



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 28th June, 2016**

Time: **6.30 pm**

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

Members: **Councillors:**

Andrew Smith (Chairman)
Louise Hyams
Barbara Grahame
Paul Church

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. 117 WARWICK WAY, LONDON, SW1V 4HT | (Pages 3 - 28) |
| 2. 85 OLIPHANT STREET, LONDON, W10 4EE | (Pages 29 - 40) |
| 3. 2-2A DAVIES STREET, LONDON, W1K 3DJ | (Pages 41 - 52) |
| 4. 1-2 ALBION STREET, LONDON, W2 2AS | (Pages 53 - 76) |
| 5. 40 CRAWFORD STREET, LONDON, W1H 1JL | (Pages 77 - 92) |
| 6. 28 BLOMFIELD ROAD, LONDON, W9 1AA | (Pages 93 - 116) |
| 7. 5 - 6 ST MATTHEW STREET, LONDON, SW1P 2JT | (Pages 117 - 132) |

Charlie Parker
Chief Executive
20 June 2016

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Agenda Item

CITY OF WESTMINSTER

PLANNING APPLICATIONS COMMITTEE – 28th June 2016

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM NO	REFERENCES	SITE ADDRESS	PROPOSAL	
1	RN NO(s) : 13/02786/FULL	117 Warwick Way London SW1V 4HT	Demolition behind the retained facades of No.117 and erection of a replacement building with extensions at rear lower ground to second floor levels, a mansard roof extension and additional sub-basement. Replacement mansard roof to No.115. Amalgamation of both properties to form a single hotel use (Class C1). (Site includes Nos.115 and 117 Warwick Way).	
	Warwick			
RECOMMENDATION: Grant conditional permission.				
2	RN NO(s) : 16/04064/FULL	85 Oliphant Street London W10 4EE	Installation of a burglar alarm box to front elevation.	
	Queen's Park			
RECOMMENDATION: Refuse permission – design grounds.				
3	RN NO(s) : 16/03437/FULL	2-2A Davies Street London W1K 3DJ	Variation of Condition 10 of planning permission dated 23 September 2010 (RN 10/04368/FULL) which in itself allowed for the removal of Condition 11 of planning permission dated 30 September 2009 for use of the building as a private members club including retail and restaurant (RN: 09/04770) which permitted use of the north-west courtyard for drinking and dining purposes. Namely: to allow use of the north east courtyard by the Members club between 10.00 and 19.00 daily.	
	West End			
RECOMMENDATION: Refuse permission – amenity grounds.				
4	RN NO(s) : 16/01510/FULL 16/01511/LBC	1-2 Albion Street London W2 2AS	Erection of a mansard extension to the rear, installation of lift to first floor level, installation of air conditioning plant at roof level and in lightwell; installation of kitchen and bathroom extracts and internal air conditioning units and ducting, removal in internal timber stairs, lowering of basement and ground floor slab and internal alterations and refurbishment.	
	Hyde Park			
RECOMMENDATION: 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				

CITY OF WESTMINSTER

PLANNING APPLICATIONS COMMITTEE – 28th June 2016

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM NO	REFERENCES	SITE ADDRESS	PROPOSAL	
5	RN NO(s) : 16/01873/FULL Bryanston and Dorset Square	40 Crawford Street London W1H 1JL	Erection of a first floor rear extension, with green roof, for use in association with the existing residential flat.	
RECOMMENDATION: Grant conditional permission.				
6	RN NO(s) : 16/00616/FULL Little Venice	28 Blomfield Road London W9 1AA	Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.	
RECOMMENDATION: Grant conditional permission.				
7	RN NO(s) : 16/03535/FULL St James's	5 – 6 St Matthew Street London SW1P 2JT	Continued use of building as office (Class B1). Installation of new ground floor frontage and one additional window to rear lightwell.	
RECOMMENDATION: Refuse permission – loss of residential units.				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	115-117 Warwick Way, London, SW1V 4HT		
Proposal	Demolition behind the retained facades of No. 117 and erection of a replacement building with extensions at rear lower ground to second floor levels, a mansard roof extension and additional sub-basement; and replacement mansard roof to No. 115; all in connection with the use as a single hotel (Class C1). (Site includes Nos. 115 and 117 Warwick Way).		
Agent	Bruce Geddes		
On behalf of	Mr M Shariff		
Registered Number	13/02786/FULL	Date amended/ completed	9 May 2014
Date Application Received	26 March 2013		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

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

2. SUMMARY

The application properties were previously occupied as two separate hotels, the Olympic House Hotel at No. 115 and the Grapevine Hotel at No. 117, each containing 18 guest bedrooms. Permission was granted in 2010 for the amalgamation of Nos. 115 and 117 to form a single hotel with 43 guest bedrooms. The applicant has confirmed that the 2010 permission has been partially implemented with the amalgamation of the two properties, and the permission can therefore be implemented in perpetuity.

Permission is sought for demolition behind the retained facade of No. 117 and erection of a new building with extensions at the rear, a mansard roof extension and additional sub-basement. The applicant originally proposed the complete demolition of No. 117 but following officer advice this part of the scheme has been revised to retain the façade. A replacement mansard is proposed to No. 115. The works are in connection with the use of the two properties as one hotel providing 44 guest bedrooms.

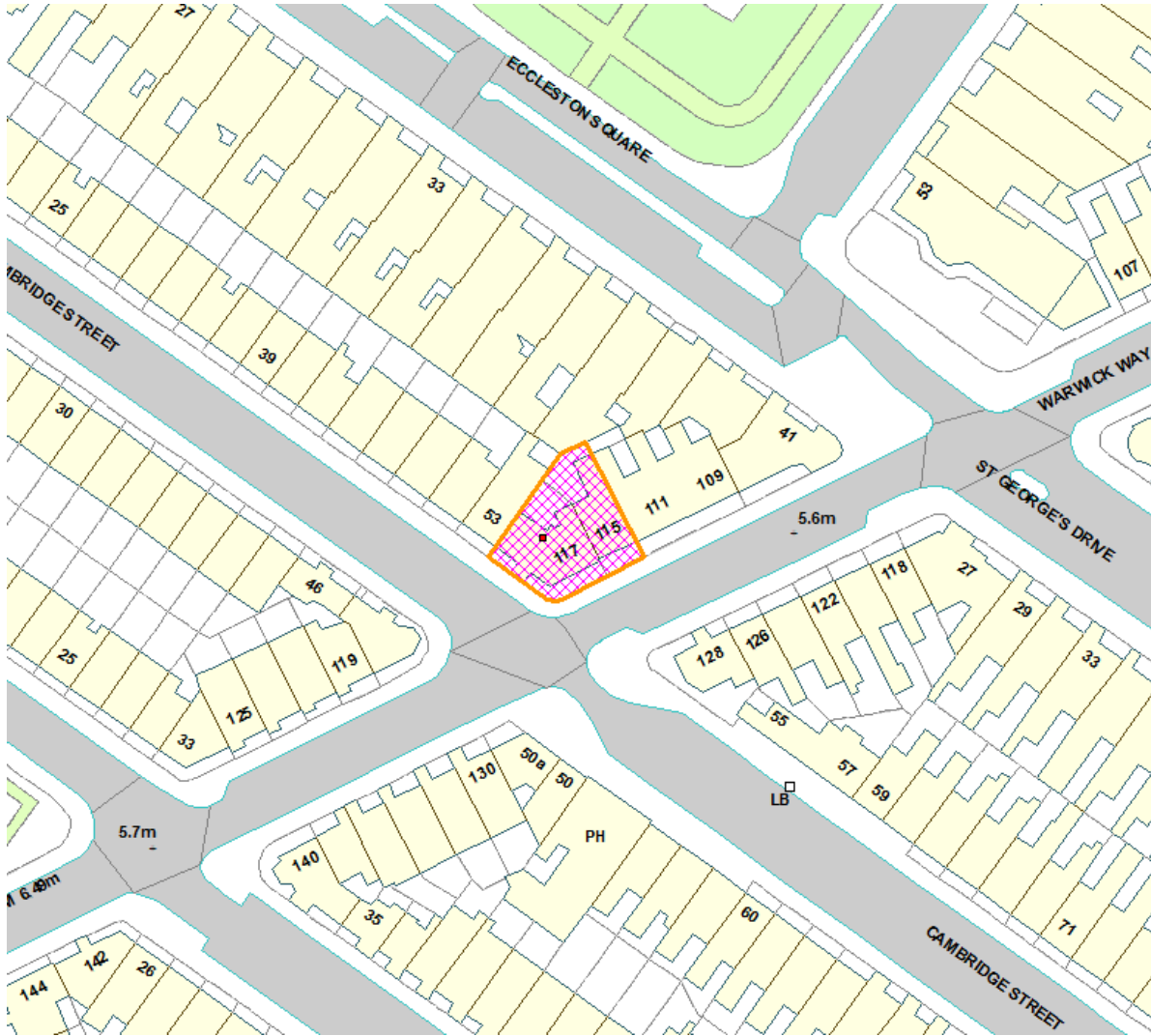
The key issues in this case are:

* The impact on residential amenity.

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

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLORS (COUNCILLOR AIKEN, ARGAR AND WILKINSON):

Objection. The area is predominantly residential and the proposal will be detrimental to the amenity of residents and result in noise and a loss of light. The building is in the Pimlico Conservation Area and there is no legitimate justification for the major demolition works proposed. It will create serious traffic management problems in the area, particularly during construction works, as well as public safety issues. Additional hotel bedrooms are not needed in the area.

ENVIRONMENT AGENCY:

No objection as development is at low risk of flooding.

WESTMINSTER SOCIETY:

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

ENVIRONMENTAL HEALTH:

No objection.

CLEANSING:

No objection.

HIGHWAYS PLANNING:

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

BUILDING CONTROL:

Structural method statement is considered acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 98

Total No. of replies: 31

No. of objections: 29

No. in support: 2

Land Use

- No need for additional bedrooms.
- The increase in size of hotel serves no public benefit.

Amenity

- Loss of light.

Design

- No justification to demolish the entire building.

Other

- Construction Impact
- There should be no works on a Saturday.
- Properties either side of application site in danger of subsidence.

- Noise, vibration and disturbance from building works.
- Construction traffic would compromise the safety of residents.
- Impact of construction vehicles on road network.
- Disruption from suspension of parking bays.
- Loading and unloading of vehicles in Cambridge Street will create noise and dirt.
- Streets are impracticable for size of vehicles proposed.
- Proposals would lead to traffic congestion along Cambridge Street and at junction with Warwick Way and St George's Drive.
- Delivery route for lorries via Cambridge Street/Hugh Street/Alderney Street is unacceptable.
- destabilising effect of the sub-basement.
- Revised proposal does not address the faults of original proposal.

PRESS ADVERTISEMENT / SITE NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 115 Warwick Way is a five storey building including a lower ground floor level, a mezzanine level at ground/first floor level and accommodation within the fourth/roof space. No. 117 Warwick Way is arranged over five floors including a lower ground floor level, it is located on the corner with Cambridge Street.

The application properties were previously occupied as two separate hotels, the Olympic House Hotel at No. 115 and the Grapevine Hotel at No. 117, each containing 18 guest bedrooms. Permission was granted in 2010 for the amalgamation of Nos. 115 and 117 to form a single hotel with 43 guest bedrooms. The applicant has confirmed that the 2010 permission has been partially implemented with the amalgamation of the two properties, and the permission can therefore be implemented in perpetuity.

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

6.2 Recent Relevant History

115 and 117 Warwick Way

Permission was granted in December 2010 to amalgamate the two hotels at 115 and 117 to provide 43 bedrooms. The scheme included the erection of a mansard roof extension and rear extensions at lower ground to new third floor level to No. 117 and the erection of a replacement mansard roof to No. 115 (our ref 10/06976/FULL). This consent was implemented in 2012 with large parts of No. 115 converted in accordance with the 2010 permission including the amalgamation of the two properties, although no work has started on the roof extension or rear extensions to date.

115 Warwick Way

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

117 Warwick Way

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

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

7. THE PROPOSAL

Permission is sought for demolition behind the retained facades of No. 117 and erection of a new building with extensions at the rear at lower ground to second floor level, a mansard roof extension and additional sub-basement. The applicant originally proposed the complete demolition of No. 117 but following officer advice this part of the scheme has been revised to retain the façade. A replacement mansard is proposed to No. 115. The works are in connection with the use of the two properties as one hotel providing 44 guest bedrooms. The new sub-basement is to provide a breakfast room for hotel guests together with a laundry room.

8. DETAILED CONSIDERATIONS**8.1 Land Use**

The proposal seeks to upgrade the existing hotel. The scheme is similar to that approved in 2010 with the exception that a new sub-basement is now proposed under No. 117. The applicant has confirmed that the 2010 permission has been partially implemented with the amalgamation of the two properties. The number of hotel rooms and bed spaces can be summarised as follows:

Nos. 115 and 117	As consented (April 2010)	As proposed
Guest Rooms	43	44
Bed Spaces	80	81

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

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

The proposal will result in the addition of one hotel bedroom over the 2010 permission. The proposed extension is linked to the upgrading of the hotel accommodation which includes provision of en-suite bathrooms to all bedrooms, provision of lift access to all floors, a larger breakfast room with 60 covers, a kitchen preparation area and laundry area. Although it is a predominately residential area, there are other hotels in the vicinity and the expanded hotel is considered appropriate to its surroundings. Subject to conditions to restrict the number of guest bedrooms to 44, the use of the breakfast room to hotel guests only and a no primary cooking condition, the proposal is considered to comply with adopted policy.

8.2 Townscape and Design

Demolition behind the retained facade of No. 117 Warwick Way

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

Roof extension

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

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

Rear extension

It is proposed to extend to the rear of No. 117 at lower ground to third floor level. The proposed extensions are the same as that approved in 2010 and are designed to match

the appearance of the existing building. The proposed extension does not extend beyond the flank wall with 53 Cambridge Street or beyond the rear building line with 115 Warwick Way.

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

8.3 Residential Amenity

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

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

The proposed rear extension to No 117 does not extend beyond the flank wall with 53 Cambridge Street and will not have an adverse impact on light, sense of enclosure or loss of privacy to the adjoining properties. There is an existing terrace at first floor level to the rear of 115 which will be retained and a new terrace is proposed at mezzanine level between ground and first floor level. This terrace was approved in the 2010 scheme and is considered acceptable in amenity terms. Similarly the roof extension will not have a significant amenity impact.

8.4 Transportation/Parking

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

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

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

8.5 Economic Considerations

The economic benefits generated by the extended hotel are welcome.

8.6 Access

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

8.7 Other UDP/Westminster Policy Considerations

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

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

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

8.8 London Plan

The proposal does not raise strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The proposal does not trigger any requirement for Planning Obligations.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Basement extension

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

A structural method statement has been submitted in relation to the proposed excavation works. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The submitted structural report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Demolition and construction works

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

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

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

therefore recommended that a further detailed construction management plan is secured by condition following input from the Highways Licensing team.

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

9. BACKGROUND PAPERS

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

24. E-mail from the residential occupier of 25 Cambridge Street, SW1 dated 13 June 2014.
25. E-mail from the residential occupier of 27 Cambridge Street, SW1V 4PR dated 13 June 2014 and 27 October 2015.
26. E-mail from the residential occupier of 45 Cambridge Street, SW1 dated 13 June 2014.
27. E-mail from the residential occupier of 26 Cambridge Street, SW1 dated 13 June 2014.
28. E-mail (x2) from the residential occupier of 32 Cambridge Street, SW1 dated 13 June 2014.
29. Letter and e-mail from the residential occupier of 23 Cambridge Street, SW1V 4PR dated 14 June 2014.
30. E-mail from the residential occupier of 28 Cambridge Street, SW1V 4HT dated 14 June 2014.
31. E-mail from the residential occupier of 42 Cambridge Street, SW1 dated 15 June 2014.
32. E-mail from the residential occupier of 17 Alderney Street, SW1 dated 17 June 2014.
33. E-mail from the owner of the Eccleston Square Hotel, 37 Eccleston Square, SW1 dated 18 June 2014.
34. E-mail from the residential occupier of 37 Cambridge Street dated 28 October 2015.
35. Letters from the residential occupier of Flat 2, 76 Gloucester Street, SW1V 4EF dated 2 June 2016.
36. E-mail from the residential occupier of 48 Cambridge Street dated 10 June 2016.

Selected relevant drawings

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

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

10. KEY DRAWINGS

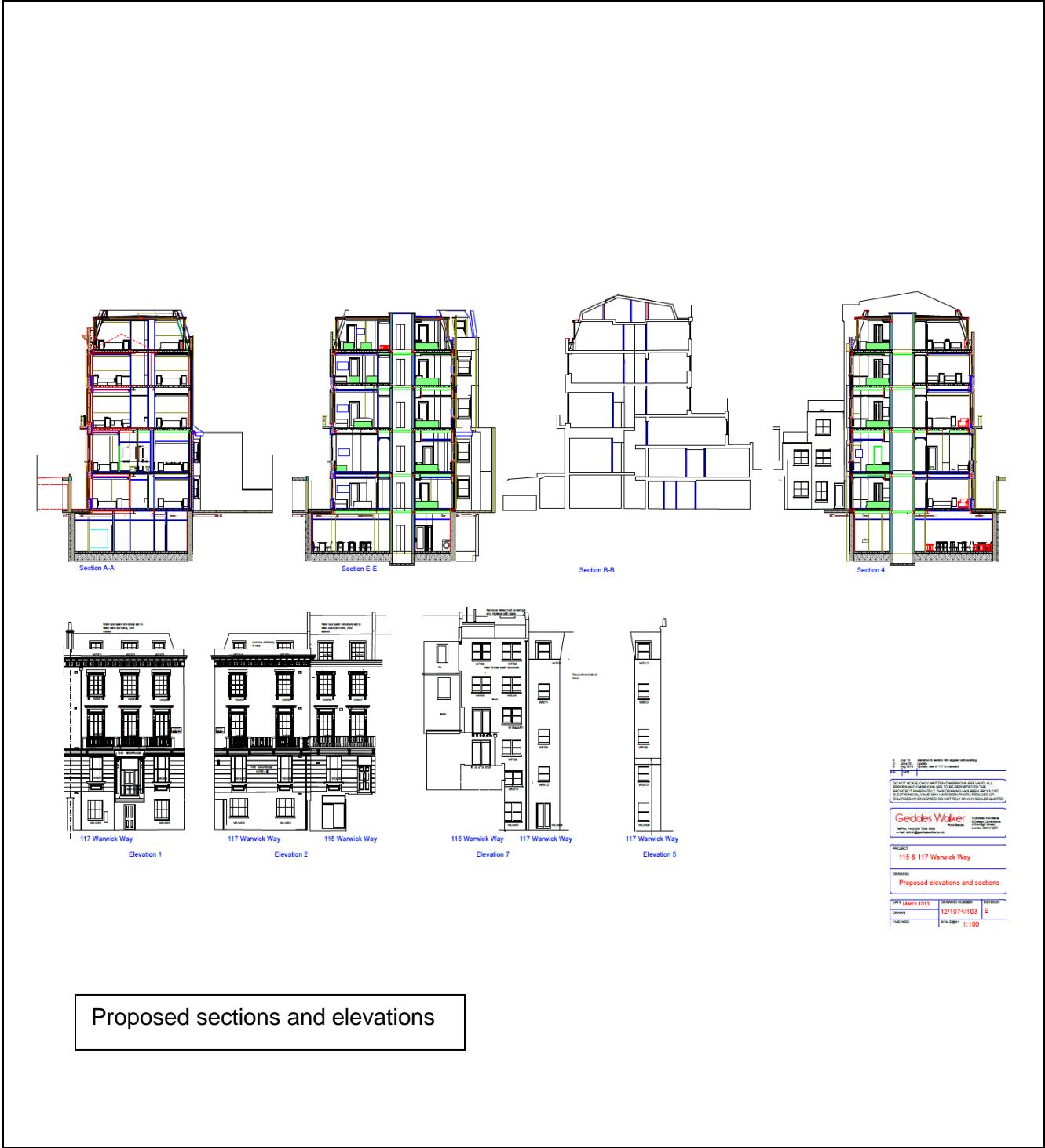
The drawings show the demolition of 117 Warwick Way, a building with a complex, angular footprint. The floor plans indicate the areas to be demolished with red hatching. The elevations show the building's profile from different angles, with the demolition area also hatched in red. The title block provides project details:

117 Warwick Way	
Demolition of 117 Warwick Way	
Date: March 2014	Drawn: 12/1074/110
Scale: 1:100	Sheet: A
Drawing: 1:100	

Demolition drawings



Proposed plans





As approved plans
10/06976/FULL dated 22 December 2010



CITY OF FULLERTON
 PLANNING DEPARTMENT
 115 & 117 WARWICK WAY

Geeddes Walker
 ARCHITECTS

PROJECT: 115 & 117 Warwick Way
 SHEET: Proposed elevations and sections
 DATE: 06/10/2010
 SCALE: 1/100

As approved sections and elevations
 10/06976/FULL dated 22 December 2010

DRAFT DECISION LETTER

Address: 117 Warwick Way, London, SW1V 4HT

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

Reference: 13/02786/FULL

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

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 7 **Pre Commencement Condition.** Notwithstanding the Construction Phase Management Plan submitted with the application, no development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details: (i) a construction programme including a 24 hour emergency contact number; (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction); (iii) locations for loading/unloading and storage of plant and materials used in constructing the development; (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate); (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and, (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details. (see informative 8)

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

and approved in writing by the City Council as local planning authority. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

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

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

Reason:

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

Informative(s):

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

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

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

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

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Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Queen's Park	
Subject of Report	85 Oliphant Street, London, W10 4EE		
Proposal	Installation of a burglar alarm box to front elevation at first floor level.		
Agent	Miss Karen Round		
On behalf of	Miss Karen Round		
Registered Number	16/04064/FULL	Date amended/ completed	6 May 2016
Date Application Received	3 May 2016		
Historic Building Grade	Unlisted		
Conservation Area	Queens Park Estate		

1. RECOMMENDATION

Refuse permission – design grounds.

2. SUMMARY

The application site is an attractive two storey Victorian terrace house located on the north side of the street near the junction with Peach Road. The building is not listed, but is located within the Queen's Park Estate Conservation Area.

The application seeks permission for the installation of an alarm box on the front elevation of the building between the two first floor windows.

The Queens Park Estate Conservation Area has an extremely uniform character and is in large part covered by an Article 4 Direction, within which alterations to the front elevations of dwellinghouses (or any other part of the dwellinghouses that are visible from the public highway), such as alarm boxes, which would normally be permitted development, require the benefit of planning permission. The purpose of the Article 4 Direction is to maintain the uniformity of the buildings within the conservation area, which is a feature that is key to the character and appearance of the Queens Park Estate Conservation Area.

Following a recent survey of the Queens Park Estate Conservation Area a number of unauthorised alarm boxes have been identified. This application represents the first planning application to retain/

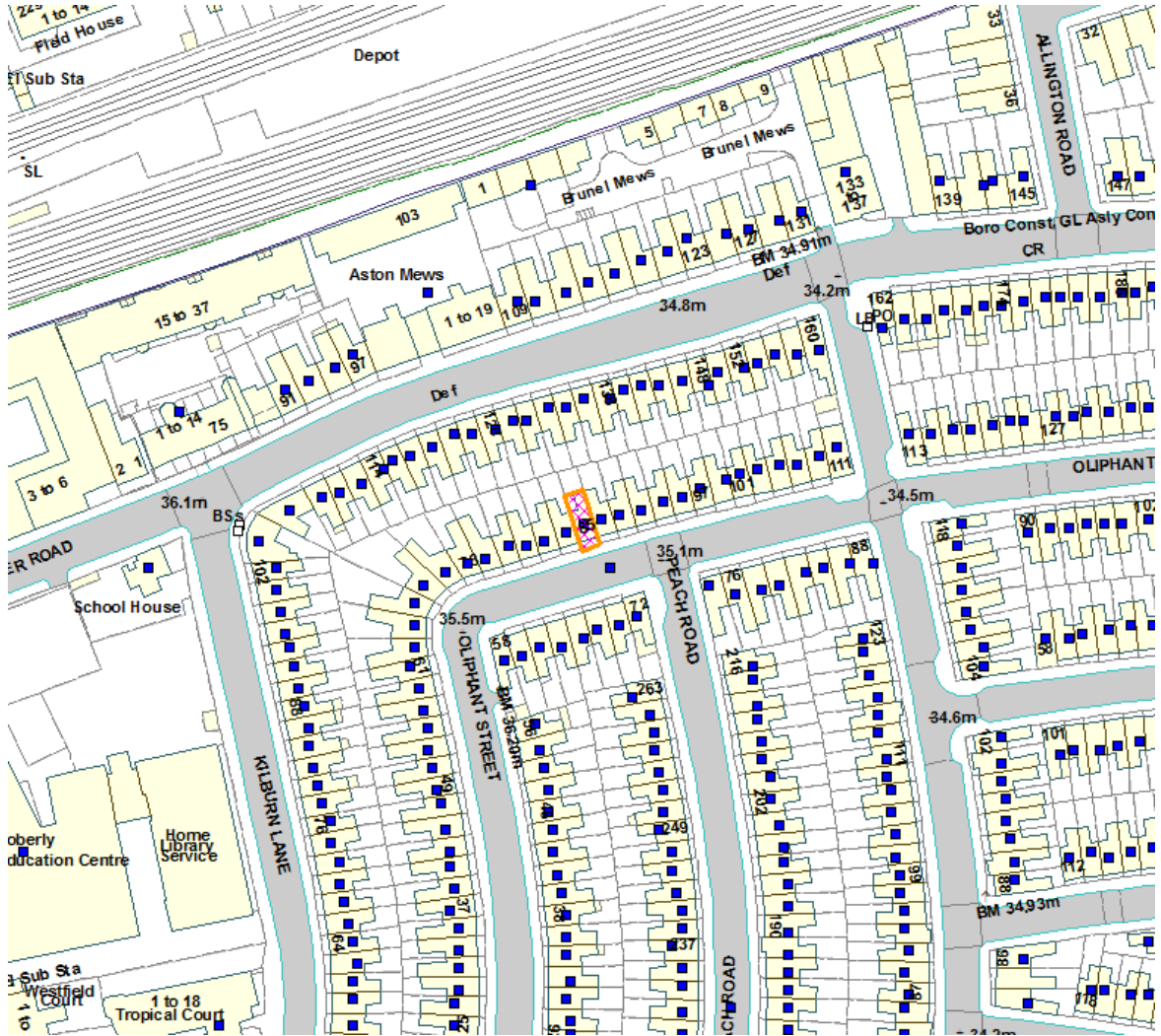
reinstate an alarm box to the front elevation. There are a further two planning applications that are at an early stage of consideration and a further four properties where enforcement notices have been issued requiring the removal of alarm boxes.

The key issue in this case is:

- The impact of the proposed alarm box on the appearance of the building and the character and appearance of the Queens Park Conservation Area.

The proposed alarm box harms the appearance of the building and the character and appearance of the Queens Park Estate Conservation Area and would be contrary to policies DES1, DES5 and DES9 in the Unitary Development Plan (UDP) and Policies S25 and S28 of Westminster's City Plan: Strategic Policies (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (application site on left of photograph).
(Photograph taken after removal of security box from between the first floor windows.)

5. CONSULTATIONS

COUNCILLOR DIMOLDENBERG

Supports application and asks that the application is reported to a Planning Applications Committee. Considers burglar alarm improves security of homes and notes that the Police encourage their installation in visible locations.

COUNCILLOR MCALLISTER

Supports application. Advises that the Police encourage the installation of visible burglar alarms.

QUEEN'S PARK COMMUNITY COUNCIL

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

No comment on this scale of application.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7

Total No. of replies: 2

No. of objections: 0

No. in support: 2

PRESS ADVERTISEMENT / SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a single family dwelling house located on the north side of Oliphant Street near the junction with Peach Road. The building is an unlisted building of merit located in the Queen's Park Estate Conservation Area.

The building is subject of an Article 4 Direction area, within which permitted development rights for dwellinghouses are removed for almost all alterations and extensions that would affect any part of the dwellinghouses that can be seen from the public highway. The Article 4 Direction was originally approved in 1981 and revised on 12th November 1992, to include only parts of the property which are visible from the street.

6.2 Recent Relevant History

6.2.1 No.109 Oliphant Street

On 06 May 2016 permission was refused on design grounds for the installation of an alarm box to the front elevation at 109 Oliphant Street (16/01634/FULL).

6.2.2 Other Alarm Box Applications

There are two other planning applications for alarm boxes and are currently under consideration. These applications are at No.80 Kilravock Street (16/02342/FULL) and

No.206 Peach Road (16/04630/FULL) and both seek permission for the installation/retention of alarm boxes on the front elevation. These applications were only recently validated on 1 June 2016 and 10 June respectively and both are currently subject to public consultation.

Except for the recent 4 applications there are no planning records relating to alarm boxes in the Queen's Park Estate.

6.2.3 Planning Enforcement Background

A survey of the Queen's Park Estate was conducted in the Autumn 2015 to identify unauthorised development visible from the street that erodes the character and appearance of the Queens Park Estate Conservation Area. In addition to alarm boxes, examples of unauthorised development that was identified as part of this exercise included replacement windows, replacement of front doors, alterations to front boundaries, installation of satellite dishes etc. As a result of this survey 64 planning enforcement investigations were opened relating to the installation of alarm boxes, of which 19 are currently still open. Enforcement notices have been issued at 4 addresses, two in Kilburn Lane, one in Huxley Street and one in Kilravock Street requiring the removal of alarm boxes.

7. THE PROPOSAL

The application seeks planning permission for the installation of an alarm box located on the front elevation between the two first floor windows.

The application includes a photograph of a white rectangular alarm box with blue base light that was recently removed by the applicant in response to the planning enforcement investigation set out in section 6.2.3. The application seeks to reinstate this alarm box.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There are no land use issues which arise from these applications.

8.2 Townscape and Design

The application site is a two storey brick faced, pitched roof, Victorian terraced building built circa 1874, as part of a planned estate to provide working class housing of improved standards and quality by The Artizans, Labourers and General Dwellings Company founded by William Austin. The cottage estate contrasted with the tenement blocks of other charitable bodies. The Queen's Park Estate (amongst other cottage estates) were the forerunners of the Garden City movement which influenced the design and layout of residential areas and the development of Town Planning.

The estate has a regular road layout with numbered avenues (1st-6th) running approximately north-south and alphabetically named streets running east-west. The wide streets of the estate are lined with pollarded London plane trees, which were first planted in 1885 and create its distinctive arcadian avenues. The Queen's Park Estate is consistent

in architectural style, scale and materials, creating a homogenous area which still retains its separate character. While there is a uniformity of design within each terrace, the design and detailing varies from one terrace to the next.

The Queen's Park Estate is a composition of buildings, streets, trees and open spaces which as a group is an asset to the community. The Estate has a special character which distinguishes it from its surroundings. It displays the historical associations with the Artizans, Labourers and General Dwellings Company and with the Garden City Movement. The composition of the terraces, the architectural design, construction, detailing of the buildings and layout of the streets, define collectively the Estate's cohesive townscape. Therefore, the consistent appearance of a terrace is a fundamental characteristic of the Queen's Park Estate Conservation Area.

The pertinent policies contained in the adopted City Plan are S25 and S28. The relevant policies in the adopted UDP are set out in Chapter 10, Urban Design and Conservation. The most applicable policies are DES 1 that sets out principles of urban design and conservation, DES 5(A)(4)(5) and (6) relating to alterations and DES 9 that concerns the impact of development on conservation areas.

The alarm box would be seen prominently from the street and longer townscape views given its high level location, design, colour (including blue illuminating light element) and projection. Despite the alarm box being small in scale, the building and the wider terrace are two storeys, with low front boundary walls and small front gardens, offering an inherent intimacy and almost tangible relationship with the passing public. Furthermore, the alarm box is a modern utilitarian feature seen against the pleasing composition with distinctive gothic details of this small Victorian building and the homogenous appearance of the terrace. Therefore, the alarm box appears as an intrusive and detracting feature against this attractive two storey brickwork façade. The impact would be exacerbated should similar alarm boxes be added over time to every dwellinghouse within the same terrace.

There is a private benefit to the occupant of the building whereby the installation of an operational alarm box will raise attention in the event of burglary, but more so act as a deterrent. It is acknowledged that the display of security measures help to deter potential crime, however in this case the alarm box is insensitively located and would have a harmful impact on the building and character and appearance of the conservation area.

There is potentially scope for alternative siting of the alarm box, such as at the rear (this would not require permission) or within the recessed flank wall of the doorway. There is also scope for alternative security measures, such as display of warning notifications applied to windows that would serve as a deterrent and which would have no impact on the character and appearance of the building or the conservation area. However, these alternatives do not appear to have been explored in this case.

In conclusion in design terms, the proposal to install an alarm box at high level would have an adverse impact on the character and appearance of the building and disrupt the consistent and homogenous appearance of the terrace and the conservation area. The proposal would be contrary to S25 and S28 in the City Plan and DES 1, DES 5 and DES 9 in the UDP 2007. In addition, it is the City Council's duty under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation

areas. It is considered that the addition of highly prominent alarm boxes to the small buildings of the Queens Park Estate Conservation Area would erode the prevailing clean and uncluttered nature of the facades and thus the recommendation to refuse would be in accordance with the requirements of the Act.

8.3 Residential Amenity

There are no residential amenity issues that arise from the proposal.

8.4 Transportation/Parking

There are no transportation or parking issues that arise from the proposal.

8.5 Equalities and Diversities

There are no equalities or diversities issues that arise from the proposal.

8.6 Economic Considerations

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

8.7 Access

There are no access issues arising from this proposal.

8.8 Other UDP/Westminster Policy Considerations

The aim of Policy DES1 in the UDP is *'To ensure the highest quality in the form and quality of new development in order to preserve or enhance the townscape of Westminster; to provide adequate access; to reduce crime and improve security'*.

Ward Councillors have commented that the installation of alarms accords with advice set out by the Metropolitan Police. An information leaflet produced by the Metropolitan Police entitled "Advice on Burglary Prevention" states *that 'Alarms are undoubtedly the most effective? deterrent against burglary.* However, the guidance document also sets out a number of other prevention methods to make homes difficult to access and help to deter criminals and does not only rely on the installation of alarm systems.

As referenced in the design section of this report, it is recognised that the installation of an alarm box provides some private benefit in terms of providing a burglar deterrent and also provides residents with reassurance that their home is more secure. However, these security benefits, which can also be achieved by alternative security measures, must be balanced against the harm that they cause, both individually and cumulatively, to the appearance of the building and the character and appearance of the conservation area.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

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

8.12 Other Issues

None relevant.

8.13 Conclusions

Whilst the proposed alarm box would provide some limited private benefit in terms of contributing to improved security of the application property, this would not outweigh the material harm that the alarm box would cause in such a prominent location on the front elevation to the appearance of the building and the character and appearance of the Queens Park Conservation Area. This harm would be contrary to Policies DES1, DES5 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

9. BACKGROUND PAPERS

1. Application form.
2. Email from Councillor Paul Dimoldenberg dated 14 May 2016.
3. Email from Councillor Patricia McAllister dated 22 May 2016.
4. Email from the Designing Out Crime Officer dated 12 May 2016.

Selected relevant drawings

Existing and Proposed Photographs.

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

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

10. KEY DRAWINGS



Front elevation – without alarm box (above) and with alarm box (below).



DRAFT DECISION LETTER

Address: 85 Oliphant Street, London, W10 4EE,

Proposal: Installation of a burglar alarm box to front elevation at first floor level.

Plan Nos: Photograph (white alarm box centrally located between first floor level windows).

Case Officer: Shui-Fung Siu

Direct Tel. No. 020 7641 2522

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

Reason:

- 1 Because of its prominent high level location, projection, materials and design, the installation of the rectangular alarm box at first floor level would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Queen's Park Estate Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted in November 2013 and DES 1, DES 5, DES 9 and paras 10.108 to 10.128 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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- Exploration of alternative more discreet locations for installation of the alarm box or consideration of alternative, less prominent security measures.

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Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	2-2A Davies Street, London, W1K 3DJ		
Proposal	Variation of condition 10 of planning permission dated 23 September 2010 (RN 10/04368/FULL) which in itself allowed for the removal of Condition 11 of planning permission dated 30 September 2009 for use of the building as a private members club including retail and restaurant (RN: 09/04770) which permitted use of the north-west courtyard for drinking and dining purposes namely : To allow use of the north east courtyard for drinking and dining purposes between 10.00 and 19.00 daily.		
Agent	Monmouth Planning Limited		
On behalf of	Alfred Dunhill Limited		
Registered Number	16/03437/FULL	Date amended/ completed	15 April 2016
Date Application Received	15 April 2016		
Historic Building Grade	Grade II*		
Conservation Area	Mayfair		

1. RECOMMENDATION

Refuse permission – residential amenity.

2. SUMMARY

The application site (Bourdon House), a Grade II* listed building, is situated on the corner of Davies Street and Bourdon Street. The building is occupied as private members' club, including retail and restaurant uses, (sui generis) pursuant to a 2007 permission which allowed the use of the south-west courtyard only for drinking or dining purposes. Temporary permission was subsequently granted to allow the north-west courtyard to be used for drinking and dining purposes, which has since been permitted on a permanent basis.

Permission is now sought for the use of the north-east courtyard for drinking or dining purposes between the hours of 10:00 and 19:00 each day.

The key issue for consideration is:

- The impact of the use of this courtyard on the amenity of surrounding residential properties.

The application is considered unacceptable on the grounds that the use would result in unacceptable noise disturbance to occupants of adjoining flats whose windows directly overlook the courtyard. The application is therefore contrary to UDP and City Plan policies designed to safeguard residents' amenities and is recommended for refusal.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

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

No objection subject to conditions to ensure that residents are not disturbed.

ENVIRONMENTAL HEALTH:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

No. Consulted: 105

No. Responses: 16

No. Objections: 2

No. in support: 14

Objections received on some or all of the following grounds:

Amenity

- Increased noise disturbance from use of the courtyard, particularly at weekends.
- Club is already noisy
- Submitted acoustic report is inadequate.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This is a Grade II* listed building situated in the Mayfair Conservation Area. The building is occupied by Alfred Dunhill Limited as a private members' club (sui generis) with retail and restaurant areas. Permitted opening hours (other than for overnight guests) are between 08:00 and 00:30. The premises licence permits unrestricted opening each day.

6.2 Recent Relevant History

31 May 2007 (RN: 07/00519/FULL): Permission granted for external and internal alterations and extensions in connection with use of the entire building as a private members club including retail and restaurant uses (sui generis).

Condition 15 of this permission stated:

'None of the courtyard space at ground floor level shall be used for drinking or dining purposes at any time, except for the south-west courtyard which may be used for drinking or dining purposes between the hours of 09:00 and 22:00 Monday to Friday and between 10:00 and 22:00 on Saturdays, Sundays and Bank Holidays. The north-west and north-east courtyards and (outside these times), the south-west courtyard, shall only be used for access to and from the building.'

24 September 2009 (RN: 09/04770/FULL): Temporary permission granted (until 30 September 2011) for the variation of Condition 15 to allow the north-west courtyard to be used for dining purposes, to allow the impact of the use to be monitored.

23 September 2010 (RN: 10/04368/FULL): Permission granted to allow the permanent use of the north-west courtyard for drinking and dining purposes (09:00 and 21:00 Monday to Friday and 10:00 – 18:00 on Saturdays, Sundays and Bank Holidays).

Condition 10 of this permission states:

None of the courtyard space at ground floor level shall be used for drinking or dining purposes at any time, except for the south-west courtyard which may be used for drinking or dining purposes between the hours of 09:00 and 22:00 Monday to Friday and between 10:00 and 22:00 on Saturdays, Sundays and Bank Holidays and the north-west courtyard between the hours of 09.00 - 21.00 Monday - Friday (except Bank Holidays) and 10.00-18.00 on Saturdays, Sundays and Bank Holidays. The north-east courtyard and (outside these times), the south-west courtyard and north-west courtyard, shall only be used for access to and from the building.

7. THE PROPOSAL

Permission is sought to vary Condition 10 of the 2010 permission to allow the north-east courtyard to be used for drinking or dining purposes between the hours of 10:00 and 19:00 each day.

The submitted plans indicate seating for a maximum of 12 customers and associated works which may require further permission and/or listed building consent. However, the current application seeks to establish principle of the proposed use.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal does not raise any further land use issues.

8.2 Townscape and Design

The proposal does not have any design implications.

8.3 Amenity

The north-east courtyard is enclosed on four sides, by the high boundary wall and gate on Grosvenor Hill, by the application building itself and by the party wall with the adjacent residential property, known as 'The Manor', which is comprises commercial units at lower ground and ground floor levels, twelve residential apartments on the five upper floors and a porter's flat in the basement.

There are residential windows on each floor on the south elevation of The Manor which overlook the application site. The applicant has stated that these windows serve bathrooms. It has not been possible for officers to gain access to the flats, and no objections have been received from occupants, as it appears that the flats are being refurbished. Consequently, it has not been possible to confirm the use of rooms served by

the neighbouring windows. However, recent plans for the refurbishment of windows in a third floor flat suggest that the window overlooking the north-east courtyard serves a habitable room.

Objections have been received from residents of Grosvenor Hill Court (a residential tower above an art gallery and NCP car park located to the east of the site) on grounds of potential increased noise nuisance which would exacerbate existing noise disturbance caused by the use of the existing courtyards. Council's records show that two noise complaints were received on 14 June 2015 from residents of Grosvenor Hill Court, in relation to loud music at the club, but it is not clear if these complaints related to the use of the courtyards.

Fourteen letters have been received in support of the application. These are largely from club members and local businesses but also include letters from residents at 16 Bourdon Street and another local resident (no address). It is noted that several of these letters refer to the proposed courtyard use as being on Monday to Friday only although the submitted application is for its use on Monday to Sunday.

Policy S29 of the City Plan states "the council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment". Similarly, UDP policy ENV 13 seeks to protect residential amenity and ensure that developments protect or enhance the residential environment of surrounding properties. City Plan policy S32 and UDP policy ENV 6 also seek to ensure that new development minimises and contains noise levels.

Even if the adjacent windows to "The Manor" do serve bathrooms, such windows are often used for cross-ventilation purposes within flat and records indicate that some windows may serve habitable rooms. Given their proximity to the north-east courtyard, it is considered that the potential noise disturbance caused to neighbouring residential occupiers as a result of the proposals would be unacceptable and that scheme would therefore fail to satisfy policies S29 and S32 of Westminster's City Plan: Strategic Policies and ENV 6 and ENV 13 of our Unitary Development Plan (adopted January 2007).

The applicant has submitted an acoustic report in an effort to demonstrate that the proposal would not adversely impact on residential amenity. This report states that the courtyard would be used on Monday to Friday only. The Environmental Health Officer has assessed the acoustic report and has raised no objection. Notwithstanding this, it is noted that noise measurements in the acoustic report are not based on monitoring of the use of existing courtyards but that a noise modelling methodology has been adopted. Additionally, as in all cases concerning the potential level of noise disturbance generated by the use of outside spaces (rather than noise contained within a building) it is not possible to take account of potential disturbance caused by noise peaks – loud talking/shouting etc. These points have also been raised by an objector to the application who considers the submitted acoustic report to be inadequate. Given the close proximity of adjacent residential windows, it is considered that the proposal would have an adverse impact on the amenity of the nearby residential occupiers.

Due to officers' concerns, the applicant has suggested that permission could be granted on a temporary, 12 month, basis in order to monitor the impact of the proposed use. They have also offered to restrict the proposed use of the courtyard to Monday to Saturday only.

However, it is considered that the potential impact of the proposals upon residents of "The Manor" would be so significant that neither of these suggested amendments would be sufficient to address officers' objection to the proposal.

Although the north-east courtyard is closer to flats in Grosvenor Hill Court than either the north-west or the south-west courtyard, given the distance between the properties, it is not considered that the potential impact on occupants of Grosvenor Hill Court would be so significant as to justify a recommendation for refusal on the grounds that the proposals would have a material impact upon the amenities of occupants of that building.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

Not applicable.

8.6 Access

No impact on access arrangements

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues and does not have significant implications for the London Plan.

8.9 National Policy/Guidance Considerations

Not applicable.

8.10 Planning Obligations

Not applicable.

8.11 Environmental Impact Assessment

The proposal is of insufficient scope to require an Environmental Assessment.

8.12 Other Issues

Not applicable.

9. BACKGROUND PAPERS

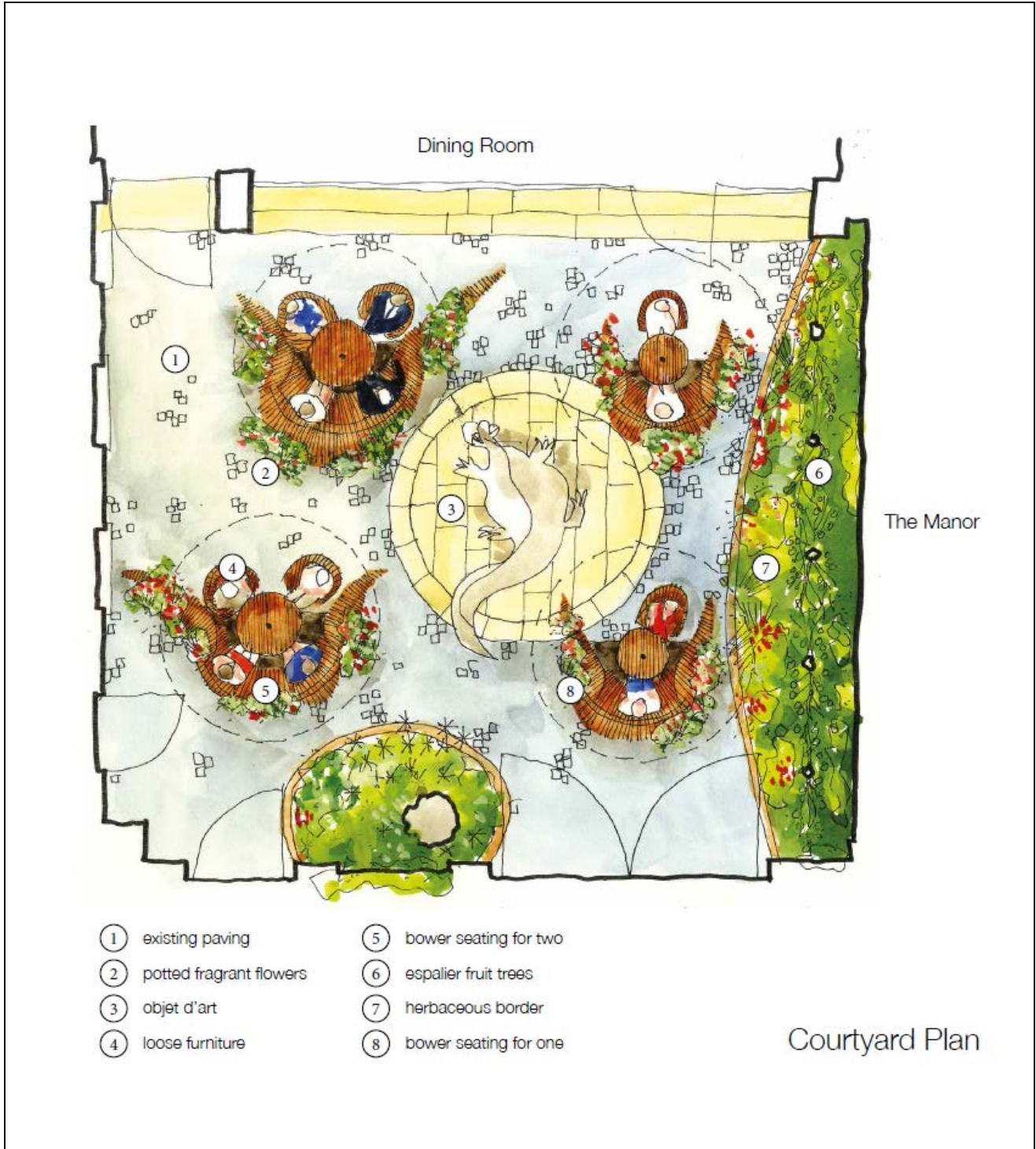
1. Application form and email from Monmouth Planning dated 10 June 2016
2. Response from Environmental Health dated 6 June 2016
3. Response from Residents' Society of Mayfair & St. James's dated 23 May 2016
4. Letter from Phillips Auctioneers, 30 Berkeley Square, dated 18 May 2016
5. Letter from the occupier 16 Bourdon Street, London, dated 26 May 2016
6. Letter from the occupier 16 Bourdon Street, London, dated 26 May 2016
7. Letter from the occupier of 5 Grosvenor Hill Court, London, dated 10 May 2016
8. Letter from Aston Currency Management, 26 Grosvenor Street, dated 17 May 2016
9. Letter from General Manager, Hedonism Wine 3-7 Davies Street dated 17 May 2016
10. Letter from Gagosian Gallery, 20 Grosvenor Hill, dated 20 May 2016
11. Letter from occupier of 6a Turney Road, Dulwich, dated 6 June 2016
12. Letter from Operations Manager, Chalayan LLP 109-123 Clifton Street, dated 20 May 2016
13. Letter from General Manager, Turnbull And Asser, 4 Davies Street dated 20 May 2016
14. Letter from occupier of local residential property (no address) dated 18 May 2016
15. Letter (name withheld, no address supplied) dated 18 May 2016
16. Letter from occupier of 8 Davies Street, London dated 19 May 2016
17. Letter from occupier of Sautter, 106 Mount Row dated 24 May 2016
18. Letter from occupier of 12A Grosvenor Hill Court, 15 Bourdon Street, dated 4 May 2016

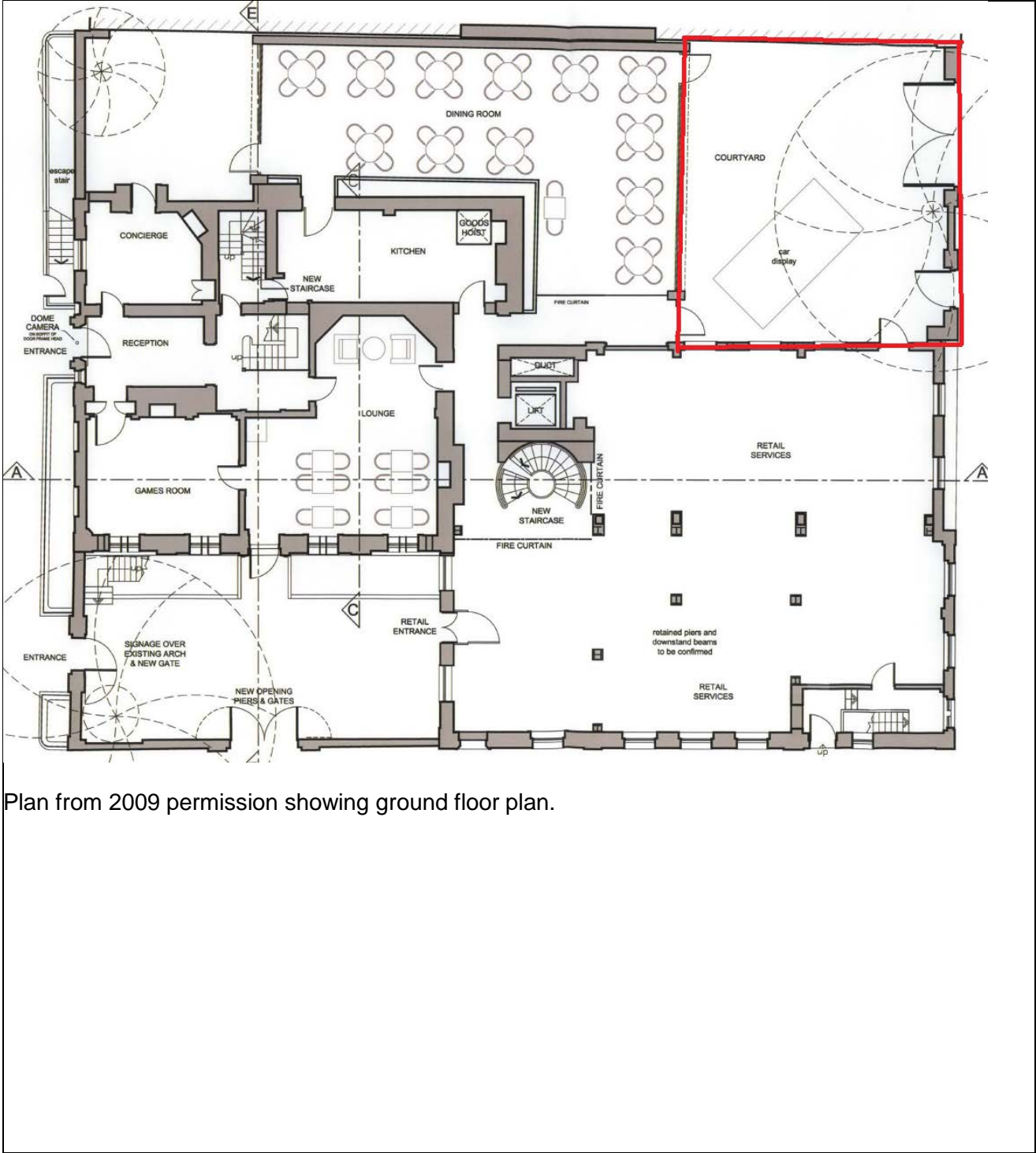
Selected relevant drawings

(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 SARA SPURRIER ON 02076413934 OR EMAIL ON SSPURRIER@WESTMINSTER.GOV.UK

10. KEY DRAWINGS





Plan from 2009 permission showing ground floor plan.

DRAFT DECISION LETTER

Address: 2-2A Davies Street, London, W1K 3DJ,

Proposal: Variation of condition 10 of planning permission dated 23 September 2010 (RN 10/04368/FULL) which in itself allowed for the removal of Condition 11 of planning permission dated 30 September 2009 for use of the building as a private members club including retail and restaurant (RN: 09/04770) which permitted use of the north-west courtyard for drinking and dining purposes. Namely : To allow use of the north east courtyard by the Members club between 10.00 and 19.00 (condition 10 on permission dated 23 September 2010 restricted the use of the north east courtyard for access purposes only)Application under section 73.

Reference: 16/03437/FULL

Plan Nos:

Case Officer: Alice Dunn

Direct Tel. No. 020 7641 7957

Recommended Condition(s) and Reason(s):

The use of the north-east courtyard would lead to unacceptable noise disturbance due to the proximity of adjoining residential windows. This would not meet S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

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

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	1 - 2 Albion Street, London, W2 2AS,		
Proposal	Erection of a mansard extension to the rear, installation of lift to first floor level, installation of air conditioning plant at roof level and in lightwell; installation of kitchen and bathroom extracts and internal air conditioning units and ducting, removal of internal timber stairs, lowering of basement and ground floor slab and internal alterations and refurbishment.		
Agent	Weightman & Bullen		
On behalf of	Marton Investment Inc.		
Registered Number	16/01510/FULL & 16/01511/LBC	Date amended/ completed	24 March 2016
Date Application Received	19 February 2016		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

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

2. SUMMARY

The buildings at Nos.1 and 2 Albion Street form a single dwellinghouse located on the west side of the street. The property is a Grade II listed building and is located within the Bayswater Conservation Area.

Planning permission and listed building consent were granted in September 2015 for a variety of alterations including the introduction of a lift within part of the former No.2 Albion Street, which runs between lower ground floor and first floor; the rebuilding of much of the interior of the rear wing, including the removal of the current mansard roof to increase its height and create an additional storey; as well as a number of internal alterations. This permission and consent has not been implemented.

This current application includes all of the works proposed and approved in September 2015, but also includes additional items of work. The main changes include the addition of plant on the main roof; the

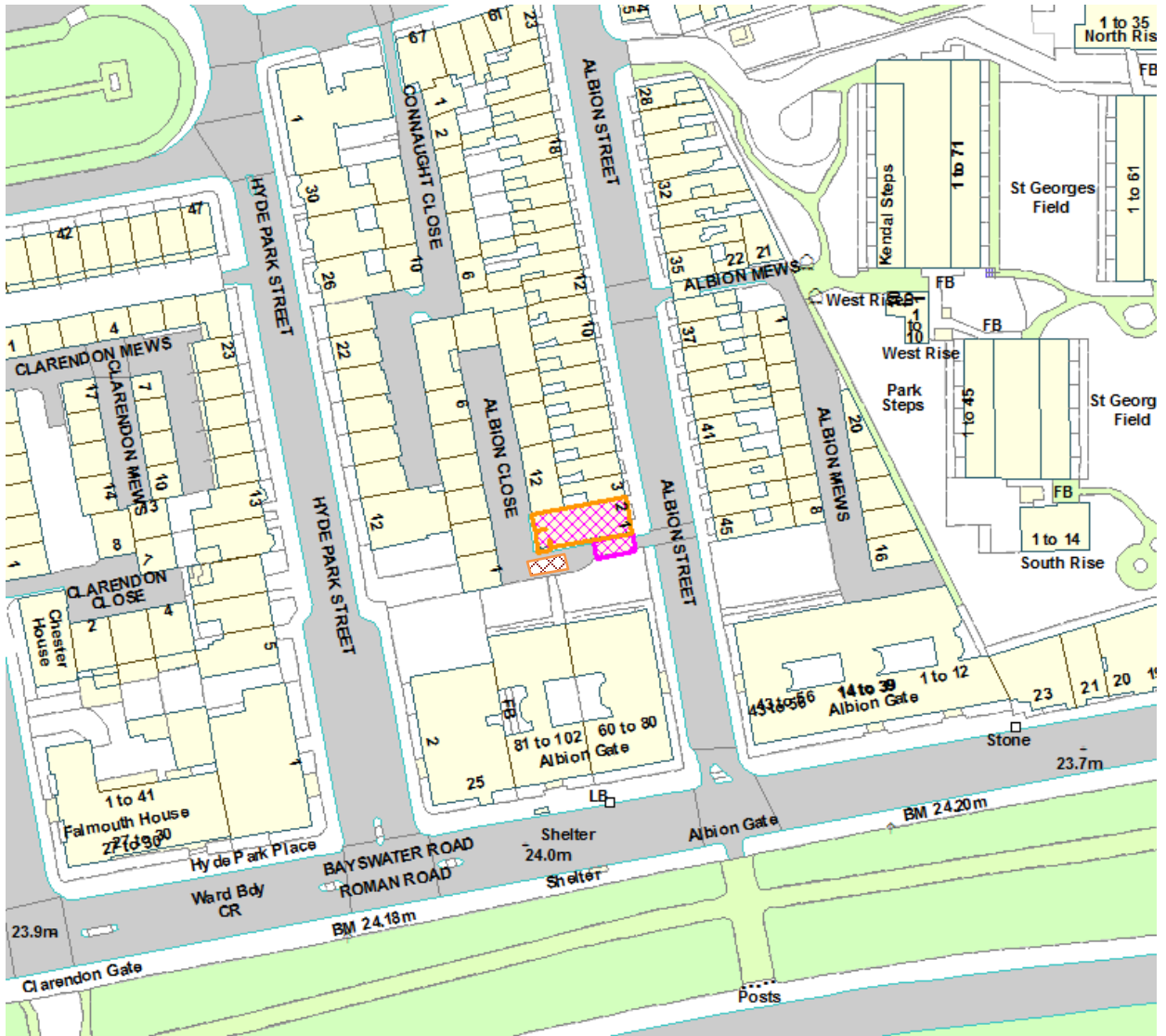
installation of an air-conditioning unit at first floor level, within a lightwell; the integration of a kitchen extract duct, which runs from the first floor kitchen and extracts at main roof level; the installation of plant within the lower ground floor of the rear wing and associated low-level intake and extract grilles to the side elevation of the wing. Other works include the demolition of all of the internal floors within the rear wing and a lowering of the floor level to this wing at lower ground floor level. There are also some further amendments to the interior of the main house.

The key issues for consideration are:

- The impact of the works on the special interest (significance) of the listed building.
- The impact on the character and appearance of the Bayswater Conservation Area.
- The impact on the amenity of neighbouring residents.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (Archway leads through to Albion Close).



Rear wing from within Albion Close.

5. CONSULTATIONS

HISTORIC ENGLAND:

No comment. Recommend that the application be determined in accordance with national and local policy guidance, and on the basis of our specialist conservation advice.

HYDE PARK ESTATE ASSOCIATION:

No response received.

BUILDING CONTROL:

No objection.

ENVIRONMENTAL HEALTH:

Proposal is likely to result in noise levels which would comply with our standard noise conditions.

ADJACENT OWNERS / OCCUPIERS:

No. consulted: 66; No. of Responses: 10.

10 objections received, all from residents within Albion Close. Objections have been raised on all or some of the following grounds:

Amenity

- concern about noise from plant and request that a post-installation noise compliance survey is required by condition;
- concern about impact of proposed terrace;

Heritage / Design

- the development will harm the heritage of the area;
- it has not been demonstrated that the rooftop plant will not have a harmful impact on the character and appearance of the conservation area;
- condition should be imposed to require retention of the curved walls to the rear mews building;
- concern about impact of mansard;

Construction Impacts

- with regard to the lowering of the floor level, insufficient geohydrological information has been provided. An assessment of impacts on ground water flow, water levels and drainage should be undertaken. Also the impact of the excavation works on neighbouring structures should be addressed;
- consider that a Construction Management Plan should be produced;
- concern about construction impact on accessibility to and from and safety of Albion Close;
- condition required to ensure all debris is disposed of through the front door and out via Albion Street;
- noise from construction;
- applicant has not undertaken any consultation/discussion with Albion Close Management;
- deliberate obfuscation of the true size, scale and disruptive nature of the works;

- reference to an application for works to no.3 Albion Close and concern about cumulative impact.

SITE NOTICE / ADVERTISEMENT:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises Nos.1 and 2 Albion Street, which form a single dwellinghouse located on the west side of the street. The property is a Grade II listed building and is located within the Bayswater Conservation Area. Originally two houses, dating from the 1830s, the building comprises lower ground floor, ground floor and three upper storeys. An arched carriageway entrance runs through No.1 Albion Street and provides access into Albion Close (formerly Albion Mews West), which is a private mews road, running to the rear of Albion Street. A three storey rear wing extends into Albion Close.

Although originally two separate houses, each with its own rear wing extending back onto the mews, the properties have been merged, probably in the 1950's/60's and as a consequence a number of internal alterations have taken place, which have eroded the historic and architectural interest of these buildings. Some of the alterations that have taken place include the removal of the front entrance door to No.2, the removal of the main staircase from No.2 and the formation of numerous openings in the party wall between the two properties. The rear wing onto Albion Close has also been modified, initially in the 1970's and then again with the addition of a mansard roof extension in the 1990's.

6.2 Recent Relevant History

15/04801/FULL

Partial demolition of mews property and associated internal alterations; erection of mansard roof extension to rear mews property; installation of lift to first floor level; installation of replacement timber front door and sash windows to rear elevation; installation of timber door to ground floor side elevation and two new first floor timber sash windows; and installation of rooflights, incorporating glazed skylight at second floor level.
Application Permitted 8 September 2015

15/04802/LBC

Partial demolition of mews property and associated internal alterations; erection of mansard roof extension to rear mews property; installation of lift to first floor level; installation of replacement timber front door and sash windows to rear elevation; installation of timber door to ground floor side elevation and two new first floor timber sash windows; and installation of rooflights, incorporating glazed skylight at second floor level.
Application Permitted 8 September 2015

93/00154/FULL

Construction of mansard roof extension at first floor level to rear.
Application Permitted 25 March 1993

93/00155/LBC

Reduction in height of brick parapet & elimination of gable side elevation.

Application Permitted 25 March 1993

88/06173/FULL

Rear extension over first floor to provide bedroom, bathroom and store.

Application Permitted 3 August 1989

88/06174/LBC

Rear extension over first floor.

Application Permitted 3 August 1989

7. THE PROPOSAL

The current proposal includes all of the works approved in the September 2015 permission and consent, of which the main components were the introduction of a lift within part of the former No.2 Albion Street, which runs between lower ground floor and first floor and the rebuilding of much of the interior of the rear wing, including the removal of the current mansard roof to increase its height and create an additional storey. A number of internal alterations were also approved.

The additional works which form part of this current application are the addition of mechanical plant on the main roof; the installation of an air-conditioning unit at first floor level, within a rear lightwell; the integration of a kitchen extract duct, which runs from the first floor kitchen and extracts at main roof level; the installation of plant within the lower ground floor of the rear wing and associated low-level intake and extract grilles to the side elevation of the wing. Other works include the demolition of all of the internal floors within the rear wing and a lowering of the floor level to this wing at lower ground floor level. There are also some further amendments to the interior of the main house.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The buildings at Nos.1 and 2 Albion Street are currently in use as a single dwellinghouse and there are no proposals to alter this use and as such the application does not raise any land use issues.

8.2 Townscape and Design

The elements of the proposal previously approved in September 2015 remain acceptable in design terms. The proposed lift will largely be contained within the existing building envelope and will run up through a part of No.2 Albion Street that has been heavily altered. The approved alterations to the rear wing increased the height of it so that it matched the other neighbouring properties in Albion Close and this remains acceptable.

With respect to the additional works which did not form part of the previous approval, one of the main elements is the addition of new mechanical plant, primarily air-conditioning plant. Some of this new plant is to be located on the main roof and will comprise two items of equipment on the roof of No.1 Albion Street (a pair of dry coolers and a toilet extract fan)

and two items of equipment on the roof of No.2 Albion Street (another pair of dry coolers and the termination of a kitchen extract duct); the other main location for new plant is contained within the building at lower ground floor level and the only external manifestation of this equipment would be in the form of two louvred grilles. A further air-conditioning unit is proposed to be located at first floor level on a terrace and within a lightwell.

It is clear that the main roofs of the building have previously been used to locate air-conditioning equipment, with a whole array of equipment (largely redundant) scattered across the roofs and mounted on the brick upstand walls. However, there is no obvious evidence that any of this equipment was installed with the benefit of planning permission or listed building consent. The removal of the current equipment on the roof is beneficial and it is considered that the proposed plant, while substantial, is considered acceptable. The proposed new dry coolers will project 1.35m above the roof level and will be enclosed in a lead-clad enclosure and the toilet extract fan will project 600mm above the roof level. Because the plant is also located towards the rear of the roof, it is considered that the plant will not be visible from street level views within Albion Street and will only have minimal visual impact from Albion Close and from non-street level views because it is lower than the gable and party wall upstands. Furthermore the enclosure of the dry coolers within lead enclosures will mean that the projecting structures will have a recessive and complementary appearance to the roofscape. A final consideration in assessing the impact of the roof top plant is that the roof of Nos. 1 and 2 is not an original historic roof, but a more recent flat-topped mansard roof and as such the plant would be installed to a less sensitive part of the historic fabric.

With respect to the first floor air conditioning unit, this would be entirely within a lightwell and within an enclosure and would be very discreetly sited. The two low level grilles would be the only external expression of the internal plant room. These are positioned on the side elevation and would be painted black to match the colour of the plinth into which they are to be built and as such they would have a very minimal impact. Finally the proposed kitchen extract duct associated with the first floor kitchen has been designed and routed so as to be almost entirely within the envelope of the building and then running in an internal vertical riser before emerging at roof level where it will project 600mm above the roof and be enclosed in a lead-lined casing. It is considered that all of this plant has been designed so as to minimise its visual impact and its impact on the historic fabric. As such, it is not considered to have a harmful impact on the listed buildings or upon the wider conservation area.

The other main new component of this current scheme is that there is a greater degree of demolition behind the retained facades of the rear wing (which face onto Albion Close). This wing had undergone substantial alteration in the past and with the exception of the façade walls has no fabric which contributes positively to the significance of the listed building. The proposal would remove all of the internal structure and would also lower the floor level of the lower ground floor by 300mm. The floor structure at this lower level is a modern concrete floor and thus the alteration would not affect historic fabric.

The new works also include the introduction of a dumb waiter within the rear part of No.2, which will run between the lower ground floor and first floor and will extend into the rear lightwell. This will be discreetly sited and run through a part of the building which has been heavily altered and as such is considered acceptable.

The other internal alterations are minor changes to the previously approved layout and as with that earlier scheme they do not adversely affect the significance of the listed building.

The proposals are therefore considered acceptable in townscape and design terms and would accord with policies S25 and S28 in the City Plan; and DES 1, DES 5, DES 6, DES 9 and DES 10 in the UDP.

8.3 Amenity

The external appearance of the proposed rear wing will largely be the same as the approved scheme in 2015. This will result in the rear wing being brought up to the same height as the other buildings in Albion Close, and will introduce greater height and bulk to this part of the site. This would be most appreciable to the properties directly opposite the site in Albion Close, notably Nos.1, 2 and 3 Albion Close; as well as the property immediately to the north, No.3 Albion Street. There would be an increase in height of the mansard roof of approximately 1.2m.

The impact upon residential amenity was considered acceptable when the 2015 scheme was approved and the full reasoning for this is provided in the committee report which informed the previous decisions (a copy of which is included within the background papers). As the height and bulk has not changed between the previously approved scheme and the current proposal, the impact of this element of the scheme upon residential amenity remains acceptable in officers' view.

Overall, the proposals are considered to be acceptable with respect to impact on amenity and would accord with S29 in the City Plan and ENV13 in the UDP.

8.4 Transportation/Parking

There are no transportation issues which arise from the proposal.

8.5 Economic Considerations

There are no economic considerations which arise from the proposal.

8.6 Access

The scheme does not alter the existing means of access to this grade II listed private dwellinghouse.

8.7 Other UDP/Westminster Policy Considerations

In terms of the impact of noise from the proposed plant, an acoustic report has been submitted as part of the application and this has been assessed by Environmental Health officers, who conclude that the proposed mechanical plant is capable of according with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan. As such, subject to the recommended conditions set out in the draft decision letter appended to this report, the proposed plant would not be considered to result in any adverse impact upon the amenity of neighbouring residents.

8.8 London Plan

The proposals do not raise strategic issues.

8.9 National Policy/ Guidance Considerations

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

8.10 Planning Obligations

The proposals are of insufficient scale to generate a requirement for any planning obligations.

8.11 Environmental Impact Assessment

The proposals are of insufficient scale to require an environmental assessment and any environmental impact issues have been covered in section 8.7 of this report.

8.12 Other Issues

Finally, and one of the issues which has been raised by nearly all of the objectors within Albion Close, is the impact upon amenity caused by the actual construction work. Many of the objectors have requested that a Construction Management Plan (CMP) should be required and that there should be minimal disturbance to Albion Close, with, for example, all building materials, demolition and excavation material taken through the front of the building off Albion Street. As with the previous permission, the works proposed are not of a scale that would necessitate the submission and approval of a CMP and typically these are only imposed on basement development or other development requiring a high volume of vehicular movements and/or long periods of noisy excavation works. The works proposed would be located within the confines of the existing building and should not have any significant impact on the highway during construction. Furthermore, as Albion Close is a private mews, the effects of construction work on this mews are beyond the City Council's control and are rather a matter for agreement between the applicant and the owner(s) of Albion Close. The applicants have nevertheless proposed that the appointed contractor should produce a construction method statement in consultation with the Albion Close Management team. This collaboration with neighbouring residents is welcome and an informative is recommended to endorse this approach and remind the applicants of their undertaking in respect of this issue.

9 BACKGROUND PAPERS

1. Application form.
2. Planning and listed building consent decision letters and committee report and minute dated 8 September 2015.
3. Letter from Historic England dated 27 April 2016.
4. Email from Environmental Health dated 17 May 2016.
5. Email from Building Control dated 31 May 2016.
6. Letter from occupier of 11 Albion Close, dated 4 May 2016.

7. Letter from occupier of 6 Albion Close dated 5 May 2016.
8. Letter from occupier of 9 Albion Close dated 5 May 2016.
9. Letter from occupier of 4 Albion Close dated 5 May 2016.
10. Letter from occupier of 9 Albion Close dated 5 May 2016.
11. Letter from occupier of 8 Albion Close dated 6 May 2016.
12. Letter from occupier of 1 Albion Close dated 6 May 2016.
13. Letter from occupier of 12 Albion Close dated 6 May 2016.
14. Letter from occupier of 7 Albion Close dated 6 May 2016.
15. Letter from occupier of 2 Albion Close dated 7 May 2016.

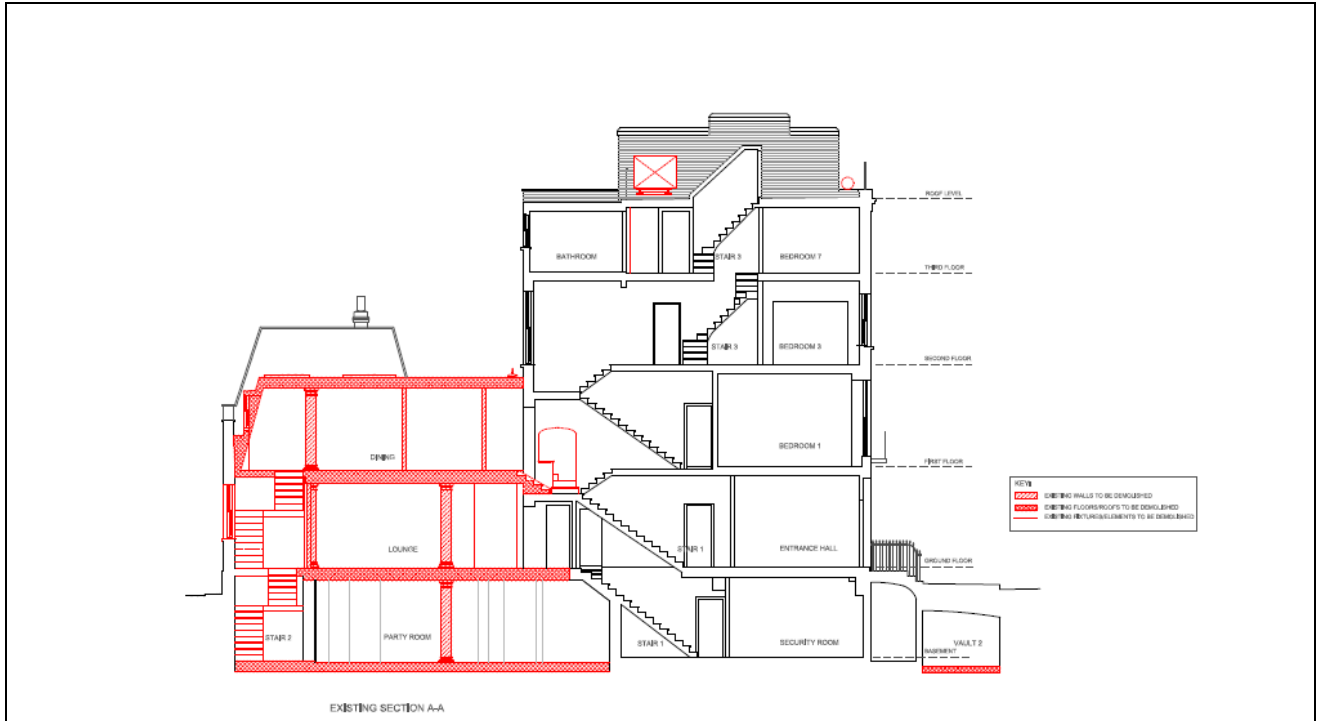
Selected relevant drawings

Existing and proposed plans, elevations and sections.

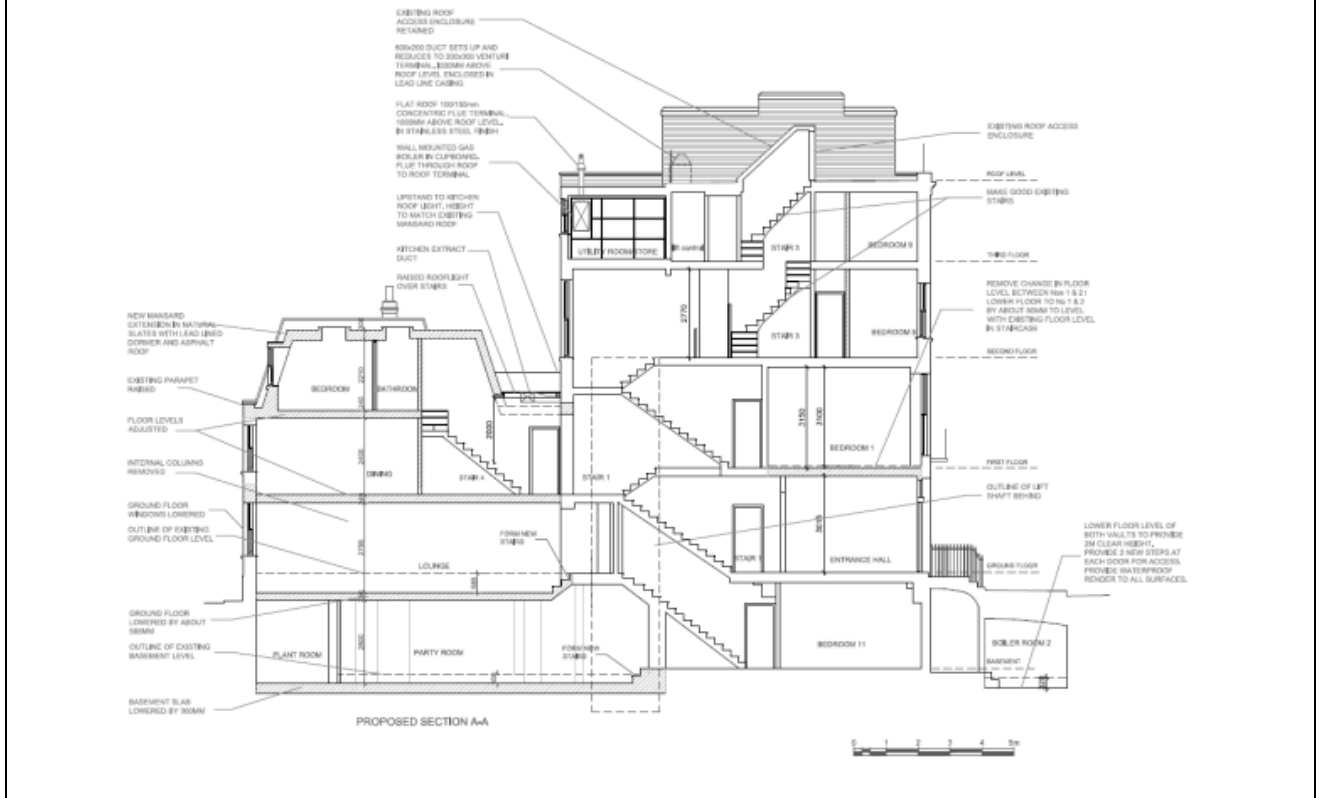
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

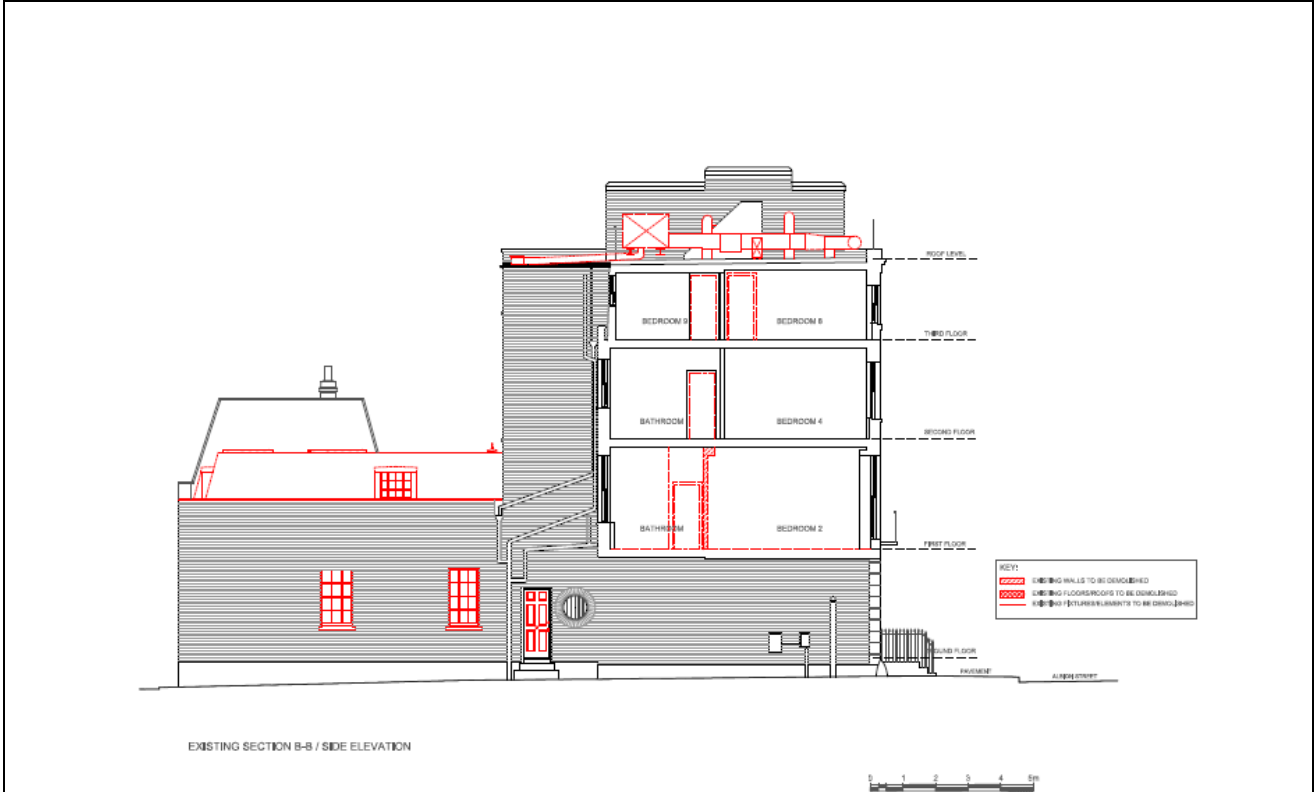
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY EMAIL AT ogibson@westminster.gov.uk

8 KEY DRAWINGS

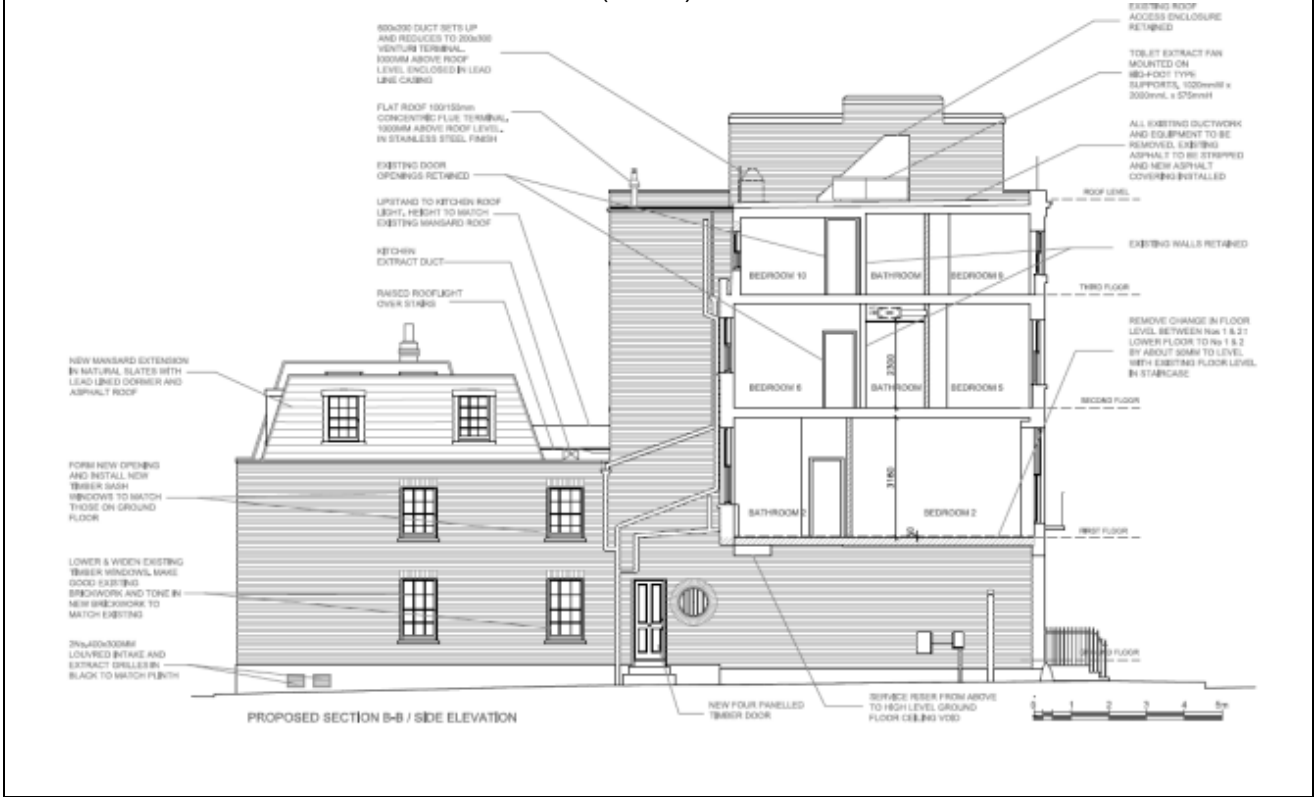


Existing Section (above) and Proposed Section (below).



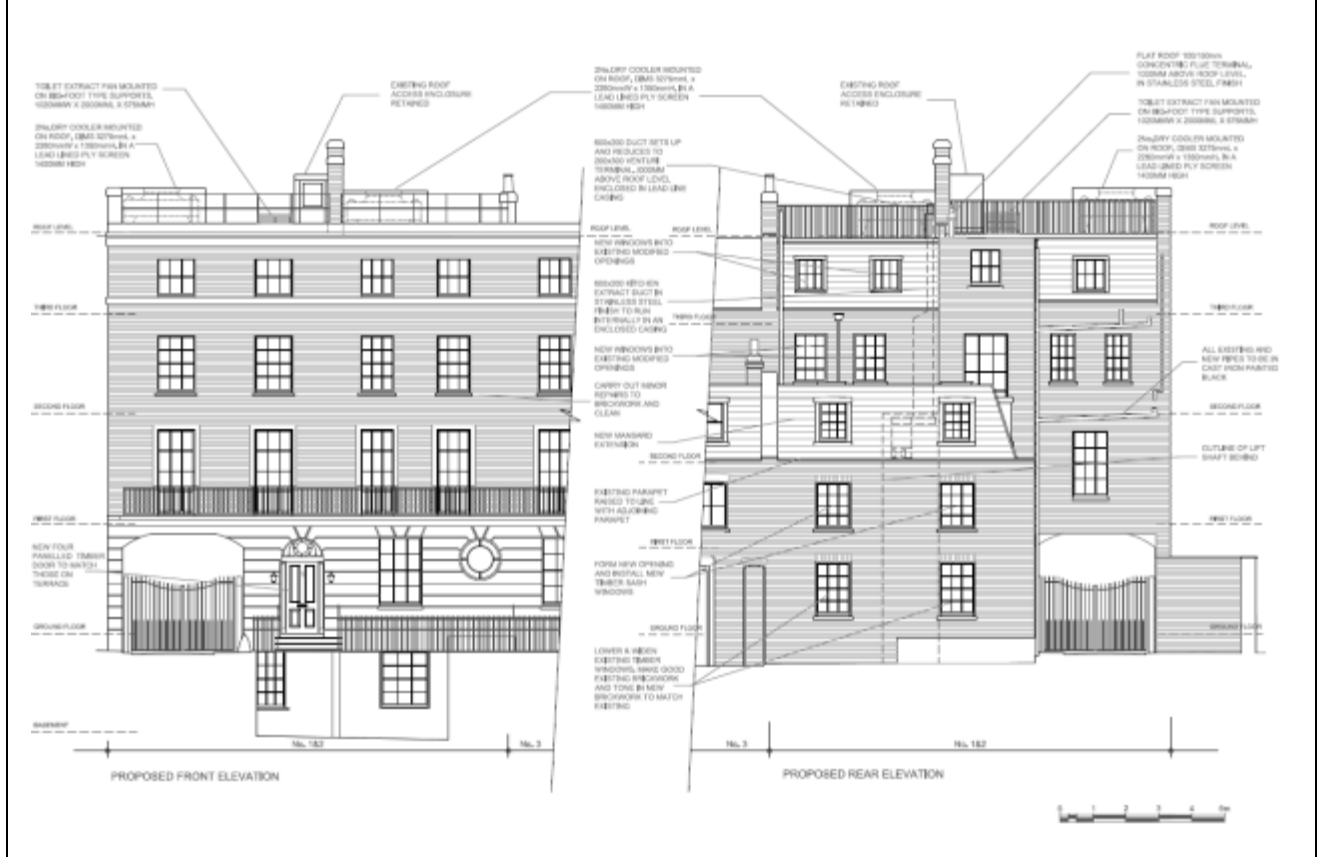


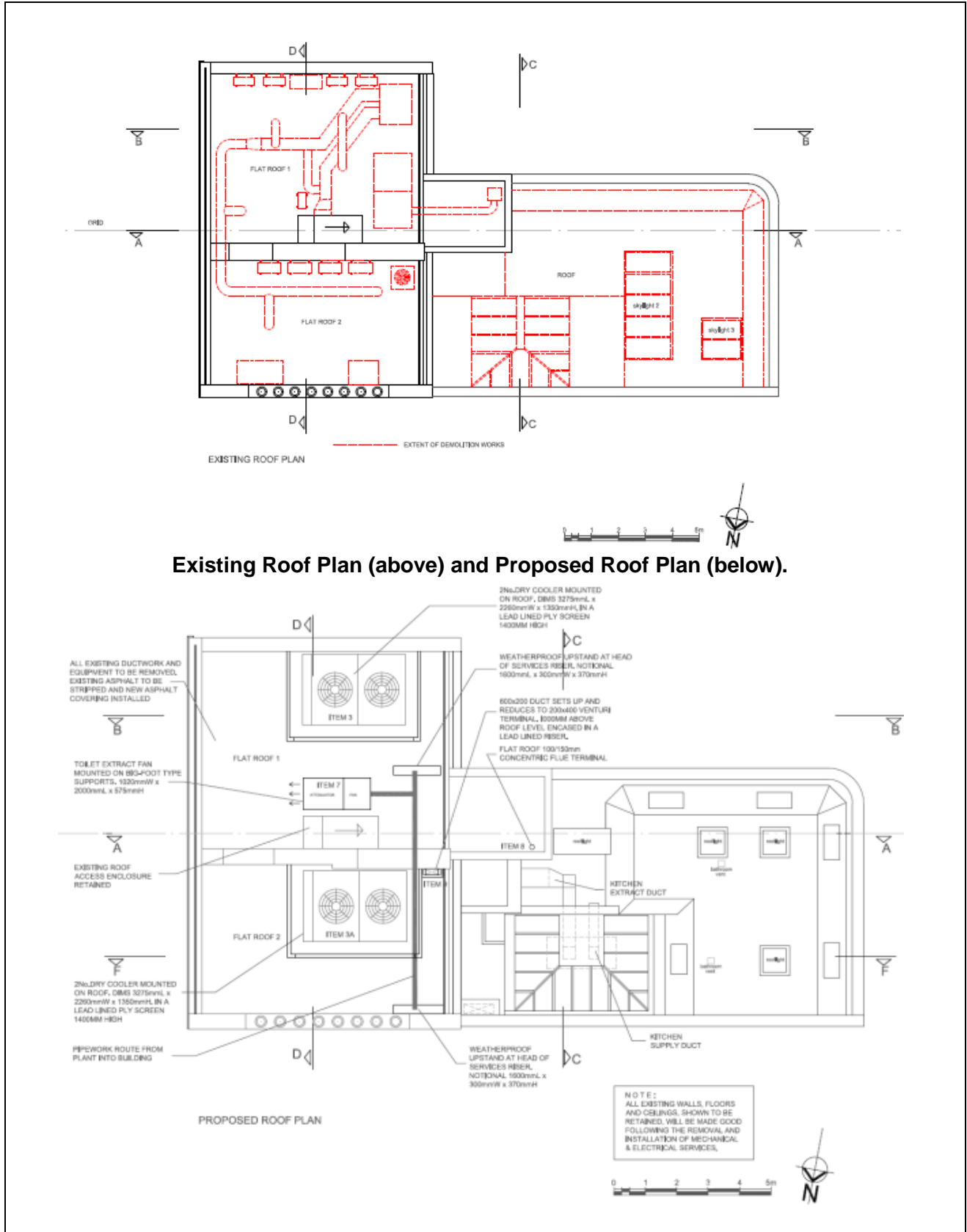
Existing Side Elevation and Section through No.1 (above) and corresponding Proposed Drawing (below).





Existing Front and Rear Elevations (above) and Proposed Front and Rear Elevations (below).





Existing Roof Plan (above) and Proposed Roof Plan (below).

DRAFT DECISION LETTER

Address: 1 - 2 Albion Street, London, W2 2AS,

Proposal: Erection of a mansard extension to the rear, installation of lift to first floor level, installation of air conditioning plant at roof level and in lightwell; installation of kitchen and bathroom extracts and internal air conditioning units and ducting, removal of internal timber stairs, lowering of basement and ground floor slab and internal alterations and refurbishment.

Plan Nos: 5807-01 (site location plan); 5807-100/P1; 5807-101/P1; 5807-102/P1; 5807-103/P2; 5807-104/P3; 5807-105/P2; 5807-106/P1; 5807-107/P3; 5807-108/P3; 5807-109/P4; 5807-200/P9; 5807-201/P9; 5807-202/P9; 5807-203/P9; 5807-204/P9; 5807-205/P9; 5807-206/P9; 5807-207/P9; 5807-208/P9; 5807-209/P9; 5807-210/P9; 5807-300/P6. Environmental Noise Survey and Plant Noise Assessment Report dated 18 February 2016 (Rev.2).

For information purposes only:

5807-200/P1; 5807-201/P; 5807-202/P2; 5807-203/P3; 5807-204/P3; 5807-205/P3; 5807-206/P3; 5807-207/P3; 5807-208/P2; 5807-209/P3.

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

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

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

Reason:

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

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

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

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

Reason:

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

- 3 You must apply to us for approval of samples of the facing materials you will use, including

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

4 You must apply to us for approval of a sample panel (1m²) of the following parts of the proposal:

i) the new brickwork to the Albion Close facades, including the toned finish.

You must not start work on the new brickwork to this part of the scheme until we have approved the sample area. You must then carry out the work according to the approved sample.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

i) all new windows, showing reveal details and in case of new window openings showing details of brick arch and reveal finish;

ii) the new conservatory structure;

iii) new rooflights;

iv) new entrance doors;

v) ventilation and other services terminations at facade and roof 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 approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

(C26AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 The glass that you put in the dormer window in the en-suite bathroom serving bedroom No.13 on the second floor must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

Reason:

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

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;

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

Reason:

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

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

Reason:

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

- 10 The lead-clad casings and enclosures to the roof-top plant shall be installed prior to operation of the mechanical plant within the enclosures and shall be retained in the positions shown on the drawings hereby approved.

Reason:

To protect the amenity of neighbouring noise sensitive properties and to protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25, S28 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES5, DES6, DES9, DES10, ENV6, ENV7 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 11 You must install the noise attenuation measure specified in the Environmental Noise Survey and Plant Noise Assessment Report dated 18 February 2016 (Rev.2) prior to operation of the kitchen extract duct and thereafter the noise attenuation measure must be permanently retained.

Reason:

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

Informative(s):

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

DRAFT DECISION LETTER

Address: 1 - 2 Albion Street, London, W2 2AS,

Proposal: Erection of a mansard extension to the rear, installation of lift to first floor level, installation of air conditioning plant at roof level and in lightwell; installation of kitchen and bathroom extracts and internal air conditioning units and ducting, removal of internal timber stairs, lowering of basement and ground floor slab and internal alterations and refurbishment.

Reference: 16/01511/LBC

Plan Nos: 5807-01 (site location plan); 5807-100/P1; 5807-101/P1; 5807-102/P1; 5807-103/P2; 5807-104/P3; 5807-105/P2; 5807-106/P1; 5807-107/P3; 5807-108/P3; 5807-109/P4; 5807-200/P9; 5807-201/P9; 5807-202/P9; 5807-203/P9; 5807-204/P9; 5807-205/P9; 5807-206/P9; 5807-207/P9; 5807-208/P9; 5807-209/P9; 5807-210/P9; 5807-300/P6., , For information purposes only.; 5807-200/P1; 5807-201/P; 5807-202/P2; 5807-203/P3; 5807-204/P3; 5807-205/P3; 5807-206/P3; 5807-207/P3; 5807-208/P2; 5807-209/P3.

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of a sample panel (1m²) of the following parts of the proposal:
, i) the new brickwork to the Albion Close facades, including the toned finish., , You must not start work on the new brickwork to this part of the scheme until we have approved the sample area. You must then carry out the work according to the approved sample.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development:
, i) all new windows, showing reveal details and in case of new window openings showing details of brick arch and reveal finish;; ii) the new conservatory structure;; iii) new rooflights;; iv) new entrance doors;; v) ventilation and other services terminations at facade and roof level;; vi) new internal doors and joinery including architraves and skirting boards;; vii) modifications to cornices and any proposed new cornices., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of full details of the following parts of the development: , - repair works and external cleaning to the facades., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must not disturb existing historic fabric including chimney pieces, plasterwork (including plain ceilings and walls), architraves, panelling, doors, other joinery, floorboards 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.

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further

assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

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

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	40 Crawford Street, London, W1H 1JL,		
Proposal	Erection of a first floor rear extension, with green roof, for use in association with the existing residential flat.		
Agent	Mr Peter Higginbottom		
On behalf of	Mr Haddad		
Registered Number	16/01873/FULL	Date amended/ completed	16 March 2016
Date Application Received	2 March 2016		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

Planning permission is sought for a single storey rear extension, with a green roof, to an existing first floor flat.

The main issues for consideration are:

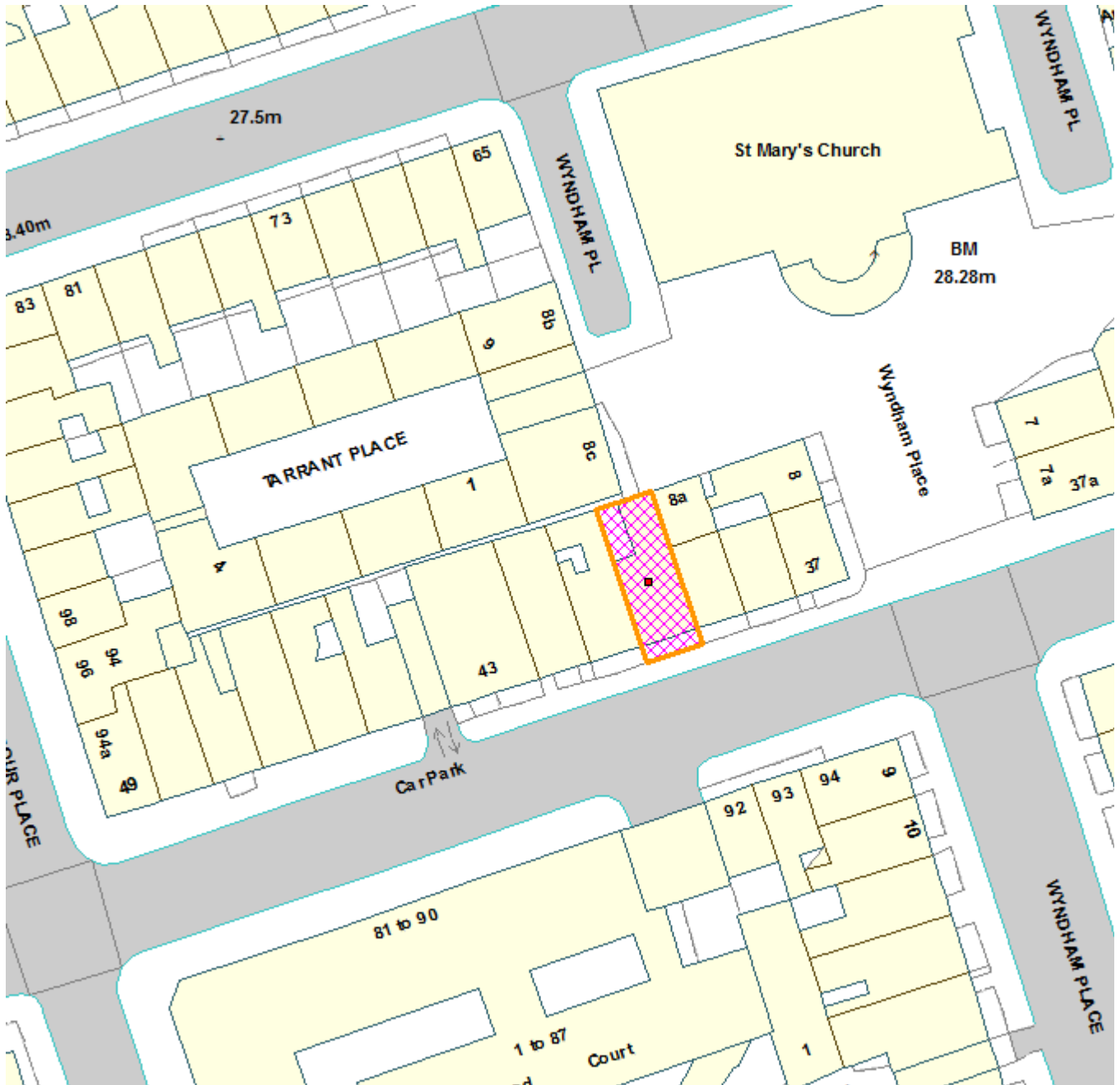
- The detailed design of the extension and its impact on the surrounding conservation area.
- The impact of the extension on the amenity of neighbouring residential properties.

The proposed extension is largely screened from public views by buildings in Wyndham Place, it is considered that the proposal would not cause unacceptable harm to the character and appearance of the Portman Estate Conservation Area

An objection has been received from the occupier of a neighbouring flat on the grounds that the scheme would result in overlooking from the roof and potential noise disturbance. However, no roof terrace is proposed and it is not considered that this objection could be supported.

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

3. LOCATION PLAN



4. PHOTOGRAPHS





View of the rear of application property (existing brick extension) from Wyndham Place

5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One objection on the following grounds:

- Overlooking
- Noise disturbance

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is an unlisted building located in the Portman Estate Conservation Area. The building is occupied as flats on the basement and first to third floors. The ground floor has a use as dual alternative retail (Class A1) or professional and financial services (Class A2).

6.2 Recent Relevant History

26 April 2012: Permission granted for use of the first, second and third floors as 1x1 and 1x3 bed flats, alterations to ground floor entrance to form a cycle store and use of ground floor as dual alternative retail (Class A1) or professional and financial services (Class A2). Enlargement of existing lightwell. Implemented.

1.12 2015 Permission granted for works to 41 Crawford Street including the erection of a single storey extension at rear first floor level to provide additional residential accommodation in association with the existing flat. Not implemented.

1997: Permission granted for works including the erection of a first floor rear extension to 39 Crawford Street. Not implemented.

7. THE PROPOSAL

Permission is sought for a single storey extension at rear first floor level with a green roof to provide additional accommodation to the existing first floor flat.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed extension would measure 18.5sqm. This increase in residential floorspace is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan.

8.2 Townscape and Design

This is an unusual site. The single storey rear of the building at 40 Crawford Place, and its immediate neighbour at 39 Crawford Place/8a Wyndham Place, front the public open space in Wyndham Place, adjacent to the church. The proposed full width roof extension at first floor level might normally be considered unacceptable but the extension would largely be screened from public views by the flank wall of No. 8c Wyndham Place, which forms part of the Tarrants Place development. A similar extension has been recently been permitted at no. 41 Crawford Place, which is wholly screened by the Wyndham Place building. There is also a historical permission for a more visible extension at the rear of 39 Crawford Place, although this permission has expired.

The detailed design of the proposed extension is considered acceptable. Given its location, and relationship with neighbouring buildings, it is considered that the proposed would not cause unacceptable harm to the character and appearance of the Portman Estate Conservation Area and is acceptable in urban design and conservation terms.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Overlooking

The occupier of a flat at 42 Crawford Street has objected to the application on the grounds that the use of the roof adjacent to their property would result in overlooking to their kitchen and potential noise disturbance. However, the objectors' property is not a directly adjacent to the application site but is separated from it by no. 41 Crawford Place, whether there is an extant permission for a first floor rear extension. The proposed extension on the application site does not include any windows facing the objectors' property and it is not proposed to create a terrace. A condition would be imposed to prevent general access to the proposed green roof, which will serve to protect the residential amenity of the surrounding properties. In these circumstances, the objection cannot be supported.

The rear of the basement flat within the application property is served by a, north facing, shower room window, and a south facing window and west facing door to a bedroom, all overlooking a central lightwell. A secondary window to the proposed extension would overlook this lightwell but would offer only an extremely limited views towards the basement shower room and views towards the stair windows on the upper floors of the building. The principal window to the proposed extension would overlook Wyndham Place. In these circumstances, it is not considered that the scheme would result in any material loss of privacy to neighbouring properties.

Sunlight and Daylight

The proposal is likely to have some impact on the levels of light in the office premises at ground floor and the residential unit in the basement. There are no policies to protect amenity for office uses and there has been no objection from the occupiers of the ground floor.

The existing lightwell is particularly small and is likely to allow limited light to the basement flat. While the proposal is likely to result in some loss of light, this is unlikely to be noticeable given that existing values are likely to be low. Additionally, the greatest impact would be on the shower room, which is a non-habitable room. Given the relationship between the basement windows and the proposed extension, it is not considered that there would be a material loss of sunlight to the basement bedroom. No objection has been received from the occupier of the basement flat.

Similarly, it is not considered that the proposed extension would have a material impact on daylight or sunlight levels to 41 Crawford Place, which also has permission for a first floor extension, or to adjacent windows at 39 Crawford Place, which serve the main stair.

Sense of Enclosure

As detailed above, the central lightwell offers extremely limited outlook from the basement flat due to its small size. As a result, the proposed extension would not have a significant impact upon the sense of enclosure to lightwell windows.

The proposed extension will be visible from residential windows adjacent to and opposite the extension. It is not considered that the resultant relationship would be uncommon for an urban environment or would result in a material increase in the sense of enclosure to these windows.

In view of the above, the proposals are considered acceptable in terms of policies ENV 13 and S29.

8.4 Transportation/Parking

This application raises no transportation/parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application raises no access issues.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Biodiversity

The scheme incorporates a green roof to the proposed extension. This is welcomed and accords with policies S38 of the City Plan and ENV17 of the UDP which both encourage the enhancement of biodiversity and green infrastructure. This feature will be secured through 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

Not relevant.

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues

No other issues

9. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of 42 Crawford Street, London, dated 14 April 2016

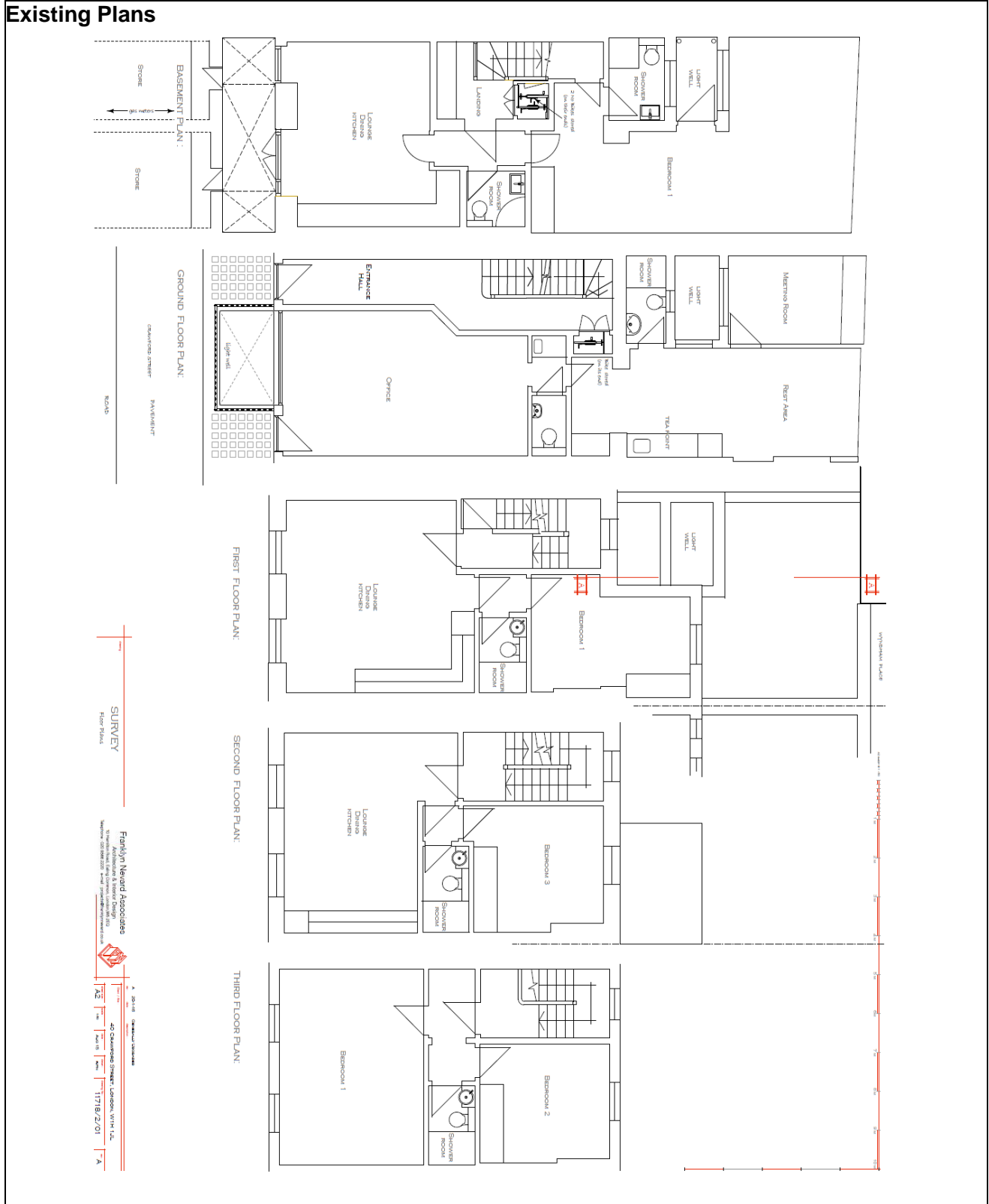
Selected relevant drawings

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

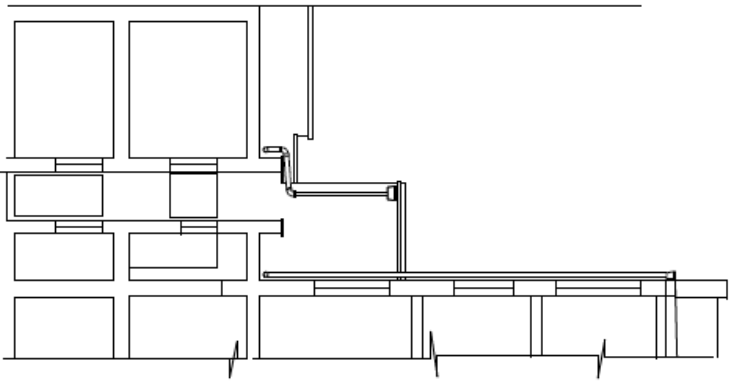
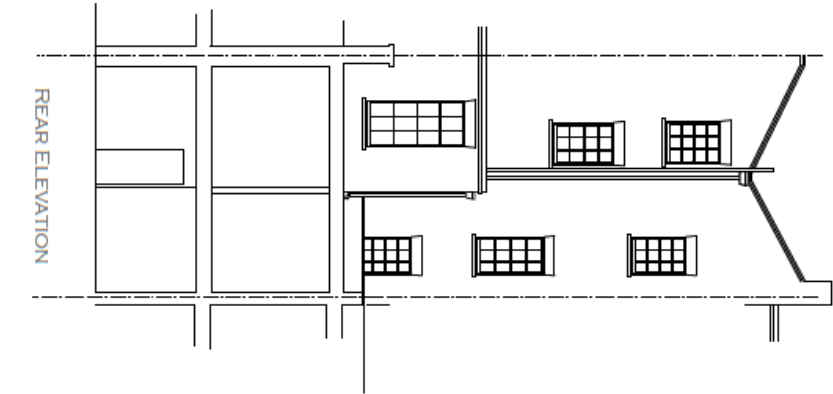
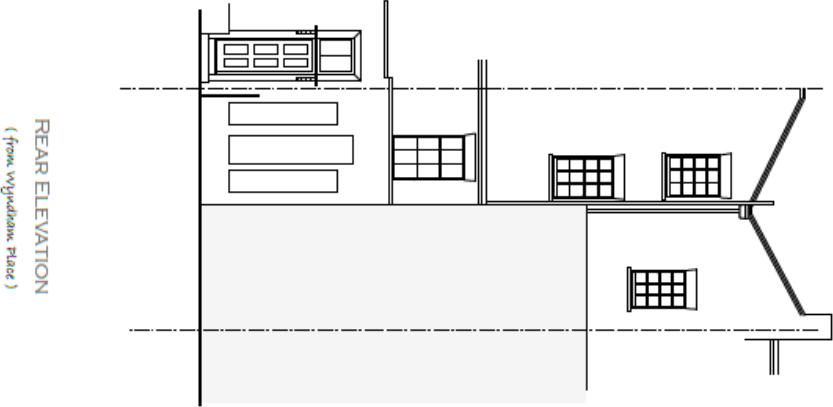
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT
SARA SPURRIER ON 02076413934 OR BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK


10. KEY DRAWINGS

Existing Plans



Existing Sections and Elevations





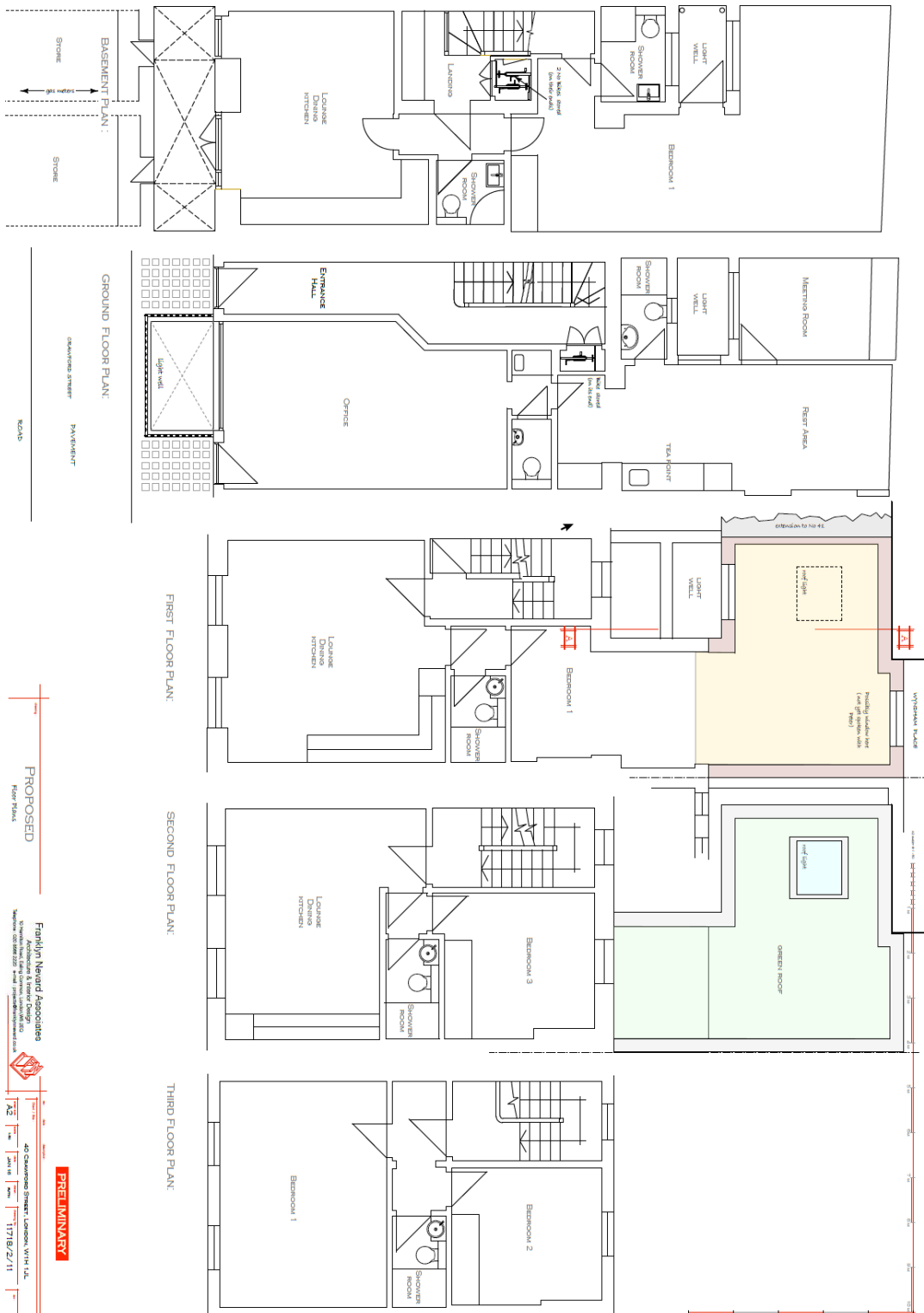
 SURVEY
 Location, Plans, Elevations, Sections

Franklyn Nevard Associates
 Architects & Interior Designers
 30, Weymouth Road, Epsom, Surrey, Middlesex TW20 2EX
 Telephone: 020 8866 2222 • email: franklyn@franklynnevard.co.uk



Total / 1:50
 A2 1:50
 40 CRAWFORD STREET, LONDON, WITH I.L.L.
 11718/2/01

Proposed Plans

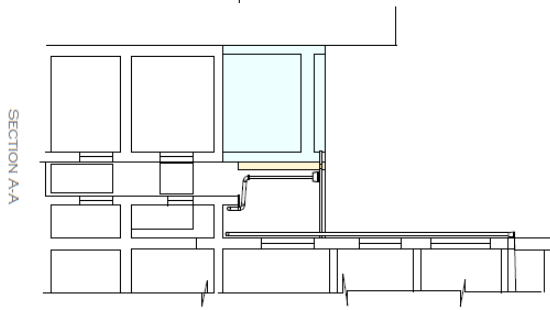
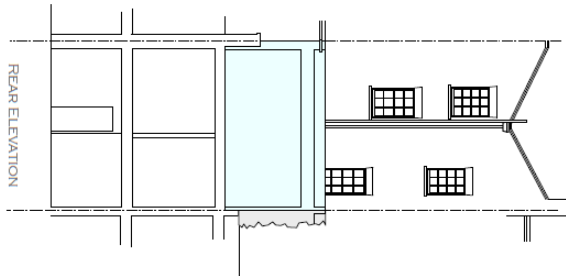
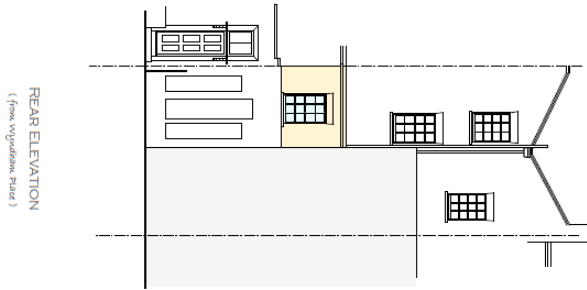
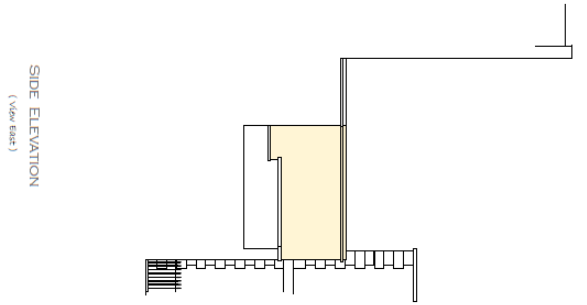


PROPOSED
Floor Plans

PRELIMINARY

Franklin Newark Associates
Architectural & Interior Design
140 Cambridge Street, London, V1H 1L1
Tel: (416) 593-8822 Fax: (416) 593-8823
www.franklinnewark.com

Proposed Sections and Elevations



PROPOSED
Disciplined / Section

Franklin Newark Associates
Architects & Interior Design
37 New Street, Leeds, LS1 5TU
Telephone: 0113 244 1111
www.franklinnewark.co.uk

40 Clarendon Street, London, W1H 1LL
Telephone: 020 7493 8100
www.franklinnewark.co.uk
17/18/2/12

PRELIMINARY

DRAFT DECISION LETTER

Address: 40 Crawford Street, London, W1H 1JL,

Proposal: Erection of a single storey extension at rear first floor level for use in association with the existing residential flat and installation of a green roof.

Reference: 16/01873/FULL

Plan Nos: 11717/2/11 ; 11718/2/12

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 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 Portman Estate 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)

- 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate 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 All new windows shall be white painted timber, double hung, vertically sliding sash windows to match the existing windows.

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

- 5 You must 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)

- 6 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application. Green roof on the rear flat roof area as shown on the approved drawings. You must not remove any of these features.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 7 You must not use the roof of the permitted extension as a balcony or for any other purpose. You can however use the roof to escape in an emergency. (C21CA)

Reason:

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

Informative(s):

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

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

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

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

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

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

The key considerations are:

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

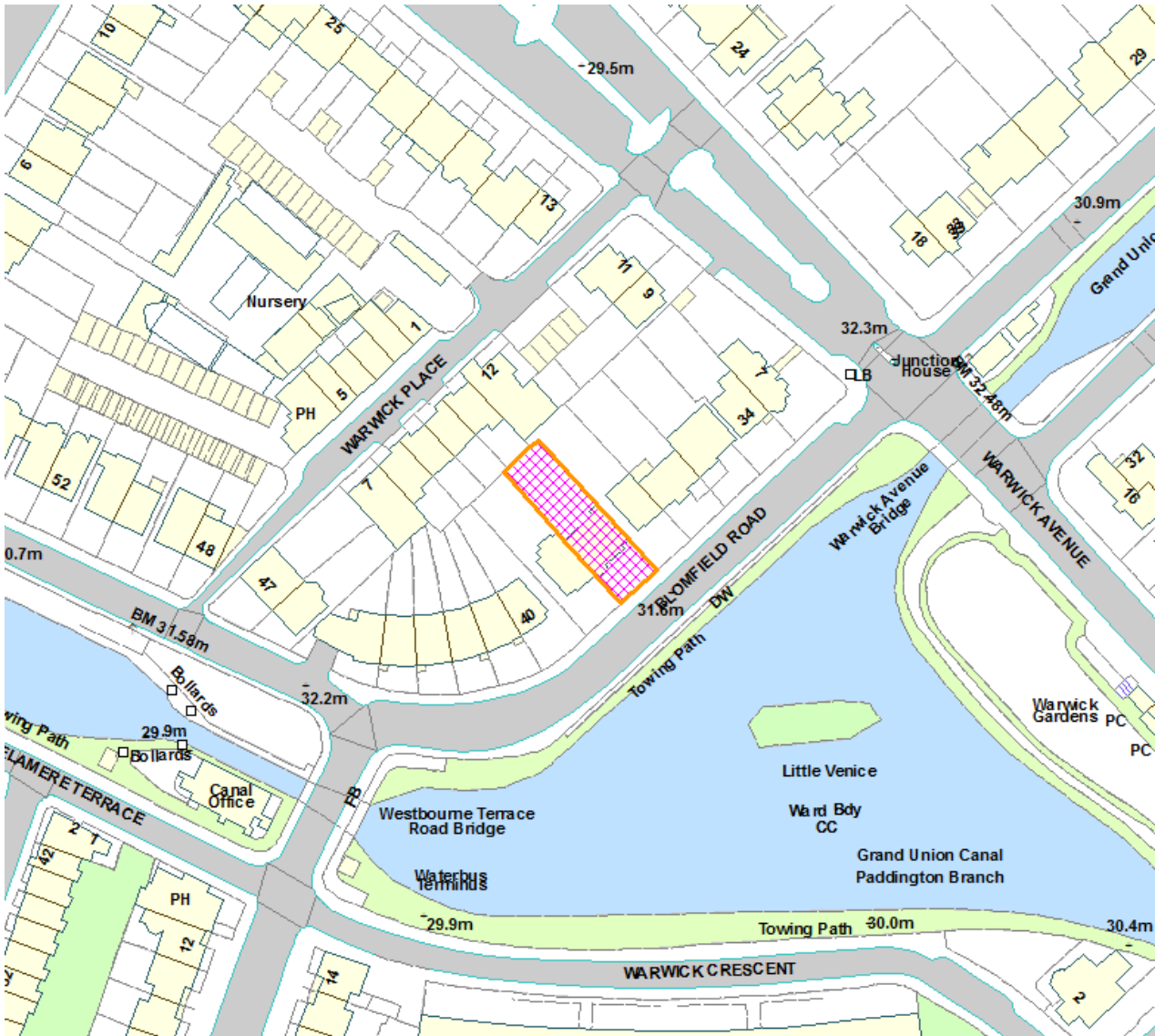
As the proposals were submitted after the 1st November 2015, which is when the Council began applying weight to certain parts of the Basement Policy, the application has been assessed in relation to the emerging basement policy. Paragraph 8.1 of this report clarifies this positioned in relation to the basement policy further. The proposed development would be consistent with relevant operative and emerging development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) including the emerging basement policy. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter at the end of this report.

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3. LOCATION PLAN



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4. PHOTOGRAPHS



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



5. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

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

ARBORICULTURAL MANAGER

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

BUILDING CONTROL

No objection.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

Design:

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

Amenity:

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

Other:

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

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

6.2 Recent Relevant History05/08199/FULL

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

Application Permitted 5 January 2006

06/03060/FULL

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

Application Permitted 13 June 2006

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06/09823/FULL

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

Application Permitted 13 February 2007

07/04776/FULL

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

Application Permitted 14 August 2007

7. THE PROPOSAL

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

8. DETAILED CONSIDERATIONS

8.1 Land Use

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

8.2 Townscape and Design

8.2.1 Townscape Considerations

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

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

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

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not considered to be a dominant structure that would disrupt a readily appreciable uniform building line. Therefore permission could not reasonably be withheld on these grounds.

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

In terms of the basement proposal, it would be located beneath the garden and subterranean by its nature and does not alter the appearance of the building and Conservation Area. Following advice from officers, rooflights serving the basement positioned within the rear patio and rear garden have been removed as they were contrary to the advice set out in the 'Basement Development in Westminster' SPD, which sets out that where they are acceptable, rooflights and other external manifestations should be subtly incorporated into basement developments.

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

8.2.2 Consideration of Heritage Assets

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

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

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

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

8.3 Residential Amenity

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

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

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

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

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

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

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

8.4 Transportation/Parking/ Highways Implications

The proposed development does not raise any transportation issues.

8.5 Economic Considerations

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

8.6 Access

No alterations to access to this private dwellinghouse are proposed.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Policy

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

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

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

8.7.2 Mechanical Plant

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

8.7.3 Refuse/ Recycling

The development would not materially impact the existing arrangements for refuse and recycling. The City Councils Highways Officer advises that further details need be secured through condition however it is not considered necessary in this instance.

8.7.4 Trees

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

"The impact on the RPA of the Cherry and the Magnolia at 27 Blomfield Road is estimated by Wassell is 50% of the Cherries root system and 15% of the Magnolia's. The circular RPA of the Cherry is affected by the existing extension. Given that the piled basement wall is 2.4m from both of these trees then according to Wassell's figures these estimates would only be realistic if no tree protection was used at all. On the basis that the trees and ground will be protected other than the basement excavations I estimate the impact is below 1m² on the Magnolia and less than 1m² on the Cherry. This is less than 3.5% of their RPAs. This is not significant in this context."

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

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

8.7.5 Sustainability

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

extension applications, given that matters of exact building construction and adherence with statutory Building Regulation are matters for Building Control, and therefore it is not sustainable to withhold permission on these grounds. Notwithstanding this, an informative will be attached encouraging the development to incorporate elements of sustainable design.

8.7.6 Ecology

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

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

As set out in the basement section of the report, the basement has incorporated a margin of undeveloped land on its perimeter, a 1m soil depth plus 200mm drainage layer above the basement in the garden, and a basement footprint no greater than half of the garden land. In addition, consideration of the health of trees on and adjacent to the site has been supplied and considered satisfactory. Incorporation of these elements serves to mitigate the impact of the proposed basement upon the locality with regards to ecology and biodiversity and withholding permission on these grounds is therefore not sustainable.

8.7.7 Flood Risk

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

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

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Other Issues

8.12 Basement Impact

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs. Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

The City Council considers that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. Accordingly, The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications.

The City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' in October 2014, which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal basement policy is adopted. The adopted SPD can be given considerable weight (known as material weight or a material consideration).

As clarified in paragraph 8.7.1 of this report, the Council are now applying considerable weight to draft basement policy (CM28.1 in the Consolidated Draft Version of the City Plan issued in June 2016). Therefore, as set out earlier in the summary of this report, the application has been assessed against the emerging policy and the adopted SPD.

To address these policy requirements, the applicant has provided a structural engineer's report and supporting geotechnical survey explaining the likely methodology of excavation. 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 purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The objection received on behalf of the occupiers of the neighbouring property at No.27 questions specific aspects of the report; namely, the report not inspecting the condition of the existing building, trial pits being undertaken at back of the garden so may not reflect soil condition where basement is proposed, structural drawings not showing piles in section which could result in them breaching the 1m exclusion zone beneath garden, movement analysis not undertaken with respect to the party wall.

The level of analysis and detail submitted with the application is substantial and has been prepared by a suitably qualified Structural Engineer with respective professionals undertaking supporting analysis. Building Control officers have reviewed the submitted details and raised no concerns. 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. Should permission be granted, this Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

Accordingly, it is considered that 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, cited above. To go further would be to act beyond the bounds of planning control.

Pursuant to the planning merits of the basement in relation to the draft basement policy and the guidance in the SPD, the basement retains a soil depth of 1m and a 200mm drainage layer, a margin of undeveloped land around the perimeter of the basement of 500mm and it is limited to a single storey and occupies less than 50% of garden land. As such the basement complies with draft Policy CM28.1 'Basement Development'.

8.12.2 Construction Impact

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

9. BACKGROUND PAPERS

1. Application form
2. Letter from the Paddington Waterways & Maida Vale Society dated 4 March 2016.
3. Memo from the Highways Planning Manager dated 18 February 2016.
4. Memo from the Arboricultural Manager dated 12 April 2016.
5. Memo from the Cleansing Manager dated 24 February 2016.
6. Letter from occupier of 26 Blomfield Road dated 4 March 2016.
7. Letters from Streathers Solicitors LLP, 44 Baker Street dated 25 February 2016, 3 March 2016, 8 March 2016 and 21 March 2016

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- 8. Arboricultural Report prepared by James Sharp on behalf of Streathers Solicitors LLP dated 16 March 2016.

Selected relevant drawings

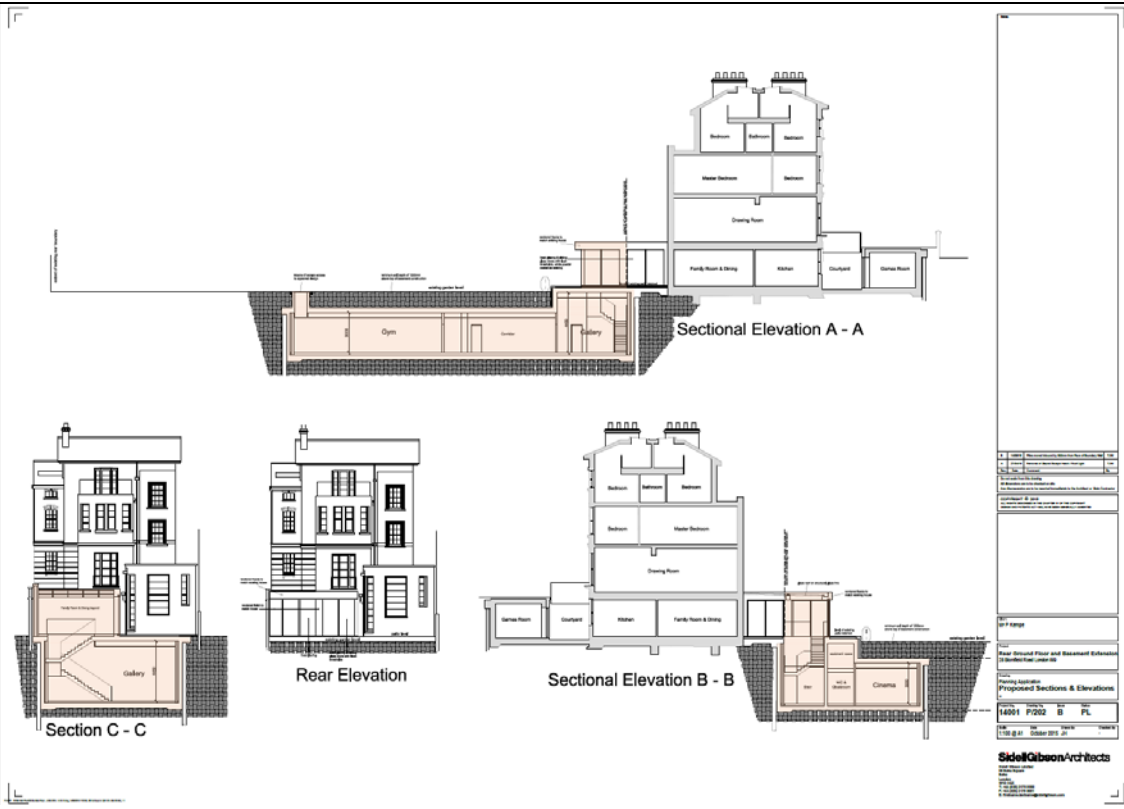
Existing and proposed plans, elevations and sections.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICE: OLIVER GIBSON BY EMAIL AT OGIBSON@WESTMINSTER.GOV.UK.

10. KEY DRAWINGS





Councillors to be told date of meeting:

Author initials:

Date:

Cleared by:
ATL / AATL

Date:

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date	Classification For General Release	
Report of Director of Planning	Wards involved Little Venice		
Subject of Report	28 Blomfield Road, London, W9 1AA,		
Proposal	Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.		
Agent	Mr Ron Sidell / Sidell Gibson		
On behalf of	Mr Paul Kempe / City and Provincial		
Registered Number	16/00616/FULL	TP / PP No	PP-04782110
Date of Application	25.01.2016	Date amended/ completed	01.02.2016
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within / Outside London Plan Central Activities Zone Within / Outside Central Activities Zone		
Stress Area	Within / Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

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

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

The key considerations are:

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

As the proposals were submitted after the 1st November 2015, which is when the Council began applying weight to certain parts of the Basement Policy, the application has been assessed in relation to the emerging basement policy. Paragraph 8.1 of this report clarifies this positioned in relation to the basement policy further. The proposed development would be consistent with relevant operative and emerging development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) including the emerging basement policy. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter at the end of this report.

3. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

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

ARBORICULTURAL MANAGER

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

BUILDING CONTROL

No objection.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

Design:

- o Failure to assess the impact on adjoining listed building.
- o Extension fails to respect building line.
- o Basement fails to leave sufficient margin of undeveloped land.

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Amenity:

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

Other:

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

BACKGROUND PAPERS

DRAFT DECISION LETTER

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

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

Plan Nos: Site Plan, P/200, P - 201 REV B, P - 202 REV B, Structural Methodology Statement and appendices prepared by Elliot Wood dated November 2015 (for information purposes only - see Informative 7), Method Statement for Excavation dated 30.3.15, Design and Access Statement dated January 2016, Construction Management Plan dated 30 March 2015 (for information only - see Condition 5), Tree Survey/ Arboricultural Report prepared by ACS consulting dated 18 January 2016 and Arboricultural Report Addendum prepared by ACS dated 11 May 2016.

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

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

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

Reason:

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

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

(C26AA)

Reason:

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

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

You must then carry out the work according to these details. (C26CB)

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

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

further guidance was offered to the applicant at the validation stage.

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

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk
- 7 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City

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

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

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

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

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

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

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	5 - 6 St Matthew Street, London, SW1P 2JT,		
Proposal	Continued use of building as office (Class B1). Installation of new ground floor frontage and one additional window to rear lightwell.		
Agent	21st Architecture		
On behalf of	Michael Goletta		
Registered Number	16/03535/FULL	Date amended/ completed	25 April 2016
Date Application Received	19 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Broadway And Christchurch Gardens		

1. RECOMMENDATION

Refuse permission – loss of residential units

2. SUMMARY

5 - 6 St Matthew Street is a five storeys building dating from the 1980s. The lawful use comprises a garage and entrance foyer at ground floor level, offices at first and second floor levels and two residential flats at third and fourth floor level.

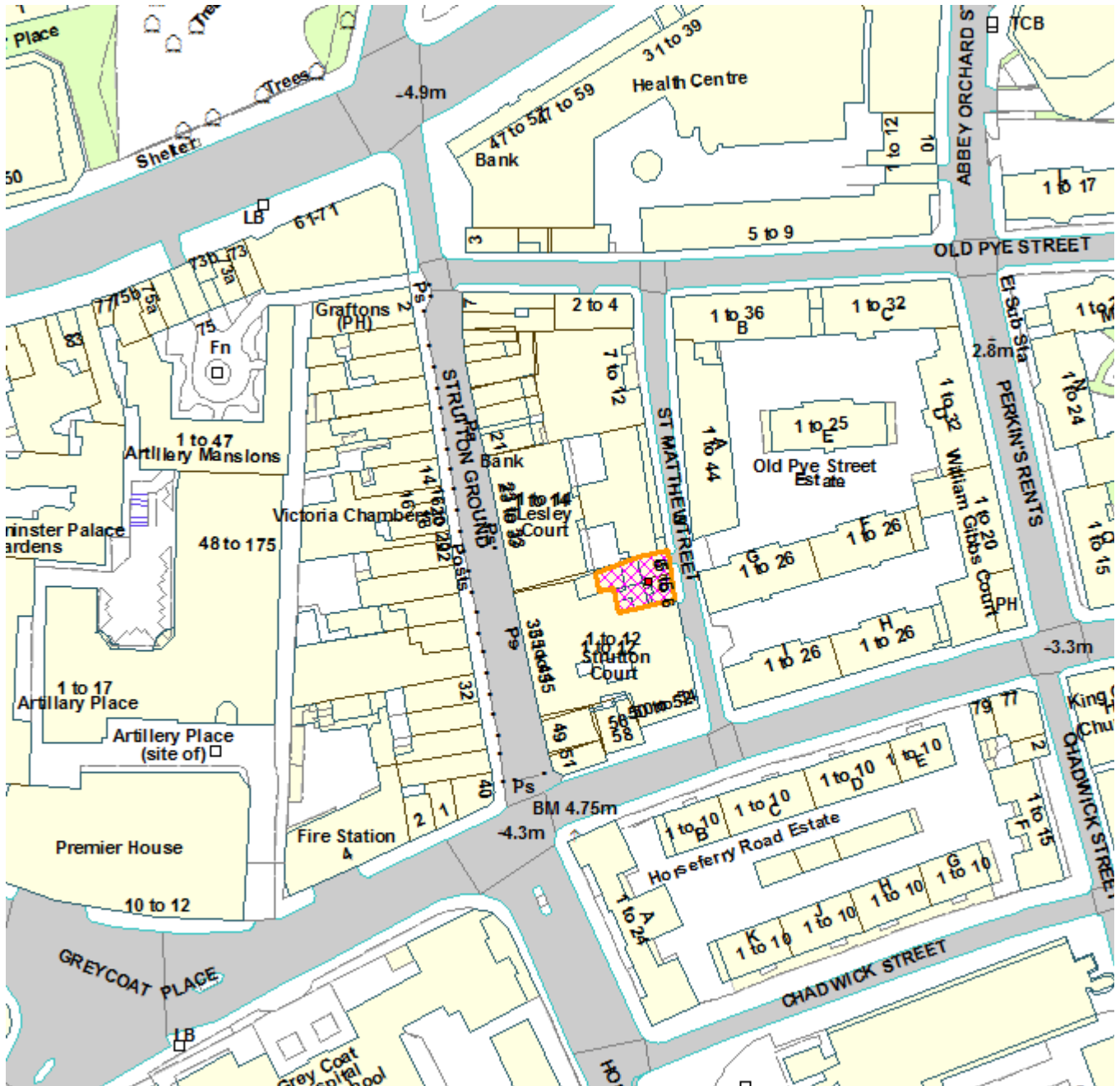
The applicant seeks retrospective planning permission for the continued use of the building as office use, a new ground floor frontage and one additional window to the rear lightwell. The applicant has stated that the change of use of the third and fourth floors occurred prior to his ownership of the site around 2010 and he seeks to regularise the situation.

The main issues for consideration are:

- The acceptability of the proposals in land use terms;
- The impact of the external alterations on character and appearance of the building and the conservation area; and
- The impact of the proposed use and external alterations on the amenity of neighbouring residents.

The proposal is not considered to comply with the Council's policy in relation to protecting existing residential uses and optimising housing delivery as set out in S14 of Westminster's City Plan: Strategic Policies (City Plan) and the application is recommended for refusal for this reason.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY:
No objection.

THORNEY ISLAND SOCIETY:
No objection.

HIGHWAY PLANNING MANAGER:
Objection - loss of residential off-street car parking spaces.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 56
No. replies: 2 (from one neighbour)

Objections have been received from a neighbouring resident to the rear on the following grounds:

Amenity

- New window in the rear lightwell would allow for overlooking;
- The fire escape could be used as an amenity space causing overlooking to Lesley Court, Strutton Ground

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

5 - 6 St Matthew Street is a five storeys building dating from the 1980s. The lawful use comprises a garage and entrance foyer at ground floor level, offices at first and second floor levels and two residential flats at third and fourth floor level.

The building is unlisted and lies within the Broadway and Christchurch Gardens Conservation Area. The property is outside the Core Central Activities Zone.

6.2 Recent Relevant History

07/05282/FULL

Erection of rear extension at ground, first, second and third floor level, conversion of upper floors to form five self-contained flats and office at ground floor level.

Application Permitted 4 September 2007

7. THE PROPOSAL

The applicant seeks retrospective planning permission for the continued use of the building as office a new ground floor frontage and one additional window in the rear

lightwell at ground floor level. The applicant has stated that the use of the third and fourth floors began around 2010, prior to his ownership of the site.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The change of use has resulted in the loss of two residential units, amounting to 177sqm of residential floorspace. Policy H1 of the UDP and S14 of Westminster's City Plan 'Strategic Policies' states that all residential uses, floorspace and land will be protected. The loss of the residential units is therefore contrary to this policy.

The applicant has argued it is impractical to have a building in mixed use, and the residential units were of a poor standard. The City Plan promotes mixed uses. The units were 2-bed, measuring approximately 59sqm each (which only falls just below the national space standards for a 2-bed unit of 61sqm), with good levels of light and outlook. The units were therefore considered to provide a satisfactory level of accommodation and it is therefore recommended that the application be refused on this basis.

8.2 Townscape and Design

Policy DES 5 of the UDP and S28 of the City Plan aim to ensure the highest standards of design in alterations and extensions. Policy DES 9 of the UDP and S25 of the City Plan aim to preserve or enhance the character or appearance of conservation areas.

The external alterations include changes to the ground floor and seek to introduce three comparable shop frontages with full height glazing with fascia panels above. It is considered that these changes would improve the frontage of the property and therefore enhance the character and appearance of the conservation area.

The installation of a new window at rear ground floor level is not opposed on design grounds.

8.3 Residential Amenity

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

Concern has been raised from a neighbouring resident to the rear regarding an increased potential for overlooking as a result of the proposal. A new opening is proposed at ground floor level to the rear. This opening would be to a lightwell area and would not allow for overlooking of neighbours. No other openings or balconies are proposed, however, the existing fire escape would remain. The objector is concerned that this fire escape could be used as an amenity space by occupiers of the building, thereby allowing harmful overlooking of neighbours. Had permission been recommended for approval a condition

could have been attached to ensure that users of the building only use the fire escape for emergencies and not as an amenity space.

8.4 Transportation/Parking

Car Parking:

The garage (which provides space for two cars) would no longer be provided. Policy TRANS 22 of the UDP states that offices should have a maximum of one space for each 1,500sqm of floorspace. The office would have a floorspace of approximately 316sqm. The provision of no off-street parking would therefore be complaint with TRANS 22. However, the Highway Planning Manager has objected to the proposal on the grounds of policy TRANS 23 which resists the loss of any existing off-street residential car parking spaces.

It is not clear whether the car parking spaces have been used in connection with the office or the residential units prior to the unauthorised change of use. However, planning permission dated 4 September 2007 (RN: 07/05282/FULL) approved five residential units within the building with no residential off-street parking. Were permission to be granted, there would be no residential floorspace within the building and it is not therefore considered reasonable or practical to require residential car parking spaces be retained within a development in which there would be no residents.

Cycle Parking:

The London Plan policy 6.9, as outlined in table 6.3, requires 1 cycle parking space per 90 sqm for office uses. This would equate to 4 cycle parking spaces. The applicant has stated that 4 cycle spaces would be provided, but no detail has been provided. If the application was considered acceptable in all other respects, details of this provision could be secured by way of condition.

Servicing:

It is not considered that the development would generate a notable increase in servicing over the pre-existing arrangement. The largest regular service vehicle expected to be associated with the proposed development is the refuse collection vehicle. This would service the site in a similar fashion to nearby properties.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

All floors are accessible by a lift.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling:

The applicant has provided no details of waste storage. Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway

users contrary to TRANS 3. If the application was considered acceptable in all other respects, details of waste storage could be secured by way of 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 are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

Not applicable for a development of this scale.

8.12 Other Issues

Not applicable.

9. BACKGROUND PAPERS

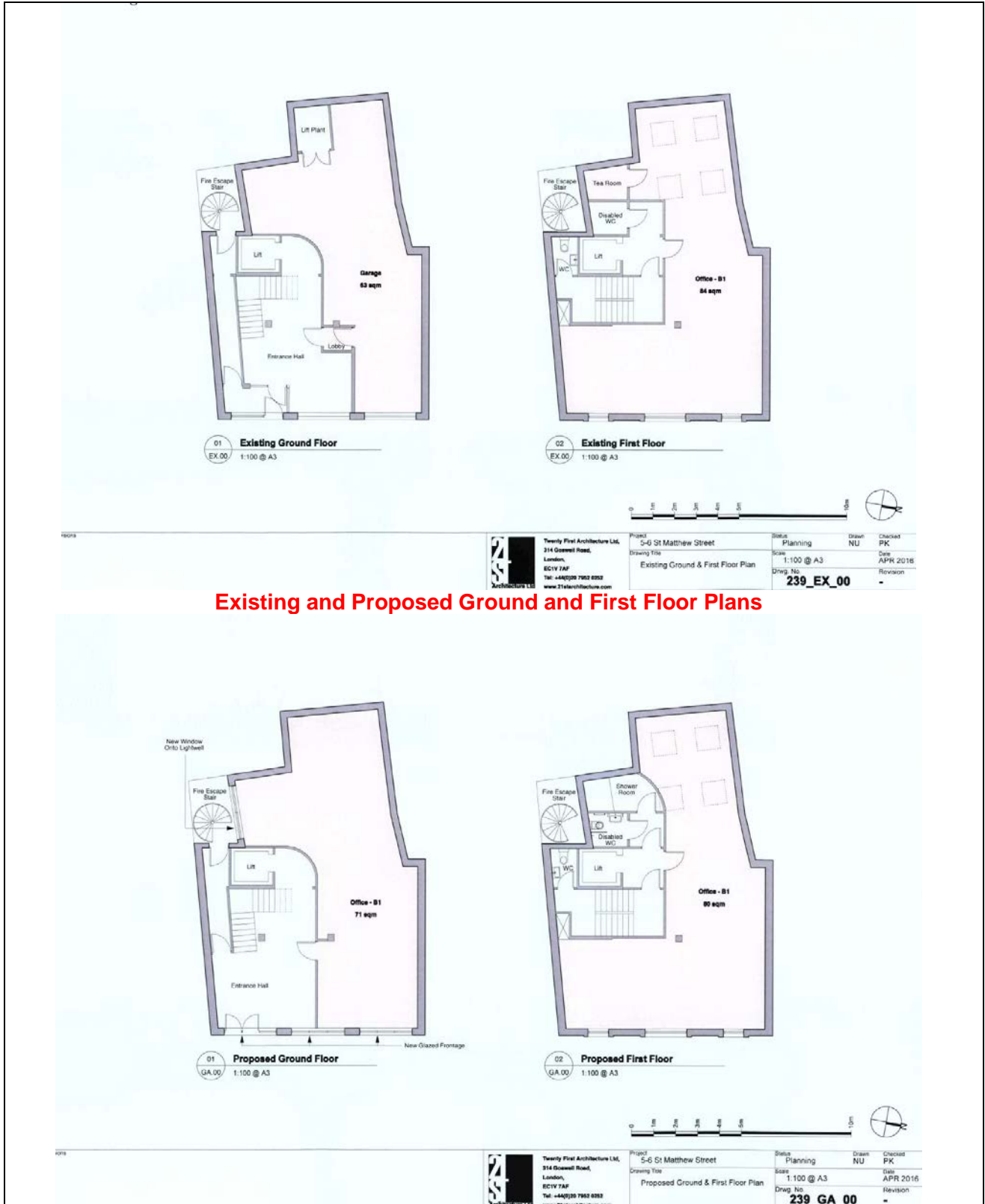
1. Application form
2. Response from Thorney Island Society, dated 3 May 2016
3. Response from Westminster Society, dated 10 May 2016
4. Internal memorandum from the Highways Planning Manager, dated 14 June 2016
5. Letter from occupier of Flat 4, Lesley Court, Strutton Ground, dated 8 May 2016
6. Letter from occupier of Flat 4, Lesley Court, Strutton Ground, dated 10 May 2016

Selected relevant drawings

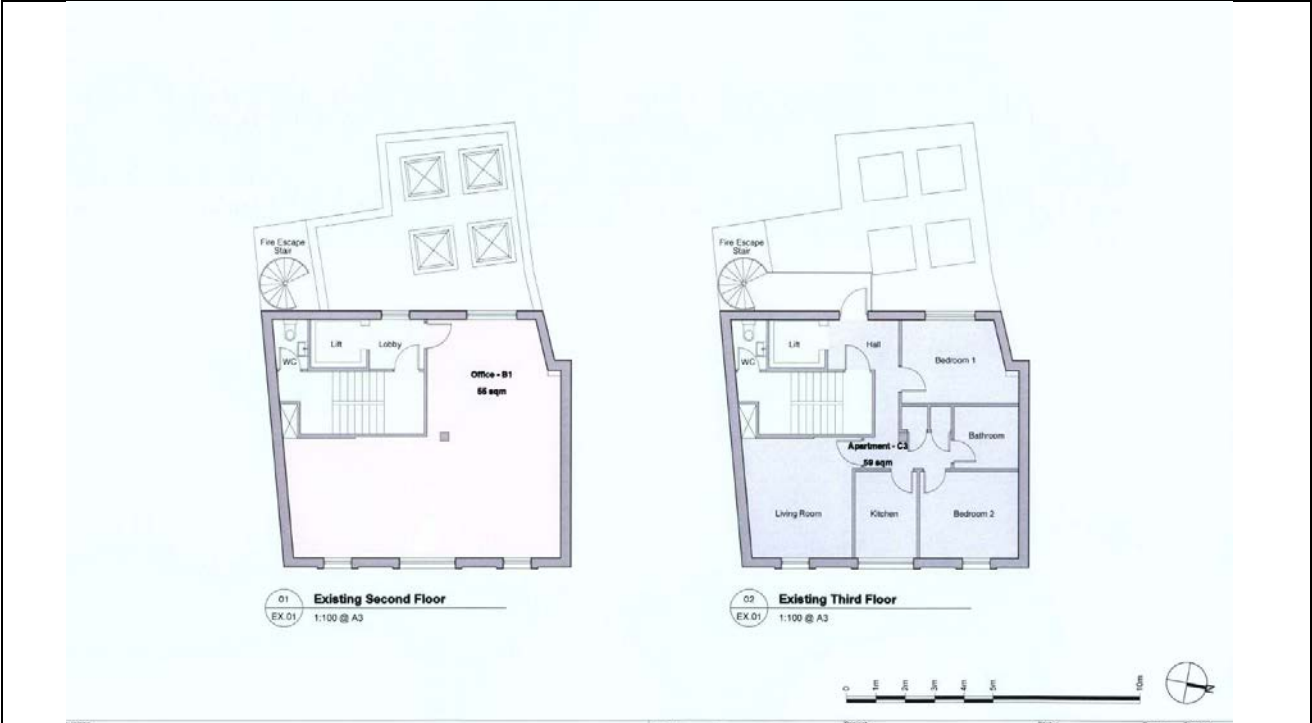
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JULIA ASGHAR ON 02076412518 OR BY EMAIL AT jasghar@westminster.gov.uk

10. KEY DRAWINGS



Existing and Proposed Ground and First Floor Plans

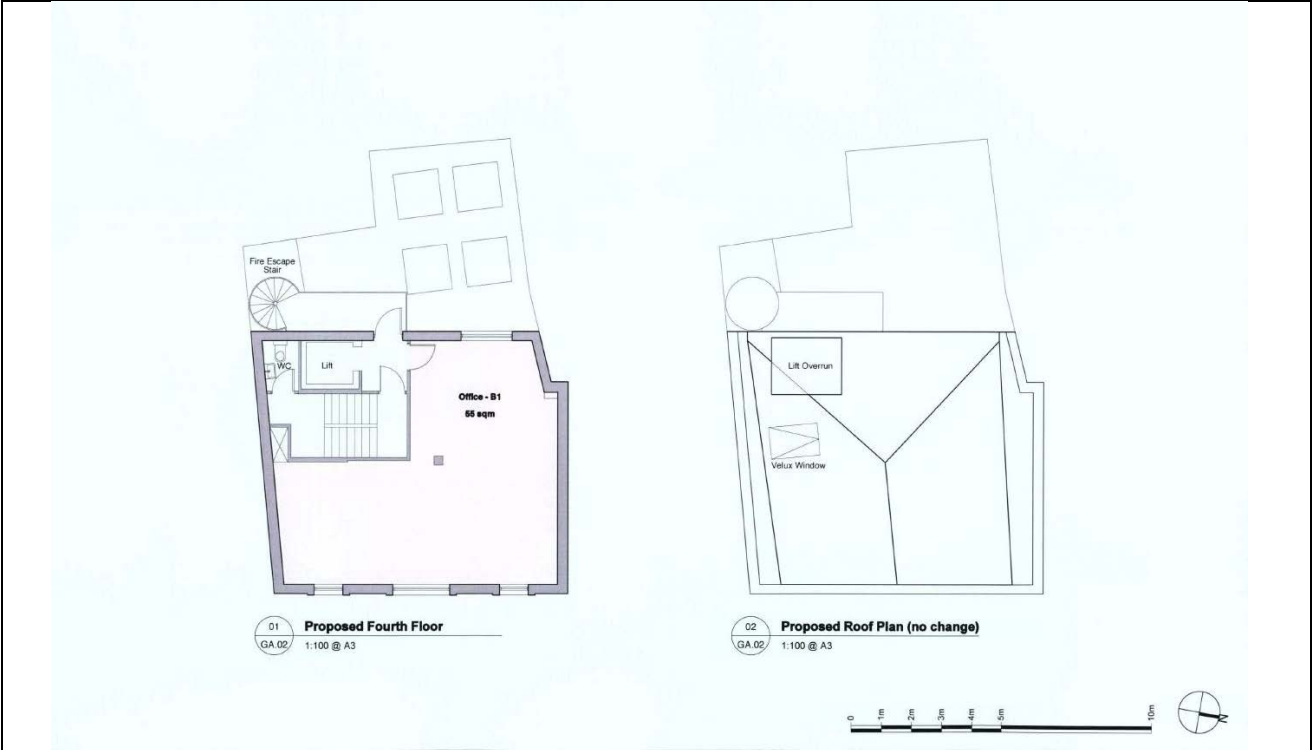


Existing and Proposed Second and Third Floor Plans



Twenty First Architecture Ltd, 314 Goswell Road, London, EC1V 7AF Tel: +44(0)20 7952 0252 www.21starchitecture.com	Project	5-6 St Matthew Street	Status	Planning	Drawn	Checked
	Drawing Title	Existing Second & Third Floor Plan	Scale	1:100 @ A3	NU	PK
	Dwg. No.	239_EX_01	Date	APR 2016		
			Revision			

Twenty First Architecture Ltd, 314 Goswell Road, London, EC1V 7AF Tel: +44(0)20 7952 0252 www.21starchitecture.com	Project	5-6 St Matthew Street	Status	Planning	Drawn	Checked
	Drawing Title	Proposed Second & Third Floor Plan	Scale	1:100 @ A3	NU	PK
	Dwg. No.	239_GA_01	Date	APR 2016		
			Revision			



01 Proposed Fourth Floor
GA 02 1:100 @ A3

02 Proposed Roof Plan (no change)
GA 02 1:100 @ A3



visions



Twenty First Architecture Ltd,
314 Goswell Road,
London,
EC1V 7AF
Tel: +44(0)20 7953 0252
www.21starchitecture.com

Project	5-6 St Matthew Street	Status	Planning	Drawn	NU	Checked	PK
Drawing Title	Proposed Fourth Floor & Roof Plan	Scale	1:100 @ A3	Date	APR 2016	Revision	-
Dwg. No.	239_GA_02						

Existing and Proposed Fourth Floor and Roof Plan



01 Existing Fourth Floor
EX 02 1:100 @ A3

02 Existing Roof Plan
EX 02 1:100 @ A3

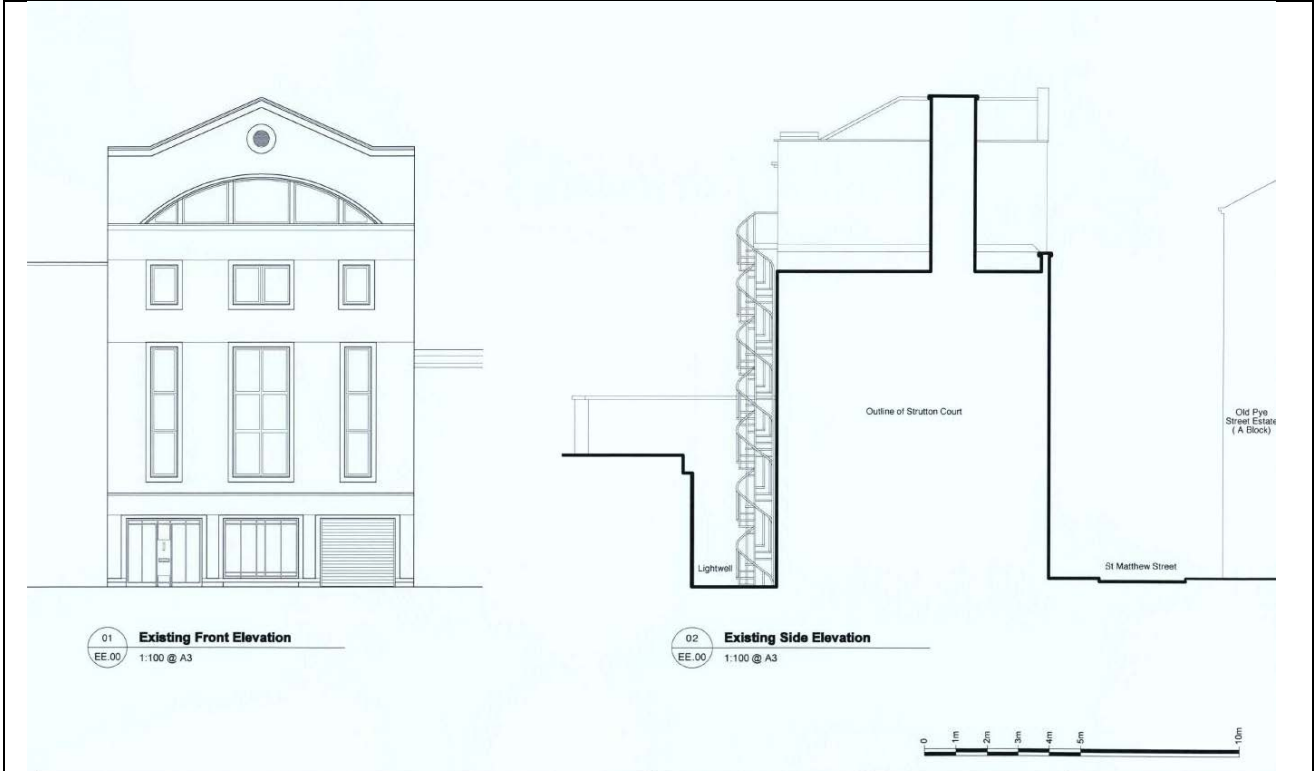


visions



Twenty First Architecture Ltd,
314 Goswell Road,
London,
EC1V 7AF
Tel: +44(0)20 7953 0252
www.21starchitecture.com

Project	5-6 St Matthew Street	Status	Planning	Drawn	NU	Checked	PK
Drawing Title	Existing Fourth Floor & Roof Plan	Scale	1:100 @ A3	Date	APR 2016	Revision	-
Dwg. No.	239_EX_02						



01 Existing Front Elevation
EE.00 1:100 @ A3

02 Existing Side Elevation
EE.00 1:100 @ A3

Revisions

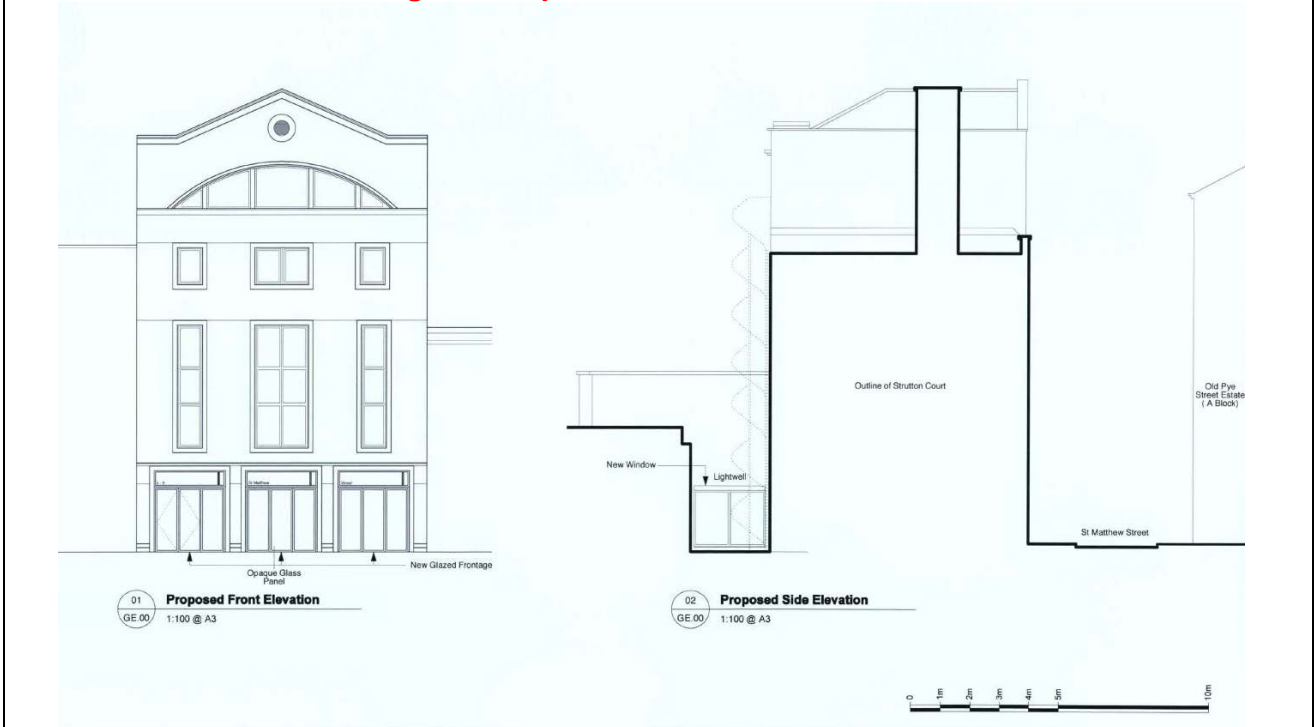


Twenty First Architecture Ltd.
314 Goswell Road,
London,
EC1V 7AF
Tel: +44(0)20 7962 0252
www.21starchitecture.com

Project: 5-6 St Matthew Street
Drawing Title: Existing Front & Side Elevation

Status: Planning	Drawn: NU	Checked: PK
Scale: 1:100 @ A3	Date: APR 2016	Revision: -
239_EE_00		

Existing and Proposed Front and side Elevations



01 Proposed Front Elevation
GE.00 1:100 @ A3

02 Proposed Side Elevation
GE.00 1:100 @ A3

Revisions



Twenty First Architecture Ltd.
314 Goswell Road,
London,
EC1V 7AF
Tel: +44(0)20 7962 0252
www.21starchitecture.com

Project: 5-6 St Matthew Street
Drawing Title: Proposed Front & Side Elevation

Status: Planning	Drawn: NU	Checked: PK
Scale: 1:100 @ A3	Date: APR 2016	Revision: -
239_GE_00		

Item No.
7

DRAFT DECISION LETTER

Address: 5 - 6 St Matthew Street, London, SW1P 2JT,

Proposal: Use of ground floor garage and third and fourth floors as offices (Class B1).
Alterations to St Matthew Street ground floor frontage and one additional window to rear lightwell.

Reference: 16/03535/FULL

Plan Nos: 239 EE 00, EX 00, EX 01, EX 02, GA 00, GA 01, GE 00, S 00, GA 02, GE 01.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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

Your development would lead to a reduction in the number of residential units which would not meet S14 of Westminster's City Plan: Strategic Policies adopted November 2013 which seeks to optimise housing delivery and protect all residential uses.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2 We know that the work for which we have refused permission has already started. We may take legal action to stop this. (I24AA)

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

Item No.
7

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