



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (3)**

Meeting Date: **Tuesday 31st 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:**

Andrew Smith (Chairman)
Louise Hyams
Robert Rigby
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 any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. 1 VINCENT SQUARE, LONDON SW1P 2PN | (Pages 5 - 28) |
| 2. GREENCOAT HOUSE, FRANCIS STREET, LONDON SW1P 1DH | (Pages 29 - 42) |
| 3. 35 BREWER STREET, LONDON W1F 0RU | (Pages 43 - 58) |
| 4. 115-117 WARWICK WAY, LONDON SW1V 4HT | (Pages 59 - 82) |
| 5. DUKES COURT, 1 MOSCOW ROAD, LONDON W2 4AJ | (Pages 83 - 110) |
| 6. 12 RUTLAND GATE, LONDON SW7 1BB | (Pages 111 - 124) |
| 7. 4 THE LANE, LONDON NW8 0PN | (Pages 125 - 142) |
| 8. 3 ORME SQUARE, LONDON W2 4RS | (Pages 143 - 158) |

- | | | |
|------------|--|--------------------------|
| 9. | 201 KILBURN PARK ROAD, LONDON NW6 5LG | (Pages 159 - 170) |
| 10. | 69A CLIFTON HILL, LONDON NW8 0JN | (Pages 171 - 182) |
| 11. | 41 HARLEY STREET, LONDON W1G 8QH | (Pages 183 - 190) |
| 12. | 5 BERNERS STREET, LONDON W1T 3LF | (Pages 191 - 206) |
| 13. | 41 PORTLAND PLACE, LONDON W1B 1QG | (Pages 207 - 222) |

**Charlie Parker
Chief Executive
20 May 2016**

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Agenda Item

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE –31 MAY 2016
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 15/06951/FULL Vincent Square	1 Vincent Square London SW1P 2PN	Use of the building to provide 27 residential dwellings. Alterations at basement level to provide five car parking spaces, alterations to the rooftop plant areas and elevations at fifth floor level.	
	Recommendation Grant conditional permission.			
2	RN 15/06747/FULL Vincent Square	Greencoat House Francis Street London SW1P 1DH	Change of use to a gym (Class D2) at part ground, basement and sub-basement levels.	
	Recommendation Grant conditional permission			
3	RN 15/10481/FULL West End	35 Brewer Street London W1F 0RU	Dual/alternative use of the basement and ground floor for either retail use (Class A1) or use as gallery, social and business hub, private members club and cultural venue (sui-generis).	
	Recommendation Grant conditional permission			
4	RN 13/02786/FULL Warwick	115-117 Warwick Way London SW1V 4HT	Demolition behind the retained facade of No. 117 and erection of a replacement building with extensions at rear lower ground to second floor levels, a mansard roof extension and additional sub-basement. Replacement mansard roof to No. 115. Amalgamation of both properties to form a single hotel use (Class C1).	
	Recommendation Grant conditional permission			
5	RN 15/07000/FULL Lancaster Gate	Dukes Court 1 Moscow Road London W2 4AJ	Erection of single storey roof extension to provide three flats (Class C3) with plant enclosure to roof and alteration facades including new residential entrance at ground floor level and replacement of spandrel panels to windows.	
	Recommendation Grant conditional permission			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE –31 MAY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
6	RN 15/11528/FULL 15/11529/LBC Knightsbridge And Belgravia	12 Rutland Gate London SW7 1BB	Installation of air conditioning condenser units within acoustic enclosure to rear garden.	
	Recommendation 1. Grant conditional permission and conditional listed building consent 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
7	RN 15/10388/FULL Abbey Road	4 The Lane London NW8 0PN	Two storey rear extension, single storey side extension plus mansard roof extension together with associated works including an air condenser within single storey side extension.	
	Recommendation Grant conditional permission			
8	RN 15/12008/FULL 15/12009/LBC Lancaster Gate	3 Orme Square London W2 4RS	Reinstatement of missing chimney pots and installation of chimney extract flue, CCTV cameras to the front and rear entrances, new timber trellis on rear boundary wall, external lighting to front and rear elevations, satellite dish to chimney stack at roof level and date inscription of lettering to front portico plinth.	
	Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
9	RN 16/01152/FULL Maida Vale	201 Kilburn Park Road London NW6 5LG	Erection of single storey outbuilding within rear garden for ancillary storage use to ground and first floor maisonette.	
	Recommendation Grant conditional permission.			
10	RN 15/11400/FULL Abbey Road	69A Clifton Hill London NW8 0JN	Erection of single storey outbuilding within the rear garden for ancillary use to ground floor flat.	
	Recommendation Grant conditional permission			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE –31 MAY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
11	RN 15/11921/FULL Marylebone High Street	41 Harley Street London W1G 8QH	Removal of the existing steps to the front entrance, to install a new ramp to provide level access including alteration to the front doorway	
	Recommendation Refuse permission - harmful to the appearance of the conservation area.			
12	RN 15/11831/FULL West End	5 Berners Street London W1T 3LF	Erection of a full height extract duct on the rear elevation of the property in association with the approved restaurant at basement and ground floor levels.	
	Recommendation Grant conditional permission			
13	RN 16/01514/FULL Marylebone High Street	41 Portland Place London W1B 1QG	Installation of 1no. condensing unit to the lightwell at third floor level and the internal installation of 5no. fan coil units at first floor level.	
	Recommendation <ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter 			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	1 Vincent Square, London, SW1P 2PN,		
Proposal	Use of the building to provide 27 residential dwellings. Alterations at basement level to provide five car parking spaces, alterations to the rooftop plant areas and elevations at fifth floor level.		
Agent	Ms Katie Hale		
On behalf of	One Vincent Square Ltd		
Registered Number	15/06951/FULL	Date amended/ completed	27 August 2015
Date Application Received	30 July 2015		
Historic Building Grade	Unlisted		
Conservation Area	Vincent Square		

1. RECOMMENDATION

Grant conditional permission.

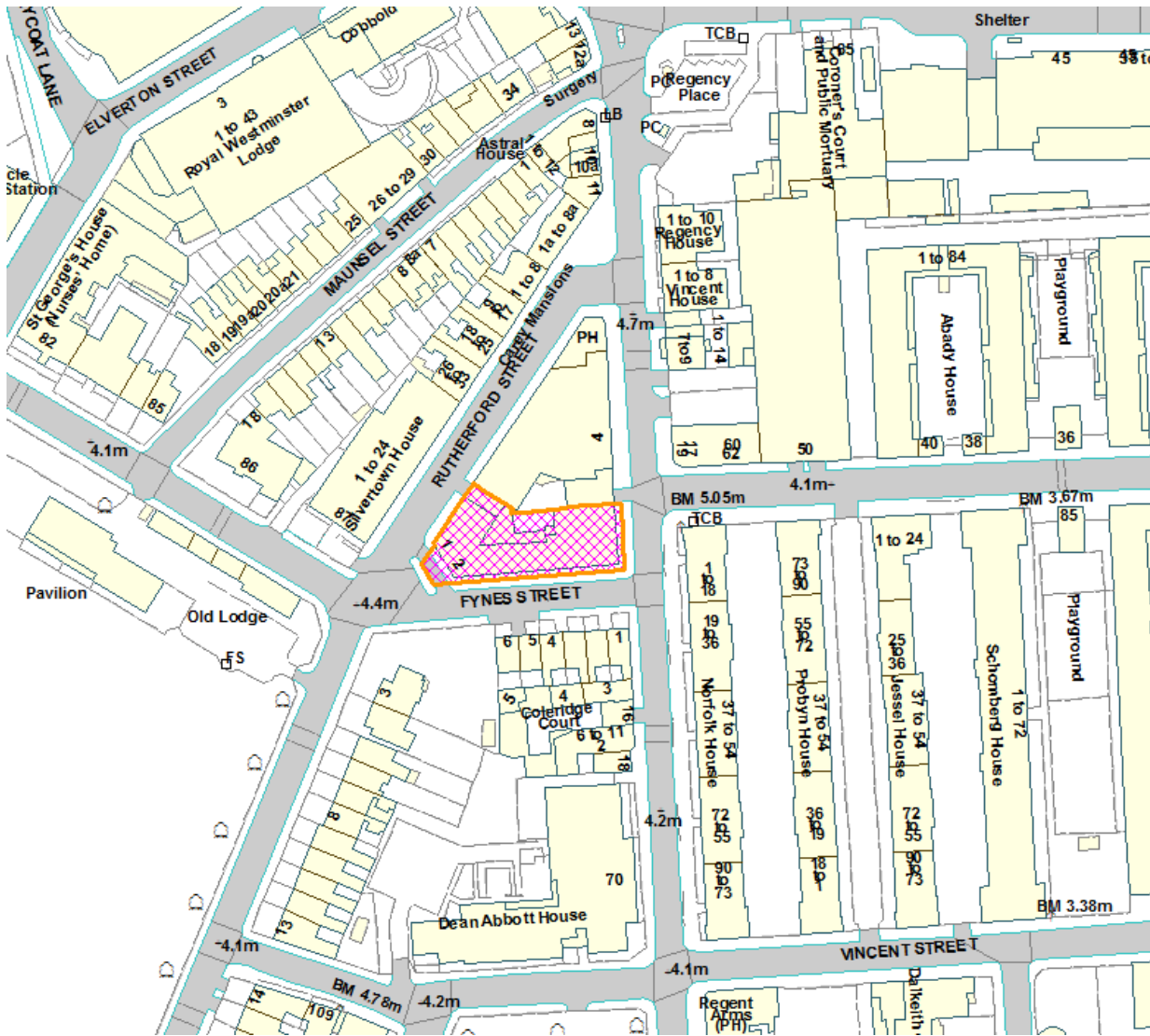
2. SUMMARY

The application site is an unlisted building within the Vincent Square Conservation Area comprising basement, ground and five upper floors. It is currently in office use. It is proposed to convert the building to 27 residential flats, using the existing basement for car parking, motorcycle and bicycle parking. Minimal external alteration is proposed, comprising replacement windows and a terrace at fifth floor, replacement plant and new photovoltaic panels at roof level.

The main issues to consider are the principle of the additional residential accommodation in this location, its impact on the amenity of existing residents, and the impact on the demand for on street parking in the area.

Objections have been received primarily on the grounds of amenity, car parking and overdevelopment. Whilst the objections are noted and understood, it is not considered that they are sustainable on this occasion.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Vincent Square

Rutherford St Street elevation showing vehicular entrance



View from Regency Street showing corner of Regency St/Fynes Street

5. CONSULTATIONS

Thorney Island Society

Whilst the site is suitable for residential, concern over the loss of small offices. No provision of affordable housing. It would be fairer to existing local residents to make this a permit-free scheme.

Vincent Square Residents' Association

No objection in principle but the car parking provision is inadequate and wish for permit restrictions to be applied to new residents. Unclear what the proposals are regarding social housing and the development pushes the limits of density in the area.

Westminster Society

Any response to be reported verbally.

Environmental Health

No objection following the revised acoustic report, however, the plans show 'remote' rooms which may not comply with building regulations.

Highways Planning Manager

There is a significant shortfall in off street parking. If minded to approve, the proposed basement level car parking must be on a first come first served basis and not allocated to individuals. Require a signal system for the car park entrance.

Cleansing

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 125

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Objections have been raised on the following grounds:

Amenity

Potential noise from plant; potential loss of light, loss of privacy and increased overlooking from the terraces in particular.

Transport

Inadequate parking provision.

Other

Overdevelopment – there are too many flats proposed for site and will result in a strain on local amenities and parking.

The proposals are in contravention of the Human Rights Act regarding a person's right to enjoy their possessions and the right to a private and family life.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located in the eastern corner of Vincent Square at the junction with Fynes Street and Rutherford Street. It also has a frontage to Regency Street. It is set back from the Square.

The property comprises basement, ground and five upper storeys. It dates from the 1930s and is currently occupied by offices. There is a small basement area for plant, refuse storage and some parking, though access is very restricted by the narrow vehicular entrance from Rutherford Street.

6.2 Recent Relevant History

In 2006, permission was granted for the demolition of the building and its redevelopment to provide a building of two basements, ground and six upper floors to provide 27 flats (including 8 affordable units) with 26 off street car parking spaces (our reference 05/08771/FULL). This permission was never implemented and has now expired.

In 2007, permission was granted for an extension at fifth floor level in connection with the office use (our reference 07/01795/FULL). A further permission was given for various external alterations to the entrance (07/04977/FULL). In 2009, permission was granted for the installation of two windows at fifth floor level (09/04499/FULL). The 2007 and 2009 permissions appear to have been implemented.

7. THE PROPOSAL

It is proposed to convert the site to a residential building comprising 27 flats (7 x 1 bed; 13 x 2 bed and 7 x 3 bed). Five car parking spaces and five motor cycle spaces, cycle and refuse storage are proposed within the existing basement. Due to the restricted access, overhead clearance and configuration of space in the basement, there is little space for off street parking. Vehicular manoeuvring is aided by a turntable. All existing windows remain with the exception of the fifth floor, where it is proposed to replace some windows. The existing flat roof at fifth floor level will be used as terraces for 3 of the flats (it is currently accessible from the offices). At roof level, plant is replaced and photovoltaic panels added.

8. DETAILED CONSIDERATIONS

8.1 Land Use

	Existing (m2)	Proposed (m2)	Change (+ or – m2)
Office	3789	0	-3789
Residential	0	3813	+3813
Total	3789	3813	+24

Loss of Offices

The City Council's policy towards the loss of offices to residential accommodation is in the process of changing. A policy directive was issued confirming that the City Council is concerned over the loss of commercial floorspace within the borough and it is now the City Council's position that the balance of commercial to residential floorspace has tipped too far in the favour of residential across the CAZ. As of 1 September 2015, the loss of office floorspace to residential development has been assessed in line with emerging policy. The emerging policy (mixed use revision to the City Plan) is nearing adoption. This application was, however, submitted prior to September 2015 and given that the revised policy is yet to be formally adopted, it is considered prudent to consider the application in the light of the currently adopted policy.

The proposals would result in the loss of office floorspace amounting to 3789m² within the CAZ. The change of use needs to be assessed in the context of Policy S47 of the City Plan which advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.'

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Whilst there would be a net reduction in office floorspace and employment as a result of the development, there is no evidence to suggest that the economic impact of the proposals on this part of the City as a whole would be sufficiently harmful in this instance to withhold permission.

Residential Use

Policy S14 of the City Plan and Policy H3 of the UDP seek to maximise the amount of land or buildings in residential use. The introduction of 27 residential units on site would help the Council meet its housing target. The mix of the residential units comprises 7 x 1 bed; 13 x 2 bed and 7 x 3 bed.

Most flats are dual aspect and would receive acceptable levels of natural light for this urban location. Policy H5 of the UDP requires that 33% of housing units be family sized (being three or more bedrooms). In this case, 26% of the units are 'family sized' which falls slightly short of the policy aspiration but on balance is acceptable.

As part of housing developments, Policy H10 of the UDP normally expects the provision of amenity space. The policy recognises that this can be met through the use of balconies and roof terraces on sites within CAZ. The 5th floor set back provides the opportunity for a terrace to be incorporated into the development for the three top floor flats.

Some objectors are concerned over the density of the development. The proposals are for a mixture of unit sizes and are not considered particularly small. The number of flats

accommodated within this building is broadly reflective of other housing developments in the local area and is not considered an exceptionally high density.

The new residential floorspace prompts a requirement for the provision of affordable housing under the terms of Policy S16 of the City Plan. The proposed floorspace is 3813m² GEA. Using the calculations set out in the Interim Guidance note, this requires 880m² of affordable housing.

Policy S16 requires the provision of affordable housing on-site. It adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity...". If these options are not feasible, then a financial contribution in mitigation is an appropriate alternative, calculated according to our Interim Affordable Housing Guidance. The full financial contribution based on current guidance is calculated at £4.34m.

The applicant argues that providing affordable housing on site will make their development unviable, and have produced a viability report in line with the guidance contained in the London Plan. Their report concludes even a financial contribution towards affordable housing would not be viable. The City Council's independent consultant, Gerald Eve, has reviewed the findings of the applicant's report, testing various scenarios with affordable housing on site at a policy compliant level and at a lesser level. Essentially, the consultant concludes that the development would not be financially viable with affordable housing on site or with any payment in lieu of providing accommodation on site. On this occasion therefore it is accepted that a contribution towards affordable housing within the City is not appropriate.

8.2 Townscape and Design

This unlisted building was constructed during the interwar period and is of brick construction with a concrete frame, two lift cores and two staircases. The roofscape contains a number of enclosures accommodating plant, the lift overruns and redundant water tanks.

There are minimal external alterations proposed. The curtain walling to the set back roof storey is to be replaced with full height opening windows; the existing sash windows on the lower floors will remain. At roof level, two of the existing enclosures are re-clad with louvres to provide ventilation for plant. A small part of the eastern end of the roof is reserved for photo-voltaic panels, the details of which will be reserved by condition.

8.3 Residential Amenity

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

The site is surrounded by other residential properties. There has been objection from nearby residents on amenity grounds, primarily concerns about potential overlooking.

Daylight and Sunlight/Overshadowing/Sense of Enclosure

Policy S29 of the City Plan seeks to resist proposals that result in an unacceptable material loss of residential amenity. Policy ENV 13 of the UDP seeks to resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and education buildings. In addition, developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Given that there is no increase in the building's height or bulk as a result of the proposals, there will be no material impact on sunlight, daylight or overshadowing experienced by neighbouring properties.

Privacy

Policy ENV13 of the UDP seeks to resist development which would result in an unacceptable degree of overlooking. Whilst residents' concerns regarding the perception of increased overlooking are well understood, it is not considered that it would be reasonable or necessary to refuse the application on the basis of overlooking. In an urban environment such as this, it is reasonable to expect residential windows on the other side of the street, reflecting the arrangement commonly found on streets in the area. To the rear is a large lightwell which also serves the residential development at 4 Regency Street. There are therefore many residential windows already overlooking the rear of the application site. The windows set in the rear elevations of the application property will serve kitchens, bathrooms and bedrooms. The kitchen and bathroom windows are very small and directly face the rear elevations of 4 Regency Street. The bedroom windows have a slightly more oblique view. It is not considered that the resultant relationship between the residential windows at the application site and 4 Regency Street is anything unusual for this area. Given their aspect and location and that they are not serving main living areas, it is not considered that there will be an unacceptable degree of mutual overlooking.

In terms of the roof terraces proposed, one may expect them to be more intensively used than the current terrace serving the offices. There are numerous other examples of high level roof terraces in close proximity, all with a similar relationship to neighbouring residential properties opposite and adjacent. It is recommended a condition is added requiring details of privacy screens between the application site and adjacent buildings on Rutherford Street and Regency Street to prevent direct overlooking between the application site and terraces and windows on the adjacent properties.

8.4 Transportation/Parking

Policy TRANS23 requires, where appropriate and practical, the provision of off-street parking for new residential developments. Given the site constraints presented by the existing basement height and very narrow access from Rutherford Street, some limited car parking is proposed. This takes the form of 5 spaces, with a turntable enabling movement within a very restricted area. 5 motorcycle bays are also provided.

The main entrance to the building is set back from Vincent Square by a traffic island and a small section of private road which the applicants are proposing accommodates a disabled parking bay, separated from the highway by moveable bollards. Given that this section of

road is private, and there is sufficient space for the new bay, there are no objections to this in highways terms.

The policy states that the Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking spaces. The evidence of the Council's most recent parking survey in 2011 indicates that parking occupancy of legal parking spaces within a 200m radius of the site is 60% at night and 76% during the day.

The introduction of additional residential units in this area without off-street parking or on-street parking restraint is likely to increase the stress levels, though it is noted that the area was not under significant stress at the time of the last official survey. It is not considered that a refusal on the basis of a low level of off street parking is sustainable given the priority attached to housing delivery in the adopted City Plan. Though the Highways Planning Manager is concerned about the potential for additional demands on on-street parking, it is suggested that to maximise the efficiency of the basement car parking that is available on this site, the car park should operate on a first come first served basis for cars and motorcycles and a condition to this effect is recommended. Objectors have suggested that the proposed flats should not be eligible for parking permits. This has not been put forward by the applicant and it is not currently the policy of the City Council to agree to 'car free' developments.

Secure cycle storage is provided at basement level in line with policy TRANS 10.

8.5 Economic Considerations

Any economic benefits generated are welcomed.

8.6 Access

Whilst the main entrance to the building is not fully accessible, there is a level access from Rutherford Street. There are two lifts within the existing building, and there is level access to all floors.

8.7 Other UDP/Westminster Policy Considerations

Noise

Objections have been received in relation to the potential noise as a result of the replacement plant, from the new residential use and from construction activity.

The plant is in connection with the CHP and air source heat pumps and will be in the same location as the existing plant enclosures. This and other mechanical equipment including the turntable have been assessed in an acoustic report submitted by the applicant. Environmental Health officers are satisfied that in noise terms, the proposed plant is acceptable and will run at a level so as not to be audible at the nearest affected residential windows. Conditions are added to this effect.

The noise environment for the proposed flats is considered acceptable and appropriate conditions are recommended prescribing the internal noise levels to be achieved within the flats.

Refuse /Recycling

Policy ENV12 of the UDP requires the provision of suitable facilities for waste storage and recycling in new developments. The waste store is located at basement level. It is recommended that the provision of this storage is secured by condition.

Sustainability

The proposed development achieves an additional 36% carbon emissions reduction below the baseline emission rate for the 2013 building regulations. Mechanical ventilation with heat recovery is incorporated to ensure adequate ventilation rates and temperature control, though windows will still be openable. A gas fired CHP is proposed, along with photovoltaic panels to the roof. Whilst the proposed sustainability measures do not incorporate a 20% carbon reduction using renewable technologies (as referred to in S40 of the City Plan), the proposed measures are considered appropriate for the site and achieve an appropriate carbon reduction over current baseline.

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 have been covered in section 8.7 above. The application does not generate a requirement for an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

8.12 Other Issues

Flooding

The site is within flood zone 3 and a flood risk assessment has been completed by the applicants. Westminster's strategic flood risk assessment shows that the actual risk of flooding to this area is low and it is not located within the rapid inundation zone. No residential accommodation is being proposed beneath ground level, and as such it is not considered that residential accommodation in this location would be particularly vulnerable.

Human rights

One objector has raised the issue of the proposal potentially impacting on the human right to enjoy one's possessions and land, along with the right to a private and family life. The Council is satisfied that any interference with an individual's rights in terms of Article 8 of the Human Rights Act, which requires that "respect" be given to private and home life, would be a proportionate means of achieving a legitimate end, that being the Council's

function to determine planning applications. This right exists for both the applicant as well as the objector.

The construction process would inevitably result in negative impacts to neighbours and the consideration of these impacts has formed part of the balancing exercise required to form a recommendation for this application including conditions to reduce disturbance to neighbours and to limit overlooking to adjacent properties.

It is considered that there is nothing in human rights or equality law that could, as a matter of law, require the application for planning permission to be refused and the objections on these grounds cannot therefore be supported.

9. BACKGROUND PAPERS

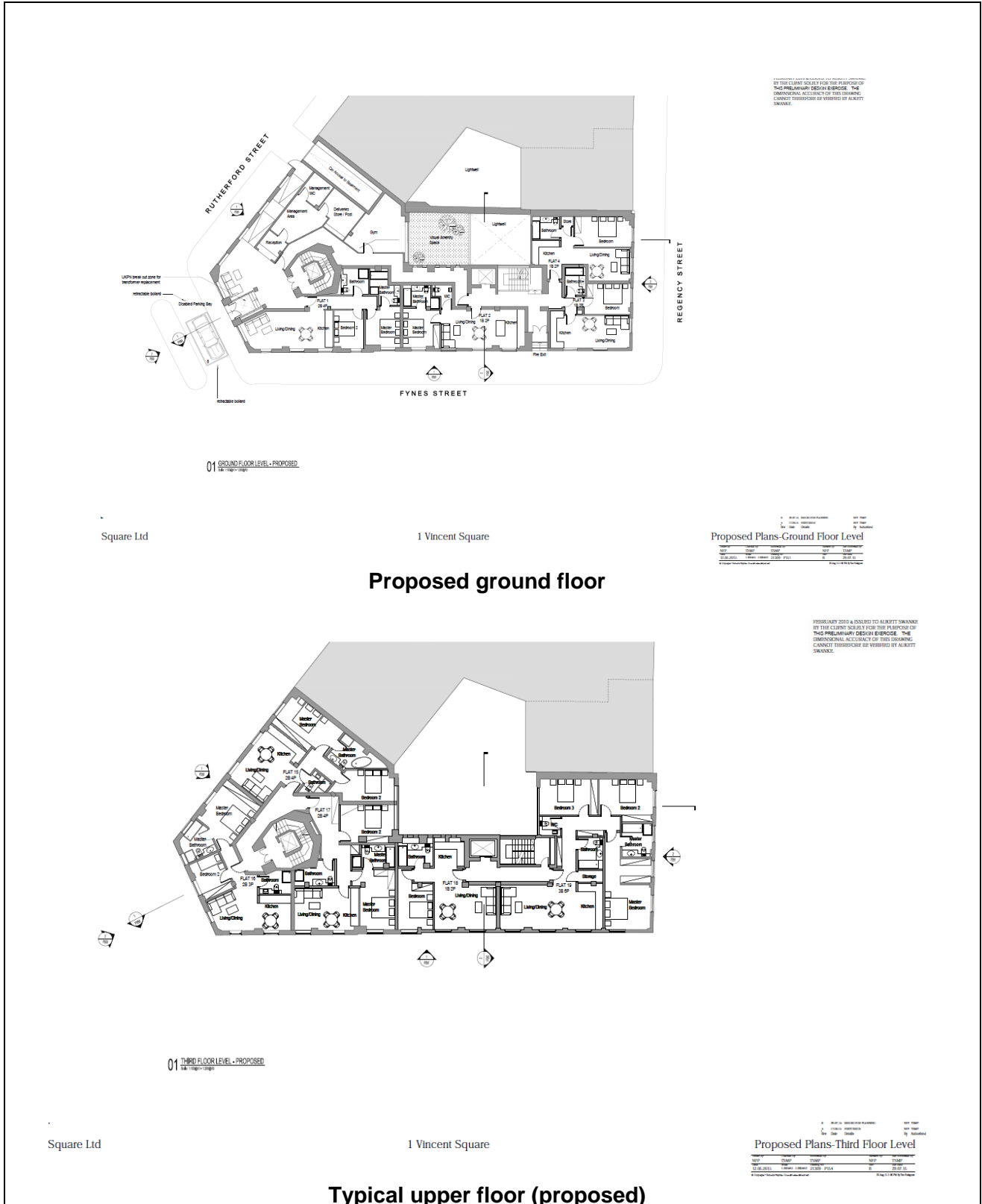
1. Application form
2. Response from Thorney Island Society, dated 23 September 2015
3. Response from the Vincent Square Residents' Association dated 21 October 2015.
4. Letter from occupier of 1 Fynes Street, Westminster, dated 8 October 2015
5. Letter from occupier of 5 Fynes Street, London, dated 8 October 2015
6. Letter from occupier of 39 Regency Court, 4 Regency Street, dated 5 October 2015
7. Memorandum from the Highways Planning Manager dated 8 October 2015.
8. Memorandum from Environmental Health Consultation Team dated 24 September 2015 and 26 April 2016.

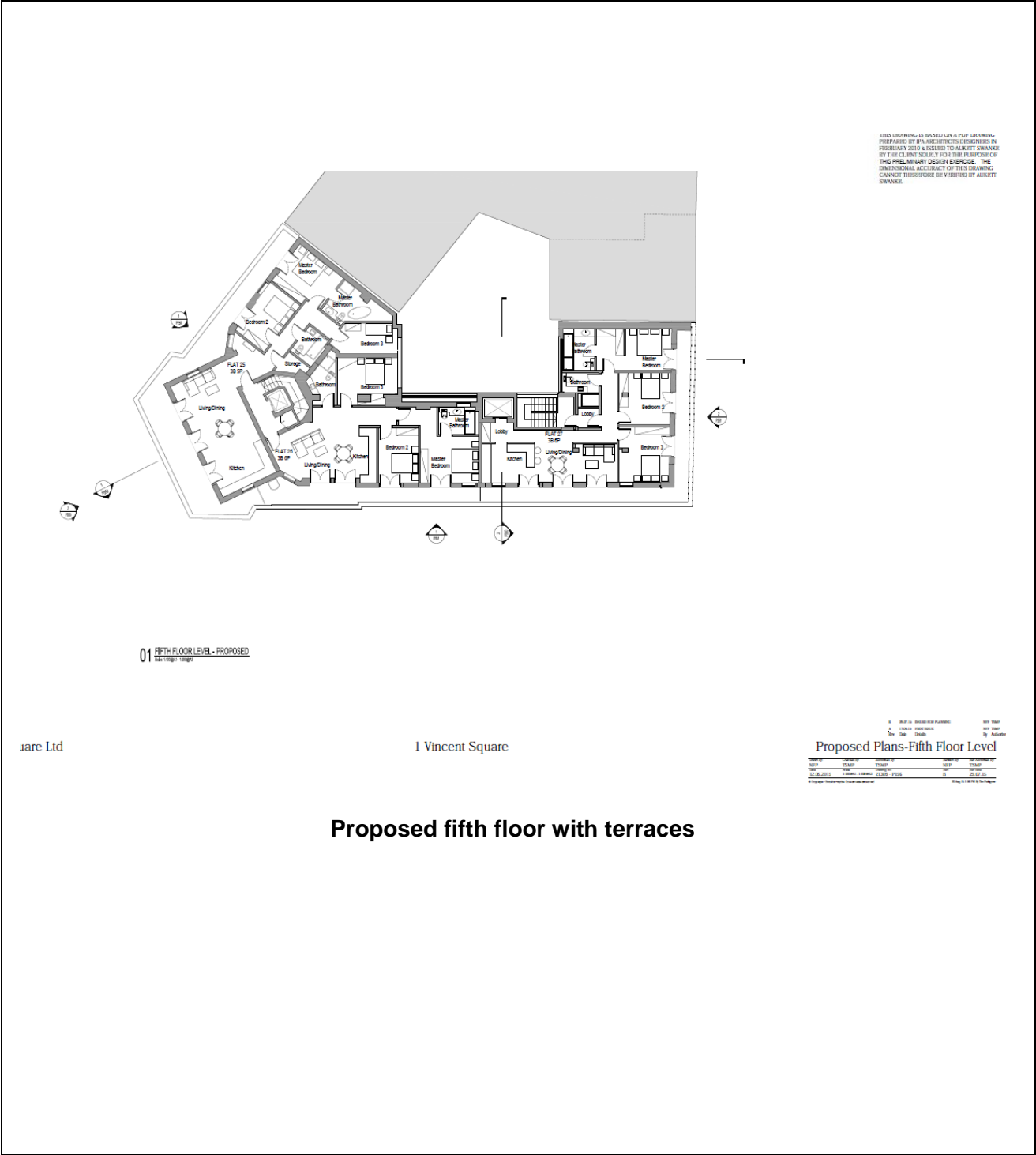
Selected relevant drawings

(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 MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT mmason@westminster.gov.uk

10. KEY DRAWINGS





01 FIFTH FLOOR LEVEL - PROPOSED
 04.10.2014 (1/2)

are Ltd

1 Vincent Square

PROPOSED PLANS - FIFTH FLOOR LEVEL		DATE	BY
1	PROPOSED PLANS	22.06.2015	ALBERT SWANKE
2	REVISIONS		
3	REVISIONS		
4	REVISIONS		
5	REVISIONS		
6	REVISIONS		
7	REVISIONS		
8	REVISIONS		
9	REVISIONS		
10	REVISIONS		

Proposed fifth floor with terraces

01 FYNES STREET ELEVATION - PROPOSED
1:80 (1/16" = 1'-0")

02 REGENCY STREET ELEVATION - PROPOSED
1:80 (1/16" = 1'-0")

One Vincent Square Ltd
1 Vincent Square
Proposed Elevations - Fynes St & Regency St

Proposed elevations

01 RUTHERFORD STREET ELEVATION - PROPOSED
1:80 (1/16" = 1'-0")

02 VINCENT SQUARE ELEVATION - PROPOSED
1:80 (1/16" = 1'-0")

One Vincent Square Ltd
1 Vincent Square
Proposed Elevations - Rutherford St & Vincent Square

DRAFT DECISION LETTER

Address: 1 Vincent Square, London, SW1P 2PN,

Proposal: Use of the building to provide 27 residential dwellings. Alterations at basement level to provide five car parking spaces, alterations to the rooftop plant areas and elevations at fifth floor level.

Plan Nos: 21309-P100B; P101B; P102B; P103B; P104B; P105B; P106B; P107A; P108A; P200B; P201B; P300B; P150B; P151B; P152B; P153B; P154B; P156B; P157A; P158A; P250B; P251B; P350B.
Transport Assessment (TTP August 2015); Flood Risk Assessment (Price and Myers August 2015); Planning Statement (Savills July 2015); Sustainability and Energy Report (MTT July 2015); daylight and sunlight report (Bilfinger GVA July 2015); Design and Access Statement (Aukett Swanke July 2015); Acoustic report (Hann Tucker July 2015 and revision dated 16 March 2016).

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 5 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the **** use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- The location of most affected noise sensitive receptor location and the most affected window of it;
 - Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - The proposed maximum noise level to be emitted by the activity.

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

- 6 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.

- 7 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.

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 4 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.

- 9 You must provide the waste store shown on drawing P150B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

Reason:

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

- 11 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.

- 12 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)

- 13 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 at roof level

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)

- 14 You must apply to us for approval of detailed drawings of the following parts of the development - privacy screen between the 5th floor terrace and adjacent properties to Rutherford Street and Regency Street. 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 details.

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)

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

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

Reason:

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

17. Prior to occupation of the development hereby approved, a Car Parking Management Plan shall be submitted to and approved by us, to include measures to ensure that no space is individually sold or allocated specifically to a unit or user and car parking and motorcycle spaces are on a first come first served basis to residents only.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007.

18. Prior to occupation of the development hereby approved, full details of a traffic light/signal system for the car park entrance/exit shall be submitted to and approved by us. The signal system shall then operate in accordance with the approved details as long as the car park remains in place.

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.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National

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

- 2 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 3 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	Greencoat House, Francis Street, London, SW1P 1DH,		
Proposal	Change of use to a gym (Class D2) at part ground, basement and sub-basement levels.		
Agent	Mr Richard Hillebron		
On behalf of	Derwent Valley Central Limited		
Registered Number	15/06747/FULL	Date amended/ completed	21 October 2015
Date Application Received	23 July 2015		
Historic Building Grade	Unlisted		
Conservation Area	Westminster Cathedral		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The site is an unlisted building within the Westminster Cathedral Conservation Area and is located in the Core CAZ.

Planning permission is sought for the use of the basement, sub basement and ground floor entrance at Greencoat House, Francis Street as a gym. The floor area proposed for the gym use is 2,479 sq m.

The site is in use as offices (Class B1). The basement levels are ancillary to the office use and are currently vacant as there is insufficient natural light for them to be occupied as offices. There is no policy to protect the loss of offices where the change of use is to other commercial uses and so the proposed use is acceptable in land use terms.

The application notes that in order to implement the proposed gym (Class D2) use further works will be required (access, signage, ventilation extract) which will be the subject of separate applications. Planning permission was recently granted in April 2016 for alterations to the Francis Street entrance, including the removal of existing steps and doors and installation of new double doors to create level access into the building. A condition is recommended requiring that this permission is implemented prior to the commencement of the gym use.

An existing internal lightwell to the roof will provide routing for any flues or risers which may be required in order to provide cooling to the gym.

The proposed hours of use for the gym as set out in the Design and Access Statement are Monday to Friday 6 am to 11 pm, Saturday and Sunday and bank holidays, 8 am to 8 pm. A comment has been raised by the Westminster Society that 06:00 could be too early a start time as it may create disturbance to local residents. The hours of operation were also raised as both a comment by a neighbouring resident who noted that these had not been provided on the application form and as an objection by other residents who consider them too long.

The same resident has raised a comment that no details have been provided in relation to employee numbers and likely user numbers. It is understood that 500 is the maximum number of people who will be allowed into the area at any one time. For an area of 2,479m² this number is considered acceptable and is recommended to be limited by condition.

Objections have been raised to the proposed use on the grounds of noise created from users opening doors and from cars on evenings and weekend, general disturbance from increased footfall and increased traffic and associated nuisances which would mean that this mainly residential area would change for the worse.

This part of Francis Street is largely commercial although a number of residential units exist on the opposite side of the street. Although the proposed use is likely to generate additional activity in this area, this would only be from people entering and leaving the gym from an entrance on Francis Street. This entrance is located opposite and adjacent to existing commercial uses.

Given that offices and shops exist in the immediate vicinity and that Francis Street is a wide through road it is not considered that this potential additional activity although early in the morning and late at night is likely to be so considerable to justify a refusal of the application on these grounds.

However, an Operational Management Statement is also recommended to be secured by condition in order to ensure the appropriate management of the facility and that class schedules would not cause an adverse effect on neighbouring amenity, particularly at the beginning or end of the day.

With regard to noise from the use itself, the floor to ceiling height within the basement levels and the density of the walls will serve to deaden sound inside. A condition requiring that no amplified music is to be heard outside the building is recommended to protect residential amenity, in addition to conditions protecting residents and users within the same and adjoining buildings from noise. In addition, a condition requiring that the structure of the development shall be designed to such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration.

With these conditions in place it is considered that the application would not lead to an unacceptable impact on neighbourhood amenity sufficient to justify a refusal of the application and would be compliant with policies S29 of the City Plan and ENV13 of the UDP which seeks to protect residential amenity.

Objections have been raised that the proposals will lead to additional parking pressure in the area. Highways have raised no objection given that the site is within a Controlled Parking Zone and given the high level of public transport provision in the surrounding area. Highways do however require the provision of cycle parking in accordance with the London Plan standard of 1 cycle parking per 8 staff. It

is recommended that details are secured by condition.

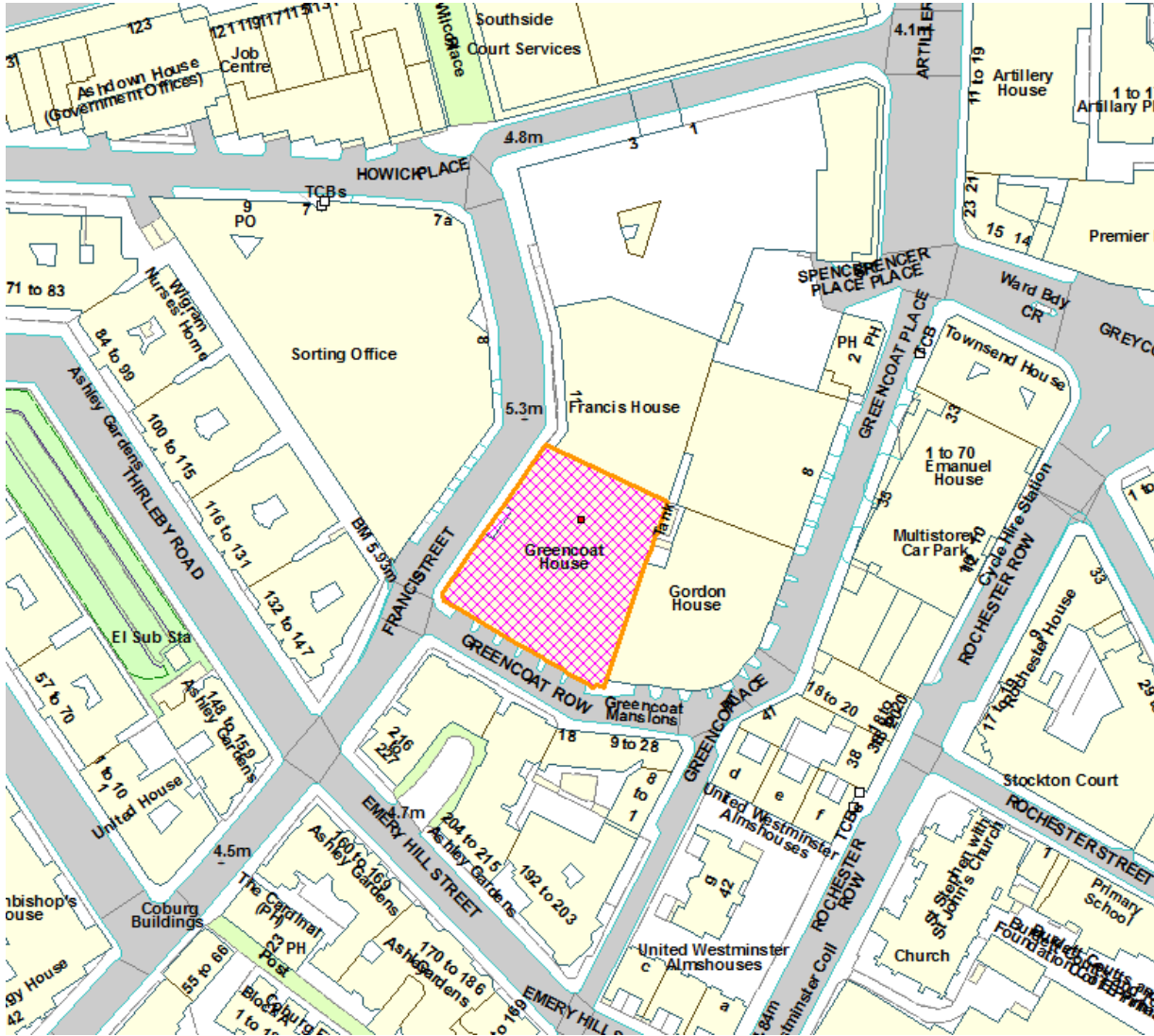
Cleansing require details of an internal waste storage facilities to be submitted for approval. It is recommended that details are secured by condition.

Other objections have been received on the grounds that there are already other gyms in the area. Whilst this is noted, given the growth of the office population in Victoria over recent years and into the future there is clearly an increasing demand for gym accommodation and permission could not be refused on these grounds.

Further objections have been received on the grounds that consultation has been inadequate and from one objector that they were only notified from another resident. The appropriate statutory consultation was undertaken and the consultation area was expanded at the start of March 2016 to allow more residents to be informed of the proposals and given the opportunity to comment. The majority of comments received have been made following this second round of consultation.

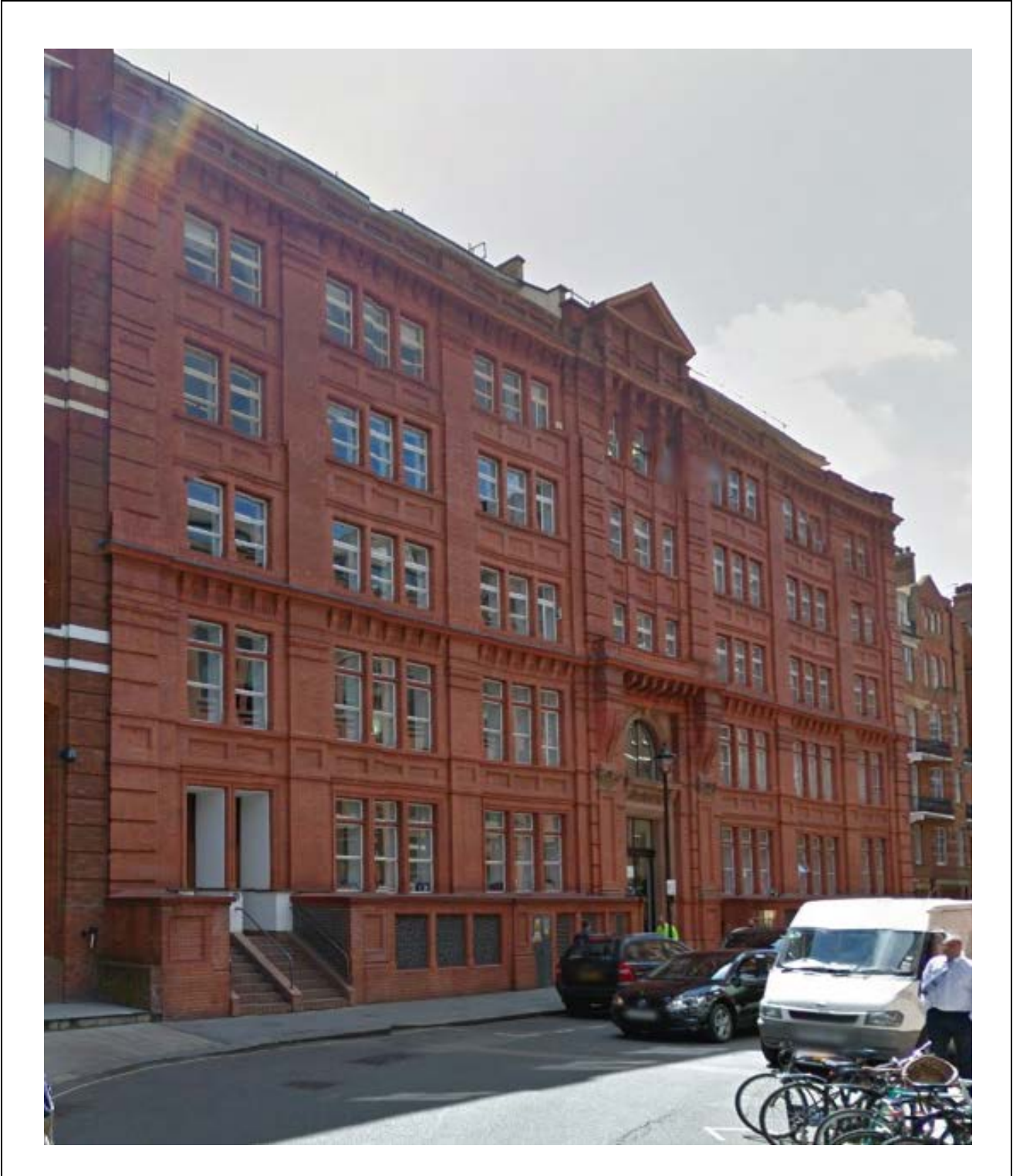
Given the above considerations it is recommended that planning permission be granted, subject to conditions.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY

No objection in principle, but 06:00 could be too early a start time as it may create disturbance to local residents.

HIGHWAYS PLANNING

No cycle parking. This should be secured by condition.

CLEANSING MANAGER

No provision for waste storage. This should be secured by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 165

Total No. of replies: 11

No. of objections: 9

No. in support: 0

Eleven letters received from local residents, nine objecting on the following grounds:

Highways

*Additional parking pressure.

Amenity

*Appropriate conditions to ensure no noise transference from the gym to the offices above.

*Noise from people opening doors and cars on evenings and weekend, mainly residential area would change for the worse.

*General disturbance from increased footfall and increased traffic.

*Associated nuisances.

Other

*Hours are ridiculously long.

*Only notified from another resident.

*Consultation inadequate.

*Already other gyms in the area.

*Zero as the number of employees on the application form and 'not known' as being entered in terms of the opening hours/days.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 1 December 2015
3. Response from Highways Planning - Development Planning, dated 16 November 2015
4. Response from Cleansing - Development Planning, dated 13 November 2015
5. Letter from occupier of 132A Ashley Gardens, Thirleby Road, dated 17 November 2015
6. Letter from occupier of 147B Ashley Gardens, Thirleby Road, dated 3 March 2016

7. Letter from occupier of 133A Ashley Gardens, Thirleby Road, dated 3 March 2016
8. Letter from occupier of 132A Ashley Gardens, Thirleby Road, dated 3 March 2016
9. Letter from occupier of 125A Ashley Gardens, Thirleby Road, dated 3 March 2016
10. Letter from occupier of 137B Ashley Gardens, Thirleby Road, dated 3 March 2016
11. Letter from occupier of 168A Ashley Gardens, Emery Hill street, dated 4 March 2016
12. Letter from occupier of 167 Ashley Gardens, Emery Hill Street, dated 4 March 2016
13. Letter from occupier of 205 Ashley Gardens, London, dated 6 March 2016
14. Letter from occupier of 147B Ashley Gardens, Thirleby Road, dated 6 March 2016
15. Letter from occupier of Greencoat House, 1 Greencoat Row, dated 1 April 2016

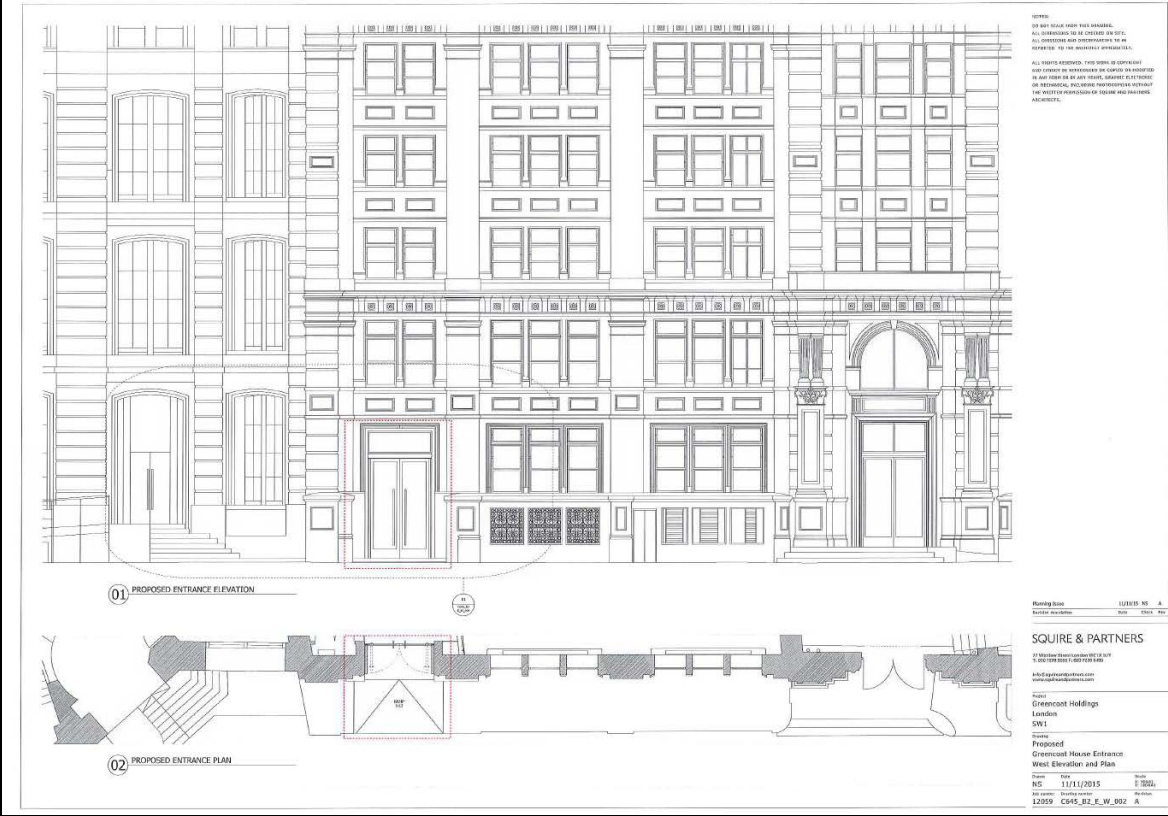
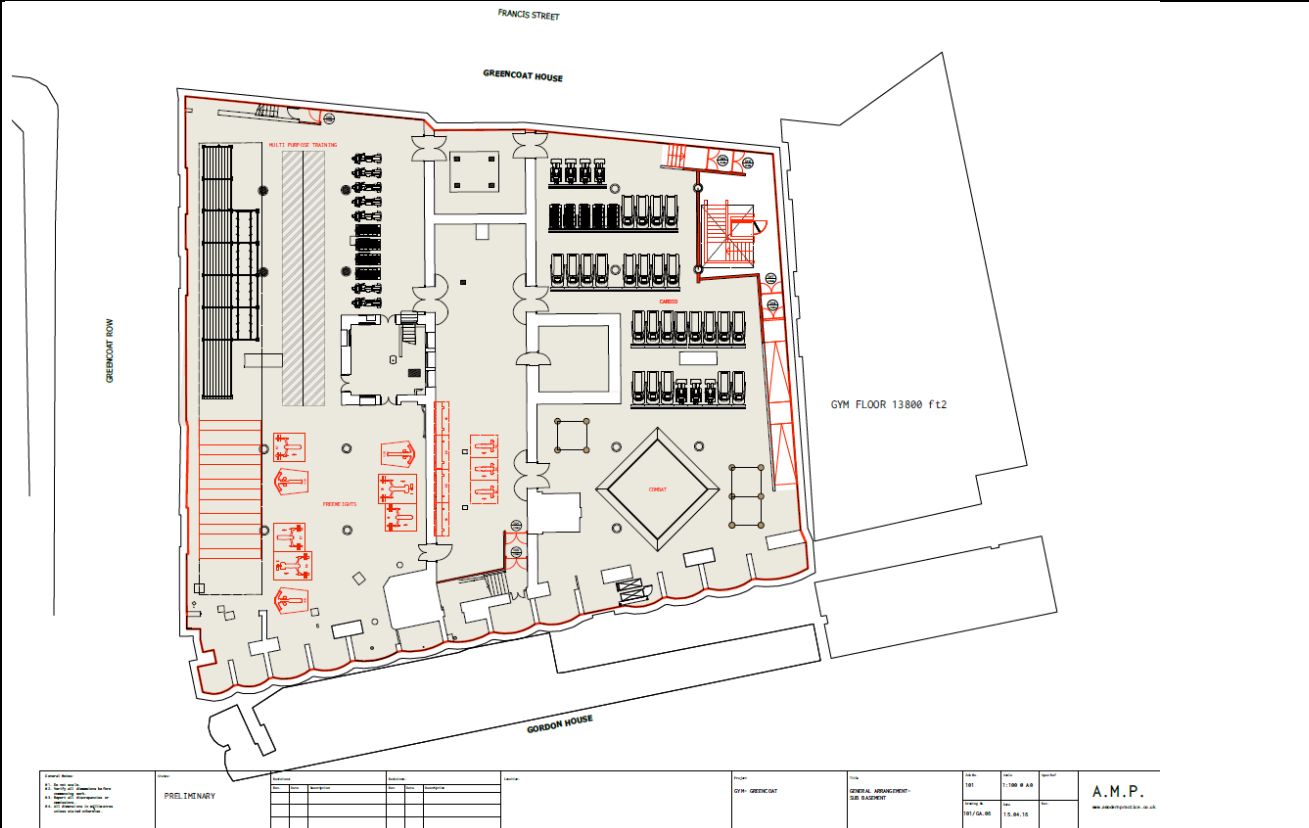
Selected relevant drawings

(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 MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT mmason@westminster.gov.uk

7. KEY DRAWINGS





DRAFT DECISION LETTER

Address: Greencoat House, Francis Street, London, SW1P 1DH,

Proposal: Change of use to a gym (Class D2) at part ground, basement and sub-basement levels.

Reference: 15/06747/FULL

Plan Nos: Site location plan; C645_B2_P_00_001 Rev A; C645_B2_P_B1_001 Rev A; C645_B2_P_B2_001 Rev A; C645_B2_P_00_002 Rev B; C645_B2_P_B1_002 Rev B; C645_B2_P_B2_002 Rev B.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 3 You must apply to us for approval of details of secure cycle storage for the staff of the gym. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to staff of the gym. You must not use the cycle storage for any other purpose.

Reason:

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

- 4 The access arrangements to the gym and the alterations to the entrance onto Francis Street including the removal of steps and replacement of the door must be undertaken in accordance with planning permission RN 16/00717/FULL dated 18 April 2016 (or as subsequently approved by any permission which varies this permission) prior to the commencement of the gym use.

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 5 Customers shall not be permitted within the gym premises before 06.00 or after 23.00 Monday to Friday and 10.00 to 20.00 on Saturdays, Sundays, bank holidays and public holidays. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 No amplified sound from the gym hereby permitted shall be audible from outside the premises.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 You must not allow more than 500 customers into the gym at any one time.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 Prior to the implementation of the gym use hereby permitted, an Operational Management Plan shall be submitted to and approved in writing by the City Council. The plan shall address how the gym will be managed, including how people arriving at and leaving the premises would not cause an adverse effect on neighbouring amenity. The Plan shall thereafter be adhered to in full accordance with the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the gym (Class D2) use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the gym (Class D2) use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;; (f) The proposed maximum noise level to be emitted by the activity.

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

- 10 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 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.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission does not allow any work which would change the outside appearance of the property. (I18AA)

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 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	35 Brewer Street, London, W1F 0RU,		
Proposal	Dual/alternative use of the basement and ground floor for either retail use (Class A1) or use as gallery, social and business hub, private members club and cultural venue (sui-generis).		
Agent	Rolfe Judd Planning		
On behalf of	Lights of Soho and Shaftesbury Soho Ltd		
Registered Number	15/10481/FULL	Date amended/ completed	16 November 2015
Date Application Received	11 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is located on the southern side of Brewer Street close to the junction with Great Windmill Street and comprises basement and ground floors. The lawful use of the premises is for retail purposes. However, since June last year the basement and ground floors have been used by Lights of Soho as a gallery, social and business hub and cultural venue. This use includes a retail element and the artworks displayed are on sale. The use also includes a private members club element, after 18.00, only members of Lights of Soho can access the premises. Permission is therefore sought for the retention of this use, or for its lawful retail use.

The key issues for consideration are:

- The loss of the retail unit; and
- The introduction of a gallery, social and business hub and cultural venue on the character and function of the area and on residential amenity.

The retention of the gallery, social and business hub and cultural venue is considered to be a unique offering to this part of Soho and is therefore welcomed. The proposal complies with the relevant policies set out in the Unitary Development Plan (UDP) and Westminster’s City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photo from March 2016



Photo from March 2016

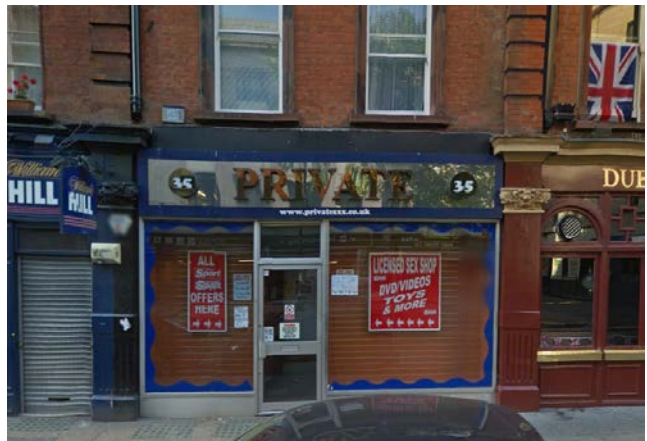


Photo from 2012

5. CONSULTATIONS

COUNCILLOR ROBERTS

Wishes to support the application.

SOHO SOCIETY

No objection.

ENVIRONMENTAL HEALTH

No objection, hours of operation should be in line with the premises licence.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 50

Total No. of replies: 107

No. of objections: 2

No. in support: 105

Two objections raising all or some of the following:

Amenity

- Noise escape from ground floor glass rooflight.
- Conditions imposed to restrict hours of operation, music events restricted to basement level.
- Impact of people queuing on street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This is an unlisted building located within the Soho Conservation Area and the West End Stress Area. The application relates to the basement and ground floors of the building, which is accessed via Brewer Street. The rear of the property backs onto the Soho Parish School playground.

The lawful use of the basement and ground floors is for retail (Class A1) purposes. However, the property has been used since summer 2015 by Lights of Soho.

6.2 Recent Relevant History

A certificate of lawful use was granted in December 2002 for the use of the basement and ground floor as a retail shop (Class A1)

7. THE PROPOSAL

Permission is sought to use the basement and ground floors for either gallery, social and business hub, cultural venue and private members club (sui generis) or as a retail unit (Class A1).

Lights of Soho are currently using the basement and ground floor, the ground floor is predominantly used as a retail art gallery which is open to members of the public until 18.00 every day. There is also a bar area at ground floor level with some tables and chairs. At basement level, there are additional pieces of artwork, with further bar and seating areas. After 18.00 the premises is open to members only. Food is served on the premises, but no hot food cooking takes place. The hours of operation proposed are 10.00 – 00.00 Monday to Thursday, 10.00 – 00.30 Friday and Saturday and 12.00 – 23.00 on Sundays and Bank Holidays.

The applicants have applied for a dual/alternative use under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This allows the basement and ground floor to change between the two uses for 10 years. However, the actual use 10 years after the date of decision will become the lawful use.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail use

The lawful use of the premises is for retail purposes and was formally used as a licenced sex shop. The City Council would have had limited control over the type of retail use occupying this premises. The previous use created a dead frontage which had a significant impact on the character and function of the area. City Plan Policy S21 states that existing retail will be protected throughout Westminster. UDP Policy SS5 aims to encourage a balanced mix of appropriate street-level activities, which maintaining and safeguarding their residential communities. The proposed use will predominantly be used for retail purposes and will be open to members of the public until 18.00 which is not unlike other retail uses in the area. The proposal will also not lead to three or more consecutive non-A1 uses in a row. The units to the east of the application site are used for retail purposes but are sex shops with dead frontages. This proposal creates street level activity which improves the character and function of this part of Brewer Street and therefore the loss of retail is acceptable in this instance.

Introduction of gallery, social and business hub, cultural venue and private members club (sui generis)

The proposed use includes a mix of uses including, retail art gallery, business hub, private members club and display of artworks. As set out above the premises will be open to members of the public from 10.00 – 18.00 daily, and during this time customers will be able to view and purchase artworks and take advantage of light refreshments. It is noted from the Premises Licence that before 17.00, alcohol is only allowed to be served ancillary to table meals; customers attending a private function (booked 48 hours in advance); paid members of the club and their bona fide guests (maximum of four); and management of Lights of Soho.

After 18.00, the premises will only be accessed to members of the private members club. Lights of Soho encourages its members to be supportive of creative industries including film, fashion, and the music and art scene.

The private members club element of the proposal needs to be assessed under UDP TACE10, which relates to entertainment uses which will be permissible only in exceptional circumstances. Two objections have been received from residents living within 24-25 Great Windmill Street stating that there has been an increase in noise and disturbance since Lights of Soho starting using the application site. Four complaints have been made to the Noise Team since the premises opened (although none since December 2015). The main cause of concern is over noise escape through an existing skylight at rear ground floor level. The applicants are aware of this issue and since the start of the year, they have repaired the rooflight and the opportunity for noise break-out has been reduced. The premises licence states that no noise should emanate from the premises and it is considered that a similar condition be replicated on the planning permission.

Food is served on the premises and this is in the form of cold 'light bites', including canapés, salads, and cakes etc. No hot food is prepared on the premises and as the proposal does not include the installation of a full height extract duct, a condition to ensure that no hot food cooking takes place is recommended.

The proposed hours of operation are in line with the core hours set out in the UDP and those granted as per the Premises Licence. It is considered that the private members club element of the proposal is acceptable and complies with TACE10 of the UDP.

Policy S22 states that new arts and cultural uses will be acceptable in the Core CAZ. This is clearly a unique venue which offers a range of activities which contribute to Soho and taken as a whole the use will have a positive impact on the character and function of Soho and is therefore recommended for approval.

8.2 Townscape and Design

No external alterations are proposed. However, it is noted that the current shopfront does not benefit from planning permission. The current shopfront is considered acceptable in design terms and the applicant is therefore advised that a retrospective planning application should be submitted.

8.3 Transportation/Parking

The proposal is not considered to have transportation/parking implications, it is likely that servicing will take place from Brewer Street as per the previous arrangements with the retail unit.

8.4 Economic Considerations

Any economic benefits generated by the proposal are welcomed.

8.5 Access

The entrance to the ground floor includes a low step. The access to the basement is via steps. As previously mentioned, the shopfront does not have consent an informative is recommended to ensure that the applicants apply for retention of the shopfront and they should incorporate level access.

8.6 Other UDP/Westminster Policy Considerations

Not applicable.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

Not required for the scale of this application.

9. BACKGROUND PAPERS

1. Application form
2. Response from Councillor Roberts, dated 16 May 2016
3. Response from Soho Society, dated 4 January 2016
4. Response from Environmental Health, dated 17 December 2015
5. Letter from occupier of 15 St James's Residences, Brewer Street, dated 21 December 2015
6. Letter from occupier of 16 Clacton Road, London, dated 21 December 2015
7. Letter from occupier of 12 Gate street, London, dated 21 December 2015
8. Letter from occupier of 45 New Cross Road, 208 Empire Heights, dated 21 December 2015
9. Letter from occupier of 7 Spring Apartments, 49 Nightingale Lane, dated 21 December 2015
10. Letter from occupier of 9 Laundress Lane, London, dated 21 December 2015
11. Letter from occupier of 58, Hillier Road, dated 21 December 2015
12. Letter from occupier of Flat 37, 235 Old Ford Road, Bow, dated 21 December 2015
13. Letter from occupier of 137 Westbourne Park road, London, dated 21 December 2015
14. Letter from occupier of 121-125 Charing Cross Road, 3rd Floor, dated 21 December 2015
15. Letter from occupier of 111 Buckingham Palace Road, London, dated 21 December 2015
16. Letter from occupier of 145 Roding Road, London, dated 21 December 2015

17. Letter from occupier of 52 Grays Inn Road, London, dated 21 December 2015
18. Letter from occupier of 84 Ballance Road, London, dated 21 December 2015
19. Letter from occupier of 19 Charlotte Street, Bristol, dated 21 December 2015
20. Letter from occupier of 9 Colville Houses, Talbot road, dated 21 December 2015
21. Letter from occupier of Flat 5, 25 Great Windmill Street, dated 18 December 2015
22. Letter from occupier of 97 Vallentin Road, LONDON, dated 22 December 2015
23. Letter from occupier of 13 Brewer Street, London, dated 22 December 2015
24. Letter from occupier of Flat 17, Westside Court, 107-113 Elgin Avenue, dated 21 December 2015
25. Letter from occupier of 126 Devonshire Hill Lane, London, dated 21 December 2015
26. Letter from occupier of 9 Museum Chambers, Bury Place, dated 21 December 2015
27. Letter from occupier of 26 Roland Gardens, first floor flat, dated 21 December 2015
28. Letter from occupier of Le Selo, Serres Sur Arget, dated 23 December 2015
29. Letter from occupier of 34 Aldridge Road Villas, London, dated 25 December 2015
30. Letter from occupier of CBRE international, Henrietta House, dated 22 December 2015
31. Letter from occupier of 59 Galloway Road, London, dated 23 December 2015
32. Letter from occupier of 41 St Augustines Road, London, dated 22 December 2015
33. Letter from occupier of 24 Frith Street, London, dated 21 December 2015
34. Letter from occupier of 13 Brewer Street, London, dated 22 December 2015
35. Letter from occupier of 12 Devonshire Mews West, London, dated 21 December 2015
36. Letter from occupier of 14 Brewer Street, London, dated 22 December 2015
37. Letter from occupier of 7 Arkley Crescent, London, dated 22 December 2015
38. Letter from occupier of Soho Museum, 55 Dean Street, dated 22 December 2015
39. Letter from occupier of 37 Montagu square, London, dated 23 December 2015
40. Letter from occupier of 44 Clavering Avenue, London, dated 23 December 2015
41. Letter from occupier of 150 Fleeming Road, London, dated 21 December 2015
42. Letter from occupier of 5 Lancaster Gardens, London, dated 24 December 2015
43. Letter from occupier of 29 Ruby Road, London, dated 21 December 2015
44. Letter from occupier of 461A Kingsland Road, London, dated 22 December 2015
45. Letter from occupier of 25 Warrenfields, Valencia Road, dated 23 December 2015
46. Letter from occupier of Flat 4, 42 Chesterton road, London, dated 23 December 2015
47. Letter from occupier of 65a Stadium Street, London, dated 26 December 2015
48. Letter from occupier of 13 Brewer Street, London, dated 24 December 2015
49. Letter from occupier of 16 Farrier Walk, London, dated 21 December 2015
50. Letter from occupier of Flat 6 Windlass Court, 2c Vyner street, dated 21 December 2015
51. Letter from occupier of 107 Leadenhall Street, London, dated 21 December 2015
52. Letter from occupier of 4 Fulton Mews, London, dated 25 December 2015
53. Letter from occupier of Soho Create, 6 Brewer, dated 22 December 2015
54. Letter from occupier of Po Box 56, London, dated 24 December 2015
55. Letter from occupier of 109 Sinclair Road, Basement Flat, dated 4 January 2016
56. Letter from occupier of Flat 3, 25 Great Windmill Street, dated 26 December 2015
57. Letter from occupier of 49 Milson Road, London, dated 3 January 2016
58. Letter from occupier of 1D Prince George Road, London, dated 22 December 2015
59. Letter from occupier of 74A Newman Street, London, dated 22 December 2015
60. Letter from occupier of 31 Higherbrook Close, Bolton, dated 21 December 2015
61. Letter from occupier of Flat 1, 14-16 Brewer Street, dated 22 December 2015
62. Letter from occupier of Flat 1, 4 Tisbury Court, dated 22 December 2015
63. Letter from occupier of 34B Woodstock Rd, London, dated 21 December 2015
64. Letter from occupier of Portland House, 12/13 Greek Street, dated 22 December 2015
65. Letter from occupier of 90-92 Pimlico road, London, dated 21 December 2015

66. Letter from occupier of Flat 2, 70 Charlwood Street, dated 21 December 2015
67. Letter from occupier of 5 George Street, Colliers international, dated 22 December 2015
68. Letter from occupier of 305 Howard House, Dolphin Sq, London, dated 23 December 2015
69. Letter from occupier of 101 New Bond Street, London, dated 21 December 2015
70. Letter from occupier of 46a St George's Drive, London, dated 22 December 2015
71. Letter from occupier of 161 Lowther Mansions, Church Road, dated 4 January 2016
72. Letter from occupier of 17 Dunham Close, Westthoughton, dated 21 December 2015
73. Letter from occupier of Wendover Dean Farm, Bowood lane, dated 22 December 2015
74. Letter from occupier of 1 Sandals Cottage, Church Lane, dated 22 December 2015
75. Letter from occupier of 9 Berwick St., London, dated 23 December 2015
76. Letter from occupier of Flat 7, 87-91 Hackney road, London, dated 21 December 2015
77. Letter from occupier of 4c Claremont Rd, London, dated 21 December 2015
78. Letter from occupier of 10 New Burlington Street, Level 5, dated 23 December 2015
79. Letter from occupier of 69 St Helens Gardens, London, dated 22 December 2015
80. Letter from occupier of 235 Hackney road, Hoxton, dated 21 December 2015
81. Letter from occupier of 9 Caledonian Road, London, dated 22 December 2015
82. Letter from occupier of Flat 1, 52 Queens Gate, dated 21 December 2015
83. Letter from occupier of 14-16 Brewer Street, Soho, dated 22 December 2015
84. Letter from occupier of 71B Elm Park Gardens, London, dated 23 December 2015
85. Letter from occupier of Claren Tower 2, flat 1307, dated 21 December 2015
86. Letter from occupier of 40 Wyatt Road, London, dated 21 December 2015
87. Letter from occupier of 4, New road, Weybridge, dated 21 December 2015
88. Letter from occupier of 101 Ilbert street, London, dated 22 December 2015
89. Letter from occupier of 8 Chestnut Road, West Norwood, dated 24 December 2015
90. Letter from occupier of 190 Kensington Park Road, London, dated 21 December 2015
91. Letter from occupier of 12 Charing Cross Road, London, dated 21 December 2015
92. Letter from occupier of 125 Charing Cross Road, London, dated 21 December 2015
93. Letter from occupier of 17a Kingsland road, London, dated 21 December 2015
94. Letter from occupier of 2566 Sutter Street, San Francisco, dated 21 December 2015
95. Letter from occupier of flat 2, 1 Brewer Street, dated 21 December 2015
96. Letter from occupier of 19c Beresford Rd, London, dated 21 December 2015
97. Letter from occupier of Flat 5, London, dated 21 December 2015
98. Letter from occupier of 31 Longmoore Street, London, dated 21 December 2015
99. Letter from occupier of Number five, 24 Leonard Street, dated 22 December 2015
100. Letter from occupier of 2nd floor, 14 Brewer Street, dated 22 December 2015
101. Letter from occupier of 9 Pendrell House, New Compton St, dated 22 December 2015
102. Letter from occupier of Aycote Lodge, Rendcomb, dated 22 December 2015
103. Letter from occupier of 9a St Luke's road, Notting Hill, dated 23 December 2015
104. Letter from occupier of 101 Ilbert Street, London, dated 21 December 2015
105. Letter from occupier of Brewer Street, London, dated 21 December 2015
106. Letter from occupier of 1380 Pinery Crescent, Oakville, dated 21 December 2015
107. Letter from occupier of 6, Ashurst Court, dated 21 December 2015
108. Letter from occupier of 15 Little Dimocks, London, dated 21 December 2015
109. Letter from occupier of 18 Sherriff Road, London, dated 23 December 2015
110. Letter from occupier of 267 Upper Street, London, dated 23 December 2015
111. Letter from occupier of Flat 1, 3-6 winner street, dated 23 December 2015

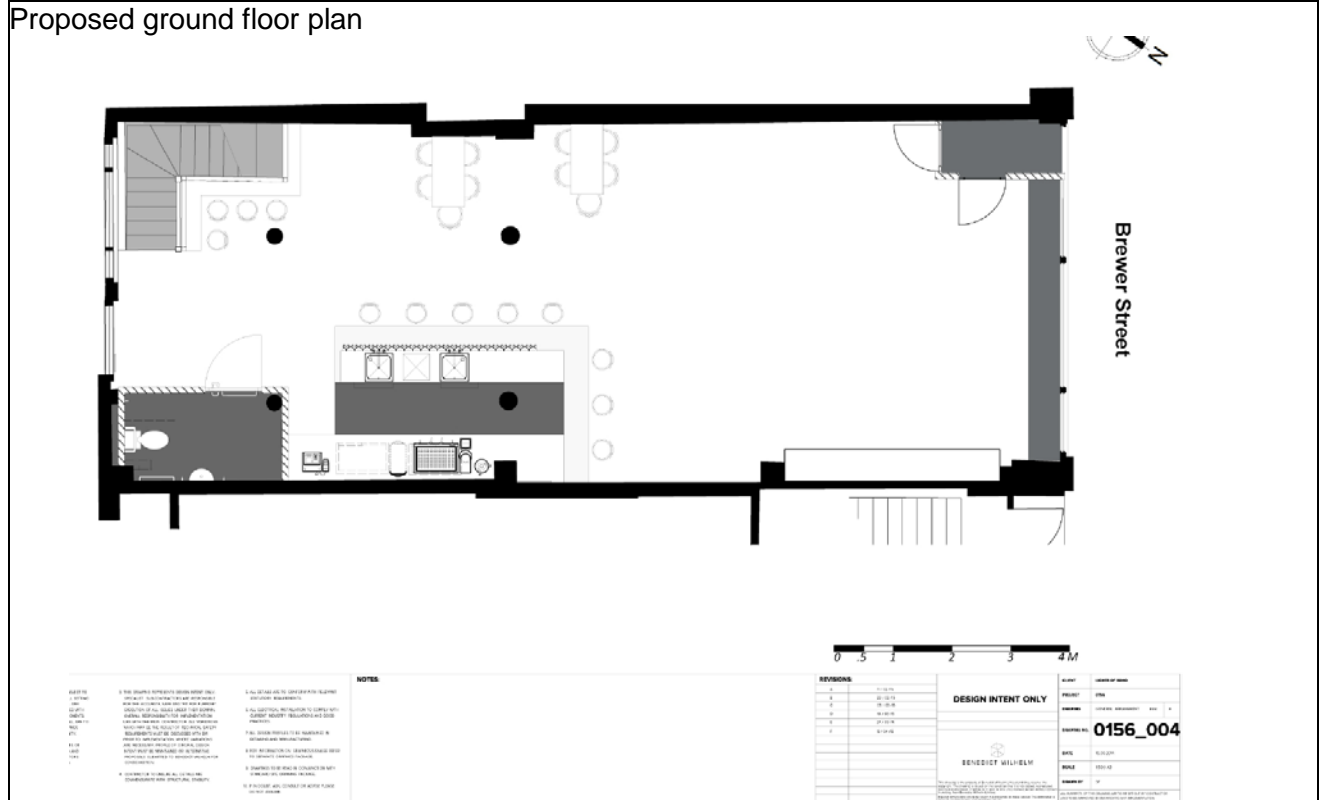
Item No.
3

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

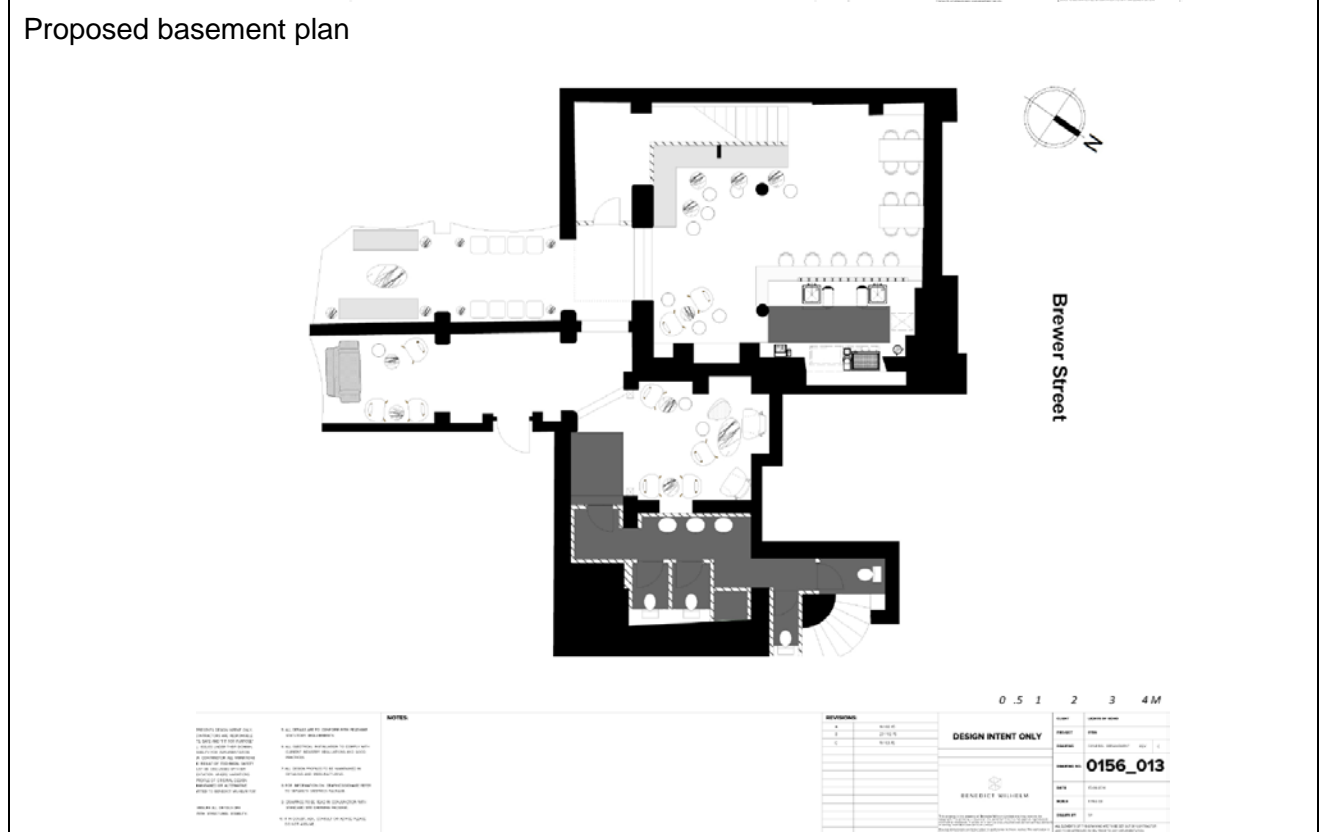
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT HELEN MACKENZIE ON 020 7641 2921 OR BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS

Proposed ground floor plan



Proposed basement plan



Item No.
3

DRAFT DECISION LETTER

Address: 35 Brewer Street, London, W1F 0RU,

Proposal: Dual/alternative use of the basement and ground floor for either retail use (Class A1) or use as gallery, social and business hub, private members club and cultural venue (sui-generis).

Reference: 15/10481/FULL

Plan Nos: 0156_004, 0156_013

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 Customers shall not be permitted within the sui generis premises before 10.00 or after 00.00 (midnight) on Monday to Thursday; before 10.00 or after 00.30 on Friday and Saturday and before 12.00 or after 23.00 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and

TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 You must not allow more than 120 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 5 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 6 You must not play live or recorded music in the gallery, social and business hub and cultural venue (sui generis) which is audible from outside the premises.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the sui generis use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the sui generis use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

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

Informative(s)

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the basement and ground floors can change between the retail use or use as art gallery, social and business hub and cultural venue we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for

any further change. (I62A)

- 3 You are advised that planning permission has not been granted for the shopfront currently in place. Please use the forms on the City Council's website to submit this application, please also ensure that level access is provided at street level.

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

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	115-117 Warwick Way, London, SW1V 4HT		
Proposal	Demolition behind the retained facade of No. 117 and erection of a replacement building with extensions at rear lower ground to second floor levels, a mansard roof extension and additional sub-basement. Replacement mansard roof to No. 115. Amalgamation of both properties to form a single hotel use (Class C1).		
Agent	Bruce Geddes		
On behalf of	Mr M Shariff		
Registered Number	13/02786/FULL	Date amended/ completed	9 May 2014
Date Application Received	26 March 2013		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

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

2. SUMMARY

The application properties have lawful hotel use. The Olympic House Hotel at No. 115 has 18 guest bedrooms. The Grapevine Hotel at No. 117 has 27 guest bedrooms.

The application properties are unlisted but are within the Pimlico Conservation Area and within the Pimlico Central Activities Zone. The Pimlico Conservation Area Audit identifies No. 117 as an unlisted building of merit.

Permission is sought for demolition behind the retained facade of No. 117 and erection of a new building with extensions at the rear, a mansard roof extension and additional sub-basement. The applicant originally proposed the complete demolition of No. 117 but following officer advice this part of the scheme was revised to façade retention. A replacement mansard is proposed to No. 115. It is proposed to amalgamate the two hotels to provide a total of 44 guest bedrooms.

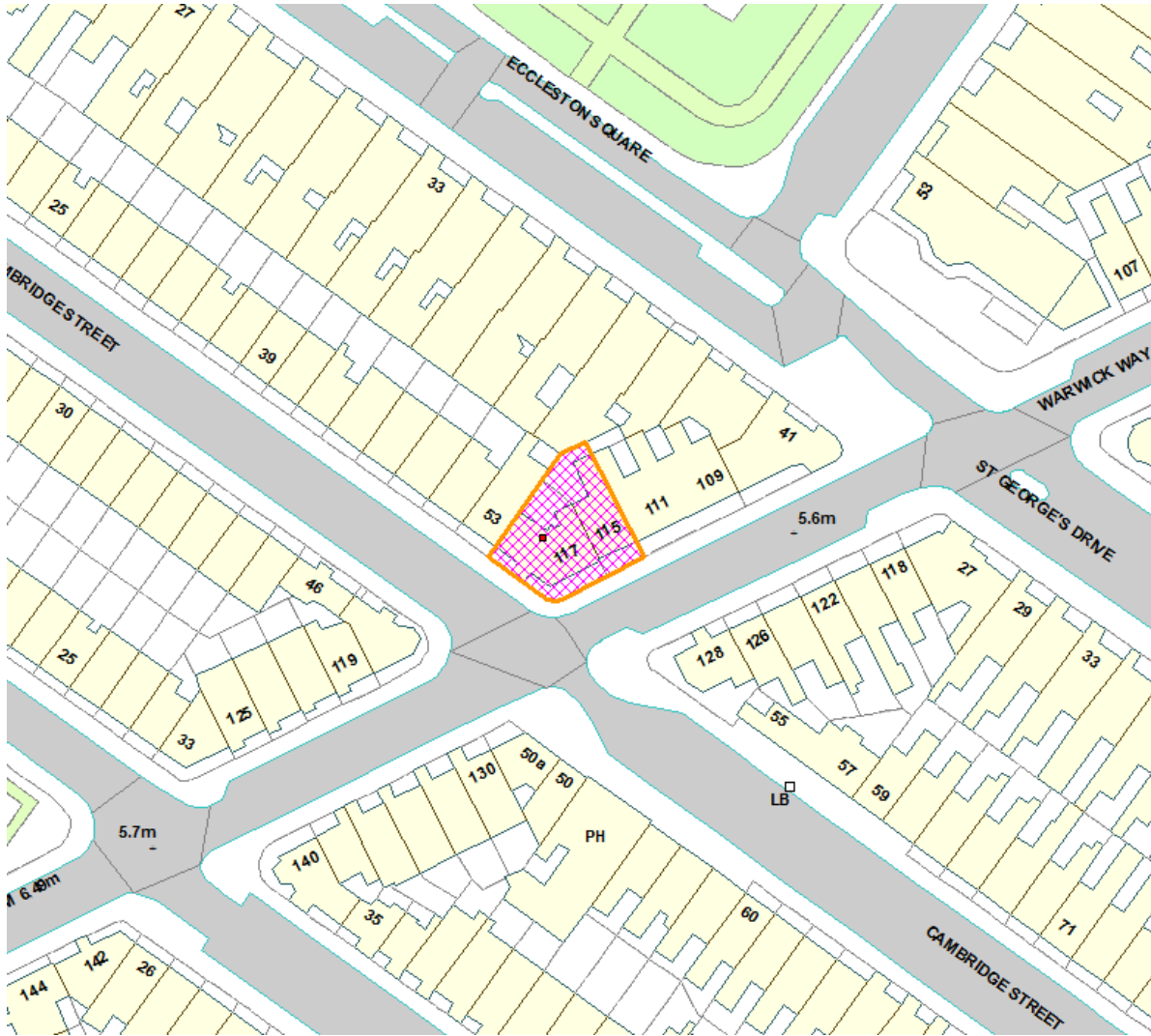
Permission was granted in 2010 for the amalgamation of Nos. 115 and 117 to form a single hotel with 43 guest bedrooms but was not implemented.

The key issues in this case are:

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

Objections have been received to the scheme on land use, design, amenity and construction impact. However for the reasons set out in the report, the proposals are considered to comply with the Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies. The application is accordingly recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ENVIRONMENT AGENCY:

No objection as development is at low risk of flooding.

WESTMINSTER SOCIETY:

Objection. No proposed elevations included in this very confusing application.

ENVIRONMENTAL HEALTH:

No objection.

CLEANSING:

No objection.

HIGHWAYS PLANNING:

Undesirable on transportation grounds but could be made acceptable with a servicing management plan and cycle storage to be secured by condition.

BUILDING CONTROL:

Structural method statement is considered acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 76

Total No. of replies: 29

No. of objections: 29

No. in support: 0

Land Use

No need for additional bedrooms.

The increase in size of hotel serves no public benefit.

Amenity

Loss of light.

Design

No justification to demolish the entire building.

Construction Impact

There should be no works on a Saturday.

Properties either side of application site in danger of subsidence.

Noise, vibration and disturbance from building works.

Construction traffic would compromise the safety of residents.

Impact of construction vehicles on road network.

Disruption from suspension of parking bays.

Loading and unloading of vehicles in Cambridge Street will create noise and dirt.

Streets are impracticable for size of vehicles proposed.

Proposals would lead to traffic congestion along Cambridge Street and at junction with Warwick Way and St George's Drive.

Delivery route for lorries via Cambridge Street/Hugh Street/Alderney Street is unacceptable.

PRESS ADVERTISEMENT / SITE NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application properties have lawful hotel use. The Sheriff Hotel at No. 115 has 18 guest bedrooms and fronts onto Warwick Way. The Grapevine Hotel at No. 117, which has 27 guest bedrooms and a 36 cover breakfast room, is a corner proper with the hotel entrance on Cambridge Street.

The application properties are unlisted but are within the Pimlico Conservation Area and within the Pimlico Central Activities Zone. The Pimlico Conservation Area Audit identifies No. 117 as an unlisted building of merit.

6.2 Recent Relevant History

115 and 117 Warwick Way

Permission was granted in December 2010 to amalgamate the two hotels at 115 and 117 to provide 43 bedrooms. The scheme included the erection of a mansard roof extension and rear extensions at lower ground to new third floor level to No. 117 and the erection of a replacement mansard roof to No. 115 (our ref 10/06976/FULL). This permission has not been implemented.

115 Warwick Way

Permission was granted in July 1995 for the use of 115 Warwick Way as a hotel.

117 Warwick Way

Permission was granted in June 2005 for the erection of mansard roof extension and rear extensions at lower ground to new third floor level to provide eight additional hotel bedrooms (05/00400/FULL). This permission was renewed in April 2010 (10/01675/FULL). These permissions have not been implemented.

Permission granted in December 1992 for the erection of a rear four storey extension and mansard roof addition to existing hotel (92/04129/FULL). This permission was renewed in September 1997. (97/06414/FULL) and has not been implemented.

7. THE PROPOSAL

Permission is sought for demolition behind the retained facade of No. 117 and erection of a new building with extensions at the rear at lower ground to second floor level, a mansard roof extension and additional sub-basement. The applicant originally proposed the complete demolition of No. 117 but following officer advice this part of the scheme was revised to façade retention. A replacement mansard is proposed to No. 115. It is proposed

to amalgamate the two hotels to provide 44 guest bedrooms. The new sub-basement is to provide a breakfast room for hotel guests together with a laundry room.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal seeks to extend the existing hotel use with additional bedroom accommodation and facilities for guests. The scheme is similar to that approved in 2010 with the exception that a new sub-basement is now proposed under No. 117. The existing, as previously approved and proposed guest bedrooms and bed spaces for the hotel are set out in the table below.

	115 and 117
Existing Guest Rooms	36 <i>(18 at No. 115 and 18 at No. 117)</i>
Existing Bed Spaces	64 <i>(37 at No. 115 and 27 at No. 117)</i>
No. of Guest rooms approved in 2010 permission.	43
No. of Bed Spaces approved in 2010 permission	80
Proposed Guest Bedrooms	44
Proposed Bed Spaces	81

Policy S23 of Westminster's City Plan: Strategic Policies (hereafter referred to as the City Plan) states that existing hotels will be protected where they do not have significant adverse effects on residential amenity and proposals to improve the quality and range of hotels will be encouraged. Policy TACE 2 of the UDP states that outside the Core Central Activities Zone and Central Activities Zone Frontages extensions to existing hotels will be granted planning permission where:

- a) These would be of an appropriate scale to their surroundings and linked to the upgrading of the hotel;
- b) Facilities that can be used by non-residents of the hotel would not be introduced;
- c) The extension would not result in intensification of use of existing facilities by non-residents
- d) There would be no adverse effects on residential amenity and no loss of permanent residential accommodation.

The proposal will increase the number of bedrooms by eight and bed spaces by 17. This is not considered to be a significant increase and is similar to the scheme approved in 2010. The proposed extension is linked to the upgrading of the hotel accommodation which includes provision of en-suite bedrooms to all bedrooms, provision of lift access to all floors, a larger breakfast room with 60 covers, a kitchen preparation area and laundry area. Although there is predominately a residential area, there are other hotels in the vicinity and the expanded hotel is considered appropriate to its surroundings. Subject to conditions to restrict the number of guest bedrooms to 44, the use of the breakfast room to hotel guests only and a no primary cooking condition, the proposal is considered to comply with adopted policy.

8.2 Townscape and Design

Demolition behind the retained facade of No. 117 Warwick Way

The application had originally proposed to demolish the whole of No. 117. The applicant justified this on structural grounds. The complete demolition was unacceptable in heritage terms and Building Control officers advised there was no justification for full demolition. As revised the scheme seeks to retain the front facade of No. 117. Objections have been raised concerning the proposed demolition works, however in design terms there is no objection to this aspect of the proposed scheme.

Roof extension

A roof extension was previously approved at No. 117 in 2010. The current proposal is similar to that previously approved and remains acceptable in conservation and design terms. Other properties along Warwick Way have been extended at roof level.

The proposed remodelling of the existing roof to No. 115 is welcomed. The current roof is unsightly and the proposal seeks to replicate the roof profile of the neighbouring properties at Nos. 109-113. This is considered acceptable in design terms.

Rear extension

It is proposed to extend to the rear of No. 117 at lower ground to third floor level. The proposed extensions are the same as the approved 2010 scheme and are designed to match the appearance of the existing building. The proposed extension does not extend beyond the flank wall with 53 Cambridge Street or beyond the rear building line with 115 Warwick Way.

Overall the proposed works are considered acceptable in design terms and are in accordance with DES 1, DES 5, DES 6 and DES 9.

8.3 Residential Amenity

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

The principle of extending this hotel is considered acceptable for the reasons set out in Section 8.1 of this report.

The proposed rear extension to No 117 does not extend beyond the flank wall with 53 Cambridge Street and will not have an adverse impact on light, sense of enclosure or loss of privacy to the adjoining properties. Similarly the roof extension will not have a significant amenity impact.

8.4 Transportation/Parking

The extended hotel will not provide off street car parking. However the site is within a Controlled Parking Zone and has a high level of public transport accessibility. The proposal is therefore unlikely to have a significant impact on on-street parking in the area.

The drawings do not show the provision of secure cycle parking for staff. Policy TRANS 10 requires one cycle space to be provided per 10 members of staff. A condition is recommended to secure this aspect.

No off-street servicing is provided however single and double yellow lines within the vicinity of the site allow loading and unloading to occur. The largest regular service vehicle expected to be associated with the site is refuse collection or laundry vehicle. These will service this property in a similar manner to the existing use and adjoining properties. It is not considered that the new breakfast room will have a significant impact on servicing as the number of covers will only increase by 10. For this reason a servicing management plan is not considered necessary.

8.5 Economic Considerations

The economic benefits generated by the extended hotel are welcome.

8.6 Access

The scheme will allow the provision of lift access to all floors.

8.7 Other UDP/Westminster Policy Considerations

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

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

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

8.8 London Plan

The proposal does not raise strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The proposal does not trigger any requirement for Planning Obligations.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Basement extension

Objections have been received to the proposed sub-basement with regards to the structural impact of the works on neighbouring buildings.

A structural method statement has been submitted in relation to the proposed excavation works. 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.

The submitted structural report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the

decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Demolition and construction works

There is a lot of concern from neighbouring occupiers and ward members regarding the construction impact of the proposed works. The scheme will involve substantial demolition work and the excavation of a new sub-basement. Residents and wards members are understandably concerned about the impact in terms of noise and disturbance, highway safety, loss of parking and general disruption.

The applicant has submitted a construction management plan (CMP) with the application. This indicates that the scheme will be registered under the Considerate Contractors Scheme and there will be consultation with local businesses and neighbours during building works. In terms of traffic management the CMP advises that an application will be made to the Council to suspend parking bays on Cambridge Street and that all deliveries will take place from this street. The CMP indicates that vehicles will exit via Cambridge Street and Alderney Street. A number of criticisms have been raised by residents regarding the detail set out in the CMP, that it does not adequately address the access and egress of construction traffic around the site and particularly at the junction of Cambridge Street and Warwick Ways and the existing site constraints of the area.

The submitted CMP cannot be approved at this stage. Should permission be granted for this scheme, the Council's Highways Licensing will have the final say on the suspension of parking bays, road traffic management or even road closures during the different stages of building works. The feasibility of using Cambridge Street as a vehicle egress for example may depend on the size of the construction vehicles used. Although the scheme cannot be refused on construction impact it can be mitigated effectively through the CMP. It is therefore recommended that a further detailed construction management plan is secured by condition following input from the Highways Licensing team.

A number of objections have been received on the grounds that the proposed demolition of the building and formation of the new building will result in unacceptable noise and disruption to residents within the surrounding area. Whilst it is recognised that there will inevitably be an element of disturbance to residents, particularly during the demolition phase and construction of the new basement, conditions are recommended to restrict the hours of building works in order to mitigate the impact on nearby residential occupiers. In terms of disturbance from construction works, it is considered that works can be adequately controlled by use of the City Council's standard hours of work condition for basement work. This prevents basement excavation work on Saturdays but does allow other work to take place. It is considered that restricting all building work on a Saturday by condition would be unreasonable.

9. BACKGROUND PAPERS

1. Application form.
2. E-mail from Councillor Nicola Aiken dated 10 June 2014 and 5 October 2015.

3. E-mail from Councillor Christabel Flight dated 4 July 2014 including letter dated 10 June from the residential occupier of 51 Cambridge Street, SW1V 4PR.
4. Letter from Councillor Argar dated 14 June 2014.
5. E-mail from Councillor Wilkinson dated 9 October 2015.
6. Letter from the Environment Agency dated 14 October 2014.
7. Memorandum from Westminster Society dated 27 May 2014.
8. Memorandum from Environmental Health Consultation Team dated 27 May 2014.
9. Memorandum from Cleansing dated 4 June 2014.
10. Memorandum from Highways Planning dated 7 October 2014.
11. E-mail from Building Control dated 10 November 2014.
12. Letter from the residential occupier Flat 4, 41 Eccleston Square, SW1V 1PB dated 5 June 2014 .
13. E-mail from the residential occupier of 51 Cambridge Street, SW1 dated 7 June 2014 and 5 October 2015.
14. E-mail from the residential occupier of 111 Warwick Way, SW1V 4HT dated 11 June 2014.
15. E-mail (x2) from the residential occupier of 43 Cambridge Street, SW1 dated 12 June 2014 and 10 October 2015.
16. E-mail from the residential occupier of 38 Cambridge Street, SW1V 4QH dated 12 June 2014 and 2 October 2015.
17. E-mail from the residential occupier of 11 Alderney Street, SW1 dated 12 June 2014.
18. E-mail from the residential occupier of Flat 1, 14 Cambridge Street, SW1 dated 12 June 2014.
19. E-mail from the residential occupier of 17 Cambridge Street, SW1V 4PR dated 12 June 2014.
20. Letter from the residential occupier of 6 Wilton Court, 59 Eccleston Square, SW1V 1PH dated 12 June 2014.
21. E-mail from the residential occupier of 22 Cambridge Street, SW1 dated 13 June 2014 and 5 October 2015.
22. E-mail (x2) from the residential occupier of 39 Cambridge Street, SW1 dated 13 June 2014.
23. E-mail from the residential occupier of 41 Cambridge Street, SW1 dated 13 June 2014.
24. E-mail from the residential occupier of 25 Cambridge Street, SW1 dated 13 June 2014.
25. E-mail from the residential occupier of 27 Cambridge Street, SW1V 4PR dated 13 June 2014 and 27 October 2015.
26. E-mail from the residential occupier of 45 Cambridge Street, SW1 dated 13 June 2014.
27. E-mail from the residential occupier of 26 Cambridge Street, SW1 dated 13 June 2014.
28. E-mail (x2) from the residential occupier of 32 Cambridge Street, SW1 dated 13 June 2014.
29. Letter and e-mail from the residential occupier of 23 Cambridge Street, SW1V 4PR dated 14 June 2014.
30. E-mail from the residential occupier of 28 Cambridge Street, SW1V 4HT dated 14 June 2014.
31. E-mail from the residential occupier of 42 Cambridge Street, SW1 dated 15 June 2014.
32. E-mail from the residential occupier of 17 Alderney Street, SW1 dated 17 June 2014.
33. E-mail from the owner of the Eccleston Square Hotel, 37 Eccleston Square, SW1 dated 18 June 2014.
34. E-mail from the residential occupier of 37 Cambridge Street dated 28 October 2015.

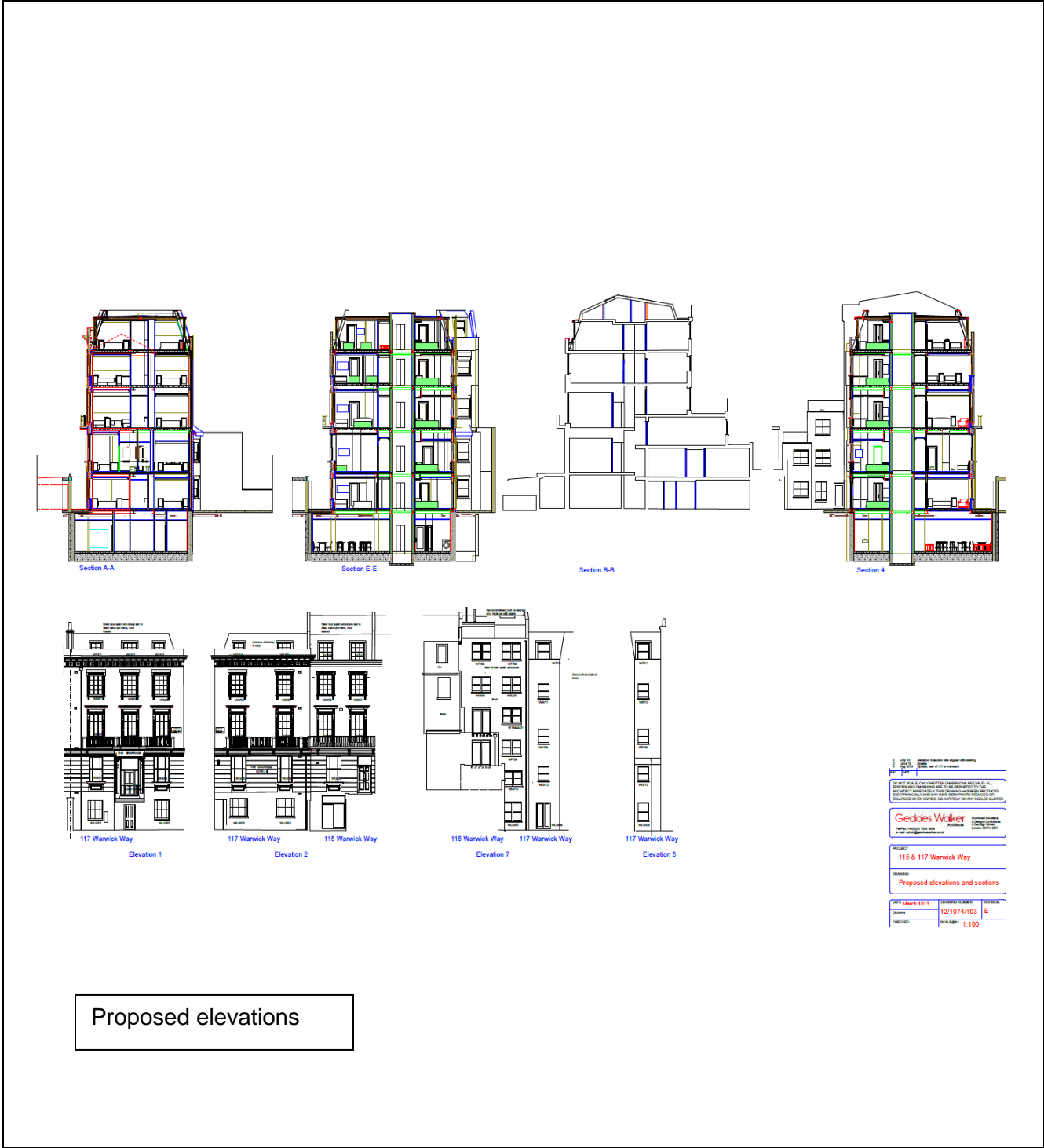
Selected relevant drawings

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

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



DRAFT DECISION LETTER

Address: 117 Warwick Way, London, SW1V 4HT

Proposal: Demolition behind the retained facade of No. 117 and erection of a replacement building with extensions at rear lower ground to second floor levels, a mansard roof extension and additional sub-basement. Replacement mansard roof to No. 115. Amalgamation of both properties to form a single hotel use (Class C1). (Site includes Nos. 115 and 117 Warwick Way).

Reference: 13/02786/FULL

Plan Nos: 10/1065/27 Rev. C, 12/1074/100 Rev. B, 12/1074/101 Rev. C, 12/1074/103 Rev. E, 12/1074/110 Rev. A and Flood Risk Assessment dated March 2013., , For information purposes: Structural Method Statement and Building Impact Assessment for the proposed subterranean development including retention of the existing front facades dated 12 May 2015 (10355/SMS/01/revB, drawings 103555/BP01 Rev. A, 103555/BP02 Rev. A, 103555/CS01 Rev. A, 103555/CS02 Rev. A, 103555/CS03 (see informative 2), Construction Phase Plan prepared by SRH Building Services Ltd (see informative 3) and Impacts of proposed development at 117 Warwick Way, London, SW1V 4HT on groundwater and drainage dated 15 October 2013 (13/061/TC) prepared by Water Environment Limited, Construction Phase Management Plan by Recherche Property Management and Construction Phase Health and Safety Plan by Recherche Property Management.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

- 3 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either: (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building. You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

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

- 4 The breakfast room shown on drawing 12/1074/101 Rev. C must not exceed 60 covers and must be used by residential hotel guests only.

Reason:

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

- 5 The internal layout of the hotel shall be as shown in drawing 12/1074/101. The hotel is restricted to providing no more than 44 bedrooms and no more than 81 bed spaces.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 2 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 You are advised that only the lower ground floor rooms identified as LG1 and LG3 on drawing 12/1074/101 Rev. C can have access to the rear external courtyard area.

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 **Pre Commencement Condition.** Notwithstanding the Construction Phase Management Plan submitted with the application, 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. (see informative 8)

Reason:

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

- 8 You must provide the waste store shown on drawing 12/1074/101 Rev. C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel use (Class C1). You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

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

Reason:

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

- 10 You must apply to us for approval of detailed drawings of the following parts of the development:
- dormers;
 - windows and doors; and
 - balustrade to first floor balcony level.

You must not start work until we have approved what you have sent us. You must then carry out the work according to these approved drawings. (C26CB)

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 14 The new mansard roofs shall be clad in natural slates.

Reason:

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

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

Reason:

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

- 16 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a facade retention report for the proposed development has been submitted to

and approved in writing by the City Council as local planning authority. 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 maintain the character of the Pimlico 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)

- 17 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05DC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 For the avoidance of doubt the Construction Management Plan required under condition 7 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction

methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 6 You are advised that in respect of Condition 15 you are required to provide secure, covered and accessible cycle spaces on site. 1 cycle space is required per 10 members of staff.
- 8 The revised Construction Management Plan should take into account the outcome of the Highways Licensing application that will be required.
- 9 Under condition 17 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. But you can reheat food by microwave or convection oven as long as you do not need extractor equipment. If you want to remove this condition you will need to send us full details of all the extractor equipment needed to get rid of cooking fumes. We will also consider the design and effect on neighbouring properties of any new ducts. (I72AA)

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

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Dukes Court, 1 Moscow Road, London, W2 4AJ,		
Proposal	Erection of single storey roof extension to provide three flats (Class C3) with plant enclosure to roof and alteration facades including new residential entrance at ground floor level and replacement of spandrel panels to windows.		
Agent	Buckley Gray Yeoman		
On behalf of	Aviva Investors		
Registered Number	15/07000/FULL	Date amended/ completed	29 March 2016
Date Application Received	31 July 2015		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for the erection of a single storey roof extension to provide three flats (Class C3) with a plant enclosure to the roof and alteration to the existing facades including new a residential entrance at ground floor level and replacement of the spandrel panels below windows to the street elevations.

Permission has previously been granted for a roof extension on this building; albeit one of different detailed design and form. Permission was first granted in March 2007 and this was extended for a further three year period in May 2010. This permission expired in March 2012, but has been implemented by virtue of the installation of window replacement works that formed part of the same permission. Therefore the 2010 permission remains extant and could be implemented at any time.

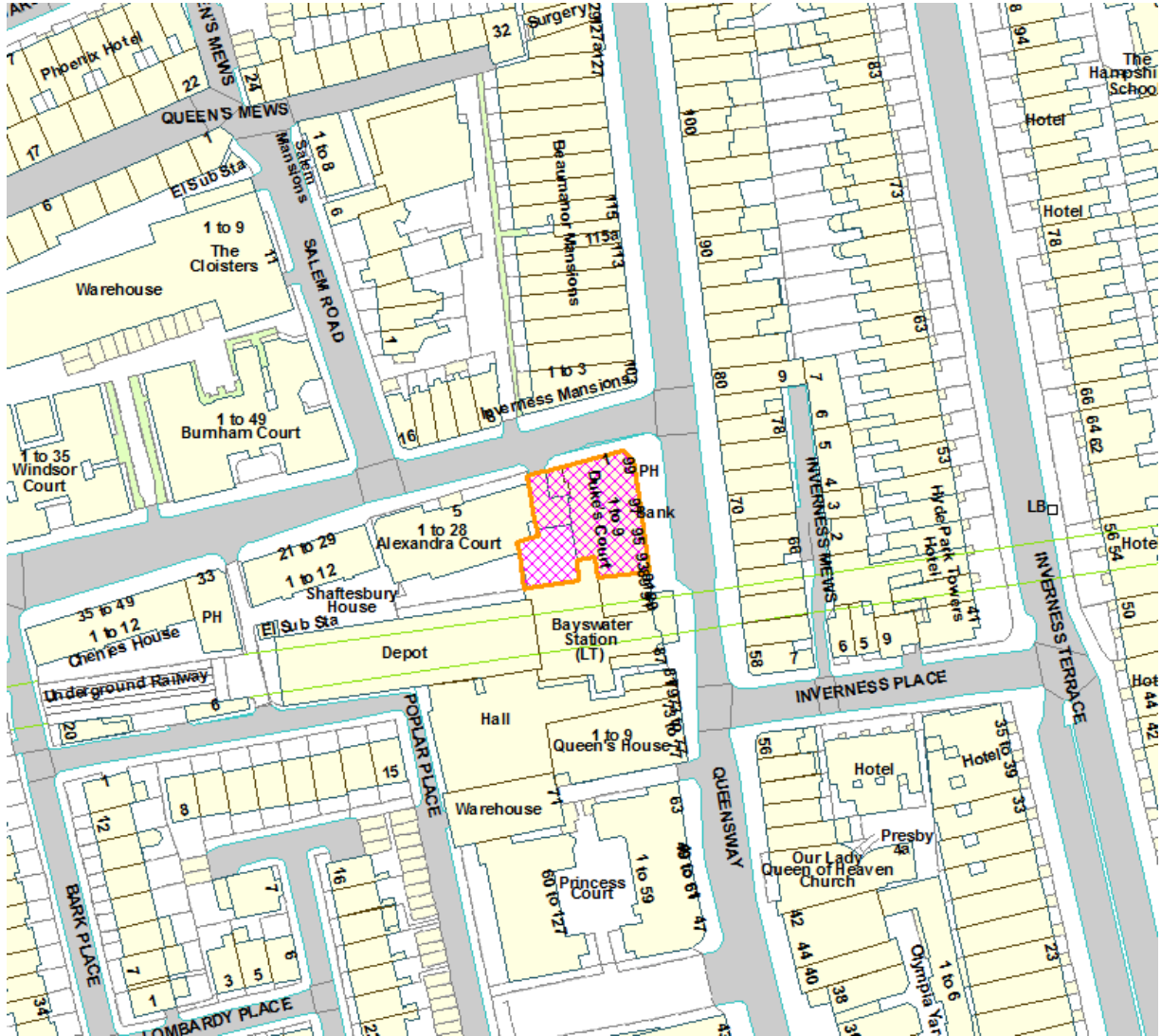
The key issues in this case are:

- The impact of the proposed development on the appearance of the building and the character and appearance of the Queensway Conservation Area.

- The impact on the amenity of neighbouring residents.
- The impact on the availability of on-street residents parking in the vicinity of the site.

The proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and therefore it is recommended that planning permission is granted subject to the recommended conditions set out in the draft decision letter at the end of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View north along Queensway (top) and Moscow Road elevation (bottom).

5. CONSULTATIONS

CONSULTATION ON INITIALLY SUBMITTED SCHEME (AUGUST 2015)

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Possibly overdevelopment of the site. Two apartments would be preferable. Car parking for additional apartment is problematic as Queensway is a very congested area.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

CLEANSING MANAGER

No objection. Condition recommended to secure details of waste and recycling storage.

HIGHWAYS PLANNING MANAGER

Objection. On street parking in the vicinity has exceeded the level of serious deficiency overnight. Insufficient cycle parking is provided (London Plan compliance requires 5 spaces for the 3 flats proposed).

THAMES WATER

Request Grampian condition in respect of sustainable urban drainage. General water and waste water advice provided.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88;
Total No. of replies: 3;
No. of objections: 3;
No. in support: 0.

3 emails/ letters received raising objection on all or some of the following grounds:

Highways/ Parking

- Cycle parking should be provided for existing flats in the building as well as those proposed.

Other Matters

- Building is not structurally capable of supporting an additional floor.
- Cracks have appeared after installation of new windows 5 years ago and freeholder has not taken action to rectify this.
- Neither Option A (single storey roof extension) or Option B (two storey roof extension) referred to in the submitted structural statement should be pursued.
- Freeholder has not dealt with snagging from refurbishment works carried out 5 years ago.
- Applicant should provide a start and finish date if permission is granted to give leaseholders in the building certainty over the period of works.
- There are 9 flats in the building, not 8 as stated in the application.

- The 3 flats at the western end of the building are all 2 bedroom flats, not one bedroom flats and the flats on the east corner are 2, 3 and 3 bedroom flats. The missing flat is a 2 bedroom flat.
- Concern that space will be taken from other flats or communal space to strengthen the lift core. Any space taken from the corridors would make them too narrow.
- Adverse impact on the value of existing flats in the building.
- Water meters cannot be provided for this building according to Thames Water.
- Concerned that freeholder is describing recent refurbishment works as being carried out using sub-standard materials.
- Damp in bathroom of existing flat
- Noise and disruption from building works.

ADVERTISEMENT/ SITE NOTICE: Yes

RECONSULTATION ON REVISED SCHEME (APRIL 2016)

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

CLEANSING MANAGER

No objection. Condition recommended to secure details of waste and recycling storage.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88;

Total No. of replies: 3;

No. of objections: 3;

No. in support: 0.

3 emails/ letters received raising objection on all or some of the following grounds:

Design

- Concerned at height of proposed elevations which appear too high.

Highways/ Parking

- Cycle parking should be provided for existing flats in the building as well as those proposed.

Other Matters

- Initially raised concerns remain valid and have not been overcome by revised scheme.
- Plant room proposed would be over the weakest part of the building adding to the previously stated structural concerns.
- Initial concerns about the number and mix of flats in the building have not been corrected raising concerns that the actual impact of the development in terms of parking has not been correctly assessed.
- Means of fire escape are not to current standards.
- The proposed development would necessitate the use of scaffolding in future to repair the lift; whereas at present the lift can be accessed without the need for scaffolding.
- Parking to rear is not used as they cost a large amount to rent.
- Note windows shown in this application do not match those approved for the existing building earlier in 2016.
- Not convinced it will be possible to run services in existing channels due to limited space.
- Previous works by freeholder to communal areas five years ago were substandard and are the subject of dispute with leaseholders.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located at the corner of Queensway and Moscow Road, next to Bayswater Underground Station. The building is a four storey 1960's block of flats which is not listed but is located within the Queensway Conservation Area.

6.2 Recent Relevant History

13 June 1996 – Permission refused for addition of fourth floor to extend building to provide 4 flats (95/08225/FULL).

7 August 1997 – Permission granted for addition of fourth floor to existing building to provide 3 self-contained flats (97/02788/FULL).

8 March 2007 – Permission granted for erection of fourth floor level roof extension to create four self-contained flats (1x1 bedroom, 2x2 bedroom and 1x3 bedroom units) with associated external alterations to facades including replacement of existing windows with new aluminium windows and erection of glazed canopy over main entrance on Moscow Road elevation (06/02167/FULL).

10 May 2010 – Permission granted for extension of time for the commencement of development granted planning permission 8 March 2007 (extant permission reference: RN: 06/02167), namely for the erection of a fourth floor level roof extension to create four self-contained flats (1x1 bedroom, 2x2 bedroom and 1x3 bedroom units), with associated external alterations to facades including replacement of existing windows with new

aluminium windows and erection of glazed canopy over main entrance on Moscow Road elevation. (Site previously known as Dukes Court, 3 Moscow Road) (10/01707/FULL).

14 January 2011 – Permission granted for replacement of entrance door and surround (10/08994/FULL).

19 August 2015 – Permission granted for alterations to the windows to the flats and communal areas to include new outward opening fan lights and casements (15/04957/FULL).

7. THE PROPOSAL

Permission is sought for the erection of a single storey roof extension to provide three flats (Class C3), with plant enclosure to the roof of the new floor and alteration to the street facades of the existing building, including new residential entrance at ground floor level and replacement of spandrel panels to windows.

The proposed roof extension would be 0.8m higher than previously approved in 2006 and 2010 and is of materially different detailed design, but its footprint and proximity to the facades of the building on the lower floors are broadly similar to that previously approved. It is understood that the increase in height is necessary to accommodate the structural frame required above the existing roof of the building to support the proposed roof extension.

The scheme has been amended during the course of the application to reduce the height of the roof extension (as initially submitted the roof extension was 1.3m higher than the approved scheme). The detailed design of the roof extension has also been revised to address officer's concerns that the initially submitted scheme did not relate well to the appearance of the existing building. Proposals to paint the brickwork of the existing building have also been omitted.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the provision of three additional residential units in this location would accord with Policy H3 in the UDP and would optimise the provision of residential accommodation in accordance with Policy S14 in the City Plan.

Whilst the mix of units proposed would not include a three bedroom unit and therefore the mix is not fully compliant with Policy H5 in the UDP, it is considered that the mix proposed (1x1 bedroom flat and 2x2 bedroom flats) makes the most efficient use of the available space either side of the lift core. Furthermore, the flats would have limited external amenity space at roof level and are in a busy location on Queensway. Given these factors and as only a small number of flats are proposed, it is considered that the mix is acceptable in this case despite the normal requirements of Policy H5.

The residential units proposed are of an acceptable standard in terms of their size, which would be compliant with the Government's Nationally Described Space Standard and

Policy 3.5 in the London Plan. The flats would be well lit and would each have access to a small external terrace to provide external amenity space.

8.2 Townscape and Design

In design terms the principle of adding a single storey roof extension to this building is well established by the permissions granted in 1997, 2007 and 2010. Furthermore, the most recent permission from 2010 remains extant given that the permission has been implemented by virtue of the carrying out of other works (window replacement) that formed part of that permission. A copy of the 2010 permission and relevant approved drawings are provided in the background papers for information.

In terms of height and bulk, following amendment during the course of the application, the proposed roof extension would have a more comfortable relationship with the scale of the existing building below. The set back of the roof extension would be similar to that previously approved in 2010 and in places the inclusion of terraces would mean that the setbacks are in fact greater than previously approved.

The roof extension would rise 3.8m above the existing roof level and whilst this is 0.8m more than the approved scheme, the current scheme does not include an overhanging canopy, which was included in the approved scheme. Therefore the bulk of the roof extension at roof level, despite being higher than previously approved, would appear more recessive in street views within the conservation area and would be subservient to the existing building. The apparent height of the roof extension would be further reduced by modest raising of the existing concrete roof edge parapet above existing third floor level. A glazed balustrade would also be provided above the raised parapet, as per the previously approved scheme.

Following revision during the course of the application, the detailed design of the roof extension has been amended so that its fenestration would better reflect the characteristic rhythm of solid to void of the existing building, which is reinforced by the horizontal bands between the floor levels and the proportion of existing fenestration. The roof extension would be clad in grey aluminium cladding panels which would provide it with a simple, but appropriate form, which mirrors the solidity and rhythmic arrangement of fenestration to the lower floors. A condition is recommended reserving details of the facing materials and typical elevation details of the roof extension.

A more glazed façade is proposed to the rear of the roof extension, but in this more discreet location the provision of less ordered façade detailing would not detract from the appearance of the building or the conservation area. Indeed, the existing building is significantly more functional in appearance to the rear with fenestration largely confined to high level windows other than over the vehicular entrance to the parking courtyard.

The plant enclosure proposed would be set back significantly from the street elevations of the building and would be screened in longer views from the west along Moscow Road by the higher flank elevation of Alexandra Court. A condition reserving details of the mechanical plant to be located in the enclosure is recommended to ensure that it would not exceed the height of the enclosure.

To the existing building elevations it is proposed to replace the existing blue spandrel panels to the windows with grey spandrel panels to mirror the grey metalwork to the proposed roof extension and to replace the existing entrance door and surround, which was installed pursuant to permission granted in 2010. These façade amendments would bring increased coherency to the design of the façade of the building, particularly when seen in conjunction with the proposed roof extension. A condition is recommended to reserve details of the colour of the spandrel panels and to ensure that all the existing spandrel panels are changed to grey spandrel panels in a single programme of works (i.e. to avoid a mix of blue and grey spandrel panels on the building).

To the rear there is a commercial kitchen extract duct serving the public house at ground level and it will be necessary to extend this duct to the new roof level. A condition is recommended reserving details of how this is handled to ensure it has the minimum impact possible on the appearance of the extended building.

Subject the recommended conditions the proposed roof extension and associated alterations are considered to be acceptable in design terms and in accordance with Policies DES1, DES 5, DES 6 and DES 9 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

In amenity terms the proposed roof extension, despite its additional bulk and height, would have little impact on the amenity of neighbouring residents in terms of loss of daylight and sunlight, increased sense of enclosure and overlooking.

The site lies next to the blank flank wall of Alexandra Court in Moscow Road to the west and next to Bayswater Underground Station in Queensway to the south. Consequently the scheme would not cause a loss of amenity to neighbouring residents to the rear of the site.

The window arrangement to the rear of Dukes Court itself is such that the roof extension would not result in significant overlooking to the windows of existing flats in the building and there have been no objections received from occupiers of Dukes Court on amenity grounds.

To the Queensway and Moscow Road elevations the proposed roof extension would be separated from neighbouring residential windows by the width of these streets and at these distances the additional bulk and height proposed would not cause a material loss of light or significant increase in enclosure, nor would the windows proposed cause a material increase in overlooking relative to the existing mutual overlooking that typically occurs when buildings face one another across a street.

As such, in amenity terms the proposed roof extension would accord with the Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

The application does not propose the provision of any off-street parking. The existing parking courtyard is understood to be intended for use by occupiers of the existing flats in

the building, although one objector alleges that these spaces are little used by occupiers of the existing flats due to the high cost of renting a space.

The Highways Planning Manager objects the lack of off-street parking on grounds that whilst parking pressure in the vicinity has yet to reach the level of serious deficiency (80% occupancy or higher – occupancy overnight is at 70.7%), these level has been exceeded during daytime hours. However, whilst the level has been exceeded, it has only just been exceeded, with on-street parking occupancy at 80.2% during daytime hours. Given that the level of serious deficiency has only marginally been breached, as only three new residential units are proposed and as there is an implemented extant permission from 2010, which also did not provided any off-street car parking, it is not considered that permission could reasonably be withheld on lack of parking grounds. It is also noted that the site is very well served by public transport.

The Highways Planning Manager also has concerns regarding the lack of cycle storage proposed for the new flats. However, this can be addressed by the imposition of a condition requiring the submission of details of cycle storage, either within the flats or within an enclosure within the rear courtyard. Subject to such a condition the proposal would accord with the London Plan in terms of cycle storage provision.

8.5 Economic Considerations

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

8.6 Access

The proposed development includes the provision of a new entrance doorway at ground floor level and this retains a step up from street level, which it is understood forms part of the ground floor slab of the building and cannot be removed. As such, given that there is no forecourt area on which to provide ramped access, and as the building is not a public building, the lack of step free access, whilst regrettable, is not a ground on which permission could reasonably be withheld. As such, given the constraints in this case, the proposal accords with policy DES1 in the UDP.

8.7 Other UDP/Westminster Policy Considerations

The proposed development includes a plant enclosure at roof level. An acoustic report has not been submitted with the application and details of the mechanical plant to be installed within enclosure have not been specified as part of the application. It is therefore recommended that an acoustic report and full details of the mechanical plant to be installed within the acoustic enclosure, including details of any noise attenuation measures that may be required, are reserved by condition. Subject to such a condition the proposed mechanical plant would accord with Policies ENV6 and ENV7 in the UDP and Policies S29 and S32 in the City Plan.

The Cleansing Manager recommends that details of waste and recycling storage are secured by condition and such a condition is included in the draft decision letter. As such, the scheme would accord with Policy ENV12 in the UDP.

An Energy and Sustainability Statement has been submitted with the application and this demonstrates that despite this not being a major development, the applicant has followed the methodology set out in the Mayor's Energy Hierarchy and as a result the energy efficiency of the proposed development has been maximised. A mechanical ventilation system with heat recovery is proposed to minimise heat losses and it is expected that the plant equipment required to operate this system will be located within the roof level plant enclosure.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

Concerns have been expressed by existing occupiers of Dukes Court that the building is not structurally capable of supporting an additional floor, that new services will be hard to accommodate, the means of escape from the existing building does not meet current standards and that strengthening of the structure would necessitate the taking of space from existing flats and communal space. However, structural matters, means of escape and provision of services within the building are not grounds on which planning permission could reasonably be withheld, but rather are matter for building regulations.

Notwithstanding this, the applicant has submitted a structural methodology with the current application, mainly to explain why the currently proposed roof extension is higher than that previously approved (i.e. to accommodate a sufficiently large structural zone between the roof of the existing building and the floor of the roof extension to support the new floor level). It is not proposed to take space from existing flats or communal areas to strengthen the building and this is a misunderstanding on the part of objectors. Building Control have been consulted on the application and have yet to respond. Any advice they may provide in relation to these matters can be included as informatives on the decision letter.

Concerns have also been expressed by leaseholders in Dukes Court with regard to the standard of works previously carried out by the Freeholder and to future changes in maintenance regimes (for example for the lift). However, these are private matters between those with an interest in the building and not grounds on which planning permission for the current application can be withheld.

Objectors have requested that the applicant should provide a start and finish date for the construction works if permission is granted to give leaseholders in the building certainty over the period of works and have raised concern over the impact of construction works in terms of noise. Whilst the desire for this level of certainty is understandable, it is not reasonable in planning terms. Permission, if granted, would though be limited to a 3 year period in which it must be implemented and a condition is recommended to control the hours of construction works.

The accuracy of the submitted drawings in terms of the number of units in the building and the size of the existing units (in terms of bedrooms) has been corrected by the applicant in response to concerns raised by objectors and the drawings now show the correct number and mix of units.

On objector notes that the windows shown in this application do not match those approved for the existing building in 2015. This observation is correct. The windows approved in 2015, which include a non-opening top light window do not form part of the current application and therefore the existing windows are correctly shown as existing and proposed; albeit with the spandrel panels replaced in the proposed drawings.

9. BACKGROUND PAPERS

1. Application form.

Consultation on Initially Submitted Scheme (August 2015)

2. Response from Cleansing - Development Planning, dated 24 November 2015
3. Letter from occupier of 4 Dukes Court, 1 Moscow Road, dated 8 October 2015
4. Letter from occupier of 1 Dukes Court, 1 Moscow Road, dated 29 August 2015
5. Letter from occupier of Flat 3, 1 Moscow Road, dated 11 September 2015

Consultation on Revised Scheme (April 2016)

6. Letter from occupier of Flat 3, Dukes Court, 1 Moscow Road, dated 19 April 2016
7. Letter from occupier of 1 Dukes Court, 1 Moscow Road, dated 5 April 2016
8. Letter from occupier of 1 Dukes Court, 1 Moscow Road, dated 21 April 2016

Selected relevant drawings

Existing and proposed plans, elevations and sections.

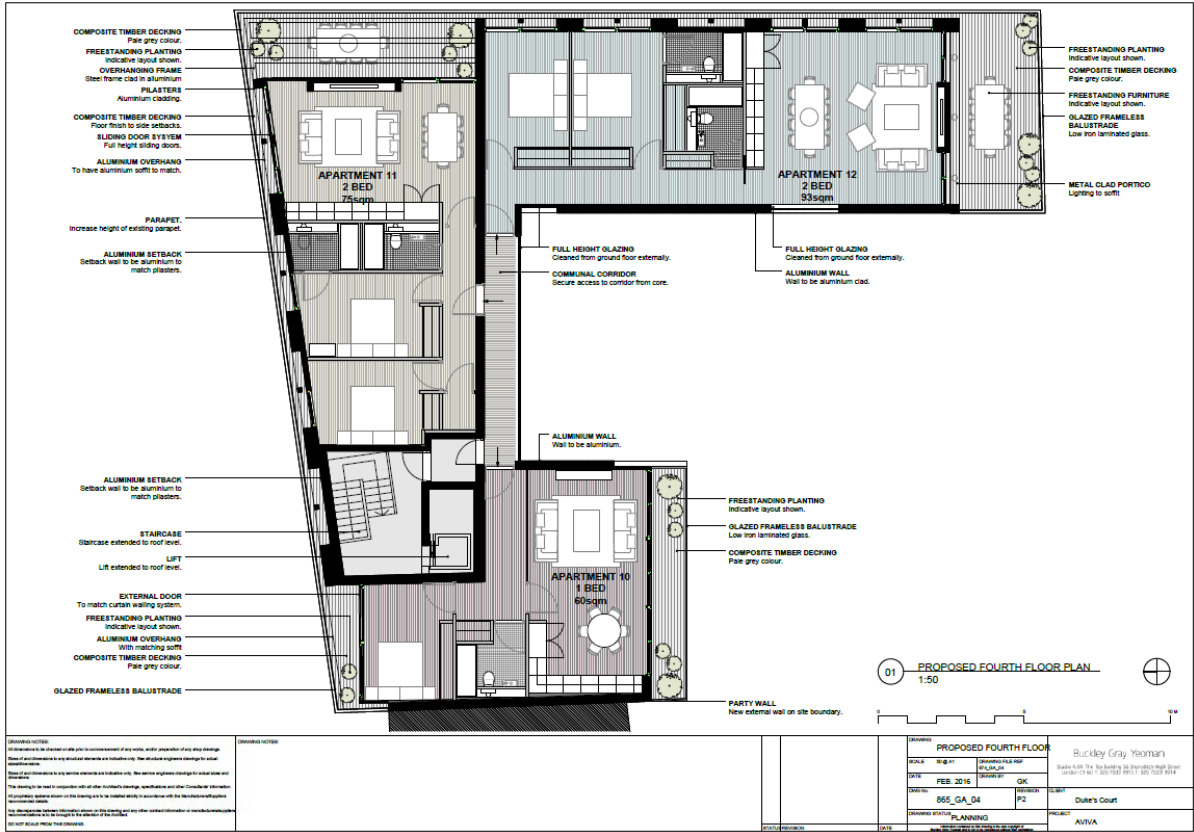
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

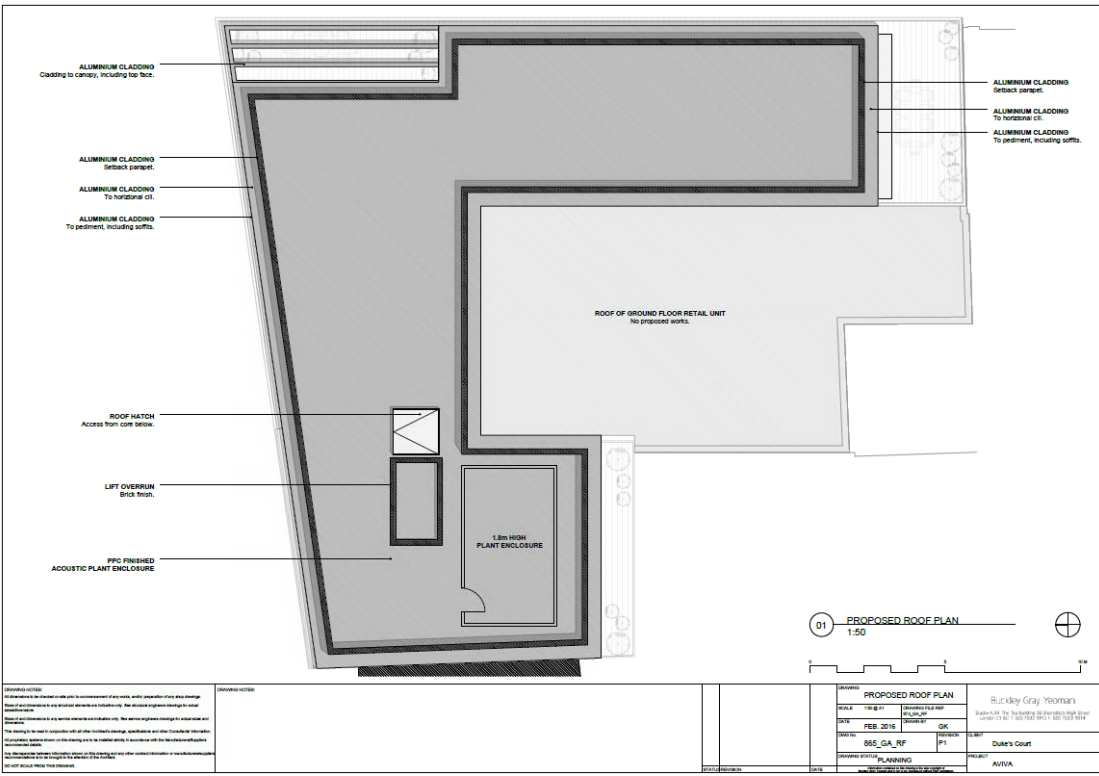
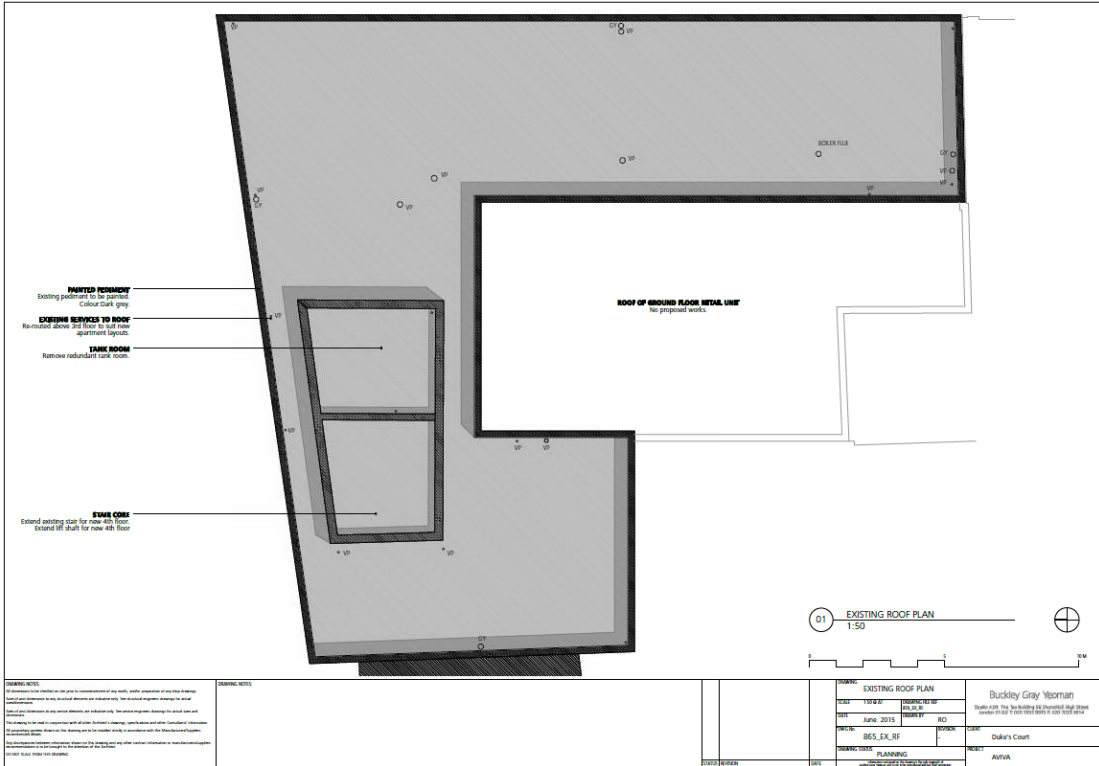
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

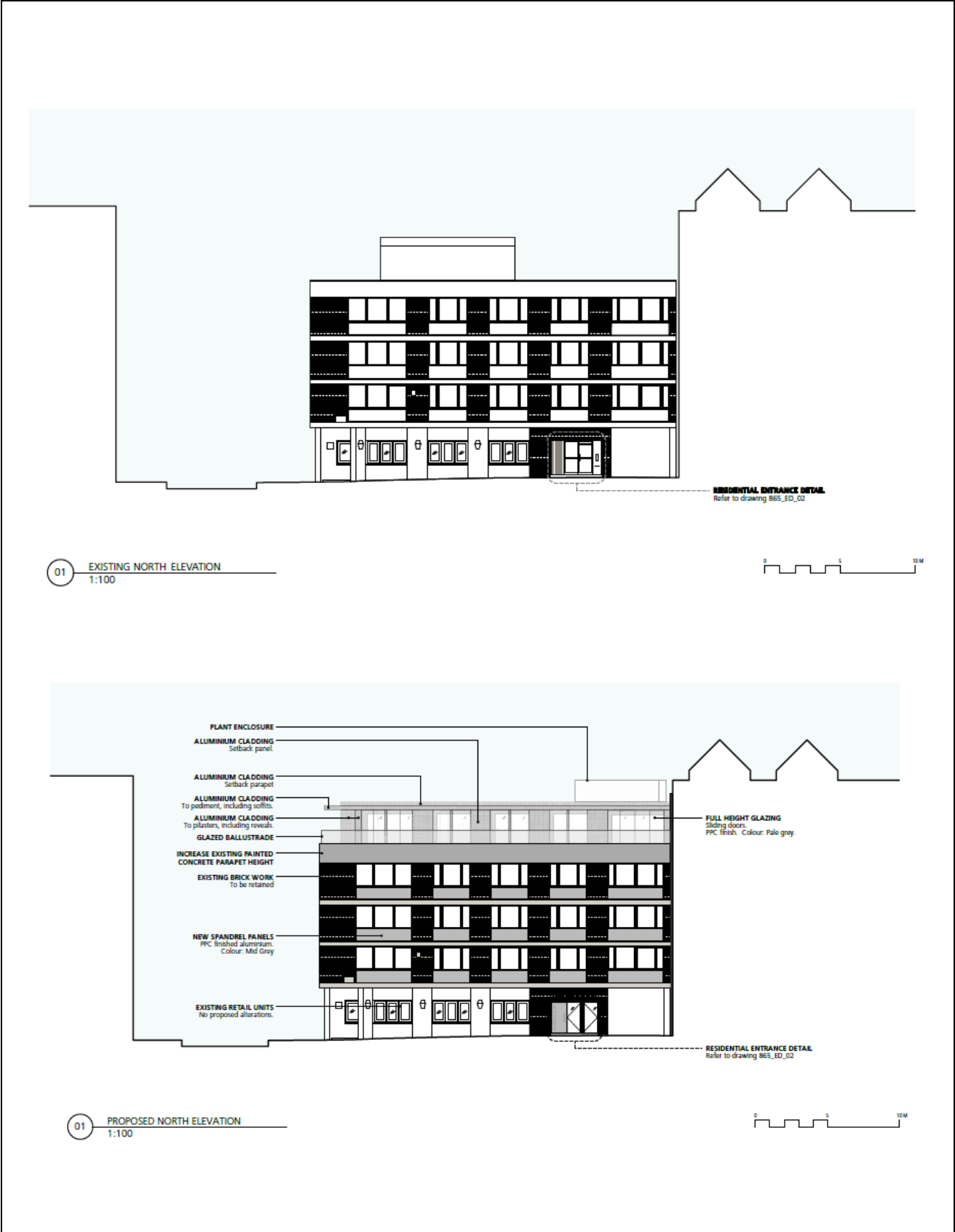
10. KEY DRAWINGS

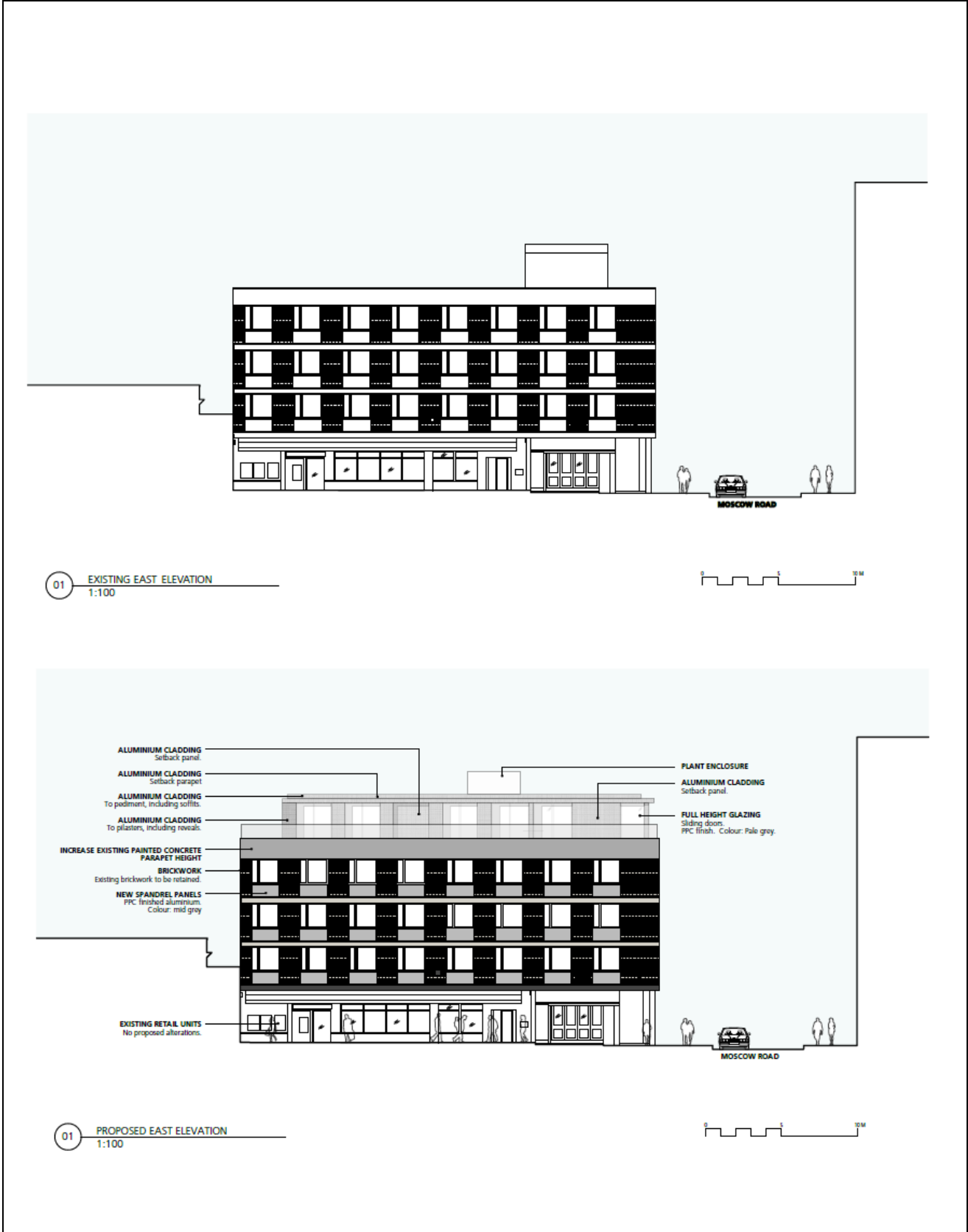


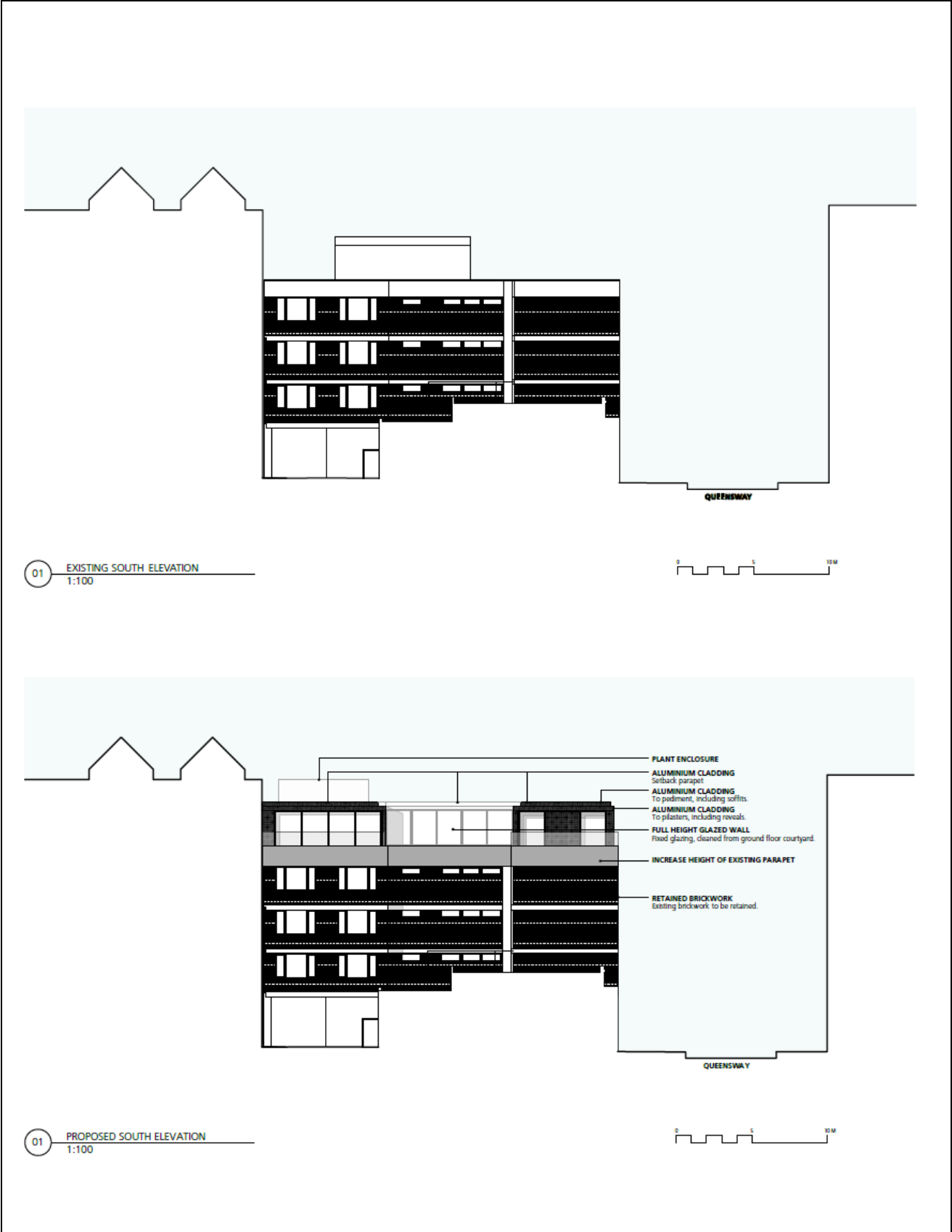
Existing and Proposed Images from Queensway.

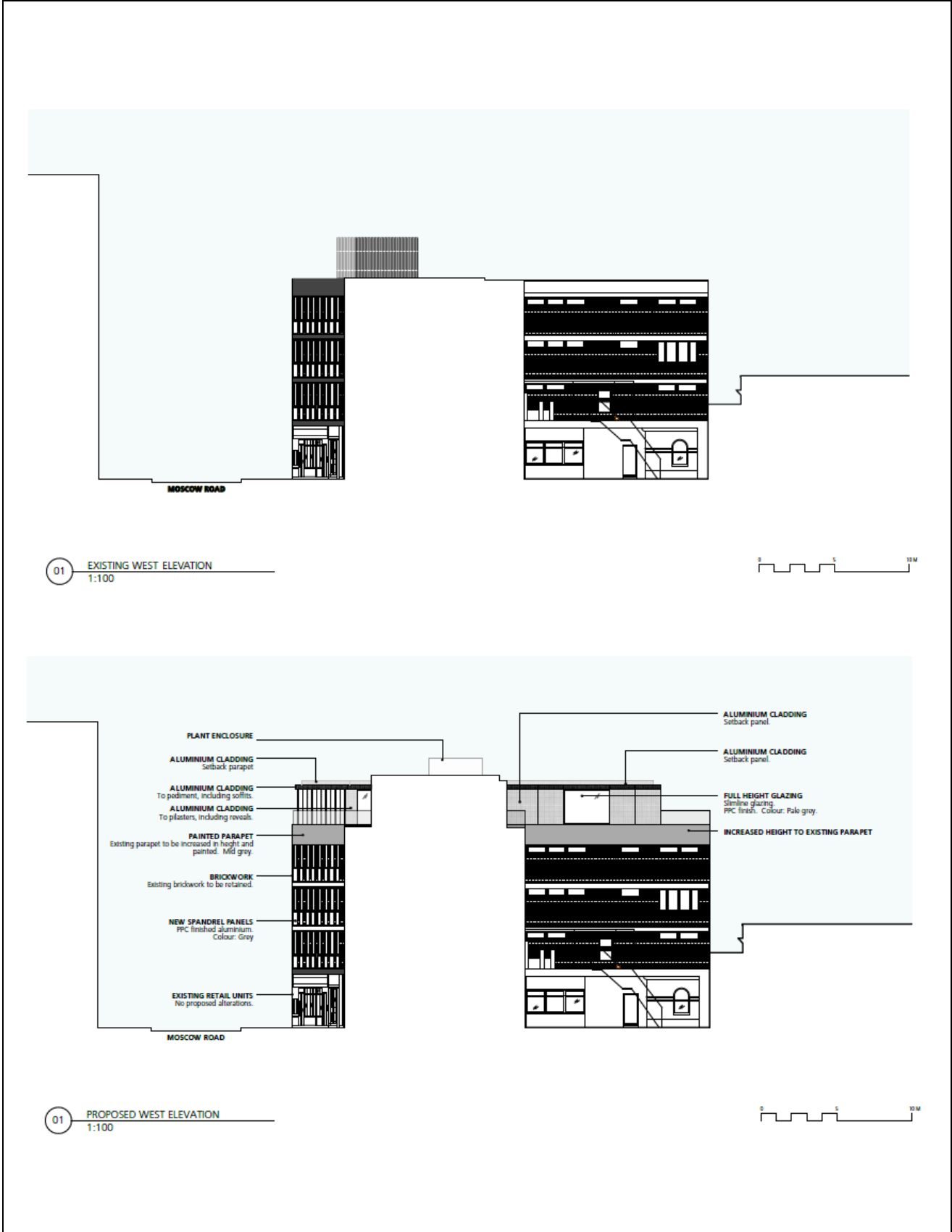


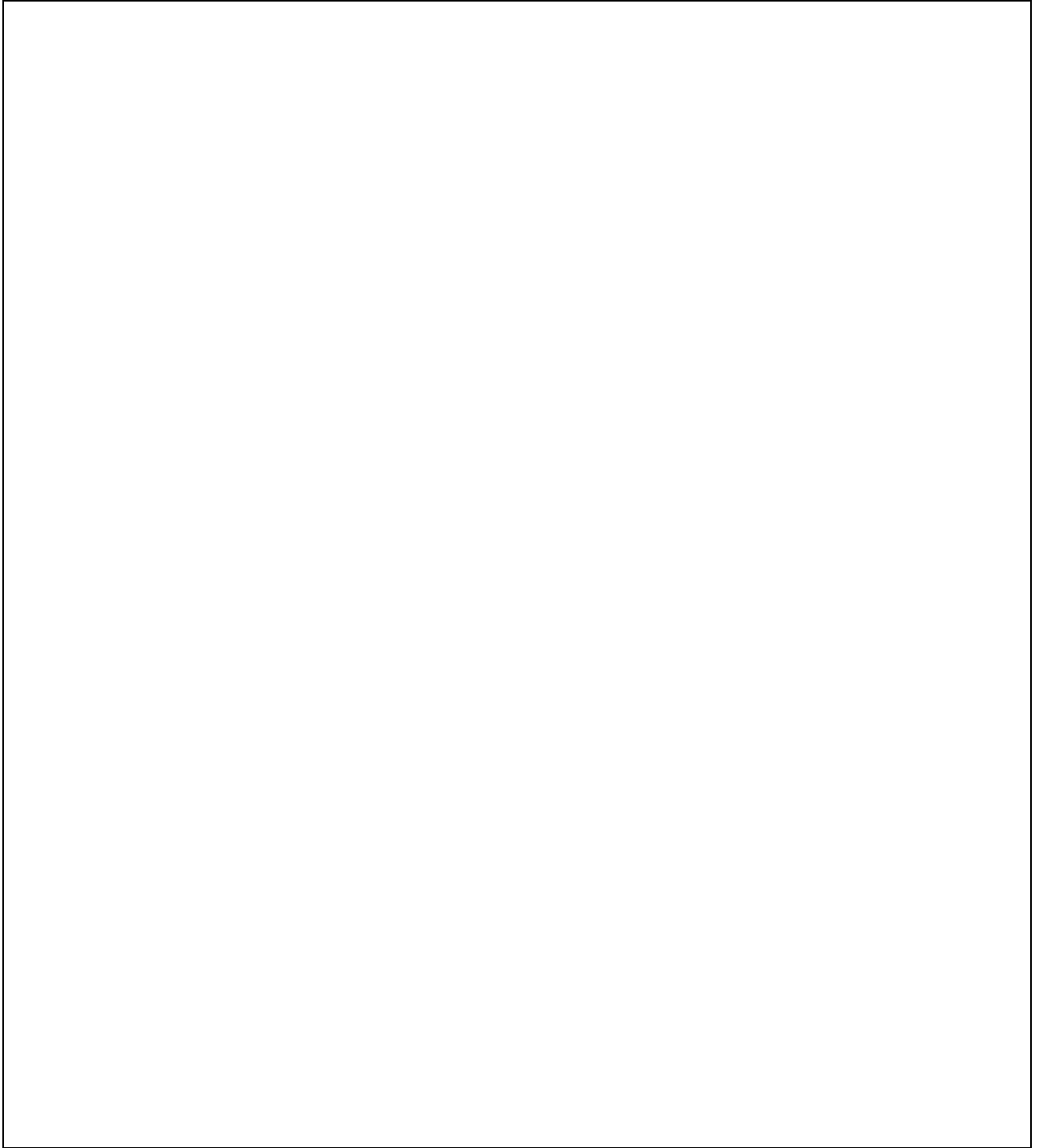












DRAFT DECISION LETTER

Address: Dukes Court, 1 Moscow Road, London, W2 4AJ

Proposal: Erection of single storey roof extension to provide three flats (Class C3) with plant enclosure to roof and alteration facades including new residential entrance at ground floor level and replacement of spandrel panels to windows.

Plan Nos: Site location plan (865_SP_00), 865_EX_00/P1, 865_EX_01, 865_EX_02, 865_EX_03, 865_EX_RF, 865_EE_01, 865_EE_02, 865_EE_03, 865_EE_04, 865_GA00/P1; 865_GA_01/P1, 865_GA_02/P1, 865_GA_04/P2, 865_GA_RF/P1, 865_GE_01/P4, 865_GE_02/P4, 865_GE_03/P4, 865_GE_04/P4, 865_GE_05/P1, 865_ED_01/P1, 865_A_ED_02 /P1, 865_GS_01/P1; 865_GS_02/P1, Design and Access Statement dated 18 May 2016.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

- 5 You must apply to us for approval of the colour of the replacement spandrel panels to be installed below windows to the street elevations. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved spandrel panel and colour and you must replace all of the spandrel panels to the Queensway and Moscow Road elevations between first and third floor level as a single programme of work. (C26BC)

Reason:

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

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

- (a) Typical facade elevations and sections of roof extension and associated roof edge balustrade (at a scale of 1:20 or larger).
- (b) The extension of the existing kitchen extract duct to the rear up to new roof level.
- (c) The roof level plant enclosure (at a scale of 1:20 or larger).

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 the detailed drawings that we approve. (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 Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1

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

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

Reason:

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

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

Reason:

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

- 9 You must apply to us for approval of details of an acoustic report and detailed drawings of the mechanical plant and any noise attenuation measures that may be required to demonstrate that the mechanical plant within the roof level plant enclosure will comply with the Council's noise criteria as set out in Condition 10 of this permission and would not harm the appearance of the building and the character and appearance of the Queensway Conservation Area.

You must not start work on this part of the development until we have approved what you have sent us. You must then install the mechanical plant and any associated noise attenuation measures (if they are required) in accordance with the details we approve prior to occupation of the flats hereby approved. Thereafter you must permanently retain any noise attenuation measures that are installed unless or until the mechanical plant is permanently removed from the roof of the extension.

Reason:

To maintain the appearance of the building and the character and appearance of the Queensway Conservation Area and because existing external ambient noise levels exceed WHO Guideline Levels. This is as set out in DES 1, DES 6, DES 9, 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 S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 10 (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.

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

Reason:

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

Informative(s):

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

- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	12 Rutland Gate, London, SW7 1BB,		
Proposal	Installation of air conditioning condenser units within acoustic enclosure to rear garden.		
Agent	Mr Ross Lambie		
On behalf of	Mr Tunku Naquiyuddin		
Registered Number	15/11528/FULL & 15/11529/LBC	Date amended/ completed	10 December 2015
Date Application Received	10 December 2015		
Historic Building Grade	II		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

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

2. SUMMARY

No. 12 Rutland Gate is a Grade II listed mid-terrace house within the Knightsbridge Conservation Area. The building comprises lower ground, ground and four upper storeys and is divided into flats. This application relates to Flat 1 occupying lower ground and ground floor levels.

Planning permission and listed building consent are sought for the installation of air conditioning condenser units within a louvered acoustic enclosure measuring approximately 3150mm long x 970mm deep x 1320mm high, which would be sited in the rear garden.

Planning permission and listed building consent were granted in October 2015 for the removal of ground floor extension and construction of replacement extension to serve Flat 1, alterations to the lower ground floor extension and lightwell and minor internal alterations.

It is proposed to locate external air conditioning units within an acoustic enclosure within the rear garden area adjacent to the side (south) and rear (west) garden boundary walls. An objection has been raised on the grounds that there is no similar free-standing plant equipment in the rear gardens of any other houses in the block 10-12 Rutland Gate. Concealed within a louvered metal enclosure the units will be surrounded by landscaping making them visually discreet to avoid harming the appearance of

the building, terrace or conservation area.

In design and listed building terms the proposed location of the air conditioning unit and enclosure are considered acceptable. Details of the pipe runs and internal installation of equipment are required as a condition on the listed building consent. The colour of the enclosure has been conditioned to be grey, as shown on the proposed drawings. It is considered that this colour will assist in lessening the visibility of the enclosure.

The proposals comply with policies DES1, DES 9 and DES10 and the guidance contained with the City Council's Supplementary Planning Guidance: Repairs and Alterations to Listed Building and are recommended for approval on design and listed building grounds.

In terms of amenity, one letter has been received raising an objection on the grounds that the proposed plant would be approximately 10m from a bedroom window of No. 14 and cites significant disturbance from No. 6 Kensington Gore in suggesting that the proposed units are also likely to create disturbance.

Notwithstanding the adjoining owner's concerns, an acoustic report was submitted with the proposal which has been assessed by Environmental Health officers who raise no objection, subject to standard conditions. The proposals are therefore in accordance with policies S29 and ENV13 which seek to protect residential amenity.

Accordingly, it is recommended that planning permission and listed building consent are granted subject to conditions.

4. PHOTOGRAPHS



5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION:

No objection, as long as no impact on residential amenity.

ENVIRONMENTAL HEALTH:

No objection, subject to standard conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 9

Total No. of replies: 4

No. of objections: 1

No. in support: 0

Four letters received from three neighbouring residents. Two residents raise no objection. Two letters from one resident raising an objection as the proposed plant would be 10m from a bedroom window of No. 14 and given the significant disturbance from No. 6 Kensington Gore 63m away is also considered likely to create disturbance. Also on the grounds that there is no similar free standing plant equipment in the rear gardens of any other houses in the block 10-12 Rutland Gate.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RELEVANT HISTORY

Planning and listed building consent granted for removal of ground floor extension and construction of replacement extension and alterations and extensions at lower ground floor level including new lightwell (Flat 1).(Our refs 15/03092/FULL and 15/03093/LBC)

7. BACKGROUND PAPERS

1. Application form
2. Response from Knightsbridge Association, dated 25 January 2016
3. Response from Environment Health – Plant and Equipment, dated 29 January 2016
4. Letter from occupier of 12 Rutland Gate, London dated 26 January 2016
5. Letters from occupier of 14 Rutland Gate, London, dated 4 February 2016 and 5 February 2016.
6. Letter from occupier of 12 Rutland Gate, London, dated 10 February 2016

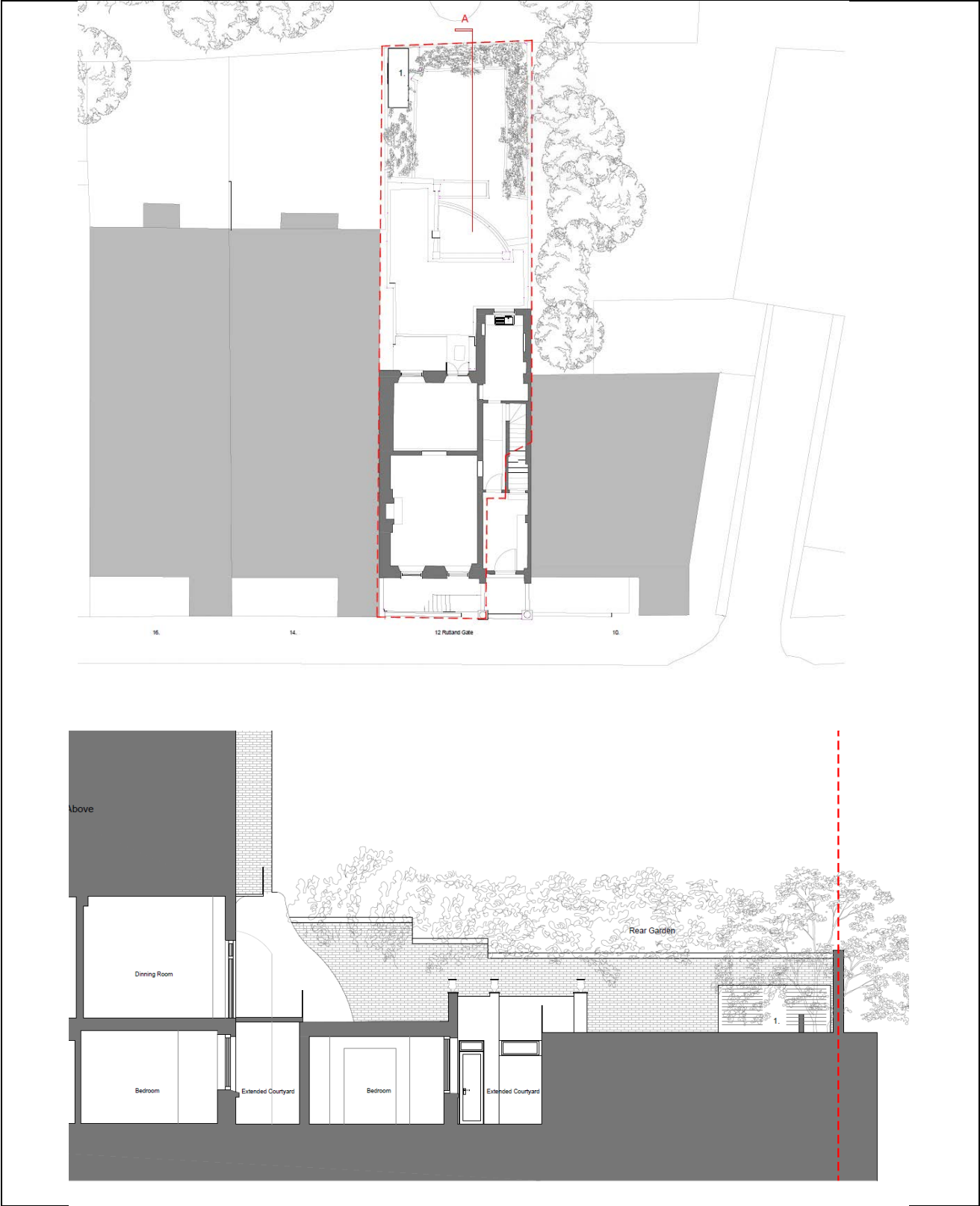
Selected relevant drawings

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

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

8. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 12 Rutland Gate, London, SW7 1BB,

Proposal: Installation of air conditioning condenser units within acoustic enclosure to rear garden.

Reference: 15/11528/FULL

Plan Nos: 01 Rev P0; 02 Rev P0; 03 Rev P0; 04 Rev P0; 10 Rev P0; 11 Rev P0; 12 Rev P0; EEC Acoustic Louvres specification sheet; Planning Compliance Report dated 28 August 2015, prepared by Clarke Saunders.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s):

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

Reason:

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.

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

Reason:

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

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

Reason:

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

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out

in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

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

Reason:

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

- 7 The acoustic enclosure hereby approved must be painted grey to match the specification shown on drawing 12 Rev P0 and must be maintained this colour thereafter.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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

DRAFT DECISION LETTER

Address: 12 Rutland Gate, London, SW7 1BB,

Proposal: Installation of air conditioning condenser units within acoustic enclosure to rear garden.

Reference: 15/11529/LBC

Plan Nos: 01 Rev P0; 02 Rev P0; 03 Rev P0; 04 Rev P0; 10 Rev P0; 11 Rev P0; 12 Rev P0; EEC Acoustic Louvres specification sheet.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 3 You must submit detailed drawings of the associated internal works relating to the air conditioning units, including new pipe runs and the installation of cassettes, vents or similar equipment. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these approved details.,

Reason:

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

- 4 The acoustic enclosure hereby approved must be painted grey to match the specification shown on drawing 12 Rev P0 and must be maintained this colour thereafter.

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, , * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

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

Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	4 The Lane, London, NW8 0PN,		
Proposal	Two storey rear extension, single storey side extension plus mansard roof extension together with associated works including an air condenser within single storey side extension.		
Agent	Mr Paul O'Neill		
On behalf of	Mr D Lazarus		
Registered Number	15/10388/FULL	Date amended/ completed	13 April 2016
6Date Application Received	9 November 2015		
Historic Building Grade	Unlisted Building of Merit		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

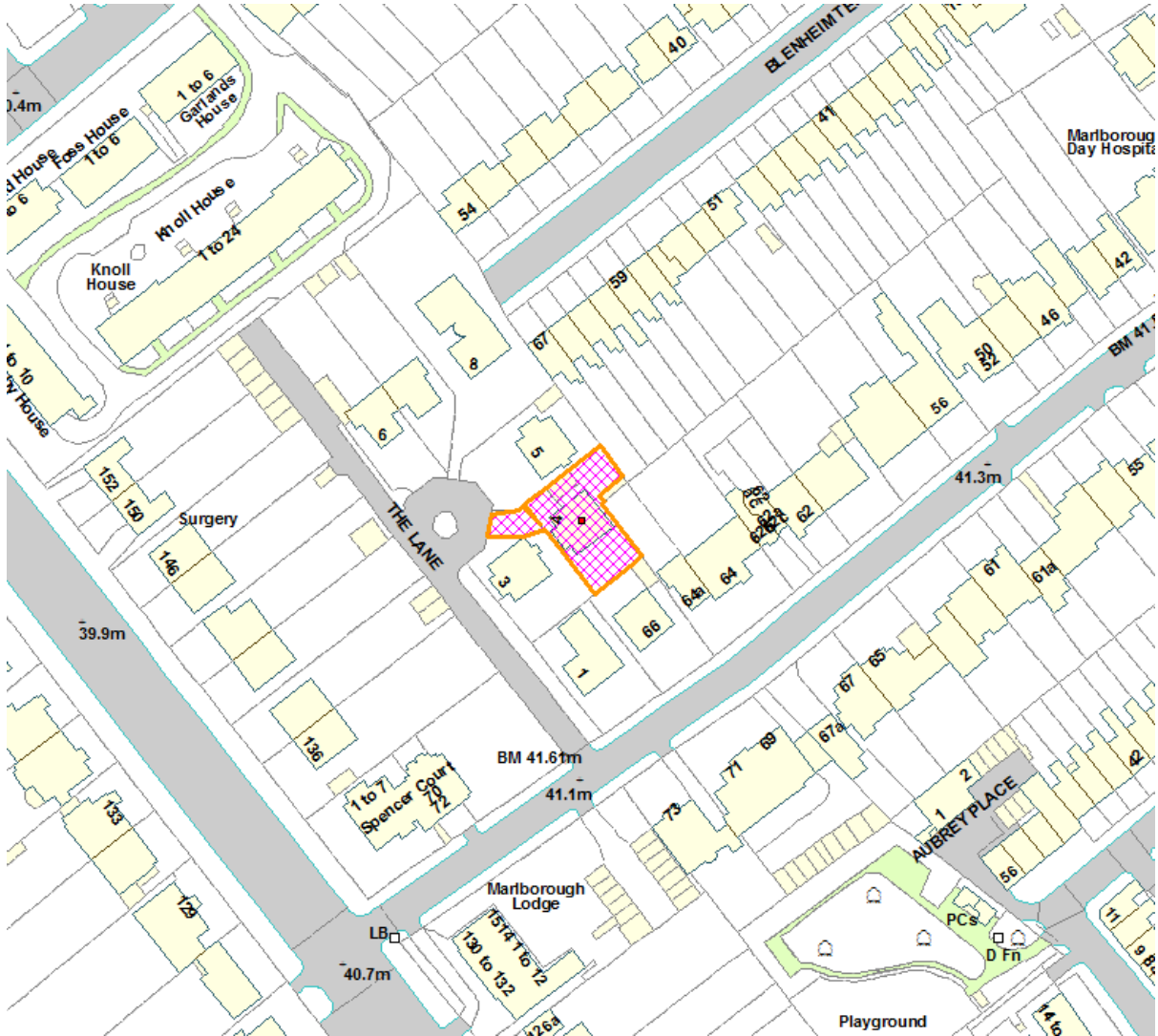
The application site comprises a two storey single family dwelling of neo-Georgian design located in the St John's Wood Conservation Area. The building forms one of five dwellings located within a private cul-de-sac named "The Lane" and accessed from Marlborough Place. The properties on The Lane are identified as unlisted buildings of merit in the St John's Wood Conservation Area Audit SPD (adopted 2008).

Planning permission is sought in respect of the erection of a two storey rear extension, a single storey side extension and a mansard roof extension together with associated works including an air condenser within the single storey side extension. Objections have been received from two neighbouring occupiers on design and amenity grounds as well as the impact of construction works. Two letters of support were received citing the improvement to the streetscape.

The proposals were revised during the course of the application to include the retention of the two trees in the rear garden and a new acoustic report in association with the clarification of the plant located in the single storey side extension was received.

The proposal accords with relevant UDP and City Plan policies and is therefore recommended favourably subject to conditions.

3. LOCATION PLAN



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4. PHOTOGRAPHS

4 The Lane - Front



Nos. 3, 4 and 5 The Lane



5. CONSULTATIONS

ORIGINAL CONSULTATION

ARBORICULTURAL OFFICER:

Neither of the trees which are proposed to be removed requires removal in order to accommodate the development and therefore their removal could not be agreed. The proposed landscaping - 'a stilted hedge' is unlikely to be acceptable.

ENVIRONMENTAL HEALTH:

An objection was raised on the grounds of the inadequate information in the acoustic report.

HIGHWAYS PLANNING MANAGER:

The proposal is acceptable on transportation grounds.

ST JOHN'S WOOD SOCIETY:

A request is made for the arboricultural manager to be consulted about the loss of the two trees. A request is also made for the case officer to carefully consider the comments of neighbours and any loss of privacy because of the changed building line.

ADJOINING OWNERS/OCCUPIERS:

No consulted: 10

No. objections: 2

No. support: 2

Objections were raised on the following grounds;

- The proposals will bring two properties closer together and seems unnecessary, intrusive, overbearing, and detrimental to both homes;
- The increased bulk will further affect the neighbours' aspect and feeling of being hemmed in and over looked;
- The plot would be over-developed;
- The window to the first floor bathroom on the south west elevation should be obscure glazed;
- Covenants for the property restrict driveway parking as shown on the plans;
- Implementation of the CMP will not be possible as it does not conform to covenants on The Lane;
- The CMP is unrealistic in terms of the estimated time the works will take.

The proposals are supported for the following reasons;

- The house is in a poor state of repair and is in much need of improvement and refurbishment;
- It is a sensible application without a basement so there is no major disruption to neighbours and therefore a much lower timescale to complete the building work;
- The intended improvements can only improve the appearance of The Lane when the proposed works are complete.

CONSULTATION ON REVISED PROPOSALS

Following alterations to the proposals including the retention of the two trees in the rear garden and the submission of a new acoustic report in association with the clarification of plant in the single storey side extension, the following reconsultation was carried out;

ARBORICULTURAL OFFICER:

The Bay (1) and the Pittosporum (2) are now shown to be retained and the proposed tree protection is acceptable. A condition should be required to show foundation details in the area hatched yellow on plan BT3 adjacent to the lime tree (5). If the 'stilted hedge' is still shown on any of the proposed plans, landscaping should also be reserved by condition.

ENVIRONMENTAL HEALTH:

No objections subject to conditions.

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 13

No. objections: 0

No. support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a two storey single family dwelling of neo-Georgian design located in the St John's Wood Conservation Area. The building forms one of five dwellings located within a private cul-de-sac named "The Lane" and accessed from Marlborough Place. The properties on The Lane are identified as unlisted buildings of merit in the St John's Wood Conservation Area Audit SPD (adopted 2008).

6.2 Recent Relevant History

Planning permission and conservation area consent were refused on 25 September 2012 for demolition of the existing dwellinghouse and erection of a three-storey dwellinghouse above ground, with excavation of basement level beneath house and part of garden, and associated works, ventilation louvres serving internal plant, and landscaping. These applications were refused on the grounds of a failure to preserve or enhance the character and appearance of this part of the St John's Wood Conservation Area. An appeal to the Planning Inspectorate was dismissed on 15 May 2013.

Planning permission was subsequently granted on 7 November 2014 for the complete demolition of the existing dwellinghouse and the erection of new two storey plus mansard dwellinghouse with excavation of basement level beneath house and part of garden and associated works.(14/03962/FULL) See background papers.

Various alterations have been made to other properties within the cul-de-sac which includes roof extensions.

7. THE PROPOSAL

Planning permission is now sought in respect of the erection of a two storey rear extension, a single storey side extension and a mansard roof extension together with associated works including an air condenser within the single storey side extension.

The two-storey rear extension would have a flat roof and would extend close to the full width of the main building. It would involve the demolition of a single storey conservatory.

The proposed L-shaped single storey side extension would replace an existing side extension and separate garage. It would provide additional habitable accommodation as well as a plant room for air condensers as well as another garage. It would have a flat roof and would be situated on the boundary with 5 The Lane, 67 Blenheim Terrace and 64A Marlborough Place.

The proposed mansard roof extension above the entire main building would reflect the height of the mansards at neighbouring buildings and would have four dormer windows to the front elevation and four dormer windows to the rear elevation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals accord with policies S14 of the City Plan and H3 of the UDP which welcome the provision of additional residential floorspace.

8.2 Townscape and Design

No.4 The Lane is a 1930s neo-Georgian two storey brick built house recognised as a building of merit within the St John's Wood Conservation Area Audit.

The proposed mansard extension would largely comply with the guidance in the City Council's SPG for Roofs: A Guide to Alterations and Extensions on Domestic Buildings. The principle slope would be pitched no greater than 70 degrees, the upper slope would not be greater than 30 degrees, the roof slopes would be set behind the parapet gutter, and the chimney stacks would be raised to retain the same height relationship with the roof.

The floor to ceiling height would exceed 2.3 metres however, the overall height of the mansard would not exceed the height of the roof extensions at neighbouring properties so this is therefore considered to be appropriate.

The two storey extension would be confined to the rear of the property and would not be visible in public views. It is not excessively large or bulky and its flat roof would reflect the flat roofs to other parts of the property. This extension is accordingly considered to be acceptable in design terms.

The proposed single storey side extension would have a very similar footprint to the approved building line and whilst higher it is nonetheless considered to be acceptable in design terms.

The proposals would accord with policies DES1, DES5, DES6 and DES9 of our UDP and policies S25 and S28 of our City Plan.

8.3 Residential Amenity

Policy ENV13 of the adopted Unitary Development Plan and policy S29 of the adopted City Plan seek to protect residential amenity. Policy ENV13 states that proposals resulting in either a material loss of daylight/sunlight to existing dwellings or a significant increase in the sense of enclosure, overlooking or overshadowing to existing dwellings will normally be resisted.

The applicant has submitted a Daylight and Sunlight Survey by Behan Partnership in respect of the potential impact of the proposed development on the daylight and sunlight received by surrounding properties. The survey is based on the guidance set out in the BRE's 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011). However, this survey does not fully address the impact on daylight and sunlight to each of the neighbouring properties.

A BRE daylight and sunlight assessment is not a validation requirement for this type of application and it is noted that the previously consented scheme, which was predominantly larger than the currently proposed scheme, was accompanied by a full BRE assessment demonstrating that it would not materially affect the amenities of neighbouring occupiers in terms of a loss of daylight and sunlight.

The exceptions to this are the single storey side extension which is higher on the boundary with 5 The Lane and the rear of the garden 64A Marlborough Place. Given the presence of the existing extensions at both the application site and no. 5 The Lane, it is considered that the impact of the higher extension would not have a significant detrimental impact on the amenities of neighbouring occupiers.

The rear building line would also be different to the consented scheme and the occupiers of a property to the rear of the site have raised concerns about a resulting sense of enclosure. However, this relatively minor difference in the rear building line is not considered to result in a material reduction in daylight and sunlight or result in an undue sense of enclosure. The trees on the boundary would also largely obscure the view between the proposed extension and the neighbouring property.

The bulk of the building would be reduced on the boundary with 3 The Lane and therefore the impact on the occupiers of this property would be reduced in comparison to the consented scheme. It has been requested that the first floor bathroom window on the boundary with this property is conditioned to be obscure glazed. However, it would not be reasonable to place restrictions upon an existing window that is not affected by the development.

Assertions made by neighbouring occupiers that the proposals would constitute an overdevelopment of the site cannot be supported predominantly because the approved scheme is larger than the currently proposed scheme and on the basis that no significant harm is resultant from the proposal.

Conditions are recommended to prevent the use of the roof of the extension as a terrace and to prevent fenestration changes in order to protect the amenity of neighbours. Subject to these, the proposals are considered acceptable in amenity terms in accordance with policy ENV13 of the UDP and policy S29 of the City Plan.

8.4 Transportation/Parking

The proposal is considered to be acceptable on transportation grounds.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Other UDP/Westminster Policy Considerations

Noise

The Environmental Health Officer has confirmed that the proposed plant would not result in a noise nuisance. Conditions are recommended to ensure continued compliance with our standard noise conditions to satisfy policy ENV6 of the UDP and policy S32 of the City Plan.

Trees

The application, as originally submitted, comprised the removal of two trees in the rear garden, namely the Bay (1) and the Pittosporum (2). However, neither of these trees required removal to accommodate the development and as such, their removal could not be agreed as part of any planning permission.

Further concerns were raised by the Arboricultural Officer in respect of the tree protection measures for the retained tree.

The applicant has subsequently submitted a revised arboricultural report and tree protection plan showing both the Bay (1) and Pittosporum (2) as retained as well as improved tree protection measures. However, foundation details in the area hatched yellow on plan BT3 adjacent to the lime tree (5) are to be sought by condition.

The stilted hedge is no longer shown on any plans or supporting documents. A condition is recommended to secure further details of landscaping. The proposal, subject to conditions, is considered to satisfy policy ENV16 of the UDP.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

Environmental Impact issues have been covered in section 8.6 above.

8.11 Other Issues

Objections have been made on the grounds of the inadequate information in the Construction Management Plan (CMP). However, as this proposal does not comprise the excavation of a basement it does not require a CMP and as such it will not be approved as part of this application in any event. Concerns regarding property covenants are private matters and are not relevant in the determination of this application.

9. BACKGROUND PAPERS

1. Application form
2. Drawings of consented scheme dated 7 November 2014 (RN: 14/03962/FULL)
3. Response from St John's Wood Society, dated 21 December 2015
4. Response from Highways Planning Manager, dated 14 December 2015
5. Response from EH Consultation, dated 24 December 2015 and 19 April 2016
6. Response from Arboricultural Officer, dated 12 February 2016 and 31 March 2016
7. Letter from occupier of 64 Marlborough Place, London, dated 15 December 2015
8. Letter from occupier of 56 Marlborough Place, London, dated 16 December 2015
9. Letter from occupier of 1 The Lane, Marlborough Place, dated 23 December 2015
10. Letter from occupier of 3 The Lane, London, dated 23 December 2015

Selected relevant drawings

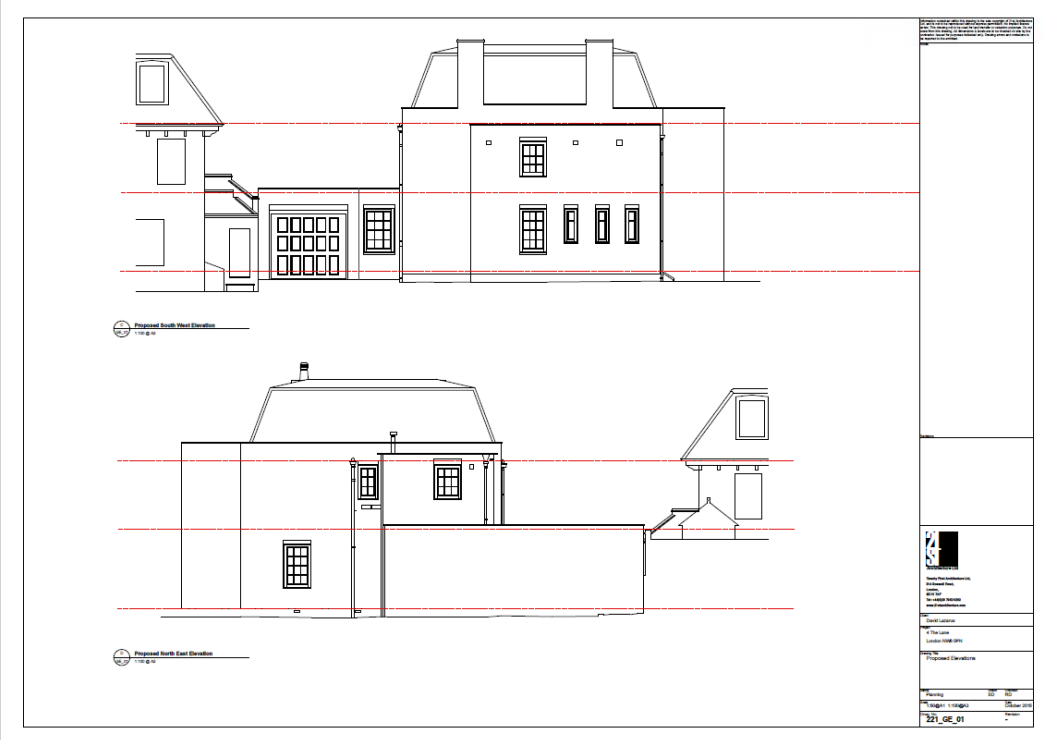
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

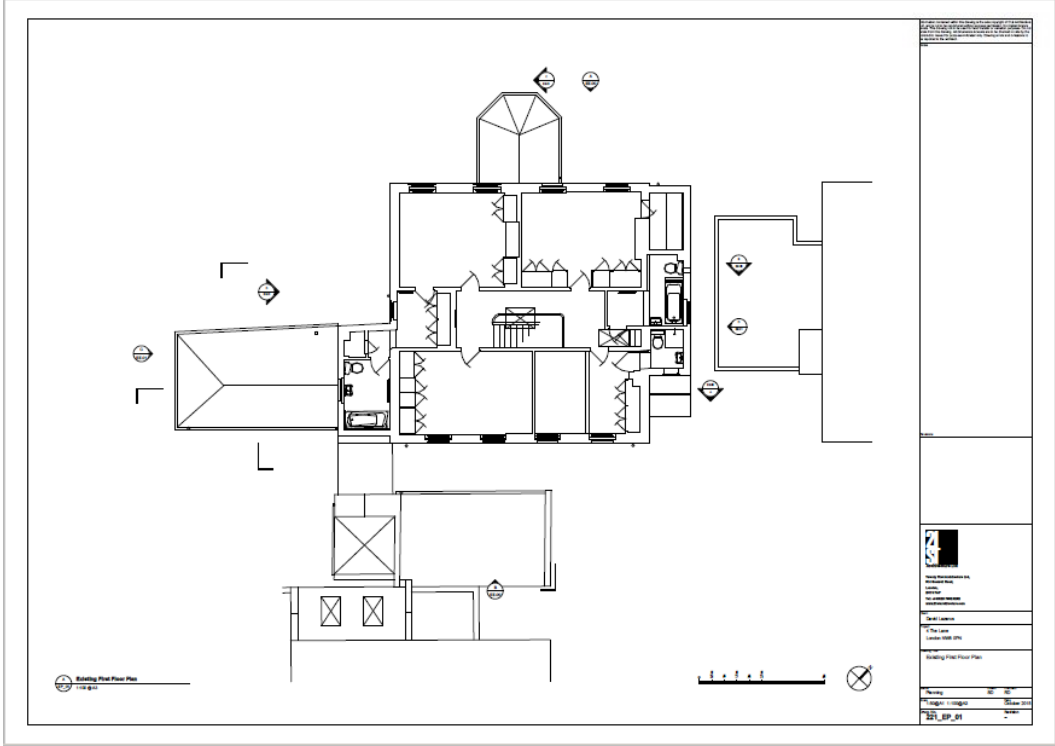
Existing Side Elevations



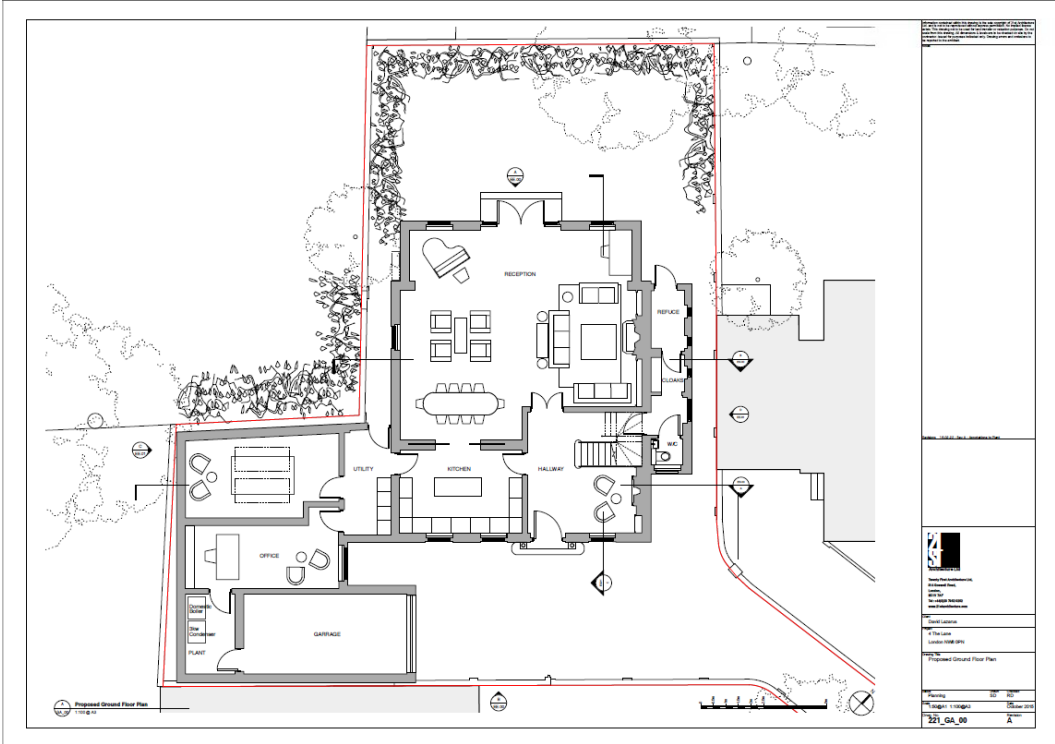
Proposed Side Elevations



Existing First Floor Plan



Proposed Ground Floor Plan



DRAFT DECISION LETTER

Address: 4 The Lane, London, NW8 0PN,

Proposal: Two storey rear extension, single storey side extension plus mansard roof extension together with associated works including an air condenser within single storey side extension.

Reference: 15/10388/FULL

Plan Nos: 221_EE_00, 221_EE_01, 221_EP_01, 221_EP_02, 221_ES_00, 221_ES_01, 221_GA_00 A, 221_GA_01, 221_GA_02, 221_GA_03, 221_GE_00, 221_GE_01, 221_GS_00, 221_GS_01, 221_DET_Site Location Plan, Design and Access Statement (12/9/2015), Planning and Heritage Statement (3/11/2015), Environmental Noise and Vibration Survey (9/3/2016), Arboricultural Impact Appraisal and Method Statement (8/3 2016) and Tree Protection Plan (14014-BT3).

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 5 No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until you have applied to us for our approval of details of the location, design and dimensions of new foundations within the root protection area of any trees on or adjacent to the site, and the method by which you intend to create these foundations. You must not start any work until we have approved what you have sent to us. The excavation and foundations must be carried out according to the approved details.

Reason:

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

- 6 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the extensions without our permission. This is despite the provisions of Classes A-H; of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

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

- 7 You must apply to us for approval of detailed drawings of the following parts of the development – 1) Vertical and horizontal sections through windows/door joinery; 2) Specification and design of garage door; 3) Chimney stack specification and detailing. 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. (C26DB)

Reason:

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

- 8 (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.

- 9 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.

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

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

Reason:

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

Informative(s):

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

- 2 The noise mitigation detailed in the acoustic report dated 9 March 2016 is required to be implemented in order to comply with condition 8.

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

Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	3 Orme Square, London, W2 4RS		
Proposal	Reinstatement of missing chimney pots and installation of chimney extract flue, CCTV cameras to the front and rear entrances, new timber trellis on rear boundary wall, external lighting to front and rear elevations, satellite dish to chimney stack at roof level and date inscription of lettering to front portico plinth.		
Agent	Mr Fred Pilbrow		
On behalf of	Ms Sarah Caplin		
Registered Number	15/12008/FULL 15/12009/LBC	Date amended/ completed	3 March 2016
Date Application Received	23 December 2015		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

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

2. SUMMARY

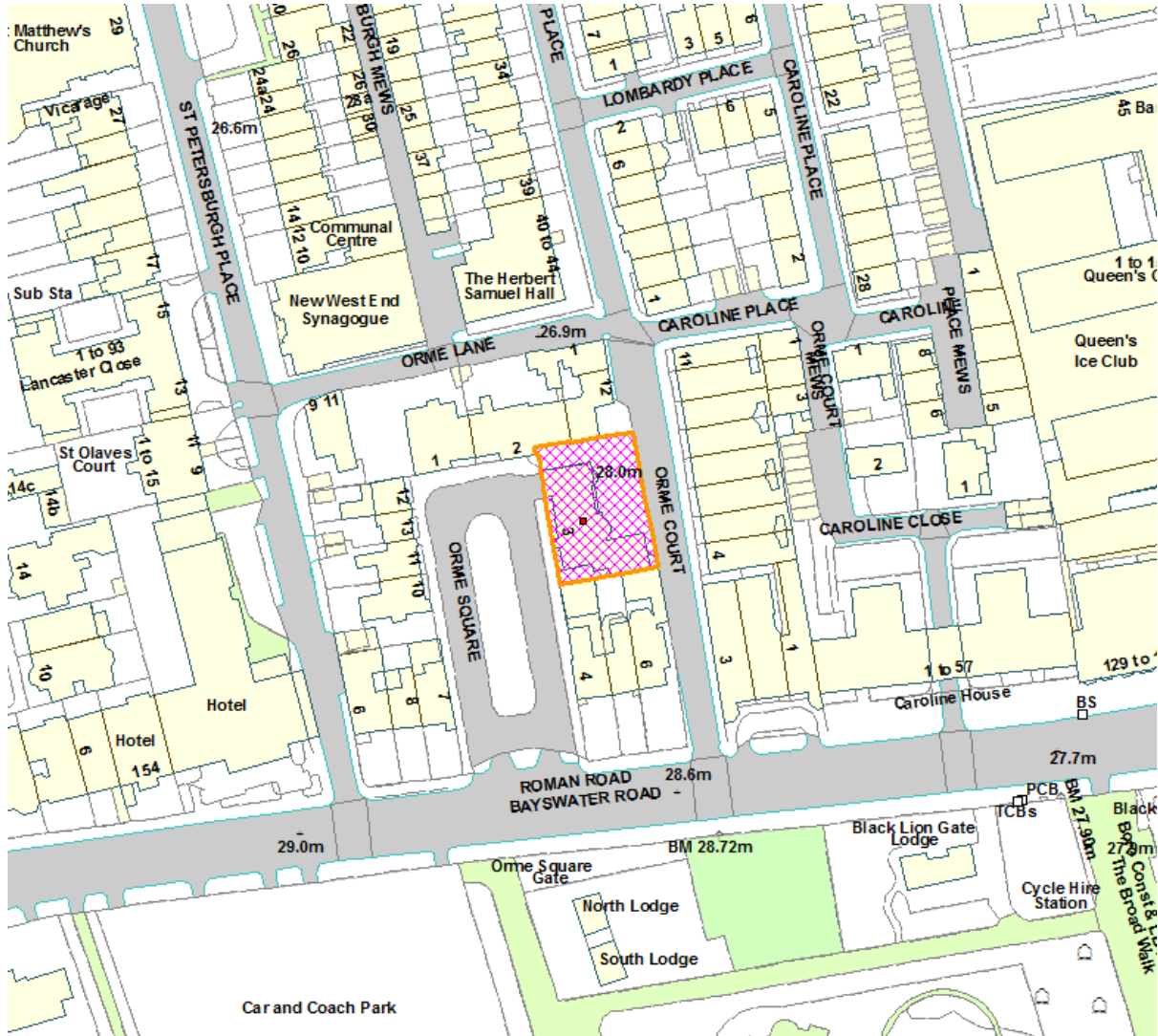
<p>Planning permission and listed building consent are sought for minor works related to applications that were permitted in 2013. In particular the reinstatement of missing chimney pots and installation of chimney extract flue, CCTV cameras to the front and rear entrances, new timber trellis on rear boundary wall, external lighting to front and rear elevations, satellite dish to chimney stack at roof level and date inscription of lettering to front portico plinth.</p>

The key issues in this case are:

- * The impact of the proposed alterations on the special architectural and historic interest of the listed building and the character and appearance of the Bayswater Conservation Area.

<p>The proposals are considered to comply with the Council's policies and it is recommended that permission and consent are granted subject to the conditions set out in the draft decision letters.</p>
--

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 38

Total No. of replies: 6 (1no on behalf of 4no addresses)

No. of objections: 6 (1no on behalf of 4no addresses)

Objections received on all or some of the following grounds:

- *Design of the consented alterations and extensions
- *Rear elevation of 3 Orme Square is unsightly
- *Large amounts of glazing results in security implications for the occupiers

Disruption

- *the construction of the permitted scheme has caused disruption locally.

Planning consent breaches

- *Works have occurred that have not been in accordance with the approved plans. It is essential that works are carried out in accordance
- *Enforcement powers should be used to reinstate where breaches have occurred

Light pollution

- *Design of the extensions includes large amounts of glazing potentially resulting in light pollution that will be detrimental to neighbours

Trellis

- *Will not adequately screen against light pollution
- *Should be built higher to obscure new extensions
- *Unsuitable design
- * trellis should be solid fence or wall

Inscription

- *The proposed inscription to the west elevation is inappropriate.

Landscaping

- Replacement landscaping should be carried out to screen the house
- PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 3 Orme Square is a Grade II listed house located within the Bayswater Conservation Area. It comprises of lower ground, ground, first and second floors and has been significantly extended from its original 1826 form. Its principal elevation faces onto Orme Square and its rear elevation faces Orme Court, including its garden wall, which bounds the site. Its garden accommodates a number of mature trees which are the subject of a Tree Preservation Order (TPO).

The site is located on the north east corner of Orme Square, which is accessed from Bayswater Road. The site is surrounded on all sides by residential properties. To the north of the site lies No.2 Orme Square, a Grade II listed property which has windows facing the site, adjacent to this property is the side elevation of No.12 Orme Court and beyond these properties is Orme Lane. East of the site located on the opposite side of the road are residential properties of Orme Court. Directly south of the site are Nos. 4, 5 and 6 Orme Square, these properties face Bayswater Road and back onto the side boundary of the application site. West of the site located across the Square are other residential properties within the Square.

The works permitted in 2013 are currently being implemented and are scheduled for completion in Spring 2016.

6.2 Recent Relevant History

16/02409/NMA

Amendments to planning permission dated 24 October 2013 (RN: 13/05734/FULL) for works of demolition, rebuilding, repair and restoration; internal and external alterations including new mansard roof; new build extensions; creation of new basement; installation of new plant equipment; landscaping; and associated works including the repair and partial reconstruction of the existing rear boundary wall. Namely, amendments to the glazed dormer on the south elevation.

Pending Decision

15/01099/ADFULL

Samples of facing materials including glazing, together with elevations and roof plans annotated to show where the materials are to be located pursuant to Condition 17 of planning permission dated 24 October 2013 (RN: 13/05734),
Application Permitted 23 February 2015

15/01097/ADLBC

Sample of facing materials including glazing, together with elevations and roof plans annotated to show where the materials are to be located pursuant to Condition 2 of listed building consent dated 24 October 2013 (RN: 13/05740),
Application Permitted 23 February 2015

13/05734/FULL

Works of demolition, rebuilding, repair and restoration; internal and external alterations including new mansard roof; new build extensions; creation of new basement; installation of new plant equipment; landscaping; and associated works including the repair and partial reconstruction of the existing rear boundary wall.

Application Permitted 24 October 2013

13/11748/LBC

Works of fabric removal to create a new 3m opening in the internal northern wall of the villa to enhance visual connection between kitchen and dining space and enlarge internal doorway by an additional 200mm.

Application Permitted 15 January 2014

13/05740/LBC

Works of demolition, rebuilding, repair and restoration; internal and external alterations including new mansard roof; new build extensions; creation of new basement; installation of new plant equipment; landscaping; and associated works including the repair and partial reconstruction of the existing rear boundary wall.

Application Permitted 24 October 2013

7. THE PROPOSAL

Planning permission and listed building consent are sought for the reinstatement of missing chimney pots and installation of chimney extract flue, CCTV cameras to the front and rear entrances, new timber trellis on rear boundary wall, external lighting to front and rear elevations, satellite dish to chimney stack at roof level and date inscription of lettering to front portico plinth. The content of the proposed inscription has been revised during the course of the application to remove reference to Westminster City Council and Historic England.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal does not raise land use issues.

8.2 Townscape and Design

No.3 Orme Square is Grade II listed for "group value only". The designation "group value only" is relatively rare and indicates that the building is listed primarily for its townscape value and its contribution to the setting of neighbouring buildings.

The proposed works are considered to have a limited impact on the special interest of the listed building and the character and appearance of the conservation area.

It is proposed to introduce surface mounted CCTV cameras on the west, east and north elevations principally at ground floor level. Additionally it is proposed to introduce external lighting near the entrances to the building; these measure 140mm by 140mm by 50mm and are square in form and neutral in appearance. The Agent has informed Officers that the CCTV cameras have been installed and the lights have been wired and is likely to be installed before the case is presented to Committee. The number, positioning and scale of the CCTV cameras and the external lights are minimal and discreet so as not to add clutter to the elevation or be visually detracting. Furthermore the design of the fittings will sit

comfortably against the rendered elevation. Therefore these additions are considered to have a limited impact on the special interest of the listed building.

On the west elevation it is proposed to introduce an inscription on a new piece of stone at the base of the portico and to engrave the existing column. This work has already been undertaken. One comment has been received stating that the proposed inscription to the west elevation is inappropriate. These features are not uncharacteristic on buildings of this architectural style and the new inscription has been positioned so as to be visually discreet. The new inscription which has been revised during the course of the application to delete "Westminster City Council and Historic England" will not harm any existing fabric. Therefore this alteration is considered to have a minimal impact on the buildings special interest.

At present the rear boundary treatment along Orme Court is formed by a high brick wall with a trellis above. It is proposed to replace the trellis and install a timber gate. During the course of the application the scale and detailed design of the trellis was revised. The new trellis will be no higher than the current one; by virtue of its horizontal design it will be more closely boarded, however the trellis will remain permeable and lightweight in appearance. Consultation responses have commented on the trellis, however an objection in principle to its replacement has not been received; the nature of these comments are that the trellis will not provide an adequate screen to light pollution and that the trellis or wall should be built higher to reduce the visibility of the rear extension as it's an unattractive addition. The replacement on the trellis is therefore acceptable in townscape terms.

The approved roof plan from the 2013 applications show 4no chimney pots on the north and south sides of the mansard roof; 8no chimney pots in total. This application seeks permission to install additional 2no chimney pots in both locations resulting in 6no on the north and 6no on the south. It is noted from the officer's site visit that the chimney pots have already been installed. Nevertheless given that the principle of chimney pots in these locations has previously been accepted and they are of an appropriate detail and number, the additional chimney pots are considered to be acceptable in design terms.

Against the chimney pots on the south elevation it is proposed to install a mounted satellite dish. The satellite dish measures 1443mm high and 742mm wide and will be fixed to the building via a bracket on the rear of the chimney stack. The Agent has informed Officers that the satellite dish has already been installed. Whilst structures of this nature can be considered as high level clutter, giving that this building is constrained in terms of garden setting which would have allowed for the satellite dish to be relocated at a lower level and as it is minimally invasive and reversible the introduction is considered to have a limited impact on the special interest of the listed building. Furthermore this is not an uncharacteristic feature to find on residential properties and therefore will have a limited impact on the character and appearance of the conservation area.

During the course of the application a number of discrepancies were identified between the drawings approved in February 2015 (RN: 15/01099/ADFULL and 15/01097/ADLBC). For ease of reference these have been listed below:

- North Elevation (drawing number A-200-04): the scale of the boundary gate has been reduced
- North Elevation (A-200-04): the single door at lower ground floor level had previously been drawn incorrectly and this drawing reflects location as shown in the floorplans

- South Elevation (A-200-03): The grill has increased in scale
- South Elevation (A-200-03): The railings have been removed from the window at lower ground floor level
- West Elevation (A-200-01): A Juliette balcony is shown on the infill extension at ground floor level

These changes are considered to be minor and will not have an impact on the special interest of the listed building and the character and appearance of the conservation area.

The proposed works are considered acceptable and will not harm the special interest of the listed building. The works therefore comply with the NPPF, S25 and S28 of Westminster's City Plan and DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

8.3 Residential Amenity

The proposal does not raise amenity issues.

8.4 Transportation/Parking

The proposal does not raise transport or parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

None relevant

8.7 Other UDP/Westminster Policy Considerations

None relevant

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

None relevant

8.12 Other Issues

None relevant

9. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of 11 Bark Place, London, dated 29 March 2016
3. Letters from occupier of 4 Caroline Place, London W2 4AW, dated 9 April 2016 and 29 March 2016.
4. Letter from occupiers of 2 Bark Place, 3 Bark Place, 4 Bark Place and 5 Bark Place, London dated 30 March 2016
5. Letter from occupier of 28 Caroline Place, London W24AN, dated 1 April 2016
6. Letter from the occupier of 38 Bark Place dated 18 May 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 RUPERT HANDLEY ON 020 7641 7540 OR BY EMAIL AT rhandley@westminster.gov.uk

10. KEY DRAWINGS



North Elevation



West Elevation

DRAFT DECISION LETTER

Address: 3 Orme Square, London, W2 4RS,

Proposal: Reinstatement of missing chimney pots and installation of chimney extract flue, CCTV cameras to the front and rear entrances, new timber trellis on rear boundary wall, external lighting to front and rear elevations, satellite dish to chimney stack at roof level and date inscription of lettering to front portico plinth.

Reference: 15/12008/FULL

Plan Nos: A-10-Rev 00; A-200-04 Rev F; A-200-02 Rev G; A-200-03 Rev G; A-200-01 Rev F; A-100-04 Rev C; A-500-10 Rev C; A-500-01 Rev 00 , A-500-11

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

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

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

DRAFT DECISION LETTER

Address: 3 Orme Square, London, W2 4RS,

Proposal: Reinstatement of missing chimney pots and installation of chimney extract flue, CCTV cameras to the front and rear entrances, new timber trellis on rear boundary wall, external lighting to front and rear elevations, satellite dish to chimney stack at roof level and date inscription of lettering to front portico plinth.

Plan Nos: A-10-Rev 00; A-200-04 Rev F; A-200-02 Rev G; A-200-03 Rev G; A-200-01 Rev F; A-100-04 Rev C; A-500-10 Rev C; A-500-01 Rev 00 , A-500-11

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

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

Reason:

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

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

Reason:

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

Informative(s):

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

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

In reaching this decision the following were of particular relevance:

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

2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

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

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

Agenda Item 9

Item No.

9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	201 Kilburn Park Road, London, NW6 5LG		
Proposal	Erection of single storey outbuilding within rear garden for ancillary storage use to ground and first floor maisonette.		
Agent	Mr Arun Patel		
On behalf of	Mr Ahmed Adam		
Registered Number	16/01152/FULL	Date amended/ completed	9 February 2016
Date Application Received	9 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside a Conservation Area		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for the erection of a single storey outbuilding within the rear garden of the ground floor maisonette. This application follows investigations by the City Council's Planning Enforcement Team into works beginning without planning permission and a previous refusal of planning permission for an outbuilding on the grounds of detailed design and materials.

An objection has been raised by the occupants of a neighbouring property on amenity and design grounds.

The key issues in this case are:

- *The impact of the development on the amenities of neighbouring occupiers.
- *The impact of the development on the character and appearance of the area.

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

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Any consent granted should be conditional not to allow any part of the outhouses to be used for habitable accommodation. It would be preferable for the maximum height to be reduced to two metres. Please take neighbours views into consideration.

CHILDREN'S SERVICES –(Site backs on to Essendine School)

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 15

Total No. of replies: 3 (all from one address) raising objection on the following grounds:

Land use

- Loss of green garden space.
- Will set a precedent, more than 50% of the garden has now been developed.
- Query use of building.

Design

- Impact on the appearance of the area.

Amenity

- Object to the height and that it has been built on the party wall.
- Loss of light to adjoining gardens from building and fences.
- Loss of privacy and enjoyment of neighbouring properties gardens.

Other

- Does not appear to address any of the concerns from the original application.
- Concerned that the drawings are inaccurate as they do not show the ground floor extension to the host building or that the structure has been built onto the rear wall of Essendine School.
- Concerned about water run-off.
- Builders have trespassed on neighbouring land.

6. BACKGROUND INFORMATION

6.1 The Application Site

201 Kilburn Park Road is a three storey building divided into a maisonette at ground and first floor levels with a rear garden, and a flat at second floor level. The property is not listed and not in a conservation area. The proposal relates to the rear garden belonging to the ground and first floor maisonette. A structure at the end of the garden has been partially erected – attached to Essendine School, without permission. The garden is bound to the rear by the rear brick elevation of Essendine School and to either side by gardens of 199 and 203 Kilburn Park Road.

6.2 Recent Relevant History

15/07885/FULL - Erection of single storey outbuilding within rear of garden for use as additional habitable accommodation for the existing lower ground floor flat. Refused in relation to detailed design and materials 7 December 2015.

14/11908/FULL - Erection of single storey side and rear extension to ground floor flat. Permission granted 30 January 2015.

15/59703/M - Planning enforcement investigation in relation to the erection of an unauthorised building at the far end of rear garden attached to Grade II listed Essendine School (ongoing).

7. THE PROPOSAL

The application seeks permission to erect an outbuilding within the rear garden belonging to the ground and first floor maisonette at 201 Kilburn Park Road. This application follows investigations by the City Council's Planning Enforcement Team into works beginning without planning permission and a previous refusal of planning permission for an outbuilding on grounds of detailed design and materials.

Permission is now sought for the erection of a detached outbuilding; it is no longer proposed to attach it to the Grade II listed Essendine School building to the rear. It is proposed to be single storey and to be used as storage space, ancillary to the enjoyment of the ground and first floor maisonette.

The proposed building would be located at the end of the rear garden measuring 3.3x 5m at a height of 2.5m (50cm above the garden boundaries on either side) and would extend the width of the garden, albeit it would be set inside of all three boundaries. It is proposed to be constructed of brick with timber cladding, inset with a double glazed door and window.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

The creation of ancillary additional floorspace to the existing ground and first floor maisonette is acceptable in principle in land use terms in accordance with policy H3 of the UDP and S14 of the City Plan.

8.2 Townscape and Design

The proposed single storey, full width brick and timber clad outbuilding with a felt roof, set inside of all three boundaries is considered acceptable in design and townscape terms.

A previous application for a similar outbuilding was refused on grounds that the proposed render (with brick) was not an appropriate material in this location. The current proposal

for a timber clad outbuilding is considered an appropriate material for an outbuilding within a garden setting. For this reason the objection on design grounds is not supported. The proposal complies with DES1 of the Unitary Development Plan (UDP) and S28 of the City Plan.

8.3 Residential Amenity

Due to the location of the building at the end of the garden, it's single storey height (2.5m), which projects minimally (approximately 50cm) above the garden boundaries with neighbours and the relationship with neighbours properties and their gardens it is not considered that the outbuilding would result in any significant loss of daylight or sunlight, sense of enclosure or overlooking to neighbours at 199 and 203 Kilburn Park Road. The proposal accords with ENV 13 of the UDP and S29 of the City Plan.

For the above reasons the objection on grounds that the proposed outbuilding is too large for its location is not supported. As each planning application must be considered on its individual merits, it is not considered that this proposal would set a precedent.

An objector has raised the issue of builders trespassing to access the site. However this is not a planning consideration, but a private matter between the parties involved.

8.4 Transportation/Parking

There are no transport or parking considerations with this application.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application will not affect access to the site.

8.7 Other UDP/Westminster Policy Considerations

None.

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 to the current application.

8.12 Other Issues

The objector questioned the inaccuracy of the drawings as they did not show the site in entirety including a ground floor extension or the outbuilding being attached to the rear wall of Essendine School. Amendments to the drawings during the course of the application now show the ground floor extension and the proposed outbuilding to be set inside of all boundaries.

Party wall matters are not a planning consideration and were not considered during the course of this application.

9. BACKGROUND PAPERS

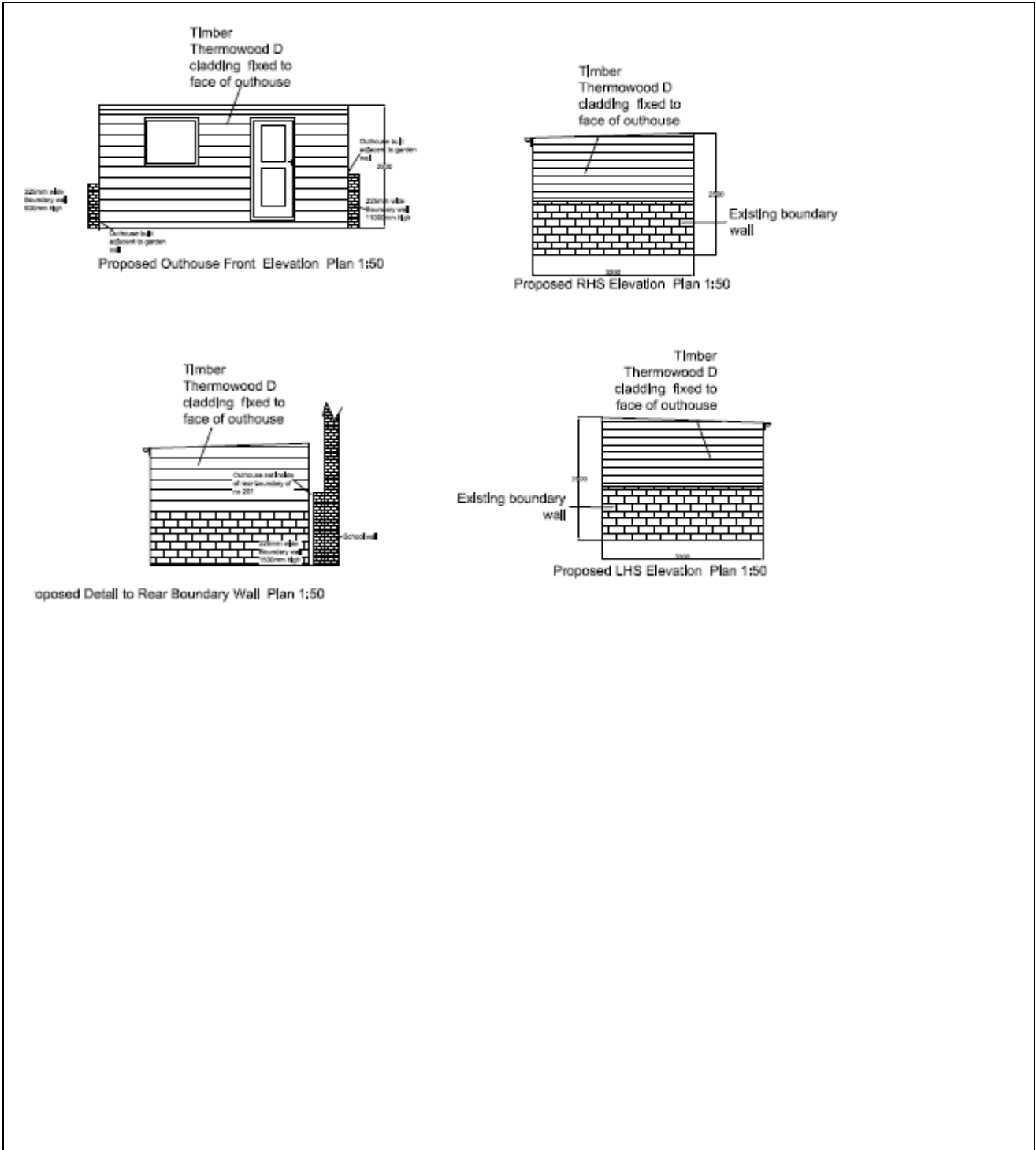
1. Application form.
2. Previous refusal 15/07885/FULL decision notice and drawings.
3. Representation from the Paddington Waterways and Maida Vale Society dated 29 February 2016.
4. Representations from occupiers of 203a Kilburn Park Road, Maida Vale, dated 6 March 2016 and 27 February 2016 (x2).

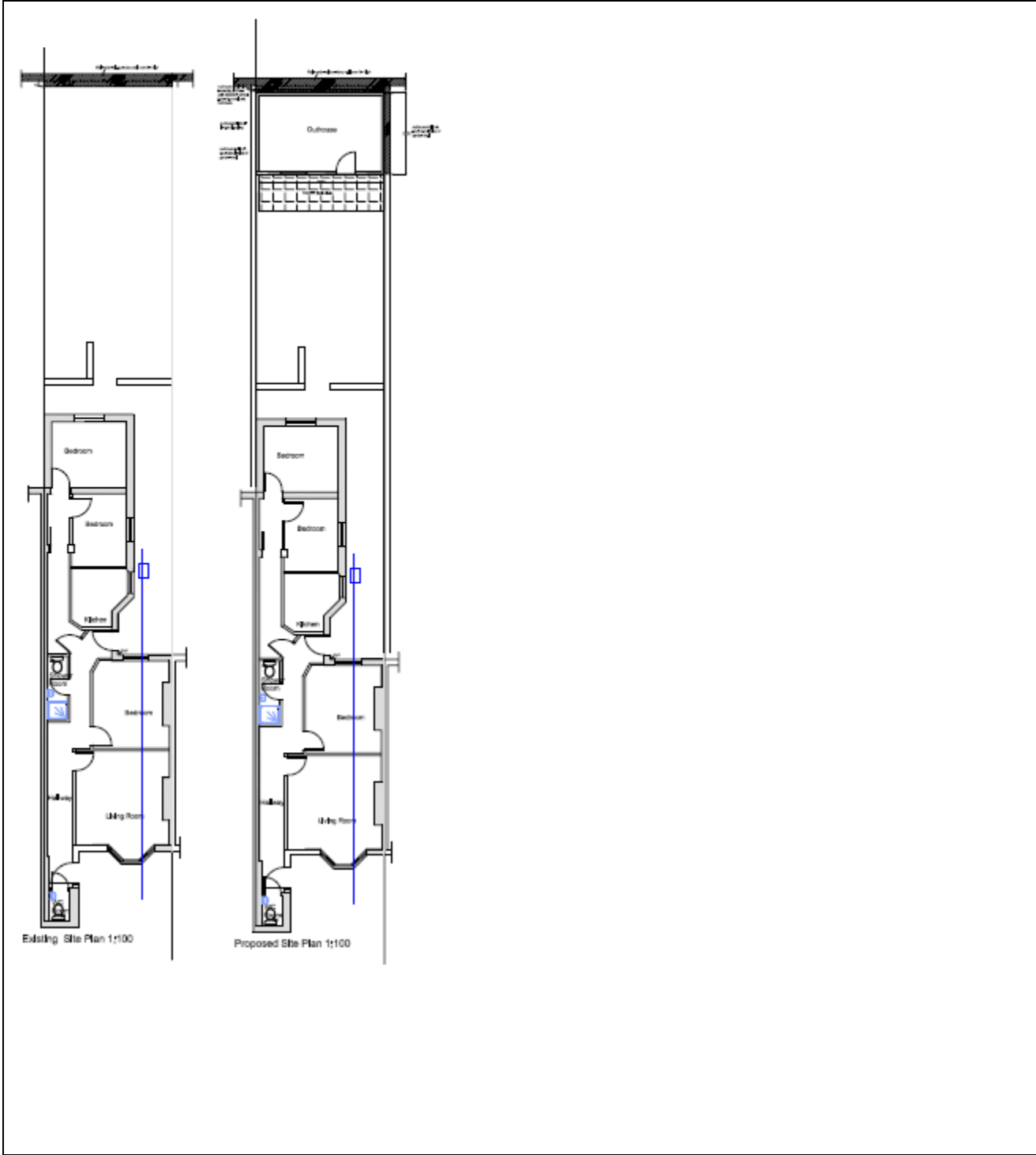
Selected relevant drawings

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

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

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 201 Kilburn Park Road, London, NW6 5LG,

Proposal: Erection of single storey outbuilding within rear garden for ancillary storage use to ground and first floor maisonette.

Plan Nos: Site location plan, design and access statement, un-numbered drawing titled 'Description of Works: Outhouse'.

Case Officer: Heather Sevicke-Jones **Direct Tel. No.** 020 7641 6519

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

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

Reason:

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

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

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

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

Reason:

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

- 3 The single storey outbuilding shall not be used as habitable accommodation including overnight sleeping and shall only be used for other purposes incidental to the enjoyment of the ground and first floor maisonette at 201 Kilburn Park Road NW6 5LG.

Reason:

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

Informative(s):

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

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Item No.
10

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	69A Clifton Hill, London, NW8 0JN		
Proposal	Erection of single storey outbuilding within the rear garden for ancillary use to ground floor flat.		
Agent	Mr Donald Shearer		
On behalf of	Mr Damien Nicol		
Registered Number	15/11400/FULL	Date amended/ completed	17 December 2015
Date Application Received	7 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for the erection of an ancillary outbuilding within the rear garden of this unlisted semi-detached flatted property within the St John's Wood Conservation Area.

The St John's Wood Society and six local residents have raise objection on a number of grounds with respect to the impact on residential amenity, design, the proposed land use and impact on trees.

The key issues are:

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

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.

4. PHOTOGRAPHS



5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY

Objection; garden office will be overly dominant creating an unfortunate barrier across the end of the garden, loss of amenity to neighbours in terms of noise and loss of privacy and no trees of amenity value should be damaged or felled.

ARBORICULTURAL MANAGER

No objection subject to conditions to require minor amendments to tree protection details and also the provision of further details of the foundations and a landscaping plan.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 36

Total No. of replies: 7 (2 from same address)

No. of objections: 7

No. in support: 0

In summary, the following issues were raised:

Amenity:

- Potential noise should the structure be used as something noisy like a media room.
- Increased overlooking from windows.

Design:

- The structure is too large for the proportions of the garden.
- Precedent for other developments of this type in the street.

Land Use:

- Likely that the structure would be used as a clinic rather than an office resulting in increased visitors detracting from the peace and quiet of the neighbourhood.
- The structure should only be used for office and not additional accommodation.

Trees:

- Potential impact on adjacent trees.

Other:

- While the roofline will be higher than boundary walls, the walls and windows should not.
- Commercial buildings would have negative impact on the value of surrounding properties.
- Already stress on local parking. Potential that office could increase parking stress in the future as not possible to ensure that only the owner uses the facility. Builders would also increase this stress.
- Noise and disturbance from building work.

- Outlook of garden marred to the residential flats on the upper levels.
- Effect on water table
- Loss of house value

ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

69 Clifton Hill is an unlisted four storey semi-detached property located within the St John's Wood Conservation Area. The building has been subdivided into flats with 69A occupying the ground floor.

6.2 Recent Relevant History

Conditional permission granted for demolition of section of existing rear elevation and erection of single storey rear extension with green roof. (11/07396/FULL)

7. THE PROPOSAL

Planning permission is sought for the erection of a single storey detached outbuilding within the rear garden of the site. It would measure 3.19m by 5.57m and would be 2.57m in height with a flat roof. It is proposed to be constructed of redwood cladding with a sedum roof. The applicant has indicated that it is proposed to be used for purposes ancillary to the existing ground floor flat and is not in fact proposed to be used as an office. The applicant's agent has confirmed that reference to an "office garden building" in the original description was an error, as it relates to the name of the company that construct the building (garden office company).

8. DETAILED CONSIDERATIONS

8.1 Land Use

In terms of land use, the applicant has confirmed that the proposed outbuilding will be used ancillary to the existing dwelling. The principle of ancillary floor space to an existing dwelling, in this instance a flat, is considered to be acceptable in terms of land use.

8.2 Townscape and Design

The proposed garden structure is a single storey and located wholly to the rear of the property which is fully enclosed. The proposed outbuilding is considered to be appropriate in this context in terms of its footprint and height, and also in the context of the neighbouring properties. The design of the building and the use of redwood cladding is considered to result in an appropriately designed garden building.

The proposal is considered to be acceptable in terms of design as it complies with policies DES 1 of the UDP and S25 and S28 of the City Plan.

8.3 Residential Amenity

The proposed outbuilding is located to the rear of the garden adjacent to the rear boundary and is 2.57m in height. The surrounding boundaries are 1.4m in height and the rear boundary benefits from a number of trees.

The proposal is adjacent to the boundary with 56 Carlton Hill; no consultation response was received from the owners of this property. Given its location at the end of the garden and the distance between the rear of the property at 56 Carlton Hill and the boundary it is not considered that the proposed structure will cause harm in terms of loss of light, outlook or increased overlooking to adjacent residents. The proposal is not considered to raise issues in terms of sense of enclosure and given that its use will be ancillary to the existing dwelling does not raise concerns in terms of increased noise or disturbance to neighbouring occupiers.

The proposal is considered acceptable in terms of residential amenity as it complies with policies, ENV 13 and S29.

8.4 Transportation/Parking

Objections have been received on the grounds of increased traffic and parking implications as a result of the proposal. The applicant has confirmed that the building will not be used for a business and therefore the proposal will not generate transport or parking pressures.

8.5 Economic Considerations

Not applicable.

8.6 Access

The proposal does not have any adverse access implications.

8.7 Other UDP/Westminster Policy Considerations

Trees

There are several trees which could be affected by the development, including two mature lime trees (T1, T2) in the rear garden, a mulberry in the rear garden of 67 Clifton Hill (T6), and a mature lime tree at the front of the property (not surveyed for purposes of planning application). It is noted that the applicants have submitted a separate Section 211 notification of intent (15/11204/TCA) to remove the lime tree T2, on the grounds that the tree has decay at the base and is leaning across the garden. They propose to plant a new tree in the same location. In view of the decay and the proposal to plant a new tree it is likely that this tree application will be recommended favourably.

The City Council's tree officer is satisfied with the proposal, subject to conditions to secure soft landscaping, foundation details and tree protection.

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

Not applicable.

8.11 Environmental Impact Assessment

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

9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society, dated 2 February 2016
3. Response from Arboricultural Manager, dated 27 January 2016
4. Letter from occupier of 60 Carlton Hill, London, dated 20 January 2016
5. Letter from occupier of 69 Clifton Hill, London, dated 20 January 2016
6. Letter from occupier of 71A Clifton Hill, London, dated 22 January 2016 + 24 January
7. Letter from occupier of 71b Clifton Hill, London, dated 27 January 2016
8. Letter from occupiers of neighbouring flat in Clifton Hill dated 24 January 2016
9. Letter from occupier of Flat 2, 69 Clifton Hill, dated 24 January 2016

Selected relevant drawings

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

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

9. KEY DRAWINGS

West Elevation / Section B-B

Preliminary		Project	69a Clifton Hill	Drawing Size	A4	File Ref.	1222 - BA - Plans 2.pln
Planning		Client	Mr Damien Nicol	Date	Dec 15	Rev	A
Building Regs.		Date	Dec 15	Scale	1:100	Date	10-02-18
Tender		Drawing	Proposed West Elevation / Section B-B	Reference Number	1222-BA-111 A	Relocation of proposed tree.	
Construction							
As-built							

North Elevation / Section C-C

Preliminary		Project	69a Clifton Hill	Drawing Size	A4	File Ref.	1222 - BA - Plans 2.pln
Planning		Client	Mr Damien Nicol	Date	Dec 15	Rev	A
Building Regs.		Date	Dec 15	Scale	1:100	Date	10-02-18
Tender		Drawing	Proposed North Elevation / Section C-C	Reference Number	1222-BA-112 A	Relocation of proposed tree.	
Construction							
As-built							

DRAFT DECISION LETTER

Address: 69 Clifton Hill, London, NW8 0JN,

Proposal: Erection of single storey outbuilding within the rear garden for ancillary use to ground floor flat.

Plan Nos: 1222-BA-101; 1222-BA-102; 1222-BA-103; 1222-BA-104; 1222-BA-105; 1222-BA-106; 1222-BA-107A; 1222-BA-108A; 1222-BA-109A; 1222-BA-110A; 1222-BA-111A; 1222-BA-112A; 1222-BA-113A. Design and Access Statement, Tree Report.

Case Officer: Victoria Coelho

Direct Tel. No. 020 7641 6204

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

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

Reason:

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

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

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

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

Reason:

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

- 3 **Pre Commencement Condition.** You must apply to us for our approval of the depth and methods to be used to dig the foundations. You must not start any work until we have approved what you have sent to us. The excavation and foundations must be carried out according to the approved details. (C31MA)

Reason:

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

- 4 **Pre Commencement Condition.** You must apply to us for approval of an amended Arboricultural Report that gives due consideration to the mature lime tree at the front of the property. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

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

- 5 The single storey outbuilding shall not be used as habitable accommodation including overnight sleeping and shall only be used for other purposes incidental to the enjoyment of the ground floor flat at 69A Clifton Hill, NW8 0JN.

Reason:

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

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

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

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

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

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10

documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	41 Harley Street, London, W1G 8QH		
Proposal	Removal of the existing steps to the front entrance, to install a new ramp to provide level access including alteration to the front doorway.		
Agent	CBRE		
On behalf of	Howard de Walden Management Limited		
Registered Number	15/11921/FULL	Date amended/ completed	22 December 2015
Date Application Received	22 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Refuse permission – harmful to the appearance of the conservation area

2. SUMMARY

The building is an unlisted building of merit in the Harley Street conservation area. It makes a positive contribution to the character and appearance of the conservation area and there is a strong presumption to maintain that contribution.

The proposal seeks the removal of the entrance steps to create level access from the street. The potential occupier of the building is Moorfields Eye Hospital. The applicant states that the potential tenant of the building requires level access into the building so that their patients do not have to negotiate the entrance steps.

Raised entrances are a very important and significant part of the character and appearance of the Harley Street conservation area, and indeed most of the conservation areas in the City of Westminster, since most traditional buildings are raised above street level. The removal of entrance steps has consistently been resisted by the City Council on the grounds that the loss of stepped entrances would harm the appearance of buildings and harm the character and appearance of conservation areas.

Where access is an issue in traditional buildings in the Harley Street conservation area the

City Council has approved the use of the 'Sesame' style lift which when not in use takes the form of traditional steps. When access is required the steps slide away to reveal a small platform lift. This is an ingenious mechanism which has been used on many of the buildings in the Harley Street conservation area. It enhances access whilst preserving the character and appearance of the conservation area.

The applicants have stated that level access is required for the proposed operator of the eye hospital. Whilst it may be the ideal solution for the occupier, this has to be weighed against the harm it would cause to the building and the conservation area. There are a number of other eye hospitals in the area which do not have level access and therefore it appears that it is not an essential requirement. These include the following buildings: 25 Queen Anne Street (which has just undergone a major refurbishment and has a 'Sesame' lift), 4 Harley Street, 86 Harley Street and 119 Harley Street.

Councillor Scarborough has raised concerns that if planning permission is not granted for level access the tenant will not take the building. This is noted, but not a planning matter and it is considered that the appearance of the building takes preference over the potential tenant.

The Marylebone Association object to the proposal on the grounds that it will be detrimental to the character of the Conservation Area. They state: 'While we appreciate the desire to achieve level access in the interests of inclusivity, steps between pavement and entrance doors along Harley Street are an integral element in the character of the area and their removal in this instance would set a dangerous precedent for others'.

It is considered that the proposal would be harmful to heritage assets but that there are no public benefits which outweigh that harm. There is a danger that if planning permission were to be granted in this case many other occupiers would also seek planning permission for similar harmful alterations, and the cumulative harm of such works would be very damaging to the street scene in the conservation area. It is recommended that this application be refused and an informative is recommended advising that a 'Sesame' style lift would be acceptable.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR SCARBOROUGH

Concerned that if planning permission is not granted for the level access, the tenants will not move into the building.

MARYLEBONE ASSOCIATION

Objection – removal of stepped entrance would be detrimental to the character of the conservation area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 60

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

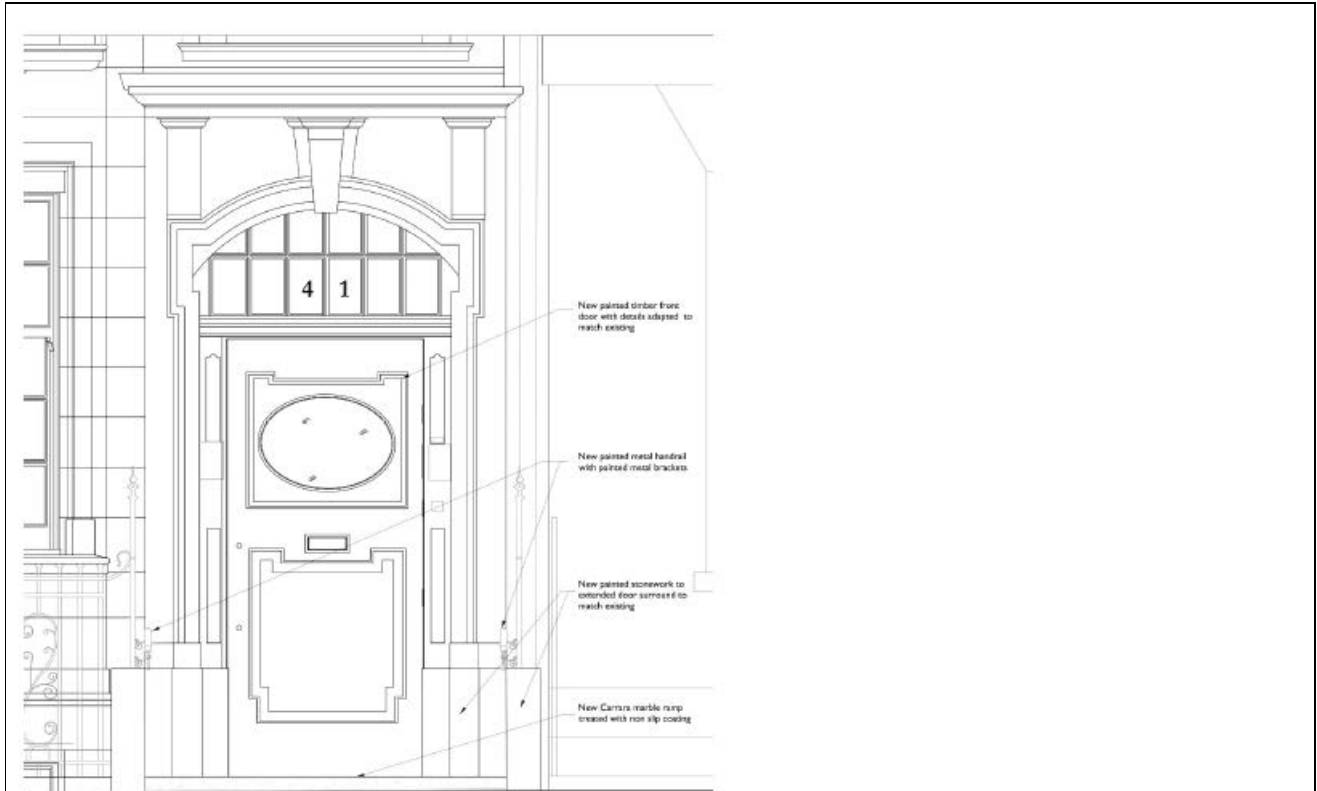
6. BACKGROUND PAPERS

1. Application form
2. Response from the Marylebone Association dated 15 March 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ROBERT AYTON ON 020 7641 2978 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

7. KEY DRAWINGS



Proposed front elevation with new ramp



PHOTOGRAPH OF EXISTING FRONT ENTRANCE

NTS



PROPOSED FRONT ENTRANCE WITH LEVEL ACCESS (COMPUTER IMAGE)

NTS

DRAFT DECISION LETTER

Address: 41 Harley Street, London, W1G 8QH,

Proposal: Removal of the existing steps to the front entrance, to install a new ramp to provide level access including alteration to the front doorway.

Reference: 15/11921/FULL

Plan Nos: 15C PL / PRO 200-, 201-; DEM 200-, 201-

Case Officer: Robert Ayton

Direct Tel. No. 020 7641 2978

Recommended Condition(s) and Reason(s):

Reason:

- 1 Because of the demolition of the existing steps and associated works, the proposed alterations would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Harley Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 5, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)

Informative(s):

- 1 Stepped entrances are key characteristic of buildings in the Harley Street Conservation Area and make a considerable contribution to the character and appearance of the conservation area. The removal of such steps is considered unacceptable in principle.
- 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 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.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	5 Berners Street, London, W1T 3LF		
Proposal	Erection of a full height extract duct on the rear elevation of the property in association with the approved restaurant at basement and ground floor levels.		
Agent	Savills		
On behalf of	OTR Berners Street LLP		
Registered Number	15/11831/FULL	Date amended/ completed	28 January 2016
Date Application Received	18 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a recently refurbished building which connects through to No. 11 Berners Place, a mews building at the rear. A restaurant (Class A3) occupies the ground and basement floors with the six upper floors in residential use (Class C3) providing eight residential units. The building is unlisted, but located within the East Marylebone Conservation Area.

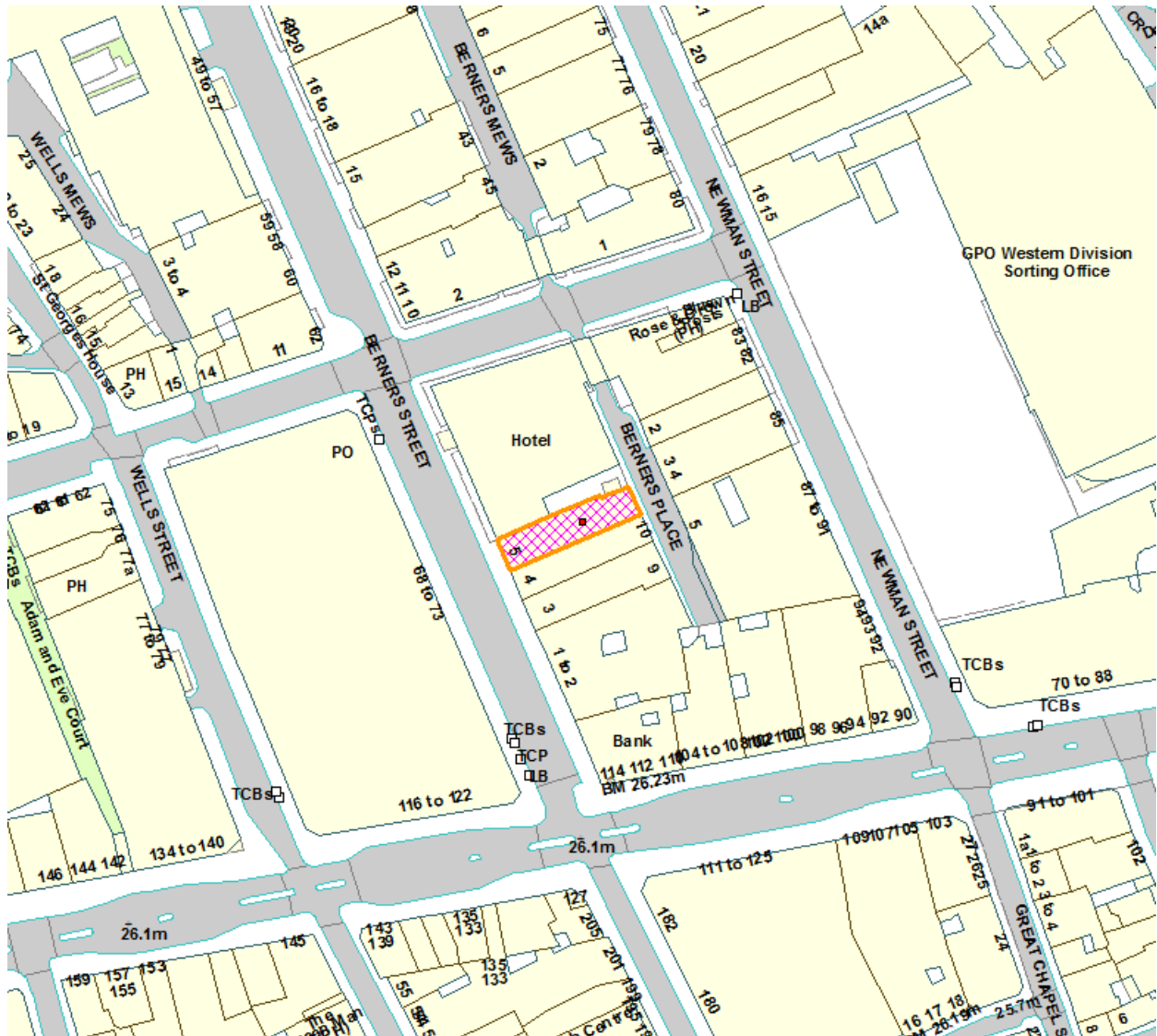
Planning permission is sought for the installation of a full height external duct on the rear elevation of the main building.

The key issues for consideration are:

* The individual and cumulative impact of another flue in this location.

Subject to appropriate conditions, the proposal is considered acceptable in design and amenity terms. The application is therefore recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and Westminster City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1- Rear elevation of 5 Berners Street



Photograph 2- Rear elevation of 3 and 4 Berners Street (No. 3 with an existing external duct)



Photograph 3. Front elevation of building



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection

PLANNING ENFORCEMENT TEAM

The Planning Enforcement Team currently has a planning enforcement investigation on the matter of the low level extract duct. Since November 2015, the Planning Enforcement Team has received five complaints to date with regards to noise and odours from the extract duct.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 1

No. of objections: 1

No. in support: 0

The occupier of the top floor at 9 Berners Place has objected to the installation of the high level extract duct for the following reasons:

- No case has been made or exists for the original planning consent for full height internal extract not being implemented. It has been proposed to implement a scheme that i) would not have been consented had it originally been applied for and ii) would not be necessary if the original consent had been implemented.
- There are two issues to be considered-
 - Whether this is the least damaging practicable solution to the current problem; and
 - The integrating of the entire planning system if the Council accept without reservation seemingly false representations from applicants and their agents to legitimise a breach of planning.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site has recently been refurbished and comprises of eight storeys and connects through to No. 11 Berners Place, a four storey mews building at the rear. A restaurant (Class A3) occupies the ground and basement floors with the six upper floors in residential use (Class C3) providing eight residential units.

The building is unlisted, but located within the East Marylebone Conservation Area and Central Activities Zone (CAZ), the West End Stress Area (WESA) and the Creative Industries Special Policy Area (CISPA).

The nearest residential properties are located within the application building at first floor level and above and within the upper floors of 3 and 4 Berners Street.

6.2 Recent Relevant History

Planning permission was granted on 18 October 2012 for the partial demolition of existing roof and rear facade, rear extension first to sixth floors of Berners Street building for a lift, addition of third floor between Berners Street and Berners Place buildings, addition of mansard roof extension to Berners Place building, external alterations including replacement shopfront and addition of dormer windows to Berners Street elevation. Works in association with the use of the building for light industrial (Class B1c) in the basement and retail (Class A1) at ground floor, and eight residential units (Class C3) on first to sixth floors.

This permission was varied on 3 December 2013 for alterations to the rooflights and dormer windows, acoustic louvres a new duct and other alterations. A low level duct was approved in connection with the retail/light industrial use.

Planning permission was granted on 29 October 2013 for the use of the basement and ground floor for restaurant purposes, installation of full height extract duct (routed internally) venting at roof level, plant at basement level, air intake at rear first floor level, acoustic louvres at rear ground floor. Installation of new shopfronts to Berners Street and Berners Place.

The October 2013 and December 2013 consents have been partially implemented. The basement and ground floors is being used for restaurant purposes. However the internal full height extract duct has not been implemented. The low level duct approved in connection with the retail/light industrial use has been implemented and the restaurant is using this duct to extract cooking smells.

A certificate of proposed lawful development was refused in March 2016 for the use of the existing low level extract duct (permitted in December 2013) in association with the restaurant at ground and lower ground floor (permitted in October 2013).

“Condition 1 of the planning permission dated 29.10.2013 (RN: 13/07973) requires that the development be carried out in accordance with the drawings and other documents listed on the decision letter. The drawings listed on this decision letter, and the other listed documents (Design and Access Statement, Planning Statement and Ventilation and Cooling Statement) all refer to and clearly identify a high level extract duct onto Berners Street. Your proposal to use a lower level extract duct approved under the planning permission dated 3.12.2013 (RN: 13/07695) for a part light industrial and part retail use would not accord with the requirements of Condition 1 of the permission dated 29.10.2013 and therefore you would either need consent to vary or remove this condition, or apply for a new planning permission.”

4 Berners Street

Planning permission was granted on 23 June 2015 for the use of the basement, ground and part third floor as a restaurant (Class A3), installation of a new shopfront, a full height extract duct on the rear elevation and plant within an enclosure at rear third floor level.

7. THE PROPOSAL

As set out in detail above, permission was in October 2013 for the use of the ground and basement floors as a restaurant. This consent included the installation of an internally routed full height extract duct. However, the applicants have not installed the internal duct as permitted and are currently using a low level extract within the rear lightwell to discharge cooking smells. Low level extract ducts are not suitable for the discharge of cooking smells. Therefore, permission is now sought for the installation of a full height external duct on the rear elevation.

The applicants have stated that it has not been possible to install the internally routed extract duct as per the consent granted in October 2013, due to the need for access through approved residential apartments on the upper floors, a number of which have now been sold. This is disappointing, as at the time of the consent, building works were continuing on site and the duct should have been built at the same time. However, the City Council cannot refuse to deal with this application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There is no associated land use issues associated with the installation of an external high level extract duct in connection with a restaurant use (Class A3). The use of the ground and basement floors as a restaurant was permitted in October 2013. The restaurant is now operating and has been since December 2015 when a Premises Licence was issued.

8.2 Townscape and Design

The proposed duct will run to high level along the boundary with 4 Berners Street. Permission has also been granted for the installation of a full height extract duct to the rear of 4 Berners Street (not implemented). There is also an existing duct to the rear of 3 Berners Street. The existence of these two ducts does, to an extent, compromise the uncluttered appearance of the rear elevation of Berners Street. From this perspective, it is considered that damage to visual amenity has already been done, and an additional duct might be considered acceptable.

Consideration has been given to whether a third duct would add to a cumulative harm, as it has already been determined that one or even two ducts could be accommodated without an unacceptable impact on the character or appearance of the East Marylebone Conservation Area. Negotiations have been undertaken to reduce the size of the duct and to clad the duct in brickwork in order to reduce its visual impact. The proposed duct has been reduced in diameter, however it is not able to be clad in brickwork without adversely affecting the outlook from the rear fourth floor windows of 4 Berners Street. The duct will be finished in a colour to match the rear elevation.

The proposed duct is considered to have a lesser impact than the consented duct at No. 4, as the permission for this duct did not control the finish and will presumably be a bare steel colour.

On balance, the duct is considered acceptable in design terms.

8.3 Residential Amenity

The full height extract duct is located on the rear elevation set in from the party wall with 4 Berners Street. The upper floors of No. 4 are in residential use and split into five residential flats. Four of the residential flats are dual aspect. The fourth floor rear windows serve a studio flat which has a single outlook overlooking the rear. Although preferable from a design and conservation perspective, brick cladding around the extract duct (to reduce its impact on the conservation area) would increase the bulk and could have an adverse impact upon these neighbouring residential windows and in particular the single aspect studio flat at fourth floor level.

The size, scale and position of the duct is considered acceptable.

8.4 Transportation/Parking

The application does not raise any transportation issues.

8.5 Economic Considerations

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

8.6 Access

The application does not raise any access issues.

8.7 Other UDP/Westminster Policy Considerations

Plant

The area has been assessed as being in an area in which existing ambient noise levels are above WHO Guideline levels.

The acoustic consultant advises that the tenant's extract system feeds into the landlords vertical discharge ductwork that terminates through a reducing cone at approximately 1m above roof level. The nearest noise sensitive receptor to the termination duct is approximately 2m away (within the application site). Although the duct is set back to align with the mansard roof, the extract fan is located internally within the lower ground floor of the development and as such there is unlikely to be any noise breakout issues from the fan casing.

Environmental Health officers have confirmed that the application is likely to comply with the City Council's standard noise conditions and have raised no objection to the proposal.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The scale and type of proposed development does not require full the submission of an Environmental Impact Assessment or provide opportunities for additional sustainability measures.

8.12 Other Issues

An objection has been received stating that they believe that the extract duct could have been routed internally due to the extensive works that have taken place. Furthermore they have stated that the City Council should not accept a planning application for the external extract duct without fully questioning the applicants. The City Council cannot prevent the submission of a planning application and each application has to be dealt with on its own merits. Any decision made by the City Council must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. There were no conditions on the October 2013 consent which ensured that the full height extract duct was built in accordance with the plans before the restaurant use commenced. Therefore this allowed for the October consent and the December consent to be partially implemented. The objections on these grounds are not considered sustainable to refuse the application.

The objector recommends three planning conditions, which are set out in the background papers. However these are not considered to be conditions the Council can agree too, as they are irrelevant to the proposed development and do not meet the six tests as set out in the NPPF (paragraph 206) which states that planning conditions should only be imposed where they are: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects.

9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health, dated 1 March 2016
3. Response from the Planning Enforcement Team, dated 9 May 2016
4. Letter from occupier of Top Floor, 9 Berners Place, dated 29 February 2016

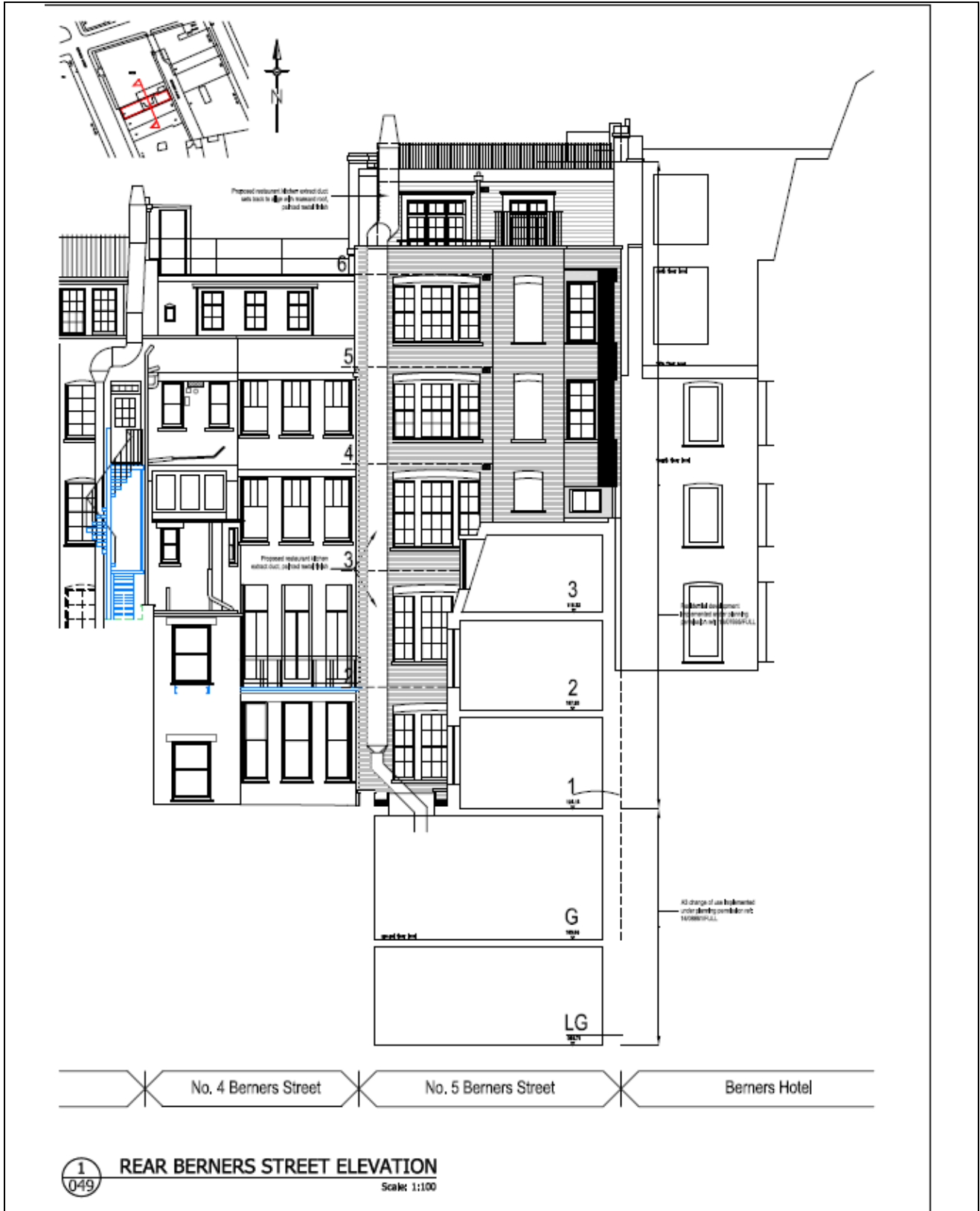
Selected relevant drawings

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

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

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 5 Berners Street, London, W1T 3LF,

Proposal: Erection of a full height extract duct on the rear elevation of the property in association with the approved restaurant at basement and ground floor levels.

Reference: 15/11831/FULL

Plan Nos: 2844-042D; 043D; 044D; 045D; 047D; 048D; 049D; 089A.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

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

3

(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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in

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

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

Reason:

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

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

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

Reason:

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

- 7 You must install and finish the duct as shown on Drawing No. 2844 089A and kept it that colour for as long as the duct is in situ.

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

Informative(s):

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

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

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Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	41 Portland Place, London, W1B 1QG		
Proposal	Installation of 1no. condensing unit to the lightwell at third floor level and the internal installation of 5no. fan coil units at first floor level.		
Agent	Purcell		
On behalf of	Mr Andrew Dorward		
Registered Number	16/01514/FULL + 16/01515/LBC	Date amended/ completed	10 March 2016
Date Application Received	19 February 2016		
Historic Building Grade	Grade II*		
Conservation Area	Harley Street		

1. RECOMMENDATION

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

<p>No. 41 Portland Place is a grade II* listed townhouse located in the Harley Street Conservation Area, and is used for office purposes. Permission is sought for the installation of one air condensing unit in the lightwell at third floor level in order to replace an existing air condensing unit in this location. Listed building consent is also sought for the internal installation of five fan coil units at first floor level.</p> <p>The key issues for consideration are:</p> <ul style="list-style-type: none"> • The impact of the proposed external air condensing unit upon the amenity of neighbouring residents; and • The impact of the proposed works on the character and appearance of this part of the Harley Street Conservation Area and upon the special interest of this listed building. <p>Subject to appropriate conditions, the proposals are considered acceptable in design and amenity terms. The application is therefore recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and Westminster’s City Plan: Strategic Policies (City Plan) policies.</p>
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3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

HISTORIC ENGLAND:
Authorisation granted.

MARYLEBONE ASSOCIATION:
Any response to be reported verbally.

ENVIRONMENTAL HEALTH:
No objection subject to standard conditions.

ADJOINING OWNERS / OCCUPIERS AND OTHER REPRESENTATIONS:
No. Consulted: 59
No. Responses: 14
14 objections were received on some or all of the following grounds:

Amenity:

- Noise and dust nuisance from operation of external air condensing unit.
- Location of air condensing units opposite bedrooms in Weymouth Mews and 39 Portland Place

Other Issues:

- Noise nuisance from social events held at the property
- Anti-social behaviour associated with events held at the property
- Odour nuisance from social events held at the property
- Health impacts of the external air condensing unit
- Difficulty of removing external conditioning unit once installed

SITE & PRESS NOTICE:
Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 41 Portland Place is a grade II* listed townhouse located on the west side of Portland Place and comprises basement, ground and four upper floors. The building is located within the Harley Street Conservation Area. The building is used by the Academy of Medical Sciences and its lawful use is unclear but it is likely to be an institutional use. The building appears to be also used as a conference facility, weddings and events.

The nearest residential properties are located within 39 Portland Place, which is adjacent to 41 Portland Place; 37 Portland Place, which is located two properties south of 41 Portland Place; and Weymouth Mews which is located to the rear of 41 Portland Place.

6.2 Recent Relevant History

Planning permission and listed building consent were granted in October 2009 for installation of plant at rear first, third and fourth floor level and new lift overrun at roof level.

New windows to rear internal lightwell at basement and ground floor level. Internal alterations on all floors including relocation of lift. This permission was implemented.

7. THE PROPOSAL

Permission is sought for the installation of one air condensing unit in the lightwell at third floor level in order to replace an existing air condensing unit in this location. Listed building consent is also sought for the internal installation of five fan coil units at first floor level.

The proposed condenser is larger in size than the existing condenser. However, the proposed condenser will not be overlooked by sensitive receptors aside from those within the application site. The lightwell at third floor level where this condenser is proposed is in an enclosed space which shares a boundary wall with 43 Portland Place.

The proposal also includes the internal installation of five fan coil units at first floor level. This consists of the removal of four cooling units and two radiators and their replacement with five new fan cool units. The proposed units will be located in the same locations as the existing units and will utilise existing service holes and notches in the fabric and the service riser and adjacent stairwell. The proposed internal units are smaller in size than the existing cooling units.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal raises no land use issues.

8.2 Townscape and Design

The main design interest in the scheme is the effect of new internal fan coil units and radiator housings and a new external air condensing unit. The new radiator enclosures will enclose proposed units and have been well designed and in keeping with the room.

The impact of the external air condensing unit is minimal and is considered acceptable in terms of the sitting, size and appearance. The equipment is not considered to be harmful to the character and appearance of the Harley Street Conservation Area and is not considered harmful to the special interest or character of the listed building.

The application is in accordance with design policies DES 1, DES 9, and DES 10 of Westminster's Unitary Development Plan and S 25 and S 28 of Westminster's City Plan.

8.3 Residential Amenity

The application has been considered in the context of policies ENV6 and ENV7 of the Unitary Development Plan 2007 and S29 and S32 of the adopted City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

A number of objections have been received from surrounding residential properties with regard to the potential for noise and vibration disturbance resulting from the proposed external air condensing unit.

Objectors raise concerns with regard to noise nuisance experienced from existing plant located in other locations within the site including the courtyard and the terrace. There is concern that the proposed air condensing unit at third floor level would exacerbate this disturbance.

The proposed condensing unit would be located in an enclosed lightwell on the boundary wall with 43 Portland Place. There are no views from residential properties into this lightwell and the nearest residential is to the rear in Weymouth Mews. The proposed plant replaces an existing unit, and no noise complaints have been received to this existing unit.

Environmental Health Officers have assessed the acoustic report that was submitted with the application. An Environmental Health Officer has also carried out a site visit to the property. The Environmental Health Officer has stated that the windows that face into the lightwell are part of the application site and therefore are "outside the scope of the planning remit and are not considered a sensitive receptor". It is considered that the proposed plant and hours of operation would be acceptable and therefore comply with the City Council's noise policy ENV 7 of the UDP and the City Council's standard noise conditions. It is considered that the proposals would therefore not harm the amenity of neighbouring properties.

8.4 Transportation/Parking

The proposal does not raise any transportation or parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

Objections have been raised on separate grounds of noise nuisance from social events held at 41 Portland Place and associated food smells and anti-social behaviour.

Objections are raised to this proposal because of the potential impact of noise and dust from the proposed condenser exacerbating existing noise issues experienced by local residents.

There have been a number of noise complaints made to the noise team in relation to the events that take place at 41 Portland Place. The noise complaints are on the grounds of loud music and people shouting at social events held at the property, but also on the roof terrace. Although this corroborates objectors' concerns about noise nuisance associated with 41 Portland Place, this is a separate issue and planning permission for this proposal could not reasonably be withheld on these grounds. As such, the objections cannot be supported in relation to this proposal. It is not clear from the planning history whether this

is a longstanding use, but the planning enforcement team have been made aware of the issues with the use of this property.

Objectors raise concerns about air pollution and related health problems associated with the proposed external air condensing unit. The proposed unit is replacing an existing unit so it is therefore considered that the new unit will not have any greater impact on air pollution levels than already exists. It is considered that due to its location in an enclosed lightwell, the proposed air condensing unit is unlikely to have a direct impact upon the health of nearby residents.

One objection is raised on the grounds that once installed, it would be difficult to remove the air conditioning unit. If, however, it is found that that the air conditioning unit is in breach of any of the conditions of the planning permission, this would be investigated by the City Council's enforcement team. Noise complaints would also be investigated by the City Council's Noise team.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England, dated 23 March 2016
3. Response from Environmental Health, dated 30 March 2016
4. Letter from occupier of flat 6, 39 Portland Place, dated 19 March 2016
5. Letter from occupier of 14 Winsley Court, 37 Portland Place, dated 22 March 2016
6. Letter from occupier of 11 Winsley Court, 37 Portland Place, dated 17 April 2016
7. Letter from occupier of 39 Portland Place, Flat 2, London, dated 31 March 2016
8. Letter from occupier of Flat 2, 39 Portland Place, dated 21 March 2016
9. Letter from occupier of Flat 9, 7 Weymouth Mews, dated 22 March 2016
10. Letter from occupier of flat 2, 37 Portland Place, w1b 1qg, dated 21 March 2016
11. Letter from occupier of 16 Winsley Court, 37 Portland Place, dated 23 March 2016
12. Letter from occupier of flat 18, 37 Portland Place, dated 1 April 2016
13. Letter from occupier of Flat 9, 37 Portland Place, dated 21 March 2016
14. Letter from occupier of Flat 4, 6 Weymouth Mews, dated 19 March 2016

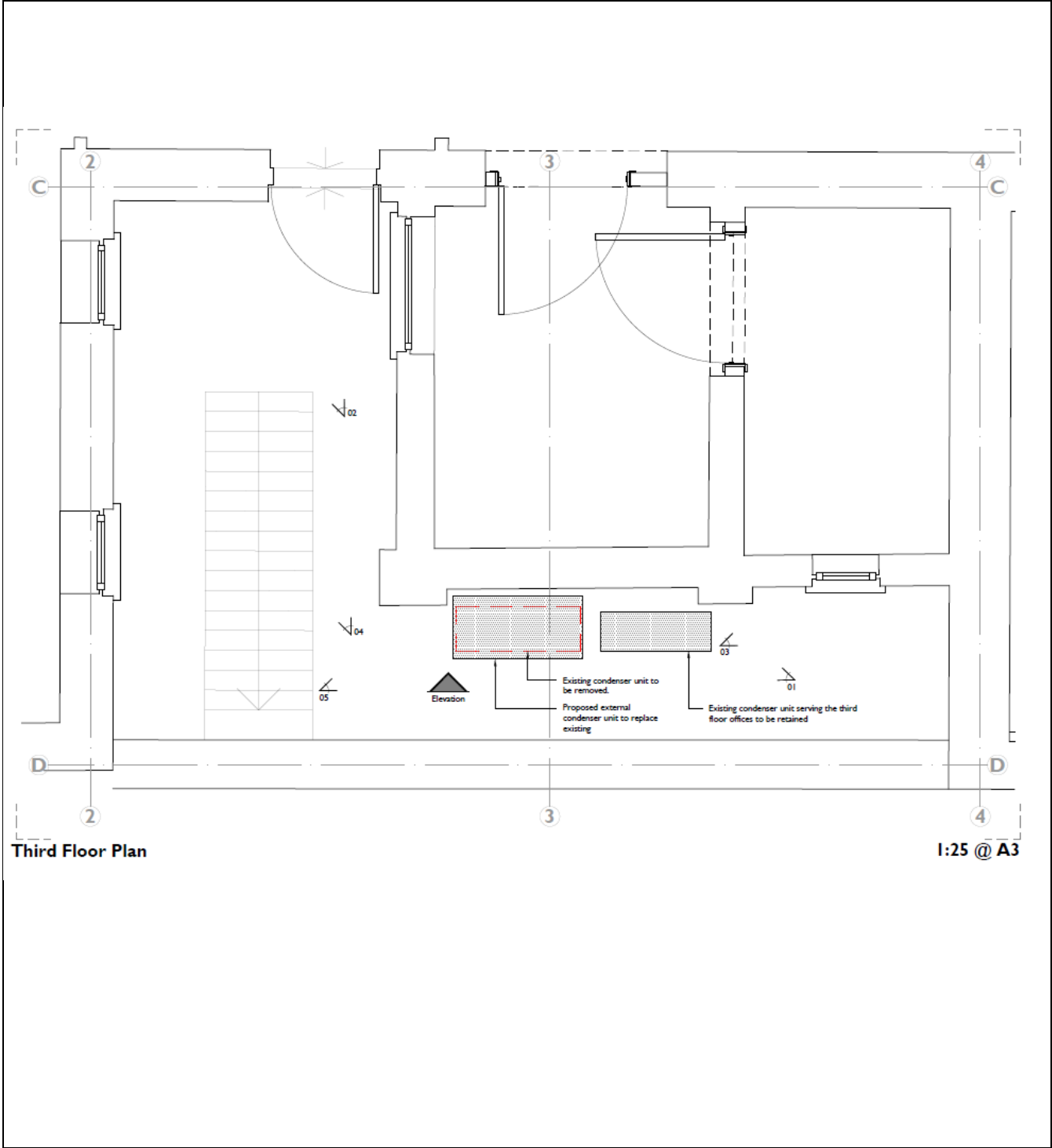
15. Letter from occupier of Kingston House North, Princes Gate, dated 21 March 2016
16. Letter from occupier of Flat 12, 37 Portland Place, dated 23 March 2016
17. Letter from occupier of 7 Weymouth Mews, Flat 10, dated 22 March 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ALICE DUNN ON 020 7641 7957 OR BY EMAIL AT centralplanningteam@westminster.gov.uk

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 41 Portland Place, London, W1B 1QG,

Proposal: Installation of 1no. condensing unit to the lightwell at third floor level.

Reference: 16/01514/FULL

Plan Nos: Site location plan; Drawings: 200, 301, Third Floor Lightwell Elevation,, LD8493-M-55-01-101 Rev T1, LD8493-M-55-03-102 Rev T1, LD8493-M-55-03-102 Rev T1, LD8493-E-61-01-101 Rev T1, LD8493-E-61-03-102 Rev T1, LD8493-M-55-01-101 Rev T1, LD8493-M-55-03-102 Rev T1; Environmental Noise Assessment Report 09/02/2016 Ref: 3635_ENA_A.

Case Officer: Alice Dunn

Direct Tel. No. 020 7641 7957

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 3 Conditions 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

DRAFT DECISION LETTER

Address: 41 Portland Place, London, W1B 1QG,

Proposal: Installation of 1no. condensing unit to the lightwell at third floor level and the internal installation of 5no. fan coil units at first floor level.

Reference: 16/01515/LBC

Plan Nos: Site location plan; Drawings: 200, 301, Third Floor Lightwell Elevation,, LD8493-M-55-01-101 Rev T1, LD8493-M-55-03-102 Rev T1, LD8493-M-55-03-102 Rev T1, LD8493-E-61-01-101 Rev T1, LD8493-E-61-03-102 Rev T1, LD8493-M-55-01-101 Rev T1, LD8493-M-55-03-102 Rev T1; Environmental Noise Assessment Report 09/02/2016 Ref: 3635_ENA_A.

Case Officer: Alice Dunn

Direct Tel. No. 020 7641 7957

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present

position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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