



City of Westminster

# Committee Agenda

Title:

**Planning Applications Committee (2)**

Meeting Date:

**Tuesday 23rd 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 Director of Law 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. TREE PRESERVATION ORDER NO. 622 (2016) - 7 ABBEY ROAD, LONDON NW8 9AA**

(Pages 1 - 12)

Report of the Director of Law

**5. PLANNING APPLICATIONS**

Applications for decision

**Schedule of Applications**

**1. 9 CHAPEL SIDE, LONDON, W2 4LG**

(Pages 15 - 30)

**2. CROSSRAIL PADDINGTON STATION, EASTBOURNE TERRACE, LONDON**

(Pages 31 - 44)

**3. 78 - 110 ROCHESTER ROW, LONDON, SW1P 1JU**

(Pages 45 - 58)

**4. FLAT 1, 57 MONTAGU SQUARE, LONDON, W1H 2LS**

(Pages 59 - 76)

**5. BASEMENT FRONT, 11 UPPER WIMPOLE STREET, LONDON, W1G 6LN**

(Pages 77 - 86)

**6. MOYLE HOUSE, CHURCHILL GARDENS ESTATE, LONDON, SW1V 3BE**

(Pages 87 - 96)

**Charlie Parker**  
**Chief Executive**  
**15.8.2016**

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City of Westminster

# Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 622  
(2016) 7 Abbey Road London NW8  
9AA**

**Date: 23<sup>rd</sup> August 2016**





# Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 622  
(2016) 7 Abbey Road London NW8  
9AA**

**Date: 23<sup>rd</sup> August 2016**

## **Summary of this Report**

The City Council has made a Tree Preservation Order (TPO) to protect two Chestnut trees (T1 and T3), one Ash tree (T2) and one London plane tree (T4) located in the rear garden at 7 Abbey Road London NW8 9AA. The TPO is provisionally effective for a period of six months from 8<sup>th</sup> March 2016 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 7<sup>th</sup> September 2016.

The TPO was made because the trees make a significant contribution to amenity, nature conservation and to the character and appearance of the adjacent St John's Wood Conservation Area. The City Council, having been made aware of the proposal to remove two of the trees considers it expedient in the interests of the amenity that a TPO is made in order to safeguard the preservation and future management of all four trees.

Objection to the TPO has been made by Mrs Sureta Chana the owner of 7a Abbey Road.

The City Council's Arboricultural Officer has responded to the objections.

## **Recommendations**

The Sub-Committee should decide EITHER

(a) NOT to confirm Tree Preservation Order No. 622 (2016); OR

(b) Confirm Tree Preservation Order No. 622 (2016) with or without modification with permanent effect.



City of Westminster

# Committee Report

Item No:	
Date:	23 August 2016
Classification:	General Release
Title of Report:	Tree Preservation Order No. 622 (2016) 7 Abbey Road London NW8 9AA
Report of:	The Director of Law
Wards involved:	Abbey Road
Policy context:	
Financial summary:	No financial issues are raised in this report.
Report Author:	William O'Brien
Contact details	wobrien@westminster.gov.uk

## **1. Background**

- 1.1 Under current legislation the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 622 (2016), authorised by the Director of Planning acting under delegated powers on 4<sup>th</sup> March 2016, was served on all the parties whom the Council is statutorily required to notify and took effect on 8<sup>th</sup> March 2016.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they have to be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 622 (2016) was made following the receipt by the City Council of an email dated 3<sup>rd</sup> March 2016 from Mrs Sureta Chana stating an intent to remove two of the four trees due to the shade cast over the garden. On receipt of notice of such intent, the City Council can make a Tree Preservation Order in order to safeguard the preservation and future management of the trees.
- 1.5 Subsequent to the making of the TPO the City Council received one objection.

## **2. Objection by Mrs Sureta Chana**

- 2.1 On 23<sup>rd</sup> March 2016 the Council's Arboricultural Officer received an email from Mrs Sureta Chana objecting to the TPO on the grounds that:
  - 2.1.1 The trees can only be seen from 7 Abbey Road and therefore are not of public amenity value;
  - 2.1.2 The trees cast shade over the rear garden at 7 Abbey Road;
  - 2.1.3 The leaves shed from the trees into the rear garden at 7 Abbey Road are onerous;
  - 2.1.4 Reasons were not provided for the TPO and there are no good reasons for making a TPO; and
  - 2.1.5 The decision to make the TPO was made hastily without adequate inspection or enquiries and was not informed by the law.



### **3. Response to Objection**

- 3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 21<sup>st</sup> July 2016 stating:
- 3.1.1 The City Council considers the trees are of high amenity value and to make a positive contribution to the character and appearance of the adjacent St John's Wood conservation area.
  - 3.1.2 The trees are visible at least in part from Hill Road and are overlooked by many properties.
  - 3.1.3 The retention of mature trees in private gardens supports the City Council's planning policies by contributing to green infrastructure, biodiversity, and combating pollution and the effects of climate change.
  - 3.1.4 The making of the TPO was considered expedient in the interests of amenity, and was made in response to the objector's stated intent to remove two of the trees in order to safeguard their preservation and future management.
  - 3.1.5 The TPO does not preclude appropriate tree surgery with the consent of the City Council. In general terms the City Council would be likely to consent to any proposed works that would not harm the health or amenity value of the tree.
  - 3.1.6 The shading of the rear garden of 7 Abbey Road is also due to the orientation of the house itself and a neighbouring tall building, and trees only cast shade during the afternoon and latter part of the day.
  - 3.1.7 Other non-protected trees in the rear garden of 7 Abbey Road could be removed to improve light levels.
  - 3.1.8 Leaf drop levels are not a sufficient reason to prevent confirmation of the TPO.
  - 3.1.9 The Arboricultural Officer visited 7 Abbey Road and viewed the trees in January 2015, and viewed the trees from the neighbouring Abbey Road Studios during several visits over recent months, and such inspections were sufficient for her to recommend the making of the TPO.

### **4. Ward Member Consultation**

- 4.1 Ward member comments were sought in this matter but no responses have been received. Should any comments be received, they will be reported to the Committee at the meeting.

## **5. Conclusion**

- 5.1 In the light of the representations received from the objector it is for the Planning Applications Sub-Committee to decide whether to confirm the TPO, with or without modification, or whether the TPO should not be confirmed.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT WILLIAM O'BRIEN, COMMERCIAL AND CORPORATE PROPERTY, LEGAL SERVICES ON 020 7641 1478 (FAX 020 7361 3488) (Email wobrien@westminster.gov.uk)

### **Local Government (Access to Information) Act 1985**

#### **Appendix 1 - Copy of TPO 622 (2016)**

##### **Background Papers**

1. Mrs S Chana email dated 3<sup>rd</sup> March 2016
2. Mrs S Chana email dated 23<sup>rd</sup> March 2016
3. City Council letter dated 21<sup>st</sup> July 2016

**TREE PRESERVATION ORDER**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**CITY OF WESTMINSTER TREE PRESERVATION ORDER 622 (2016)**

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The Westminster City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order –

**Citation**

1. This Order may be cited as The City of Westminster Tree Preservation Order 622 (2016)

**Interpretation**

2. (1) In this Order “the authority” means Westminster City Council.  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

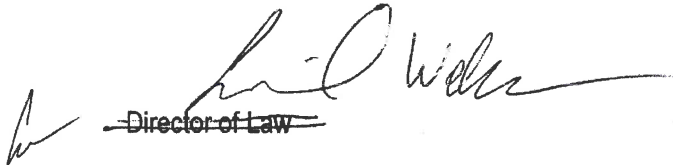
**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 8<sup>th</sup> day of March 2016

THE COMMON SEAL OF THE LORD )  
MAYOR AND CITIZENS OF THE )  
CITY OF WESTMINSTER was )  
hereunto affixed by order: )



  
~~Director of Law~~  
PRINCIPAL SOLICITOR

Seal No  
191  
55776

**SCHEDULE  
SPECIFICATION OF TREES**

*Trees specified individually  
(encircled in black on the map)*

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>T1</b>	<b>Chestnut</b>	<b>7 Abbey Road London NW8 9AA</b>
<b>T2</b>	<b>Ash</b>	<b>7 Abbey Road London NW8 9AA</b>
<b>T3</b>	<b>Chestnut</b>	<b>7 Abbey Road London NW8 9AA</b>
<b>T4</b>	<b>London plane</b>	<b>7 Abbey Road London NW8 9AA</b>

*Trees specified by reference to an area  
(within a dotted black line on the map)*

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>None</b>		

*Groups of trees  
(within a broken black line on the map)*

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>None</b>		

*Woodlands  
(within a continuous black line on the map)*

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>None</b>		



Scale 1:1,250  
 0 5 10 20 Metres  
 N  
 W E S

City of Westminster  
 Corporate GIS Team

Map produced by Corporate GIS Team  
 Date: March 2015 Map Reference: 906

**Tree Preservation Order Westminster no. 622**  
**7 Abbey Road, London NW8 9AA**

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Director of Law **PRINCIPAL SOLICITOR**

Signed:

DATED 8<sup>th</sup> March 2016

THE TOWN AND COUNTRY PLANNING  
ACT 1990 (AS AMENDED)

CITY OF WESTMINSTER

TREE PRESERVATION ORDER 622 (2016)

7 Abbey Road  
London  
NW8 9AA

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TREE PRESERVATION ORDER  
MADE FOR THE PURPOSES  
OF SECTION 198 OF THE  
TOWN AND COUNTRY  
PLANNING ACT 1990  
(AS AMENDED)

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Tasnim Shawkat  
Director of Law  
Westminster City Council  
Westminster City Hall  
Victoria Street  
LONDON SW1E 6QP

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# Agenda Item

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 23rd August 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s): 16/05301/FULL  Lancaster Gate	9 Chapel Side London W2 4LG	Excavation of a basement beneath the footprint of the original dwelling incorporating an internal lightwell; alterations to windows and doors in the front elevation; replacement of roof, including increased roof pitch, new tiles, rooflights and vents.	
2.	RN NO(s): 16/06905/XRPS  Hyde Park	Crossrail Paddington Station Eastbourne Terrace London	Request for approval of plans and specifications (permanent works) pursuant to Schedule 7 of the Crossrail Act 2008 for a stainless steel cylindrical ventilation exhaust flue housing structure on the pedestrian highway to Eastbourne Terrace (measuring 4m high and 92.5cm wide).	
3.	RN NO(s): 16/01732/FULL  Vincent Square	78 - 110 Rochester Row London SW1P 1JU	Erection of a roof extension to provide six residential units (use class C3) and associated alterations.  (ADDENDUM REPORT)	
4.	RN NO(s): 16/05048/FULL 16/05049/LBC  Bryanston And Dorset Square	Flat 1 57 Montagu Square London W1H 2LS	Erection of a single storey extension at roof level to the rear mews building, glazing over the lightwell, associated internal alterations to the basement and ground floor.	
5.	RN NO(s): 16/04377/FULL 16/04378/LBC  Marylebone High Street	Basement Front, 11 Upper Wimpole Street London W1G 6LN	Replacement of basement level sash window with French doors (rear of front basement flat).	

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 23rd August 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Applicant
6.	RN NO(s): 15/07463/COFUL  Churchill	Moyle House Churchill Gardens Estate London SW1V 3BE	Retention of replacement external trunking and light fittings in the common areas on the underside of walkways.	
<b>Recommendation</b> Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.				

# Agenda Item 1

Item No.
1

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>9 Chapel Side, London, W2 4LG,</b>		
<b>Proposal</b>	Excavation of a basement beneath the footprint of the original dwelling incorporating an internal lightwell; alterations to windows and doors in the front elevation; replacement of roof, including increased roof pitch, new tiles, rooflights and vents.		
<b>Agent</b>	Joanna Espin-Silvester		
<b>On behalf of</b>	Mr Luke Quinn		
<b>Registered Number</b>	16/05301/FULL	<b>Date amended/ completed</b>	13 June 2016
<b>Date Application Received</b>	6 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

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

## 2. SUMMARY

<p>The application site is a two storey mid terraced single family dwelling located on the west side of Chapel Side. The property is not listed but lies within the Bayswater Conservation Area.</p> <p>Permission is sought for the excavation of a basement beneath the entire footprint of the building, for the replacement of the roof, which will have a slightly steeper pitch (and increased height) and for alterations to the front elevation windows and doors.</p> <p>The key considerations are:</p> <ul style="list-style-type: none"> <li>- Impact on the character and appearance of this building and the wider conservation area.</li> <li>- Impact on the residential amenity of the occupants of neighbouring properties; and</li> <li>- Impact of the basement excavation on the structural stability of this and neighbouring buildings.</li> </ul> <p>Subject to conditions the proposed development would be consistent with the Unitary Development Plan (UDP) and Westminster's City Plan policies. The application is therefore recommended for approval.</p>
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## 3. LOCATION PLAN



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**4. PHOTOGRAPHS**



**Views from Chapel Side**



**5. CONSULTATIONS**

WARD COUNCILLORS FOR LANCASTER GATE  
Any comments to be reported verbally.

Item No.
1

#### BAYSWATER RESIDENTS ASSOCIATION

Objects on grounds of the adverse structural impact, narrow mews means that there will be severe disruption for neighbours, shall foundations will require underpinning and the submission of an engineers report, the applicants works timetable is considered to underestimate the time it will take to complete the works and the setting of an undesirable precedent.

#### BUILDING CONTROL

No objection. The submitted structural information is considered to be acceptable.

#### HIGHWAYS PLANNING

No objection.

#### ENVIRONMENTAL HEALTH

No objection subject to a condition in relation to external noise.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53

Total No. of replies: 6 objections from 3 residents raising some or all of the following points:

- Application building is historically important forming part of a terrace of workers housing.
- It is not clear what services application site shares with neighbours, there is a shared chimney.
- Obstruction to road, and existing parking, particularly give it is a narrow single lane.
- Considerable disruption, noise, dirt, vibration which is likely to be amplified by the narrow nature of the mews.
- Potential for structural damage to application buildings and neighbouring properties.
- Works timetable provided by applicant is unrealistic.
- Precedent set for other such developments

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a two storey, mid-terrace single family dwelling house located on the west side of Chapel Side. The building is not listed but lies within the Bayswater Conservation Area. Built in the mid-nineteenth century the property and the terrace it forms part of are likely to have formed part of the first phase of the development of this part of Bayswater. The property has a rendered ground floor, exposed brick first floor and a tiled roof. The property shares a rear party wall with the larger residential building, Palace Court. The area is predominantly residential in character with buildings of a variety of styles in the immediate vicinity.

### 6.2 Recent Relevant History

Planning permission was refused on the 10<sup>th</sup> July 2013 for the demolition of no's 8, 9 and 10 Chapel Side to allow replacement with 4 single family houses consisting of basement and two upper floors. This application was refused on the grounds that the buildings due to their age, scale and design positively contribute to the character and appearance of the conservation area and their demolition would be contrary to policy. (07/06466/FULL) The subsequent appeal was dismissed.

Item No.
1

## **7. THE PROPOSAL**

Permission is sought for the excavation to form a basement beneath the buildings entire footprint including an internal lightwell to provide light down to the basement floor. The works also include the replacement of the existing front elevation windows and for the replacement of the roof. The new roof will include vents for an internal heat recovery system, new rooflights and a slightly steeper roof pitch which will increase the roof by approximately 20cm.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

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

### **8.2 Townscape and Design**

The existing building dates from the mid 19<sup>th</sup> century and appears to have been originally constructed as a single dwelling house, a use it still retains. The building is considered to make a positive contribution to the character and appearance of this part of the conservation area, and it forms part of a short run of similar properties to the east side of Chapel Side which all retain much of their original mid Victorian character.

The subterranean development is lit only by an internal lightwell set within the ground floor room, and as such it will have no visual impact on the building and is therefore considered acceptable in design terms.

There are two existing rooflights located on the rear roofslope of the building, and their removal and replacement with two new rooflights of matching size and to a matching location will not adversely affect the building. The slight increase in height of the roof is uncontentious, and the cladding of it in natural slates which are to be secured by condition is considered acceptable. The two vents associated with the MVHR system are small in size and a section drawing is to be secured by condition to demonstrate that they will not be visible from street level.

The four windows to the front elevation are proposed to be enlarged, however the existing windows are relatively small later additions to the building and they are generally smaller in scale than those existing original Victorian windows to the adjoining buildings. The new windows will have appropriate brick arches above which are to be secured by condition, and appropriate sliding sash windows and this work would not be harmful to the character and appearance of the building. One further new window is proposed to be added to first floor level however, and this particular window is considered inappropriate as it would clutter the elevation with an awkwardly small window and it would break the harmony to this run of Victorian buildings which all have a consistent rhythm of two windows each to ground and first floor levels. As such, an amending condition is added requiring this window to be removed from the scheme.

Subject to the conditions recommended, in design terms the proposals are considered to be acceptable and in accordance with policies DES1, DES5, DES 6 and DES9 of the UDP as well as policies CM28.1, S25 and S29 of the City Plan.

### **8.3 Residential Amenity**



The increased size of the front elevation windows is modest so the impact on overlooking is not material. Similarly the new rear rooflights will not worsen the existing situation for neighbouring residents. The roof is to be increased in height by approximately 20cm, while there are some windows located behind the property to the rear of Palace Court, this small increase in height is not considered to have a significant material impact.

The subterranean nature of the development means that once complete there is no significant amenity impact on neighbouring properties.

The proposals would therefore comply with policy ENV13 of the UDP as well as policy S29 of the City Plan.

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

There is no increase in the number of residential units. The property does not have an off street parking space at present and this will not be altered by this application. The impact of construction on vehicle movement will be addressed later in this report. The Highways Planning Manager raises no objection to the application.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The proposals would not affect access to the property.

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

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 to applications received after the date of publication of the Code of Construction Practice document. As this application was received prior to the 17<sup>th</sup> July 2016, the CoCP does not apply to this application.

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

#### **8.8 London Plan**

This application raises no strategic issues.

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

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



**8.10 Planning Obligations**

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

**8.11 Environmental Impact Assessment**

The application is of an insufficient size to trigger the requirement for the submission of an EIA.

**8.12 Other Issues**

*Basement Excavation*

Objections have been raised to potential instability resulting from basement excavation. However, the applicant has submitted a Structural Methodology Statement by a suitably qualified engineer. The application site is also not located within a flood risk area and this development is not considered high risk. Accordingly, the requirements of emerging policy CM28.1 of the City Plan have been met insofar as they relate to structural stability.

*Construction Management*

Objectors are concerned about noise and disruption as a consequence of construction and the implications for vehicle movement within the road. The narrowness of the road is felt by objectors to worsen the impact. The applicant has submitted a Construction Management Plan (CMP) with the application to outline the likely arrangements during the excavation and construction process. Objectors are concerned that the construction timetable is overly optimistic.

The information provided is considered to be sufficient to meet the aims and objectives of the Basement SPD. A condition is also recommended to ensure that a revised CMP is submitted that contains further details once a main contractor had been appointed, such as provision of a more detailed and informed construction timetable and 24 hour contact number. Concerns about vehicular access to and movement within the road are valid concerns but are not grounds for withholding planning permission, highways licensing will control the placement of skips.

*Other Objections*

An objector expressed concerns about the precedent that allowing this development would set. However all future applications would be assessed on their merits and with regard to adopted policy at the time.

*Plant and Noise*

The proposals include the provision of a heat recovery ventilation system. This does not include any external plant equipment, with the only external manifestation being small vents located within the roof pitch. The unit is installed internally in the attic space, it is understood that this does not create any noise. No objection has been received from Environmental Health in relation to these proposals, however an informative is recommended to advise the applicant that, should they wish to install plant in the future, they would require a further application for planning permission.

Environmental Health has requested a condition to ensure that noise from external sources kept to acceptable limits. As the application relates to an existing single family dwelling, it is not considered that such a condition could be justified.

*Refuse /Recycling*

No change to existing situation.

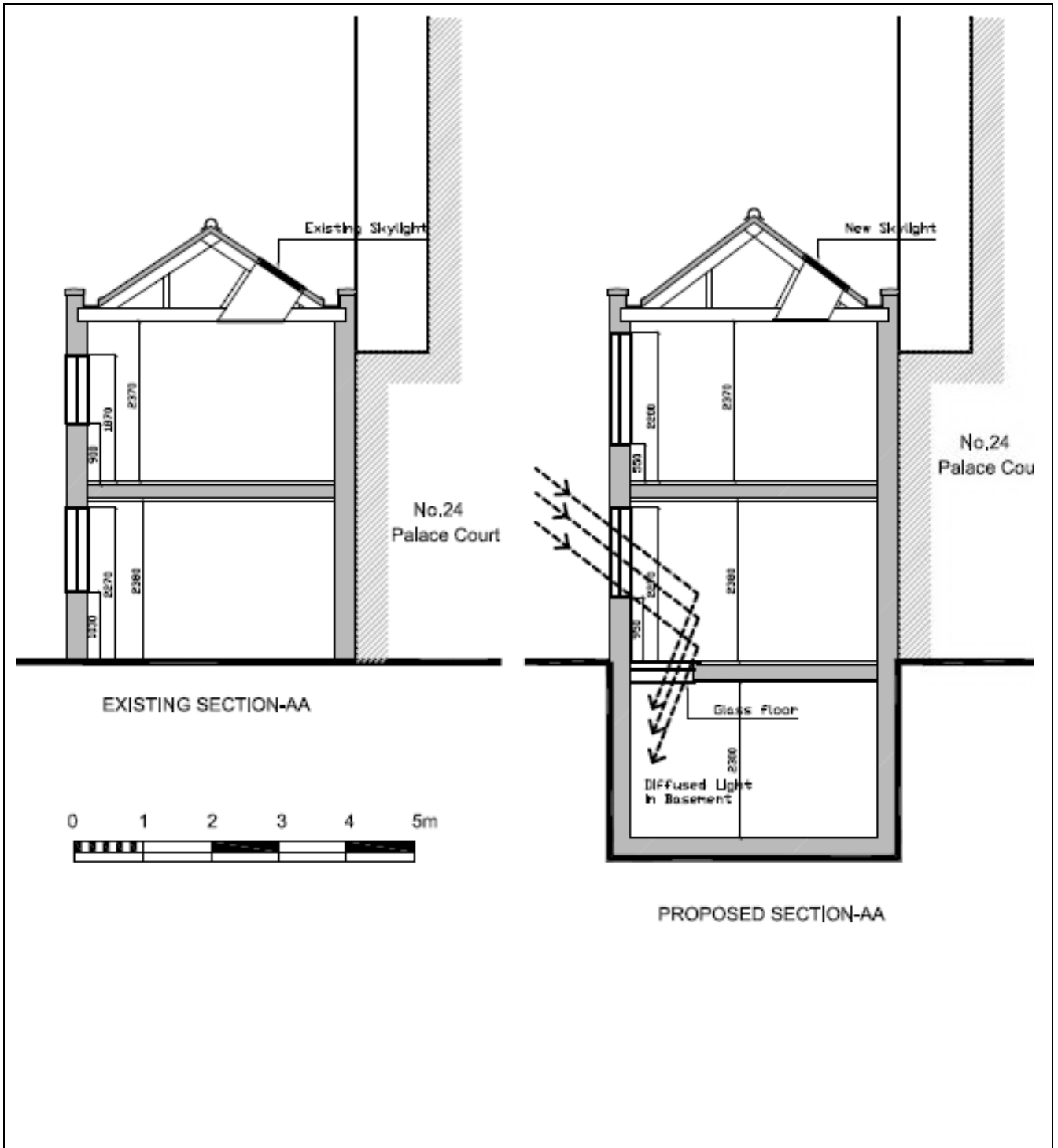
Item No.
1

1. Application form
2. Letter from Bayswater Residents Association, dated 27 July 2016.
3. Email from Building Control, dated 1 July 2016.
4. Memorandum from The Highways Planning Manager, dated 5 July 2016.
5. Response from Environmental Health, dated 13 July 2016
6. Email from occupier of 27 Chapel Side, dated 25 July 2016
7. Letter and emails from occupier of 28 Chapel Side, off Moscow Road, Bayswater, dated 7 & 26 July and 6 August 2016
8. Letter from occupier of 26 Chapel Side, London, dated 13 July 2016

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

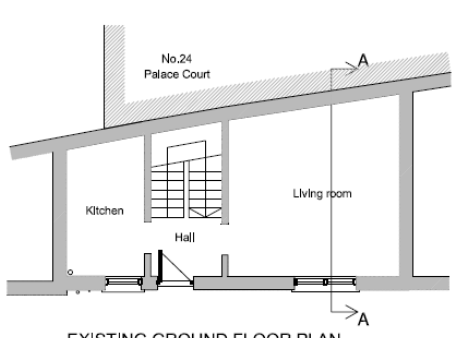
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER RUPERT HANDLEY: BY EMAIL AT [RHANDLEY@WESTMINSTER.GOV.UK](mailto:RHANDLEY@WESTMINSTER.GOV.UK)

10. KEY DRAWINGS

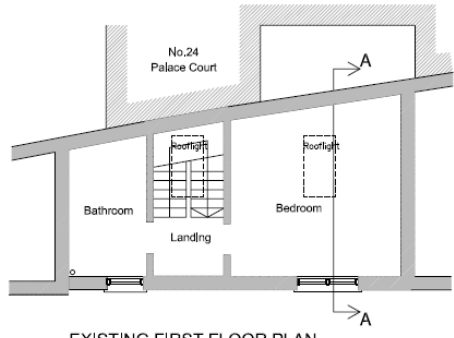




EXISTING EAST ELEVATION NO.9 CHAPEL SIDE



EXISTING GROUND FLOOR PLAN

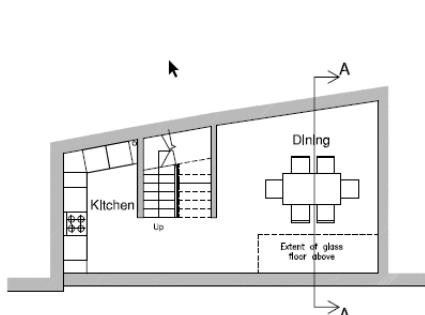


EXISTING FIRST FLOOR PLAN

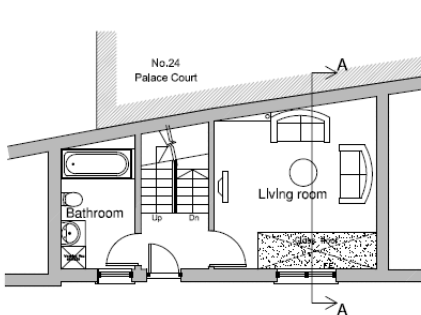
EXISTING ABOVE – PROPOSED BELOW



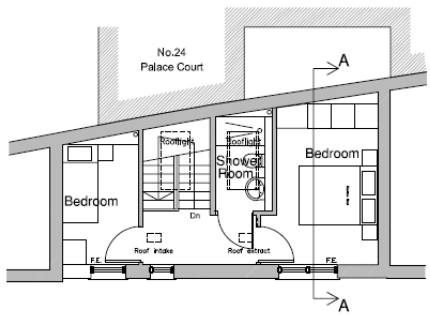
PROPOSED EAST ELEVATION NO.9 CHAPEL SIDE



PROPOSED BASEMENT PLAN



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

**DRAFT DECISION LETTER**

- Address:** 9 Chapel Side, London, W2 4LG,
- Proposal:** Excavation of a basement beneath the footprint of the original dwelling incorporating an internal lightwell; alterations to windows and doors in the front elevation; replacement of roof, including increased roof pitch, new tiles, rooflights and vents.
- Plan Nos:** Acoustic Statement, Construction Management Plan, Construction Health and Safety Plan, Design and Access Statement, Existing Ground and First Floor Plans and East Elevation(A\_001), Existing and Proposed AA Section and Site Photographs (A\_4000A), Foul Sewage and Utilities Assessment, Location Plan and Site Plan 1, Location Plan and Site Plan 2, Mechanical Ventilation Heat Recovery System, Proposed Basement, Ground and First Floor Plans and East Elevation (A\_2001B), Site Deliveries and Waste Storage. For information only: Structural Methodology Statement.

**Case Officer:** Anna Mayers

**Direct Tel. No.** 020 7641 5966

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

To protect the environment of neighbouring occupiers. 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)

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 4 The new windows shall be constructed from timber, painted white and maintained that colour unless otherwise shown on the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

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

- Removal of the additional first floor front elevation window and addition of rooflight if required.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 6 You must apply to us for approval of a detailed drawing of the following parts of the development - the roof vents. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 7 The roof shall be clad in natural slates.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 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.
- 2 The installation of external mechanical ventilation plant would require a further application for planning permission.
- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for

information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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

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

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

Phone: 020 7641 2000

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

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 6 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).



Item No.

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

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# Agenda Item 2

Item No.
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2
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>Crossrail Paddington Station, Eastbourne Terrace, London, W2</b>		
<b>Proposal</b>	Request for approval of plans and specifications (permanent works) pursuant to Schedule 7 of the Crossrail Act 2008 for a stainless steel cylindrical ventilation exhaust flue housing structure on the pedestrian highway to Eastbourne Terrace (measuring 4m high and 92.5cm wide)		
<b>Agent</b>	Matthew Dormer		
<b>On behalf of</b>	Crossrail Limited		
<b>Registered Number</b>	16/06905/XRPS	<b>Date amended/ completed</b>	21 July 2016
<b>Date Application Received</b>	21 July 2016		
<b>Historic Building Grade</b>	Paddington Station Grade I listed		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Approve plans and specifications
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## 2. SUMMARY

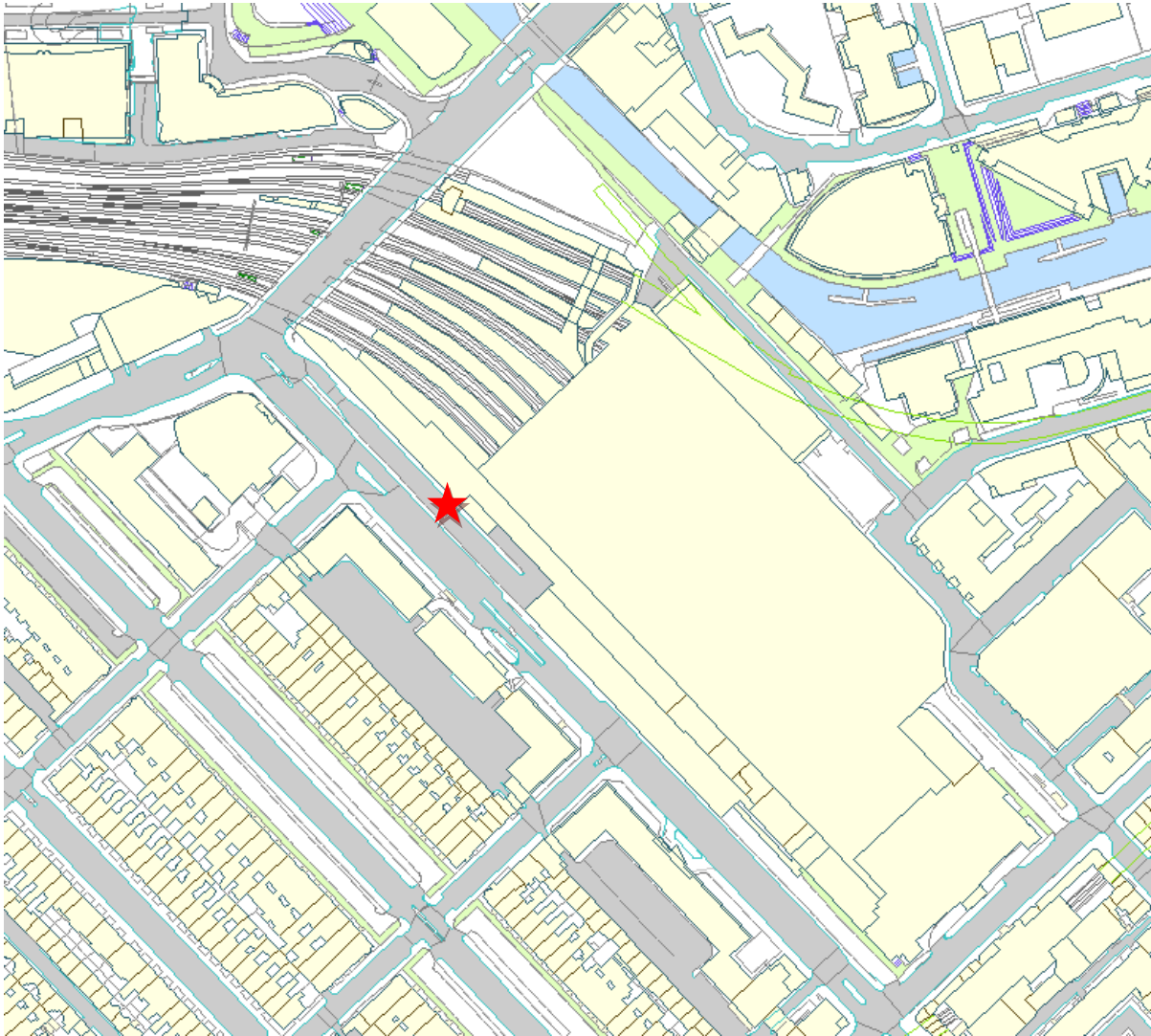
This application under Schedule 7 of the Crossrail Act 2008 is for the construction of a plant room flue housing in the pavement in Eastbourne Terrace .This 4 m circular structure located at the northern end of Eastbourne Terrace, close to the new station ventilation housing, and is required to provide an outlet for an existing plant room in Macmillan House. Unlike normal planning applications in dealing with Crossrail Schedule 7 applications, the City Council can only take into account that the design or external appearance ought to be modified:

- a) To preserve the local environment or local amenity;
- b) To prevent or reduce prejudicial effects on road safety or on free flow of traffic in the area;
- or
- c) To preserve a site of archaeological or historic interest or nature conservation value and is reasonably capable of being so modified

It is accepted that this structure located in a new area of public realm is regrettable, however the applicant has investigated alternative locations, and this option is considered the less damaging. .it is not considered that the proposal will harm the setting of this Grade I listed station or this part of the

Bayswater Conservation Area. Whilst not ideal in highway terms, it will not adversely affect pedestrian movement along this section of Eastbourne Terrace or the free flow of traffic. The application is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

HISTORIC ENGLAND:  
No comments to make.

TRANSPORT FOR LONDON:  
No objection.

DESIGNING OUT CRIME:  
No objections.

BAYSWATER RESIDENTS ASSOCIATION:  
Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION:  
Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:  
Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:  
We accept that this is the least bad of the available options and it appears to be in about the best available location. Query if it needs to be as much as 4m tall? Why is the cladding at the top different in colour (and perhaps in materials) from the stainless steel lower down.

PADDINGTON RESIDENTS ACTIVE CONCERN ON TRANSPORT (PRACT):  
Any response to be reported verbally.

ENVIRONMENTAL HEALTH:  
Any response to be reported verbally.

CLEANSING:  
Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:  
The flue is located within a line of proposed street furniture as part of the Eastbourne Terrace works associated with the new Paddington Crossrail station. While not ideal to have this type of structure within the highway (and usually not supported), given it is linked directly to the Crossrail station infrastructure, on balance no objection is raised in this instance.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:  
No. Consulted: 36  
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes (The formal consultation period expires on 18<sup>th</sup> August 2016)

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

A new Elizabeth Line station is being constructed at Paddington Station beneath Eastbourne Terrace and the Departures Road. As part of this work, a new urban realm is being delivered as part of the station works between Praed Street and Bishop's Bridge Road. This application relates to an area of new pavement at the northern end of Eastbourne Terrace. Paddington Station is Grade I listed and located within the Bayswater Conservation Area.

The application site lies within the Paddington Opportunities Area (POA).

### **6.2 Recent Relevant History**

There has been a number of Schedule 7 applications relating to the Crossrail works at Paddington Station, but of particular relevance to the determination of this latest application are the following:

In 2011, plans and specifications approval were granted by the Planning and City Development Committee for the construction of the new Crossrail station, the canopy structure and two ventilation shaft structures on the Departures Road and Eastbourne Terrace. Approval was also given at the same time for the revised construction arrangements.

6 August 2013 Approval granted for 1) Site restoration works to Eastbourne Terrace Worksite and 2) Plans and specifications of the proposed lighting and other structures outside the Eastbourne Terrace worksite which form part of the overall public realm works. Regard has been had to the City Council's adopted Planning Brief for Paddington Station

## **7. THE PROPOSAL**

This Schedule 7 application seeks approval for the construction of a circular flue housing to be located in the pavement of Eastbourne Terrace, adjacent to one of the new ventilation structures at the northern end of Eastbourne Terrace.

There is an existing plant room (No 4) which is located beneath the Departures Road which provides heating and hot water to Macmillan House at Paddington Station. This plant room houses several gas fired appliances which require outside air. Prior to the Crossrail works, the plant flue outlet and outlet grilles were located in the brick retaining wall between the Departures Road and Eastbourne Terrace. This retaining wall has been removed and replaced as part of the new Crossrail station. Whilst the fresh grilles have been built inside the new wall, it has not been possible to reinstate the exhaust outlet grilles which now have to be at least 3m above ground level in order to comply with British Standards.

Crossrail have investigated a number of alternative locations. Officers initial preferred choice was for this outlet to be incorporated within the new tunnel ventilation housing building on Eastbourne Terrace, but the applicant advises there is insufficient space to accommodate this flue housing.

Another alternative would be to route this outlet at the end of Platform 1 via the Osbourne Tunnel, but this was discounted as being impractical and the flue cannot be routed underground. Another alternative would be to build a new plant room in Macmillan House , but this would be extremely costly and involve significant works to this listed building .The last option was an external outlet .

The design of this proposed outlet has been the subject of pre-application discussions with officers and the local amenity societies .The applicants have considered a new totem housing, which would play a dual role as an outlet and directional signage, however, this resulted in a rather bulky structure in the pavement, and there is already totem signage planned elsewhere in Eastbourne Terrace and would of resulted in too much advertising clutter.

The current proposal is for a circular housing in order to achieve the smallest footprint possible. The structure's elevation is divided into three distinctive zones, a 250mm high dark stone plinth for the base, metal cladding for the middle section with metal weather proofed louvers at the top. The housing will measure 4m high and have an external diameter of 925mm.

The applicant's consider that this simple circular structure will create a slender sculptural object in the streetscape. It is located close to the western head ventilation housing in order to minimise its visual impact and will be partially hidden by the new trees during the summer months.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

This application raises no land use issues. The principle of this development has been authorised under the Crossrail Act 2008 which has conferred the right to construct and maintain Crossrail and other associated enabling works. It has granted deemed planning permission for the construction of Crossrail which resembles outline permission. However, the applicant needs to make submissions under Schedule 7 of the Act for various matters that need the approval of the local planning authority. The Schedule 7 regime is different to the normal planning regime and relates to two different types of submission:-

- i) Plans and specifications (permanent works).
- ii) Construction Arrangements (temporary works).

Unlike a normal planning application, a local planning authority can only refuse to approve (or impose conditions) on the grounds specified in Schedule 7:

That the design or external appearance ought to be modified:

- a) To preserve the local environment or local amenity;



- b) To prevent or reduce prejudicial effects on road safety or on free flow of traffic in the area; or
- c) To preserve a site of archaeological or historic interest or nature conservation value and is reasonably capable of being so modified.

Applications under Schedule 7 are normally dealt with within eight weeks. The applicant does have the right to appeal to the Secretary of State against the decision of a local planning authority to refuse or impose conditions on a Schedule 7 approval.

## 8.2 Townscape and Design

The proposed structure located in the pavement is not ideal from a townscape point of view, but the applicant has looked at other alternative locations but these are not feasible. In terms of its relationship with the setting of the listed Paddington Station, it is considered that its location close to the new larger ventilation housing (currently under construction) will not harm the setting of this Grade I listed building and will preserve the character and appearance of this part of the Bayswater Conservation Area. It is not considered that the proposal will compete with the facade of the listed Macmillan house behind. Historic England raise no comments to the application.

Its circular footprint will assist in reducing its overall bulk. Whilst it would be preferable for this structure to be lower, but at 4 m high it will be partly hidden by the new planting and be a subordinate feature when compared to the much larger ventilation housing.

The use of materials despite the concerns raised by the South East Bayswater Residents Association matches the established materials used elsewhere within the public realm. The use of brushed steel cladding will match the finish of the adjacent bicycle stands and bollards, and the dark base is used on the much larger ventilation structures. Given these samples have already been approved by the City Council as part of earlier approvals, it is not considered necessary to impose a condition to require the submission and approval of these materials.

Overall, whilst not ideal, it is considered that the proposal will preserve the local environment and the local amenity and comply with policies DES7, DES9 and DES10 in the UDP, and policies S25, S28 in the City Plan.

## 8.3 Residential Amenity

It is not considered that this 4 m high circular structure in the pavement will have any adverse impact on the amenity of nearby residents or businesses.

## 8.4 Transportation/Parking

The primary function of the highway is the free and unobstructed movement of the highway, users which includes pedestrians. In dealing with the earlier Schedule 7 application for the new public realm, particular care was taken in respect of the design and location of all new street furniture and to ensure a good quality new pedestrian environment.

It is regrettable that this flue housing has to be sited in the new public realm, but the applicant has investigated a number of alternative locations. Officers concur with the views of the South East Bayswater Residents Association that this is the least disruptive option.

The Highways Planning Manager advises that the proposal is located within a line of new street furniture and whilst not ideal to have this type of structure in the highway given it is associated with the Crossrail infrastructure it is on balance acceptable. It is not considered that this proposal will affect pedestrian movement along this part of Eastbourne Terrace or affect the free flow of traffic.

### **8.5 Economic Considerations**

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

### **8.6 Access**

It is not considered that the proposal will affect the free flow of pedestrians in respect of those with disabilities.

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

#### **Air Quality**

The formal views from Environmental Health are awaited and will be reported verbally.

#### **Archaeology**

This application raises no new archaeological considerations

#### **Nature Conservation**

This application raises no nature conservation issues.

#### **Noise**

It is not considered that the proposed air intake outlet will result in noise nuisance to nearby commercial premises or nearby residents, or affect pedestrians using Eastbourne Terrace.

### **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 for the determination of this application

#### **8.12 Other Issues**

##### **Crime and security**

The Designing Out Crime Officer raises no objections from a security point of view.

#### **9. BACKGROUND PAPERS**

1. Application form
2. Response from Historic England dated 3 August 2016
3. Email from Designing Out Crime Officer dated 28 July 2016.
4. Response from South East Bayswater Residents Association, dated 30 July 2016.
5. Memorandum from Highways Planning Manager dated 9 August 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: RUPERT HANDLEY BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk)

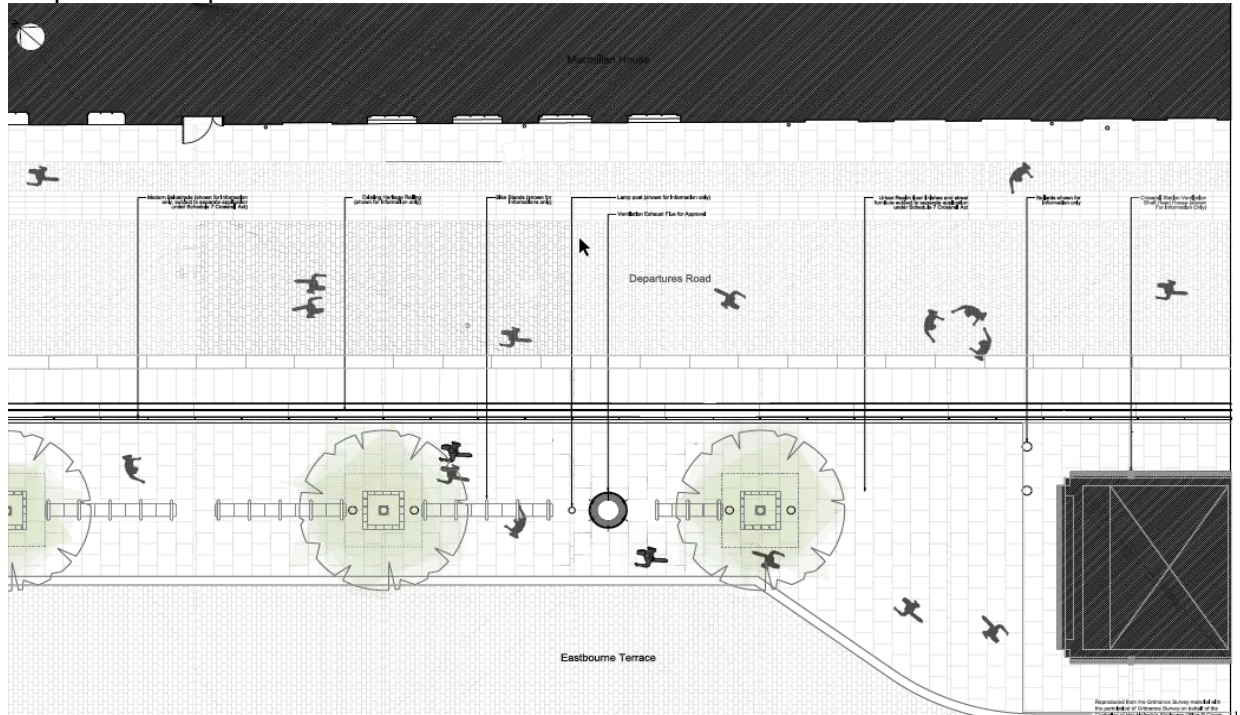
10. KEY DRAWINGS



Visuals of the proposed structure viewed from Eastbourne Terrace.



Proposed floor plan



Revision	Description	By	Date



Project Information

Project: [Project Name]

Client: [Client Name]

Contract No: [Contract No]

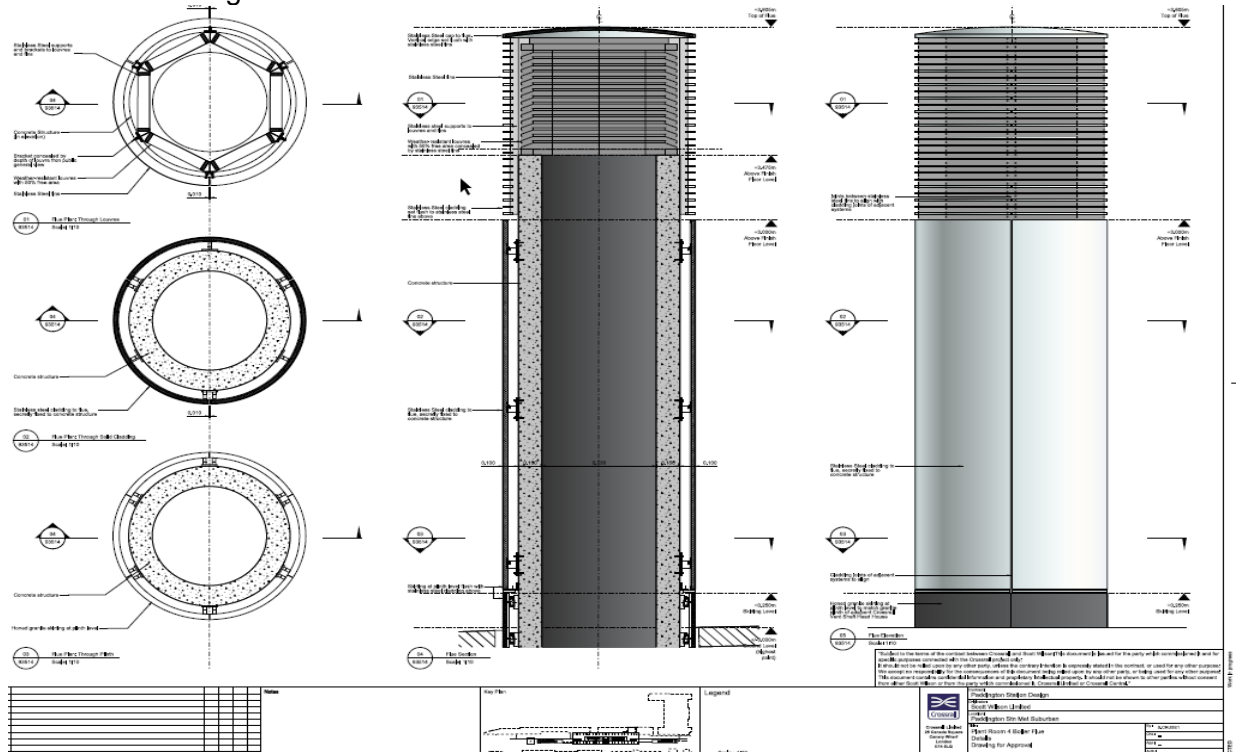
Drawn by: [Name]

Checked by: [Name]

Date: [Date]

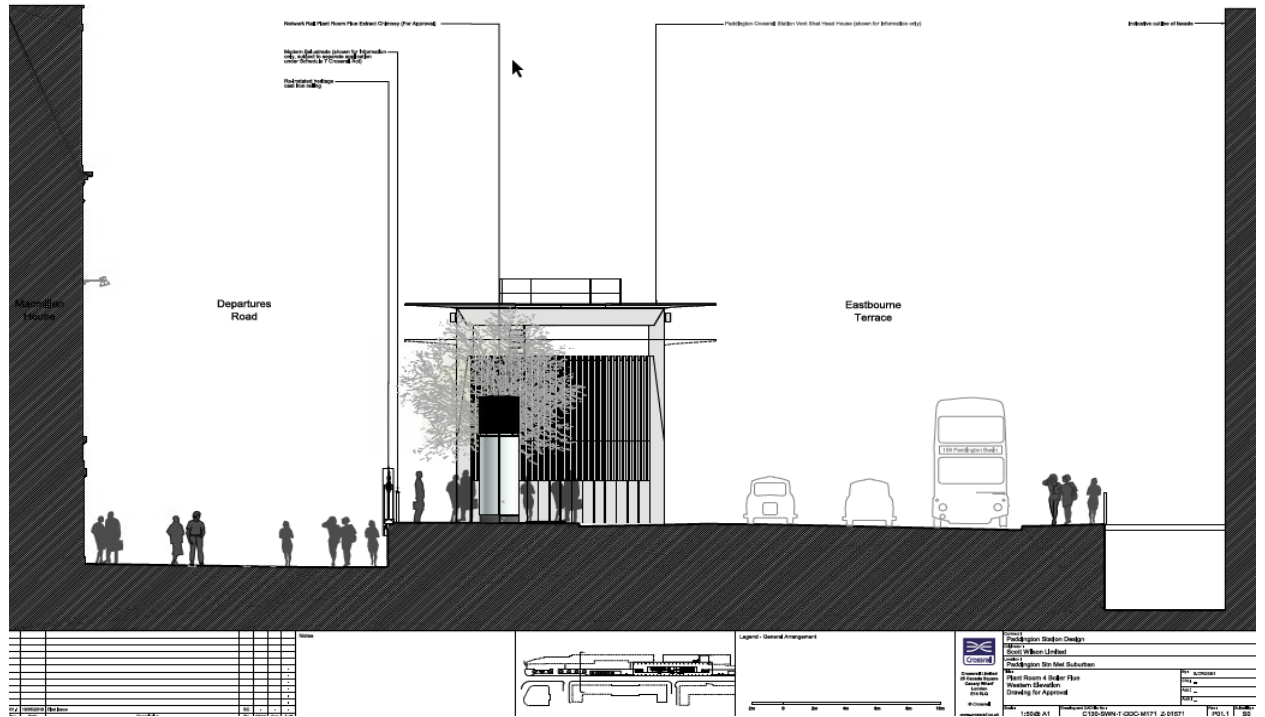
Scale: 1:1000

Details of housing





Western elevation



Southern elevation(Eastbourne Terrace)



**DRAFT DECISION LETTER**

**Address:** Crossrail Paddington Station, Eastbourne Terrace, London, W2,

**Proposal:** Request for approval of plans and specifications (permanent works) pursuant to Schedule 7 of the Crossrail Act 2008 for a stainless steel cylindrical ventilation exhaust flue housing structure on the pedestrian highway to Eastbourne Terrace (measuring 4m high and 92.5cm wide) in association with the new Crossrail station

**Reference:** 16/06905/XRPS

**Plan Nos:** Covering letter dated 6 July 2016 ;Written Statement for Information Ref WES/4/56 Document Number :C405-XRL-T-QAP-CR001\_1-50067; Request for approval plans and specifications.C130-SWN-T-DDA-M171\_1-97509 REV  
P01.1;C130-SWN-T-DDA-M171\_A-97510 REV  
P01.1;C130-SWN-T-DDC-M171\_Z-01569 REV  
P01.1;C130-SWN-T-DDC-M171\_Z-01571 REV  
P01.1;C130-SWN-T-DDD-M171\_Z-93514 REV P01.1.

**Case Officer:** Amanda Coulson

**Direct Tel. No.** 020 7641 2875

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

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

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Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Vincent Square	
<b>Subject of Report</b>	78 - 110 Rochester Row, London, SW1P 1JU,		
<b>Proposal</b>	Erection of a roof extension to provide six residential units (use class C3) and associated alterations.		
<b>Agent</b>	Turley		
<b>On behalf of</b>	Wrenton Limited		
<b>Registered Number</b>	16/01732/FULL	<b>Date amended/ completed</b>	28 July 2016
<b>Date Application Received</b>	26 February 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

The application was considered by Planning Committee on 7 June 2016. The application was deferred to allow the applicant to revise the proposal to ameliorate the impact upon light reaching the rooflight to flat 17 and also to seek clarification regarding the ownership of the rooflight.

**ROOFLIGHT**

The applicant has provided a written response stating the development over the existing rooflight would not breach the terms of the lease the occupiers of flat 17 hold, a view shared by the applicant's solicitors. The applicant also contends the original proposal would be in accordance with relevant planning policy. Notwithstanding these positions, the applicant proposes the installation of a light tube which would allow natural lighting of the rooflight to flat 17. The occupier of flat 17 has been consulted on this revision and does not object to the principle of a light tube, but has raised concern over the light tube being positioned off centre in the belief that this could result in an uneven distribution of light. Light tubes are designed so that a diffuser (which in this case would be located above the existing rooflight) spreads light evenly into the room below. The occupier of flat 17 has also suggested the light tube should be secured by condition. A condition to this effect has been recommended.

### MEANS of ESCAPE

The occupier of flat 17 maintains the objection to the loss of the means of escape across the top of the roof. The applicant has provided the existing fire strategy for the building which does not refer to a fire escape on top of the roof. It states that the means of escape for all flats is via the common parts to the ground floor (and the roof is not a common part of the building). Officers consider that it would be for the owner of the building and the leaseholders to resolve any dispute over rights of access and this matter falls outside of planning control. The City Council's District Surveyor has verbally confirmed that the building regulations take into account means of escape to ensure all occupiers are adequately safe in the event of a fire.

### ADDITIONAL COMMENTS

In addition to the comments referred to above from the occupier of flat 17, three further objections have been received since Planning Committee on 7 June 2016. These objections are from and on behalf of residents opposite the application site within 75 Rochester Row. The residents reiterate and expand upon the concerns previously raised, and can be summarised as follows:

- The proposed extension would result in loss of privacy through overlooking (which is a breach of Human Rights legislation);
- The proposed extension would result in a loss of daylight, loss of sunlight and overshadowing;
- The proposed extension would be visually unacceptable because it would not be in-keeping with the scale and massing of other buildings within the area; and
- The proposed extension would result in loss of views over the building (towards Westminster Cathedral) currently enjoyed by the residents.

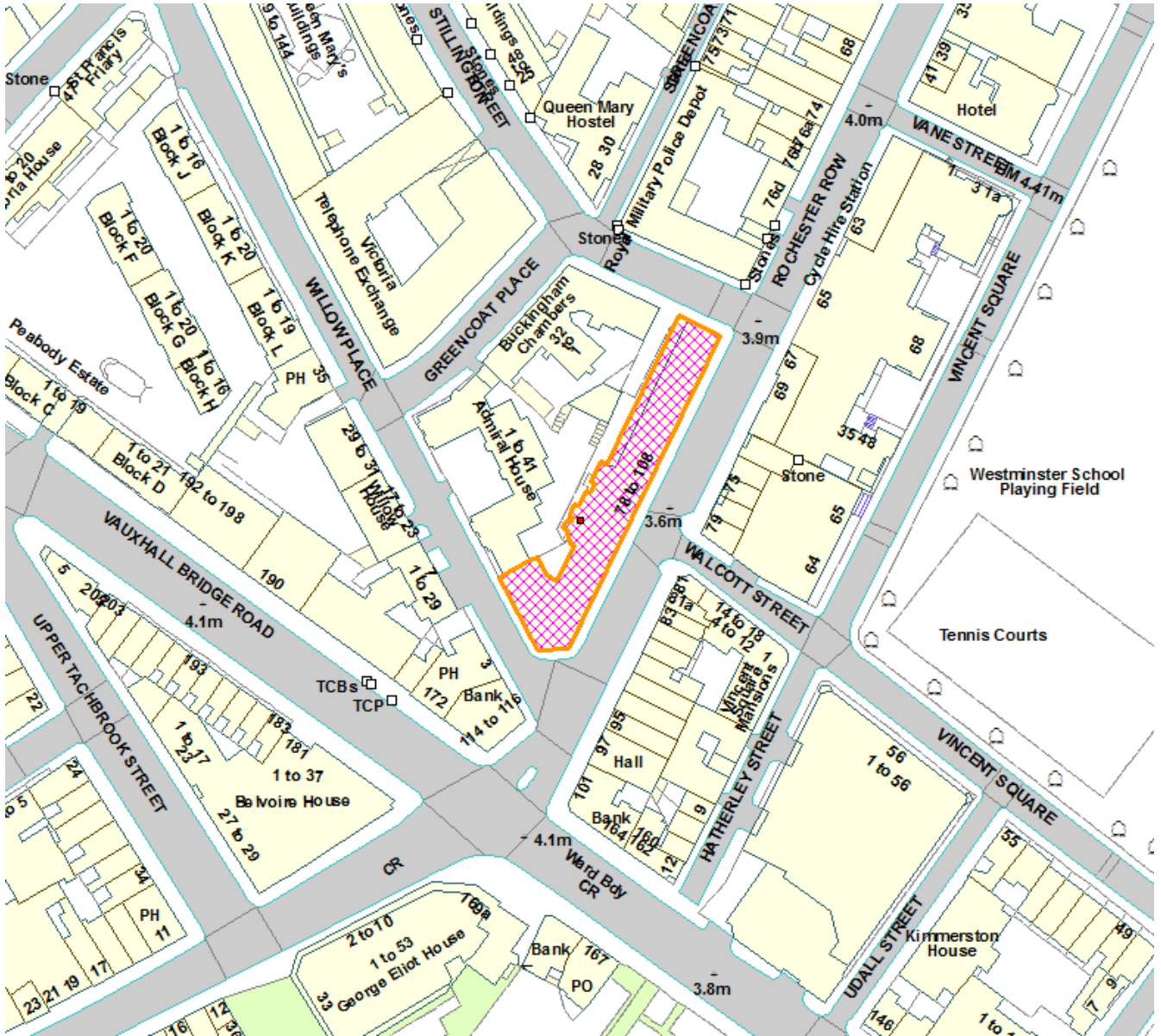
The residents note that 75 Rochester Row only faces the office part of the application building and the new residential windows would result in a detrimental loss of privacy, and a breach of their Human Rights (as described in the Human Rights Act 1998). As previously noted, the site and 75 Rochester Row are of a sufficient distance apart (approx. 15.5m) so as not result in undue harm in terms of overlooking. One objector has raised the issue of the proposal potentially impacting on the human right to enjoy one's possessions and land, along with the right to a private and family life. The Council is satisfied that any interference with an individual's rights in terms of Article 8 of the Human Rights Act, which requires that "respect" be given to private and home life, would be a proportionate means of achieving a legitimate end, that being the Council's function to determine planning applications. This right exists for both the applicant as well as the objector. It is considered that there is nothing in human rights or equality law that could, as a matter of law, require the application for planning permission to be refused and the objections on these grounds cannot therefore be supported.

As previously noted, the extension would not result in a noticeable loss of daylight or sunlight to those opposite at 75 Rochester Row. Officers concur with the finding of the submitted daylight and sunlight report which found no windows at 75 Rochester Row would suffer a loss of light that would be noticeable.

The proposed extension is comparable in height to neighbouring properties. As previously noted, the extension would successfully integrate into the host property and would contribute positively to the townscape.

The loss of private views is not a material planning consideration. If outlook becomes unacceptably enclosed then this can be considered a planning matter. As previously noted, the development would not unduly increase the sense of enclosure to neighbouring occupiers.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



78 – 110 Rochester Row  
(View along Rochester Row/ junction with Willow Place)

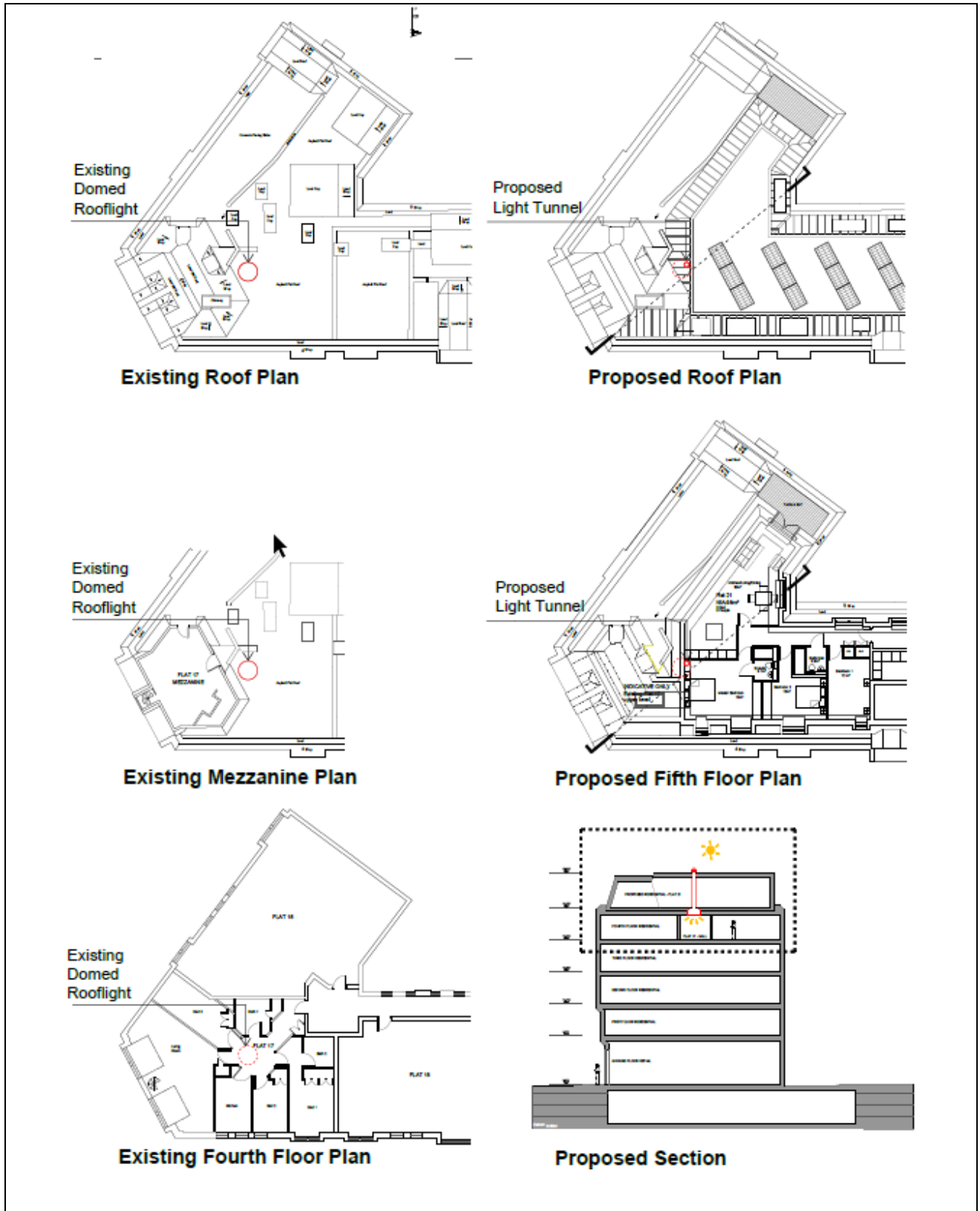
## 5. BACKGROUND PAPERS

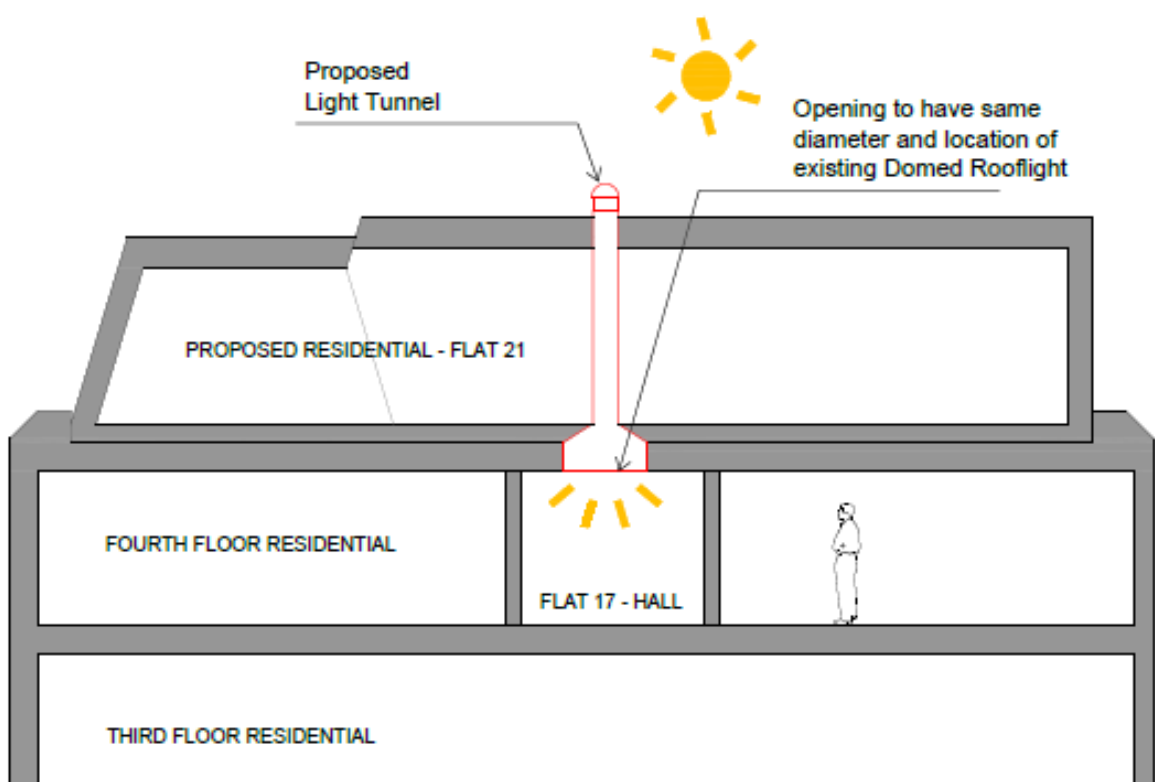
1. Application form.
2. Officer report for Planning Applications Committee 7 June 2016 and background papers.
3. Letter from Turley dated 20 July 2016.
4. Letter from occupier of Flat 17,102 Rochester Row 02 August 2016.
5. Letter from Aspect Property Services Ltd on behalf of the leaseholders at 75 Rochester Row dated 05 August 2016.
6. Letter from occupier of Flat 14, 75 Rochester Row dated 1 April 2016 and 07 August 2016.
7. Letter from MGA on behalf of the leaseholders at 75 Rochester Row dated 08 August 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: VINCENT NALLY BY EMAIL AT [vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk).

6. KEY DRAWINGS





**Proposed Section Detail**

**Light Tunnel**



Proprietary manufacturer's specification for provided Lumen levels for an internal corridor as found in flat 17  
 (Parameters: location, orientation, room use, room area and height, roof type and pitch)

VELLUX sun tunnel calculator

Use this guide to find your perfect VELLUX sun tunnel solution

Location	House specifications	Result
----------	----------------------	--------

**Your results**

With a VELLUX sun tunnel you will get this amount of natural light in your room:

 486 lux / 4643 lumens	 486 lux / 4632 lumens	 33 lux / 317 lumens	 approximately 600 lumens = 60 light bulbs. Number of light bulbs have been rounded down to the nearest integer.
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**Products for recommended solution**

We recommend at least 100 lux for your room, thus we recommend installing 1 VELLUX sun tunnel(s).

 1 X Rigid sun tunnel TLR, 14" diameter £348.00	£348.00	<a href="#">Mail link to this calculation</a> <a href="#">Print this calculation</a>
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**DRAFT DECISION LETTER**

**Address:** 78 - 110 Rochester Row, London, SW1P 1JU,

**Proposal:** Erection of a roof extension to provide six residential units (use class C3) and associated alterations.

**Plan Nos:** L624\_P(0)001, L624\_P(0)010, L624\_P(0)011, L624\_P(0)012, L624\_P(0)013, L624\_P(0)014, L624\_P(0)020, L624\_P(0)021, L624\_P(0)101, L624\_P(0)102, L624\_P(0)103, L624\_P(0)104 rev:A, L624\_P(0)105 rev:A, L624\_P(0)201, L624\_P(0)202, L624\_P(0)301, Design & Access Statement L.624 rev:A, Daylight and Sunlight Report (February 2016), Additional Daylight and Sunlight Analysis (May 2016), Flood Risk Assessment (February 2016), Environmental Performance Statement (February 2016), L624\_P(0)310, L624\_P(0)311, Corner Roof Junction Sketch, Letter from Knights Professional Services Limited (19 July 2016), Letter from Turley (20 July 2016).

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

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

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

Reason:

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. 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)

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

Reason:



To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of detailed elevations and sections (Scale 1:20) showing the proposed photovoltaic panels including their supporting framework and their integration with the design of the main body of the extension.

You must not start any work on these parts of the development until we have approved what you have sent us. You must provide the photovoltaic panels before you start to use any part of the development, as set out in your application. You must not remove the photovoltaic panels, unless we have given you our permission in writing

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area and to make sure that the development provides the environmental sustainability features included in your application. This is as set out in S28 and S40 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of details of the eight on-site car parking spaces and you must provide at least one parking space for each of the residential flats. You must provide the parking spaces before you start to use any part of the development, as set out in your application.

Reason:

To provide parking spaces for people using the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 7 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.

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 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 (July 2016), 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 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

- 12 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.

- 13 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 14 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 11 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

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

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (July 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 17 You must provide the waste store shown on drawing L624\_P(0)102 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 18 The design and structure of the extension shall incorporate the light tube hereby approved, and

the extension shall not be occupied until the light tube has been installed.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

**Informative(s):**

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

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

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

Phone: 020 7641 2000

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

- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM<sub>s</sub>). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM<sub>s</sub>, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)
- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM

Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

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

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

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

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

- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (154AA)
- 6 The supplementary acoustic report relating to plant must include:
  - (a) A schedule of all plant and equipment installed;
  - (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 all most affected noise sensitive receptor locations and the most affected windows;
  - (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) The lowest existing L A90 (15 minutes) measurement as already established.
  - (g) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.
- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (154AA)

# Agenda Item 4

Item No.
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4
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>Flat 1, 57 Montagu Square, London, W1H 2LS,</b>		
<b>Proposal</b>	Erection of a single storey extension at roof level to the rear mews building, glazing over the lightwell, associated internal alterations to the basement and ground floor.		
<b>Agent</b>	Works Architecture		
<b>On behalf of</b>	Mr Philip Yates		
<b>Registered Number</b>	16/05048/FULL and 16/05049/LBC	<b>Date amended/ completed</b>	30 May 2016
<b>Date Application Received</b>	30 May 2016		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

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

## 2. SUMMARY

Planning permission and listed building consent are sought for the erection of a single storey extension at roof level to the rear mews building, part infill extension of the rear light well at ground floor level and associated internal alterations to the basement and ground floor.

The main issues for consideration are:

- The detailed design of the extension and its impact on the surrounding conservation area.
- The impact of the extension on the amenity of neighbouring residential properties.

The proposed extension is considered to not cause unacceptable harm to the character and appearance of the Portman Estate Conservation Area.

Two objections were received from the same occupier of a flat within the application property with the main concern being loss of light and views as a result of the proposal. A daylight and sunlight report submitted in support of the application demonstrates that all windows and rooms in the surrounding

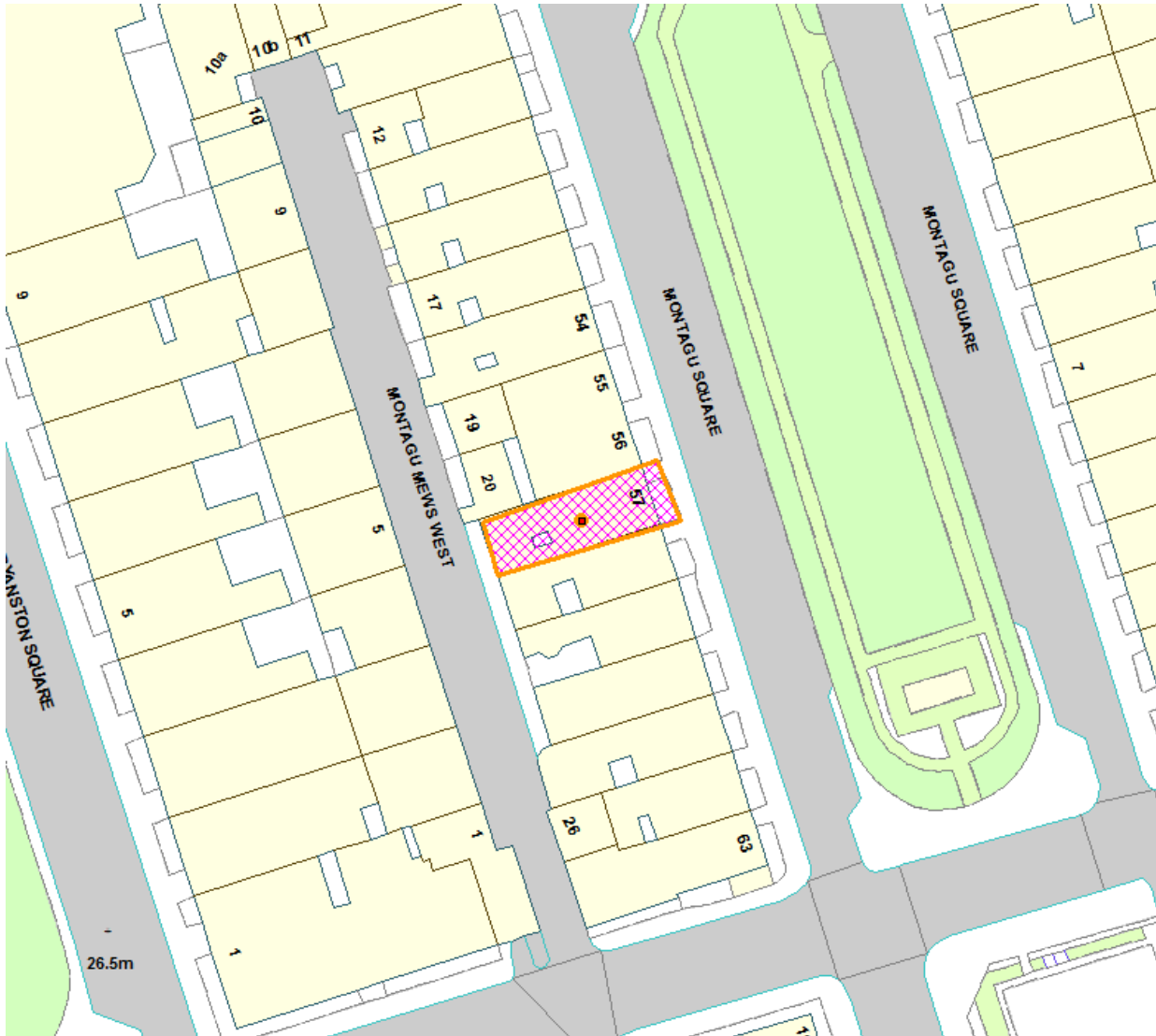
tested properties (including the objector's) will be fully compliant with BRE guidelines for daylight and sunlight with the proposal in place.

The objector also raised concerns regarding drainage, impact on a close-by tree, impact during construction and design and conservation grounds. It is not considered that any of these elements can be upheld as it would either be unreasonable to withhold permission on those grounds or they can be addressed by condition.

The scheme is considered acceptable on land use, amenity and design grounds and is consequently recommended for approval.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Montagu Square Elevation (top) and Montagu Mews West Elevation (bottom)



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

No objection – declared that of one of their planning panel has links to the application but they have not been involved in making this comment.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30; Total No. of replies: 2; No. in support: 0  
No. of objections: 2 (from the same person)

Two objections (from the same person) on the following grounds:

- loss of light and views
- impact on drainage
- impact on a close by tree
- impact during construction
- design and conservation grounds

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a grade II listed building located within the Portman Estate Conservation Area. The property consists of lower ground, ground and first to fourth floors. The property also extends through to and includes the mews house to the rear on Montagu Mews West which consists of lower ground and ground floors. All floors of 57 Montagu Square are in residential use (Class C3). Flat 1 occupies all of the lower ground and ground floors in both the main building and the mews house.

### 6.2 Recent Relevant History

Planning permission and conservation area consent (References: 02/08622/FULL and 02/08624/CAC) were granted in 2003 at this address for works which included the creation of a terrace at ground floor level next to the rear lightwell and the creation of a terrace on the roof of the mews building.

Planning permission and listed building consent (References:02/08583/FULL and 02/08584/LBC) were granted in 2002 at this address for works including the creation of a terrace at ground floor level next to the rear lightwell.

Planning permission and listed building consent (References: 10/10059/FULL and 10/10060/LBC) were granted in 2011 at 24 Montagu Mews West for the construction of a first floor roof extension.

## 7. THE PROPOSAL

Planning permission and listed building consent are sought to allow the erection of a single storey extension at roof level to the rear mews building, part infill extension of the

rear light well at ground floor level and associated internal alterations to the basement and ground floor.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use**

The proposal would result in a small increase in residential floorspace (Class C3) to the existing flat as a result of the mansard extension on the Mews part of the property. The increase in floorspace is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan, both of which seek to increase residential floorspace within Westminster.

### **8.2 Townscape and Design**

The main objectives of the alterations are improving access between the main house and the mews dwelling as well as raising the mews dwelling by a storey. The works to access the mews building are significant but restrained in that they remove little historic material of any great significance. The addition of a storey on the mews house is acceptable. Further internal alterations to the main house are also considered acceptable.

Revisions have been undertaken on the proposed mews frontage, regularising the fenestration and removing some unnecessary visual clutter. Conditions requiring a sample panel of brickwork will be requested to ensure that the proposed works match the good quality and highly patinated existing Georgian brickwork which forms the existing ground floor. Details of glazing, roof coverings, windows and doors will also be requested.

An objection has been received on the basis of a glass roof used to the rear in an existing lightwell. This alteration will not be easily visible and occurs to an area of very limited significance. As a result this objection cannot be sustained. Therefore, the proposal is acceptable in design terms and complies with Policies DES 1, DES 5 and DES 9 of the UDP and S28 of the City Plan.

### **8.3 Residential Amenity**

#### **Sunlight and Daylight**

A daylight and sunlight report (in accordance with the Building Research Establishment – BRE – Guidelines) has been submitted in support of the application. This details the impact of the proposed mansard extension at the mews property on surrounding windows at Nos. 4 and 5 Montagu Mews West, as well as windows at first floor and lower at Nos. 56, 57 and 58 Montagu Square.

The report demonstrates that very few windows will experience only small losses in daylight. The maximum loss in VSC (Vertical Sky Component) is 8%, well below the 20% threshold above which losses in daylight are noticeable. This loss is to the window which serves the communal stairs serving the flats within 57 Montagu Square. The losses in sunlight during the winter months are also very small. The report demonstrates that all

windows and rooms in the surrounding tested properties will be fully compliant with BRE guidelines for daylight and sunlight with the proposal in place.

Two objections were received (both from the same person) to the application covering a number of grounds including loss of light to their kitchen, however, as demonstrated by the report detailed above, all windows surrounding the application site will still meet the BRE guidelines for daylight and sunlight so this objection cannot be supported.

The proposed design of the roof structure in this application adopts the same approach which was permitted by the planning committee at 24 Montagu Mews West (located directly to the South of the mews part on this application). It features two different pitches on the rear which reduces the impact of the proposal on the flat at first floor level. A 70 degree pitch is proposed in front of the window which serves the communal stairs for the property, while a 45 degree pitch is proposed on the section of roof which is in front of the first floor flat window. This minimises the impact on the objector's window.

### **Amenity of Existing Units**

The proposed partial infill extension within the rear lightwell at first floor level is likely to have an impact on the rooms within the basement. This lightwell serves a bedroom situated in the mews part of the property as well as a bedroom in the main building. The mews property bedroom is dual aspect and also has a lightwell and window fronting onto Montagu Mews West. However, the bedroom in the main building is single aspect with only glazed French windows looking into the lightwell.

The proposed infill extension has a glazed roof, glazed wall facing into the remaining lightwell and a glazed floor. Due to the glazed flooring, it is considered that, while there may be a reduction in light to the bedroom in question (which is part of the applicant's own property), an acceptable amount would still penetrate through to the remaining lightwell below. This glazed floor will be secured through condition to ensure that the standard of the bedroom within the main building is not compromised.

The objector's large kitchen window is situated directly above the proposed glazed roof. It is considered that light spillage from the glazed infill extension may cause some potential loss of amenity to this window, due to light pollution. To address this issue, a condition will be applied requiring submission of details of the design of the glazed roof panel, to minimize light spillage.

### **8.4 Transportation/Parking**

Not applicable

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Not applicable

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

### **Trees**

The objection raised concern regarding the tree located adjacent to the application site in the mews to the rear. The concern was with regards to damage during construction or restriction to its growth by the extension. The Council Arboricultural Officer feels that is unlikely the tree will be directly affected by the proposal but could be damaged indirectly by construction, demolition or deliveries. A condition will therefore be applied requiring the tree to be protected during construction and for details of how this will be done to be approved by the Council. As a result, the objection on these grounds can not be upheld.

## **8.8 London Plan**

This application raises no strategic issues.

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

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

## **8.10 Planning Obligations**

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

## **8.11 Environmental Impact Assessment**

Not applicable

## **8.12 Other Issues**

### **Construction impact**

Impact during the course of construction was also raised by the objector. It would also be unreasonable to withhold permission on these grounds, however, the hours of noisy working will be restricted through condition and the applicant will be encouraged to sign up to a considerate constructors scheme. Therefore this element of the objection cannot be upheld.

### **Loss of Views**

The objector raised concern regarding loss of view from her kitchen at first floor level within the main property of 57 Montagu Square. While it is recognised that there will be some loss of view as a result of the proposal, this will be minimal (and only be a view towards properties opposite) it would not be reasonable to withhold permission on this basis and therefore this objection cannot be upheld.

## Drainage

The impact of the proposal on the drainage into the lightwell was raised by the objector. The proposal will leave a small lightwell at ground floor level and the existing footprint of the lightwell retained at lower ground floor level. This will still allow for the drainage to operate in much the same way as existing. As a result, this aspect of the objection cannot be upheld.

### 9. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 16 June 2016
3. Letter from occupier of 57 Montagu Square, London, dated 4 August 2016
4. Letter from occupier of 57 Montagu Square, London, dated 13 June 2016
5. Email from Council Arboricultural Officer dated 28 August 2016

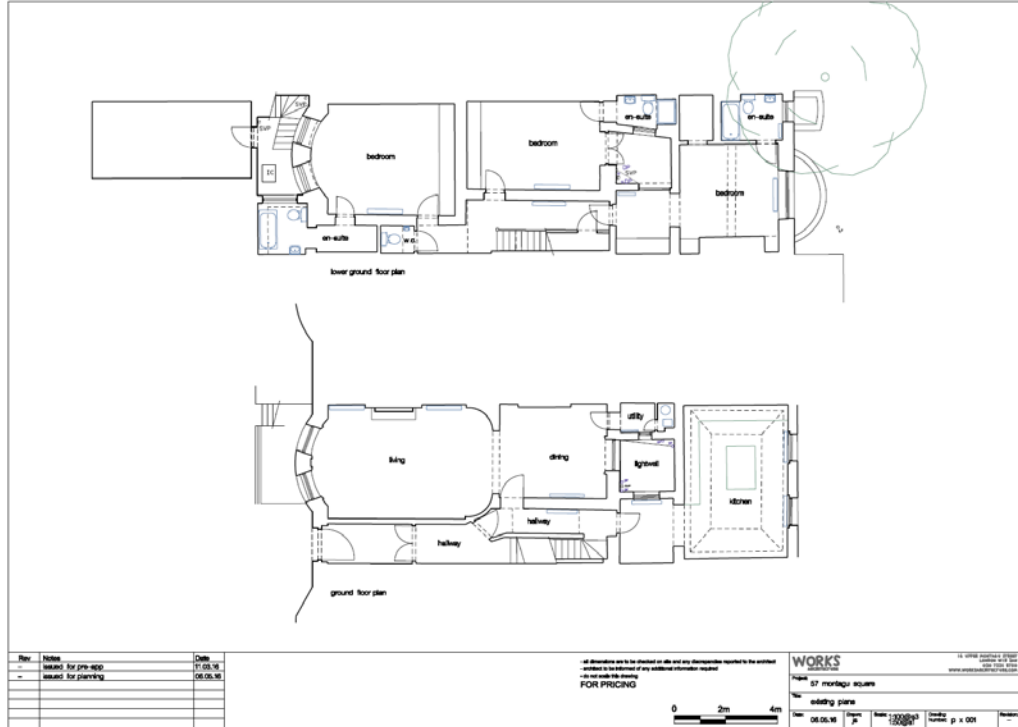
### Selected relevant drawings

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

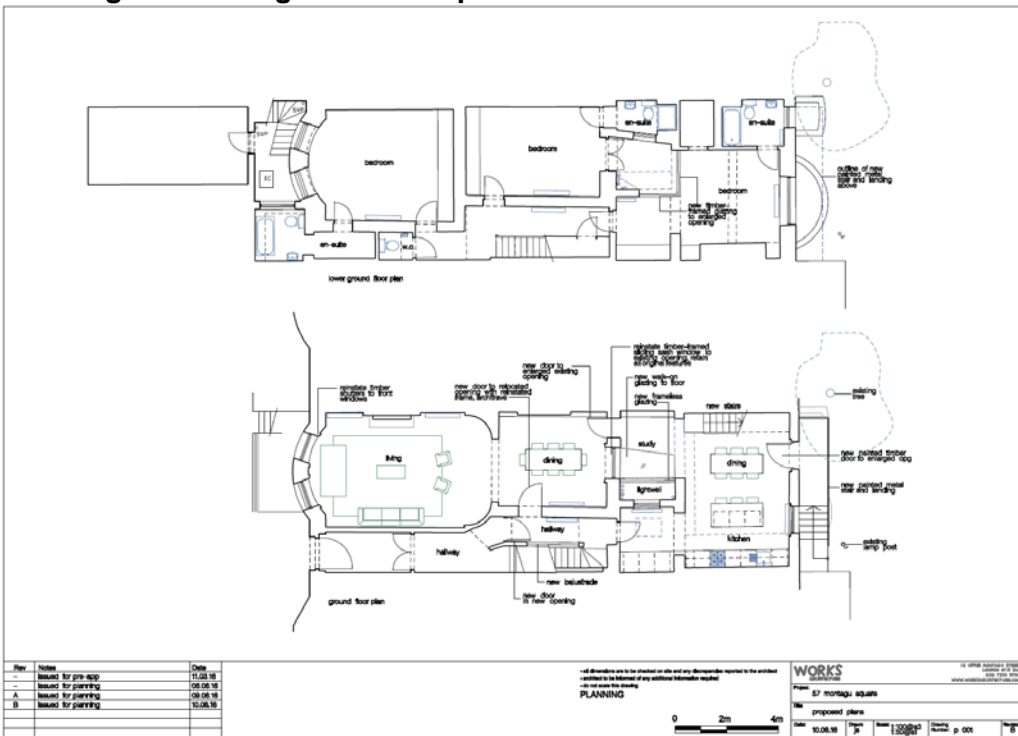
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

### 10. KEY DRAWINGS

#### Existing lower ground and ground floor plans

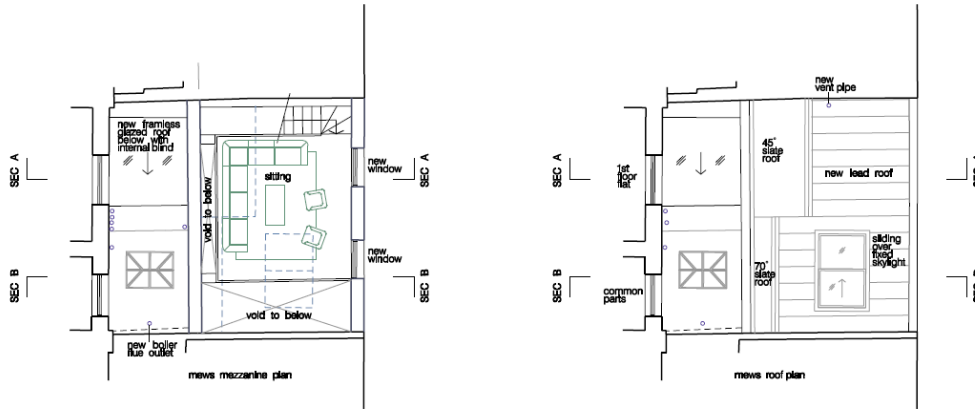


#### Proposed lower ground and ground floor plans





### Proposed Mews mezzanine and mews roof plan



### Existing rear elevation/partial section (left), Proposed rear elevation/partial section (right)

rear elevation/partial section

rear elevation/partial section

**WORKS**  
ARCHITECTURE

16 UPPER PORTLAND STREET  
LONDON W1R 6NU  
020 7314 8762  
WWW.WORKSARCHITECTURE.COM

Project: 57 montagu square

Title: existing elevation/section

Date: 08.05.16    Drawn: JB    Scale: 1:1000 (A3)    Drawing Number: e x 001    Revision: -

**PLANNING**

0 2m 4m

**WORKS**  
ARCHITECTURE

16 UPPER PORTLAND STREET  
LONDON W1R 6NU  
020 7314 8762  
WWW.WORKSARCHITECTURE.COM

Project: 57 montagu square

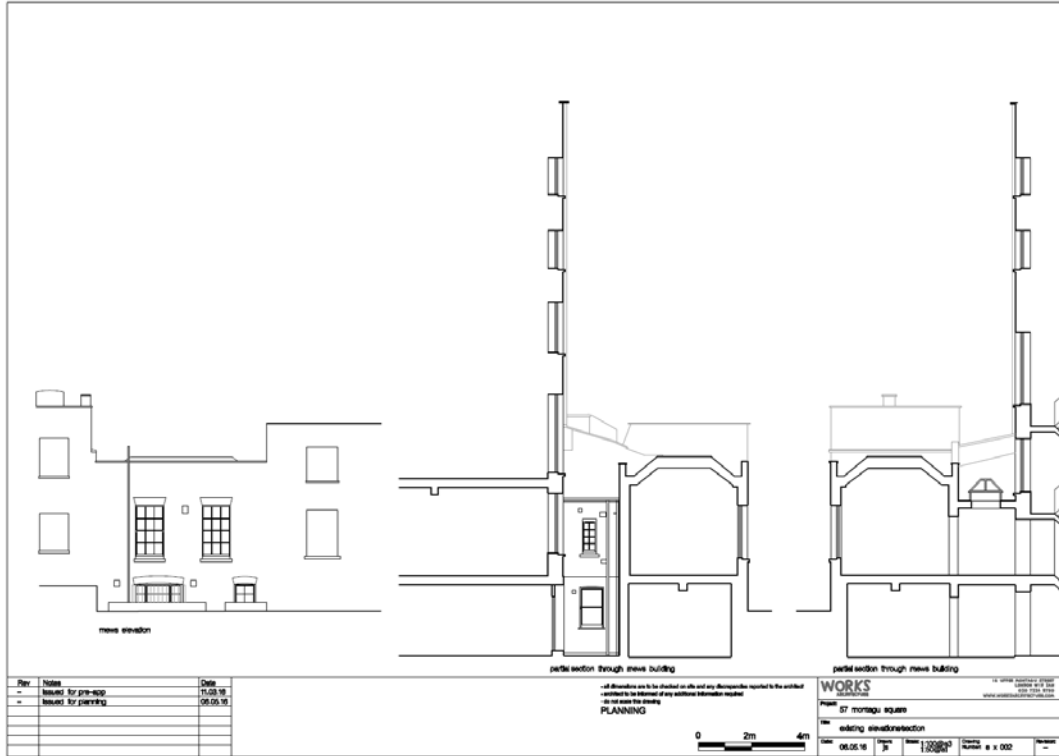
Title: proposed elevation/section

Date: 10.08.16    Drawn: JB    Scale: 1:1000 (A3)    Drawing Number: e 001    Revision: C

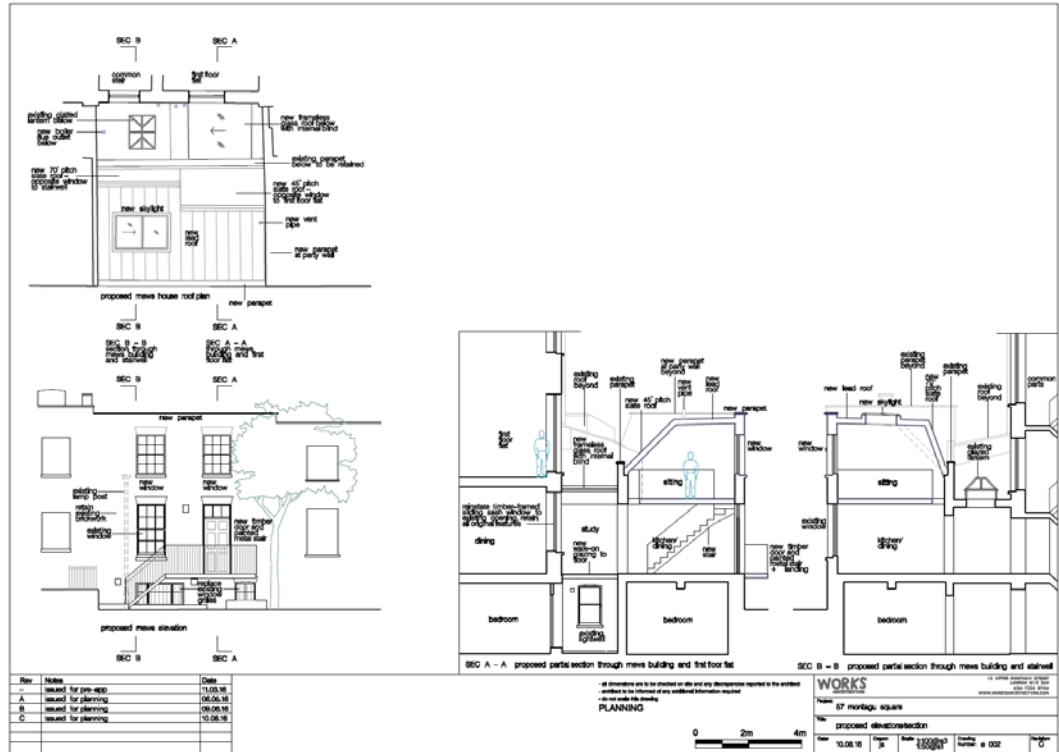
**PLANNING**

0 2m 4m

### Existing mews elevation and partial sections



### Proposed mews elevation and partial sections



**DRAFT PLANNING DECISION LETTER**

**Address:** Flat 1, 57 Montagu Square, London, W1H 2LS,

**Proposal:** Erection of a single storey extension at roof level to the rear mews building, part glazing over the lightwell, associated internal alterations to the basement and ground floor.

**Reference:** 16/05048/FULL

**Plan Nos:** Demolition Drawings: p x d 001 Rev. B ; e x d 001 Rev. A ; e x d 002 Rev. B , Proposed Drawings: p 001 Rev. B ; p 002 Rev. A ; e 001 Rev. C ; e 002 Rev. C

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

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

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. 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)

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

## Reason:

To protect the environment of neighbouring occupiers. 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)

- 4 You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawings p 001 Rev. A and e 002 Rev. B. 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. The tree protection must follow the recommendations in section 6 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

## Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 5 The hereby approved walk-on glazing in the ground floor lightwell extension shall be made of clear glass and maintained so as to ensure it allows light penetration to basement level.

## Reason:

To protect the standard of accommodation in the single aspect basement bedroom. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

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

The inclusion of fixed internal blinds/fins within the hereby approved glazed roof.

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 detailed drawings. (C26DB)

## Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 7 You must apply to us for approval of details of the following parts of the development

a) Windows (sections at 1:1)

b) New metal stairs to the mews property (plans and elevations at 1:10 with a 1:5 detail)

c) A sample panel of brickwork with a partial soot wash to be viewed on site.

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

You must then carry out the work according to these details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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.
- 2 To meet condition 4, the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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

**DRAFT LISTED BUILDING DECISION LETTER**

**Address:** Flat 1, 57 Montagu Square, London, W1H 2LS

**Proposal:** Erection of a single storey extension at roof level to the rear mews building, part glazing over the lightwell, associated internal alterations to the basement and ground floor.

**Plan Nos:** Demolition Drawings: p x d 001 Rev. B ; e x d 001 Rev. A ; e x d 002 Rev. B ,  
Proposed Drawings: p 001 Rev. B ; p 002 Rev. A ; e 001 Rev. C ; e 002 Rev. C

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of details of the following parts of the development

- a) Windows (sections at 1:1)
- b) New metal stairs to the mews property (plans and elevations at 1:10 with a 1:5 detail)
- c) A sample panel of brickwork with a partial soot wash to be viewed on site.

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

You must then carry out the work according to these details.

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan (July 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

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

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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Item No.
5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>Basement Front, 11 Upper Wimpole Street, London, W1G 6LN,</b>		
<b>Proposal</b>	Replacement of basement level sash window with French windows (rear of front basement flat).		
<b>Agent</b>	Ms Tina Bangs		
<b>On behalf of</b>	Ms Tina Bangs		
<b>Registered Number</b>	1. 16/04377/FULL 2. 16/04378/LBC	<b>Date amended/ completed</b>	13 May 2016
<b>Date Application Received</b>	11 May 2016		
<b>Historic Building Grade</b>	Grade II Listed		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

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

## 2. SUMMARY

<p>The application site is the residential flat in the front basement of a Grade II listed building located in the Harley Street Conservation Area. The application site is located at the north eastern end of Upper Wimpole Street; the rest of the building is also occupied as residential accommodation.</p> <p>Permission is sought for the replacement of a basement level sash window with French windows to the rear of the front basement flat, within an enclosed rear courtyard.</p> <p>The courtyard is an unusual arrangement with two residential properties (basement front and basement rear) living areas facing into the courtyard area. The applicant’s design and access and heritage statement states <i>‘the aim of the proposed works is to enhance the look of the property and to improve its utility and allow me to enjoy unhindered access to the courtyard area’</i>.</p> <p>However, the courtyard is owned by the basement rear flat, which has sole access to it. This has been confirmed by the Freeholder (The Howard de Walden Estate). The applicant has therefore now proposed that the French windows open inwards so as not to impede on the space. If the proposal had</p>
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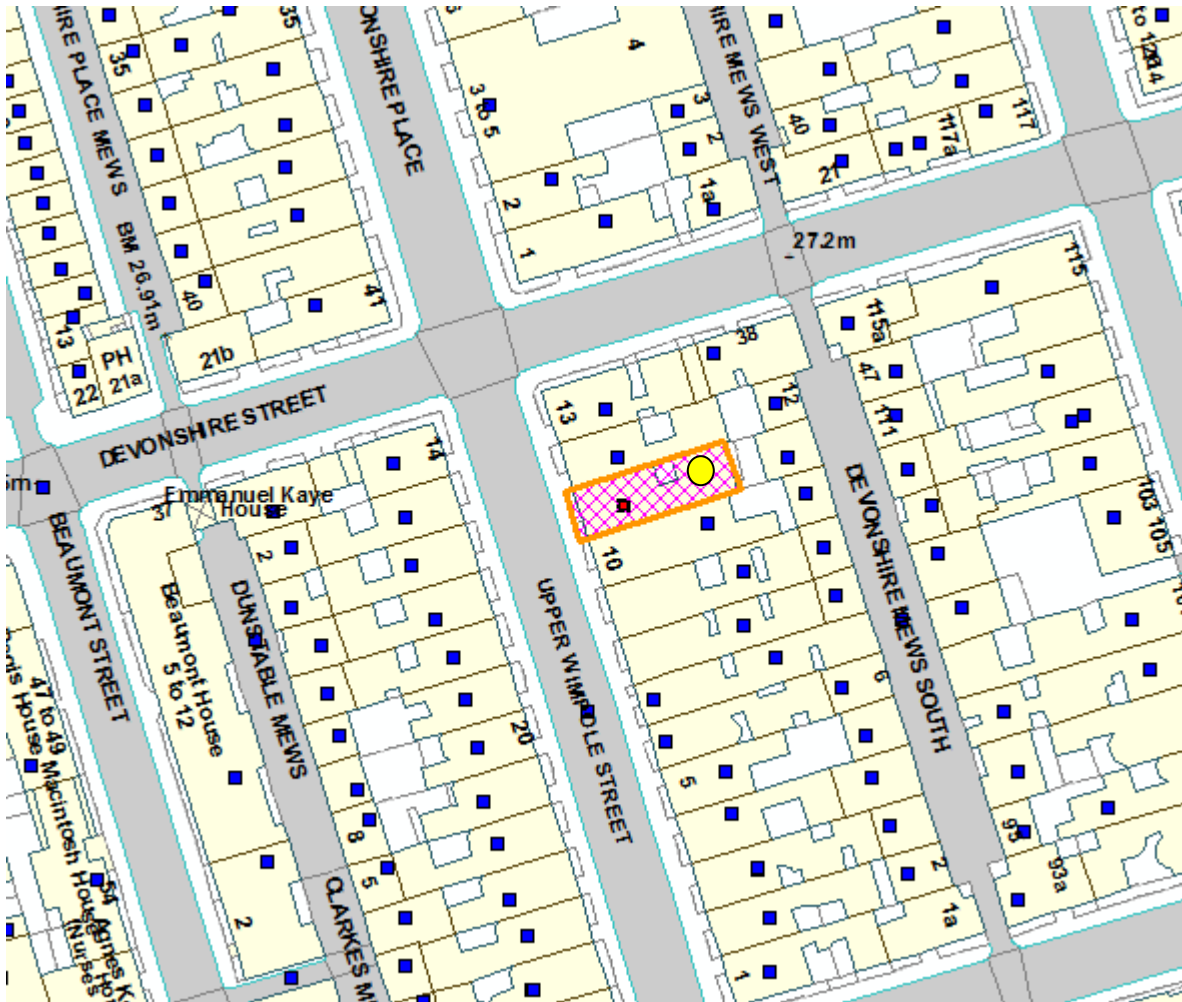
been considered acceptable in principle, prevention of access could be guaranteed by the addition of a balustrade with a minimum height of 1.1m, though this would require the benefit of planning permission and listed building consent.

The adjacent resident (in the flat at basement rear) has objected to this proposal due to loss of privacy and overlooking.

The courtyard is a small area and is solely for the use of the basement rear flat. It is acknowledged that the courtyard is already overlooked by the large, and openable, sash window of the applicant's bedroom, as well as a number of other windows on upper floors. However, it is considered that the installation of a larger glazed door in replacement of the sash window would have a negative impact on the amenity of rear basement flat, resulting in an increase in overlooking from basement flat front into the private courtyard, contrary to policies S29 of Westminster's City Plan (July 2016) and ENV 13 of the Unitary Development Plan. Accordingly the planning application is recommended for refusal on these grounds.

In design and historic building terms, the proposed impact is minor, the proposed French window design being an acceptable replacement for the multi pane sash. The proposed works are therefore considered to be acceptable in design terms and in accordance with DES 1; DES 9; DES 10; S 25; S 28 and the relevant sections of the National Planning Policy Framework (NPPF).

### 3. LOCATION PLAN



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● Neighbour at Basement Rear

4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18; Total No. of replies: 1 ;

No. of objections: 1

- The courtyard is private land owned by Basement Flat Rear (confirmed by Howard de Walden estate).
- The applicant places heavy emphasis on access, stating among other things. "Access will be significantly improved", any access will be trespass.
- Loss of privacy concerns.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application lies in the Harley Street Conservation Area and is listed Grade II. It is occupied as residential flats.

### 6.2 Recent Relevant History

None

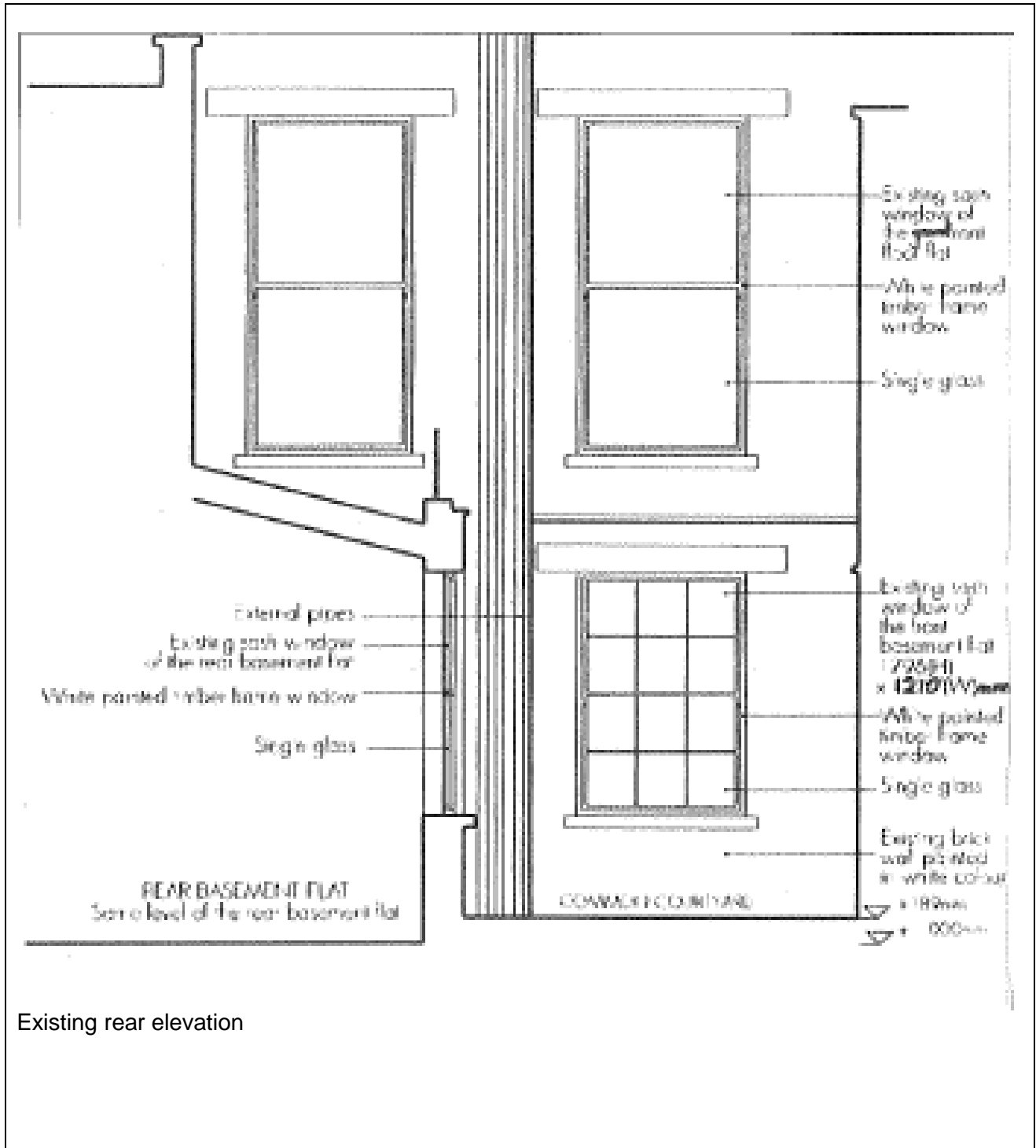
## 7. BACKGROUND PAPERS

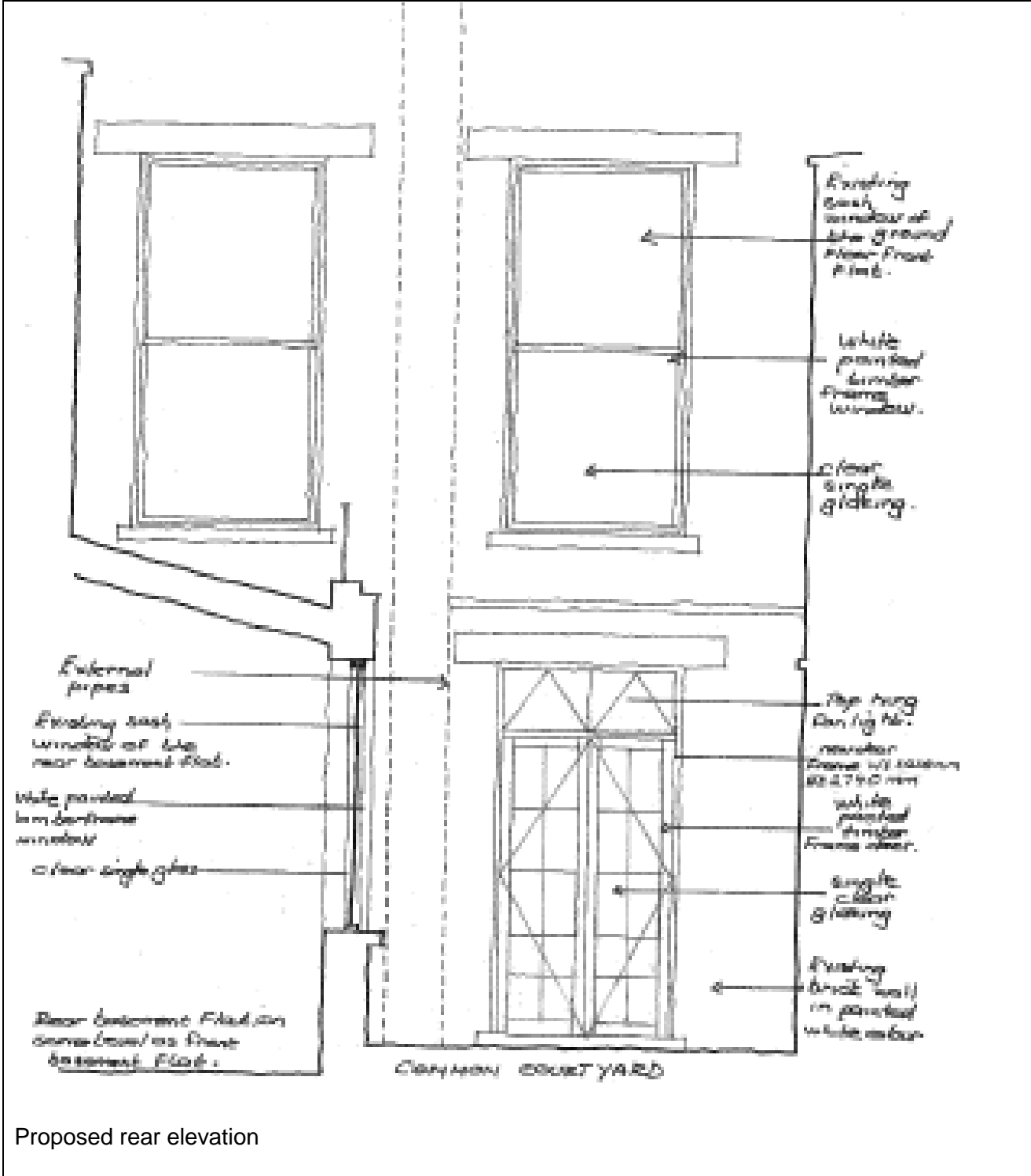
1. Application form
2. Letters from occupier of Basement Rear, 11 Upper Wimpole Street, dated 27 May 2016 and 20 July 2016

(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: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

8. KEY DRAWINGS





Proposed rear elevation

**DRAFT PLANNING DECISION LETTER**

**Address:** Basement Front, 11 Upper Wimpole Street, London, W1G 6LN,  
**Proposal:** Replacement of basement level sash window with French doors (rear of front basement flat).  
**Reference:** 16/04377/FULL  
**Plan Nos:** DR2, DR5

**Case Officer:** Shaun Retzback **Direct Tel. No.** 020 7641 6027

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

The installation of French windows would lead to an unacceptable loss of privacy for people in neighbouring properties. This would not meet S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X13AB)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

**DRAFT LISTED BUILDING DECISION LETTER**

**Address:** Basement Front, 11 Upper Wimpole Street, London, W1G 6LN  
**Proposal:** Replacement of sash window with French doors (rear of front basement flat)  
**Plan Nos:** DR2, DR5  
**Case Officer:** Shaun Retzback **Direct Tel. No.** 020 7641 6027

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

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City



Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. 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)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must hang all doors so that they do not open over or across the private courtyard.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

**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.
  
- 2 In granting this Listed Building Consent this does not confer a right of access to the private courtyard.

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

# Agenda Item 6

Item No.
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6
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Churchill	
<b>Subject of Report</b>	<b>Moyle House, Churchill Gardens Estate, London, SW1V 3BE,</b>		
<b>Proposal</b>	Retention of replacement trunking and light fittings in the common areas on the underside of walkways.		
<b>Agent</b>	Mr Adrian Collett		
<b>On behalf of</b>	Mr John Hayden (Citywest Homes Ltd)		
<b>Registered Number</b>	15/07463/COFUL	<b>Date amended/ completed</b>	10 March 2016
<b>Date Application Received</b>	13 August 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Churchill Gardens		

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
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## 2. SUMMARY

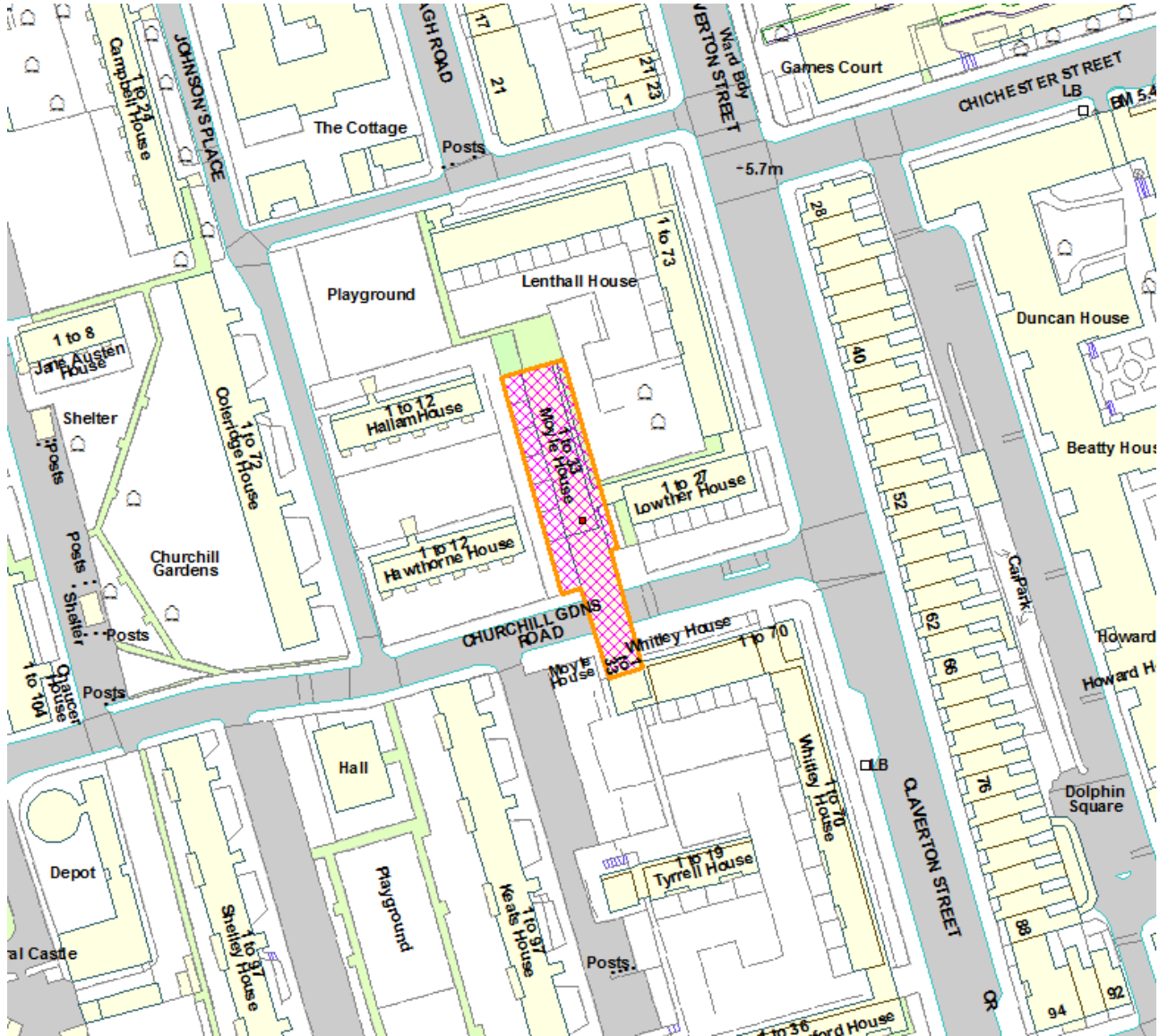
The application site is Moyle House, Churchill Gardens Estate, which is an unlisted building located in the Churchill Gardens Conservation Area. Planning permission is sought for the retention of replacement external trunking and light fittings in the common areas on the underside of the walkways.

The main issues for consideration are:

- The impact of the alterations on the character and appearance of the building and the conservation area; and
- The impact of the alterations on the amenity of neighbouring residents.

The proposal is considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP) and the application for planning permission is recommended for approval subject to the conditions set out in the draft decision letter appended to this report.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Moyle House from Churchill Gardens Road



**View of underside of walkway**



## 5. CONSULTATIONS

WESTMINSTER SOCIETY:  
No comment.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33  
Total No. of replies: 3  
No. of objections: 3

Objections from neighbouring residents on some or all of the following grounds:

- The previous arrangement of trunking and lighting appeared perfectly safe and adequate.
- The development shown in the drawings appears to be different to that installed.
- The trunking and associated work harm the appearance of the building.
- The structure on the stairwell between Moyle House and Lowther House to house electrical equipment harms the appearance of the building.

An objector has also stated that the work has been managed poorly because there has not been a 24 hour site presence as the Section 20 notice to leaseholders stated there would be.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is Moyle House, Churchill Gardens Estate, which is an unlisted building located in the Churchill Gardens Conservation Area.

### 6.2 Recent Relevant History

Planning permission has been granted for similar external trunking and light fittings to numerous buildings in Churchill Gardens Estate, including adjacent Lowther House 13 May 2016.

## 7. THE PROPOSAL

Planning permission is sought for the retention of replacement trunking and light fittings in the common areas on the underside of walkways.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The application does not raise any land use issues.

## **8.2 Townscape and Design**

Policy DES 5 of the UDP states permission will generally be granted for development involving the alterations of buildings where any necessary equipment is enclosed within the external building envelope, if reasonably practicable. The replacement light fittings and trunking to the building's walkways are enclosed within the building envelope and, when completed, will not unacceptably detract from the character of the building or harm the character or appearance of the conservation area. The lighting is similar to that which previously existed. The trunking is necessary as it is not practicable to install the wiring internally within the walkways (which is how the wiring of the building was originally conceived) because the extent of wiring required to service the flats has increased over time. In these circumstances, the alterations are considered acceptable.

## **8.3 Residential Amenity**

The alterations would not result in harm to residential amenity.

## **8.4 Transportation/Parking**

The application raises no transportation or parking issues.

## **8.5 Economic Considerations**

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

## **8.6 Access**

The application raises no access issues.

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

The application does not raise any other UDP / Westminster Policy considerations.

## **8.8 London Plan**

This application raises no strategic issues.

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

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

## **8.10 Planning Obligations**

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

## **8.11 Environmental Impact Assessment**

This application raises no environmental issues.



## 8.12 Other Issues

Concern has been raised as the work has already taken place and appears to differ from what is proposed. The description of the proposal has been amended to reflect the work has largely been completed. The information submitted is consistent with what has been installed. As set out above, the work is considered in accordance with the Council's development plan policies.

Concern has been raised regarding a new electrical equipment room which has been created on the stairwell between Moyle House and Lowther House. This area is outside the application site and this application relates to the trunking and lighting at Moyle House only.

## 9. BACKGROUND PAPERS

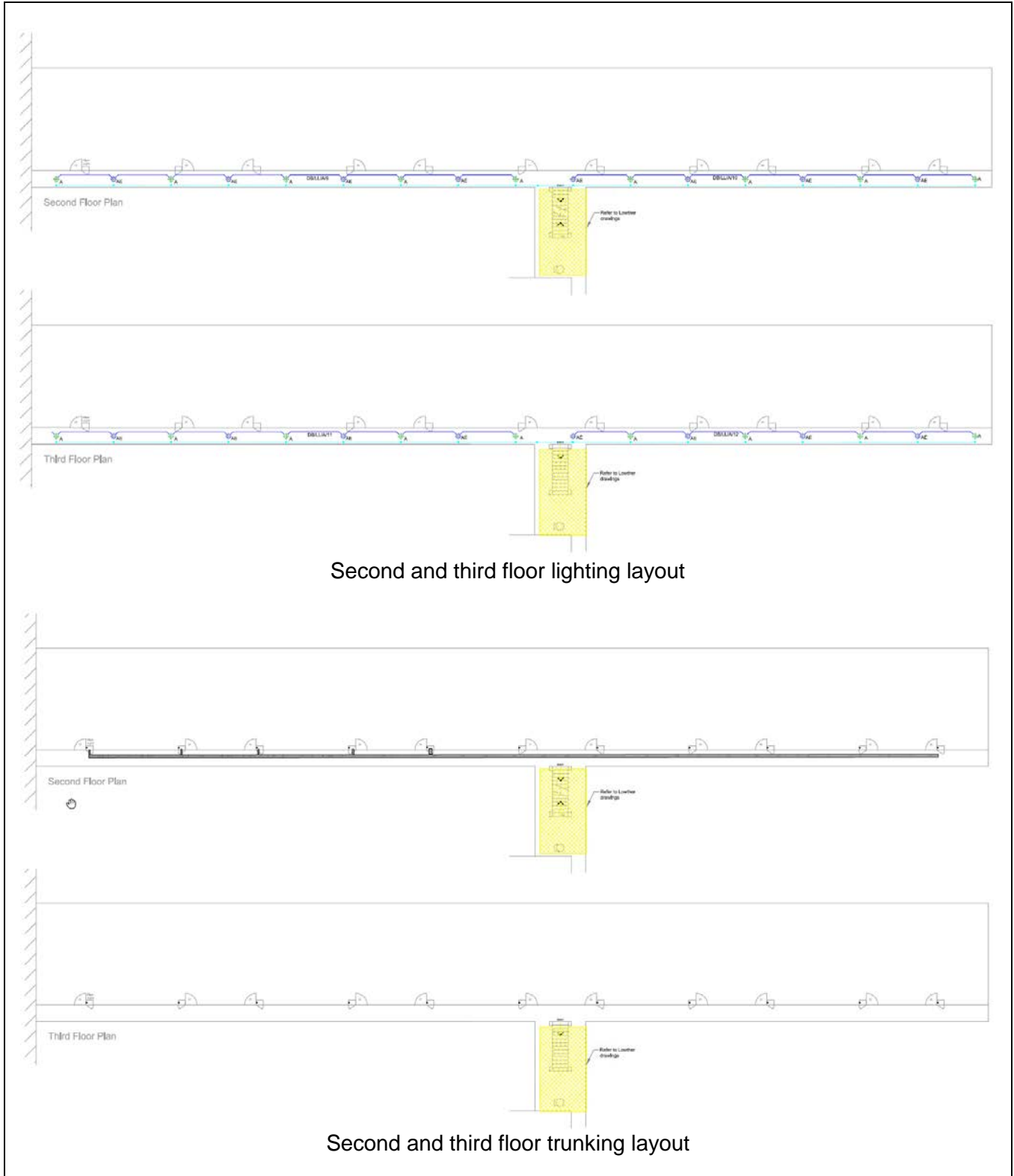
1. Application form
2. Response from Westminster Society, dated 7 April 2016
3. Letter from occupier of 23 Moyle House, Churchill Gardens, dated 11 April 2016
4. Letter from occupier of 19 Hungerford House, Churchill Gardens, dated 20 April 2016
5. Letter from occupier of 5 Moyle House, Churchill Gardens, dated 23 April 2016

### Selected relevant drawings

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

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

### 10. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** Moyle House, Churchill Gardens Estate, London, SW1V 3BE,  
**Proposal:** Retention of replacement external trunking and light fittings in the common areas on the underside of each walkway on all levels.  
**Reference:** 15/07463/COFUL  
**Plan Nos:** 1489-MOY-001, 1489-MOY-002, T118-570, T118-571, T118-572, T118-573.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

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

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

Reason:

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

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

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

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

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) 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 Churchill Gardens Conservation Area. This is as

set out in S25 and S28 of Westminster's City Plan (July 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 (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.