



City of Westminster

# Committee Agenda

Title: **Planning Applications Committee (4)**

Meeting Date: **Tuesday 2nd February, 2016**

Time: **6.30 pm**

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

Members: **Councillors:**

Tony Devenish (Chairman)  
Jonathan Glanz  
Angela Harvey  
Jason Williams

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

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



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

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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. 33 SEYMOUR PLACE, LONDON W1H 5AP</b>                           | <b>(Pages 3 - 28)</b>   |
| <b>2. CAR PARK, 32 BREWER STREET, LONDON W1F 0ST</b>                 | <b>(Pages 29 - 44)</b>  |
| <b>3. WALLACE COURT, 300-308 OLD MARYLEBONE ROAD, LONDON NW1 5RH</b> | <b>(Pages 45 - 60)</b>  |
| <b>4. 2 REGENTS MEWS, LONDON NW8 0LB</b>                             | <b>(Pages 61 - 76)</b>  |
| <b>5. FLAT 2, 143-145 GLOUCESTER TERRACE, LONDON W2 6DX</b>          | <b>(Pages 77 - 94)</b>  |
| <b>6. 8 CONNAUGHT SQUARE, LONDON W2 2HG</b>                          | <b>(Pages 95 - 112)</b> |

**Charlie Parker  
Chief Executive  
25 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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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Ward(s) involved</b> Bryanston And Dorset Square		
<b>Subject of Report</b>	<b>33 Seymour Place, London, W1H 5AP,</b>		
<b>Proposal</b>	Erection of a two storey roof extension on the northern building for use as five residential flats and creation of a new ground floor entrance door in Seymour Place with associated terraces at third and new fourth and fifth floor levels and on the flat roof of the southern building. Erection of extensions at rear first to new fourth floor to accommodate the new residential access, and a new plant room at rear first floor level.		
<b>Agent</b>	JLL		
<b>On behalf of</b>	WLS Seymour Place Ltd		
<b>Registered Number</b>	15/02263/FULL 15/02264/LBC	<b>Date amended/ completed</b>	13 March 2015
<b>Date Application Received</b>	13 March 2015		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

- |   |
|---|
| <ol style="list-style-type: none"><li>1. Grant conditional permission</li><li>2. Grant conditional listed building consent</li><li>3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter</li></ol> |
|---|

## 2. SUMMARY

<p>33 Seymour Place relates to two buildings, architecturally distinct but linked on all floor levels. The building to the south comprises basement, ground and four upper storeys and is known as Leo Baeck House. The building to the north is grade II listed and comprises basement, ground and two upper storeys. The buildings are the same height due to the taller floor to ceiling heights in the northern building. Both buildings are used in connection with the West London Synagogue (WSL). Permission is sought for the erection of a two storey roof extension to the northern building to accommodate five residential units. Rear extensions are also proposed along with the enlargement and repositioning of the rear stair enclosure.</p>
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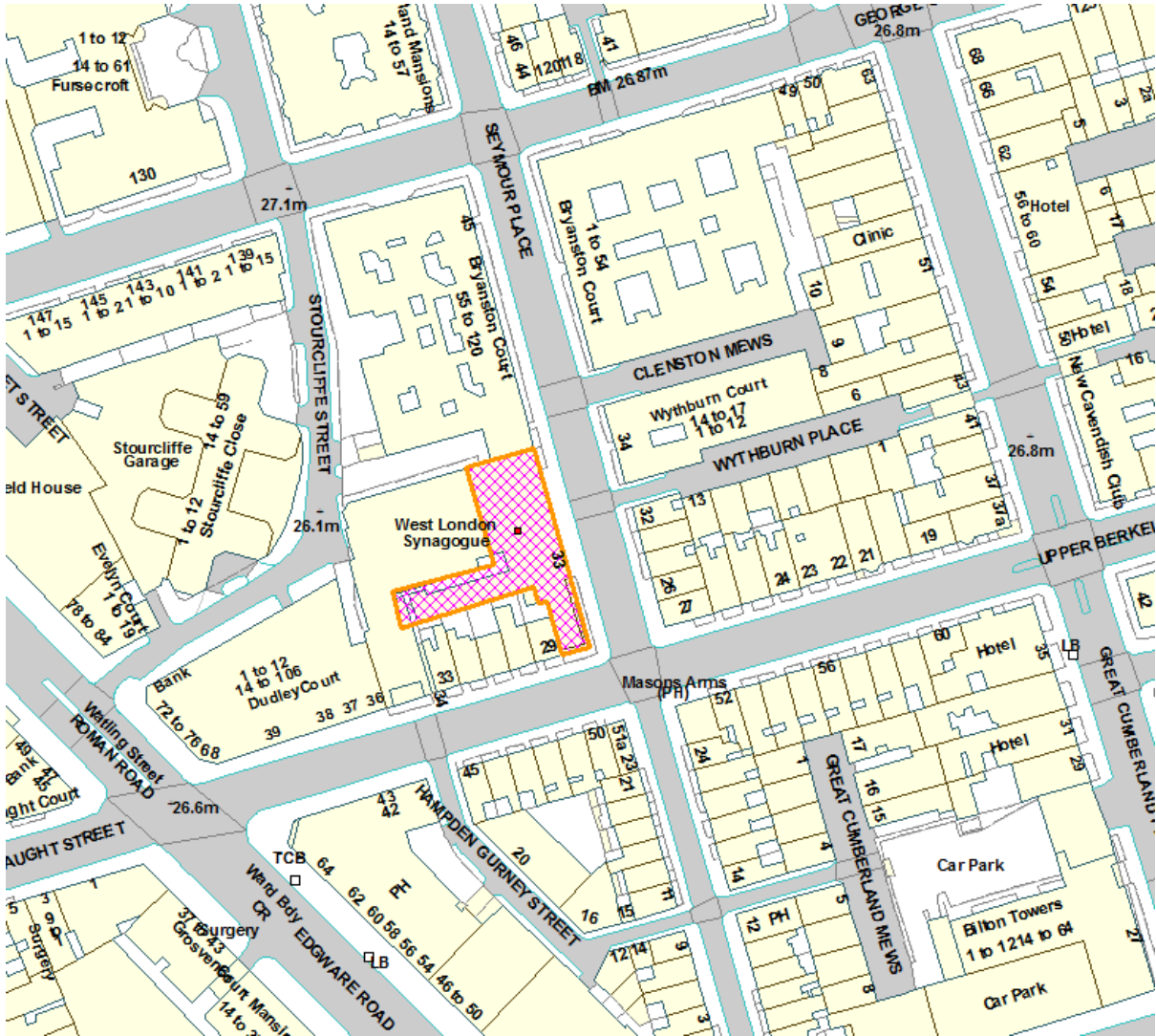
The key issues for consideration are:

- The loss of daylight and sunlight to neighbouring residential occupiers;

- The impact of the extension and terraces on overlooking; and
- The impact of the two storey roof extension on the listed building and the Portman Estate Conservation Area.

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

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

Original Application

HISTORIC ENGLAND

Authorisation received

COUNCIL FOR BRITISH ARCHAEOLOGY

No objection

THE MARYLEBONE ASSOCIATION

No objection provided that the daylight/sunlight assessment satisfies policy requirements and there is no detriment to neighbouring amenity.

HIGHWAYS PLANNING MANAGER

Objection – lack of off-street car parking

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 224

Total No. of replies:11

No. of objections: 11

No. in support: 0

Objections received from neighbouring residential occupiers on some or all of the following grounds:

Land use

- No need for additional housing in the area

Amenity

- Loss of daylight and sunlight
- Loss of privacy
- Increase in noise from terraces

Parking

- Lack of off-street car parking

Other

- Increased security risk from the use of the terraces
- Noise, dust and disruption from the construction works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Revised Application

THE MARYLEBONE ASSOCIATION  
Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 224  
Total No. of replies: 5  
No. of objections: 5  
No. in support: 0

Five objections from neighbouring residential occupiers on all or some of the following grounds:

Land use

- No need for additional housing in the area

Amenity

- Loss of daylight and sunlight
- Loss of privacy
- Increase in noise from terraces

Parking

- Lack of off-street car parking

Other

- Increased security risk from the use of the terraces
- Noise, dust and disruption from the construction works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

33 Seymour Place relates to two buildings, architecturally distinct but linked on all floor levels. The building to the south comprises basement, ground and four upper storeys and is known as Leo Baeck House. The building to the north is grade II listed and comprises basement, ground and two upper storeys. The buildings are the same height due to the taller floor to ceiling heights in the northern building. Both buildings are used in connection with the West London Synagogue (WSL). The main Synagogue building is not part of the application site. A school currently occupies part of the site and a nursery occupied the second floor level, with the roof at third floor level used as an external play area (for the nursery only). The whole site falls under Class D1 of the Use Classes Order.

The Grade II listed northern building abuts the large residential mansion block of Bryanston Court, There are also residential properties to the south on Upper Berkeley Street and opposite on Seymour Place.

## 6.2 Recent Relevant History

None relevant

## 7. THE PROPOSAL

Permission is sought for the erection of a two storey roof extension to the grade II listed building to the north of the application site. The extension will be set back from the front elevation and will comprise a sheer storey; this will then slope back to form the upper storey. Rear extensions are proposed at first, second and the new third to fourth floor levels. There is an existing escape staircase to the rear of the building which is currently set away from the boundary line with Bryanston Court. It is proposed to enclose the stairwell and include a full height lift. Due to the inclusion of the lift, the new enclosure will be built on the boundary with Bryanston Court. The new fourth and fifth floor level will be used as five residential units, with a new entrance proposed on Seymour Place. A terrace area at front third floor level is proposed, and part of the roof of the southern building (Leo Baeck House) will also be used as a terrace.

The application has been revised since its original submission. It was proposed to use the flat roof at rear second floor level as external amenity space in association with the existing school during the day and in association with the Synagogue during the evening. This element of the proposal was withdrawn by the applicant due to concerns raised by officers on amenity grounds.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Residential use

The introduction of 498sqm of residential floorspace complies with UDP Policy H3 and S14 of the City Plan and is therefore considered acceptable. Objections have been received to the increase in residential floorspace stating that the area already has sufficient residential properties. The main thrust of the City Council's policies is to increase the amount of residential floorspace throughout the City and it is considered that this objection is not sustainable to justify a reason for refusal.

The proposed mix would provide 2x1 beds, 1x2 bed and 2x3 bed units and therefore 40% would be provided as family-sized accommodation, this complies with UDP Policy H5. All the proposed flats comply with the minimum space standards set out in the London Plan.

The uplift in residential floorspace is below 1,000sqm and therefore the proposal does not trigger a requirement to provide affordable housing.

### 8.2 Townscape and Design

The proposals involve roof and rear extensions on the Seymour Street building, which was designed in a neo-Georgian style in the first half of the twentieth century. The building is

not listed in its own right but is listed by virtue of being within the curtilage of the Synagogue. It is a building which makes a positive contribution to the character and appearance of the Portman Estate Conservation Area

The additional height and bulk are considered acceptable in principle because the building to the north is significantly taller, and the proposed massing would make an acceptable transition from the lower building on the corner to the latter building.

At the front the roof extension takes the form of a double height mansard, with projecting dormers at third floor level and recessed dormers at fourth floor level. The shallow secondary pitch means that the bulk of the roof is much reduced in street level views. This is a traditional mansard form, in line with the supplementary planning guidance on roofs, and is considered acceptable. There will be no plant on the top of the roof, but some is contained within the rear extension.

At the rear the extensions is taken up sheer, in brickwork, with a service / stair core tower at the northern end: this helps tie-in the overhang of the roof extension with the rest of the building. The top floor is designed in a contemporary manner, extensively glazed but with bronzed coloured fins and lattice brickwork panels. Although unconventional this is an interesting contemporary design which will not harm the building.

The proposals are considered acceptable and in accordance with the City Council's urban design and conservation policies, including Unitary Development Plan policies DES 1, DES 6 and DES 9.

### 8.3 Residential Amenity

There are a number of residential properties in close proximity to the application site. To the north and adjoining the application site is a large residential mansion block known as Bryanston Court (flats 51-120). There are windows to the rear (south elevation) which are set back from the boundary with the application site. There is a residential block comprising 17 flats opposite the application site. To the south there are five separate residential properties (divided into flats); the rear windows of these properties overlook the flat roof at second floor level, and the side elevation of the synagogue.

#### Daylight and Sunlight overview

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent,

bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly depending on the given circumstances.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited, and would be reduced by more than 20% as a result of a development, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

A daylight and sunlight report has been submitted with the planning application which includes an assessment of the development under the BRE guidelines, and this is analysed below.

#### 55 – 120 Bryanston Court

The existing rear escape stair is set away from the boundary of the application site and it is proposed to move the escape stair to the boundary of the application site, enclose it and incorporate a full height lift. As a result of the stair/lift enclosure, there are losses in daylight to some of the windows within Bryanston Court. The windows tested face south; they are set back from the boundary with the application site. There is a substantial fire exit for the flats in Bryanston Court separating the two buildings.

An objection has been received from the Chairman of Bryanston Court on behalf of all the residential flats.

Seventy windows have been tested and the majority of losses above 20% are to the lower levels of the building. No access has been gained to the residential flats within Bryanston Court, therefore the layout of the flats cannot be confirmed. The losses to VSC range from 1.07% to 44.32%; over the lower floors the high percentage losses can be attributed to the existing low levels of VSC received, with the actual losses being low.

#### Table showing some of the losses above 20%

Level	Window Ref	Existing VSC	Proposed VSC	Actual Loss	% Loss
First	W5/500	11.11	8.35	2.76	24.84%
First	W6/500	10.58	6.73	3.85	36.39%
First	W7/500	9.50	5.29	4.21	44.32%
Second	W5/501	15.83	12.64	3.19	20.15%
Second	W6/501	14.60	10.03	4.57	31.30%
Second	W7/501	12.75	7.47	5.28	41.41%
Third	W6/502	19.17	14.24	4.93	25.72%
Third	W7/502	15.88	10.02	5.86	36.90%
Third	W8/502	17.92	13.26	4.66	26%
Fourth	W6/503	22.83	18.14	4.69	20.54%
Fourth	W7/503	18.52	12.31	6.21	33.53%
Fourth	W8/503	20.69	15.50	5.19	25.08%

Fifth	W6/504	19.39	14.23	5.16	26.61%
Fifth	W8/504	23.72	18.20	5.52	23.27%
Sixth	W2/505	20.93	16.01	4.92	23.51%
Sixth	W7/505	30.65	24.11	6.54	21.34%

It is likely that the windows affected by the proposal facing into the lightwell are secondary windows, with windows to the main habitable space overlooking Seymour Place. However, this cannot be confirmed as access has not been gained to the building.

Notwithstanding the above, it is considered that the actual losses in VSC are low and the loss of daylight to these windows is unlikely to be noticeable by the occupants of the flats.

The majority of windows currently receive very good levels of winter and annual sunlight and there are losses to winter and annual sunlight above 20%. However, the remaining levels of sunlight is considered to be acceptable, considering the built up location of the site.

#### 1-50 Bryanston Court

This building is located to the north east of the application site. An objection has been received from one of the residents on the grounds that the scheme will result in a loss of sunlight to their flat. Access has been gained to this flat; the windows to the living room overlook 10 Wythburn Place and there are only oblique views of the application site. On this basis it is not considered that the proposal will have an adverse impact on the daylight or sunlight to this residential block.

#### 29 Upper Berkeley Street

This is a grade II listed building situated to the south of the application site and the buildings share a party wall. The building is divided into five flats and the windows face north. The application site extends in front of the rear windows within No.29 and this has an impact on the existing levels of light received by this property. Objections have been received from this property on the impact the proposal will have on daylight. Access has been gained to the top floor maisonette.

Windows at basement level lose over 20% of VSC; these windows have low levels of VSC and the percentage losses are high. There are also losses above 20% to the stairwell windows, but as these windows do not serve habitable accommodation the losses are considered acceptable.

The windows do not need to be tested for sunlight as the face north and the development is to the north.

Level	Window Ref	Existing VSC	Proposed VSC	Actual Loss	% Loss
Basement	W1/100	5.52	2.94	2.58	46.74%
Basement	W2/100	4.82	2.74	2.08	43.15%
Ground	W1/101	6.45	4.27	2.18	33.80%

#### 30 Upper Berkeley Street

This is a grade II listed building situated to the south of the application site and is divided into six flats. No objections have been received from this property and therefore access has not been gained to the property.

Similarly with No.29, there are losses over 20% to the lower levels of the building where the existing levels of VSC are low, therefore the percentage loss is high. One window loses 84.23%: this window is at ground floor level and directly looks onto the side elevation of the synagogue building; it also likely that this window is used as a WC. It is considered on this basis the losses are acceptable.

The windows do not need to be tested for sunlight as the face north and the development is to the north.

Level	Window Ref	Existing VSC	Proposed VSC	Actual Loss	% Loss
Basement	W1/120	3.72	1.79	1.93	51.88
Ground	W1/121	6.66	3.45	3.21	48.20%
Ground	W2/131	13.13	2.07	11.06	84.23%
First	W1/122	15.88	10.17	5.71	35.96%

### 31 Upper Berkeley Street

This is a grade II listed building situated south of the application site and is divided into flats. Similarly with the other buildings in this terrace the losses are confined to the lower levels of the building and three windows lose over 20% of VSC. It is considered that due to the existing levels of VSC that the proposed losses are acceptable in this instance.

The windows do not need to be tested for sunlight as the face north and the development is to the north.

### 32 Upper Berkeley Street

This building is divided into two flats; the windows over the lower floors lose over 20% of VSC and it is likely that some of the windows will serve the stairwell. These windows have railings fixed to the outside and obscure glazing. It is considered that due to the low levels of VSC the occupants are unlikely to notice the losses to VSC and the scheme is therefore considered acceptable.

The windows do not need to be tested for sunlight as the face north and the development is to the north

### 34 Seymour Place

This building is opposite the application site and is divided into flats. The windows in this property face west, the building is slightly taller than the application site. None of the windows in this building lose more than 20% of VSC. There are small losses ranging between 0.21% and 8.38% and these are considered acceptable.

The losses to 26, 28, 30 and 32 Seymour Place are also below 20% and are considered acceptable.

The losses to sunlight are also within acceptable levels.

### **Privacy**

Objections have been received from residential flats opposite the application site on the grounds that there will be a loss of privacy from the proposed residential units at third and fourth floor level. It is recognised that there is already a degree of mutual overlooking between the two buildings. The objector notes as the application site is not used on a 24 hour basis and the impact of this mutual overlooking dissipates in the evening. The new residential windows are set back from the building edge by 2m, however a terrace area is proposed to the front of these set-back windows. The windows directly opposite the new extension, within 34 Seymour Place are set within the mansard and it is not considered that creation of a terrace in this location will cause a loss of privacy.

A terrace is also proposed to the roof of the southern building (third floor); this will be used by one of the proposed residential flats. An objection has been received from the top floor maisonette within 29 Upper Berkeley Street on the grounds that there will be a loss of privacy. It is considered that there is the potential for people using the terrace to overlook the objector's property. It is considered that the terrace should be set back from the rear elevation by 2m and its length along the roof by 3m to prevent a loss of privacy, and this is to be secured by condition. On this basis the proposed terrace is considered acceptable.

### **8.4 Transportation/Parking**

No off-street car parking is proposed for the new flats. UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels' The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement of five spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night time is 50%. During the day, the uptake is 90% meaning that on-street parking is already at 'stress level'. The Highways Planning Manager has objected to the scheme on the basis that the absence of any off-street parking provision would exacerbate existing parking stress levels in the vicinity of the site. Objections have been received from neighbouring residential occupiers on the grounds that the additional flats will have an adverse impact on on-street parking in the area.

The new flats will be in a location which is very well served by public transport and it is considered that the benefit of an increase in residential accommodation in this location outweighs the impact on parking. The Highways Planning Manager has suggested lifetime membership to a car club is likely to reduce car ownership and a condition requiring car club membership for each flat is recommended.

No cycle parking is provided for the residential flats. As the flats will be built above the Class D1 use there is no space of the cycle parking to be accommodated. On this basis it is not considered reasonable that cycle parking can be accommodated in this building.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size



## 8.6 Access

A separate residential entrance will be created on Seymour Place. Level access will be provided, and this will lead to the stair and lift access to the upper floors.

## 8.7 Other UDP/Westminster Policy Considerations

### Plant

A new plant room is proposed at rear first and second floor level and this will be enclosed by the rear extensions. The Environmental Health officer has no objection to the proposal on the basis that a supplementary noise condition is attached to the decision.

### Noise

An objection has been received to the third floor terrace on noise grounds. The terrace is proposed to be reduced in size by condition, which will result in a terrace comprising 18sqm. It is considered that the terrace is not so large to have an impact on neighbouring residents and is acceptable.

## 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 proposal is of an insufficient scale to require an Environmental Impact Assessment

## 8.12 Other Issues

### Crime and security

An objection has been received on the grounds that the proposed roof terrace will pose a security risk for the adjacent residential flat at 29 Upper Berkeley Street. As previously mentioned, it is proposed to impose a condition to ensure that the terrace is set away from this property. On this basis it is considered that the terrace will not cause security implications.

## 9. BACKGROUND PAPERS

1. Application form

2. Letter from Historic England dated 30 April 2015
3. Letter from the Council of British Archaeology dated 3 July 2015
4. Response from The Marylebone Association dated 6 May 2015
5. Response from Highways Planning Manager, dated 22 April 2015
6. Response from Environmental Health, dated 28 April 2015
7. Letters from occupier of 50 Bryanston Court, George Street, dated 17 and 19 April 2015
8. Letter from occupier of Flat 1 , 29 Upper Berkeley Street, dated 6 May 2015
9. Letter from occupier of Flat 5, 29 Upper Berkeley Street, dated 29 April 2015
10. Letter from occupier of Flat 2, 29 Upper Berkeley Street, dated 29 April 2015
11. Letters from the Chairman Bryanston Court, George Street, dated 25 April 2015 and 5 May 2015
12. Letters from occupier of 84 Bryanston Court 2, George Street, dated 27 April 2015 and 13 July 2015
13. Letter from occupier of 10 Wythburn Court, 34 Seymour Place, dated 27 April 2015
14. Letter from occupier of 47 Bryanston Court, 133 George Street, dated 4 May 2015

#### Revised application

15. Letter from occupier of Flat 47 Bryanston Court, George Street, dated 10 November 2015
16. Letter from the Chairman of Bryanston Court, George Street, dated 2 November 2015
17. Letter from Managing Agent of Wythburn Court, London, dated 2 November 2015
18. Letter from occupier of 12 Wythburn Court, London, dated 5 November 2015
19. Email from occupier of Flat 5, 29 Upper Berkeley Street dated 14 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 PAUL QUAYLE BY EMAIL  
AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)



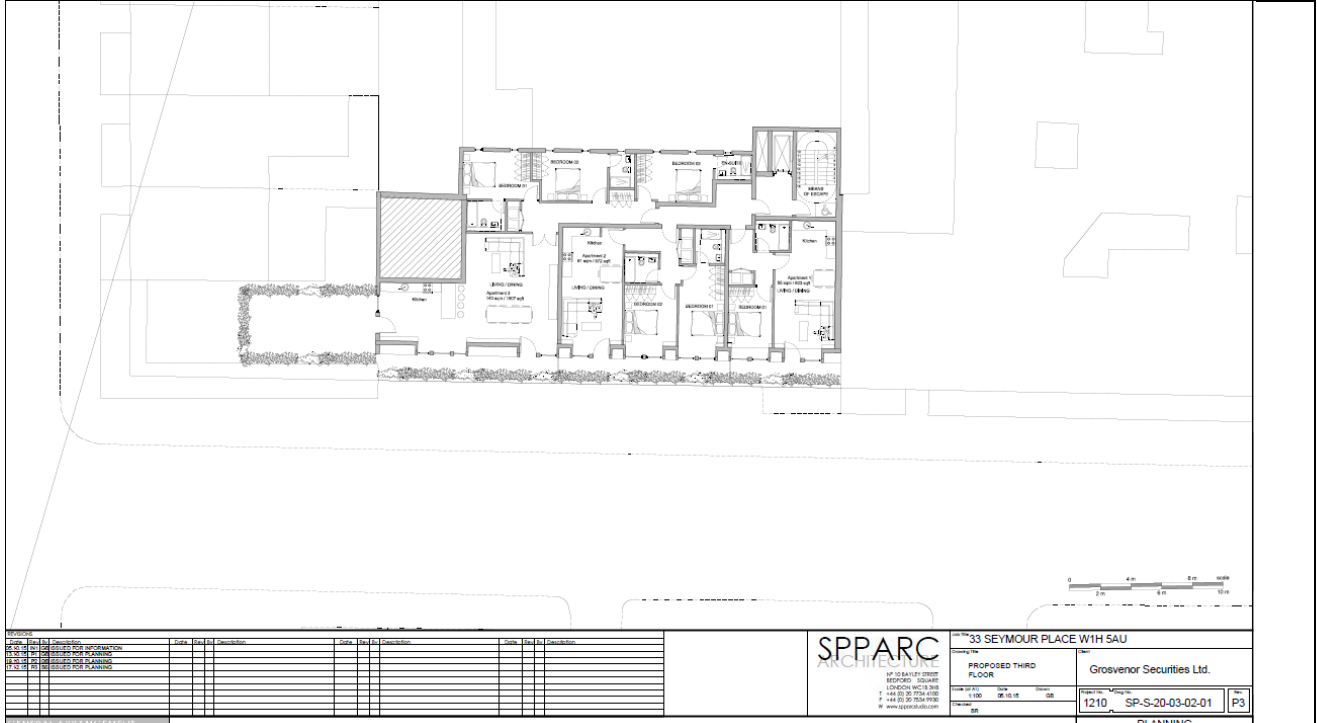


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Rev	Date	Description	By	App'd																																																									
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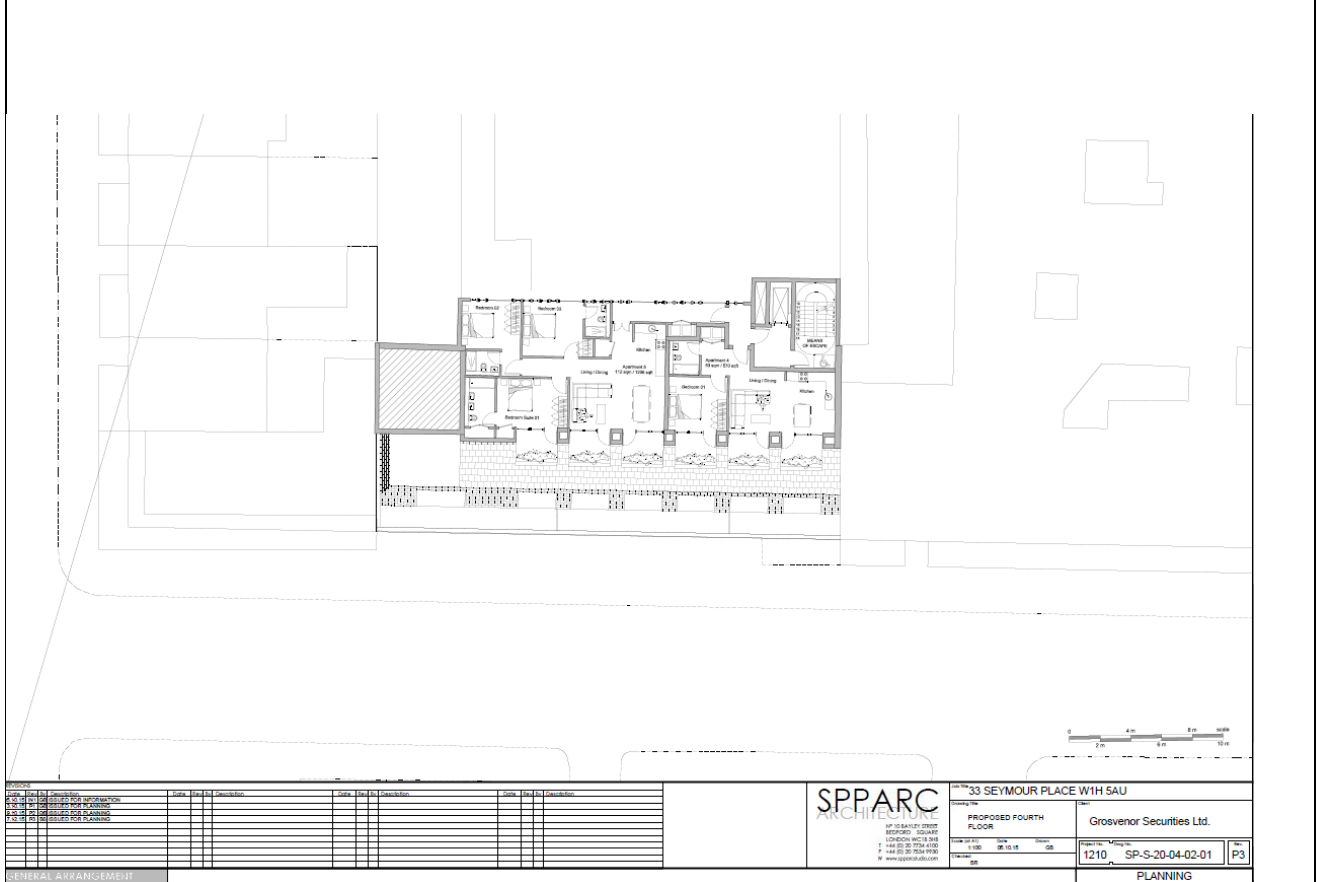
Existing and proposed front elevation



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Rev	Date	Description	By	App'd																																																									
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Proposed third and fourth floor



**DRAFT DECISION LETTER**

**Address:** 33 Seymour Place, London, W1H 5AP,

**Proposal:** Erection of a two storey roof extension on the northern building for use as five residential flats and creation of a new ground floor entrance door in Seymour Place with associated terraces at third and new fourth and fifth floor levels and on the flat roof of the southern building. Erection of extensions at rear first to new fourth floor to accommodate the new residential access, and a new plant room at rear first floor level.

**Plan Nos:** SP-S-25-MF-02-02 P2, SP-S-26-MF-02-01 P2, SP-S-20-02-01-01 P5, SP-S-20-04-02-01 P3, SP-S-20-0G-01-01 P2, SP-S-20-01-01-01 P5, SP-S-20-03-02-01 P3, SP-S-20-0R-01-01 P3, SP-S-25-MF-02-01 P2

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

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

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

Reason:

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

- 2 All new work 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To 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 Portman Estate Conservation

Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

- the terrace at third floor level must be set back from the rear elevation by 2m and set back (in length) from the Upper Berkeley Street by 3m.

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

Reason:

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

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise

report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 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.

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in



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

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

Reason:

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

- 10 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)

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

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

- 3 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

- 4 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

**DRAFT DECISION LETTER**

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**Proposal:** Erection of a two storey roof extension on the northern building for use as five residential flats and creation of a new ground floor entrance door in Seymour Place with associated terraces at third and new fourth and fifth floor levels and on the flat roof of the southern building. Erection of extensions at rear first to new fourth floor to accommodate the new residential access, and a new plant room at rear first floor level.

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**Case Officer:** Helen MacKenzie **Direct Tel. No.** 020 7641 2921

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

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

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

**Reason:**

To 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

**Reason:**

To 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, 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 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

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

In reaching this decision the following were of particular relevance:  
S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Item No.
<b>1</b>

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# Agenda Item 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Car Park, 32 Brewer Street, London, W1F 0ST,</b>		
<b>Proposal</b>	Use of the basement, ground, first, second and third floors of Brewer Street Car Park and external areas surrounding the building (including two enclosures containing plant on Peter Street and Brewer Street) for event space by the British Fashion Council for London Fashion Week between 19 February 2016 and 23 February 2016, and for five days in each of the following months: September 2016, February 2017 and September 2017.		
<b>Agent</b>	Turley		
<b>On behalf of</b>	British Fashion Council		
<b>Registered Number</b>	15/11068/FULL 15/11070/LBC 15/11069/ADV	<b>Date amended/ completed</b>	11 December 2015
<b>Date Application Received</b>	27 November 2015		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

<p>1. Grant conditional planning permission, conditional listed building consent and conditional advertisement consent.</p> <p>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>
--

## 2. SUMMARY

<p>The application site comprises a Grade II listed public car park building situated within the Soho Conservation Area. The car park comprises lower ground, ground and three full upper floors. Planning permission, listed building consent and advertisement consent are sought for the temporary use of part of the car park to host London Fashion Week events between 19 February 2016 and 23 February 2016 and for five days in each of the following months: September 2016, February 2017, September 2017, and for associated works including the display of advertisement banners, and use of parts of Peter Street and Brewer Street for enclosures containing plant.</p>
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The key issues for consideration are:

- \* The temporary use of the car park as event space;
- \* The impact of the proposals upon the amenities of neighbouring residents;
- \* The impact of the advertisements and plant within enclosures upon both the special interest of the listed building and the character and appearance of the conservation area.

The Brewer Street Car Park consists of five storeys (including basement). It can accommodate 350 parked cars (70 per floor) and also has 20 motorcycle spaces at ground floor level. It was built in 1929 in Classical-Moderne Art Deco style, and is now Grade II listed, being one of the earliest examples of buildings of this type.

The building is rectangular in shape with a narrow frontage to Brewer Street and a long flank set behind neighbouring buildings which face Lexington Street. The front corner on Brewer Street/Lexington Street forms a tower which is set forward of the main frontage, and alongside this tower is a recessed forecourt. There is a pedestrian entrance to the tower in Lexington Street. Part of the forecourt accommodates the vehicular entrance to all the car park floors except the basement, having a ramp to the upper floors and a level access to the ground floor. The vehicular access is separated from the remainder of the forecourt by a low wall with openable gates which provides the pedestrian access to the ground floor part of the car park.

At the rear, the car park abuts the flank elevation of 7 Ingestre Place, a property which accommodates eight residential flats. Part of the east facing flank elevation of the car park is exposed to the street in Ingestre Place and is part obscured by the Westminster Kingsway College site which lies in front in Ingestre Place. On the other side of the college Ingestre Place meets Peter Street, and the car park has a small return frontage to Peter Street which accommodates a separate vehicular access to the basement and a pedestrian access to the car park which is used as an emergency door. There are two emergency vehicular accesses from the ground floor of the car park in Ingestre Place, one adjacent to 7 Ingestre Place and one at the termination of Peter Street.

The character of this part of Soho is a mix of commercial and residential uses. As well as those properties adjoining the application site at 7 Ingestre Place (mentioned above), there are also adjoining residential properties at 20 Peter Street, which is a block of eight flats known as Salvo House. Further along Peter Street there are also residential flats on the upper floors of properties in Green's Court which links Peter Street to Brewer Street.

The other nearby residential properties are those opposite the front of the application site, namely St James Residences which comprises 23 flats on the upper floors of 23 Brewer Street, and on the other side of Lexington Street at 36 Brewer Street (10 flats).

The proposal is for the temporary use of part of the car park to host a London Fashion Week event between 19 February and 23 February 2016, and for three further five day Fashion Week events in the months of September 2016, February 2017 and September 2017. The exact dates for these subsequent events are yet to be finalised.

The purpose of the events are to showcase this country's contemporary fashion industry on the world



stage. A previous London Fashion Week event within the car park was permitted by the City Council last year (RN:15/06183/FULL).

The events would be mainly confined to the basement, first, second and third floors, with the ground floor being for access only. The car park function of the ground floor would continue during the event. Access to the event would be from Brewer Street where the forecourt would be used as the holding area for guests. In addition, the car park's basement will also contain a queueing area. The Peter Street entrance would be used for back stage purposes.

The proposal also includes the location of diesel generators on the car park's Brewer Street forecourt to power the equipment to be used at the event, and HVAC equipment (Heating, Ventilation, Air Conditioning) on Peter Street. Both these plant installations will be surrounded by enclosures with acoustic screening in order to minimise noise disruption to neighbouring residents.

The proposed events would be of very short duration, lasting for 5 consecutive days with setting up and dismantling taking place for 4 days before the event and 4 days after. To advertise the event it is proposed to display signage on Brewer Street, Lexington Street and Peter Street on hoardings and as a shroud-wrap for the building itself.

The proposed opening hours are 09.00-21.00 hours daily.

There would be no permanent loss of car parking facilities, and the ground floor of the car park would remain open, so there would no lasting harm to off-street car parking provision to justify refusing the application under UDP policy TRANS 25.

The Soho Society have not objected to the proposals, but have suggested the imposition of a condition requiring a travel management plan to encourage sustainable transport methods. Given, that the proposal is for four temporary five day events, it is considered that the imposition of a condition requiring a travel management plan would be onerous.

The use itself would be of very short duration and would not open excessively early or late, and given that the lawful use is a 24-hour car park it is not considered that material or lasting harm to surrounding residents could be demonstrated in this instance to a degree sufficient to justify withholding planning permission.

Most local objection has centred on the noise created from music played during the event and the location and operation of the HVAC plant equipment in Peter Street which are directly outside several residential dwellings and the diesel generators located on the forecourt on Brewer Street.

It is agreed that the plant installation on Peter Street is unneighbourly and would not ordinarily be acceptable. Environmental Health Officers have confirmed that, providing improved acoustic screening is installed, the noise should be adequately contained. When assessing the previous application for the use of the car park for London Fashion Week last year, officers stated that there was an expectation the plant installation on Peter Street would be better resolved for any future events. Subsequently, the City Council was given assurances that the plant located on Peter Street would be used for emergency purposes only. However, this is not the case, and it is now proposed that the HVAC equipment on Peter Street will be in use each day of the event and also for three days prior to the event commencing. The applicants state that the HVAC equipment must be located externally because the limited floor to ceiling heights within the car park do not allow for the required airflow.

Unlike the previously approved event, the applicant has confirmed that there are no diesel generators proposed on Peter Street and that the generators will be sited within the Brewer Street enclosure. This represents a slight improvement from the previous arrangements, albeit the Peter Street installation is still considered unneighbourly. Given that there is insufficient time for the applicant to come up with an alternative strategy, permission is recommended for the plant on Peter Street. However, a condition is proposed which will preclude the use of Peter Street for siting plant for any of the three subsequent events.

The second plant enclosure is proposed on the Brewer Street forecourt and includes the installation of 4 diesel generators. This is the less sensitive of the two plant enclosures in terms of their proximity to neighbouring residents. Environmental Health have confirmed that, subject to the imposition of conditions controlling the plant hours and noise levels, the two plant installations are considered to be acceptable given their temporary nature.

Objections have been received from neighbouring residents about the music to be played at the event and stating that during the previous fashion event music was unacceptably disruptive. The submitted noise report sets out that music will be played during fashion shows for a duration of 20 minutes per show. On the busiest day, five shows are scheduled, equating to 100 minutes of music throughout the day. The acoustic consultant comments that when attenuation from distance and the building's façade is accounted for internal noise levels at the nearest residential properties created by the music will be 29.6 dB(A). The City Council's Environmental Health Officer has considered the report and comments that due to the infrequent nature of music during daytime hours, and for the limited duration of the event, no objection is raised.

No permanent physical alterations are proposed to the building and the signs would not require fixings. The signs are of similar size and to be erected in the same locations as those permitted for the previous fashion event within the car park.

Given the prestige of the event which is crucial to the British fashion industry's exposure to a worldwide audience, it is considered that the economic considerations of this high profile event are an important contributory factor in the decision-making process in this instance and that planning permission should be granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

**Soho Society**- No objection but suggests the use of a traffic management plan to encourage sustainable transport methods and to avoid congestion. The use of plant and acoustic screening should be conditioned.

**Highways Planning** - No objection subject to conditions

**Environmental Health** – Holding objection concerning potential noise nuisance from the plant; can be overcome by conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 143

Total No. of replies: 4

No. of objections: 4

No. in support: 0

4 Objections from neighbouring residents on the following grounds:

\*Music from the event will cause noise disruption to neighbours, and the 21.00 terminal hour is too late

\* The location of plant on both Peter Street and Brewer Street are unacceptable and will cause noise disturbance to neighbouring residents.

\* The use of diesel generators is unacceptable given the impact these will have on residents and the wider air pollution levels within the West End

\*Noise and disturbance during set-up for the event.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

#### 15/11069/ADV

Display of three non-illuminated hoardings measuring 3.6m x 27.7m; 3.6m x 23.8m and 3.6m x 17.8m, one externally illuminated banner displayed at first - third floors measuring 9.6m x 7.1m and one internally illuminated lettering sign measuring 0.75m x 16.9m, and six items of non-illuminated mobile signage each measuring 0.4m x 0.3m. Temporary permission sought between 19 February 2016 and 22 February 2016, and for up to five days in each of the following months: September 2016, February 2017, September 2017.

#### 15/06183/FULL

Use of ground, 1st, 2nd and 3rd floors of Brewer Street Car Park and external areas surrounding the building (including plant to be located within an enclosure on Peter Street) for event space by the British Fashion Council for London Fashion Week for a temporary period between Friday 18 September 2015 and Tuesday 22 September 2015.

Application Permitted 18 September 2015

15/06185/LBC

Internal alterations at ground, first and second floors and plant located within an enclosure on Peter Street. Installation of three non-illuminated hoardings measuring; 3.2m x 18m; 3.2m x 17m and 3.6m x 14.7m, one non-illuminated building wrap measuring 4.4m x 26m, and four non-illuminated banners measuring 9.6m x 3m, 10.9m x 26m, 10m x 8.3m.

Adverts to be displayed between 07/09/2015 and 07/10/2015. (Works in association of the temporary use of Brewer Street Car Park for London Fashion Week)

Application Permitted 18 September 2015

15/06184/ADV

Display of three non-illuminated hoardings measuring; 3.2m x 18m; 3.2m x 17m and 3.6m x 14.7m, one non-illuminated building wrap measuring 4.4m x 26m, six items of non-illuminated mobile signage each measuring 0.4m x 0.3m and four non-illuminated banners measuring 9.6m x 3m, 10.9m x 26m, 10m x 8.3m and . Temporary permission sought between 07/09/2015 and 07/10/2015.

Application Permitted 18 September 2015

15/11069/ADV

Display of three non-illuminated hoardings measuring 3.6m x 27.7m; 3.6m x 23.8m and 3.6m x 17.8m, one externally illuminated banner displayed at first - third floors measuring 9.6m x 7.1m and one internally illuminated lettering sign measuring 0.75m x 16.9m, and six items of non-illuminated mobile signage each measuring 0.4m x 0.3m. Temporary permission sought between 19 February 2016 and 22 February 2016, and for upto five days in each of the following months: September 2016, February 2017, September 2017.

15/11070/LBC

Internal alterations at basement, ground, first, second and third floors and plant located within an enclosure on Peter Street and Brewer Street. Installation of three non-illuminated hoardings measuring 3.6m x 27.7m; 3.6m x 23.8m and 3.6m x 17.8m, one externally illuminated banners displayed at first - third floor levels measuring 9.6m x 7.1m and one internally illuminated lettering sign measuring 0.75m x 16.9m. Adverts to be displayed between 19 February 2016 and 22 February 2016, and for upto five days in each of the following months: September 2016, February 2017, September 2017.

## 7. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 10 January 2016
3. Letter from occupier of 2 Salvo House, 20 Peter Street, London, dated 30 December 2015
4. Letter from occupier of Flat 8, 20 PETER STREET, dated 18 December 2015
5. Letter from occupier of 43 St James's Residences, 23 Brewer Street, dated 1 January 2016
6. Letter from occupier of 3 Salvo House, 20 Peter Street, dated 3 January 2016

Item No.
<b>2</b>

(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 PAUL QUAYLE ON 020 7641 2547 OR BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)



### 8. KEY DRAWINGS

**Site Address:**  
Brewer Street Car Park  
Brewer Street  
London, W1F 0ST

**Project:**  
London Fashion Week

**Client:**  
British Fashion Council

Print at ARCH E Paper Size (36inch by 48inch - 914mm x 1219mm) Landscape  
Number: 1/102 @ ARCH E

NO.	DATE	BY	CHKD	SCALE	DESCRIPTION
1	10/01/2018	...	...	1:100	...
2	10/01/2018	...	...	1:100	...
3	10/01/2018	...	...	1:100	...
4	10/01/2018	...	...	1:100	...
5	10/01/2018	...	...	1:100	...
6	10/01/2018	...	...	1:100	...
7	10/01/2018	...	...	1:100	...

**Site Location**

**Proposed signage details**

No.	Height	Width	Material	Notes	Reference to sign type (where not specified)
1	1.2m	2.0m	...	...	...
2	1.2m	2.0m	...	...	...
3	1.2m	2.0m	...	...	...
4	1.2m	2.0m	...	...	...
5	1.2m	2.0m	...	...	...
6	1.2m	2.0m	...	...	...
7	1.2m	2.0m	...	...	...

**Site Address:**  
Brewer Street Car Park  
Brewer Street  
London, W1F 0ST

**Project:**  
London Fashion Week

**Client:**  
British Fashion Council

Print @ ARCH E Paper Size ( 36inch x 48inch )  
Scale @ ARCH E 1:100

NO.	DATE	BY	CHKD	SCALE	DESCRIPTION
1	10/01/2018	...	...	1:100	...
2	10/01/2018	...	...	1:100	...
3	10/01/2018	...	...	1:100	...
4	10/01/2018	...	...	1:100	...
5	10/01/2018	...	...	1:100	...
6	10/01/2018	...	...	1:100	...
7	10/01/2018	...	...	1:100	...

**Site Location**

Item No.
<b>2</b>

**DRAFT DECISION LETTER**

**Address:** Car Park, 32 Brewer Street, London, W1F 0ST,

**Proposal:** Use of the basement, ground, first- third floors of Brewer Street Car Park and external areas surrounding the building (including two enclosures containing plant on Peter Street and Brewer Street) for event space by the British Fashion Council for London Fashion Week between 19 February 2016 and 23 February 2016, and for five days in each of the following months: September 2016, February 2017, September 2017.

**Plan Nos:** 01/A; 08/A; 09/D; 10/A; 11/A; 12/A; 14/A1; Acoustic Report VC102003-EN-RP-0002/ Rev 01

**Case Officer:** Billy Pattison

**Direct Tel. No.** 020 7641 3267

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

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

Reason:

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

- 2 The use allowed by this permission is limited between 19 February 2016 until 23 February 2016. After that the land must return to its previous condition and use by 27 February 2016. The use allowed by this permission may then commence for one five day period in each of the following months: September 2016, February 2017 and September 2017.

You must inform the City Council in writing of the proposed dates for each of the following events at least three months before the events commence, and you must not commence the use until we have approved the dates you have sent us, including the assembly and disassembly dates before and after the event.

Reason:

The use is not an acceptable permanent use for the site.

- 3 The use hereby approved shall not be open to visitors except between 09.00 and 21.00 hours

Reason:

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

- 4 The plant installations and associated acoustic screening on Peter Street and Brewer Street shall be of such a standard that they will protect residents within neighbouring buildings from noise and

vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

- 5 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 21.00 hours daily (22.00 hours on Friday 19th February 2016).

Reason:

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

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

Reason:

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

- 7 The plant located on Peter Street may only be operated between 16 February 2016 and 23 February 2016.

Reason:

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

- 8 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)

- 9 Three months prior to the September 2016, February 2017 and September 2017 events you must apply to us for approval of detailed drawings showing the location of any plant required by the events and supported by a full acoustic report. You must not install any plant equipment until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

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

- 10 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

#### **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 note that after the event in February 2016 the use of the highway on Peter Street for installing plant within enclosures will not be permitted for the subsequent events at the car park. You should consider arrangements for a more appropriate location for the plant.

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>2</b>

Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>Wallace Court, 300-308 Old Marylebone Road, London, NW1 5RH,</b>		
<b>Proposal</b>	Use of vacant basement public car park (sui generis) to self storage centre (Use Class B8) (0700-2200 Monday-Friday and 1000-1800 Saturday).		
<b>Agent</b>	Mr Stuart Rackham		
<b>On behalf of</b>	Meadow Storage Holdings Ltd		
<b>Registered Number</b>	15/07896/FULL	<b>Date amended/ completed</b>	2 October 2015
<b>Date Application Received</b>	24 August 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>			

**1. RECOMMENDATION**

Grant conditional planning permission

**2. SUMMARY**

This application site comprises the vacant public car park within the basement of Wallace Court, 300-308 Old Marylebone Road, London, NW1 5RH, accessed and exited via a vehicular ramps at ground floor level. The ground floor is comprised of commercial uses with flats on the upper floors.

Permission is sought for use of the car park as a self-storage facility accommodating up to 50 self-storage containers. The premises will be open and provide access for customers only between the hours of 07:00 -10:00 Monday to Friday, 10:00 – 18:00 Saturday’s and closed on Sundays and bank holidays, and will be manned by a store manager during these hours.

The key issues are considered to be:

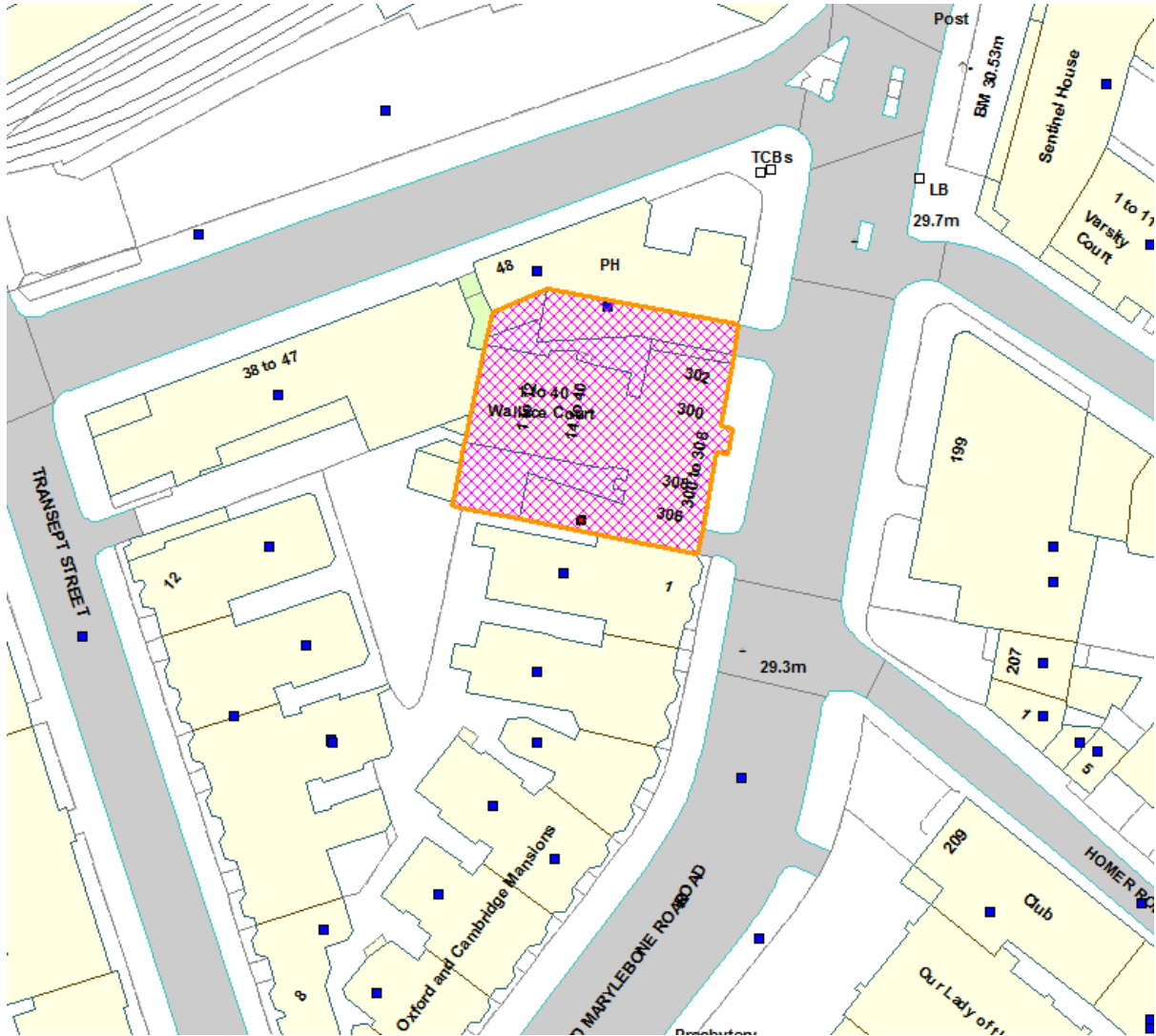
- Loss of public car park in landuse terms.
- Effect on local residential amenity and local highways network.

Objections from local residents and occupiers of Wallace Court have been received on grounds of security risks presented by storage facility, loss of car parking and disturbance to local residential amenity.

The proposal has been assessed by Officers and is not considered to raise any adverse impacts upon local residential amenity nor the local highway network, and conditional approval is recommended.

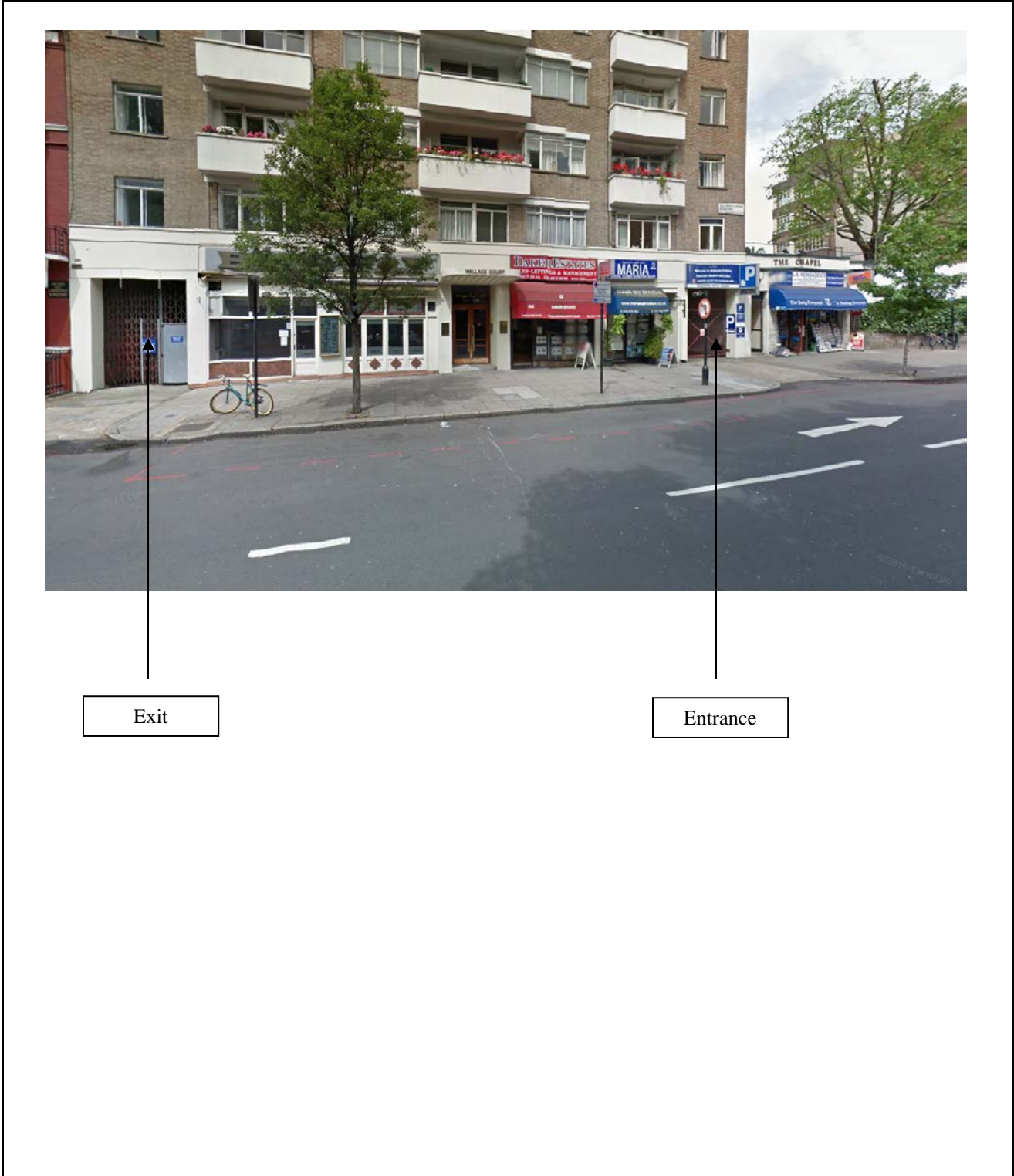


### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Exit

Entrance

## 5. CONSULTATIONS

Ward Councillors for Bryanston And Dorset Square  
Any response reported verbally to Committee

The St Marylebone Society  
No objections provided no noise or nuisance for residents. Query relating to reduced rate for residents.

Highways Planning - Development Planning  
No objection

Transport For London - Borough Planning  
No response to date.

Crime Prevention Design Advice  
No response to date.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 172  
Total No. of replies: 17  
No. of objections: 17  
No. in support: 0

#### Amenity

- Hazardous items stored.
- Hours of operation greater than existing car park.
- Comings and goings likely to be a noise nuisance.

#### Other

- Should be parking for residents of Wallace Court.
- Validity of commercial car park permission dated 29 July 1998 in question.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site comprises the basement public car park within Wallace Court, 300-308 Old Marylebone Road, London, NW1 5RH, accessed and exited via a vehicular entrance at ground floor level. Old Marylebone Road is a TLRN road, (Transport for London route Network) and connects with the A5 Edgware Road at its western end with the A501 Marylebone Road at its eastern end.

The upper floors are comprised of commercial uses at ground floor level and flats above, within an unlisted eight storey building. The site is not located within a Conservation Area, but borders the Dorset Square Conservation Area.

## 6.2 Recent Relevant History

83/03948/ADV

INSTALLATION OF INTERNALLY ILLUMINATED FASCIA BOX SIGN

Unknown - Legacy data                      16 January 1984

87/06049/FULL

CHANGE OF USE TO ESTATE AGENT

Grant Planning Permission HIST                      29 April 1988

93/06704/FULL

USE OF BASEMENT AS A COMMERCIAL CAR PARK

Application Permitted                      29 July 1998

This permission was granted subject to a legal agreement inked to the operator of the car park 'Britannia Parking', which required they provide a concessionary rate of parking for residents in the Bryanston Ward and overnight parking for no less more than £3.00.

## 7. THE PROPOSAL

Planning permission is sought for the use of the vacant basement public car park (sui generis) which contains 15 car parking spaces and 9 motor cycle spaces, as a self-storage centre (Use Class B8) providing up to 50 containers. The premises will be open to existing and new customers between the hours of 07:00 -10:00 Monday to Friday, 10:00 – 18:00 Saturday's, and will be closed on Sundays and bank holidays. The premises will be manned by a store manager during these hours and there will be no out of hours access, as confirmed by the agent in an email dated 8 January 2016 and attached updated Operation Management Statement (OMS). Access will be available for customers both on foot and with a vehicle.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The basement was originally constructed as part of the building to provide ancillary parking to the building above. This use however has long since changed, providing over the years a valet and garaging repair service to a commercial garage since permission was granted in July 1998. It has remained in this use ever since.

Condition 4 of this permission instructed that the permission was 'personal' to Britannia Parking, and should not endure with the land. The use ceased in March 2015. In accordance with condition 4, the use as a commercial car park will have also ceased, arguably creating a 'nil use' in planning terms, from which planning permission would be required for any subsequent use.

Notwithstanding this, UDP policy TRANS25 allows for the loss of a public car park, taking into account the impact on local vehicular traffic, parking capacity and effect on local residential amenity. The highways section of this report outlines that there is sufficient capacity locally whilst the vehicular generation as a result of the proposed use is likely to be reduced, therefore the principle of its loss is acceptable.

In terms of the proposed self-storage use, the City Council's adopted policies do not address these directly. The application demonstrates that it will not adversely affect local residential amenity, nor the local highways or built environment, and as such the principle of the conversion is acceptable in land use terms.

## 8.2 Transportation/Parking

### *Loss of car park*

UDP policy TRANS25 sets out that the City Council will usually permit the loss of public car parks, taking into account the impact on local vehicular traffic, parking capacity and effect on local residential amenity.

The application has provided a survey of available public car parking within a one mile radius approximately. The results demonstrated a high availability of unoccupied spaces within close proximity (walking distance) to the site. It is not considered therefore the loss of the car park would unduly impact upon the parking capacity locally.

In terms of the effect on the local highways network, the applicant has advised that, given the previous operator 'Brittania Parking' is not the current applicant, details of trip generation associated with the car park are not available.

With regard to the proposed use, the supporting transport statement advises the premises is considered a 'local site' with a significant proportion of trip generation being on foot given the high PTAL rating. Vehicular trip generation at peak hours (11:30 – 12:30) is estimated at approximately 1 car per hour. This is generated using a "comparable site" (Big Yellow Storage) in Kennington SE11. Officers considered another comparable site in the City at William Court, 6 Hall Road, NW8 9PA where permission was granted at planning appeal (RN: 08/02659/FULL) for 360 self-storage units with an expected trip generation of 10 at peak hours. Based on this trip ratio, the site would yield approximately 1.3 trips per hour at peak hours.

As such, notwithstanding the absence of trip generation figures associated with the now vacant car park, it is considered unlikely that the trip generation associated with the proposed self-storage use would place a greater strain on the public highway, whilst surrounding public car parks continue to provide available parking. The loss of 15 car parking spaces and proposed storage use therefore accord with TRANS 25.

### *Highways/pedestrian safety*

In terms of the operation of the self-storage use, the site is constrained given its location on a TLRN road and absence of dedicated off street vehicular waiting space. The agent was asked to clarify what measures there are to reduce the risk of vehicles waiting on the public highway if the premises are at capacity.

Vehicles are able to access the premises via the security gates during opening hours using unique entry codes. The entrance ramp can accommodate up to four cars with two dedicated bays within the basement and a passing place. This off street waiting arrangement is not ideal given the constraints to vehicular movement it would result in as cars wait. However given that trip generation is predicted as relatively low, whilst members of staff are in permanent attendance to manage vehicular access in the event that it becomes busy as confirmed in the Operation Management Plan (OMS), it is considered to be acceptable within the context of the site.

Members of the self-storage will also be advised upon joining of the maximum vehicle size permitted which is a transit van, and that unloading will only be permitted within the premises only.

As such, the application is considered to put forward reasonable measures to alleviate adverse effects upon highways and pedestrian safety and the local highway network in accordance with Unitary Development Plan policies TRANS 2 and TRANS 3 and S29 of the City Plan.

### 8.3 Residential Amenity

There is no permitted fall-back position the basement could fall into without first having to obtain planning permission. In amenity terms therefore the assessment centres on the acceptability of the proposed self-storage use with reference to the now ceased car park use for comparison.

The car park provided short and long term parking for customers (15 Car parking spaces and 9 motorcycle spaces). The opening hours were from 06:00 – 20:00 Monday - Friday and closed on weekends, although the planning permission (RN:93/6704) did not restrict the opening hours so could have operated later. The proposed self-storage use in comparison would provide 50 self storage units, and would be open 07:00 - 22:00 Monday to Friday, 10:00 - 18:00 Saturday and closed on Sundays.

Concerns have been received from residents of Wallace Court on grounds of increased opening hours in comparison to the car park, with associated activity and noise, traffic, rubbish, and security risks, in particular the storage of items that could present a health and safety risk to residents.

In terms of details of the operation, the submitted OMS and further clarification from the applicant provide details of measures to ensure users both on foot and in a vehicle would be unlikely to cause a disruption to local amenity when using the facility. These are detailed in the OMS with some key features as follows;

- Unloading restricted to within the premises only.
- Staff in attendance during all hours of operation.
- Offsite CCTV monitoring.
- Customer identification at membership and health and safety codes of practice.

It is considered that the series of measures outlined in the OMS, in particular onsite management during opening hours with associated benefits to easing parking congestion should it arise, and the relatively low predicted trip generation, are sufficient as means of

safeguarding neighbouring residential amenity. The existing car park by comparison does not have the same restrictions and it would be reasonable to consider the trip generation would be at least equal to the proposed use if not greater. In addition the ground floor commercial uses provide a buffer between the basement and the upper residential floors so its operation is likely to be less noticeable. It is therefore considered acceptable on amenity grounds.

#### **8.4 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.

#### **8.5 Other Issues**

Objections from residents in Wallace Court have been received on grounds that the basement should be reserved for residents of Wallace Court as originally intended, and that the Commercial car park which ensued after planning permission was granted in 1998 was not authorised to do so. Officers have retrieved the relevant historic planning permissions for the site, and have found in planning terms the permission was valid. As such it is not sustainable to withhold permission on these grounds.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from The St Marylebone Society, dated 13 October 2015
3. Letter from occupier of 11 Wallace Court, 300/308 Old Marylebone Road, (x 2) dated 18 October 2015, 10 November 2015
4. Letter from occupier of 8 Brondesbury Villas, London, dated 10 November 2015
5. Letter from occupier of 2 Graham Court, Graham Road, (x 2) dated 19 October 2015, 10 November 2015
6. Letter from occupier of 38 Wallace Court, 300-308 Old Marylebone Rod, dated 9 October 2015
7. Letter from occupier of 118 Watchfield Court, Sutton Court Road, dated 19 October 2015
8. Letter from occupier of 37 Wallace Court, 300 Old Marylebone Road, dated 19 October 2015
9. Letter from occupier of Flat 32 Wallace Court, 300-308 Old Marylebone Road, dated 19 October 2015
10. Letter from occupier of 29 Wallace Court, 300/308 Old Marylebone Road, dated 20 October 2015
11. Letter from occupier of Flat 15 Wallace Court, 300-308 Old Marylebone Road, dated 18 October 2015
12. Letter from occupier of 25 Wallace Court, 300-308 Old Marylebone Road, dated 25 October 2015
13. Letter from occupier of Flat 1C, Oxford And Cambridge Mansions, dated 23 October 2015
14. Letter from occupier of Flat 1 D Oxford & Cambridge Mansions , Old Marylebone Road , dated 23 October 2015
15. Letter from occupier of 36 Wallace Court, 300/308 Old Marylebone Road, dated 16 November 2015
16. Letter from occupier of 94 Parkside Avenue, Barnehurst, dated 20 November 2015

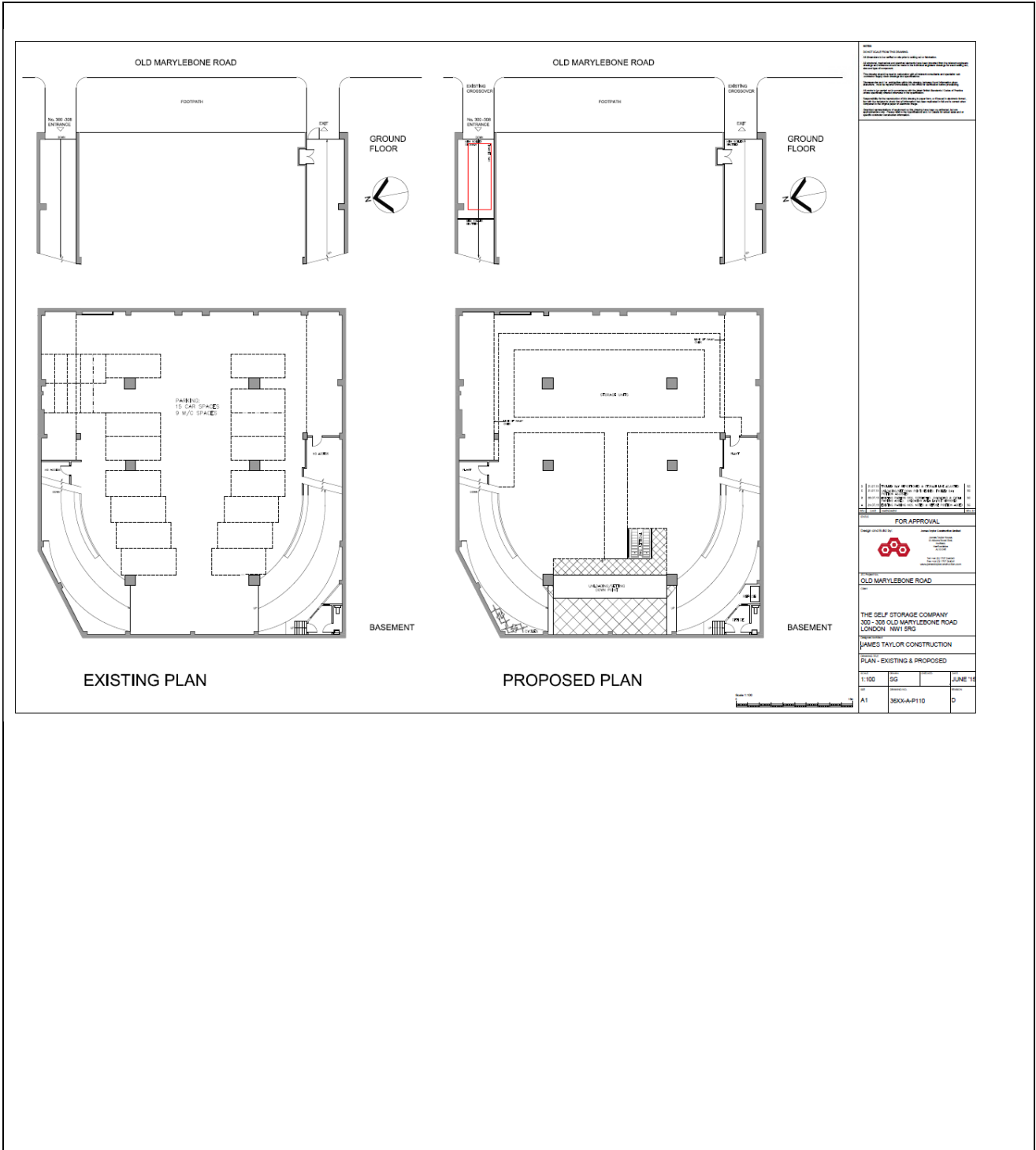
### **Selected relevant drawings**

(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 SAMUEL GERSTEIN ON 020 7641 4273 OR BY EMAIL AT [sgerstein@westminster.gov.uk](mailto:sgerstein@westminster.gov.uk)



### 10. KEY DRAWINGS



**DRAFT DECISION LETTER**

- Address:** Wallace Court, 300-308 Old Marylebone Road, London, NW1 5RH,
- Proposal:** Use of vacant basement public car park (sui generis) to self-storage centre (Use Class B8) (0700-2200 Monday-Friday and 1000-1800 Saturday).
- Plan Nos:** 36XX-A-P100, 36XX-A-P110 rev D, Planning Design and Access Statement, Operating and Management Statement (January 2016), Transport Statement prepared on behalf of Meadow Storage Holdings Ltd, Technical Note dated November 2015 prepared on behalf of Meadow Storage Holdings Ltd, Cover Letter Addressed to North Planning team from Rackham Planning dated 25 November 2015

**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 Prior to the commencement of the use hereby permitted, details of the new roller shutter and security gates on the access to the premises from Old Marylebone Road shall be submitted to and approved in writing by the Local Planning Authority, and the new roller shutter and security gates shall be erected in accordance with the approved details before the use commenced and shall be permanently retained thereafter.

## 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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 4 Prior to the commencement of the development hereby permitted details of any security measures including CCTV and security lighting shall be submitted to and approved in writing by the Local Planning Authority, and the works shall be implemented in accordance with the approved details.

## Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 5 The use hereby permitted shall be for self-storage only and not for any other purpose, including any within Class B8 of the Town and Country Planning (Use Classes) order as amended April 2015 (or any equivalent class in any order that may replace it).

## Reason:

Because unrestricted use within Class B8 use class would, in the absence of full details of the type of use and activities, operational details and any provision for car parking, drop off areas, loading and servicing, would be harmful to residents amenities, public and highways safety and the environment, contrary to policy S29 of Westminster's City Plan: Strategic Policies adopted November 2013, and policies STRA 25, TRANS 3, TRANS 20 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

- 6 The use hereby permitted shall not result in more than 50 self-storage units within the site

## Reason:

Because a greater number of self-storage units, in the absence of further operational details, would be harmful to residents amenities, public and highways safety and the environment, contrary to policy S29 of Westminster's City Plan: Strategic Policies adopted November 2013, and policies STRA 25, TRANS 3, TRANS 20 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

- 7 No customer may be permitted to be on the premises outside hours of 07:00 - 22:00 Monday to Friday and 10:00 - 18:00 Saturday, or at any time on Sundays or bank holidays.

Reason:

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

- 8 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the self-storage. You must not use the waste store for any other purpose. (C14CD)

Reason:

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)

- 9 With the exception of collection of refuse, the delivery of goods to or the collection of goods from the self-storage centre shall not take place on the public highway and shall occur within the boundary of the site.

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)

- 10 The use hereby permitted shall be operated in strict accordance with the revised Operating and Management Statement supplied January 2016 as part of this application for the lifetime of the development.

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.

- 11 The self-storage use hereby approved shall have staff in attendance during all hours of operation.

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 3 The term 'clearly mark' in condition 8 means marked by a permanent wall notice or floor markings, or both. (I88AA)

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 4

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 February 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>2 Regents Mews, London, NW8 0LB,</b>		
<b>Proposal</b>	Erection of new mansard roof extension to second floor level in association with the enlargement of the existing dwelling house.		
<b>Agent</b>	Mr J Daniels		
<b>On behalf of</b>	Mr H Katz		
<b>Registered Number</b>	15/07197/FULL	<b>Date amended/ completed</b>	2 September 2015
<b>Date Application Received</b>	6 August 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

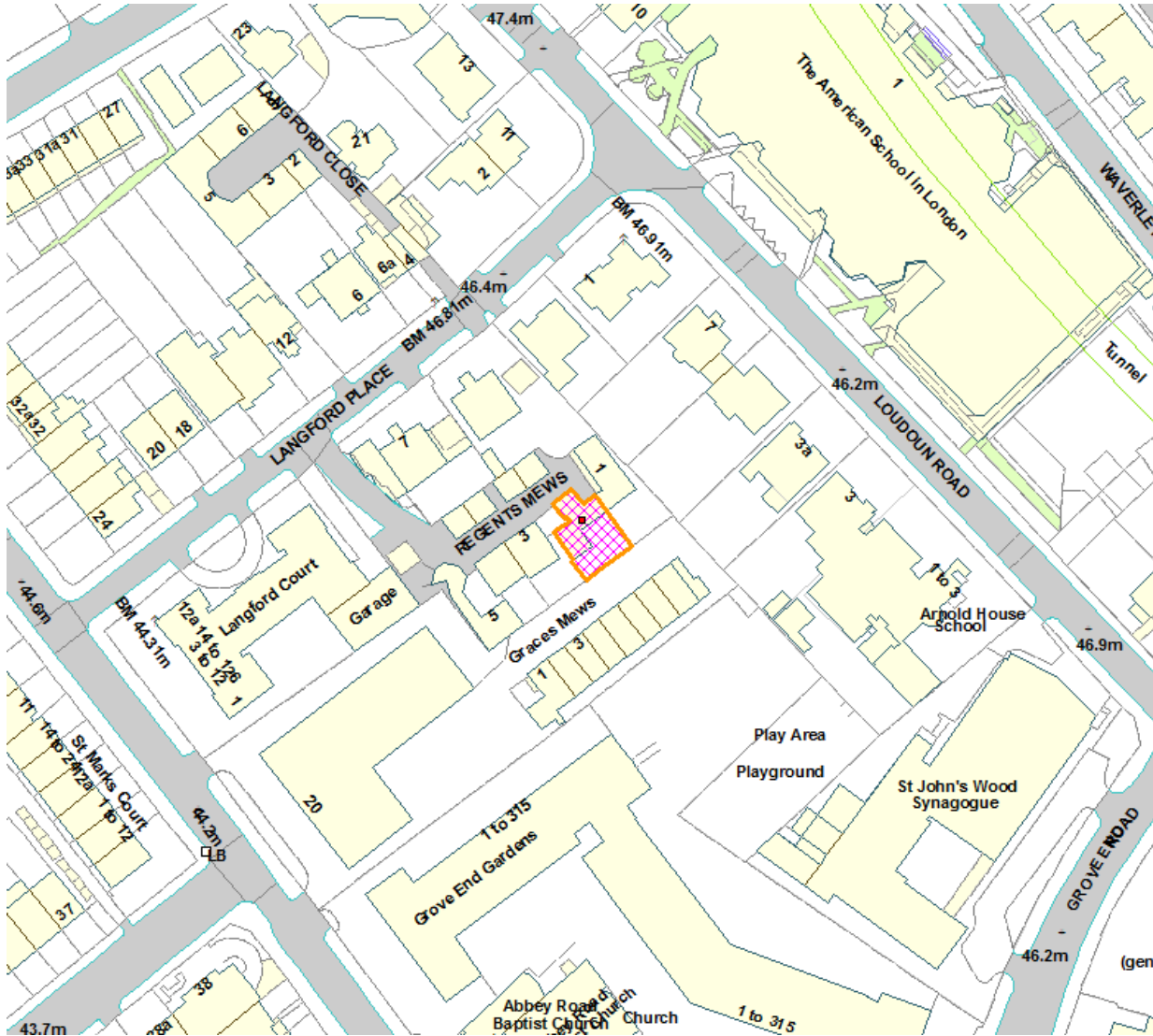
The application site comprises an unlisted two storey dwelling house located within the St. John's Wood Conservation Area. The dwelling house forms one part of a group of five properties that form Regent's Mews, a development from the early 1980s built to the rear of Nos. 5 and 7 Langford Place. Planning permission is sought to erect a mansard roof extension at second floor level to enlarge the existing dwelling house.

The main issues for consideration are:

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

The proposed development is considered to comply with the relevant policies in Westminster's City Plan: Strategic Policies and the Unitary Development Plan and as such, it is recommended that permission is granted 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  
Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 12  
Total No. of replies: 4  
No. of objections: 3  
No. in support: 0

The objection letters received raise concerns on the following grounds:-

#### Design Issues

- Concern that the approval of a mansard at no. 1 Regent's Mews has set a precedent which is being followed in this application.
- Concern that the additional floor will further harm the overall balance of the original design to Regent's Mews, with traditionally designed buildings on Langford Place and subservient modern mews buildings behind.
- Concern about the unattractive appearance of the mansard.
- Concern that the new second floor level will be prominent from the Langford Place properties.
- Concern about the appearance of the irregular form of the mansard.
- Concern about the appearance of the solid lead infill between the mansard and chimney stack.

#### Amenity Issues

- Concern about a sense of enclosure to the Langford Place properties.
- Concern about overlooking to Langford Place from a velux window to the north facing elevation, and that it should be set 1.8m above floor level and obscure glazed to prevent overlooking.
- Desire expressed for a condition on any approval ensuring that no further window openings are created.
- Concern about overlooking to properties in Graces Mews.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises an unlisted two storey dwelling house. The building is located within the St. John's Wood Conservation Area, though there are no listed buildings in the immediate vicinity of the application site. The dwelling house forms part of a group of five properties that form Regent's Mews, a development from the early 1980s located to the rear of Nos.5 and 7 Langford Place and Nos.5 and 7 Loudoun Road, and that backs onto Graces Mews to the south.

The application property is two storeys in height, with a main body of the building running east west and with two wings projecting from the main body of the building, one projecting forwards to Regents Mews, and one projecting back into the rear garden. The main body of the building and its front wing currently have a flat roof above first floor level, with a simple low pitched roof structure in place over the rear wing. To the west and south west of the application site are far taller and bulkier blocks of flats; namely Langford Court, Grove End Gardens, and No.20 Abbey Road, with the buildings directly to the rear being two storey properties located on Graces Mews.

## **6.2 Recent Relevant History**

21 July 1980

Planning permission was granted for the erection of the dwellings that comprise Regent's Mews to the rear of Nos.5 and 7 Langford Place.

14 October 2014

Planning permission was granted for the construction at no. 1 Regent's Mews of a mansard roof extension with dormer windows.

## **7. THE PROPOSAL**

The application proposes the erection of a mansard roof extension to second floor level in association with the enlargement of the existing dwelling house. The mansard is designed in traditional style with pitched roofs clad in slates and with dormers clad in lead, and it covers the roof of the main body of the house and also the rear wing. The proposals have been amended during the course of the application process to omit the mansard from extending over the front wing of the building and to amend the size of dormers. The objections received are in response to the scheme as initially submitted.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The extension to this existing single dwelling house is acceptable in principle in land use terms and accords with Policy H3 in the Unitary Development Plan (UDP).

### **8.2 Townscape and Design**

The building has a modern character, though with a brickwork facade and use of pitched and slated roofs, this helps to some degree to integrate it into the wider surrounding townscape. The extension proposed is a single storey slate clad mansard style structure in relatively traditional form. The application has been amended during the course of the application submission to omit a section of the mansard formerly proposed to extend over the front wing of the building, and also amended to reduce the width of dormers to the rear (south facing) roof slope to mansard. In its amended form it is now set further back from the Regent's Mews frontage and from the buildings on Langford Place than was initially proposed.

Within Regent's Mews there is a variation in terms of the form of the roofs to the buildings, with examples found of flat roofs, shallow pitched and hipped roofs, and an octagonal roof

form. There is also an existing mansard to second floor level of No.5 Regent's Mews, and a mansard was approved in 2014, though not yet constructed, to no. 1 Regent's Mews which immediately abuts the application site on the east side. Though the mansard proposed in this application would make the application building higher than its neighbours, it is not considered markedly out of scale with the mews as a whole, and it would follow the height of the recently approved mansard at no. 1 Regent's Mews. The St John's Wood Conservation Area Audit does identify the buildings in Regent's Mews as ones where roof extensions would not normally be permitted, and also as 'unlisted buildings of merit', however it also refers to them as dating from between 1915 and 1945 which is incorrect and to some degree questions the other designations of the buildings in the audit. Given this, the approval of a mansard adjacent, the existing mansard at no. 5 Regent's Mews, and the detailed assessment of the townscape of Regent's Mews through the consideration of the application proposals, it is considered in this context that a mansard extension is acceptable in principle to this building.

Though the concern from objectors that this would create a precedent is noted, each case must be treated on its merits and it is noted that already there is one mansard to the mews, with another approved though not yet built, and in such circumstances the concern about a precedent being set, and about the additional height and bulk to the building, is not considered sustainable as a reason for refusal of the application proposals.

Notwithstanding the concerns expressed by an objector about the appearance of the mansard, it generally follows the criteria set out in the City Councils Supplementary Planning Guidance (SPG) document on extensions to roof level and is considered acceptable in design terms. It has pitched roof slopes at 70 degrees and clad in slates, and dormers with lead cladding. The internal floor to ceiling height is 2.3m which is in line with the SPG advice. Though the footprint of the mansard is slightly unorthodox given the irregular footprint of the building, it is considered to sit comfortably to the roofline of the building and is considered neatly detailed. The omission of the initially proposed section of the mansard to the front wing of the building has significantly simplified the footprint. One of the dormers proposed to the rear facing roof slope is longer than the window set within it, this is to allow for adequate circulation space through a narrow gap between the main body of the building and the rear wing. It is, in any case a neatly detailed and lead clad structure set into a discreet corner of rear roof level, and is not considered as a reason for refusal. The dormers to the rear facing roof slope also step slightly forward onto the rear parapet however the step forward is minor and will not appear over bulky, and it is noted that an approved dormer at no. 1 Regent's Mews had both dormers projecting out beyond the line of its front elevation and there are other examples of original projecting dormer windows to the Regent's Mews buildings, and in this context this minor deviation from the roof extension guidance SPG is considered acceptable. A small lead infill between a chimney stack to the west elevation of the building and the pitched roof of the mansard has been referred to by an objector, however this infill is very discreet and is not considered contentious.

The proposed green roof above the existing front wing of the building is welcomed in design terms.

In conclusion, the extension is considered to be acceptable in design and conservation terms and would accord with Policies DES1, DES6 and DES9 in the UDP and S25 and S28 in the City Plan.

### 8.3 Residential Amenity

#### **Sunlight and Daylight, and Sense of Enclosure**

The extension is designed with 70 degree roof slopes which are set back behind the parapets (aside from several rear dormers, as discussed above) and with a flat roof above, and it is hipped back to both end elevations. Including the thickness of roof structure it rises 2.5m from the existing flat roof level, as compared to the existing pitched roof to the rear wing which rises 1.7m above the flat roof level. The extension is set approximately 23m away from the buildings on Langford Place to the north. The part of the extension on the main body of the building is set 18m away from the buildings to the south on Graces Mews, with the extension on the rear wing set approximately 13.5m away. Given its relatively limited bulk and height, and the distance between it and the properties to the north and south, the extension is not considered to give rise to an unacceptable impact on daylight or sunlight or a significantly increased sense of enclosure to properties on Langford Place or Graces Mews.

Currently no. 1 Regent's Mews to the east side of the application site has a flat roof above its first floor level accommodation in the area adjacent to the proposed new mansard. In the un-built though still extant approval of 14 October 2014, the approved mansard to no. 1 Regent's Mews has a window to its west facing elevation which would not be directly lined up with the mansard proposed in this application but just offset to the north side. This window however is the secondary window to a room described on the approved plans as an 'open plan office/study' with the principal lighting and outlook to this room coming from a large pair of doors set within a dormer to the south facing roof slope. Given this, the mansard proposed would not unacceptably impact upon the adjoining window in the approved scheme to no. 1 Regent's Mews. The mansard would have some limited impact upon the rooms within ground and first floors to no. 1 Regent's Mews, however given the greater offset of the mansard proposed from the line of those windows within no. 1 Regent's Mews, and the relatively modest scale of the extension, it is not considered that it would adversely affect the sunlight and daylight to, or sense of enclosure of those windows.

No. 3 Regent's Mews to the west side of the application site has no windows facing towards the application building aside from a skylight located further forward than the mansard proposed to the rear wing of the application building. The rear of the mansard proposed stops at a point only marginally beyond the rear elevation line of no. 3 Regent's Mews from where it pitches back at 70 degrees. As such, though some degree of greater bulk will be appreciable from the rear garden to no. 3 Regent's Mews, the extension would not unacceptably affect their amenity in terms of sunlight, daylight or sense of enclosure.

#### **Privacy**

Objections have been received from occupiers of properties in both Langford Place and Graces Mews regarding a concern about overlooking from the windows of the extension proposed, with a separate specific concern made by the objectors in Langford Close with regards to a skylight proposed to the north facing elevation of the mansard. The dormer windows and skylights are not especially large, and generally follow the scale of windows to the elevations of the building below. As set out above, the extension is some considerable distance away from the nearest buildings to north and south, with the

nearest element of the extension being the element of the extension proposed on the rear wing, which has no rear facing windows proposed. As such, given the distance to the nearest buildings to north and south, and the relatively modest size of the windows proposed, the concerns about overlooking expressed by objectors are not considered sustainable as a reason for refusal of these application proposals. For the same reasons, the specific suggestion of objectors that a rooflight in the north facing elevation be set at a minimum of 1.8m above internal floor level and obscure glazed in order to protect their privacy is therefore also not considered a sustainable concern to the extent that it would justify these changes being required by condition.

A rooflight is proposed towards the southern end of the west facing roofslope of the mansard on the rear wing. The rooflight is set within the 70 degree pitch of the mansard and in this location it could overlook the rear garden of the adjoining property at no. 3 Regent's Mews, and as such it is considered appropriate to secure the obscure glazing (already referred to on the plans) and to restrict the extent of opening of this window. Subject to this condition there are no amenity concerns related to this window.

A view was expressed by objectors that, should the application be approved notwithstanding their concerns, that a condition should be imposed restricting permitted development rights to ensure that no further window openings could be created without a planning application being required which could fully consider their implications. A condition is recommended to that effect, as was also imposed on the approval of the mansard to no. 1 Regent's Mews, and subject to that condition the concerns expressed on this issue are not considered sustainable.

### **Conclusion**

Subject to the recommended conditions it is considered that the proposed scheme is acceptable in amenity terms and would accord with Policy S29 in the City Plan and Policy ENV 13 in the UDP.

### **8.4 Transportation/Parking**

The application raises no transportation or parking issues.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Not applicable.

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

#### **Biodiversity**

A green roof is proposed to the existing flat roof to the projecting northern wing of the building which is not proposed to be extended upwards in this application. This feature is welcomed in both biodiversity and visual amenity grounds, and in terms of its ability to attenuate water run-off, and its installation will be secured by condition.

## 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

Environmental Impact issues are not relevant to these application proposals.

## 8.12 Other Issues

No other issues relevant to these proposals.

## 9. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of 7 Langford Place, London, dated 23 September 2015
3. Letter from occupier of 8 Graces Mews, London, dated 6 November 2015
4. Letter from occupier of 5 Langford Place, London, dated 16 September and 1 October 2015
5. Letter from occupier of Lodge Place, Great Chart, dated 2 October 2015

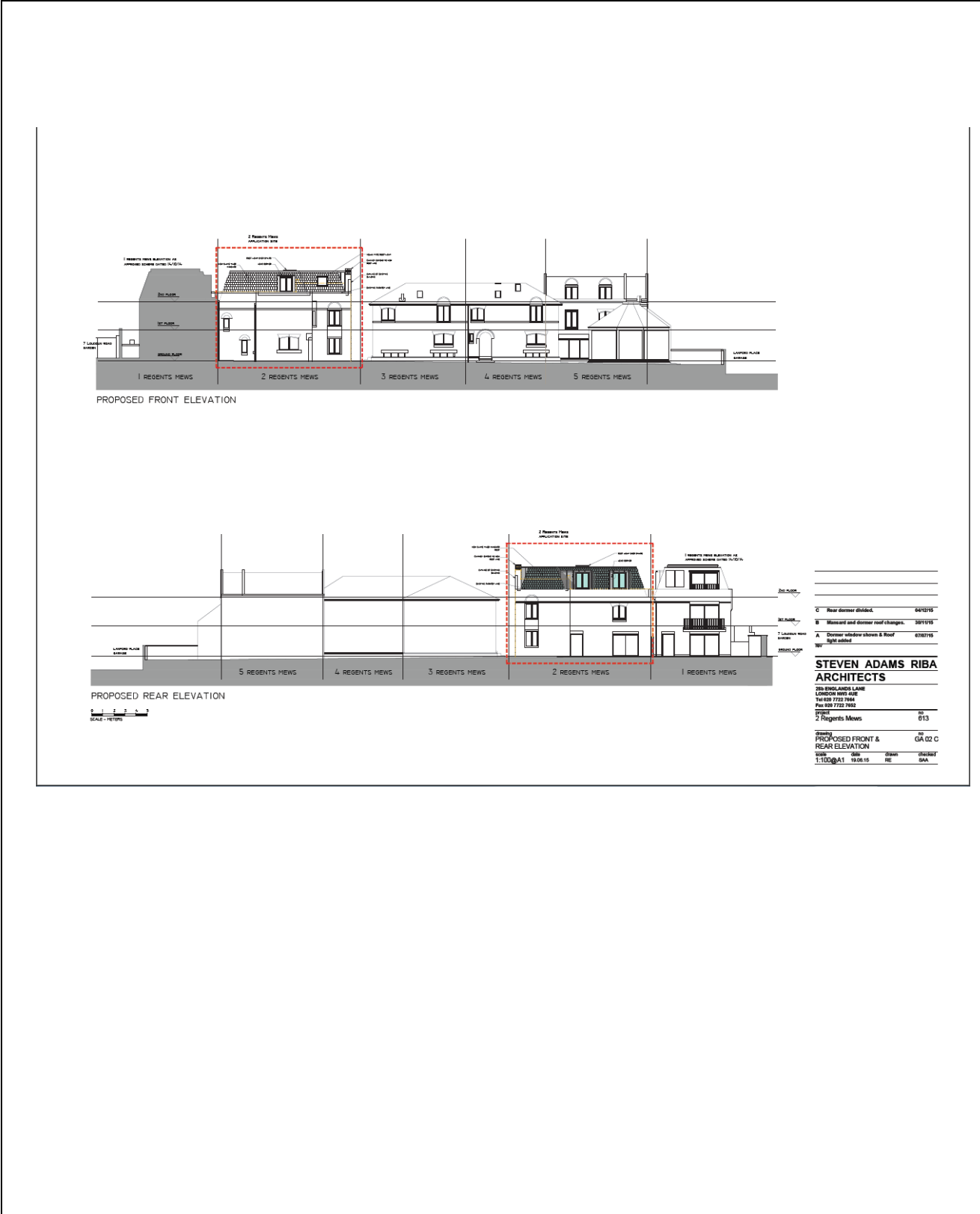
### Selected relevant drawings

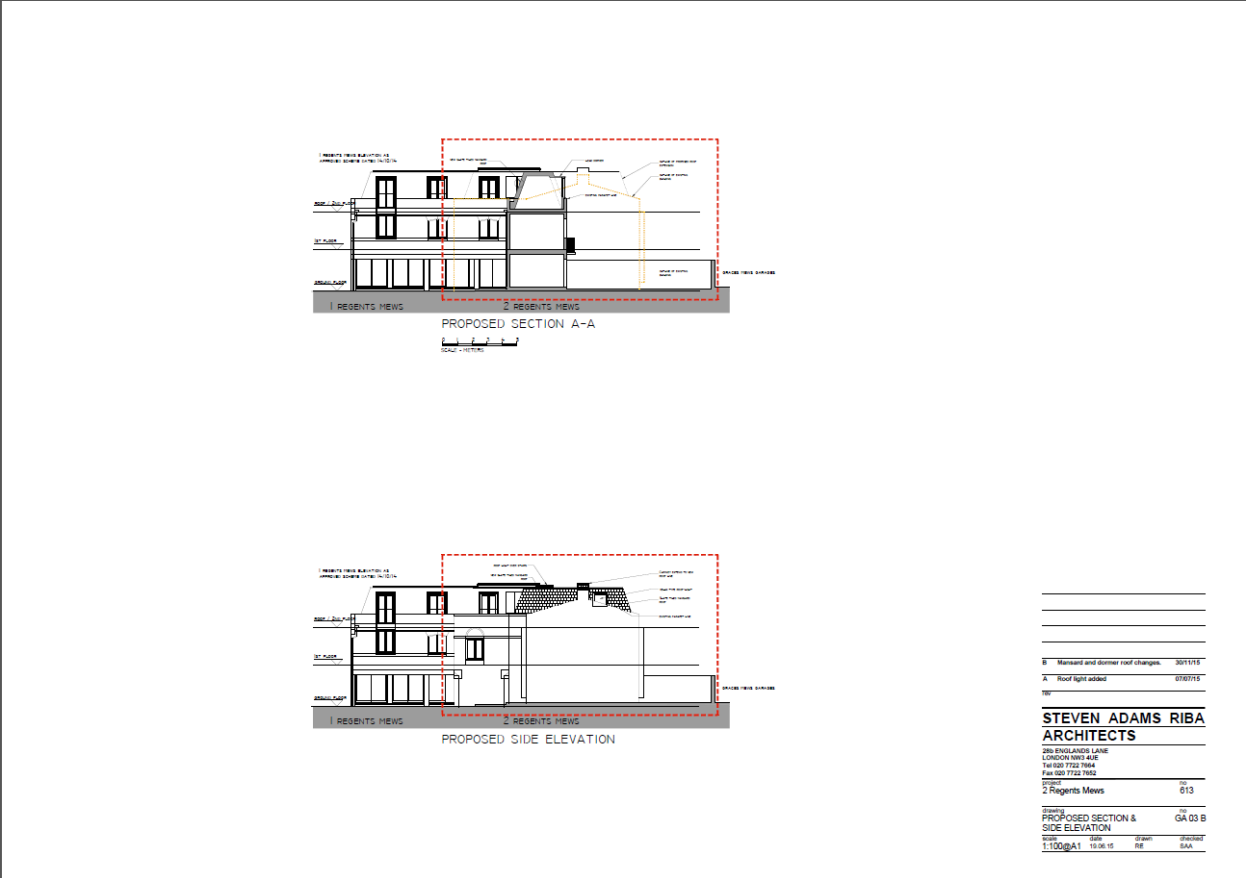
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ALISTAIR TAYLOR ON 020 7641 2979 OR BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk)



# 10. KEY DRAWINGS



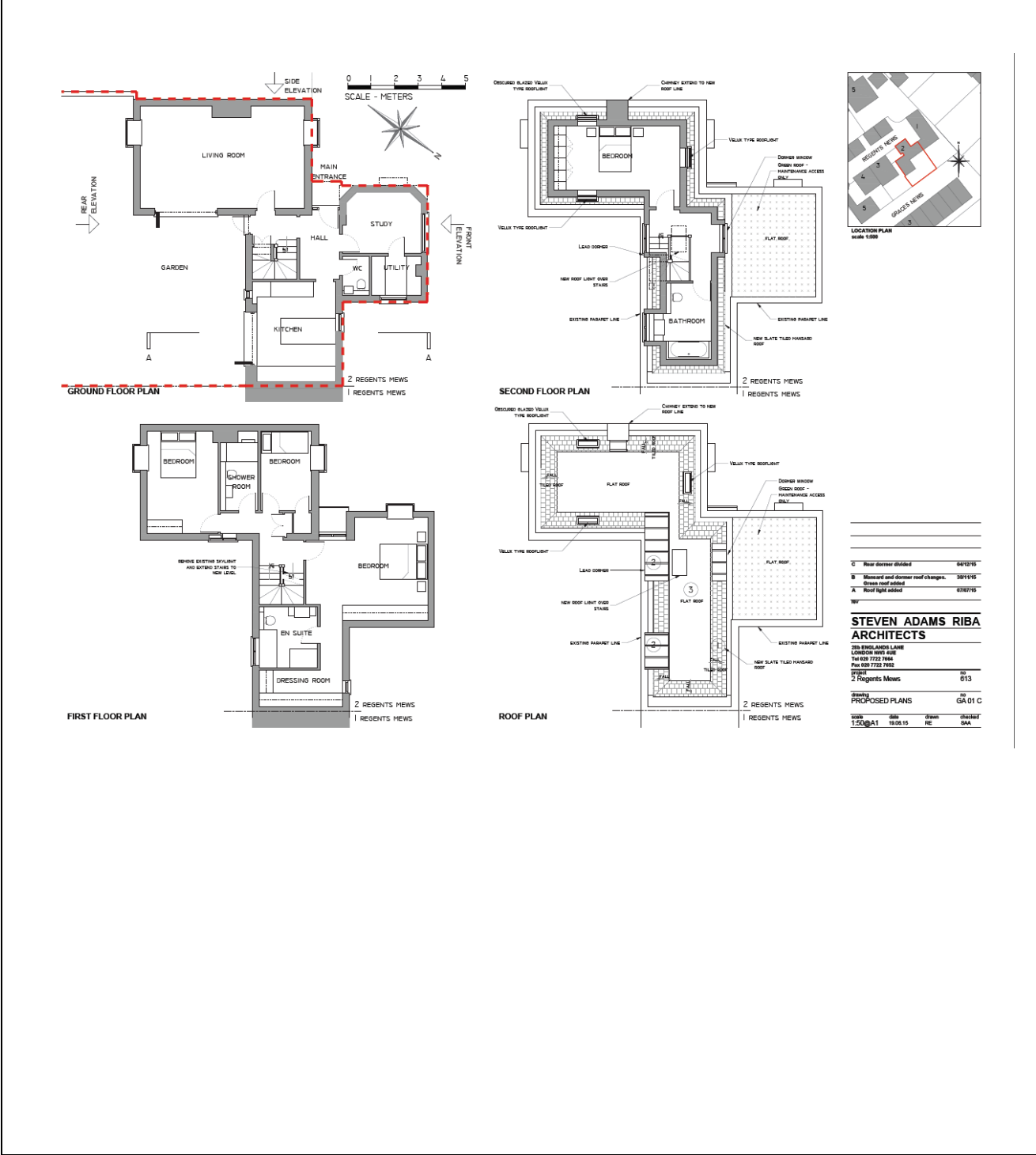


B	Mansard and dormer roof changes. 30/11/15
A	Roof light added. 07/07/15

**STEVEN ADAMS RIBA ARCHITECTS**  
 285 ENGLANDS LANE  
 LONDON NW3 4UE  
 Tel: 020 7722 7844  
 Fax: 020 7722 7852

Project: 2 Regents Mews No: 013

Drawn: GA 03 B  
 Proposed Section & Side Elevation  
 Date: 15/06/15 Scale: 1:100@A1



**DRAFT DECISION LETTER**

**Address:** 2 Regents Mews, London, NW8 0LB,

**Proposal:** Erection of new mansard roof extension to second floor level in association with the enlargement of the existing dwelling house.

**Plan Nos:** Site Block Plan, Site Location Plan, Planning Design and Access Statement, Heritage Statement, GA-02-C, SV-02-A, GA-01-C, SV-01-A, GA-03-B, SV-03, email from Boyer Planning dated 9th December 2015

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only: , ,  
\* between 08.00 and 18.00 Monday to Friday; , \* between 08.00 and 13.00 on  
Saturday; and, \* not at all on Sundays, bank holidays and public holidays. , , Noisy work  
must not take place outside these hours. (C11AA)

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set

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

- 4 The dormers shall be clad in lead to sides, cheeks and roofs, and the pitched roofs of the mansard shall be clad in natural slates with lead to the flat roof above the mansard

Reason:

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

- 5 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application:-

The green roof (as shown on drawing GA-01C)

You must not remove any of these features. (C43FA)

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)

- 6 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the second floor extension without our permission. This is despite the provisions of Classes A, B and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

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

- 7 You must not use the flat roof area (shown on drawing GA-01-C as the area defined as the green roof) adjacent to the mansard or the flat roof above the mansard for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

**Reason:**

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

- 8 The rooflight window on the west facing elevation of the mansard roof (denoted by the annotation 'Obscured Glazed Velux Type Rooflight' on drawing GA-01-C) must be obscurely-glazed and remain obscurely glazed. The rooflight shall also be fitted with a restrictor to limit the extent to which the rooflight shall open. Details of this restrictor shall be submitted to and approved by the City Council as local planning authority before works start on this relevant part of the development. The restrictor shall be installed in accordance with the approved details and shall not be removed unless agreed by the City Council.

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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.

# Agenda Item 5

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>Flat 2, 143-145 Gloucester Terrace, London, W2 6DX,</b>		
<b>Proposal</b>	Lower ground floor rear extension, demolition of existing rear boundary walls and rebuild, alterations to front vaults to create additional bedroom and new metal staircase to front light well in connection with existing lower ground floor flat plus associated alterations.		
<b>Agent</b>	Mr Trevor Morriss		
<b>On behalf of</b>	Mr Trevor Morriss		
<b>Registered Number</b>	15/09268/FULL, and 15/10263/LBC	<b>Date amended/ completed</b>	17 December 2015
<b>Date Application Received</b>	28 September 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. Grant conditional permission</li> <li>2. Grant conditional listed building consent</li> <li>3. Agree reasons for granting conditional listed building consent</li> </ol> |
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## 2. SUMMARY

<p>The application site is a lower ground floor flat within this Grade 2 listed building which is located within the Bayswater Conservation Area. Permission and consent are sought for the erection of an extension to the rear of the building at lower ground floor level including the demolition and rebuilding of the existing side boundary wall to the rear garden, the alterations of the front vaults to create an additional bedroom in association with the flat, and the installation of a new metal staircase to front light well and new gate to the front boundary at ground floor level to access the flat, and other associated alterations within the front lightwell and internally.</p>
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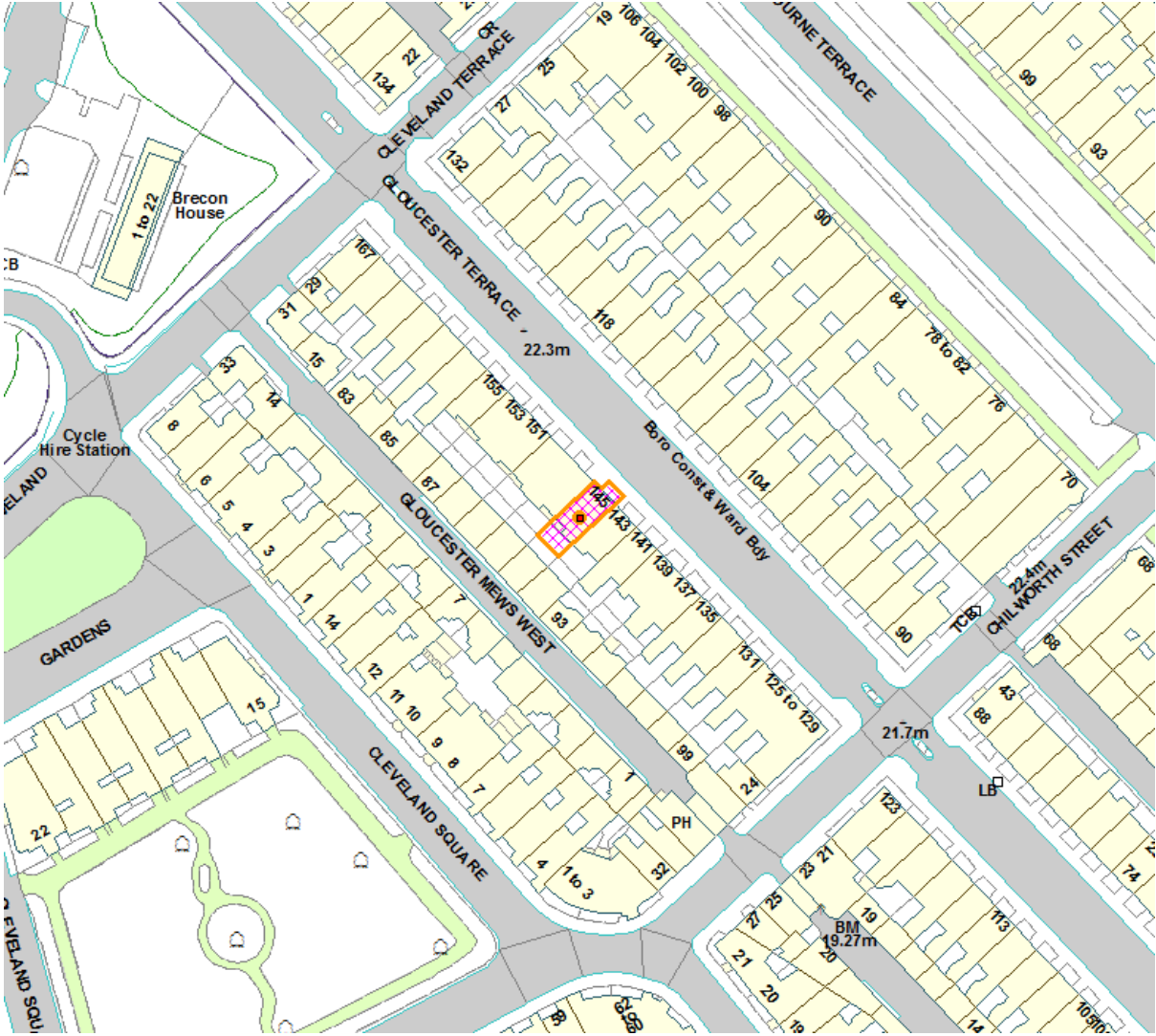
The key issues in this case are:

- \* The impact on the character and appearance of the building and surrounding conservation area.
- \* The impact on the amenity of neighbouring residents.

<p>Subject to appropriate conditions, the proposal is considered acceptable in land use, transport, design</p>
--

and amenity terms. The application is therefore recommended for approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

**LOCATION PLAN**



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3. PHOTOGRAPHS





#### 4. CONSULTATIONS

##### South East Bayswater Residents Association

State that they have no objection, given past consents, to the principle of converting the two remaining sub-pavement coal holes into living accommodation, but consider that the original vault form of the ceilings should be preserved. State that it appears that the wall between the vaults would be fully removed, though that this would be probably acceptable. Consider that there should be fuller information about the construction method proposed and on how the original roof form of the vaults is to be preserved. State that they have no objection to the new staircase in the front lightwell subject to its design being compatible with other such staircases in the vicinity. Express concerns about the design of the new doorway and state that it should be appropriate and mainly of wood. State that the infill of about half of the rear open area is problematic, however consider that it is at the rear and not visible from the public realm and does not seem to affect light to the flats above, and on that basis it is probably ok subject to detailed design.

##### Building Control

State that they have no adverse comments in relation to the proposals.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 43

Total No. of replies: 3

No. of objections: 2

No. in support: 1

The two objection letters received raise concerns on the following grounds:-

##### Design Issues

- Concern that there are no other rear extensions out to the rear boundary within nos. 143-155 Gloucester Terrace.
- Concern about unsightly nature of rear extension as compared to existing rear garden.

##### Amenity Issues

- Concern expressed about the emitting of noise and disturbance, including tv and music noise, from the rear extension.
- Concern about a potential for a rear bedroom within the main building to be used as a living room which may give rise to greater noise disturbance.

##### Other Issues

- Concern about the impact of the rear extension on the security of the flats above.
- Concern about the staircase to the front lightwell in terms of its closeness to the front ground floor windows and as a consequence the implications for the security of the ground floor flat.

One further letter has been received advising that they support the proposals.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 5. BACKGROUND INFORMATION

### 5.1 The Application Site

The application site is a lower ground floor flat within this Grade 2 listed building which is located within the Bayswater Conservation Area. The building at 143-145 Gloucester Terrace within which this flat is located comprises two original mid 19<sup>th</sup> century terraced houses which have been interlinked through the party wall. It forms part of a run of properties between nos. 143 and 155 Gloucester Terrace which have had their rear elevations rebuilt at some point likely in the mid 20<sup>th</sup> century in modern style, and likely with significant parts of their interiors also rebuilt. The flat has a lightwell to the front of the building and a rear garden 7.2m wide and 4.5m deep.

### 5.2 Recent Relevant History

04/03463/FULL and 04/03464/LBC

Retention of infill addition under rear balcony.

Application Permitted - 1 July 2004

12/01263/FULL and 12/01264/LBC 143-145 Gloucester Terrace (southern side lower ground floor flat to this building)

Formation of new access to a lower ground floor flat through alterations to the railings to the private forecourt to create a gate and installation of a new staircase from the private forecourt to ground floor level to lower ground floor level in front lightwell. Installation of new front door and side lights at lower ground floor level.

Applications permitted – 23<sup>rd</sup> April 2014

11/06847/COFUL Approval at 216 Gloucester Terrace

Use of the basement floor and front vault to provide 1x1 bedroom flat, external alterations to front and rear elevations at basement level, insertion of metal staircase in front lightwell and alterations to front railings at ground floor level.

Application permitted – 19<sup>th</sup> September 2011

## 6. THE PROPOSAL

The application proposes various works to the lower ground floor level flat which is the subject of this application. An extension is proposed within the rear garden of the property which projects 4.3m from the rear elevation line and therefore extends up to the rear garden wall of the site, and is 3.5m wide. It rises 2.6m high and is set against the north side of the garden and in association with this extension the side boundary wall to the north side of the garden is to be rebuilt.

Two vaults underneath the front pavement are proposed to be altered internally, principally through the removal of the wall between them, and refurbished as part of their conversion to habitable accommodation in association with the existing lower ground floor flat. Two new windows will be installed to the location of existing door openings into the vaults to light this new room.

A new stone faced staircase with black metal railings is proposed within the front lightwell to descend down from pavement level into the lightwell to allow for direct access from

street level to this lower ground floor flat, with a new gate within the railings to street level. A new entrance door and window adjacent are also proposed within this lightwell. The design of the entrance door and side window have been amended during the course of the application in response to concerns expressed by SEBRA to the initially submitted scheme. Internal alterations are also proposed to the flat.

## **7. DETAILED CONSIDERATIONS**

### **7.1 Land Use**

The extension to this existing flat is acceptable in principle in land use terms and accords with Policy H3 in the Unitary Development Plan (UDP).

The room being created within the front vaults has a pair of windows out onto the relatively generously spaced front lightwell and as such, and as part of the wider ground floor flat as a whole, is not considered unacceptable in terms of residential standards.

### **7.2 Townscape and Design**

The application site is a mid-terraced residential property. It is grade II listed and is situated within the Bayswater Conservation Area, though this building forms part of a run of properties in the middle of this terrace between Cleveland Terrace and Chilworth Street which have had their rear elevations reconstructed in the mid 20th century, and apparently also significant parts of the interior including the partial conjoining of nos. 143 and 145.

Currently the lower ground floor flat is accessed through the internal staircase within the main circulation core of the building and there is no staircase in the front lightwell, though the front lightwell would have contained a stone staircase with black metal balustrade when the building was originally built, and staircases in various forms remain in place to the significant majority of such buildings in the area. The application seeks permission to create a new staircase within the front lightwell descending down in a position adjacent to the pavement side wall of the lightwell, and which would be accessed by a gate set into the run of railings currently present at pavement level flanking the lightwell. The new staircase is to be faced in portland stone with black metal uprights, and the work represents the restoration of a staircase in traditional form and materials to the location of the original since removed, and with a gate to the pavement which will be designed to integrate with the existing railings (with details of this to be secured by condition). In design terms, these works are considered uncontentious

A rear extension is proposed to lower ground floor level which will occupy approximately half of the area of the rear garden to the property. The extension will have a green roof and a set of bi-fold doors opening onto the remaining element of the rear garden. Though the rear garden will be reduced in size, an acceptably sizeable area still remains and the loss of rear garden area is not considered as a reason for refusal, and it is of note that SEBRA comment that they consider this issue acceptable. One of the objectors also states that there are no other extensions in the block of 145-155 Gloucester Terrace which project to the rear of their gardens, however the buildings between 145-155 Gloucester Terrace make up less than half of the run of buildings to this terrace, and the significant majority of other buildings in the terrace have extensions out to the full depth of the garden. The green roof to the extension is welcomed in design terms, and the doors are

considered acceptable in the context of this modern rear elevation. One objector to the application states that the extension would harm their view down into existing pleasant rear garden, however the garden is largely hard paved and is not particularly well maintained, and a new extension with green roof, with the remaining open area to be re-landscaped, is considered to maintain acceptably the view down into this rear courtyard area.

The other works to the lower ground floor front lightwell of new windows and doors have been negotiated and amended during the course of the application and are considered acceptable in design terms, and are considered to overcome the concerns of SEBRA to the windows and doors in the initially submitted scheme. The new doors to the rear elevation are considered uncontentious in the context of this modern rear elevation.

The basic character of the vaults is to be maintained through the conversion to a room and the ceilings of the vaults are unaffected by the proposals. Building Control have advised that they have no adverse comments with regards to these proposals, which is considered to address SEBRA's comments on this issue.

The internal alterations to this flat which has been heavily altered in the past are not contentious.

Given the above, the works proposed are considered to be acceptable in design and conservation terms and would accord with Policies DES1, DES5, DES9 and DES 10 in the UDP and S25 and S28 in the City Plan.

### **7.3 Residential Amenity**

#### **Sunlight/Daylight/Sense of Enclosure**

In terms of the impact upon the amenity of the surrounding neighbouring residential properties, the extension is considered acceptable. A section drawing has been submitted showing that it does not breach the 25 degree line relevant to BRE guidelines to the property directly to the rear, and a report has been submitted by the applicants with regards to the impact on surrounding daylight and sunlight concluding there would be no adverse impact on the neighbouring properties behind. Though there are living room and kitchens present to the rear lower ground floor rooms within the properties directly to the rear of this site, the extension is set back from the boundary wall, and does not rise significantly above its height. The glass brick/ timber panel side boundary wall to the north will be rebuilt with a brick built wall and raised in height by approximately 5 brick courses. It is not considered that the amenity of the neighbouring property to the north would be adversely affected to an unacceptable degree in terms of sunlight, daylight or sense of enclosure.

#### **Privacy**

The new staircase will descend from pavement level down into the lightwell, though it runs across much of the width of the frontage to the building. Though the new staircase will introduce an access route slightly closer to the ground floor window than is currently possible from the pavement, the pavement and the front entrance forecourt already allow clear and close range views across to this window, and it is not considered that a new staircase used for access rather than for persons dwelling on would unacceptably affect

the levels of privacy enjoyed by the occupants of the ground floor flat. The immediately adjacent property was granted permission for a new staircase within its front lightwell on 23<sup>rd</sup> April 2014 and others have been approved in recent years to the street, with the majority of buildings already having this arrangement. The new staircase therefore is not considered unacceptable in terms of the impact on the privacy of the ground floor flat.

#### **Conclusion on Amenity**

Given the above, it is considered that the proposed scheme is acceptable in amenity terms and would accord with Policy S29 in the City Plan and Policy ENV 13 in the UDP.

#### **7.4 Transportation/Parking**

The gate to the front boundary will open inwards only and will not therefore give rise to an obstruction of the public highway in front of the building.

#### **7.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **7.6 Access**

Though it is recognised that the works do not allow for disabled access, they provide an alternative route as independent access to the flat rather than the replacing the existing one through the building, and the works are considered acceptable in listed building terms.

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

##### **Noise**

Though the comments with regards to noise being emitted from the use of the lower ground floor flat are noted, the lower ground floor contains a relatively small domestic residential flat, and it is not considered that the extension would give rise to such an impact in terms of noise emitting from the new room proposed to be created, nor from the rear room within the main body of the building which is to have new doors to the rear garden, as to warrant a refusal of planning permission.

##### **Trees**

A small tree would have to be removed to facilitate the rear extension, however this is a small specimen of limited value and subject to a landscaping condition to secure appropriate replacement planting this work is considered acceptable.

#### **7.8 London Plan**

This application raises no strategic issues.

#### **7.9 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.

#### **7.10 Planning Obligations**

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

#### **7.11 Environmental Impact Assessment**

Environmental Impact issues are not relevant in the determination of this application.

#### **7.12 Other Issues**

##### **Crime and security**

An objection has been raised from the ground floor flat within the building that the staircase within the front lightwell is sited close to their living room window (ie. the front ground floor window) and that therefore intruders may gain entry to the flat. In security terms however the staircase appears little closer to the window than the existing main ground floor entrance forecourt area, and it appears unlikely to add unacceptably to any security risk to the flat. Such arrangements with staircases located within front lightwells when the ground floor is in separate use are particularly common and the arrangement does not differ from the majority of surrounding buildings.

An objection has also been received on grounds of this extension representing a security risk, however the site is fully enclosed by other buildings with boundary walls surrounding and it would not give rise to such a security risk as to warrant a reason for refusal.

### **8. BACKGROUND PAPERS**

1. Application form
2. Letter from occupier of Flat 6, 143-145 Gloucester Terrace, dated 16 November 2015
3. Letter from occupier of Flat4, 143-145, dated 18 November 2015
4. Letter from occupier of flat 3, 51 palace road, dated 3 December 2015

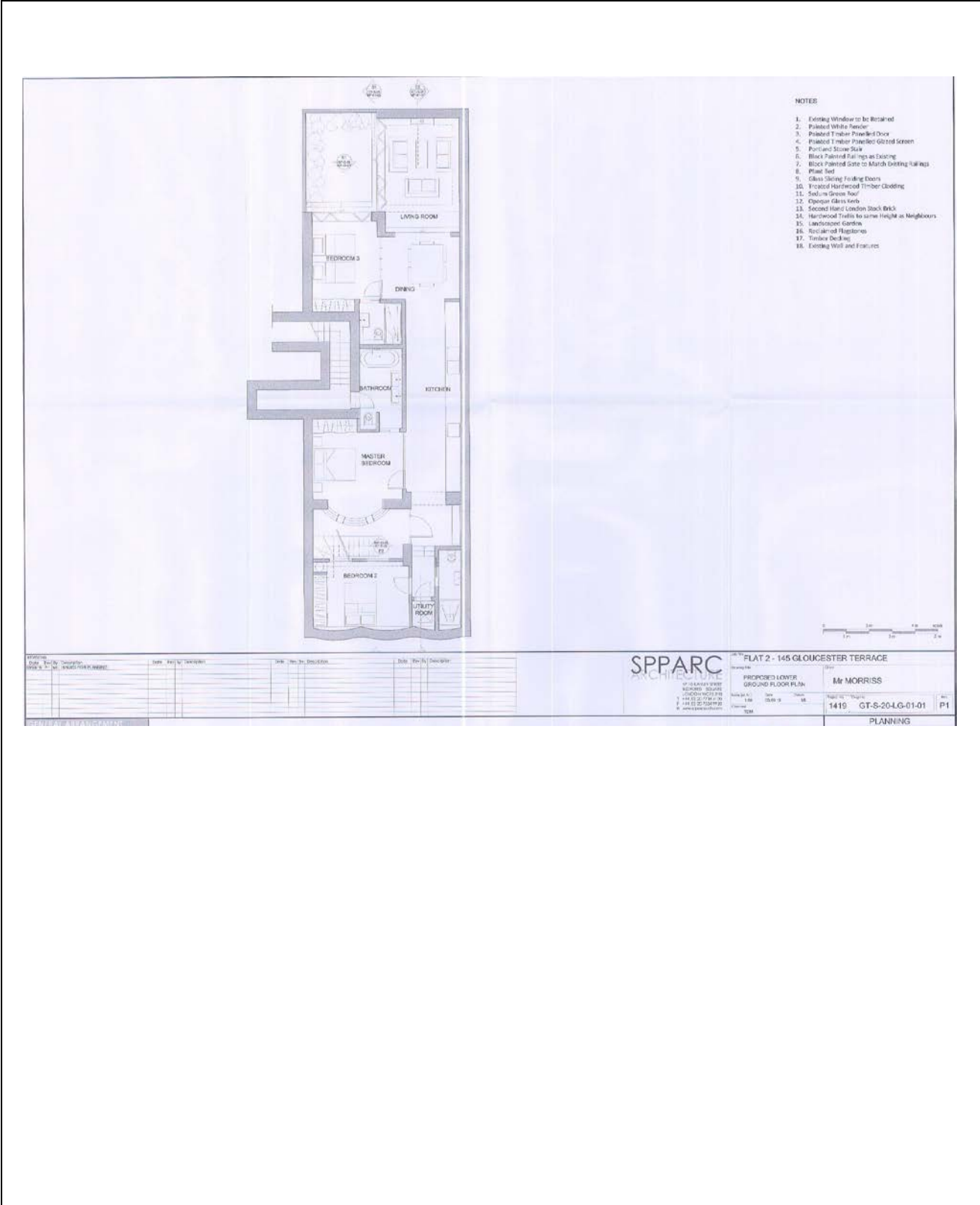
#### **Selected relevant drawings**

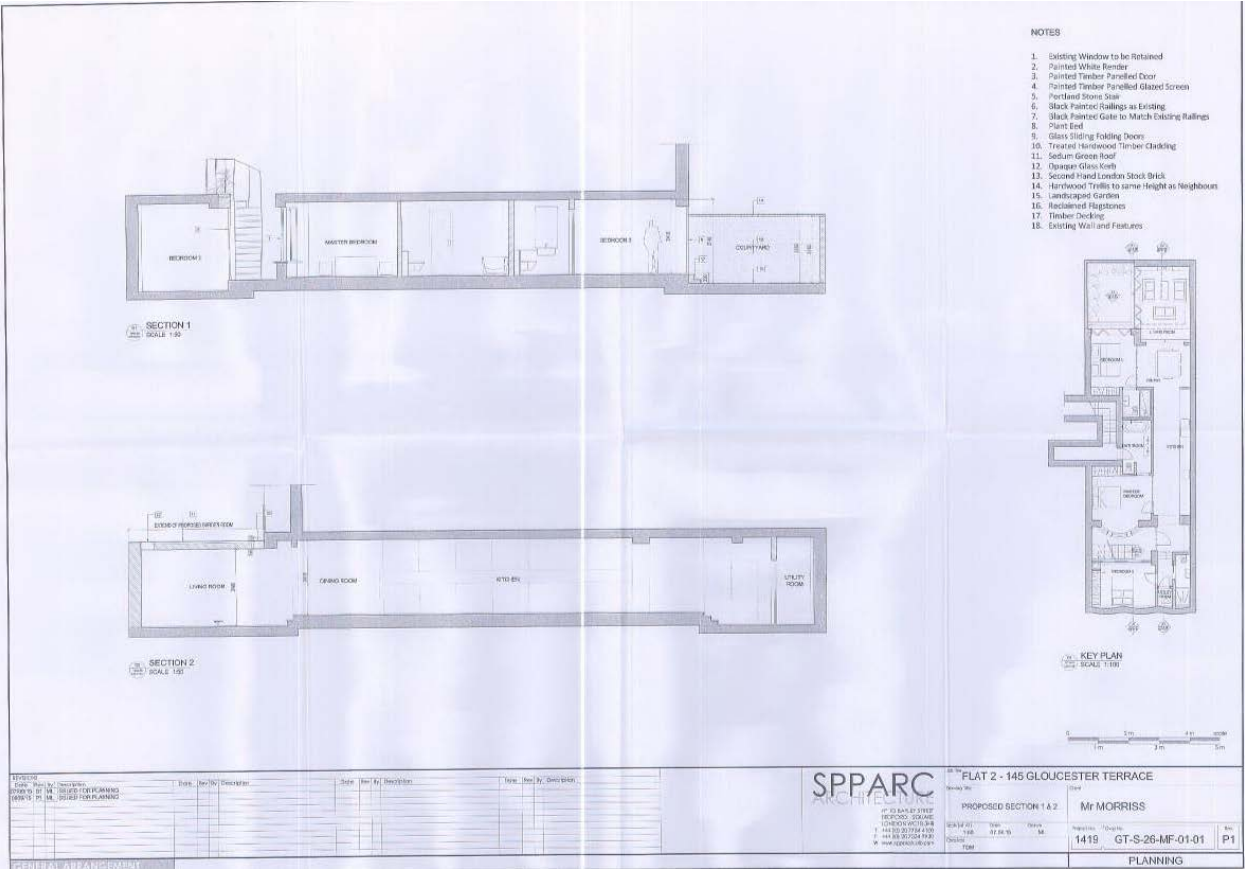
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ALISTAIR TAYLOR ON 020 7641 2979 OR BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk)



**KEY DRAWINGS**







**DRAFT DECISION LETTER**

**Address:** Flat 2, 143-145 Gloucester Terrace, London, W2 6DX,

**Proposal:** Lower ground floor rear extension, demolition of existing rear boundary walls and rebuild, alterations to front vaults to create additional bedroom and new metal staircase to front light well in connection with existing lower ground floor flat plus associated alterations.

**Plan Nos:** GT-E-00-OS-01-01-P1, GT-S-20-LG-01-03-P2, GT-E-20-LG-01-01-P1, GT-D-20-LG-01-02-P1, GT-S-20-OR-01-01-P1 (as amended by GT-S-20-LG-01-03-P2), GT-E-20-OR-01-02-P1, GT-S-25-MF-01-01-P3, GT-E-25-MF-01-01-P2, GT-S-25-MF-01-02-P2, GT-S-26-MF-01-01-P3, GT-E-26-MF-01-01-P1, GT-S-26-MF-01-02-P1, P2-SEC-01, letter from Point Surveyors dated 28th September 2015, SK004-rev1, Design and Access Statement - as amended by above drawings, email from Trevor Morriss dated 14th December 2015, , Considered for information only:- Report by Pell Frischmann dated 08.10.2015, ,

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:, ,  
\* between 08.00 and 18.00 Monday to Friday;, \* between 08.00 and 13.00 on Saturday; and, \* not at all on Sundays, bank holidays and public holidays., , Noisy work must not take place outside these hours. (C11AA)

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice

of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.  
(C26AA)

Reason:

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

- 4 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application:-

Green roof

You must not remove any of these features. (C43FA)

Reason:

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

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

Reason:

In the interests of public safety 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. (R24BC)

- 6 The new gate to the front boundary and the balusters and handrail of the new staircase within the front lightwell of the building shall be formed in black coloured metal, and shall be maintained in that colour thereafter

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in

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

- 7 The new external doors to the front lightwell and new windows to the front lightwell shall be formed in glazing and white painted timber framing

Reason:

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

- 8 The bricks to the new wall to the north side of the rear garden shall match the colour and finish of the existing bricks to the existing rear elevation to the building

Reason:

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

- 9 You must apply to us for approval of an elevation drawing showing the new gate to the ground floor frontage. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this drawing. (C26DB)

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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 6

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 February 2016	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>8 Connaught Square, London, W2 2HG,</b>		
<b>Proposal</b>	Use as a single dwellinghouse, excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.		
<b>Agent</b>	Obsidian London Ltd		
<b>On behalf of</b>	Mr Mubashir Mukadam		
<b>Registered Number</b>	14/11257/FULL & 14/11258/LBC	<b>Date amended/ completed</b>	10 April 2015
<b>Date Application Received</b>	12 November 2014		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Refuse permission and listed building consent - on grounds of adverse impact on floor hierarchy and plan form of the listed building.

## 2. SUMMARY

This application was reported to the Planning Applications Committee on 28 July 2015 with a recommendation by officers that planning permission and listed building consent should be refused. The Committee resolved to defer determination of the application to allow revisions to be sought from the applicant to address officer's concerns regarding the impact of the scheme in design terms and the impact it would have on the floor hierarchy and plan form of the listed building. The applicant was also invited to submit a revised acoustic report to demonstrate that the plant in its revised location will not cause a noise nuisance to neighbours and a ground geology and hydrology report to ensure that the development would not adversely affect the structural integrity of the listed building.

In terms of the impact of the scheme on the external appearance of the listed building, the applicant has revised the proposals to omit the initially proposed French doors at rear first floor levels. This amendment, which will see the retention of the original rear window at first floor level, has addressed officer's previous concerns regarding the loss of historic fabric and will ensure that the development will not have an adverse impact on the character and appearance of the listed building.

In terms of the acceptability of the proposed basement extension under this grade II listed building,

officer's previously advised in the committee report dated 28 July 2015 that:

*'In the case of the application property, the plan form and hierarchy of spaces are considered to be contributory factors to its significance and the introduction of a basement storey of the size and volume proposed would have an adverse impact on this significance. The degree of harm caused is assessed to be less than substantial and as such the NPPF indicates that in such circumstances this harm should be weighed against the public benefits of the proposal. In this case there are no public benefits delivered by the proposal and as such the harm outweighs the benefit. As special regard must be given to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, it is therefore concluded that the proposed basement is unacceptable and is contrary to Policies S25 and S28 of the City Plan; DES 1 and DES 10 of the UDP; the guidance within the SPD 'Basement Development in Westminster' (2014) and the guidance in the SPG 'Repairs and Alterations to Listed Buildings' (1996). The proposal would also be contrary to national policy and guidance in the NPPF and the guidance of Historic England for alteration and extension of buildings of this period.*

*'Because the listed building has undergone a degree of change, with some modern additions and alterations, it is considered that there is some potential to extend at basement level, but that this extension should be confined to beyond the main rear wall line of the main house, effectively beneath the rear extensions. This would have the effect of reducing the scale and volume of the extension and also confine it to beneath the later parts of the site and thus minimising any impact on the historic plan form and spatial hierarchy of the building. This has been suggested to the applicant but they have not chosen to accept this suggested option.'*

Following the committee meeting on 28 July 2015, the applicant was invited to again consider reducing the extent of the basement extension so that it is confined to below the rear of the site beyond the main rear wall line of the main house. However, the applicant has declined to reduce the size of the proposed basement floor and the proposed basement remains below the main house and its rear extensions and rear lightwell. In the absence of any amendment to the extent of the proposed basement, the harm to the listed building in terms of the erosion of its historic plan form and hierarchy of spaces would remain as set out in the preceding paragraphs and it is considered that this element of the scheme remains unacceptable.

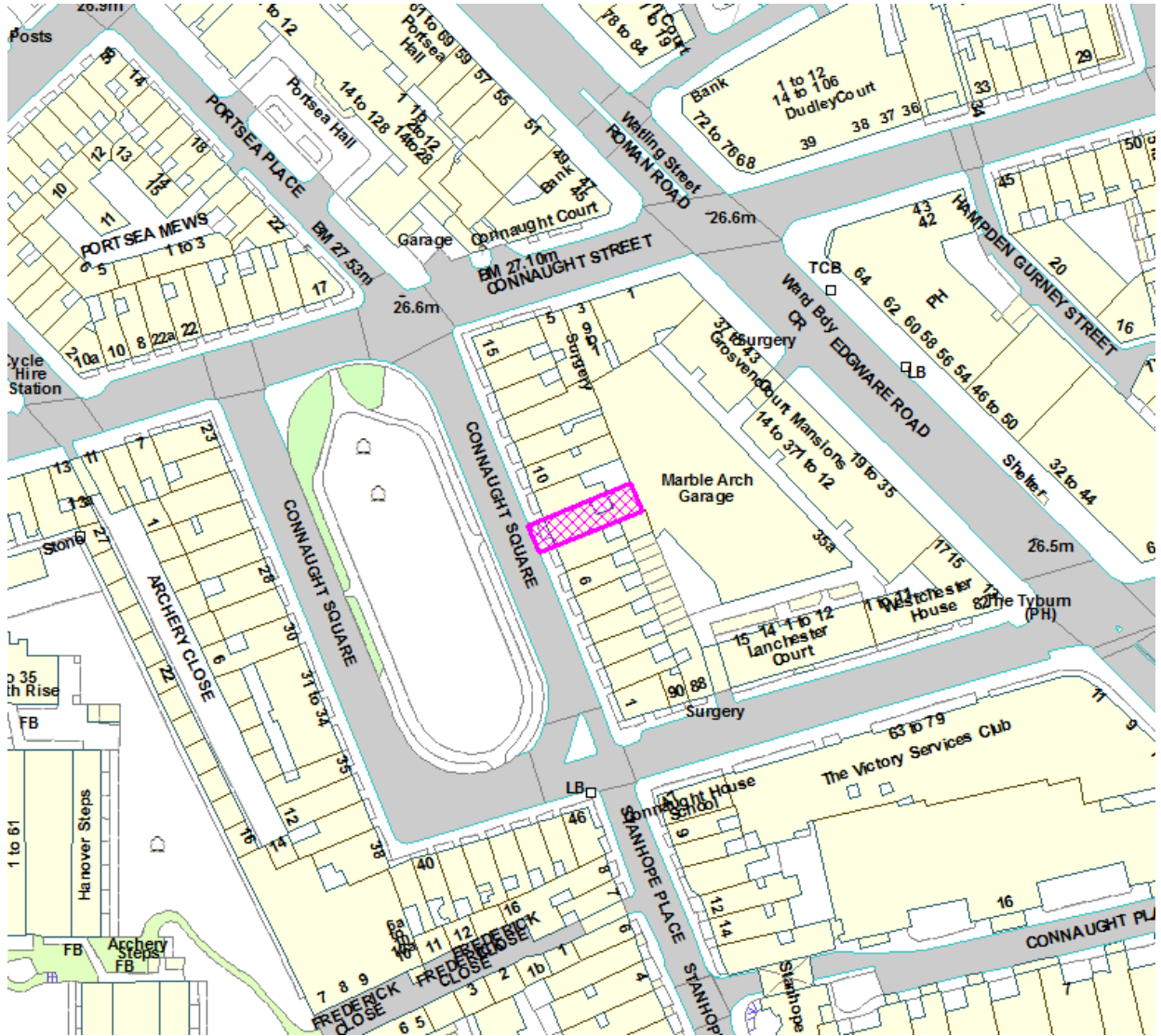
A number of objectors refer to the Publication Draft Basement Revision to Westminster's City Plan, which the Cabinet Member statement dated 23 October 2015 confirms will be used for the purpose of determining planning applications from 1 November 2015. However, this emerging policy is only applied in respect of applications received on or after that date. This application was received significantly in advance of 1 November 2015. As such, it has been assessed under adopted policy in the UDP and City Plan, and the guidance set out in the 'Basement Development in Westminster' SPD (2014). Notwithstanding this, as set out in the preceding paragraphs, the proposed basement is considered to be harmful to the character and special interest of this listed building and contrary to the aforementioned policies and guidance.

The applicant has submitted a revised acoustic report and this concludes that, subject to the inclusion of noise attenuation measures in the form of noise absorbent materials applied to the surface of the enclosure around the plant at rear 1st floor level terrace level, the mechanical plant would not cause noise disturbance to neighbouring occupiers. The comments of Environmental Health on the content and conclusions of the submitted acoustic report will be reported verbally to the committee. Subject to the comments of Environmental Health, had the application been considered acceptable in all regards, conditions would have been recommended to secure further details of the noise attenuation measures proposed to ensure their appearance is appropriate in listed building terms and to ensure that the mechanical plant continues to operate in accordance with adopted plant noise policies in the UDP and City Plan following its initial installation. **Page 96**

Since the previous committee meeting, the applicant has provided a significant amount of additional structural information, including a Ground Investigation Report, a Basement Impact Assessment and a Construction Method Statement. These documents have been assessed in detail by Building Control officers and they no longer raise objection to the scheme on structural grounds. In this context the concerns raised by objectors on structural impact, geology and hydrology grounds can no longer be supported as grounds on which to withhold permission and listed building consent.

In summary, subject to the comments of Environmental Health, the previous concerns relating to the external appearance of the listed building, the impact of the mechanical plant and the suitability of the method of basement excavation to the particular circumstance geological and hydrological conditions of this site have been addressed, despite the concerns that continue to be expressed by objectors. However, the significant concerns regarding the impact the proposed development would have on the special interest of this Grade II listed building remain, as the extent of the basement below the main volume of the original building remains as previously reported in July 2015. The proposed basement would harm the plan form and volumetric proportions of this listed building, contrary to Policies S25 and S28 of the City Plan; DES 1 and DES 10 of the UDP; the guidance within the SPD 'Basement Development in Westminster' (2014) and the guidance in the SPG 'Repairs and Alterations to Listed Buildings' (1996). The proposal would also be contrary to national policy and guidance in the NPPF and the guidance of Historic England for alteration and extension of buildings of this period. Accordingly it is recommended that planning permission and listed building consent are refused on this ground.

3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### LATE CONSULTATION RESPONSES REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 28 JULY 2015

#### COUNCILLOR COX

Concerned that mechanical plant would be closer to rear windows of neighbouring properties than when it was previously proposed at roof level.

#### COUNCILLOR ACTON

Welcomes officer recommendation for refusal. Considers proposal to be overdevelopment of the site, damaging to the conservation area, damaging to the character of the building and its setting and potentially damaging to the structure of this wonderful square. Reduction in size and depth does not address my initial concerns and the removal of plant from the roof and relocation to the terrace does not alleviate concerns regarding the amenity of neighbouring properties, indeed impact may be worse.

#### HYDE PARK ESTATE ASSOCIATION

Extremely concerned by application, which is considered to be unacceptable and gross overdevelopment of this grade II listed building. Unacceptable impact on the listed building in terms of its character and style. Adverse impact on unique square. Additional roof structures, conservatory and rear extensions are not necessary. Flagrant attempt to maximise value with no regard to heritage impact. Strongly opposed to extravagant and unnecessary excavation of basements. Georgian houses were designed with proportionate basement spaces, in keeping with the construction of the terrace. Would set an unacceptable precedent for similar development in this listed terrace.

#### ENVIRONMENTAL HEALTH

A revised acoustic report is required to demonstrate that relocated plant (from roof level to rear roof terrace) would meet the design criteria set by adopted noise policies. Suggest that this could be secured by condition.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Replies: 1 letter on behalf of the applicant responding to the officer report dated 28 July 2015 and recommended reasons for refusal and 9 emails raising objection on all or some of the following grounds:

##### Land Use

- Front vault should not be used as living accommodation.

##### Design

- Adverse impact on listed building and Bayswater Conservation Area.
- Internal alterations would have adverse impact on the special interest of the listed building.
- Out of scale with domestic scale architecture of Connaught Square.
- Little or no heritage benefit in current application.

##### Amenity

- Adverse impact on amenity.
- Revised location for mechanical plant would be closer to the windows of neighbours.
- Noise disturbance from mechanical plant.

##### Other Matters

- Revisions consulted on in July 2015 do not overcome original concerns and ask that original comments are still considered.
- Proposals are inconsistent with the advice in the Basement Development in Westminster SPD (2014).
- Proposals inconsistent with the Council's emerging basement policy.
- Adverse impact on structural integrity of listed terrace.
- Material risk of harm to neighbouring listed buildings.
- Risk of precedent for similar development elsewhere in the vicinity.
- Adverse impact on square from air conditioning and water treatment services.
- Proposal would not be permitted under Kensington and Chelsea policies.
- Concur with officer's recommended reasons for refusal.
- Disruption on highway during construction works.
- Noise and general disturbance from construction works.

**CONSULTATION ON REVISED SCHEME FOLLOWING PLANNING APPLICATIONS COMMITTEE ON 28 JULY 2015 (DECEMBER 2015)  
(AMENDMENTS COMPRISING OMISSION OF FRENCH DOORS TO REAR, REVISED ACOUSTIC REPORT AND ADDITIONAL STRUCTURAL, GEOLOGY AND HYDROLOGY REPORTS - NO AMENDMENT TO EXTENT OF BASEMENT)**

**HYDE PARK ESTATE ASSOCIATION**

Any response to be reported verbally.

**BUILDING CONTROL**

No objection. The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

**ENVIRONMENTAL HEALTH**

Any response to be reported verbally.

**HIGHWAYS PLANNING MANAGER**

Undesirable, but could be considered acceptable. Cycle storage and waste storage provision recommended.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. of Consultations: 48; No. of Replies: 14 letters/ emails raising objection on all or some of the following grounds:

**Design**

- Adverse impact on appearance of historic structure and terrace.
  - Creation of large space under listed building out of keeping with original property.
  - Basement proposed is a double basement.
  - Adverse impact on historic floor hierarchy and architectural fabric with no public benefit.
  - Drawings appear to show stone cladding to front elevation - this should not be allowed.
- Buildings are finished in painted render and brickwork.

- Noise disturbance from mechanical plant on rear terrace.
- Plant will still be audible to neighbours using their external spaces/ terraces, even if plant complies with plant noise policies.
- Submitted acoustic report should not be relied upon as not an independent or detailed assessment.
- Plant will cause more noise as it ages.

#### Other Matters

- Maintain previous grounds for objection, which have not been overcome by additional information/ revisions.
- Proposals are still inconsistent with the advice in the Basement Development in Westminster SPD (2014).
- Proposals still inconsistent with the Council's emerging basement policy.
- Adverse structural impact.
- Basement will be below ground water level.
- Basement would not be sustainable.
- Noise and disturbance from construction works.
- Some of basement is actually a double basement.
- Structural report misrepresents the depth of the basement as 3m, but is actually deeper.
- Concern regarding the proximity of the basement excavation to Tyburn Brook.
- Structural report asserts there will be no adverse structural impact, but with limited evidence.
- Structural report erroneously refers to other sites.
- Damp caused to neighbouring properties as a result of swimming pool.

Email from the applicant's agent dated 9 December 2015 responding to the reasons for deferral of the application at the Planning Applications Committee on 28 July 2015.

## 6. BACKGROUND PAPERS

1. Representations as reported to the Planning Applications Committee on 28 July 2015.

### LATE CONSULTATION RESPONSES REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 28 JULY 2015

2. Email from Councillor Cox dated 16 July 2015.
3. Email from Councillor Acton dated 23 July 2015.
4. Email from Environmental Health dated 22 July 2015.
5. Email from the occupier of 30 Connaught Square dated 23 July 2015.
6. Email from the occupier of 9 Connaught Square dated 24 July 2015.
7. Email from the occupier of 11 Connaught Square dated 24 July 2015.
8. Letter from Mishcon de Reya Solicitors on behalf of the applicant dated 27 July 2015.
9. Email from the occupier of 7 Connaught Square dated 24 July 2015.
10. Email from the occupier of 37 Connaught Square dated 24 July 2015.
11. Email from the occupier of Flat 2, 14 Connaught Square dated 25 July 2015.
12. Email from the Hyde Park Estate Association dated 24 July 2015.
13. Email from the occupier of 45 Connaught Square dated 25 July 2015.
14. Email from the occupier of 36 Connaught Square dated 26 July 2015.
15. Email from the occupier of 44 Connaught Square dated 26 July 2015.

CONSULTATION RESPONSES ON REVISED SCHEME FOLLOWING PLANNING APPLICATIONS COMMITTEE ON 28 JULY 2015 (DECEMBER 2015)



16. Memo from the Highways Planning Manager dated 5 January 2016.
17. Email from Building Control dated 20 January 2015.
18. Email from the occupier of 11 Connaught Square dated 4 January 2016.
19. Email from the occupier of 9 Connaught Square dated 8 January 2016.
20. Email from the occupier of 5 Connaught Square dated 11 January 2016.
21. Email from the occupier of 45 Connaught Square dated 11 January 2016.
22. Letter from the occupiers of 7 and 9 Connaught Square dated 11 January 2016.
23. Email from the occupier of 30 Connaught Square dated 12 January 2016.
24. Email from the occupier of 36 Connaught Square dated 12 January 2016.
25. Email from the occupier of Flat 2, 14 Connaught Square dated 13 January 2016.
26. Email from the occupier of 6 Connaught Square dated 13 January 2016.
27. Email from the occupier of 37 Connaught Square dated 13 January 2016.
28. Email from the occupier of 7 Connaught Square dated 13 January 2016.
29. Email from the occupier of 24 Connaught Square dated 13 January 2016.
30. Email from the occupier of 17 Connaught Square dated 14 January 2016.
31. Email from the occupier of 44 Connaught Square dated 17 January 2016.
32. Email from Aray Architects on behalf of the 7 Connaught Square dated 9 December 2016.

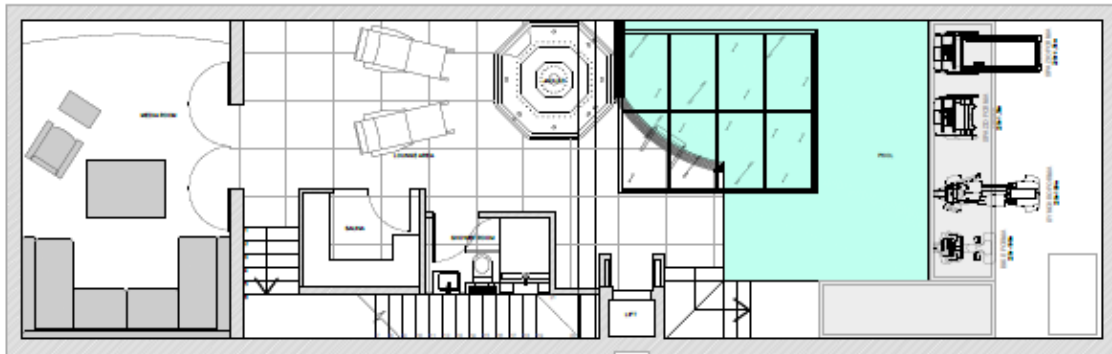
### **Selected Relevant Drawings**

Existing and proposed plans, elevations and sections.

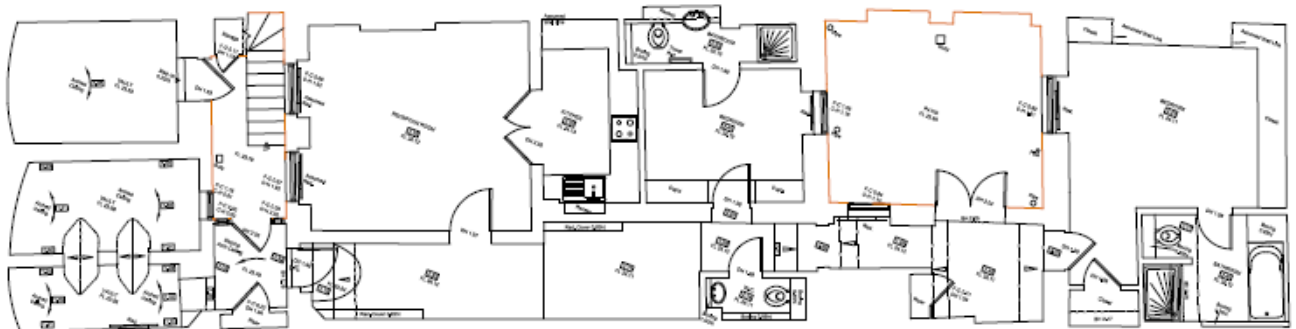
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk)

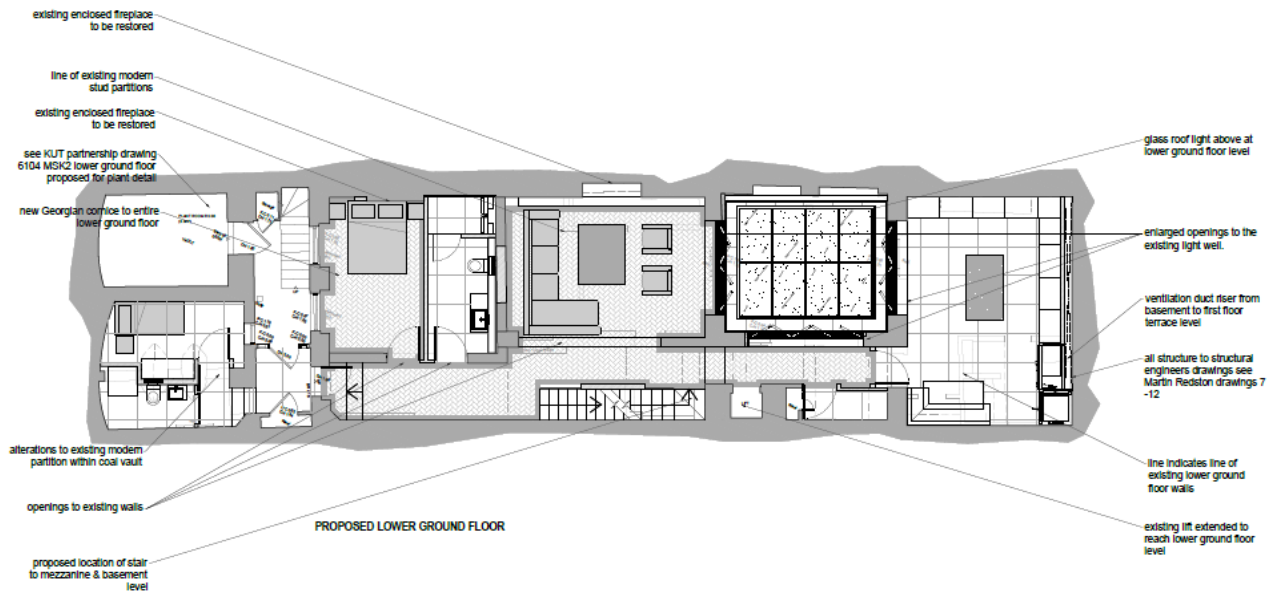
7. KEY DRAWINGS



PROPOSED NEW BASEMENT



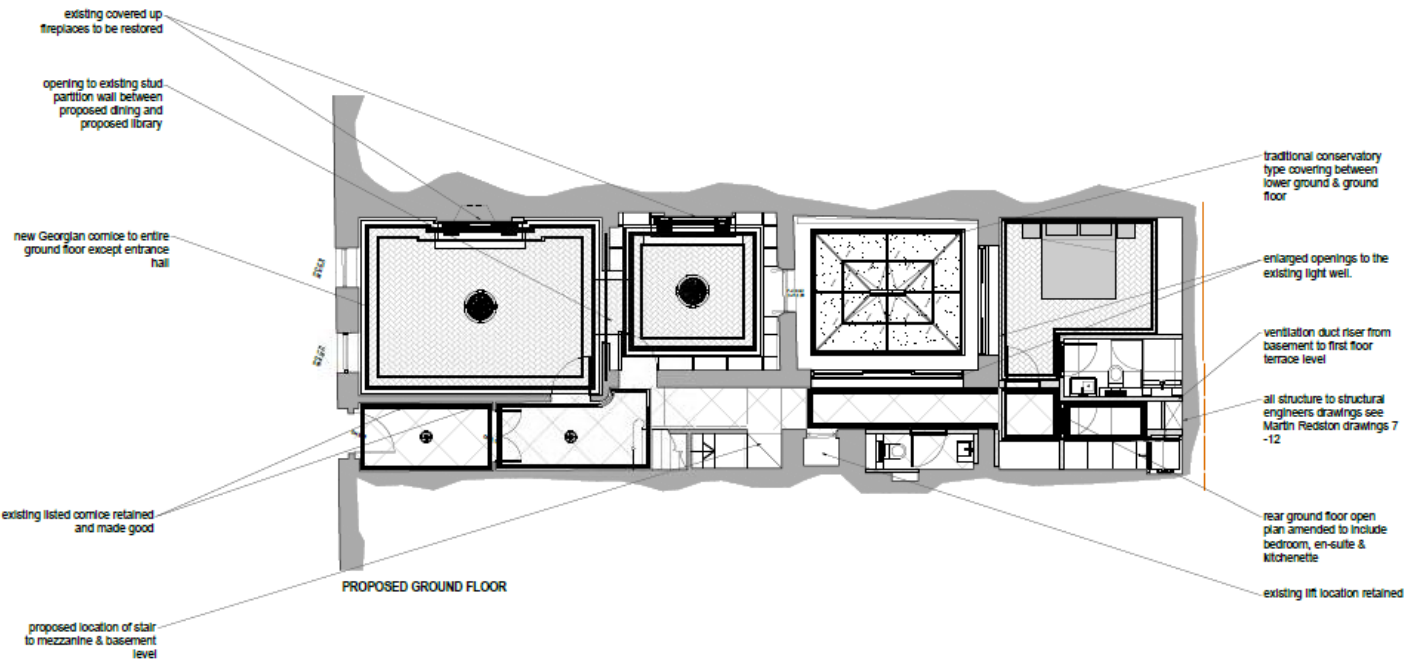
EXISTING LOWER GROUND FLOOR

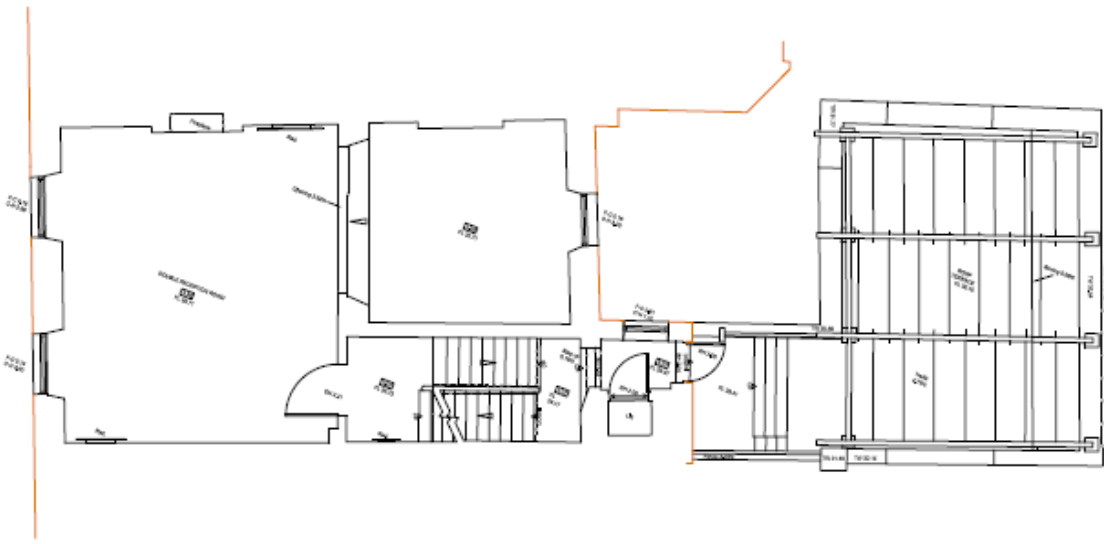


PROPOSED LOWER GROUND FLOOR

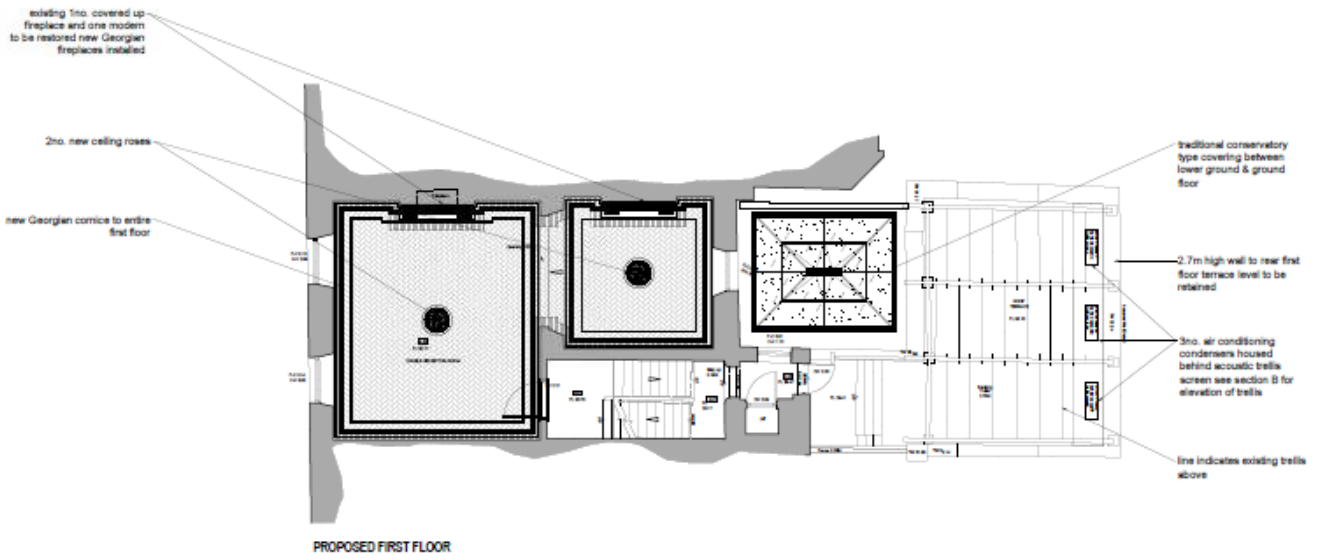


EXISTING GROUND FLOOR





EXISTING FIRST FLOOR





Elevation 1

**Existing Front Elevation**

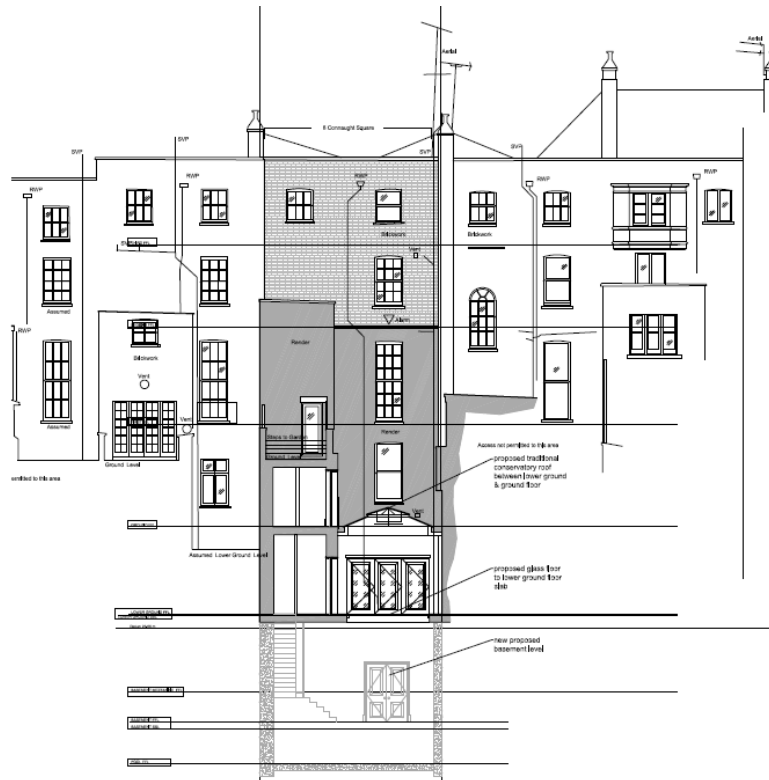


Elevation 1

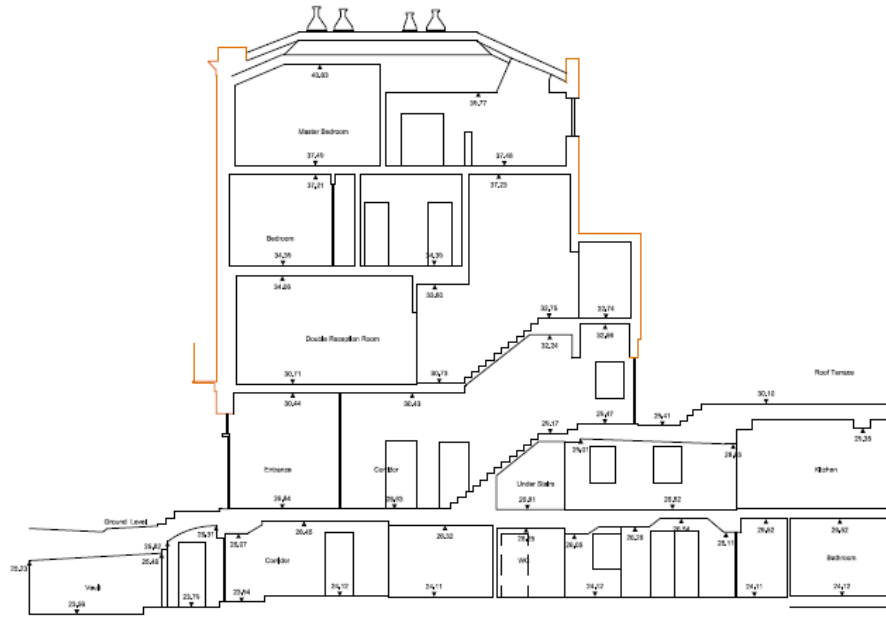
**Proposed Front Elevation**



**Existing Rear Elevation**

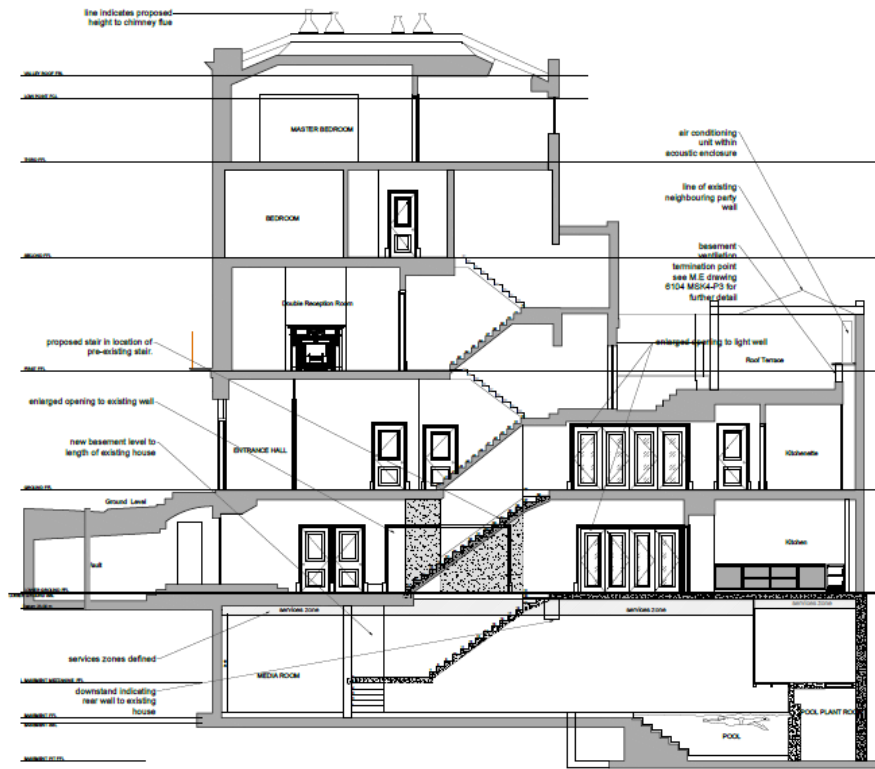


**Proposed Rear Elevation**



Section A  
Datum 23.00 m

### Existing Section



### Proposed Section

**DRAFT DECISION LETTER – 14/11257/FULL**

- Address:** 8 Connaught Square, London, W2 2HG,
- Proposal:** Use as a single dwellinghouse, excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.
- Reference:** 14/11257/FULL
- Plan Nos:** (EX) 01 Rev.A, (EX) 02, (EX) 03, (EX) 04, (EX) 05, (EX) 06, (EX) 07 Rev.A, (EX) 08 Rev.A, (EX) 09 Rev.A, (EX) 10 Rev.A, (DD) 01 Rev.A, (DD) 02 Rev.A, (DD) 03 Rev.A, (DD) 04 Rev.A, (DD) 05 Rev.A, (DD) 06 Rev.B, (DD) 07 Rev.B, (DD) 08 Rev.A, (DD) 09 Rev.A, (PL) 01 Rev.A, (PL) 03 Rev.A, (PL) 04 Rev.A, (PL) 05 Rev.B, (PL) 06 Rev.A, (PL) 07 Rev.B, (PL) 09 Rev.A, (PL) 10 Rev.C, (PL) 11 Rev.C, (PL) 12 Rev.D, (PL) 13 Rev.A, Planning, Design and Access Statement dated November 2014 (as amended by revised drawings provided with email from Turleys dated 10 April 2015), Heritage Supporting Statement by Turleys dated October 2014, Heritage Assessment by Ettwein Bridges Architects dated October 2014, Construction Management Plan by Addstow (for information only), Environmental Noise Assessment dated 8 September 2015 (Issue 3), Construction Method Statement by Martin Redston Associates dated 26 November 2015 (including structural drawings 1A, 2B, 3B, 4B, 5B, 6B, 7D, 8C, 9B, 10B, 11B and 12B), Structural Calculation by Martin Redston Associates and Basement Impact Assessment dated November 2015 (Ref: 15/24237-2), including Factual Report on Ground Investigation dated November 2015 (Ref: 15/24237).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

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

Reason:

- 1 Because of its size, location and extent, the proposed basement extension would harm the special interest (significance) of this grade II listed building. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies that we adopted November 2013 and DES 1 and DES 10 of our Unitary Development Plan that we adopted in January 2007. It would fail to accord with the advice set out in paragraphs 2.4, 6.18, 6.19 and 20 of our Supplementary Planning Guidance 'Repairs and Alterations to Listed Buildings' (1996) and the advice set out in paragraphs 6.5.2 and 6.5.4 to 6.5.8 of our Supplementary Planning Document 'Basement Development in Westminster' (2014). Your development is also considered to be contrary to the guidance within Historic England's (formerly English Heritage's) guidance document 'London Terrace Houses 1660-1860' and the National Planning Policy Framework, specifically paragraph 134.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in



Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable were not submitted in response to that advice. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- (a) Reduction in footprint and location of basement extension so that it is confined to below the later rear extensions and lightwell and not below the original building, with access within the rear additions.
  - (b) Reduction of floor to ceiling height of basement so that it maintains the hierarchy of rooms within the building in terms of their volumetric proportions.
- 2 For the avoidance of doubt, the application for planning permission has been refused as, although the basement development would not be visible in external views of the listed building, it would harm the special architectural and historic interest of the listed building. In such circumstances, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs that *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

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.

**DRAFT DECISION LETTER – 14/11258/LBC**

**Address:** 8 Connaught Square, London, W2 2HG,

**Proposal:** Excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.

**Plan Nos:** (EX) 01 Rev.A, (EX) 02, (EX) 03, (EX) 04, (EX) 05, (EX) 06, (EX) 07 Rev.A, (EX) 08 Rev.A, (EX) 09 Rev.A, (EX) 10 Rev.A, (DD) 01 Rev.A, (DD) 02 Rev.A, (DD) 03 Rev.A, (DD) 04 Rev.A, (DD) 05 Rev.A, (DD) 06 Rev.B, (DD) 07 Rev.B, (DD) 08 Rev.A, (DD) 09 Rev.A, (PL) 01 Rev.A, (PL) 03 Rev.A, (PL) 04 Rev.A, (PL) 05 Rev.B, (PL) 06 Rev.A, (PL) 07 Rev.B, (PL) 09 Rev.A, (PL) 10 Rev.C, (PL) 11 Rev.C, (PL) 12 Rev.D, (PL) 13 Rev.A, Planning, Design and Access Statement dated November 2014 (as amended by revised drawings provided with email from Turleys dated 10 April 2015), Heritage Supporting Statement by Turleys dated October 2014, Heritage Assessment by Ettwein Bridges Architects dated October 2014, Construction Management Plan by Addstow (for information only), Environmental Noise Assessment dated 8 September 2015 (Issue 3), Construction Method Statement by Martin Redston Associates dated 26 November 2015 (including structural drawings 1A, 2B, 3B, 4B, 5B, 6B, 7D, 8C, 9B, 10B, 11B and 12B), Structural Calculation by Martin Redston Associates and Basement Impact Assessment dated November 2015 (Ref: 15/24237-2), including Factual Report on Ground Investigation dated November 2015 (Ref: 15/24237).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

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

Reason:

- 1 Because of its size, location and extent, the proposed basement extension would harm the special interest (significance) of this grade II listed building. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies that we adopted November 2013 and DES 1 and DES 10 of our Unitary Development Plan that we adopted in January 2007. It would fail to accord with the advice set out in paragraphs 2.4, 6.18, 6.19 and 20 of our Supplementary Planning Guidance 'Repairs and Alterations to Listed Buildings' (1996) and the advice set out in paragraphs 6.5.2 and 6.5.4 to 6.5.8 of our Supplementary Planning Document 'Basement Development in Westminster' (2014). Your development is also considered to be contrary to the guidance within Historic England's (formerly English Heritage's) guidance document 'London Terrace Houses 1660-1860' and the National Planning Policy Framework, specifically paragraph 134.