



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 10th May, 2016**

Time: **6.30 pm**

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

Members: **Councillors:**

Peter Freeman (Chairman)
Melvyn Caplan
Paul Church
Tim Roca

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Roca has replaced Councillor Bush.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|------------------------|
| 1. 94-96 WIGMORE STREET, LONDON W1U 3RF | (Pages 3 - 32) |
| 2. KENSINGTON GARDENS, SERPENTINE ROAD, LONDON W2 2UH | (Pages 33 - 50) |
| 3. MARYLEBONE STATION, MELCOMBE PLACE, LONDON NW1 5JX | (Pages 51 - 62) |
| 4. 8 SALE PLACE, LONDON W2 1PH | (Pages 63 - 82) |
| 5. 14 CLARENDON MEWS, LONDON W2 2NR | (Pages 83 - 96) |

Charlie Parker
Chief Executive
29 April 2016

Agenda Item

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE –10 MAY 2016
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 15/08288/FULL Marylebone High Street	94-96 Wigmore Street London W1U 3RF	Substantial demolition of 7-9 Duke's Mews, rebuilding to provide a new three storey mews building and erection of extensions from third to sixth floor levels to the rear of 94-96 Wigmore Street with acoustic enclosure, photovoltaics, terrace and green roof at roof level. Works are in association with the use of the part ground and all upper floors for up to 10 residential units (Class C3) and the basement and ground floor for retail purposes (Class A1).	
Recommendation Grant conditional permission				
2	RN 15/07493/FULL Knightsbridge And Belgravia	Kensington Gardens Serpentine Road London W2 2UH	Erection of a single storey building and relocation of 4 No. existing shipping containers to provide upgraded General Maintenance facilities.	
Recommendation Refuse permission – impact on historic landscape character of Kensington Gardens (Grade I Registered Park) and the setting of Hyde Park (Grade I Registered Park), the character and appearance of the Royal Parks Conservation Area and the setting of the Serpentine Sackler Gallery (Grade II* listed building).				
3	RN 15/06701/FULL Bryanston And Dorset Square	Marylebone Station Melcombe Place London NW1 5JX	Installation of one free standing, A1 retail kiosk to the front forecourt of station 6am-9pm Monday to Friday, 9am-6pm Saturdays and Sundays.	
Recommendation Refuse permission - design and heritage impact grounds.				
4	RN 15/08506/FULL Hyde Park	8 Sale Place London W2 1PH	Variation to Condition 1 of planning permission dated 23 May 2014 (RN: 14/02538) for the erection of a first and second floor rear extension to provide one additional room and living accommodation to existing House in Multiple Occupation (HMO). Installation of metal staircase to existing front lightwell extending from ground floor to basement level and installation of windows at basement level; Namely, attachment of obscure glass screen to the inside of retained railings to rear first floor in association with a terrace to a rear flat roof at first floor level, altered fenestration to the rear and rear flank elevations including the installation of a door at first floor level, and new external brick clad pipe run to rear flank elevation.	
Recommendation Grant conditional permission				

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE –10 MAY 2016
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
5	RN 15/12082/FULL Hyde Park	14 Clarendon Mews London W2 2NR	Excavation of a basement and revised fenestration to rear elevation, new roof covering, creation of integral garage and alterations to front elevation including new windows.	
Recommendation Grant conditional permission.				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	94-96 Wigmore Street, London, W1U 3RF		
Proposal	Substantial demolition of 7-9 Duke's Mews, rebuilding to provide a new three storey mews building and erection of extensions from third to sixth floor levels to the rear of 94-96 Wigmore Street with acoustic enclosure, photovoltaics, terrace and green roof at roof level. Works are in association with the use of the part ground and all upper floors for up to 10 residential units (Class C3) and the basement and ground floor for retail purposes (Class A1).		
Agent	Gerald Eve		
On behalf of	Aviva Life and Pensions UK Ltd		
Registered Number	15/08288/FULL	Date amended/ completed	24 August 2015
Date Application Received	24 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an unlisted building situated within the Harley Street Conservation Area. The building comprises basement, ground and six upper floors on Wigmore Street, the building is linked to the mews building behind (on 7-9 Duke's Mews) which comprises basement, ground and two upper floors. The building is predominantly used for office purposes, however there is a retail unit at ground floor level and a residential unit at rear second floor level. Permission is sought for the substantial demolition of the rear mews building and rebuilding to provide a new three-storey mews building a half width rear third floor extension and infill extensions to the rear of the main building from third to sixth floor level. The works are in connection with the use of part ground and the upper floors for up to 10 residential units and the basement and ground floor for retail purposes.

The key issues for consideration are:

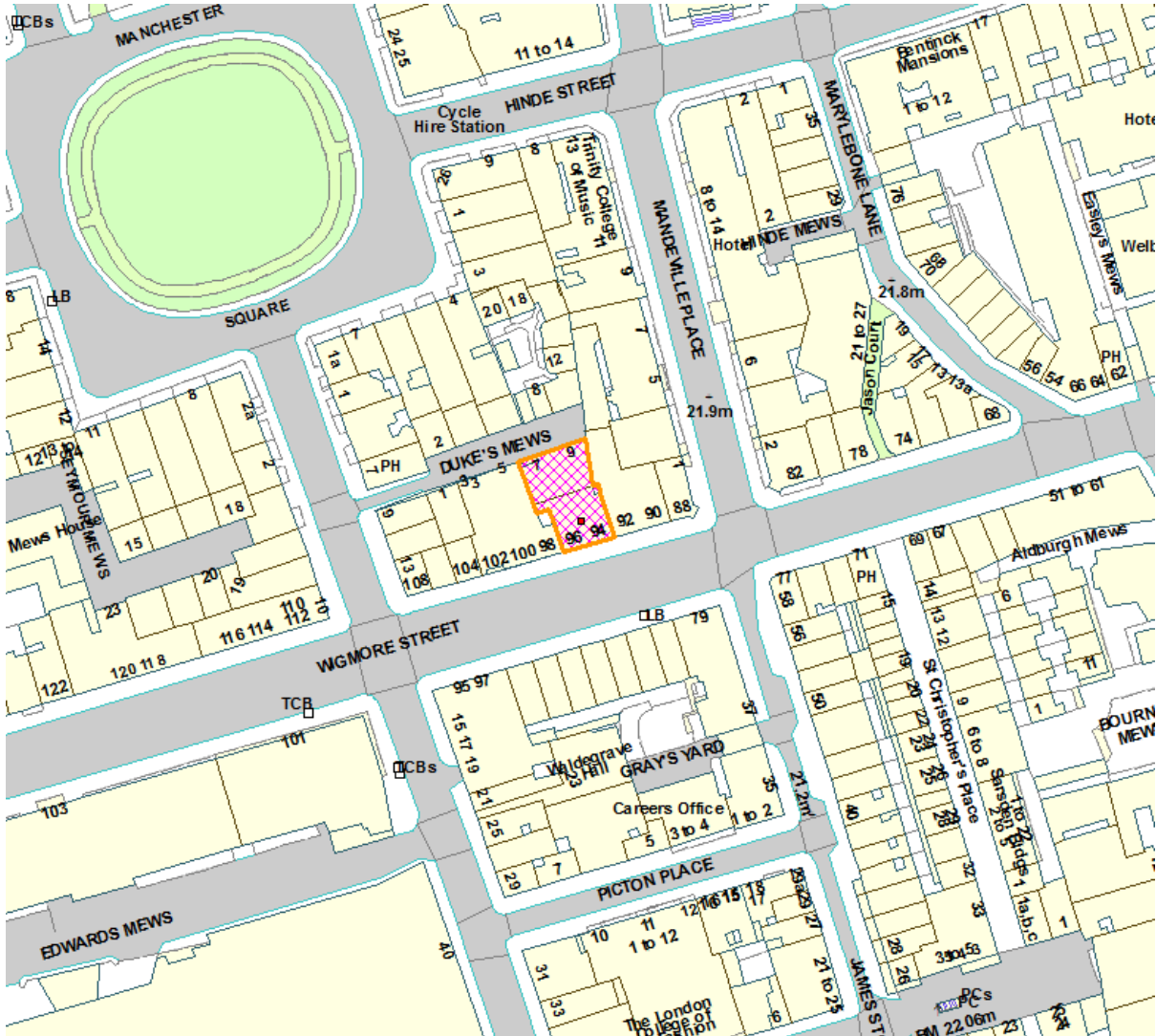
- The impact of the extensions on the Portman Estate Conservation Area; and

- The impact of the proposals on residential amenity.

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

Front elevation on Wigmore Street



Rear elevation on Duke's Mews



5. CONSULTATIONS

Original Application

HISTORIC ENGLAND

Not necessary to be consulted on this application

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection

THE MARYLEBONE ASSOCIATION

Any response to be reported verbally

HIGHWAYS PLANNING

No objection

BUILDING CONTROL

No basement excavation

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 57

Total No. of replies: 4

Four objections raising all or some of the following:

Land use

- Loss of office floorspace.

Amenity

- Increase sense of enclosure on 100 Wigmore Street.
- Loss of daylight and sunlight.
- Loss of privacy.
- Impact on future residential occupiers.
- Impact of the proposed servicing arrangements on neighbouring building.

Design

- Proposed building is ugly.

Other

- Impact of construction.
- Consultation carried out by the applicants.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Revised Application

THE MARYLEBONE ASSOCIATION
Any response to reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 57
Total No. of replies: 1

One letter of objection on behalf of the freeholders of 100 Wigmore Street raising the following:

Amenity

- Increase sense of enclosure to neighbouring building.
- Loss of daylight and sunlight.
- Impact to future residential occupiers.
- Impact of servicing arrangements on neighbouring building.

Other

- No consultation carried out by applicants.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building situated within the Harley Street Conservation Area. The building comprises basement, ground and six upper floors on Wigmore Street, the building is linked to the mews building behind (on 7-9 Duke's Mews) which comprises basement, ground and two upper floors. The building is predominantly used for office purposes, however there is a retail unit at ground floor level and a residential unit at rear second floor level.

The nearest residential properties are located adjacent to the site at 90-92 Wigmore Street, 3-5 Duke's Mews and to the north within 8-12 Duke's Mews. There is a large office building with frontages on Wigmore Street and Duke's Mews adjacent to the site to the west.

Recent Relevant History

Permission was granted in May 1988 for the reconstruction and extension at roof level of 94-96 Wigmore Street and redevelopment of 7-9 Duke's Mews to provide offices and one residential unit.

7. THE PROPOSAL

Permission is sought for the substantial demolition of 7-9 Duke's Mews and the rear elevation of the main building and rebuilding to provide a new mews building comprising ground to second floor levels. A half width extension is proposed at third floor level, infill

extensions are proposed at fourth to sixth floor levels, which will bring the line of the rear elevation in line with the existing projecting stair enclosure. These works are in connection with the use of part basement and ground floors for retail purposes (Class A1) and the part basement and ground floor and six upper floors for up to ten residential units (Class C3). The units will comprise three mews houses accessed via Duke's Mews. A roof terrace is proposed at main roof level. One off-street car parking space is proposed to the rear in Duke's Mews

The application has been amended since its original submission following officers concerns that the height and bulk to the rear of the building would have a detrimental impact on the residential windows to the rear of 90 Wigmore Street. The main differences between the two proposals are:

- Reduction in bulk of the rear third floor extension to set it away from 90 Wigmore Street;
- Reduction in bulk of the rear extensions at fourth to sixth floor level. The extensions will now bring the main building line to the same level as the existing rear stair enclosure.

The proposed third floor extension will be in line with the existing mews building at 7-9 Duke's Mews

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal results in the loss of 1379m² of office floorspace. An objection has been received to the loss of offices and the impact this will have on employment needs across the City. However, the application was submitted prior to the 1st September 2015, therefore the loss of the office floorspace cannot be resisted in this instance.

The objection also states that the proposal does not comply with emerging draft policies, these policies do not currently have any weight in determining planning applications and therefore the proposal cannot be reasonably refused on these grounds.

Retail use

There is an existing retail unit at ground floor level (142m²) and as a result of the proposals the floorspace will be increased by 184m². The increase in floorspace is welcomed and is supported by Policy S21 of the City Plan.

Residential use (unit mix and standard of residential floorspace)

There is an existing residential unit at rear second floor level comprising 128m², and the proposals result in an increase of residential floorspace of 1,289m² (1,417m² in total). This is considered acceptable and complies with policies H3 of the UDP and S14 of the City Plan.

The proposed mix would provide 1 x 1 bed, 8 x 2 beds, 1 x 3 beds and therefore 10% would be provided as family-sized accommodation. This falls short of the UDP Policy H5 target. Prior to the scheme being revised all the mews houses contained three bedrooms and as a result of the revision the amount of floorspace for the mews houses has been

reduced. In these circumstances, to ensure that the use of the residential floorspace is optimised, the mix of unit sizes is considered acceptable.

All the flats would comply with the minimum dwelling space standards as set out in the London Plan.

The objection received to the original proposals stating that the number of three bedroom units should be reduced to comply with draft policies is no longer applicable to the revised scheme.

Environmental Health has confirmed that the new residential will comply with the City Council's standard noise conditions. However, in order to comply with the conditions, residents would have to keep the windows closed. As comfort cooling is proposed, Environmental Health has no objection. An informative is recommended to ensure that the new windows are not sealed shut to allow residents to open their windows.

Affordable housing

The proposal results in an increase of 1289m² of residential floorspace, and this triggers a requirement to provide on-site affordable housing under policies H4 and S16. Policy S16 would require a proportion of the 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 160m²/2 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 site in the vicinity should be explored. Where neither on nor off-site provision is acknowledged as being impractical or inappropriate, the City Council may consider a financial contribution to the City Council's affordable housing fund in accordance with adopted formula. Given the increase in floorspace, a policy compliant contribution would be £693,000

The applicant has stated that the introduction of affordable housing would not be practical due to the requirement for a separate core (entrance/stair and lift). The site does have two frontages and the mews houses can be accessed from the Duke's Mews, but they can also be accessed via Wigmore Street. It is considered that this is a constrained site and for these reasons it is considered that it would not be practical to provide affordable housing on site. The applicant does not own any other properties in the area which could be used for affordable housing. Therefore the applicant has confirmed that they will make a policy compliant payment to the affordable housing contribution fund (£693,000). This will be secured by a Grampian condition.

8.2 Townscape and Design

94-96 Wigmore Street is an existing office development in the Portman Estate Conservation Area. Minor alterations are proposed to the principle elevation, with the greater amount of works to the rear. As outlined about the scheme has been amended to reduce its impact on residential amenity, but also amendments were received to improve the detailed design. The reduction in bulk to the rear is considered acceptable in design terms and whilst officers still have reservations as to the quality of detailed design it is considered to be acceptable, given its immediate context. Therefore, subject to conditions the proposal is considered acceptable in design terms.

8.3 Residential Amenity

There are a number of residential properties surrounding the application site, in particular adjacent to the site to the west at 3-5 Duke's Mews, opposite the site to the north at 8-10 Duke's Mews and to the east at 90-92 Wigmore Street. The properties within 90-92 Wigmore Street have rear windows that overlook the mews roof of the application site.

Daylight and Sunlight overview

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component; (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely in internal calculations, which means that it is not necessary to gain access to all affected properties to assess and compare, potential light loss across all properties. However, it is still important to know what an affected window is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms and kitchens and, to a lesser extent bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly depending on the given circumstances.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited, and would be reduced by more than 20% as a result of the development, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

The daylight and sunlight report has been updated to take into account the revised proposals, this is analysed below.

90-92 Wigmore Street

This property is located to the east of the application site and shares a party wall. The building comprises commercial uses at ground floor level, with five residential flats over the five upper floors. Two objections have been received from this property to the original proposal on the grounds of loss of daylight and sunlight.

The flats are all dual aspect with windows overlooking Wigmore Street and Duke's Mews. The windows to the rear serve bedrooms, kitchens and bathrooms. There are small losses

to the rear windows ranging between 0.60% and 7%. As the losses are below 20% it is not considered that the occupants will notice the loss of VSC.

In terms of sunlight, only one window will lose annual sunlight over 20%. This window serves a flat at first floor level and this room is dual aspect bedroom. The loss is considered acceptable in this instance.

8-10 Dukes Mews

This property is located to the north of the application site, opposite the mews building. There are a number of residential units within this building. There are small losses to the windows in this property (ranging from 1% to 4.32%) and they will retain good levels of daylight for this central London location. Four of the windows tested lose winter sunlight of over 20% (20%, 28.7%, 33% and 50%), however, these windows serve bathrooms and bedrooms and on this basis it is considered that the loss is acceptable.

An objection has been received on behalf of the freeholders of the adjacent office building on the grounds that the submitted daylight and sunlight report does not take into account the offices. Policy ENV13 (E) seeks to resist proposals will result in a material loss of daylight/sunlight to residential dwelling and educational buildings. Office floorspace is not given the same level of protection. Furthermore, following the revisions to the scheme the bulk to the rear has been significantly reduced. The proposed extension at third floor level will be on the boundary with the objector's property and this will match the height of the adjacent mews properties. There is an existing lightwell which is shared by the application site and the objector's property and there are office windows in this lightwell which overlook the application site. As a result of the proposals the windows at third floor level will be affected. However, there are other windows overlooking Wigmore Street that are not affected by the proposals therefore the proposal is considered acceptable.

Sense of Enclosure

Objections were received to the original scheme on the grounds that the proposal would create an unacceptable increase sense of enclosure to the residential windows within 90-92 Wigmore Street. These objections were considered sustainable. The scheme has now been revised to substantially reduce the extent of the extensions and this is considered acceptable.

Objections have been received from the adjacent offices on the grounds that the proposal will have an increased sense of enclosure on the office windows. As set out above the proposals will affect the office windows that look into the shared lightwell, as there are other windows which serve this office floorspace the proposals are considered acceptable.

Privacy

As a result of the proposals, new residential windows are proposed which will overlook the shared lightwell at first to third floor levels. Objections have been received from the adjacent offices on the grounds that the new residential units would be overlooked by the office windows in this lightwell. It is noted that there will be direct overlooking between the office and residential accommodation. The windows that overlook the lightwell serve bedrooms and it is highly likely that blinds or curtains will be installed. Although not ideal, the overlooking is not considered to be so great to warrant a reason for refusal.

A roof terrace is proposed on the main building, this will be set back from the front and rear elevations. It is not considered that the use of the roof as a terrace will cause an increase in overlooking and is therefore acceptable.

8.4 Transportation/Parking

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

Within a 200m radius of the site, parking occupancy at night-time is 24%. During the day, the uptake is 74%. The Highways Planning Manager has no objection to the scheme as the parking pressures in the area remain below 'stress levels'. The introduction of increased levels of residential in this area without off-street parking is likely to increase 'stress levels'. However, on the basis of the Council's data and car ownership levels, the any additional on-street parking generated can be absorbed into the surrounding street network. Therefore the development is consistent with TRANS23.

The applicants have agreed to fund lifetime car club membership (25 years) for all of the 10 flats. The Highways Planning Manager has confirmed that lifetime car club membership is the strongest mechanism that it likely to reduce car ownership of the future residential occupiers. It is considered on this basis, and subject to a condition requiring car club membership the proposal is acceptable in highways grounds.

Off-street cycle parking of the residential flats is proposed at basement level and this will be secured by condition.

No off-street cycle parking is provided for the retail unit. Two spaces are required and a condition is recommended to ensure that these are provided.

Servicing

The existing retail unit is serviced from Wigmore Street, where there are single yellow lines which allow for on-street servicing. This is not proposed to change with the enlarged retail unit. The residential units will be serviced via Duke's Mews, similar to the other residential units in the mews. An objection has been received from the office occupier stating that the retail unit will be serviced from the mews and this will cause an increase in noise and disturbance. The applicants have confirmed that the retail unit will be serviced from Wigmore Street and therefore this objection is not considered sustainable.

8.5 Economic Considerations

Any economic benefits generated by the proposal are welcomed

8.6 Access

There is existing level access to Wigmore Street and this is not proposed to be changed as a result of the new proposal. All the residential units can be accessed via Wigmore Street where there is lift access to all the residential units.

8.7 Other UDP/Westminster Policy Considerations

New plant is proposed at roof level, however, the full specifications are not known at this stage. Environmental Health has no objection to the proposals subject to a condition requiring a supplementary acoustic report once the plant is selected.

Green roofs are proposed to the rear and these are considered acceptable. Conditions are recommended to ensure that these areas are not used as roof terraces and to ensure that they are living roofs.

Photovoltaic panels are proposed at main roof level and a condition is recommended to secure the panels.

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:

- £693,000 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.

Other Issues

Construction impact

Objections have been received from residential and office occupiers on the grounds of the impact the construction will have in terms of noise/dust and general disruption. The adjacent office occupiers have requested that the works to the party wall should only be carried out at the weekend (between 09.00 and 13.00). Permission cannot be reasonably withheld on these grounds. The City Council's standard building works condition is recommended.

Consultation

An objection has been received stating that the applicants have not carried out sufficient consultation with neighbouring occupiers. The City Council encourages applicants to discuss development proposals with neighbours, but cannot refuse to deal with an application if the consultation has not been done.

9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England (Listed Builds/Con Areas), dated 22 September 2015
3. Response from Historic England (Archaeology), dated 7 October 2015

4. Response from Building Control, dated 20 October 2015
5. Response from Highways Planning Manager, dated 5 November 2015
6. Response from Environmental Health, dated 14 March 2016
7. Letter from occupier of 3 Vantage Place , London , dated 15 September 2015
8. Letter from occupier of Flat 3, 90 Wigmore Street, London, dated 27 September 2015
9. Letter from occupier of c/o 90 Wigmore Street, London, dated 7 October 2015
10. Letter on behalf of Hale Investments Ltd freehold owner of 100 Wigmore Street and 3-5 Duke's Mews dated 7 October 2015, 19 April 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 HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS

KEY PLAN

--- OUTLINE OF 5 DUKES MEWS SCHEME

AS EXISTING

00 FIRST BRIDGE FOR PLANNING 14/09/15 MB
 Plan Checked Date Drawn

FOR PLANNING

AVIVA INVESTORS

94-96 WIGMORE STREET

EXISTING SECTION A-A

Rev	Date	Drawn
111000A1	MB	14/09/15 SS

14580 PL04X013 00

tatehindle

Tatehindle Limited
 11 Duncannon Street
 London EC3A 3DF
 London EC3A 3DF www.tatehindle.co.uk

Existing and Proposed Section

KEY PLAN

--- OUTLINE OF 87-94 WIGMORE STREET TO THE WEST

AS PROPOSED

01 Single Storey Addition to existing 14/09/15 MB
 00 FIRST BRIDGE FOR PLANNING 14/09/15 MB
 Plan Checked Date Drawn

FOR PLANNING

AVIVA INVESTORS

94-96 WIGMORE STREET

PROPOSED SECTION A-A

Rev	Date	Drawn
111000A1	MB	14/09/15 SS

14580 PL04X013 01

tatehindle

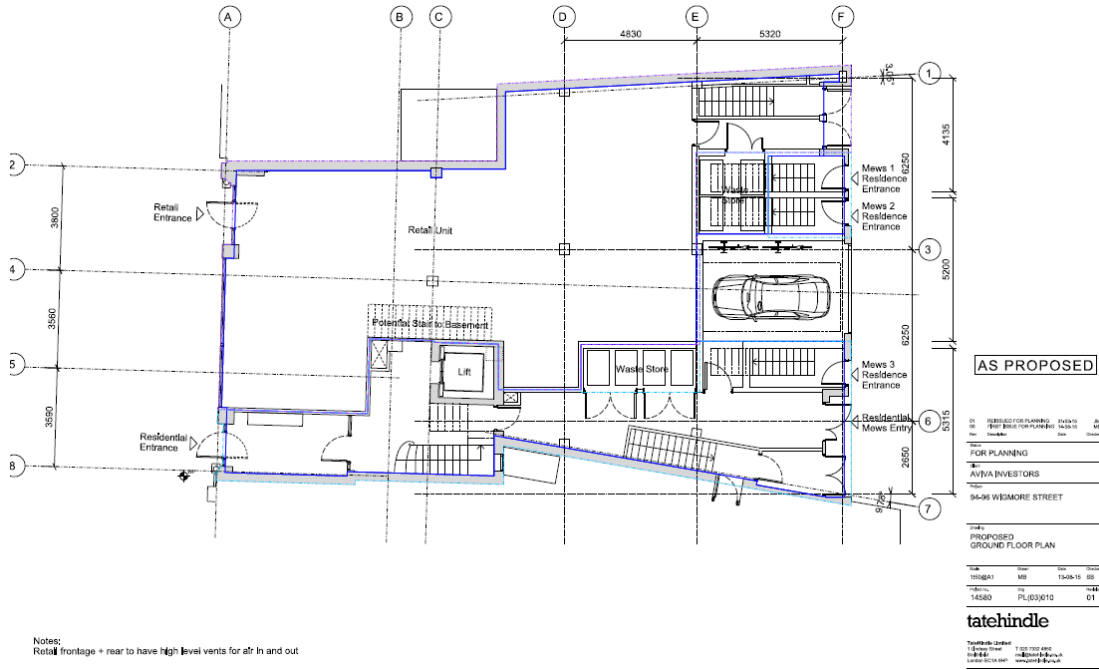
Tatehindle Limited
 11 Duncannon Street
 London EC3A 3DF
 London EC3A 3DF www.tatehindle.co.uk



Existing and Proposed Rear Elevation



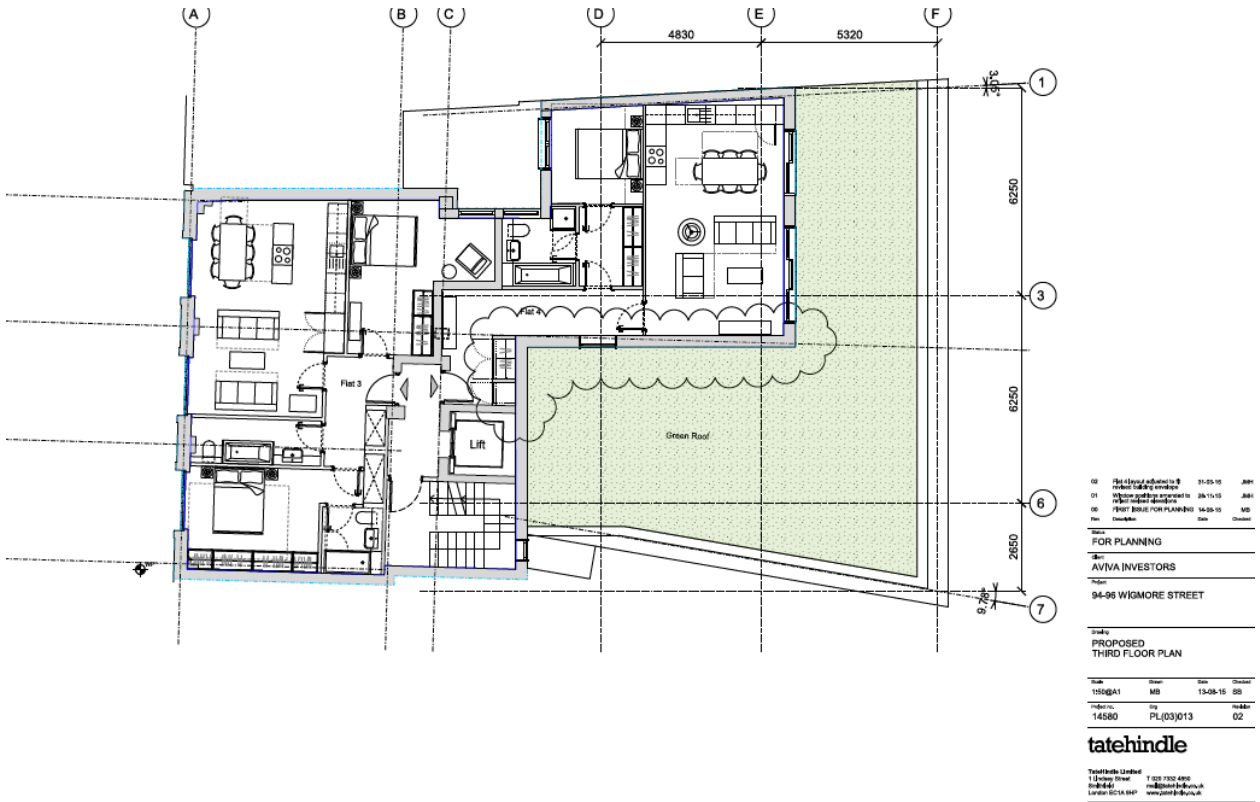
Proposed Ground Floor Plan



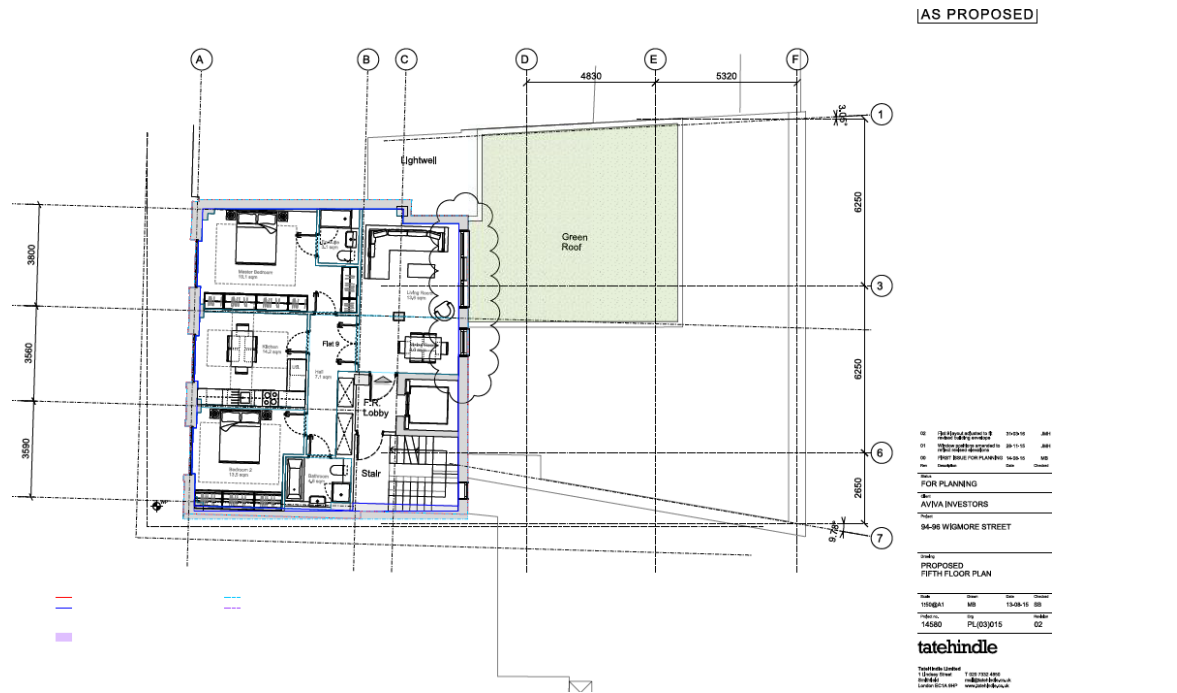
Proposed Second Floor Plan



Proposed Third Floor Plan



Proposed Fifth Floor Plan



DRAFT DECISION LETTER

Address: 94-96 Wigmore Street, London, W1U 3RF,

Proposal: Extensive demolition of 7-9 Duke's Mews and erection of extension from third-sixth floor levels to the rear 94-96 Wigmore Street with acoustic enclosure, photovoltaics, terrace and green roof at roof level, and rear balconies at third, fourth and sixth floor levels. Works are in association with the use of the part ground floor and all upper floors for up to ten residential units (Class C3) and the basement and ground floor for retail purposes (Class A1).

Reference: 15/08288/FULL

Plan Nos: PL-DEM(03)009, PL-DEM(03)010, PL-DEM(03)011, PL-DEM(03)012, PL-DEM(03)013, PL-DEM(03)014, PL-DEM(03)015, PL-DEM(03)016, PL-DEM(03)017, PL-DEM(05)001, PL(03)001, PL(03)009 01, PL(03)010 01, PL(03)011 02, PL(03)012 03, PL(03)013 02, PL(03)014 02, PL(03)015 02, PL(03)016 02, PL(03)017 01, PL(04)013 01, PL(04)014 01, PL(04)015 02, PL(04)016, PL(05)001, PL(05)100 04, A(05)100 02, PL(05)101 03, A(05)101 02, PL(05)102 02, A(05)102 01

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

Reason:

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

- 4 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

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

- 5 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 6 You must apply to us for approval of detailed drawings of the following parts of the development - off-street cycle parking spaces for the retail part of the development (2 No.). You must not occupy the retail part of the development until we have approved what you have sent us and the work has been carried out in accordance with these details.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 7 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be

discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 8 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- a) the programme and methodology of historic building investigation and recording the nomination of a competent person(s) or organisation to undertake the agreed works
 - b) the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting materials. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 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 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.

- 13 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.

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

Reason:

To maintain the character of the Portman Estate 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)

- 15 You must not use the roofs of the extensions at third, fourth and fifth 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)

- 16 **Pre Commencement Condition.** You must apply to us for approval of details of a biodiversity management plan in relation to green/living roofs. You must not start any work until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 17 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

photovoltaic panels

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 18 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 for the period of 25 years from first occupation of each residential unit of the development ("the car club period") 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 during the car club period a new resident shall be notified in writing of:
 - (i) the existence of the car club
 - (ii) explaining that during the car club period, a single resident from time to time of each residential unit is entitled to join the car club without being liable for payment of the membership fee; and

- (iii) details of how to become a member of the car club; and
- (iv) 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
- b) Confirmation that the car club membership is capable of being transferred from outgoing residents to incoming residents or if not transferrable, that the incoming resident is able to become a car club member in place of the outgoing resident.
- c) Confirmation that the applicant will provide on written request by the local planning authority evidence of the car club membership (if such membership exists) for each residential unit within the development.
- d) Confirmation that during the car club period 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 during the car club period marketing materials for the development will publicise annually details of the availability of car club membership and provide details of how to join the car club.
- (f) Confirmation that during the car club period the applicant will provide on reasonable written request by the local planning authority evidence of the provision of marketing.

Reason:

To mitigate the demand for on street car parking in accordance with S41 of our the City Plan that we adopted in November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 19 **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.

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

i) the dormers to be redesigned to be narrower than the width of the windows below and to have a flat top;

b) all windows to the rear to be set within the wall reveal and not projecting beyond.

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

Reason:

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

- 21 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 Portman Estate 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)

- 22 You must apply to us for approval of detailed drawings (1:20 and 1:5) of the following parts of the development - i) new windows; ii) new doors; iii) new dormers. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

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

Reason:

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

DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s)

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 3 With regards to Condition 7, the written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under Schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015
- 4 With regards to Condition 8, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental

Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 6 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 7 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must

also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
- * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 8 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 9 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM_zs). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM_zs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 10 With regards to Condition 12, approval for this residential use has been given on the basis of façade sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the

noise and ventilation mitigation measures installed are in operation i.e. windows kept closed and ventilation scheme utilised

- 11 In relation to Condition 18, 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

- 12 Under condition 19 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure £693,000 as confirmed in writing by Stephenie Thourgood of Gerald Eve dated 25 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)

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

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Kensington Gardens, Serpentine Road, London, W2 2UH		
Proposal	Erection of a single storey building and relocation of 4 No. existing shipping containers to provide upgraded General Maintenance facilities.		
Agent	Mr Darren Woodward		
On behalf of	The Royal Parks		
Registered Number	15/07493/FULL	Date amended/ completed	9 September 2015
Date Application Received	13 August 2015		
Historic Building Grade	Grade I Registered Park and Garden of Special Historic Interest		
Conservation Area	Royal Parks		

1. RECOMMENDATION

Refuse permission – impact on historic landscape character of Kensington Gardens (Grade I Registered Park) and the setting of Hyde Park (Grade I Registered Park), the character and appearance of the Royal Parks Conservation Area and the setting of the Serpentine Sackler Gallery (Grade II* listed building).

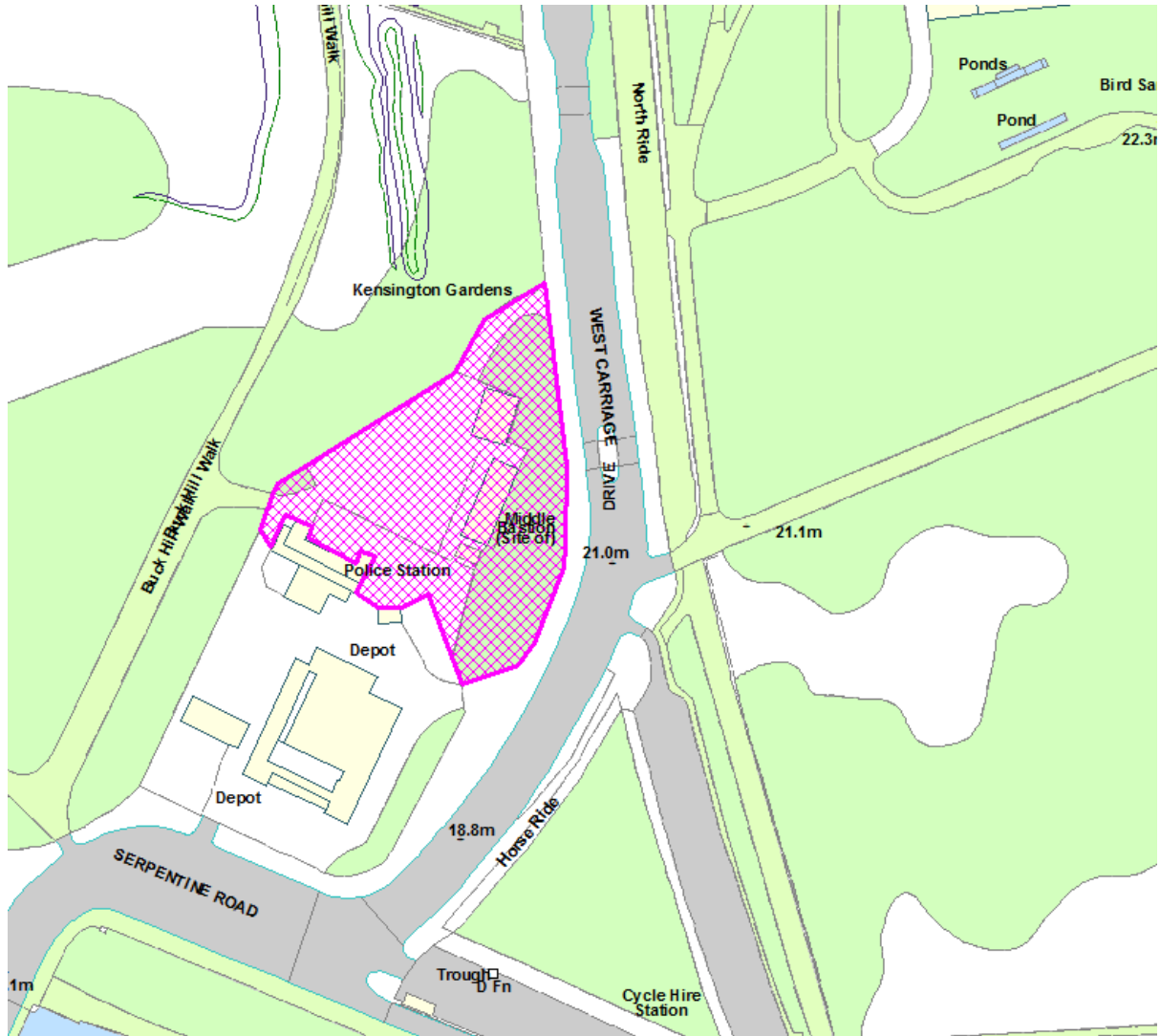
2. SUMMARY

The application site is the existing Store Yard north of the Serpentine Sackler Gallery within Kensington Gardens. It is within both the Grade I Registered Park and the Royal Parks Conservation Area and is within the setting of the Grade II* listed Serpentine Sackler Gallery (formerly The Magazine). It is used for a range of storage, staff welfare and nursery functions ancillary to the management of Kensington Gardens and Brompton Cemetery and public open spaces.

Permission is sought for the erection of a single-storey building following the demolition of an existing modern stable building, and the relocation within the site of four of the existing (unauthorised) shipping containers, for general park storage, office, welfare and training facility.

The application is recommended for refusal because of the visual impacts that the proposed new single-storey building and the proposed permanent retention of shipping containers would have on the verdant open spatial character of the park, and their negative relationship with the historic Bastion Wall.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photograph 1 (above): Existing stable building to be demolished (from within site)



Photograph 2: Existing stable building to be demolished and its relationship with the Bastion Wall (from Western Carriage Drive)



Photograph 3: The site from the footpath to the south-west

DRAFT

5. CONSULTATIONS

Historic England

No comment.

Garden History Society

Any response received to be reported verbally.

Knightsbridge Association

No objection.

Arboricultural Manager

No objection subject to condition to protect trees during building works.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the western edge of Kensington Gardens where it adjoins Hyde Park at the Western Carriage Drive. It is located immediately north of the Serpentine Sackler Gallery, formerly the Magazine, and is now used as a general park maintenance depot for the management of Kensington Gardens and Brompton Cemetery. A separate depot and yard exists just to the east of this site within Hyde Park for the separate management of Hyde Park.

Kensington Gardens is a Grade I Registered Park of international significance. Similarly Hyde Park, which immediately adjoins the application site, is also a Grade I Registered Park. The Park Office (a former Police Station) which is within the yard is an unlisted building of merit whilst the Serpentine Sackler Gallery to the south is Grade II* listed. To the eastern edge of the site and visible from West Carriage Drive, is the remains of the old Bastion Wall, an historic ha-ha which historically marked the edge of Kensington Gardens. Whilst not listed, it is a feature of considerable historic interest and contributes positively to the landscape character of the park.

The yard is surrounded on all sides by mature but generally low shrubbery and sporadic trees of varying sizes and ages; amongst this generally effective vegetative screening are occasional but notable gaps which provide some views into the yard from the public road and footpaths which are well used to all sides. To the south the yard's edge is formed by the Park Office, whilst to the north-west a small plant nursery contains the site. The eastern flank of the site is occupied by a modern (approximately 20+ years old) former stable building which is now used for storage. It is this building which would be replaced by the new single-storey building. Whilst it is unattractive and of an off-the-shelf utilitarian

design, it is relatively small and low in scale, measuring 3.4m to the apex of the roof (2.4m to eaves), 18.8m long by 4.4m deep (plus a 1.2m roof overhang to the front). It causes a small degree of harm to the historic landscape character of the park as existing, but does not particularly harm the setting of the nearby listed buildings. It slightly harms the setting of the Bastion Wall which it is built close to.

To the centre of the site are a number of shipping containers and portacabins used for general storage and offices; some of these are two storeys tall and can be clearly seen from the surrounding roads and footpaths over the site's vegetative screening. They are harmful to the landscape character of the park, and harm the setting of the listed buildings. They are understood to have been installed following the conversion of the Magazine into the Serpentine Sackler Gallery which was formerly used for these functions and opened as a gallery in 2013. No planning permission exists for them.

The site has three vehicular accesses: to the south-east, north-east and south-west corners. All of these create gaps in the site's vegetative screening to varying degrees.

The key gap in the site's vegetative screening of relevance to this application is that immediately east of the existing stable building, which appears to be designed to preserve visibility of the Bastion Wall from West Carriage Drive. This causes the existing building which is proposed to be demolished and occupies the same site as the proposed new single-storey building, to be notably visible through this quite broad gap. The rear wall of the existing stable building, which is set at a slight angle to the Bastion Wall, is partially screened by a clipped evergreen hedge, although this does not screen the roof of the building and is not in keeping with the more informal parkland type planting that otherwise characterises the site's vegetative screening.

To the south of this gap another application-relevant gap is formed by the pedestrian walkway which weaves through some lower level planting; this also allows visibility of the application site from West Carriage Drive, although the existing stable building, being smaller, is not currently obtrusive in this view.

6.2 Recent Relevant History

11/01986/FULL

Partial demolition of the Magazine Storeyard; internal and external alterations including erection of extensions to rear and western elevations; excavation of basement; new skylights and mechanical plant at roof level; all in association with use of building as gallery and exhibition space (Class D1) with ancillary social space including restaurant/cafe. Pedestrian and vehicular access, provision of one disabled parking space, cycle parking and works of hard and soft landscaping.

Application Permitted 16 June 2011

11/01987/LBC

Partial demolition of the Magazine Storeyard; internal and external alterations including erection of extensions to rear and western elevations; excavation of basement; new skylights and mechanical plant at roof level; all in association with use of building as gallery and exhibition space (Class D1) with ancillary social space including restaurant/cafe. Pedestrian and vehicular access, provision of one disabled parking space, cycle parking and works of hard and soft landscaping.

Application Permitted

16 June 2011

7. THE PROPOSAL

It is proposed to demolish the existing modern stable building and replace it for a larger multi-purpose building providing staff welfare, training and office spaces. It is also proposed to retain and relocate a number of the existing containers adjacent to this new building, and to carry out some associated works to the layout of parking and yard walls adjacent to the Park Office. No changes are proposed to the site's vehicular or pedestrian accesses, nor is any change proposed to the existing use of the site which would remain ancillary to that of the Park.

The proposed new building is notably larger than the existing stable building, standing at 3.9m tall (3.4m to eaves) and with a rectangular plan measuring 20m by 10m. The footprint, including the covered area to the front, would be approximately 200m². The gross internal floor area would be 158m².

The building has a modern design with a shallow-pitched dark grey metal roof edged with a black aluminium fascia. The walls would be clad in horizontal timber boarding painted Royal Parks Green although the submitted elevations suggest a different material above, beneath the deep projecting eaves of the roof. Windows would aluminium and doors timbers, both finished black.

The four relocated shipping containers would be arranged over a single level in a row immediately north but slightly set forward (westward) of the main proposed building's front wall line. The containers would be a standard 2.6m high and combined would have a roughly square planform measuring 9.7m by 9.1m (89m² in area).

The new building would occupy roughly the same plot as the existing modern stables but being larger would sit notably closer to the Bastion Wall than the existing – at its closest point this would be just 80cm, although the building's foundations are likely to project a further 15 to 30cm closer under the ground (subject to building regs).

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy ENV14 'Metropolitan Open Land' and ENV15 'Public and Private Open Space' of the UDP and Policy S11 of the City Plan 'Royal Parks' aim to protect the Royal Parks from inappropriate development and activity. Policy S11 states that developments will only be allowed where they are essential and ancillary to maintaining or enhancing the value of the park as open space, and do not harm the park's open landscape character; heritage value; nature conservation value; tranquillity; or value as public open space.

The provision of new, upgraded accommodation for park maintenance staff is considered acceptable in principle. The site is currently used for grounds maintenance purposes in association with The Royal Parks and the proposed development will not change the principle use of the site.

8.2 Townscape, Landscape and Design

When determining applications affecting the setting of a listed building or for development within a conservation area, the decision-maker is required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard / attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area.

Sections 7 and 12 of the NPPF require that great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 133 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 134 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits; 'less than substantial' should not be confused with 'acceptable'.

Together the above statutory and national policy basis equates to a strong presumption against harm, which may only be permitted if the harm caused would be significantly and demonstrably outweighed by public benefits which could only be achieved through allowing that harm.

Locally, UDP Policies DES 1 (urban design / conservation principles), DES 9 (conservation areas), DES 10 (listed buildings) and DES 12 (parks) apply to the consideration of the application proposals, whilst S25 and S28 of the City Plan provide the strategic basis for the application.

No Conservation Area Audit has been carried out for the Royal Parks. Relevant guidance however exists within the council's, 'Historic Parks and Gardens' SPG (1996), 'Design Matters in Westminster' SPG (2001), and 'Development and Demolition in Conservation Areas' SPG (1996).

Policy DES 12 of the Unitary Development Plan (UDP) has a general presumption against development within the Royal Parks. This is a necessarily restrictive position which is intended to safeguard the parks' open sylvan landscape qualities which may otherwise be highly pressurised by their Central London location. Development should only be granted where it is essential and ancillary to the maintenance of the park. In this case the site is part of a long established maintenance yard ancillary to the primary function of Kensington Gardens as a public park. The yard is accepted as being essential to the park's functions and the centralisation of these functions into one main yard is preferable to lots of smaller yards spread throughout the park. The demolition of the existing stable building is welcomed in principle, subject to the comparative design merits and heritage impacts of the proposed replacement.

The relocation and reduction of the existing shipping containers within the site, particularly where they are double-stacked, would in principle reduce the visual harm which they currently cause to the historic landscape character of the park and to the setting of the listed buildings. However, it is noted that they do not have the benefit of planning permission and should therefore be removed regardless of this application. Their

relocation within the site should therefore not be given any weight as compensation for harm which might be otherwise caused by the wider application proposals.

The proposed new building would be a simply designed modern building, but is not otherwise designed to respond specifically to what is a unique and challenging landscape context. The specification of timber boarding and a metal roof over a basic rectangular planform is unrelated to this site, and does not mitigate its position visible from West Carriage Drive.

The design approach of a low profile roof is commended in principle but is again generic and flawed by its nevertheless notable height compared with the existing (a 40% increase in the eaves height as seen from West Carriage Drive). Its 20m long rear flank exposed to the gaps in vegetation which provide visibility from West Carriage Drive would be notably broader, taller and closer to view than the existing building.

The new building would be notably visible over the existing planting around the site, and in particular through the gaps formed around the Bastion Wall and around the pedestrian access. It is likely also that there would be some visibility from the west over the tops of the nursery and its screen planting.

The relationship of the new building with the historic Bastion Wall is particularly poor, being at the closest point just 80cm away which would prevent meaningful or appropriate screen planting to be grown without also screening the Bastion Wall from view. This proximity would crowd the space around the wall and so would harm its appreciation as an historic ha-ha.

The proposals also include the relocation of four of the unauthorised shipping containers to the north of the new building. Whilst the visibility of these is likely to be notably secondary to that of the replacement single-storey building, their appearance is significantly unattractive in this landscape context, so their permanent retention on the site would not be acceptable. Their need also demonstrates that the main building proposed is not itself fit for purpose and does not therefore demonstrate that the proposals submitted are a long-term solution to the needs of the parks.

Whilst the need for a new building on the site is accepted, it is not accepted that this needs to be of this size, design or in the position shown. Alternative designs and locations within the site have been sought by officers in the expectation that some form of new building, potentially larger than the existing, might prove acceptable, but the applicant has declined to consider this invitation.

Whilst the proposed design approach might have some logic in terms of avoiding an overtly designed bold new building, the submission provides no real analysis of the site's constraints or opportunities which are likely to reveal better alternatives. Comparable schemes by the same applicant for other park buildings have shown exemplary levels of consideration and innovation in terms of design, including screening with new banking (so not reliant upon the uncertainty of vegetative planting) and/or careful positioning to exploit key angles from the public realm. In particular, forming a tight cluster of buildings with the Park Office is considered to be a key option which has not been considered. Instead the proposal submitted picks a position on the site which is likely to be the most exposed possible, and close to one of its key features, the Bastion Wall. It spreads the built

development within the yard to its widest extent rather than containing it more tightly well within the site.

For the above reasons it is considered that the application proposals would cause less than substantial harm to the landscape character of the Kensington Gardens, the setting of Hyde Park and the character and appearance of the Royal Parks Conservation Area, and to the setting of the adjacent listed Serpentine Sackler Gallery and the unlisted Bastion Wall. The NPPF is clear that where such harm is caused, it should be balanced against the public benefits that the proposals would bring (Paragraphs 134 and 135), and this should reasonably include consideration of mitigation measures and whether the proposals are the minimum required to enable those benefits.

The opportunities for mitigation through screen planting are restricted by the proposed new building's close position to the Bastion Wall and existing edge planting. Only inappropriate planting could be achieved within the given space. Furthermore it should always be remembered that the reliance upon vegetative screening is a poor approach, as it can be both added to and removed without any formal control, and it can also die off or be pruned in ways that would reduce its impact. Trees and shrubs have a clear roll to play in this site of course, but they should not be relied upon to make an otherwise unacceptable proposal acceptable.

The explanation given for the need for this specific proposal is simply that it is required for the functioning of Kensington Gardens and Brompton Cemetery, which would in principle be a planning benefit of some value (the long term maintenance of the historic parkland). It has not however been adequately explained why expansion could not be considered more cohesively with Hyde Park which operates an entirely separate facility providing the same range of functionality only 300m to the east. Whilst it is understood that the two parks are managed separately, and this is not a planning consideration, no explanation has been given about why some sharing of space can not be achieved considering the two parks are ultimately part of the same organisation and have identical primary functions. Such an approach may well reduce the pressure on this particular site for a building of such size, or it may overcome the issues which are currently requiring the retention of the unauthorised containers.

8.3 Residential Amenity

There are no residential amenity issues associated with the application due to the absence of residential uses nearby.

8.4 Transportation/Parking

The proposals include no alterations to the existing vehicular or pedestrian accesses to the yard.

The proposals include for a re-arrangement of parking adjacent to the Park Office, with an increase in spaces from seven to ten ordinary spaces, no change to disabled spaces, and a space for charging an electric park buggy. A new cycle rack is also shown. New cycle spaces would be white-lined along with a new walkway lining.

Adjustments are also proposed to the western gate within the site.

Whilst an increase in staff parking would not normally be supported for sustainability reasons, this increase is only slight and could be achieved without the need for planning permission (simply through the indicated white-lining). As such it is considered to be acceptable on this occasion.

8.5 Economic Considerations

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

8.6 Access

There are no accessibility issues associated with the application.

8.7 Trees and Ecology

The Council's Tree Manager has confirmed that the submitted report by the applicants own Arboriculturalist is adequate to justify the limited impacts on notable trees within the site. It is also confirmed that the submitted Ecology Statement is adequate to demonstrate the limited potential impacts on protected species or the ecological value of the site, and puts forward a range of mitigation measures necessary as part of the development. If planning permission were to be approved, this report should be included as part of the approved documentation in order to secure the mitigation measures proposed.

8.8 Other UDP/Westminster Policy Considerations

None.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not applicable for a development of this size.

9. BACKGROUND PAPERS

1. Application form
2. Historic England (Listed Builds/Con Areas) letter dated 8 October 2015
3. Knightsbridge Association letter dated 1st October 2015.
4. Arboricultural Manager memoranda dated 8th October and 13th November 2015.

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ANDREW BARBER ON 020 7641 7708 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS

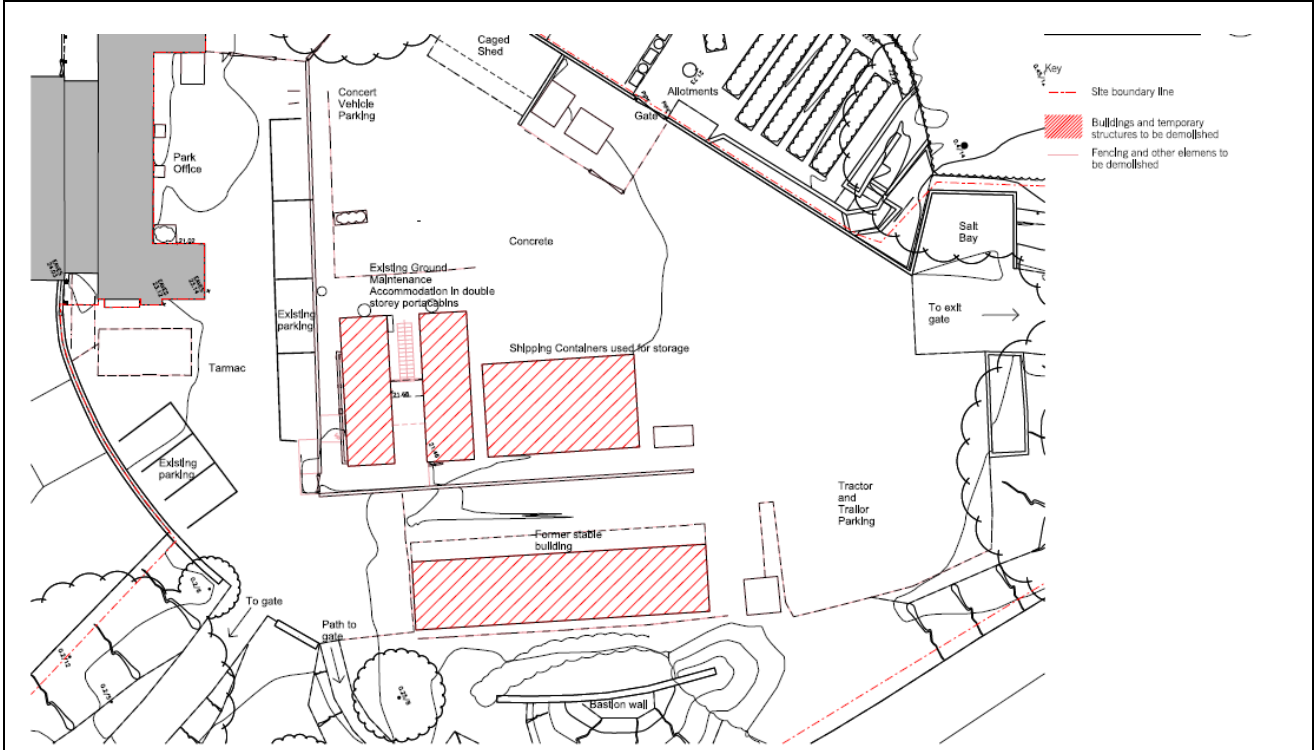


Figure 1: Existing Site Plan

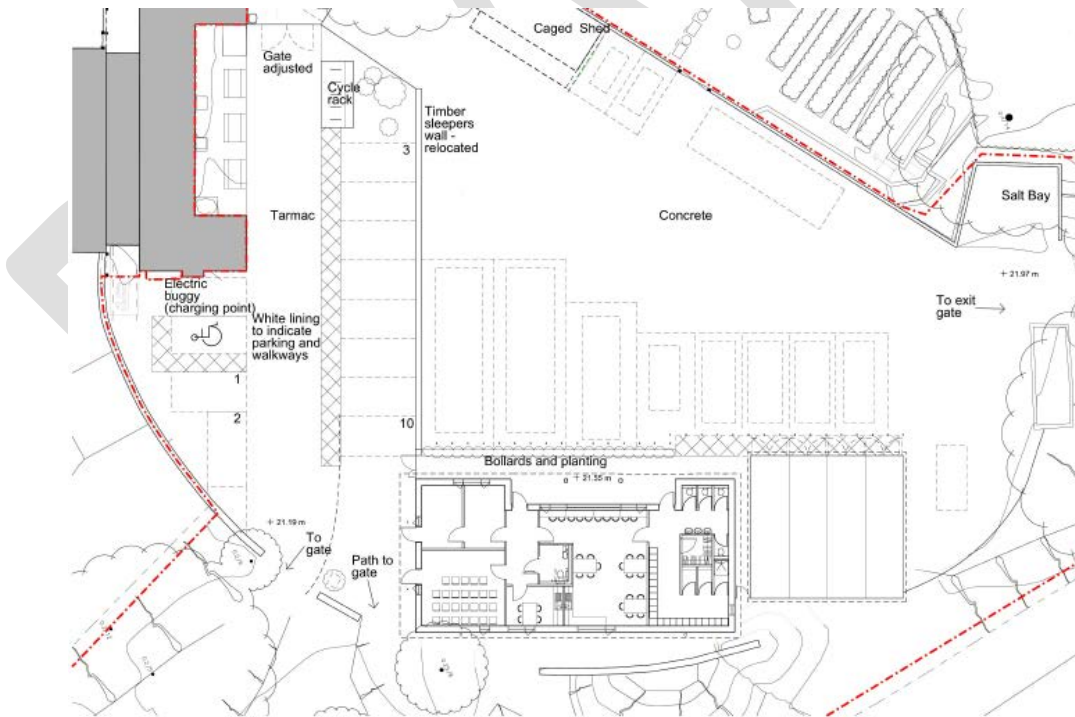


Figure 2: Proposed Site Plan

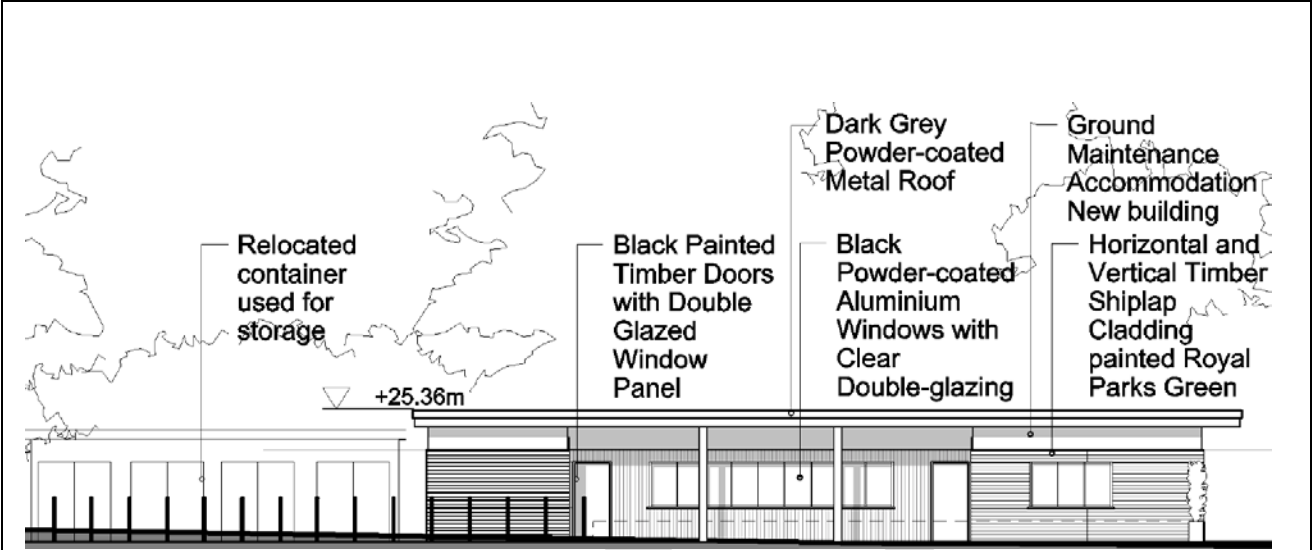


Figure 3: Proposed East (front) Elevation from yard, including containers to the left.

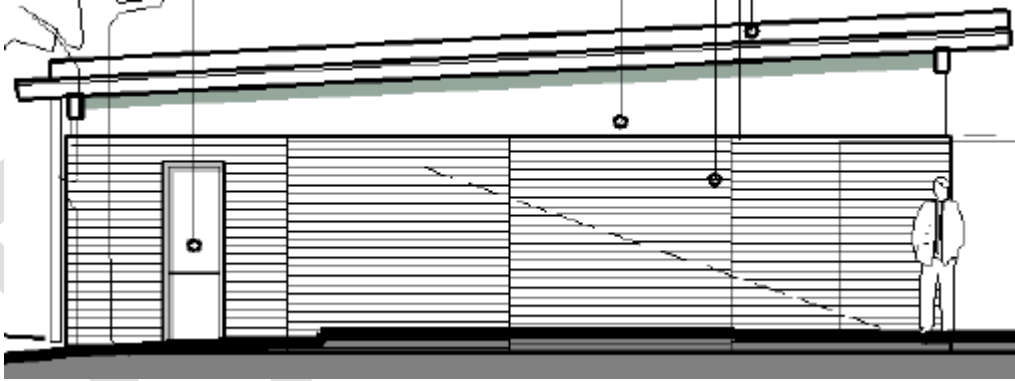


Figure 4: Proposed North (side) Elevation

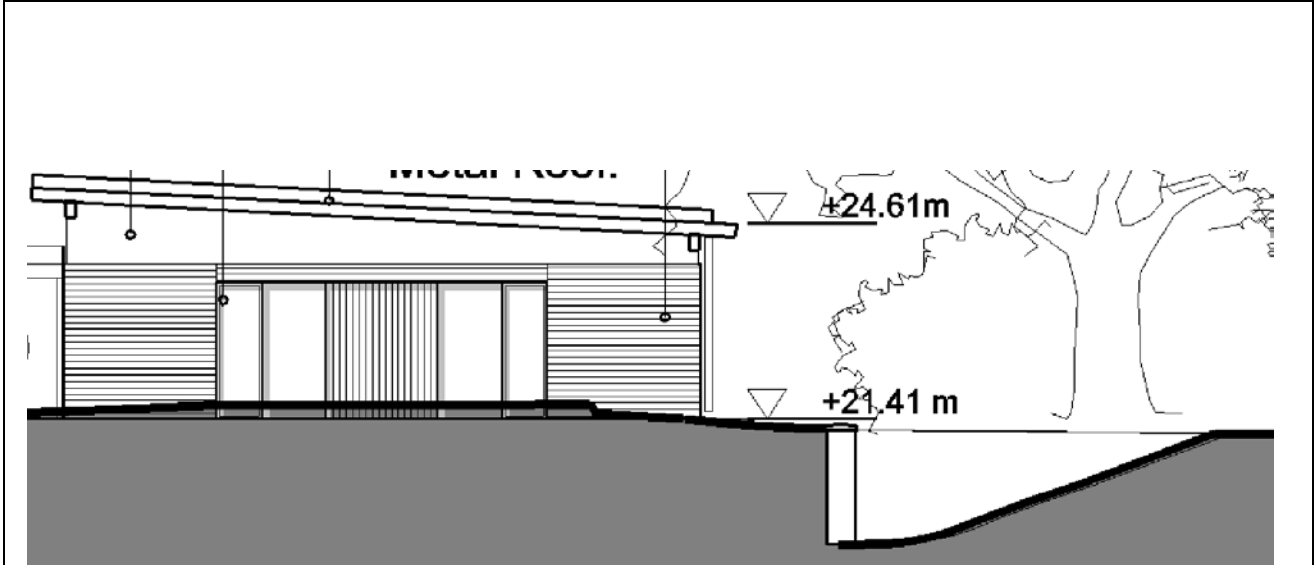


Figure 5: Proposed South (side) Elevation, including section through Bastion Wall and its ditch.

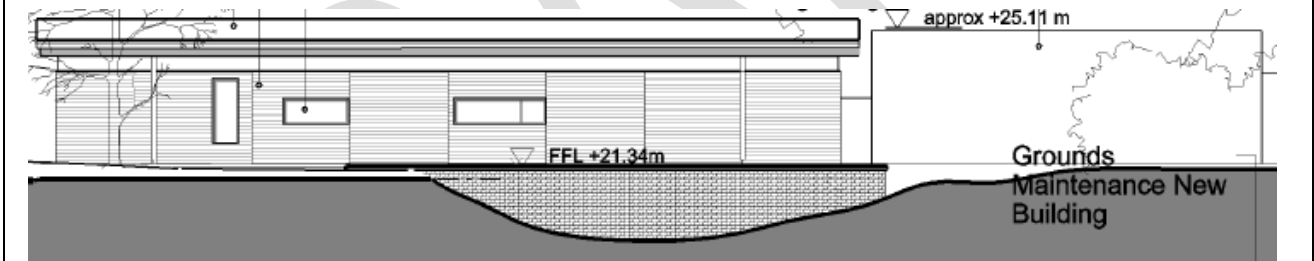


Figure 6: Proposed East (rear, facing Carriage Drive) Elevation, including containers to the right.

DRAFT DECISION LETTER

Address: Kensington Gardens, Serpentine Road, London, W2 2UH,

Proposal: Erection of a single storey building and relocation of existing 4no. shipping containers to provide upgraded General Maintenance facilities.

Reference: 15/07493/FULL

Plan Nos: 601-00-001-A; 601-00-002-A; 601-00-003-A; 601-00-004-A; 601-01-001-A; 601-01-002-A; 601-01-003-A; 601-01-005-A; 601-01-006-A; 601-01-007-A; KGSY01-ARB-TPP-REV-A; ARBORICULTURAL STATEMENT REV A.

For Information: David Morley Architects Design and Access Statement, Rev.A, August 2015; LUC Ecological Appraisal dated July 2015; Turley Planning Statement dated August 2015.

Case Officer: Andrew Barber **Direct Tel. No.** 020 7641 7708

Recommended Reasons:

- Reason:
- 1 Because of its siting (including impact on the setting of unlisted buildings / structures of merit within the Registered Park and Conservation Area), scale and design, the proposed new single-storey building would harm the historic landscape character of Kensington Gardens and setting of Hyde Park (both Grade I Registered Parks), and would fail to maintain or improve (preserve or enhance) the character and appearance of the Royal Parks Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and Policies DES 1, DES 9 and DES 12 and paras 10.108 to 10.128, and 10.156 to 10.164 of our Unitary Development Plan that we adopted in January 2007. It would also be contrary to the requirements of the NPPF (Sections 7 and 12) in that it would cause less than substantial harm to these designated heritage assets which is not significantly or demonstrably outweighed by the scheme's public benefits. (X16AC)

Reason:

 - 2 Because of its siting, scale and design the proposed new single-storey building would harm the setting of the neighbouring grade II Star listed building now known as the Serpentine Sackler Gallery (formerly the Magazine). Similarly it would harm the setting of the Bastion Wall and former Park Office which are of individual architectural and historic interest in their own rights as non-designated heritage assets. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 10 (D) of our Unitary Development Plan that we adopted in January 2007. It would also be contrary to the requirements of the NPPF (Sections 7 and 12) in that it would cause less than substantial harm to these designated and non-designated heritage assets which is not significantly or demonstrably outweighed by the scheme's public benefits. (X20AB)

Reason:

 - 3 Because of their permanence, siting and design the proposed shipping containers would harm the historic landscape character of Kensington Gardens and setting of Hyde Park (both Grade I

Registered Parks), and would fail to maintain or improve (preserve or enhance) the character and appearance of the Royal Parks Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and Policies DES 1, DES 9 and DES 12 and paras 10.108 to 10.128, and 10.156 to 10.164 of our Unitary Development Plan that we adopted in January 2007. It would also be contrary to the requirements of the NPPF (Sections 7 and 12) in that it would cause less than substantial harm to these designated heritage assets which is not significantly or demonstrably outweighed by the scheme's public benefits. (X16AC)

Informatives:

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. However, the applicant chose not to accept those invitations to consider alternative schemes. Furthermore, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- (a) Further historical and spatial analysis of the site and its surroundings;
- (b) Further analysis of the park's needs for a long-term staff and storage solution, including sharing of facilities with other sites within the applicant's control;
- (c) Consideration of alternative positions within the site including (but not exclusively) clustering with the Park Office;
- (d) Consideration of alternative design approaches, including landscaping.

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.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Marylebone Station, Melcombe Place, London, NW1 5JX		
Proposal	Installation of one free standing, A1 retail kiosk to the front forecourt of station 6am-9pm Monday to Friday, 9am-6pm Saturdays and Sundays.		
Agent	Catriona Fraser		
On behalf of	Network Rail		
Registered Number	15/06701/FULL	Date amended/ completed	8 February 2016
Date Application Received	22 July 2015		
Historic Building Grade	II		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Refuse permission – design and heritage impact grounds.

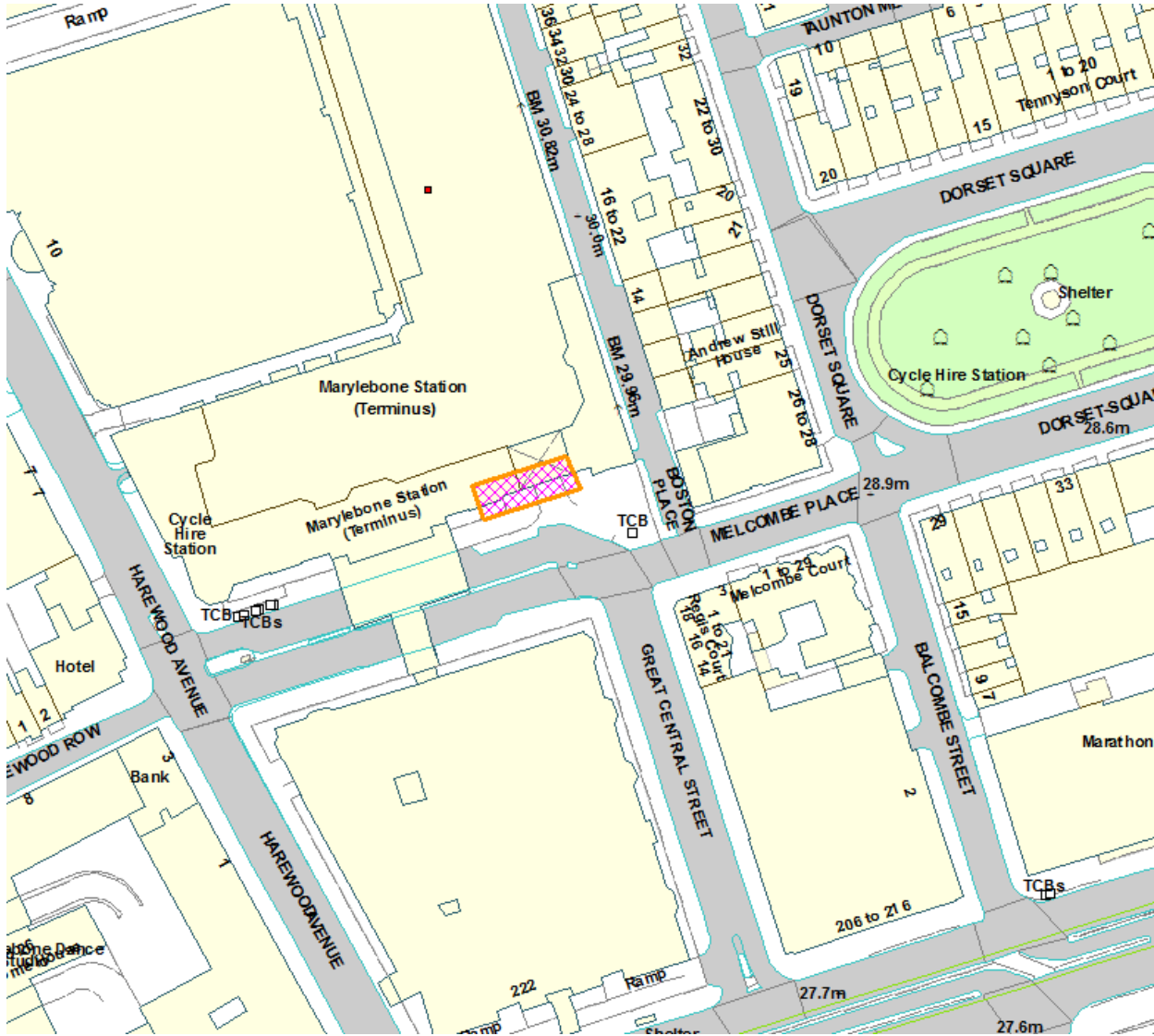
2. SUMMARY

Marylebone Station is a grade II listed building which dates from 1899. It lies within the Dorset Square Conservation Area. This application seeks permission to install one freestanding retail kiosk which would be positioned in front of the Melcombe Place façade, adjacent to the main station entrance. The main issues which arise from the proposal are:

- The impact on the setting of the grade II listed station building;
- The impact on the character and appearance of the Dorset Square Conservation Area;
- The impact on the highway and pedestrian movement;
- The impact on residential amenity.

The proposal is considered to have an adverse impact upon the setting of the listed building and upon the character and appearance of the conservation area. It is not considered that there are public benefits which outweigh the harm caused and as a consequence the application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR ALEXANDER:

Objection on two grounds: i) the kiosk would clutter the building's aspect so as to disfigure it; ii) the front of the station is already very busy and will get busier and the kiosk will reduce space on the highway, where space is most needed.

HISTORIC ENGLAND:

Do not consider that it is necessary for this application to be notified to Historic England.

TRANSPORT FOR LONDON:

Any response to be reported verbally.

NETWORK RAIL:

No comment.

THE ST MARYLEBONE SOCIETY:

Very strong objection. Express concerns about poor design, clutter and harm to setting and architecture of the listed building.

DESIGNING OUT CRIME:

Any response to be reported verbally.

HIGHWAYS PLANNING:

Considers proposal acceptable in principle, questions whether A-frame on the front of the kiosk might be a trip hazard and requests that this be removed from the design;

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 32

Total No. of replies: 8

No. of objections: (5 objectors, 2 of which have made numerous representations)

No. in support: 0

In summary, the objectors to the proposal raise the following issues:

- Kiosk is unnecessary and unsightly;
- Will be a safety hazard;
- Deliveries/servicing to the kiosk and its operational hours will have adverse impact on residential amenity;
- Out of keeping with the local area and detracts from the appearance of the listed building;
- Loss of light to adjacent barber's shop;
- A flower shop was previously within one of the units in the concourse and could go into a concourse unit again;
- Kiosk unlikely to provide a service to local residents (ie. targeted at commuters);
- Kiosk would harm viability of adjacent CAZ frontages;
- Kiosk will interfere with pedestrian movement;

- Although proposed to be a flower stall, concerned that it could be used to sell other products, including food;
- The station and street are already cluttered and this would add to this.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Marylebone Station is a grade II listed building (date of listing 18 November 1996). It opened in 1899 as the new terminus of Great Central Railway's new London extension main line, which was the last major railway line to be built into London, excluding the new Channel Tunnel rail link.

The main station building, generally referred to as Great Central House, is a three storey (plus basement) red brick building with terracotta dressings, with its principal façade facing towards Melcombe Place, but with return facades onto Harewood Avenue and Boston Place. The design of the building is attributed to H.W.Braddock who worked for the Great Central Railway's Engineer's department. The station is linked to the former Great Central Hotel (now the Landmark Hotel) by an iron and glass canopy. Behind the red brick station building is a large concourse area, covered by a steel-framed roof which is part-glazed. To the north of the concourse are six platforms, which are covered by varying phases of train shed roofs. The two roof spans over platforms 1-3 are believed to form part of the original building.

The concourse area has undergone a considerable degree of alteration since 1899, including the introduction of escalators to link to the Bakerloo Line underground station in c. 1943; the construction of a new London Underground ticket office, together with new underground entrance and escalators between 1986-96; the conversion of the former booking hall to retail use (again between 1986-96); and post-1996 there has been the introduction of several new retail units.

6.2 Recent Relevant History

There is no planning history relating to the proposed site of the kiosk, although there are a number of listed building consents relating to kiosks and retail units within the concourse.

7. THE PROPOSAL

The proposal is to install one free standing retail (Class A1) kiosk to the forecourt of Marylebone Station. The kiosk would be sited to the west of the entrance (the left hand side when viewed from Melcombe Place). It is proposed that the kiosk would be trade between the hours of 6am to 9pm Monday to Friday, and 6am to 8pm on Saturdays and Sundays.

The kiosk would measure 4m x 2.3m and would be 3.5m high, it would be fully open on one side and contain a window in one of the shorter ends and there would be retractable awnings to these two sides. It would have a hipped roof. The structure would be mounted on a trailer bed with wheels and an A-frame.

The kiosk would be stored overnight offsite (at Westfield Shopping centre or Kings Mall Shopping Centre, Hammersmith) and would be positioned on site each morning prior to trading. It is proposed that servicing and deliveries to the kiosk would occur at 6am, approximately three or four times per week.

The kiosk is proposed to be for retail (Class A1) use and the applicant has indicated that a kiosk selling flowers is the intended retail use.

When the application was initially submitted it was for two retail kiosks, one on either side of the entrance, however, the application was amended prior to validation and omitted the second kiosk. Some of the objections received refer to two kiosks and this is based on some of the initial application documents.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The piece of land upon which the proposed kiosk is proposed to be sited is an area of private forecourt owned by Network Rail and the application effectively involves using this piece of land for retail (Class A1) purposes. The site lies within the Central Activities Zone (CAZ) and policy S8 of the Council's City Plan directly relates to the area of Marylebone and Fitzrovia. This policy indicates that a retail use in the proposed location (i.e. not a designated shopping centre) will generally not be acceptable unless it provides services which support the local residential community. This approach is further supported in policy S21.

Policy SS16 of the City Council's UDP is also relevant and indicates that permission will not be given for pavement shops that would reduce the free passage and safety of pedestrians or other highway users, or have a detrimental effect on the townscape, residential amenity, character or appearance of the street.

The applicant argues that the site is within the CAZ and will provide a service to local residents and visitors and will therefore not harm the viability of the adjacent CAZ frontages. This is a point directly challenged by some objectors who suggest that the proposal will have a detrimental impact upon CAZ frontages and will not provide a service to the local community.

The nature of the A1 retail use has a bearing on policy S8 and in this case the applicant has indicated that the intention is to use the kiosk for the sale of flowers and has indicated a willingness to accept a condition restricting the A1 use. If it is accepted that the sale of flowers provides a service that supports the local residential community, then it is considered that the proposal would be in compliance with policies S8 and S21 of the City Plan.

The compliance of the proposal with policy SS16 of the UDP is more challenging. This policy relates to permanently sited kiosk-type units and as the current proposal is not proposed to be in place permanently, but moved to site each day, it is arguable that it is not permanent and therefore the policy would not apply. However, the proposed hours of trading plus setting up time, will result in the kiosk having the effect of permanence, hence both the need for planning permission and why the application of policy SS16 is considered appropriate. The issues about impact on highway users, upon the townscape and upon residential amenity which are referred to in policy SS16 will be covered elsewhere in the report, but in short it is considered

that the proposal would not accord with this policy, specifically in relation to the impact upon the townscape.

8.2 Townscape and Design

The main façade to the grade II listed station building faces towards Melcombe Place. This façade has a compartmentalized treatment brought about in part by the original functions of the building. The main station entrance (originally the carriage road into the station) occupies the eastern end of the façade and features the triple-arched entrance clad in terracotta, the canopied section, which links across to the Landmark Hotel is the location of the original booking hall in the centre of the façade, while the station bar at the western end, occupies the position of the original parcels office and refreshment rooms.

This application impacts upon the triple-arched main entrance at the eastern end of the façade. There is a high degree of symmetry to this part of the façade, with the triple-arched terracotta central section flanked by an arched window to either side, six first floor windows (with pediments to the central pair) and then a second floor comprising a central brick gable and then subordinate dormer windows to either side. To east and west the façade steps forward with three storey gabled bays. When facing directly in front of the arched entrance, the main central train shed roof is visible on axis through the main arch.

At present there is no overt retail character to this external part of the station and there is a wide area of paved footway in front of the entrance, which is relatively uncluttered, save for security bollards and some street furniture. It is considered that the symmetrical and relatively uncluttered appearance to the main entrance positively contributes to the significance of the listed building and to the wider Dorset Square Conservation Area.

It is considered that the introduction of the proposed kiosk would detract from the setting of the listed building and from the townscape generally. The kiosk would be sited directly in front of the arched window to the left of the triple-arched entrance, thus obscuring part of the façade and reducing the appreciation of symmetry; furthermore it would introduce visual clutter into a space which at present is relatively uncluttered. The tables, chairs and parasols/awnings at the western end of the façade associated with the station bar provide a good example of how visual clutter can detract from the appearance of the station.

The proposed kiosk is also of very utilitarian appearance and while a flower display would undoubtedly compensate in some small part, this would not outweigh the detrimental impact of the appearance of the structure. The applicants have indicated that they would be prepared to amend the design of the kiosk to improve its appearance and while again this would be an improvement, it would not overcome the fundamental harm caused.

In summary, the proposal is considered to have a harmful impact upon the setting of the grade II listed station and upon the Dorset Square Conservation Area. In terms of the National Planning Policy Framework (NPPF), this harm is considered to be in the category of less than substantial, however, there are not considered to be public benefits which outweigh this harm. The proposal is thus considered to be contrary to S25 and S28 of our City Plan; and DES 1, DES 9, DES 10 and SS16 of our UDP.

8.3 Residential Amenity

Several of the objections received raise concerns about the impact on residential amenity which would result from the proposed kiosk, specifically the hours of operation and the impact of servicing/deliveries, which are likely to be noisy.

The objections relate to the impact on residents in Regis Court, which lies approximately 45m to the south-east of the proposed kiosk site on the corner of Melcombe Place and Great Central Street. Because of the security bollard line, some of the objections suggest that the servicing activity may be potentially closer still to Regis Court.

Given that this is a busy railway terminus and the relatively modest scale of the trading operation it is not considered that refusal of this application could be sustained on the basis of impact on residential amenity.

8.4 Transportation/Highway Impact

The proposed location of the kiosk is not public highway, but part of the private forecourt of the station. Nevertheless it is an area of forecourt which is used by the public and is a place where people can wait as the location of the kiosk lies away from the main zone of pedestrian flow. Neither our Highways Planning Manager nor Network Rail have raised objection to the proposal, although our Highway's Planning Manager has raised a concern about the design of the kiosk and specifically the A-frame which projects to the south of the kiosk. Were the scheme to have been considered acceptable in other respects it is considered that this design issue could be overcome.

Most of the objectors have indicated that they consider the kiosk would impede pedestrian movement.

8.5 Economic Considerations

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

8.6 Access

Other than the remarks made in section 8.4, there are no other access issues associated with this proposal.

8.7 Other UDP/Westminster Policy Considerations

One objection has raised a concern that the kiosk would result in a loss of natural light to the barber's shop, which would be to the detriment of the customers and staff.

It is not considered that permission could be withheld on this ground. The kiosk would not in any case entirely block the window.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

9. BACKGROUND PAPERS

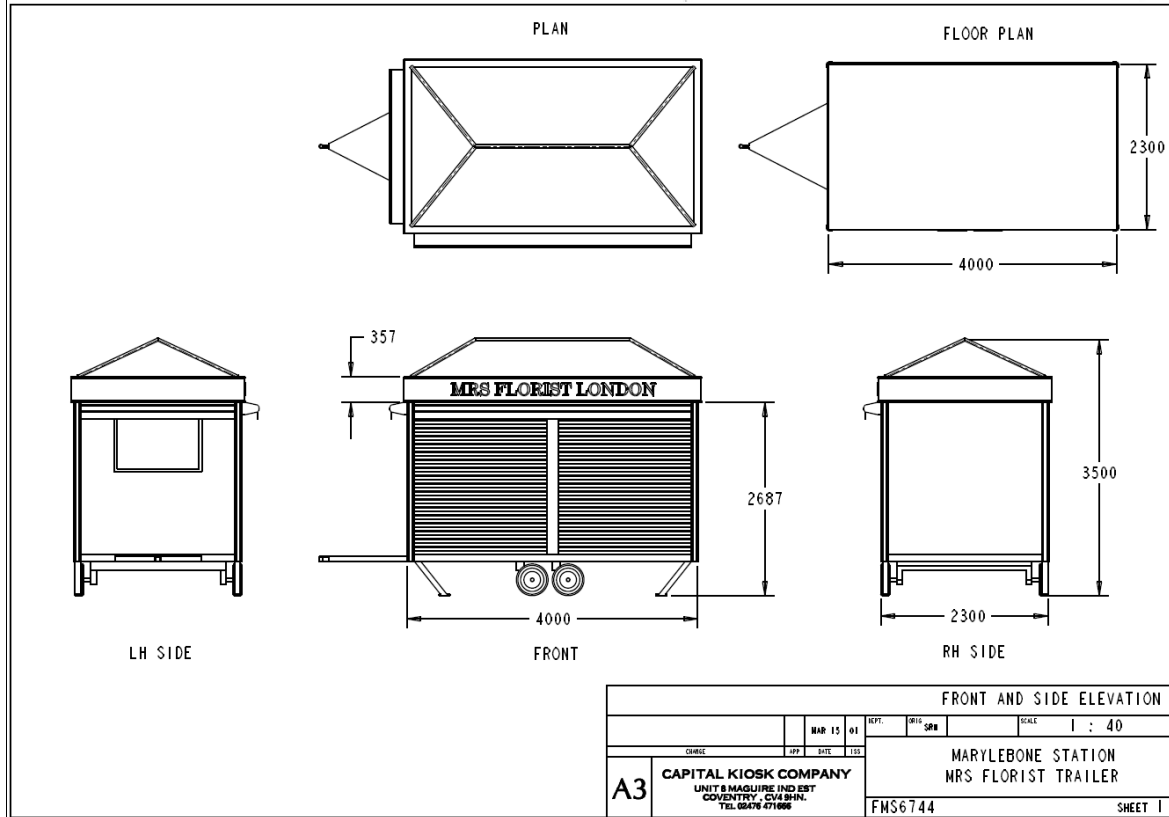
1. Application form
2. Representation from Councillor Alexander dated 31 March 2016.
3. Response from Historic England (Listed Builds/Con Areas), dated 9 March 2016
4. Response from Network Rail, dated 4 March 2016
5. Response from The St Marylebone Society dated 15 March 2016
6. Memo from Highways Planning Manager dated 31 March 2016.
7. Representations from the occupier of 19 Regis Court, Melcombe Place, dated 12 March 2016 (x3)
8. Representations from occupier of 16 Regis Court, Melcombe Place, dated 2 and 11 April 2016.
9. Letter from occupier of Flat 18A, Regis Court Melcombe Place, dated 7 March 2016
10. Letter from occupier of 79 Carthew Road, Hammersmith, dated 31 March 2016
11. Letter from occupier of 20 Upper Montagu St, London, dated 28 March 2016

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT TOM BURKE ON 020 7641 2357 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Marylebone Station, Melcombe Place, London, NW1 5JX

Proposal: Installation of one free standing, A1 retail kiosk to the front forecourt of Station 6am-9pm Monday to Friday, 9am-6pm Saturdays and Sundays.

Plan Nos: Site location plan; 1528-01A; FMS6744 - Sheet 1; FMS6744 - Sheet 2; FMS6744 - Sheet 3; FMS6744 - Sheet 4; Planning, Design and Access Statement, dated February 2016.

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

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

Because of its location and design the proposed retail kiosk would harm the setting of the neighbouring grade II listed Marylebone Station. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Dorset Square Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9, DES 10 and SS 16 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	8 Sale Place, London, W2 1PH		
Proposal	Variation to Condition 1 (approved plans) of planning permission dated 23 May 2014 (RN: 14/02538) for the erection of a first and second floor rear extension to provide one additional room and living accommodation to existing House in Multiple Occupation (HMO). Installation of metal staircase to existing front lightwell extending from ground floor to basement level and installation of windows at basement level; Namely, attachment of obscure glass screen to the inside of retained railings to rear first floor in association with a terrace to a rear flat roof at first floor level, altered fenestration to the rear and rear flank elevations including the installation of a door at first floor level, and new external brick clad pipe run to rear flank elevation.		
Agent	Mr Chris Georgiou		
On behalf of	Compton Property Investments Ltd		
Registered Number	15/08506/FULL	Date amended/ completed	23 October 2015
Date Application Received	11 September 2015		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

No.8 Sale Place is an unlisted building within the Bayswater Conservation Area, and it is located to a site on the corner of Sale Place and Star Street. The building is currently being extended and refurbished related to previously approved applications, and will remain with a public house use to lower ground and ground floor levels (which until the current works was trading as the 'Rob Roy' public house), and with a House in Multiple Occupation (HMO) use to first, second and third floors.

Permission was previously granted on 23 May 2014 which allowed for the erection of a first and second floor rear extension in association with the existing HMO use to the upper floors, and the installation of a metal staircase to the existing front lightwell and alterations to lower ground floor level windows.

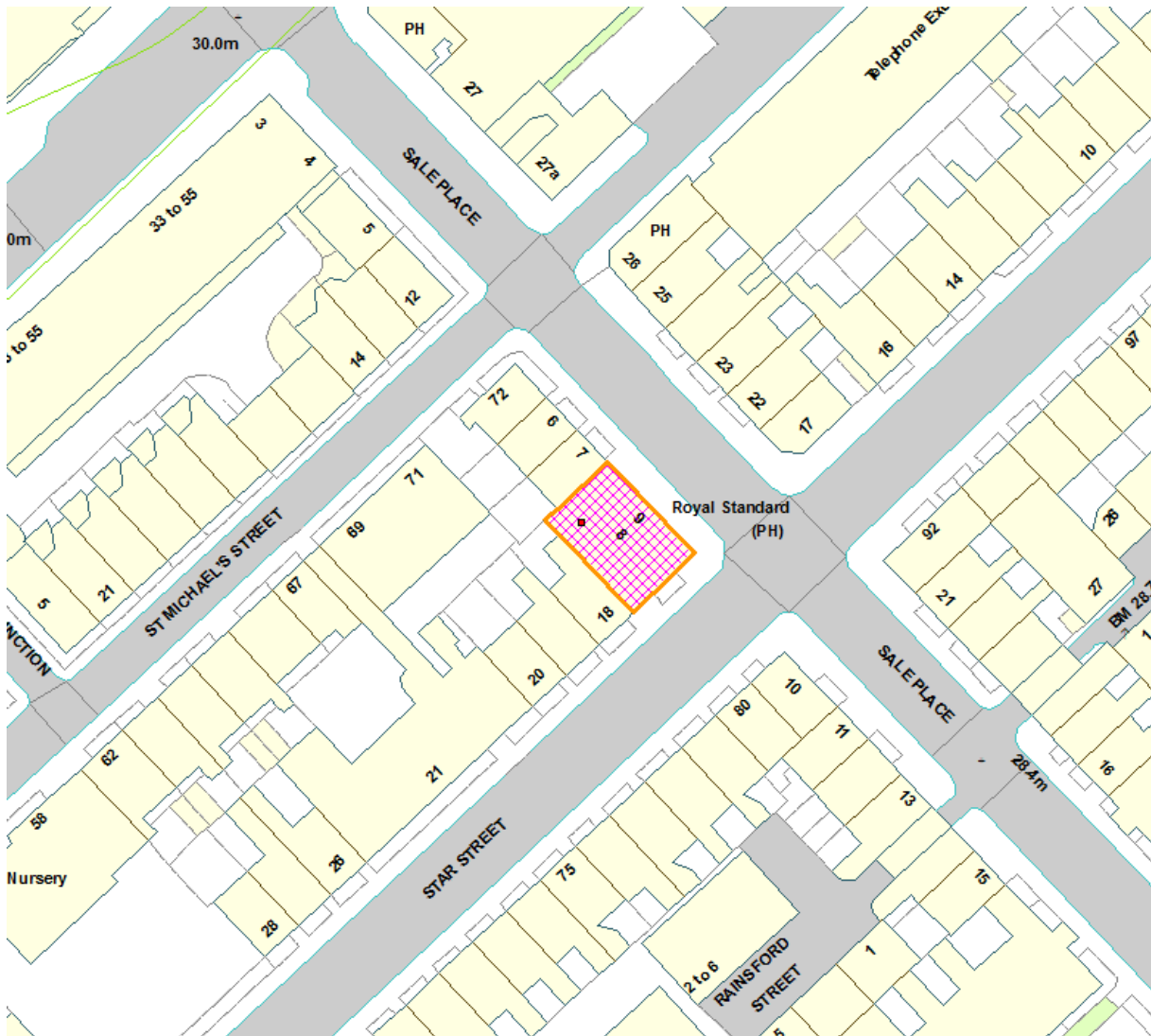
This current application seeks approval for variations to the planning permission of 23 May 2014, including alterations to the design of the new rear extension, which includes a door giving access from the HMO use to a flat roof to be used as a terrace to rear first floor level and with an associated fixing of an obscure glass screen to the inside face of the railings. A new external enclosure to screen pipework on the rear flank elevation is also proposed.

The key issues for consideration are:

- * The impact of the proposals upon the amenities of neighbouring residents.
- * The impact of the works upon the character and appearance of the conservation area.

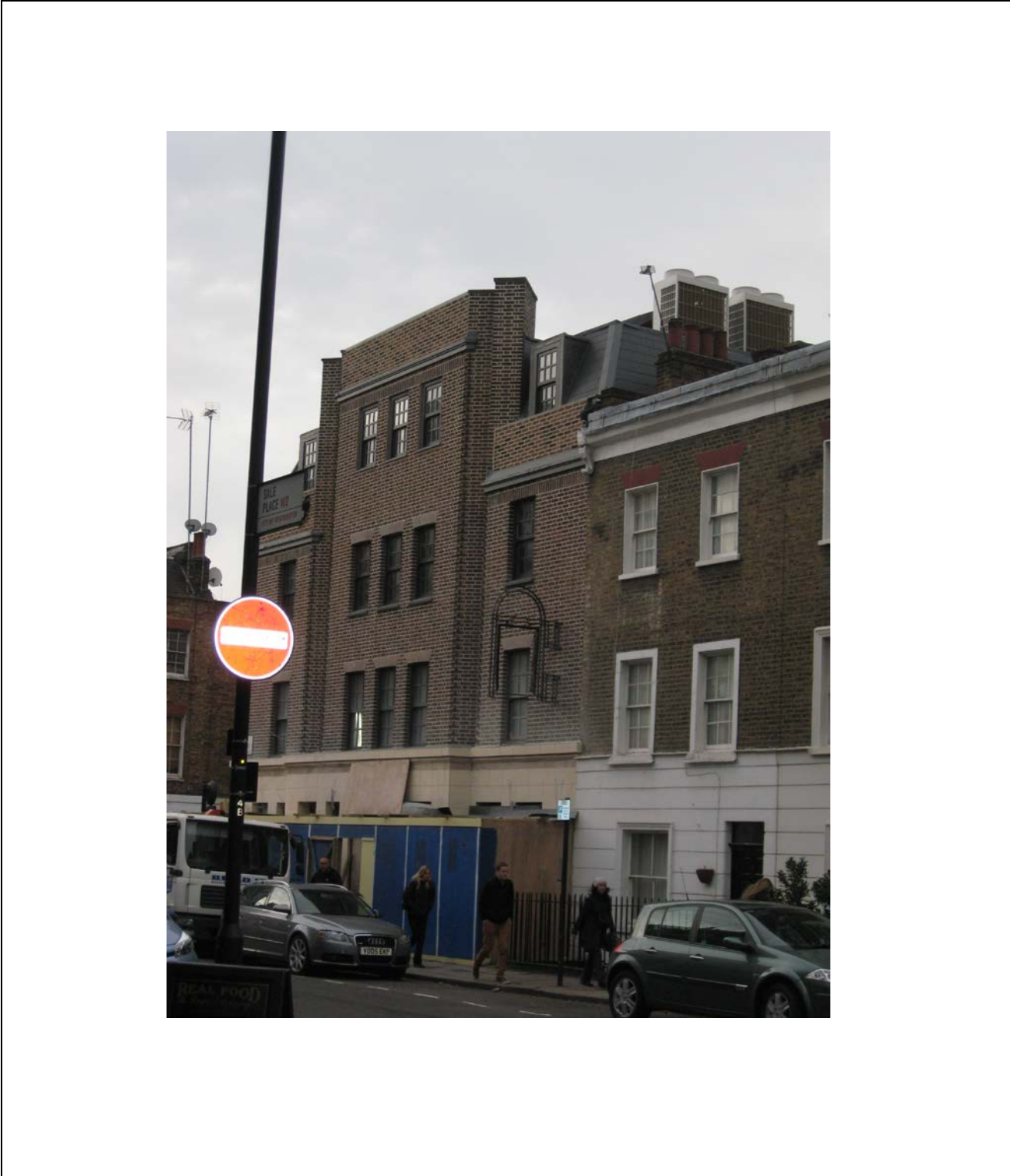
For the reasons set out in the main report, the application is considered acceptable in amenity and design terms. The proposal complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

Any comments to be reported verbally.

ENVIRONMENTAL HEALTH

No objection, on the basis that the plant room has been removed from the application.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 1

No. of objections: 2 letters from 1 address

No. in support: 0

Two objection letters have been received from one resident of Sale Place raising concerns on the following grounds:-

Amenity:

- Balconies at first and second floors would adversely affect the privacy of surrounding residents and create noise and disturbance to the detriment of residential amenity.

Other:

- Site notices removed from the plastic holders.
- Concern that inappropriate signage may be installed to ground floor level.
- Concern expressed that works have progressed on site without planning permission, and that the work includes two dormer windows to the north facing elevation which could encourage burglars.
- The granting of planning permission would set a precedent for further balconies.
- Reference made to a separate application (15/09620/FULL) for a plant room to roof level and concern expressed about the visual impact and the impact on amenity resulting from this plant room.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No.8 Sale Place is an unlisted building located within the Bayswater Conservation Area, located at the junction of Sale Place and Star Street. The building is currently vacant and is being extended and refurbished related to previously approved applications, and under which it will remain with a public house use to lower ground and ground floor levels (which until the current works was trading as the 'Rob Roy' public house), and an HMO use to first, second and third floors. The building dates from the earlier part of the 20th century and is a principally brick faced building, though with a slate clad mansard roof structure currently in construction to third floor level.

6.2 Recent Relevant History

14/02538/FULL

Erection of a first and second floor rear extension to provide one additional room and living accommodation to existing House in Multiple Occupation (HMO). Installation of metal staircase to existing front lightwell extending from ground floor to basement level and installation of windows at basement level.

Application Permitted 23 May 2014

14/08909/FULL

Erection of third floor mansard roof extension to provide 3 x additional bedrooms and associated facilities and alterations to elevations including fenestration, all in connection with existing House in Multiple Occupation (HMO) at upper levels.

Application Permitted 4 November 2014

15/09620/FULL

Erection of plant room at roof level.

Application Refused 29 December 2015

15/02859/FULL

Erection of plant room at roof level.

Application Refused 8 July 2015

7. THE PROPOSAL

The approval of 23rd May 2014 granted permission for a two storey rear extension at first and second floor levels which extended out to the rear, partially enclosing over a flat roof area above the greater projection of the ground floor level of the building below. The new first and second floor rear elevation was approved to have two sash windows each to first and second floor levels.

This current application for planning permission seeks to vary the approval of 23rd May 2014. Under the current proposals, the rear extension will remain with the height and projection as previously approved, though it is now proposed to have a door at first floor level giving access onto the remaining area of flat roof beyond which will be used as a terrace. In addition there will also be two sash windows each to the rear elevation of the extension at first and second floor levels. There are existing and apparently long standing railings around the rear first floor flat roof which are to be retained though with the addition of obscured glazing to their inside face in association with the proposed terrace behind. Minor changes to the arrangement of windows to the rear flank facing (north facing) elevation are also proposed. In addition, the enclosure of pipes which have been installed without permission rising up the rear flank elevation at first and second floor levels with a small GRP structure of brick appearance is also proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals do not vary the uses within the building which were included in the application previously approved on 23rd May 2014.

This previous approval allowed for the relocation of a kitchen in use by the public house at first floor level down to lower ground floor level, though otherwise retained the public house at lower ground and ground floors and the HMO use to the upper floors. The current application proposals also relate to a terrace to rear first floor level associated with the HMO use, amenity issues related to which are considered separately below.

8.2 Townscape and Design

The new arrangement to the rear elevation of the rear extension is for a door to first floor level in a traditional design and for two sash windows each to first and second floor levels. This arrangement differs little in overall appearance from the previously approved scheme or from the original rear elevation, and as such this work is considered uncontentious. The proposed re-arrangement of windows to the north facing rear flank elevation is a minor change to the appearance of the building and as such is considered uncontentious.

There is no planning history apparent to suggest when the existing railings around the rear flat roof area were installed, however they appear from an on-site inspection to be a long standing addition to the building. In association with the proposed terrace use to rear first floor level, the application seeks to install obscure glazing fixed to the inside of the railings to protect the privacy of surrounding occupiers. Though a material of modern appearance, its appearance will be screened to some degree by the existing railings and it will be seen in context with a much larger rear elevation behind, and as such the obscure glazed screen will not adversely affect the appearance of the building.

Without permission, pipework has been installed to the north facing flank/rear elevation which rises up from first floor level to roof level. These are proposed to be retained, however to improve their appearance a small GRP enclosure of brick appearance will be erected around them. Though GPR is a modern material, used for a small enclosure to this discreet section of the rear of the building it is considered acceptable, and a condition will ensure that it harmonises with the brickwork to the main rear elevation adjacent.

Concern was expressed by an objector that inappropriate signage may be installed to ground floor level, however any such signage would be considered separately under the advertisement regulations, and an informative is added advising of that any advertisements desired may require a further submission of an application for advertisement consent.

The drawings appear to show a change to the mansard structure at third floor level, though this is not referred to on the description of development for this application and nor were any changes included on the scheme approved on 23 May 2014 which this application seeks to vary. For the avoidance of doubt, a condition is recommended making clear that this approval would not relate to works to the mansard.

Given the above, the works proposed are considered to be acceptable in design and conservation terms and would accord with Policies DES1, DES5 and DES9 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

Privacy / Noise and Disturbance

Policies ENV13 of the UDP and S29 of the Westminster City Plan seek to safeguard and protect the amenity of neighbouring occupiers, with regard to outlook, daylight and privacy. An objection has been received from the occupier of no. 6 Sale Place to the proposals on grounds that the balconies at first and second floors would adversely affect the privacy of surrounding residents and create noise and disturbance to the detriment of residential amenity. The reference to a balcony at second floor level in this objection relates to a separate unauthorised balcony structure at second floor level which does not form part of these application proposals, and the City Council's Planning Enforcement Team are aware of the issue. A terrace area at rear first floor level is however included within the development proposed in this application submission.

Prior to the approval of 23rd May 2014, this roof area at rear first floor level comprised an irregularly shaped area but which at its maximum size was 7m in length and 3.8m in width. It was accessed by two doors, one from the kitchen to the public house at first floor level and one from a staircase landing. The roof itself incorporated several structures such as a pitched rooflight to its northern-western end and a separate raised flat rooflight structure in the form of a walk on pavement light, though some sizeable areas were apparently flat and were directly accessed by doors to the rear elevation from the building, most notably from the kitchen of the public house. This rear roof area was surrounded to all open sides by railings. In the approval of 23rd May 2014 no doors were shown as opening out onto this area, though its size was reduced to 4.9m in length by 1.5m in width due to the rear extension approved.

This current application seeks to reintroduce a door to the rear elevation at first floor level, and the roof area beyond which is enclosed by the railings will be flat. The building to the immediate west (no. 18 Star Street) has its staircase windows in closest proximity to the terrace however these are little more than 1-2m away from the terrace. The building to the immediate north (no. 7 Sale Place) has rooms at floor level in closest proximity (of unknown usage) and these are approximately 2-3m away to the north side of a projecting chimney stack to the rear elevation of no. 7.

In terms of the potential for overlooking to surrounding residential properties, the application seeks to install an obscure glass screen to each side of the terrace set directly behind the railings. This will be of sufficient height to ensure that there will be no direct overlooking out from this terrace to adjoining residential windows, and is seen in the context of the previous situation where access was freely available from the kitchen of the public house and also apparently from the communal staircase to the HMO use onto this rear roof area and the views were not obscured. As such, with the installation of obscure glass panels fully blocking the view out from the terrace, the proposals are not considered to give rise to an unacceptable impact in terms of overlooking to surrounding neighbours.

It is recognised that the terrace is in some close proximity to surrounding residential occupiers, and that the use of the terrace could give rise to issues of noise and disturbance, nonetheless the terrace is small in size, and again is seen in context with the terrace character of this area prior to the commencement of works on the approval of 23rd May 2014.

Its relatively small size would limit any significant potential for noise and disturbance due to the limited number of people which would be able to use the terrace at any one time. As such, the proposals are not considered to give rise to an unacceptable impact in terms of noise and disturbance to surrounding neighbours.

Sunlight and Daylight / Sense of Enclosure

In terms of the impact upon the amenity of the surrounding neighbouring residential properties, the new obscure screens will give a more solid impression to the rear first floor level of the building in contrast to the existing railings which by their nature have a visual permeability, however this obscure glazed structure does not rise above the height of the railings and is seen in close proximity with the much larger bulk of the building behind, and as such the works are not considered to have an adverse impact upon the amenity of surrounding residential occupiers.

To the top of their finials the existing railings rise up to in line with the top level of the windows to rear first floor level and the top bar from which the finials rise is approximately 1.4m above the height of the top of the rear parapet. The rear parapet around this roof is in itself approximately 0.5m in height. As set out above, to ensure the privacy of surrounding residential occupiers an obscured glass screen is proposed to be installed to the height of the top bar.

The installation of an obscure glazed screen up to approximately the top of the rear first floor windows will have an impact upon the residential amenity of users of the internal room adjacent within the application property, however this area is to be used as a kitchen for the HMO use, and as such, and particularly given that the obscure glazing will still permit some level of daylight through, it is not considered that the impact upon the residential amenity of the HMO use from the installation of the obscure glazed screen would be sufficient to withhold permission.

The amenity implications of the two storey rear extension itself were considered under the previously approved application, and there have been no changes in policy or guidance since the approval date of 23rd May 2014 which would suggest any change to the consideration that the extension will not adversely affect the amenity of adjoining residential properties.

Given the above, it is considered that the proposed scheme is acceptable in amenity terms and would accord with Policy S29 in the City Plan and Policy ENV 13 in the UDP.

8.4 Transportation/Parking

The works proposed in this application will not have an impact upon transportation or parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

This application does not seek to alter the access arrangements into or around the property.

8.7 Other UDP/Westminster Policy Considerations

Plant

The application had formerly shown a proposal for plant to roof level of the building, though this has since been removed from the application drawings. Environmental Heath were consulted on the application and note the removal of the initially submitted plant from the application, and note that they therefore have no objections to the proposals.

Other

A concern was raised from an objector that the granting of planning permission would set a precedent for further balconies. Each application however must be considered on its merits, and as such this concern is not considered sustainable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Concern was raised from the objector regarding the removal of the site notices from their plastic sleeves. Further site notices were issued in response to this however, and no further concerns on this ground have been received.

Concern was also raised from the objector with regards to unauthorised works having taken place to the application building, particularly in relation to the north facing dormers installed to the third floor level mansard and to a plant room installed above the mansard. The concerns related to the visual impact of this work, the noise emitted from the plant, and also related to a concern of the impact of the dormer windows in terms of a perceived encouragement of burglary. The works referred to however do not form part of these current application proposals and the concerns raised are therefore not relevant to this current application submission. The City Council's Planning Enforcement Team are aware of the issues related to unauthorised works to roof level.

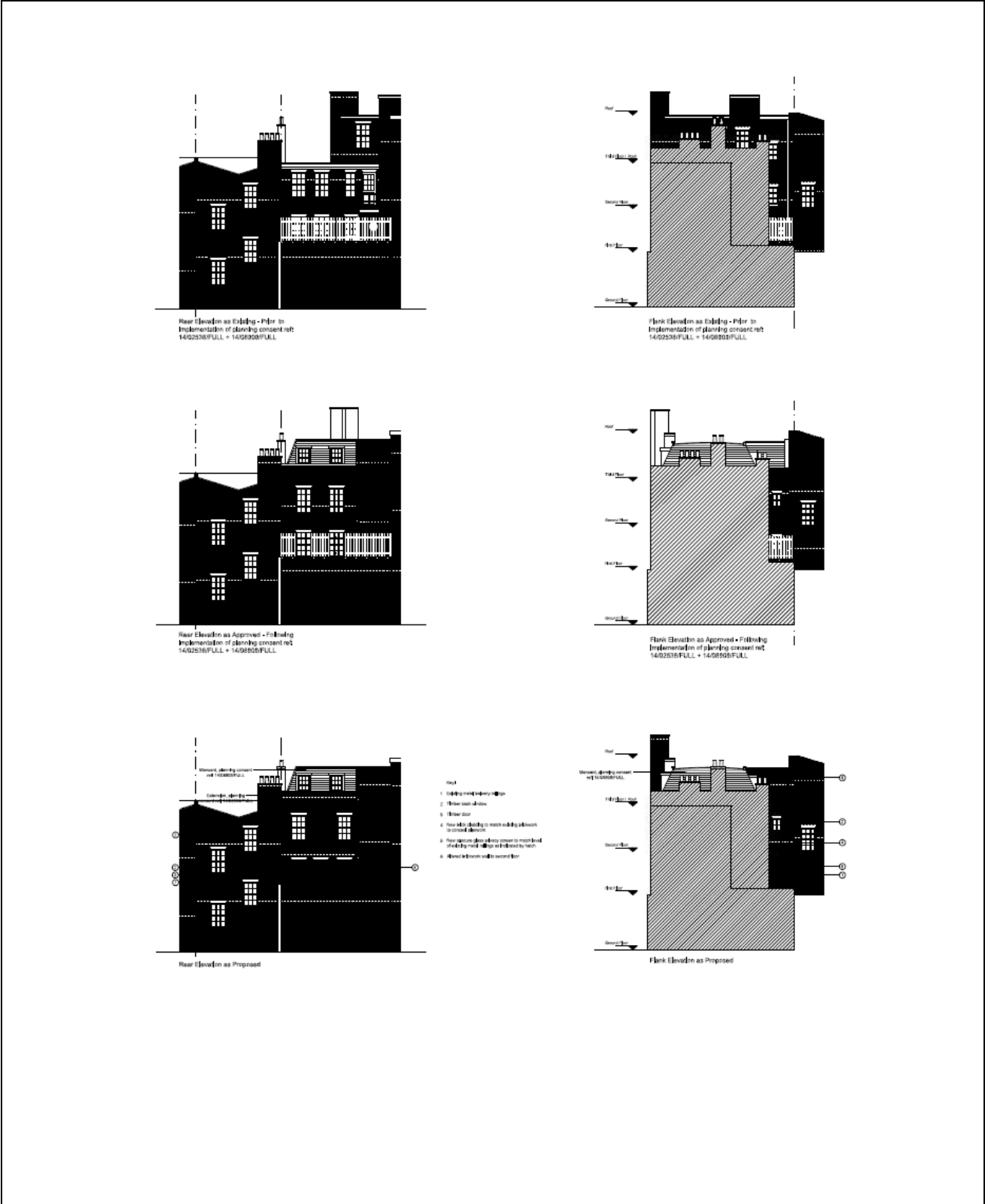
9. BACKGROUND PAPERS

1. Application form.
2. Memorandum from Environmental Health dated 04.11.2015.
3. Letters from occupier of 6 Sale Place dated 11.11.2015 and 16.11.2015.

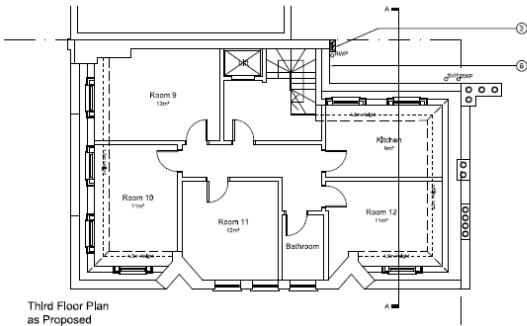
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

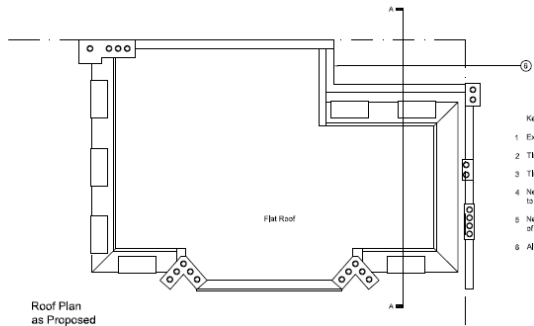
10. KEY DRAWINGS



As Proposed Drawings

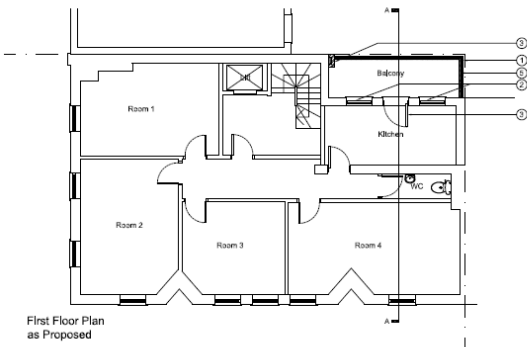


Third Floor Plan as Proposed

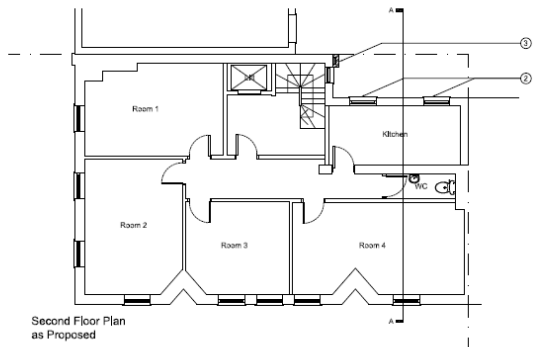


Roof Plan as Proposed

- Key:
- 1 Existing metal balcony railings
 - 2 Timber sash window
 - 3 Timber door
 - 4 New brick cladding to match existing brickwork to conceal pipework
 - 5 New obscure glass privacy screen to match level of existing metal railings
 - 6 Altered brickwork wall to second floor

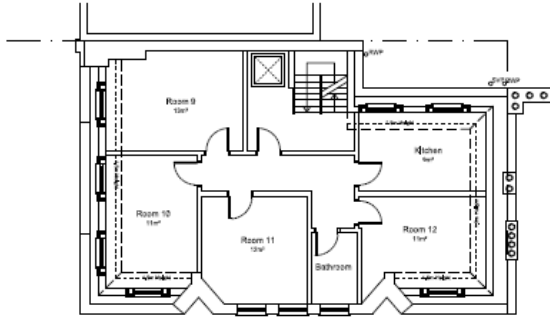


First Floor Plan as Proposed

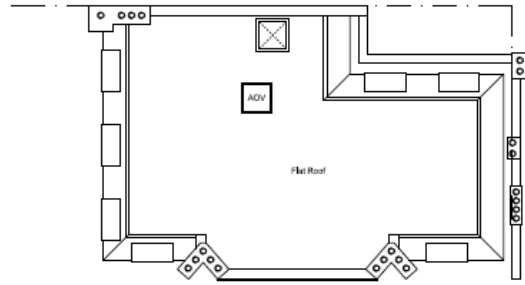


Second Floor Plan as Proposed

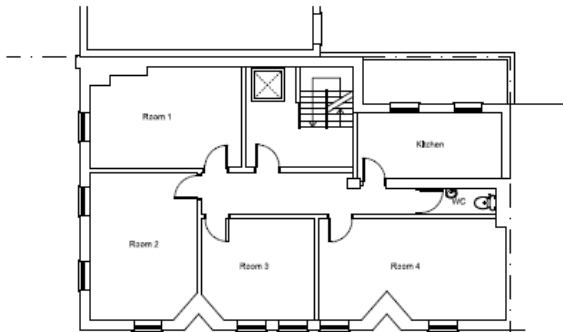
As Approved Drawings



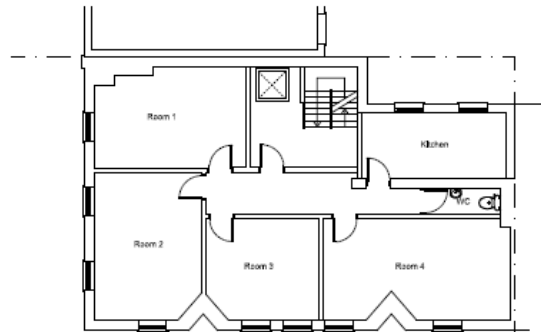
Third Floor Plan
as Approved



Roof Plan
as Approved

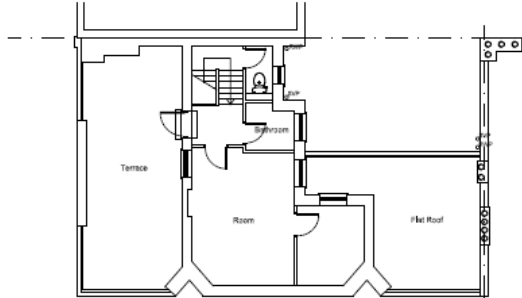


First Floor Plan
as Approved

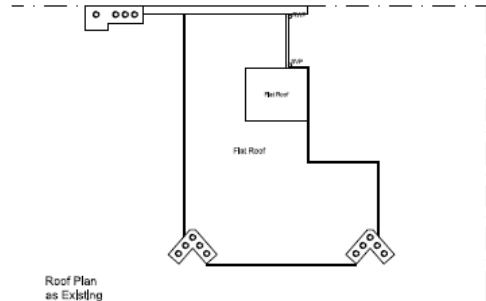


Second Floor Plan
as Approved

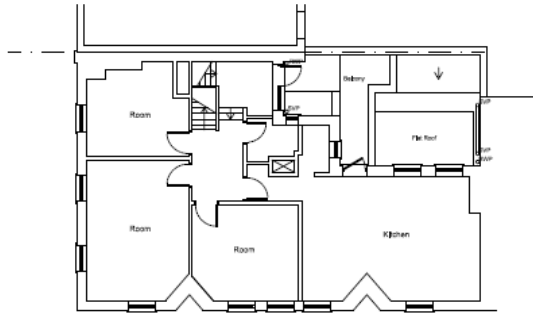
As Existing Drawings



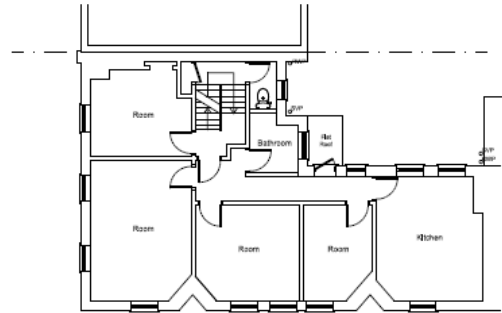
Third Floor Plan
as Existing



Roof Plan
as Existing



First Floor Plan
as Existing



Second Floor Plan
as Existing

DRAFT DECISION LETTER

Address: 8 Sale Place, London, W2 1PH,

Proposal: Variation to Condition 1 of planning permission dated 23 May 2014 (RN: 14/02538) for the erection of a first and second floor rear extension to provide one additional room and living accommodation to existing House in Multiple Occupation (HMO).
Installation of metal staircase to existing front lightwell extending from ground floor to basement level and installation of windows at basement level; Namely, attachment of obscure glass screen to the inside of retained railings to rear first floor in association with a terrace to the rear elevation at first floor level, altered fenestration to the rear and rear flank elevations including the installation of a door at first floor level, and new external brick clad pipe run to rear flank elevation

Reference: 15/08506/FULL

Plan Nos: 901/51-# location plan, 901/73-A, 901/71-#, 901/72-#, 901/74-A, photograph of door to rear elevation

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice

of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 4 The facing brickwork to the new rear extension must match the existing original work adjacent 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 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)

- 5 No additional structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be erected on the roof terrace hereby approved.

Reason:

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

- 6 You must apply to us for approval of detailed drawings (min 1:10) of the obscured glazed panel (including method of fixing, height and relationship to adjacent railings) and also a sample of the obscure glass at size at least 300mm x 300mm.

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)

- 7 The privacy screens surrounding the rear first floor terrace shall be installed prior to the occupation of the HMO and in the form shown on the drawings hereby approved and as approved under the details provided for condition 6, and the screens shall not be removed thereafter.

Reason:

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

- 8 Notwithstanding the annotations on drawings 901/74A and 901/73A, this decision does not grant consent for the alterations to the mansard at third floor level, including the creation of a brick elevation to the north facing elevation of third floor level as shown to drawings 901/74A and 901/73A or any other alterations to third floor level aside from the pipe run enclosure (details of which are to be secured under condition 10 of this approval).

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)

- 9 The pipework to the north facing side elevation of the building shall be encased to its full height and to all sides by GRP cladding which shall match the appearance of the colour, facebond and pointing of the existing brickwork adjacent, and the cladding shall be installed to the form shown on the drawings prior to the occupation of the flats and shall be retained in-situ thereafter

Reason:

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

- 10 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:- Pipe run and surrounding enclosure amended to accommodate works to the third floor level being removed from this application (as required by condition 8 of this decision)

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

You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 11 Notwithstanding the annotations on drawing 901/74A, the north facing rear flank elevation shall not include a window or door facing onto the rear first floor flat roof from the ground to first floor level staircase

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)

- 12 This permission must be commenced no later than 23 May 2017

Reason:

This permission authorises amendments to the original planning permission granted on 23 May 2014 (RN 14/02538/FULL) which must be commenced no later than the above date.

Informative(s):

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

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

- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	14 Clarendon Mews, London, W2 2NR		
Proposal	Excavation of a basement and revised fenestration to rear elevation, new roof covering, creation of integral garage and alterations to front elevation including new windows.		
Agent	Mr Philip Pealman		
On behalf of	Mr & Mrs Edward & Victoria Harley		
Registered Number	15/12082/FULL	Date amended/ completed	19 February 2016
Date Application Received	21 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought to extend this unlisted mews house within the Bayswater Conservation Area, by way of excavation of a basement beneath the house, together with alterations to the front and rear elevations including installation of new windows and the creation of an internal garage.

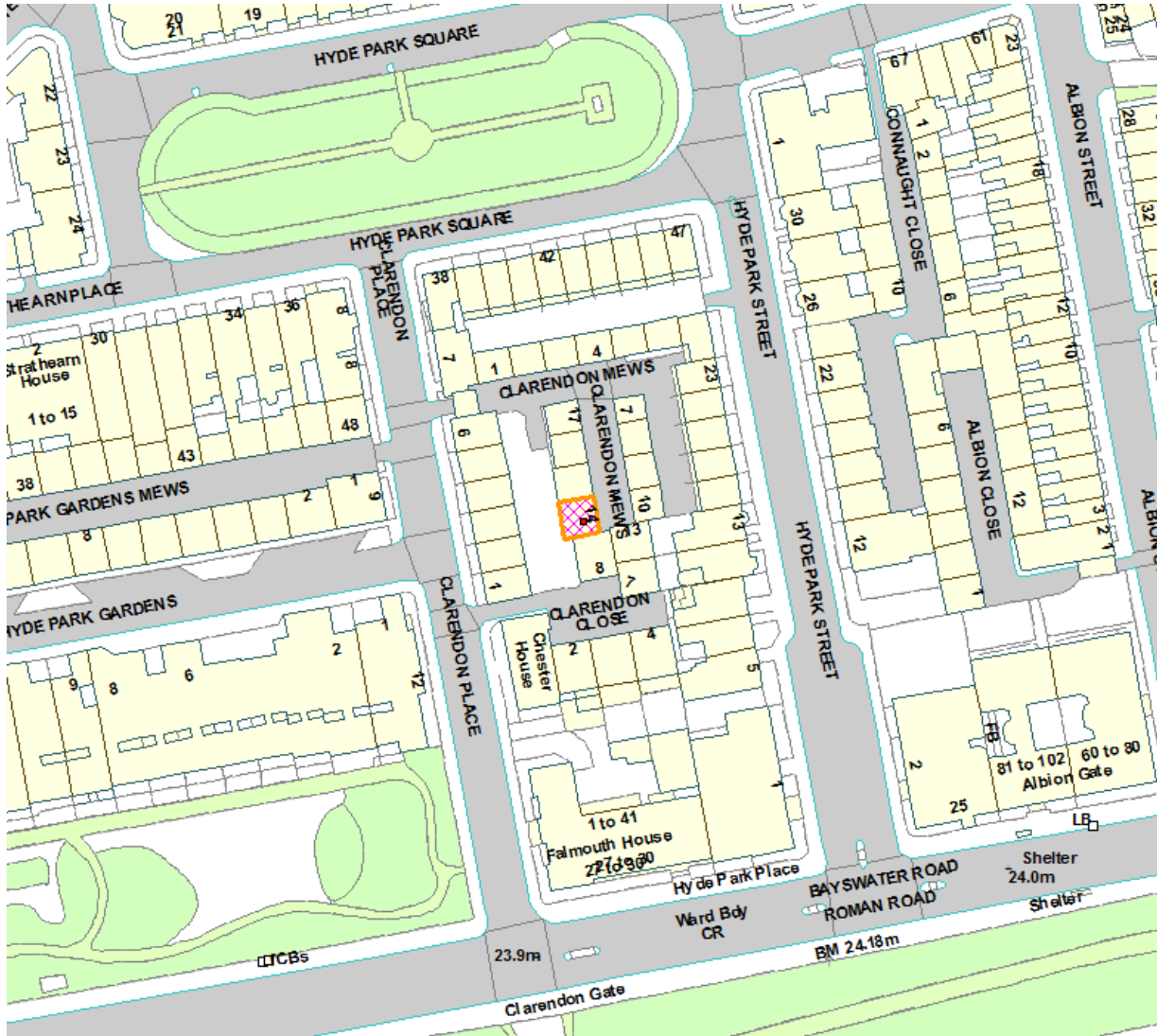
The Hyde Park Estate Association and three local residents have raised objection on a number of grounds including with respect to the principle of a basement to the mews house, over-development and the impact of excavation and construction.

The key issues are:

- Impact on the appearance of the character and appearance of the building and conservation area.
- Impact on the amenity of neighbouring residents.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION:

Objection

- Disruption during works, insufficient construction management plan (CMP).
- Overdevelopment.
- Structural implications.
- Alterations to front and rear elevations are welcomed

HIGHWAYS PLANNING:

No objection.

BUILDING CONTROL

Structural method statement is considered to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 3

No. of objections: 3, 1 on behalf of occupiers of 4 properties

No. in support: 0

In summary, the following issues were raised:

- Overdevelopment.
- Construction traffic.
- Inadequate construction management plan.
- Impact on character and appearance of Bayswater Conservation Area.
- Detrimental impact on outlook
- Light spill.
- Loss of privacy.

ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No.14 Clarendon Mews is a two-storey unlisted mews house, located within the Bayswater Conservation Area. It is in use as a single family dwelling house.

6.2 Recent Relevant History

15/10537/FULL

Proposed revised fenestration to rear elevation, new roof covering, creation of Integral garage and alterations to front elevation including new windows.

Application Permitted 22 December 2015

7. THE PROPOSAL

Planning permission is sought for the excavation of a basement beneath the existing mews building to create additional floorspace to this single family dwelling house. Associated alterations to the fenestration to the front and rear elevations is also proposed including the installation of new windows and garage doors to create an integral parking spa.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The increase in floor space to this single family dwelling house is acceptable in land use terms as it complies with Policy H3 of the Unitary Development Plan (UDP) and S14 of Westminster's City Plan: Strategic Policies (City Plan).

8.2 Townscape and Design

The proposal is uncontentious in terms of design as the proposed new windows (the only external manifestation of the basement) will match the existing and the other changes to the windows are complimentary and there are similar examples of garage doors within the mews. The proposals satisfy policies DES 1, DES 5 and DES 9 of our UDP and S25 and S28 of our City Plan. It is of note that with minor amendments the substantive part of the proposal would be capable of being permitted development.

8.3 Residential Amenity

The proposal includes the replacement of windows in the front elevation and the replacement, enlargement and insertion of new window openings in the rear elevation, at basement ground and first floor levels. The window in the front elevation at ground floor level will be replaced with a garage door in association with the creation of an integral garage.

In terms of residential amenity, the elements of the proposal that need to be considered are the additional windows proposed in the bathrooms and kitchen and the window that will serve the stair case. The proposed windows are lower ground floor level also should be considered.

The windows in the bathrooms will not lead to increased overlooking as they will be obscure glazed and the window serving the staircase does not serve a habitable room and is no larger than the existing and are therefore considered to be acceptable. Given their location, the windows proposed to serve the basement are not considered to give rise to amenity issues. The proposed windows that will serve the kitchen, although bigger than existing, mirror those in the adjacent property, and are not considered to cause harm in terms of loss of privacy.

The proposal is acceptable amenity terms and complies with policy ENV 13 of our UDP and S29 of our City Plan.

8.4 Transportation/Parking

The introduction of an integral garage associated with a single family dwelling house is acceptable in principle in transportation terms. Whilst the Highways Planning Manager has indicated that the width of the garage falls short of our recommended dimensions, this is a matter for the applicant. The proposal does not represent an increase in residential units or the loss of off street parking and therefore complies with policy TRANS 23 of our UDP.

8.5 Economic Considerations

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

8.6 Access

The proposal does not have any adverse access implications.

8.7 Other UDP/Westminster Policy Considerations

There are no other policy considerations.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale.

8.12 Other Issues

Basement

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions.

Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding. Such concerns have been raised by many neighbouring occupiers. The letters of objection received refer specifically to the impact on construction management and the structural impact of the development on adjoining properties.

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

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

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

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

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

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

Building Control has assessed the reports provided and considers the structural method statement to be acceptable and the proposals to safeguard adjacent properties during construction to also be acceptable. It is noted that the site investigation has not been carried out but a desk study has been undertaken. The geology and existence of groundwater, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (24th October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Consultation on a revised formal policy, 'Draft Basements Policy', has been carried out, and it will form part of the local plan (replacing the UDP) once adopted.

The Council is attributing weight to parts of its basement policy for all applications submitted after 1 November 2015. This application, which was validated 19th February 2015, is therefore expected to comply with the relevant parts of the policy. As it would extend one storey beneath the building, the proposal is considered to be acceptable and in accordance with this policy.

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

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.

8.13 Conclusion

The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and is therefore recommended favourably subject to the conditions set out in the draft decision letter.

9. BACKGROUND PAPERS

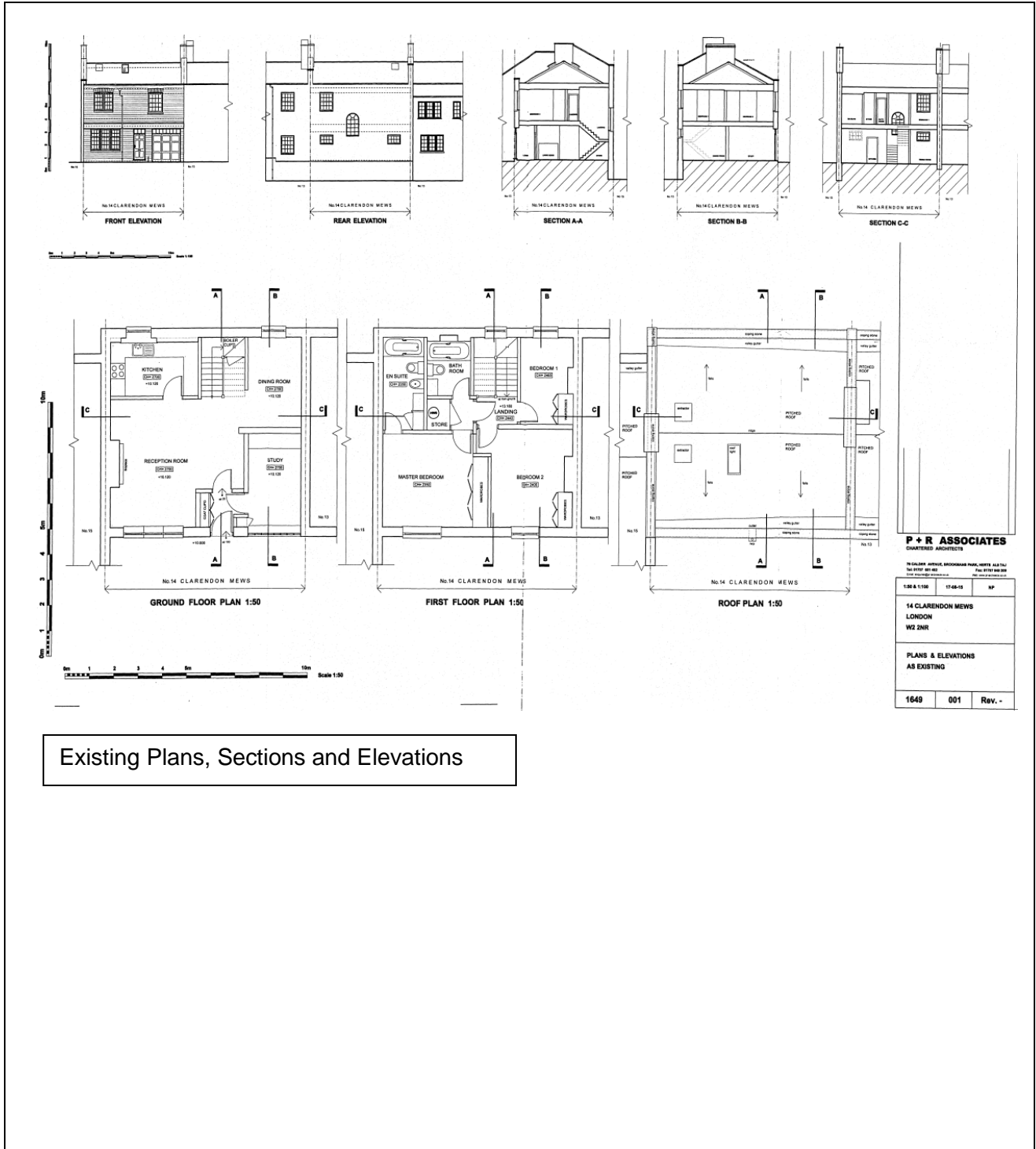
1. Application form
2. Response from Highways Planning, dated 14 March 2016
3. Response from Building Control dated 28 April 2016
4. Response from the Hyde Park Estate Association dated 24 February 2016.
5. Letter from occupier of 2 Clarendon Mews, London, dated 17 March 2016
6. Letter from occupier of 7 Clarendon Place, London, dated 10 March 2016
7. Letter on behalf of the occupiers of 9,10,11 and 15 Clarendon Mews, dated 1 April 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 VICTORIA COELHO ON 020 7641 6204 OR BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS

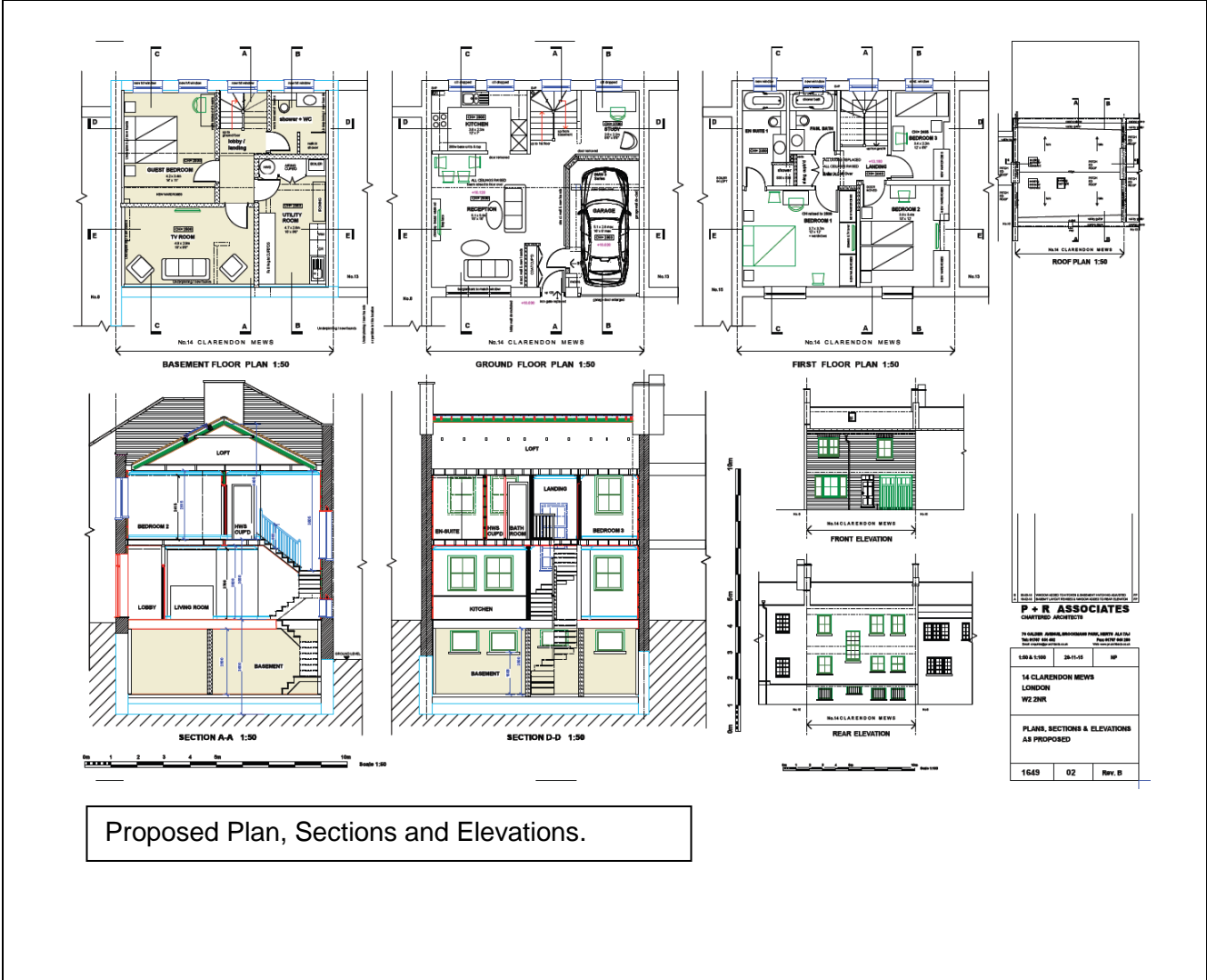


Existing Plans, Sections and Elevations

P + R ASSOCIATES
 CHARTERED ARCHITECTS

15 CALDWAY AVENUE, BROMHAM PARK, WIMBORNE, DORSET, BA12 9JL
 TEL: 01202 861485 FAX: 01202 861486
 WWW.PRARCHITECTS.CO.UK

150 & 1100	17-08-01	HP
14 CLARENDON MEWS LONDON W2 2NR		
PLANS & ELEVATIONS AS EXISTING		
1649	001	Rev. -



Proposed Plan, Sections and Elevations.

DRAFT DECISION LETTER

Address: 14 Clarendon Mews, London, W2 2NR,

Proposal: Excavation of a basement and revised fenestration to rear elevation, new roof covering, creation of integral garage and alterations to front elevation including new windows.

Reference: 15/12082/FULL

Plan Nos: Plans, Sections & Elevations as Proposed - 1649-02 Rev. B; Plans & Elevations as Existing - 1649-001.

Case Officer: Victoria Coelho

Direct Tel. No. 020 7641 6204

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

4 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.

Informative(s):

- 1 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.

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

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