



City of Westminster

Committee Agenda

Title:

Planning Applications Committee (2)

Meeting Date:

Tuesday 1st November, 2016

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Peter Freeman (Chairman)
Melvyn Caplan
Paul Church
Barbara Grahame



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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|-------------------------|
| 1. 439-441 OXFORD STREET, LONDON, W1C 2PN | (Pages 3 - 16) |
| 2. 45-47 DEVONSHIRE STREET, LONDON, W1G 7AL | (Pages 17 - 40) |
| 3. 94 HARLEY STREET, LONDON, W1G 7HX | (Pages 41 - 48) |
| 4. 63A MARLBOROUGH PLACE, LONDON, NW8 0PT | (Pages 49 - 74) |
| 5. 12 ELM TREE ROAD, LONDON, NW8 9JX | (Pages 75 - 86) |
| 6. SECOND FLOOR, 83 ALDERNEY STREET, LONDON, SW1V 4HF | (Pages 87 - 102) |

Charlie Parker
Chief Executive
24 October 2016

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 1st November 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	RESOLUTION
1.	RN NO(s) : 16/06874/FULL	439-441 Oxford Street London W1C 2PN	Use of part basement, part ground, part first and second to fourth floors as office (Class B1).	
	West End			
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	RESOLUTION
2.	RN NO(s) : 16/02811/FULL 16/02812/LBC	45-47 Devonshire Street London W1G 7AL	Demolition of existing roof structure and chimney stacks and erection of mansard roof extension with terraces to form 1x1 and 1x2 bedroom flats. Infill of rear courtyard to No. 45 and 46 to provide additional floorspace to existing residential maisonettes.	
	Marylebone High Street			
Recommendation 1. Grant conditional permission 2. Grant conditional listed building consent 3. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter				
Item No	References	Site Address	Proposal	RESOLUTION
3.	RN NO(s) : 16/07834/FULL	94 Harley Street London W1G 7HX	Use of the basement as medical accommodation (Class D1) and as a 1 x 2 bedroom flat (Class C3).	
	Marylebone High Street			
Recommendation Refuse permission - loss of residential unit and floorspace				
Item No	References	Site Address	Proposal	RESOLUTION
4.	RN NO(s) : 16/02775/FULL	63A Marlborough Place London NW8 0PT	Infill of sloping front driveway to provide flat front garden, excavation to increase floor to ceiling height in part of lower ground floor level and provide storage room in front garden, relocation of main entrance from centre to right hand side of property with associated relocation of front door and steps, infill to the recessed part of the front elevation to bring it in line with the rest of the elevation with terrace above, extension to part of the lower ground floor and	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 1st November 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Abbey Road		reconfiguration of front lightwell, insertion of new traditionally detailed windows to the front elevation at 1st and 2nd floor levels, new front gates for vehicular and pedestrian access and a new central pier and associated works.	
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	RESOLUTION
5.	RN NO(s) : 16/04081/FULL Regent's Park	12 Elm Tree Road London NW8 9JX	Variation of Condition 2 of planning permission dated 5 April 2016 (RN: 15/08361/FULL) for excavation of basement with a rear lightwell, to provide a swimming pool. Installation of associated plant; namely, to vary the hours of construction works so that basement excavation works can be carried out on Saturdays between 08.00 and 13.00 hours.	
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	RESOLUTION
6.	RN NO(s) : 14/12491/FULL Warwick	Second Floor 83 Alderney Street London SW1V 4HF	Creation of roof terrace at rear second floor level and associated alterations including new balustrade and replacement of window with door (Second Floor Flat).	
Recommendation Grant conditional permission.				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 01 November 2016	Classification For General Release	
Report of Director of Planning	Ward(s) involved West End		
Subject of Report	439-441 Oxford Street, London, W1C 2PN,		
Proposal	Use of part basement, part ground, part first and second to fourth floors as office (Class B1)		
Agent	GL Hearn Limited		
On behalf of	439-441 Oxford Street Ltd		
Registered Number	16/06874/FULL	Date amended/ completed	29 July 2016
Date Application Received	20 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application premises comprise basement, ground and four upper floors situated at the western end of Oxford Street. The premises is a mixed use building, part basement, ground and first floors are in retail use (Class A1), a small area of the basement and the upper 2nd to 4th floors are a lawful educational use (non-residential institution Class D1), but are currently vacant. They were most recently been used as a language college until December 2015.

Permission is sought use the conversion of the language school (Class D1) to offices (Class B1).

The key issue for consideration is:

- The land use implications regarding the loss of educational use, a social and community facility and the provision of offices (Class B1).

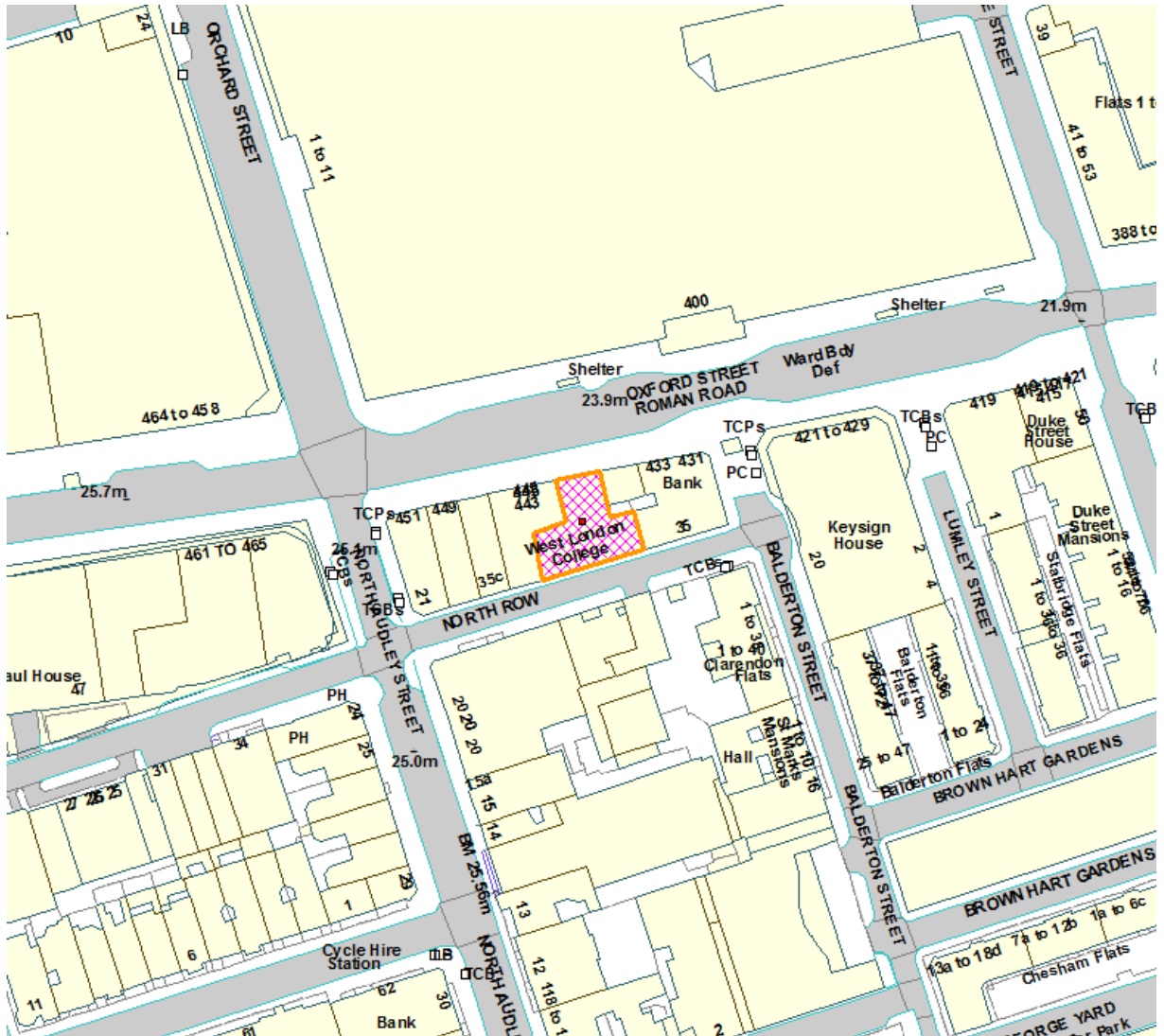
The policy presumption is that educational uses should be retained. Policies SOC1 of the UDP and S34 of the City Plan seek to retain social and community uses unless they have been actively marketed for 2 years and there is no demand for an alternative social and community facility. Although in this instance the premises have not been marketed for required period, the applicants argument that the nature of the site (upper floors of a building on Oxford Street) restricts the suitability for alternative social and community uses is accepted. Furthermore, given that a language school is seen as a private commercial facility which is of little value to the local community, the loss of the social and community

facility is considered acceptable.

The scheme would result in the provision of 976 m² of office floorspace (Class B1). This is acceptable in principle given the sites location within Core Caz. The application does not trigger any requirement for the provision of residential floorspace under City Plan Policy S1.

Accordingly, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Oxford Street Frontage (Top) and North Row entrance to upper floors (Bottom)



6 Oct 2016, 15:56:46



6 Oct 2016, 15:58:15

5. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S
Any response to be reported verbally

HIGHWAYS

Object that no cycle storage or waste storage is provided

CLEANSING

Objects that no waste storage is provided

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 20

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located within the Mayfair conservation area, the Core CAZ and the West End Special Retail Policy Area. It is located on the southern side of Oxford Street, opposite Selfridges department store on a Primary Shopping Frontage. The property consists of basement ground and four upper floors. Part basement, ground and first floors are in use as retail (Class A1), part basement, ground and first floors (access only) and the 2nd to 4th floors currently benefit from Class D1 (non-residential institution) use and have most recently been used as a language college. This area has been vacant since December 2015. The upper floors of the property (the subject of this application) are accessed from the rear at 35B North Row which is known as Parliament House.

6.2 Recent Relevant History

On 16 December 2014 permission was granted for use of the first floor for retail purposes (Class A1). This involved the loss of a language college (Class D1). Permission was granted on the basis that retail is the priority landuse at basement, ground and first floors on Oxford Street in this location. (Ref: 14/07878/FULL)

On 4 November 1997 permission was granted for use of the part basement, part ground, part 1st and 2nd to 4th floors as either offices (Class B1) or for private educational purposes (Class D1, Ref: 97/08198/FULL)

7. THE PROPOSAL

Permission is sought for use of part basement, part ground, part first and second to fourth floors as offices (Class B1). No external alterations are proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of D1

West London College (WLC) occupied a small area of the basement, ground floor (access only) and 1st to 4th floors for educational purposes. In December 2014 permission was granted for use of the 1st floor for retail (Class A1).

WLC occupied the premises as associated campus of Heriot Watt University however; following Government changes to Universities and associated campuses in 2015, Heriot Watt decided that it was not prepared to take an assignment of the lease to run courses in London and around the summer of 2015 it terminated its partnership with WLC. Further to this, changes in the Student Visa system mean it has become difficult for private colleges without University status to attract foreign students. As a result of the two factors, WLC student numbers have dropped considerably and the college no longer has any use for the premises and vacated in December 2015. This follows a trend of losing language schools, possibly as a result of the Government's restrictions on international students obtaining visas to study in the UK.

UDP Policy SOC1 and City Plan Policy S34 seek to protect and improve community facilities in Westminster. Where the loss of such facilities is considered acceptable, policy requires evidence that the premises have been appropriately marketed for a period of at least two years and that no demand for a social and community facility has been identified.

The applicant has provided details of the marketing of the premises from Savoy Stewart. They advise that they have been marketing the premises since September 2015 under D1 use class. The premises were aimed primarily at the higher education sector as it was considered that the location is not appropriate for other uses which would fall within Class D1 use (such as nursery, primary or secondary school, medical uses) due to the lack of drop off facilities/locations, outdoor spaces and stretcher lifts.

The applicant advises that while there were a few inspections from D1 occupiers two offers were made on the premises. The first was not deemed credible due to the offering company lacking funds to make the acquisition. The second offer was from a college however, they withdrew due to a downturn in their business. During marketing there have been enquiries made by B1 office occupiers interested in the premises, subject to planning permission.

Despite the normal policy requirement with regards to marketing before the loss of D1 space is considered acceptable, the restrictions of the site identified above and the emerging trend of losing language schools suggest the premises may not be suitable for D1 use. In addition the former language school, is a private commercial facility of little value to the local community. In these circumstances the proposed a departure from the normal policy presumption to protect social and community facilities is considered acceptable.

Proposed Office Use

Policy S20 of the City Plan identifies the need for significant additional office floorspace (Class B1) within Westminster to retain and enhance Westminster's strategic role in

London's office sector and support London's global competitiveness. The Core CAZ is identified as a suitable location for office floorspace in Policy S1 of the City Plan as it contributes to the unique and varied mixed use character of the Core CAZ which is ensuring the vitality, attraction and continued economic success of Central London.

Permission has previously been granted for dual alternative use as offices (Class B1) and educational use (Class D1). This implies that the educational use was regarded as being a temporary use and the intention was that the premises would revert to offices, albeit that this option was lost when the office use was not renewed in 2007. This scheme would now enable the reversion to offices (Class B1).

This proposal would result in the provision of a total of 976sqm of office floorspace (Class B1) throughout the premises. This is acceptable in principle given the sites location within the Core CAZ and is in accordance with Policies S1 and S20 of the City Plan.

8.2 Townscape and Design

Not applicable

8.3 Residential Amenity (Daylight/ Sunlight and Sense of enclosure)

Not applicable

8.4 Transportation/Parking

The Highways Planning Manager objects that no cycle parking is provided. The London Plan requires 1 cycle space per 90m² of offices (Class B1). The scheme therefore requires 10 cycle parking spaces to be provided. However the applicants argument that there is little space to provide new cycle parking is accepted and as this is a conversion of an existing building it is considered that permission could not reasonably be withheld due to the lack of cycle parking.

The proposed office use will have a minimal impact on parking levels, trip generation or site servicing. The application is acceptable in highways terms.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The highways waste officer has objected on the grounds that details of waste storage have not been provided. A condition is recommended requiring waste details to be provided prior to the use commencing.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Not applicable

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues

Not applicable

9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning, dated 04 August 2016
3. Response from Cleansing, dated 18 August 2016

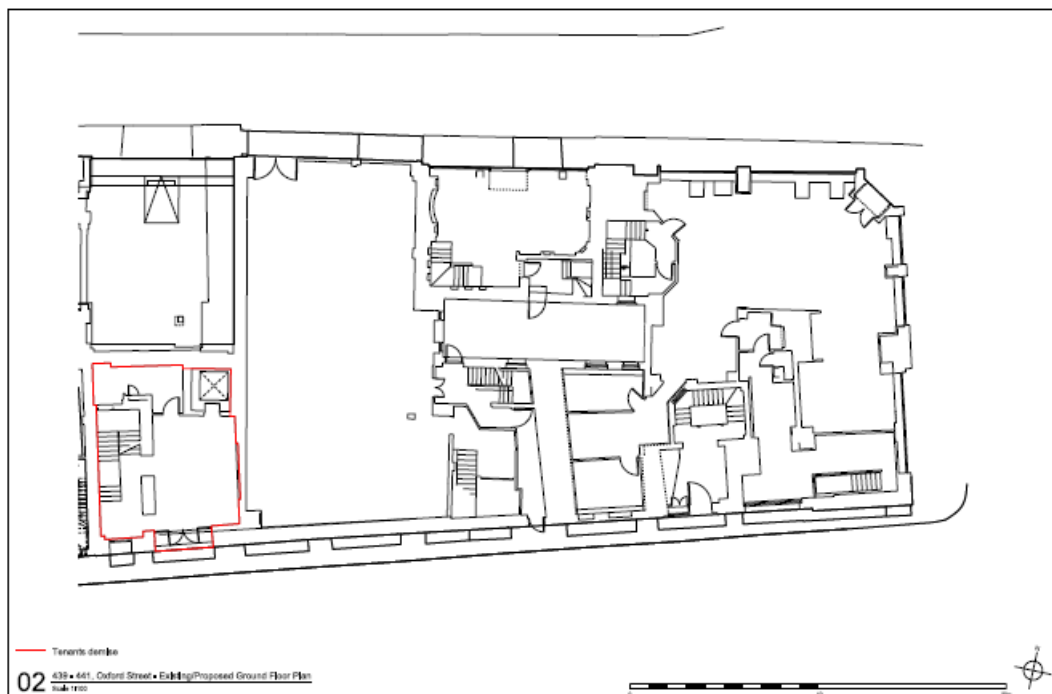
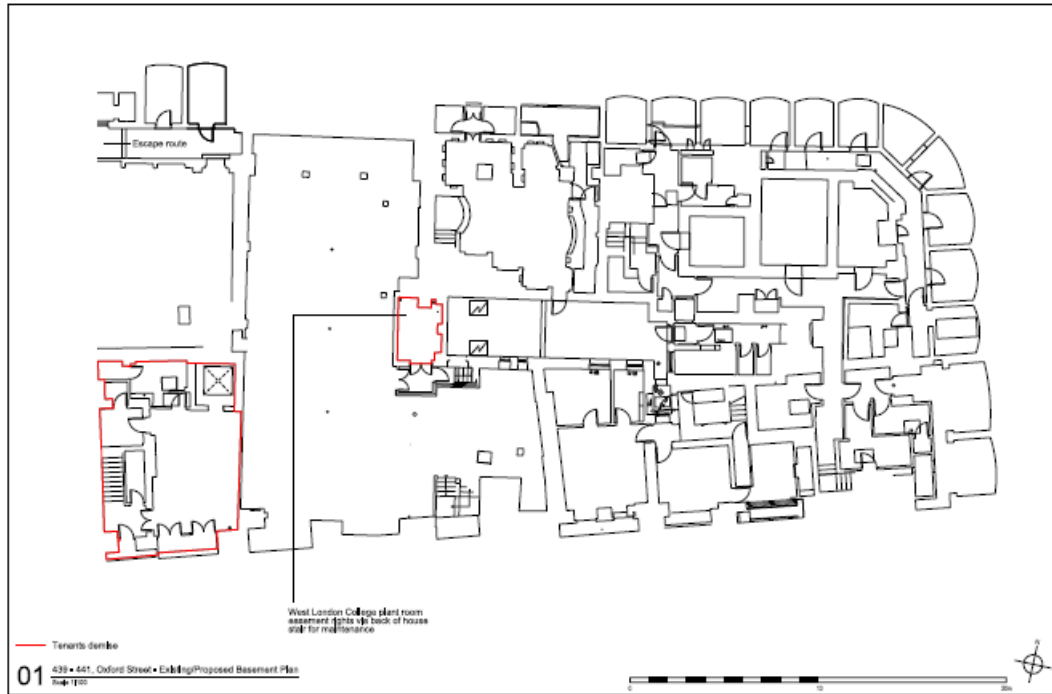
Selected relevant drawings

(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: Mike Walton BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

Existing/Proposed Basement and Ground Floors



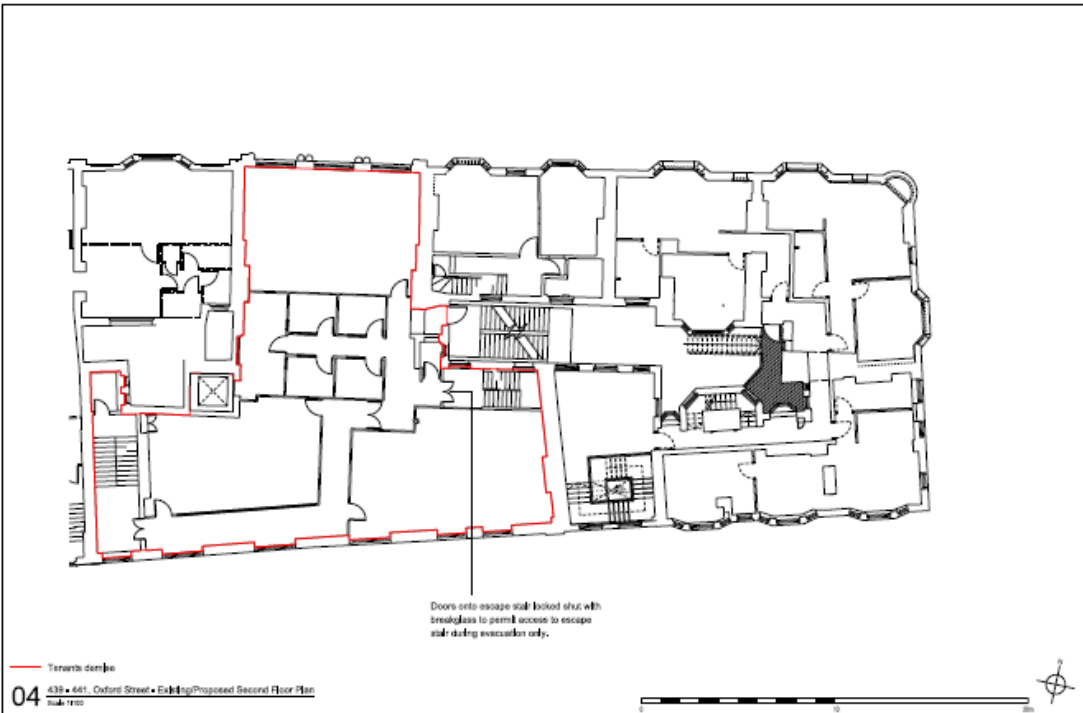
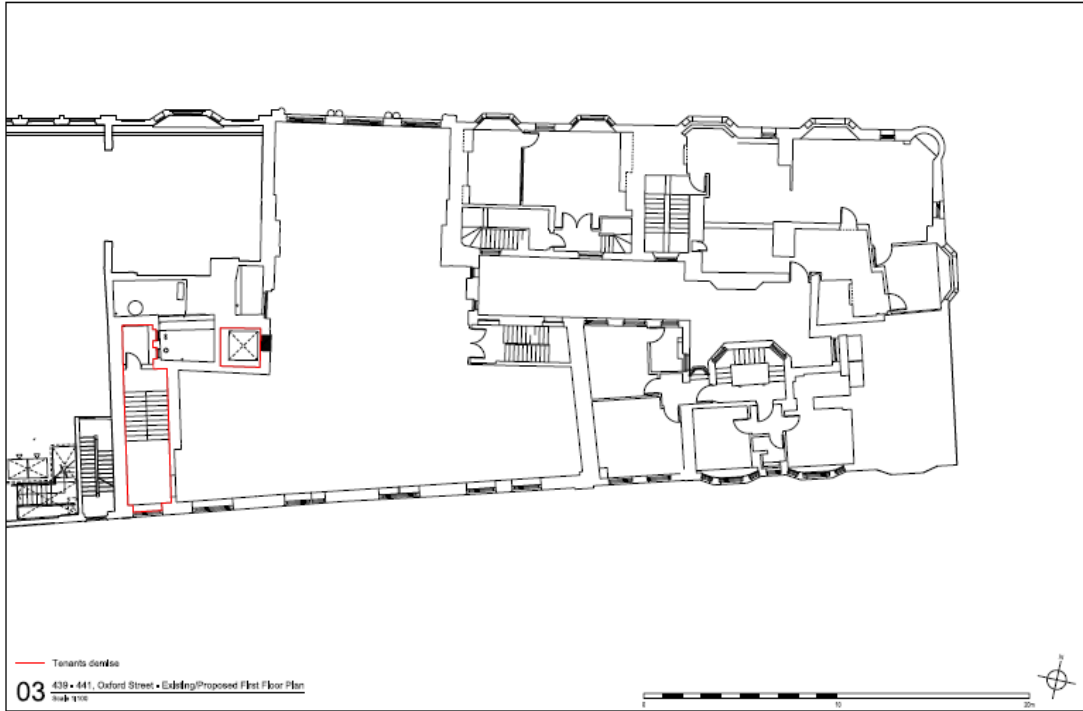
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NO.	DATE	BY	CHKD.	APPD.

NO.	DATE	BY	CHKD.	APPD.

Vibron Holdings	
Plot: 439 - 441 Oxford Street	
439 - 441 BF & GF Change of Use	
Ref: 20074	

Existing/Proposed First and Second Floors



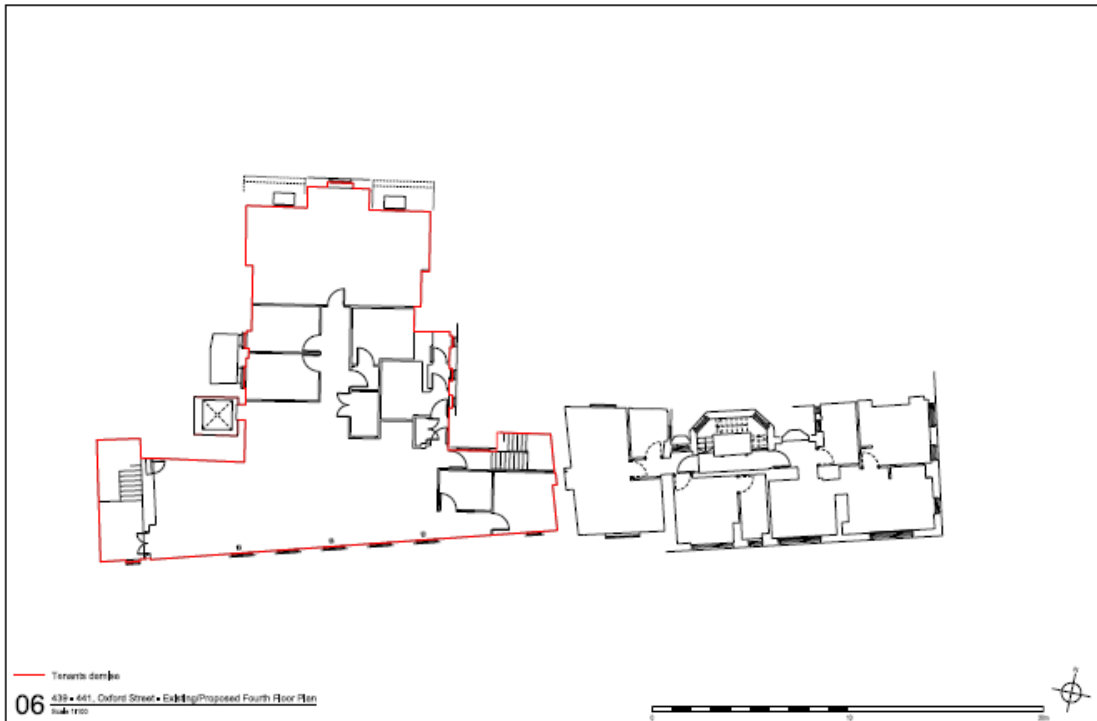
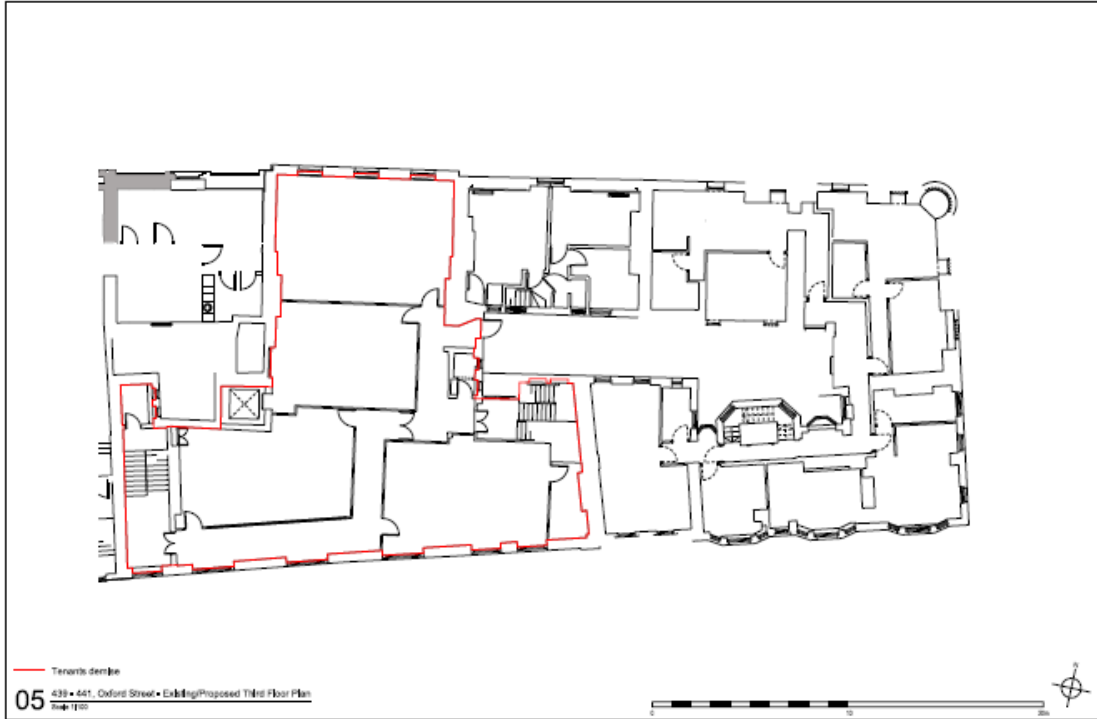
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NO.	DATE	DESCRIPTION	BY	CHKD.

NO.	DATE	DESCRIPTION	BY	CHKD.

Tribeca Holdings	
Address	431 - 451 Oxford Street
Project	439 - 441 2F Change of Use
Client	08014
Scale	1/8" = 1'-0"
Drawn by	
Checked by	

Existing/Proposed Third and Fourth floors



NO.	DATE	DESCRIPTION	BY	CHECKED

NO.	DATE	DESCRIPTION	BY	CHECKED

NO.	DATE	DESCRIPTION	BY	CHECKED

Tribeca Holdings	
Plot:	431 - 451 Oxford Street
Project:	439 - 441 3F & 4F Change of Use
Client:	06014
Scale:	1:100
Drawn by:	
Checked by:	

DRAFT DECISION LETTER

Address: 439-441 Oxford Street, London, W1C 2PN,
Proposal: Use of part basement, part ground and second to fourth floors as office (Class B1).,
Reference: 16/06874/FULL
Plan Nos: 09014_439-441_-01&00_Change of Use ; 09014_439-441_01_Change of Use ;
09014_439-441_02_Change of Use ; 09014_439-441_03&04_Change of Use

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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.

Item No.
1

- 2 The term 'clearly mark' in condition 2 means marked by a permanent wall notice or floor markings, or both. (188AA)

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.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 01 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	45-47 Devonshire Street, London, W1G 7AL,		
Proposal	Demolition of existing roof structure and chimney stacks and erection of mansard roof extension with terraces to form 1x1 and 1x2 bedroom flats. Infill of rear courtyard to No. 45 and 46 to provide additional floorspace to existing residential maisonettes.		
Agent	Mrs Andrea Merrington		
On behalf of	Howard de Walden Management Ltd		
Registered Number	16/02811/FULL 16/02812/LBC	Date amended/ completed	30 March 2016
Date Application Received	30 March 2016		
Historic Building Grade	II		
Conservation Area	Harley Street		

1. RECOMMENDATION

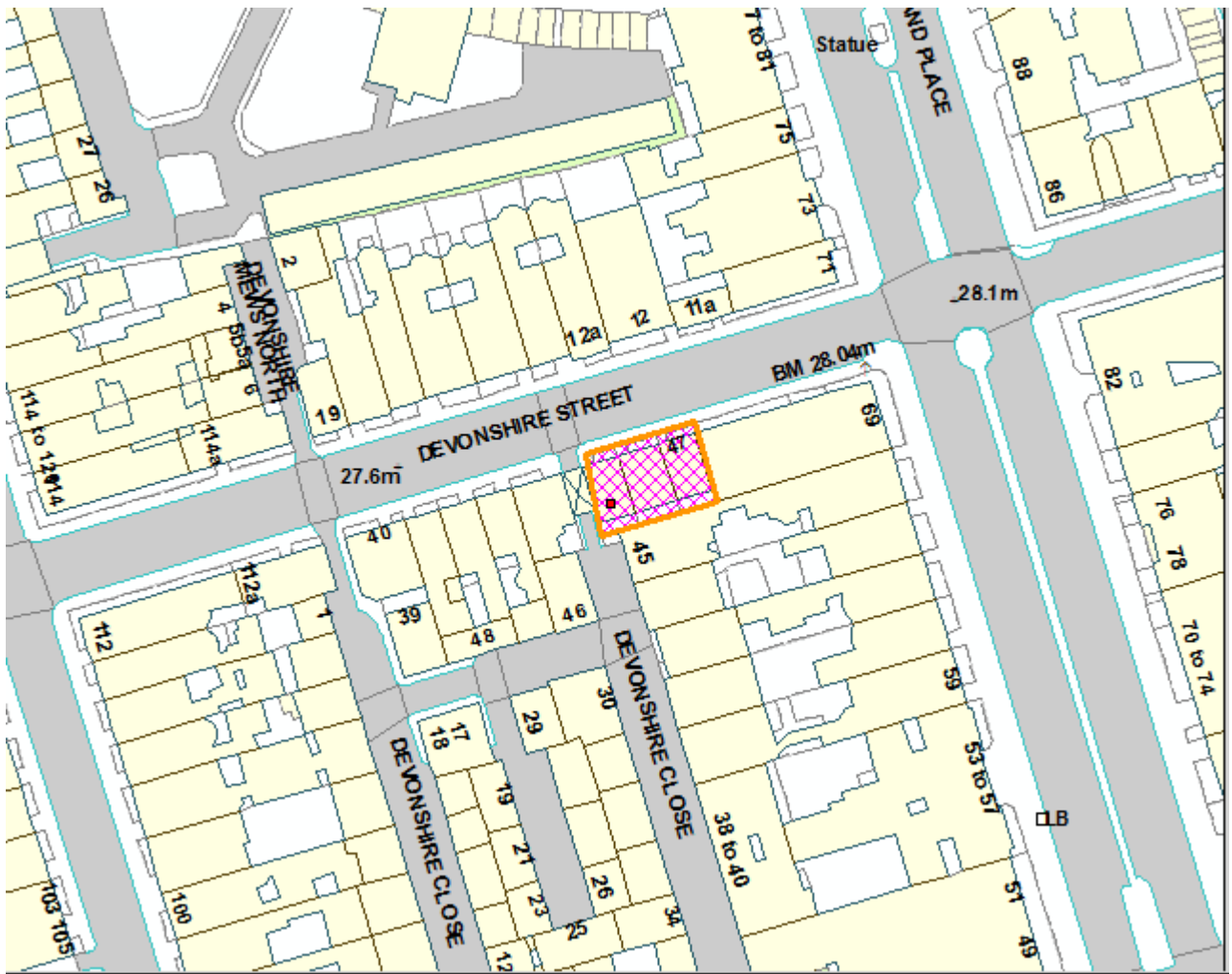
Grant conditional planning permission and listed building consent

2. SUMMARY

<p>The site comprises three Georgian terraced buildings which are Grade II listed within the Haley Street Conservation Area. Permission is sought for the erection of 4th floor mansard roof extensions across all three buildings, to provide two new residential flats and infilling rear lower ground floor courtyards at no's 45 and 46 to provide additional floorspace to existing residential maisonettes.</p> <p>The key issue for consideration is</p> <ul style="list-style-type: none"> • The detailed design of the proposed roof extensions and the impact on the listed buildings and the surrounding Harley Street Conservation Area. <p>Permission was refused on 1st September 2015 for the erection of mansard roof extensions at No's 43-47 Devonshire Street. The scheme was refused as it would have resulted in the loss of historic roofs at No's 43 and 44. The current scheme now omits extensions at no's 43-45. No's 45, 46, and 47 have modern flat roofs which are of no historic interest. Although there is a policy presumption not to allow roof extensions on unaltered groups of buildings, in this case the roof extensions are considered</p>

acceptable as the application buildings do not have historic roofs and because they are a slightly different scale and design to no's 43 and 44. Given the circumstances the works are considered acceptable and the applications for planning permission and listed building consent are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

ORIGINAL APPLICATION

MARYLEBONE ASSOCIATION:

Any response to be reported verbally

HISTORIC ENGLAND

Authorisation received

HIGHWAYS PLANNING MANAGER:

Refuse due to lack of parking.

ENVIRONMENTAL HEALTH:

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 55

Total No. of replies: 1

No. of objections: 1

No. in support: 0

1 Objection on the following grounds:

- * Overlooking
- * Loss of light
- *Noise disturbance and nuisance;
- * Security concerns during construction
- *Demolition would result in harm to the listed buildings

PRESS ADVERTISEMENT / SITE NOTICE: Yes

REVISED APPLICATION

NO FURTHER CONSULTATIONS UNDERTAKEN.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises a terrace of three Grade II listed buildings nos 45-47 Devonshire Street which comprise lower ground, ground and three upper floors. The buildings are predominantly in residential use apart from the lower ground floor of No.47 which is in use for medical purposes.

The site lies outside the Core Caz within the wider Caz and the Harley Street Conservation Area. The area is mixed use in character including a significant amount of residential.

6.2 Recent Relevant History

Planning permission and listed building consent for roof extensions on nos. 43 to 47 were refused on 1st September 2015. It was considered that the proposed roof extensions would harm the special interest of the listed buildings and the character and appearance of the Harley Street Conservation Area.

7. THE PROPOSAL

Planning and listed building consent was initially sought for 4th floor mansard roof extension across nos 43-47 Devonshire Street. Further to advice from Officers that the roof extension at nos 43 and 44 was unacceptable the scheme has been revised omitting these two buildings from the site.

Permission and listed building consent is now sought for the erection of mansard roof extensions with terraces at nos 45-47 Devonshire Street to form 1x1 and 1x2 bedroom flats. Infilling rear lower ground floor courtyards at No. 45 and 46 to provide additional floorspace to existing flats at lower ground and ground floor level including roof lights and green roofs.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal accords with Policy H3 of the UDP and City Plan policy S14 which seek to increase the provision of housing across Westminster and optimise housing delivery.

The applicants have requested that the proposed residential floorspace is used as part of a land use package including 141 and 143 Harley Street. It was resolved to grant planning permission (subject to the completion of a legal agreement) for a medical-based scheme at that site on 18 October 2016, which involves the loss of some residential floorspace (215.6 m² GEA). The resolution for that site requires that:

- i). works shall not commence on site until planning permission has been secured to replace the shortfall in residential floorspace (minimum 215.6 sqm GEA) at an alternative site, as part of the overall land use package including the current application site and 126 Harley Street;
- ii). The medical use hereby approved shall not be occupied until the shortfall in new/additional residential floorspace has been provided at an alternative site and been made ready for occupation.

The residential proposed at this site is considered to adequately offset the loss of residential at 141-143 Harley Street.

8.2 Townscape and Design

The properties date from around 1780 and are located in the Harley Street Conservation Area. It is the eastern part of a group of three listed Georgian houses.

The proposal adds mansard roof extensions to nos. 45, 46 and 47. The original historic roofs were removed sometime in the past and the existing roofs are modern flat roofs

which are of no interest. The proposal originally included mansard roofs on nos. 43 and 44 but this has been withdrawn because it would have required the harmful and unacceptable demolition of the original Georgian roofs which make an important contribution to the special architectural and historic interest of these buildings.

The current proposal involves roof extensions to part of a group (of three Georgian houses) which features no roof extensions. In terms of policy DES 6 there is a presumption against roof extensions affecting such groups within terraces. This is echoed by the Harley Street Conservation Area Audit.

However, in this case the proposal is considered acceptable, as an exception to the policy. This is because, nos. 45 to 47 have no historic roofs, and they form a sub-group within the larger group, because they are of slightly different scale and design to nos. 43 and 44. The addition of roofs across the group of three will maintain a degree of uniformity, without harming the special interest of the listed buildings at nos. 43 and 44.

The design of the proposed roofs complies with policy DES 6 and the supplementary planning guidance 'Roofs - A Guide to Alterations and Extensions on Domestic Buildings'. It is considered that the revised proposal will not harm the special interest of the listed buildings and will preserve and enhance the character and appearance of the Harley Street Conservation Area. A condition is recommended requiring the development to be completed in its entirety to ensure the unity of the three buildings is retained.

An objection that partial demolition to the listed buildings would be harmful to the buildings and the Conservation Area is not considered sustainable.

8.3 Residential Amenity

An objection has been received on behalf of four flat owners at 42 Devonshire Street that the extensions and roof terraces would result in a loss light and overlooking. This objection was made to the initial application which included roof extensions at No 43 and 44. No 43 is directly adjacent to the objectors' flats.

As already stated the scheme has been revised and roof extensions at No's 43 and 44 is no longer for part of the application. As revised, the increase in bulk and mass at both roof and lower ground floor levels is considered acceptable in amenity terms and would not result in a material loss of daylight or sunlight to the objectors flats or any of the surrounding properties.

The scheme includes the provision of two small rear terraces located behind the rear mansard roof slope. The creation of small terraces as proposed would not result in overlooking and a loss of privacy to the occupants of any of properties in the vicinity.

The objection received refers to potential increased security concerns particularly during construction work when scaffolding is likely to be in situ. Permission could not however reasonably be withheld on this basis.

8.4 Transportation/Parking

An objection has been received from the Highways Planning Manager to the lack of car parking, cycle parking and that refuse storage details have not been provided.

UDP policy TRANS23 requires, where appropriate and practical, adequate parking spaces to be available to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. Stress levels are considered to have occurred when occupancy of on-street parking bays has exceeded 80%. The Highways Planning Manager advised that, the most recent daytime survey indicates that parking occupancy is 82%, during the night, this falls to 35%. The parking occupancy is already at 'stress level' during the day and given the existing parking pressures the Highways Planning Manager recommends that the application is refused.

Any potential increased pressure on parking needs to be balanced against the policy presumption to provide additional housing. As the scheme would provide only 2 additional units, it is considered that the increased demand for on street parking would not be so great that it would have a harmful impact on the highway and that permission could reasonably be withheld for parking reasons.

A condition is however recommended which will ensure that the applicant funds lifetime car club membership (25 years) for the two new units. This will mitigate against the concerns regarding increased parking pressures.

With regards to cycle parking London Plan Policy requires 1 space per studio and 1 bedroom units and 2 spaces for other residential dwellings. The scheme would therefore require the provision of 3 cycle parking spaces. It is recommended that this is secured by condition.

No waste details of waste storage have been provided. It is recommended that this is also secured by condition accordance with UDP policy ENV12.

8.5 Economic Considerations

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

8.6 Access

No access concerns are applicable for a development of this size.

8.7 Other UDP/Westminster Policy Considerations

It is regrettable that the new rear lower ground floor bedrooms will be lit by skylights and will have no windows. However given that these are 2nd bedrooms to residential maisonettes it is considered acceptable on the grounds of proportionality and would not result in substandard residential accommodation.

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

There are no planning obligations, the estimated Westminster CIL figure is £107,000 (index linked).

8.11 Environmental Impact Assessment

No Environmental Impact concerns are applicable for this development.

9. BACKGROUND PAPERS

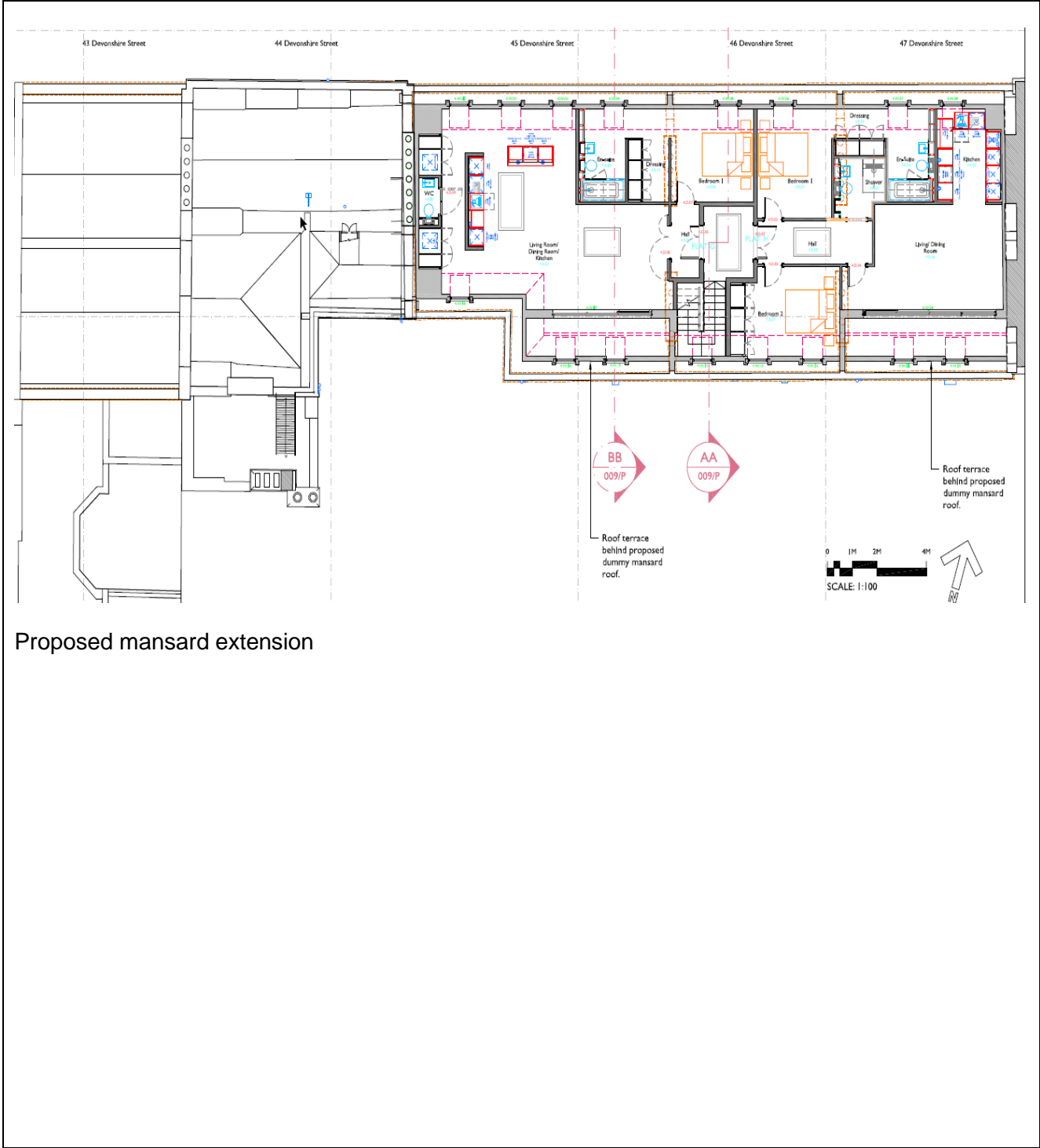
1. Application form
2. Memorandum from Highways Planning Manager dated 9 June 2016
3. Email from Andre Astrow – 42 Devonshire Street dated 4 May 2016
4. Letter from Historic England dated 6 May 2016

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

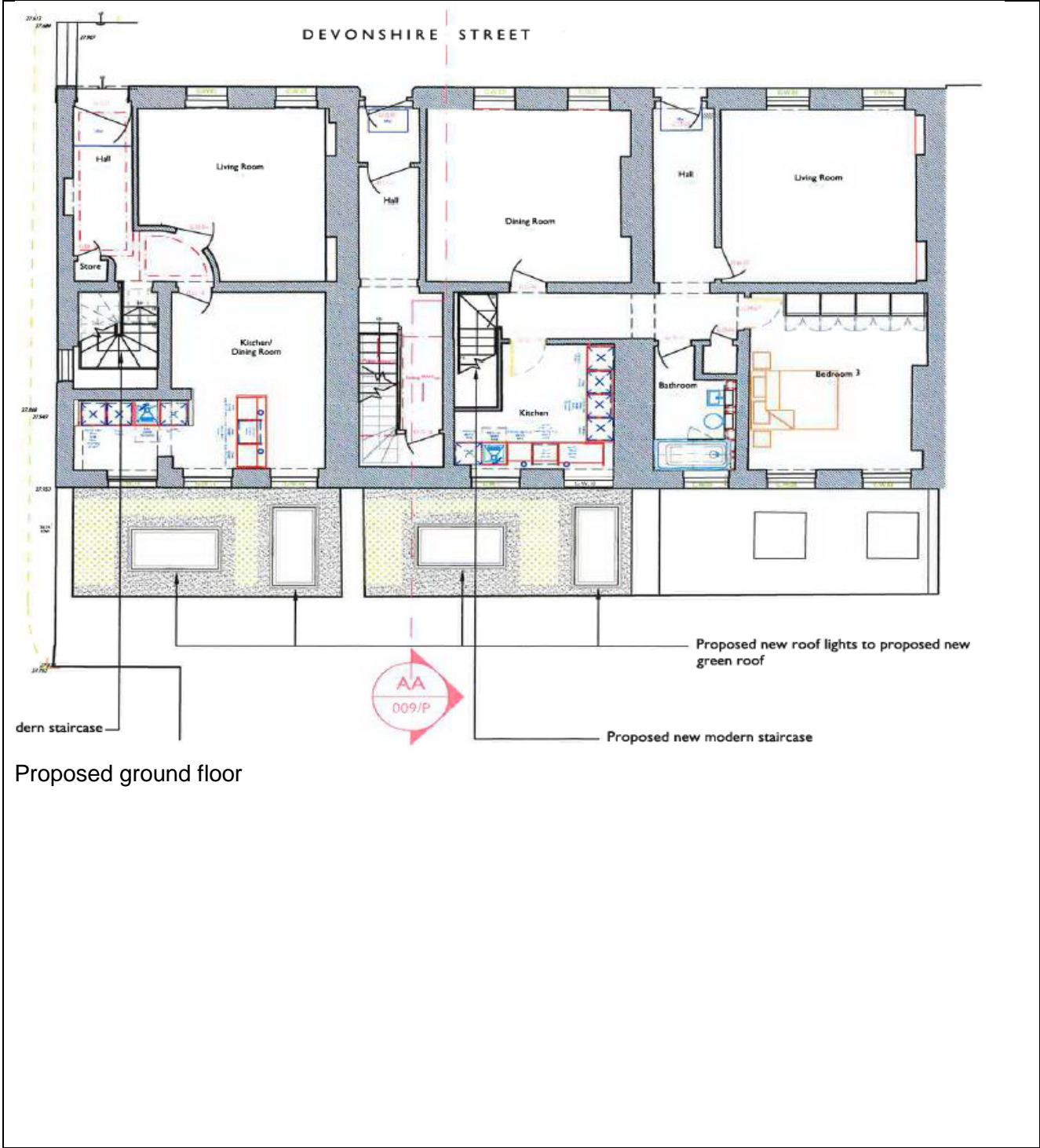
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

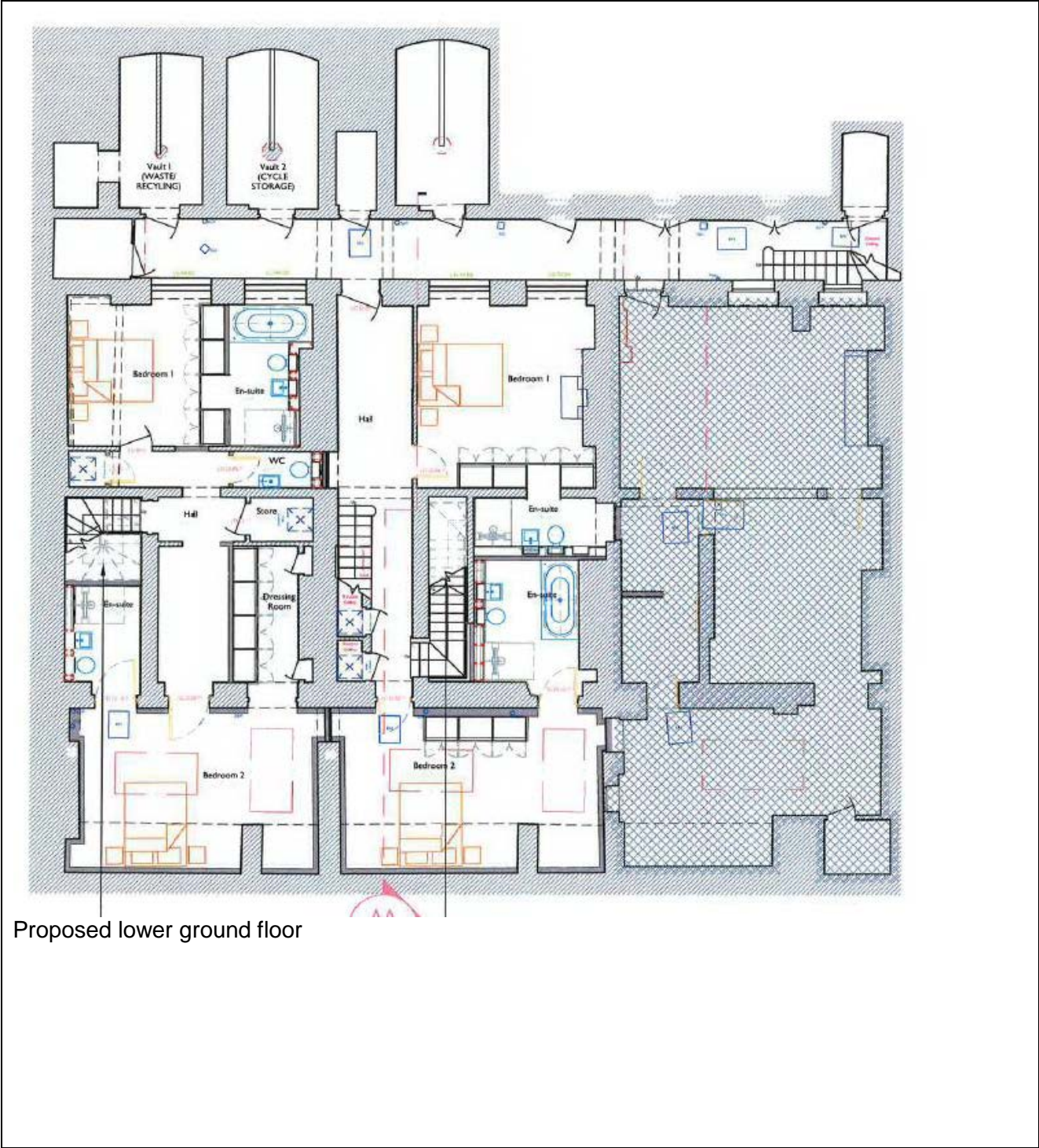




Proposed mansard extension



Proposed ground floor



Proposed lower ground floor

DRAFT DECISION LETTER

Address: 45-47 Devonshire Street, London, W1G 7AL,

Proposal: Demolition of existing roof structure and chimney stacks and erection of mansard roof extension with terraces to form 1x1 and 1x2 bedroom flats. Infill of rear courtyard to No. 45 and 46 to provide additional floorspace to existing residential maisonettes.

Plan Nos: TP008/006/P REV B, TP008/008/P REV B, TP008/010/P REV A, TP008/007/P REV A, TP008/009/P

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Conditions

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 Natural Welsh slate shall be used to clad the mansard roof slopes.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January

2007. (R26FD)

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

Reason:

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

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

Reason:

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

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

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)

- 11 The development shall be completed in its entirety

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 12 You must not occupy the new flats until we have approved appropriate arrangements to secure the following:

1. Mitigation of the potential increased demand for on street resident's car parking.

You must include in the arrangements details of when you will provide the benefits and how you will guarantee this timing. You must only carry out the development according to the approved

arrangements.

Reason:

To mitigate the potential impact on-street car parking stress and to promote more sustainable modes of transportation, in accordance with Policy CS40 of our Core Strategy that we adopted in January 2011 and Policy STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

- 5 The term 'clearly mark' in condition 4 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 8 Under Condition 12 we are likely to accept a legal undertaking under Section 106 of the Town and County Planning Act (1990) (as amended) to secure 25 year membership provision for each of the residential dwellings to a Car Plus accredited car club.

Please look at the template wordings for planning obligations (listed under 'Supplementary Planning Guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

DRAFT DECISION LETTER

Address: 45-47 Devonshire Street, London, W1G 7AL,

Proposal: Demolition of existing roof structure and chimney stacks and erection of mansard roof extension with terraces to form 1x1 and 1x2 bedroom flats. Infill of rear courtyard to No. 45 and 46 to form 1x1 and 1x3 bedroom flats at lower ground and ground floor level including roof lights and green roofs (site includes 43-47 Devonshire Street). Associated internal alterations.

Plan Nos: TP008/006/P REV B, TP008/008/P REV B, TP008/010/P REV A, TP008/007/P REV A, TP008/009/P

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Conditions

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)
Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)
Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 4 Natural Welsh slate shall be used to clad the mansard roof slopes.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)
- 5 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - a. new windows, b. new doors, c. dormers. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and

paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 9 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 10 The development shall be completed in its entirety

Reason:

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

Informative(s):

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

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

In reaching this decision the following were of particular relevance:

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

Item No.
2

Item No.
2

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	94 Harley Street, London, W1G 7HX,		
Proposal	Use of the basement as medical accommodation (Class D1) and as a 1 x 2 bedroom flat (Class C3).		
Agent	Susanne Lang		
On behalf of	Mrs Suzanne Petrides		
Registered Number	16/07834/FULL	Date amended/ completed	15 August 2016
Date Application Received	15 August 2016		
Historic Building Grade	Grade II *		
Conservation Area	Harley Street		

1. RECOMMENDATION

Refuse permission : Loss of residential

2. SUMMARY

The application premises is a grade II * listed townhouse situated on the eastern side of Harley Street within the Core CAZ, Harley Street Special Policy Area (SPA) and Harley Street Conservation Area. The basement is currently vacant with a lawful residential use. Historically the basement has been in use as three separate flats. Permission was granted in June 2014 for the conversion to 1 x 3 bedroom unit, and subsequently in July 2015 for 1x 3 bedroom and 1 x 2 bedroom units. The July 2015 permission has been substantially implemented and the lawful use is considered to be two residential flats. The upper floors are in medical (Class D1) use and a further residential flat.

Permission is sought for use of the front part of the basement for medical accommodation (Class D1) and the rear as a 1 x 2 bedroom residential flat (Class C3). The proposal would result in the loss of 1 x residential unit and 140 m2 residential floorspace.

The key issue for consideration is one of land use and whether the provision of medical floorspace within the Harley Street SPA outweighs the loss of residential.

Policy SOC5 of the UDP and the S2 of the City Plan aim 'to protect and encourage the provision of private medical facilities and related professional and support services, in the Harley Street Area'. The provision of new medical accommodation accords with the aim of these policies. The applicant argues in the light of this and because the proposal would retain a residential flat in the basement the scheme would not be harmful to the character and function of the area. Furthermore, permission has previously been granted in 2014 for the use of the basement as a single residential flat and the current application would also retain a single flat.

The application needs however to be assessed against adopted City Plan Policy S14 which states that residential use is the priority across Westminster except where specifically stated. As such all residential uses, floorspace and land will be protected and proposals which result in a reduction in the number of units will not be acceptable except where :

- the council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need;
- a converted house is being returned to a family sized dwelling or dwellings; or
- 2 flats are being joined to create a family sized unit.

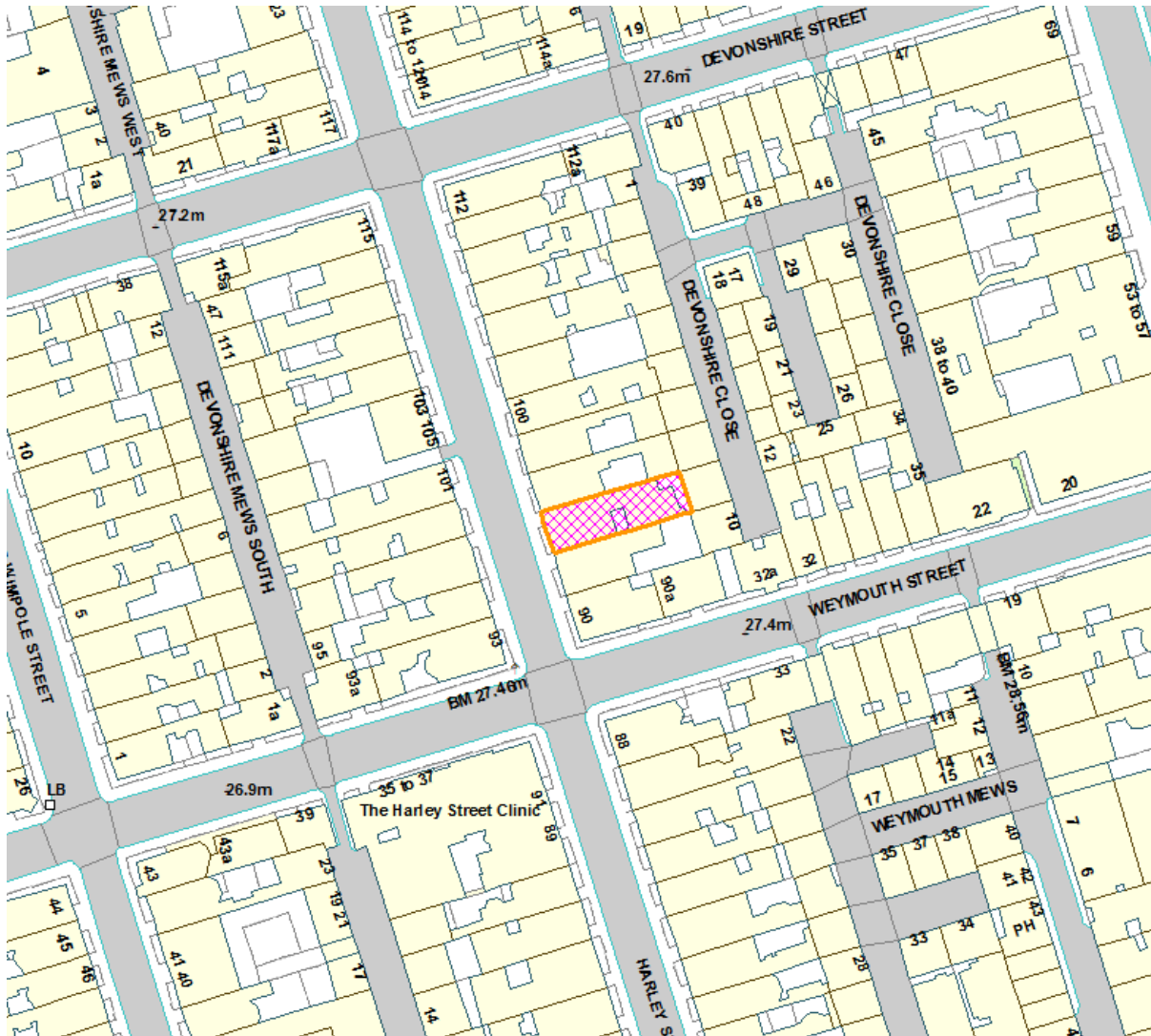
In this case none of the exceptions to the policy to retain residential floorspace are applicable. The lawful use of the basement is 2 flats (1 x 3 bed and 1x 2 bed). Permission was granted in 2014 for the loss of a unit as this would have created a single family sized (3 bed) flat. The current proposal would result in the loss of a 1 family sized unit of 140 m2.

Although medical uses within Harley Street are promoted, this does not priorities medical over residential floorspace. The proposal is contrary to the strategic aim of the Council to achieve its housing targets set out in the London Plan.

An objection has been received from the an existing medical use on the ground floor that works in the basement have resulted in considerable nuisance and that permission should not be granted for further works. Works have been ongoing implementing the consent granted in July 2015 for 2x residential flats. Listed building consent was granted for the internal alterations on 14 October 2016, as the works were not considered to be harmful to the historic fabric of the building. The alterations are relatively minor and permission could not reasonably be withheld on the grounds that they would result in disturbance to occupants of the property.

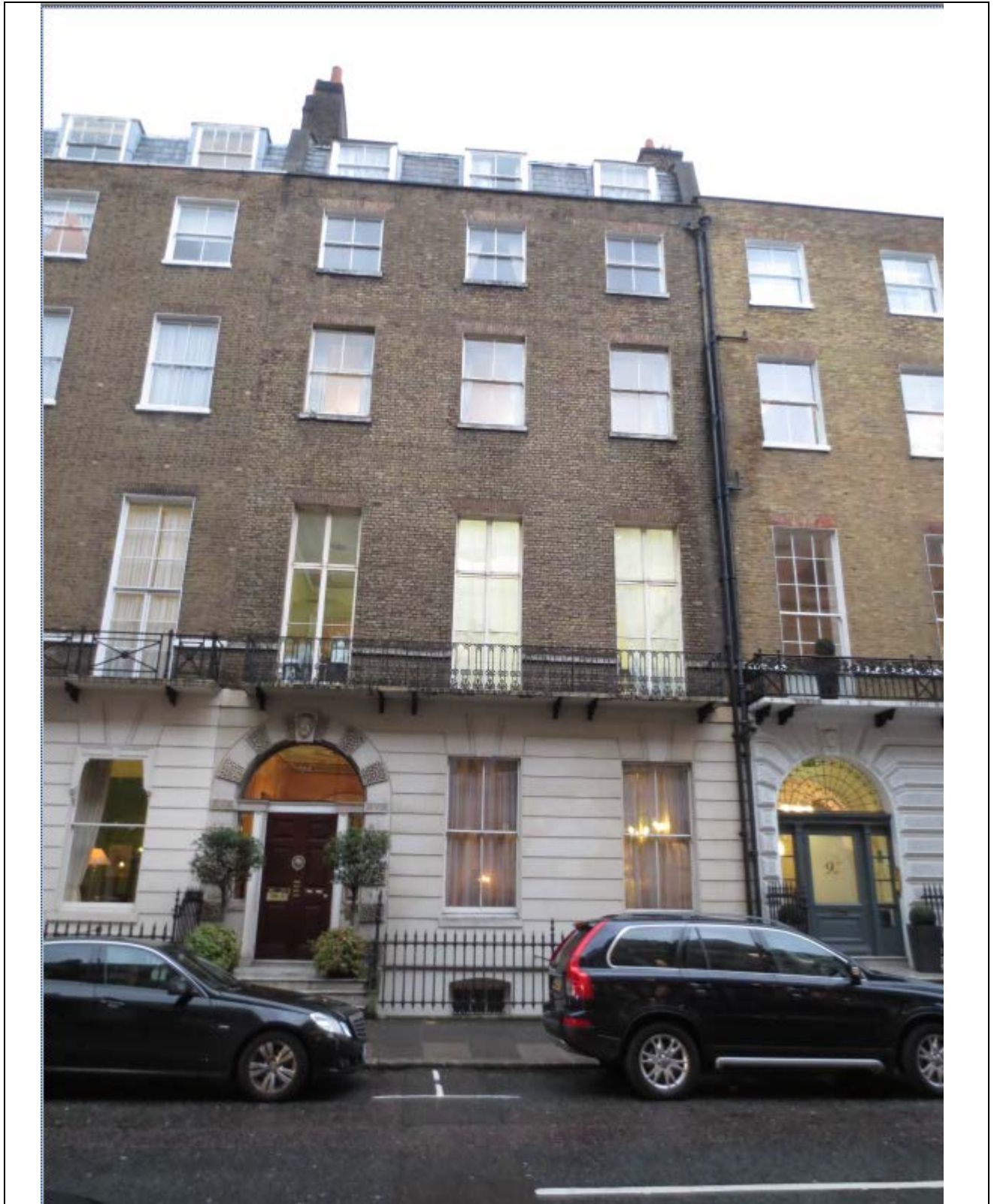
The application is however considered to be unacceptable in land use terms contrary to established housing policies in the adopted UDP and City Plan. There are no extenuating circumstances that would warrant a departure from these policies, accordingly it is recommended that permission is refused.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Marylebone Association
Any response to be reported verbally

Cleansing - Development Planning
No objection

Highways Planning
No adverse impact on parking or servicing, 2 x cycle parking spaces should be provided.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 72
Total No. of replies: 1
No. of objections: 1
No. in support: 0

1 objection received on the following grounds:

- Noise nuisance and loss of privacy during construction
- Contrary to terms of lease.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form and two letters dated 14 September 2016
2. Letter from occupier of 94 Harley Street, London, dated 8 September 2016
3. Memorandum from Highways Planning Manager dated 31 August 2016
4. Memorandum from Cleansing dated 01 September 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: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk .

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 94 Harley Street, London, W1G 7HX,

Proposal: Use of the basement as medical accommodation (Class D1) and as a 1 x 2 bedroom flat (Class C3).

Reference: 16/07834/FULL

Plan Nos: Drawing 0761-PL003-B

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s):

Reason:

- 1 Your development would lead to a reduction in both the number of residential units and residential floorspace which would not meet S14 of Westminster's City Plan: Strategic Policies adopted November 2013 which seeks to optimise housing delivery. We do not consider that the circumstances of your case justify an exception to our policy.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	63A Marlborough Place, London, NW8 0PT,		
Proposal	Infill of sloping front driveway in association with the creation of accommodation under part raised front driveway and to create a flat front garden area, excavation to increase internal floor to ceiling height to lower ground floor level, alteration to the front elevation and front entrance steps including infilling recessed central bay and relocation of front entrance door, extension to the front lower ground floor level with terrace above to ground floor level and reconfiguration of front lightwell, creation of habitable accommodation within existing garage, new front boundary wall incorporating vehicular and pedestrian gates.		
Agent	Mr Vaidas Vileikis		
On behalf of	Ms Natalie Tydeman		
Registered Number	16/02775/FULL	Date amended/ completed	15 April 2016
Date Application Received	30 March 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application proposals relate to a single dwelling house on the south side of Marlborough Place. It is an unlisted building located within the St John's Wood Conservation Area. Permission is sought for works comprising the infilling of sloping front driveway in association with the creation of accommodation under part raised front driveway and to create a flat front garden area with lower ground floor level lightwell, a lowering of the floor level to lower ground floor level, the infilling of the recessed central bay and other associated alterations to the front elevation, extension to the front lower ground floor level with terrace above to ground floor level, creation of habitable accommodation within existing garage, and new front boundary wall incorporating vehicular and pedestrian gates.

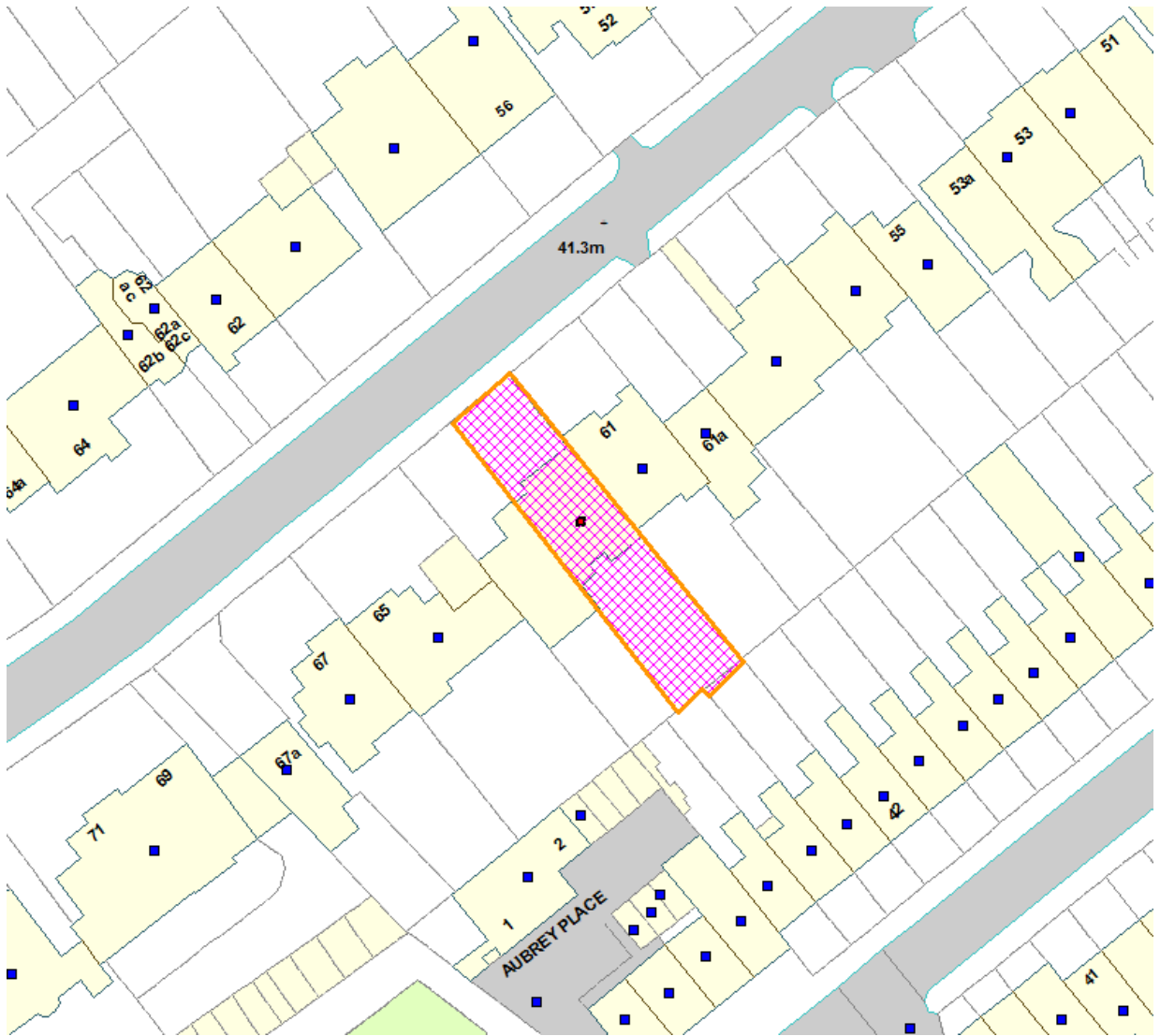
The key issues in this case are:

- The impact on the character and appearance of the building and surrounding conservation

- area; and
- The impact on the amenity of neighbouring residents.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front of Application Site



Driveway at Front of Property

5. CONSULTATIONS

ST JOHNS WOOD SOCIETY

State that they do not object to the reconfiguration of the front elevation of the house. State that they object to the inappropriate design of the pedestrian and main gates which extend over the entire front boundary, and consider that the central pier is poorly designed.

BUILDING CONTROL

Raise no objections to the proposals.

HIGHWAYS PLANNING

Consider proposals acceptable on transportation grounds

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 20

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Design Issues

- Concern raised as to whether the portico imitating the original listed properties either side is appropriate on a modern property.

Other Issues

- Request made that any permission should have a condition attached that structures should not be higher than the garden wall between the two properties.
- Concern expressed that the proposals include excavation and underpinning but that these works are not referred to on the application description. Associated concern expressed that the works are not being treated as a basement development and that the applicants are trying to avoid the onerous requirements for basement developments.
- Concern expressed that the submitted Construction Management Plan makes no mention of Westminster's restricted working hours for basement excavation works.
- Concern expressed that the structural engineers report makes no reference to a basement at the adjoining property.
- Concern expressed that no site specific geo-hydrology data has been provided, only generic statements are made with assumptions regarding ground conditions.
- Concern expressed that the terrace could lead to an increased security risk for adjoining occupiers.
- Concern expressed that the terrace is 'an unprecedented design feature' and query whether officers advised of concerns at pre-application stage.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is single dwelling house which covers lower ground floor, ground floor, first floor and a second floor level set within the pitched roof structure to the building. It is clad principally in exposed brickwork, with rendered window surrounds and slate cladding to its roof structure. The building is of later 20th century construction, though has been designed in a traditional manner. The building is not listed but is located within the St John's Wood Conservation Area.

6.2 Recent Relevant History

04/04782/FULL

Approval granted for the conversion of the existing garage into living space including the installation of a rooflight and front ground floor window together with associated works to the driveway to provide off street parking.

Granted – 4 August 2016

08/05415/FULL

Approval granted for the excavation of a new basement extension under the front driveway and the formation of new hardstanding above off-street parking in the front garden, and associated internal alterations and alterations to the front elevation.

Granted – 17 September 2008

10/03949/FULL

Approval granted for a reduction of the low level retaining walls to planting beds and raised 'brick paved' area located on front driveway, the re-finishing of the driveway, walkway and access steps, the replacement of the existing front entrance door and porch canopy, the replacement of the existing garage door, the installation of a porch door to the secondary concealed entrance, and the installation of a bin store and bicycle store.

Granted – 07 September 2010

7. THE PROPOSAL

Permission is sought for various works to the front of the building. The existing sloping driveway will be raised to street level and with accommodation created underneath, excavation works are proposed to increase the internal floor to ceiling height to lower ground floor level, alteration are proposed to the front elevation and front entrance steps including the infilling of the recessed central bay and relocation of the front entrance door, an extension to the front lower ground floor level with terrace above to ground floor level, a reconfiguration of the front lightwell, the creation of habitable accommodation within existing garage, and a new front boundary wall incorporating vehicular and pedestrian gates.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The additions proposed to this dwellinghouse are modest in scale, and are considered acceptable in land use terms and in accordance with Policy H3 in the Unitary Development Plan (UDP).

8.2 Townscape and Design

The principal change to the appearance of the building is the infilling of the existing central recess to the front elevation at ground and first floor levels, creating a more standard and regular arrangement of three window or door openings evenly spaced across the front elevation. The infill of the central recess will create a neater and simply detailed finish and this work is considered acceptable. The proposed asymmetrical position of the door is more in line with the character of the area, where entrance doors are typically set to one side of an elevation. The front entrance door has been revised and it is now proposed as a shallower and more simply detailed classically inspired doorcase, and the objection received to the originally submitted projecting entrance portico is considered to have been overcome. Full details of the entrance surround will be secured by condition to ensure appropriate detailing.

A front extension would not normally be considered acceptable. However, there is already a large projecting element to lower ground floor level represented by the existing garage, with the other un-enclosed section of the front elevation having a large planter structure in front obscuring much of the lower ground floor level. With the associated proposed raising of the garden level these lower ground floor extensions will be set largely down into lightwells lessening their visual impression, and in design terms the approach would allow for the better integration of the projecting form of the existing garage. The two windows in the lightwell match the width and positioning of those above, and though higher than those above this height would not be visible except from within the application site itself. Overall, given the particular circumstances of this case, this aspect of the proposals is considered acceptable.

Above the front extension, replacement railings are to be installed across the width of the building. An objector raised concerns about the widened ground floor terrace being 'an unprecedented design feature'. However, a front ground floor terrace was integrally designed into the frontage of this modern building, and the extension of it across the remaining third of the width of the building is not considered unacceptable given the particular circumstances of this case.

The existing sloping driveway is an unusual feature, which is not common to the surrounding street scene in its own right, and also gives rise to a relatively cluttered arrangement to the frontage of the building as it requires the large brick upstand flanking the rising path to the front entrance steps, which visually splits the garden. Though there is an attractive degree of planting associated with the existing arrangement, the overall effect is not considered of quality. The raising of the garden is much more in line with the character of the surroundings, and would allow a neater form of frontage. The accommodation underneath the new raised garden area is small and relates only to a single storage room which includes cycle storage space, and its only external manifestation is the wall facing back onto the front lightwell. The plans show the introduction of landscaping to both sides of the garden, and permeable block paving or

resin bound shingle as the new driveway material in place of the existing tarmac. Overall, the new arrangement is considered acceptable in design terms.

The existing boundary frontage is fully open to the pavement, an arrangement which is considered harmful to the character and appearance of the Marlborough Place street scene where the buildings otherwise retain an enclosed boundary frontage as originally intended. The installation of railings and a gate pier to enclose this frontage is a proposal therefore welcomed in principle. The St John's Wood Society have raised concerns about the design of the central gate pier, however the incorporation of a more simplified detail and lower height for a central pier with grander piers flanking on the boundary wall line is considered appropriate in this street scene, and the objection on this ground is not considered sustainable.

The proposed lowering of the front section of the floor level within the existing lower ground floor level of the building by approximately 0.65m is uncontentious.

Overall, the works are considered acceptable in design and townscape terms, and would comply with policies S25 and S28 in the City Plan, and DES 1, DES 5, DES 7 and DES 9 of the Unitary Development Plan.

8.3 Residential Amenity

8.3.1 Privacy / Noise and Disturbance

The building already incorporates a terrace to ground floor level above the existing garage, which is located on the east side of the buildings frontage. Immediately adjacent to the east side is the front entrance porch of the adjoining dwelling house at no. 63 Marlborough Place. The porch has a blank side elevation adjacent with the exception of a window which is into the external area enclosed by the porch rather than any internal space and which is almost above head height. To this east side the terrace is more recessed than existing, is pulled away from no. 63 Marlborough Place unlike the existing terrace which immediately abuts it, and to this side the main entrance steps are introduced converting its character into something more akin to circulation space than an outdoor amenity space. The impact upon the amenity of no. 63 would be lesser than at present.

To the west side the terrace sits much closer to the boundary of the adjoining property at no. 65 Marlborough Place than at present. However, this western boundary wall is a very high side wall of the garage structure to no. 65. This high boundary wall projects well forward of the line of the terrace, thus preventing any additional overlooking from the increased size of terrace proposed.

Aside from the area in front of the entrance door, the new terrace will be approximately 1.6m in depth and 5m in width, as compared to the existing terrace which is 2.4m in depth and 2.8m in width. There is an increase in size over and above the existing, however it is only accessed from outside the front entrance rather than directly from an internal room, and is not markedly larger than existing. Accordingly, it does not give rise to an additional impact in terms of noise and disturbance sufficient to warrant refusal of permission.

8.3.2 Sunlight and Daylight / Sense of Enclosure

In terms of an impact on the amenity of surrounding neighbouring residents, the lower ground floor extensions are all set below the heights of the side boundary walls to the front garden, and the infill to ground, first and second floors is very modest in scale and only projects out to the line of the existing main front elevation. As such, the works would not have an adverse impact upon the adjoining neighbouring occupiers in terms of sunlight, daylight or sense of enclosure.

One objection letter received includes a statement requesting that any permission should have a condition attached to the effect that structures should not be higher than the garden wall between the two properties. However, the structures proposed do not rise above the height of the side garden walls, and this condition is not considered necessary.

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

8.4 Transportation/Parking

The existing building incorporates a garage structure to lower ground floor level, accessed by the existing sloping driveway to the front forecourt of the property, with the existing plan drawings also showing that there remains space for three cars to be parked externally to the front forecourt. The application proposals include the removal of this garage, with the space occupied partly by the new front lightwell and partly by the new subterranean cycle and bin storage area. Whilst the loss of off street parking is undesirable, permission was previously granted on 4th August 2004, and then again in a further permission granted on 17th September 2008 for the conversion of the existing garage into habitable accommodation to be used in association with the house. The front forecourt area of the building will be raised up to pavement level, and the plans show sufficient space for the parking of three cars. To each side of the garden are landscaped garden strips with a notably greater degree of landscaping than was incorporated into the scheme approved on 17th September 2008. Highways Planning raise no objections to the proposals. As such, the loss of the garage, and amendments to the front forecourt to accommodate the off street parking are acceptable in transportation/parking terms.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable to development of this type and scale

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Policy

The works of excavation involve a lowering of the internal floor level within lower ground floor by approximately 0.65m, and for a part excavation of a relatively small area of the front garden area to a depth of 1.85m to create the storage room (though with its floor level being approximately 1.4m below existing ground level). Slightly less height than 1.4m is

created for this room by the addition of soil above the existing sloping driveway/garden level. Notwithstanding the concerns of the adjoining occupier, given the very limited degree of excavation works proposed, and that a significant part of the area of the new storage room is being created by the building up of the front garden rather than excavation, it is not considered that this work could be considered under the basement policy as set out in the City Plan.

8.7.2 Noise

One of the objections received includes a statement expressing concern that the submitted Construction Management Plan makes no mention of Westminster's restricted working hours for basement excavation works. Nonetheless a condition restricting building works to certain specified hours is recommended and this concern is considered to have been addressed.

8.7.3 Refuse /Recycling

A bin and recycling store are discreetly located within the new landscaping to the front garden, in an appropriately detailed timber structure, which is considered acceptable.

8.7.4 Trees

There are two relatively small trees (understood to be a Lawson Cypress and a Pittosporum Tenuifolium) to the front of the front garden which would be removed to facilitate these works. In addition, the existing planting to the planter structures in the front garden would also be removed. Though regrettable, an appropriate amount of space is provided for landscaping in the new scheme, and the details of the re-landscaping would be secured by condition.

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 and CIL are not relevant in the determination of this application.

8.11 **Environmental Impact Assessment**

Not applicable to development of this scale.

8.12 **Other Issues**

8.12.1 Construction Impact

Though no specific concerns have been raised by neighbours regarding the potential disruption during demolition and construction works, it is a general concern of residents throughout Westminster that construction sites are managed appropriately.

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition and legal agreement. A Construction Management Plan (CMP) has been submitted with the application. This details that the skip would be sited on the existing front driveway of the application property, and would be removed by a skip lorry to the pavement, and that the exterior of the skip would be cleaned as necessary to prevent transferring mud onto the public highway. There is a single yellow line outside the site, and this will be utilised to stop and deliver materials. Towards the end of the site, the restored front driveway would be utilised to park tradesmans vans involved in the fitting out works. Further information has been given on noise and vibration mitigation and monitoring, dust control, the storage of plant and materials, and on traffic management issues.

The submitted CMP is considered to sufficiently demonstrate that measures have been considered to minimise the impact of construction works on neighbouring residents. A condition is recommended requiring the City Council's approval of an updated CMP before works commence.

8.12.2 Excavation Works to Front Driveway

Objection has been raised from an adjoining occupier at no. 65 Marlborough Place who are concerned about the potential impact of the development upon the structural integrity of their property. Notwithstanding the more limited excavation involved to the front garden and internally to lower ground floor level than would typically be associated with a full basement excavation project, the application has been accompanied by a Structural Feasibility Statement. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The report has been prepared by a suitably qualified Structural Engineer. Building Control Officers have reviewed the report and raise no objection. It should be emphasised that the purpose of commissioning such an analysis at this stage is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course.

Accordingly, the report has provided sufficient consideration at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations.

8.12.3 Crime and Security

A concern has been raised by one of the objectors that the terrace structure could lead to an increased security risk for adjoining occupiers. The terrace currently already immediately abuts no. 63 Marlborough Place on its east side, and this application proposes shortening the projection of the terrace to this side and pulling it away from its existing position immediately abutting the boundary wall with no. 63 Marlborough Place.

To the west side though the terrace does not extend across to this wall at present, it is sited immediately adjacent to a high boundary wall helping prevent access onto the adjoining property. Given this arrangement, the concerns regarding the terrace creating a security risk are not considered sustainable.

9. BACKGROUND PAPERS

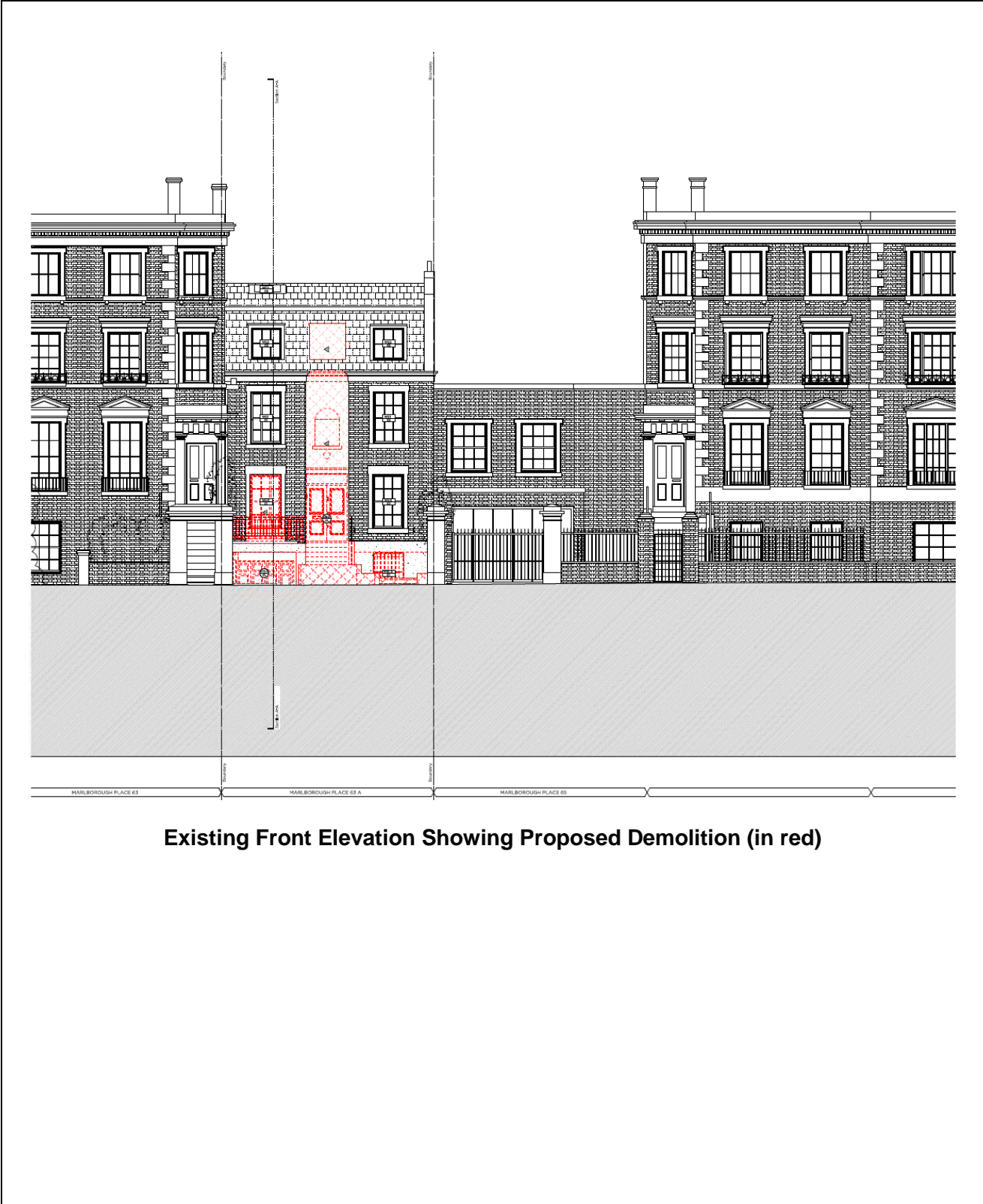
1. Application form
2. Response from St John's Wood Society, dated 16 May 2016
3. Response from Building Control, dated 2 August 2016
4. Response from Highways Planning, dated 22 June 2016
5. Letter from occupier of Garden Flat (Flats 1/2), 61 Marlborough Place, dated 20 May 2016
6. Letter from occupier of 65 Marlborough Place, London, dated 20 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)

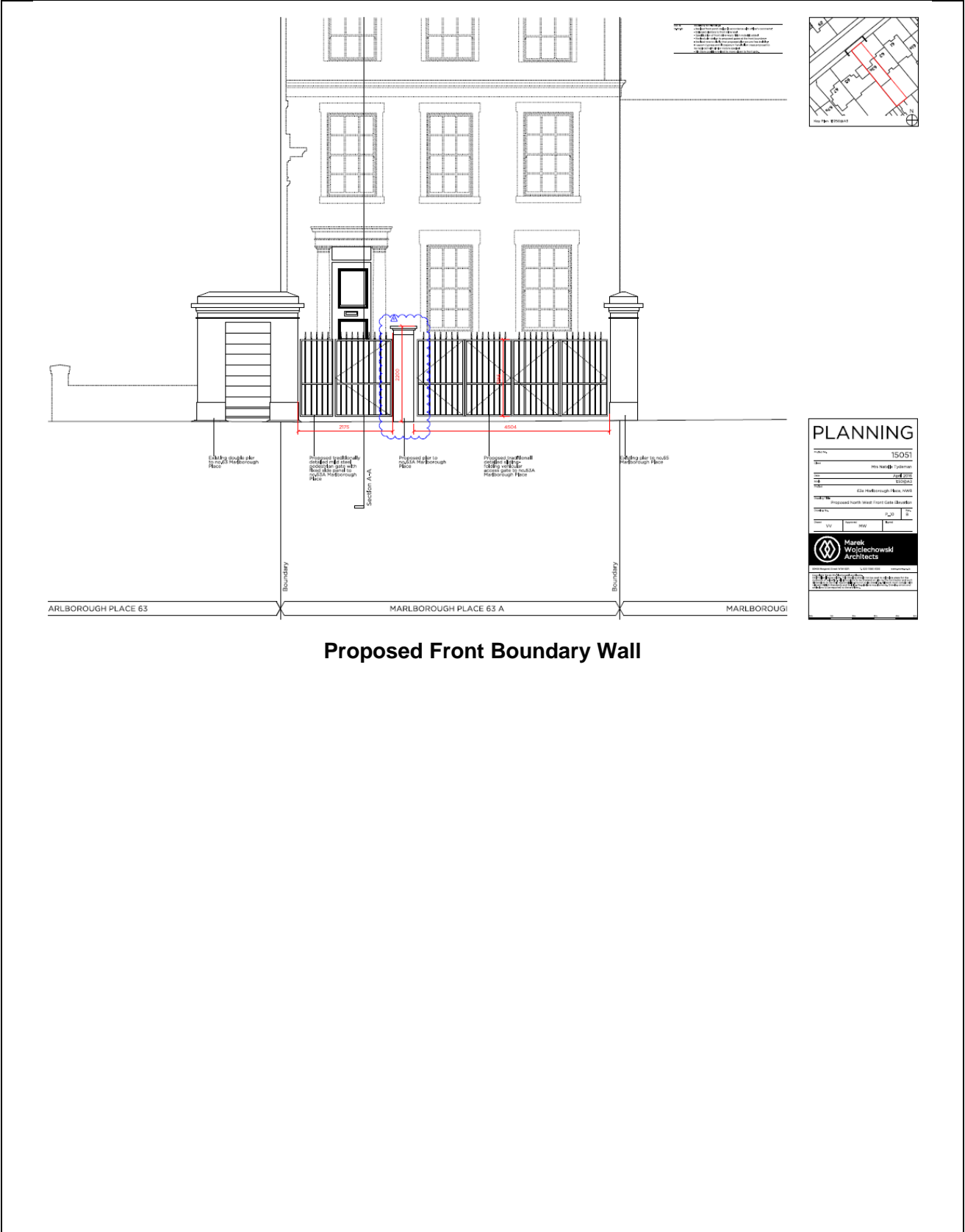
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

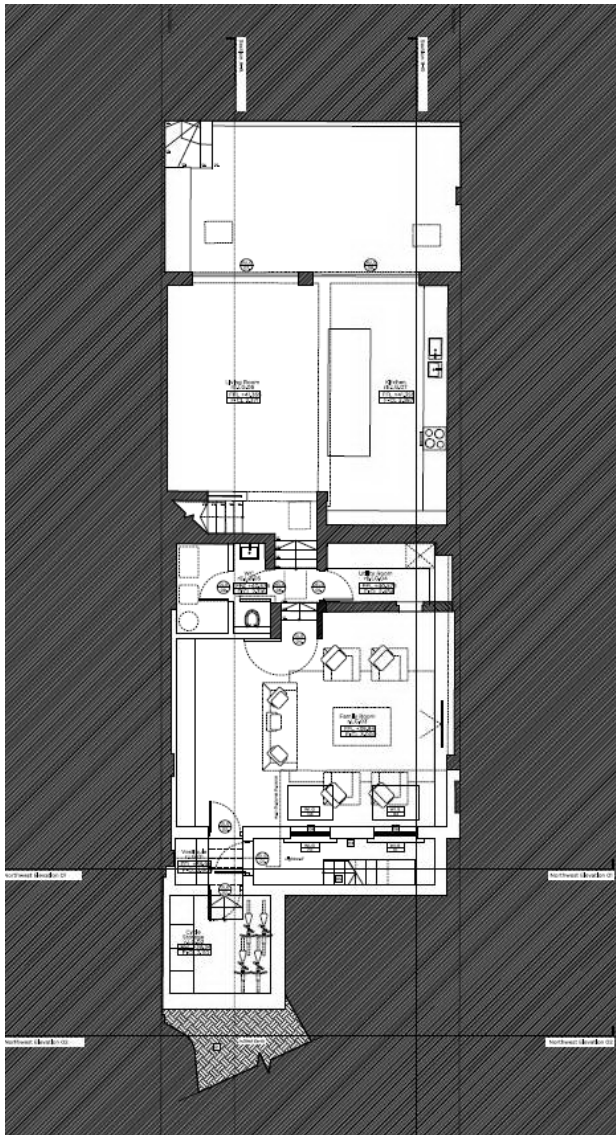
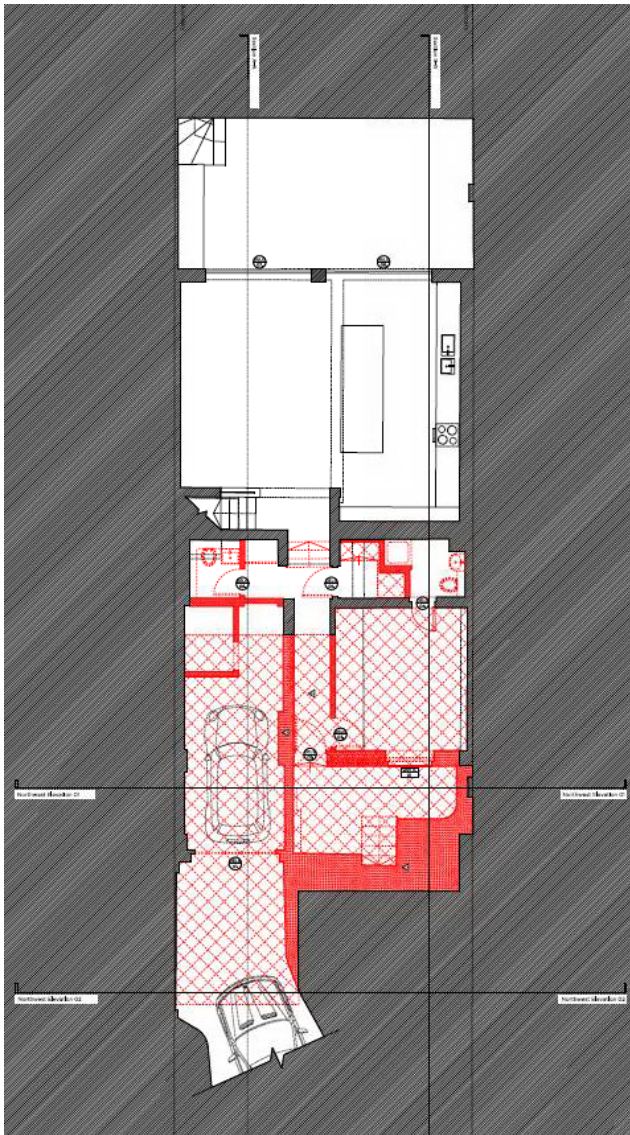
10. KEY DRAWINGS



Existing Front Elevation Showing Proposed Demolition (in red)

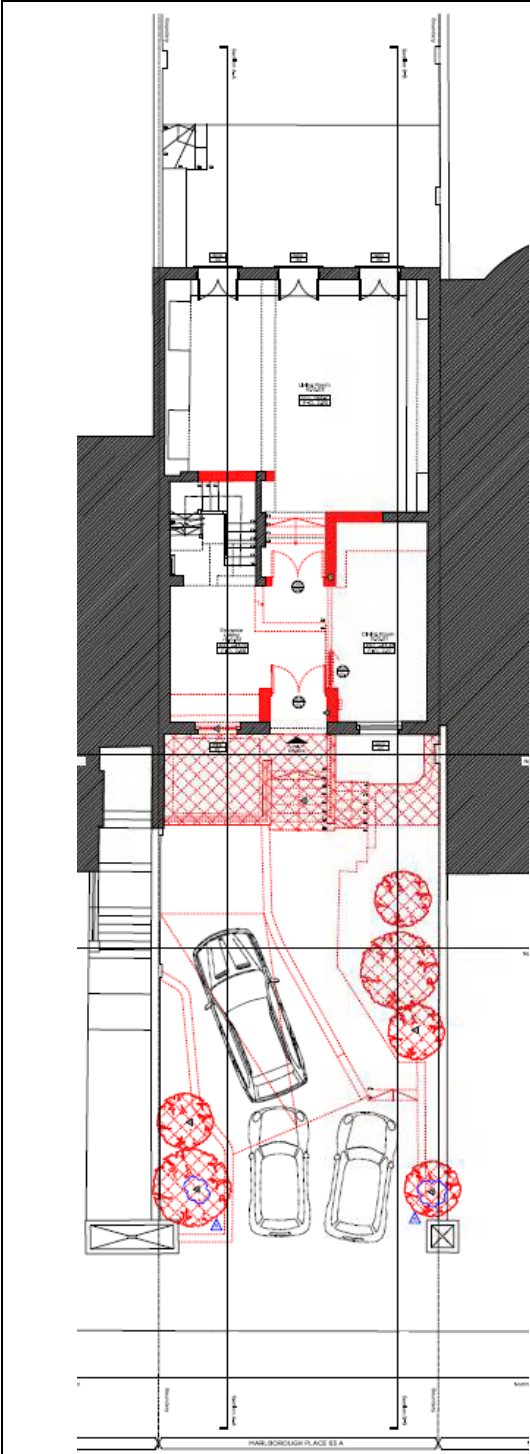




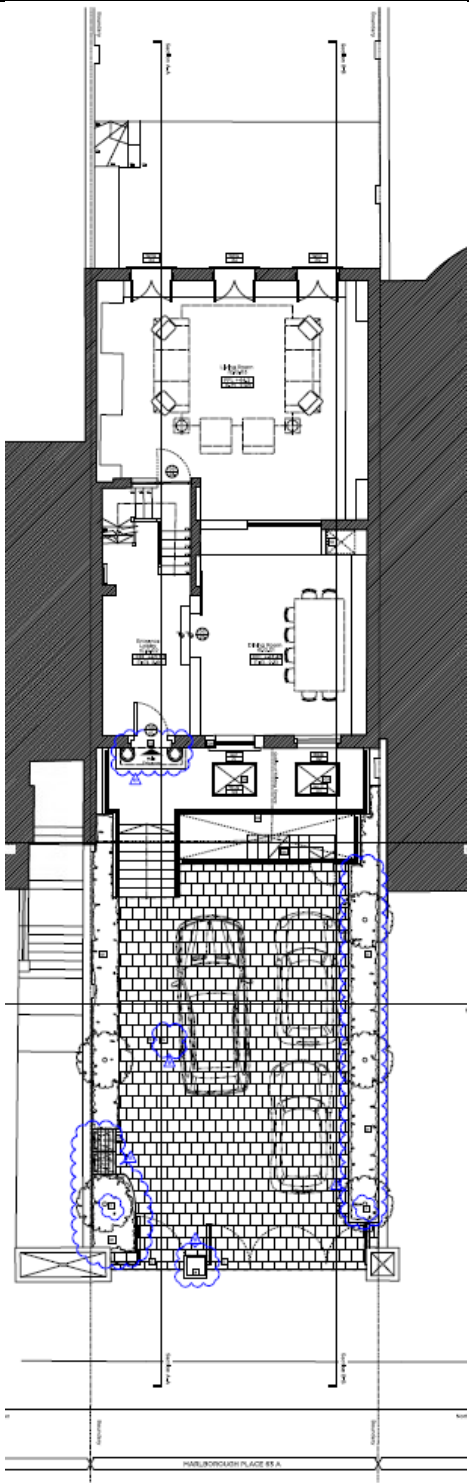


Existing Lower Ground Floor (Demolition in Red)

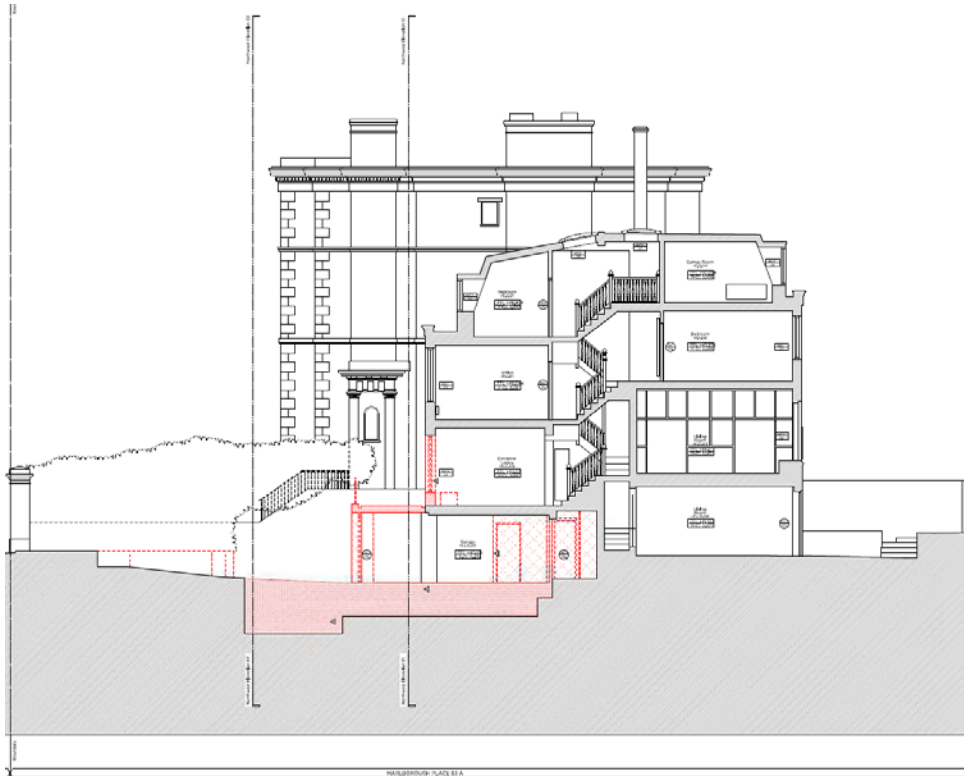
Proposed Lower Ground Floor



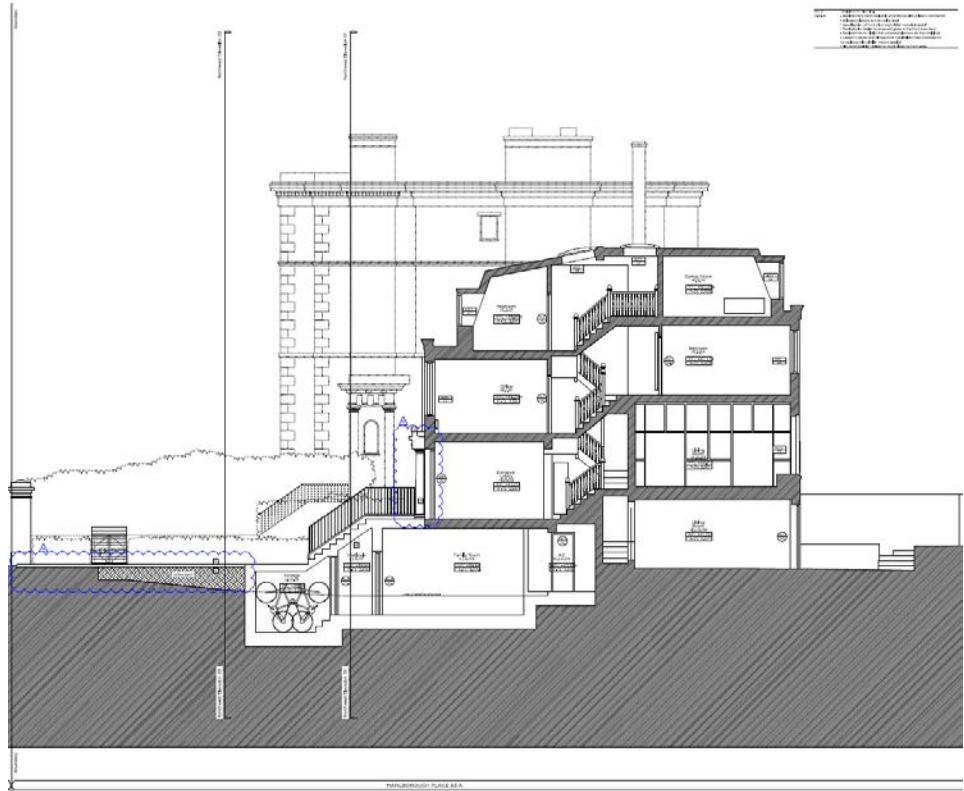
Existing Ground Floor (Demolition in Red)



Proposed Ground Floor



Existing Section (Demolition in Red)



Proposed Section

DRAFT DECISION LETTER

- Address:** 63A Marlborough Place, London, NW8 0PT,
- Proposal:** Infill of sloping front driveway to provide flat front garden, excavation to increase floor to ceiling height in part of lower ground floor level and provide storage room in front garden, relocation of main entrance from centre to right hand side of property with associated relocation of front door and steps, infill to the recessed part of the front elevation to bring it in line with the rest of the elevation with terrace above, extension to the front of the lower ground floor and reconfiguration of front lightwell, insertion of new traditionally detailed windows to the front elevation at 1st and 2nd floor levels, new front gates for vehicular and pedestrian access and a new central pier and associated works.
- Reference:** 16/02775/FULL
- Plan Nos:** Location plan, P-02A (proposed lower ground floor plan), D-02A (Demolition lower ground floor plan), P-01B (proposed ground floor plan), D-01B (demolition ground floor plan), P-03B (proposed first floor plan), D-03A (demolition first floor plan), P-04B (proposed second floor plan), P-05A (proposed roof plan), D-05A (demolition roof plan), P-08B (proposed north west street elevation), P-07B (proposed north west elevation) 02, P10-B (proposed north west front gate elevation), P06-B (proposed north west elevation), P-09B (proposed section AA), D-09 (demolition section AA), P11-B (proposed section BB), D-11 (demolition section BB), Design and Access Statement revision A dated July 2016, Construction Management Plan revision A dated 6th July 2016, Email from Marek Wojciechowski dated 20th July 2016, Site Management Plan revision A dated 12th July 2016,
- Included for information only - Structural Engineers Structural Feasibility Statement from Form revision P2 dated 6th July 2016

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

* between 08.00 and 18.00 Monday to Friday;

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

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

Reason:

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

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

Reason:

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

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

Reason:

In the interests of public safety and to ensure that the decorations are not hit by high vehicles as set out in TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 5 The new gates and railings to the front boundary wall shall be formed in black coloured metal and maintained in that colour thereafter, and the new gate piers shall be faced in white render and maintained in that colour 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: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The new windows shall be formed in glazing and white painted timber framing

Reason:

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

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

- 7 The new sections of facing brickwork must match the existing original brickwork in terms of colour, texture, face bond, pointing and finished appearance.

Reason:

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

- 8 You must apply to us for approval of plan and elevation drawings showing both the design of the main entrance door and the doorcase surrounding the main entrance door to ground floor level. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

- 9 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

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

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

Reason:

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

- 10 The railings and gates to the boundary frontage shall be designed as an open arrangement of railings and supporting framing and without any form of solid backing installed

Reason:

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

- 11 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and

building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 With regards to condition 7, you are advised that the expectation is that the existing brickwork will be re-used where possible
- 6 With regards to condition 8, you are advised that the expectation is that the entrance surround be formed by pilasters flanking each side of the door (rather than round columns) and that the appearance is of a simply detailed, classically inspired door surround faced in white render.

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

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

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	12 Elm Tree Road, London, NW8 9JX,		
Proposal	Variation of Condition 2 of planning permission dated 5 April 2016 (RN: 15/08361/FULL) for excavation of basement with a rear lightwell, to provide a swimming pool. Installation of associated plant; namely, to vary the hours of construction works so that building work can be carried out on Saturdays between 08.00 and 13.00 hours.		
Agent	Mrs Tori MacCabe		
On behalf of	Mr Sachin Khajuria		
Registered Number	16/04081/FULL	Date amended/ completed	5 May 2016
Date Application Received	3 May 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Permission was granted by this committee on 5 April 2016 for excavation of a basement level with a rear lightwell, to provide a swimming pool. Installation of associated plant was also approved.

The Committee resolved to grant permission subject to a number of amendments to the recommended conditions. This included an amendment to the City Council's standard construction hours condition to preclude noisy working on Saturdays. Accordingly, condition 2 was amended to state:

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

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

The applicant seeks a variation to this condition to allow building work (except for basement excavation work) to be carried out between 08.00 and 13.00 on Saturdays.

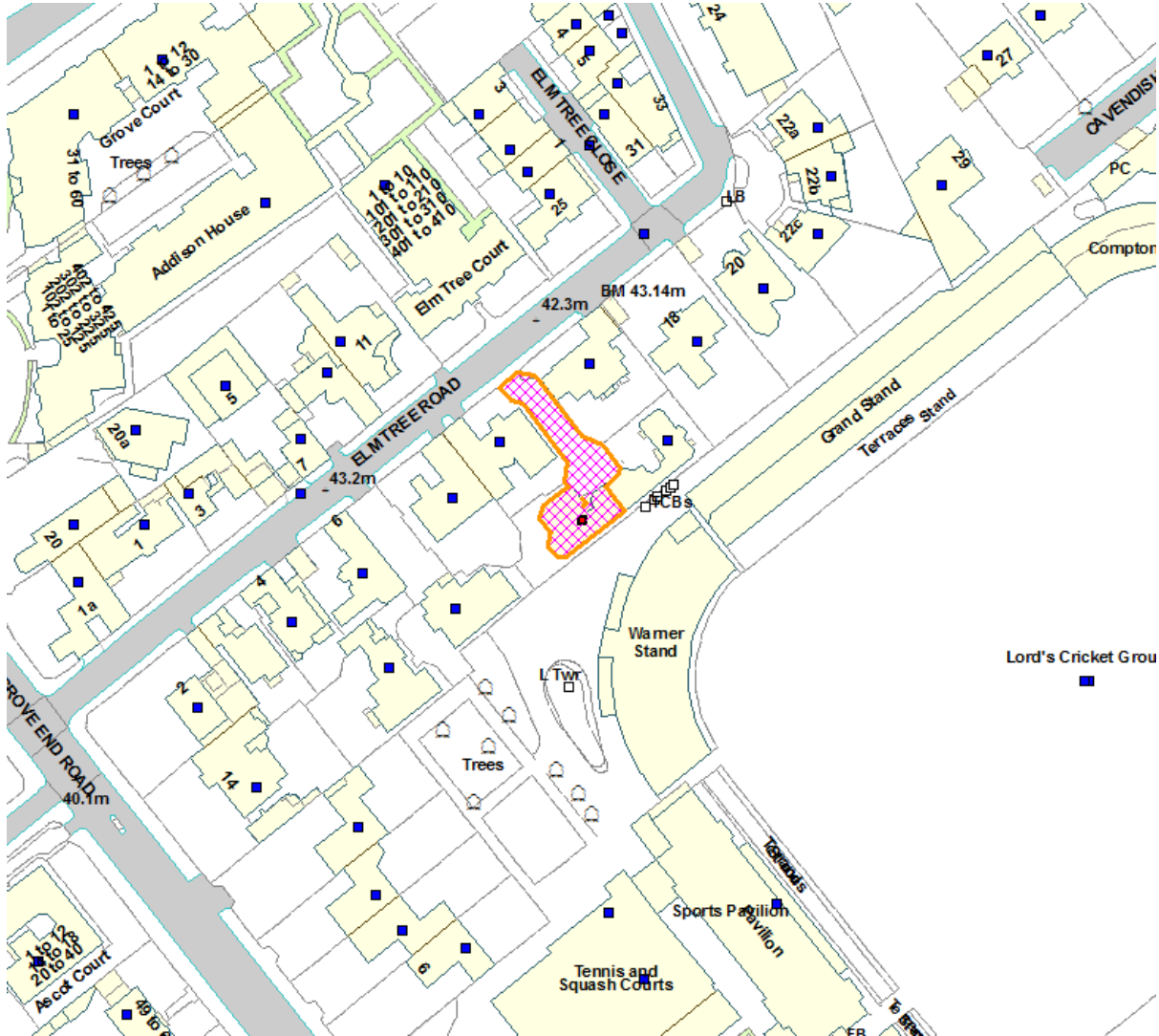
The proposed amendment to condition 2 would be consistent with recent permissions in the area, including at 8 Elm Tree Road (RN: 15/04516/FULL). It would also be consistent with the City

Council's standard practice for applications involving basement excavation, including under the revised basement policy, and continued imposition of the originally worded condition 2 would be unreasonable. The Committee resolution also prohibits 'noisy working on Saturdays' rather than all works only and the amendment sought would be consistent with this.

Whilst residents and the St Johns Wood Societies objections are noted, the amendment sought would not allow particularly noisy work (i.e. basement excavation) to occur on Saturdays. An objection to the proposed amendment on this basis would not be sustainable.

Accordingly, this application is recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Shared Drive of 12 and 12A Elm Tree Road



5. CONSULTATIONS

WARD COUNCILLORS FOR REGENT'S PARK

No comment to date.

ST JOHN'S WOOD SOCIETY

The Society supports the council's Consultation Draft Code of Construction Practice 2016 and in particular section 3.2 which stipulates that in residential areas noisy works including earthworks should only be carried out on weekdays between 0800 to 1800. Adjoining residents have objected to the proposed extended working hours which would allow basement excavation work on Saturdays between 0800 and 1300. The Society requests that the council considers the loss of amenity to residents and upholds the previously permitted Condition.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

Acceptable on transportation grounds.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 55

Total No. of replies: 13

No. of objections: 7

No. in support: 6

7 letters/emails objections received on all or some of the following grounds:

- Neighbouring properties and the wellbeing of residents should be protected against noise, dust and pollution as a result of the construction works during the weekends.
- Building works on a Saturday will disrupt parking in the area.
- Works on a Saturday for a period of 3 years is unacceptable.
- The majority of supporting messages have been made by the party interested in doing the work rather than genuine supporters.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

15/08361/FULL

Excavation of basement with a rear lightwell, to provide a swimming pool. Installation of associated plant.

Application Permitted 5 April 2016

7. BACKGROUND PAPERS

1. Application form
2. PAC Minutes of Proceedings dated 5 April 2016.
3. Response from Highways Planning dated 23 May 2016
4. Response from St John's Wood Society, dated 2 June 2016
5. Letter from occupier of 28 Elm Tree Road, London, dated 25 May 2016
6. Letter from occupier of 16, London, dated 27 May 2016
7. Letter from occupier of 12a, Elm Tree Road, dated 24 May 2016
8. Letter from occupier of Elm Tree Road, London, dated 18 May 2016
9. Letter from occupier of 12A Elm Tree Road, st john's wood, dated 15 May 2016
10. Letter from occupier of Flat 105, london, dated 18 May 2016
11. Letter from occupier of 10, London, dated 27 May 2016
12. Letter from occupier of 8C Elm Tree Road, London, dated 27 May 2016
13. Letter from occupier of 4A Elm Tree Road, London, dated 14 June 2016
14. Letter from occupier of 20 elm tree road, london, dated 13 May 2016
15. Letter from occupier of Flat 42, London, dated 4 June 2016
16. Letter from occupier of 2, London, dated 27 May 2016
17. Letter from occupier of 10 Elm Tree Road, London, dated 16 May 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

DRAFT DECISION LETTER

Address: 12 Elm Tree Road, London, NW8 9JX,

Proposal: Variation of Condition 2 of planning permission dated 5 April 2016 (RN: 15/08361/FULL) for excavation of basement with a rear lightwell, to provide a swimming pool. Installation of associated plant; namely, to vary the hours of construction works so that basement excavation works can be carried out on Saturdays between 08.00 and 13.00 hours.

Reference: 16/04081/FULL

Plan Nos: Original documents/plans:, 13050-P_00 (location plan), 13050-P_00, 13050-P_01, 13050-P_02, 13050-P_03, 13050-P_04, 13050-P_05, 13050-D_04, 13050-D_05, Design and Access Statement prepared by Marek Wojciechowski Architects, Odhran Brennan, Report on impact of trees prepared by John Cromars's Arboricultural Company, Ground Investigation Report Basement Development prepared by Aviron Associates Limited, Construction Management Plan, Construction Management Report rev B, Noise report prepared by Emtec dated 8 February 2016; For information only: Structural engineer's structural methodology statement Prepared by Engineer.

Case Officer: Agnes Hagan

Direct Tel. No. 020 7641 5651

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

in January 2007. (R11AC)

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

Reason:

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

- 4 You must apply to us for approval of detailed drawings of the following parts of the development:
- i) Proposed balustrade to rear light well.
 - ii) Details of the proposed car lift including manufacturers specification.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

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

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)

- 5 Pre Commencement Condition. Notwithstanding the Construction Management Plan submitted, no development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and

facilities for public viewing, where appropriate);

(v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and

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

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

Reason:

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

Reason:

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

- 6 (1) Where noise emitted from the proposed plant and machinery (which serves both the carlift and swimming pool) will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery (which serves both the carlift and swimming pool) will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment (which serves both the carlift and swimming pool), 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 schedule of all plant and equipment that formed part of this application;
 - Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - Manufacturer specifications of sound emissions in octave or third octave detail;
 - 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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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.

- 7 No vibration from the carlift or swimming pool plant 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.

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the carlift and swimming pool plant will comply with the Council's noise criteria as set out in Condition 6; of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 9 The car stacker installed must be finished in the same surface material as the front drive and shall remain in its closed (down) position at all times other than to allow cars to enter and exit.

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 Johns 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)

- 10 The car stacker hereby approved shall only contain one vehicle at a time.

Reason:

To prevent a use that would be unacceptable in highways terms. This is in line with TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 11 This permission must be commenced no later than 4 April 2019

Reason:

This permission authorises amendments to the original planning permission granted on 5 April 2016 (RN 15/08361/FULL) which must be commenced no later than the above date.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of

building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 5 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)
- 6 In respect of condition 8, you are advised that this acoustic report should address both the car lift and any other plant/machinery.

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

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	Second Floor, 83 Alderney Street, London, SW1V 4HF,		
Proposal	Creation of roof terrace at rear second floor half landing level and associated alterations including new balustrade and replacement of window with door (Second Floor Flat).		
Agent	N/A		
On behalf of	Mr Peter Webb		
Registered Number	14/12491/FULL	Date amended/ completed	18 December 2014
Date Application Received	18 December 2014		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

83 Alderney Street is an unlisted terraced house within the Pimlico Conservation Area. The building comprises basement, ground and three upper floors and has been converted into flats. This application relates to the second floor flat.

Permission is sought for the creation of a roof terrace at rear second floor half landing level and associated alterations including a new balustrade and the replacement of a window with door.

The key issues for consideration are:

- * The impact on the appearance of the building and character and appearance of the Pimlico conservation area; and
- * The impact on residential amenity.

Design

Policy DES6 of the Unitary Development Plan (UDP) and the Pimlico Design Guide SPG state that terraces at roof level are acceptable only when permitted precedent exists and the addition of the

terrace would result in uniformity of roofline within a group of houses. Furthermore, the Pimlico Conservation Area Audit SPG states that where roof terraces are visible they create high level clutter and have a negative impact on the Conservation Area.

The terrace balustrade is designed to be a minimum height of 1100mm and would comprise of simple black metal railings, set in from the edge of the roof parapet.

There are a number of existing terraces to the rear of properties in this part of Alderney Street, including on both neighbouring properties at second floor level. In this case, given that there are similar terraces on neighbouring properties, and also taking into account the limited visibility of the terrace from public views, the terrace and associated works are considered acceptable in this location.

The new terrace access would be a French door. The removal of the sash window and a small section of wall to accommodate the new door are also acceptable, given the pattern of glazing bars shall match others in the building and a minimal amount of wall fabric will be removed.

Amenity

UDP policy ENV 13 and S 29 of Westminster's City Plan: Strategic Policies (City Plan) generally seek to protect residential amenity in terms of light, privacy, and overlooking.

An objection has been received from the occupier of Flat 3, 81 Alderney Street on grounds the terrace would result in overlooking of their only bedroom window, and would also result in a loss of daylight and sunlight.

The objector's bedroom window is located at first floor level in the flank elevation of the closet wing and faces directly onto the blank/ brick flank elevation of no.83s closet wing. In this location, the objector's bedroom window is located at a lower level than the proposed terrace, and as such would not be directly overlooked, although it would be visible in oblique downwards views by anyone standing looking over the edge of the terrace. Given the relationship between the objector's window and terrace area, on balance, the proposal is not considered to cause significant harm in terms of overlooking. The proposed associated works, namely the installation of railings, are also not considered to cause harm in terms of loss of sunlight or daylight to this window. The proposal is not considered to harm the amenity of any other neighbouring residents.

The proposal is considered to comply with the Council's policies in relation to design, conservation, and amenity as set out in the City Plan and the UDP. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Terrace/ front edge



Terrace/ rear wall



View of existing terrace next door at no.85 Alderney Street



View of existing terrace next door at no.81 Alderney Street



View of objectors' first floor bedroom window at no.81 Alderney Street



Views from objectors' first floor bedroom window at no.81 Alderney Street



5. CONSULTATIONS

WESTMINSTER SOCIETY:
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23
Total No. of replies: 1
No. of objections: 1

An objection has been received from the occupier of Flat 3, 81 Alderney Street on grounds the terrace would result in overlooking of their only bedroom window, and would also result in a loss of daylight and sunlight.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

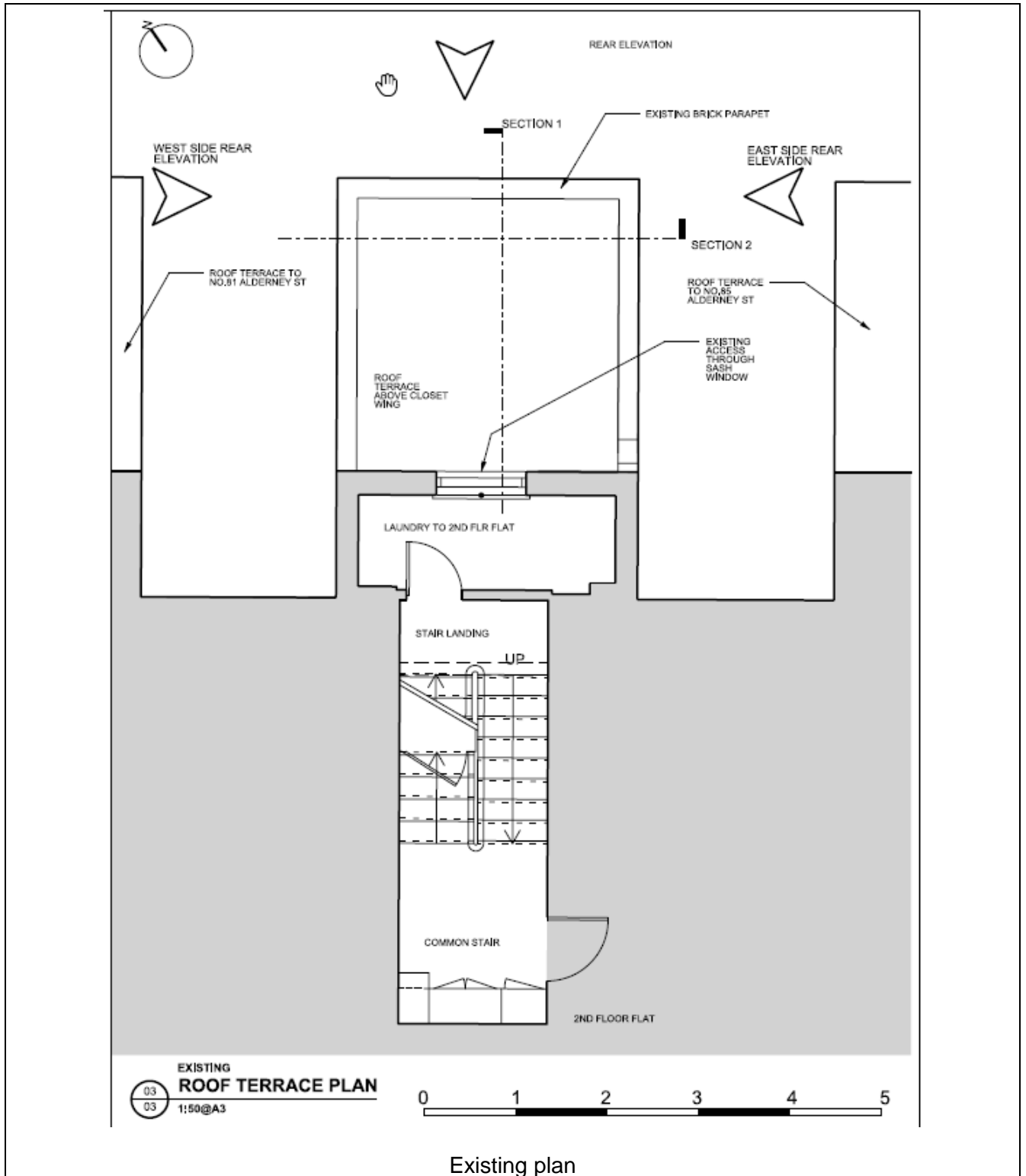
1. Application form
2. Memo from The Westminster Society dated 20.01.2015
3. Letter from occupier of Flat 3, 81 Alderney Street dated 07.02.2015

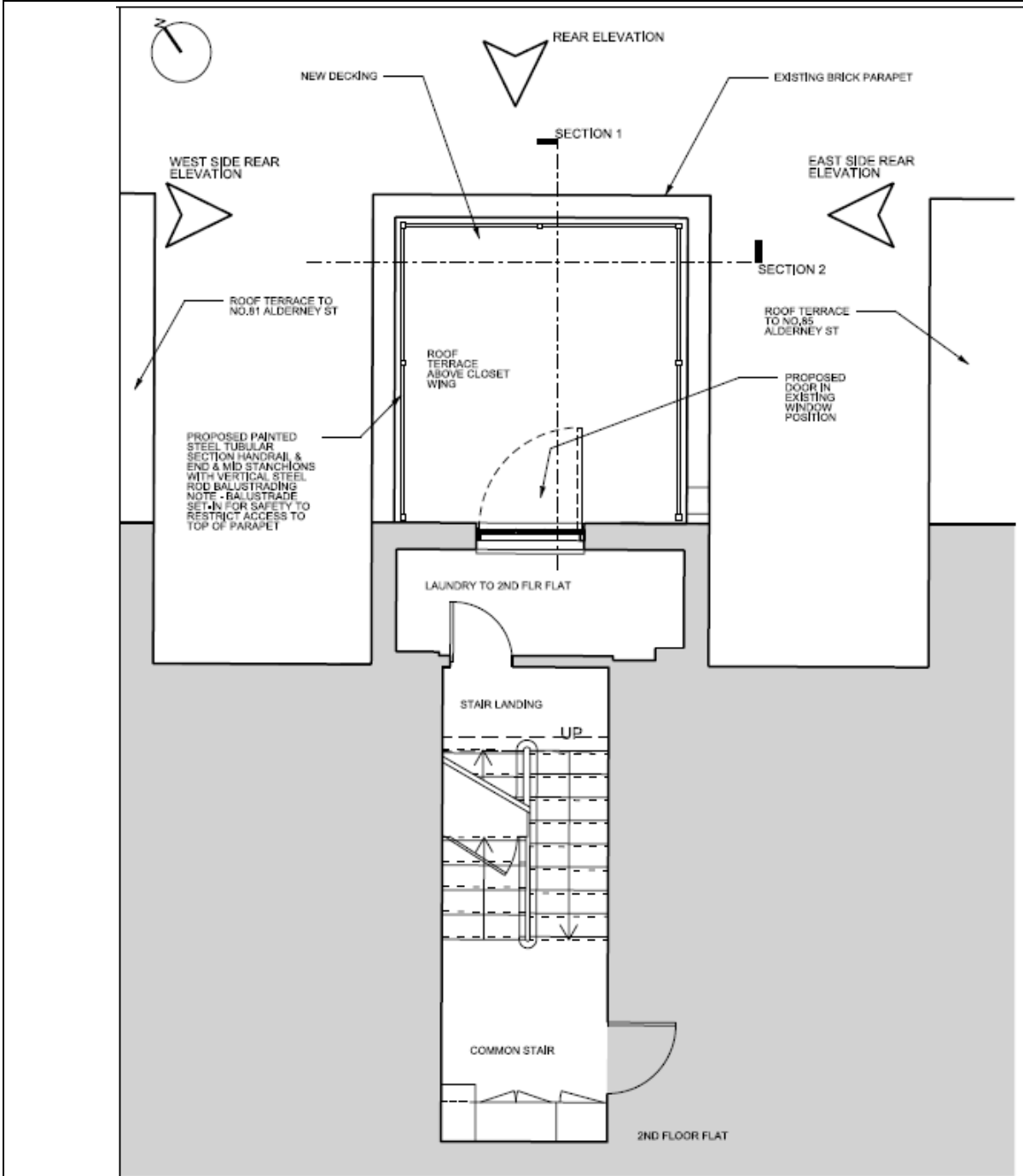
Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK

7. KEY DRAWINGS

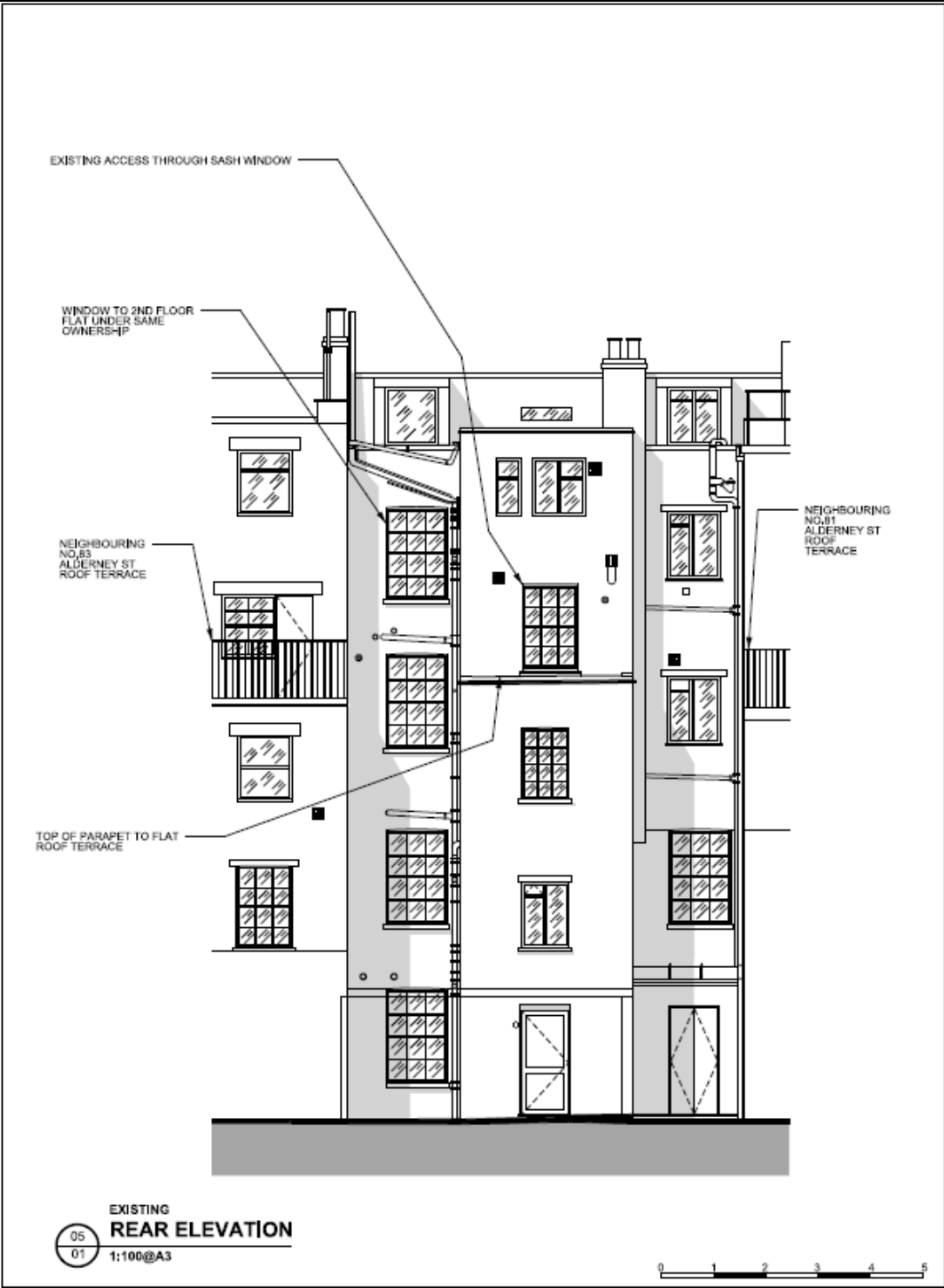




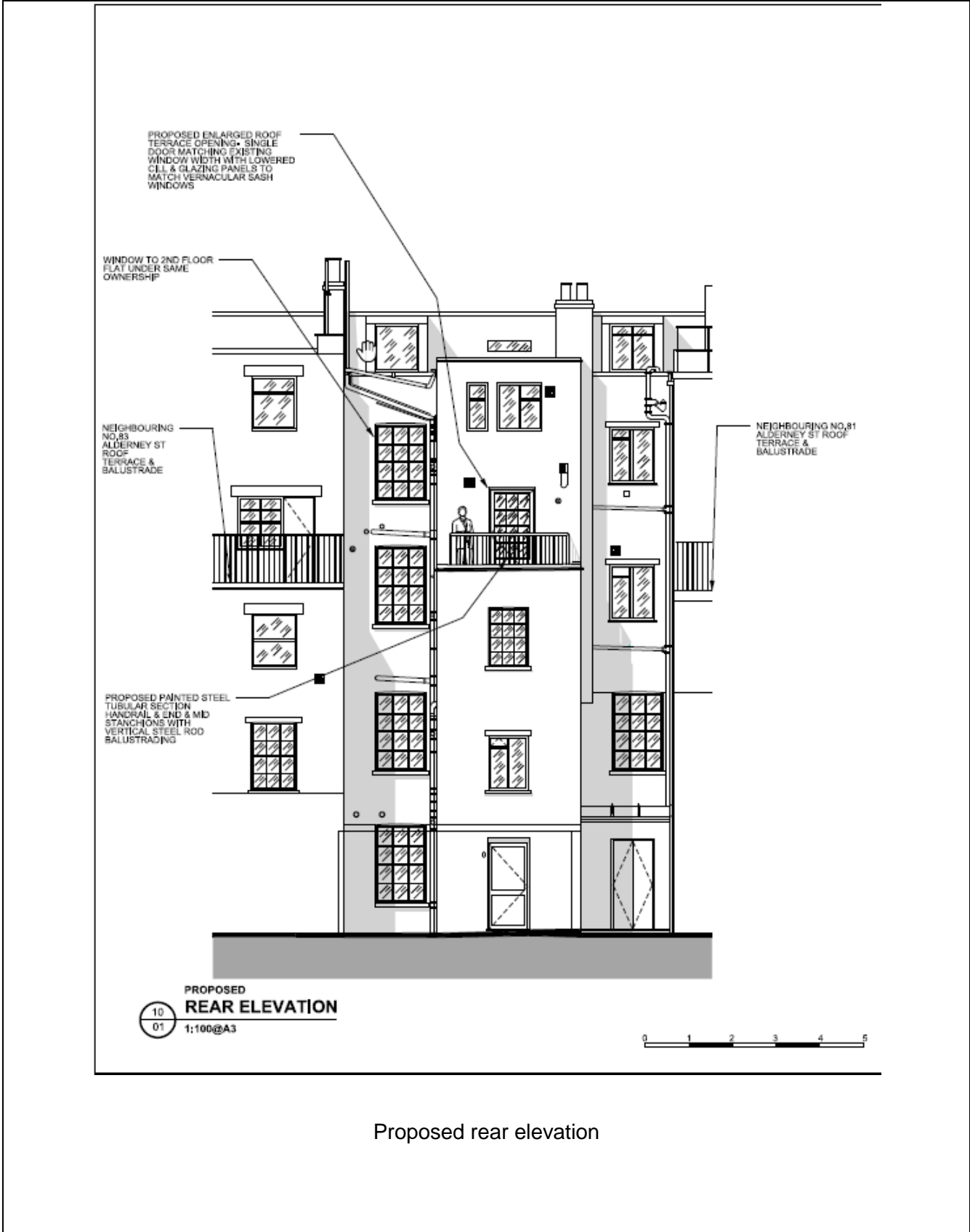
07
 03
PROPOSED ROOF TERRACE PLAN
 1:50@A3



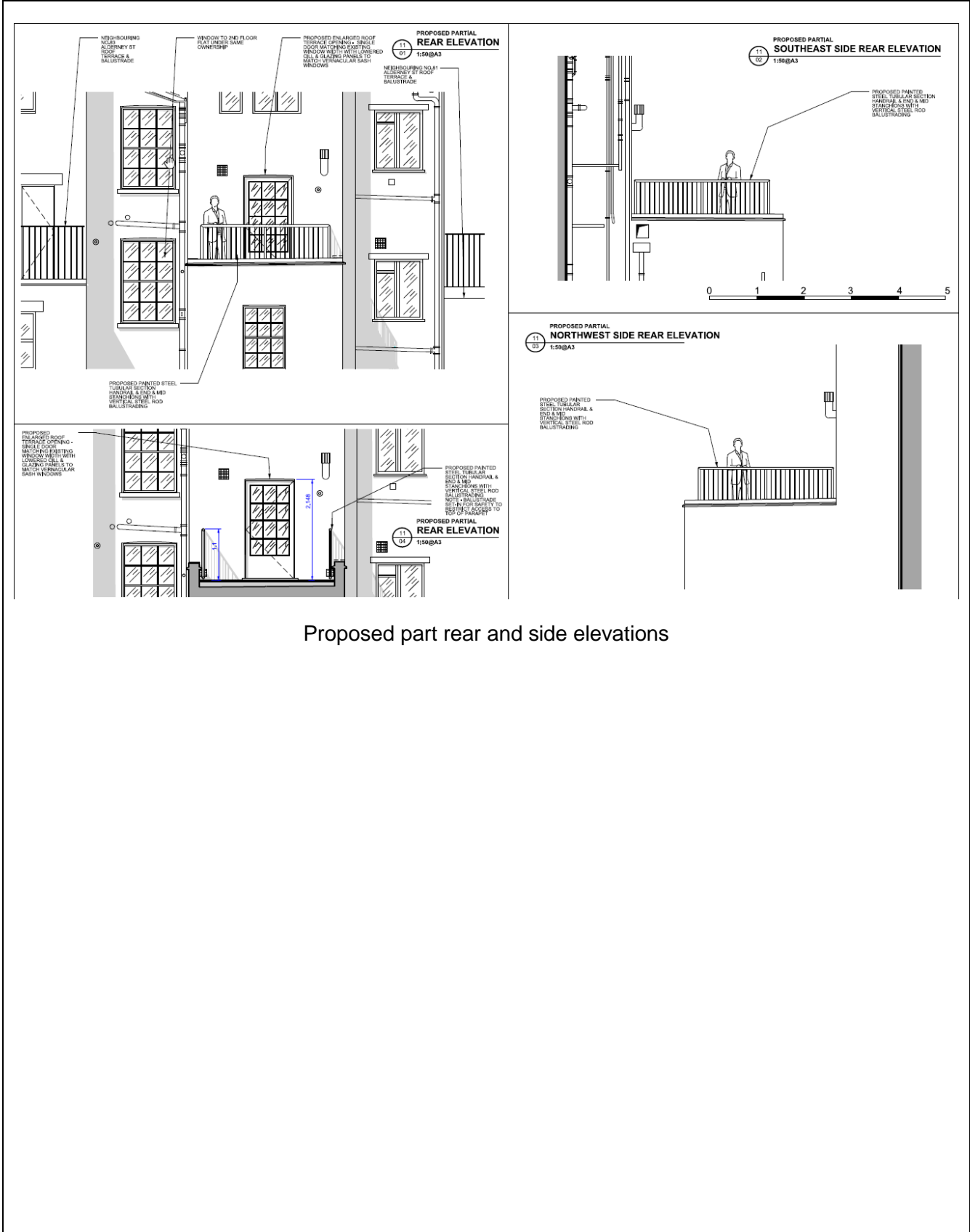
Proposed plan



Existing rear elevation



Proposed rear elevation



Proposed part rear and side elevations

DRAFT DECISION LETTER

Address: Second Floor, 83 Alderney Street, London, SW1V 4HF,

Proposal: Creation of roof terrace at rear second floor half landing level and associated alterations including new balustrade and replacement of window with door (Second Floor Flat).

Reference: 14/12491/FULL

Plan Nos: 01, 03, 05, 07C, 10B, 11B.

Case Officer: David Dorward **Direct Tel. No.** 020 7641 2408

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

Reason:

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

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.