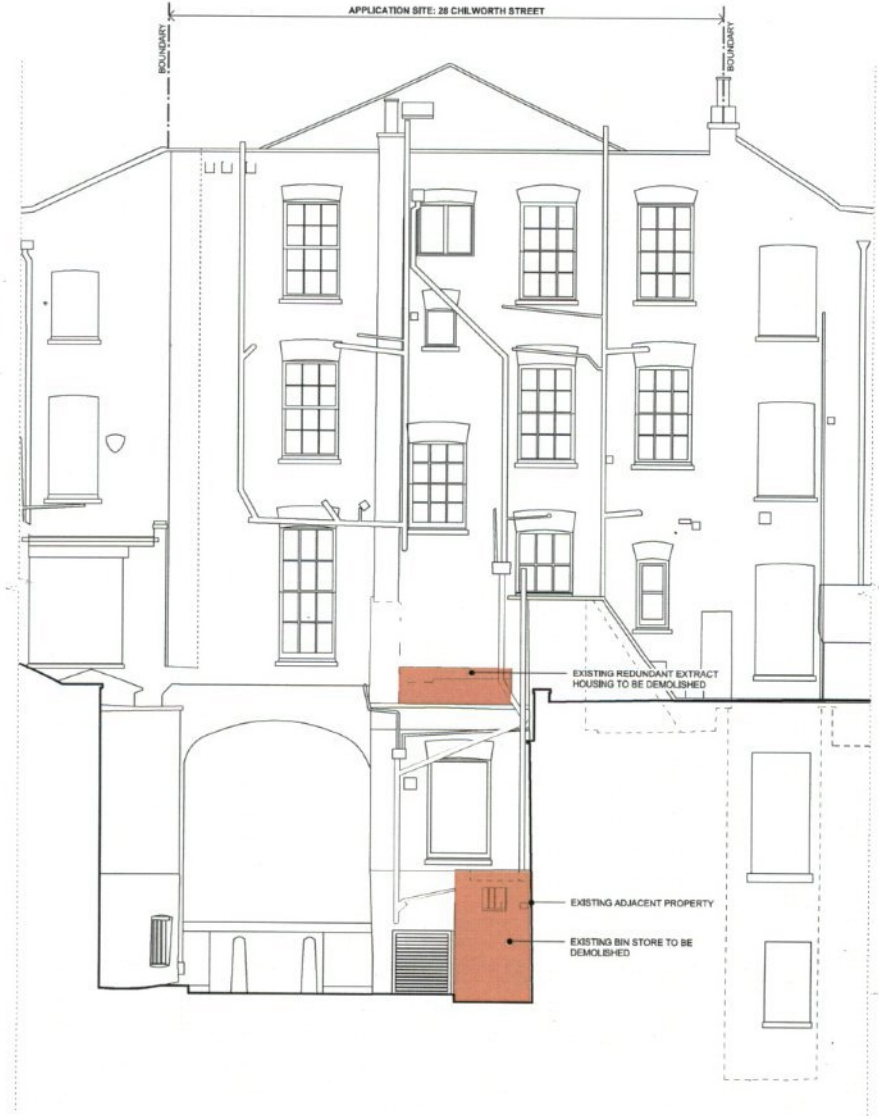
DRAWING:	Demolitions - Roof Plan
CLIENT:	Maria Tamander
PROJECT:	Cleveland House 28 Chilworth Street, London W2 8DT
JOB NUMBER:	038
DRWG STATUS:	Planning
SCALE AT A3:	1:50    CHECKED: PS
DRAWING NO.:	PL_025    REVISION: P2

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EXISTING FRONT ELEVATION  
1:100



EXISTING REAR ELEVATION  
1:100

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NO.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	22.06.15
P3	Amended planning application.	02.07.15

KEY:

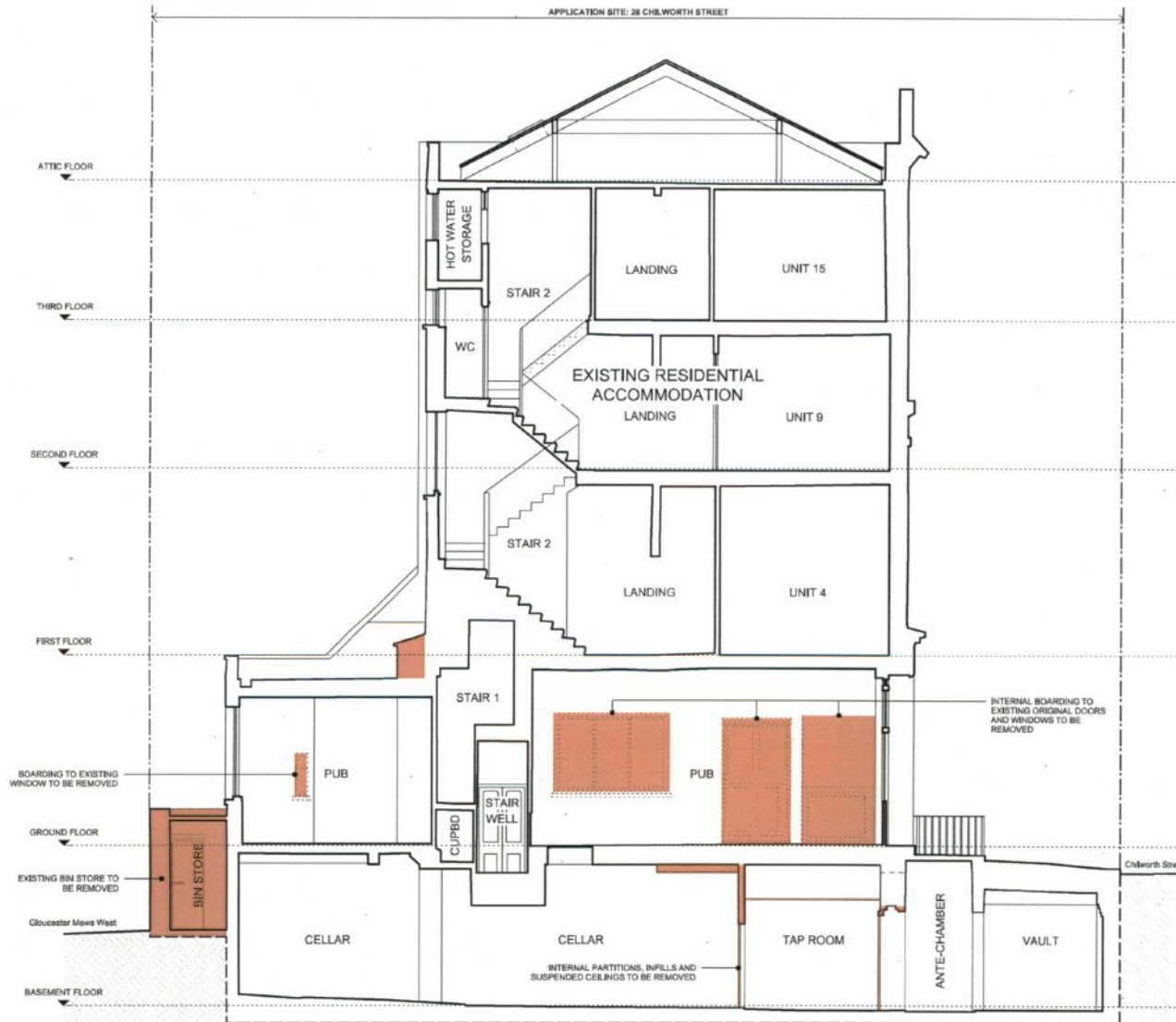
- EXISTING FABRIC TO BE STRIPPED OUT / REMOVED

DRAWING:	Demolitions - Front & Rear Elevations
CLIENT:	Maria Tamander
PROJECT:	Cleveland House 28 Chilworth Street, London W2 6DT
JOB NUMBER:	038
DRWG STATUS:	Planning
SCALE AT A3:	CHECKED: PS
DRAWING NO.:	PL_024 REVISION: P3

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EXISTING SECTION BB  
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NOTES

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No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	22.06.15
P3	Amended planning application.	02.07.15

KEY:

EXISTING FABRIC TO BE STRIPPED OUT / REMOVED

DRAWING:	Demolitions - Section BB		
CLIENT:	Maria Tamander		
PROJECT:	Cleveland House 26 Chilworth Street, London W2 6DT		
JOB NUMBER:	038		
DRWG STATUS:	Planning		
SCALE AT A3:	CHECKED:	PS	
DRAWING NO:	PL_023	REVISION:	P3

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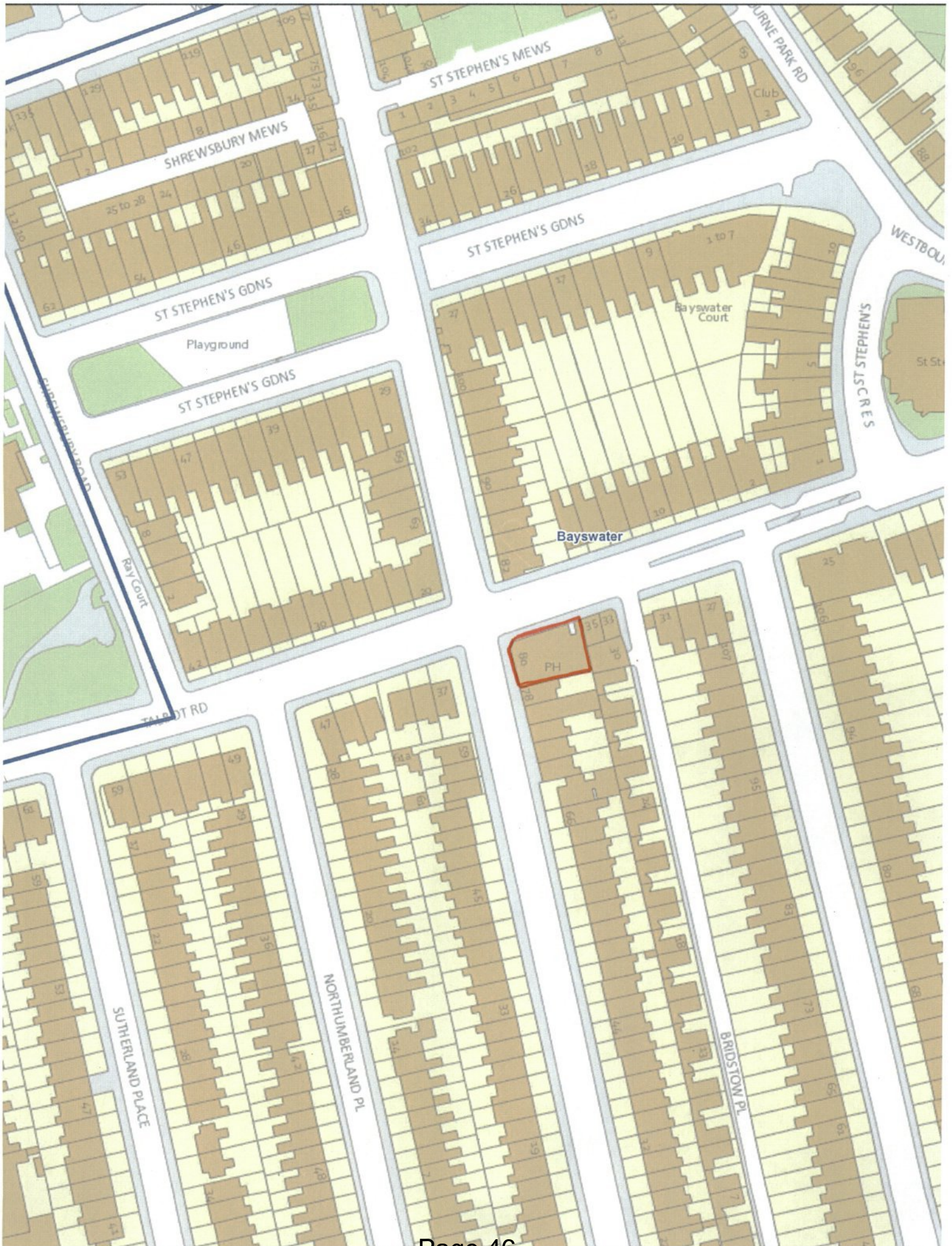
# Agenda Item 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 August 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Wards involved</b> Bayswater		
<b>Subject of Report</b>	<b>80 Chepstow Road, London, W2 5BE</b>		
<b>Proposal</b>	Installation of kitchen extract duct to rear elevation and ducting to first floor rear flat roof together with fence screening, in connection with Prince Bonaparte Public House.		
<b>Agent</b>	Smith Coldham Design Ltd		
<b>On behalf of</b>	Greene King plc		
<b>Registered Number</b>	14/10100/FULL	<b>TP / PP No</b>	TP/23403
<b>Date of Application</b>	11.10.2014	<b>Date amended</b>	26.05.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Application to vary the Premises Licence to specify a named individual is pending. Ref: 15/02874/LIPDPS		

## 1. RECOMMENDATION

Grant conditional permission.





80 CHEPSTOW ROAD, W2

## 2. SUMMARY

Planning permission is sought for kitchen extract duct equipment at 80 Chepstow Road, an unlisted public house within the Westbourne Conservation Area. The proposal has attracted objections from local residents on design, conservation and amenity grounds.

The key issues of this case are:

- The impact of the equipment on the appearance of the host building and whether the proposal preserves or enhances this part of the Westbourne Conservation Area.
- The impact of the equipment on the amenities of neighbouring properties.

Subject to conditions, the revised proposal is considered to be acceptable in design and conservation and amenity terms in accordance with our UDP and City Plan policies and is therefore recommended favourably.

## 3. CONSULTATIONS

### ORIGINAL PROPOSAL

#### WESTBOURNE NEIGHBOURHOOD ASSOCIATION (WNA)

Objected to the scheme, suggesting that steps should be made to ensure cooking fumes do not disturb neighbours.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION (SEBRA)

Raised concerns but acknowledged the proposed measures introduced (noise reduction/ painting the system black) went some way to overcoming them. Requested height of duct be reduced, that conditions be used to paint the equipment matt black and be maintained in good condition and that the hours of use be conditioned to comply with pub opening times.

#### ENVIRONMENTAL HEALTH

No objection subject to conditions to control the noise of the plant equipment, vibration and hours of operation.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 32 Total No. of Replies: 9.

Nine responses were received, one of which was an anonymous objector. Eight responses object to the scheme, one response raised no objection subject to the scheme's compliance with Council guidance.

Objections received on the following grounds:

#### Design

- The industrial appearance of the equipment.
- The equipment not appearing in keeping with the conservation area.
- The equipment appearing as an eyesore.
- The lack of sympathy in design.
- The scale/disproportionate size of the structure, which is larger than the previous extract system on the site.

#### Amenity

- Noise. Concerns raised that the noise was unbearable and disrupting sleep. Objections were raised that the system was not being shut down during night time hours and the acoustic report provided was criticised.

- Smells.
- Vibration.

#### Other Matters

- Lack of sustainability associated with the scheme.
- Air pollution.

ADVERTISEMENT/SITE NOTICE: Yes.

REVISED PROPOSAL (May 2015, revised proposal with amended supporting information)

NOTTING HILL EAST NEIGHBOURHOOD FORUM (NHENF) – (Previously WNA)  
NHENF have offered to meet Greene King on site but nothing has been forthcoming. This is a pollutive affluenza over the private realms of adjoining residential houses and flats. A noiseless brick chimney would be acceptable. If the residents proposed the same, Greene King would resist.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### ENVIRONMENTAL HEALTH

No objection. subject to conditions.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 43; Total No. of Replies: 11 (representations from nine addresses)

#### Amenity

- The proposal adds more plant (odour control unit) to the rear roof, than is already unlawfully in place.
- No specification of odour control unit.
- No extra noise readings.
- Pub kitchen equipment has been a nuisance to neighbours for over a year.
- Noise.
- Vibration.
- Odours.
- Screening takes away light from ground floor cafe garden next door.
- Noise and fumes a direct consequence of the new chargrill operations implemented at the pub.
- Suggest reversing to more normal cooking operations which produce fewer fumes.

#### Design

- Kitchen extract is too large for its purpose.
- Does nothing to remove or enclose the air intake unit.
- Does nothing to lower the height of the proposed chimney which remains free standing.
- Detracts from aesthetics of conservation area by making the pub look more like a factory.
- Smaller chimney with bricks would be better.
- Aesthetic changes a direct consequence of new chargrill operations implemented in the pub.
- Not convinced by artificial painting of chimney to appear as brickwork, it is a sub-standard solution, maintenance will be constant unlike brickwork.

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2

- Chimney is much larger and higher than the previous one and disproportionate for its purpose.
- Not in accordance with conservation area.
- The pub is adding more and more structure to enable the new chargrill operation in its kitchen.
- A neighbour at 92 Chepstow Road successfully replaced an old structure with bricks to match existing and this is what should be proposed here.

#### Other Matters

- Planning statement contains untruths.
- Proposal is sub optimal.
- Greene King's complete mismanagement and rule-breaking.
- Enforcement proceedings should be taken due to unauthorised works.
- Not in accordance with Westminster policies.
- How will the chimney be maintained?
- The area has seen a general improvement in aesthetics and it is a pity that the pub is not part of this, but is affecting day to day lives and having a negative impact on property values.

ADVERTISEMENT/SITE NOTICE: Yes.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

The Prince Bonaparte Public House, 80 Chepstow Road is a three storey building containing a ground floor public house (Class A4) with rear conservatory, with residential flats above. It is located on the eastern side of Chepstow Road at its junction with Talbot Road. The property is not listed or subject to any Article 4 directions but is located within the Westbourne Conservation Area.

Residential properties are located on the upper floors of this part of Chepstow Road including No.78 Chepstow Road which adjoins to the south. Residential properties on Bridstow Place and the southern side of Talbot Road are located to the rear of the site, and to the north of the application site on the opposite side of Talbot Road are further residential properties which are able to view the side and rear elevations of the public house.

### 4.2 Relevant History

Planning permission was refused on 7 August 2014 for the retention of a kitchen extract ventilation system. The reasons for refusal were the design of the extract equipment and noise disturbance resulting from the unit. (14/05263/FULL)

The only other recent planning application on the property related to awnings, lanterns and glazing fronting onto Chepstow Road (refused under application reference 14/07829/FULL). Applications recently submitted for advertisement consent have been withdrawn by the applicant.

The application site has a long planning history prior to 2004, but none of this is considered relevant to the current application.

## 5. THE PROPOSAL

The originally submitted application sought to retain the unauthorised plant that has been installed, comprising of an aluminium vertical duct to the rear elevation proposed to be painted

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black, together with two associated horizontal pieces of equipment on the roof of the conservatory. This proposal was due to be reported to Committee on 27 January 2015 but was withdrawn from the agenda by officers in order to seek to address more fully resident's concerns with respect to odours and the appearance of the plant.

The applicant has provided a synopsis of events leading up to the current proposal. They indicate that Greene King purchased the site from the Real Pub Co around four years ago and following complaints by neighbours became aware that the kitchen extract existing at the time was not functioning properly, and was not extracting cooking fumes and smoke from the open kitchen within the pubic house and as a result the rooflights to the conservatory were opened, allowing untreated kitchen fumes to be released externally. Subsequently, new kitchen extract equipment (which is currently existing) was installed and the owner was unaware that planning permission was required for its installation. Applications seeking to resolve this followed, including this most recent application. The applicant has indicated that a smaller vertical duct would require higher fan speeds and specification which create more noise and require greater attenuation. The air intake plant is proposed to allow the conservatory rooflights to be fixed shut to prevent noise and odour escape and the air intake system has been relocated westward to reduce noise. Consequently, the application has since been amended in respect of odour control and aesthetics.

Planning permission is now sought for the retention of the vertical kitchen extract duct to the rear elevation of the building which is proposed to be clad with a paint finish to match the existing brickwork. The horizontal plant on the roof of the conservatory now incorporates an odour control unit and redirected air input ductwork, both of which are proposed to be painted grey. The existing wire mesh along one side of the roof on its boundary with No.78 Chepstow Road is proposed to be replaced with 1.1m high close boarded fence and the existing conservatory rooflights are proposed to be fixed shut.

## **6. DETAILED CONSIDERATIONS**

### **6.1 Land Use**

The lawful use of the ground floor of the site is as a public house and it has a kitchen area within the rear conservatory. There is evidence that there was a small untreated pre-existing duct on the rear elevation of the property for a number of years and up until around the end of 2013/early 2014. For these reasons, it is considered that the principle of a replacement duct is acceptable in this case in light of Policy DES5 of our UDP.

### **6.2 Townscape and Design**

There is evidence of a much smaller vertical kitchen extract duct having been in situ on the rear elevation of the property for a number of years, prior to its unauthorised replacement with larger and additional unauthorised kitchen extract ductwork.

The current kitchen extract ductwork comprises of a vertical aluminium duct attached to the rear elevation of the building which extends to discharge at roof level. Further associated horizontal ductwork is located on the roof of the rear conservatory and furthermore, additional plant in the form of an odour control unit and the redirection of the air intake ductwork westerly are proposed.

Ideally, where possible, the horizontal plant would be located within the envelope of the site in order to minimise its appearance. The applicant has indicated that the requirement for filters and attenuator in addition to the fan, together with the bulk of the equipment and most importantly the need for maintenance access, makes it impractical for this equipment to be located internally.

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2

It is evident that both the existing unauthorised ductwork and the additional new ductwork now proposed is considerably greater in terms of quantity and size, compared to that which previously existed on this site. The horizontal ductwork is proposed to be painted grey and enclosed on its boundary with No.78 Chepstow Road within a 1.1m close boarded fence. The vertical duct is proposed to be clad and paint finished to match the existing brickwork.

In terms of public views of the proposed ductwork within the conservation area, the horizontal ductwork is not visible from the public domain due to its location and height and the enclosed nature of part of the site in which it is located. However, the vertical duct is clearly visible from Talbot Road and in its current untreated form appears as an alien and detrimental addition to the building and conservation area. In order to minimise its visual impact, it is proposed to be clad and painted to match the appearance of the existing brickwork.

A number of the objectors state that a brick clad duct, rather than a painted duct would be preferable. However, a brick clad enclosure would add additional bulk to the duct making it larger and more visible. It is therefore considered that the use of specialist paint matched to the appearance of the brickwork is preferred, in order to minimise the size of the duct. In terms of maintenance, it is accepted that the paintwork may require additional maintenance than brickwork, however, it is recommended that a condition be imposed to ensure that the paint of brickwork appearance is maintained to the satisfaction of the City Council.

As for private views of the ductwork from surrounding residential properties, this is also important. For the reasons set out above, the appearance of the vertical duct, subject to it being painted to match the appearance of the adjacent brickwork, is considered acceptable. The horizontal ductwork comprises of large pieces of equipment, of which their appearance is proposed to be reduced by painting them grey and enclosing them in part by the installation of 1.1m high close boarded fence on the boundary with No.78 Chepstow Road. This goes some way to reducing visibility of the ductwork, however, it would remain partially visible from the upper floors of the application site (No.80 Chepstow Road), from the upper floor flats within No.78 Chepstow Road and in obscure views from 35 Talbot Road. However, it is not considered that these views would be so harmful to these surrounding residents so as to warrant withholding permission on visual amenity grounds.

For the reasons set out in this report, the proposal whilst regrettable is not considered to result in such a detrimental impact on the property or this part of the Westbourne Conservation Area in visual amenity and townscape terms, so as to warrant withholding permission on this ground.

As such, subject to a condition requiring vertical ducting to be treated with paint to match the appearance of brickwork and the horizontal ductwork to be painted grey, together with the staining of the close boarded fencing, the proposal is considered acceptable in light of Policies DES1, DES5, DES9 of the UDP and S25 and S28 of Westminster's City Plan.

### **6.3 Residential Amenity**

#### **6.3.1 Noise, vibration and odours**

Since late 2014, the City Council's Noise Team has investigated a number of noise complaints regarding the mechanical plant associated with the public house. However, following a number of visits by the Noise Team, whilst a low droning noise was audible, it did not form a Statutory Nuisance under the Environmental Pollution Act 1990. The plant now proposed seeks to address this nuisance. Environmental Health has confirmed that the proposed plant would comply with the City Council's standard noise protection conditions. However, given the proximity of residents and to allay concerns expressed by residents, it is considered appropriate in this case to require the applicant to provide a post installation supplementary



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acoustic report to prove compliance with our standard noise conditions and to restrict the operation of plant to between 10.00-23.00 hours. Overall, Environmental Health do not raise objection to the proposal on noise or vibration grounds.

In terms of odour control, the proposal now includes an odour control unit and it is also proposed to fix shut the existing openable rooflights to the conservatory as mitigation against odour escape from the premises. These measures exceed Environmental Health requirements and are welcome from an odour control perspective in order to protect residents from cooking odours regardless of the type of cooking undertaken. Whilst objections have been raised on grounds of noise and odours, subject to the imposition of the measures set out in this report and the conditions on the draft decision letter, the proposal is in light of Environmental Health technical advice, considered to be acceptable on these grounds.

### **6.3.3 Other Amenity Issues**

The equipment is considered not to be of sufficient scale to raise any concerns in terms of loss of light or outlook to neighbouring properties and therefore, subject to the recommended conditions, the proposal is considered to comply with Policies SS8(C), TACE8, ENV8, ENV10 and ENV13 in the UDP and S29 and S32 in the City Plan.

### **6.4 Transportation/Highways**

This application raises no transportation issues.

### **6.5 Equalities and Diversities**

Not relevant in the determination of this application.

### **6.6 Economic Considerations**

Not relevant in the determination of this application.

### **6.7 Other Westminster/UDP Policy Considerations**

No further policies are relevant to the current application.

### **6.8 Central Government Advice/Guidance**

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

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

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

### **6.9 London Plan**

This application raises no strategic issues.

### **6.10 Planning Obligations**

Not applicable.

### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

Not applicable.

### **6.12 Other Matters**

It is not considered that the proposal will result in any material harm to the café garden next door. Loss of property value is not a valid planning ground to refuse permission.

### **6.13 Conclusion**

Whilst the addition of external ductwork to the rear of this property in visual amenity terms is regrettable, it is considered that there is sufficient justification to support the external arrangement. The revised scheme is designed to reduce its impact on the property and the Westbourne Conservation Area. Furthermore, it is considered that it would meet the City Council's requirements in terms of protection of residents from noise, vibration and odours. The application is recommended for conditional approval.

## **BACKGROUND PAPERS**

### **REPRESENTATIONS IN RELATION TO ORIGINAL PROPOSAL**

1. Application form.
2. Email from Westbourne Neighbourhood Association dated 12 November 2014
3. Letter from South East Bayswater Residents Association dated 18 November 2014
4. Memorandum from Environmental Health dated 30 October 2014
5. Letter from occupier of 29A Bridstow Place, London, W2 5AE dated 8 November 2014
6. Email from occupier of 38 Chepstow Road, London, W2 5BE dated 20 November 2014
7. Email from occupier of Garden Flat, 1A St Stephens Crescent, London, W2 5QT dated 18 November 2014
8. Email from occupier of 30 Bridstow Place, London, W2 5AE dated 28 December 2014
9. Email from occupier of Flat 2, 18 Talbot Road, London, W2 5LH dated 18 November 2014
10. Email from occupier of Flat 3, 18 Talbot Road, London, W2 5LH dated 18 November 2014
11. Email from occupier of Flat 5, 18 Talbot Road, London, W2 5LH dated 7 December 2014
12. Anonymous email dated 3 November 2014
13. Emails from the occupier of 78 Chepstow Road, London, W2 5BE dated 19 November 2014, 24 November 2014, 4 November 2014, 1 December 2014, 2 December 2014, 5 December 2014, 7 December 2014, 9 December 2014, 16 December 2014, 17 December 2014, 18 December 2014, 20 December 2014, 21 December 2014 and 23 December 2014.
14. Email from the applicant undated
15. Email from Notting Hill East Neighbourhood Forum (previously WNA) dated 22.01.2015.
16. Email from the occupier of 78 Chepstow Road dated 22.01.2015.

17. Emails from the occupier of 18 Talbot Road (Flats 2 and 3) dated 23.01.2015 (x2)
18. Email from the occupier of 18 Talbot Road (Flat 5) dated 20.01.2015
19. Email with attachments from the applicant's agent dated 14.01.2015.
20. Email from Environmental Health dated 22.01.2015.
21. Emails from SEBRA dated 24.01.2015 and 26.01.2015 including email of same date from occupier of 80 Chepstow Road with attachments.
22. Email from occupier of 80 Chepstow Road dated 26.01.2015.

#### REPRESENTATIONS IN RELATION TO REVISED PROPOSAL

23. Memorandum from Environmental Health dated 30.7.2015
24. Email from Notting Hill East Neighbourhood Forum dated 16.06.2015.
25. Emails from the occupier of 78 Chepstow Road dated 26.05.2015, 20.06.2015 and 05.08.2015.
26. Email and attachment on behalf of owners of Flats 2, 3, 4, 5, 6 and 7, 18 Talbot Road dated 06.08.2015.
27. Emails from the occupier of Flat 3, 18 Talbot Road dated 11.06.2015 and 18.06.2015.
28. Email from the occupier of Flat 7, 18 Talbot Road dated 22.06.2015.
29. Email from occupier of 35 Talbot Road dated 06.06.2015.
30. Letter from the occupier of 29a Bridstow Place dated 03.06.2015.
31. Emails from the occupiers of 30 Bridstow Place dated 29.05.2015 and 11.06.2015.

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

**DRAFT DECISION LETTER**

**Address:** 80 Chepstow Road, London, W2 5BE

**Proposal:** Installation of kitchen extract duct to rear elevation and ducting to first floor rear flat roof together with fence screening, in connection with Prince Bonaparte Public House.

**Plan Nos:** 103, 5722-14-100, 5722-14-101 Rev E; 5722-14-104 Rev A; Design and Access Statement, Planning Statement, Environmental Noise Assessment Report April 2015, Verified Photomontages

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641 2929

**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 (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.

- 4 The plant/machinery hereby permitted shall not be operated except between 10:00 hours and 23:00 hours daily.

Reason:

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

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

Reason:

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

- 6 Following installation of the plant and equipment, you are required to submit a further noise report confirming previous details and subsequent measurement data of the installed plant to demonstrate compliance with Condition 3. The supplementary acoustic report 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.

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.

- 7 The skylights to the rear conservatory shall not be opened in part or full and shall remain fixed shut at all times as set out in your Planning Statement May 2015.

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.

- 8 You must apply to us for approval of details including a sample of the grey paint to be used for the horizontal ducting and a sample of paint to be used for the vertical duct to match the adjacent brickwork. The approved details must be approved and implemented within 3 months of the date of this decision. The paintwork shall thereafter be maintained in accordance with these details to the satisfaction of the City Council.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 The acoustic attenuation and odour control measures hereby approved must be installed within 3 months of the date of this decision.

**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.

- 10 You must apply to us for approval of details including a sample of the staining of the 1.1m high close boarded fence. The approved details must be implemented within 3 months of the date of this decision. The fence shall thereafter be retained in situ and maintained in accordance with these details to the satisfaction of the City Council.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 3,4,5, 6,7. control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 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.

- 4 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](http://www.hse.gov.uk/falls/index.htm).

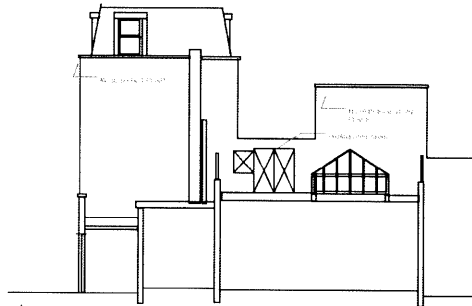
Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 Kitchen Extract: All kitchen extract ducts must be fitted with doors/hatches for cleaning, at approximately 3 metre intervals, complying with the H & S safe access standards

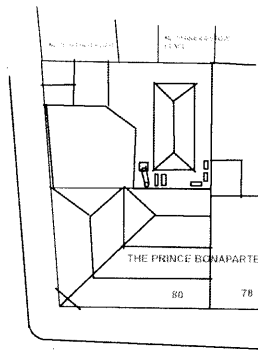




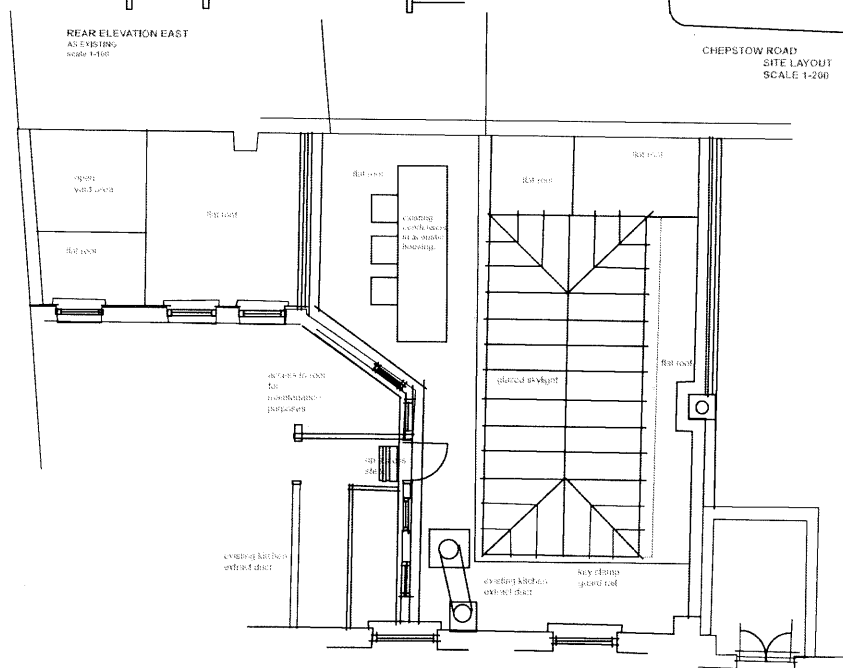
REAR ELEVATION WEST  
AS EXISTING  
scale 1:100



REAR ELEVATION EAST  
AS EXISTING  
scale 1:100



CHEPSTOW ROAD  
SITE LAYOUT  
SCALE 1:200



ROOF LAYOUT  
AS PREVIOUS  
scale 1:50

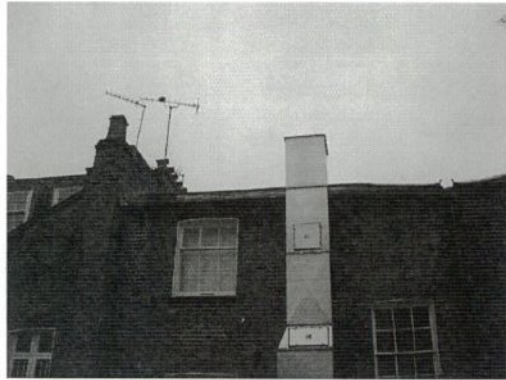
<p>Capital Pubs (Greene King)</p> <p>Prince Bonaparte Notting Hill, W2 5BE</p> <p>Part First floor and Elevations As Existing</p>	
<p>1:100 and 1:50 @ A1</p> <p>May 2014</p> <p>Patrick Smith MCSO</p>	<p>5722-14-100</p>
<p><b>scd</b> smith culshaw design ltd</p> <p>100-110, 111-112, 113-114, 115-116, 117-118, 119-120, 121-122, 123-124, 125-126, 127-128, 129-130, 131-132, 133-134, 135-136, 137-138, 139-140, 141-142, 143-144, 145-146, 147-148, 149-150, 151-152, 153-154, 155-156, 157-158, 159-160, 161-162, 163-164, 165-166, 167-168, 169-170, 171-172, 173-174, 175-176, 177-178, 179-180, 181-182, 183-184, 185-186, 187-188, 189-190, 191-192, 193-194, 195-196, 197-198, 199-200, 201-202, 203-204, 205-206, 207-208, 209-210, 211-212, 213-214, 215-216, 217-218, 219-220, 221-222, 223-224, 225-226, 227-228, 229-230, 231-232, 233-234, 235-236, 237-238, 239-240, 241-242, 243-244, 245-246, 247-248, 249-250, 251-252, 253-254, 255-256, 257-258, 259-260, 261-262, 263-264, 265-266, 267-268, 269-270, 271-272, 273-274, 275-276, 277-278, 279-280, 281-282, 283-284, 285-286, 287-288, 289-290, 291-292, 293-294, 295-296, 297-298, 299-300, 301-302, 303-304, 305-306, 307-308, 309-310, 311-312, 313-314, 315-316, 317-318, 319-320, 321-322, 323-324, 325-326, 327-328, 329-330, 331-332, 333-334, 335-336, 337-338, 339-340, 341-342, 343-344, 345-346, 347-348, 349-350, 351-352, 353-354, 355-356, 357-358, 359-360, 361-362, 363-364, 365-366, 367-368, 369-370, 371-372, 373-374, 375-376, 377-378, 379-380, 381-382, 383-384, 385-386, 387-388, 389-390, 391-392, 393-394, 395-396, 397-398, 399-400, 401-402, 403-404, 405-406, 407-408, 409-410, 411-412, 413-414, 415-416, 417-418, 419-420, 421-422, 423-424, 425-426, 427-428, 429-430, 431-432, 433-434, 435-436, 437-438, 439-440, 441-442, 443-444, 445-446, 447-448, 449-450, 451-452, 453-454, 455-456, 457-458, 459-460, 461-462, 463-464, 465-466, 467-468, 469-470, 471-472, 473-474, 475-476, 477-478, 479-480, 481-482, 483-484, 485-486, 487-488, 489-490, 491-492, 493-494, 495-496, 497-498, 499-500, 501-502, 503-504, 505-506, 507-508, 509-510, 511-512, 513-514, 515-516, 517-518, 519-520, 521-522, 523-524, 525-526, 527-528, 529-530, 531-532, 533-534, 535-536, 537-538, 539-540, 541-542, 543-544, 545-546, 547-548, 549-550, 551-552, 553-554, 555-556, 557-558, 559-560, 561-562, 563-564, 565-566, 567-568, 569-570, 571-572, 573-574, 575-576, 577-578, 579-580, 581-582, 583-584, 585-586, 587-588, 589-590, 591-592, 593-594, 595-596, 597-598, 599-600, 601-602, 603-604, 605-606, 607-608, 609-610, 611-612, 613-614, 615-616, 617-618, 619-620, 621-622, 623-624, 625-626, 627-628, 629-630, 631-632, 633-634, 635-636, 637-638, 639-640, 641-642, 643-644, 645-646, 647-648, 649-650, 651-652, 653-654, 655-656, 657-658, 659-660, 661-662, 663-664, 665-666, 667-668, 669-670, 671-672, 673-674, 675-676, 677-678, 679-680, 681-682, 683-684, 685-686, 687-688, 689-690, 691-692, 693-694, 695-696, 697-698, 699-700, 701-702, 703-704, 705-706, 707-708, 709-710, 711-712, 713-714, 715-716, 717-718, 719-720, 721-722, 723-724, 725-726, 727-728, 729-730, 731-732, 733-734, 735-736, 737-738, 739-740, 741-742, 743-744, 745-746, 747-748, 749-750, 751-752, 753-754, 755-756, 757-758, 759-760, 761-762, 763-764, 765-766, 767-768, 769-770, 771-772, 773-774, 775-776, 777-778, 779-780, 781-782, 783-784, 785-786, 787-788, 789-790, 791-792, 793-794, 795-796, 797-798, 799-800, 801-802, 803-804, 805-806, 807-808, 809-810, 811-812, 813-814, 815-816, 817-818, 819-820, 821-822, 823-824, 825-826, 827-828, 829-830, 831-832, 833-834, 835-836, 837-838, 839-840, 841-842, 843-844, 845-846, 847-848, 849-850, 851-852, 853-854, 855-856, 857-858, 859-860, 861-862, 863-864, 865-866, 867-868, 869-870, 871-872, 873-874, 875-876, 877-878, 879-880, 881-882, 883-884, 885-886, 887-888, 889-890, 891-892, 893-894, 895-896, 897-898, 899-900, 901-902, 903-904, 905-906, 907-908, 909-910, 911-912, 913-914, 915-916, 917-918, 919-920, 921-922, 923-924, 925-926, 927-928, 929-930, 931-932, 933-934, 935-936, 937-938, 939-940, 941-942, 943-944, 945-946, 947-948, 949-950, 951-952, 953-954, 955-956, 957-958, 959-960, 961-962, 963-964, 965-966, 967-968, 969-970, 971-972, 973-974, 975-976, 977-978, 979-980, 981-982, 983-984, 985-986, 987-988, 989-990, 991-992, 993-994, 995-996, 997-998, 999-1000</p>	

Previously Existing

Previously Existing



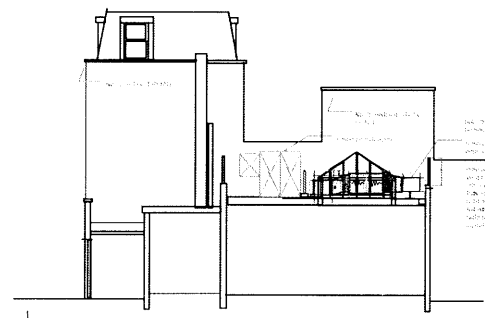
Prince Bonaparte  
80 Chepstow Road  
Notting Hill London W2 5BE  
PHOTOS SHOWING REAR VENTILATION AS BUILT



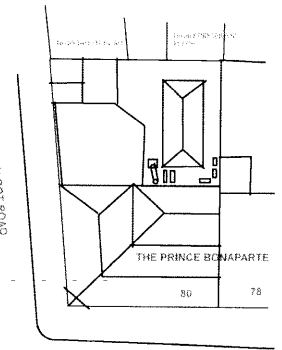
AS PROPOSED



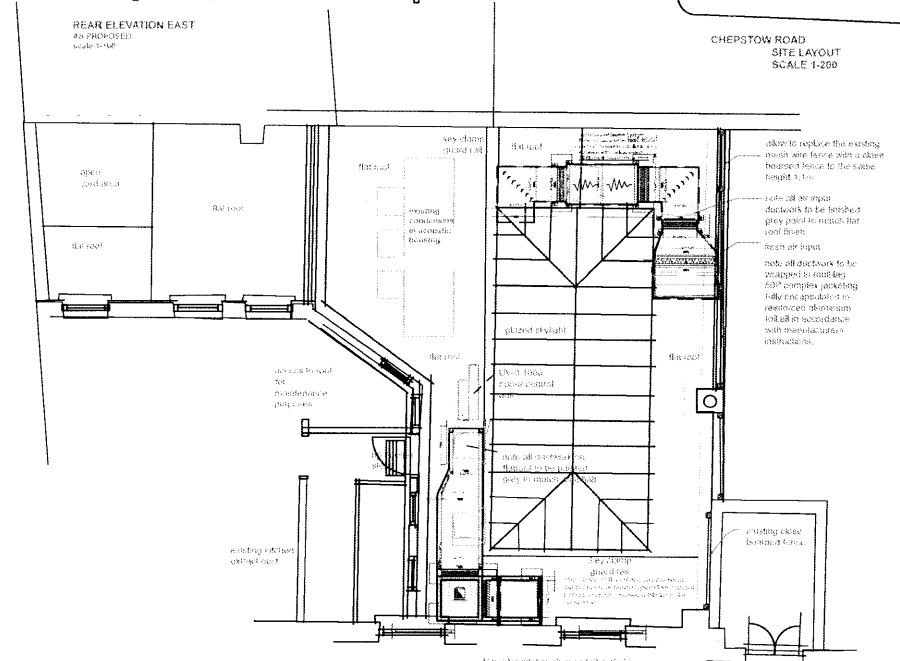
REAR ELEVATION WEST  
AS PROPOSED  
SCALE 1:50



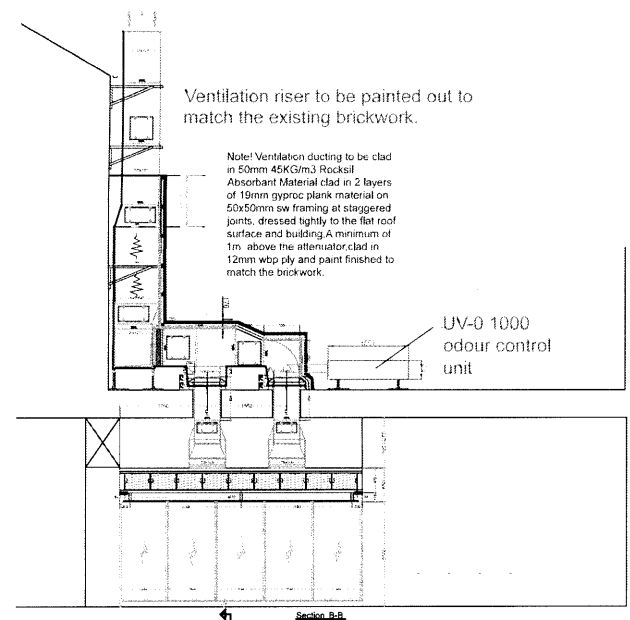
REAR ELEVATION EAST  
AS PROPOSED  
SCALE 1:50



CHEPSTOW ROAD  
SITE LAYOUT  
SCALE 1:200



ROOF LAYOUT  
AS PROPOSED.  
SCALE 1-50



SECTION BB THROUGH KITCHEN EXTRACT  
SCALE 1-50 @A1

Ventilation riser to be painted out to match the existing brickwork.

Note! Ventilation ducting to be clad in 50mm 45KG/m<sup>3</sup> Rockcell Absorbant Material clad in 2 layers of 19mm gyproc plank material on 50x50mm sw framing at staggered joints, dressed tightly to the flat roof surface and building A minimum of 1m above the alternator clad in 12mm wbp ply and paint finished to match the brickwork.

UV-0 1000 odour control unit

Note! Ventilation ducting to be clad in 50mm 45KG/m<sup>3</sup> Rockcell Absorbant Material clad in 2 Layers of 19mm gyproc plank material at staggered joints, dressed tightly to the flat roof surface and building A minimum of 1m above the alternator.

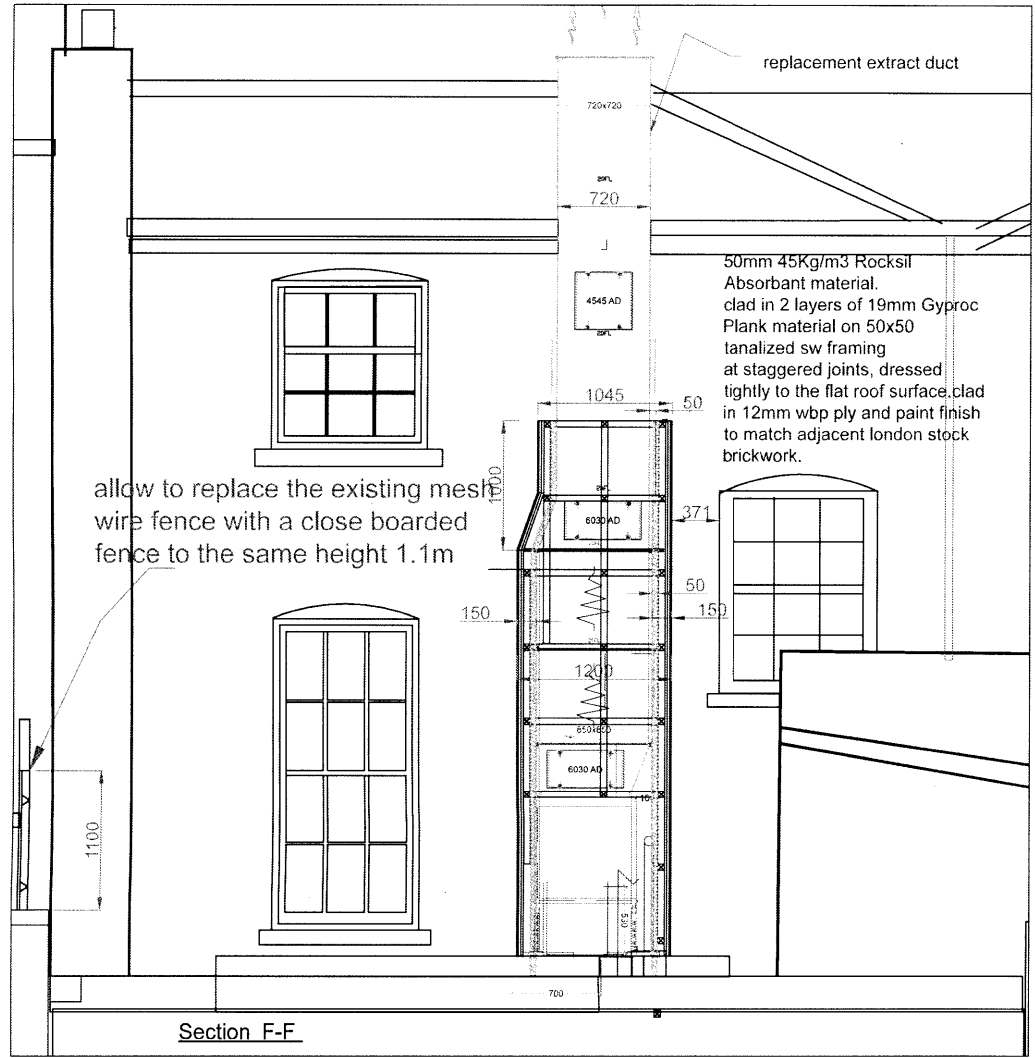
- Rev E. Elevations revised to show 1100mm high close boarded fence. Description of duct painwork revised. PS. 25-05-2015.
- Rev D. Elevations revised to show full details of acoustic cladding thickness. +150mm overall construction. PS 20-04-2015.
- Rev C. Odour Control Unit Added. Brickwork paint finish / treatment to ventilation riser added. PS 14-01-2015.
- Rev B. Cladding Detail Section Added to clarify construction. PS.17-10-2014

Rev A. Ventilation Design Altered in accordance with acoustic specialist report. PS.11-10-2014

Capital Pubs (Greene King)	
Prince Bonaparte Notting Hill, W2 5BE	
Part First Floor Plan Rear Elevations As Proposed	
1:100 and 1:50 @ A1	5722-14-101
May 2014	Patrick Smith HCSD

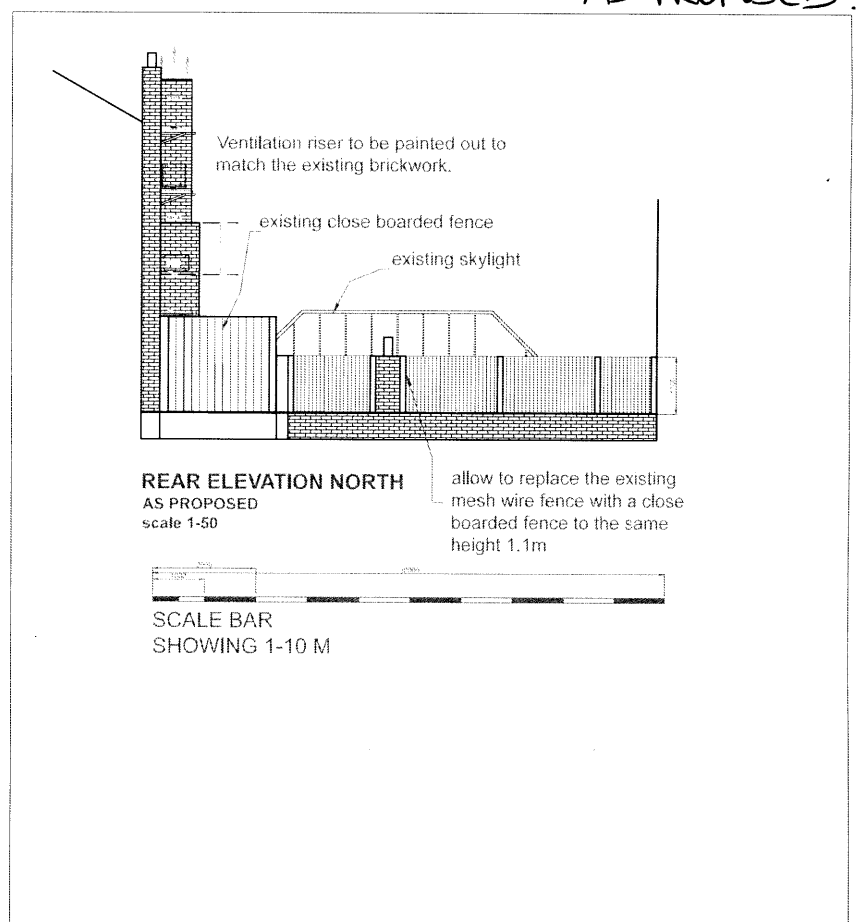
AS PROPOSED

AS PROPOSED



Section F-F

SECTION FF THROUGH KITCHEN  
EXTRACT RISER  
SCALE 1-10 @A1



REAR ELEVATION NORTH  
AS PROPOSED  
scale 1-50

allow to replace the existing mesh wire fence with a close boarded fence to the same height 1.1m



SCALE BAR  
SHOWING 1-10 M

Page 65

Rev A. New Fence to North Elevation Shown.  
PS. 26-05-2015.

Capital Pubs (Greene King)	
Prince Bonaparte Notting Hill, W2 5BE	
Rear Section Through Ductwork Extract Riser As Proposed North Elevation Showing New Fence	
Scale 1:10 @ A1	Sheet No. 5722-14-104
Date April 2015	Revision A
Author Patrick Smith, MCSD	
 south coastham design ltd 100-102 SOUTH COASTHAM ROAD, SOUTH COASTHAM, SOUTHAMPTON, SOUTH ISLES, SOUTHAMPTON, HANTS, SO9 4JL 01703 616161 www.southcoasthamdesign.co.uk	

AS PROPOSED



Proposed View 1

Page 66

As Proposed



Page 67

Proposed View 2

As proposed

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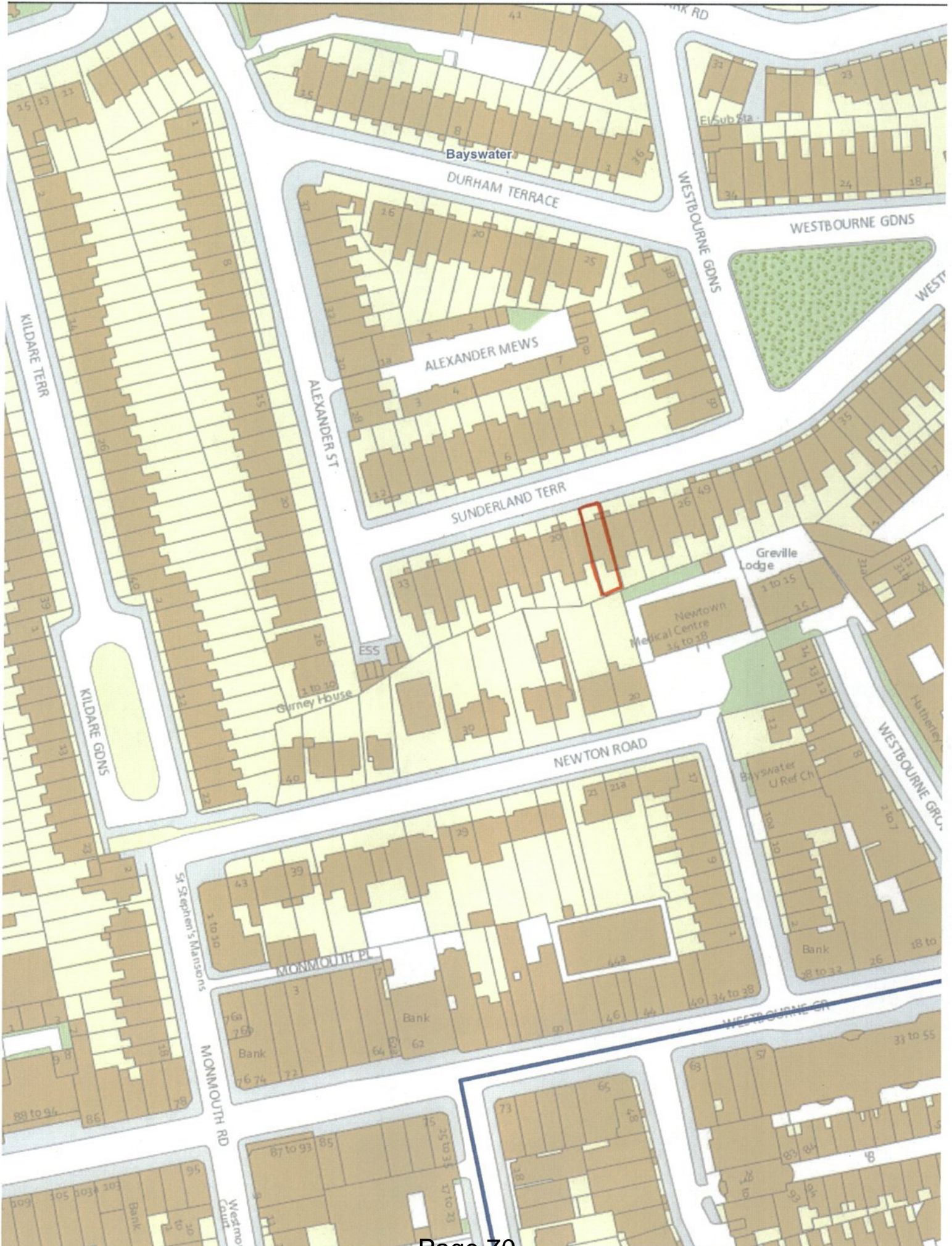
# Agenda Item 3

Item No.
3

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 August 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Bayswater	
<b>Subject of Report</b>	<b>22 Sunderland Terrace, London, W2 5PA</b>		
<b>Proposal</b>	Conversion of two of the front vaults to habitable accommodation and cycle storage, including lowering floor level of vaults and infilling of bridge; single storey rear infill extension with rooflight; installation of French doors to replace window at ground floor rear elevation and metal spiral staircase to rear elevation (Flat A).		
<b>Agent</b>	Adelaide Jones		
<b>On behalf of</b>	Mr Karim Khelil		
<b>Registered Number</b>	15/04782/FULL	<b>TP / PP No</b>	TP/1569
<b>Date of Application</b>	29.05.2015	<b>Date amended/ completed</b>	28.07.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.





Rear conservatory to be replaced with new extension

**22 SUNDERLAND TERRACE, W2**

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Rear closet wing where proposed spiral staircase to garden is to go

**22 SUNDERLAND TERRACE, W2**

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## 2. SUMMARY

This application is for the conversion of the front vaults to provide additional floorspace for Flat A, a small lobby addition to create a new entrance, the erection of a rear extension to replace the existing conservatory, French doors from the ground floor addition leading onto a new spiral staircase to garden.

The scheme has been amended to delete the security bars to the front window and reduce the height of the rear extension.

The key issues are:

- The impact of the proposal upon the character and appearance of this building and this part of the Westbourne Conservation Area.
- The impact on the amenities of neighbours.

The proposal will have no adverse impact on this part of the Westbourne Conservation Area nor on the amenity of neighbouring properties, and is recommended for conditional approval.

## 3. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Object to steel security bars at front window. Needs a better finish to paved area at front and landscaping. Object to lack of refuse storage for other flats in building. Requests condition that flat roof will not be used as terrace.

### HIGHWAYS PLANNING MANAGER

Acceptable on transportation grounds.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 15; Total No. of Replies: 4.

The objections relate to the following:

#### Amenity

- Overlooking into the garden of 23A from the new spiral staircase and door from kitchen.
- Shadowing created to No. 21's garden.
- Impact on garden of No. 21.

#### Other Matters

- Objection to skylight in kitchen roof as not shown on plans, applicant had agreed to remove this.
- Lack of cupboarding to bin store under stairs.
- Would prefer brick boundary wall where the extension is to be built not to be demolished.
- Applicant has agreed that the roof of the new extension will be strong enough to support scaffolding.
- Impact on trees and shrubs.

ADVERTISEMENT/SITE NOTICE: Yes

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**4. BACKGROUND INFORMATION**

**4.1 The Application Site**

The property is a lower ground and ground floor flat within a mid terraced five storey unlisted building. The property is within the Westbourne Conservation Area.

**4.2 Planning History**

09.12.1994: Permission granted for the erection of a conservatory at rear basement level.

**5. THE PROPOSAL**

The proposal is for the conversion of two of the front vaults to habitable accommodation and cycle storage, including lowering the floor level of the vaults and infilling of bridge; single storey rear extension to replace the existing conservatory; the installation of French doors to replace window at ground floor rear elevation and a metal spiral staircase to rear elevation.

The application has been amended during the course of consideration to lower the main roof of the rear extension, to remove the security bars from the proposal and to retain the flower bed to the front garden.

**6. DETAILED CONSIDERATIONS**

**6.1 Land Use**

The principle of additional residential floorspace in land use terms is supported by Policy H3 of the UDP.

**6.2 Townscape and Design**

The proposal is considered to comply with Policies DES5 and DES9. The rear extension is set back from the original closet wing and has a largely glazed rear elevation giving it a subservient appearance. It will be constructed in bricks to match the existing building with timber framed doors. The creation of a door at ground floor level to the rear elevation uses the existing window opening and remains aligned with the existing fenestration. The spiral staircase is of a simple design and made from metal which is appropriate in design terms. The infill beneath the entrance bridge is recessed sufficiently to have a minimal visual impact from the street and the windows and doors introduced within the lightwell have minimal visibility and are of appropriate design.

The South East Bayswater Residents Association have objected to steel security bars at the front window and stated that there needs a better finish to paved area at front and landscaping. During the consideration of the application the security bars to the window have been removed from the application and the front garden has been retained as existing. This revision is considered to address the majority of their concerns.

The proposal would be consistent with Policies DES1, DES5 and DES9 of the UDP and Policies S25 and S28 in the City Plan.

**6.3 Residential Amenity**

Objections have been received on the grounds of the overshadowing created by the high rear extension to the garden of No.21. The extension is of a relatively modest 2.4m at the

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3

boundary with No.21. The rear window of No. 21 is set away from the boundary and it is not considered that the proposal will result in any material loss of light or enclosure.

An objection has been made from the occupier of No.23 on the grounds that the spiral staircase will create overlooking into their garden.

The platform to the spiral staircase is only 0.7m wide and is fairly narrow which will restrict its possible use, and whilst this platform and stairs may afford views into neighbouring properties, it is not considered to result in a material loss of privacy. Accordingly, the proposal would be consistent with Policy ENV13 of the UDP and Policy S29 of the City Plan.

#### **6.4 Transportation/Highways**

No transportation/highways impact.

#### **6.5 Equalities and Diversities**

No change to access arrangements into this flat.

#### **6.6 Economic Considerations**

Not relevant in the determination of this householder application.

#### **6.7 Other Westminster/UDP Considerations**

None

#### **6.8 London Plan**

This proposal raises no strategic issues.

#### **6.9 Central Government Advice**

Regard has been had to the advice in Central Government's National Planning Policy Framework (NPPF) which came into effect on 27 March 2012.

#### **6.10 Planning Obligations**

Not relevant in the determination of this householder application.

#### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

The spiral staircase and platform will not have any adverse impact on the existing tree and a condition is recommended to ensure this tree is protected during the building works.

#### **6.12 Other Matters**

An objection was raised to the addition of a rooflight in the existing kitchen roof. This was an error in the description which has been amended. The proposal involves no change to the kitchen roof.

The South East Bayswater Residents Association has objected to the lack of refuse storage for other flats in the building. A site visit has shown that the refuse storage area in the

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3

basement lightwell under the stairs will remain unaltered by the proposal. In addition, one of the vaults will remain excluded from the conversion and will be used for communal storage for all the flats in the building.

A new door is proposed to Vault C, which remains for refuse storage.

The neighbour at No. 21 objects to the demolition of the existing brick boundary wall. There are no objections to the principle of this new wall, which will be the subject of a party wall award.

### 6.13 Conclusion

It is therefore recommended to grant conditional permission

## BACKGROUND PAPERS

1. Application form.
2. Memorandum from Highways Planning Manager dated 15.6.2015.
3. Response from South East Bayswater Residents Association dated 17.7.2015.
4. Online comments from 22C Sunderland Terrace dated 22.6.2015.
5. Online comments from 23A Sunderland Terrace dated 23.6.2015
6. Online comments from 21A Sunderland Terrace dated 28.6.2015
7. Online comments from 21C Sunderland Terrace dated 1.7.2015

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



**DRAFT DECISION LETTER**

**Address:** 22 Sunderland Terrace, London, W2 5PA

**Proposal:** Conversion of two of the front vaults to habitable accommodation and cycle storage, including lowering floor level of vaults and infilling of bridge; single storey rear infill extension with rooflight; installation of French doors to replace window at ground floor rear elevation and metal spiral staircase to rear elevation (Flat A).

**Plan Nos:** 1000001RevA; 1000002RevA; 1000011RevF; 1000012RevF; Design and Access Statement;

**Case Officer:** Richard Langston

**Direct Tel. No.** 020 7641 7923

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

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

**Reason:**

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

- 2 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 Westbourne 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 You must not use the roof of the rear 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, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

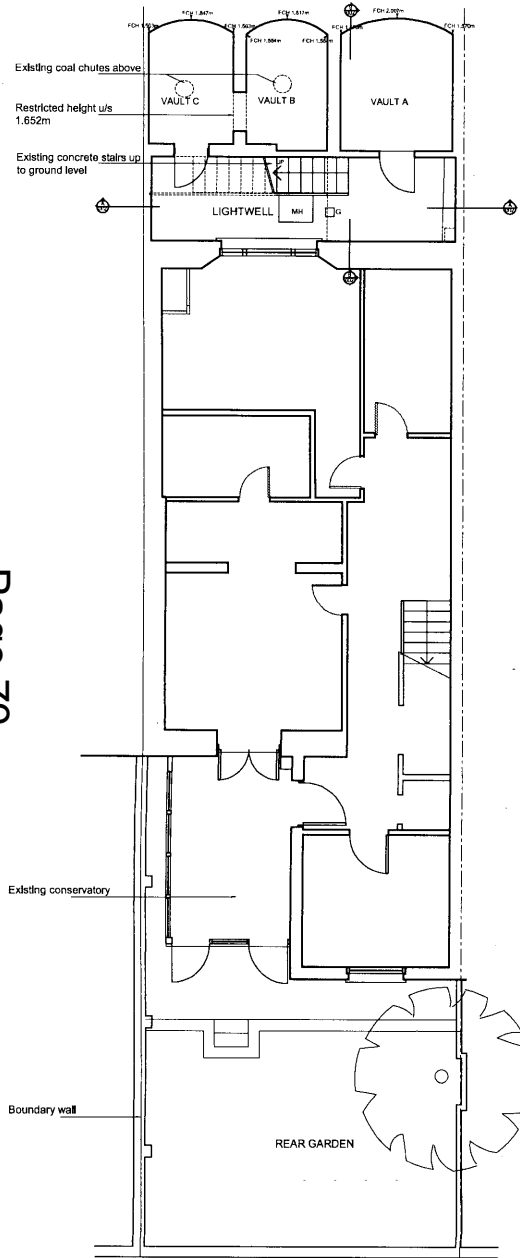
- 5 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 1000 001 F. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

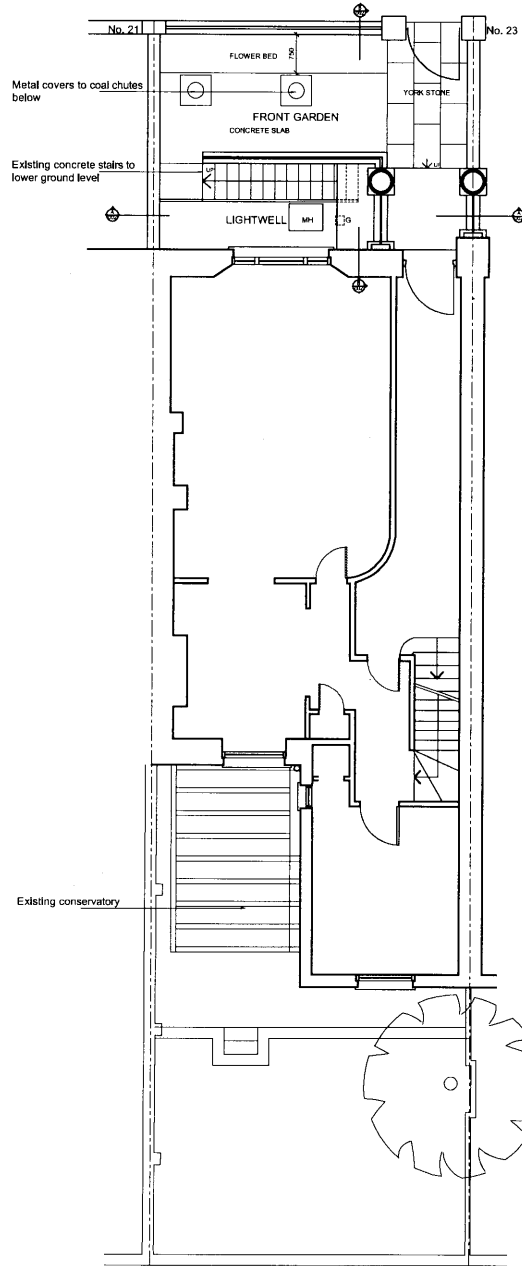
To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

**Informative(s):**

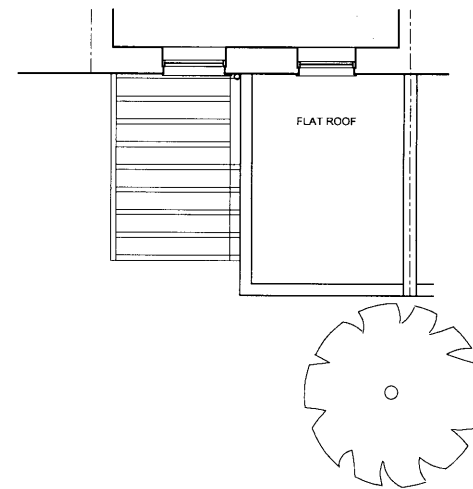
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic 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 To meet condition 5 the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)



1 001 LOWER GROUND LEVEL PLAN



2 001 GROUND LEVEL PLAN



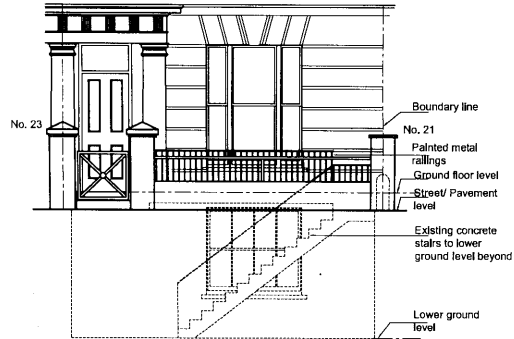
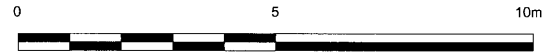
3 001 FIRST FLOOR LEVEL PLAN

0 5 10m

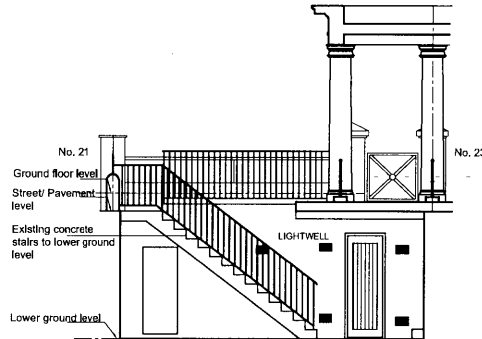


PLANNING

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<small>*THIS DRAWING IS NOT TO BE SCALED. ONLY FIGURED DIMENSIONS ARE TO BE FOLLOWED (UNLESS THE DRAWING IS PART OF A PLANNING APPLICATION). CONTRACTORS ARE TO CHECK ALL DIMENSIONS BEFORE WORK COMMENCES, AND REFER ANY APPARENT DISCREPANCY TO THE ARCHITECT.</small>		
<b>PROJECT</b> EXTERNAL CONVERSIONS 22A SUNDERLAND TERRACE LONDON W2 5PA		
<b>DRAWING</b> EXISTING PLANS		
DATE:	<b>Adelaide Jones</b> 116 Seymour Place London W1H 1HW T +44 (0) 20 7725 5800 F +44 (0) 20 7725 5822 www.adelaidejones.co.uk	
JAN 2015		
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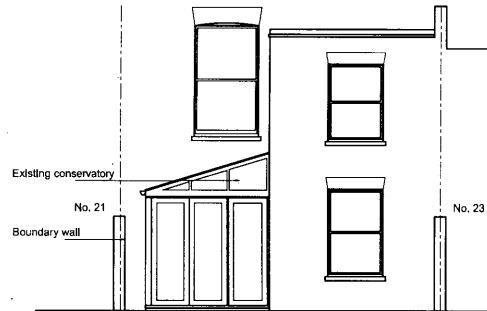
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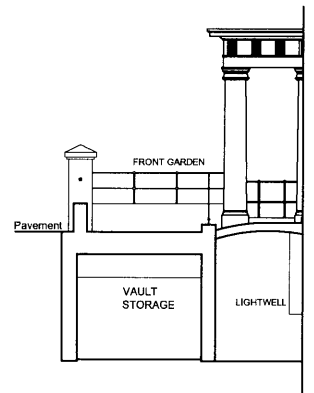
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5 SECTION C-C  
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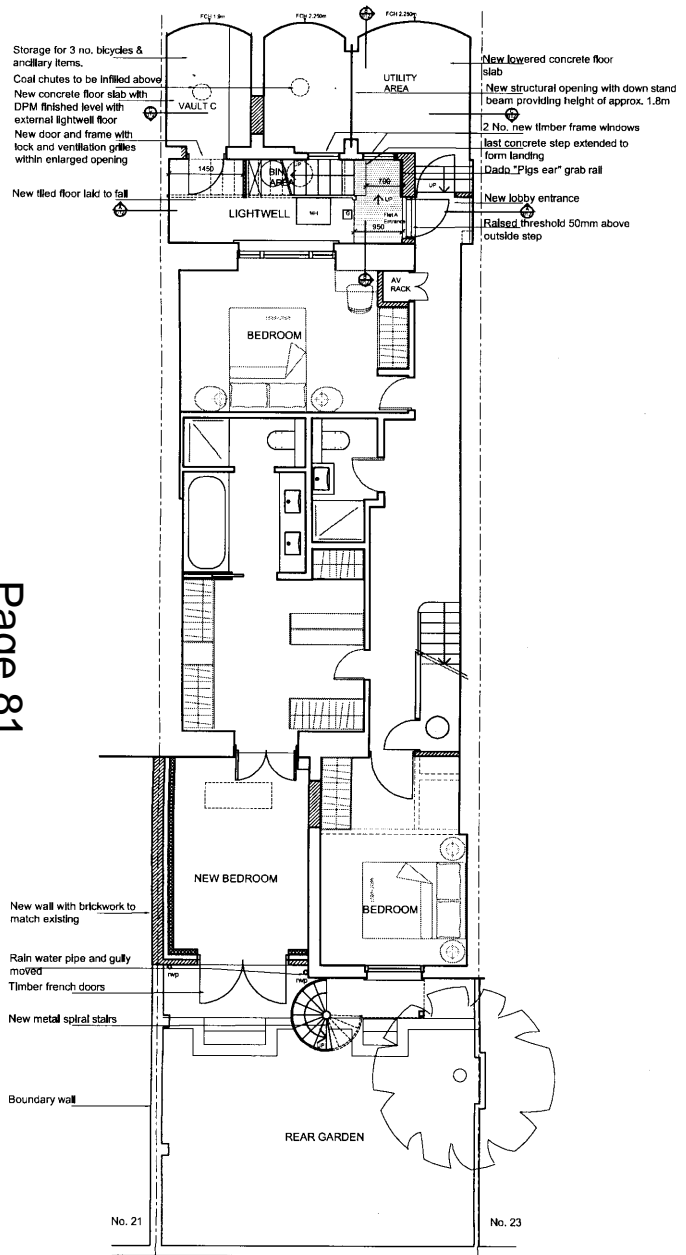
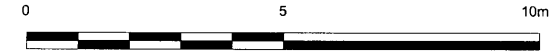
2 PART REAR ELEVATION  
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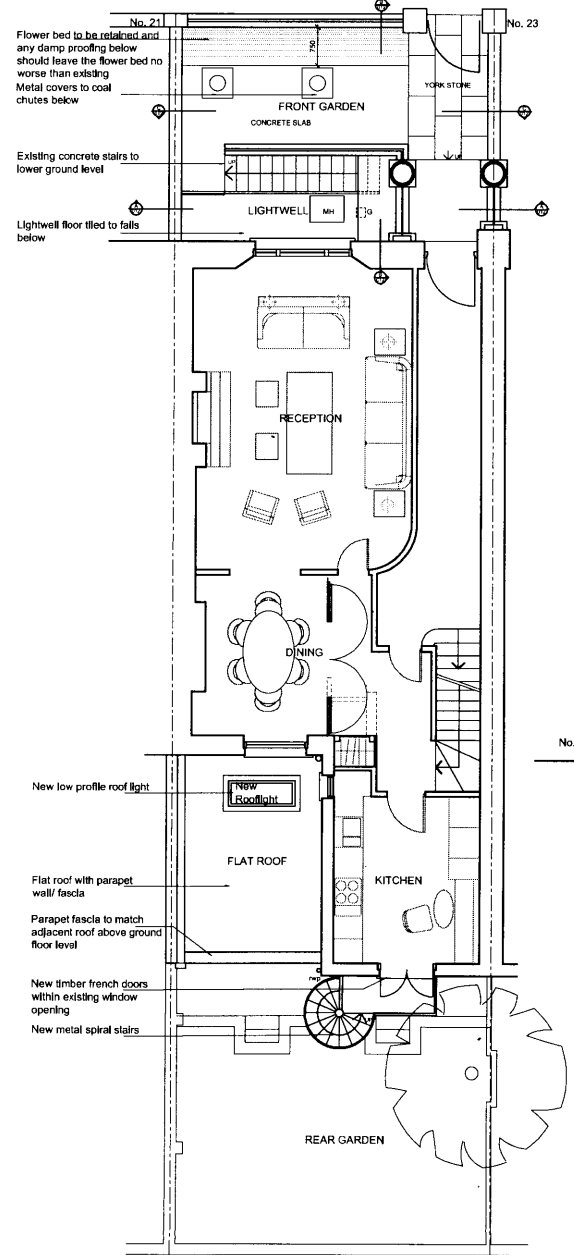
4 SECTION B-B  
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PLANNING

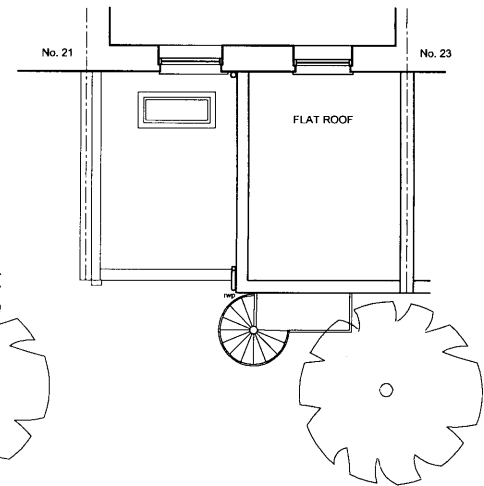
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PROJECT	EXTERNAL CONVERSIONS 22A SUNDERLAND TERRACE LONDON W2 5PA	
DRAWING	EXISTING ELEVATIONS AND SECTIONS	
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DRAWN:	CAD	
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DWG FILE:	DRAWING NUMBER: 1000 002	REV. NO.: A
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1 011 LOWER GROUND LEVEL PLAN



2 011 GROUND LEVEL PLAN



3 011 FIRST FLOOR LEVEL PLAN

PLANNING

28.07.2015	Amend note on flower bed and omit security bars.	F
24.07.2015	Step down of rear extension boundary height to 2.45m	E
23.07.2015	Reduction in height of rear extension and amendment to shape of roof	D
27.06.2015	PLANNING RESUBMISSION	C
27.04.2015	Refer to revision clouds and general updates	B
18.03.2015	PLANNING ISSUE	A
DATE	REVISION	NO.

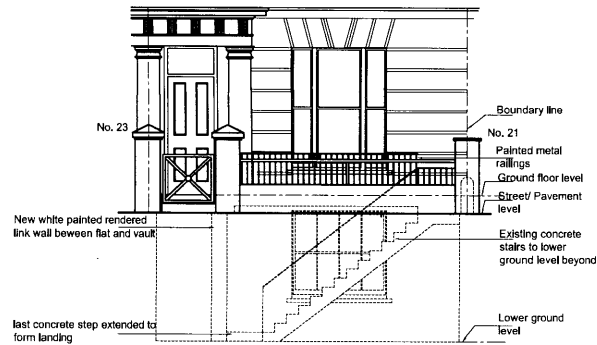
THIS DRAWING IS NOT TO BE SCALED. ONLY DIMENSIONS ARE TO BE FOLLOWED (UNLESS THE DRAWING IS PART OF A PLANNING APPLICATION). CONTRACTORS ARE TO CHECK ALL DIMENSIONS BEFORE WORK COMMENCES, AND REPORT ANY APPARENT DISCREPANCY TO THE ARCHITECT.

PROJECT  
**EXTERNAL CONVERSIONS  
 22A SUNDERLAND TERRACE  
 LONDON W2 5PA**

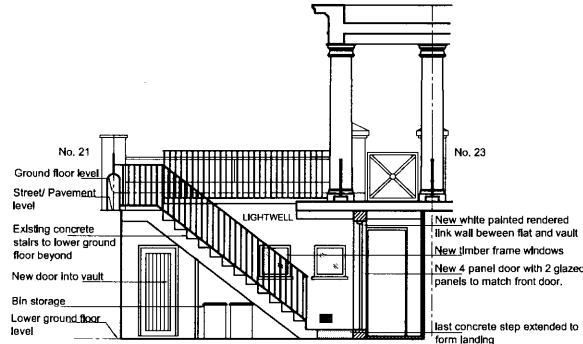
DRAWING  
**PROPOSED PLANS**

DATE: JAN 2015	<b>Adelaide Jones</b> 116 Seymour Palace London W1H 1NW T +44 (0) 20 7725 5800 F +44 (0) 20 7725 5822 www.adelaidejones.co.uk
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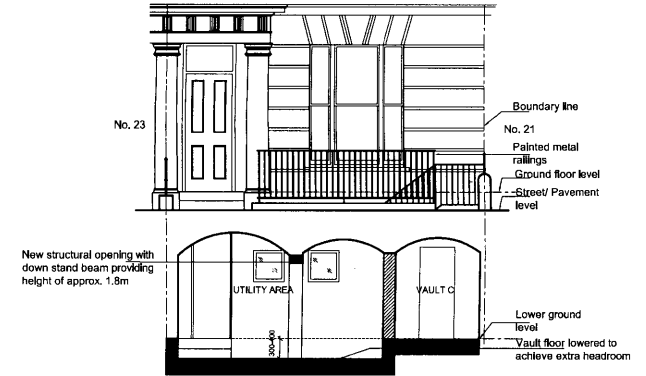
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1 PART FRONT ELEVATION  
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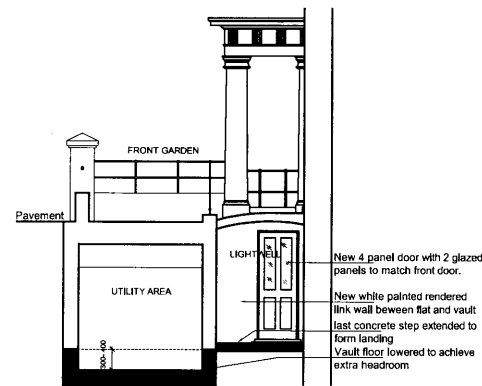
3 SECTION A-A  
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5 SECTION C-C  
012



2 PART REAR ELEVATION  
012



4 SECTION B-B  
012

PLANNING

28.07.2015	Amend note on flower bed and omit security bars.	F
24.07.2015	Step down of rear extension boundary height to 2.45m	E
23.07.2015	Reduction in height of rear extension and amendment to shape of roof	D
27.08.2015	PLANNING RESUBMISSION	C
27.04.2015	Refer to revision clouds and general updates	B
18.03.2015	PLANNING ISSUE	A
DATE	REVISION	NO.

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PROJECT  
**EXTERNAL CONVERSIONS  
22A SUNDERLAND TERRACE  
LONDON W2 5PA**

DRAWING  
**PROPOSED ELEVATIONS  
AND SECTIONS**

DATE:  
JAN 2015  
DRAWN:  
CAD  
SCALE:  
1:100@A3

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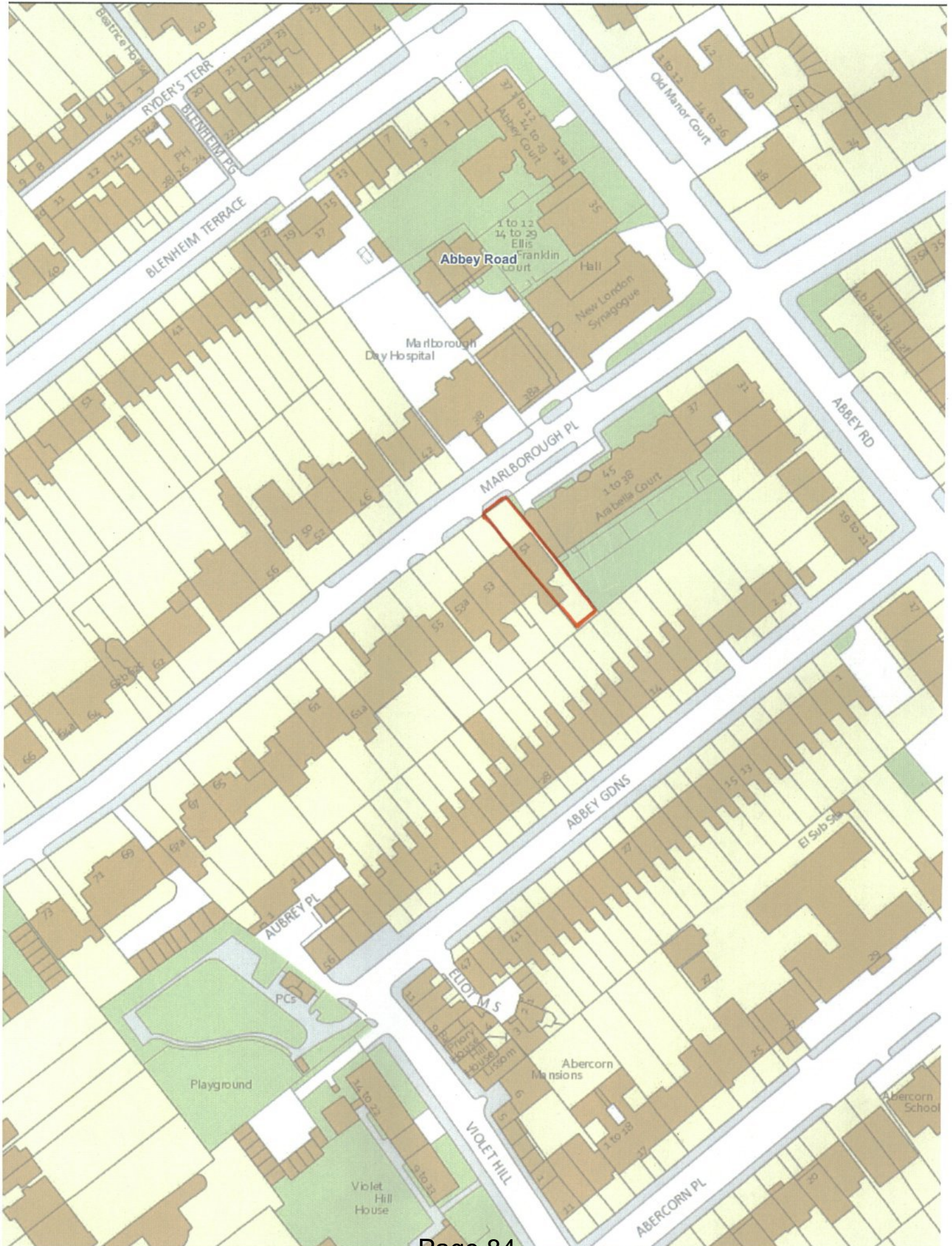
# Agenda Item 4

Item No.
4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 August 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Abbey Road	
<b>Subject of Report</b>	<b>51 Marlborough Place, London, NW8 0PS</b>		
<b>Proposal</b>	Excavation of basement under part of front garden, alterations to front elevation and alterations at rear including landscaping, changes to garden levels and balcony.		
<b>Agent</b>	MW-Architects		
<b>On behalf of</b>	Mr Marek Wojciechowski		
<b>Registered Number</b>	15/05798/FULL	<b>TP / PP No</b>	TP/1611
<b>Date of Application</b>	26.06.2015	<b>Date completed</b>	26.06.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.







51 MARLBOROUGH PLACE, NW8

## 2. SUMMARY

Permission was refused on 3 June 2015 for the excavation of a basement under part of the front garden of this house on the grounds of its proximity and potential impact on the root protection area which will harm the Holm Oak tree in the front garden. This revised application seeks to address the impact on this tree and also seeks approval to render the front brickwork, add stone dressings to the upper windows and a new window to the consented front lightwell. The proposal also includes the conversion of the integral garage and other alterations to the rear of the house which were granted last year.

Objections have been received on behalf of the 33 lessees in the adjoining block of flats at No. 45 and also from four residents of this block on the grounds of the loss of the garage, increased traffic congestion and construction vehicles parking on the road which may affect access and visibility from their car park. Other objections relate to increased risk of flooding to the car park at No. 45 as a result of the proposed basement and structural damage.

The main issues for consideration are:

- The impact of the proposed basement on the Holm Oak tree in the front garden.
- The impact of the proposal on the appearance and character of this part of the St John's Wood Conservation Area.
- The impact on the amenities of neighbours.
- The loss of the garage and the impact of the proposal on highway safety.

The revised proposal has demonstrated that the excavation of part of the front garden can take place without affecting the root protection area of this tree and there will remain sufficient soil in the reduced planter to allow this tree to grow. However, the Arboricultural Manager maintains objection to the lack of soil above the new basement, however, this did not form part of the Council's earlier refusal of permission. Despite the objections from neighbouring residents, it is not considered that the proposal will harm this part of the St John's Wood Conservation Area, the amenities of neighbours or pose a highway danger. The application is recommended for conditional approval.

## 3. CONSULTATIONS

### ST JOHN'S WOOD SOCIETY

To be reported verbally.

### ENVIRONMENT AGENCY

No comments to make.

### ARBORICULTURAL MANAGER

Request applicant to confirm that the existing wall is not being underpinned and the proposed crate is large enough to support the Holm Oak tree. However, maintains the objection to lack of soil above the proposed basement. A minimum soil depth of 1.2m including 0.2m drainage is required above the basement in order to provide ample soil depth for future planting and to improve the overall sustainability of the proposal. Accept that this property is unusual in terms of the sloping driveway down to the basement, but nonetheless it would be inappropriate to set a 'precedent' of having no soil depth above the basement. The recently considered scheme to level the driveway provided a much greater soil depth in the front garden which would enable trees and shrubs to be planted in the future if desired, whereas this scheme will significantly limit any options for planting in the future. Not clear about the proposals to the rear garden and further information required. If permission is granted, recommend a number of conditions.

#### BUILDING CONTROL

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

#### ENVIRONMENTAL HEALTH

To be reported verbally.

#### HIGHWAYS PLANNING MANAGER

Undesirable in transportation terms as the proposal results in the loss of a garage, but given external parking is being retained, it is not considered that a refusal on the grounds of the loss of the garage could be sustained. Request a condition to secure the retention of the external parking space for the lifetime of the development.

#### THAMES WATER

No comments to make - request Informative regarding the installation of a non-return valve or other suitable device to avoid the risk of back flow in the future, and measures to minimise groundwater discharges into the public sewer.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 47; Total No. of Replies: 5.

One objection from 45 Marlborough Place (Management Company) Ltd on behalf of the 33 lessees in this block and five objections from residents at No. 45.

#### Residential Amenity

- The noise and disruption to local residents during construction will be unbearable.

#### Transportation/Parking

- When the house was built it was required to have a garage, and this is now even more important taken into account the ever increasing traffic congestion in Marlborough Place.
- Construction vehicles will create traffic congestion problem. The road is already congested without HGVs being parked two feet from the driveway that serves No. 45. The planning officer will be held responsible for any problems during the building work. The planning officer will also be responsible if any vehicles are unable to leave No. 45 because of construction vehicles causing a visual obstruction for any vehicle looking to leave. No vehicle should be parked within four metres of the drive whether to load or unload.

#### Tree

- Question why the tree is so valuable.

#### Basement

- The water table is already at a level with the underground car park at No. 45 which has flooded and installed pumps to pump out excess water. If granted, will hold the planning officer responsible for any damage caused to this building's structure and its car park by any means of water ingress and Westminster Council responsible for making good the car park after flooding which is bound to occur if this basement goes ahead. Putting this

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matter in the hands of solicitors so they may hold the Council responsible for any damage caused to No. 45 or its occupants that is attributable to the granting of any permissions for alterations to No. 51.

- The owner may convert the house into two separate dwellings.

ADVERTISEMENT/SITE NOTICE: Yes

#### 4. BACKGROUND INFORMATION

##### 4.1 The Application Site

No. 51 is a modern townhouse located on the south side of Marlborough Place within the St John's Wood Conservation Area. It is one of four houses which were built in 2004 following an appeal decision in 2001. This house has an integral garage at lower ground floor level, accessed via a ramp, with four upper floors. There is a Holm Oak tree in a planter in the front garden of the house which is approximately 10 years old. It is an attractive and healthy specimen.

##### 4.2 Planning History

Permission granted on appeal on 12.1.2001 for the demolition of existing buildings, including garages and out buildings at rear and front boundary wall and redevelopment of the site by the erection of four dwellinghouses with basement garages.

Permission granted on 28 October 2014 for the conversion of garage to habitable room with associated external alterations, installation of new front lightwell and landscaping of front garden area including new stairs and bin store. This scheme permitted the levelling off of the ramped driveway to make a new landscaped front garden and the creation of a lightwell to the front of the house. These works have not commenced to date.

Permission refused 3 June 2015 for a similar proposal to that approved above but also included the excavation of a basement under the front garden and driveway. This application was refused on the basis of the proximity and potential impact on the root protection area of this tree and potential harm caused.

A copy of this decision notice is included in the background papers.

#### 5. THE PROPOSAL

This proposal for a revised front basement seeks to overcome the earlier reason for refusal. The applicant states that the extent of the basement has been designed to accommodate the existing tree on the site. The scheme now includes more free draining area into which the roots of this tree can grow via newly formed root ducts through the planter walls.

The front basement area measures approximately 37m<sup>2</sup>.

The addition of a full height window to the consented front lightwell is a minor change. The plans also propose to render the front elevation of the house and to add stone surrounds to the windows at first and second floors to match No. 51A.

This proposal also includes the works to convert the garage and to the rear of the house which were permitted in October 2014.

## 6. DETAILED CONSIDERATIONS

### 6.1. Land Use

There are no objections to the additional residential floorspace in land use terms.

### 6.2 Townscape and Design

The proposed basement once built will not have any material impact on the appearance of the house and will preserve the character and appearance of this part of the St. John's Wood Conservation Area.

The main visual amenity issue is whether the basement will affect the Holm Oak tree in the front garden and this is dealt with in Section 6.11 of this report.

It is regrettable that the applicant wishes to render the existing brickwork, but the addition of the render and stone finishes are not considered to materially harm the appearance of the house. The proposed new window in the front basement lightwell is acceptable given that it is screened from street views.

It is not considered that the proposal will affect the setting of the Grade II listed building on the opposite side of Marlborough Place.

The proposal therefore accords with Policies S25 and S28 in the City Plan and DES1, DES5 and DES9 in the UDP.

### 6.3 Residential Amenity

It is not considered that the proposed physical works once complete will adversely affect the amenities of neighbouring residents.

It is accepted that the construction works to excavate part of the front garden will cause noise and disturbance to neighbouring residents. Hours of building works are to be conditioned, no basement excavation at the weekend and the applicant has submitted a Construction Management Plan which will be secured by condition.

### 6.4 Transportation and Parking

Although an objection has been raised on behalf of the 33 lessees at No. 45 Marlborough Place to the loss of the integral garage, the City Council has already granted permission in October last year for this garage to be converted to a habitable room.

Normally the loss of off street residential parking is resisted, but in this case there remains sufficient off street surface parking for the occupants of this house (two spaces on the proposed level driveway).

Objections have also been raised that construction vehicles may park outside the house and this may affect access to the car park at No. 45, or compromise sight lines from the car park and pose a highway danger.

The Highways Planning Manager raises no objection to the proposal. The applicant's Construction Management Plan indicates that a skip can be sited inside the curtilage of the house, and loading and unloading will be carried out to the front of the property and a banksman will be present at all times.

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#### **6.5 Equalities and Diversities**

Not relevant in the determination of this application.

#### **6.6 Economic Considerations**

Not relevant in the determination of this application.

#### **6.7 Other Westminster Policy Considerations**

This application raises no other issues.

#### **6.8 London Plan**

This application raises no strategic issues.

#### **6.9 Central Government Advice**

Advice has been had to the detailed advice set out in the National Planning Policy Framework (NPPF).

#### **6.10 Planning Obligations**

Not relevant in the determination of this application.

#### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

##### **Trees**

There is an attractive Holm Oak tree (approximately 10 years old) in a planter at the front of this house which is considered to be a visual amenity value.

The previous proposal for a basement under part of the front garden of this house was refused earlier this year on the basis that the basement excavation was too close to the root protection area of this tree. The proposal was considered to cause harm to this tree and this part of the St John's Wood Conservation Area.

The proposed footprint of the basement remains the same, albeit further information has been submitted to demonstrate that given the existing masonry planter, the proposed excavation will not result in the loss of any significant roots, and the additional free draining area will allow the tree to grow through newly formed root ducts through the planter walls.

Although the Arboricultural Manager is satisfied with the crating area for the tree roots and subject to confirmation of no underpinning to the front boundary wall, there remains an objection to the lack of soil depth above the new basement and there is not enough soil to allow future planting. The applicant has submitted an amended tree report confirming no underpinning.

The reason for refusal related to the proximity of the proposed basement and its potential impact on the root protection area of the Holm Oak. The applicant has demonstrated that the tree will not adversely be affected. The reason for refusal did not relate to the lack of soil depth above the new basement.

Whilst it is recognised that the adopted SPD on basements states that in the majority of

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cases, a minimum of 1.0m soil plus a 200mm drainage will provide sufficient soil volumes to support tree growth and health to maturity, it is considered that there are exceptional circumstances in this case. The City Council has already granted permission for this ramped access leading down to the garage to be infilled and levelled off to create an off street parking area for two cars which has reduced the amount of planting that could be provided. In addition, to reduce the depth of the proposed front basement further to accommodate 1.2m soil depth will result in a basement much deeper than the existing lower ground floor of the house. Given that the revised scheme has addressed the reason for refusal, it is recommended to grant conditional permission.

## **6.12 Other Matters**

### **Basement Excavation**

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

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

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

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

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

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

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

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

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

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

Objections have been received that the excavation of the basement will adversely affect the water table and this in turn will cause more flooding to the underground car park at No. 45.

The applicant's structural method statement has assessed the existence of ground water, including underground rivers, and the likelihood of local flooding or adverse impacts on the water table and Building Control is satisfied with the approach.

Objections have been raised holding the City Council and the planning officer responsible for any damage to the adjacent block of flats. This is not a ground to refuse planning permission, and many of the issues raised are private matters.

### **6.13 Conclusion**

Despite the objections received, this latest planning application is considered to overcome the earlier reason for refusal.

## **BACKGROUND PAPERS**

1. Application form.
2. Email from the Environment Agency dated 21.7.2015.
3. Email from Building Control dated 22.7.2015.
4. Email from Highways Planning Manager dated 21.7.2015.
5. Email from Thames Water dated 15.7.2015.
6. Memorandum from Arboricultural Manager dated 6.8.2015.
7. Letter from 45 Marlborough Place (Management Company Ltd) c/o 45 Poplar Close, Leighton Buzzard, Beds LU7 3BS dated July 2015.
8. On line comment from Flat 6 45 Marlborough Place London NW8 dated 3.8.2015.



9. On line comment from Flat 37 45 Marlborough Place London NW8 dated 3.8.2015.
10. Letter from Flat 1 45 Marlborough Place London NW8 dated 28.7.2015.
11. On line response from Flat 32 45 Marlborough Place London NW8 dated 3.8.2015.
12. Refusal of permission dated 3.6.2015.

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

**DRAFT DECISION LETTER**

**Address:** 51 Marlborough Place, London, NW8 0PS

**Proposal:** Excavation of basement under part of front garden, alterations to front elevation and alterations at rear including landscaping, changes to garden levels and balcony.

**Plan Nos:** Design and Access Statement Revision A , Report on the impact on trees of proposals for development dated 10 August 2015 ,Geotechnical interpretative report ( for information) , Structural Methodology Statement ( for information ) Construction Management Plan Revision A dated 20.2.2015 P\_01, 02, 04 Rev A, 05, 06, 07,

**Case Officer:** Amanda Coulson

**Direct Tel. No.** 020 7641 2875

**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 **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.

- 4 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 5 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 6 You must apply for us for our approval of the specification of the soil crating system, the growing medium which is proposed to fill the crating system and the method by which you will infill the system, . You must not start any work on the excavation of the basement until we have approved what you have sent us .The installation of the crating system and the growing medium must be carried out in accordance with the approved details.

Reason:

To protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 7 The two car parking spaces hereby permitted and shown on drawing P-02 shall be retained and used for the purpose of parking cars associated with the house for the lifetime of this development.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 8 The surfacing treatment for the enlarged hard standing shall be York Stone and maintained as such thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 The metal railings and staircase hereby permitted shall be painted black and maintained as such thereafter.

Reason:

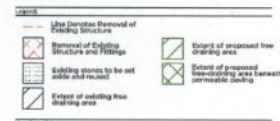
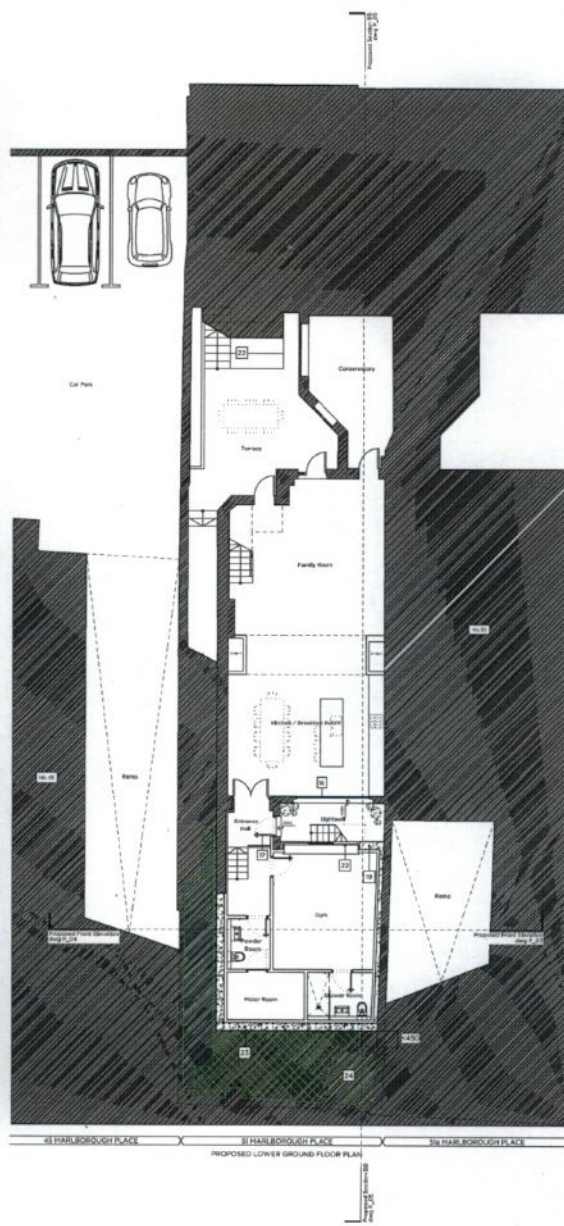
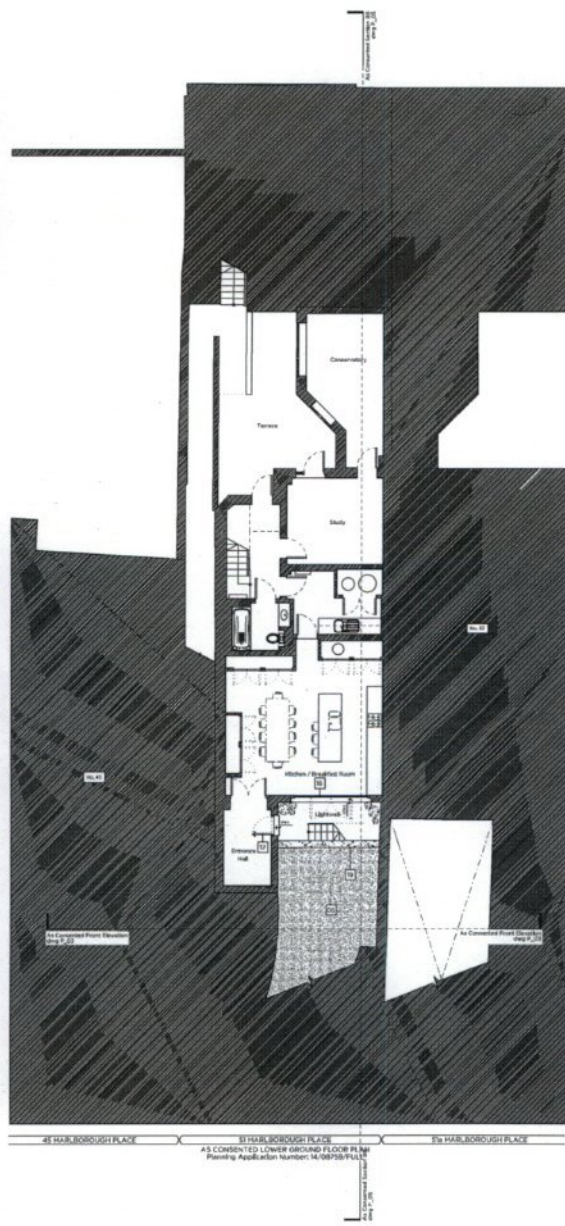
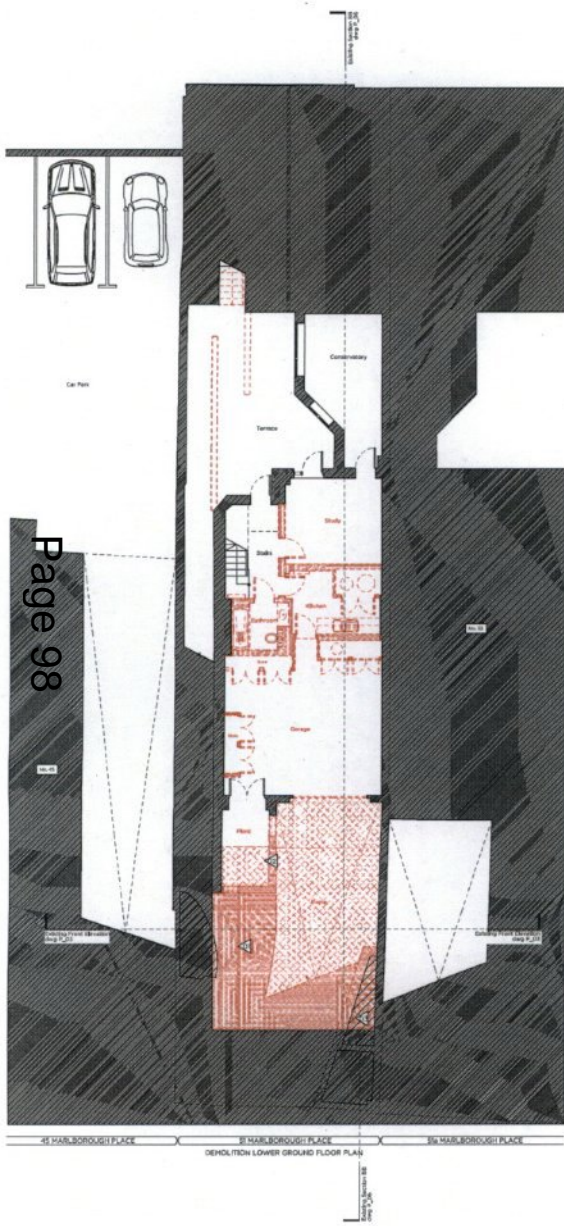
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**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 You are advised that Thames Water recommend that you incorporate a non-return valve or other suitable device to avoid the risk of back flow at a later date, on the assumption that the

sewerage network may surcharge to ground level during storm conditions Water also recommend that you undertake measures to minimise ground water discharges into the public sewer . A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into the public sewer .Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991 .Permit enquiries should be made to Thames Water Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk) .Application forms can be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
  
- 5 You are advised that Thames Water advises that the design of the proposed basement should incorporate a non-return valve or other suitable device to avoid the risk of back flow in the future, and measures to minimise groundwater discharges into the public sewer.



Extension to form basement extension  
 Existing concrete wall removed  
 Plaster partially removed & tree planter retained  
 Floor lowered by approx 400mm to improve access

- For an external office
- 101 Improve existing garage doors in preparation for new windows and convert formal garage into a habitable room
  - 102 Demolish existing 1st store (to be relocated)
  - 103 Demolish existing metal stairs
  - 104 Demolish existing steel wall and railings to allow extension of 2nd parking spaces
  - 105 1st/2nd existing ramps to create level driveway. Retain with York stone paving, retaining 2nd parking spaces
  - 106 Proposed concrete steps with rendered flank walls and metal railings paint finish
  - 107 Proposed metal railings to perimeter of newly formed 1st/2nd
  - 108 Painted metal access stairs to newly formed light well
  - 109 1st store relocated as shown, clad in cedar slats
  - 110 New hedging (tree-planting)
  - 111 Proposed metal railings painted
  - 112 Proposed hardwood door to newly formed entrance
  - 113 No modifications to flank or rear elevations are proposed under this application
  - 114 Proposed traditionally detailed timber framed French doors with four pane windows
  - 115 New Traditionally detailed timber door paint finish
  - 116 Break-out hard standing to create new tree-planting wall
  - 117 Concrete retaining wall
  - 118 Dressed stone coping
  - 119 Render painted

- For basement office
- 201 Triple sliding PVC aluminium window
  - 202 Concrete retaining wall
  - 203 Existing planter retained to accommodate existing tree (as detailed by Arden's Bushes report submitted with application)
  - 204 Existing tree retained
  - 205 Render Plaster
  - 206 White render to match 51a Harborborough Place (as pitched)
  - 207 Stone window surrounds to match 51a Harborborough Place
  - 208 Reconfigured external slab to existing garden at raised level

**PLANNING**

Project No. 13082

Client: Marek Wojciechowski

Date: March 2015

Scale: 1:50 @ A1 / 1:100 @ A3

Project: 51 Harborborough Place, NWB

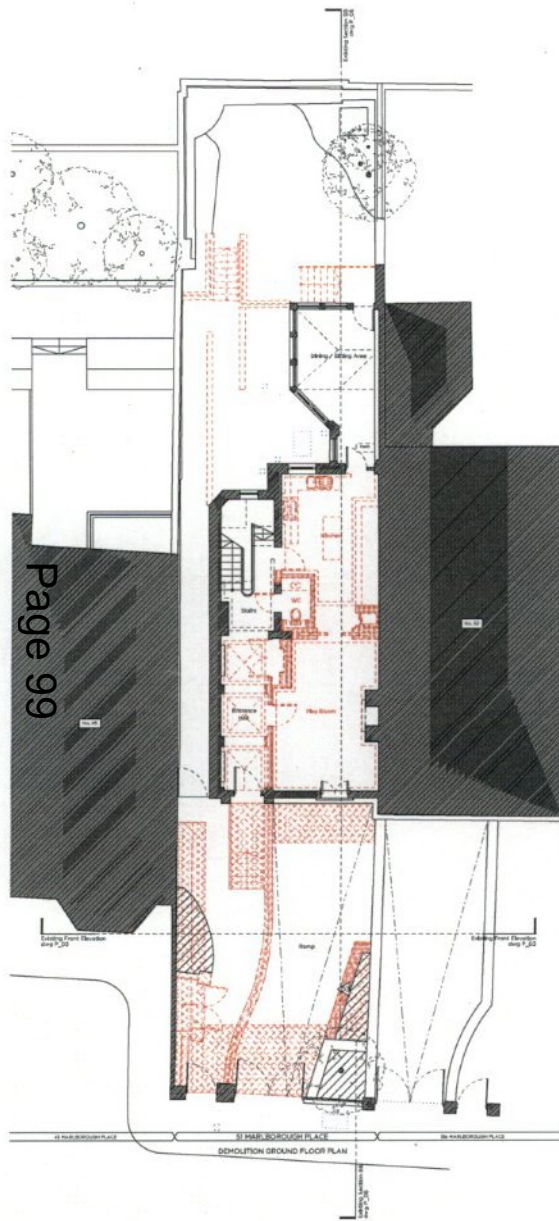
Drawing No. P\_01

Sheet: PB Approved: MW

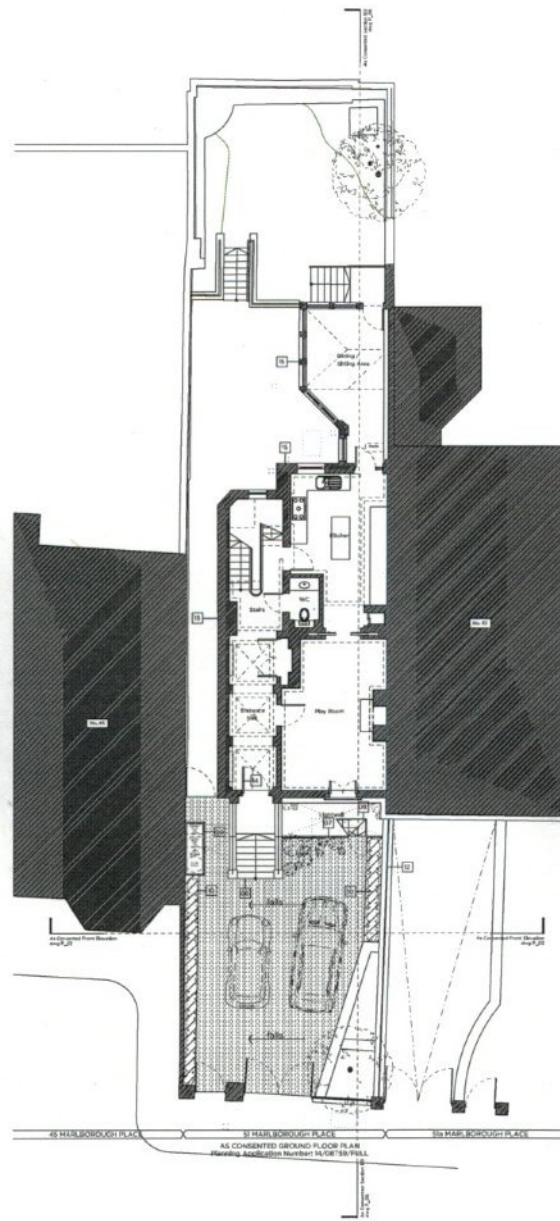
**Marek Wojciechowski Architects**

38 Princes Street NWB 011 550 7880 9330 www.mwa.co.uk

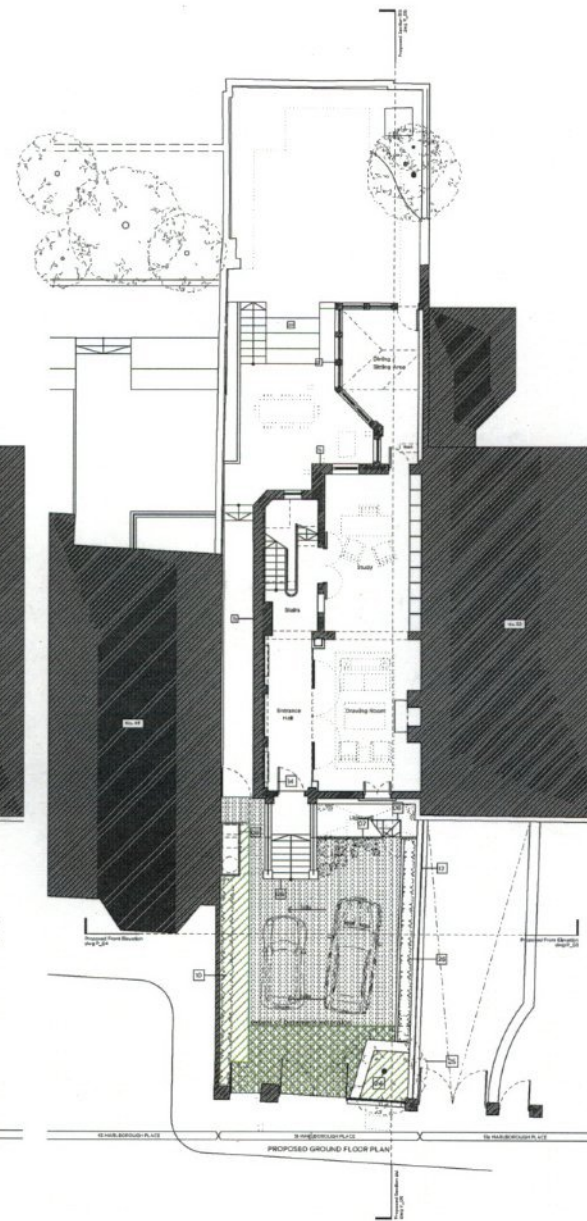
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51 MARLBOROUGH PLACE  
EXISTING GROUND FLOOR PLAN



51 MARLBOROUGH PLACE  
AS CONSSENTED GROUND FLOOR PLAN  
Planning Application Number 14/0138/PILL



51 MARLBOROUGH PLACE  
PROPOSED GROUND FLOOR PLAN



Site Location Plan NTS

- Legend**
- User Design Removal of Existing Structure
  - Removal of Existing Structure and Footing
  - Existing stones to be set aside and reused
  - Extent of adding free standing area
  - Extent of proposed free standing area
  - Extent of proposed free standing area beneath permitted parking

- Site Condition**
- Excavation to form basement extension
  - Existing concrete wall removed
  - Plaster partially removed & free plaster retained
  - Floor lowered by approx 400mm to improve access

- Key to consented scheme**
- Remove existing garage doors in preparation for new windows and convert internal garage into a habitable room
  - Demolish existing bin store (to be relocated)
  - Demolish existing metal stairs
  - Demolish existing door wall and railings to allow retention of 2nd parking space
  - Lift existing ramp to create level driveway finished with York stone paving, retaining 2nd parking space
  - Proposed stone steps with rendered flank walls and metal railings paint finish
  - Proposed metal railings to perimeter of newly formed light well
  - Painted metal access stairs to newly formed light well
  - Bin store relocated as shown, clad in cedar slats
  - Van heighting (free-drainage)
  - Proposed metal railings painted
  - Proposed hardwood door to newly formed entrance
  - No modifications to flint or rear elevations are proposed under this application
  - Proposed traditionally detailed French fronted French doors with flint side windows
  - New Traditionally detailed timber door paint finish
  - Break-out hard standing to create new free-draining planter
  - Concrete retaining wall
  - Gravelled stone capping
  - Render painted

- Key to Proposed Scheme**
- Triple sliding PVC aluminium window
  - Concrete retaining wall
  - Existing plaster retained to accommodate existing tree
  - Existing flintwork to accommodate existing tree
  - Existing tree retained
  - Rendered plaster
  - White render to match 51a Marlborough Place (as finished)
  - Stone window surrounds to match 51a Marlborough Place
  - Reconfigured external stair to existing garden at raised level

## PLANNING

13082

Client: **Marek Wojciechowski**

Date: **March 2015**

Scale: **1:50 @ A1 / 1:100 @ A3**

Project: **51 Marlborough Place, NWB**

Drawing Title: **Existing, Consented and Proposed Ground Floor Plan**

Drawing No. **P\_02** Rev. **01**

Drawn: **PB** Approved: **MW**

**Marek Wojciechowski Architects**

38 Hogarth Street W1W 8JZ    0 203 7580 833    www.mw-architects.com

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51 MARLBOROUGH PLACE 51 MARLBOROUGH PLACE 51 MARLBOROUGH PLACE  
DEMOLITION FRONT ELEVATION



51 MARLBOROUGH PLACE 51 MARLBOROUGH PLACE 51 MARLBOROUGH PLACE  
AS CONSENTED FRONT ELEVATION  
Planning Application Number: 16/08755-FULL



MARLBOROUGH PLACE 51 MARLBOROUGH PLACE 51 MARLBOROUGH PLACE  
PROPOSED FRONT ELEVATION



Site Location Plan NTS

Legend

	Proposed Removal of Existing Structure		Extent of proposed free draining area
	Removal of Existing Structure and FES/SPs		Extent of proposed free-draining, cost-bearing, permeable paving
	Existing gullies to be set aside and re-used		
	Extent of existing free draining area		

Work Schedule

	Excavation to form basement extension
	Existing concrete wall removed
	Plaster partially removed & free plaster retained
	Floor lowered by approx 400mm to improve access

Proposed Schedule

01	Approve existing garage doors in preparation for new windows and convert internal garage into a habitable room (demolish existing bin store to be reinstated)
02	Demolish existing metal stairs
03	Demolish existing sheet wall and railings to allow re-orientation of new parking spaces
04	Install existing ramp to create level driveway finished with York Stone paving, retaining the parking spaces
05	Proposed stone steps with rendered block walls and metal railings (with steel)
06	Proposed metal railings to perimeter of newly formed light well
07	Painted metal access stairs to newly formed light well
08	Bin store reinstated as shown, clad in cedar clats
09	New hedging (free-draining)
10	Proposed metal railings (with steel)
11	Proposed hardwood door to newly formed entrance
12	No modifications to brick or rear elevations are proposed under this application
13	Proposed traditionally detailed timber framed French doors with floor area windows
14	New traditionally detailed timber door pairs (skin)
15	Break-out hard standing to create new free-draining planter
16	Concrete retaining wall
17	Grassed stone coping
18	Reinforce slab
19	Reinforce slab
20	Reinforce slab
21	Reinforce slab
22	Install sliding PVC aluminium window
23	Concrete retaining wall
24	Existing planter retained to accommodate existing tree (see Schedule 5 Architectural report submitted with application)
25	Existing tree retained
26	Reinforce planter
27	White render to match 51a Marlborough Place (as hatched)
28	Stone window surrounds to match 51a Marlborough Place
29	Reconfigure external steps to existing garden at raised level

# PLANNING

Project No. 13082

Client: Marek Wojciechowski

Date: March 2015

Scale: 1:50 @ A1 / 1:100 @ A3

Project: 51 Marlborough Place, NWB

Drawing Title: Existing, Consented and Proposed Front Elevation

Drawing No. P\_03 Rev A

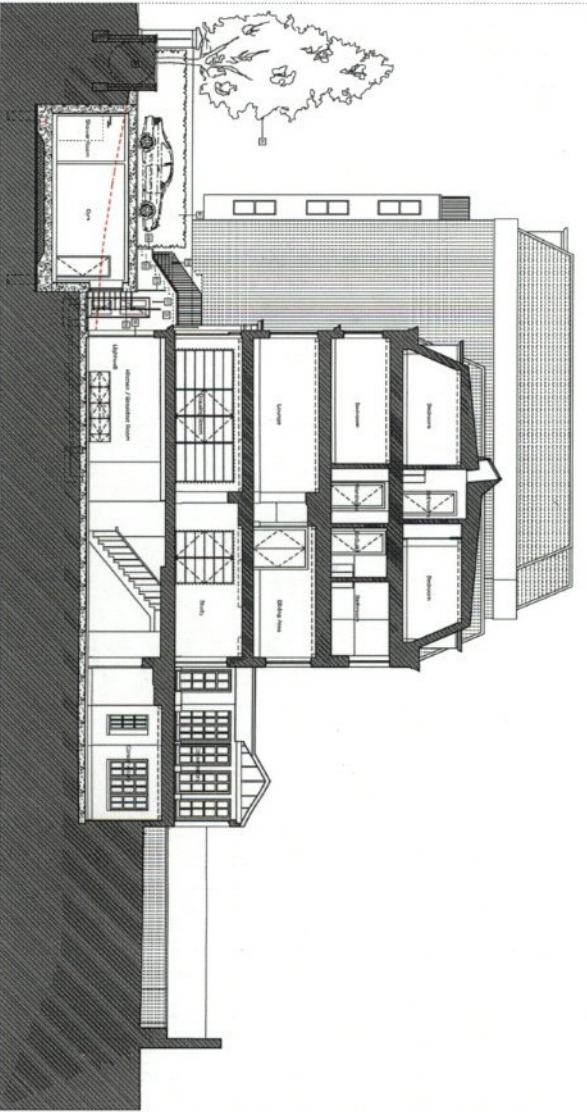
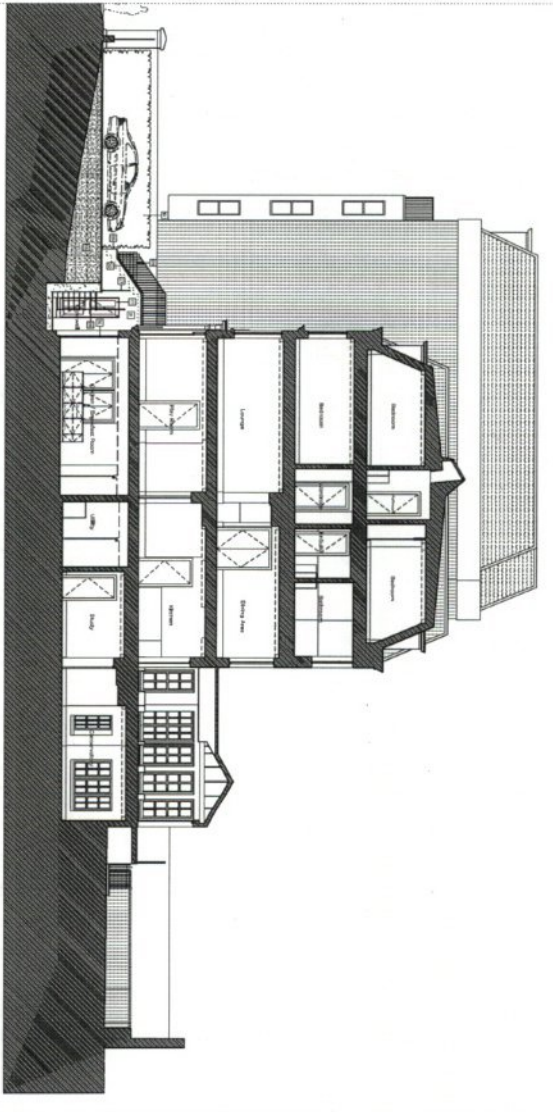
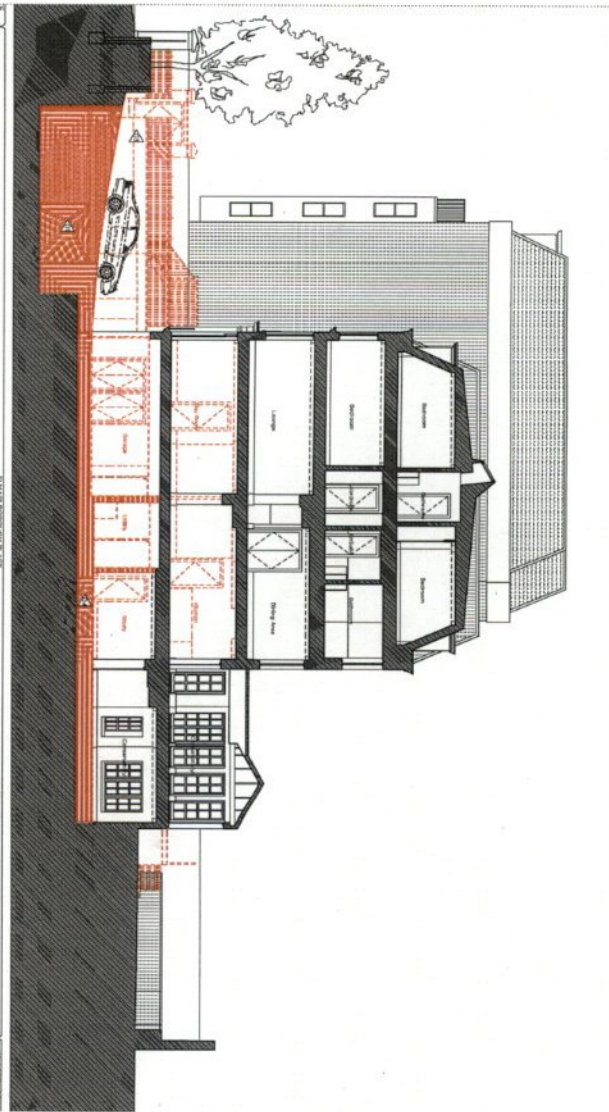
Drawn: PB Approved: MW

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**LEGEND**

	Lighting footprint of existing structure		Lighting footprint of proposed structure
	Lighting footprint of existing structure with shading		Lighting footprint of proposed structure with shading
	Lighting footprint of existing structure with shading and color		Lighting footprint of proposed structure with shading and color
	Lighting footprint of existing structure with shading and color and height		Lighting footprint of proposed structure with shading and color and height

**EXAMPLES TO YOUR DOCUMENT CONSIDER**

- Existing structure and proposed structure
- Existing structure and proposed structure with shading
- Existing structure and proposed structure with shading and color
- Existing structure and proposed structure with shading and color and height

**NOTES**

1. This drawing is a preliminary drawing and is subject to change without notice.
2. The lighting footprint of the existing structure is shown in black.
3. The lighting footprint of the proposed structure is shown in red.
4. The lighting footprint of the proposed structure with shading is shown in orange.
5. The lighting footprint of the proposed structure with shading and color is shown in yellow.
6. The lighting footprint of the proposed structure with shading and color and height is shown in green.
7. The lighting footprint of the proposed structure with shading and color and height and color is shown in blue.
8. The lighting footprint of the proposed structure with shading and color and height and color and height is shown in purple.
9. The lighting footprint of the proposed structure with shading and color and height and color and height and color and height is shown in pink.
10. The lighting footprint of the proposed structure with shading and color and height and color and height and color and height and color and height is shown in brown.
11. The lighting footprint of the proposed structure with shading and color and height and color and height and color and height and color and height and color and height is shown in grey.
12. The lighting footprint of the proposed structure with shading and color and height and color and height and color and height and color and height and color and height is shown in white.

**PLANNING**

Project No. 13082

Client: Marek Wojciechowski

Date: March 2015

Address: ESO @ A1 / 1300 @ A3

Project Title: ESO @ A1 / 1300 @ A3

Client: Marek Wojciechowski

Address: 51 Harbourside Place, NMB

Project Title: ESO @ A1 / 1300 @ A3

Section: Section 8B

Scale: P.05

Author: PB

Reviewer: HW

**Marek Wojciechowski Architects**

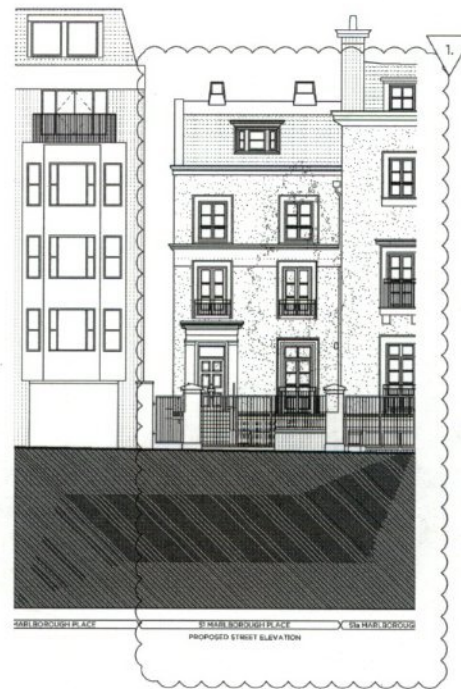
25 Regent Street, 4th Floor, London, W1B 2HW, UK  
 T: +44 (0)20 7861 0888  
 E: info@mwarchitects.com  
 www.mwarchitects.com



51 MARLBOROUGH PLACE  
DEMOLITION STREET ELEVATION



51 MARLBOROUGH PLACE  
AS CONSENTED STREET ELEVATION  
Planning application number 14/01767/11



51 MARLBOROUGH PLACE  
PROPOSED STREET ELEVATION



Site Location Plan NTS

Legend	
	Line Denotes Removal of existing structure
	Removal of existing structure and fittings
	Building stones to be set aside and reused
	Extent of existing tree of planting area
	Extent of proposed tree-planting area beneath permeable paving

- Site Location**
- Excavation to form basement extension
  - Existing concrete wall removed
  - Plaster partially removed & tree planter retained
  - Floor lowered by approx 400mm to improve access

- Site Construction**
- Remove existing garage doors in preparation for rear windows and convert internal garage into a habitable room (Demolish existing tile store (to be relocated))
  - Demolish existing metal stairs
  - Demolish existing parapet wall and railings to allow installation of new parapet to space
  - Install existing ramp to create level driveway finished with York stone paving, retaining two parking spaces
  - Proposed stone steps with rendered stone walls and metal railings past first
  - Proposed metal railings to perimeter of newly formed light well
  - Painted metal access stairs to newly formed light well
  - Bin store relocated as shown, clad in cedar slats
  - View hatching (tree-drawings)
  - Proposed metal railings pathway
  - Proposed hardwood door to newly formed entrance
  - Two modifications to Baner or rear elevations are proposed under this application
  - Proposed traditionally detailed timber framed French doors with brass side entrance
  - New traditionally detailed timber door past finish
  - Brick-out hard standing to create new tree-planting planter
  - Concrete retaining wall
  - Dressed stone coping
  - Render painted

- Site Proposed Works**
- Triple sliding PVC aluminium windows
  - Concrete retaining wall
  - Existing planter retained to accommodate existing tree (to be retained in accordance with requirements)
  - Existing tree retained
  - Revised Planter
  - White render to match 51a Marlborough Place (see hatched)
  - Stone window surrounds to match 51a Marlborough Place
  - Reconfigured external stair to existing garden at raised level

## PLANNING

Project No. **13082**

Client **Marek Wojciechowski**

Date **March 2015**

Scale **ISO @ A1 / 1:100 @ A3**

Project **51 Marlborough Place, NWB**

Drawing Title **Existing, Consented and Proposed Street Elevation**

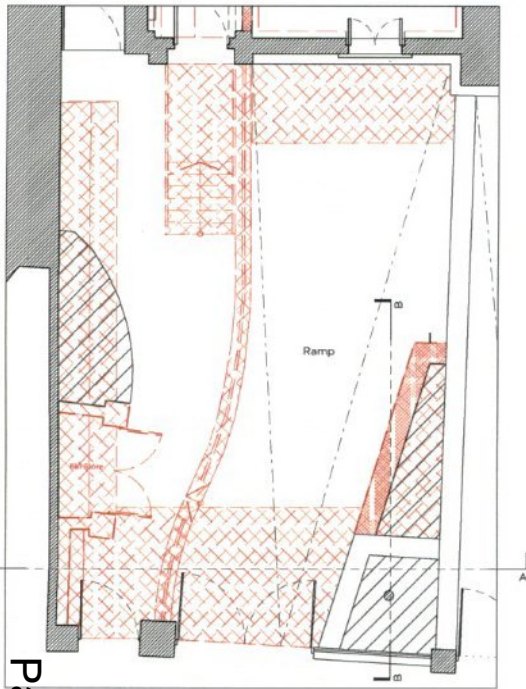
Drawing No. **P\_04** Rev **A**

Drawn <b>pg</b>	Approved <b>MW</b>	Issue
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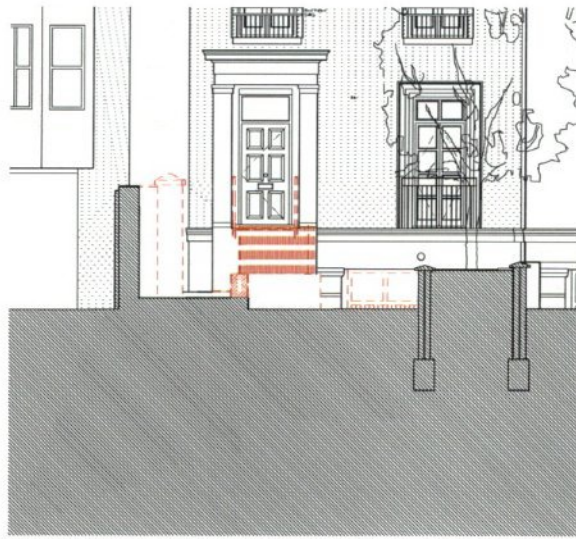
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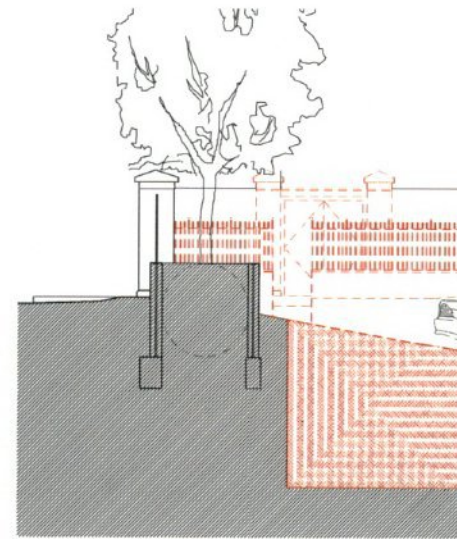
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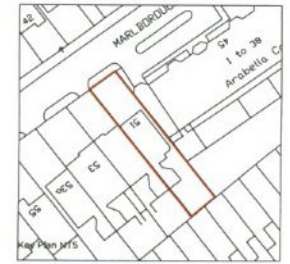
Existing Driveway & Planter Plan 1:100



Existing Tree Pit Section A-A 1:100

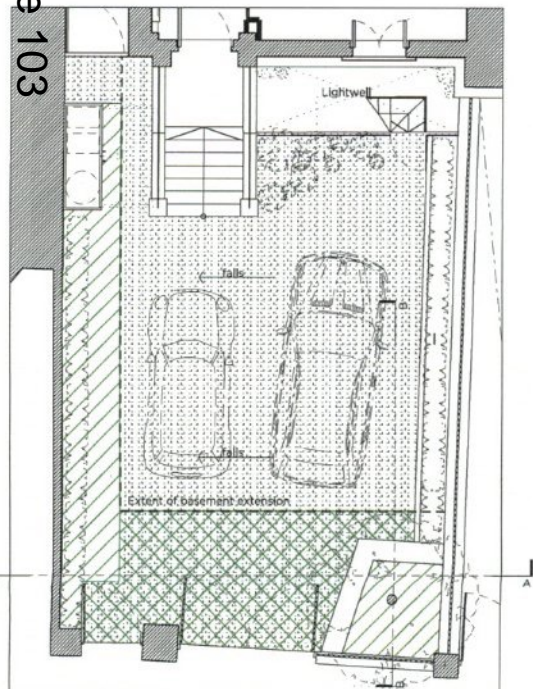


Existing Tree Pit Section B-B 1:100



- Legend
- Live Spaces Removed of Existing Structure
  - Removal of Existing Structure and Filling
  - Collecting stones to be set aside and reused
  - Extent of existing tree planting area
  - Extent of proposed tree planting area
  - Extent of proposed paving area beneath permeable paving

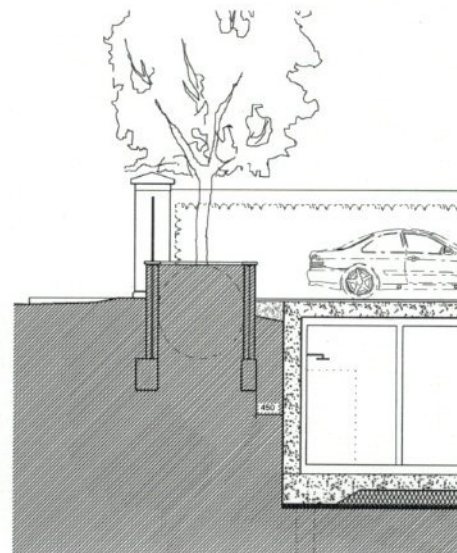
Page 103



Proposed drive way & Planter Plan 1:100



Proposed Tree Pit Section A-A 1:100



Proposed Tree Pit Section B-B 1:100

## PLANNING

Project No: **13082**

Client: **Marek Wojciechowski**

Date: **March 2015**

Scale: **1:100 @ A3**

Project: **51 Marlborough Place, N/WB**

Drawing Title: **Existing & Proposed Tree Pit Sections**

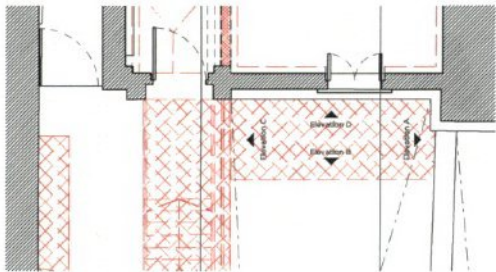
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Drawn: **MW** | Approved: **[Signature]**

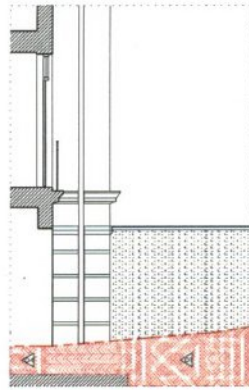
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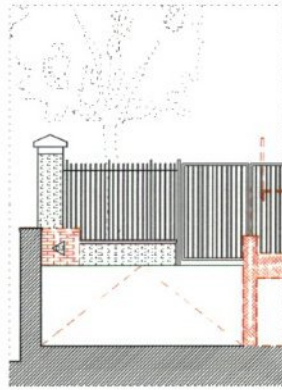
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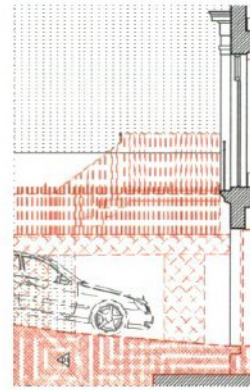
Key Plan (Existing Ground Floor Plan)



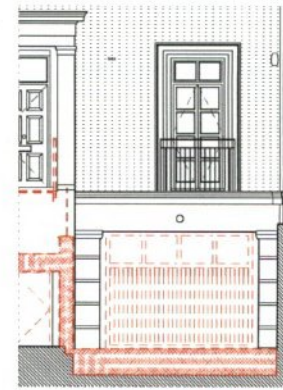
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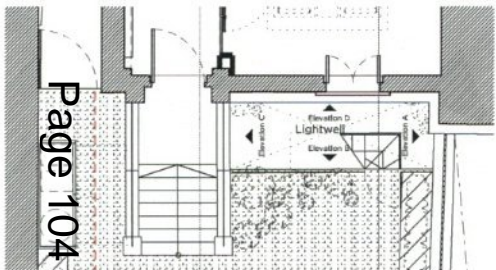
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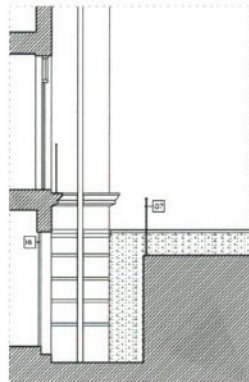
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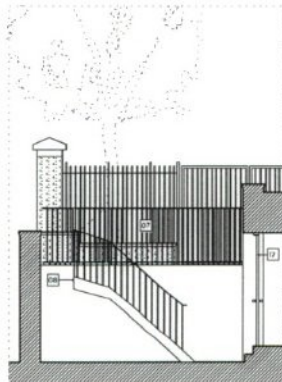
D



Key Plan (As Consented Ground Floor Plan)



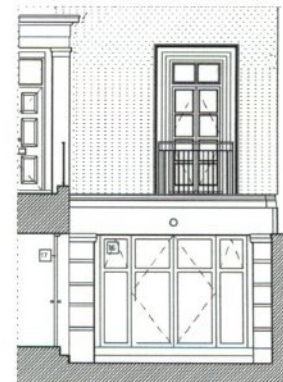
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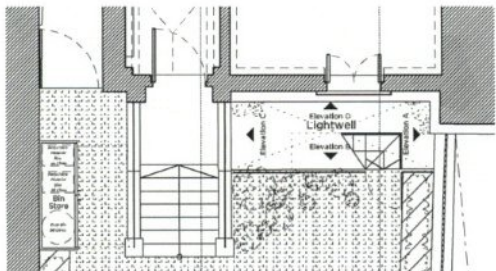
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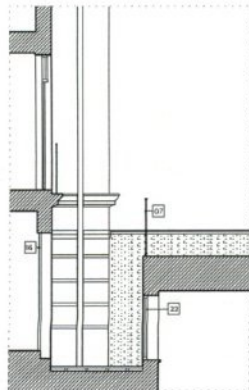
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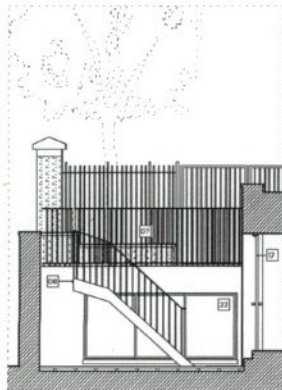
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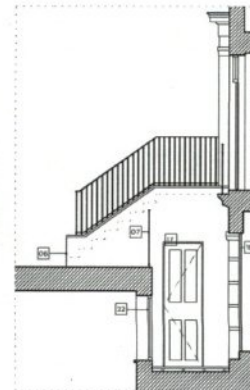
Key Plan (Proposed Ground Floor Plan)



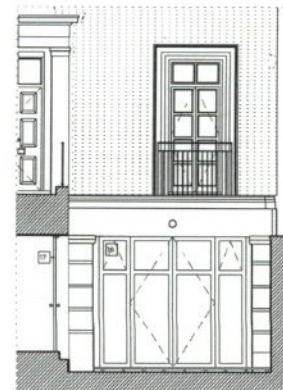
A Proposed Lightwell Elevations



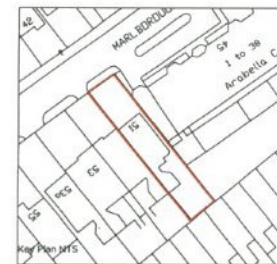
B



C



D



- Legend**
- Line Denotes Removal of Existing Structure
  - Dash Denotes Removal of Existing Structure and Fixings
  - Hatch denotes existing stones to be set aside and reused
  - Hatch denotes free-draining area

- Site Information**
- Excavation to form basement as tender
  - Existing concrete wall removed
  - Plaster partially removed & tree planter retained
  - Floor lowered by approx. 400mm to improve access

- How As consented above**
- 21 Remove existing garage doors in preparation for new windows and convert internal garage into a habitable room
  - 22 Demolish existing life store (to be relocated)
  - 23 Demolish existing metal stairs
  - 24 Demolish existing dwarf wall and fixings to allow retention of 2nd parking spaces
  - 25 Install existing ramp to create level driveway finished with York stone paving, retaining and curbing spaces
  - 26 Replaced stone steps with rendered stone walls and metal railings with floor
  - 27 Replaced metal railings to perimeter of newly formed light well
  - 28 Painted metal access stairs to newly formed light well
  - 29 Bin store relocated as shown, clad in cedar clats
  - 30 View hedging (free-draining)
  - 31 Replaced metal railings painted
  - 32 Replaced hardwood door to newly formed entrance
  - 33 No modifications to brick or rear elevations are proposed under this application
  - 34 Replaced traditionally installed timber framed French doors with fixed side windows
  - 35 New Traditionally installed driver door pale finish
  - 36 Replaced hard standing to create new free-draining pattern
  - 37 Concrete retaining wall
  - 38 Dressed stone coping
  - 39 Render painted
- How Proposed below**
- 21 Triple sliding PVC aluminium window
  - 22 Concrete retaining wall
  - 23 Existing plaster retained to accommodate existing line (as outlined in Arboriculturist's report submitted with application)
  - 24 Existing tree retained
  - 25 Free draining area / Permeable Paving
  - 27 White render to match 51a Marlborough Place
  - 28 Stone window surrounds to match 51a Marlborough Place

**PLANNING**

Project No. 13082

Client: Marek Wojciechowski  
100 St. AS

Date: March 2015

Scale:

Project: 51 Marlborough Place, NW9

Drawing Title: Existing, As Consented and Proposed Lightwell Elevations

Drawing No. P\_06 Rev.

Drawn: Approved: HW

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# Agenda Item 5

Item No.
5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 August 2015	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Wards involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>12-14 Wigmore Street, London, W1U 2DU</b>		
<b>Proposal</b>	Erection of extensions at rear first to fourth floors and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.		
<b>Agent</b>	Quod		
<b>On behalf of</b>	Lewis Central (IOM) Limited		
<b>Registered Number</b>	14/12813/FULL	<b>TP / PP No</b>	TP/12591
<b>Date of Application</b>	22.12.2014	<b>Date amended/ completed</b>	30.12.2014
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Within Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.





12-14 WIGMORE STREET, W1

Page 107

## 2. SUMMARY

The planning application was presented to the Planning Applications Committee on 28 July 2015 (see attached minutes and report). The application was deferred for a site visit which was due to take place on 17 August. The application is reported back to Committee for a decision.

## 3. CONSULTATIONS

REPRESENTATIONS RECEIVED POST PUBLICATION OF THE REPORT, BUT PRESENTED TO COMMITTEE ON 28 JULY 2015

COUNCILLORS BOTT, SCARBOROUGH AND ROWLEY

Consider that the proposals are an overdevelopment of the site, would commercialise the character of the mews, and result in loss of daylight and sunlight and create overlooking.

One letter of objection raising the following:

### Design

- Roof extension is overdominant, visually intrusive and detrimental to the character of the conservation area.
- Overdevelopment.
- The building is not suitable for a roof extension and would be contrary to the conservation area audit.
- The design of the shopfront does not relate to the windows above.

### Amenity

- Loss of daylight and sunlight.

### Other

- Introduction of a commercial use in the mews.

## BACKGROUND PAPERS

1. Application form.
2. Report to Planning Applications Committee dated 28 July 2015, background papers, and minutes.
3. Letter from the occupiers of No. 2 Wigmore Place dated 24 July 2015.
4. Letter from Councillor Bott dated 28 July 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](mailto:jpalme@westminster.gov.uk)



**4 PLANNING APPLICATIONS**

**1 12-14 WIGMORE STREET, W1**

Erection of extensions at rear first to fourth and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.

An additional representation was received from Arnaud Burger and Krishnee Moodley (24/7/15).

A late representation was received from the Ward Members for Marylebone High Street.

Councillor Iain Bott addressed the committee in his capacity as a Ward Councillor in objection to the application.

**RESOLVED:** That the application be deferred for a site visit.

**2 21 TREVOR PLACE, SW7**

Retention of alterations to permissions dated 24 April 2012 (11/06569) and 23 April 2013 (13/01165) for excavation of lower ground floor level under rear garden, minor excavation at lower ground floor level and under front vaults, erection of full width rear extension at ground floor level and half width extension at first floor level and alterations within the front lightwell including infill extension under front entrance steps; namely, alterations to the profile of the rear extensions with new lightwell at rear lower ground floor level and extended terrace at ground floor level and alterations to windows/doors.

The presenting officer tabled an amendment to the description of development to include the retention of the rear trellis.

The presenting officer also tabled the following amendments to Condition 2 in the draft decision letter.

**Amended Condition 2:**

You must not use the flat roofs of the rear extensions at first and second floor levels for sitting out or for any other purpose. You can however use the roofs to escape in an emergency and for maintenance. (C21BA)

**RESOLVED:**

That conditional permission be granted subject to the amendment to Condition 2 as as tabled and set out as above and an additional condition requiring better planters that cover the full height of the trellis to screen views from neighbouring properties.

~~APPENDIX~~  
~~Agenda Item 1~~

Item No.
<del>1</del>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 July 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>12-14 Wigmore Street, London, W1U 2DU</b>		
<b>Proposal</b>	Erection of extensions at rear first to fourth and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.		
<b>Agent</b>	Quod		
<b>On behalf of</b>	Lewis Central (IOM) Limited		
<b>Registered Number</b>	14/12813/FULL	<b>TP / PP No</b>	TP/12591
<b>Date of Application</b>	22.12.2014	<b>Date amended/ completed</b>	30.12.2014
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

**1. RECOMMENDATION**

Grant conditional permission, subject to no new planning issues being raised before the expiry of the consultation period on 4 August 2015.

Item No.
1

## 2. SUMMARY

The application site comprises an unlisted building located within the Harley Street Conservation Area. The building is in lawful use as a building society (Class A2) at ground and basement floor levels, offices (Class B1) at first, second and third floor (front), and three flats (Class C3) at rear third, fourth and fifth floors, with ground level parking for the development.

Permission is sought to enlarge the building by the erection of extensions at first to third floor levels and a two storey roof extension on fourth and fifth floors. The scheme also involves the installation of roof level plant, replacement shopfronts and a replacement garage door. The extensions will provide additional office and residential floorspace. No increase in the number of flats is proposed.

The key issues for determination are:

- Whether the extensions and alterations to this building will preserve or enhance the character and appearance of the Harley Street Conservation Area.
- Whether the extensions will have an unacceptable impact on the amenity of adjoining residents in terms of daylight, sunlight and overlooking.
- Whether the pruning required to the neighbouring London Plane tree is acceptable in arboricultural terms.

The proposal is considered acceptable and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies.

## 3. CONSULTATIONS

Original submission

### MARYLEBONE ASSOCIATION

Initial response - no objection.

Revised response. Objection: (i) Height, bulk and massing constitutes overdevelopment; (ii) Roof extension over-dominant and visually intrusive, to the detriment of the character and appearance of the Harley Street Conservation Area; (iii) The Harley Street Conservation Area Audit states that the building is not suitable for a roof extension; (iv) Introduction of a commercial use deep into the mews is contrary to the Harley Street Conservation Area Audit; (v) Loss of daylight and overlooking to neighbouring residential properties; (vi) Loss of off-street car parking spaces; and (vii) Noise from plant.

### ARBORICULTURAL MANAGER

No objection to the pruning of the neighbouring London Plane tree required to facilitate the proposed extension.

Concern that the development will bring the building closer to the neighbouring London Plane tree which is likely to result in greater post-development pressure to prune the tree. However, as this future pruning would be acceptable in arboricultural terms, no objection raised.

### ENVIRONMENTAL HEALTH

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 111; Total No. of Replies: 9.

Nine (including four letters from one neighbouring occupier and two letters from another) and a 34 signature petition objecting on some or all of the following grounds:

Item No.

Land Use:

- The introduction of retail space is inappropriate in Wigmore Place and will set a dangerous precedent.

Amenity:

- Loss of daylight and sunlight.
- Overlooking from additional windows.
- Noise from the proposed roof top plant.

Design:

- The roof extension will significantly increase the height disparity between the building and mews properties on Wigmore Place and it fails to have proper regard to the character of the area.
- The replacement shopfronts on Wigmore Place would overly commercialise the character of the predominantly residential mews.
- The detailed design of the replacement shopfront is 'aesthetically displeasing' and relates poorly to windows on the floors above.
- The proposed building height is out of keeping with the 'country feel' to the rear.

Trees:

- The Arboricultural Impact Assessment fails to assess whether any further pruning would be required for the safe operation of a crane and has been written without visiting the affected tree.
- Extending the building closer to the neighbouring tree will threaten its natural spread.

Highways:

- The loss of existing parking spaces will exacerbate on-street parking demand (scheme amended to retain all parking)

Other:

- Disruption during the course of construction.
- Written guarantees required that works will not damage the cobbles in Wigmore Place.
- An assessment is required of the impact of the proposals upon the (recently approved) scheme to convert the upper floors of No. 16 Wigmore Street to flats and to extend the existing flats at Nos. 18-22 Wigmore Street.

ADVERTISEMENT/SITE NOTICE: Yes.

Revised submission

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 111; Total No. of Replies: 1.

One objection on the following ground:

Amenity:

- Loss of daylight and sunlight.

#### 4. BACKGROUND INFORMATION

##### 4.1 The Application Site

The application site comprises an unlisted building on the north side of Wigmore Street, at its junction with Wigmore Place. The building dates from 1960 and is located within the Harley Street Conservation Area. The site is located within the Core Central Activities Zone (Core CAZ) and the Harley Street Special Policy Area.

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The basement and ground floors are currently vacant, but were last occupied by a building society (Class A2). The rear part of the ground floor comprises off-street car parking, accessed from Wigmore Place. The first, second and third (front) floor levels are in office (Class B1) use. The rear third, fourth and fifth floors are occupied as three flats (Class C3).

#### 4.2 Relevant History

Permission was granted on 8 September 1958 for the erection of a new building comprising a ground floor (with ancillary storage in the basement), offices on the first to third and part fourth floors and two self-contained flats on the fourth and fifth floors.

Permission was granted on 16 February 1959 for the use of the ground floor as a banking hall. The sole condition restricts the use, "... to a bank only, and no change of use shall take place to any other form of office use...". The City Council subsequently confirmed, in a letter dated 16 March 1959, that the wording of this condition was intended to be interpreted as relating to a banking hall of a building society.

Permission was granted on 8 May 1959 for the redevelopment of the site of the former Nos. 25-26 Wigmore Place to provide an extension to the new building at Nos. 12-14 Wigmore Street comprising basement storage, ground floor car parking, first and second floor offices and a residential flat at third floor level. Condition 3 secures the provision and permanent retention of the car parking and states that it should be used for "... the accommodation of vehicles of occupiers and users of the premises and 12-14 Wigmore Street only and shall not be used for any other purposes".

Permission was granted on 18 December 1975 for alterations at ground floor level in connection with the conversion of part of the existing garage accommodation to provide additional offices. Condition 2 limits the use of the new floorspace, "... for Building Society offices and stores and for no other purpose [including any other office within the same use class]". Condition 3 ensures the provision and permanent retention of the remaining car parking floorspace for the accommodation of vehicles and, "... at least two spaces to be provided for residential occupiers of the building on the basis of one space per residential unit, and the remaining spaces for other occupiers (including employees using the building) and persons calling at the building for the purposes conducting business with the occupiers thereof".

## 5. THE PROPOSAL

Planning permission is sought to:

- Erect rear extensions at first to fourth and roof level to provide additional office and residential floorspace. No change in the number of residential units on site is proposed.
- Install a replacement shopfront and replacement entrance doors.
- Install plant within an acoustic/visual enclosure at main roof level.
- Install a replacement garage door.

During the course of the application, the application has been amended to:

- Reduce the footprint of the plant enclosure at roof level; setting it further back from the Wigmore Place elevation.
- Introduce greater subdivision within the replacement shopfront on both elevations.
- Omit proposals to convert the ground floor parking into commercial floorspace.

A revised daylight and sunlight report has been submitted that assesses the impact of the development on potential future residential windows in an allowed appeal at a property immediately to the west of the application site (Nos. 16-22 Wigmore Street).

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## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The site's location within the Core CAZ means that the proposed increase in office floorspace (157m<sup>2</sup>) accords with City Plan Policies S6 and S20 and UDP Policy COM 1. Being below the 200m<sup>2</sup> (GEA) threshold, this increase does not trigger a requirement to provide an equivalent amount of residential floorspace under the City Council's mixed use policies.

No change to the number of residential units on site is proposed. Three will remain, albeit that the third floor that would be relocated to the extended fifth floor level, and the fourth floor flat would be extended. The maisonette at fourth and fifth floors is unaffected by the proposal. The increase in residential floorspace is 42m<sup>2</sup> (GEA). This modest increase is welcome under UDP Policy H3 and City Plan Policy S14 and does not trigger the City Council's affordable housing policies.

The reconfigured flats meet the minimum space standards set out within London Plan Policy 3.5, are provided with outdoor amenity space and are dual aspect. The flats are considered to provide a good standard of residential accommodation.

An objection has been received to the introduction of commercial/retail uses further into Wigmore Place. No additional commercial floorspace is proposed at ground floor level and the application does not relate to the use of the existing commercial unit. Furthermore, no additional shopfronts or entrances are proposed in Wigmore Place. Consequently, this objection cannot be supported.

### 6.2 Townscape and Design

Although the building has been highlighted within the Harley Street Conservation Area Audit (2008) as one where a roof extension would not normally be acceptable, it is not proposed to extend above the existing roof level but extend to the side and rear. Notwithstanding objections to the principle of a roof extension from the Marylebone Association and neighbouring occupiers, it is considered that the extension would create a better proportioned and balanced elevation fronting Wigmore Place. The infill extensions from first floor to roof level, adjacent to the boundary with No. 16 Wigmore Place, will not be visually intrusive. Furthermore, the building will continue to step down towards the mews buildings to the north, which is appropriate in townscape terms. As such, the objections to the principle of the extension cannot be supported.

The proposed extensions reflect the character and appearance of the host building, with sash windows, matching brickwork and an extension to the existing mansard roof. Subject to the imposition of suitable conditions, the detailed design of the extension is acceptable.

The roof top plant enclosure has been reduced in size and set back further to the rear corner of the building in order to reduce its visibility in long views from Cavendish Square. This aspect of the scheme is now considered acceptable in design terms.

Objections have been received to the design of the proposed shopfronts and their relationship with windows above. The shopfront design has since been amended to introduce further subdivision. It is considered that the revised design now relates sensitively to the appearance of windows on the upper floors and these objections cannot now be sustained.

The replacement of the unattractive steel roller shutter garage door with a timber door represents an improvement in design and conservation terms and is therefore welcome.

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The revised proposals are considered acceptable in terms of their impact upon the appearance of the host building and will preserve the character and appearance of this part of the Harley Street Conservation Area.

### 6.3 Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight or an increased sense of enclosure or significant increase in overlooking to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals will safeguard the amenities of neighbouring residents.

#### 6.3.1 Daylight and Sunlight

Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

The applicant has submitted a daylight and sunlight report which assesses the impact of the proposed extension on all affected residential windows in the vicinity of the site.

An objection has been received requesting that the report be amended to assess the impact of the proposed extension upon the level of light received to windows within a development to extend the existing flats within Nos. 18-22 Wigmore Street and the new flats within the upper floors of No. 16 Wigmore Street granted permission at appeal on 4 June 2015. The applicant has now submitted an updated report that includes within its assessment the impact upon these potential future residential windows.

##### 6.3.1.1 Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek, mainly, to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as habitable rooms), whilst bedrooms are protected to a lesser extent.

The Marylebone Association has objected to the application on the grounds that the proposals would result in an unacceptable loss of light to rear windows at No. 16 Wigmore Street and the mews properties on the east side of Wigmore Place. Objections have also been received from the occupiers of No. 2 Wigmore Place and No. 5 Wimpole Street on the grounds that the loss of daylight to these dwellinghouses would be unacceptable. Finally, a 34 signature petition has been received from occupants of neighbouring properties stating that the rear extension will have an adverse effect on the daylight received within Nos. 16-20 Wigmore Street and the mews properties in Wigmore Place.

The most affected residential property is No. 2 Wigmore Place. The potential flats within No. 16 Wigmore Street could also be affected.

The losses in VSC within 2 Wigmore Place are between 7.54% and 12.18%. This does not exceed the 20% threshold above which these losses of daylight will be noticeable. The objection from the occupants of No. 2 Wigmore Place is therefore unsustainable on daylight grounds, with the maximum loss being 12.18% which is to a second floor bedroom.

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The loss of daylight to the rear windows of No. 5 Wimpole Street is negligible. With the exception of one window to the side elevation of No. 16 Wigmore Street, all of the residential windows within Nos. 16-22 Wigmore Street will not see a material loss of daylight as a result of the proposed extensions, with a maximum loss of 9.06% VSC predicted to a first floor bedroom window within No. 22 Wigmore Street.

A new side window within a proposed rebuilt first floor rear extension to No. 16 Wigmore Street that is proposed to be used as a bedroom will see a loss of VSC of 78.10%. However, the main window to this bedroom will still enjoy a VSC level in excess of 27%, the level above which the BRE Guide (2011) states is sufficient. As such, even without the side window, this bedroom will receive sufficient daylight. As such, it is concluded that the impact on the potential future occupier of this flat is acceptable in daylight terms.

### 6.3.1.2 Sunlight

With regard to sunlighting, 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 this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows within 90 degrees of due south of the proposed extension need to be tested.

The occupiers of No. 2 Wigmore Place and a flat within Nos. 11-15 Wigmore Street (on the opposite side of Wigmore Street) have objected on the grounds of loss of sunlight.

The most affected windows are within 2 Wigmore Place, with annual losses of sunlight between 10.53% and 20.00%. The greatest impact is to a second floor bedroom which would experience a loss of 20% with annual sunlight hours reducing from 30% to 24%. This room would continue to receive reasonable annual sunlight levels. Given the existing enclosed nature of the locality, the available sunlight hours during the winter months are unsurprisingly already low and only the ground floor dining room/kitchen will see any loss during the winter months – a reduction from 2% to 1%. It is considered that within this urban built-up location, the levels of sunlighting retained are acceptable and the impact is not considered sufficient to justify a refusal.

All other losses of sunlight are well within acceptable limits and there will be no impact upon the flats within Nos. 11-15 Wigmore Street given that these windows face north.

### 6.3.2 Overlooking

Objections have been received on the ground that the windows within the proposed roof extension facing Wigmore Place will result in overlooking to neighbouring residential properties. The distance between these windows and the affected windows on the opposite side of Wigmore Place and to properties within Wimpole Street, are adequate in the site's context and does not give rise to any material loss of privacy.

The proposed terraces to the flats at fourth and fifth floors, respectively, also raise no overlooking concerns. This is because they replace an existing larger roof terrace to the existing fourth floor flat and because the distance to the neighbouring residents is adequate to not result in a material increase in overlooking.



### 6.3.3 Noise

#### Plant

The proposal involves the installation of plant at roof level to serve both the residential units and the commercial uses. The residential plant is proposed to operate on a 24 hour basis whilst the commercial plant will operate on its lower noise mode between 23.00 – 07.00.

Objections have been received to the principle of providing plant in association with residential uses and on the grounds of noise disturbance from the plant operation.

The submitted acoustic report has been assessed by Environmental Health who are satisfied that the plant would comply with the City Council's noise standards provided that the equipment is housed within the specified acoustic enclosure and that the commercial plant is operated on a lower noise mode at night. Notwithstanding the objections received, subject to appropriate conditions regarding noise output, vibrations and for the commercial plant to operate at reduced night time levels, it is not considered that this aspect of the scheme would have a material impact upon the amenities of neighbouring occupiers.

There are no policies to prevent the installation of plant in association with residential uses as an alternative means of cooling/ventilation is often required in the event that residents choose to keep windows shut to minimise potential noise disturbance. Consequently, the objection to the principle of residential plant cannot be supported.

#### Terraces

Given their domestic use, and the fact that they replace a larger terrace, it is not considered that the use of the new terraces would adversely affect neighbours' amenities in terms of potential noise disturbance.

### 6.4 Highways

Given the modest increase in office floorspace and the fact that no additional residential units will be created, the proposals are considered acceptable in highways terms. It is not considered that the extension of the existing offices would have a significant impact on site servicing.

Given that the scheme has been amended to retain the existing parking accommodation, objections relating to the loss of this parking have been addressed.

The proposed replacement garage door does not open over the public highway and would not result in any highway obstruction.

### 6.5 Trees

To the rear of the site is a large London Plane tree, located within the rear garden of No. 5 Wimpole Street. An objection has been received from the occupier of this property, and others, on the grounds that the proposed development will threaten the tree's natural spread and because the submitted arboricultural report is deficient through failing to assess the impact on this tree during the course of construction.

The site has been visited by the City Council's Arboricultural Manager who raises no objection to the proposed development. Whilst the proposed extension will bring residential properties in closer proximity to the tree, which is likely to result in greater post-development pressure to prune it, both the degree of pruning required in order to construct the proposed extension and any future pruning which may be necessary to maintain the tree at a suitable distance from

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the extended building, are considered acceptable in arboricultural terms. The applicant has confirmed that no cranes will be used within the area of the tree canopy. In these circumstances, the impact of the development upon the neighbouring tree is considered acceptable. A condition is recommended requiring the submission and approval of measures to protect the tree during the course of construction prior to the commencement of works on site. As the tree is located within a conservation area, any pruning works will have to be approved by the City Council.

#### **6.5 Access**

Level access to the commercial unit and the upper floors of the building is proposed which, is a welcome improvement. There is a lift within the building serving all floors which, plans indicate, will be replaced with a slightly larger lift car.

#### **6.6 Economic Considerations**

Any economic benefits of the proposals are welcomed.

#### **6.7 Other UDP/Westminster Policy Considerations**

None.

#### **6.8 London Plan**

The application does not raise any strategic issues.

#### **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**

Not required.

#### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

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

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## 6.12 Other Issues

An objection has been received concerning potential damage to cobbles within Wigmore Place during the course of the construction. The respondent is concerned that cobbles have previously been damaged as a result of works within the mews. As this is public highway, any reported damage to the public highway would have to be made good, at the applicant's expense. This is dealt with by Informative.

Objections have been received on the grounds that the proposals would result in unacceptable disturbance to neighbouring residential and commercial occupiers during the course of construction. Various concerns have been expressed including over the maintenance of access to existing flats within the application premises and the impact of the temporary suspension of parking bays to facilitate construction works. Whilst these difficulties are acknowledged, it is not possible to refuse planning permission for this reason, and the City Council's only option in these circumstances is to seek to reduce the impact through mitigation measures prescribed in a Construction Management Plan (CMP). This can, however, only limit disruption and inconvenience and not eliminate it entirely. A CMP condition is proposed and a condition is also recommended restricting hours of construction.

One resident has requested written undertakings that any damage to adjoining properties resulting from building works be appropriately repaired, that there is no obstruction of adjoining garages, that builders do not drop debris in neighbouring gardens etc. These are considered to be private matters between the developer and adjoining occupiers. It is not considered that the development is of sufficient scale to require an undertaking to enter into a Code of Construction Practice, where Council officers liaise between contractors and local residents. The absence of the undertakings requested, could not justifiably form the basis of a recommendation for refusal.

A request has been received from the restaurant operator at 10 Wimpole Street requesting that noisy building works be suspended at lunchtimes. It is not considered that such a request could reasonably be accommodated.

## 7. CONCLUSION

The alterations and extensions to this building are considered acceptable in land use, amenity and design terms and accord with relevant UDP and City Plan policies. The application is therefore recommended for approval subject to appropriate conditions.

## BACKGROUND PAPERS

1. Application form.
2. E-mail from the Marylebone Association dated 11 February 2015.
3. E-mail written on behalf of the Marylebone Association Planning Committee dated 1 May 2015.
4. Memorandum from the Arboricultural Manager dated 4 March 2015.
5. Memorandum from Environmental Health dated 25 March 2015.
6. Letter from the occupants of No. 2 Wigmore Place dated 4 February 2015.
7. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 5 February 2015.
8. Letter from the occupant of No. 10 Wigmore Street dated 6 February 2015.
9. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 9 February 2015.
10. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 10 February 2015.
11. Letter from the occupant of No. 22 Wigmore Place dated 10 February 2015.
12. E-mail from the occupant of No. 5 Wimpole Street dated 11 February 2015.

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13. Letter from the occupants of Flat 1, Cavendish Court, 11-15 Wigmore Street dated 12 February 2015.
14. Online response from the occupier of No. 6 Wimpole Street dated 16 February 2015.
15. E-mail from the occupier of the 1st - 2nd floors, No. 16 Wigmore Street dated 17 February 2015.
16. Letter from the Howard de Walden Estate dated 5 March 2015.
17. Petition signed by 34 occupants of neighbouring properties received on 10 March 2015.
18. E-mail from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 20 April 2015.
19. Letter from the occupiers of No. 2 Wigmore Place dated 19 May 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](mailto:jpalme@westminster.gov.uk)

**DRAFT DECISION LETTER**

- Address:** 12-14 Wigmore Street, London, W1U 2DU
- Proposal:** Erection of extensions at rear first to fourth floors and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.
- Plan Nos:** P001, P090, P100d, P110, P120, P130, P140, P150, P160a, P210b, P211, P310a, P311b, P312a and P313; and Noise Report (dated 19 December 2014).
- Case Officer:** Mark Hollington **Direct Tel. No.** 020 7641 2523

**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 Harley Street 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 this part of the Harley Street Conservation Area. This is as set out

in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

- (i) Typical sash window.
- (ii) All external doors.
- (iii) Shopfronts.
- (iv) Plant enclosure.
- (v) Typical dormer window.

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 Harley Street 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 You must paint all new outside rainwater, soil pipes and railings 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must install the plant enclosure in its entirety and in accordance with the drawings approved under Condition 5(iv) and the specification detailed within Appendix G of the Noise Report (dated 19 December 2014) prior to the installation of any of the plant hereby approved. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise nuisance and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, 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.

- 8 (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.

- 9 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.

- 10 The plant serving the commercial uses must only operate on their low noise modes during the hours of 23.00 - 07.00.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and 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. (R13AC)

- 11 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the London plane tree in the rear garden of No. 5 Wimpole Street. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 12 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)

- 13 **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.



**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 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 3 Conditions 7, 8, 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 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.**
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)



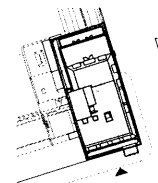
General notes  
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 Check all dimensions on site prior to carrying out any works - advise any discrepancy.  
 Notes/Legends

A Shopfronts (as per revised)		04/03/15	LV
Rev	Notes	dd mm yy	By / Check

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Sheet: **PLANNING SET**

Key Plan



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Project:  
 12-14 Wigmore St

Title:  
 Proposed Elevation  
 South

Date: 04/03/2015	Drawn By: CA	Checked: SC
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Scale: 1:100 @ A3	Project Ref: 14019	Drawing No: P310	Revision: A
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12-14 WIGMORE STREET

24 WIGMORE PLACE

PROPOSED ROOFTOP ACOUSTIC ENCLOSURE

EXTENT OF TREE IN BACKGROUND

NEW BLACK METAL BALUSTRADE TO TERRACES

ROOF LEVEL  
43131

LEVEL 5  
40420

LEVEL 4  
37600

LEVEL 3  
34700

LEVEL 2  
31800

LEVEL 1  
28750

LEVEL 0  
24920

WIGMORE STREET

WIGMORE PLACE

REMOVE METAL OVER CLADDING FROM STONE CORNICE

NEW GLAZED SHOPFRONT WITH BLACK SLIM PROFILE FRAME

NEW METAL LOURVES - PROVISION FOR BASEMENT VENTILATION

NEW TIMBER GARAGE DOOR TO REPLACE EXISTING

General notes

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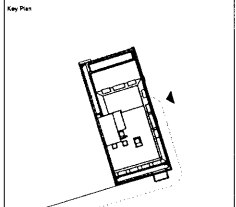
Check all dimensions on site prior to carrying out any works - advise any discrepancy.

Notes & legends

B. Removal of garage from proposal. 24/03/15 SC  
 A. Shopfront changes following Westminster comments. 20/03/15 LV

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PLANNING SET



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Project  
 12-14 Wigmore St

The  
 Proposed Elevation  
 East

Date: 24/03/2015 Drawn By: CA Checked: SC  
 Scale: 1:100 @ A3

Project Ref:	Drawing No:	Revision:
14019	P311	B

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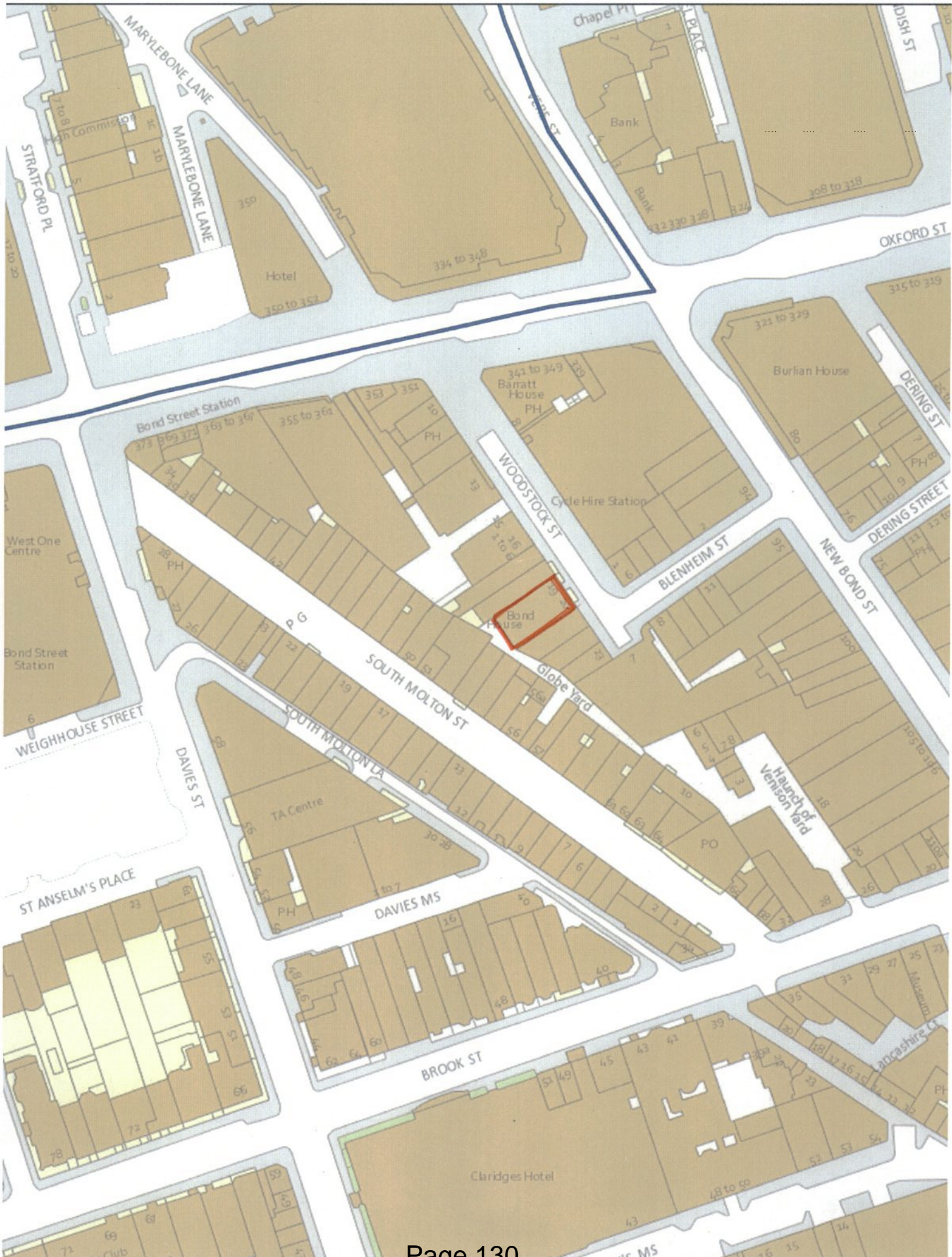
# Agenda Item 6

Item No.
6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 August 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> West End	
<b>Subject of Report</b>	<b>Bond House, 19-20 Woodstock Street, London, W1C 2AP</b>		
<b>Proposal</b>	Use of part ground and first to fifth floors as eight residential flats (Class C3), erection of an extension at fifth floor level, extensions to the rear at first to fourth floors, replacement windows and other associated external alterations to include the provision of a terrace and screened plant area at fifth floor level.		
<b>Agent</b>	CgMs Ltd		
<b>On behalf of</b>	Pineridge Investments Ltd		
<b>Registered Number</b>	15/02707/FULL	<b>TP / PP No</b>	TP/13381
<b>Date of Application</b>	26.03.2015	<b>Date amended/ completed</b>	26.03.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.





BOND HOUSE, 19-20 WOODSTOCK STREET, W1

## 2. SUMMARY

Bond House, 19-20 Woodstock Street is an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone. The property is located on the west side of Woodstock Street and comprises basement, ground and first to fourth floor levels with plant areas and lift over-run at main roof level. The building is currently used as B1 office accommodation on all floors.

Permission is sought for the erection of an extension at fifth floor level and extensions to the rear of the property at first to fourth floor levels, replacement windows and the creation of a terrace area and installation of screened plant at fifth floor level, all in association with the use of part ground floor and the first to new fifth floor levels as residential flats (Class C3).

The key issues for consideration are:

- The impact of the extensions in amenity terms.
- The acceptability of converting office floorspace to residential accommodation.
- The impact of the proposal on on-street parking pressures in the vicinity.

The proposals are considered acceptable in land use, design, highways and amenity terms and comply with relevant Unitary Development Plan (UDP) and City Plan policies.

## 3. CONSULTATIONS

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

Supports the loss of office accommodation and increase in residential provision.

### CROSSRAIL

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER

Objection - lack of off-street car parking provision.

### ENVIRONMENTAL HEALTH

No objection subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 74; Total No. of Replies: 1.

One objection on the following grounds:

- Impact of building works on surrounding commercial operators.
- Loss of affordable office accommodation.

ADVERTISEMENT/SITE NOTICE: Yes

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

Bond House is an unlisted building located on the western side of Woodstock Street just to the south of Oxford Street and opposite the junction with Blenheim Street. The property comprises of basement, ground and first to fourth floor levels and is currently used entirely as office accommodation (Class B1). The building is located within the Mayfair Conservation Area and the Core Central Activities Zone as defined by the City Plan.



## 4.2 Relevant History

A Certificate of Lawfulness for the existing use of the basement of the property as offices (Class B1) was granted consent on the 24 June 2005.

## 5. THE PROPOSAL

Planning permission is sought for the change of use of part of the ground floor and the first to fourth floor levels to residential accommodation comprising eight residential units. The remainder of the ground floor area and the basement are to be retained as B1 commercial floorspace. An extension is proposed at fifth floor level and at the rear of the property from first to fourth floor levels. A terrace is also proposed at fifth floor level in association with the residential unit at fourth floor level.

Cycle storage is proposed at ground floor level with waste and recycling storage for the commercial and residential uses within the basement vaults. It is also proposed to replace the fenestration. At main roof level a small plant enclosure is proposed as are a number of solar panels.

The proposals involve the following alterations to the floor areas:

Use	Existing (m2)	Proposed (m2)	+/- difference (m2)
Office	1175	245	-930
Residential	0	951	+951
<b>Total</b>	<b>1151</b>	<b>1196</b>	<b>+45</b>

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

#### 6.1.1 Office floorspace

The application would result in a net reduction of 930m<sup>2</sup> of office floorspace. The City Council does not currently have any policies seeking the protection or retention of office accommodation within this area of Westminster. This is under review, but at the present time the application is considered acceptable in land use terms.

A neighbouring commercial operator has objected to the application as it will mean a loss of 'affordable' office accommodation but for the reasons outlined above, it is not considered that the application could be refused on this basis. A letter in support of the application has been received from the Residents Society of Mayfair and St. James's who support the loss of the office accommodation and the introduction of new residential units.

#### 6.1.2 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 951m<sup>2</sup> (GEA), in the form of eight residential flats.

As the scheme would not result in an increase of residential floorspace exceeding 1000m<sup>2</sup> or in excess of 10 additional residential units there is no requirement for an affordable housing

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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.

Policy H5 of the UDP requires that in new developments 33% of the residential units should be family sized (in excess of three bedrooms). Whilst the proposal would provide only one three bedroom unit out of the eight units proposed, the policy allows for flexibility in busy/noisy locations such as this location just off Oxford Street. It is accepted that the design of the building, with its quite deep floorplates, does impose some constraints on the layout and mix that can be provided, and it is considered that the current proposal effectively utilises the space within the building whilst maximising the number of residential units.

A common issue when converting office buildings such as this to residential accommodation is deep floorplates which makes achieving dual-aspect dwellings difficult. In this instance the only way to provide all dual-aspect units would be to provide a small number of large flats running the full depth of the building front to back, but this would not optimise the number of flats created as there would be far fewer. The London Housing Design Guide seeks to avoid single-aspect dwellings for light and natural ventilation reasons, and particularly discourages single-aspect north facing dwellings. Out of the eight proposed units, four would be single aspect and west facing. Mechanical ventilation is proposed for the units to ensure that the west facing aspect flats do not become overheated.

The application is supported by an assessment of the amount of natural light received within the proposed flats. The report calculates the Average Daylight Factor (ADF), which is the mean daylight factor on the horizontal working plane inside the room. The BRE guidance recommends minimum ADF values of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.

Based on the submitted analysis, most rooms within the proposed flats would meet, and generally exceed, these minimum values. However, seven of the 23 habitable rooms tested would fail to meet these standards and will have low levels of natural light. The windows which fail are at lower levels and mainly serve kitchen/living rooms which require a higher level of ADV. However, the scheme has been designed to maximise the amount of glazing to every room and, given the relationship of the site with neighbouring buildings, these values are, overall, considered acceptable.

## **6.2 Townscape and Design**

Bond House is an unlisted building located within the Mayfair Conservation Area. It is a red brick, late 20th century building. The building itself is not of particular merit, but it forms part of an attractive group of buildings which is typical of and contributes to the character of the Mayfair Conservation Area. The buildings on this side of the street are of a range of ages, materials and styles but are of a generally consistent scale and occupy consistent plot widths. At the end of this group and terminating the street view is Bonham's Auction House (Blenstock House), which is listed Grade II.

The main design/conservation issues are the detailed design and impact of changes on this attractive townscape group, the character and appearance of the Mayfair Conservation Area and the setting of the Grade II listed Bonham's.

The townscape group has a mixed architectural character and uses a mixed palette of materials. Original proposals included a significantly larger roof extension, and larger front dormers which was considered to have an unacceptable impact when viewed from street level. The new roof storey has been removed and it is now proposed to retain and slightly increase the size of the existing plant room on the roof and create a roof terrace adjacent to this. As revised proposals will not increase the height of the building these are considered

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6

acceptable in principle. Conditions have been applied to ensure the detailed design of the replacement windows is satisfactory.

**6.3.1 Daylight/Sunlight**

Policy ENV13 of the UDP states that ‘the City Council will normally resist proposals that result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.’ Policy S29 of the City Plan states that ‘the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.’

The nearest residential flats are located to the rear at 52A South Molton Street and a Daylight and Sunlight Assessment has been submitted to assess the impact of the proposal on these properties. The report also assesses potential losses to residential units in 8 Blenheim Street and 55 South Molton Street. In 2014 planning permission was also granted for extensions to the residential flats at 52A South Molton Street and the impact of the proposal upon this extant permission has also been considered within the submitted Daylight and Sunlight Assessment.

The BRE guidelines state that daylight to living rooms, kitchens, and bedrooms should be assessed but bathrooms, toilets, storerooms and circulation areas and garages need not be analysed. The report concludes that all assessed windows meet the BRE guidelines for the Vertical Sky Component (VSC) and reductions to the no skyline (NSL) and Annual Probable Sunlight Hours (APSH) are within the BRE guidelines for these neighbouring sensitive properties.

**6.3.2 Sense of Enclosure**

It is proposed to extend the property to the rear at first second, third and fourth floor levels by approximately 1.5m for part of the width of the property. Given the relationship of the site with the closest residential flats at 52A South Molton Street, it is not considered that the proposal would result in any harmful impacts on increased sense of enclosure to warrant refusal.

**6.3.3 Terraces**

The proposed terrace at fifth floor level is not considered to result in any overlooking issues with regard to nearby sensitive properties and no objections have been received on these grounds. Taking into account the terrace is to be used in association with an individual residential unit, it is not considered necessary to restrict the hours of use or capacity.

**6.3.4 Plant**

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. An area for plant with associated screening is shown at fifth floor level adjacent to the residential terrace. The applicant has not submitted an acoustic report as part of the application to assess the noise levels from this plant as they have not made the final plant selection.

It is considered acceptable in this instance for conditions to be applied to any approval requiring the submission of an acoustic report once the plant has been selected. The standard conditions are also proposed with regard acceptable noise and vibration levels.

### **6.3.5 Other Issues**

An objection has been received from a neighbouring commercial occupier who raised concerns regarding the impact of the building works on their business, specifically with regard to noise, dust and lorry movements. Whilst these difficulties are acknowledged, it is not possible to refuse planning permission for this reason, and the City Council's only option in these circumstances is to seek to reduce the impact through mitigation measures prescribed in a Construction Management Plan. This can, however, only limit disruption and inconvenience and not eliminate it entirely. A Construction Management Plan condition is proposed.

### **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 83%; overnight parking occupancy reduces to 70%. Overnight, residents can park on single yellow lines which further reduces the parking stress level to 16%.

The Highways Planning Manager has objected to the application due to the lack of on-street parking availability in the daytime. However, the site is within close proximity to excellent public transport facilities and the applicant has also agreed to provide lifetime membership of a car club for each of the residential units which could be secured by condition. Furthermore, the potential increased demand for on-street parking needs to be balanced against the policy presumption to provide additional housing. In the circumstances, it is considered that permission could not reasonably be withheld due to the lack of car parking.

There are 18 cycle parking spaces proposed to serve the office and residential floorspace within the development in a designated cycle storage area at ground floor level and this is considered compliant with the requirements 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.

### **6.5 Economic Considerations**

Any economic benefits generated are welcome.

### **6.6 Access**

Level access will be provided to both the office accommodation and to the residential reception with a lift providing access to the other floors in the property.

### **6.7 Other UDP/Westminster Policy Considerations**

None relevant.

### **6.8 London Plan**

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

## 6.9 National Policy/Guidance Considerations

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

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

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

## 6.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- Lifetime membership of a car club to be provided for each of the residential flats to mitigate the potential increase in demand for on-street parking (25 years).

These requirements are considered to comply with the CIL Regulations and would be secured by condition.

## 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.

The proposal includes the installation of solar panels on the main roof of the property. This is considered an environmental benefit of the scheme and is welcomed. A condition is proposed to ensure that the solar panels are installed as shown and retained in situ.

## 6.12 Conclusion

The application is considered acceptable on design, highways, land use and amenity grounds and is therefore recommended for approval.

**BACKGROUND PAPERS**

1. Application form.
2. Letter from the Residents' Society of Mayfair and St. James's dated 5 May 2015.
3. Memorandum from the Highways Planning Manager dated 14 May 2015.
4. Memorandum from Environmental Health Consultation Team dated 22 May 2015.
5. Letter from the commercial occupier of 21 Woodstock Street dated 23 April 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](mailto:jpalme@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** Bond House, 19-20 Woodstock Street, London, W1C 2AP

**Proposal:** Use of part ground and first to fifth floors as eight residential flats (Class C3), erection of an extension at fifth floor level, extensions to the rear at first to fourth floors, replacement windows and other associated external alterations to include the provision of a terrace and screened plant area at fifth floor level.

**Plan Nos:** Site Location Plan, Acoustic Report dated 09.02.15, 200, 201, 202, 203, 204, 205 RevB, 206 RevB, 207 RevB, 420 RevB, 321 RevC, 320 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 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 Mayfair 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)

- 3 You must apply to us for approval of detailed drawings (sections and elevations at a scale no greater than 1:10) showing the following:

- 1) New windows
- 2) Balustrade to roof terrace

You must not start work on these parts of the scheme until we approve what you have sent us. You must then carry out the works in accordance with the approved drawings.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair 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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: 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 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 this part of the Mayfair 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 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)

- 7 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)

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

solar panels at roof level

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



Reason:

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

- 9 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.

- 10 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.

- 11 The glazing installed must meet or exceed the glazing specification stipulated within the acoustic report dated 9 February 2015. The glazing must thereafter be maintained to this standard in perpetuity.

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.

- 12 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 14 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.

- 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 (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.

- 15 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.

- 16 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 050 200. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

## 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 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)

- 18 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following:

1. Mitigation of the potential increased demand for on street resident's car parking

In the case of the above benefits, you must include in the arrangements details of when you will provide the benefits, 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 our City Plan that we adopted in January 2011 and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 19 **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.

#### 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 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.**

- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

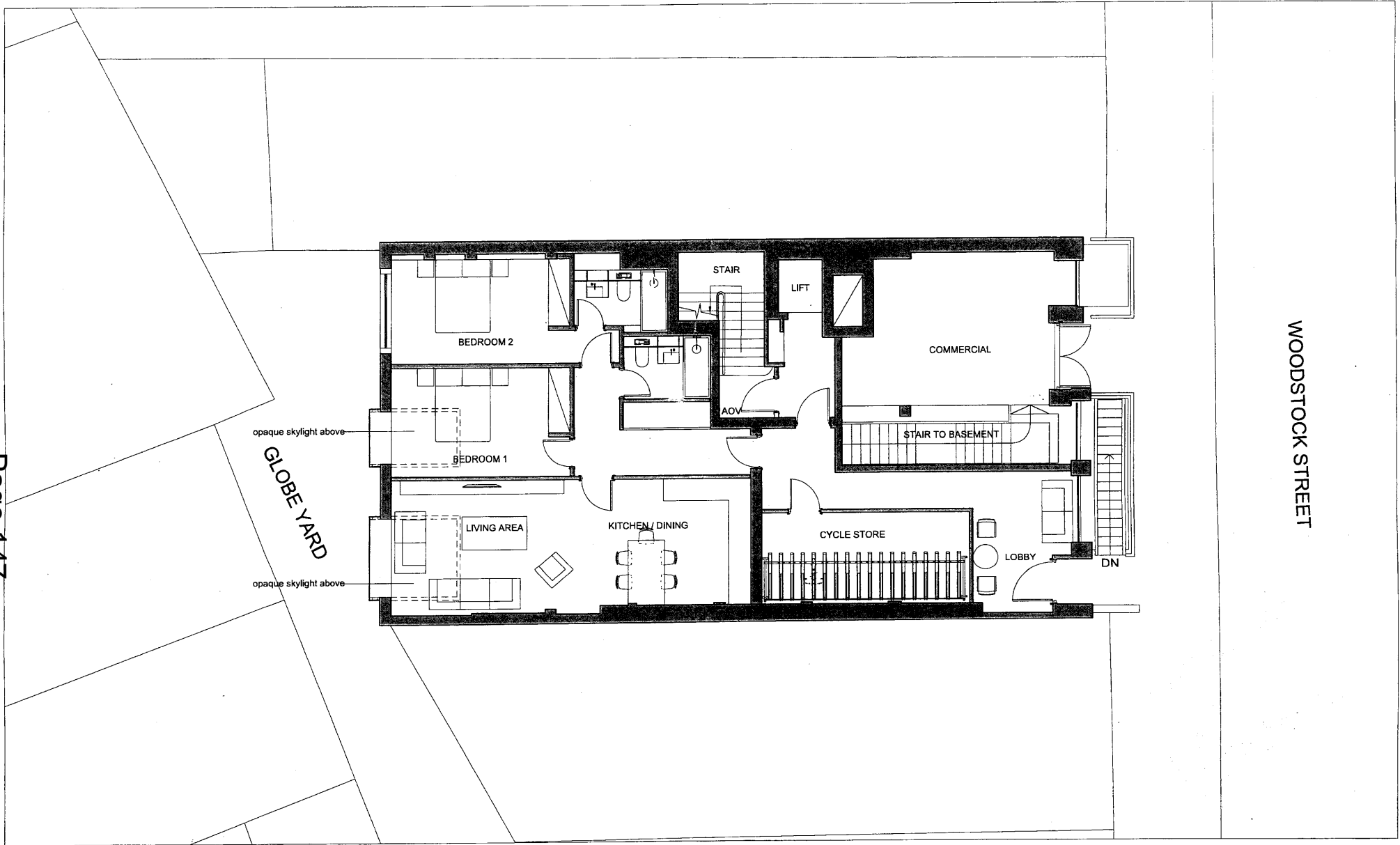
If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)

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

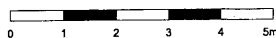
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact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

- 8 Under Condition 18 we are likely to accept a legal undertaking under Section 106 of the Town and County Planning Act (1990) (as amended) to secure 25 year membership provision for each of the residential dwellings to a Car Plus accredited car club.

Please look at the template wordings for planning obligations (listed under 'Supplementary Planning Guidance') on our website at [www.westminster.gov.uk](http://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.



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Client Real Estate Investment Mgmt  
 Date March 2015  
 Dwg No. 050 201

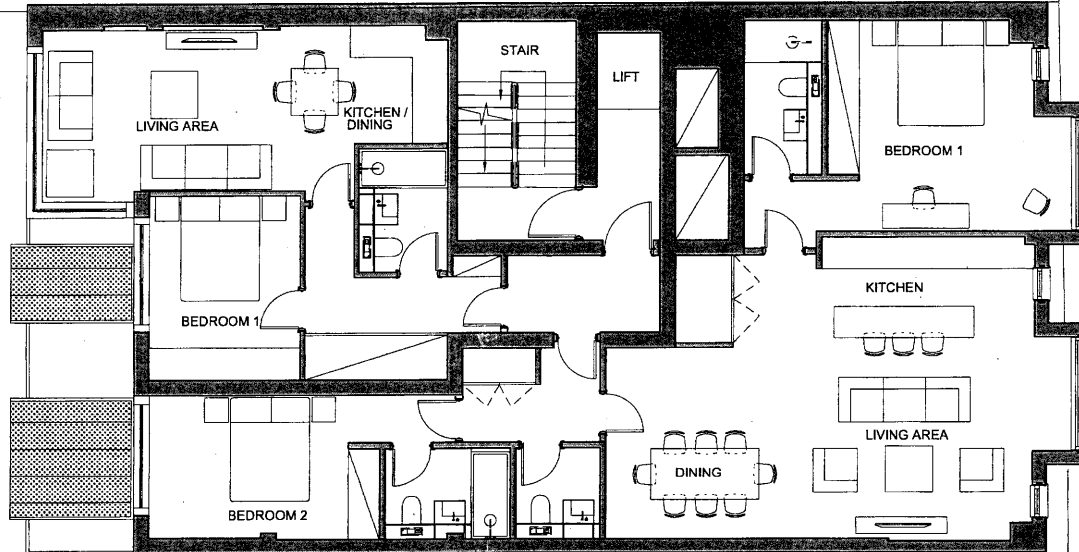
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 Title Proposed Ground Floor Plan  
 Scale 1:100@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com

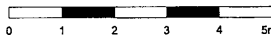


GLOBE YARD

WOODSTOCK STREET



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Client Real Estate Investment Mgmt  
 Date March 2015  
 Dwg No. 050 202

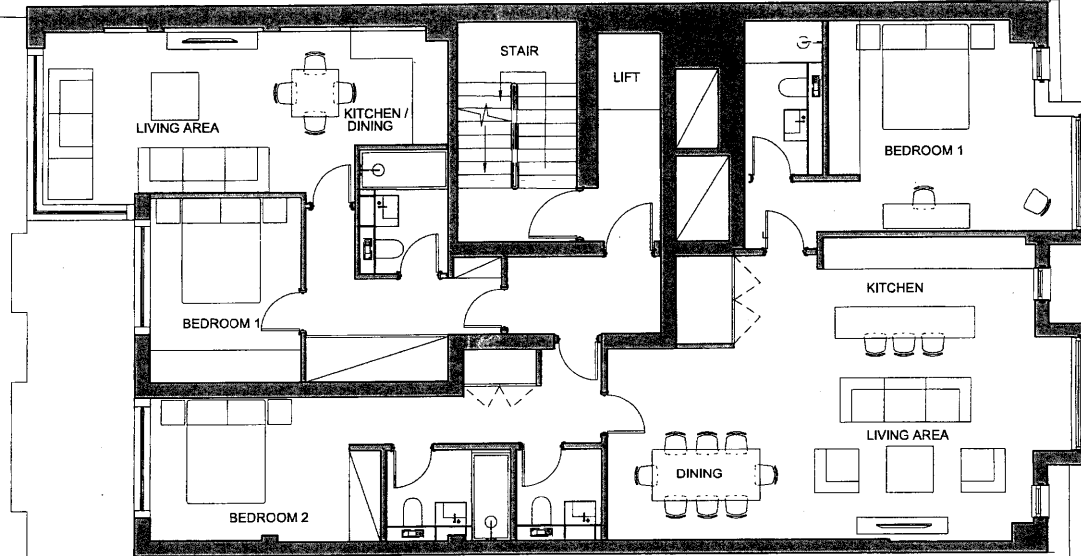
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 Title Proposed First Floor Plan  
 Scale 1:100@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com





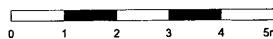
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 RN:  
 ADDRESS:

WOODSTOCK STREET

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Client Real Estate Investment Mgmt  
 Date March 2015  
 Dwg No. 050 203

Project Pineridge Bond House  
 Title Proposed Second Floor Plan  
 Scale 1:100@A3

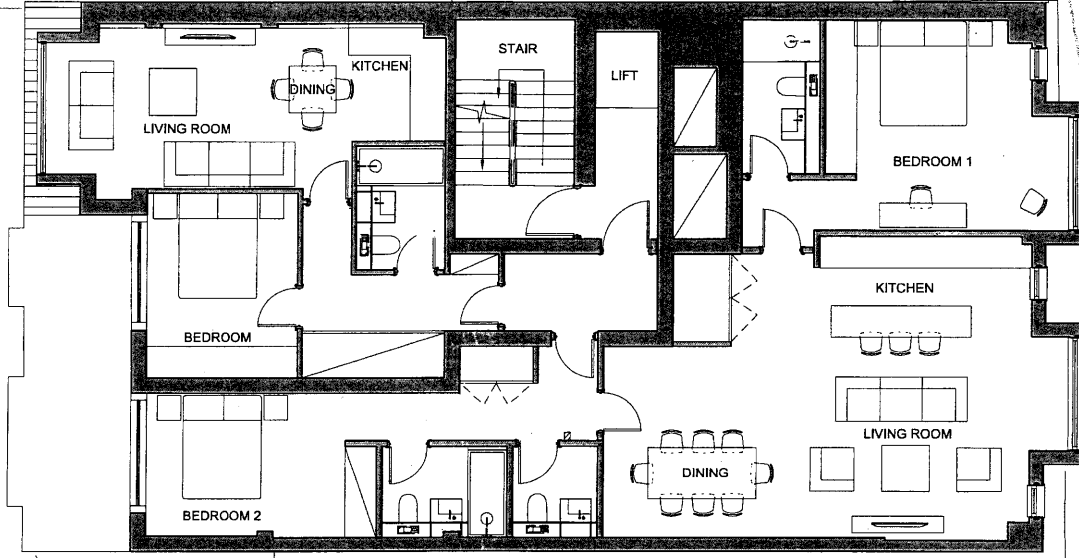
75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com

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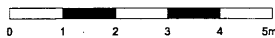
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Client Real Estate Investment Mgmt  
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 Dwg No. 050 204

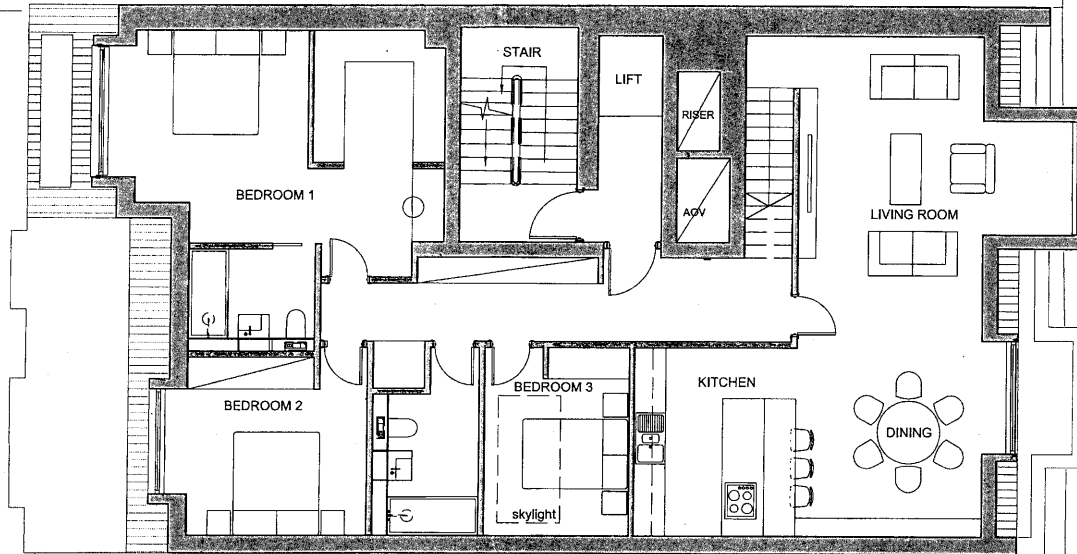
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 Title Proposed Third Floor Plan  
 Scale 1:100@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com



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WOODSTOCK STREET



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Client Real Estate Investment Mgmt  
 Date June 2015  
 Dwg No. 050 205\_revB

Project Pineridge Bond House  
 Title Proposed Fourth Floor Plan  
 Scale 1:100@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com

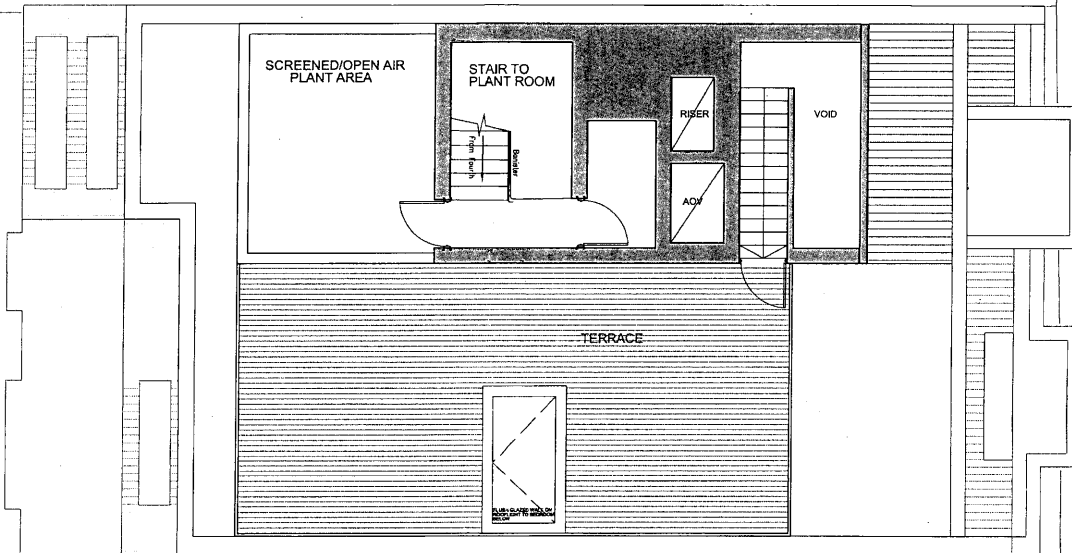


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Client Real Estate Investment Mgmt  
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 Dwg No. 050 206\_revB

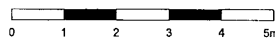
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 Title Proposed Fifth Floor Plan  
 Scale 1:100@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com





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Client Real Estate Investment Mgmt  
Date March 2015  
Dwg No. 050 300

Project Pineridge Bond House  
Title Existing East Elevation  
Scale 1:100@A3

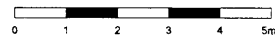
75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com





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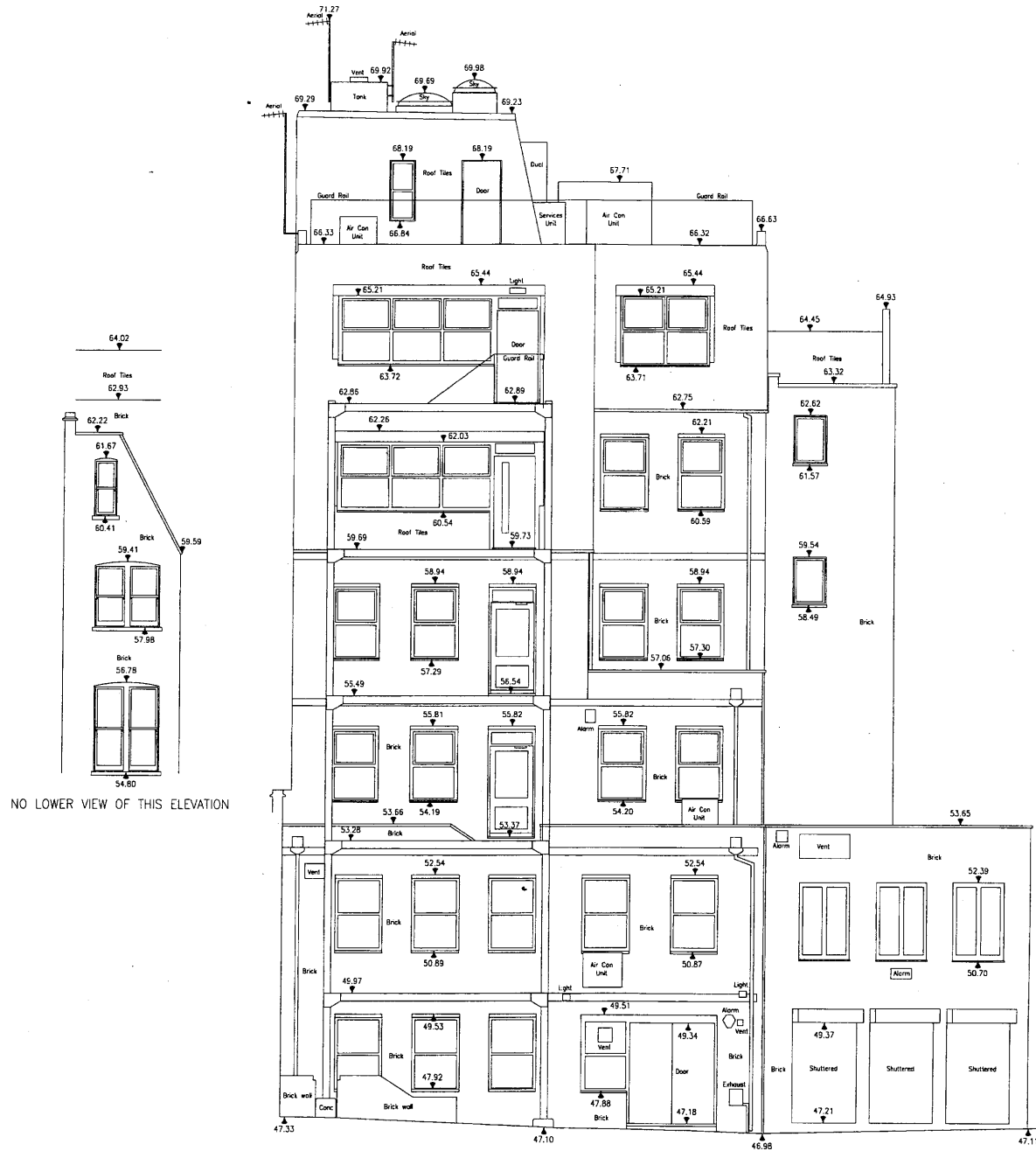
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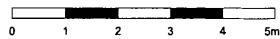
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 Date August 2015 Title Proposed East Elevation  
 Dwg No. 050\_320\_revC Scale 1:100@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com





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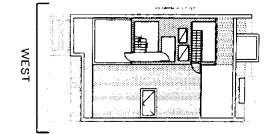
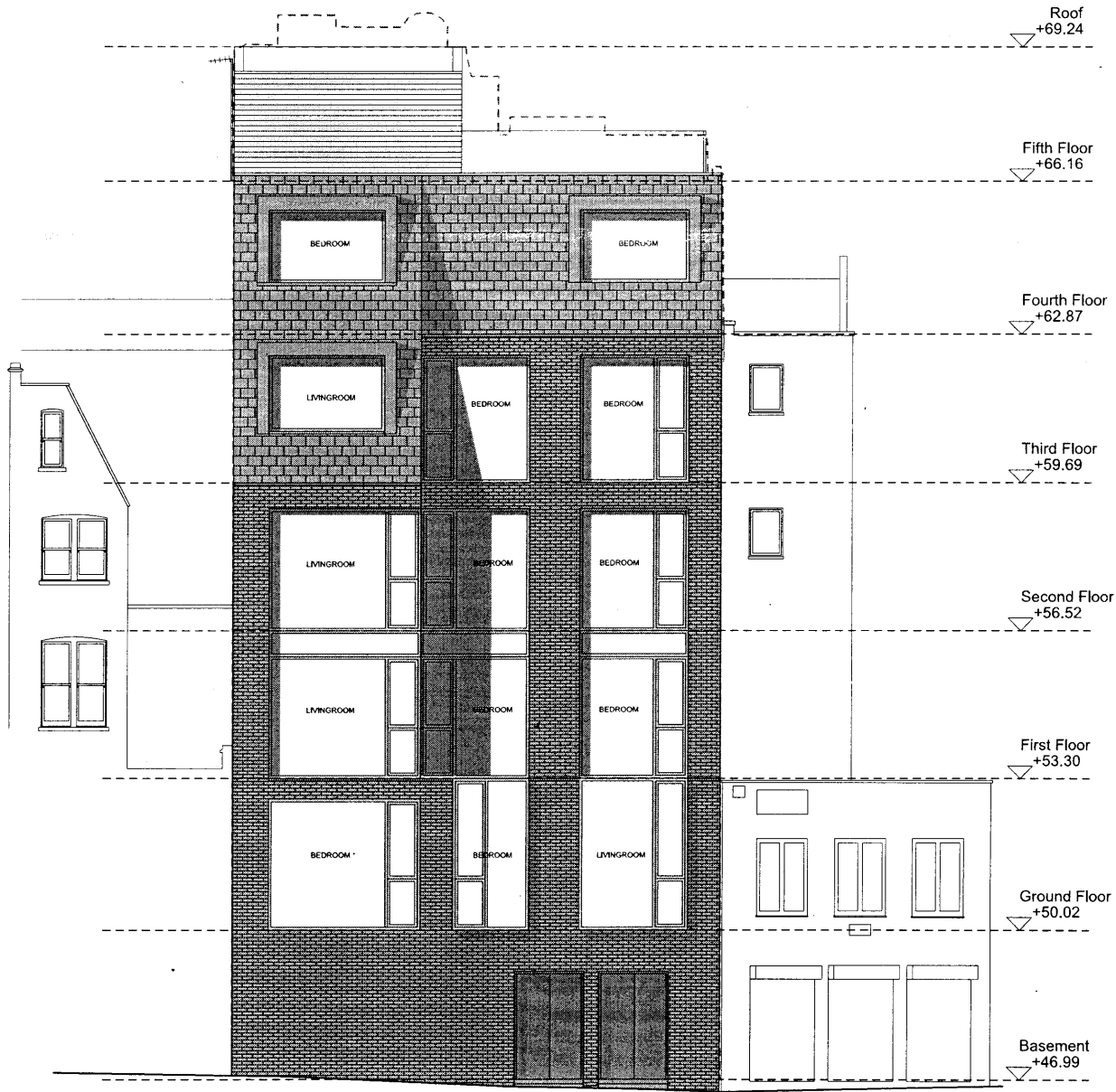


Client Real Estate Investment Mgmt  
 Date March 2015  
 Dwg No. 050 301

Project Pineridge Bond House  
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 Scale 1:100@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com

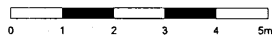




KEY PLAN

18 Woodstock Street | Proposed Development at 19, 20 Woodstock Street | 21 Woodstock Street

----- Line indicating outline of existing building



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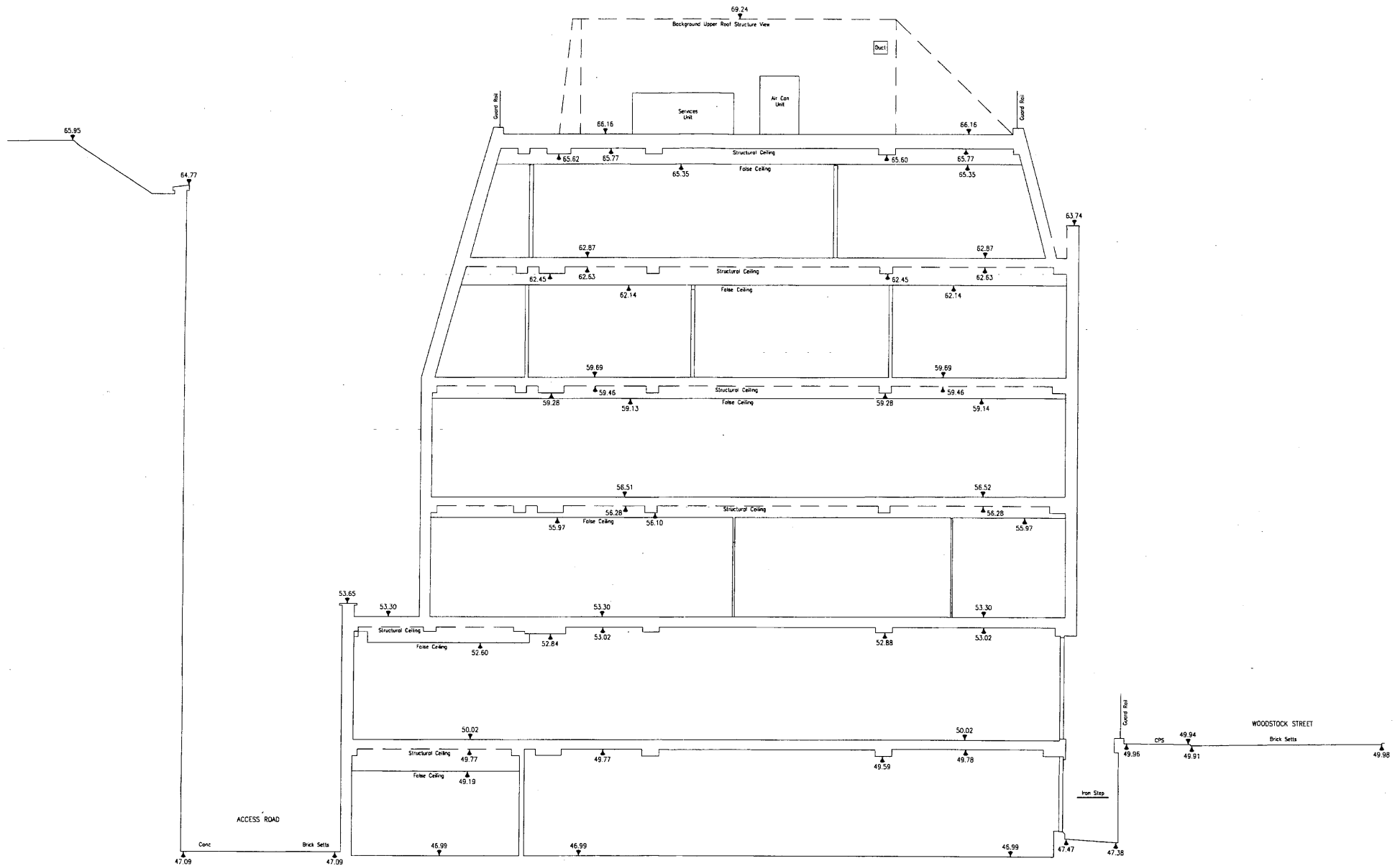
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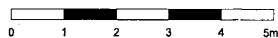
75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com







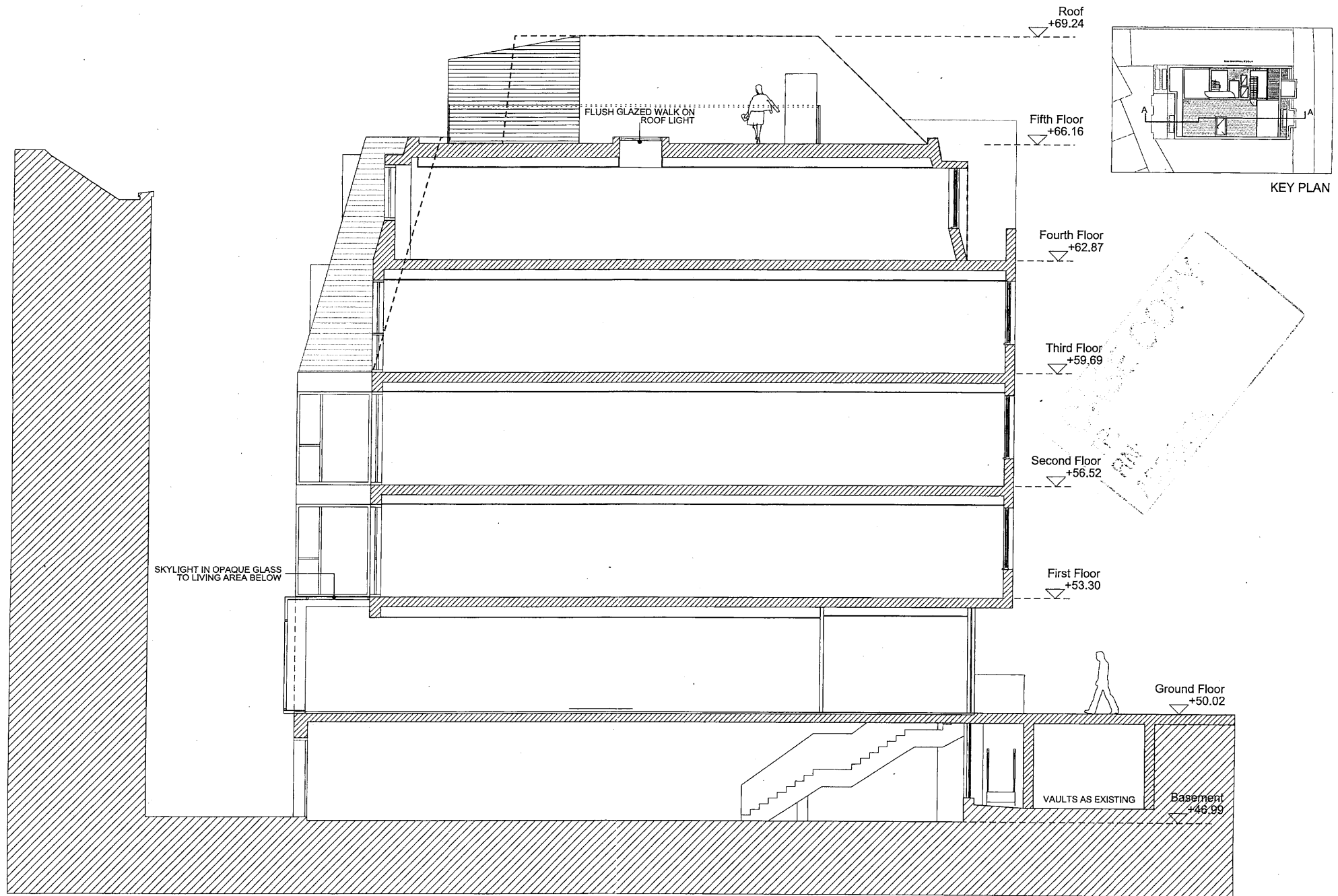
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Client Real Estate Investment Mgmt Project Pineridge Bond House  
 Date March 2015 Title Existing Section AA  
 Dwg No. 050 400 Scale 1:100@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com





SKYLIGHT IN OPAQUE GLASS TO LIVING AREA BELOW

FLUSH GLAZED WALK ON ROOF LIGHT

Roof +69.24

Fifth Floor +66.16

Fourth Floor +62.87

Third Floor +59.69

Second Floor +56.52

First Floor +53.30

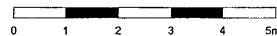
Ground Floor +50.02

VAULTS AS EXISTING

Basement +46.99

KEY PLAN

----- Line indicating outline of existing building



075069

Client Real Estate Investment Mgmt  
Date June 2015  
Dwg No. 050\_420\_revB

Project Pineridge Bond House  
Title Proposed Section AA  
Scale 1:100@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-ltd.com

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# Agenda Item 7

Item No.
7

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 August 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> St James's	
<b>Subject of Report</b>	<b>15 Buckingham Gate, London, SW1E 6LB</b>		
<b>Proposal</b>	Use as a single family dwelling (Class C3). Erection of two storey garden building and single storey link structure.		
<b>Agent</b>	Firstplan		
<b>On behalf of</b>	Petros Development Company Limited		
<b>Registered Number</b>	15/02130/FULL 15/02131/LBC	<b>TP / PP No</b>	TP/7865
<b>Date of Application</b>	10.03.2015	<b>Date amended/ completed</b>	19.03.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Grade II Listed Building		
<b>Conservation Area</b>	Birdcage Walk		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Within Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.





Front elevation

15 BUCKINGHAM GATE, SW1



Rear garden

15 BUCKINGHAM GATE, SW1

## 2. SUMMARY

### SITE:

15 Buckingham Gate is a Grade II listed building located within the Birdcage Walk Conservation Area. The building is currently in office use set over basement, ground and three upper levels. The property benefits from a relatively large rear garden, which features a single storey side link to a garden room at the end of the plot.

### HISTORY:

Permission and listed building consent were refused on 24 July 2001 for the erection of a rear extension at ground floor level and excavation and an extension at rear basement level to provide additional office accommodation (Class B1). The applications were refused on design and conservation grounds.

### PROPOSAL:

These applications seek to replace the existing single storey structure at the rear of the garden with a two storey building and for internal alterations in connection with the conversion of the building to a single family dwelling.

### DESIGN:

Whilst the erection of a two storey building within the garden is unusual, the existing situation and context of the site lends itself to the proposals, surrounded by three storey walls on two sides. In this case and on balance the works are therefore considered acceptable in design terms, subject to conditions regarding detailing. Furthermore, the existing link between the extension and the main building is to be replaced with a lightweight structure, which is considered an improvement, again subject to the detailed design which is also to be secured by way of condition.

Internally, works are proposed in association with the change of use, including lowering of the basement floor level by 400mm, alterations to partitions and doors. These works are also considered acceptable in design and heritage terms, with minimal intervention proposed.

### AMENITY:

The two storey garden extension requires approximately two thirds of the existing wall between Nos. 15 and 16 Buckingham Gate to be built up by 1.8m at the highest point. The wall is to be pitched to match the profile of the new garden extension. An objection has been received from the occupiers of No. 16 on the grounds of loss of light to their offices, which has windows looking towards No. 15.

While the occupiers of No. 16 will experience some loss of light and increased sense of enclosure as a result of the build up, as the affected windows are in office use and as only part of the wall is to be built up, it is not considered that refusal on these grounds could be sustained. The hipping of the wall will also provide some relief to these windows.

### HIGHWAYS:

Two cycle spaces are provided, a condition is recommended to secure this provision in accordance with Policy TACE10. No off-street car parking has been provided, however, the Highways Planning Manager has confirmed that parking can be absorbed into the surrounding network, considered with Policy TRANS23.

### CONCLUSION:

The proposals are considered acceptable in land use, highways, amenity, conservation and design terms and accord with the relevant UDP and City Plan policies. The applications are therefore recommended for conditional approval.

### 3. CONSULTATIONS

#### WESTMINSTER SOCIETY

No objection.

#### ENVIRONMENT AGENCY

Any response to be reported verbally.

#### HIGHWAYS PLANNING MANAGER

No objection.

#### ENVIRONMENTAL HEALTH

No objection.

#### BUILDING CONTROL

No objection raised in relation to the minor excavation works at basement level.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 26; Total No. of Replies: 1.

One letter of objection on the grounds of loss of light to an adjacent office as a result of the two storey garden extension.

ADVERTISEMENT/SITE NOTICE: Yes.

### BACKGROUND PAPERS

1. Application forms.
2. Letter from The Westminster Society dated 14 April 2015.
3. Email from Building Control dated 27 July 2015.
4. Memorandum from Highways Planning Manager dated 21 April 2015.
5. Online representation from Environmental Health dated 22 April 2015.
6. Letter from the occupiers of 16 Buckingham Gate dated 28 April 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT VINCENT NALLY ON 020 7641 5947 OR BY E-MAIL – [vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)



**DRAFT DECISION LETTER**

- Address:** 15 Buckingham Gate, London, SW1E 6LB
- Proposal:** Use as a single family dwelling (Class C3). Erection of two storey garden building and single storey link structure.
- Plan Nos:** 13.007.00(P)001; 13.007.00(P)002; 13.007.00(P)010; 13.007.00(P)011; 13.007.00(P)012; 13.007.00(P)013; 13.007.00(P)014; 13.007.00(P)015; 13.007.00(P)016; 13.007.00(P)017; 13.007.00(P)020 A; 13.007.00(P)021 A; 13.007.00(P)022 A; 13.007.00(P)023; 13.007.00(P)024; 13.007.00(P)025; 13.007.00(P)026; Planning, Design and Heritage Statement; Flood Risk Assessment. For information only: Structural Assessment by CSG dated 30 June 2015.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

**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 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)
- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
- i) Rear Extension
  - ii) Glazed link

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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must 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.

#### **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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 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)
- 6 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.  
  
Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
- 7 You are advised that planning permission would be required for the use of any part of the site as a separate residential dwelling.

**DRAFT DECISION LETTER**

- Address:** 15 Buckingham Gate, London, SW1E 6LB
- Proposal:** Use as a single family dwelling (Class C3). Erection of two storey garden building and single storey link structure. Associated internal alterations including removal and addition of partitions.
- Plan Nos:** 13.007.00(P)001; 13.007.00(P)002; 13.007.00(P)010; 13.007.00(P)011; 13.007.00(P)012; 13.007.00(P)013; 13.007.00(P)014; 13.007.00(P)015; 13.007.00(P)016; 13.007.00(P)017; 13.007.00(P)020 A; 13.007.00(P)021 A; 13.007.00(P)022 A; 13.007.00(P)023; 13.007.00(P)024; 13.007.00(P)025; 13.007.00(P)026; Planning, Design and Heritage Statement; Flood Risk Assessment. For information only: Structural Assessment by CSG dated 30 June 2015.
- Case Officer:** Rupert Handley **Direct Tel. No.** 020 7641 2497

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
- Reason:**  
For the avoidance of doubt and in the interests of proper planning.
- 2 The 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)
- Reason:**  
To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)
- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
- i) Rear Extension
  - ii) Glazed link

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.

- 4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

#### **Informative(s):**

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

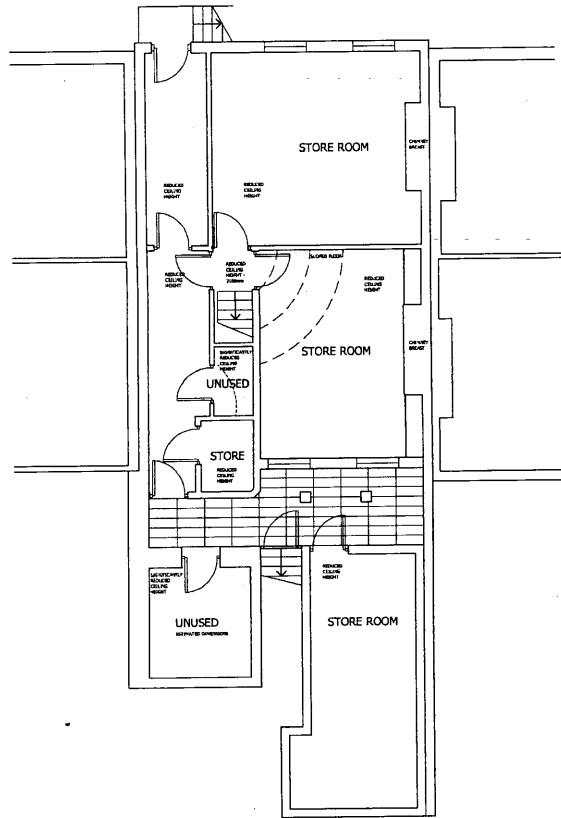
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

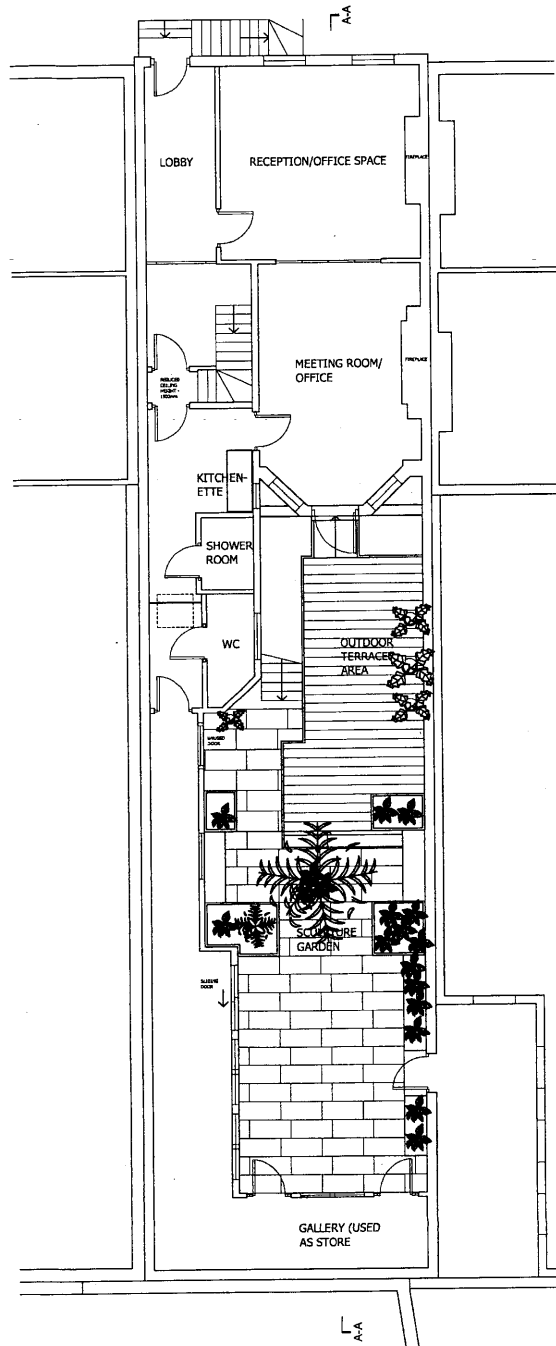
Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

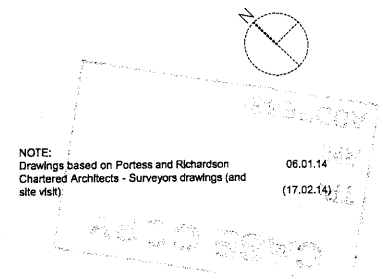
Basement Floor



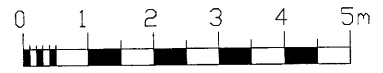
Ground Floor



do not scale from this drawing.  
 contractor to take and check all dimensions on site before commences. discrepancies to be reported to architect.  
 subcontractor to verify all dimensions on site before making shop drawings or commencing manufacture.  
 this drawing is copyright.



NOTE:  
 Drawings based on Portess and Richardson  
 Chartered Architects - Surveyors drawings (and site visit)  
 06.01.14  
 (17.02.14)



rev	description	drawn	date

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client Petros Development Company Limited

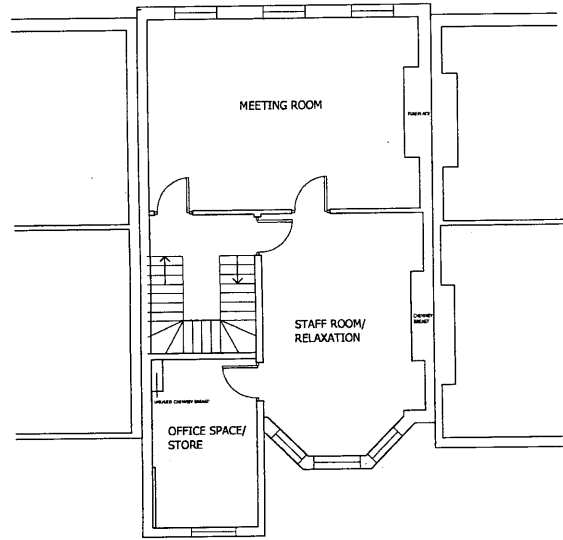
project 15 Buckingham Gate

title Existing Basement and Ground Floor  
 Plan

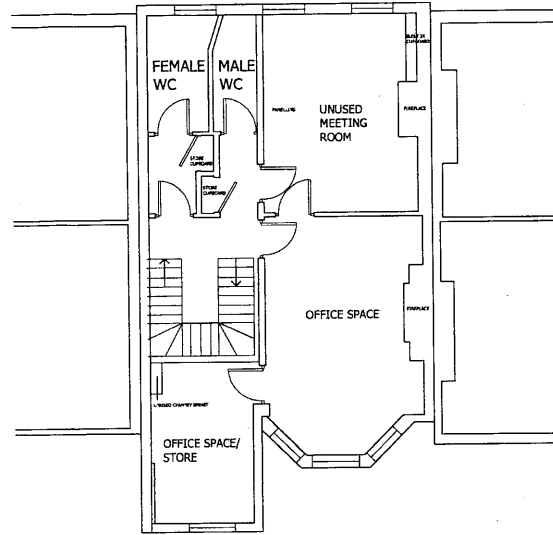
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dwg no	13.007.00(P) 010	rev.	-

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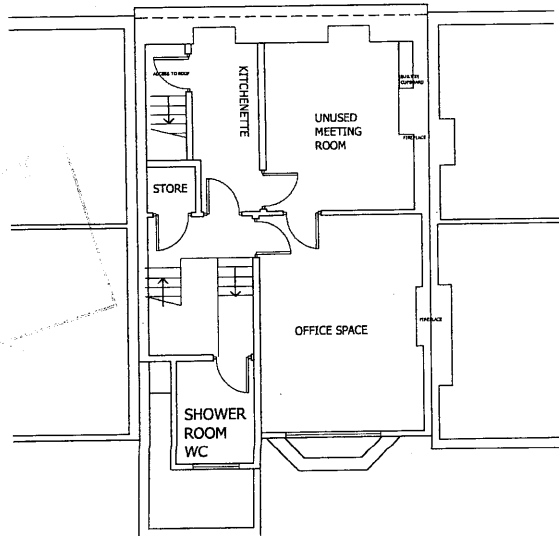
First Floor



Second Floor



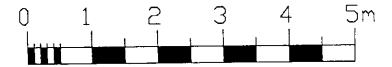
Third Floor



do not scale from this drawing.  
contractor to take and check all dimensions on site before commences. discrepancies to be reported to architect.  
subcontractor to verify all dimensions on site before making shop drawings or commencing manufacture.  
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NOTE:  
Drawings based on Portess and Richardson  
Chartered Architects - Surveyors drawings (and site visit)  
06.01.14  
(17.02.14)



rev	description	drawn	date

CASE COPY

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client Petros Development Company Limited

project 15 Buckingham Gate

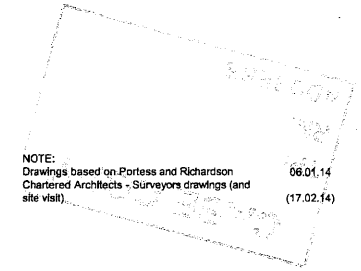
title Existing First, Second and Third Floor  
Plan

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drawn	tp	cad file	
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dwg no	13.007.00(P) 011	rev.	-

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NOTE:  
 Drawings based on Petross and Richardson  
 Chartered Architects - Surveyors drawings (and site visit) 06.01.14  
 (17.02.14)



rev	description	drawn	date

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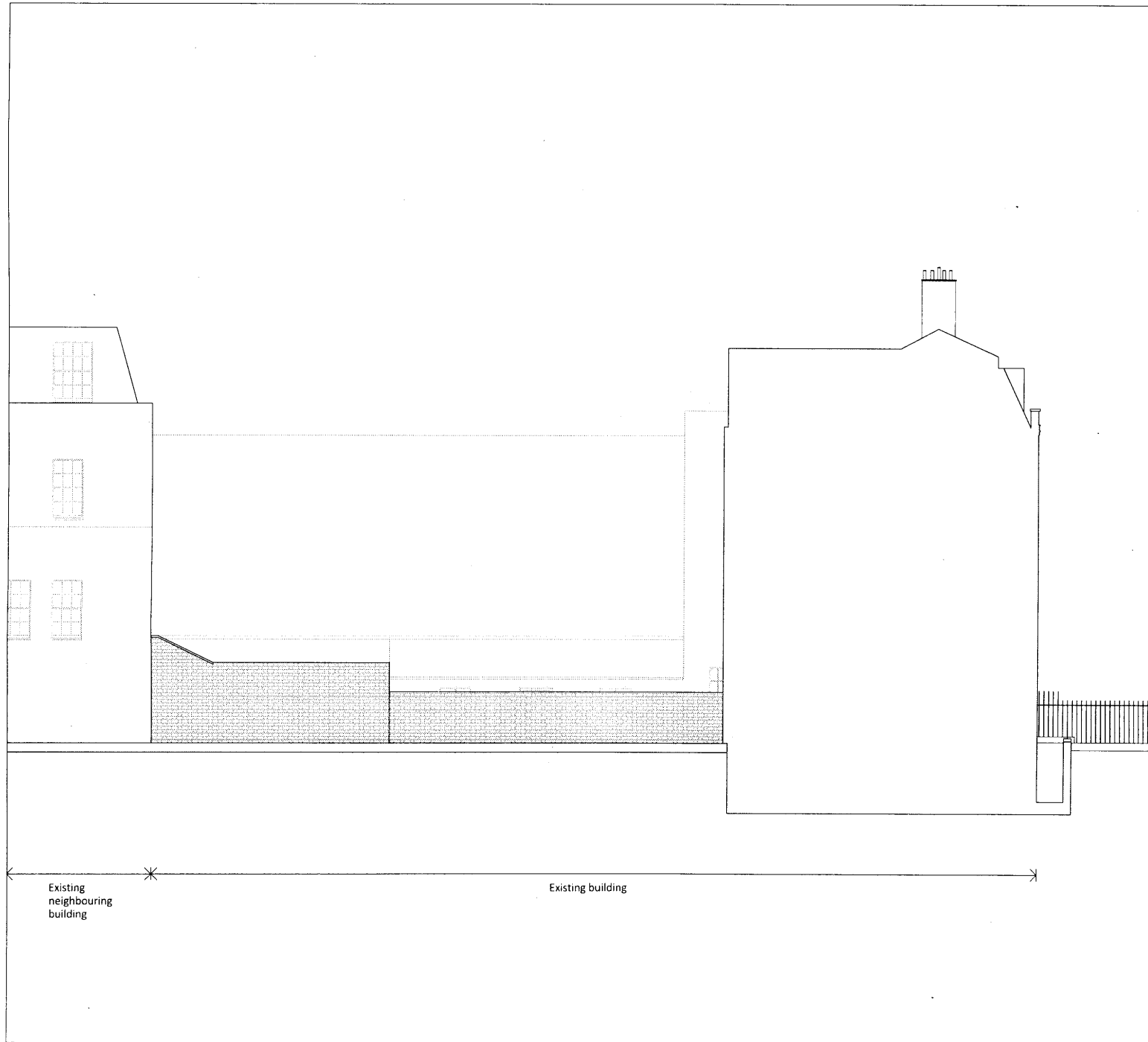
client Petros Development Company Limited

project 15 Buckingham Gate

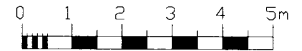
title Existing Section A-A

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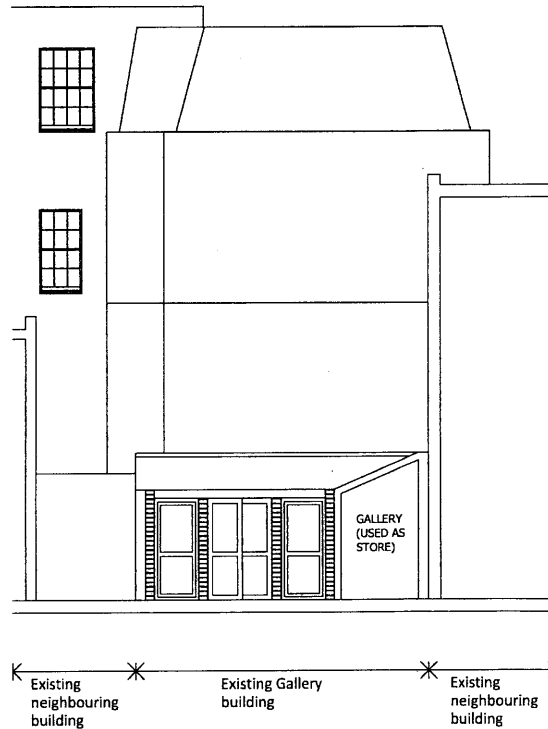
**dawe + partners**  
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 tel 020 8962 3947 fax 020 8964 2647  
 mail@dawepartners.co.uk www.dawepartners.co.uk

client Petros Development Company Limited

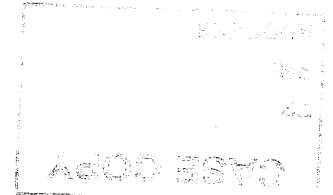
project 15 Buckingham Gate

title Existing Gallery East Elevation

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drawn	hp	cad file	
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dwg no	13.007.00(P) 017	rev.	-



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 subcontractor to verify all dimensions on site before making shop drawings or commencing manufacture.  
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rev	description	drawn	date

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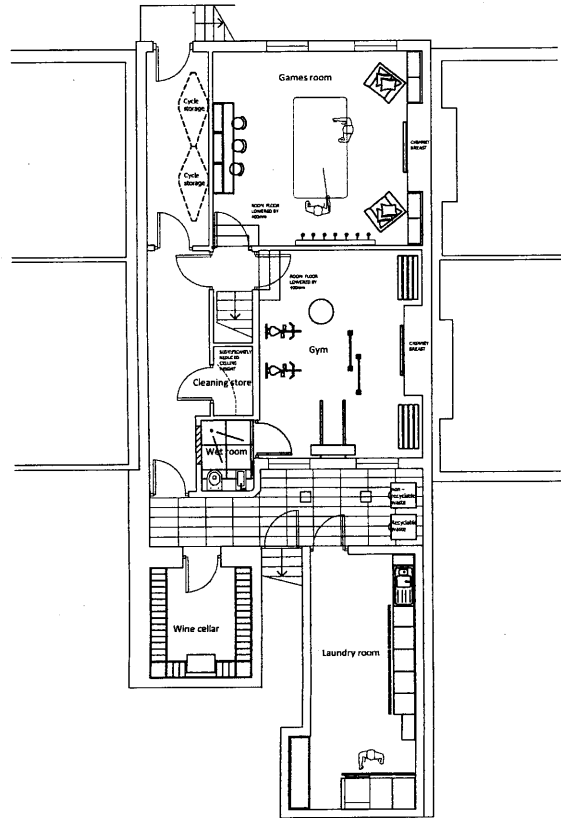
client Petros Development Company Limited

project 15 Buckingham Gate

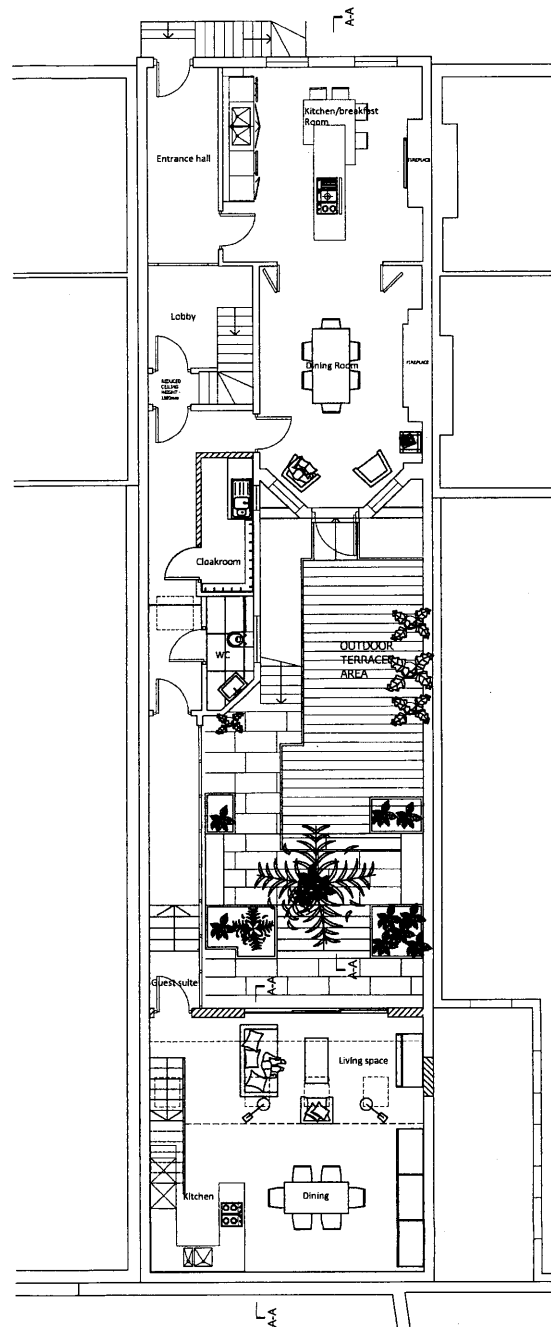
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Basement Floor

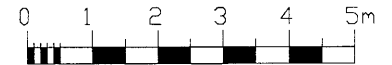
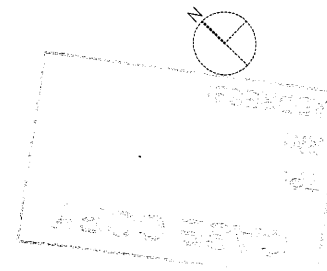


Ground Floor



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contractor to take and check all dimensions on site before commences, discrepancies to be reported to architect, subcontractor to verify all dimensions on site before making shop drawings or commencing manufacture.

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rev	description	drawn	date
A	- Corridor line changed to frameless glazing - Guest suite lowered by 750mm, stairs introduced in link corridor and externally - Roof set further back and reduced in height - Staff set back - Bike and Bin Store added - Traditional zinc standing seam cladding introduced	hp	21.10.14

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client Petros Development Company Limited

project 15 Buckingham Gate

title Proposed Basement and Ground Floor

Guest suite

date 18.02.2014 plot date 09.02.2015

drawn hp cad file

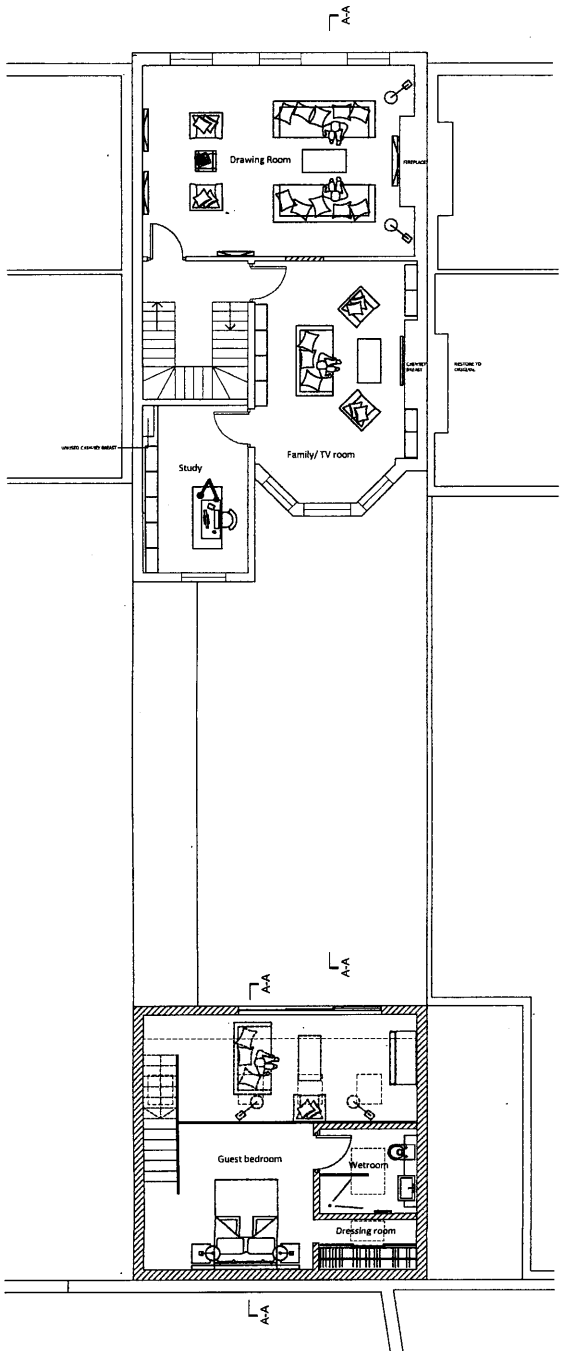
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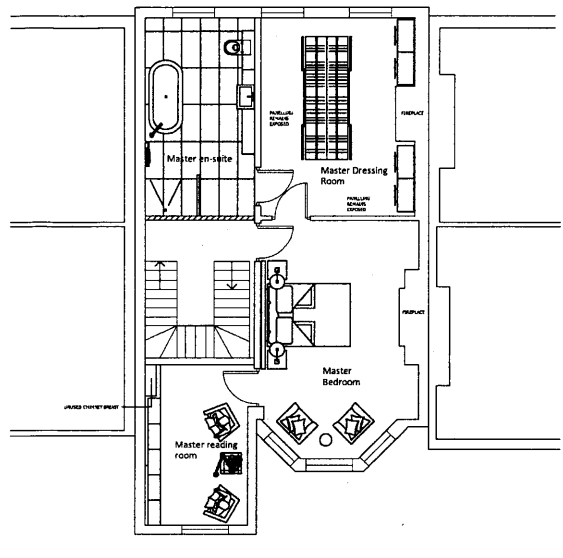
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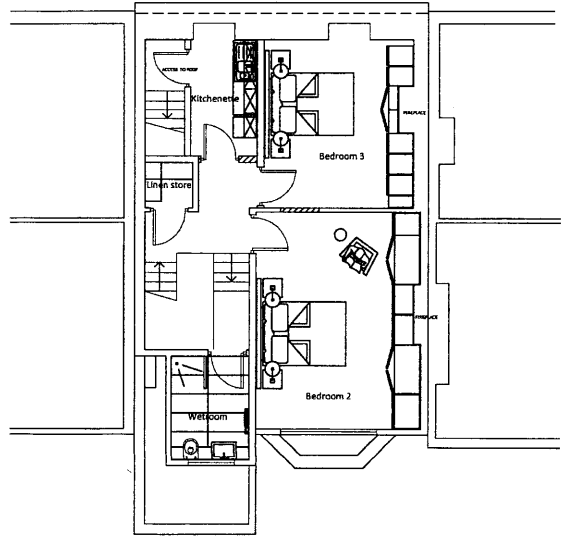
First Floor



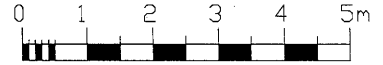
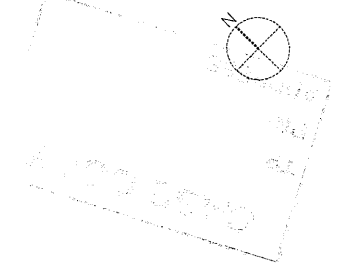
Second Floor



Third Floor



do not scale from this drawing.  
contractor to take and check all dimensions on site before commences. discrepancies to be reported to architect.  
subcontractor to verify all dimensions on site before making shop drawings or commencing manufacture.  
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rev	description	drawn	date
A	- Guest suite lowered by 750mm, stairs introduced in link corridor and externally - Roof set back further and reduced in height - Stair set back - Traditional zinc standing seam cladding introduced	hp	21.10.14

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client Petros Development Company Limited

project 15 Buckingham Gate

title Proposed First, Second and Third Floor

Plan  
Guest suite

date 18.02.2014 plot date 09.02.2015

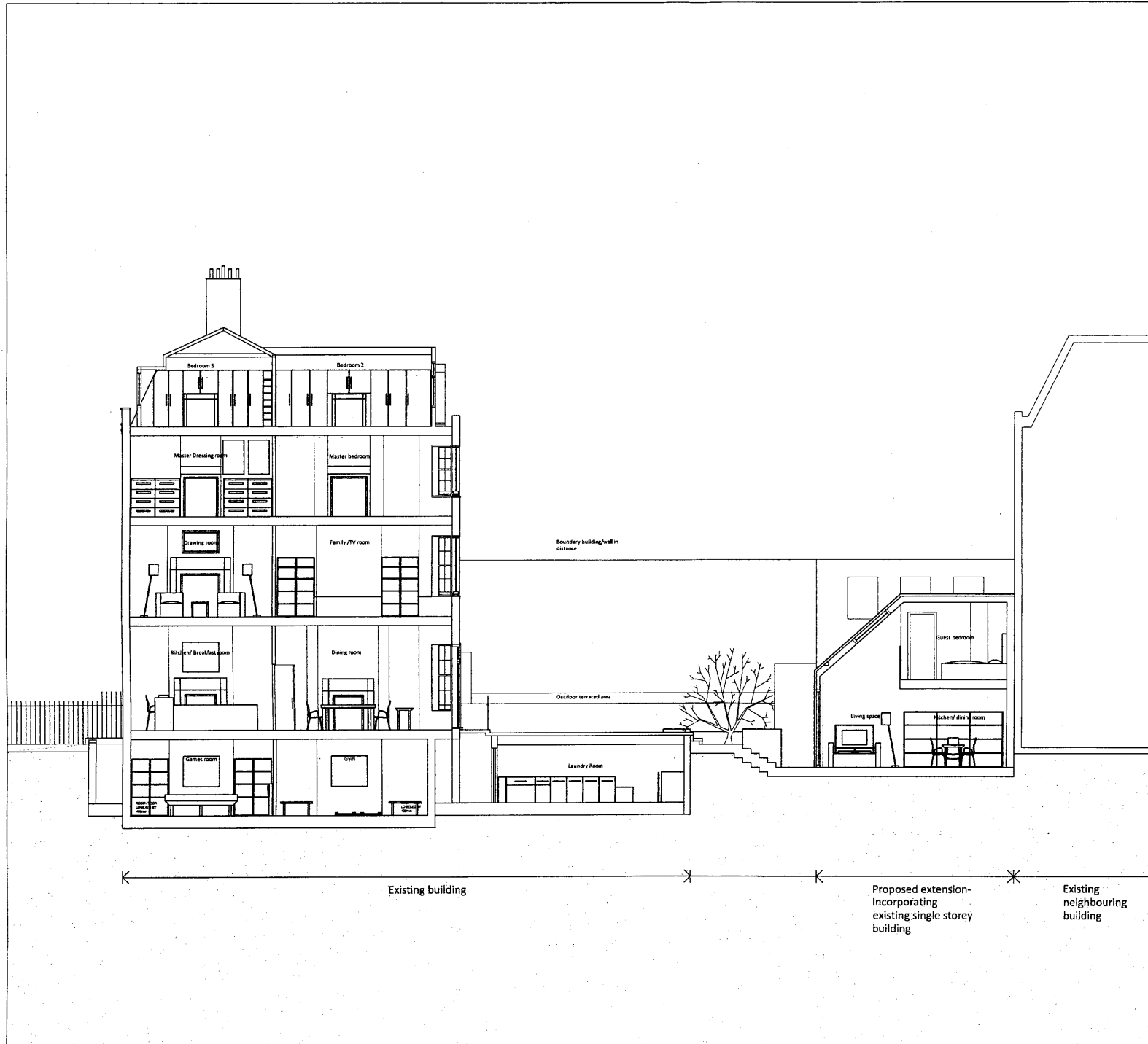
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scale 1:125@A3

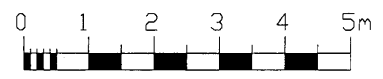
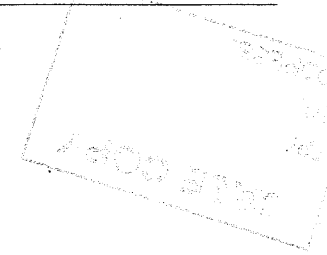
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dwg no 13.007.00(P) 021 rev. A

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 contractor to take and check all dimensions on site before commences. discrepancies to be reported to architect.  
 subcontractor to verify all dimensions on site before making shop drawings or commencing manufacture.  
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rev	description	drawn	date
A	- Guest suite lowered by 750mm, stairs introduced in link corridor and externally - Roof set back further and reduced in height - Annotation added - Traditional zinc standing seam cladding introduced	hp	21.10.14

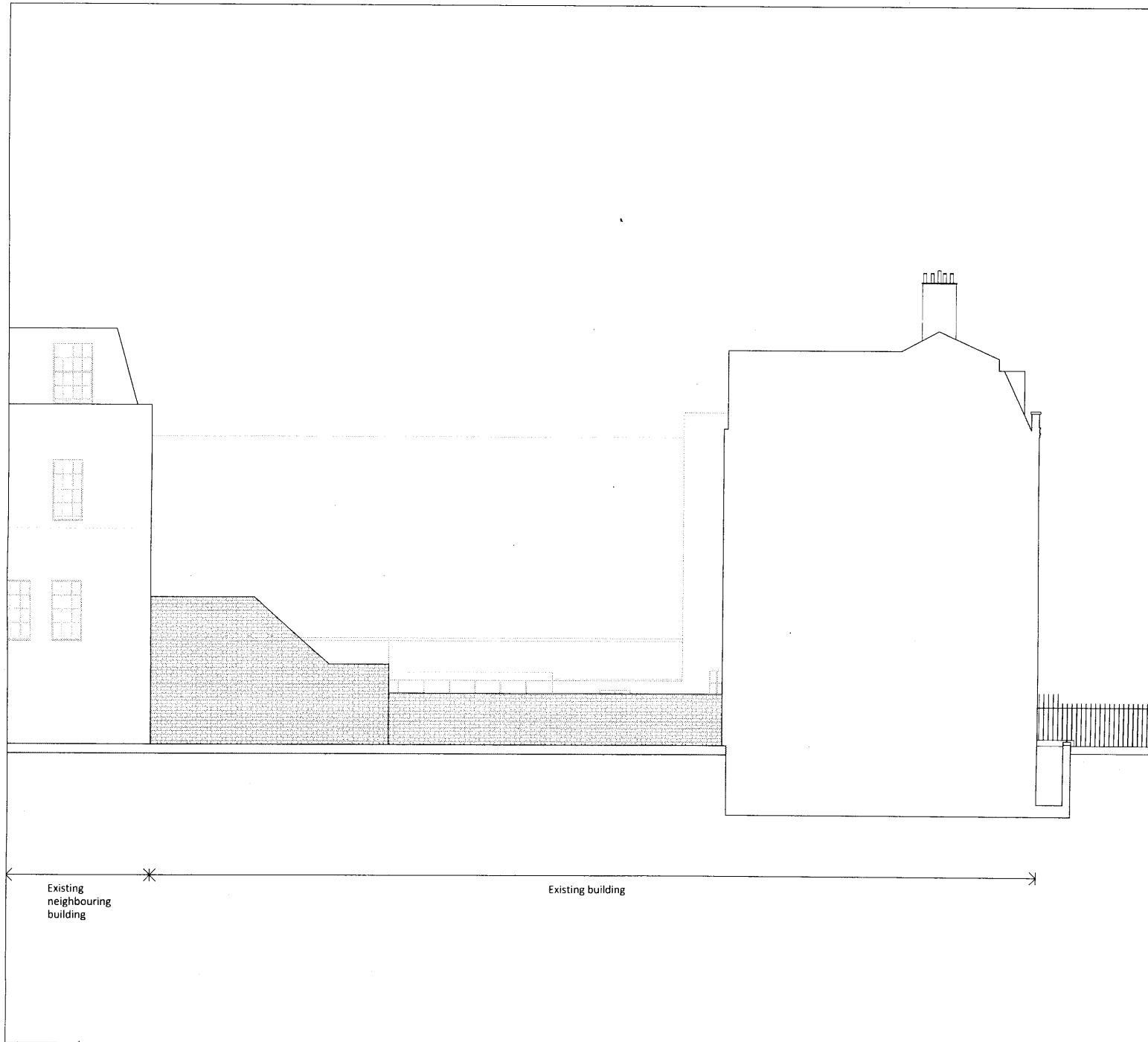
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 tel 020 8982 9947 fax 020 8984 2947  
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client Petros Development Company Limited

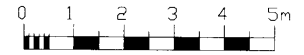
project 15 Buckingham Gate

title Proposed Section A-A  
 Guest Suite

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checked			
dwg no	13,007.00(P) 022	rev.	A



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 subcontractor to verify all dimensions on site before making shop drawings or commencing manufacture.  
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rev	description	drawn	date

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 mail@dawepartners.co.uk www.dawepartners.co.uk

client Petros Development Company Limited

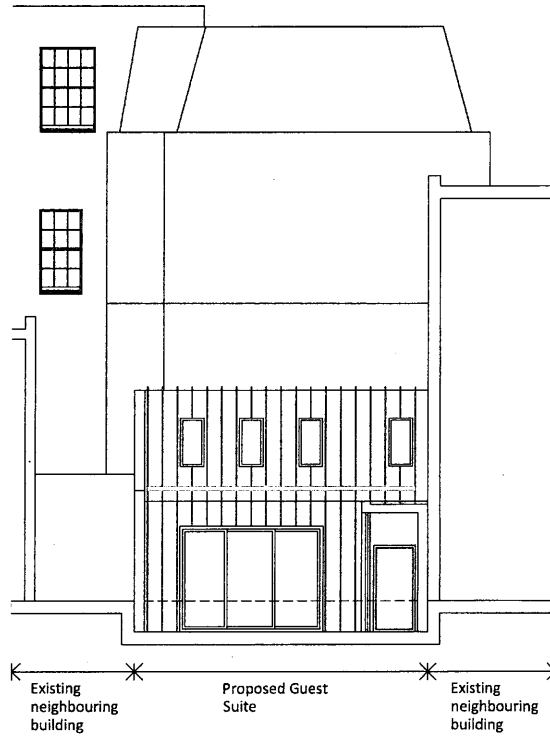
project 15 Buckingham Gate

title Proposed Guest Suite East Elevation

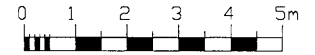
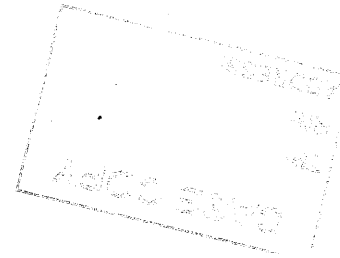
(Gallery)

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scale	1:125@A3		
checked			
dwg no	13.007.00(P) 026	rev.	-

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rev	description	drawn	data

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client Petros Development Company Limited

project 15 Buckingham Gate

title Proposed Guest Suite Elevation  
 (Gallery)

date	26.01.2015	plot date	09.02.2015
drawn	hp	cad file	
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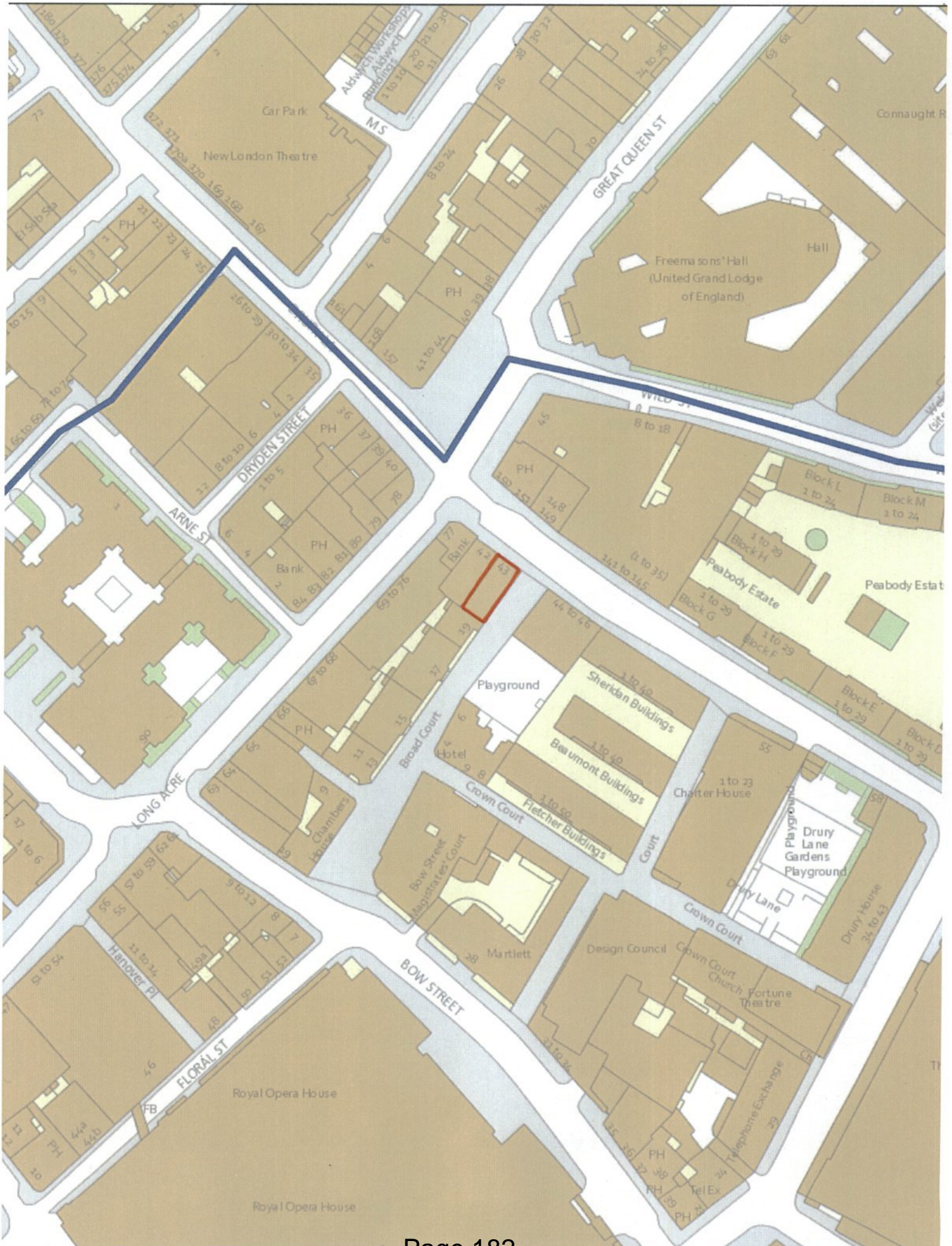
# Agenda Item 8

Item No.
8

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 August 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> St James's	
<b>Subject of Report</b>	<b>43 Drury Lane, London, WC2B 5RT</b>		
<b>Proposal</b>	Use of an area of the public highway measuring 2.5m x 7.5m for the placing of four tables, eight chairs, two parasols and four planters in connection with the adjacent ground floor restaurant unit (Class A3).		
<b>Agent</b>	GL Hearn		
<b>On behalf of</b>	Barrafina Ltd		
<b>Registered Number</b>	15/04293/TCH	<b>TP / PP No</b>	TP/8841
<b>Date of Application</b>	14.05.2015	<b>Date amended/ completed</b>	21.05.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Grade II Listed Building		
<b>Conservation Area</b>	Covent Garden		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Within Central Activities Zone		
<b>Stress Area</b>	Within Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.





43 DRURY LANE, WC2

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## 2. SUMMARY

This application relates to Barrafinna, a restaurant on the western side of Drury Lane on the corner with the pedestrianised Broad Court. The building is Grade II listed and lies within the Covent Garden Conservation Area. Permission is sought for the placement of four tables and eight chairs, two parasols and for planters on Broad Court in connection with the restaurant.

Permission was originally sought for eight tables and 16 chairs with a terminal hour of midnight. This was considered excessive by officers and the applicant has agreed to amend the proposal reducing to four tables and eight chairs with a terminal hour of 22.00 daily.

Objections have been received from the Covent Garden Community Association and Covent Garden Area Trust on the grounds that the tables and chairs could cause noise nuisance and highway obstruction. Objections have also been received from two neighbouring residents within 44 Drury Lane opposite the site on grounds of noise, smells and smoke from the outdoor seating.

Planning permission was refused in 2012 for the installation of two awnings to the Broad Court elevation and use of an area of Broad Court for the placing of eight tables and 23 chairs. The grounds for refusal were the design and location of the awnings and the potential noise from outside diners and the impact upon residents of Broad Court and 141-152 Drury Lane.

Whilst an application for a greater number of tables and chairs has been refused on amenity grounds, it must be acknowledged that permission has also been granted for tables and chairs in this location in 2001, 2002 and 2003. It should also be noted that at the southern end of Broad Court there are permitted tables and chairs serving a restaurant which is located below residential flats and no record of complaints can be found.

It is common in the Covent Garden area and throughout the city for external tables and chairs to be located in close proximity to residential properties. On balance, given that the permission would be granted for a temporary one year period, enabling any future applications to be reviewed, it is considered that four tables and eight chairs between the hours of 10.00-22.00 would not be so harmful to neighbouring residents to justify refusing the permission. Subject to conditions, the proposals are considered acceptable and comply with Policies ENV 13 and S28.

The proposals would leave a width of 5.5m free for pedestrians and is considered acceptable in terms of highways safety. In design terms, the proposed furniture including parasols and planters are considered acceptable in appearance and will not harm the character and appearance of the Covent Garden Conservation Area. Accordingly, the application is recommended for approval.

## 3. CONSULTATIONS

### COVENT GARDEN COMMUNITY ASSOCIATION

Objection raised on the grounds that the tables and chairs are opposite residential properties and could cause noise nuisance. The Association draws attention to an application for tables and chairs in the same location, which was refused in 2011.

### COVENT GARDEN AREA TRUST

Objection raised on the grounds that the tables and chairs are opposite residential properties and could cause noise nuisance. The Trust draws attention to an application for tables and chairs in the same location, which was refused in 2011.

**HIGHWAYS PLANNING MANAGER**

In principle no objection to the siting of tables and chairs is made. It is, however, noted that should 44 Drury Lane wish for tables and chairs on Broad Court, then this could lead to more than half of the passage through the shared street being used for commercial activities which would be contrary to the Westminster Way.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 35; Total No. of Replies: 1.

One objection received from a resident, endorsing the comments raised by the CGCA.

ADVERTISEMENT/SITE NOTICE: Yes.

**RECONSULTATION FOLLOWING REVISIONS:****COVENT GARDEN COMMUNITY ASSOCIATION**

Objection to the tables and chairs is still maintained. Comment also made that the revised plans appear to show an openable shopfront which is unacceptable in design terms.

**COVENT GARDEN AREA TRUST**

Objection to the tables and chairs is still maintained. Comment also made that the revised plans appear to show an openable shopfront which is unacceptable in design terms.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 1; Total No. of Replies: 2.

Two objections received on the grounds of noise from the outside seating in relation to residential windows.

**BACKGROUND PAPERS**

1. Application form.
2. Memorandum from Highways Planning Manager dated 24 June 2015.
3. Letters from Covent Garden Community Association dated 29 June 2015 and 31 July 2015.
4. Letters from Covent Garden Area Trust received 3 July 2015 and 31 July 2015.
5. Letters from owner/occupier of Flat 6, 44 Drury Lane dated 2 July 2015 and 1 August 2015.
6. Letter from owner/occupier of Flat 14, 44 Drury Lane dated 1 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT VINCENT NALLY ON 020 7641 5947 OR BY E-MAIL – [vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)

**DRAFT DECISION LETTER**

- Address:** 43 Drury Lane, London, WC2B 5RT
- Proposal:** Use of an area of the public highway measuring 2.5m x 7.5m for the placing of four tables, eight chairs, two parasols and four planters in connection with the adjacent ground floor restaurant unit (Class A3).
- Plan Nos:** BF.D157 P B; BF.D 158 P C; Site location plan; photomontage Planning, Design and Access Statement dated 14 May 2015; Email from Catherine L'Estrange dated 22 July 2015.
- Case Officer:** Kimberley Davies **Direct Tel. No.** 020 7641 5939

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 You must not put the tables and chairs in any other position than that shown on drawing BF.D157 P B and BF.D 158 P C. (C25AA)  
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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)
- 3 You can only put the tables and chairs on the pavement between 12.00 and 22.00 Monday to Sunday.  
Reason:  
To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.
- 4 The tables and chairs must only be used by customers of the restaurant at 43 Drury Lane. (C25CA)  
Reason:  
We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.
- 5 This use of the pavement may continue until 31 August 2016. You must then remove the tables and chairs. (C25DA)

**Reason:**

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

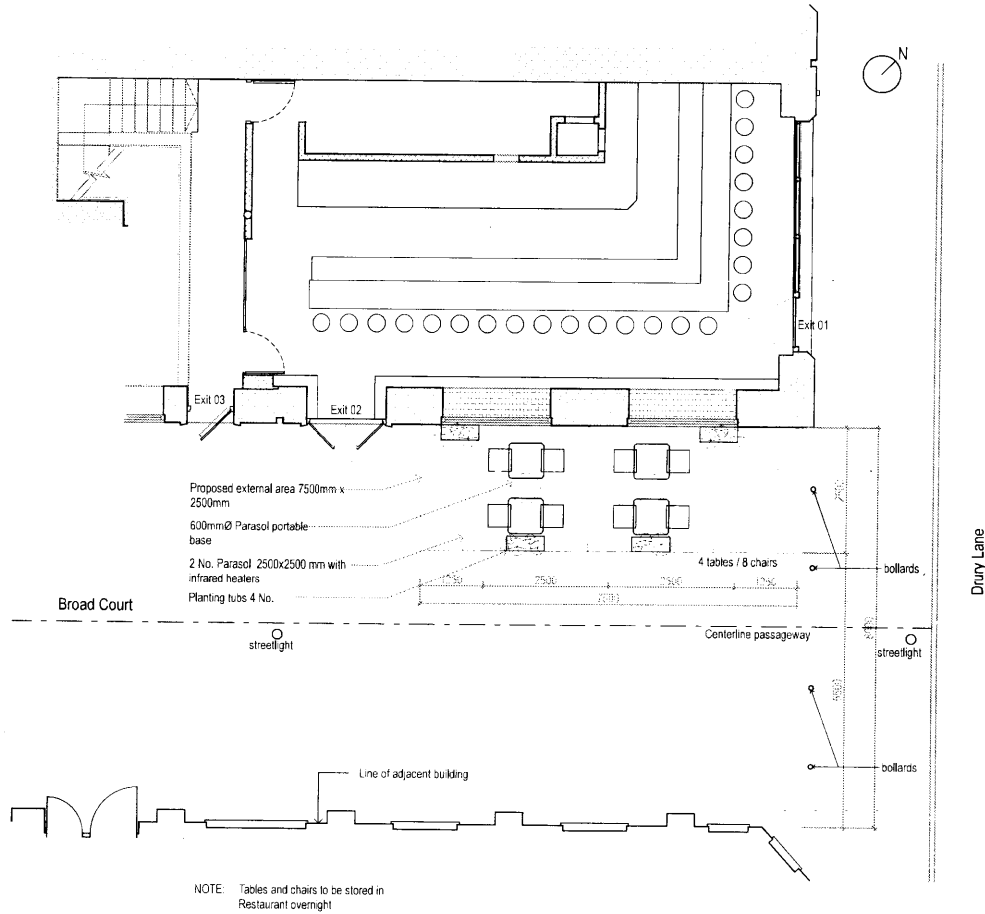
- 6 You can only put out on the pavement the tables, chairs and other furniture/equipment shown on drawing BF.D157 P B; BF.D 158 P C and photomontage.

**Reason:**

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: 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 cannot put tables and chairs in the area unless you have a street trading licence.
- If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.
- Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 You are reminded that the planters and umbrellas must be removed each night along with the table and chairs.
- 5 For the avoidance of doubt this permission only relates to the proposals set out in the description of development and does not allow for alterations to the shopfront.



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 info@andymartinstudio.com

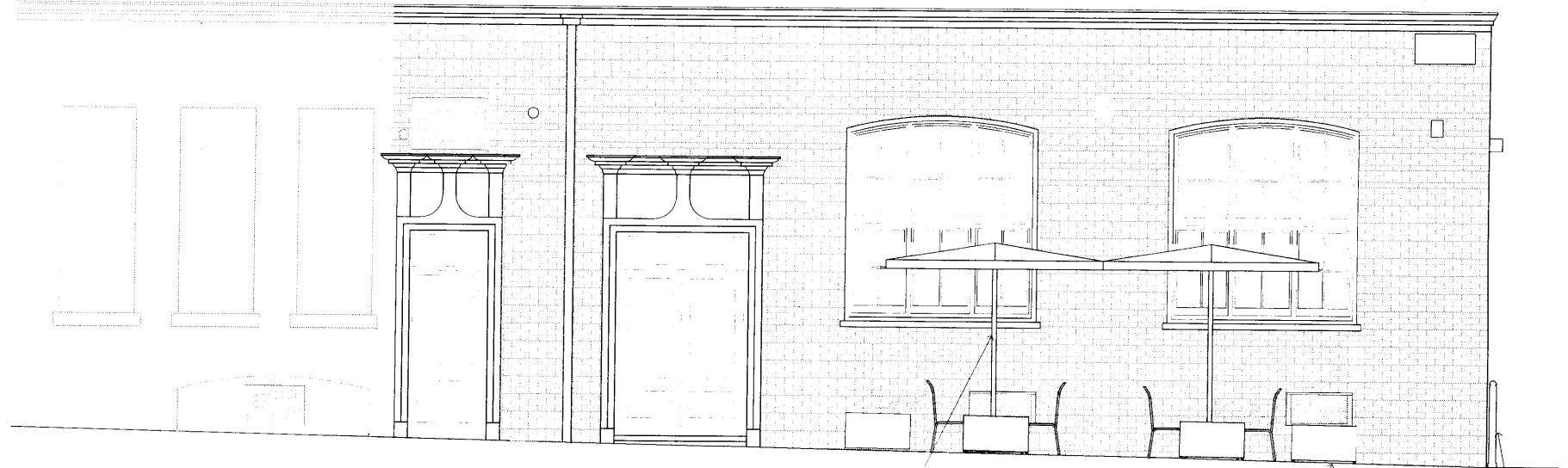
Rev	Date	Notes	Rev	Date	Notes
A	23/04/2015	Planning Application			
B	22/07/2015	Planning Application - Revised table and chair numbers			

51 Calthorpe Street  
 London WC1X 0HH

Project  
**Barrafina Drury Lane**  
 43 Drury Lane, London

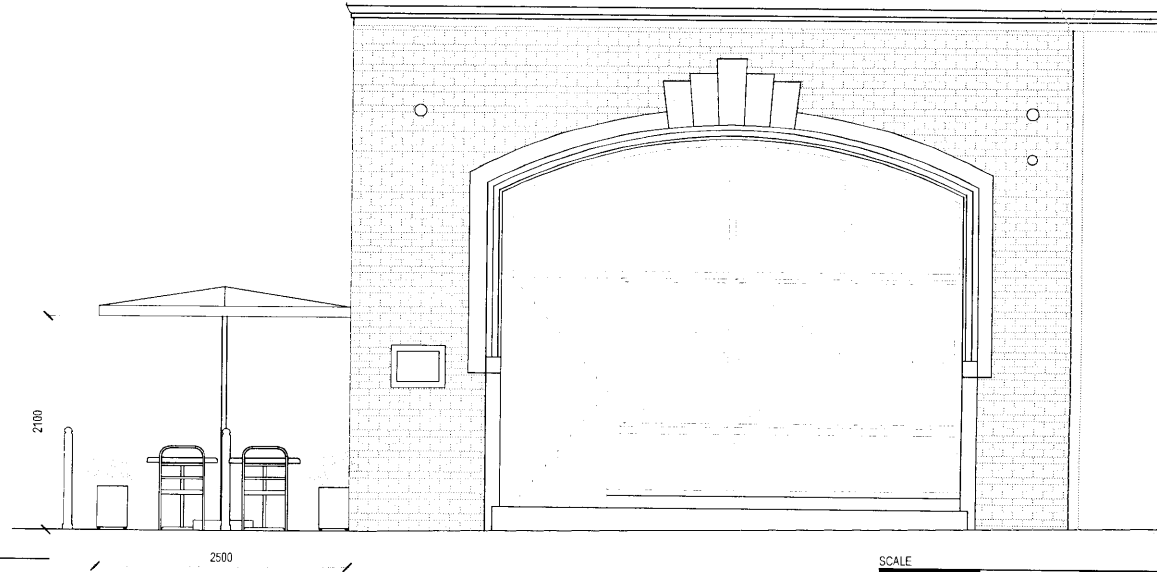
Scale	Date	Drawing number	Revision
1:100@A3	July 2015	B.F.D 157 P	B
Drawing name Proposed External Seating Area Plan			





1 Proposed Broad Court Elevation  
1:50

2 No. Parasol 2500x2500mm with infrared heaters  
7500  
Proposed external area 2500mm x 7500mm  
Planting tubs 4 No.  
Bollard



2 Proposed Drury Lane Elevation  
1:50

SCALE  
0 1 2 5  
Meters

**ama**  
51 Calverley Street  
London WC1X 0HH

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Rev	Date	Notes	Rev	Date	Notes
A	24/04/2015	Planning Application Issue			
B	14/05/2015	Planning Application Issue			
C	22/07/2015	Planning Application Issue - Revised table and chair numbers			

Project  
**Barrafina Drury Lane**  
43 Drury Lane, London

Scale	Date	Drawing number	Revision
1:50 @ A3	July 2015	BF.D 158 P	C
Drawing name			
Proposed External Seating Area Elevations			

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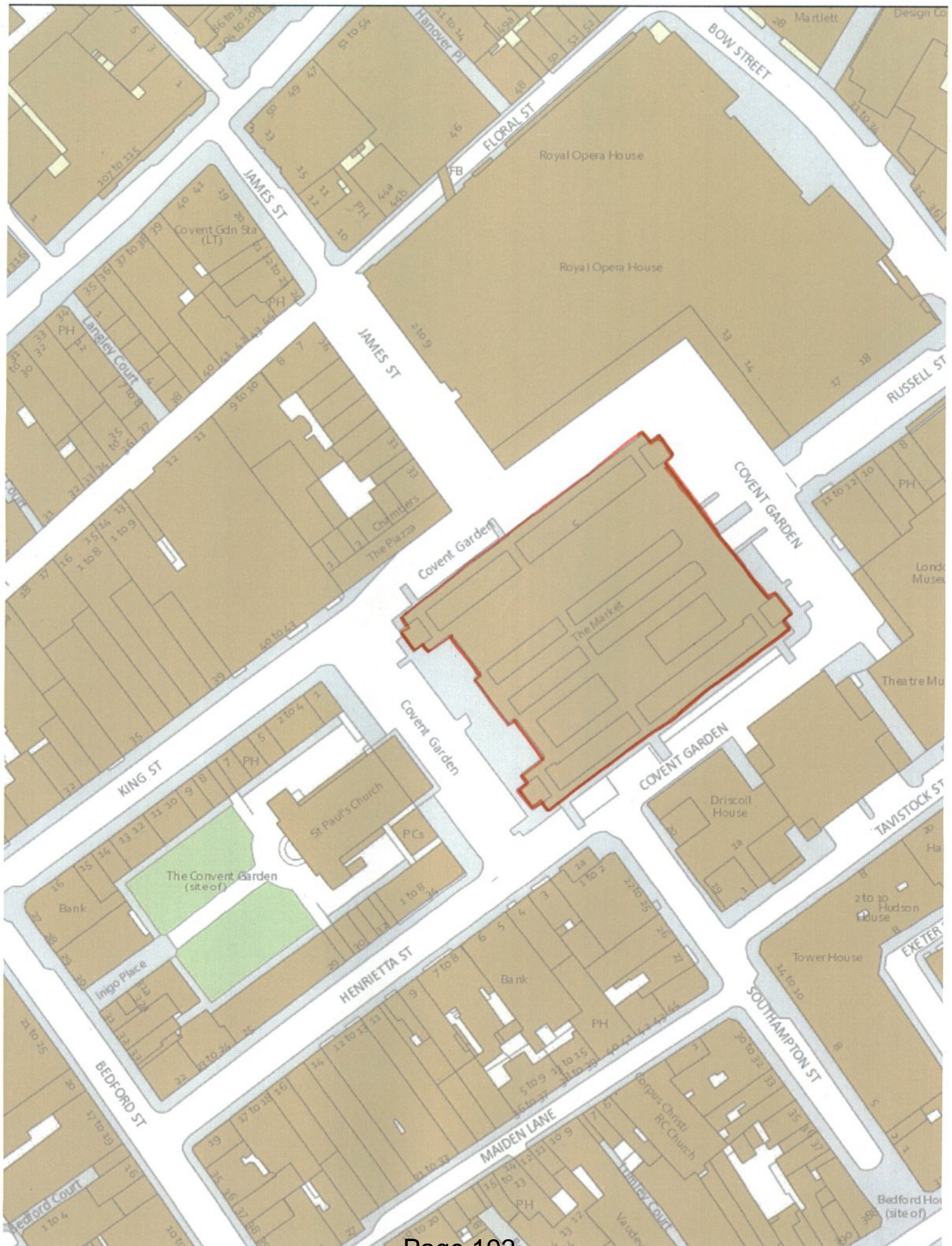
# Agenda Item 9

Item No.
9

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 August 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> St James's	
<b>Subject of Report</b>	<b>The Market, Covent Garden, London, WC2</b>		
<b>Proposal</b>	Installation of 32 planters to the ground floor railings surrounding the South Wells for a temporary period between 1 June 2015 and 30 September 2015		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Capital and Counties CG Ltd		
<b>Registered Number</b>	15/04885/LBC	<b>TP / PP No</b>	TP/12017
<b>Date of Application</b>	02.06.2015	<b>Date amended/ completed</b>	02.06.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Grade II* Listed Building		
<b>Conservation Area</b>	Covent Garden		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Within Central Activities Zone		
<b>Stress Area</b>	Within Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

1. Grant conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.





THE MARKET, COVENT GARDEN, WC2

Item No.
9

## 2. SUMMARY

The application site comprises the main Grade II\* listed Covent Garden Market building. The application seeks listed building consent for a total of 32 planters fixed to the railings surrounding the two galleries in the south market hall. Six of these planters have already been installed and as such the application seeks retrospective consent for those in situ.

Objections have been received from two local amenity groups on the grounds of visual clutter, and inappropriate greening.

The key issue in this case is:

- The impact of the proposed works on the listed building.

The proposal is considered to comply with the Council's policies in relation to design and conservation 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

### HISTORIC ENGLAND

Do not wish to comment. Authorisation to determine received 27 July 2015.

### COVENT GARDEN AREA TRUST

Objection:

- Greening inappropriate to industrial character;
- Visual clutter;
- Could set a precedent for other attachments;
- Planting with artificial hedges;
- Contrary to Trust's Conservation and Management Guide regarding hanging baskets.

### COVENT GARDEN COMMUNITY ASSOCIATION

Objection:

- Greening inappropriate to industrial character;
- Visual clutter;
- Could set a precedent for other attachments;
- Planting with artificial hedges;
- Contrary to Trust's Conservation and Management Guide regarding hanging baskets;
- Application does not refer to proposals being retrospective.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

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

ADVERTISEMENT/SITE NOTICE: Yes.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

The application site comprises the main Grade II\* listed Covent Garden Market building, the focus of the Covent Garden Conservation Area. The building is currently used as a collection of shops and restaurants and is a major tourist attraction for Central London. The Market is the focal point of the Covent Garden Piazza and the wider area.

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#### **4.2 Relevant History**

None relevant to the current proposal.

#### **5. THE PROPOSAL**

The application seeks listed building consent for the installation of 32 planters fixed to the balustrades that mark the edge of the two galleries in the south hall. The planters each measure 1500mm x 150mm x 200mm and would sit on the stone edge of the galleries and fixed to the balustrades by steel eyelet bolts. Six of the planters have already been installed.

#### **6. DETAILED CONSIDERATIONS**

##### **6.1 Land Use**

The proposed development does not raise any land use issues.

##### **6.2 Townscape and Design**

Located centrally in the Piazza within Covent Garden, the Market is an early 19<sup>th</sup> century covered former market hall. It is formed of three brick and stone built ranges of buildings linked by two large glazed canopies (added 1874-5 and 1888-9) covering the covered market hall areas, north and south. It is a Grade II\* listed building.

In the southern hall the original market undercrofts have been opened to form a sunken shopping/café area surrounded by the ground floor gallery balustrades. Between the balustrades and the edge of the gallery is a narrow ledge onto which the planters have been/would be installed, one positioned centrally over each of the undercroft arches below.

Objections have been received from the Covent Garden Area Trust and the Covent Garden Community Association, raising concerns about visual clutter, that the planters are inconsistent with the industrial character of the market hall, and that the false planting within them is of insufficient quality. They also flag that some of the planters have been installed already and that the Trust's own Conservation and Management Plan (2007) guidance document advises against similar green items such as hanging baskets for the Market Hall itself.

The robust character of the market hall is vital to its special architectural and historic significance and modern decorative paraphernalia such as planters and hanging baskets should be carefully controlled, where permission is required, as advised by the Trust's Conservation and Management Plan. However, some discrete decorative elements in carefully selected positions, to relate the site to its modern use as a shopping, eating and entertainment space, can be tolerated in some circumstances as an inevitable part of the building's modern use.

The proposed/installed planters are, whilst numerous, small and unobtrusive in comparison to the large scale and visually dominant architecture of the building. They are mounted on what is a modern feature (the gallery copings/balustrades). The planters would not therefore obscure any features of primary or even secondary architectural significance, and would not detract from such features elsewhere. They are temporary (until the end of September 2015) which reduces any minor contrast with the character of the site to a very short period of time.

Whilst natural planting would undoubtedly be preferred, this is outside the scope of planning control. The artificial planting is of a high quality and is only apparent as being artificial upon closer inspection.

The temporary period proposed, between 1 June 2015 and 30 September 2015, is considered to be appropriately restrained.

For these reasons the proposed retention of the planters do not harm the special architectural or historic significance of the listed building, and would comply with Policies DES1, DES5 and DES10 in the UDP and Policies S25 and S28 in the City Plan. Listed building consent should therefore be granted.

### **6.3 Amenity**

The proposal raises no amenity issues.

### **6.4 Transportation/Parking**

Not applicable.

### **6.5 Economic Considerations**

Not applicable.

### **6.6 Access**

Not applicable.

### **6.7 Other City Plan/ UDP/ Westminster Policy Considerations**

None relevant.

### **6.8 London Plan**

The proposal does not raise strategic issues.

### **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. 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).



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

#### **6.10 Planning Obligations**

Not applicable.

#### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

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

#### **6.12 Other Issues**

None relevant.

#### **6.13 Conclusion**

The planters are acceptable in design terms for the period proposed, and would cause no harm to the special architectural or historic significance of the listed building or surrounding conservation area. For these reasons the planters accord with the relevant design and amenity policies in the UDP and City Plan and the application is therefore recommended for approval.

### **BACKGROUND PAPERS**

1. Application form.
2. Letters from Historic England dated 30/06/2015.
3. Representation from the Covent Garden Area Trust dated 13/07/2015.
4. Representation from the Covent Garden Community Association dated 09/07/2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT VINCENT NALLY ON 020 7641 5947 OR BY E-MAIL – [vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** The Market, Covent Garden, London, WC2

**Proposal:** Installation of 32 planters to the ground floor railings surrounding the South Wells for a temporary period between 1 June 2015 and 30 September 2015

**Plan Nos:** Site location plan J5720; 001; 002; 003; 004; 005.

**Case Officer:** Andrew Barber

**Direct Tel. No.** 020 7641 7708

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

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

**Reason:**

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

- 2 The planters can remain until 30th September 2015. After that you must remove them and return the land to its previous condition. (C03CA)

**Reason:**

The planters should not remain for a longer period because they are of a temporary quality of insufficient durability for long term installation. (R03BB)

**Informative(s):**

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.2, 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us

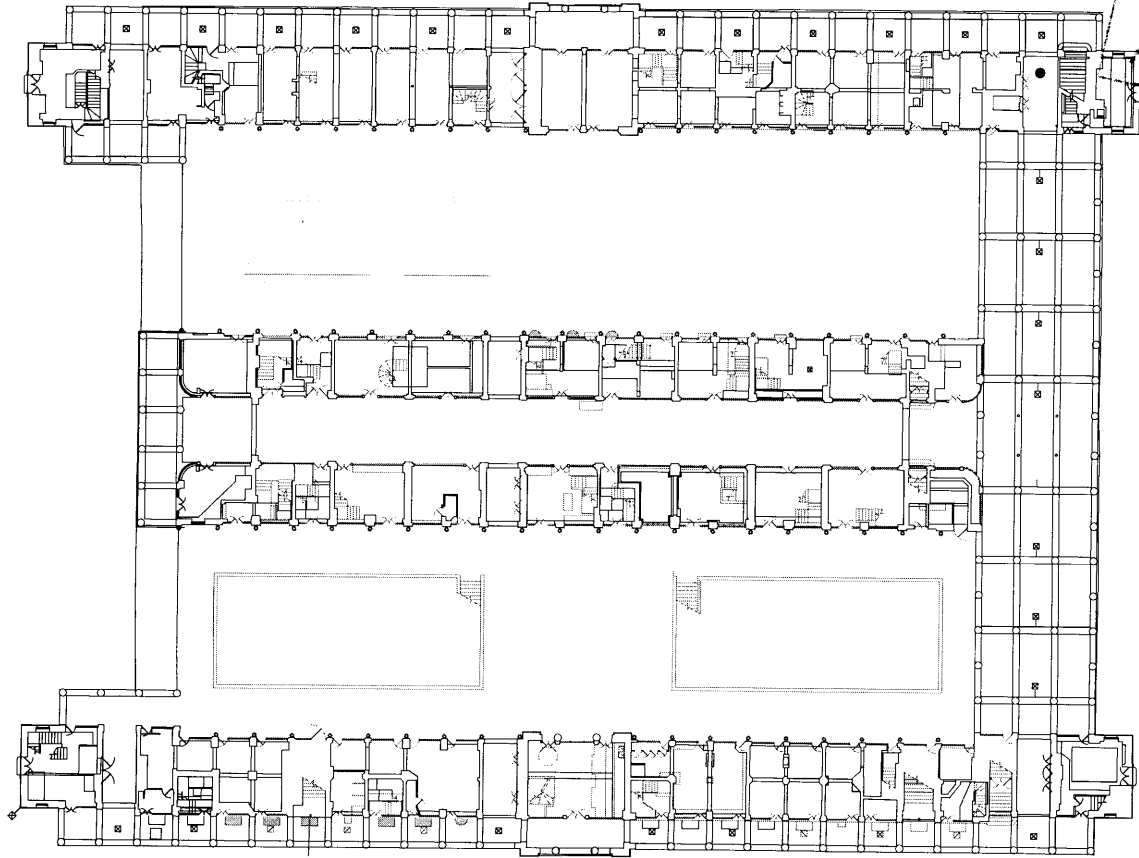
further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

In red line for proposed changes only. Subject to the survey and all necessary  
consents. All drawings to be checked by sign and only discrepancies  
refer or corrections to be reported to the architect before work commences.  
This drawing is to be read in conjunction with all other relevant drawings.

File	Revision	Date	By
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CASE COPY  
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RN: 15/04885  
ADDRESS:



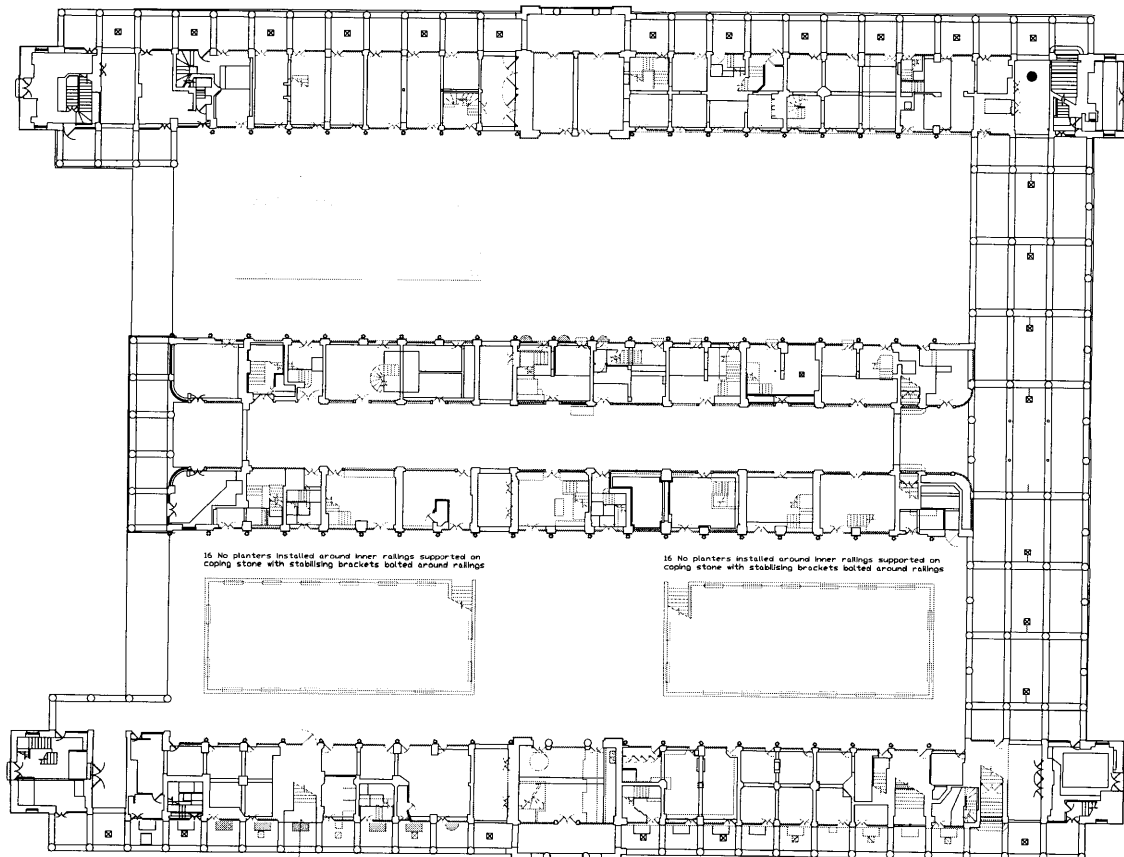
EXISTING LAYOUT

Job			
MARKET BUILDING PLANTER INSTALLATION			
Drawing			
EXISTING LAYOUT			
Scale		Date	
1:2000EA1		23/05/2015	
Job No/Draw	Rev	Checked	
001	-	TP	

In not scale. The figures dimension only subject to the survey and all necessary  
corrections. All dimensions to be checked by site and site dimensions  
before or previous to be reported to the architect. Before work commences  
the drawing is to be read in conjunction with all other relevant requirements.

Author: [ ] Reviewer: [ ] Date: [ ]

**CASE COPY**  
TP: 12017  
RN: 15/04885  
ADDRESS:



PROPOSED LAYOUT

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Job	MARKET BUILDING PLANTER INSTALLATION		
Drawing	PROPOSED LAYOUT		
Scale	Date		
1:2000A1	23/05/2015		
Job No/Range	Rev	Checked	
002	-	TP	

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