



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 26th 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:**

Richard Beddoe
Peter Freeman (Chairman)
Jonthan Glanz
Jason Williams

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillors Freeman and Beddoe have replaced Councillors Devenish and Harvey.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. 63-65 PICCADILLY, LONDON W1J 0AJ | (Pages 5 - 28) |
| 2. 61A CLIFTON HILL, LONDON NW8 0JN | (Pages 29 - 46) |
| 3. 9-10 NORTHUMBERLAND PLACE, LONDON W2 5BS | (Pages 47 - 68) |
| 4. 8 CLARENDON CLOSE, LONDON W2 2NS | (Pages 69 - 88) |
| 5. 19 LOWNDES CLOSE, LONDON SW1X 8BZ | (Pages 89 - 110) |
| 6. 60A BRAVINGTON ROAD, LONDON W9 3AJ | (Pages 111 - 120) |
| 7. 11 GERALD ROAD, LONDON SW1W 9EH | (Pages 121 - 138) |
| 8. 106A CAMBRIDGE STREET, LONDON SW1V 4QG | (Pages 139 - 154) |

9. 97A ST GEORGE'S SQUARE, LONDON SW1V 3QP

**(Pages 155 -
170)**

**Charlie Parker
Chief Executive
18 April 2016**

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Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE -26 APRIL 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 15/07383/FULL 15/07834/LBC West End	63-65 Piccadilly London W1J 0AJ	Use of part basement, part ground and first to sixth floors as nine residential units (Class C3), associated internal alterations at all floor levels and external alterations including the installation of dormer windows at mansard roof level , removal of rear fire escape stairs at fifth and sixth floors, creation of terrace at fifth floor level and installation of plant within enclosures at first - fourth and sixth floors	
Recommendation 1. Grant conditional permission 2. Grant conditional listed building consent 3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter				
2	RN 16/00653/FULL Abbey Road	61A Clifton Hill London NW8 0JN	Excavation of new basement level beneath existing building and part of rear garden, erection of lower ground floor extension. Use of lower ground and ground floors as one residential unit (Class C3).	
Recommendation Grant conditional permission				
3	RN 15/11895/FULL Bayswater	9 - 10 Northumberland Place London W2 5BS	Extensions and alterations to nos. 9 and 10 Northumberland Place, including excavation of sub-basement level extension with rear lightwell, extension and excavation of front vaults at lower ground floor level, reconstruction of closet wings to include ground floor extension at no. 9 and first floor extension at no.10, erection of single and two-storey closet wing infill extensions and landscaping of front and rear gardens.	
Recommendation Grant conditional permission				
4	RN 15/10145/FULL Hyde Park	8 Clarendon Close London W2 2NS	Excavation of double basement under existing building footprint, and alterations to fenestration including new shutters to front elevation	
Recommendation Grant conditional permission				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE -26 APRIL 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
5	RN 15/09277/FULL Knightsbridge And Belgravia	19 Lowndes Close London SW1X 8BZ	Variation of Condition 1 of planning permission dated 2 June 2015 (RN: 14/07706) for the demolition of existing building and the erection of new single family dwelling with a new basement and installation of an air conditioning unit within an enclosure at rear third floor level; and changes to the drawing numbers to allow an additional extension at rear third floor level and removal of air conditioning unit and enclosure; Namely to install an air conditioning unit plant within an enclosure at rear third floor level, amendments to the roof profile, retention of the existing rendered and painted wall, omission of the ground floor windows fronting the internal lightwell area facing 5 Belgrave Place and alterations to the windows at first and second floor levels fronting Nos. 3 and 5 Belgrave Place.	
	Recommendation Grant conditional permission.			
6	RN 16/00613/FULL Queen's Park	60A Bravington Road London W9 3AJ	Erection of a full width single storey rear extension.	
	Recommendation Refuse permission - design			
7	RN 15/07820/FULL	11 Gerald Road London SW1W 9EH	Excavation to create a new basement level extension beneath 2 Burton Mews to the rear of 11 Gerald Road	
	Recommendation Grant Conditional permission			
8	RN 15/02230/FULL Warwick	106A Cambridge Street, London, SW1V 4QG	Construction of an extension at rear lower ground floor level incorporating existing vaults	
	Recommendation Grant conditional permission			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE -26 APRIL 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
9	RN 15/11168/FULL Tachbrook	97A St George's Square London SW1V 3QP	Erection of a single storey rear extension at lower ground floor level	
Recommendation Grant conditional permission				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 April 2016	Classification For General Release	
Report of Director of Planning	Ward(s) involved West End		
Subject of Report	63-65 Piccadilly, London, W1J 0AJ,		
Proposal	Use of part basement, part ground and first to sixth floors as nine residential units (Class C3), associated internal alterations at all floor levels and external alterations including the installation of dormer windows at mansard roof level, removal of rear fire escaper stairs at fifth and sixth floors, creation of terrace at fifth floor level and installation of plant within enclosures at first - fourth and sixth floors.		
Agent	CBRE		
On behalf of	Antham 1 Limited		
Registered Number	15/07383/FULL 15/07384/LBC	Date amended/ completed	11 August 2015
Date Application Received	11 August 2015		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

2. SUMMARY

The application site is located on the corner of Piccadilly and Albemarle Street and comprises basement, ground and six upper levels. A bank occupies the basement and ground floor level, there are offices at first to fifth floor levels and a two bed residential unit at sixth floor level. Access to the upper floors is separate from the bank. Permission is sought for the use of part basement and ground floors and the upper floors as nine residential units (eight additional units). External alterations are proposed to the rear and a new dormer window is proposed at sixth floor level on the Piccadilly elevation. Listed building consent is sought for internal alterations to facilitate the residential use.

The scheme includes an uplift in residential floorspace of 1,775m². This would require the provision of on-site and/or off-site affordable housing, but no affordable housing is included in the proposals and, in lieu of this, the applicant has offered to contribute to the City Council's affordable housing fund.

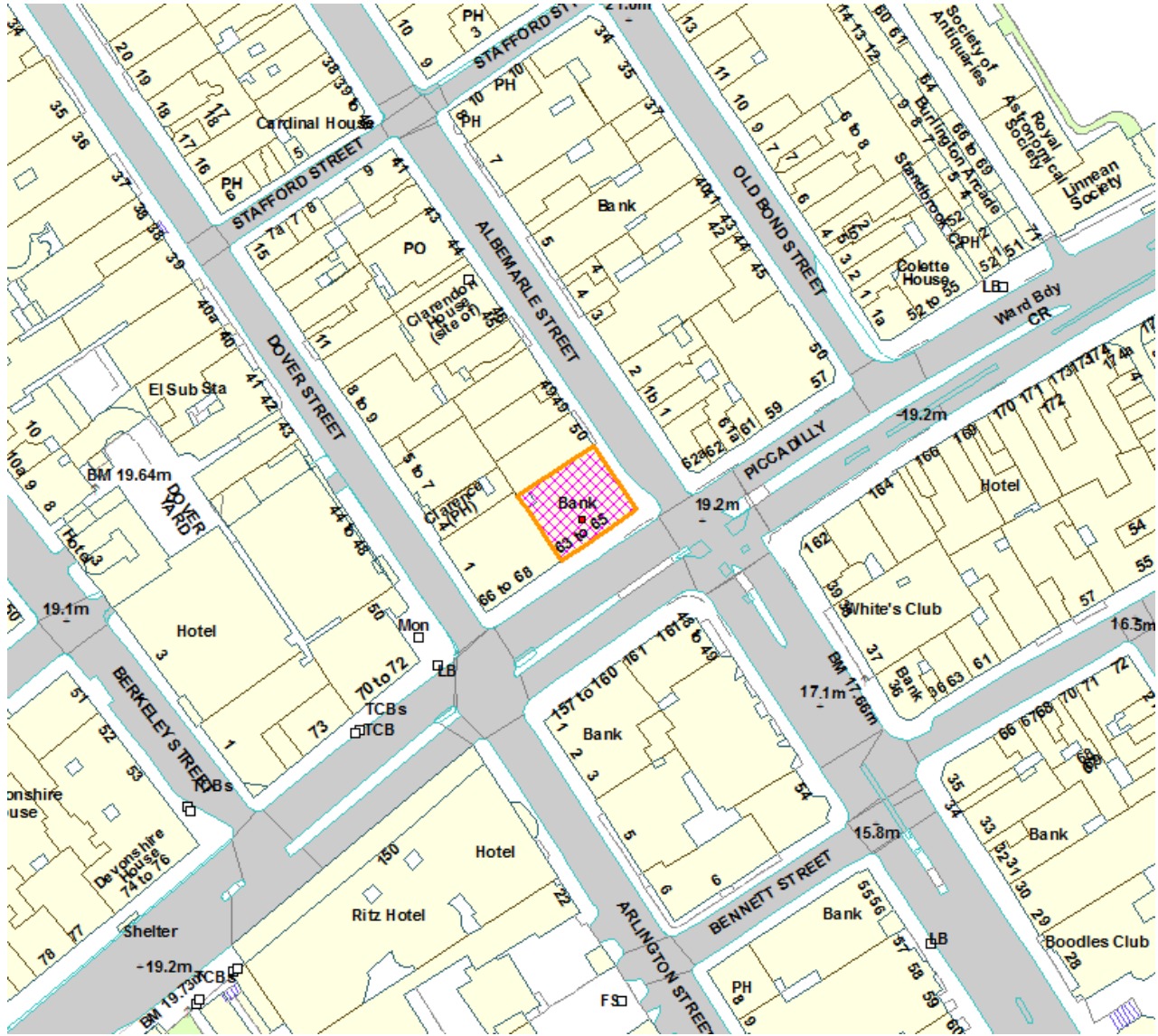
The key issues for consideration are:

- * the impact of the residential use on existing activities in the surrounding area; and
- * the lack of affordable housing on-site.

It is accepted there are physical constraints that make the provision of on-site affordable housing difficult to achieve, and on that basis the applicant's offer to pay the full policy compliant financial contribution is considered to be acceptable.

It is considered that the proposals are acceptable in all respects and comply with the policies set out in Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND
Authorisation received.

COUNCIL FOR BRITISH ARCHAEOLOGY
No objection; conditions should be imposed to ensure that historic fabric is retained.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S
No objection.

ENVIRONMENTAL HEALTH
No objection.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 70; Total No. of replies: 3
No. of objections: 3; No. in support: 0

Three letters of objection have been received on behalf of Mahiki nightclub at 1 Dover Street raising the following:

- Potential impact of the new residential use on the longstanding entertainment use at 1 Dover Street;
- Concern over the party wall connection;
- Adequate protection of the proposed residential from external noise.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This is a Grade II building situated on the corner of Piccadilly and Albemarle Street. Part basement and most of the ground floor is in use as Natwest Bank (Class A2) and is accessed from Piccadilly. The basement area includes bank vaults and the remaining basement floor serves the offices on the upper floors. Part of the ground floor is used for access to the upper floors. At sixth floor level there is a two bedroom residential unit and a plant room. The residential unit shares the office entrance and core areas.

6.2 Recent Relevant History

None relevant

7. THE PROPOSAL

Permission is sought for the use of part basement, part ground and upper floors as nine residential units (eight additional units) comprising 5 x 3 beds and 4 x 2 bed units. External

alterations are proposed and these include the creation of a terrace at rear fifth floor level, the installation of one new dormer window on the Piccadilly elevation and alterations to the two existing dormers. Listed building consent is sought for the internal alterations to facilitate the residential use.

The bank at basement and ground floor levels is not affected by the proposals.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The first to fifth floors are in use as offices. The applicants originally claimed that the upper floors were in Class A2 (financial and professional services) use. However, it is considered that the first to fifth floors are in B1 office use as they are not solely connected to the day to day operation or running of the bank and therefore do not fall within Class A2. The fourth floor is used as a private banking facility and it is likely that customers will access this part of the building. The majority are offices linked to the wider, corporate banking function (professional and financial services team, hotel and leisure team, technology and media team) for Natwest, not just the bank at ground floor level.

The proposal thus involves the loss of B1 office floorspace. Interim measures (set out in an initial statement dated 1 March 2015) have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential accommodation. These measures apply to the consideration of applications received on or after 1 September 2015. However, as the application was received prior to 1 September it must be assessed in relation to City Plan and UDP policies (without the amending interim measures) which do not protect existing office floorspace and therefore the loss of the office floorspace cannot be resisted in this instance.

Residential – use/standard of accommodation

There is an existing residential unit at sixth floor level comprising 140sqm; the proposal will result in an uplift of residential floorspace of 1,775 sqm. This uplift in residential floorspace is considered acceptable and is in line with UDP Policy H3 and S14 of the City Plan.

The scheme will reconfigure the existing residential unit and provide an additional eight units. These will be in the form of 4 x 2 bed and 5 x 3 bed units, providing family-sized housing (55%) in compliance with UDP Policy H5. It is not considered that the number of units can be increased as the building is Grade II listed, thereby constraining the extent of physical intervention. All the homes would meet the Mayor of London's Housing Standards Policy Transitional Statement and the Draft Interim Housing SPG.

Affordable housing

The provision of 1,775 sqm of new residential floorspace would trigger a requirement to provide on-site affordable housing under policies H4 and S16. Policy S16 would require a proportion of new floorspace to be provided as affordable housing. Under the terms of the

Council's Interim Affordable Housing Guidance there is a requirement to provide 240sqm/3 flats of affordable housing. Where it is accepted that it would not be appropriate or practical to provide the affordable housing requirement on site, the provision of the housing on an alternative commercial site in the vicinity should be explored. Where it is acknowledged as being impractical or inappropriate to provide affordable housing either on or off-site (on land nearby), the City Council may consider a financial contribution to the City Council's affordable housing fund in accordance with the adopted formula. Given the increase in floorspace, a policy compliant contribution would be £1,398,000.

As the building is Grade II listed it is considered that the amount of physical intervention required to provide separate access etc. make it impractical to provide the affordable housing on-site. The applicant does not own any other properties in the vicinity and in these circumstances they have offered to pay the full payment in lieu. This is considered acceptable and will be secured via a Grampian condition.

8.2 Townscape and Design

The building was designed by William Curtis Green and was awarded the RIBA medal for the best street frontage of 1922. It has two Portland stone facades and is a fine classical composition. Externally it is largely unaltered, but internally the areas containing features of special interest are mostly at ground floor level, although the staircase and lift shaft are also of special interest and there are some original chimney pieces on the upper floors.

The proposed alterations are mostly confined to the rear or interiors that have been modified in the past. Of most importance is the alteration to the recessed dormer windows at roof level were they are to be slightly widened and a third, central, dormer will be added on the Piccadilly frontage. Whilst original in terms of their location the current windows are crude modern replacements, therefore there is no objection in principle to changing the existing windows. Furthermore, the proposed increase in size is slight and will maintain the original hierarchy of fenestration on the building, and the additional window in the centre of the roof will match those either side and will not seem incongruous. These alterations therefore accord with UDP policies DES 6 DES 9 and DES 10.

At the rear, new plant areas are to be provided and in the context of what is a functionally designed and very plain part of the building, the alterations would not seem out of character. These alterations accord with UDP policies DES 5, DES 9 and DES 10. However, the proposed glass balustrade would be incongruous and must be omitted in favour of a black-painted metal balustrade. This may be dealt with by condition.

Internally, the proposed sub-division of the upper floors is acceptable and the existing chimneypieces will be retained. The secondary glazing required to address potential noise issues is also acceptable. However, the chimney piece on the mezzanine floor is to be boxed in which is considered unnecessary and detrimental to the special interest of the building. It should remain fully visible and this may be secured by condition. Subject to this revision the internal alteration are acceptable in heritage asset terms and accord with UDP policy DES 10.

8.3 Residential Amenity

The external alterations include the removal of an existing rear fire escape stair at fifth and sixth floor level, the creation of a terrace at rear fifth floor level, and the installation of a new dormer window on the Piccadilly elevation.

The nearest residential property is to the north of the application site at 50 Albemarle Street. This property is lower than the application site and the proposed terrace will be located higher than the roof of No.50. The terrace is small (11 sqm) and it is not considered the use of the terrace will have an adverse impact on noise or overlooking and is therefore acceptable. It is noted that the fire escape at fifth floor level is being removed an informative is recommended to ensure that the applicants speak to Building Control about this matter. The new dormer window at roof level will not have an impact on amenity.

New residential amenity

Three letters of representation have been received on behalf of Mahiki nightclub at 1 Dover Street. This venue occupies a small entrance area at ground floor, and main bar/nightclub areas at lower ground and basement level. The nightclub shares a party wall with the application site, but only at lower ground and basement level. There is a shared lightwell to the rear of both properties, but there are no windows serving the nightclub at lower ground and basement level in this lightwell. The existing premises licence for Mahiki allows customers to be on the premises from 09.00 – 03.30. The initial letter from the nightclub stated that their principle concerns relate to the future noise and disturbance to new residents at the application site from the late night uses at 1 Dover Street but also elsewhere in the vicinity. (It is important to note that there is a resolution to grant planning permission at 70-72 Piccadilly (directly opposite 1 Dover Street) for the use of the site for 52 residential units.)

The objection letter concluded that the submitted noise report did not address the issues of a late night venue in close proximity and the site was an inappropriate location for residential use. In response to this letter, a revised internal noise report was submitted which assessed the noise from midnight to 04.00 on a Saturday evening in November. The report concluded that at no point was the noise from the nightclub audible within the application site.

Environmental Health assessed the new report and the objection. They raised concerns over the potential impact of customers of the nightclub leaving the premises and gathering on Piccadilly outside the application site. Environmental Health requested additional information relating to the party wall connection between the application site and Mahiki, the noise levels on Piccadilly taking in account the capacity and closing times of Mahiki and any façade mitigation or other improvement within the development which will be sufficient to comply with WHO guidance.

Subsequent to the objection from Environmental Health, the applicants commissioned a new noise survey. The report reinforced the original outcomes that the structural borne noise between the two buildings is limited, especially considering that the nightclub is located at lower ground and basement level and the new residential is located at first floor level and above.

An additional noise survey was also carried out on a Saturday in February between midnight and 04.00. This was carried out at first and fifth floor level. The weather that evening were not ideal and there was intermittent drizzle, meaning that road surfaces were wet throughout the survey increasing overall noise levels (the first survey was carried out in dry conditions). The dominant noise levels during this period were from road traffic. Noise from people in the street was intermittent and only audible when traffic noise reduced. The noise report also assessed the activity on the street and these can be summarised as follows:

- When customers entered Mahiki they queued on Dover Street. Noise from customers was inaudible at the façade of the application site – due to distance, screening and high ambient noise levels;
- Customers entered and left Mahiki in small numbers throughout the night. There were no periods when a large number of people left the club at the same time;
- When people left Mahiki they tended to disperse in all directions or in some cases linger at the junction of Piccadilly and Dover Street to hail taxis;
- Some customers left Mahiki and walked past the application site, but these tended to be in small groups and were spread over the evening;
- There is also a club opposite Mahiki at 49-50 Dover Street (The Mayfair Club), and people would also gather outside this entrance – although noise from people here was also inaudible at the application site.

As the building is Grade II listed, secondary glazing is proposed to all the windows (rather than double-glazed windows) and the specific secondary glazing to be used is detailed within the acoustic report. Environmental Health are now satisfied that the worst case scenario has been tested and have no objection to the proposal in terms of the noise levels within the new residential units and the impact on Mahiki.

The objectors are still raising concerns over the introduction of new residential units in this location and the potential impact the new occupiers will have on their longstanding use. It is considered that the site is an appropriate location for residential, especially considering that there is an existing residential unit at sixth floor level. Environmental Health has considered the objections submitted and they have no objection to the proposal. The application is recommended for approval, subject to the City Council's standard noise conditions and a further condition to ensure that a full assessment of the party wall is carried out and any remedial works are implemented before the residential units are occupied.

8.4 Transportation/Parking

UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standard would normally require one parking space per additional residential flat, which in this case, would amount to a requirement for eight spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

No off-street car parking is proposed. The City Council's most recent daytime survey (2011) indicates that Resident's and Shared Use bays were 63% occupied; during the evening this reduces to 62%. The parking levels in the area are below 'stress levels' and

the addition of the residential units in this location can be absorbed into the surrounding street network. The proposal is therefore consistent with UDP Policy TRANS23.

The applicant has offered to provide Lifetime Membership (25 years) to a Car Club for all the flats. This is welcomed and secured by condition.

Adequate cycle parking is provided for the commercial and residential parts of the development. This complies with UDP Policy TRANS10.

8.5 Economic Considerations

Any economic benefits generated by the proposal are welcomed.

8.6 Access

There is existing stepped access and this would remain. It is not considered practical to change this within the context of this scheme.

8.7 Other UDP/Westminster Policy Considerations

Plant

New plant is proposed to the rear of the building at every level. Environmental Health has no objection to the proposal, subject to the imposition of a condition to ensure that a supplementary acoustic report is submitted once the plant equipment has been selected.

8.8 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

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

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

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

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if

appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

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

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

A Grampian condition will secure the following:

- £1,398,000 million towards the affordable housing contribution fund
- Lifetime Membership (25 years) to a Car Club, for all the flats.

8.11 Environmental Impact Assessment

Environmental Impact Assessment is not required with this scale of application.

9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England, dated 16 September 2015
3. Response from Council of British Archaeology, dated 13 October 2015
4. Response from Residents Society Of Mayfair & St. James's, dated 28 September 2015
5. Response from the Highways Planning Manager, dated 16 November 2015
6. Response from Environmental Health, dated 17 December 2015 and 8 March 2016
7. Letters on behalf of Mahiki at 1 Dover Street from Bidwells, dated 15 October 2015, 25 February 2016 and 16 March 2016

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

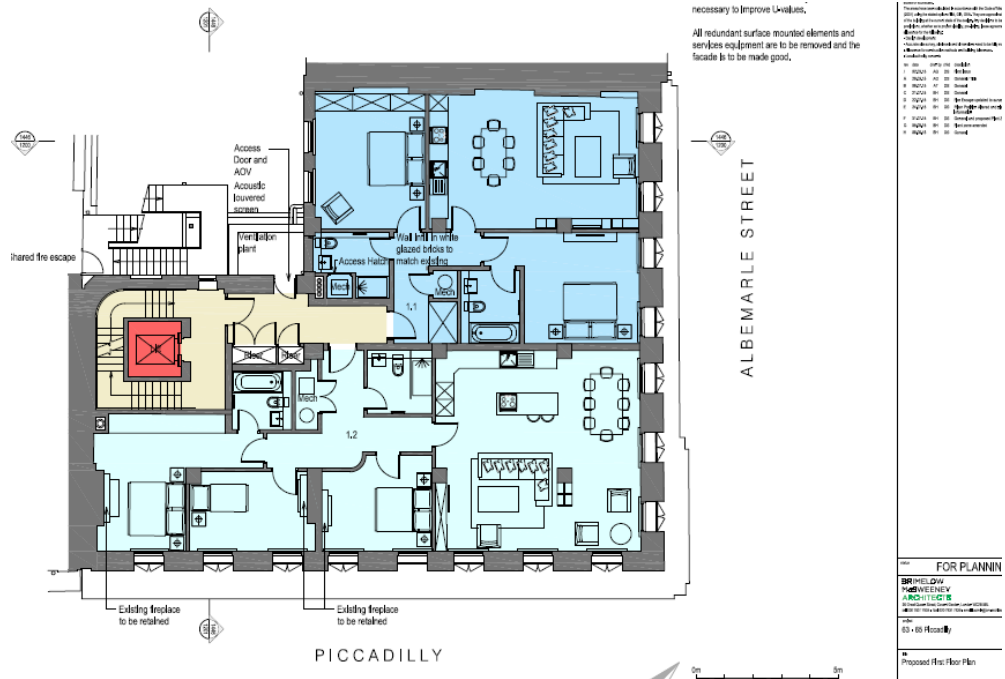
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT PAUL QUAYLE BY EMAIL
AT pquayle@westminster.gov.uk

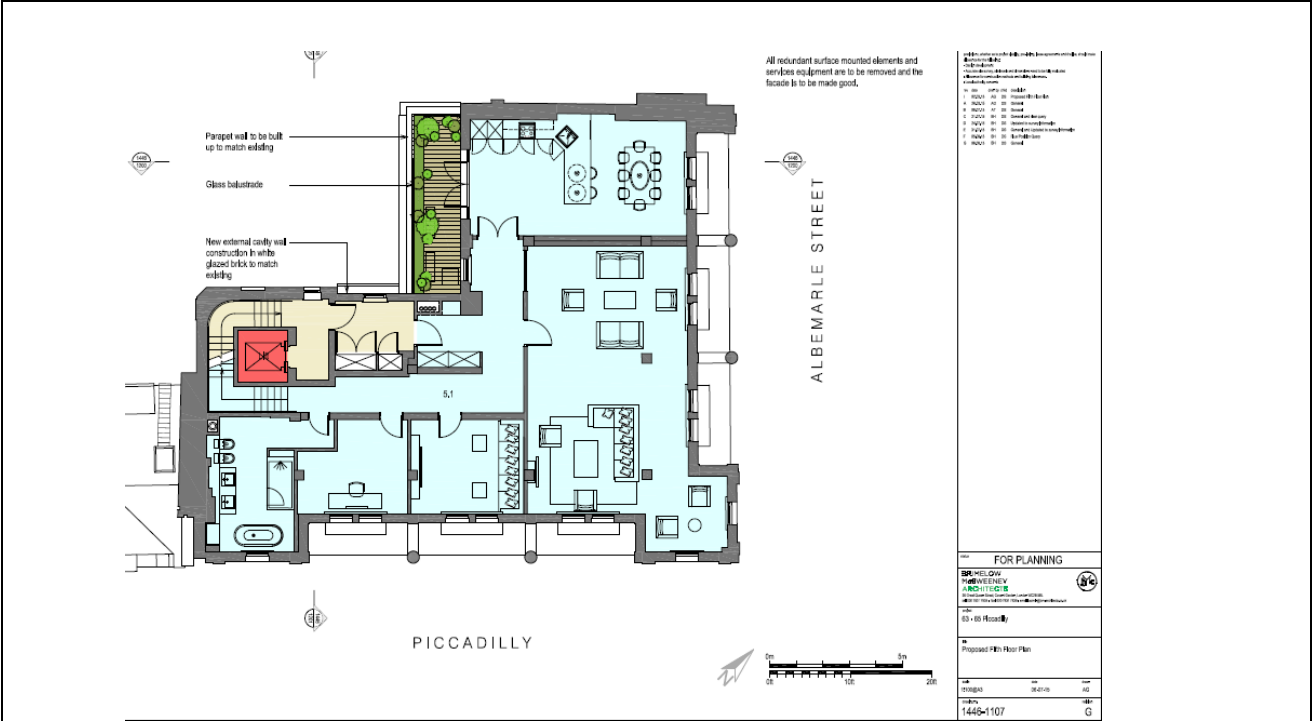
10. KEY DRAWINGS

Proposed front (Piccadilly) elevation

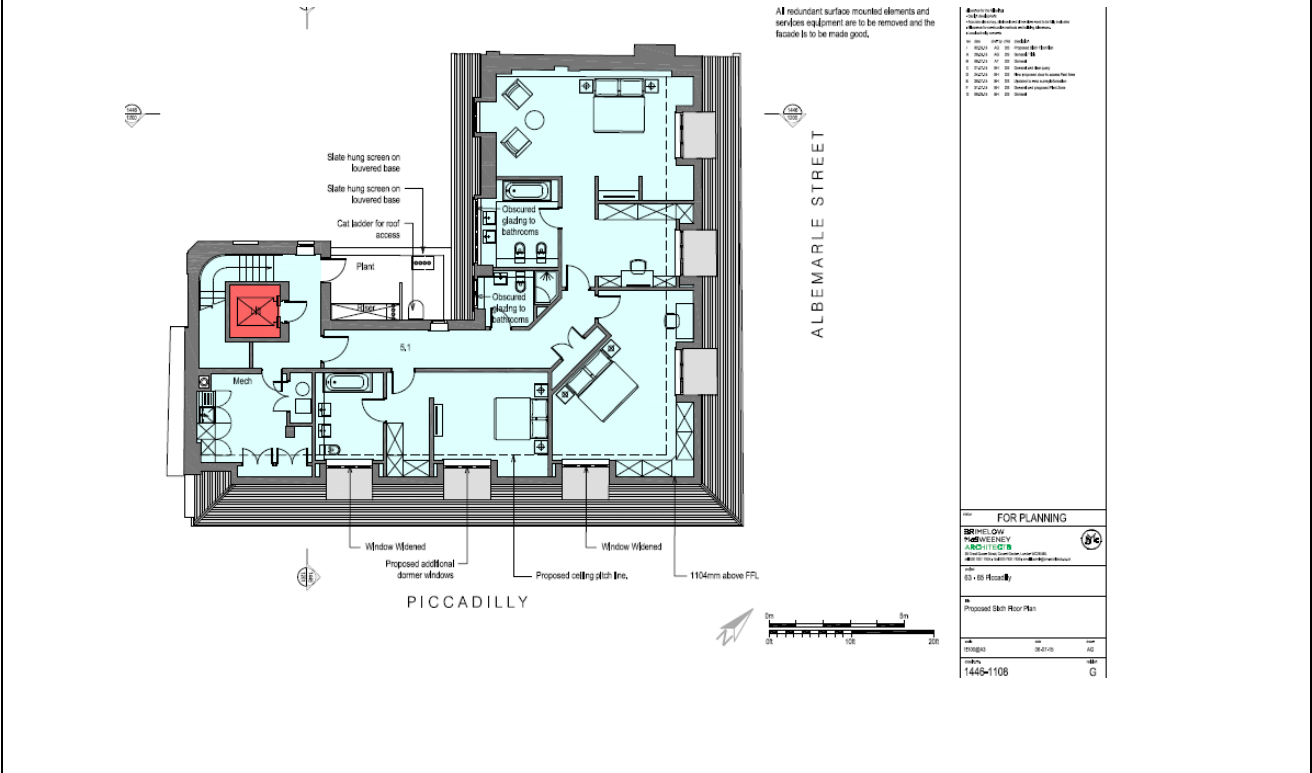


Typical Proposed first four floors





Proposed fifth and sixth floors



DRAFT DECISION LETTER (PLANNING)

Address: 63-65 Piccadilly, London, W1J 0AJ,

Proposal: Use of part basement, part ground and first to sixth floors as nine residential units (Class C3), associated internal alterations at all floor levels and external alterations including the installation of dormer windows at mansard roof level, removal of rear fire escaper stairs at fifth and sixth floors, creation of terrace at fifth floor level and installation of plant within enclosures at first - fourth and sixth floors

Reference: 15/07383/FULL

Plan Nos: 1446-1100 F, 1446-1101 G, 1446-1102 G, 1446-1103 H, 1446-1104 G, 1446-1105 G, 1446-1106 F, 1446-1107 G, 1446-1108 G, 1446-1109 G, 1446-1110, 1446-1200 A, 1446-1201 A, 1446-1300 C, 1446-1301 C

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: the proposed glass balustrade at the rear must be omitted in favour of a black-painted metal balustrade. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 9 (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.

- 10 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.

- 11 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 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 12 **Pre Commencement Condition.** You must apply to us for approval of details of how the flats will be insulated to reduce noise passing between them. The details must also include an assessment of the party wall shared with 1 Dover Street to ensure that any noise/vibration is reduced. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the flats.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 13 You must provide the waste store shown on drawing 1446-1102 C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the residential units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 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 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following.

- mitigation for not providing affordable housing on-site.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 16 No residential unit forming part of the development shall be occupied until a car club scheme containing the following provisions has been submitted to and approved in writing by the local planning authority and thereafter the scheme shall be carried out in accordance with those details. Such a scheme shall contain the following:
- a) Confirmation of approval of the particular car club which is to be a Carplus accredited club;
 - b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of:
 - 1. the existence of the car club
 - 2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee;
 - 3. details of how to become a member of the car club; and
 - 4. in the event that a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident [for a continuous period of [25] years]
 - b) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents.
 - c) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development.
 - d) Confirmation that any advert or marketing in relation to the sale of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club.
 - e) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club.
 - (f) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

Reason:

To mitigate the demand for on street car parking in accordance with CS41 of our Core Strategy that we adopted in January 2011 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 17 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 make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 18 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.

- 19 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.

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 In relation to Condition 16, Carplus was established in 2000 to support the development of car clubs and 2+ car sharing schemes in the UK, in response to growing environmental concerns around private car use. Carplus provide technical support, best practice guidance and practical advice to car club operators, community groups, local authorities and transport authorities to assist in setting up and developing car clubs. www.carplus.org.uk
- 3 Under condition 15 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure £1,398,000 million as confirmed in writing by Rachel Ferguson of CBRE Planning dated 6 April 2016. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk.

Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

- 4 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.
- 5 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)
- 6 The term 'clearly mark' in condition 13 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 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.
- 8 The existing first escape at fifth floor level is to be removed. You are advised to discuss this matter with our Building Control officers.

DRAFT DECISION LETTER (LISTED BUILDING)

Address: 63-65 Piccadilly, London, W1J 0AJ,

Proposal: Internal alterations at all floor levels and external alterations including the installation of dormer windows at mansard roof level , removal of rear fire escape stairs at fifth and sixth floors, creation of terrace at fifth floor level and installation of plant within enclosures at first - fourth and sixth floors.

Reference: 15/07384/LBC

Plan Nos: 1446-0900, 1446-0901, 1446-0902, 1446-0903, 1446-0904, 1446-0905, 1446-0906, 1446-0907, 1446-0908, 1446-0909 A, 1446-0910 A, 1446-0911, 1446-0912 A, 1446-1100 F, 1446-1101 G, 1446-1102 G, 1446-1103 H, 1446-1104 G, 1446-1105 G, 1446-1106 F, 1446-1107 G, 1446-1108 G, 1446-1109 G, 1446-1110, 1446-1200 A, 1446-1201 A, 1446-1300 C, 1446-1301 C

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- the proposed glass balustrade at the rear must be omitted in favour of a black-painted metal balustrade;
 - the partition on the mezzanine floor must be partially omitted so that the chimneypiece is fully visible and not concealed.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 8 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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 26 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	61A Clifton Hill, London, NW8 0JN,		
Proposal	Excavation of new basement level beneath existing building and part of rear garden, erection of lower ground floor extension. Use of lower ground and ground floors as one residential unit (Class C3).		
Agent	Mr jonathan tipper		
On behalf of	Mr jonathan Tipper		
Registered Number	16/00653/FULL	Date amended/ completed	2 February 2016
Date Application Received	26 January 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application relates to the ground and lower ground floor levels of an unlisted four storey building within the St John's Wood Conservation Area, currently in use as two flats.

This application seeks planning permission to amalgamate the two flats, excavate a basement and to replace an existing rear extension at lower ground floor level. Following officer comments the detailed design of the rear extension has been amended slightly during the course of the application.

Several objections have been received by neighbouring occupiers as well as the St Johns Wood Society on the grounds of land use, design and townscape issues, structural concerns and the impact of construction works.

The key issues in this case are:

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

Notwithstanding the objections received, the proposed development is considered to be acceptable and would accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Rear elevation



Front elevation

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5. CONSULTATIONS

WARD COUNCILLORS FOR ABBEY ROAD:

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY:

Concerns in relation to overdevelopment; light pollution from rooflights and noise pollution from rear extension; plant ventilation. Also request that comments from neighbouring residents are taken into account and that a construction management plan (CMP) mitigates against disruption.

BUILDING CONTROL:

No objection, the submitted structural information is acceptable.

ARBORICULTURAL OFFICER:

No objection subject to conditions to ensure tree protection.

HIGHWAYS PLANNING:

No objection.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 24; No. of objections: 7 representations raising some or all of the following concerns:

Construction:

- Parking in the street will be negatively affected. Builders should not be able to park in the area.
- Noise from building works and its impact on the tranquillity of the conservation area.
- Request for no building work before 9am or after 5pm or at lunch between 12-2, and not at weekends.
- Scaffolding should not block light to adjacent properties.

Structural:

- Concerns in relation to subsistence and stability of adjacent properties

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site relates to an unlisted building within the St John's Wood Conservation Area. The building is currently divided into flats, with this application relating to two flats, one which occupies the raised ground floor level and one which occupies the lower ground floor level. Both flats are currently vacant. The lower ground floor flat currently benefits from a large rear extension, which extends out into the rear garden. There is an existing side alley, which provides access to the garden at lower ground floor level.

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6.2 Recent Relevant History

Permission granted on 4 July 2005 for the erection of new bay window to rear of existing single storey rear ground floor extension and alterations to doors and windows of existing ground floor rear extension.

Permission granted on the 31 July 1990 for the removal of Victorian conservatory roof & replace with flat roof.

Permission granted on 3 April 1987 for the construction of a conservatory.

7. THE PROPOSAL

Permission is sought for the demolition and replacement of the rear lower ground floor extension, the excavation of a basement all in association with the amalgamation of the two flats into one.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals result in the reduction in the number of units. Policy S14 within Westminster's City Plan seeks to prioritise housing delivery across the borough, the loss of a residential unit is therefore regrettable. Exceptions are however permitted such as where '2 flats are being joined to create a family-sized dwelling.' In this instance the proposal is to convert two 2 bedroom flats into a five bedroom unit which would meet the definition of 'family-sized' used by the City Council. As the exception rule within the policy has been met, it is not considered that refusal could be justified in this instance.

The proposed basement includes two bedrooms at the rear of the site which both look out onto a small new courtyard. The courtyard is to have a grill over and will therefore not benefit from vast amounts of natural light. On the grounds of proportionality the proposals are considered acceptable in this instance, given that the majority of the living accommodation is located above ground level with ample light from existing and new windows.

8.2 Townscape and Design

The rear extension proposed is a large and significantly glazed extension with green roof above. Extensions of this scale and style would not typically be considered appropriate for mid 19th century properties such as this, however in this case there is already and apparently relatively longstanding extension in place to the building which is particularly poor in terms of its design quality, being comprised of thickly framed window openings and render panels in poorly proportioned arrangements. In addition this extension already extends across much of the width of the rear elevation of the building. To replace it, the new extension has been subdivided into two distinct elements, one being a brick faced rear extension in the form of a more traditionally detailed closet wing extension with lead roof, and the other a glazed extension with green roof. The new glazed extension responds to the main slightly projecting rear elevation bay of the building, with the brick extension responding to the subsidiary bay and

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in terms of their footprint/location they integrate acceptably with the character of the building. They are only marginally wider than the existing extension, and of limited greater projection. Though the glazed extension is strikingly contemporary in its form, in contrast to the existing poor quality extension this is considered acceptable in itself, and the green roof will be an attractive feature with lead coping introducing this appropriate material as the main capping to the extension.

The new basement has its only external manifestation as the discreet lightwell to the rear with grill over and in itself this will not have a significant impact on the appearance of the building. It is considered to be designed in accordance with the basement policy. The new window to rear ground floor level is more sympathetic to the building than at present, which is welcomed in itself. The new trellis arrangement proposed to the side passage though unorthodox is relatively discreet, set largely behind a new gate to the front of the side passage down at lower ground floor level and is considered acceptable in itself. Further details of this would be secured by condition.

8.3 Residential Amenity

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

The rear extension is the approximately the same length as the existing extension but is wider. Due to the size of the existing extension and the size of the existing party wall, residents at No 63 are unlikely to experience any negative impact. Likewise, given the location of the extension set away from the boundary with No 59, these residents are also unlikely to experience a negative impact in terms as a result of the proposals.

Some concern has been raised in relation to light spill, however as the vast majority of the existing extension is glazed, it is not considered that the replacement extension will have any significant additional impact on these grounds.

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

8.4 Transportation/Parking

The Highways Planning Manager has commented that while the lack of cycle parking is regrettable, as the proposals reduce the number of units and there is no current parking, no objection is raised.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No change to existing access arrangements from the street.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposals indicate a plant room within the new basement level. No details of ventilation or plant have been provided with the application. The applicant will be advised by informative that the installation of any ventilation equipment will require the submission of a new planning application.

Refuse /Recycling

A condition is recommended for the submission of a plan to show the location for waste and recyclable storage. Subject to such a condition the proposals are considered acceptable on these grounds.

Trees

Subject to conditions to secure tree protection, the arboricultural officer has raised no objection to the proposed works.

Biodiversity

The proposals include the provision of a sedum roof on the rear extension which is welcomed and secured by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment (EIA)

The scheme is of insufficient size to trigger the requirement for and EIA.

8.12 Other Issues

All of the objectors have raised concerns in relation to the proposed basement and its impact during construction. Concerns have also been raised in relation to blocking light as a result of scaffolding, as these are temporary structures, which do not require planning permission, refusal on these grounds could not be sustained.

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 at several 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.

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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. The City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' on 24 October 2014, which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted.

The basement guidelines and basements policy documents have different status in the planning process. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Since 1st November 2015 weight is also being attributed to parts of the new basement policy, which this application is considered to meet.

Construction impact

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

Whilst planning permission cannot be withheld on the basis of these objections, a Construction Management Plan has been submitted with the application. This is considered appropriate and reasonable at application stage. However, a condition is recommended to secure a more fully detailed construction management plan prior to the commencement of works. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation, which will not be allowed on Saturdays. This should go some way towards mitigating the concerns raised by neighbours.

Concerns have also been raised in relation to the impact of construction vehicles on local parking. Refusal of planning permission on these grounds could not be sustained, and such details will be subject to a separate highways licensing application.

8.13 Conclusion

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

9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society, dated 9 March 2016
3. Response from Building Control, dated 26 February 2016
4. Responses from Arboricultural Officer, dated 16 March and 11 April 2016.
5. Memorandum from Highways Planning, dated 18 February 2016.
6. Letter from occupier of 59 Clifton Hill, London, dated 21 February 2016
7. Letter from occupier of 59 Clifton Hill, London, dated 1 March 2016
8. Letter from occupier of 59 Clifton hill, London, dated 21 February 2016
9. Letter from occupier of 63 Clifton Hill, London, dated 8 March 2016

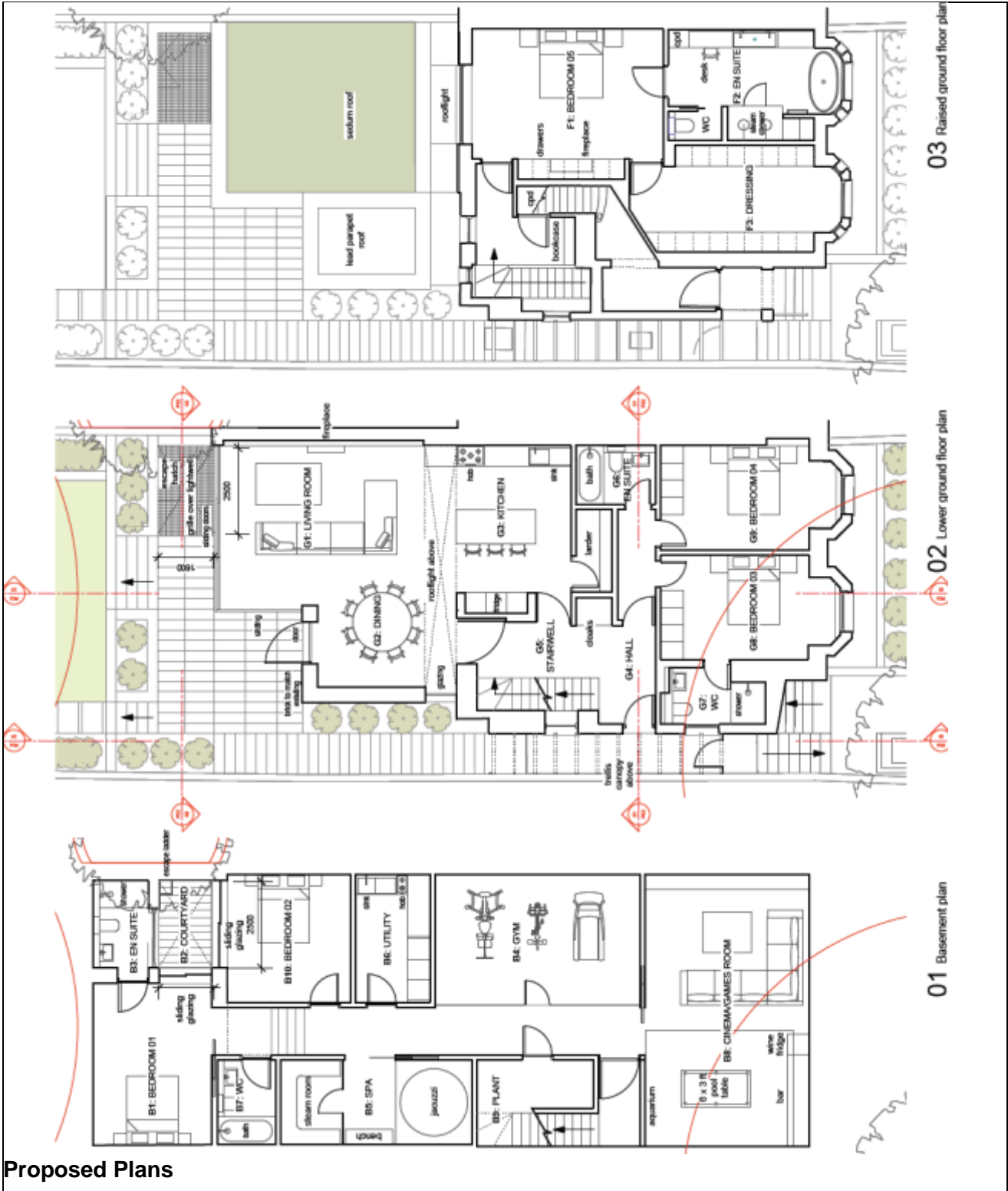
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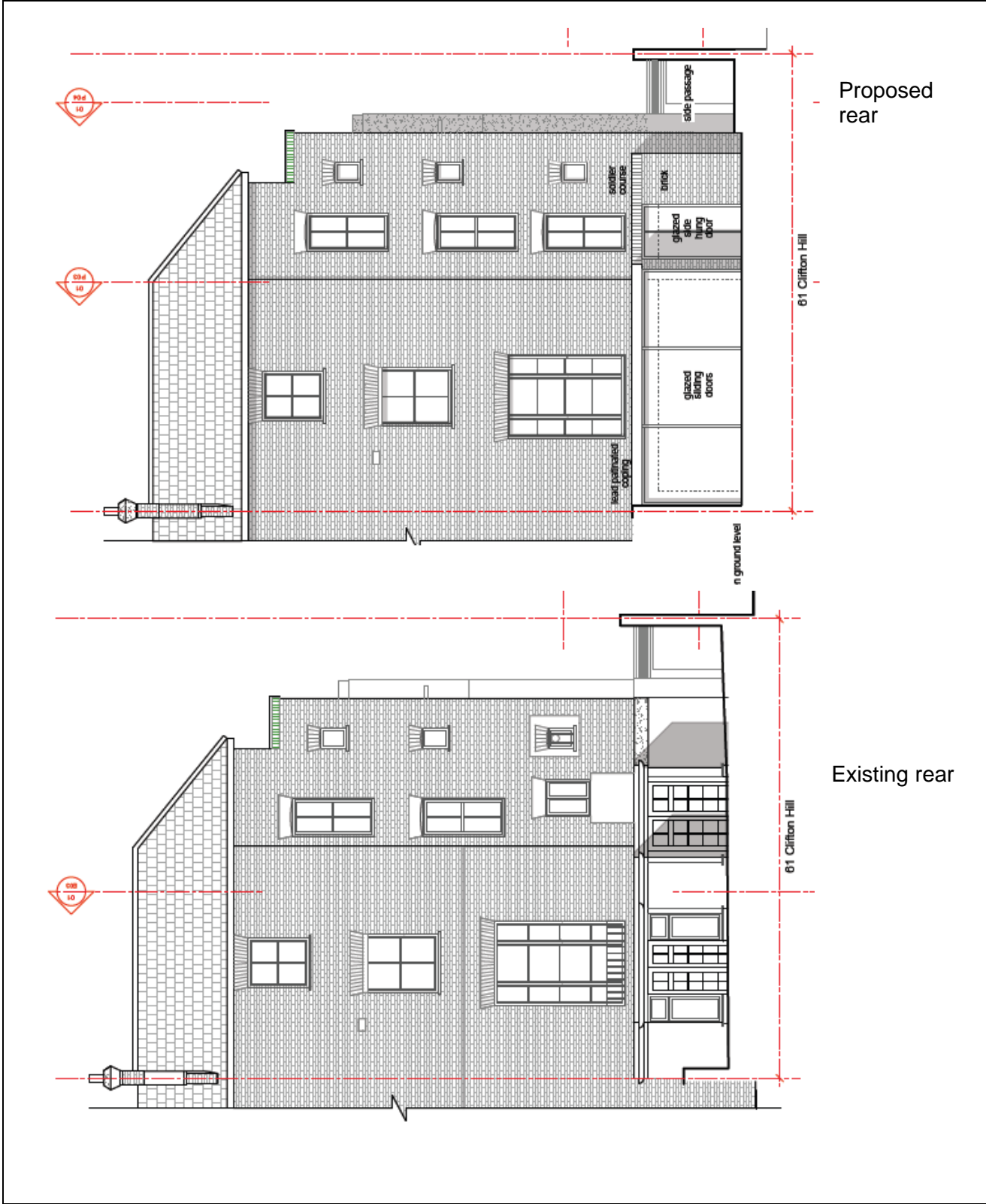
10. Letter from occupier of 59 Clifton hill, London, dated 21 February 2016
11. Letter from occupier of 59 Clifton Hill, London, dated 24 March 2016
12. Letter from occupier of 59 Clifton Hill, London, dated 2 March 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RUPERT HANDLEY ON 020 7641 2497 OR BY EMAIL AT rhandley@westminster.gov.uk

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 61A Clifton Hill, London, NW8 0JN,

Proposal: Excavation of new basement level beneath existing building and part of rear garden, erection of lower ground floor extension. Use of lower ground and ground floors as one residential unit (Class C3).

Plan Nos: 610.E.01 PL01; 610.E.02 PL01; 610.E.03 PL01; 610.E.04 PL01; 610.E.05 PL01; 610.E.06 PL01; 252.E.100 PL1; 610.P.01 PL03; 610.P.02 PL02; 610.P.03 PL01; 610.P.04 PL02; 610.P.05 PL01; 610.P.06 PL01; Tree Survey by Martin Dobson Associated dated 31 March 2016. For information only: Structural Methodology Statement January 2016 by elliotwood; Construction Management Plan.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

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

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

Sedum roof

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

Reason:

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

- 5 The grille to the rear lightwell shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter, and shall be formed of black coloured metal.

Reason:

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

- 6 The facing brickwork to the new extension must match the existing original brickwork to the main original rear elevation in terms of colour and texture. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

- 7 You must apply to us for approval of detailed plan and section drawings of the new trellis to the side passage at lower ground floor level, which shall also show the structure unenclosed between the trellis framing and shall show it pitching down to below the height of the existing side boundary wall to the side passage. You must not start any work on these parts of the development until we have approved what you have sent us.

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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 use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

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

Reason:

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

- 10 You must carry out the tree protection measures as outlined within the tree report by Martin Dobson dated 31 March 2016.

Reason:

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

- 11 **Pre Commencement Condition.** Notwithstanding the submitted CMP, 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

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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.

Informative(s):

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

- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

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Phone: 020 7641 2000

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

- 4 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.
- 5 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 8 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)
- 9 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.
- 10 The installation of any ventilation plant, which has any external manifestation will require a further application for planning permission.

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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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	9 - 10 Northumberland Place, London, W2 5BS,		
Proposal	Excavation of sub-basement level extension with lightwell to rear, excavation and extension of front vaults at lower ground floor level, reconstruction of rear closet wings from lower ground up to first floor level, erection of two storey rear infill extension at lower ground and ground floor levels to no. 9 and single storey rear infill extension at lower ground floor level to no.10, and landscaping of front and rear gardens.		
Agent	Mr Max Plotnek		
On behalf of	Ms Kasia Robinski		
Registered Number	15/11895/FULL	Date amended/ completed	24 February 2016
Date Application Received	21 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is occupied by two four-storey mid-terrace properties which are located on the east side of Northumberland Place in the Westbourne Conservation Area.

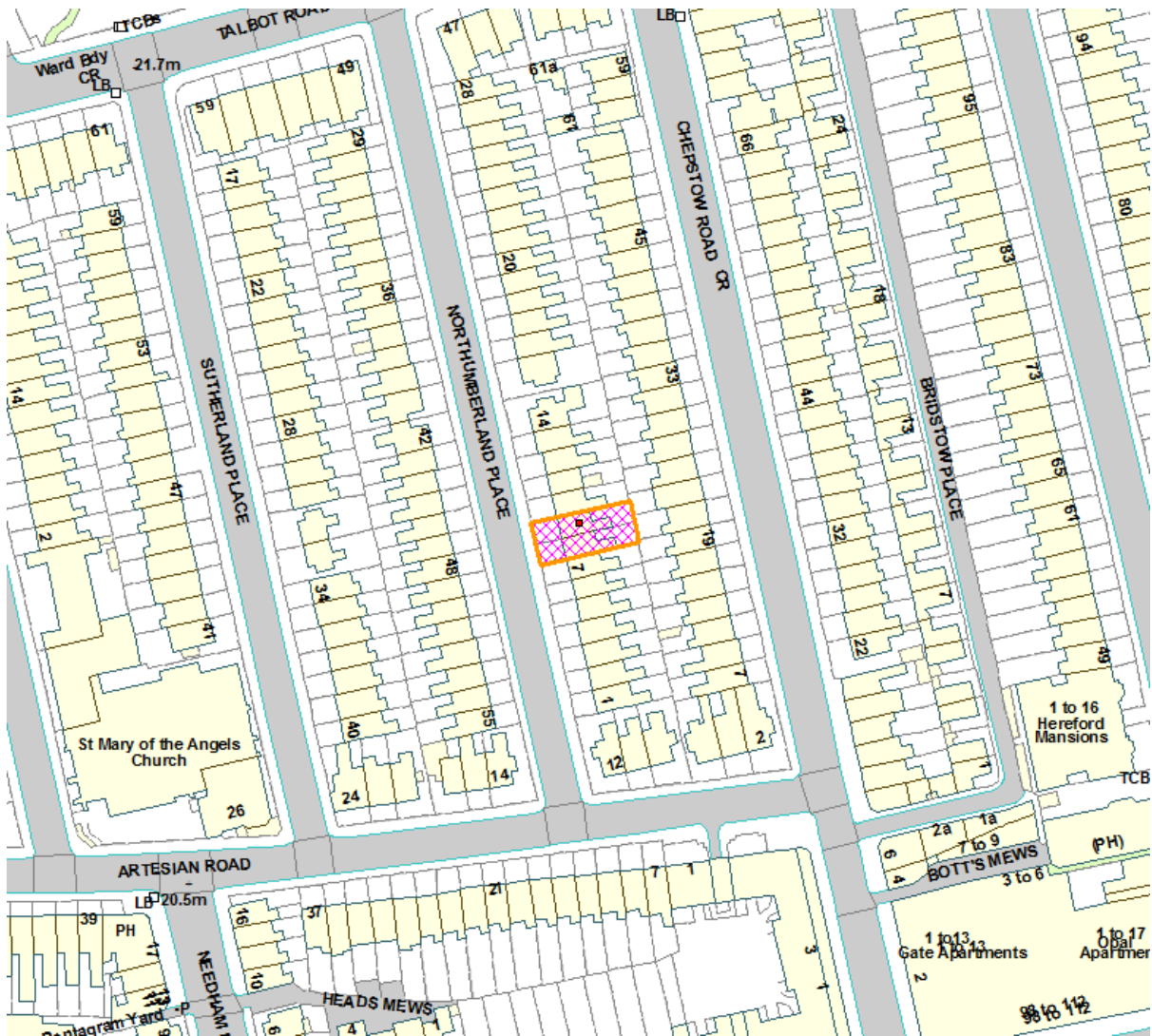
This application seeks planning permission for extensions and alterations to nos. 9 and 10 Northumberland Place, including the excavation of a sub-basement level extension with rear lightwell, the extension and excavation of the front vaults at lower ground floor level, the reconstruction of closet wings to include a ground floor extension at no. 9 and first floor extension at no.10, the erection of single and two-storey closet wing infill extensions and landscaping of the front and rear gardens.

Further to negotiation with the applicant the first floor extension above the closet wing at no.9 has been omitted, some of the skylights above the rear lightwell have been replaced by grilles and the extension in the front garden has been lowered to accommodate the required 1.2 metre soil depth. Following concerns raised by the Environmental Health Officer, the applicant confirmed that there will be no ventilation plant in the basement.

Several objections have been received by neighbouring occupiers as well as the Notting Hill East Neighbourhood Forum on the grounds of land use issues, design and townscape issues, structural issues and the impact of construction works.

Notwithstanding the objections received, the proposed development is considered to be acceptable and would accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear elevation of 10 Northumberland Place

22 Jan 2016 10:16:08



Rear of 9 Northumberland Place

5. CONSULTATIONS

ORIGINAL CONSULTATION

BUILDING CONTROL:

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The basement is to be constructed using traditional underpinning RC retaining walls, which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ENVIRONMENTAL HEALTH:

Objections are raised on the grounds of the failure to identify the type of plant in the basement and provide a suitable acoustic report.

ARBORICULTURAL SECTION:

No objections are raised in respect of the impact on trees in adjoining gardens. However, in view of the lack of trees at nos. 9 and 10 a condition should be imposed requiring details of new tree planting. At the time of planting, the tree to the rear should attain a girth of 14-16cm whilst the tree in the front garden need not be as large.

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

Objections are raised on the grounds of the unification of two houses. The notice letter sent by WCC on December 10 2010 illustrates and evidences that the two houses are not formally one house. The area depletes of residents and shops die almost daily. The unifying of houses is against policy.

ADJOINING OWNERS/OCCUPIERS :

No. Consulted: 28

Total No. of replies: 7 Objections were received on the following grounds;

Land Use

- The amalgamation of two houses is contrary to policy.

Structural Issues

- Drilling to check the quality of the soil has already caused serious structural cracks to neighbours' party walls;
- Proper concern has not been given to the effect this kind of development would have on the structural fabric of the properties either side;
- Potential implications for flooding in adjacent properties;
- It is believed that there is a river running underneath the length of Northumberland Place and therefore the excavation of a basement could encourage water into the lower floors of surrounding buildings.

Construction Works

- Noise, dirt and disruption generated by such a large basement extension which will last for several years;
- Northumberland Place has become one big, and never ending, building site with three developments that have used excessive numbers of lorries instead of skips;

- Lorries used have arrived from 7am, have caused incredibly distressing amounts of noise and disruption to daily lives, shake the houses to their foundations, cause subsidence and cracks in walls and double park, making the road inaccessible.

Other Issues

- Lives of neighbours are being ruined by unnecessary, excessive and often vanity basement and sub-basement developments;
- Westminster should be banning basement developments;
- It is queried when mansard extensions will be allowed to stop basement extensions as the only way of increasing residential floorspace;
- Westminster should be stricter on how applications are presented and described so that neighbours can fully understand.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

CONSULTATION ON REVISED PLANS

Further to negotiation with the applicant the first floor extension above the closet wing at no.9 has been omitted, and some of the skylights above the rear lightwell have been replaced by grilles. Following concerns raised by the Environmental Health Officer, the applicant confirmed that there will be no ventilation plant in the basement. The reference to the amalgamation of the two properties has been omitted from the description of the proposal as it was evident at the time of a site visit for a certificate of lawfulness in 2010 that the two properties had already been amalgamated.

Fourteen day consultation letters were sent to neighbours following receipt of the amended plans and documents.

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

Objections are raised on the grounds of concretisation of garden space front and back, the loss of one butterfly roof and the 42 documents of indifferent titling which are outside of the consumer act as they are not accessible nor openly readable to layfolk. It is also stated that their earlier remarks still stand and that they are 'opposed to such an anti green anti suds anti gaya and diluvian-hungry scheme'.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 35

Total No. of replies: 4 Objections were received on the following grounds;

Land Use

- The loss of a separate dwelling should be closely scrutinised and give rise to serious objections.

Design

- It is questioned if the bulk of the scheme is appropriate in Northumberland Place and in a conservation area;
- Implications for character of the street.

Structural Issues

- Potential flood risk to adjacent properties.

Construction Works

- Inevitable noise, dirt and disruption generated;
- Disruption through the summer, limiting use of gardens;
- Distress to neighbours;
- Nuisance, especially for those with babies/young children/retires and elderly parents;
- Impact on ability of neighbours to work from home.

Other Issues

- Basement extension to double property is not necessary
- Allowing a single occupier to create 5000 square foot of space when the average house on the street has 2000 square foot creates too much of a divide with regard to the nature of ownership of houses in Northumberland Place;
- The precedent that such an approval will set.

FURTHER CONSULTATION

No further amendments have been made however the description of the proposal has been changed to better reflect the proposed works. Neighbours were given fourteen days to comments.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 39

Total No. of replies: 0

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is occupied by two four-storey unlisted mid-terrace properties which are located on the east side of Northumberland Place in the Westbourne Conservation Area. No.9 Northumberland Place comprises lower ground (with single storey projection), ground, first and second floors and a roof top decked terrace accessed via a structure at roof level. No.10 Northumberland Place comprises lower ground, ground (with double height conservatory and 2-storey rear projection), first and second floors, but retains a butterfly roof.

6.2 Recent Relevant History

10/06293/FULL

Excavation beneath part of front garden to create new front extension, new front lightwell access stairs, and door to enlarged vaults. All in connection with enlargement of dwellinghouse.

Application Permitted 9 November 2010

10/08746/CLOPUD

Internal alterations in connection with use of both properties as one single family dwelling house.

Application Permitted

6 December 2010

7. THE PROPOSAL

This application seeks planning permission for alterations and extensions to two mid-terrace properties that have previously been amalgamated into a single dwellinghouse. The works comprise a basement underneath the entire footprint of nos.9 and 10 Northumberland Place with a lightwell across the entire rear elevation, half to be enclosed by skylights and the other half by metal grilles. At the front of the property, primarily to the front of no.9, the vaults at lower ground floor level would be excavated and extended in line with the front boundary to provide additional habitable accommodation.

To the rear, the ground floor closet wing at no.9 would extend as far into the garden as the existing lower ground floor extension below. At no.10, the closet wing would be extended up to first floor level and out to align with the lower ground and ground floor closet wing below. The existing two-storey conservatory on the boundary with no.11 would be relocated to infill the gap between the closet wings at nos. 9 and 10. A single storey conservatory would be built in its place.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application, as originally submitted, comprised the amalgamation of the two separate dwellinghouses. Such a development would be contrary to policy S14 of the City Plan which seeks to resist the loss of residential units. A site visit in association with an application for a certificate of lawful development for the amalgamation of the two dwellinghouses revealed that the internal doors between the two properties had been installed in 2010. The use of the two properties as a single dwellinghouse has therefore been in place since 2010 and would therefore appear to be lawful and would not require the benefit of planning permission. As such, this part of the proposed development has been omitted and no longer forms part of the considerations.

Notwithstanding neighbours' concerns regarding the necessity of a basement, 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 two brick rear extensions (up to ground floor level at no.9 and first floor level at no.10) stop at or before the penultimate floor level of the building, and as such are considered acceptable in principle. They are appropriately designed and the projection follows the existing and the pattern to the larger extensions to the terrace. The additional height is regrettable in one respect, namely that to no. 10 a new sash window is created to the rear elevation on the top floor level thus removing the characteristic staggered impression of windows to the rear of such Victorian properties, however in the context of the terrace where to the immediate south similar works are in place for a run of buildings, this is not

considered as a reason for refusal. The removal of one two storey extension and its recreation between the two enlarged brick rear extensions is also considered acceptable. The original sash window to the location of the existing ground floor conservatory still remains in place and would be revealed by the works proposed and this is of more preferable appearance than the doorway to be enclosed at this level and as such this element of the works is considered acceptable.

The greater enclosure of the front lightwell to no. 10 will bring it closer to its likely original condition, and the installation of new decorative railings to match the originals remaining at no. 9 is welcomed and will improve the appearance of the front of the building.

The basements' only external manifestation is the lightwell set into the rear garden adjacent to the rear elevation. This has been amended to ensure a more discreet appearance during the course of the application and is now considered acceptable. The basement accommodation under the front garden has no visible manifestations other than the small window facing back into the relatively narrow lightwell to the building itself, details of which will be secured by condition, and as such this is considered acceptable.

The proposals would therefore comply with the objectives of policies S25 and S28 of the City Plan and policies DES1, DES5 and DES9 of the Unitary Development Plan.

The proposed basement would largely comply with the emerging basement policy to which the City Council has been attributing weight since the 1st of November 2015. The site benefits from the 'small site exception' which allows a basement to extend up to 4 metres from the building and would be limited to a single storey.

The rear lightwells would not be inset from the site boundary, however given that this is the only part of the basement level extension that extends beyond the building line at lower ground floor level and is relatively minor in scale and in any event is currently covered by a surface that is likely to be impermeable, it is considered that a refusal on this basis could not be justified. Similarly the front vaults have been extended along the boundary, which is also considered acceptable in this instance due to their small scale.

8.3 Residential Amenity

At subterranean level, the proposed basement itself would have no impact on the amenities of neighbouring occupiers in terms of a loss of light, loss of outlook or loss of privacy. The associated external manifestations are also considered to be acceptable in amenity terms.

Due to the presence and precise location of the closet wing at no.11 Northumberland Place, the proposed extensions at no.10 would have no impact on the amenities of the neighbouring occupiers.

It was considered that the first floor level of the closet wing at no.9 would materially affected the amenities of the occupiers of no.8 Northumberland Place by creating a sense of enclosure, however, this part of the proposal has since been omitted. The extension at ground floor is considered to be acceptable given the presence of the existing ground floor extension of a similar depth at no.8.

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

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

8.4 Transportation/Parking

The proposals are acceptable in terms of transportation and parking.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Other UDP/Westminster Policy Considerations

Plant and Noise

Concerns have been raised by the City Council's Environmental Health Officer in respect of inadequate information in the submitted acoustic report relating to plant in the basement. The applicant has since amended the basement floor plan to remove the plant room negating the requirement for an acoustic report. The applicant should be advised by informative that the installation of any ventilation plant would require planning permission.

Trees

The proposals would not have a harmful impact on trees in adjoining gardens and would therefore comply with policy ENV16 in the adopted Unitary Development Plan. A condition is recommended to secure details of appropriate landscaping and tree planting to be implemented once works have been completed.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

Environmental impact issues have been covered in section 8.7 above.

8.11 Other Issues

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 at several 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. The City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' on 24 October 2014, which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted.

The basement guidelines and basements policy documents have different status in the planning process. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Since 1st November 2015 weight is also being attributed to parts of the new basement policy.

Construction impact

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

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

Other objections

Neighbours have queried the City Council's general approach to basements and have suggested that they should be banned, with mansard roof extensions being favoured instead. However, the process of determining a single application for planning permission is not the arena for debating the soundness of the City Council's policies. Concerns have also been raised in respect of the way in which the information was presented by the applicant however, officers were satisfied that the way in which the information was presented was adequate to validate the application.

Works to the main roofs do not form part of this application. The loss of the butterfly roof and the installation of a roof terrace was evident at the site visit in association with the certificate of lawfulness that was issued in 2010. As this was over four years ago and no enforcement notice has since been issued, it is likely to be lawful.

One neighbour expresses concern about the precedent that allowing this development would set. However all future application would be assessed on their merits and with regard to adopted policy at the time.

8.12 CONCLUSION

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

9. BACKGROUND PAPERS

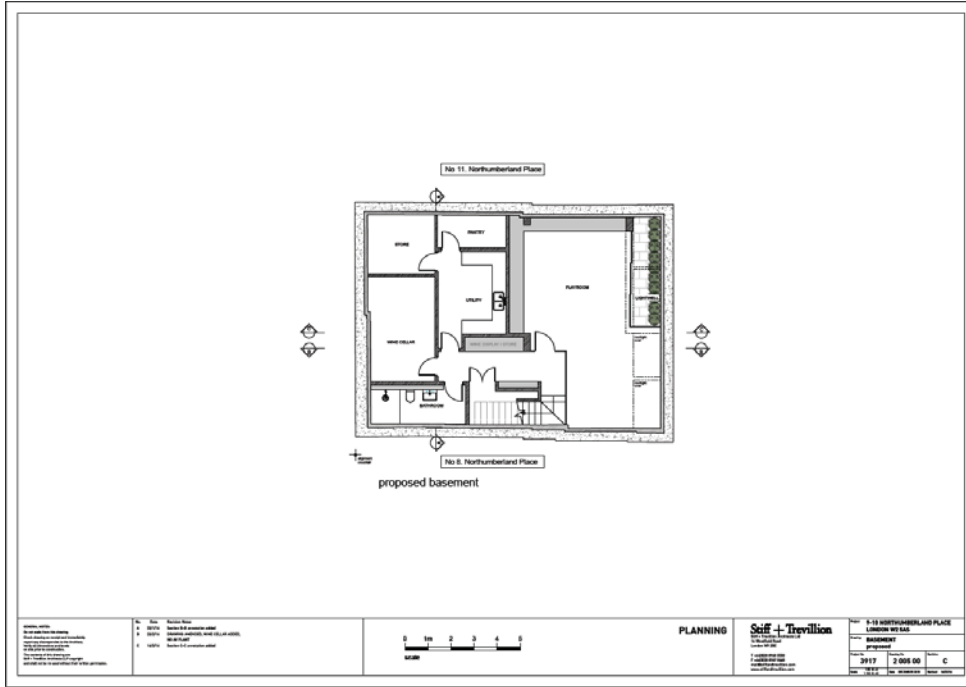
1. Application form
2. Response from Arboricultural Section, dated 25 January 2016
3. Response from Building Control, dated 31 March 2016
4. Response from Notting Hill East Neighbourhood Forum, dated 9 February and 30 March 2016
5. Memorandum from Environmental Health, dated 18 February 2016
6. Letter from occupier of 51 Northumberland, London, dated 18 January 2016
7. Letter from occupier of 45 Northumberland Place, London, dated 19 January 2016
8. Letter from occupier of 17 Chepstow Road, London, dated 27 January 2016
9. Letter from occupier of Basement Flat, 49A Chepstow Road, dated 31 January 2016
10. Letter from occupier of 11 Northumberland Place, London, dated 3 February 2016
11. Letter from occupier of Cooks Farm, Nuthurst, dated 8 February 2016
12. Letter from occupier of 12 Northumberland Place, London, dated 18 February 2016
13. Letter from occupier of 51 Northumberland Place, dated 23 March 2016
14. Letter from occupier of 19 Chepstow Road, dated 23 March 2016
15. Letter from occupier of 7 Northumberland Place, dated 24 March 2016
16. Letter from occupier of 17 Chepstow Road, dated 31 March 2016

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

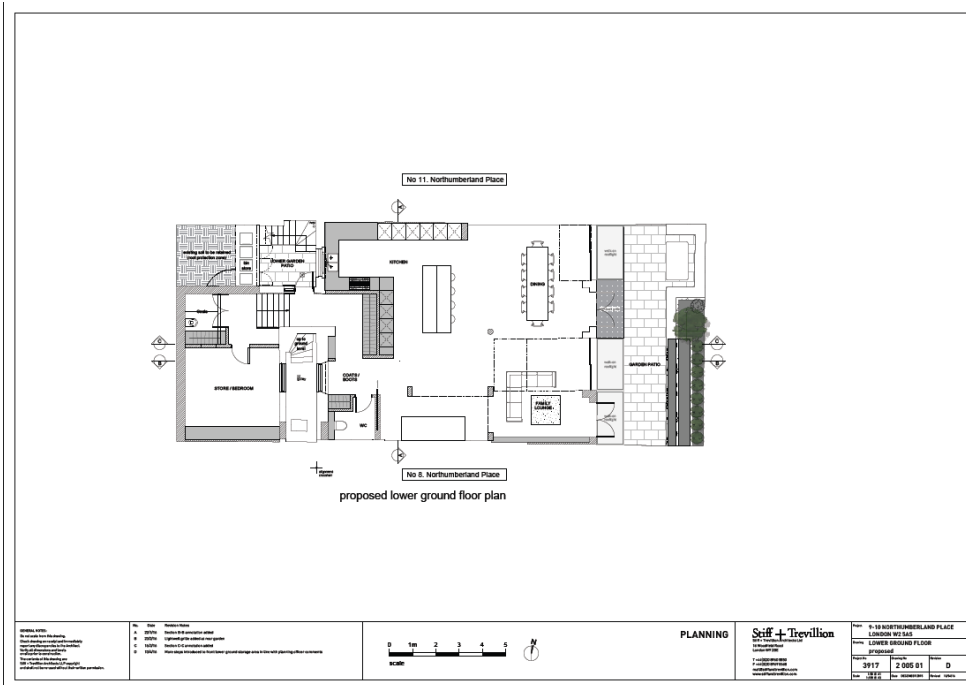
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT CLAIRE BERRY ON 020 7641 4203 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS

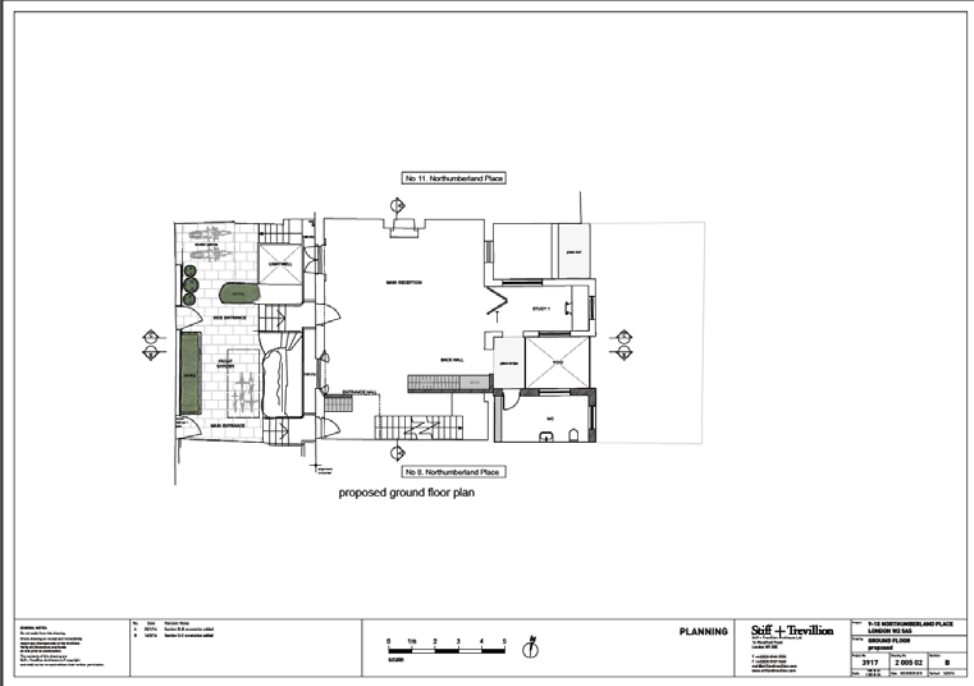
Proposed Basement



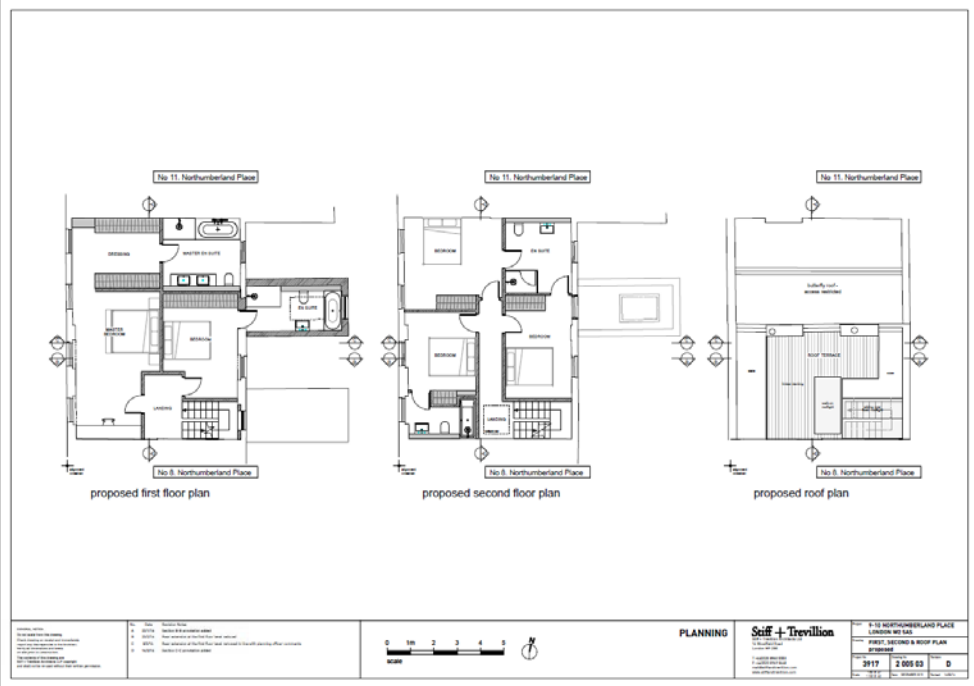
Proposed Lower Ground Floor



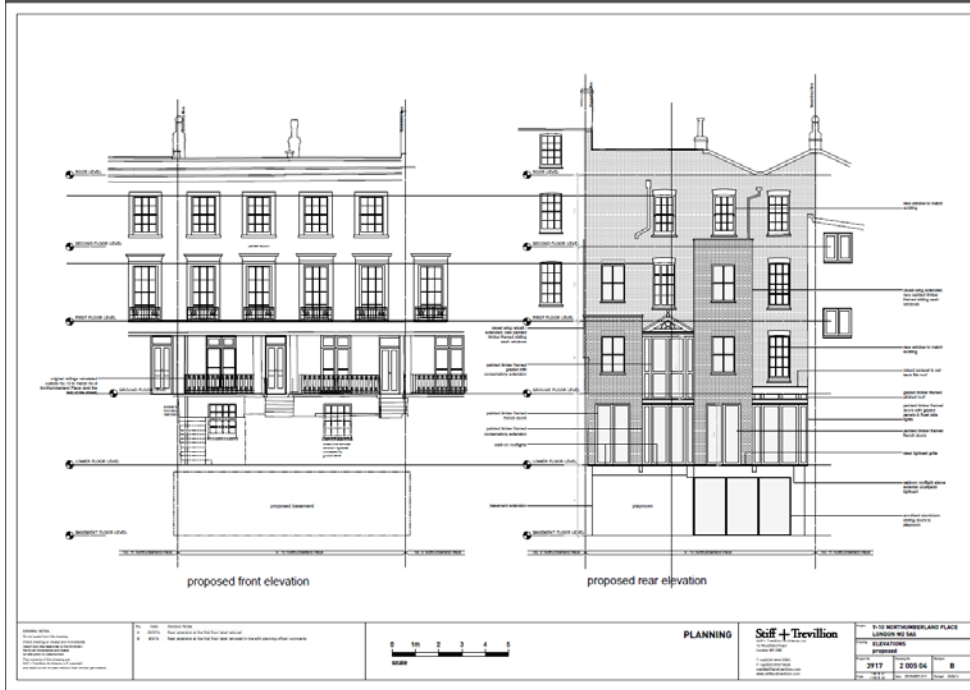
Proposed Ground Floor



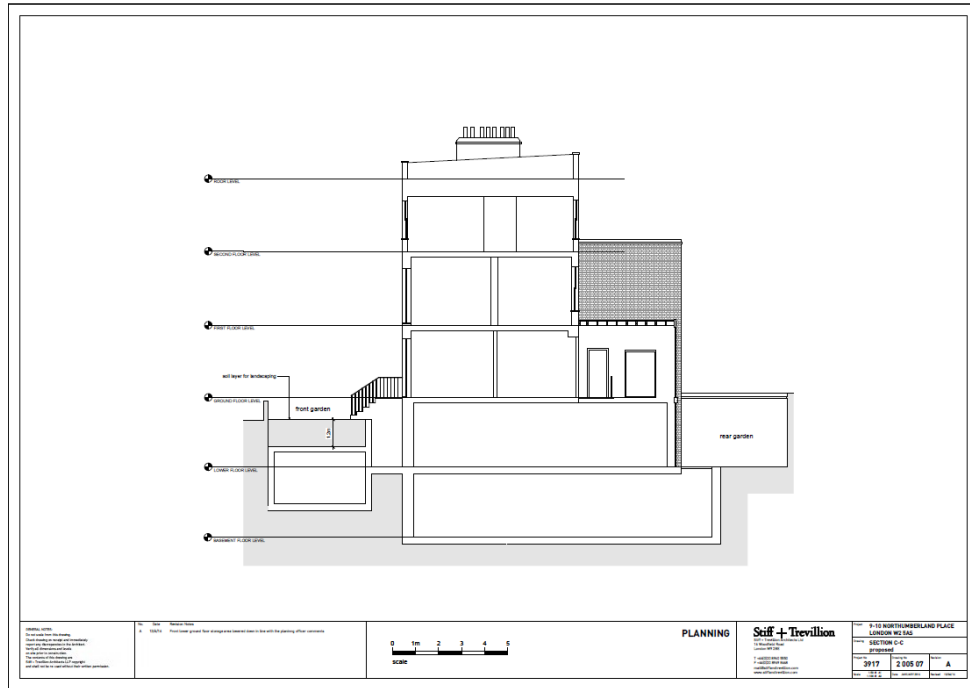
Proposed Upper Floors



Proposed Elevations



Proposed Section



DRAFT DECISION LETTER

Address: 9 - 10 Northumberland Place, London, W2 5BS,

Proposal: Extensions and alterations to nos. 9 and 10 Northumberland Place, including excavation of sub-basement level extension with rear lightwell, extension and excavation of front vaults at lower ground floor level, reconstruction of closet wings to include ground floor extension at no. 9 and first floor extension at no.10, erection of single and two-storey closet wing infill extensions and landscaping of front and rear gardens (Revised description of proposal to better reflect proposed works shown on plans).

Plan Nos: 1 000 01, 1 005 01 A, 1 005 02 A, 1 005 03 A, 1 005 04, 1 005 06, 2 005 00 C, 2 005 01 D, 2 005 02 B, 2 005 03 D, 2 005 04 B, 2 005 06 C, 2 005 07 A, Planning Statement dated December 2015, Arboricultural Report and Tree Condition Survey dated November 2015, Daylight and Sunlight Assessment dated December 2015, Heritage Statement dated December 2015.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

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

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

Reason:

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 an elevation drawing of the new window to lower ground floor level within the front lightwell. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to this drawing (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 The new railings to the front elevation shall be formed in black painted metal

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 The new windows to the rear elevation shall be formed in glazing and white painted timber framing

Reason:

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

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

Reason:

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

- 9 **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.

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

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

Reason:

To improve the appearance of the development 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)

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 installation of any ventilation plant in the basement will require a further application for planning permission.

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Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	8 Clarendon Close, London, W2 2NS,		
Proposal	Excavation of double basement under existing building footprint. Increase height of pitched roof. Alterations to ground floor Clarendon Close elevation and installation of windows at ground floor level of Clarendon Mews elevations.		
Agent	Mr AWW London		
On behalf of	Mr Sats Ahluwalia		
Registered Number	15/10145/FULL	Date amended/ completed	14 December 2015
Date Application Received	30 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises a two storey unlisted mews building located in the Bayswater Conservation Area. Permission is sought for the excavation of a double basement, to increase the height of the pitched roof, installation of windows on the side and rear elevations and alterations to the ground floor frontage.

Objections have been received in relation to the development proposals on the grounds of amenity, design and in relation to structural and construction issues.

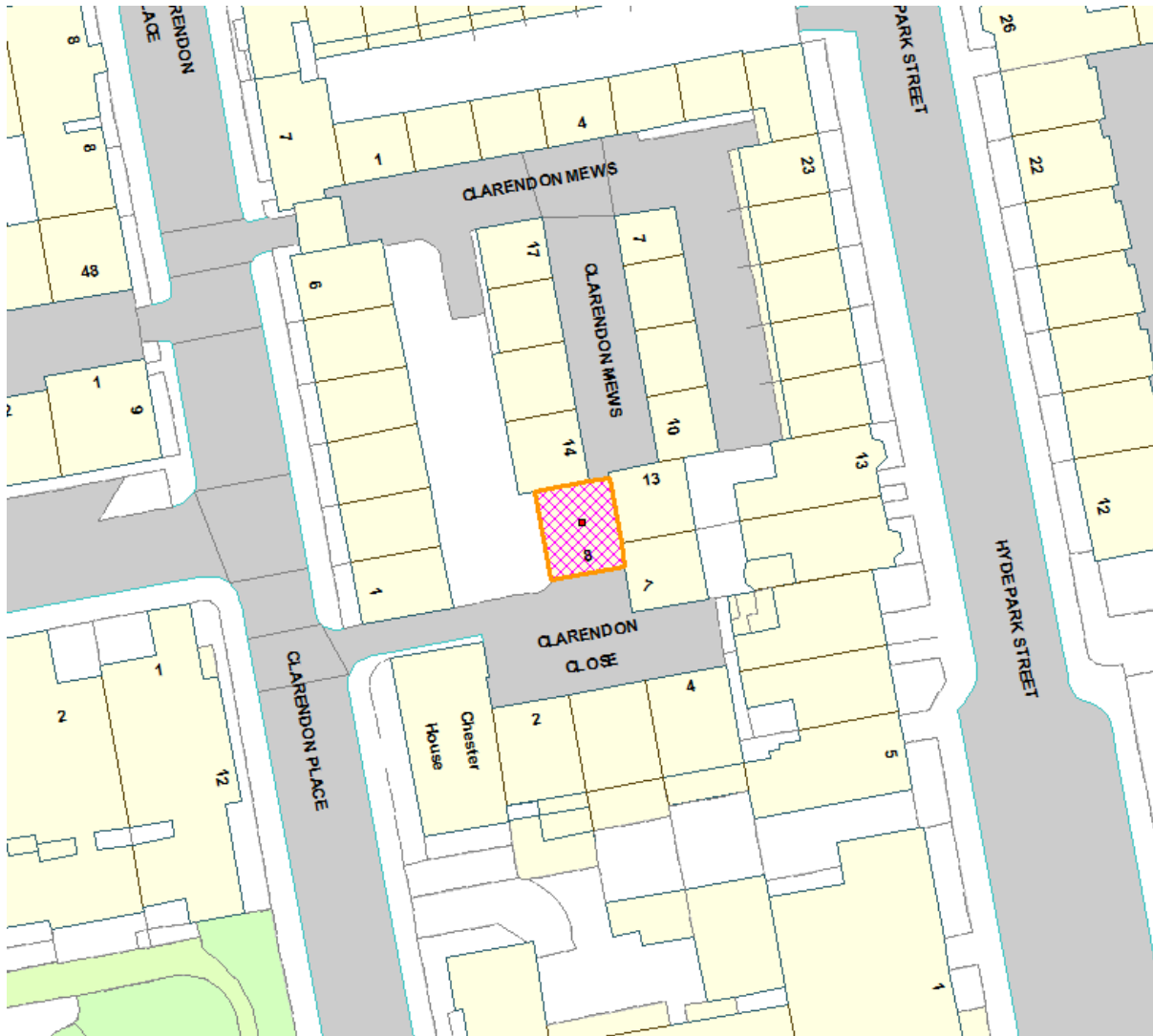
The key issues in this case are:

- *The impact of the development on neighbouring properties
- *The impact of the development on the character and appearance of the building and the Bayswater Conservation Area.

During the course of the application the scheme has been amended to remove alterations to the roof level including the installation of a dormer window, as roof alterations in this location were considered unacceptable in design terms.

Notwithstanding the objections received, the proposed development is considered to be acceptable and in accordance with relevant Policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, it is recommended that conditional planning permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLORS FOR HYDE PARK

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection. Conditions and informatives recommended.

BUILDING CONTROL

No objection, the structural information is considered acceptable.

ENVIRONMENT AGENCY

Any response to be reported verbally.

THAMES WATER

No objection to development providing an informative is attached requesting the developer obtains a Groundwater Risk Management Permit from Thames Water for any groundwater discharged into public sewers.

ENVIRONMENTAL HEALTH

No objection but have concerns regarding the lack of ventilation to the basement floor and lack of details for the plant at basement level.

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 13

Total No. of replies: 11 (three from one respondent) letters/ emails raising objection on all or some of the following grounds:

Land use

- A double basement is unnecessary and excessive

Design

- Design of proposal is out of keeping with the style of the Mews. Mews houses were traditionally small stables with accommodation above and this should be preserved. The feel of the Mews will be lost.
- Cedar louvres and zinc dormer windows are not appropriate materials for the Mews and will deteriorate faster than traditional materials. Also, the design precedents supplied with the application don't bear any correlation with the scale of the current scheme
- Windows on west elevation reduce the current asymmetric design, the dormer windows are too large and the alterations look too modern in the conservation area
- No heritage impact assessment has been prepared
- The proposal represents overdevelopment and is contrary to the City Council's draft Basement Development Policy.
- This will set a precedent for neighbouring properties to excavate basements.

Amenity

- Planned roof extension will affect light into neighbouring properties
- New windows will cause overlooking to neighbouring properties on Clarendon Place. Proposal will add five more windows; the windows currently in situ are all frosted.

Structural concerns

- May destabilise the foundations of nearby properties. The property is unsuitable for such deep excavation works.
- Hoarding will temporarily affect light to neighbouring properties
- The subsoil beneath the property is not appropriate for the excavation as it is loose and could lead to subsidence and damage to neighbouring properties.
- Property is attached to three neighbouring residences which could be affected, expressed concern that ground floor front wall is to be removed and that this will affect neighbouring properties

Construction

- The CMP is generalised and doesn't contain a lot of the final details that should be required from a CMP, including details of a contractor. It does not detail how vehicles will get to site and how they will get in and out of the mews. Nor does it mention the size of the proposed vehicles. There is no indication of the overall programme of works
- Building works will create dust, noise and disruption to residents
- No. 1 Clarendon Place is undertaking a large-scale renovation project that is affecting parking and access
- It is practically impossible to excavate by digger and hand excavations will be a lot more drawn out; 16 Clarendon Mews has been excavating since June 2014 and has caused significant disruption.
- Mews is too small to support extensive excavation works. Excavation via neighbouring Clarendon Mews and Clarendon Place would be very difficult.

Other

- One neighbour expressed disappointment that they did not receive a consultation letter.
- Lower ground floor level is unsuitable for accommodation, including moving the kitchen to this floor as there is little natural light.
- Plans refer to plant in the basement but no acoustic report has been submitted with the application.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is a two storey mews property that lies in the Bayswater Conservation Area. The property fronts onto Clarendon Close and has a side and rear elevation on

Clarendon Mews which are both small mews streets off Clarendon Place. Both Clarendon Close and Clarendon Mews have a mixture of post war and more traditional mews style properties. 8 Clarendon Close is a more traditional mews property and its front façade retains elements of its original purpose although this is not uniform with other dwellings in the Close. It shares party walls with three properties, 7 Clarendon Close, and 13 and 14 Clarendon Mews.

6.2 Recent Relevant History

None

7. THE PROPOSAL

This application is to extend the existing single family dwelling by providing a double storey basement under the footprint of the existing dwelling; and for the installation of windows at ground floor level on the north and west elevation; alterations to the front elevation of the existing building including installation of a louvred timber screen; and to raise the height of the pitched roof. Much of the proposed works would constitute permitted development with minimal alteration proposals.

During the course of the application the proposals have been amended following officer comments that the works to install dormer style windows at roof level were unacceptable in design terms.

8. DETAILED CONSIDERATIONS

8.1 Land Use

This is an extension to an existing dwellinghouse which is supported by policy H3 of the Unitary Development Plan (UDP) and as such the proposals are considered acceptable in land use terms.

8.2 Townscape and Design

The existing building is two storeys, rendered, with a pitched roof concealed on the front and rear elevations by a parapet.

The proposed basement will be constructed under the footprint of the building and therefore will have little external manifestations; the only indication of a lower ground floor level will be a window on the side elevation, which are considered to have a limited impact in townscape terms and will not have an impact on the character and appearance of the conservation area. A condition is recommended to ensure that these windows match the materials of the other windows on this elevation.

Mews buildings are characterised by their scale and detailed elements which primarily illustrate their former function of 'working buildings' connected to the principle house. In this context the retention of the garage doors is the preferred approach as the evidence of the buildings former function will be retained. The Mews SPG notes that many variations

of garage doors are possible, with the use of traditional materials within the existing framework producing well-proportioned designs. Consequently, in this instance the introduction of a timber screen concealing the garage door and proposed lightwell is considered to be an acceptable approach in design terms as it is a contemporary approach on a traditional feature. Some consultation responses have noted that the frontage is out of character with the rest of Clarendon Mews. Whilst the detailed design of the garage treatment does not directly respond to the neighbouring properties, its design is not considered to be so uncharacteristic to detract from the character and appearance of the area.

The proposed raising of the roof pitch is not considered to have a significant impact on the overall appearance of the building, as this will largely be retained behind parapet walls.

The proposals are considered to be in accordance with UDP policies DES1, DES 5 and DES9 as well as City Plan policies S25 and S28. Furthermore they are considered to have a limited impact on the character and appearance of the Bayswater Conservation Area and therefore the application is recommended for approval.

8.3 Amenity

The proposed basement will be constructed under the footprint of the existing dwellinghouse and the only indication of a lower ground floor level will be the windows on the side elevation. Concerns have been raised by neighbouring residents on the grounds of increased overlooking. Subject to a condition to ensure the new windows on the side elevation are opaque glazed to match the other windows on this elevation, it is not considered that the new windows would cause a significant negative impact.

Objections have also been received in relation to loss of privacy and light as a result of the works at roof level. During the course of the application the dormer windows have been removed, therefore will no longer cause additional overlooking. In terms of light, the proposals do involve raising the level of the pitched roof by 1m, however this is largely contained by existing parapet walls and is therefore not considered to have a significant impact.

It is considered that the proposal is acceptable in amenity terms and accords with policies ENV13 of the UDP and S29 within the City Plan.

8.4 Transportation/Parking

The proposals include the reduction in the size of the garage. The Highways Planning Manager has confirmed the proposed garage will be sufficient to provide parking for a single vehicle, so is acceptable. They have commented that no cycle parking has been provided, but as this is an extension to an existing dwelling refusal on these grounds could not be sustained.

8.5 Economic Consideration

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

8.6 Other UDP/Westminster Policy Considerations

Access

The proposed alterations and extensions would not alter the existing access to this private dwellinghouse.

Plant

The submitted plans refer to the installation of plant to the lower basement floor but an acoustic report has not been submitted with this application. The agent has confirmed that all mechanical equipment will be located within the building fabric and there will be no external manifestation.

One objector and the Environmental Health Team both expressed concern about the lack of an acoustic report. While it has been confirmed that the plant will be internal, there will be external ventilation provided at roof level through an existing chimney flue. Accordingly, conditions will be attached to ensure that vibration and noise levels are compliant with Council policy.

Refuse /Recycling

The Highways Planning Manager has commented that no provisions for waste have been shown, as this is a pre-existing dwelling there will be no change to the existing provisions, which is considered acceptable.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant the environmental impact of the development has been covered in other sections of this report.

8.11 Other Issues

Basement

Concerns have been raised over whether a double basement is necessary, particularly in this location and whether it will set a precedent for neighbouring properties. Objectors consider that the proposed basement should be considered having regard to the

Supplementary Planning Document 'Basement Development in Westminster' (2014) and the emerging draft basement policy, which is now at an advanced stage in the adoption process and as set out in the Cabinet Member statement of October 2015. However, as this application was submitted prior to 1 November 2015 only the guidance in the SPD can be used in the assessment of this application, in combination with the adopted planning policies in the UDP and City Plan.

Regarding the objections about precedent, each planning application is assessed individually on its own merit against relevant Council policy and national legislation. Any subsequent basement excavation application received on a neighbouring property will be weighed against the emerging draft basement policy which is to be applied to applications received on or after 1 November 2015

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 at several 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.

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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.

Construction impact

Several of the objections received mentioned the impact the basement excavation would have on neighbouring residents while the works are undertaken. These include dust, noise, disruption from heavy vehicles, reduced parking and the visual impact of hoardings on the street scene. Objectors expressed concern that they felt Clarendon Close and neighbouring Clarendon Mews and Clarendon Place are too small to support such a large scale excavation project. Furthermore, the lack of details provided in the submitted construction management plan caused concern to some objectors.

It is noted by the City Council the impact that basement excavations have on the local environment, particularly in a constrained area like Clarendon Close. As the impacts are for a finite time, and the City Council's policies favour the development or extension of residential properties, this is not considered reason enough in itself to refuse a planning application. The submission of a detailed Construction Management Plan seeks to minimise the impact of the development on neighbouring residents and the local highway network. While the construction management plan submitted with this application was only an outline document, a pre-commencement condition is recommended requiring additional details to satisfy the guidance provided in Appendix 2 of the 'Basement Development in Westminster' SPD (2014).

Other objector concerns

An objection has been received on the grounds that the lower ground floor level is unsuitable for habitable accommodation, due to the limited natural light it would receive. A double height space and a lightwell window will provide some natural light to the large kitchen and dining room at lower ground floor level. As the basement serves a single family dwelling with habitable rooms on the upper levels, on the grounds of proportionality, it is not considered that refusal on these grounds could be sustained.

9. BACKGROUND PAPERS

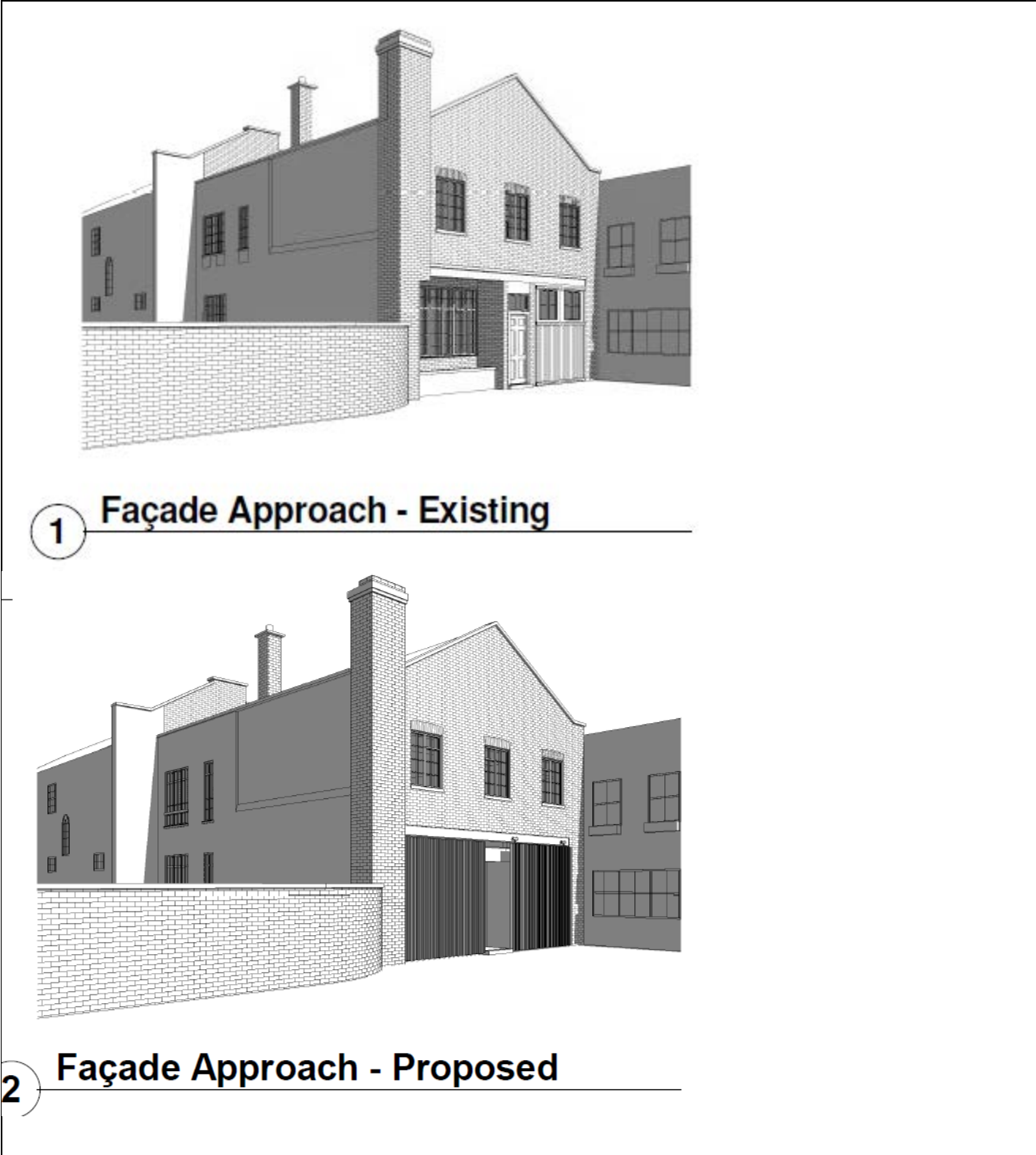
1. Application form
2. Email from Building Control dated 4 April 2016
3. Memo from the Highways Planning Manager dated 15 January 2016
4. Memo from Environmental Health dated 6 January 2016
5. Email from Thames Water dated 17 December 2015
6. Letter from occupier of 2 Clarendon Mews, London, dated 1 March 2016
7. Letter from Nathaniel Litchfield on behalf of the occupiers of 9, 10, 11 and 15 Clarendon Mews, London, dated 9 February 2016
8. Letter from occupier of 4 Clarendon Close, London, dated 1 February 2016
9. Letter from occupier of 11 Clarendon Mews, London, dated 1 February 2016
10. Letter from occupier of 11-13 Clarendon Mews, London, dated 13 January 2016
11. Letter from occupier of 11 Clarendon Mews, London, dated 12 January 2016
12. Letter from occupier of 7 Clarendon Close, London, dated 11 January 2016
13. Letter from occupier of Clarendon House, 2 Clarendon Close, dated 6 January 2016
14. Letter from occupier of 3 Clarendon Close, London, dated 5 January 2016
15. Letter from occupier of 2 Clarendon Place, London, dated 29 December 2015
16. Letter from occupier of 1 Clarendon Place, London, dated 22 December 2015

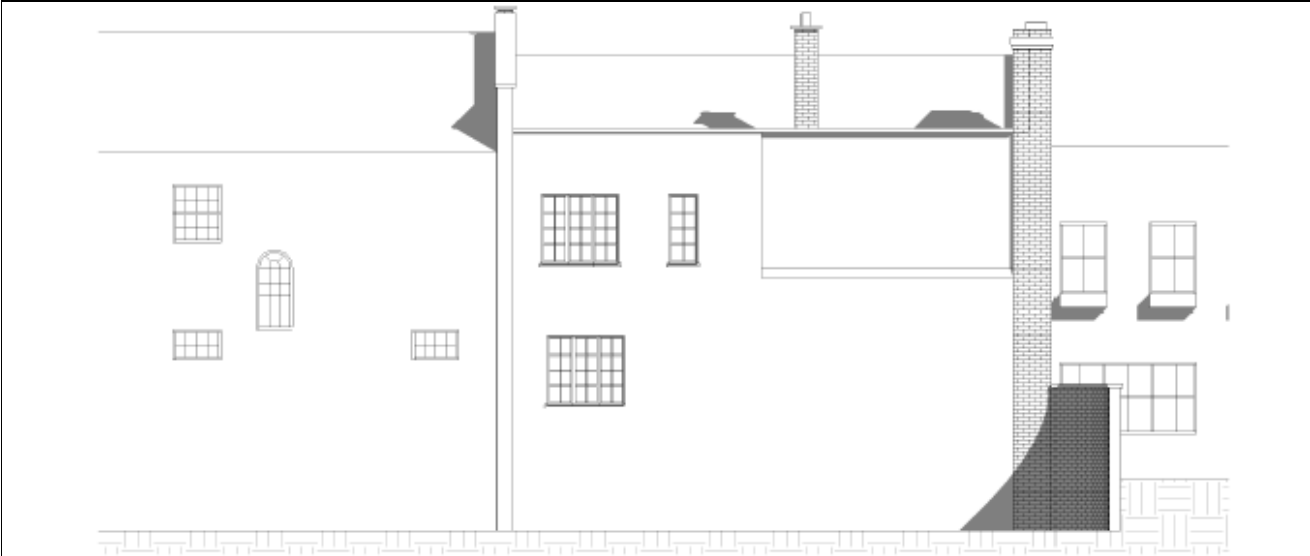
Selected relevant drawings

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

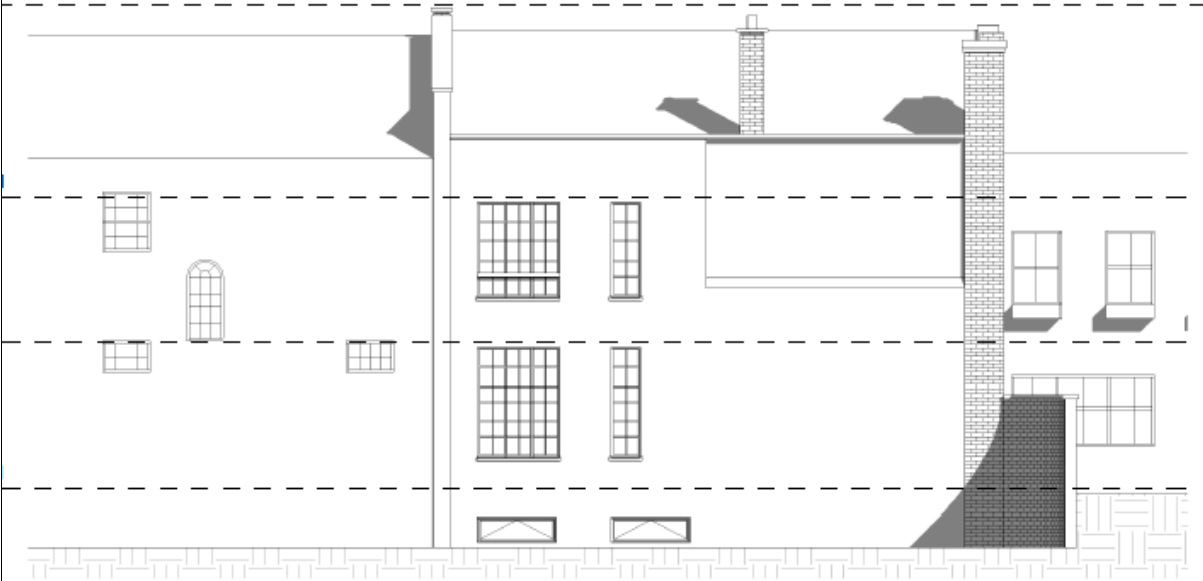
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT HEATHER SEVICKE-JONES ON 020 7641 6519 OR BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS

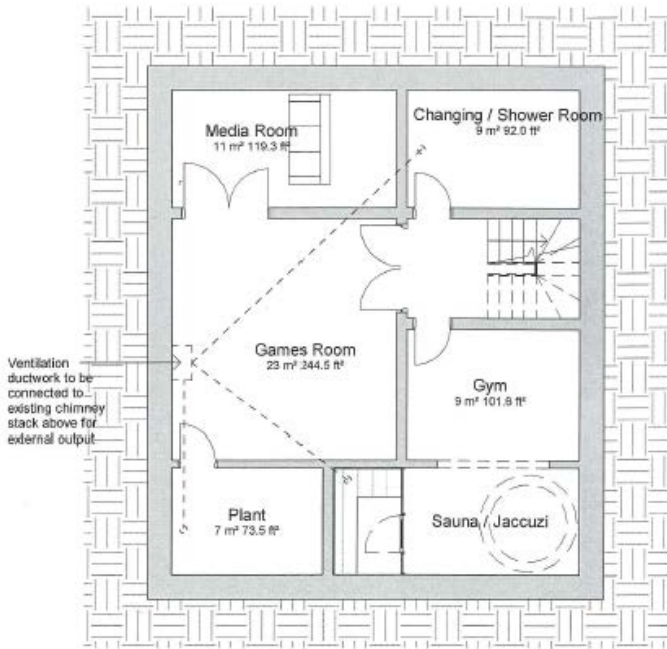




2 Existing West Elevation
1 : 100

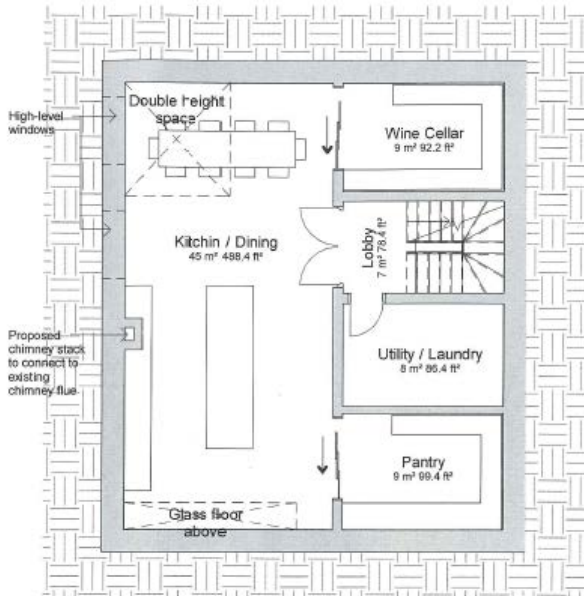


4 Proposed West Elevation
1 : 100



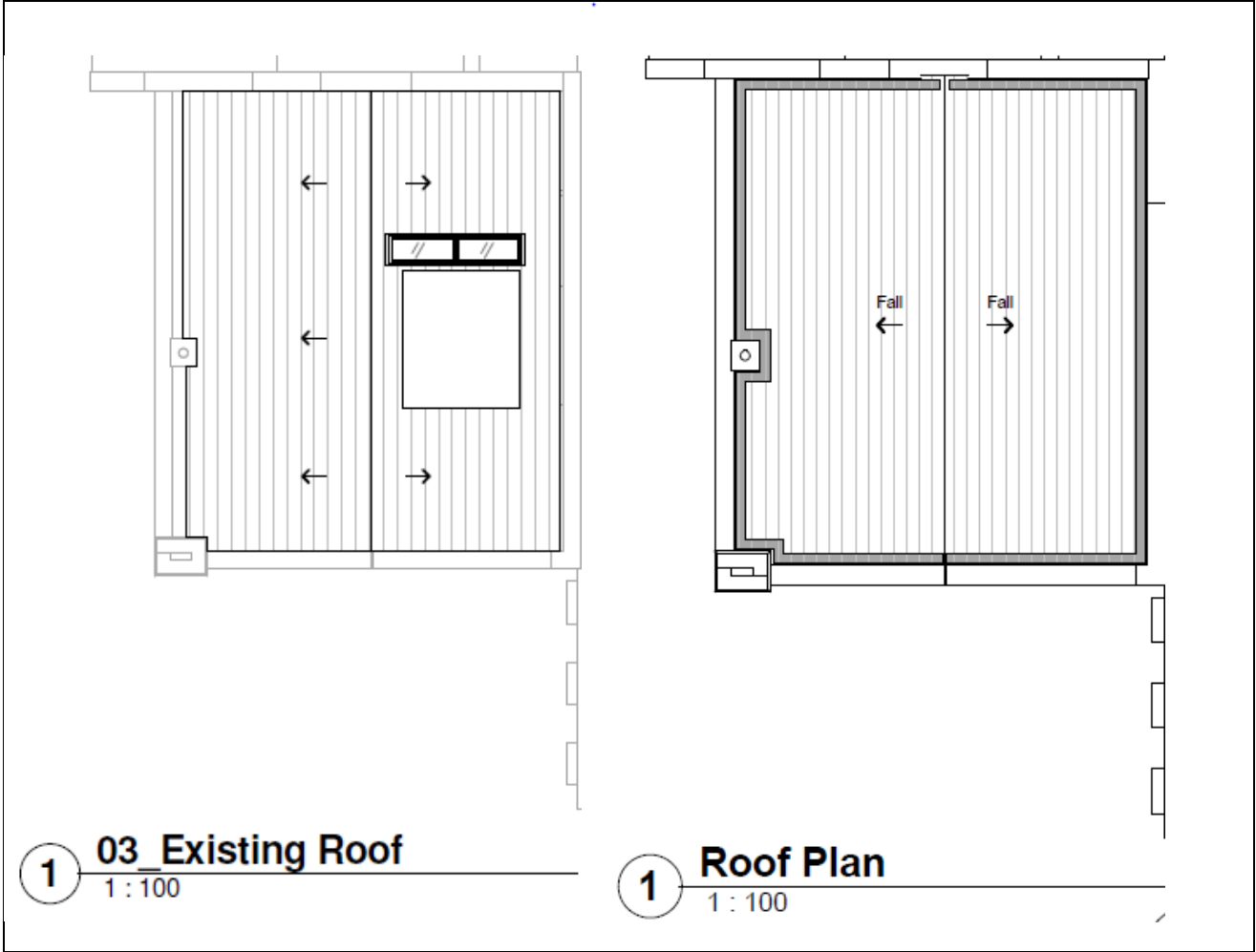
1 Basement Floor Plan

1 : 100



2 Lower Ground Floor Plan

1 : 100



DRAFT DECISION LETTER

Address: 8 Clarendon Close, London, W2 2NS,

Proposal: Excavation of double basement under existing building footprint. Increase height of pitched roof. Alterations to ground floor Clarendon Close elevation and installation of windows at ground floor level of Clarendon Mews elevations.

Plan Nos: Design and Access Statement, Precedents for Mews frontage design, structural engineering report, historic environment assessment, construction management plan and site waste management plan, Construction Methodology Statement and Underpinning Sequencing Document 0900 Rev. A, 0901 Rev. A, 0902 Rev. A, 0903 Rev. A, 0301 Rev. A, 0302 Rev. A, 0303 Rev. A, 0304 Rev. A, 0308, 0309, 0310 Rev. A, 0311 Rev. A, 0312, 0313 Rev. A, 0314 Rev. A, 0201 Rev. A, 0202, 0203 Rev. A, 0204 Rev. B, 0205 Rev. A, 0250, 0251, 0252, 0253, 0254, 0800 Rev. A, 0110 Rev. A.

Case Officer: Heather Sevicke-Jones

Direct Tel. No. 020 7641 6519

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

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

Reason:

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

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

(C26AA)

Reason:

Notwithstanding details shown on the approved plans any new slates shall be natural slate to match the existing.

- 4 The glass that you put in the new window openings on the west elevation of the dwelling must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

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

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

Reason:

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

- 6 The new windows on the Clarendon Mews elevation shall be designed to match the materials and colour of the existing windows on this elevation.

Reason:

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

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

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway.
Antony DeRoche, ext. 2562, Highways Licensing Lead Inspector with regard to any proposed skips, scaffolding or hoarding works.
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging

groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 6 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)

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	19 Lowndes Close, London, SW1X 8BZ,		
Proposal	Variation of Condition 1 of planning permission dated 2 June 2015 (RN: 14/07706) for the demolition of existing building and the erection of new single family dwelling; namely to install an air conditioning unit within an enclosure at rear third floor level, amendments to the roof profile, retention of the existing rendered and painted wall, omission of the ground floor windows fronting the internal lightwell area facing 5 Belgrave Place and alterations to the windows at first and second floor levels fronting Nos. 3 and 5 Belgrave Place.		
Agent	Savills (UK) Ltd		
On behalf of	c/o Agent		
Registered Number	15/09277/FULL	Date amended/ completed	1 December 2015
Date Application Received	5 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

19 Lowndes Close is an unlisted single family dwelling house located within the Belgravia Conservation Area. Permission was granted in 2014 for the demolition of existing building and construction of a new single family dwelling. This permission was subsequently varied in 2015.

Permission is now sought to vary the approved 2015 scheme, namely to install an air conditioning unit within an enclosure at rear third floor level, alterations to the approved roof profile, retention of the existing rendered and painted wall, omission of the ground floor windows fronting the internal lightwell area facing 5 Belgrave Place and alterations to the windows at first and second floor levels fronting Nos. 3 and 5 Belgrave Place.

The key issues in this case are:

* The impact of the proposals on residential amenity.

* The impact of the proposed works on the character and appearance of the Belgravia Conservation Area.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION:

Any comments to be reported verbally.

ENVIRONMENTAL HEALTH:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 24

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Amenity

- loss of privacy and overlooking caused by proposed windows.
- noise from proposed air conditioning unit.
- loss of light caused by alterations to roof profile.
- suitable condition to ensure acoustic enclosure is installed to air conditioning unit prior to its operation.
- sense of enclosure.

Design

- massing of air conditioning unit.

Other considerations

- need precise details concerning exact size, depth and location of the acoustic screen prior to installation.
- if minded to approve following conditions should be included details of windows and doors; no structures and other apparatus on the main roof or rear third floor level and front elevation balconies; samples of facing materials; main roof and flat roof at rear third floor level not to be used for amenity purposes; and glass in the windows to the rear elevation must not be clear glass, and must be fixed permanently shut.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 19 Lowndes Close is a single family dwelling comprising ground, first, second and part third floor level. The building is not listed but lies within the Belgravia Conservation Area. The application property is located within a residential area.

6.2 Recent Relevant History

14/07706/FULL

Variation of Condition 1 of planning permission dated 29 April 2014 (RN: 13/11106/FULL) namely, to change the drawing numbers to allow an additional extension at rear third floor level and removal of air conditioning unit and enclosure.

Application Permitted 2 June 2015

14/07385/NMA

Amendments to planning permission dated 29 April 2014 (RN: 13/11106) for the demolition of existing building and the erection of new single family dwelling comprising ground, first, second and third floor levels with a newly excavated basement and installation of an air conditioning unit within an acoustic enclosure at rear third floor level; namely, relocation of the front door position on the eastern elevation to improve the internal circulation space at ground floor level.

Application Permitted 8 August 2014

13/11106/FULL

Demolition of existing building and the erection of new single family dwelling comprising ground, first, second and third floor levels with a newly excavated basement. Installation of an air conditioning unit within an acoustic enclosure at rear third floor level.

Application Permitted 29 April 2014

7. THE PROPOSAL

Permission is sought to vary Condition 1 of planning permission dated 2 June 2015 to enable amendments to the approved drawings. A number of the amendments proposed follow discussions between the applicant and occupiers of neighbouring properties.

The proposals comprise the installation an air conditioning unit within an enclosure at rear third floor level, an amendment to the rear roof profile and alterations to the design of the rear wall including rendering and painting the wall and omission of windows.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed amendments are in connection with the approved scheme to provide a new dwelling house. The principle of the new single dwelling house has previously been accepted and is in line with Policy S14 of the City Plan and saved Policy H3 of the UDP.

8.2 Townscape and Design

The principle of demolishing the existing building and constructing a new building has already been established by the 2014 and 2015 permissions. The townscape and design section of this report will therefore only consider the changes to the approved scheme. Works are currently on site to implement the previously approved scheme.

Roof profile

The proposal seeks to alter the rear profile of the approved roof that will face Nos. 3 and 5 Belgrave Place. The profile of the roof is to be shallower in terms of its pitch and therefore reduces the bulk of the top floor in this location. Three rooflights are proposed within the roof slope which are to be obscurely glazed. In design terms the proposed alterations are considered acceptable and the objections received are not considered to be sustainable.

Air conditioning unit and enclosure at rear third floor level

An air conditioning unit and enclosure was previously approved at rear third floor level in 2014. However the air conditioning unit and enclosure was omitted from the 2015 scheme as insufficient information was submitted to demonstrate whether the plant would comply with the City Council's planning noise conditions.

The current proposal seeks to install an air conditioning unit within an enclosure, again at rear third floor level, measuring 1.8m (high) x 1m (deep) x 1.4m (wide). The proposal will mean that the location of the air conditioning unit and enclosure will be located approximately 0.5m further to the north-west than approved in 2014. This change to the scheme does not raise significant design concerns and is not considered to have an adverse effect on the building or the Belgravia Conservation Area.

Alterations to the windows on rear elevation

The proposals seek to omit a number of windows previously approved on the rear elevation. The proposed alterations to the windows at rear first and second floor level fronting the larger lightwell area will be subject to a condition requiring the windows to be obscurely glazed.

The proposed amendments are considered acceptable in design terms and in accordance with Policies S25 and S28 of Westminster's City Plan: Strategic Policies and saved Policies DES 1, DES 5, DES 6 and DES 9 of the UDP and Section 12 of the NPPF. On this basis the objections on design grounds cannot be supported.

8.3 Residential Amenity

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. This is supported by saved Policy ENV 13 of the UDP. Several objections have been received relating to the proposed amendments on the grounds of sense of enclosure, loss of daylight and sunlight and noise from the air conditioning unit.

The amenity impact of the new dwellinghouse, including the new basement extension and construction impact, has already been established by the 2014 and 2015 permissions. The amenity section of this report will therefore only consider the impact of the changes to the approved scheme.

Roof alterations/alterations to rear elevation

The proposed modification to the roof profile reduces the bulk of the proposed new building when viewed from the neighbouring properties to the rear compared to the approved scheme. It is therefore considered acceptable in amenity terms. It is understood that these alterations are in response to concerns raised by the occupier of No. 5, Belgrave Place which is located to the rear of the application site.

The removal of windows to the rear elevation that previously looked into shared lightwells with Nos. 3 and 5 Belgrave Place causes no amenity issues and is considered beneficial to neighbours. The remaining window units to the rear elevation are to be obscure glazed and this will again be secured by condition.

Mechanical Plant

Objectors have raised concerns about noise from the proposed air conditioning unit as part of this scheme and an increased sense of enclosure.

The nearest noise sensitive windows are bedroom windows serving Flats 2 and 4 at No. 3 Belgrave Place. Environmental Health officers have assessed the acoustic information provided and have confirmed that the air conditioning unit is likely to comply with the City Council's planning noise conditions. Conditions are recommended to control noise from the plant and requiring the unit to be sited within a screened enclosure prior to the operation of the unit.

The single aspect bedroom windows of Flats 2 and 4 overlook a small lightwell (approximately 2m deep) and will therefore look onto the proposed air conditioning enclosure. The occupier of Flat 2 is located at the same level as the enclosure whereas Flat 4 will be looking down on the enclosure and so will be less affected. For both properties though the enclosure will be seen against the backdrop of the already approved third storey to the building. On this basis it is not considered that the windows of these residential flats would experience a material sense of enclosure to warrant refusing the application.

Conclusion

Although objections have been received from neighbours adjoining the application property, it is not considered on this occasion that the changes proposed to the approved scheme will materially impact upon the amenity of neighbouring properties in terms of loss of light, loss of privacy and increased sense of enclosure. The changes to the roof profile and removal of windows are considered to be beneficial. As such, the application is considered to accord with Policies S29 of Westminster's City Plan and ENV 13 of the UDP.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

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

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy Considerations

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

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

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

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Not applicable.

9. BACKGROUND PAPERS

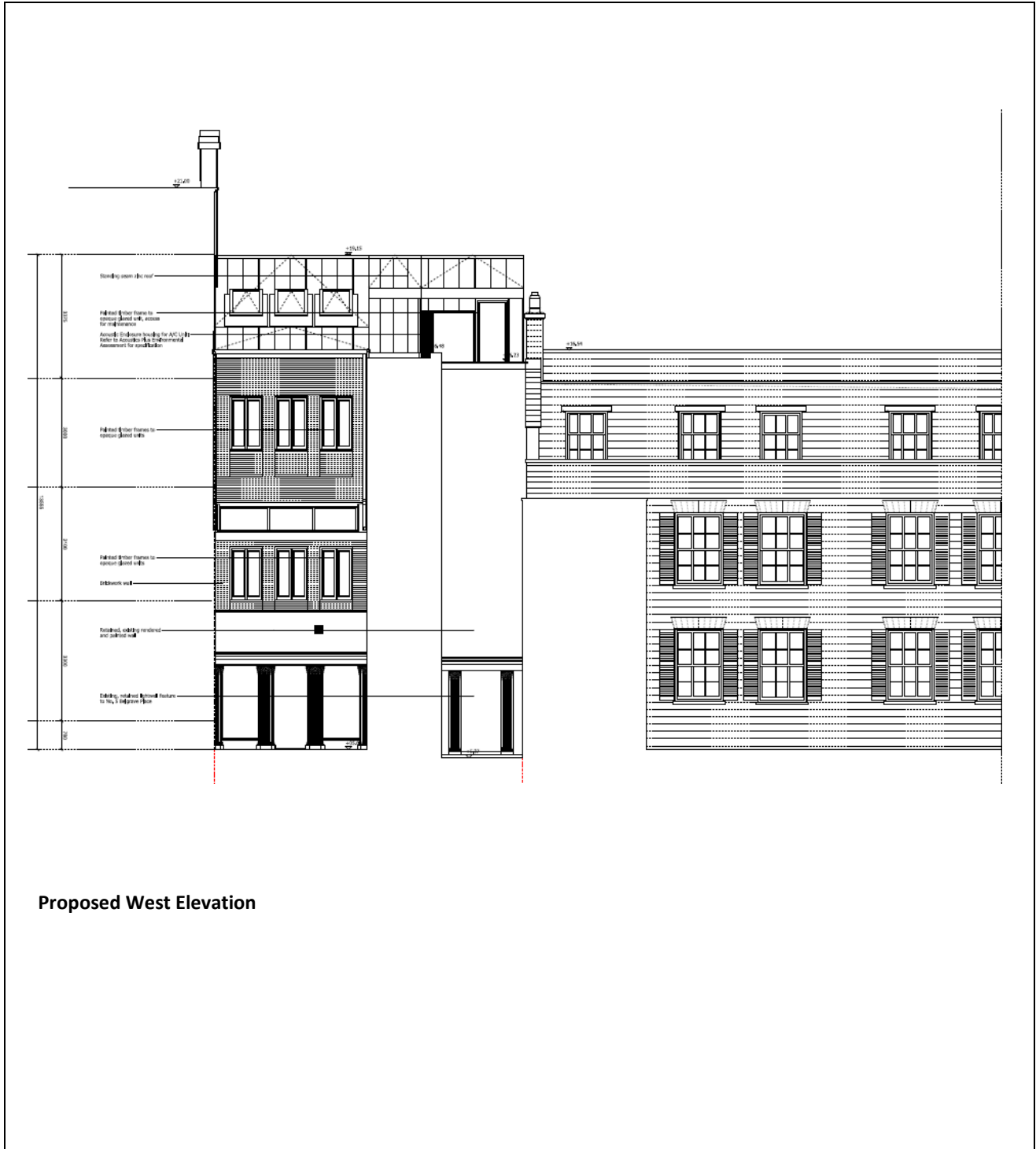
1. Application form
2. Memorandum from Environmental Health dated 2 February 2016.
3. E-mail from the residential occupier of 35 Eaton Place, SW1 received on 4 January 2016.
4. E-mail from the residential occupier of Flat 4, 3 Belgrave Place, SW1X 8BU received 5 January 2016.
5. Letter from Charles Russell Speechlys (representatives of 5 Belgrave Place, SW1X 8BU) dated 11 January 2016.
6. Letter from the residential occupier of Flat 2, 3 Belgrave Place, SW1X 8BU dated 13 January 2016 and 31 October 2014.
7. Letter from Belgrave Place Management Company (1989) Limited dated 21 January 2016.

Selected relevant drawings

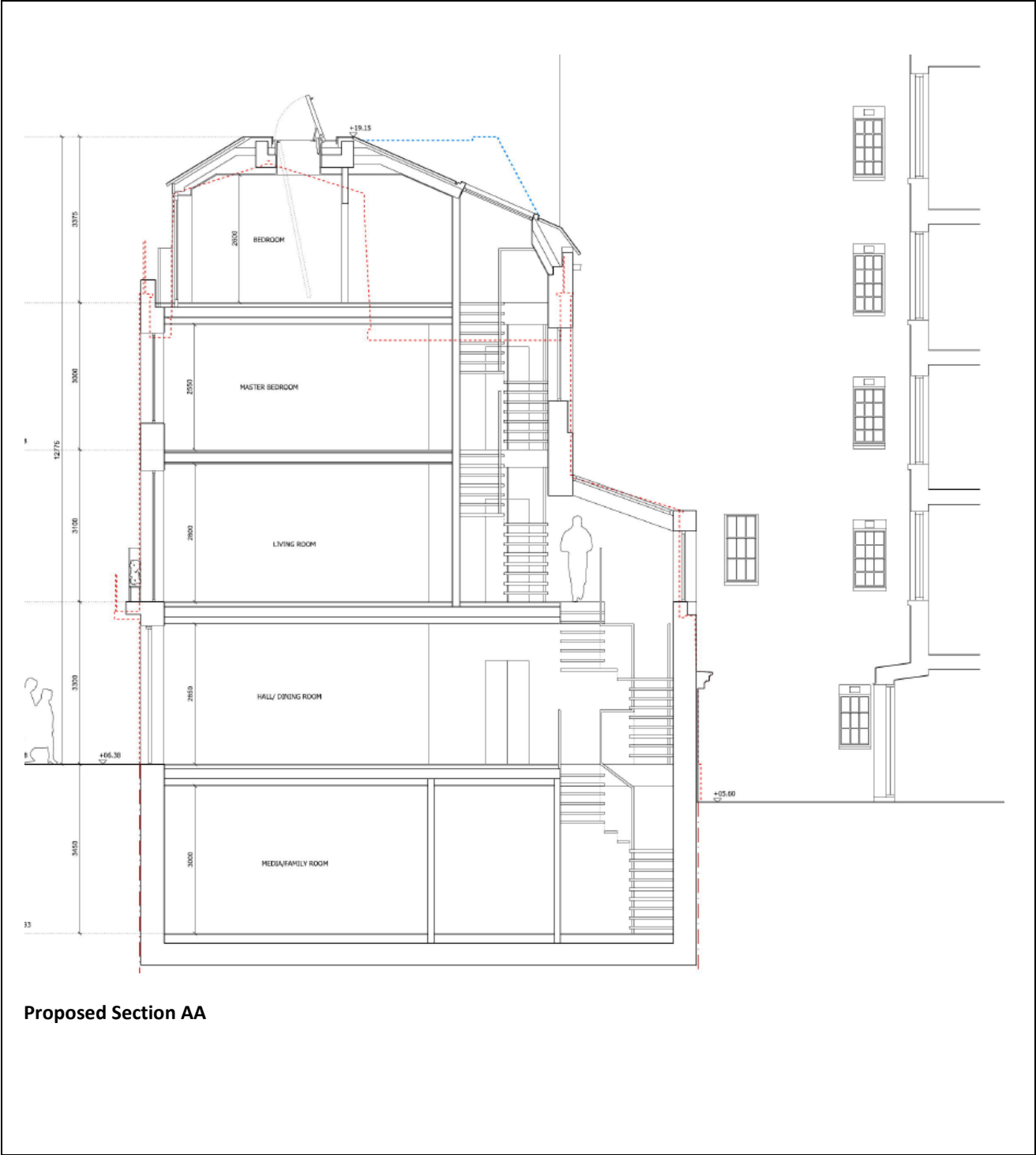
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT mmason@westminster.gov.uk

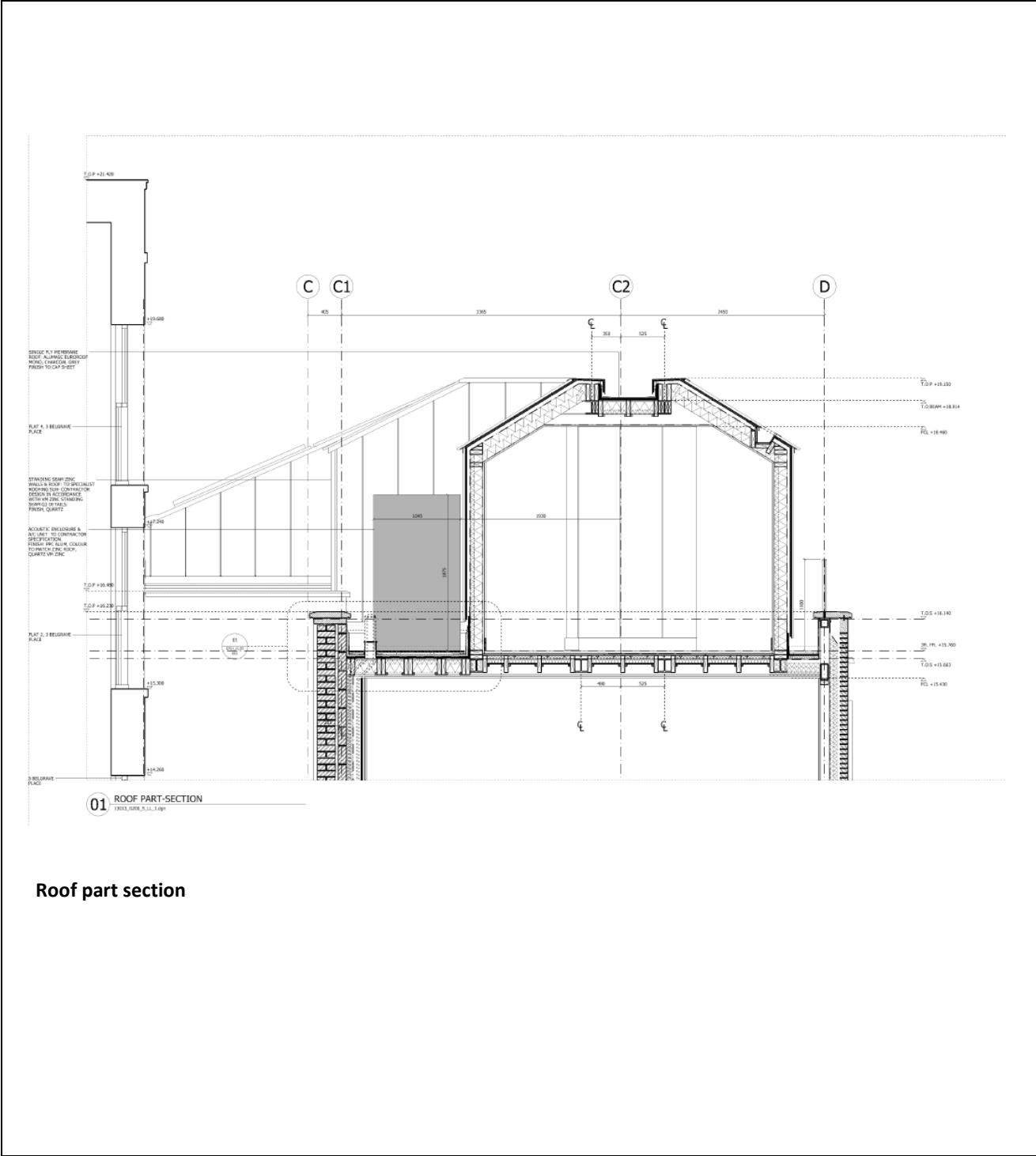
10. KEY DRAWINGS



Proposed West Elevation



Proposed Section AA



Roof part section

DRAFT DECISION LETTER

Address: 19 Lowndes Close, London, SW1X 8BZ,

Proposal: Variation of Condition 1 of planning permission dated 2 June 2015 (RN: 14/07706) for the demolition of existing building and the erection of new single family dwelling; namely to install an air conditioning unit within an enclosure at rear third floor level, amendments to the roof profile, retention of the existing rendered and painted wall, omission of the ground floor windows fronting the internal lightwell area facing 5 Belgrave Place and alterations to the windows at first and second floor levels fronting Nos. 3 and 5 Belgrave Place.

Reference: 15/09277/FULL

Plan Nos: G100_P_RF_002 Rev. B, G200_P_B1_001 Rev. A, G200_P_00_001 Rev. A, JA12_P_00_001, JA12_P_01_001, G200_P_01_001 Rev. A, JA12_P_02_001, G200_P_02_001 Rev. A, JA12_P_03_001, G200_P_03_OP02_001 Rev. C, G200_P_RF_OP02_001 Rev. D, G200_E_W_OP02_001 Rev. E, JA12_E_W_001 Rev. A, G200_E_E_001 Rev. A, JA12_E_E_001, G200_S_AA_001 Rev. A, JA12_S-AA-001, JA12_S_BB_001 Rev. B, G200_S_BB_001 Rev. A, G200_S_BB_OP02_OP03_001 Rev. A, Development Impact Study for the proposed development at 19 Lowndes Close, London SW1X 8BZ dated 2013 and the e-mail dated 12 March 2014, Daylight and Sunlight Study by Delva Patman Redler dated 6 November 2013, Planning Statement dated November 2013, Design and Access Statement dated November 2013 and e-mail dated 2 June 2015 from Savills., , For Information Purposes Only: Basement Construction Method Statement dated October 2013 (see Informative 4), , As amended by: G200_P_00_001 Rev. D, G200_P_01_001 Rev. H, G200_P_02_001 Rev. C, G200_P_03_OP02_001 Rev. F, G200_P_RF_OP02_002 Rev. F, G200_S_BB_001 Rev. B, G200_S_AA_004 Rev. B, G200_S_CC_002, GA200_E_W_OP02_001 Rev. G, C645_S_CC_002_REVC, 645_S_CC_003_REV, C645_E_W_001, C645_P_03_002, C645_P_RF_001, G100_P_RF_004, C645_S_AA_001 and Environmental Noise Assessment dated 102442.ad Issue 3 dated 7 September 2015.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 3 You must keep to the terms of ensuring the City Council is satisfied that demolition on the site will only occur immediately prior to development of the new building as approved on the 20 July 2015 under reference 14/09905/ADFULL or in accordance with other measures as submitted to and approved by the City Council.

Reason:

To maintain the character of the Belgravia 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)

- 4 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 and appearance of the Belgravia Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9 (B) and paras 10.108 to 10.146 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. (R29CC)

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

Reason:

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

- 6 You must keep to the terms of the detailed drawings of a) windows and doors and b) Juliet balconies (including fixing details) as approved on the 10 July 2015 under reference 15/04698/ADFULL or in accordance with details as submitted to and approved by the City Council.

Reason:

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

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the main roof, flat roof at rear third floor level and balconies to the front and rear elevations hereby approved.

Reason:

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

- 8 You must keep to the samples of the facing materials, including glazing, and elevations and roof plans annotated to show where the materials are to be located as approved under reference 15/06306/ADFULL as approved on the 18 August 2015 under reference 15/04698/ADFULL or in accordance with details as submitted to and approved by the City Council.

Reason:

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

- 9 You must keep to the terms of the sample panel of brickwork which shows the colour, texture, face bond and pointing as approved under reference 15/04698/ADFULL on the 10 July 2015 or in accordance with details as submitted to and approved by the City Council., ,

Reason:

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

- 10 You must not use the main roof or the flat roof area at rear third floor level for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 11 The glass that you put in the windows to the rear elevation must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, 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)

- 12 You must keep to the terms of the construction management plan as approved under reference 14/09905/ADFULL on the 20 July 2015 or in accordance with details as submitted to and approved by the City Council.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and

ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 13 You must keep to the terms of the details of how you will reduce the development's environmental impact, in line with the requirements of S28 and S40 of Westminster's City Plan: Strategic Policies adopted in November 2013 as approved under reference 14/10090/ADFULL on the 27 January 2015 or in accordance with details as submitted to and approved by the City Council.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 14 (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.

- 15 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.

- 16 You must install the acoustic enclosure to the air conditioning unit hereby approved at rear third floor level and as detailed in the Environmental Noise Assessment dated 102442.ad Issue 3 dated 7 September 2015 prior to the operation of the air conditioning unit and must be retained at all times for as long as the air conditioning unit remains operational and in situ.

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.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 14, 15 and 16 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 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.
- 4 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.
- 5 You are advised that both Environmental Health and Building Control officers have stated that the means of escape from the basement is not acceptable. As the ground floor is shown as open plan it is recommended that the basement staircase should exit into a protected enclosure at ground floor level with direct access to the street.
- 6 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)
- 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.
- 8 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.

- 9 For the avoidance of doubt the Construction Management Plan required under condition 12 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.

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.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Queen's Park	
Subject of Report	60A Bravington Road, London, W9 3AJ,		
Proposal	Erection of a rear full width single storey rear extension at lower ground floor level.		
Agent	Mr Cyril Manyara		
On behalf of	Mr Dom Martin		
Registered Number	16/00613/FULL	Date amended/ completed	4 February 2016
Date Application Received	25 January 2016		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Refuse permission – design grounds

2. SUMMARY

The application site comprises of a 3 storey, mid terraced unlisted building located outside a conservation area. The building is currently in use as flats with this application relating to the flat at lower ground and ground floor level.

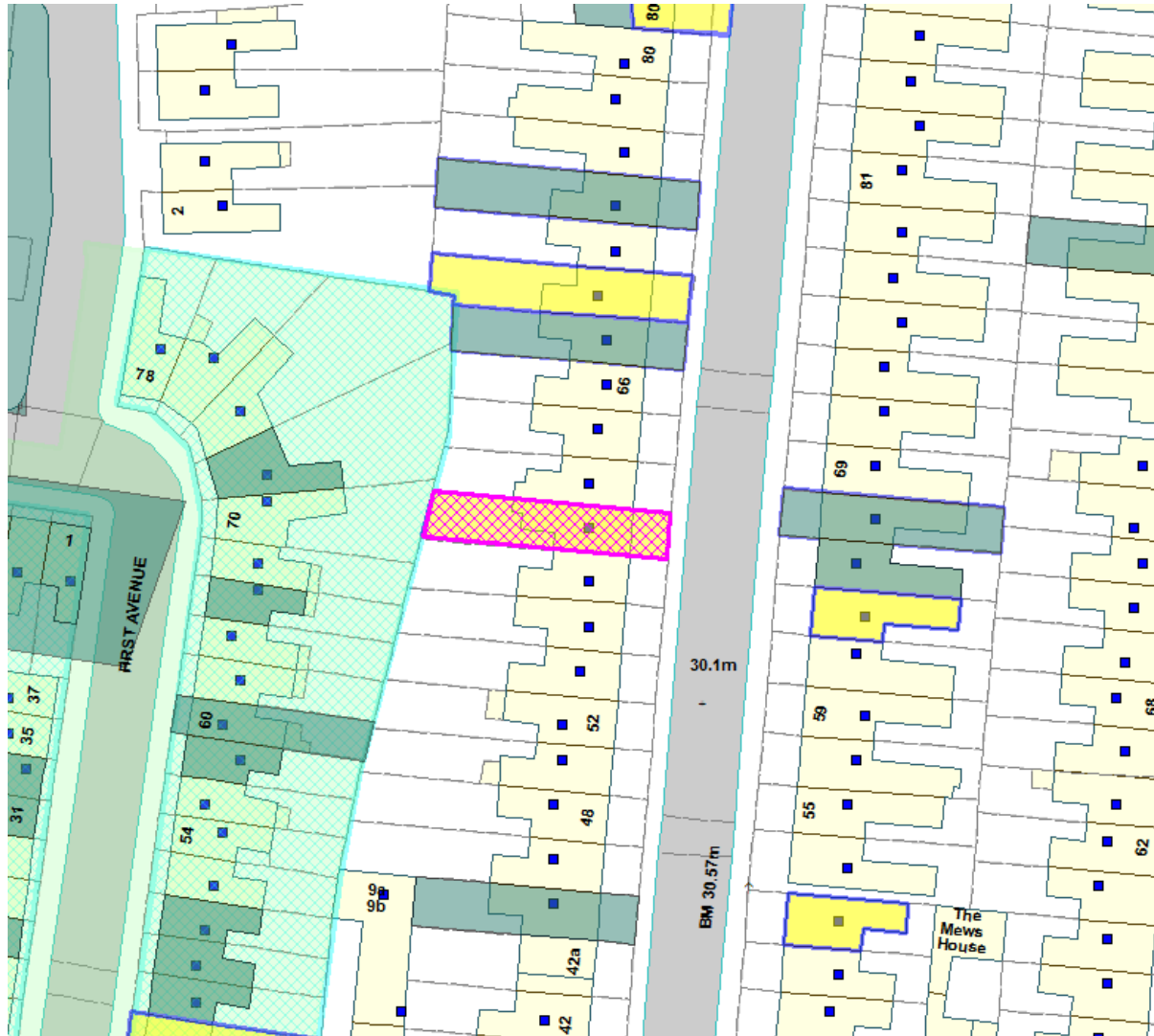
Planning permission is sought for the erection of a single storey full width rear extension at lower ground floor level.

The Key issues are:

- Impact on the appearance of the host building and townscape.
- Impact on the amenity of neighbouring residents

There have been no neighbour objections to the proposal. One comment of support has been received requesting a speeding up of the works for the benefit of the applicant and the neighbours. The proposals are considered unacceptable and contrary to Policies in Westminster's City Plan and UDP and therefore the application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View North and boundary with No 62



View South and boundary with No.58

5. CONSULTATIONS

WARD COUNCILLOR DIMOLDENBERG:

Supports the proposals and requests application is presented to committee.

NORTH PADDINGTON SOCIETY:

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 13

No. of replies: 1 letter in support requesting works are done swiftly.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a lower ground and ground floor flat within a three storey mid terraced house on Bravington Road in the Queen's Park ward. The site is not listed and is not in a conservation area. 60A is accessed from the road via steps in the front garden down to the front door at lower ground floor level.

6.2 Recent Relevant History

13/12583/FULL

Erection of single storey rear extension with rooflight and associated alterations.

Application permitted on 9th September 2014 which has been implemented in part.

15/10823/NMA

Amendment to planning permission dated 09 September 2014 (RN : 13/12583/FULL), erection of single storey rear extension with rooflight and associated alterations, namely increase in depth of approved extension by 2 metres and alterations to rear fenestration. Application Refused on 9th December 2015 due to the proposals being considered as a material amendment to the approved scheme

7. THE PROPOSAL

The proposed works are for a full width extension at the rear of the property. The flat roofed extension will be 2 meters in depth out from the existing closet wing and at a height of approximately 3.2 meters, an increase of approximately 0.75 meters above the existing boundary wall. The western elevation is to be finished in white render with large bi-folding aluminium frame doors leading out to a patio and steps up to the existing garden level. The extended space is to be used as a kitchen and open plan living space.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No change to the existing residential use.

8.2 Townscape and Design

The rear of the terrace is uniform in that all of the buildings have a closet wing creating an L shaped building form that can be easily read from the rear of the properties and from views of the properties from surrounding private residential views.

The proposed extension would significantly change how the building is read and alter the townscape of the immediate area. The full width extension is of a size, scale and bulk that it is not subservient to the host building and would detract from the quality of the individual building and the terrace as a whole. The boxy form of the extension is not acceptable in this location and is contrary to DES1 and DES5 of the UDP. The flat roof being the whole width of the extension does not respect the closet wing of the host building and does not allow the L shaped form of the building to be read.

The materials proposed for the south elevation are not in keeping with those of the immediate area. The white render finish is in contrast to the brick of the host building and the other buildings in the terrace. The metal bi-folding doors are not in keeping with the timber framed windows and doors typical of the area.

Full width extensions have been recently approved on Bravington Road such as the one at 70A. However they have been of a lightweight nature that allowed the host building to be read as an L Shape and remained subservient to the host building unlike the proposed extension at 60A Bravington.

In summary the proposed extension is not acceptable in terms of design. The size, scale bulk, boxy form and materials mean that it is not subservient to the host building or in keeping with the immediate surroundings and therefore contrary to policies DES1 and DES5 of the UDP and S28 of the City Plan.

8.3 Residential Amenity

Policy ENV13 of the UDP and S29 of the Westminster City Plan seek to protect the amenity of residents from the effects of new development with particular regard to overlooking, sense of enclosure and loss of light.

It is not considered that the additional bulk would have such a significant impact on the amenity of adjacent residents as to justify refusal, given the orientation of the site and the location of adjacent windows set back from the boundary.

Should the proposals have been considered acceptable in other terms, a condition would have been recommended for the rooflight to be opaque glass and the roof of the extension not to be accessible.

8.4 Transportation/Parking

No change to existing arrangement.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No change to existing arrangements

8.7 Other UDP/Westminster Policy Considerations

None relevant

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

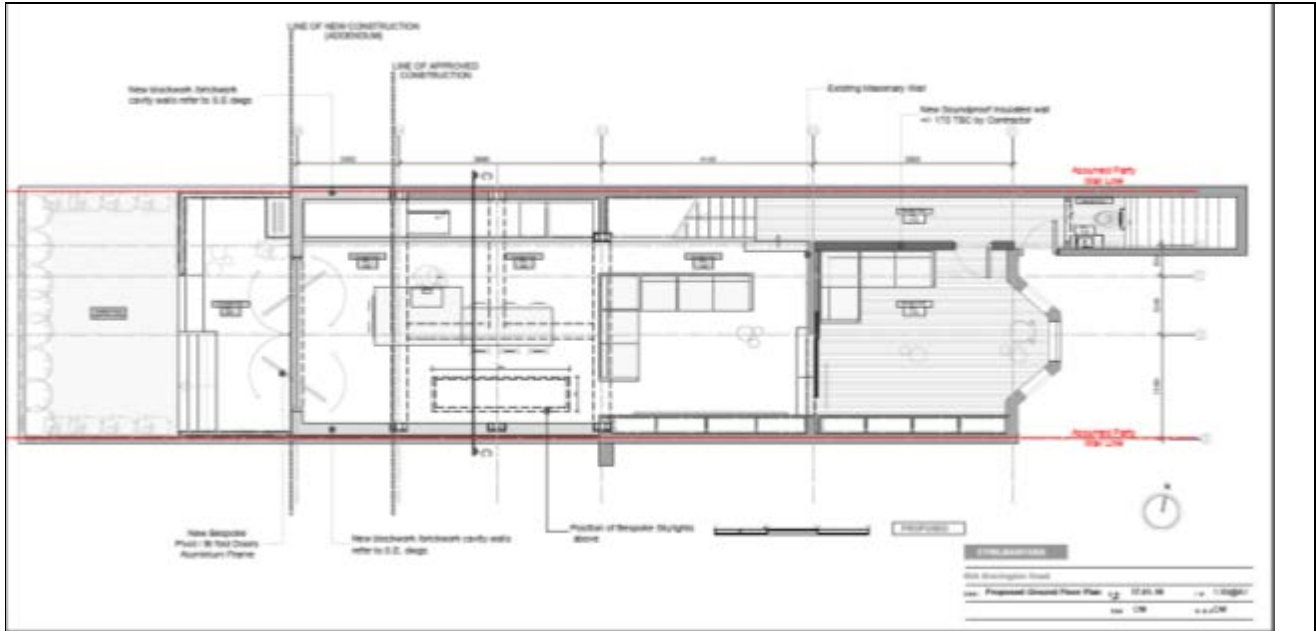
1. Application form
2. Letter from occupier of Flat B, 58 Bravington Road, dated 20 March 2016
3. Email from Councillor Dimoldenberg, dated 28th March 2016

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

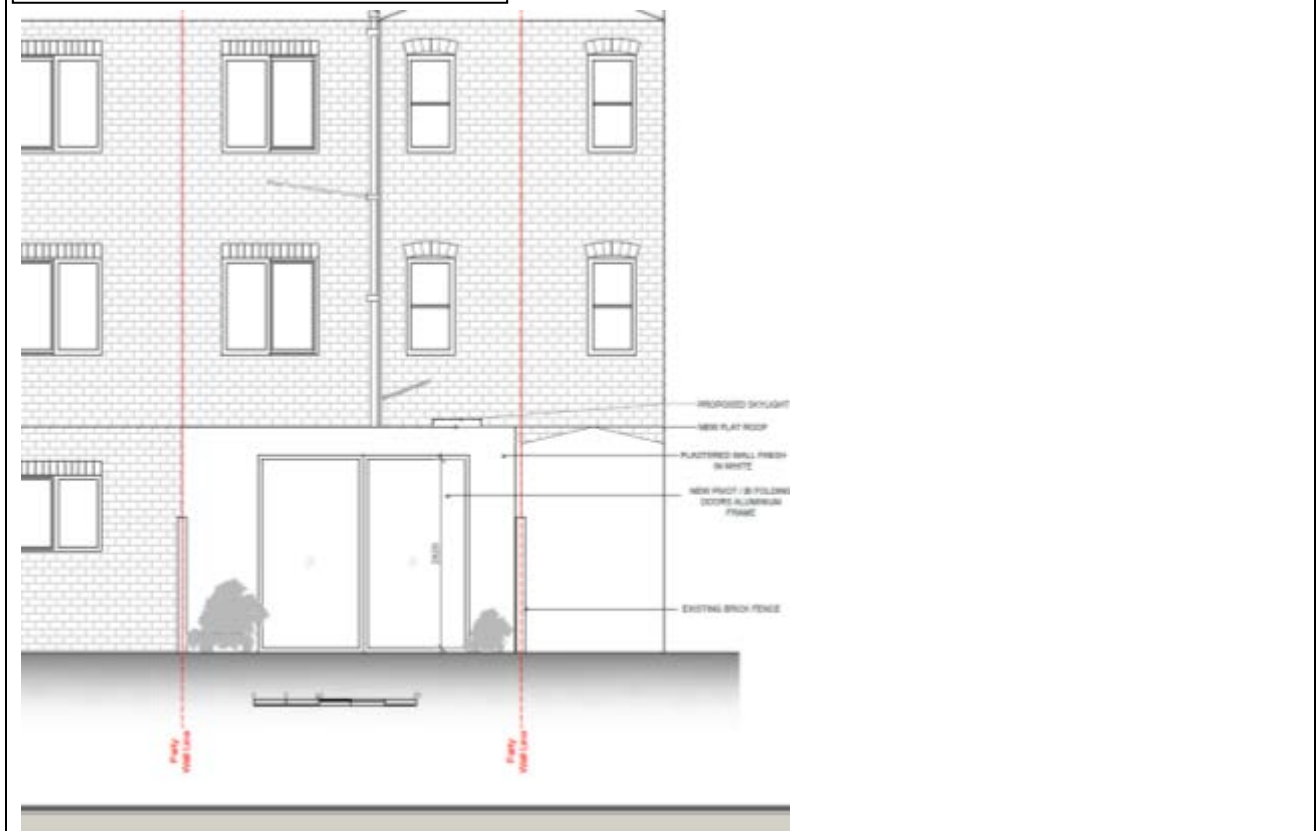
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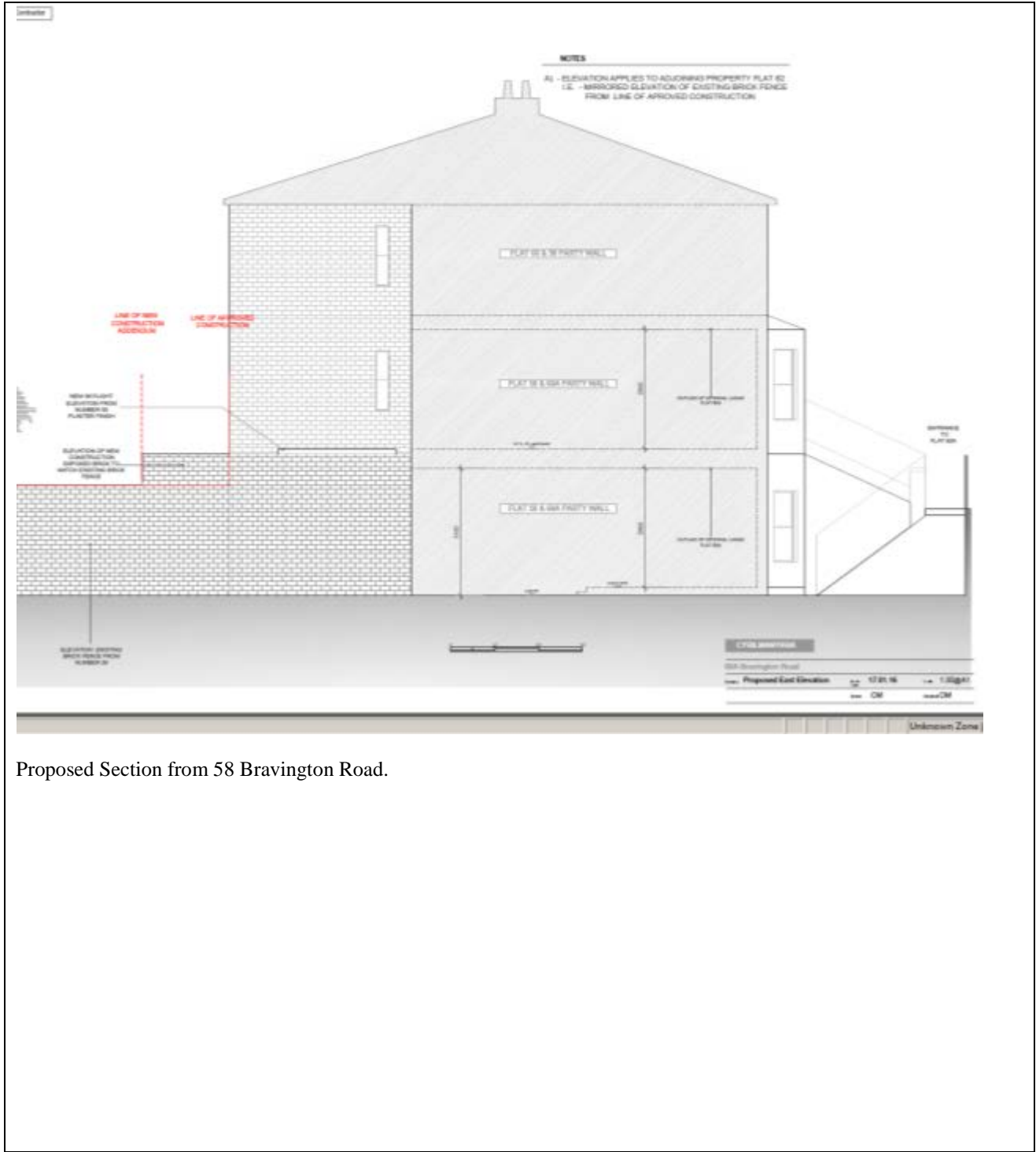
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MAX JONES ON 020 7641 1861 OR BY EMAIL AT mjones@westminster.gov.uk

10. KEY DRAWINGS



Above. Proposed Lower ground floor plan
 Below. Proposed Rear elevation





Proposed Section from 58 Bravington Road.

DRAFT DECISION LETTER

Address: 60A Bravington Road, London, W9 3AJ,

Proposal: Alteration to planning permission granted on 09 September 2014 (RN : 13/12583/FULL), for erection of single storey rear extension with roof light and associated alterations. Namely increase in depth of approved extension by 2 metres and alterations to rear fenestration.

Reference: 16/00613/FULL

Plan Nos: S/001, S/002, Existing first floor plan, Existing ground floor plan, Existing south elevation, Proposed first floor plan, Proposed ground floor plan, Proposed section CC, Proposed south elevation, Proposed east elevation, Location plan, Site plan

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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

Because of its scale, bulk, form, detailed design and materials the full-width, single storey rear extension would harm the appearance of this building and this part of the City. This would not meet S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (X16BB)

Informative

In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	11 Gerald Road, London, SW1W 9EH,		
Proposal	Excavation to create a new basement level extension beneath 2 Burton Mews to the rear of 11 Gerald Road.		
Agent	Mr RODRIGO MORENO MASEY		
On behalf of	Mrs Alison Davies		
Registered Number	15/07820/FULL	Date amended/ completed	21 August 2015
Date Application Received	21 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

- | |
|----------------------------------|
| 1. Grant conditional permission. |
|----------------------------------|

2. SUMMARY

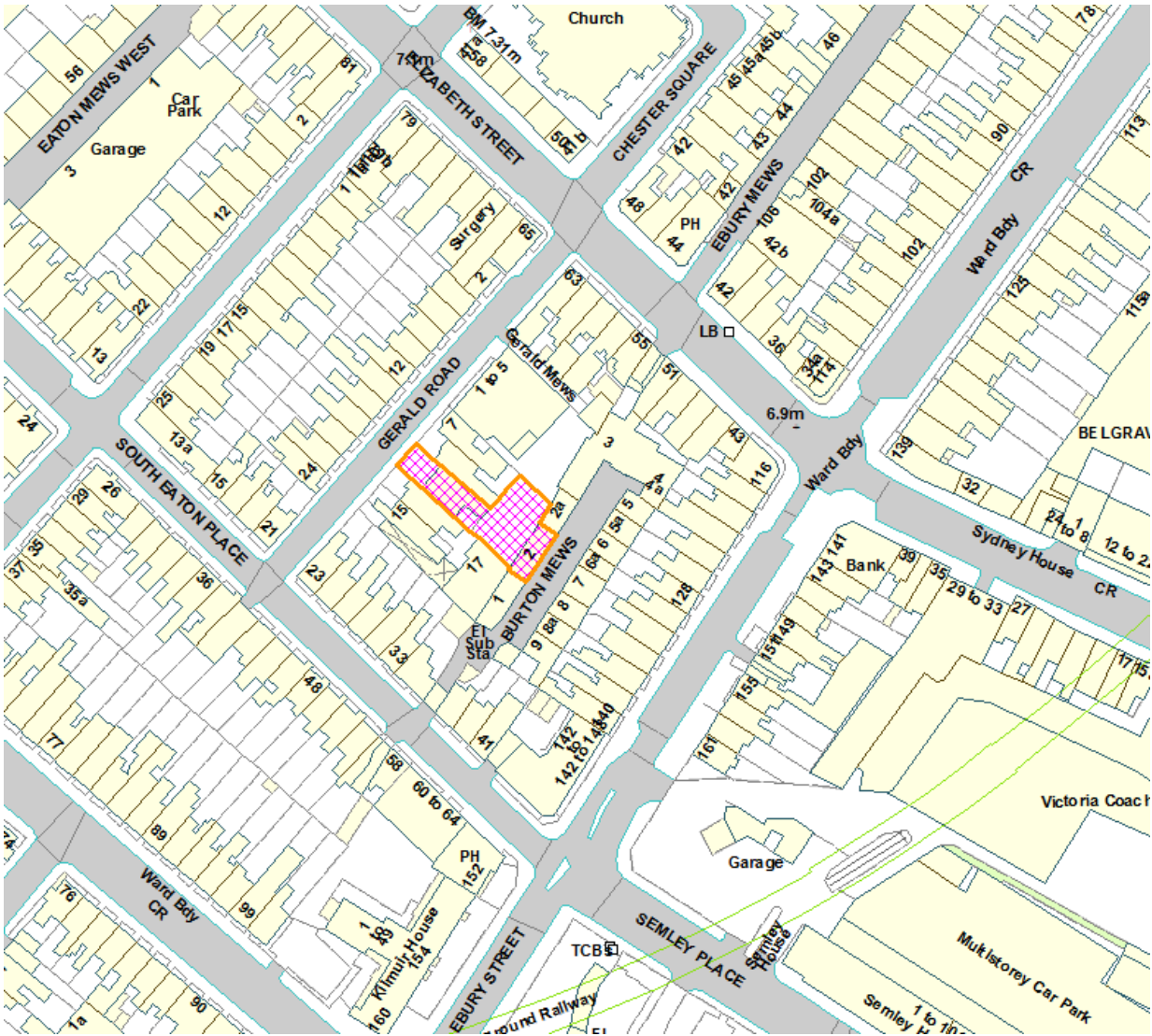
An application has been submitted seeking planning permission for excavation of a new basement level beneath No. 2 Burton Mews.

The key issues for consideration are:

- * The impact of the proposals on the appearance of the building and character of the surrounding Belgravia Conservation Area.
- * The impact of the proposals on the amenity of neighbouring residents.

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

LOCATION PLAN



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3. PHOTOGRAPHS



Photograph of 2 Burton Mews

CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported at committee.

BUILDING CONTROL

Structural Method Statement is considered to be satisfactory.

HIGHWAYS PLANNING MANAGER

No objection.

ARBORICULTURAL MANAGER

Risk of loss or damage to protected London plane tree in rear garden. Impact should be controlled by conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 8

No. of objections: 8

No. in support: 0

Eight letters received, seven from neighbouring residents raising the following issues:

Highways

*Impact of construction on traffic flow in the mews over a protracted period.

*Construction would cause congestion and would disrupt parking.

*Narrow mews with single exit/entrance point, unsuitable for this kind of traffic.

Basement Construction

*Construction Management Statement makes assumptions about the existing structures present at the neighbouring properties.

*Noise, dust and vibration and disturbance arising from the construction.

*Construction works are detrimental to nearby residents.

*Structural hazards and potential damage to neighbouring properties.

*Lengthy construction.

*Detrimental impact to everyday living to owners and occupiers in the vicinity.

*Dust and exhaust fumes could have detrimental effect on neighbours suffering from lung ailments or allergies.

Other

*Certificate B not served.

*Potential loss of tree.

*Conflict with emerging policy.

*Damage to neighbouring properties from effect of construction on the water table.

*Unnecessary proposals, property is already of an ample size.

*Sizable amount of disruption to surrounding residents in order to provide a 'games' room for an already large property.

*Lack of response from applicant regarding request for more information about the works.

- *No party wall agreements entered into.
- *Missing water and utilities drawings, structural calculations and drawings.
- *High water table and unknown location of Kingston Aquifer could lead to damp spreading to neighbouring properties.
- *Lack of emergency response plan or route for emergency vehicles to reach all homes along Burton Mews.
- *Disturbance to mouse and rat habitats could lead to them invading neighbouring homes.
- *Potential loss of earnings due to loss of tenant.

SITE/PRESS NOTICE:

Yes

PRESS ADVERTISEMENT / SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

No. 11 Gerald Road is an unlisted, mid-terrace single family dwelling consisting of lower ground, ground and first to third floor levels. Linked by the garden the application site also includes No. 2 Burton Mews to the rear, which is an unlisted mid-terrace mews building consisting of ground and first floor levels. The properties are located within the Belgravia Conservation Area and outside of the Central Activities Zone in a predominantly residential area.

4.2 Recent Relevant History

An application to remove the London plane from the rear garden of 11 Gerald Road was refused in October 2015. An appeal has been lodged with the Planning Inspectorate and the appeal decision is awaited.

There are four other applications currently pending determination at the site. These are:

16/02032/FULL

Erection of rear extension at ground floor level to replace existing. Formation of new roof terrace and alterations to existing roof terrace, at first floor level. Installation of replacement windows and doors to the front and rear elevations of the mews building and to the main building. Installation of rooflights to the mews building and rooflights and roof lantern to the main building.

15/10141/FULL

Excavation to create enlarged basement extension with swimming pool and associated plant beneath main house, part front and rear gardens, and rear Mews building (Site includes 2 Burton Mews).

15/09279/FULL

Excavation to increase size of existing basement under 11 Gerald Road and rear mews, alterations to the landscaping of the rear garden, installation of new stairs from lightwell and installation of grills to lightwells and garden area for plant ventilation.

15/07603/FULL

Excavation of lower ground floor and basement under the front garden. Replacement of front basement lightwell stair.

5. THE PROPOSAL

The application seeks planning permission for excavation of a new basement level beneath No. 2 Burton Mews to provide additional residential accommodation.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal seeks to extend the existing residential accommodation which is acceptable in principle in land use terms and in accordance with H3 of the UDP and S14 of Westminster's City Plan.

The submitted drawings show that the basement extends underneath the footprint of the existing mews property. On this basis the basement could be constructed under permitted development legislation.

6.2 Townscape and Design

Given the subterranean nature of the proposed basement extension, this will have a minimal impact on the appearance of the existing building, and the development will result in a neutral impact on the Belgravia Conservation Area.

6.3 Residential Amenity

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

It is considered that the creation of a new basement storey under the existing property will not materially impact upon the amenity of neighbouring properties in terms of loss of privacy, daylight or sense of enclosure.

As such, the proposals are considered acceptable in amenity terms, in accordance with Policies S29 of the City Plan and ENV13 of the UDP.

6.4 Transportation/Parking

As the enlarged property will continue to be used as a single family dwelling, the proposals are considered acceptable in Highways terms.

The impact associated with the excavation and construction is considered in Section 6.12 of this report.

6.5 Economic Considerations

Not applicable.

6.6 Access

The access arrangements are unchanged by these proposals.

6.7 Other UDP/Westminster Policy Considerations

Trees

The London plane tree in the rear garden is protected by virtue of being within the conservation area. The arboricultural officer considers that subject to the method of construction, its roots are at risk of loss or damage if the development is permitted but that it should be possible to control the impact by conditions.

The proposed basement is below the footprint of the existing mews property. It is possible that roots of the London plane tree penetrate below the property, however on balance the arboricultural officer considers significant rooting below the mews house would be unlikely. Conditions are recommended to control development in respect of the London plane tree.

6.8 London Plan

This application raises no strategic issues.

6.9 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.

6.10 Planning Obligations

The proposals are of insufficient scale to generate a requirement for any planning obligations.

6.11 Environmental Impact Assessment including Sustainability and Biodiversity Issues

The proposals are of an insufficient scale to require an environmental assessment.

6.12 Other Issues

Basement

Objections have been raised in relation to the basement proposal on the grounds that Construction Management Statement makes assumptions about the existing structures present at the neighbouring properties and regarding the structural hazards and potential damage to neighbouring properties which could arise as a result of the proposal. Also, they suggest that there are missing water and utilities drawings, structural calculations

and drawings and that the high water table and unknown location of Kingston Aquifer could lead to damp spreading to neighbouring properties.

With regard to the construction of the basement itself, 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.

This report has 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.

Construction impact

Neighbouring residents have raised concerns in relation to the management of construction traffic, access arrangements during construction and the general disturbance and potential damage caused by the construction process and construction traffic. As Burton Mews is a private road the Council does not have any enforcement powers or control over vehicles for the purposes of highway safety and in any case planning applications cannot reasonably be refused on grounds of construction impact. However, it is possible to mitigate the effects of construction through a Construction Management Plan (CMP) and through controlling the hours when noisy works are permitted.

An initial CMP has been submitted with the application. This details the measures proposed to minimise the impact of the construction works on surrounding neighbours. It is recommended that a full CMP is secured by condition.

A condition is recommended to limit the hours when noisy works are permitted to Monday to Friday 08.00 to 18.00 and Saturdays 08.00 to 13.00. Notwithstanding this, it is recommended that no basement excavation is carried out at all on Saturdays

An Informative has been added to encourage the applicant to join the nationally recognised Considerate Constructors Scheme.

Other

Objection has been raised on the grounds that Certificate B was not served. The applicant has subsequently submitted Certificate B.

Also, objections claim that the proposals conflict with City Council's emerging basement policy. However, it is not the City Council's position to apply the emerging policy in this instance as the application was submitted before 1 November 2015.

Objection has also been received suggesting that the proposals are unnecessary as the property is already of an ample size and that such an amount of disruption to surrounding residents in order to provide a 'games' room for an already large property needs to be considered. Although these views are understood, they are not considered to be sufficient reason to refuse planning permission in this instance.

Another objection has raised concern over the lack of emergency response plan or route for emergency vehicles to reach all homes along Burton Mews. A revised Construction Management Plan is recommended to be secured by condition to address such matters as ensuring access is maintained to the Mews throughout the duration of construction.

Disturbance to mouse and rat habitats which could lead to them invading neighbouring homes and the potential loss of earnings due to loss of tenant which have also been raised as objections however these are not planning matters.

Objections have also been raised by adjoining owner/occupiers that no party wall agreement has been entered into with regard to the proposals.

Land ownership and party wall agreements are private matters and permission could not reasonably be withheld on the basis of these objections.

7. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning - Development Planning, dated 30 September 2015
3. Responses from Tree Section - Development Planning, dated 5 April 2016, 30 March 2016; 23 November 2015.
4. Response from Building Control dated 8 April 2016.
5. Letter on behalf of occupier of 9 Gerald Road, dated 15 December 2015
6. Letter from occupier of 8a Burton Mews, dated 27 September 2015
7. Letter from occupier of 7 Gerald Road, dated 2 October 2015
8. Letter from occupier of 6A Burton Mews, dated 22 October 2015
9. Letter from occupier of 2a Burton Mews, dated 1 October 2015
10. Letter from occupier of 2a Burton Mews, dated 4 October 2015
11. Letter from occupier of 21 Eriswell Crescent, Hershams, Walton-on-Thames, dated 1 October 2015
12. Letter from occupier of 17 Gerald Road, dated 4 October 2015

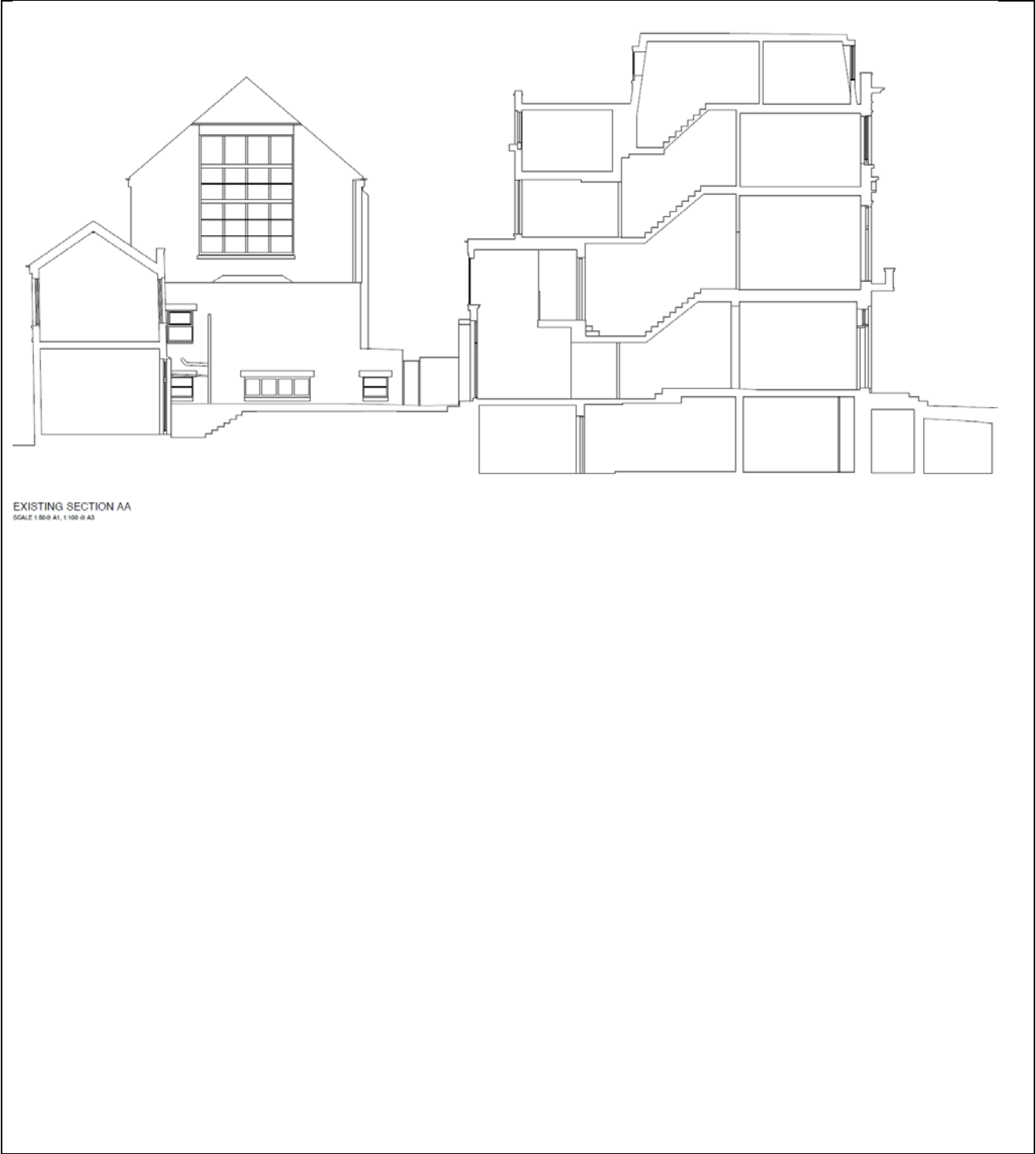
Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT mmason@westminster.gov.uk

KEY DRAWINGS







PROPOSED MEWS FRONT ELEVATION
SCALE 1:50 @ A1, 1:100 @ A3



DRAFT DECISION LETTER

Address: 11 Gerald Road, London, SW1W 9EH,

Proposal: Excavation to create a new basement level extension beneath 2 Burton Mews to the rear of 11 Gerald Road.

Reference: 15/07820/FULL

Plan Nos: 1000 Rev. P1; 1001 Rev. P1; 1002 Rev. P1; 1003 Rev. P1; 1004 Rev. P1; 1005 Rev. P1; 1006 Rev. P1; 010 Rev. P1; 1011 Rev. P1; 1012 Rev. P1; 1013 Rev. P1; 1201 Rev. P1; 1202 Rev. P1; 1203 Rev. P1; 1204 Rev. P1; 1205 Rev. P1; 1206 Rev. P1; 1210 Rev. P1; 1220 Rev. P1; 1221 Rev. P1; 1222 Rev. P1; Planning, Heritage and Design and Access Statement; Construction Management Statement, prepared by ADL Planning Limited; Tree Survey and Preliminary Arboricultural Report dated 19 August 2015, prepared by ACS Consulting (London); (for information only) Engineering Design & Construction Method Statement dated August 2015, prepared by Elliott Wood Partnership LLP; Basement Impact Assessment dated August 2015, prepared by Site Analytical Services Ltd; Phase 1 Preliminary Risk Assessment dated July 2015, prepared by Site Analytical Services Ltd.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

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

- 4 **Pre Commencement Condition.** Notwithstanding the submitted construction management plan, no development shall be carried out until a revised construction management plan for the proposed development has been submitted to and approved by the City Council as local planning authority. The plan must include a construction programme, a code of construction practice, a 24 hour emergency contact number, the hours of building works and measures taken to ensure satisfactory access and movement within the building for existing occupiers during construction. You must also include a site set up plan to show how you will accommodate all site storage and activities in line with the details which are required under the terms of the tree protection conditions attached to this permission. 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.

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

Reason:

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

- 6 (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)

- 7 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 6 months 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 2 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

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 For the avoidance of doubt the Construction Management Plan referred to under Condition 4 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 3 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.
- 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 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.
- 6 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 7 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)

- 8 Condition 5 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.

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 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	106A Cambridge Street, London, SW1V 4QG,		
Proposal	Construction of an extension at rear lower ground floor level incorporating existing vaults. Installation of railings to the boundary wall.		
Agent	Dr Malcolm Cook		
On behalf of	Mr & Mrs Garton		
Registered Number	15/02230/FULL	Date amended/ completed	31 July 2015
Date Application Received	12 March 2015		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

- | |
|----------------------------------|
| 1. Grant conditional permission. |
|----------------------------------|

2. SUMMARY

106A Cambridge Street is an unlisted building located within the Pimlico Conservation Area.

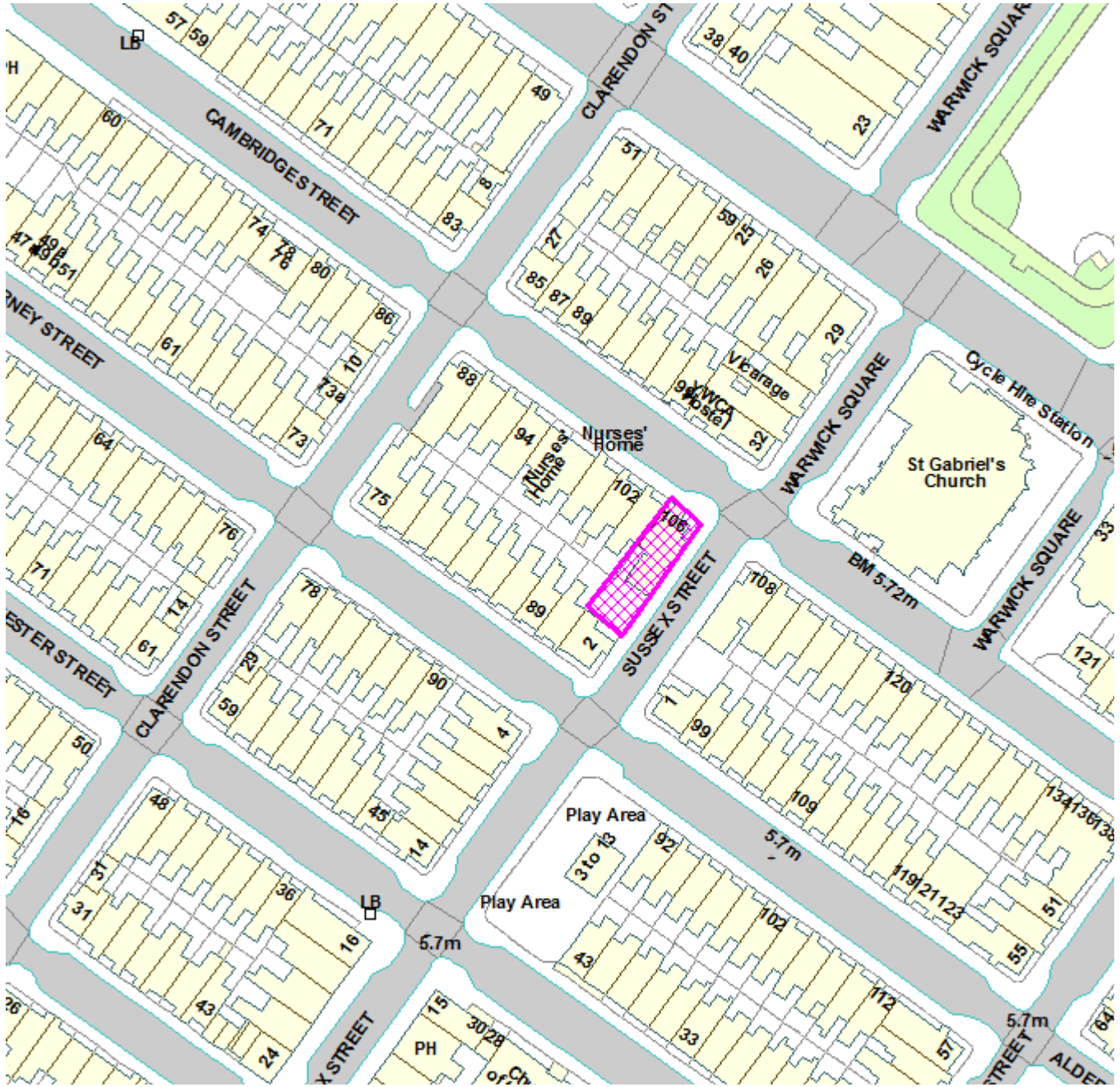
Permission is sought for the construction of a rear extension to the lower ground floor flat incorporating existing vaults. The scheme proposes the installation of railings to the boundary wall for security purposes.

The key issues for consideration are:

- * The impact of the external alterations on the character and appearance of the Pimlico Conservation Area.
- * The impact on the amenity of neighbouring residential occupiers.

Subject to conditions, the proposed development is considered acceptable in land use, conservation and design, amenity and highways terms and to comply with relevant policies in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

METROPOLITAN POLICE (DESIGNING OUT CRIME):

No objection to proposals. Concerns over rear garden access and physical security to the development. Request Secured by Design condition.

WESTMINSTER SOCIETY:

No objection.

HIGHWAYS PLANNING MANAGER:

No objection.

ARBORICULTURAL MANAGER:

Tree protection measures required by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 12

Total No. of replies: 5

No. of objections: 3

No. in support: 0

Two letters on behalf of the occupiers of the other flats within the building at 106 Cambridge Street, two letters from the occupiers of Flat F (ground floor) at 106 Cambridge Street and one letter from the occupier of 91A Alderney Street, raising objections on the following grounds:

Design

*Reduction in size of garden; extension will occupy an excessive amount of the existing garden space.

*Extension not in keeping with the scale and proportion of the host building.

Amenity

*Reduction in sense of openness and visual amenity currently enjoyed by other residents of building.

*Smaller extension proposed would be directly underneath the ground floor balcony and the glass roof proposed would allow views directly into this.

*Overlooking from proposed terrace into garden of property opposite [this element has been removed].

*Extended area will be for dining. In summer months the doors will be open and will transfer substantial additional noise which is not acceptable.

Security

*Infill and extension would provide easy access for intruders into the rear of the property, particularly to the flat at ground floor level.

Other

*Noise and disturbance from construction work. Construction Management Plan should be required owing to excavation to vaults.

- *No design and access statement planning statement or assessment of proposals upon the heritage asset or conservation area.
- *Conditions should be attached to ensure the tree protection measures are adhered to.
- *Concerns over extent of external walls to be removed.
- *Clarification on fence/boundary to property.
- *Query over section drawings/sightlines not accurately representing the situation on the site.
- *Main soil/waste pipe not shown on the drawings.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

106A Cambridge Street is an unlisted building located within the Pimlico Conservation Area. The application relates to a self-contained flat at lower ground floor level. There are six other flats within the building.

6.2 Recent Relevant History

There is no relevant planning history for the site.

7. THE PROPOSAL

Permission is sought for the construction of an extension at rear lower ground floor level incorporating existing vaults and the installation of railings to the boundary wall. This will provide additional residential accommodation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal seeks to extend the existing residential accommodation which is acceptable in principle in land use terms and in accordance with H3 of the UDP and S14 of Westminster's City Plan.

8.2 Townscape and Design

The proposals involve the construction of a single storey rear extension at lower ground floor level and a smaller lean-to extension under the balcony serving the ground floor flat. The asphalt and skylights to the existing lightwell infills on both the Cambridge Street and Sussex Street will also be renewed.

The property is not listed but is located in the Pimlico Conservation Area. Owing to the proposed extensions being at rear lower ground floor level and surrounded by a boundary wall which encloses the rear garden on the Sussex Street elevation, the proposals will not be visible in views from street level. The materials for the rear extensions will be stucco,

timber framed windows and French doors, lead roofs and glazing to the roof on the larger extension. Given the appropriate proportions of the proposed extension and traditional materials to be used, the proposals are considered to preserve the character of the conservation area.

Objections have been received on the grounds that the proposed extension would occupy an excessive amount of the existing garden space and would not be in keeping with the scale and proportion of the host building. Since submission the proposals have been revised to address objector's concerns. A terrace which was originally proposed on top of the extension has been removed and the size of the extension has been reduced. Also, the glazing originally proposed to the roof of the lean-to extension has been replaced with lead.

The proposals have also been amended to include the installation of railings to the top of the boundary wall to address the security concerns of the occupier of the ground floor flat. Subject to detailed design required by condition, the railings are considered acceptable.

The proposals are therefore considered acceptable in design and conservation terms in accordance with design Policies S28, DES 1, DES 5, DES 6 and DES 9.

8.3 Residential Amenity

In terms of residential amenity, the nearest neighbouring residential properties are the flats at the upper levels of the property, whose rear windows face onto the lower ground floor garden.

Objections have been raised to the application from the owners of six other flats in the building on the grounds that the proposals will lead to a reduction in sense of openness and visual amenity currently enjoyed by other residents of building. The proposals have subsequently been revised and the reduced scale of the extension is considered acceptable in this regard.

An additional objection from the occupier of the ground floor flat was that the smaller lean-to extension proposed would be directly underneath their ground floor balcony and that the glass roof proposed would allow views directly into and up from this space. The proposals have been revised to address these concerns and a lead roof to the lean-to extension is now proposed.

An objection from the neighbour opposite to the rear was received on the grounds of overlooking from initially proposed terrace into their rear garden. As mentioned, the terrace element has since been removed from the proposals. The same objector has raised concern that the extended area will be for dining and that in summer months the doors will be open and will transfer substantial additional noise which would not be acceptable.

Given that an external garden already exists in this area which is capable of being used by owners/occupiers of the flat, it is not considered that the proposals would lead to an unacceptable level of noise and disturbance in this regard so as to compromise the amenity of neighbouring residents sufficiently to merit a refusal of permission.

As such the proposals are considered acceptable in amenity terms and comply with policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

As the enlarged property will continue to be used as a single flat, the proposals are considered acceptable in highways terms.

8.5 Economic Considerations

Not applicable.

8.6 Access

The access arrangements are unchanged by these proposals.

8.7 Other UDP/Westminster Policy Considerations

Security

A principal objection from the occupier of the ground floor flat, who has a rear bedroom window which looks out over the rear garden directly above the proposed extension, is that the lightwell infill and extension would provide easy access for intruders into the French doors at the rear of the property, creating a potential link with the pavement which does not currently exist.

As a result of extensive negotiation on this issue, the scheme has been revised to include the installation of railings along the full extent of the boundary wall on the Sussex Street elevation. This is considered sufficient to address the security concerns raised. It is recommended that the detailed design of the railings are secured by condition to ensure that their appearance is acceptable given the conservation area setting.

Trees

The arboricultural officer has commented that the extension will be located within the root protection areas of a lime and a sycamore tree. These are large and prominent specimens clearly visible from Sussex Street. Trial excavations will be required to ensure that the piles are located so as to avoid damage to significant tree roots. Any permission should be subject to tree protection conditions.

The arboricultural officer has also raised concern that the drawings include a detailed section of the piled raft foundation, with an annotation stating the removal of the existing paving and scrape top 50-75mm of grass/organic material and the placing of a sacrificial void to create 50mm void under concrete raft. The material underneath the paving is likely to be sand/bedding material or soil, not grass/organic material and must not be excavated. An informative has been added to this effect.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The proposals are of insufficient scale to generate a requirement for any planning obligations.

8.11 Environmental Impact Assessment including Sustainability and Biodiversity Issues

The proposals are of an insufficient scale to require an environmental assessment

8.12 Other Issues

Objections have been made in terms of concern over noise and disturbance from construction work requesting that a Construction Management Plan (CMP) is required owing to excavation to vaults. Given that the extent of excavation will be limited to the vaults it is not considered reasonable to request a CMP in this instance.

Other objections have raised the fact that no design and access statement or planning statement assessing the proposals upon the heritage asset or conservation area was submitted with the application. The applicant has submitted a planning statement and given the nature of the proposals these are considered to be described adequately through annotations to the drawings which enable them to be understood.

Additional concerns have been raised over concerns over extent of external walls to be removed, however as such matters are governed by other procedures and regimes outside of planning control, namely building regulations and landlord and tenant legislation, permission could not justifiably be refused on these grounds.

9. BACKGROUND PAPERS

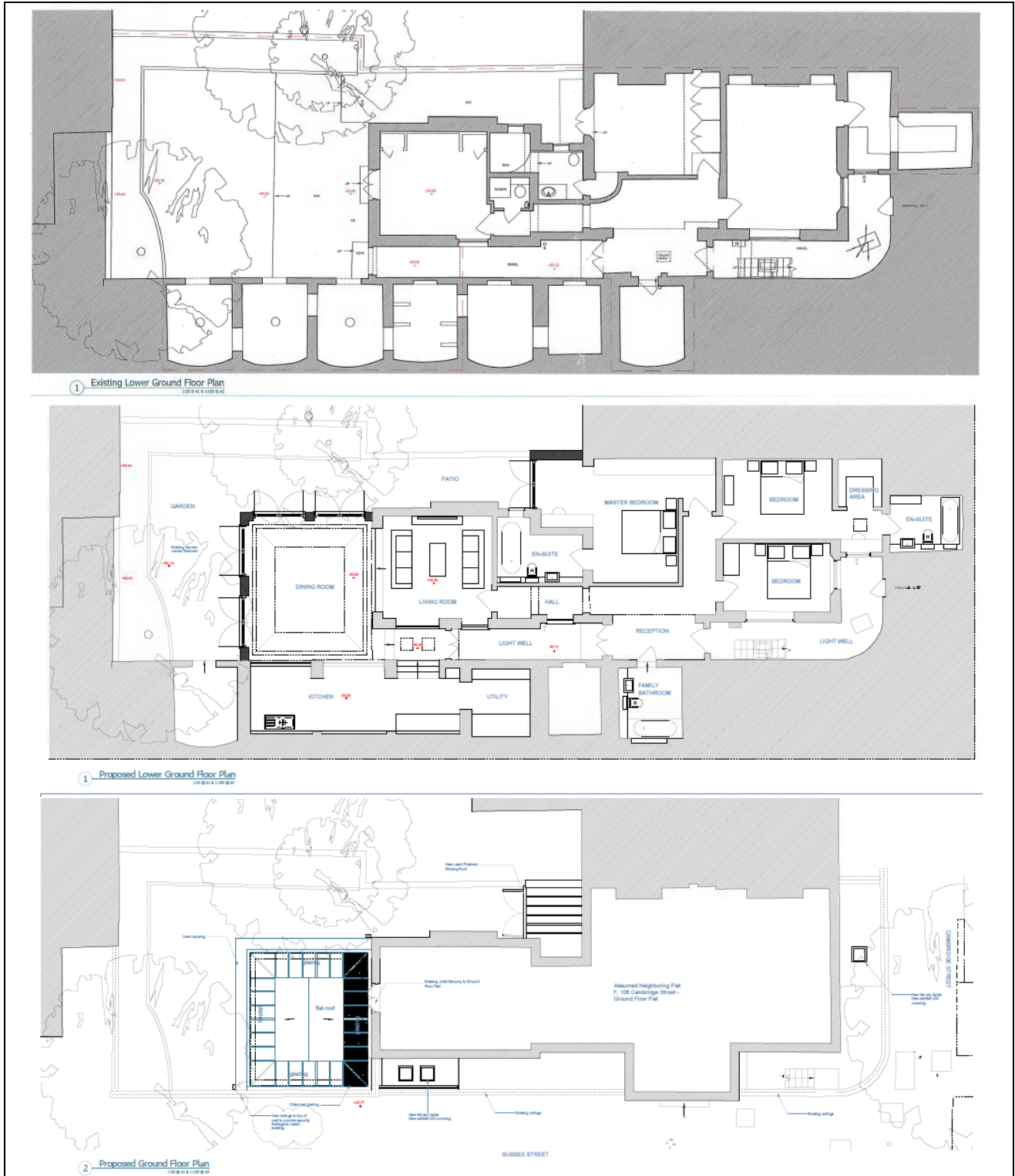
1. Application form
2. Letter from Metropolitan Police (Designing out Crime), dated 12 January 2016.
3. Memorandum from Westminster Society, dated 8 September 2015.
4. Memorandum from Highways Planning, dated 22 December 2015.
5. Memorandum from Tree Section, dated 7 October 2015.
6. Letters on behalf of occupiers of Flat F, Flat E, Flat D, Flat C, Flat B and Flat G 106 Cambridge Street dated 1 September 2015 and 16 November 2015.
7. Letters from occupier of Flat F 106 Cambridge Street, dated 2 September 2015 and 14 November 2015.
8. Letter from occupier of 91A Alderney Street, dated 11 September 2015.

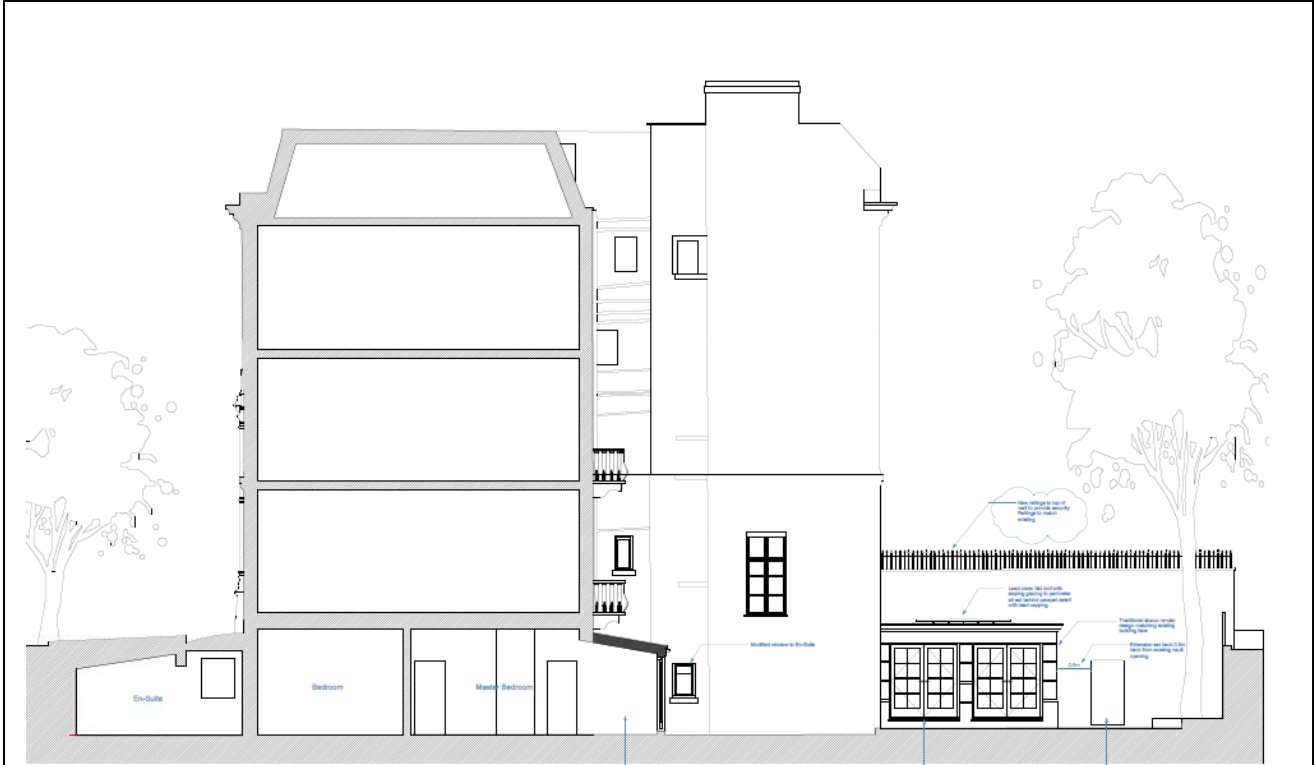
Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT mmason@westminster.gov.uk

10. KEY DRAWINGS





Proposed Section AA
1/20 @ A1 & 1/20 @ A2



Proposed Elevation Section DD
1/20 @ A1 & 1/20 @ A2

DRAFT DECISION LETTER

Address: 106A Cambridge Street, London, SW1V 4QG,

Proposal: Construction of an extension at rear lower ground floor level incorporating existing vaults. Installation of railings to the boundary wall.

Reference: 15/02230/FULL

Plan Nos: 01 Rev 0; 5856/02; 5856/06 Rev A; 5856/07 Rev A; 5856/10 Rev D; 5856/15 Rev D; 5856/16 Rev D; 5856/17 Rev D; 5856/18 Rev D; Arboricultural Impact Appraisal and Method Statement dated 2 March 2015, prepared by Barrell Tree Consultancy.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

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 Pimlico 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 at 1:10 and sections at 1:5 of the following parts of the development - the new railings and the method of fixing to the top of the boundary wall. You must not start any 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 these drawings. (C26DB)

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Pimlico Conservation Area as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

- 5 The glass that you put in the side length of the roof of the lower ground floor extension which faces the rear elevation of the property must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, 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)

- 6 **Pre Commencement Condition.** Notwithstanding the submitted Arboricultural Impact Appraisal and Method Statement, you must apply to us for approval of a revised 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:

The details of the tree protection measures provided will need to correspond with the revised drawings. This is in order to protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A),

ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.
(R31CC)

- 7 You must carry out excavation for the trial holes in relation to the roots of the lime tree and sycamore tree by hand or using hand-held tools (other than power-driven tools). You must not damage any roots over 50mm in diameter and must protect any roots that are exposed by the excavation by placing sharp sand around the roots to avoid further damage.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 The rooms in the underground vaults are only considered acceptable by our Environmental Health officers on the basis that they are used in connection with the main house. If used as separate living accommodation (e.g. for staff accommodation) the lack of sufficient natural light and reasonable views would mean the proposal fails the Housing Health and Safety Rating System - Housing Act 2004., , Additionally the conversion of vault areas for human habitation is not normally recommended because of the low headroom, potential damp problems and 'remote room' issues. The potential for rising dampness (from the ground) and penetrating dampness (from the entrance slab above) together with condensation due to lack of through ventilation is great. Experience has shown that despite thorough "tanking" (complete damp proofing) of vaults, the integrity of the tanking can be damaged by nails/screws etc. New techniques, such as 'Delta membrane', may be more appropriate as alternatives to traditional 'tanking' methods., , You are

recommended to seek advice from our Environmental Health Department on appropriate damp proof treatment and ventilation (including additional mechanical ventilation as necessary). However, any works that affect the external appearance may require a further planning permission. For further advice, please contact: Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, Website www.westminster.gov.uk, Email res@westminster.gov.uk, Tel : 020 7641 3003 Fax : 020 7641 8504

- 4 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)
- 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 trees. You must make a separate section 211 notification if you propose any tree works. You are advised to obtain the permission of the owner of the tree prior to submission of a section 211 notification.
- 6 In respect of Condition 6 you are advised that the revised method statement must omit reference to removing the top 50-75mm of organic material beneath the paving slabs as this must not be excavated.
- 7 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of the development. The applicant should contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the application for works to the highway.
- 8 In respect of Condition 7, you must liaise with the City Council in advance of any trial hole excavation works being undertaken so that Council Officers can be on site when the works are in progress. Please email Trees@westminster.gov.uk or phone 020 7641 2922 to arrange.

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.
9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Tachbrook	
Subject of Report	97A St George's Square, London, SW1V 3QP,		
Proposal	Erection of a single storey rear extension at lower ground floor level.		
Agent	Ms Ellen Sacks-Jones		
On behalf of	Mr & Mrs Richard and Lavinia Taylor		
Registered Number	15/11168/FULL	Date amended/ completed	29 January 2016
Date Application Received	1 December 2015		
Historic Building Grade	II		
Conservation Area	Pimlico		

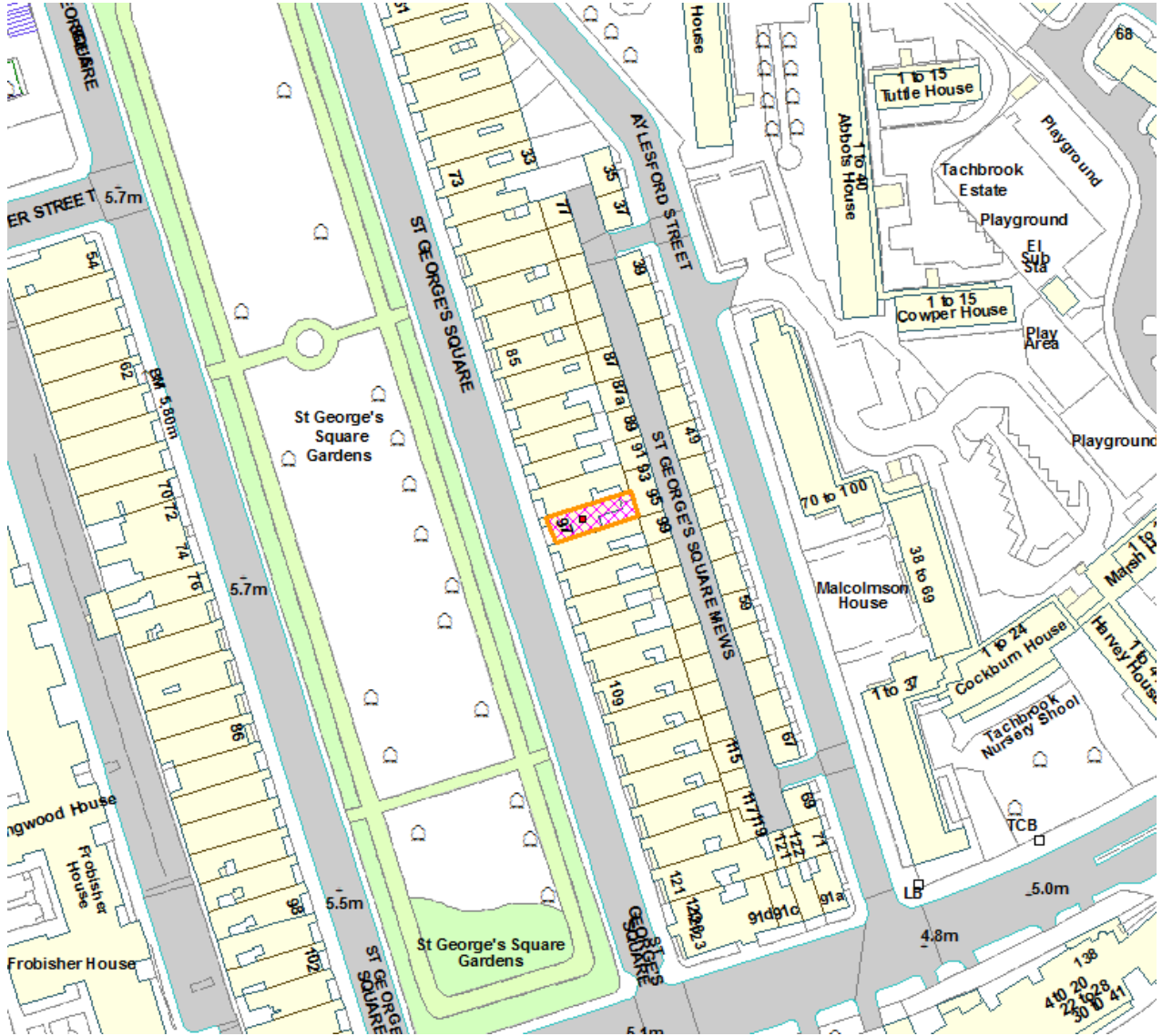
1. RECOMMENDATION

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

2. SUMMARY

<p>97A St George's Square is a grade II listed building located within the Pimlico Conservation Area.</p> <p>Permission is sought for the erection of a single storey rear extension at lower ground floor level and internal alterations including the removal and additional of partitions.</p> <p>The key issues for consideration are:</p> <ul style="list-style-type: none"> * The impact of the external alterations on the character and appearance of the Pimlico Conservation Area. * The impact on the amenity of neighbouring residential occupiers. <p>Subject to conditions, the proposed development is considered acceptable in land use, conservation and design, amenity and highways terms and to comply with relevant policies in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP).</p>
--

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY:
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 21
Total No. of replies: 4
No. of objections: 4
No. in support: 0

Four letters of objection from three neighbouring residents raising objections on the following grounds:

Amenity

- Glass roof extension will cause overlooking and loss of privacy, allowing views to and from rear windows to the upper floors of the building.
- Noise and light pollution from the extension.

Other

- Removal of structural walls.
- Existing noise concerns from mechanical ventilation and ducting.
- No fire protection in ceilings.
- Nuisance smells.
- Moisture concerns from installing a bathroom in the centre of the flat.
- Relocation of gas flu will not be acceptable near windows.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

97A St George's Square is a grade II listed building located within the Pimlico Conservation Area. The application relates to a self-contained flat at lower ground floor level. There are other flats on the upper floors of the building.

6.2 Recent Relevant History

Planning permission and listed building consent were granted in 2008 for the erection of rear single storey infill extension at lower ground floor level, alterations to fenestrations at lower ground floor level and internal refurbishment including demolition and erection of partitions. This permission was not implemented.

7. THE PROPOSAL

Permission is sought for the erection of a single storey rear extension at lower ground floor level to provide additional residential accommodation. The proposal includes internal alterations including the removal and additional of partitions.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal seeks to extend the existing residential accommodation is acceptable in principle in land use terms and in accordance with H3 of the UDP and S14 of Westminster's City Plan. The submitted drawings show that the extension will allow the property to change from a one bedroom flat to a two bedroom flat.

8.2 Townscape and Design

The current rear yard is enclosed by high level walls on all sides. The secluded nature of the rear yard, combined with the retention of elements of the building's external envelope, are considered to preserve the character of the building and the conservation area. A condition is recommended to secure details of the windows, including roof lights, and doors.

Internally the works seek to install an ensuite in the front room, convert the central store room to bathrooms and to remove the rear partitions from the closet wing.

The conversion of the store is considered acceptable. This room is currently un-plastered, however it retains no significance and has been removed completely in neighbouring buildings. Its conversion creates usable space without harming the character of the building.

Similarly the removal of the modern partitions from the rear and the alterations to the external walls to allow access to the new extension are not considered harmful. This area is thought to have been altered substantially in the 1990s. The remaining external walls will clearly indicate the floor area of the building prior to the works.

The ensuite at the front of the flat is unfortunate as this room retains its original proportions with the chimney breast central to the room. However as partitioning to this room was approved earlier in 2008, it is not considered justifiable to issue a refusal on these grounds. The proposals have been revised in order to avoid hiding the chimney breast.

The proposals are therefore considered acceptable in design and conservation terms in accordance with design Policies S28, DES 1, DES 5, DES 6, DES 9 and DES 10.

8.3 Residential Amenity

In terms of residential amenity, the nearest neighbouring residential properties are the flats at the upper levels of the property, whose rear windows face onto the lower ground floor courtyard. As mentioned, the current external space is enclosed by high level walls on all sides.

Objections have been raised to the application from three owners of these flats on the grounds that the proposals will lead to overlooking and privacy concerns and will allow views to and from rear windows to the upper floors of the building and also that the extension will give rise to noise and light pollution.

The extension at rear lower ground floor level proposes a glazed extension between the closet wing and the boundary wall to the rear of the site. Glass sliding doors with a glass panel above will look out towards the rear elevation of the property over a retained outdoor courtyard area. The ground floor flat has a rear bedroom window which looks out over the rear courtyard of the property and towards the glazed part of the proposed extension. The separation distance between this ground floor window and the glazed part of the proposed extension at lower ground floor level is approximately 4m. It is considered that the extensive use of glazing on this part of the extension at high level, is unneighbourly. An amending condition is therefore recommended to require the high level glazing to be replaced with solid materials. The proposed glass doors are considered acceptable in amenity terms.

Given that an external courtyard space area already exists in this area which is capable of being used by owners/occupiers of the flat, it is not considered that the proposals would lead to an unacceptable level of noise and disturbance so as to compromise the amenity of neighbouring residents sufficiently to merit a refusal of permission.

As such the proposals are considered acceptable in amenity terms compliant with policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

As the enlarged property will continue to be used as a single flat, the proposals are considered acceptable in Highways terms.

8.5 Economic Considerations

Not applicable.

8.6 Access

The access arrangements are unchanged by these proposals.

8.7 Other UDP/Westminster Policy Considerations

None applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The proposals are of insufficient scale to generate a requirement for any planning obligations.

8.11 Environmental Impact Assessment including Sustainability and Biodiversity Issues

The proposals are of an insufficient scale to require an environmental assessment.

8.12 Other Issues

Other objections have been made in terms of concern over the removal of structural walls, existing noise from mechanical ventilation and ducting, no fire protection in ceilings, nuisance smells, moisture concerns from installing a bathroom in the centre of the flat, and that the relocation of gas flu will not be acceptable near windows of the owner of the ground floor flat. As such matters are governed by other procedures and regimes outside of planning control, namely building regulations and landlord and tenant legislation, permission could not justifiably be refused on these grounds.

9. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 5 January 2016
3. Letters from occupier of 97B St George's Square, London, dated 13 and 14 January 2016
4. Letter from occupier of 97F St George's Square, Pimlico, dated 14 January 2016
5. Letter from occupier of 97C St George's Square, Pimlico, dated 14 January 2016

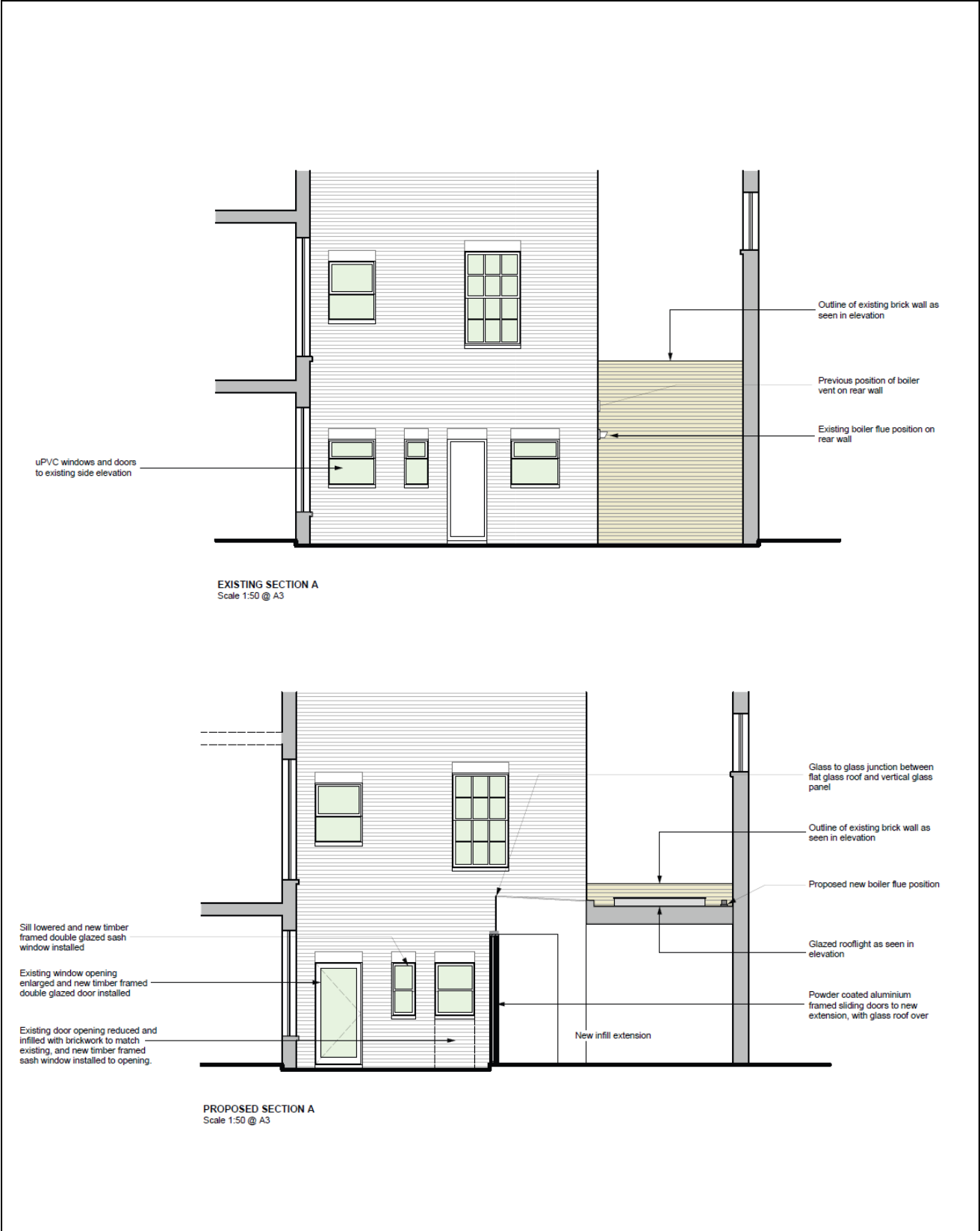
Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT mmason@westminster.gov.uk

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 97A St George's Square, London, SW1V 3QP,

Proposal: Erection of a single storey rear extension at lower ground floor level.

Reference: 15/11168/FULL

Plan Nos: 15-986-LOC; 15-986-001; 15-986-101; 15-986-020; 15-986-021; 15-986-020 Rev A; 15-986-120 Rev A; 15-986-010 Rev A; 15-986-110 Rev A; 15-986-111 Rev A.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 3 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:, i) Windows, including roof lights,, ii) Doors,, You must not start works on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the

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

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

Reason:

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

- 5 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings in plan and elevation at scale 1:5 showing the following alteration(s) to the scheme: , , The vertical glazed panel above the sliding doors of the extension to be made solid. , , You must not start any work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

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.

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.

DRAFT DECISION LETTER

Address: 97A St George's Square, London, SW1V 3QP,

Proposal: Erection of a single storey rear extension at lower ground floor level and internal alterations including the removal and addition of partitions.

Reference: 15/11169/LBC

Plan Nos: 15-986-LOC; 15-986-001; 15-986-101; 15-986-020; 15-986-021; 15-986-020 Rev A; 15-986-120 Rev A; 15-986-010 Rev A; 15-986-110 Rev A; 15-986-111 Rev A.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 3 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:, i) Windows, including roof lights,, ii) Doors,, You must not start works on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

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

- 4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings in plan and elevation at scale 1:5 showing the following alteration(s) to the scheme: , , The vertical glazed panel above the sliding doors of the extension to be made solid. , , You must not start any work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

Informative(s):

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

10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: , * any extra work which is necessary after further assessments of the building's condition; , * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control. , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

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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