



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 1st March, 2016**

Time: **6.30 pm**

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

Members: **Councillors:**

Richard Beddoe
Tony Devenish (Chairman)
Jonathan Glanz
Jason Williams

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

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



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

**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 Richard Beddoe has replaced Councillor Angela Harvey.

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. TREE PRESERVATION ORDER NO. 630 11 HILL ROAD, LONDON, NW8 9QE

(Pages 1 - 14)

5. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

1. 18-20 YORK BUILDINGS, LONDON WC2N 6JU

(Pages 17 - 42)

2. 7 WARWICK AVENUE, LONDON W9 2PS

(Pages 43 - 70)

3. 5 HALL GATE, LONDON NW8 9PG

(Pages 71 - 90)

4. 1 BOLNEY GATE, ENNISMORE GARDENS, LONDON SW7 1QW

(Pages 91 - 108)

5. 431-433 OXFORD STREET, LONDON W1C 2DA

(Pages 109 - 128)

6. 4 MEARD STREET, LONDON W1F 0EF

(Pages 129 - 138)

7. 91 MORTIMER STREET, LONDON W1W 7SR

(Pages 139 -

8.	15D CLIFTON VILLAS, LONDON W9 2PH	152) (Pages 153 - 168)
9.	15D CLIFTON VILLAS, LONDON W9 2PH	(Pages 169 - 184)
10.	51 MARLBOROUGH PLACE, LONDON NW8 0PS	(Pages 185 - 204)
11.	51 MARLBOROUGH PLACE, LONDON NW8 0PS	(Pages 205 - 218)

Charlie Parker
Chief Executive
22 February 2016

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City of Westminster

Executive Summary and Recommendations

Title of Report: Tree Preservation Order No. 630
(2015)
11 Hill Road London NW8 9QE

Date: 1st March 2016





City of Westminster

Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 630
(2015) 11 Hill Road London NW8
9QE**

Date: 1st March 2016

Summary of this Report

The City Council has made a Tree Preservation Order (TPO) to protect one Bay tree (T1) located in the rear garden at 11 Hill Road London NW8 9QE. The TPO is provisionally effective for a period of six months from 16th September 2015 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 15th March 2016.

The TPO was made because the tree has significant amenity value and makes a valuable contribution to the character and appearance of the conservation area. The City Council, having been made aware of the proposal to remove the bay tree considers it expedient in the interests of the amenity that a TPO is made in order to safeguard its preservation and future management.

Objection to the TPO has been made by Mr Siddharth Prasad the owner of 11 Hill Road.

The City Council's Arboricultural Officer has responded to the objections.

Recommendations

The Sub-Committee should decide EITHER

(a) NOT to confirm Tree Preservation Order No. 630 (2015); OR

(b) Confirm Tree Preservation Order No. 630 (2015) with or without modification with permanent effect.



City of Westminster

Committee Report

Item No:	
Date:	1 March 2016
Classification:	General Release
Title of Report:	Tree Preservation Order No. 630 (2015) 11 Hill Road London NW8 9QE
Report of:	The Director of Law
Wards involved:	Abbey Road
Policy context:	
Financial summary:	No financial issues are raised in this report.
Report Author:	James Holliman
Contact details:	jholliman@westminster.gov.uk

1. Background

- 1.1 Under current legislation the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 630 (2015), authorised by the Operational Director Development Planning acting under delegated powers on 4th September 2015, was served on all the parties whom the Council is statutorily required to notify and took effect on 16th September 2015.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they have to be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 630 (2015) was made following the receipt by the City Council of six weeks notice of intention to remove the Bay tree (T1) submitted under section 211 of the Town and Country Planning Act 1990 (Trees in Conservation Areas). The tree is situated within the St John's Wood Conservation Area. On receipt of such notice the City Council can either raise no objections to the works or make a Tree Preservation Order.
- 1.4 The reasons given for the proposed removal of the tree are:
 - The tree is infected with Ganoderma and has a life expectancy of 5-7 years
 - The tree has destabilised the rear boundary wall, which now needs to be rebuilt
 - The cost of rebuilding the wall is considerable and is not covered by insurance
 - The cost is likely to be recurrent if the tree is left in situ
 - It is unreasonable to expect the applicant to bear the incremental cost of laying new foundations that will accommodate tree root growth as this is far greater than the cost of removing the tree.
- 1.5 Subsequent to the making of the TPO the City Council received one objection.

2. Objection by Mr Siddharth Prasad

- 2.1 On 12th October 2015 the Council's Legal Services section received a letter from Mr Siddharth Prasad objecting to the TPO on the grounds that:
 - 2.1.1 The tree has destabilised the rear boundary wall
 - 2.1.2 A structural engineer advises that a section of the wall should be rebuilt

- 2.1.3 The cost of re-building the wall is considerable and is not covered by insurance
- 2.1.4 The cost is likely to be recurrent if the tree is left in situ
- 2.1.5 It is unreasonable to expect the owner to bear the incremental cost of laying new foundations that will accommodate tree root growth as this is far greater than the cost of removing the tree
- 2.1.6 The tree is infected with Ganoderma fungus and has a life expectancy of 5-7 years
- 2.1.7 Ganoderma sp. cannot be treated and therefore the fungus will eventually render the tree prone to root failure
- 2.1.8 The tree poses a potential risk to pedestrians on the adjacent public footpath and users of the garden for which the owner is liable
- 2.1.9 The amenity value of the tree is limited in view of its limited life expectancy
- 2.1.10 A proposed replacement tree in addition to three other replacement trees in the rear garden and one new tree in the front garden will enhance long term amenity value.

3. Response to Objection

- 3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 17th November 2015 stating:
 - 3.1.1 The City Council considers the tree is of high amenity value and to make a positive contribution to the character and appearance of the conservation area.
 - 3.1.2 The information submitted in relation to the health and longevity of the tree does not demonstrate that the tree needs to be removed now or in the near future.
 - 3.1.3 The structural engineer suggests rebuilding the top section of the wall which will not involve creating deeper foundations nor is it a recurrent cost.
 - 3.1.4 The Council's District Surveyor does not consider that the nature of the minor cracking in the wall is indicative of ground movement or root action.
 - 3.1.5 A letter from the insurer dated 14 November 2014 does not seem to have been written by an engineer so it is unclear on what basis the insurer thinks that trees are or will remain a hazard.

- 3.1.6 The cost of rebuilding part of the top section of the wall adjacent to the bay tree should not be considerable. The branch impinging on the wall has now been removed so damage is unlikely to occur again provided the tree is maintained properly.
- 3.1.7 By virtue of its size, location and form, the tree makes a significant contribution to visual amenity. In response to a consultation exercise undertaken after receipt of the section 211 notification to remove the tree, six emails/letters were received in support of retaining the tree.
- 3.1.8 The condition of the tree as currently assessed shows the extent of decay at the base to be within acceptable limits. Whilst the presence of the decay fungus Ganoderma is noted, the tree canopy has been reduced recently with the agreement of the Council, which reduces the risk of mechanical failure of the tree.
- 3.1.9 Bay is a relatively common species but it is well suited to the urban environment and contributes to the mitigation of climate change, filters pollutants and provides food and shelter for birds and insects.

4. Further objection by Mr Siddharth Prasad

- 4.1 On 11 January 2016 the City Council received further objection by email from Mr Prasad stating:
 - 4.1.1 The Council's decision to permit the felling of a healthy Magnolia grandiflora at 9 Hill Road is completely at odds with the Council's approach taken to Mr Prasad's application to fell the diseased bay tree at 11 Hill Road.
 - 4.1.2 The Council is unable to deal equitably with the applications for adjacent semi-detached houses and infers the application to remove the tree at 11 Hill Road has been considered with apparent bias.
 - 4.1.3 Mr Prasad was required to prove the absence of Magnolia grandiflora roots in the garden at 11 Hill Road before a basement application was granted and the Council is now permitting the Magnolia tree to be felled.

5. Response to objection

- 5.1 The City Council's Arboricultural Officer responded to the objection by letter dated 2 February 2016 stating:
 - 5.1.1 Permission to remove the Magnolia grandiflora at 9 Hill Road was granted subject to various conditions including the requirement to carry out new tree planting in advance of the development taking place.
 - 5.1.2 The Council has not been biased in dealing with the notice of intent to remove the bay tree at 11 Hill Road versus the planning application for

development at 9 Hill Road. Both cases were determined on their own merits.

- 5.1.3 The application for development at 11 Hill Road included the retention of the Magnolia at 9 Hill Road. As the proposed development was very close to the tree it was necessary to demonstrate whether or not the tree was rooting into the area of the proposed development.

6. Further representations and additional reports submitted by Mr Siddharth Prasad

6.1 The Council's legal Services section received further representations by letter dated 8th February 2016 from Mr Siddharth Prasad together with additional reports prepared by Martin Dobson Associates and Michael Alexander Ltd.

6.2 Summary of representations:

- 6.2.1 The diseased bay tree is adjacent to a weak and unstable section of boundary wall that must be rebuilt to mitigate the risk of structural failure.
- 6.2.2 Tree roots have contributed to the damage to the wall.
- 6.2.3 The public footpath runs along the unstable section of the boundary wall which presents a public safety issue for which the property owners remain liable.
- 6.2.4 The cost of rebuilding the wall in a manner that protects the tree roots is far greater than the cost of rebuilding if the tree is removed.
- 6.2.5 The amenity value of the diseased tree is limited.
- 6.2.6 Decay is evident in 40% of the radius of the trunk and it has a declining structural integrity.
- 6.2.7 The tree will need to be taken down in 5-10 years and a TPO is unwarranted in the light of the limited life expectancy.
- 6.2.8 The public amenity provided by the bay tree can be replaced by planting a replacement tree.
- 6.2.9 It will be cost effective to fell the bay tree and rebuild the wall whilst consented building works are in progress.

7. Support for TPO

7.1 On 20th January 2016 the City Council received support for TPO 630 in response to Planning Application Ref: 14/01733/FULL.

8. Ward Member Consultation

- 8.1 Ward member comments were sought in this matter but no responses have been received. Should any comments be received, they will be reported to the Committee at the meeting.

9. Conclusion

- 9.1 In the light of the representations received from the objector it is for the Planning Applications Sub-Committee to decide whether to confirm the TPO, with or without modification, or whether the TPO should not be confirmed.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JAMES HOLLIMAN, PLANNING AND PROPERTY SECTION, LEGAL SERVICES ON 020 7641 2837 (FAX 020 7641 2761) (Email jholliman@westminster.gov.uk)

Local Government (Access to Information) Act 1985

Appendix 1 - Copy of TPO 630 (2015)

Background Papers

1. Six emails/letters received in response to section 211 notice consultation
2. Objection by letter dated 5th October 2015
3. Clifton Nurseries garden design proposal dated 5th December 2013
4. Arboricultural Solutions letter dated 24th June 2015
5. Crawford insurers letter dated 14th November 2014
6. Garden Walls Structural Report dated 11th December 2013
7. City Council letter dated 17th November 2015
8. Email dated 11th January 2016
9. Email dated 20th January 2016
10. City Council letter dated 2nd February 2016
11. Letter dated 8th February 2016 with attachments 1-7

TREE PRESERVATION ORDER
TOWN AND COUNTRY PLANNING ACT 1990
CITY OF WESTMINSTER TREE PRESERVATION ORDER 630 (2015)

The Westminster City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order –

Citation

1. This Order may be cited as The City of Westminster Tree Preservation Order 630 (2015)

Interpretation

2. (1) In this Order “the authority” means Westminster City Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

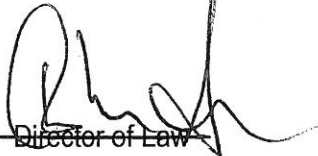
3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 16th day of September 2015

THE COMMON SEAL OF THE LORD)
MAYOR AND CITIZENS OF THE)
CITY OF WESTMINSTER was)
hereunto affixed by order:)


~~Director of Law~~

Principal Solicitor

Seal No
155
55045



SCHEDULE
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Bay tree	11 Hill Road, London NW8 9QE

Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Groups of trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		



Scale 1:1,250
 0 5 10 20 Metres

City of Westminster
 Corporate GIS Team

Tree Preservation Order Westminster no. 630:
 11 Hill Road, London, NW8 9QE

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Principal Solicitor

Director of Law:
 Signed:

DATED 16th September 2015

THE TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)

CITY OF WESTMINSTER

TREE PRESERVATION ORDER 630 (2015)

11 Hill Road
London
NW8 9QE

TREE PRESERVATION ORDER
MADE FOR THE PURPOSES
OF SECTION 198 OF THE
TOWN AND COUNTRY
PLANNING ACT 1990
(AS AMENDED)

Tasnim Shawkat
Director of Law
Westminster City Council
Westminster City Hall
Victoria Street
LONDON SW1E 6QP

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Agenda Item

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE – 1 MARCH 2016
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 14/11564/FULL St James's	18-20 York Buildings, London WC2N 6JU	Use of the building to create 11 residential units comprising one studio flat, 3 x 1 bed units, 4 x 2 bed units and 3 x 3 bed units. External works include a new extension and terraces at rear third floor level and at fifth floor level (front and side) and provision of new ground floor entrance and new front façade.	
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Grant conditional permission subject to a S106 legal agreement to secure the following: <ol style="list-style-type: none"> i. A financial contribution of £200,000 towards the City Council's affordable housing fund (payable on commencement of development).; ii. Monitoring costs 2. If the S106 legal agreement has not been completed within three months of the date of this resolution then: <ol style="list-style-type: none"> a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 				
2	RN 15/08069/FULL RN 15/08070/LBC Little Venice	7 Warwick Avenue, London W9 2PS	Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.	
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Grant conditional permission 2. Grant conditional listed building consent 3. Agree reasons for granting listed building consent, as set out in Informative 1 of the draft decision letter. 				
3	RN 15/10252/FULL Regent's Park	5 Hall Gate, London NW8 9PG	Excavation of basement extension including a front lightwell, a rear lightwell and metal bridge to the rear garden from the ground floor and external alterations.	
<p>Recommendation</p> <p>Grant conditional permission.</p>				
4	RN 15/04913/FULL Knightsbridge And Belgravia	1 Bolney Gate, Ennismore Gardens, London SW7 1QW	Extension at lower ground floor level by excavating under the rear ground floor patio and conservatory to provide additional residential accommodation. External alterations including walk on roof lights to patio.	
<p>Recommendation</p> <p>Grant conditional permission.</p>				
5	RN 15/06742/FULL West End	431 - 433 Oxford Street, London W1C 2DA	Use of the basement and part ground and first floors as retail accommodation (Class A1), use of part ground and first and the entire second to fourth floor levels as eight flats (Class C3). Installation of new shopfronts and alterations to elevations. (SITE INCLUDES 35 NORTH ROW).	
<p>Recommendation</p> <p>Grant conditional permission.</p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 1 MARCH 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
6	RN 15/09822/LBC West End	4 Meard Street, London W1F 0EF	Retention of existing railings at roof level.	
	Recommendation 1. Grant conditional listed building consent 2. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter.			
7	RN 15/09716/FULL West End	91 Mortimer Street, London W1W 7SR	Use of the ground floor and basement as a retail unit (Class A1).	
	Recommendation Refuse planning permission - loss of wholesale showroom use.			
8	RN 15/07721/FULL Little Venice	15D Clifton Villas, London W9 2PH	Construction of a flat top mansard roof extension to form a maisonette together with existing 2nd floor flat.	
	Recommendation Grant conditional permisison .			
9	RN 15/07722/FULL Little Venice	15D Clifton Villas, London W9 2PH	Construction of a mansard roof extension to form a new one bed flat.	
	Recommendation Grant conditional permission .			
10	RN 15/09615/FULL Abbey Road	51 Marlborough Place, London NW8 0PS	Demolition of an existing two storey rear extension at lower ground and ground floor levels and other associated works to the rear garden and terracing, and the erection of new single storey rear extension to lower ground floor and new doors to rear ground floor level above, and a new brick faced lift shaft extension from upper ground to third floor levels incorporating an extended mansard structure to rear third floor level with associated alterations to the rear elevation.	
	Recommendation Grant conditional permission			
11	RN 15/11730/FULL Abbey Road	51 Marlborough Place, London NW8 0PS	Demolition of existing pilasters and entablature to front entrance and removal of existing metal entrance steps. New reconstituted stone portico and steps to front entrance with low level rendered walls	
	Recommendation Grant conditional permission			

Agenda Item 1

Item No. 1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	18-20 York Buildings, London, WC2N 6JU,		
Proposal	Use of the building to create 11 residential units comprising of one studio flat, 3 x 1 bed units, 4 x 2 bed units and 3 x 3 bed units. External works include a new extension and terraces at rear third floor level and at fifth floor level (front and side) and provision of new ground floor entrance and new front façade.		
Agent	Mrs Sarah Roe		
On behalf of	CIP Management SA		
Registered Number	14/11564/FULL	Date amended/ completed	19 December 2014
Date Application Received	24 November 2014		
Historic Building Grade	Unlisted		
Conservation Area	Adelphi		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>a) a financial contribution of £200,000 towards the City Council's affordable housing fund (payable on commencement of development).</p> <p>b) Monitoring costs.</p> <p>2. If the S106 legal agreement has not been completed within three months of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>

2. SUMMARY

18-20 York Buildings is a six storey building with mansard roof. The application building is not listed but is within the Adelphi Conservation Area.

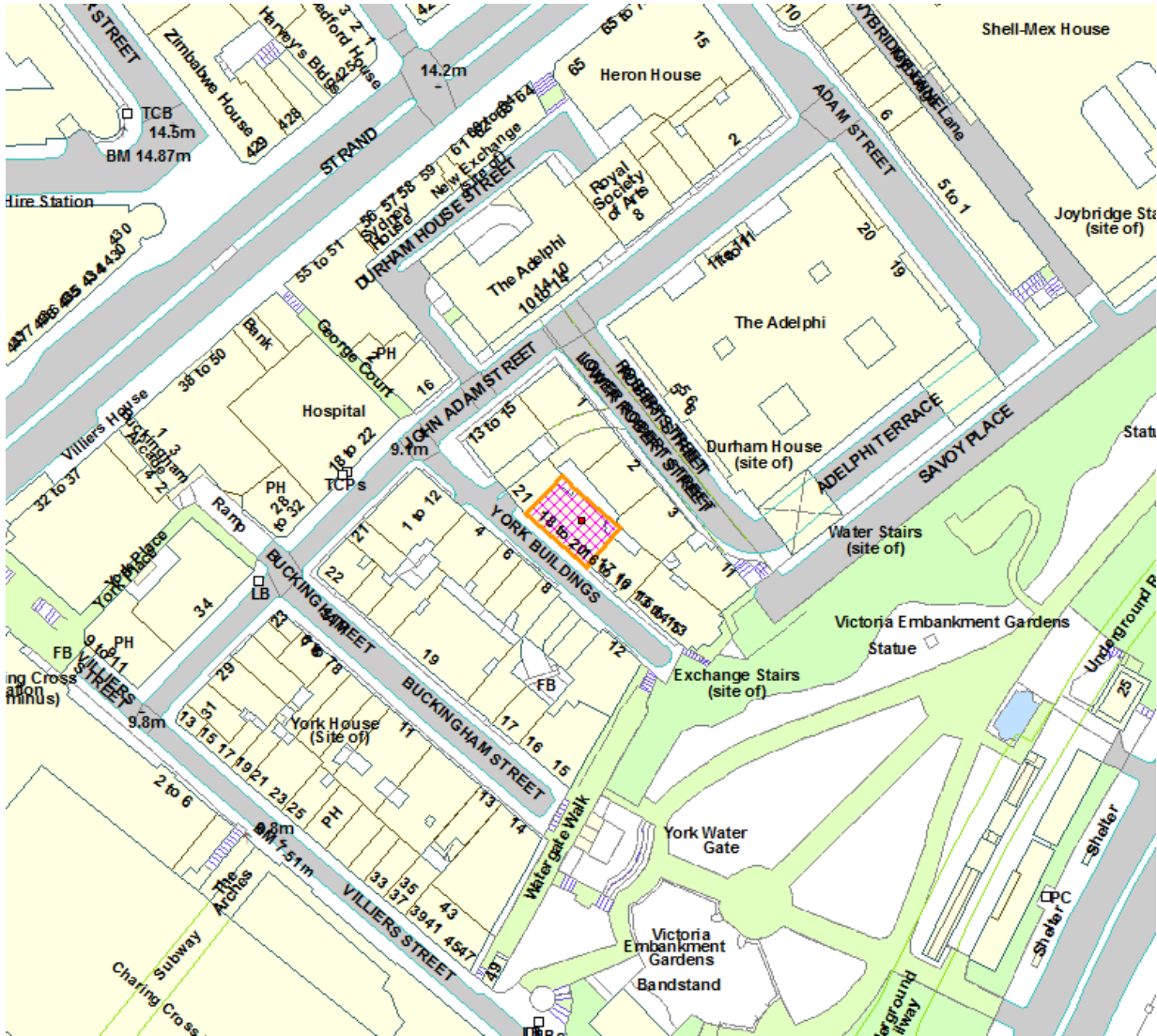
Permission is sought for the use of the building to create 11 residential units comprising of one studio flat, 3 x 1 bed units, 4 x 2 bed units and 3 x 3 bed units. External works include a new extension and terraces at rear third floor level and at fifth floor level (front and side) and provision of new ground floor entrance and new front façade.

* The impact on the amenity of adjoining properties.

* The impact on the character and appearance of the Adelphi Conservation Area.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies and the application is accordingly recommended for approval subject to a S106 agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ENVIRONMENT AGENCY:
Any comments to be reported verbally.

WESTMINSTER SOCIETY:
No objection.

HIGHWAYS PLANNING:
Provision of cycle parking required.

CLEANSING:
No objection subject to a condition to secure storage for recyclable and waste material.

ENVIRONMENTAL HEALTH:
No objection.

GO GREEN:
Development to achieve BREEAM Domestic refurbishment 2012 with an 'excellent' standard.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 64
Total No. of replies: 2
No. of objections: 2.
No. in support: 0.

AMENITY
- Overlooking and loss of privacy
- Sense of enclosure.
- Loss of light.

DESIGN
- Bulk, scale and massing of rear elevation.
- Glazed curtain walling and contemporary design not appropriate to the Adelphi Conservation Area and adjoining Grade II star building at 2-3 Robert Street.

6. BACKGROUND INFORMATION

6.1 The Application Site

18-20 York Buildings is a six storey building with mansard roof. The application building was built in the late 1980's for office use and is currently vacant. The building is not listed but is within the Adelphi Conservation Area.

The application property is located on the east side of York Buildings, south of the Strand and John Adam Street. Victoria Embankment and the Thames lie to the south, with Covent Garden to the north.

6.2 Recent Relevant History

13/10612/FULL

Variation of Condition 1 of permission granted on 9 January 2013 (12/06399/FULL) for the use of the fourth floor and mansard void (fifth floor) to provide 1 x 3 bed duplex apartment (Class C3) including the use of part of the existing external terrace at fourth floor level, and limited recladding of the building, installation of a plant enclosure at roof level and alterations to ground floor entrance; namely, the creation of a roof terrace at fifth floor level and extension on fourth floor terrace to form sunroom.

Application Permitted 17 January 2014

13/07717/FULL

Use of the first, second and third floors as five residential units.

Application Permitted 11 October 2013

13/00595/FULL

Variation of Condition 1 of planning permission dated 9 January 2013 (RN: 12/06399); Use of the fourth floor and mansard void (fifth floor) to provide 1 x 3 bed duplex apartment (Class C3) including the use of part of the existing external terrace at fourth floor level, and limited recladding of the building. Installation of a plant enclosure at roof level and alterations to ground floor entrance; namely, to amend the approved plans listed on the decision notice to create a new entrance to provide independent access from the street to the ground floor office suite.

Application Permitted 25 March 2013

12/06399/FULL

Use of the fourth floor and mansard void (fifth floor) to provide 1 x 3 bed duplex apartment (Class C3) including the use of part of the existing external terrace at fourth floor level, and limited recladding of the building. Installation of a plant enclosure at roof level and alterations to ground floor entrance.

Application Permitted 9 January 2013

7. THE PROPOSAL

Planning permission is sought for the use of the building to create 11 residential units comprising of one studio flat, 3 x 1 bed units, 4 x 2 bed units and 3 x 3 bed units. External works include a new extension and terraces at rear third floor level and terraces at fifth floor level (front and side) and provision of new ground floor entrance and new front façade.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The table below provides a breakdown of the existing and proposed floorspace.

Use	Existing (m2)	Proposed (m2)	Change (+ or – m2)
Office (Class B1)	1212	0	-1212
Residential	0	1245	+1245
Total	1212	1245	+33

Paragraph 51 of the NPPF states that Local Planning Authorities should normally approve planning applications for the change of use of buildings within Class B use to residential use where there is an identified need for housing in that area, provided there is no strong economic reasons why such development would be inappropriate.

The application site already has the benefit of extant planning permission by virtue of the 2013 and 2014 permissions for the conversion of the first to fifth floors for residential use.

The proposal will result in the loss of all office floorspace on the site. Although currently there are no specific policies in the UDP or Westminster's City Plan: Strategic Policies that protect office accommodation, applications submitted from 1st September 2015 will be determined under a 'presumption in favour of sustainable development' in line with national policy. This means that in the Core Caz, Named Streets and Opportunity Areas, housing is no longer acceptable in principle where it results in the loss of office floorspace. As the current application was submitted before the 1st September this policy position does not apply. In these circumstances the loss of the B1 office accommodation is considered acceptable in principle.

In addition approval has recently been permitted for residential schemes at 2-3 Robert Street and 13-15 John Adam Street which adjoin the application site. The scheme at 13-15 John Adam Street is currently been implemented.

Residential Use

The proposal accords with Policy S14 of Westminster's City Plan: Strategic Policies (2013) and saved Policy H3 of the Unitary Development Plan 2007 which seeks to increase residential floorspace within the City.

The scheme will provide 11 residential units with the following mix:

Unit Type	Number	%
Studio flat	1	10
1 bed	3	27
2 bed	4	36
3 bed	3	27

Policy S15 and saved Policy H5 seek the provision of a range of housing sizes - normally requiring 33% of housing units to be family sized (3+ bedrooms) and 5% of the family housing to have five or more habitable rooms. The proposal will provide 27% of family

sized accommodation. Although this falls short of the required standard, given the existing constraints of the building and that the application property is been converted as opposed to being demolished and rebuilt, the mix of units is considered acceptable in this instance.

The size of the proposed residential units meet the minimum standards set out in the National Technical housing standards (March 2015). The minimum standards for bedroom sizes, as specified by the national standards, recommends 8sqm for a single bedroom and 12sqm for a double or twin bedroom. The minimum and maximum room sizes of the proposed bedrooms are 14sqm and 28sqm respectively.

The application property is located off the Strand within an area comprising a mix of office and residential uses, and where ambient noise levels exceed WHO guideline levels. Environmental Health has confirmed that the proposed internal noise levels for the residential units are likely to comply with the City Council's standard noise conditions.

Environmental Health has assessed the quality of the residential accommodation at lower ground floor level in terms of natural lighting and are satisfied that, on the basis that the bedrooms in the lower ground floor are part of duplex units with the main habitable rooms at ground floor level, these flats will comply with necessary 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. As the amount of new residential is 1245m² (gross external floorspace) Policy S16 is applicable.

The supported policy text states that affordable housing will be provided on site. Where the Council considers this not to be practical or viable, the affordable housing should be provided off site but within the vicinity of the application site. Off-site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity, and where it would not add to an existing localised concentration of social housing. A financial contribution in lieu of affordable housing provision is an option that the Council will only accept if all the above cascade options have been thoroughly explored and prove impractical or unfeasible.

In this case the Council's Interim Policy requirement is for the provision of two affordable units on site. The applicant has stated that due to the physical constraints of the building it is not possible to provide these units on site nor do they own other properties within the vicinity of the site. Instead they offered a payment in lieu of on-site affordable housing of £20,000. The policy compliant payment would be £577,300. The applicant has submitted a financial viability assessment which has been independently assessed by the Council's consultants, Lambert Smith Hampton. The Council's consultants concluded that the maximum payment in lieu that the scheme could support and still be viable is £200,000. The applicant has agreed to make this level of payment and this will be secured by a S106 legal agreement.

8.2 Townscape and Design

18-20 York Buildings is identified in the Adelphi Conservation Area Audit as a 'neutral feature'. Previously approved schemes have established the principle of using the building for residential purposes, as well as works to the rear elevation and new extension at roof level.

Re-modeling of the front façade

The proposal seeks to remodel the front elevation of the building to provide a more contemporary frontage. The existing building is of no architectural merit and this presents an opportunity to improve the site. The new modern façade also allows for modern approaches to balconies and steeper roof pitches.

The front elevation has been amended from the originally submitted proposals to provide simple balconies to the front elevation and additional articulation within the elevation. Given their depth it is unlikely that they would project sufficiently to interfere with views down the street.

Whilst the proposed alterations to the front elevation are not considered to be of exceptional architectural merit, it is considered an improvement to the existing situation. Conditions are recommended to secure samples of the facing materials.

Front Roof Alterations

The works include the extension of the existing roof towards 16-17 York Buildings. The extension removes some of the vertical emphasis currently visible in the façade and is considered to create a better balance, whilst also respecting the character of the conservation area and the site's relationship with the neighbouring building at Nos. 16-17. The setback at fourth floor level is considered of further benefit to the building.

Alterations to the rear

At rear fourth and fifth floor level it is proposed to infill part of the flat roof area with a new extension. Permission has previously been approved to provide a sunroom at rear fourth floor level. The proposed extension was initially designed as a glazed rear extension. However this was considered to be unacceptable and out of keeping with the appearance of the conservation area. The proposed extension will comprise of a zinc clad roof which allows for a more traditional composition with the roof level above. The other rear alterations consist principally of the creation of a balcony at third floor, which is considered acceptable in design terms. Conditions are recommended to secure details of the screen to the third floor terrace and samples of the facing materials for the new extension.

Objections have been received from the owners of 2-3 Robert Street and 13-15 John Adam Street. Both these buildings adjoin the application site and have a lawful use as offices. However, permission has been granted for the conversion of both properties in 2015 and 2014 respectively to residential use (11 flats at 2-3 Robert Street and 12 flats at 13-15 John Adam Street). The main concerns raised relate to the proposed alterations to the rear elevation on the adjoining properties.

There is an existing flat roof area at fourth and fifth floor level and the proposed extensions are proposed to infill these areas to a depth of 1m. The proposed extensions do not extend beyond the rear building line. Permission has previously been approved for the infilling of the fourth floor flat roof to provide a sunroom. Whilst it is appreciated that the rear area surrounding all three properties including the application site is separated by a narrow lightwell the proposed extension is not considered to create additional bulk as it will read as part of the rear of the building and sits within the footprint of the building.

In terms of the detailed design this has been amended to use more traditional materials which are considered to sit more comfortably with the existing building to the rear and thus respecting the adjoining properties.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect the amenity of existing residents from the effects of new development. Several objections have been received relating to the impact of the additional bulk at roof level on daylight, sunlight and sense of enclosure grounds to residential windows immediately to the rear, as well as potential overlooking.

Both of the adjoining properties, at 2-3 Robert Street and 13-15 John Adam Street, have raised concerns that the proposed alterations to the rear will cause a loss of privacy, overlooking and loss of light to their properties. The properties both have a lawful use as offices but are currently vacant. Permission has been granted for both properties for conversion to residential use. Works are currently underway at 13-15 John Adam Street.

All three properties back onto one another and are separated by an internal lightwell area which has been infilled at ground floor level. The rear of 2-3 Robert Street has a series of windows from first floor above which look directly onto the rear of the application site and there is a single column of windows which are located in the rear of 13-15 John Adam Street nearest to the rear of the application site.

Sunlight and Daylight

Policy S29 states that the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment and this is supported by saved Policy ENV 13 of the UDP. A daylight and sunlight report has been submitted with the application which has assessed the nearest affected windows in 1 Robert Street, 2-3 Robert Street, 4 York Buildings, 6 York Buildings, 7 York Buildings and 8 York Buildings.

The report indicates that the windows within 1 Robert Street, 4 York Buildings, 6 York Buildings, 7 York Buildings and 8 York Buildings would not experience a material loss of light beyond the BRE guidelines. However there is one window within 2-3 Robert Street which experiences a minor reduction in sunlight (23%) which is marginally above the 20% guidelines set by the BRE standards. This window is proposed to serve a bedroom but is also served by two windows to the front elevation.

Although objections have been received on behalf of the owners of adjoining buildings, it is not considered that the alterations will materially impact upon the amenity of

neighbouring properties in terms of loss of light, loss of privacy, increased sense of enclosure.

Sense of Enclosure

The proposed extension at rear fourth and fifth floor level will be located on an area of flat roof. This extension is of a modest size and is within the footprint of the building. This is not considered to give rise to a material sense of enclosure to warrant refusal of the application.

Privacy/Overlooking

A terrace is proposed at rear third floor level which will serve a bedroom. Permission has previously been approved in 2014 for a terrace in this location which allowed use of the entire flat roof area. The current proposal is for a smaller terrace and includes a privacy screen. The objector at 2-3 Robert Street has requested that a winter garden is provided in place of the terrace in order to minimise any impact on the amenity of their property once converted to residential. The terrace is considered acceptable on amenity grounds and this request is considered unreasonable.

Terraces are proposed to the front and side elevation at fifth floor level but these will not have an impact on adjoining properties in terms of loss of privacy or overlooking.

A terrace proposed at fourth floor level has been omitted from the proposals. The fourth floor flat roof will remain as existing and a condition is recommended to ensure that this area is only used in case of an emergency or for maintenance purposes only.

The proposed new extension at fourth and fifth floor level will contain five windows at each level which will serve a toilet and staircase. A condition is recommended to require these windows to be obscurely glazed to reduce overlooking to 2-3 Robert Street.

8.4 Transportation/Parking

The proposal does not provide off street parking. Policy TRANS 23 states that where the on street parking threshold in an area is over 80% then this will result in an unacceptable level of deficiency and increase parking stress in the area. The night time parking occupancy of resparks within a 200m radius of the site is 82%. This is reduced to 45% by inclusion of all legal parking spaces (single yellow lines, metered bays, pay and display and shared use).

During the daytime parking occupancy of all resparks within a 200m radius of the site together with all legal parking spaces is 72%. The site is well served by public transport (buses along the Strand and Embankment Underground and Charing Cross Underground and National Rail stations are nearby). It is acknowledged that the site has a high level of public transport accessibility, households with one or more car in the St James's Ward is 32%. The above indicates that residents in the area do own cars, along with the fact that during the day residential bays have a high level of occupancy.

Parking pressure in the area remains below the stress level. Whilst the introduction of additional housing in this area without off-street parking or on-street parking restraint is

likely to increase stress levels, in this instance the Highways Planning Manager has confirmed that the additional cars generated are likely to be absorbed into the surrounding street network therefore the development is consistent with Policy TRANS 23.

Policy S41 seeks to encourage sustainable forms of transport and this is reinforced by supported Policy TRANS 10A which requires one cycle space to be provided for each new flat. The submission identifies a bike storage area at lower ground floor level but a condition is recommended to secure the requisite number of cycle spaces.

8.5 Economic Considerations

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

8.6 Access

The proposal raises no access issues.

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.

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

- a) a financial contribution of £200,000 towards the City Council's affordable housing fund (payable on commencement of development).
- b) costs of monitoring the S106 agreement.

The 'Heads of Terms' listed above are considered satisfactory to address City Council policies. 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

A sustainability and energy statement accompanies the application proposals. A BREEAM Domestic Refurbishment Pre-assessment has been carried out. The BREEAM assessment provides a predicted BREEAM rating for the refurbishment works at 18-20 York Buildings of 60.3%, which would achieve a BREEAM "Very Good" rating.

The proposed roof plan indicates that solar panels can be provided at roof level. Details of these are reserved by condition.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from the Westminster Society dated 27 January 2015 and letter dated 24 February 2015.
3. Memorandum from the Cleansing Manager dated 22 January 2015.
4. Memorandum from the Go Green Programme Manager dated 26 January 2015.
5. Memorandum from the Highways Planning Manager dated 28 January 2015.
6. Memorandum from the Environmental Health Consultation Team dated 20 February 2015 and 3 February 2016.
7. Letter and e-mail from Savills on behalf of 2-3 Robert Street dated 12 March 2015, 29 April 2015 and 13 November 2015.
8. Letter from Savills on behalf of 13-15 John Adam Street dated 12 March 2015 and 29 April 2015.

Selected relevant drawings

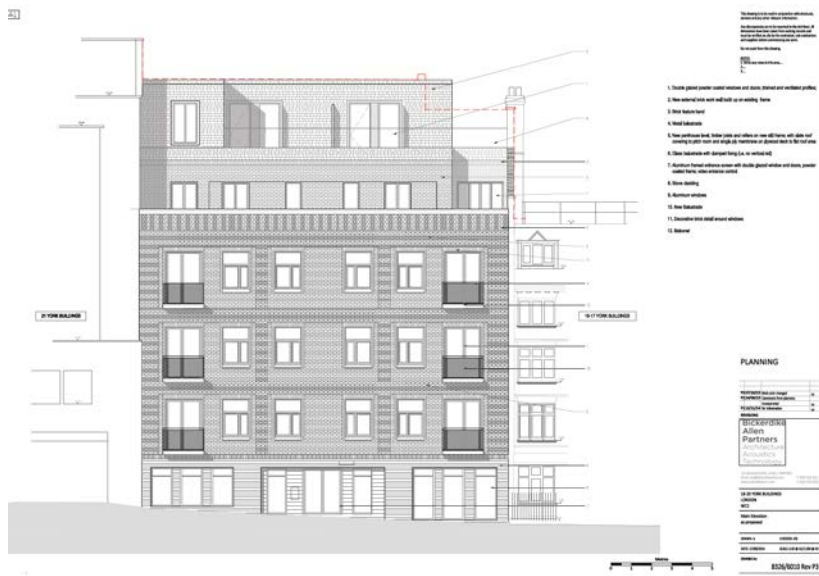
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT AMANDA JACKSON ON 020 7641 2934 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

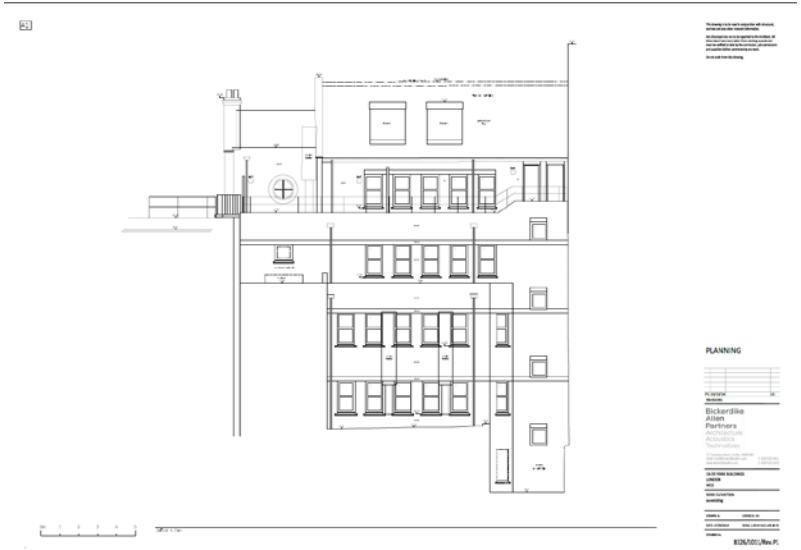
10. KEY DRAWINGS



Existing Front Elevation



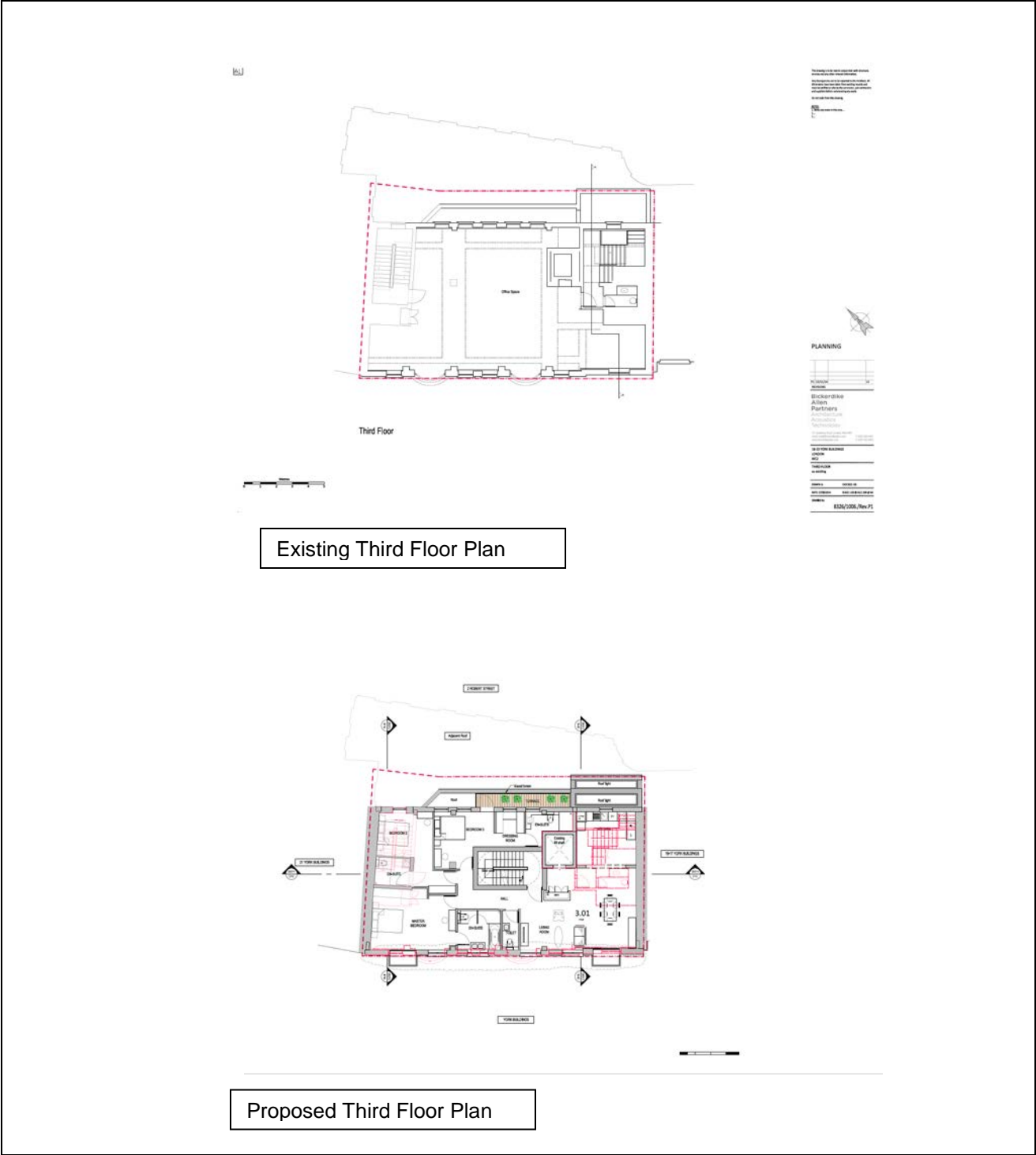
Proposed Front Elevation

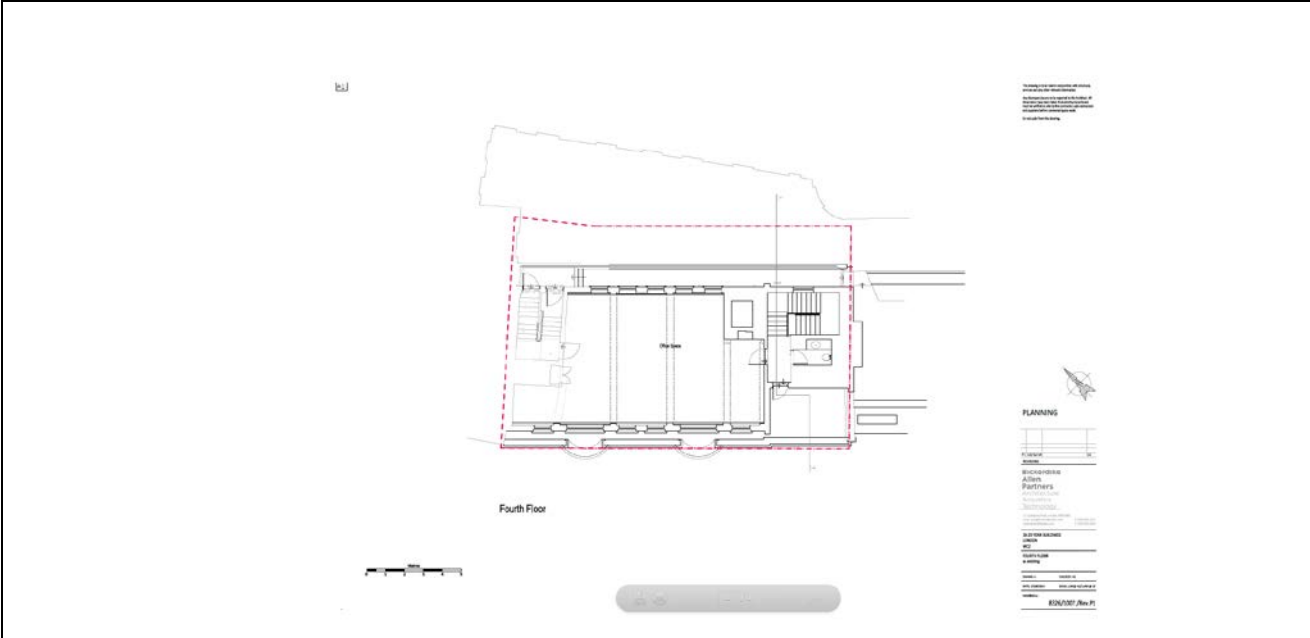


Existing Rear Elevation

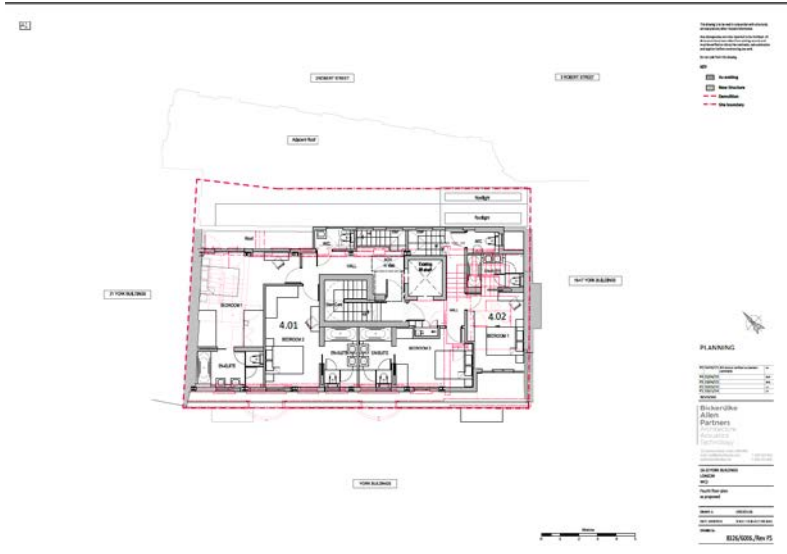


Proposed Rear Elevation

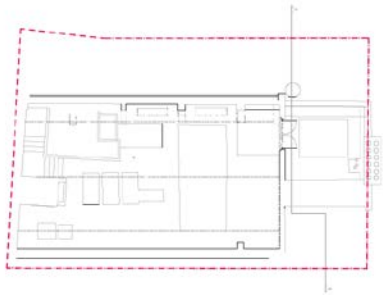




Existing Fourth Floor Plan



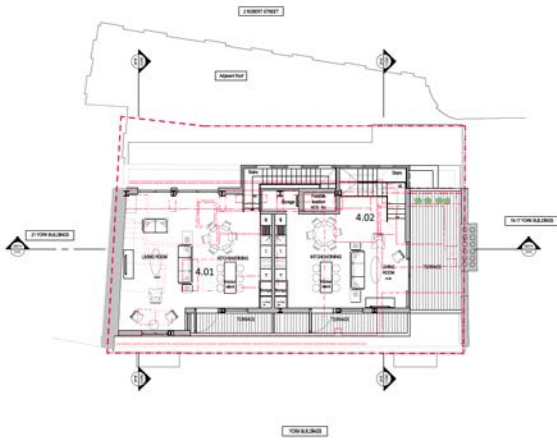
Proposed Fourth Floor Plan



Fifth floor



Existing Fifth Floor Plan



Proposed Fifth Floor Plan

DRAFT DECISION LETTER

- Address:** 18-20 York Buildings, London, WC2N 6JU,
- Proposal:** Use of the building to create 11 residential units comprising of one studio flat, 3 x 1 bed units, 4 x 2 bed units and 3 x 3 bed units. External works include a new extension and terraces at rear third floor level and at fifth floor level (front and side) and provision of new ground floor entrance and new front façade.
- Reference:** 14/11564/FULL
- Plan Nos:** 8326./1000./Rev. P1, 8326./1001./Rev. P1, 8326./1002./Rev. P1, 8326./1003./Rev. P1, 8326./1004./Rev. P1, 8326./1005./Rev. P1, 8326./1006./Rev. P1, 8326./1007./Rev. P1, 8326./1000./Rev. P1, 8326./1008./Rev. P1, 8326./1009./Rev. P1, 8326./1010./Rev. P1, 8326./1011./Rev. P1, 8326./1012./Rev. P1, 8326./6001./Rev. P1, 8326./6002./Rev. P1, 8326./6003./Rev. P2, 8326./6004./Rev. P2, 8326./6005./Rev. P4, 8326./6006./Rev. P5, 8326./6007./Rev. P4, 8326./6008./Rev. P1, 8326./6010./Rev. P3, 8326./6011./Rev. P6, 8326./6012./Rev. P5, 8326./6013./Rev. P3, 8326./6014./Rev. P1, 8326/DM(0)101/Rev C1, 8326/DM(0)102/Rev C2, 8326/DM(0)103/Rev C1, 8326/DM(0)104/Rev C1, 8326/DM(0)105/Rev C1, 8326/DM(0)106/Rev C1, 8326/DM(0)107/Rev C2, 8326/DM(0)108/Rev C1, 8326/DM(0)110/Rev C1, Design and Access Statement dated November 2014, Planning and Heritage Statement dated November 2014, Daylight and Sunlight Report dated 13 November 2014, Daylight and Sunlight Addendum Note dated 7 May 2015, Acoustic report for planning dated 23 October 2014 (A9818-R01-JGM) prepared by Bickerdike Allen Partners Architecture Acoustics Technology, Sustainability Statement Rev. 2 dated 19 November 2014, Energy Statement Rev. 2 dated 19 November 2014 and BREEAM Domestic Refurbishment Pre-Assessment Rev. 2 dated 19 November 2014.

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 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 flats. (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)

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;

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

Reason:

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

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

Reason:

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

- 6 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.

- 7 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

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

Reason:

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

- 9 You must apply to us for approval of detailed drawings of the following parts of the development:-
a) Windows;
b) Doors;
c) Ground floor front elevation; and
d) solar panels on the roof.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.
(C26DB)

Reason:

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

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

Reason:

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

- 11 You can only use the third floor terrace as shown on drawing 8326/6005./Rev. P4 for sitting out or for any other purpose and the glazed screen hereby approved must be installed prior to the use of the third floor terrace. The remainder of the third floor flat roof and the fourth floor flat roof must not be used for sitting out or for any other purpose. You can however use the area of flat roof to escape in an emergency or for maintenance purposes. (C21CA)

Reason:

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

- 12 The glass that you put in the windows in the rear elevation of the fourth and fifth floor extension as shown on drawings 8326/6006./Rev. P5, 8326/6007./Rev. P4 and 8326/6011 Rev P6 must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 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.
- 4 You are advised that where natural ventilation is not available to all bathrooms and all rooms to allow occupants to choose whether or not they open their windows due to ambient noise levels being high then the following is recommended:
 - There should be means of rapid ventilation within the bathroom.
 - Ventilation by mechanical means should provide at least one air change per hour in habitable rooms and kitchens and three per hour in bathrooms and WC compartments.
- 5 The following is recommended with regard to the provision of adequate natural ventilation:

- Natural ventilation should allow for cooling in summer months.
 - Low level background ventilation should be designed to prevent excessive heat loss or draughts.
 - It should be controllable and properly installed.
- 6 The following is recommended with regards to the provision of adequate heating:
- The heating system should be appropriate to the design, layout and construction to allow for the whole of the dwellings to be adequately and efficiently heated.
 - Heating should be controllable by the occupants.
- 7 The following guidance is recommended with regards to the security of the dwellings:
- Each dwelling should be capable of being secured against unauthorised entry.
 - The design of the building and its curtilage should include a clearly defensible space.
 - In multi-occupied buildings entry phones are recommended.
- 8 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.**
- 9 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the commuted sum for affordable housing. (I55AA)

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

Item No. 2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	7 Warwick Avenue, London, W9 2PS		
Proposal	Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.		
Agent	Mr James Hart		
On behalf of	Mr Oliver Nesensohn		
Registered Number	15/08069/FULL; 15/08070/LBC	Date amended/ completed	28 September 2015
Date Application Received	28 August 2015		
Historic Building Grade	Grade II		
Conservation Area	Maida Vale		

1. RECOMMENDATION

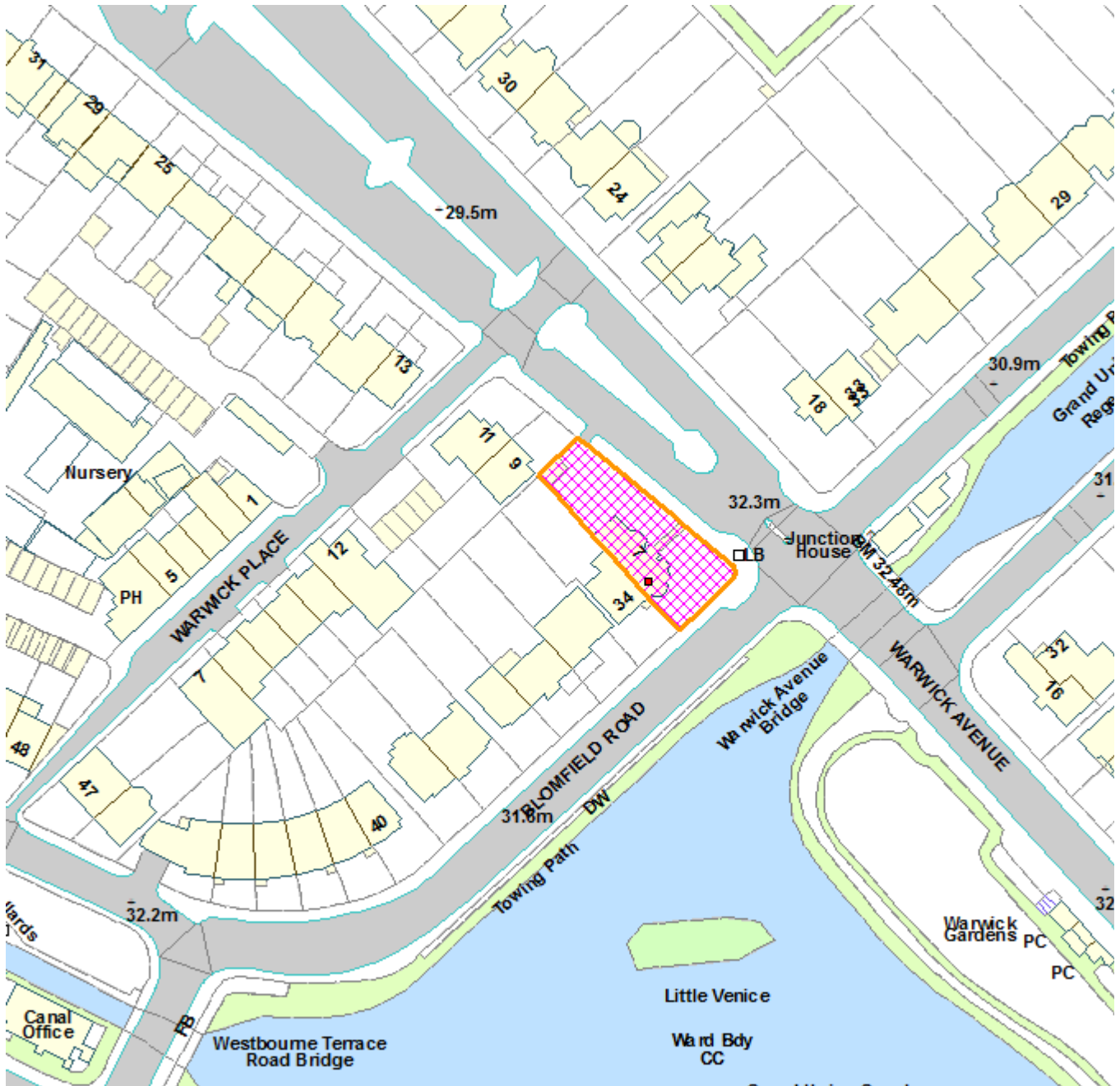
<ol style="list-style-type: none"> 1. Grant conditional permission 2. Grant conditional listed building consent 3. Agree reasons for granting listed building consent, as set out in Informative 1 of the draft decision letter.

2. SUMMARY

<p>7 Warwick Avenue is a Grade II listed building located within the Maida Vale Conservation Area.</p> <p>Planning permission and listed building consent are sought for the excavation of a new basement beneath the existing single family dwelling, extension to the existing lower ground floor level and associated internal and external alterations to the building including demolition and replacement of the existing conservatory and installation of associated plant. This application follows an application for a much larger basement which was withdrawn last year.</p> <p>Several objections have been received on a variety of grounds including structural issues, impact of construction works, impact on the Grade II Listed Building and the Maida Vale Conservation Area, impact on amenity of neighbouring occupiers, sustainability issues, impact on trees, failure to comply with policy and problems with consultation.</p> <p>Notwithstanding the objections received, the proposed development is considered to be acceptable and would accord with the relevant policies in Westminster’s City Plan: Strategic Policies adopted in</p>
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November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

London Underground Limited:

No objections in principle. However, there are a number of potential constraints on the redevelopment of a site situated close to undergrounds tunnels and infrastructure.

Therefore it will need to be demonstrated to the satisfaction of LUL engineers that:

- The development will not have any detrimental effect on their tunnels and structures either in the short or long term;
- The design must be such that the loading imposed on their tunnels or structures is not increased or removed;
- They offer no right of support to the development or land.

Highways Planning:

The proposal is acceptable on transportation grounds.

Building Control:

No objections.

Environmental Health:

No objections on environmental noise and nuisance grounds however, following concerns raised by neighbouring occupiers a condition stipulating the requirement of a post-commissioning survey is recommended.

Concerns have been raised in respect of contaminated land following preliminary investigations. Further details on this matter should therefore be sought by condition.

Arboricultural Section:

Further to the receipt of revised plans during the course of the application, no objections are raised subject to the provision of tree protection details and an amended construction method statement, which along with a suitable landscaping scheme, should be secured by conditions.

Ward Councillors for Little Venice:

Any comments to be reported verbally.

Paddington Waterways & Maida Vale Society:

The proposed conservatory is wholly out of context to the host building. Whilst the existing conservatory is not architecturally pleasing it sits more comfortably with the host building and wider conservation area. The elevation is highly visible from Warwick Avenue and the proposals will be harmful to the host building and conservation area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6

Total No. of replies: 8

No. of objections: 7

No. in support: 0

Objections were raised on the following grounds;

Structural Issues

- Potential subsidence, especially given proximity to Bakerloo line;
- The buildings are built on clay which is susceptible to movement;
- The land bordering the canal tilts towards the canal and the proposed excavation would further encourage this landslide;
- Most swimming pools have leakage problems which are difficult to identify and this will cause further damage to the soundness of foundations;
- Long terms structural damage to adjoining Grade II Listed Building;
- The estimates of damage to the neighbour's rear wall have been made without the surveyor having access to said wall and hence the conclusions are reliant on their assumptions proving correct;
- The impact of the underpinning has not been modelled;
- The applicant should fund an independent surveyor to properly assess the likely damage to the adjoining building;
- Press articles relating to the effects of basement extensions are provided.

Construction Works

- 78 weeks is an intolerable amount of time for the noise, dust, dirt and vibrations associated with construction works;
- It will destroy the tranquil setting of the area where many occupiers are at home during the day;
- It is alleged that the applicant has not fully considered the problems arising from the proximity of the underground and the canal and therefore the works will take much longer than the anticipated 78 weeks;
- Based on other developments in the area, it is expected that a more realistic estimate is 2-3 years;
- The works would interfere with enjoyment of life in a residential area with many young families;
- Traffic disruption and car parking disruption in an already oversubscribed area;
- The increased traffic from construction vehicles would cause danger especially to young children;
- The proposed hours of work are unsuitable for a totally residential area;
- The CMP includes provisions about community engagement however there has been no evidence of this to date;
- There is insufficient information in the CMP to fully assess the realistic impact of this proposed development.

Design

- Basements under listed buildings should be resisted and some Councils have accordingly banned them. It is questioned why Westminster has not done the same;
- As the building is listed, any alteration should be carefully considered in case irreparable damage occurs;
- The proposal will cause damage to the character of the area;
- The Council has a legal duty and policy requirement to protect listed buildings;
- The creation of a basement level would significantly alter the historic hierarchy of floor levels in the property;
- The site is already over-developed and should not be developed any further;
- The proposed conservatory is grotesque, overly bulky, totally incongruous and obtrusive.
- The proposals would not preserve or enhance the property or the conservation area.

Amenity

- Noise emitted from condenser unit in garden;
- The applicant's sound report is not fit for purpose and a document prepared by Sound Barrier Solutions is submitted in this respect;
- Loss of residential amenity to a large number of people.

Sustainability

- The development would not improve the environmental performance of the property, would increase the energy and emissions of the building and would result in an excessive use of natural resources.

Flooding

- The proposal increases the risk of ground water flooding.

Impact on Trees

- Trees are crucial to the local environment and they may be threatened.

Basement Policy

- The proposal conflicts with policy as it does not provide much needed extra accommodation where room to extend otherwise than by a basement is limited (the property could be extended to the side whilst a pool, hammam and gym cannot really be considered much needed extra accommodation).
- It is suggested that the application may have been rushed through to avoid the implications of the new basement policy;
- The determination of this application should be postponed pending the outcome of the Planning (Subterranean Development) Bill.

Discrepancies in Submitted Documents

- The Environmental Performance Survey (pg. 8) states that all plant is contained in the basement;
- One documents states that the site is within 5m of the Bakerloo Line whilst all other documents state that the tunnels are over 10m away;
- The final Basement Impact Assessment (pg.6) references Gerald Road;
- Such discrepancies raise concerns over the reliability of all of the documents submitted.

Other Issues

- A request has been made by Nursery Amenity Limited, who is the company responsible for managing the rentcharge deed for sixty five properties including 7 Warwick Avenue, for discussion to take place between themselves and the planning officer to ensure that the applicant is not given conflicting advice;
- A request is made by a neighbour to address the committee;
- The application site has been vacant for some time and therefore the works will not impinge upon those who are proposing the works;
- Aggressive attempts of newcomers to destroy the charms and the safety of the old historical London homes;
- The absence of any public benefit to outweigh the harm; a recent appeal decision which addresses this issue has been provided;

- Lack of faith in this particular resident to comply with building regulations and reassurance is sought that regulations will be enforced;
- The Council's procedures are inadequate with the odds stacked in favour of the developer.

Consultation and planning process

- Consultation by the City Council was inadequate;
- Problems with the website, which have prevented neighbours from submitting objections;
- Cavalier attitude to a project which could have a massive negative impact on the neighbourhood particularly since each objection could contain new grounds for consideration;
- Objections received in relation to the previously withdrawn application should be taken into consideration when determining the current application;
- Planning Officers have ignored neighbours' concerns when discussing a revised proposal with the applicant.

Conditions Should Planning Permission be Granted

- In view of emerging basement policy, development should commence within one year;
- Hours of construction to be restricted to 9-12.30 and 13.30-17.30 Mon-Fri with no work on weekends or bank holidays;
- A programme of construction to be agreed with local residents prior to commencement of development;
- A bond (amount to be determined), to be secured should the need arise to repair any structural damage to the adjoining Grade II Listed Building.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

7 Warwick Avenue is a Grade II listed building located within the Maida Vale Conservation Area. It occupies a prominent corner plot on the corner of Warwick Avenue and Blomfield Road.

6.2 Recent Relevant History

15/08070/LBC

Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.

15/04707/FULL & 15/04708/LBC

Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory.

Applications withdrawn: 24 July 2015

7. THE PROPOSAL

Planning permission and listed building consent are sought for the excavation of a new basement beneath the existing single family dwelling, extension to the existing lower ground floor level and associated internal and external alterations to building including the demolition and replacement of existing conservatory and the installation of associated plant. This application follows an application for a much larger basement which was withdrawn last year.

Some additional details have been received and minor amendments have been made to the proposal during the course of the application. Given that these details either relate to concerns raised by the Arboricultural Officer or could have been sought by condition, it was not considered necessary to re-consult neighbouring occupiers.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal is considered to accord with Policy H3 of the UDP, which states that extensions to residential properties are acceptable in principle.

Concerns have been raised by neighbouring occupiers in respect of the requirement for a basement especially one that includes a pool, a gym and a hammam as this cannot be considered much needed accommodation. It is therefore suggested in the letters of objection that this proposal is not policy compliant and that the potential for extending above ground should have been explored in the first instance. However, it is not within planning control to resist the proposal on the basis of the alleged non-justified need.

8.2 Townscape and Design

Basement

The basement extension will sit beneath the footprint of the historic core and beneath the extension at lower ground floor level. The staircase down into the new basement would be located by a staircase outside the envelope of the historic core within the lower ground floor extension. It is considered that the basement proposed will not have an adverse impact on the hierarchy of the interior and the original scale of the main house. It is also considered unlikely that the excavation of the basement and the demolition and reconstruction of the vaults would cause unacceptable structural impacts. As such, the basement is considered acceptable in design and conservation terms.

Neighbouring occupiers have stated that basements under listed buildings should have been banned as they have been by some other Councils. However, this is a matter for wider planning policy in the City Council and not a matter to be discussed as part of the assessment of this individual application.

Conservatory

The scale of the replacement structure has been kept within the built line of the current structure, with a reduction in height due to the introduction of a shallower pitched roof therefore the scale of the replacement conservatory is considered to be acceptable. The introduction of a contemporary design is not considered to detract from the architectural style of the host building as it is interpreted as an honest addition. The use of the timber panelling breaks up the north-west elevation and due to its positioning at lower ground floor level in the less formal area of the outdoor space, it can be interpreted as a garden structure, subservient to the principal building. Notwithstanding objections from Paddington Waterways and Maida Vale Society as well as neighbouring occupiers, it is considered that the proposed replacement conservatory is acceptable in design terms.

External Alterations

Additionally the alterations to the hard and soft landscaping, including increasing the height of the paving, is considered to have a limited impact on the setting of the heritage asset and the character and appearance of the conservation area, as is the introduction of an acoustic enclosure within the setting of trees.

Internal Alterations

To the lower ground it is proposed to recreate the cruciform plan by reintroducing a central hallway and passageway, which in turn generates a cellular arrangement of rooms. This alteration is considered to be acceptable in design and conservation terms. Given the level of alteration that has previously occurred at this level and the limited amount of remaining historic fabric the alterations to create the additional stairs to the basement levels and the insertion of additional partitioning walls is considered to have a limited impact on the special interest of the heritage asset.

At ground floor level it is proposed to remove the existing staircase to the lower ground floor level which is located in the current living room; the current staircase is a modern introduction and therefore its removal is considered to be acceptable with the area to be made good. It is proposed to introduce a staircase in a more traditional location, under the principal staircase, however separate from it. In principle the proposed location is acceptable and whilst its scale and projection at ground floor level could have been reduced, this in itself is not considered to be grounds for refusal.

At present on the first floor one of the principal rooms has been subdivided to create an en-suite and dressing area. Through the proposed scheme the cellular plan form of the level will be restored, with the required subdivision contained within the later addition; this proposal is welcomed in heritage terms as the interpretation of the core is enhanced. The retention of the chimney breast in the proposed master bedroom is welcomed. No alterations are proposed to the second and third floors.

The proposals would therefore preserve the character and appearance of the listed building and the Maida Vale Conservation Area and would comply with policies S25 and S28 of the City Plan and policies DES1, DES5, DES9 and DES10 of the UDP.

8.3 Residential Amenity

Given its limited external manifestations; the proposed basement extension, once built, will have no impact on the amenities of neighbouring properties in terms of loss of daylight, outlook or sense of enclosure, and loss of privacy and would therefore comply with Policy ENV13 of the UDP and policy S29 of the Westminster City Plan.

Given the presence of the existing conservatory that the proposed conservatory would replace, as well as the existing boundary treatment, this part of the proposal does not raise any amenity concerns either.

8.4 Transportation/Parking

The proposal does not represent an increase in residential units or a loss of parking as such the proposal is not contrary to policy TRANS23 of the UDP. Equally, as the proposal does not comprise an increase to the number of residential units on the site, it would not be reasonable to attach conditions requiring details of cycle parking and refuse storage.

Both neighbours and London Underground Limited (LUL) have raised concerns about the impact the proposed excavation of the basement could have on the underground tunnels and infrastructure close to the site. It is recommended that the condition requested by LUL requiring further details on this matter, is attached to this permission.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed works would not affect access to the site.

8.7 Other UDP/Westminster Policy Considerations

Noise/Plant

Objections have been received on the grounds of the unacceptable noise levels associated with plant including the condenser unit in the garden. It is alleged that the applicant's sound report is not fit for purpose and a document prepared by Sound Barrier Solutions has been submitted in support of the neighbour's assertions.

The City Council's Environmental Health Officer has reviewed both the applicant's acoustic report and the neighbour's acoustic report and has confirmed that whilst the applicant's report could have been better, it does not indicate that the plant would materially affect the amenities of neighbouring occupiers in terms of noise and disturbance. Nevertheless, given strong opposition to the proposal, it is recommended that a condition requiring a post commissioning survey is attached to the planning permission. Along with the standard condition on noise levels, this should address concerns raised by neighbours.

Trees

The scheme has been amended to address concerns raised by the City Council's Arboricultural Officer. Subject to conditions requiring an amended construction method

statement and a suitable landscaping scheme, the proposal is considered to be acceptable in accordance with policy ENV16 of the adopted Unitary Development Plan.

Sustainability

One objector states that the development would not improve the environmental performance of the property, would increase the energy and emissions of the building and would result in an excessive use of natural resources. However, given the scale of development which relates solely to a single family dwellinghouse, it is considered that the associated increase to energy and emissions etc, would not constitute sufficient grounds to refuse the entire application.

Contaminated Land

Preliminary investigations, comprising three bore holes, have revealed elevated levels of both lead and asbestos on the site. As none of these boreholes were within the footprint of the proposed works, it is recommended to secure further site investigation details by condition.

8.8 London Plan

With the exception of the impact on the London Underground infrastructure, which is addressed elsewhere in this report, 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.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Environmental Impact issues have been covered in section 8.7 above.

8.12 Other Issues

Basement

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding. Such concerns have been raised by many neighbouring occupiers. The numerous letters of objection received refer specifically to the impact on the structural integrity and stability of adjoining buildings, including the adjoining Grade II Listed Building. They also refer to potential problems with ground water flooding, and increased

risk of subsidence given the proximity of the canal and the Bakerloo line and given the properties are built on clay which is susceptible to movement, the problems associated with swimming pools leaking and the inadequate surveys undertaken.

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

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

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

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

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

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

Building Control have assessed the reports provided and consider that, notwithstanding concerns raised by neighbouring occupiers in respect of alleged inappropriate methods of construction, the proximity to the canal, the problems with swimming pools and the lack of faith they have in the inaccurate surveys submitted by the applicant, the proposed construction methodology appears satisfactory. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports is to show that there is no

foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

Notwithstanding the comments received from Building Control, given the proximity to the Barkerloo Lane, London Underground Limited have requested that a condition be attached to require details of the construction methodology specifically relating to its infrastructure. This should go some way towards addressing the concerns of neighbouring occupiers.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (24th October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted.

The basement guidelines and basements policy documents have different status in the planning process. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Weight will be afforded to parts of the new basement policy for applications submitted after 1st November 2015. Neighbours have suggested that this application should be determined in accordance with the new basement policy. However, as the application was submitted before the 1st of November, this would not be reasonable. Others have alleged that the application may have been rushed through to avoid the implications of the new basement however, this appears to be an unfounded allegation and in any event, is not a material planning consideration.

Reference is made to the Planning (Subterranean Development) Bill and it is suggested by neighbouring occupiers that determination of the application for a basement at 7 Warwick Avenue should be postponed pending its outcome. Until such time as this Bill becomes an Act, it holds no weight, and it would be unreasonable to delay the determination on this basis.

Construction Impact

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement with specific reference to noise, dirt, dust vibrations and traffic, the timescale for the proposed construction phase and general disturbance associated with construction activity.

Whilst planning permission cannot be withheld on the basis of these objections, a Construction Management Plan is required at validation stage and has therefore been submitted with the application. This is considered appropriate and reasonable at application stage. However, a condition is recommended to secure a more fully detailed construction management plan prior to the commencement of works. A further condition is recommended to control the hours of construction works, particularly noisy works of

excavation, which whilst it is inevitable that all construction works will have some impact on neighbours, should go some way to addressing the concerns of residents.

Discrepancies in Supplementary Documents

It was pointed out by objectors that there were discrepancies in some of the supplementary documents submitted with the application. Some of these discrepancies have since been addressed by the applicant. Given that these discrepancies are fairly minor and the plans themselves, which the decision will be based on, did not have the same issues, it is considered that the interests of neighbouring occupiers were not prejudiced and it was not considered necessary to re-consult neighbouring occupiers or to delay the determination of this application pending receipt of any further amended information.

Consultation and Planning Process

Neighbours have stated that consultation by the City Council was inadequate. Nevertheless, the City Council met its statutory obligations by sending letters to all those considered to be directly affected by the proposal as well as displaying both site and press notices. It was alleged that there were problems with the City Council's website which prevented neighbours from submitting objections. However, any temporary problem with the website would not have prevented a representation being sent by email. As the current proposal has sought to address concerns relating to the previously withdrawn application, it would be unreasonable to base this recommendation on any representation that related to the earlier application. Officers have not, at any stage, ignored the concerns of neighbours. However, these objections must be considered in light of adopted policy and therefore do not necessarily constitute grounds for refusal.

Other Neighbour Objections

Objections have been raised on the basis of the damage caused by previous extensions at the application site and the lack of faith neighbours have that future work would comply with the relevant regulations. However, the current application should be assessed on its own merits and therefore this is not grounds for refusal. Any breach of regulations would be subject to appropriate action by the City Council.

A request is made for the planning officer to discuss the proposals directly with the management company. However; this is a matter for the applicant to address not the planning officer. With regards to the committee meeting, it is Council policy that no members of the public are permitted to address the committee. Whether or not the applicant lives at no.7 Warwick Avenue is immaterial to the determination of this application; as is the length of time that the applicant has owned the property. The allegation that 'the odds are stacked in favour of the developer' is unfounded. As the proposal is not considered to be harmful to the listed building or surrounding area, the suggested requirement for associated public benefit would not be necessary.

Suggested Conditions

In the event that planning permission is granted, several conditions have been requested by neighbours. However, the suggested conditions are particularly onerous and it is not

considered reasonable to impose them on this individual site. The City Council's standard conditions relating to commencement of development, hours of work and construction management should therefore apply. With regard to the requested bond for repairs to neighbouring buildings, this is something that would need to be addressed through a party wall agreement.

8.13 Conclusion

Notwithstanding the objections received, the proposed development is considered to be acceptable in land use, design, amenity, arboricultural and environmental terms and would therefore accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 and the Unitary Development Plan adopted in January 2007.

9. BACKGROUND PAPERS

1. Application form
2. Response from London Underground Limited, dated 30 October 2015
3. Response from Highways Planning, dated 28 September 2015
4. Responses from Environmental Health, dated 9 October 2015 and 4 December 2015
5. Response from Arboricultural Section, dated 28 October 2015
6. Response from Building Control, dated 8 January 2016
7. Response from Paddingtonm Waterways and Maida Vale Society dated 7 October 2015;
8. Letter from Nursery Amenity Limited, dated 8 July 2015
9. Letter from occupier of 13A Warwick Avenue, London, dated 4 October 2015
10. Letter from occupier of Garden Flat, 38 Blomfield Road, dated 5 October 2015
11. Letter from occupier of 38 Blomfield Road, London, dated 5 October 2015
12. Letters from occupier of 34 Blomfield Road, London, dated 6 October 2015
13. Letter from occupier of 41 Blomfield Road, London, dated 7 October 2015
14. Letter from occupier of The Garden Flat, 11 Warwick Avenue, dated 8 October 2015
15. Letter from occupier of 39 Blomfield Road, London, dated 8 October 2015
16. Letter from occupier of 18 Warwick Avenue, London, dated 13 October & 3 December 2015
17. Correspondence with Karen Buck MP, London.

(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 CLAIRE BERRY ON 020 7641 4203 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS

1 BASEMENT - PROPOSED

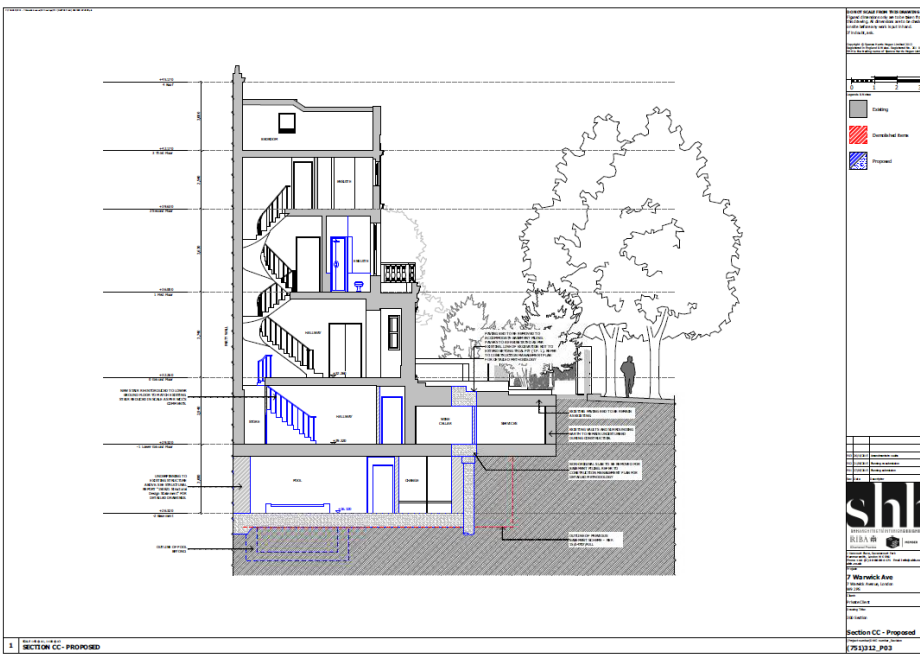
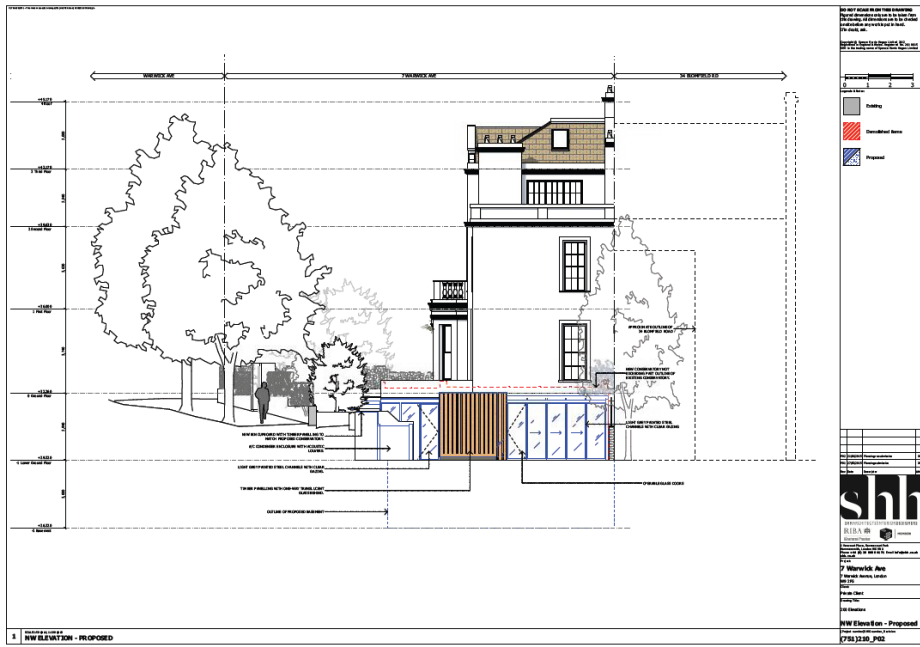
1 LOWER GROUND FLOOR - PROPOSED

shh
SHAW-WALKER ARCHITECTS
7 Warwick Ave
Leamington Spa, CV32 5NF
Tel: 01922 251323
www.shh.co.uk

7 Warwick Ave
Leamington Spa, CV32 5NF
Project Name
Phase
Scale
Date of Issue
Author
Checked
Approved

Lower Ground Floor
Project Name
Phase
Scale
Date of Issue
Author
Checked
Approved





DRAFT DECISION LETTER

Address: 7 Warwick Avenue, London, W9 2PS,

Proposal: Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.

Plan Nos: (751)001_P02, (751)002_P02, (751)003_P02, (751)010_P03, (751)011_P03, (751)012_P02, (751)013_P02, (751)020_P02, (751)021_P03, (751)022_P03, (751)023_P02, (751)024_P02, (751)200_P02, (751)201_P02, (751)210_P02, (751)211_P02, (751)300_P02, (751)301_P02, (751)302_P03, (751)310_P02, (751)311_P02, (751)312_P03, (751)700_PL01, (751)701_PL01, (751)702_PL01, (751)020_P01 (Plant), (751)021_P01 (Plant), (751)022_P01 (Plant), Planning Statement August 2015, Heritage Statement September 2015, Design and Access Statement August 2015, Environmental Performance Statement 27 January 2016, Residential Energy Statement August 2015, Environmental Noise Survey and Mechanical Plant Assessment 20 August 2015, Arboricultural Method Statement 28 August 2015, Arboricultural Impact Assessment Report 28 August 2015 and Root Excavation Report 8 October 2015.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

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

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 6 **Pre Commencement Condition.** Notwithstanding the Construction Management Plan submitted, no development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during

construction; and

(vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

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

- 7 (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.

- 8 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.

- 9 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition 7 of this permission.

Reason:

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

- 10 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and

receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

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

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

Reason:

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

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

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 13 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until evidence that the development will not have any detrimental effect on London Underground tunnels and structures either in the short or long term with the design such that the loading imposed on the tunnels or structures is not increased or removed, has been submitted to and approved in writing by the City Council as local planning authority, in consultation with London Underground Limited.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated statements, in particular with regard to demolition, excavation and construction methods.

DRAFT DECISION LETTER

Address: 7 Warwick Avenue, London, W9 2PS,

Proposal: Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.

Plan Nos: (751)001_P02, (751)002_P02, (751)003_P02, (751)010_P03, (751)011_P03, (751)012_P02, (751)013_P02, (751)020_P02, (751)021_P03, (751)022_P03, (751)023_P02, (751)024_P02, (751)200_P02, (751)201_P02, (751)210_P02, (751)211_P02, (751)300_P02, (751)301_P02, (751)302_P03, (751)310_P02, (751)311_P02, (751)312_P03, (751)700_PL01, (751)701_PL01, (751)702_PL01, (751)020_P01 (Plant), (751)021_P01 (Plant), (751)022_P01 (Plant), Planning Statement August 2015, Heritage Statement September 2015, Design and Access Statement August 2015, Environmental Performance Statement 27 January 2016, Residential Energy Statement August 2015, Environmental Noise Survey and Mechanical Plant Assessment 20 August 2015, Arboricultural Method Statement 28 August 2015, Arboricultural Impact Assessment Report 28 August 2015 and Root Excavation Report 8 October 2015.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

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

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

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

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 The new joinery work must exactly match the existing original work unless differences are shown

on the drawings we have approved. (C27EA)

Reason:

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

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

Reason:

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

Informative(s):

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

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

In reaching this decision the following were of particular relevance:

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	5 Hall Gate, London, NW8 9PG,		
Proposal	Excavation of basement extension including a front lightwell, a rear lightwell and metal bridge to the rear garden from the ground floor and external alterations.		
Agent	Ms Sarah Wardlaw		
On behalf of	Ms Sally Lane		
Registered Number	15/10252/FULL	Date amended/ completed	3 November 2015
Date Application Received	3 November 2015		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The site comprises a two storey mid-terrace building located within Hall Gate. The site is not listed, within a Conservation Area or subject to an Article 4 Direction.

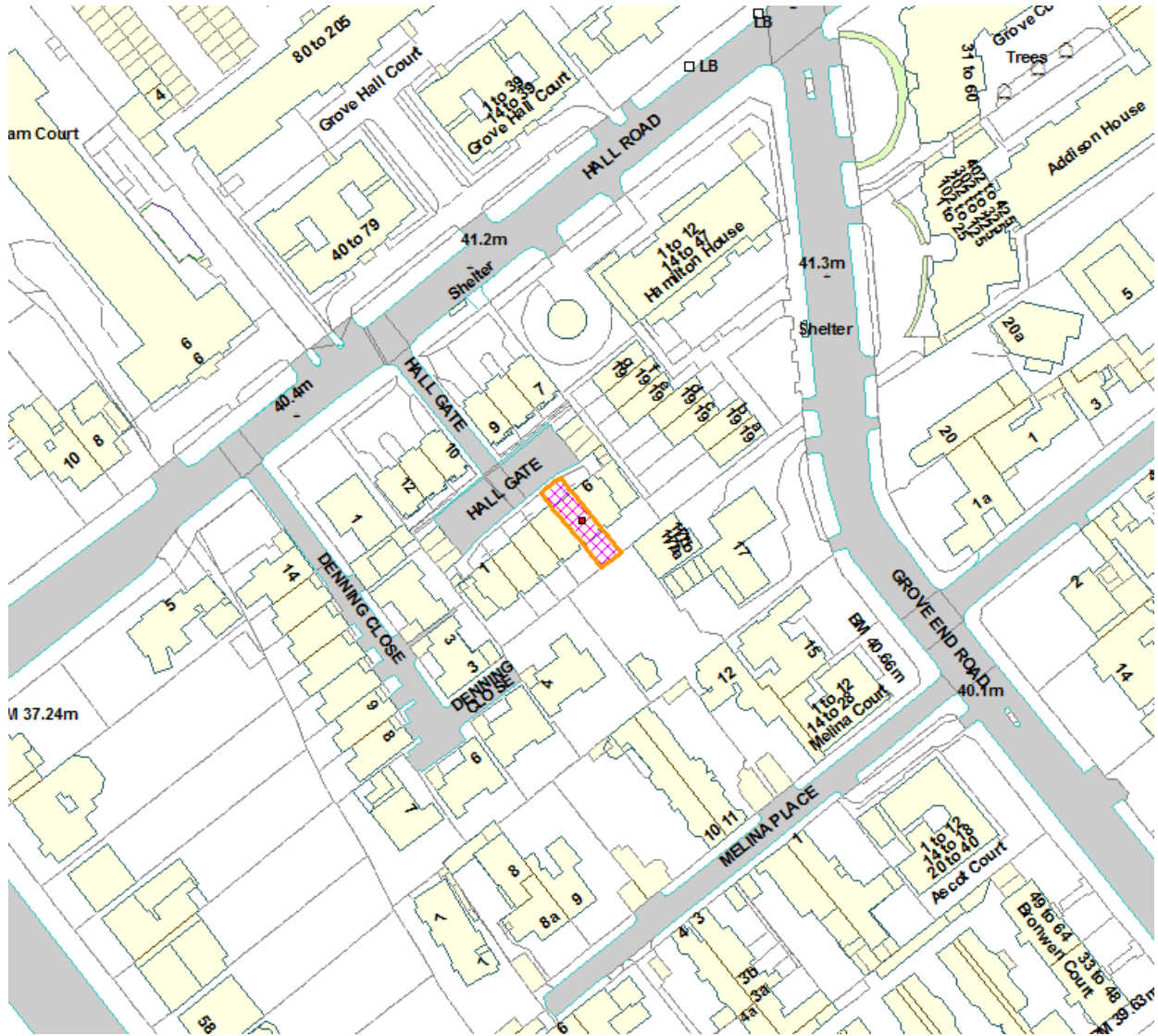
Planning permission is sought for the excavation of a basement extension including a front and rear light wells and a metal bridge from the ground floor and external alterations.

The key issues are:

- Impact on the appearance of the building.
- Impact on the amenity of neighbouring residents.

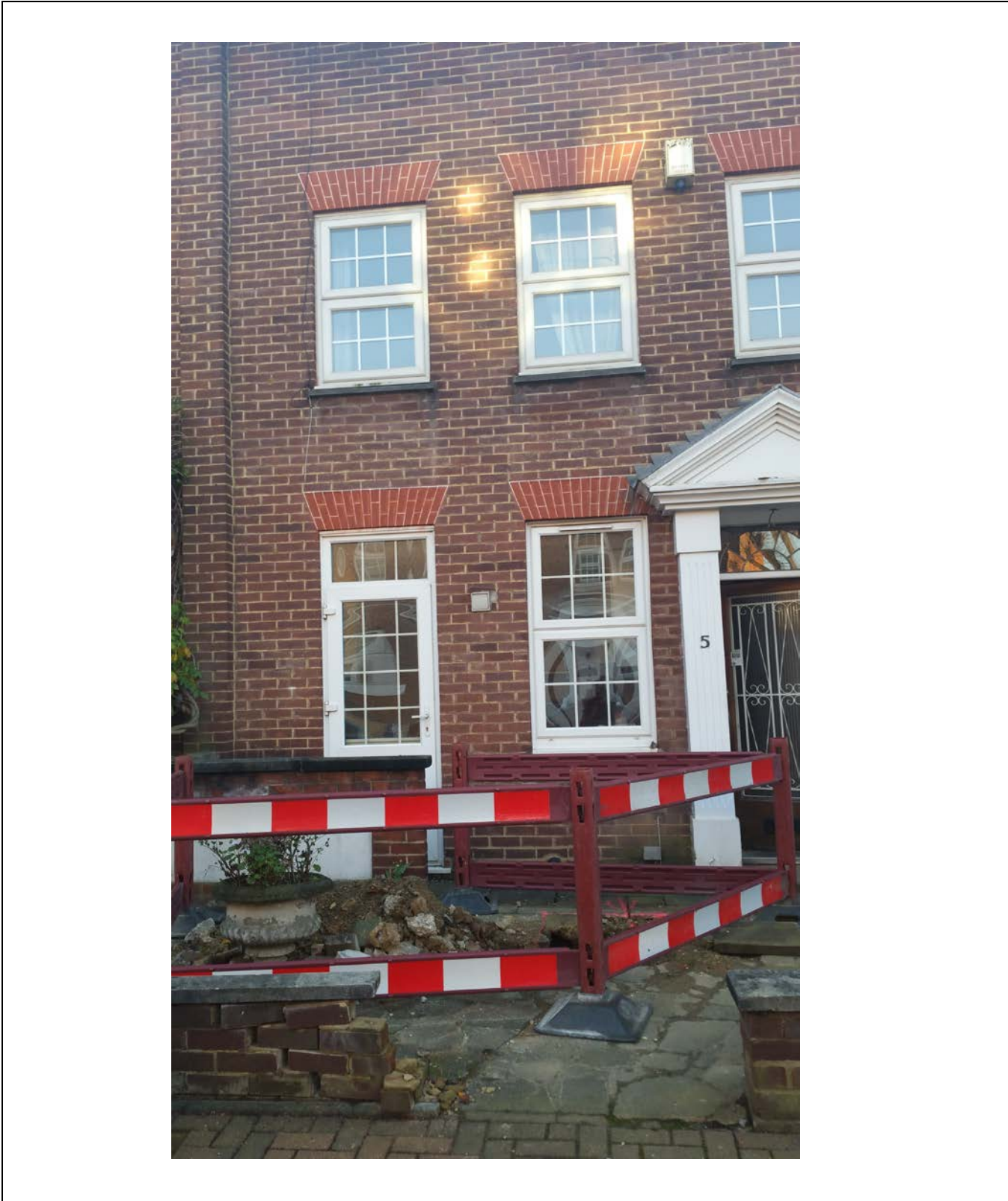
The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

COUNCILLOR RIGBY

Requests application is considered by Planning Applications Committee.

ST JOHN'S WOOD SOCIETY

No comments to date.

BUILDING CONTROL

No objection, the structural method statement is considered to be acceptable.

HIGHWAYS PLANNING

No objection.

EH CONSULTATION

Additional information required in relation to proposed plant. Information requested from applicant. Outcome of request to be reported verbally.

ARBORICULTURAL SECTION

No objection subject to additional tree protection details.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

Total No. of replies: 6

No. of objections: 5

No. in support: 1

Structural Impacts

- Structural impact on adjoining properties and the terrace.

Construction Works

- Traffic and parking congestion during works.
- Disruption due to works occurring alongside other projects in immediate vicinity.
- Vermin as a result of works.
- Access in and out of Hall Gate will be restricted.
- Land stability.
- Drainage.
- Excess material storage.
- Water table.
- Construction cannot take place at the same time as a basement recently approved at 3 Hall Gate.

Other

- Rear dormer results in overlooking
- Refuse storage to front
- Rear extension unclear on drawings and results in loss of light.

- Noise front metal bridge
- Light pollution
- Over development
- Party wall concerns

Support

- Proposal will contribute to the terrace by updating a currently rundown house to provide quality modern family home.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises a two storey mid-terrace building located within Hall Gate. The site is not listed, within a Conservation Area or subject to an Article 4 Direction.

6.2 Recent Relevant History

15/10496/CLOPUD

Ground floor rear extension, replacement of existing rear dormer with extended dormer. Alterations to front elevation facade including the replacement of existing modern timber framed glazed door with traditional painted, timber panelled door and replacement of all existing UPVC windows with new traditional double glazed timber framed sash windows.
Application Permitted 6 January 2016

7. THE PROPOSAL

Planning permission is sought for the excavation of a basement extension including a front and rear light wells and a metal bridge from the ground floor to the rear garden over the lightwell. External alterations, including replacement of a door in the front elevation with a window are also proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwelling is acceptable in land use terms and would accord with Policy H3 of the UDP.

Whilst the proposed basement would receive limited natural light, proportionately, it would comprise a limited proportion of the overall floorspace of the dwelling and overall the enlarged dwelling would continue to provide a good standard of residential accommodation.

8.2 Townscape and Design

The site is not located within a conservation area. The bulk and scale of the proposed basement floor will be hidden below the footprint of the existing building and consequently would not harm the appearance of the existing building.

The proposed front lightwell would not project significantly beyond the building line and it would be located behind a low height wall which is to be rebuilt to match the existing wall. This wall would obscure the front lightwell from view. This element is considered to be acceptable in terms of design.

The rear lightwell would be located along the rear elevation of the property, adjacent to the boundaries with No. 6 and No. 4 Hall Gate and includes a metal bridge. The lightwell would be discreetly located and limited in scale and therefore are not considered to harm the appearance of the building. The detailed design of the bridge and associated glass balustrade will be secured via a condition.

The proposed alterations to the front elevation, including a replacement door and windows are considered to be acceptable in terms of design as the materials will be matching the those use in the surrounding properties.

The proposal is considered acceptable in terms of design as it complies with policy s28 of the City Plan and policies DES1 and DES5 of the UDP.

8.3 Residential Amenity

The proposed basement extension would be entirely located below ground level and consequently it would have no adverse impact on the amenity of neighbours in terms of loss of light, increased sense of enclosure or overlooking.

The proposed basement would rely on mechanical ventilation, which has been indicated on the plans. The City Council's Environmental Health Officer has requested the following additional information:

- The existing noise climate in application area (L_{Aeq} & L_{A90})
- Noise emission from plant and measures to be taken to ensure that plant noise do not lead to creeping background noise level
- Assurance that plant will not transmit vibration to adjoining structures or other premises and structures through the building structure and fabric

This information has been requested from the applicant and the outcome of this request will be reported verbally. However, The Environmental Health Officer has also suggested conditions to ensure that resident's amenity is safeguarded in the event the applicant does not provide this information.

Subject to conditions, the proposal would comply with policy s29 of the City Plan and ENV6 and ENV13 of the UDP.

8.4 Transportation/Parking

The proposal does not result in a change to the number of residential units and no changes to the highway are proposed. The proposal is acceptable on transportation grounds.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposal does not have any adverse access implications.

8.7 Other UDP/Westminster Policy Considerations

Trees

No objection was received from the Arboricultural Officer. However, further tree protection details were requested, including details of ground protection of the entire rear garden, and details of the way in which the excavation will be shored up to prevent soil collapse.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Basement

Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding. Such concerns have been raised by many neighbouring occupiers.

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

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

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

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

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

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

Building Control have assessed the reports provided and consider that the proposed construction methodology appears satisfactory. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (24th October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Consultation on a revised formal policy, 'Draft Basements Policy', has been carried out, and it will form part of the local plan (replacing the UDP) once adopted. The Council is attributing weight to parts of its basement policy for all applications submitted after 1 November 2015. This application, which was validated 3rd November 2015, is therefore expected to comply with the relevant parts of the policy. As it would not extend beneath more than 50% of the garden land, would leave a margin of undeveloped land around the entire boundary, and is not more than one storey below the lowest original floor level, the proposal is considered to be acceptable and in accordance with this policy.

Given the above, and in these circumstances, though noting the strong objections which have been received, the objections on these grounds are not considered sustainable

Construction Management

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, the timescale for the proposed construction phase and general disturbance associated with construction activity.

Whilst planning permission cannot be withheld on the basis of these objections, a Construction Management Plan has been submitted with the application. This is considered appropriate and reasonable at application stage. However, a condition is recommended to secure a more fully detailed construction management plan prior to the commencement of works. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation.

Objectors comments

The concerns raised by objectors are largely addressed above. The following is also noted.

An objector is concerned about the location of a rear extension and windows in the rear dormer. However, both these types of extension are not proposed under this application.

An objector is concerned that the proposal will result in light spill to neighbouring properties. However, the proposed lightwells would direct light spill up the front and rear elevations of the application property, rather than onto neighbouring properties. Given this and the domestic scale of this proposal, it is not anticipated that light spill would be so significant as to warrant refusal of the application.

8.13 Conclusion

The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

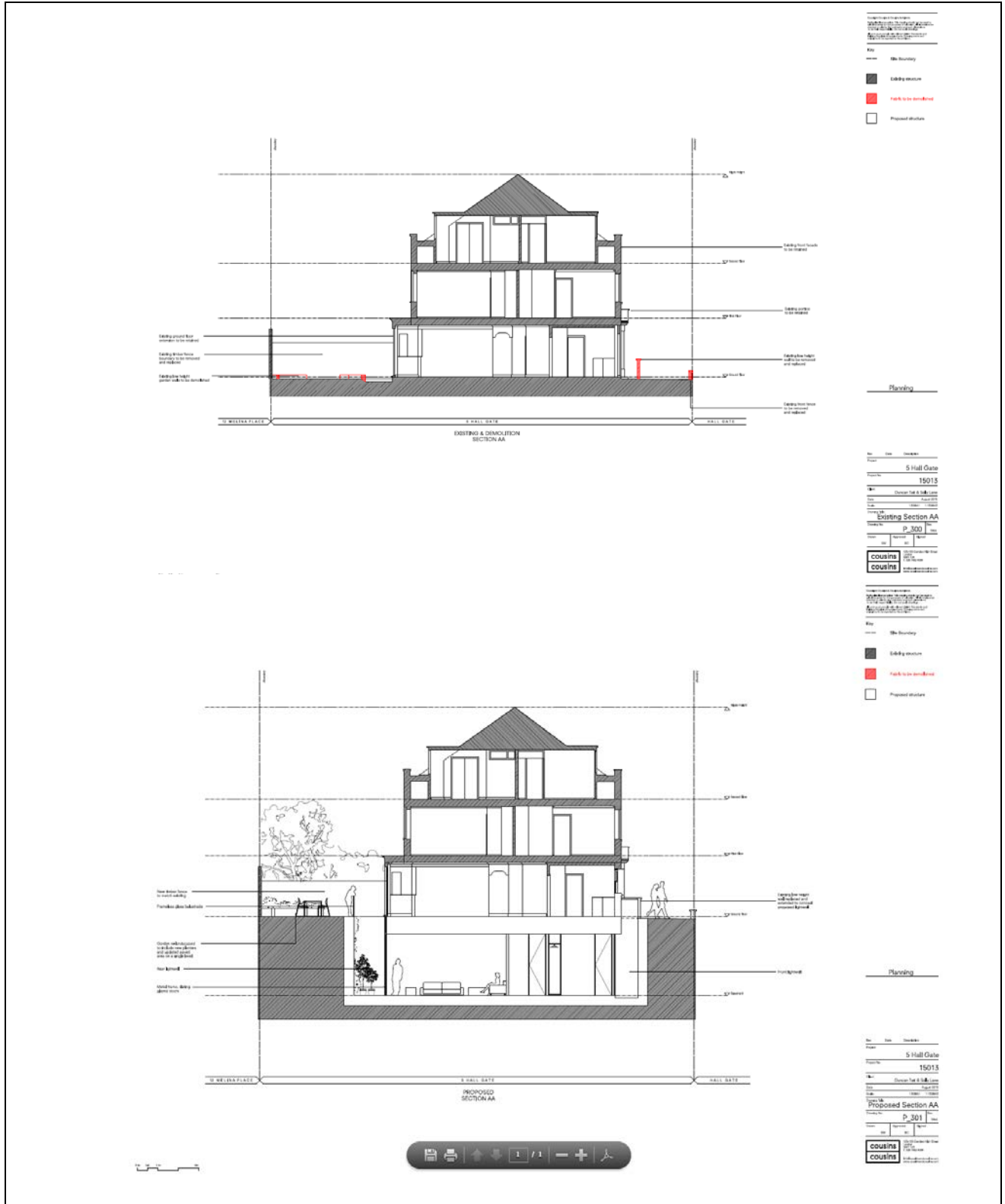
9. BACKGROUND PAPERS

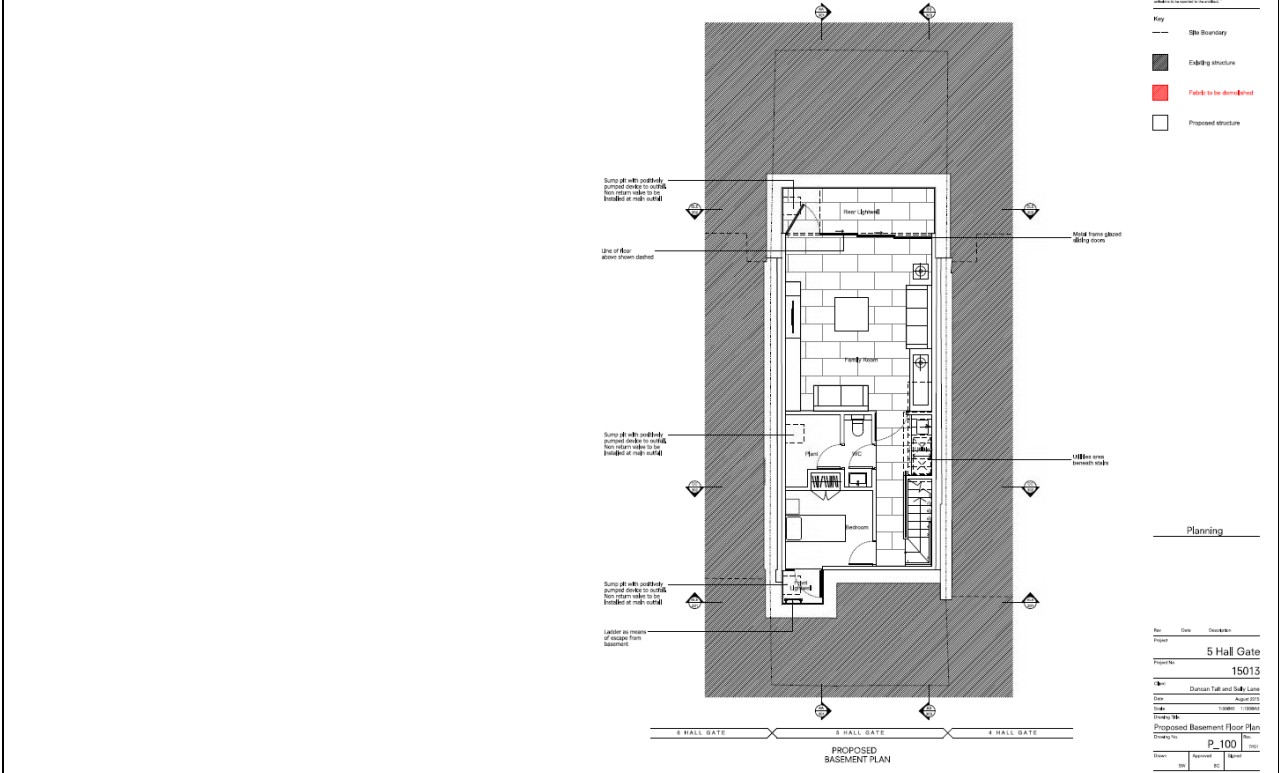
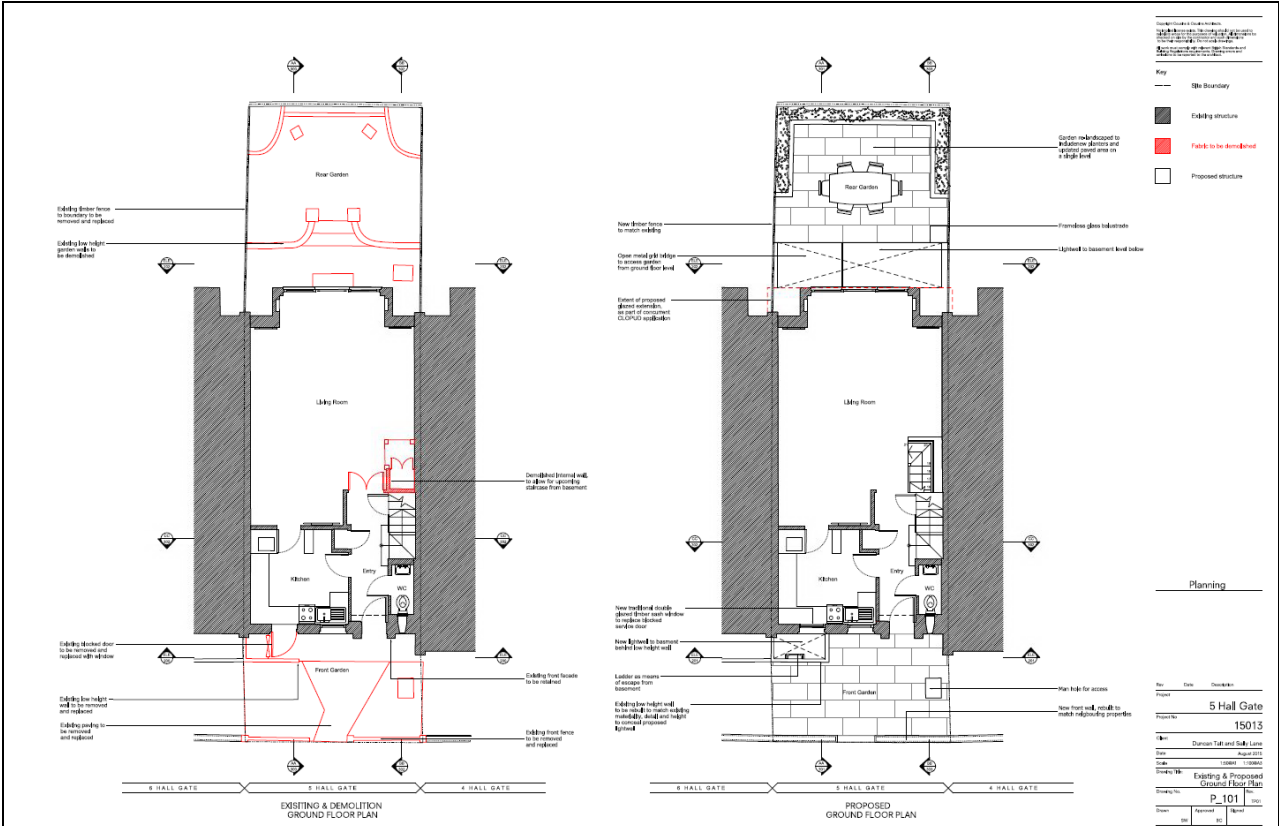
1. Application form
2. Email from Councillor Rigby
3. Response from Building Control - Development Planning, dated 24 November 2015
4. Response from Highways Planning - Development Planning, dated 23 November 2015
5. Response from EH Consultation, dated 1 December 2015
6. Response from Tree Section dated 5th January 2015
7. Letter from occupier of 1 Hall Gate, London, dated 24 November 2015
8. Letter from occupier of 2 Hall Gate, London, dated 9 December 2015
9. Letter from occupier of 10 Hall Gate, London, dated 4 December 2015
10. Letter from occupier of 6 Hall Gate, London, dated 10th December 2015
11. Letter from occupier of 4 Hall Gate, London, dated 10th December 2015
12. Letter from occupier of 3 Hall Gate, London, dated 21st December 2015

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

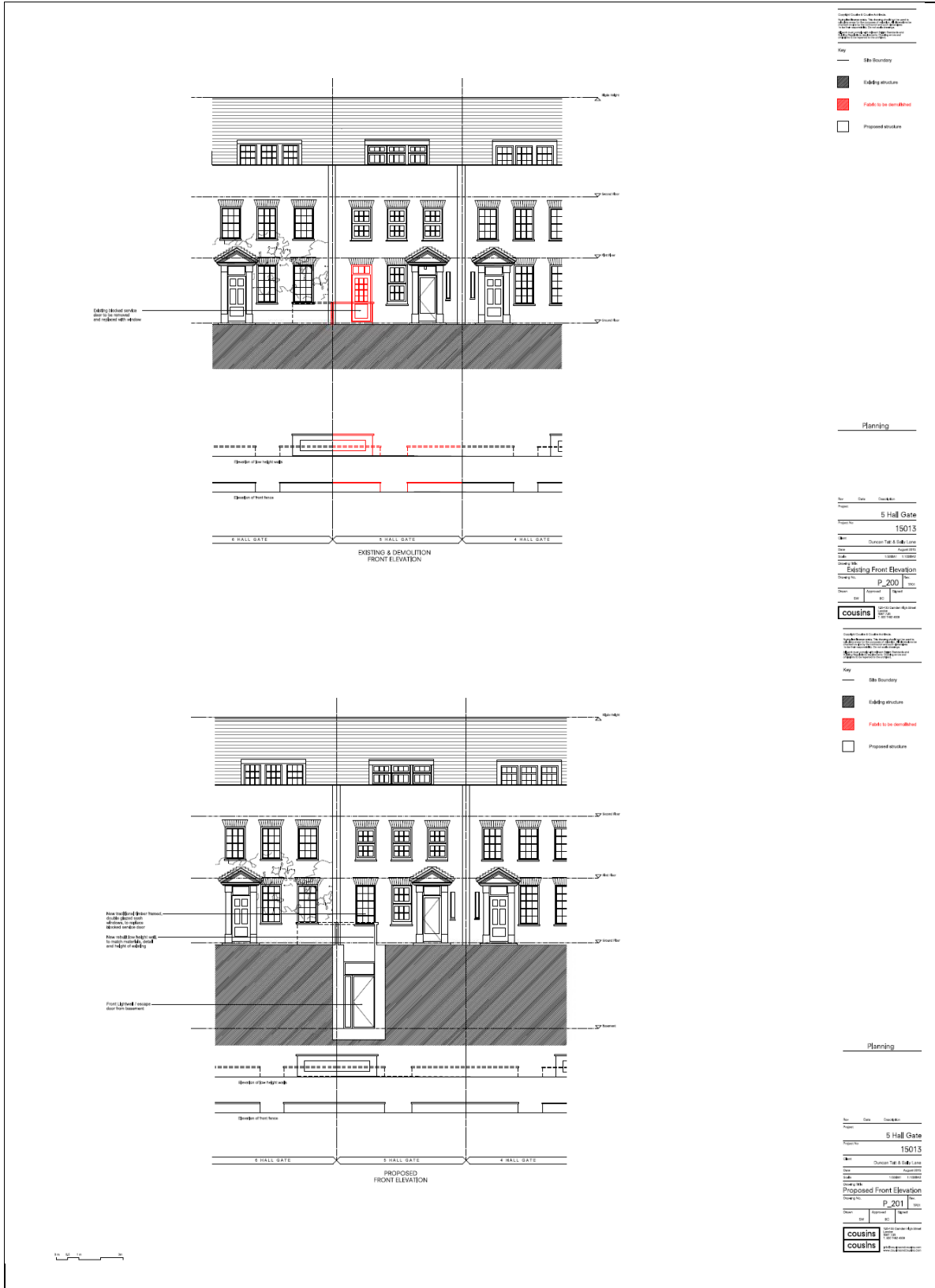
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT VICTORIA COELHO ON 020 7641 6204 OR BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS









DRAFT DECISION LETTER

Address: 5 Hall Gate, London, NW8 9PG,

Proposal: Excavation of basement extension including a front lightwell, a rear lightwell and metal bridge to the rear garden from the ground floor and external alterations.

Reference: 15/10252/FULL

Plan Nos: P_000 - Site Location; P_010 - Site Plan; P_100 - Proposed Basement Plan; P_101 - Existing and Proposed Ground Floor Plan; P_200 - Existing Front Elevation; P_201 - Proposed Front Elevation; P_202 - Existing and Proposed Rear Elevation; P_300 - Existing Section BB; P_301 - Proposed Section BB; P_302 - Existing Section BB; P_303 - Proposed Section BB; P_304 - Existing and Proposed Section CC; P_400 - Proposed Landscape Plan; Construction Management Plan; Design and Access Statement.

Case Officer: Victoria Coelho

Direct Tel. No. 020 7641 6204

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 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown in the Arboricultural Impact Assessment Report. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

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

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

- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; ,
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; ,
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; ,
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

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

Reason:

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

7. **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

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

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 at 1:20 scale or larger of the following parts of the development: the metal bridge over the basement to the rear and the balustrade around the front lightwell. You must not start work on these parts of the development until we have approved the details in writing and then carry out the work in accordance with the approved details.

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)

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 Tree Officer on 020 7641 6096 or 020 7641 2922 to arrange a site inspection before you start digging foundations near the tree referred to in condition 2;. (I34AA)
3. Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	1 Bolney Gate, Ennismore Gardens, London, SW7 1QW,		
Proposal	Extension at lower ground floor level by excavating under the rear ground floor patio and conservatory to provide additional residential accommodation. External alterations including walk on roof lights to patio.		
Agent	Mr Michael Trentham		
On behalf of	Mr Jeremy Taylor		
Registered Number	15/04913/FULL	Date amended/ completed	2 June 2015
Date Application Received	2 June 2015		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

1 Bolney Gate is a single family dwelling comprising of lower ground, ground, first to fourth floor levels. The building is not listed and is located outside of a conservation area. To the rear of the building is a raised terrace area and beyond that a communal garden area which can be accessed directly from the application site and from Ennismore Gardens via a private gate.

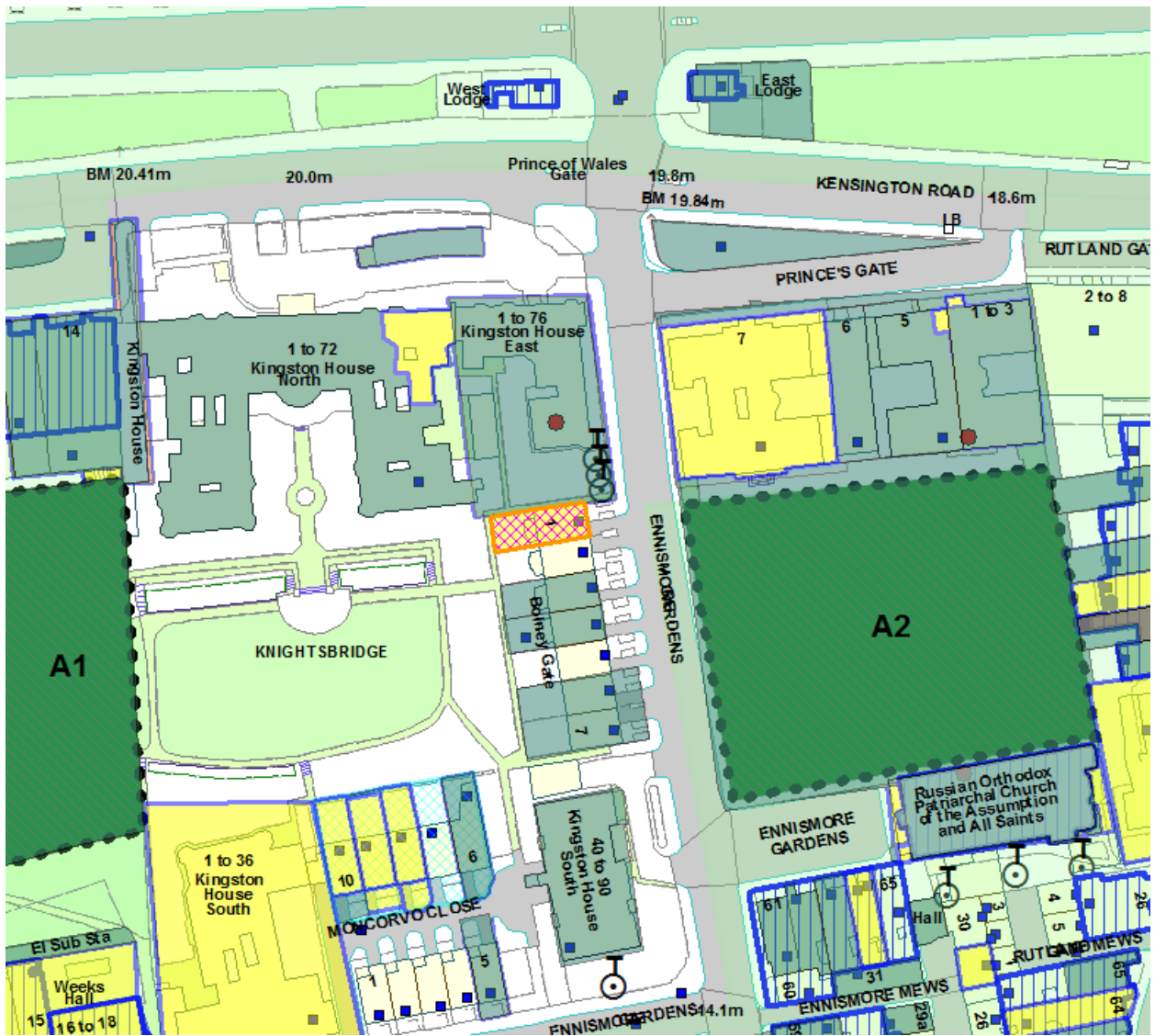
Permission is sought for an extension to the house at lower ground floor level by excavating under the rear ground floor patio and conservatory. External alterations include walk on roof lights to patio.

The key issues in this case are:

- * The impact on the residential amenity of neighbouring occupiers.
- * The impact on the character and appearance of the area.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION

Any comments to be reported verbally.

BUILDING CONTROL

Structural method statement is considered to be acceptable.

ARBORICULTURAL MANAGER

No objection subject to conditions to protect trees at street level and during construction phase.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 80; Total No. of Replies: 15 objections on the following grounds:

Design

- * Formation of a basement.

Other

- * Noise, dust, disruption and vibrations during excavation work.
- * Limit hours of building work.
- * Disruption and obstruction to residents parking and garages likely to be caused by construction vehicles and skips
- * Security risk caused by workmen.
- * No consent given by landlord of Kingston House South for drilling and soil sampling.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

1 Bolney Gate is a single family dwelling comprising of lower ground, ground and first to fourth floor levels. There is a level change within the building and the rear of the site. On entering the building there is a small ground floor hallway with steps leading down to the lower ground floor area and steps leading up to the first floor area which provides access to the living areas at first floor level and onto the raised terrace area at the rear. Due to this level change the first floor terrace when viewed from the rear of the site from the communal gardens reads as the ground floor level.

To the rear of the building beyond the raised terrace area is the communal garden area which is accessed directly from the application site and from Ennismore Gardens via a private gate adjacent to No. 7.

The building is unlisted and is located outside of a conservation area.

6.2 Recent Relevant History

There is no recent planning history for 1 Bolney Gate. However, similar extensions have been granted permission at Nos. 4 and 6-7 Bolney Gate.

4 Bolney Gate

Planning permission was granted on the 23 April 2014 for the extension to lower ground floor kitchen to create a family room including excavation under the existing first floor rear patio and conservatory at upper ground floor level; and extension to existing roof lights to patio and relocation of staircase to garden area set behind existing garden wall (14/00649/FULL).

Planning permission was granted on the 22 July 2014 for the excavation of additional basement level under the house (14/05026/FULL).

6-7 Bolney Gate

Planning permission was granted on the 29 September 2015 for the extension to single family dwelling including excavation at lower ground floor level beneath terrace area to rear and erection of single storey extension at rear ground floor level with roof terraces above (14/12804/FULL).

7. THE PROPOSAL

Permission is sought for the extension at lower ground floor level by excavating under the rear patio and conservatory to provide additional residential accommodation. External alterations include walk on roof lights to the patio.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The creation of additional residential floorspace accords with Policy S14 of the City Plan.

8.2 Townscape and Design

The rear of the property is clearly visible when viewed from the communal gardens. The rear elevations of the properties have an established and consistent pattern with bay fronted extensions at rear first floor level leading onto the first floor patio area, solid walls behind the brick boundary wall fronting the communal garden area, simple black railings and access door into the garden area.

The proposal seeks to excavate under the rear patio area in order to provide additional residential accommodation at lower ground floor level. The proposed opening up of the lower ground floor level will not be visible from the private or public realm. Externally it is proposed to provide walk on roof lights set into the rear patio and reinstate railings to match the existing railings.

No changes are proposed to the lower ground floor perimeter wall facing onto the garden area.

8.3 Residential Amenity

Policies S29 of the City Plan and saved Policy ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

A number of objections have been received from the residents of Kingston House South which is a residential block of flats located to the south of the application site. There are views from the windows in the North facing flank elevation of Kingston House South of the application property and the communal gardens at the rear. One objection has been received from Kingston House East which is located adjacent to the application site to the North.

The application seeks to enlarge the existing lower ground floor level of the house by excavating beneath the raised terrace area to the rear of the existing kitchen. Given the subterranean location of the extension, there would be no external manifestation, except for three modest sized walk-on roof lights to the patio area. The proposal would therefore not have a material impact on the amenity of neighbouring residents.

One of the main areas of concern for residents is the potential noise, dust and disturbance that could be caused by the proposed works and potential obstruction that could be caused by construction vehicles. A condition is recommended to secure a construction management plan to manage the works in order to minimise disturbance to the adjoining residential properties and the Council's standard condition controlling building works limiting excavation works to between 08.00 and 18.00 Monday to Friday only and all other works (excluding excavation) to between 08.00 and 18.00 Monday to Friday and between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. Given the scale of the proposals, this is considered reasonable in order to manage works on site.

8.4 Transportation/Parking

The proposals do not result in any changes to the public highway nor result in the loss of off-street residential car parking. Any temporary suspension of on-street parking bays will require a Highways licence and will be managed and coordinated as part of the Construction Management Plan referred to above.

8.5 Economic Considerations

The economic benefits generated are welcome.

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy 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.

8.8 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

There are existing trees within the communal garden area to the rear of the application property. The application has been amended to pull the lower ground floor extension back so that it is 1m from the inner retaining wall of the staircase to the rear. This will minimise the risk of any significant damage to the roots of a sycamore tree in the communal gardens. An amended arboricultural report has been submitted detailing the required tree protection measures, and this is considered to be acceptable.

The Arboricultural Manager is satisfied with the amended arboricultural report and tree protection measures. Conditions are recommended to ensure that the existing trees are protected during the construction works.

8.12 Other Issues

Excavation at rear lower ground floor level

The applicant has submitted a method statement relating to the excavation works proposed. The statement has been assessed by Building Control officers who have confirmed that the method statement is acceptable.

The purpose of such a report at the planning application stage is to demonstrate that the proposed works at lower ground floor level can be constructed on a particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. In addition, the application proposals are not seeking to create a new basement level but rather excavating beneath the rear terrace to extend the existing lower ground floor level.

Consultation

The managing agents of the seven properties in Bolney Gate, Kingston House Property Management Limited, have objected to the method of consultation. The Council relies on the applicant to ensure that the correct certificates are completed on the application form and that notification is given to all relevant freeholders and leaseholders. The correct certificate and notice was served for this application.

The Council sends out neighbour consultation letters to property addresses. It is the responsibility of the occupants to make the relevant leaseholder/freeholders aware of applications that may affect those properties.

Subject to the conditions set out in the draft decision letter, the application is considered acceptable in amenity, highways and design terms and is recommended for approval.

9. BACKGROUND PAPERS

1. Application form.
2. Memorandum from Highways Planning dated 21 July 2015.
3. E-mail from Building Control dated 22 July 2015 and 1 February 2015.
4. Memorandum from the Arboricultural Manager dated 9 July, 13 August 2015 and 3 February 2016.
5. Letter from Peerman Investments Limited c/o 54 Kingston House South on behalf of Flat Nos. 44, 46, 49, 50, 51, 53, 54, 57, 58, 66, 73, 77, 78 dated 19 July 2015.
6. Letter from occupier of 40 Kingston House South, SW7 1NG dated 19 July 2015.
7. Letter from occupier of 48 Kingston House South, SW7 1NG dated 19 July 2015.
8. Letter from occupier of 56 Kingston House South, SW7 1NG dated 19 July 2015.
9. Letter from occupier of 60 Kingston House South, SW7 1NG dated 19 July 2015.
10. Letter from occupier of 63 Kingston House South, SW7 1NG dated 19 July 2015.
11. Letter from occupier of 64/65 Kingston House South, SW7 1NG dated 19 July 2015.
12. Letter from occupier of 69 Kingston House South, SW7 1NG dated 19 July 2015.
13. Letter from occupier of 70 Kingston House South, SW7 1NG dated 19 July 2015.
14. Letter from occupier of 71 Kingston House South, SW7 1NG dated 19 July 2015.
15. Letter from occupier of 72 Kingston House South, SW7 1NG dated 19 July 2015.
16. Letter from occupier of 80 Kingston House South, SW7 1NG dated 19 July 2015.
17. Letter from occupier of 84 Kingston House South, SW7 1NG dated 19 July 2015.

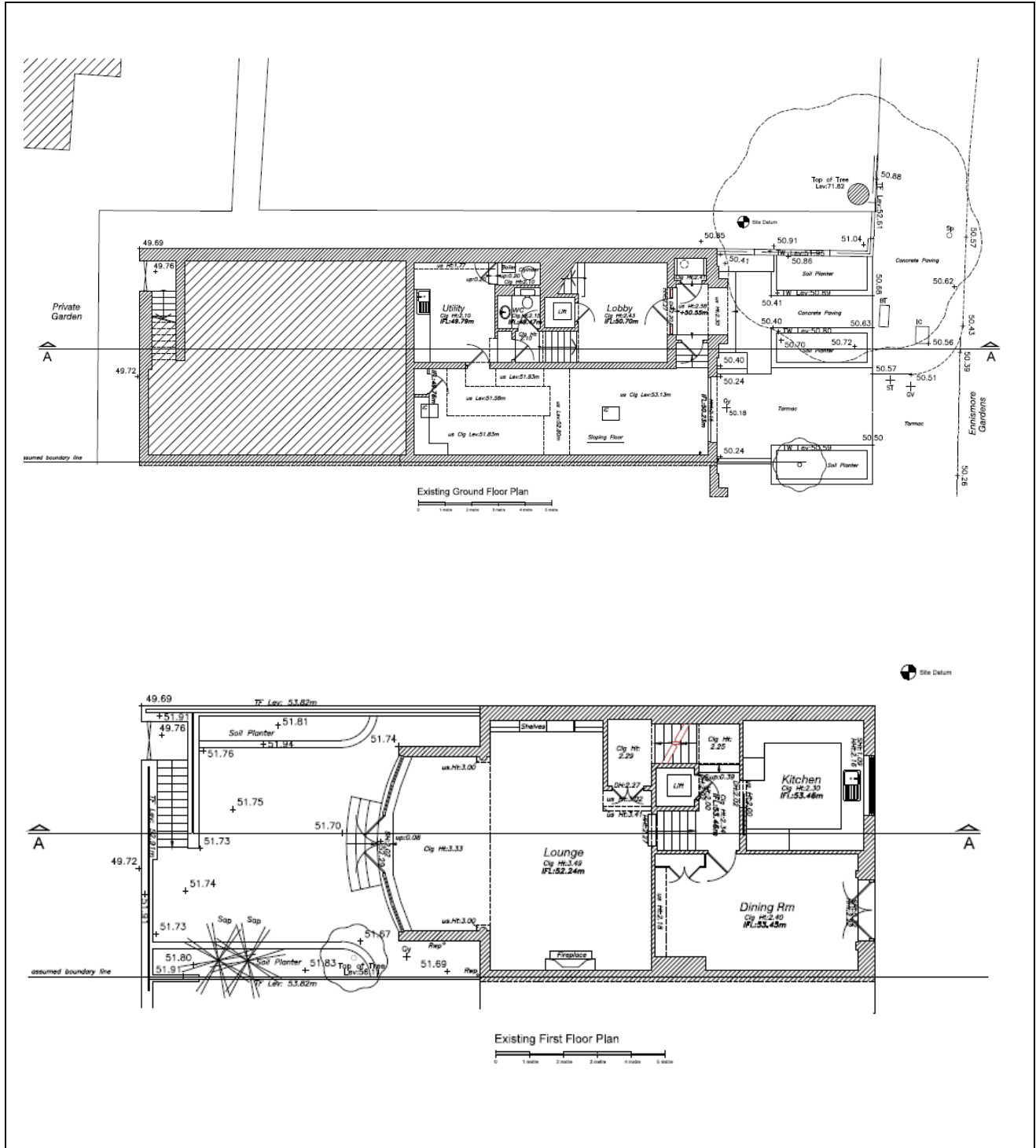
18. Letter from occupier of 86 Kingston House South dated 19 July 2015.
19. Letter from Stepien Lake LLP freehold owner of 1-7 Bolney Gate dated 29 July 2015.
20. Letter from the occupier of 41 Kingston House East, Princes Gate, SW7 1LP dated 13 July 2015.

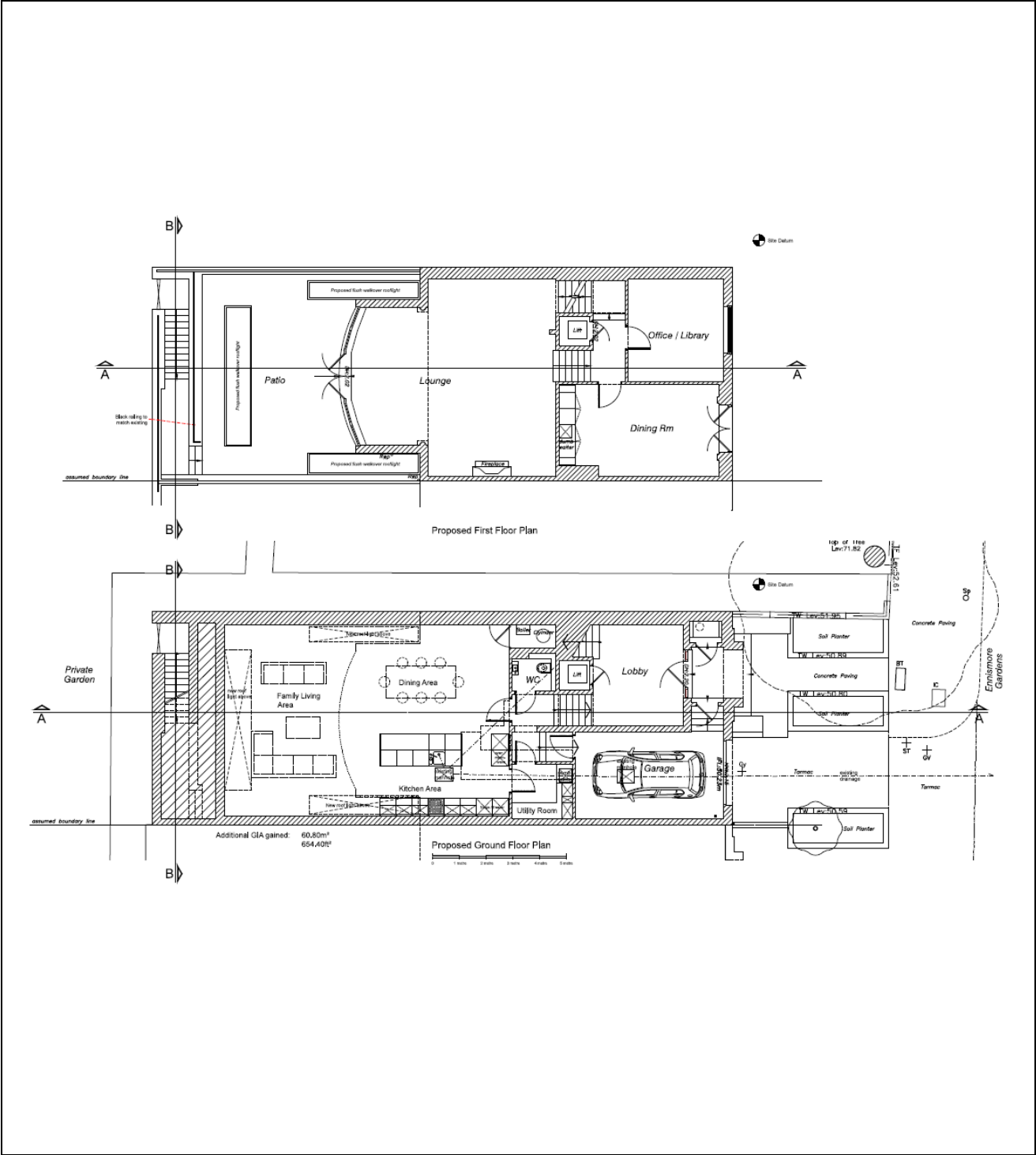
Selected relevant drawings

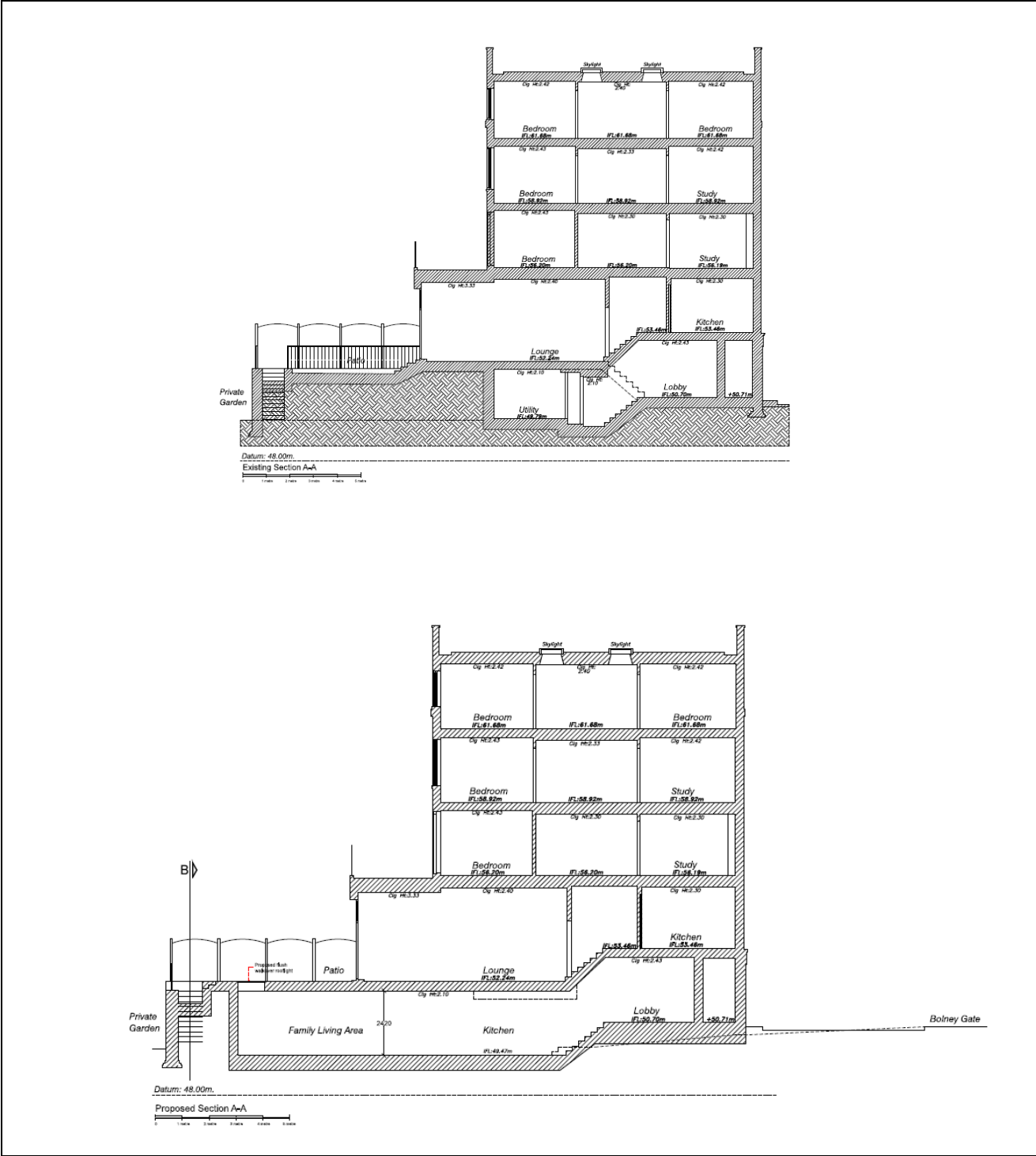
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ZULEKHA HOSENALLY ON 020 7641 2511 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk
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10. KEY DRAWINGS









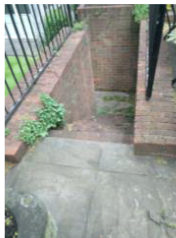
Datum: 48.00m.
Existing Rear Elevation
0 1m 2m 3m 4m 5m



Rear view - 1 Bolney Gate



Rear view - 1 Bolney Gate, 1st floor patio



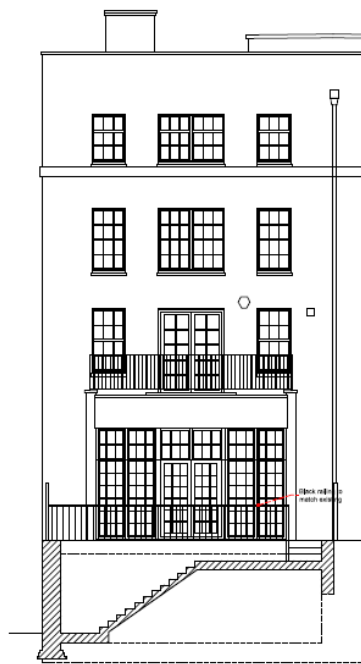
Rear stairs to communal courtyard



View from rear patio to existing lounge room



Datum: 48.00m.
Proposed Rear Elevation
0 1m 2m 3m 4m 5m



Datum: 48.00m.
Proposed Section BB
0 1m 2m 3m 4m 5m

DRAFT DECISION LETTER

- Address:** 1 Bolney Gate, Ennismore Gardens, London, SW7 1QW,
- Proposal:** Extension at lower ground floor level by excavating under the rear ground floor patio and conservatory to provide additional residential accommodation. External alterations including walk on roof lights to patio.
- Reference:** 15/04913/FULL
- Plan Nos:** 217 S 00, 217 S 01, 217 S 02, 217 S 03, 217 S 04, 217 S 05, 217 S 06, 217 P 01 Rev. A, 217 P 02 Rev. A, 217 P 03 Rev. A, 217 P 04 Rev. A, Arboricultural Survey and Planning Integration Report (Quaife Woodlands AR/3374a/rg) dated 29 October 2015 and Design and Access Statement.

For Information Purposes only: Structural Methodology Statement prepared by Parmabrook, 200 Rev. P1, 100 Rev. P2, 101 Rev. P2, 102 Rev. P3, 103 Rev. P3 and Construction Management Plan dated June 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 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

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

You must carry out basement excavation work only:

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

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

Reason:

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

- 3 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)

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

- 5 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority.

The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

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

- 6 You must protect the trees according to the details, proposals, recommendations and supervision schedule set out in your Revised Arboricultural Survey and Planning Integration Report (AR/3374a/rg) and Tree Protection Plan (Appendix C) dated 29th October 2015. The proposed tree protective fencing must be installed according to the example given on this plan. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 3 You are 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.
- 4 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 5 For the avoidance of doubt the Construction Management Plan required under Condition 5 should cover the items set out in Appendix 2 of our Supplementary Planning Document - Basement Development in Westminster.
- 6 You are advised that in relation to Conditions 5 and 6 that the details submitted satisfy the construction management and tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on an adjacent to the site will rely on an appropriate means of construction.

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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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward involved West End	
Subject of Report	431 - 433 Oxford Street, London, W1C 2DA		
Proposal	Use of the basement and part ground and first floors as retail accommodation (Class A1), use of part ground and first and the entire second to fourth floor levels as eight flats (Class C3). Installation of new shopfronts and alterations to elevations. (SITE INCLUDES 35 NORTH ROW).		
Agent	Mr Jamie Bryant		
On behalf of	Oxford Street Limited		
Registered Number	15/06742/FULL	Date amended/ completed	28 August 2015
Date Application Received	23 July 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission.
--

2. SUMMARY

431-433 Oxford Street and the rear building (35 North Row) comprise unlisted buildings located within the Mayfair Conservation Area. The two buildings are currently linked at ground floor level with the Oxford Street property primarily being in lawful use as a bank (Class A2) and the North Row property being in lawful use as residential flats. Permission is sought to use the basement, part ground, and part first as a retail store (Class A1) and to use part ground, part first and the entirety of the second to eighth floors as eight residential units (Class C3). Permission is also sought for the installation of new shopfronts and associated alterations to the front, side and rear elevations.

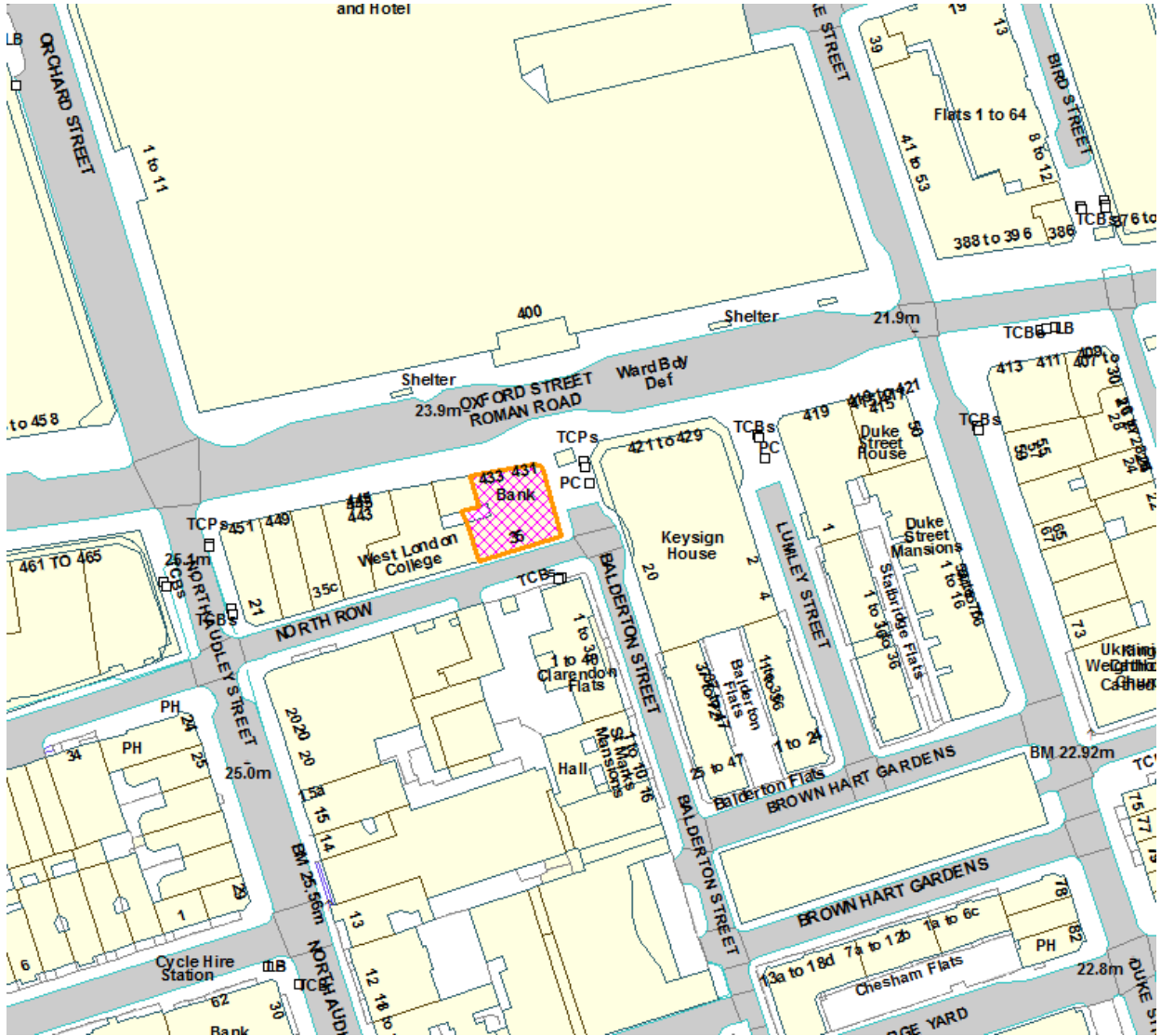
The key issues are:

- Whether the reduction in the number of residential units on the site from 15 to 8 and the reduction in residential floorspace from 778 sq.m (GEA) to 638 sq.m (GEA) is acceptable.
- Whether the reduction in the floorspace serving visiting members of the public from 1,078 sq.m (GEA) to 1,019 sq.m (GEA) is acceptable.

The proposal results in the loss of residential floorspace and floorspace serving visiting members of the public caused by the internal reconfiguration of the buildings. It is acknowledged that some of the existing residential units provide sub-standard accommodation in terms of their outlook, levels of natural light and the size of the units. It is also acknowledged that large parts of the bank were used as ancillary offices and vaults.

The proposal will allow for the creation of a large retail unit with a greater amount of floor space open to the public and the re-organisation of the residential floor space allows for a better quality of residential provision. In these circumstances it is considered the proposal will enhance the character and function of the West End International Shopping Centre and provide better quality residential accommodation. As such, it is recommended that conditional planning permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

Residents' Society of Mayfair & St. James's:
No objection.

Highways Planning:
No objection subject to conditions.

Environmental Health:
Objection – the layout of some units results in the creation of 'remote rooms'.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 70
Total no. of replies: 1
No. of objections: 1
No. in support: 0

Objections on the following grounds:

- There are currently issues with waste being left on the public highway.
- Noise disruption resulting from the commercial collection of waste from the site.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

431-433 Oxford Street comprises of basement, ground and first to third floor levels. Previously used as a bank (Class A2), the property has recently been vacated. Planning permission was granted in August 2015 for the installation of three ATMs on the Balderton Street elevation. These alterations are shown on the proposed drawings for information only. 35 North Row is to the rear of 431-433 Oxford Street with the buildings connected internally at ground floor level. The property's lawful use is as fifteen residential flats and comprises basement, ground and first to fifth floor levels. It was noted at the site visit to the property all the flats were being used as short term letting accommodation, although it is not known whether this is their lawful use. The buildings are located within the Core Central Activities Zone, the Mayfair Conservation Area, the Primary Shopping Frontage of the West End International Shopping Centre and the West End Special Retail Policy Area. The buildings have elevations to Oxford Street, Balderton Street and North Row.

6.2 Recent Relevant History

15/05256/FULL

Alterations to the North Row and Balderton Street elevations including the installation of three ATMs.

Application Permitted 20 August 2015

02/07999/FULL

Erection of an extension to 35 North Row at third and fourth floor level, erection of rooftop lift overrun behind an acoustic screen and stair access in connection with refurbishment of existing flats to form eight studio flats and 1 x 1 bedroom flat and use of part second floor of 431-433 Oxford Street for purposes within Class A2 (Financial and Professional Services).

Application Permitted 12 June 2003

99/03395/FULL

Alterations and extension at third and fourth floor at (entire site) 35 North Row (including roof, plant and screen) in connection with the use of the first to fourth floors as seven flats, basement, ground and mezzanine of 35 as bank extension to 431 Oxford Street.

Application Permitted 12 July 1999

7. THE PROPOSAL

Permission is sought for the use of entire basement of the two properties as well as most of the ground and first floor levels (excluding a residential core) as retail accommodation (Class A1). The second, third and fourth floor levels are proposed to be used as residential accommodation (Class C3) comprising 7x1 bedroom units and 1x2 bedroom unit. The conversion of the banking floorspace into retail floorspace is development permitted by the Town and Country Planning (General Permitted Development) (England) Order (2015).

It should be noted that, due to unaligned floor plates within the two properties and the reduced floor to ceiling heights in 35 North Row at first / second floor levels, it is proposed to remove the existing first and second floors and replace them with a new first floor. The new first floor will then align with the floor plate in the Oxford Street property allowing for the proposed retail use to occupy the entire floor.

Alterations are proposed to the ground floor of the North Row elevation to include the installation of new doors and artwork along the ground floor elevation, new shopfronts and Portland stone cladding are proposed to the Oxford Street and Balderton Street elevations.

The table below shows the existing and proposed GEA landuse figures for the proposal:

Use	Existing m2 (GEA)	Proposed m2 (GEA)	+/- difference (m2)
Residential	778	698	-80
Bank (A2)	1,078	0	-1,078
Retail (A1)	0	1,019	+1,019
Commercial (A1+A2)	1,078	1,019	-59
TOTAL	1,856	1,717	-139

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

Currently the residential provision within 35 North Row equates to 778m² (GEA) and 15x1 bedroom units with units at basement and first to fifth floor levels. The proposed residential provision equates to 698m² and eight units being 7x1 bedroom and 1x2 bedroom at first to fourth floor levels.

The last planning consent relevant to 35 North Row was granted in June 2003 and permitted extensions at third and fourth floor level and the provision of eight studio flats and 1x1 bedroom flat. This represented a reduction in the number of units on the site by four but an increase in the residential floorspace by 43m². The loss of residential units was considered acceptable due to the substandard accommodation provided by the existing residential units which were below the required minimum space standards and the basement flats received very limited natural light and were therefore considered uninhabitable. It would appear that this permission was partially implemented but the current configuration of studio units would appear to be broadly in line with the existing drawings submitted with the application above. Notwithstanding these issues the lawful situation is considered to be fifteen residential units as is currently evident on the site.

Policy S14 of the City Plan states:

'All residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable, except where:

- *the council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need;*
- *a converted house is being returned to a family-sized dwelling or dwellings; or*
- *2 flats are being joined to create a family-sized dwelling.*

Proposals for conversion or redevelopment of single family houses to flats will be assessed taking into account the character of the street and area; impact on residential amenity including parking pressure; and the mix of units proposed.

The number of residential units on development sites will be optimised.'

Policy H3 of the UDP also seeks to maximise the amount of land or buildings in residential use.

There are currently two studio flats in the basement of the site, both of which only receive natural light from pavement lights above part of the units and windows into a heavily enclosed lightwell in the centre of the buildings. This allows only a very limited level of natural light into the properties and there is also no outlook from the properties at all as the pavement lights are opaque glazed. It is therefore considered the basement units provide very poor quality of accommodation. Of the thirteen units on the upper floors of the property only five of them are compliant with the minimum size standards for a one person residential unit and three of these are only compliant if they have a shower instead of a bath (which allows a reduction in the minimum unit size from 39m² to 37m²). Of the eight

units on the upper floors which do not comply with the national technical guidance some are over 30% smaller than the stipulated minimum.

The applicant contends that the basement flats are, '*...effectively uninhabitable for residential purposes due to the lack of natural light and do not benefit from an express grant of planning permission, we consider that this part of the building should not be included in the existing residential floor space figures for the purpose of assessing the merits of the application.*' It is however noted that the basement flats were in situ when the application was submitted in 2002 and would appear to have been in place ever since. Whilst it is accepted that the basement flats provide a very poor level of accommodation it is not considered that they should be excluded from the residential floorspace calculations.

As the site has recently been purchased by the applicant it has no information on the period of time for which all the residential flats have been used as temporary sleeping accommodation. This application has therefore been assessed on the basis that the existing flats are in lawful use as permanent residential accommodation.

The proposed residential units are all compliant with the national technical guidance without any of them being oversized, thus ensuring the number of residential units on the site is optimised as required by Policy S14 of the City Plan. It is also noted that the City Council considered in 2003 that the existing units on the site were sub-standard and that a reduction in the number of units to provide a better quality of accommodation was acceptable. Taking these exceptional circumstances into account, in this instance an exception to the policy that resists the loss of residential units and residential floorspace can be accepted.

Policy H5 requires that in residential developments 33% of new units should be family sized (3+ bedrooms). In this instance, as the proposal is for the reconfiguration of existing residential accommodation which does not include any family sized accommodation it is not considered necessary to provide any in the proposed layout. Furthermore, any requirement to provide family sized accommodation on this site would further reduce the number of residential units.

Bank / Retail

The existing commercial floor space was previously occupied by HSBC who have vacated the premises. HSBC occupied part basement, ground and first to third floors in the Oxford Street part of the application site. The floorspace equated to 1,078m² (GEA). However, it is noted that the majority of this floor space was not open to visiting members of the public and was used for back office functions on the upper floors and safe storage in the basement. The proposed retail unit will measure 1,019m² (GEA) which represents a loss of 59m² (GEA) of commercial floor space.

The applicant contends that a retailer has been secured for the retail unit to create a flagship retail store on this prominent corner site opposite Selfridges. It is also noted that the proposed retail store would occupy larger floor plates over basement, ground and first floors, with the gross internal area (GIA) increasing by 17m².

Policy S21 of the City Plan states that *'existing non-A1 retail uses, and uses occupying shop-type premises within designated shopping centres will be protected from changing to uses that do not serve visiting members of the public and that do not have active shop fronts.'* Whilst the commercial GEA of the commercial floorspace will be slightly reduced the proposal will provide a new retail unit on the Primary Frontage of the West End International Shopping Centre. The provision of retail accommodation is encouraged and compliant with Policy S7 of the City Plan which seeks to encourage improved retail space in the WESRPA and Policy S21.

Whilst the slight reduction in commercial GEA floorspace is not ideal it is considered acceptable as the GIA increases, the change of use is to retail which is beneficial to the character and function of the West End International Shopping Centre and larger more usable floorplates are proposed. The proposal is therefore considered acceptable with regard the loss of the existing bank and the provision of the enhanced retail accommodation.

8.2 Townscape and Design

The major design impacts of the proposal centres on changes to the shopfronts at ground floor level. The upper stories of the building are well ordered red brick facades with a detailed and ornate fenestration pattern. The ground floor shopfronts have recently been overclad in Portland stone, a common design alteration in the Mayfair Conservation Area. The alterations see a new cladding applied which is similar in appearance to the existing. The cills of the shop windows are lowered and the entrance door raised in height to encompass the existing fanlight.

The proposed changes are relatively minor and would preserve the character and appearance of the Mayfair Conservation Area, in accordance with UDP Policies DES 1, DES 5 and DES 9, as well as City Plan Policies S25 and S28 and the relevant sections of the NPPF.

8.3 Residential Amenity

All the proposed residential units will be dual aspect which will help ensure acceptable levels of internal daylight and sunlight and also allow for natural ventilation. Four of the units directly overlook Oxford Street but also have windows to Balderton Street or an internal lightwell. Subject to a condition securing the submission of a Sound Mitigation and Ventilation Strategy for the City Council's approval to demonstrate that the residential units will be adequately ventilated and will comply with the relevant Council's noise criterion within UDP Policy ENV 6, the quality of the residential accommodation proposed is acceptable.

The Environmental Health Officer has objected to the application as the layout of some of the residential units results in the creation of 'remote rooms' where the route of escape from the bedroom is past the high fire risk kitchens. Whilst these concerns are noted, this is not a material planning consideration and the layout of the flats would be considered under the application of the Building Regulations. The application could not be reasonably refused on these grounds. An informative is proposed to advise the applicant of this potential issue.

8.4 Transportation/Parking

As the proposal results in a decrease in the number of residential units it would likely result in a decrease in the demand for on-street car parking in the vicinity. There is therefore no need to assess the application with regard Policy TRANS 23 of the UDP which assesses the impact of development proposals on on-street parking stress levels.

It is considered the change of use from a bank to a retail unit, with a slight reduction in floor space would have a negligible impact upon car parking requirements. No information has been provided with regard the servicing requirements of the unit. Whilst it is accepted servicing will be restricted by existing loading restrictions it is considered a retail unit of this size could have additional servicing requirements to the bank and therefore a condition requiring the submission of a Servicing Management Plan is proposed.

Cycle parking is proposed for the residential units within the internal lightwell at basement level with access from the ground floor. This would be an acceptable place for cycle storage and to accord with the FALP (2015) nine cycle parking spaces would need to be provided. A condition is proposed requiring the submission of detailed drawings to show the provision of these nine cycle parking spaces. No cycle parking provision has been shown for the retail use. It is considered cycle parking could easily be provided at basement level and a condition is attached requiring the submission of drawings to show this.

8.5 Economic Considerations

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

8.6 Access

Level access is provided to the ground floor of the retail accommodation and the applicant has confirmed the future occupier will be providing lift access to the basement and first floor levels as part of their fit-out.

The residential units are to be accessed by a stair and no lift is provided. This is no worse than the existing situation and it is considered installing a lift would further reduce the floor space for either the residential units or the retail provision to the detriment of the proposal.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

A condition is proposed requiring the submission of detailed drawings to show the provision of separate waste and recycling storage areas for both the individual residential units and the retail use. It is not considered there is sufficient space within the demise of the residential area for a communal waste / recycling collection point.

An objection has been received to the application from a residential occupier who states that currently there is an issue with waste being left on the highway which affects pedestrian movements and encourages pests. They have stated it would be preferable for the residential waste to be collected by the local authority as opposed to a commercial

waste collector. As the existing flats are currently all let as temporary sleeping accommodation it is possible the waste is collected by a commercial collector. This would no longer be the case with the current proposal. As detailed above a condition is proposed requiring the submission of amended drawings to show the provision of waste and recycling storage facilities within each of the residential units and the retail unit. With this condition in place it is considered suitable storage facilities will be provided and any waste collection will be conducted in a similar manner to other residential properties in the street. It is not considered necessary to further restrict the waste collection.

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

An Environmental Impact Assessment is not required for a scheme of this scale.

9. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 28 September 2015
3. Response from Environmental Health, dated 25 September 2015
4. Response from the Highways Planning Manager dated 15 October 2015
5. Letter from occupier of 19 Balderton Flats, London, W1K 6TD, dated 22 September 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)

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW GILES ON 020 7641 5942 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk</p>
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10. KEY DRAWINGS

01 431 - 433, Oxford Street - Existing Basement Plan
 Scale: 1:100

02 431 - 433, Oxford Street - Proposed Basement Plan
 Scale: 1:100

esa
 Environmental Services Australia
 15/03/2020

NO.	REV.	DATE	BY	CHKD.

NO.	REV.	DATE	BY	CHKD.

Project Name	431-433 Oxford Street
Client	431-433 Oxford Street
Phase	Basement - Existing / Proposed
Drawn By	15/03/2020
Checked By	



DRAFT DECISION LETTER

Address: 431 - 433 Oxford Street, London, W1C 2DA,

Proposal: Use of the basement and part ground and first floors as retail accommodation (Class A1), use of part ground and first and the entire second to fourth floor levels as eight flats (Class C3). Installation of new shopfronts and alterations to elevations. (SITE INCLUDES 35 NORTH ROW).

Reference: 15/06742/FULL

Plan Nos: Drawings: 220_00, 220_01, 220_02, 220_03, 220_04, 220_05, 050_14_431-433_Pr_01-04 RevB, P_050_22 RevA, P_050_23 RevB, P_050_32, P_050_31, P_050_24 RevB, P_050_15 RevA, P_050_09 RevA, P_050_12 RevA, P_050_06, P_050_07, P_050_05, P_050_04 RevA, P_050_02 RevB, P_050_16 RevA, 050_14.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

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

- 3 You must 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)

- 4 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.

- 5 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.

- 6 Prior to the occupation of the retail unit, you shall submit and have approved in writing by the local planning authority a detailed Servicing Management Strategy for the retail accommodation to include an assessment of delivery noise combined with mechanical services, servicing hours, noise from doors and gates and activity noise from trolleys and/or human voices. All servicing shall be undertaken from Oxford Street and in accordance with the approved Servicing Management 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)

- 7 You must apply to us for approval of details of secure cycle storage for the residential and retail 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.

- 8 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 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)

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

Reason:

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

- 10 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

- 11 You must apply to us for approval of a Sound Mitigation and Ventilation Strategy to demonstrate that the residential units will be adequately ventilated and will comply with the Council's noise criteria set out in Condition 4 of this permission. You must not occupy any of the residential units hereby approved until we have approved what you have sent us. You must then carry out the work according to the details approved before any of the residential units hereby approved are occupied and you must thereafter retain and maintain the approved measures.

Reason:

In order to ensure that the new housing provides a well-designed, high quality living environment that provides sufficient protection for residents of the development from the intrusion of external noise, as required by Policy S29 of our City Plan that we adopted in November 2013 and Policy 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.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that the proposal results in the creation of 'remote rooms' in some of the proposed residential flats and that to accord with Building Regulations you may need to revise the internal configuration of the units.
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 5 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 6 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 7 Please be advised that, should any of the measures required by Condition 11 constitute development, a separate application for planning permission will have to be submitted and this application will be assessed on its merits.

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward involved West End	
Subject of Report	4 Meard Street, London, W1F 0EF		
Proposal	Retention of existing railings at roof level.		
Agent	Ivy Legal Ltd		
On behalf of	Tiggy Maconochie		
Registered Number	15/09822/LBC	Date amended/ completed	10 February 2016
Date Application Received	21 October 2015		
Historic Building Grade	II*		
Conservation Area	Soho		

1. RECOMMENDATION

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

2. SUMMARY

No. 4 Meard Street is a Grade II star listed property located in the Soho Conservation Area. Meard Street comprises a series of early Georgian Grade II star listed buildings and has a high degree of characterful uniformity, including at roof level.

Planning permission and listed building consent were granted in 1993 for roof level alterations which included the provision for railings. However these approvals required the railings on the flat roof to be set back at least two metres from all edges and ridges of the roof. The railings were not installed in accordance with this condition.

Listed building consent is now sought for the retention of the galvanised steel railings. The existing railings are considered to have been in place for at least four years and are immune from planning enforcement action. They are not immune from listed building enforcement action. This application seeks to regularise this situation.

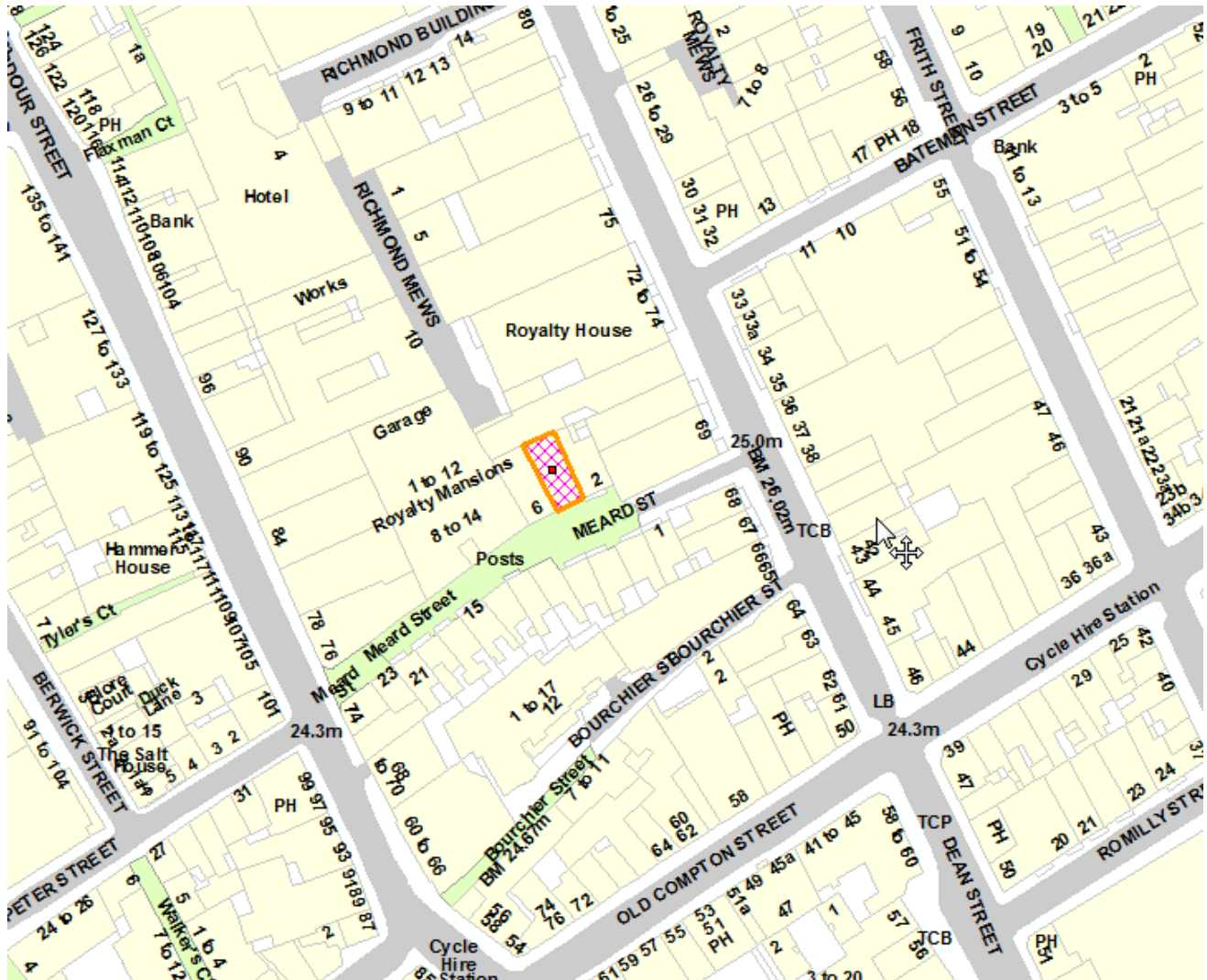
In 2012 an application for a roof terrace on no. 2 was refused by the City Council and the appeal dismissed. The Planning Inspector considered the proposal in the context of the terrace at no.4 but still found the proposal at no. 2 to be unacceptable.

There has been no objection from the Soho Society and 12 letters of support from local residents have been received.

The key issue is the impact of the railings on the special interest of the listed building and the character and appearance of the Soho Conservation Area.

It is considered that, on balance, listed building consent should be granted, given the length of time the railings have been in situ and the lack of any historic complaints.

3. LOCATION PLAN



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PHOTOGRAPHS



View from the west end of Meard Street. Railings just visible from immediately outside buildings on the south side.

View from the roof terrace looking south.



4. CONSULTATIONS

HISTORIC ENGLAND
Authorisation received

SOHO SOCIETY
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0;
Total no. of replies: 12
No. of objections: 0
No. in support: 12

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

The building lies on the north side of Meard Street. It is a grade 2 Star listed building in the Soho Conservation Area. The adjoining buildings are also grade 2 Star.

6. THE PROPOSAL

Listed building consent is sought for the retention of railings at roof level.

7. DETAILED CONSIDERATIONS

The detailed considerations revolve around the townscape and design issues.

4 Meard Street is a Grade II star listed property located in the Soho Conservation Area. Meard Street comprises a series of early Georgian Grade II star buildings and has a high degree of characterful uniformity, including at roof level.

Planning permission and listed building consent were granted in 1993 for internal and external alterations including the provision of a secondary means of escape from no.4 across the roof of no.2. However conditions on these approvals required the railings on the flat roof to be set back at least two metres from all edges and ridges of the roof. This would have reduced the size of the enclosed area so that it functioned primarily as a means of escape rather than a roof terrace.

The existing railings on the roof, which were probably installed 20 years ago, do not comply with the condition. The railings are set forward, on the edges of the flat roof. The current owner (the applicant) purchased the top flat in 2002 and was not responsible for the installation of the railings.

In 2012 applications for a roof terrace were refused at 2 Meard Street. An appeal was lodged and subsequently dismissed on 20 June 2013. The Planning Inspector stated:

'They [the railings] represent extensive and unwelcomed clutter. Furthermore, railings in this position are alien to the early Georgian architecture of the building, which is its defining special quality, and would reinforce usage of the roof area in a way that was not originally intended'. (paragraph 7)

The Inspector noted the roof terrace at no.4, and considered it harmful, but did not consider that its existence would support the approval of another terrace at no.2.

In June 2013 the Planning Enforcement Team received a complaint about the terrace at no.4 and began an investigation. This current application arises from this enforcement case. The existing railings have been in place for at least four years and are immune from planning enforcement action. They are not immune from listed building enforcement action (as there is no time limit). The Planning Enforcement Team advised the applicant to relocate the railings in accordance with the 1993 listed building consent but they have not indicated a willingness to do this.

The current application seeks listed building consent for the railings and regularise the matter. There has been no objection from the Soho Society and 12 letters of support from local residents have been received, mainly on the basis that the railings are not visible from street level and the potential loss of the rooftop garden if the railings are removed. No letters of objection have been received.

Historic England has authorised the City Council to determine the application as it thinks fit, but also issued the following observations:

'A roof form is an important part of a listed building of this period, and any permitted addition should be very carefully designed so as to preserve the form and not introduce contrasting materials which detract from the appearance of the building. There is the potential for any roof terrace to be seen in long views and from overlooking buildings, and this should be taken into account in assessing the harm caused'.

The proposed railings cause a degree of harm to the listed building and the surrounding Soho Conservation Area. The railings are barely visible from street level and are visible in private views from the front and rear. The impact of the railings in views is somewhat reduced by the vegetation located on the terrace.

However, the history of this matter should be taken into account.

- a. The principle of railings on the roof was agreed as part of the 1993 consents
- b. The railings are likely to have been in place for almost 20 years and no complaints were received until 2013.

In the light of these matters it is considered, on balance, that consent should be granted.

8. BACKGROUND PAPERS

1. Application form
2. Letter from Historic England (Listed Builds/Con Areas), dated 15 December 2015.

3. Letter from Historic England (Listed Builds/Con Areas), dated 15 December 2015
4. Response from Soho Society, dated 8 December 2015
5. Letter from the occupier of 1 Meard Street , undated
6. Email from the occupier of 44 Lexington Street, dated 4th December 2015
7. Letter from the occupier of Flat 4, Wardour House, 106 Wardour Street , dated 4th December 2015
8. Letter from the occupier of 68 Dean Street, dated 2nd December 2015
9. Email from the occupier of 6 Meard Street, dated 1st September 2015
10. Email from the occupier of 46 Lexington Street, dated 7th December 2015
11. Email from the occupier of 5 Meard Street, dated 10th December 2015
12. Email from anonymous resident at 3 Meard Street, undated.
13. Letter from the occupier of 24 St. James Residences, 23 Brewer Street, dated 4th December 2015
14. Email from the occupier of Flat 7 Royalty Mansions, 8-14 Meard Street, dated 3rd December 2015
15. Email from the occupier of 16 Broadwick Street, dated 7th December 2015
16. Letter from the occupier of the owner of 4 Meard Street, dated 4th December 2015

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT OWEN BROADWAY ON 020 7641 3923 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 4 Meard Street, London, W1F 0EF,
Proposal: Retention of existing railings at roof level.
Reference: 15/09822/LBC
Plan Nos: A250; A251; A201.

Case Officer: Owen Broadway

Direct Tel. No. 020 7641 3923

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 3 The extract flue shown on the drawings does not form part of this consent.

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 4.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

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

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

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

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward involved West End	
Subject of Report	91 Mortimer Street, London, W1W 7SR		
Proposal	Use of the ground floor and basement as a shop (Class A1).		
Agent	C. B. Wright & Associates Ltd		
On behalf of	Mr E Karavil		
Registered Number	15/09716/FULL	Date amended/ completed	5 November 2015
Date Application Received	19 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Refuse planning permission - loss of wholesale showroom use.

2. SUMMARY

No. 91 Mortimer Street is an unlisted building located on the south side of Mortimer Street near the junction with Great Portland Street. The basement and ground floor of the premises currently have lawful use as a wholesale showroom (*sui generis*) whilst the upper floors have lawful use as office accommodation (Class B1).

This application seeks permission for the change of use of the existing basement and ground floor showroom to a retail unit (Class A1). It should be noted that permission has been refused three times previously for the change of use of the premises to a retail unit in 2011, 2013 and 2014.

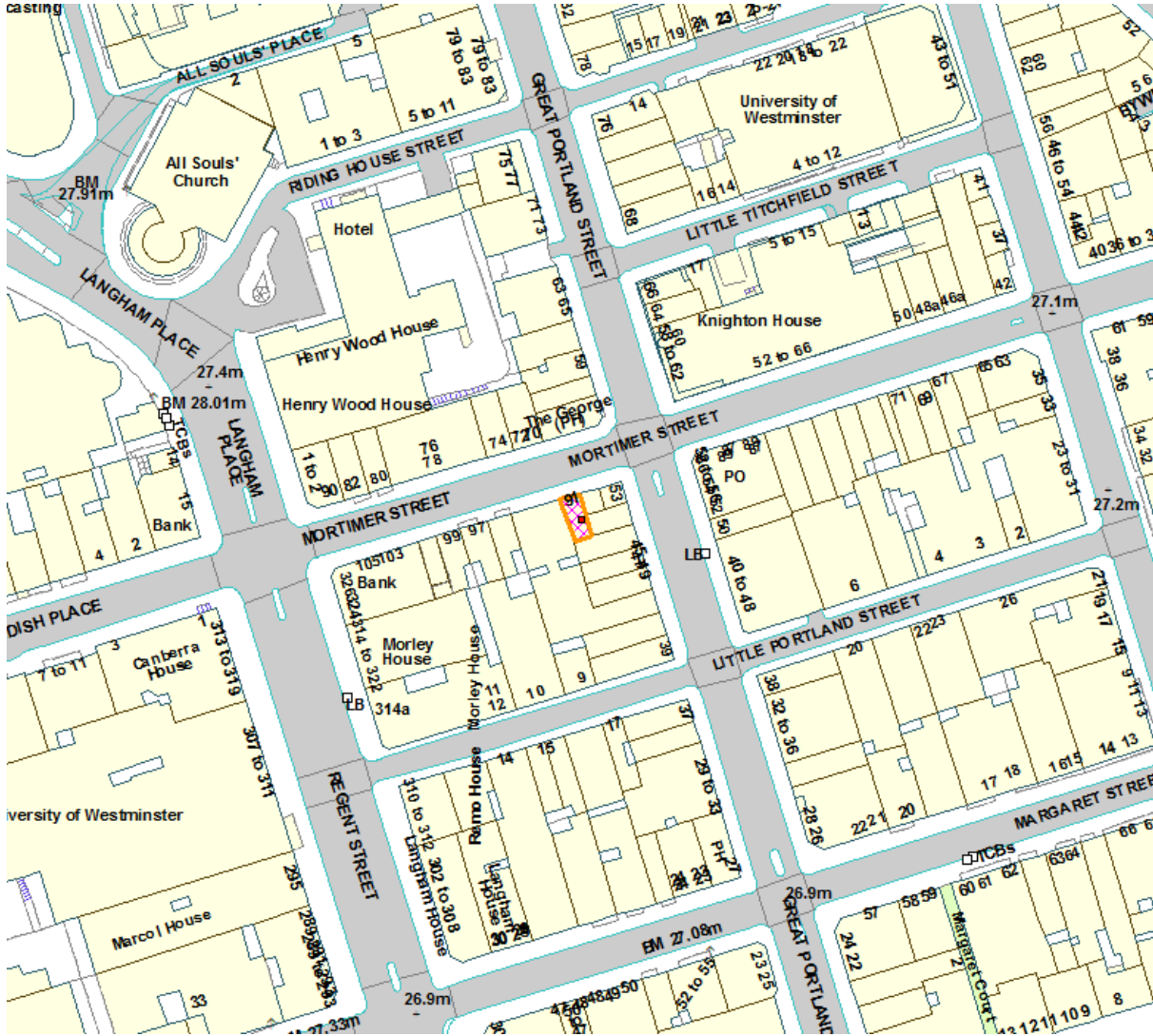
The key issue in this case is:

- The loss of the showroom floorspace within the designated East Marylebone Special Policy Area which seeks to protect wholesale showroom uses.

Policies COM12 of the Unitary Development Plan (UDP) and S2 of the City Plan seek to protect wholesale showroom uses within the East Marylebone Special Policy Area. The applicant has not demonstrated any exceptional circumstances with regard to the application to justify a deviation from this policy requirement. Whilst the City Council is currently considering the removal of the East Marylebone Special Policy Area this revision is at a very early stage and it would be inappropriate to

afford much weight to this proposal before it has been adopted by the City Council. It is therefore considered the loss of the wholesale showroom is unacceptable in principle and the application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Fitzrovia Neighbourhood Association:
Any response to be reported verbally.

Highways Planning:
Acceptable in highways terms subject to conditions.

Cleansing:
Acceptable subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 36
Total No. of replies: 3
No. of objections: 1
No. in support: 2

Letters of support on the following grounds:

- Productive use of the property will increase footfall in the area and increase the vitality of the street.

Objection received on the following grounds:

- Notice was not served upon the freeholder of the property by the applicant, as legally required.
- The loss of the wholesale showroom use in the East Marylebone SPA is contrary to the adopted policies of the City Council that protect this use.
- Little if any weight can be afforded to the City Council's proposal to remove the East Marylebone SPA.
- The marketing information submitted is considered insufficient to show the unit has been properly marketed.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 91 Mortimer Street is an unlisted building located within the East Marylebone Conservation Area and the Core Central Activities Zone, as defined by the adopted City Plan. The property is also located within the East Marylebone Special Policy Area as defined by both the UDP and the City Plan.

The lawful use of the basement and ground floor levels is as a wholesale showroom (*sui generis*). It would appear that the property has been vacant for a number of years. The first, second and third floor levels of the property have lawful use as office accommodation.

Mortimer Street is characterised by commercial uses at ground floor level with residential and office uses on the upper floors. The property is located on the south side of a section of Mortimer Street running between Regent Street and Great Portland Street.

6.2 Recent Relevant History

Planning permission was refused on 28 June 2011 for the 'use of the ground and basement floors as a retail unit (Class A1)' on the grounds of the loss of the showroom use.

Planning permission was granted on 22 November 2011 for the 'dual alternative use of the first, second and third floors for either office accommodation (Class B1) or residential purposes (Class C3) to provide 2 x 1 bedroom flats. Retention of roof terrace. External alterations including the installation of Juliet balconies at rear first to third floor.'

Planning permission was refused on 17 July 2013 for the 'use of the basement and ground floors as a retail unit (Class A1) and alterations to the shopfront,' on the grounds of loss of showroom and loss of a traditional shopfront.

Planning permission was refused on 22nd April 2014 for the 'use of the basement and ground floors as retail accommodation (Use Class A1) for a temporary period of two years' on the grounds of loss of showroom.

7. THE PROPOSAL

Permission is sought for the change of use of the ground and basement floor levels from the current wholesale showroom (*sui generis*) use to retail accommodation (Class A1).

The basement and ground floor levels to which this application relates measure 85m².

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of showroom

The applicant has confirmed that the property was utilised as a wholesale showroom for the clothing business before it became vacant. Business Ratings records also confirm that the basement and ground floor of the property were rated as a 'showroom and premises' for 2005 and 2010. There is also significant evidence on the internet that there was a wholesale clothing retailer previously operating from the property called 'Freddini Flighteagle'. The premises do not appear to have been utilised for any other purpose since this business vacated the premises. The applicant states that the unit has been vacant since the wholesale showroom vacated the property in 2006 and that the property has been marketed since December 2013. Seemingly the unit has been left unoccupied and has not been marketed for most of the intervening seven years.

The property is within the revised and smaller East Marylebone SPA as defined by the City Plan Proposals Map. Policy S2 of the City Plan considers the designated Special Policy Areas and seeks to 'provide specific protection for the unique clusters of specialist uses

which are central to London's character and ensure these clusters are not eroded by pressure from other commercial uses.' Detailed guidance on each of the SPAs will not be available until the adoption of the City Management Plan and it is therefore prudent to refer to the guidance provided by the UDP.

The East Marylebone SPA has been designated to protect the wholesale showrooms in the area which have created a *'marketplace for the exchange of goods manufactured and sold all over the world'*. Policy COM12 Part A of the UDP states that *'planning permission which would result in the loss of wholesale showrooms in the East Marylebone Special Policy Area at ground floor and basement levels will not normally be granted and wholesale showrooms floorspace should be replaced in re-development schemes'*.

Paragraph 2.86 of the UDP states that: *'In East Marylebone, and to a lesser degree elsewhere in the City, showrooms are important uses which contribute to the character and function of the surrounding area. The City Council has defined a core showroom area, the East Marylebone Special Policy Area. This area contains the main concentration of wholesale showrooms in Westminster; most of these showrooms are associated with the fashion industry. The protective Policy COM 12 (A) will apply within this area.'*

The reasoning for this is that *'further losses of wholesale showrooms from the core area would therefore undermine this concentration and threaten the viability of East Marylebone as a prestigious wholesale area of international importance.'* Paragraph 2.88 of Policy COM12 says that long-term vacancy can be taken into account when determining an application involving the loss of showroom floorspace within the East Marylebone SPA. Long-term vacancy is considered to be marketing of a vacant unit for a minimum period of 18 months. It must be demonstrated that the unit has been *'marketed widely and thoroughly on terms that are no more onerous than market conditions in the locality'*. The applicant has said the unit has been vacant since 2006 but only marketed since December 2013.

The applicant has provided a letter from Robert Irving Burns (RIB) a local lettings company, who state that it first marketed the property in January 2014. It is claimed that a variety of methods were used to market the property including an email campaign to other agents and applicants and the particulars being displayed in the agents' windows. They claim a single offer was received on the premises from a retail ticket company. The agent therefore concludes there is no demand for wholesale showrooms in the area. The agent also states that, as there are no other wholesale showrooms on this immediate stretch of Mortimer Street, the location is not desirable for this use and potential occupiers would only seek to locate in micro locations within the area. To support its assertion that there is no market for wholesale showroom premises, the agent also states that the number of wholesale showrooms in the East Marylebone SPA has reduced to the point of *'no longer existing today'* and that the industry has primarily relocated elsewhere in London to cheaper accommodation.

It should be noted that on the particulars submitted by RIB it does not state the property is lawfully a wholesale showroom. It is further noted that marketing information was submitted to support the previous application to change the use and at the time the estate agent was advertising the premises on their website as a *'self-contained retail premises'* suitable for A1 and showroom uses. It is also noted that at no time in the past ten years has an application been made to display an estate agents board on the property.

With regard the agent's comments that this location is unsuitable for a wholesale showroom, there are a large number of wholesale fashion retailers located on Great Portland Street which is a few metres to the east. Given the sparse information contained within the letter from the letting agent it is not considered necessary to have the letter independently assessed at the applicant's expense as would normally be required. The freeholder of the property, who has objected to the application, has also reviewed the marketing information and considers there is *'substantial information missing from this report. There is no evidence of how Robert Irving Burns has attempted to market the property during this 18 month period other than a copy of an undated and unprepossessing marketing pamphlet. There is no detail as to whom and how this was circulated and no evidence of external signage being used to market the property.'*

The freeholder further notes that the unit is not isolated from other showrooms and is still located within the reduced East Marylebone SPA as defined by the City Plan. The objection from the freeholder on the grounds of insufficient marketing evidence having been submitted is substantiated and it is considered only minimal weight can be given to the marketing information provide by Robert Irving Burns.

The freeholder has also raised an objection to the loss of the wholesale showroom use citing Policies COM12 of the UDP and S2 of the City Plan. The City Council is currently proposing revisions to the Westminster City Plan which includes the removal of the entire East Marylebone Special Policy Area and the deletion of the relevant policy referring to this SPA. The Special Policy Areas and Policies Map Revision has undergone the statutory Regulation 19 consultation stage (4 December 2015 to 7 February 2016) in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 and is soon to be submitted to the Secretary of State for consideration by an inspector. No objections were received during the consultation period to the removal of the SPA and three representations of support were received. The Mayor has also confirmed the deletion of the SPA raises no strategic issues.

Paragraph 216 of the NPPF states:

'From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*

Taking into account the proposal to remove the East Marylebone SPA has been through consultation (with no objections) and the City Council intends to proceed with its deletion, Committee may take this into account in the determination of the application. However, the early stage in the development of this revised approach to East Marylebone means that it is recommended that it should only be afforded minimal weight.

The next stage is the submission of the proposed revisions to the Secretary of State for consideration by an independent inspector and no date has been established for this yet. The adopted policy framework still seeks to safeguard wholesale showroom uses in the East Marylebone SPA and the proposal to remove it is at a very early stage. It is therefore considered that the current proposal is unacceptable in principle in land use terms due to the loss of the wholesale showroom. The objection from the freeholder on these grounds is sustainable and it is not considered there are any extenuating circumstances to justify a deviation from adopted policy.

The freeholder of the property has also objected to the application as they did not receive the notice which the applicant says was served on them. However, the freeholder's representative has been made aware of the application and a lengthy letter of objection has been received on their behalf, so it is not considered that they have been prejudiced in any way due to their lack of receipt of the notice. The freeholder's details were also filled out correctly on the application form.

Retail Use

Policy S6 of the City Plan states, with regard to the Core CAZ that '*retail use is encouraged throughout the area*'. The UDP is also supportive of retail floor space increases within the Core CAZ. In principle, the increase in retail accommodation is therefore considered acceptable but this must be considered in the context of the loss of the wholesale showroom use discussed as detailed above. It is also noted that Policy COM12 of the UDP states that where applications to change the use of wholesale showrooms (outside the East Marylebone SPA) are considered acceptable the preferred replacement use will be retail accommodation.

Two letters of support have been received to the application in relation to the use of the property as a retail unit helping to increase the footfall in the area and improve the vitality of the street. Whilst it is noted that the productive use of the property would improve the footfall in the area and contribute towards its vitality, the introduction of a small retail unit is likely to only have a minimal beneficial impact in this regard over and above the existing lawful use.

8.2 Townscape and Design

No external alterations are proposed as part of the application.

8.3 Residential Amenity

The conversion of the wholesale showroom to a retail unit is unlikely to have any material impact on the amenity of nearby residents.

8.4 Transportation/Parking

It is considered the impact of the proposal on car parking requirements will be negligible, with little difference between the two uses. With regard servicing of the use, the property is located within a Controlled Parking Zone which means that single and double yellow lines within the vicinity allow commercial loading and unloading to occur within certain parameters. It is considered the proposed retail use would have similar servicing

requirements to the existing lawful wholesale showroom use and therefore, had the application been considered acceptable it would not have been necessary to impose additional restrictions through the use of conditions.

Given the size of the unit at 85m² there is no requirement with FALP for the provision of cycle parking.

8.5 Economic Considerations

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

8.6 Access

Level access is currently provided to the ground floor of the unit and this would be retained in the proposal.

8.7 Other UDP/Westminster Policy Considerations

The submitted floor plans do not show the provision of waste or recycling storage within the demise of the unit. A condition would be attached to any approval requiring the submission of amended plans to indicate these facilities to ensure waste was not left on the public highway.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning - Development Planning, dated 5 November 2015
3. Response from Cleansing - Development Planning, dated 9 November 2015
4. Letter from Stephenson Harwood LLP, 1 Finsbury Circus, representing the freeholder (Mount Eden Land Ltd.) dated 27 November 2015
5. Letter from occupier of 60 Great Titchfield Street, London, dated 10 January 2016
6. Letter from occupier of 70 Great Titchfield Street, London, dated 6 January 2016
7. Letter from the applicant, Mir-Rashed Ahmed, 91 Mortimer Street, London, W1W 7SR,

undated.

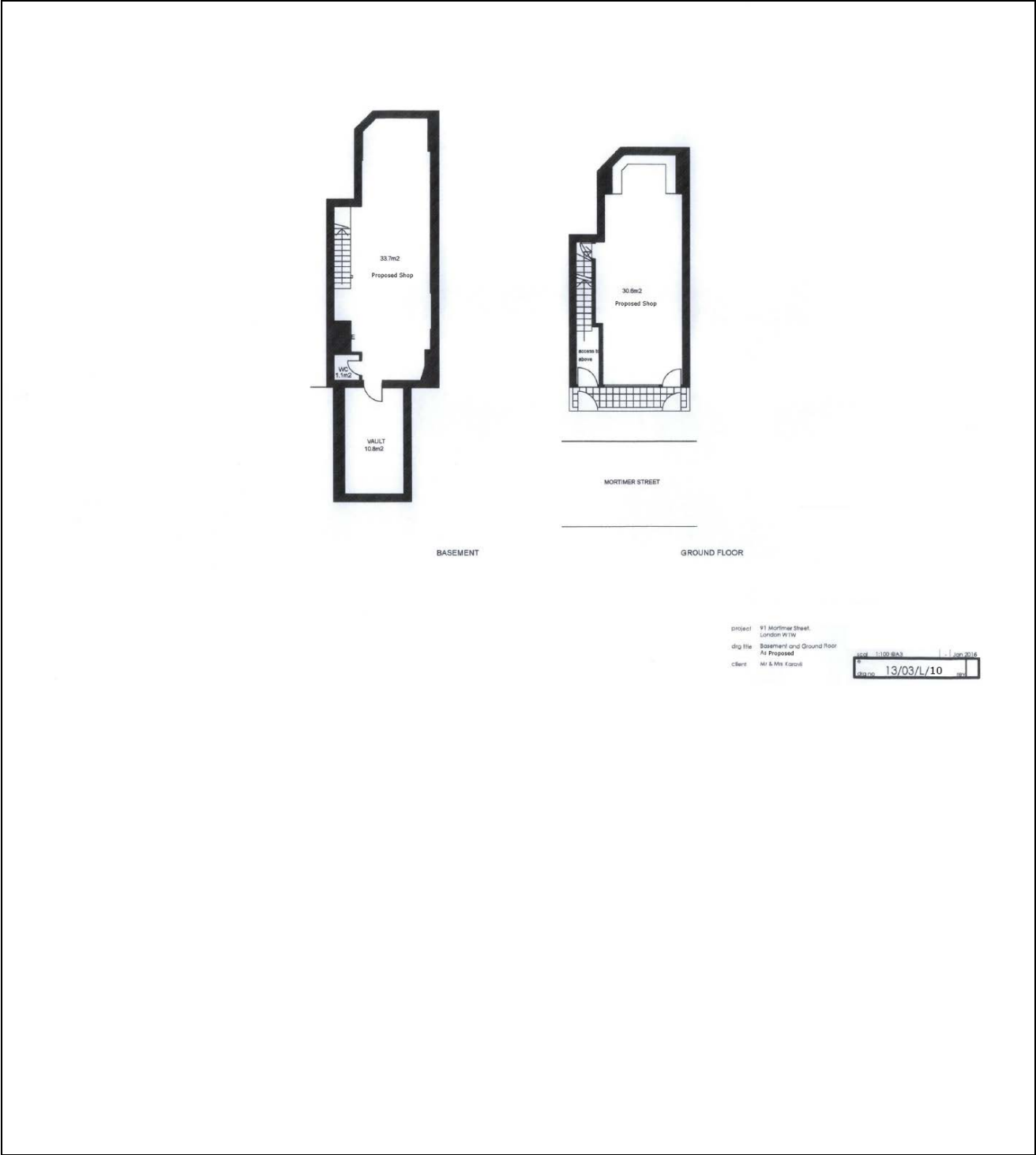
Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW GILES ON 020 7641 5942 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

Item No.
7

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 91 Mortimer Street, London, W1W 7SR,

Proposal: Use of the ground floor and basement as a shop (Class A1).

Reference: 15/09716/FULL

Plan Nos: 13/03/L/10

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s):

Reason:

- 1 The development would lead to the loss of a wholesale showroom which contributes to the character and function of this part of the East Marylebone Special Policy Area, contrary to Policy COM12 of our Unitary Development Plan that we adopted in January 2007 and Policy S2 of the City Plan that we adopted in November 2013.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	15D Clifton Villas, London, W9 2PH		
Proposal	Construction of a flat top mansard roof extension to form a maisonette together with existing second floor flat.		
Agent	Mrs Sara Mardle		
On behalf of	Ms Susan Wolff		
Registered Number	15/07721/FULL	Date amended/ completed	25 September 2015
Date Application Received	19 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

This application seeks approval to add a mansard roof extension to enlarge the existing top floor flat. The application has attracted objections and letters of support. There is a second application for a mansard to create an extra flat known (ref: 15/07722/FULL) which is also being presented to Committee.

The key issues are:

- the principle of adding a roof extension and the impact on the appearance and character of this part of the Maida Vale Conservation Area; and
- the impact on amenities of existing residents.

Despite the objections received to the proposed roof extension, given the existing mansards next door at No 16 and 17, the principle is considered acceptable, and the application has been amended to revise its detailed design and the proposal subject to conditions will comply with policies S25 and S28 in the City Plan and DES6 and DES9 in the UDP.

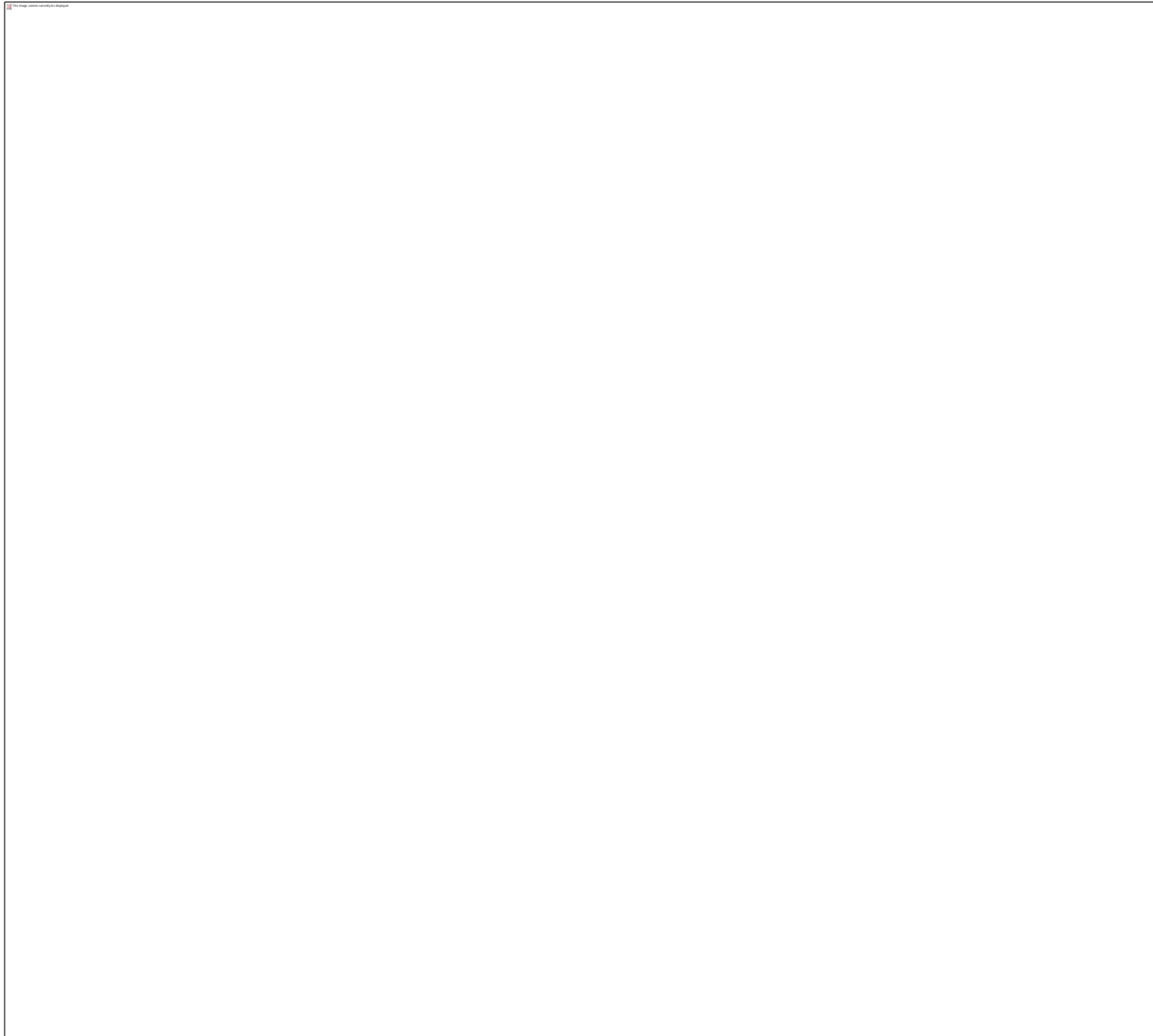
The proposal will not result in any material harm to the amenities of existing and neighbouring residents in terms of their light, outlook and privacy. Many of the objections raised by the leaseholders in the building are private matters and are not planning grounds to refuse permission.

Item No.

8

Given the above, the application is being recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear view from Bristol Mews

5. CONSULTATIONS

COMMENTS RECEIVED IN REPSONSE TO FIRST ROUND OF CONSULTATION THAT CLOSED ON 1 OCTOBER 2016.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Agree to the principle of the mansard, but fenestration to the rear elevation should be in keeping with the rest of the property. The impact on sunlight and daylight to neighbours should be assessed. Please take neighbours views into account.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 54: Total No. of replies:8

3 objections and 5 emails in support:

In summary, the objectors raise the following issues:

Land Use

- The internal layout suggests that the applicant is seeking to create two units by stealth by avoiding fireproofing and soundproofing.

Townscape and Design

- Roof extension will degrade the character of the building and Conservation Area and establish a precedent for a similar roof extension at No 14.

Amenity

- Loss of light to No 14 Clifton Villas.
- Loss of sunlight reaching the rear and gardens of No's 33-59 Warwick Avenue, in particular loss of winter sunlight.
- Application for a mansard at No 13 was also the subject to objections on loss of sunlight and this was reduced in height by the Council.
- Additional overlooking at the rear.
- Noise generated by the proposal

Parking

- Increased pressure on car parking .

The representations in support consider the extension to be modest, in scale with the building and the conservation area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

COMMENTS RECEIVED IN REPSONSE TO SECOND ROUND OF CONSULTATION THAT CLOSED ON 23 OCTOBER 2016.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

No further comments received to date.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No consulted 54 No Replies 13

4 objections and 9 emails in support

In summary, the objectors raise the following issues:

Townscape/Design

- The classical proportions of the building will be destroyed by a tall mansard
- Disproportionate weight and bulk of the proposed mansard at the front.
- The other roof extensions at No's 16 and 17 both have dormers to the front which reduces the visual impact and this proposal should follow suit.
- Proposal is top heavy and window openings are too large.
- Rear French doors must be replaced with a dormer to match neighbouring buildings.
- Request that the development should be scaled down to provide extra living space and no extra bedrooms which would be more appropriate to both the amenities and capacity of the building and neighbourhood

Amenity

- Overlooking and loss of privacy to flat A and the rear garden.
- Blocking a window serving the communal staircase affecting light and ventilation to existing occupants.

Parking

- Additional occupants would add to congestion

Other Matters

- No consultation with leaseholders and applicant not at liberty to make changes to the building whilst the matter of the freehold is resolved.
- Roof space is a common area and issues to rights of access to aereals.
- Request unfettered access to this roof area for contractors at the expense of the developer.
- The proposed roof hatch and pull down ladder should be relocated.
- The roof of the proposed development should be borne by the developer and not the leaseholders.
- Unlabelled space on the third floor of the maisonette which could be altered to an extra bedroom at a later date.
- Increased pressures on services in the building, drainage in particular, and cite three major incidents in the past which has caused damage which the freeholder has not repaired.
- No space for an extra gas meter or additional water supply.
- Laying new pipe will result in digging up the existing path and its attractive tiling. The relaying of these tiles must be mandatory.
- Inevitable disruption to existing residents as well as affecting access into the building.
- Increased noise from slamming front door and if permission allowed request more sound insulation.
- Cycle store in basement will compromise security and disturb residents.
- Bike stand at the front of the building will be unsightly and not shown on any drawings.
- Comments made in respect of refuse arrangements.
- No provision to upgrade the building.

- Additional weight of the mansard could compromise the stability of the structure and cause further cracks to appear and request assurances that the developer will be responsible for any repairs.
- Security and access will be compromised during the building works and when the scaffolding is in place.
- There must be a full time professional Project Manager to oversee the development.
- Increased occupancy in the building will exacerbate the problem with evacuation in case of fire; escape across the roofs will result in obtrusive access structures and railings.

6. BACKGROUND INFORMATION

6.1 The Application Site

No 15 is an unlisted terraced property located on the north side of Clifton Villas. The building is subdivided into 4 flats and this application relates to the top floor flat (Flat D).

The application site is located within the Maida Vale Conservation Area, and the adjoining properties at No 16 and 17 have been extended at roof level. The rear elevation of these properties are clearly visible from views at the rear in Bristol Mews.

6.2 Recent Relevant History

Two similar applications for roof extensions were withdrawn last year by the applicant for roof extensions which also involved the erection of a rear extension.

There is a separate planning application (ref: 15/07722/FULL) under consideration by this Committee for a mansard roof extension to extend Flat D to create a one bedroom flat.

The mansard roof extension at No 16 was granted on 30 August 1991 and the mansard at No 17 appears to have been built around the same time. In respect of No 13, permission was granted for substantial demolition and rebuilding which was originally granted in 2008 and later varied in 2011.

7 THE PROPOSAL

This planning application is for a mansard roof extension to create additional floorspace for the top floor flat. The mansard is shown to be slate clad with two projecting dormers to the front elevation. At the rear, there is a small roof terrace.

The application has been amended in respect of the detailed design, to relocate the loft hatch to the rear, simplify the dormers and to remove the railings to the rear parapet wall. The drawings have also been amended to address a number of small inaccuracies.

There is a separate planning application for a mansard to create a 1 bedroom flat which is also being considered by this Committee (ref: 15/07722/FULL)

8 DETAILED CONSIDERATIONS

8.1 Land Use

This application seeks to extend an existing flat, and despite the objections received there are no land use objections to creating additional residential floorspace to create a maisonette on the upper two floors. The proposal accords with policy S14 of the City Plan and policy H3 of the UDP.

8.2 Townscape and Design

Strong objections have been received to the principle of adding a mansard roof extension and the objectors cite that No's 14 and 15 remain unaltered at roof level. It is considered that the principle of a mansard is acceptable in this location, given the adjoining two mansards in this group of four properties at No's 16 and 17.

The application has been amended to ensure that the mansard and dormers accord with the Council's SPG on Roof Extensions. Therefore, the proposal would preserve harm the character and appearance of the Maida Vale Conservation Area and complies with policies S25 and S28 in the City Plan and DES6 and DES9 in the UDP.

8.3 Residential Amenity

Light/Enclosure

Although objections have been received on loss of light grounds, the proposed mansard would not result in unacceptable loss of daylight or sunlight to neighbouring residents given the extensions location at main roof level and its relatively low height in comparison to the existing building. The existing resident's objections to loss of light to an existing staircase cannot be supported, as this is not a habitable room.

Objections have been received to loss of sunlight to gardens at the rear in Warwick Avenue, but again there are no material impacts to these residents given the considerations noted above. Whilst it is recognised there will be a small increase in enclosure to neighbouring residents, this is not considered so significant to warrant refusal.

Privacy

Objections have been received on overlooking grounds. There is a small terrace proposed at the rear of the mansard, but this is not considered to result in unacceptable loss of privacy to neighbours given the high degree of overlooking that existing at present from existing windows on the rear elevation.

8.4 Transportation/Parking

This application raises no parking issues as it involves an increase in floorspace to an existing residential unit, rather than a new residential flat, therefore the objections received cannot be supported.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable in the determination of this application

8.7 Other UDP/Westminster Policy Considerations

Noise

Objections have been made on noise grounds and residents in the building have requested additional sound insulation. It is not considered that this proposal to provide additional floorspace to an existing flat will result in increased noise and disturbance to existing residents. Hours of building works will be controlled by condition. Any extension will need to comply with Building Regulations.

Cycle store

Objections have been raised to the cycle stand being proposed in the basement area, but this does not form part of this application, and therefore these objections cannot be supported.

Refuse

The objectors also disagree with comments made in the applicant's Design and Access Statement regarding refuse and have submitted photographs to show the rubbish spilling out onto the pavement. As this application is for an extension to an existing flat, there is no policy requirement to secure additional refuse/recycling storage for this flat. Therefore this objection cannot be supported.

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. The proposal will not have an adverse impact on designated heritage assets.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not relevant in the determination

8.12 Other Issues

Objections have been raised by residents in the building about the lack of consultation with the leaseholders and that the applicant is not at liberty to make changes to the building until the matter of the freehold has been resolved. Several other civil issues between landlord and tenant and/or tenant and tenant have also been raised. These are not material planning considerations.

There is no evidence to suggest at this stage that the existing building cannot cope with the additional loading demands of an extra floor. If permission is granted, the proposal would need to comply with Building Regulations which would safeguard the structure of this building.

The existing residents' concerns over security during construction are well understood and this is a matter that can be addressed by the applicant in consultation with the other leaseholders in the building.

8.13 Conclusions

Despite the objections received, the principle of adding a roof extension is considered acceptable, and the application is being recommended for approval.

9 BACKGROUND PAPERS

1. Application form
2. Response from Paddington Waterways and Maida Vale Society dated 7.October 2015
3. Email from 33F, Warwick Avenue, dated 17 September 2015
4. Email from 43A Warwick Avenue, London, dated 1 October 2015
5. Email in support from 15c Clifton Villas, London, dated 14 September 2015(the applicant)
6. Email in support from occupier 26D, Clifton Villas dated 9 September 2015
7. Email in support from 10 Bristol Gardens, London dated 19 September 2015
8. Email from 15d Clifton Villas London W9 (Undated).
9. Email in support from 11d Formosa St, London dated 22 September 2015
10. Email in support from 58b, Warwick Avenue, dated 23 September 2015
11. Email from 15 b Clifton Villas dated 14.10.2015.
12. Email from 15A Clifton Villas, London, dated 13 October 2015
13. Email from 923 Waiwhero Ngatimoti RD1 Motueka 7196 New Zealand (owner of 15 A Clifton Villas) dated 13 October 2015
14. Email from 43 a Warwick Avenue
15. Email in support from 15 C Clifton Villas dated 27 October 2015
16. Email in support from 7 Formosa Street dated 30 October 2015 .
17. Email in support from 61e Blomfield Road dated 30 October 2015.
18. Email in support from 18 Warrington Crescent dated 7 October 2015
19. Email from 26 Bristol Mews
20. Email in support from 25 Bristol Mews
21. Email from 15A Clifton Villas, London, dated 13 October 2015
22. Email in support from 259 Shirland Road dated 4 November 2015
23. Email in support from 10 Bristol Gardens.

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

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

10 KEY DRAWINGS

The drawings consist of three floor plans and one front elevation. The floor plans are labeled: 'GROUND FLOOR PLAN', 'FIRST FLOOR PLAN (SECTION OF FRONT)', and 'ROOF PLAN'. The front elevation shows a three-story building facade with a central entrance and a flat roof section. Each drawing includes a scale bar and a north arrow.

<p>PLANNING</p> <p>PROPOSED FLOOR PLANS</p>	<p>PROJECT</p> <p>15C CLIFTON VILLAS FLAT D MAISONETTE OPTION</p> <p>CLIENT</p> <p>SUSAN PATRICIA WOLFF</p> <p>15 CLIFTON VILLAS LTD.</p>	<p>DATE</p> <p>15/08/2016</p> <p>SCALE</p> <p>1:100</p>	<p>PROJECT NO.</p> <p>15C</p>	<p>DATE</p> <p>JULY 15</p>	<p>PROJECT NO.</p> <p>15C</p>	<p>PROJECT NO.</p> <p>15C</p>	<p>PROJECT NO.</p> <p>15C</p>	<p>PROJECT NO.</p> <p>15C</p>	<p>PROJECT NO.</p> <p>15C</p>

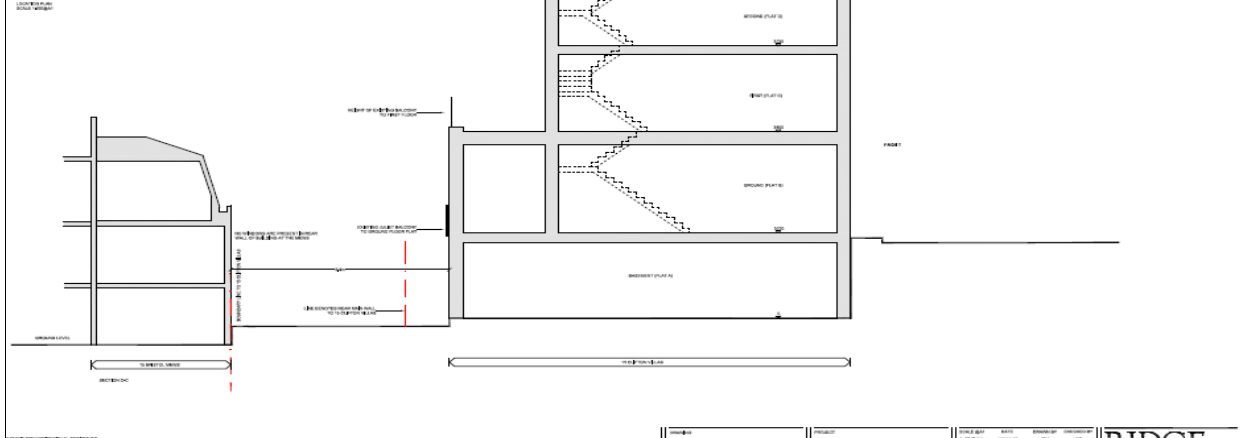
Proposed floor plan and front elevation



Rear elevation and cross section

PLANNING PROPOSED REAR ELEVATION

PROJECT	150 CLIFTON VILLAS FLAT D MAISONNETTE OPTION	DATE	JULY 18	DESIGNED BY	GW	CHECKED BY	HW
CLIENT	150566_PC39	SCALE	1:100	PROJECT NO.	A	RIDGE	



PROPOSED SECTION THROUGH SITE

PLANNING

PROJECT	150 and 156 CLIFTON VILLAS NEW FLAT E	DATE	JULY 18	DESIGNED BY	GW	CHECKED BY	HW
CLIENT	150566_PC39	SCALE	1:100	PROJECT NO.	A	RIDGE	

DRAFT DECISION LETTER

Address: 15D Clifton Villas, London, W9 2PH,

Proposal: Construction of a flat top mansard roof extension to form a maisonette together with existing second floor flat.

Plan Nos: PD 11 , PD 12, PD13, PD14, PD15, PD16A, PD 17A , PD18A, PD19A, PD20A , Design and Access Statement August 2015 -Version 2 .

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641 2875

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

- 4 The mansard roof extension shall be clad in natural grey slates, and a sample of the slate shall be submitted to and approved by the City Council as local planning authority before works start on the roof extension .The development shall be carried out in accordance with the approved sample.

Reason:

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

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

Reason:

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

- 6 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
 - revised opening to the rear staircase window in the mansard.
 You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

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Agenda Item 9

Item No.

9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	15D Clifton Villas, London, W9 2PH,		
Proposal	Construction of a mansard roof extension to form a new 1 bed flat.		
Agent	Mrs Sara Mardle		
On behalf of	Ms Susan Wolff		
Registered Number	15/07722/FULL	Date amended/ completed	25 September 2015
Date Application Received	19 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Permission is sought for a mansard roof extension to create a one bedroom flat.

The application has attracted objections from the Paddington Waterways and Maida Vale Society, the Highways Planning Manager and from existing and adjoining residents on the grounds of the principle of adding a roof extension, the parking demands of an extra flat, the size of the unit, and loss of amenity. The application has also attracted emails in support from local residents.

The key considerations are:

- the principle of the mansard roof extension in design terms;
- the acceptability of creating a new flat in terms of its impact on the existing building;
- the size of the unit and pressures generated on on-street parking; and
- the impact on the amenities of existing and neighbouring residents.

Despite the objections raised, there are no design objections to the mansard given the adjoining properties at No's 16 and 17 having been extended at roof level and the proposal will preserve the character and appearance of this designated heritage asset. The mansard will also not unacceptably harm the amenities of existing residents in the building or in neighbouring properties.

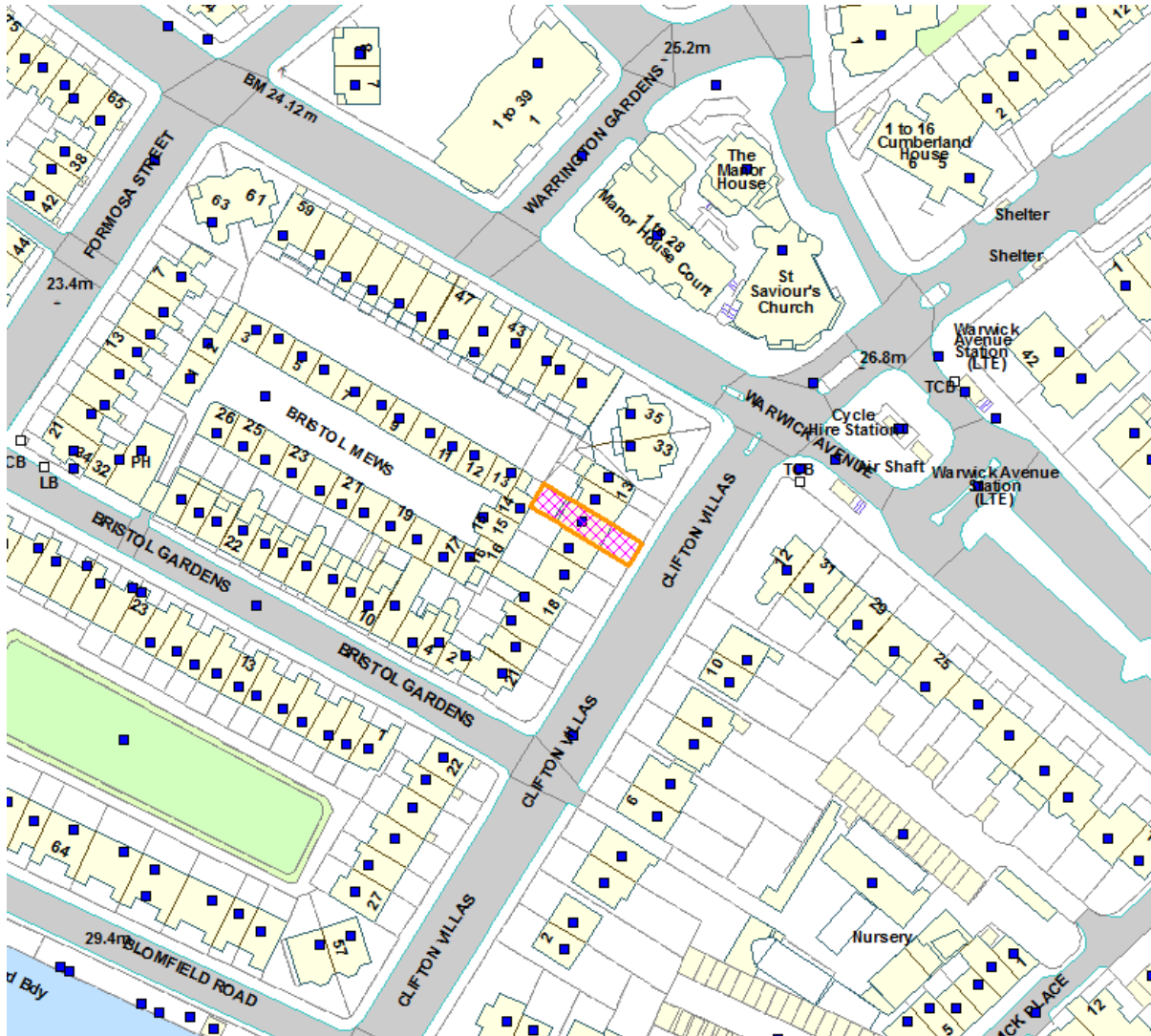
Although the Highways Planning Manager objects to the lack of off- street parking for this additional

unit and the increased pressure on on-street spaces, the night time parking occupancy figures (with all legal spaces included) do not exceed 80% and given the site's high public transport accessibility, it is considered that a parking reason for refusal will be difficult to sustain at appeal.

The new one bedroom flat has an area of approximately 40 sqm which is just in excess of the minimum national guidelines of 39 sq.m for a 1 bedroom 1 person flat. The size of the bedroom is rather small, but on balance the proposal is not considered to represent substandard accommodation to warrant refusal of permission.

Given the above, this application is being recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Rear elevation from Bristol Mews



5. CONSULTATIONS

COMMENTS RECEIVED IN RESPONSE TO FIRST ROUND OF CONSULTATION THAT CLOSED ON 1 OCTOBER 2016.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Objection the proposal as it leads to the creation of two very small units which fall below the minimum housing standards and therefore do not provide sustainable living conditions. Please take neighbours views into account

HIGHWAYS PLANNING MANAGER

Object as no off street parking is being provided for the new flat and the proposal will result in increased pressure on on-street spaces in the vicinity of the application site. If minded to approve, Lifetime Car Club membership should be provided.

THAMES WATER

Existing wastewater infrastructure cannot accommodate the needs of this application and request a Grampian style condition to reserve further details.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No consulted 35 No Replies 8

3 objections received and 5 emails in support.

In summary, the objectors raise the following issues:

Townscape/Design

- The building is located within a Conservation Area and therefore should not be altered at someone's whim.
- Creating a mansard to this pair of buildings will destroy the current symmetry and the visual appeal of this high profile section of the street. If approved, a similar application may be submitted for No 14

Amenity

- Major alterations to No 13 Clifton Villas have already decreased light to No 33 Warwick Avenue and this application will make matters worse.
- Loss of privacy
-

Other Matters

- Noise, dust and pollution during construction are unacceptable
- Question how access can be gained at the rear of the property.
- Inaccurate statements in the applicant's Design and Access Statement.

The representations in support consider the extension to be modest, in scale with the building and the conservation area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

COMMENTS RECEIVED IN REPSONSE TO SECOND ROUND OF CONSULTATION THAT CLOSED ON 23 OCTOBER 2016.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY
No further comments received to date.

ADJOINING OWNERS/OCCUPIERS:
No consulted 35 No Replies 11
4 objections received and 7 emails in support.

In summary, the objectors raise the following issues:

Townscape/Design

- The classical proportions of the building will be destroyed by a tall mansard
- Disproportionate weight and bulk of the proposed mansard at the front.
- The other roof extensions at No's 16 and 17 both have dormers to the front which reduces the visual impact and this proposal should follow suit.
- Proposal is top heavy and window openings are too large.
- Rear French doors must be replaced with a dormer to match neighbouring buildings.
- Request that the development should be scaled down to provide extra living space and no extra bedrooms which would be more appropriate to both the amenities and capacity of the building and neighbourhood

Amenity

- Overlooking and loss of privacy to flat A and the rear garden.
- Blocking a window serving the communal staircase affecting light and ventilation to existing occupants.

Parking

- Additional occupants would add to congestion

Other Matters

- No consultation with leaseholders and applicant not at liberty to make changes to the building whilst the matter of the freehold is resolved.
- Roof space is a common area and issues to rights of access to aerals.
- Request unfettered access to this roof area for contractors at the expense of the developer.
- The proposed roof hatch and pull down ladder should be relocated.
- The roof of the proposed development should be borne by the developer and not the leaseholders.
- Unlabelled space on the third floor of the maisonette which could be altered to an extra bedroom at a later date.
- Increased pressures on services in the building, drainage in particular, and cite three major incidents in the past which has caused damage which the freeholder has not repaired.
- No space for an extra gas meter or additional water supply.
- Laying new pipe will result in digging up the existing path and its attractive tiling. The relaying of these tiles must be mandatory.

- Inevitable disruption to existing residents as well as affecting access into the building.
- Increased noise from slamming front door and if permission allowed request more sound insulation.
- Cycle store in basement will compromise security and disturb residents.
- Bike stand at the front of the building will be unsightly and not shown on any drawings.
- Comments made in respect of refuse arrangements.
- No provision to upgrade the building.
- Additional weight of the mansard could compromise the stability of the structure and cause further cracks to appear and request assurances that the developer will be responsible for any repairs.
- Security and access will be compromised during the building works and when the scaffolding in place.
- There must be a full time professional Project Manager to oversee the development.
- Increased occupancy in the building will exacerbate the problem with evacuation in case of fire; escape across the roofs will result in obtrusive access structures and railings.

6. BACKGROUND INFORMATION

6.1 The Application Site

No 15 is an unlisted terraced property located on the north side of Clifton Villas. The building is subdivided into 4 flats. The building is located within the Maida Vale Conservation Area, and the adjoining properties No's 16 and 17 have been extended at roof level. The rear elevation of these properties are clearly visible from Bristol Mews.

6.2 Recent Relevant History

Two similar applications for roof extensions were withdrawn last year by the applicant who also involved rear extensions.

There is a separate planning application (ref: 15/07721/FULL) under consideration by this Committee for a mansard roof extension to extend Flat D to create a maisonette.

The mansard roof extension at No 16 was granted on 30 August 1991 and the mansard at No 17 appears to have been built around the same time. In respect of No 13, permission was granted for its substantial demolition and rebuilding in 2008 and later varied in 2011.

7. THE PROPOSAL

This second application for a mansard roof extension is to create a 1 bed flat. The other application known as Option 1 for a mansard to create additional floorspace to the existing top floor flat (ref: 15/07721/FULL) is also being reported to this Committee.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Objections have been received to the principle of adding an extra flat in this building. The proposal to create an extra flat (subject to compliance with other policies) is supported by the Council's housing policies. It is not considered that this represents an overdevelopment of the site. The proposal accords with policy S14 of the City Plan and policy H3 of the UDP.

In terms of its size, the proposed flat at approximately 40 sqm which is just in excess of the minimum national guidelines of 39 sqm for a one bedroom, one person flat. The size of the bedroom is rather small, but on balance the proposal is not considered to represent substandard accommodation to warrant refusal of permission. The proposal will result in a small loss of floorspace to Flat D in order to accommodate a staircase to serve the new flat, but this flat will remain a reasonable size. Therefore the objections from the Paddington Waterways and Maida Vale Society cannot be supported in respect of the size of the two flats.

8.2 Townscape and Design

Strong objections have been received to the principle of adding a mansard roof extension and the objectors cite that No's 14 and 15 remain unaltered at roof level. It is considered that the principle of a mansard is acceptable in this location, given the adjoining two mansards in this group of four properties at No's 16 and 17.

The application has been amended to ensure that the mansard and dormers accord with the Council's SPG on Roof Extensions. Therefore, the proposal would preserve harm the character and appearance of the Maida Vale Conservation Area and complies with policies S25 and S28 in the City Plan and DES6 and DES9 in the UDP.

8.3 Residential Amenity

Light/Enclosure

Although objections have been received on loss of light grounds, the proposed mansard would not result in unacceptable loss of daylight or sunlight to neighbouring residents given the extensions location at main roof level and its relatively low height in comparison to the existing building. The existing resident's objections to loss of light to an existing staircase cannot be supported, as this is not a habitable room.

Objections have been received to loss of sunlight to gardens at the rear in Warwick Avenue, but again there are no material impacts to these residents given the considerations noted above. Whilst it is recognised there will be a small increase in enclosure to neighbouring residents, this is not considered so significant to warrant refusal.

Privacy

Objections have been received on overlooking grounds. There is a small terrace proposed at the rear of the mansard, but this is not considered to result in unacceptable loss of privacy to neighbours given the high degree of overlooking that existing at present from existing windows on the rear elevation.

Given the above, the proposed extension would comply with policy S29 of the City Plan and policy ENV 13 of the UDP.

8.4 Transportation/Parking

The Highways Planning Manager objects to the proposal on the grounds that no parking is being provided for the new flat and the proposal will therefore increase on street parking pressures in the vicinity.

Whilst the Highways Planning Manager views are understood, refusing this application on parking grounds would be difficult to defend at appeal. Firstly, this site has a high public transport accessibility rating, close to Warwick Avenue underground station and is well served by local buses. Secondly, the Council's night time parking survey reveals that when all the legal spaces are included, parking occupancy is at 64 % which is below the 80% set out in policy TRANS 23.

The Highways Planning Manager requests that if minded to approve, Lifetime Car Club membership should be provided, but given the night time parking occupancy levels have not reached stress levels such a requirement is not considered to be reasonable in this instance

A condition is recommended to secure cycle parking for the new flat.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable in the determination of this application.

8.7 Other UDP/Westminster Policy Considerations

Noise

Objections have been raised on noise grounds. It is not considered that the creation of an extra flat would result in increased noise and disturbance to existing residents. Any extension would need to comply with Building Regulations in respect of sound insulation. A condition is recommended to control hours of building work.

Refuse /Recycling

Objections have been raised to rubbish overflowing outside the property, a condition is proposed to secure refuse/recycling storage for the new flat.

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. Regard has been had to the impact of the proposal on the designated heritage assets.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not relevant in the determination of this application

8.12 Other Issues

Thames Water has requested a Grampian condition as they have identified an inability of the existing wastewater infrastructure to accommodate the needs of this application and have requested a Grampian condition. They have requested that the City Council reserve details of a drainage strategy. A condition to this effect is recommended.

Objections have been raised by residents in the building about the lack of consultation with the leaseholders and that the applicant is not at liberty to make changes to the building until the matter of the freehold has been resolved. Several other civil issues between landlord and tenant and/or tenant and tenant have also been raised. These are not material planning considerations.

There is no evidence to suggest at this stage that the existing building cannot cope with the additional loading demands of an extra floor. If permission is granted, the proposal would need to comply with Building Regulations which would safeguard the structure of this building.

The existing residents' concerns over security during construction are well understood and this is a matter that can be addressed by the applicant in consultation with the other leaseholders in the building.

8.13 Conclusion

Despite the objections received, the principle of adding a roof extension is considered acceptable in design terms, and the proposed one bedroom flat will accord with the Council's housing policies.

9. BACKGROUND PAPERS

1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 7 October 2015
3. Response from Highways Planning dated 16 September 2015
4. Email from Thames Water dated 7 September 2015
5. Email from occupier of 33f, Warwick Avenue, dated 17 September 2015
6. Email from occupier of 15B Clifton Villas, London, dated 29 September 2015
7. Email from occupier of 43A Warwick Avenue, London, dated 1 October 2015
8. Email in support from occupier of 10 Bristol Gardens, London, dated 19 September 2015

9. Email in support from occupier of 10 Bristol Gardens, London, dated 19 September 2015
10. Email in support from occupier of 53a, Warwick Avenue, dated 23 September 2015
11. Email in support from occupier of 16 Clifton Villas, London, dated 22 September 2015
12. Email in support from occupier of 11 St Johns Terrace, dated 29 September 2015
13. Email from 932 Waiwhero Road Ngatimote Motueka 7196 New Zealand(owner of 15 a Clifton Villas) dated 13 October 2015
14. Email from 15B Clifton Villas dated 14 October 2015.
15. Email (no address given)
16. Email from 15 A Clifton Villas
17. Email in support from 18c, Clifton Villas, dated 13 October 2015
18. Email in support from occupier of 26 Bristol Mews, London, dated 18 October 2015
19. Email in support from 58b Warwick Avenue undated
20. Email in support from 25 Bristol Mews, London, dated 11 December 2015
21. Email in support from 25 Bristol Mews, London, dated 11 December 2015
22. Email in support from 11 d Formosa Street undated

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

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

10. KEY DRAWINGS

Proposed floor plan 1 bed flat
 Design of the proposed mansard is the same as that proposed under application ref: 15/07721/FULL

<p>PROPOSED FLOOR PLANS</p> <p>1 / 1</p>	<p>PROJECT: 150 and 156 CLIFTON VILLAS DEVELOPMENT</p> <p>DESIGNER: PATRICIA WOLFF CLIFTON VILLAS LTD</p>	<p>SCALE: 1:50</p> <p>DATE: JULY 16</p> <p>NO: 15026-PC26</p> <p>REV: A</p>	<p>RIDGE</p> <p>REGULATORY AUTHOR: 150 AND 156 CLIFTON VILLAS DEVELOPMENT</p> <p>TELEPHONE: 01273 833333</p> <p>WEBSITE: www.ridge.co.uk</p>
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DRAFT DECISION LETTER

Address: 15D Clifton Villas, London, W9 2PH,

Proposal: Construction of a mansard roof extension to form a new one bedroom flat.

Plan No's: 150566_ PD 21, PD22, PD23, PD24, PD25 ,PD 26 REV A , PD27 REV A, PD28 REV A PD29 REV A , PD30 REV A, Design and Access Statement.

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641 2875

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 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 mansard roof extension hereby approved shall be clad in natural grey slates.

Reason:

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

- 4 The mansard roof extension shall be clad in natural grey slates, and a sample of the slate shall be submitted to and approved by the City Council as local planning authority before works start on the roof extension .The development shall be carried out in accordance with the approved sample.

Reason:

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

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

Reason:

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

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

-revised opening to the rear staircase window in the mansard.

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

Reason:

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

- 7 You must provide the waste store shown on drawing before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. 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)

- 8 Pre-Commencement Condition: The development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by the City Council in consultation with Thames Water (sewerage undertaker). No discharge of foul or surface water from the approved flat shall be accepted into the public system until the drainage works referred to in the strategy above have been completed.

Reason:

The development may lead to sewerage flooding and to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact on the local community.

- 9 You must apply to us for approval of details of secure cycle storage for the 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.

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

Reason:

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

Informative(s):

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

- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. , **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 In respect of Condition 8, Thames Water has identified an inability of the existing wastewater infrastructure to accommodate the needs of this application.

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.

Item No.
10

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	51 Marlborough Place, London, NW8 0PS		
Proposal	Demolition of an existing rear two storey rear extension at lower ground and ground floor levels and other associated works to the rear garden and terracing, and the erection of new single storey rear extension to lower ground floor and new doors to rear ground floor level above, and a new brick faced lift shaft extension from upper ground to third floor levels incorporating an extended mansard structure to rear third floor level with associated alterations to the rear elevation.		
Agent	Mr Mike Slade		
On behalf of	Mr Marek Wojciechowski		
Registered Number	15/09615/FULL	Date amended/ completed	18 January 2016
Date Application Received	14 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

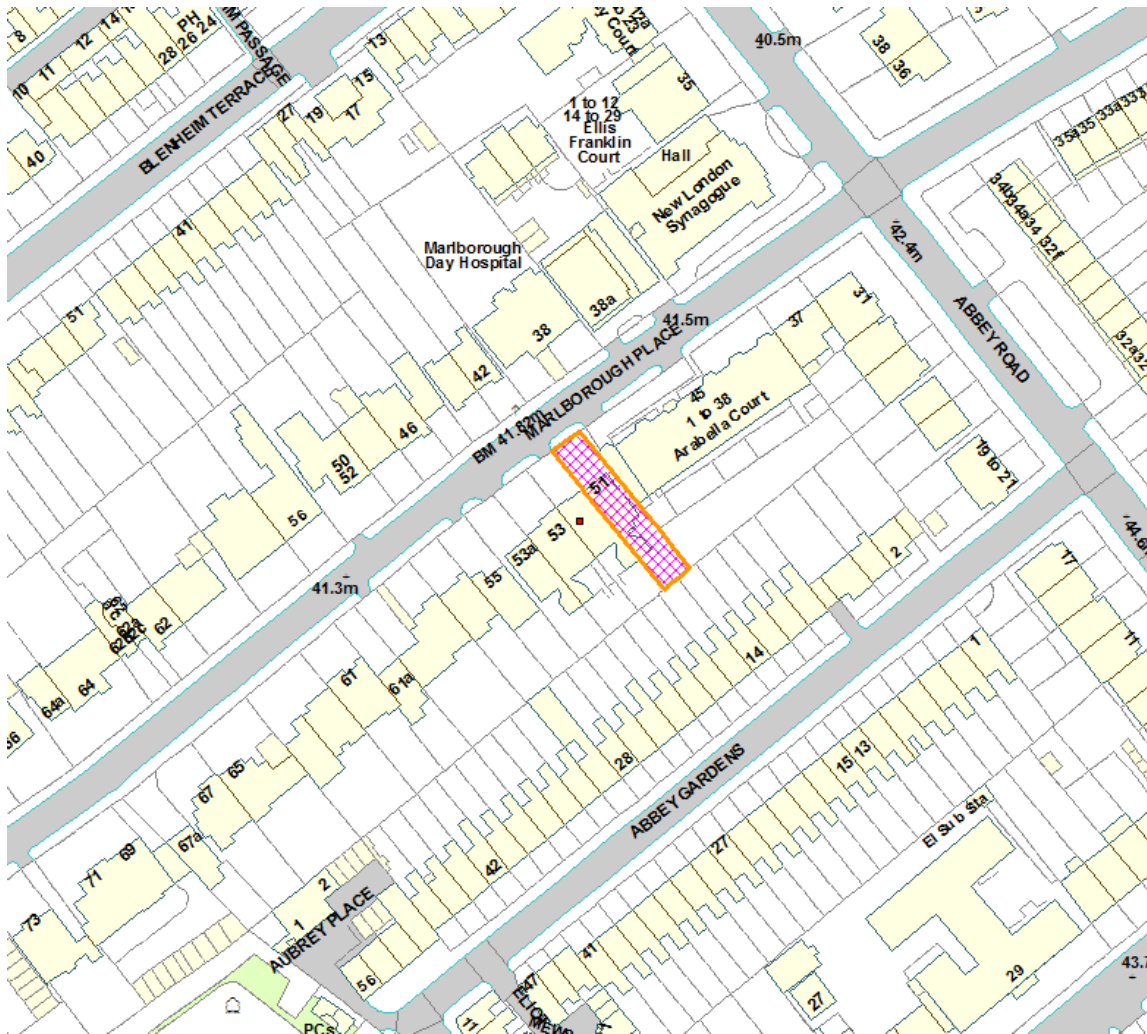
The application site is a single dwelling house on the south side of Marlborough Place. The building is unlisted and is located within the St John's Wood Conservation Area. Permission is sought for the demolition of an existing rear two storey rear extension at lower ground and ground floor levels and other associated works to the rear garden and terracing, and the erection of a new single storey rear extension to lower ground floor and new doors to rear ground floor level above, and a new extension incorporating a lift shaft and which rises from upper ground to third floor levels including incorporating an extended mansard structure to rear third floor level and with associated alterations to the rear elevation.

The key issues in this case are:

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

<p>Subject to appropriate conditions, the proposal is considered acceptable in design and amenity terms. The application is therefore recommended for approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.</p>

3. LOCATION PLAN



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4. PHOTOGRAPHS







View from the Rear Garden of 45 Marlborough Place



5. CONSULTATIONS

St John's Wood Society
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53
Total No. of replies: 6
No. of objections: 6
No. in support: 0

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

Design Issues

- Concern expressed about unattractive appearance of lift shaft extension.
- Concern expressed that the lift would detract from the unity of this group of buildings.

Amenity Issues

- Concern expressed about a loss of light to adjacent gardens from the construction of the lift shaft.

Other Issues

- Comment that the conservatory structure to the rear of the building is only one storey high not two as described.
- Concerns expressed about the cumulative nature of the works within the various applications submitted in recent years, and view expressed that applicants should submit all works desired in one single application submission.
- View expressed that the lift shaft should be located internally to the building.
- View expressed that the owner should move if the house is not of desired size.
- Concern expressed about the noise and disruption the works would give rise to.
- View expressed that the additional section of mansard may be converted into a room.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is single dwelling house which covers lower ground, ground and three upper floors. It has render facing to the lower ground and ground floors of the front elevation, and exposed brickwork to the first and second floor front elevation and brickwork to the full sheer height of side and rear, and with a slate clad mansard to third floor level. The building is not listed and it is located within the St John's Wood Conservation Area. It forms part of a run of four houses located on the south side of Marlborough Place which were together designed as a unified and classically inspired architectural composition, and which were erected in accordance with an appeal decision of 17 July 2001.

6.2 Recent Relevant History

15/03037/CLOPUD

Demolition of rear conservatory extension and erection of rear extension, excavation works and alterations to rear fenestration.

Application Permitted 10 June 2014

00/02136/FULL

Demolition of existing buildings, including garages and out buildings at rear and front boundary wall and redevelopment of the site by the erection of four dwelling houses with basement garages.

Application Refused 12 January 2001

Appeal against refusal allowed on 17 July 2001

7. THE PROPOSAL

The application seeks permission for the removal of an existing rear two storey rear extension at lower ground and ground floor levels and other associated works to the rear garden and terracing, and its replacement with a new single storey rear extension to lower ground floor and new doors to rear ground floor level above. The application also proposes a new brick faced lift shaft extension infilling a currently inset corner between main front and rear elevations and which rises from ground to third floors with the third floor level designed as a continuation of the existing mansard, and the floors below designed with exposed brickwork and blind window panels to integrate with the main rear elevation. An existing window to the rear elevation at ground floor level is proposed to be removed and replaced with a pair of opening doors flanked to each side by window panels, with these doors opening over the flat roof of the lower ground floor extension proposed.

The application proposals were amended during the course of the application to reduce the bulk of the lift shaft structure at third floor level, which had formerly been proposed as a large lead clad box like structure but is now designed as a traditional sloping mansard roof structure to match the existing section of mansard roof adjacent.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The additions to this single dwelling house represented by the new rear extensions proposed at lower ground floor to third floor levels are modest in scale and are considered acceptable in principle in land use terms and in accordance with Policy H3 in the Unitary Development Plan (UDP).

One of the objectors has expressed a concern that the additional section of mansard may be converted into a room. However, the plans submitted show a staircase landing within the new section of mansard, as in its amended form the lift does not project up to the full height of this new extension. Notwithstanding this and even if the mansard contained a new or extended habitable room, this too would be in accordance with Policy H3.

Objectors have also expressed a view that if the house is of insufficient size then the owners should consider moving. However, this is not a planning consideration and as such cannot influence a decision on a planning application.

8.2 Townscape and Design

The building is a single dwelling house which is unlisted and is located within the St John's Wood Conservation Area. The building is modern in date of construction, arising from an appeal decision of 2001 which granted consent for new four buildings to the south side of Marlborough Place designed in a unified composition and in a classical style. The architectural styling to the front elevation of the building is designed with a high degree of grandeur, with numerous architectural embellishments. The rear elevations however are relatively plain, though with some restrained architectural quality, and still designed in traditional style with timber windows and a slate clad roof structure to third floor level.

To the rear of the building is an existing two storey rear extension, which incorporates a more solid facing to its lower ground floor and a more traditional conservatory styling to ground floor. Several objectors have expressed a view that the 'conservatory' to be demolished as stated by the applicants could only refer to the ground floor element, however the plans submitted are clear that both the lower ground floor and ground floor levels of this two storey rear extension are to be demolished and replaced by a single storey extension at lower ground floor level, with a further rear extension incorporating a lift shaft extending up from it at ground to third floor levels.

The existing rear extension at lower ground and ground floor levels is of no particular architectural quality and as with the remainder of the building dates only from the 2001 appeal decision. Its removal is not considered contentious. The new lower ground floor rear extension proposed matches the one previously considered under the Certificate of Lawfulness issued on 10 June 2014, and it is designed with a simply detailed render frame containing glazing, and to this discreet location set down into the garden behind relatively high boundary walls this extension is considered acceptable in design terms. The small area of railings proposed to the roof of this extension will not unduly clutter the impression of this new extension (with this aspect of the proposals discussed in more detail and in respect of the amenity implications of this small terrace area to the roof of the lower ground floor extension separately in this report).

The extension which rises up the rear of the building infills the cut-away section of the corner between the side and rear elevations of this building and creates an extension incorporating a lift shaft. An objector has expressed a concern that the extension would detract from the unity of this group of four buildings. However, the building to the west end of the terrace (no. 53A Marlborough Place) has its corner squared off in exactly the manner proposed in this application and thus the extension is considered to add to the unity of the rear of this terrace, and to give a simpler and neater finish to this part of the application building.

Concerns have also been raised by an objector about an unattractive appearance to the new lift shaft extension. However, it is designed in brickwork to match the existing building, with blind window panels inset to the rear elevation to give some visual relief and provide a rhythm of 'window' openings, and with the new section of slate clad mansard to third floor level designed as a seamless continuation of the existing mansard. Though

noting the concerns raised, the extension is considered to integrate well with the existing building and as such the concern raised on this ground is not sustainable.

A view is also expressed by an objector that the lift shaft should be located internally to the building, however though noting these points, the applicants seek permission for a largely external structure, and the application must be considered on its merits.

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

8.3 Residential Amenity

Sunlight and Daylight / Sense of Enclosure

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

The extension proposed most closely impacts upon the rear windows within the bay to the west end of the adjoining residential mansion block at no. 45 Marlborough Place. To this bay there are two windows to each floor level from first floor and upwards, with the ground floor given over to the car park entrance area. No objections have been received from the residents of the flats served by the windows within this bay, though an objection has been received from a resident of a flat to ground floor level located further along the rear elevation expressing concern about a loss of light to the rear garden area of no. 45 Marlborough Place.

A Daylight and Sunlight Assessment has been submitted by the applicants which assesses the impact of the extension on the windows to this bay of the neighbouring property in accordance with the Building Research Establishment (BRE) Guidelines. The BRE Guidelines state that daylight to living rooms, kitchens, and bedrooms should be assessed but bathrooms, toilets, storerooms and circulation areas and garages need not be analysed. Access has not been available into these flats, however from floorplans available it appears that each of the windows lights a bedroom.

The applicant has considered the impact of the additional bulk on the Vertical Sky Component (VSC) available to these windows. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The Assessment submitted concludes that the two rear windows to first floor level would experience an 11.4% loss and a 4.2% loss respectively which would accord with the BRE Guidelines with regards to VSC losses. The Assessment also concludes that the two rear windows each at second, third and fourth floor levels would remain with a VSC of at least

27% or more, and as such these windows would also accord with the BRE Guidelines with regards to VSC losses.

In terms of an impact upon sunlight, the BRE Guidelines state that all windows within 90 degrees of due south should be considered, and the south-east facing rear windows to the adjoining bay of no. 45 Marlborough Place are therefore considered by the Assessment. The BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the occupants of the existing building are likely to notice the loss of sunlight. The applicants Daylight and Sunlight Assessment considers the impact of the extension in these terms and concludes that the impact upon these windows would accord with the BRE Guidelines in terms of sunlight.

It is of note also that the submitted Daylight and Sunlight report was written on the basis of the scheme as initially submitted, however the later revisions to reduce the bulk of the extension at third floor level would be anticipated to make at least some marginal improvements in terms of the impact on the amenity of the adjoining properties.

Though the Daylight and Sunlight Assessment does not consider the impact on the rear garden area of no. 45 Marlborough Place which is an area of concern for one objector, the extension proposed above lower ground floor level principally infills an inset corner area of the building and as such, though there will be a degree of greater bulk to the building, it would not be anticipated to have a significant impact upon the adjoining rear garden area and the concern expressed on this ground is not considered sustainable.

In sense of enclosure terms, the extension proposed would not project beyond the main side or main rear elevation lines to the existing building. It is noted that the side elevation of the application building already projects approximately 1.8m further rearward than the rear elevation line of no. 45 Marlborough Place, and by infilling the currently inset corner area the extension proposed will continue the side elevation by another 1.8m. It is recognised that the extension proposed will be readily visible on angle from the windows to the west end of the rear elevation of no. 45 Marlborough Place. These rear windows to no. 45 Marlborough Place however will retain a large open aspect over their generously proportioned rear garden, and as such, the addition of the extension is not considered to give rise to an unacceptable increase in sense of enclosure to these windows.

Privacy

The Certificate of Lawfulness issued on 10th June 2014 involved the demolition of the existing two storey rear extension at lower ground and ground floor levels, its replacement with a new single storey rear extension at lower ground floor level, and also other works which included the removal of an existing window to the main rear elevation at ground floor level and its replacement with a larger opening containing a pair of opening doors flanked by window panels. Though on the plans submitted with the Certificate of Lawfulness these new ground floor doors opened out onto the flat roof of the lower ground floor extension, the extension itself had no form of balustrading or other edge protection or other means of containing access from the doors, and the flat roof was not described as a

terrace on that application submission. A proposal for a terrace to the roof of the extension would have resulted in it not being capable of being considered permitted development.

In this current application the existing window to rear ground floor level is again proposed for removal and replacement with a pair of opening doors flanked with windows which are a match in design for those included in the Certificate of Lawfulness application, and these would again open over the flat roof of the lower ground floor extension. Though again, no guardrails or edge protection is shown on the application drawings, it is noted that the lower ground floor extension projects close to the eastern side boundary wall and in this position persons standing on the flat roof would have direct and relatively close range views into the rear windows to first floor particularly of flats within the mansion block at 45 Marlborough Place, and into the rear private garden to the ground floor at the rear of this adjoining building. To more definitively resolve this issue, a condition is recommended requiring the submission of revised drawings showing inward opening doors and a Juliet balcony to prevent use of this roof as a terrace.

Conclusion on Amenity

In summary, the extensions are not considered to have any unacceptable impact upon the amenity of surrounding occupiers and the proposals are considered to be acceptable in amenity terms and would accord with Policy S29 in the City Plan and Policy ENV13 in the UDP.

8.4 Transportation/Parking

The proposals do not raise transportation or parking considerations. The issues related to the construction of the scheme are considered separately below.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The works include the construction of a lift shaft to serve the half landings between ground and second floors. Though it is recognised that there remains stepped access to enter the building and to reach the lift, nonetheless the lift will improve disabled access internally, and as such the lift is welcomed in access terms.

8.7 Other UDP/Westminster Policy Considerations

Trees

There are no trees in close proximity to the lower ground floor extension and as such no trees will be affected by these proposals.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

A Construction Management Plan (CMP) has been submitted which gives some information as to how the construction process would be managed. This is relatively small scale project however and as such, with the information attached, with the provisions set out in the CMP and with the hours of works condition attached, it is not considered that the concerns expressed in terms of the noise and disturbance of the works are sustainable.

Objectors to the application have also expressed concern that this is one of a series of applications which have been submitted in recent years to the building. Though noting these concerns, this current application proposes a self-contained package of works which must be considered on its merits, and as such the concerns expressed about works proposed or previously approved in other applications are not considered sustainable for this application.

9. BACKGROUND PAPERS

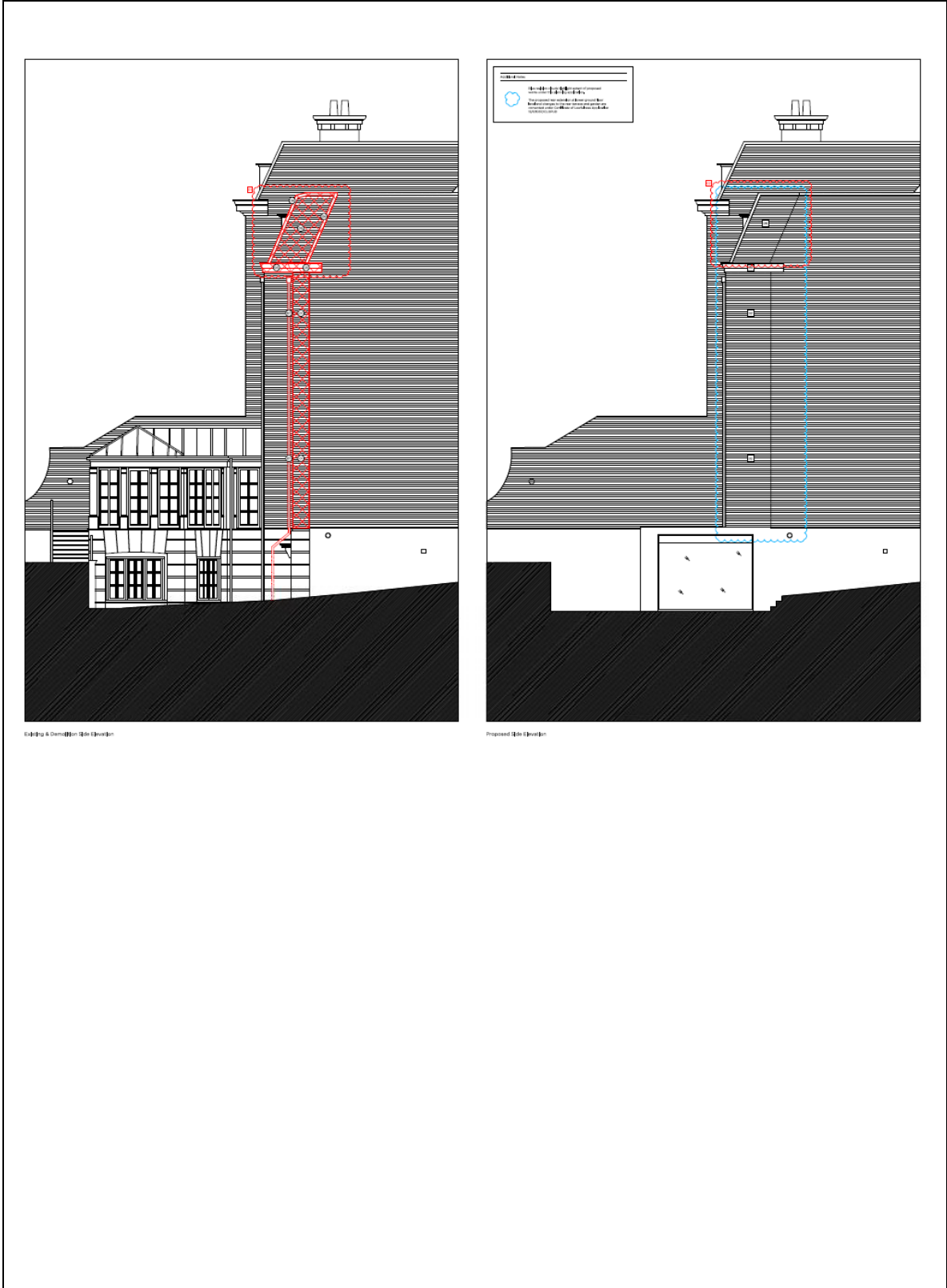
1. Application form.
2. Response from St John's Wood Society, dated 2 November 2015.
3. Letters from occupier of Flat 19, 45 Marlborough Place, dated 1 December 2015 and 25 January 2016.
4. Letter from occupier of Flat 6, 45 Marlborough Place, London, dated 23 January 2016.
5. Letters from occupier of Flat 37, 45 Marlborough Place, dated 30 November 2015, 23 January 2016, and 27 January 2016.

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

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

10. KEY DRAWINGS





DRAFT DECISION LETTER

- Address:** 51 Marlborough Place, London, NW8 0PS,
- Proposal:** Demolition of existing rear two storey conservatory and external steps, and erection of new single storey rear extension to lower ground floor, with new french doors to the rear elevation at lower ground floor, and new brick lift shaft from upper ground to third floor levels incorporating an extended mansard structure to rear third floor level. Associated alterations to rear garden and terracing,
- Reference:** 15/09615/FULL
- Plan Nos:** location plan, P-06B, P-07B, P-08, P-01A, P-02A, P-03A, P-04B, P-05B, visual montage of rear of building titled 'Existing Rear Elevation', visual montage of rear of building titled 'Proposed Rear Elevation (Revised 13.01.2016)', Daylight and Sunlight report from CHP Surveyors dated 13th October 2015, Construction Management Plan revision A dated 13th October 2015
- Case Officer:** Alistair Taylor **Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

- 5 The new pitched roofslope shall be clad in slates to match the existing pitched roofslope adjacent, and the new coping shall match the material and profile of the existing coping to the existing parapet to the rear elevation

Reason:

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

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

- Installation of inward opening external French doors and a Juliet balcony in place of the outward opening doors depicted under annotation 09 on drawing no. P_01 Revision A.

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.

You must not use the roof of the lower ground floor extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 3 It is noted that the submitted Construction Management Plan (CMP) refers to works which have previously been considered under other application proposals, including works to create a new basement underneath the front garden. For the purposes of this application 15/15/09615/FULL you are advised that this CMP has been considered only on the basis of the Construction Management Plan Revision A dated 16 December 2015 including the locations of the skip, site office, works zone, hoarding location, tree protection and suggestion of parking arrangement, and other works to the front garden shown on the plan titled 'Storage of Plant and Materials: Phases 1-3' including works involved in raising the front garden are not considered under this application submission.

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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Item No.
11

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	51 Marlborough Place, London, NW8 0PS		
Proposal	Demolition of existing pilasters and entablature to front entrance and removal of existing metal entrance steps. New reconstituted stone portico and steps to front entrance with low level rendered walls.		
Agent	Mr Mike Slade		
On behalf of	Mr Marek Wojciechowski		
Registered Number	15/11730/FULL	Date amended/ completed	8 February 2016
Date Application Received	16 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

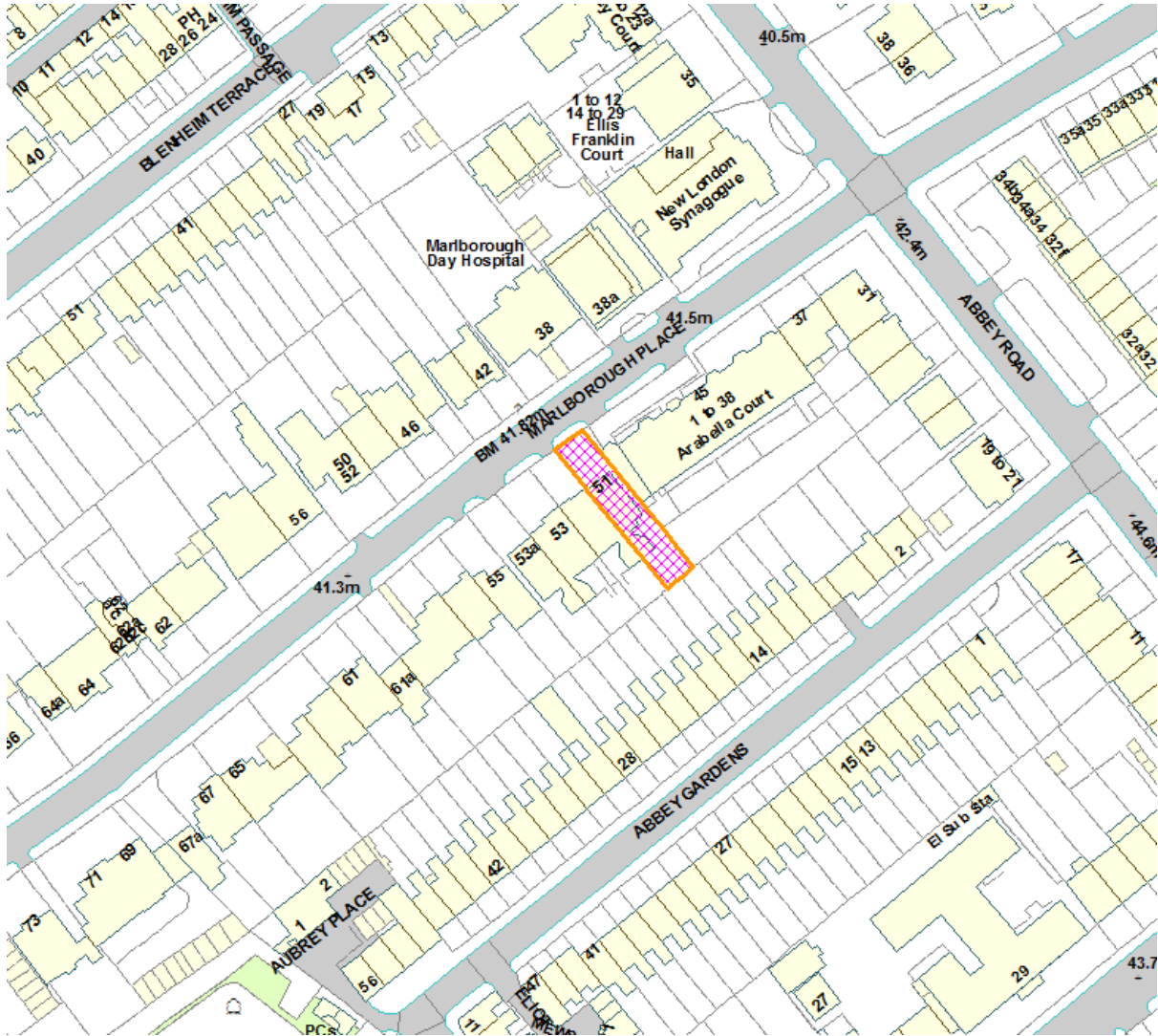
The application site is an unlisted single dwelling house which is located within the St John's Wood Conservation Area. Permission is sought for the removal of the existing external door surround to the main ground floor entrance door and the removal of the existing metal entrance steps and handrailing, and to replace them with a new reconstituted stone entrance porch with greater projection than the existing door surround and also new stone faced steps and metal handrailing leading to the entrance door, and other associated alterations.

The key issue in this case is:

* The impact on the character and appearance of the building and surrounding conservation area.

The proposals are considered acceptable in design and in all other respects. The application is therefore recommended for approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

St John's Wood Society
Any response to be reported verbally

Building Control

State that the scheme has not been justified structurally as no details or method statement has been provided to show how the basement construction will affect neighbouring buildings.

Arboricultural Section

State that the applicants have submitted an arboricultural report which has been written in discharge of the tree protection conditions 5 and 6 attached to planning consent RN 15/05798/FULL rather than one specifically referring to this application. Consider however that the application proposals do not directly impact upon the tree, and that the tree protection methods related to the existing tree within the front garden set out in the arboricultural report are acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 62
Total No. of replies: 3
No. of objections: 3
No. in support: 0

The 3 objection letters raise concerns on the following grounds:-

Design Issues

- Concern expressed that the works would lead to a loss of symmetry to this group of buildings.

Other Issues

- Concern expressed about the noise and disruption the works would give rise to.
- Concerns expressed about the cumulative nature of the works within the various applications submitted in recent years, and view expressed that applicants should submit all works desired in one single application submission.
- Concern about the number of people an enlarged house may accommodate.
- Concern expressed about the installation of a lift and works to rear extensions (work which is proposed in a separate application).

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is single dwelling house which covers lower ground, ground and three upper floors. It has render facing to the lower ground and ground floors, exposed brickwork to the first and second floors and a slate clad mansard to third floor level. The building is not listed and it is located within the St John's Wood Conservation Area. It

forms part of a run of four houses located on the south side of Marlborough Place which were together designed as a unified classical composition, and which were erected in accordance with an appeal decision of 17 July 2001. The main entrance to ground floor level is set slightly above front garden level and is accessed through the metal entrance steps currently in place.

6.2 Recent Relevant History

00/02136/FULL

Demolition of existing buildings, including garages and out buildings at rear and front boundary wall and redevelopment of the site by the erection of four dwelling houses with basement garages.

Application Refused 12 January 2001

Appeal against refusal allowed on 17 July 2001

15/05798/FULL

Excavation of basement under part of front garden, alterations to front elevation and alterations at rear including landscaping, changes to garden levels and balcony. Works approved included the rendering of the front brickwork and adding stone dressings to front upper floor windows.

Application Approved 25 August 2015

7. THE PROPOSAL

The application concerns works to the main entrance area of the building at ground floor level on the front elevation. The application seeks permission to remove the existing external door surround to the main front entrance at ground floor level and replace it with a new classically inspired porch structure, and to remove the existing metal steps leading up to the entrance door and replace them with a new set of steps faced in stone and flanked by rendered walls.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals do not raise land use considerations.

8.2 Townscape and Design

The building is a single dwelling house which is unlisted and is located within the St John's Wood Conservation Area. The building is modern in date of construction, arising from an appeal decision of 2001 which granted consent for four buildings designed in a unified composition and in an overtly classical style.

This terrace of four buildings was originally designed with the two central buildings incorporating a greater degree of grandeur as compared to the two flanking buildings. No. 51 Marlborough Place represents the flanking building on the east end of this composition of four buildings. This greater grandeur to the two central buildings is represented in a number of respects. They have a slightly advanced front elevation line as compared to the flanking two buildings. They have a large pediment feature above the

main elevations to the front elevation. Also important in distinguishing the difference originally conceived between the central and flanking buildings is the rendering to the elevations and the classically inspired window surrounds to the central two buildings, as compared to the exposed brickwork to the upper floors and more simply detailed window surrounds of the flanking two buildings. It is also notable that two central buildings have classically inspired porch structures which project approximately 1.3m from the main front elevations of those buildings, whereas the two flanking buildings have door surrounds of a shallower approximately 0.2m projection from the building although these door surrounds still incorporate grand classical styling.

Though the original design intention was for the flanking buildings to remain subsidiary in the composition, this impression has been weakened to some significant degree by the granting, though not yet implemented, of permission on 25th August 2015 for works at no. 51 Marlborough Place which including approval for the rendering of the exposed front brickwork to the upper floors and for adding more decorative window surrounds to the upper floor windows. The rendering of the front elevation and addition of grander window surrounds will remove a significant degree of the existing differentiation of this building from the two central buildings to the terrace and in this context the addition of a grander porch following those in place to the central two buildings will sit more comfortably. The new porch would project 1.3m from the front elevation of the building which matches the projection of the porches to the central two buildings, however this 1.3m projection is from a recessed building line at no. 51 as compared to the central two buildings and as such it will still retain a lesser visual impact. It is also notable that the porch proposed is subtly lower in height than those to the central two buildings which will further help to maintain an appearance of subservience of this flanking building. The porch is considered of appropriate and high quality classical design in itself. Though the concerns expressed by objectors on grounds of a loss of symmetry to this group of buildings are noted, in the circumstances set out above it is not considered that this concern is sustainable.

The application proposes to remove the existing metal entrance steps and replace them with stone steps flanked by low rendered walls, which is considered uncontentious in itself.

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

8.3 Residential Amenity

The proposals do not raise any implications for surrounding residential amenity in terms of sunlight, daylight or sense of enclosure considerations.

8.4 Transportation/Parking

The proposals do not raise transportation or parking considerations. The issues related to the construction of the scheme are considered separately below.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The existing main entrance is accessed up a short flight of metal stairs set within the front garden, and though these stairs are to be replaced by new stone clad stairs their angle and height remains as existing, and as such there are no changes of substance to the access arrangements for the building.

8.7 Other UDP/Westminster Policy Considerations

Trees

The applicants have included with their application submission an arboricultural report which was previously submitted with the much larger package of works to the front garden previously approved on 25 August 2015. The applicants have confirmed that the only parts of this report which are to relate to the current application submission is the tree protection method, which relates to the existing tree towards the front of the front garden, and the Arboricultural Manager advises that the tree protection methods in the report are acceptable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

A Construction Management Plan (CMP) has been submitted which gives some information as to how the construction process would be managed. This is small scale project however and as such, with the information attached, with the provisions set out in the CMP and with the hours of works condition attached, it is not considered that the concerns expressed in terms of the noise and disturbance of the works are sustainable.

Objectors to the application have expressed concern that this is one of a series of applications which have been submitted in recent years to the building, and this includes a separate application which proposes alterations to the rear of the building to facilitate a lift. Though noting these concerns, this current application proposes a self contained package of works which must be considered on its merits, and as such the concerns expressed about works in other applications are not considered sustainable for this application.

Concern has also been expressed about the number of people an enlarged house may accommodate, however it is noted that this application does not seek to enlarge the internal accommodation of the house, and provided there were no change of use of the building such a concern could not be considered sustainable as a reason for refusal of an application.

9. BACKGROUND PAPERS

1. Application form.
2. Memorandum from Arboricultural Manager dated 25 January 2016.
3. Letter from the occupier of Apt 37, 45 Marlborough Place dated 23 January 2016.
4. Letter from the occupier of Apt. 6, 45 Marlborough Place dated 23 January 2016.
5. Letter from the occupier of Apt 19, 45 Marlborough Place dated 25 January 2016.

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

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



Site Location Map (N/S)

Legend

- Existing Building Footprint
- Proposed Building Footprint
- Proposed Building Footprint with Accessory Structure
- Proposed Building Footprint with Accessory Structure (with Deck)
- Proposed Building Footprint with Accessory Structure (with Deck and Porch)
- Proposed Building Footprint with Accessory Structure (with Deck and Porch) (with Deck)
- Proposed Building Footprint with Accessory Structure (with Deck and Porch) (with Deck and Porch) (with Deck)

Notes

- 1. All proposed building footprints shall be set back from the street frontage by a minimum of 5 feet.
- 2. All proposed building footprints shall be set back from the side and rear property lines by a minimum of 5 feet.
- 3. All proposed building footprints shall be set back from the front property line by a minimum of 10 feet.
- 4. All proposed building footprints shall be set back from the rear property line by a minimum of 10 feet.
- 5. All proposed building footprints shall be set back from the side property line by a minimum of 10 feet.
- 6. All proposed building footprints shall be set back from the front property line by a minimum of 10 feet.
- 7. All proposed building footprints shall be set back from the rear property line by a minimum of 10 feet.
- 8. All proposed building footprints shall be set back from the side property line by a minimum of 10 feet.
- 9. All proposed building footprints shall be set back from the front property line by a minimum of 10 feet.
- 10. All proposed building footprints shall be set back from the rear property line by a minimum of 10 feet.

Existing & Proposed Front Elevation



Site Location Map (N/S)

PLANNING

Planning 13082

Ward: Ward 13

Department: Planning

City: City of Chicago

Address: 13082

Project Name: Existing & Proposed Front Elevation

Scale: 1/8" = 1'-0"

Sheet: 1 of 1

Proposed Front Elevation

The image contains two architectural cross-section drawings of a site. The top drawing, titled 'Existing Site Condition', shows a building on the left with a red-hatched area indicating a proposed or existing structure. The bottom drawing, titled 'Proposed Site Condition', shows the same building but with a different structure in the red-hatched area. To the right of the drawings is a legend with various symbols and text, and a planning information block.

Legend:

- Existing Building
- Proposed Building
- Existing Site
- Proposed Site
- Existing Road
- Proposed Road
- Existing Fence
- Proposed Fence
- Existing Tree
- Proposed Tree
- Existing Wall
- Proposed Wall
- Existing Gate
- Proposed Gate

PLANNING

13082

Plan No. 13082

December 2011

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HKS, Inc.

1 / 1

DRAFT DECISION LETTER

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

Proposal: Demolition of existing pilasters and entablature to front entrance and removal of existing metal entrance steps. New reconstituted stone portico and steps to front entrance with low level rendered walls

Reference: 15/11730/FULL

Plan Nos: Design and Access Statement, P-00 Location Plan, P-01A, P-05A, P-02A, P-03A, P-04A, Arboricultural Report dated 5th October 2015 as amended by email dated 9th February 2016 from Mike Slade, Construction Management Plan rev A dated 16th December 2015

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 4 The reconstituted stone facing to the new porch shall match the reconstituted stone facing to the existing ground floor entrance porch to no. 52 Marlborough Place in colour and texture

Reason:

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

- 5 You must apply to us for approval of a sample of the sandstone facing for the new steps. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved material. (C26BC)

Reason:

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

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 It is noted that the submitted Construction Management Plan (CMP) refers to works which have previously been considered under other application proposals, including works to create a new basement underneath the front garden. For the purposes of this application 15/11730/FULL you are advised that this CPM has been considered only on the basis of the Construction Management Plan Revision A dated 16 December 2015 and the locations of the skip, site office, works zone, hoarding location, tree protection and suggestion of parking arrangement, and other works to the front garden shown on the plan titled 'Storage of Plant and Materials: Phases 1-3' including works involved in raising the front garden are not considered under this application submission.

- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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