



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 10th November, 2015**

Time: **6.30 pm**

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

Members: **Councillors:**
Andrew Smith (Chairman)
Louise Hyams
Robert Rigby
Jason Williams

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Jason Williams has replaced Councillor Barbara Grahame.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. 7 DENNING CLOSE, NW8 | (Pages 3 - 26) |
| 2. OPEN SPACE AT JUNCTION OF FERNHEAD ROAD AND ELGIN AVENUE, W9 | (Pages 27 - 46) |
| 3. 1 ELGIN AVENUE, W9 | (Pages 47 - 62) |
| 4. 36-37 EASTCASTLE STREET, W1 | (Pages 63 - 92) |
| 5. 43 WEYMOUTH MEWS, W1 | (Pages 93 - 122) |
| 6. 20 PEMBRIDGE SQUARE, W2 | (Pages 123 - 140) |
| 7. 18 HOWLEY PLACE, W2 | (Pages 141 - 152) |

Charlie Parker
Chief Executive
2 November 2015

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Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 10 NOVEMBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL
1	15/02696/FULL Regent's Park	7 DENNING CLOSE LONDON NW8 9PJ	Demolition of existing single family dwelling and construction of new single family dwelling with basement and attic conversion.
	Recommendation Grant conditional permission.		
2	15/07349/COFUL Harrow Road	OPEN SPACE AT JUNCTION OF FERNHEAD ROAD AND ELGIN AVENUE LONDON, W9	Continued use of designated public space and public highway for a street market (Monday to Saturday 09.00 to 20.00)
	Recommendation Grant conditional permission.		
3	15/07501/COFUL Harrow Road	1 ELGIN AVENUE LONDON W9 3PR	Continued use of the basement car park for the storage of street market stalls and associated equipment relating to Maida Hill Place street market. (Council's Own Development).
	Recommendation Grant conditional permission.		
4	15/00812/FULL West End	36-37 EASTCASTLE STREET LONDON W1W 8DP	Substantial demolition behind a retained front façade and retained floorplates of Nos. 36-37 Eastcastle Street, reconfiguration of the rear to include erection of rear extensions at first, second, third and fourth floor levels and erection of roof extension to No. 37 Eastcastle Street. Use of extended upper floors as six flats (Class C3) with basement cycle parking and reconfiguration of rear buildings to create a three bedroom mews house (Class C3) over first and (partially new) second floor level with external terraces to the rear. Opening up of front lightwells to both properties and enclose with railings. Proposal includes plant equipment at basement, first, third and fourth floor and at roof level and other associated external alterations.
	Recommendation 1. Grant conditional permission. 2. Authorise the making of a draft Order pursuant to Section 247 of The Town and Country Planning Act (1990) (as amended) for the stopping up of parts of the public highway to enable this development to take place. 3. Authorise the City Transport Advisor to take all necessary procedural steps in conjunction with the making of the Order and to make the Order as proposed if there are no unresolved objections to the draft order.		

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 10 NOVEMBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
5	15/02936/FULL 15/02937/LBC Marylebone High Street	43 WEYMOUTH MEWS LONDON W1G 7EH	Excavation to lower existing basement floor level, alterations within the rear lightwell to provide a new access stair and full height service riser, use of the first and second floors as two residential units (Class C3), insertion of three rooflights in the existing roof, and associated internal and external alterations.	
	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.			
6	15/06265/FULL 15/06266/LBC Lancaster Gate	20 PEMBRIDGE SQUARE LONDON W2 4DP	Single storey rear extension to lower ground floor and associated landscape/external works to rear garden, new window to flank elevation and internal alterations (lower ground floor flat).	
	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.			
7	15/06523/FULL 15/06524/LBC Little Venice	18 HOWLEY PLACE LONDON W2 1XA	Erection of outbuilding in the rear garden.	
	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.			

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 November 2015	Classification For General Release	
Report of Director of Planning	Wards involved Regent's Park		
Subject of Report	7 Denning Close, London, NW8 9PJ		
Proposal	Demolition of existing single family dwelling and construction of new single family dwelling with basement and attic conversion.		
Agent	Mr Guy Stansfeld		
On behalf of	Mr & Mrs Imran Moola		
Registered Number	15/02696/FULL	TP / PP No	TP/10352
Date of Application	04.03.2015	Date amended/ completed	08.04.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





7 DENNING CLOSE, NW8
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2. SUMMARY

Planning permission is sought for the demolition of the existing two storey dwellinghouse and the construction of a new single dwellinghouse with two storeys plus a basement and an attic conversion. The proposal has attracted a number of objections from neighbouring residents on the grounds of the impact of construction works on their amenities, especially regarding the potential access issues generated by construction vehicles attending the site.

The key issues are:

- The impact of the new building upon the character and appearance of this part of the St John's Wood Conservation Area.
- The impact on the amenities of neighbours.

The proposal once built would preserve the character and appearance of this part of the St John's Wood Conservation Area. Conditions are recommended to secure an updated Construction Management Plan and limit the hours of building work to seek to address neighbours concerns as far as practicable. Subject to these conditions, the proposal would accord with the UDP and City Plan policies and therefore approval is recommended.

3. CONSULTATIONS

ST JOHN'S WOOD SOCIETY

No objection subject to comments of neighbours. Please refer to Arboricultural Manager. We are pleased to see CSH level 5 is proposed. Is there light pollution for neighbours from ornamental lighting?

BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, 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 RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ARBORICULTURAL MANAGER

No objection to the proposal but suggests that further details of tree protection and management are provided under condition. With specific reference to T13, these should include details of more robust tree protection, soil amelioration to mitigate compaction and root loss, a flexible bracing system and an amended pruning specification.

HIGHWAYS PLANNING MANAGER

Acceptable on transportation grounds. Car parking is retained and cycle parking and waste storage provision is shown. No objection to the Construction Management Plan.

ENVIRONMENTAL HEALTH

Objection to the bedroom in basement labelled "Staff Bedroom" not receiving sufficient natural light as required by the Housing Act. Concern this will be the main living accommodation for staff which would be unacceptable. Also concerns about means of escape because occupiers of bedrooms would have to pass through the highest risk area i.e. the kitchen in order to escape. Plant acceptable subject to standard noise conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 18; Total No. of Replies: 5.

Objections from four neighbours, and a representative of a further neighbour making representations on behalf of one of those neighbours and the Directors of the Management Company for Denning Close on one or all of the following grounds.

Townscape/Design

- Roof line too high when compared with existing property and neighbouring properties.
- Out of keeping with neighbouring properties in appearance and size.
- Overdevelopment of site. Larger than others in Denning Close and much greater than existing building.
- Bulk incompatible with surrounding buildings.

Amenity

- Noise levels from plant. Acoustic report does not consider impact on No.6.
- Proposal uncomfortably close to 7 Melina Place.

Other Matters

- Adverse impact on structural stability and drainage.
- Concern at removal of wall between No. 6 and No.7 for piling work.
- Concern about CMP arrangements for deliveries, loading and unloading.
- Lack of information in CMP about number of vehicle movements.
- Concerns regarding access to Denning Close during construction especially for emergency vehicles.
- Would block access to No.6 when deliveries take place.
- Concern for safety of pedestrians and children during the works.
- A parking audit of Denning Close has been submitted by resident in support of their objections. They cite this as demonstrating the access problems which would be encountered by construction vehicles and the access and safety issues this would result for pedestrians and cyclists. Concerns are also raised that the applicant's Construction Management Plan does not adequately address these issues.
- Congestion on Hall Road which will be caused during construction adding to current problem.
- CMP unrealistic.
- No consultation by developer with neighbours.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

No. 7 Denning Close is a two storey unlisted building located within a private close within the St John's Wood Conservation Area.

4.2 Planning History

Permission was granted on 07.05.2013 for the erection of a single storey side extension and the excavation of the garden to house a swimming pool, conservatory extension to rear, first floor rear extensions, and associated external alterations including vents in connection with pool plant (Ref 12/08073/FULL). This has not been implemented.

5. THE PROPOSAL

Planning permission is sought for the demolition of the existing two storey single family dwelling and the construction of new single family dwelling with two storeys plus a basement and an attic conversion.

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 buildings within Denning Close are later 20th century buildings of relatively limited architectural quality. There is a unified terrace of properties to the west side of the street, and more irregularly sited properties elsewhere, though they have a certain unity of appearance based on consistent use of a limited range of materials, principally red brick and tiling to roofs. The application property is a fully detached property. Given the set back from Hall Road, the relatively heavy tree cover in the area, and the relative low height of the buildings, the properties on Denning Close do not have a significant townscape impact except from views within the street in Denning Close itself. In these circumstances, and particularly given that the building is a freestanding structure and not part of the unified terrace within Denning Close, its demolition and rebuilding is considered acceptable in principle, subject to a suitable replacement building.

Aside from the enlarged roof structure proposed to the new building, the new development otherwise largely follows the general form, materials and detailing of the existing building on site. Though a large new extension is proposed to ground floor level on the south side of the building, this largely reflects an earlier approval of an extension to this location and as such, and as it is particularly discreetly sited, this enlargement of the footprint is uncontentious. This will ensure that the main body of the new building will integrate successfully into the Denning Close townscape. Conditions are attached to ensure the materials are appropriate for this context. The basement will have little impact upon the appearance of the building, with the rooflights set directly behind the building in the heavily planted rear garden area.

With regards to the enlarged roof structure proposed, though this will give the building a greater presence and massing in the street scene of Denning Close, it is not considered unacceptable. The northern-eastern section of the roof level which is the closest to the street within Denning Close will retain a relatively low height roof structure, with the higher element set further back. The overall height will be no larger than that of the run of terraced houses to the immediate north in Denning Close, and though the roof is significantly higher and bulkier than at present, this aspect does not have such an impact upon the character and appearance of the building to warrant a refusal of permission.

Overall, the replacement of the building is considered acceptable, and the new building proposed is considered a suitable replacement for this site. The application is therefore considered acceptable in design and townscape terms.

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

The proposed building largely sits within the same envelope of the existing building above ground level with the exception of the ground floor side extension and the conversion of the attic which results in a more substantial and higher roof form. Because of the detached nature of the property, these additions will not have a significant impact on the amenity of surrounding properties in terms of sense of enclosure and loss of sunlight/daylight.

The proposal does not involve the addition of any windows that would introduce any significant overlooking.

Objections have been received with regard to the noise created by the plant and the fact that the acoustic report did not consider the impact on No. 6. The acoustic report has been assessed and approved by Environmental Health and has measured the impact on the nearest noise sensitive location to the proposed plant as required by the City Council's noise conditions. It is assumed that if the noise impact is acceptable at the nearest noise sensitive window it will be at noise sensitive locations further away.

Accordingly, the proposal would be consistent with Policy ENV13 of the UDP and Policy S29 of the City Plan.

6.4 Transportation/Highways

The off street car parking will be retained as part of the proposal and cycle storage and waste storage is included in the plans. On this basis, the Highways Planning Manager has no objection to the proposal on transportation grounds. A number of objections have been received relating to access and transportation but these relate to temporary issues during the construction of the scheme and are dealt with in Section 6.11 below.

6.5 Equalities and Diversities

No change to access arrangements into this house.

6.6 Economic Considerations

Not relevant in the determination of this householder application.

6.7 London Plan

This proposal raises no strategic issues.

6.8 Central Government Advice

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

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

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

6.9 Planning Obligations

Not relevant in the determination of this householder application.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The City Council's Arboricultural Manager has no objection to the proposal but suggests that further details of tree protection and management are provided. With specific reference to T13, these should include details of more robust tree protection, soil amelioration to mitigate compaction and root loss, a flexible bracing system and an amended pruning specification. These details will be required by conditions attached to any planning approval granted.

6.11 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 properties.

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

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

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

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

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To 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.

An objection has been received from a neighbour concerned about the structural implications of the proposed basement on the foundations of neighbouring buildings and on the potential implications for drainage. Building Control advise that the structural approach for the construction of the proposed basement is acceptable. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible.

We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Construction Management

Objections have been received relating to the submitted Construction Management Plan (CMP). These include concern about the arrangements for deliveries, loading and unloading, lack of information in the plan about the number of vehicle movements, concerns regarding access to Denning Close during construction especially for emergency vehicles and particularly to No.6, concern for safety of pedestrians and children during the works, concern that congestion on Hall Road will be increased and objections to the CMP on the basis it is unrealistic. A parking audit of Denning Close has been submitted by a resident in support of their objections. They cite this as demonstrating the access problems which would be encountered by construction vehicles and the access and safety issues this would result for pedestrians and cyclists. Concerns are also raised that the applicant's CMP does not adequately address these issues.

The submitted CMP does show how the impact of the demolition and construction at the property will be minimised, however, it does not fully cover all of the requirements laid down in the standard CMP condition therefore it is recommended that condition is attached to any permission so that a detailed comprehensive plan is submitted and approved prior to work on site commencing. This should provide further clarification in terms of arrangements for deliveries and a construction programme.

The loading/unloading area for the scheme is located within the boundary of the property so this should mean that any blocking of Page 11

states that banksmen will be in position for all deliveries and that the safe passage of pedestrians and cyclists will be ensured at all times.

The residents' concerns about the impact of the construction works on their amenities are well understood. However, it is considered that the CMP is reasonable and has attempted to mitigate the impact of the works on neighbours. The Highways Planning Manager has assessed the CMP and raises no objections to it. As stated above, the standard condition requiring a detailed CMP is recommended for completeness to ensure all issues are covered.

6.13 Conclusion

It is therefore recommended that conditional permission is granted.

BACKGROUND PAPERS

1. Application form.
2. Email from St John's Wood Society dated 9.04.15
3. Email from Building Control dated 16.04.15.
4. Memorandum from Arboricultural Manager dated 1.06.15
5. Memorandum from Highways Planning Manager dated 14.04.15
6. Email from Environmental Health dated 21.04.15
7. Letter from owner/occupier of 2 Denning Close dated 22.4.2015.
8. Letter from representative of owner of 6 Denning Close dated 20.4.2015
9. Letter from owner/occupier of 9 Denning Close dated 23.4.2015 with attachment
10. Letter from owner/occupier of 10 Denning Close dated 15.4.2015
11. E-mail from owner of 7 Melina Place dated 1.05.2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 7 Denning Close, London, NW8 9PJ
- Proposal:** Demolition of existing single family dwelling and construction of new single family dwelling with basement and attic conversion.
- Plan Nos:** Site Location Plan; GSA915-PL01; GSA915-PL02; GSA915-PL03; GSA915-PL04; GSA915-PL05; GSA915-PL06; GSA915-PL07; GSA915-PL08; GSA915-PL09; GSA915-PL10; GSA915-EX01; GSA915-EX02; GSA915-EX03; GSA915-EX04; Code for Sustainable Homes Preliminary Statement; Planning Statement; Design and Access Statement; Arboricultural Report; Construction Management Plan; Construction Method Statement (for information only) ; Acoustic Report; Photographs.
- Case Officer:** Richard Langston **Direct Tel. No.** 020 7641 7923

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
- Reason:**
For the avoidance of doubt and in the interests of proper planning.
- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.
- You must carry out basement excavation work only:
- * between 08.00 and 18.00 Monday to Friday; and
 - * not at all on Saturdays, Sundays, bank holidays and public holidays.
- Noisy work must not take place outside these hours. (C11BA)
- Reason:**
To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2018 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)
- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)
- Reason:**
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing and including materials for the flue, 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The new windows shall be formed in white painted timber

Reason:

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

- 6 You must apply to us for approval of a section drawing showing the projection of the solar pv and solar thermal panels from the roofslope adjacent. 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 this drawing. (C26DB)

Reason:

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

- 7 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

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

- 8 **Pre Commencement Condition.** Notwithstanding your submitted Construction Management Plan, 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.

- 9 **Pre Commencement Condition.** Notwithstanding your submitted Arboricultural Report (Appendix D dated January 2015) 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 220917-P-22 of that Report;. 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.

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)

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the

character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 11 (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.

- 12 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.

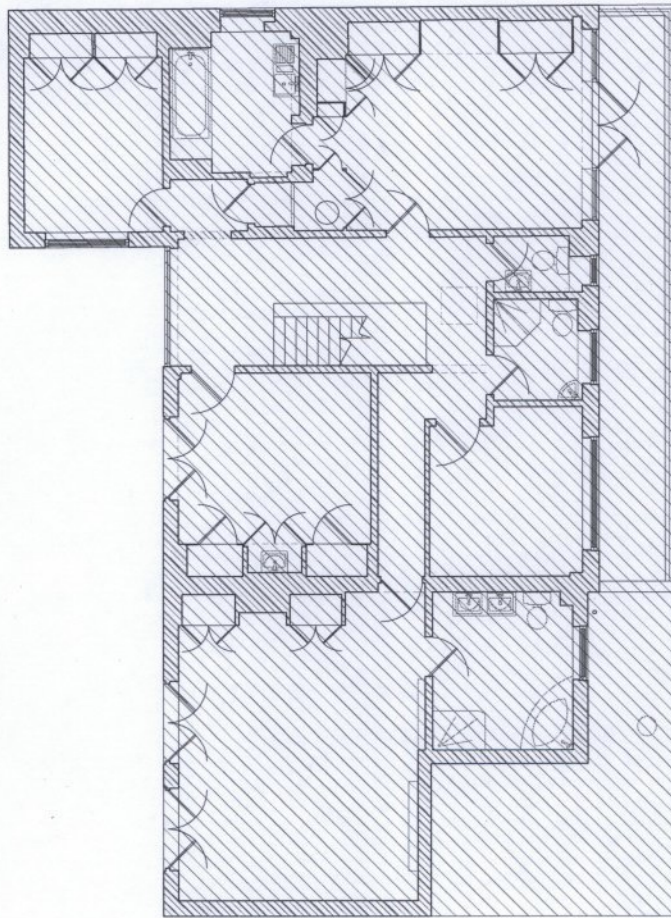
Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 In relation to Condition 9 and with specific reference to T13 (as designated in your Arboricultural Report dated January 2015) the details should include a more robust tree protection, soil amelioration to mitigate compaction and root loss, a flexible bracing system and an amended pruning specification.
- 3 As part of Condition 10 you should include planting to mitigate the loss of the two small trees and several significant shrubs on site.



GUY STANFELD ARCHITECTS LIMITED Drawing No: 7 DENNING CLOSE, NW8 Drawing Title: EXISTING GROUND FLOOR PLAN		Client: GS Date: 24 FEB 2015 Drawing No: GSA915-EX01
Project No: 7 DENNING CLOSE, NW8 Drawing Title: EXISTING GROUND FLOOR PLAN		Scale: 1:100 @ A3 Drawing No: GSA915-EX01
Project Address: 918 DENNING ROAD LONDON NW8 1BZ Project Contact: www.stanfild.com Project Phone: T: +44 20 8662 8606 F: +44 20 8662 8777 Project Email: guy@stanfild.com		

PLEASE NOTE: Do not scale, use figures, dimensions only. All dimensions to be verified on site prior to the commencement of any work or the production of any other relevant information. This drawing to be read in conjunction with all related Architect and Engineer's drawings and any other relevant information. Any other relevant information.

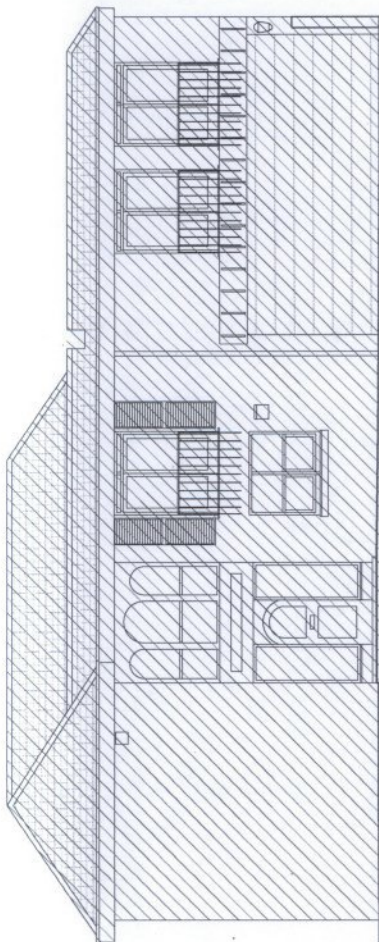


DEMOLITION

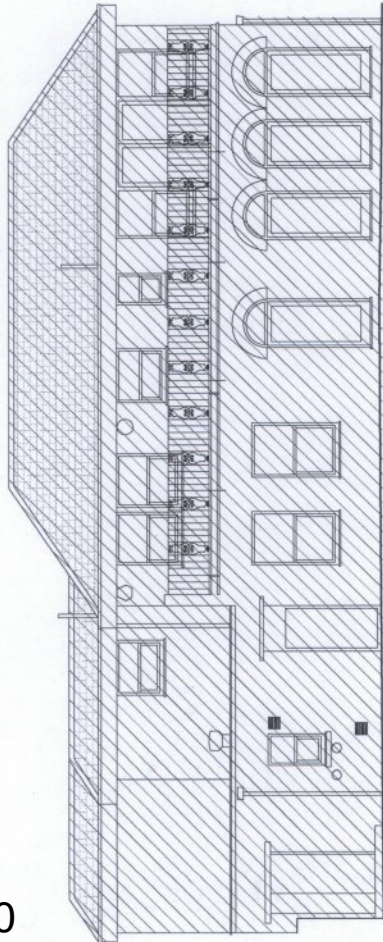


10 meters

GUY STANSFELD ARCHITECTS LIMITED	
Project No: 7 DENNING CLOSE, NW8	Date: 24 FEB 2015
Drawing No: EXISTING FIRST FLOOR PLAN	Scale: 1:100 @ A3
Do not scale, use figure dimensions only. All dimensions to be verified on site prior to the commencement of any work on this project. If any discrepancy is noted, the drawing to be used in conjunction with all related Architects and Engineers drawings and any other relevant information. NOTE - This drawing to be used in conjunction with all related Architects and Engineers drawings and any other relevant information.	
Project Name: GSA915-EX02	
911 GUY STANSFELD ARCHITECTS LIMITED, 100 GUY STANSFELD ROAD, GUY STANSFELD, LONDON, E16 6AA. T: +44 (0) 20 8962 6696 F: +44 (0) 20 8962 6772 www.guystansfeld.com	



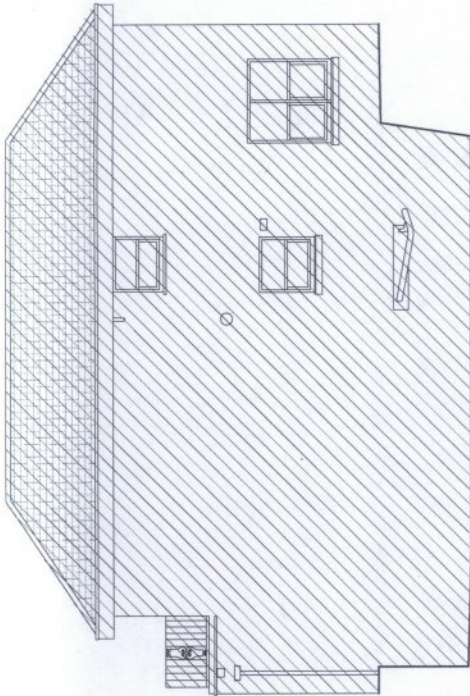
Datum: 37.00m.
Elevation 1.



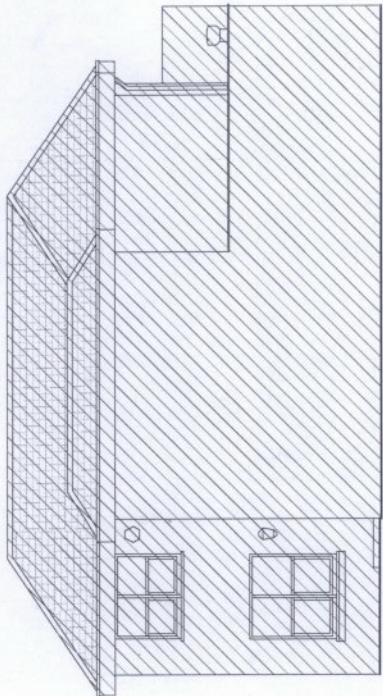
Datum: 37.00m.
Elevation 3.



DEMOLITION

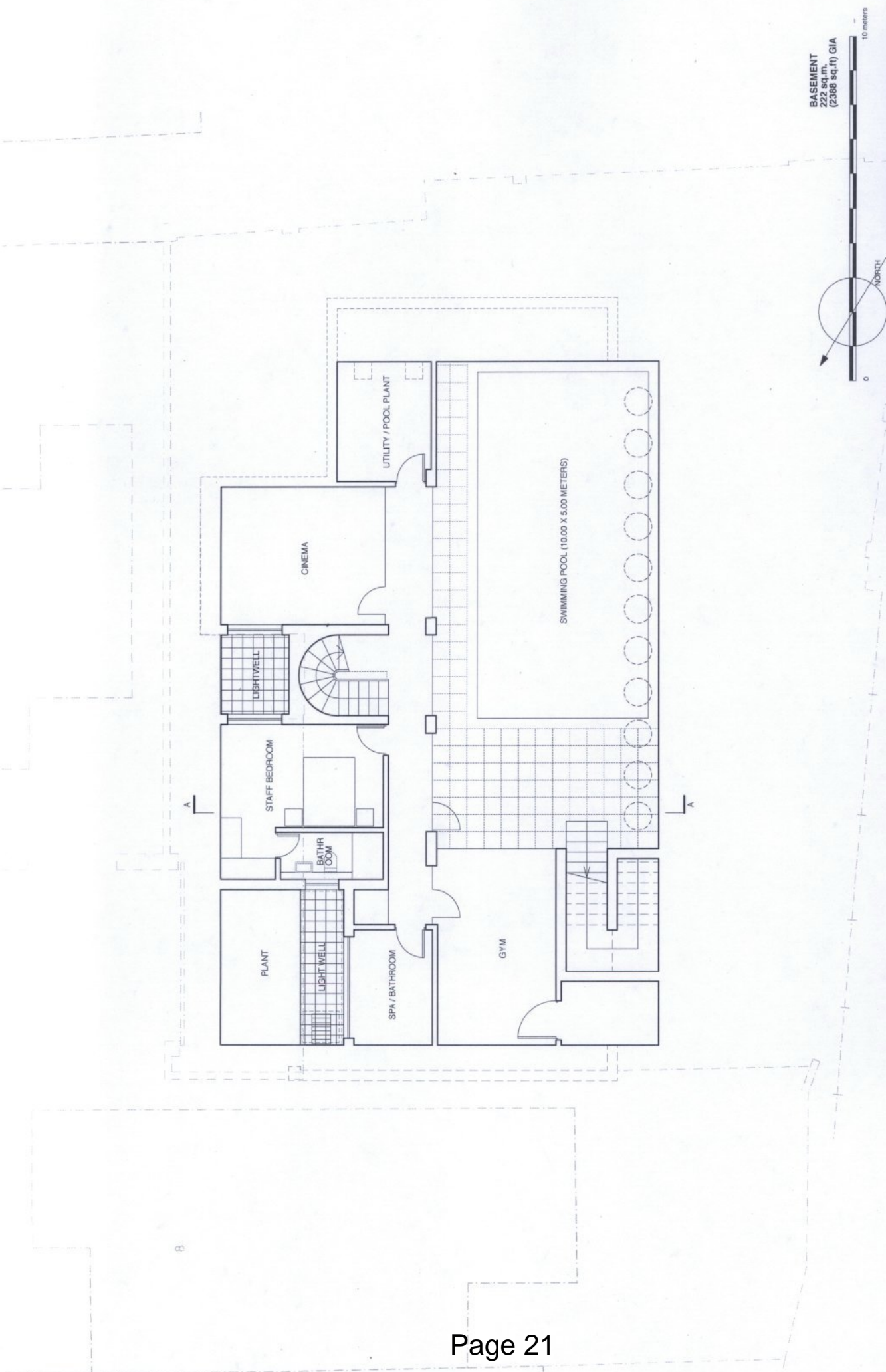


Datum: 37.00m.
Elevation 2.



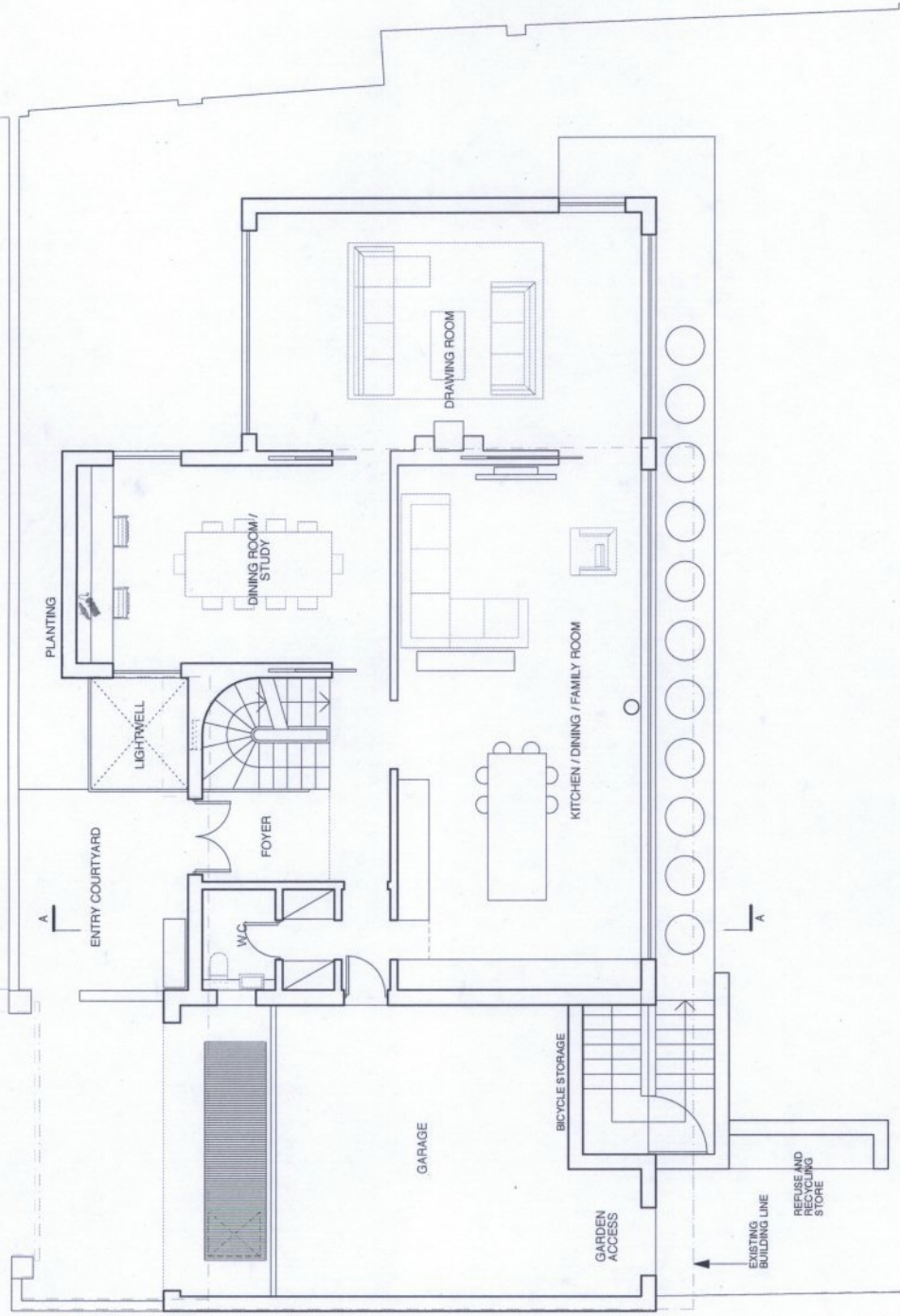
Datum: 37.00m.
Elevation 4.

<p>Project No: 7 DENNING CLOSE, NW8</p> <p>Project Site: EXISTING ELEVATIONS</p>		<p>Client: GS</p> <p>Contract No: GS915-EX04</p>	
<p>Date: 24 FEB 2015</p>		<p>Scale: 1:100 @ A3</p>	
<p>PLEASE NOTE: — Do not scale, use figured dimensions only. — All dimensions to be verified on site prior to the commencement of any work or the production of any shop drawing. — This drawing to be read in conjunction with all related Architect and Engineer's drawings and any other relevant information.</p>			
<p>318 KENSAL ROAD LONDON, W10 6EZ www.stansfeld.com T. +44 20 8962 8868 F. +44 20 8962 8177 guy@stansfeld.com</p>			



BASEMENT
 222 sq.m.
 (2388 sq.ft) GIA

GUY STANFELD ARCHITECTS LIMITED	
Project No.	7 DENNING CLOSE, NW8
Client	GS
Date	24 FEB 2015
Drawing No.	PROPOSED BASEMENT FLOOR PLAN
Scale	1:100 @ A3
<small>PLEASE NOTE: This plan shall only be used in conjunction with all relevant Architect's and Engineer's drawings and any other relevant information. The drawing to be read in conjunction with all relevant Architect's and Engineer's drawings and any other relevant information.</small>	
<small>918 KENSAL ROAD, LONDON W10 0ST www.guyandstanfeld.com T: +44 20 8962 8960 F: +44 20 8962 8777 guy@stanfeld.com</small>	

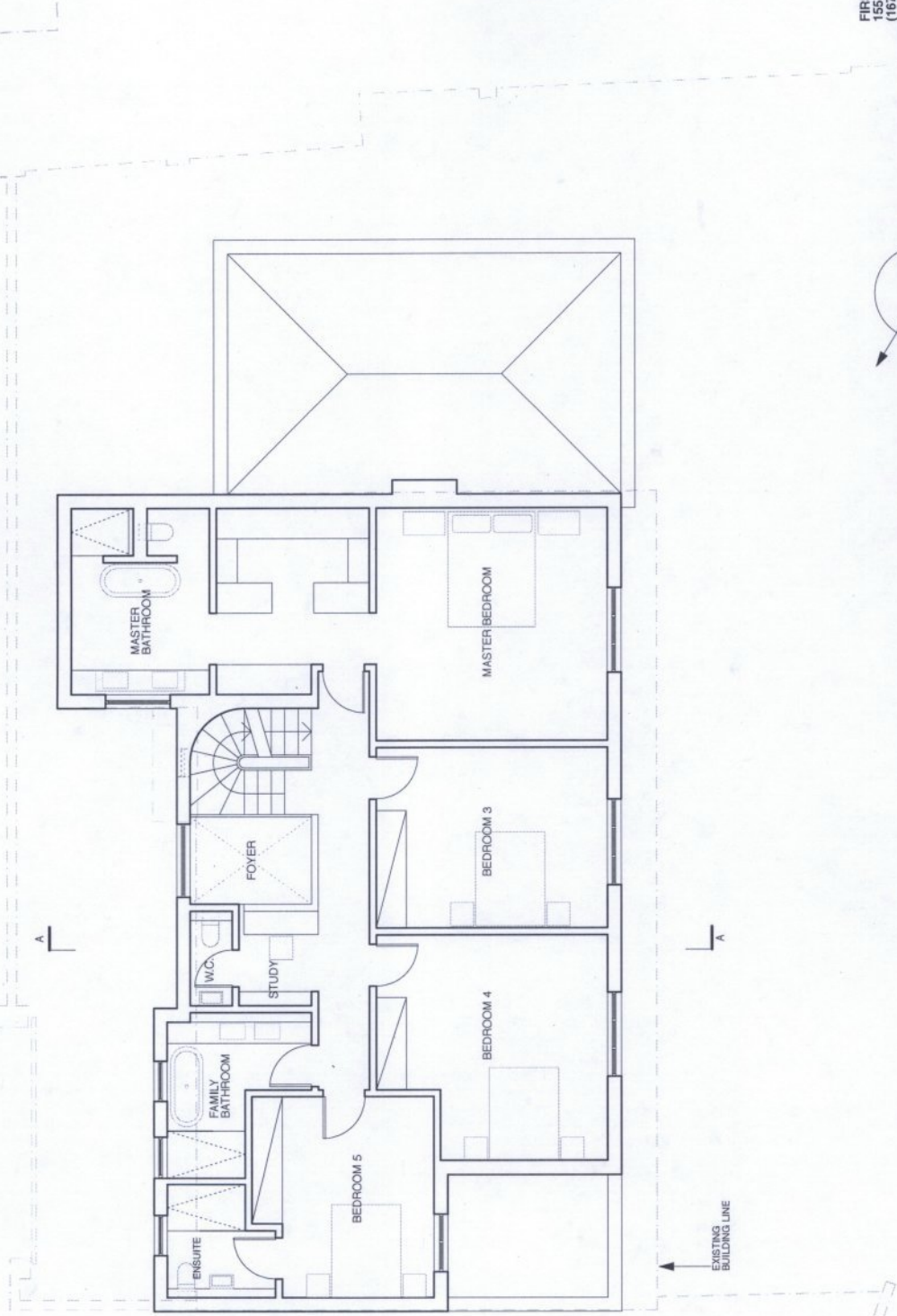


GROUND FLOOR
195 sq.m.
(2100 sq.ft.) GIA



GUY STANSFELD ARCHITECTS LIMITED	
Project No.	GS-24 FEB 2015
Client	7 DENNING CLOSE, NW8
Drawn by	PROPOSED GROUND FLOOR PLAN
Scale	1:100 @ A3
Date	24 FEB 2015
Project Name	GSA915-PL02
<small>PLEASE NOTE: Do not scale, use figured dimensions only. All dimensions to be verified on site prior to the commencement of any work or the production of any other relevant information. This drawing to be read in conjunction with all relevant Architects and Engineers drawings and any other relevant information.</small>	
<small>318 KENSAL ROAD, LONDON, W10 8BZ www.stansfeld.com T: +44 20 8852 8866 F: +44 20 8852 8777 guy@stansfeld.com</small>	

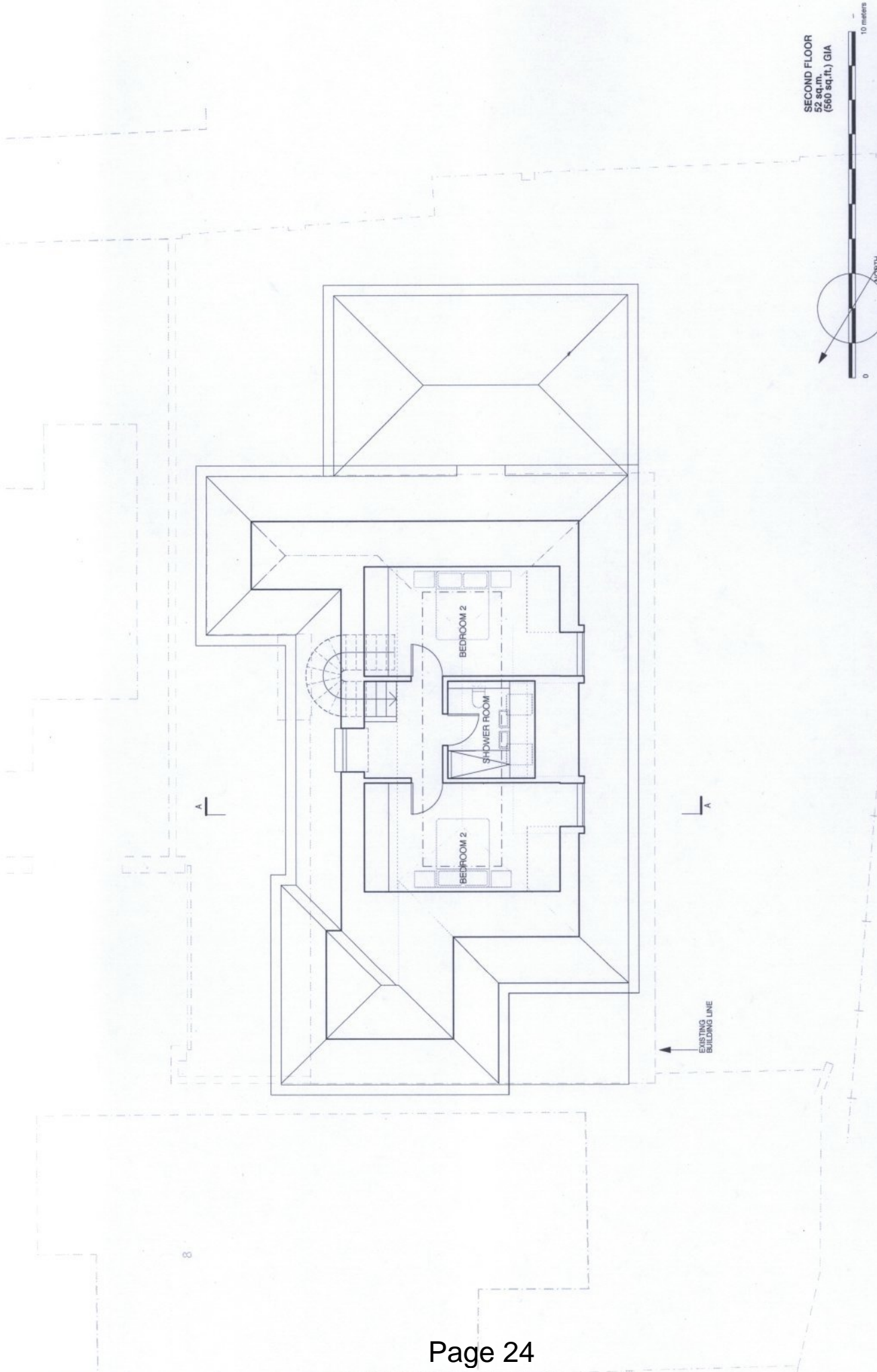
8



FIRST FLOOR
 155 sq.m
 (1670 sq.ft.) GIA



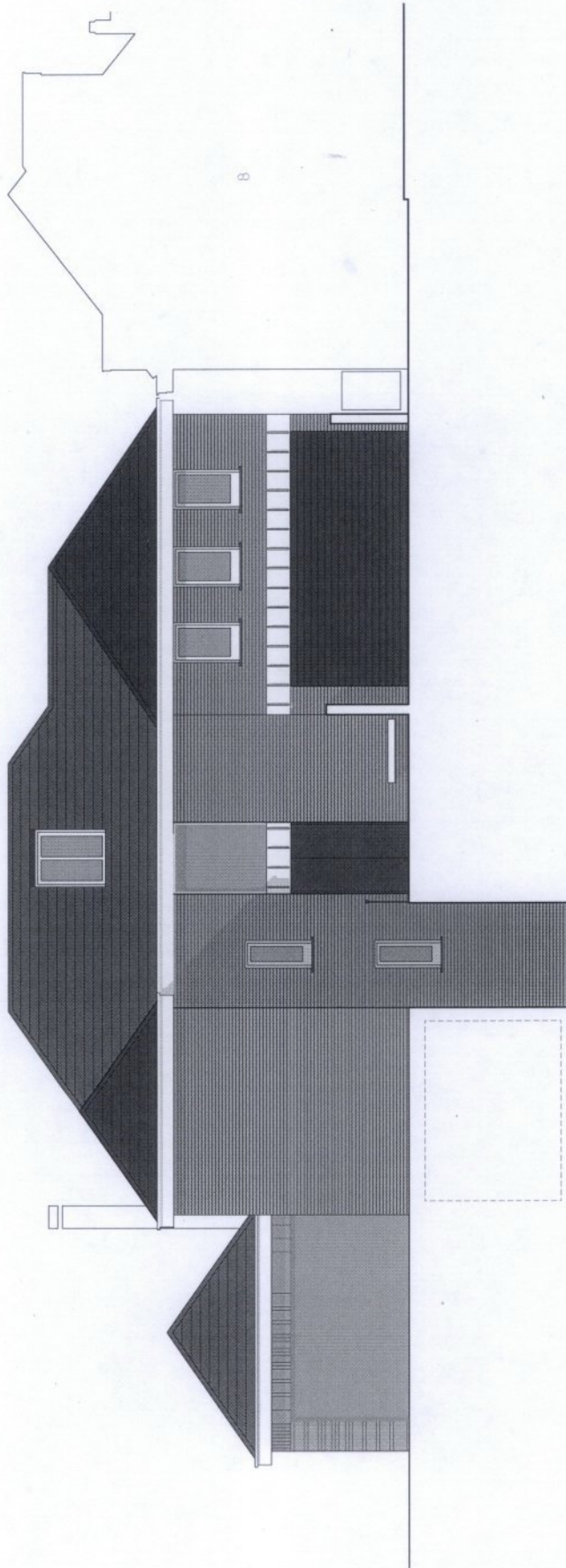
GUY STANSFELD ARCHITECTS LIMITED	
Project No	7 DENNING CLOSE, NW8
Client	GS
Date	24 FEB 2015
Scale	1:100 @ A3
Project Name	PROPOSED FIRST FLOOR PLAN
<small>PLEASE NOTE: --- Do not scale, use figured dimensions only. --- All dimensions to be verified on site prior to the commencement of any work or the production of any shop drawing. --- This drawing to be read in conjunction with all related Architects and Engineer's drawings and any other relevant information.</small>	
Architect	318 KENSAL ROAD LONDON W10 5EZ www.stansfeld.com
Telephone	T. +44 20 8952 9698 F. +44 20 8952 8777
Project Name	GSA915-PL03



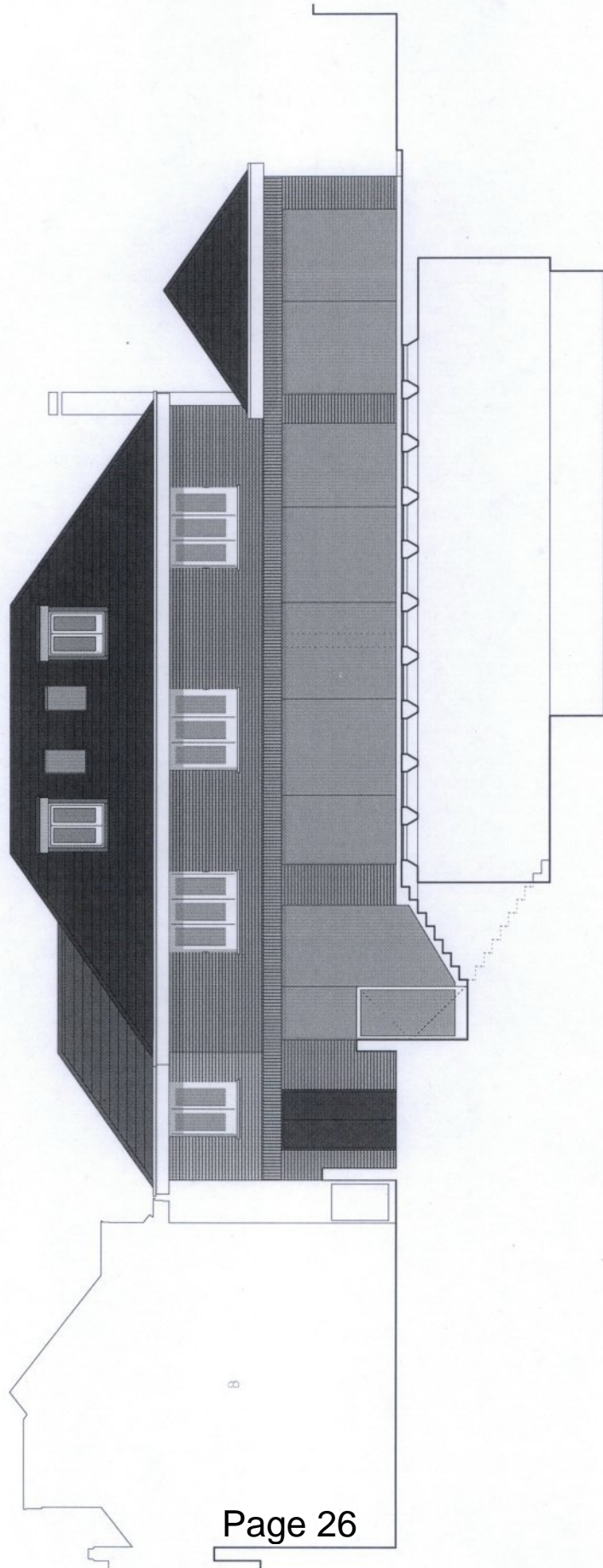
SECOND FLOOR
52 sq.m
(560 sq.ft.) GIA



GUY STAMSFELD ARCHITECTS LIMITED <small>Company Number</small>	
<small>Project No.</small> 7 DENNING CLOSE, NW8	<small>Date</small> 24 FEB 2015
<small>Client</small> GS	<small>Scale</small> 1:100 @ A3
<small>Project Name</small> PROPOSED ATTIC FLOOR PLAN	
<small>Reference</small> GSA915-PL04	
<small>Address</small> 318 KENSAL ROAD LONDON W10 5BZ <small>www.stamsfeld.com</small> <small>T: +44 20 8562 8858 F: +44 20 8562 8777 gpa@stamsfeld.com</small>	
<small>PLEASE NOTE</small> <small>— Do not scale. Use figured dimensions only. — All dimensions to be verified on site prior to the commencement of any work or the production of any construction documents.</small> <small>— This drawing is to be used in conjunction with all related documents and the Engineer's drawings or any other relevant information.</small>	



GUY STANSFELD ARCHITECTS LIMITED	
Project No.	24 FEB 2015
Drawing No.	GS
Drawing Title	7 DENNING CLOSE, NW6
Drawing Scale	1:100 @ A3
PROPOSED FRONT ELEVATION	
<small>PLEASE NOTE — Do not scale, use listed dimensions only. — All dimensions to be verified on site prior to the commencement of any work or the production of any shop drawings. — This drawing to be read in conjunction with all related Architect's and Engineer's drawings and any other relevant information.</small>	
<small>318 KENSAL ROAD LONDON, W10 8BZ www.stansfeld.com T. +44 20 8962 8686 F. +44 20 8962 8777 guy@stansfeld.com</small>	



0 10 meters

Project No.		7 DENNING CLOSE, NW8	
Client Name		GUY STANSFELD ARCHITECTS LIMITED	
Drawn By	Date	Checked By	Scale
GS	24 FEB 2015		1:100 @ A3
Drawing Title		PROPOSED REAR ELEVATION	
<small>PLEASE NOTE</small> — Do not scale, use figured dimensions only. — All dimensions to be verified on site prior to the commencement of any work or the production of any other relevant information. — The drawing to be read in conjunction with all related documents and Engineers drawings and any other relevant information.			
Project Address		318 KENSAL ROAD LONDON W10 9JZ www.stansfeld.com	
Project Ref		GSA915-PL06	
Project Phone		T. +44 20 8952 8668 F. +44 20 8952 8777	

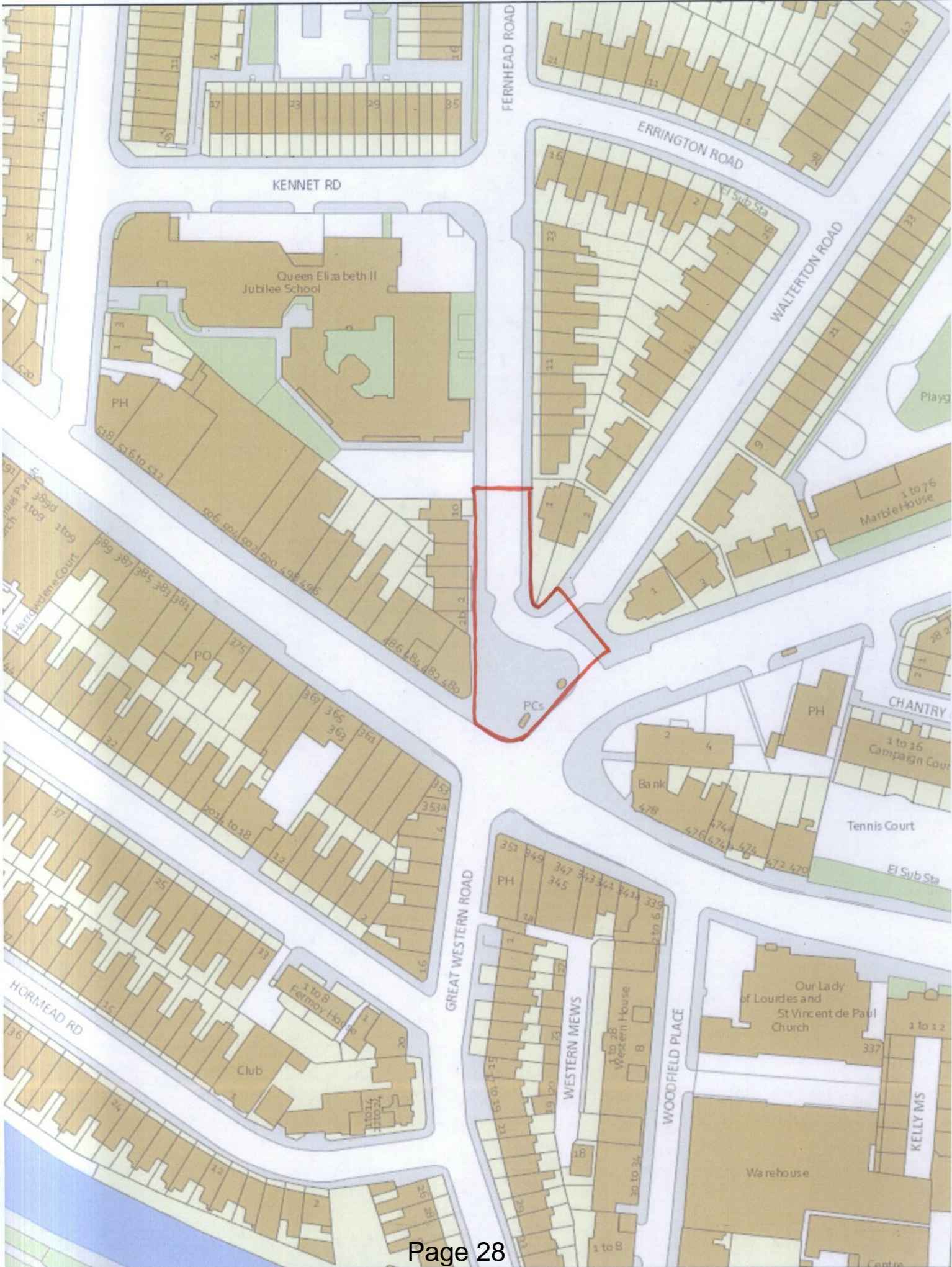
Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Harrow Road	
Subject of Report	Open Space At Junction Of Fernhead Road And Elgin Avenue, London, W9		
Proposal	Continued use of designated public space and public highway for a street market (Monday to Saturday 09.00 to 20.00)		
Agent	Westminster City Council		
On behalf of	Westminster City Council		
Registered Number	15/07349/COFUL	TP / PP No	TP/25813
Date of Application	10.08.2015	Date amended/ completed	10.08.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.



15 Sep 2015 08:37:44



OPEN SPACE AT JUNCTION OF FERNHEAD ROAD AND ELGIN AVENUE, W9

2. SUMMARY

Planning permission was originally granted in 2008 for the use of Maida Hill junction as a retail street market and to hold community events. This permission has been renewed on a temporary basis with the most recent permission expiring on 30 September 2015.

This most recent permission included an additional area of public highway on the southern ends of Fernhead Road and WALTERTON ROAD for 36 stalls between the hours of 09.00-20.00 (Monday to Saturday), which was initially subject to a temporary three month permission.

The current application therefore seeks to renew permission for the Maida Hill market and the extended area for a further year. The hours of operation are the same as those previously approved, which are Monday-Saturday 09.00-20.00.

Following a request for further details on the proposed events to be held, the applicant confirmed the said events should be omitted from the proposal. The proposal therefore relates solely to the market to be held on six days a week.

The key issues in this case are:

- The impact of the market in land use terms on the retail character and function of the Harrow Road District Shopping Centre.
- The impact on the local highway network, including the availability of on street parking and the acceptability of servicing arrangements.
- The impact on the amenity of neighbouring residents.

The use of the public highway as a temporary street market accords with Policy S12 of Westminster's City Plan, and it is recommended that conditional permission is granted to renew the market for a further temporary period of one year. This further temporary period will allow a future review of the impact of the market on the amenity of neighbours and the area generally.

3. CONSULTATIONS

NORTH PADDINGTON SOCIETY

No comments received to date.

HIGHWAYS PLANNING MANAGER

The permanent loss of residential parking is contrary to Policy TRANS23(A) and it is therefore difficult to support this. A time-limited permission would allow the residential parking use to be retained should there be future demand for it.

TRANSPORT FOR LONDON

No objections.

WARD COUNCILLORS FOR HARROW ROAD AND QUEENS'S PARK

Councillor Barrie Taylor supports the application.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 223; Total No. of Replies: 2.

The following concerns were raised:

- How did 'events' creep into the application? This is a tiny area, surrounded by residential buildings on three sides and not suitable for huge public gatherings nor loud music. The green, less than two minutes down the road is far more suitable.
- What events are they, are you going to allow loud music blasting out all day. Can you guarantee that the emergency services could reach the properties in Fernhead Road. If you had an event with a lot of people, have you considered the Health and Safety aspect. What about my peace and quiet. That will be disrupted as well. Also can you promise the boundary will be kept.
- The market is not really a market. It seems to be functioning as an unlicensed restaurant, where the same crowd sits around tables all day, every day, and not much actual selling seems to happen. It is smelly, dirty and most importantly, contributes to anti-social behaviour.
- This started as 'temporary' for a few hours on three days per week and even though it proved detrimental to the area, kept creeping up to now seven days a week!
- The conditions imposed are not actually enforced.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site relates to an area of open space at Maida Hill Place (formerly known as the Prince of Wales Junction) that is bounded by Harrow Road, Elgin Avenue, Fernhead Road and Walterton Road, and an area of public highway at the lower ends of Fernhead Road and Walterton Road.

The application site forms part of the Harrow Road District Shopping Centre, within the North Westminster Economic Development Area in Westminster's City Plan and North West Westminster Special Policy Area (NWWSPA) in the Unitary Development Plan (UDP). The site is located outside a conservation area.

4.2 Relevant History

7.10.2014 – Planning permission granted in respect of continued use of the public highway as a street market for six days a week from 09.00 to 20.00 (Monday to Saturday). (Council's Own Development). This permission was limited until 30 September 2015. (14/06684/COFUL)

27 May 2014 – Planning permission granted for the use of public highway at the southern ends of Fernhead Road and Walterton Road between 09.00-20.00 (Monday to Saturday) to enlarge the Maida Hill market by provision of up to 36 additional stalls (14/01010/COFUL). This was limited until 30 September 2014.

24 September 2013 – Planning permission granted for use of area of land at junction of Harrow Road, Elgin Avenue, Walterton Road and Fernhead Road as a street market and to hold community events (sui generis use) (13/05069/COFUL). Permission granted for a temporary one year period until 30 September 2014.

16 June 2011 – Planning permission granted for continued use of open space for market and events purposes (11/00274/COFUL). This was until 31 December 2012.

9 July 2009 – Planning permission granted for variation of Condition 2 of planning permission dated 9 October 2008 (RN: 08/06957) to extend the operating hours of the market, namely from 10.00 to 20.00 hours on Thursday and Friday, 09.00 to 20.00 hours on Saturday, and for

three additional days of trading on Monday, Tuesday and Wednesday opening from 10.00 to 20.00 hours (09/04007/COFUL).

9 October 2008 – Planning permission granted for use of open space for market and event purposes for a temporary two year period at the Prince of Wales Junction (08/06957/COFUL).

5. THE PROPOSAL

The current application seeks permission to renew planning permission for a temporary period of one year, for the street market at the junction of Harrow Road, Elgin Avenue and the public highway at the southern ends of Fernhead Road and Walterton Road. The hours of operation are the same as those previously approved, which are Monday-Saturday 09.00-20.00. In total, 58 stalls will be provided in the market. As is currently the case, the area of public highway in Fernhead Road will operate solely as a Saturday market, with the expanded market at the top of Walterton Road and at the junction of Harrow Road and Elgin Avenue operating Monday to Saturday. The market will not operate on Sundays.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The continuation of Maida Hill market is consistent with Policy S12 of Westminster's City Plan, which states that development within the North Westminster Economic Development Area should encourage economic activity. The redevelopment of a civic space at the Prince of Wales Junction/Maida Hill for community activities and to provide a focus for the area is a priority of the policy.

The continuation of the retail market is not considered to adversely impact the retail character and function of this part of the Harrow Road District Shopping Centre. The most recent Town Centre Health Check for the Harrow Road District Shopping Centre (2013) shows that the centre performs well in terms of unit occupancy, but the market was performing poorly.

Since the results and recommendations of the Health Check, the City Council has invested in two new market offers to the area: a general market from Monday-Friday, offering a range of commodities, and a Saturday market, which offers produce and design related commodities and street food, providing a more specialist and high end offer. Since its inception in May 2014, the expanded retail Saturday street market has assisted in bringing in more business to the District Shopping Centre.

The proposal therefore fully accords with Policy SS13 of the UDP.

6.2 Townscape and Design

The demountable market stalls are of a uniform design (as per the existing market stalls) and these will be removed at the end of the day. Therefore, the proposal will have limited impact on the townscape of this area.

6.3 Amenity

Policies ENV5, ENV6 and ENV13 in the UDP seek to resist proposals that result in a material loss of amenity, including noise disturbance, as do Policies S29, S31 and S32 in the City Plan. Two objections have been received from local residents and these relate to increased anti-social behaviour and noise, disturbance and pollution associated with the market.

Concerns were also raised regarding the events to be held on the site, which unlike the market, were proposed to be held on Sundays. Further information on the events was requested from the applicant. The applicant subsequently confirmed that the reference to events should be omitted from the proposal. Accordingly, the description of the proposal has been amended to remove the reference to events and to clarify that the market would operate Monday-Saturday, not Monday-Sunday.

As per the current permission, the market will be confined to the southern end of Fernhead Road and the junction of Harrow Road and Elgin Avenue, which is more commercial in character rather than residential, and is in close proximity to heavily trafficked roads, where a certain level of noise and activity associated with a market, shops and traffic is anticipated.

Whilst the amenity concerns of adjoining residents are well understood, it is not considered that a further one year use will result in such material levels of harm to warrant refusal of permission.

The matter of anti-social behaviour, street drinking and groups loitering near the market during operating hours and after has previously been raised with the Police and the Community Protection Unit. It is understood that the Council and Police are working together to agree a strategy to tackle this issue. Emerging problems are reported to the fortnightly Tasking Meetings attended by the Council, local stakeholders, Harrow Road Councillors and the Police.

From 20 October 2014, the Police have had a new dispersal power available to disperse any person involved or likely to be involved in street drinking or other anti-social behaviour for up to 48 hours. Following discussions between the weekday market operator and officers, a recommendation was made to the Cabinet Member for Housing, Business, Regeneration and Economic Development that the Council should take over the future operation and management of the weekday market. This enabled a full time market manager to be on site to oversee the operation of the market day-to-day.

Subject to a condition to control the hours of operation of the street market, no objection is raised in amenity terms and the proposal is considered to be in accordance with Policy ENV13 of the UDP and Policy S29 of Westminster's City Plan.

6.4 Highways/Parking Issues

The alterations to public highway necessary to facilitate the proposed market expansion in 2014 included the relocation of parking, amendments to loading bays, alterations to road markings and prohibition of vehicles from entering the expanded market area along Fernhead Road and Waltherton Road. These alterations were the subject of a draft Traffic Order. Committee has previously agreed to the proposed alterations to the highway network and parking layout as part of the expansion of the street market. The Traffic Regulation Order was made in May 2014 and the alterations to the parking and road layout implemented in July 2014.

There is no alteration to the local highway network or parking layout proposed under this current application for a renewal of the street market.

In respect of servicing arrangements, there is no change proposed to the current servicing arrangements for the market from the slip road connecting Fernhead Road and Elgin Avenue (which is closed to traffic during market hours) and loading/unloading bays outside Nos. 2-4 Fernhead Road. In addition, there are eight dedicated pay by phone parking bays on the west side of Fernhead Road for market traders and provision for 16.5 metres of single and double yellow lines on Fernhead Road for retail

The site is well served by public transport; the 2013 District Shopping Centre Health Check survey confirms that 95% of people using Harrow Road arrive by foot and public transport. Visitor parking is available in the northern section of Fernhead Road up to Kennet Road and, from 18.30 weekdays and Saturdays, visitors and traders are able to park on single yellow lines, residents' bays and pay-by-phone bays, as no restrictions apply at these times.

Transport for London raises no objection to the continued use of the street market.

6.5 Economic Considerations

The continued operation of the Maida Hill Place market offers wider economic benefits to the area in accordance with Policy S12 in the City Plan.

6.6 Access

This application raises no issues and the market will be accessible to those with physical disabilities.

6.7 Other UDP/Westminster Policy Considerations

6.7.1 Waste and Recycling Storage/Collection

Policy ENV12 of the UDP requires all developments to make provision for the storage of waste and, in some cases, a waste management plan provided.

The applicant has provided a waste management plan as part of the application. This states that market refuse management comprises the removal of traders food waste and removing any recyclable materials where possible. The market pavement area requires regular cleaning, which is the responsibility of the City Council.

Refuse receptacles are supplied by the City Council's waste contractor and are lockable. Waste collections are undertaken daily by the City Council from the waste collection point at the junction of Elgin Avenue and WALTERTON ROAD, with emptied bins stored overnight in the market storage facility at No. 1 Elgin Avenue.

These measures for the storage and collection of waste are considered to be acceptable and no objection is raised to the renewal of the market for a further temporary period of one year. No representations have been received from local residents regarding waste or refuse/recycling storage.

6.8 London Plan

The proposals do not raise strategic issues and do 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 where 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. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.10 Planning Obligations

Not relevant in the determination of this application.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

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

6.12 Conclusion

In conclusion, the provision of a street market at the Maida Hill junction is consistent with Policy S12 in the City Plan, which seeks to promote development within the North Westminster Economic Development Area (NWEDA) that fosters and supports economic development and employment generating uses.

It is recommended that temporary planning permission be granted for a further one year until 9 November 2016.

BACKGROUND PAPERS

1. Application form
2. Email from Transport for London dated 25 August 2015
3. Email from the Highways Planning Manager dated 2 October 2015
4. Representation from Councillor Barrie Taylor dated 22 August 2015
5. Representation from the owner/occupier of 9B Fernhead Road dated 27 August 2015.
6. Representation from the owner/occupier of 1 Elgin Avenue dated 4 September 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

Address: Open Space At Junction Of Fernhead Road And Elgin Avenue, London, W9

Proposal: Continued use of designated public space and public highway for a street market (Monday to Saturday 09.00 to 20.00)

Plan Nos: Site Location Plan, Supporting Information August 2015, Design and Access Statement August 2015, Weekday Market Site Plan and Saturday Market Site Plan.

Case Officer: Claire Berry **Direct Tel. No.** 020 7641 4203

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 market extension can operate between the hours of 09.00 to 20.00 Monday to Saturday in the area shown on drawing CPDU/MHM/002 (titled 'Maida Hill Market - Weekday Market') and between the hours of 09.00 to 20.00 on Saturday only within the area within Fernhead Road shown on CPDU/MHM/002 (titled 'Maida Hill Market - Saturday Market Only').
Reason:
In order to reserve details of the days/ times for the operation of the market with the chosen market operator in order to safeguard the amenities of nearby residents as set out in S29 and S32 of Westminster's City Plan: Strategic Policies which we adopted in November 2013 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

- 3 The market use allowed by this permission is limited until 9 November 2016.
Reason:
It is considered reasonable to impose a temporary time limit in order to assess the impact of the use of the market on the amenities of nearby residents and also in the light of the temporary planning permission for the market storage at No.1 Elgin Avenue.

- 4 No servicing of the market shall take place at any time from the Harrow Road.
Reason:
To ensure the smooth passage of vehicles and pedestrians on the Harrow Road as required by Transport for London.

- 5 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

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)

- 6 No amplified music shall be played in connection with the market use.

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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

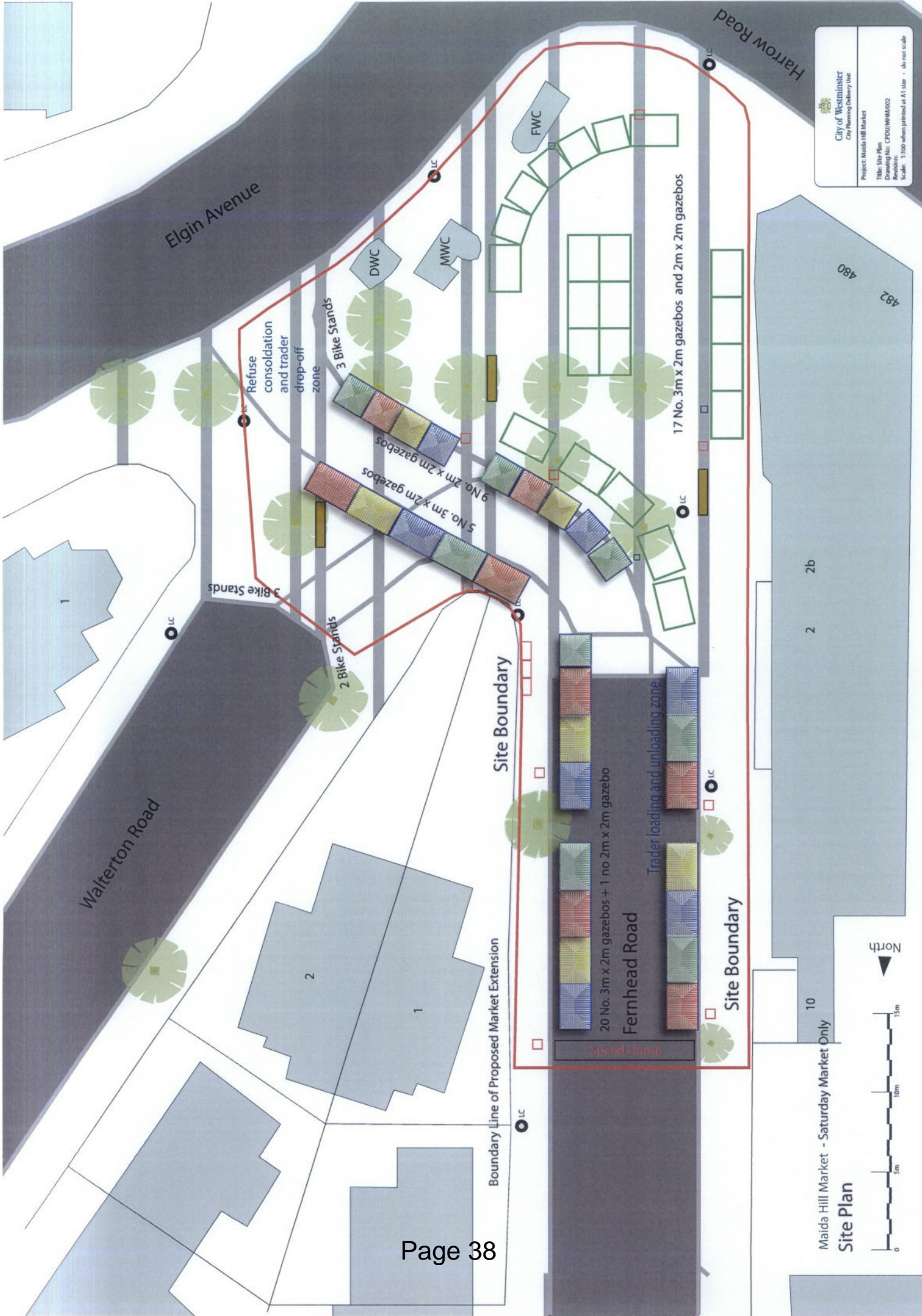
- 7 No deliveries or unloading of items associated with the market stalls shall be made between the hours of 20.00 and 08.00 hours.

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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

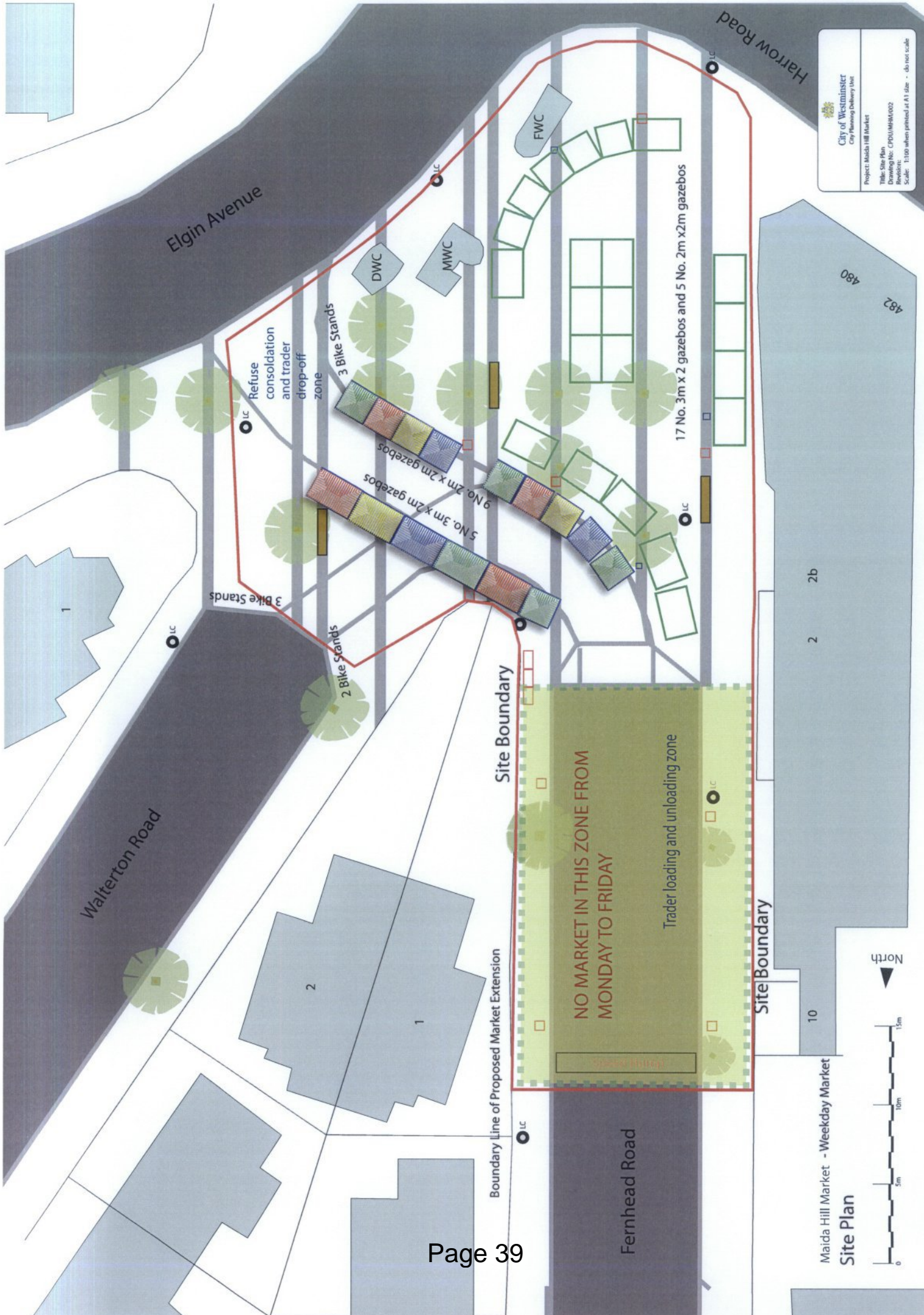
Informative(s):

- 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.



Project: Maids Hill Market
 Title: Site Plan
 Drawing No: CPDU/MH/M002
 Revision:
 Scale: 1:100 when printed at A1 size - do not scale

Maids Hill Market - Saturday Market Only
Site Plan
 North
 0 5m 10m 15m



Project: Maida Hill Market
 City of Westminster
 City Planning Delivery Unit
 Title: Site Plan
 Drawing No: C/POU/MH/002
 Revision:
 Scale: 1:100 when printed at A1 size - do not scale

480
482

2 2b

10

North



Maida Hill Market - Weekday Market
Site Plan



**Supporting Information
Maida Hill Market - Street Market
August 2015**

Background Information

Since 2008, the aims of the regeneration of Maida Hill Place, formally known as Prince of Wales Junction was to help to resolve and reduce crime and disorder, and to create and sustain local economic regeneration at the space and surrounding area.

Westminster City Council, in partnership with the MET police and local stakeholders has implemented a series of projects to help meet these local objectives. Some of the outputs that have been delivered include:

- Tackling crime and disorder problems through the provision of additional CCTV cameras, increasing police patrols, 'safe and secure' grants.
- Designing street environment improvements (informed by the crime and disorder concerns) that encourage use of the space, instil a sense of 'ownership' in the local community, and create a fitting backdrop for a café, market and evening events.
- Reviving the local economy through the creation of a café, market and events' programme to act as focal point for the Harrow Road, helping to attract visitors and promote use of the district shopping centre.
- A shop front improvement scheme to improve the visual appearance of the district shopping centre.

A key component of reviving the local economy was the re-establishment of a thriving street market to encourage positive use and activity on the public space, and create a much needed focal point to the retail centre.

Planning Permission

On 7th October 2014, planning permission was granted for the continued use of the existing space for a street market. The current permission expires 30th September 2015.

Harrow Road Health Check

Harrow Road is one of Westminster's key neighbourhood retail centres, serving local residents who live in the vicinity of the centre with a large number visiting on foot for convenience shopping. The centre, and in particular the Maida Hill Place (formally Prince of Wales Junction) has received investment both in the public realm and to some of its shop fronts. However there remains much to do in terms of maintaining and enhancing the vitality and viability of the retail centre, with the street market lying at the heart of areas for improvement.

Shopping centre health checks were carried out for Westminster's high street type shopping centres in 2013, including Harrow Road. While the centre

performs well in terms of unit occupancy and has an offer reflecting the demands of the local community, the market in Harrow Road was identified repeatedly as a weakness and something that is in need of significant investment and improvement. Maida Hill at the centre of the retail centre provides a perfect setting and location for a successful street market.

Consumer opinion as gathered in the health check identifies the market both as a draw and as an area for significant improvement, with many saying that the presence of more market stalls is something that they want. This was the second most popular improvement requested, said by 30% of respondents.

Maida Hill Place Street Market Proposals

1. Market Site

The original scheme and design of Maida Hill Place has been designed with the use of a market and event space in mind (e.g. by including power outlets and water supply).

The area for the weekday market is smaller than that of the Saturday Market (see layout plans) and the council as part of this application is proposing no changes to the existing layout and operation of the markets.

2. Market Details

- **Food preparation and cooking**
Traders be expected to meet all the standards set out by Environmental Health. The operator is responsible for ensuring that all traders have the required documentation and this has been approved by Environmental Health. Electrical heating appliances and gas appliances if required will be provided by the traders themselves and the necessary safety certificates will need to be supplied and kept on-site during trading.
- **Receptacles**
The market will comprise of up to 58 pitches. Up to 36 pitches during the week and a further 15 on Saturdays. The council has purchased gazebos for use by market traders. Stall set up and breakdown will be the responsibility of the council.
- **Water Supply**
One supply of cold water located on the market is available for traders to access.
- **Power Supply**
Three pop-up power supplies are provided with adequate outlets for the current 23 stalls. An additional 12 pop-up power unit will be installed in the proposed extended market area.

- **Lighting**
The existing lighting will ensure that the market is adequately lit when operating during the evening. New street lighting will be implemented later this year to better light the public space.
- **Current Parking Arrangements**
Following on from the approval of the Traffic Management Order in May 2014, no further changes to the parking arrangements in the vicinity of the market are being proposed by this application.
- **Loading and Unloading and Parking and Trader Servicing Strategy**
Prior to 8am market vehicles will also be able to load and unload in the slip road that connects Fernhead Road with Elgin Avenue, and the section of the street adjacent to 2 to 10 Fernhead Road as indicated on the market layout plan. It should be noted that since 2008, this access route through to Elgin Avenue and/or Fernhead Road or Watterton Road has not been known to be used by the emergency services. However if access is required to this area by the emergency services, all market vehicles will vacate immediately.

After the road has been closed off to traffic (from 8am to 8pm) vehicles will be able to load and unload for market set up times and breakdown only. The closure of the streets in accordance with the Traffic Order is controlled through the use of bollards; the slip road is permanently closed off and access is only granted to emergency vehicles. The access will be controlled and managed by the council market management staff.

There are also 8 dedicated pay by phone parking bays for traders on the west side of Fernhead Road adjacent to the Queen Elizabeth Jubilee II School.

- **Retailers Loading and Unloading**
There is provision on Fernhead Road (16.5 metres of single and double yellow line) for servicing. This arrangement has been in place for the last 11 months.
- **Operational requirements and responsibilities**
Market operation and management will be the responsibility of the council and conditions will be applied to the licence and planning permission will be monitored by the council.
- **Cleansing and Waste Strategy**
Veolia has been contracted through the licence fee to collect market waste on market days and at times to be agreed – see collection point on location plan. The waste and cleansing arrangements have been discussed and agreed with officers in City Management, who have confirmed that they are content with the arrangements. All the containers and bins will be emptied at the end of each market day and

will be stored adjacent to the ladies toilets. This arrangement has been in place for the last 11 months.

Any cleansing of the pavement areas will be the responsibility of the council and rechargeable through the licence fee.

- **Enforcement**

The council will be responsible for overseeing the management of the market to ensure compliance in relation to the Licensing and Planning conditions.

It is expected that when in operation, the market will act as a deterrent to those that might normally use the (empty) junction for crime and anti social behaviour at that time. Nevertheless, the market will be closely monitored and any emerging problems reported through the fortnightly Tasking Meetings attended by the council, local stakeholders, Harrow Road Ward Councillors and the Metropolitan Police Service.

- **Market Storage Facility**

A separate application regarding the continued use of basement car park at 1 Elgin Avenue has been submitted alongside this one. The new application proposes no changes to the existing conditions relating to market storage access that were agreed by the Planning Sub Committee on 30th September 2015.

3. Impact of the proposed market on Harrow Road District Shopping Centre

Previous independent studies (The Retail Group 2008) studies and the council's own 2013 Health Check concluded that a vibrant street market on Maida Hill Place would have a positive impact on the future vitality of the district shopping centre, and help to drive footfall and further interest in the area. It is hoped that existing retailers will benefit from the footfall the market should bring to the area, and that new retailers and businesses will be attracted to invest in the area.

4. Impact of the proposed market on residential amenity

As the market will be closed by 8pm, it is not considered to have a detrimental impact on the amenities of adjoining residents.



**Design and Access Statement
Information Sheet
August 2015**

A Design and Access Statement should explain why your proposal is designed in a particular way and the things you considered before making your application for planning permission. Please note that we are unable to deal with your application until a completed statement is provided.

What should be included?

- **An assessment of the site and its surroundings**

You should include an assessment of the site's immediate and wider context, evaluating physical characteristics by identifying opportunities and constraints and balancing any identified conflicting issues. Understanding the context will help produce and justify the design. You should also include any established planning policies.

Characteristics of project site and surrounding area:

The 'Prince of Wales' Junction is a large paved pedestrian area (0.1335 ha) of reclaimed highway, bounded by the intersection of Fernhead Road, Walerton Road, Elgin Avenue and the Harrow Road; a major arterial route for traffic entering and leaving Westminster. In 2015, the public space was extended further down Fernhead Road.

The stretch of Harrow Road between Third Avenue and the junction is one of Westminster's seven designated 'District' level shopping centres (outside of the West End). Entrances to two manned below ground public conveniences are located on the junction, in addition to a surface level disabled access toilet, three trees, and street furniture including cycle racks, lighting and public seating. The site is well used, with pedestrian desire lines crossing in all directions.

Adjoining the pedestrian space at 480-482 Harrow Road is a three storey 1930's Art Deco building containing a (ground floor) supermarket, a minicab office, and office space. The adjacent buildings at 2a - 4 Fernhead Road contain a ground floor café and kitchen incubator with a ground floor A3 use. Residential units are located on 1st and 2nd floors. To the east, at 2 Elgin Avenue, is the Royal Bank of Scotland and a Sainsburys Local. On the south side (facing the junction) at 351 Harrow Road is the "Prince of Wales" public house and a parade of shops.

The wider area is characterised by mainly three and four storey buildings with ground floor commercial use and either residential or commercial above. The principal retail area lies to the west of the junction along the Harrow Road. Also located west along Harrow Road are the Post Office, Harrow Road Neighbourhood Centre, London Print Studio and the All Stars Boxing Club. The majority of traders are independents, selling relatively low value goods. The range of offer is dominated by convenience and comparison retail.

Typical the streetscape materials used in the area are concrete (ASP), bitmac and granite. Granite paving is the material palate used for market and events space.

Evaluation: opportunities and constraints with respect to physical characteristics of site and surrounding area:

This design and access statement concerns a proposal for market uses on the public highway (as outlined within the accompanying Planning Application and associated documents). It does therefore not represent a physical change to the existing site and how it is currently used. The intention is a well managed market will encourage positive uses of the space, and directly benefit the Harrow Road District Centre by helping to attract visitors and raising the profile of the local retail offer.

• Design and appearance (questionnaire below)

The site analysis should support your proposal where access, use, amount, layout, scale, landscaping and appearance should be considered. To complete your statement, you can answer the following questions or you can provide a separate document (as long as it addresses at least the points set out in the questions below).

<p>What is the purpose of your proposal?</p> <p>A key component of the market is to revive the area's local economy is the creation of a high quality (temporary) market at Maida Hill Place and create a real focal point for the Harrow Road; helping to attract visitors and promote use of the district shopping centre. In addition, it will encourage positive uses of the junction by the local community, and help to increase natural surveillance and in turn reduce the possibilities for crime and ASB. The active use of the space for a market is strongly supported by the MET Police.</p>
<p>How will the proposed works relate to the existing building?</p> <p>It is proposed that demountable market stalls (2m x 3m and 2m x 2m) will be erected on this space when the market is in operation and arranged such that pedestrian desire lines are not obstructed, wheelchair users manoeuvrability is unimpeded and clear access to the public conveniences are maintained.</p>
<p>Have you discussed your proposal with your neighbours? What measures have been taken to reduce impact on your neighbours considering shadowing/ lighting/ visibility/ proximity/ overbearing/ noise issues?</p> <p>The Town Team, a steering group made up of local residents, businesses, housing associations, the Police and the council (Ward Councillors and relevant officers) all support the continuation of the market and use of the space for community events.</p> <p>The size of the market will not detrimentally impact on neighbouring premises with respect to shadowing, lighting, visibility, proximity and overbearing. In terms of noise, the market will not be operating during unsociable hours (it will run from 8am-8pm on Monday to Friday, and 8am to 6pm on Saturdays).</p>
<p>What thought has been given to siting and appearance of the works, where they are placed, visual impression, architecture, materials, decoration, lighting, colour and texture?</p> <p>The stalls and associated market equipment will remain largely the same in terms of its size, colour palette and materials as the current stalls. The arrangement of the street market should not have an adverse impact on the visual appearance of the streetscape.</p>
<p>Explain the scale, height, width and length of the proposal and its relationship to the</p>

<p>existing building.</p> <p>N/A.</p>
<p>What consideration has been given to accessibility, to and between parts of the proposed works? Has disabled access been considered?</p> <p>The market will be arranged such that accessibility is maintained across the space.</p>
<p>What is the relationship between the proposed works and public routes and do they have any impact?</p> <p>Market stalls will only be present during the hours of operation, and will be arranged such that pedestrian movement is maintained across the space.</p>
<p>Have you considered any landscaping treatment or other treatment to enhance and protect existing amenities?</p> <p>The proposals will not impact on existing amenities and are designed to work within the constraints of the proposed space.</p>
<p>Describe the materials you propose to use and why you chose them. Have environmentally friendly materials been considered? What consideration has been given to maintenance?</p> <p>Where appropriate, environmentally friendly materials will be used. Maintenance of the stalls will be the responsibility of the council.</p>
<p>Does your proposal have an impact on the street scene? Is it improving street views, if not, what measures have been taken to minimise visual impact?</p> <p>It is intended that the market (when present) will have a positive impact on the street scene; encouraging positive uses of a space.</p>

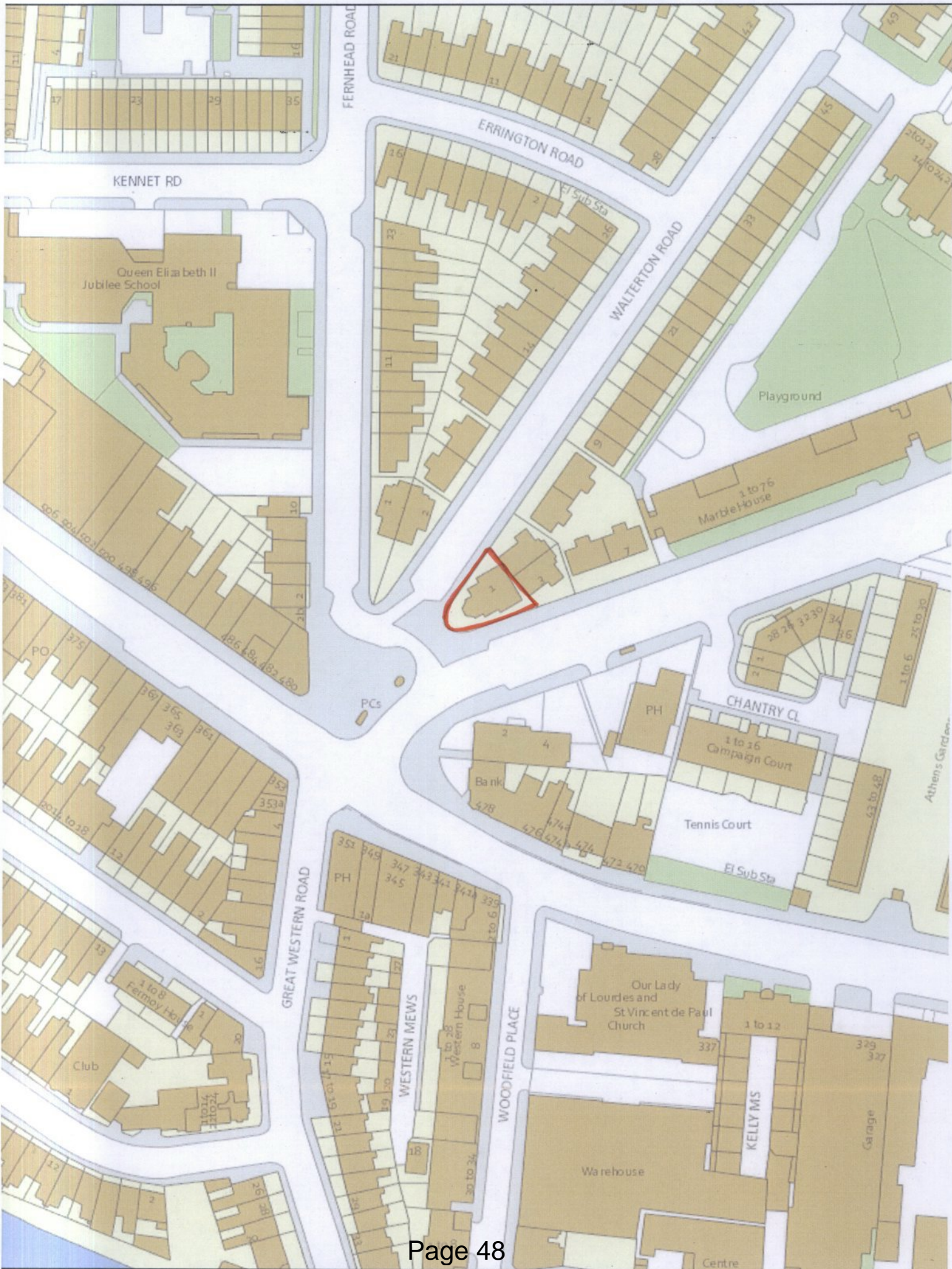
Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Harrow Road	
Subject of Report	1 Elgin Avenue, London, W9 3PR		
Proposal	Continued use of the basement car park for the storage of street market stalls and associated equipment relating to Maida Hill Place street market. (Council's Own Development).		
Agent	Westminster City Council		
On behalf of	Westminster City Council		
Registered Number	15/07501/COFUL	TP / PP No	TP/6067
Date of Application	13.08.2015	Date amended/ completed	13.08.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.



15 Sep 2015 08:41:20



1 ELGIN AVENUE, W9
Page 49

2. SUMMARY

This application seeks approval for the continued use of the car park underneath No. 1 Elgin Avenue for the storage of market stalls and associated equipment in association with the operation of the retail market at Maida Hill Place (the former Prince of Wales junction) which is also being reported to the Committee for a decision. The last permission for the storage use of the car park was granted in October 2014 by Committee and was for a limited period until 30 September 2015.

A resident above the car park strongly objects to the continued use on the grounds of noise nuisance, disturbance and pollution, and cites poor management by former market operators.

The key issues in this case are:

- Whether the continued use of the car park for market storage will result in a material loss of amenity to residents in the flats above by reason of increased noise and disturbance.
- The loss of four off street residents parking spaces in the car park which policy normally seeks to protect.

Whilst the loss of existing parking (four spaces) is regrettable, this loss has to be assessed in the light of the benefits a retail market brings to this part of the City. In order for the market to operate, a storage facility for the stalls and equipment needs to be provided nearby. The car park is located very close by to the proposed market, albeit it is recognised that there are flats immediately above and next door. There are no other suitable alternative locations for the market storage in the vicinity. It is proposed that this storage area will be used seven days a week. Subject to conditions to control hours of use and a robust management plan, it is considered that the impact of noise and disturbance associated with the proposed use to the flats above can be mitigated. It is recommended that permission is only granted for a one year period (to be linked to the temporary market use) so that its operation can be reviewed in the light of any complaints received from residents.

3. CONSULTATIONS

NORTH PADDINGTON SOCIETY

No comments received to date.

HIGHWAYS PLANNING MANAGER

The permanent loss of residential parking is contrary to policy TRANS23(A) and it is therefore difficult to support this. A time-limited permission would allow the residential parking use to be retained should there be future demand for it.

TRANSPORT FOR LONDON

No objections.

WARD COUNCILLORS FOR HARROW ROAD AND QUEEN'S PARK

Councillor Barrie Taylor supports the application.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 146; Total No. of Replies: 1.

The following concerns were raised:

- The continuous use of the garage under their bedrooms is seriously diminishing quality of life, from making the occupiers breathe exhaust fumes from all the traders/managers cars, vans and lorries, to constant excessive noise from moving the furniture back and forth, to

illegally 'employing' the drunks, which in turn gather right under their windows every day, until late at night, making enough noise to prevent them hearing their own telly in their own living room, let alone enjoying some peace and quiet.

- There are only a few stalls (some days only one or two), which really should not be enough to justify disturbing them, especially considering the permanent greengrocer always comes at 06.00 and can (and did before the Council prevented him) carry his own covers, avoiding the need to disturb neighbouring residents.
- Allegations are made in respect of the applicant, who is employed by the City Council, sharing confidential correspondence with the market traders. However, this is not a planning matter.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

This four storey property is located at the junction of Elgin Avenue and WALTERTON ROAD and is in use as seven self-contained flats. Part of the lower ground floor is occupied as a car park for four vehicles which is accessed off Elgin Avenue.

The application site is not located within a conservation area, and lies within the North Westminster Economic Development Area (NWEDA) in Westminster's City Plan: Strategic Policies and the North West Westminster Special Policy Area (NWWSPA) in the UDP.

The car park has been used for storage purposes by the Maida Hill Market since the market use started in June 2009 on the open space at the former Prince of Wales junction. Retrospective permission was first granted in February 2010 for its use as market storage and this was limited until 18 July 2010 and was subsequently renewed until 31 December 2010. The last permission was granted in October 2014 by the Planning Applications Committee again for another limited period which expired on 30 September 2015.

4.2 Relevant History

7 October 2015 - Continued use of the basement car park for the storage of street market stalls and associated equipment relating to Maida Hill Place street market. (14/06689/COFUL).

27 May 2014 - Variation of Condition 5 of planning permission dated 24 September 2013 (RN. 13/05147/COFUL) for continued use of the car park at 1 Elgin Avenue for the storage of the street market stalls and associated equipment relating to Maida Hill Place street market; namely to extend the access times to the market storage facility to 08.00 and 11.00 and 17.00 and 20.00 Mondays to Fridays, and to 08.00 and 11.00, and 15.00 and 18.00 on Saturdays (14/01950/COFUL).

24 September 2013 - Permission was granted for continued use of the car park at 1 Elgin Avenue for the storage of street market stalls and associated equipment relating to Maida Hill Place street market (13/05147/COFUL).

16 June 2011 - Permission was granted for continued use of the basement car park at 1 Elgin Avenue for storage of market stalls (11/00275/FULL).

25 November 2010 - Permission granted for continued use of the basement car park to allow storage of market stalls for a temporary period until 31 December 2010 (10/07416/FULL).

18 February 2010 – Permission granted for continued use of the basement car park to allow storage of market stalls for a temporary period (09/09277/FULL).

5. THE PROPOSAL

Permission is sought for the continued use of the car park for the storage of equipment in association with the Maida Hill Place market. Access will be permitted for named market management staff and not for market traders. Access times are specified below:

Days	Access time for market set up	Access time for market close/breakdown
Monday to Friday	08.00 to 11.00	17.00 to 20.00
Saturday	08.00 to 11.00	15.00 to 18.00
Sundays and Bank Holidays	09.00 to 10.30	17.00 to 19.00

6. DETAILED CONSIDERATIONS

6.1 Land Use

The continued use of the car park for market storage will result in the displacement of a residential car park for four cars. The City Council's adopted planning policy (TRANS 23) normally seeks to protect existing residential car parking, and therefore there needs to be exceptional circumstances to warrant a policy departure.

In this case, the car parking spaces were not being used by the occupiers of No. 1, have been vacant for some time and had attracted anti-social behaviour. The use of this vacant car park provided essential storage for the market and was in close proximity.

The market use is considered to be a benefit to the local area and is supported by Policy S12 in Westminster's City Plan: Strategic Policies and providing storage allows this market use to continue in the future. However, this does need to be weighed against the impact of this use on the residents who live in No. 1 and this is set out in Section 6.3 of this report.

6.2 Townscape and Design

No physical alterations are being proposed as part of this proposal.

6.3 Amenity

Policies ENV5, ENV6 and ENV13 in the UDP seek to resist proposals that result in a material loss of amenity, including noise disturbance and pollution, as do Policies S29, S31 and S32 in the City Plan. The objector sets out that the market storage use has resulted in noise, disturbance and pollution and strongly objects to the use continuing.

It is recognised that the use of the garage by previous market operators has caused problems with the resident of the flat above. However, the Council has since taken over the responsibility as the market operator. It is managed on a daily basis by the Harrow Road Programme Manager. Local residents and businesses will be able to contact the site manager with any issues as and when they arise.

In planning terms, the proposed use seven days a week is considered acceptable, and given no access before 08.00 and after 20.00 hours in the evening, this should mitigate any adverse impact together with a robust management plan. Given the restriction on the hours that the car park can be accessed as well as the restriction on the people who can gain access, it is considered that the objections cannot be supported in this instance.

For clarification, market traders are not permitted to store perishables or food in the basement car park, but only for market stalls and associated equipment and overnight storage of bins. This is set out in the Operational Statement submitted with this application, which forms one of the planning conditions to the temporary permission. As per previous permissions for the use of the basement car park as market storage, a condition is recommended requiring the use of rubber wheeled trolleys to transport heavy market equipment so that noise disturbance is limited.

6.4 Highways/Parking Issues

The loss of parking within the basement car park was previously found to be acceptable on a temporary basis when permission was granted in October 2014.

The current proposal to renew the permission for a further temporary period of one year is not considered to have any additional impact on parking demand in the area. The Highways Planning Manager states that whilst the use of the car park for storage is not compliant with Policy TRANS23 of the UDP, a temporary permission would allow the residential parking use to be retained should there be future demand.

6.5 Economic Considerations

The continued use of the car park for storage facilitates the operation of the Maida Hill Place market and offers wider economic benefits to the area in accordance with Policy S12 in the City Plan.

6.6 Access

The proposal does not raise any access issues. The access to the basement storage is suitable for the storage use that is proposed.

6.7 Other UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

The proposals do 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. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.10 Planning Obligations

Not relevant in the determination of this application.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

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

6.12 Other Issues

Objections are made on the grounds of insufficient justification for the majority of the proposed market stalls. However, it has been made clear elsewhere in this report that the proposal, which include a variety of different stalls, contributes to the objectives of Policy S12 in the City Plan.

6.13 Conclusion

In conclusion, the storage facility provided in the basement of No.1 Elgin Avenue forms an important support function that enables the provision of a street market at the Maida Hill junction. As such, this storage use facilitates a use that is consistent with Policy S12 in the City Plan, which seeks to promote development within the North Westminster Economic Development Area (NWEDA) that fosters and supports economic development and employment generating uses.

It is recommended that temporary planning permission be granted for a further one year until 9 November 2016.

BACKGROUND PAPERS

1. Application form
2. Email from Transport for London dated 25 August 2015
3. Email from the Highways Planning Manager dated 2 October 2015
4. Representation from Councillor Barrie Taylor dated 22 August 2015
5. Representation from the owner/occupier of 1 Elgin Avenue dated 4 September 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

Address: 1 Elgin Avenue, London, W9 3PR

Proposal: Continued use of the basement car park for the storage of street market stalls and associated equipment relating to Maida Hill Place street market. (Council's Own Development).

Plan Nos: Planning Statement (August 2015), Site Plan, Layout of Market Storage Facility and View of Car Park Entrance and Maida Hill Street Market.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

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 temporary use of the carpark for market storage (Class B8) in connection with Maida Hill Place street market shall continue until 9 November 2016.

Reason:

The use of this residential carpark is only permitted on a temporary basis because of the special circumstances of the case, as set out in S12, S29 and S32 of the Westminster City Plan Strategic Policies that we adopted in November 2013 and policies ENV6, ENV13, TRANS23 of our Unitary Development Plan that we adopted in January 2007.

- 3 No goods or equipment shall be moved into or out of the market storage area hereby permitted except between the hours of 08.00 and 20.00.

Reason:

To protect the environment of people in neighbouring buildings as set out in S29 and S32 of Westminster's City Plan: Strategic Policies that we adopted in November 2013 and ENV6 and ENV13 of the Unitary Development Plan that we adopted in January 2007.

- 4 Rubber wheeled trolleys must be used to transport goods and equipment in and out of the storage area.

Reason:

To protect the environment of people in neighbouring buildings as set out in S29 and S32 of the Westminster's City Plan: Strategic Policies that we adopted in November 2013 and ENV6, ENV13 of the Unitary Development Plan that we adopted in January 2007.

- 5 The use of the carpark for market storage in connection with Maida Hill Place market shall operate in accordance with the Operational Statement dated August 2015 unless varied by the City Council as Local Planning Authority.

Reason:

To protect the environment of people in neighbouring buildings as set out in S29 and S32 of the Westminster's City Plan: Strategic Policies that we adopted in November 2013 and ENV6, ENV13 of the Unitary Development Plan that we adopted in January 2007.

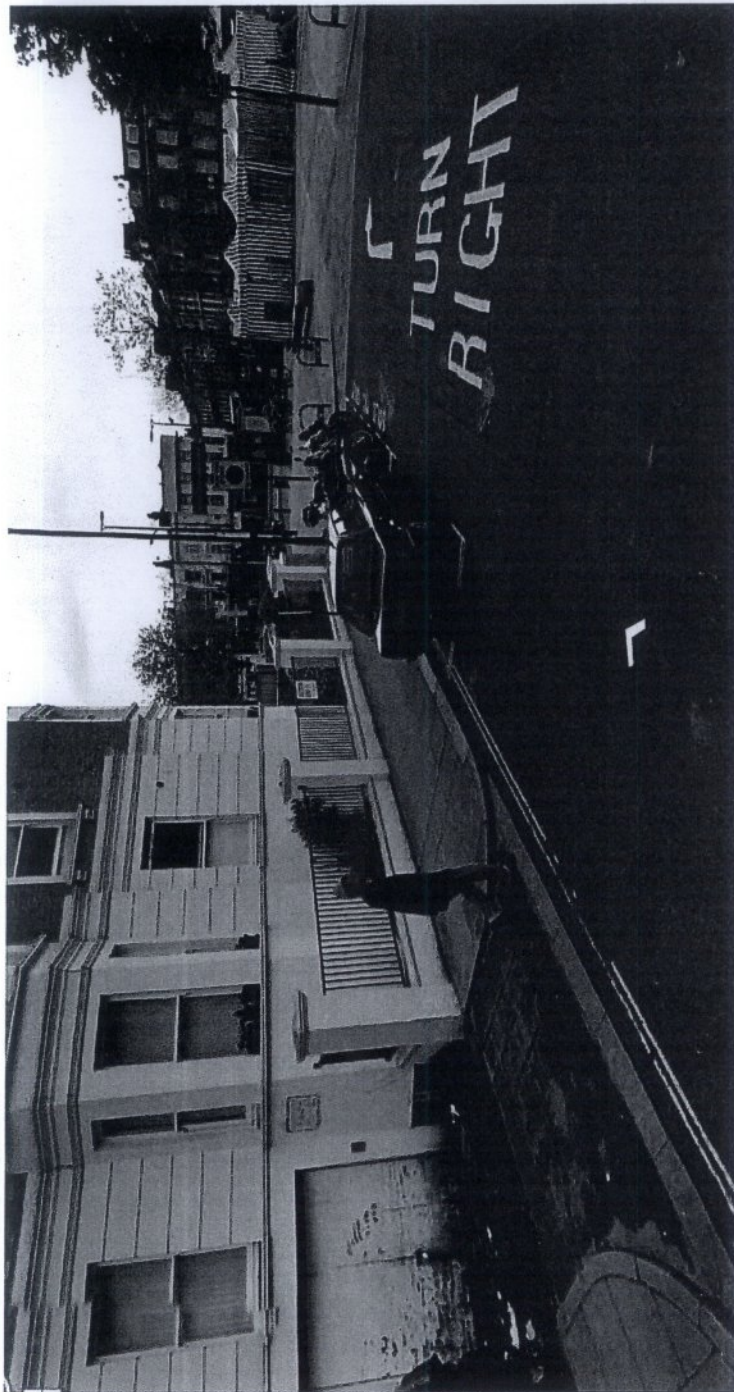
Informative(s):

- 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.

**Maida Hill Market
Storage Facility**

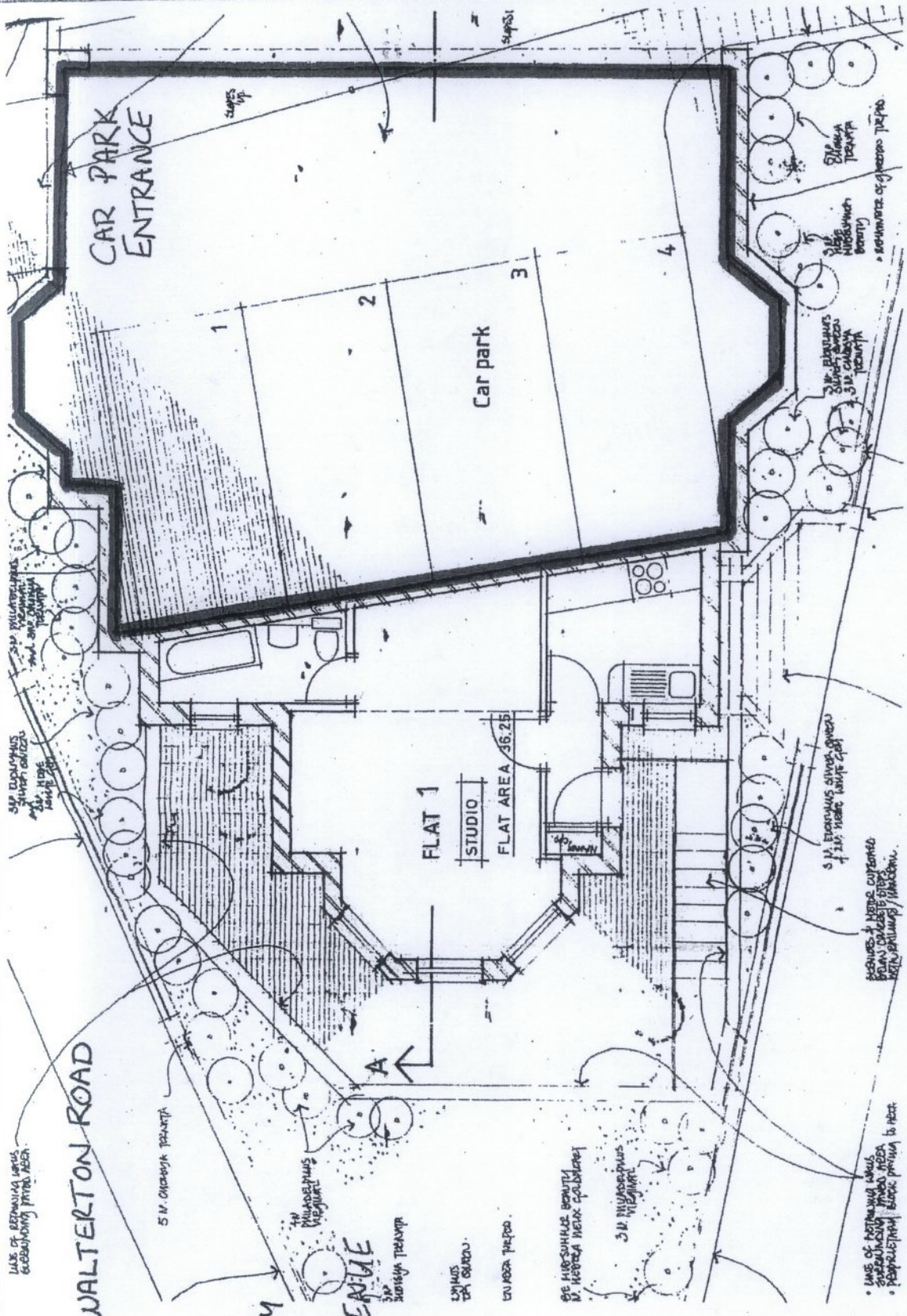
**1 Elgin Avenue
London W9 3PR**

View of car park
entrance and Maida Hill
Street Market



PLAN OF
CAR PARK
AND PROPOSED
MADA HILL
STREET MARKET
STORAGE FACILITY

No.1. ELGIN AVENUE
LONDON
W9 3PR



ELGIN AVENUE

PLAN AND LAYOUT OF MARKET STORAGE FACILITY



**Planning Statement
Maida Hill Place Market – Market Storage Facility, 1 Elgin Avenue
August 2015**

Previous Consents:

The table below illustrates the previous consents relating to the change of use from car park to market storage area (Class B8).

Application Reference	Date of Consent	Expiry of Temporary Consent
09/09277/FULL	18/02/2010	18/07/2010
10/07416/FULL	25/11/2010	25/12/2010
11/00275/FULL	16/06/2011	30/06/2013
13/05147/COFUL	24/09/2013	24/09/2014
14/01950/COFUL	27/05/2014	24/09/2014
14/06689/COFUL	07/10/2015	30/09/2015

The application is for the continued temporary change of use of the car park at 1 Elgin Avenue for storage facility for market and events equipment associated with Maida Hill. This application is linked to the continued use of the public highway and open space at Maida Hill for a street market and events.

This planning application proposes no changes to the existing permission and conditions agreed by the Planning Sub Committee on 7th October 2014 (application reference: 14/06689/COFUL).

Hours of Operation:

Market stalls and associated equipment will be transported to and from the storage facility to Maida Hill Place on rubber wheeled trolleys between the hours listed below:

Days	Access time for market set up	Access time for market close/breakdown
Monday to Friday	Between the hours 8am and 11am only	Between the hours 5pm and 8pm only
Saturday	Between the hours of 8am and 11am only	Between the hours 3pm and 6pm only
Sunday and Bank Holidays	Between the hours of 9am and 10.30am only	Between the hours 5pm and 7pm only

Application Length:

The council is looking to apply for one year's planning permission for the continued use of the car park at 1 Elgin Avenue for storage for Maida Hill Market. The days and hours of operation remain the same as the existing planning permission.

Update:

The use of the market storage facility has been operating within accordance of the conditions of the application.

To date there has only been some incidences reported where access was outside the designated hours. A full log of these incidents and other complaints relating to the storage unit will be supplied to the Case Officer for review.

Operational Statement:

The use of the space will be for the storage of market equipment and is perfectly adequate for the size and type of market proposed. The below points outline how the facility will be used and managed if planning permission is granted:

- Access will be permitted for market management staff only and not traders;
- Access times will be within the specified hours only as listed in the Management Plan;
- The storage facility will be used solely for storage of equipment relating to the market operation and any associated events;
- All market equipment will be stored safely and correctly when not in use;
- The facility will not be used for the storage of food or perishables to prevent or attract pests;
- Rubber-wheeled trolleys will be used to transport heavy market equipment to minimise noise and disruption the local residents;
- No parked vehicles will be permitted in the space;
- Relevant contact numbers will be displayed and issued to local residents by way of a letter drop;
- A record of any complaints received, and how these were dealt with and the timescales will be kept by market management and will publically available upon request; and,
- The operation of this storage facility and the market will be overseen by the City Council's Harrow Road Programme Manager, who has over responsibility for the market and the associated operations. This process has been in place since 24th September 2013.

Market Space – use of the public highway:

A separate application has been submitted for the continued use of the public highway at Maida Hill for a market and events space.

The application does not seek to vary any of the existing conditions of the current applications.

Site Plan

1 Elgin Avenue, London W9 3PR

_____ Market Storage Unit



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Agenda Item 4

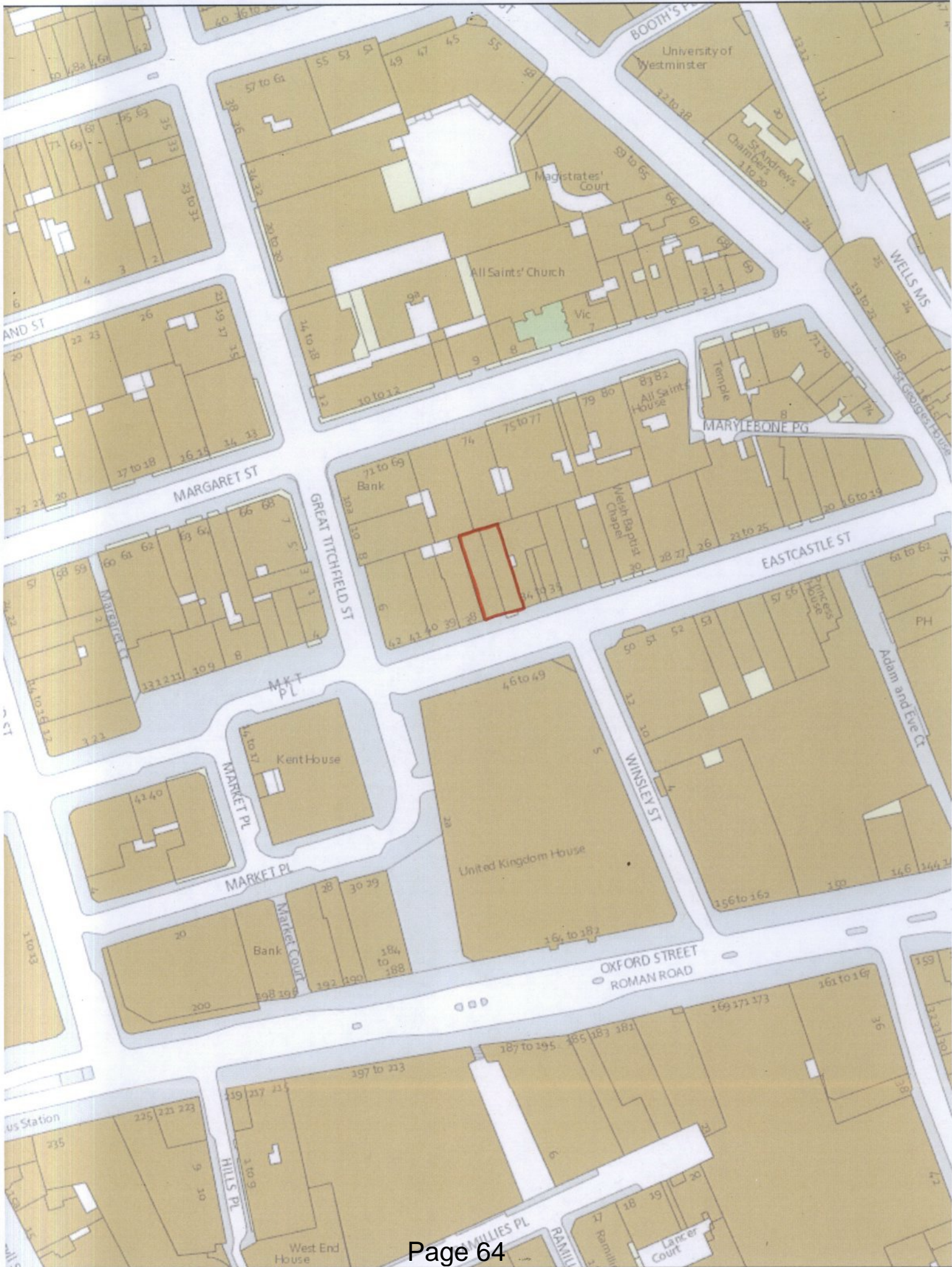
Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	36-37 Eastcastle Street, London, W1W 8DP		
Proposal	Substantial demolition behind a retained front facade and retained floorplates of Nos. 36-37 Eastcastle Street, reconfiguration of the rear to include erection of rear extensions at first, second, third and fourth floor levels and erection of roof extension to No. 37 Eastcastle Street. Use of extended upper floors as six flats (Class C3) with basement cycle parking and reconfiguration of rear buildings to create a three bedroom mews house (Class C3) over first and (partially new) second floor level with external terraces to the rear. Opening up of front lightwells to both properties and enclose with railings. Proposal includes plant equipment at basement, first, third and fourth floor and at roof level and other associated external alterations.		
Agent	MW-Architects		
On behalf of	Mr Ben Goldberg		
Registered Number	15/00812/FULL	TP / PP No	TP/5516
Date of Application	30.01.2015	Date amended/ completed	10.02.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

1. Grant conditional permission.
2. Authorise the making of a draft Order pursuant to Section 247 of The Town and Country Planning Act (1990) (as amended) for the stopping up of parts of the public highway to enable this development to take place.
3. Authorise the City Transport Advisor to take all necessary procedural steps in conjunction with the making of the Order and to make the Order as proposed if there are no unresolved objections to the draft order.





36-37 EASTCASTLE STREET, W1
Page 65

2. SUMMARY

The application site comprises Nos. 36-37 Eastcastle Street; two unlisted buildings of merit located within the East Marylebone Conservation Area. The site is located within the Core Central Activities Zone.

Permission is sought to demolish much of the buildings behind a retained facade and erect a dwelling to the rear, an extension at rear second, third and fourth floor levels and a mansard roof extension to No. 37. The enlarged upper floors are proposed to be converted into four flats. In addition, the two lightwells to the front of the buildings are proposed to be opened up and these new lightwells enclosed with new railings. Replacement shopfronts are also proposed.

The key issues for consideration are:

- The impact of the loss of retail floorspace from basement, ground and first floor levels on the character, function, vitality and viability of this part of the Core CAZ.
- The impact of the proposed rear extension, mansard roof extension, replacement shopfronts and opened up front lightwells on the character and appearance of the East Marylebone Conservation Area.
- The impact of the proposal on the amenity of local residents in terms of daylight, overlooking and noise.

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

3. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response.

CLEANSING MANAGER

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER

No objection.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HISTORIC ENGLAND

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 175; Total No. of Replies: 1.

One from the commercial occupier of No. 75-77 Margaret Street (immediately to the rear of the application site) raising the following concerns:

- Loss of daylight/sunlight.
- Overlooking.
- Disruption during the course of construction.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site comprises Nos. 36-37 Eastcastle Street; two unlisted buildings of merit located within the East Marylebone Conservation Area. The site is located within the Core Central Activities Zone. The ground and lower ground are occupied by shops whilst the upper floors are offices.

4.2 Relevant History

No. 36 Eastcastle Street

Permission was granted on 9 January 2012 to use the basement and ground floor for retail purposes (Class A1).

No. 37 Eastcastle Street

Permission was granted on 18 May 2006 to use the entire building as retail (Class A1) accommodation at basement and ground floor levels with ancillary offices on the upper levels.

Permission was granted on 19 March 2007 for the installation of air condenser units and plant at first floor roof level at the rear of building.

Nos. 38-40 Eastcastle Street (immediately to the west of the application site)

Planning permission was granted on 10 April 2012 for alterations and extensions to the rear in order to convert the upper floors to seven flats. This permission has been fully implemented.

Nos. 34-35 Eastcastle Street (immediately to the east of the application site)

Planning permission was granted on 31 March 2015 for alterations and extensions to the rear in order to convert the enlarged upper floors and remodelled 'mews building' to the rear into seven flats (Class C3). Works to implement this permission are yet to start.

5. THE PROPOSAL

Permission is sought to demolish much of the buildings behind a retained façade and retained floorplates, erect a new three bed dwelling (Class C3) to the rear of the site with private terrace at first floor level. Both buildings are proposed to be enlarged through the erection of a rear extension at second, third and fourth floor levels. A mansard roof extension is also proposed to No. 37. The enlarged upper floors of the buildings are proposed to be converted into 2 x 1 bedroom flats and 2 x 3 bedroom flats. Amenity space in the form of terraces are proposed at rear first, third and fourth floor levels for all of the proposed dwellings with the exception of the two one bedroom flats at second floor level.

A central entrance is proposed to provide access to the proposed rear dwelling and the proposed flats on the upper floors. Ancillary residential floorspace at part lower ground floor level is proposed for cycle storage and plant.

The two lightwells to the front of the buildings are proposed to be opened up and these lightwells enclosed with new railings. Replacement shopfronts are also proposed.

Plant is proposed within the front pavement vault and within the amenity spaces of each respective flats/mews house at rear first, third and fourth floor levels. A louvred privacy screen

is proposed to be erected to the eastern boundary of the site to prevent overlooking to the yet-to-be-built flats at Nos. 34-35 Eastcastle Street.

The application has been amended during the course of its consideration in the following ways:

- Enclosures and screens around the proposed condensing units, as required by the acoustic report, are now shown on the proposed drawings.
- Screens are now shown to the east of the rear third and fourth floor terraces (in addition to the originally proposed screens on the west of these terraces) in order to prevent overlooking to the new residential development at Nos. 34-35.
- Balconies have been omitted and the glazed doors have been replaced with sash windows to the second floor front elevation of the 'mews house'.
- A supplementary acoustic report has been submitted in response to concerns from Environmental Health that no assessment of the noise impact from the plant had been undertaken.
- An addendum to the submitted Daylight Report has been submitted that assesses the impact of the proposed extension on the light levels to the new residential development at Nos. 34-35.

6. DETAILED CONSIDERATIONS

6.1 Land Use

Loss of office and retail floorspace

The upper floors of No. 36 are lawfully in office use (Class B1). The planning history for No 37 indicates that the lawful use of the upper floors is as ancillary offices to the retail unit at basement and ground floor level. As such, the lawful use of these floors is within Class A1 (Shops).

There are no policies within the UDP or City Plan which safeguard the existing office use. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the city, eroding the character of commercial areas and resulting in a need to protect existing office floorspace. Consequently, interim measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace, (and applications for the provision of new office floorspace). From 1 September 2015, any such applications will be determined under a 'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

As the current application was submitted in January 2015, it is not subject to consideration under the interim measures or emerging policies, but should be considered in the light of adopted development policies which do not protect existing office uses.

City Plan Policy S21 and UDP Policy SS5 provide protection for retail floorspace at basement, ground and first floor levels. The proposal will see the loss of the retail floorspace at first floor within No. 37 and the loss of 101m² of retail floorspace at ground and basement floor levels to allow the new residential access core and ancillary residential floorspace at basement level. Given that two reasonably sized retail units will remain at basement and ground floor levels, the loss of this retail floorspace will not be detrimental to the character, function, vitality and viability of this part of the Core CAZ.

Proposed Residential Accommodation

The proposed increase in residential floorspace and units on site is supported by City Plan Policies S6 and S14 and UDP Policy H3. The proposal will result in the creation of seven additional residential units and an increase in residential floorspace of 639m² (GEA). This is below the 1,000m² (GEA) threshold set out within City Plan Policy S16 so no provision of affordable housing is required.

The proposed residential mix is as follows: 4 x 1 bedroom and 3 x 3 bedroom. This exceeds the normal requirement for one third of the units to be family sized, in accordance with UDP Policy H5 and City Plan Policy S15.

All of the proposed units exceed the minimum size thresholds set out within Policy 3.5 of the London Plan (March 2015) and are therefore acceptable in terms of their size. Amenity space is provided for the three bed units. Such provision is welcome. All rooms within the proposed development will achieve the minimum light (ADF) levels set out within 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 which was published in September 2011).

Environmental Health has recommended that a condition be imposed requiring the submission of a supplementary acoustic report demonstrating that the internal noise levels will comply with UDP Policy ENV 6. This is because the submitted acoustic report uses the background noise levels taken at the rear façade which is not satisfactory given that the main contributor to the ambient noise level in this location is traffic from Eastcastle Street. There is no reason to suppose that the noise criteria cannot be met in this location as Eastcastle Street is not overly noisy and residential flats have been granted permission on either side of the site. This is dealt with by condition.

Whilst the mews house is single aspect, the inclusion of rooflights to the front and rear of the pitched roof will allow the unit to be naturally ventilated if required.

6.2 Townscape and Design

No. 37 consists of basement, ground and three upper floors whilst No.36 consists of basement, ground and four upper floors. Both appear to date to the Victorian period. The existing shopfronts are of little interest.

No. 37 has been highlighted within the conservation area audit as a building where a roof extension would be considered acceptable. The principal of an appropriately designed mansard addition is therefore acceptable. The detailed design for the proposed addition broadly follows the guidance set out in the City Council's SPG 'Roofs: A guide to alterations and extensions' and is therefore acceptable.

In terms of the proposed rear closet wing extensions these are in line with UDP Policy DES 5 and the detailed design and materials are acceptable.

Following discussions, the proposed mews fenestration has been altered to remove a number of French doors and Juliet balconies. As the overall proposals are considered to be an improvement on the existing and there are limited views of it from the surrounding conservation area, the works are considered acceptable.

Other alterations, including the alterations to the shopfronts and installation of lightwells, are also considered acceptable.

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.

Daylight, Sunlight and Overlooking

6.3.1 Loss of daylight

Policy ENV13 also states that regard should be given to the guidance contained within the BRE Guide in terms of daylight and sunlight. The applicant has submitted a daylight report which assesses the impact of the proposal on the affected residential windows immediately to the west of the application site within Nos. 38-40 Eastcastle Street. In addition, a supplementary report has been submitted assessing the impact on the yet-to-be-built residential units at Nos. 34-35 Eastcastle Street.

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 sunlight/daylight assessment submitted with the application demonstrates that five windows would be adversely affected by more than the 20% recommended in the BRE guidelines. Three of these windows are within the existing residential accommodation at 38 Eastcastle Street and the other two serve windows which are currently in office use. The three windows within 38 Eastcastle Street serve bedroom accommodation and would experience losses of between 27.3% and 41.8%. One of the windows would only see an absolute loss of 0.6% (from 2.2% to 1.6%) and the worst affected window which would experience a 41.8% loss is in a bedroom served by another window which is unaffected by the proposals and retains a VSC of 20.4%. Whilst these losses would be over 20%, the windows affected serve bedroom accommodation which the BRE guidelines state as being less important in relation to daylighting distribution than main living rooms.

With regard to the losses at 34-35 Eastcastle Street, one bedroom window would experience a 63.5% loss (from 10.4% to 3.8%) and the other a 38% loss (from 18.4% to 11.4%). As these flats are yet to be built, it is considered more appropriate to assess whether the internal light levels will meet the minimum light (ADF) values set out in the BRE Guide (2011). In this instance, the ADF values within these bedrooms will be 1.1% and 1.6% which exceeds the minimum value of 1.0% for bedrooms set out within the BRE Guide (2011). When built, therefore, these rooms will still enjoy adequate light levels.

6.3.2 Loss of sunlight

One bedroom window at 34-35 Eastcastle Street, would also experience 100% loss of sunlight. However, this building is not yet in residential use, and the BRE guidelines state that bedrooms are less important in relation to sunlight than main living rooms. It is considered

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

6.3.3 Overlooking

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. With regard to the impact of increased overlooking on the adjoining properties, whilst new windows within the side elevations and new terrace areas are proposed, the new windows are screened by vertical fins attached to the window openings and screens adjoining terrace areas are also proposed. It is not considered that these elements of the proposals would result in increased overlooking to the existing residential flats in 38 Eastcastle Street or the proposed flats at 34-35 Eastcastle Street.

Obscure glazing is also proposed on the rear at second floor level to ensure there is no overlooking between the flats in the main property and the mews property at the rear.

6.3.4 Other Issues

The objection from the commercial occupier to the rear of the site on daylight, sunlight and overlooking grounds is unsustainable as the City Council's policies protect residential amenity rather than commercial occupiers and the increase in mass in the form of the pitched roof is minimal.

6.3.5 Noise

The proposal involves the installation of plant to serve the residential units and is proposed to operate on a 24 hour basis. 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.

Subject to appropriate conditions regarding noise output, vibration and securing the required mitigation measures, this aspect of the scheme will not have a material impact upon the amenities of neighbouring occupiers.

6.4 Highways

The car parking stress in the vicinity of the site is 37% at night and 55% during the day which is well below the 80% parking stress threshold set out within UDP Policy TRANS 23. As such, there is no objection to the proposed increased in residential units in terms of the potential impact on on-street parking stress.

Cycle parking is proposed at lower ground floor level which is acceptable given the constraints of the site.

Given the presence of a number of lightwells on this street, the recent permission to allow the opening up of the adjacent lightwell immediately to the east, and that a clear footway width of at least 2.0m will remain the Highways Planning Manager has raised no objection to the proposed opening up of the two lightwells to the application site. An Informative is recommended reminding the applicant of the need to apply to the City Council for permission to stop up this area of public highway under Section 247 of the Planning Act (1990).

6.5 Access

Level access to the retail units and to the proposed flats on the upper floors is proposed.

6.6 Economic Considerations

Any economic benefits of the proposals are welcome.

6.7 Other UDP/Westminster Policy Considerations

The commercial occupier to the rear also objects on the grounds of disruption during construction, however, these are not grounds on which the application could be refused.

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.

6.12 Other Issues

None.

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. Memorandum from the Cleansing Manager dated 13 February 2015.
3. Memorandum from Highways Planning Manager dated 29 February 2015.
4. Letter from English Heritage dated 16 February 2015.
5. Memorandum from Environmental Health dated 13 October 2015.
6. Letter from the occupants of No. 75-77 Margaret Street dated 24 February 2015.

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

DRAFT DECISION LETTER

Address: 36-37 Eastcastle Street, London, W1W 8DP

Proposal: Substantial demolition behind a retained front facade and retained floorplates of Nos. 36-37 Eastcastle Street, reconfiguration of the rear to include erection of rear extensions at first, second, third and fourth floor levels and erection of roof extension to No. 37 Eastcastle Street. Use of extended upper floors as six flats (Class C3) with basement cycle parking and reconfiguration of rear buildings to create a three-bedroom mews house (Class C3) over first and (partially new) second floor level with external terraces to the rear. Opening up of front lightwells to both properties and enclose with railings. Proposal includes plant equipment at basement, first, third and fourth floor and at roof level and other associated external alterations.

Plan Nos: P_00, P_01, P_02a, P_03b, P_04b, P_05b, P_06b, P_07a, P_08a, P_09a, P_10a, P_11b and P_12.

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 East Marylebone 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 provide each cycle parking space shown on the approved drawings prior to the occupation of the flats hereby approved. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

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

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

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

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

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

- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 7 You must install the plant screen and plant enclosures shown on the approved drawings before you use the machinery. 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 East Marylebone 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 The bronze anodised fins, the obscure glazed fins and the terrace screens shown on the approved drawings shall be installed in full prior to the occupation of any of the flats hereby approved. These fins and screens shall remain in situ thereafter.

Reason:

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

- 9 The three bedroom residential units and terraces 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.
(C07DC)

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)

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

Reason:

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

- 11 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.

- 12 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 11 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

- 13 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P_02a, P_03b, P_04b and P05b. You must clearly mark them and make them available at all times to everyone using the dwellings. (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)

- 14 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.

- 15 The glass that you put in the rear (north-west) facing bedroom windows of Flats 03 and 04 at second floor level, within the outer two windows of the 'mew house' at second floor level and the glass used to construct the angled fins at second and third floor level must not be clear glass. You must apply to us for approval of a sample of the obscure glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 16 The lower sashes of the rear (north-west) facing windows within the bedrooms of Flats 03 and 04 at second floor level and the outermost two windows of the 'mew house' at second floor level shall be permanently fixed shut.

The upper sashes of the rear (north-west) facing windows within the bedrooms of Flats 03 and 04 at second floor level shall be fitted with restrictors so that the sashes can be lowered by no more than 200mm. These restrictors shall be retained in place in perpetuity.

Reason:

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

Informative(s):

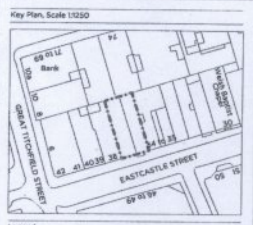
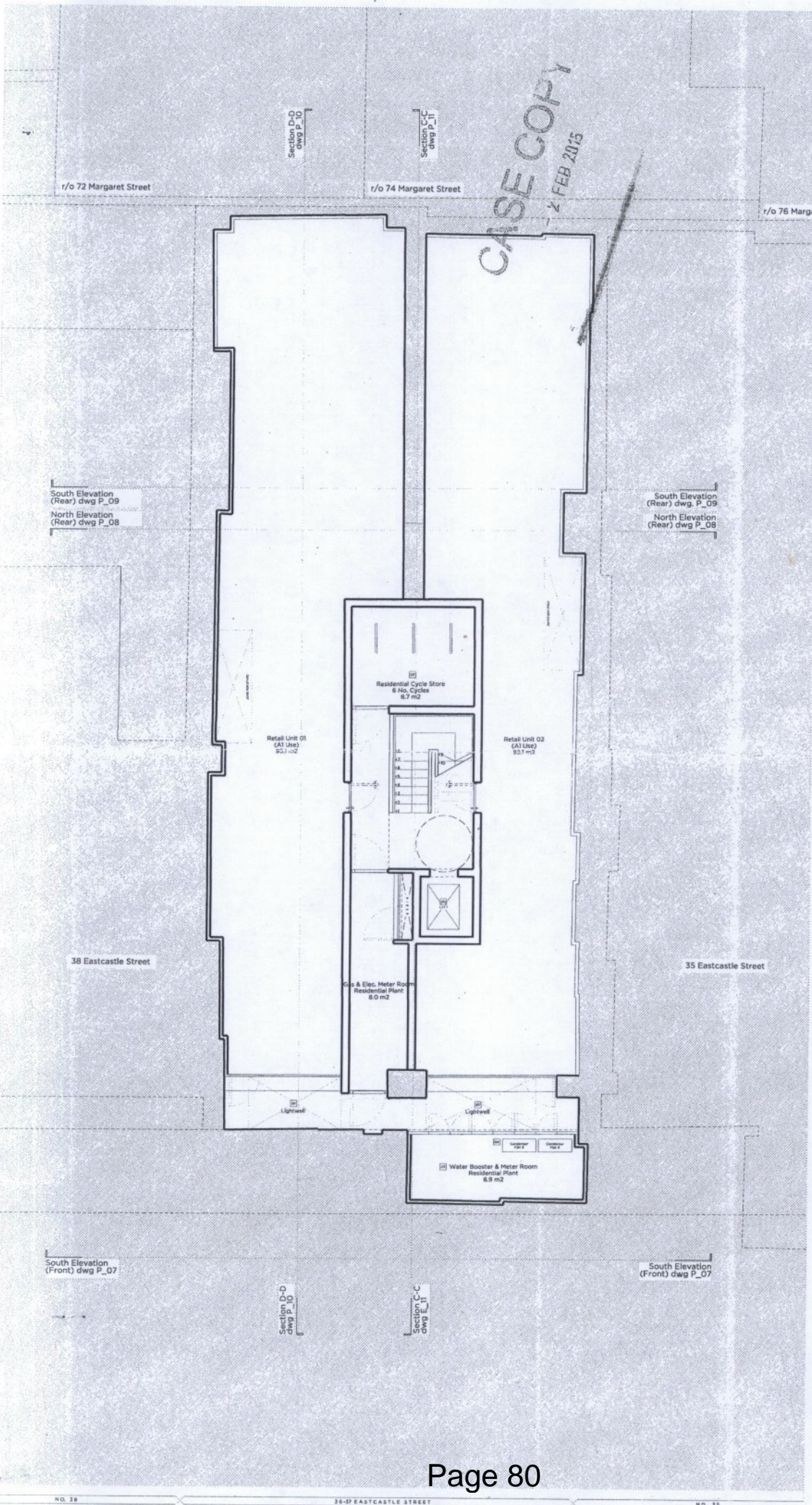
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 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 The proposed opening up of the front lightwell and enclosing this area with railings will require this part of the highway to be stopped up under Section 247 of the Town and Country Planning Act (1990) (as amended). Guidance on this procedure is available at -

https://www.westminster.gov.uk/sites/default/files/uploads/workspace/assets/publications/s247T_CPA1990-1260706310.doc



- Legend**
- Existing structure / ground
 - New wall / partition
 - Reconstituted perforated stone paving
 - Uplift waterproofing membrane
 - Slate roof tiles to match existing
 - Lead sheet to match existing

- Key Proposed**
- Lift shaft to basement level separated, with waterproofing, installed 100mm to match floor structure in Eastcastle Street
 - Proposed like store for residential units
 - Existing brick pavement to be used for retail and residential areas
 - Proposed AC condenser within acoustic enclosure
 - Proposed waterproofing membrane to be installed in accordance with BREC guidance. Refer to dwg P_12 Proposed South Elevation, Eastcastle Street
 - Existing parking restriction street sign
 - "Storage prohibited elsewhere than the garage" sign
 - Vertical extension of existing down pipe in local street to match existing
 - New building bulk wrap heat stress test to match existing
 - Proposed window installed traditionally to match existing
 - Fronted glass entrance to prevent overworking, installed vertically to match existing
 - Proposed French doors vertically installed
 - Scaffolding erected to top of parapet, when to match existing
 - Proposed conservation roof light
 - Acoustic screening wall for reduced noise ventilation
 - Existing chimney stack retained and reinforced
 - New retained roof with dormer window installed as floor above
 - Proposed door installed traditionally to match existing
 - Retained screen to prevent overworking
 - New 60mm over (existing 40mm) corrugated BS
 - External access to A/C condenser unit
 - Existing window openings, retained to align with floor levels
 - Windows glazed vertical line to prevent overworking
 - Windows to be retained at 35 Eastcastle Street

Rev A 15/05/15 Issued for Planning

PLANNING

Project No. **14020**

Client **Mr Ben Goldberg**

Date **January 2015**

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

Project **36-37 Eastcastle Street, WTW**

Drawing Title: **Proposed Basement Plan**

Drawing No. **P_00** Rev. **00**

Drawn	Approved	Signed
PB	MW	

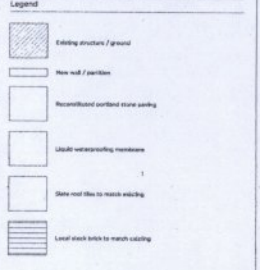
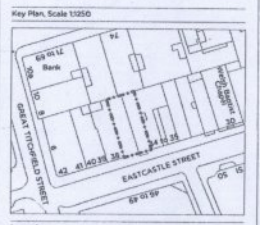
Marek Wojciechowski Architects

36-37 Eastcastle Street WTW W2R T. 020 7640 9392 www.mwa.co.uk

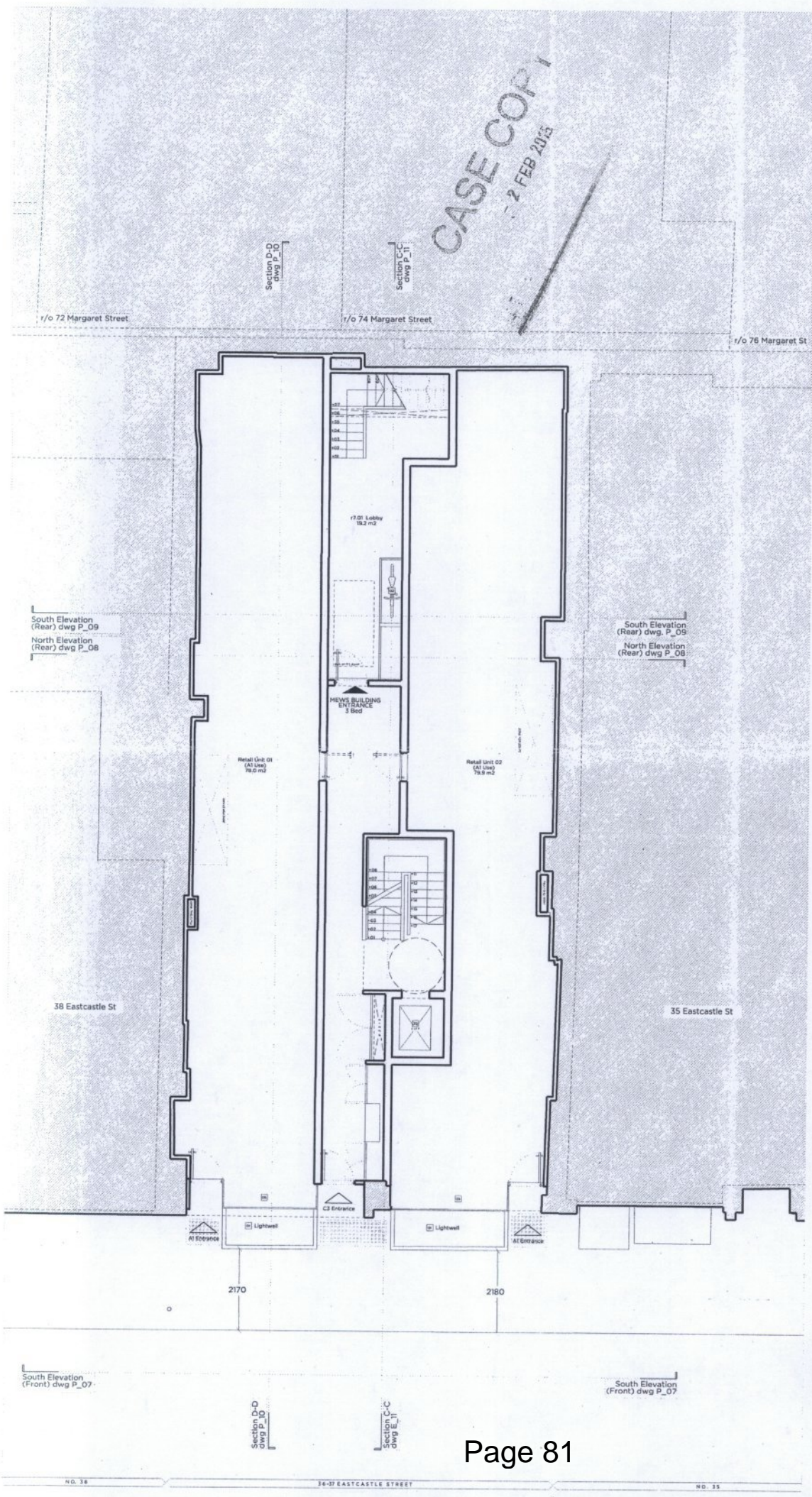
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0 1 2 3m

CASE COPY
12 FEB 2015



- Key Proposed
- 1 Proposed AC condenser unit with associated ductwork
 - 2 Proposed lift shaft for residential units
 - 3 Existing brickwork proposed to be used for retail and residential units
 - 4 Existing parking provision on site
 - 5 Proposed AC condenser unit with associated ductwork
 - 6 Proposed AC condenser unit with associated ductwork
 - 7 Proposed AC condenser unit with associated ductwork
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Mr A 00:00:00 Issued for Planning

PLANNING

Project No. 14020

Client: Mr Ben Goldberg

Date: January 2015

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

Project: 36-37 Eastcastle Street, W1W

Drawing Title: Proposed Ground Floor Plan

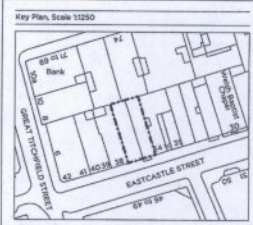
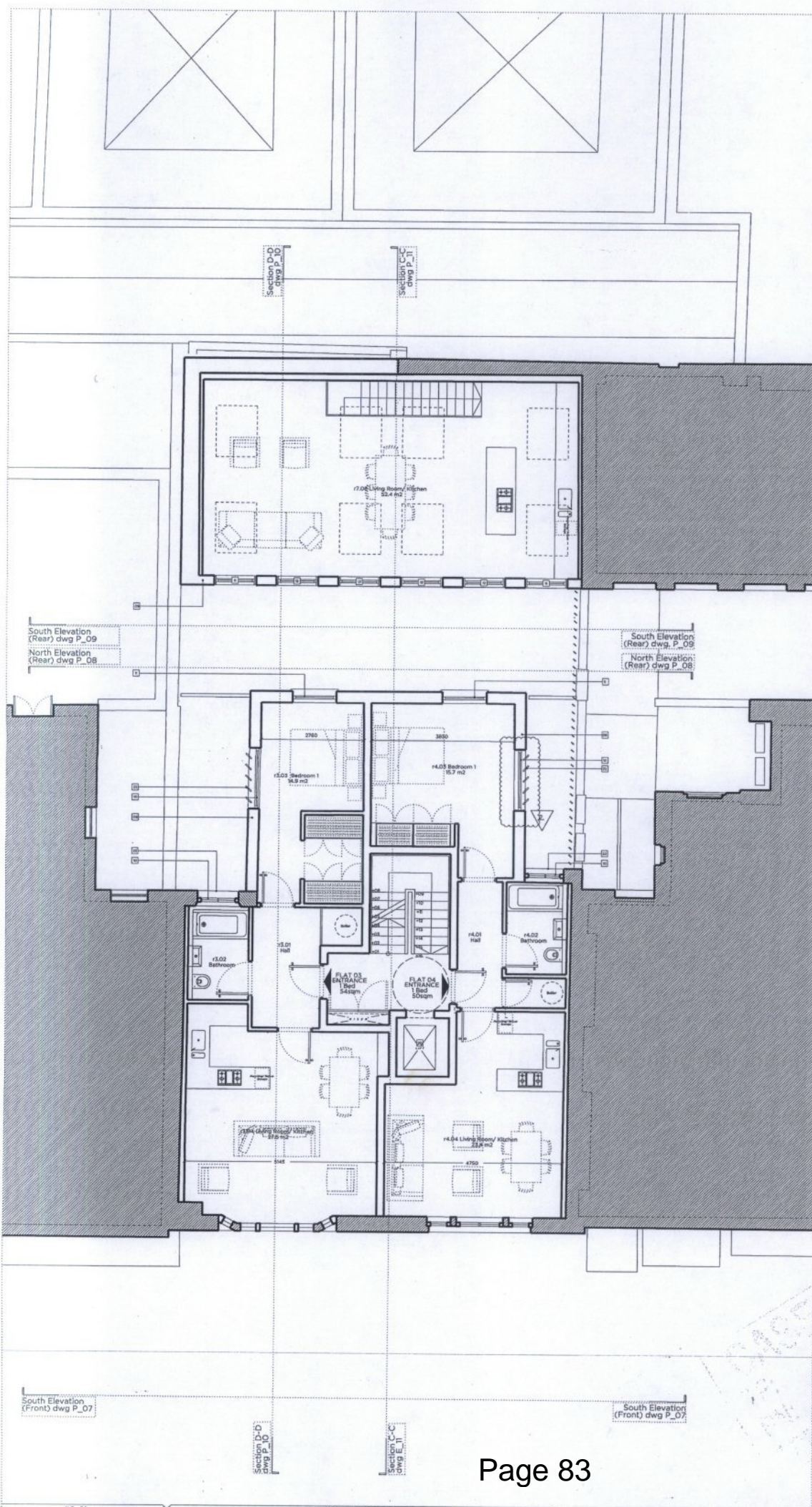
Drawing No. P_01 Rev.

Drawn: PB	Approved: MW	Signed:
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Marek Wojciechowski Architects

60-68 Margaret Street W1W 8ER London, UK
 T: 020 7580 9336 www.mwa.co.uk

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- Legend**
- Existing structure / ground
 - New wall / partition
 - Reconstituted perforated stone paving
 - Local waterproofing membrane
 - New roof slab to match existing
 - Local stone brick to match existing

- Key Proposed**
- Lightweights to basement level replaced, with traditional pitched ceiling to match floor structure on Eastcastle Street
 - Proposed brick store for residential units
 - Existing fabric pavement results to be used for retail and residential areas
 - Proposed A/C condenser within acoustic enclosure
 - Provisions of lift and staircase to be provided in accordance with NCC guidance. Refer to dwg. A.21 Proposed main structure concrete cross
 - Existing parking restriction street sign
 - Minor structural alterations to be provided
 - Vertical extension of existing street sign to local clock face to match existing
 - New building built using local stone bricks to match
 - Proposed window detailed traditionally to match existing
 - Proposed stone window to prevent overbuilding, detailed traditionally to match existing
 - Proposed french doors traditionally detailed
 - Sillier course to top of pavement level to match existing
 - Proposed conservatory roof light
 - Airbrake opening gaps for natural smoke ventilation
 - Existing chimney stack retained and subvented
 - New mansard roof with dormer window detailed as floor below
 - Proposed door detailed traditionally to match existing
 - Proposed stone window to prevent overbuilding
 - New DDA and Lifetime Homes compliant lift
 - External access to A/C condenser unit
 - Existing window openings retained to align with floor levels
 - Obscure glazed angled vertical fins to prevent overbuilding
 - Windows to traditional rooms at 38 Backcastle Street

Rev B 23.03.2015 A fire added to schedule of fixtures in Flat 4 to prevent overbuilding to preserve structure 147423/15.1

Rev A 23.03.2015 L French window and opening added facade, traditional

PLANNING

Project No. 14020

Client: Mr Ben Goldberg

Date: January 2015

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

Project: 36-37 Eastcastle Street, WIV

Drawing Title: Proposed Second Floor Plan

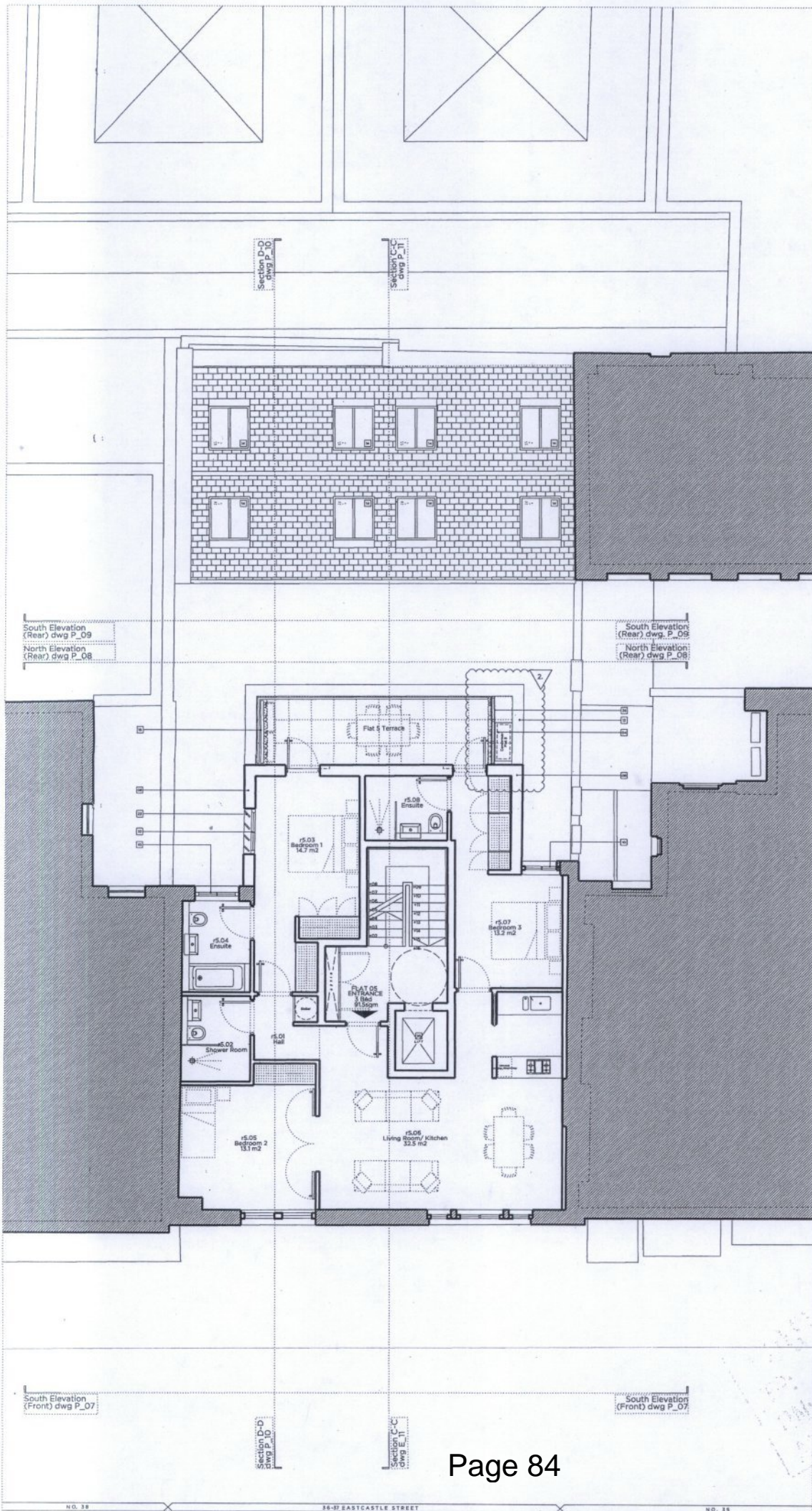
Drawing No. P_03 #B

Drawn: PB Approved: HW

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28-32 Margaret Street WIV 85K T: 020 7840 8128 www.mwa-uk.co.uk

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- Legend**
- Existing structure / ground
 - New wall / partition
 - Reconstituted perforated stone cavity
 - Liquid waterproofing membrane
 - Stone roof tiles to match existing
 - Local stone brick to match existing

- Key Proposed**
- Unlikely to be removed from structure with traditional masonry walls to match floor structure on Eastcastle Street
 - Proposed like stone for residential units
 - Existing below ground walls to be used for retail and residential units
 - Proposed AC Condenser within acoustic enclosure
 - Existing masonry walls to be replaced in accordance with BRE guidance to give 2.0h proposed sound structure residential units
 - Existing parking restriction street sign
 - Street sign to be removed to prevent overlooking
 - Vertical extension of existing above shop to local street level to match existing
 - Existing building bulk using local stone brick to match
 - Proposed window detailed traditionally to match existing
 - Proposed floor to prevent overlooking, detailed traditionally to match existing
 - Proposed stone to match existing
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Rev B	17.08.2015	2. Accidental enclosure and screen (Screened)
Rev A	28.07.2015	1. Detailed screen added to south-east of 3rd floor terrace to prevent overlooking to rearward adjacent 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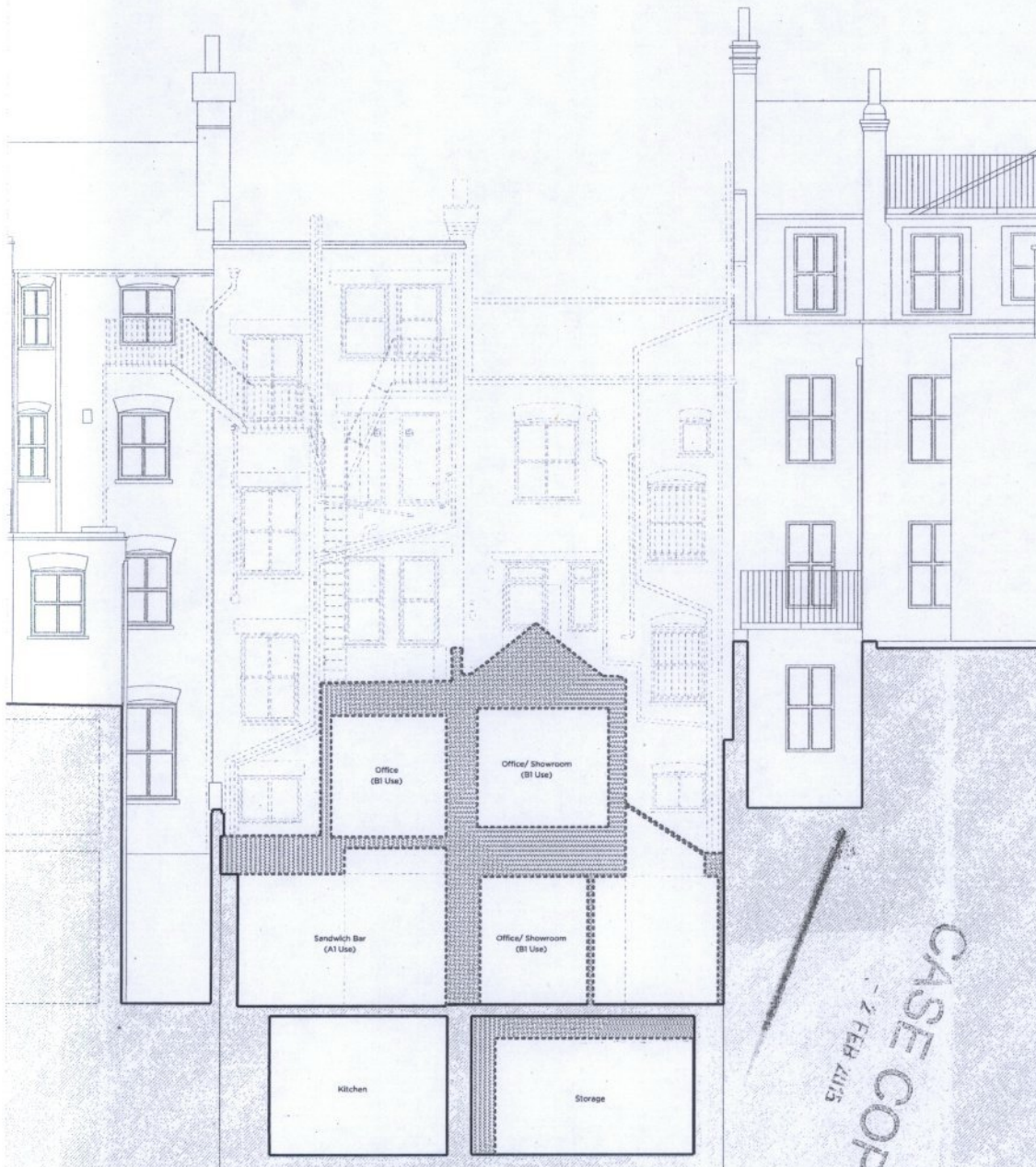
Key Plan, Scale 1:1250

Legend

- Line denotes removal of existing structure in section
- Line denotes removal of existing structure in elevation
- Denotes removal of existing structure in section
- Denotes removal of existing structure in elevation
- Existing structure / ground

Key Convention

- External wall to be removed
- Gable wall to be removed
- Internal wall to be removed
- Internal floor to be removed
- Window to be removed
- Roof to be removed
- Chimney breast removed
- Fireplace light removed to leave an opening
- Condenser units to be removed
- Redundant Balconies removed
- Party Wall to be removed



Rev A 00.00.00 Based for Planning

PLANNING

Project No. 14020

Client: Mr Ben Goldberg

Date: January 2014

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

Project: 36-37 Eastcastle Street, W1W

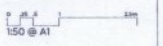
Drawing Title: Demolition North Elevation

Drawing No. E_08 Rev.

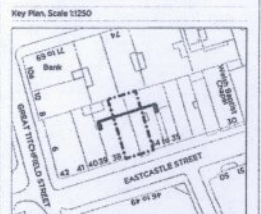
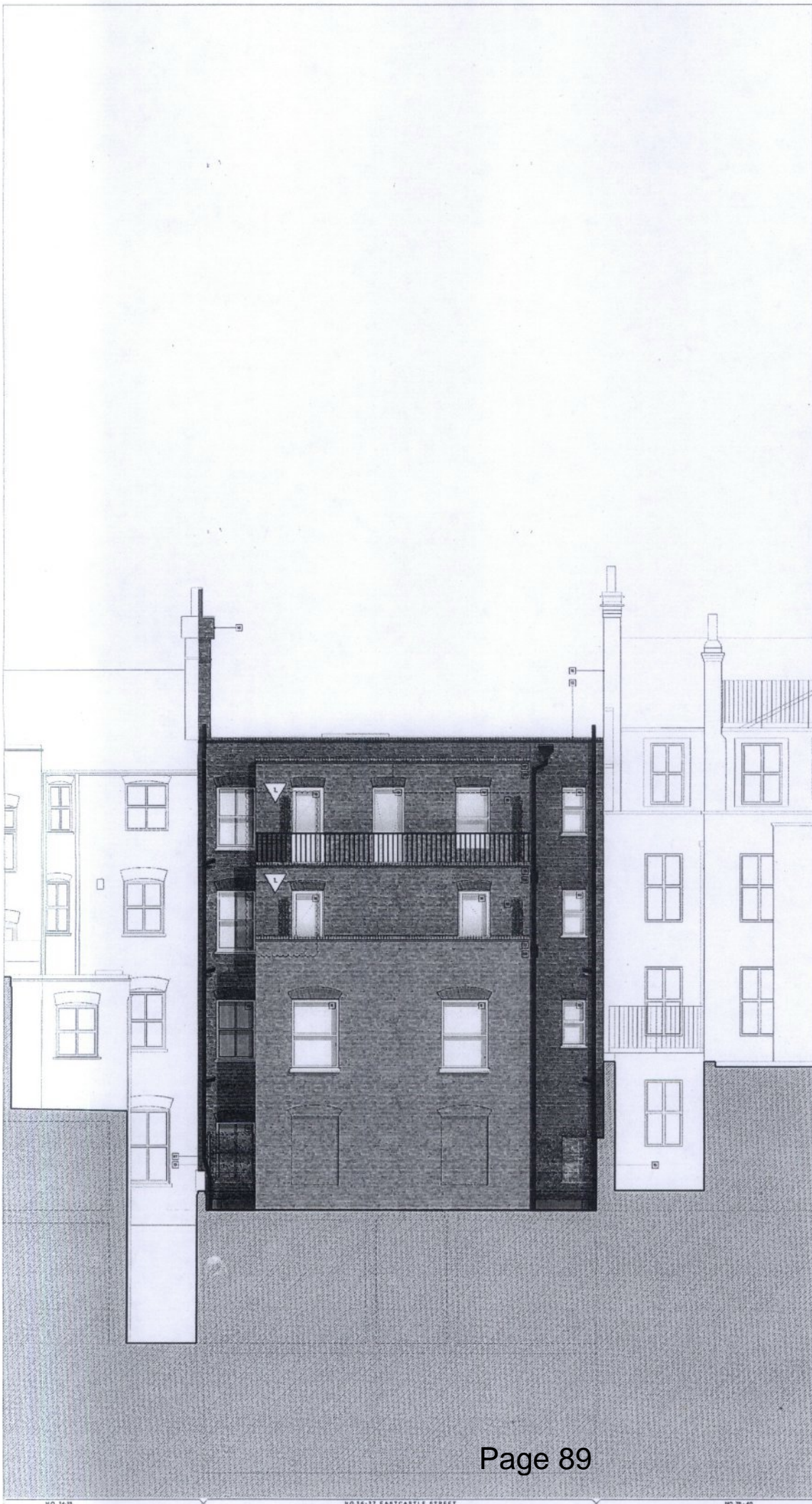
Drawn: M.W. Signed:

Marek Wojciechowski Architects

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EXISTING



- Legend**
- Existing structure / ground
 - New wall / partition
 - Resurfaced / paved / stone paving
 - Liquid waterproofing membrane
 - Slate roof tiles to match existing
 - Local match brick to match existing
 - Existing building line

- Key Proposed**
- 01 Lift shaft to basement level retained, with traditional cast-iron cage to match brick structure on Eastcastle Street
 - 02 Proposed like stone for residential units
 - 03 Existing below pavement works to be used for retail and residential units
 - 04 Proposed A/C condenser within acoustic enclosure
 - 05 Signage for the building to be in accordance with WPC guidance. Sign to show 'P' at proposed match adjacent residential street
 - 06 Existing parking restriction street sign
 - 07 Slender applied aluminium fin to prevent overhanging
 - 08 Vertical separation of existing chest wing in local stone brick to match existing
 - 09 New building built using local stone brick to match existing
 - 10 Proposed window details particularly to match existing
 - 11 Proposed steel windows to prevent overhanging, detailed accordingly to match existing
 - 12 Proposed French doors traditionally detailed
 - 13 Solidor panels to top of parapet brick to match existing
 - 14 Proposed conservation roof lights
 - 15 Automatic opening used for natural smoke ventilation with electrically actuated release
 - 16 Existing chimney stack retained and re-roofed
 - 17 New proposed roof with storage window detailed as seen below
 - 18 Proposed door detailed traditionally to match existing
 - 19 Painted screen to prevent overhanging
 - 20 New DDA and Lifetime Homes compliant lift
 - 21 External access to A/C condenser unit
 - 22 Existing window openings retained to align with floor levels
 - 23 Existing ground angled vertical line to prevent overhanging
 - 24 Windows to facilitate views at 33 Eastcastle Street
 - 25 Cordons around brick screen, minimum height of 0.9m high, with painted brick above

Rev A 17/08/2016 1. Approved for Planning 1. Approved scheme with planning above floorline

PLANNING

Project no. 14020

Client Mr Ben Goldberg

Date January 2016

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

Project 36-37 Eastcastle Street, W1W

Drawing Title Proposed North Elevation

Drawing no. P_08

Drawn PB Approved MW Signed

Marek Wojciechowski Architects

65-66 Harcourt Street W1W 6SH T. 020 7580 9126 www.mwa.co.uk

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PROPOSED

Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Marylebone High Street	
Subject of Report	43 Weymouth Mews, London, W1G 7EH		
Proposal	Excavation to lower existing basement floor level, alterations within the rear lightwell to provide a new access stair and full height service riser, use of the first and second floors as two residential units (Class C3), insertion of three rooflights in the existing roof, and associated internal and external alterations.		
Agent	Howard de Walden Management Ltd		
On behalf of	Howard de Walden Estates Ltd		
Registered Number	15/02936/FULL 15/02937/LBC	TP / PP No	TP/25694
Date of Application	02.04.2015	Date amended/ completed	02.04.2015
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Harley Street		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	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.





43 WEYMOUTH MEWS, W1
Page 95

2. SUMMARY

The application site comprises a Grade II listed building situated within the Harley Street Conservation Area. The property is a public house (Class A4). The building comprises lower ground, ground and two upper floors. Planning permission and listed building consent are sought for works associated with the conversion of the upper floors to two residential units and internal alterations to rationalise the use of the commercial floor area within the public house.

The key issues for consideration are:

- The conversion of public house floorspace to provide new residential accommodation.
- The impact of the proposals upon the amenities of neighbouring residents.
- The impact of the works upon both the special interest of the listed building and the character and appearance of the conservation area.

The proposals are considered acceptable in land use, amenity, design, conservation and listed building terms and comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan)..

3. CONSULTATIONS

MARYLEBONE ASSOCIATION

Objection on the following grounds:

- Lack of acoustic report.
- It is unclear whether the reconfiguration of the rear stairs will impact on No. 41 Weymouth Mews.
- It is not clear whether the service riser will impact on the neighbouring window.
- The removal of the external amenity space associated with the public house will increase the numbers of customers outside on Weymouth Mews and increase noise for neighbouring residents.
- It is unclear whether the addition of a new rear stairwell will impact on the privacy of the neighbouring property given the location of its window.

ENGLISH HERITAGE

Flexible authorisation received 20 April 2015.

DISTRICT SURVEYOR

No objection.

HIGHWAYS PLANNING MANAGER

Object to introduction of new open grate on the highway, and insufficient waste and cycle parking.

ENVIRONMENTAL HEALTH

No objection subject to the imposition of relevant noise conditions.

ANCIENT MONUMENTS SOCIETY

No response to date.

COUNCIL FOR BRITISH ARCHAEOLOGY

No response to date.

GEORGIAN GROUP

No response to date.

VICTORIAN SOCIETY

No response to date.

TWENTIETH CENTURY SOCIETY

No response to date..

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

No response to date.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 40; Total No. of Replies: 4

Three letters of objection and one neutral comment received. Objections were on some or all of the following grounds:

Amenity

- At present the soundproofing of the party wall with the public house is inadequate and any proposal which increases the number of patrons will create more internal noise transmission.
- At present the noise from bottles and deliveries, the pub's sound system, live bands, and the manager's personal music after closing hours cause harm to residential amenity. Any redevelopment must improve soundproofing.
- Concerns that residents accessing the new residential properties on the upper floors, near a neighbouring residential window, may cause noise at unsociable hours.
- The mechanics installed for the pavement delivery hatch should not be noisier than the current system.
- The pub's patrons already cause noise and litter problems. The proposals resulting in the loss of the external area and increase of tradable space in the basement will exacerbate these problems.

Highways

- Increased number of patrons on the road is dangerous and causes nuisance

Other

- Noise and disturbance during construction works.
- It is unclear how long the construction works will take.
- The proposals will affect the value of neighbouring properties.
- The pub is of local social importance.
- Symptomatic of wider trend of homogeneity and loss of character in retail and entertainment premises in Marylebone.

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

No. 43 Weymouth Mews is a Grade II listed property located on the western side of the mews and comprises of lower ground, ground and two upper floors. The lawful use of the premises is as a public house (Class A4) throughout.

The site is located outside the Core Central Activities Zone, but is within the Harley Street Conservation Area.

4.2 Relevant History

No relevant planning history.

5. THE PROPOSAL

Planning permission and listed building consent are sought for the use of the first and second floors as two flats (Class C3) and internal alterations at basement and ground floor levels to rationalise the use of the public house floorspace. The works at basement and ground floors are intended to allow more efficient use of public house floorspace and include excavation works to lower the existing basement floor level and the installation of a service riser in the rear lightwell and plant within a louvred enclosure at basement level.

The new residential units on the upper floors will be accessed from the rear of Weymouth Mews via a new stair up to first floor level built within the rear lightwell and a window will be replaced by a new door. Three rooflights are also proposed in the front roof slope to provide improved light levels for the residential accommodation.

The basement and ground floor will remain in use as a public house (Class A4). The public house's licensed hours are 10.00-23.30 Monday to Saturday and 12.00-23.00 on Sundays. These hours are unchanged by the application.

6. DETAILED CONSIDERATIONS

6.1 Land Use

Policy SS8 of the UDP relates to shops and services outside the district and local centres (outside the Central Activities Zone). The policy application states that traditional public houses are generally considered to add to the character and function of a locality and their loss will only be acceptable if they have been vacant and marketed for at least 18 months without success.

The proposal does not result in the loss of a public house, however, as a result of the conversion of the first and second floors to provide 1 x 1 bed and 1 x 2 bed units, it does result in a net loss of 139m² of public house floorspace. This is because, at present, whilst the upper floors provide residential accommodation this is considered to be ancillary to the public house use as the accommodation is not self-contained and is inhabited by the pub's staff. For this reason, the whole property is a single planning unit which falls within the public house use class (Class A4).

However, as neither of the first or second floors are in use as tradable floorspace, it is not considered that the loss of this ancillary residential accommodation will jeopardise the long term viability of the public house. Indeed, the proposals involve a reconfiguration of the public house's tradable area which involves the use of part of the basement, which at present is primarily used for storage purposes, as additional bar area. The objection received on the grounds that the proposal would result in the loss of a traditional local pub is therefore not sustainable.

The conversion of the upper floors would provide 1 x 1 bed and 1 x 2 bed residential units. City Plan Policy S14 states that residential use is the priority across Westminster, except where specifically stated. Policy H5 of the UDP seeks a range of housing sizes, including family accommodation and Policy S14 seeks to optimise the number of residential units on development sites. Whilst no three bed units are provided, given the constrained nature of this listed property the proposed mix of units is considered to be acceptable.

The units, which measure 66m² and 63m², exceed the Mayor of London's internal space standards, are dual aspect and are considered to provide a good standard of residential accommodation.

6.2 Townscape and Design

The Dover Castle is Grade II listed and located within the Harley Street Conservation Area. It is an attractive two storey mews pub, with timber shopfront, stucco front elevation and roof hidden behind a moulded parapet. Internally, it retains some unaltered pub fittings to the ground floor, including sloping bar and panelled partitions.

The building is significant as a good example of an early 19th century mews pub. The attractive pub interior at ground floor and the exterior make the greatest contribution to its special interest. The upper floors are relatively simply detailed and make less contribution to the building's significance. The pub also makes a positive contribution to the character and appearance of the conservation area.

The main historic building and design issues are the impact of the proposals on the special architectural and historic interest (significance) of the building, as well as the impact on the character and appearance of the Harley Street Conservation Area.

Internal Alterations

Internally, the most significant area, which is consequently most sensitive to change, is the panelled ground floor bar. The majority of the bar area is unaffected by the proposals, with all original fabric retained. New toilet facilities will be created in an area which has been altered to the rear. In this location, a later 1950s staircase to the basement will be removed. The existing bar counter will be retained and a small new section of bar to match inserted behind the existing bar counter to segregate the public from the bar. Works will have little impact on historic fabric or the appearance of the bar area and proposals at this level are considered acceptable subject to detail, which will be conditioned.

Within the basement, it is proposed to lower floor levels slightly to make this a useable public bar and kitchen area and some new openings will be created to provide access. The basement has been altered and there appears to be no remaining historic fabric of interest. As such, these works are considered acceptable, subject to conditions to ensure appropriate detailing. The vaults were not accessible and further detail of works to these will be conditioned.

The upper floors are relatively simply detailed. Nonetheless, there is some architectural detail of interest including the original staircase and attractive fireplaces. The separation of the bar from the new residential units above would entail a number of contentious alterations, blocking access between ground and first floors. The staircase would be closed off, with the door fixed shut at ground floor level and new partitions inserted at the top of the first flight leading from the ground floor. However, the staircase will be retained in its entirety in situ, with the stair between first and second floor left entirely unaltered. These alterations are also reversible. This is therefore considered acceptable and further detail of this will be requested by condition to ensure the final appearance is suitable.

Additionally, a number of changes to plan form are proposed with the creation of new openings and ensuite facilities and widening the room in the loft. However, where openings are being created, nibs and downstands will be retained to ensure the original plan form can still be read and fireplaces, skirtings, architraves and original doors are to be retained and replicated where new partitions are inserted. Works to the floors are also required to provide acoustic separation between residential units and the bar. This will slightly raise the floor level. Details have been provided of this and this can be achieved while retaining original fabric.

Given the lesser significance of these spaces, on balance, the internal changes are considered acceptable in historic building terms, as the most significant area of the building at ground floor will remain largely unaltered, and the main features of interest to upper floors are to be retained.

External Alterations

The majority of external alterations are to the rear. The rear elevation has undergone a number of unsympathetic alterations with various pipes and ducts installed. A simply detailed access staircase would be set against the back wall of what is currently a small courtyard garden. This leads to a new timber door which would be created in place of a window at first floor level of the pub. All other windows and doors are to be retained unaltered and these works are considered acceptable. It was previously proposed to alter the arched entrance from the mews leading to the rear of the pub but it is now proposed to retain this and the objections from the Marylebone Association regarding alterations to these stairs no longer apply. Existing air conditioning units, ducts and pipework on the rear elevation would be removed and a new full height service riser is proposed. Although the design of this on the plans is not clear, the applicant has indicated this will be brick clad and will terminate through the existing chimney. This will be conditioned. These works are considered acceptable and should help to rationalise the existing clutter to the rear elevation.

The only other external alteration is the installation of rooflights to the front roof slope. The rooflights will not be visible from the street and works to the rear are not visible from within the mews. As such, the proposals will have little impact on the character and appearance of the Harley Street Conservation Area.

6.3 Amenity (Daylight/Sunlight/Overlooking)

6.3.1 New stair, extract duct and residential entrance

The Marylebone Association raise objection as the new residential staircase passes close to a neighbouring residential window, and a nearby residential occupier objects as they consider that establishing a new residential entrance to the rear of the public house will cause additional noise pollution, potentially late at night. However, the only neighbouring residential window within the lightwell where the new staircase is to be located is currently painted over and therefore neighbouring residents will suffer no loss of privacy. In addition, it is not considered that a new residential entrance, which is not intrinsically noisy, and that will provide access to only two flats will cause a demonstrable noise nuisance to neighbouring properties in the mews. The Marylebone Association also object to the location of the full height extract duct, however, this has been relocated and is no longer adjacent to the neighbouring residential window at No. 41.

6.3.2 Internal alterations to the public house

Objections have been received from neighbouring occupiers on the grounds that they suffer from noise transmission through the pub's party walls and that this will be exacerbated by the increase in tradeable floor area. It is also contended that the loss of the use of the small external lightwell area for patrons of the public house will increase the number of patrons congregating on the public highway thus causing additional disturbance and highway disruption.

The property is a long established original mid 19th century public house which is not controlled by planning conditions. The entire building is in public house use and there are no planning conditions to restrict the number of patrons within the property. The basement is currently used for storage associated with the pub use. Whilst the proposals involve

accommodating a kitchen, toilets and new bar area within the basement, this does not result in a change of use and planning permission is not required for this part of the proposals. Overall, the amount of public house floor area is reduced and whilst the concerns of neighbouring occupiers are noted, it is not considered that the application could be refused on the grounds of noise transmission.

With regard to the loss of the existing courtyard area, whilst this is unfortunate, the courtyard space is very small and does not accommodate a large number of customers. For this reason it is not considered that the loss of the courtyard would have a demonstrable impact on the level of disturbance from patrons congregating on the highway.

Another objection raises the issue of noise from alterations to an existing delivery hatch. The applicant has advised that the delivery hatch will remain as existing.

6.3.3 New residential units

With regards to the amenity of future occupiers of the residential units on the upper floors, the applicant is proposing acoustic insulation to be installed over the existing timber floor. This installation, combined with the imposition of conditions which require the submission of a supplementary noise report which demonstrates that satisfactory internal noise levels can be achieved, is considered sufficient to safeguard the amenity of future occupiers.

6.4 Transportation/Servicing

The applicant originally proposed to install a new grille within the public highway. The City Council raised an in principle objection to this element on highways grounds as it would involve the loss of a solid surface and cause harm to the pedestrian environment. The applicant has since removed the grille from the proposals, and the existing delivery hatch will remain.

It is not considered that the internal alterations to the existing public house will have any material impact on the highways and servicing requirements for the premises.

No residential car parking is provided. 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 to 'stress levels'. The UDP parking standards normally require one parking space per residential flat. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays has exceeded 80% within a 200m radius of the development site. The occupancy of on-street parking during the day is currently 80.2%, although this reduces to 73.9% at night when Single Yellow Line kerbspace is available. The Highways Planning Manager has objected to the scheme on the basis that daytime stress levels have been reached and that it would therefore be inappropriate to allow further demand for on-street spaces. The potential increased pressure for on street parking needs to be balanced against the land use aim to increase the housing stock. In this case, it is not considered that permission should be withheld for a single new unit despite the fact that there is no off street car parking.

No residential cycle parking is proposed. Council policy requires one secure cycle parking space for each new residential unit. However, on this occasion, it is considered that due to the constraints of this Grade II listed building the lack of cycle parking is acceptable.

6.5 Economic Considerations

Any economic benefits generated by the scheme are welcome.

6.6 Access

As existing, level access will be provided to the ground floor of the premises.

6.7 Other UDP/Westminster Policy Considerations

6.7.1 Plant

The proposal involves installation of a full height service riser with extract duct and new kitchen plant within a louvred area at basement level. This aspect of the scheme 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. The Marylebone Association object to the lack of an acoustic report, however, a full noise report has been submitted.

The area has been identified in the applicant's acoustic report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows. The applicant is yet to select the specific plant to be installed but it will be located within a louvred enclosure at rear basement level. The nearest residential occupiers adjoin the application property's northern and southern elevations. In order to ensure that the plant installation meets the design noise criteria, a condition is proposed requiring an acoustic report supplying full details of the plant installation and associated noise attenuation measures.

6.7.2 Refuse storage

The new residential units are provided with separate recycling and general waste storage within the kitchen units.

The waste and recycling storage for the public house are located within the front basement vaults and this is considered to be acceptable.

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 these applications are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

The application does not trigger a requirement for planning obligations.

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.

6.12 Other Issues

None relevant.

6.13 Conclusion

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

BACKGROUND PAPERS

1. Application forms
2. Memorandum from Environmental Heath dated 12 April 2015 and 29 October 2015
3. Memorandum from Highways Planning Manager dated 05 June 2015
4. Memorandum from District Surveyor dated 16 October 2015
5. Letter from Historic England dated 20 April 2015
6. Letter from Marylebone Association dated 06 May 2015
7. Letter from occupier of 44 Weymouth Mews dated 28 April 2015
8. Letters from the occupiers of 41 Weymouth Mews dated 29 April 2015 and 05 May 2015
9. Letter from occupier of 16 Winsley Court, 37 Portland Place dated 09 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

DRAFT DECISION LETTER

Address: 43 Weymouth Mews, London, W1G 7EH

Proposal: Excavation to lower existing basement floor level, alterations within the rear lightwell to provide a new access stair and full height service riser, use of the first and second floors as two residential units (Class C3), insertion of three rooflights in the existing roof, and associated internal and external alterations.

Plan Nos: (00)_P_000/P02; (00)_P_110/P02; (00)_P_111/P02; (00)_P_210/P02; (00)_P_211/P02; (00)_P_310/P02; (12)_P_100/P02; (12)_P_101/P02; (12)_P_200/P02; (12)_P_201/P02 (12)_P_300/P02; (40)_P_100/P02; (40)_P_101/P02; (40)_P_102/P02; Plant Noise Assessment 6716/PNA; Structural Methodology Statement March 2015

Case Officer: Billy Pattison

Direct Tel. No. 020 7641 3267

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 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:

In order to ensure that the design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same building from noise and vibration from elsewhere in the development in accordance with S32 of Westminster's City Plan: Strategic Policies (adopted November 2013) and ENV6 of the Unitary Development Plan adopted in January 2007.

- 5 You must apply to us for approval of details of how the first floor flat will be insulated to reduce noise passing between it and the ground floor public house below. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details. Once the work has been completed, and before the public house re-opens to customers, you must submit a supplementary acoustic report which has been produced by carrying out a noise propagation test, and which demonstrates that compliance with planning condition 4 can be achieved.

Reason:

In order to ensure that the design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same building from noise and vibration from elsewhere in the development in accordance with S32 of Westminster's City Plan: Strategic Policies (adopted November 2013) and ENV6 of the Unitary Development Plan adopted in January 2007.

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

Reason:

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

- 7 (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.

- 8 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 7 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.

- 9 You must apply to us for approval of detailed drawings, including sections and elevations (scale 1:5 and 1:20) of the following parts of the development:
(i) All new external doors and entrance gate from the rear

You must not start work until we have approved what you have sent us.

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)

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

The service riser shall terminate within the rear chimney breast and be finished in brick or another material to be agreed in writing. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 11 You must apply to us for approval of details 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 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)

- 12 You must remove all redundant pipework and plant from the building before you begin the approved use.

Reason:

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

- 13 You must provide the waste store shown on drawing P111 Rev P02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the residential flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 14 You must paint the rear staircase black and thereafter keep it that colour.

Reason:

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

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

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 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.

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. (180CB)

- 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.

DRAFT DECISION LETTER

Address: 43 Weymouth Mews, London, W1G 7EH

Proposal: Excavation to lower existing basement floor level, alterations within the rear lightwell to provide a new access stair and full height service riser, insertion of three rooflights in the existing roof, and associated internal and external alterations.

Plan Nos: (00)_P_000/P02; (00)_P_110/P02; (00)_P_111/P02; (00)_P_210/P02;
(00)_P_211/P02; (00)_P_310/P02; (12)_P_100/P02; (12)_P_101/P02;
(12)_P_200/P02; (12)_P_201/P02 (12)_P_300/P02; (40)_P_100/P02;
(40)_P_101/P02; (40)_P_102/P02.

Case Officer: Billy Pattison

Direct Tel. No. 020 7641 3267

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 new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)
- 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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 7 You must apply to us for approval of detailed drawings, including sections and elevations (scale 1:5 and 1:20) of the following parts of the development:

- (i) All new external doors and entrance gate from the rear
- (ii) New temporary partitions to seal stairs
- (iii) New section of bar at ground floor level
- (iv) All new internal joinery including doors and skirtings

You must not start work until we have approved what you have sent us.

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: the service riser shall terminate within the rear chimney breast and be finished in brick or another material to be agreed in writing;
You must not start on these parts of the work until we have approved what you have sent us.
You must then carry out the work according to the approved drawings. (C26UB)

Reason:
To protect the 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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 9 You must not disturb the existing original vaults unless changes are shown on the approved drawings.

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 10 You must apply to us for approval of details 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 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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 11 You must remove all redundant pipework and plant from the building before you begin the approved use.

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

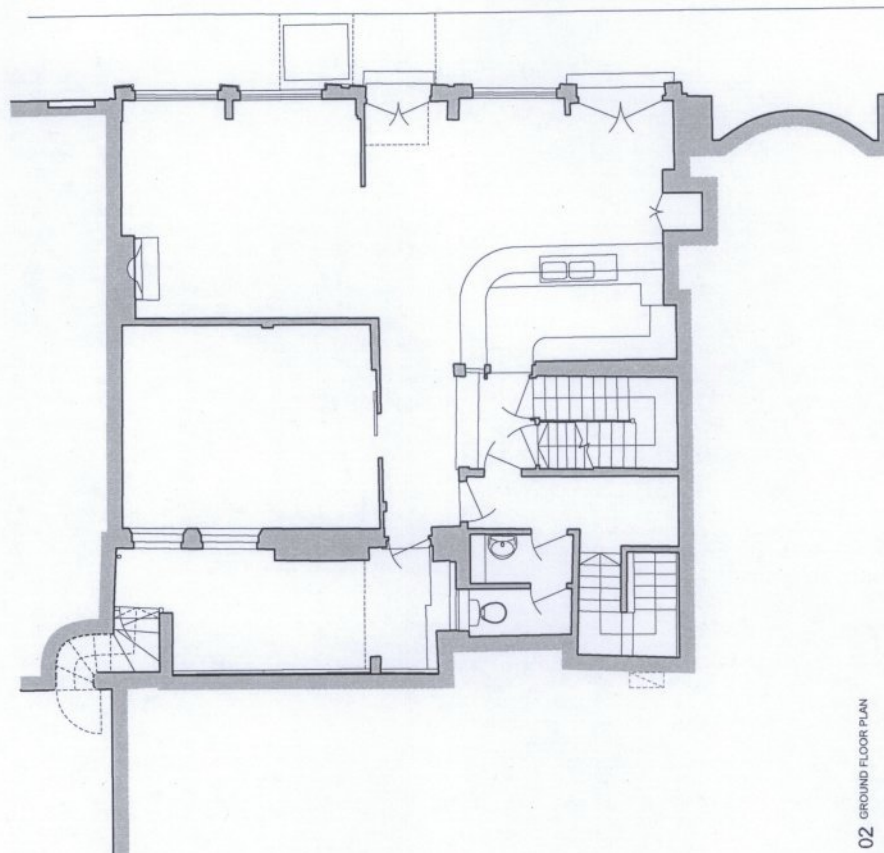
Informative(s):

- 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.

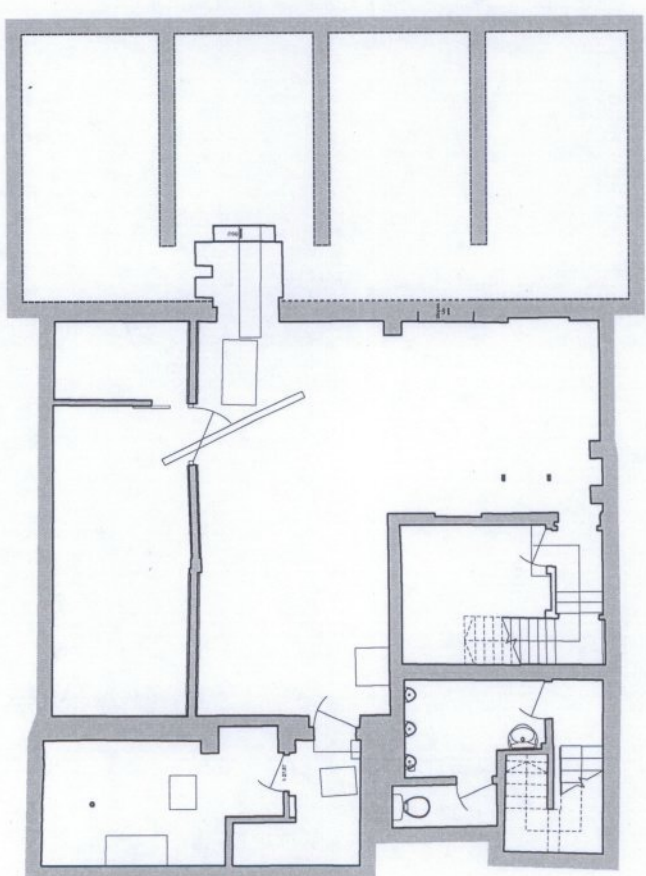
The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

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 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.



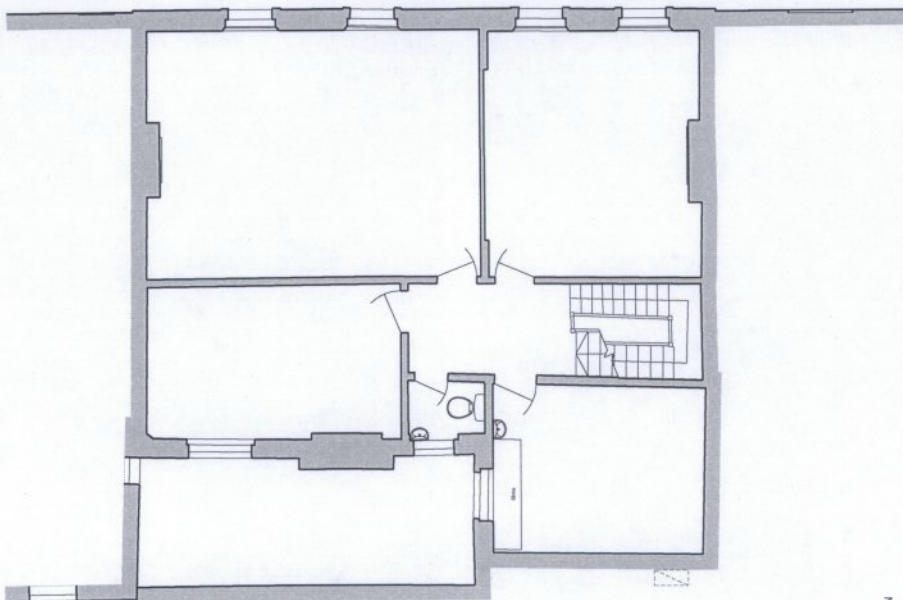
02 GROUND FLOOR PLAN



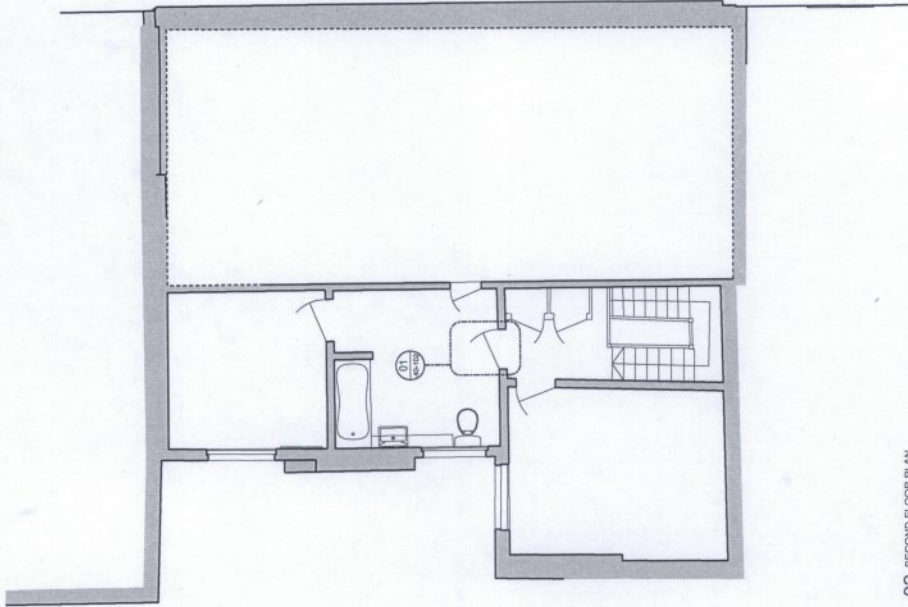
01 BASEMENT PLAN



<p>General Notes</p> <ol style="list-style-type: none"> Do not scale from this drawing. Refer to related drawings. Check dimensions on site and on drawings. All dimensions are approximate and subject to change. The architect is not responsible for any errors or omissions in the drawings. Report all drawing errors, omissions and discrepancies to Morrow + Lorraine Ltd. Dimensions are approximate and to be used as a guide only. Any Ordnance Survey mapping data in this drawing is used under license. Its use is strictly for the preparation of information and is not to be used for any other purpose. All Ordnance Survey data supplied must be deleted and all paper copies destroyed. 	<p>Rev: P01 - 27/03/15 P02 - 17/07/15</p>	<p>Date: 27/03/15 17/07/15</p>	<p>Reason For Issue: Issue for Planning Issue for Planning</p>	<p>DAK JIM JIM</p>
	<p>LOCATION: HARLEY STREET</p>			
<p>MORROW + LORRAINE ARCHITECTS 27 MARGARET STREET LONDON W1W 8JH T: +44 (0)20 7586 8818 F: +44 (0)20 757 3338 WWW.MORROWLORRAINE.COM MORROW + LORRAINE LTD. REGD. IN ENGLAND NO. 1418815</p>				
<p>JOB TITLE 43 WEYMOUTH MEWS THE DOVER CASTLE</p>		<p>CLIENT HOWARD de WALDEN MANAGEMENT LIMITED</p>		
<p>DRAWING TITLE BASEMENT AND GROUND EXISTING PLANS</p>		<p>DRAWING STATUS PLANNING</p>		
<p>project 1512 (00) P 100</p>		<p>date 10/02/15</p>		<p>revision P02</p>
<p>checked by JIM</p>		<p>scale 1:50 @ A1: 1:100 @ A3</p>		<p>drawing number (00) P 100</p>



01 FIRST FLOOR PLAN



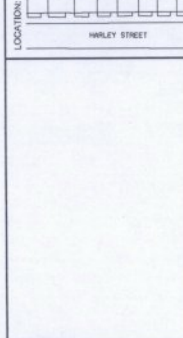
02 SECOND FLOOR PLAN



General Notes

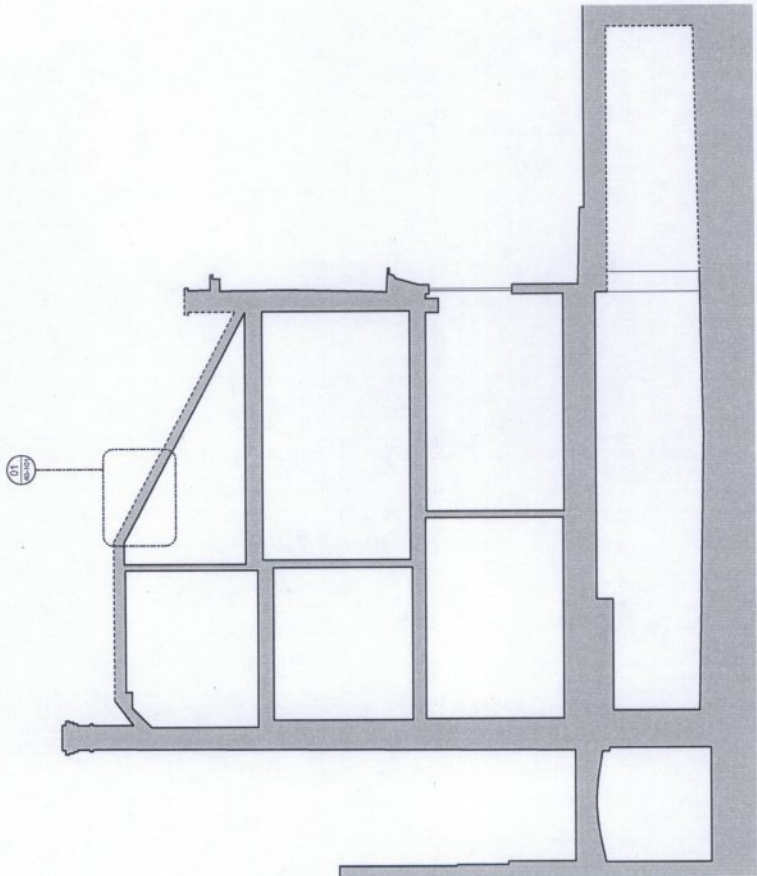
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2. All dimensions are to the face of walls unless otherwise stated.
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Rev	Date	Reason for Issue	DAK
P01	27/03/15	Issue for Planning	JM
P02	17/07/15	Issue for Planning	JM

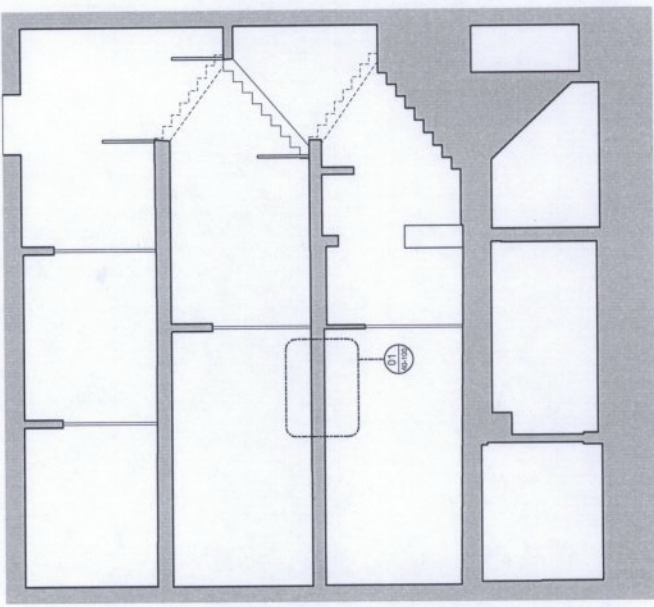


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JOB TITLE	43 WEYMOUTH MEWS THE DOVER CASTLE	CLIENT	HOWARD de WALDEN MANAGEMENT LIMITED
DRAWING TITLE	FIRST AND SECOND EXISTING PLANS	DRAWING STATUS	PLANNING
DESIGN BY	JM	CHECKED BY	JM
SCALE	1:50 @ A1: 1:100 @ A3	DATE	10/02/15
PROJECT	1512	DRAWING NUMBER	(00)_P_101
REVISION			P02



01 EXISTING SECTION AA



02 EXISTING SECTION BB

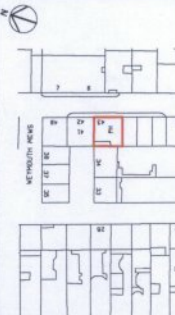


General Notes

1. Do not scale from this drawing. Refer to stated dimensions.
2. All dimensions are in millimetres unless otherwise stated.
3. Report all drawing errors, omissions and discrepancies to Morrow + Lorraine Ltd.
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Rev	Date	Reason for Issue	CHK
P01	27/03/15	Issue for Planning	JM
P02	17/07/15	Issue for Planning	JM

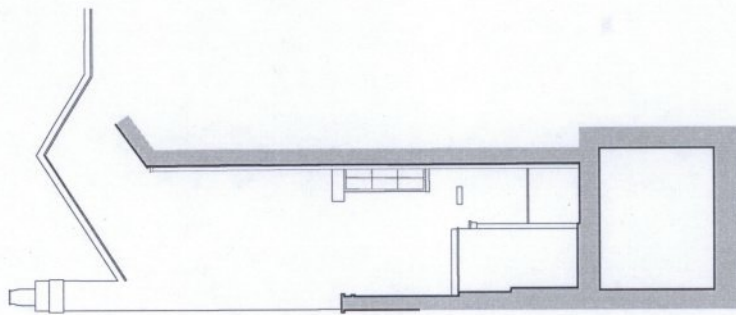
LOCATION:
HARLEY STREET



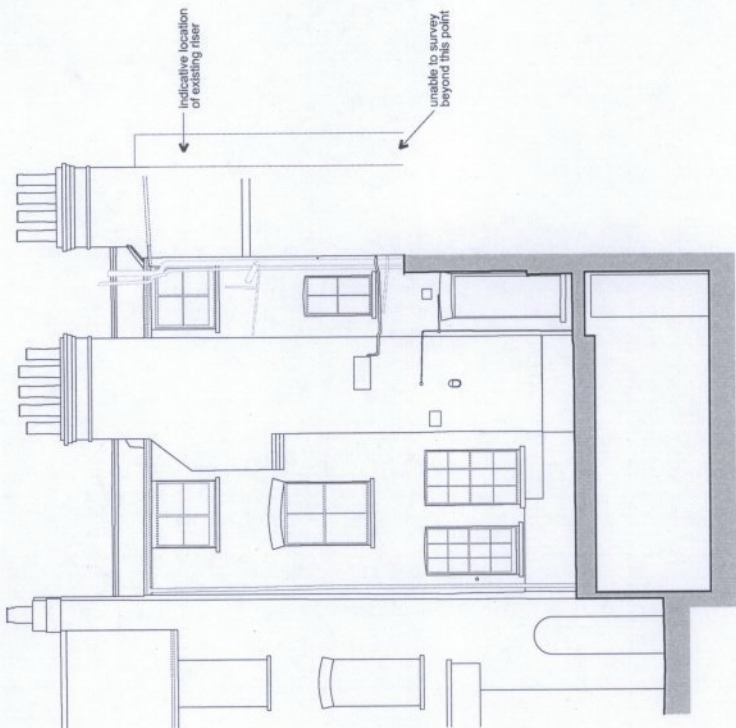
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JOB TITLE	43 WEYMOUTH MEWS THE DOVER CASTLE
CLIENT	HOWARD DE WALDEN MANAGEMENT LIMITED
design by	TP
checked	JM
scale	1:50@A1: 1:100@A3
date	10/02/15

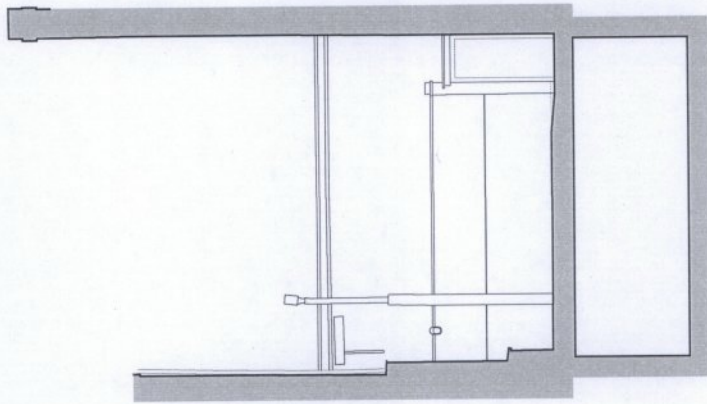
DRAWING TITLE	SECTIONS EXISTING
DRAWING STATUS	PLANNING
project	1512
drawing number	(00) P_300
revision	P02



01 LIGHTWELL NORTH ELEVATION



02 LIGHTWELL EAST ELEVATION



03 LIGHTWELL WEST ELEVATION



General Notes

1. Do not scale from this drawing. Refer to stated dimensions.
2. All dimensions are in millimeters unless otherwise stated.
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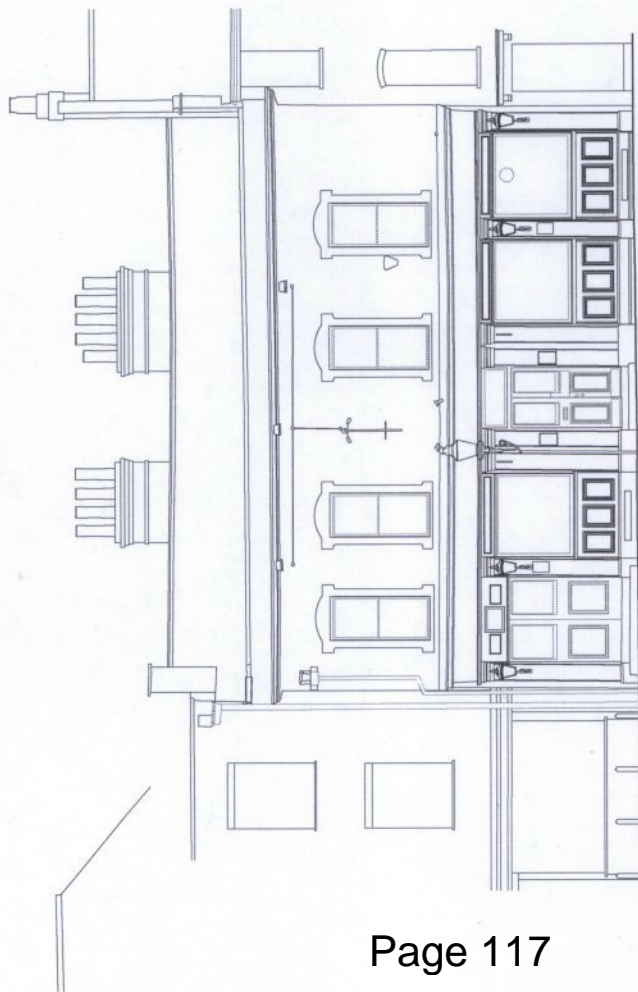
Rev	Date	Reason For Issue	DAK
P01	27/03/15	Issue for Planning	JM
P02	17/07/15	Issue for Planning	JM



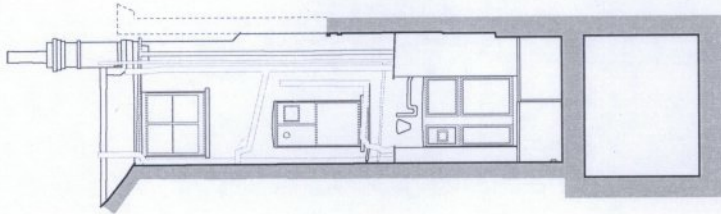
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JOB TITLE	43 WEYMOUTH MEWS THE DOVER CASTLE	DATE	24/02/15
CLIENT	HOWARD de WALDEN MANAGEMENT LIMITED	SCALE	1:50@A1: 1:100@A3
DESIGN BY	JM	CHECKED BY	JM

DRAWING TITLE	EXISTING ELEVATIONS	PROJECT	1512	DRAWING NUMBER	(00) P_201	REVISION	P02
DRAWING STATUS	PLANNING	PROJECT NUMBER	1512	PROJECT NAME	(00) P_201	REVISION NUMBER	P02



01 FRONT ELEVATION

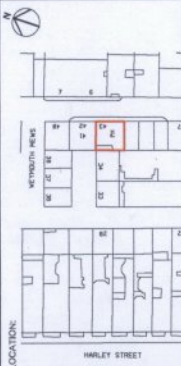
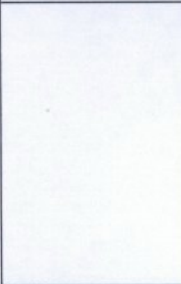


02 LIGHTWELL SOUTH ELEVATION



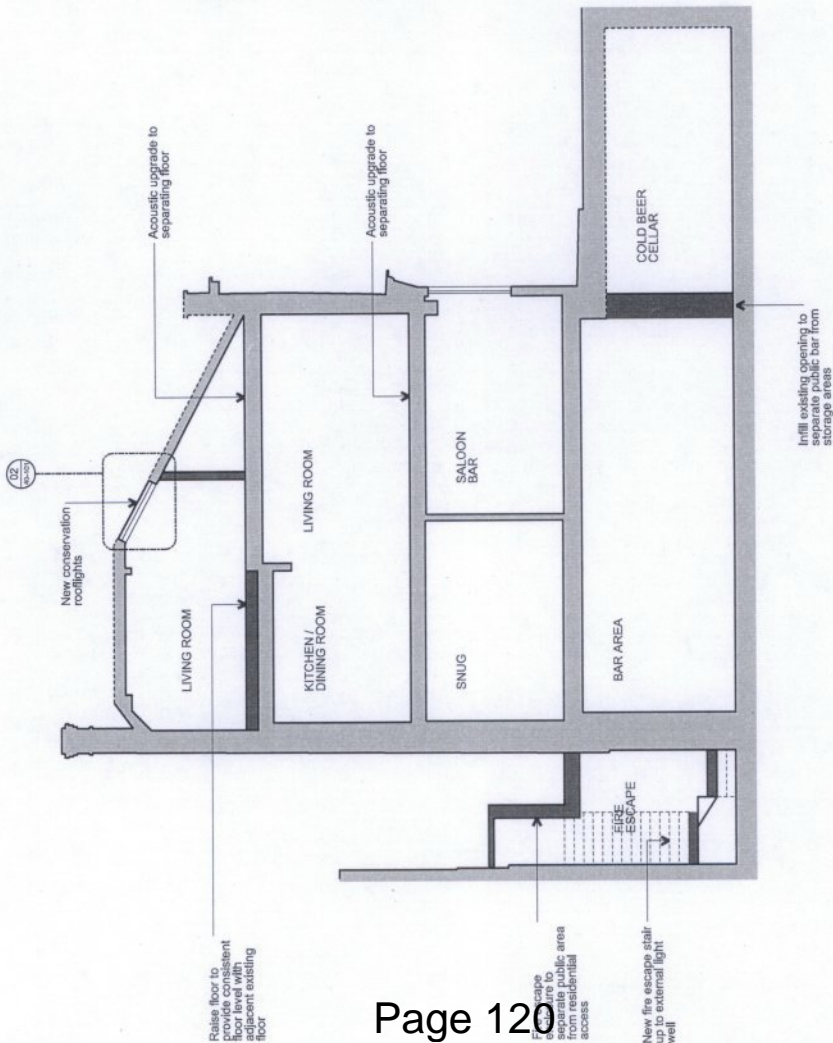
General Notes
 1. Do not scale from this drawing. Refer to scaled dimensions.
 2. All dimensions are in millimeters unless otherwise indicated. The contractor shall be responsible for checking, proceeding, and such dimensions to his responsibility.
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Rev	Date	Reason For Issue	CHK
P01	27/03/15	Issue for Planning	JM
P02	11/07/15	Issue for Planning	JM

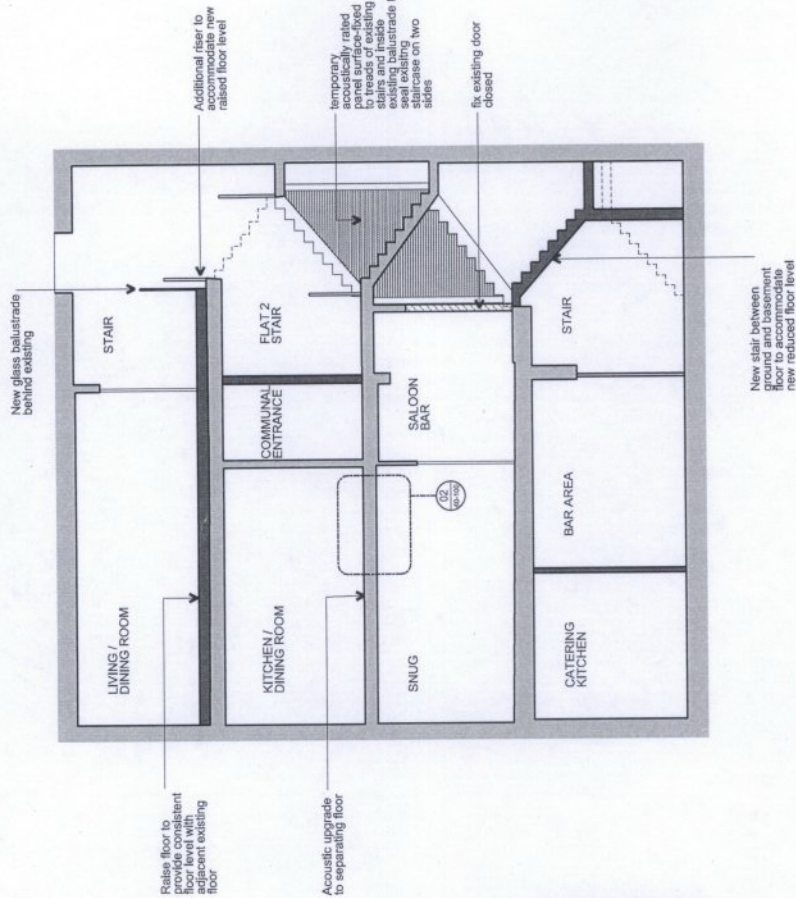


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JOB TITLE	43 WEYMOUTH MEWS THE DOVER CASTLE
CLIENT	HOWARD DE WALDEN MANAGEMENT LIMITED
Drawn by	TP
Checked by	JM
Scale	1:50@A1; 1:100@A3
Date	24/02/15
DRAWING TITLE	EXISTING ELEVATIONS
DRAWING STATUS	PLANNING
Project	1512
Drawing number	(00)_P_200
Revision	P02



01 SECTION AA



02 SECTION BB



General Notes

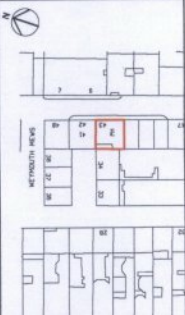
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Rev	Date	Reason for Issue	DNK
P01	27/03/15	Issue for Planning	JM
P02	17/07/15	Issue for Planning	JM

PROPOSALS KEY:

- EXISTING FABRIC
- PROPOSED FABRIC

LOCATION:



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JOB TITLE
 43 WEYMOUTH MEWS
 THE DOVER CASTLE

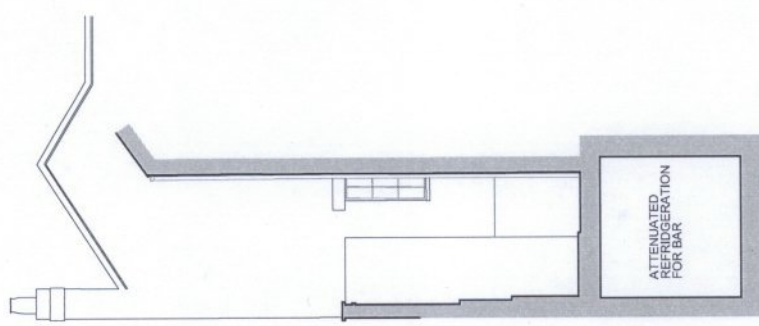
CLIENT
 HOWARD de WALDEN
 MANAGEMENT LIMITED

drawn by: JM
 checked: JM
 scale: 1:50@A1; 1:100@A3
 date: 10/02/15

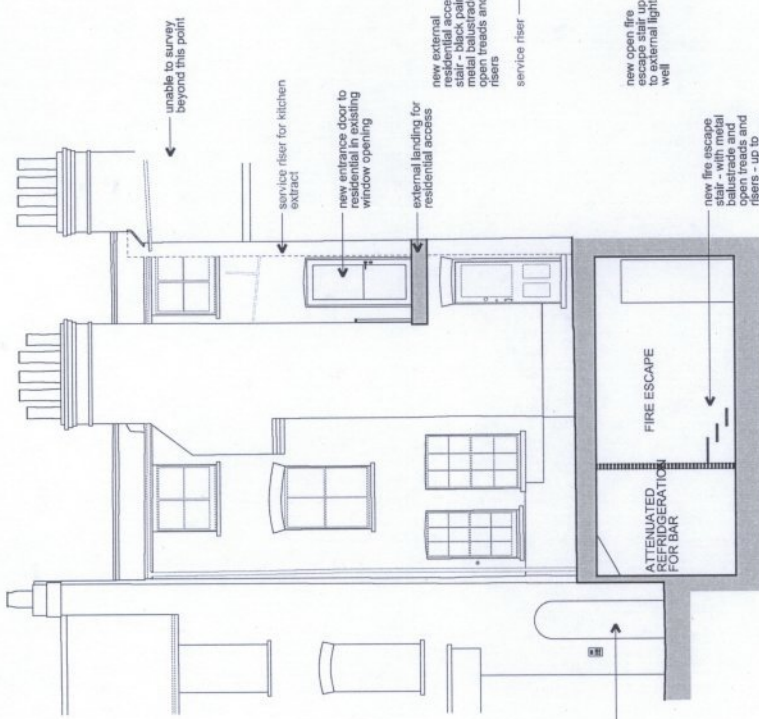
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PLANNING	PLANNING

project	drawing number	revision
1512	(00)_P_310	P02

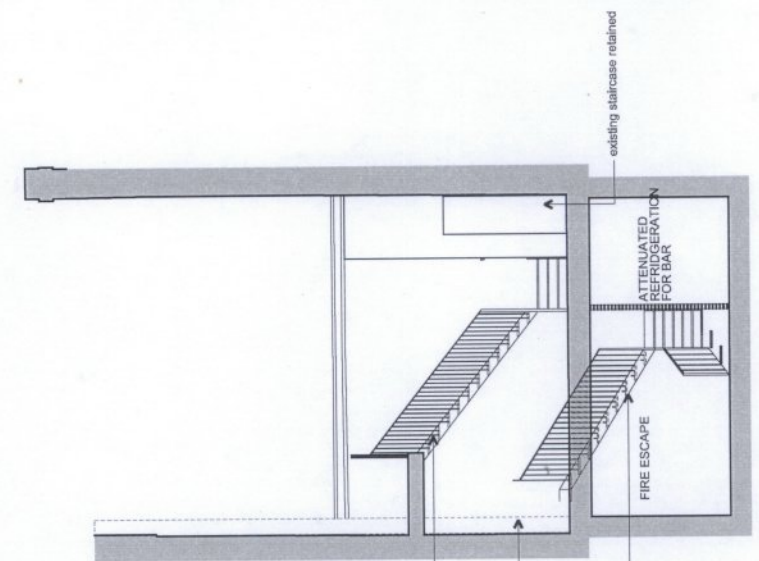
NOTE - ALL WINDOWS
are to be repaired and
refurbished with
new draft and acoustic seals



01 LIGHTWELL NORTH ELEVATION



02 LIGHTWELL EAST ELEVATION

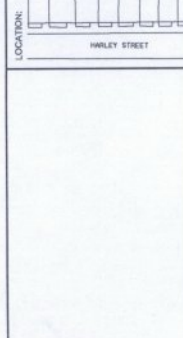


03 LIGHTWELL WEST ELEVATION



General Notes
1. Do not scale from this drawing. Refer to stated dimensions.
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Rev	Date	Reason For Issue	CAK
P01	27/03/15	Issue For Planning	JJM
P02	17/07/15	Issue For Planning	JJM



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CLIENT
HOWARD de WALDEN MANAGEMENT LIMITED

JOB TITLE
43 WEYMOUTH MEWS THE DOVER CASTLE

DESIGN BY
TP

CHECKED BY
JIM

SCALE
1:50@A1; 1:100@A3

DATE
24/02/15

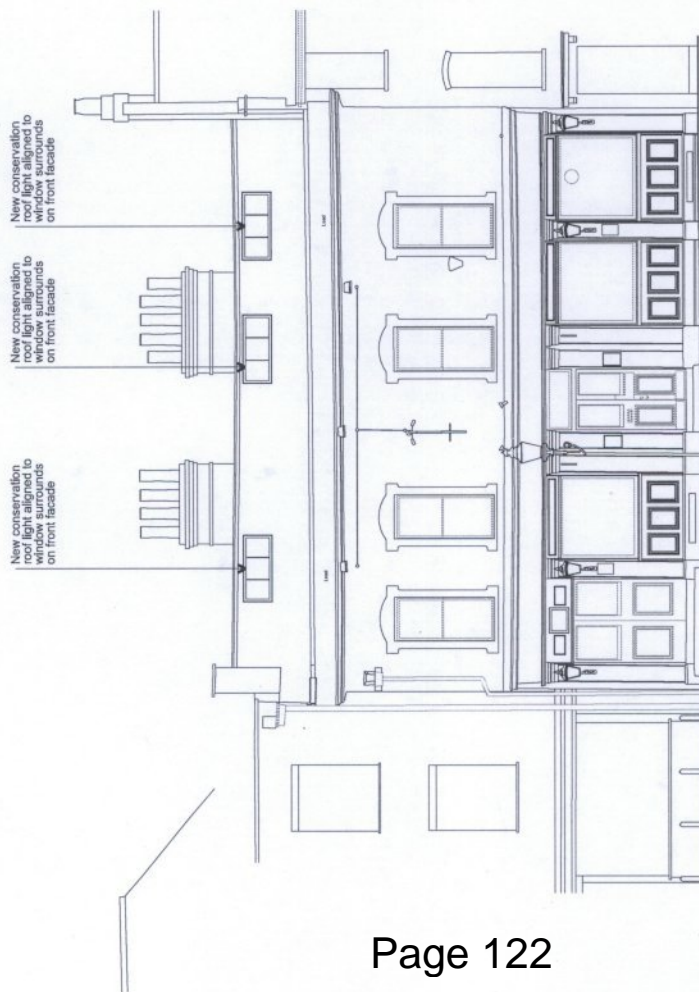
PROJECT
1512

DRAWING NUMBER
(00) P 211

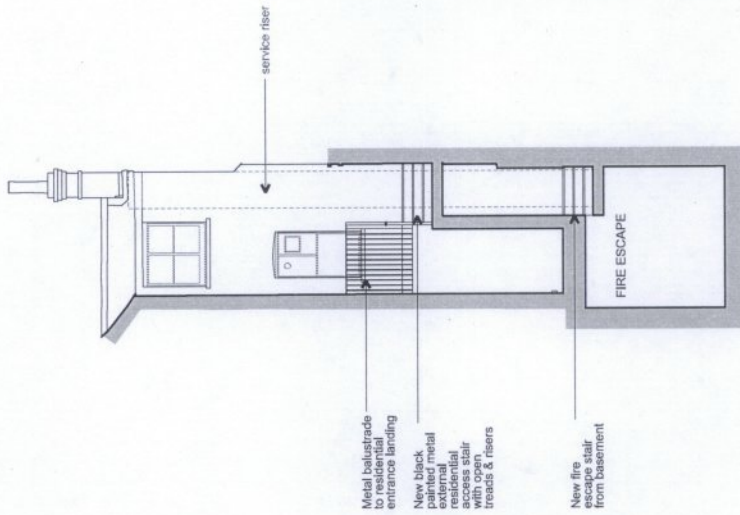
REVISION
P02

DRAWING TITLE	PROPOSED ELEVATIONS
DRAWING STATUS	PLANNING

NOTE - ALL WINDOWS
Existing windows carefully
repaired and refurbished with
new draft and acoustic seals



01 FRONT ELEVATION



02 LIGHTWELL SOUTH ELEVATION



Client	Revision	Date	Scale	Project	Drawing Number	Revision
43 WEYMOUTH MEWS THE DOVER CASTLE	1512	24/02/15	1:50@A1; 1:100@A3	1512	(00)_P_210	P02
HOWARD de WALDEN MANAGEMENT LIMITED						
<p>MORROW + LORRAINE ARCHITECTS 27 MARGARET STREET LONDON W1W 8RY TEL: 020 7437 7328 INFO@MORROWLORRAINE.COM WWW.MORROWLORRAINE.COM MORROW+LORRAINE LTD. REGISTERED IN ENGLAND NO. 0818103</p>						
<p>JOB TITLE: 43 WEYMOUTH MEWS THE DOVER CASTLE CLIENT: HOWARD de WALDEN MANAGEMENT LIMITED DATE: 24/02/15 DRAWING STATUS: PLANNING DRAWING TITLE: PROPOSED ELEVATIONS</p>						
<p>LOCATION: WILEY STREET</p> <p>WREYTH MEWS</p>						
<p>Client Notes</p> <ol style="list-style-type: none"> 1. Do not scale from this drawing. Refer to stated dimensions. 2. All dimensions to be verified on site by the contractor, before proceeding, and such dimensions to be his responsibility. 3. Report all omissions, variations and discrepancies to the architect immediately. 4. All stated areas on this drawing are approximate and to be treated as such. 5. Any Ordnance Survey mapping data in this drawing is used for information only. Where used Ordnance Survey copyright and Ordnance Survey must be displayed. All other copyright and all other trademarks are the property of their respective owners and all paper copies destroyed. 	<p>Rev</p> <p>PK1 27/03/15 Issue for Planning</p> <p>PK2 11/07/15 Issue for Planning</p>	<p>Date</p> <p>27/03/15</p> <p>11/07/15</p>	<p>Reason For Issue</p> <p>Issue for Planning</p> <p>Issue for Planning</p>	<p>CHK</p> <p>JM</p> <p>JM</p>		

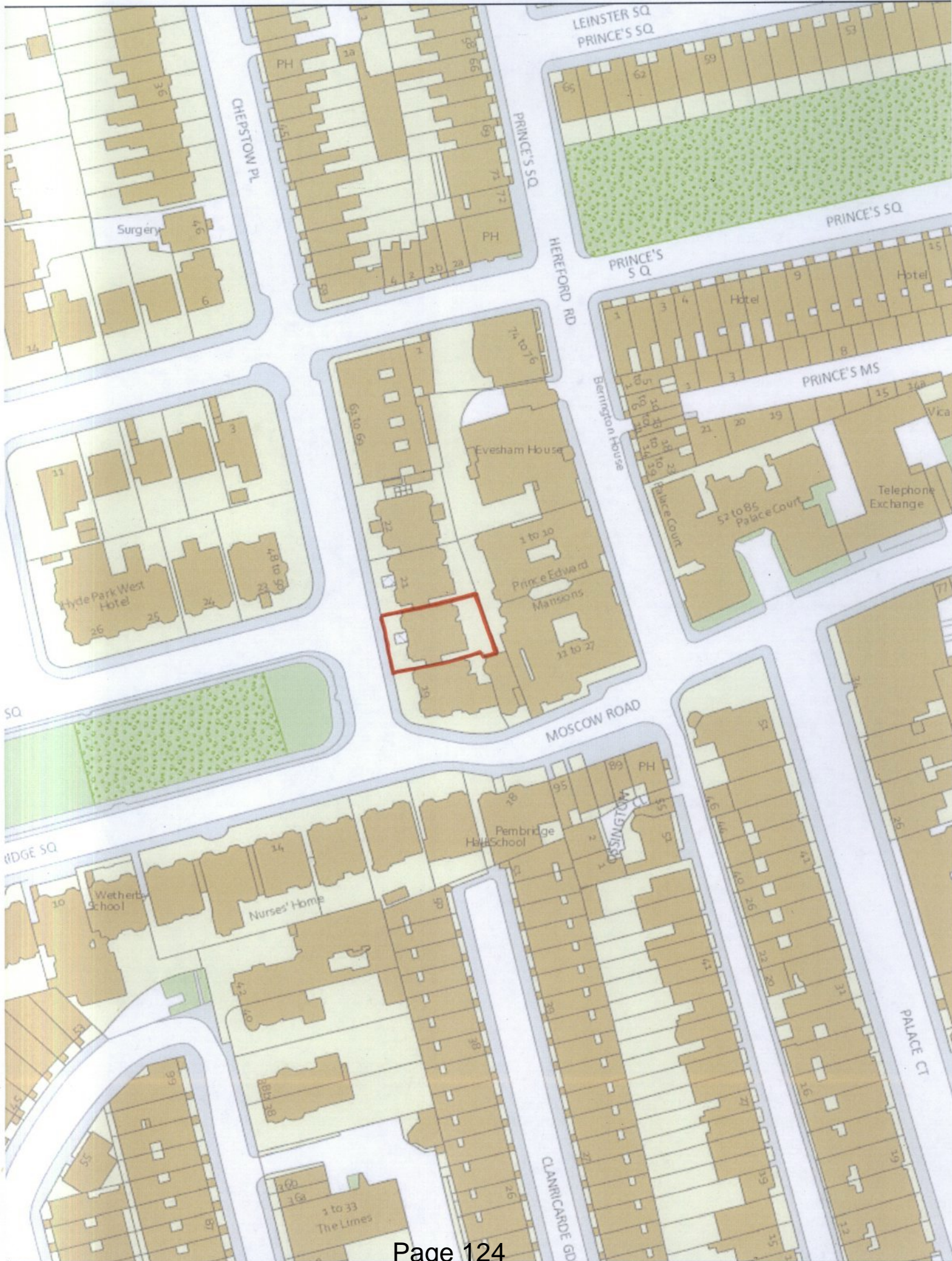
Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Lancaster Gate	
Subject of Report	20 Pembridge Square, London, W2 4DP		
Proposal	Single storey rear extension to lower ground floor and associated landscape/external works to rear garden, new window to flank elevation and internal alterations (lower ground floor flat).		
Agent	Duncan Foster Architects		
On behalf of	Mr Gary Yeaman		
Registered Number	15/06265/FULL 15/06266/LBC	TP / PP No	TP/19259
Date of Application	10.07.2015	Date amended/ completed	13.08.2015
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Bayswater		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

1. Grant conditional permission 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.





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2. SUMMARY

Planning permission and listed building consent are sought for works to this lower ground floor flat comprising the erection of a single storey rear extension to lower ground floor and associated landscaping works to the rear garden, the installation of a new window to the flank elevation and internal alterations.

The key issues in this case are:

- The impact of the proposed works on the listed building and character and appearance of the Bayswater Conservation Area.
- The impact on tree cover to the site.
- The implications of the extension proposed on the security of surrounding flats.

Subject to appropriate conditions, the proposals are considered acceptable in design, amenity, land use and other terms. The applications are therefore recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and Westminster City Plan policies.

3. CONSULTATIONS

BAYSWATER RESIDENTS ASSOCIATION

State that they object to the proposals on grounds that the modern extension is out of keeping with the style of the building which is listed and in the conservation area.

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Acknowledge receipt of request for observations. Any further response to be reported verbally.

ROYAL BOROUGH OF BRENT

Any response to be reported verbally.

ARBORICULTURAL MANAGER

No objection to the proposals subject to the retention of the Magnolia tree to the rear garden and to replacement planting being secured through a landscaping condition.

THAMES WATER

Advise that with regard to sewerage or water infrastructure capacity, they do not have any objections. Recommend an Informative with regards to the London Water Ring Main.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 29; Total No. of Replies: 7.

Five letters of objection (respondents from four properties), and two letters of comment from one respondent, on the following grounds:

Design/Conservation

- Concern that the design, appearance and materials used are unsympathetic to this listed building.
- Concern at the unsightly nature of the green roof.
- Concern about a difficulty of servicing and maintaining the sash windows to the flat above with the extension in place.
- Concern about the potential for damage to internal decorative detailing and the glazing to the sash windows to the flat immediately above the location of the proposed extension.

Amenity

- Concern about the potential for noise, disturbance and light spillage from the glazed rooflight to the roof of the extension.
- Concern at overlooking when persons are on the roof of the extension for maintenance.

Other

- Concern about a security risk from a single storey partially sunken extension for the flat immediately above.
- Concern about the utilities, water and drainage runs being inaccessible for repairs and maintenance.
- Concern about the impact on the rear garden and magnolia tree, and the implications for privacy from the loss of the Magnolia tree.
- Comment made that the applicant does not own the common ground which the extension is proposed to be located in.
- Comment that plans were not complete on the City Council's records.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is a flat at lower ground floor level located in a building covering lower ground, ground and three upper floors. The building is located to the east end of Pembridge Square. The building is Grade II listed and is located within the Bayswater Conservation Area.

4.2 Planning History

There is no relevant planning history related to these proposals.

5. THE PROPOSAL

Permission and consent are sought for works to the lower ground floor flat located to the southern half of the building which comprise the erection of a single storey extension to the rear of the building with associated alterations to the rear garden, the creation of a new window to the flank (south facing) side elevation level, and internal alterations.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The enlargement of the existing flat accords with the City Council's policies on housing, specifically S14 of the City Plan and H3 of the UDP, which support the enlargement of existing dwellings.

6.2 Townscape and Design

The extension proposed is a single storey structure set at the rear of the lower ground floor level, and it is sited to the rear of a distinctive two storey wing to the building which currently has a plain base to lower ground floor against which the extension will be sited and with a grand classical arrangement to ground floor level with pilasters framing windows. The extension is 3.9m wide which matches the width of this wing, and it projects 3.25m out into the

rear garden, and as the existing rear garden slopes up away from the small rear patio the extension therefore is partly buried into the rising rear garden.

The extension is designed in a modern style, though is considered to integrate successfully with the overall character of the building, and notably when considered in light of the many glass extensions to garden level of buildings in Westminster it is not considered inappropriate in its style. The rear elevation of the extension is framed to either end with white render piers, which picks up on the framing to the ground floor windows above. The side elevation is largely solid with white render facing, though with one glazed door inset. The roof of the extension is to be finished principally in a green roof, though with a section of glazing to the roof at its outer edge. Overall, the impression is of an extension which incorporates significant areas of white render which picks up on its use for the remainder of the elevations to this building, with a rear elevation of limited height (due to the extension being built into the garden slope) but which in any case is framed by piers picking up on their use to the floor above, and with a green roof helping it integrate into its garden setting.

The extension is set down into the garden and given this, given the green roof proposed, and given the arrangement of buildings surrounding, the extension is considered to be discreetly sited and of limited visual impact in the wider area. It will be readily visible in views down into the garden from the rear elevation windows of the flats to the building above. However, those views will be principally down onto a green roof integrating with the landscaping to the adjacent rear garden and the concerns expressed about the green roof being unsightly are not considered sustainable.

Though noting the concerns expressed by the local residents association and several occupants within the building, the extension is considered acceptable in design terms, and the concerns raised are not considered sustainable in this case.

With respect to the other works proposed in the application, the new window into the side elevation is a white painted timber sash window and this aspect of the proposals is considered uncontentious. Internally, the flat has been heavily altered, and in this context the relatively limited internal works proposed are considered acceptable.

Objections have also been raised on grounds that the construction of the extension may risk the plaster finishes internally to the ground floor of the building and the glazing to the existing rear sash windows. The extension proposed, however, is a small scale construction project and involves an extension beyond the footprint of the main building. In this context it is not considered that the concerns on this ground are sustainable as a reason for refusal.

6.3 Residential Amenity

The extension is set down at lower ground floor level with a side passage and garden to its south side, with the extension rising 900mm above the boundary wall with the garden to the north side but with the nearest window to lower ground floor level of the adjoining flat on the north side set away from the boundary wall, and with the rear element of the extension partly sunk into the garden. As such, it is not considered that the proposed extension will harm the amenities of adjoining residents in terms of loss of light, enclosure or loss of privacy.

Objections have been raised to light pollution to the flats above related to the rooflight on the extension proposed. The objections were received with regards to the initially submitted scheme which located the rooflight immediately adjacent to the windows to ground floor level above. In the scheme as revised on officers advice the rooflight has been relocated to the outer edge of the extension, and in this location and at this size as part of a relatively small scale domestic extension it is not considered that the rooflight will result in unacceptable levels of light pollution to harm these residents. Objection was also raised with regards to noise and disturbance from this rooflight. However, this is not considered sustainable as a

reason for refusal, particularly given its revised location to the outer edge of the extension and that it is not shown as an opening element of the extension proposed.

Concern was raised about the potential for overlooking into the ground floor flat if persons were maintaining the roof. A condition is recommended preventing the use of the roof of the extension as a terrace, however, though noting the concerns, it is considered unreasonable to refuse an extension on the basis that it may be required to be maintained at some point in the future and on the implications for this which would be anticipated to be on such rare occasions. It is also of note that the garden slopes up notably from lower ground floor level up to the rear of the site and affords almost as clear views back to the ground floor as would a person maintaining a roof to the extension.

Overall the proposals are considered to comply with Policies S29 in the City Plan and ENV13 in the UDP.

6.4 Transportation/Parking

No change.

6.5 Equalities and Diversities

No change.

6.6 Economic Considerations

Not relevant in the determination of this application.

6.7 Other Westminster Policy Considerations

No other policy considerations.

6.8 London Plan

This application raises no strategic issues.

6.9 Central Government Advice

Regard has been had to the advice 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

The proposed creation of a new flight of stairs from lower ground floor level up into the raised rear garden would run through an existing Cherry Laurel shrub to the rear garden, which would be required to be removed to facilitate the creation of this staircase. The Arboricultural Manager advises that this Cherry Laurel is an untidy specimen of low amenity value and they do not object to its loss, subject to replacement planting which will be secured through a landscaping condition.

Concern has also been raised with regards to the removal of a Magnolia tree to the rear garden. The application on its initial submission proposed the removal of this tree. However, on officers advice it is now being retained, with a condition recommended to secure a method statement demonstrating that the works to the rear garden from the new extension and steps

would not adversely affect it. Subject to this, the concerns on this issue are considered to have been addressed.

6.12 Other Matters

Several of the objection letters have raised concern about security issues related to the extension proposed, namely that the extension would give rise to security issues for the ground floor flat above, particularly given that its height is partly sunk down into the rear garden. Policy DES 1 in the UDP and Policy S29 in the Westminster City Plan address issues involving crime and security issues. The concerns expressed are understood, however in this case it is not considered that a reason for refusal could be sustained on this ground. The extension is set to the rear of the property, and is separated from the open side passage to the south side of the building by a large timber fence currently topped with razor wire. In the application proposals this fence is proposed to be replaced by a new fence 2.4m high. In such circumstances, where an extension is set within a private garden which is separated from any communal areas by high fencing, though noting the security concerns expressed by the objectors, it is not considered that permission could be refused on this ground.

Comment was also received commenting that the applicant does not own the common ground which the extension is proposed to be located in. However, the land affected appears clearly to be the rear garden to the lower ground floor flat, and any issues with land ownership would in any case be private matters against which these applications could not be considered.

Objections have also been raised that it would not be possible to clean or maintain the ground floor sash windows with the extension in place, however, the presence of the extension does not appear to make this insurmountable and the concerns on this ground are also not considered sustainable as a reason for refusal.

Comment was also received from a resident on Pembridge Square advising about problems in accessing the documents, however, officers have since advised of their availability on the website.

6.13 Conclusion

The proposed extension would preserve the special architectural and historic interest of this listed building and the character and appearance of the conservation area. It would also not result in unacceptable loss of amenity for neighbouring residents. The proposal accords with the development plan and there are no other material considerations that would warrant refusal of the development. Accordingly, it is recommended that planning permission and listed building consent are granted.

BACKGROUND PAPERS

1. Application forms.
2. Letter from Royal Borough of Kensington and Chelsea dated 15 October 2015.
3. Letter from Bayswater Residents Association dated 20 September 2015.
4. Memorandum from Arboricultural Manager dated 15 October 2015.
5. Letters from Flat 2, 20 Pembridge Square dated 8 September 2015 and 9 September 2015.
6. Letter from Flat 3, 20 Pembridge Square dated 27 August 2015.
7. Letter from Flat 4, 20 Pembridge Square dated 11 September 2015.

8. Letter from Flat 4A, 20 Pembridge Square dated 10 September 2015.
9. Letters from 28 Pembridge Square dated 6 September 2015 and 15 September 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

Address: 20 Pembridge Square, London, W2 4DP

Proposal: Single storey rear extension to lower ground floor and associated landscape / external works to rear garden, new window to flank elevation and internal alterations (lower ground floor flat).

Plan Nos: OS/01A, PL/02C, PL/05A, PL/03C, PL/01D, BPS1054.01of-03, BPS1054.02of-03, BPS1054.03of-03, Heritage Design and Access Statement - as amended by above drawings

Case Officer: Alistair Taylor **Direct Tel. No.** 020 7641 2979

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 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)

- 4 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.

Green Roof

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

Reason:

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

- 5 You must apply to us for approval of detailed drawings of a planting scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

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

Reason:

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

- 7 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the evergreen Magnolia, as shown on drawing PL/01D. 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 The details required under condition 5 should show a tree to the rear garden of comparable value to the cherry laurel shown as being removed to the rear garden
- 3 You are advised that Thames Water have commented that the London Water Ring Main or a large diameter stored water tunnel is in the area and special precautions will be required to avoid any damage that may occur as a result of the proposed development. For further information you are advised to contact Developer Services, Contact Centre on telephone no. 0800 0093921.

DRAFT DECISION LETTER

Address: 20 Pembridge Square, London, W2 4DP

Proposal: Single storey rear extension to lower ground floor and associated landscape / external works to rear garden, new window to flank elevation and internal alterations (lower ground floor flat).

Plan Nos: OS/01A, PL/02C, PL/05A, PL/03C, PL/01D, BPS1054.01of-03, BPS1054.02of-03, BPS1054.03of-03, Heritage Design and Access Statement - as amended by above drawings

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

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 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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 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.

Green Roof

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

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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

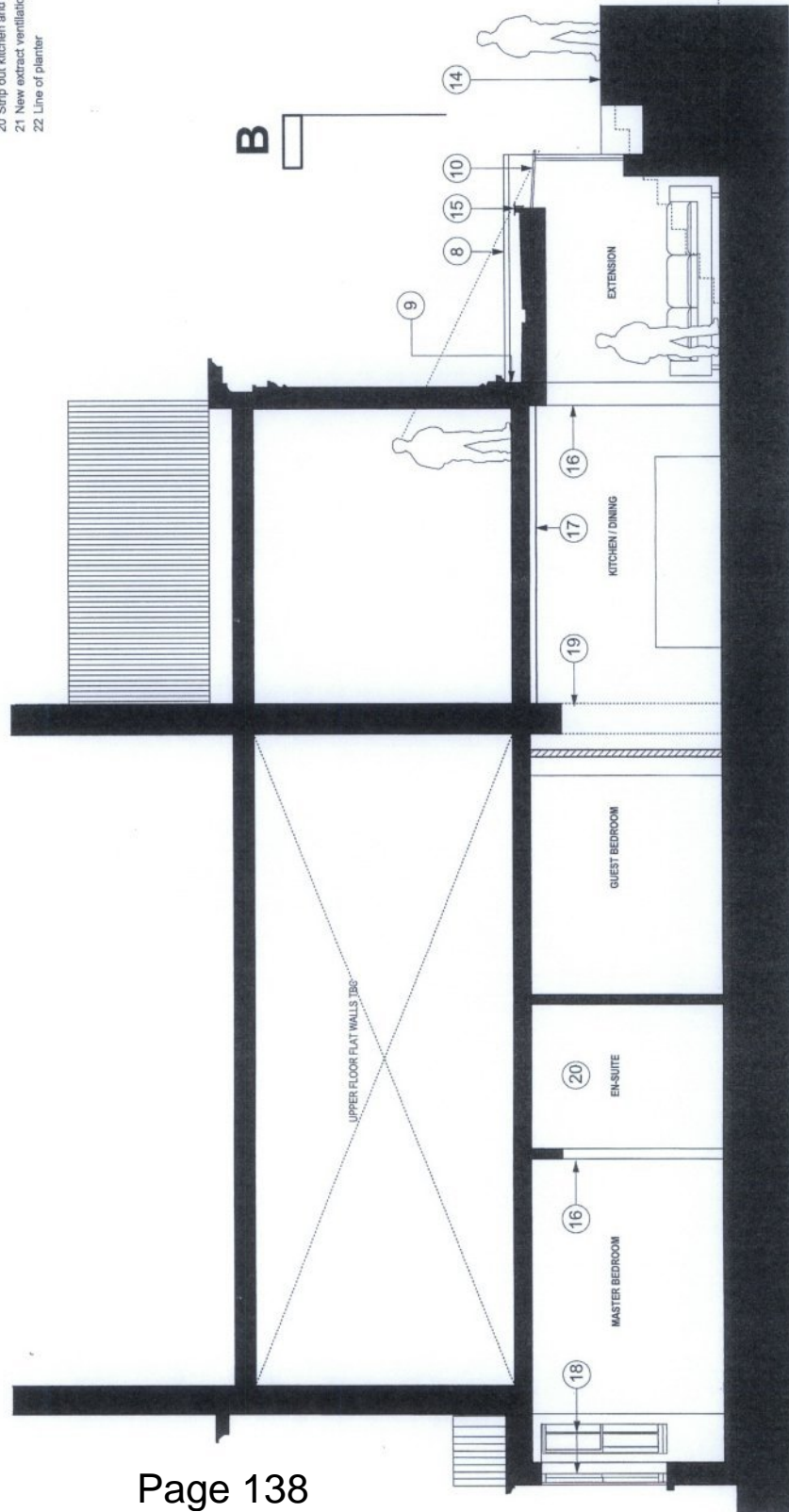
- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's 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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 1 Form new opening. New white painted timber sash window on painted concrete sub sill
- 2 Line of existing render
- 3 New painted render finish to flank wall
- 4 New painted render finish to flank wall of new extension
- 5 New dark grey aluminium rainwater goods
- 6 New dark grey fine aluminium glazing system
- 7 Spare
- 8 New zinc capping detail to new parapet wall
- 9 New zinc flashing detail under retained cornice detail
- 10 Glass roof
- 11 Frameless glazing
- 12 Spare
- 13 New steps up to rear terrace
- 14 Existing rear terrace level
- 15 Zinc capping detail
- 16 Form new opening
- 17 New lowered ceiling detail for services
- 18 3no. original sash windows retained to front elevation, refurbished and repaired.
- 19 Remove chimney breast and form new opening
- 20 Strip out kitchen and install new en-suite
- 21 New extract ventilation grilles
- 22 Line of planter



SECTION AA

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DETAIL REFERENCE
 DRAWING REFERENCE
 SECTION REFERENCE
 DRAWING REFERENCE

REV A - 15/01/15 - SECTION B ADDED
 REV B - 09/07/15 - ABATING ROOFLIGHT OMITTED, GLAZING AMENDED
 REV C - 21/04/16 REV C
 REV D - 02/06/16 REV D
 REV E - 02/06/16 REV E
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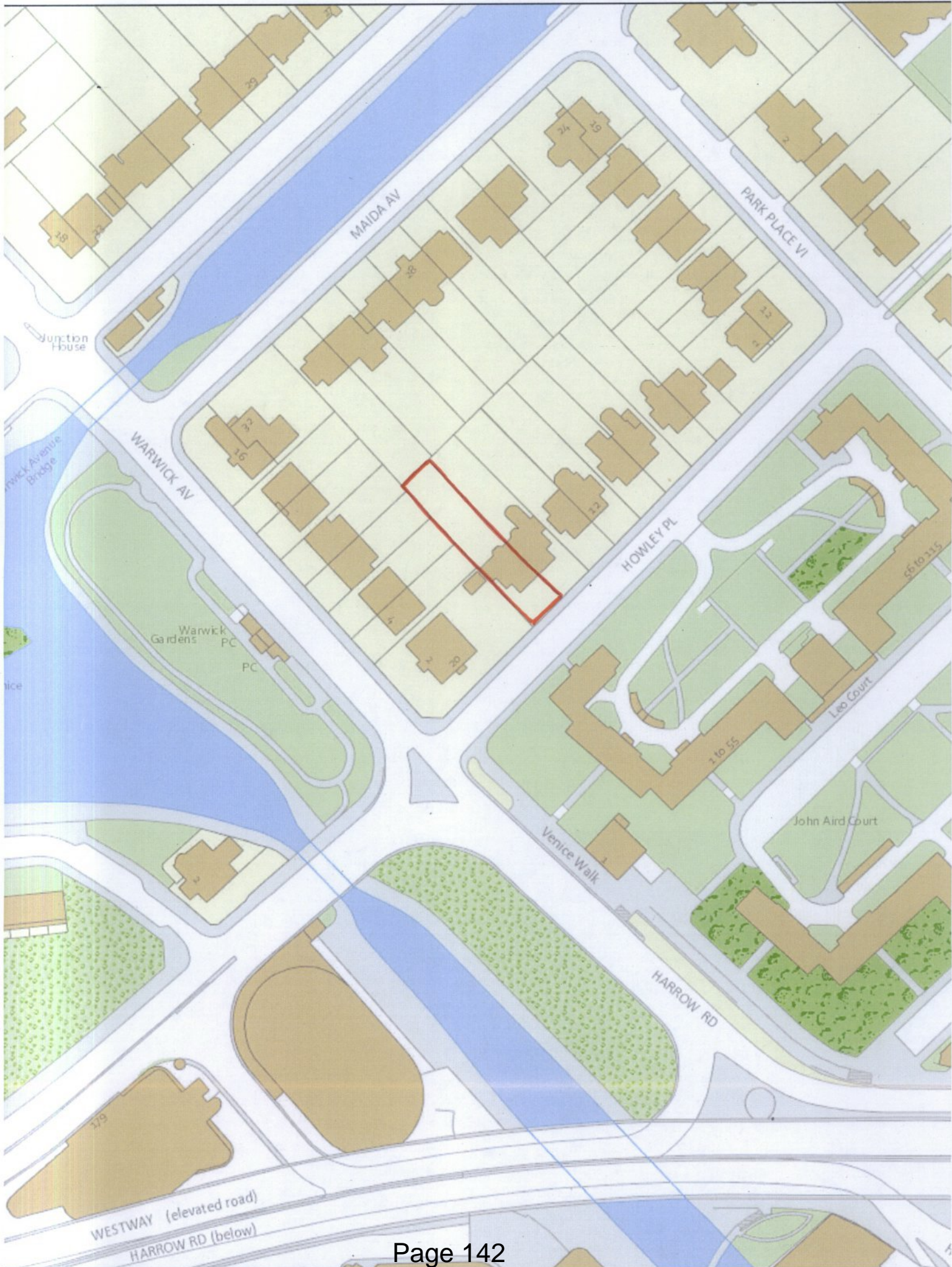
Agenda Item 7

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Little Venice	
Subject of Report	18 Howley Place, London, W2 1XA		
Proposal	Erection of outbuilding in the rear garden.		
Agent	CgMs		
On behalf of	Mr Rafael Marin		
Registered Number	15/06523/FULL 15/06524/LBC	TP / PP No	TP/13845
Date of Application	17.07.2015	Date amended/ completed	07.08.2015
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Maida Vale		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

1. Grant conditional permission 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.



25 Aug 2015 11:32:43



2. SUMMARY

The applications relate to 18 Howley Place which is a dwellinghouse that forms one half of a Grade II listed semi-detached paired villa situated within the Maida Vale Conservation Area. Planning permission and listed building consent are sought in respect of the recently erected outbuilding to the rear garden.

The key issues in this case are:

- The impact on the setting of the Grade II listed building and the character and appearance of the Maida Vale Conservation Area.
- The impact on the amenity of neighbouring residents.

The proposal is considered to be acceptable in both design and amenity terms in accordance with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and the applications are therefore recommended for approval.

3. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

No comments received to date.

ARBORICULTURAL MANAGER

No objections.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 18; Total No. of Replies: 3.

The following concerns were raised:

- The size of the rear outbuilding is excessive for its purpose.
- Approving ever-larger garden structures diminishes the principle of the conservation area.
- The outbuilding detracts from the overall character of the area and the general ambience of adjoining gardens.
- The bulk and unsightly appearance.
- The height, width and depth of the shed adds to the degradation of the shared amenity area.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

18 Howley Place forms one half of a Grade II listed semi-detached paired villa situated within the Maida Vale Conservation Area. The property is in use as a dwellinghouse.

4.2 Relevant History

There is no relevant planning history on this site.

5. THE PROPOSAL

Planning permission and listed building consent are sought in respect of the recently erected outbuilding to the rear garden.

The shed in the front garden has now been omitted from this proposal.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal is considered to accord with Policy H3 of the UDP, which states that extensions to residential properties are acceptable in principle. A condition is recommended to ensure that the use of the rear outbuilding remains in use for purposes which are incidental to the enjoyment of the main dwellinghouse.

6.2 Townscape and Design

A number of properties in the surrounding area have obtained planning permission for outbuildings/summerhouses in the rear gardens, including No.12 Howley Place and No. 20 Howley Place. The principle of such an outbuilding is therefore considered to be acceptable. Neighbouring occupiers have raised concerns in respect of the alleged excessive size of the outbuilding in the rear garden, its bulk and unsightly appearance and the impact it has on the conservation area and the surrounding gardens. However, it is considered that in the context of this large garden, which is not visible in public views, and given its inset from the boundaries and its relatively modest height (under 2.5 metres), this appropriately designed outbuilding would not harm the setting of the listed building and would preserve the character and appearance of the Maida Vale Conservation Area. It therefore complies with the objectives of Policies DES1, DES5, DES9 and DES10 of the adopted UDP as well as Policies S25 and S28 of the adopted City Plan.

6.3 Amenity

Given its relatively modest height, its inset from the boundaries and the presence of the existing walls and fences on these boundaries, it is considered that the outbuilding in the rear garden would not have a material detrimental impact on the users of the surrounding gardens. The objections raised by neighbouring occupiers therefore cannot be supported in this instance. The works therefore comply with the objectives of Policy ENV13 of the adopted UDP and Policy S29 of the adopted City Plan.

6.4 Highways/Parking Issues

Not relevant in the determination of this application.

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 UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

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

6.9 Planning Obligations

Not relevant in the determination of this application.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The City Council's Arboricultural Manager has raised no objections regarding the impact on trees within the application site and on neighbouring land.

6.11 Conclusion

The development is considered to be acceptable in both design and amenity terms in accordance with the relevant policies in the UDP and the City Plan and the applications are therefore recommended for approval.

BACKGROUND PAPERS

1. Application forms
2. Memorandum from Arboricultural Manager dated 26 August 2015
3. Letter from the occupier of 30 Maida Avenue dated 13 August 2015
4. Letter from the occupier of Flat 17, 14 Howley Place dated 15 August 2015
5. Letter from the occupier of 8 Warwick Avenue dated 28 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

Address: 18 Howley Place, London, W2 1XA

Proposal: Erection of outbuilding in the rear garden.

Plan Nos: Site Location Plan, 1 (Amended 13/10), 2 (Amended 13/10), 3 (Amended 13/10) and Design, Access and Planning Statement (October 2015).

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

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 outbuilding in the rear garden hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse at 18 Howley Place.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV13 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.

DRAFT DECISION LETTER

Address: 18 Howley Place, London, W2 1XA

Proposal: Erection of outbuilding in the rear garden.

Plan Nos: Site Location Plan, 1 (Amended 13/10), 2 (Amended 13/10), 3 (Amended 13/10) and Design, Access and Planning Statement (October 2015).

Case Officer: Claire Berry **Direct Tel. No.** 020 7641 4203

Unconditional or if an Advert Application only the standard advert conditions

- 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.

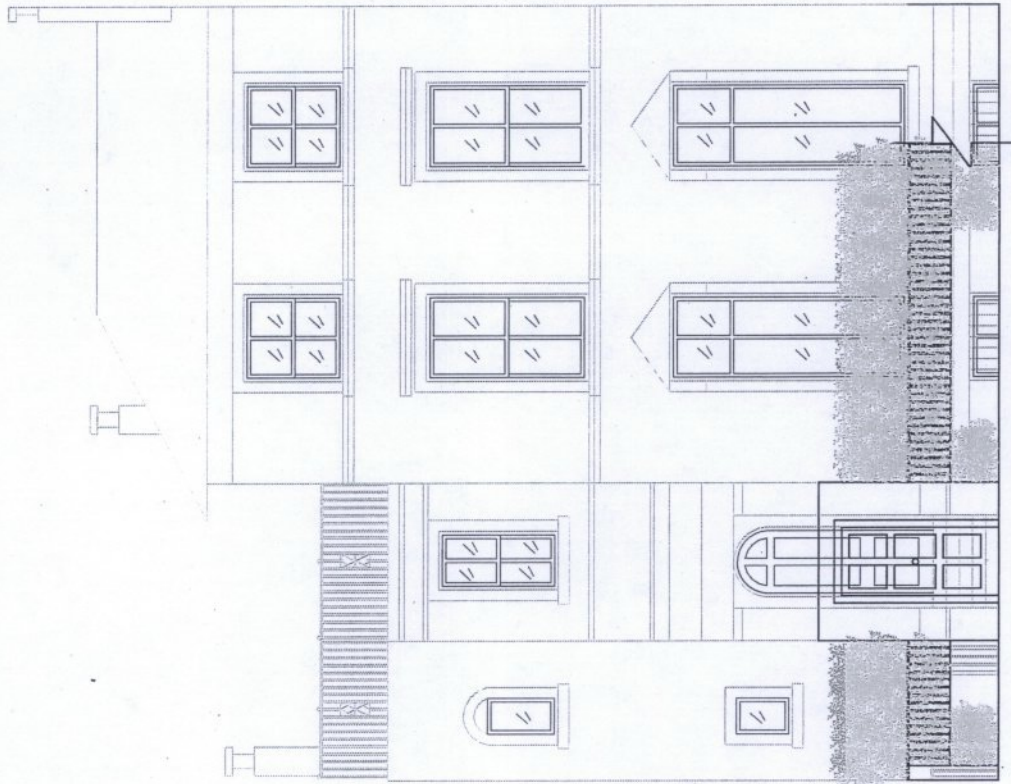
Informative(s):

- 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.

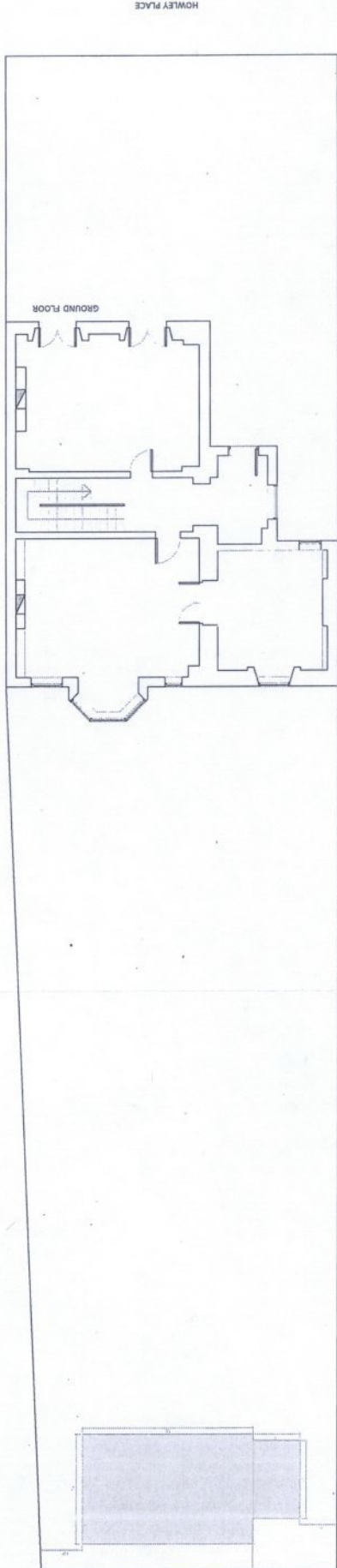
In reaching this decision the following were of particular relevance:

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 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

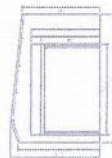
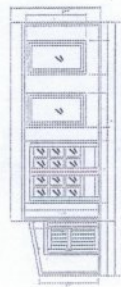


FRONT FACADE

PROJECT:	18 HOWLEY PLACE, W21 XA		
FLOOR:	FRONT FACADE		
SCALE:	1/50	A2	DATE:
			08/07/2018



PLOT PLAN



MODEL PremiumPlus

PROJECT:	18 HOWLEY PLACE, W21XA		
PLAN:	PLOT PLAN		
SCALE:	1/50	AD	1
DATE:	06/02/2015		

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