



City of Westminster

Committee Agenda

Title:

Planning Applications Committee (2)

Meeting Date:

Tuesday 5th April, 2016

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Peter Freeman (Chairman)
Melvyn Caplan
Paul Church
Ruth Bush



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 any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. 207 SHIRLAND ROAD, W9 | (Pages 3 - 16) |
| 2. ABELL HOUSE AND CLELAND HOUSE, JOHN ISLIP STREET, SW1 | (Pages 17 - 26) |
| 3. 110 VAUXHALL BRIDGE ROAD, SW1 | (Pages 27 - 50) |
| 4. 40 RYDER'S TERRACE, NW8 | (Pages 51 - 86) |
| 5. 12 ELM TREE ROAD, NW8 | (Pages 87 - 106) |
| 6. 19 KILDARE GARDENS, W2 | (Pages 107 - 136) |
| 7. BERKELEY HOUSE, 15 HAY HILL, W1 | (Pages 137 - 156) |
| 8. 5 LANGFORD PLACE, NW8 | (Pages 157 - 168) |

Charlie Parker
Chief Executive
24th March 2016

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Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 5 APRIL 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| ITEM No. | References / Ward | SITE ADDRESS | PROPOSAL | APPLICANT |
|----------|--|--|--|-----------|
| 1 | RN 15/10588/CLUED Harrow Road | 207 SHIRLAND ROAD, W9 (ADDENDUM REPORT) | Use of the ground and basement floors as a retail unit (Class A1). | |
| | Recommendation Issue Certificate | | | |
| 2 | RN 15/07430/FULL Vincent Square | CLELAND HOUSE, JOHN ISLIP STREET, SW1 | Single storey extension at 11 th floor level to duplex unit in Cleland House with roof terrace over at 12 th floor level. | |
| | Recommendation Grant conditional permission | | | |
| 3 | RN 15/09678/FULL Vincent Square | 110 VAUXHALL BRIDGE ROAD, SW1 | Retention of the existing public house at part basement and part ground floor levels. Use of first and second floors and new roof extension to provide 8 flats (6x1 bed, 2x3 bed) with associated rear extensions at first and second floor levels, and external alterations including new windows to rear elevation, creation of an entrance door at ground floor level and installation of wall lighting and entry system. | |
| | Recommendation Grant conditional permission | | | |
| 4 | RN 15/11201/FULL Abbey Road | 40 RYDER'S TERRACE, NW8 | Demolition of existing building and erection of a single dwellinghouse (Class C3) comprising sub-basement, basement, ground and one upper floor. Associated works including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances. | |
| | Recommendation Grant conditional permission | | | |
| 5 | RN 15/08361/FULL Regent's Park | 12 ELM TREE ROAD, NW8 | Excavation of basement with a rear lightwell, to provide a swimming pool. Installation of associated plant. | |
| | Recommendation Grant conditional permission | | | |

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 5 APRIL 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| ITEM No. | References / Ward | SITE ADDRESS | PROPOSAL | APPLICANT |
|----------|--|------------------------------------|--|-----------|
| 6 | RN 15/11065/FULL RN 15/11086/FULL Bayswater | 19 KILDARE GARDENS, W2 | 15/11065/FULL - (Application 1) Erection of single storey extension to rear closet wing at second floor mezzanine level to enlarge existing dwellinghouse. 15/11086/FULL – (Application 2) Construction of basement under part of existing building and part of rear garden with rear lightwell and erection of rear extension at ground floor level and alterations to fenestration in rear elevation. | |
| | Recommendation Application 1 – Grant conditional permission Application 2 – Grant conditional permission | | | |
| 7 | RN 15/10518/FULL West End | BERKELEY HOUSE, 15 HAY HILL, W1 | Erection of a single storey roof extension to create two residential units (Class C3). | |
| | Recommendation Grant conditional permission | | | |
| 8 | RN 15/05487/HH Abbey Road | 5 LANGFORD PLACE, NW8 | Complaint about a high hedge made under Part 8 of the Anti-Social Behaviour Act 2003. | |
| | Recommendation That the complaint is not upheld. | | | |

Agenda Item 1

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| Item No. |
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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 5 April 2016 | Classification For General Release | |
| Addendum 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

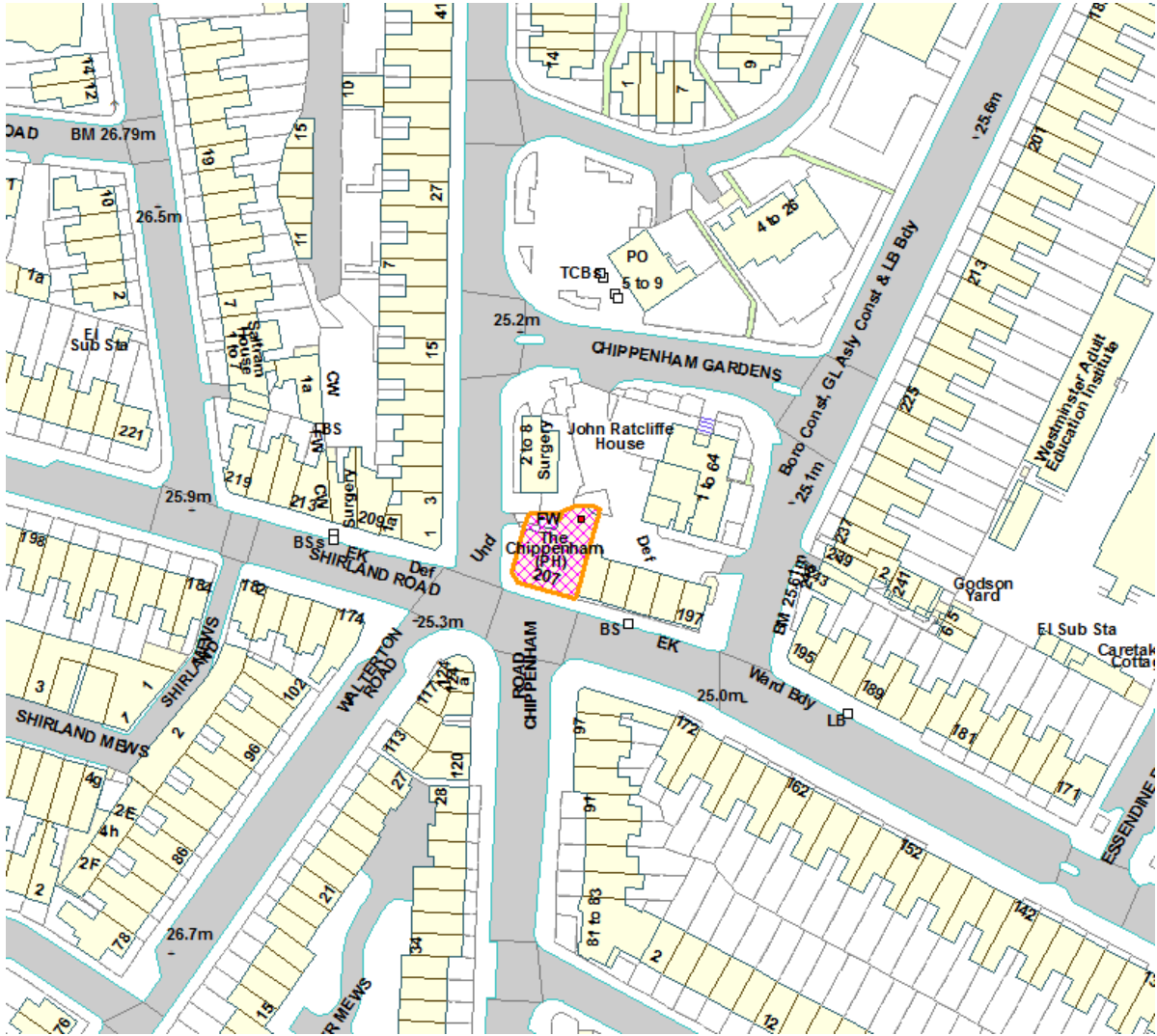
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| Issue Certificate. |
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2. SUMMARY

This application was presented to the Planning Applications Committee on 15 March 2016 (a copy of the committee report and representations are appended to this report) where it was resolved to defer the application in order for members of the committee to review the application supporting documents. Members have been provided copies of all the application documents.. The application documents include the evidence that the applicant has put forward to demonstrate that the ground and basement floors of The Chippenham Public House were in use as a retail shop prior to 6 April 2015, when a legislative change was introduced. Where previously a change of use from a public house to a retail use was considered to be permitted development, since 6 April 2015, this now requires prior approval.

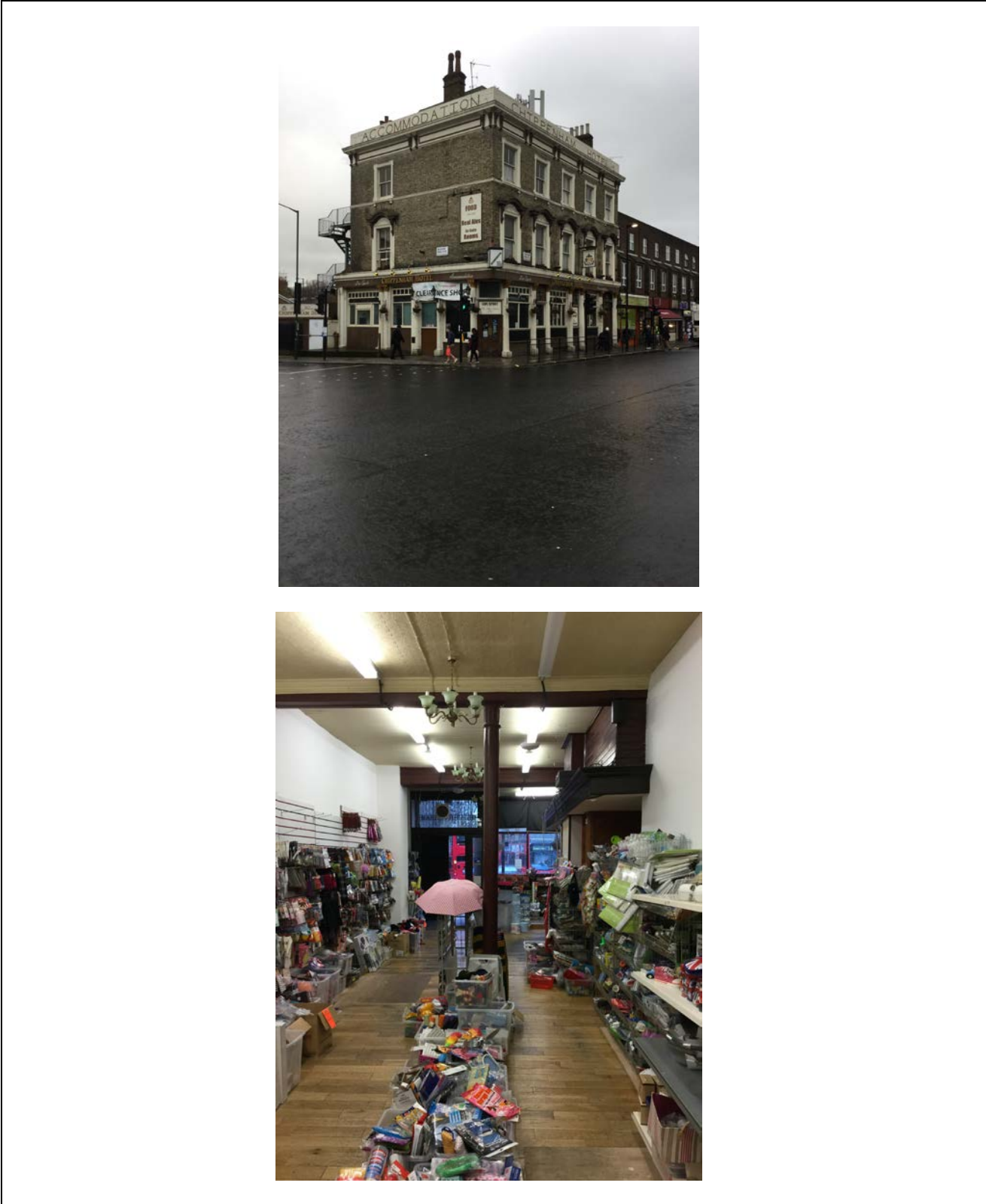
It is considered that the evidence put forward as part of the application, demonstrates that on the balance of probability, the use of the ground and basement floors is as a retail shop falling within Class A1 and that this use commenced in January 2015.

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 CROCKETT

Objection on the loss of the pub.

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. Original committee report from 15 March 2016.
3. Email from Councillor Bush dated 21 January 2016.
4. Email from Councillor McKie dated 21 January 2016 and 2 February 2016.
5. Letters (x2) from Councillor Roca dated 7 January 2016 and 19 January 2016.
6. Letter from Councillor Crockett dated 1 February 2016.
7. Letter from London Borough of Brent dated 24 December 2016.
8. Letter from occupier of 168, Shirland Road, dated 4 January 2016.
9. Letter from occupier of 31 Malvern Mews, London, dated 4 January 2016.
10. Letters from occupiers of 30 Shirland Mews, London, dated 4 January 2016.
11. Letter from occupier of 44 Ashworth Mansions, London, dated 4 January 2016.
12. Letter from occupier of 46 Saltram Crescent, London, dated 5 January 2016.
13. Letter from occupier of 56 Marylands Road, London, dated 6 January 2016.
14. Letter from occupier of 35 Hornead Road, Maida Hill, dated 6 January 2016.
15. Letter from occupier of 8A Grittleton Road, London, dated 7 January 2016.
16. Letter from occupier of 115 Malvern Road, London, dated 9 January 2016.
17. Email from 'Optimise' dated 3 February 2016.
18. Email from Central Manager Parks dated 3 February 2016.
19. Email from WCD Road Management dated 3 February 2016.

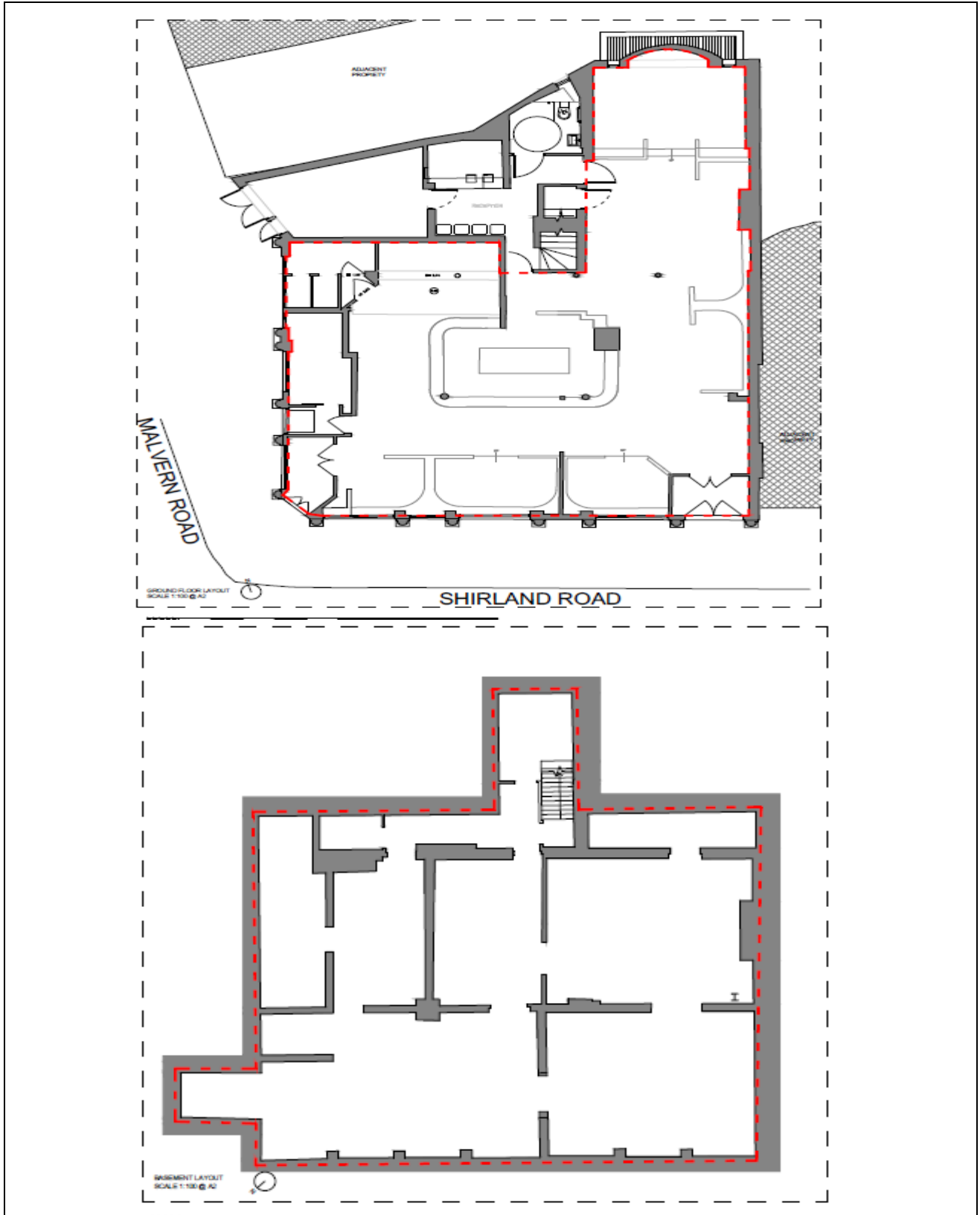
Selected relevant drawings

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.

APPENDIX

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| Item No. |
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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 15 March 2016 <u>9 February 2016</u> | 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

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| Issue Certificate. |
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2. SUMMARY

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| <p>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.</p> <p>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.</p> <p>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</p> |
|--|

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'.

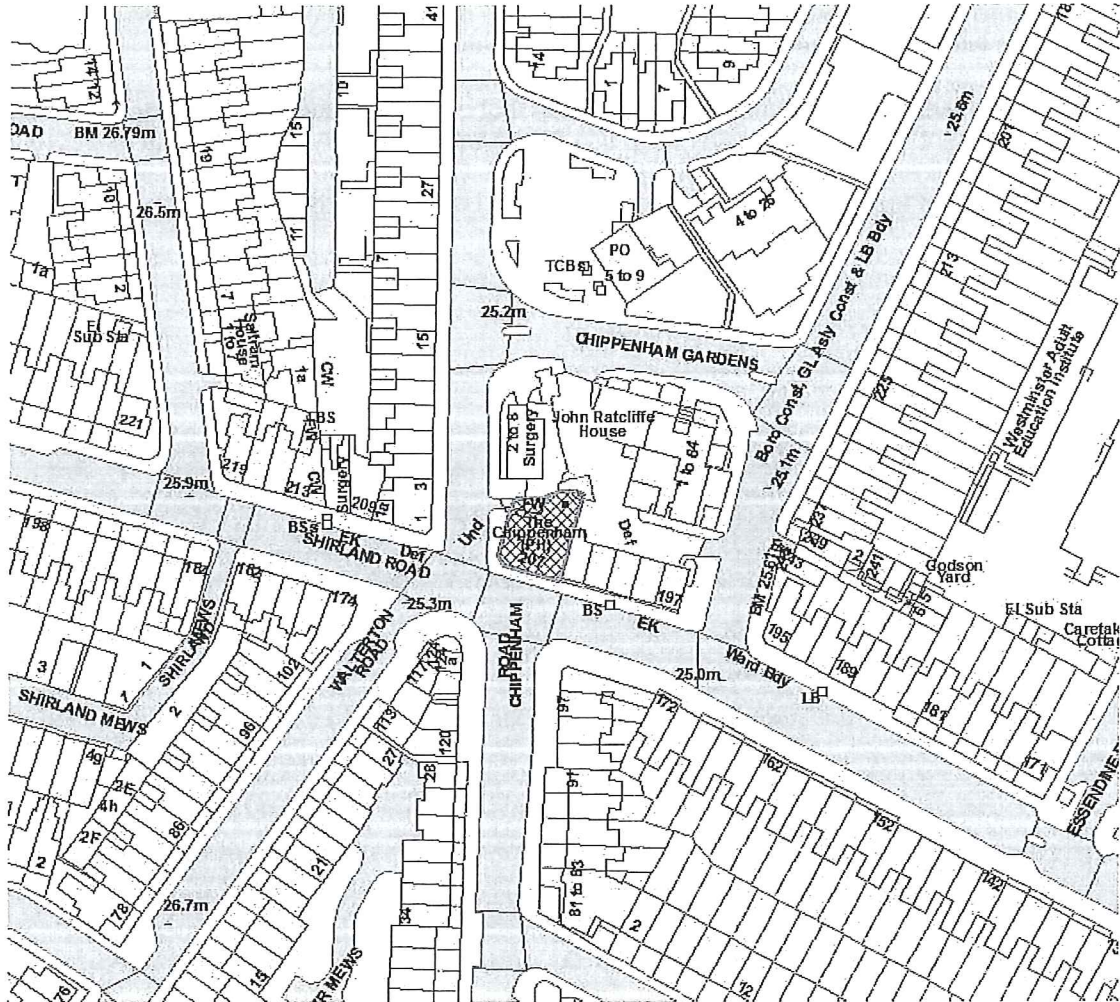
Councillor McKie has forwarded officers minutes of a meeting held in May 2015 on behalf of Thames Water regarding works in the surrounding area and queried whether the meeting was held on the

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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



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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.

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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.
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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

Agenda Item 2

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| Item No. |
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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 5 April 2016 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Vincent Square | |
| Subject of Report | Cleland House, John Islip Street, London, SW1P 4LH, | | |
| Proposal | Single storey extension at 11th floor level to duplex unit in Cleland House with roof terrace over at 12th floor level. | | |
| Agent | Gerald Eve | | |
| On behalf of | Berkeley Homes | | |
| Registered Number | 15/07430/FULL | Date amended/ completed | 14 August 2015 |
| Date Application Received | 12 August 2015 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | N/A | | |

1. RECOMMENDATION

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| Grant conditional permission. |
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2. SUMMARY

Permission was granted on 21 March 2012 for the demolition of Abell and Cleland Houses and redevelopment to provide two new 12 storey buildings comprising 275 residential units. Cleland House is located on the east side of John Islip Street on the corner with Page Street. The site is not located in a conservation area. Works are continuing on site and the buildings are now substantially complete.

Permission is now sought for an extension to Cleland House at 11th floor level. The extension would serve a duplex unit at 11th and 12th floor levels. The extension would bring the building line forward by approximately 1.5m at 11th floor level but would still be set back from the edge of the 10th floor below. The roof of the extension would enlarge the roof terrace at 12th floor level above. The reason for the application is that the developer has found it difficult to sell the duplex unit because of the internal layout of the flat which has a narrow connecting corridor between the living/dining area and the kitchen. The extension would widen this corridor and create a better circulation space increasing floorspace of the flat from 277sqm to 291sqm. The unit would remain a three bedroom flat.

Objections have been received from two neighbouring residents within Westminster Green a block of flats to the north west on the grounds of loss of privacy and loss of light.

The new building has been designed to have a series of set-backs and levels. In terms of privacy, the principal set-back would remain and the area of extension would remain behind the furthest projecting building line at 11th floor level. The windows in the proposed extension would be further away from the windows of neighbouring flats in Westminster Green than windows and terraces in the rest of new building. Accordingly this small extension is not considered to lead to negative impact on the privacy of surrounding occupiers.

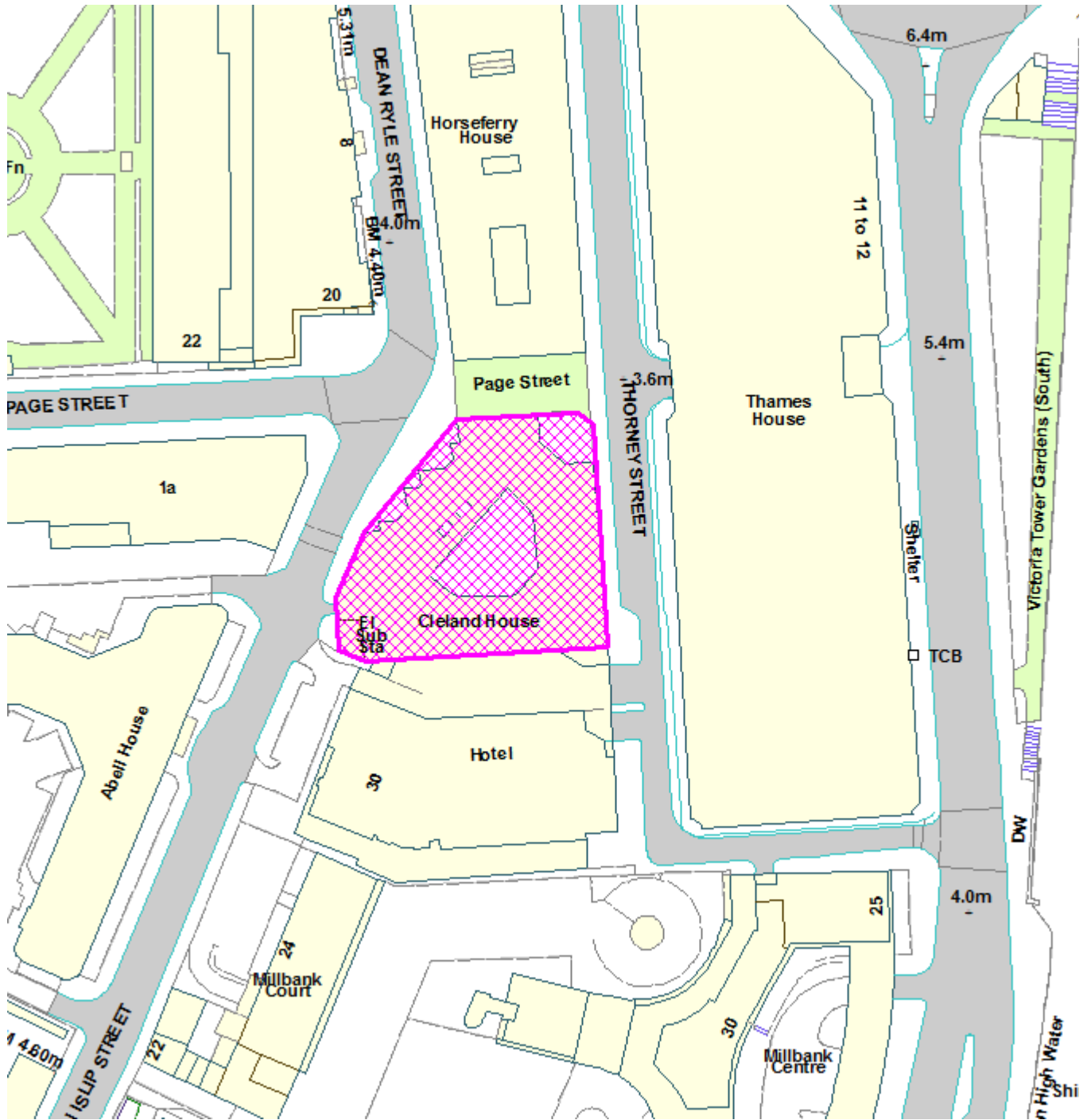
A daylight and sunlight assessment has been submitted which considers both the pre-existing and consented positions against the proposed position. The assessment finds that the extension would have no significant change on the daylight and sunlight levels received at Westminster Green and the Vertical Sky Component (VSC) and Annual Probably Sunlight Hours (APSH) levels comply with the Building Research Establishment guidelines.

Of the 95 windows tested only four windows show a change in terms of daylight and one window in terms of sunlight. In daylight terms the four windows would have a reduction of 0.01% compared to the consented VSC factor value. In sunlight terms the loss would represent 0.04% reduction of APSH compared to the consented factor value. Accordingly, it is considered that the proposals would not result in a perceptible loss of light to neighbouring occupiers when compared to the consented scheme.

The proposals are considered acceptable in design terms. When assessing the verified views which compare the proposals to the consented scheme, these demonstrate that the extension would be imperceptible from the street. The extension would not change the overall design aesthetic or have any noticeable change to the height and form of the building.

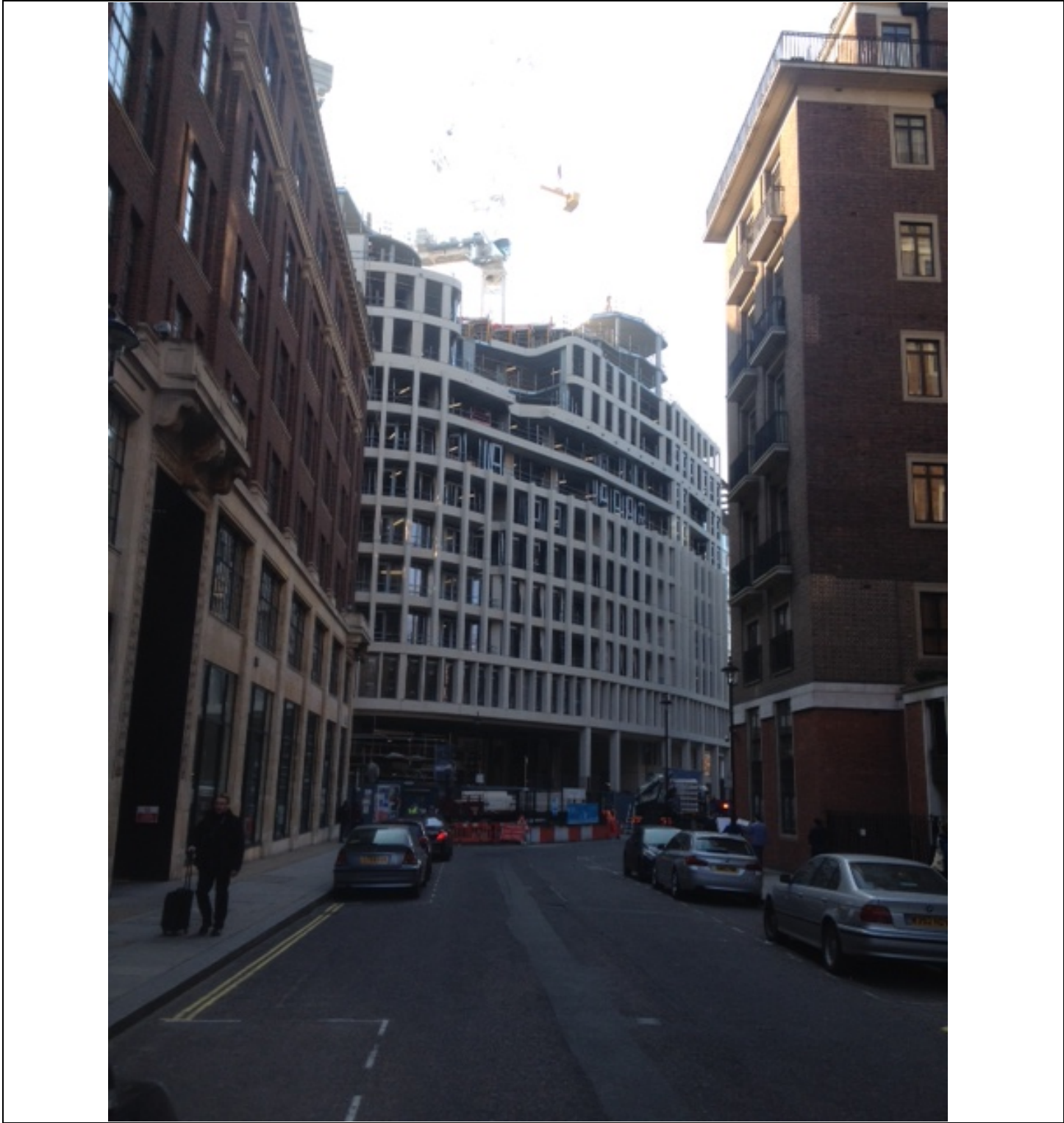
The proposals are considered acceptable in land use, design and amenity terms.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Ward Councillors for Vincent Square:
Cllr Chalkley has requested the application be reported to Committee.

Westminster Society:
Any response to be reported verbally.

Thorney Island Society:
No objection - the variation seems to have little effect on the appearance of the building.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 197
Total No. of replies: 2

Two residents of Westminster Green have raised objections on the following grounds:

- Loss of privacy and loss of sunlight.
- No justification for the alteration except to increase profit.
- The incremental changes are not justified.
- The developers agreed to reduce the overbearing nature of the building by setting back the upper floors.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

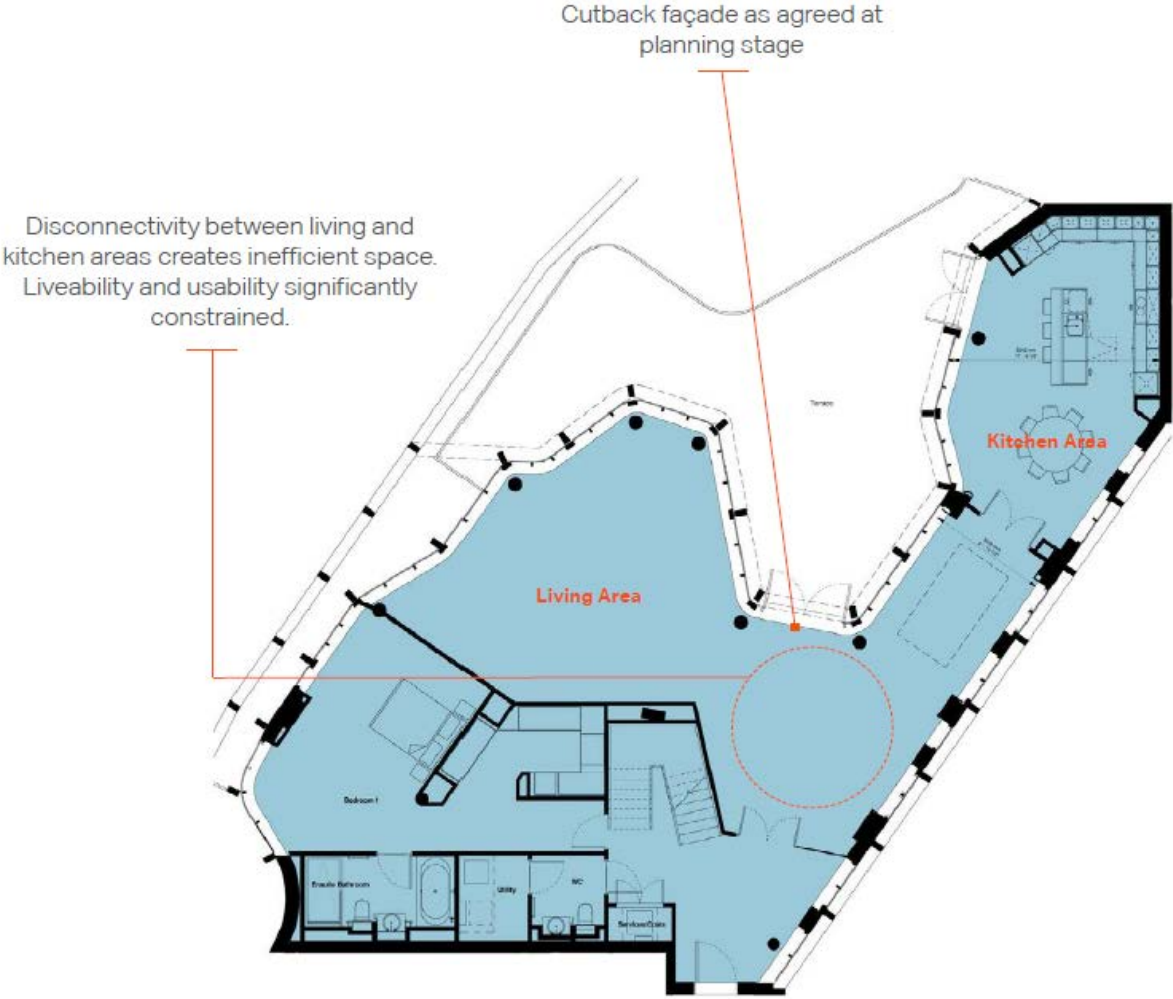
1. Application form.
2. Response from Thorney Island Society, dated 12 September 2015.
3. Letter from occupier of 614 Westminster Green, 8 Dean Ryle Street, dated 17 September 2015.
4. Letter from occupier of Flat 513 Westminster Green, 8 Dean Ryle Street, dated 30 September 2015.

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

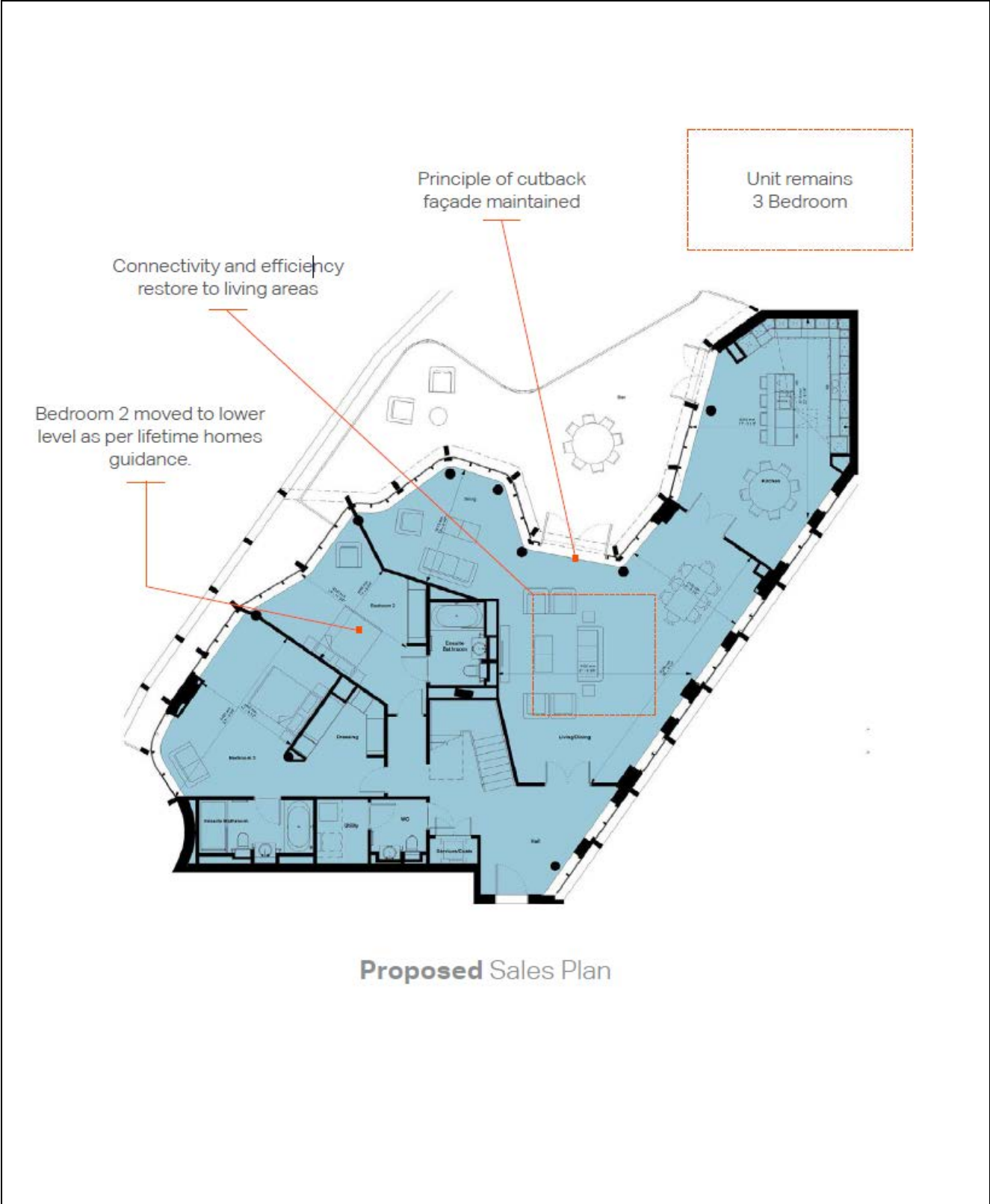
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT VINCENT NALLY ON 020 7641 5947 OR BY EMAIL AT vnally@westminster.gov.uk

KEY DRAWINGS

Floor plan showing part of 11th floor of Cleland House focusing on flat to be extended.



Consented Sales Plan



DRAFT DECISION LETTER

Address: Cleland House, John Islip Street, London, SW1P 4LH,

Proposal: Single storey extension at 11th floor level to duplex unit in Cleland House with roof terrace over at 12th floor level.

Reference: 15/07430/FULL

Plan Nos: Approved: 2269-T-02-0015-Z11 Rev07, 2269-T-02-0016-Z12 Rev06; 2269-T-02-0017-Z13 Rev07, 2269-T-02-0035-ZNO Rev14.
Proposed: 2269-T-02-0015-Z11 Rev10, 2269-T-02-0016-Z12 Rev12, 2269-T-02-0017-Z13 Rev11; 2269-T-02-0035-ZNO Rev16.
Supporting documents: Anstey Horne letters dated 26 June and 10 November 2015, Miller Hare Views 1-3, Design and Access Statement.

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

Informative(s):

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

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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| Item No. |
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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Vincent Square | |
| Subject of Report | 110 Vauxhall Bridge Road, London, SW1V 2RQ, | | |
| Proposal | Retention of the existing public house at part basement and part ground floor levels. Use of first and second floors and new roof extension to provide 8 flats (6 x 1 bed, 2 x 3 bed) with associated rear extensions at first and second floor levels, and external alterations including new windows to rear elevation, creation of an entrance door at ground floor level, and installation of wall lighting and entry system. | | |
| Agent | Ms Nicola Dale | | |
| On behalf of | Mendoza Ltd | | |
| Registered Number | 15/09678/FULL | Date amended/ completed | 16 October 2015 |
| Date Application Received | 16 October 2015 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Vincent Square | | |

1. RECOMMENDATION

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|-------------------------------|
| Grant conditional permission. |
|-------------------------------|

2. SUMMARY

The application property is an historic (late 19th century) but unlisted public house (The Surprise) which comprises of basement, ground and two upper floors and is located within the Vincent Square Conservation Area.

Permission is sought for the retention of the existing public house at basement and ground floor levels. Extensions are proposed at rear first and second floor levels, including the widening of rear wing, alterations to rear fenestration and new mansard roof at third floor level. The extensions are sought in connection with the creation of eight residential flats on the upper floors.

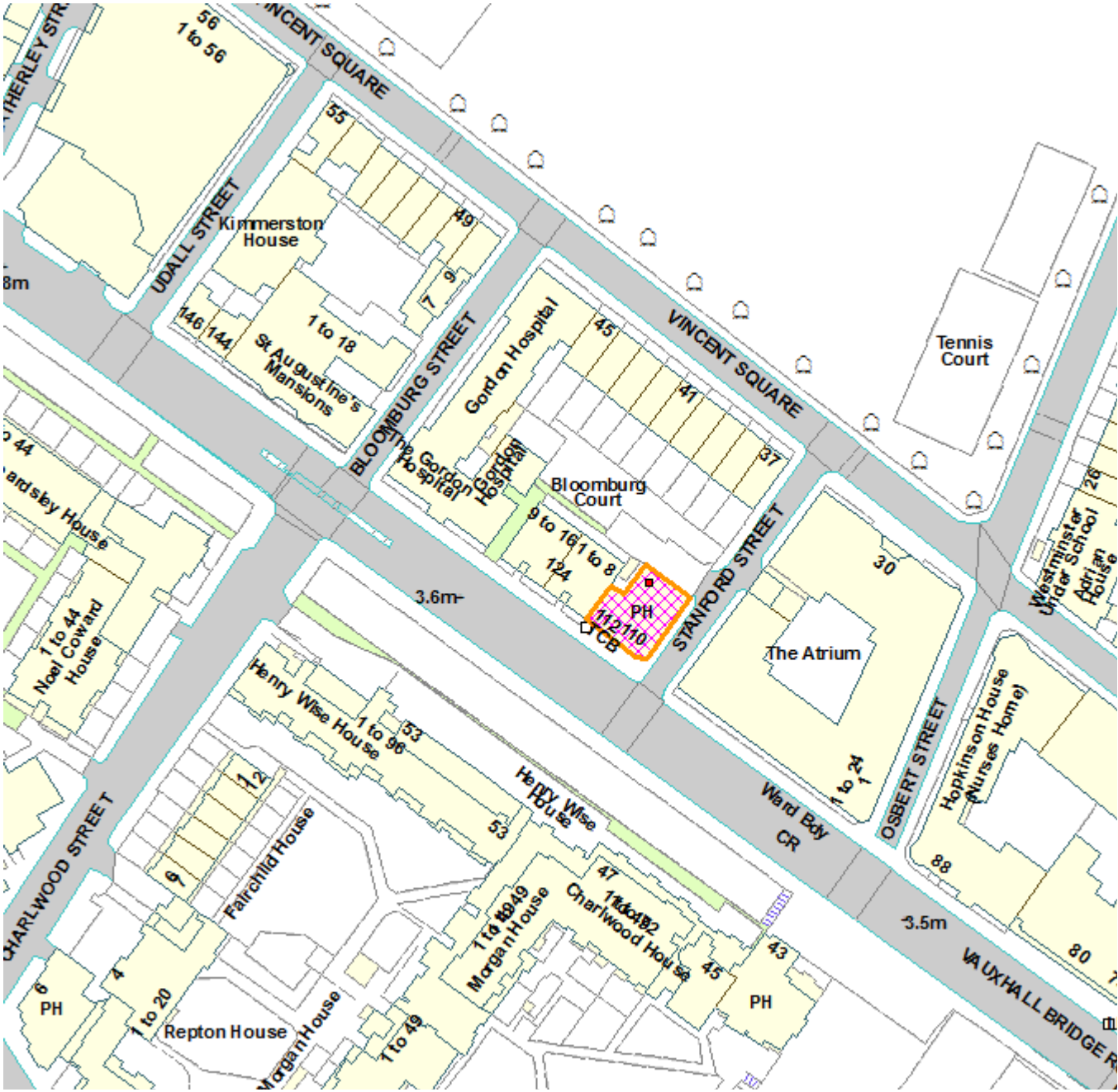
This application follows the refusal of a similar application on 3 August 2015, on the grounds that it failed to preserve the character and appearance of the conservation area. The current proposals respond to the Council's previous design objections by omitting the sheer storey extension at third floor level, pulling back the new extension and by improving the design of the proposed mansard.

The key issues in this case are:

- * The impact of the proposals upon the character and appearance of the conservation area.
- * The impact of the proposals on neighbouring residential amenity

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

LOCATION PLAN



3. PHOTOGRAPHS



4. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

TRANSPORT FOR LONDON

No objection, subject to a condition requiring the submission of a construction logistics and management plan.

ENVIRONMENTAL HEALTH

No objection, subject to conditions requiring submission of an overheating strategy, sound insulation and noise mitigation measures.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions to secure cycle parking.

CLEANSING

No objection, subject to condition requiring revised proposals for the storage of waste and separate storage of recyclable material.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 210

Total No. of replies: two letters, one on behalf of five residents

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

Townscape and Design

- The impact of the proposals upon the character and appearance of the conservation area, specifically the appearance of the north-east elevation of the rear wing.
- Overdevelopment

Other

- Noise, dust and disruption from the construction works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

The application property is an historic (late 19th century) but unlisted public house (The Surprise) which comprises of basement, ground and two upper floors and is located within the Vincent Square Conservation Area. The building contributes positively to the character and appearance of the conservation area by virtue of its aesthetic, social and historical values as defined in the conservation area audit.

The building is currently vacant but was last occupied as a public house (Class A4) on the basement and ground floors with an unlawful tourist hostel (Class C1) on the upper floors. Permission for the retention of the hostel was refused in November 2013 on grounds including impact to residential amenity. A subsequent appeal was dismissed by the Inspectorate in March 2014.

The application site includes a stand-alone hot food takeaway (Class A5) at ground floor level, 112 Vauxhall Bridge Road. No alterations are proposed to this unit under this application.

5.2 Recent Relevant History

112 Vauxhall Bridge Road

13/04845/FULL

Use of the ground floor as hot food takeaway (Class A5). Installation of brick clad kitchen extract ducting at rear to discharge above building parapet.

Application Refused

14 October 2014

14/00011/TPREF

Use of ground floor as a hot foot takeaway (Class A5). Installation of brick clad kitchen extract ducting at rear to discharge above building parapet.

Appeal Allowed

4 August 2014

110 Vauxhall Bridge Road

13/08752/FULL

Continued use of first and second floors as a backpackers hotel (Class C1).

Application Refused

18 November 2013

13/00320/TPREF

Continued use of first and second floors as a backpackers hotel (Class C1).

Appeal Dismissed

March 2014

15/04608/FULL

Retention of the existing public house at basement and ground floor levels and extension at rear first to second floor levels, sheer extension at third floor level and mansard extension at fourth floor level in connection with the provision of nine residential units on the upper floors (6 x 1 bed, 1 x 2 bed, and 2 x 3 bed units).

Application Refused (design grounds)

3 August 2015

6. THE PROPOSAL

Permission is sought for the retention of the existing public house at basement and ground floor levels. Extensions are proposed at rear first and second floor levels, including the widening of rear wing from approx.4m to approx. 6m, alterations to rear fenestration and new mansard roof at third floor level. The extensions are sought in connection with the creation of eight residential flats on the upper floors.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Residential

The proposed use of the upper floors of the building as residential flats is supported under Policies S14 of the City Plan and H3 of the Unitary Development Plan (UDP). The small loss of A4 floorspace to enable improved access to the upper floors and cycle storage for the residential accommodation is also considered acceptable.

The mix of the proposed units is as follows: 6 x 1 bed; 2 x 3 bed which provides 25% family sized accommodation (3 or more beds). This falls below the policy expectation of 33% family sized provision required by Policy H5 in the UDP. The provision of two family size units is considered acceptable in this instance given the lack of off-street parking and private outdoor amenity space.

In terms of internal floor area, the residential units would all provide a good standard of accommodation, which would be consistent with guidance in the Technical Housing Standards – Nationally Described Space Standard (2015).

Policy ENV 6 of the UDP states that the City Council will require residential developments to provide adequate protection from existing background noise. The need to insulate the new residential properties from existing background noise has been identified in the submitted Noise Assessment report, conditions have been recommended to ensure adequate protection against internal (public house) and external (road traffic) noise.

Environmental Health have raised concerns about internal noise breakout from the public house to the proposed residential unit, recommending that a condition be attached ensuring that a noise limiter be fitted to the musical amplification system to operate within a known maximum Music Noise Level of 90dB(A) and controlling hours of opening of the public house.

A condition has also been attached ensuring that prior to the occupation of the residential flats, details shall be submitted of a scheme of ventilation to be installed, to prevent overheating with the windows closed. The applicant has accepted the imposition of these conditions.

Retained Public House

The ground and basement floors are currently vacant, despite being marketed since approx. August 2014. The applicant has advised that it is their intention to market the premises to prospective public house operators.

In order to protect the public house use going forward, a condition has been attached requesting detailed drawings of the design, construction and insulation of the ventilation system and any associated equipment for the public house use prior to commencement of development and a condition requiring the use of the basement and ground floors to be retained as a Class A4 public house.

There are currently no planning restrictions on the hours of use of the public house. However, given the introduction of residential units on the upper floors of the building, it is considered reasonable to attach a condition restricting the operational hours in line with the previous license which did not allow customers within the public house premises before 09:00 hours or after 23:30 hours Monday to Thursday, before 09:00 hours and after 00:00 hours Friday to Saturday and before 12:00 hours and after 23:00 hours on a Sunday. A condition has also been attached requiring a servicing management plan for the public house.

7.2 Townscape and Design

The application site is an unlisted building of merit within the Vincent Square Conservation Area (VSCA), and opposite the Lillington and Longmore Gardens Conservation Area (LLGCA). It is an important face for the VSCA's frontage on Vauxhall Bridge Road and also forms a visible element of views out of the conservation area from the square.

In accordance with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is necessary to give special regard to the preservation or enhancement of the character or appearance of the VSCA. This is supported by national policy and guidance in the form of Sections 7 and 12 of the NPPF and Historic England's practice guides, and by the Development Plan, in the form of Policies S25 and S28 of the City Plan, and DES 1, DES 5, DES 6 and DES 9. The VSCA Audit must also be considered, as should that for LLGCA, with respect to setting.

The application site is currently vacant and there is therefore some importance to it returning to a viable use. The retention of the pub use is important to the vitality of the conservation areas, and should be given weight. It is welcome that this forms part of the current application.

The current proposals follow a previously refused application. The infill extension to the rear courtyard is terminated a floor below the parapet, and is therefore compliant with Policy DES 5(B)(1). The proposed mansard is suitably designed, and would relate acceptably to the architecture of the building below.

An objection has been submitted on behalf of a number of residents of 37 to 45 Vincent Square, to the appearance of the north-east elevation of the rear wing. The objectors suggest that the best way to reduce the impact of this elevation would be through the creation of a living wall (green wall).

However, whilst this wall may appear somewhat abrupt, it must be noted that this is an enlargement of an existing feature, not a new feature altogether, nevertheless, it is considered that the appearance of the wall does need to be lightened. Despite this, the objector's suggestion of a green wall is not considered to be appropriate: such features do not work well on historic buildings, and are somewhat alien. They also introduce a significant management issue and often die. Following officer advice, the north-east elevation of the rear wing has been changed to painted white render with a single blind window introduced to the centre of the first and second floor levels: this is considered to be a more appropriate and integrated option.

The proposed infill extension has also been amended to gain proportion over the first floor windows, by adding additional courses of brickwork and an appropriate coping.

Following these amendments, the proposals now preserve the character and appearance of the VSCA and the setting of the LLGCA, complying with the relevant policies and guidance mentioned above.

7.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

The proposals will increase the depth of the site, whilst retaining the L-shape footprint of the upper levels, leaving a gap along the south boundary with the adjoining 124 Vauxhall Bridge Road of approx. 3m. The roof extension would result in an increase in height to the building from approx 12m to 14.5m. Additional windows would also be created within the extension.

The majority of surrounding buildings are in residential use. The adjoining 124 Vauxhall Bridge Road and 30 Vincent Square contain approx 16 and 93 flats respectively. To the rear of the site is a gated private access which leads to the rear of No.124 and a separate car park. Beyond that is the rear of the terrace houses located on Vincent Square. The application site boundary is located approx 11m from the rear garden boundary and approx 20m from the rear elevations of the nearest Vincent Square dwellings.

Notwithstanding the increase in height and bulk and additional windows, it is considered that the extended application building would be orientated in such a way and located sufficiently distant from neighbouring residential windows and gardens so as not to cause an unacceptable loss of amenity including loss of light, increased sense of enclosure or loss of privacy.

The resulting relationship between the application building and neighbouring properties would not be dissimilar to those found throughout the city. As such the proposal is considered acceptable in amenity terms compliant with policies S29 of the City Plan and ENV13 of the UDP.

7.4 Transportation/Parking

This proposed development is located on Vauxhall Bridge Road which forms part of the Transport for London Road Network (TLRN). Transport for London is the highway authority for the TLRN and is therefore concerned about any proposal which may affect the safety or performance of this road.

TfL have requested that the footway and carriageway on the TLRN is not blocked during demolition or construction. A condition has been added that no development shall take place, including any works of demolition, until a construction logistics and management

plan for the proposed development has been submitted to the Council and approved in consultation with TfL.

No off-street parking is provided as part of the development, however parking pressures in the area remain below the 80% stress level set out in policy TRANS23. On the basis of the Council's data and car ownership levels any additional on-street parking generated by the proposed residential units can be absorbed into the surrounding street network. Therefore the development is consistent with TRANS23 and an objection cannot be raised on insufficient off-street car parking provision.

The London Plan requires 1 cycle parking space per 1 bed residential unit and 2 spaces for all others: 12 secure cycle parking spaces are proposed, which is acceptable for the residential use and will be secured by condition. Given that the public house is the existing lawful use, it is not considered reasonable to condition the provision of on-site cycle parking

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

Due to the compact nature of the site a residential passenger lift is not a viable solution for access. Accordingly, the proposed development has been designed to accommodate residents with centralised staircase, designed to provide safe and secure access to all units, with handrails, treads and nosings in accordance with Part M of the Building regulations.

7.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The ground floor plan shows an indicative location for waste storage accessed via separate service entrance, the cleansing officer has requested a condition be added to secure details of separate storage for waste and recycling material for both the public house and residential accommodation.

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

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

7.11 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

7.12 Other Issues

Construction impact

A neighbouring resident has raised concerns in relation to the general disturbance and pollution caused by the construction process. Noise and disturbance during construction is an unwelcome and well understood consequence of allowing new development. In a densely developed urban environment, it must be accepted that such disturbance will inevitably occur as a result of building works. The City Council cannot refuse permission to develop on the grounds that building work will be noisy and disruptive. As a local planning authority, we can impose a restriction on the working hours and encourage contractors to be a member of the Considerate Constructors Scheme. A condition has been added restricting any building work which can be heard at the boundary of the site to between 08.00 and 18.00 Monday to Friday, 08.00 and 13.00 on Saturday and not at all on Sunday's, bank holidays and public holidays. An informative has been added recommending the applicant join the Considerate Constructors Scheme.

8. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 1 December 2015
3. Response from Transport for London, dated 08 March 2016
4. Response from Environmental Health, dated 10 December 2015
5. Response from Environmental Health, dated 29 January 2016
6. Response from Environmental Health, dated 22 March 2016
7. Response from Highways Planning, dated 9 November 2015
8. Response from Cleansing, dated 10 November 2015
9. Letter from occupier of Flat 6, 124 Vauxhall Bridge Road, dated 2 December 2015
10. Letter from Nicholas Taylor & Associates on behalf of 37, 39, 43 & 45 Vincent Square, London, dated 23 November 2015

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT IAN CORRIE ON 020 7641 1448 OR BY EMAIL AT icorrie@westminster.gov.uk

9. KEY DRAWINGS



| | | | | | | |
|--|---|--|--|---|----------------------|---------------------|
| <p>13 Lambeth Walk London SE11 4DX 020 7735 5479 black@blackarch.com</p> | <p>The drawing is not to be scaled. Any errors or discrepancies should be reported to the architect as soon as they are discovered. Information: 02015 Black Architecture Limited</p> | <p>110-112 VAUXHALL BRIDGE ROAD Existing South West Beavan</p> | <p>PLANNING</p> | | | |
| | | | <p>Drawn: ZKC Checked: PL Number: 0420</p> | <p>Date: 22.05.2015 Number: 021</p> | <p>File: 110B/A3</p> | <p>Scale: 1:100</p> |



| | | | | | | |
|--|---|--|--|---|----------------------|-----------------|
| <p>13 Lambeth Walk London SE11 4DX 020 7735 5479 black@blackarch.com</p> | <p>The drawing is not to be scaled. Any errors or discrepancies should be reported to the architect as soon as they are discovered. Information: 02015 Black Architecture Limited</p> | <p>110-112 VAUXHALL BRIDGE ROAD Proposed South West Beavan</p> | <p>PLANNING</p> | | | |
| | | | <p>Drawn: ZKC Checked: PL Number: 0420</p> | <p>Date: 22.05.2015 Number: 201</p> | <p>File: 110B/A3</p> | <p>Scale: A</p> |



| <p>13 Lambeth Walk London SE11 6JQ 020 7731 5479 black@blackarch.com</p> <p>This drawing is not to be scaled. Any errors or discrepancies should be reported to the architect as soon as they are discovered. © Copyright 2011 Black Architecture Limited.</p> | | | 110-112 VAUXHALL BRIDGE ROAD | | | | | | | | | | | | | | | | | | | | |
|--|------------|------------|---|--|----------|--|--|--|-------|---------|------|-------|-----|----|------------|-----------|---------|------------|---------|-------|------|----|-----|
| | | | Existing South East Elevation | | | | | | | | | | | | | | | | | | | | |
| | | | <table border="1"> <tr> <th colspan="4">PLANNING</th> </tr> <tr> <td>Drawn</td> <td>Checked</td> <td>Date</td> <td>Scale</td> </tr> <tr> <td>ZKC</td> <td>SB</td> <td>22.05.2011</td> <td>1:100(A3)</td> </tr> <tr> <td>Project</td> <td>Discipline</td> <td>Version</td> <td>Sheet</td> </tr> <tr> <td>0420</td> <td>PL</td> <td>020</td> <td>110/A3</td> </tr> </table> | | PLANNING | | | | Drawn | Checked | Date | Scale | ZKC | SB | 22.05.2011 | 1:100(A3) | Project | Discipline | Version | Sheet | 0420 | PL | 020 |
| PLANNING | | | | | | | | | | | | | | | | | | | | | | | |
| Drawn | Checked | Date | Scale | | | | | | | | | | | | | | | | | | | | |
| ZKC | SB | 22.05.2011 | 1:100(A3) | | | | | | | | | | | | | | | | | | | | |
| Project | Discipline | Version | Sheet | | | | | | | | | | | | | | | | | | | | |
| 0420 | PL | 020 | 110/A3 | | | | | | | | | | | | | | | | | | | | |



| <p>13 Lambeth Walk London SE11 6JQ 020 7731 5479 black@blackarch.com</p> <p>This drawing is not to be scaled. Any errors or discrepancies should be reported to the architect as soon as they are discovered. © Copyright 2011 Black Architecture Limited.</p> | | | 110-112 VAUXHALL BRIDGE ROAD | | | | | | | | | | | | | | | | | | | | |
|--|------------|------------|---|--|----------|--|--|--|-------|---------|------|-------|-----|----|------------|-----------|---------|------------|---------|-------|------|----|-----|
| | | | Proposed South East Elevation | | | | | | | | | | | | | | | | | | | | |
| | | | <table border="1"> <tr> <th colspan="4">PLANNING</th> </tr> <tr> <td>Drawn</td> <td>Checked</td> <td>Date</td> <td>Scale</td> </tr> <tr> <td>ZKC</td> <td>SB</td> <td>22.05.2011</td> <td>1:100(A3)</td> </tr> <tr> <td>Project</td> <td>Discipline</td> <td>Version</td> <td>Sheet</td> </tr> <tr> <td>0420</td> <td>PL</td> <td>020</td> <td>110/A3</td> </tr> </table> | | PLANNING | | | | Drawn | Checked | Date | Scale | ZKC | SB | 22.05.2011 | 1:100(A3) | Project | Discipline | Version | Sheet | 0420 | PL | 020 |
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| ZKC | SB | 22.05.2011 | 1:100(A3) | | | | | | | | | | | | | | | | | | | | |
| Project | Discipline | Version | Sheet | | | | | | | | | | | | | | | | | | | | |
| 0420 | PL | 020 | 110/A3 | | | | | | | | | | | | | | | | | | | | |



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|--|--|--|---|---|-------|------|
| 43 Lambeth Walk London SE11 4JH 020 7793 8479 black-architecture.com | This drawing is not to be scaled. Any errors or discrepancies should be reported to the architect as soon as they are discovered. All Information ©2015 Black Architecture Limited. | 110-112 VAUXHALL BRIDGE ROAD Dealing North East Bevalton | PLANNING | | | |
| | | | Drawn: ZKC Checked: SB Date: 22.05.2015 Ref: 1008/A3 | Reference: PL Number: 023 Status: | Date: | Ref: |



| | | | | | | |
|--|--|---|---|---|-------|------|
| 43 Lambeth Walk London SE11 4JH 020 7793 8479 black-architecture.com | This drawing is not to be scaled. Any errors or discrepancies should be reported to the architect as soon as they are discovered. All Information ©2015 Black Architecture Limited. | 110-112 VAUXHALL BRIDGE ROAD Proposed North East Bevalton | PLANNING | | | |
| | | | Drawn: ZKC Checked: SB Date: 22.05.2015 Ref: 1008/A3 | Reference: PL Number: 203 Status: C | Date: | Ref: |

DRAFT DECISION LETTER

Address: 110 Vauxhall Bridge Road, London, SW1V 2RQ,

Proposal: Retention of the existing public house at part basement and part ground floor levels. Use of first and second floors and new roof extension to provide 8 flats (6 x 1 bed, 2 x 3 bed) with associated rear extensions at first and second floor levels, and external alterations including new windows to rear elevation, creation of an entrance door at ground floor level, and installation of wall lighting and entry system.

Reference: 15/09678/FULL

Plan Nos: 001 Rev.A; 109 Rev.A; 110 Rev.A; 111 Rev.A; 112 Rev.A; 113 Rev.A; 115 Rev.B; 300 Rev.A; 200 Rev.A; 201 Rev.A; 202 Rev.C; 203 Rev.C; Report 12101.NIA.01 Rev C dated 8 February 2016; Design and Access Statement dated October 2015;

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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

Reason:

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

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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

- 6 You must apply to us for approval of detailed drawings of the following parts of the development;
- (a) New windows, dormers and doors (at a scale of 1:5),
 - (b) Overall profile of extensions (at a scale of 1:20),

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

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

- 7 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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

- 8 You must not paint any outside walls, except where already painted without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

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

- 9 Prior to the occupation of the residential flats, details shall be submitted of a scheme of ventilation to be installed, to prevent overheating with the windows closed, demonstrating compliance to at least the Overheating Standard of CIBSE Guide A (2006), Specifically;
- i) for living rooms, less than 1% of occupied hours are over an operative temperature of 28 degrees C;
 - ii) for bedrooms, less than 1% of occupied hours are over an operative temperature of 26 degrees C.

Reason:

To safeguard the amenity of residential occupiers of the development as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 10 A noise limiter must be fitted to the musical amplification system within the public house (Class A4) set at 90dB(A) so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered to increase sound levels or alteration or modification to any existing sound systems(s) should be effected so as to ensure that no noise nuisance is caused. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device

Reason:

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

- 11 You must apply to use for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately for both the public house and residential accommodation. 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 residential accommodation and public house. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

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

- 12 No development shall take place, including any works of demolition, until a construction logistics and management plan for the proposed development has been submitted to the Council and approved in consultation with Transport for London.

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)

- 13 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)

- 14 You must apply to us for approval of detailed drawings of the design, construction and insulation of the ventilation system and any associated equipment for the public house (Class A4). No development shall take place until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 15 Customers shall not be permitted within the Public House premises before 09:00 hours or after 23:30 hours Monday to Thursday, before 09:00 hours and after 00:00 hours Friday to Saturday and before 12:00 hours and after 23:00 hours on a 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 TACE9; of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

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

Reason:

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

- 17 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.

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

Reason:

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

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

Reason:

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

- 20 You must apply to us for approval of a servicing management plan for the public house use (Class A4). You must not use the part basement and part ground floor for the Class A4 use until we have approved what you have sent us. Thereafter you must carry out the work according to the approved plan.

Reason:

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

- 21 The public house located at part basement and part ground floor levels as shown on drawings 109 Rev.A and 110 Rev.A shall only be used as a public house within Class A4 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2015 (or any equivalent class in any order that may replace it).

Reason:

The loss of a public house would be contrary to S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS8 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 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

- 4 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)
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 7 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.
- 8 With regard to Condition 9 you are advised to contact the Environmental Health Officer Anil Drayan directly on 0207 641 1774, adrayan@westminster.gov.uk.

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

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Agenda Item 4

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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 5 April 2016 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Abbey Road | |
| Subject of Report | 40 Ryder's Terrace, London, NW8 0EE, | | |
| Proposal | Demolition of existing building and erection of a single dwellinghouse (Class C3) comprising sub-basement, basement, ground and one upper floor. Associated works including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances. | | |
| Agent | Mr Luke Emmerton | | |
| On behalf of | Mr & Mrs J Bitran | | |
| Registered Number | 15/11201/FULL | Date amended/ completed | 1 December 2015 |
| Date Application Received | 1 December 2015 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | St John's Wood | | |

1. RECOMMENDATION

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| Grant conditional permission. |
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2. SUMMARY

The application relates to an unlisted building located within the St John's Wood Conservation Area. The building is in use as two residential flats.

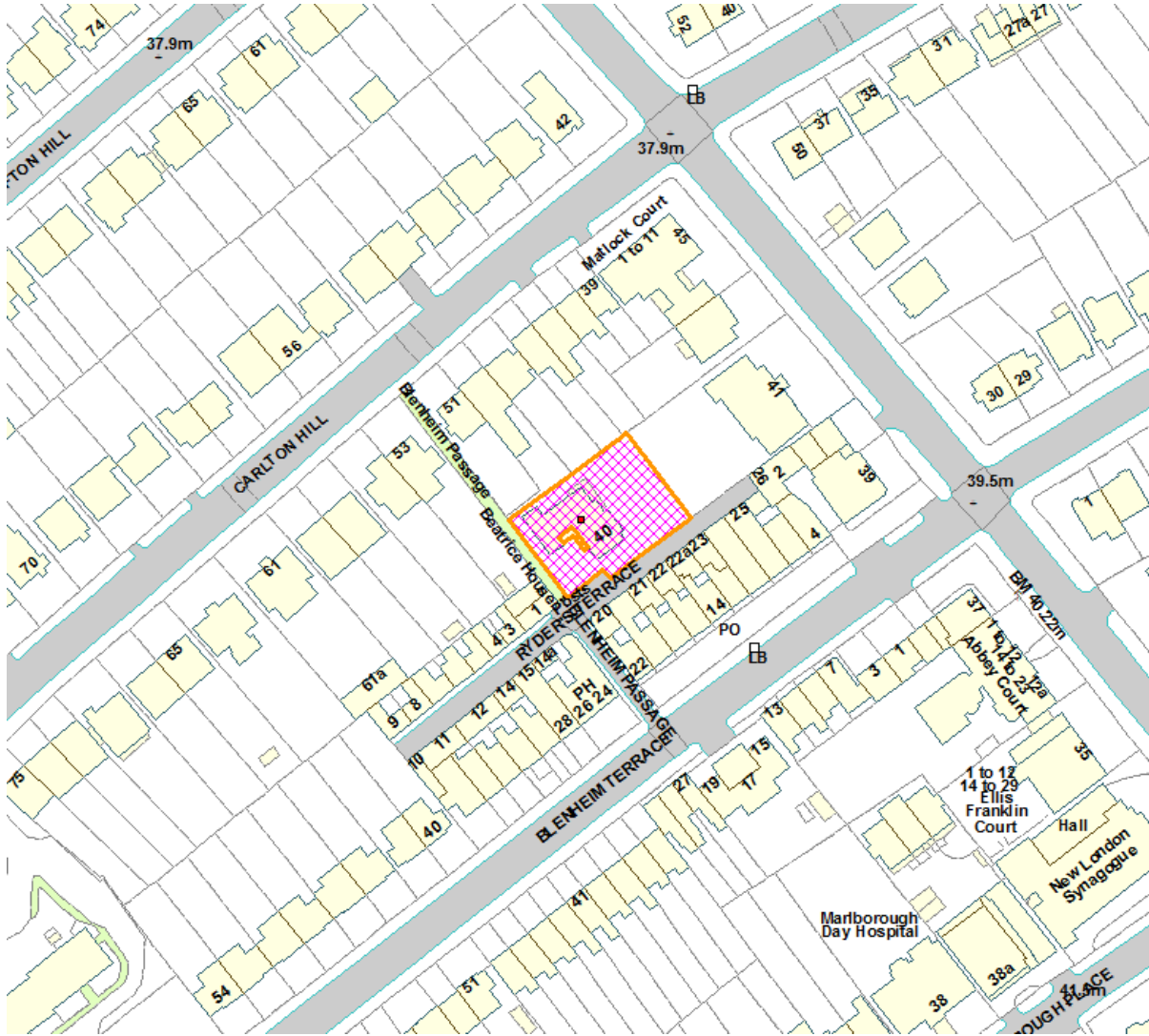
The current proposal seeks permission for the redevelopment of the site with a single dwellinghouse comprising sub-basement, basement, ground and one upper floor. Associated works are proposed including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances.

The proposal raises the following key issues:

- * The demolition of the existing building and the acceptability of the proposed replacement building in terms of preserving and enhancing the character and appearance of the St John's Wood Conservation Area;
- * The impact of the proposal on the amenity of neighbouring residential occupiers;
- * The impact of the proposal on trees on and adjacent to the site;
- * The impact of the proposal in highways terms.

The proposal is considered acceptable in terms of land use, design, amenity, highways, sustainability and trees and is recommended for approval.

3. LOCATION PLAN

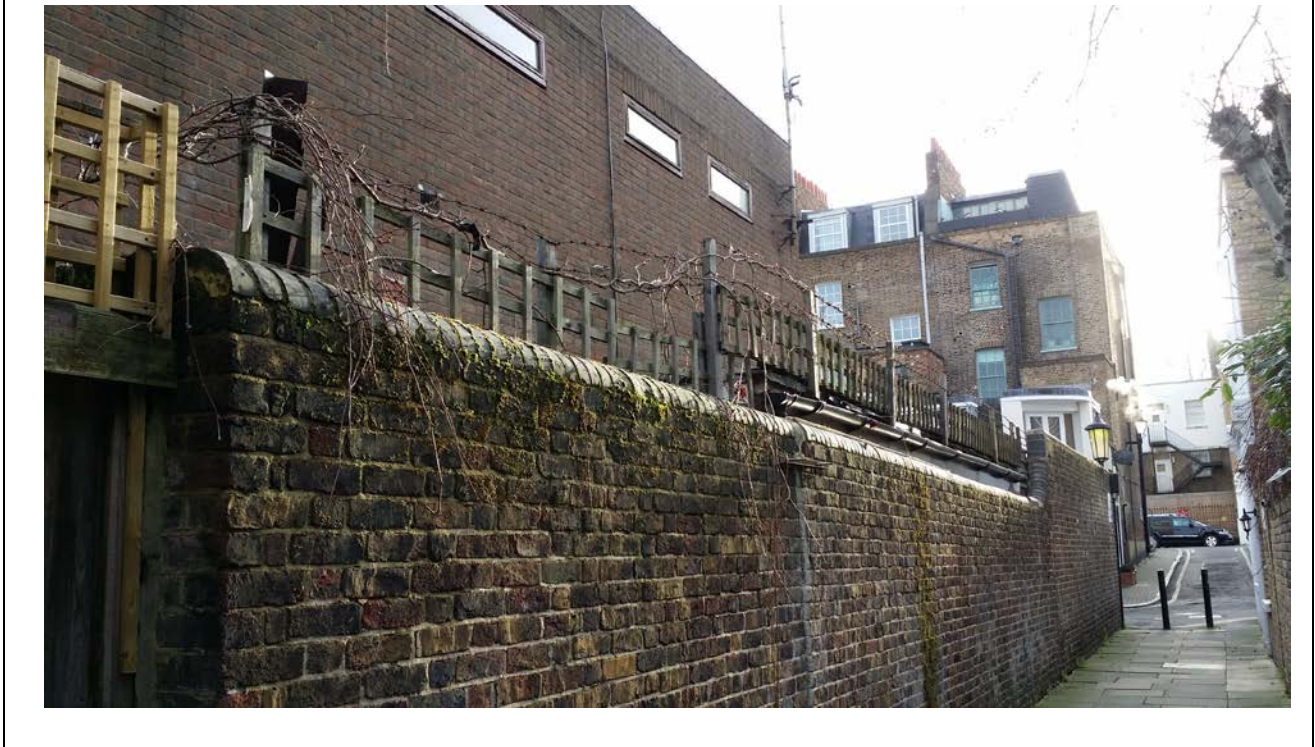


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4. PHOTOGRAPHS



Front and Side Elevations



5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY

No objection raised to the redevelopment of the site and support in principle a modern building, however concerns are raised with the quality of design of the proposed building. Objection raised to the size of the proposed basement. An objection is made to the removal of any trees of amenity value and that the proposed green roof will not be properly maintained. It is acknowledged that the footprint, height of the building and the massing of the building has been reduced since the previous application.

HIGHWAYS PLANNING MANAGER

Undesirable but could be considered acceptable. Excessive car parking provided and if the car lift were removed this would be welcomed, however, the proposal is not contrary to Policy TRANS23. Cycle parking is welcomed. It is noted that the proposals require the a Traffic Management Order.

BUILDING CONTROL

No objections to structural methodology.

ENVIRONMENTAL HEALTH

Objection to means of escape and concerns about way in which dwelling may be used with regard to ventilation and natural light for the basement. Conditions recommended with regard to mechanical plant.

CLEANSING MANAGER

No objection.

ARBORICULTURAL MANAGER

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 107

Total No. of replies: 33

No. of objections: 33

No. in support: 0

Land Use

- Proposal would ultimately reduce the number of bedrooms to what currently exists and therefore the applicant's suggestion that the proposals create more affordable housing is misleading.

Design

- The proposals have not taken on board the previous Inspector's findings;
- The demolition of a building in a conservation area is unacceptable.
- The proposed massing and height would be an overdevelopment of the site in this sensitive area;

- The proposed massing and bulk of the proposed is out of scale and character with the area;
- The existing building already exceeds the normal footprint for residential buildings in St John's Wood Conservation Area in terms of volume and square footage related to the plot;
- The proposed architecture is at odds with the surrounding area;
- Extent of the size of the basement;
- The proposed basement contravenes the City Council's guidelines;
- Constant disregard for nearby listed buildings of Carlton Hill;

Amenity

- Loss of daylight/ sunlight
- Loss of privacy
- Loss of daylight/ sunlight and overshadowing in particular to 45 and 47 Carlton Hill and their gardens; Loss of light to 22a Ryder's Terrace;
- Loss of light to 18-22 Ryder's Terrace;
- Overshadowing to Beatrice Cottage;
- Given the misrepresentations in the application documents, the sunlight and daylight assessment must be flawed;
- Height from proposed building will dominate the garden of Carlton Hill properties;
- Misrepresentations made with regards to the heights of the parapet wall and the impact this height will have on neighbouring properties;
- Loss of garden area allows for encroachment on neighbours in Ryder's Terrace;
- Noise from proposed mechanical plant
- Sense of enclosure from the overpowering nature of the development;
- Smells from the chlorine of the swimming pool;

Trees/Landscaping

- Loss of trees in application site garden to facilitate build is unacceptable;
- Loss of garden area/ open space;
- The landscaping scheme should be conditioned;
- Loss of trees in neighbouring properties as a result of the excavation proposed;

Highways.

- Parking bays to suspended during construction will have an impact upon neighbours

Other

- Inaccuracies within the application documents with regards to the distances from the proposed building to the windows of the properties in Carlton Hill;
- Drawings difficult to read as there are no dimensions on them;
- Impact of vibration as a result of the excavation;
- Basement construction is now illegal;
- Reference to Westminster Council Basement Policy should be made;
- A full assessment of the basement excavation and its impact upon neighbouring properties should be carried out;
- Impact of basement on old Victorian land drains;

- Noise and disruption during the course of works;
- Damage caused to cobbled streets;
- Disruption caused to Blenheim Terrace and Blenheim Passage will be intolerable;
- Disruption to trade to shop/units on Blenheim Terrace
- Misrepresentations within application documents, including reference to 41 Abbey Gardens being constantly referred to as a 'hostel', when in fact this is a residential care home.
- The application documents differ from the 'flyers' that were issued to neighbours prior to the application being submitted.
- Properties are being redeveloped in the area which do not benefit families in the area or the community and are there any measures the council can put in place to restrict this.
- The proposals will set a precedent;
- SUD's has not been taken into consideration;
- Consultation letter were sent over the Christmas period, and many people did not receive a letter.

ADVERTISEMENT/SITE NOTICE:

Yes (including additional site notices placed near the site following concerns raised by neighbours)

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a detached two storey (with small basement) unlisted building located within the St John's Wood Conservation Area. The building was constructed in the 1970s and comprises two residential units (one at ground floor level and one at first floor level), both owned by the applicant.

The entrance to the building is located at Ryder's Terrace, however, the property also has a frontage to Blenheim Passage (which runs from Ryder's Terrace to Carlton Hill). The property also backs onto properties at Carlton Hill (to the north) and Abbey Road (to the east). The site previously formed part of the gardens for the adjacent buildings at Abbey Road. The existing building has a relatively large garden area, mainly to the eastern side of the plot and a garage with further off-street surface parking located to the western side of the plot.

The surrounding area is largely residential; the properties to the north and west at Carlton Hill are large dwellings, the properties to the opposite side of Ryder's Terrace are mews houses and the large building to the east at Abbey Road is a former residential care home, although there is a permission in place to convert this property into flats.

6.2 Recent Relevant History

Planning permission for the 'demolition of existing building and erection of a single dwellinghouse (Class C3) comprising lower basement, basement, ground and one upper

floor, associated works including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances and installation of condenser units within enclosure to eastern boundary of site' was refused by the planning committee of 12 November 2014 (14/06107/FULL) on the grounds that the replacement building had a detrimental effect on the character and appearance of the St John's Wood Conservation Area. It should be noted that the refusal was against officer's recommendations.

An appeal was subsequently made (APP/X5990/W/14/3001496) and dismissed on the 7 May 2015 on the grounds that whilst a modern replacement building was considered acceptable in principle, the proposal was considered to result in harm to the designated heritage asset (the St John's Wood Conservation Area). The Inspector specifically noted that there were two elements of the scheme that were unacceptable, i) the extension of the two storey element of the building to a point immediately abutting the boundary wall with Blenheim Passage and 2) the loss of the garden setting to the northeast of the proposed house and its substitution by a single storey extension. A copy of the appeal decision is attached in the back ground papers.

7. THE PROPOSAL

Permission is sought for the demolition and redevelopment of the existing building on the site to provide a single family dwelling comprising ground and first floor levels with the excavation of a part single, part double storey basement. The proposal involves the provision of a car parking space below ground accessed by a car lift and surface level parking, mechanical plant, changes to boundary walls and landscaping. As a result of the widening of the entrance gate, an existing residents parking bay adjacent to the gate at Ryder's Terrace will need to be relocated 1m to the east.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing building comprises two residential units, whilst the current proposal is for a single family dwelling.

Policy S14 of the City Plan seeks to resist the loss of residential units or floorspace in the interests of maintaining and increasing the housing supply in the City. In this case, the floorspace would increase, however one residential unit would be lost.

However, it is considered that there are particular circumstances which allow for an exception to the normal policy presumption against the loss of a unit in this case. Policy S14 allows for the loss of residential units in certain circumstances, including when two flats are being joined to create a family-sized dwelling. Although this application is for redevelopment rather than conversion, it is recognised that the applicant could apply for permission to amalgamate the two units under Policy S14 and then apply to redevelop the site. As such, the loss of a residential unit is considered acceptable.

The proposed dwelling will provide a good standard of accommodation and the proposed amenity space for the dwelling is considered acceptable given the garden and roof terrace provision.

8.2 Townscape and Design

The existing building at no. 40 Ryder's Terrace covers ground and first floors with a small basement below and it dates from the late 1960's/early 1970's. It is designed in an L-shaped form and is set largely to the western side of this generous garden ground. The building is designed in a distinctly modern style with dark red/brown brick facing and though the architect of the building is unknown, it is not considered a building of any particular design quality and as such the building is considered to have a neutral contribution to the character and appearance of the St John's Wood Conservation Area.

The proposal is to demolish the existing building and replace it with a new single residential property. Given the neutral contribution that the existing building makes to the character and appearance of the conservation area, the principle of its demolition is considered acceptable, subject to a suitable replacement.

As set out in the report above, permission has previously been refused on 12th November 2014 for a redevelopment of the site, with an appeal against that refusal being dismissed on 7th May 2015. The refused application differed from the current scheme in some important respects. Unlike in the currently proposed scheme, the previously refused building was proposed to extend across almost to the east end of the site at ground floor level, it was proposed to rise up to first floor level in a location immediately adjacent to the boundary wall to Blenheim Passage, and the building was designed as a limestone clad structure with markedly modern styling. In dismissing the appeal however, the Inspector noted only two elements of the building proposed as being unacceptable in their opinion; namely, that the two storey element of the building where it immediately abutted the boundary wall adjacent to Blenheim Passage would appear as a dominant and overbearing structure when viewed from the passage, and also that the enclosure of a large area of the garden grounds to the east of the proposed house by a single storey extension would harm the landscaped garden setting of the site. It is also of relevance that the Inspector stated that in their opinion the substitution of the existing 'L' shaped building with an elongated east-west orientated rectangular building would be more in keeping with the terraces nearby. The Inspector also stated that they considered that the architectural approach and the limestone cladding were not reasons for refusal of the scheme in their opinion.

The applicant has sought to overcome the stated concerns of the Inspector in terms of the footprint and bulk of the building, and have also proposed a building of quite different architectural approach and cladding materials than was previously proposed.

The single storey wing at ground floor level of the previously refused building which was to enclose a large area of currently open garden grounds to the east side of the site and which had been considered unacceptable by the Inspector has been omitted from this current scheme, and the east end of the site shall remain as open garden grounds. The most principal change now to the massing of the new building as compared to existing therefore is that the two storey wing projecting out on the south side of the main existing building is proposed to be replaced with a new two storey projection further out to the east of the location of the existing main building, thus giving a more elongated

rectangular building rather than the existing 'L' shaped footprint. Though the footprint of the new building is larger than existing, it is not considered unacceptably so in the context of this site.

The bulk of the building where it abuts the boundary wall to Blenheim Passage which had been considered unacceptable by the Inspector has also been revised to overcome these concerns. Instead of rising up two sheer floor levels immediately behind the boundary wall as previously proposed, in the current scheme the first floor level is now pulled back 2.5m from the boundary wall which matches the set back of the existing building to this location. The parapet rises approximately 0.9m above the height of the existing, though this is lower than the height of building previously refused, and in itself is not considered to give an unacceptable impression of bulk to the new building proposed.

Overall, the building is not considered notably more bulky than existing, and in many respects, particularly with the greater set back from north and south elevations as compared to the existing building may indeed have a lesser visual impact in views from surrounding streets and buildings. Though noting the concerns of some surrounding local residents, the building is not seen as part of an established street context, and in terms of bulk, height and footprint, the building is considered acceptable.

The new building is considered of significantly improved design quality, both when compared against the existing building on site, and when compared against the scheme previously refused on 12th November 2014. The new building adopts a rectangular form arranged in an east-west arrangement. This is considered to reflect the character of Ryder's Terrace which is characterised by a series of two storey buildings arranged into long E-W runs, and as set out above, the Inspector in the previous appeal decision considered this arrangement to be acceptable in principle. The building is to be faced in yellow or buff London stock bricks which will harmonise well in this principally 19th century townscape and are considered a significant improvement upon the previously proposed limestone cladding. The other principal material is bronze coloured aluminium which will harmonise well with the brickwork. The main south elevation is arranged with a subtly projecting colonnade structure which both provides solar shading to the south facing windows whilst setting up an attractive rhythm of bays to this elevation. The other elevations are more simply detailed with bronze framed windows recessed back into the brickwork elevations giving an appropriate sense of depth and solidity to the elevations. The windows will be flanked by bronze coloured aluminium panels acting as opening vents providing fresh air ventilation.

Design details shown, such as the detailing of the limestone parapet shown floating over the two courses of recessed brickwork, the subtle definition given to the main entrance without loss of harmony to the rhythm to the bays of the building, and the attractive proportioning of the window openings all help to give an impression of a building of particular quality which will sit well in its context. The green roof above first floor will help integrate the building into this garden setting in the numbers of views down from upper floor windows of higher buildings in the surrounding area. Canopies to ground floor are considered well integrated into the overall design of the building.

The lightwells lighting the basement below are set immediately adjacent to the building and are carefully aligned with the rhythm of bays to the building. As these would be the only external manifestation of the large basement, this aspect of the proposal is also

considered acceptable in terms of its impact on the character and appearance of the conservation area. The basement is considered in line with the emerging draft basement policy.

In summary, the building is considered a high quality new development, considered appropriate to its site and which in terms of bulk and massing successfully responds to the concerns set out in the previous refusal and Inspectors appeal decision. The proposal is therefore considered acceptable in design terms, with no adverse impact on the character or appearance of the St John's Wood Conservation Area. The proposals are considered to accord with Policies S25 and S28 of our City Plan; and DES 1, DES 4, DES 9 and DES 12 of our UDP.

8.3 Residential Amenity

UDP Policy ENV13 seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight. Regard is had to the Building Research Establishment (BRE) guidelines.

The applicant has submitted a Daylight and Sunlight Survey by EB7 in respect of the potential impact of the proposed development on the daylight and sunlight received by surrounding properties. The survey is based on the guidance set out in the BRE's "Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011).

To clarify, objectors have raised concerns that the distances stated in the application documents between the application site and the surrounding properties are inaccurate and this will have an impact upon the daylight and sunlight findings. When carrying out a daylight/ sunlight report as the results are generally created from a laser survey and the results are computer generated, it is considered that the findings will be an accurate representation of the impact of the development upon the surrounding properties.

Daylight

In assessing daylight, measuring the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The 'No Sky Line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6m²) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

The assessment has considered properties 43-53 Carlton Hill, 1 Ryder's Terrace , 20 – 24 Ryder's Terrace, 10-24 Blenheim Terrace, 3a Blenheim Passage and 41-43 Abbey Road.

The submitted report indicates that the impact on all windows/rooms tested would comply with the BRE guidance in respect of VSC and daylight distribution.

Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The assessment has considered properties 43-53 Carlton Hill, 1 Ryder's Terrace , 20 – 24 Ryder's Terrace, 3a Blenheim Passage and 41-43 Abbey Road.

The assessment shows that the sunlight results for all the windows meet the recommended guidance.

To note, properties 10-22 Blenheim Terrace do not need to be tested as the windows are all north facing.

Overshadowing to neighbouring gardens

The impact is considered to be acceptable as the assessment indicates that with the proposal in place all gardens will see at least two hours of direct sunlight across 50% of their area, in compliance with BRE guidance.

Sense of Enclosure

The proposed new building on the site would be marginally of an increased height (to the rear bulk of the building), bulk and scale than the existing. As such, it has the potential to impact on the sense of enclosure to neighbouring windows and gardens.

The neighbouring properties with most potential for impact are the mews dwellings at the opposite side of Ryder's Terrace (including 3a Blenheim Passage) and Beatrice House at 1 Ryder's Terrace. It is acknowledged that currently, the outlook from a number of these single-aspect dwellings faces over the garden for the application site and as a result of the proposal, the new building would extend along in front of these houses. However, the distance between the highest (i.e. two storey) part of the new building and the properties opposite would be approximately 14.5m, which is considered to be a reasonable separation and would not unduly impact on the sense of enclosure to these properties. The relationship with some of the properties at Ryder's Terrace would improve as a result of the setting back of the building into the plot, in particular Nos. 20 and 21 which currently face the two storey L-shaped building at a distance of approximately 9m. With regard to Beatrice House, the new building would be set back into the site and therefore would not face the windows to the Blenheim Passage elevation of that neighbouring building; and it is not considered that the bulk of the new building would have any significant detrimental impact on the north facing windows which overlook the rear garden for 53 Carlton Hill (with which Beatrice House is linked).

With regard to the properties at Carlton Hill to the north, whilst the new building would be marginally higher and wider (to the east) than the existing, the relationship is considered acceptable given the circumstances of the case. The Carlton Hill properties are dual aspect and have relatively large rear gardens (ranging between approximately 16m and 19m in depth) and the proposed building would be set off the boundaries (in some locations it would be set further back than the existing building). As such, it is not considered that permission could reasonably be refused on this basis.

The new building would extend further east than the existing, towards the boundary with the former residential care home at 41 Abbey Road by between 3.5m and 6m. The application building would be set off the boundary by approximately 7.5m. The proposal will result in additional bulk when viewed from 41 Abbey Road, however, given the relatively deep rear garden at No.41, the relationship is considered acceptable.

Privacy

As previously submitted, the proposal involves glazing on all elevations. An area of concern previously to neighbours was the roof terrace at first floor level over the single storey element adjacent to the boundary with 41 Abbey Road (i.e. the eastern part of the site). This does not form part of this application.

The main glazing is proposed to the south and east elevations facing Ryder's Terrace and the rear of 41 Abbey Road respectively. The distance between the windows and the mews properties at the opposite side of Ryder's Terrace is considered acceptable, particularly given the much closer relationship between the two sides of the mews further to the west (which is approximately 6m). The windows to the eastern elevation would be within 7.5m of the boundary with 41 Abbey Road, however, as outlined above, that building is a further 20m away and the rear garden is already overlooked by the houses at Ryder's Terrace. As such, the relationship is considered acceptable.

The windows at ground floor level will be largely contained behind the boundary walls and afford no greater views than currently exists at present.

There is one window at first floor level to the rear elevation overlooking the gardens at Carlton Hill and two windows in the the flank elevation facing Blenheim Passage. They serve a landing, an en-suite and a bedroom. It is recommended that the window to the rear is obscure –glazed to prevent overlooking, however this is not considered necessary to the windows overlooking Blenheim Passage.

Concerns have been raised regarding overlooking to neighbouring properties when the green roofs are being maintained, however, this will only occur on a very infrequent basis and would not justify refusal.

A new pedestrian gate is proposed leading from Ryder's Terrace (opposite 22A Ryder's Terrace). It is not considered that the new gate would raise any significant privacy issues in this regard; this is not an uncommon relationship and indeed there are similar distances between the front doors at either side of the mews further west at Ryder's Terrace.

8.4 Transportation/Parking

The submitted plans show off-street parking provision for three vehicles (one within an underground space accessed by a car lift and two at surface level within the driveway). This provision is above the requirement of UDP Policy TRANS 23, however, given the size of the dwelling it would be unreasonable to refuse the application on these grounds.

Provision is made within the front garden for cycle parking, which is welcomed.

The residents parking bay to the front of the site would need to be relocated to allow for the widened entrance gate. This would require a Traffic Management Order, which must be undertaken and completed prior to work starting on the site. This involves a separate application to the Council as Highways Authority and all costs would be borne by the applicant.

There is no objection to the new pedestrian gate off Ryder's Terrace, subject to the gate not opening over the road.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

There is level access to the new house and a lift is proposed internally to provide access to all floors.

8.7 Other UDP/Westminster Policy Considerations

Noise from plant and machinery

Mechanical plant is proposed within the basement with an external intake and extract system and a condenser proposed at garden level (adjacent to the boundary with 41 Abbey Road). An acoustic report has been provided by the applicant and the City Council's Environmental Health officer has not raised objections; subject to conditions to protect against noise and vibration for neighbours. On this basis, the proposals do not raise noise concerns.

Refuse /Recycling

The provision for the storage of refuse and recyclables in purpose built storage in the garden, adjacent the vehicle entrance is acceptable.

Trees

Trees proposed to be removed

There are no objections to the loss of eucalyptus (2) subject to suitable replacement tree planting, as it is of limited amenity value. The loss of the rowan (3) is regrettable, but it would be difficult to resist the development on this basis, as it is of small stature.

Proposed tree surgery.

Tree surgery is proposed for the sycamore (4) and the walnut (1). This would need to be subject to separate tree works applications as the works are not directly required by the proposed development.

Impact on retained trees

The arboricultural officer suggests that the line of the basement is no closer to the sycamore (4) tree than that previously submitted in the 2014 scheme. As officers are recommending that a condition to secure tree protection measures is attached, the objection raised is not considered sustainable.

The submitted tree report suggests considerations for tree protection but a site specific tree protection methodology and supervision schedule will be required, and these details will also need to inform the construction management plan. The CMP and tree protection proposals are currently in conflict, so a condition to secure an amended CMP to reflect tree protection proposals is recommended.

Proposed landscaping

The additional garden space provided in this scheme, when compared to the previously refused scheme, is welcomed. The lack of sufficient soil volume alongside Blenheim Passage remains regrettable, as meaningful planting here would be difficult to establish. A condition securing landscaping details is recommended which will seek to approve planting appropriate to this location.

The proposals are therefore considered acceptable in terms of tree's and landscaping.

Sustainability & Biodiversity

The proposals will aim to achieve what would have been Level 4 of the Code of Sustainable Homes. This scheme no longer exists and the proposals must now meet the equivalent standards within the Building Regulations.

The sustainability features proposed include a range of passive and active energy efficiency measures. The measures include the use/installation of glazing to reduce heating requirements and provide natural daylighting, ventilation systems, gas fired condensing boilers and a heat exchanger for the pool plant. A rainwater harvesting system is proposed to irrigate the garden. The applicant is not proposing any renewable energy measures, however, they can achieve the standard without such measures, and there is no policy requirement in this case for renewable energy given that the scheme is not classed as 'major development'. The proposals do not include any Sustainable Urban Drainage Systems. A green roof is proposed to the main building and this will assist in urban water drain-off. The measures proposed are considered acceptable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Basement

Objections have been received over the level of excavation proposed and in relation to the structural information provided.

This issue is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

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.

Comments have been received on the grounds that the investigation works, the hydrological assessment and details of ground movements are inadequate and that there are discrepancies with the submitted reports.

The applicant's documents have been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Construction impact:

Concerns have been received in relation to the impact from construction vehicles given the sites location within a small mews.

A Construction Traffic Management Plan has been submitted with the application, which sets out the potential impact of the proposed development on the area. This document sets out the logistical requirements in a broad sense as the applicant has not yet formally appointed a building contractor. The report notes that a full construction consultation would take place with local business, residents and parties as necessary to discuss and advise on the redevelopment process. The document has been considered by officers and the programme of work appears acceptable. Whilst the CMP is generally in accordance with the guidance provided in Appendix 2 of the 'Basement Development in Westminster' SPD (2014), in light of the concerns raised by the Arboricultural Manager in respect of the consistency of the CMP with the tree protection measures set out in the submitted Arboricultural Statement, it is appropriate to impose a condition requiring the submission of a revised CMP prior to the commencement of development that is consistent with tree protection measures that are to the Arboricultural Manager's satisfaction.

Should permission be granted it will be the responsibility of Highways Licensing to manage the development and ensure that they are implemented in accordance with their Construction Contracts, which will need to be agreed in consultation with the Council Highways Licensing team prior to commencement.

With regard to the impact in terms of noise and disruption of the works during construction, a standard condition to control hours of building work is recommended which includes specific restrictions for basement excavation work which can only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays.

9. BACKGROUND PAPERS

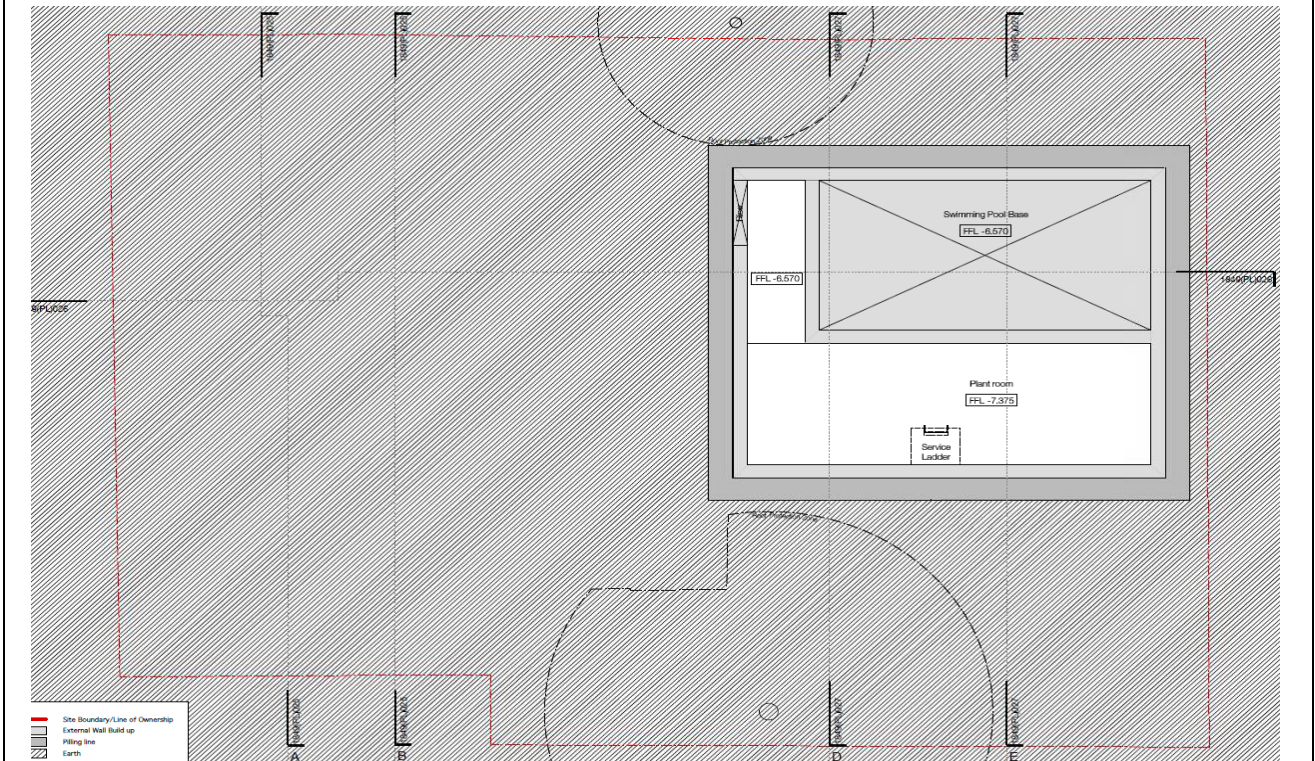
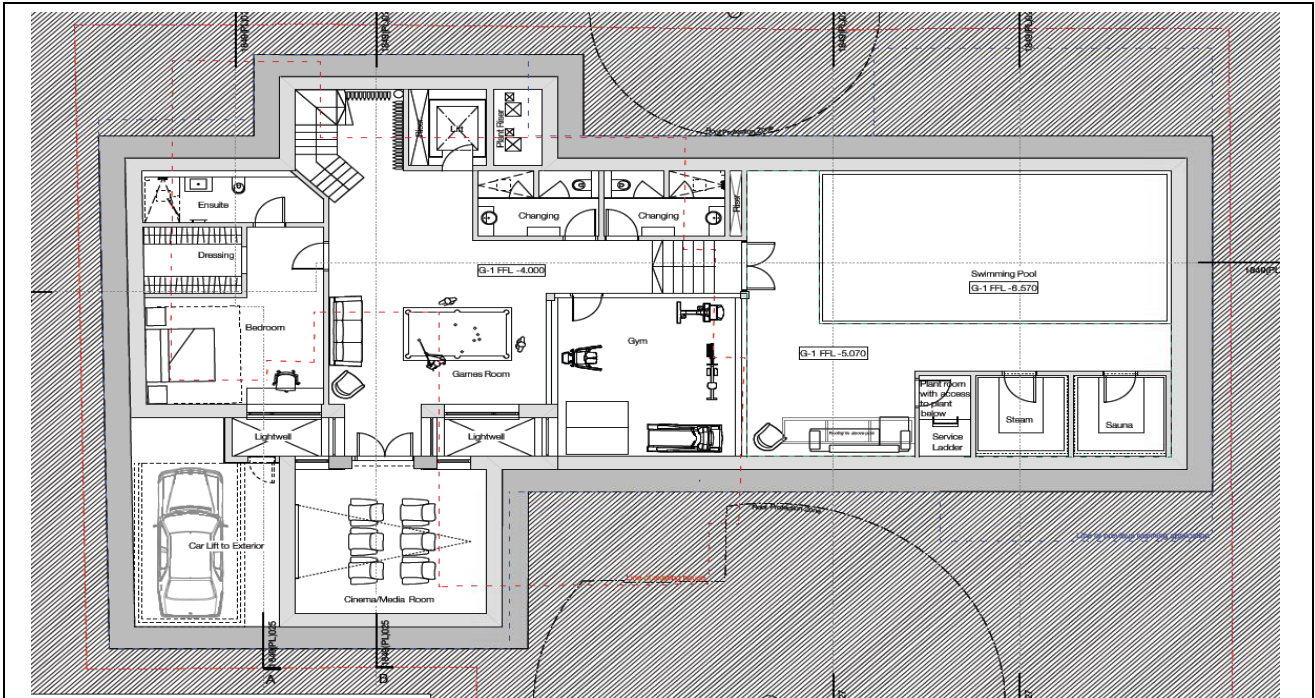
1. Application form
2. Appeal decision
3. Letter from St John's Wood Society, dated 2 February 2016
4. Response from Building Control - Development Planning, dated 23 December 2015
5. Response from Highways Planning Manager, dated 23 December 2015
6. Response from Environmental Health dated 6 January 2016
7. Response from Cleansing officer dated 6 January 2016
8. Response from Arboricultural officer dated 28 January 2016
9. Letter from occupier of 20 Ryders terrace, london, dated 12 January 2016
10. Letters from occupiers of 45 Carlton Hill, London, dated 12 and 28 January 2016 and 3 February 2016
11. Letter from occupier of 6 Beechcroft Avenue, New Malden, dated 13 January 2016
12. Letter from occupier of 22A Ryders Terrace, St Johns Wood, dated 13 January 2016
13. Letter from occupier of 67 Carlton Hill, London, dated 13 January 2016
14. Letter from occupier of 16 Blenheim Terrace, London, dated 20 January 2016
15. Letter from occupier of 105 Clifton Hill, London, dated 21 January 2016
16. Letters from occupier of 47 Carlton Hill, London, dated 22 and 24 January 2016
17. Letter from occupier of 51 Carlton Hill, dated 24 January 2016
18. Letter from occupier of 59 Carlton Hill, London, dated 26 January 2016
19. Letter from occupier of 8 Elizabeth Close, London, dated 26 January 2016
20. Letter from occupier of 23 Ryders Terrace, London, dated 26 January 2016
21. Letter from occupier of 49, Carlton Hill, dated 26 January 2016
22. Letter from occupier of 43 Carlton hill, london, dated 28 January 2016
23. Letter from occupier of 24 Ryder's Terrace, London, dated 28 January 2016
24. Letter from occupier of Beatrice House, 6 Blenheim Passage, dated 28 January 2016
25. Letter from occupier of 50 Carlton Hill, London, dated 28 January 2016
26. Letter from occupier of 44a Marlborough Place, St Johns Wood, dated 28 January 2016
27. Letter from occupier of 48 Carlton Hill, St Johns Wood, dated 29 January 2016
28. Letter from occupier of 3a Blenheim Passage, London, dated 29 January 2016
29. Letter from occupier of 111 Clifton Hill, St John's Wood, dated 29 January 2016
30. Letter from occupier of 10 Denning Close, London, dated 29 January 2016
31. Letter from occupier of 60 Carlton Hill, London, dated 2 February 2016
32. Letter from occupier of 46 Hithermoor Road, Stanwell Moor, dated 2 February 2016
33. Letter from occupier of 53 Blenheim terrace, London, dated 3 February 2016
34. Letter from occupier of 21 Ryder's Terrace, London, dated 3 February 2016
35. Letter from occupier of Flat 2, 20a Blenheim Terrace, dated 7 February 2016
36. Letter from occupier of 79-81 Kempston Street, Liverpool, dated 9 February 2016
37. Letter from occupier of 33 Clifton hill, London, dated 19 February 2016
38. Letter from occupier of Flat 3, 8A Blenheim Terrace, dated 28 February 2016
39. Letter from occupier of 22 Ryder's Terrace, unknown date.

Selected relevant drawings

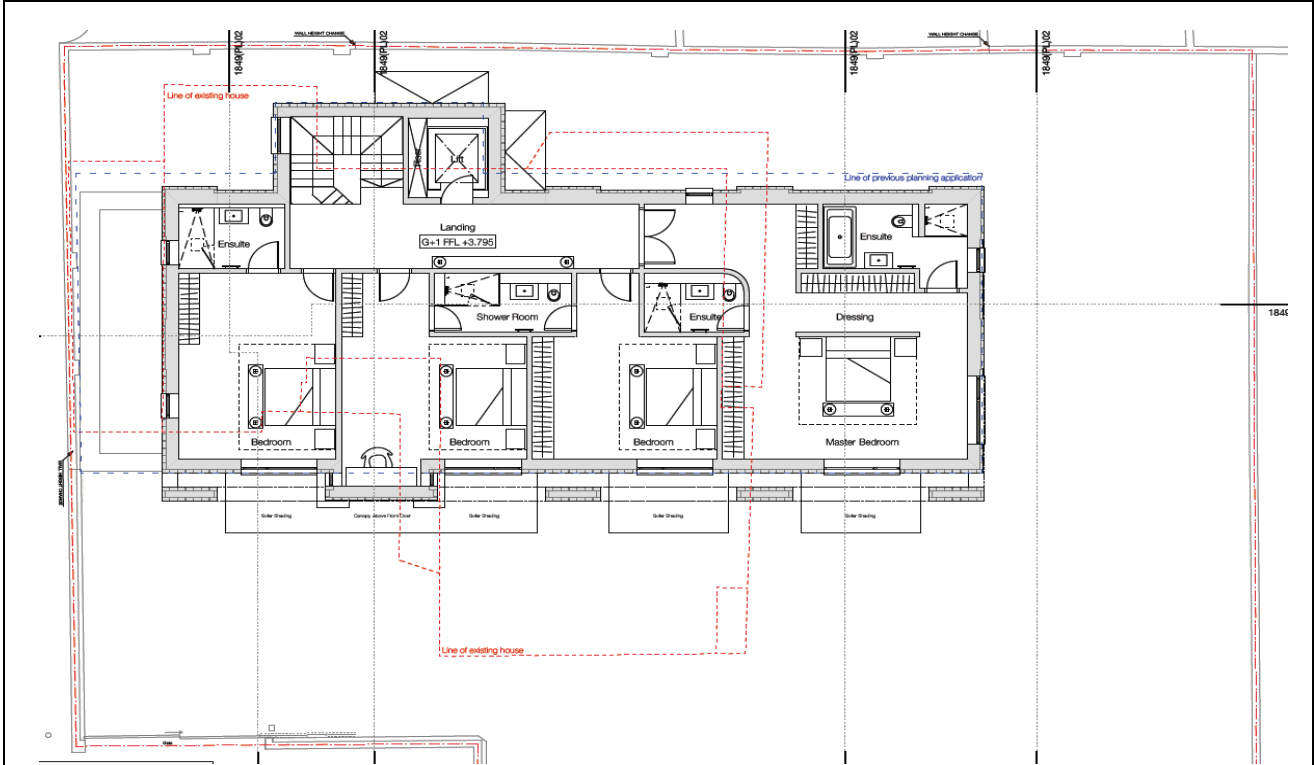
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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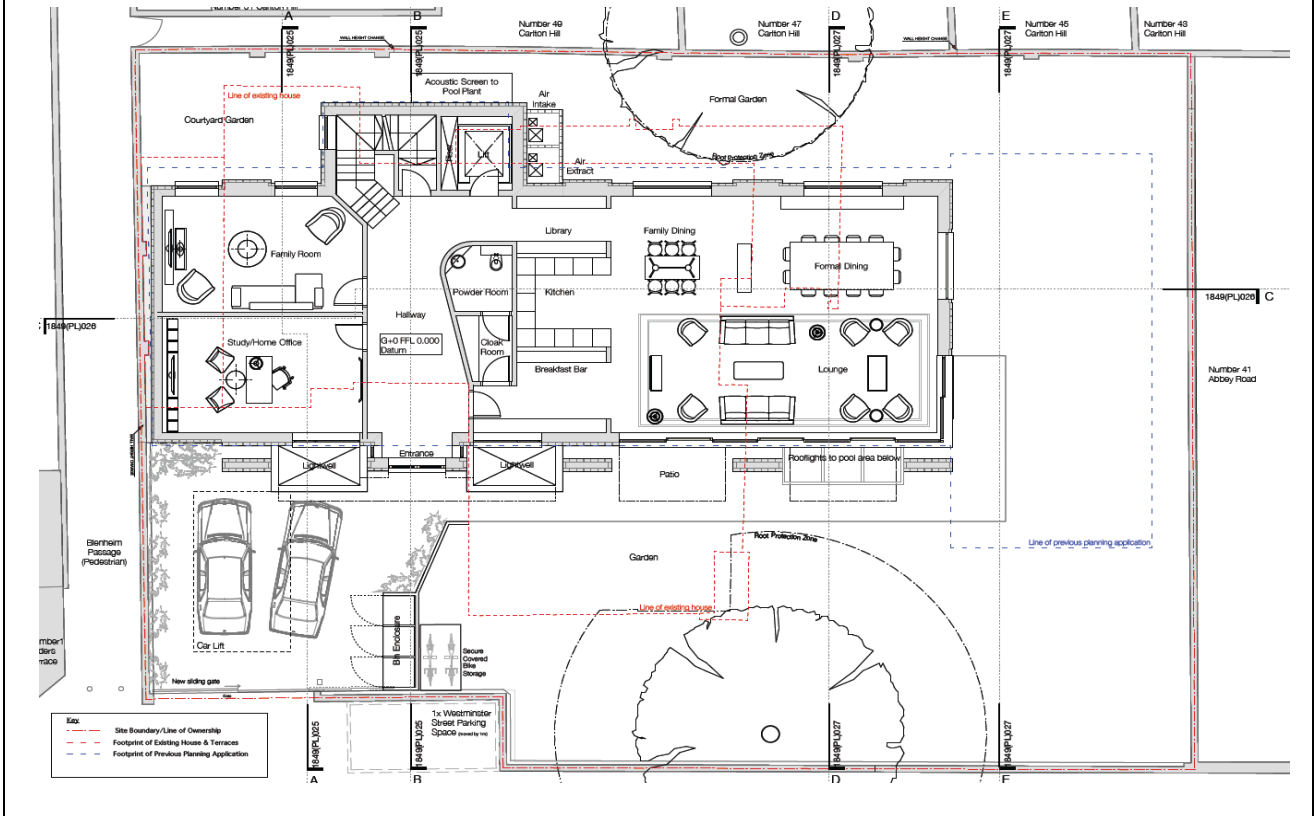
10. KEY DRAWINGS



Proposed Basement Levels

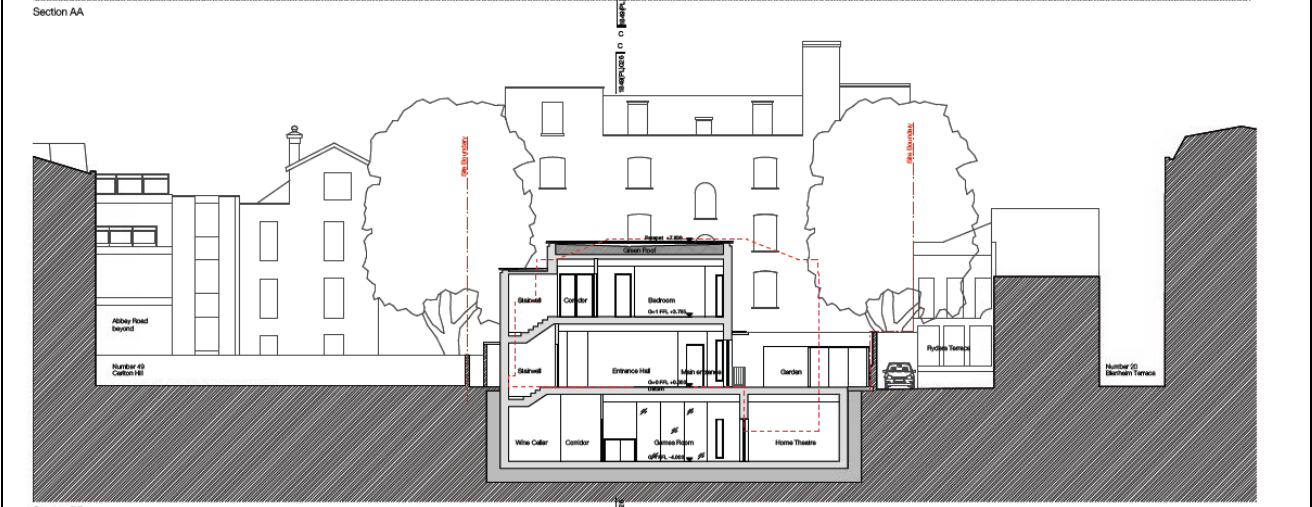


Proposed Ground and First floors





Section AA

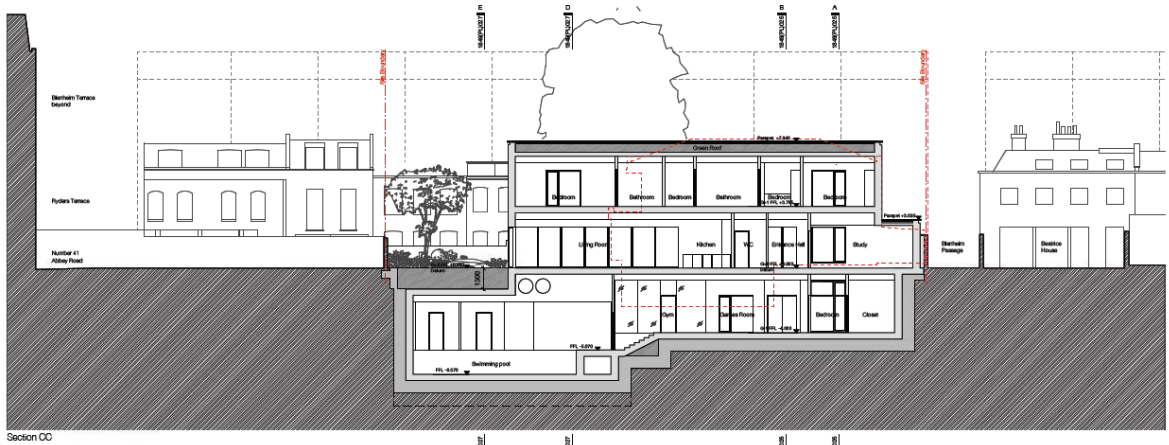


Section BB

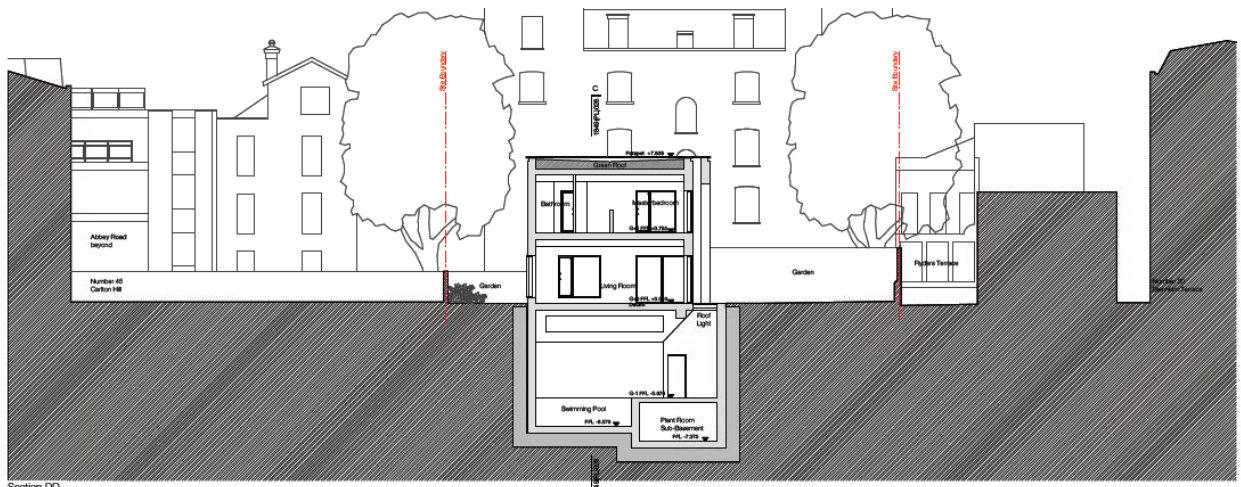
Proposed Sections AA & BB

Proposed Sections CC, DD & EE

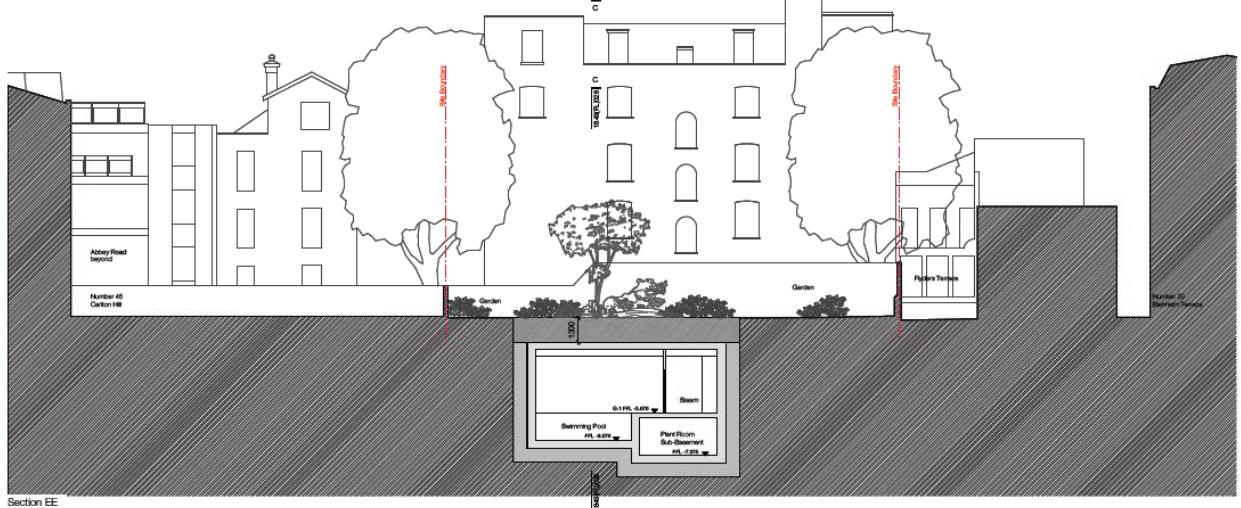
proposed section



Section CC



Section DD

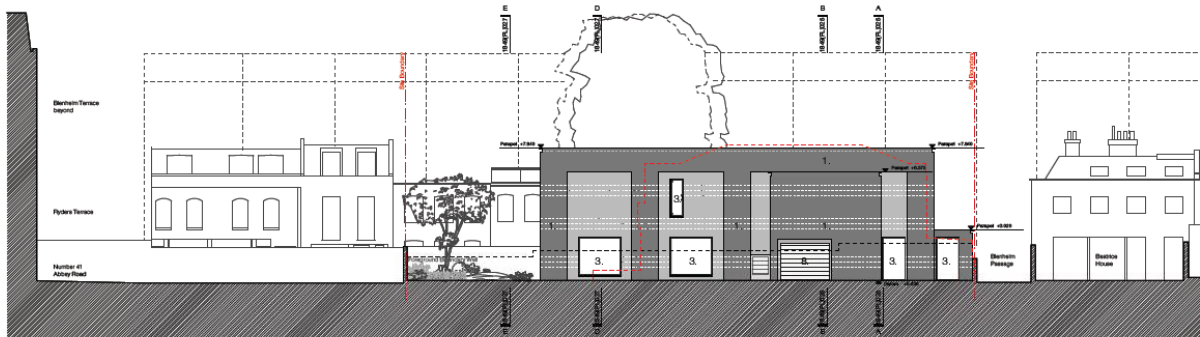


Section EE

Proposed Front and Rear elevations



Southeastern Elevation



Northwestern Elevation

Visual Images of front and rear elevations



DRAFT DECISION LETTER

Address: 40 Ryder's Terrace, London, NW8 0EE,

Proposal: Demolition of existing building and erection of a single dwellinghouse (Class C3) comprising sub-basement, basement, ground and one upper floor. Associated works including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances.

Reference: 15/11201/FULL

Plan Nos: 1849 (PI): 001; 002; P1; 011 P1; 012 P1; 013 P1; 014 P1; 015 P1; 016 P1; 019 P1; 020 P1; 021 P1; 022 P1; 023 P1; 025 P1; 026 P1; 027 P1; 028 P1; 029 P1; 030 P1; 031 P1; 032 P1; 033 P1; 034 P1; 035 P1; 036 P1; 037; P1; 041 P1; 042 P1; 043 P1; Planning Statement; Design and Access Statement dated 27 November 2015; Heritage Report dated December 2015; Acoustic Report dated 24 November 2015; Daylight and Sunlight Report dated 13 November 2015; Planning Sustainability Statement including Code for Sustainable Homes Report; Construction Management Plan dated Nov 2015; Trees and Construction report 13892/A2_Rev.B including plans 13892/TPP/01 and 13892/TPP/02; Landscaping Report by Kate Gould Gardens Ltd; For information only: Structural Methodology Statement dated November 2015.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:, * between 08.00 and 18.00 Monday to Friday;,, * between 08.00 and 13.00 on Saturday; and, * not at all on Sundays, bank holidays and public holidays., , You must carry out basement excavation work only:, * between 08.00 and 18.00 Monday to Friday; and, * not at all on Saturdays, Sundays, bank holidays and public holidays., , Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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 not put up an extension or form any windows or other openings (other than those shown on the plans) in the outside walls of the building without our permission. This is despite the provisions of Classes A, B, C, D, E, G and H of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 (or any order that may replace it). (C21HA)

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)

- 5 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the St John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 6 You must apply to us for approval of samples of the facing materials you will use, including glazing and including a sample panel of brickwork which shows the colour, texture, face bond and pointing of the brickwork, and elevations and roof plans annotated to show where the

materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 7 You must apply to us for approval of detailed drawings of the following parts of the development - 1) Canopy structures to elevations, 2) Railings to lightwells, 3) Ventilation panels adjacent to window openings. 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 drawings. (C26DB)

Reason:

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

- 8 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings, and you must not put any machinery or associated equipment, ducts, tanks, canopies, fences, loggias, trellises or satellite or radio aerials on the elevations or roof, except those shown on the approved drawings.

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)

- 9 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

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)

- 10 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application:- Green Roof. Once installed you must not remove this feature. You must also apply to us for approval of details of a biodiversity management plan in relation to the green roof. You must not start any work until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building.

Reason:

To protect and 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. (R43CB)

- 11 You must apply to us for approval of details of the ventilation system to get rid of fumes from the internal carparking, including details of how it will be built. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14BB)

Reason:

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

- 12 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

- 13 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

Reason:

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

- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1849(PL)021 P1. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 16 (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.

- 17 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.

- 18 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 19 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 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 **** of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

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

Reason:

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

- 21 (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including:., - identification of individual responsibilities and key personnel. - induction and personnel awareness of arboricultural matters., - supervision schedule, indicating frequency and methods of site visiting and record keeping, - procedures for dealing with variations and incidents. You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule. (b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is

being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

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

- 22 **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 trees that are to remain in site, the environment of residents and the area generally as set out in S29 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5, ENV 6, ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 24 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.
- 2 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 5 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are**

reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (154AA)

- 7 Condition IN requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
 - , * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.

- 8 You should ensure that the details you submit to satisfy the construction management and tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on and adjacent to the site will rely heavily on an appropriate means of construction

- 9 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any trees. Notwithstanding the proposal in your tree report, we cannot agree the proposed tree surgery as part of this planning permission as (a) one or more of the trees is outside the site boundary, and (b) the works are not required in order to implement the planning permission. You must make a separate section 211 notification for any proposed tree works. You are advised to obtain the permission of the owner of the tree prior to submission to the section 211 notification.

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

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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 5 April 2016 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Regent's Park | |
| Subject of Report | 12 Elm Tree Road, London, NW8 9JX, | | |
| Proposal | Excavation of basement with a rear lightwell, to provide a swimming pool. Installation of associated plant. | | |
| Agent | Mrs Tori MacCabe | | |
| On behalf of | Mr Sachin Khajuria | | |
| Registered Number | 15/08361/FULL | Date amended/ completed | 17 November 2015 |
| Date Application Received | 8 September 2015 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | St John's Wood | | |

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The proposed development comprises the excavation of a basement beneath the footprint of the semi-detached dwellinghouse to a depth of 4.19m below ground level, incorporating in part a swimming pool and associated plant at a lower level of 7.21m. The external alterations consist of the installation of a rear light well set against the rear elevation of the building.

Objections have been received from a number of local residents and the adjoining property No.12A Elm Tree Road, primarily on the grounds of the proposed disruption caused by the development and the impact of the proposed basement excavation.

The key considerations are:

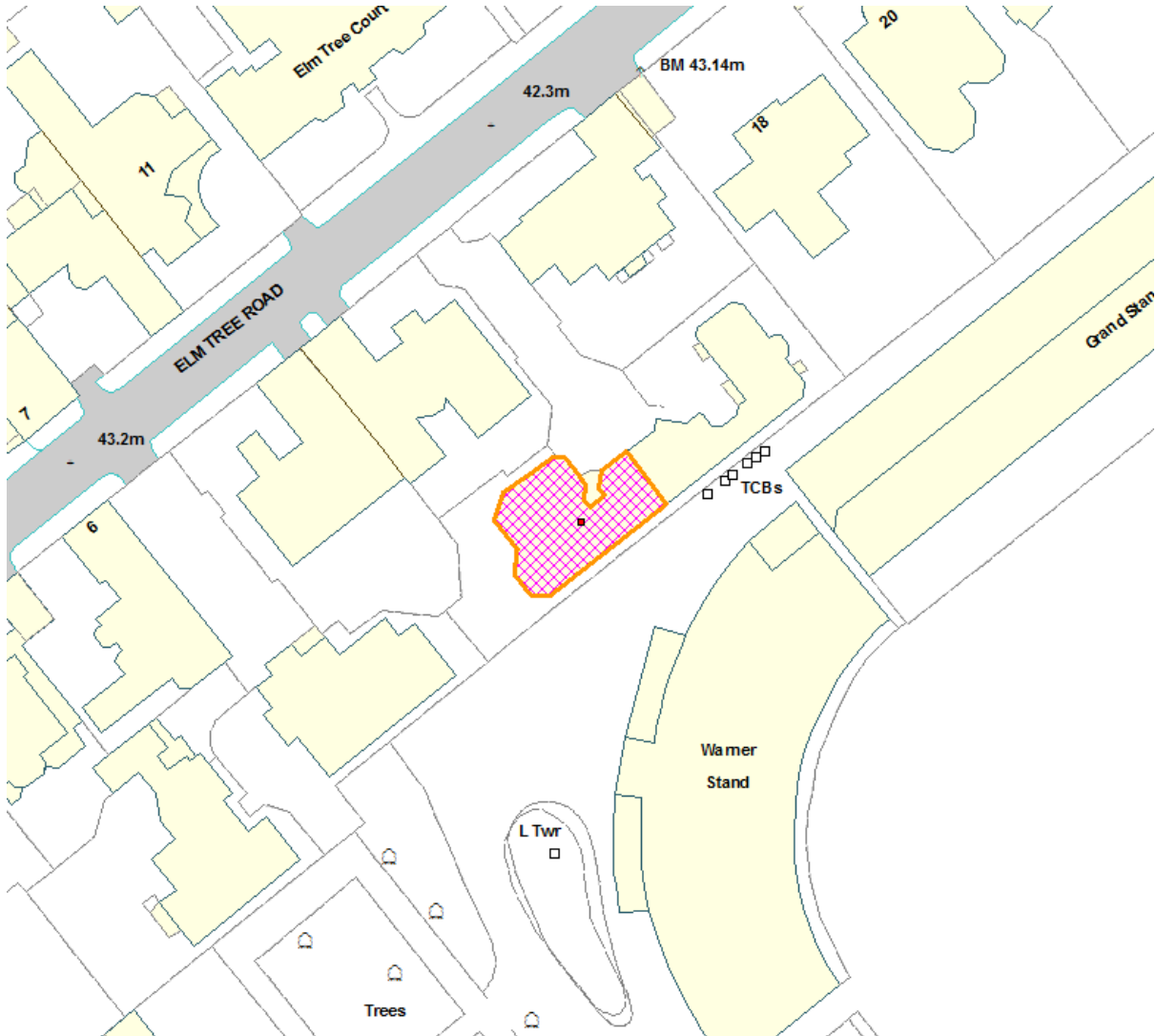
- Impact on the character and appearance of this building and the conservation area;
- Impact on the residential amenity of the occupants of neighbouring properties; and
- Impact of the basement excavation on the structural stability of this and neighbouring buildings.

As the proposals were submitted prior to the 1st November 2015, which is when the Council began applying weight to certain parts of the Basement Policy, the application has been assessed on its merits. The proposed development would be consistent with relevant operative and emerging development plan policy in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) in terms of conservation, design and amenity. As such, the application

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

3. LOCATION PLAN



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4. PHOTOGRAPHS

Shared Drive of 12 and 12A Elm Tree Road



Rear elevation of site



5. CONSULTATIONS

WARD COUNCILLER FOR REGENTS PARK

Any response to be reported verbally

ST JOHNS WOOD SOCIETY

No comments

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

No objection

BUILDING CONTROL - DEVELOPMENT PLANNING

No objection

ARBORICULTURAL SECTION - DEVELOPMENT PLANNING

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6

Total No. of replies: 8

No. of objections: 8

No. in support: 0

Design:

- Overdevelopment

Amenity:

- Loss of privacy and enjoyment of garden
- Request noise and hours restrictions on plant

Other:

- Structural instability
- Drainage
- Lack of information regarding car lift
- Construction disturbance upon residential amenity
- Obstruction of access to 12A
- Traffic congestion
- Lack of notice of works
- Annotation on basement plans misleading
- Development should be subject to emerging basement policy adopted 1st November 2015
- Request basement construction to not clash with games at Lords Cricket Ground.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises a semi detached residential property on Elm Tree Road within the St John's Wood Conservation Area. The site is accessed via a small private front drive shared between No. 12 and No. 12A. No 12 and 12A are unlisted buildings and date from the mid-20th century. Neither are identified as unlisted buildings of merit in the St John's Wood Conservation Area Audit. No 12A retains its original appearance and fenestration whilst the application site, No. 12 has undergone significant modernisation.

6.2 Recent Relevant History

13/10437/FULL

Partial demolition of existing house and erection of extensions at ground, first and second floor levels with roof terrace at first floor level, alterations to all elevations including materials and fenestration, mechanical plant at roof level, new entrance gates and landscaping.

Application Permitted 29 January 2014

14/05164/FULL

Variation of Condition 5 of planning permission dated 29 January 2014 (RN: 13/10437) for the partial demolition of existing house and erection of extensions at ground, first and second floor levels with roof terrace at first floor level, alterations to all elevations including materials and fenestration, mechanical plant at roof level, new entrance gates and landscaping; namely for the provision of alternative facing materials

Application Permitted 14 July 2014

7. THE PROPOSAL

The proposed development involves the excavation of a basement beneath the dwellinghouse accommodating swimming pool, sports room, games room, and rear lightwell adjacent to the buildings rear elevation. A car stacker is proposed in the front drive which is accessed only from ground level.

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

The building has undergone extensive refurbishment and re – modelling, increasing the floor area of the height of the building. As a result of the approved renovation works in 2014, the building has a modern appearance that bears little resemblance to its original

form and the neighbouring attached property No. 12A Elm Tree Road which retains its original facing brick and fenestration.

The works comprise the excavation of a basement extension to accommodate a swimming pool and associated uses beneath the dwelling house. As referred to in the summary, whilst objections have been received on the grounds that the application should be assessed having regard to the Council's Basement policy, parts of which were adopted on 1st November 2015, as the proposals were submitted prior to the 1st November 2015, the application has been assessed on its merits. Given the subterranean nature of the development, that the external manifestations of the works are limited to the lightwell at the rear of the dwelling facing the garden, and that the car stacker in the front drive will only be visible when in use, the proposals are considered to be acceptable in principle in terms of conservation and design. With regards to the lightwell at the rear, it is located adjacent to the rear façade, set against three vertical glazed openings and is finished with frameless glass. The elevation treatment is continued into the basement façade bringing natural light into the pool area. A balustrade is referred to on the proposed ground floor plan however it is not shown in elevation. Details will be secured through condition.

The car stacker will be positioned in front of the entrance to 12 Elm Tree Road, within the shared off street drive for 12 and 12A. Providing the material on the surface of the car stacker is indistinguishable from the remainder of the drive, and the stacker returns to its closed position immediately after use, there will be no adverse impacts upon the local townscape. This arrangement will be secured through planning condition.

The proposals are considered to comply with policy DES1, DES 5 and DES 9 of the UDP and S28 of the City Plan.

8.3 Residential Amenity

Given the subterranean nature of the basement extension, it will not have any impacts upon the locality in terms of daylight/sunlight, sense of enclosure or privacy. 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/ Highways Implications

Car parking arrangements for the property currently exceed that stipulated under TRAN23. The proposal will add another additional space in the form of a car stacker system. Whilst this is not ideal given that the site already provides excess car parking, this would not be grounds to withhold permission.

The development would continue to allow the shared use of the drive for both properties. There would be some inevitable disruption during the construction period however appropriate measures have been proposed in the Construction Management Plan, as detailed in 'other issues' part of this report, to mitigate this impact.

The neighbour has raised with the Council that they are experiencing problems with regard to the shared driveway. These comments are acknowledged however they are not planning matters that can be considered as part of the application. It is a private matter between the owners of the land. For clarification, the works to re-surface the driveway and

the replacement gates were granted permission on 29 January 2014 as part of the works to extend and alter the existing house.

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

Plant

The application proposes plant in connection with the basement swimming pool, however the exact detail of plant is yet to be specified.. The submitted acoustic report has been reviewed by the City Council's Environmental Health, who has advised that any future plant needs to adhere with a background noise level under normal circumstances, rather than during construction hours of the adjacent Lords Cricket ground which is when the survey appears to have been carried out. An appropriate condition (6) has been attached accordingly with a supplementary acoustic report also required to demonstrate compliance with condition 6.

Refuse /Recycling

The development would not materially impact the existing arrangements for refuse and recycling. The City Councils Highways Officer advises that further details need be secured through condition however it is not considered necessary in this instance.

Trees

The submitted arboricultural report identifies a line of Leyland Cypress trees (H2) on the neighbours plot and a Swedish Whitebeam within the application site garden. The basement development does not present a risk to these trees as it is outside of their root protection area, notwithstanding a small portion within that belonging to the Leyland Cypress Trees.

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 Other Issues

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 and a revised certificate was completed and submitted to the Council which has been logged with the application. 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 to remove its lower element to fully accord with the new policy as suggested by neighbours would be unreasonable.

Construction impact

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, especially given the fact that the driveway to the application site is shared with No. 12A, 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. A revised construction management plan was issued during the application which reduced the

frequency of concrete deliveries and moved the location of the skip to the private road. These detailed including the revised arrangement is considered appropriate and reasonable at application stage. However, a condition is recommended to secure a more fully detailed construction management plan, in particular detailing a vehicular route map which at this stage is missing, 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.

9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society, dated 2 November 2015
3. Response from Highways Planning - Development Planning, dated 2 November 2015
4. Response from Building Control - Development Planning, dated 30 October 2015
5. Response from Environmental Health, dated 19th February 2016
6. Email from occupier of 12A Elm Tree Road, dated 12 November 2016
7. Letter from occupier of 12a, Elm Tree Road, dated 13 November 2015
8. Letter from on behalf of 12a, Elm Tree Road from Simply Planning dated 29 January 2015
9. Letter from occupier of 3 Elm Tree Road, London, dated 13 November 2015
10. Letter from occupier of 8A Elm Tree Road, London, dated 13 November 2015
11. Letter from occupier of 1 Elm Tree Court , Elm Tree Road , dated 14 November 2015
12. Letter from occupier of 18 Elm Tree Road, London, dated 19 November 2015
13. Letter from occupier of 107 and 109 Elm Tree Court, Elm Tree Road, dated 25 November 2015
14. Letter from occupier of 107 and 109 Elm Tree Court, Elm Tree Road, dated 25 November 2015
15. *Petition from residents of Elm Tree Court, signatures from 10 addresses, dated 30 November 2016
16. Letter from occupier of Assistant Secretary (Estates), Marylebone Cricket Club, dated 14 December 2015

Selected relevant drawings

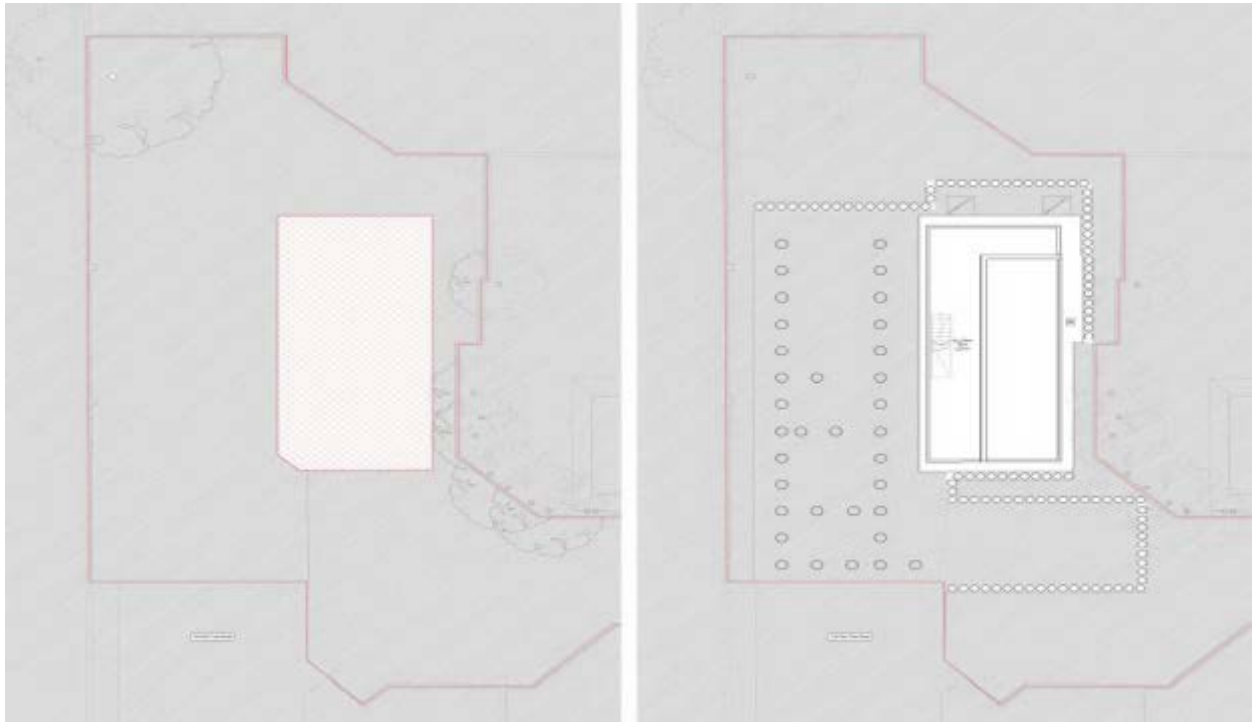
Proposed ground floor and elevations.

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

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

10. KEY DRAWINGS

Proposed basement levels



PLANNING 13050

City of Seattle
Department of Planning & Development Center (Internal Files)

Project Name: [Redacted]
Address: [Redacted]
Map Sheet: [Redacted]

Scale: 1" = 10'-0"

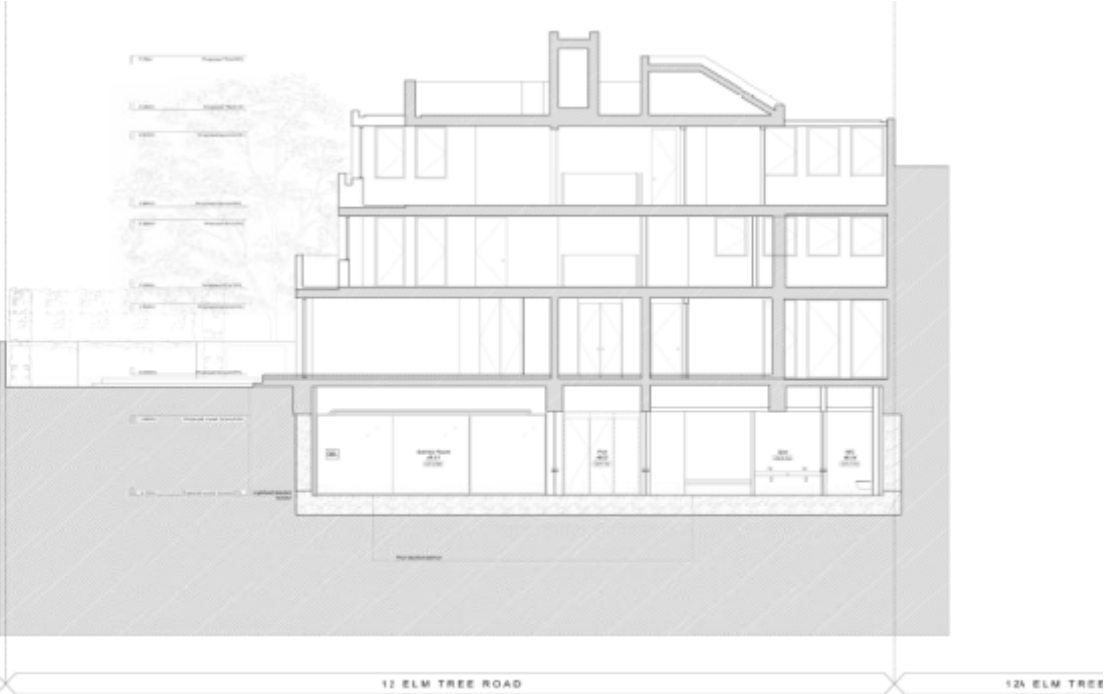
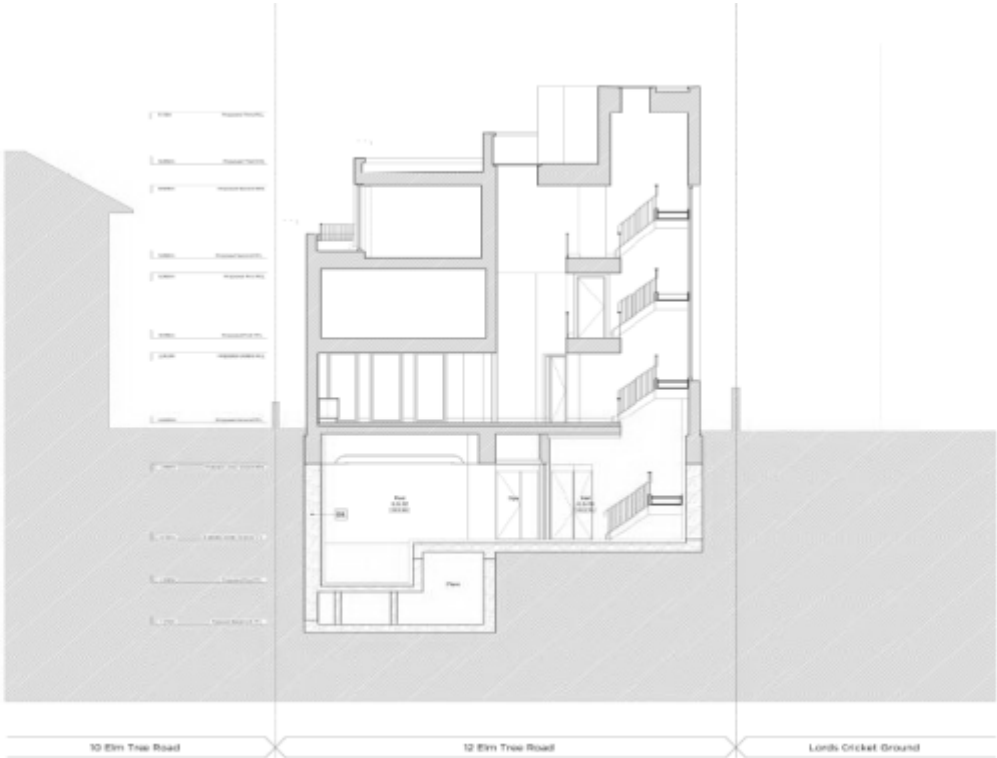
North Arrow

City of Seattle
Department of Planning & Development Center

Proposed Elevations/ lightwells



Proposed Sections



DRAFT DECISION LETTER

Address: 12 Elm Tree Road, London, NW8 9JX,

Proposal: Excavation of basement with a rear lightwell, to provide a swimming pool.
Installation of associated plant.

Reference: 15/08361/FULL

Plan Nos: 13050-P_00 (location plan), 13050-P_00, 13050-P_01, 13050-P_02, 13050-P_03, 13050-P_04, 13050-P_05, 13050-D_04, 13050-D_05, Design and Access Statement prepared by Marek Wojciechowski Architects, Odhran Brennan, Report on impact of trees prepared by John Cromars's Arboricultural Company, Ground Investigation Report Basement Development prepared by Aviron Associates Limited, Construction Management Plan, Construction Management Report rev B, Noise report prepared by Emtec dated 8 February 2016; For information only: Structural engineer's structural methodology statement Prepared by Engineer:

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 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) Proposed ballustrate to rear light well.
 - ii) Details of the proposed car lift including manufacturers specification.

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)

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 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.

Reason:

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

6 (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 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 The car stacker installed must be finished in the same surface material as the front drive and shall 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 Kohns Wood Conservation Area. This is as set

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 The 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.
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 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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| Item No. |
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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.

Agenda Item 6

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| Item No. |
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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 5 April 2016 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Bayswater | |
| Subject of Report | 19 Kildare Gardens, London, W2 5JS, | | |
| Proposal | <u>15/11065/FULL – (Application 1)</u> Erection of single storey extension to rear closet wing at second floor mezzanine level floor level to enlarge existing dwellinghouse. <u>15/11086/FULL – (Application 2)</u> Construction of basement under part of existing building and part of rear garden with rear lightwell and erection of rear extension at lower ground floor level and alterations to fenestration in rear elevation. | | |
| Agent | Mr Ian Hume | | |
| On behalf of | Mr Guillermo Baygual | | |
| Registered Number | 15/11065/FULL 15/11086/FULL | Date amended/ completed | 27 November 2015 |
| Date Application Received | 27 November 2015 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Westbourne | | |

1. RECOMMENDATION

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| Application 1 - Grant conditional permission Application 2 - Grant conditional permission |
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2. SUMMARY

Planning permission is sought for ‘Erection of single storey extension to rear closet wing at second floor mezzanine level floor level to enlarge existing dwellinghouse.’ (Application 1) and ‘Construction of basement under part of existing building and part of rear garden with rear lightwell and erection of rear extension at lower ground floor level and alterations to fenestration in rear elevation.’ (Application 2)

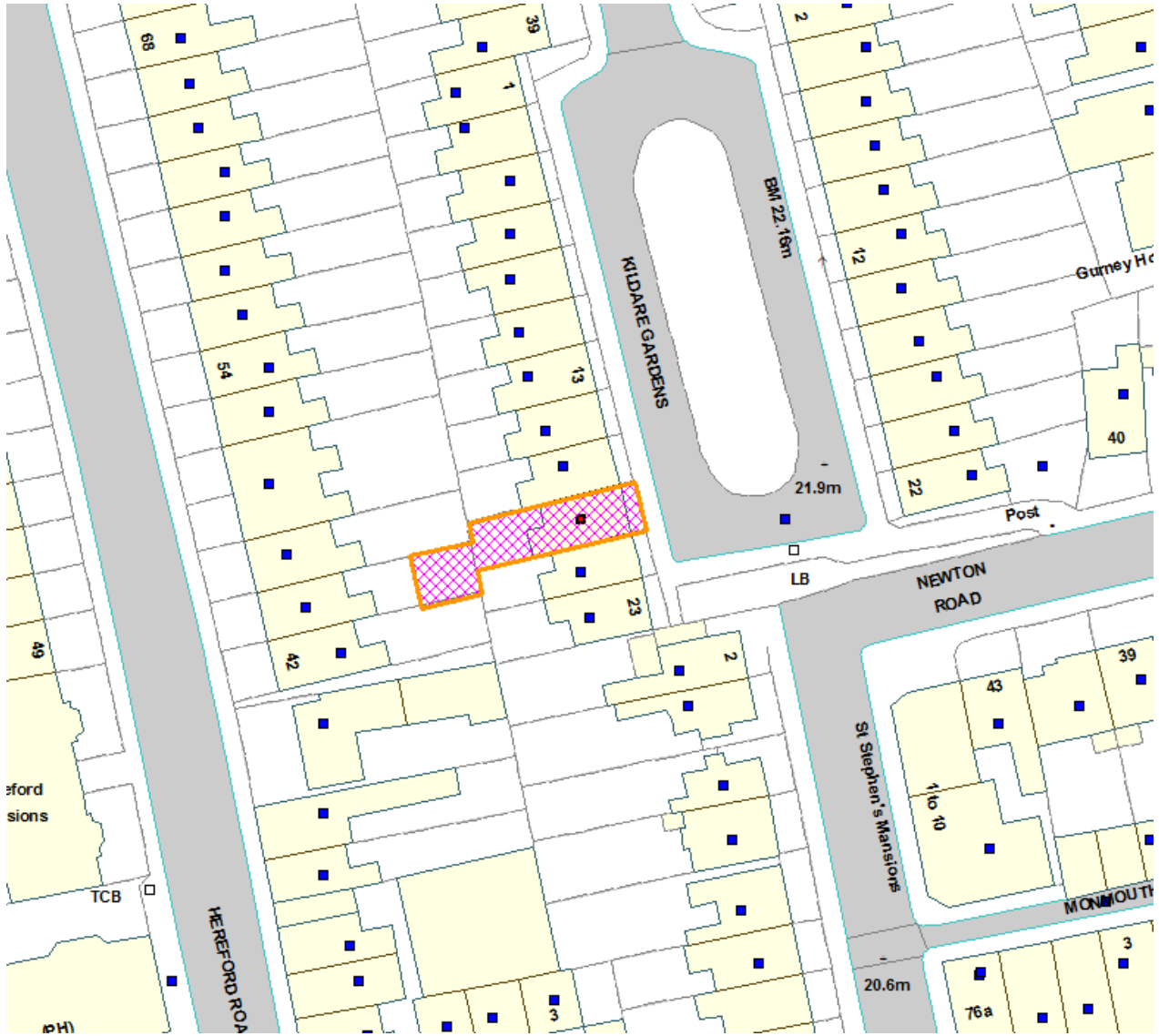
The key issues in this case are:

- The impact on the appearance of the building and the character and appearance of the local surroundings.

- The impact that the construction of the proposed basement will have on the host property as well as neighbouring properties.
- The construction management plan and the impact that construction works will have on neighbours in regards to amenity and access to parking/road access.

For the reasons set out in the report, it is not considered that permission could reasonably be refused on design, amenity and highways grounds and that both schemes are acceptable in all other regards and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan). As such, the applications are recommended for approval, subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS

19 Kildare Gardens – View of front elevation



View of existing closet wing (Application 1)



View of rear elevation focusing on the area for the proposed infill extension. (Application 2)



View into rear garden of No. 19



5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION - Application 1

From drawings and photographs supplied extension appears very large and does not preserve or enhance the Westbourne Conservation Area.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION - Application 2

Objection raised on the grounds that originally they weren't consulted on the proposal. Following consultation, no comments received.

HIGHWAYS PLANNING - Application 2

No objection. Acceptable on transportation grounds.

HIGHWAYS LICENSING – Application 2

Details of vehicle size required to make a full assessment

ARBORICULTURAL SECTION – Application 2

No objection - provided that the remaining area of the garden is adequately protected from the risk of soil contamination or compaction, preferably by means of protective fencing across the entire garden area.

BUILDING CONTROL – Application 2

No objection to basement excavation however it is noted that a protected staircase is required for the proposed basement.

ENVIRONMENT AGENCY (THAMES REGION) – Application 2

No comment to date

THAMES WATER UTILITIES LTD – Application 2

No comment to date

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

Application 1

No. Consulted: 158; Total No. of replies: 5 letters/ emails received from 4 respondents raising objection on all or some of the following grounds:

DESIGN

- The extension of the closet wing at third floor level will have a detrimental visual impact
- The extension is not in keeping with the character of the Victorian property.

AMENITY

- Natural light to adjacent properties will be reduced.
- Extension will have a detrimental impact on privacy of adjacent properties.

HIGHWAYS

- There will be a negative impact on traffic flow, road access, parking and servicing as a result of construction works.

OTHER

- Lack of communication with owners
- Request that application be referred to Planning Committee.

Application 2

No. Consulted: 180; Total No. of replies: 21 letters/emails received from 15 respondents raising objection on all or some of the following grounds:

DESIGN

- The works are not in keeping with the character of the gardens/terrace houses.

AMENITY

- Noise disruption to neighbours

-

HIGHWAYS

- Traffic congestion due to construction works
- Limited parking due to construction/excavation works.
- No/limited access for emergency vehicles during construction
- Danger to life due to vehicle access

OTHER

- Structural strain on the adjacent properties.
- Extension of non-porous surface could reduce rain water absorption which could affect adjacent gardens.
- Request for consultation with the architect/engineer
- The proposed works are not suitable for the host property.
- Loss of mature tree and wildlife habitat
- Request that application be referred to Planning Committee
- Insufficient work has been done to explore the structural impact of the development
- Subsidence to surrounding buildings
- Historic significance of gardens will be reduced.
- Objection to the construction management plan
- Resident bay suspensions should not apply after 5.30 p.m. weekdays and not at all at weekends.
- The main contractor should supervise subcontractors at all times.

Consultation following amendments to the scheme (plans were subsequently made available and additional time allowed for comments by neighbours).

DESIGN

- The resulting structure will remain disproportionate to other houses in the gardens/terrace, despite being reduced in size from the original plan.

OTHER

- While clearly the alteration at the back of the property to reduce the height of the rear extension is welcome, the fundamental problem of the subterranean basement has not been addressed.
- Objection to the sub-basement and excessive digging to garden.
- The construction management plan is inadequate given the challenges presented by the road layout
- Water and damp issues as a result of the development
- The construction of the basement is misleading

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is 19 Kildare Gardens, London, W2 5JS, which is an unlisted 5 storey terraced single family dwelling located in the Westbourne Conservation Area. The surrounding area consists of similar terraced properties which remain in residential use.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Application 1

Permission is sought for an extension to the existing closet wing at second floor mezzanine level. The additional space is to function as a bathroom to serve the three bedrooms at third floor level. During the course of the application, without officer guidance, amended plans were submitted showing a reduction in the height of the extension.

The proposed extension will be constructed with London stock bricks to match the existing brickwork. It will align with the height of the existing closet wing to the rear of NO. 23, but be lower than that of No. 17, with a painted timber double glazed sash window.

Application 2

Permission is sought for the construction of a basement under part of existing building and part of the rear garden with a rear lightwell and the erection of a rear extension at lower ground floor level including alterations to the fenestration of the rear garden.

During the course of the application amended plans have been received showing a reduction in the height of the extension from 2 storeys to a single storey at lower ground floor level. This follows concerns raised by officers that the scale of a 2 storey extension would visually dominate the host building and therefore fail to preserve or enhance the character and appearance of the conservation or comply with Policy DES 5. Additionally it was proposed to replace the existing window with a pair of casement doors and a Juliette balcony at first floor level which was considered to be uncharacteristic on building of this age and architectural style; this has been omitted from the scheme. These amendments have addressed the concerns raised.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional residential floorspace would accord with policy H3 of the Council's Unitary Development Plan (UDP) and policy S14 of Westminster's City Plan: Strategic Policies.

8.2 Townscape and Design

Application 1

The terrace in which the application site sits, is relatively uniform in terms of the height of the rear closet wings. However this uniformity is broken by no.17, which rises up the full height of the rear elevation and the closet wings at no's. 19 and 21 which are approximately 1.5 metres shorter than the closet wings to the north of no.17 in the same terrace. Additionally no.23 has implemented a planning permission granted in January 2009 (08/10532/FULL), which gave permission for the erection of a closet wing extension at second floor half landing level. In this context it is considered that the proposed extension at no.19 would not significantly harm the uniformity of the terrace as a whole and therefore would not harm the character and appearance of the Westbourne Conservation Area.

Policy DES 5 of the UDP seeks the highest standards of design in alterations and extensions. As the extension is not considered to adversely affect the character of the building or the character of the terrace, will not rise above the penultimate roof storey and is of a scale, form design and uses materials which are consistent with the host building and its setting, it is considered to comply with the aims of the policy.

Neighbour objections were received on the grounds that the extension of the closet wing at third floor level will have a detrimental visual impact and that the extension is not in keeping with the character of the Victorian property. Whilst it is noted that this alteration will be highly prominent in private views from the opposite buildings in Hereford Road, given the existing lack of uniformity deriving from the height of the closet wings to no.17 and no.23 the appearance of this part of the terrace has already been compromised and therefore the extension is not considered to result in an elevation which is visually detracting.

An objection has been received from the local amenity society on design grounds on the basis of the scale of the extension and that it would not be in keeping with the character of the Westbourne Conservation Area. Further consultation comments have been received, objecting on design grounds in relation to the extension being out of proportion with the architectural style and scale of the Victorian property. However, given that the proposed extension would be of modest scale which will not detract from the prevailing height of closet wings in the same terrace to the north of no17; would not project above the penultimate storey of the host building and would be constructed in materials that match the host building, it is not considered that the objections raised can be supported.

The extension is considered to preserve and enhance the appearance of the host building and the character and appearance of the Westbourne Conservation Area and is in accordance with UDP policies DES 1, DES 5 and DES 9 as well as S25 and S28 of the City Plan.

Application 2

The proposed basement is considered to comply with Policy CM28.1 of the City Plan as it does not extend beneath more than 50% of the garden land, a proportion margin of undeveloped land has been retained around the site boundary and the retained soil depth appears to be adequate. Whilst guidance provided in Westminster's SPG Basement Development advises that the most sympathetic location of a new lightwell would be against the rear elevation of the host building, given that the proposed lightwell will be positioned against the rear elevation of the proposed extension, the lightwell is considered to have a limited impact on the character and appearance of the conservation area given the historic extensions and alterations that have occurred at the rear. As proposed the lightwell will be 1.4 metres deep; given that its footprint will not extend beyond the built line of the existing rear extension in this instance this scale is considered to be acceptable in design terms.

With regards to the infill extension at lower ground floor level, Policy DES5 of the adopted Unitary Development Plan seeks to ensure that these are confined to the rear of the existing building, do not visually dominate the existing building, are in scale with the existing building and its immediate surroundings and their design reflects the style and details of the existing building.

An objection was received on the grounds that the resulting structure will remain disproportionate to other houses in the gardens/terrace, despite being reduced in size from the original plan. With regards to the infill extension at lower ground floor level, its form, materials and detailed design comprise of a lightweight addition, consisting primarily of glazing set within a metal frame, with zinc cladding to provide a visual separation between the glass and brick closet wings. A contemporary approach is not considered to be contentious as it is an honest method which allows for the historic core to be interpreted. As revised the proposed scale is not considered to visually dominate the host building as will be seen as a subservient addition. Therefore the extension will have a limited impact on the character and appearance of the conservation and complies with Policy DES 5.

The rear extension and introduction of a lightwell are considered to preserve the character and appearance of the Westbourne Conservation Area and comply with Policy DES 5 and DES 9 of the UDP as well as S25 and S28 of the City Plan.

8.3 Residential Amenity

Noise

Objections were received on noise grounds. As no mechanical plant is proposed to the basement the objections are not considered sustainable.

Sunlight and Daylight

An objection was received on the grounds that natural light to adjacent properties will be reduced. The closet wing at no.17 already rises up the full height of the rear elevation and at no. 21 is approximately 1.5 metres shorter. As the proposed extension at no.19 would remain below the cill level of the neighbouring third floor level windows, it is not considered that the proposal raises significant sunlight and daylight concerns.

The proposed lower ground floor infill extension and basement raise no sunlight/daylight issues.

Privacy

An objection was received from a resident of Kildare Terrace in terms of a loss of privacy. Although an additional window is being introduced within the rear closet wing extension at third floor level, it is not considered that this will have a significant impact on the privacy of the opposite property at 44 Hereford Road as there are already several windows at the rear of the property. It therefore considered that the objection is not sustainable.

The lower ground floor extension and basement raise no privacy issues.

8.4 Transportation/Parking

The proposals will have no impact upon the highway.

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

Trees

The proposed rear extension would be constructed within the Root Protection Area (RPA) of a multi-stemmed lime tree in the rear garden of the neighbouring property (believed to be 21 Kildare Gardens).

The applicants have submitted an arboricultural impact assessment (AIA) in support of the proposal. The AIA considers that the garden boundary walls will be acting as a barrier to tree roots growth and, furthermore, that as the 'breach' into the RPA is minor and will have little impact on the tree.

It is true that the incursion into the circular RPA of the tree is minor. However, the arboricultural consultant has not modified the RPA to take into account the restrictions to root growth caused by adjacent structures. The circular RPA is actually constrained on the east side by the rear of the property at 21 Kildare Gardens and on the south by the property at 40 Hereford Road. The RPA should be modified to take these structures into account, which would mean that the incursion into the RPA is likely to be a greater proportion than shown.

A trial excavation has been carried out along the boundary wall to determine the depth of foundations and the presence of any tree roots. The excavation was carried out to just below the underside of the foundations and it would have been desirable for the excavation to have been slightly deeper. However, the foundations themselves appear to be at least 60cm below ground level, and they are likely to be restricting root growth in the rear garden of 19 Kildare Gardens. Notwithstanding the forgoing, the Arboricultural manager has not raised an objection, but states that the remaining area of the garden should be adequately protected from the risk of soil contamination or compaction. A condition to secure protective fencing across the entire garden area is therefore recommended.

Basement Excavation

Objections have been received over the level of excavation proposed and in relation to the structural information provided.

This issue is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

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.

Comments have been received on the grounds that the investigation works, the hydrological assessment, water table details and details of ground movements are inadequate and that there are discrepancies with the submitted reports.

The applicant's documents have been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Neighbour objections have also been received on the grounds that water and damp issues will occur as a result of the development. An investigation by Aviron Associates Ltd 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 City Council's Building control manager has stated that the floor plans by TOTEM Studio Architecture are not in accordance with the fire regulations as the ground and lower ground floors are open plan. A recommendation for a protected staircase for the proposed basement has been put forward. This will be secured through Building Regulations.

Construction Management Plan/ Noise and Disruption During the Course of Works

Several neighbour objections were received on the grounds that the construction management plan is inadequate given the challenges presented by the road layout. A further objection was raised stating that there will be a negative impact on traffic flow, road access, parking and servicing as a result of construction works.

The City Council's internal Highways Licensing manager has assessed the construction management plan and whilst there are no objections in principle to the plan, they have stated that the swept path analysis provided within the Construction Management Plan

does not give a clear indication of smooth passage. It is therefore recommended that a condition be imposed requesting an amended construction management plan which will confirm what size vehicle (concrete, steel, muck away) in terms of length, width and axles will be used and that this will be limited to the vehicle size stipulated which can be inserted in the temporary structure licence agreements. It is also recommended by Highways Licensing that a trial display/dummy run to show the manoeuvre will not look out of place be carried out in order address neighbour concerns. It should be noted that these details will only be requested in relation to the application for the basement works.

There are no objections in regards to the suspension of parking bays along Kildare Gardens during the course of works.

In terms of noisy works, a standard condition to control house of building works is recommended. It should be noted that this differs between the two applications and with regards to the basement application, this includes specific restrictions for basement excavation work which can only be carried out between 08.00 and 18.00 Monday to Friday, 08.00 and 13.00 on Saturday and not at all on Sundays and Bank Holidays.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

Application 1

1. Application form
2. Letter from South East Bayswater Residents Association dated 13 and 30 December 2015
3. Letter from occupier of 21 Kildare Gardens, London, dated 28 December 2015
4. Letter from occupier of Ground Floor Flat, 16 Kildare Terrace, dated 31 December 2015
5. Letter from occupier of Flat 4, 13 Kildare Gardens, dated 10 January 2016
6. Letter from occupier of 28 Kildare Terrace, London, dated 11 January 2016

Application 2

1. Application form
2. Letter from South East Bayswater Residents Association dated 23 December 2015
3. Memo from the Arboricultural Manager dated 9 March 2016.
4. Memo from the Highways Planning Manager dated 18 February 2016
5. Email from the Highways Licensing Manager dated 3 March 2016
6. Email from the Building Control Manager dated 3 March 2016
7. Letter from occupier of 21 Kildare Gardens, London, dated 28 December 2015
8. Letter from occupier of 14 Kildare Gardens, London, dated 31 December 2015
9. Letter from occupier of Ground Floor Flat, 16 Kildare Terrace, dated 31 December 2015
10. Letter from occupier of 8 Kildare gardens, London, dated 3 January 2016
11. Letters from occupier of 16 Kildare Terrace, London, dated 5 January and 10 March 2016
12. Letter from occupier of 18 Kildare Terrace, London, dated 6 January 2016
13. Letters from occupiers of 14 Kildare Terrace, London, dated 9 January, 10 January and 23 February 2016
14. Letter from occupier of 28 Kildare Terrace, London, dated 11 January 2016
15. Letters from occupier of 25 Alexander Street, London, dated 12 January and 19 February 2016
16. Letter from occupier of 23 Kildare Gardens, London, dated 12 January 2016
17. Letters from occupier of 22 Kildare Terrace, London, dated 14 January, 20 February and 14 March 2016
18. Letter from occupier of 31 Kildare Terrace, London, dated 19 January 2016
19. Letter from occupier of 28 Kildare Terrace, London, dated 20 February 2016
20. Letter from occupier of 21 Kildare Gardens, London, dated 22 February 2016

Selected relevant drawingsApplication 1

1. Proposed Elevations, Proposed section

Application 2

2. Proposed basement floor plan, Proposed Street Elevation, Proposed rear elevation, Proposed rear elevation.

(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

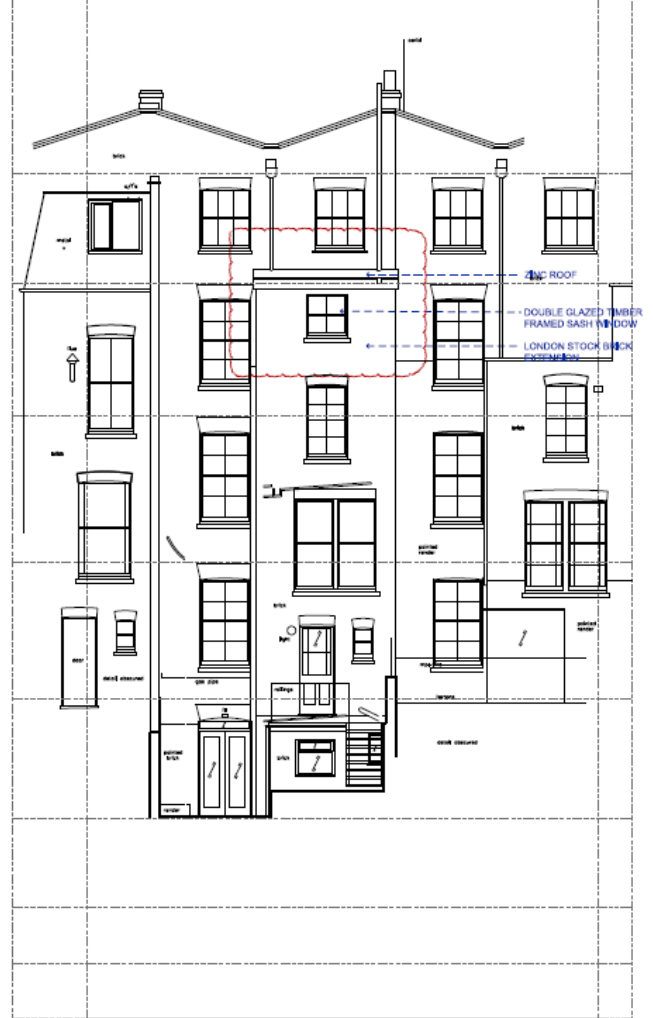
10. KEY DRAWINGS

Application 1

1. PROPOSED STREET ELEVATION

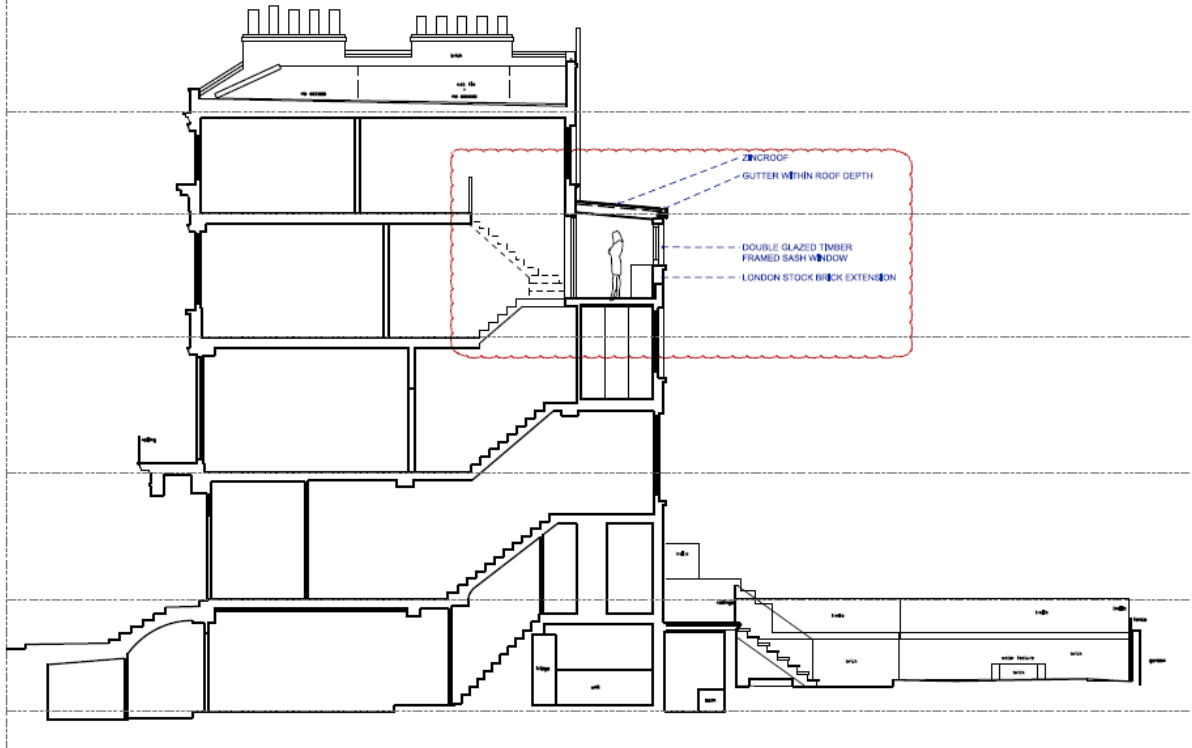


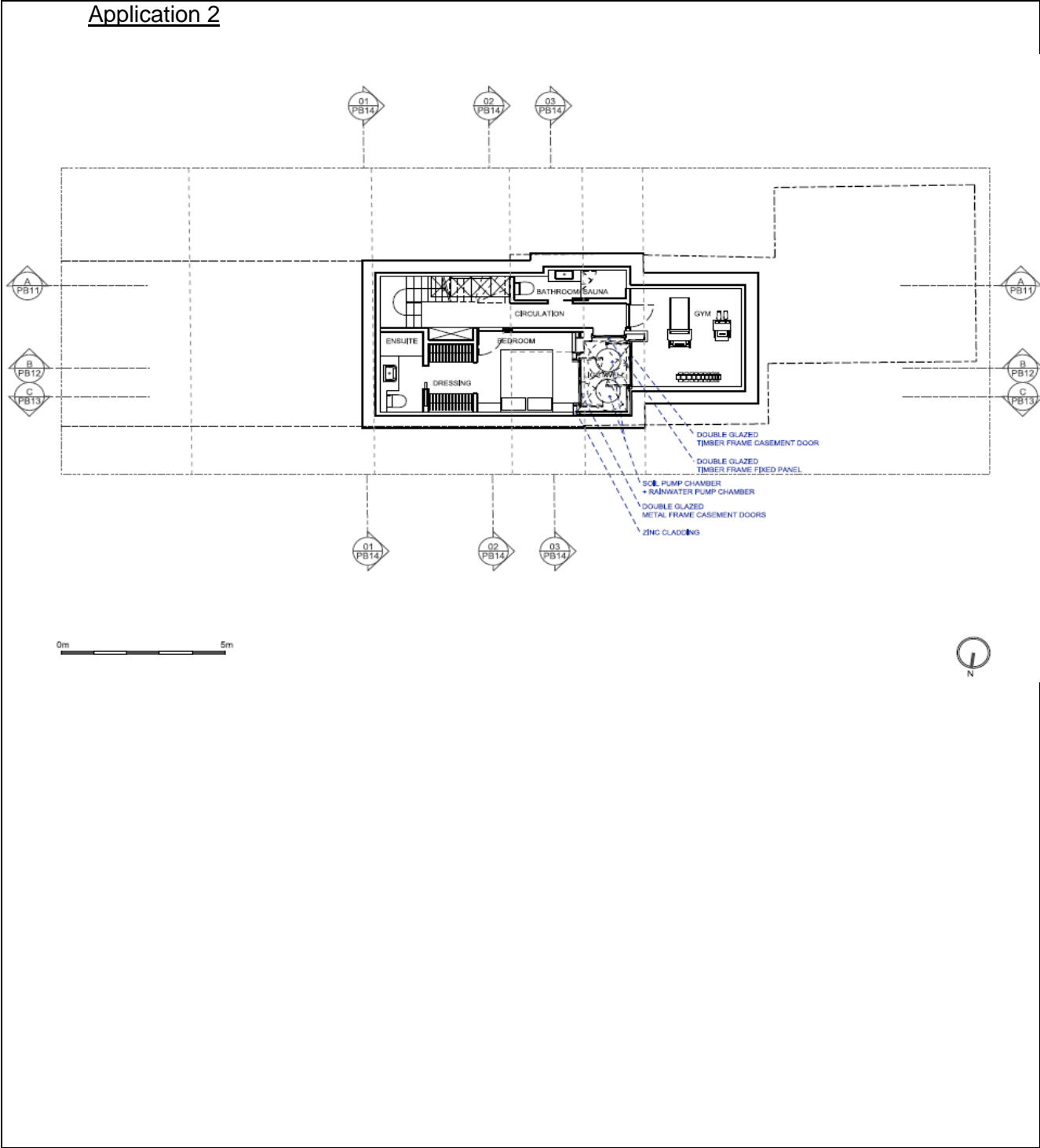
2. PROPOSED REAR ELEVATION



0m 5m

Proposed section





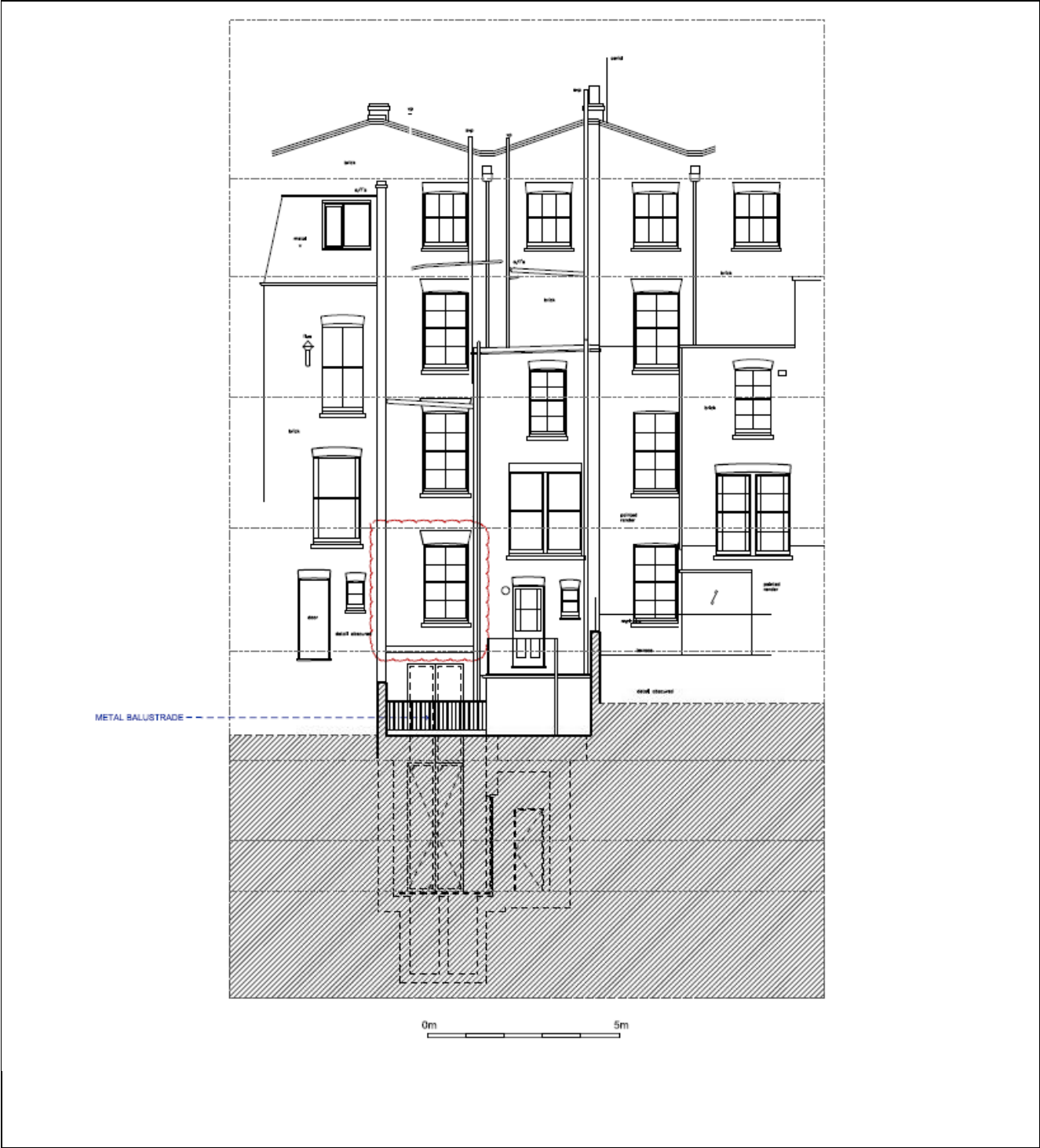
1. PROPOSED STREET ELEVATION



2. PROPOSED REAR ELEVATION



Proposed rear elevation



DRAFT DECISION LETTER – (15/11065/FULL)

Address: 19 Kildare Gardens, London, W2 5JS,

Proposal: Erection of single storey extension to rear closet wing at second floor mezzanine level floor level to enlarge existing dwellinghouse.

Reference: 15/11065/FULL

Plan Nos: Design and Access Statement, D001, D002, D003, D004, D005, D006, D007, D008, D009, D011, S001, S002, S003, S004, S005, S006, S007, S008, S009, S010, PA01, PA02, PA04, PA05, PA06, PA07, PA08 Rev 0.1, PA09 Rev 0.1, PA10 Rev 0.1, PA11 Rev 0.1, PA12, PA13, PA14.

Case Officer: Agnes Hagan

Direct Tel. No. 020 7641 5651

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. (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 Westbourne 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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne 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 Notwithstanding details shown on approved drawings the window hereby permitted shall be timber, traditionally constructed with integrated glazing bars and be painted white and maintained as such thereafter.

Reason:

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

DRAFT DECISION LETTER – (15/11086/FULL)

Address: 19 Kildare Gardens, London, W2 5JS,

Proposal: Construction of basement under part of existing building and part of rear garden with rear lightwell and erection of rear extension at ground floor level and alterations to fenestration in rear elevation.

Reference: 15/11086/FULL

Plan Nos: Site Location Plan, Design and access statement, L(23)01 Rev. P2, L(23)02, L(23)03 Rev. P2, Rev. P2 L(23)04 Rev. P2, L(23)05 Rev. P2, L(23)06 Rev. P2, S009, AIA REV B, , VIEW 1, VIEW 4, VIEW 6, VIEW 7, VIEW 8, VIEW 10, Proposed rear extension renderings, DB01, DB02, DB03, DB04, DB05, DB06, DB07, DB08, DB09, DB11, PB01, PB03, PB04, PB05 REV 0.2, PB06, PB07, PB08, PB09, PB10 REV 0.3, PB11, PB12 REV 0.3, PB13 REV 0.3, PB14 REV 0.3, S001, S002, S003, S004, S005, S006, S007, S008, S010, Construction Management Plan; For Information Only: Structural Engineer's Method Statement.

Case Officer: Agnes Hagan

Direct Tel. No. 020 7641 5651

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

You must carry out basement excavation work only:

- * between 09.00 and 17.00 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 Westbourne 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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

- 5 You must not use the roof of the infill extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

- 6 Notwithstanding details shown on approved drawings the railings hereby permitted shall be painted black and maintained as such thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

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

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

Reason:

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

- 8 **Pre Commencement Condition.** You are required to submit to the City Council an approval of details application to confirm what size vehicle (concrete, steel, muck away) in terms of length, width and axles will be used and that this will be limited to the vehicle size stipulated which can be inserted in the temporary structure licence agreements. 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.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 6 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 7 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.

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. |
| 7 |

| | | | |
|--|--|--|------------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 5 April 2016 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved West End | |
| Subject of Report | Berkeley House, 15 Hay Hill, London, W1J 8NS, | | |
| Proposal | Erection of a single storey roof extension to create two residential units (Class C3). | | |
| Agent | Mrs Holly Mitchell | | |
| On behalf of | Mr Mohamed Fazlanie | | |
| Registered Number | 15/10518/FULL | Date amended/ completed | 30 November 2015 |
| Date Application Received | 12 November 2015 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Mayfair | | |

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Berkeley House, 15 Hay Hill is an attractive red brick building occupying the southern side of Hay Hill with a small frontage onto Berkeley Street and Dover Street. The site lies within the Mayfair Conservation Area and the Core Central Activities Zone. The building which comprises basement, ground and seven upper floors is in commercial use on the lower floors, with 44 residential flats above.

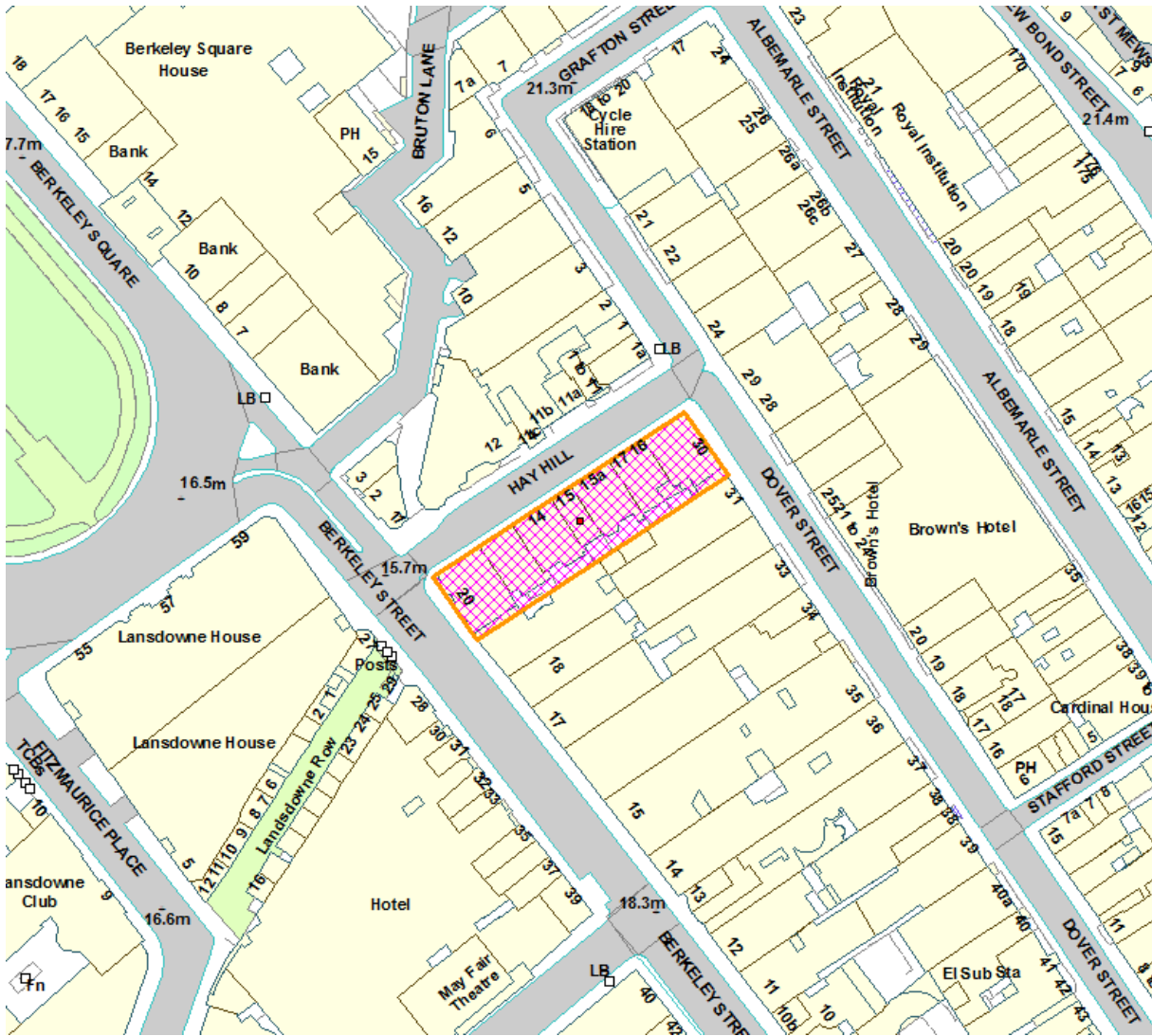
Permission is sought for the erection of a single storey extension at main roof level to allow for the creation of two additional residential flats (Class C3).

The key issues for consideration are:

- * The impact of the roof alterations in design terms and the impact on the appearance of the of the building and the Mayfair Conservation Area.
- * The impact on residential amenity.

The scheme will alter the pitch of the front roof slope with a sheer extension at the rear. The proposal is considered to be acceptable in land use, design, highways and amenity terms and would comply with relevant Unitary Development Plan (UDP) and City Plan policies.

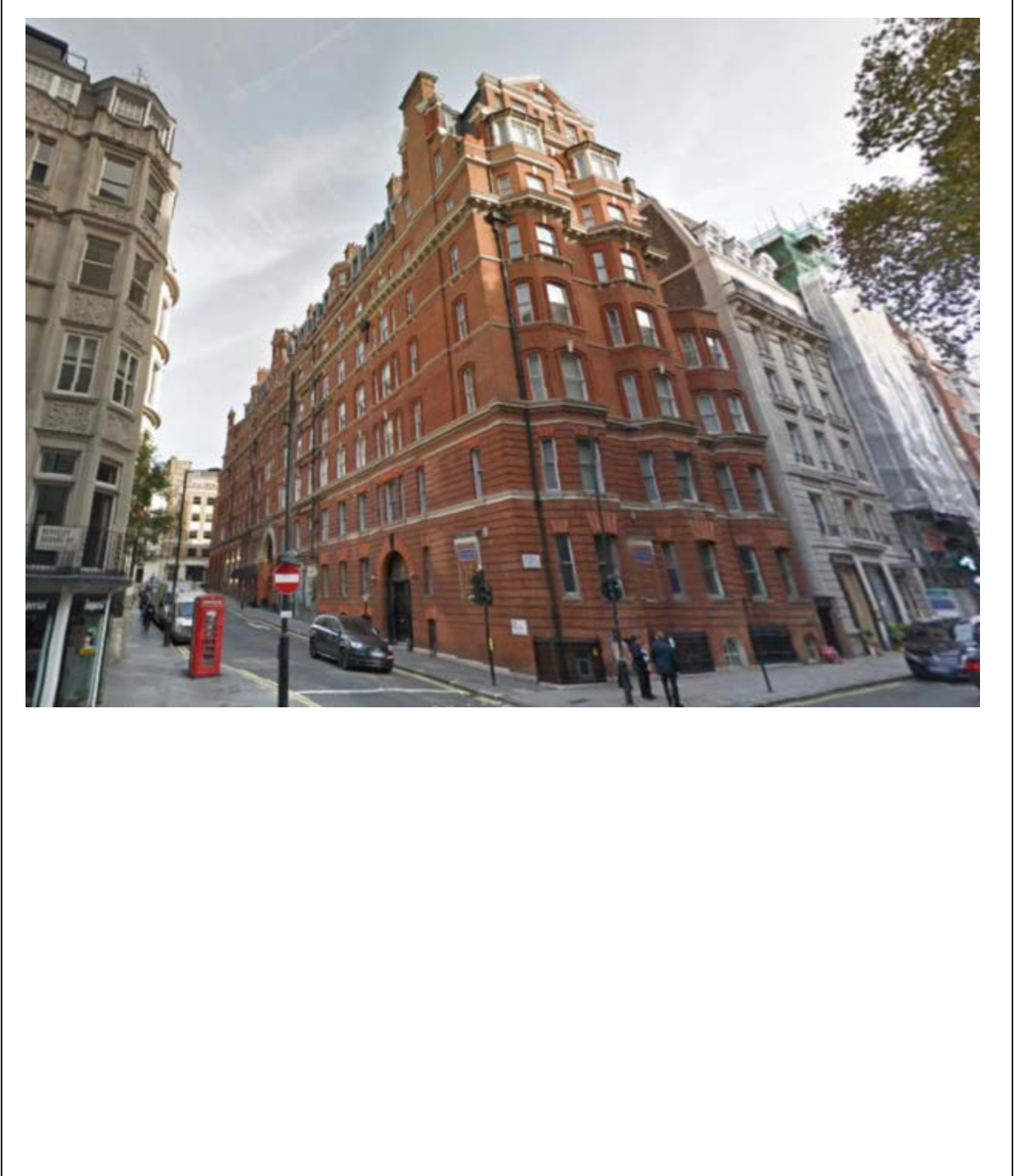
LOCATION PLAN



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3. PHOTOGRAPHS





4. CONSULTATIONS

Environmental Health
Objection due to potential fire safety issues.

Cleansing Manager
No objection subject to conditions.

Highways Planning
Objection due to the insufficient level of cycle parking provision.

Residents Society of Mayfair & St. James's
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 142
Total No. of replies: 7
No. of objections: 7
No. in support: 0

Objections received on some or all of the following grounds:

Amenity:

Noise and disruption affecting existing residents during construction works.
Existing residential occupiers should be compensated.
Noise transference through the building structure from the new flats to the existing flats.
Security implications during construction work.

Highways:

Disruption to traffic during construction works.

Design:

Impact upon the structural integrity of the building.
Detrimental impact of the extensions upon the design of the building.

Other:

Safety implications with regard the number of people in the building.
Detrimental impact upon the existing lift.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

Berkeley House No 15 Hay Hill is an unlisted property in the Mayfair Conservation Area and the Core Central Activities Zone as defined by the adopted City Plan. The property comprises basement, ground and seven upper floors. The majority of the basement and

ground floors are in commercial use the remainder of the building is in use as residential flats.

5.2 Recent Relevant History

None relevant.

6. THE PROPOSAL

Permission is sought for the erection of a single storey extension at main roof level to allow for the creation of an additional two new residential flats comprising 1x 3 bed and 1x 2 bed units.

The proposal seeks to extent the pitch of the roof at the front with a sheer extension to the rear. Alterations include provision of a small terrace enclosed by black railings at the western end of the site fronting onto Berkeley Street. An Internal plant room is proposed between the two new units.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Residential use

The provision of new residential floorspace is welcomed and would comply with Policies H3 of the UDP and S14 of the City Plan, which seek to maximise the amount of land or buildings in residential use.

The GEA of the two new residential units equates to 367m² including a small plant area and the extended core. As the increase in residential floorspace does not exceeding 1000m² or 10 additional residential units, there is no policy requirement to provide affordable housing provision, as set out in Policy S16 of the City Plan. The residential unit sizes accord with the size and space standards national technical standards.

Policy H5 of the UDP requires that in new developments 33% of the residential units should be family sized (three bedrooms or more). The scheme would result in the provision of one three bedroom unit in accordance with policy. A condition is recommended, requiring the three bedroom unit to be provided and retained.

The proposed units will have windows to multiple aspects which will ensure a good level of internal light and the ability to naturally ventilate the units, although it is noted mechanical ventilation is also proposed..

The application is supported by an assessment of the amount of natural light received within the proposed flats. The report calculates the Average Daylight Factor (ADF), which is the mean daylight factor on the horizontal working plane inside the room. The BRE guidance recommends minimum ADF values of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. The Assessment shows that all the rooms in the proposed flats will receive levels of daylight which accord with the requirements of the BRE Guidance.

An acoustic assessment has been submitted which determines that the internal noise levels within the units will be compliant with the City Council standard criteria and a condition is recommended to ensure the units are built to this standard.

7.2 Townscape and Design

The site is a fine, red brick building in the Mayfair Conservation Area to which it makes a positive contribution as a good example of development of its type and period. It stands on the south side of the street and is visible from Berkeley Square and Grafton Street.

The existing slated roof is a two-storey mansard with a primary pitch of approximately 75-degrees and a secondary pitch of approximately 30-degrees. There are a variety of dormer windows including some with brick canted-bays, and a pedimented gable on the west end of the building flanked by tall chimneys. The rear (south) facade is plain and simply finished in yellow London stock brick.

The proposed alterations envisage removal of the secondary pitch and its reconstruction at a steeper angle and with increased height in order to provide one floor of new accommodation. The roof slope facing Hay Hill (north) incorporates flush rooflights whilst the rear (south) has dormer windows. The existing chimneys are retained and raised so they still project above the level of the new roof. It is considered that the alterations would maintain the appearance of the building and the positive contribution it makes to the character and appearance of the surrounding conservation area.

The scheme includes an amendment to the pedimented roof facing west which the applicant seeks to cut back to allow creation of a terrace. The proposed terrace would have black-painted metal railings and will be accessed from French doors in a proposed new dormer window. Although the roof extension is considered acceptable in principle this aspect of the proposal is contentious as it would appear incongruous as it is seen would be seen in both street level views and from the upper floors of surrounding properties. An amending condition is recommended which requires the omission of the terrace and details of the form of the western flank of the roof to be approved.

Objections have been received to the design of the proposed alterations, in terms of their impact on the appearance of the building and surrounding conservation area. However, for the reasons set out above, these objections are not considered sustainable and the development accords with UDP policies DES1, DES6 and DES9.

7.3 Residential Amenity

Sunlight and Daylight

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

The nearest residential flats are located at 1 Grafton Street, 17 Berkeley Street, 18 Berkeley Street and 33 Dover Street, the Daylight and Sunlight Assessment has assessed the impact of the proposal on all these properties.

The BRE guidelines state that daylight to living rooms, kitchens, and bedrooms should be assessed but bathrooms, toilets, storerooms and circulation areas and garages need not be analysed. The report concludes that all assessed windows meet the BRE guidelines for the Vertical Sky Component (VSC) and reductions to the no skyline (NSL) and Annual Probable Sunlight Hours (APSH) are within the BRE guidelines for these neighbouring sensitive properties.

Privacy

As already discussed in section 8.2 Townscape and Design of this report the scheme includes the provision of a small 8th floor roof terrace. The terrace would be on the western side of the building overlooking Berkeley Street. Use of the terrace would not result in overlooking however for the reasons set out in the report in design terms it is considered that this would be harmful to the appearance of the building and should be omitted from the scheme. This is dealt with by an amending condition. No objections have been received to the application on the grounds of potential overlooking or loss of privacy.

Noise Transference

An objection has been received to the application from a resident of an existing residential flat in the block concerned about the potential for future noise transference through the building structure from the occupiers of the new flats which would impact upon the environment of the existing residential occupiers. Conditions are recommended which require adequate sound insulation to ensure that noise and vibration transference from the new flats to other residential units within the building accords with the City Council's standard criteria.

7.4 Transportation/Parking

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond designated 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for 2 spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy during the day is 67%, overnight parking occupancy was measured as being 58% and residents can park for free on metered bays and on single yellow lines. Whilst the provision of residential units without off-street car parking is likely to increase these stress levels on the basis of car ownership levels and spare capacity in on-street parking, any additional on-street parking requirements generated by the proposal can be absorbed by the highway network without increasing the stress levels beyond 80%. The development is therefore considered compliant with the requirements of Policy TRANS23.

The proposed plan shows the provision of a cycle store within the new floor level, however the document; 'Further Alterations to the London Plan' requires that two cycle parking spaces are provided for every new residential unit with over one bedroom, which means cycle parking space should be provided for four cycles. The proposed cycle store would not provide four cycle parking spaces and therefore it is considered a condition should be imposed on any permission requiring the submission of amended plans to show the required cycle parking provision for the new flats.

7.5 Economic Considerations

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

7.6 Access

A new lift is to be installed at the property with level access internally and the flats will be designed to ensure accordance with the Statutory Document Part M 'Designing for the Disabled'. Objections have been received to the application in relation to the use of the lift for construction and access arrangements when it is being replaced, however, these are considered private matters between the freeholder and the existing leaseholders and it is not a material planning consideration.

7.7 Other UDP/Westminster Policy Considerations

Plant

The application has been considered in the context of Policies ENV6 and ENV7 of the Unitary Development Plan 2007 and Policy S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Plant is proposed to service the units and this will be located in a plant room within the new extension with louvres on the roof for the required ventilation. An acoustic report has been submitted in support of the application which included background noise measurements and identified the nearest noise sensitive property to the proposed plant. The final specification for the plant installation has not been determined and therefore there is no information on the expected noise output of the plant items and no assessment has been made of whether the plant will be compliant with established City Council criteria. It is therefore considered necessary to impose a condition requiring the submission of a supplementary acoustic report before the plant is installed to demonstrate compliance with the relevant noise conditions. Environmental Health reviewed the submitted acoustic report and have advised sufficient information has been submitted to enable this approach to be taken.

Refuse / Recycling

The submitted drawings did not indicate the provision of storage facilities for waste and recycling within the residential units. A condition is therefore proposed to require the submission of amended drawings to show these storage facilities within each of the residential units as required by the Cleansing Manager.

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

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

7.11 Environmental Impact Assessment

The application does not necessitate the submission of an Environmental Impact Assessment.

7.12 Other Issues

Construction impact

Objections have been received to the application with regard the potential impact of the construction works on the amenity of existing residents with regard noise, dust and transportation movements. A condition is proposed requiring the submission of a Construction Management Plan and standard conditions are attached in relation to the building hours. With these conditions in place it is considered the impact of the construction is ameliorated.

Crime and security

Comments have been received from objectors that there may be implications for the security of the building when construction works are taking place. Whilst these concerns are noted it is not considered reasonable conditions could be imposed to ensure additional security measures when the construction work is on-going.

Structural Issues

Objections have been received in relation to the impact of the extension at roof level on the structural integrity of the building. This issue will be considered under Building Regulations which is separate legislation and not a material planning consideration.

Compensation

An objector has raised the issue of potential compensation being offered to the residential leaseholders from the freeholder to alleviate the issues of the disruption or potential damage to the communal areas of the building. This is not a material planning concern and would be a private matter to be discussed between the two parties.

Fire Safety

The Environmental Health Officer has objected to the proposal due to a number of concerns over fire precautions, including one of the bedrooms being a 'remote room', the provision of fire rated doors between bedrooms and the kitchen area and information on the potential means of escape from each of the units in case of fire. Whilst these concerns are noted, these are not material planning considerations and will be examined under Building Regulation legislation. An informative is proposed to ensure these concerns are communicated to the applicant.

7.13 Conclusion

The provision of two new flats accords with the strategic aim to provide additional housing. The proposed extension which will alter the front roof pitch with a sheer rear extension is considered acceptable in design terms. The scheme is a relatively modest increase in bulk which would not adversely impact on the amenity of surrounding residents. Whilst objections that implementation of the scheme would result in nuisance to existing residents are understood permission could not reasonably be withheld on this basis. The application accords with adopted UDP and City Plan policies and is recommended for approval.

8. BACKGROUND PAPERS

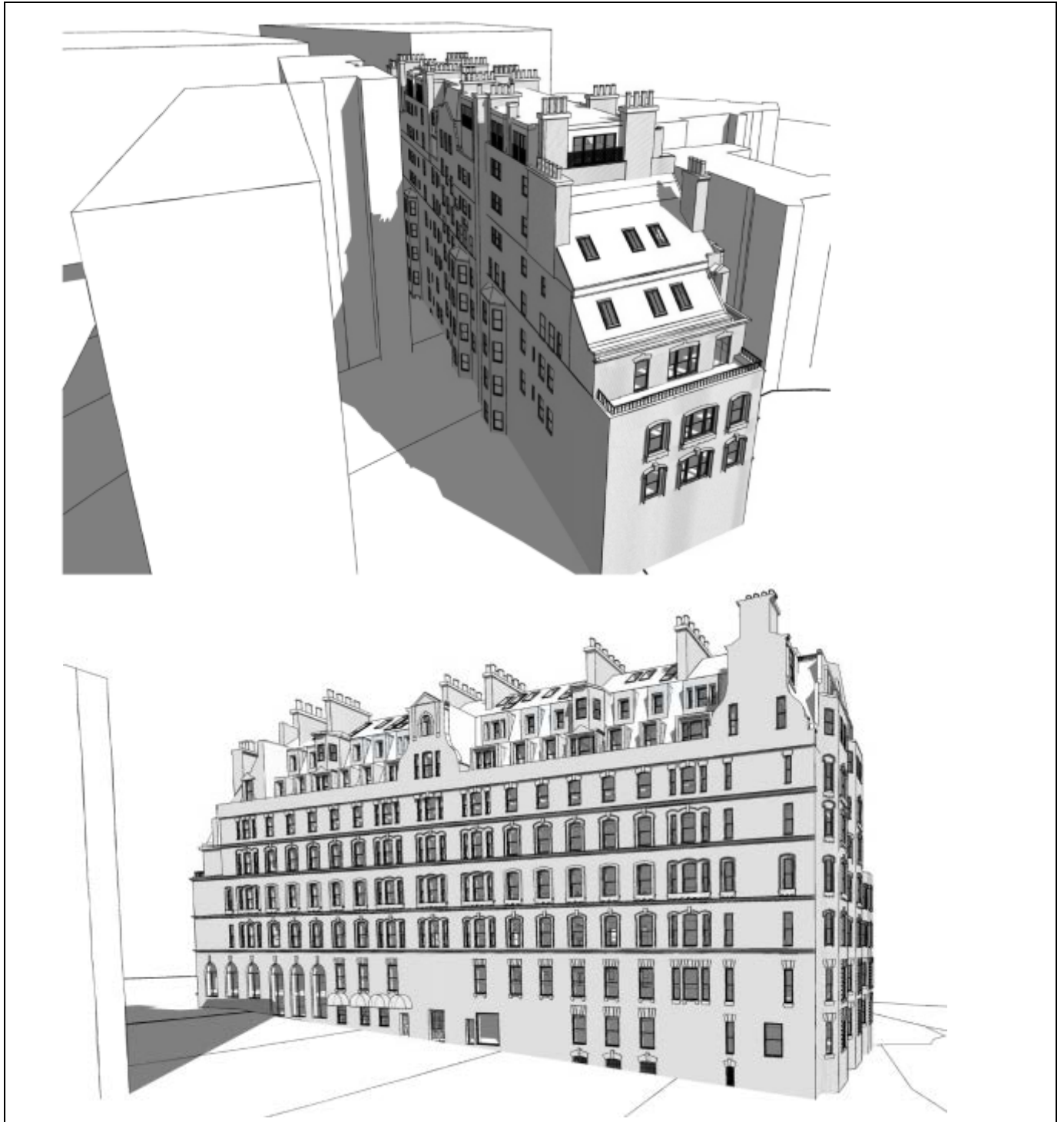
1. Application form
2. Letter from occupier of 66 Berkeley House, 15 Hay Hill, dated 27 November 2015
3. Letter from occupier of Flat 26, Berkeley House, dated 10 December 2015
4. Letter from occupier of Flat 50B and Flat 52, Berkeley House, dated 21 December 2015
5. Letter from occupier of Flat 43, Berkeley House, dated 15 December 2015
6. Letter from occupier of Flat 72, Berkeley House, dated 21 December 2015
7. Letter from occupier of Flat 72, Berkeley House, Hay Hill, dated 13 December 2015
8. Letter from occupier of Flat 51, Berkeley House, dated 29 December 2015

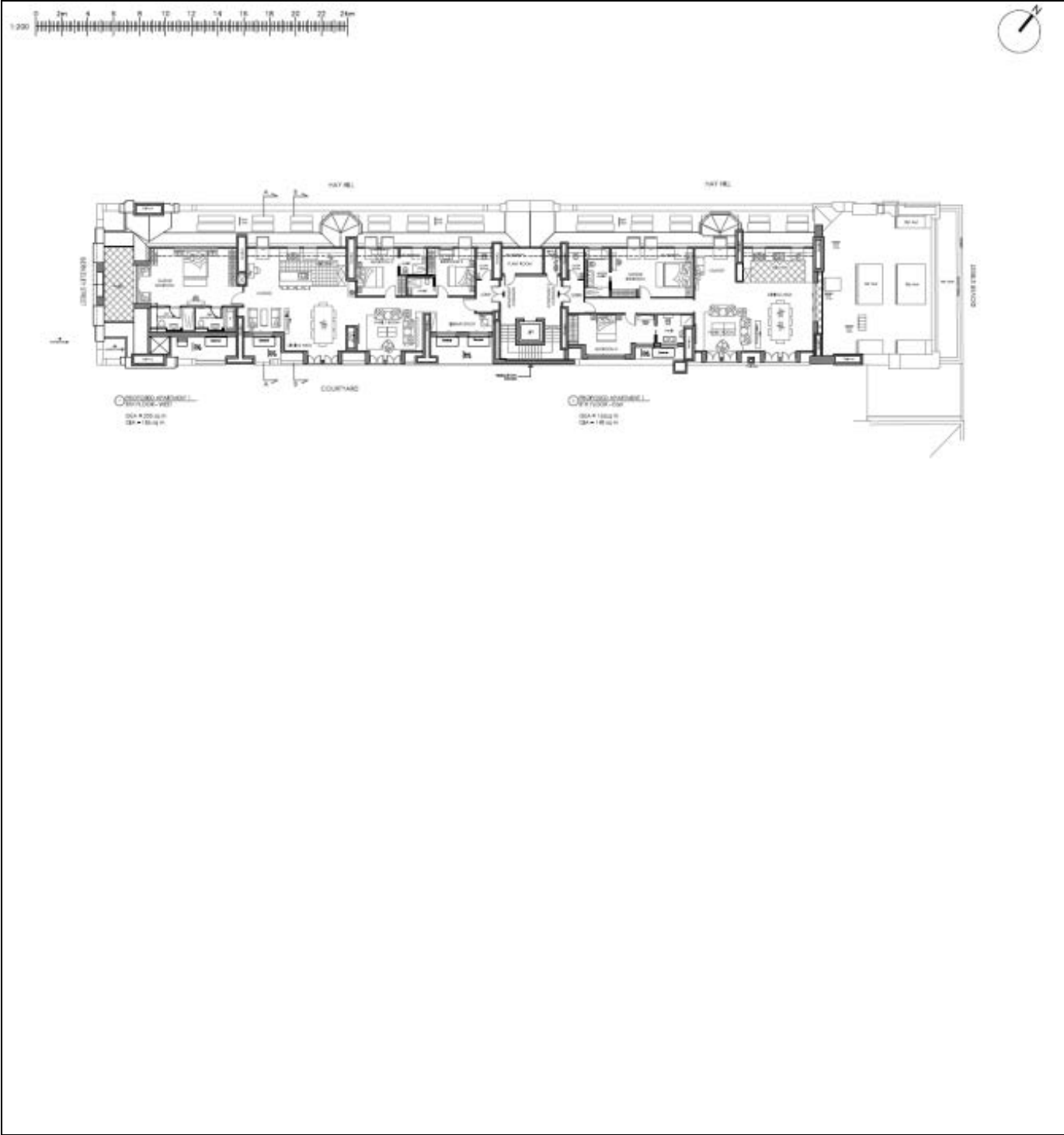
Selected relevant drawings

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

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

9. KEY DRAWINGS





DRAFT DECISION LETTER

Address: Berkeley House, 15 Hay Hill, London, W1J 8NS

Proposal: Erection of a single storey roof extension to create two residential units (Class C3).

Plan Nos: Acoustic Report dated 02/11/2015, Drawings: P10 RevP4, P11 RevP3, P12 RevP3, P13 RevP3, P14 RevP3, P15 RevP3, P16 RevP3, P20, RevP2, P21 RevP2, P22 RevP2, P23 RevP2, P24 RevP2, P25 RevP2, P26 RevP2, P27 RevP2, P28 RevP2, P29 RevP2, P30 RevP2, P31 RevP2.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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

Reason:

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

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

Reason:

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

- 7 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's

City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 10 You must apply to us for approval of detailed drawings at scale 1:10 of the following parts of the development - new windows and external door types. 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

- 12 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

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

- 13 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential units. (C14EC)

Reason:

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

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

Reason:

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

- 15 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007.

- 16 You must apply to us for approval of detailed drawings showing the following alteration to the scheme ; omission of the roof terrace and revised roof profile of the western flank elevation. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB).

Reason:

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

Informative(s):

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

submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 3 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 4 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

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

- 5 Conditions 3 and 4 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 7 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

- 8 You are advised that Environmental Health have noted a number of concerns in relation to the means of escape from the new residential units in event of a fire, the creation of a 'remote room' in Flat 1 and the need to use fire rated doors throughout the flats. These issues will need to be resolved through Building Regulations.

Agenda Item 8

Item No.

8

| | | | |
|--|---|--|--------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 5 April 2016 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Abbey Road | |
| Subject of Report | 5 Langford Place, London, NW8 0LJ, | | |
| Proposal | Complaint about a high hedge made under Part 8 of the Anti-Social Behaviour Act 2003. | | |
| Agent | Edwin Coe | | |
| On behalf of | Peter Vogel | | |
| Registered Number | 15/05487/HH | Date amended/ completed | 26 June 2015 |
| Date Application Received | 8 June 2015 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | St John's Wood | | |

1. RECOMMENDATION

That the complaint is not upheld.

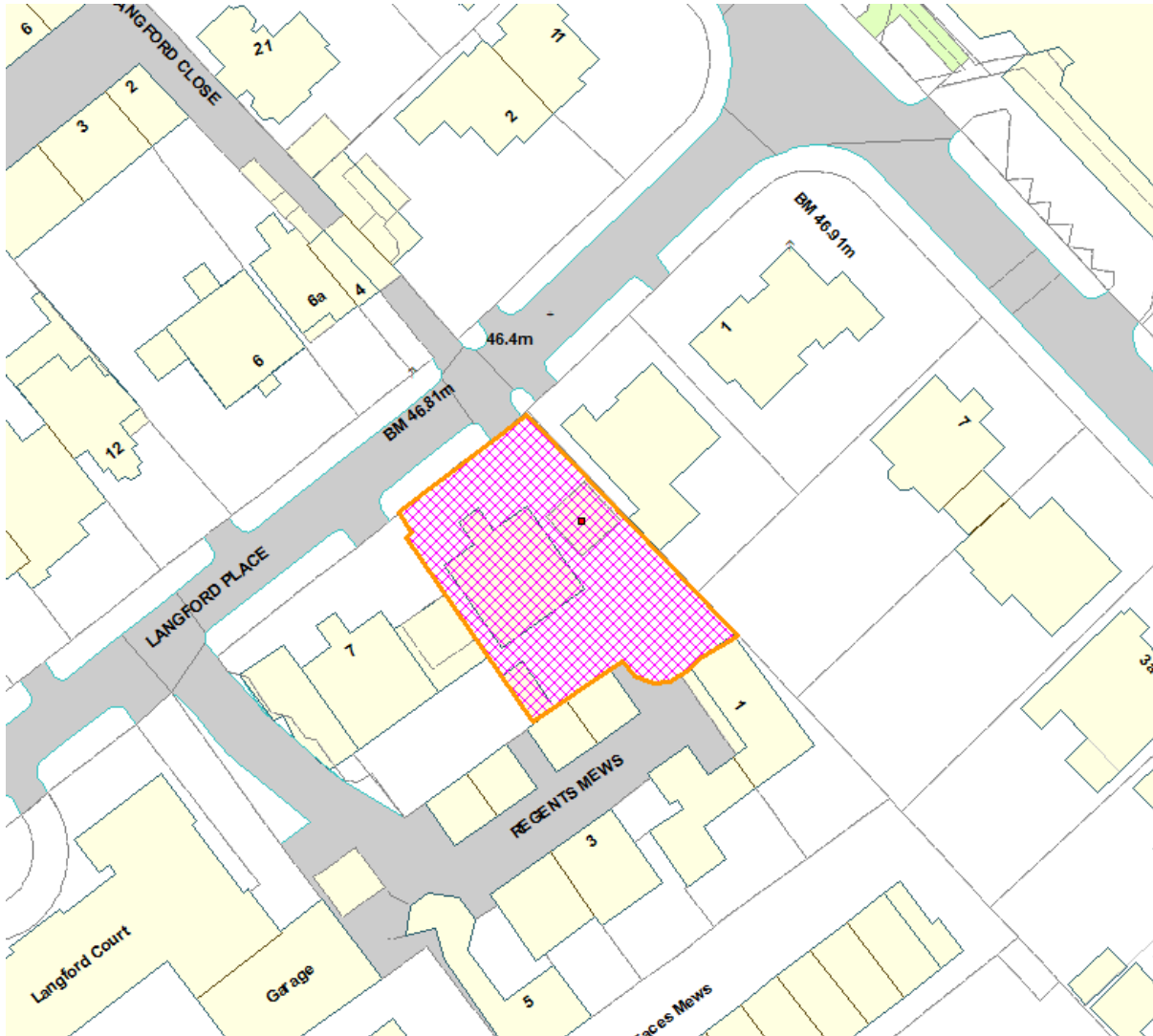
2. SUMMARY

A complaint has been made under Part 8 of the Anti-Social Behaviour Act 2003 in respect of the hedge planted along the boundary between the rear garden of 5 Langford Place, NW8 0LJ, and the front garden of 1 Regent Mews NW8 0LB.

The Council's role in this case is to try to strike a balance between the competing rights of neighbours to enjoy their respective properties and to consider whether the amenity problems encountered in the complaint are sufficiently serious to justify action being taken against to require the hedge to be altered in height.

For the reasons set out within the report, it is not recommended that the complaint is upheld.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Above: View of high hedge from owner's property at 5 Langford Place.

Below: View of planter and soil depth at 5 Langford Place to show difference in ground level.



3 Dec 2015, 10:51:57



Above: View of high hedge from complainant's property at 1 Regent's Mews.

3 Dec 2015, 10:52:15



Below: View of the affected recessed window at ground floor level.

5. CONSULTATIONS

Ward Councillors for Abbey Road
No response received.

Arboricultural Section - Development Planning

It is recommended that the given the short section of hedge which is causing shade and the recessed nature of the windows at 1 Regents Mews, that it may not be appropriate to reduce the height of the hedge.

6. BACKGROUND INFORMATION

6.1 The Application Site

The high hedge is located within the rear garden at 5 Langford Place, London, NW8 0LJ, which is an unlisted building located in the St John's Wood Conservation Area. The hedge is on the boundary with the properties to the rear (to the south west) of Regents Mews. The surrounding area comprises mostly of residential dwellings.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

A complaint has been made under Part 8 of the Anti-Social Behaviour Act 2003 in respect of the hedge planted along the boundary between the rear garden of 5 Langford Place and the front courtyard/ elevation of 1 RegentS Mews. The hedge in question consists of a row of Holm Oak trees, planted in a raised bed, along the boundary wall. These have been pleached and whilst not very dense at the moment are expected to thicken. This hedge constitutes a high hedge as defined by Section 66 of Part 8 of the Anti-Social Behaviour Act 2003.

The complainant considers that the high hedge is causing a loss of light and increased sense of enclosure to the ground floor front living room window, that is harmful to the amenity of those occupying the adjoining property at 1 Regent Mews. It should be noted that the front living room windows are recessed from the front elevation of the property by approximately 1.4m and the view from within this living room is primarily of the overhang from the first floor. When close to the windows a view of the boundary wall and hedge can be seen.

The hedge has been assessed from the property of the complainant (1 Regent Mews) and from the hedge owner's property (5 Langford Place) in accordance with the complaints procedure set out in Section 68 of Part 8 of the Anti-Social Behaviour Act 2003.

8. DETAILED CONSIDERATIONS

8.1 Calculations to reach Action Hedge Height

To assess the impact of the high hedge on the front windows at 5 Langford Place, the method of assessment for high hedges set out in the Building Research Establishment (BRE) guidelines on 'Hedge Height and Light Loss' (2005) have been followed. This guidance document includes a method for calculating the 'Action Hedge Height' (AHH), i.e. the height to which the hedge should be reduced in order to ensure that it would not cause an unreasonable obstruction of light to the windows or garden of the neighbouring properties.

The high hedge is located on the boundary between the two properties. The portion of the hedge which is adjacent to the front living room window is at 90 degrees to the window, but it does curve away from the window as can be seen in the supporting photographs and drawings. The only portion of the hedge which can be considered to be shading the window is the portion which is at 90 degrees. The curved section of the hedge cannot be considered to be causing shade. The length of hedge which is at 90 degrees to the window is approximately 0.25m.

The perpendicular distance from the midpoint of the closest window within 1 Regents Mews, to the hedge is 1.34m. A measurement taken at an angle from the window would not be appropriate and neither would a measurement taken to the midpoint of the alcove in which the windows are located, as these measurements are not set out in the guidance (Hedge Height and Light Loss). This measurement results in an uncorrected action hedge height of 2.34m.

The existing hedge height is 3.78m above ground level at 1 Regents Mews and 3.44m above the soil level (0.46m) in the raised planter at 5 Langford Place resulting in an overall action hedge height of 2.34. To achieve the action hedge height of 2.34m on the side of 1 Regents Mews (a reduction of 1.44m), the hedge would need to be pruned to a height of 2m on the 5 Langford Place side.

As referred to above, the Council's role in applications of this nature is to try to strike a balance between the competing rights of neighbours to enjoy their respective properties and to consider whether the amenity problems encountered in the complaint are sufficiently serious to justify action being taken against to require the hedge to be altered in height.

In view of the very short section of hedge which is causing shade (0.25m), and also the recessed nature of the windows at 1 Regents Mews, the impact of the hedge is considered minimal and it is not considered appropriate to require this section of hedge to be reduced in height or for a remedial notice to be issued.

8.2 Residential Amenity

Loss of daylight/sunlight

A BRE assessment had not been submitted with the application. However given the location of the affected windows setback from the front elevation of the building by 1.4m with an orientation to the southwest and un interrupted views across the shared mews; the existing tree in the complainants front courtyard; the existing boundary wall and trellis

fencing between the properties and the height of the hedging proposed in comparison to this, it is not considered that the hedge results in loss of daylight, sunlight or results in overshadowing.

8.3 Other Issues

The complainant has stated that he is worried that damp might penetrate through the boundary wall due to the trellis being installed against the wall without consultation or engaging a party wall surveyor. The hedge is not set back from the boundary wall however under Part 8 of the Anti-Social Behaviour Act 2003, the City Council can only assess an unreasonable obstruction of light to the windows or garden of neighbouring properties.

9. BACKGROUND PAPERS

1. Application form
2. Response from Arboricultural Officer dated 17 December 2015.
3. Letter on behalf of owner of 5 Langford Place dated 10 December 2015.

Selected relevant drawings

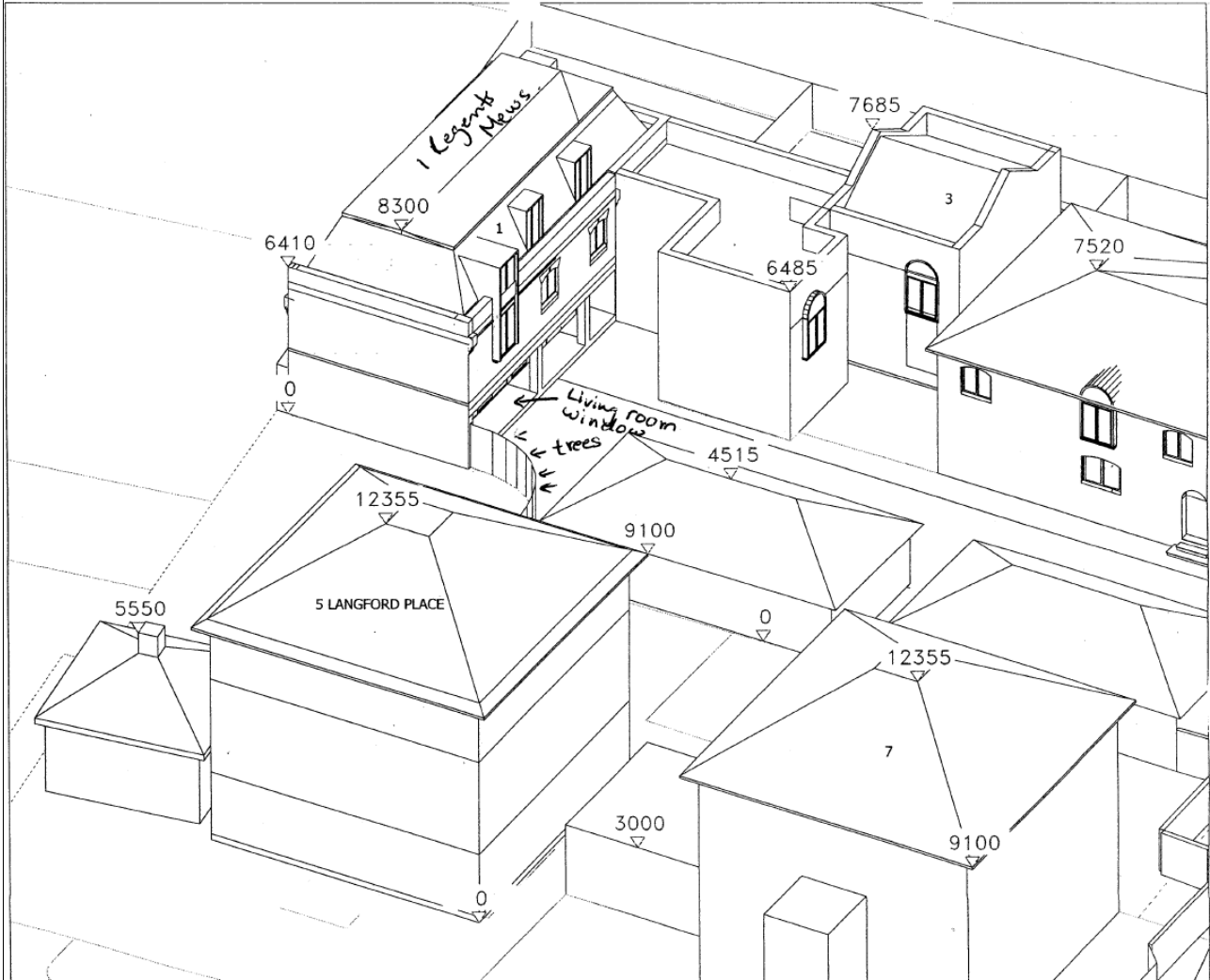
Diagramatic drawings.

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

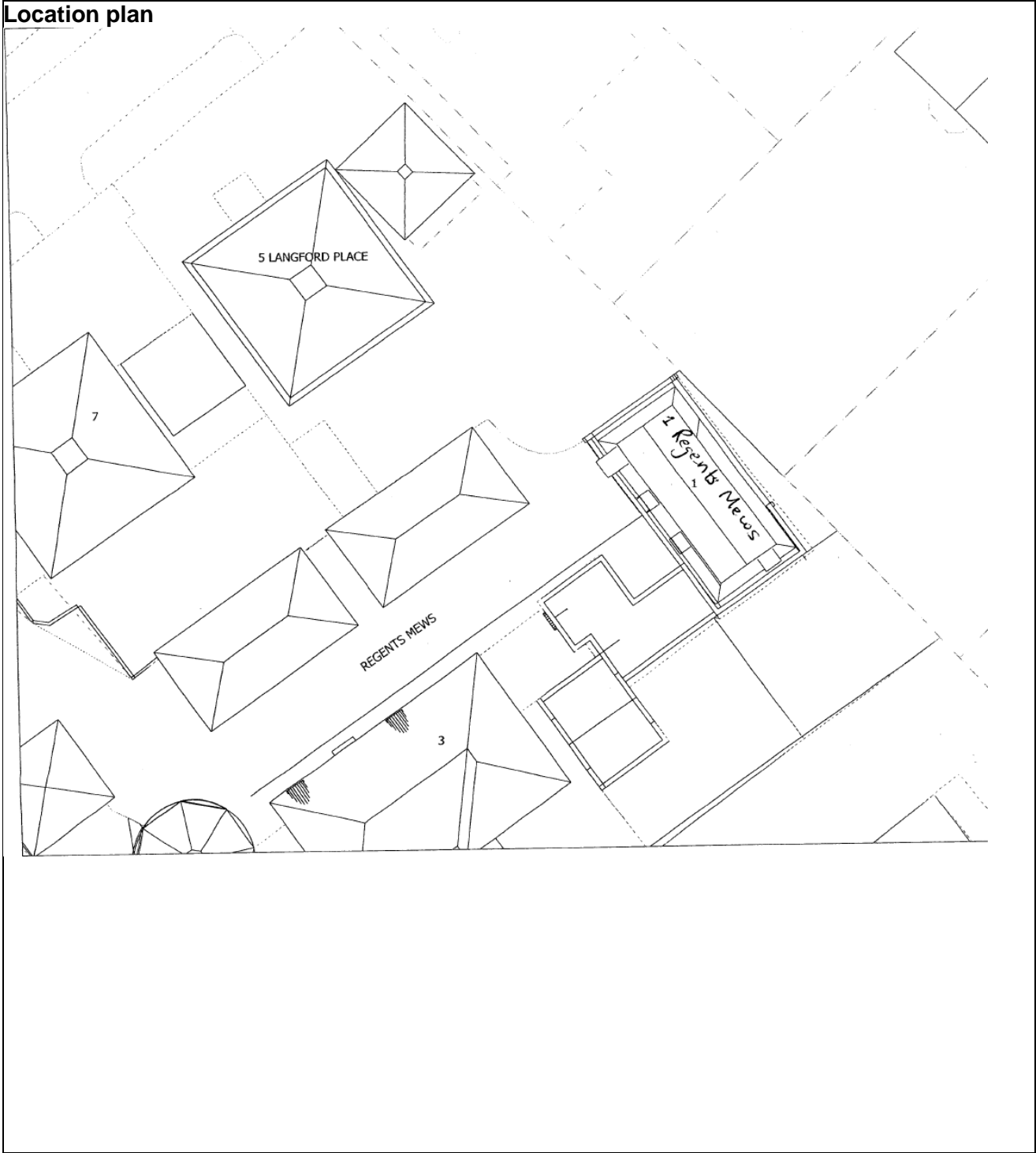
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS

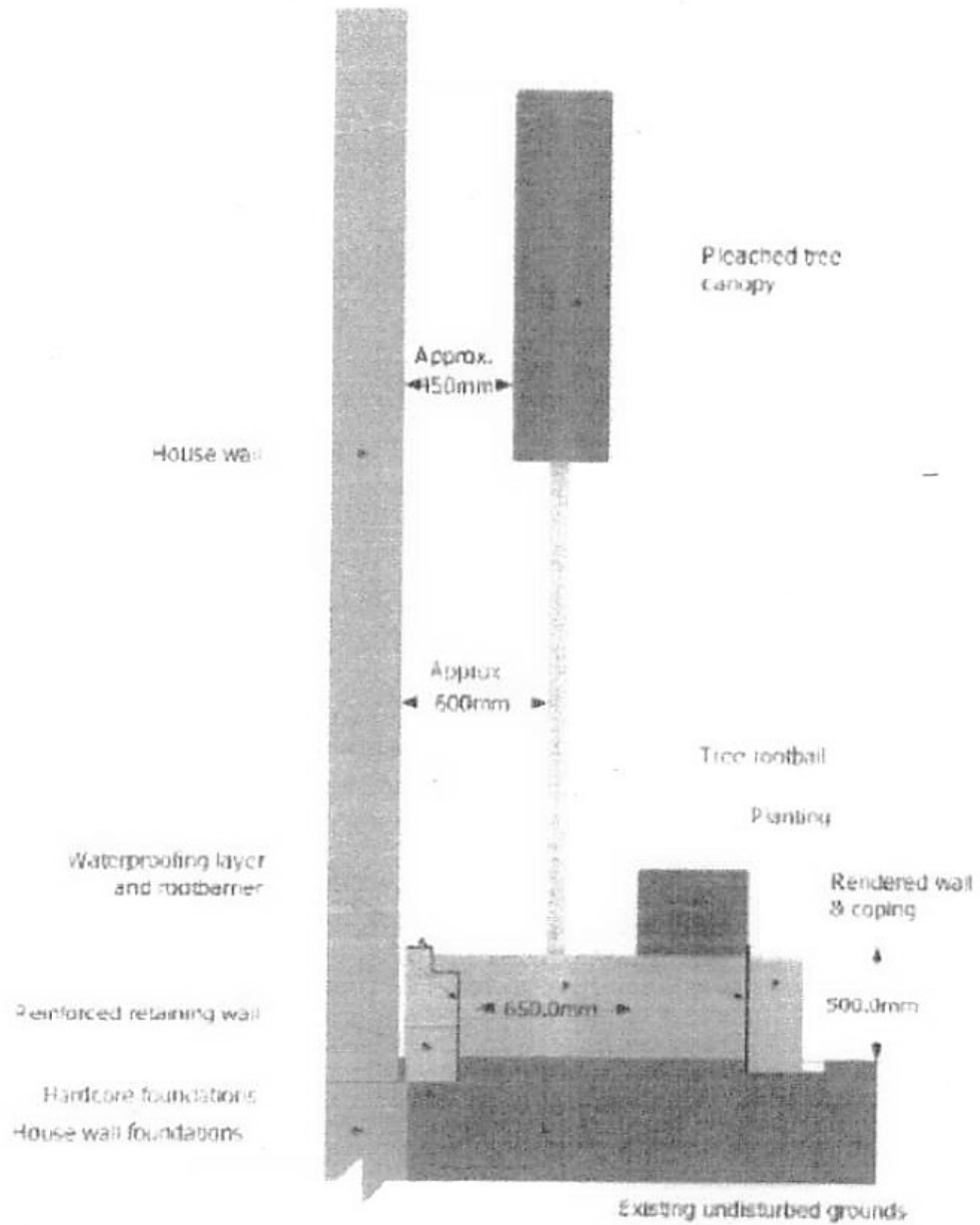
Correlation between 5 Langford Place and 1 Regent Mews



Location plan



SUMMARY OF WORKS



DRAFT DECISION LETTER

Address: 5 Langford Place, London, NW8 0LJ,

Proposal: Complaint about a high hedge made under Part 8 of the Anti-Social Behaviour Act 2003.

Reference: 15/05487/HH

Plan Nos: Application form dated 2 August 2015, Covering letter, site photographs and correspondence between the complainant and the hedge owner dated 1 April 2015, 20 March 2015 and 31 March 2015.

Case Officer: Agnes Hagan

Direct Tel. No. 020 7641 5651

Recommended Condition(s) and Reason(s):

Unconditional

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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