



City of Westminster

Committee Agenda

Title:

Planning Applications Committee (3)

Meeting Date:

Tuesday 9th February, 2016

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Andrew Smith (Chairman)
Robert Rigby
Rachael Robathan
Barbara Grahame



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

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



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

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Rachael Robathan has replaced Councillor Louise Hyams.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|------------------------|
| 1. 207 SHIRLAND ROAD, W9 | (Pages 3 - 12) |
| 2. 12 GARWAY ROAD, W2 | (Pages 13 - 30) |
| 3. 14 GARWAY ROAD, W12 | (Pages 31 - 46) |
| 4. 230 VAUXHALL BRIDGE ROAD, SW1 | (Pages 47 - 74) |
| 5. 55-57 GREAT PORTLAND STREET, W1 | (Pages 75 - 98) |

Charlie Parker
Chief Executive

Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 9 FEBRUARY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 15/10588/CLEUD Harrow Road	207 SHIRLAND ROAD, W9	Use of the ground and basement floors as a retail unit (Class A1)	
Issue Certificate				
2	RN 15/09360/FULL RN 15/09361/LBC Lancaster Gate	12 GARWAY ROAD, W2	Excavation of basement extension under house and part of front and rear gardens, demolition and rebuilding of rear glazed conservatory at lower ground floor, enlargement of front lightwell with new glazed floor and clerestory windows, removal of tree to rear and internal alterations.	
Had appeals not been lodged on the grounds of non-determination, does the Committee agree that planning permission and listed building consent would have been refused on grounds of detailed design of front lightwell.				
3	RN 15/05881/FULL RN 15/05882/LBC Lancaster Gate	14 GARWAY ROAD, W2	Excavation of a new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell and internal works including installation of three internal rooflights between basement and lower ground floor levels. Removal of tree from front garden.	
Had appeals not been lodged on the grounds of non-determination, does the Committee agree that planning permission would have been refused on grounds of detailed design of front lightwell, insufficient planting depth and loss of tree and the listed building consent would have been refused on grounds of harm to historic fabric and detailed design of front lightwell.				
4	RN 15/07260/FULL Vincent Square	230 VAUXHALL BRIDGE ROAD, SW1	Use of the first, second, third, fourth and part fifth floor levels as 13 residential units (Class C3) and reconfiguration of three existing residential units at fifth and sixth floor level. Use of basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial or professional services (Class A2). Extension of the existing plant room and stair core at sixth floor level fronting King's Scholars' Passage, new entrances and alterations to fenestration.	
<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>a) A financial contribution of £683,060 (index linked and payable on commencement of development) towards the Council's affordable housing fund;</p> <p>b) The costs of monitoring the S106 legal agreement.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 9 FEBRUARY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
5	RN 15/01327/FULL RN 15/01328/LBC West End	55-57 GREAT PORTLAND STREET, W1	Amalgamation of 55 and 57 Great Portland Street to provide a dual/alternative use of the basement, ground and first floors as either a public house or a restaurant (Class A4/A3) and use of the second to fourth floors as three flats (Class C3). External alterations including the installation of a new shopfront to No. 57, alterations to No. 55 including modifications to the roof height, the installation of replacement plant within an enclosure at rear first floor level, the creation of a residential terrace at rear second floor level and the installation of a full height kitchen extract duct; internal alterations on all floors.	
1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 9 February 2016	Classification For General Release	
Report of Director of Planning	Ward(s) involved Harrow Road		
Subject of Report	207 Shirland Road, London, W9 2EX,		
Proposal	Use of the ground and basement floors as a retail unit (Class A1).		
Agent	KR Planning		
On behalf of	IRC		
Registered Number	15/10588/CLEUD	Date amended/ completed	29 November 2015
Date Application Received	13 November 2015		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Issue Certificate.

2. SUMMARY

The application seeks a Certificate of Lawful Existing Use or Development for the use of the ground and basement floors of The Chippenham Public House as a Class A1 retail shop ('Good For All'). The application has been submitted following planning enforcement investigation. The site is located on the eastern side of Shirland Road within the Shirland Road/ Chippenham Road Local Centre. The building is not listed and does not lie within a conservation area.

The upper floors of the building are in use as a hotel. At the time of the application site visit in January 2016 part of the ground floor was in use as a retail trading area, with the former bar area in use as the till point. Some of the public house fixtures and fittings were still in place and lightweight stud partition walls and display units and shelves had been installed. An earlier visit made by the Planning Enforcement Officer identified that the basement contain 'stock' in boxes, but also still contained chairs, pint glasses and redundant barrels related to the use of the premises as a public house.

To demonstrate that the ground and basement floors are lawfully in use as a Class A1 retail shop, the applicant is seeking to evidence that the change of use from a public house (Class A4) to a retail shop (Class A1) took place in January 2015. At that time, changes of use from Class A4 to Class A1 were 'permitted development' under Schedule 2, Part 3, Class A of the Town and Country Planning (General

Permitted Development) Order 1995 (as amended) ('the 1995 GPDO'). The Government significantly amended permitted development rights and on 6 April 2015, the 1995 GPDO was replaced by the Town and Country Planning (General Permitted Development (England) Order 2015 ('the 2015 GPDO'). The 2015 GPDO introduced a 'prior approval procedure', which requires applicants to apply to the Council for the prior approval of any change of use of a public house, or its demolition, to ascertain whether the premises has been nominated as an asset of community value.

In dealing with this certificate of lawfulness application, the City Council can only take into account whether on the balance of probabilities the retail shop use is lawful or not. There is no wider consideration as to whether the change of use complies with the City Council's adopted planning policies, nor can weight be attached to the eleven objections received to the loss of this community facility and service, unless the objectors are able to provide evidence which contradicts the applicant's case.

It should here be noted that an application seeking the designation of The Chippenham Public House as Asset of Community Value was made; however this application was subsequently withdrawn.

The evidence that the applicant has provided consists of:

- a) A site location plan;
- b) Lease plans of the ground and basement floor;
- c) Workers details and payslips, demonstrating that they have worked in the retail shop since 5 February 2015;
- d) Correspondence from the Valuation Office Agency regarding proposed new business rates for the retail shop;
- e) Formal Notice of Rates dated 15 July 2015 which refers to the hotel above being classed as separate property to the retail unit;
- f) Photographs;
- g) Till receipts from 1 February 2015 through to 31 July 2015;
- h) Stock transfer documents from 29 January 2015 through to 6 July 2015;
- i) Statutory Declaration dated 10 June 2015 from S Pines of S&S Quality Building Contractors confirming that the building works to convert the ground floor took place between 27 December 2014 and 5 January 2015;
- j) Statutory Declaration dated 7 July 2015 from Chaim Shine of Good for All stating that they took the lease of the ground and basement floor on the 5 January 2015.

Whilst it is acknowledged that the basement floor is not being used for retail sales, it does appear that it is being used to store retail stock in connection with the retail trading area that has been formed at ground floor level. The ground and basement floors are linked by stairs and it is not considered that the basement could operate as a separate independent planning unit, given that the retail shop is occupying this area and utilises the 'linking staircase'.

In terms of the commencement of the use, the applicant has provided a range of evidence demonstrating that the retail shop commenced trading in advance of 6 April 2015. The City Council does not have any evidence to contradict the evidence submitted by the applicant in this respect and no contrary evidence has been provided by objectors or other third parties; indeed one of the responses received confirms that the public house use ceased in 'late 2014'.

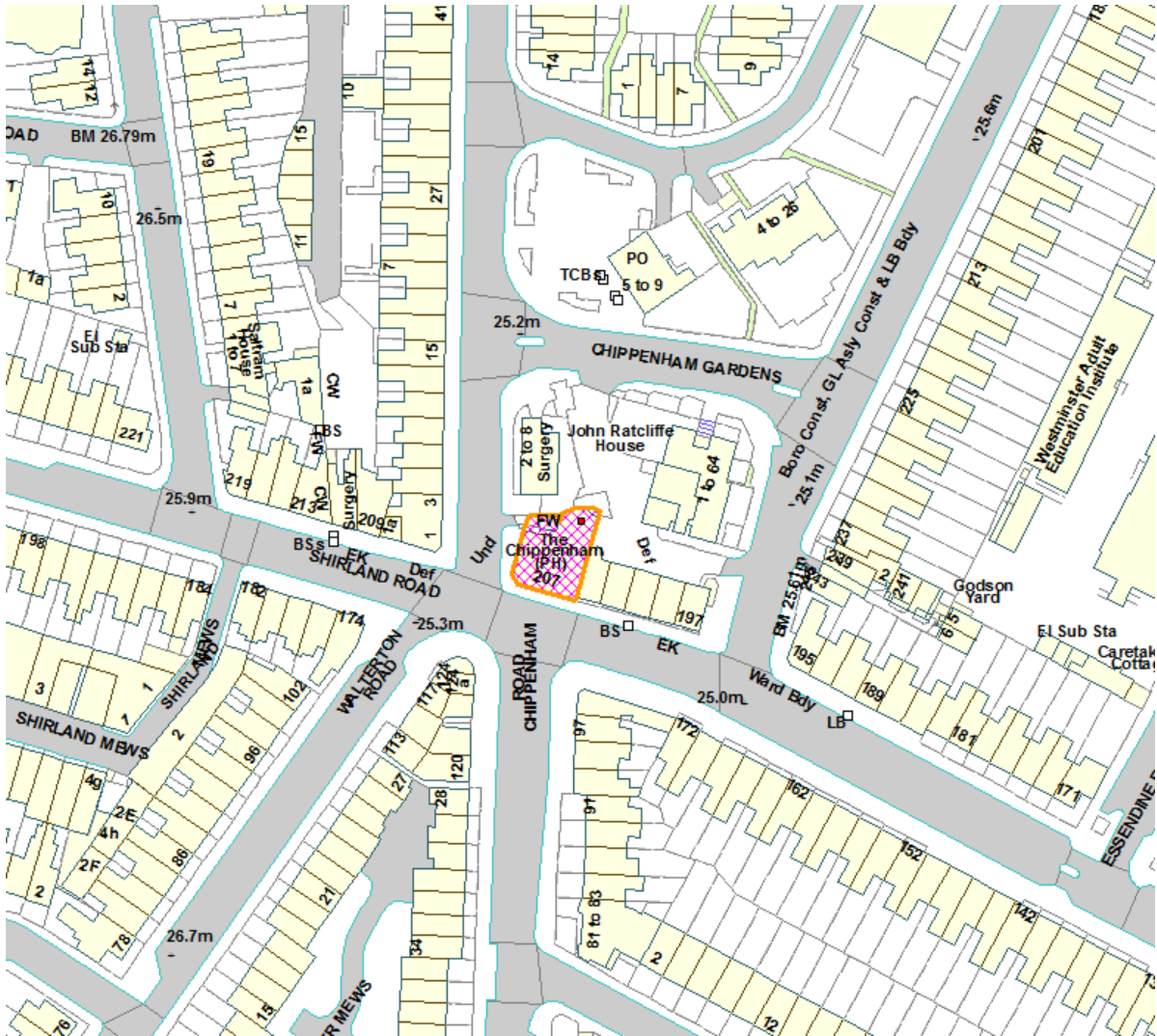
As such, the evidence submitted demonstrates that on the balance of probability, the use of the ground and basement floors is as a retail shop use falling within Class A1 and that this use commenced in January 2015 and has remained in operation since that date. On this basis, it is therefore

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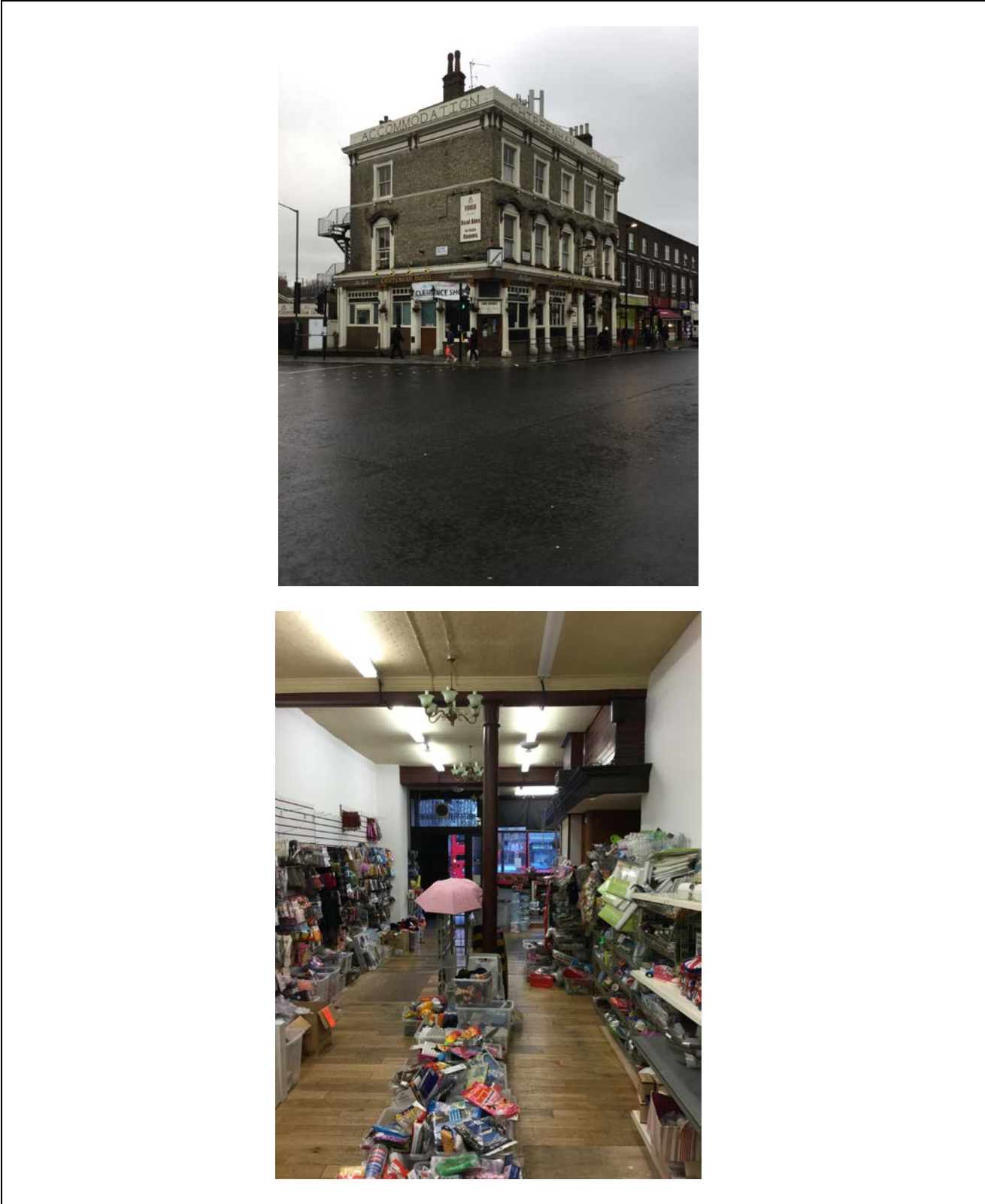
recommended that a Certificate of Existing Lawful Use or Development is issued.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR ROCA

Objection on the grounds that (i) the property is not in use as a retail unit, and the operations taking place from the property could not be considered a retail unit; (ii) the property does not have a 'retail name'; (iii) little signs of any customers; queries regarding the land use of the hotel on the upper floor above; (iv) and that the loss of the public house would be harmful to the local community.

COUNCILLOR MCKIE

The Chippenham Pub has been a significant part of the cultural activity of the area for over 100 years. The recent activity by the new owners has caused concern to many residents. The closure of the pub area and the claim by the owner that this is now a shop is totally misleading. The shop has erratic opening hours, is often not open, and goods are stored in a manner that looks temporary. We believe that the application is a ruse to establish another trading activity there. The vigilance of the local community ensured that the Prince of Wales pub did not become a betting shop. Sadly the eyesore that was Costcutters has been replaced by another grocer's shop of which there are plenty in that area. Under the core planning regulations The Chippenham is part of the North Westminster Economic Development area. We need to ensure that these regulations have a positive impact on the community.

COUNCILLOR BUSH

Requests that the application is heard at Committee.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

LONDON BOROUGH OF BRENT

No objection.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 61.

Total No. of replies: 10.

No. of objections: 10.

No. in support: 0.

Ten letters of objection, on behalf of nine properties have been received on the grounds that the loss of the public house will be harmful to the local community.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND PAPERS

1. Application form.
2. Email from Councillor Bush dated 21 January 2016.
3. Email from Councillor McKie dated 21 January 2016.

4. Letters (x2) from Councillor Roca dated 7 January 2016 and 19 January 2016.
5. Letter from London Borough of Brent dated 24 December 2016.
6. Letter from occupier of 168, Shirland Road, dated 4 January 2016.
7. Letter from occupier of 31 Malvern Mews, London, dated 4 January 2016.
8. Letters from occupiers of 30 Shirland Mews, London, dated 4 January 2016.
9. Letter from occupier of 44 Ashworth Mansions, London, dated 4 January 2016.
10. Letter from occupier of 46 Saltram Crescent, London, dated 5 January 2016.
11. Letter from occupier of 56 Marylands Road, London, dated 6 January 2016.
12. Letter from occupier of 35 Hormead Road, Maida Hill, dated 6 January 2016.
13. Letter from occupier of 8A Grittleton Road, London, dated 7 January 2016.
14. Letter from occupier of 115 Malvern Road, London, dated 9 January 2016.

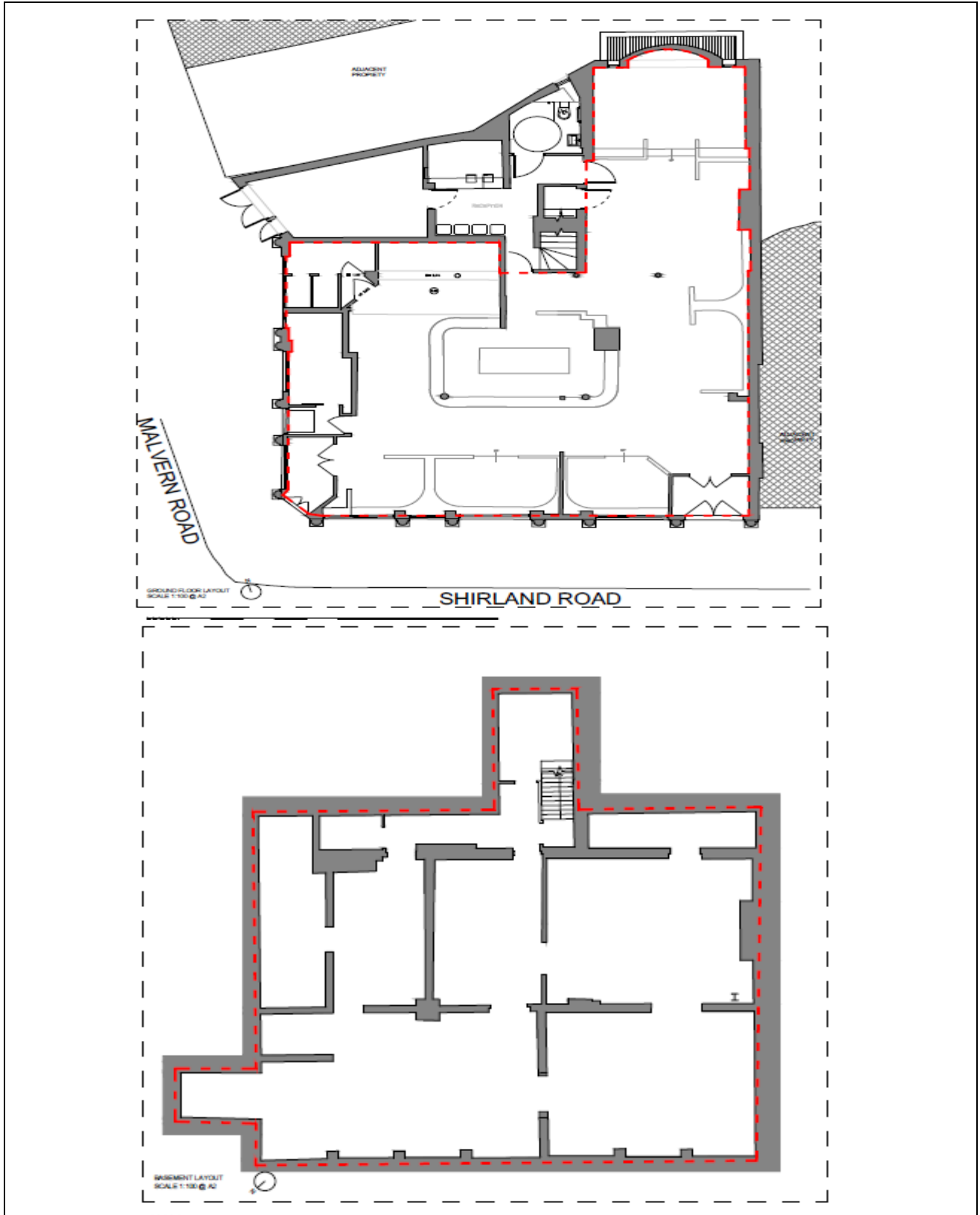
Selected relevant drawings

Existing ground and basement floorplans.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON
020 7641 5939 OR BY EMAIL AT kdavies1@westminster.gov.uk

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 207 Shirland Road, London, W9 2EX,

Proposal: Use of the ground and basement floors as a retail unit Class (A1).

Reference: 15/10588/CLEUD

Plan Nos: Covering Letter dated 13 November 2015; OS plan; Lease plans of the ground and basement floor; Workers details and payslips from 5 February 2015; Correspondence from the Valuation Office Agency Formal Notice of Rates dated 15 July 2015; 3 x Photographs; Till receipts from 1 February 2015 through to 31 July 2015; Stock transfer documents from 29 January 2015 through to 6 July 2015; Statutory Declaration dated 10 June 2015 from S Pines of S&S Quality Building Contractors; Statutory Declaration dated 7 July 2015 from Chaim Shine of Good for All.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s):

Reason:

On the balance of probability, the ground and basement floors were in use as a Class A1 retail shop prior to the 6 April 2015 and the use of these parts of the building as a Class A1 retail shop is therefore lawful.

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 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 9 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	12 Garway Road, London, W2 4NH,		
Proposal	Excavation of basement extension under house and part of front and rear gardens, demolition and rebuilding of rear glazed conservatory at lower ground floor, enlargement of front lightwell with new glazed floor and clerestory windows, removal of tree to rear and internal alterations.		
Agent	Savills		
On behalf of	Mr & Mrs Marco Arosio		
Registered Number	15/09360/FULL & 15/09361/LBC	Date amended/ completed	7 October 2015
Date Application Received	7 October 2015		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

Had appeals not been lodged on the grounds of non-determination, does the Committee agree that planning permission and listed building consent would have been refused on grounds of detailed design of front lightwell.

2. SUMMARY

The application site forms one half of a grade II listed 1830's villa located within the Bayswater Conservation Area. An appeal against non-determination has been submitted in respect of this application, which seeks planning permission and listed building consent for the excavation of a basement extension under house and part of front and rear gardens, demolition and rebuilding of the rear glazed conservatory at lower ground floor, enlargement of the front lightwell with new glazed floor and clerestory windows and removal of a tree to the rear.

An appeal in respect of a previous scheme for a basement extension below this building with a larger rear lightwell and with new French doors to the front elevation at lower ground floor level was dismissed on 22 September 2015. A copy of this appeal decision and relevant drawings are provided in the background papers.

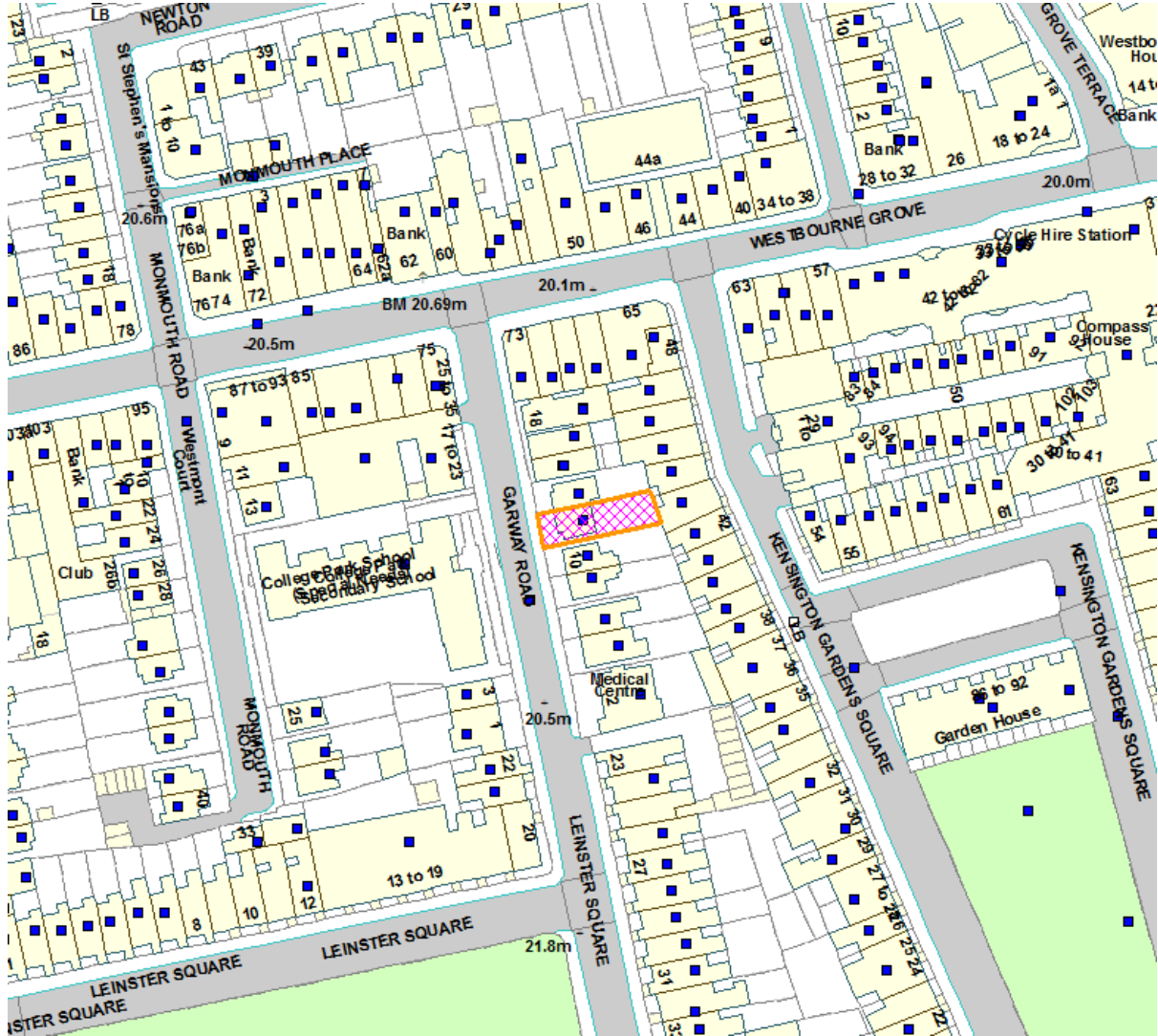
Also of note is that an application for the excavation of a basement extension below No.14 Garway Road (the other half of this semi-detached villa pair) is also on this Committee agenda at Item 3.

The key considerations in this case are:

- The impact of the proposed internal and external alterations on the special interest of the building and the setting of the listed paired villa.
- The impact of the proposed external alterations on the character and appearance of the Bayswater Conservation Area.
- The impact of the basement excavation on the structural condition of the house and its neighbour No.14.
- The impact of the excavation on trees on the site and adjacent to it.
- The impact on the amenity of neighbouring residents.

Whilst the current scheme addresses the concerns raised in respect of the appeal scheme in terms of the size of the front lightwell and the fenestration to the front elevation at lower ground floor level, the large rooflights and grille within the front lightwell harm the special interest of the listed building and the character and appearance of the Bayswater Conservation Area. This would be contrary to the relevant design and conservation policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). For this reason it is recommended had appeals against non-determination not been lodged, conditional planning permission and conditional listed building consent would have been refused.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Top: Front elevation (No.12 on right). Bottom: Existing front lightwell.



5. CONSULTATIONS

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

BAYSWATER RESIDENT'S ASSOCIATION

The proposed basement extension appears to meet WCC basement policy guidelines and the other works seem reasonable. We have concerns over construction and traffic management plans as Garway Road is a narrow street and a bus route and parking of large vehicles during course of construction will cause congestion and delays to the No.70 bus route. Length of time vehicles can be parked outside the site should be heavily restricted. Also there will be some loss of resident's parking spaces, which must be kept to a minimum.

ABORICULTURAL MANAGER

All of the trees are proposed for retention, with the exception of the bay tree, T1. The bay tree is attractive and in good condition and makes a positive contribution to the character and appearance of the conservation area. It provides valuable screening and is considered to merit retention. Note though that the previous appeal decision allowed the removal of this tree and on that basis it is understood that its loss cannot reasonably be resisted. Tree protection measures required to protect other retained trees.

BUILDING CONTROL

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Objection. There is a remote room with no protected route, layout unacceptable in terms of fire safety, bedroom in basement is acceptable if used as part of whole building, otherwise not acceptable in term of natural light and ventilation.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32.

Total No. of replies: 7 from 3 respondents.

No. in support: 2 emails supporting the removal of the tree from the rear garden.

No. of objections: 3 emails/ letters raising objection on all or some of the following grounds:

- Scheme fails to accord with emerging basement policy.
- Flood risk.
- Adverse structural impact.
- Loss of tree.
- Adverse impact on listed building.
- Loss of privacy as a result of tree removal.
- Noise disturbance.
- Noise and disturbance from construction works.
- Inadequate structural information.

- Increased flood risk.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a grade II listed, early 1830's semi-detached single bay house with side flanking wing. This attractive brick with stucco detailing house comprises lower ground, ground and two upper floors, below a shallow pitched roof. The building is in use as a single dwellinghouse.

The house is broadly symmetrical to No.14 and together they form a typical Regency villa composition. These remaining examples of the earlier forms of development within Bayswater, positively contribute to the architectural and historical character and appearance of the area.

6.2 Recent Relevant History

22 September 2015 – Non-determination appeals in respect of planning and listed building consent applications for “Excavation of basement extension, demolition and rebuilding of single storey rear extension, removal and replacement of front garden boundary wall and railings” were dismissed on design and listed building grounds (see appeal decision in background papers) (14/11717/FULL and 14/11718/LBC).

22 September 2015 – Non-determination appeals in respect of planning and listed building consent applications for: “Installation of five rooflights to main roof, one rooflight to flat roof, one window to side elevation at lower ground floor level, removal of window in side elevation at second floor level, erection of front porch and front boundary treatment and associated internal alterations” were part dismissed/ part allowed (14/11841/FULL and 14/11842/LBC).

7. THE PROPOSAL

Permission is sought for the excavation of a basement beneath the existing building and part of the front and rear gardens, demolition and rebuilding of the rear glazed conservatory at lower ground floor, enlargement of the front lightwell with a new glazed floor and clerestory windows, removal of a tree to rear and internal works.

Previous proposals for excavation of a basement floor were subject to appeal in 2015 and were dismissed in September 2015 (see background papers). However, the Inspector acknowledged that the basement extension would extend 2.5m beyond the present rear conservatory and to occupy about two thirds of the front garden depth and saw no objection to this extent of basement excavation in principle, subject to the appropriate structural support for the front and rear walls of the listed building.

The Inspector expressed concerns with the width of the rear lightwell, commenting that it would create a ‘moat effect’, and the loss of the front window at lower ground floor level to

form a door. She also expressed reservation about how the front lightwell, which would be increased in depth (i.e. projection from the front elevation), would relate to the building with regard to the hard and soft landscaping to the front of the site.

Then, as now, there was no objection to the loss of the demolition and rebuilding of the glazed extension to the rear at lower ground floor level. The loss of the Bay tree in the rear garden was considered by the Inspector and she considered that its loss would not be harmful to the character or appearance of this part of the Bayswater Conservation Area.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwellinghouse accords with Policy H3 in the UDP and is acceptable in land use terms.

8.2 Townscape and Design

In design terms, the principle of a basement is acceptable, as established in the recent appeal decision, subject to the works preserving the special interest of the listed building and the character and appearance of the Bayswater Conservation Area.

To the rear the revised rear lightwell proposed in the current application overcomes the concerns previously expressed in respect of the larger rear lightwell that formed part of the recently dismissed appeal scheme.

With regard to the front lightwell, the Inspector noted that the shallow lightwell and window to the application property are more typical features of a building of this age than the non-original wider lightwell and French doors to No.14. The Inspector opined that whilst a larger lightwell to match the dimensions of the lightwell at No.14 may be acceptable in principle, the loss of the original window at lower ground floor level was not. The current scheme addresses the concern regarding the window by showing its retention; however, concerns remain that the Inspector's concerns in respect of the impact of the enlarged front lightwell on the special interest of the listed building have not been fully addressed. When concluding her opinions on the front lightwell the Inspector made the following statement on its potential to be considered favourably:

“Subject to appropriate detailing of hard and soft landscaping to the front garden area, a modest increase in the depth of the light-well would not necessarily appear incongruous or detract from the listed building’s setting, but that would not overcome the harm arising from loss of the existing window.”

The visual impact of the proposed front lightwell on the buildings setting remains a concern in the current application, as it has not been adequately mitigated by hard or soft landscaping in the submitted scheme. In addition the enlarged lightwell would differ in form the design to that No.14.

The proposed lightwell would project 1.35 metres into the front garden, as opposed to 0.9 metres at present. By increasing its depth (the projection into the garden), the proposed glazing and grille within it would be more prominent in the setting of the building. The use

of clear glazing spanning the depth of the lightwell would create a visually prominent feature with a shiny finish and that impact would be exacerbated by presence of the adjacent clerestory window within the retaining wall of the lightwell. A clerestory window projecting from the garden would be an alien and discordant element, distracting from the attractive front garden, which of course is a more typical setting of a suburban villa of the 1830's.

The size, type, finish and design of the lightwell materials are clearly part of the hard landscaping of the front of the application site and need to be respectful of the setting of the listed building and as inconspicuous as possible in their design. This is particularly the case if they are to be located on the public face of the listed building, where the divergence of design with the neighbouring building is be particularly apparent.

These features within the front lightwell will be visible from neighbouring buildings and will result in significant light being omitted from the base of the front lightwell after dark. This wash of light on the base of the front elevation would 'give away' the presence of the proposed basement floor level, which has little reference to the originally intended hierarchy of these relatively modest villa buildings.

In summary, whilst it is acknowledged that the applicant has successfully addressed most of the areas of concern identified by the Inspector in the recent appeal decision, the form, design and materials of the front lightwell remain a significant concern and, for the reasons set out in this section of the report, are contrary to Policies S25 and S28 of the City Plan, Policies DES 1, DES 5, DES 9 and DES 10 (A) in the UDP and the detailed guidance set out in the Supplementary Planning Document 'Basement Development in Westminster' (2015).

8.3 Residential Amenity

Given the subterranean location of the basement extension and as the rear extension proposed at lower ground floor level would replace an existing extension in the same location, the alterations and extensions proposed do not give rise to significant amenity concerns. As such, the scheme accords with Policy S29 in the City Plan and Policy ENV13 in the UDP.

Concern has been expressed by one neighbouring occupier that the loss of the Bay tree to the rear would result in additional overlooking and noise disturbance as the rear of the site would be less effectively screened compared to the existing situation. However, the loss of this tree has already been accepted by the previous appeal Inspector and as such, permission could not reasonably be withheld on the basis of the privacy/ noise attenuation screening that the retention of this tree would provide.

8.4 Transportation/Parking

The proposed development does not raise any significant transportation or parking considerations.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed development would not alter the existing means of access to this existing private dwellinghouse. Given the use of the building as a private dwelling, the retention of the existing stepped access is considered to be acceptable.

8.7 Other UDP/Westminster Policy Considerations

Whilst the Arboricultural Manager would prefer to see the Bay tree within the rear garden retained, in light of the appeal decision in which the Inspector concluded that the loss of the tree was acceptable, it is not considered that the loss of the tree as part of the current application can be considered to be objectionable. Had the scheme been recommended favourably, details of a replacement tree and details of tree protection measures for other retained trees during construction works would have been 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

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant these issues have been considered elsewhere in this report.

8.12 Other Issues

8.12.1 Structural Impact

Objectors refer to the emerging basement policy and question the compliance of the proposed basement extension with this policy. However, as per the Cabinet Member statement of October 2015, the emerging basement policy is only to be given weight when determining applications received on or after 1 November 2015. As this application was received on 7 October 2015, weight cannot therefore be given to this emerging policy in respect of the determination of this application.

The objection received from the owners of Nos.14a, 14b and 14c raises a significant concerns relating to the structural impact of the proposed basement extension, owing to war time bomb damage to No.14 and the potential impact of a basement in this location in terms of surface water flooding. As per the scheme considered at appeal in 2015, the scheme is accompanied by a Structural Method Statement. This document, which is a

revised version of that submitted with the previous appeal scheme, provides an overview of the structural methodology proposed for construction of the proposed basement. It is clear from the appendices of this document that the author, a suitably qualified structural engineer, was aware of the bomb damage previously caused to this and neighbouring buildings and the presence of surface water flooding in the immediate vicinity of the site. In this context, the objections raised on structural and flood risk grounds cannot be supported as grounds on which to withhold permission.

It is noted that during the course of the previous scheme that was the subject of the September 2015 appeal decision, Building Control confirmed that the previous iteration of the submitted Structural Method Statement was acceptable. Their updated comments in respect of the current application are awaited and will be reported verbally to the Committee. Furthermore, the appeal Inspector did not raise any concerns regarding the Structural Method Statement in her appeal decision of September 2015.

8.12.2 Construction Impact

The applicant has submitted a Construction Management Plan (CMP). The CMP outlines that the construction of the proposed basement would be carried out in accordance with industry best practice and had the application been recommended favourably, a condition would have been recommended to ensure that construction works are carried out in accordance with the submitted CMP.

8.12.3 Other Matters

Environmental Health have raised concerns regarding the presence of remote rooms within the basement, which would not have adequate fire protected means of escape. Had an appeal against non-determination not been made, this concern would have been raised with the applicant to allow the layout of the basement floor to be modified to address this concern. This is not though a ground on which planning permission or listed building consent could reasonably be withheld, rather it is a matter that is controlled under other legislation.

9. BACKGROUND PAPERS

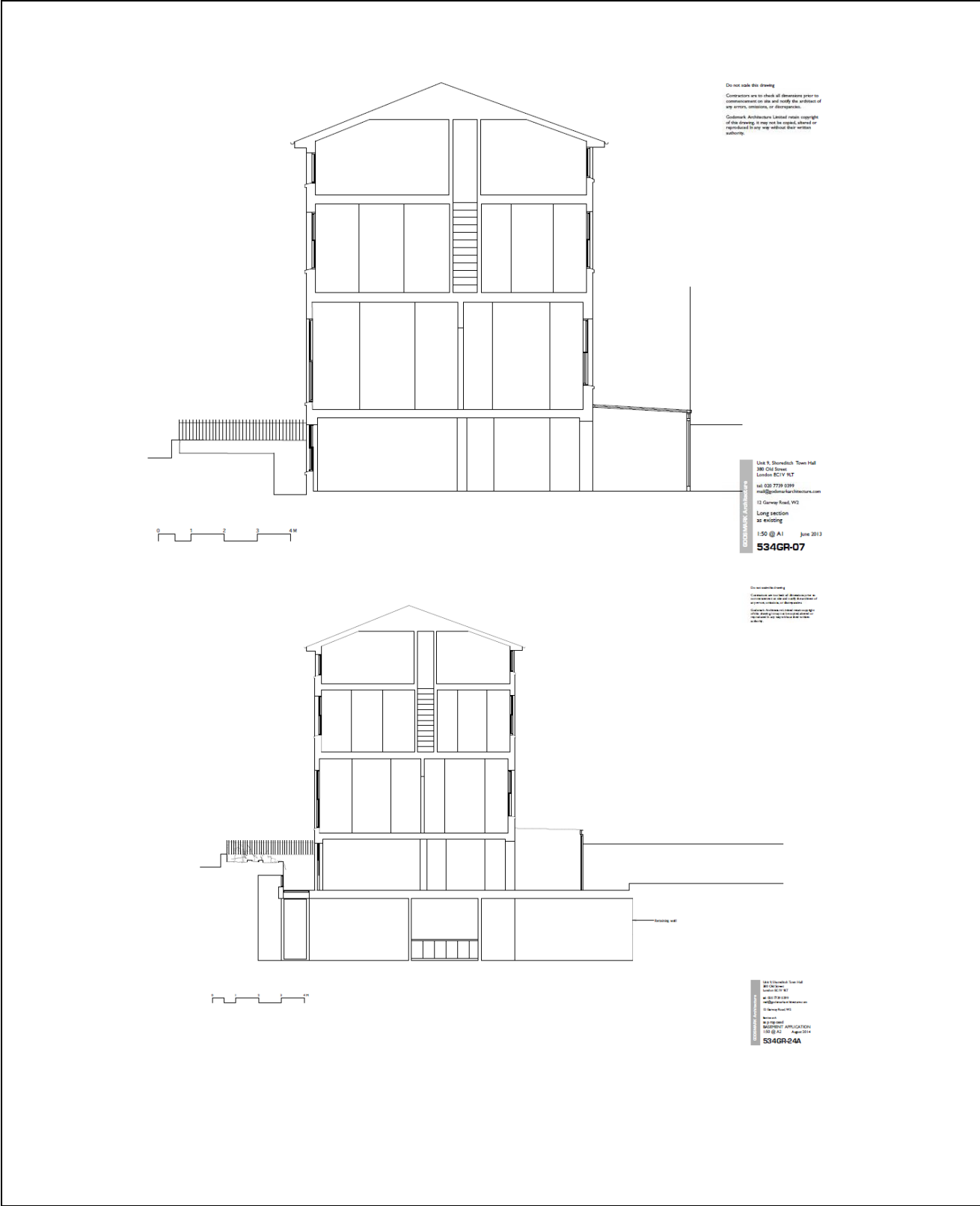
1. Application form.
2. Appeal decision dated 22 September 2015 and relevant drawings.
3. Email from the Bayswater Residents Association dated 20 October 2015.
4. Memo from Environmental Health dated 22 October 2015.
5. Memo from the Arboricultural Manager dated 29 October 2015.
6. Email from 14abc Garway Road Management Limited dated 3 November 2015.
7. Letter from the Freeholders of 14a, 14b and 14c Garway Road dated 11 November 2015.
8. Emails (x3) from occupier of 43 Kensington Gardens Square dated 4 November 2015 and 8 November 2015.
9. Email from the occupier of 14 Garway Road dated 12 November 2015 and 14 November 2015.

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 JOHN WILMAN ON 020 7641 5961 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk



PLANNING PERMISSION DRAFT DECISION LETTER

Address: 12 Garway Road, London, W2 4NH,

Proposal: Excavation of basement extension under house and part of front and rear gardens, demolition and rebuilding of rear glazed conservatory at lower ground floor, enlargement of front lightwell with new glazed floor and clerestory windows and removal of tree to rear.

Plan Nos: 534GR-01 (site location plan), -02B, -03, -06, -07, -11, -16A, -18, -20D, -21E, -22C, -24A, Design and Access Statement dated 2 October 2015, Arboricultural Report (Revised October 2015, Construction Management Plan (Rev A - October 2015), Listed Building Assessment dated October 2015 and Construction Method Statement (Rev.A - October 2015).

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

Recommended Reason(s) for Refusal:**Reason:**

Because of the form, design and materials of the front lightwell with clerestory windows, the basement excavation would harm the appearance and settings of these grade II listed buildings (No's.12 and 14). It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9 and DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. The works are also contrary to adopted and published guidance contained in our Supplementary Planning Document 'Basement Development in Westminster' (2015).

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 to the applicant by the case officer 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 are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. 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: Revising the design of front lightwell, omitting the clerestory and introducing a grille rather than glazing in the floor of the lightwell. It is recommended that consideration is also given to creating a positive symmetry with No. 14.

Please note: the full text for informative 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.

LISTED BUILDING CONSENT DRAFT DECISION LETTER

Address: 12 Garway Road, London, W2 4NH,

Proposal: Excavation of basement extension under house and part of front and rear gardens, demolition and rebuilding of rear glazed conservatory at lower ground floor, enlargement of front lightwell with new glazed floor and clerestory windows and internal alterations.

Plan Nos: 534GR-01 (site location plan), -02B, -03, -06, -07, -11, -16A, -18, -20D, -21E, -22C, -24A, Design and Access Statement dated 2 October 2015, Arboricultural Report (Revised October 2015, Construction Management Plan (Rev A - October 2015), Listed Building Assessment dated October 2015 and Construction Method Statement (Rev.A - October 2015).

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

Recommended Reason(s) for Refusal:

Reason:

Because of the form, design and materials of the front lightwell with clerestory windows, the basement excavation would harm the appearance and settings of these grade II listed buildings (No.12 and 14). The works would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17CB)

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 9 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	14 Garway Road, London, W2 4NH,		
Proposal	Excavation of a new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell and internal works including installation of three internal rooflights between basement and lower ground floor levels. Removal of tree from front garden.		
Agent	Manalo & White Architects		
On behalf of	Mr Helio Romero de Diego		
Registered Number	15/05881/FULL & 15/05882/LBC	Date amended/ completed	17 July 2015
Date Application Received	30 June 2015		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

Had appeals not been lodged on the grounds of non-determination, does the Committee agree that planning permission would have been refused on grounds of detailed design of front lightwell, insufficient planting depth and loss of tree and the listed building consent would have been refused on grounds of harm to historic fabric and detailed design of front lightwell.

2. SUMMARY

The application site forms one half of a grade II listed 1830's villa located within the Bayswater Conservation Area. An appeal against non-determination has been submitted in respect of this application, which seeks planning permission and listed building consent for the excavation of a new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell, internal works including installation of three internal rooflights between basement and lower ground floor levels and removal of the existing Mulberry tree in the front garden.

Planning and listed building consent applications for the excavation of a new basement floor below the neighbouring property at No.12 (the other half of this semi-detached villa pair) is also on this Committee agenda at Item 2.

The key considerations in this case are:

- The impact of the proposed internal and external alterations on the special interest of the building and the setting of the listed paired villa.
- The impact of the proposed external alterations on the character and appearance of the Bayswater Conservation Area.
- The impact of the basement excavation on the structural condition of the house and its neighbour No.12.
- The impact of the excavation on trees on the site and adjacent to it.
- The impact on the amenity of neighbouring residents.

Due to the extent of the excavation under the front garden the proposed basement would result in the loss of the existing Mulberry tree and provide limited scope for future planting within the front garden area. This would be to the detriment of the setting of the listed building and would harm the character and appearance of the Bayswater Conservation Area. Also of significant concern is the detailed design of the front lightwell, with the introduction of overtly modern features in the form of rooflights and clerestory windows. These external alterations and the large internal rooflights proposed in the floor structure between the existing lower ground floor and new basement would significantly harm the special interest of the listed building and the external works would harm the character and appearance of the conservation area. For these reasons the proposed scheme would fail to accord with the relevant design and conservation and trees and landscaping policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation.

5. CONSULTATIONS

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally

ARBORICULTURAL MANAGER

Objection, the arboricultural report does not outline measures to effectively protect trees during works. The extent of the basement would result in the unacceptable loss of the Mulberry tree in the front garden which is not identified in the submitted arboricultural report.

BUILDING CONTROL

No objection. Structural method statement is considered to be appropriate for the particular circumstances of this site.

ENVIRONMENT AGENCY

No comment.

HIGHWAYS PLANNING MANAGER

Acceptable in transportation terms.

ENVIRONMENTAL HEALTH

No objection, subject to the rooms being used as part of the single family dwelling and not as staff accommodation, as this would fall under the 2004 housing act and be unacceptable due to lack of natural light and outlook.

THAMES WATER

No objection. General advice provided.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 55.

Total No. of replies: 5.

No. in support: 1.

No. of objections: 2 emails/ letters received raising objection on all or some of the following grounds:

- Adverse impact on Bay tree at No.12 as a result of proposed excavation will cause tree to die.
- Bay tree at No.12 provides privacy for neighbours to the rear.
- Concern that excavation could have an adverse impact on Lime tree in garden of application site.
- Noise and disturbance from construction works.
- Structural impact on neighbouring properties.
- Adverse impact on listed building amounting to overdevelopment.
- Inadequate structural information.
- Increased flood risk.

- Concern that right of access across part of application site for occupiers of No.14A, B and C will be blocked during construction works.

ADVERTISEMENT / SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a grade II listed, early 1830's semi-detached single bay house with side flanking wing. This attractive brick with stucco detailing house comprises lower ground, ground and two upper floors, below a shallow pitched roof. The building is in use as single dwellinghouse.

The house is broadly symmetrical to No.12 and together they form a typical Regency villa composition. These remaining examples of the earlier forms of development within Bayswater, positively contribute to the architectural and historical character and appearance of the area.

6.2 Recent Relevant History

22 June 2004 – Permission and listed building consent granted for removal of existing dormer windows and rear conservatory and erection of new conservatory to rear and works to alter existing internal layout (04/03270/FULL and 04/02383/LBC).

29 September 2009 – Permission and listed building consent granted for alterations during the course of construction to a scheme granted planning permission 22 June 2004 (RN: 04/03270) for removal of existing dormer windows and rear conservatory and erection of new conservatory to rear and works to alter existing internal layout; namely, revised design of alterations and extensions (09/05941/FULL and 09/05942/LBC).

1 July 2010 – Listed building consent granted for replacement of existing rear casement windows with new single glazed timber sash windows (10/03309/LBC).

5 October 2010 – Permission and listed building consent granted for infill of window opening on side (north) elevation at lower ground floor level and formation of new window opening on side (north) elevation at lower ground floor level (09/08439/FULL and 09/08440/LBC).

18 August 2011 – Permission and listed building consent granted for installation of new security gate, retention of drainage pipework, lights to front basement lightwell elevation and alterations to the levels of the flower bed in the front garden (11/01782/FULL and 11/01783/LBC).

26 November 2012 – Permission and listed building consent granted for installation of recessed letter box and call point to existing brickwork pier; removal of flower bed in front garden and installation of new gate to side boundary entrance. Installation of storage cupboard below front flower beds within front lightwell (12/08641/FULL and 12/08642/LBC).

22 October 2013 – Tree works application to fell the TPO Lime tree within the rear garden was refused. A subsequent appeal against this decision was dismissed at appeal on 31 March 2014 (13/09556/TPO).

7. THE PROPOSAL

Planning permission and listed building consent are sought for the excavation of a new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell. Internal works are proposed in connection with the new basement, including installation of three internal rooflights between basement and lower ground floor levels. To the front garden it is proposed to remove the existing Mulberry tree.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwellinghouse accords with Policy H3 in the UDP and is acceptable in land use terms.

8.2 Townscape and Design

The principle of a basement extension to this building could be acceptable in design terms, subject to its impact it has on the listed building with regard to expression of its external manifestations and the impact on its internal character.

In terms of the impact of the proposed basement on the interior of the listed building, the large glazed panels proposed in the lower ground floor level floor structure to provide borrowed light to the basement below are of significant concern. A glazed floor panel 2.6 metres wide in front of the front basement window and a 2.3 metre wide glazed panel in front of the chimney breast, with its historic cast iron range, in the rear room would be atypical insertions of an overtly modern character, into what should be a lower key subsidiary area of the building. The panels would contrast with original architectural features of the front window and the cast iron range and indicate in a permanent manner that the hierarchy of the building had been disrupted with an additional basement floor.

Other internal works proposed are considered to be acceptable in listed building terms and the extension of the current basement stair down to new basement level is acceptable, subject to the fabric of the present stair being preserved.

Externally the manifestation of the basement floor would be limited to alterations to the existing lower ground floor front lightwell, with the introduction of two rooflights and clerestory windows. Both of these alterations in a prominent position to the front of a listed building are of concerns in design terms. The rooflights, although limited in size and set within paving, would appear as alien modern additions to the building. Similarly the clerestory windows to the lightwell would be atypical architectural feature for a building of this period and would be visible when looking out of the front basement window and from the overlooking and adjoining properties. Both the lightwells and the rooflights would contribute to a wash of light to the base of the front elevation thereby 'giving away' the presence of the proposed basement floor level, which has little

reference to the originally intended hierarchy of these relatively modest villa buildings. Therefore, whilst it is considered that there is scope for alteration to the front lightwell to provide light to basement level; it should be achieved in a more traditional manner than is currently proposed.

In summary, the form, design and materials of the front lightwell are of significant concern and, for the reasons set out in this section of the report, are contrary to Policies S25 and S28 of the City Plan, Policies DES 1, DES 5, DES 9 and DES 10 (A) in the UDP and the detailed guidance set out in the Supplementary Planning Document 'Basement Development in Westminster' (2015), which requires external manifestations to basement development to be discreetly sited, particularly on listed buildings.

8.3 Residential Amenity

Given the subterranean location of the basement extension the alterations and extensions proposed do not give rise to significant amenity concerns. As such, the scheme accords with Policy S29 in the City Plan and Policy ENV13 in the UDP.

Concern has been expressed by one neighbouring occupier that the loss of the Bay tree to the rear of No.12 Garway Road and the Lime tree within the application site would be lost as a result of damage caused by construction of the proposed basement and that this would result in a loss of privacy and increased noise disturbance for neighbours to the rear of the site. However, the Arboricultural Manager is content that the Lime tree would not be harmed by the proposed basement and an Inspector has previously accepted the loss of the Bay tree at No.12 in connection with the provision of a basement under that neighbouring property (see Item 2 on this agenda). In this context, it is not considered that permission could not reasonably be withheld on the basis of the privacy/ noise attenuation screening that the retention of these tree would provide.

8.4 Transportation/ Parking

The proposed development does not raise any significant transportation or parking considerations.

8.5 Economic Considerations

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

8.6 Access

The proposed development would not alter the existing means of access to this existing private dwellinghouse. Given the use of the building as a private dwelling, the retention of the existing stepped access is considered to be acceptable.

8.7 Other UDP/ Westminster Policy Considerations

The Arboricultural Manager objects to the loss of the Mulberry tree in the front garden and the lack of replacement soil depth within the garden area that would be of sufficient depth to support future mature planting along the front boundary of the site. The Mulberry tree is considered to be an attractive tree that makes a positive contribution to the character and

appearance of the Bayswater Conservation Area. The loss of the tree and the inability for it to be adequately replaced within the front garden (even if its loss was accepted) as part of a replacement landscaping scheme would be contrary to Policies ENV16, ENV17 and DES9 in the UDP and Policy S25 in the City Plan. It would also be contrary to the guidance within the 'Basement Development in Westminster' Supplementary Planning Document (2014), which sets out that existing trees of visual amenity value and requires 1.2 metre of soil depth (including drainage layer) over the basement structure where it extends below garden areas.

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 proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant these issues have been considered elsewhere in this report.

8.12 Other Issues

8.12.1 Structural Impact

As per the Cabinet Member statement of October 2015, the emerging basement policy is only to be given weight when determining applications received on or after 1 November 2015. As this application was received on 30 June 2015, weight cannot therefore be given to this emerging policy in respect of the determination of this application.

The objection received from the owners of Nos.14a, 14b and 14c raises a significant concerns relating to the structural impact of the proposed basement extension, owing to war time bomb damage to No.14 and the potential impact of a basement in this location in terms of surface water flooding. The application is accompanied by a detailed Construction Method Statement by Lyons O'Neill Structural Engineers. The appendices to this document identify that the author was aware of the bomb damage previously caused to this property and the presence of surface water flooding in the immediate vicinity of the site (although it is acknowledged that the indicative marker to indicate the location of the site on the surface water flooding map is to the north of the site). Furthermore, this document has been reviewed by Building Control officers and they advise that the method statement is acceptable. They concur that the likely impact in terms of local flooding and the water table are likely to be negligible. In this context, the objections raised on structural and flood risk grounds cannot be supported as grounds on which to withhold permission.

8.12.2 Construction Impact

The applicant has submitted a Construction Management Plan (CMP). The CMP outlines that the construction of the proposed basement would be carried out in accordance with industry best practice and as such, it is considered that the impact of construction works themselves would be controlled such that noise and general disturbance would be minimised. The owners of Nos.14A, 14B and 14C Garway Road have raised specific concern with regard to the impact that the construction works would have on their right of access across part of the application site to access their bin stores. Whilst this is primarily a private matter between the land owner and those with a right of access, it is nevertheless considered to be appropriate that the CMP reflects this right of access and identified how this is to be managed during construction works. As such, had the application been recommended favourably and an appeal against non-determination not been submitted, a condition would have been recommended requiring the submission of an updated CMP that addresses how this right of access for neighbouring occupiers is to be managed during construction works.

9. BACKGROUND PAPERS

1. Application form.
2. Email from the Environment Agency dated 21 July 2015.
3. Email from Thames Water dated 22 July 2015.
4. Memo from the Highways Planning Manager dated 28 July 2015.
5. Memo from the Arboricultural Manager dated 7 August 2015.
6. Memo from Environmental Health dated 16 September 2015.
7. Email from Building Control dated 28 January 2016.
8. Email from the occupier of Ground Floor Flat, 43 Kensington Gardens Square dated 28 July 2015.
9. Letter from the freeholders of 14A, 14B and 14C Garway Road dated 4 August 2015.
10. Email from the occupier of 12 Garway Road dated 25 December 2015.

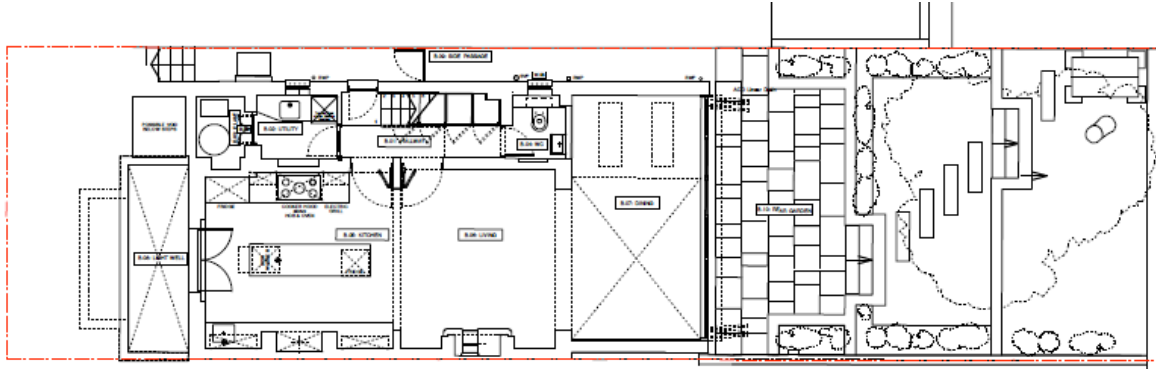
Selected relevant drawings

Existing and proposed, plans, elevations and sections.

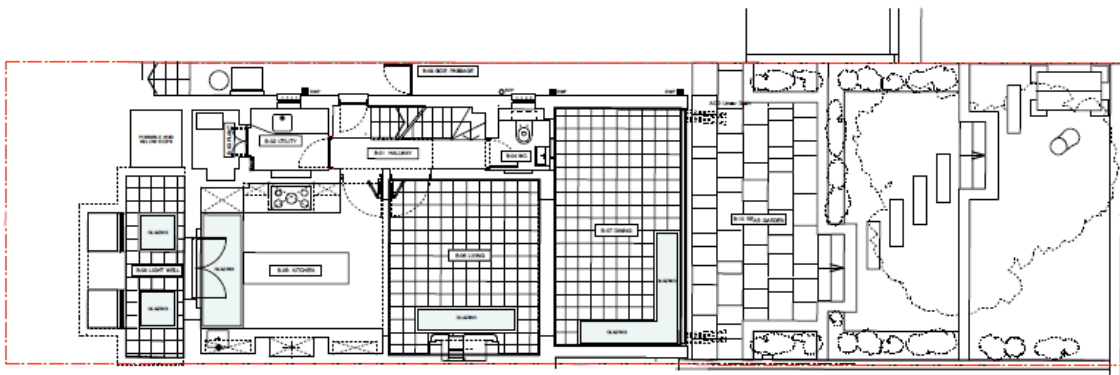
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JOHN WILMAN ON 020 7641 5961 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

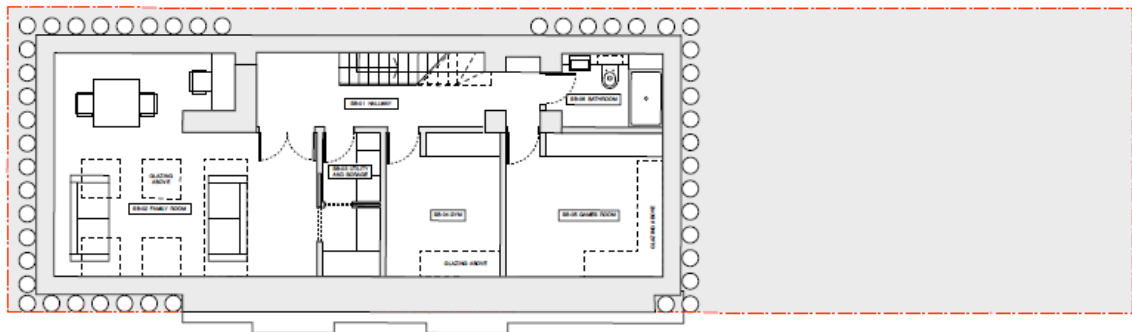
10. KEY DRAWINGS



Existing Lower Ground Floor



Proposed Lower Ground Floor



Proposed Basement Floor



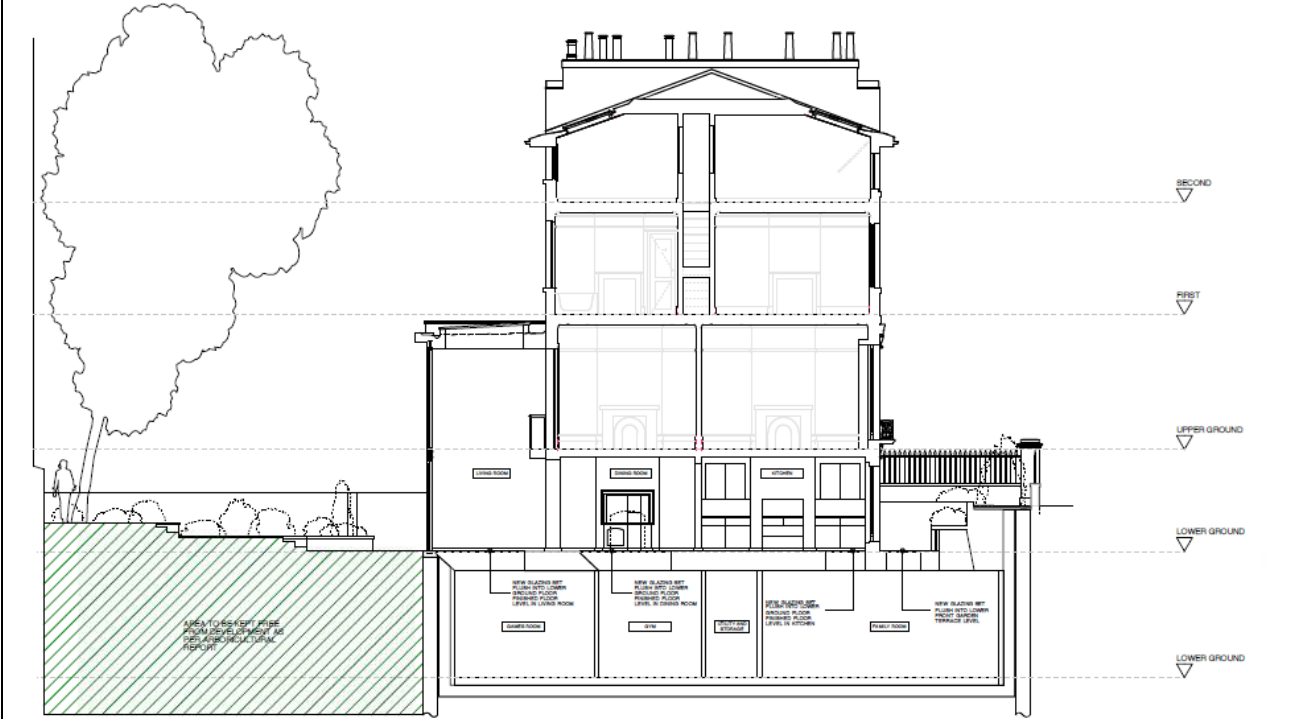
Existing Front and Rear Elevations



Proposed Front and Rear Elevations



Existing Section AA



Proposed Section AA

PLANNING PERMISSION DRAFT DECISION LETTER

Address: 14 Garway Road, London, W2 4NH,

Proposal: Excavation of a new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell and removal of tree from front garden.

Plan Nos: 883/01/0100 P1, 825/01/0200 P1, /0202 P1, /0210 P1, /0211 P1, /0212 P1, /0301 P1, /0302 P1, /0303 P1, /0304 P1, /0311 P1, /0312 P1, /0313 P1, /0314 P1, Tree Protection Plan 13062-BT1, Design and Access Statement and Historic Building Impact Assessment dated June 2015, Arboricultural Impact Appraisal and Method Statement dated 17 June 2015, Construction Management Plan dated June 2015 and Construction Method Statement dated June 2015.

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

Recommended Reason(s) for Refusal:**Reason:**

Because of the design, form and materials of the front lightwell with clerestory window, the proposed basement would harm the appearance and settings of these grade II listed building (No's 12 and 14). They would also fail to maintain or improve (preserve or enhance) the character, appearance and visual amenity of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9, DES 10 (A), and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17AC). The works are also contrary to adopted and published guidance contained in our Supplementary Planning Document 'Basement Development in Westminster' (2015).

Reason:

The loss of the Mulberry tree in the front garden and the inadequate soil depth proposed over the basement below the front garden area, which would not permit replacement mature planting to the front of the site, would harm the character and appearance of this part of the Bayswater Conservation Area. This would be contrary to S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 9 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 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.

Item No.
3

In addition further guidance was offered to the applicant by the case officer 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 are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. 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: Retain Mulberry tree, reduce the basement extent so as to not to extend beneath front garden, omit clerestory window and revise design of front light well, introducing a grille rather than glazing. It is recommended that consideration is given to creating a positive symmetry with No.12.

LISTED BUILDING CONSENT DRAFT DECISION LETTER

Address: 14 Garway Road, London, W2 4NH,

Proposal: Excavation of a new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell and internal works including installation of three internal rooflights between basement and lower ground floor levels.

Plan Nos: 883/01/0100 P1, 825/01/0200 P1, /0202 P1, /0210 P1, /0211 P1, /0212 P1, /0301 P1, /0302 P1, /0303 P1, /0304 P1, /0311 P1, /0312 P1, /0313 P1, /0314 P1, Tree Protection Plan 13062-BT1, Design and Access Statement and Historic Building Impact Assessment dated June 2015, Arboricultural Impact Appraisal and Method Statement dated 17 June 2015, Construction Management Plan dated June 2015 and Construction Method Statement dated June 2015.

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

Recommended Reason(s) for Refusal:**Reason:**

Because of the design, form and materials of the front lightwell with clerestory window, the proposed basement would harm the appearance and settings of these grade II listed building (No's 12 and 14). They would also fail to maintain or improve (preserve or enhance) the character, appearance and visual amenity of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17CB)

Reason:

Because of the location and extent of the glazed panels set into the floor of the front and rear rooms of the original building at lower ground floor level, the basement excavation would harm the internal character and integrity of this grade II listed building. This would be against the advice set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013, DES 1 of our Unitary Development Plan that we adopted in January 2007 and the advice set out policy HB 1, (paragraph 2.4) of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings' (1996). (X18AB)

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 9 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	230 Vauxhall Bridge Road, London, SW1V 1AU,		
Proposal	Use of the first, second, third, fourth and part fifth floor levels as 13 residential units (Class C3) and reconfiguration of three existing residential units at fifth and sixth floor level. Use of basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial or professional services (Class A2). Extension of the existing plant room and stair core at sixth floor level fronting King's Scholars' Passage, new entrances and alterations to fenestration.		
Agent	Mr Teddy Laurence		
On behalf of	Dr Khalid Bin Thani Al Thani		
Registered Number	15/07260/FULL	Date amended/ completed	7 August 2015
Date Application Received	7 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	-		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>a) A financial contribution of £683,060 (index linked and payable on commencement of development) towards the Council's affordable housing fund;</p> <p>b) The costs of monitoring the S106 legal agreement.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Planning is authorised to determine the application and</p>
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agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

230 Vauxhall Bridge Road is a seven storey building is use as offices at basement to fourth floor levels with three residential flats at fifth and sixth floor level.

Permission is sought for the use of the first to fourth and part fifth floor level as 13 residential units; reconfiguration of the three existing residential units; new entrance doors, alterations to fenestration and extension of the rooftop plant room.

The key issues in this case are:

- * The land use implications in terms of the loss of office accommodation and provision of residential floorspace.
- * The impact of the proposals upon the amenity of neighbouring residents.

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

4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

TRANSPORT FOR LONDON:

Vauxhall Bridge Road forms part of the Transport for London Road Network (TFRN). The footway and carriageway must not to be blocked during demolition and construction work. Welcome a car free development, however, recommend the provision of 1 disabled car parking space. Cycle parking should also be increased to meet the Further Alterations to the London Plan (FALP) (2015) for both long and short stay and for the proposed A2 or D1 unit. A Construction Logistics Plan (CLP) and Delivery and Service Plan (DSP) should be secured.

HIGHWAYS PLANNING:

Parking pressures in this area remain below the stress level. The introduction of increased levels of residential in this area without off street car parking or on-street parking restraint is likely to increase the stress levels. However, on the basis of the Council's data and car ownership levels, any additional on street car parking generated can be absorbed into the surrounding street network and is therefore consistent with policy TRANS23.

16 cycle parking spaces are proposed which is 5 short of that required by FALP and a further 3 spaces are required for the commercial use. It is recommended that adequate cycle parking be secured by condition.

CLEANSING:

Any comments to be reported verbally.

ENVIRONMENTAL HEALTH:

The means of escape is inadequate in relation to the sixth floor flat.

CRIME PREVENTION DESIGN OFFICER:

Any comments to be reported verbally.

BUILDING CONTROL:

Any comments to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63

Total No. of replies: 11

No. of objections: 11

No. in support: 0

11 Objections received from surrounding residents including letters on behalf of Morpeth Mansions Residents Association, Carlisle Mansions East, Cardinal Mansions and Cathedral Area Residents Group.

Land use

- No need for more housing.

Amenity

- noise from extended plant room.

Highways

- increased pressure on existing on street parking which is already heavily oversubscribed.
- new residents should not be allowed to apply for RESPARK.

Other Considerations

- Inadequate consultation of application proposals.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

230 Vauxhall Bridge Road is a seven storey building is use as offices at basement to fourth floor levels, with three flats at fifth and sixth floor level. It is a corner building with frontages to Vauxhall Bridge Road, King's Scholars' Passage and Francis Street. It is not listed and it is not within a conservation area, although The Westminster Cathedral Conservation Area is immediately adjacent. The building lies within the Core Central Activities Zone.

In 2014 permission was granted for the use of the building as nine flats and the basement and ground floor for either office (Class B1), non-residential institution (Class D1) or financial or professional service (Class A2). The 2014 permission has not been implemented to date.

6.2 Recent Relevant History13/11510/FULL

Use of the first, second, third and fourth floors as nine residential units (Class C3). Use of basement and ground floor as either office (Class B1), non-residential institution (Class D1) or financial or professional service (Class A2). Alterations to the external fenestration including the addition of Juliet balconies to the Vauxhall Bridge Road and Kings Scholar Passage elevations and balconies to the Francis Street elevation.

Application Permitted 27 February 2014

7. THE PROPOSAL

Planning permission is sought for the use of the first, second, third, fourth and part fifth floor levels as 13 residential units (4 x 1-bed, 4 x 2-bed and 5 x 3-bed)(Class C3) and the reconfiguration of three existing residential units at part fifth and sixth floor level. It is proposed to use the basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial or professional services (Class A2).

External alterations are proposed including two new entrance doors, with a new commercial entrance on Vauxhall Bridge Road and residential entrance on King's Scholars' Passage; and alterations to fenestration. An extension is proposed at sixth floor level fronting King's Scholars' Passage to extend an existing plant room and residential staircase with a new smoke extract at roof level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal will result in a reduction of 976sqm in office floorspace. Permission was granted for the conversion of this office floorspace into residential use in February 2014, which can still be implemented.

The current application was submitted prior to the application of the office protection approach which came into effect in September. When this application was validated the policy interpretation was such that the City Council did not seek to restrict loss of the office space. Although interpretation has recently changed (as of applications validated from 1st September 2015 onwards), given the validation date the proposed change of use is considered acceptable in land use terms, in line with the National Planning Policy Framework (NPPF) and Policy S47 of the City Plan which seeks to secure development that improves the economic, social and environmental conditions in the City.

Residential use

Policy S14 of Westminster's City Plan: Strategic Policies and H3 of the UDP seek to maximise the amount of land or buildings in residential use. Policy H3 states that inside the CAZ, proposals to convert buildings in office use into permanent housing will be generally acceptable. Policy H5 of the UDP seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments, with 33% of units to be family sized.

The introduction of residential use on the site is acceptable in principle. The applicant proposes 13 new residential units of which 5 are family sized (38%) which exceeds the Council's policy of 33%.

The proposed flats meet the minimum space standards as set out in the Technical Housing Standards – nationally described space standard (March 2015). A dedicated residential entrance located on the King's Scholars Passage elevation will remain, albeit relocated, to provide separate access to the residential units.

An acoustic report has been submitted with the application which demonstrates that the proposed residential use will meet the City Council's standard noise conditions in relation to internal noise standards.

Affordable housing

Policy S16 of Westminster's City Plan: Strategic Policies (2013) requires the provision of affordable housing if the proposed residential use provides 10 or more residential units, or provides over 1000m² of new residential floorspace. The quantum of affordable housing required in each case is set out in the Council's Affordable Housing Interim Guidance Note. In this case the additional 1245sqm (GEA) of residential floorspace proposed would require the provision of 2 units on-site affordable housing or a payment in lieu towards the Council's affordable housing fund of £683,060.

Policy H4 of the UDP and Policy S16 of the City Plan require a sequential approach to affordable housing provision, with on-site provision being the expected form of delivery. However, where it can be demonstrated that this or off-site provision in the vicinity of the site cannot be achieved for legitimate reasons, a financial contribution to the Council's affordable housing fund may be considered as an acceptable form of affordable housing provision.

The applicant has stated that due to the physical constraints of the building it is not possible to provide these units on site and that they do not own any other properties within the vicinity of the site to provide the affordable housing units. The City Council's consultants, GL Hearn, have advised that the provision of affordable housing on site would not be feasible in this instance, as it would not be practical for a registered provider to take on two affordable housing units within the scheme from a management perspective. The applicant has agreed to offer the policy compliant payment of £683,060 and it is recommended that this will be secured by a S106 legal agreement.

Alternative use of the basement and ground floors

The basement and ground floor comprises an area of 327sqm and the applicant seeks to use this area as either office (Class B1), non-residential institution (Class D1) or financial and professional services (Class A2). The proposed alternative uses were previously approved under the 2014 permission.

Policy S34 (social and community infrastructure) and saved UDP Policy SOC 1 and SOC 5 generally welcomes the introduction of social and community uses including the provision of medical uses (Class D1). The applicant has not identified a named tenant for the proposed Class D1 use but has confirmed that it is likely to be either a dentist or doctor's surgery.

Policy S4 of Westminster's City Plan states that a mix of uses on all development sites including active frontages at ground floor level is likely to be acceptable where it does not compromise movement in and around the Victoria Transport Interchange. The applicant has stated that the proposed Class A2 use is likely to comprise of an estate agent's or a bank, but will not include a betting shop and a condition is recommended to exclude betting shops from the Class A2 use.

The entrance to the commercial unit will be on Vauxhall Bridge Road and it is not considered that the proposed uses would harm residential amenity or environmental quality.

8.2 Townscape and Design

The proposed external alterations to the Vauxhall Bridge Road elevation comprise altering a column of windows to increase the window heights, alterations to the existing entrance and formation of new entrance doors. A new residential entrance is also proposed to the King's Scholars' Passage elevation. New canopies are proposed to the two new ground floor entrances, however, these are not considered appropriate in design terms and an amending condition is recommended to remove the canopies from the scheme.

There is an existing internal mechanical plant room at sixth floor level. It is proposed to enlarge the plant room and insert louvres to the King's Scholars' Passage elevation, and extend the residential staircase up to sixth floor level. This will result in the staircase enclosure coming further forward externally on the King's Scholars' Passage elevation, but it will not extend beyond the party wall with the adjoining property at No. 232-242 Vauxhall Bridge Road. Given the modern appearance of the existing building and the location of the proposed works at sixth floor level, the proposals are considered acceptable in design terms.

Smoke vents proposed are located on the main roof and will not be visible from the street.

8.3 Residential Amenity

The proposed alterations at sixth floor level remain within the footprint of the building and are not considered to cause any significant loss of light or sense of enclosure to surrounding residential properties.

An acoustic report has been submitted with the application in relation to the alterations to the plant room and formation of louvres. The Council's standard noise conditions are recommended to control noise from plant.

8.4 Transportation/Parking

The proposal does not provide any off-street car parking. Objections have been received from representatives of neighbouring residential blocks and individual residents on the grounds that the proposed use will increase parking pressure within the area.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The evidence of the Council's most recent night time parking survey indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 81%. However, TRANS23 includes all legal parking spaces (eg Single Yellow Lines, Metered Bays, P&D, Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 62%. The daytime parking survey indicates that parking occupancy of ResPark bays within a 200m radius of the site is 78%. Census figures (2011) indicate that households with one or more cars in the Vincent Square Ward 36%.

Whilst the lack of parking is regrettable, the site has a high level of public transport accessibility. Parking pressure in the area remains below the stress level and whilst the

introduction of additional housing in this area without off-street parking or on-street parking restraint is likely to increase stress levels, the Highways Planning Manager is satisfied that the addition of residential in this area is likely to be absorbed into the surrounding street network.

Policy S41 seeks to encourage sustainable forms of transport. The Highways Planning Manager has stated that in line with the 'Further Amendments to the London Plan' (FALP) one cycle space is required per residential unit and two spaces are required for all larger units. The applicant has made provision for 16 cycle spaces within the basement area however this is five spaces short of the FALP requirement. A condition is recommended to secure this aspect for the residential use.

In relation to the proposed commercial uses at basement and ground floor level the Highways Planning Manager has requested that three cycle spaces are provided and it is recommended that this be secured by condition.

No off street servicing is provided for the proposed development. However the Highways Planning Manager has stated that the largest regular vehicle expected to be associated with the site is the refuse collection vehicle. This will service the site in a similar manner to the existing use and the surrounding properties.

8.5 Economic Considerations

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

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

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

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

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

8.10 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced in April 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and coordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- a) a financial contribution of £683,060 towards the City Council's affordable housing fund (payable on commencement of development).
- b) costs of monitoring the S106 agreement.

The planning obligations to be secured, as outlined in this report, would be in accordance with the City Council's adopted City Plan and London Plan policies and would not have conflicted with the Community Infrastructure Levy Regulations (2010 as amended).

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Several objections have been received from representatives of neighbouring residential blocks stating that the consultation process has been inadequate. The properties immediately adjoining the application site were consulted, which included 2 and 10 King's Scholars Passage, 22 Carlisle Place and Block A, Francis Street. Notwithstanding the consultation process, the potential impact on the amenity of neighbouring residents is a consideration in the determination of all applications and would apply irrespective of whether any representations are received.

9. BACKGROUND PAPERS

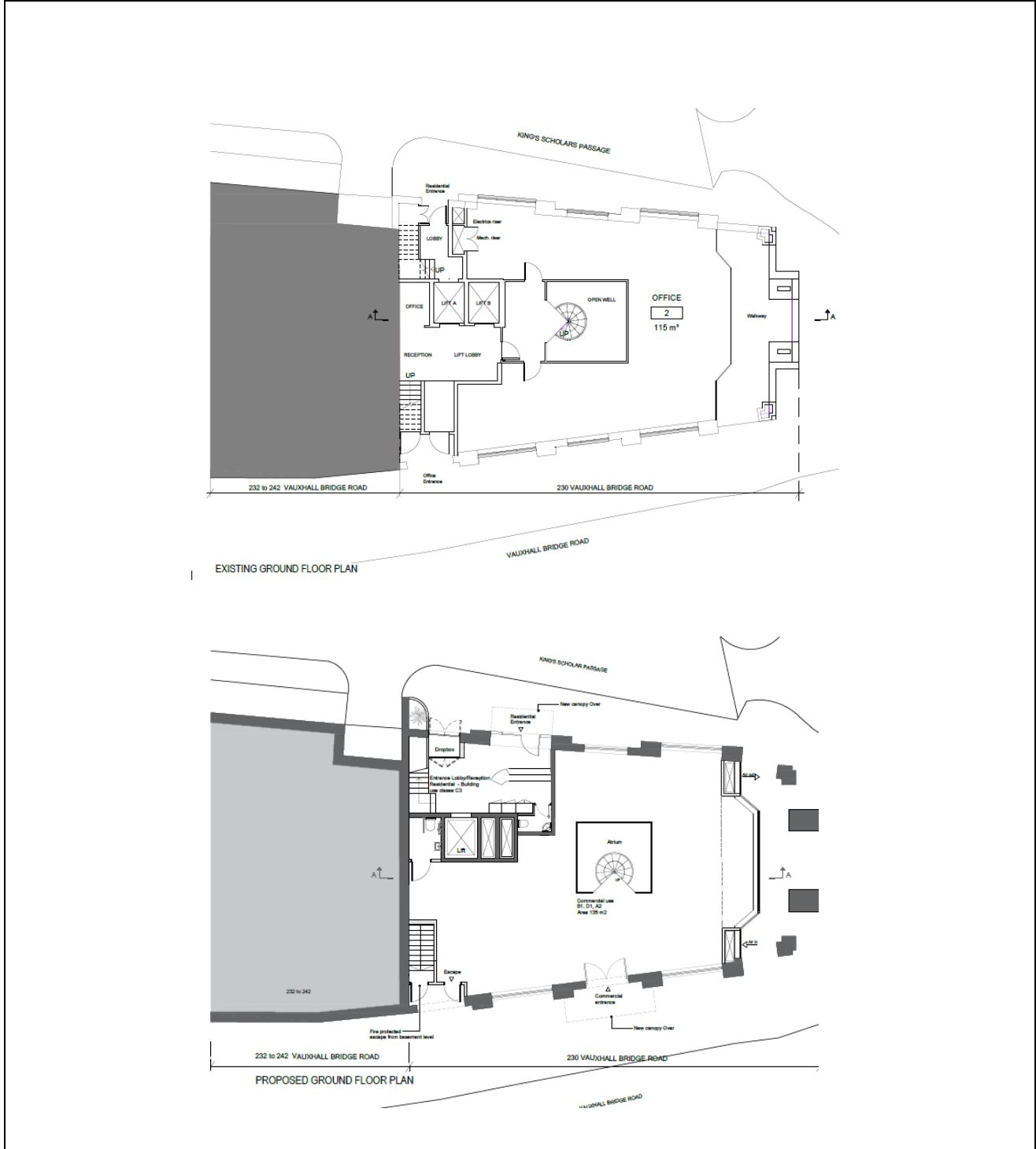
1. Application form.
2. Memorandum from Westminster Society dated 15 September 2015.
3. E-mail from Transport for London dated 2 October 2015.
4. Memorandum from Environmental Health dated 3 September 2015.
5. Memorandum from Highways Planning dated 15 September 2015.
6. E-mail from the Chairman of Morpeth Mansions Ltd, Morpeth Terrace, SW1P 1ET dated 27 September 2015.
7. E-mail from the Chairman of Carlisle Mansions East, Carlisle Place, SW1 dated 28 September 2015.
8. E-mail from the Chairman of Cardinal Mansions, Carlisle Place, SW1 dated 28 September 2015.
9. Letter from the Cathedral Area Residents Group, 43 Ashley Gardens, Ambrosden Avenue, SW1P 1QF dated 3 October 2015.
10. E-mail from the residential occupier of 1A Carlisle Place, SW1P 1NP dated 5 October 2015.
11. E-mail from the residential occupier of 23 Carlisle Mansions, SW1 dated 5 October 2015.
12. E-mail from the residential occupier (no address given) dated 5 October 2015.
13. E-mail from the residential occupier (no address given) dated 5 October 2015.
14. E-mail from the residential occupier (no address given) dated 5 October 2015.
15. E-mail from the residential occupier of Carlisle Place, dated 5 October 2015.
16. E-mail from the residential occupier of Carlisle Place, dated 5 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 ZULEKHA HOSENALLY
ON 020 7641 2511 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

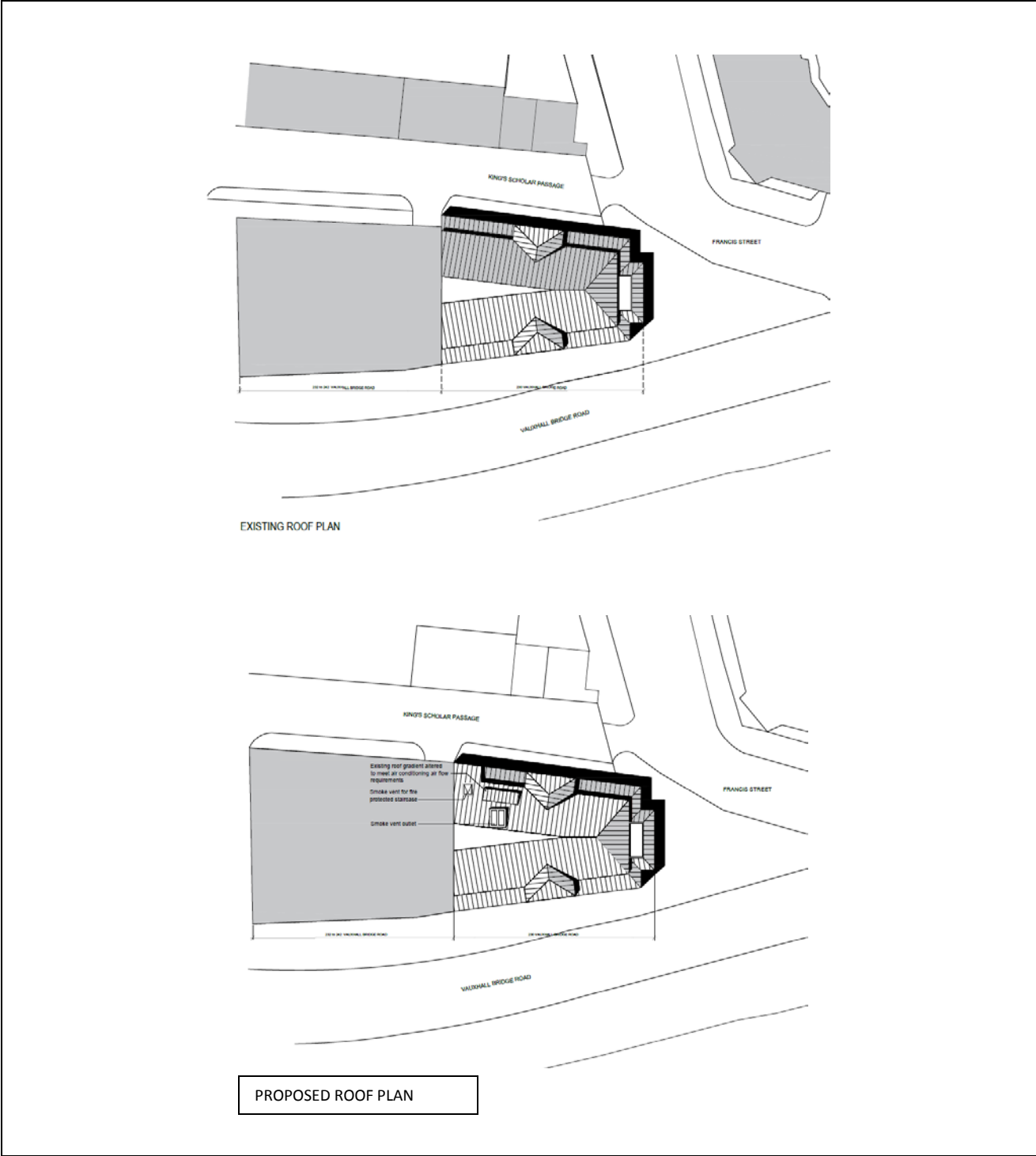
10. KEY DRAWINGS













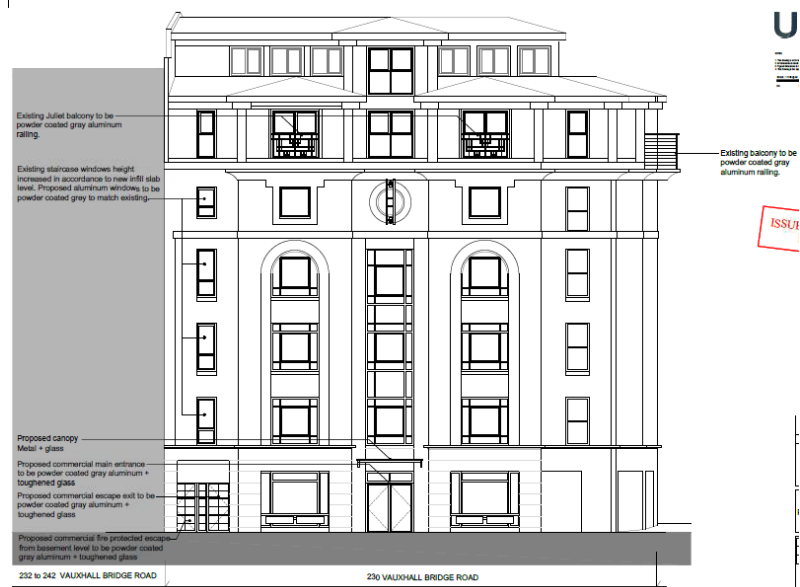
EXISTING ELEVATION OF KING'S SCHOLARS PASSAGE



PROPOSED ELEVATION OF KING'S SCHOLARS PASSAGE



EXISTING ELEVATION OF VAUXHALL BRIDGE ROAD



PROPOSED ELEVATION OF VAUXHALL BRIDGE ROAD

DRAFT DECISION LETTER

Address: 230 Vauxhall Bridge Road, London, SW1V 1AU,

Proposal: Use of the first, second, third and fourth floor levels to provide 12 residential units (Class C3) and a residential unit (Class C3) at fifth floor level (13 in total) and reconfiguration of the existing two residential units at fifth floor level and the existing residential unit at sixth floor level. Use of basement and ground floor as either office (Class B1), non-residential institution (Class D1) or financial or professional service (Class A2). External alterations to windows on the Vauxhall Bridge Road elevation, new entrance door and canopy and alterations to balconies on the Vauxhall Bridge Road, Francis Street and King's Scholar Passage elevations. Extension of the existing plant room at sixth floor level and installation of a smoke extract vent and alterations to gradient of roof fronting King's Scholar Passage.

Reference: 15/07260/FULL

Plan Nos: E01, E02, E03, E04, E05, E06, E07, E08, E09, E10, E11, E12, E13, P01 Rev. A, P02 Rev. A, P03 Rev. A, P04 Rev. A, P05 Rev. A, P06 Rev. A, P07 Rev. A, P08 Rev. A, P09 Rev. A, P10 Rev. A, P11 Rev. A, P12 Rev. A, Full Planning Statement, Design and Access Statement, Noise Impact Assessment Technical Report 22479 R1 prepared by Sound Solution Consultants dated 17 July 2015, Energy Statement and BREEAM Domestic Refurbishment Pre-Assessment Report dated August 2015 Issue 1 prepared by T16 Design, Energy Assessment prepared by Bocca Consulting dated 7 August 2015, SUDS Feasibility Study prepared by Iesis Special Structures dated July 2015 and Air Quality Assessment report prepared by Aether dated August 2015., For Information Purposes: Construction Management Plan Revision A prepared by Brompton Cross Construction dated July 2015.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

* between 08.00 and 18.00 Monday to Friday:

* between 08.00 and 13.00 on Saturday; and,

* not at all on Sundays, bank holidays and public holidays., , Noisy work must not take place outside these hours. (C11AA)

Reason:

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

- 3 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.

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

Reason:

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

- 5 You must implement the mitigation measures as specified in the Noise Impact Assessment Technical Report 22479 R1 prepared by Sound Solution Consultants dated 17 July 2015 for the proposed residential units prior to the occupation of the residential units. Thereafter these mitigation measures shall be retained.

Reason:

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

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

Reason:

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

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:- removal of the canopies from the ground floor elevation on the Vauxhall Bridge Road and King's Scholar Passage elevation. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 10 In the event that the Class D1 use is implemented you must only use the basement and ground floor area as a doctor's or dental surgery. You must not use the premises as a substance misuse clinic or a needle exchange clinic. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and SOC 1 and SOC 5 of our Unitary Development Plan that we adopted in January 2007.

- 11 In the event that the Class A2 use is implemented you must only use the basement and ground floor as an estate agent's or bank. You must not use the basement and ground floor as a betting shop. You must not use it for any other purpose, including any within Class A2 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S4 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must apply to us for approval of a management plan which includes details of the operational hours, days and capacity of the basement and ground floor area in the event that either the doctor's or dental surgery (Class D1) or estate agent's or bank (Class A2) is implemented. You must not occupy the basement and ground floor for any of the approved uses until we have approved what you have sent us. You must then manage the premises in accordance with the details approved.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1, SOC 5 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. 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 stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

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)

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

Reason:

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

- 15 You must provide a Construction Logistics Plan prior to the occupation of the site. The plan must include a construction programme, code of construction practice, 24 hour emergency contact number, hours of building work and measures to ensure satisfactory access and movement around the site. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To minimise the impact of the development construction on the adjoining properties and to protect the environment of people in neighbouring properties. This is set out in STRA 16, STRA 17, ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must provide a Delivery and Service Plan prior to the occupation of the site. The plan must include details of all deliveries and servicing of the residential and non-residential uses hereby approved. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To 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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the basement and ground floors can change between the office (Class B1), non-residential institution (Class D1) and financial and professional services (Class A2) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62AA)
- 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 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 5 In relation to Condition 15 and 16 the details are required and will be consulted on in conjunction with Transport for London. As Vauxhall Bridge Road is a red route all servicing and deliveries must not take place from Vauxhall Bridge Road.
- 6 You are advised that the means of escape for the sixth floor flat shows the occupiers of the 'Master bedroom' are required to escape via the area of highest risk (the kitchen and living area). The door in the passageway should be relocated so that the kitchen and living area is separated thus providing a protected route for occupiers of the bedroom.

- 7 In relation to Condition 14 the proposed residential use is required to have a total of 21 cycle spaces and the commercial use at basement and ground floor level a total of three cycle spaces.

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.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 9 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	55-57 Great Portland Street, London, W1W 7LQ,		
Proposal	Amalgamation of 55 and 57 Great Portland Street to provide a dual/alternative use of the basement, ground and first floors as either a public house or a restaurant (Class A4/A3) and use of the second to fourth floors as three flats (Class C3). External alterations including the installation of a new shopfront to No. 57, alterations to No. 55 including modifications to the roof height, the installation of replacement plant within an enclosure at rear first floor level, the creation of a residential terrace at rear second floor level and the installation of a full height kitchen extract duct; internal alterations on all floors.		
Agent	Mr Graham Timms		
On behalf of	The Crown Estate		
Registered Number	15/01327/FULL & 15/01328/LBC	Date amended/ completed	16 February 2015
Date Application Received	16 February 2015		
Historic Building Grade	No. 55 - Grade II Listed. No. 57 – Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

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

2. SUMMARY

<p>The application site comprises 55 Great Portland Street, a Grade II listed public house (Class A4) and 57 Great Portland Street, an unlisted building comprising a restaurant (Class A3) on the basement and ground floors and a single apartment on the first to fourth floors (Class C3). Planning permission and listed building consent are sought for the amalgamation of the buildings to provide either a public house or restaurant use at basement, ground and first floor levels, with three flats on the second to fourth floors. External alterations include the installation of a new shopfront, and alterations to the roofline at No.55, and the removal of an external fire stair, the replacement of plant at rear first floor level, the installation of a full height kitchen extract duct and the creation of a second floor terrace at</p>

No. 55. Internal alterations are proposed to the listed building, including the formation of openings between the buildings on all floors.

The key issues in this case are:

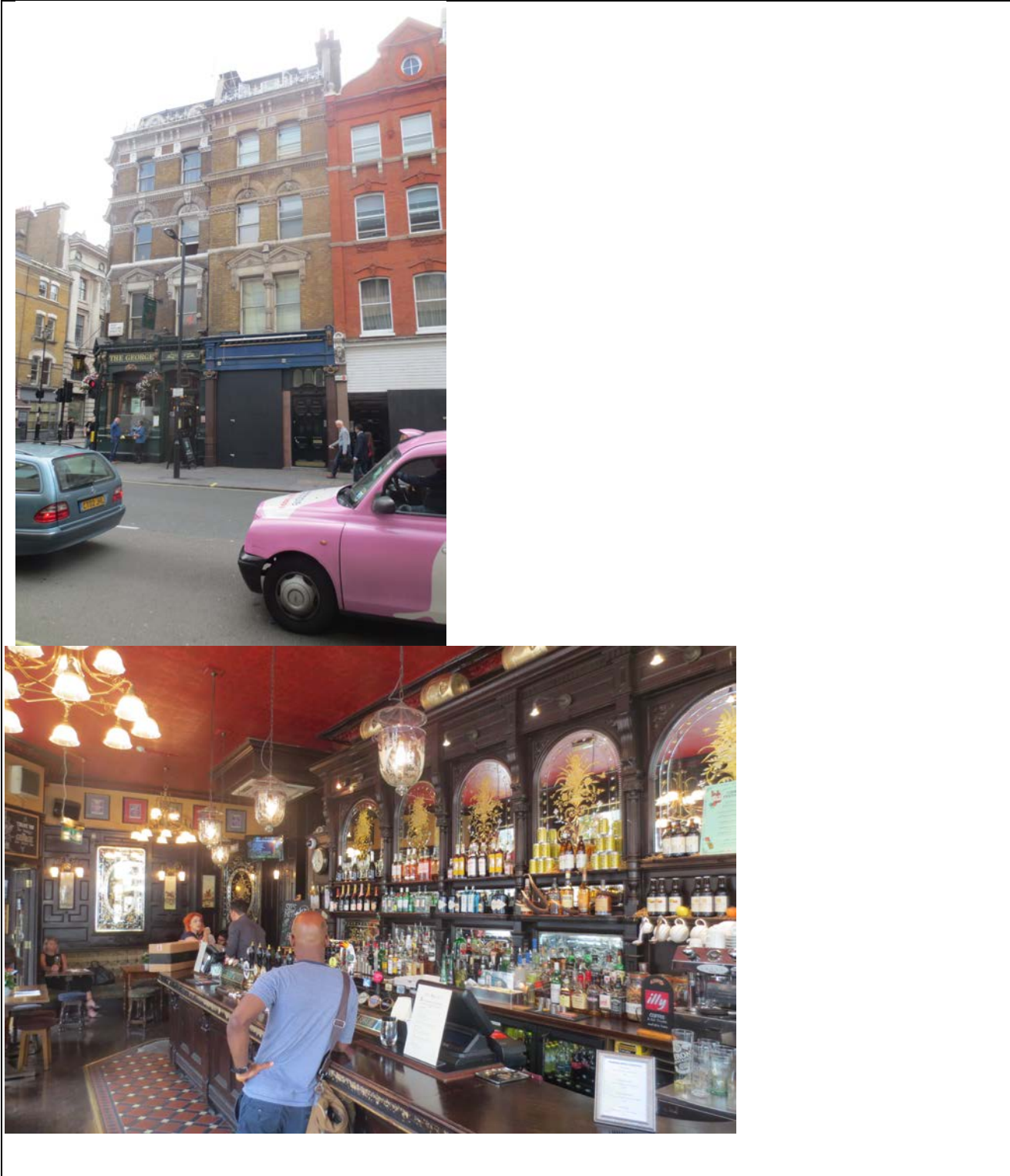
- * The potential loss of the existing public house.
- * The impact of the proposed works upon the special interest of the listed building.
- * The impact of noise from the proposed plant upon the amenity of nearby residents.

Subject to appropriate conditions, the proposals are considered acceptable in land use, transport, design and amenity terms. The applications accord with adopted policies in the Unitary Development Plan (UDP) and City Plan and are therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

Flexible authorisation received.

COUNCIL FOR BRITISH ARCHAEOLOGY

No objection in principle.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

THE GEORGIAN GROUP

Any response to be reported verbally.

THE VICTORIAN SOCIETY

Any response to be reported verbally.

THE TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

THE MARYLEBONE ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER

Objection to lack of off-street car parking and doors opening onto the highway.

CLEANSING MANAGER

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 42; Total No. of Replies: 2

Two objections received on the following grounds:

- Public houses are not suitable for residential accommodation and the use of the upper floors as flats will ultimately lead to the closure of the pub.

- The amalgamation of the buildings of listed and unlisted buildings would damage the character both of the public house and the surrounding area. No. 55 is a substantially complete example of a public house, entirely readable at every level. The proposed works would diminish and prejudice its character and would do substantial harm to the significance of the George Public House as a heritage asset.

- Any public benefits which could be argued to derive from the scheme are marginal.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises two adjoining buildings on the corner of Great Portland Street and Mortimer Street. No. 55, a Grade II listed building, is in use as a public house (Class A4) on basement to fourth floors. No. 57, an unlisted building of merit, contains a restaurant (Class A3) at basement and ground floors and a three bedroom residential unit on the four upper floors.

The site is within the Core CAZ and East Marylebone Conservation Area

6.2 Recent Relevant History

None relevant

7. THE PROPOSAL

Permission and listed building consent are sought for the amalgamation of 55 and 57 Great Portland Street and for a dual/alternative use of the basement to first floors as either a public house or a restaurant (Class A4/Class A3) and for the use of the second to fourth floors as 3 x 2 bedroom units (Class C3). The flats will be accessed from the ground floor of No. 55.

To facilitate the change in use a number of internal and external alterations are proposed including:

At No. 57:

The replacement of the shopfront

At No. 55:

The alteration of the roof line to match the roof height of No. 57.

The removal of an external fire stair, and an area of existing external plant, and the installation of replacement plant within a plant enclosure at rear first floor level.

The installation of a full height kitchen extract.

The creation of a residential terrace at rear second floor level.

Internal alterations on all floors including the creation of new openings in the party walls, at all levels; the 'boxing-in' of an existing staircase on the first-fourth floors and the lowering of the basement slab to increase headroom.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The schedule of existing and proposed land uses is set out in the table below:

Land Use	Existing m2 (GEA)	Proposed m2 (GEA)	Change m2 (GEA)
Residential (C3)	159	437	+278
Public House (A4)	687	0	-687
Restaurant (A3)	100	0	-100
Dual A3/A4	0	487	+487

8.1.1 Dual/alternative public house (A4) or restaurant use (A3)

The application involves the amalgamation of the buildings and the creation of either a public house or a restaurant on the basement to first floors. At present the whole of No. 55 has lawful use as a public house, measuring 687m². Whilst much of this space is used as ancillary residential accommodation, rather than public drinking/dining areas, there are no planning controls to prevent the entire building from being used for such purposes.

If the lower floors are converted to restaurant use, this would result in the loss of the public house. Until 6 April 2015, the conversion of a public house to a restaurant was automatically permitted development, not requiring planning permission. However, as a result of alterations to the General Permitted Development Order which came into force on that date, if the building has not been nominated as an Asset of Community Value (ACV), the change of use from a public house to a restaurant would constitute permitted development only if:

- Before commencing the development, the developer seeks written confirmation from the City Council as to whether the premises have been nominated as a community asset
- If the developer is notified that the building has been nominated as an ACV, either at the time when they have sought confirmation from the Council of that fact, or at some later date, the development ceases to be permitted development, until the premises have been included either on the list of ACVs or on the list of properties which have been unsuccessfully nominated.
- The development must not begin until the expiry of a 56 day period following the date at which confirmation has been sought by the developer as to whether the premises has been nominated as an ACV, and the development must be completed within 1 year of the date of that request.

If the premises is included on the list of ACVs, different regulations apply.

As the regulations changed after receipt of this planning application, the City Council undertook a further 56 day consultation to allow third parties to make representations or to

nominate the building as an ACV. During this period, no additional representations were received. At the time of writing this report, the building has not been nominated as an Asset of Community Value

Whilst the City Council does not support the loss of public houses, it is considered that this area, within the core CAZ is well served by public houses. The proposals retain the internal bar features and external pub-style shop frontage. The ground floor area will also be retained as a bar rather than provide a dining area, thus ensuring that, at ground floor level, elements of the public house character are retained. In these circumstances, the loss of the public house, in whole or in part, could not reasonably be resisted.

However, permission is required for the use of the first floor of No. 57 for restaurant/public house use as this area is currently part of the existing residential unit. The loss of residential floorspace would not normally be permitted by the City Council. However, the scheme involves an overall increase in residential floorspace across the site, of 278m².. Consequently, the use of the first floor of No.57 as part of either a restaurant or public house use, is considered acceptable in land use terms.

The existing restaurant on the lower floors of No. 57 measures 100m². The proposal would result in a new restaurant or public house use measuring 487m²; with an overall reduction in “entertainment” floorspace of 300m² across the site. Nevertheless, the proposal creates an entertainment premises within the Core CAZ and is therefore assessed against UDP Policy TACE 9 and S24 of the City Plan which seek to safeguard the amenities of local residents and local environmental quality from the effects of entertainment uses and to safeguard the character and function of the local area. However, given the overall reduction in entertainment floorspace, and the retention of a smaller, but not insubstantial, entertainment use, it is considered that the proposal would maintain the character and function of the area. The impact of the proposed use upon residents’ amenities is considered in Section 6.3 below.

8.1.2 Residential use

The proposal would result in the replacement of a 1 x 3 bed apartment with 3 x 2 bed flats. Overall, there would be a net increase of 278m² of new residential floorspace which accords with UDP Policy H3 and S15 of the City Plan. However, this increase is below the 1000m² threshold at which on-site affordable housing would be required.

UDP Policy H5 requires 33% of units in new developments to be family sized. Whilst no family sized units are proposed, the applicant has sought to demonstrate that there are design, conservation and amenity factors which compromise the provision of larger units. Given that part of the application site is a listed building, and as the site is constrained in terms of size and layout, it is considered that, on balance, the provision of 3 x 2 bed units sufficiently optimises the number of units on site. The flats are considered to be well designed, would receive good natural light and exceed Mayoral and National space standards. Conditions are proposed to ensure that acceptable internal noise levels would be maintained for new residents.

One objection has been received on the grounds that public houses are not suitable for residential use and that the creation of new flats above the public house will ultimately lead to its closure. The proposal, with a residential use located above an entertainment use,

replicates the existing situation at No. 57. The scheme would, if the existing public house use is retained, rationalise public house functions on the lower floors of the site. Providing sufficient safeguards are in place to ensure that the amenities of future residents are protected, it is not considered that the fact of providing separate residential accommodation on the upper floors would, by itself, prejudice the future of the public house.

Subject to appropriate conditions the proposals are considered acceptable in land use terms.

8.2 Townscape and Design

The Grade II listed public house at No. 55 dates to the mid-19th century. No. 57 is also Victorian and is identified as an unlisted building of merit in the East Marylebone Conservation Area Audit.

No. 55 was listed in 2008; the reasoning for its inclusion in the list is as follows:

- It has special architectural interest for its characterful, Italianate façade of the 1860s and a ground floor frontage with greater ornamentation than is typical of a mid-C19 public house;
- The building has strong streetscape qualities and the architect, or builder, has utilised the advantage of a corner site;
- The interior has special interest in equal measure for its survival of ornate original features including glasswork, panelling, and painted tiles depicting riders and dogs.

The main consideration is the impact that the proposals will have on the special architectural and historical interest and significance of the listed building. The listing description focuses on the external appearance of the building and its surviving original internal features, principally at ground floor level, and these elements are considered to make the greatest contribution to the building's significance. Both buildings make a positive contribution to the conservation area.

Internal Alterations and Impact on the special interest of the listed building

The separation of the retained public house from the accommodation above would result in a number of alterations to the listed building. One of the most significant proposals is the boxing-in of the principal stair. The stair runs from the first to the fourth floors and it is proposed to retain it but enclose it at each level, from second to fourth floors. The building suffered fire damage in 2006, and, although the stair survived, it has been heavily repaired in areas.

It is also proposed to create new internal openings throughout the building. The main areas where this is of concern are the rooms at ground and first floor levels, in particular the proposed openings in the party wall between nos. 55 and 57. The interior of the ground floor of no. 55 is of particular interest, and contributes greatly to the significance of the building. Three new openings are proposed at this level to provide access to no. 57. The two main openings are located within the bar area, and will be fitted with jib doors. It is proposed to create several new openings at first floor level. Most significant are the proposed opening in

the spine walls between the main front rooms and the openings in the party wall, including one immediately adjacent to the chimney breast on the party wall with no. 57.

The creation of openings in a party wall is usually considered contrary to the City Council's historic building policies, due to the potential impact on the buildings' integrity and plan form. The UDP states, at paragraph 10.141, that '*it will not be acceptable to make breaches in the party wall between historic buildings on the ground and first floors or in other sensitive locations.*' However, in this case, the openings being created are small and the loss of fabric is relatively minor. The rooms' appearance will be retained as the existing panelling and dado rails will be replicated on the jib doors, allowing the rooms' appearance to remain unchanged. This will therefore have a limited impact, visually and on historic fabric. Where other openings are being created between rooms, both nibs and downstands will be retained to ensure original plan form can still be read.

It is also proposed to refurbish and repair surviving original features, such as the fire surround to the first floor front room. Modern partitions, which were installed after the fire damage, will be removed. Other, minor, demolition works are also proposed on the upper floors. These works are uncontentious in historic building terms.

External Alterations, impact on the special interest of the listed building and character and appearance of the conservation area

It is also proposed to raise the roof height of the listed building, by 300mm, in order to align with the height of the adjacent roof at no. 57. A large proportion of the roof was damaged in the fire and it appears there is little fabric of interest left. As the appearance of the roof will not significantly be altered, this aspect of the proposals is considered acceptable.

At rear first floor level, it is proposed to remove existing plant and to replace it with new plant, within enclosures. This would consolidate the plant area, and would be beneficial to its appearance. An original window opening at the rear will be blocked up to facilitate this. However, the windows are not original and the existing cill and lintel are to be retained. In general, the rear elevation of the building will be greatly improved.

A new shopfront will be installed at no. 57. The current shopfront is in poor condition, and this is considered to be an enhancement, not only to that building but to the setting of the listed public house and to the wider conservation area.

Objection on historic building grounds

Historic England and the national amenity societies have not objected to the applications. However, a detailed objection has been submitted on behalf of Greene King Plc, who currently operate the public house. The objection maintains that the proposed works will cause substantial harm to the listed building as defined in the National Planning Policy Framework (NPPF), and expanded upon in the supporting guidance, the NPPG. The objector also considers that the benefits are 'marginal'.

The NPPF makes clear that the degree of harm to a heritage asset should affect how decisions are reached and distinguishes between substantial and less than substantial harm. It states that any proposals causing substantial harm should usually be refused consent, unless this harm is necessary to achieve substantial public benefits which outweigh that

harm. The objector's reference a quote from the NPPG which indicates that *'in determining whether works constitute substantial harm, an important consideration would be whether the adverse impact affects a key element of special interest.'*

However, as set out above, officers consider that the alterations are relatively minor and that the most significant elements, which contribute to the special interest of the listed building, will be protected and not harmed by the proposals. Those areas of highest significance within the building are the exterior, and the ground floor bar, and these elements are largely protected and enhanced by the works. Any harm that is caused is certainly less than substantial.

The objector refers to the proposed openings, the loss of plan form and new breaches created within the party wall. However, as stated above, officers consider that the degree of harm caused is small.

The objector also raises concerns about the loss of the historic interconnection between the public house and the second and third floors. The boxing-in of the staircase to the upper floors does cause some harm, but not to the key elements which contribute to the building's significance.

Conclusion on heritage assets issues

Paragraph 134 the NPPG states.

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

Taken as a whole the scheme brings some heritage benefits, with refurbishment of the most significant rooms and spaces at first and ground floor, rationalisation of plant and improvements to the rear and cleaning and refurbishment of the exterior. Whilst not part of the listed building, the new shopfront will also enhance the conservation area and the setting of the listed building.

Whilst the applicants have not submitted any financial case to say that the proposal represents the optimal viable use, the scheme does retain the existing historic arrangement of bar use at ground floor level (whether or not the use is public house or restaurant use), the introduction of restaurant at first floor level, and the upper floors remaining in residential use.

In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, officers have had special regard to the preservation of the special architectural and historic interest of the listed building, and conclude that, taken as a whole, the scheme is acceptable in historic building terms, and that it will protect that special interest and will also preserve and enhance the character and appearance of the conservation area.

8.3 Residential Amenity

8.3.1 Impact of proposed use

UDP Policy TACE 9 states that permission will only be granted where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, increased parking and traffic. In considering proposals for entertainment uses, the Council will have particular regard to the number of customers, opening hours, the arrangements for discharging cooking smells, potential disturbance from noise and vibration disturbance, servicing arrangements and arrangements for the storage and disposal of waste.

The scheme involves a net loss of entertainment floorspace across the two properties, albeit that the upper floors of the existing public house are not currently used as public areas. The continued use of the premises as a smaller public house will have no greater impact on the amenity of neighbouring occupiers.

Neither the public house nor the restaurant use would seek to operate at later terminal hours than the existing public house. These are 11.00 hours – 23.30 hours Monday-Wednesday; 11.00 to 00.30 on Thursdays to Saturdays and 12.00-23.00 on Sundays. The incoming restaurant tenant may seek to operate earlier hours to accommodate breakfast service but, subject to a condition preventing customer access before 07.30, this is considered acceptable.

The restaurant would have a maximum of 180 covers. Subject to the imposition of conditions relating to opening hours, the submission of an Operational Management Plan detailing measures to safeguard residents' amenities, and the submission of a Servicing Management Plan, it is not considered that the creation of a larger restaurant premises would have a significant impact on residents' amenities or local environmental quality.

8.3.2 Plant proposals

The application proposes replacement plant, to supply both the residential and restaurant uses, located within an acoustic enclosure at rear first floor level. This aspect of the scheme has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

This area is subject to background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows, which have been identified as being 5m from the plant installation.

The Environmental Health Officer has reviewed the submitted acoustic report and considers that, with the noise attenuation provided by the acoustic enclosure, the plant installation is likely to comply with design noise level criteria.

The proposed plant enclosure will not project beyond the rear elevation of the adjoining building to the west, 70 Mortimer Street, and will not result in any loss of light or increased sense of enclosure or cause a loss of light to neighbouring properties.

The scheme also involves the installation of a full height kitchen extract duct. This is considered to be sufficient to allow cooking odours to be dispersed without affecting the amenities of existing future occupiers.

8.3.3 Overlooking

A new residential terrace would be created at second floor level, at the rear of 55 Great Portland Street. The terrace will look to the rear of the application property. As the closest neighbouring windows at No. 59 Great Portland Street supply a stairwell, it is considered that the more distant windows to this property are at a sufficiently oblique angle to prevent any loss of privacy in views from the terrace.

In conclusion, the proposals are considered to comply with UDP Policies ENV13 and S29 of the City Plan which seek to safeguard the amenities of neighbouring occupiers from the effects of proposed developments.

8.4 Transportation/Servicing

The Highways Planning Manager has objected to the proposal on the grounds that no off-street parking will be provided, and that the creation of two additional residential units will result in an increase in demand for on-street car parking, in an area where parking stress levels are already high. Whilst this is regrettable, given the policy objective to provide new housing, and the fact that the area is extremely well served by public transport, it is not considered that permission could reasonably be withheld on these grounds.

In order to ensure that servicing to the extended restaurant premises would not cause obstruction to the public highway, a condition requiring the submission of a full Servicing Management Plan is proposed.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcome.

8.6 Access

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

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Refuse /Recycling

The proposed arrangements for storage of refuse and recyclable materials are considered acceptable and would 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

The proposal does not trigger any planning obligations.

8.11 Environmental Impact Assessment

The scale of the proposed development does not require the submission of an Environmental Impact Assessment. However, an energy and sustainability statement has been submitted which states that the roof and windows will be thermally upgraded and secondary glazing provided at the front of the building. Energy efficient heating, ventilation and boiler systems will be installed. A preliminary assessment indicates that the scheme will achieve a reduction on CO2 emissions of nearly 37% and a BREEAM domestic refurbishment rating of "Very Good". Given the site constraints, this is considered acceptable.

8.12 Other Issues

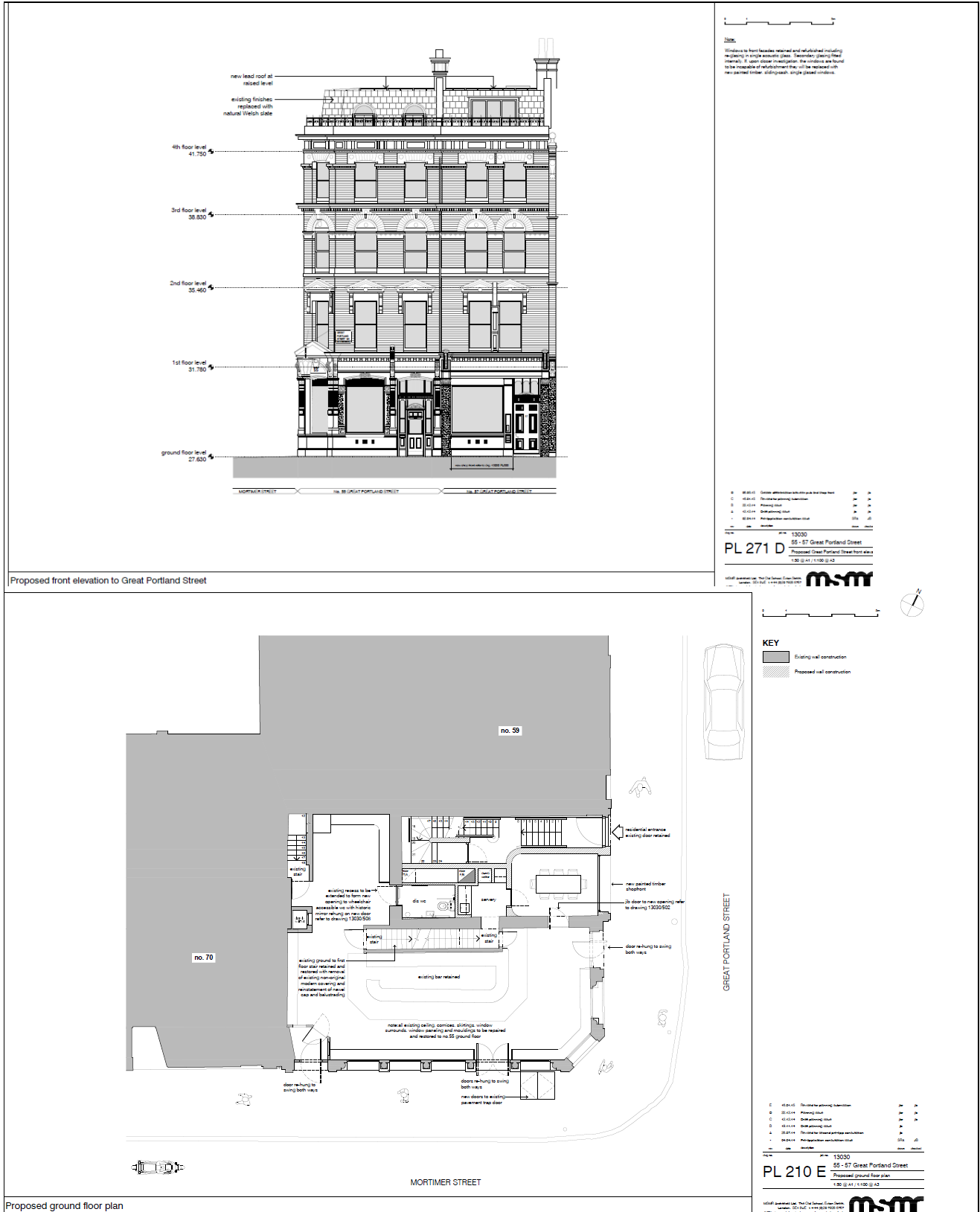
None relevant

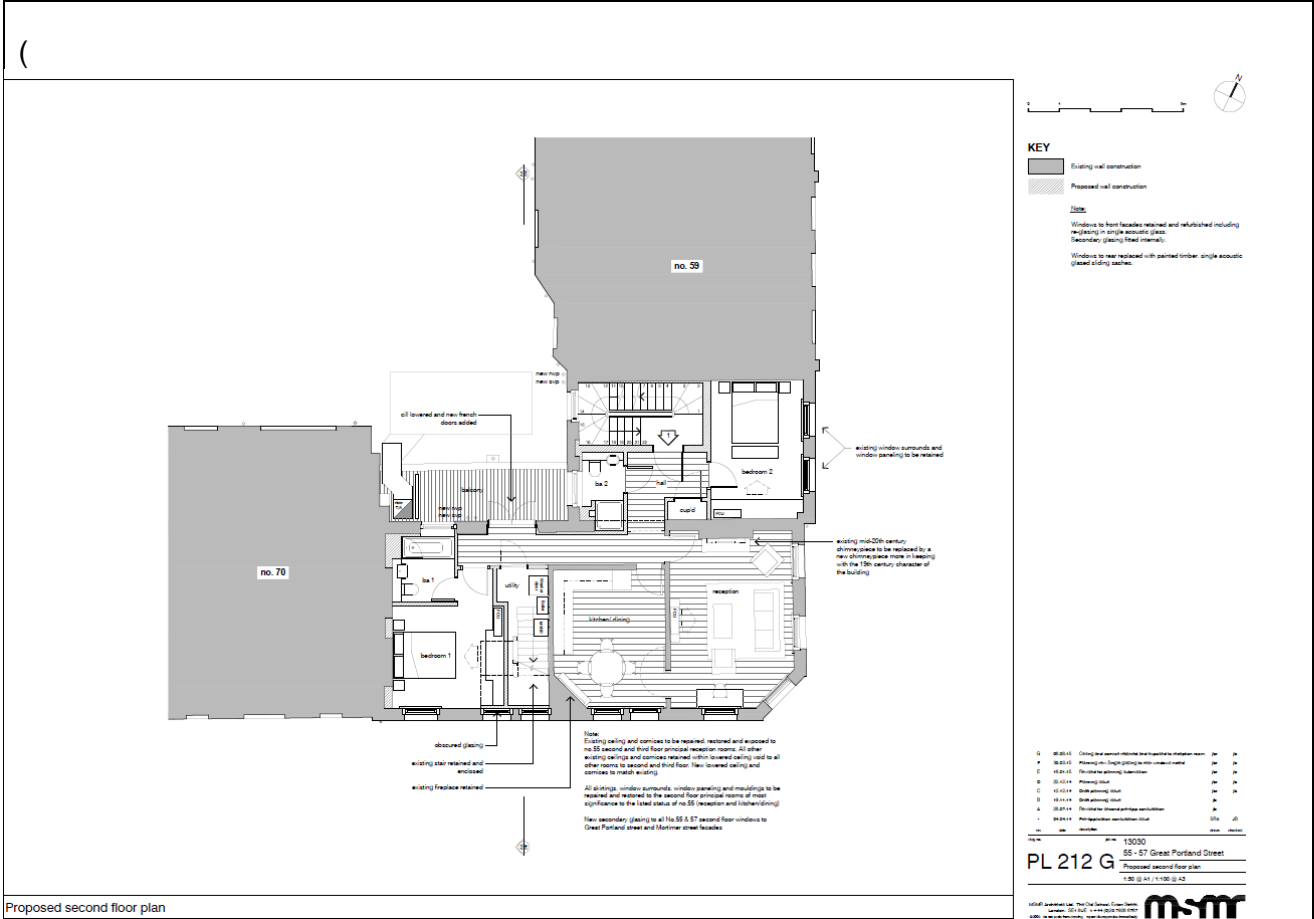
9. BACKGROUND PAPERS

1. Application forms
2. Letter from English Heritage (now Historic England) dated 12 March 2015
3. Letter from the Council for British Archaeology dated 9 April 2015
4. Memorandum from the Cleansing Manager dated 25 February 2015
5. Memorandum from Environmental Health dated 10 March 2015
6. Memorandum from the Highways Planning Manager dated 5 March 2015
7. Letter from occupier of 26 Sutton Road, Barking dated 9 April 2015
8. Letter on behalf of operators of the public house dated 9 April 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT BILLY PATTISON ON 020 7641 3267 OR BY EMAIL AT bpattison@westminster.gov.uk

10. KEY DRAWINGS





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

DRAFT DECISION LETTER

Address: 55-57 Great Portland Street, London, W1W 7LQ,

Proposal: Amalgamation of 55 and 57 Great Portland Street to provide a dual/alternative use of the basement, ground and first floors as either a public house or a restaurant (Class A4/A3) and use of the second to fourth floors as three flats (Class C3). External alterations including the installation of a new shopfront to No. 57, alterations to No. 55 including modifications to the roof height, the installation of replacement plant within an enclosure at rear first floor level, the creation of a residential terrace at rear second floor level and the installation of a full height kitchen extract duct; internal alterations on all floors.

Reference: 15/01327/FULL

Plan Nos: PL109/D; PL110/D; PL111/D; PL112/D; PL13/D; PL114/D; PL115/B; PL140/C; PL170/B; PL171/C; PL172/B; PL173/B; PL001/C; PL209/F; PL210/E; PL211/F; PL212/G; PL213/G; PL214/F; PL215/B; PL240/C; PL270/B; PL271/D; PL272/B; PL273/B; PL500/C; PL501/B; PL502/A PL503/B; PL504/B; PL505/B; PL506/B; PL507/B; PL508; site location plan. ,

Case Officer: Billy Pattison

Direct Tel. No. 020 7641 3267

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

Reason:

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

- 5 You must provide the waste store shown on drawing PL209/F before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the public house/restaurant. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

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

Reason:

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

vibration.

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 8 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.

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

Reason:

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

- 10 You must apply to us for approval of detailed drawings (at 1:5 and 1:20) of the following parts of the development :, All new doors, windows, acoustic enclosures and balustrading, You must not start any work on these parts of the development until we have approved what you have sent us., You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 11 You must finish the ductwork in a colour to match the material next to it. You must then keep it that colour. (C26FA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1,

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

- 12 You must paint all new balustrading black and keep it in that colour. (C26EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 13 You must only use natural Welsh slate on the roof slopes.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 14 In the event that the basement, ground and first floors are used for restaurant purposes, customers shall not be permitted within the premises before 07:30 and after 23:30 hours on Monday to Wednesdays, before 07:30 and after 00:30 hours on Thursdays - Saturdays and before 07:30 and after 23:00 on Sundays. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 15 In the event that the basement, ground and first floors are used for public house purposes, customers shall not be permitted within the premises before 11:00 and after 23:30 hours on Monday to Wednesdays, before 11:00 and after 00:30 on Thursdays to Saturdays and before 12:00 and after 23:00 on Sundays. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 In the event that the basement, ground and first floors are used for restaurant purposes, you must not allow more than 180 restaurant customers into the basement, ground and first floors at any one time. (C05HA)

Reason:

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

- 17 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

Reason:

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

- 18 Prior to the occupation of the basement, ground and first floors for restaurant use, you shall submit and have approved in writing by the Local Planning Authority, a detailed servicing management plan for the premises. All servicing shall be undertaken in accordance with the approved strategy.

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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have

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

- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 5 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.**
- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who

have relevant information about the location of ACMs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

- 8 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work. Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974: 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP , Phone: 020 7641 2000,

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

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.