



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 20th September, 2016**

Time: **6.30 pm**

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

Members: **Councillors:**

Peter Freeman (Chairman)  
Melvyn Caplan  
Robert Rigby  
Jason Williams

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

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



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

**Tel: 020 7641 2341; email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

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

#### **3. MINUTES**

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

#### **4. PLANNING APPLICATIONS**

Applications for decision

#### **SCHEDULE OF APPLICATIONS**

- |  |                        |
|--|------------------------|
| <b>5. 7 HOMER STREET, LONDON, W1H 4NU</b>      | <b>(Pages 1 - 2)</b>   |
| <b>6. 61A CARLTON HILL, LONDON, NW8 0EN</b>    | <b>(Pages 3 - 10)</b>  |
| <b>7. 53B CLIFTON HILL, LONDON, NW8 0QE</b>    | <b>(Pages 11 - 26)</b> |
| <b>8. 11 WOODSTOCK STREET, LONDON, W1C 2AE</b> | <b>(Pages 27 - 40)</b> |
| <b>9. 3-5 WARDOUR STREET, LONDON, W1D 6PB</b>  | <b>(Pages 41 - 60)</b> |
| <b>10. TRAFALGAR SQUARE, LONDON</b>            | <b>(Pages 61 - 74)</b> |
|  | <b>(Pages 75 - 82)</b> |

**Charlie Parker**  
**Chief Executive**  
**12 September 2016**

# Agenda Item 5

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 20th September 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s) : 15/10488/FULL  Bryanston And Dorset Square	7 Homer Street London W1H 4NU	Use of basement and part ground floor as residential (Class C3) to provide additional floorspace to an existing maisonette and external alterations including the creation of a front light well.	
	<b>Recommendation</b> Refuse permission - loss of public house			
Item No	References	Site Address	Proposal	Applicant
2.	RN NO(s) : 16/05898/FULL  Abbey Road	61A Carlton Hill London NW8 0EN	Erection of a single storey ground floor extension.	
	<b>Recommendation</b> Grant conditional permission			
Item No	References	Site Address	Proposal	Applicant
3.	RN NO(s) : 16/06547/FULL  Abbey Road	53B Clifton Hill London NW8 0QE	Full width rear dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope (retrospective application).	
	<b>Recommendation</b> Refuse permission- loss of amenity			
Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 16/02908/FULL  West End	11 Woodstock Street London W1C 2AE	Installation of full height extract duct together with screening and associated fan; relocation of 3 air conditioning units and a chiller refrigeration unit and provision of 1 additional air conditioning unit all within a new screened enclosure on a rear 1 <sup>st</sup> floor flat roof .	

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 20th September 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<b>Recommendation</b> Grant conditional permission.			
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Applicant</b>
5.	<b>RN NO(s) :</b> 16/02558/FULL  St James's	3-5 Wardour Street London W1D 6PB	Use of basement as restaurant (Class A3) and erection of a full height rear extract duct.	
	<b>Recommendation</b> Grant conditional permission			
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Applicant</b>
6.	<b>RN NO(s) :</b> 16/06329/COFUL  St James's	Trafalgar Square London	Creation of 6 no. pitches on the north terrace of Trafalgar Square.	
	<b>Recommendation</b> Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992			

# Agenda Item 6

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 September 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>	7 Homer Street, London, W1H 4NU,		
<b>Proposal</b>	Use of basement and part ground floor as residential (Class C3) to provide additional floorspace to an existing maisonette and external alterations including the creation of a front light well.		
<b>Agent</b>	G1 Architecture		
<b>On behalf of</b>	Mr Ariel Zeckler		
<b>Registered Number</b>	15/10488/FULL	<b>Date amended/ completed</b>	25 February 2016
<b>Date Application Received</b>	11 November 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

Refuse Permission – Loss of a Public House
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## 2. SUMMARY

The application premises comprises basement ground and three upper floors situated on the southern side of Homer Street, which runs between Old Marylebone Road and Crawford Street. The site is in Marylebone located within the Portman Estate Conservation Area. The basement and ground floors are vacant, formerly in use as the Beehive Public House, the upper floors are in use as a single residential maisonette.

Permission is sought for alterations to create a front lightwell in connection with conversion of the basement and ground floors to residential, to provide additional floorspace to an existing residential dwelling.

The key issues for consideration are :

\*The acceptability of the proposal in land use terms and the impact of the loss of the Public House on the character and function of the area;

\*The impact of the alterations to the appearance of the building in design terms.

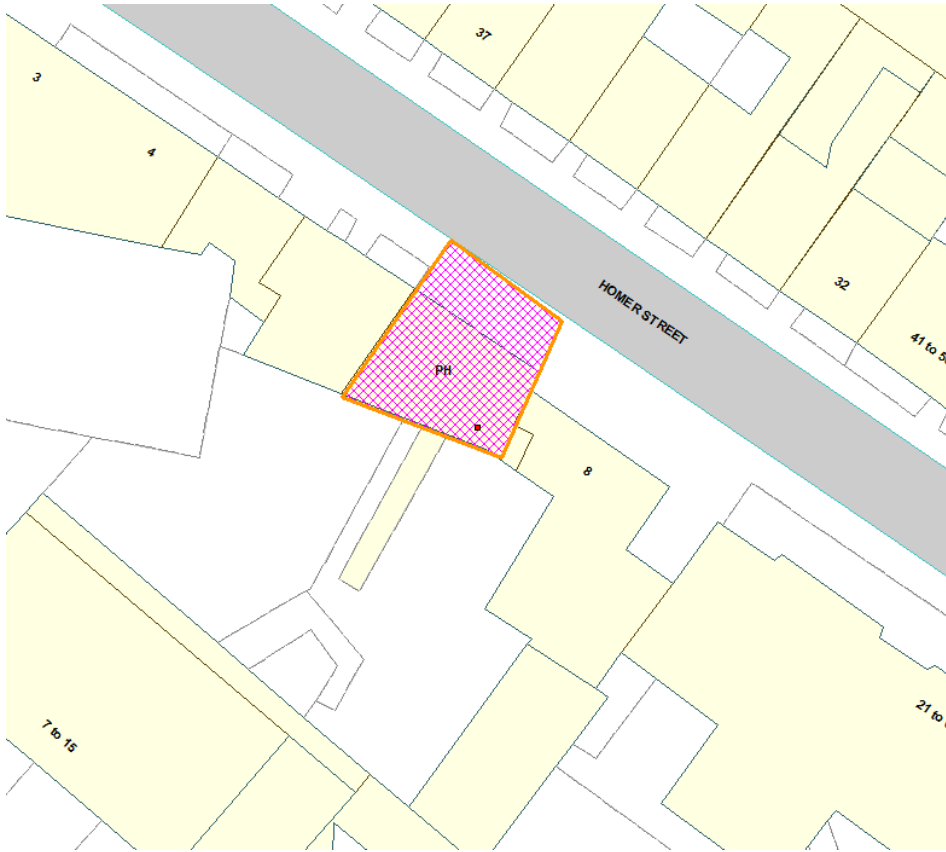
The public house has been vacant since June 2015, prior to which it was occupied by an independent publican. The applicant advises that despite a significant investment of over £2m the public house operated at a loss and its continued use is not viable. A letter has been submitted from property consultants advising that they act on behalf of the current owners and have received no interest from parties wishing to continue the Public House use.

There has been a limited response to consultations with only one objection to that the loss of the public house would be detrimental to the character of the area. Traditional public houses are generally considered to add to the character and function of a locality as they provide a recognised service use. As such their loss will only be considered acceptable in they have been vacant and marketed for use as a public house use for at least 18 months without success.

Although in this instance the applicant and property consultant advance the argument that continued use as a public house is not viable, no marketing information that supports this case has been provided. There are a number of neighbourhood public houses in the vicinity of the site which are operating successfully. In the absence of any marketing information which supports the applicants' argument and successfully demonstrates that continued use of the public house is not viable it is considered premature to allow the loss of the public house which would provide a service to the locality. The application is therefore considered unacceptable in principle contrary to policies SS8 of the UDP and policies S21 and S13 of the City Plan.

With regards to the second main issue; namely the impact that the provision of a front lightwell would have in design terms, lightwells are a characteristic of the street. The principle of the works is therefore considered acceptable. Had the application been considered acceptable in land use terms details of the lightwell would have been secure via a condition. The proposal is however contrary to adopted policies in the adopted UDP and City Plan which seek to ensure that service uses are retained outside the Core CAZ to ensure the residential character is maintained, accordingly the application is recommended for refusal.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Homer Street looking east



Homer Street looking west



## 5. CONSULTATIONS

WARD COUNCILLORS FOR BRYANSTON AND DORSET SQUARE  
Any response to be reported verbally.

MARYLEBONE ASSOCIATION  
No objection

EH CONSULTATION  
No objection

HIGHWAYS PLANNING - DEVELOPMENT PLANNING  
No objection

CLEANSING - DEVELOPMENT PLANNING  
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 21 Total No. of replies: 1

1 objection received on the grounds that the loss of the Public House would be harmful to the character of Marylebone

PRESS ADVERTISEMENT / SITE NOTICE:  
Yes

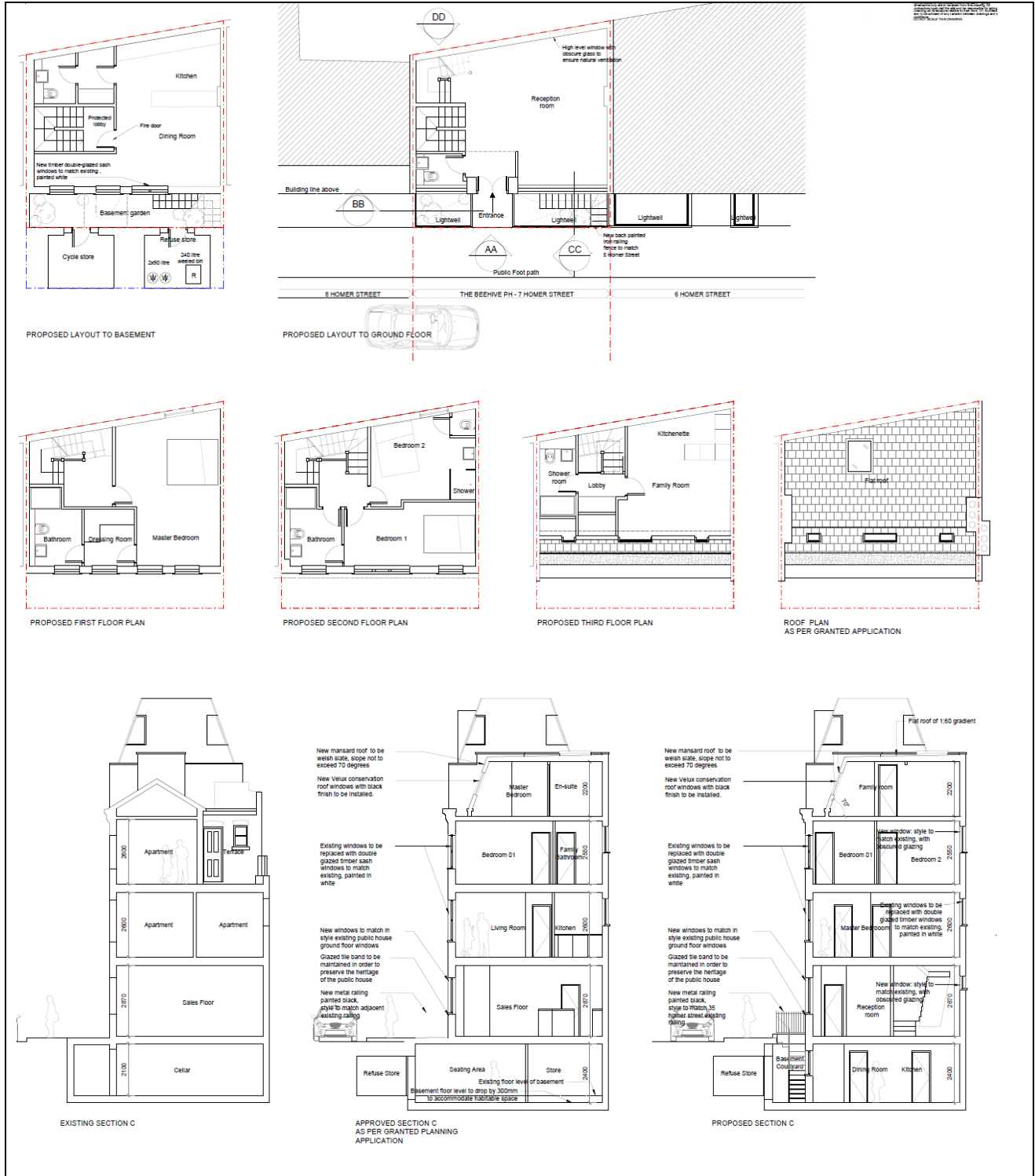
1. Application form and email dated 21 July 2016
2. Memorandum from Environmental Health Consultation, dated 30 June 2016
3. Memorandum from Environmental Health Consultation, dated 21 March 2016
4. Memorandum from Cleansing Consultation, dated 11 March 2016
5. Memorandum from Highways Consultation, dated 14 March 2016
6. Letter from occupier of 9 The Old Aeroworks, 17 Hatton St, dated 19 June 2016
7. Letter from Drake and Company dated 19 July 2016

### Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK

6. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 7 Homer Street, London, W1H 4NU,

**Proposal:** Change of use of basement and part ground floor from Drinking establishment (Class A4) to Residential (Class C3).

**Reference:** 15/10488/FULL

**Plan Nos:** Drawing 1348-P1-101 B, 1348-P1-303,

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

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

Reason:

- 1 Your development would lead to the loss of a public house resulting in the loss of a valued community facility, which would harm the surrounding community, contrary to Policy SS8 of our Unitary Development Plan that we adopted in January 2007 and Policies S13 and S21 of the City Plan: Strategic Policies that we adopted in November 2013. The proposal is also contrary to the London Plan (October 2013) and the advice contained in the National Planning Policy Framework (March 2012).

Informative(s):

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

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

# Agenda Item 7

Item No.
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2
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20/09/2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	61A Carlton Hill, London, NW8 0EN,		
<b>Proposal</b>	Erection of a single storey side ground floor extension.		
<b>Agent</b>	Mr Dino Perrone		
<b>On behalf of</b>	Mrs Stiliani Nikolaou		
<b>Registered Number</b>	16/05898/FULL	<b>Date amended/ completed</b>	11 July 2016
<b>Date Application Received</b>	23 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

The application site is a former artist's studio now in lawful use as a single family dwelling. Located in the back gardens of No.'s 59 and 61 Carlton Hill. Access to the site is via a narrow path from Carlton Hill.

Permission is sought for a single storey side extension is a revision of the original proposals which included a mansard roof extension and a higher building height for the side extension.

The side extension is a modern glazed side extension with a sedum roof to create additional living space, the height of the extension has been reduced to match the rear boundary wall following concerns raised on design and amenity grounds.

Objections from the St John's Wood Amenity Society, neighbours on Carlton Hill and Ryders Terrace have been received on design and amenity grounds.

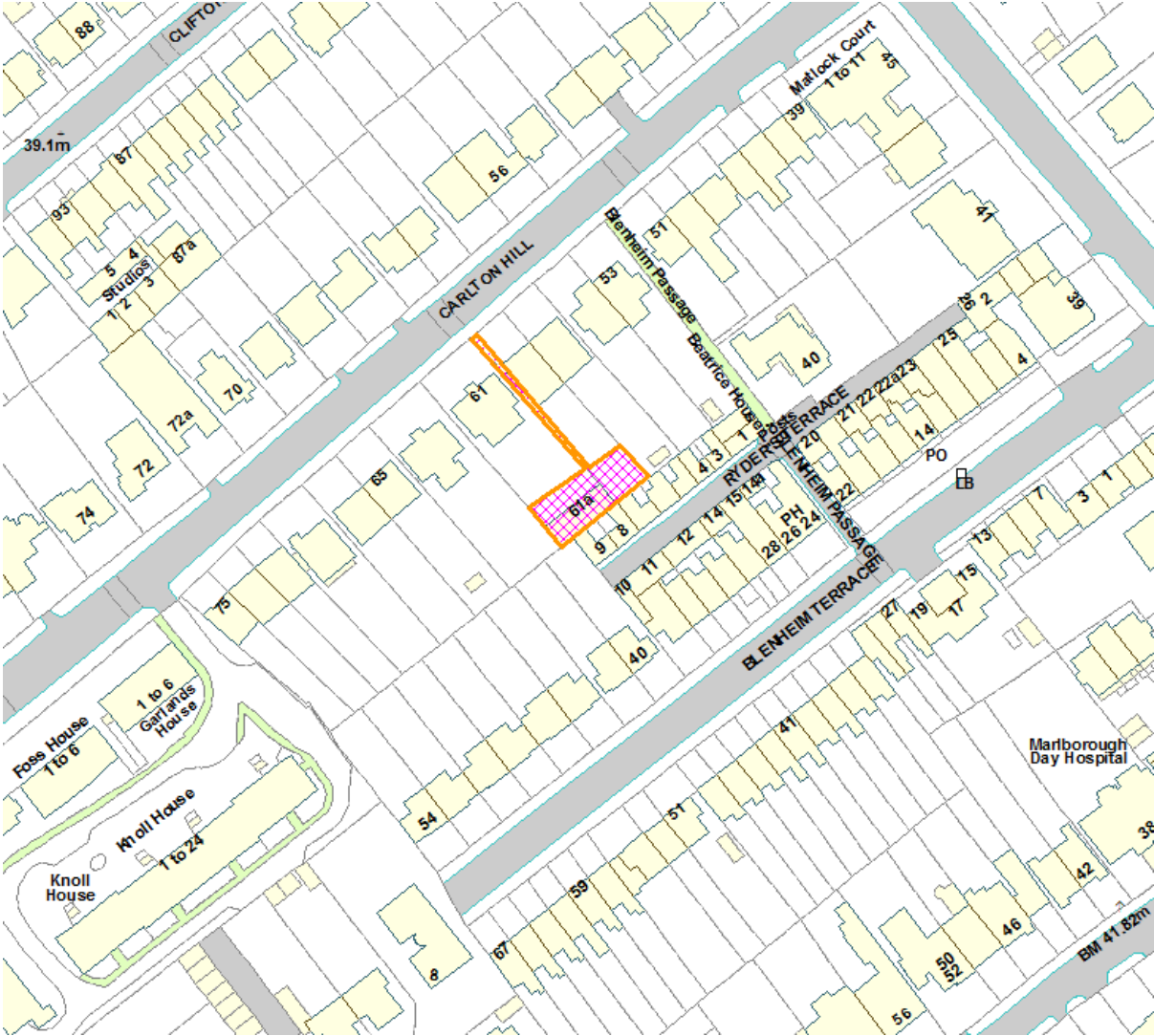
The key issues in this case are:

- Impact on the extension on the amenity of neighbouring properties.
- Impact of the extension on the host building and St John's Wood Conservation Area.

The proposal is considered to be acceptable and accords with relevant Unitary Development Plan and

City Plan policies and is therefore recommended for approval.

**3. LOCATION PLAN**



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4. PHOTOGRAPHS

Front of 61A Carlton Hill



Location of side extension



View to rear of 59 Carlton Hill



Boundary with 57 Carlton Hill





## 5. CONSULTATIONS

Ward Councillors – Any response to be reported verbally

St John's Wood Society - Objection to the use of aluminium in the Conservation Area

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 11 from 9 properties

No. of objections: 9

No. in support: 0

One of the objections is from a representative of the St. John's Wood Society and there are two objections from one neighbour who revised their objection following the removal of the mansard in the revised drawings.

Objections received on the following grounds: (objections that relate to the withdrawn mansard extension have not been included)

#### Design

- Use of aluminium in a Conservation Area
- Loss of character of the property
- Location on the side of the property
- Extension inappropriately large

#### Amenity

- Ground floor extension close to boundary
- Loss of privacy
- Noise
- Sense of enclosure
- Disruption caused during works
- Loss of outlook

#### Other

- Loss of garden and impact on local wildlife

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted former artist's studio located at the end of the rear gardens of No. 59 and 61 Carlton Hill, within the St John's Wood Conservation Area. Dating from the 19th century, the building has been subject to historic alterations and extensions. The property is accessed by a footpath from Carlton Hill located between No. 61 and 59 Carlton Hill, as such the site is not visible to the public.

The historic use of the building was as an artist's studio, a change of use to a single family dwelling was granted in 1986, and the property is currently unoccupied.

## 6.2 Recent Relevant History

### 05/06263/FULL

Two storey front extension to existing studio house  
Application Refused 26 September 2005

### 06/04392/FULL

Erection of a first floor mansard roof extension to existing ground floor extension, erection of a ground floor side extension and extension to existing conservatory.  
Application Permitted 4 January 2007

### 07/07926/FULL

Alterations to planning permission dated 04 January 2007 (RN: 06/04392) namely, alterations to the mansard roof extension and front conservatory.  
Application Refused 14 May 2008

### 07/07927/CAC

Revisions carried out due to poor condition of building fabric.  
Application Withdrawn 4 October 2007

### 07/09156/ADFULL

Details of obscure glaze pursuant to Condition 10 of planning permission dated 04 January 2007 (RN: 06/04392).  
Application Permitted 31 January 2008

## 7. THE PROPOSAL

Permission is sought for the erection of a glazed extension with a sedum roof to the northeast side of the building. The extension will provide additional living space for the applicant. The extension is 2.9 meters high, 7.8 meters wide with a depth of 4 meters.

Permission was initially sought for a mansard roof extension on the north east wing of the building and a building height of 3.2 meters for the ground floor extension. Following a site visit to the property and neighbouring properties on Ryders Terrace, concerns were raised regarding the mansard and the height of the extension. In order to address officer's concerns a revised scheme was submitted omitting the mansard and reducing the extension height to 2.9 meters.

The resubmission was not consulted on as it represented a reduction in the proposed works from the original application.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The principle of providing additional floors pace to this single family dwelling house is acceptable in land use terms in accordance with policy H3 of the UDP and S14 of the City Plan.

## 8.2 Townscape and Design

UDP Policy DES 5 seeks to ensure the highest standards in design alterations and extensions. The policy specifically notes that permission will generally be granted for an extension where it is confined to the rear of the building, if it does not visually dominate the existing building, is of a scale and design that reflects the host building and its materiality is consistent. It also states that permission may be refused where it occupies an excessive part of the garden.

One respondent has raised concerns that the ground floor extension will be close to the site boundary. The proposed extension projects from the side elevation, leaving a gap of 0.9metres from the side boundary and creating a courtyard garden between the rear boundary wall; The site context results in any addition having to be located towards the front and side elevations and the buildings garden setting means any extension will be heavily screened and only visible in private views. In this context the location and positioning of the extension is considered to be acceptable.

Whilst the extension will result in the loss of some garden space, there will still be a proportionate amount of garden to the front of the site, up to the boundary walls and a courtyard garden will be created between the extension and the rear boundary, keeping the development away from the buildings to the rear. Whilst concerns have been raised from neighbours stating that a significant proportion of the garden will be covered, with one commenting the garden will be cut in half; this is not true as shown by the proposed ground floor plan. A large proportion of garden will be retained and the proposed extension is not considered to be excessive in scale in relation to open space. In this regard the extension is in accordance with policy.

Objections have been received on the grounds that the original artist's studio has been overdeveloped and any additional extensions will further erode the original character of the building. It is true that the building has historically been subject to alterations and extensions resulting in a form and façade which is not uniform in style. As proposed the extension would have fully glazed elevations within a lightweight frame with a sedum roof. Given its separation from the host building (no 61) the intangible relationship between the buildings has been eroded including the interpretation of the building as a studio addition to the house. Nevertheless the subservient scale and volume of space allows for this interpretation to be maintained. In this context, given the limited visibility of the building, its historic function as an artist's studio and the lack of a coherent architectural style, the detailed design and materiality of the extension is considered to be acceptable in design terms.

Following initial concerns raised, the height of the extension has been reduced to 2.9 metres, which is in line with the height of the boundary wall. This reduction in height has resulted in a structure which is subservient and relates more comfortably with the host building. The introduction of a sedum roof is welcomed as it will soften the views of the extension. Its introduction and long term presence is proposed to be secured by condition.

## 8.3 Residential Amenity

Policy ENV13 seeks to protect amenities, daylight/sunlight and environmental quality, stating developments should not result in a significant increase in the sense of enclosure, overlooking, or cause unacceptable overshadowing particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy S29 states the council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.

The proposed development sits to the side of the host building at a height of 2.9 meters. The boundary of the property is marked by a wall to the rear at a height of 2.9 meters with a wall and trellis fence to the sides and front that is at a height of approximately 2 meters. The boundary to the front and rear is planted with mature trees and shrubs increasing the height and density of the boundary, thus limiting views to and from the extension.

### **Sunlight and Daylight**

The extension is at the same height as the rear boundary wall, as a result the extension will not reduce the amount of sunlight or daylight to the properties at the rear on Ryders Terrace.

An objection has been made regarding the planting of trees in the courtyard created by the extension. The objection states that in the future the height of the tree could obscure light to the neighbouring properties. It is unclear whether the tree in the application is illustrative only, however the planting of a tree does not require planning permission.

The extension is a gardens length from the neighbouring properties on Carlton Hill. Due to the single storey height and the distance of the extension from the properties on Carlton Hill there would be no loss of sunlight/daylight for the neighbouring properties on Carlton Hill.

### **Sense of Enclosure**

The extension does not rise above the rear boundary wall and is set at a gardens distance away from the rear of the properties on Carlton Hill. Views of the extension from Ryders Terrace are limited to those from the second floor rear windows of No. 6 and 7 Ryders Terrace when looking down towards the garden of 61A Carlton Hill.

The rooms with views of the extension are not habitable rooms and would retain their views towards the sky and rear of Carlton Hill. Only views looking down into the garden of 61A would be altered. As such it is not considered that the proposal would not result in a sense of enclosure. Due to the distance from the neighbouring properties on Carlton Hill it is not considered that they will suffer an increased sense of enclosure.

### **Privacy**

While the extension is fully glazed, it is located behind the boundary wall, trellis fencing and mature trees and shrubs forming the boundary of the property. As a result views to and from the extension would be limited. A condition has been included on the decision notice preventing the roof of the extension being used as a terrace, to ensure that the privacy of the properties on Ryders Terrace and Carlton Hill is protected.

The properties of 59 Carlton Hill directly face the extension and therefore would be most likely to suffer any potential harm regarding overlooking and loss of privacy. An objection has been raised regarding the bedroom and sitting room of No. 59 at lower ground floor being overlooked. However at a gardens length of approximately 22 meters away and considering the height of the

front boundary wall and trellis with the mature plant growth, it is not considered that overlooking towards No.59 from the extension would be significantly increased.

An objection has also been received regarding the loss of privacy for the garden of number 57. It is considered that the boundary between the extension and the garden of No.57 will maintain a similar level of privacy to the current situation and is therefore not considered a sustainable reason in which to withhold permission.

Objections have been raised regarding the loss of outlook from neighbouring properties as views of the garden will be replaced by the extension. The green roof of the extension will soften its appearance when set amongst the existing foliage. While it is accepted that some views of the garden will be altered as a result of the extension, this is not considered as a sustainable reason in which to withhold permission.

Objection has been raised regarding the loss of privacy for the flats of 61 D & F from increased footfall on the footpath to 61A. As the number of bedrooms of 61A has not been increased it is unlikely the number of people living at the property will increase. As such this is not considered as a sustainable reason in which to withhold permission.

Non habitable rooms from No's 6 and 7 Ryders Terrace look towards the proposed extension, while there may be some increase in over looking towards the extension while these rooms are in use, this is not considered to be significant.

#### **Other**

Increased noise levels have been raised as an objection. The extension will form part of the internal living area of 61A, as such it is not considered that the noise levels will be raised above the current situation.

The disturbance to neighbouring properties during construction has also been raised in an objection as the site can only be accessed by a narrow pedestrian passage which runs along the side of 61 Carlton Hill which has a window facing the passage. Disruption during construction is not a valid reason in which to withhold permission – however noisy building works are controlled through recommended condition 2.

The proposal accords with policies ENV 13 of the UDP and S 29 of the City Plan and is therefore acceptable in amenity terms.

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

Transportation/parking will remain the same as the current situation.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

Access to the site will remain the same as the current situation.

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

None

### **8.8 London Plan**

This application raises no strategic issues.

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

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

This development does not require an Environmental Impact Assessment

### **8.12 Other Issues**

None

## **9. BACKGROUND PAPERS**

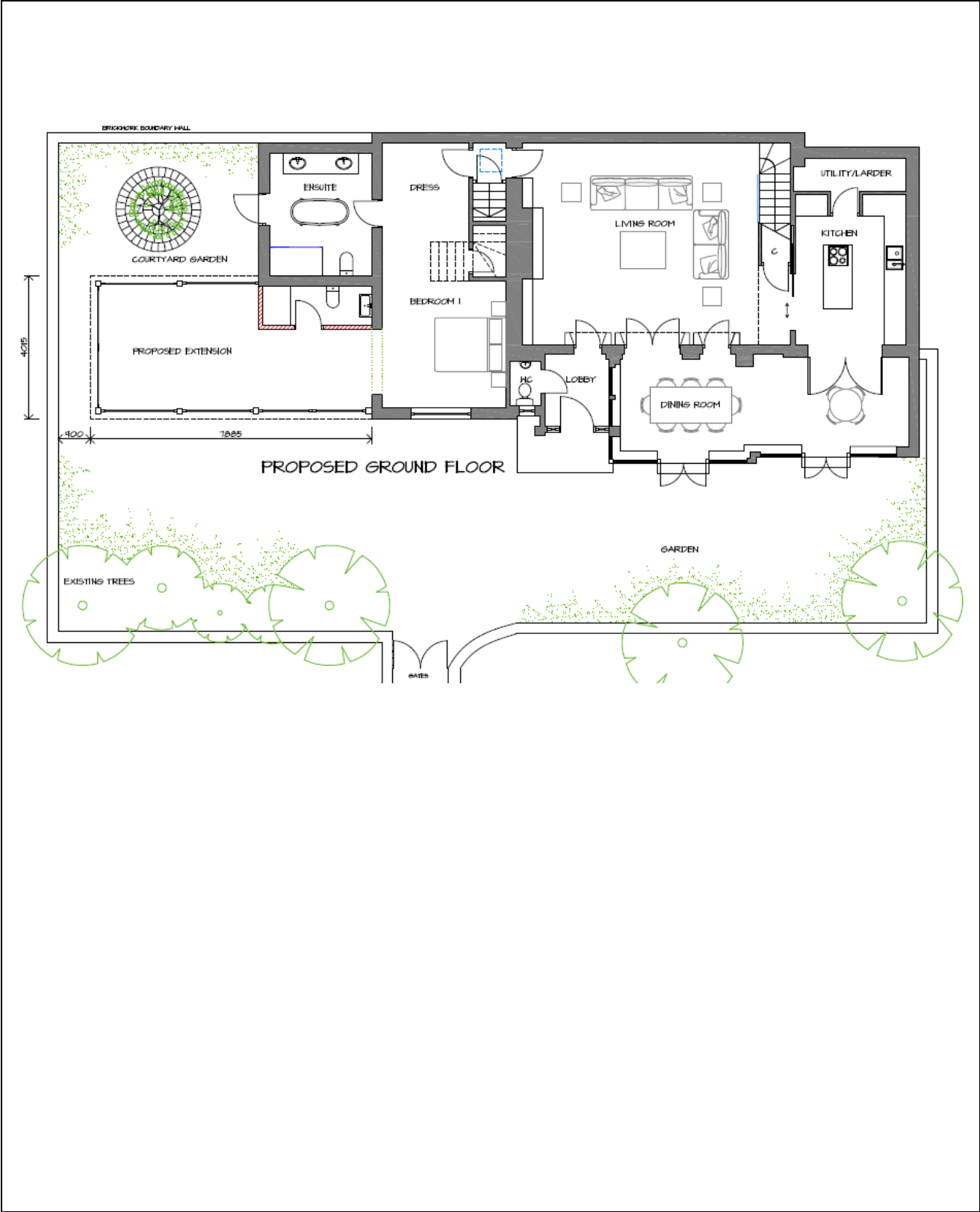
1. Application form
2. Response from St John's Wood Society, dated 26 July 2016
3. Letter from occupier of 57A Carlton Hill, London, dated 29 July 2016
4. Letter from occupier of 59 Carlton Hill London, undated
5. Letter from occupier of 61c Carlton Hill, London, dated 9 August 2016
6. Letter from occupier of 61D & F Carlton Hill, London, dated 5 August 2016
7. Letter from occupier of 61E Carlton Hill, London, dated 12 August 2016
8. Letter from occupier of 63 Carlton Hill, London, dated 7 and 13 August 2016
9. Letter from occupier of 6 Ryders Terrace, St John's Wood, dated 11 and 15 August 2016
10. Letter from occupier of 7 Ryders Terrace, London, dated 18 August 2016
11. Letter from occupier of 9 Ryders Terrace, London, dated 31 July 2016

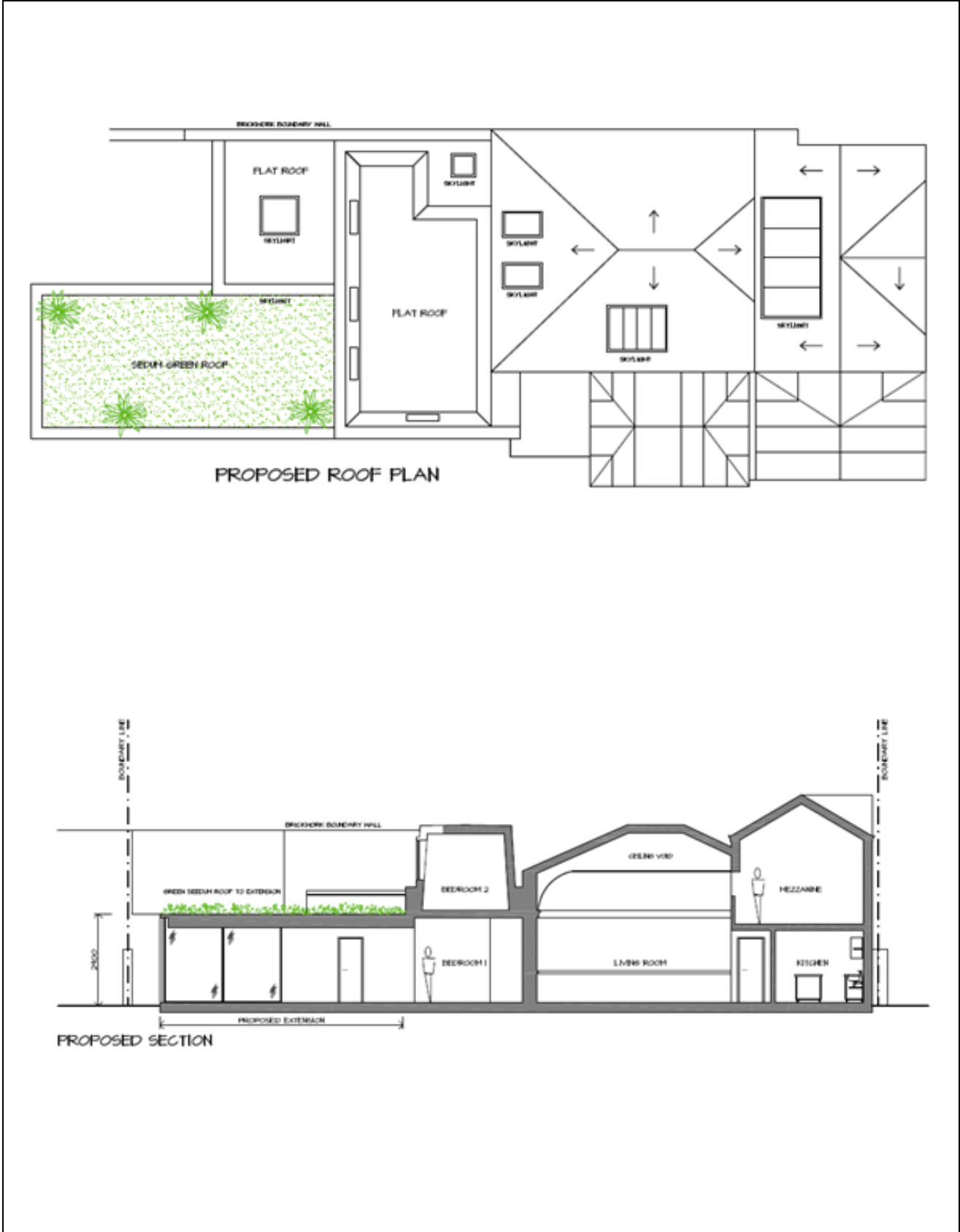
### **Selected relevant drawings**

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

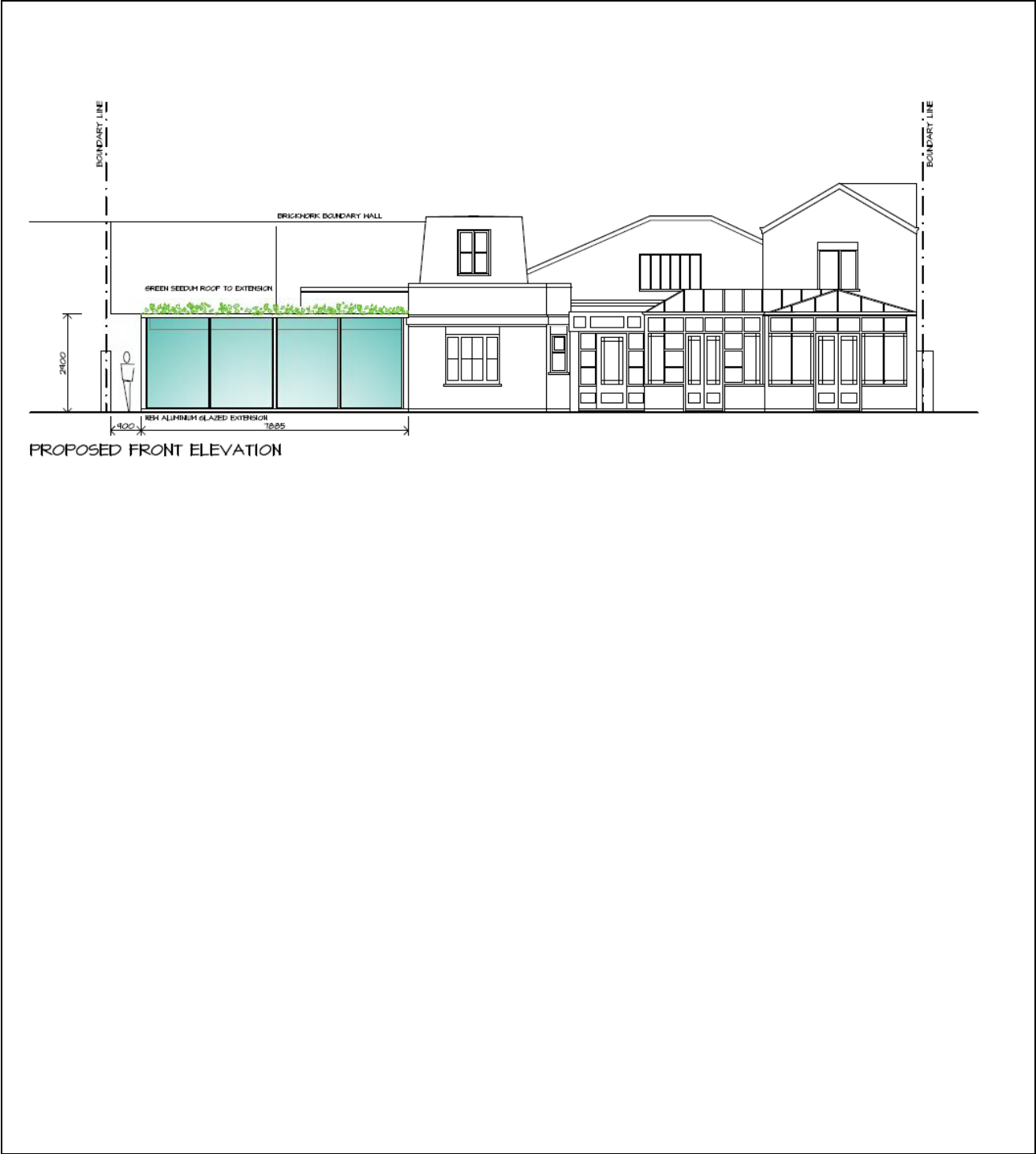
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT SWHITNALL@WESTMINSTER.GOV.UK

10. KEY DRAWINGS









**DRAFT DECISION LETTER**

**Address:** 61A Carlton Hill, London, NW8 0EN,

**Proposal:** Erection of a single storey ground floor extension.

**Reference:** 16/05898/FULL

**Plan Nos:** 61CA-101-A, 61CA-102, 61CA-103-A, 61CA-104-A, 61CA-105-A, Design and Access Statement

**Case Officer:** Max Jones

**Direct Tel. No.** 020 7641 1861

**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
- 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

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)

4

The sedum roof must be installed as specified in the approved drawings and maintained as such thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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.
- 2 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

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# Agenda Item 8

Item No.
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3
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 September 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	53B Clifton Hill, London, NW8 0QE		
<b>Proposal</b>	Full width rear dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope (retrospective application).		
<b>Agent</b>	Mr michael walsh		
<b>On behalf of</b>	Mr Green		
<b>Registered Number</b>	16/06547/FULL	<b>Date amended/ completed</b>	21 July 2016
<b>Date Application Received</b>	11 July 2016		
<b>Historic Building Grade</b>	Not listed but attached to Grade II listed building, 53 Clifton Hill		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Refuse permission – Loss of amenity
-------------------------------------

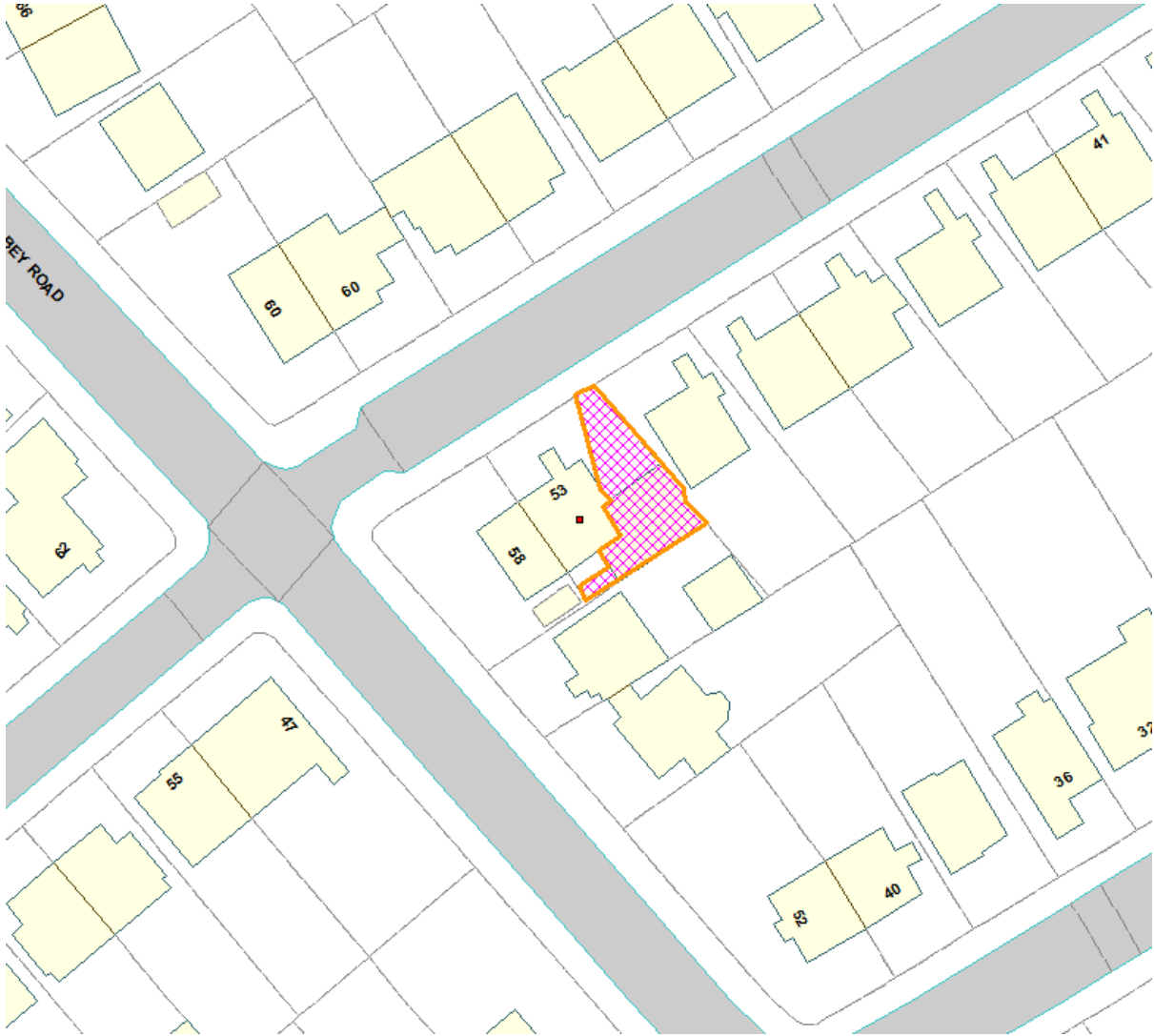
## 2. SUMMARY

Planning permission is sought for the retention of the rear dormer and other roof alterations to this converted coach house. These have been constructed not in accordance with approved plans, granted at Planning Committee 1 December 2015. The principle differences in relation to the approved development are as follows;

- \* Dormer is 230mm taller, measured from the existing party wall.
- \* Dormer does not incorporate a 550mm set back from eaves at either side.
- \* Material of roof of dormer is felt rather than Zinc.
- \* Dormer incorporates three inward opening windows.

Objections have been received from the adjoining occupier to the rear at No. 56 Abbey Road on grounds of; increased sense of enclosure, loss of privacy, as well as raising concerns over discrepancies in the drawings and procedural matters concerning the erection of unauthorised extensions. It is considered that the cumulative impact of the changes to the dormer amount to an unacceptable impact with regards to perception of overlooking upon the neighbouring property, contrary to Policy S29 of the City Plan and ENV13 of the UDP and is recommended for refusal.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Pre-existing rear elevation of 53B Clifton Hill and as built rear elevation below



**As built flank elevation of dormer**





## 5. CONSULTATIONS

### WARD COUNCILLORS FOR ABBEY ROAD

Any response to be reported verbally

### ST JOHN'S WOOD SOCIETY

The scheme has not been constructed in accordance with approved plans and support the City Council's Enforcement Department in taking action against unauthorised works.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 4

Total No. of replies: 1

No. of objections: 1

No. in support: 0

- Loss of light
- Increased sense of enclosure
- Discrepancy between proposed plans and that constructed on site
- Supporting statement inaccurate with regard to timeline of erection of unauthorised dormer.
- Applicant disregarded requirements of previous decision notice.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site at 53B Clifton Hill is a converted former coach house/garage which was last used as a single family dwelling. It comprises open plan accommodation on the ground floor with two bedrooms in the roof space. Although the building is not listed, it is physically attached to the Grade II listed building at 53 Clifton Hill and is also within the St John's Wood Conservation Area.

### 6.2 Recent Relevant History

08/04431/FULL

Demolition of existing two storey house and construction of new house comprising basement, ground and first floors with terrace at rear first floor level.

Application Permitted 5 March 2009

08/05848/LBC

Demolition of house, construction of new house with basement.

Application Permitted 5 March 2009

15/01668/FULL

Erection of dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation

Application Permitted 1 December 2015

The above permission was granted by the Planning Applications Committee. The scheme had previously been reported to the Planning Applications Committee on 30 June and 6 October to allow the architect to incorporate changes to address Committees concerns that the dormer would be unneighbourly and result in an increased sense of enclosure and perception of overlooking. The first set of revisions following the June Committee incorporated drawing back the eaves line at either side of the dormer by 550mm (measured from the outside face of the upper parapet wall), moving the glazing back by 300mm and reducing the brick gable ends, as detailed on revised plans and supporting statement from DP9 dated 24 July.

At the October Committee the revised application was again deferred to seek further mitigation, specifically the omission of glazing on the boundary was sought whilst the addition of further skylights on the dormer to compensate the removal of glazing was suggested.

The final scheme reported to the December Committee did not remove glazing, but retained the form of the dormer previously considered at the October Committee, plus the two additional roof lights, and reiterated the opaque glass would be completely obscured (no light in or out). This scheme was approved at the Planning Applications Committee with conditions restricting windows be obscure glazed and permanently fixed shut.

The development has been completed and the dormer has not been constructed in accordance with approved plans for the 2015 permission. The changes are;

- \* Dormer is 230mm taller, measured from the existing party wall.
- \* Eaves line extends further forward
- \* Dormer does not incorporate eaves setback at either side of 300mm measured from inside of parapet.
- \* Glazing in dormer window set not set back by 300mm.
- \* Material of roof of dormer is felt rather than Zinc.
- \* Dormer incorporates three inward opening windows.

## **7. THE PROPOSAL**

This application seeks permission for retention for these unauthorised works, comprising a full width rear dormer and three rooflights to rear roof slope and installation of new rooflights to front roof slope.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposal would increase the amount of residential floorspace compared to the existing layout as a result of additional floor area created on the first floor, and create a three bedroom dwelling which accords with policy S14 of the City Plan and H3 Unitary Development Plan.

### **8.2 Townscape and Design**

The proposed development has been subject to review in relation to design during previous assessments and has been considered acceptable in this regard. Alterations to the front and side elevations have been undertaken and are not been included in the description of development in this application as these works comprise permitted development.

With regard to roof alterations, the rear dormer spans the entire width of the roof. Its height above the existing parapet wall, measured to the flat roof, is 1134mm. This measurement was clarified on site during an accompanied site visit with the agent for the application on 30 August 2016. It has high level timber frame casement windows spanning the entire length. The new pitched roof has a slate covering with conservation rooflights in the front and rear roof slope, and felt covering to the flat roof. In terms of bulk and mass, the principle difference from the approved dormer is the lack of a stepped rear elevation, increased eaves projection and an increase in height of approximately 230mm. Whilst regrettable, this change is not considered to result in any significant harm in design terms.

In terms of detailed design, the slate roof, conservation area rooflights and timber frame casement windows are considered to be appropriately detailed with suitable materials. The use of a felt flat roof, whilst being a departure from the zinc specified previously, matches the materials used on the remainder of the existing building at first floor level. As such, it is not considered to be discordant with the remainder of the building.

The proposal is therefore considered to satisfy policies DES1, DES5, DES6 and DES9 of the UDP and S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

#### **Sunlight and Daylight**

The application has included sunlight mapping modelling in the Design and Access statement, although a full daylight and sunlight assessment in accordance with BRE indicators has not been provided. Previous decisions at Planning Applications Committee dated 5 March 2009 and 1 December 2015 concurred with Officers recommendation that there would be no loss of sunlight upon adjoining occupiers due to the orientation of the site and that there would be no discernible reductions in daylight. The dormer would be 230mm higher than the approved scheme, measured from the top of the parapet to the flat roof and would encroach approximately 300mm closer to the inside of the parapet boundary wall on either side. Notwithstanding this, it is not considered these alterations would significantly alter the situation with regard to daylight or sunlight levels and therefore would not be sustainable to withhold planning permission on these grounds.

#### **Sense of Enclosure and privacy**

The dormer accommodates a bedroom at either side and a bathroom in the middle, consistent with the approved layout. In amenity terms, the Design and Access Statement provided with this application sets out in paragraphs 2.18 that the constructed dormers only departure from the approved dormer under reference 15/01668/FULL is the matter of the stepped profile. This is inaccurate, as they comprise; the failure to incorporate a set back at either side of 300mm (measured from the inside edge of the existing parapet) nor

a setback for the glazing of 300mm, eaves project further forward, increase to the height of the dormer of 230mm and inclusion of 3 single inward opening windows serving each room. The impact of these changes with regards to overlooking and perception of overlooking are discussed below.

Officers visited the property in August 2016 and confirm that the dormer windows are high level and obscure glazed. The three single inward opening windows are fitted with restrictors. Within the bedrooms, cupboards have been fitted adjacent to the wall of the windows preventing access to the foot of the windows although in practice this is not enforceable. The windows therefore do not enable direct overlooking to adjoining properties.

Notwithstanding this, the cumulative impact of these alterations to that approved, results in a dormer that is more oppressive with an increased perception of overlooking for the occupiers of 56 Abbey Road and the use of their garden. The modifications to the original design were incorporated over the course of three committee meetings to reduce the impact on the boundary with respect to enclosure and perception of overlooking, particularly as the windows face the neighbouring dwellings kitchen/dining room and garden. The supporting statement prepared by DP9 dated 24 July 2015 for the October Committee outlined these modifications in detail. This document was included in the list of approved drawings when the application was reported back to the December committee having been modified only by way of inclusion of two additional rooflights and further confirmation of obscure glazing, hence these measures were part of the approved development. On page 3 of the report the following comments were made with respect to modifications;

*'These further alterations serve to reduce both the brick work and glazing on the boundary. As such the changes reduce any potential feeling of overbearing by the neighbours as there is less mass immediately abutting the neighbours. The setback of the glazing also reduces any impression of overlooking. The glazing will continue to be obscure glass (letting light in but no views out) and with the setback will also be less visible. These measures will thus reduce any feeling of overlooking'*

It follows therefore that the omission of these elements, coupled with the increased height, omission of the glazed setback of 300mm, opening windows and greater projecting eaves, would result in an increase perception of overlooking. Their omission serves to exacerbate the impact of the development with regards to perception of overlooking.

### **Comments on Design and Access Statement with regard to privacy and perception of overlooking**

The supporting Design and Access Statement for this application prepared by London Green Limited makes a number of points that are inaccurate and that require further clarification pursuant to establishing the impact of development in amenity terms.

Paragraph 2.23 – 2.24 states that inward opening and obscured windows are proposed in accordance with conditions imposed by permission RN:15/01668/FULL. This is incorrect as the condition (7) of the decision required that all windows be obscure glazed and fixed shut. At the October Planning Committee the draft decision notice recommended windows be obscure glazed and fitted with restrictors however this draft decision was deferred.

Paragraphs 2.14 – 2.16 maintain that the dormer as built does incorporate a setback when considered in relation to the double party wall which was not shown on the approved drawings for application RN:15/01668/FULL. It is agreed that the section drawings did not include the lower inner party wall of 56 Abbey Road. Notwithstanding this, there is no doubt that the approved section drawing AA (A-04c) shows the eaves set back from the closer upper parapet wall by 300mm measured from the inside face of the wall, or 550mm measured from the outside face of the same wall. The lower party wall that is referred to in the statement was not used by all parties to calculate the precise dimensions of the setback, although photographs of the site made available to members would have enabled all interested parties have regard for its presence. It is not considered appropriate for the applicant to place greater emphasis on the setback from this lower wall at this stage.

Paragraph 2.17 puts forward that the impact of the stepped form is diminished by the presence of a semi mature tree planted at the base of the garden wall on number 56's side. This is disingenuous given that it is fact a species of Pyracantha Shrub (Fire thorn). It should be noted that if the boundary was planted with an evergreen hedge or a screen of evergreen trees that were tall enough to screen the building it could be subject to a high hedges complaint (Anti-social Behaviour Act 2003) and it seems probable that a Hedge Control Order to prune the hedge to 2m would be the result given the proximity of the extension.

Paragraphs 1.10 – 1.14 make reference to the original unimplemented expired permission RN: 08/04431/FULL, setting out that this scheme included a terrace without privacy screens [the drawings appended at the end of the statement are incorrect as they are superseded drawings for permission RN: 15/01668/FULL, rather than approved drawings for permission RN: 08/04431/FULL]. This is not an entirely accurate given that the terraces were designed to ensure the parapet wall extended a minimum of 1.8m (5.9ft) from the floor level to prevent overlooking. In addition the two rooms at the rear were shown as bathrooms rather than bedrooms. As such it should not be construed from this reference that permission has been granted previously for a development that would be materially worse in amenity terms that that constructed on site. In any case this development was not implemented and has now expired.

As such, by virtue of the increased scale of the development and inclusion of opening windows, the development is considered to be un neighbourly and result in an unacceptable increase in perception of overlooking, contrary to policy ENV13 of the UDP and policy S29 of Westminster's City Plan: Strategic Policies, both of which aim to protect the amenity of residents from the effects of development.

#### **8.4 Economic Considerations**

No economic considerations are applicable for a development of this size

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

This application raises no UDP/Westminster Policy issues.

#### **8.6 London Plan**

This application raises no strategic issues.

### **8.7 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.

### **8.8 Planning Obligations**

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

### **8.9 Other Issues**

The single objection from the neighbour highlights that there are inaccuracies in the supporting statement by London Green Ltd regarding the timeline for commencement of unauthorised works. The dormer in situ presently was under construction during the consideration of the previous application rather than following the granting of permission in December 2015. This assessment however is based on the documents supplied with the application and these timings are not material to considering the merits of the scheme which should have regard for the adopted development plan policies and any other material planning considerations as detailed elsewhere in the report.

Discrepancies with regards to measurements shown on the drawings in comparison to that erected on site were checked by Officers during an accompanied site visit on 30 August 2016 with the agent. The findings were that there are some discrepancies on the measurements shown on the drawings in comparison to that constructed at the site, namely the height of the dormer is 1134mm above the parapet rather than 1200mm shown on section BB, drawing number A-PLANNING-E-xx. The corrections have been included in Officers assessment as detailed elsewhere in the report.

Comments from neighbours make reference to an unauthorised air conditioning unit on the flat roof of the ground floor of the application site. This is subject to a separate planning application RN: 16/06802/FULL.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from St John's Wood Society, dated 22 August 2016
3. Letter from occupier of 56 Abbey Road, London, dated 18 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: SARAH WHITNAL BY EMAIL AT [swhitnal@wesminter.gov.uk](mailto:swhitnal@wesminter.gov.uk)

### 10. KEY DRAWINGS

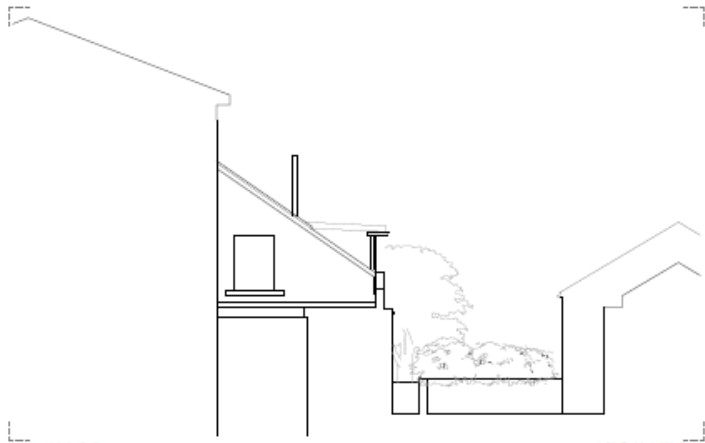
**Plans as built**

The drawings include:

- Proposed Roof Plan As Built**: A detailed plan of the roof structure with a scale of 1:150 @ A1.
- Proposed First Floor/Dormer Plan As Built**: A detailed plan of the first floor and dormer with a scale of 1:50 @ A1.
- Location Plan**: A site plan showing the building's location within a street grid, with a scale of 1:1250 @ A1.
- Site/Block Plan**: A plan showing the building's footprint and its relationship to the surrounding block, with a scale of 1:500 @ A1.

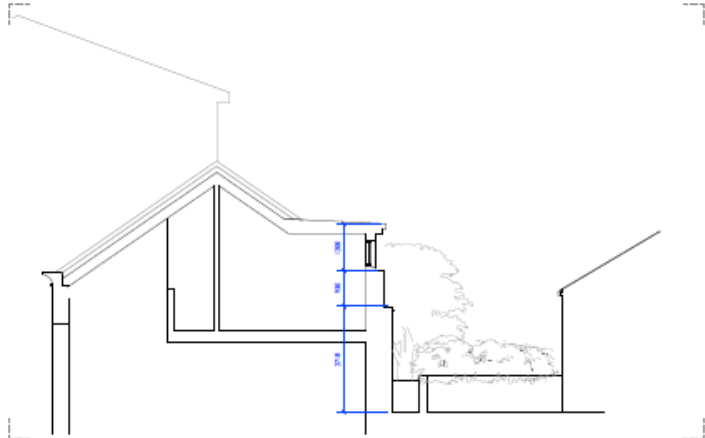
  
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### Sections/Elevations As Built



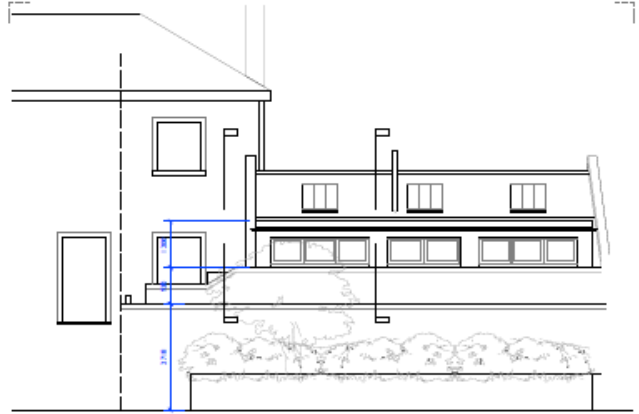
Section AA As Built

1:50 @ A1; 1:100 @ A3



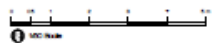
Section BB As Built

1:50 @ A1; 1:100 @ A3

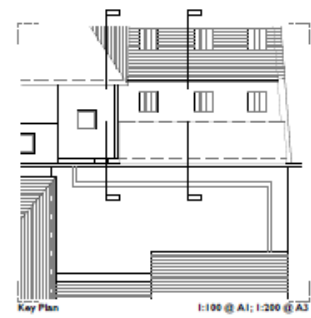


Section CC/Proposed Elevation (From Neighboring Property) As Built

1:50 @ A1; 1:100 @ A3



1:50 Scale



Key Plan

1:100 @ A1; 1:200 @ A3



1:100 Scale

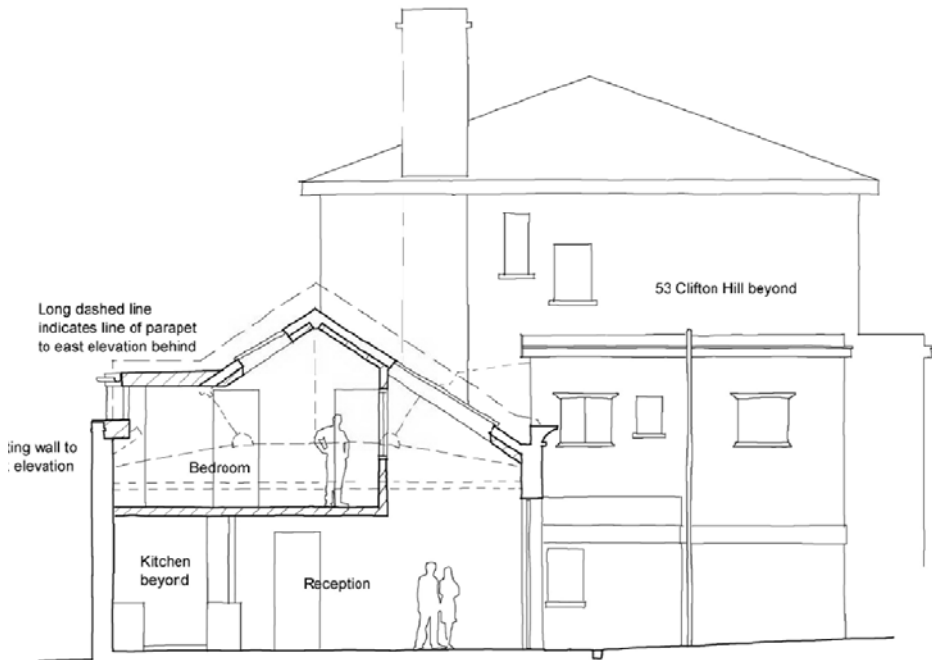
DATE	1/2018
REV	001
STATUS	ISSUED

**LONDON GREEN**  
ESGLED FOR PLANNING

CLIENT: Mr & Mrs Sam Green  
PROJECT: Sections/Elevations As Built  
DRAWN BY: APLANNED/100  
CHECKED BY: [Signature]  
DATE: 1/2018



Section AA as approved, Roof plan approved below



Section A-A



Roof Plan - Proposed

**DRAFT DECISION LETTER**

**Address:** 53B Clifton Hill, London, NW8 0QE

**Proposal:** Retention of a full width rear dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope (retrospective application).

**Reference:** 16/06547/FULL

**Plan Nos:** A-PLANNING-E-xx, A-PLANNING-P-xx, A-02a, Design and Access Statement prepared by London Green Ltd dated 08.07.16

**Case Officer:** Samuel Gerstein

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

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

By virtue of the increased scale of the development and inclusion of opening windows, the development is considered to be unneighbourly and result in an unacceptable increase in perception of overlooking. 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.

**Informative(s):**

- 1 You are advised that the works to the roof are unauthorised and should be removed or rectified in line with planning permission RN:15/01668/FULL. Failure to do so may result in the Council exercising its powers of enforcement to remove the unauthorised works.

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

Item No.
4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 September 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>11 Woodstock Street, London, W1C 2AE</b>		
<b>Proposal</b>	Installation of full height extract duct together with screening and associated fan; relocation of 3 air conditioning units and a chiller refrigeration unit and provision of 1 additional air conditioning unit all within a new screened enclosure on a rear 1 <sup>st</sup> floor flat roof .		
<b>Agent</b>	CBRE		
<b>On behalf of</b>	Woodstock Investment International Ltd.		
<b>Registered Number</b>	16/02908/FULL	<b>Date amended/ completed</b>	1 April 2016
<b>Date Application Received</b>	1 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

**1. RECOMMENDATION**

1. Grant conditional planning permission.
---

**2. SUMMARY**

The application premises is a Public House located on the western side of Woodstock Street to the south of Oxford Street. Permission is sought for the erection of a full height rear extract duct and screening and plant on a rear 1<sup>st</sup> floor flat roof area which will also be screened in an acoustic enclosure.

The key issues for consideration are:

- The impact of the works on the appearance of the building and the Mayfair Conservation Area;
- The impact of the operation of the plant on the amenity of neighbouring residents in terms of noise and odours.

Permission was previously granted for a full height extract duct and plant for the Public House in 2012. The duct and plant have not been installed in accordance with the approved plans. This application would regularise the position and the screening of both the high level duct and plant is considered to be an improvement to both the existing and previously permitted positions. Subject to appropriate conditions the proposal is considered acceptable in accordance with adopted UDP and City Plan policies.

Item No.
<b>4</b>

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1. Front elevation of building



Photograph 2. Duct as installed (between 1<sup>st</sup> December 2014 until 18<sup>th</sup> July 2016)



## 5. CONSULTATIONS

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

No objection as the works are necessary in order to continue use however, it will be necessary to 'tone' the duct casing to the background.

### ENVIRONMENTAL HEALTH:

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 29

Total No. of replies: 2

No. of objections: 2

No. in support: 0

2 objections received on the following grounds

- The visibility of the a/c units within lightwell from surrounding properties.
- Smells and odours being discharged towards existing air intake equipment and in front of residential windows. Request that if permission is granted conditions should be imposed requiring an adequate filtration system which is regularly maintained.
- The chiller refrigeration unit adjacent the party wall transmits vibrations; it should either be removed or alternatively, removed from the party wall and installed on anti-vibration pedestals.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

11 Woodstock Street is comprises basement, ground and four upper floor. The basement and ground floors are in use as a Public House (The Woodsock) the upper floors are residential flats (Class C3).

The sites lies to the south of Oxford Street within the Core Central Activities Zone and the Mayfair conservation area is a mixed use area. The building is not listed

### Recent Relevant History

On 12 December 2012 ( RN 12/10514/FULL) permission was granted for : Alterations including single storey roof extension and new residential entrance on Woodstock Street; use of part ground and first to fourth floors as 3 residential flats, comprising 1x1 and 2x2 bedroom flats (Class C3) and reconfiguration and refurbishment of existing public house (Class A4) at part ground and basement levels; extension to existing rear kitchen extract duct and provision of screening to existing air conditioning units at rear first floor level.



This permission has been partially implemented. The change of use of the upper floors, including the roof extension has been implemented, however some of the completed works do not accord with the permission granted in December 2012.

A high level duct terminated vertically. As installed the duct has a swan neck facing towards the rear (this was in situ until July 2016). A refrigeration chiller unit was located on the party wall of the adjoining property at No. 12 Woodstock Street. The chiller unit has been the subject of an Abatement Notice, which was served on 15<sup>th</sup> April 2016. The Council's Noise Team have subsequently confirmed that the statutory nuisance arising from the chiller unit is no longer occurring.

The application permitted in December 2012 included a screened plant enclosure at first floor level but did not specify the plant that would be located within the enclosure This has not been implemented.

Finally the roof extension includes dormer windows that do not accord with the earlier permission. The applicant has confirmed a separate application will be submitted to regularise this position.

## **7. THE PROPOSAL**

Permission is sought for the installation of full height rear extract duct together with screening and associated fan and the installation of 4 air conditioning units and a refrigeration chiller unit within an acoustic enclosure at rear 1<sup>st</sup> floor flat roof area.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Not applicable

### **8.2 Townscape and Design**

The application site is unlisted but is located in and makes a positive contribution to the character and appearance of the Mayfair Conservation Area.

Historically there have been a number of exposed air conditioning units on the 1<sup>st</sup> floor flat roof area. As already stated permission was granted for a full height rear steel extract duct and plant enclosure on a rear 1<sup>st</sup> floor flat roof in 2012. This establishes the principle of a high level duct and a plant enclosure at the rear of the premises. The current application seeks to clad the duct in GRP brickwork cladding to reduce its visual impact. In addition, rather than a curved horizontal termination (as previously installed) the duct terminates vertically, helping to further reduce its visual impact.

An objection has been received that the plant will be visible from residential properties. The duct and plant is located in an enclosed area to the rear which is not visible from any public viewpoints. In view of the enclosed nature of the site and mixed character of the area given that the provision of a duct and plant has previously been permitted on the rear

of the building the proposed works are again considered acceptable in design terms. Screening both the duct and plant is a welcome improvement on the previous position.

### **8.3 Residential Amenity (Daylight/ Sunlight Sense of Enclosure)**

The upper floors of No. 12 Woodstock are in use as three residential use and split into three lateral flats. The rear elevation of this building has a flank wall projecting beyond the rear elevation of the application building. The proposed works would therefore have no impact on this property.

The duct and cladding will be located in close proximity to windows of flats on the upper floors of the application premises. However given the size and position of the duct and cladding it is not considered that the bulk and mass would not result in a material loss of light or increased sense of enclosure to the rear aspect of the upper floor flats. existing flats .

### **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**

Access to the public house and the residential flats will remain unchanged.

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

Plant

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

The wall mounted chiller unit has in the past resulted in nuisance through noise vibration and the City Council has previously issued an abatement notice to prevent nuisance from the structural transmission. The Council's Noise Team have subsequently advised that repositioning of the chiller refrigeration unit has overcome the concerns.

The current proposal is that all the plant would be enclosed in an acoustic enclosure. An acoustic report has been submitted and Environmental Health have confirmed that the plant is likely to comply with the Council's noise standards over a 24 hour period. The applicant has confirmed that the kitchen operation times are 11:00- 22:00 Monday to Saturdays and 12:00-22:00 on Sundays. Environmental Health recommend a condition requiring the kitchen extract duct to be switched off generally 1 hour after kitchen service.

Due to the history of the site, it is recommended that an additional condition is imposed requiring a supplementary noise survey (post commissioning survey) to be undertaken after the noise attenuation works are completed to ensure that all plant is operating within the specified criteria..

#### Odour

An objection has been received that the termination of the duct would result in odours. Environmental Health are satisfied that the extract duct termination point is 1 metre above the eaves and therefore should provide sufficient dispersion of cooking odours

#### London Plan

This application raises no strategic issues.

### 8.8 National Policy/Guidance Considerations

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

### 8.9 Planning Obligations

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

The application does not attract CIL payment.

### 8.10 Environmental Impact Assessment

The application is not of a size to require an Environmental Impact Assessment.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 4 May 2016
3. Response from Environmental Health, dated 1 September 2016
4. Letter from occupier of Lewis (Ayr) Limited, Chelsea House, dated 25 April 2016
5. Letter from occupier of 12 Woodstock Street, Flat 2, dated 11 May 2016

#### Selected relevant drawings

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

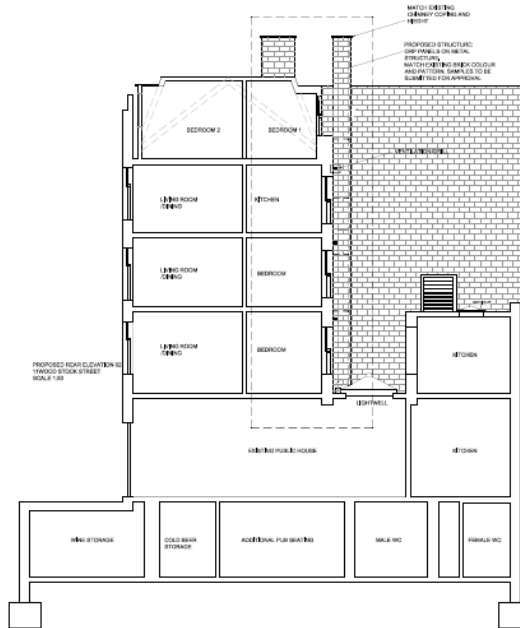
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)

**10. KEY DRAWINGS**

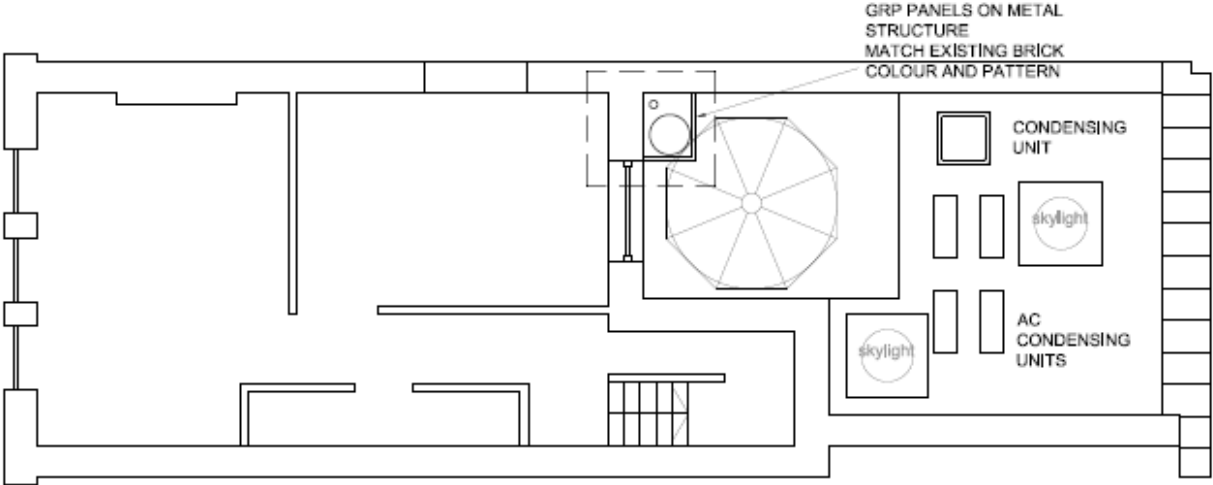
Drawing 1. Proposed rear elevation showing GRP cladding and high level duct without cladding



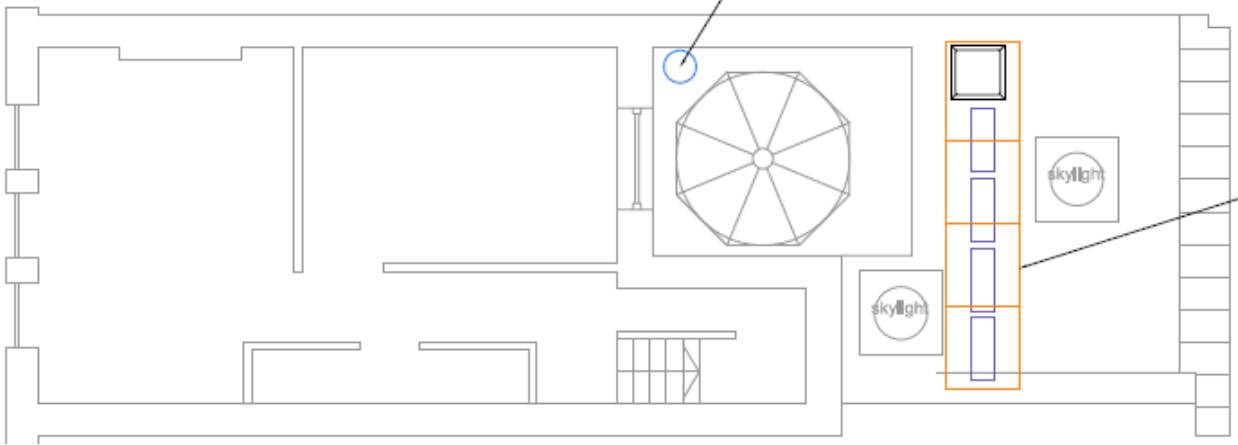
Drawing 2. Proposed section



Drawing 3. Proposed layout plan of lightwell with GRP cladding



Drawing 4. Proposed layout plans showing high level duct without GRP cladding and with acoustic enclosure to A/C units.



**DRAFT DECISION LETTER**

**Address:** 11 Woodstock Street, London, W1C 2AE,

**Proposal:** Installation of full height extract duct together with screening and associated fan; retention of one refrigeration condenser within an acoustic enclosure (permitted under 12/10514/FULL). (Part Retrospective).

**Reference:** 16/02908/FULL

**Plan Nos:** MAY2686/1A, MAY2686/4A, REV (00).

**Case Officer:** Lindsay Jenkins **Direct Tel. No.** 020 7641 5707

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

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

**Reason:**

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

- 2 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 (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.

- 4 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater

than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

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

- 5 The kitchen extract plant hereby permitted shall not be operated except between 11:00 hours and 23:00 hours the following day.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in 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.

- 6 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 3, 4 and 5 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 7 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 Mayfair 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)

- 8 You must not operate the full height kitchen extract duct until the high level duct has been installed and enclosed in the GRP cladding as shown on Drawing No. Rev (00) and submitted to Westminster City Council on 10th August 2016.



**Reason:**

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- 9 You must put up the acoustic enclosure shown on the approved drawings before you use the 4 air conditioning units and refrigeration chiller unit. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

**Reason:**

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

**Informative(s):**

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(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 Mayfair 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)

- 8 You must not operate the full height kitchen extract duct until the high level duct has been installed

and enclosed in the GRP cladding as shown on Drawing No. Rev (00) and submitted to Westminster City Council on 10th August 2016.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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.
  
- 2 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
  - \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
  
- 3 Conditions 3 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
  
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 5 You are reminded that the installations should be installed with the acoustic mitigation measures as set out within the Clarke Saunders Acoustic report AS8794.160307.PR dated 11 March 2016.
  
- 6 You are reminded that the extraction system should be regularly maintained and cleaned as recommended by the manufacturer's details.

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.
5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 September 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	3-5 Wardour Street, London, W1D 6PB,		
<b>Proposal</b>	Use of basement as restaurant (Class A3) and erection of a full height rear extract duct.		
<b>Agent</b>	Mr Turabi Ay		
<b>On behalf of</b>	Mr W Cheung		
<b>Registered Number</b>	16/02558/FULL	<b>Date amended/ completed</b>	14 April 2016
<b>Date Application Received</b>	22 March 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Chinatown		

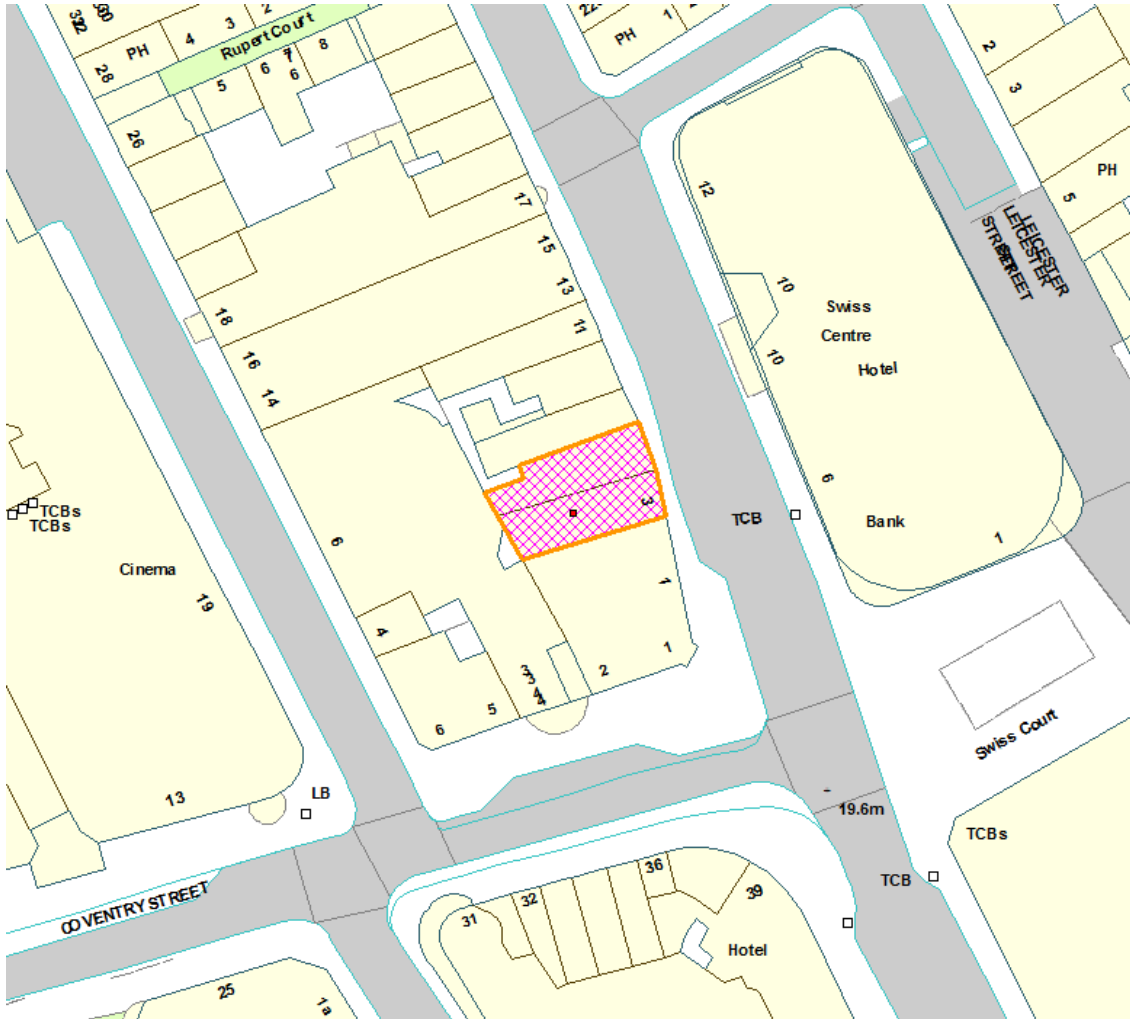
## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

<p>The application premises is situated at the southern end of Wardour Street close to its junction with Coventry Street. Permission is sought for use of the basement as a restaurant and the erection of a full height rear extract duct. The basement has been vacant since March 2014 and is believed to have last been used as storage space for offices (Class B1) on the upper floors.</p> <p>The key issue for consideration is :</p> <ul style="list-style-type: none"> <li>* The acceptability of the proposal in land use terms</li> <li>* The impact of the restaurant on the character and function of the area and on residential amenity.</li> </ul> <p>The proposal would bring the basement back into active use. There are no policies which seek to prevent offices from being converted into another commercial use. Given that the proposal would result in a small scale restaurant that would not be a late night entertainment use it is considered appropriate to this part of Soho. Subject to appropriate conditions the use is considered acceptable in accordance with relevant policies set out in the adopted Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP).</p>
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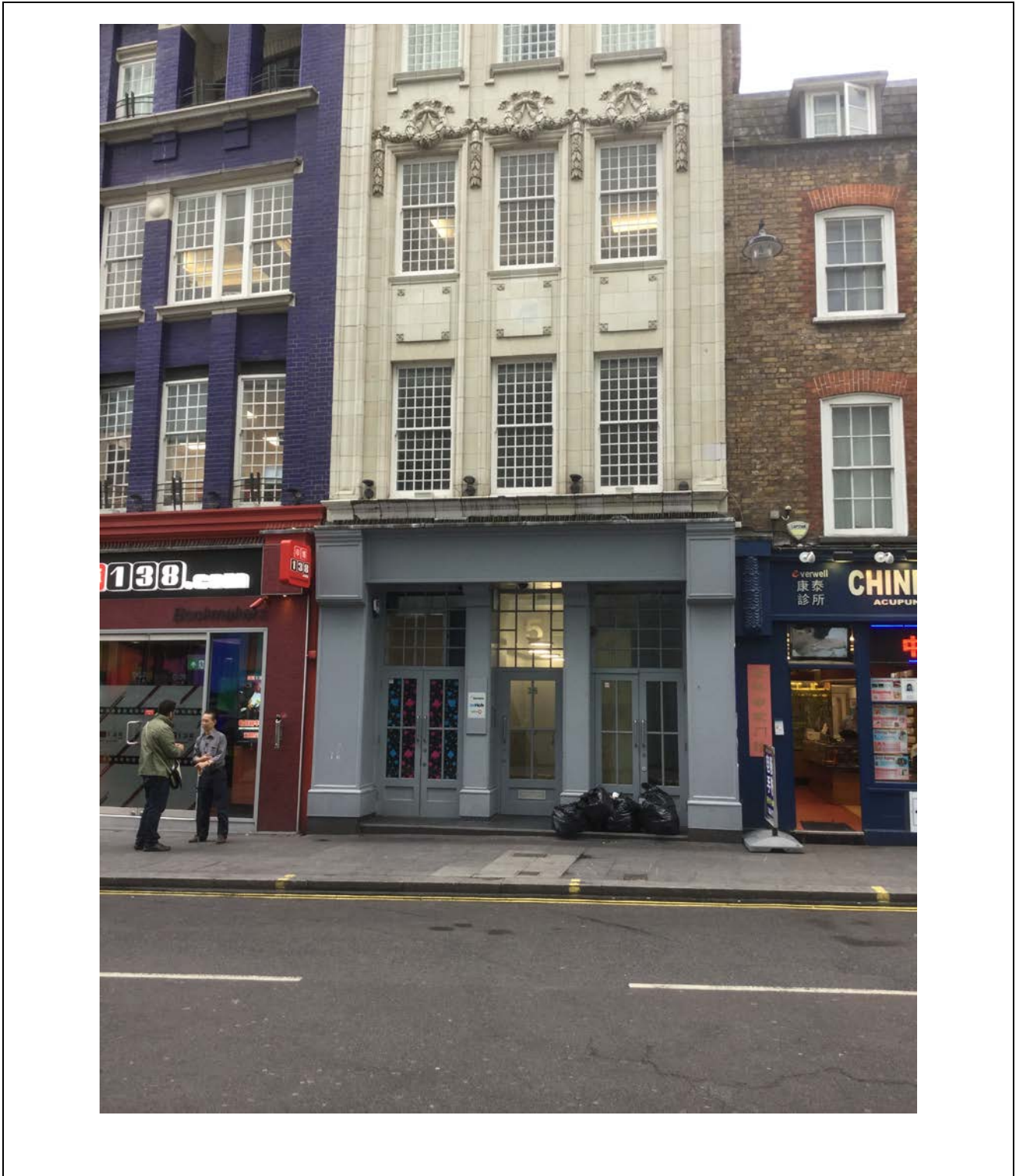
### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### ORIGINAL APPLICATION

Soho Society

Objection to the loss of small offices (Class B1) and the provision of a restaurant (Class A3) in the West End Stress Area which is saturated with restaurants.

Cleansing

Request further details of refuse storage

Highways Planning

No objection

Environmental Health

Holding objection to low level extract system

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27

Total No. of replies: 1

No. of objections: 1

1 objection that a low level extract duct does not comply with Council Policy. A high level extract duct is required. Potential noise nuisance from three air conditioning units.

### REVISED APPLICATION

Environmental Health

Response to be reported verbally

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application premises comprises basement ground and four upper floors. The basement has been vacant since March 2014, having previously been used as storage in connection with the offices on the upper floors. The site lies in the heart of the West End within the Core CAZ, the West End Stress Area and the China town Conservation Area.

The area is mixed use in character comprising a mix of retail, restaurant entertainment uses, offices and residential.

## **6.2 Recent Relevant History**

None directly relevant

## **7. THE PROPOSAL**

Permission is sought for the use of the basement as a restaurant (Class A3). Initially the proposal involved the provision of a low level extract system as ventilation for cooking. Further to advice from officers that this would not adequately disperse cooking fumes this aspect of the application has been amended and the scheme now includes the provision of a full height rear ventilation duct. The basement has an existing separate independent access and no external alterations are proposed to the front of the building.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### Loss of Offices

An objection has been received from the Soho Society to the loss of small office floorspace which they consider to be a more beneficial and appropriate use than the proposed restaurant. City Plan policy S18 encourages commercial development within the Core CAZ. City Plan Policy S20 protects offices but only where this is being converted to residential. Furthermore given that the basement has been vacant for over 2 years and has not contributed to the vitality of the area it is not considered that permission could reasonably be withheld due to the loss of office floorspace.

#### Proposed Restaurant

The proposal would see the creation of a new restaurant on site measuring 158 m<sup>2</sup>. The capacity is 60 covers the intended opening hours are between 11.00 and 23.00 daily. The proposed menu is based on Chinese/Japanese Hot Pot cooking with mainly stews, soups and noodle soups.

UDP Policies TACE 8-10 control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city (whilst acknowledging that they provide services to people living in, working in and visiting Westminster and contribute to its role as an entertainment centre of national and international importance).

The UDP TACE policies are on a sliding scale in which proposals where TACE 8 is applicable will generally be permissible and where TACE 10 is applicable will only be permitted in exceptional circumstances. Given that the size of the premises (158 m2) situated within the West End Stress Area policy the application needs to be assessed against UDP policy TACE 8.

City Plan policy S24 is also applicable this states that 'New entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. New large-scale late-night entertainment uses of over 500 m2 floorspace will not generally be appropriate within Westminster'.

The objection from the Soho Society is made on the basis that the West End Stress Area is already saturated with restaurant and a further restaurant would be harmful to the character of the area. It is acknowledged that there is an abundance of restaurants in this part of Soho in the Chinatown Conservation Area which are an important characteristic of the area. The proposal would result in the provision of a small low key restaurant within a basement which is long term vacant. It is considered that this would not be harmful to the character and function of the area.

The very modest and limited number of covers and opening hours which are within the core hours for entertainment uses are considered acceptable and the use would not have an adverse impact on residential amenity.

## **8.2 Townscape and Design**

The rear of the site is enclosed by buildings on Coventry Street and Rupert Street and is not visible from any public views. The proposed full height rear extract duct is in a relatively concealed location and would not be unduly prominent. This aspect of the application is considered acceptable, in accordance with City Plan policy S28 and UDP policies DES1, DES5 and DES9.

## **8.3 Residential Amenity (Daylight and Sunlight/ Sense of Enclosure )**

Proposed alterations are limited to a rear extract duct. This bulk and mass of the structure would have no material impact on the amenity of the occupants of any nearby properties.

## **8.4 Transportation/Parking**

As this is a conversion of part of an existing building no off street servicing can be provided. Servicing will take place on street. The largest regular service vehicle expected to be associated with this development in this location servicing is the refuse

collection vehicle. This will service this property in a similar fashion to the existing use and nearby properties.

The Highways Planning Manager advises that given the floorspace the London Plan requires 2 cycle parking spaces. The space should be accessible, covered and secure. There are however practical difficulties in providing cycle parking within the basement. In the circumstances it is considered that a condition requiring the provision of cycling parking could not reasonably be imposed.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

No change is made to the existing access arrangements

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

An objection has been received from a nearby resident to the proposed low level extract system as an inadequate means of dispersing cooking fumes and that three air conditioning units will generate more noise and heat in addition to existing ones.

As already stated the application has been amended since the initial submission and a high level extract duct is now proposed. This is considered an adequate means of ventilating the kitchen and dispersing cooking fumes. No new or replacement air conditioning is proposed. Subject to a condition that the duct operates within the normal noise criteria this aspect of the application is considered acceptable.

### **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 scheme is of insufficient scale to require an Environmental Impact Assessment.

**8.12 Other Issues**

None.

**9. BACKGROUND PAPERS**

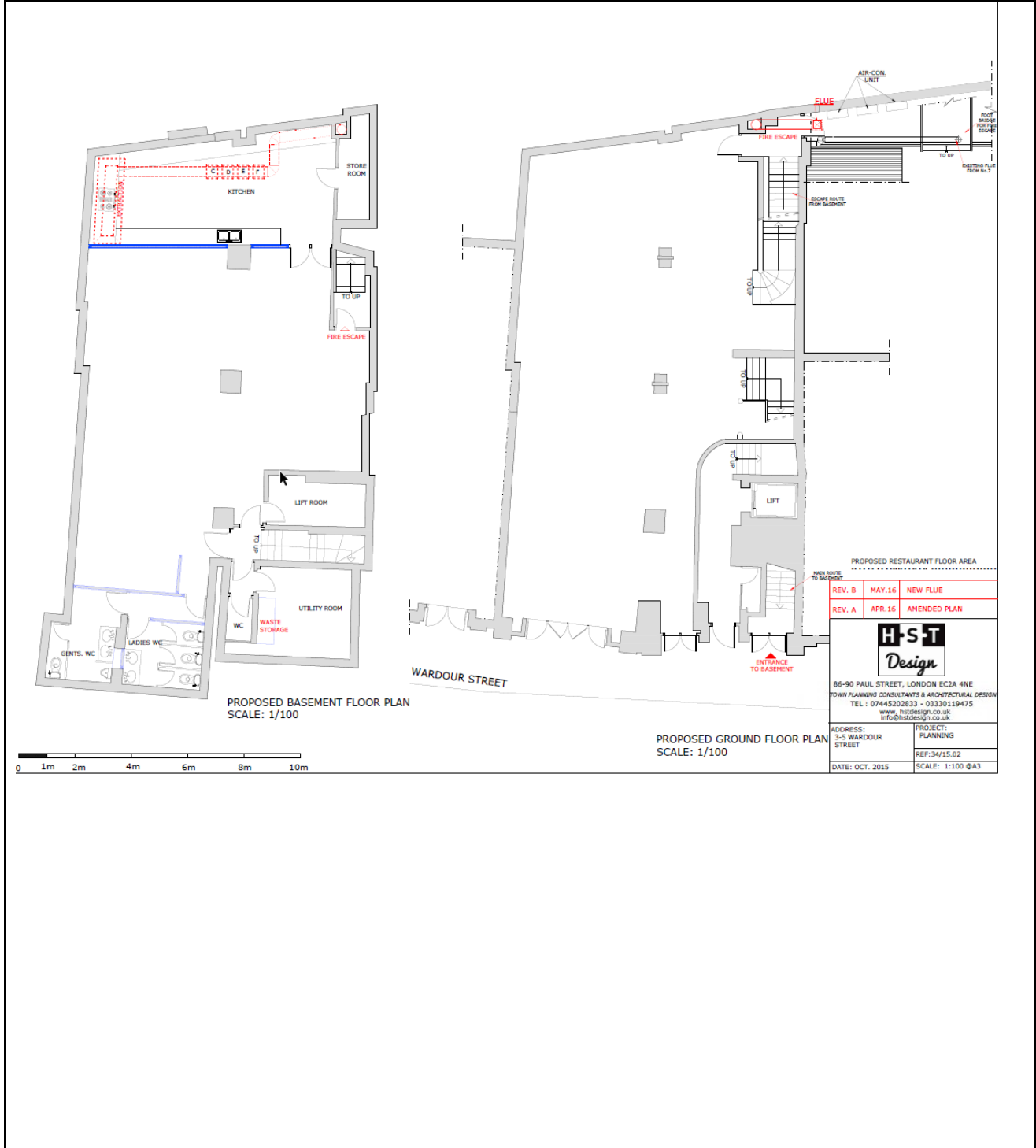
1. Application form
2. Response from Soho Society, dated 13 May 2016
3. Response from EH Consultation, dated 10 May 2016
4. Letter from occupier of 7 Wardour Street, London, dated 10 May 2016
5. Letter from occupier of Sawalana Limited, PO Box 227, dated 27 May 2016
6. Response from Highways Planning Manager dated 8 June 2016
7. Memorandum from Cleansing dated 27 April 2016.

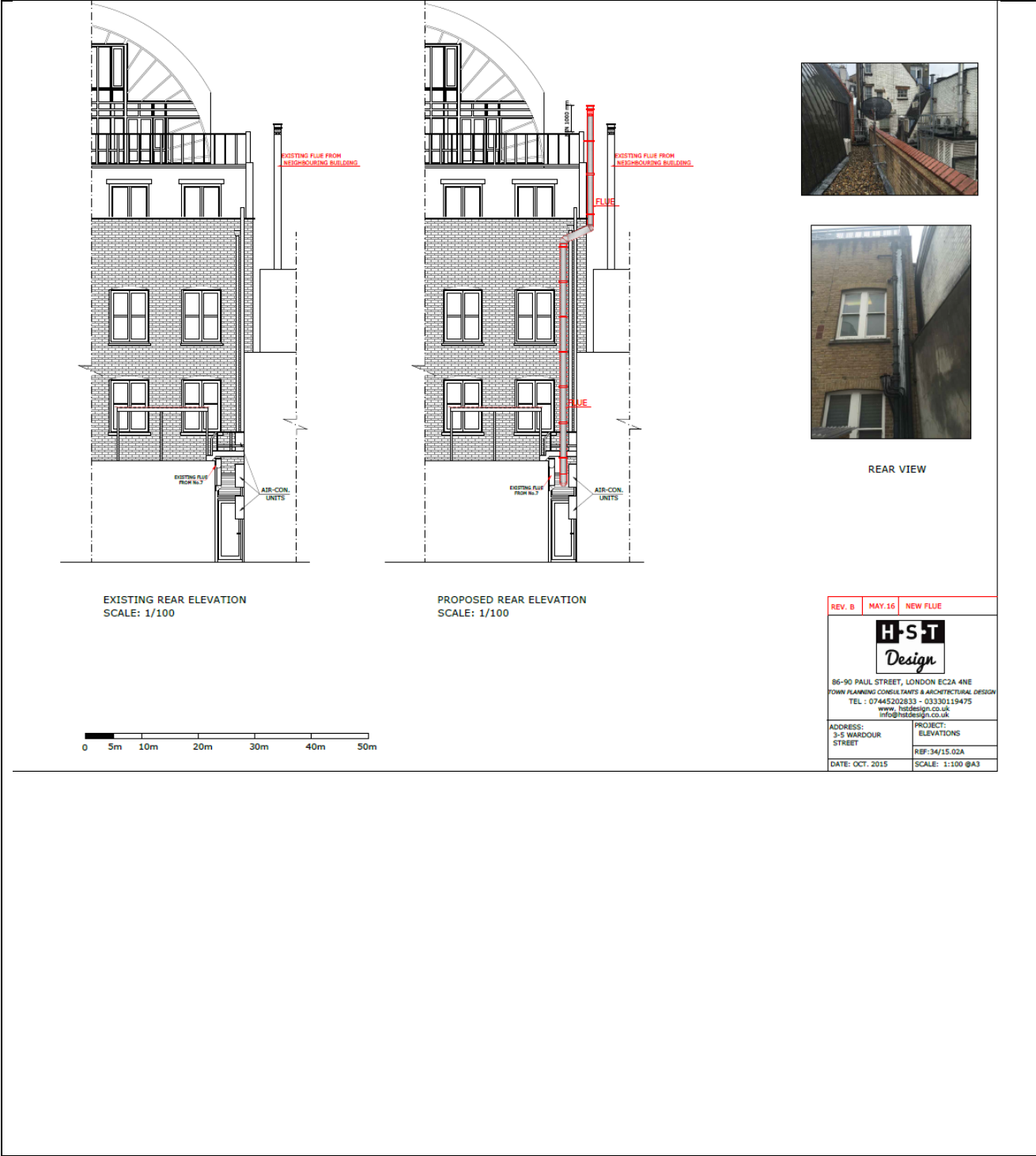
**Selected relevant drawings**

(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: MIKE WALTON BY EMAIL AT: MWALTON@WESTMINSTER.GOV.UK.

10. KEY DRAWINGS







**DRAFT DECISION LETTER**

**Address:** 3-5 Wardour Street, London, W1D 6PB,

**Proposal:** Use of basement as restaurant (Class A3) and erection of a full height rear extract duct.

**Plan Nos:** 34/15.02, 34/15.02A

**Case Officer:** Mike Walton

**Direct Tel. No.** 020 7641 2521

**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 (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.

- 3 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)

- 4 Customers shall not be permitted within the restaurant premises before 11.00 or after 23.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of

Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE8 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 60 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007 and S24 of our City Plan ( July 2016) . (R05AB)

- 6 The restaurant use hereby approved shall not commence until the extract duct has been installed as shown on drawing No 34/15.02A and the duct shall thereafter be permanently retained whilst the restaurant use is in operation.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007 and S24 of our City Plan ( July 2016) .

- 7 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the restaurant. You must not use the waste store for any other purpose. (C14CD)

Reason:

To protect the environment and provide suitable storage for waste 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. (R14BD)

#### **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 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise,

smells or other types of nuisance. (I06AA)

- 3 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)

Item No.
6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 September 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	Trafalgar Square, London		
<b>Proposal</b>	Creation of 6 no. pitches on the north terrace of Trafalgar Square.		
<b>Agent</b>	Mr David Hine		
<b>On behalf of</b>	Westminster City Council		
<b>Registered Number</b>	16/06329/COFUL	<b>Date amended/ completed</b>	6 July 2016
<b>Date Application Received</b>	6 July 2016		
<b>Historic Building Grade</b>			
<b>Conservation Area</b>	Trafalgar Square		

## 1. RECOMMENDATION

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

<p>Planning permission is sought for the creation of 6 no. pitches on the north terrace of Trafalgar Square</p> <p>Trafalgar Square is London’s geographical heart and one of its most internationally recognisable spaces. The Grade I listed National Gallery forms the backdrop to the north terrace and to a townscape composition of the highest value. The site is located within the Trafalgar Square Conservation Area.</p> <p>Trafalgar Square itself is owned by the Crown Estate and managed by the Greater London Authority. The City Council is the Highway Authority for the roads around the square, including managing the pedestrianised area of the north terrace which remains an emergency access route.</p> <p>The City Council licences a small number of portrait artists to produce and sell their artworks on a limited number of pitches in the West End. Originally, these pitches were situated along the north side of Leicester Square, but following refurbishment of the square ready for London 2012, they have been working at pitches on Swiss Court, Leicester Place and Charing Cross Road.</p> <p>In terms of space management, the City Council considers the advantage of portrait artists to be that they are quiet and regulated, so they can be placed in such a way as to displace illegal or nuisance behaviours such as illegal street trading or nuisance street performance.</p>
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In terms of the proposed location, it is considered that placing a small number of portrait artists pitches on the north terrace would also help animate the space and attract tourists arriving from or queuing for the bus tours nearby.

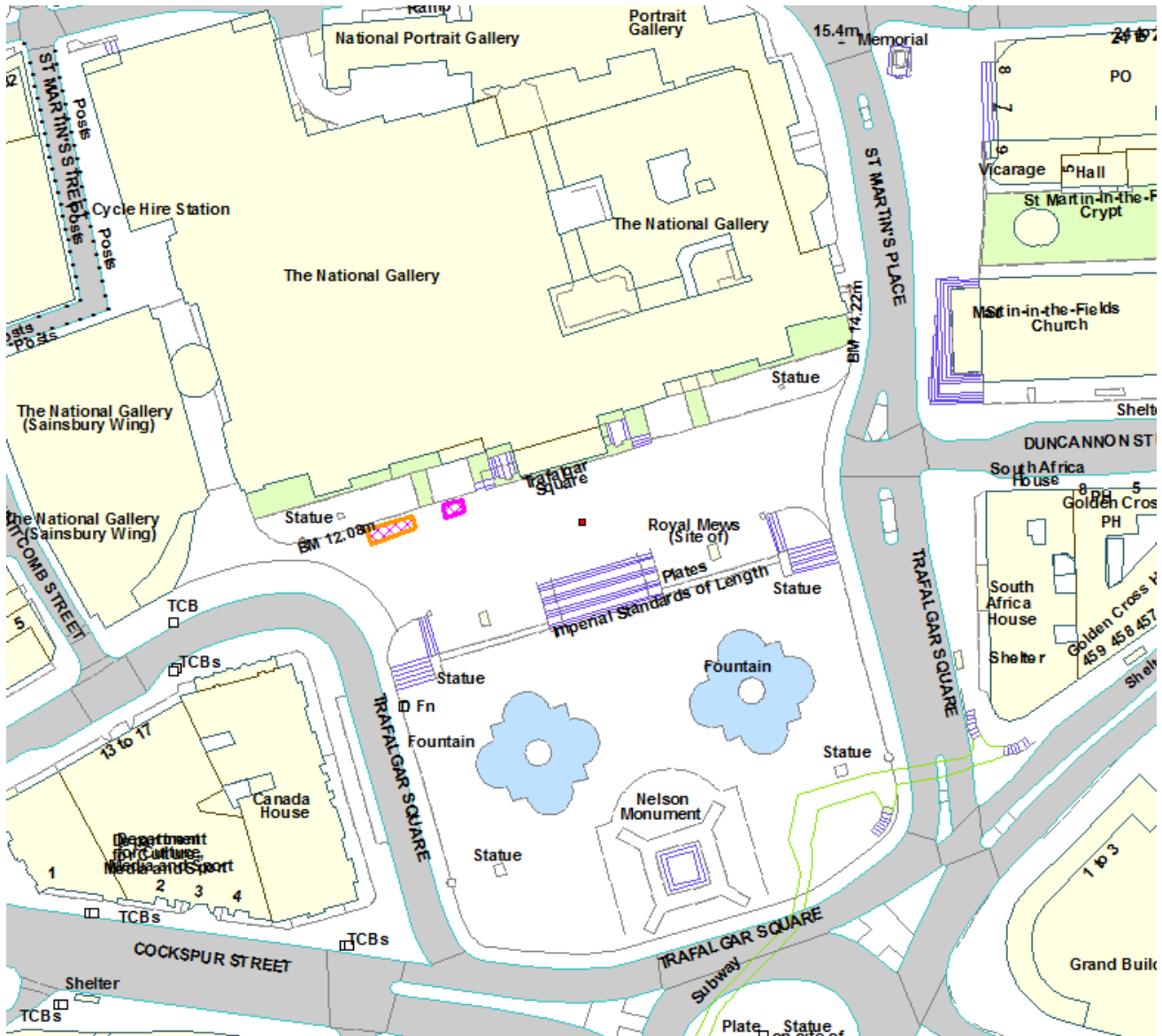
In Highways terms, the proposed artist pitches are on an area of public highway that is not open to general motor vehicle traffic but is open to emergency and service vehicles. The proposals will not however result in any physical works that will cause a permanent obstruction to the area.

The area is approximately 20 metres wide which means that even with the pitches in place pedestrian flows should not be adversely affected. The pitches have been placed at the back of the footway which should help reduce the impact on pedestrian desire lines.

A condition is recommended requiring details to be submitted of the demarcation of the pitches, which would likely involve the inseting of studs into the pavement.

The application raises no amenity concerns.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

Good idea in principle, however further work needed regarding location and details of pitches, what they will be used by and by whom.

### HIGHWAYS PLANNING

Pitches will be on public highway but no physical works are proposed which would cause a permanent obstruction to the area.

### CLEANSING

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

None relevant.

## 7. BACKGROUND PAPERS

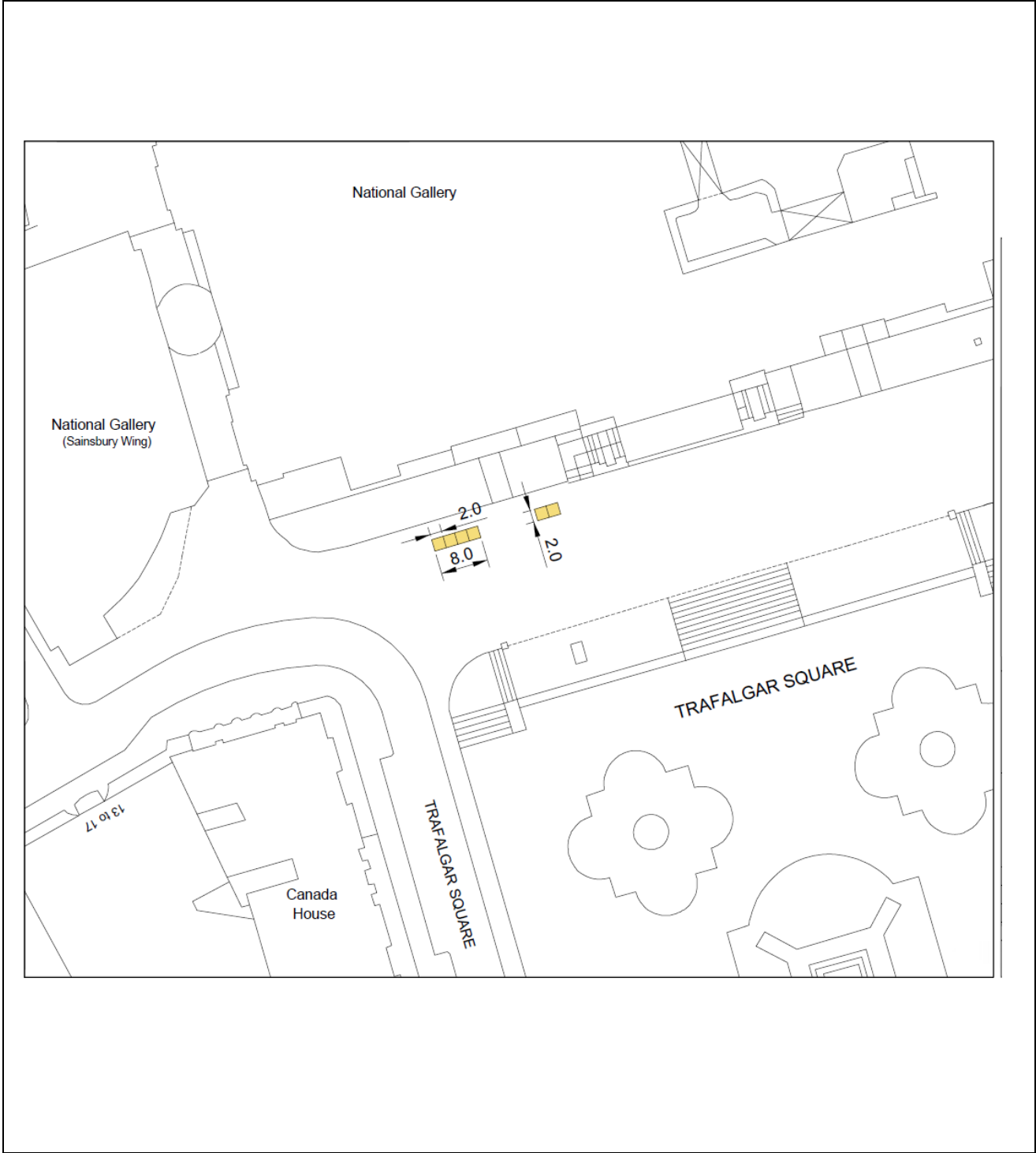
1. Application form
2. Response from Westminster Society, dated 19 July 2016
3. Memorandum from Highways Planning, dated 26 July 2016
4. Memorandum from Cleansing, dated 27 July 2016

### Selected relevant drawings

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

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

8. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** Trafalgar Square, London, ,

**Proposal:** Creation of 6 no. pitches on the north terrace of Trafalgar Square.

**Plan Nos:** Trafalgar Square North Terrace dated 10.05.16; Towards a Shared Space Management Plan for Trafalgar Square - v 0.6 20.06.2016.

**Case Officer:** Sebastian Knox

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

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

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

Reason:

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

- 2 You must apply to us for approval of details for the demarcation of the pitches. You must then carry out the work according to these details.

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 TACE 11 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.

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