



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 2nd August, 2016**

Time: **6.30 pm**

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

Members: **Councillors:**  
Peter Freeman (Chairman)  
Paul Church  
Ruth Bush  
Melvyn Caplan

**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](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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**

- |  |                        |
|--|------------------------|
| <b>1. VICTORY HOUSE, LEICESTER SQUARE, LONDON, WC2H 7NG</b>  | <b>(Pages 3 - 14)</b>  |
| <b>2. 10A CRAVEN STREET, LONDON, WC2N 5PE</b>                | <b>(Pages 15 - 26)</b> |
| <b>3. 8 CHESTERFIELD HILL, LONDON, W1J 5BW</b>               | <b>(Pages 27 - 52)</b> |
| <b>4. MEADOWS HOUSE, 20-22 QUEEN STREET, LONDON, W1J 5PR</b> | <b>(Pages 53 - 68)</b> |
| <b>5. 28 BLOMFIELD ROAD, LONDON, W9 1AA</b>                  | <b>(Pages 69 - 88)</b> |

**Charlie Parker**  
**Chief Executive**  
**25 July 2016**

# Agenda Item

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 2nd August 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s) : 16/03516/FULL  St James's	Victory House 14 Leicester Square London WC2H 7NG	Retention of extension at rear second, third and fourth floor levels to provide an additional six bedrooms to approved hotel and construction of fire escape stairs.	Mr Mark Cooper Criterion Capital Ltd
Item No	References	Site Address	Proposal	Applicant
2.	RN NO(s) : 15/02899/FULL  St James's	10A Craven Street London WC2N 5PE	Continued use of basement for auditions, rehearsals and teaching of courses for film-making and the performing arts and an ancillary office (sui generis).	Mr Martin Witts Entertainment Heritage Trust
Item No	References	Site Address	Proposal	Applicant
3.	RN NO(s) : 16/00807/FULL  West End	8 Chesterfield Hill London W1J 5BW	Variation of condition 1 of planning permission dated 14 January 2014 (RN: 13/10660) for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3); installation of plant and terrace at roof level'; namely, to allow changes to the approved scheme including extension to rear lightwell on basement to third floors, alterations to windows north east elevation, alterations to Farm Street elevation, modifications to roof level plant; omission of roof level stair enclosure and refuse lift within lightwell; alterations to internal layout including changes to the mix of residential units and lowering the floor slab at lower ground floor level.	Wellingtons Developments Ltd
Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 16/02265/FULL  West End	Meadows House 20-22 Queen Street London W1J 5PR	Use of the first floor as an extension to the existing restaurant at basement and part ground floor levels (Class A3)	Indian Cuisine Ltd
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER  
PLANNING APPLICATIONS COMMITTEE – 2nd August 2016  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

<b>5.</b>	<b>RN NO(s) :</b> 16/00616/FULL  Little Venice	28 Blomfield Road London W9 1AA	Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.	Mr Paul Kempe City and Provincial
	<b>Recommendation</b> Grant conditional permission.			

# Agenda Item 1

Item No.
----------

1
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Victory House, 14 Leicester Square and 2-3 Leicester Place, WC2</b>		
<b>Proposal</b>	Retention of extension at rear second, third and fourth floor levels to provide an additional six bedrooms to approved hotel and construction of fire escape stairs.		
<b>Agent</b>	Miss Kathryn Moran		
<b>On behalf of</b>	Mr Mark Cooper		
<b>Registered Number</b>	16/03516/FULL	<b>Date amended/ completed</b>	18 April 2016
<b>Date Application Received</b>	18 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Leicester Square		

## 1. RECOMMENDATION

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

## 2. SUMMARY

The application site comprises Victory House and 2-3 Leicester Place located on the north side of Leicester Square. The site is located within the Leicester Square Conservation Area, the Core Central Activities Zone and the West End Street Area. Immediately adjacent and to the rear of the site is the grade II Listed Notre Dame de France RC Church.

Permission was most recently granted in 2014 for the conversion of the building to provide hotel accommodation and construction work is well under way on site. Permission is now sought for the retention of a three storey extension to the rear of the site to provide an additional six hotel bedrooms together with a fire escape staircase. The total number of hotel bedrooms will increase to 86.

The principle of providing six additional bedrooms is considered acceptable in land use terms. Visitor accommodation in the Core CAZ is supported by policy S23 of Westminster's City Plan: Strategic Policies. It is not considered that the additional bedrooms will generate any significant additional servicing issues for the enlarged hotel. The Highways Planning Manager has not objected to the proposal.

The key issue with this application is the impact on the Parish Centre of the Notre Dame Church which extends from basement to third floor and is located to the rear of the proposed extension. The church

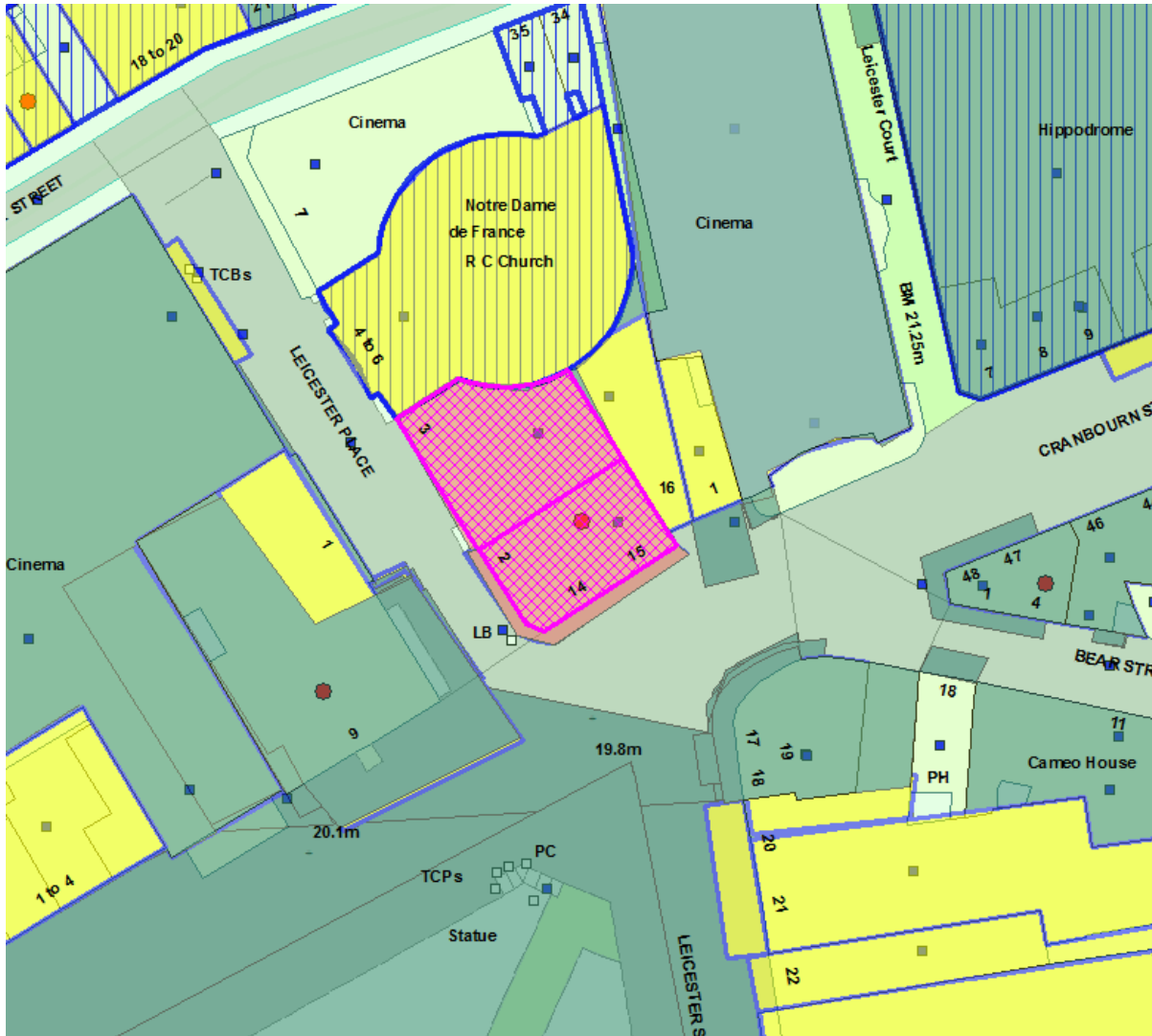
has raised an objection to the scheme on grounds of loss of light to the Parish Centre. The church advises that the community rooms within the centre are exceptionally busy and are used for activities such as baptism, confirmation sessions, marriage preparation and outreach services for refugees including sewing, English language lessons, computing and drama workshops.

Officers have visited the community rooms within the Parish Centre and are sympathetic to their concerns. The first and second floor rooms are most affected by the development. Although highlighted as a concern by the church in their letter of objection, the top floor, which houses the refugee centre offices, is less affected. The first and second floor rooms are each served by five windows with two windows facing south overlooking Leicester Square and three windows facing east overlooking the application site. The extension is approximately 2m from the east facing windows. Given the height and proximity of the extension (which is currently scaffolded) there is a material loss of light to the east facing windows. However given that the room has additional south facing windows and its use for D1 community purposes, a refusal on loss of daylight is not considered sustainable. In addition the affected windows could be considered as bad neighbour windows as they are located close to the boundary in a flank elevation. Levels of daylight to the affected windows will also improve when the scaffolding is removed.

The proposed extension is considered acceptable in design terms. It will have a neutral rendered finish with aluminium windows. The extension cannot be seen from any public street and will preserve the character and appearance of the Leicester Square Conservation Area.

In conclusion the retention of the extension to this approved hotel is considered acceptable in land use, amenity and highways terms subject to recommended conditions.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



The front elevation of Victory House facing onto Leicester Square



## 5. CONSULTATIONS

Soho Society  
No objection

Cleansing  
No objection. The permitted waste store is adequate to cope with six additional rooms.

Highways Planning Manager  
No objection

Environmental Health  
No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 51  
Total No. of replies: 1  
No. of objections: 1  
No. in support: 0

One letter of objection from the Notre Dame de France at 5 Leicester Place on grounds of loss of light to the Parish Centre, especially the Refugee Centre on the top floor. .

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

#### 16/03515/FULL

Variation of conditions 1 and 10, and removal of condition 21 of planning permission dated 08 May 2014 (RN: 13/12148/FULL) for use as an 80 bedroom hotel (Class C1); alterations to ground floor elevations to include replacement shopfront to existing restaurant, new hotel entrance and replacement of windows; installation of plant at roof level. [Site includes 3 Leicester Place] Namely, design changes including revised location and appearance of the plant equipment, installation of bi-folding doors on the Leicester Place elevation, and replacement of two door panels with aluminium active louvre panels; amendments to access for people with disabilities; details of extractor equipment.  
Application pending

#### 13/12148/FULL

Use from offices (Class B1) and part of the existing restaurant at Leicester Place to a 80 bedroom hotel (Class C1). Alterations to ground floor elevations to include replacement shopfront to existing restaurant, new hotel entrance and replacement of windows. Installation of plant at roof level. [Site includes 3 Leicester Place]  
Application Permitted 8 May 2014

#### 11/08040/FULL

Use from offices (Class B1) and part of the existing restaurant at Leicester Place to a 80 bedroom hotel (Class C1). Alterations to ground floor elevations to include replacement shopfront to existing restaurant, new hotel entrance and replacement of windows. Installation of plant at roof level. [Site includes 3 Leicester Place]  
Application Permitted 12 December 2011

## 7. BACKGROUND PAPERS

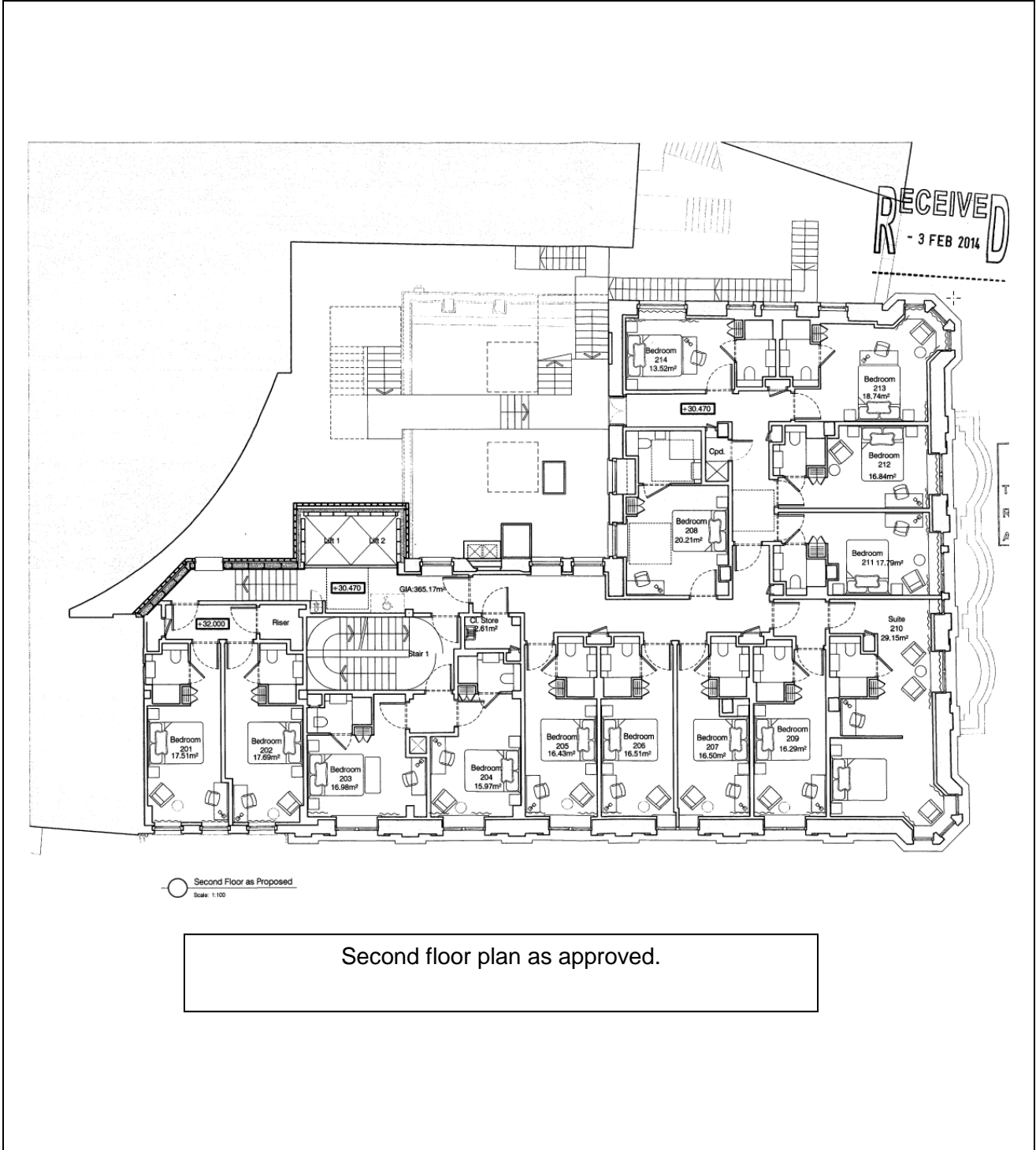
1. Application form
2. Response from Soho Society, dated 10 May 2016
3. Response from EH Consultation, dated 18 May 2016
4. Letter from occupier of Notre Dame de France, 5 Leicester Place, dated 10 May 2016

### 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 THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk).

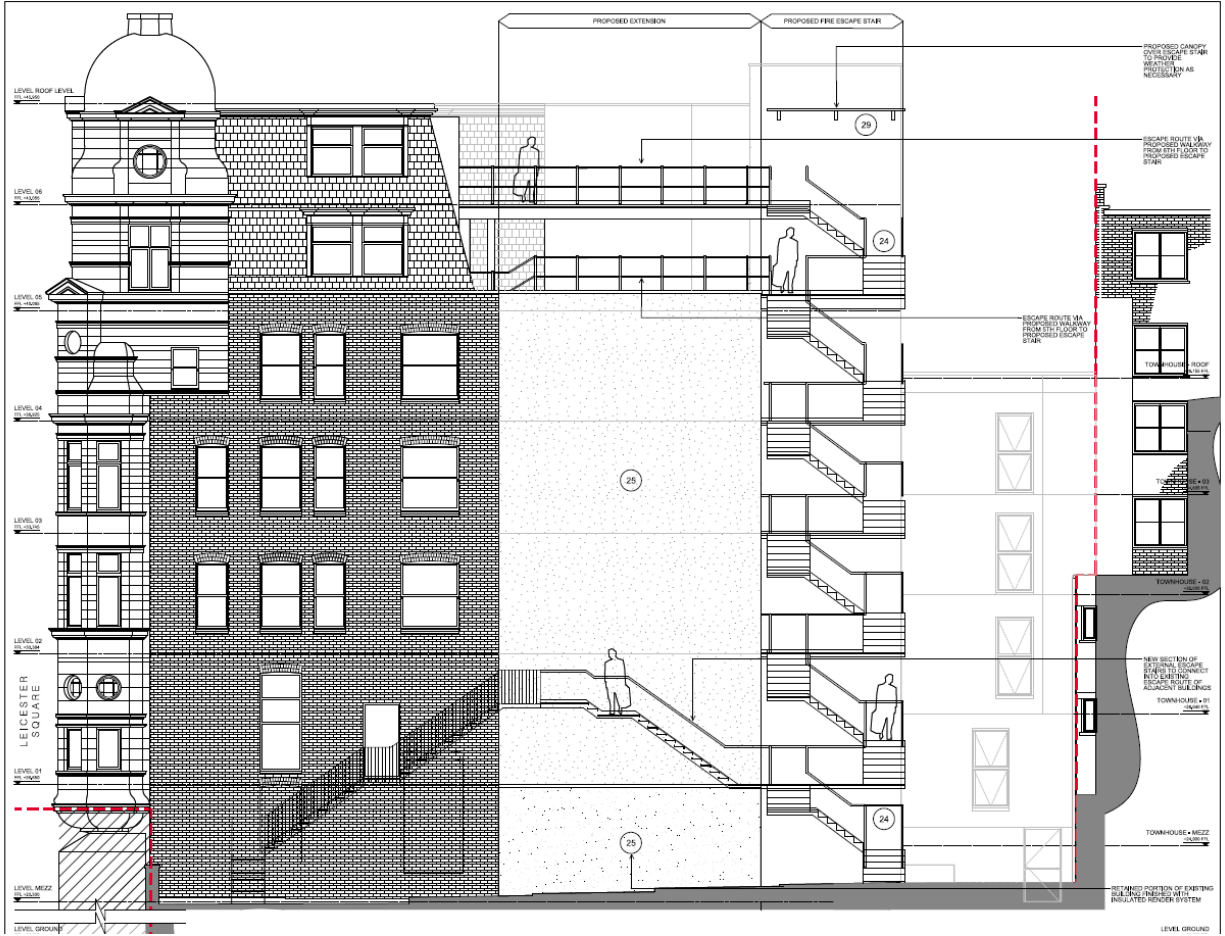
8. KEY DRAWINGS







East elevation as approved.



East elevation as approved.

**DRAFT DECISION LETTER**

**Address:** Victory House, 14 Leicester Square, London, WC2H 7NG

**Proposal:** Retention of extension at rear second, third and fourth floor levels to provide an additional six bedrooms to approved hotel and construction of fire escape stairs.

**Plan Nos:** 543/AL(00)01, 6482-A-G100-P-RF Rev 01,  
6482-A-G200-P-02-OP2\_REV01, 6482-A-G200-P-03-OP2\_REV01,  
6482-A-G200-P-06-OP2, 6482-A-G200-P-04-OP2, 6482-A-G200-P-M1-OP2 Rev 01,  
6482-A-G200-P-01-OP2\_REV01, 6482-A-G200-E-E-OP2\_REV01,  
6482-A-G200-P-M1-OP3, 6482-A-G200-E-N-OP2 REV 02

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**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 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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 3 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 (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

Item No.
<b>1</b>

**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 (July 2016), 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.



# Agenda Item 2

Item No.
----------

2
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	10A Craven Street, London, WC2N 5PE,		
<b>Proposal</b>	Continued use of basement for auditions, rehearsals and teaching of courses for film-making and the performing arts and an ancillary office (sui generis).		
<b>Agent</b>	Mr Martin Witts		
<b>On behalf of</b>	Mr Martin Witts		
<b>Registered Number</b>	15/02899/FULL	<b>Date amended/ completed</b>	24 June 2016
<b>Date Application Received</b>	1 April 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Trafalgar Square		

## 1. RECOMMENDATION

1. Grant conditional planning permission.
---

## 2. SUMMARY

The application property is located towards the northern end of Craven Street in close proximity to Charing Cross Station and the Strand and falls within the Core Central Activities Zone (Core CAZ).

Planning permission was granted in December 2008 for the use of part basement for auditions and rehearsals for the performing arts. This permission was subject to conditions limiting the permission to a temporary period of 12 months to allow the impact on neighbouring residential properties to be monitored, and controlling opening hours and number of people visiting the premises. The use has continued to the present day. This application seeks to continue the use on a permanent basis and include the teaching of courses for film making.

The underlying use of the basement is storage (Class B8), however, planning permission was granted for the temporary use of the basement as a health club for up to 50 customers in 2006 and subsequently in 2008. The City Council does not seek to protect storage use and policy S22 of the City Plan supports the provision of arts and cultural uses within the Core CAZ.

Since the 2008 permission, the applicant has confirmed that there have been changes to the

organisations using the premises. The users have expanded to include the Entertainment Heritage Trust, Rain Dance Film Festival and Independent Film Trust, along with their partner organisations and theatres. The use has also expanded to include the teaching of courses for film-making and the performing arts. The applicant has advised that the teaching of courses subsidises the running of the premises allowing the auditions and rehearsals to take place and has argued that a limit of 24 persons on the teaching of courses would make them unviable, therefore making it difficult to keep the premises open.

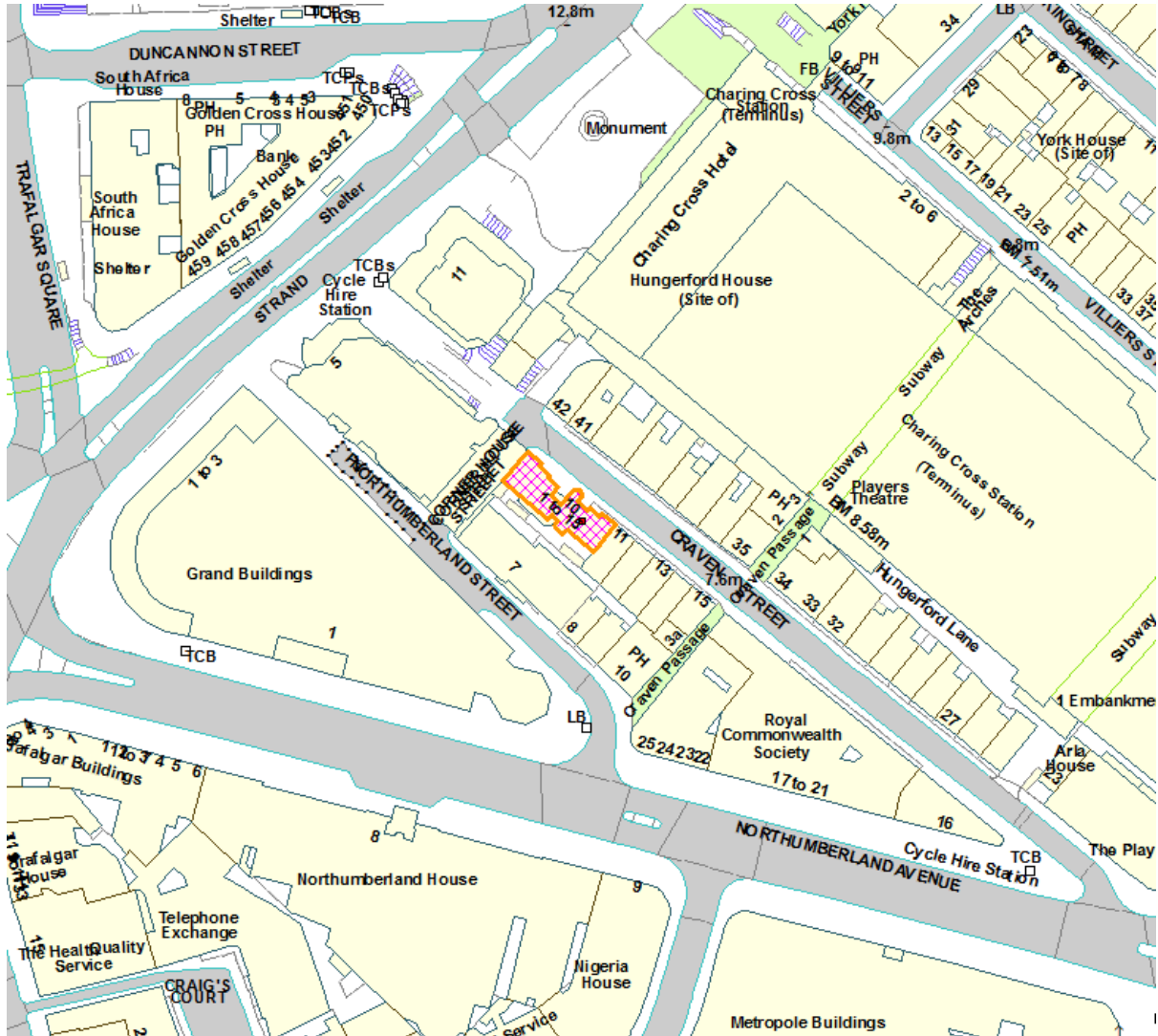
The applicant has requested that a limit of 50 students is applied for the teaching of classes, whilst maintaining the 24 person limit previously permitted for auditions and rehearsals, and is also seeking permission to open on Sundays and Bank Holidays. The applicant has provided 15 letters of support from various theatres, film and production companies who have written to express how valuable a use this is to have in Westminster.

The application has attracted 16 objections from residents above in 10 Craven Street on land use and amenity grounds, primarily with regards to noise and disturbance from people coming and going to and from the premises and congregating around the entrance.

No complaints have been made to the Council's Environmental Health Noise Team on noise grounds since the use began in 2008. The applicant has submitted a Management Statement which states that a member of staff will be present outside the building after workshops and classes finish to ensure that all persons attending are quickly dispersed and to ensure that attendees do not smoke in front of the building or throw litter. An emergency contact number is to be provided to all residents in 10 Craven Street during the opening hours of the premises should any issues arise. It is recommended that adherence to the management statement be secured by condition with a requirement to seek approval from the Council should any changes be sought in the future. It is also recommended that the conditions previously imposed relating to noise, vibration and noise transmission are applied to ensure that neighbouring residents amenity is protected.

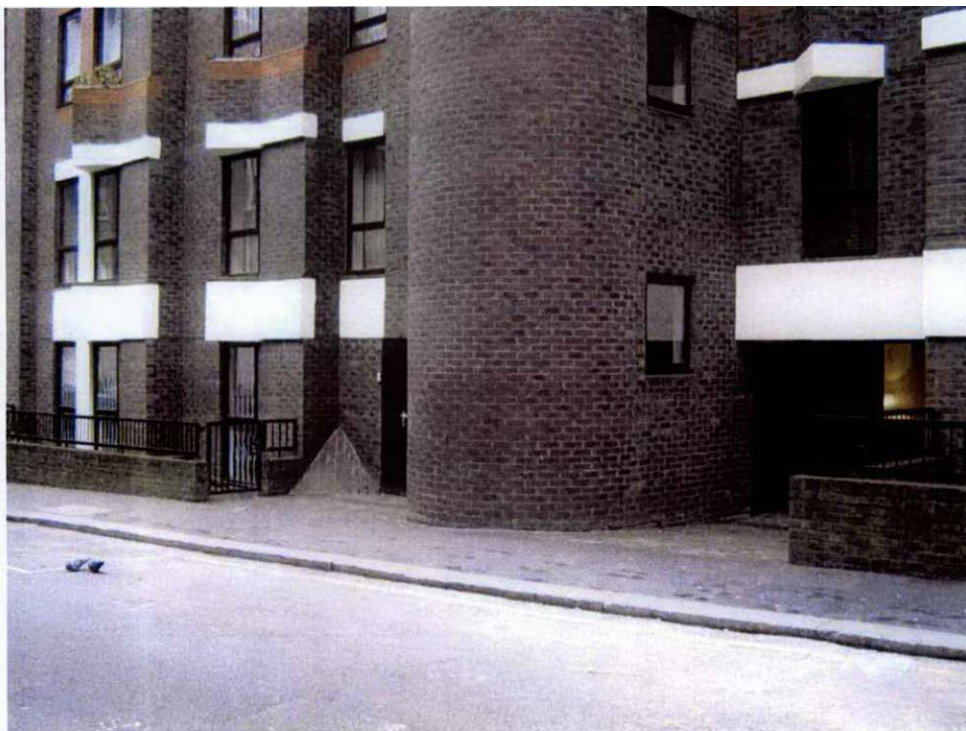
Subject to the imposition of conditions as outlined above, the proposed use is considered acceptable in land use and amenity terms and it is recommended that planning permission be granted.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No objection.

### HIGHWAYS PLANNING

Conditions recommended to secure waste storage and cycle parking.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 16

No. of objections: 16

No. in support: 0 (The applicant has submitted 15 letters in support from various theatres, film and production companies)

Sixteen letters received from residents of 10 Craven Street, including four from the same flat, objecting on the following grounds:

#### Land use

- \* Nature of use has changed since planning permission was last granted.
- \* Use cannot be appropriate for a predominantly residential area.
- \* Use not appropriate in a residential building.
- \* Use being continued despite planning permission having expired.

#### Amenity

- \* General noise and disturbance around entrance area.
- \* Smoking around entrance area.
- \* Internal noise to flat overhead.
- \* Litter being dropped outside the property.
- \* Waste disposal arrangements.
- \* Hours allowed in last permission are being exceeded.

#### Other

- \* Security risk as fire escape to basement is linked to the stairwell of the main block of flats.
- \* Fire escapes being used for ventilation and access.
- \* Not received consultation letter.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

Planning permission was refused in February 2006 for the use of the basement as a private gymnasium/health club on the grounds of noise and disturbance for the people living within the ground and first floor flats of No. 10 Craven Street, due to the hours of

operation, associated audio and mechanical equipment and the number of comings and goings to the premises.

The use of the basement as a health club commenced and retrospective planning permission was granted in August 2006 for a temporary period until 31 August 2007. Conditions were also attached restricting hours of opening and number of customers.

This use discontinued and a subsequent application was submitted by another prospective tenant in March 2007 for the use of the basement as a yoga studio. This proposal also sought to vary conditions of the previous planning permission granted in August 2006 to allow extended opening hours, the permanent use of the premises as a yoga studio and to increase customer numbers. This application was refused permission in May 2007 as it was considered that the proposal would lead to additional noise and disturbance for the people living within the ground and first floor flats of No. 10 Craven Street due to the extended hours and days of operation and the increased number of comings and goings to the premises.

An application to renew the temporary permission granted in August 2006 for the use of the basement as a health club was granted in January 2008, again for a temporary period of one year in order to allow the impact on neighbouring residential occupiers to be re-assessed.

Planning permission was granted in December 2008 for the use of part basement for auditions and rehearsals for the performing arts. This permission was subject to a condition limiting the permission to a temporary period of 12 months to allow the impact on neighbouring residential properties to be monitored, and to conditions controlling the opening hours and numbers of people visiting the premises. The use has continued to the present day.

## **7. BACKGROUND PAPERS**

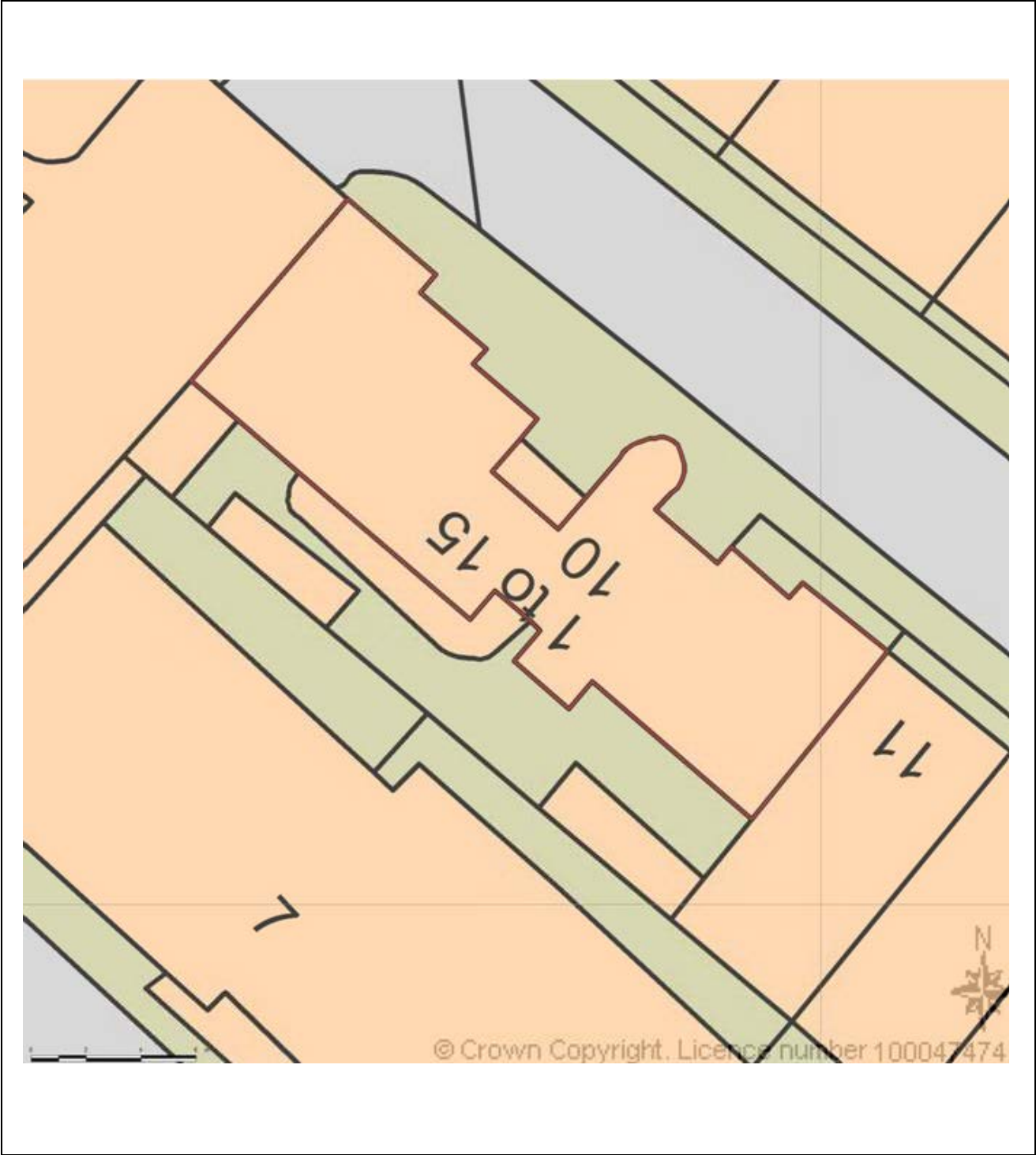
1. Application form
2. Letter from occupier of Flat 1, 10 Craven Street, dated 12 May 2015
3. Letter from occupier of Flat 11, 10 Craven Street, dated 12 May 2015
4. Letter from occupier of Flat 5 10 Craven Street, dated 13 May 2015
5. Letter from occupier of Flat 13, 10 Craven Street, dated 13 May 2015
6. Letter from occupier of Flat 13, 10 Craven St, dated 13 May 2015
7. Letter from occupier of Flat 14, 10 Craven Street, dated 13 May 2015
8. Letter from occupier of Flat 13, 10 Craven Street, dated 13 May 2015
9. Letter from occupier of 10 Craven Street, dated 13 May 2015
10. Letter from occupier of Flat 9, 10 Craven Street, dated 13 May 2015
11. Letter from occupier of Flat 13, 10 Craven Street, dated 14 May 2015
12. Letter from occupier of 10 Craven Street, dated 14 May 2015
13. Letter from occupier of Flat 3, 10 Craven Street, dated 14 May 2015
14. Letter from occupier of Flat 7, 10 Craven Street, dated 14 May 2015
15. Letter from occupier of Flat 15, 10 Craven Street, dated 14 May 2015
16. Letter from occupier of Flat 10, 10 Craven Street, dated 15 May 2015
17. Letter from occupier of Flat 6, 10 Craven Street, received 15 May 2015
18. Letter from applicant (enclosing 15 letters of support), dated 15 July 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 JULIA ASGHAR ON 020 7641 2518 OR BY EMAIL AT [SouthPlanningTeam@westminster.gov.uk](mailto:SouthPlanningTeam@westminster.gov.uk)

8. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 10A Craven Street, London, WC2N 5PE,

**Proposal:** Continued use of basement for auditions, rehearsals and teaching of courses for film-making and the performing arts and an ancillary office (sui generis).

**Plan Nos:** Site location plan; block plan; covering letter dated 1 April 2015; Management Statement.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

**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 Unless otherwise agreed in writing by the City Council as local planning authority, you must use the relevant part of the basement only for auditions, rehearsals and teaching of courses for film-making and the performing arts. You must not use it for any other purpose, including for the staging of theatrical performances.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet ENV6, TACE5, and STRA16 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 3 You must not open the auditions/rehearsals/teaching space to customers, and you must not allow customers on the premises, outside the following times: between 09.00 and 21.00 hours on Mondays to Fridays and between 10.00 and 17.00 on Saturdays, Sundays and Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in STRA 13, STRA 16, STRA 17, ENV 6, ENV 7 and TACE5 of our Unitary Development Plan that we adopted in January 2007. (R12AB)

- 4 You must not allow more than 24 customers for auditions and rehearsals, or more than 50 customers for the teaching of courses, into the property at any one time. (C05HA)

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

TACE5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 No amplified sound shall be audible outside the premises or within the neighbouring residential properties.

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 TACE5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 The front door must be fitted with a quiet closing mechanism to minimise noise impacts of customers arriving and leaving.

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 TACE5 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 auditions/rehearsals/teaching space 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 auditions/rehearsals/teaching space 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.

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

Reason:

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

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

Reason:

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

- 10 The use shall only be operated in accordance with the Management Statement dated 22 July 2016. Should any changes be required you must apply to us for an alternative Management Statement prior to making any changes. If we approve an alternative Management Statement you must then carry out the use in accordance with the approved Management Statement.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE TACE5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

(R05GB)

**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 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)

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 3

Item No.
----------

3
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>8 Chesterfield Hill, London, W1J 5BW,</b>		
<b>Proposal</b>	Variation of condition 1 of planning permission dated 14 January 2014 (RN: 13/10660) for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3); installation of plant and terrace at roof level'; namely, to allow changes to the approved scheme including extension to rear lightwell on basement to third floors, alterations to windows north east elevation, alterations to Farm Street elevation, modifications to roof level plant; omission of roof level stair enclosure and refuse lift within lightwell; alterations to internal layout including changes to the mix of residential units and lowering the floor slab at lower ground floor level.		
<b>Agent</b>	Mr Jon Dingle		
<b>On behalf of</b>	Wellingtons Developments Ltd		
<b>Registered Number</b>	16/00807/FULL	<b>Date amended/ completed</b>	9 February 2016
<b>Date Application Received</b>	29 January 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission subject to no new substantive issues being raised prior to the expiry of the re-consultation period on 5 August 2016.
--

## 2. SUMMARY

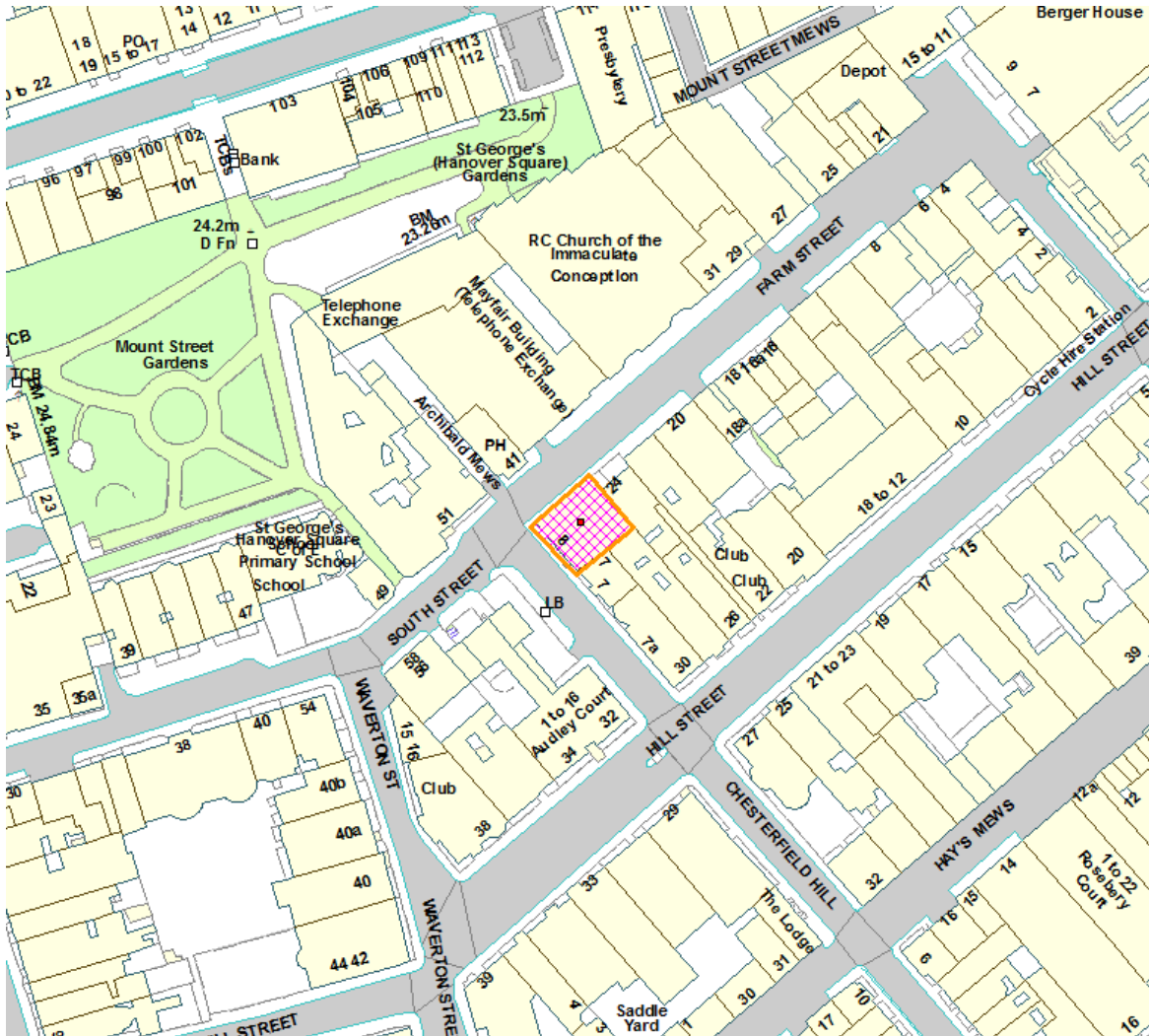
The application site is an unlisted building located within the Mayfair conservation area. Available records suggests that the lawful use of the building is as offices (Class B1) on basement to second floors, with a residential flat at third floor level. The property is currently vacant. Permission was granted on 14 January 2014 for the demolition of the existing building and for the erection of a new building on basement to third floor to provide five flats (C3). This application is for alterations to that scheme including changes to the residential mix of the five units, the erection of a full height extension in part of the rear lightwell, roof level alterations including the reconfiguration of roof plant and alterations to the building elevations including the installation of an access door to a new ground level refuse and cycle store on Farm Street and lowering the height of the floor slab at lower ground floor level.
--

The key considerations in this case are:

- \* the acceptability of the proposed alterations in terms of their impact on the character and appearance of this part of the conservation area
- \* the impact of the proposals upon the amenities of neighbouring residents with particular regard to the impact of the relocated refuse/cycle store and the reconfigured roof plant
- \* the acceptability of the proposals in highways term, again in respect of the use of the refuse/cycle store.

Objections have been received on design, amenity and highway safety grounds. However, subject to appropriate conditions, it is not considered that the proposed modifications to the approved scheme would adversely affect the amenities of neighbouring residents or the character and appearance of this part of the conservation area. In addition, it is not considered that the use of the refuse/cycle store would result in highway obstruction to the detriment of pedestrians' safety. The application has been revised to refer, explicitly, to proposals to reduce the height of the floor slab at lower ground floor levels and further re consultations have been carried out to ensure that neighbours are aware of this aspect of the scheme. The consultation period will not expire until a few days the application is report to the Committee. Consequently, the application is recommended for approval subject to no new substantive issues being raised prior to this date.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS





## 5. CONSULTATIONS

### COUNCILLOR ROBERTS

Request that application be reported to Committee. Considers the alterations to be a "step too far"

### HISTORIC ENGLAND

Do not wish to comment

### RESIDENTS' SOCIETY OF MAYFAIR & ST JAMES'S

No objection

### CLEANSING

No objection

### HIGHWAYS PLANNING

Objection; lack of off-street parking,

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 65

Total No. of replies: 10 (including three letters from/on behalf of occupants of one property)

No. of objections: 7

No. in support: 0

Objections on the following grounds:

#### Amenity

- Formation of ground level refuse and cycle store on Farm Street would lead to potential hygiene issue, infestation by vermin and smell nuisance and noise disturbance caused by the use of the access door; impact all exacerbated by the fact that no full-time porter would be present. Site servicing and access should be confined to Chesterfield Hill
- Noise disturbance from use of new basement plant room, adequate soundproofing required.
- Overshadowing to neighbouring property from relocated roof plant
- Noise and vibration from relocated roof plant, post-installation assessment required

#### Design

- Reconfigured roof plant would adversely affect the character and appearance of the conservation area
- Size and appearance of door to refuse/cycle store inappropriate

#### Highways

- Highway obstruction from use of access doors and storage of waste on pavement
- Potential conflict between use of cycle storage/refuse bay and adjacent motor cycle bays
- Cycle parking should not be required as part of the development, adequate facilities nearby

#### Other issues

- Safety concern if cycle store used to park motorbikes

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

This application premises is an unlisted, neo-Georgian, corner property situated on the east side of Chesterfield Hill at its junction with Farm Street, within the Mayfair Conservation Area, within the Core Central Activities Zone.

The building comprises lower ground, ground and three upper floors. Previous applications appear to have been determined on the basis that the lawful use of the building is as Class B1 offices. However, the applicants contend that the lawful use of the third floor is as a residential flat (Class C3).

The site is located within a mixed commercial and residential area. The closest residential properties are immediately adjacent at 24 Farm Street and 7 Chesterfield Hill and to the rear, at 26 and 28 Hill Street.

### **6.2 Recent Relevant History**

There is some question as to whether the lawful use of building includes a third floor flat. The planning history shows the following:

9 August 1972: Application received for the redevelopment of 8/9 Chesterfield Hill and 24 Farm Street. The use of the Chesterfield Hill building is noted as offices with a residential apartment.

5 February 1997: Permission granted for the erection of a satellite dish. The application form states that the building is in office and residential use.

An application dated 3 January 2006 for the erection of an infill extension to the rear courtyard, on basement to second floors, was withdrawn on 8 February 2006. The proposed addition, with sheer brickwork on all levels, extended to the rear boundary with 28 Hill Street and incorporated an internal lightwell.

The submitted survey plans show a flat on the entire third floor comprising a reception room, dining room, kitchen, bedroom, bathroom (with bath) and a second cloakroom. The application form details 168.5 sqm of residential floorspace.

21 September 2006: Permission granted for erection of an extension in the rear lightwell on basement to first floors, for office use. This addition, which incorporated an internal lightwell extended as far as the site boundary with 28 Hill Street on basement and ground floors. The top floor, in mansard form, was set back from the boundary. Not implemented.

Again, the submitted plans show a third floor flat although no reference is made to a residential use in the Committee report.

27 March.2008: Permission granted for the demolition of the existing building and the erection of a dwelling house on basement, ground and three upper floors, with roof level terrace. Not implemented.

The applicant's covering letter refers to a mixed office and residential use on the site but this use is not shown on the submitted plans nor referred to on the application form.

22 January 2009: Permission granted for the demolition of the existing building and the erection of a dwelling house on sub-basement, basement and ground to third floors, with roof terrace. Not implemented.

This time, the covering letter from the same agent refers only to an office use on this site.

29 March 2012: Permission granted for an extension of time to implement the permission granted on 22 January 2009.

The covering letter, from the same agent, refers to an office and residential use on the site but no other documents or drawings refer to a third floor flat.

This application was submitted and approved after the adoption of the Core Strategy (January 2011) and the Interim Guidance on Affordable Housing, when any increase in residential floorspace of 1000 sqm would have triggered the new affordable housing policies..

The accompany report, although stating that the building was in office use, confirms that the introduction of the new policies had no planning implications.

14 January 2014: Permission granted for the demolition of the existing building and for the erection of a replacement building on lower ground, ground and three upper floors to provide 5 x 3 bed flats; installation of plant and creation of a terrace at roof level.

The accompanying report states that the existing building is in office use. It also confirms that the proposals would result in an increase in residential floorspace of 993.8 sqm, falling below the 1000 sqm threshold at which the affordable housing policy would be triggered.

Applications to discharge details of the refuse storage arrangements and a Construction Management Plan have been approved. However, a pre-commencement condition requiring the approval of details of the means of ensuring that demolition and construction take place as a continuous process has, at the time of writing this report, yet to be approved. A recent site visit revealed that the existing lightwell walls have been removed at lower ground floor level. A small area of the lower ground floor slab has also been dug out, to a depth of approximately 1 metre.

## 7. THE PROPOSAL

This application is for various alterations to the approved scheme, as follows:

- The erection of a full height extension within part of the rear lightwell, resulting in the omission of most windows on the north-east elevation.
- Alterations to the approved residential mix to provide 1 x 1, 1 x 2 and 3 x 3 bed units
- A slight enlargement of windows on the ground floor and the enlargement and reconfiguration of windows within the lower ground floor lightwell
- Modifications to the arched window on the Farm Street elevation to provide a door access to a new refuse and cycle storage area and the associated omission of a waste transfer lift in the front basement lightwell.
- Increased width of the main entrance and levelling the internal lobby to improve accessibility
- The lowering of the lower ground floor slab by approximately 1m
- The rationalisation of roof level plant and the omission of a roof level stair enclosure providing access to the roof terrace.
- The rationalisation of escape routes resulting in the omission of an escape gantry at third floor level. The reciprocal means of escape with 7 Chesterfield Hill would be re-provided via a designated escape lobby leading to the main staircase within the application building.

The application was initially amended to remove reference to a new basement area beneath part of the site. A roof level satellite dish has also been located to a less prominent position. More recently, the application was revised to make explicit reference

to the lowering of the floor slab at lower ground level, although these works were shown on the submitted drawings.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Loss of offices**

The application would involve the loss of 810 sqm of office floorspace on the site. There are no policies within the adopted UDP and City Plan which safeguard existing office uses. However, since 1 September 2015, given the pressures on existing office floorspace from residential development, on sites within the Core CAZ, the conversion of existing offices to residential use, has been considered unacceptable, other than in the most exceptional circumstances.

Updated policies, 'The Basement Revision and Mixed Use Revision to the City Plan' were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March. Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016.

However, as there is an extant permission for the redevelopment of the site for residential purposes, the current application for alterations to the approved scheme could not reasonably be resisted in land use terms. Nevertheless, given the change in policy direction, it is considered appropriate to limit any new permission to the life of the existing permission.

#### **Residential use**

On the basis that the loss of the existing offices is considered acceptable, the use of the site for residential purposes is also considered acceptable and complies with UDP policy H3 and S14 of the City Plan.

The approved scheme involved the provision of 5 x 3 bed units. Although the number of units has not changed, the accommodation has been reconfigured to provide a mix of unit sizes 1 x 1, 1 x 2 and 3 x 3 bed, which is welcomed. Three of the flats (60%) would be family-sized, which accords with policy H5.

The reconfigured units, which provide two duplex apartments on lower ground and ground floors and a single flat on each of the three upper floors, would provide an acceptable standard of accommodation for future residents in terms of unit size and layout and the level of light received. As previously, conditions are recommended to ensure that the new units would achieve satisfactory internal noise levels.

### **Affordable housing**

On the basis that the 2014 permission provided 993.8 sqm of new residential floorspace on the site, officers determined that the scheme did not trigger an affordable housing requirement. However, the applicants contend that the existing building provides 810 sqm of offices and 184 sqm of residential floorspace (GEA ) and that the approved scheme (2014), resulted in a net increase of only 810 sqm. On this basis, they consider that the current proposals, which provide 1100 sqm of residential floorspace (an additional 106 sqm), would result in a net increase in residential floorspace of 916 sqm.

Section 6.2 of this report (Planning History) shows that there are references to a residential flat on the site in various applications submitted between 2006 and 2013. The “existing” residential floorspace figure given by the applicants is close to that detailed in the 2006 application.

Current Council Tax records (June 2016) refer to a flat on the site. The applicant has provided Council Tax demand notices for the years 2011/2012 to 2016/2017, addressed to the same resident at “The Flat at 8 Chesterfield Hill”. Business Rates records have also been supplied from April 2010 to date. These refer to an office use on basement to second floors only.

In view of the planning history and additional information supplied by the applicants, it appears likely that the lawful use of the third floor of the building is as a residential flat and that the proposed increase in residential floorspace on the site would be below the 1000 sqm threshold.

### **8.2 Townscape and Design**

The design of the proposed building reflects the neighbouring property in Chesterfield Hill, which is an attractive Edwardian red brick dwelling house with ornate stonework. The proposed building takes its references from this and would fit in with its surroundings to a greater extent than the current building and would be an enhancement of this prominent corner site.

The height, bulk and massing and detailed design of the under the current proposal is largely the same as that for the most recent approval. The most significant change is the full height extension within part of the rear lightwell. The design modifications to the elevations involve the reconfiguration of windows in the front basement lightwell and the creation of an arched door opening (previously a window) on Farm Street. The approved roof level plant enclosure , adjacent to the party wall with 7 Chesterfield Hill, would be enlarged and set further back from the street elevation, but would be the same height of the approved plant enclosure, and would be significantly less tall/bulky than existing roof level structures. The approved roof level stair enclosure would be replaced by an access panel. Railings to the roof level terrace would be moved slightly closer to the roof edge but the impact of this change is not considered to be significant in townscape terms.

Objections have been received on the grounds that the reconfigured roof plant and the replacement of the approved windows on the Farm Street frontage with an access door to

a new refuse and cycle store would have an adverse impact on the character of the conservation area.

In comparison with the approved scheme, the roof level alterations represent a slight improvement which would principally benefit views from the upper floors of neighbouring properties. The replacement of the approved ground floor window with a doorway, and alterations to the basement level lightwell windows, are also considered acceptable. In addition, the enlarged building footprint, extending into part of the lightwell, is unobjectionable. The design of the building as now proposed would still suit the site. In conclusion, the proposed modifications would maintain the character appearance of the Mayfair Conservation Area and the setting of the listed public house, opposite. Consequently, it is not considered that the objections could be supported.

### 8.3 Residential amenity

The properties adjoining the application site are in residential use; 7 Chesterfield Hill and 24 Farm Street are single family dwelling houses, whilst 28 Hill Street is subdivided into flats. None of the properties have windows which face directly towards the application site, although there is a ground floor roof lantern at 28 Hill Street. The height and bulk of the proposed building is largely the same as that under the recent approval, with a slight reduction in roof height when compared with the existing building. However, it is now proposed to erect a full height extension within part of the rear lightwell and to enlarge the foot print of, and relocate, the roof level plant .

The lightwell extension, to approximately two-thirds of the depth of the previous lightwell, would be would set back from the boundary with 28 Hill Street, enclosed by the existing building and the blank party wall with 24 Farm Street. However, the upper level would project above the height of this party wall. The reconfigured plant enclosure, although the same height as the approved enclosure, would be set further back from the street frontage, closer to the lightwell.

#### Daylight/Sunlight

UDP policy ENV13 states that permission will not be granted for development proposals which result in a material loss of amenity to neighbouring residential properties with regard to the level of daylight or sunlight received, any increase in the sense of enclosure to adjoining windows or any loss of privacy. Similarly, City Plan policy S29 seeks to safeguard the amenities of neighbouring residential properties.

The application is supported by an updated daylight and sunlight report. This shows that, in most cases there would be no reduction in the amount of daylight and sunlight received to neighbouring properties. In many cases, there would be a slight improvement over the existing situation due to the reduction in the overall building height. There would be a reduction in daylight (VSC) to one ground floor window at 28 Hill Street, where existing levels are already poor. This loss, at 20% is within acceptable parameters as set down in the BRE guidelines. Any other reductions would be at 1 or 2%.

There would be no material loss of sunlight. The occupier of 7 Chesterfield Hill has objected to the application on the grounds that the proposals and the reconfiguration of

the roof plant would result in the overshadowing of a neighbouring property and roof terrace. However, the application site is located to the north of the neighbouring terrace and the plant is largely set behind the existing party wall. Consequently, the plant proposals would not affect the amount of sunlight received to the adjacent terrace. The submitted sunlight assessment demonstrates that there would be no material loss of sunlight to neighbouring buildings.

### **Overlooking**

The extension to the lightwell would include new windows, which would be sited closer to the rear boundary than windows within the approved development. The only direct view from these windows would be towards the rear of properties in Hill Street and, given the distance, between buildings, it is not considered that changes to the scheme would have any significant impact in the degree of overlooking to properties at the rear.

Windows on the upper floor of the new lightwell extension would provide more oblique views towards a high level terrace at the rear of 24 Farm Street. However, these windows replace those windows within the original (approved) lightwell elevation which afforded more direct views towards the neighbouring terrace. Similarly, the lightwell windows would afford oblique views towards the rear of 7 Chesterfield Hill but it is not considered that the degree of overlooking to the rear windows and terrace would be so significant as to justify a recommendation for refusal on overlooking grounds.

As previously, a roof terrace is proposed at main roof level, which has been slightly reconfigured. However, it is not considered that this change would increase the potential for overlooking to neighbouring residential properties, given the acute sightlines.

### **Creation of ground level refuse and cycle store**

The permitted scheme provides refuse and cycle stores at basement level, with waste being transferred to ground level via a lift located in the front basement lightwell. The current scheme relocates the refuse and cycle storage areas to a dedicated ground level store, on the farm Street frontage. The new refuse/cycle store would lead in to a porter's room at the rear which would, itself, provide access into the main entrance lobby.

Objections have been received on the grounds that the creation of a refuse and cycle store, and secondary access, in this location would adversely affect the amenities of neighbouring occupiers resulting in increased noise disturbance to residents in Farm Street, including from the opening/closing of the access doors, and potential smell nuisance and problems with vermin. Objectors have cited similar problems associated with the storage of waste outside the Punchbowl public house. They are concerned that any potential problems associated with the provision of the refuse store would be exacerbated by the fact that the porter will not be present on the building 24 hours a day. The occupants of 24 Farm Street are particularly concerned about the impact of the use of this area, which replaces a dining room under the approved scheme, immediately adjacent to their property.

The applicants have advised that a porter would be on-site for 18 hours a day, Even in the case of 24-hours cover by a porter, it is unlikely that cleaning of the refuse area would take



place “out of hours”. However, given that the refuse/cycle store is accessible from within the building, it is in the best interests of the developer to ensure that the store is well managed and kept clean, not least to safeguard the amenities of future residents of the flats. In addition, it is unlikely that the occasional use of the access door would have such a significant impact on noise levels in the area, to cause a loss of amenity to neighbouring residents.

The new refuse/cycle store would be sited on the boundary with 24 Farm Street, where the front building line is set over 3 metres behind the line of the proposed building. Consequently, the greater part of the storage area would sit in front of the neighbouring property. The rear part of the storage area would abut the hallway of the neighbouring house. The plans show that the wall to the storage area, would be 0.7m thick, resulting in a separation of interior spaces within the two buildings by nearly 1 metre. In these circumstances, it is not considered that the use of the refuse and cycle areas, serving five flats, would have a significant impact on the amenities of the neighbouring property.

### **Impact of works at lower ground floor level**

The application has recently been amended to refer, explicitly, to proposals to lower the floor slab at lower ground floor level by approximately 1 metre. Although this work is shown on the application drawings, it was not explicitly referred to in the application letter which detailed the proposed changes to the approved scheme and, consequently, was not referred to in any advertisement or neighbour consultations. The application has now been re-advertised to explicitly refer to this part of the scheme. This modification to the approved scheme does not involve the excavation of an additional storey of accommodation, but is designed to increase the head height at lower ground floor level, without increasing the height of the building above ground level. It is not considered that this “digging out” would have a significant impact upon the amenities of neighbouring residents. A condition is recommended requiring the development to be carried out in accordance with either the approved Construction Management Plans (which include reference to these excavation works and the removal of spoil) or an updated CMP. It is also noted that a previous permission for the redevelopment of the site included the excavation of a new sub-basement.

## **8.4 Highways**

The City Council's Highways Officer has indicated that the application site is within an area where on street parking demand exceeds defined stress levels where the occupancy of on-street legal parking bays has exceeded 80% within a 200m radius of the development site, and has objected to the scheme on the grounds that the scheme does not include off-street parking for the flats. The potential increased pressure for on street parking needs to be balanced against the land use objective to increase the housing stock. It was not previously considered that the scheme could be refused on parking grounds, and that permission for the creation of five flats remains extant. In these circumstances, it is not considered that the lack of off-street parking could justify a recommendation for refusal.

Sufficient secure cycle parking (11 spaces) is provided within the new ground level cycle store. One objection has been received to the principle of providing a cycle store on the basis that there is available cycle provision nearby. However, Council policies and policies

within the Further Alterations to the London Plan require cycle storage to be provided as a part of new development. In these circumstances, it is not considered that objections to the principle of cycle storage could be supported.

Objections have been received on the grounds that the use of the cycle/refuse store would conflict with the motorcycle parking bays on the highway, and that storage of waste on the highway would result in the obstruction of the narrow pavement to the detriment of pedestrian safety, forcing pedestrians to walk in the roadway. The submitted plans show the door to the refuse store would open inwards, and this would be controlled by condition. There are no pavement structures/control boxes along the Farm Street frontage and the roadway directly outside the refuse store is marked by double yellow lines. These yellow lines are located between motor cycle bays which are situated further westwards along the Farm Street frontage (towards Chesterfield Hill) and a residents' parking bay directly outside of 24 Farm Street. It is likely that refuse bin will be placed on the highway immediately prior to collection, probably on the area of highway between the motor cycle and residents' parking bays, rather than on the pavement. This arrangement is the same as that proposed under the approved scheme, where waste would have been transferred from the basement and placed on the highway to await collection. Although the Farm Street pavement is narrow, this width is typical of pavements in the area and it is not considered that the sporadic use of the refuse/cycle store would have a material impact on highways obstruction or pedestrian safety.

## **8.5 Economic Considerations**

Any economic benefits resulting from the development are welcomed.

## **8.6 Access**

As previously the new accommodation would provide full access for future residents.

## **8.7 Plant**

The application is supported by an acoustic report. The occupier of 7 Chesterfield Hill has requested that the proposals be assessed to ensure that it meets plant noise requirements. They have also expressed concern that the plans show a new basement level plant room adjacent to their party wall.

As previously, it is proposed to site new plant at roof level. A preliminary Acoustic Report has been provided. The Environmental Health Officer has raised no objection to the proposals subject to the submission of a supplementary acoustic report to demonstrate that the plant would comply with standard noise conditions. This is the same approach adopted with previous application. Subject to appropriate controls, the scheme is considered to comply with UDP policy ENV 7.

The occupants of 24 Farm Street have expressed concern about potential noise disturbance from a basement level plant room adjacent to their party wall. The applicants have confirmed that this area would accommodate domestic boilers and water softeners

rather than mechanical plant. In these circumstances, it is not considered that there would be a material impact on noise levels.

### **8.8 Refuse /Recycling**

The Projects Officer has confirmed that he has no objection to the proposed storage provision for waste and recyclable material within the proposed ground floor store.

Objectors consider that there is no need for a dedicated refuse store and that residents could place their waste directly to the street deposit in Farm Street. However, Council policies encourage the provision of dedicated refuse stores in new developments, for the very reasons highlighted by objectors with regards to refuse stored outside the neighbouring public house, and there is no objection to the provision of a refuse store in principle.

### **8.9 Biodiversity and Sustainability**

The scheme provides an area of green roof. Although the area is slightly reduced as a result of the roof level alterations, it would enhance the site's contribution to the biodiversity of the area and is welcomed. The green roof would be secured by condition.

The proposals do not have any implications for the sustainability of the development.

### **8.10 Other issues**

One objector has expressed safety concerns should the cycle store be used for the parking of motorbikes. However, this area is only to be used for the storage of refuse and bicycles.

Further consultations were undertaken following formal revisions to the application to include explicit reference to the digging out works at lower ground floor level (although these works were shown on the application drawings). As the consultation period does not expire until 5 August 2016, the recommendation to approve the application is subject to no substantive new issues being raised prior to the expiry of the reconsultation period

### **8.11 London Plan**

This application raises no strategic issues.

### **8.12 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.

### **8.13 Planning Obligations**

The proposal does not generate any planning obligations.

## 9. BACKGROUND PAPERS

1. Application form and letters dated 29 January, 2 June and 7 July 2016
2. Email from Councillor Roberts dated 27 June 2016
3. Response from Historic England (Listed Builds/Con Areas), dated 23 February and 23 May 2016
4. Response from Residents' Society of Mayfair & St. James's, dated 18 March 2016
5. Response from Environmental Health dated 26 February 2016
6. Letter from occupier of 51 South Street dated 17 June 2016
7. Letter from the occupier 51 South Street dated 19 June 2016
8. Letter from occupier of 29A Brook Street dated 20 June 2016
9. Letter from occupier 22 Farm Street dated 23 June 2016
10. Letters/email from and on behalf of the occupiers of 24 Farm Street dated 10 March, 17 June (enclosure) and 21 June 2016
11. Email from occupier 25 Farm Street dated 25 June 2016
12. E-mail from a resident of Farm Street dated 20 June 2016
13. Letter from the occupier of 7 Chesterfield Hill dated 14 April 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk)

### 10. KEY DRAWINGS

**NOTES:**  
DO NOT SCALE FROM THIS DRAWING.  
ALL DIMENSIONS TO BE GIVEN IN METERS.  
ALL DIMENSIONS AND DIMENSIONS TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.  
ALL RIGHTS RESERVED. THIS WORK IS COPYRIGHTED AND CANNOT BE REPRODUCED OR COPIED OR REPRODUCED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, WITHOUT THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS ARCHITECTS.

**LEGEND - REFERENCES**  
- - - - - Dotted or red line to indicate  
- - - - - Dotted or blue line to indicate

**LEGEND - PATTERNS**  
[Pattern] Proposed new flat roof to be added  
[Pattern] Proposed new glass balustrade to be added  
[Pattern] Proposed new external staircase  
[Pattern] Proposed new brickwork to be added  
[Pattern] Proposed new stone to be added  
[Pattern] Proposed new metal framed window  
[Pattern] Proposed new stone to be added  
[Pattern] Proposed new metal to be added

Scale: 1:100  
0 2 4 6 8 10

Section 73 Application 15027/16 MCL  
Date: 11/01/2016

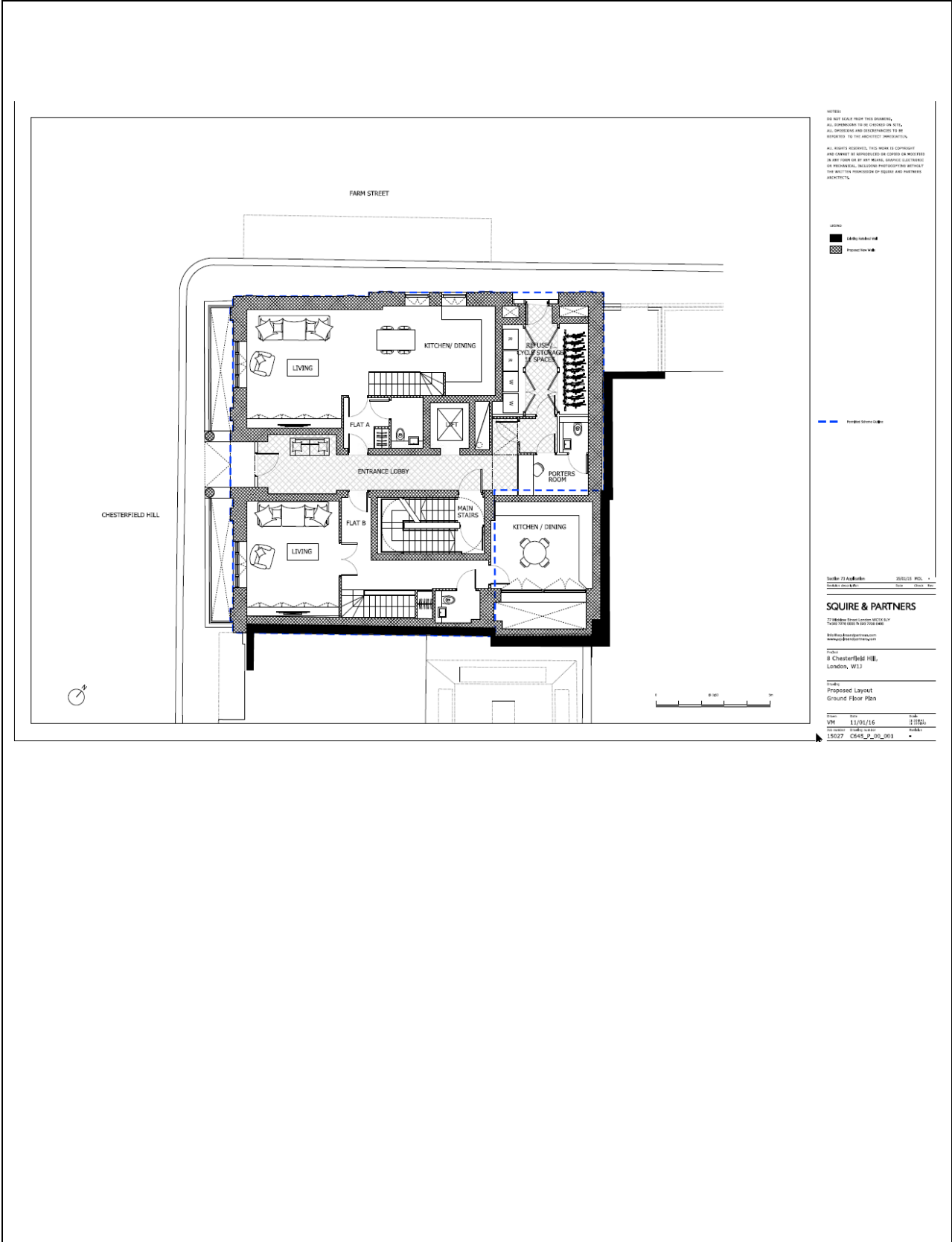
**SQUIRE & PARTNERS**  
100 Abchurch Lane, London, EC4N 3DF  
Tel: 020 7490 8800  
www.squireandpartners.com

Project:  
8 Chesterfield Hill,  
London, W1J

Drawn:  
Proposed  
North West Elevation

Sheet:  
VM 11/01/2016  
No. 15027/16 MCL  
15027\_CS45\_F\_NW\_001





NOTES:  
DO NOT SCALE FROM THIS DRAWING.  
ALL DIMENSIONS TO BE GIVEN IN METRS.  
ALL DIMENSIONS AND DIMENSIONS TO BE  
RESOLVED TO THE ARCHITECT'S PRECEDENCE.  
ALL RIGHTS RESERVED. THIS DRAWING IS COPYRIGHT  
AND CANNOT BE REPRODUCED OR COPIED OR MODIFIED  
IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL,  
OR PHOTOGRAPHIC, INCLUDING PHOTOCOPYING, WITHOUT  
THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS  
ARCHITECTS.

LEGEND:  
Existing building  
Proposed new work

Scale: 1:500  
Date: 11/09/16

**SQUIRE & PARTNERS**  
17 Old Bailey Street, London, WC1E 7HF  
Tel: 020 7553 1000  
www.squireandpartners.com  
London, W1J

Project: Proposed Layout  
Ground Floor Plan  
Date: 11/09/16  
Drawn by: VM  
Checked by: VM  
15027 CK45\_P0\_001

**DRAFT DECISION LETTER**

**Address:** 8 Chesterfield Hill, London, W1J 5BW,

**Proposal:** Variation of condition 1 of planning permission dated 14 January 2014 (RN: 13/10660) for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3); installation of plant and terrace at roof level'; namely, to allow changes to the approved scheme including extension to rear lightwell on basement to third floors, alterations to windows north east elevation, alterations to Farm Street elevation, modifications to roof level plant; omission of roof level stair enclosure and refuse lift within lightwell; alterations to internal layout including changes to the mix of residential units and lowering the floor slab at lower ground floor level.

**Reference:** 16/00807/FULL

**Plan Nos:** 15027 C645\_P\_/LG\_001A, 00\_001, 01\_001, 02\_001, 03\_001, RF\_001A; 15027 C645\_E\_/SW-001B, NW\_001, SE\_001A, NE\_001A; 15027 C645\_S\_DD\_001A

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

**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 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

3

You must apply to us for approval of detailed drawings of the following parts of the development - 1) external doors, 2) windows and dormers, 3) railings and 4) string courses, moulded/rubbed brickwork and carved stonework. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

4

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 Mayfair 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)

5

You must not carry out demolition work unless it is part of the complete development of the site.

You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

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

6

You must 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)

7

You must provide the waste store shown on drawing 15027 C645\_P\_00\_001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. 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)

8

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.

9

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment

complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

10

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

Reason:

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

11

You must carry out the development accordance with the Construction Management Plan approved on 24 February 2016 under reference 15/11591/ADFUL or the Construction Management Plan approved on 22 April 2016 under reference 16/02425/ADFUL or in accordance with a new a Construction Management Plan for the proposed development which has been submitted to and approved in writing by the City Council as local planning authority prior to the commencement of works, including any works of demolition. The plan must include the following details (where appropriate):

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

(vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Reason:

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

12

You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

13

This permission must be commenced no later than 13 January 2017

Reason:

This permission authorises amendments to the original planning permission granted on 14 January 2014 (RN 13/10660/FULL) which must be commenced no later than the above date.

Informative(s):

1

In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan:

Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

# Agenda Item 4

Item No.
----------

4
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Meadows House, 20-22 Queen Street, London, W1J 5PR,</b>		
<b>Proposal</b>	Use of the first floor as an extension to the existing restaurant at basement and part ground floor levels (Class A3)		
<b>Agent</b>	Mr Mark McDermott		
<b>On behalf of</b>	Indian Cuisine Ltd		
<b>Registered Number</b>	16/02265/FULL	<b>Date amended/ completed</b>	22 March 2016
<b>Date Application Received</b>	12 March 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission
------------------------------

## 2. SUMMARY

The application site located on the west side of Queen Street within the Core Central Activities Zone but outside of the designated entertainment Stress Areas. The application premise is a restaurant ("Tamarind") which occupies the basement and part ground floors. The remainder of the ground floor is in separate restaurant use. The first to third floors are in office use and the fourth/fifth floors are occupied for residential purposes.

This application is for the use of vacant first floor offices as an extension to the existing restaurant. No new or replacement plant proposed. As the scheme involves the conversion of offices to another commercial use, this is considered acceptable in land use terms. The proposal would create a large restaurant of 518 sqm, with an increased capacity of 136 customers. UDP policy TACE 10 states that large entertainment uses, of 500m<sup>2</sup> or more, will only be approved in exceptional circumstances. Similarly, under City Plan policy S23 new large-scale entertainment uses will not generally be appropriate. However, where it can be demonstrated that the proposals would not have an adverse impact on residential amenity or environmental quality, this may constitute exceptional circumstances.

\* The key issue in this case is the impact of the proposed restaurant extension upon local environmental quality and residents' amenities, or upon the character or function of the area

This is a longstanding restaurant use which contributes to the character and function of the CAZ. No

objections have been received to the application. Subject to the imposition of operating conditions, the relatively modest increase in floorspace and capacity is considered acceptable on the basis that the enlarged restaurant would not have a material impact on neighbours' amenities, environmental quality or the character and appearance of the area. This is considered to constitute sufficient exceptional circumstances to justify a recommendation for approval.



3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

RESIDENTS' ASSOCIATION of MAYFAIR & ST JAMES's  
No objection

### HIGHWAYS PLANNING

Limited servicing details provided but overarching principles appear acceptable, a detailed Servicing Management Plan should be secured by condition; cycle parking required, delivery services should be precluded.

### ENVIRONMENTAL HEALTH

No objection. .

### CLEANSING

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. consulted:118 No of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted, post-war development, situated on the west side of Queen Street, close to its junction with Curzon Street, within the Mayfair conservation area and the Core Central Activities Zone but outside of the designated entertainment Stress Areas. The building backs onto the extensive grounds of the Embassy of Saudi Arabia, and the entire rear of the property is visible from Curzon Street.

The basement and ground floors of the property are occupied as two separate restaurants, the first to third floors are in office use and the fourth/fifth floors are in residential use. The first floor offices are currently vacant.

This application relates to one of the existing restaurants on the site ("Tamarind", an Indian restaurant) which comprises a ground floor entrance, at the southern end of the building frontage, and kitchen and dining accommodation at basement level. The second restaurant occupies the remainder of the ground floor.

The area is mixed use in character but there are residential premises in the vicinity of the site, including on the upper floors of the building and immediately opposite on Queen Street.

### 6.2 Recent Relevant History

24.2.195: Permission granted for the redevelopment of the site to erect a new building comprising a restaurant on basement and part ground floor, a post office on the remainder of the ground floor (now a separate restaurant), offices on first to third floors and a maisonette at fourth/fifth floor levels. No conditions were imposed relating to the operation of the restaurant.

1994: Advertisement consent for new signage "Tamarind"

24.11.1994 Permission granted for the installation of a new shopfront and projecting canopy and roof level plant. No conditions were imposed controlling the hours of plant operation, although noise a plant noise condition was imposed.

Subsequent planning records from 2003-2008 refer to "Tamarind" restaurant and the applicants have provided rating records from 2005 to date.

## **7. The Proposal**

This application is for the change of use of the first floor offices (Class B1) to provide additional accommodation to the existing restaurant on basement and part ground floors (Class A3).

The submitted application did not include any proposals for external alterations or the installation or replacement of plant or ducting, although the application drawings and acoustic report referred to the potential replacement of roof level plant. However, the applicants have since confirmed that the plant installations will remain unaltered and have updated the drawings accordingly. They have also confirmed that the existing plant and ducting are adequate in terms of serving the proposed increase in floorspace/capacity.

Internally, a new staircase would be provided between the ground floor entrance area and the new first floor restaurant seating area. The size of the basement seating area would be reduced and the kitchen extended.

The applicants have confirmed that the premises licence, in place since 2005, permits the restaurant to open between 10.00 and 00.30 on Monday to Saturday and between 12.00 and 24.00 on Sundays. These are the proposed hours of operation.

(An application was recently lodged to vary the premises licence to include the proposed first floor dining area and to permit up to 8 diners to drink at the basement bar pre/post their meal).

The applicants have advised that the existing restaurant capacity is for 90 customers (with 80 covers) and that the proposed capacity would be for 136 customers (with 130 covers).

## **8. DETAILED CONSIDERATIONS**

## 8.1 Land Use

### 8.1.1 Loss of offices

The application would involve the loss of 168 sqm of first floor office floorspace. There are no policies within the adopted UDP and City Plan which safeguard existing office uses. However, since 1 September 2015, given the pressures on existing office floorspace from residential development, on sites within the Core CAZ, the conversion of existing offices to residential use, has been considered unacceptable, other than in the most exceptional circumstances.

Updated policies, 'The Basement Revision and Mixed Use Revision to the City Plan' were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March. Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016.

However, the relevant revisions to the City Plan are concerned with the conversion of Class B1 offices to residential use. In this case, the proposal involves the conversion of vacant offices to another commercial use, which itself generates employment opportunities. In these circumstances, the loss of office floorspace is considered acceptable in land use terms.

### 8.1.2. Extension of existing restaurant

The existing basement/ground floor restaurant measures 350 sqm. The scheme would provide an additional 168 sqm of restaurant floorspace, creating a large restaurant of 518 sqm.

UDP Policy TACE 10 is relevant to the consideration of the restaurant proposals and states that large entertainment uses of 500m<sup>2</sup> or more will only be approved in exceptional circumstances. City Plan policy S23 requires proposals for new entertainment uses to be appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and requires that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. It also states that new large-scale entertainment uses of over 500sqm will not generally be appropriate within Westminster.

In considering the impact of large entertainment uses, particular regard will be given to the number of people on the premises, the opening hours, servicing and arrangements to safeguard amenity. Where it can be demonstrated that the proposals would not have an

adverse impact on local environmental quality or residents' amenities, or upon the character or function of the area, this may constitute exceptional circumstances.

Given the character of Queen Street and the surrounding area, the use of adjoining buildings, the fact that there are few residential properties in the immediate vicinity of the site, and as the scheme is for the expansion of a long-established restaurant, with the additional floorspace being provided at first floor level, it is not considered that the proposal would, in principle, have an adverse impact upon the character or function of the area. The impact of the proposals upon residents' amenities and the local highway network is discussed below.

## 8.2 Townscape and Design

No external alterations are proposed

## 8.3 Amenity

In assessing the impact of the proposed restaurant use upon residential amenity and local environmental quality, the Council will have particular regard to noise from the proposed use, particularly from increased late night activity, noise and vibration from plant, potential smell nuisance and increased parking and traffic generation.

As detailed above, the applicants have recently confirmed that there is no requirement for any new or replacement plant or extract equipment to serve the extended use.

The existing restaurant use is not the subject of any conditions relating to opening hours or the hours of plant operation. Activities associated with the proposed restaurant expansion have the potential to impact on local amenity and environmental quality, with the greatest potential impact arising from increased numbers of customers arriving at and leaving the restaurant throughout the evening. UDP Policy ENV 6 requires new developments to incorporate design features and operational measures to minimise and contain noise in order to protect neighbouring noise sensitive properties.

The application is supported by an acoustic report. However, this is primarily concerned with the potential noise impact of any replacement plant (no plant is to be replaced); noise transmission between the new first floor restaurant space and second floor offices, the impact of external traffic noise and plant installations at the rear of the site upon conditions within the restaurant, and the reverberation of noise within the dining rooms caused by customers talking etc. The report does not specifically address the potential noise impact of any increased activity associated with the additional capacity.

The applicants have made the following points in support of the application:

- Permission has been granted, either by the City Council, or on appeal, for a number of large entertainment uses, including the expansion of restaurant premises to first floor level, where it has been considered that the new or extended premises would not cause demonstrable harm e.g. 34 Grosvenor Square.

- The premises is a longstanding, Michelin starred, restaurant with a positive reputation serving, residents, workers and visitors and contributes to the character and function of the CAZ,
- No neighbour objections have been received either to the current planning application or to the recent licence application.
- This is a waiter-service restaurant with limited bar areas. No external seating is proposed
- The capacity of the premises will increase by only 46 customers, to a total of 136.
- Restaurant servicing is strictly controlled by the restaurant for operational reasons, taking place between 10.00 and 11.00, and these arrangements will remain unchanged.
- Existing arrangements for the processing and transfer of waste will continue.
- The submitted acoustic report confirms that the proposed restaurant extension would not adversely impact on levels of noise disturbance including to the residential uses on the upper floors.
- The adjoining properties are in office use and there would be two-floor buffer between the new dining area and the fourth floor flat.
- All existing operational/management controls would apply to the extended restaurant use.

In addition, the applicants have indicated their willingness to accept conditions to prevent takeaway sales, and the operation of a delivery service and requiring the windows to the first floor restaurant to be fixed shut.

#### **8.4 Transportation/Parking/Servicing**

The premises are centrally located and accessible by all forms of public transport. The site is within a Controlled Parking Zone and anyone driving to the premises would be subject to those parking restrictions. Consequently, it is not considered that the proposed increase in capacity would have a significant impact on on-street parking demand in the area or on the local highway network.

The application does not include any cycle parking provision. The Highways Planning Manager considers that, as that the floor area is being extended, there would appear to be no physical constraint to cycle parking provision for staff use. Standards in the Further Alterations to the London Plan would require two spaces to be provided. However, the applicants contend that the transfer of cycles up the narrow stairways would result in a potential safety hazard. They have pointed to the availability of TfL cycle parking provision in the immediate vicinity. Given the limited number of spaces required, and as this is a longstanding use, it is not considered that the absence of cycle parking provision could justify a recommendation for refusal.

All site deliveries would continue to take place from Queen Street. Limited servicing information has been provided and, although the overarching principals appear acceptable, it is considered that detailed servicing strategies should be secured by a Servicing Management Plan given the increase in capacity and floorspace. Conditions to prevent takeaway sales and the operation of a delivery service are also recommended as these activities would reduce the availability of parking for other road users and result in potential noise disturbance). The applicants have indicated their willingness to accept these conditions.

## **8.5 Economic Considerations**

Any economic benefits generated by the proposals are welcomed

## **8.6 Access**

WC accommodation for disabled customers would be provided at first floor level, which is accessible by lift.

## **8.7 Other UDP/Westminster Policy Considerations**

### **8.7.1 Refuse /Recycling**

The existing and proposed floorplans indicate refuse stores at ground floor level. The Project Manger (Waste) has raised no objection to the proposed arrangements, subject to conditions to prevent waste being stored on the highway and requiring the enlarged refuse store to be provided and maintained for that use.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

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

## **8.10 Planning Obligations**

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

## **8.11 Environmental Impact Assessment**

Not relevant



**8.12 Other Issues**

Not relevant

**9 BACKGROUND PAPERS**

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 19 April 2016
3. Response from Environmental Health dated 24 May 2016
4. Memoranda from Highways Planning Manger dated 15 April and 14 June 2016
5. E-mail from Project Officer (Waste) dated 12 July 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 THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk).

# 10 KEY DRAWINGS



1. BASEMENT FLOOR PLAN  
SCALE: 1/8" = 1'-0"



2. GROUND FLOOR PLAN  
SCALE: 1/8" = 1'-0"



3. FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"

<b>TOTAL COVER:</b>	<b>132</b>
BASEMENT	48
PRIVATE ROOM	14
BAR STOOLS	4
GROUND FLOOR	66

**FOR INFORMATION**

**DMD**

376 TAMMANN ROAD MAYFAIR

DATE: 11/08/21

376-PL-100

**Russell'sagerstadio**

11111 11th Street, San Francisco, CA 94143

TEL: 415.774.1111

WWW.RUSSELLSAGERSTADIO.COM

© 2021 RUSSELL'S AGERSTADIO. ALL RIGHTS RESERVED.

THIS DRAWING IS THE PROPERTY OF RUSSELL'S AGERSTUDIO. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF RUSSELL'S AGERSTUDIO. THE USER OF THIS DRAWING AGREES TO HOLD RUSSELL'S AGERSTUDIO HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST RUSSELL'S AGERSTUDIO BY ANY THIRD PARTY AS A RESULT OF THE USER'S USE OF THIS DRAWING. THE USER OF THIS DRAWING AGREES TO INDEMNIFY AND HOLD RUSSELL'S AGERSTUDIO HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST RUSSELL'S AGERSTUDIO BY ANY THIRD PARTY AS A RESULT OF THE USER'S USE OF THIS DRAWING.

**DRAFT DECISION LETTER**

**Address:** Meadows House, 20-22 Queen Street, London, W1J 5PR

**Proposal:** Use of the first floor as an extension to the existing restaurant at basement and part ground floor levels (Class A3)

**Plan Nos:** 5503-PL-101; 376 PL-100

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

**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 provide the waste store shown on drawing 5503-PL-101 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the extended restaurant. 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)

- 3 You must not allow more than 136 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 4 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 5 You must not operate a food or drink delivery service from the premises, even as an ancillary part of the primary Class A3 use

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 6 Customers shall not be permitted within the restaurant premises before 10.00 or after midnight on Monday to Saturday (not including bank holidays and public holidays) and between midnight and 00.30 the following Tuesday to Sunday mornings or before 12.00 and after 24.00 on Sundays, bank holidays and public holidays. (C12DD)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 7 No goods shall be accepted at the premises other than between 10.00 and 11.00 each day.

Reason:

In accordance with the submitted application and because we cannot grant planning permission for unrestricted use within Class A3 as it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 8 You must keep the first floor restaurant windows (front and rear) closed at all times.

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)

- 9 Prior to the commencement of the restaurant use at first floor level you must apply to us for approval of a Servicing Management Plan for the restaurant. You must not commence the restaurant use at first floor level until we have approved what you have sent us. You must then operate the restaurant use in accordance with this approved Servicing Management Plan. (C26DB)

Reason:

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

- 10 No waste shall be stored on the highway

Reason:

To protect the environment 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)

#### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 3 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)

- 4 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 5 This permission does not grant approval for any external alterations to the building including the installation of any new mechanical plant or ducting, or the replacement of any existing mechanical plant or ducting.
- 6 The Servicing Management Plan required under condition 10 must include full details of the delivery process, internal storage locations, the scheduling of deliveries and associated staffing.

Item No.
5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	28 Blomfield Road, London, W9 1AA,		
<b>Proposal</b>	Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.		
<b>Agent</b>	Sidell Gibson		
<b>On behalf of</b>	Mr Paul Kempe		
<b>Registered Number</b>	16/00616/FULL	<b>Date amended/ completed</b>	1 February 2016
<b>Date Application Received</b>	25 January 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY

The proposed development comprises the erection of a single storey rear extension and the excavation of a single storey basement beneath part of the rear garden and the proposed single storey extension.

The item was removed from the agenda by officers for the Planning Applications Committee meeting on 28 June 2016. This item was removed from the agenda to allow the applicant to address concerns regarding construction access from the communal garden at the rear and a large means of escape in the garden. These points have now been addressed, namely the omission of the access at the rear from the method statement, and the reduction in size to the secondary means of escape in the rear garden.

Objections have been received from the adjoining occupier primarily on the grounds of the impact upon the character of building and adjacent listed buildings, impact on neighbouring amenity, impact on trees, scale of basement and disruption caused by the development.

The key considerations are:

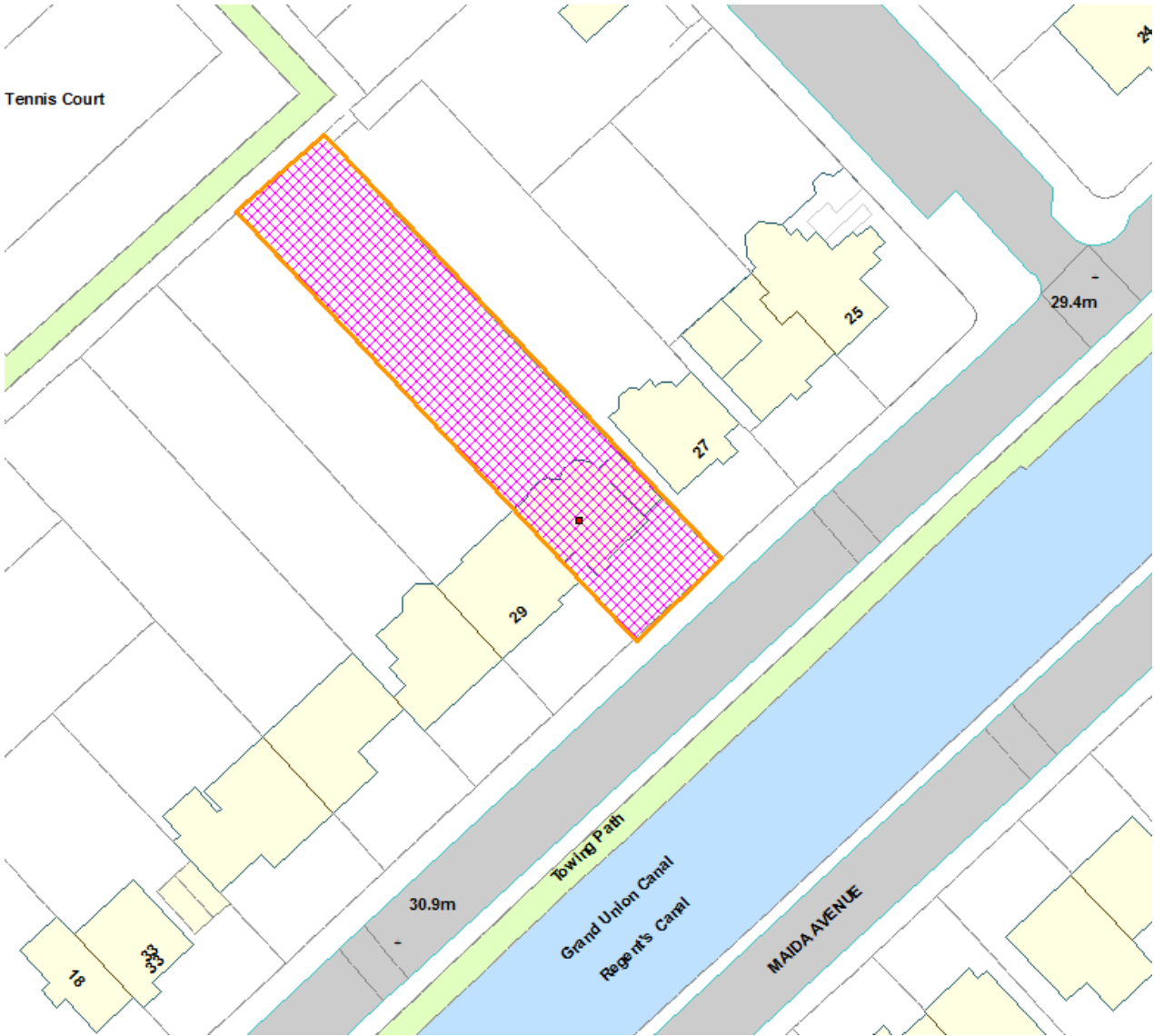
- The impact on the appearance of the building and character and appearance of the Maida Vale Conservation Area.
- The impact on the setting of the neighbouring listed building at No.29 Blomfield Villas.
- The impact on the amenity of neighbouring residents.
- The impact upon trees on the site and in neighbouring gardens.

As the proposals were submitted after 1 November 2015, the application has been assessed against basement policy CM28.1 of the City Plan. The proposed development would be consistent with

relevant development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) including the emerging basement policy. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter at the end of this report.



**3. LOCATION PLAN**



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Front Elevation (top) and Rear Elevation (bottom).



## 5. CONSULTATIONS

### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Scale of extensions does not reflect rear building line. Rooflight in garden is unacceptable and rooflight in patio too large. Size of basement acceptable subject to not being situated in RPA of protected trees.

### ARBORICULTURAL MANAGER

No objection subject to conditions to secure tree protection and tree replacement.

### BUILDING CONTROL

No objection to structural method statement. Comments made with regards to means of escape.

### ENVIRONMENTAL HEALTH

No objection.

### HIGHWAYS PLANNING MANAGER

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

#### Design:

- Failure to assess the impact on adjoining listed building.
- Extension fails to respect building line.
- Basement fails to leave sufficient margin of undeveloped land.
- Proposals will affect verdant setting

#### Amenity:

- Lack of details in relation to air conditioning plant.
- Extensions would increase sense of enclosure and cause overshadowing.

#### Other:

- Structural instability to neighbouring properties.
- Construction management plan contains insufficient detail.
- Increased food risk

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site comprises a semi-detached unlisted villa on the north west side of Blomfield Road. The site is located within the Maida Vale Conservation Area. The adjoining property No. 29 Blomfield Road is a Grade II listed building. The rear of the site borders the boundary of the Little Venice Garden which is a Site of Importance for nature Conservation (SINC).

### 6.2 Recent Relevant History

Item No.
5

05/08199/FULL

Erection of a side extension at basement, ground and first floor levels, a single storey rear conservatory extension to provide additional residential accommodation, a concealed valley roof infill and alterations to the front boundary wall including replacement of gates.

Application Permitted 5 January 2006

06/03060/FULL

Erection of single storey rear extension and replacement flat roof to existing single storey side extension.

Application Permitted 13 June 2006

06/09823/FULL

Alterations during the course of construction to planning permission dated 5 January 2006 (RN: 05/08199) namely the addition of a pitched roof to the side extension and roundel windows to the front and rear elevations of the side extension.

Application Permitted 13 February 2007

07/04776/FULL

Excavation of basement extension below front garden with associated alteration to front basement lightwell, installation of railings to lightwell and replanting of existing tree within front garden.

Application Permitted 14 August 2007

**7. THE PROPOSAL**

The application seeks permission for the erection of an enlarged glazed extension at rear ground floor level and excavation of single storey basement below part of the rear garden providing additional living space to enlarge the existing dwellinghouse on this site. The proposed basement would be accessed from the existing dwellinghouse via a staircase within the enlarged rear extension.

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

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

**8.2 Townscape and Design**

**8.2.1 Townscape Considerations**

The works above ground level consist of the erection of a single storey rear extension with a glazed appearance, attached to the existing rear extension providing access to the proposed basement. The length (depth) of the existing extension is 2.8m whilst the proposed extension would be a further 3.5m, resulting in a total projection into the rear garden of 6.3m. The enlarged rear extension would have an eaves height of 3.3m

Policy DES5 in the UDP seeks to ensure that extensions are confined to the rear of the existing building, do not visually dominate the existing building, are in scale with the existing building and its immediate surroundings and their design respects the style and details of the existing building. Policies DES 9 is also relevant which relates to development in Conservation Areas, and seeks the use of appropriate materials and design which would be complementary to the character of the Conservation Area.

Item No.
5

Objections from the occupiers of Nos. 27 and 29 Blomfield Road and the local amenity society state that the proposed extension would not respect the rear building line, owing to its cumulative depth which is greater than other extensions along the terrace. This point is acknowledged and aerial photographs indicate this would be the case. However this alone is not considered to amount to material harm in townscape terms having regard to the particular proposal and site. The extension is single storey, located at lower ground level with a width of approximately half the plot, and replicates the proportions of the existing glazed structure. The site is comprised of a large four storey semi-detached building within a broad curtilage and garden that extends to the rear by approximately 45m. The rear building line is not completely uniform, whilst the extension would have little, if any, visibility from the wider Conservation Area. In this context the extension is not considered to be a dominant structure that would disrupt a readily appreciable uniform building line. Therefore permission could not reasonably be withheld on these grounds.

In detailed design terms, the glazed appearance with metallic soffit and frame, replicates the detailed design of the existing extension, to which it would be attached. The detailed design approach is therefore considered an acceptable approach within the context of the site and existing extensions.

In terms of the basement proposal, it would be located beneath the garden and does not alter the appearance of the building and Conservation Area. Following advice from officers, rooflights serving the basement positioned within the rear patio and rear garden have been removed as they were contrary to the advice set out in the 'Basement Development in Westminster' SPD, which sets out that where they are acceptable, rooflights and other external manifestations should be subtly incorporated into basement developments. The rooflight in the garden has been amended to a much smaller manhole cover providing a secondary means of escape which is less acceptable in townscape terms.

The proposals are therefore considered to comply with policies DES1, DES 5 and DES 9 in the UDP and Policy S25 and S28 in the City Plan.

### **8.2.2 Consideration of Heritage Assets**

Objections have been received on grounds that the application fails to include a Heritage Statement that provides an assessment of the proposals in relation to their impact upon statutory heritage assets, namely the Maida Vale Conservation Area and the adjacent Grade II listed building at No. 29 Blomfield Road. The objection refers to the advice of the NPPF with regard to the requirement to consider the existing condition of heritage assets as a minimum where applications have implications for heritage assets, as well as London Plan Policy 7.8, Policy S25 in the City Plan and UDP policies DES 9 and DES 10. The comment requests that such an assessment be undertaken and supplied to City Council.

However, the submission of a Heritage Statement is not a validation requirement for this householder development. The application does though include existing and proposed plans, a Design and Access Statement, with site photographs and visual renders, and officers visited the site on 19 April 2016. Officers have therefore been able to undertake an assessment with regards to the impact on heritage assets.

In terms of the impact upon the setting of the adjacent listed building, the proposals are not considered to have a material impact due to a distance of 6m between the proposed extension and the boundary with No. 29, which is to be retained. Furthermore, a margin of undeveloped land around the basement perimeter will be retained, which has been increased to 500mm following advice from officers, and the initially proposed rooflights have been omitted from the rear garden.

Item No.
5

Officers have had regard to additional comments received on behalf of neighbours at Nos. 27 and 27 Blomfield Road dated 28 June, highlighting the properties location within "...one of the most attractive Early Victorian tree and stucco landscapes of London", and the detrimental impact the proposals would have upon this verdant setting. This setting is acknowledged, however it is Officers recommendation that the proposals make appropriate steps in terms of the design and subterranean development (see paragraphs 8.7.4, 8.7.6 and 8.12) to ensure this setting is safeguarded.

The proposals are considered acceptable on these grounds and would not be in conflict with Policy S25 in the City Plan, Policy DES 10 in the UDP or the NPPF.

### **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 in the City Plan aims to protect the amenity of residents from the effects of development.

The objection received on behalf of the adjoining neighbour at No.27 Blomfield Road suggests the extension would result in overshadowing and an increased sense of enclosure upon occupiers of No.27. The nearest affected windows would be a set of three French doors at lower ground level within the rear bay of No. 27. Presently the existing party wall fence stands at approximately 2.5m between the two properties.

The BRE Guidelines advise that if the midpoint of an affected 'French door', at a height of 1.6m, falls within a notional 45 degree line, both on plan and elevation, taken from the eaves of the enlargement, reductions in daylight are likely to be experienced. In this instance, the assessment indicates that there may be some reduction to the nearest glazed door. The affected door however is one of three glazed French doors within the lower ground floor bay, the other two of which would not experience reductions. As such this small deviation from the BRE Guidelines is unlikely to have a noticeable effect and is not a ground for withholding permission.

With regard to sunlight, the BRE Guidelines recommend that all main living rooms of adjoining existing dwellings should be checked for losses if they have windows with an orientation within 90 degrees due south. The rear façade of No.27 has a North West orientation hence losses need not be investigated in accordance with BRE Guidelines.

With regard to enclosure, the extension would project above an existing party wall fence which stands at approximately 2.5m between the two properties. Whilst it would represent a change from the existing situation, given the height of the existing fence, and the wide aspect enjoyed at the rear, this relationship would not amount to an unacceptable increased sense of enclosure that could form grounds for withholding permission.

With regards to the basement, given its subterranean location, it will not have any impact upon neighbouring residents in terms of loss of daylight/ sunlight, increased sense of enclosure or loss of privacy.

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

### **8.4 Transportation/Parking/ Highways Implications**

The proposed development does not raise any transportation issues.

### **8.5 Economic Considerations**

Item No.
5

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

## **8.6 Access**

No alterations to access to this private dwellinghouse are proposed.

## **8.7 Other UDP/Westminster Policy Considerations**

### **8.7.1 Basement Policy**

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

### **8.7.2 Mechanical Plant**

The objection submitted on behalf of the adjoining occupier of No.27 points out that no details of proposed plant have been submitted. The basement indicatively includes uses such as a sauna, wet room and shower room that will likely require the installation of some form of plant with extraction or ventilation in the future. The development description however is not for the installation of plant and none is shown on the plans or provided in the supporting documentation. Therefore any future installation will have to be the subject of a planning application that includes an acoustic report examining the background noise levels to inform any future installation. The absence of this detail is therefore not grounds to withhold permission and the requirement to make a future application will be included in an informative.

### **8.7.3 Refuse/ Recycling**

The development would not materially impact the existing arrangements for refuse and recycling. The City Councils Highways Officer advises that further details need to be secured through condition. However, it is not considered necessary in this instance as the proposal does not increase the number of units on-site.

### **8.7.4 Trees**

The application is accompanied by an arboricultural report prepared by ACS Trees which sets out the development proposals within the context of trees on the site. The adjoining occupier at No.27 has commissioned a tree report prepared by Wassels in response to the report submitted with the application, mainly questioning the absence of an assessment of trees adjoining the properties, at No. 27 in particular. The City Council's Arboricultural Manager has reviewed both reports and acknowledges that the submitted report by ACS omits a number of trees that may be indirectly affected by the proposal. The Arboricultural Manager remarks that;

*“The impact on the RPA of the Cherry and the Magnolia at 27 Blomfield Road is estimated by Wassell is 50% of the Cherries root system and 15% of the Magnolia’s. The circular RPA of the Cherry is affected by the existing extension. Given that the piled basement wall is 2.4m from both of these trees then according to Wassell’s figures these estimates would only be realistic if no tree protection was used at all. On the basis that the trees and ground will be protected other than the basement excavations I estimate the impact is below 1m<sup>2</sup> on the Magnolia and less than 1m<sup>2</sup> on the Cherry. This is less than 3.5% of their RPAs. This is not significant in this context.”*

Accordingly the Arboricultural Manager raises no objection to the proposals subject to the imposition of conditions to ensure that all the trees that could be affected by the proposal are adequately protected and that the tree removed to construct the basement is replaced.

A further arboricultural report was submitted by the applicant in response to the report prepared by Wassells which questions some of the assumptions put across in the Wassells report with regards likely root spread of trees within the garden of No.27 having regard for boundary foundations. This is not considered to raise any further issues that warrant a further response from the Arboricultural Manager given that no objection was raised prior to the submission of this further rebuttal.

### **8.7.5 Sustainability**

Policies 5.2 and 5.3 of the London Plan and policy S28 of the City Plan seek to maximise sustainable construction and design that reduces energy use and emissions and reduces waste. The objection submitted on behalf of the occupiers of No. 27 identifies that the application fails to provide details pursuant to the above policy objectives. These observations are noted and the absence of this detail is regrettable. It is not however a validation requirement for domestic extension applications, given that matters of exact building construction and adherence with statutory Building Regulation are matters for Building Control.

Notwithstanding this, the proposal relies on natural rather than mechanical ventilation and is therefore consistent with basement policy CM28.1 of the City Plan. An informative will be attached encouraging the development to incorporate elements of sustainable design.

### **8.7.6 Ecology**

The objection submitted on behalf of the occupiers of No.27 states that basement works will have an adverse effect on the ecology of the ‘Little Venice Garden’ which adjoins the site at the rear and is a Site of Importance for Nature Conservation (SINC), and fails to have consideration of this in the supporting documents. The comment states that the proposals are therefore contrary to Policies S36 (Sites of Importance for Nature Conservation) and S38 (Biodiversity and Infrastructure) of the City Plan, ENV4 (Planting around buildings), ENV15 (Trees) and ENV17 (Nature and Conservation) in the UDP, and Policies 7.21 (Trees) and 7.18/19 (Biodiversity) of the London Plan.

The proposed basement extension is entirely within the curtilage of No. 28 Blomfield Road and would be no closer than approximately 18m from the rear boundary. The City Council acknowledge concerns with regards to impact upon biodiversity and ecology within the rear garden environment and protected parks, and the emerging basement policy CM28, and the ‘Basement Development in Westminster’ SPD have been prepared to provide greater safeguards accordingly.

As set out in the basement section of the report, the basement has incorporated a margin of undeveloped land on its perimeter, a 1m soil depth plus 200mm drainage layer above the basement in the garden, and a basement footprint no greater than half of the garden land. In addition, consideration of the health of trees on and adjacent to the site has been supplied and considered satisfactory. Incorporation of these elements serves to mitigate the impact of the



proposed basement upon the locality with regards to ecology and biodiversity and withholding permission on these grounds is therefore not sustainable.

### **8.7.7 Flood Risk**

The site is situated within Flood Zone 1. The submitted Flood Risk Assessment (FRA) outlines that for sites falling within such zones (being the lowest risk on the sliding scale), in accordance with NPPF and latest guidance for Flood Risk, a FRA is not required. However given that the site falls on the edge of the 'Maida Vale surface water hotspot', the adopted basement SPD requires the submission of a flood risk assessment. Within the context of the proposed development, the FRA provides a thorough assessment of historic flooding, risk of flooding from rivers and the sea, flooding from groundwater, flooding from surface water sewers and highways, flooding from infrastructure failure and the effect on the risk of flooding elsewhere. The conclusions of the report are that the site will remain at a low risk of flooding from fluvial, tidal, groundwater, sewers, surface water and artificial sources. A small increase in impermeable surface will be mitigated through the inclusion of water butts. In conjunction with the soil layer over the basement level, satisfactory Sustainable Urban Drainage Systems have therefore been provided, in accordance with policy CM28.1 of the City Plan.

With regards to ground water, the bore hole surveying undertaken did not find substantial levels. Notwithstanding this, in recognition of the greater susceptibility of basements to flooding from surface water and sewerage in comparison to conventional extensions, the report recommends installing a pumped drainage to prevent flooding during high load on the sewers. An informative will be attached recommending the installation of a pump (or equivalent reflecting technological advances) in the basement.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

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

### **8.11 Other Issues**

#### **8.11.1 Construction Impact**

The objection submitted on behalf of the occupiers of No.27 states that the Construction Management Plan (CMP) fails to consider key aspects of the construction process, such as number of vehicle movements and potential conflict with emergency vehicles on Blomfield Road and likely noise levels from construction activity and mitigation. It is acknowledged that the statement is brief in its consideration and is missing certain elements that comprise a comprehensive CMP. However, a more robust CMP addressing the concerns raised by the objector can be secured by way of a pre-commencement condition requiring the submission of a more comprehensive CMP. In addition, the omission of potential construction access from the communal garden to the rear of the site has been provided in a revised method statement of excavation. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation.

## **9. BACKGROUND PAPERS**

Item No.
5

1. Application form
2. Letter from the Paddington Waterways & Maida Vale Society dated 4 March 2016.
3. Memo from the Highways Planning Manager dated 18 February 2016.
4. Memo from the Arboricultural Manager dated 12 April 2016.
5. Memo from the Cleansing Manager dated 24 February 2016.
6. Memo from the Building Control Manager dated 24 April 2016, 29 June 2016
7. Letter from occupier of 26 Blomfield Road dated 4 March 2016.
8. Letters from Streathers Solicitors LLP, 44 Baker Street dated 25 February 2016, 3 March 2016, 21 March 2016 and 28 June 2016
9. Arboricultural Report prepared by James Sharp on behalf of Streathers Solicitors LLP dated 16 March 2016.
10. Arboricultural Addendum Report prepared by ACS dated 11 May 2016.

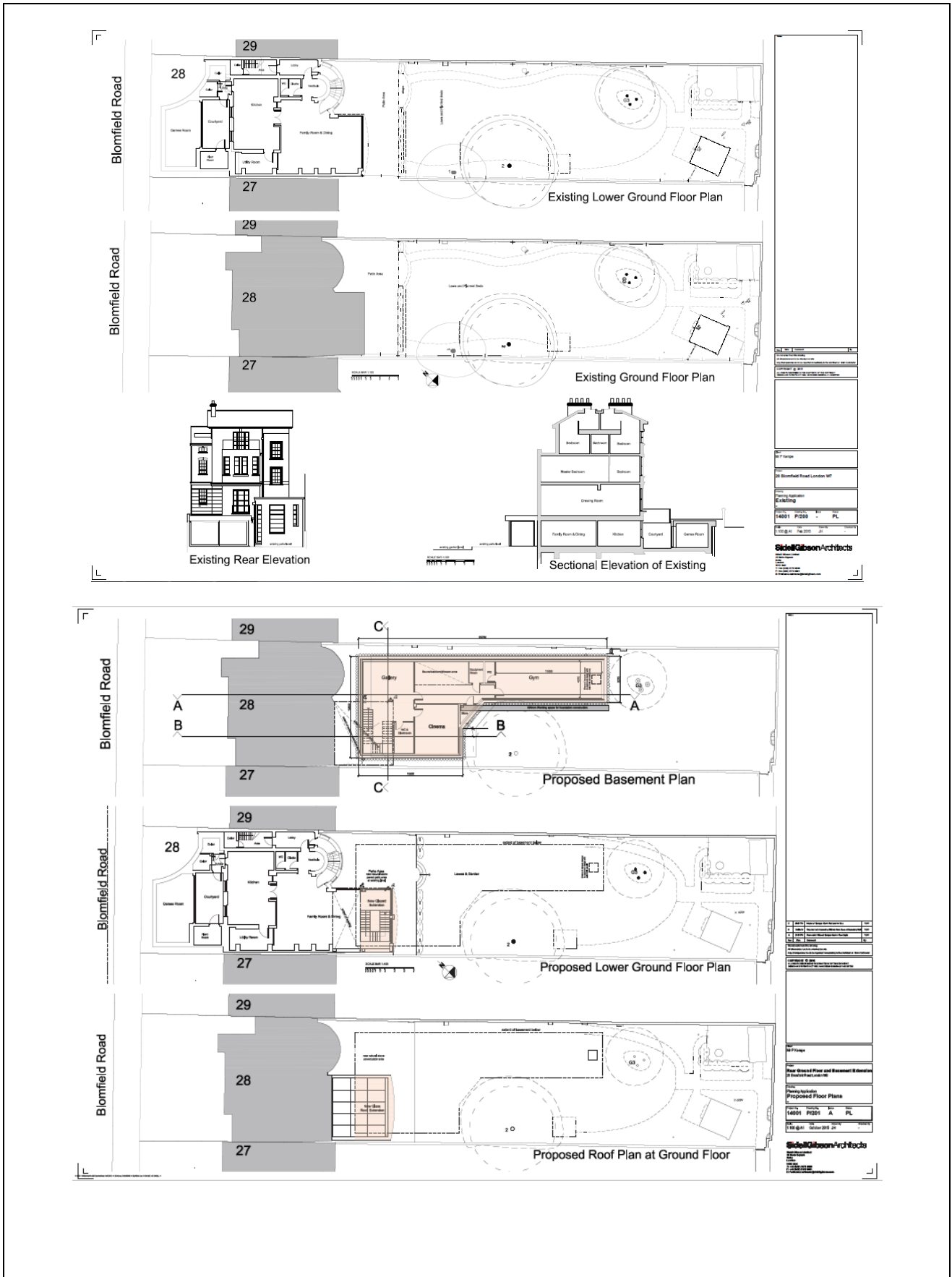
### **Selected relevant drawings**

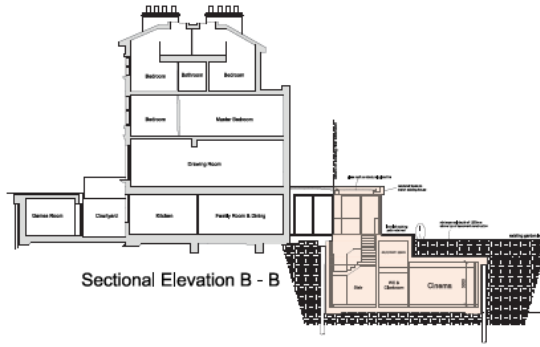
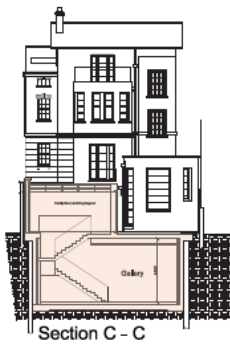
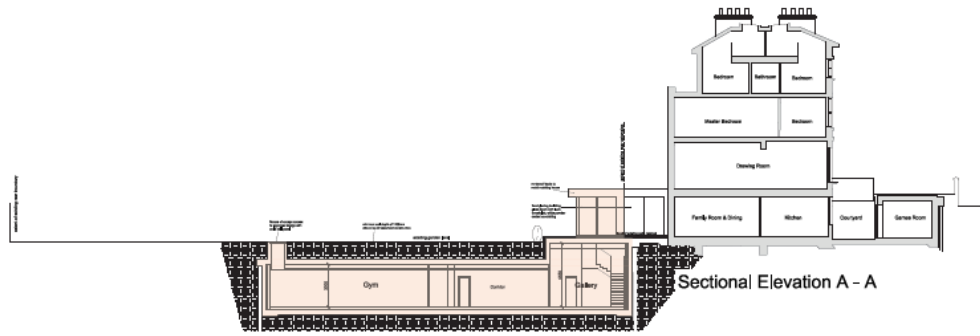
Existing and proposed plans, elevations and sections.

(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 THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK.
--

10. KEY DRAWINGS





1. 01.00	General Notes	1.00
2. 02.00	Structural	2.00
3. 03.00	Architectural	3.00
4. 04.00	MEP	4.00
5. 05.00	Site	5.00
6. 06.00	Other	6.00
7. 07.00	Other	7.00
8. 08.00	Other	8.00
9. 09.00	Other	9.00
10. 10.00	Other	10.00
11. 11.00	Other	11.00
12. 12.00	Other	12.00
13. 13.00	Other	13.00
14. 14.00	Other	14.00
15. 15.00	Other	15.00
16. 16.00	Other	16.00
17. 17.00	Other	17.00
18. 18.00	Other	18.00
19. 19.00	Other	19.00
20. 20.00	Other	20.00
21. 21.00	Other	21.00
22. 22.00	Other	22.00
23. 23.00	Other	23.00
24. 24.00	Other	24.00
25. 25.00	Other	25.00
26. 26.00	Other	26.00
27. 27.00	Other	27.00
28. 28.00	Other	28.00
29. 29.00	Other	29.00
30. 30.00	Other	30.00
31. 31.00	Other	31.00
32. 32.00	Other	32.00
33. 33.00	Other	33.00
34. 34.00	Other	34.00
35. 35.00	Other	35.00
36. 36.00	Other	36.00
37. 37.00	Other	37.00
38. 38.00	Other	38.00
39. 39.00	Other	39.00
40. 40.00	Other	40.00
41. 41.00	Other	41.00
42. 42.00	Other	42.00
43. 43.00	Other	43.00
44. 44.00	Other	44.00
45. 45.00	Other	45.00
46. 46.00	Other	46.00
47. 47.00	Other	47.00
48. 48.00	Other	48.00
49. 49.00	Other	49.00
50. 50.00	Other	50.00
51. 51.00	Other	51.00
52. 52.00	Other	52.00
53. 53.00	Other	53.00
54. 54.00	Other	54.00
55. 55.00	Other	55.00
56. 56.00	Other	56.00
57. 57.00	Other	57.00
58. 58.00	Other	58.00
59. 59.00	Other	59.00
60. 60.00	Other	60.00
61. 61.00	Other	61.00
62. 62.00	Other	62.00
63. 63.00	Other	63.00
64. 64.00	Other	64.00
65. 65.00	Other	65.00
66. 66.00	Other	66.00
67. 67.00	Other	67.00
68. 68.00	Other	68.00
69. 69.00	Other	69.00
70. 70.00	Other	70.00
71. 71.00	Other	71.00
72. 72.00	Other	72.00
73. 73.00	Other	73.00
74. 74.00	Other	74.00
75. 75.00	Other	75.00
76. 76.00	Other	76.00
77. 77.00	Other	77.00
78. 78.00	Other	78.00
79. 79.00	Other	79.00
80. 80.00	Other	80.00
81. 81.00	Other	81.00
82. 82.00	Other	82.00
83. 83.00	Other	83.00
84. 84.00	Other	84.00
85. 85.00	Other	85.00
86. 86.00	Other	86.00
87. 87.00	Other	87.00
88. 88.00	Other	88.00
89. 89.00	Other	89.00
90. 90.00	Other	90.00
91. 91.00	Other	91.00
92. 92.00	Other	92.00
93. 93.00	Other	93.00
94. 94.00	Other	94.00
95. 95.00	Other	95.00
96. 96.00	Other	96.00
97. 97.00	Other	97.00
98. 98.00	Other	98.00
99. 99.00	Other	99.00
100. 100.00	Other	100.00

**DRAFT DECISION LETTER**

**Address:** 28 Blomfield Road, London, W9 1AA,

**Proposal:** Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.

**Plan Nos:** Site Plan, P/200, P - 201 REV C, P - 202 REV C, only), Design and Access Statement dated January 2016, Tree Survey/ Arboricultural Report prepared by ACS consulting dated 18 January 2016 and Arboricultural Report Addendum prepared by ACS dated 11 May 2016.

FOR INFORMATION ONLY: Structural Methodology Statement and appendices prepared by Elliot Wood dated November 2015, Method Statement for Excavation dated 30.3.15 rev A, Construction Management Plan dated 30 March 2015

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

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

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

Reason:

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

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

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

Reason:

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

- 4 You must apply to us for approval of detailed drawings including plans, elevations and sections of the following parts of the development; means of escape access in rear garden. You must not start work until we have approved what you have sent us.

You must then carry out the work according to these details. (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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

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

Reason:

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

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

Reason:

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

- 7 You must plant the replacement tree to replace the Purple Plum Tree (No.1), which is to be removed as part of the development hereby approved, in the same place or in any other place we agree to in writing. You must apply to us for our approval of the size and species of the replacement tree, and you must plant the replacement tree within 12 months of removing the original tree. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we approve this application with another of tree of similar size and species to the one that was originally planted.

Reason:

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

- 8 You must provide at least 1 metre of soil depth and a 200mm drainage layer over the roof structure of the basement extension hereby approved prior to occupation of the extension. Thereafter you must permanently retain the soil depth and drainage layer over the basement extension.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013, CM28.1 of the Consolidated Draft Version of Westminster's City Plan: Strategic Policies (June 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

#### **Informative(s):**

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

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

- 2 In respect of the stump of the dead American Sweetgum. Under the terms of s 206 of the Town and Country Planning Act 1990, it is the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as reasonably possible, unless on application the Council dispenses with this requirement. The duty to replant is a legislative duty. We will need to formally agree the size and species and location of the replacement. You can contact our Arboricultural team on 020 7641 2922.
- 3 In recognition of the greater susceptibility of basements to flooding from surface water and sewerage in comparison to conventional extensions, it is recommended you install a 'positive pumped device' (or equivalent reflecting technological advances) in the basement.
- 4 You are advised that this permission is not for the installation of any mechanical plant in the basement. Should you wish to install any mechanical plant at the property which is outside or internal with extraction to an exterior surface or location, you will need to obtain planning permission.
- 5 You should include environmental sustainability features in your development. For more advice on this, please look at our supplementary planning guidance on 'Sustainable buildings'. This will make sure that the development causes as little damage as possible to the environment. However, if the features materially (significantly) affect the appearance of the outside of the building, this is likely to need planning permission. (I91AA)
- 6 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:  
  
Thames Water Utilities Ltd  
Development Planning  
Maple Lodge STW  
Denham Way  
Rickmansworth  
Hertfordshire  
WD3 9SQ  
Tel: 01923 898072  
Email: Devcon.Team@thameswater.co.uk
- 7 This permission is based on the drawings and reports submitted by you including the structural



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

- 8 The 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](http://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](mailto: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.**

This page is intentionally left blank