



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (2)**

Meeting Date: **Tuesday 15th 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:**

Tony Devenish (Chairman)
Melvyn Caplan
Paul Church
Barbara Grahame

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillors Anthony Devenish and Barbara Grahame have replaced Councillors Peter Freeman Ruth Bush.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. 207 SHIRLAND ROAD, LONDON W9 2EX | (Pages 3 - 12) |
| 2. 42 MAIDEN LANE, LONDON WC2E 7LJ | (Pages 13 - 30) |
| 3. 63C WARWICK AVENUE, LONDON W9 2PR | (Pages 31 - 46) |
| 4. 10 GROOM PLACE, LONDON SW1X 7BA | (Pages 47 - 60) |
| 5. 8 ELM TREE ROAD, LONDON NW8 9JX | (Pages 61 - 86) |
| 6. 12 QUEENSBOROUGH MEWS, LONDON W2 3SG | (Pages 87 - 100) |
| 7. 32-33 GOLDEN SQUARE, LONDON W1F 9JW | (Pages 101 - 110) |
| 8. FABER HOUSE, 77 SOUTH AUDLEY STREET, LONDON W1K 1JG | (Pages 111 - 122) |

9. MAIDA VALE, LONDON W9

**(Pages 123 -
134)**

**Charlie Parker
Chief Executive
7 March 2016**

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Agenda Item

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE -15 MARCH 2016
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 15/10588/CLEUD Harrow Road	207 Shirland Road, London W9 2EX	Use of the ground and basement floors as a retail unit Class (A1).	
	Recommendation Issue Certificate			
2	RN 15/10701/FULL St James's	42 Maiden Lane, London WC2E 7LJ	Use of ground floor and basement for a mixed Class A1/A3 use to provide a coffee bar/ cafe.	
	Recommendation Grant conditional permission.			
3	RN 15/10544/FULL Little Venice	63c Warwick Avenue, London W9 2PR	Use of roof space as additional residential accommodation for the second and third floor maisonette and insertion of four rooflights within main roof at front and rear.	
	Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter.			
4	RN 15/12145/FULL Knightsbridge And Belgravia	10 Groom Place, London SW1X 7BA	Variation of conditions 1 and 5 of planning permission dated 29 July 2014 (RN: 14/02541) for erection of a single storey extension at first floor level with roof terrace at second floor; namely, enlargement of terrace area.	
	Recommendation Grant conditional permission.			
5	RN 15/04516/FULL Regent's Park	8 Elm Tree Road, London NW8 9JX	Demolition of garage, front portico and front steps, part demolition of side extension, extension of two-storey side wing at first floor level, alterations to façade and fenestration on front, rear and both side elevations, alterations to front garden and boundary wall including car park lift, excavation of basement incorporating swimming pool and associated plant underneath garden, front and rear lightwells and air extract in rear garden.	
	Recommendation Grant conditional permission.			
6	RN 16/00205/FULL Lancaster Gate	12 Queensborough Mews, London W2 3SG	Single storey front extension and use of garage as a habitable room.	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE -15 MARCH 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
7	RN 15/11209/FULL West End	32-33 Golden Square, London W1F 9JW	Erection of an open louvered plant room at roof level with associated plant within.	
Recommendation Grant conditional permission.				
8	RN 15/11260/FULL West End	Faber House, 77 South Audley Street, London W1K 1JG	Alterations in connection with use of part of the roof of the 1st floor as a terrace in association a flat (Class C3). Erection of screens and balustrades around proposed roof terrace.	
Recommendation Grant conditional permission.				
9	RN 15/11073/FULL Abbey Road	Maida Vale, London W9	Installation on the footway adjacent to Dundee House, 145 Maida Vale, of a Cycle Hire docking station in an area measuring 48.7m x 1.85m, containing a maximum of 37 docking points and a terminal.	
Recommendation Grant conditional permission.				

Agenda Item 1

Item No.

1

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

1. RECOMMENDATION

Issue Certificate.

2. SUMMARY

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

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

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

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

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

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

The evidence that the applicant has provided consists of:

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

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

In terms of the commencement of the use, the applicant has provided a range of evidence demonstrating that the retail shop commenced trading in advance of 6 April 2015.

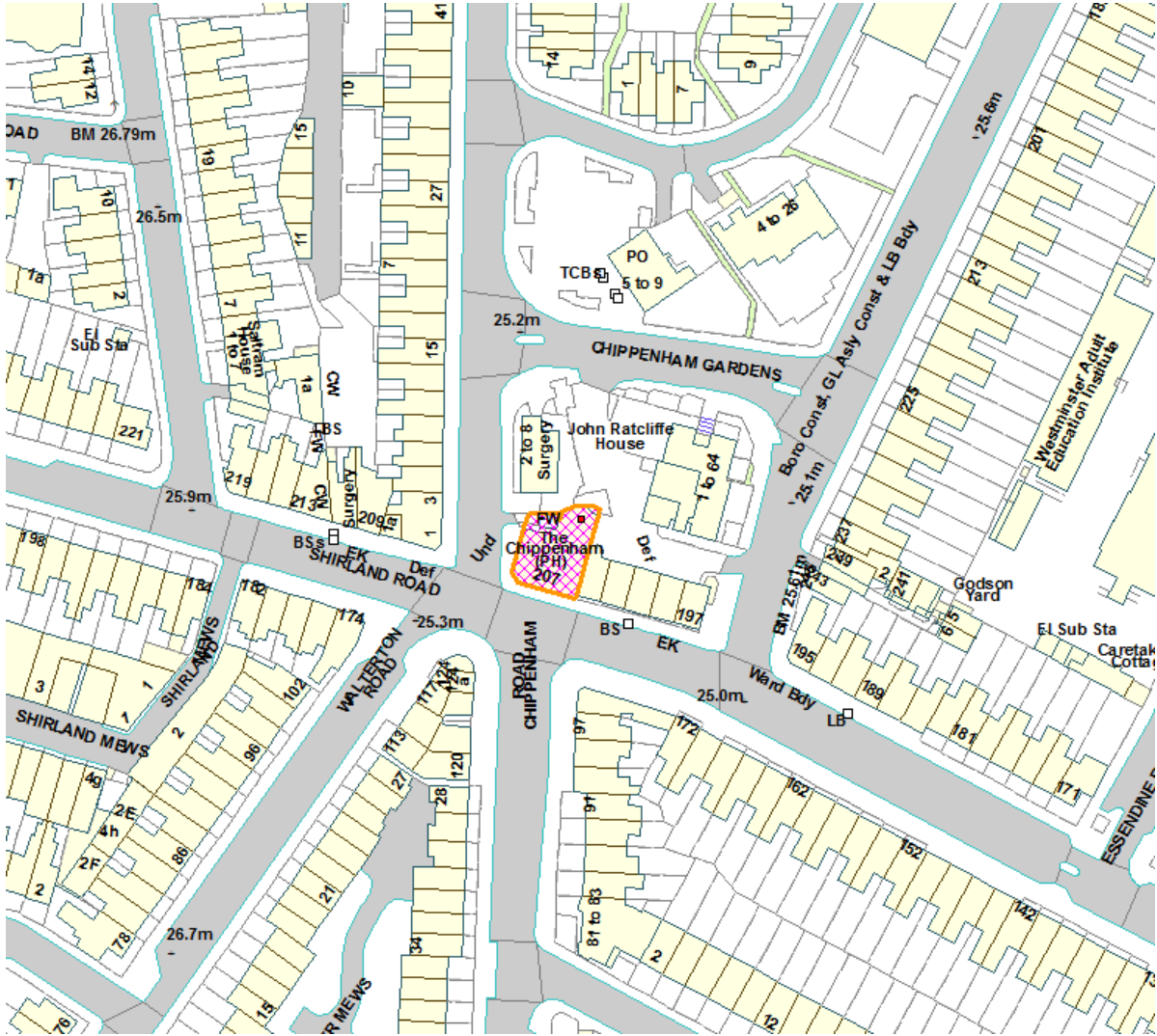
The City Council does not have any evidence to contradict the evidence submitted by the applicant in this respect and no contrary evidence has been provided by objectors or other third parties; indeed one of the responses received confirms that the public house use ceased in 'late 2014'.

Councillor McKie has forwarded officers minutes of a meeting held in May 2015 on behalf of Thames Water regarding works in the surrounding area and queried whether the meeting was held on the

ground floor of the public house, when the applicant is stating that the retail unit was in operation. The case officer appealed to attendees of this meeting and whilst two responses came back stating that they were unsure where the meeting was held, the organiser of the meeting has confirmed that the meeting was held on the first floor of the public house.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR ROCA

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

COUNCILLOR MCKIE

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

COUNCILLOR BUSH

Requests that the application is heard at Committee.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

LONDON BOROUGH OF BRENT

No objection.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 61.

Total No. of replies: 10.

No. of objections: 10.

No. in support: 0.

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

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND PAPERS

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

4. Letters (x2) from Councillor Roca dated 7 January 2016 and 19 January 2016.
5. Letter from Councillor Crockett dated 1 February 2016.
6. Letter from London Borough of Brent dated 24 December 2016.
7. Letter from occupier of 168, Shirland Road, dated 4 January 2016.
8. Letter from occupier of 31 Malvern Mews, London, dated 4 January 2016.
9. Letters from occupiers of 30 Shirland Mews, London, dated 4 January 2016.
10. Letter from occupier of 44 Ashworth Mansions, London, dated 4 January 2016.
11. Letter from occupier of 46 Saltram Crescent, London, dated 5 January 2016.
12. Letter from occupier of 56 Marylands Road, London, dated 6 January 2016.
13. Letter from occupier of 35 Hormead Road, Maida Hill, dated 6 January 2016.
14. Letter from occupier of 8A Grittleton Road, London, dated 7 January 2016.
15. Letter from occupier of 115 Malvern Road, London, dated 9 January 2016.
16. Email from 'Optimise' dated 3 February 2016.
17. Email from Central Manager Parks dated 3 February 2016.
18. Email from WCD Road Management dated 3 February 2016.

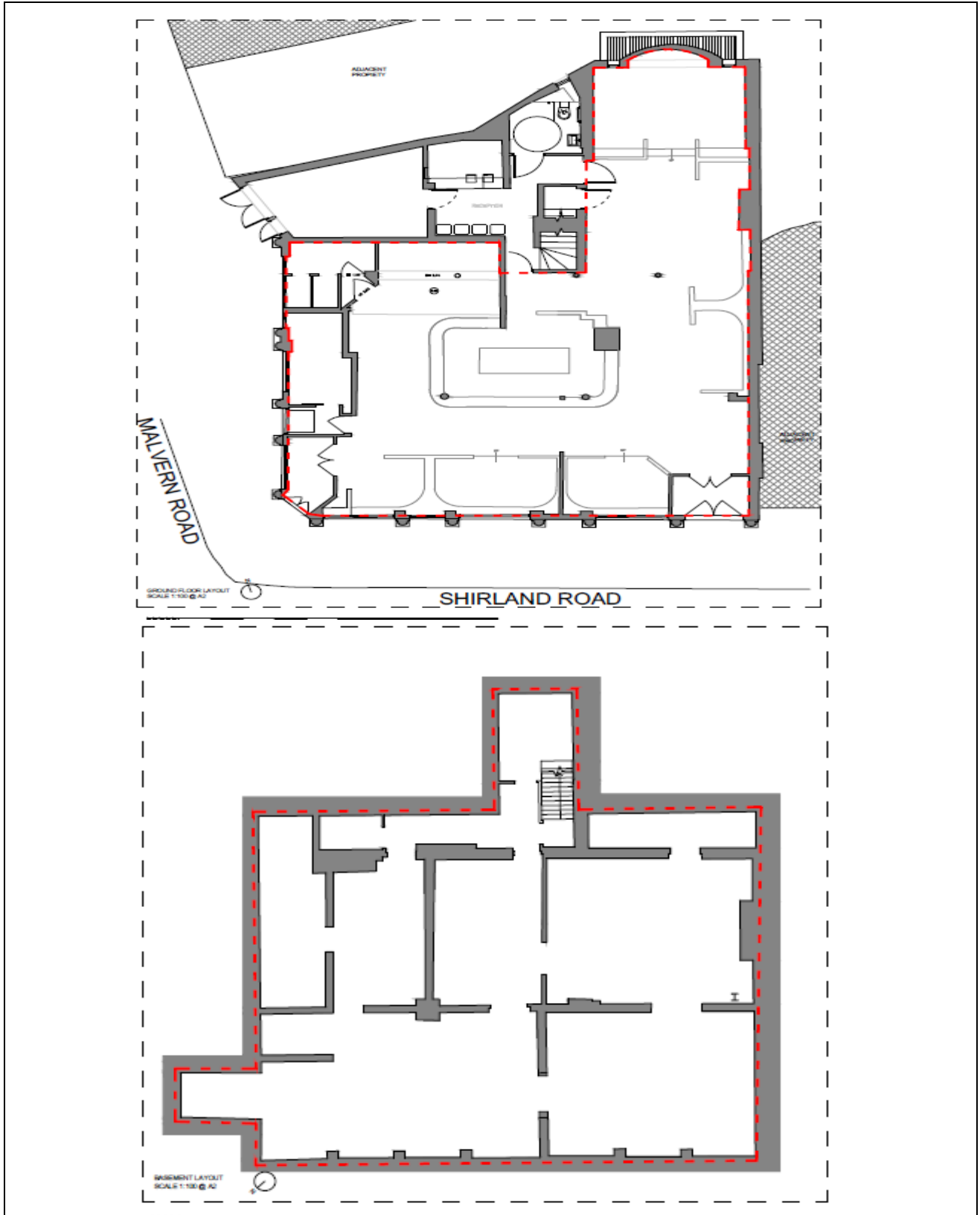
Selected relevant drawings

Existing ground and basement floorplans.

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

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

7. KEY DRAWINGS



DRAFT DECISION LETTER

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

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

Reference: 15/10588/CLEUD

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

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s):

Reason:

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

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

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Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	42 Maiden Lane, London, WC2E 7LJ		
Proposal	Use of ground floor and basement for a mixed Class A1/A3 use to provide a coffee bar/ cafe.		
Agent	Freeths LLP		
On behalf of	Grind & Co. Ltd		
Registered Number	15/10701/FULL	Date amended/ completed	18 November 2015
Date Application Received	18 November 2015		
Historic Building Grade			
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

<p>42 Maiden Lane is a five storey building comprising of retail (Class A1) at basement and ground floor level and offices (Class B1) on the upper floors. The application site is located on the north side of Maiden Lane close to the junction with Southampton Street. The building is listed Grade II and within the Covent Garden Core Central Activities Zone (CAZ) and West End Stress Area. Maiden Lane is largely characterised by entertainment uses.</p> <p>The application relates to a commercial unit (124sqm) occupying the basement and ground floors of 42 Maiden Lane. The unit is one of the few remaining retail units in Maiden Lane and is currently vacant. The unit was previously occupied by 'Field and Trek', a retail clothing and accessory supplier (Class A1).</p> <p>Permission was refused in November 2015 for the use of the basement and ground floor for restaurant purposes (Class A3) and installation of a full height extract duct to the rear elevation. The application was refused because it would lead to a loss of retail floorspace (Class A1) and insufficient information had been submitted to demonstrate that the extract duct would not harm the amenity of neighbouring occupiers in terms of noise and vibration.</p> <p>This latest proposal by Grind & Co. Ltd is for a new alternative business model for a mixed A1/ A3 use to provide a coffee bar/ café.</p>

The key issues in this case are:

* The impact of the proposals upon the land use of the property in terms of the loss of retail accommodation and provision of Class A1/A3 composite use.

* The impact of the proposals upon the amenity of the area.

The proposal is considered acceptable in land use and amenity terms and would comply with the Council's policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). The application is recommended for conditional approval.

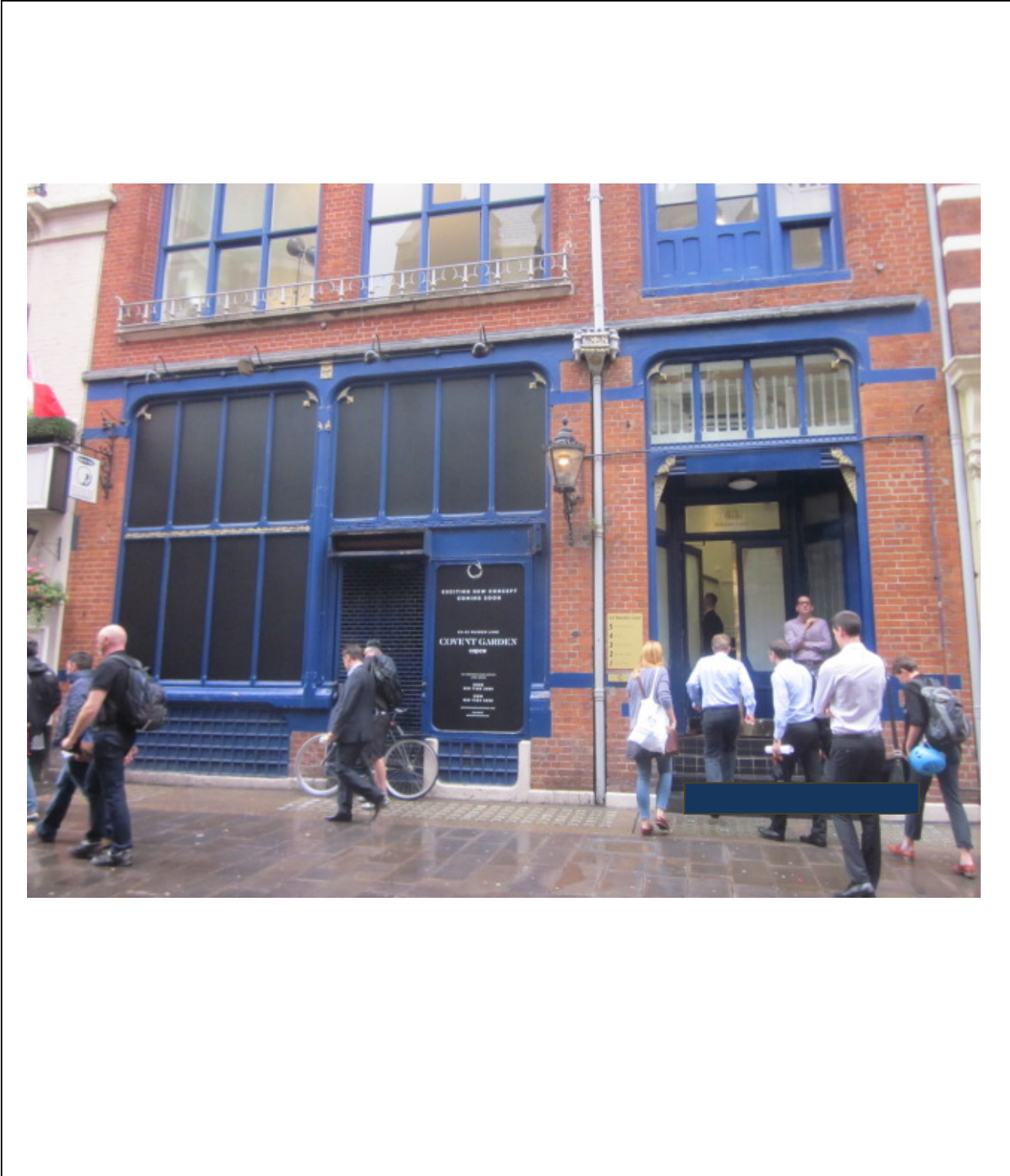
3. LOCATION PLAN



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Item No.
2

4. PHOTOGRAPHS



5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Objection on following grounds:

Land Use:

- No evidence to show the premises has been marketed for A1 use;
- Proposals are more in line with an A3 use;
- Concern the premises will contain a cocktail bar element similar to Soho Grind operating at 19 Beak Street, W1.
- Maiden Lane is saturated with bars and restaurants.

Amenity:

- Introduction of another A3 use, particularly one that sells alcohol and is open late, will harm residential amenity, due to noise and disturbance from customers and mechanical plant, smells, anti-social behaviour, crime, servicing and delivery, and late night closing time.

Other:

- Should permission be granted conditions should be attached to restrict take-away service (Class A5); bar use for customers only and to occupy no more than 15% of floor area of property; opening times to 07.00 - 23.00 Monday - Wednesday; 07.00 - 23.30 Thursday - Saturday and 07.00 - 22.30 hours on Sunday.

COVENT GARDEN AREA TRUST:

No comment.

ENVIRONMENTAL HEALTH:

Holding objection on grounds that no acoustic report or details of an extract duct or plant has been submitted.

HIGHWAYS PLANNING:

Undesirable on transportation grounds but could be made acceptable subject to the provision of cycle spaces, waste store, and a restriction on delivery services.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 39; No. of replies: 0

PRESS ADVERTISEMENT/ SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

42 Maiden Lane is a five storey building comprising of retail (Class A1) at basement and ground floor levels and offices on the upper floors. The building is located on the north side of Maiden Lane close to the junction with Southampton Street. The building is Grade II listed and within the Covent Garden conservation area, Core Central Activities Zone and West End Stress Area.

The application relates to a commercial unit (124sqm) occupying the basement and ground floors of 42 Maiden Lane. The unit is one of the few remaining retail units in Maiden Lane and is currently vacant. The unit was previously occupied by 'Field and Trek', a retail clothing and accessory supplier (Class A1).

Maiden Lane is characterised by entertainment uses consisting predominately of Class A3 and A4 uses. Immediately adjoining the application premises at nos. 40 - 41 is The Maple Leaf Public House and at no. 44 is an office building. In 2015 planning permission was granted for the use of no. 44 for residential purposes, although this has yet to be implemented. There is an existing Class A1 use is at no. 27 (hairdresser) and at no. 30 - 31 Southampton Street on the corner with Maiden Lane.

6.2 Recent Relevant History

42 Maiden Lane

Planning permission was refused on 11 November 2015 for the use of the basement and ground floor for restaurant purposes (Class A3) and installation of a full height extract duct to the rear elevation (15/03576/FULL). The application was refused because it would lead to a loss of retail floorspace (Class A1) and insufficient information had been submitted to demonstrate that the extract duct would not harm the amenity of neighbouring occupiers in terms of noise and vibration.

Planning permission and listed building consent was granted on 21 April 2015 for the use of part basement, part ground floor and first to fifth floors to provide 3 x 1bed and 1 x 2bed flats (Class C3) and external works including mechanical plant within an enclosure at rear first floor level and smoke shaft/lift over-run at main roof level. This has not been implemented (14/12452/FULL and 14/12452/LBC).

19 Beak Street, W1

Planning permission was refused at Planning Applications Committee on 23 June 2015 for the continued use of basement and ground floor as a mixed use coffee shop and a cocktail bar (sui generis). Committee resolved that the application should be refused on the grounds of adverse impact on amenity, the loss of retail and the adverse cumulative impact of an additional bar within the Stress Area (15/02935/FULL). This decision is currently subject to appeal.

7. THE PROPOSAL

This latest proposal by Grind & Co. Ltd is for a new alternative business model for a mixed A1/ A3 use to provide a coffee bar/ café.

Grind & Co. Ltd's current portfolio consists of coffee bars that offer only a limited selection of food and are primarily take away (Soho Grind, 19 Beak Street; Holborn Grind, 199 High Holborn; and Grind Straftord, Westfield Shopping Centre Startford) as well as restaurants with full kitchen facilities (London Grind, London Bridge; and Shoreditch Grind, 213 Old Street). A Grind & Co Coffee Roastery is due to open in East London in 2016 so the group can roast its own coffee beans.

Grind & Co had intended to use the application site to provide a café/ restaurant, however in light of the recently refused application in 2015, the group is now applying for an alternative business model for a mixed A1/ A3 use to provide a coffee bar/ café.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Proposed mixed Class A1/ A3 use

The basement and ground floors comprises an area of approximately 124sqm. The floor plans show the ground floor area is laid out with a coffee bar/ counter service area, chilled food displays and customer seating. The basement level layout includes a preparation area, service area, wash area, and customer seating.

The applicants supporting statement confirms how the premises is to operate. The proposed use is primarily a take-away coffee shop, including the sale of some cold foods (sandwiches and cakes) although some warm food such as paninis will also be served. The use has a strong retail element as it is projected that 60% of sales and turnover will be for sale of hot drinks and cold foods for consumption off the premises.

An element of seating will be provided for the consumption of coffee and cold snacks on the premises, approximately 50% of the floor area. In total the basement and ground floor will provide 12 tables and 37 seats. No waiter/waitress service for taking orders or delivering food to tables will be provided. The applicants have confirmed that the premises will be a typical counter style format, similar to those usually associated with many high street coffee bars.

No primary cooking is proposed. The previously refused scheme for a café/ restaurant use proposed kitchen extraction equipment, however this latest proposal does not include any new plant or machinery.

The Covent Garden Community Association object to the proposal which they consider is more in line with an A3 use. Whilst the proposed use would incorporate an element of Class A3 in the form of seating, no primary cooking is proposed. The use would retain a strong retail element in that customers can purchase goods, hot drinks and cold food, for consumption off the premises.

The Covent Garden Community Association raise concerns that the applicants will provide a cocktail bar element, serving alcohol, similar to their other operation at 19 Beak Street, Soho Grind. It is noted that an application for a mixed use coffee shop and cocktail bar (sui generis) was refused by Planning Applications Committee on 23 June 2015 (see para 6.2). However in this case the applicant's business model does not include a cocktail bar and a condition is recommended to restrict bar facilities.

Loss of retail

Policy S21 of the City Plan states that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let.

UDP Policy SS5 seeks to protect retail use at ground and basement level in the Core CAZ, only allowing non-A1 uses if they are not detrimental to the character and function of an area, nor leading to a concentration of three or more consecutive non-A1 uses nor increasing an overconcentration of entertainment uses in a street or area.

The basement and ground floor of the application site were previously occupied by 'Field and Trek', a retail clothing and accessory supplier. The unit has been vacant for circa 22 months although the applicant has not provided sufficient marketing information to demonstrate that the retail unit had been marketed to prospective retail tenants.

However, on balance, given that the applicant's proposals retain a strong retail element, the proposed mixed A1/ A3 use to provide a coffee bar/ café is considered acceptable subject to conditions.

8.2 Townscape and Design

No external alterations are proposed as part of this application.

8.3 Residential Amenity

The proposed opening hours are from 06.00 - 23.00 Monday - Wednesday; 07.00 - midnight Thursday - Saturday; and 07.00 - 22.30 Sunday. The Covent Garden Community Association object to the opening hours stating that the terminal hours should be reduced.

There are five neighbouring restaurants which have terminal hours up to midnight, these include the Maple Leaf Public House at no.40 - 41; Rules restaurant at no. 34 - 35; Mabel's at no. 29 - 30; El Nivel at no. 28; The Porterhouse at no. 21 - 22 (which also has outdoor seating); and The Big Easy at no.12 Maiden Lane. Given that there are already a number of properties with similar opening hours, the proposed hours of opening are considered acceptable in this location.

8.4 Transportation/Parking

The Highways Planning Manager accepts that the use will not substantially increase the servicing demands in comparison to the existing A1 unit. No delivery service is proposed which will help minimise any impact on the road network. A condition is recommended to this effect.

The Highways Planning Manager recommends that staff cycle parking should be provided. It would, however, be unreasonable to secure cycle parking by condition given the limited size of the unit and also that this is an application for a change of use of a site which has already been in commercial use for some time.

8.5 Economic Considerations

The economic considerations of the proposals are welcomed.

8.6 Access

The access into the site remains as existing.

8.7 Other UDP/Westminster Policy Considerations

A condition is recommended requiring details of waste.

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

Not applicable.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Environmental Health raise a holding objection on grounds that no acoustic report or details of an extract duct or plant has been submitted. However, no mechanical plant or machinery is proposed as part of the application proposals and no primary cooking is proposed. An informative is recommended to advise the applicants that any new proposed mechanical plant will require planning permission and listed building consent.

9. BACKGROUND PAPERS

1. Application form.

2. E-mail from the Covent Garden Area Trust received 14 December 2015.
3. E-mail from the Covent Garden Community Association received 2 January 2016.
4. Memorandum from Highways Planning Manager dated 15 December 2015.
5. Memorandum from Environmental Health Consultation Team dated 23 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 DAVID DORWARD HOSENALLY ON 020 7641 2408 OR BY EMAIL AT ddorward@westminster.gov.uk

10. KEY DRAWINGS



Existing plans



Proposed plans

DRAFT DECISION LETTER

Address: 42 Maiden Lane, London, WC2E 7LJ,

Proposal: Use of ground floor and basement for a mixed Class A1/A3 use to provide a coffee bar/ cafe.

Reference: 15/10701/FULL

Plan Nos: L141176-D09-001, R1 P001 12.05.2015, R1 P01 12.05.2015 and Planning Statement.

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 Customers shall not be permitted within the ground floor and basement for a mixed Class A1/A3 use to provide a coffee bar before 06.00 to 23.00 Monday to Wednesday; 07.00 to midnight Thursday to Saturday; and 07.00 to 22.30 hours on Sunday.

Reason:

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

- 4 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 basement and ground floors. (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)

- 5 The use hereby approved shall not include any primary cooking process which, for the purpose of this condition shall be taken to mean the primary cooking of raw or fresh food on the premises.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 6 No delivery service is to operate from the mixed Class A1/A3 coffee bar at ground floor and basement level hereby approved.

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)

- 7 You must not use any part of the property as a bar or bar area.

Reason:

To protect the environment of neighbouring residents we cannot grant planning permission for unrestricted use in this case. 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.

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 does not allow any work which would change the outside appearance of the property. (I18AA)
- 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 You may need separate licensing approval for the use of the ground floor and basement for a mixed Class A1/A3 use to provide a coffee bar. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 5 It is noted that the existing vaults are to be used to provide toilet facilities you are advised that this permission does not approve any structural alterations to the existing vaults. You are advised that if any structural alterations are proposed to the existing front basement vaults then planning permission and listed building consent would be required. You are also advised that Policy TRANS19 restricts the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway.
- 6 You are advised that no goods should be left on the highway whilst servicing is carried out.
- 7 In relation to Condition 6 you are advised that in order to minimise the impact of the use hereby approved on the highway network, no delivery service should operate from the site. This is because delivery vehicle parking can reduce the availability of parking for other uses in addition to increasing noise and fumes in the area.
- 8 You are advised that any new mechanical plant that may be required for the proposed Class A1/A3 use will require planning permission and listed building consent.

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

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Agenda Item 3

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	63C Warwick Avenue, London, W9 2PR,		
Proposal	Use of roof space as additional residential accommodation for the second and third floor maisonette and insertion of four rooflights within main roof at front and rear.		
Agent	Mr Khalida Qureshi		
On behalf of	Mr Khalida Qureshi		
Registered Number	15/10544/FULL and 16/00141/LBC	Date amended/ completed	21 January 2016
Date Application Received	13 November 2015		
Historic Building Grade			
Conservation Area	Maida Vale		

1. RECOMMENDATION

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

2. SUMMARY

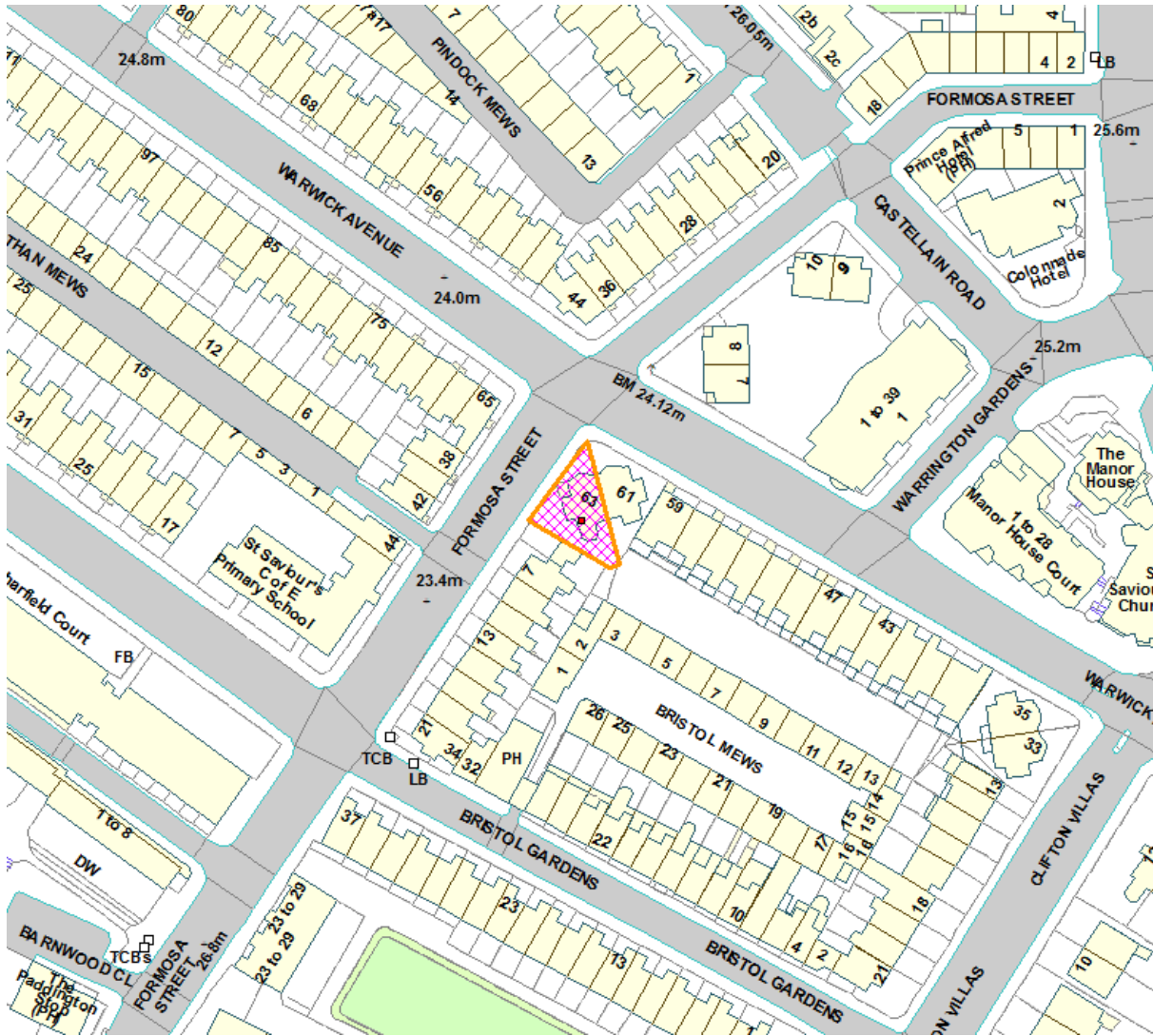
Planning permission and listed building consent are sought for the conversion of the existing roof space to create additional accommodation for the second/third floor maisonette (Flat C) and the introduction of four rooflights. The property is Grade II listed and is located in the Maida Vale Conservation Area.

The key issues in this case are:

* The impact of the proposed roof conversion and associated alterations on the special architectural and historic interest of the listed building and the character of the Maida Vale Conservation Area.

The applications have been submitted on behalf of a relative of a Westminster Councillor (Councillor Papya Qureshi) and therefore are being referred to committee for determination in accordance with the delegation agreement. The proposals are considered acceptable in design terms and are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY: Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 46
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

63 Warwick Avenue is a Grade II listed property within the Maida Vale Conservation Area. It forms half of a stucco fronted semi-detached pair comprising of four storeys plus basement. It is subdivided into flats and this application relates to Flat C, a maisonette on the second and third floor levels.

6.2 Recent Relevant History

11/06606/FULL

Use of roof space as additional residential accommodation for the second and third floor maisonette and insertion of four rooflights within main roof at front and rear.

Application Permitted 27 October 2011

11/06607/LBC

Insertion of four rooflights within main roof at front and rear and internal alterations.

Application Permitted 27 October 2011

7. THE PROPOSAL

Planning permission and listed building consent are sought for the insertion of four rooflights (two each to the front and rear roofslopes) in association with the conversion of the existing attic roofspace into habitable accommodation. A new stair will be installed from the third floor for access. The proposals are exactly the same as those approved in 2011.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal seeks to increase the floorspace of this maisonette to provide additional living space in accordance with Policy H3 of the UDP.

8.2 Townscape and Design

Internally, access to the attic space is proposed to be inserted into an area of the third floor plan currently occupied by cupboards. These fittings are not considered to be of any historic interest. No other changes to the plan are proposed. This location is considered the most appropriate for the insertion of the stair.

The proposed rooflights are of a conservation type, designed to be fitted flush with the slate surface; further section details are required by condition. The property has high parapets around all sides of the roof and therefore the rooflights will be largely unseen, with only their upper edges visible in long views and from the uppermost rooms of neighbouring properties. The effects of the rooflights are not considered detrimental either to the appearance of the building, or to the character of the Maida Vale Conservation Area.

The application also states that the existing roof structure will be subject to a structural engineer's inspection and may be replaced as part of the scheme of works. If this is the case the new structure will be identical in external profile and appearance. The current roof structure is a modern replacement of the original, consisting of close-set prefabricated softwood trusses. Its removal therefore raises no concerns in terms of the loss of historic fabric. The roof will be re-covered using a mixture of the reclaimed slates and replacements.

The proposed works are considered to accord with Policies S25 and S28 in the City Plan and Policies DES1, DES6, DES9 and DES10 in the UDP and are therefore considered acceptable in listed building and conservation terms.

8.3 Residential Amenity

The rooflights are not considered to raise any concerns in terms of amenity. Given their location no overlooking or loss of privacy will be caused to neighbouring occupiers; furthermore the rear garden is already overlooked from the windows at lower levels. As such the objection received on these grounds cannot be upheld and the rooflights are acceptable in relation to Policies CS28 of our Core Strategy and ENV13 of the UDP adopted January 2007.

8.4 Transportation/Parking

Not applicable

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable

8.7 Other UDP/Westminster Policy Considerations

Not applicable

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable

8.10 Other Issues

Not applicable

9. BACKGROUND PAPERS

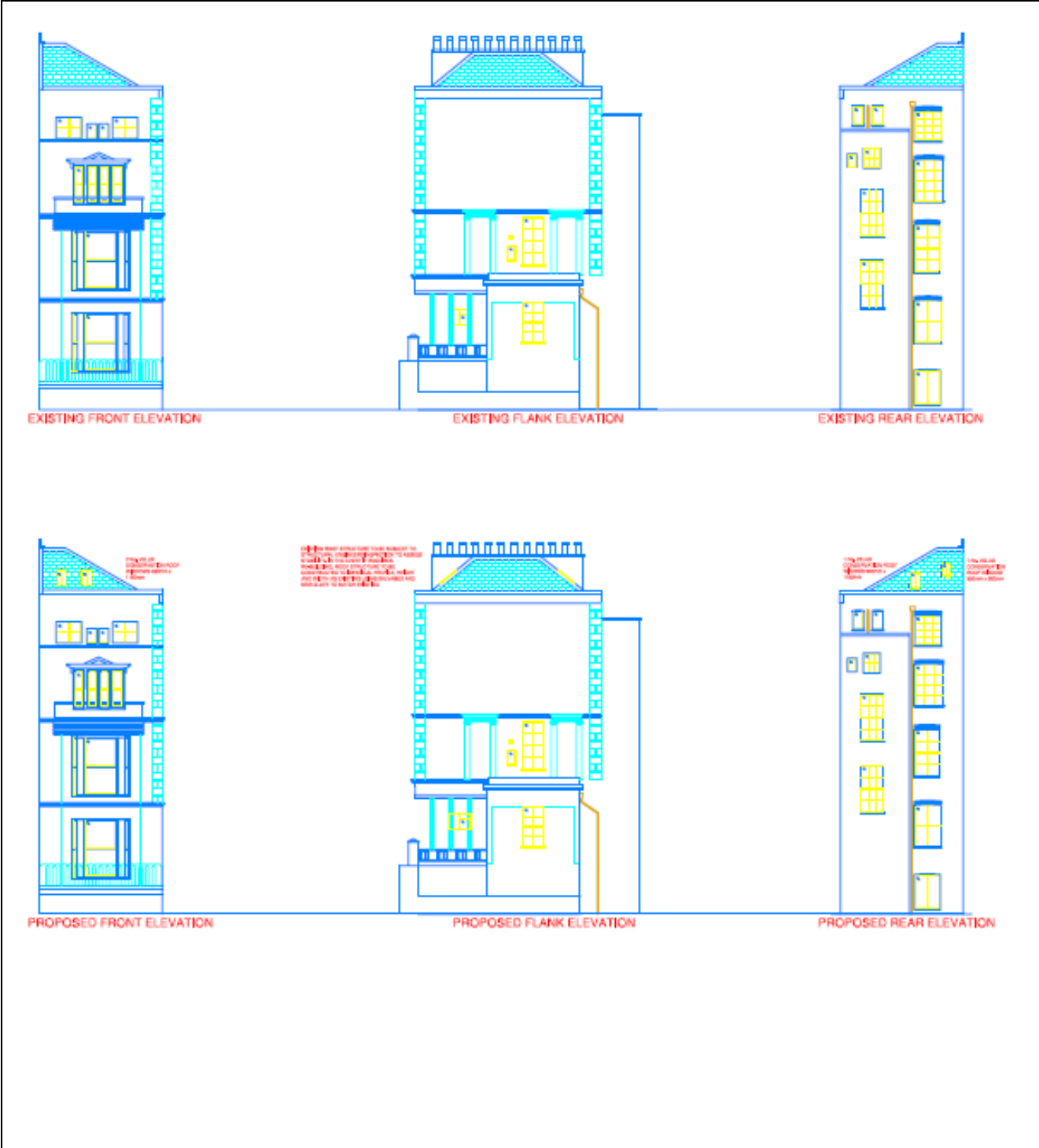
1. Application form

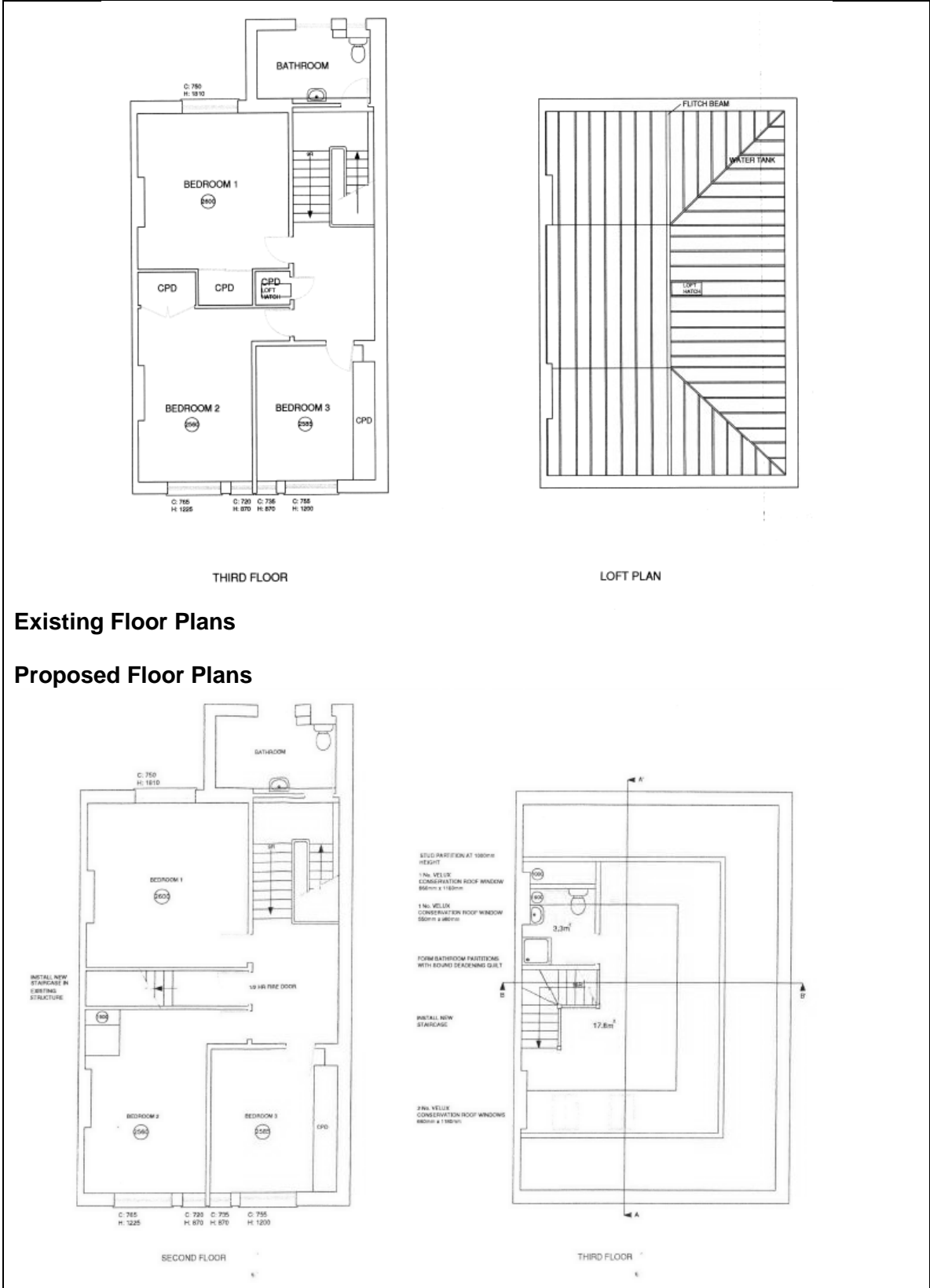
Selected relevant drawings

(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 KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS





DRAFT DECISION LETTER – 15/10544/FULL

Address: 63C Warwick Avenue, London, W9 2PR,

Proposal: Use of roof space as additional residential accommodation for the second and third floor maisonette and insertion of four rooflights within main roof at front and rear.

Reference: 15/10544/FULL

Plan Nos: 9222_LC_P_01B, 9222_LC_P_02C, 9222_LC_P_03, 9222_LC_P_04 (site location map), design and access statement, schedule of works.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

- 3 You must apply to us for approval of detailed drawings or a manufacturer's specification (including section details at minimum 1:5) of the following parts of the development: , a) The proposed rooflights. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

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

- 4 If the structural engineer's survey finds that the roof structure needs to be replaced you must apply to us for approval of a schedule of works and detailed drawings showing how these works will be undertaken. You must also submit a sample of the proposed natural slate for approval. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

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

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

Reason:

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

Informative(s):

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

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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.

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

DRAFT DECISION LETTER – 16/00141/LBC

Address: 63C Warwick Avenue, London, W9 2PR,

Proposal: Creation of bedroom and shower room including 4 velux windows in loft space to 2nd/3rd floor maisonette.

Plan Nos: 9222_LC_P_01B, 9222_LC_P_02C, 9222_LC_P_03, 9222_LC_P_04 (site location map), design and access statement, schedule of works.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 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 You must apply to us for approval of detailed drawings or a manufacturer's specification (including section details at minimum 1:5) of the following parts of the development:

- a) The proposed rooflights

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

You must then carry out the work according to these approved details. (C26DB)

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 If the structural engineer's survey finds that the roof structure needs to be replaced you must apply to us for approval of a schedule of works and detailed drawings showing how these works will be undertaken. You must also submit a sample of the proposed natural slate for approval.

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

You must then carry out the work according to these approved details. (C26DB)

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 2.4 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.

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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)

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Agenda Item 4

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	10 Groom Place, London, SW1X 7BA,		
Proposal	Variation of conditions 1 and 5 of planning permission dated 29 July 2014 (RN: 14/02541) for erection of a single storey extension at first floor level with roof terrace at second floor; namely, enlargement of terrace area.		
Agent	Open Architecture		
On behalf of	Ms Julia Hubbard		
Registered Number	15/12145/FULL	Date amended/ completed	30 December 2015
Date Application Received	30 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

10 Groom Place is a mid-terrace single family dwelling consisting of basement, ground, first and mansard roof level. The property is not listed but is located within the Belgravia conservation area and outside of the Central Activities Zone in a predominantly residential area.

Planning permission is sought to vary conditions 1 and 5 of planning permission dated 29 July 2014 (RN: 14/02541/FULL) which was for the erection of a single storey extension at first floor level with roof terrace at second floor, namely, to allow the approved drawings to be amended to allow for the enlargement of the terrace area by 1.4m.

The key issue in this case is the impact of the development on the amenity of neighbouring residents.

An objection has been received from the owner of no.14 Chester Street on grounds the enlarged terrace will overlook their property and result in a loss of privacy.

The application is recommended for approval as it is considered that, subject to conditions, the proposed development complies with policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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PHOTOGRAPHS



10 Groom Place



View of existing terrace from rear of 14 Chester Street

4. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be verbally reported at Committee.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

No. Consulted: 7; Total No. of replies: 1

One letter of objection from the owner of no.14 Chester Street located directly to the rear on the following grounds:

Amenity

- Overlooking and loss of privacy.
- Enlargement of the terrace will worsen the situation.

PRESS ADVERTISEMENT/ SITE NOTICE:

Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

10 Groom Place is an unlisted, mid-terrace single family dwelling consisting of basement, ground, first, and mansard roof level located within the Belgravia Conservation Area and outside of the Central Activities Zone in a predominantly residential area.

5.2 Recent Relevant History

14/02541/FULL

Erection of a single storey extension at first floor level with roof terrace at second floor.
Application Permitted 29 July 2014

14/03049/FULL

Excavation to create a single storey basement under existing single family dwelling.
Application Permitted 29 July 2014

6. THE PROPOSAL

Planning permission is sought to vary conditions 1 and 5 of planning permission dated 29 July 2014 (RN: 14/02541) for the erection of a single storey extension at first floor level with roof terrace at second floor; namely, to allow the approved drawings to be amended to allow the enlargement of the second floor roof terrace area.

Condition 1 restricted the development to be carried out in accordance with the drawings and other documents listed on the decision letter, and any drawings approved subsequently by the City Council.

Condition 5 required a privacy screen to be installed as shown on the approved drawings before the use of the roof terrace at rear first floor level commences and the screen to remain in situ for as long as the roof terrace is used for sitting out purposes.

The applicant appears to be in breach of condition 5 of the original permission as the privacy screen has yet to be installed and the terrace appears to be in use. However the applicant has advised that the roof terrace is still under construction and is not intended to be used for its purpose until complete. Although it is currently used for storing chairs and child's play equipment.

The roof terrace in the original permission was set back 1.4m from the edge of the roof to minimise overlooking and loss of privacy to surrounding residents following an objection from no.14 Chester Street. This latest proposal seeks to increase the depth of the terrace by 1.4m to create an enlarged terrace area.

7. DETAILED CONSIDERATIONS

7.1 Townscape and Design

10 Groom Place is an unlisted mews property located within the Belgravia conservation area.

The proposed enlargement of the existing terrace by 1.4m with a natural privacy screen measuring 1.2m in height is considered to be acceptable in design terms. The proposed alterations are discreetly located to the rear of the building and will minimal impact upon the appearance of the building or the character and appearance of the conservation area.

The proposal will accord with design policies S28 of the Plan and policies DES1, DES5 and DES9 of the UDP.

7.2 Residential Amenity

The nearest affected residential property is no.14 Chester Street which is located directly to the rear. An objection has been received from the owner of no.14 Chester Street on grounds the enlarged terrace will overlook their property and result in a loss of privacy. The owner also raised objection to the original planning application (RN: 14/02541).

UDP policy ENV 13 and S29 of the City Plan generally seek to protect residential amenity in terms of privacy and overlooking. The main issue is the impact of the enlarged roof terrace upon the living conditions of the neighbour at 14 Chester Street in terms of loss of privacy and overlooking.

There are windows in the rear elevation of no.14 Chester Street at all levels, an existing roof terrace at first floor level, and the rear garden abuts the rear elevation of the application property. As such there is already a significant degree of mutual overlooking between the application site and no.14 Chester Street. There are also existing terraces and balconies on the rear of a number of adjacent properties including 12, 13, 14 and 15 Chester Street and 12 Groom Place.

The proposals are considered to result in a modest enlargement of the approved terrace area and would include a 1.2m high privacy screen. Given that there is already a significant degree of mutual overlooking at the rear between properties, on balance, the proposals are considered acceptable.

The applicant has agreed to extend the 1.2m privacy screen along the side return elevation of the terrace. It is recommended that condition 5 is amended to require an amended drawing to show the extended privacy screen as well as require it to be installed before the terrace area is enlarged.

7.3 Transportation/Parking

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

7.4 Economic Considerations

No economic considerations are applicable for a development of this size

7.5 Access

Not applicable

7.6 London Plan

This application raises no strategic issues.

7.7 National Policy/Guidance Considerations

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

7.8 Planning Obligations

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

7.9 Environmental Impact Assessment

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

7.9.1 Other Issues

Not applicable

8. BACKGROUND PAPERS

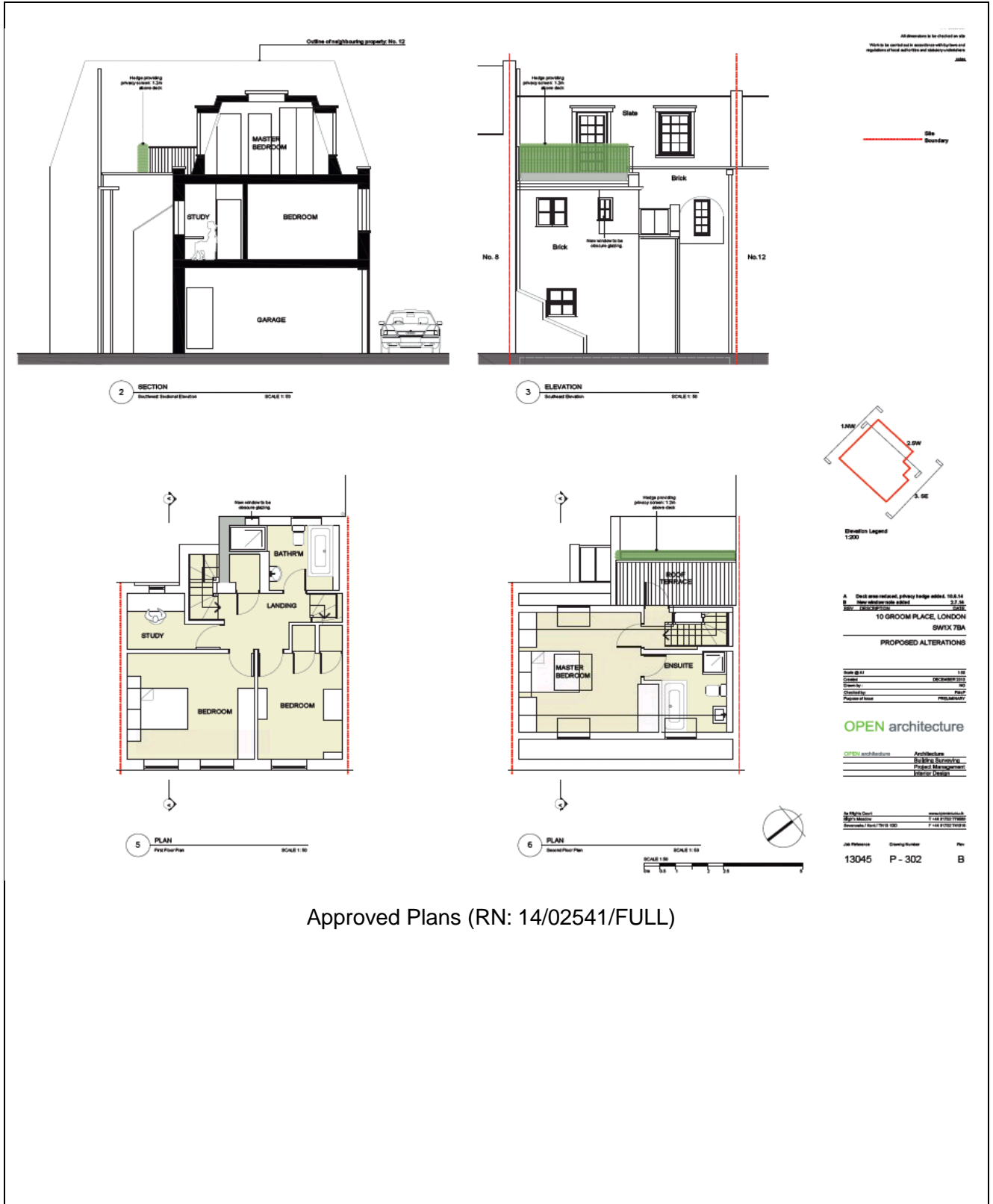
1. Application form.
2. Letter from owner of 14 Chester Street received 19 February 2016.
3. Email from agent dated 02 March 2016.

Selected relevant drawings

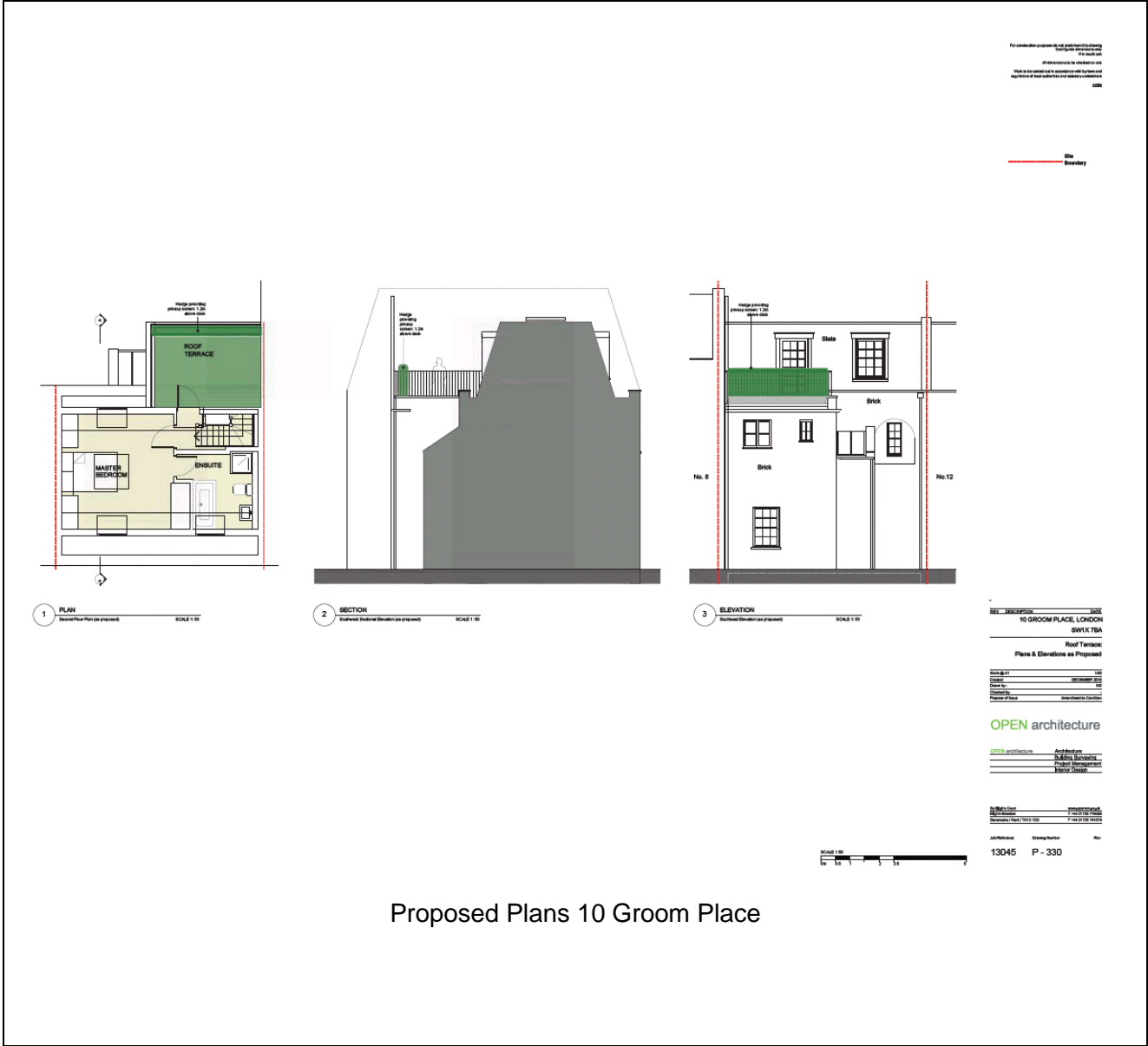
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT DAVID DORWARD 020 7641 2408 OR BY EMAIL AT ddorward@westminster.gov.uk

9. KEY DRAWINGS



Approved Plans (RN: 14/02541/FULL)



Proposed Plans 10 Groom Place

DRAFT DECISION LETTER

Address: 10 Groom Place, London, SW1X 7BA,

Proposal: Variation of Condition 1 of planning permission dated 29 July 2014 (RN: 14/02541) for erection of a single storey extension at first floor level with roof terrace at second floor; namely, enlargement of terrace area.

Reference: 15/12145/FULL

Plan Nos: E-001; Design and Access Statement; E011 amended by P330.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

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

- 3 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 Belgravia 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 new window shall be a timber sliding sash window.

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 Belgravia 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 detailed drawings of the following parts of the development:

i) the terrace privacy screen extended along the side return elevation (plan and elevation at scale 1:50)

You must not start any work until we have approved what you have sent us. You must then install the privacy screen according to these approved drawings before you enlarge and use the terrace area. You must then maintain the privacy screen for as long as the roof terrace is used for sitting out purposes.

Reason:

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

Informative(s):

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

- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

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.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date <p style="text-align: center;">15 March 2016</p>	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	8 Elm Tree Road, London, NW8 9JX,		
Proposal	Demolition of garage, front portico and front steps, part demolition of side extension, extension of two-storey side wing at first floor level, alterations to façade and fenestration on front, rear and both side elevations, alterations to front garden and boundary wall including car park lift, excavation of basement incorporating swimming pool and associated plant underneath garden, front and rear lightwells and air extract in rear garden.		
Agent	Miss Tori Evans		
On behalf of	Mr Hossein Abedinzadeh		
Registered Number	15/04516/FULL	Date amended/ completed	15 October 2015
Date Application Received	21 May 2015		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

1. Grant conditional permission.

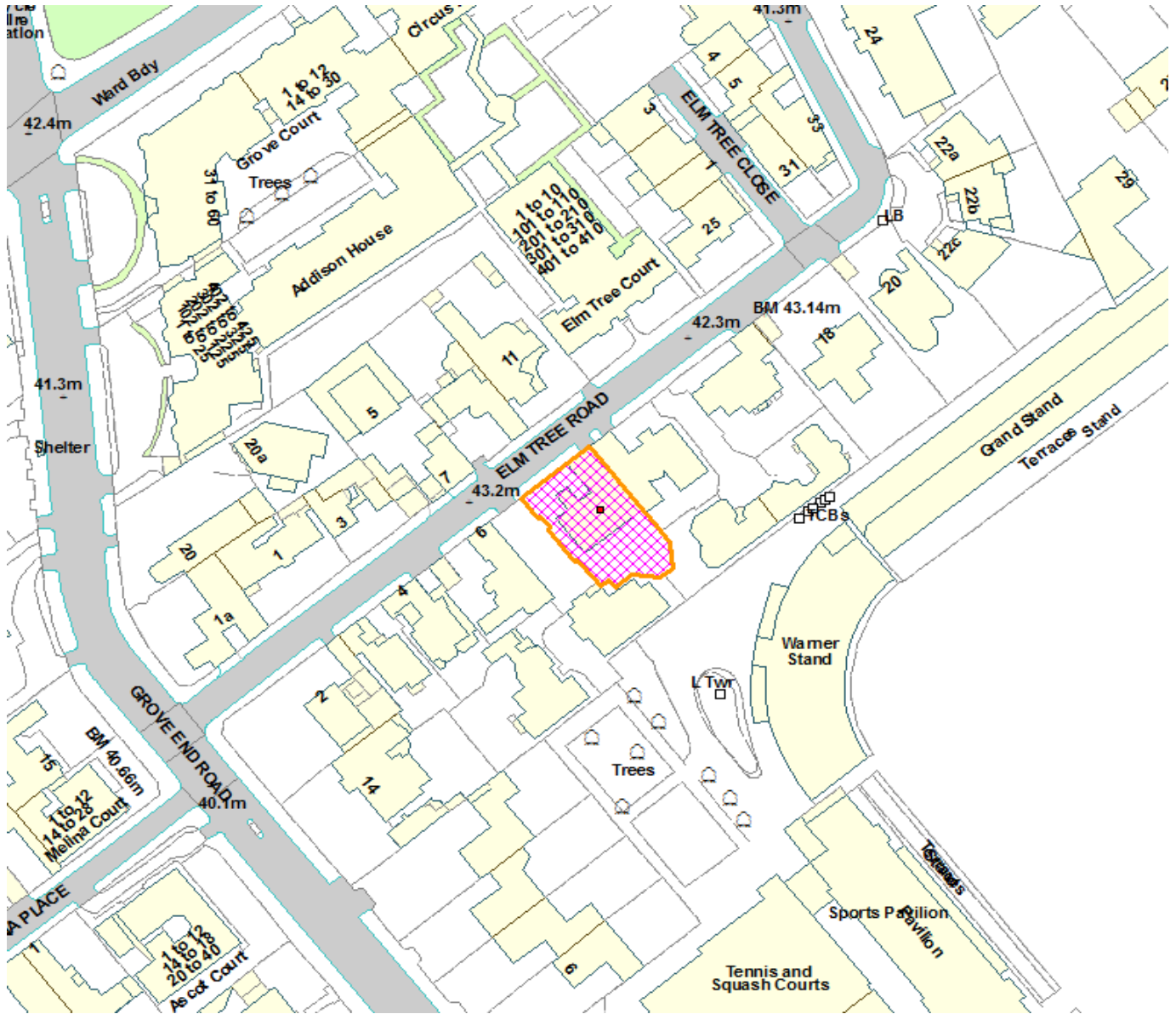
2. SUMMARY

<p>The application site is occupied by an unlisted semi-detached dwellinghouse and is located on the south east side of Elm Tree Road in the St John's Wood Conservation Area.</p> <p>This application seeks planning permission for the demolition of the front/side garage, front portico and front steps, part demolition of the side extension, extension of the two-storey side wing at first floor level, alterations to façade and fenestration on front, rear and both side elevations, alterations to front garden and boundary wall including car park lift, excavation of basement incorporating swimming pool and associated plant underneath garden, front and rear lightwells and air extract in rear garden.</p> <p>Further to negotiation with the applicant the proposals have been amended. These amendments include the omission of the rear dormer, the lowering of the basement to provide a minimum soil depth of 1.2 metres and the omission of the air condensing units from the roof of the side extension. Other minor alterations were made to the design of the scheme.</p>

Several objections have been received from neighbouring occupiers on the grounds of structural issues, impact of construction works, design and townscape issues, the impact on the amenities of neighbouring occupiers, potential flooding and increased carbon emissions.

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 November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

ORIGINAL CONSULTATION

Thames Water Utilities Ltd:
No objections.

Environment Agency (Thames Region):
Any comments to be reported verbally.

Ward Councillors for Regent's Park:
Any comments to be reported verbally.

St John's Wood Society:

Overall the proposals are an improvement on the existing. Request that the Arboricultural Manager is consulted to ensure that no trees of amenity value are felled and that trees are properly protected. Regret the loss of a viable garden because of the excessive basement development which extends under both the front and rear of the garden. The proposal should be in line with the Council's emerging basement policy rather than the basement SPD. 1 metre of topsoil above the basement is inadequate for trees and the proposed basement may extend under more than 50% of the garden space after construction.

Arboricultural Section - Development Planning

Objections were initially raised regarding the failure to address the impact on the trees in the rear garden of no.10, the inappropriate replacement tree and the inadequate soil depth above the basement. These concerns have since been addressed and the Arboricultural Officer has no further objections subject to the imposition of conditions.

Environmental Health

Objections are raised on the basis of insufficient information regarding noise and impact on the nearest noise sensitive receptors.

Building Control - Development Planning

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using piled walls with internal RC retaining walls which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 8

No. of objections: 8

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Objections were raised on the following grounds;

Design

- The scale of the proposed development is colossal, increasing the size of the house by 58%, with the majority from the new basement;
- The area below ground would be larger than the area above ground;
- Over-development of the site;
- Unattractive appearance of car lifts which are not in keeping with surrounding area.

Amenity

- Constant noise associated with 24 hour use of pump for swimming pool;
- Noise associated with car lifts;
- Security and privacy.

Structural Issues

- The foundations of all houses in the area appear to be impacted to some extent by basement works;
- The structural integrity of neighbouring properties has already been affected by works at Lord's Cricket Ground therefore further works are objected to;
- The application contains limited information on how the excavation would affect the structural integrity of neighbouring buildings;
- Vibration and possible ground movement due to deep and large area demolition, excavation and piling.

Construction Works

- Noise and disturbance including vibration and dust/dirt during construction, especially given the scale of development;
- Works on a Saturday is culturally insensitive;
- Negative implications for traffic flow along Elm Tree Road;
- Loss of resident parking during construction period;
- Inadequate information on noise generation;
- Elm Tree Road Has seen numerous large construction projects to the detriment of the quality of life of neighbours.

Flooding

- Negative impact on surface water infiltration, with it being limited at the application site and diverted to neighbouring properties;
- Inadequate information on drainage.

Sustainability

- Increased carbon emissions due to additional requirements for lighting, ventilation and pumps.

Other Issues

- The applicant did not serve the requisite notice on neighbours as required by certificate B;

- Inadequate consultation by the City Council.

CONSULTATION ON REVISED PLANS

Further consultation with neighbours was carried out following receipt of amended plans. These amendments include the omission of the rear dormer, the lowering of the basement to provide a minimum soil depth of 1.2 metres, the omission of the air condensing units from the roof of the side extension and other minor alterations to the design of the scheme.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17
Total No. of replies: 1
No. of objections: 1
No. in support: 0

Concerns were raised in respect of the growing mechanical noise nuisance in the summertime from plant in the basement of properties in Elm Tree Road, which causes sleep disturbance and is detrimental to health.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is occupied by an unlisted semi-detached dwellinghouse and is located on the south east side of Elm Tree Road in the St John's Wood Conservation Area.

6.2 Recent Relevant History

28.05.2015 – Lawful development certificate issued in respect of construction of a 2.58 metre high by 4 meters deep rear extension, constructed from rendered block work with pivot windows. Lowering of the floor level by 50 cm across the rear portion of the main building. Installation of new window and door in the rear elevation (RN: 15/03071/CLOPUD).

01.04.2015 – Lawful development certificate refused in respect of construction of a 2.58 metre high by 4 metres deep rear extension, constructed from rendered block work with pivot windows. Lowering of the floor level by 50 cm across the rear portion of the main building. Installation of new window and door in the rear elevation (RN: 15/00969/CLOPUD).

23.04.1992 – Planning permission granted in respect of garage extension to front of property (RN: 92/00112/FULL).

7. THE PROPOSAL

The proposal comprises the demolition of the garage, front portico and front steps and part demolition of the side extension. It then seeks planning permission for an extension to the two-storey side wing at first floor level, extension of the two-storey side wing at first floor level, alterations to façade and fenestration on front, rear and both side elevations, alterations to front garden and boundary wall including car park lift, excavation of basement incorporating swimming pool and associated plant underneath garden, front and rear lightwells and air extract in rear garden.

The extension to the two-storey side wing at first floor level is adjacent to the boundary with 10 Elm Tree Road and would bring it forward by approximately 1.3 metres and introduce a new façade with three sash windows at ground and first floor levels.

The alterations to the façade and fenestration on the front, side and rear elevations comprise the installation of replacement Georgian multi-pane windows and the relocation of the front entrance from upper ground (first) floor level to lower ground floor level.

The proposed basement would be located under the footprint of the original building, under a large part of the rear garden and under part of the front garden. The majority of the basement would be single storey however, the rearmost part would be double storey to accommodate a swimming pool and associated plant whilst the front of the basement would have two-storeys to accommodate a car lift. There would be three lightwells adjacent to the front elevation (two either side of the front porch and a larger lightwell in front of the two-storey side extension) and one lightwell adjacent to the rear elevation. The lightwells would be surrounded by iron railings and mounted on a plinth.

This car lift would provide parking for four cars. Its roof would be covered with Portland and a further two cars could park on top.

Further to negotiation with the applicant the proposal has been amended. These amendments include the omission of the rear dormer, the lowering of the basement to provide a minimum soil depth of 1.2 metres, the omission of the rendering of the front boundary wall and the omission of the air condensing units from the roof of the side extension. Other minor alterations were made to the design of the scheme.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of providing additional floorspace to enlarge the existing residential dwelling is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan (UDP).

8.2 Townscape and Design

8 Elm Tree Road is an unlisted detached villa within the St John's Wood Conservation Area. The building comprises lower ground floor, a raised ground floor, first floor and a

converted roof space. There are also later modern extensions (two storey and single storey) to the east side of the building and a stucco porch with conservatory above has been added to the front façade, post 1975. The building is referred to in Mireille Galinou's book *Cottages and Villas: The Birth of the Garden Suburb* (2010), notably at pages 109 and 300-301. Galinou suggests that no.8 Elm Tree Road dates from 1821 and is now the oldest house on the Eyre Estate. Indeed Galinou goes on to describe the building as 'despite the addition of a covered porch, the house has retained much of its original appearance'. It seems reasonable to conclude on the basis of the available evidence that the conservation area audit's assessment of this particular building is inaccurate and that it ought to be regarded as an unlisted building of merit.

The current proposal seeks permission to demolish the single storey garage extension, the addition of a basement extension, modifications to the facades and roof of the existing building and an extension of the two storey side wing at first floor level.

The removal of the single storey garage structure is a welcome alteration. This has a harmful impact on the existing building and upon the wider townscape. The proposal would replace this with a driveway into which a car lift would be positioned. There are no design concerns with this element of the proposal (subject to details), which is generally regarded as an enhancement.

The extension to the side wing involves bringing this forward by approximately 1.3m and then introducing a new front façade, comprising three sash windows to each floor (lower ground and upper ground). Given the current circumstances where the side extensions project well beyond the façade of the main house, the overall effect will be for the modified two storey side extension to appear subordinate and more complimentary to the main house and as such is considered acceptable.

The proposed basement extension is large, located beneath the building and extending to beneath part of the front garden and the greater part of the rear garden. Once completed the physical external manifestations of the presence of this basement storey are three lightwells to the front façade, one lightwell to the rear and the roof of the car stacker. The lightwells to the front include two: one to either side of a new entrance porch, these would be against the front façade and would project from it approximately 1.2m, they would be surrounded by iron railings mounted on a plinth. The third lightwell at the front would be positioned against the side extension and would be similarly detailed. Given that the property is set well back from the road and that there is a high boundary wall, it is considered that these lightwells will have minimal visual impact and are in any case appropriately located and detailed, and as such are considered to be acceptable. The rear lightwell has been significantly reduced in size since the application was first submitted and lies adjacent to the rear wall of the house. As amended it is far more discreet and relates better to the façade and the garden and is therefore considered to be acceptable. The roof of the car stacker would be covered with Portland Stone to match the surrounding areas of hardstanding with the default position of the car stacker being closed. Subject to a condition stipulating the default position of the car stacker, it also is considered to be acceptable in design terms. The proposed basement complies with adopted policy at the time it was submitted, which was before the City Council began attributing weight to the new basement policy on 1st November 2015.

The alterations to the front include removing the modern porch, conservatory and entrance staircase. The removal of these elements is broadly welcome, particularly in the case of the high-level conservatory, which detracts from the front façade. The original submission also comprised the transference of the entrance door from the upper ground floor to the lower ground floor, which would have eroded the classical proportions and hierarchy of the façade. However, it is certainly arguable that the removal of the modern elements offsets any harm. It was nevertheless considered that it would be advantageous to maintain an arched opening at ground floor level, instead of replacing the original entrance with a rectangular sash window. The amended plans received which show the modification of the front façade to incorporate the arched window in lieu of the former arched entrance door is considered acceptable.

It was initially proposed to replace the multi-pane sash windows to all facades with 2-over-2 sash windows which lack the elegance and proportions of the existing windows. The subsequent amended plans which retain the Georgian multi-pane windows to the original villa part of the building are welcome and acceptable. The use of the 2-over-2 sashes to the side extension is acceptable as they relate to a later extension.

It was also proposed to retain and render the proposed front boundary wall. While there is some variance in the street, the prevailing boundary treatment is brick and it was considered that the rendered wall would have created an overbearing impact, which the brick wall does not have. The subsequent removal of the proposed render is welcome and acceptable.

The proposals are considered to be acceptable and would comply with the objectives of polices S25 and S28 of the City Plan and policies DES1, DES5 and DES9 of the adopted Unitary Development Plan.

8.3 Residential Amenity

At subterranean level, the proposed basement itself would have no impact on the amenities of neighbouring occupiers in terms of loss of light, loss of outlook or loss of privacy.

The proposed replacement side extension would not project further rearward than the existing side extension and would also be no higher. It would therefore have no impact on the outlook from the rear windows at no.10 Elm Tree Road or the light reaching these windows. It would, however, project further forward than the existing extension but given that this would be below the level of the existing second floor window of the flank wall at no.10 it is acceptable.

The proposed car stacker would be visible from neighbouring properties when fully raised from the ground, but given that its default position would be closed, it is considered that it would not unduly affect the amenities of neighbouring occupiers. As previously stated, a condition is recommended to ensure that the car stacker remains in a closed position and opens only when a car is entering or exiting.

The remaining elements of the scheme raise no other material amenity concerns.

The proposal would therefore comply with the objectives of policy ENV13 in the adopted Unitary Development Plan and policy S29 in the adopted City Plan.

8.4 Transportation/Parking

The loss of the garage does not result in any additional need for on-street parking. There are four car parking spaces within the car stacker at basement level and a further two cars can park on top and this is acceptable in parking terms.

8.5 Economic Considerations

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

8.6 Other UDP/Westminster Policy Considerations

Noise and Plant

The City Council's Environmental Health Officer has raised concerns in respect of the insufficient information regarding noise and impact on the nearest noise sensitive receptors. These concerns relate to both the proposed car lift and the proposed plant. In this instance, given their location away from rooms within the neighbouring properties, it is recommended that additional acoustic reports are sought by pre-commencement conditions. This would ensure that the amenities of neighbouring occupiers are protected in accordance with policies S32 of the adopted City Plan and ENV6 and ENV7 of the adopted Unitary Development Plan.

Trees

Objections were initially raised by the City Council's Arboricultural Officer regarding the failure to address the impact on the trees in the rear garden of no.10, the inappropriate replacement tree and the inadequate soil depth above the basement. These concerns have since been addressed and the arboricultural officer has no further objections subject to the imposition of conditions. The proposal is accordingly in compliance with policy ENV16 of the adopted Unitary Development Plan.

The provision of the 1.2m soil depth would also go some way towards preventing an increased risk of surface water flooding, which has been raised as a concern by neighbouring occupiers.

Sustainability

An objection has been received on the grounds of increased carbon emissions. Given the proposal relates solely to a single family dwellinghouse, it is considered that the associated increase in emissions would not be significant and would not sustain a reason to refuse the application.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

Environmental Impact issues have been covered in section 8.7 above.

8.11 Other Issues

Consultation

Neighbours have stated that consultation by the City Council was inadequate. 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 must further be noted that as a result of the revisions to the proposals, further consultation was carried out with neighbours.

Certificate of Ownership

A neighbour has stated that the requisite notice was not served on neighbouring owners in accordance with the completion of certificate B. This has been queried with the applicant who maintains that the requisite notice was in fact served. It is not within planning control to investigate any further than this. On the basis of the information provided by the applicant, officers are satisfied that the interests of neighbouring landowners have not been prejudiced.

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, including those of two of the neighbouring properties in this instance, 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.

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.

A construction methodology statement has been provided as part of the application and the City Council's Building Control Surveyors have raised no concerns regarding this statement. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report 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. Consultation on the formal policy, 'Draft Basements Policy', is currently underway, and will form part of the local plan (replacing the UDP) once 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. The policy

is therefore not relevant in assessing this application. Requiring that the basement is limited to 50% of the garden area in accordance with the new policy, as suggested by neighbours and the amenity society, would be unreasonable.

Construction impact

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. With specific regard to works on a Saturday, it is noted that the condition attached to the permission will prevent any noisy excavation works on a Saturday.

8.13 Conclusion

Notwithstanding the objections received, the proposed development, subject to appropriate conditions, 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

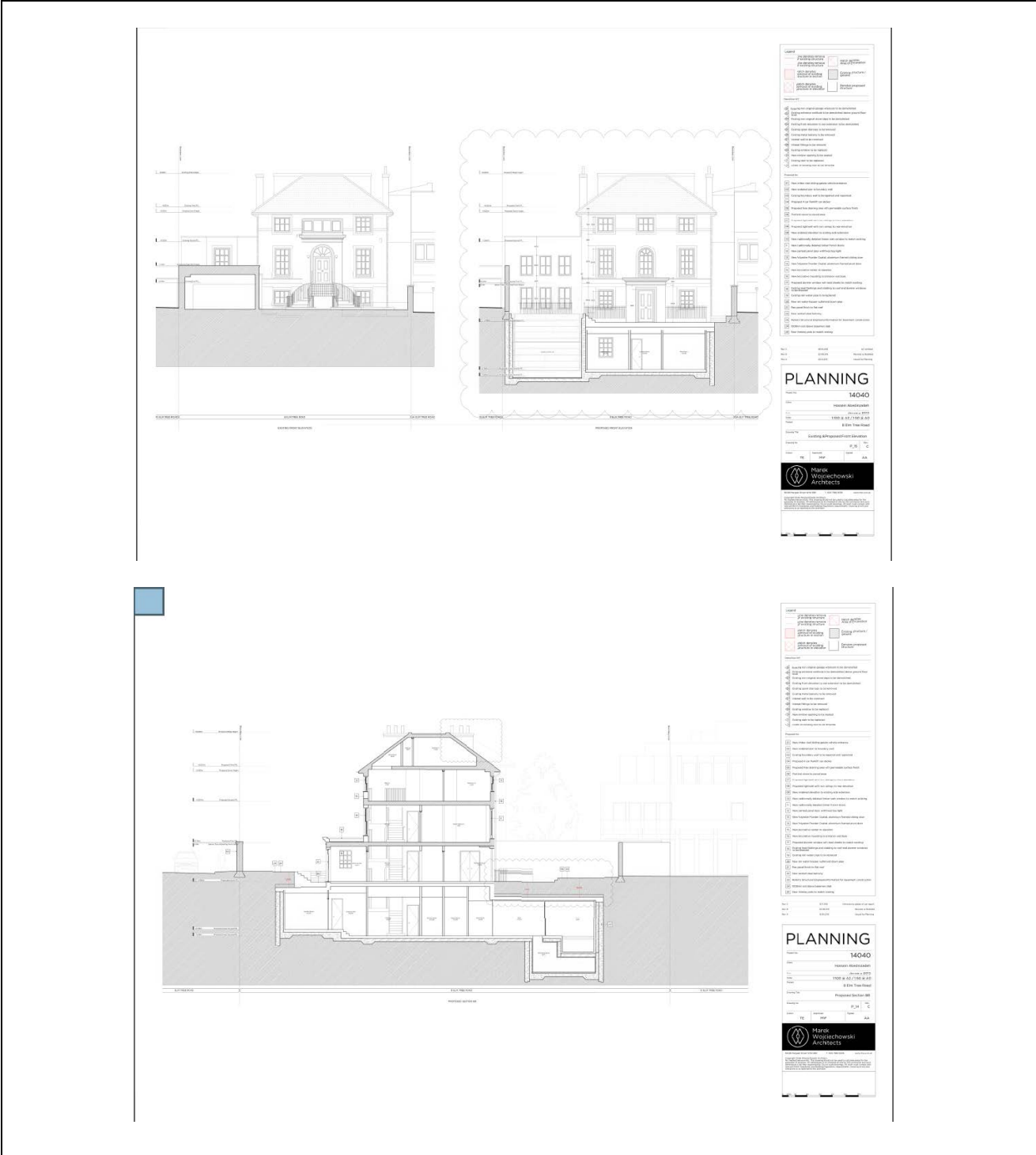
1. Application form
2. Response from The St John's Wood Society, dated 5 June 2015
3. Response from Thames Water, dated 8 June 2015
4. Response from Plant And Equipment, dated 11 June 2015
5. Response from Building Control - Development Planning, dated 17 June 2015
6. Response from Arboricultural Officer, dated 25 June 2015 and 8 February 2016
7. Letter from occupier of 8A Elm Tree Road, London, dated 3 July 2015
8. Letter from occupier of 12 Elm Tree Road, London, dated 17, 23 & 30 October 2015
9. Letter from occupier of 12A Elm Tree Road, St John's Wood, dated 16 & 20 November 2015
10. Letter from occupier of 41 Elm Tree Road, London, dated 17 November 2015
11. Letter from occupier of 18 Elm Tree Road, London, dated 19 November 2015
12. Letter from occupier of 10 Elm Tree Road, London, dated 20 November 2015 and 5 December 2015
13. Letters from occupier of 107 and 109 Elm Tree Court, Elm Tree Road, dated 25 November 2015
14. Letter from occupier of Flat 104, 12A Elm Tree Road NW8 9JX, dated 1 December 2015
15. Letter from occupier of 41 Elm Tree Road, London, dated 22 February 2016

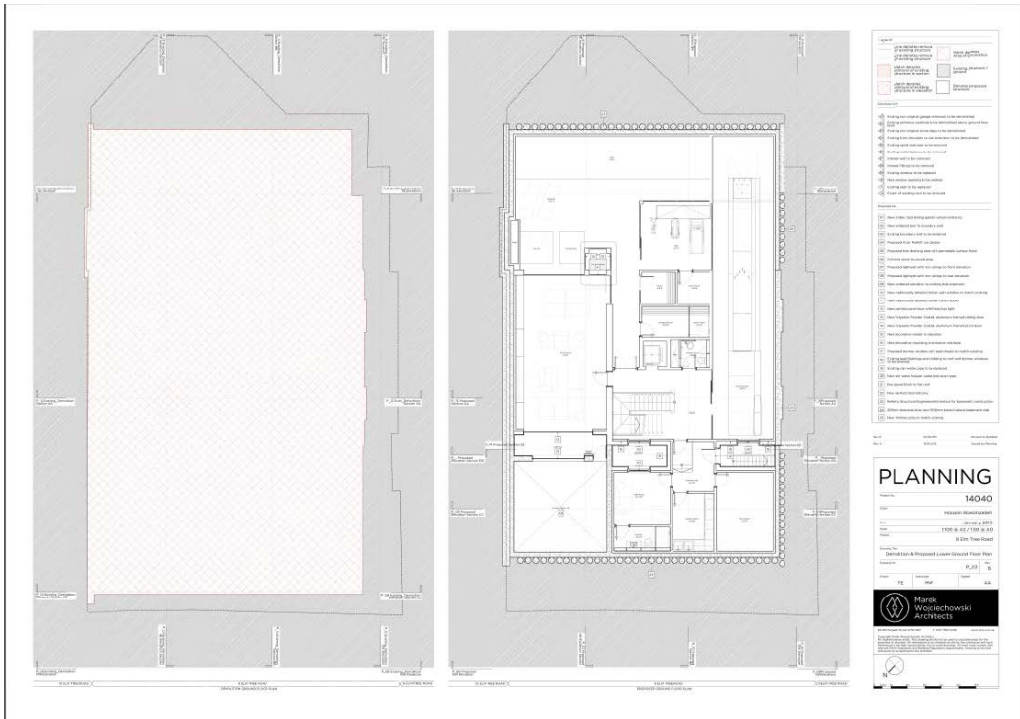
Selected relevant drawings

(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 KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT northplanningteam@westminster.gov.uk
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10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 8 Elm Tree Road, London, NW8 9JX,

Proposal: Demolition of front/side garage, front portico and front steps, part demolition of side extension, extension of two-storey side wing at first floor level, alterations to façade and fenestration on front, rear and both side elevations, alterations to front garden and boundary wall including car park lift, excavation of basement incorporating swimming pool and associated plant underneath garden, front and rear lightwells and air extract in rear garden.

Plan Nos: P_00A, D_07A, D_08A, D_09A, D_11A, D_12A, D_13A, D_14A, P_00A, P_01B, P_02B, P_03B, P_04D, P_05B, P_06B, P_07D, P_08C, P_09C, P_10B, P_11B, P_12D, P_13A, P_14C, P_15C, Design and Access Statement Rev A, Arboricultural Report (15 July 2015), 1011338-SKM-001 (Basement - Third Floor), Performance Specification, Noise Assessment and Woehr Manufacturer Specification.

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 to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are

shown on the drawings we have approved or are required by conditions to this permission.
(C26AA)

Reason:

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

4 You must apply to us for approval of detailed drawings of the following parts of the development:

- i) typical new windows and external doors;
- ii) new railings and entrance gates;
- iii) new entrance portico.

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

Reason:

To 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 Notwithstanding the drawings hereby approved, the piers to the front boundary walls shall be in brick to match the retained treatment to the rest of the boundary wall.

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 (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 5 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 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.

(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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

vibration.

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

Reason:

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 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

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

- 10 You must apply to us for our approval of the ways in which you will protect areas of soil which are to be unexcavated, as recommended in Section 6.2.1.2 of British Standard BS5837:2012. You must not start any work until we have approved what you have sent us. The ground protection must then be carried out according to the approved details.

Reason:

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

- 11 You must apply to us for our approval of the specification of the proposed growing medium which is proposed to cover the basement area, and the method by which you will infill this area. You must not start any work until we have approved what you have sent us. The installation of the

growing medium must then be carried out according to the approved details.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the 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.** 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.

- 13 The car stacker installed must be the 462 Double Parklift as shown on the Wöhr Manufacturer Specification and the roof must be covered with Portland Stone to match the surrounding hard landscaping. It must remain in its closed (down) position at all times other than to allow cars to enter and exit.

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)

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

Reason:

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

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 installation of a dormer window to this property would require planning permission.

- 3 Thames Water have provided the following advice;

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 009 3921 or for more information please visit our website at www.thameswater.co.uk.

We would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203 557 9483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Swimming Pools - Where the proposal includes a swimming pool Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1. The pool to be emptied overnight and in dry periods. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/second into the public sewer network.

Any property involving a swimming pool with a volume exceeding 10 cubic metres of water will need metering. The applicant should contact Thames Water on 0800 316 9800.

- 4 On 22 October 2013 conditional consent was granted for the removal of a large Tree of Heaven at the front of the property, on the basis of its condition (13/07005/TPO). The condition required a replacement tree to be planted within 12 months of the removal of the existing tree. The owner confirmed in writing that the new tree would be a New Horizon Elm (*Ulmus New Horizon*), 18-20cm girth at the time of planting. This tree has not been planted and you are therefore advised that it is now open to the City Council to take enforcement action.
- 5 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.
- 6 In respect of condition 8, you are advised that this acoustic report should address both the car lift and any other plant/machinery.

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	12 Queensborough Mews, London, W2 3SG,		
Proposal	Single storey front extension and use of garage as a habitable room.		
Agent			
On behalf of	Mr HENRY WERTHEIMER		
Registered Number	16/00205/FULL	Date amended/ completed	11 January 2016
Date Application Received	11 January 2016		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

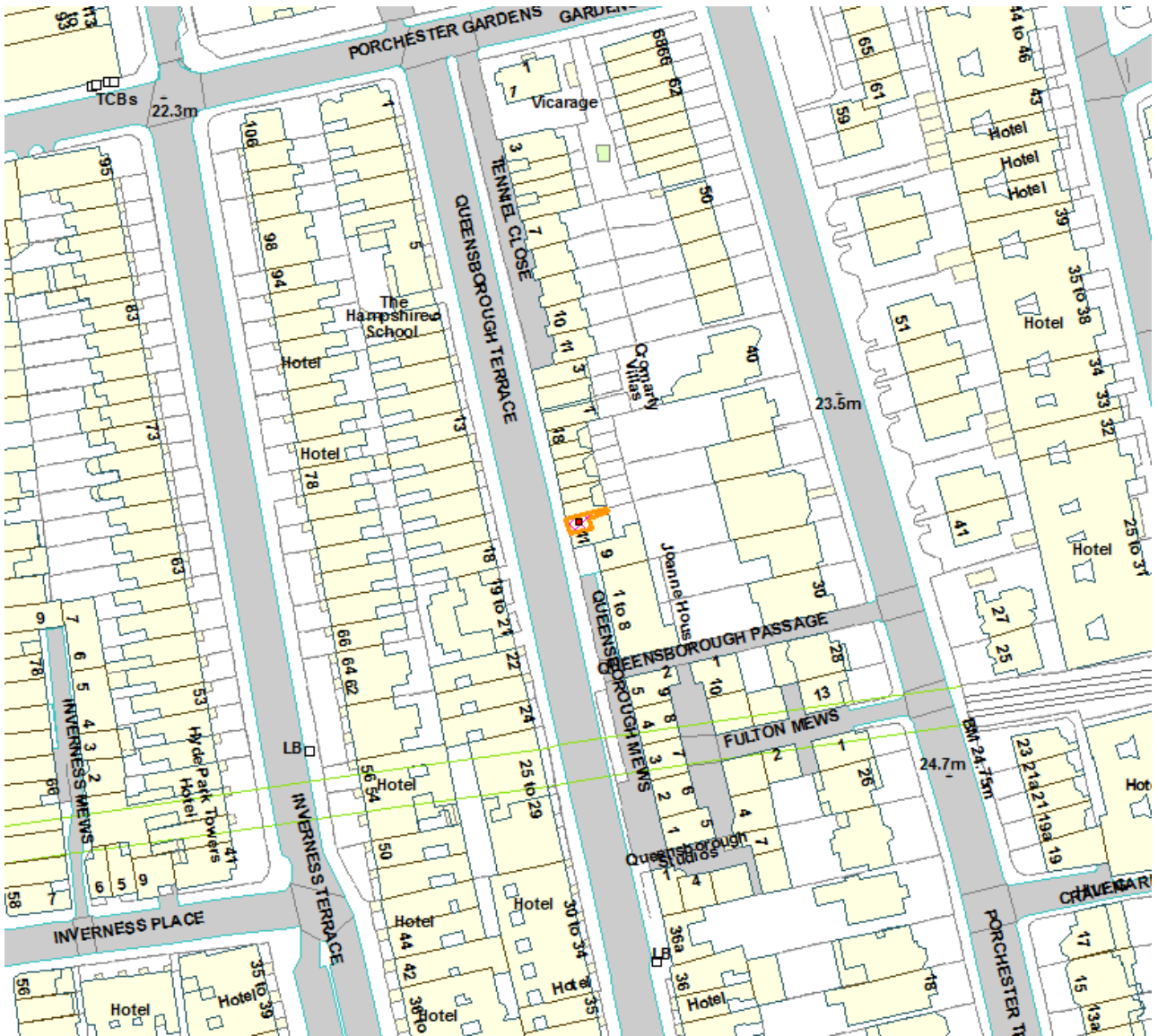
Permission is sought for a front extension to the garage and its change of use into habitable accommodation. Objections have been received regarding the loss of a parking space, the detailed design of the extension and the impact on access into the mews.

The key issues in this case are:

- * The impact of the proposal in Highway terms
- * The impact of the proposal on the appearance of this house and on the character and appearance of this part of the Bayswater Conservation Area.

The proposed development is considered to comply with the Council's policies in relation to design and land use and it is recommended that permission is granted subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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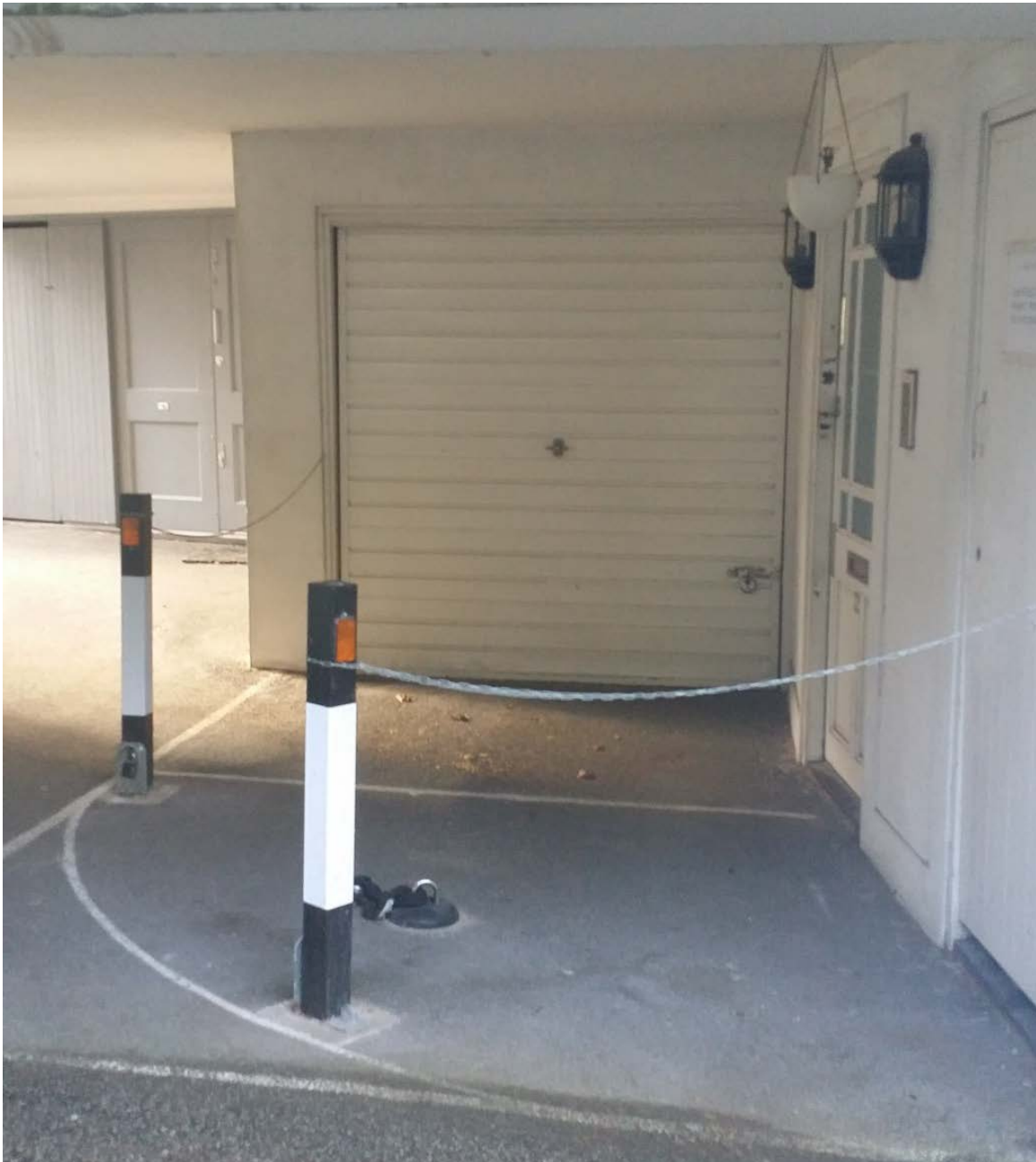
4. PHOTOGRAPHS



On approach to
Queensborough Mews



Rear Elevation



5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

HIGHWAYS PLANNING:

Development Planning: Refuse on transport grounds

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27

Total No. of replies: 4

No. of objections: 2

Objections received on all or some of the following grounds:

Design

*The extension is out of character with the architecture of the mews

Transport/Parking

*Loss of an off-street parking space

Access

*Access into the mews should not be restricted

*Extension will make entering the mews awkward

Consultation

*Neighbours did not receive consultation letters and were informed of the application by neighbours in the immediate setting of the application site

No. of neutral comments: 2

*No objection subject to being able to access the Mews

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

12 Queensborough Mews is an unlisted single family dwelling house located within the Bayswater Conservation Area. The property forms part of 8 no mews houses constructed in the 1960's and is accessed via Queensborough Passage and this section of Queensborough Mews, from nos.11-18, is private land and not maintained by the Highways Authority. The building is a 3 storey property comprising ground, first and second floors with a small roof extension. The ground floor of the property comprises of the garage that is recessed back from the main building line of the floor levels above and a small hallway that protrudes to the main building line of the floors above.

6.2 Recent Relevant History

13/02733/CLOPUD

Extension of existing garage towards Queensborough Mews at ground floor level with associated alterations to doors and paving.

Application Permitted 7 June 2013

TP/101115

Redevelopment of the sites of Shakespeare Garage and No.1 Shakespeare Cottage, Queensborough Mews, Paddington by the erection of eight three-storey houses.

Application Permitted 6 March 1961

7. THE PROPOSAL

Permission is sought for a front extension to the garage and its change of use into habitable accommodation. It is proposed to extend the garage to the front by 1.75 meters in addition to squaring off the canted wall to create a useable hallway. The rear elevation will be formed of full height timber double doors, whilst access to the hallway will be provided through a glazed entrance door in a reconfigured opening. Any new brickwork will be painted white to match the existing.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In June 2013 a certificate of lawful proposed development was issued for the extension of the existing garage. As the area of proposed works is sited within the existing footprint of the building the extension was considered to be an infill extension within the volume of the existing property and therefore would not constitute development as it would essentially be an internal alteration. The extension has not been built and therefore planning permission is sought under this application in association with the change of use of the existing garage space.

The proposals would lead to the floorspace of the dwelling house being increased, which is in accordance with Policy H3 of the UDP 2007 and Section 14 of the City Plan 2013.

8.2 Townscape and Design

One objection has been received on the grounds that the design of the extension is out of character with the architecture of the mews. It is noted that four of the properties in the mews (Nos.4, 14, 15 and 16) have converted their garages into habitable accommodation and there is a variety of fenestration treatment at ground floor level. Where this has been approved by the City Council, details of these cases have been provided within the background papers. Even where garages have been maintained the access doors are not consistent in terms of detailed design. The windows and doors could also be changed through permitted development rights. The double doors on the rear elevation and the doors on the side elevation are considered to be acceptable in design terms and will have

a limited impact on the character and appearance of the Bayswater Conservation Area. The proposals are in accordance with UDP policies DES 1, DES 5 and City Plan policies S25 and S28.

8.3 Residential Amenity

The proposal does not raise amenity issues.

8.4 Transportation/Parking

The November 1961 permission for the 'Redevelopment of the sites of Shakespeare Garage and No.1 Shakespeare Cottage, Queensborough Mews, Paddington by the erection of eight three-storey houses' conditioned (No.2) that the garages and parking spaces shall not be used for any purpose other than those incidental to the enjoyment of a dwelling house. The reason for this was to ensure the permanent retention of the garage for parking purposes, to avoid obstruction of the surrounding streets by waiting vehicles and to safeguard the amenities of adjacent premises. Consequently planning permission is required to change the use of the garage into habitable accommodation.

However, the original condition does not limit the use of the garage to the parking of a car. It limits its use to being 'incidental' to the use of the dwelling. Therefore the loss of the space for the parking of a car could be carried out through permitted development.

The objections received raised concerns regarding the loss of an off-street parking space. The Highways Planning Manager has also objected to the scheme as the development would result in the loss of protected off-street residential parking and add to an already high demand for on-street car parking in the area and this would affect people already living in the area. Consequently this would not meet the parking policy as set out in STRA25 and TRANS23 of the Unitary Development Plan adopted in January 2007. Given that the loss of the car parking space could be carried out utilising permitted development rights and given that others have been granted permission for this change, it is considered unreasonable to refuse the application on these grounds.

8.5 Economic Considerations

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

8.6 Access

The objections received have raised concerns that the extension would restrict safe access and egress of cars into the mews and the parking vehicles whilst 2no respondents do not raise an objection to the application subject to access into the mews not being restricted. Queensborough Mews is a private road that has no public rights of way across it. The Mews provides no throughway for pedestrians or cars. The only public that are likely to pass onto Queensborough Mews are those there to visit or serve the properties therefore the land cannot be considered a highway. No attempt to adopt Queensborough Mews or establish public rights of way is known to have been submitted. The City Council's Highways Team do not believe this to be a highway and therefore the principal

impact of the development on a private right of way is not considered to be a material consideration in this instance.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not relevant.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Memorandum from Highways Planning Manager dated 27 January 2016.
3. Letters from occupier of 18 Queensborough Mews, Bayswater, dated 5 February 2016
4. Letters from occupier of 11 Queensborough Mews, London, dated 7, 10 and 11 February 2016
5. Letter from occupier of 17 Queensborough Mews, London, dated 12 February 2016
6. Letters from occupiers of 12 Queensborough Mews, London, dated 13 February 2016
7. Decision Notice and Committee Report for 1960 permission

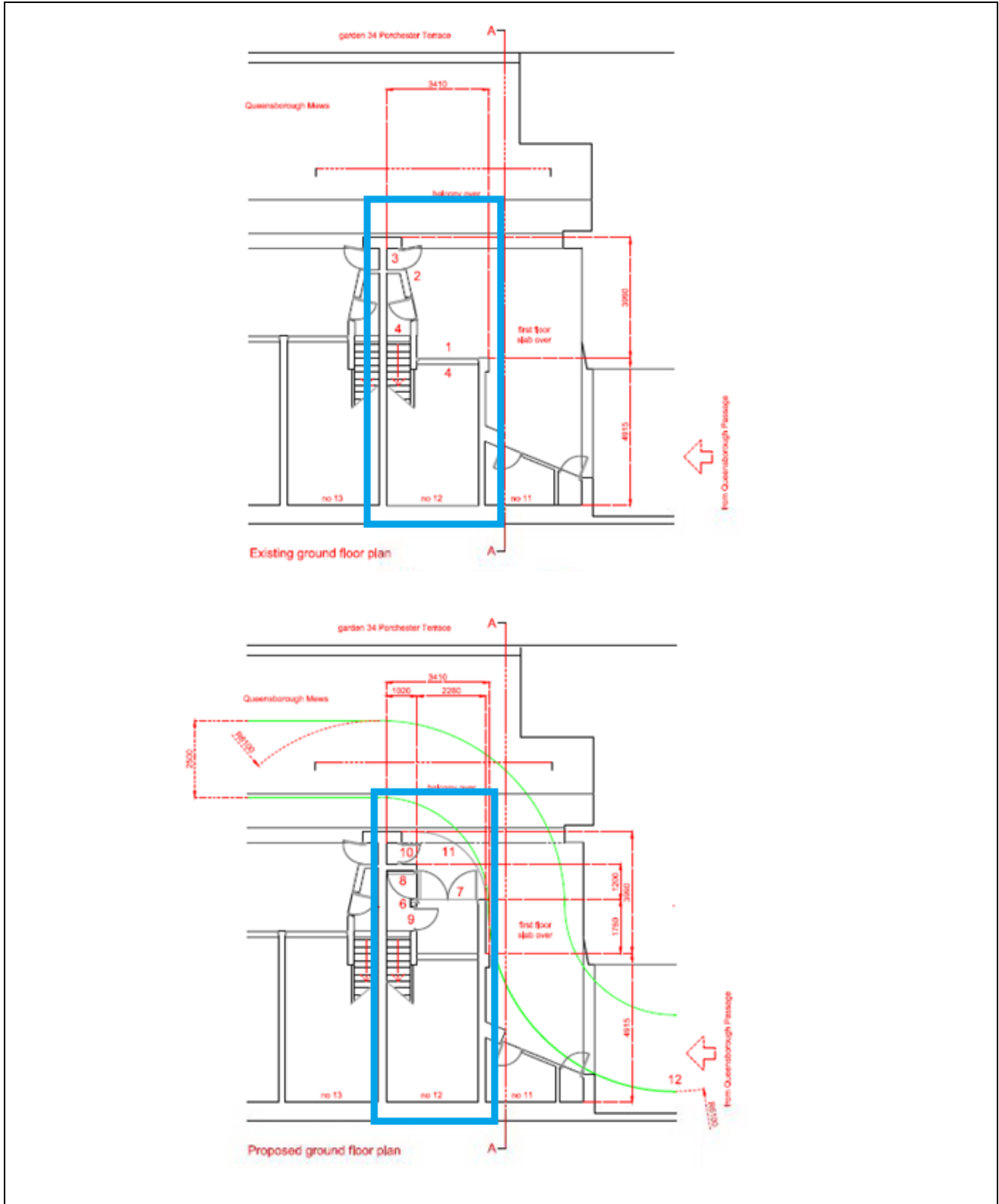
Selected relevant drawings

(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 KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT northplanningteam@westminster.gov.uk

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10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 12 Queensborough Mews, London, W2 3SG,

Proposal: Single storey front extension and use of garage as a habitable room.

Reference: 16/00205/FULL

Plan Nos: 12QM LPA 01; 12QM LPA 02; Floor Plan.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1

and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must 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)

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.

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.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	32-33 Golden Square, London, W1F 9JW		
Proposal	Erection of an open louvered plant room at roof level with associated plant within.		
Agent	Miss Jane Harrison		
On behalf of	Clear Channel		
Registered Number	15/11209/FULL	Date amended/ completed	2 December 2015
Date Application Received	2 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

The application site comprises a seven storey office building located on the corner of Upper John Street and Golden Square. The property is not listed but is located within the Soho Conservation Area. Permission is sought for the erection of plant at roof level to be located within an open louvered plant room.

The proposed plant enclosure is to be located adjacent to an existing slate clad lift motor room on the rear section of the roof. The enclosure would be 0.5m wider than the existing motor room but no higher than the existing structure. Within the new enclosure it is proposed to install two heat pumps, which will be fully enclosed by the louvered walls and would not be visible from any surrounding views.

Ten objections have been received from residents at 6 Upper John Street a residential building situated to the north of the application premises. The objections made on the following grounds;

new plant would add to heat and noise nuisance ;

the enclosure would result in a loss of daylight and sunlight ;

the consultation period for the application coincided with the Christmas period.

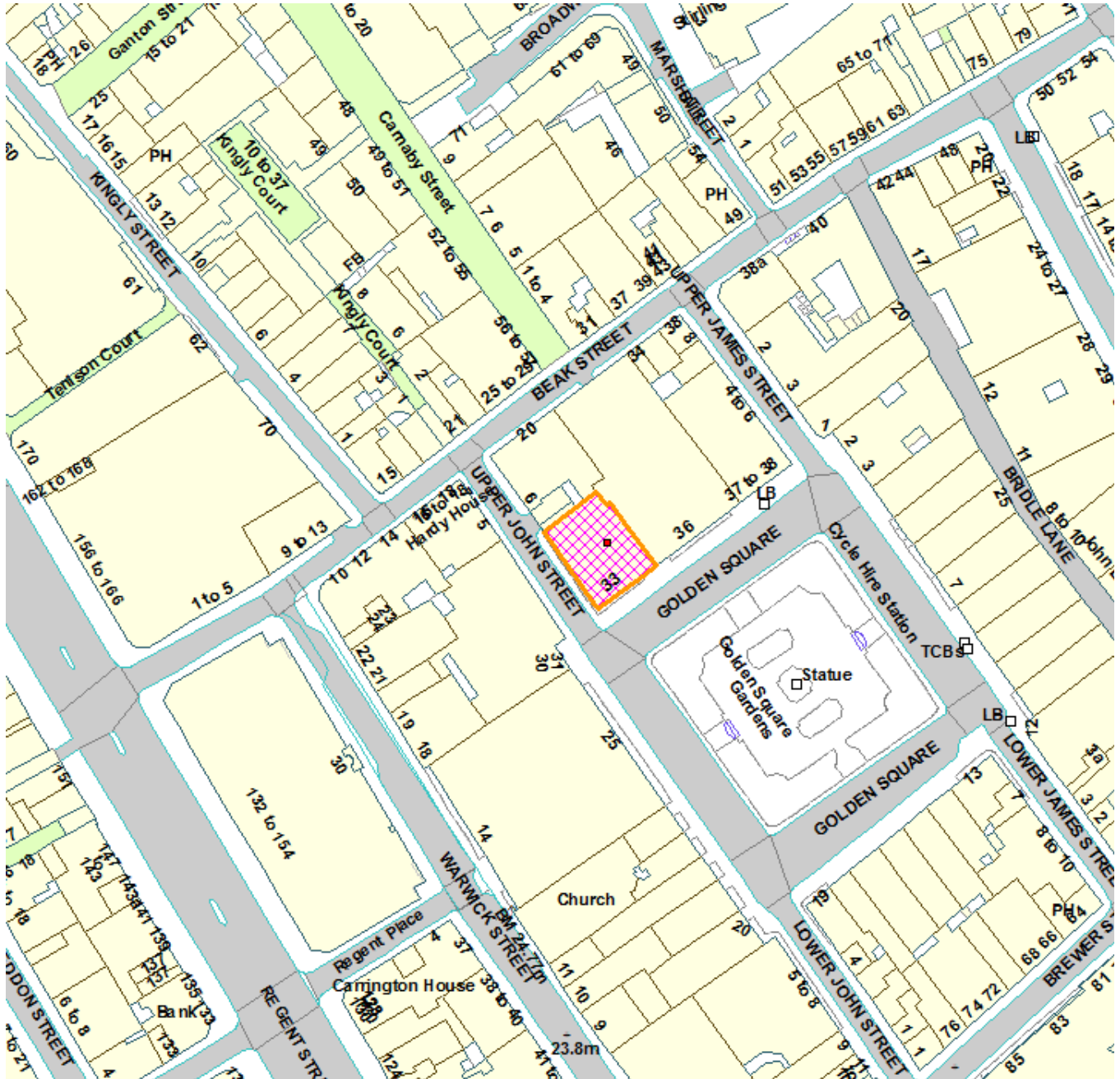
With regards to the operation of the plant an acoustic report was submitted with the application. Environmental Health advise given that the new plant will be over 10m from the nearest residential windows and will located within an enclosure it would comply with the normal noise criteria and neighbouring residents will not suffer from heat being dispersed from the new plant.

The new plant enclosure would result in a very modest increase in bulk which would not have a material impact on the daylight/sunlight to neighbouring properties.

Whilst the consultation period did coincide with Christmas, neighbouring residents have been given until early March to comment on the proposals. It is not considered that any third parties opportunity to comment on the application has been compromised.

The proposed plant and enclosure is considered acceptable in design and amenity terms in accordance with adopted Unitary Development Plan and City Plan Policies.

3.LOCATION PLAN



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3 PHOTOGRAPHS



4 CONSULTATIONS

SOHO SOCIETY:

No objection, but request extended period for neighbours' representations to be submitted.

ENVIRONMENTAL HEALTH:

No objection subject to imposition of relevant conditions.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No consulted: 24

Total No of replies 10

10 Objections on some or all of the following grounds:

Amenity

Existing plant already results in heat discharge, additional plant will result in a loss of amenity to residents from the heat and noise

Loss of daylight and sunlight

Other Issues

The consultation period for the application coincided with the Christmas period

Site/Press Notice: YES

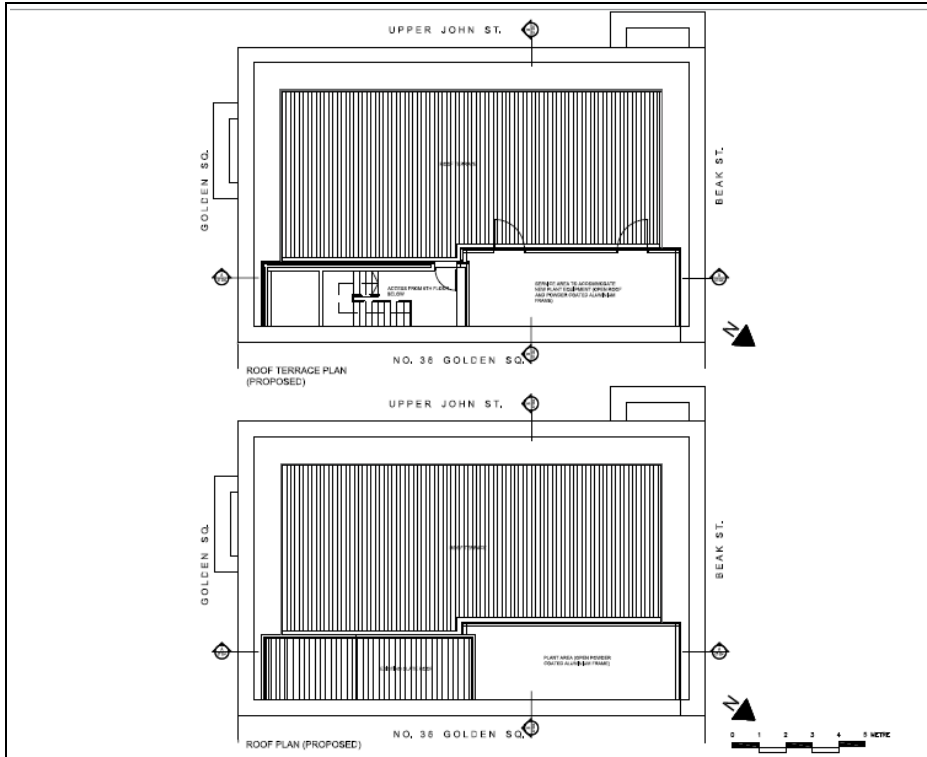
5 BACKGROUND PAPERS

1. Application form
2. Responses from Soho Society, dated 4 January 2016 and 6 January 2016
3. Response from Environmental Health, dated 22 December 2015
4. Letter from occupier of Flat 5, 6 Upper John Street, dated 6 January 2016
5. Letter from occupier of 6 Upper John Street, London, dated 5 January 2016
6. Letter from occupier of Flat 2, 6 Upper John Street, dated 5 January 2016
7. Letter from occupier of Flat 14, 6, Upper John Street, dated 5 January 2016
8. Letter from occupier of Flat 4, 6 Upper John Street, dated 5 January 2016
9. Letter from occupier of Principia Estate and Assset Management, The Studio, dated 6 January 2016
10. Letter from occupier of Flat 9,6 upper john street, London, dated 6 January 2016
11. Letter from occupier of Penthouse Flat, 6 Upper John Street, dated 5 January 2016
12. Letter from occupier of Flat 2, 6 Upper John Street, dated 6 January 2016
13. Letter from occupier of Flat 12, 6 Upper John Street, London, dated 6 January 2016
14. Letter from occupier of Flat 2, 6 Upper John Street, dated 6 January 2016
15. Letter from Cushman Wakefield on behalf of the applicant dated 22 January 2016

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

Item No.
7

6 KEY DRAWINGS



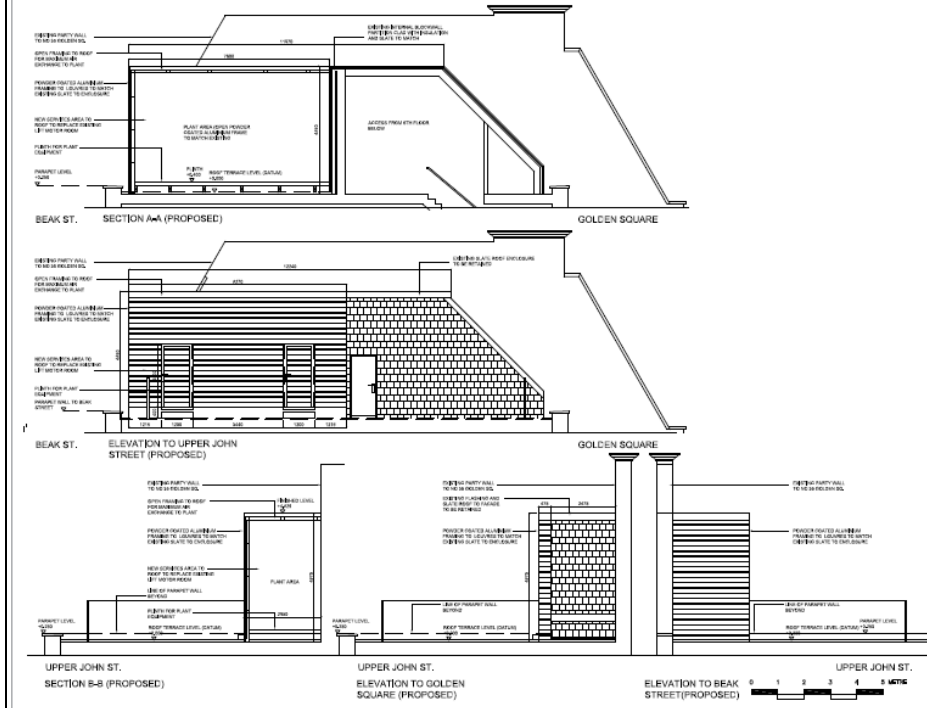
Name	
Title	
Project No.	
Client	
Scale	
Revision	
Drawn	
Checked	
Approved	
Date	

PLANNING

Clear Channel

Site: 15133 GA (15) 07 003
 Phase: 38 GOLDEN SQUARE LONDON
 Client: CLEAR CHANNEL
 Title: PROPOSED ROOF TERRACE PLANS

Drawn	Check By	Rev
12/2014	2014	P1
12/2014	2014	
12/2014	2014	



Name	
Title	
Project No.	
Client	
Scale	
Revision	
Drawn	
Checked	
Approved	
Date	

PLANNING

Clear Channel

Site: 15133 GA (15) 07 004
 Phase: 38 GOLDEN SQUARE LONDON
 Client: CLEAR CHANNEL
 Title: PROPOSED SECTIONS AND ELEVATIONS

Drawn	Check By	Rev
12/2014	2014	P1
12/2014	2014	
12/2014	2014	

DRAFT DECISION LETTER

Address: 32-33 Golden Square, London, W1F 9JW,

Proposal: Erection of an open louvered plant room, and the installation of associated plant within the enclosure at roof level

Reference: 15/11209/FULL

Plan Nos: 15103 GA (10) 07 003/P1; 15103 GA (10) 07 004/P1; Planning Compliance Report AS8560.151112.PCR1.1 and site location plan

Case Officer: Billy Pattison

Direct Tel. No. 020 7641 3267

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 3 (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.

- 4 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.

- 5 You must paint the plant screening to match the slate at roof level and then keep it that colour.

Reason:

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

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

Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Faber House, 77 South Audley Street, London, W1K 1JG,		
Proposal	Alterations in connection with use of part of the roof of the 1 st floor as a terrace in association a flat (Class C3). Erection of screens and balustrades around proposed roof terrace.		
Agent	Savills		
On behalf of	Rodeo Developments Limited		
Registered Number	15/11260/FULL	Date amended/ completed	11 December 2015
Date Application Received	3 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site forms a substantially completed building on South Audley Street that extends onto Deanery Mews. Permission was granted for a redevelopment scheme for a new residential building in 2011. The site lies within the Mayfair conservation area.

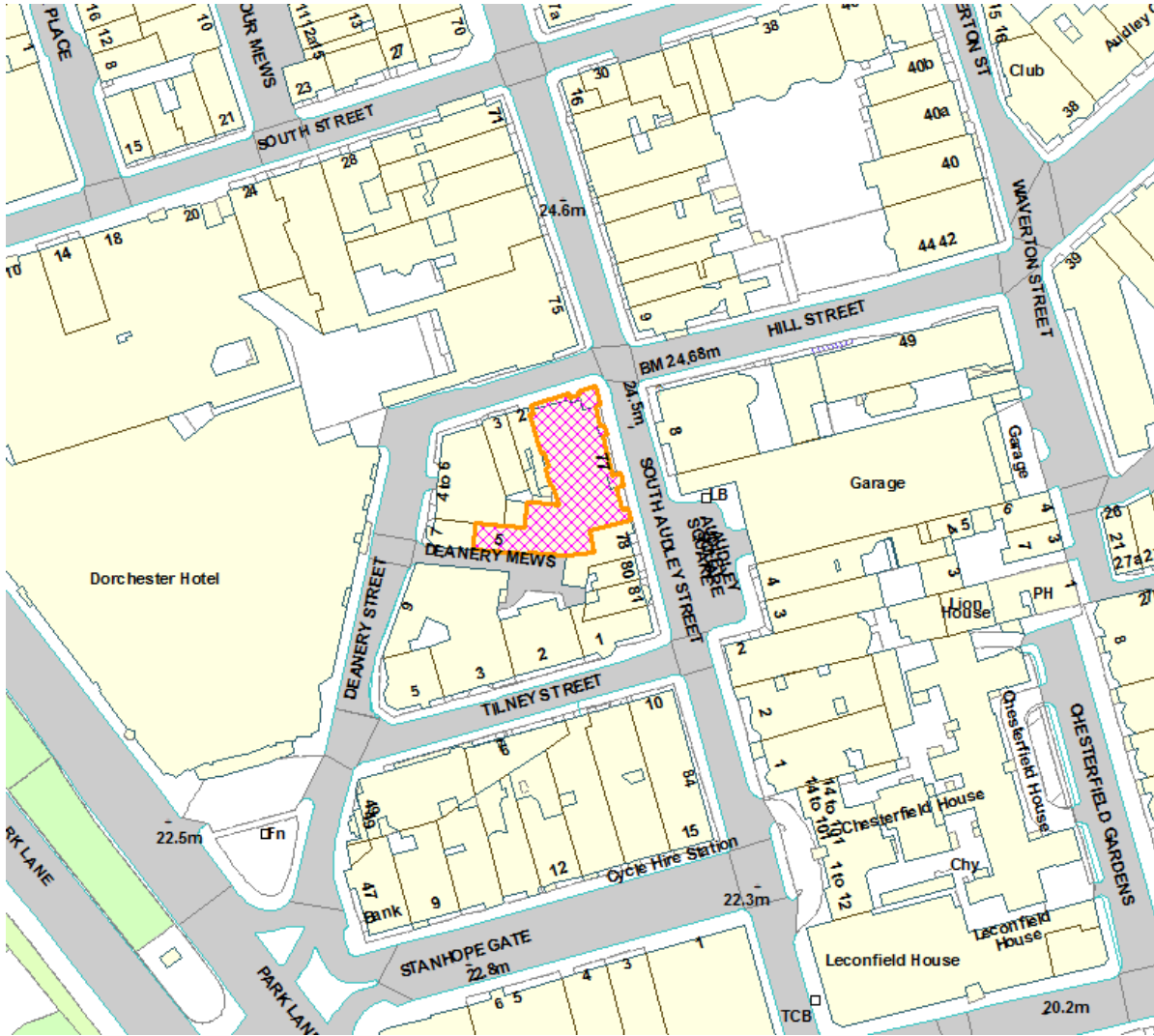
Permission is sought for alterations in connection with use of part of the 1st floor of Deanery Mews as a roof terrace. The roof of the mews building was permitted as a green roof under the 2011 permission. A roof terrace of 32.6sqm is now proposed, the remaining area (58.8sqm) would be retained as a green roof. The roof terrace will be screened with 1.7m high planter screens with climbing plants.

The key issues for consideration are:

- * The impact on residential amenity;
- * The impact on the appearance of the building and character and appearance of the conservation area.

The application is considered acceptable in amenity, and design terms and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

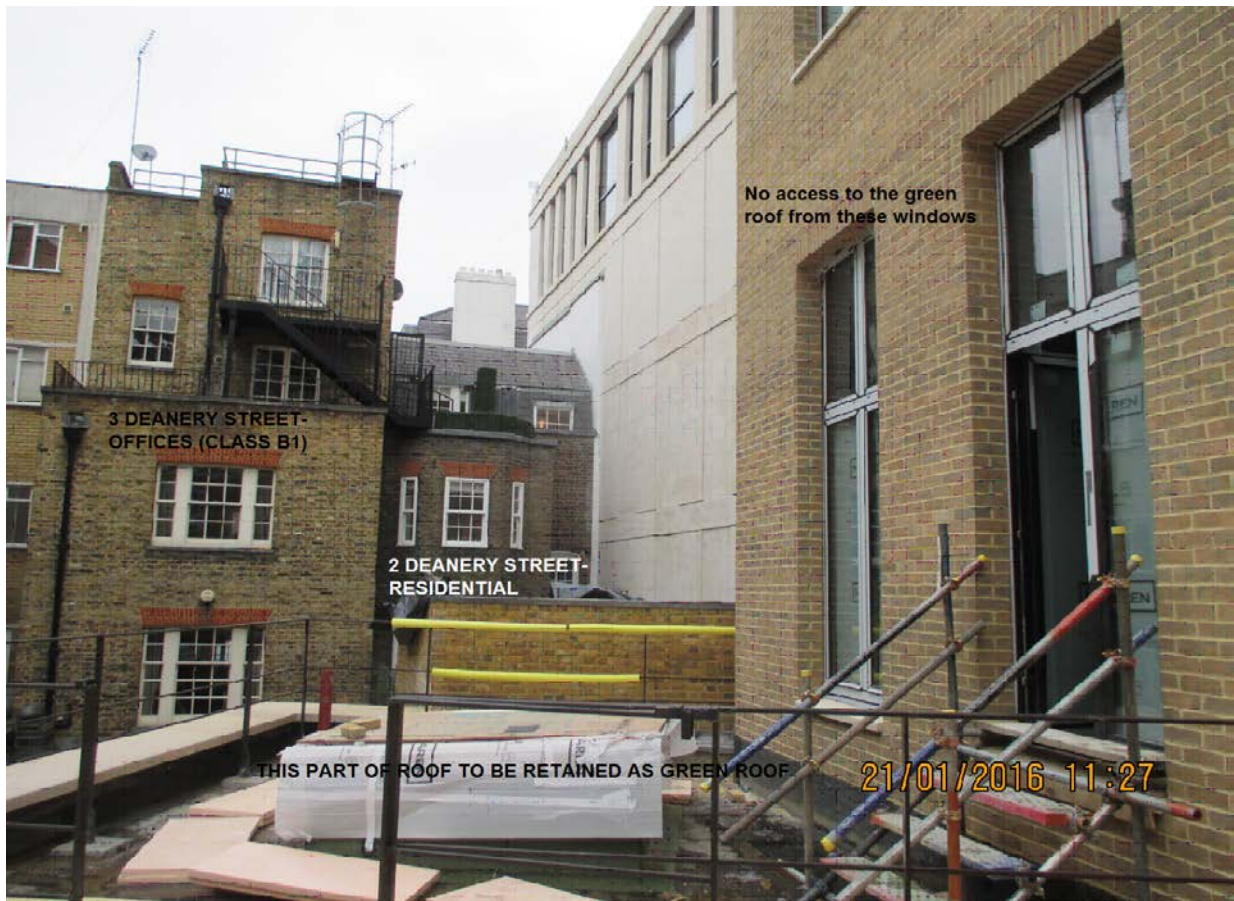
Photograph 1. View toward rear of building when viewed from entrance to Deanery Mews



Photograph 2. View south towards residential properties at 2 Tilney Street



Photograph 3. View north towards green roof (to be retained) and properties on Deanery Street



Photograph 4. View of rear elevation of No's. 7 and 4 and 6 Deanery Street. Flat roof opposite blank elevation denotes area to be retained as green roof



5. CONSULTATIONS

Residents Society of Mayfair & St. James's:
Concerns over terraced in Mayfair-namely overlooking and noise.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No Consulted 34
Total No. of replies: 3
No. of objections: 0
No. in support: 3

Comment that the proposal will enhance views.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application premises is a substantially completed residential building situated on the eastern side of South Audley Street with a frontage onto Deanery Mews. The building comprises three basements, lower ground, ground and part five, part seven upper floors.

This application site lies in the Core Central Activities Zone (CAZ) and Mayfair Conservation Area

6.2 Recent Relevant History

Permission was granted on 23 November 2011 for partial demolition, part redevelopment and part facade retention to provide new residential building comprising seven residential units (1x2 bed, 3x3 bed, 3x4bed) within a building of three basement levels, lower ground and five/seven upper floors; associated roof level plant, green roof and fifth and sixth floor terraces; vehicular access to basement level parking on Deanery Mews (RN 11/00612/FULL).

7. THE PROPOSAL

Permission is sought for the use of part of the 1st floor roof on Deanery Mews as a terrace in connection with a 4 bedroom residential flat. A proportion of the flat roof (58.8sqm) would be retained as a green roof and 32.6sqm used as a terrace. The proposal includes the provision of 1.7m high planter screens with climbing plants around the perimeter of the roof.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Not applicable.

8.2 Townscape and Design

The addition of a planted terrace on the rear wing of this new building will not harm the appearance of the building or this part of the Mayfair conservation area. The proposal accords with UDP policies DES 6 and DES 9.

8.3 Residential Amenity

Privacy

The rear of the site is surrounded by predominately residential buildings which have an outlook onto Deanery Mews where a high level of mutual overlooking exists. No. 78 South Audley Street adjoining the application site to the south and 3 Deanery Street to the north are offices (Class B1).

Terraces are a common feature in central London, given the limited space for garden, but they can also be a source of noise and general disturbance. The Residents Society of Mayfair and St James's have objected to the proposals stating that they give rise to noise and overlooking issues.

The terrace would measure 32.6sqm and would have a depth of 8.3m from the rear elevation of the building. The scheme proposes that the north and southern sides are to be screened with balustrades and trellis up to 1.7m high and climbing plants contained within containers in order to prevent overlooking from the proposed terrace and to also maintain the privacy of the occupiers of the terrace.

Given the site's location and the screening proposed it is considered that the provision of a terrace would not result in direct overlooking to surrounding properties. The remainder of the rear flat roof (58.8sqm) will be used as a green roof as originally permitted. Access to this area will be restricted, only for maintenance purposes. A condition is recommended to this effect.

The proposal is considered to maintain the amenities of neighbouring residents, in terms of overlooking and the objection from the local amenity society is not sustainable in this regard.

8.4 Transportation/Parking

The proposal does not raise any transportation issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the roof terrace would be from the residential unit only. A railing would enclose/separate the terrace from the green roof areas with access to the green roof for maintenance only.

8.7 Other UDP/Westminster Policy Considerations

Noise

The roof terrace is proposed to be used in connection with one residential unit, and as such, given the distances from neighbouring properties, this is unlikely to give rise to any significant noise disturbance. The objection on this ground is not considered sustainable in this regards.

Biodiversity

The proposal to retain the majority of the first floor rear flat roof as a green roof is welcomed as it provides opportunities for biodiversity. An Environmental Performance Statement has been submitted which aims to provide a wildflower meadow on the green roof. A condition is recommended to ensure that this is provided.

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.

9. BACKGROUND PAPERS

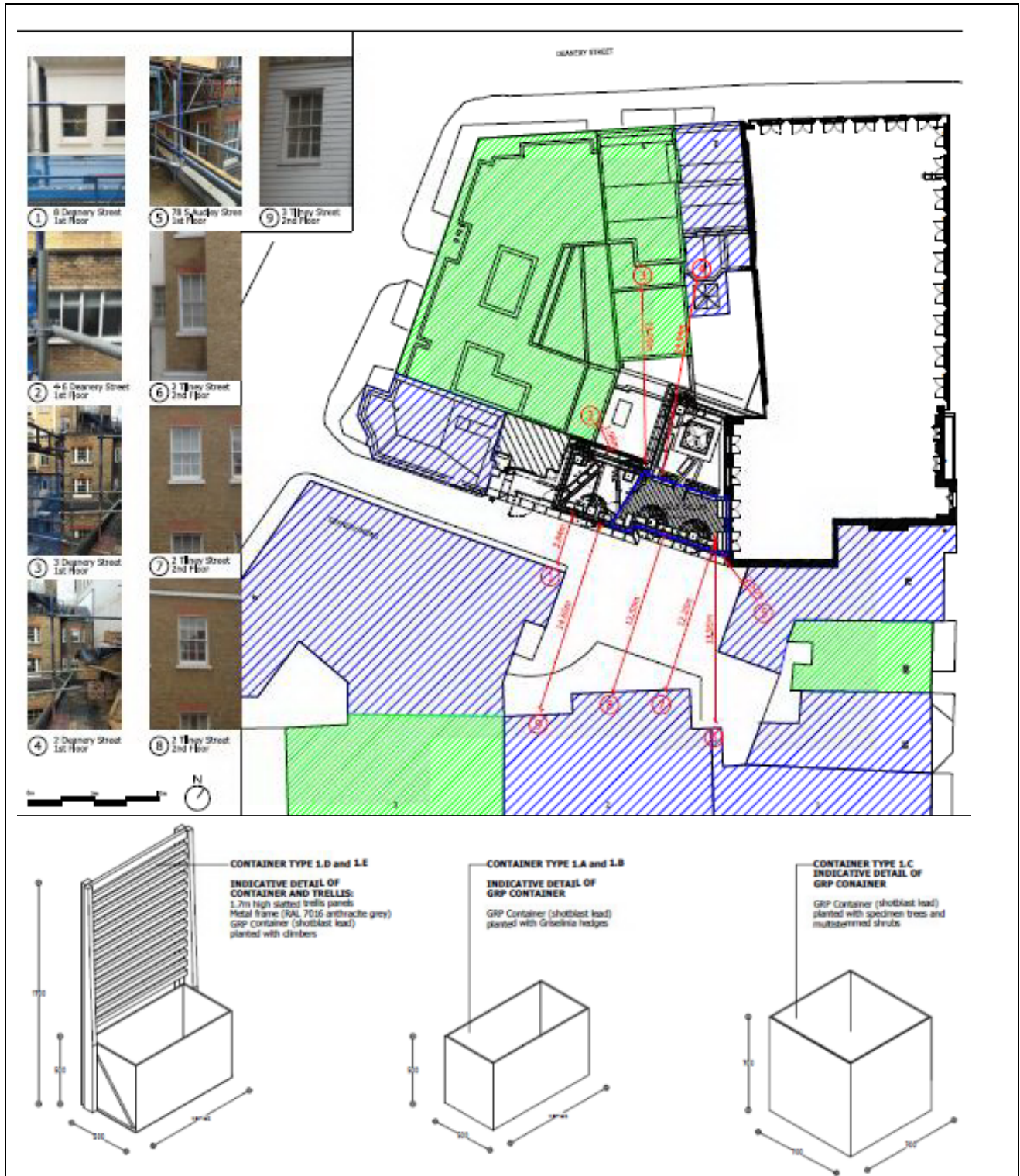
1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 11 January 2016
3. Letter from occupier of Tideway Investment Management Ltd, 6 Deanery, dated 19 February 2016
4. Letter from occupier of JCB, 3 Deanery Street, dated 25 February 2016
5. Letter from occupier of JCB, 3 Deanery Street, dated 25 February 2016

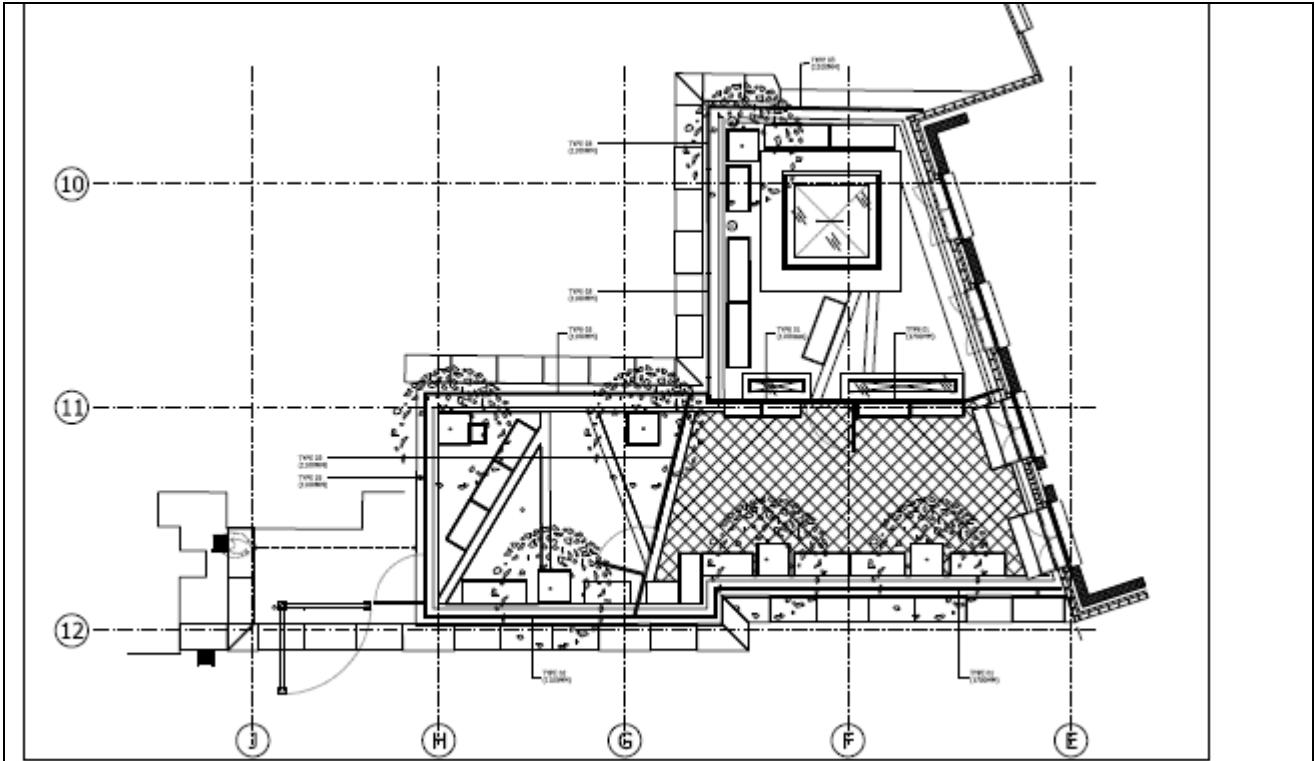
Selected relevant drawings

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

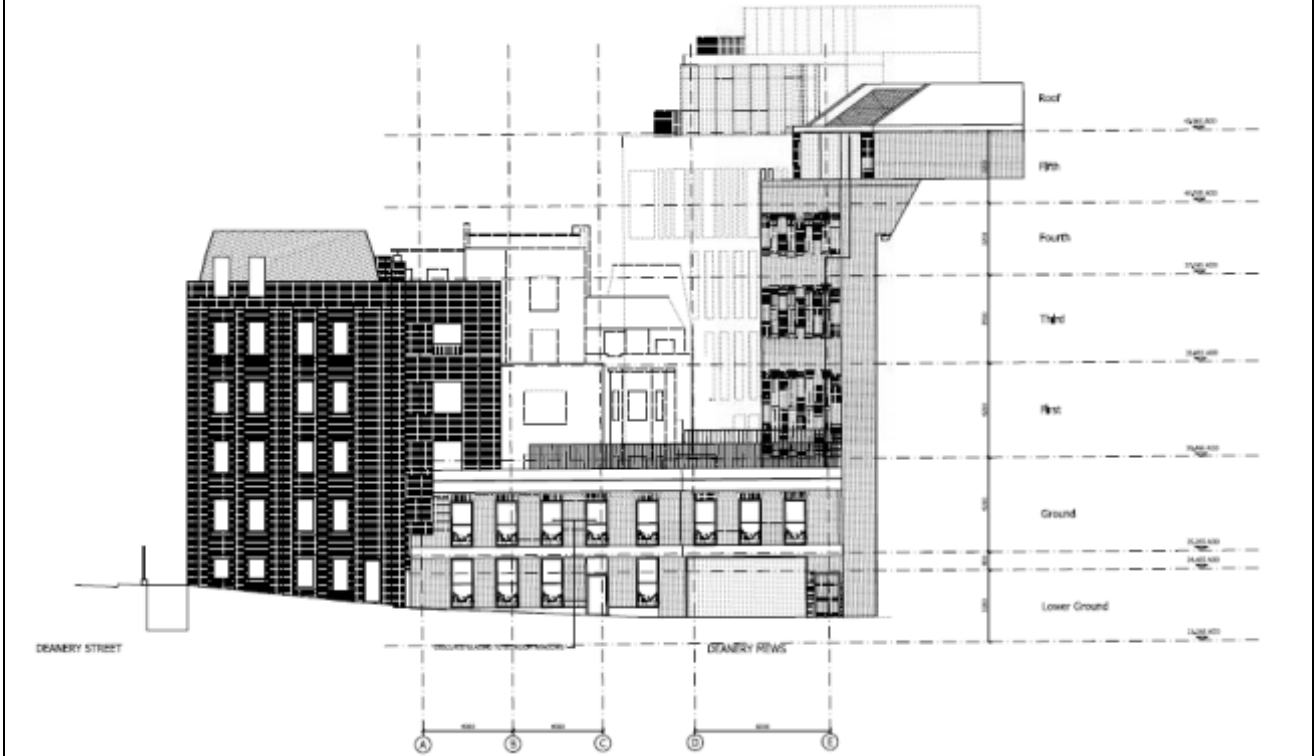
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT LINDSAY JENKINS ON 020 7641 5707 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS





02 ROOF EXTRACT PLAN



Dearney Mews proposed elevation

DRAFT DECISION LETTER

Address: Faber House, 77 South Audley Street, London, W1K 1JG,

Proposal: Erection of a terrace at rear first floor level.

Reference: 15/11260/FULL

Plan Nos: 05064-15-01-P112, 15-02-P112D, D_SK_G240_001A, Environmental Performance Statement 10791, Specification for green roofs dated February 2016.

Case Officer: Lindsay Jenkins **Direct Tel. No.** 020 7641 5707

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 not access the green roofs as shown in drawing No. 15-01_P112. You can however access the green roofs for maintenance purposes only.

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)
- 4 Prior to occupation of Unit 3, you must provide the biodiversity measuring as described in the Environmental performance statement 10791 and the green roof specification dated February 2016 You must not remove any of these features.

Reason:

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

- 5 The screens as shown on the approved drawings shall be installed prior to the use of the terrace area and retained in full and in perpetuity.

Reason:

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

Informatives

- 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.

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

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Agenda Item 9

Item No.

9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	Maida Vale, London, W9		
Proposal	Installation on the footway adjacent to Dundee House, 145 Maida Vale, of a Cycle Hire docking station in an area measuring 48.7m x 1.85m, containing a maximum of 37 docking points and a terminal.		
Agent	Catherine Larmouth		
On behalf of	Mr Duncan Robertson		
Registered Number	15/11073/FULL	Date amended/ completed	30 November 2016
Date Application Received	27 November 2015		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

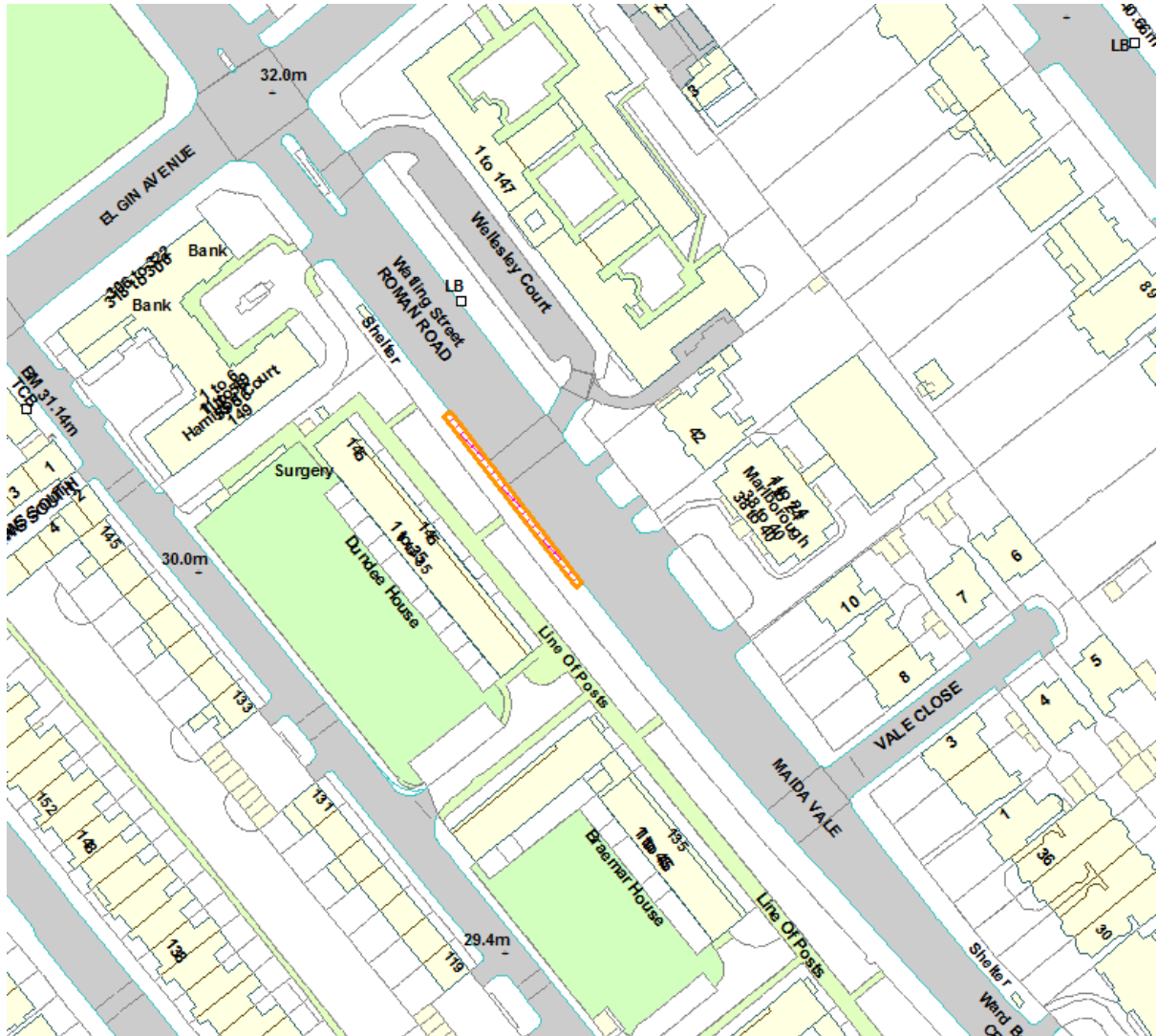
The application has been submitted by Transport for London (TfL) as part of the latest phase of a comprehensive cycle hire scheme within Central London. This report relates to the installation of a docking station on the western footway of Maida Vale outside Dundee House. The cycle hire station will feature 37 docking points for bicycles and a payment terminal, which will also feature way finding maps.

The key issues raised by the proposals are:

- * The impact of the proposals in terms of highway safety and pedestrian flow;
- * The impact on the appearance of this part of the City.

Objections have been received on the grounds that the proposal is not in the best location adjacent to a busy road and busy footway, its impact upon the amenity of neighbours and regarding its visual impact. The application is considered acceptable and accordingly is recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPH

Photo to show location of proposed docking station



5. CONSULTATIONS

Councillor Prendergast

Warmly welcomes a cycle docking station in Maida Vale, however raises an objection on the grounds that the proposal is not in the best location due to being hazardous as Maida Vale is a busy road and the path is busy with pedestrians. The proposal would also blight this pleasant stretch of road.

Paddington Waterways & Maida Vale Society
Any response to be reported verbally.

Highways Planning - Development Planning

No objection. Considers there to be sufficient width of pavement remaining for pedestrians and does not consider entry point to the highway for cyclist overly hazardous.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 227

Total No. of replies: 5

No. of objections: 3 (from 1 person)

No. in support: 2

Objection on the grounds that the proposal will spoil scenic views, look cluttered and untidy, encourages youths to sit on bikes and that the road is too busy. They do however support the initiative, but not in front of Dundee House

Two letters of support from neighbouring properties but some concern about the busy road.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is the western footway of Maida Vale outside Dundee House. The area is not within a Conservation Area.

6.2 Recent Relevant History

On 16 July 2009 permissions were granted for the first batch of cycle docking stations. Subsequently, decisions have been issued for docking stations throughout Westminster. This proposal is the latest phase of the expansion/consolidation of the network.

7. THE PROPOSAL

The proposal is for the installation on the footway adjacent to 1 to 35 Dundee House, 145 Maida Vale, of a Cycle Hire docking station, containing a maximum of 37 docking points for scheme cycles plus a terminal.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The use of the public highway for the provision of additional public transport infrastructure is considered acceptable where it does not impede pedestrian use.

8.2 Townscape and Design

Objections have been received on the grounds that the docking stations result in a cluttered and untidy environment and spoil scenic views. The provision of additional street furniture on the highway network raises design issues, and in all cases it is important to ensure that a cluttered streetscape and a detrimental impact on the townscape is avoided. The proposed docking stations are considered to be sited in an acceptable location in terms of design and townscape. The site is not within a Conservation Area and the site has been chosen so as to avoid areas of sensitive townscape, either located on the carriageway (and thus not dissimilar in impact to a parked vehicle); or on areas of footway, where they would not result in excessive visual clutter. The detailed design of the terminals incorporating wayfinding maps and traffic regulations signage will ensure that the street furniture serves more than one function, thus obviating the need for further items of street furniture and allowing some existing furniture to be removed.

8.3 Residential Amenity

The majority of patrons will be repeat users who will not need to register at the terminal. As such, their interaction with the docking station will be limited to inserting their registration card at the docking point and removing the bicycle. When returning bicycles, the length of stay at the terminal will be even shorter; limited to re-docking the bicycle at the docking point. Releasing and re-docking of the bicycles occur without any discernible noise above that of a noise such as the shutting of a car door. Registering at the terminal is anticipated to be similar to topping up an Oyster card at a London Underground terminal, with no noise impact.

The locking mechanism has been designed following experience from previous schemes around the world in order to make it as easy and secure as possible. This has been achieved by using a locking system whereby the front wheel of the bicycle goes through an arch within the docking point and then is fixed by a 'locking triangle' located above the front fork of the bicycle frame, which engages a locking mechanism within the docking point itself.

A rubber buffer on the docking point ensures that noise is reduced during use. In addition LED lights on the docking station have been used to indicate the status of the transaction with the docking point to the user. These simple features will ensure that the noise is minimised so that the local environment is protected and any disturbance is limited.

It is accepted that docking stations will become a focus of activity, increasing the comings and goings experienced in these locations. As outlined above, however, it is not anticipated that patrons will spend a prolonged period at the docking station and, as such, will not result in any harmful amenity impacts in terms of noise, overlooking or general disturbance. In locations where the docking station replaces car parking facilities it is anticipated that the operation of the docking station will be far quieter than the noise of vehicle engines and closing vehicle doors. In such circumstances, the proposed development will result in an improvement in the current situation in amenity terms.

Light pollution

The TfL 'Cycle Hire' logo is proposed to be located at the top of each face of the terminal, along with the docking station name. This logo will not be illuminated at any time. The screen, wayfinding maps and information will only be illuminated on demand during poor light conditions. This level of illumination is similar to that at bus stops. Given the proposed low level and on-demand illumination, no adverse impact will occur to neighbouring properties in terms of light pollution.

Noise and disturbance during redistribution

The network of docking stations has been designed to maximise the natural redistribution of bicycles between docking stations. There will, however, be a need to redistribute bicycles around the network to ensure that there are always bicycles available to pick up and free docking points to drop off bicycles. The Scheme Operator will be contracted to undertake this task and, although the time taken to undertake such an exercise will not be prolonged, it is accepted that this has the potential to result in a noise impact where docking stations are located close to the windows of residential properties. Where it is considered necessary to make the scheme acceptable in amenity terms, a condition restricting the redistribution of bicycles to between 08.00 and 22.00 is recommended.

8.4 Transportation

Objections have been received to the impact on pedestrians of the proposal and safety concerns to users entering the carriageway on the busy Maida Vale. The proposal leaves a minimum of 3 meters width of clear footway which is above the City Council's 2 metre minimum requirement and is therefore considered sufficient. The entry point onto the highway at Maida Vale is a bus lane and therefore would not involve cycles entering the general stream of traffic. The City Council's Highways Planning Manager has assessed the proposal and considers that they are acceptable in highways and transportation terms.

Road safety is a vital part of the scheme to ensure that accidents are kept to a minimum from users of the cycle scheme. Measures which have been taken to encourage safety include: a cycle safety campaign followed the launch; collaboration with local boroughs to improve safety; a cycle hire code of conduct is displayed on the payment terminal and tips provided on the cycles themselves; road shows have taken place during the launch of the scheme; and volunteer assistance was provided for the first few days of the scheme to help reinforce cycle safety and answer questions.

The applications are considered in accordance with TRANS 1 and TRANS 9 of our Unitary Development Plan. TRANS 1 aims to protect the environment from the effects of transport activities. TRANS 9 aims to make cycling safer and more attractive and to promote cycling as an alternative to the use of the private car. Cycling is a healthy, efficient, sustainable and effective form of transport. These policies recognise that a higher priority must be given to cyclists in order to promote this method of transport. Improved provisions and facilities are essential for this to be achieved.

8.5 Economic Considerations

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

8.6 Access

The views of key access groups, including the Royal National Institute for Blind People, the Guide Dogs for the Blind Association and the Disabled Persons Transport Advisory Committee were taken into account in the initial development of a design of the street furniture. The resulting docking station design is accessible to all anticipated user groups.

8.7 Other UDP/Westminster Policy Considerations

An objection has been received on the grounds of the potential use of the cycles for youths to sit on. Such an argument could be used against many kinds of street furniture and against any docking stations however this is not a sustainable objection which outweighs the benefits of providing this sustainable transportation option.

8.8 London Plan

The cycle hire scheme is recognised as an initiative which supports London's visitor economy in a more sustainable approach (Policy 4.5 of the London Plan). Policy 5.1 (Climate Change Mitigation) seeks a reduction in London's carbon dioxide emissions of 60% by 2025. The scheme is also supported by Policy 6.1 (integrating transport and development), Policy 6.9 (Cycling) and Policy 6.11 (Smoothing Traffic flow and Tackling Congestion). The London Plan seeks to encourage healthy lifestyles in order to reduce health inequalities in London. It outlines that transport should incorporate health benefits. The scheme provides a sustainable mode of public transport which makes a significant contribution to improving London's transport system and reducing traffic congestion. It provides an active form of transport therefore promoting a healthier lifestyle.

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.

9. BACKGROUND PAPERS

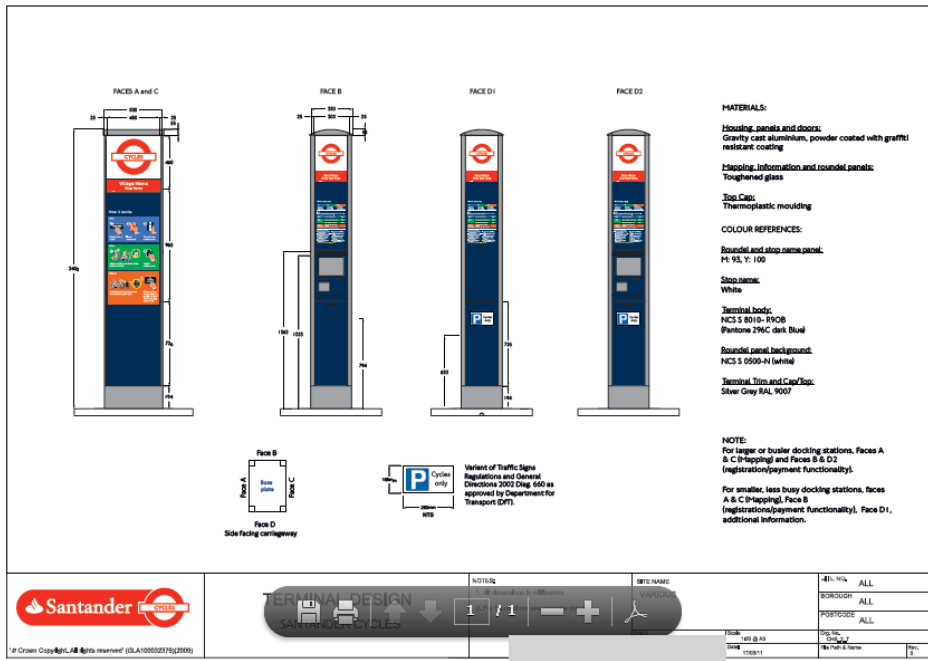
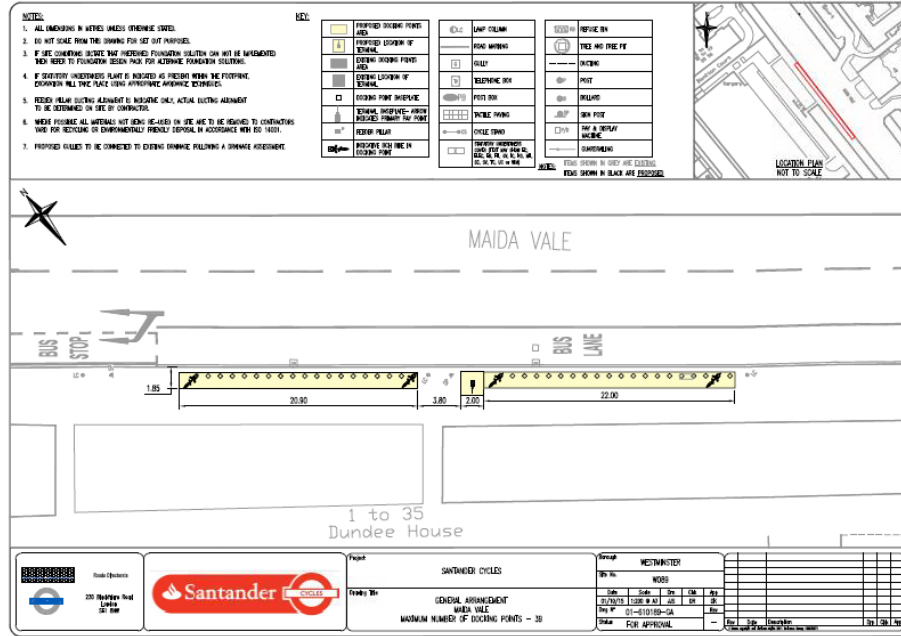
1. Application form
2. E-mail from Councillor Prendergast dated 28th January 2016
3. E-mail from Highways Planning manager dated 2nd February 2016
4. Letter from occupier of 79 Wellesley court, London, dated 12 January 2016
5. Letters from occupier of Flat 35, Dundee House, 145 Maida Vale, dated 14 January 2016, 4 February 2016 and 4 February 2016
6. Letter from occupier of 42 Maida Vale, London, dated 18 January 2016

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 KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Maida Vale, London, W9,

Proposal: Installation on the footway adjacent to Dundee House, 145 Maida Vale, of a Cycle Hire docking station in an area measuring 48.7m x 1.85m, containing a maximum of 37 docking points and a terminal.

Plan Nos: 01-610189LOC; 01-610189; 01-610189-GA, CHS_DP_03Rev3: TDE-FW-T-PL RevA; TDE-FW-01-PLRevA; Planning, Design and Access Statement November 2015.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

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

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

Reason:

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

- 2 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 site 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.

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 management and redistribution of bicycles to the docking station hereby approved shall take place only between 08.00 and 22.00.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

Informative(s):

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

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