



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 12th January, 2016**

Time: **6.30 pm**

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

Members: **Councillors:**  
Andrew Smith (Chairman)  
Louise Hyams  
Barbara Grahame  
Robert Rigby

**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 6.30pm. 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](mailto:rsegal@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

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

#### **3. MINUTES**

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

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

- |   |                        |
|---|------------------------|
| <b>1. 27 B DEVONSHIRE STREET, W1G 6PW</b> | <b>(Pages 3 - 10)</b>  |
| <b>2. 15 TERMINUS PLACE, SW1V 1JR</b>     | <b>(Pages 11 - 18)</b> |
| <b>3. 9 HILL ROAD, NW8 9QE</b>            | <b>(Pages 19 - 40)</b> |
| <b>4. 6 HILLSIDE CLOSE, NW8 0EF</b>       | <b>(Pages 41 - 58)</b> |
| <b>5. 27 TRESHAM CRESCENT, NW8 8TW</b>    | <b>(Pages 59 - 78)</b> |

**Charlie Parker**  
**Chief Executive**  
**4 January 2016**

# Agenda Item

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 12 JANUARY 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 15/10033/FULL Marylebone High Street	27B Devonshire Street, London W1G 6PW	Use of ground floor as dual/alternative use as either Class A1 (Shops) and/or Class A2 (Financial & Professional Services) and installation of new shopfront.	
	Recommendation Grant conditional permission.			
2	RN 15/08858/FULL Warwick	Outside 15 Terminus Place, London SW1V 1JR	Retention of electrical cabinet on public highway for use by Victoria Underground Station until 30 June 2016.	
	Recommendation Grant conditional permission.			
3	RN 15/03618/FULL RN 15/03619/LBC Abbey Road	9 Hill Road, London NW8 9QE	Erection of single storey side and rear extensions; excavation of basement extension below house and part of rear garden; alterations and restoration works to existing building; provision of new boundary treatment and landscaping; associated internal and external works.	
	Recommendation 1. Grant conditional permission and listed building consent. 2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			
4	RN 15/03446/FULL Abbey Road	6 Hillside Close, London NW8 0EF	Erection of two storey side and rear extension to single family dwellinghouse.	
	Recommendation Grant conditional planning permission.			
5	RN 15/09502/COF UL Church Street	27 Tresham Crescent, London NW8 8TW  (ADDENDUM REPORT)	Variation of Condition 8 of planning permission dated 05 November 2013 (RN 13/08537), to allow the second and third floors of the premises to be used for by the Pentecostal Church for a temporary period not exceeding four years.	
	Recommendation Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.			

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# Agenda Item 1

Item No.
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1
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 12 January 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>27B Devonshire Street, London, W1G 6PW,</b>		
<b>Proposal</b>	Use of ground floor as dual / alternative use as either Class A1 (Shops) and / or Class A2 (Financial & Professional Services) and installation of new shopfront.		
<b>Agent</b>	Howard de Walden Estates Ltd		
<b>On behalf of</b>	Howard de Walden Estates Ltd		
<b>Registered Number</b>	15/10033/FULL	<b>Date amended/ completed</b>	28 October 2015
<b>Date Application Received</b>	28 October 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The property is located on the northern side of Devonshire Street close to its junction with Marylebone High Street. The building is unlisted but is situated within the Harley Street Conservation Area. The premises comprise a small vacant ground floor unit (58.7 m<sup>2</sup>) previously occupied by a medical consultant. The immediate vicinity is a mixture of uses with a concentration of retail and commercial premises on Marylebone High Street while residential and office uses dominate Devonshire Street.

The proposal seeks permission for dual / alternative use as either Class A1 (Shops) and / or Class A2 (Financial & Professional Services) at ground floor level and installation of new shopfront.

The site is designated as secondary frontage within the Marylebone High Street District Centre, and therefore change of use to retail (use class A1) is supported. Change of use to use class A2 is also acceptable under section c of policy SS6 of the UDP.

The unit falls outside of the Harley Street Special Policy Area where the UPD and City Plan specifically protect D1 medical uses.

UDP Policy SOC 1 protects existing community facilities and specifically references doctor's surgeries within the list of community facilities unless there is surplus capacity locally.

It is understood that the previous occupant ceased operation.

There are five doctor's surgeries within 0.5 miles of this site, all of which are accepting new patients thus

suggesting supply exceeds demand.

In addition, Howard de Walden Estates Ltd (the Applicant) currently has a number of planning application which seeks to increase the provision of Class D1 (medical) floorspace locally in larger/more appropriate sites as detailed in the table below.

WCC Reference	Address	Distance from Site	Class D1 (medical)	Stage
14/02119/FULL	55 Harley Street	550m	+ 82.2 m2	Now Implemented
15/01802/FULL	47-53 Queen Anne Street	550m	+ 106 m2	Construction commencing in Feb 2016
P15/00513	73-75 Harley Street	450m	+111 m2	Application to be submitted early 2016

Given that this premises is now vacant, the current provision of local doctors surgeries accepting new patients and an increase in local D1 medical floorspace in proximity to the site, the loss of this community facility with a floor area of 58.7 m2 is acceptable in policy terms.

An objection has been made in relation to the proposed change of use due to perceived impact that the commercial activity would have on the court yard to the rear. Reference has been made to smells from cooking and additional noise and vibration from air conditioning units. The proposed development does not seek permission to cook on the premises or alter the existing air conditioning system thus the objection cannot be supported.

The proposed shopfront matches neighbouring examples and is acceptable in design and heritage asset terms in accordance with policies DES 5 & DES 9 of the UDP.

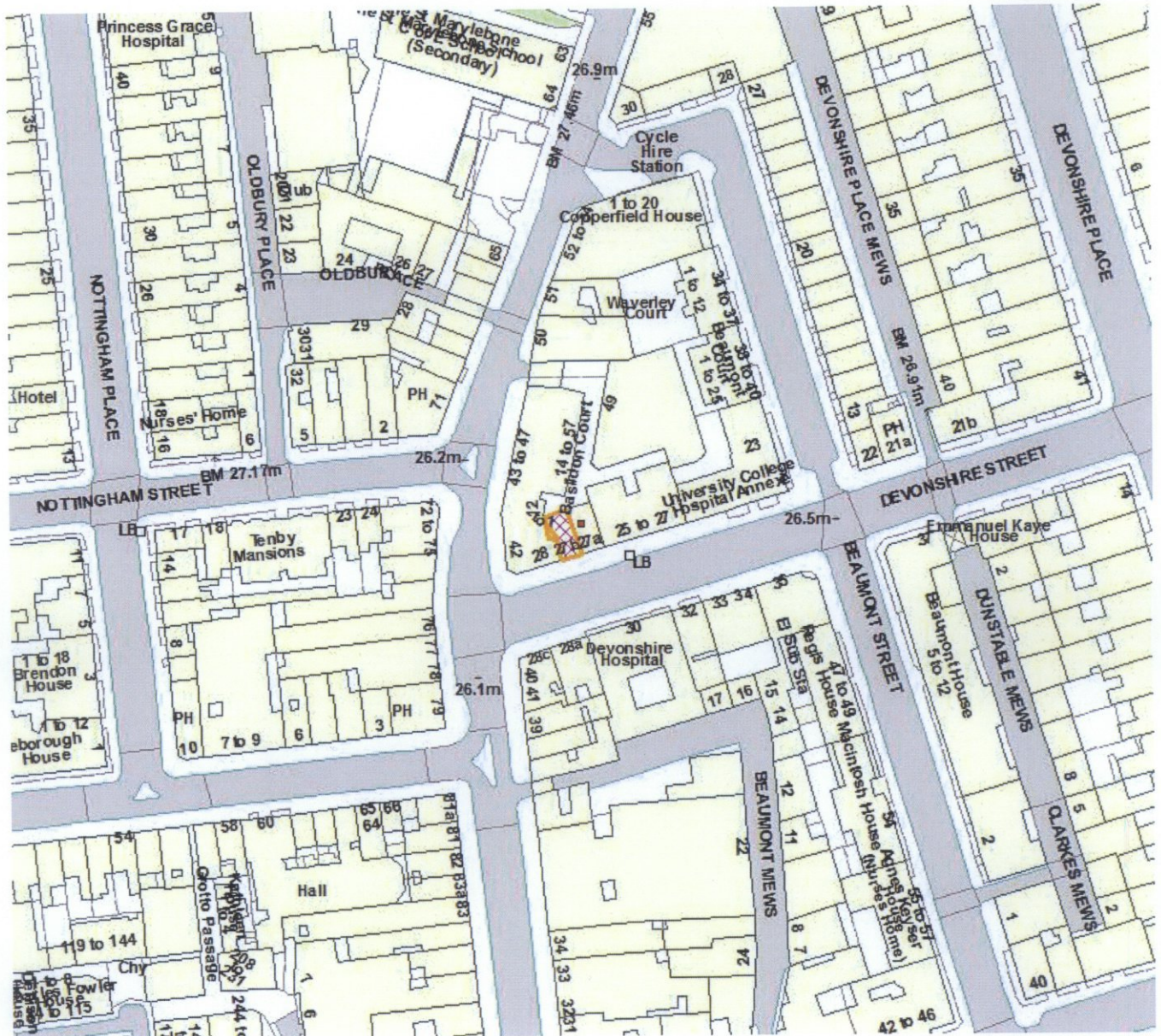
The air condenser unit is unattractive but it is noted that it is immune from enforcement due to its age.

A representation in support of the application has been made with a suggestion that the use of crittal or mullion windows may be more appropriate. After deliberation, it is considered the proposed window is more appropriate for the land use being sought and is in keeping with the neighbouring buildings.

It is considered that the proposal complies with relevant UDP policies in respect of both land use and design terms thus is recommended for approval.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

Marylebone Association  
Any response to be reported verbally.

Highways Planning - Development Planning  
No objection.

Cleansing - Development Planning  
No objection.

Adjoining owners/occupiers and other representations received  
No. consulted - 105  
No. responses - 4  
No. objections - 3 letter of objection from the occupiers flats within 28 Devonshire Street. These objections concerned the following issues; smell, noise, vibration and air quality.  
No. Support - 1 letter of support to the proposed change of use.

Press Advertisement/ Site Notice  
Yes.

## 6. BACKGROUND PAPERS

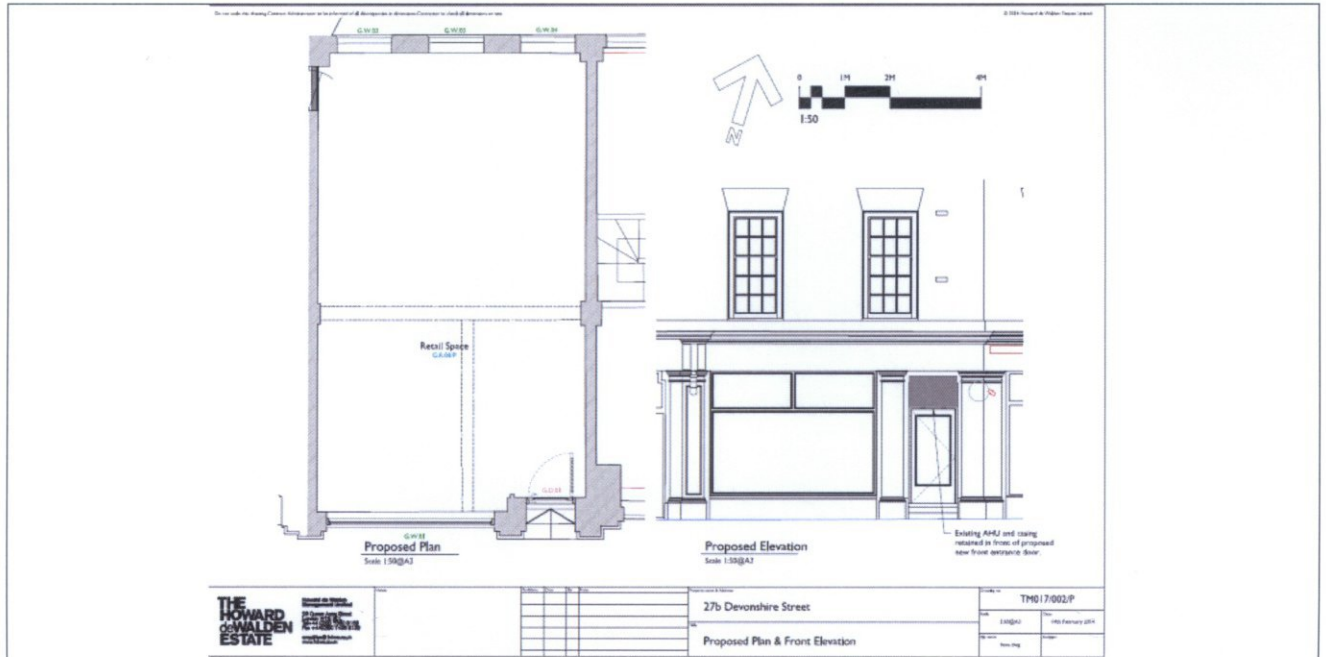
1. Application form
2. Response from Cleansing - Development Planning, dated 23 November 2015
3. Highways Planning - Development Planning, dated 7 December 2015
4. Letter from occupier of Flat 3 Basildon Court, 28 Devonshire Street, dated 30 November 2015
5. Letter from occupier of 31 Basildon Court, 28 Devonshire Street, dated 23 November 2015
6. Letter from occupier of 24 Basildon Court, 28 Devonshire Street, dated 23 November 2015
7. Letter from occupier of 33-34 Devonshire St, London, dated 3 December 2015

### Selected relevant drawings

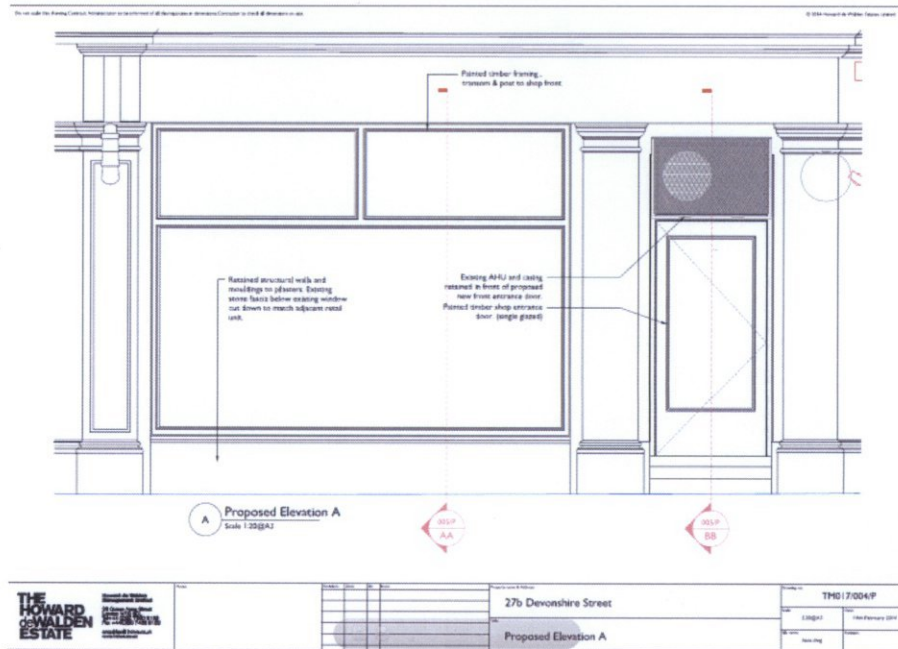
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT <a href="mailto:mmason@westminster.gov.uk">mmason@westminster.gov.uk</a>
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7. KEY DRAWINGS



**Proposed Plan and Front Elevation**



**Proposed Front Elevation**

**DRAFT DECISION LETTER**

**Address:** 27B Devonshire Street, London, W1G 6PW,

**Proposal:** Use of ground floor as dual / alternative use as either Class A1 (Shops) and / or Class A2 (Financial & Professional Services) and installation of new shopfront.

**Plan Nos:** Drawings TM017/002/P, TM017/003/P, TM017/004/P, TM017/005/P, TM017/006/P.

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**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 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall not be used as a supermarket/convenience store (or similar) unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

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

- 4 No waste shall be left on the highway.

Reason:

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1

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk). It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 5 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground floor can change between the Class A1 & A2 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62AB)



# Agenda Item 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 12 January 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	<b>Outside 15 Terminus Place, London, SW1V 1JR,</b>		
<b>Proposal</b>	Retention of electrical cabinet on public highway for use by Victoria Underground Station until 30 June 2016.		
<b>Agent</b>	Mr Ian Gilbert		
<b>On behalf of</b>	London Underground Limited		
<b>Registered Number</b>	15/08858/FULL	<b>Date amended/ completed</b>	21 September 2015
<b>Date Application Received</b>	21 September 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	No		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site comprises public highway outside 15 Terminus Place. The site is located outside a conservation area.

Permission is sought for the retention of an electrical cabinet measuring 2078 high x 572 deep x 1590 wide. The cabinet was installed in July 2015 and a planning application for its retention was submitted following enforcement action.

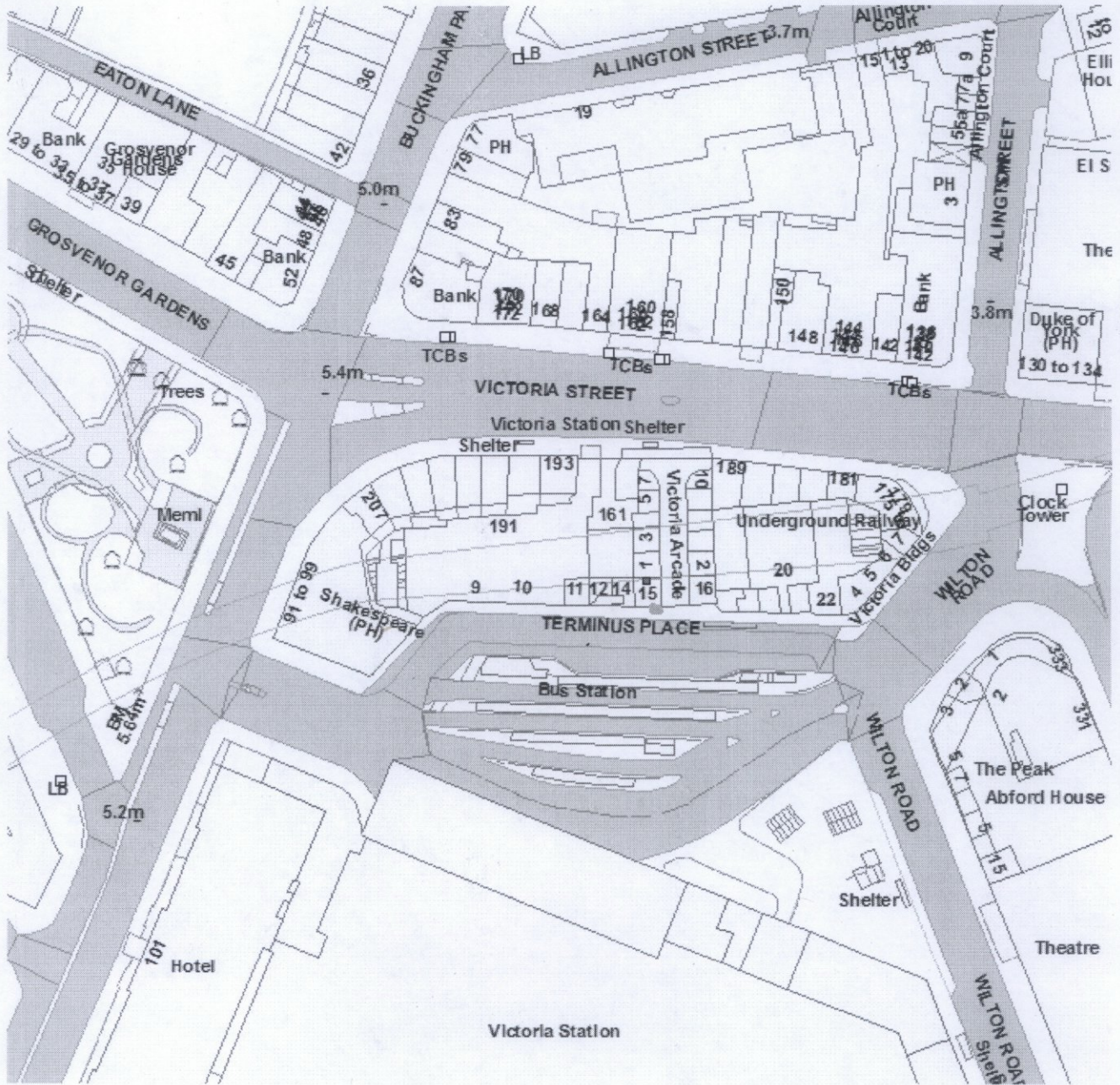
The purpose of the cabinet is to provide backup electrical supply for water pumps within the station. The cabinet is required for a temporary period until 30 June 2016 as after this date it is anticipated that power will be available from a new transformer room currently under construction as part of the wider Victoria Station upgrade works. London Underground advise that without the electrical supply from the cabinet the water pumps will not operate and the underground station would be at risk of flooding.

The occupier of the Gold Centre jewellers at 15 Terminus Place has objected to the retention of the cabinet principally on grounds of security, anti-social behaviour and hygiene. The concerns of the occupier are fully understood. The cabinet is poorly sited and has a detrimental impact on the local environment. However the operational requirements of Victoria underground station are considered to be a material consideration and a refusal or a request to re-site the cabinet may put vital transport

infrastructure at risk of flooding. However in response to the concerns of the shopkeeper, the applicant has reduced the time period for the temporary permission from 31 October to 31 July 2016 and advises that the London Underground project team responsible for the Victoria Station upgrade works will take on responsibility for cleaning the cabinet. These measures are welcome and whilst they are unlikely to satisfy the objector, the proposed cleaning regime should help improve the current situation.

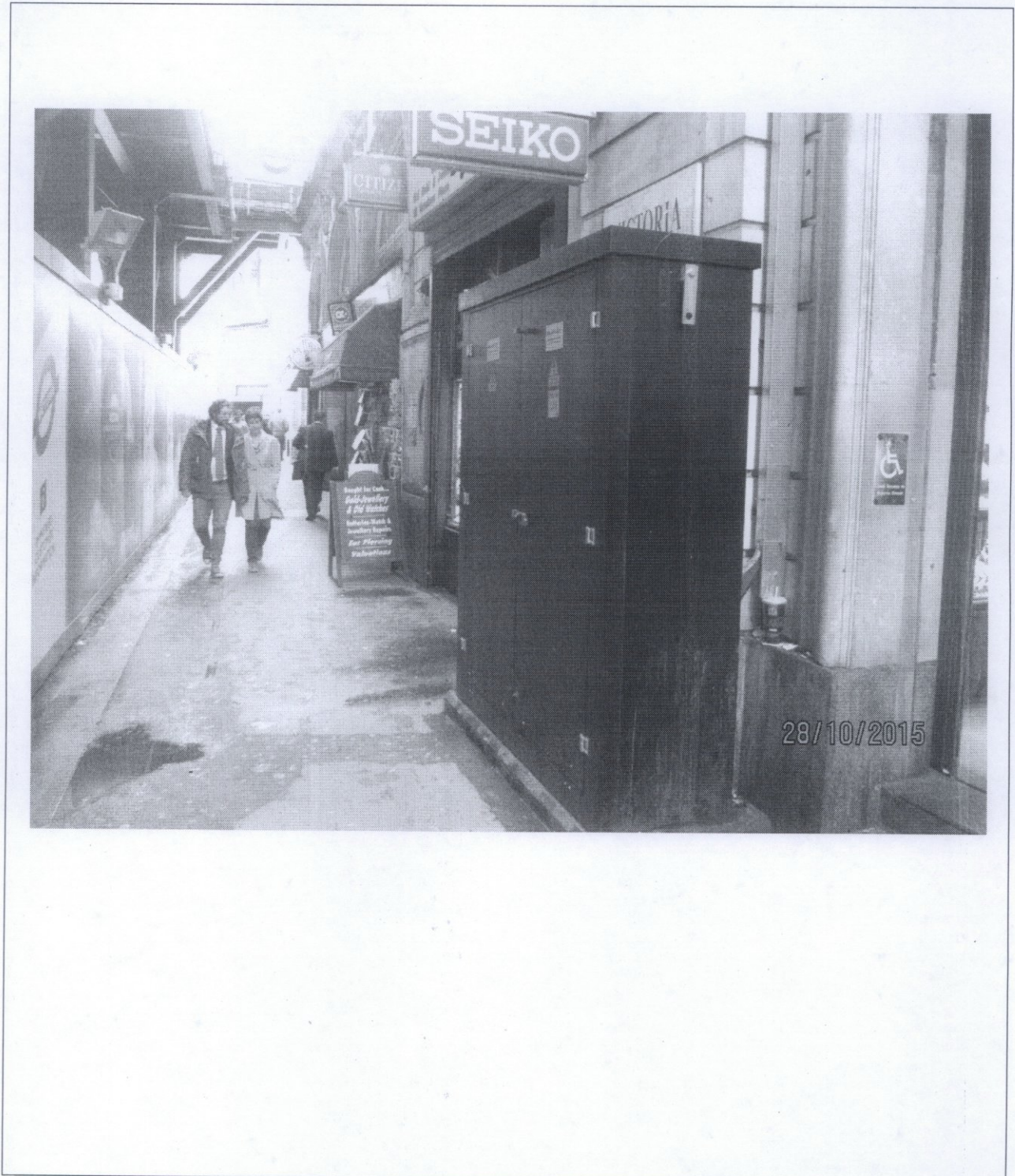
The Highways Planning Manager has also raised concerns about the reduced width of footway. Given that the cabinet is for a temporary period until the end of June 2016 it is not considered that the impact on pedestrian movement is so severe as to justify a refusal.

3. LOCATION PLAN





4. PHOTOGRAPHS



## 5. CONSULTATIONS

Westminster Society  
Any response to be reported verbally

Highways Planning - Development Planning  
The cabinet creates a pinch point of 1.5m which does not meet the 2m requirement of the Westminster Way.

Cross London Rail Links Ltd  
Any response to be reported verbally

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8  
Total No. of replies: 1  
No. of objections: 1  
No. in support: 0

One letter of objection from the occupier of the shop at 15 Terminus Place on grounds that the cabinet is a security risk, results in anti-social behaviour and harms the local environment.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND PAPERS

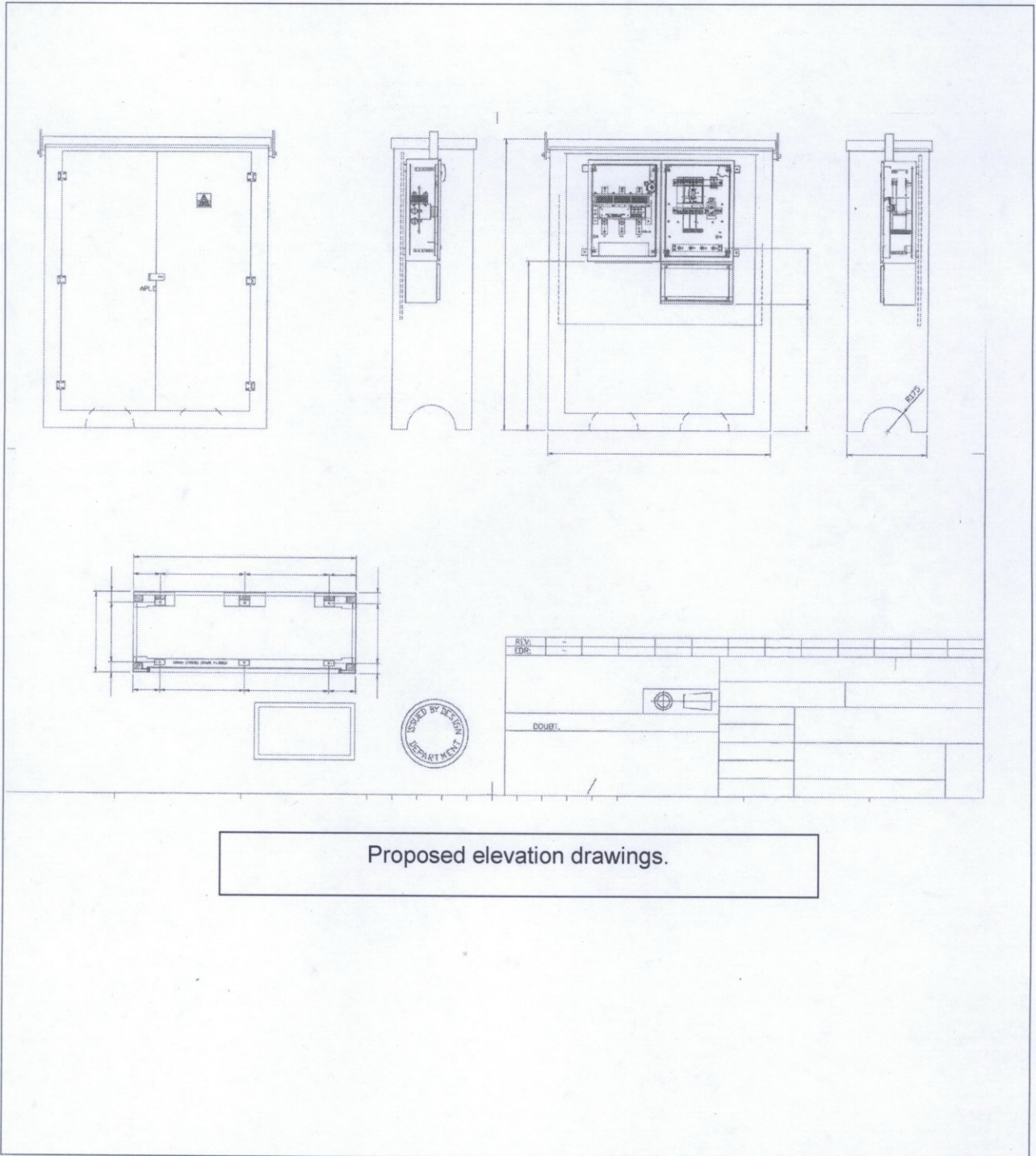
1. Application form
2. Letter from occupier of 15 Terminus Place, London SW1V 1JR, dated 14 December 2015
3. Memorandum from Highways Planning Manger.
4. Email from applicant dated 10 November 2015.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)



7. KEY DRAWINGS



Proposed elevation drawings.

**DRAFT DECISION LETTER**

**Address:** 15 Terminus Place, London, SW1V 1JR,

**Proposal:** Retention of electrical cabinet on public highway temporarily installed to serve Victoria Underground Station until 30 June 2016.

**Plan Nos:** Site location plan, C23395

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**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 electrical cabinet can remain until 30 June 2016. After that you must remove it and return the land to its previous condition. (C03CA)

**Reason:**

The retention of the cabinet for a longer period would be harmful to local environmental quality, to the appearance of this part of the City and to pedestrian movement on Terminus Place. This would be contrary to policies S28, S29 and S41 of Westminster's City Plan: Strategic Policies adopted November 2013.

**Informative(s):**

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

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Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.



Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 12 January 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	9 Hill Road, London, NW8 9QE,		
<b>Proposal</b>	Erection of single storey side and rear extensions; excavation of basement extension below house and part of rear garden; alterations and restoration works to existing building; provision of new boundary treatment and landscaping; associated internal and external works.		
<b>Agent</b>	Howard Sharp and Partners LLP		
<b>On behalf of</b>	Mr & Mrs D Burton		
<b>Registered Number</b>	15/03618/FULL 15/03619/LBC	<b>Date amended/ completed</b>	11 June 2015
<b>Date Application Received</b>	24 April 2015		
<b>Historic Building Grade</b>			
<b>Conservation Area</b>	St John's Wood		

**1. RECOMMENDATION**

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

**2. SUMMARY**

The application site comprises a Grade II listed semi-detached single family dwelling located within the St John's Wood Conservation Area. Planning permission and listed building consent are sought for the erection of single storey side and rear extensions, excavation of basement extension below house and part of rear garden, alterations and restoration works to existing building, provision of new boundary treatment and landscaping and associated internal and external alterations. Objections have been received from four neighbours to the proposal on design and amenity grounds.

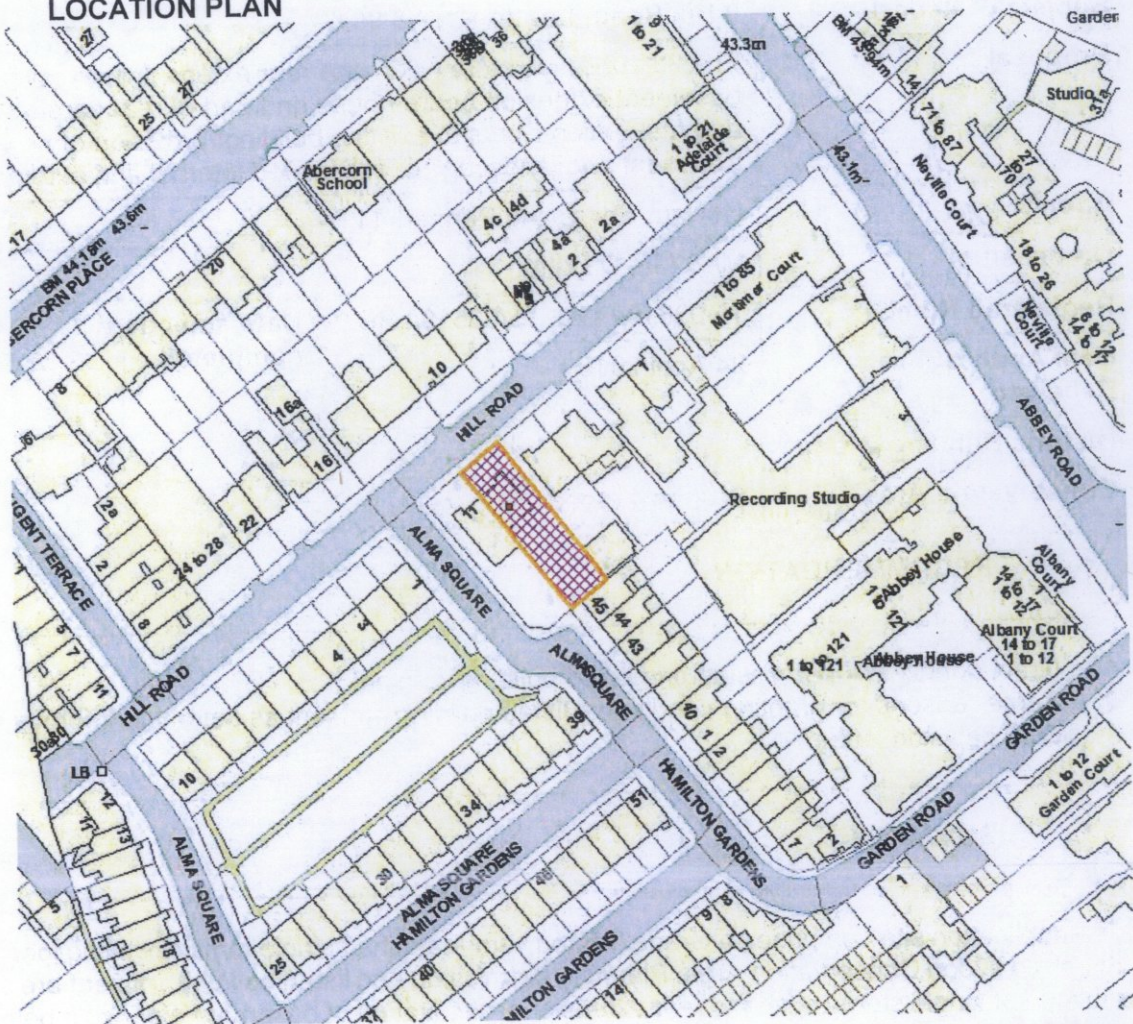
The key issues in this case are:

- The impact of the proposed development on the character, appearance and special interest of this Grade II listed building and the St John's Wood Conservation Area.
- The impact of the proposal on the amenity of neighbouring residents, especially in relation to the potential loss of light to the kitchen of the ground floor flat at 7 Hill Road.

- The loss of the magnolia tree in the rear garden.

For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan). As such, it is recommended that planning permission and listed building consent are granted, subject to the conditions set out in the draft decision letters.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### CONSULTATION ON INITIALLY SUBMITTED SCHEME (MAY 2015)

#### ST JOHNS WOOD SOCIETY

Any response to be reported verbally.

#### ARBORICULTURAL MANAGER

Objection to loss of Magnolia tree.

#### BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including rivers has been investigated.

#### ENVIRONMENT AGENCY

Any response to be reported verbally.

#### HIGHWAYS PLANNING MANAGER

No objection.

#### THAMES WATER

Any response to be reported verbally.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

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

One letter of support. Four emails/ letters of received raising objection on all or some of the following grounds.

#### Townscape/ Design

- Rear extension projects further than allowed at 11 Hill Road.
- Side extension large than that allowed at 11 Hill Road.
- Extension would detract from architecture of building.

#### Amenity

- Increase in height of side wall between numbers 7 and 9 will impact on light to Ground floor flat of 7 Hill Road.

#### Other Matters

- Loss of Magnolia tree when No. 11 required to submit details showing that their basement would not damage roots.
- Cumulative construction impact of schemes in Hill Road.
- Work should not take place on Saturdays.
- Disruption in terms of noise, vibration, traffic and dust.
- Impact on water table.

ADVERTISEMENT/SITE NOTICE: Yes

### CONSULTATION ON REVISED SCHEME - AMENDMENTS TO LANDSCAPING PLAN AND REAR EXTENSION (NOVEMBER 2015)

**ARBORICULTURAL MANAGER**

New landscaping proposal overcomes objection to loss of magnolia tree.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 18; Total No. of Replies: 0.

ADVERTISEMENT/ SITE NOTICE: Yes.

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The application site is a Grade II listed single family dwelling which forms part of a semi-detached pair located on the south east side of the Hill Road. The building is located within the St John's Wood Conservation Area.

**6.2 Recent Relevant History**

None relevant.

**7. THE PROPOSAL**

The application seeks planning permission and listed building consent for the erection of single storey side and rear extensions, excavation of basement extension below house and part of rear garden, alterations and restoration works to existing building, provision of new boundary treatment and landscaping and associated internal and external alterations.

The application has been amended during the course of its consideration to provide alterations to the proposed landscaping scheme, to reduce the projection of the rear extension, to make detailed changes to the design of the rear extension and to change the position of the rear skylights.

**8. DETAILED CONSIDERATIONS****8.1 Land Use**

The enlargement of the existing dwellinghouse would accord with Policy H3 in the UDP and Policy S14 in the City Plan. Accordingly the proposal is acceptable in land use terms.

**8.2 Townscape and Design****8.2.1 Internal Alterations**

Initially concerns were raised by officers in respect of the proposed removal of the chimney breast in the south west corner of the building. In order to maintain the interpretation of the building in terms of its plan form and how it historically functioned, the scheme has been amended to allow the removal of the chimney breast at lower ground floor level, where the building is already much altered, but maintained from

ground floor upwards. This amendment overcomes officers main concern with the proposed internal work and, subject to the recommended conditions, the other internal alterations proposed to the listed building are acceptable of would not harm the significance of the building.

### 8.2.2 External Alterations

The proposed extensions at lower ground floor level to the side and rear would be discreetly located and sufficiently modest in scale so as to be clearly ancillary to the host listed building where they are seen in private views to the front and rear and limited public views to the front elevation. As such, these alterations are acceptable in design and listed building terms.

Initially the proposed rear extension has a roof structure comprising a green (sedum) roof along with a decorative metal panel. However, the decorative metal panel has been omitted as it competed with the materials found on the host building and the detailed design of the rear extension simplified so that the green (sedum) roof is the sole roofing material, with separation from the rear elevation being achieved by use of a skylight. These revised materials are considered to sit more comfortably against the host building. The green roof aids contributes to the contemporary design comprising stone columns and extensive slim profile aluminium framed windows. In combination, these materials used in the way proposed allow the extensions to rear as clearly later additions to the listed building, but which are lightweight and complementary in appearance.

As the building is a grade II heritage asset the use of aluminium windows in the proposed extensions was initially of concern and considered to be at odds with the traditional materials and method of construction of the fenestration on the host building. However, following discussions with the architect, the rationale behind the aluminium frames and the potential design implications is better understood. Consequently, in this instance the introduction of aluminium fenestration is considered to be acceptable as it allows for a slim profile frame to sit comfortably behind the dressed stone columns, which will visually be the principal material. Furthermore, as set out in the preceding paragraph, aluminium is in keeping with the contemporary design approach of the extension.

Initially a metal screen was proposed to the front porch to the front elevation of the side extension at lower ground floor level. Following amendment of the scheme this has been omitted and the detailed design and materials of the front porch are considered to sit more comfortably against the host building.

The proposed basement extension, although large in scale, would be located below existing ground level with limited external manifestations. During the course of the application the rooflights to the rear have been reduced in scale and whilst they are still set away from the rear elevation, they are sufficiently small in scale and discreetly located between the side and rear extensions, so as not to harm the special interest of the listed building or the character and appearance of the St. John's Wood Conservation Area. To the front, the scheme currently proposes the installation of a large rooflight across the whole floor surface of the existing shallow front lightwell. This would be a prominent and starkly modern addition to this listed building in a very



prominent position on the building. It would also cause the base of the building to be illuminated to a significant degree when the room that this large rooflight serves is used after dark. This level of illumination would be alien to the character and appearance of the listed building and would further harm its significance. In this context, an amending condition is recommended requiring the omission of the rooflight in favour of the provision of a traditionally detailed lightwell to the front elevation with a horizontal metal grille over at ground floor level.

Part of the proposed basement would project beyond the existing building and the proposed rear and side extensions and would fail to be covered by 1.2 metres of top soil. However, given that the area in question is small in scale and as the majority of the rear garden would remain undeveloped, it is considered that the limited soil depth over this section of the basement, where is below part of the garden area is acceptable in this case. As such, whilst the proposed basement diverges from the best practice set out in the 'Basement Development in Westminster' SPD (2014), the degree of divergence is not sufficiently great to warrant refusal of permission or consent.

Since the submission of this application, weight has been afforded to certain parts of the City Council's new basement policy. However, the application of the emerging policy relates solely to applications submitted after the 1 November 2015 and as such, this policy is not relevant to the determination of this application.

In summary in design terms the scheme is acceptable and the proposed alterations and extensions would not harm the significance of the listed building and would not harm the character and appearance of the St. John's Wood Conservation Area. Subject to the recommended conditions the proposals would accord with Policies DES1, DES5, DES9 and DES10 in the UDP and Policies S25 and S28 in the City Plan.

### **8.3 Residential Amenity**

The rear extension has a relatively modest maximum height of 2.7 metres. This is lower than the existing extension at No.11 and the proposed extension which received planning permission in August 2014. The proposal would therefore not have a significant impact on sense of enclosure or loss of sunlight or daylight to the neighbouring property at No.11 Hill Road. The rear extension is set back from the boundary of No.7 by 3.5 metres and would have no amenity impact on that property. Being at lower ground floor level within the rear garden surrounded by boundary treatment on all side the rear extension would not result in any increase in overlooking issues.

The proposed side extension will result in the boundary wall between No.11 and No.9 increasing in height by 1.4 metres to 2.7 meters. An objection has been received from the owner of the ground floor flat at No.7 Hill Road on the grounds that the increase in height will reduce light to their bathroom and kitchen windows, which face the boundary wall and are approximately 2.7 metres from it. However, the proposed side extension would not have a significant impact in terms of loss of daylight or sunlight or sense of enclosure, as the 12 metre high flank wall of application property would be located only 3 metres back from the raised boundary wall. The side extension would

therefore be in the shadow of this existing flank wall and would not create a significant worsening of the existing situation.

In summary the proposed extensions and alterations are considered to be acceptable in amenity terms and accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

#### **8.4 Transportation/Parking**

No change in the number of units is proposed. The proposal retains off street car parking provision.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

No changes to access are proposed to this private dwellinghouse.

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

The proposal involves the removal of a mature Magnolia tree and a Japanese Maple tree. However, following the submission of a comprehensive landscaping plan, which proposes suitable replacement trees, the Arboricultural Manager does not object to the proposed development, subject to tree protection and replacement landscaping conditions been imposed. The applicant has offered to plant the new trees in advance of any demolition, site clearance or building work to enable the planting to establish. This requirement will therefore be added to a landscaping condition as will their commitment to improve the soil in the rear garden to aid future planting and soft landscaping. The proposals therefore accord with Policies ENV16 and ENV17 in the UDP.

#### **8.8 London Plan**

This application raises no strategic issues.

#### **8.9 National Policy/Guidance Considerations**

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

#### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

#### **8.11 Environmental Impact Assessment**



The environmental impacts of the proposed development are not significant and the development is of insufficient scale to warrant the submission of an Environmental Impact Assessment.

#### **8.12 Other Issues**

An objection has been received with regard to the impact of the basement excavation on the local water table. Building Control have assessed the proposal and have confirmed that the structural methodology proposed is acceptable. An investigation of geology below the site has been undertaken and found to be of sufficient detail and the existence of groundwater, including rivers has been investigated. This assessment has demonstrated that the risk of localised flooding as a result of the proposed basement is negligible. Accordingly, the objection raised on this ground cannot be supported.

Objections have been received on the grounds of the cumulative construction impact of schemes which have gained permission in Hill Road, that the Construction Management Plan (CMP) does not exclude work being carried that should not take place on Saturdays and to the general disruption of the construction in terms of noise, vibration, traffic and dust. A CMP has been submitted with the proposal; however, it does not provide the detail generally required for this type of development. Therefore a condition is recommended requiring the submission of a comprehensive CMP. If this demonstrates the proposal will be constructed in a way which minimises disruption, having regard to other similar basement developments that may be being carried out at the same time, then it would be unreasonable to refuse the proposed development on construction impact grounds. A standard condition with regard noisy works is recommended, with additional controls to prevent noisy works of excavation on Saturdays.

#### **9. BACKGROUND PAPERS**

1. Application form.
2. Email from Building Control - Development Planning, dated 20 May 2015.
3. Memo from Highways Planning - Development Planning, dated 26 May 2015.
4. Memo and email from Arboricultural Manager dated 19 June 2015 and 29 October 2015.
5. Letter from the occupier of Garden Flat, 12 Hill Road dated 13 May 2015.
6. Letter from the occupier of 11 Hill Road dated 25 July 2015.
7. Letter from the occupier of 11 Hill Road, London, dated 14 May 2015.
8. Letter from the occupier of Garden flat, 7 Hill Road dated 17 May 2015.
9. Letter from the occupier of The Studio, 7 Hill Road dated 21 May 2015.
10. Letter from the occupier of Flat 2, 7 Hill Road dated 23 May 2015.

#### **Selected relevant drawings**

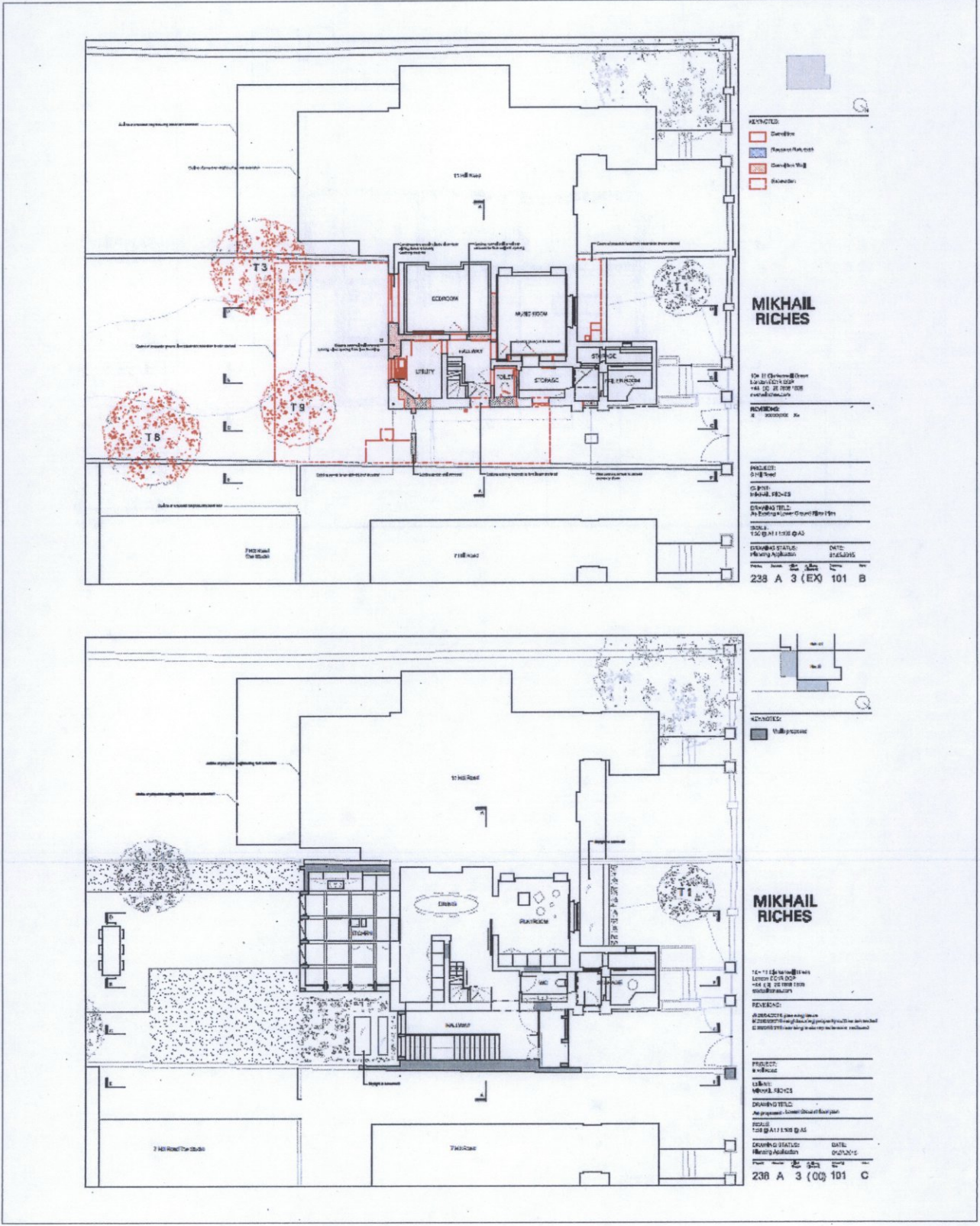
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.
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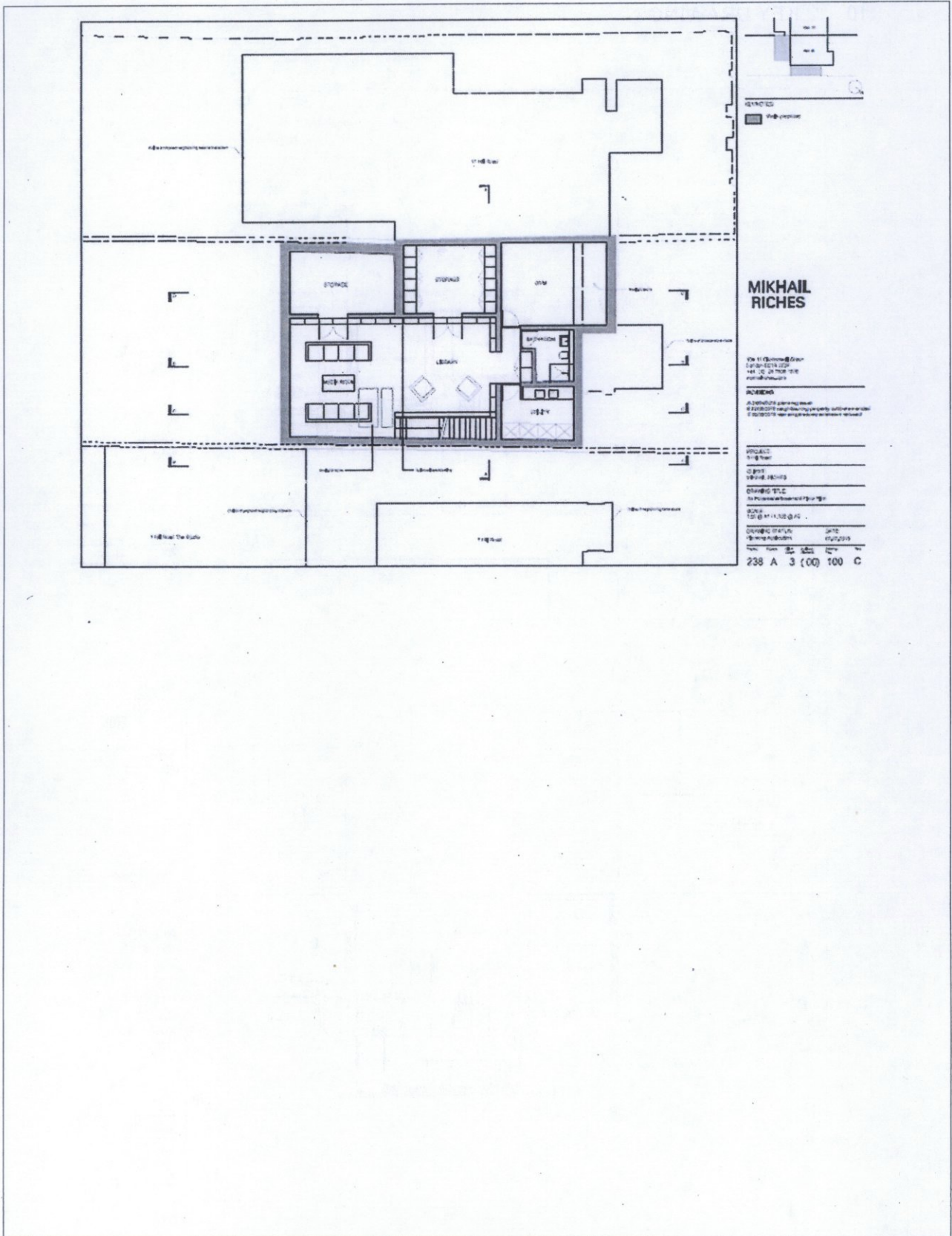
3
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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RICHARD LANGSTON ON 020 7641 7923 OR BY EMAIL AT <a href="mailto:NorthPlanningTeam@westminster.gov.uk">NorthPlanningTeam@westminster.gov.uk</a>
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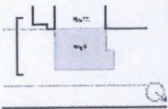
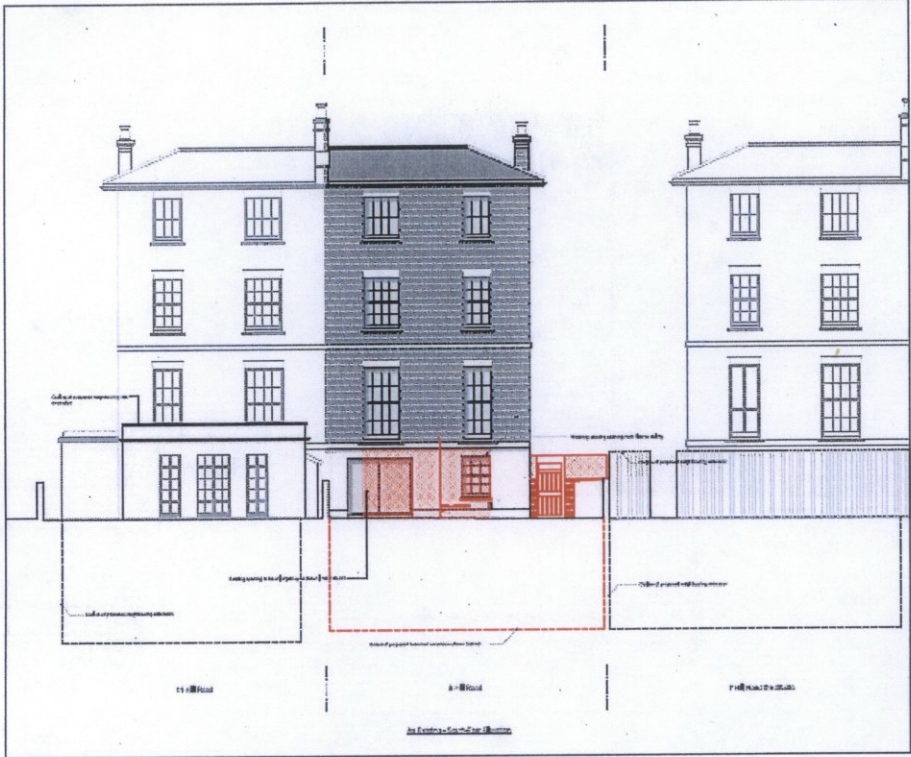
10. KEY DRAWINGS











REVNOTES:  
 Proposed

**MIKHAIL RICHES**

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 London E15 1QP  
 +44 (0) 20 7038 1000  
 mriches.com

PROJECT:  
 018 Road

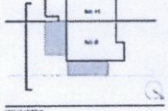
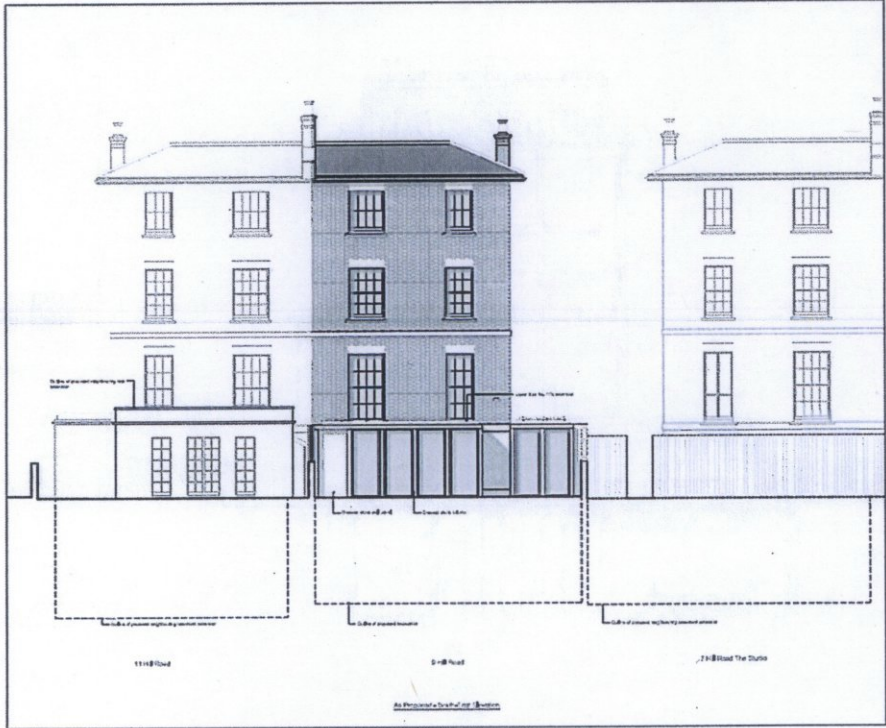
CLIENT:  
 MIKHAIL RICHES

DRAWING TITLE:  
 An Existing - Court East Extension

SCALE:  
 1:50 @ A1 (1:100 @ A3)

DRAWING STATUS:  
 Planning Application DATE:  
 01/12/2015

238 A 3 (EX) 202 C



REVNOTES:

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 London E15 1QP  
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PROJECT:  
 018 Road

CLIENT:  
 MIKHAIL RICHES

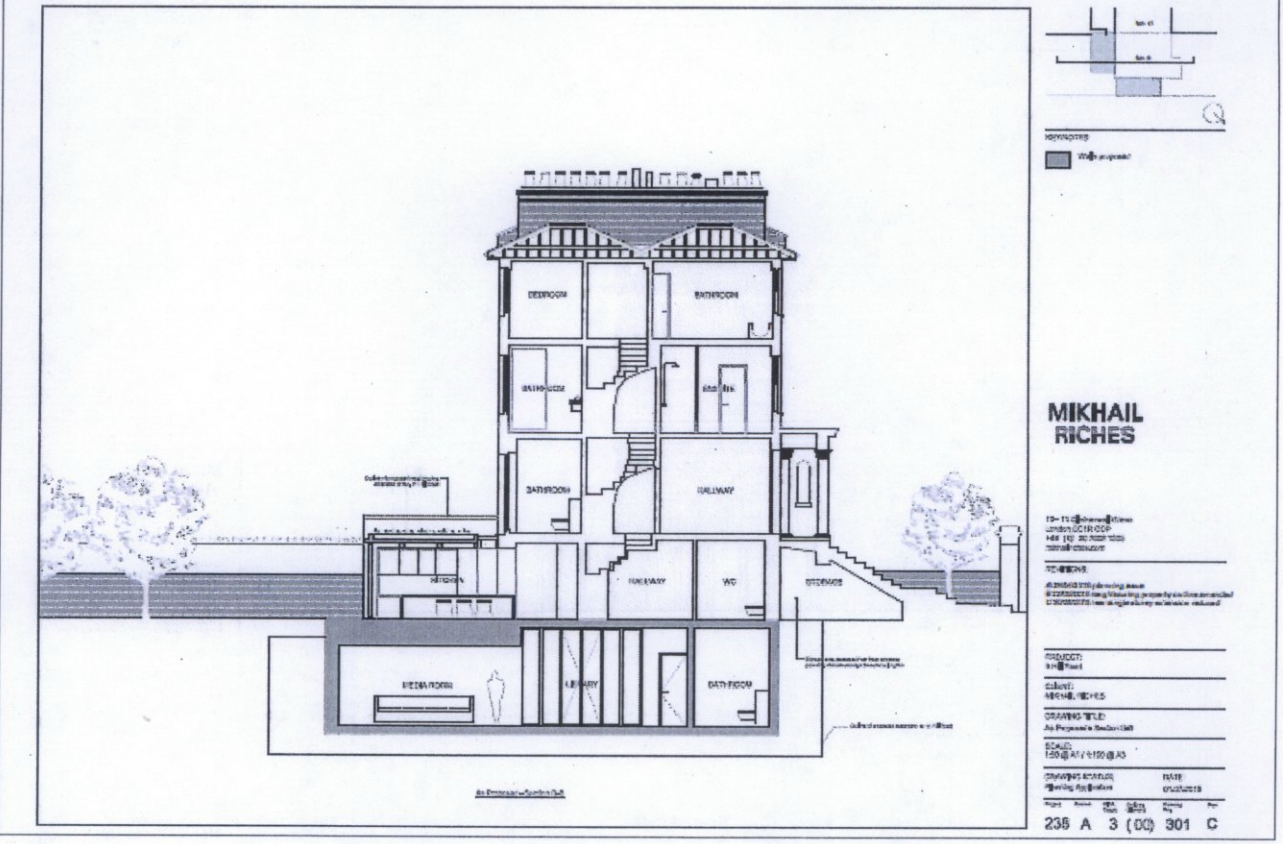
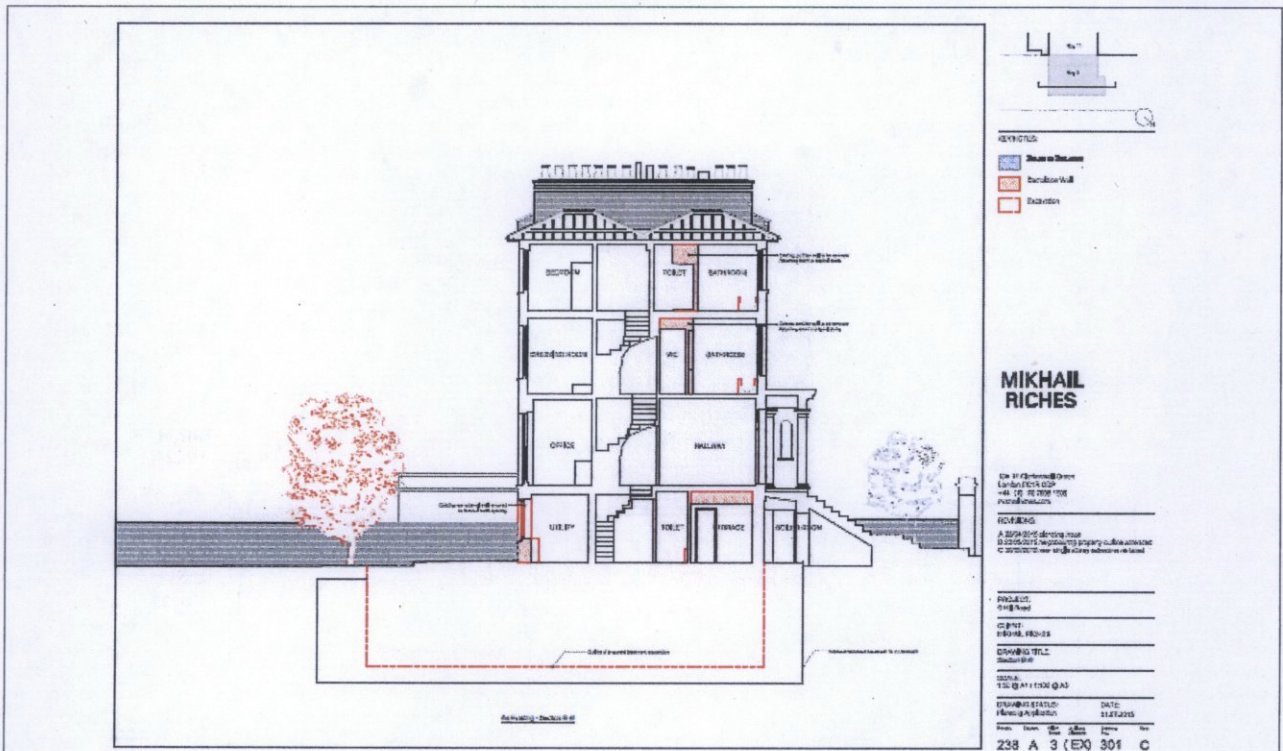
DRAWING TITLE:  
 An Existing - Court East Extension

SCALE:  
 1:50 @ A1 (1:100 @ A3)

DRAWING STATUS:  
 Planning Application DATE:  
 01/12/2015

238 A 3 (00) 203 C





**DRAFT DECISION LETTER**

**Address:** 9 Hill Road, London, NW8 9QE,

**Proposal:** Erection of single storey side and rear extensions; excavation of basement extension below house and part of rear garden; alterations and restoration works to existing building; provision of new boundary treatment and landscaping; associated external works.

**Plan Nos:** 238A3(EX)101RevC; 238A3(EX)102RevC; 238A3(EX)103RevC; 238A3(EX)105RevC; 238A3(EX)201RevC; 238A3(EX)202RevC; 238A3(EX)203RevC; 238A3(EX)204RevC; 238A3(EX)301RevC; 238A3(EX)302RevC; 238A3(00)100RevC; 238A3(00)101RevC; 238A3(00)102RevC; 238A3(00)103RevC; 238A3(00)105RevC; 238A3(00)201RevC; 238A3(00)202RevC; 238A3(00)203RevC; 238A3(00)204RevC; 238A3(00)301RevC; 238A3(00)302RevC; 238A3(00)303RevC; Design and Access Statement; Heritage Statement; Construction Method Statement (For information only); Arboricultural Impact Assessment Report; Tree Protection and Landscape Improvements Explanatory Notes; Landscape Outline Plan 2. RevC 30.06.1; TreePlan 2.RevC 30.06.15.

**Case Officer:** Richard Langston

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

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

**Reason:**

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday, and
- \* not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- \* between 08.00 and 18.00 Monday to Friday; and
- \* not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary

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Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

- 4 You must plant and maintain new trees and ameliorate the soil as set out on your detailed landscape plan 2 rev C and plan reference TPP1/ASH/PEW/REVC2, and in accordance with your Tree Protection and Landscape Improvements Explanatory Notes rev 2 dated 22 October 2015. The new trees must be planted in advance of any demolition, site clearance or building work.

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)

- 5 You must protect the existing and proposed trees as shown on Tree Plan 2 Rev C by the erection of protective fencing and placement of ground protection in the locations shown, and the specification for the tree protection must conform to the recommendations in BS5837:2012 Trees in relation to design, demolition and construction - recommendations. 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 the tree protection is in place, and you must maintain it for the duration of the development. If you subsequently need to revise any of the approved tree protection or provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

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



- 6 **Pre Commencement Condition.** Notwithstanding the Construction Management Plan within the submitted Design and Access Statement, 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.

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

## Reason:

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

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

## Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 9 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 and to make sure the development contributes to the character and appearance 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 10 You must apply to us for approval of further details of the following parts of the development:

- Detailed drawings, including sections of the new windows and doors.

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 11 You must apply to us for approval of samples of the facing materials you will use for the side and rear extensions at lower ground floor level, 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 and to make sure the development contributes to the character and appearance 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

(a) Omission of the proposed rooflight to the floor of the front lightwell and replacement with a lightwell that extends down to basement level with a traditionally detailed timber window to the front basement room (marked 'gym' on the submitted drawings).

(b) Provision of horizontal black painted metal grille over the front lightwell, set below the coping to the edge of the lightwell.

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 and to make sure the

development contributes to the character and appearance 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.



**DRAFT DECISION LETTER**

**Address:** 9 Hill Road, London, NW8 9QE,

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**Case Officer:** Richard Langston

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

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present

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3

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 building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of further details of the following parts of the development:

- Detailed drawings, including sections of the new windows and doors.

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

Reason:

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

- 5 You must apply to us for approval of samples of the facing materials you will use for the side and rear extensions at lower ground floor level, 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 building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

(a) Omission of the proposed rooflight to the floor of the front lightwell and replacement with a lightwell that extends down to basement level with a traditionally detailed timber window to the front basement room (marked 'gym' on the submitted drawings).

(b) Provision of horizontal black painted metal grille over the front lightwell, set below the coping to the edge of the lightwell.

You must not start on these parts of the work until we have approved what you have sent us. You

Item No.
3

must then carry out the work according to the approved drawings. (C26UB)

**Reason:**

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

**Informative(s):**

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

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

In reaching this decision the following were of particular relevance:

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

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

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

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

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



# Agenda Item 4

Item No.
<b>4</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 12 January 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>6 Hillside Close, London, NW8 0EF,</b>		
<b>Proposal</b>	Erection of two storey side and rear extension to single family dwellinghouse.		
<b>Agent</b>	PURA Limited		
<b>On behalf of</b>	Mr Feti Aliu		
<b>Registered Number</b>	15/03446/FULL	<b>Date amended/ completed</b>	11 May 2015
<b>Date Application Received</b>	21 April 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant condition planning permission.

## 2. SUMMARY

The application proposes the erection of two storey side and rear extension to this single family dwellinghouse. The footprint of the proposed extension would be the same as the footprint of the single storey side and rear extension that was approved in July 2013 (see this decision letter and associated drawings in the background papers).

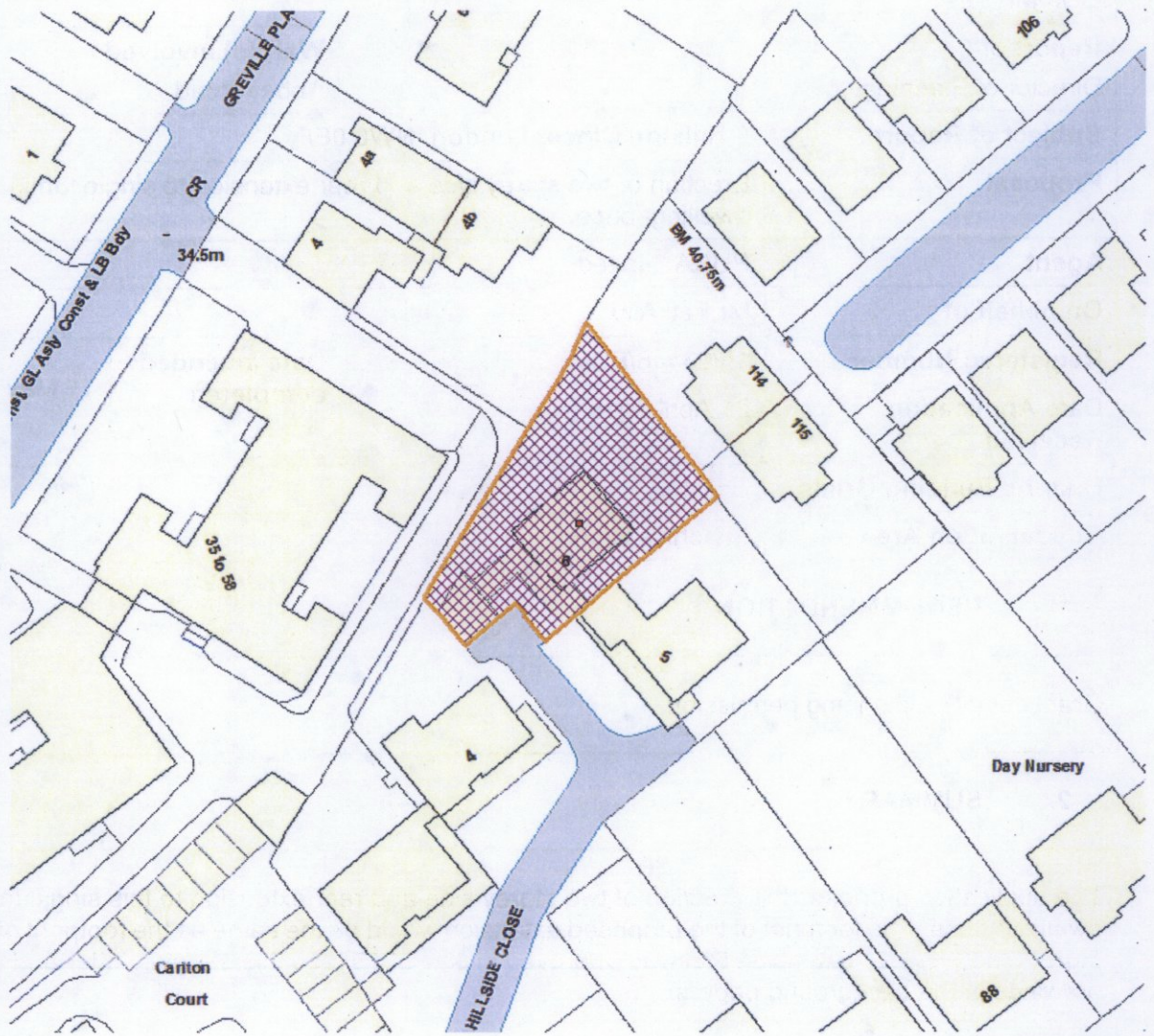
The key issues in this case are:

- The impact on the appearance of the building and the character and appearance of the St. John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.

Objections have been received from or on behalf of the occupiers of three adjoining properties/ residential blocks. The objections raised are on amenity grounds. For the reasons set out in the report, it is not considered that permission could reasonably be refused on amenity grounds, despite the objections received, and the scheme is acceptable in all other regards and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan). As such, the

application is recommended for approval, subject to the conditions set out in the draft decision letter.

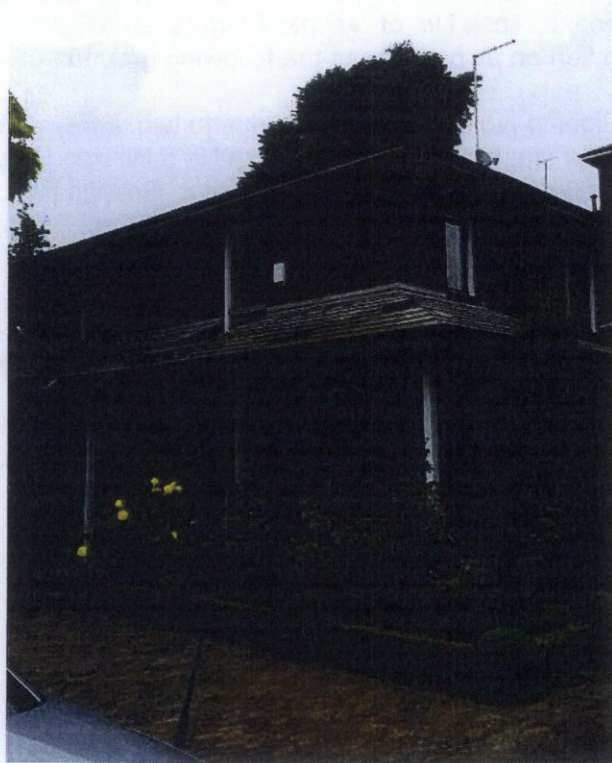
3. LOCATION PLAN



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4. PHOTOGRAPHS





**5. CONSULTATIONS****ST. JOHN'S WOOD SOCIETY**

No objections.

**ARBORICULTURAL MANAGER**

No objections.

**ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 5; Total No. of replies: 7 letters/ emails received from 4 respondents raising objection on all or some of the following grounds:

- Loss of light to No.5 Hillside Close due to two storey extension.
- Request for site visit by case officer to No.5 Hillside Close.
- Overshadowing of windows serving flats in Greville Hall.
- Increased sense of enclosure to occupiers of Greville Hall.
- Loss of daylight for occupiers of Greville Hall.
- Adverse impact on view from windows of properties in Greville Hall.
- Concern that proposed opaque windows will be replaced with clear glazing in future. Query who will control this as clear glazed windows would overlook Greville Hall.
- Consider that residents of Greville Hall should have all been consulted.
- Note plans not available on website (these were subsequently made available and additional time allowed for comments by neighbours).

ADVERTISEMENT/ SITE NOTICE: Yes.

**6. BACKGROUND INFORMATION****6.1 The Application Site**

This application lies in the:  
St John's Wood Conservation Area

The site is comprised of a single detached two storey dwellinghouse at the end of Hillside Close.

**6.2 Recent Relevant History**12/05273/FULL

Two storey side extension with pitched roof.

Application Refused 4 February 2013

(See Copy of decision letter and relevant drawings in background papers.)

13/01748/FULL

Single storey rear and side extension to dwellinghouse.

Application Permitted 23 July 2013

(See Copy of decision letter and relevant drawings in background papers.)

13/11063/CLOPUD

Excavation to create basement underneath existing building.  
Application Refused 15 January 2014

## 7. THE PROPOSAL

Erection of two storey side and rear extension to single family dwellinghouse.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The enlargement of the existing dwellinghouse would accord with Policy H3 in the UDP and Policy S14 in the City Plan. Accordingly the proposal is acceptable in land use terms.

### 8.2 Townscape and Design

The proposed two storey extension would wrap around the north west and south east sides of the building, following the same footprint of the single storey extension approved in July 2013. The hipped roof of the existing building is proposed to be extended over the extended building such that the roof form of the proposed building would replicate the existing building with sloping roof and eaves detailing to each elevation, but with an enlarged central flat roof area.

The proposed two storey extension would add significantly to the side and rear of the building; however, given the extension would be to the side and rear of the building, which sits within its own relatively generously proportioned plot at the end of the Hillside Close, it would not be disruptive to the prevailing uniformity of Hillside Close.

The two storey extension previously refused in February 2013 (see background papers), proposed an extension of significantly greater scale than now proposed. Furthermore, that scheme sought to extend the house in a much more prominent location on the site, spanning the entire length of gap between the main house and the detached garage. This addition was considered to be overbearing and unsympathetic to its context, as well as resulting in the loss of a protected False Acacia Tree. This proposal by comparison retains the separation between the main house and detached garage and consequently the rhythm of the street elevation, with clear visual separation between the houses would be maintained. As such, in terms of its mass and bulk, the proposed extension is considered acceptable.

In terms of detailed design, the roof and eaves detail would continue the form and appearance of the existing building, whilst the fenestration and brick finish would also match those in the existing building, making the extension non distinguishable from the existing building when completed.

In summary the proposed extension is considered to be acceptable in design terms and would accord with Policies DES1, DES5 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

### 8.3 Residential Amenity

#### 8.3.1 Daylight and Sunlight

##### *5 Hillside Close*

Objections have been received from the occupiers of 5 Hillside Close on grounds that the proposed two storey extension would cause a loss of daylight and sunlight this neighbouring property. No.5 has been extended on the ground floor on the boundary with the application site, and this extension contains an internal swimming pool with large sloping skylight facing toward the site. During the course of the application the case officer has visited this neighbouring property to assess the potential impact the proposed development would have. .

In terms of sunlight, No 5 Hillside Close is orientated to the south of the application site and the location of the proposed extension. As such, the proposed development would not cause any material loss of sunlight to this property.

In terms of daylight, it is noted that any assessment should have regard for the fact the affected rooflight serves a swimming pool so is not a principle habitable room. Furthermore, the affected window is a glazed roof and is not a window in a vertical elevation. The proposed extension would project 3 metres from the existing rear elevation therefore would be visible through the large glazed roof; however, this would amount to a change in the view from this room and would not cause a material loss of light sufficient to warrant refusal of permission.

##### *Greville Court*

Officers visited Greville Hall which is located to the north west of the site beyond a densely planted boundary. The ground floor of Greville Hall is at a lower level in comparison to the application site, as is noted by the objector in respect of the impact of the development on this property. The objection received is from an individual acting on behalf of residents of Greville Hall. In combination with other amenity concerns, they raise objection on grounds of loss of light. Officers visited the ground floor flat closest to the site at the north east corner of Greville Hall as part of the assessment of the application.

The proposed development is sited beyond the corner of this part of Greville Hall, and is a distance of approximately 7.5 metres from the ground floor bedroom window of the nearest flat. Consequentially there will be little appreciation of it from the ground floor bedroom visited by the officers, particularly due the extensive landscaping on the boundary. Furthermore, the closest bedroom is also dual aspect with a window facing north east. As such, objections on grounds of loss of daylight and sunlight to Greville Hall properties are considered to be unsustainable.

#### 8.3.2 Sense of Enclosure

In relation to 5 Hillside Close, the extension would be visible from the skylight serving the ancillary swimming pool room; however, for the reasons explained in relation to

daylight, the impact amounts to a change in the private view from this room and does not amount to an unacceptably increased sense of enclosure to this non-habitable room.

With regard to Greville Hall, given the separation between the development and nearest habitable room windows, and significant reduction in scale in comparison to the previously refused scheme which extended the full length of the boundary with Greville Hall, the impact upon this neighbouring residential building would be acceptable.

At the rear the development would retain a separation of approximately 11 metres with the rear elevation of 114 Clifton Hill. As such, there would be no adverse impacts with regard to enclosure to this neighbouring property.

### **8.3.3 Privacy**

The first floor room adjacent to the boundary with 5 Hillside Close remains the master bedroom in the proposed layout. There are no additional windows proposed at first floor level in the proposed extension facing 5 Hillside Close to the existing house, albeit the existing opening to the master bedroom would be split to form a smaller window to the master bedroom and a small window to a neighbouring en-suite. These alterations to the existing first floor window arrangement facing No.5 would not cause an increase in overlooking. Although additional glazing is proposed at ground floor level, this would not afford views into the windows of No.5 Hillside Close.

On the opposite side elevation facing Greville Hall several new windows are proposed serving bedrooms and en-suite bathrooms. Only a small part of the extension at the front would be on the same plane as Greville Hall, whilst the orientation, separation and landscaped boundary would ensure there is no significant adverse effect on privacy enjoyed by occupiers of flats in Greville Hall. In addition, the separation at the rear of approximately 11 metres between proposed windows in the extended rear elevation and the rear facade of 114 Clifton Hill would ensure that the privacy of this neighbouring property would also not be unduly infringed.

In summary, despite the objections raised, the proposal would not result in a material loss of light, increased sense of enclosure or loss of privacy and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

### **8.4 Transportation/Parking**

The proposal does not raise any significant transportation or parking considerations.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Existing access to this private dwellinghouse would be maintained and as such, the proposal does not raise any significant access considerations.



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

The Arboricultural Manager has assessed the submitted Arboricultural report and is content that the proposed extensions would not harm existing trees on or close to the site. Accordingly the Arboricultural Manager does not raise objection to the proposed development. The Arboricultural Manager recommends that further details of tree protection measures are secured by condition and that the details of Arboricultural monitoring are secured to ensure that construction works do not harm the Golden False Acacia tree on the site. Subject to the recommended tree protection conditions the proposed development would accord with Policies ENV16 and ENV17 in the UDP.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

### **8.11 Environmental Impact Assessment**

The environmental impacts of the proposed development are not significant and the development is of insufficient scale to warrant the submission of an Environmental Impact Assessment.

### **8.12 Other Issues**

None relevant.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Copy of decision letter dated 4 February 2013 and associated refused drawings.
3. Copy of decision letter dated 23 July 2013 and associated approved drawings.
4. Letter from the St. John's Wood Society dated 22 May 2015.
5. Memo from the Arboricultural Manager dated 25 June 2015.
6. Email from an occupier of 2 Hillside Close dated 1 June 2015.
7. Email from an occupier of 2 Hillside Close dated 4 June 2015.
8. Emails and letter from an occupier of 5 Hillside Close dated 18 June 2015, 1 July 2015 and 13 July 2015.
9. Letter from an occupier of 5 Hillside Close dated 1 July 2015.
10. Email from Parkgate Aspen on behalf of the residents of Greville Hall dated 15 July 2015.

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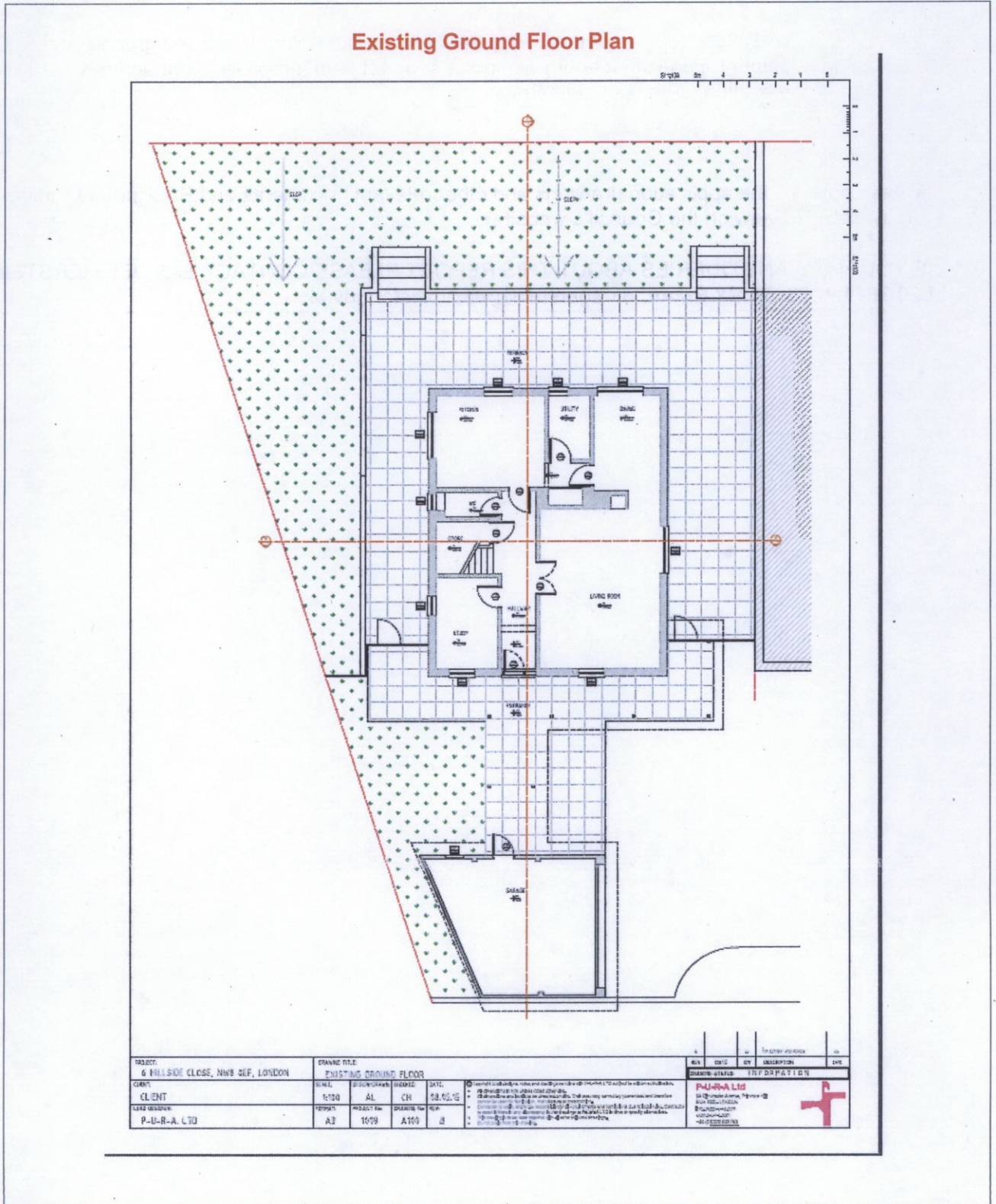
### **Selected Relevant Drawings**

1. Existing ground floor plan, Proposed ground floor plan, Proposed ground floor plan, proposed first floor plan, proposed roof plan, proposed front and rear elevation, proposed side elevations.

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

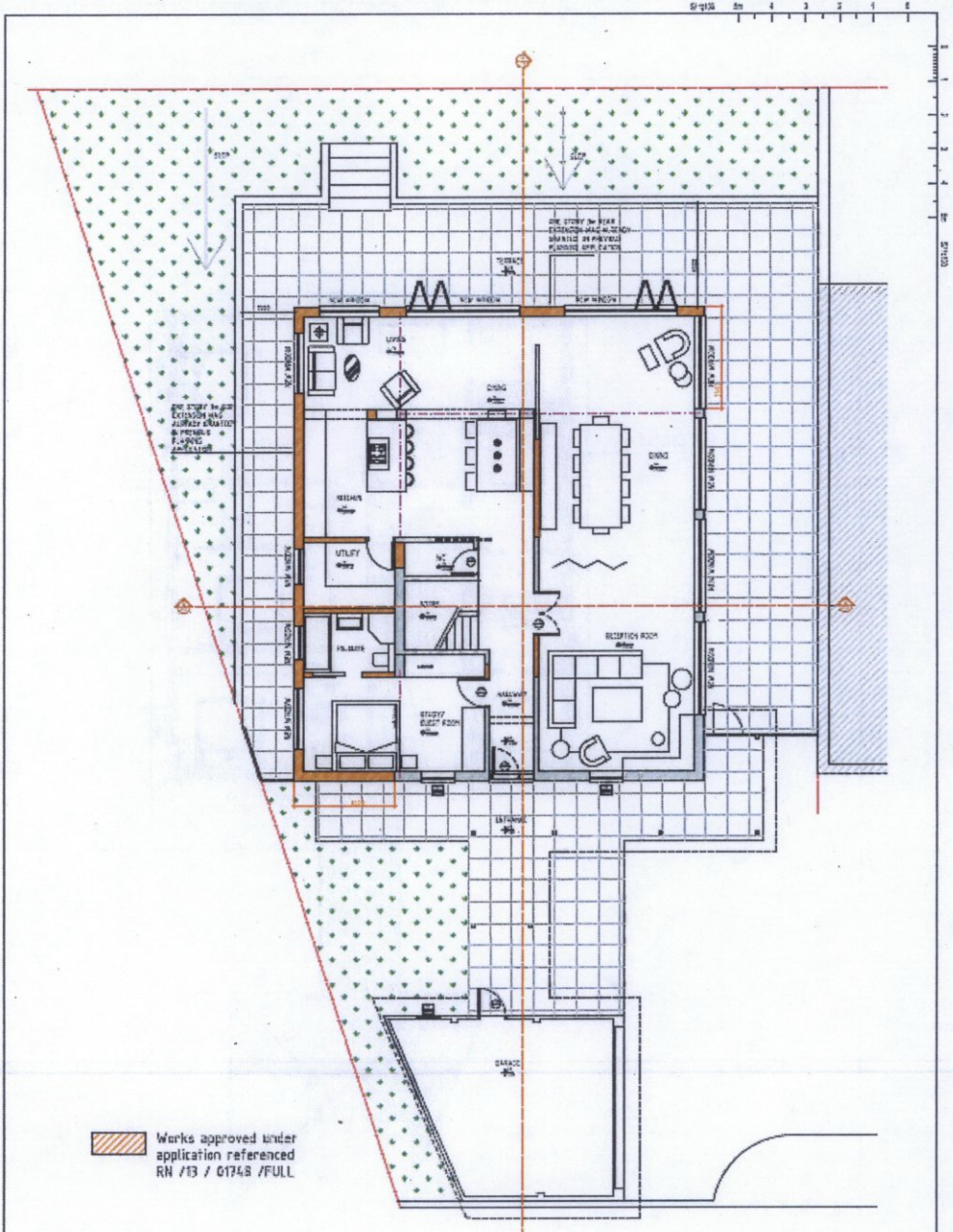
**IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SAMUEL GERSTEIN ON 020 7641 4273 OR BY EMAIL AT [sgerstein@westminster.gov.uk](mailto:sgerstein@westminster.gov.uk)**


10. KEY DRAWINGS






Proposed Ground Floor Plan

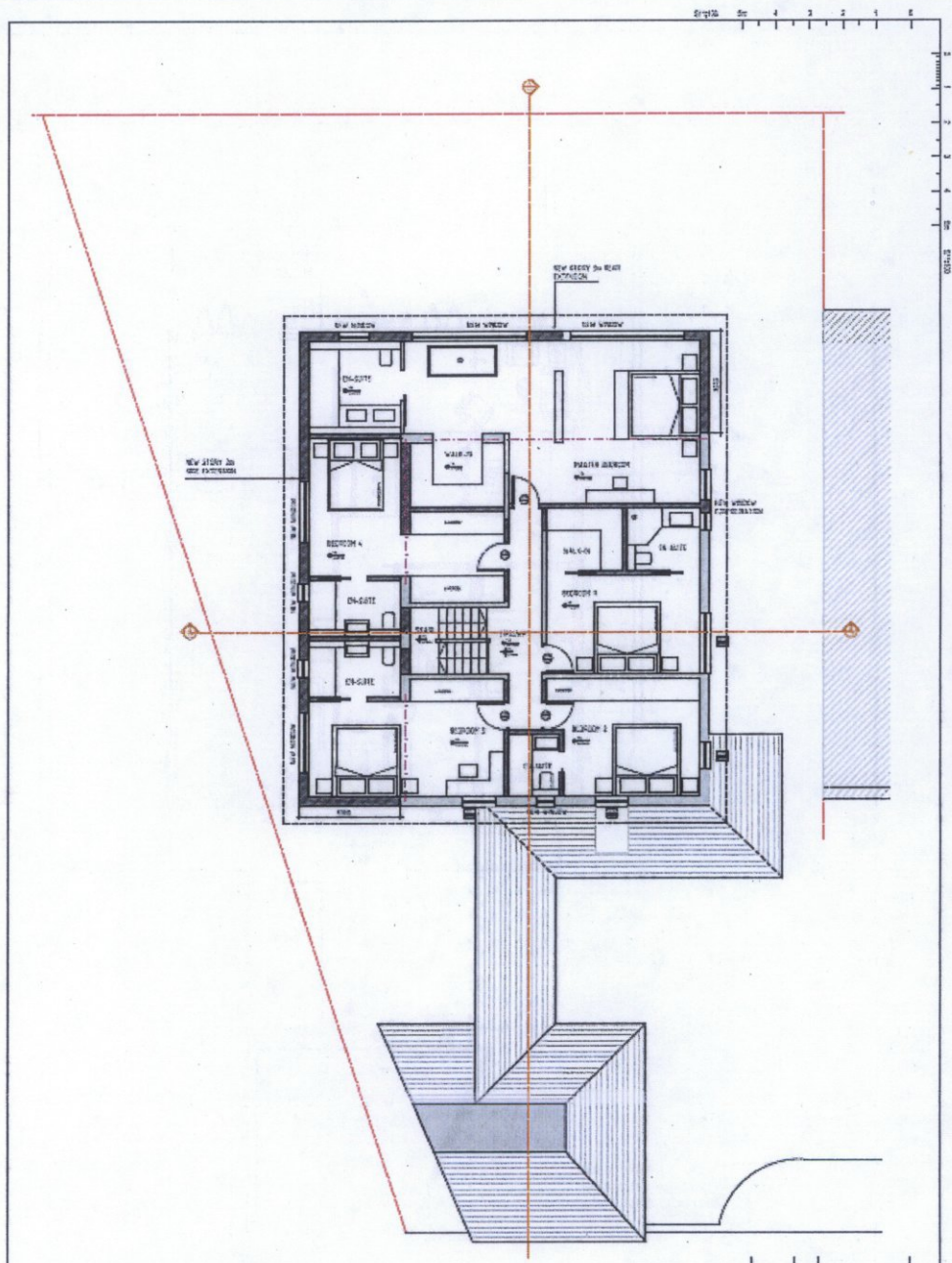


 Works approved under application referenced RN 113 / G1748 / FULL

PROJECT 6 HILLSIDE CLOSE, NW8 2EF, LONDON	DRAWING TITLE PROPOSED GROUND FLOOR				REV	DATE	BY	DESCRIPTION	CHK
CLIENT P-U-R-A, LTD	SCALE 1:150	DRAWN BY AL	CHECKED BY CH	SHEET NO. A264	<p>© Copyright in all drawings, designs and building details is the property of P-U-R-A, LTD. All rights reserved. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of P-U-R-A, LTD. This drawing is intended for the use specified in the title block. It is not to be used for any other purpose without the prior written permission of P-U-R-A, LTD. The client is responsible for ensuring that the drawing is used for the intended purpose and for any necessary approvals.</p>				
DATE ISSUED 16/09	PROJECT No. A3	DRAWING No. A264	REV 0	<p><b>P-U-R-A Ltd</b>                  50, London Avenue, London E16 1JF                  Tel: 0202 477777                  Fax: 0202 477778                  Email: info@pura.co.uk                  www.pura.co.uk</p> 					



Proposed First Floor Plan

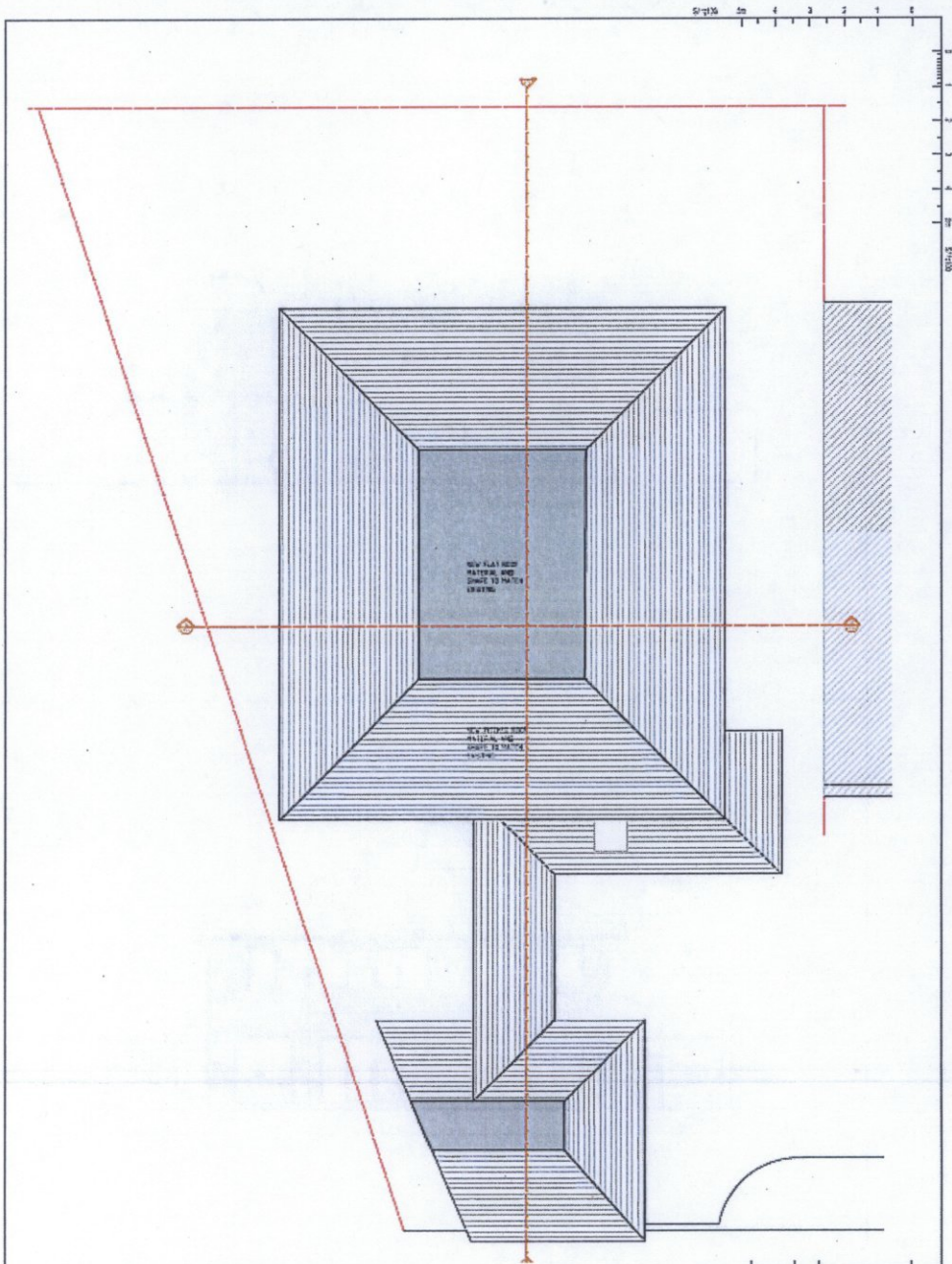


PROJECT	DRAWING TITLE				DATE	GROUP STATUS	DESCRIPTION	REV
	CLIENT	SCALE	DESIGNER	CHECKER				
6 HILLSIDE CLOSE, NW8 4EF, LONDON	PROPOSED FIRST FLOOR				08.05.15			
P-U-R-A LTD	A3	1009	AZ01					



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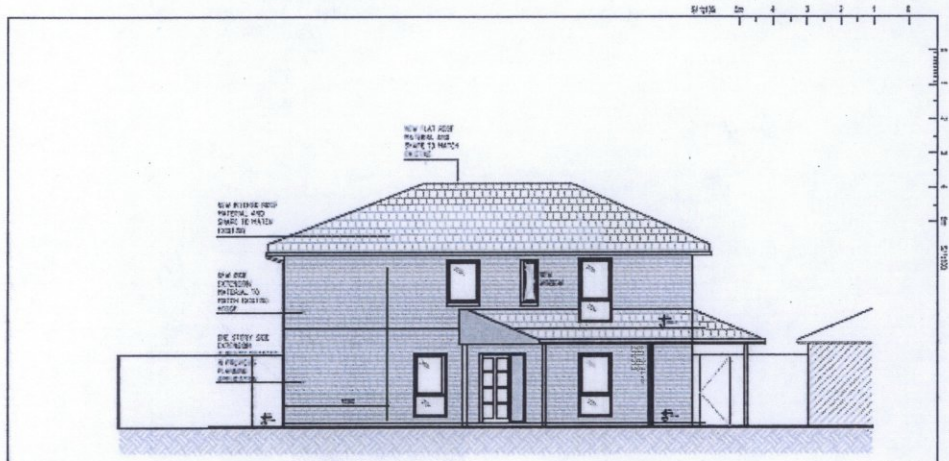
Proposed Roof Plan



PROJECT 6 HILLSIDE CLOSE, NW8 0EF, LONDON	DRAWING TITLE PROPOSED ROOF PLAN				REV	DATE	BY	DESCRIPTION	CHK
CLIENT P-B-R-A LTD	SCALE 1/100	DESIGNED BY AL	DRAWN BY CH	DATE 28.05.10	1. This drawing is the property of P-B-R-A Ltd and is not to be used for any other project without the written consent of P-B-R-A Ltd. 2. This drawing is the property of P-B-R-A Ltd and is not to be used for any other project without the written consent of P-B-R-A Ltd. 3. This drawing is the property of P-B-R-A Ltd and is not to be used for any other project without the written consent of P-B-R-A Ltd. 4. This drawing is the property of P-B-R-A Ltd and is not to be used for any other project without the written consent of P-B-R-A Ltd.				
DATE DRAWN P-B-R-A LTD	FORMA A3	PROJECT No 1019	DRAWING No A252	REV B	<b>P-B-R-A Ltd</b> 6 Hillside Close, NW8 0EF, London Tel: 020 8812 1234 Fax: 020 8812 5678 Email: info@pbr-a.com www.pbr-a.com				



Proposed Front and Rear Elevation



FRONT ELEVATION



REAR ELEVATION

PROJECT	CLIENT	DATE	SCALE	BY	CHECKED	DATE	DESCRIPTION	STATUS
6 HILLSIDE CLOSE, NW8 0EF, LONDON	P-E-R-A, LTD	03/10/23	A2/D1.5	CH	AK	03/10/23	PROPOSED FRONT AND REAR ELEVATIONS	FOR APPROVAL







**DRAFT DECISION LETTER**

**Address:** 6 Hillside Close, London, NW8 0EF,

**Proposal:** Erection of two storey side and rear extension to single family dwellinghouse.

**Plan Nos:** OS Plan, A100 rev B, A101 rev B, A102 rev B, A110 rev B, A111 rev B, A112 rev B, A120 rev A, A121 rev B, A122 rev B, A200 rev B, A201 rev B, A202 rev B, A210 rev B, A211 rev B, A212 rev B, Design and Access Statement, Tree Report prepared by D Simpson.

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday,,
- \* between 08.00 and 13.00 on Saturday; and,
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

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

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

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

- 5 You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the supervision schedule. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

#### 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 supervision schedule required pursuant to Condition 5 should include provision for reporting to the City Council as local planning authority after each operation.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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# Agenda Item 5

Item No.
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<b>5</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 12 January 2016	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b> Church Street	
<b>Subject of Report</b>	<b>27 Tresham Crescent, London, NW8 8TW,</b>		
<b>Proposal</b>	Variation of Condition 8 of planning permission dated 05 November 2013 (RN 13/08537), to allow the second and third floors of the premises to be used for by the Pentecostal Church for a temporary period not exceeding four years.		
<b>Agent</b>	WYG Planning		
<b>On behalf of</b>	Westminster City Council		
<b>Registered Number</b>	15/09502/COFUL	<b>Date amended/ completed</b>	19 December 2015
<b>Date Application Received</b>	12 October 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside Conservation Area		

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

## 2. SUMMARY

This application was deferred by the Planning Applications Committee on 15 December 2015 for further information on the proposed church use of the two upper floors of this new building by a church for a limited period not exceeding four years. Concerns were raised by the Committee in terms of the additional parking demands a church would generate, noise from church services, the number of night vigils to be held, the time frame required for this temporary use, the use of the external terraces, and there was concern that the church may conflict with the nursery use intended for the lower floors of the building.

In terms of car parking, the Church has no parking facilities at their existing premises at No.141 Harrow Road and the congregation currently travel by public transport and will continue to do so at the temporary decant site at Tresham Crescent. This area is reasonably well served by public transport and it is unlikely that this use will generate increased traffic or parking demands in the locality. The Church have confirmed that no funerals will take place at the premises. The Highways Planning



Manager raises no objection.

Regarding noise from church services, the applicant has confirmed that amplified music is used, and in order to safeguard the amenities of nearby residents, the use will be limited until 21.00 hours and music to be played inside and not outside the premises. In respect of evening vigils, it was originally reported to Committee that these will take place four times a year. The Church has now confirmed that due to the sensitivity over these events, they will no longer hold these evening vigils during their occupancy of No.27 Tresham Crescent. Therefore, it is no longer necessary to alter the wording of Condition 9. This has now been removed from the description of development.

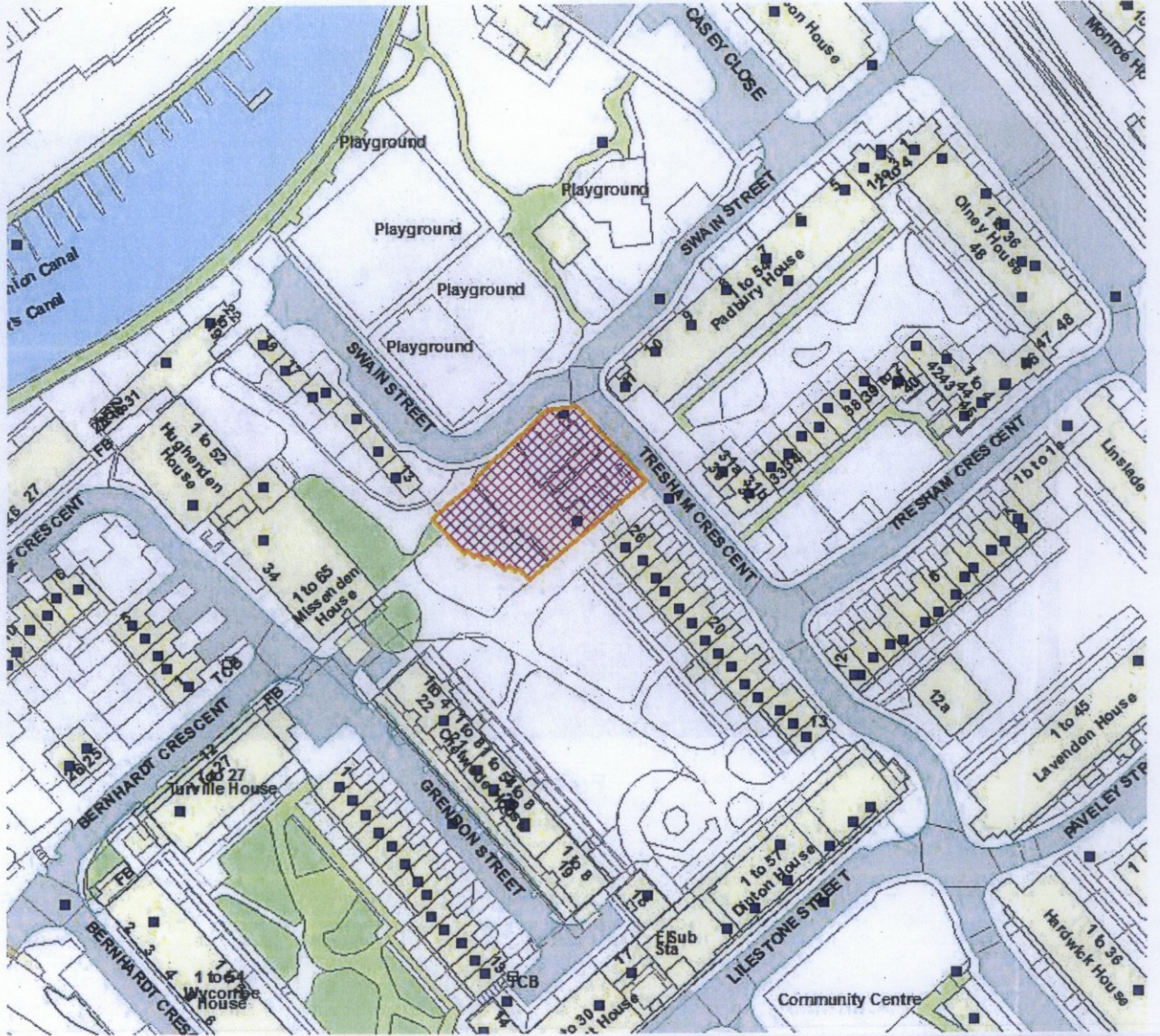
In respect of the limited period sought, alternative accommodation is urgently required for the Church to allow their decant, which in turn will allow the redevelopment of Dudley House and the adjoining Harrow Road buildings to take place. The planning application for a new secondary school and for 197 affordable intermediate rent flats has now been submitted and is out for public consultation. The City Council wishes to proceed with the demolition of the existing buildings and under the terms of the Compulsory Purchase Order the Council must find suitable accommodation for the Church. It is considered that the proposed accommodation at No.27 Tresham Crescent is suitable for the Church in terms of its size and location. Whilst there are concerns about the church use, it is considered that conditions should be able to overcome possible concerns. The proposed lease is for a maximum of four years, and it is likely that the Church's occupation will be less than this. It is anticipated that their new premises will be ready in June 2018; however, permission has yet to be granted and it is likely to be a two year build programme to redevelop the Dudley House site, therefore a degree of flexibility is required. In summary, a decant site is required in order to allow the future redevelopment of another site within the City, which will provide a new school and much needed affordable housing.

In respect of the external terraces at the rear, these will not be used for church services and this is reflected in the draft Condition 8.

Lastly, it was raised that the proposed use may conflict with the future use of the lower floors as a nursery and the possibility of CRB checks being required. It should be noted that there are separate entrances for each user and as such it is not considered that the proposed church use would compromise the security or operation of the nursery premises.

In the light of this additional information received, the application is being reported back to the Committee for determination.

3. LOCATION PLAN

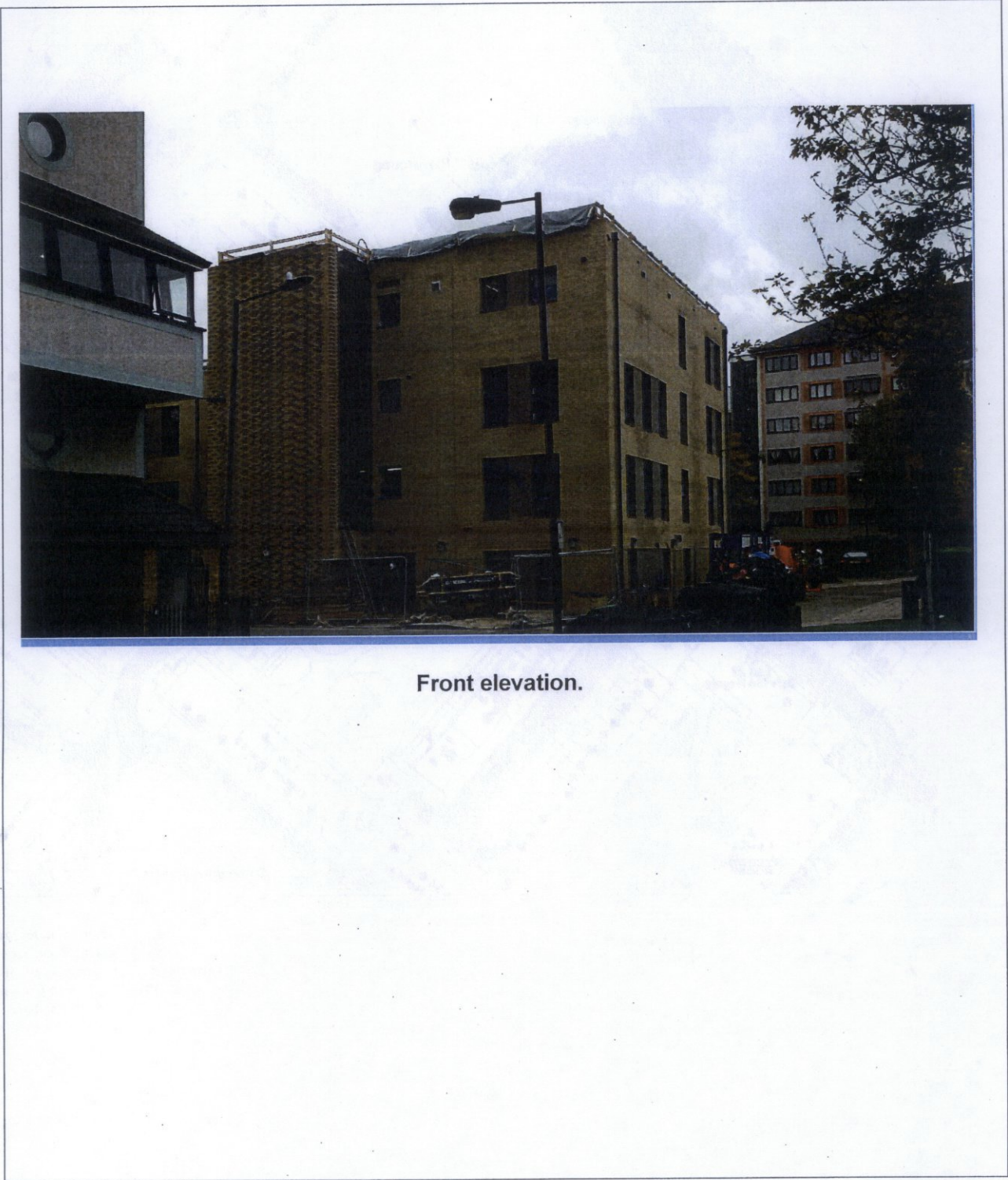


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4. PHOTOGRAPHS



Front elevation.

## 5. CONSULTATIONS

As per the committee report dated 15 December 2015 (see appended to this addendum report).

Further information has been submitted on behalf of the Church and this is set out in the background papers.

## 6. BACKGROUND INFORMATION

As set out in the Committee report dated 15 December 2015.

## 7. BACKGROUND PAPERS

1. Application form.
2. Representations reported to the Planning Applications Committee on 15 December 2015.
3. Email from Peter Sherlock on behalf of the Church dated 17 December 2015.

### **Selected relevant drawings**

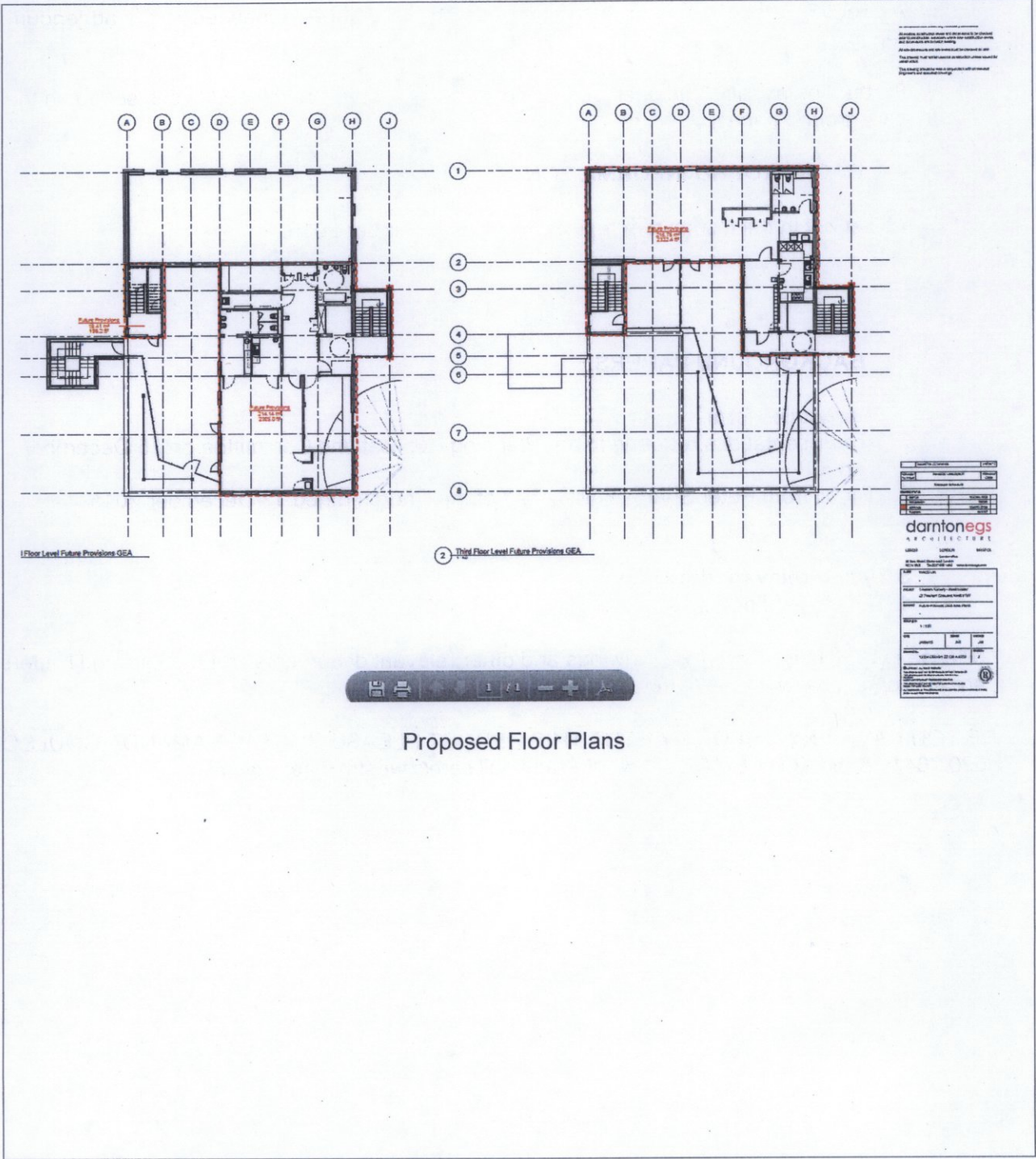
1. Proposed floorplans.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk)



8. KEY DRAWINGS



# APPENDIX

Item No.
[REDACTED]

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 15 December 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Church Street	
<b>Subject of Report</b>	<b>27 Tresham Crescent, London, NW8 8TW</b>		
<b>Proposal</b>	Variation of Condition 8 of planning permission dated 05 November 2013 (RN 13/08537), to allow the second and third floors of the premises to be used for by the Pentecostal Church for a temporary period not exceeding four years and variation of Condition 9 in relation to the hours of use to allow extended use of the church for four nights to allow for night vigils until 23.00 hours		
<b>Agent</b>	Lisa Skinner		
<b>On behalf of</b>	Westminster City Council		
<b>Registered Number</b>	15/09502/COFUL	<b>Date amended/ completed</b>	19 October 2015
<b>Date Application Received</b>	12 October 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside a Conservation Area		

**1. RECOMMENDATION**

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992

**2. SUMMARY**

This application for Council's Own Development seeks to vary the wording of Condition 8 of the planning permission for this new community building to allow the upper two floors to be occupied by the Central Pentecostal Church as a decant site for 4 years whilst their existing premises at No 141 Harrow Road are being redeveloped as part of the Dudley House development.

It is also proposed to vary Condition 9 to change the permitted hours of use to allow the church use on four nights in any one year until 23.00 hours.

Objections have been received from local residents to the principle of a church use in the building, noise and disturbance to nearby residents and increased traffic. The St Marylebone Society have also raised concerns on noise grounds.

The key issues are:

- The impact on the amenities of neighbours from the proposed church use; and
- the impact on on-street parking in the area.

It is considered that the proposed church use for a limited period is an acceptable use in this soon to be completed community building. Although residents' concerns are well understood it is not considered that the proposed church use will harm the amenities of neighbours. The Highways Planning Manager raises no objections on parking grounds. The application is recommended for conditional approval.



## 6.1 The Application Site

This application relates to a 4 storey building under construction which is due to open in December 2015 which is located on the west side of Tresham Crescent. The application site is located outside a Conservation Area and within the North Westminster Economic Development Area (NWEDA).

## 6.2 Recent Relevant History

5 November 2013: permission granted for the demolition of existing building and construction of two to four storey building for community uses within Class D1.

Prior to this permission, a former two storey building occupied the site and was last used as a day care centre.

The new building is designed to accommodate two children services providers (being relocated from alternative locations), but also includes additional floorspace on the second and third floors to allow future growth in light of the forthcoming Church Street regeneration proposals.

## 7. THE PROPOSAL

This application under Section 73 seeks to vary the wording of two conditions attached to the 2013 planning permission in order to allow the two upper floors of this new building currently under construction as a church on a temporary basis.

Condition 8 currently limits the use of the new building as a family support centre, day nursery and for community group use and no other user in Class D1. It is sought to amend the wording of this condition in order to allow the second and third floors to be occupied by the Pentecostal Church as a decant site for a temporary period not exceeding four years.


Condition 9 controls the hours of use from 07.00 to 21.00 and the associated external terrace from 07.00 to 19.00 hours, and this condition needs to be varied to allow church use until 23.00 on 4 nights in any one year to allow night vigils.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Under the terms of the 2013 planning permission, a condition was imposed to limit the occupation of this new building so that it may only be used as a family support centre, day nursery and for community group use and no other purpose within Class D1 of the Use Classes.

The Central Pentecostal Church currently occupies No. 141 Harrow Road W2 and the Council together with City West Homes is proposing to submit a new planning application to redevelop Nos. 139 -147 Harrow Road and Dudley House for a new school, church and residential flats. This planning application is due to be submitted shortly, and if permission is granted a decant site is required for the Church for a limited

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**5. CONSULTATIONS**

**WARD COUNCILLORS :** Councillor Grahame approached by a resident as the City Council does not normally allow its buildings to be used for the purposes of religious worship or prayer or the promotion or study of a particular religion. Is Tresham House subject to this restriction? How is it possible to consider that planning application by the church?

**PROJECT MANAGER HOUSING :** Confirm no restrictions on the use of Tresham House.

**ST MARYLEBONE SOCIETY :** There are local worries about noise and disturbance for residents. Support residents and Church Street Planning & Licensing Group.

**HIGHWAYS PLANNING MANAGER :** Acceptable in transportation terms.

**CRIME PREVENTION DESIGN ADVICE :** Passed the application to the local police team.

**ENVIRONMENTAL HEALTH :** To be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS :**  
No. Consulted: 75; Total No. of Replies: 2  
No. of objections: 2; No. in support: 0  
Two objections received to date

**Land Use**

Placing a church in a building designed to accommodate children's services which will cause considerable unease and worry for parents. There are a large number of religions and sects on the Lisson Estate and the City Council is apparently favouring one group at the expense of another and this may leave it open to religious discrimination. The City Council has an active policy disallowing individual worshipping groups on the estate

**Amenity**

This type of church creates a significant amount of noise. One service a week would be invasive, four or five would be intolerable.

**Transportation**

Increased traffic and limited parking, children being out a risk by any increase in traffic flow. Concerned that 100 people arriving at the Church on Sundays with no parking. Also raised concerns about amplified music.

**Other Matters**

Question why Westminster is providing this space for the church when there are many other worthwhile and less controversial proposals!

**ADVERTISEMENT / SITE NOTICE:** Yes

**6. BACKGROUND INFORMATION**

four year period. An earlier permission was granted for the redevelopment of this site which secured the temporary decant of the church in an unilateral undertaking.

Policies S34 in the City Plan and SOC1 in the UDP seek to protect all social and community floorspace. Whilst local residents concerns regarding the siting of a church in Lisson Estate are understood, it is considered an appropriate social and community use. This decant site is required to allow a comprehensive redevelopment of Dudley House which will deliver significant housing and educational benefits to the City. There are few suitable sites which can accommodate the church, for a limited period, and this new building is suitable in terms of its size, layout and disabled access.

The proposal is for a limited period, and the church will move to their permanent site when the Dudley House development is completed.

## **8.2 Townscape and Design**

This application raises no townscape issues.

## **8.3 Residential Amenity**

The Church has a congregation of 100 and residents are concerned that this use may affect amenity in terms of noise and disturbance and the playing of amplified music, and the frequency of services in the building.

The church in their supporting letter which is set out in the background papers advise that singing and playing of amplified musical instruments will take place on Sundays during the church service from 11.00 to 13.00 hours and there will be some practising and sound checks from 10.00 hours onwards. Music may also be played during the week between 18.00 to 21.00 hours but at a low level. Night vigils will take place on four occasions during the year and are for quiet contemplation and will finish no later than 23.00 hours. The Church will occupy the building throughout the week between 09.00 to 21.00 for church activities, administration and social activities.

Whilst residents' concerns are well understood it is not considered that the use as a church for a limited period of four years will result in a material loss of amenity for neighbours.

## **8.4 Transportation/Parking**

Objections have been raised to the additional traffic the church will create as there is no car parking on site, and cars will park on the street and pose a danger to local children.

The Highways Planning Manager advises that the proposed use is for a D1 use and for a temporary period, therefore the impact of the changes to the conditions on highway and transport will not be significant. It is not considered that the proposal will pose a highway danger.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.



### **8.6 Access**

The building has level and lifts access.

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

There are outdoor terraces, and it is recommended that these are not used for religious services in order to safeguard the amenities of nearby residents in terms noise and disturbance.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

### **8.11 Environmental Impact Assessment**

Not relevant in the determination of this application.

### **8.12 Other Issues**

It has been raised by one of the objectors why the Council is proposing this decant as it is favouring one religious group over others. As set out in the report, a temporary decant site needs to be found in order to allow another site in the City to be redeveloped, which will provide a new school and affordable housing.

It has also been raised by Councillor Grahame and a resident that the Council does not permit its premises to be used for religious worship or prayer or the promotion or study of a particular religion. The new building is not subject to any such restrictions on the lease.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Highways Planning Manager dated 23 October 2015
3. Letter from occupier of 26 Tresham Crescent London NW8 dated 29 October 2015.
4. Email from St Marylebone Society dated 14.November 2015
5. Email from 34 Hughenden House London NW8 dated 11.November .2015
6. Response from Metropolitan Police dated 5.November 2015
7. Letter from the agent dated 12.October 2015.
8. Statement by the Central Pentecostal Church.

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**DRAFT DECISION LETTER**

**Address:** 27 Tresham Crescent, London, NW8 8TW,

**Proposal:** Variation of Condition 8 of planning permission dated 05 November 2013 (RN 13/08537), to allow the second and third floors of the premises to be used for by the Pentecostal Church for a temporary period not exceeding four years .

**Plan Nos:** Covering letter dated 12 October 2015, site location plan, 12334-DEG-B1-GF-DR-A-0003-A, 12334-DEG-B1-ZZ-DR-A-0703-A, 12334-DEG-B1-ZZ-DR-A-0752, 29922-PL03-1, Statement by the Central Pentecostal Church .Email dated 17 December 2015.

**Case Officer:** Amanda Coulson

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

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

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

**Reason:**

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

- 2 The development shall be carried out in accordance with the detailed design and method statement approved on 16 March 2015: ( Ref: 15/00181/COGADF)

**Reason:**

To ensure that the development does not impact on existing London Underground transport infrastructure.

- 3 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

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Development Plan that we adopted in January 2007. (R11AC)

- 4 The development shall be carried out in accordance with the samples approved by the City Council on 28.8.2014( 14/08348/COGADF) and 8.5.2105 ( 15/03481/COGADF)

Reason:

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

- 5 The development shall be carried out in accordance with the drawings approved by the City Council in respect of the laser cut balustrades and brise soleil 8.5.2015 (15/03481/COGADF).

Reason:

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

- 6 You must carry out work according to the bio diversity management plan approved by the City Council on 28.9.2015 (15/08663/COGADF).

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 7 The development shall be carried out in accordance with the approved detailed drawings and an acoustic report for the kitchen extract .approved on 23 November 2015 ( Ref 15/09948/ADFULL)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in CS28 of Westminster's City Plan: Strategic Policies adopted on November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 The building hereby approved shall only be used as a family support centre, day nursery and for community group use and no other uses within Class D1 (Non Residential Institution) of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (or any equivalent class in any order that may replace it), with the exception of the second and third floors which can be occupied by the Pentecostal Church for a limited period of four years from the date of this permission. The outdoor terraces must not be used for religious worship or services at any time.

Reason:

We cannot grant planning permission for unrestricted use within Class D1 because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case, and it is considered that the relocation of the church for a temporary period will allow the regeneration of another site in the City for educational and residential purposes.

- 9 The use hereby permitted shall only operate from 07.00 to 21.00 hours and the associated external terrace shall only be used between 07.00 and 19.00 hours.

Reason:

To protect the environment of people in neighbouring properties as set out in CS24, CS29 and CS32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 The development shall be carried out in accordance with the refuse plan approved by the City Council on 8.5.2015 (15/03481/COGADF).

Reason:

To ensure that the relocated community recycling facility is reinstated prior to the occupation of the new building as set out in CS44 of Westminster's City Plan: Strategic Policies which was adopted by Full Council on 13 November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 11 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

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



- 12 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 13 The development shall be carried out in accordance with the Tree Protection Plan DFCP 2595 TPP revision B, and the approved tree protection measures must be in place before you start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site.

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)

- 14 The development shall be carried out in accordance with the approved method statement to protect the roots of the London Plane tree T1 on the site approved on 16 March 2015 (Ref 15/00181/COGADF).

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in CS38 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)

- 15 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when

operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing 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 CS32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

**Reason:**

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

- 17 The plant shall be installed in accordance with the approved supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 15 of this permission. on 23 November 2015 ( Ref 15/09948/ADFULL) .

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 CS32 of Westminster's City Plan: Strategic Policies adopted on 13 November 2013, by contributing to reducing excessive ambient noise levels.

- 18 The new building hereby approved shall be designed to meet the Building Research Establishment methods BREEAM; this review must show that you have achieved an 'excellent' rating. You must submit an independent assessment for the City Council's approval prior to the occupation of the building. You must provide all the environmental sustainability features referred to the review before you start to use the building. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted on 13 November 2013. (R44BC)

- 19 You must provide the waste store shown on drawing PL04 Rev A before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in CS44 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)

- 20 The existing vehicular crossover must be removed and the footway reinstated prior to the occupation of the building.

Reason:

To ensure that the footway is reinstated prior to the occupation of the building.

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- 21 The development shall be carried out in accordance with the landscaping scheme approved by the City Council on 28.9.2015 (15/08663/COGADF). If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species.

**Reason:**

To improve the appearance of the development 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)

**Informative(s):**

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



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