



City of Westminster

Committee Agenda

Title:

Planning Applications Committee (3)

Meeting Date:

Tuesday 12th July, 2016

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Tony Devenish (Chairman)
Barbara Grahame
Louise Hyams
Robert Rigby



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

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a disability and require any special assistance please
contact the Committee Officer (details listed below) in
advance of the meeting.**



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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. | 34 WEYMOUTH MEWS, LONDON, W1G 7EE | (Pages 3 - 30) |
| 2. | 1 VINCENT SQUARE, LONDON, SW1P 2PN | (Pages 31 - 48) |
| 3. | 23 HAMILTON TERRACE, LONDON, NW8 9RE | (Pages 49 - 76) |
| 4. | 8 CONNAUGHT SQUARE, LONDON, W2 2HG | (Pages 77 - 120) |
| 5. | 8 BRIDSTOW PLACE, LONDON, W2 5AE | (Pages 121 - 142) |
| 6. | 4 MILL STREET, LONDON, W1S 2AX | (Pages 143 - 152) |
| 7. | 27 SOHO SQUARE, LONDON, W1D 3QR | (Pages 153 - 172) |
| 8. | 170 RANDOLPH AVENUE, LONDON, W9 1PE | (Pages 173 - 188) |

9. 12 MAIDEN LANE, LONDON, WC2E 7NA

**(Pages 189 -
200)**

**Charlie Parker
Chief Executive
4 July 2016**

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Agenda Item

CITY OF WESTMINSTER PLANNING APPLICATIONS COMMITTEE – 12th July 2016 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	
1.	RN NO(s) : 15/12029/FULL 15/12030/LBC Marylebone High Street	34 Weymouth Mews London W1G 7EE	Demolition of mews building behind retained front facade and demolition of rear extension to 63 New Cavendish Street. Construction of a building comprising of basement and three upper storeys to provide up to 5 residential dwellings (Class C3) and a single integral garage accessed from Weymouth Mews.	
	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.			
Item No	References	Site Address	Proposal	Applicant
2.	RN NO(s) : 15/06951/FULL Vincent Square	1 Vincent Square London SW1P 2PN	Use of the building to provide 27 residential dwellings. Alterations at basement level to provide five car parking spaces, alterations to the rooftop plant areas and elevations at fifth floor level. (Addendum Report)	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
3.	RN NO(s) : 15/10238/FULL 15/10239/LBC Regent's Park	23 Hamilton Terrace London NW8 9RE	Excavation of new basement (part 2, part 1 storey) beneath rear garden, demolition of existing rear lower ground floor conservatory and erection of rear lower ground floor extension. Erection of ground floor side/rear extension and external spiral staircase. Installation of ventilation plant. Internal alterations.	
	Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 14/11257/FULL 14/11258/LBC Hyde Park	8 Connaught Square London W2 2HG	Excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.	
	Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Applicant
5.	RN NO(s) : 16/01608/FULL Bayswater	8 Bridstow Place London W2 5AE	Excavation of single storey basement with partial demolition of side extension to provide lightwell and alterations to fenestration in side elevation.	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE – 12th July 2016
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
6.	RN NO(s) : 15/11399/FULL	4 Mill Street London W1S 2AX	Use of second floor as a hostess bar including striptease (sui generis use) in connection with the existing use at first floor.	
	West End			
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
7.	RN NO(s) : 16/05208/FULL	27 Soho Square London W1D 3QR	Variation of Condition 29 of planning permission dated 19 April 2016 (RN: 15/08151/FULL) for demolition of existing facades and existing fourth, fifth and sixth floor levels, erection of new facades on Greek Street, Soho Square and Bateman Buildings and replacement of fourth, fifth, sixth floors, and new seventh floor level, in connection with the use of part basement, part ground and first to seventh floor levels as 21 residential units. Triple alternative use of part basement and part ground floor level as retail (Class A1) and/or financial and professional service (Class A2) and/or restaurant/cafe (Class A3) with associated shopfront alterations to all facades at ground floor level. Creation of terraces at fifth and sixth floor level, Juliette balconies to all facades and a plant area at roof level. NAMELY, to omit the requirement to provide yellow stock brick work and include the submission of grey bricks.	
	West End			
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Applicant
8.	RN NO(s) : 15/10107/TCH	170 Randolph Avenue London W9 1PE	Use of two areas of the public highways measuring 2.04m x 0.77m and 4.0m x 0.77m for the placing of three tables, six chairs and one waste bin in connection with adjacent coffee shop from 09:00 - 19:00 Monday to Saturday and 10:00 - 18:00 Sundays.	
	Maida Vale			
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
9.	RN NO(s) : 16/03861/ADFULL	12 Maiden Lane London WC2E 7NA	Details of a post commissioning noise survey pursuant to Condition 6, 7 and 8 of planning permission dated 22 January 2016 (RN: 15/09562/FULL) which granted the installation of external plant and equipment within existing enclosure at main roof level and retention of extract ducts from second floor level to roof level terminating within the enclosure.	
	St James's			
	Recommendation Approve details.			

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	34 Weymouth Mews, London, W1G 7EE,		
Proposal	Demolition of existing mews building behind retained front facade, and demolition of rear extension to 63 New Cavendish Street. Construction of a building comprising of basement and three upper storeys to provide up to 5 residential dwellings (Class C3) and a single integral garage accessed from Weymouth Mews.		
Agent	Howard de Walden Estate Ltd		
On behalf of	Howard de Walden Estate Ltd		
Registered Number	15/12029/FULL 15/ /12030/LBC	Date amended/ completed	12 May 2016
Date Application Received	23 December 2015		
Historic Building Grade			
Conservation Area	Harley Street		

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 application involves a two-storey mews building which is linked internally to 63 New Cavendish Street (Asia House) at the rear. The premises comprise a self-contained flat at first floor level and store rooms and garage associated with Asia House at ground floor level. The site also includes a modern two-storey rear extension to 63 New Cavendish Street which is currently in use by Asia House as an occasional gallery space at first floor level and as storage at ground floor level. Permission is sought for the demolition of the existing buildings and structures, behind the retained Weymouth Street front façade, the excavation of a new basement floor and for the erection of a new part three and four storey building comprising 5 flats with a single integral garage fronting Weymouth Mews.

The key issues for consideration are:

* The loss of cultural institutional floorspace

- * The impact of the proposals upon the amenities of neighbouring residents.
- * The impact of the works upon both the special interest of the listed building and the character and appearance of the conservation area.

The proposals are considered acceptable in land use, amenity, design, conservation and listed building terms and comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Original Application

HISTORIC ENGLAND

Demolition of 34 Weymouth Mews causes harm to the significance and setting of the Grade II* 63 New Cavendish Street and to the character of the conservation area. If the Weymouth Mews façade is retained this would provide a degree of mitigation to the harm caused.

MARYLEBONE ASSOCIATION

No response to date

HIGHWAYS PLANNING

Recommends refusal on the grounds of insufficient car parking.

CLEANSING

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 35

Total No. of objections: 5; No. in support: 0

Design

- * Full width dormers are not in keeping with the roofscape

Amenity

- * Loss of light and privacy
- * Overlooking
- * Windows/doors which access the second floor flat roof should be smaller, fixed and obscure glazed
- * Overdevelopment
- * The second floor flat roof is meant to be inaccessible for residents, but they are likely to use it as large windows/doors provide access onto it

Highways/Parking

- * Increase in traffic
- * Construction activity will block access to garage opposite
- * Weymouth Mews is not able to cope with the lorries, rubbish, heavy digging equipment and road closures

Other Issues

- * Loss of views
- * No information provided regarding removal of spoils
- * Hours of work are too long and work on Saturdays should not be allowed

* Permissions have been granted for the redevelopment of 4, 43 and 47 Weymouth Mews and with all these taking place concurrently this will result in noise, disturbance, disruption and pollution

Revised Application

HISTORIC ENGLAND

Any response to be reported verbally.

BUILDING CONTROL

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of objections: 5; No. in support: 0

New / additional comments:

Amenity

*Noise is already amplified in this part of the Mews due to the courtyard nature of the buildings

*Access to the green-roof should be for maintenance only

*The use of the L-shaped terrace to unit 4 at first floor would result in noise, smoke, fumes and disturbance

Design

*The large windows to unit 5 in the roof space are not in keeping with the windows of the neighbouring property to the west

Other

*The proposals at the rear would be adjacent to the wall of neighbouring mews houses and would result in access/security issues

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application involves a two-storey mews building which is linked internally to 63 New Cavendish Street (Asia House) at the rear. The premises comprise a self-contained flat at first floor level and store rooms and garage associated with Asia House at ground floor level. The site also includes a modern two-storey rear extension to 63 New Cavendish Street which is currently in use by Asia House as an occasional gallery space at first floor level and as storage at ground floor level.

There is currently a glazed link which joins the gallery space with the ground floor of the 63 New Cavendish Street. This also forms part of the application site as it is proposed to be removed as part of the application. The main building at 63 New Cavendish Street is

excluded from the application site, and will continue to be used and occupied as a cultural institution by Asia House.

The site lies outside the Core CAZ within the Harley Street Conservation Area. 63 New Cavendish Street is listed Grade II*

6.2 Recent Relevant History

In February 2003 permission was granted for the use of 63 New Cavendish Street as a cultural institution (sui generis use).

In June 2003 planning permission was granted on appeal for the demolition of 34 Weymouth Mews, the modern extension located between the main and mews buildings, and an existing extension to the rear of 63 New Cavendish Street; erection of a new mews building, extensions to the rear of 63 New Cavendish Street and an extension between the main and mews buildings comprising a sub-basement, basement, ground and first floors; new roof plant; and use as a cultural institution with a 170 seat auditorium, an art gallery, a café, meeting and dining rooms, offices etc. and a two bedroom residential flat with a garage fronting Weymouth Mews. (Listed building consent for these works was granted in March 2001).

7. THE PROPOSAL

Permission is sought for the demolition of the existing buildings and structures, behind the retained Weymouth Street front façade, the excavation of a new basement floor and for the erection of a new part three and four storey building comprising 5 flats with a single integral garage fronting Weymouth Mews.

An escape route from the basement of Asia House is retained via a centrally located courtyard garden.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of cultural institutional use

The existing use of the application site (apart from the existing residential flat) is mostly storage space and gallery space used in connection with the use of the main building on 63 New Cavendish Street as the headquarters of Asia House, a cultural institution promoting the appreciation and understanding of Asian countries and their arts, religions and economies. The main building of 63 New Cavendish Street lies within the Portland Place Special Policy Area where such institutional uses are protected, however, the application site lies outside of the Special Policy Area.

Policy COM 6 of the UDP states that proposals involving the development of premises containing an institutional use will only be granted planning permission outside the Central Activities Zone and the Portland Place Special Policy Area where the proposal is for housing. The application for residential use therefore complies with this policy.

As the proposal also involves the loss of a gallery space, the Council's policies for Tourism, Arts and Culture also need to be applied. Policy TACE 5 of the UDP states that planning permission will not be granted for a change of use from an arts or cultural use and Policy S22 of the City Plan states that existing tourist attractions and arts and cultural uses will be protected. Whilst the proposed residential development of this space would be strictly contrary to these policies, Asia House argue that the loss of this space will have no impact on their core operation. They have confirmed that they do not use this space for their own events, and that it is used only as a functional space for third-party venue hire. They also submit that it is of limited appeal, sits vacant for long periods of time, is difficult to heat in the winter and cool in the warmer months, and is in need of significant refurbishment and repair. In these circumstances it is not considered that the loss of this space would adversely affect the cultural offer that Asia House currently provides.

Residential use

Five residential units are proposed involving an increase of residential floorspace of 608m² (GIA) and providing two 3-bedroom flats (40%) and three 1-bedroom flats in compliance with UDP Policy H5. The proposed units are considered to be acceptable in terms of their size and layout, and all of the new flats would provide dual aspect accommodation with good internal light levels. They would all meet or exceed the requirements as set out in the Mayor of London's Housing Standards Policy Transitional Statement and the Draft Interim Housing SPG.

The lower ground floor apartment will have access to a courtyard garden, the first floor flat is served by a private terrace and the remaining flats have access to small balconies in accordance with Policy H10 of the UDP.

As the scheme would not result in an increase of residential floorspace exceeding 1000m² or in excess of 10 additional residential units there is no requirement for an affordable housing provision as set out in Policy S16 of the City Plan.

8.2 Townscape and Design

The building is within the curtilage of the Grade II star listed 63 New Cavendish Street. However, it is a later mews building, circa 1900, not contemporary with the late eighteenth century house. It is considered that the existing mews building makes a positive contribution to the character and appearance of the Harley Street Conservation Area. The demolition of the modern building in between the mews and the main building is uncontentious. Planning permission and listed building consent were granted for total redevelopment in 2000 but this was part of a bigger scheme for the use of 63 New Cavendish Street by Asia House, who implemented the scheme for No. 63 but did not carry out the development at the rear in Weymouth Mews.

Following initial objections from Historic England the scheme has been revised to retain the front façade. The rest of the building is demolished and replaced with a modern building at the rear, with a traditional mansard above the retained façade. The retention of the front facade is welcomed.

At the rear the building is faced in brick, with a bronze clad roof storey, with large windows. This is a contemporary design approach, which contrasts with the front facade, but this is considered acceptable. It is a high quality design, and despite the concerns raised, will sit comfortably within the mews, albeit only visible from the rear of adjacent properties, to the south.

8.3 Residential Amenity

Sunlight and Daylight

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent, bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited, and would be reduced by more than 20% as a result of a development, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

There are residential properties adjoining and opposite the site on Weymouth Mews and a number of objections have been received on the grounds of loss of light. All adjoining residential properties have been assessed within the applicant's daylight and sunlight study and the report shows that only one window would experience a loss greater than 20% in VSC. This is a first floor bedroom window to residential accommodation above the Dover Castle pub and would experience a 22% loss of VSC (from 19.1% to 14.9%). None of the other habitable windows within this property would be adversely affected and it is not considered that this loss would be so harmful to warrant refusal.

The report shows that there would be no material losses of sunlight to any of the surrounding residential properties.

Overlooking

Objections have been raised on the grounds that, the three new windows at second floor level within the re-built roof storey would result in overlooking. These windows would be in close proximity to windows within 41 and 42 Weymouth Mews, which lie adjacent to the site, and to windows within 38 Weymouth Mews opposite the site. Any overlooking into 41 and 42 would however be from an oblique angle and therefore any overlooking would be relatively restricted.

Whilst there would be overlooking of windows opposite in 38 Weymouth Mews, these are some 10m on the opposite side of the Mews. One of the new windows serves a bedroom, one a bathroom and one is the secondary window to a dual-aspect living/dining room. In these circumstances, it is not considered that any overlooking would be so harmful to warrant refusal.

A terrace is proposed at first floor and balconies at ground and second floor level within the extension at the rear. The balcony at second floor would be less than a 1m in depth and the first floor terrace is some 9m from the rear of 33 Weymouth Mews and partially obscured by the plant room to the rear of 61 New Cavendish Street. An objection has been received on the grounds that the first floor terrace wraps round the rear of the building and would be directly adjacent to the rear of No's 44-47 Weymouth Mews. It is considered that this concern could be addressed by an amending condition restricting this area for planting/maintenance purposes, and with this in place, it is not considered that the terraces would result in either an increase in overlooking or noise.

To address concerns raised regarding the second floor roof, the plans have been amended to introduce obscure glazed door onto this area. A condition is in place restricting this for use as a terrace.

Sense of Enclosure

The proposals involve a 1.1m increase in height to the mews building and an additional floor at the rear. The rear extension would be the same height as the existing boundary wall with No's 44-47 Weymouth Mews. It is not considered that there will be an increase sense of enclosure as a result of the proposals.

Noise

Objections have been received on the grounds that the proposal, together with the recent permission for two flats in 43 Weymouth Mews would result in extra activity in the mews, including noise, traffic and general disturbance. The proposal will result in a net uplift of four new residential units, and with the permission granted for the two new flats at 43 Weymouth Mews, it is recognised that activity in the mews would be intensified. However, given the Council's priority for optimising housing delivery, and in this central London location, it is not considered that the application could reasonably be refused on this basis.

8.4 Transportation/Parking

Car parking

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. Within a 200m radius of the site, parking occupancy during the day is 90%. Overnight parking occupancy reduces to 82% when residents can park

in metered bays and on single yellow lines which further reduces the parking stress level to 28%. Stress levels are therefore exceeded. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for an additional four spaces (as one car parking space is proposed).

The Highways Planning Manager has objected to the scheme on the basis that daytime stress levels have been reached and that it would be inappropriate to allow further demand for on-street spaces. The proposal is therefore contrary to TRANS23 and would be likely to add to existing on-street parking stress overall.

The applicant proposes to provide each of the new flats with free car club membership for a minimum period of 25 years. This would be likely to reduce the likelihood of household car ownership in the proposed development and whilst it would not be sufficient to overcome the known potential problems of lack of off-street parking provision, this needs to be balanced against the land use aim to provide additional housing and meet housing targets. In these circumstances, and given the close proximity of this site to excellent public transport facilities, it is not considered that planning permission could be reasonably refused for this reason.

Cycle parking

The scheme will result in the provision of 6 off street cycle parking spaces. This exceeds the requirements of UDP Policy TRANS10 and complies with the Further Alterations to the London Plan (FALP).

Planters on the Highway

The Highways Planning Manager has objected to the installation of planters on the highway. However, these replace existing planters.

8.5 Economic Considerations

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

8.6 Access

Level access is provided to two of the units, however, the flat at lower ground level and the flats on the upper floors are reliant on stair access. The Lifetime Homes Standard has now been superseded by the Building Regulations and this issue will now be entirely dealt with by Building Control.

8.7 Other UDP/Westminster Policy Considerations

Revisions to City Plan

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 the subject of this report are outlined elsewhere in the report.

Refuse /Recycling

The provision for waste storage is to be provided within each dwelling. This will be secured by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Sustainability and Biodiversity

The applicant has undertaken a pre-Energy Performance Certificate Assessment in order to verify that the proposal satisfies the requirements of Section 5:2 of the London Plan, 'that all new dwellings should be at least 35% better than current Building Regulations. All flats are expected to meet an efficiency rating of level B.

8.12 Other Issues

Basement

As clarified in paragraph 8.7 of this report, the Council are now applying considerable weight to basement policy (CM28.1 in the Consolidated Draft Version of the City Plan issued in June 2016). The application has been assessed against this emerging policy.

To address the policy requirements, the applicant has provided a structural engineer's report 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.

Building Control have assessed the report provided and consider that, the proposed construction methodology 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 other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Construction impact

Access to the site by construction vehicles would be from Weymouth Mews and concerns have been raised on the grounds that demolition and construction activity would adversely impact on the residents of Weymouth Mews. However, it is not possible to refuse planning permission for this reason, and the City Council's only option in these circumstances is to seek to reduce the impact through mitigation measures prescribed in a Construction Management Plan (CMP). This can, however, only limit disruption and inconvenience and not eliminate it entirely. One of the objections received relates to the fact that the applicant's submitted Construction Management Plan (CMP) fails to identify a scheme for the disposal of spoils and hence a revised CMP is secured by condition. Conditions are also recommended restricting hours of construction, including reduced hours for basement construction, which to some extent address resident's concerns regarding hours of working.

Crime and security

An objection has been received on the grounds that the erection of the rear extension would mean that security to properties at the rear would be compromised. Whilst this issue is noted, as the development is entirely for private residential purposes, it is not considered that the application could be refused on these grounds.

9. BACKGROUND PAPERS

1. Application form
2. Letter from Asia House dated 9 May 2016
3. Letter from Historic England dated 3 February 2016
4. Memorandum from Highways Planning Manager dated 21 January 2016
5. Memorandum from Cleansing dated 22 January 2016
6. Memorandum from Building Control dated 23 June 2016
7. Letters from occupiers of 38 Weymouth Mews, London, dated 22 January and 8 June 2016.
8. Letter from occupier of 45 Weymouth Mews, London, dated 16 February 2016
9. Letter from occupier of 46 Weymouth Mews, London, dated 17 April 2016 and 6 June

2016

10. Letter from occupier of 44, Weymouth Mews, London, dated 2 February and 7 June 2016

11. Letter from occupier of 41 Weymouth Mews, London, dated 8 February and 4 June 2016

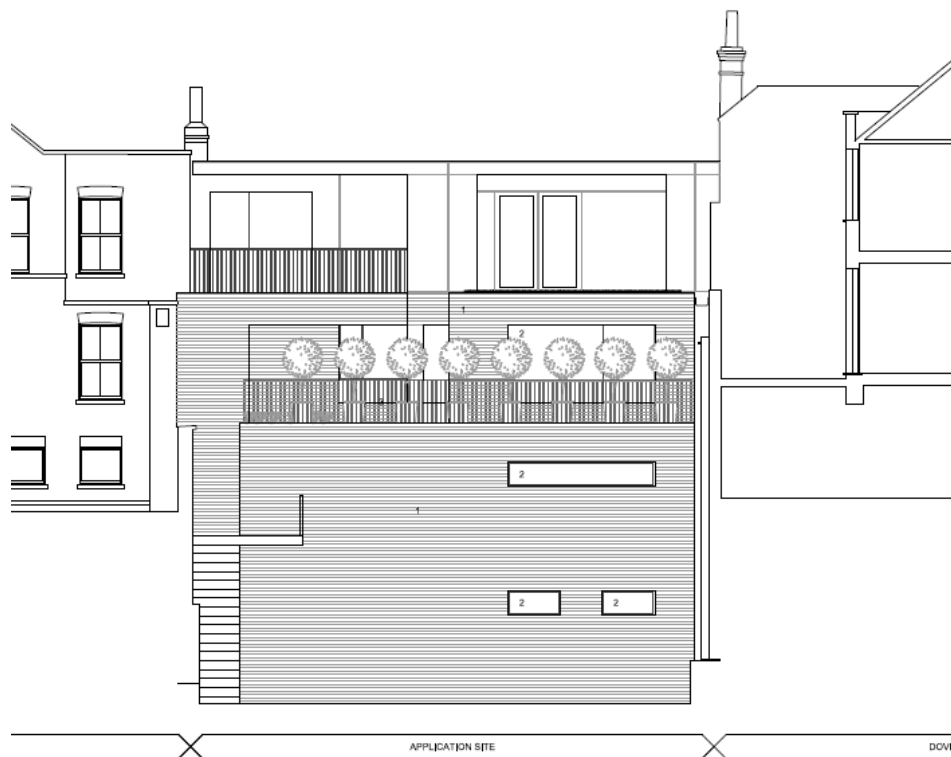
Selected relevant drawings

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

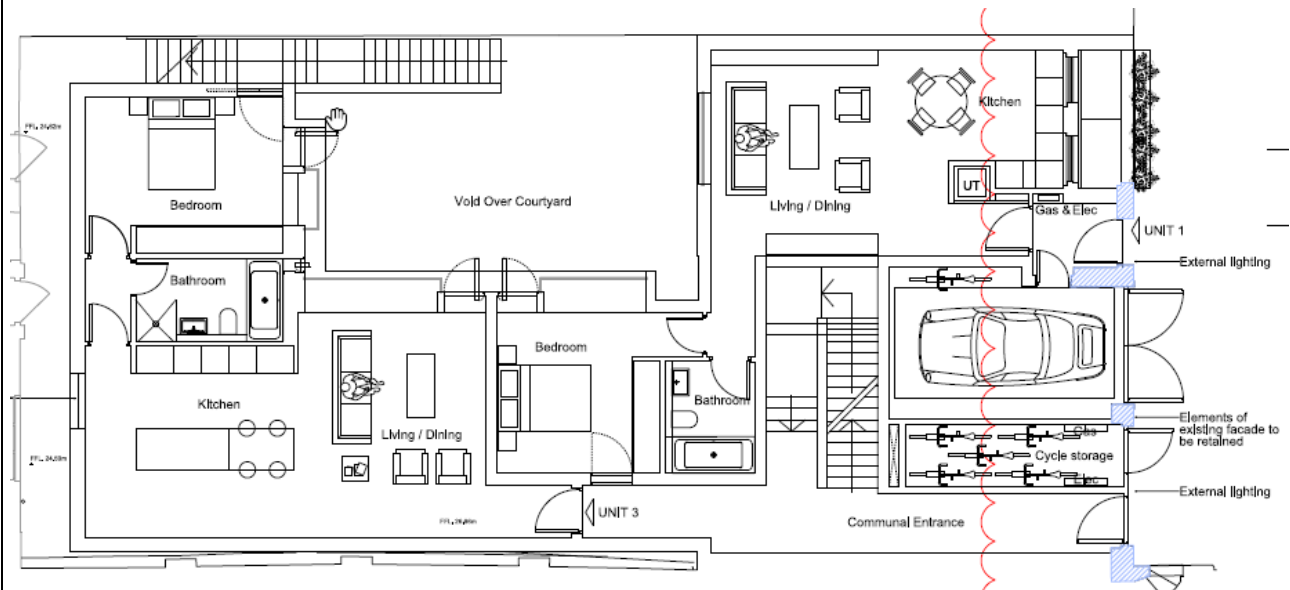
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MICHEAL WALTON ON
020 7641 2521 OR BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

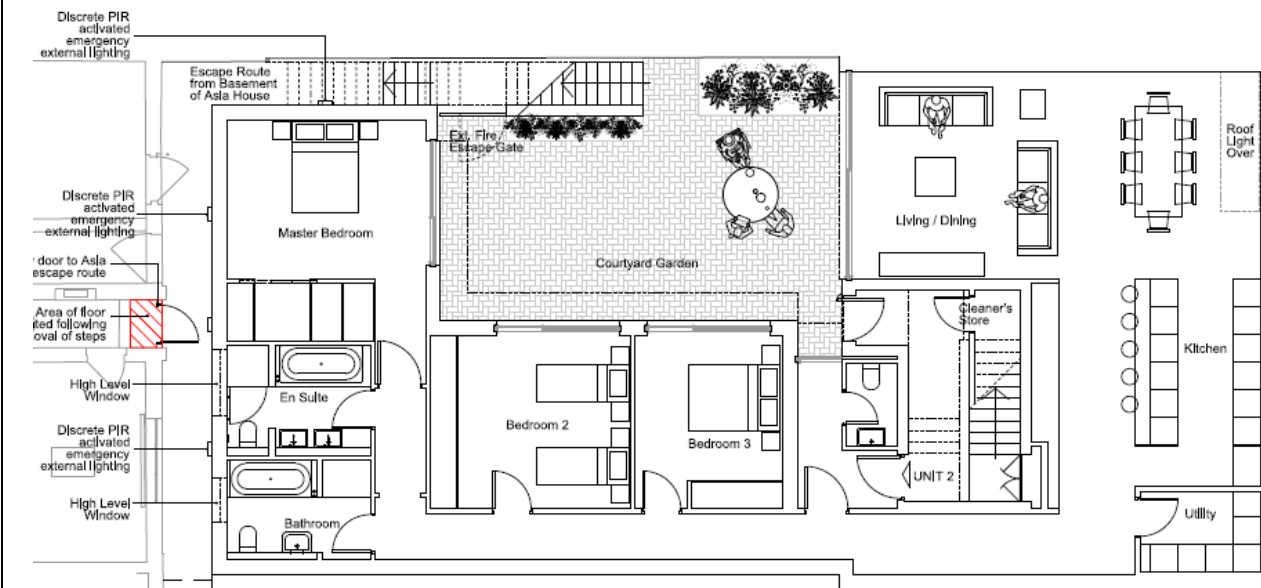


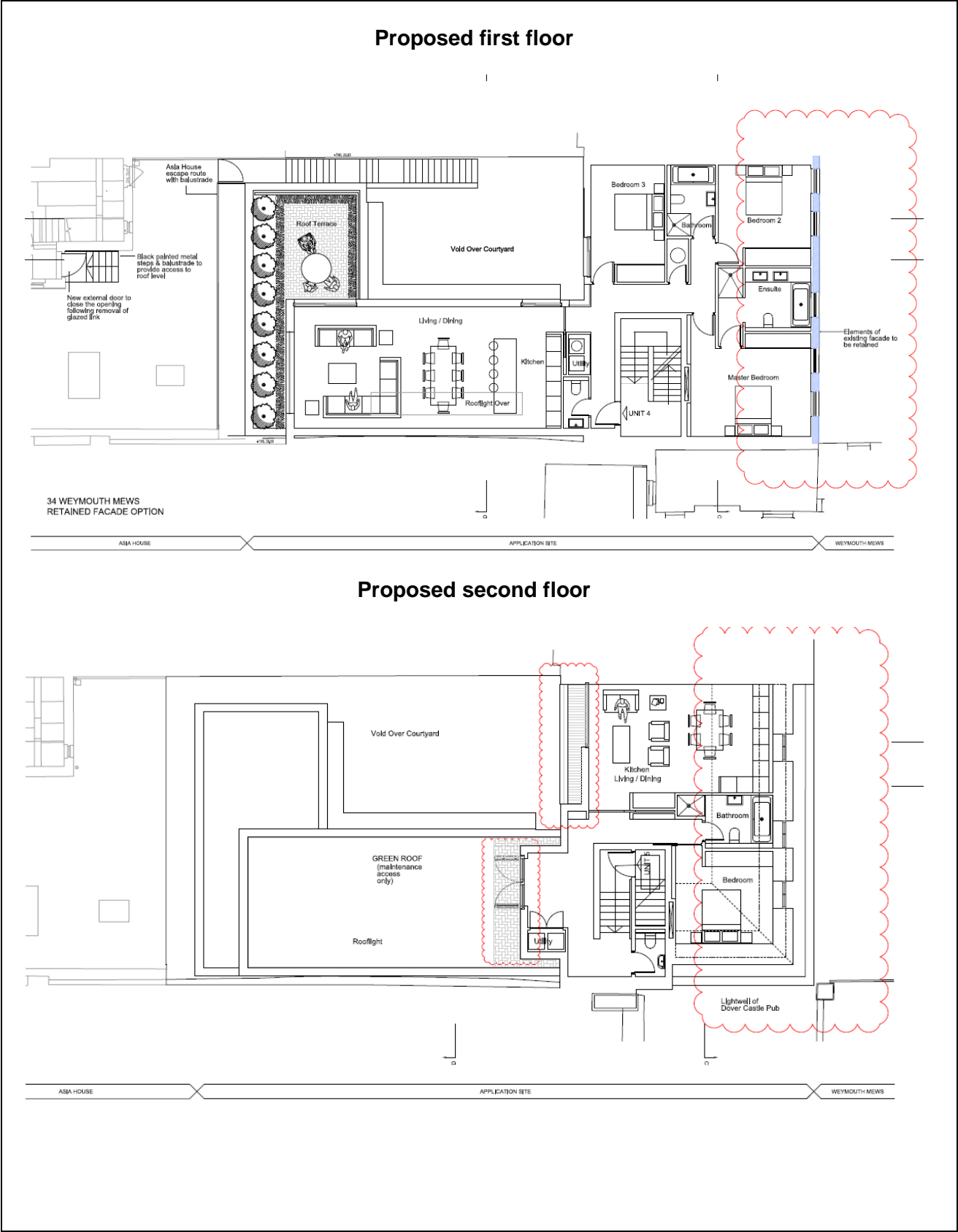
Existing rear elevation**Proposed rear elevation**

Proposed ground floor



Proposed lower ground floor





Proposed section B-B



DRAFT DECISION LETTER

Address: 34 Weymouth Mews, London, W1G 7EE,

Proposal: Demolition of existing mews building behind retained front facade, and demolition of rear extension to 63 New Cavendish Street. Construction of a building comprising of basement and three upper storeys to provide up to 5 residential dwellings (Class C3) and a single integral garage accessed from Weymouth Mews.

Reference: 15/12029/FULL

Plan Nos: 1512 (00)_110 Rev P01, 111 Rev P02, 112 Rev P02, 113 Rev P02, 114 Rev P01, 210 Rev P02, 310 Rev P02, 311 Rev P01, 312 Rev P02, 313 Rev P01, 315 Rev P01

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

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 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 Harley Street 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 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

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

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

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 You must provide each cycle parking space shown on the approved drawings prior to

occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 8 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 9 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

i) the green roof at second floor level

You must not remove any of these features. (C43FA)

Reason:

To reduce the effect the development has on 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. (R43AB)

- 10 The second floor flat roof marked 'green roof' must not be used for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

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)

- 11 Only the area marked 'roof terrace' at first floor level may be used as a roof terrace. The south facing planted edge to this terrace area must not be used for sitting out or for any other purpose. You can however use this part of the roof to escape in an emergency.

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)

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

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

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

Reason:

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

- 13 No residential unit forming part of the development shall be occupied until a car club scheme containing the following provisions has been submitted to and approved in writing by the local planning authority and thereafter the scheme shall be carried out in accordance with those details. Such a scheme shall contain the following:

a) Confirmation of approval of the particular car club which is to be a Carplus accredited club;

b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of:

- 1. the existence of the car club
- 2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee;
- 3. details of how to become a member of the car club; and
- 4. in the event that a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident [for a continuous period of [25] years]

b) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents.

c) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development.

- d) Confirmation that any advert or marketing in relation to the sale or re-let of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club.
- e) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club.
- (f) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

Reason:

To mitigate the demand for on street car parking in accordance with S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The 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.

- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 6 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.
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or

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

- 8 You are reminded of the need to obtain Technical Approval from the City Council's highways engineers before beginning excavation
- 9 The garage doors are very close to the public road. In making our decision to grant permission, we have taken into account the small size of the site and the need for good design. The garage doors may block the road when they are open, and you will need to be sure that you can open them safely without causing any danger to the public or breaking any other law before carrying out this part of the development.

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

DRAFT DECISION LETTER – 15/ 12030/LBC

Address: 34 Weymouth Mews, London, W1G 7EE,

Proposal: Demolition of mews building behind retained front facade and rear extension to 63 New Cavendish Street and erection of a building comprising of basement and three upper storeys to provide up to 5 residential dwellings (Class C3) and a single integral garage accessed from Weymouth Mews.

Plan Nos: 1512 (00)_110 Rev P01, 111 Rev P02, 112 Rev P02, 113 Rev P02, 114 Rev P01, 210 Rev P02, 310 Rev P02, 311 Rev P01, 312 Rev P02, 313 Rev P01, 315 Rev P01

Case Officer: Josephine Palmer Direct Tel. No. 020 7641 2723

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

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

Reason:

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

- 2 You must apply to us for approval of 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:

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

- 3 Pre Commencement Condition. You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 4 {\b 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 Harley Street 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)

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 paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 July 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	1 Vincent Square, London, SW1P 2PN,		
Proposal	Use of the building to provide 27 residential dwellings. Alterations at basement level to provide five car parking spaces, alterations to the rooftop plant areas and elevations at fifth floor level.		
Agent	Ms Katie Hale		
On behalf of	One Vincent Square Ltd		
Registered Number	15/06951/FULL	Date amended/ completed	27 August 2015
Date Application Received	30 July 2015		
Historic Building Grade	Unlisted		
Conservation Area	Vincent Square		

1. RECOMMENDATION

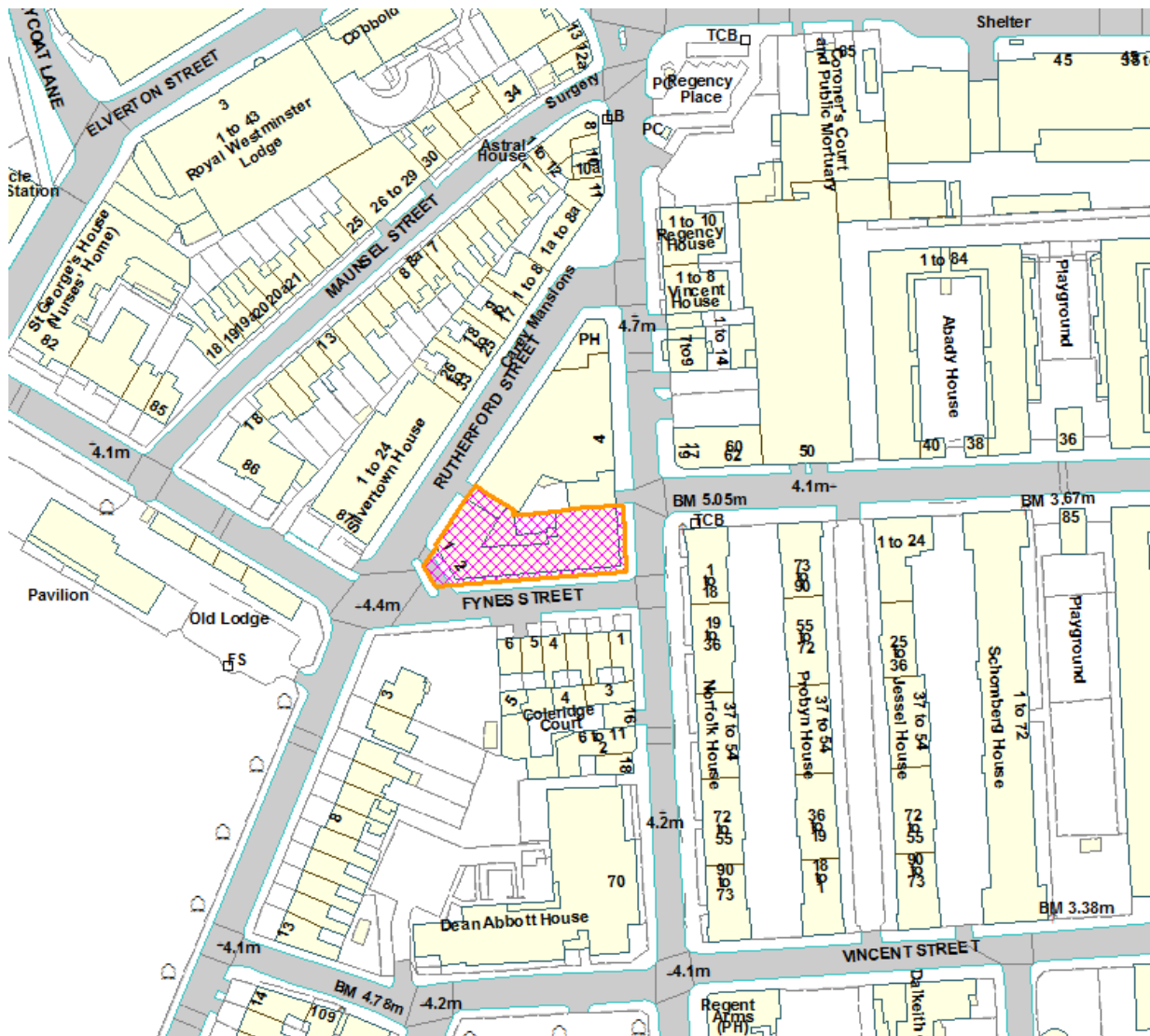
<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) A payment of £500,000 to the Council's affordable housing fund (index linked and payable on commencement of development) ii) All residents to be entitled to free membership of a car club scheme – the developer to undertake to pay annual access charge for 25 years from first occupation. iii) Unallocated car parking. iv) Monitoring payment. <p>2. If the S106 agreement has not been completed within 3 months of the date of the Planning Applications Committee resolution, then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however if not b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not provided possible to complete an agreement within an appropriate timescale and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
--

3. SUMMARY

The application was considered by Committee on 31 May 2016. A decision was deferred to allow the applicant to reconsider the sum they had offered towards the City Council's affordable housing fund, which at the time of Committee was £200,000.

The applicant has now offered £500,000 and the application is reported back to committee for determination.

4. LOCATION PLAN



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5. PHOTOGRAPHS

View from Vincent Square

Rutherford St Street elevation showing vehicular entrance



View from Regency Street showing corner of Regency St/Fynes Street

6. CONSULTATIONS

No further consultations.

7. BACKGROUND PAPERS

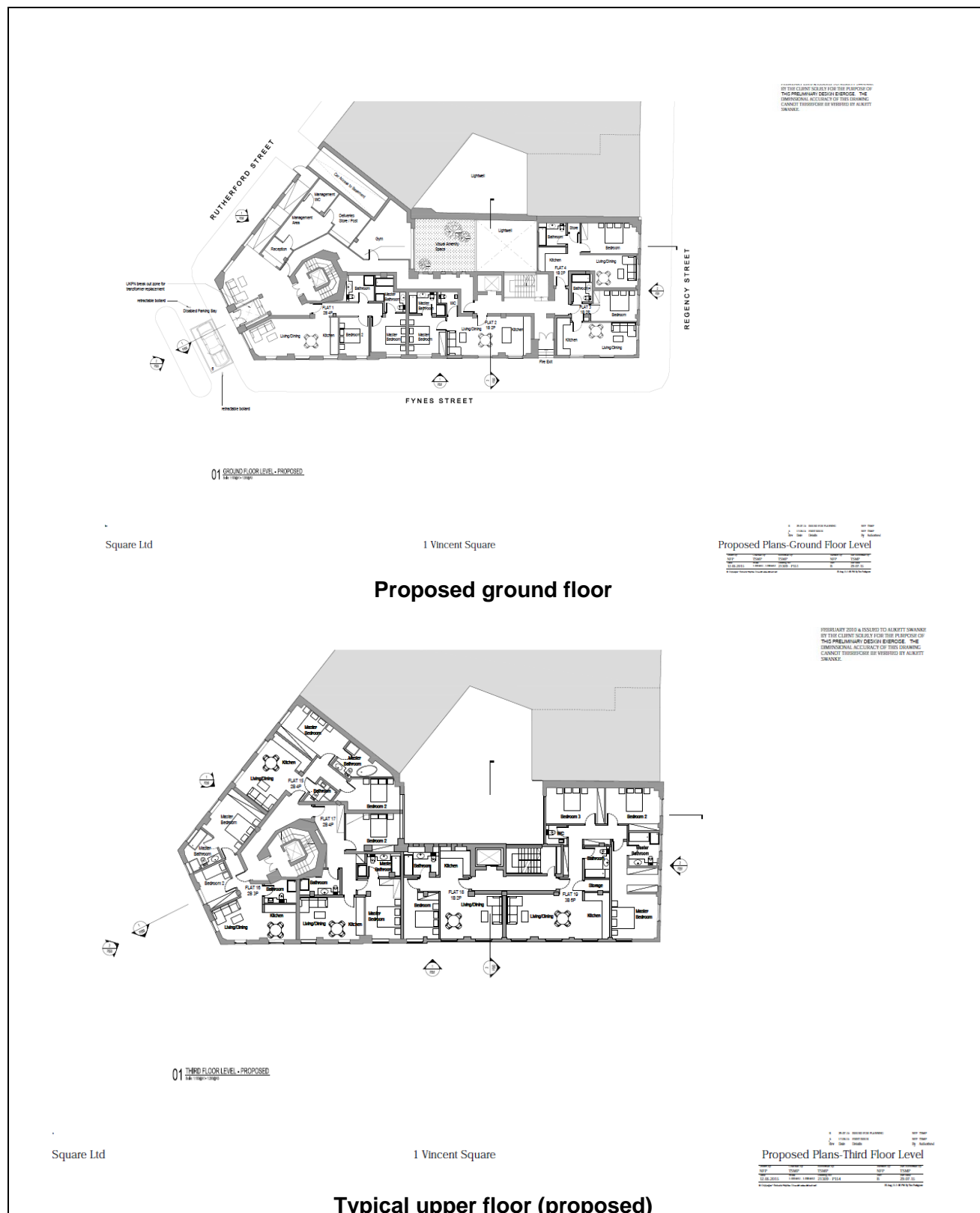
1. Report of the Director of Planning dated 31 May 2016.
2. Letters on behalf of the applicant dated 25 May and 29 June 2016.

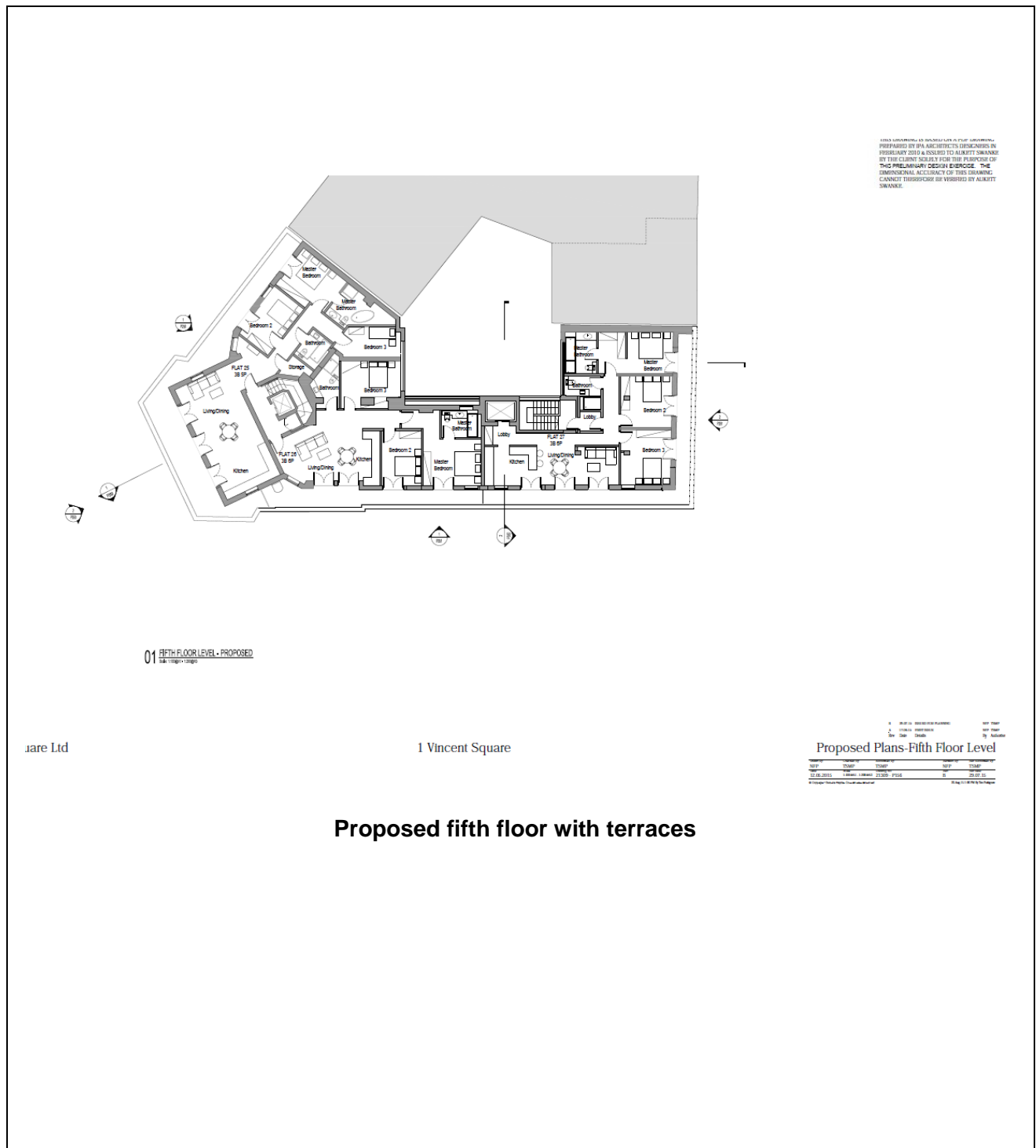
Selected relevant drawings

(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 AMANDA JACKSON ON 02076412934 OR BY EMAIL AT ajackson@westminster.gov.uk

8. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 1 Vincent Square, London, SW1P 2PN,

Proposal: Use of the building to provide 27 residential dwellings. Alterations at basement level to provide five car parking spaces, alterations to the rooftop plant areas and elevations at fifth floor level.

Plan Nos: 21309-P100B; P101B; P102B; P103B; P104B; P105B; P106B; P107A; P108A; P200B; P201B; P300B; P150B; P151B; P152B; P153B; P154B; P156B; P157A; P158A; P250B; P251B; P350B.
Transport Assessment (TTP August 2015); Flood Risk Assessment (Price and Myers August 2015); Planning Statement (Savills July 2015); Sustainability and Energy Report (MTT July 2015); daylight and sunlight report (Bilfinger GVA July 2015); Design and Access Statement (Aukett Swanke July 2015); Acoustic report (Hann Tucker July 2015 and revision dated 16 March 2016).

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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 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 Vincent Square 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 (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.

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

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

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

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

- 6 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.

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

Reason:

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

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 4 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 9 You must provide the waste store shown on drawing P150B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the

building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 You must provide each car parking space shown on the approved drawings prior to occupation, which for the avoidance of doubt includes the disabled parking bay, and each car parking space shall only be used for the parking of vehicles of people living in the development. Thereafter the parking spaces shall be maintained for the lifetime of the development.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 11 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 13 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

photovoltaic panels at roof level

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 14 You must apply to us for approval of detailed drawings of the following parts of the development - privacy screen between the 5th floor terrace and adjacent properties to Rutherford Street and Regency Street. You must not start any work on these parts of the development until we have approved what you have sent us.

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

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)

- 15 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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 Vincent Square 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)

- 16 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

17. Prior to occupation of the development hereby approved, full details of a traffic light/signal system for the car park entrance/exit shall be submitted to and approved by us. The signal system shall then operate in accordance with the approved details as long as the car park remains in place.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National

Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: 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 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 3 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 You are 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 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

6. This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:

- i) A payment of £500,000 to the Council's affordable housing fund (index linked and payable on commencement of development)
- ii) All residents to be entitled to free membership of a car club scheme - the developer to undertake to pay annual access charge for 25 years from first occupation.
- iii) Unallocated car parking.
- iv) Monitoring payment.

Item No.
2

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	23 Hamilton Terrace, London, NW8 9RE,		
Proposal	Excavation of new basement (part 2, part 1 storey) beneath rear garden, demolition of existing rear lower ground floor conservatory and erection of rear lower ground floor extension. Erection of ground floor side/rear extension and external spiral staircase. Installation of ventilation plant. Internal alterations.		
Agent	Mr James Hart		
On behalf of	Mr Ian Glick		
Registered Number	15/10238/FULL and 15/10239/LBC	Date amended/ completed	1 April 2016
Date Application Received	3 November 2015		
Historic Building Grade	Grade II		
Conservation Area	St John's Wood		

1. RECOMMENDATION

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

2. SUMMARY

The application site comprises a four storey (including lower ground floor) detached dwellinghouse located on the south western side of Hamilton Terrace. This building is Grade II listed and located within the St John's Wood Conservation Area.

Planning permission and listed building consent are sought for excavation of a part single storey, part two storey basement under the rear garden, including a ground level rooflight to the rear garden; demolition of an existing rear conservatory and replacement with single storey rear extension at lower ground floor level; a side extension at ground and first floor level with spiral staircase to the rear garden; and associated external alterations. Internal alterations, including the creation of wall

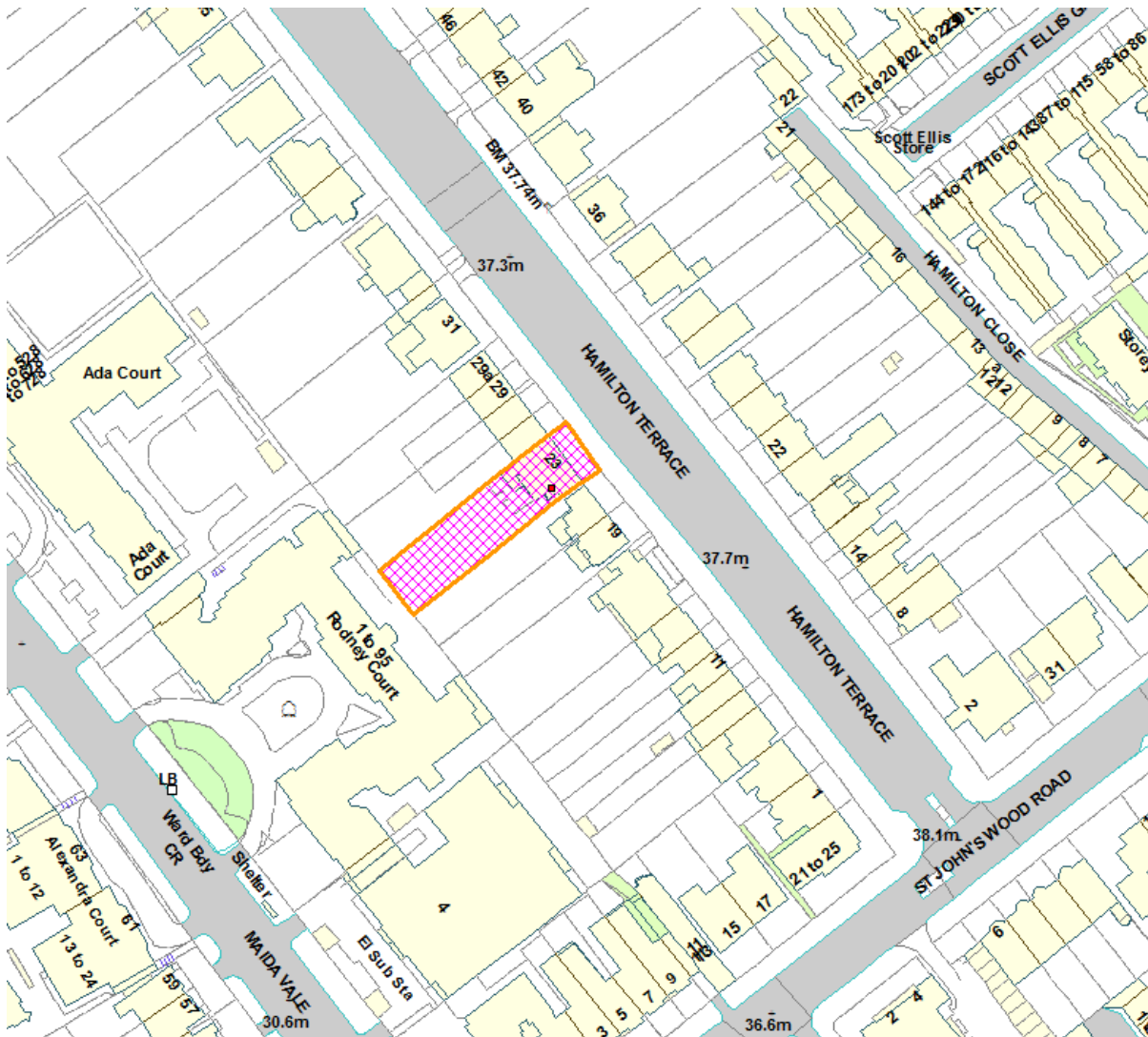
openings at lower ground floor are also proposed.

The key considerations are:

- Impact on the character and appearance of this building and the conservation area;
- Impact on the residential amenity of the occupants of neighbouring properties
- Impact on trees; and
- Impact of the basement excavation on the structural stability of this and neighbouring buildings.

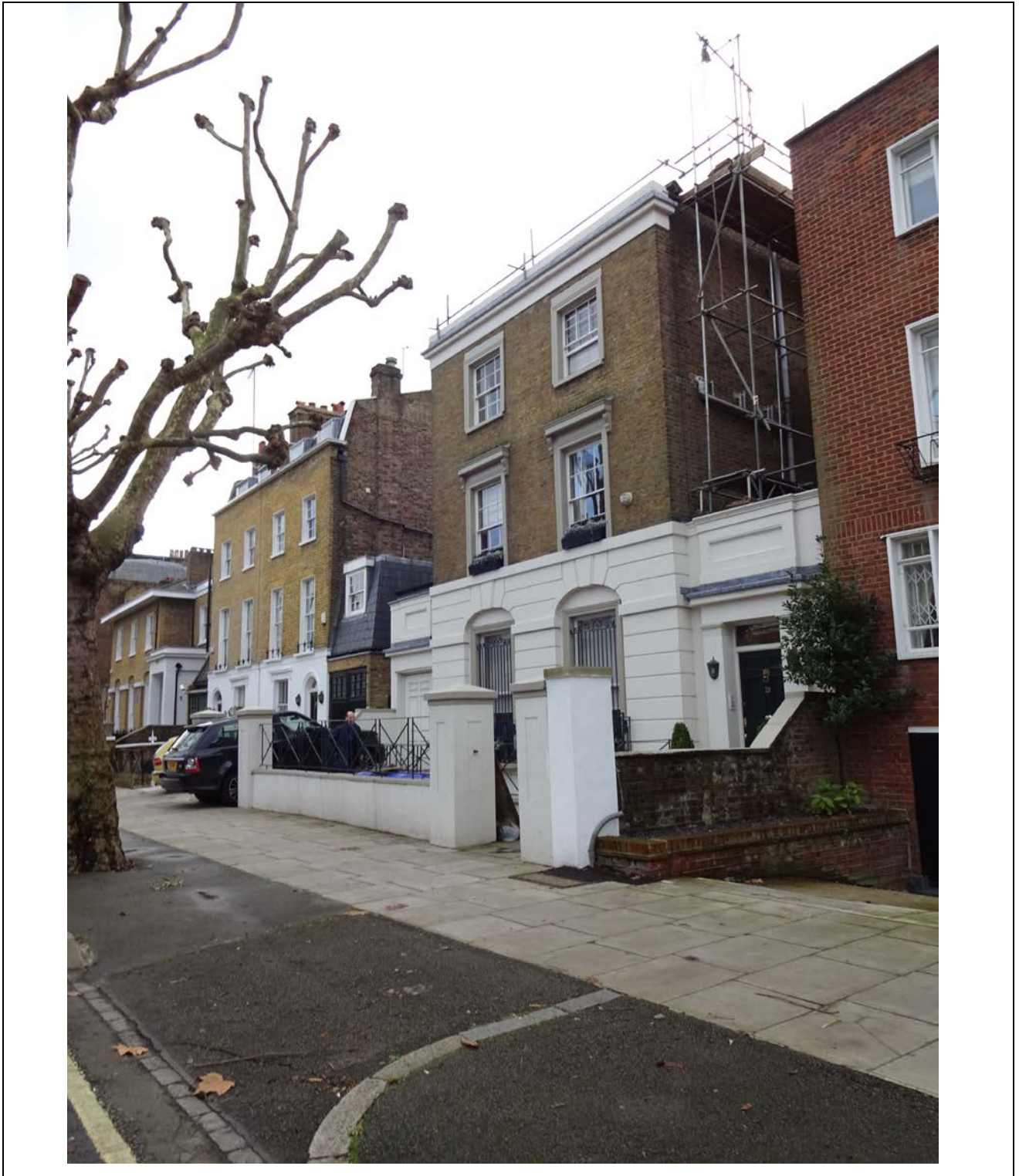
The proposed development would be consistent with relevant operative and emerging development plan policy in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ST JOHNS WOOD SOCIETY

No response received.

ARBORICULTURAL MANAGER

Development has been amended in accordance with their comments. No objection, subject to conditions.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions

BUILDING CONTROL

No response received. Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

Total No. of replies: 1

No. of objections: 1

No. in support: 0

In summary, the issues raised by the objector include the following:

- The proposed rear extension would block light to the rear of 21 Hamilton Terrace;
- The new soil beds may result in the planting of trees that block light to 21 Hamilton Terrace;
- Construction of the basement would result in the loss of two residential parking spaces for the duration of works (i.e. 62 weeks). Request that yellow line restriction in front of 19-21 Hamilton Terrace is removed to compensate;
- The proposed basement is too close to 21 Hamilton Terrace and may result in cracks, flooding and subsidence; and
- The extension of the side wing would result in significant loss of privacy.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a four storey (including lower ground floor) detached dwellinghouse located on the south western side of Hamilton Terrace. This building is Grade II listed and located within the St John's Wood Conservation Area.

6.2 Recent Relevant History

15/08071/FULL and 15/08072/LBC

Excavation of new basement (part 2, part 1 storey) beneath rear garden, demolition of existing rear lower ground floor conservatory and erection of rear lower ground floor extension. Erection of ground floor side/rear extension. Installation of ventilation plant. Internal alterations.

Planning permission and listed building consent were refused on 23 October 2015 for the following reasons:

1. Because of excessive size and inappropriate design, the rear ground level skylight would harm the special architectural and historic interest of this Grade 2 listed building and would fail to maintain or improve (preserve or enhance) the character and appearance of the St Johns Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9 and DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. It would also not meet guidance in our Basement Development in Westminster Supplementary Planning Document, that we adopted in October 2014.
2. Because of inappropriate detailed design and materials, the rear extension would harm the special architectural and historic interest of this grade 2 listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St Johns Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9 and DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
3. Because of inadequate topsoil provision, the proposed basement extension would not provide adequate opportunities for on-site greening and biodiversity enhancements and would fail to maintain or improve (preserve or enhance) the character and appearance of the St Johns Wood Conservation Area. This would not meet policies 5.10 and 7.19 of The London Plan (FALP - March 2015), policy S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and policies ENV 4, DES 1 and DES 9 of our Unitary Development Plan that we adopted in January 2007. It would also not meet guidance in our Basement Development in Westminster Supplementary Planning Document, that we adopted in October 2014.

7. THE PROPOSAL

Planning permission and listed building consent are sought for the following:

- Excavation of a part single storey, part two storey basement under the rear garden, including a ground level rooflight to the rear garden;
- Demolition of an existing rear conservatory and replacement with single storey rear extension at lower ground floor level;
- Side extension on south elevation at ground and first floor level with spiral staircase to rear garden;

- Fenestration alterations, including installation of doors at lower ground floor level on the existing north side extension and installation of a Juliet balcony on the ground floor rear elevation;
- Landscaping works, including construction of a terrace;
- Internal alterations, including the creation of wall openings at lower ground floor

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional residential floorspace would be consistent with policy H3 of the Unitary Development Plan (adopted 2007) ("the UDP") and policy S14 of Westminster's City Plan: Strategic Policies (adopted 2013) ("the City Plan"). Accordingly, the proposed development is supported in principle.

8.2 Townscape and Design

Basement Extension

The proposed basement would be located in the rear garden and not beneath the listed building. It would also be accessed via a staircase in the later extension. Accordingly, the hierarchy of spaces within the existing building would remain intact, which would be consistent with the Basement Development in Westminster Supplementary Planning Document (adopted 2014) ("Basement SPD").

The applicant has reduced the size of the ground level skylight previously refused and it would be located to the side of the rear extension proposed. Accordingly, it would be discreetly located, in accordance with the Basement SPD and this reason for refusing the previous applications has been overcome.

The extent of the rear terrace has also been reduced in comparison to the previously refused applications. Whilst the terrace does not include a soil depth of 1.2 m below it, the area it covers is currently covered in hardstanding. By virtue of its location immediately to the rear of the above ground building, it is unlikely that this area would ever accommodate substantial planting in any event. Accordingly, an objection to the development on this basis would not be sustainable. It should also be noted that the area beyond the terrace does include a 1.2 m soil depth, in accordance with the Basement SPD and emerging policy CM28.1 of the City Plan.

The proposed basement would not underlie more than 50% of this application site's garden land. Whilst part of the basement contains a mezzanine area, this is confined to a part of the overall basement area beneath the terrace and proposed rear extension. Accordingly, this mezzanine does not result in excavation exceeding one storey below the lowest original floor area when the need to provide a 1.2 m soil depth is considered, in accordance with these requirements of emerging policy CM28.1 of the City Plan.

The proposed basement includes a small margin (i.e. 0.4 m) of undeveloped garden land on the site boundary with nos 21 and 25. Whilst this margin is not proportionate to the scale of the basement and below the guidance in the reasoned justification to

emerging policy CM28.1 of the City Plan, the basement underlies less than 38% of this site's garden area, ensuring that opportunities for on-site flood risk are adequately retained. The area on the site boundary with no's 21 and 25 is also largely developed at present due to the existing terrace and paving. Accordingly, an objection to the development on this basis could not be sustained.

Rear Extension

The existing rear extensions are later additions to the building and do not form part of its significance, as such their demolition and rebuild is acceptable.

The proposed extension would be discreetly located at lower ground floor level and would be constructed from white render with a lead roof to match the existing building. The width and height of the extension and the extent of glazing in comparison to the previously refused extension have also been reduced. Accordingly, the proposed extension relates well to the original building whilst remaining subordinate to it and overcomes this reason for refusing the previous applications.

Side Wing Extension

The additional bulk of the proposed extension would be consistent with other buildings in this listed group. It would also be constructed of materials to match the existing extension in this location. The dormer proposed is also appropriately designed and detailed. Conditions have also been recommended to ensure that this extension and its spiral staircase are appropriately designed and detailed.

External Alterations

The other external alterations proposed, including the addition of a Juliet balcony, are sensitively and appropriately designed and located. Accordingly, they would preserve the special architectural and historic interest of this listed building and the character and appearance of the conservation area.

Internal Alterations

The applicant proposes retaining the downstand beam and nibs between the 'family lounge' and 'kitchen' at lower ground floor level. Accordingly, this opening would read as a framed opening marking the distinction between these two spaces. The internal walls at first floor level are not original and their replacement would not result in loss of original fabric. Overall, the internal alterations proposed are uncontentious.

Overall, the proposed development would preserve the special architectural and historic interest of this listed building and the character or appearance of the St Johns Wood Conservation Area. Accordingly, it would be consistent with policies DES1, DES5, DES9 and DES 10 of the UDP and policies S25 and S28 in the City Plan, as well as the Basement SPD.

8.3 Residential Amenity

Given its subterranean location, the proposed basement extension would not cause unacceptable loss of amenity for the occupiers of neighbouring properties in terms of loss of light, increased sense of enclosure or increased overlooking.

The proposed single storey rear extension is set away from neighbouring properties. Accordingly, it would not result in unacceptable loss of light or sense of enclosure by virtue of its location relative to its height. The windows proposed within it are also orientated largely toward the rear garden, whilst those in the side elevations would be prevented from overlooking neighbouring properties by boundary walls and fencing.

The side extension would be located wholly to the side of a similar existing extension at 21 Hamilton Terrace. The screening effect of this existing extension would prevent unacceptable loss of light and sense of enclosure for the occupants of that property. This extension would also have a similar outlook to the existing rear windows and balcony, thereby ensuring that it does not give rise to unacceptable overlooking and noise. Accordingly, the objection raised by the occupier of 21 Hamilton Terrace is not sustainable.

The proposal includes mechanical plant. The extracts for this would be located centrally within the rear garden, away from neighbouring properties. Conditions are recommended to limit noise and vibration to appropriate levels.

As such, the proposal complies with policy ENV13 of the UDP and policy S29 of the City Plan.

8.4 Transportation/Parking

The proposal does not represent an increase in residential units or a loss of parking and as such the proposal is not contrary to policy TRANS23 of the UDP.

The objector has raised concerns with the potential suspension of on-street parking to the front of the application site during construction. Given the temporary nature of such a suspension, an objection to the development on this basis would not be sustainable.

8.5 Economic Considerations

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

8.6 Access

The proposals do not alter the access arrangements into or within the building.

8.7 Other UDP/Westminster Policy Considerations

Trees

The development has been reviewed by the Arboricultural Manager who raises no objection to the removal of a line of Holm Oaks, a Bay Tree and a Fig Tree in the rear garden due to their low stature and amenity value. Through the course of the application, the applicant has also amended the development and tree protection

measures to protect trees to be retained. Subject to the recommended conditions, the proposed development would not

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

This development is not subject to the EIA Regulations.

8.12 Other Issues

Basement Policy Revisions

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

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

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

Basement Excavation

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

Construction Management

The applicant has submitted a Construction Management Plan (CMP) with the application to outline the likely arrangements during the excavation and construction process.

The information provided is considered to be sufficient to meet the aims and objectives of the Basement SPD. A condition is also recommended to ensure that a revised CMP is submitted that contains further details once a main contractor had been appointed, such as provision of a more detailed and informed construction timetable and 24 hour contact number.

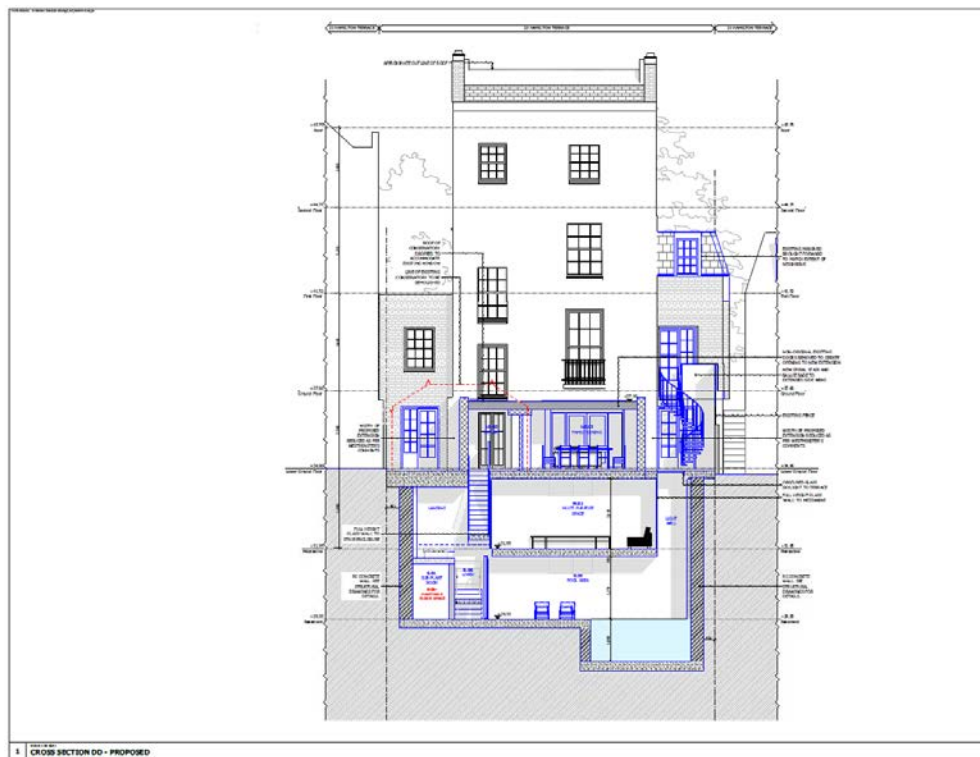
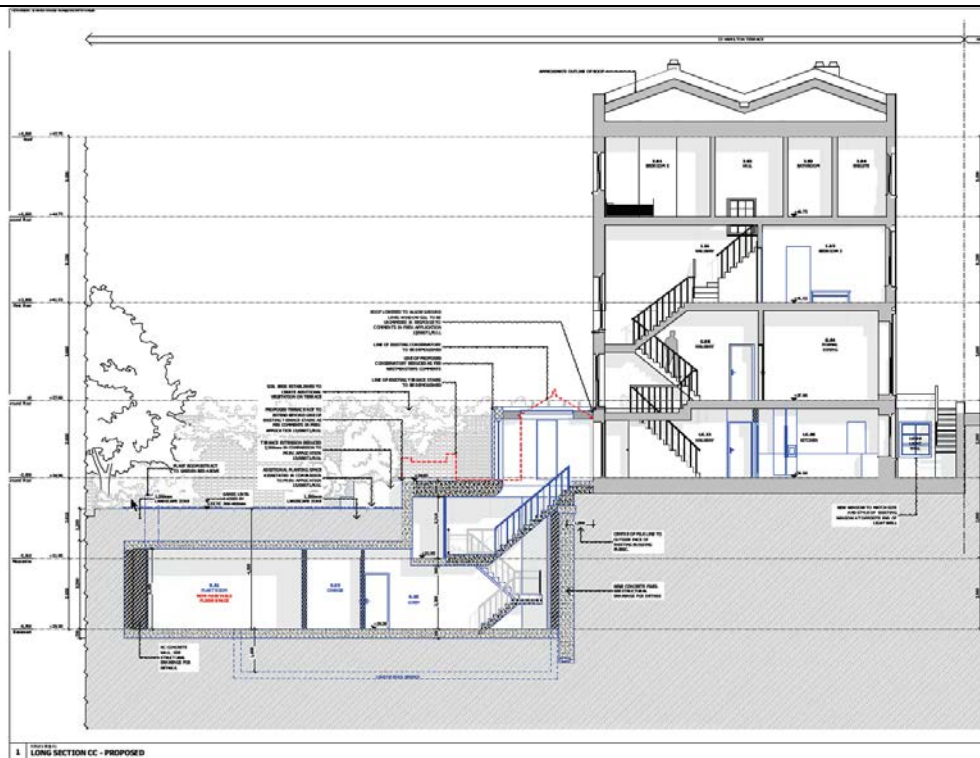
9. BACKGROUND PAPERS

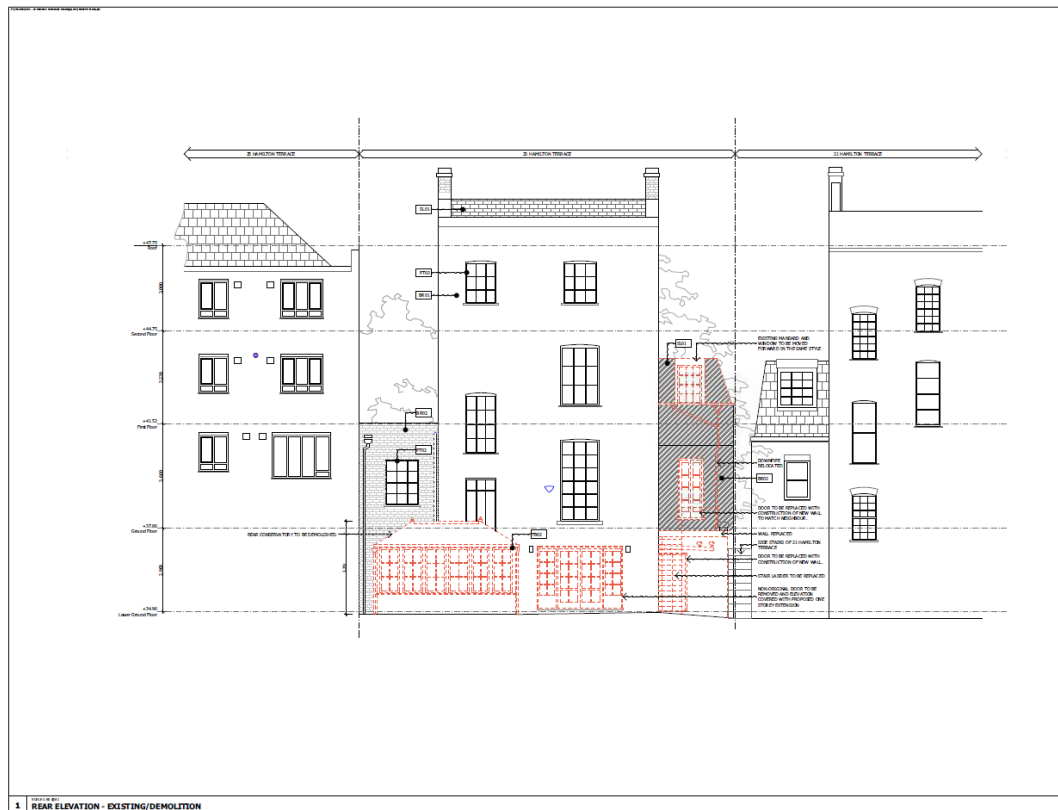
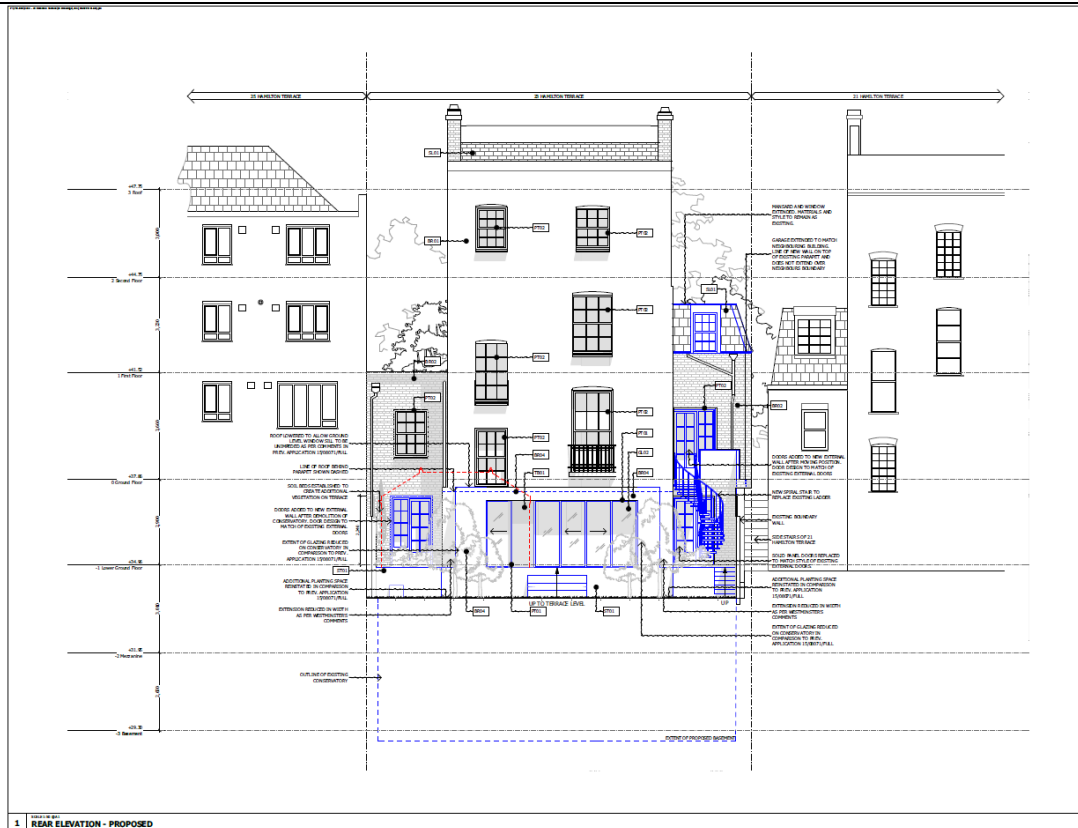
1. Application form
2. Response from Environmental Health Officer, dated 10 December 2015
3. Response from Highways Planning Manager, dated 22 December 2015
4. Memo and emails from Arboricultural Manager, dated 6 April, 16 February, 11 February and 12 January 2016
5. Letter from occupier of 21 Hamilton Terrace, London, dated 29 November 2015

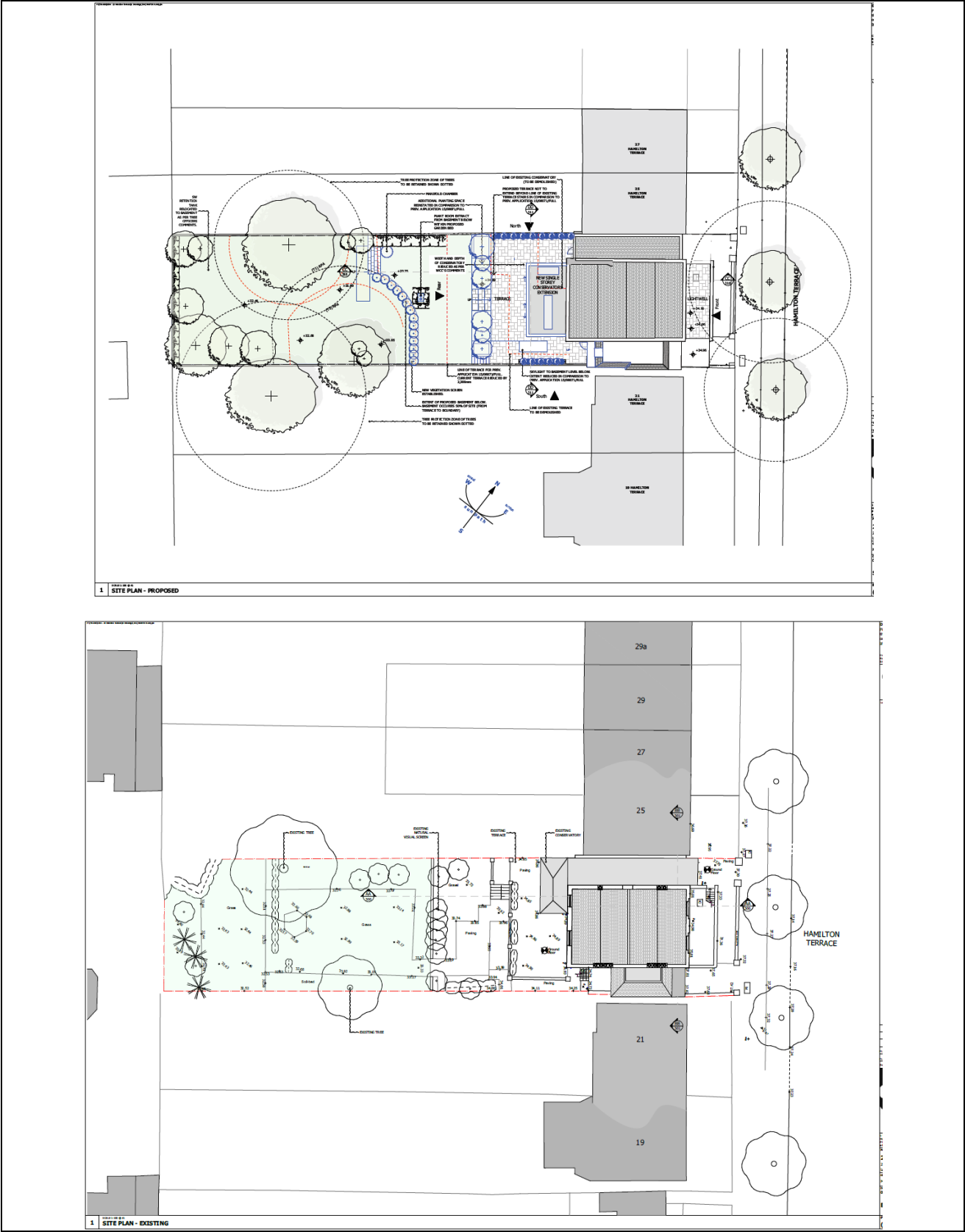
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS









DRAFT DECISION LETTER

Address: 23 Hamilton Terrace, London, NW8 9RE,

Proposal: Excavation of new basement (part 2, part 1 storey) beneath rear garden, demolition of existing rear lower ground floor conservatory and erection of rear lower ground floor extension. Erection of ground floor side/rear extension and external spiral staircase. Installation of ventilation plant.

Reference: 15/10238/FULL

Plan Nos: Drawing numbers (794)001_P02, (794)002_P02, (794)003_P03, (794)010_P02, (794)011_P02, (794)012_P02, (794)013_P02, (794)200_P02, (794)201_P02, (794)202_P02, (794)203_P02, (794)020_P03, (794)021_P04, (794)022_P04 (Depicts Lower Ground Floor Front Part of Site), (794)022_P04 (Depicts Lower Ground Floor Rear Part of Site), (794)023_P03, (794)024_P02, (794)025_P02, (794)026_P02, (794)210_P02, (794)211_P03, (794)212_P03, (794)213_P03, (794)300_P02, (794)301_P02, (794)310_P04, (794)311_P03; Arboricultural Impact Assessment ref: SSH/23HMT/AIA/01a (dated August 2015, received 10 February 2016); Design and Access Statement by SHH (October 2015)

FOR INFORMATION ONLY: Structural Engineer's Structural Methodology Statement by EngineersHRW (Rev A dated February 2016); Construction Management Plan by Construction Planning Associates (Issue 02, February 2016); Ground Investigation Report by Site Analytical Services Limited (September 2015)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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

Reason:

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

- 4 The external elevations of the new extension at rear lower ground floor level shall be faced in smooth render and shall be painted and permanently maintained in a white colour

Reason:

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

- 5 The new external spiral staircase to the side elevation of the building shall be formed in black painted metal

Reason:

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

- 6 The new dormer to the side extension shall be clad in lead to sides, cheeks and roofs, and the window within the dormer shall be formed in glazing and white painted timber framing

Reason:

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

Plan that we adopted in January 2007. (R26BE)

- 7 The new facing brickwork to the rear elevation of the side extension must match the existing original brickwork to the side elevation adjacent of the main building in terms of colour, texture, face bond and pointing.

Reason:

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: 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.

- 9 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013, CM28.1 of Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main

Modifications dated June 2016 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

- 10 (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 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, 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 LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive

properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: 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.

- 11 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.

- 12 **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 make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: 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. (R31AC)

- 13 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 5 years of completing the development (or within any other time limit we agree to in writing).

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

- 14 You must plant new trees to replace the trees which you propose to remove. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one 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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 3 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

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

* This not only relates to the building project itself but also to all aspects of the use of the

completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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

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

- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 8 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.

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

- 10 Condition 12 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
 - * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;

- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

- 11 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

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

DRAFT DECISION LETTER

Address: 23 Hamilton Terrace, London, NW8 9RE,

Proposal: Excavation of new basement (part 2, part 1 storey) beneath rear garden, demolition of existing rear lower ground floor conservatory and erection of rear lower ground floor extension. Erection of ground floor side/rear extension and external spiral staircase. Installation of ventilation plant. Internal alterations.

Reference: 155/102398/BOLL

Plan Nos: Drawing numbers (794)001_P02, (794)002_P02, (794)003_P03, (794)010_P02, (794)011_P02, (794)012_P02, (794)013_P02, (794)200_P02, (794)201_P02, (794)202_P02, (794)203_P02, (794)020_P03, (794)021_P04, (794)022_P04 (Depicts Lower Ground Floor Front Part of Site), (794)022_P04 (Depicts Lower Ground Floor Rear Part of Site), (794)023_P03, (794)024_P02, (794)025_P02, (794)026_P02, (794)210_P02, (794)211_P03, (794)212_P03, (794)213_P03, (794)300_P02, (794)301_P02, (794)310_P04, (794)311_P03; Arboricultural Impact Assessment ref: SSH/23HMT/AIA/01a (dated August 2015, received 10 February 2016); Design and Access Statement by SSH (October 2015)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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

- 4 The external elevations of the new extension at rear lower ground floor level shall be faced in smooth render and shall be painted and permanently maintained in a white colour

Reason:

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

- 5 The new external spiral staircase to the side elevation of the building shall be formed in black painted metal

Reason:

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

- 6 The new dormer to the side extension shall be clad in lead to sides, cheeks and roofs, and the window within the dormer shall be formed in glazing and white painted timber framing

Reason:

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

- 7 The new facing brickwork to the rear elevation of the side extension must match the existing

original brickwork to the side elevation adjacent of the main building in terms of colour, texture, face bond and pointing.

Reason:

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

- 8 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

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 our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

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

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.

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 July 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	8 Connaught Square, London, W2 2HG,		
Proposal	Excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.		
Agent	Obsidian London Ltd		
On behalf of	Mr Mubashir Mukadam		
Registered Number	14/11257/FULL & 14/11258/LBC	Date amended/ completed	25 May 2016
Date Application Received	12 November 2014		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

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

2. SUMMARY

This application was originally reported to the Planning Applications Committee on 28 July 2015 with a recommendation by officers that planning permission and listed building consent should be refused. The Committee resolved to defer determination of the application to allow revisions to be sought from the applicant to address officer's concerns regarding the impact of the scheme in design terms and the impact it would have on the floor hierarchy and plan form of the listed building. The applicant was also invited to submit a revised acoustic report to demonstrate that the plant in its revised location will not cause a noise nuisance to neighbours and a ground geology and hydrology report to ensure that the development would not adversely affect the structural integrity of the listed building.

The applicant initially revised the application in late 2015 to omit the French doors that had been proposed at rear first floor level and to provide additional supporting acoustic, structural and geology and hydrology information. However, the applicant declined at that time to modify the extent of the basement extension so that it accorded with the officer advice contained within the committee report dated 28 July 2015. On this basis the application was included on the agenda for the Planning Applications Committee on 2 February 2016 with a recommendation to refuse planning permission and

listed building consent. However, the application was withdrawn from that agenda, prior to being considered by the Committee, as the applicant provided a written undertaking in advance of the committee meeting that he was willing to amend the application in accordance with the earlier committee resolution and the guidance offered by officers.

The applicant has now revised the application to reduce the extent of the basement extension so that it would now be confined to a single storey located below the rear closet wing and rear extensions to the main body of the grade II listed building. As set out in the committee report dated 28 July 2015, which is appended to this addendum report, this listed building has undergone a degree of change, with some modern additions and alterations and therefore it is considered that there is scope for the provision of a basement extension below the rear extensions and the rear lightwell. This is because a basement restricted to below the rear closet wing and rear extensions would not result in the loss of significant historic fabric and would be a discreet addition that would not disrupt the spatial hierarchy or the historic plan form of the host listed building.

The objections received in response to the latest revisions consider the revised basement to remain a two storey basement and excessive in terms of the floor to ceiling height. However, the basement is a single storey, albeit with some additional excavation within the floor of the single storey to accommodate a small swimming pool and associated plant enclosure. Whilst the floor to ceiling height would be more generous than at lower ground floor level, the proposed basement would be accessed from within the rear additions to the listed building and would consequently be read as an annex to the original building and would not disrupt the plan form and volumetric proportions of the principle spaces within the listed building. Therefore following amendment, the basement extension now proposed is acceptable in design and listed building terms and would accord with Policies S25 and S28 in the City Plan; Policies DES 1 and DES 10 in the UDP; the guidance within the SPD 'Basement Development in Westminster' (2014) and the guidance in the SPG 'Repairs and Alterations to Listed Buildings' (1996). The proposal would now accord with the national policy and guidance in the NPPF and the guidance of Historic England for alteration and extension of buildings of this period.

A number of objectors have referred to the Draft Basement Policy (CM28.1), which is now included in the Consolidated Draft Version of Westminster's City Plan: Strategic Policies. However, as this application was submitted in advance of 1 November 2015, in accordance with the Cabinet Member statement dated 23 October 2015, the application stands to be determined under the policy context as it stood at the time that it was submitted. Significant weight is only to be attributed to the Draft Basement Policy where applications were submitted on or after 1 November 2015. This application was received significantly in advance of 1 November 2015. As such, it has been assessed under adopted policies in the UDP and City Plan, and the guidance set out in the 'Basement Development in Westminster' SPD (2014). Notwithstanding this, as set out in the preceding paragraphs, the proposed basement is not considered to be harmful to the character and special interest of this listed building and given that the site does not contain any garden land, (it is entirely developed already) it would accord with the design criteria for basement extensions set out in Part C of the Draft Basement Policy.

Since the previous committee meeting, the applicant has provided a significant amount of additional structural information, including a Ground Investigation Report, a Basement Impact Assessment and a Construction Method Statement. These documents have been assessed in detail by Building Control officers and they no longer raise objection to the scheme on structural grounds. In this context the concerns raised by objectors on structural impact, geology and hydrology grounds can no longer be supported as grounds on which to withhold permission and listed building consent.

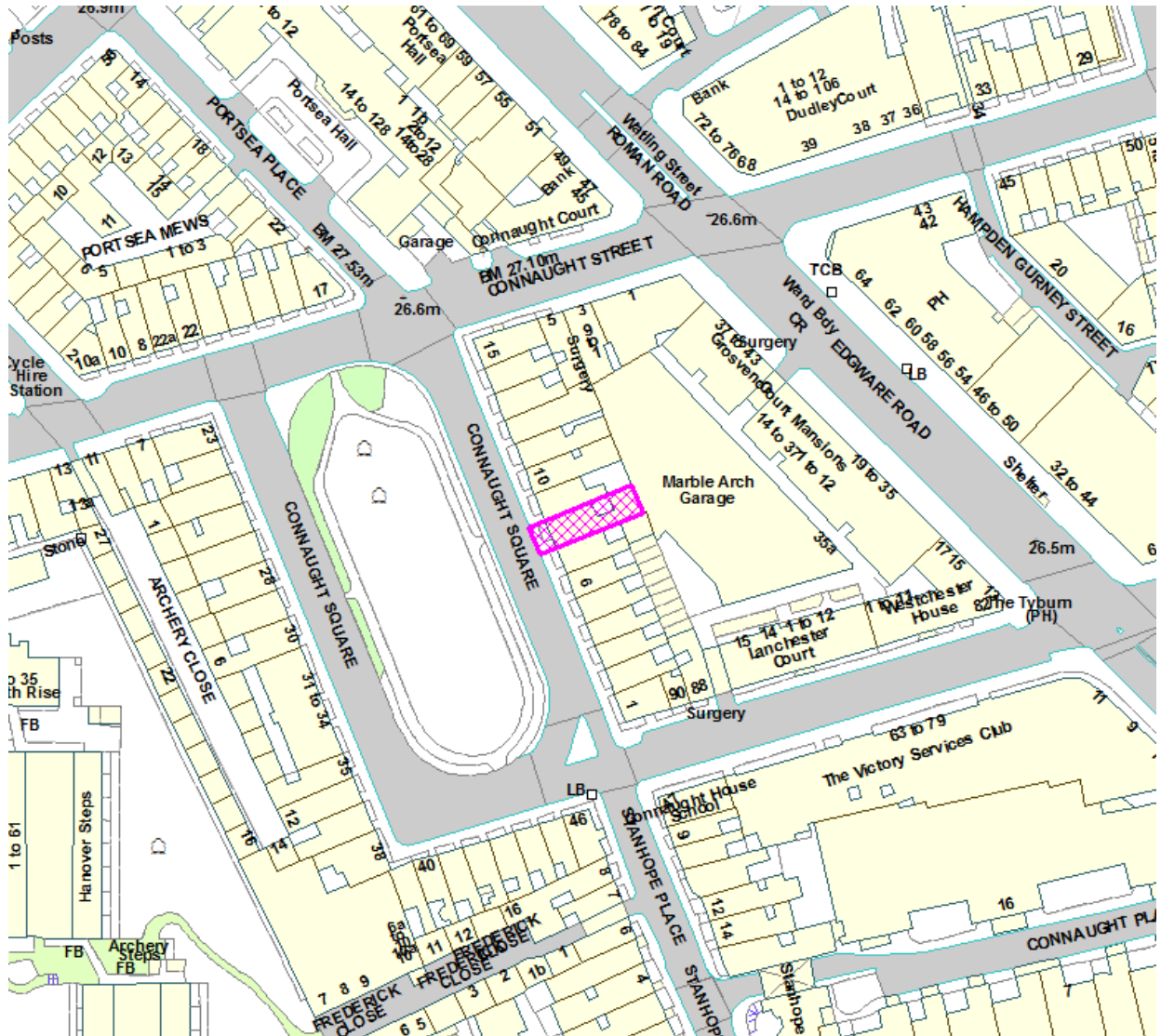
The applicant has submitted a revised acoustic report and this concludes that, subject to the inclusion of noise attenuation measures in the form of noise absorbent materials applied to the surface of the enclosure around the plant at rear 1st floor level terrace, the mechanical plant proposed on the terrace would not cause noise disturbance to neighbouring occupiers. Environmental Health are satisfied that

the mechanical plant proposed is capable of complying with adopted plant noise policies in the City Plan and UDP, but recommend conditions to ensure compliance. The conditions recommended include a requirement to submit a post commissioning noise survey that demonstrates that the mechanical plant is policy compliant in terms of its noise output following installation. Further conditions are recommended to ensure on going compliance with the plant noise policies and to secure details of the acoustic enclosure to be erected around the condenser units on the rear first floor terrace and details of the noise attenuation measures to be installed.

Concerns have been expressed regarding the impact of construction on neighbouring residents and the fact that the applicant has not updated the construction management plan to reflect the revised application. Given the revised basement is substantially smaller than the initially proposed basement, it is considered that a condition can be used to secure a revised construction management plan that demonstrates how the construction of the smaller basement now proposed will be carried out so as to minimise the impact on the amenity of neighbouring residents and the operation of the local highway network. A further condition is recommended to control the hours of construction works, including prevention of any noisy excavation works at weekends.

In summary, the Committee's previous concerns regarding the impact of the proposed development on the significance of this listed building, the impact on the structure of this and neighbouring listed buildings and the noise amenity of neighbouring residents have been overcome by the amendments and additional information submitted by the applicant. As such, despite the continued concerns expressed by neighbouring residents in response to consultation in early 2016, it is considered that the proposals are now acceptable and accord with the relevant policies in the UDP and City Plan and the guidance set out in the SPD 'Basement Development in Westminster' (2014) and the SPG 'Repairs and Alterations to Listed Buildings' (1996).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

CONSULTATION ON REVISED SCHEME FOLLOWING WITHDRAWAL FROM AGENDA FOR PLANNING APPLICATIONS COMMITTEE ON 2 FEBRUARY 2016 (JUNE 2016) (AMENDMENTS COMPRISING REDUCTION IN EXTENT OF BASEMENT)

HYDE PARK ESTATE ASSOCIATION
Any response to be reported verbally.

BUILDING CONTROL
No objection.

ENVIRONMENTAL HEALTH
No objection subject to conditions to control plant noise and require the submission of a post installation and commissioning noise monitoring condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
No. of Consultations: 57; No. of Replies: 2 emails raising objections on all or some of the following grounds:

Design:

- Development would harm the architectural integrity of the listed building.
- Greater floor to ceiling height within basement than existing lower ground and ground floors and this will change the flow and character of the listed building.
- Damage to listed features of the building as a result of all construction access being from the front of the house.

Amenity:

- Altered lower ground floor and new basement would lack natural light.
- Noise disturbance from operation of mechanical plant.

Basement Impact:

- Basement would still be in excess of a single storey.
- Swimming pool likely to cause damp and is not necessary given availability of swimming facilities in the vicinity.
- Structural impact on neighbouring listed properties.
- Extent of excavation exceeds that recommended by structural engineers advising the City Council on its basement policy.
- Increased risk of flooding.

Other Matters:

- Request that a fresh application is submitted so that it can be determined under current policy and guidance.
- Construction Management Plan does not reflect revised proposal.
- Noise and disturbance from construction works.
- Development would not be sustainable as requires mechanical plant.

One email received from applicant undertaking to revise the application in accordance with the committee resolution of 28 July 2015.

6. BACKGROUND PAPERS

1. Representations as reported to the Planning Applications Committee on 28 July 2015 and 2 February 2016.

CONSULTATION RESPONSES ON REVISED SCHEME FOLLOWING WITHDRAWAL FROM PLANNING APPLICATIONS COMMITTEE AGENDA ON 2 FEBRUARY 2016 (JUNE 2016)

2. Memo from Environmental Health dated 26 January 2016.
3. Email from Building Control dated
4. Email from the applicant dated 1 February 2016.
5. Email from the occupier of 7 Connaught Square dated 29 June 2016.
6. Email from the occupier of 37 Connaught Square dated 30 June 2016.

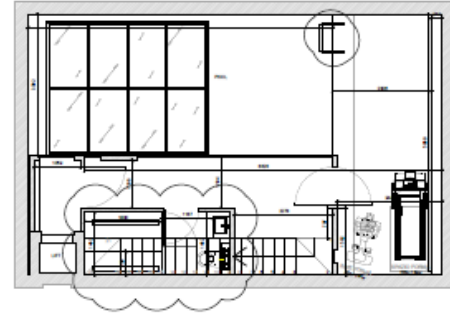
Selected Relevant Drawings

Existing and proposed plans, elevations and sections.

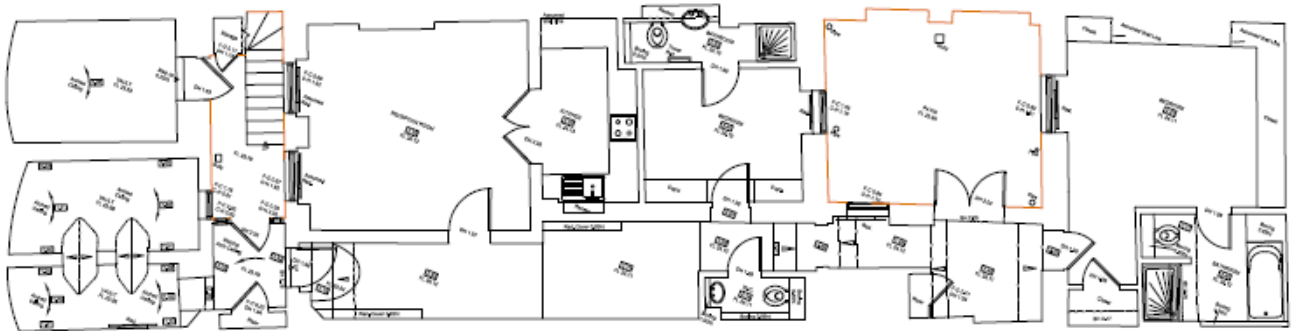
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

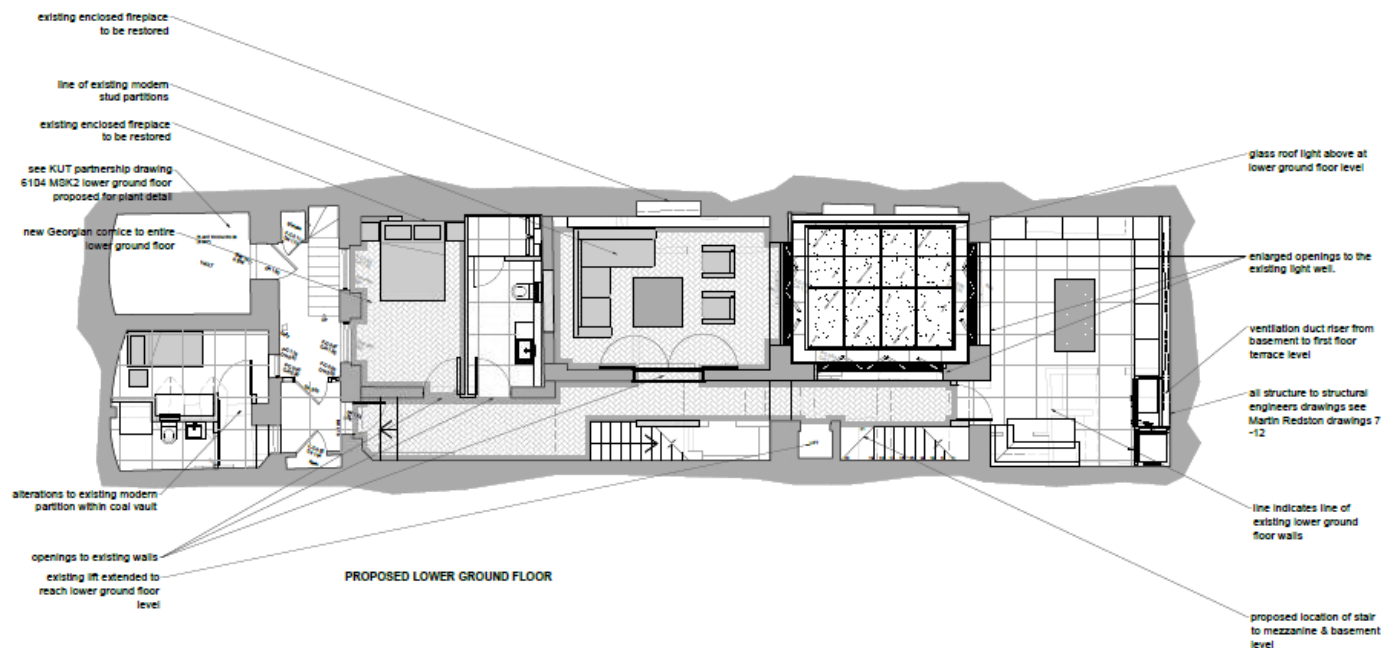
7. KEY DRAWINGS



PROPOSED NEW BASEMENT

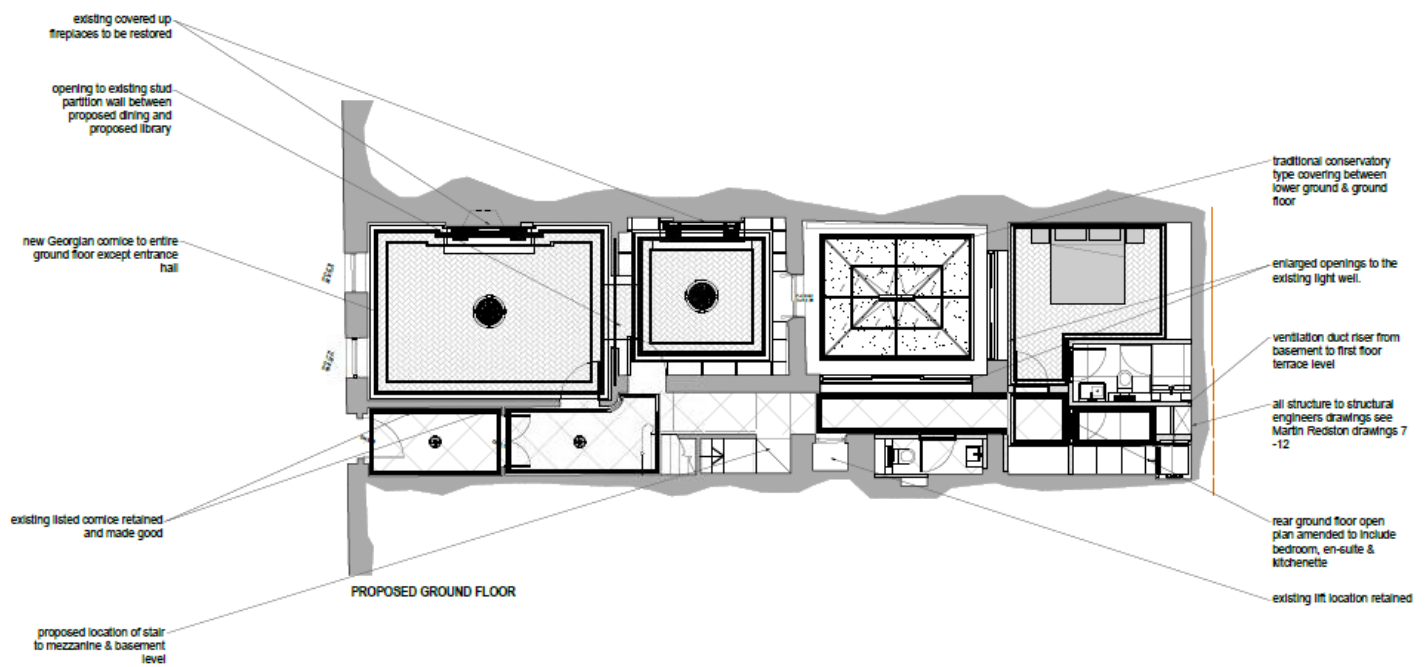


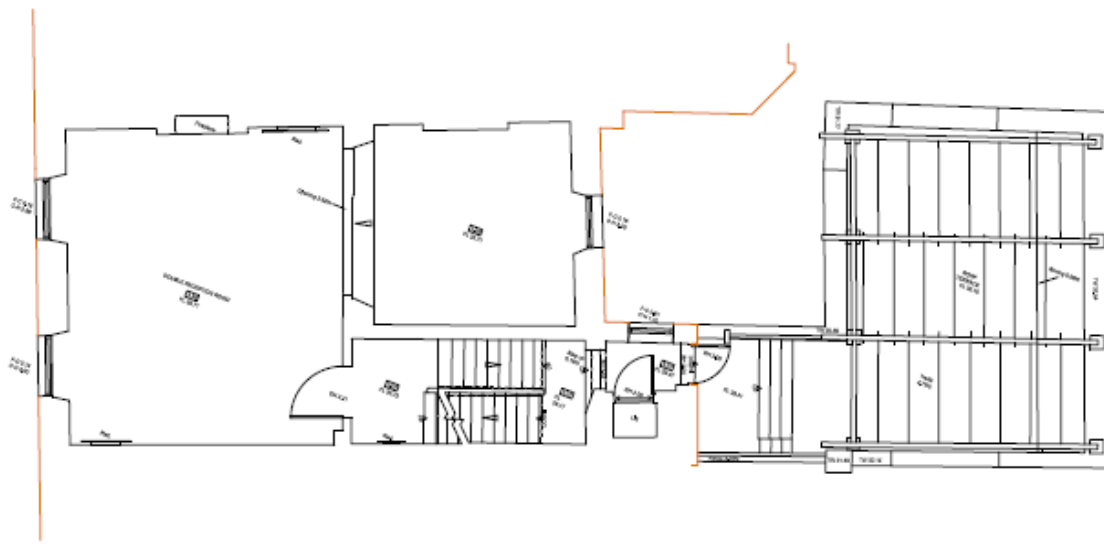
EXISTING LOWER GROUND FLOOR



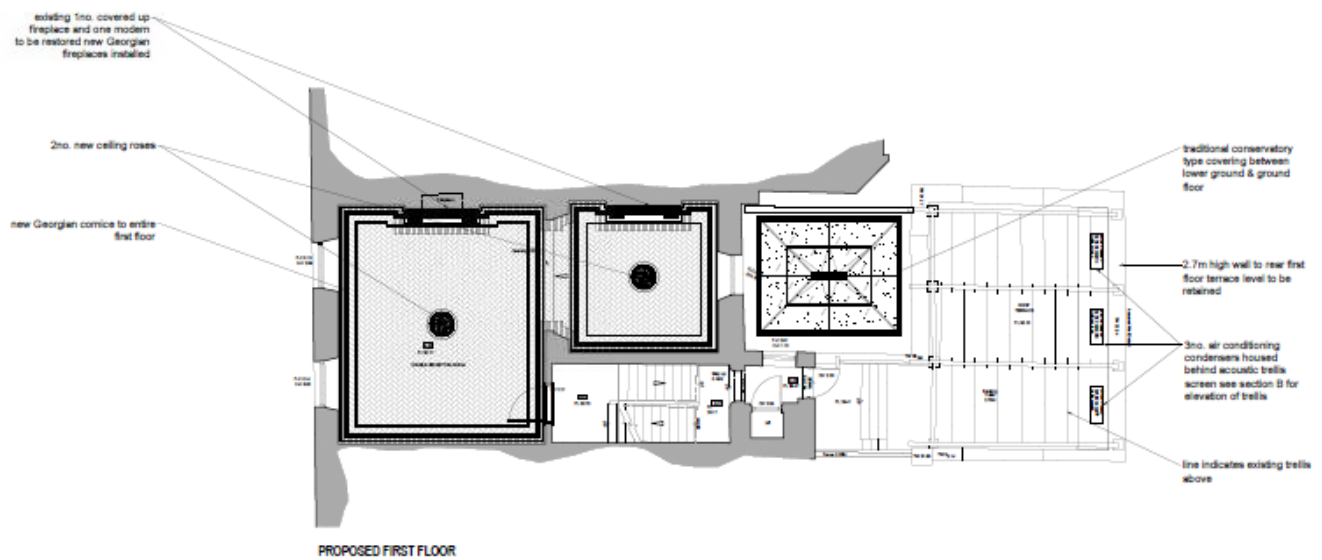


EXISTING GROUND FLOOR





EXISTING FIRST FLOOR





Elevation 1

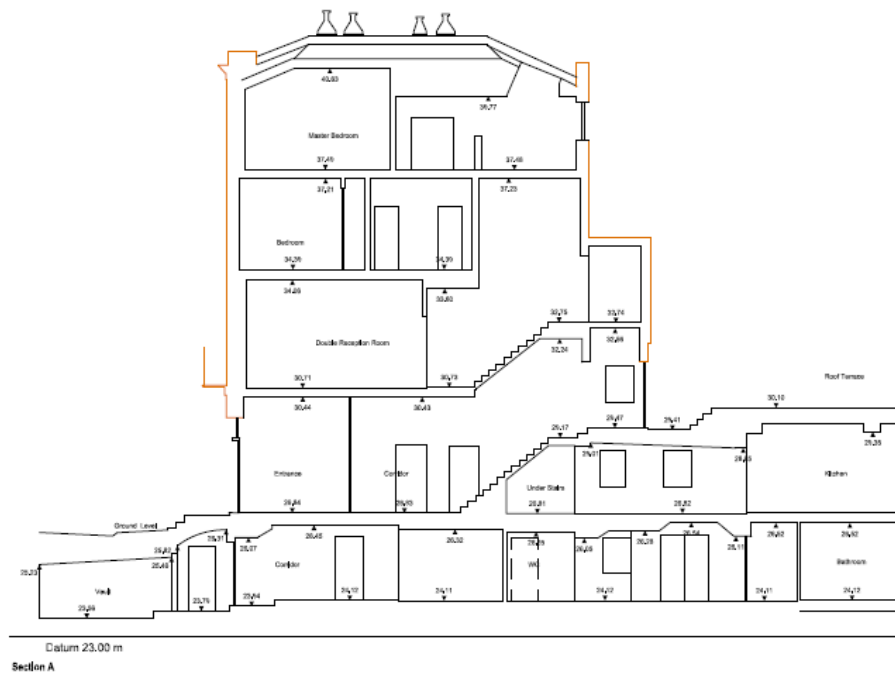
Existing Front Elevation



Elevation 1

Proposed Front Elevation





DRAFT DECISION LETTER - 14/11257/FULL

Address: 8 Connaught Square, London, W2 2HG,

Proposal: Use as a single dwellinghouse, excavation of basement floor below rear extensions and rear lightwell, erection of infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.

Plan Nos: (EX) 01 Rev.A, (EX) 02, (EX) 03, (EX) 04, (EX) 05, (EX) 06, (EX) 07 Rev.A, (EX) 08 Rev.A, (EX) 09 Rev.A, (EX) 10 Rev.A, (DD) 01 Rev.A, (DD) 02 Rev.A, (DD) 03 Rev.A, (DD) 04 Rev.A, (DD) 05 Rev.A, (DD) 06 Rev.B, (DD) 07 Rev.B, (DD) 08 Rev.A, (DD) 09 Rev.A, (PL) 01 Rev.D, (PL) 03 Rev.B, (PL) 04 Rev.A, (PL) 05 Rev.B, (PL) 06 Rev.A, (PL) 07 Rev.B, (PL) 09 Rev.A, (PL) 10 Rev.D, (PL) 11 Rev.C, (PL) 12 Rev.D, (PL) 13 Rev.A, Planning, Design and Access Statement dated November 2014 (as amended by revised drawings here listed), Heritage Supporting Statement by Turleys dated October 2014, Heritage Assessment by Ettwein Bridges Architects dated October 2014, Construction Management Plan by Addstow (for information only - see Condition 3), Environmental Noise Assessment dated 8 September 2015 (Issue 3), Construction Method Statement by Martin Redston Associates dated 24 May 2016 (including structural drawings 2C, 3C, 4C, 5C, 6C, 7E, 8D, 9C, 10C, 11C and 12C) (for information - see Informative 2), Structural Calculation by Martin Redston Associates and Basement Impact Assessment dated November 2015 (Ref: 15/24237-2), including Factual Report on Ground Investigation dated November 2015 (Ref: 15/24237) (for information - see Informative 2). Mechanical Services drawings SK1/P4, SK2/P4, SK3/P4, SK4/P4 (as corrected by (PL) 05 Rev.B in terms of location of external mechanical plant), SK5/P4, SK6/P4 and SK7/P1 (approved in respect of mechanical services shown only).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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 **Pre Commencement Condition.** Notwithstanding the submitted construction management plan, 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 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.

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:
- (a) Elevations and sections at a scale of 1:20 of new conservatory roof over rear lightwell.
 - (b) Plan and elevation at a scale of 1:20 of screen/ trellis around mechanical plant on rear first floor terraces.
 - (c) Elevations and sections of new doors to front lightwell (elevations at 1:20 and sections at 1:5).
 - (d) New external light fittings.

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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 (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.

- 7 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.

- 8 You must apply to us for approval of detailed drawings showing the following parts of the development:

- Provision of the mechanical plant noise attenuation measures set out in Part 6 of the Environmental Noise Assessment dated 8 September 2015 (102625.ad Issue 3).

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 detailed drawings prior to operation of the mechanical plant and vents located on the first floor rear terrace and thereafter you must not remove the noise attenuation measures unless or until the mechanical plant at first floor level has been permanently removed. (C26DB)

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 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 6 and 7 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in

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

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 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 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.

- 7 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.
- 8 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. (I59AA)

- 9 Conditions 6, 7, 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 10 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

DRAFT DECISION LETTER - 14/11258/LBC

Address: 8 Connaught Square, London, W2 2HG,

Proposal: Excavation of basement floor below rear extensions and rear lightwell, erection of infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.

Plan Nos: (EX) 01 Rev.A, (EX) 02, (EX) 03, (EX) 04, (EX) 05, (EX) 06, (EX) 07 Rev.A, (EX) 08 Rev.A, (EX) 09 Rev.A, (EX) 10 Rev.A, (DD) 01 Rev.A, (DD) 02 Rev.A, (DD) 03 Rev.A, (DD) 04 Rev.A, (DD) 05 Rev.A, (DD) 06 Rev.B, (DD) 07 Rev.B, (DD) 08 Rev.A, (DD) 09 Rev.A, (PL) 01 Rev.D, (PL) 03 Rev.B, (PL) 04 Rev.A, (PL) 05 Rev.B, (PL) 06 Rev.A, (PL) 07 Rev.B, (PL) 09 Rev.A, (PL) 10 Rev.D, (PL) 11 Rev.C, (PL) 12 Rev.D, (PL) 13 Rev.A, Planning, Design and Access Statement dated November 2014 (as amended by revised drawings here listed), Heritage Supporting Statement by Turleys dated October 2014, Heritage Assessment by Ettwein Bridges Architects dated October 2014, Construction Management Plan by Addstow (for information only - see Condition 3), Environmental Noise Assessment dated 8 September 2015 (Issue 3), Construction Method Statement by Martin Redston Associates dated 24 May 2016 (including structural drawings 2C, 3C, 4C, 5C, 6C, 7E, 8D, 9C, 10C, 11C and 12C) (for information - see Informative 2), Structural Calculation by Martin Redston Associates and Basement Impact Assessment dated November 2015 (Ref: 15/24237-2), including Factual Report on Ground Investigation dated November 2015 (Ref: 15/24237) (for information - see Informative 2). Mechanical Services drawings SK1/P4, SK2/P4, SK3/P4, SK4/P4 (as corrected by (PL) 05 Rev.B in terms of location of external mechanical plant), SK5/P4, SK6/P4 and SK7/P1 (approved in respect of mechanical services shown only).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

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

Reason:

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

- 2 All new work 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)

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

Reason:

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

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

- (a) Elevations and sections at a scale of 1:20 of new conservatory roof over rear lightwell.
- (b) Plan and elevation at a scale of 1:20 of screen/ trellis around mechanical plant on rear first floor terraces.
- (c) Elevations and sections of all new internal and external doors (elevations at 1:20 and sections at 1:5).
- (d) Plans and elevations of all air conditioning fan coil units and associated joinery enclosures, ducting and pipe runs.
- (e) All restored fireplaces and new chimney pieces.
- (f) All new cornices.
- (g) New opening between front and rear rooms at ground floor level.
- (h) New opening between hallway and rear room at lower ground floor level.
- (i) New structural glazed floor between basement and lower ground floor level.
- (j) New staircase between ground floor and lower ground floor.
- (k) External light fittings.

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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 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 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. (I59AA)

- 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.

Planning Applications Committee (3) – 2 February 2016

ITEM 6 8 CONNAUGHT SQUARE, W2

Use as a single dwellinghouse, excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.

RESOLVED:

Application withdrawn by officers.



CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 2 February 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	8 Connaught Square, London, W2 2HG,		
Proposal	Use as a single dwellinghouse, excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.		
Agent	Obsidian London Ltd		
On behalf of	Mr Mubashir Mukadam		
Registered Number	14/11257/FULL & 14/11258/LBC	Date amended/ completed	10 April 2015
Date Application Received	12 November 2014		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

Refuse permission and listed building consent - on grounds of adverse impact on floor hierarchy and plan form of the listed building.

2. SUMMARY

This application was reported to the Planning Applications Committee on 28 July 2015 with a recommendation by officers that planning permission and listed building consent should be refused. The Committee resolved to defer determination of the application to allow revisions to be sought from the applicant to address officer's concerns regarding the impact of the scheme in design terms and the impact it would have on the floor hierarchy and plan form of the listed building. The applicant was also invited to submit a revised acoustic report to demonstrate that the plant in its revised location will not cause a noise nuisance to neighbours and a ground geology and hydrology report to ensure that the development would not adversely affect the structural integrity of the listed building.

In terms of the impact of the scheme on the external appearance of the listed building, the applicant has revised the proposals to omit the initially proposed French doors at rear first floor levels. This amendment, which will see the retention of the original rear window at first floor level, has addressed officer's previous concerns regarding the loss of historic fabric and will ensure that the development will not have an adverse impact on the character and appearance of the listed building.

In terms of the acceptability of the proposed basement extension under this grade II listed building,

officer's previously advised in the committee report dated 28 July 2015 that:

'In the case of the application property, the plan form and hierarchy of spaces are considered to be contributory factors to its significance and the introduction of a basement storey of the size and volume proposed would have an adverse impact on this significance. The degree of harm caused is assessed to be less than substantial and as such the NPPF indicates that in such circumstances this harm should be weighed against the public benefits of the proposal. In this case there are no public benefits delivered by the proposal and as such the harm outweighs the benefit. As special regard must be given to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, it is therefore concluded that the proposed basement is unacceptable and is contrary to Policies S25 and S28 of the City Plan; DES 1 and DES 10 of the UDP; the guidance within the SPD 'Basement Development in Westminster' (2014) and the guidance in the SPG 'Repairs and Alterations to Listed Buildings' (1996). The proposal would also be contrary to national policy and guidance in the NPPF and the guidance of Historic England for alteration and extension of buildings of this period.

Because the listed building has undergone a degree of change, with some modern additions and alterations, it is considered that there is some potential to extend at basement level, but that this extension should be confined to beyond the main rear wall line of the main house, effectively beneath the rear extensions. This would have the effect of reducing the scale and volume of the extension and also confine it to beneath the later parts of the site and thus minimising any impact on the historic plan form and spatial hierarchy of the building. This has been suggested to the applicant but they have not chosen to accept this suggested option.'

Following the committee meeting on 28 July 2015, the applicant was invited to again consider reducing the extent of the basement extension so that it is confined to below the rear of the site beyond the main rear wall line of the main house. However, the applicant has declined to reduce the size of the proposed basement floor and the proposed basement remains below the main house and its rear extensions and rear lightwell. In the absence of any amendment to the extent of the proposed basement, the harm to the listed building in terms of the erosion of its historic plan form and hierarchy of spaces would remain as set out in the preceding paragraphs and it is considered that this element of the scheme remains unacceptable.

A number of objectors refer to the Publication Draft Basement Revision to Westminster's City Plan, which the Cabinet Member statement dated 23 October 2015 confirms will be used for the purpose of determining planning applications from 1 November 2015. However, this emerging policy is only applied in respect of applications received on or after that date. This application was received significantly in advance of 1 November 2015. As such, it has been assessed under adopted policy in the UDP and City Plan, and the guidance set out in the 'Basement Development in Westminster' SPD (2014). Notwithstanding this, as set out in the preceding paragraphs, the proposed basement is considered to be harmful to the character and special interest of this listed building and contrary to the aforementioned policies and guidance.

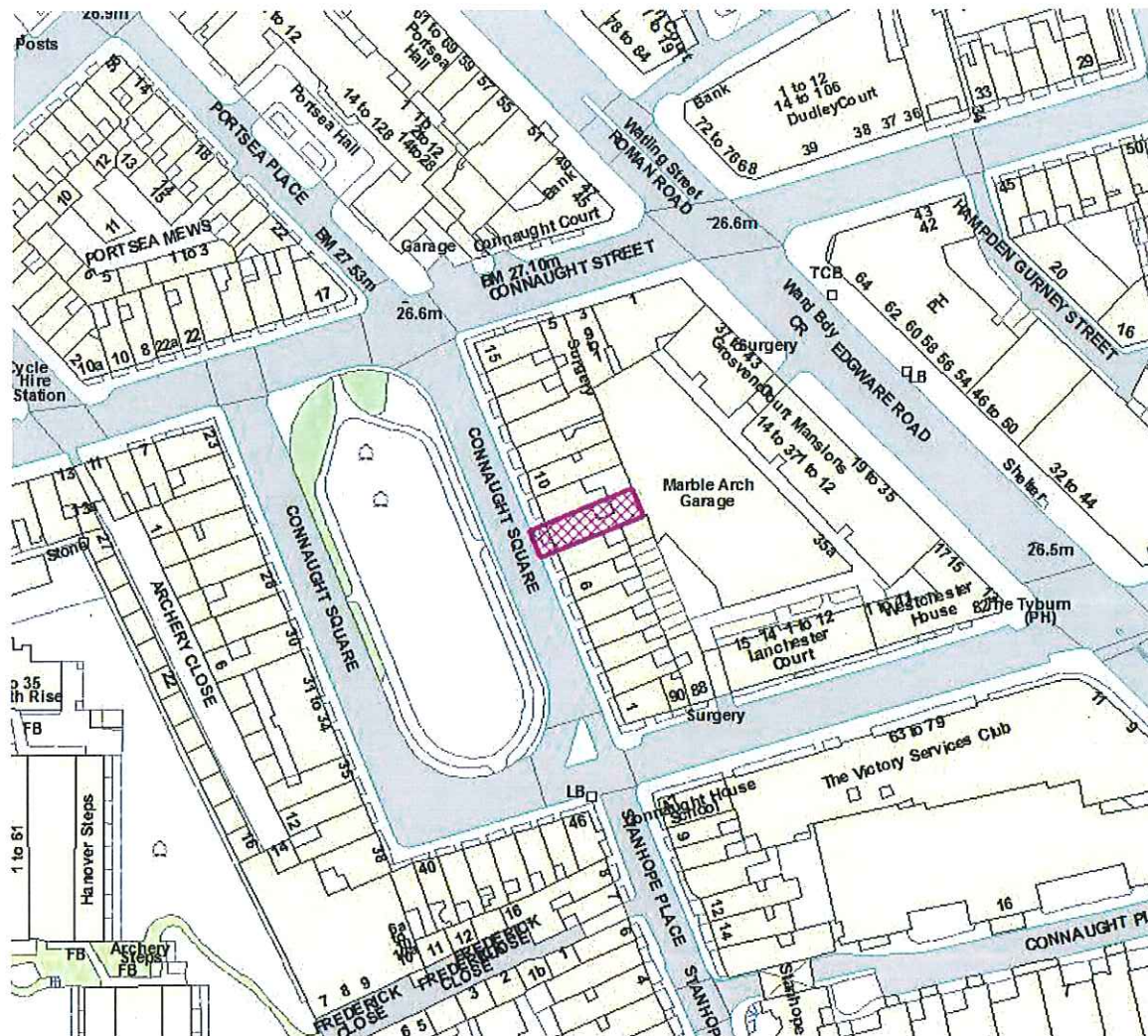
The applicant has submitted a revised acoustic report and this concludes that, subject to the inclusion of noise attenuation measures in the form of noise absorbent materials applied to the surface of the enclosure around the plant at rear 1st floor level terrace level, the mechanical plant would not cause noise disturbance to neighbouring occupiers. The comments of Environmental Health on the content and conclusions of the submitted acoustic report will be reported verbally to the committee. Subject to the comments of Environmental Health, had the application been considered acceptable in all regards, conditions would have been recommended to secure further details of the noise attenuation measures proposed to ensure their appearance is appropriate in listed building terms and to ensure that the mechanical plant continues to operate in accordance with adopted plant noise policies in the UDP and City Plan following its initial installation.



Since the previous committee meeting, the applicant has provided a significant amount of additional structural information, including a Ground Investigation Report, a Basement Impact Assessment and a Construction Method Statement. These documents have been assessed in detail by Building Control officers and they no longer raise objection to the scheme on structural grounds. In this context the concerns raised by objectors on structural impact, geology and hydrology grounds can no longer be supported as grounds on which to withhold permission and listed building consent.

In summary, subject to the comments of Environmental Health, the previous concerns relating to the external appearance of the listed building, the impact of the mechanical plant and the suitability of the method of basement excavation to the particular circumstance geological and hydrological conditions of this site have been addressed, despite the concerns that continue to be expressed by objectors. However, the significant concerns regarding the impact the proposed development would have on the special interest of this Grade II listed building remain, as the extent of the basement below the main volume of the original building remains as previously reported in July 2015. The proposed basement would harm the plan form and volumetric proportions of this listed building, contrary to Policies S25 and S28 of the City Plan; DES 1 and DES 10 of the UDP; the guidance within the SPD 'Basement Development in Westminster' (2014) and the guidance in the SPG 'Repairs and Alterations to Listed Buildings' (1996). The proposal would also be contrary to national policy and guidance in the NPPF and the guidance of Historic England for alteration and extension of buildings of this period. Accordingly it is recommended that planning permission and listed building consent are refused on this ground.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

LATE CONSULTATION RESPONSES REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 28 JULY 2015

COUNCILLOR COX

Concerned that mechanical plant would be closer to rear windows of neighbouring properties than when it was previously proposed at roof level.

COUNCILLOR ACTON

Welcomes officer recommendation for refusal. Considers proposal to be overdevelopment of the site, damaging to the conservation area, damaging to the character of the building and it's setting and potentially damaging to the structure of this wonderful square. Reduction in size and depth does not address my initial concerns and the removal of plant from the roof and relocation to the terrace does not alleviate concerns regarding the amenity of neighbouring properties, indeed impact may be worse.

HYDE PARK ESTATE ASSOCIATION

Extremely concerned by application, which is considered to be unacceptable and gross overdevelopment of this grade II listed building. Unacceptable impact on the listed building in terms of its character and style. Adverse impact on unique square. Additional roof structures, conservatory and rear extensions are not necessary. Flagrant attempt to maximise value with no regard to heritage impact. Strongly opposed to extravagant and unnecessary excavation of basements. Georgian houses were designed with proportionate basement spaces, in keeping with the construction of the terrace. Would set an unacceptable precedent for similar development in this listed terrace.

ENVIRONMENTAL HEALTH

A revised acoustic report is required to demonstrate that relocated plant (from roof level to rear roof terrace) would meet the design criteria set by adopted noise policies. Suggest that this could be secured by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Replies: 1 letter on behalf of the applicant responding to the officer report dated 28 July 2015 and recommended reasons for refusal and 9 emails raising objection on all or some of the following grounds:

Land Use

- Front vault should not be used as living accommodation.

Design

- Adverse impact on listed building and Bayswater Conservation Area.
- Internal alterations would have adverse impact on the special interest of the listed building.
- Out of scale with domestic scale architecture of Connaught Square.
- Little or no heritage benefit in current application.

Amenity

- Adverse impact on amenity.
- Revised location for mechanical plant would be closer to the windows of neighbours.
- Noise disturbance from mechanical plant.

Other Matters

- Revisions consulted on in July 2015 do not overcome original concerns and ask that original comments are still considered.
- Proposals are inconsistent with the advice in the Basement Development in Westminster SPD (2014).
- Proposals inconsistent with the Council's emerging basement policy.
- Adverse impact on structural integrity of listed terrace.
- Material risk of harm to neighbouring listed buildings.
- Risk of precedent for similar development elsewhere in the vicinity.
- Adverse impact on square from air conditioning and water treatment services.
- Proposal would not be permitted under Kensington and Chelsea policies.
- Concur with officer's recommended reasons for refusal.
- Disruption on highway during construction works.
- Noise and general disturbance from construction works.

**CONSULTATION ON REVISED SCHEME FOLLOWING PLANNING APPLICATIONS
COMMITTEE ON 28 JULY 2015 (DECEMBER 2015)
(AMENDMENTS COMPRISING OMISSION OF FRENCH DOORS TO REAR, REVISED
ACOUSTIC REPORT AND ADDITIONAL STRUCTURAL, GEOLOGY AND
HYDROLOGY REPORTS - NO AMENDMENT TO EXTENT OF BASEMENT)**

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

BUILDING CONTROL

No objection. The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Undesirable, but could be considered acceptable. Cycle storage and waste storage provision recommended.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 48; No. of Replies: 14 letters/ emails raising objection on all or some of the following grounds:

Design

- Adverse impact on appearance of historic structure and terrace.
 - Creation of large space under listed building out of keeping with original property.
 - Basement proposed is a double basement.
 - Adverse impact on historic floor hierarchy and architectural fabric with no public benefit.
 - Drawings appear to show stone cladding to front elevation - this should not be allowed.
- Buildings are finished in painted render and brickwork.

Amenity

- Noise disturbance from mechanical plant on rear terrace.
- Plant will still be audible to neighbours using their external spaces/ terraces, even if plant complies with plant noise policies.
- Submitted acoustic report should not be relied upon as not an independent or detailed assessment.
- Plant will cause more noise as it ages.

Other Matters

- Maintain previous grounds for objection, which have not been overcome by additional information/ revisions.
- Proposals are still inconsistent with the advice in the Basement Development in Westminster SPD (2014).
- Proposals still inconsistent with the Council's emerging basement policy.
- Adverse structural impact.
- Basement will be below ground water level.
- Basement would not be sustainable.
- Noise and disturbance from construction works.
- Some of basement is actually a double basement.
- Structural report misrepresents the depth of the basement as 3m, but is actually deeper.
- Concern regarding the proximity of the basement excavation to Tyburn Brook.
- Structural report asserts there will be no adverse structural impact, but with limited evidence.
- Structural report erroneously refers to other sites.
- Damp caused to neighbouring properties as a result of swimming pool.

Email from the applicant's agent dated 9 December 2015 responding to the reasons for deferral of the application at the Planning Applications Committee on 28 July 2015.

6. BACKGROUND PAPERS

1. Representations as reported to the Planning Applications Committee on 28 July 2015.

LATE CONSULTATION RESPONSES REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 28 JULY 2015

2. Email from Councillor Cox dated 16 July 2015.
3. Email from Councillor Acton dated 23 July 2015.
4. Email from Environmental Health dated 22 July 2015.
5. Email from the occupier of 30 Connaught Square dated 23 July 2015.
6. Email from the occupier of 9 Connaught Square dated 24 July 2015.
7. Email from the occupier of 11 Connaught Square dated 24 July 2015.
8. Letter from Mishcon de Reya Solicitors on behalf of the applicant dated 27 July 2015.
9. Email from the occupier of 7 Connaught Square dated 24 July 2015.
10. Email from the occupier of 37 Connaught Square dated 24 July 2015.
11. Email from the occupier of Flat 2, 14 Connaught Square dated 25 July 2015.
12. Email from the Hyde Park Estate Association dated 24 July 2015.
13. Email from the occupier of 45 Connaught Square dated 25 July 2015.
14. Email from the occupier of 36 Connaught Square dated 26 July 2015.
15. Email from the occupier of 44 Connaught Square dated 26 July 2015.

CONSULTATION RESPONSES ON REVISED SCHEME FOLLOWING PLANNING APPLICATIONS COMMITTEE ON 28 JULY 2015 (DECEMBER 2015)

16. Memo from the Highways Planning Manager dated 5 January 2016.
17. Email from Building Control dated 20 January 2015.
18. Email from the occupier of 11 Connaught Square dated 4 January 2016.
19. Email from the occupier of 9 Connaught Square dated 8 January 2016.
20. Email from the occupier of 5 Connaught Square dated 11 January 2016.
21. Email from the occupier of 45 Connaught Square dated 11 January 2016.
22. Letter from the occupiers of 7 and 9 Connaught Square dated 11 January 2016.
23. Email from the occupier of 30 Connaught Square dated 12 January 2016.
24. Email from the occupier of 36 Connaught Square dated 12 January 2016.
25. Email from the occupier of Flat 2, 14 Connaught Square dated 13 January 2016.
26. Email from the occupier of 6 Connaught Square dated 13 January 2016.
27. Email from the occupier of 37 Connaught Square dated 13 January 2016.
28. Email from the occupier of 7 Connaught Square dated 13 January 2016.
29. Email from the occupier of 24 Connaught Square dated 13 January 2016.
30. Email from the occupier of 17 Connaught Square dated 14 January 2016.
31. Email from the occupier of 44 Connaught Square dated 17 January 2016.
32. Email from Aray Architects on behalf of the 7 Connaught Square dated 9 December 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)

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk</p>
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Planning Applications Committee (3) – 28 July 2015

5 8 CONNAUGHT SQUARE, W2

Use as a single dwellinghouse, excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.

Additional representations were received from Councillor Heather Acton (23/7/15), Councillor Antonia Cox (16/7/15) and Sally Thomas, Environmental Health Consultation Team (22/7/15).

Late representations were received from Anne Larkey (23.7.15); Michael Freeman (24.7.15); Rachel Boser (24.7.15); Mischon de Reya (27.7.15); John Shailer (24.7.15); Mark Davison (24.7.15); Donald Angel (25.7.15); Dr Nick Johnson on behalf of the Hyde Park Estate Association (24.7.15); Karen Scarborough (25.7.15); Susan Balgarnie (26.7.15); John Outram (26.7.15) and Andrea von Schilling (26.7.15).

RESOLVED:

That the application be deferred to seek revisions from the applicant on the design, floor hierarchy and plan form of the listed building, for the applicant to submit a revised acoustic report to demonstrate that the plant in its revised location will not cause a noise nuisance to neighbours and to receive sufficient information from the applicant on ground geology and hydrology to ensure the structural integrity of the listed building.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 July 2015	Classification For General Release	
Report of Director of Planning	Wards involved Hyde Park		
Subject of Report	8 Connaught Square, London, W2 2HG		
Proposal	Use as a single dwellinghouse, excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.		
Agent	Obsidian London Ltd		
On behalf of	Obsidian London Ltd		
Registered Number	14/11257/FULL 14/11258/LBC	TP / PP No	TP/22363
Date of Application	12.11.2014	Date amended/ completed	10.04.2015
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Bayswater		

1. RECOMMENDATION

1. Refuse permission - on design grounds and insufficient information on ground geology and hydrology.
2. Refuse listed building consent - on design grounds, adverse impact on floor hierarchy and plan form of the listed building, and insufficient information on ground geology and hydrology to ensure structural integrity of listed building.



2. SUMMARY

The application site comprises a five storey late Georgian mid terrace Grade II listed building, which is located within the Bayswater Conservation Area. Planning permission and listed building consent are sought for the use of the building as a single dwellinghouse, excavation of a new basement floor below the existing lower ground floor of the main house and later rear extensions, erection of an infill extension at lower ground level within the rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.

The key issues in this case are:

- The impact on the special architectural and historic interest of the Grade II listed building and the Bayswater Conservation Area.
- The impact on the amenity of neighbouring residents.
- The acceptability of the level of basement excavation in terms of its impact on the structural integrity of the listed building and the listed terrace of which it forms a part.

The proposed development would harm the special interest of this Grade II listed building and the character and appearance of the Bayswater Conservation Area. Additionally, insufficient information has been submitted to demonstrate that the basement extension can be carried out without harm occurring to the heritage asset. Accordingly, it is recommended that planning permission and listed building consent are refused.

3. CONSULTATIONS

CONSULTATION ON INITIALLY SUBMITTED SCHEME (DECEMBER 2014)

COUNCILLOR COX

Double basement with swimming pool is inappropriate development below a listed terrace. Council operated swimming pool is available in Seymour Place. Proposal would increase the gross internal area of the building by more than 50% creating a volume out of proportion with the existing property and will significantly change its overall character and hierarchy of spaces. Basement excavation may harm historic building and its neighbours. Potential precedent for similar development. Note that Kensington and Chelsea do not permit basements below listed buildings. Provision of private swimming pool seems unsustainable development. Potential for increased flood risk and harm to trees in the Square. Original features were removed without permission by previous owner so reinstatement should not be used to justify further inappropriate extensions. Concerned at failure of applicant to consult neighbours prior to application and considers that this does not bode well for construction period.

COUNCILLOR FLORU

Object to a basement of this size in this location. House is of exceptional architectural value. Basement would be out of proportion with host listed building and would extend it from five to seven floors. Existing house is already of substantial size and is a single family dwelling. Proposal will have adverse impact on neighbouring residents. Disruption to neighbours during construction. Applicant should have consulted with neighbours before submitting the application.

COUNCILLOR ACTON

Objection. Overdevelopment and unnecessary development of the site. Loss of original features, adverse impact on Connaught Square (in terms of balance of uses, impact on amenity and potential structural damage), risk to trees and surrounding properties,



requirement for mechanical ventilation and high energy needs of proposed use leading to noise and air pollution.

HYDE PARK ESTATE ASSOCIATION

Objection. Gross overdevelopment of Grade II listed building. Proposal would result in unacceptable changes to a significant listed building in an important London Square. Basement extension is excessive and unnecessary. Basement would be out of proportion with rest of this Georgian house. Noise and disruption from construction works. Precedent for similar development within the same London Square.

ARBORICULTURAL MANAGER

No objection. Site is sufficiently distant from trees in Connaught Square.

BUILDING CONTROL

Further information required. The structural method statement, although brief, would be acceptable for the soil if it comprises gravel over clay, as is indicated on the Council's geology maps. A geological report and hydrology report should be provided to confirm the soil type.

CLEANSING MANAGER

No objection, subject to condition to secure details of waste and recycling storage.

ENVIRONMENT AGENCY

No requirement for consultation given the site is within Flood Zone 1, is less than a hectare in size and not within 20m of a main river.

ENVIRONMENTAL HEALTH

No response to date.

HIGHWAYS PLANNING MANAGER

Undesirable, but can be considered acceptable. Cycle storage and waste and recycling storage should be provided.

THAMES WATER

No objection. General advice provided on water and waste water connections.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 30; Total No. of Replies: 14.

Fourteen emails/letters from 13 respondents raising objection on all or some of the following grounds:

Design

- Overdevelopment (building would be 50% larger) and would include infill of rear lightwell at lower ground floor level.
- Substantial demolition of historic fabric.
- Loss of hierarchy of space within the building.
- Double basement (in terms of height to accommodate pool and gym) would cause damage to neighbouring listed buildings.
- Double basement with lift and swimming pool below a listed building is inappropriate development.
- Basements should not be permitted under listed buildings.
- Proposal would significantly harm the character of the listed building.
- Reinstatement of original features removed by previous owner without consent should not justify new development.
- Lift should not be extended within the building as would harm listed building.

Amenity

- Noise from proposed mechanical plant.

Other Issues

- Proposal is unsustainable due to energy demand and requirement for mechanical ventilation and artificial light.
- Noise and disruption from construction works.
- Construction period would be longer than stated in application.
- Disruption to traffic and parking during construction.
- Precedent for similar inappropriate development.
- Adverse impact on trees in Connaught Square.
- Increased risk of flooding and note Tyburn water course running below terrace.
- Structural damage to neighbouring buildings.
- Scheme is being proposed for commercial profit.
- Condensation from the swimming pool would harm building fabric
- Applicant did not consult neighbours prior to the submission of the application.
- Description of development is misleading and should refer to a part single, part double basement.
- Geo-hydrology report should be required.
- CIL liability form should be submitted.

ADVERTISEMENT/SITE NOTICE: Yes.

CONSULTATION ON REVISED SCHEME - OMISSION OF BASEMENT UNDER VAULTS AND FRONT LIGHTWELL, REDUCED BASEMENT FLOOR TO CEILING HEIGHT, RELOCATION OF MECHANICAL PLANT AND INTERNAL AMENDMENTS (JULY 2015)

WARD COUNCILLORS

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 30; Total No. of Replies: 0.

Any responses to be reported verbally.

4. BACKGROUND INFORMATION**4.1 The Application Site**

The application site comprises a five storey late Georgian mid terrace Grade II listed building, which is located within the Bayswater Conservation Area. The building is currently in use as a lower ground floor flat with a large maisonette on the ground and upper floors.

4.2 Relevant History

13 November 1996 – Permission and listed building consent granted for repair/renewal of existing butterfly roof to main terrace and roof to rear two storey extension, repointing of roof parapets and chimneys and defective areas, repair of front elevation render (96/07993/FULL and 96/07994/LBC).



15 July 1997 – Permission and listed building consent granted for removal of existing double hung sash window and installation of double doors in door opening (97/04538/FULL and 97/04539/LBC).

2 July 1998 – Permission and listed building consent granted for renovation and refurbishment of existing residential accommodation including installation of new domestic lift at rear up to second floor (98/02388/FULL and 98/02389/LBC).

23 March 2000 - Permission and listed building consent granted for alterations during the course of construction for reconfiguration of pergola roof from sloped to horizontal (99/12036/FULL and 99/12037/LBC).

29 May 2014 – Planning permission and listed building consent applications were withdrawn in response to officer concerns. Applications proposed the use of the building as a single dwellinghouse, excavation underneath existing building to create three level basement including mezzanine and swimming pool, construction of two storey rear extension at second and third floors to existing closet wing to accommodate lift shaft, construction of infill rear single storey conservatory at lower ground floor level, demolition of roof and construction of full width mansard roof extension, installation of mechanical plant and associated internal and external alterations (14/01538/FULL and 14/01539/LBC).

5. THE PROPOSAL

Planning permission is sought for the use of the building as a single dwellinghouse. Planning permission and listed building consent are sought for excavation of a new basement floor below the existing lower ground floor of the main house and later rear extensions, erection of an infill extension at lower ground level within the rear lightwell, installation of mechanical plant on rear first floor level terrace and associated external alterations. Listed building consent is sought for internal alterations to all floors.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The existing arrangement of the building as a lower ground floor flat and maisonette on the ground and upper floors was permitted in the late 1990s. The return of the building to use as a single dwellinghouse is acceptable in land use terms and would accord with Policy S14 in the City Plan.

6.2 Design and Townscape

The application site forms parts of a Grade II listed terrace within the Bayswater Conservation Area. The terrace forms the east side of Connaught Square and dates from 1828-30. It comprises lower ground floor, ground floor and three upper storeys and to the rear is a small four storey closet wing, which links to a two storey rear wing, forming an L-shaped arrangement of extensions which enclose a small courtyard/lightwell. The small closet wing may be an original part of the property (albeit modified), but the two storey rear wing is a 20th century addition, the roof of which was heavily modified in the late 1990s to form the current roof terrace. At the current time the lower ground floor has been separated off from the main house and serves as a separate flat from the rest of the house. The staircase which formerly connected the lower ground floor and ground floor was removed when the separation occurred in the late 1990s.

The interior of the property has undergone considerable alteration and while the historic floor plan remains discernible, particularly to the principal floors (ground and first) and also the



original staircase survives, much of the original joinery (internal doors, skirtings etc.) and plasterwork has been replaced and often the replacements are modern or poorly detailed, which has eroded the significance of the listed building. It is unclear when some of this work took place, although much of it appears to be relatively recent i.e. within the last 20-30 years and it is unclear whether all of the changes took place with consent.

During the course of consideration the scheme has been amended to address a number of items of concern. However, there remain elements of the proposal which are considered to be harmful to the special interest of this listed building. The first and main issue is the introduction of a basement extension. Although now reduced in extent from the initial proposal, this extension is proposed beneath the whole of the main house (excluding the front lightwell and vaults) and extends to the very rear of the building plot. The new floor, which would be largely open plan, will contain a media room, 'lounge area' (including sauna and jacuzzi), pool and gym. It would have a finished floor to ceiling height of 3.15 metres, which compares with the existing floor to ceiling height of the lower ground floor of 2.33 metres, the existing ground floor of 3.6 metres and the existing first floor of 3.35 metres (the upper floors are 2.82 metres and 2.29 metres, although in places the ceiling to the top floor ceiling has been removed and opened up to the underside of the roof). The new basement storey would be accessed via a new staircase which would run beneath a new stair from lower ground to ground floor. Access would also be provided by a lift, with the existing lift shaft location being extended down to the new floor.

The construction of the basement will also involve the removal of the floor of the lower ground floor as well as a number of walls at this level.

The Council's recently adopted supplementary planning document, 'Basement Development in Westminster' (October 2014) reaffirms the Council's statutory duty to have special regard to the desirability of preserving listed buildings, their settings and any features which they possess. The guidance goes on to identify that the plan form and hierarchy of spaces in a listed building can be elements which contribute to the building's special interest or significance. Furthermore, it indicates that terraced houses of the Georgian and Victorian period were designed with a clear hierarchy of spaces, and where this contributes to significance and where the basement extension would imbalance the overall hierarchy of spaces, the principle of a basement extension may be unacceptable.

In the case of the application property, the plan form and hierarchy of spaces are considered to be contributory factors to its significance and the introduction of a basement storey of the size and volume proposed would have an adverse impact on this significance. The degree of harm caused is assessed to be less than substantial and as such the NPPF indicates that in such circumstances this harm should be weighed against the public benefits of the proposal. In this case there are no public benefits delivered by the proposal and as such the harm outweighs the benefit. As special regard must be given to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, it is therefore concluded that the proposed basement is unacceptable and is contrary to Policies S25 and S28 of the City Plan; DES 1 and DES 10 of the UDP; the guidance within the SPD 'Basement Development in Westminster' (2014) and the guidance in the SPG 'Repairs and Alterations to Listed Buildings' (1996). The proposal would also be contrary to national policy and guidance in the NPPF and the guidance of Historic England for alteration and extension of buildings of this period. The recommended ground for refusal would accord with the objections raised on design and listed building grounds by Ward Councillors, the Hyde Park Estate Association and neighbouring residents.

Because the listed building has undergone a degree of change, with some modern additions and alterations, it is considered that there is some potential to extend at basement level, but that this extension should be confined to beyond the main rear wall line of the main house,

effectively beneath the rear extensions. This would have the effect of reducing the scale and volume of the extension and also confine it to beneath the later parts of the site and thus minimising any impact on the historic plan form and spatial hierarchy of the building. This has been suggested to the applicant but they have not chosen to accept this suggested option.

Other elements of the scheme, such as the glazed enclosure of the rear yard at lower ground floor level and the installation of air conditioning condensing equipment on the rear first floor terrace are acceptable in design and listed building terms, subject to further details, which would have been secured by condition had the applications been recommended favourably. Similarly with respect to the interior alterations, in terms of partition changes and the introduction of new plasterwork and joinery, this is acceptable in principle, although issues of detail are not resolved, but could have been dealt with by conditions had the scheme been recommended favourably overall.

There is a discrepancy in the drawings where they relate to the first floor rear window. On the submitted demolition plan and the proposed elevation no change is shown to the existing situation, whereas on the proposed first floor plan the drawing is drawn and annotated such that it indicates the removal of the window and introduction of French doors and (presumably, although one is not shown) a balcony. The loss of this window is considered to be harmful to the character and appearance of the listed building and the Bayswater Conservation Area. It is recommended that the planning permission and listed building consent are refused on this ground.

Overall, the proposal is considered unacceptable due to its adverse impact on the historic building, which would be contrary to Policies S25 and S28 in the City Plan and Policies DES 1, DES5, DES9 and DES 10 of the UDP. The proposal would also fail to accord with the Supplementary Planning Guidance 'Repairs and Alterations to Listed Buildings' (1996) and the advice set out in the Supplementary Planning Document 'Basement Development in Westminster' (2014). Furthermore, the development is also considered to be contrary to the guidance within Historic England's (formerly English Heritage) guidance document 'London Terrace Houses 1660-1860' and paragraph 134 of the National Planning Policy Framework.

6.3 Amenity

Given the subterranean nature of the proposed basement extension and the limited extent of external manifestations, the basement floor when built would not result in a significant impact on residential amenity. Similarly, the glazed roof over the existing rear lightwell at lower ground floor level would be contained within the lightwell and would not cause a loss of amenity to neighbouring residents.

Following revision the proposed air conditioning condenser units have been relocated from main roof level to the existing roof terrace at rear first floor level. Given the distance to neighbouring windows, the location of mechanical plant in this location is likely to be capable of according with the Council's adopted noise and vibration policies; namely, Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan, provided that suitable acoustic screening/attenuation measures are specified. Therefore, had the applications been recommended for approval, conditions would have been recommended to secure a detailed acoustic report and details of any necessary noise attenuation measures.

The formation of French doors at rear first floor level would not give rise to any additional overlooking to neighbouring windows.

In summary, subject to the conditions that would have been imposed had the scheme been recommended favourably, the proposal would comply with Policies ENV6, ENV7 and ENV13 in the UDP, and Policies S29 and S32 in the City Plan.

6.4 Transportation/Parking

Not applicable.

6.5 Economic Considerations

Not applicable.

6.6 Equalities and Diversities (including Access)

No alteration to the existing means of access to this private dwellinghouse is proposed.

6.7 Other City Plan/ UDP/ Westminster Considerations

None relevant.

6.8 London Plan

The applications do not raise strategic issues.

6.9 Central Government Advice

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 these applications are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

The proposal is of insufficient scale to generate the need for planning obligations.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The Arboricultural Manager has confirmed that the proposed basement excavation would not have any adverse impact on the mature trees located in Connaught Square to the front of the site and there are no other trees in the vicinity of the site.

The site is already entirely developed or hard landscaped and therefore the provision of a basement without 1.2 metres of soil depth provided over it is not objectionable in this case.

6.12 Other Issues

6.12.1 Basement Excavation

In terms of the progression of our policy towards basements, the City Council recently adopted its Supplementary Planning Document (SPD) 'Basement Development in Westminster' on 24 October 2014. The SPD provides detailed advice and clarification on how current policy is implemented in relation to basement development. It does not introduce any additional restrictions on basement development above and beyond the precautionary approach that the City Council had already adopted in response to such development.

The Draft Basements Policy remains the subject of consultation and has not yet been adopted. It is this document which will provide a specific basement policy and it will form part of the local plan (replacing the UDP) in due course. It has some, but only very limited, legal weight (known as material weight or a material consideration). It will not gain more legal weight until after consultation and amendment and will need to be tested at an independent examination before formal legal adoption.

The new basements policy may introduce restrictions on basement excavations provided there is a valid planning reason for doing so, but, as explained above, it has to go through a formal process including an examination in public by an independent Inspector and then legal adoption and it is not, therefore, likely to be formally adopted until early 2016.

In this case concern has been raised by residential occupiers of neighbouring properties over the potential impact of the basement excavation on the structure and foundations on adjoining Grade II listed properties in this terrace. 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 (NPPF) 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.

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 endeavor 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 NPPF 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.

Officers consider 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, particularly where the buildings in question are heritage assets, as is the case with this site. To seek to address this, the applicant has provided a structural engineer's report 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 District Surveyor has assessed the submitted report and considers that the proposed basement methodology is deficient in this case due to the absence of a geological or hydrological assessment of the ground underneath the application site. In the absence of this information the District Surveyor advises that it is not possible to be certain that the method of construction proposed would not have adverse implications for the structural integrity of the listed building and the wider Grade II listed terrace of which it forms a part. As such, it is recommended that permission and listed building consent are withheld on grounds of insufficient information in respect of the level of information provided to evidence the geology and hydrology of the ground beneath the application site. In the absence of this information, the proposed basement extension would be contrary to Policies DES 1, DES 9 and DES 10 in the UDP and Policies S25 and S28 in the City Plan due to the risk it poses to the retention of the listed building and its neighbours. The level of information provided would also be contrary to the detailed guidance set out in Appendix 1 of our Supplementary Planning Document 'Basement Development in Westminster' (2014).

6.12.2 Construction Management

A draft Construction Management Plan (CMP) has been submitted by the applicant. Had the applications been considered favourably a condition would have been imposed requiring the submission of a more detailed CMP that mitigates so far as is possible the impact of the proposed development on the amenity of neighbours and the operation of the local highway network. Hours of construction works would also have been restricted by condition to protect the amenity of neighbours.

7. CONCLUSION

In summary, the proposed development would harm the special interest of this Grade II listed building and the character and appearance of the Bayswater Conservation Area. Additionally, insufficient information has been submitted to demonstrate that the basement extension can be carried out without harm occurring to the heritage asset. Accordingly, it is recommended that planning permission and listed building consent are refused for the reasons set out in the respective draft decision letters appended to this report.

BACKGROUND PAPERS

1. Application forms.
2. Email from Councillor Cox dated 12 December 2014.
3. Email from Councillor Floru dated 25 December 2014.
4. Email from Councillor Acton dated 13 January 2015.
5. Email from the Hyde Park Estate Association dated 18 December 2014.
6. Emails from Thames Water dated 28 November 2014 and 1 December 2014.
7. Email from the Environment Agency dated 1 December 2014.
8. Memo from the Cleansing Manager dated 9 December 2014.
9. Memo from the Arboricultural Manager dated 30 December 2014.
10. Memo from the Highways Planning Manager dated 28 January 2015.
11. Email from Building Control dated 10 March 2015.
12. Letter from English Heritage dated 18 March 2015.
13. Email from the occupier of Flat 2, 14 Connaught Square dated 10 December 2014.
14. Email from the occupier of 37 Connaught Square dated 8 December 2014.
15. Email from the occupier of 5 Connaught Square dated 8 December 2014.
16. Email from the occupier of 45 Connaught Square dated 10 December 2014.
17. Email and letter from the occupier of 9 Connaught Square dated 11 December 2014 and 15 December 2014.
18. Email from the occupier of 17 Connaught Square dated 11 December 2014.
19. Email from the occupier of 7 Connaught Square dated 12 December 2014.
20. Email from the occupier of 11 Connaught Square dated 15 December 2014.
21. Email from the occupier of 18 Connaught Square dated 16 December 2014.
22. Email from the occupier of 30 Connaught Square dated 17 December 2014.
23. Email from the occupier of 6 Connaught Square dated 17 December 2014.
24. Email from the occupier of 24 Connaught Square dated 22 December 2014.
25. Email from the occupier of 36 Connaught Square dated 4 January 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – acoulson@westminster.gov.uk

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	8 Bridstow Place, London, W2 5AE,		
Proposal	Excavation of single storey basement with partial demolition of side extension to provide lightwell and alterations to fenestration in side elevation.		
Agent	Mr Neal Newland		
On behalf of	Mr A. Highfield		
Registered Number	16/01608/FULL	Date amended/ completed	23 March 2016
Date Application Received	23 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

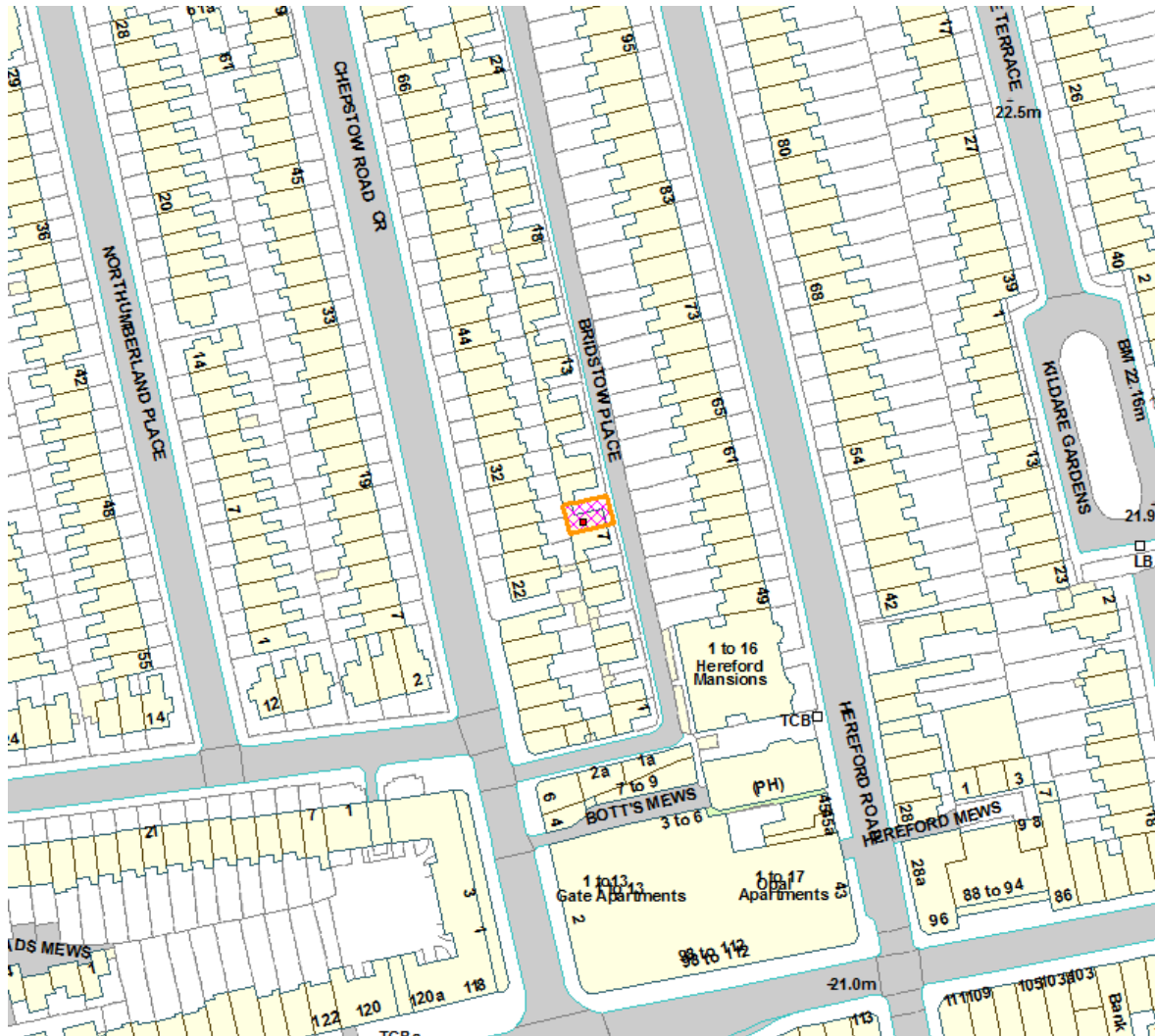
The application site is occupied by a two-storey dwellinghouse and is located on the west side of Bridstow Place in the Westbourne Conservation Area.

The application seeks planning permission for the excavation of a single storey basement under the footprint of the original building and part of the driveway at the side of the building. The proposals also comprise the demolition of part of the existing side extension to facilitate the installation of a lightwell as well as alterations to the fenestration in the side elevation.

Several objections have been received from neighbouring occupiers on design grounds, amenity grounds and arboricultural grounds as well as the impact of construction works and structural issues.

Notwithstanding the objections received, the proposals are considered to be acceptable and would accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLORS FOR BAYSWATER:

Any comments to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

The amenity society objects to the loss of the carefully composed centred triple bay of the side elevation which characterises these protected cottages.

Concerns are also raised in respect of the drawings which are allegedly very difficult to read and are not usefully labelled and that the use of the English language is not adequate. It is suggested that the lack of clarity alone should be sufficient grounds for rejection. Examples are provided.

Evidence of greening is requested, as are street photographs.

ARBORICULTURAL MANAGER:

No objections however suitable conditions should be attached to secure appropriate tree protection as well as landscaping.

BUILDING CONTROL:

This application does not include a Structural Methodology statement. However, the recently withdrawn 2015 application does and given the similarities between the two applications, no objections are raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 64

Total No. of replies: 9

No. of objections: 9

No. in support: 0

Additional consultation was carried out during the course of the application. This followed an amendment to the description of the proposal to more accurately reflect the proposed works. The later round of consultation was also widened to include those who were consulted on the previously withdrawn application. As a result the amenity society reiterated their earlier concerns, as did one neighbouring occupier. Two new letters of objection were received from other neighbouring occupiers.

Objections have been received on the following grounds;

Design:

- Bridstow Place is an intact row of early Victorian workman's cottages - not mews and is historically important;
- An essential part of their character and attraction is that they are small houses, and a large basement extension will change this;
- There are no other basements in Bridstow Place and as such there is no precedent;
- The cottages are subject to an Article 4 and should therefore receive extra protection.

Amenity:

- The associated plant would cause a noise nuisance;
- Loss of light;
- It is unclear if the side extension will project forward of its current location.

Trees:

- Inaccuracies in arboricultural report.

Construction Impact:

- Considerable disruption, noise, dirt, vibration and psychological distress this is likely to cause in this generally tranquil street;
- There is no anticipated duration for works but it is likely to be considerable especially given the constraints of the site;
- Limiting works to the day time will not help the many residents are at home during the day;
- Obstruction to road, which is a single lane, with specific reference to emergency vehicle and risks to parked vehicles which was a problem during works at no.4;
- Works are likely to coincide with development at Botts Mews;
- A hoarding at the front of the property will disrupt the public highway.

Structural Issues:

- Houses in Bridstow Place were cheaply built of poor quality materials and have footings rather than foundations, they suffer from chronic damp and the majority have experienced subsidence;
- Potential for structural damage to neighbouring properties;
- Unacceptable works to party walls;
- Disruption to water table;
- Drainage of water in lightwell has not been addressed;

Other Issues

- It is suggested that had the owner wanted additional space, they should have bought a bigger house;
- Objections raised in respect of previously withdrawn application should be taken into account;
- It is questioned whether or not the City Council has now started limiting such developments;
- It is suggested that this project would be a re-build of the existing building;
- Height of garden walls are in breach of bye-laws.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is occupied by a two-storey dwellinghouse and is located on the west side of Bridstow Place in the Westbourne Conservation Area. It is not listed but is subject to an Article 4 direction that has removed permitted development rights for alterations to

facades; erection/alteration of gates and fences; means of access to the highway; and painting of facades.

6.2 Recent Relevant History

15/12073/FULL

Excavation of single storey basement under existing footprint of dwelling house, part of drive and rear internal lightwell.

Application Withdrawn 25 February 2016

15/10979/FULL

Alterations to a door at first floor level and installation of a roof light.

Application Permitted 2 March 2016

15/10333/FULL

Extension to side of house.

Application Permitted 23 December 2015

12/11784/FULL

Replacement of existing ground floor side extension with enlarged extension with roof terrace above, with access from French doors at first floor level. Addition of timber fence to rear boundary at first floor level, enlargement of existing rooflight in side roofslope and associated external alterations.

Application Permitted 12 March 2013

12/07793/FULL

Extension to front of existing side addition with a first floor terrace with balustrade.

External alterations include new windows and doors and associated work. New sliding gate to driveway and re-positioning existing timber post to front boundary.

Application Refused 19 November 2012

7. THE PROPOSAL

The application seeks planning permission for the excavation of a single storey basement under the footprint of the original building and part of the driveway at the side of the building. The part of the basement under the driveway would have 1.2 metres of soil depth above it. The new basement would accommodate a gym with changing room, a media/playroom and a utility room with storage area.

The proposals also comprise the demolition of part of the existing side extension to facilitate the installation of a lightwell adjacent to the rear boundary and associated fenestration into this lightwell.

The fenestration in the side elevation would be reconfigured to provide access to the existing terrace above the remaining single storey side extension and a new balustrade would be installed at the rear of the extension.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Notwithstanding neighbours' concerns regarding the necessity of a basement, the principle of providing additional floorspace to enlarge the existing residential dwelling is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan (UDP).

8.2 Townscape and Design

At subterranean level, the basement itself would not harm character and appearance of the Westbourne Conservation Area. Its only external manifestation would be in the form of a lightwell to the rear of the single storey side extension which is considered to be discreetly located and therefore acceptable in design terms in accordance with policies DES1, DES5 and DES9 of the UDP as well as policies S25 and S29 of the City Plan.

The proposals would also comply with the new basement policy, which the City Council has been attributing weight to since 1st November 2015. The basement would be limited to a single storey and would not extend beneath more than 50% of the garden land. It would be inset 300mm from the rear boundary but given that the area to the front of the property has already had an impermeable surface installed, it would not be required to be inset in this location. The area of the basement underneath the driveway would have a 1.2 metres soil and drainage layer above it to support future planting.

The proposals, which comprise of alteration and extension to the existing dwelling rather than the demolition and erection of a replacement dwelling as suggested by a neighbouring occupier, are therefore considered to be acceptable in design and townscape terms and the concerns raised by neighbouring occupiers cannot be supported on this occasion.

8.3 Residential Amenity

Sunlight and Daylight

On objection has been received on the grounds of a loss of light to the occupiers of the property on Chepstow Road at the rear of the site. The view of the works would be obstructed by the existing party wall which would remain in situ and as such, this objection cannot be supported.

Another objection has been received on the grounds of the loss of light to a neighbouring occupier in Bridstow Place as a result of the enlargement of the single storey side extension. The current plans show that this side extension would not be enlarged. However, permission was granted for such an extension in 2015 and the applicant is still able to implement this permission.

The proposals would not give rise to a loss of light to any other neighbouring property.

Sense of Enclosure

Located primarily at subterranean level, the proposals would not result in an increased sense of enclosure to the detriment of the amenities of any of the neighbouring occupiers.

Privacy

The proposals would result in a reduction in the size of the existing terrace above the single storey side extension and therefore could only improve the privacy of neighbouring occupiers. The reconfiguration of windows and doors in the side elevation would not materially increase overlooking.

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

8.4 Transportation/Parking

The existing off-street parking space would be retained as part of the development. The proposals therefore raise no concerns in respect of transportation and parking.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposals would not affect access to the property.

8.7 Other UDP/Westminster Policy Considerations

Plant and Noise

Neighbouring occupiers have raised concerns in respect of the noise and disturbance caused by plant in the new basement. The proposed plans do not show any mechanical ventilation plant and therefore this objection cannot be supported. An informative is recommended to advise the applicant that, should they wish to install plant in the future, they would require a further application for planning permission.

Trees

The tree in the front garden is a Flowering Crab Apple & not a Laburnum or Cherry as noted in the submission. It is very small and unlikely to withstand the degree of disturbance generated as a result of the works. A neighbouring occupier has also identified similar concerns. However, subject to a suitable condition to secure a replacement tree and new landscaping, its loss is considered to be acceptable. Such a condition would also address the Notting Hill East Neighbourhood Forum's concerns regarding greening.

There are three relatively young Himalayan Birch trees in the garden of a property in Chepstow Road which abuts Bridstow Place. Whilst these trees are extremely close, providing some care is given to them during construction they are likely to withstand the proposals. Suitable tree protection methods should also be sought by condition.

The proposals are accordingly considered acceptable in terms of the impact on trees in accordance with policy ENV16 of the UDP.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The application is of insufficient scale to trigger the required for the submission of an EIA.

8.12 Other Issues

Basement Policy Revisions

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

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

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

Basement Excavation

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

Construction Management

The applicant has submitted a Construction Management Plan (CMP) with the application to outline the likely arrangements during the excavation and construction process.

The information provided is considered to be sufficient to meet the aims and objectives of the Basement SPD. A condition is also recommended to ensure that a revised CMP is submitted that contains further details once a main contractor had been appointed, such as provision of a more detailed and informed construction timetable and 24 hour contact number.

Other Objections

Concerns have also been raised by the Notting Hill East Neighbourhood Forum in respect of the way in which the information was presented by the applicant however, officers were satisfied that the way in which the information was presented was adequate to validate the application.

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

Concerns raised in respect of a breach of bye-laws are not material planning considerations.

Only concerns raised in respect of the current application can be taken in to consideration.

9. BACKGROUND PAPERS

1. Application form
2. Responses from Notting Hill East Neighbourhood Forum, dated 25 April and 8 June 2016
3. Response from Arboricultural Manager, dated 25 April 2016
4. Response from Building Control, dated 7 June 2016
5. Letters from occupier of 17 Bridstow Place, London, dated 19 April and 7 June 2016
6. Letter from occupier of 7 Bridstow Place, London, dated 19 April 2016
7. Letter from occupier of 49 Hereford Road, London, dated 25 April 2016
8. Letter from occupier of 56a Hereford Road, London, dated 25 April 2016
9. Letter from occupier of 57 Hereford Road, London, dated 28 April 2016
10. Letter from occupier of 10 Hereford Mansions, Hereford Road, dated 28 April 2016
11. Letter from occupier of 30 Chepstow Road, dated 1 June 2016
12. Letter from occupier of 3 Bridstow Place, dated 10 June 2016
13. Letter from occupier of 9 Bridstow Place, dated 22 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 NATHAN BARRETT ON 02076415943 OR BY EMAIL AT nbarrett@westminster.gov.uk

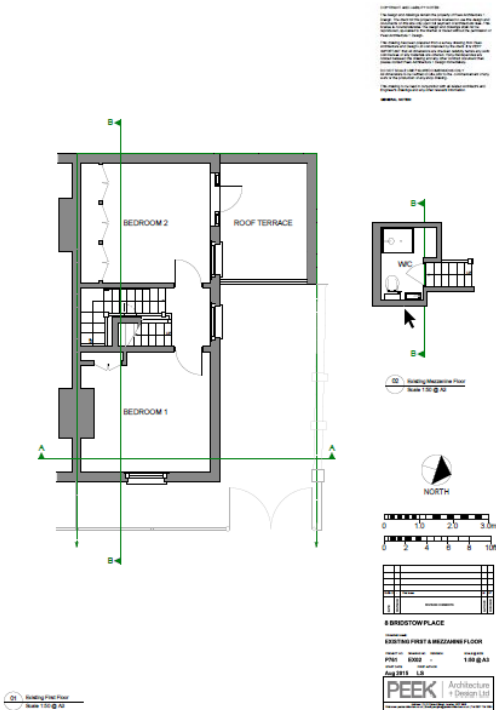
Proposed Basement



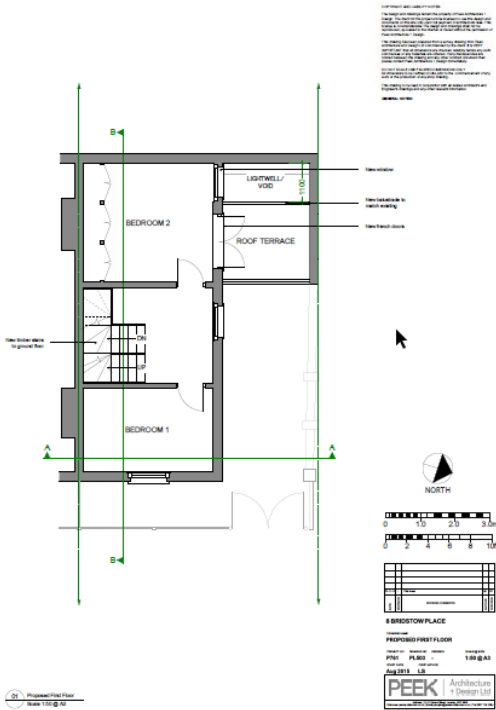
01 **Existing Ground Floor**
 02 **First Floor**

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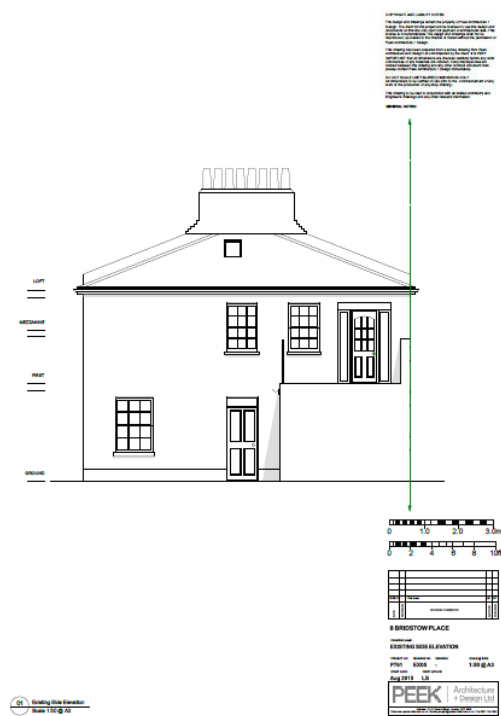
Existing First Floor



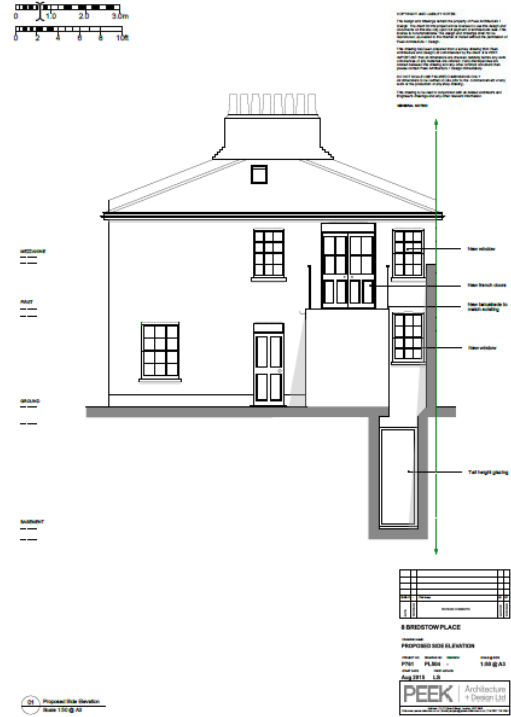
Proposed First Floor



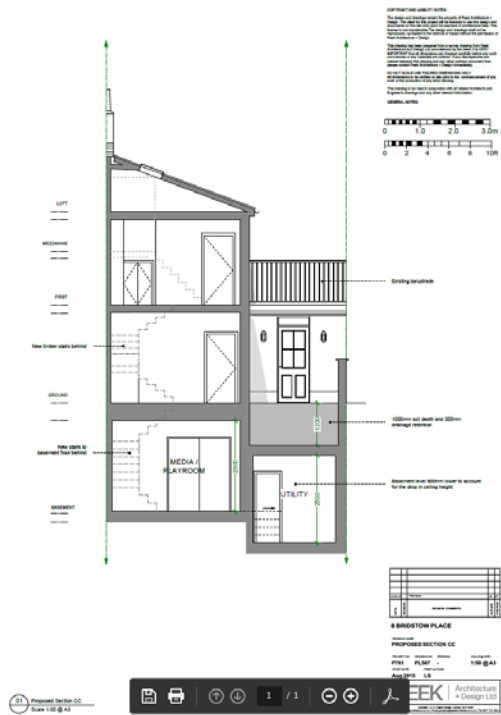
Existing Side Elevation



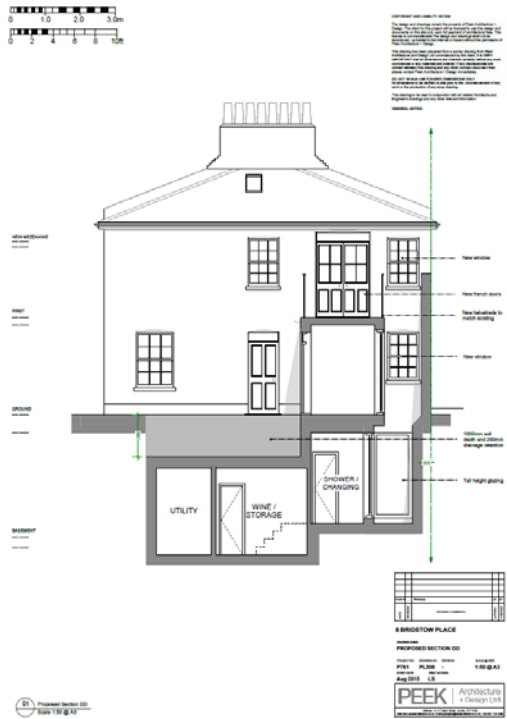
Proposed Side Elevation



Proposed Section CC



Proposed Section DD



DRAFT DECISION LETTER

Address: 8 Bridstow Place, London, W2 5AE,

Proposal: Excavation of single storey basement with partial demolition of side extension to provide lightwell, alterations to fenestration in side elevation and new balustrade to existing terrace.

Plan Nos: EX00, EX01, EX02, EX05, EX06, EX07, EX10, PL108, PL501, PL503, PL502A, PL504, PL507, PL508, PL509, Design and Access Statement and Tree Survey dated December 2015.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: 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.

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

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

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Westbourne Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 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 make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: 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. (R31AC)

- 7 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013, CM28.1 of Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The installation of mechanical ventilation plant would require a further application for planning permission.
- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City

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

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

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

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

Phone: 020 7641 2000

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

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

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	4 Mill Street, London, W1S 2AX		
Proposal	Use of second floor as a hostess bar including striptease (sui generis use) in connection with the existing use at first floor.		
Agent	WvH Planning Ltd		
On behalf of	Mr Chris Sturm		
Registered Number	15/11399/FULL	Date amended/ completed	7 December 2015
Date Application Received	7 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises the second floor of this listed building located within the Mayfair Conservation Area and the Core Central Activities Zone. The site is located outside of the Soho Sex-Related Uses Area (SRUA).

The basement and ground floors of this building are in use as a restaurant (Class A3), the first floor is in use as a hostess bar including striptease (*sui generis*), the second floor is vacant but the lawful use is an office (Class B1) and the third floor is a flat (Class C3). The upper floors are all accessed from a ground floor entrance on Mill Street and share a communal stairway. In addition to the third floor of the host building, it is understood that the nearest residential properties are located at No. 2 Mill Street at front third floor level and above The Windmill public house at Nos. 6-8 Mill Street.

The application seeks the change of use of the second floor to form an extension to the existing hostess bar including striptease at first floor level. Access between the two floors is proposed to be via a new internal staircase. No external alterations are proposed.

The existing hostess bar including striptease at first floor is a longstanding use immune from

enforcement action and is therefore lawful. It has a licence as a Sexual Entertainment Venue permitted to operate as a hostess bar with striptease involving full nudity between the following hours: 09.00 and 05.00 (Monday to Saturday) and 12.00 and 22.30 (Sunday). Condition 26 of the license limits the capacity of the venue to 30 patrons before 03.00 and 20 patrons after this time (i.e. between 03.00 and 05.00).

The current application follows an appeal against an identical form of development that was dismissed on 1 November 2013 (Ref: 12/12456/FULL) (please see Background Paper 4). In dismissing the appeal, the Inspector stated:

“The Council’s objection appears to be in-principle one which goes beyond any consideration of day-to-day effects. However, when regard is had to those effects, the proposal would double the capacity at the premises for up to 60 guests, and therefore customer turnover. This would inevitably increase its profile in the immediate locality, with increased activity associated with it (including comings and goings, strangers in the area, likelihood of increased noise, taxis picking up and dropping off) especially late at night and well in to the early hours in the morning. For these reasons, I do not consider that the Council’s concerns about the likely effects, aside from licensing controls, cannot be said to be unfounded or unjustified”

“In conclusion, there is no compelling evidence before me which demonstrated that a SRU [Sex Related Use], albeit in the form of an extension to the existing premises, should be allowed outside of the strict area within which such uses may be accepted or why the general restraint policies should be set aside in this case. Therefore, the proposed development is contrary to policy TACE 13 of the UDP” (Paras. 16 and 17).

The material difference between the current proposal and that dismissed at appeal is that the previous application sought to double the capacity of the premises to 60 patrons. The current application seeks to enlarge the existing venue to provide improved facilities and a less cramped environment, but with the same number of patrons. It is considered that this addresses the reasons for the dismissal of the previous application. Subject to conditions controlling the number of patrons and the hours of operation to match the existing licence, the proposal will not result in any increase in customer turnover or increased late-night activity when compared with the existing use. For this reason, despite the policy objection to sex-related uses (and especially outside of the SRUA) within UDP Policy TACE 13, there is no objection to the proposal in terms of the amenity impact of activity associated with the expanded use.

There is also no objection to the loss of office floorspace to another commercial use, with the emerging replacement City Plan Policy S20 (which the City Council is taking into account as a material consideration with significant weight in determining planning applications) only providing protection for offices where they are proposed to be converted to residential floorspace.

Finally, the effect of the application will be to remove the ‘buffer’ between the existing venue and the flat on the third floor of the host building. Furthermore, it would add another floor of entertainment adjacent to the flat on the upper floor of the adjacent public house. The result would be that the proposed venue would be immediately below and adjacent to two residential units. The nature of the use is such that music may be played at raised levels and also be of a type (i.e. low frequency) which could be transmitted through the building fabric unless mitigation measures are taken. The intention is that the second floor will operate until 05.00 with the playing of music, albeit at ‘background’ level, being an essential part of the operation of the premises. The music being played does not necessarily have to be very loud as the ‘beat’ of the low frequency music can be particularly disturbing to nearby residents.

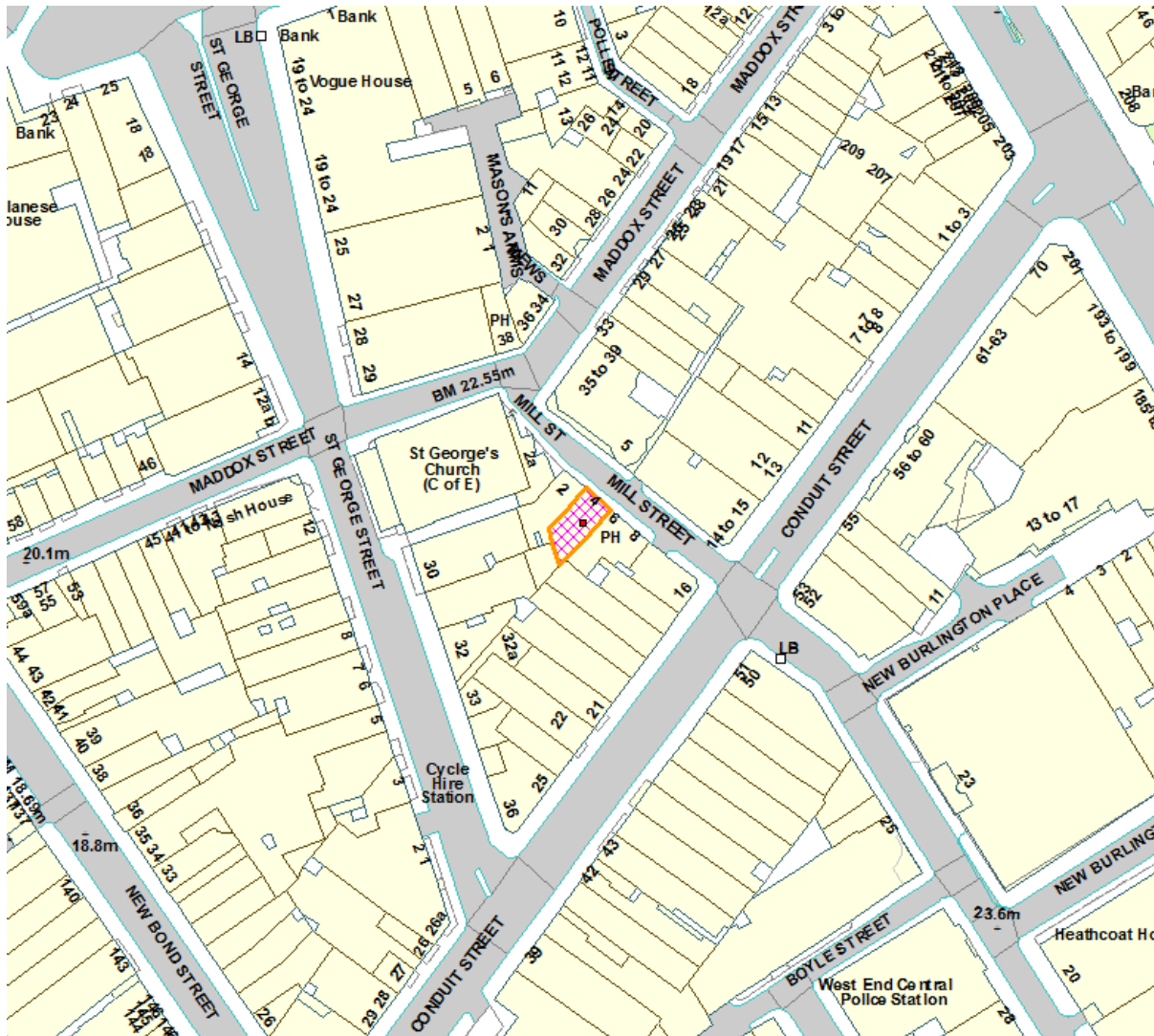
The proposal therefore has the potential to cause a loss of amenity to the occupants of the neighbouring flats, contrary to City Plan Policies S29 and S32, as well as UDP Policies ENV 6 and ENV 13.

The applicant has submitted an acoustic report setting out the mitigation required to ensure that noise from the venue does not result in noise disturbance to the neighbouring residents. Measurements taken from the operation of the venue at first floor have been used to calculate the required mitigation. The proposed mitigation is in the form of insulation being installed within the ceiling void between the second and third floors, insulation being fixed to the interior walls of the second floor and acoustic doors (with appropriate seals) being installed to common parts of the building to prevent sound 'flanking' the ceiling and wall insulation.

This report has been considered by Environmental Health who advise that the mitigation measures are considered to be readily achievable so that existing residents will be unlikely to be adversely affected by the proposed development. This is subject to conditions requiring the mitigation to be installed prior to the commencement of the use of the second floor, this mitigation being retained and a limiter being fitted to the sound amplification system in the proposed second floor so that pre-defined maximum noise levels are not exceed. This limiter will be secured by key or password so that only persons with management responsibility have access. Subject to these conditions, Environmental Health has no objection to the proposed development on noise or nuisance grounds.

For the reasons set out above, it is concluded that the proposed extension to this existing use will not be harmful to the character of the area or to the amenity of adjoining residents.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:
No objection.

ENVIRONMENTAL HEALTH:
No objection.

CLEANSING:
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:
No. Consulted: 45
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

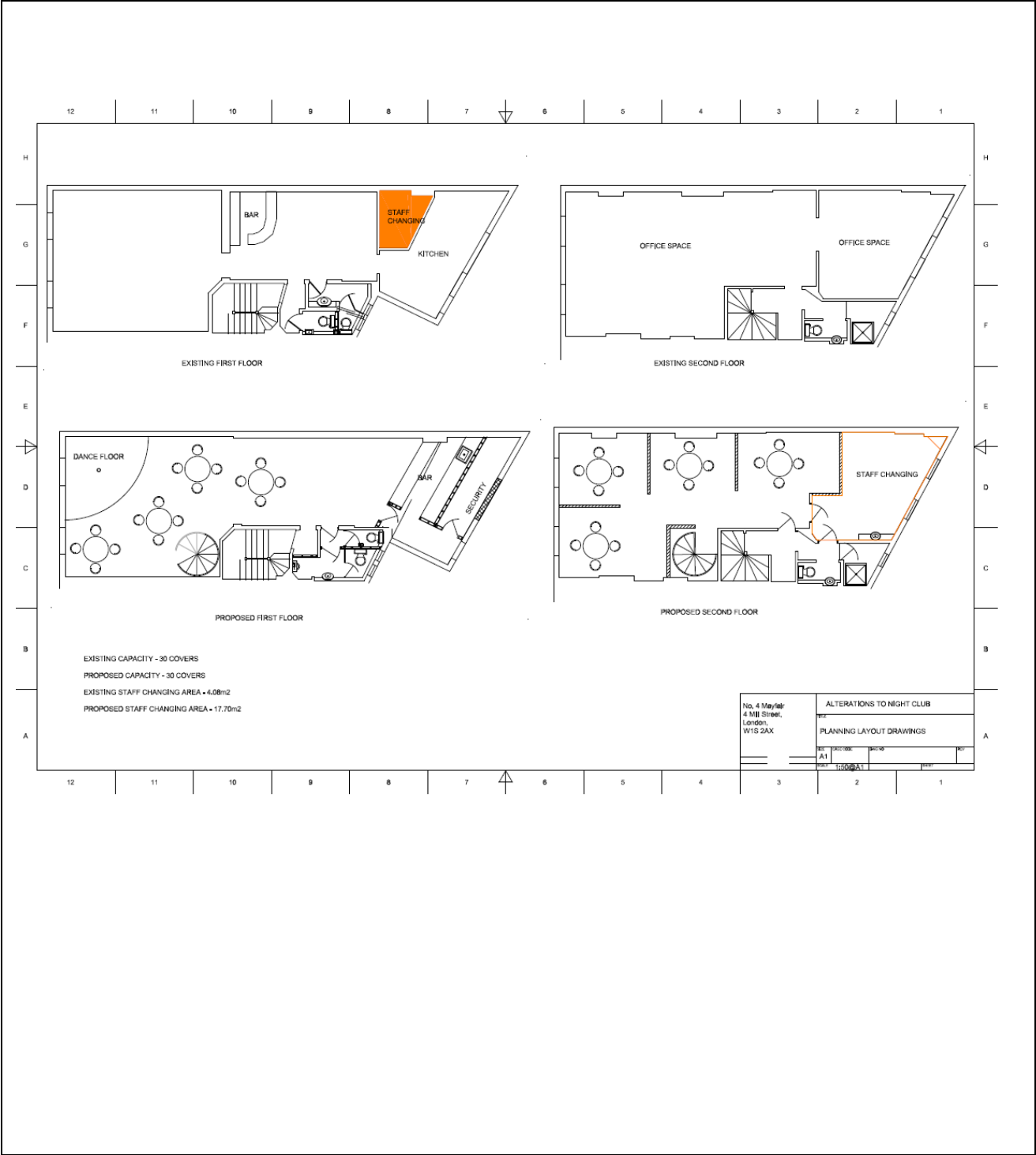
1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 11 January 2016
3. Response from Environmental Health Consultation, dated 22 June 2016.
4. Appeal decision dated 1 November 2013.

Selected relevant drawings

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

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

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 4 Mill Street, London, W1S 2AX,

Proposal: Use of second floor as a hostess bar including striptease (sui generis use) in connection with the existing use at first floor.

Reference: 15/11399/FULL

Plan Nos: Existing and proposed first and second floors titled 'Planning Layout Drawings' and Sound Insulation Desktop Study (Ref: 16706-1).

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 Customers shall not be permitted within the first and second floor hostess bar including striptease premises:

- Before 09.00 or after 03.00 the following morning on Monday to Saturday; and
- Before 12.00 or after 22.30 on Sundays and Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S323 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, TACE 13 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 3 You must not allow more than 30 customers into the property at any one time before 03.00 and you must not allow more than 20 customers into the property at any one time between 03.00 and 05.00. (C05HA)

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S323 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, TACE 13 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 4 The acoustic insulation between the second and third floors and on the perimeter walls of the unit at second floor level as detailed within Section 8 of the approved Sound Insulation Desktop Study

(Ref: 16706-1) shall be carried out in full prior to the commencement of the use hereby approved so it will protect residents within the same building or in adjoining buildings, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. The acoustic insulation shall thereafter be retained in situ.

Reason:

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

- 5 Prior to the commencement of the use hereby permitted, a noise limiter shall be fitted to the musical amplification system so that the following maximum noise levels are not breached:

- Leq noise limit - 67.0dB (63Hz octave band) and 75.9dB (125Hz octave band); and
- LFMAX noise limit - 67.0dB (63Hz octave band) and 75.9dB (125Hz octave band).

This noise limiter shall be retained, the maximum noise levels not adjusted and no sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Reason:

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

- 6 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must commence the use hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the hostess bar including striptease. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 3 The conditions hereby approved are separate from any licence issued by the City Council. You must comply with the conditions of both the planning permission and the licence at all times.

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	27 Soho Square, London, W1D 3QR,		
Proposal	Variation of Condition 29 of planning permission dated 19 April 2016 (RN: 15/08151/FULL) for demolition of existing facades and existing fourth, fifth and sixth floor levels, erection of new facades on Greek Street, Soho Square and Bateman Buildings and replacement of fourth, fifth, sixth floors, and new seventh floor level, in connection with the use of part basement, part ground and first to seventh floor levels as 21 residential units. Triple alternative use of part basement and part ground floor level as retail (Class A1) and/or financial and professional service (Class A2) and/or restaurant/cafe (Class A3) with associated shopfront alterations to all facades at ground floor level. Creation of terraces at fifth and sixth floor level, Juliette balconies to all facades and a plant area at roof level. NAMELY, to omit the requirement to provide yellow stock brick work and include the submission of grey bricks.		
Agent	Turley		
On behalf of	Hermes Real Estate Investment Management Ltd		
Registered Number	16/05208/FULL	Date amended/ completed	3 June 2016
Date Application Received	3 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

1. Grant conditional permission

2. SUMMARY

The application site is located on the south side of Soho Square and also has frontages on Greek Street and Bateman Buildings. Part of the basement and ground floor are in use as a bank (Class A2), which is accessed from Greek Street. The remaining part of the basement, the ground floor and the upper six floors are in use as offices, which are accessed from Soho Square.

Permission was granted on 19 April 2016 for a partial redevelopment scheme which included new facades on Greek Street, Soho Square and Bateman Buildings as part a mixed use scheme for either

retail (Class A1) and/or financial and professional service (Class A2) and/or restaurant/cafe (Class A3) on the lower floors and 21 residential units.

The permission was subject to a condition that the new building should be faced in either red or yellow stock brickwork. The condition (No 29 on the decision notice) required a sample panel of the brickwork to be approved showing the texture, face bond and pointing.

This application seeks to vary this condition to remove the requirement to submit yellow stock bricks and allow the submission of grey bricks, which was originally proposed.

The approved building is to be faced with grey bricks which are an attractive blend of tones rather than a uniform colour. The samples submitted are of a grey brick which would harmonize with the neighbouring Grade I listed No.1 Greek Street, and suit the character and appearance of the conservation area in which there are many examples of blackened brickwork.

It is considered that yellow stock brick would not be appropriate in this location because it would be a startling contrast to No.1 Greek Street and therefore harmful to its setting.

The alternative red/brown brick suggested may be acceptable noting the colour of brickwork on other nearby buildings. Nevertheless, the applicant's preference is for the grey brick and this is considered to be the most appropriate colour for the facing brick on the building.

One procedural matter that needs to be taken into account is the Crossrail conditions. Unfortunately these standard conditions were omitted from the original decision notice. They have been attached to this decision notice.

On this basis the application is recommended for approval.

4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally

CROSS LONDON RAIL LINKS LTD

No objection, subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 128

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

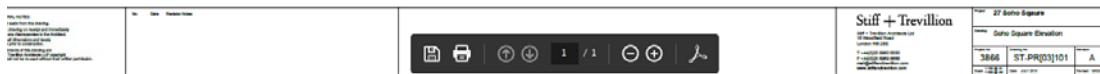
6. BACKGROUND PAPERS

1. Application form
2. Response from Cross London Rail Links Ltd, dated 10 June 2016

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

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

Approved Soho Square elevation

[illegible]

DRAFT DECISION LETTER

Address: 27 Soho Square, London, W1D 3QR,

Proposal: Variation of Condition 29 of planning permission dated 19 April 2016 (RN: 15/08151/FULL) for demolition of existing facades and existing fourth, fifth and sixth floor levels, erection of new facades on Greek Street, Soho Square and Bateman Buildings and replacement of fourth, fifth, sixth floors, and new seventh floor level, in connection with the use of part basement, part ground and first to seventh floor levels as 21 residential units. Triple alternative use of part basement and part ground floor level as retail (Class A1) and/or financial and professional service (Class A2) and/or restaurant/cafe (Class A3) with associated shopfront alterations to all facades at ground floor level. Creation of terraces at fifth and sixth floor level, Juliette balconies to all facades and a plant area at roof level. NAMELY, to include the submission of grey bricks.

Reference: 16/05208/FULL

Plan Nos: Sample panels of brick

15/08151/FULL

ST-PR[02]109 B, ST-PR[02]110 C, ST-PR[02]111 A, ST-PR[02]114 A, ST-PR[02]115 A, ST-PR[02]116A, ST-PR[02]117 A, ST-PR[02]118 A, ST-PR[03]101 A, ST-PR[03]102 A, ST-PR[03]103 C, ST-PR[03]104 A, ST-DM[02]119, ST-DM[02]120, ST-DM[02]121, ST-DM[02]122, ST-DM[02]123, ST-DM[02]124, ST-DM[02]125, ST-DM[02]126

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:, ,
 * between 08.00 and 18.00 Monday to Friday;, * between 08.00 and 13.00 on
 Saturday; and, * not at all on Sundays, bank holidays and public holidays., , Noisy work
 must not take place outside these hours. (C11AA)

Reason:

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

- 3 If you provide an A3 use, no more than 15% of the floor area of each of the uses shall consist of a bar or bar seating. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 4 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours 07.30 to midnight Monday to Saturday and 10.00 - 23.00 on Sundays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 If an A3 use is to be provided, you must apply to us for approval of an operational management plan to show how you will prevent restaurant customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurants are in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 6 (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.

- 7 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.

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

Reason:

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

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

Reason:

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

- 10 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 11 Prior to occupation of the basement and ground floor levels, you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy for the Class A1 and/or Class A3 uses, the plan should identify process, storage locations, scheduling of

deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised., , All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 12 You must submit detailed drawings showing the layout of the restaurant uses before the restaurants are occupied. The drawings must include self-closing doors to entrances, kitchen areas, covers, bar areas and access arrangements to the lower ground floor areas.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 In the event that the Class A3 restaurant uses are implemented, you must provide detailed drawings (plans and section/elevation) showing the full height kitchen extract duct, with termination of extract ducts 1m above the highest part of the building), as indicated on your approved drawings. These details must be provided before the restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurants are in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 14 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 Soho 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 detailed drawings at a scale of 1:10 of the following parts of the development: - a typical new shopfront, - a typical example of each new window and external door type, , 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 detailed drawings. (C26DB)

Reason:

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

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

Reason:

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

- 17 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application. - photovoltaic panels. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

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

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 19 The 3-bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides a minimum of three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 20 In the event that Unit 1 and Unit 2 are implemented for restaurant purposes, they must not be amalgamated to create a large A3 use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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

Reason:

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.

- 22 The ground floor shopfront windows must not be openable

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)

- 23 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions 8 and 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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.

- 24 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following - mitigation for not providing affordable housing on-site., , In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 25 No residential unit forming part of the development shall be occupied until a car club scheme containing the following provisions has been submitted to and approved in writing by the local planning authority and thereafter the scheme shall be carried out in accordance with those details. Such a scheme shall contain the following: , , a) Confirmation of approval of the particular car club which is to be a Carplus accredited club; , , b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of: , 1. the existence of the car club , 2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee; , 3. details of how to become a member of the car club; and, 4. in the event that a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident [for a continuous period of [25] years] , , b) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents. , , c) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development. , , d)

Confirmation that any advert or marketing in relation to the sale of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club., , e) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club., , (f) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

Reason:

To mitigate the demand for on street car parking in accordance with CS41 of our Core Strategy that we adopted in January 2011 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 26 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

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)

- 27 You must not carry out building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans. (C34AA)

Reason:

To meet the requirements of Regional Policy Guidance Note 3a. This is as set out in S26 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 14 of our Unitary Development Plan that we adopted in January 2007. (R34AC)

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

Reason:

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

- 29 You must apply to us for approval of a sample panel of either red or grey brickwork showing the 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 Soho 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)

- 30 You must apply to us for approval of the proposed public art (the decorative frieze). You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 31 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:- (i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works, (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures. (iv) Mitigate the effects on Crossrail, of ground movement arising from development

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 32 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

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

Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

3

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.

4

Crossrail is very likely to have monitoring equipment both on the inside of the building and on its external facades. The equipment is installed under Crossrail act 2008 and records ground movements (measured automatically or manually) and is essential for the control of ground settlement impact on buildings during Crossrail's works. prior to the commencement of work on the premises please contact the Crossrail Helpdesk (helpdesk@crossrail.co.uk - Tel: 0345 602 3813) as soon as possible to obtain details of any monitoring equipment installed in order to ensure that your works do not interfere with Crossrail;s monitoring equipment.

Please also note that Crossrail currently have four grout shafts located in Soho Square to support the ground during tunnelling works for the new Tottenham Court Road station. A traffic management plan is currently in place, subject to programme changes, until 31 December 2015. The use of cranes for lifting operations will be required.

5

In relation to Condition 25, Carplus was established in 2000 to support the development of car clubs and 2+ car sharing schemes in the UK, in response to growing environmental concerns around private car use. Carplus provide technical support, best practice guidance and practical advice to car club operators, community groups, local authorities and transport authorities to assist in setting up and developing car clubs. www.carplus.org.uk

6

Under condition 24 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure £1.4 million as confirmed in writing by Susie Stephen of Turley dated 31 March 2016. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

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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 12 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	170 Randolph Avenue, London, W9 1PE,		
Proposal	Use of two areas of the public highway measuring 2.04m x 0.77m and 4.0m x 0.77m for the placing of three tables, six chairs and one waste bin in connection with adjacent coffee shop from 09:00 - 19:00 Monday to Saturday and 10:00 - 18:00 Sundays.		
Agent	Miss Emma Morrison		
On behalf of	Starbucks Coffee Co (UK) Ltd		
Registered Number	15/10107/TCH	Date amended/ completed	11 May 2016
Date Application Received	30 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This is a renewal application for the use of the public highway for the siting of three external tables, six chairs and a single bin associated with Starbucks Coffee in Maida Vale between 09.00 - 21.00 Monday to Saturday and 10:00 - 18:00 Sundays. The proposed items of furniture and layout, and hours sought are the same as those most recently approved at planning Committee 3 February 2015 for a temporary period of a year. The premises have a long history of external tables and chairs associated with the premises. However, there have also been breaches of planning control and local residents in close proximity to the premises have raised concern with the management of the premises and the impact of the external tables and chairs in respect of noise and disturbance, litter and highways issues.

The key issues are:

- * The impact of the placing of the external tables and chairs on the public highway in transportation terms.
- * The impact of the use of the external tables and chairs on the amenities of local residents.

The hours and layout proposed are the same as those approved when the application for tables and

chairs was last submitted. There are no new material considerations which would lead to a different conclusion and the proposal would again satisfy the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies, and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HIGHWAYS

No objection

CLEANSING

No objection

COUNCILLR PRENDERGRAST

- * Starbucks not a considerate operator.
- * They operate in breach of hours controlled by condition.
- * Refuse is left outside premises for extended periods prior to collection time.
- * Customers littering.

Cllr Prendergast has requested that her most recent objection to the previous application which sought to extend the permitted hours of use of the premises (RN: 15/05674/FULL) be considered in this current tables and chairs application. She has also requested that the representation of an adjoining resident to this previous application be used also. Both are included in the background papers for reference. The main points of Cllr Prendergast's previous representations are summarised below;

"Objection, additional opening hours would have a significant, harmful and detrimental impact on this quiet residential road. Starbucks are the only business trading on the road in a high density housing area. They cause noise and disturbance, litter and anti-social parking by customers and the premises are poorly managed. City Inspectors have spent a lot of time attempting to educate the managers (in relation to waste presentation and litter) without success. There are also ongoing problems with mess associated with external tables and chairs. Cars are left in the bays designated for the local doctor's practice, and residents find themselves boxed in."

ADJOINING OWNER/OCCUPIERS

No consulted: 38 No replies to date: 1

- * No regular clearing outside the premises.
- * Customers littering.
- * Refuse waste left outside premises for extended periods prior to scheduled collections.
- * Takeaway function attracts vehicular congestion.
- * Opening hours are not appropriate.

SITE/PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is the ground floor commercial premises occupied by Starbucks of 170 Randolph Avenue, London, W9 1PE, which is an unlisted building located in the Maida Vale Conservation Area.

6.2 Recent Relevant History

06/00671/FULL - Planning permission was granted on 23.03.2006 for the continued use of the premises as a mixed use coffee shop (Class A1/A3) Sui Generis. This was subject to a number of conditions restricting the use including:-

1. No cooking of raw or fresh food.
2. Hours of operation 07.00-19.30 Monday to Friday and 07.30 to 19.30 on Saturdays and Sundays.
3. Personal to Starbucks

Planning permission was subsequently granted for the placing of three tables and six chairs on the highway in connection with Starbucks between the hours of 9am and 9pm in 2006, 2007, 2008, 2009, 2010, 2011 and 2013 (the latter of which also included the provision of a waste bin outside the premises).

14/00356/TCH - Application withdrawn on Officer advice in July 2014, for use of the public highway for the placing of three tables, six chairs and one waste bin in connection with Starbucks from 06:00 - 22:00 Monday to Friday, 07:00-22:00 Saturdays and 07:30 - 21:00 Sundays, as the proposed hours fell outside of the permitted hours of opening controlled by condition 2 of the principle use permission.

An officers meeting with Starbucks followed whereby the lawful planning position in respect of both the use of the building and the external tables and chairs was discussed together with ongoing management concerns raised by local residents in respect of unsocial hours of servicing, noise and disturbance, litter, inconsiderate parking and general management issues.

14/10399/TCH - Planning permission was granted on 03.02.2015 for use of two areas of the public highway for the siting of three tables, six chairs and one waste bin in connection with Starbucks Coffee, subject to reduced hours of between 09.00 to 19.00 Monday to Saturday and 10.00-18.00 on Sunday, to operate until 03.02.2016.

15/02135/FULL - Application withdrawn by applicant 11.05.2015 (due to be reported to Planning Committee 12.05.2015) for variation of Condition 2 (hours of opening) of planning permission dated 23 March 2006 (RN: 06/00671Full), for continued use as mixed use coffee shop Class A1/A3 (Sui Generis), namely to extend the opening hours of the premises from 19.30 until 21:00 daily.

15/05674/FULL - Variation of Condition 2 of planning permission dated 23 March 2006 (RN: 06/00671) for the continued use as mixed use coffee shop (sui generis) at Nos. 168-170; namely, to extend opening hours to between 06.30-20.30 Monday to Friday and 07.30-20.30 Saturday and Sunday. This was refused at Planning Committee for the following reason:

1. "The proposed extension of hours of this coffee shop is considered to result in additional noise, disturbance and litter to nearby residents. This would not meet S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007."

7. THE PROPOSAL

The application proposes: 'Use of two areas of the public highways measuring 2.04m x 0.77m and 4.0m x 0.77m for the placing of three tables, six chairs and one waste bin in connection with adjacent coffee shop, from 09:00 - 19:00 Monday to Friday, 09:00-19:00 Saturdays and 10:00 - 18:00 Sundays.'

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing use of the premises by Starbucks is operated under the 2006 permission which granted conditional permission for a mixed use coffee shop (Class A1/A3), a sui generis use.

The three tables and six chairs proposed are not considered to unacceptably intensify the existing mixed use coffee shop and the principle of external tables and chairs is considered to be acceptable in terms of Policy TACE11 of the UDP. Furthermore, the planning history demonstrates that temporary permission has been granted for tables and chairs on the public highway outside of Starbucks continuously since 2006. The proposed hours during which the tables and chairs may be placed outside the premises accord with the opening hours restricted by condition 2 of the original permission granted in 2006.

8.2 Townscape and Design

The furniture comprises steel circular tables and steel/teak wood chairs. These are considered to be of appropriate design and material and are considered to protect the character and appearance of the Maida Vale Conservation Area.

The waste bin which was requested by the Sub-Committee in 2009 is fibre glass and does not display any advertisements. The bin is therefore considered to be of appropriate appearance. No other furniture is proposed and this is to be secured by condition. The proposal therefore satisfies Policy TACE11 and DES7 of the UDP.

8.3 Residential Amenity

The premises lie on the edge of the Maida Vale Local Shopping Centre (Core Frontage) and in close proximity to the Maida Vale Underground Station, but also in close proximity to local residents.

This is a renewal application and is identical to the temporary tables and chairs permission most recently granted 03 February 2015, with respect to the number of tables, chairs and single bin, and for when the tables and chairs may be placed outside the premises which is between 09:00 - 19:00 Monday to Saturday and 10:00 - 18:00 on Sundays. The 2015 permission originally proposed longer hours on a Sunday. However, Officers imposed the above reduction to afford neighbours more respite on a Sunday. In this application, the applicant has not sought to extend these hours on a Sunday. Rather they have sought to renew those imposed by the Council previously.

This sui generis (A1/A3) use and placement of tables and chairs outside the premises has attracted objections in the past in relation to management, litter and hours of operation. In this application, similar representations have been received objecting to the continued placement of tables and chairs outside of the premises, littering and congestion arising from vehicles visiting the premises and parking illegally in residents bays.

Cllr Prendergast has advised Officers of instances where the opening hours of the use have been breached, and a provided photograph allegedly of the premises with advertised opening hours during Christmas period beyond those permitted by condition 2 of the 2006 use permission. Cllr Prendergast also forwarded to Officers correspondence from the Council's Public Protection and Licensing department with respect to refuse collection during the week which may have accumulated on the weekend, potentially in breach of condition 4 (refuse collection) of the 2006 use permission which restricts the placement of refuse outside the premises on collection days only.

The concerns expressed by neighbours and Cllr Prendergrast, in relation to the opening hours, refuse collection times and congestion associated with vehicles visiting the premises, are issues caused by the use itself, rather than the presence of tables. Any alleged breaches of conditions imposed by that permission are matters for planning enforcement to investigate.

With regards to implications of patrons utilising outside seating at the premises in relation to neighbouring residential amenity, the hours sought are the same as those permitted most recently in February 2015 and are considered to be appropriate within the context of the site. With regards to litter, this is a management issue, rather than one intrinsically linked to the presence of tables and chairs. Accordingly, it is not considered a sustainable reason for refusing permission.

A temporary permission for one year is recommended in order to monitor compliance with the planning permission and the applicant is to be advised in an Informative that any future breach of planning control may result in unsuccessful future applications, especially given the previous breaches.

8.4 Highways

The tables, chairs and bin layout correspond with the layout of the most recently approved temporary permission in 2015. The area of public footway for pedestrian use remains at least 2.4m which satisfies the City Council's minimum requirement of 2m for a pedestrian clearway [See Westminster Way, page 89, section 246] and is in accordance with Policy TRANS 3 (A). During the course of the application, the agent supplied an amended drawing addressing a discrepancy relating to the distances from the tables and chairs to the kerb edge. As long as this layout and number of tables and chairs is complied with, there would be no impingement on the free flow of pedestrians, and the proposal would satisfy Policies TACE11 of the UDP and S41 of the City Plan.

Objections from adjoining neighbours have been received in relation to increased congestion arising from the use and cars parking illegally in resident's bays when visiting the premises. However, these concerns relate to the operation and use itself rather than the placing of tables and chairs on the highway, and therefore withholding planning permission on these grounds is unsustainable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

It is not considered that the granting or refusal of permission will have any significant impact on the City Council's equalities and diversities policies.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

Not applicable

8.11 Other Issues

Officers have responded to questions asked of the City Council concerning the extent to which the Council has considered the issue of 'Amenity' in determining applications at the site (see background papers). Officers advised that the most recent decisions have been considered principally on grounds of impact toward neighbouring amenity, whereby extended hours of operation have been rejected owing to unacceptable disturbance on mornings and evenings.

9. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing - Development Planning, dated 19 November 2015
3. Response from Highways Planning, dated 7 December 2015
4. Response from Cllr Prendergast, dated 10 April 2015 (in relation to previous application), 24 December 2015, 2 February 2016, 16 March 2016,
5. Letter from occupier of 1 Elgin Mews North, Maida Vale, dated 19 November 2015, 8 December 2015

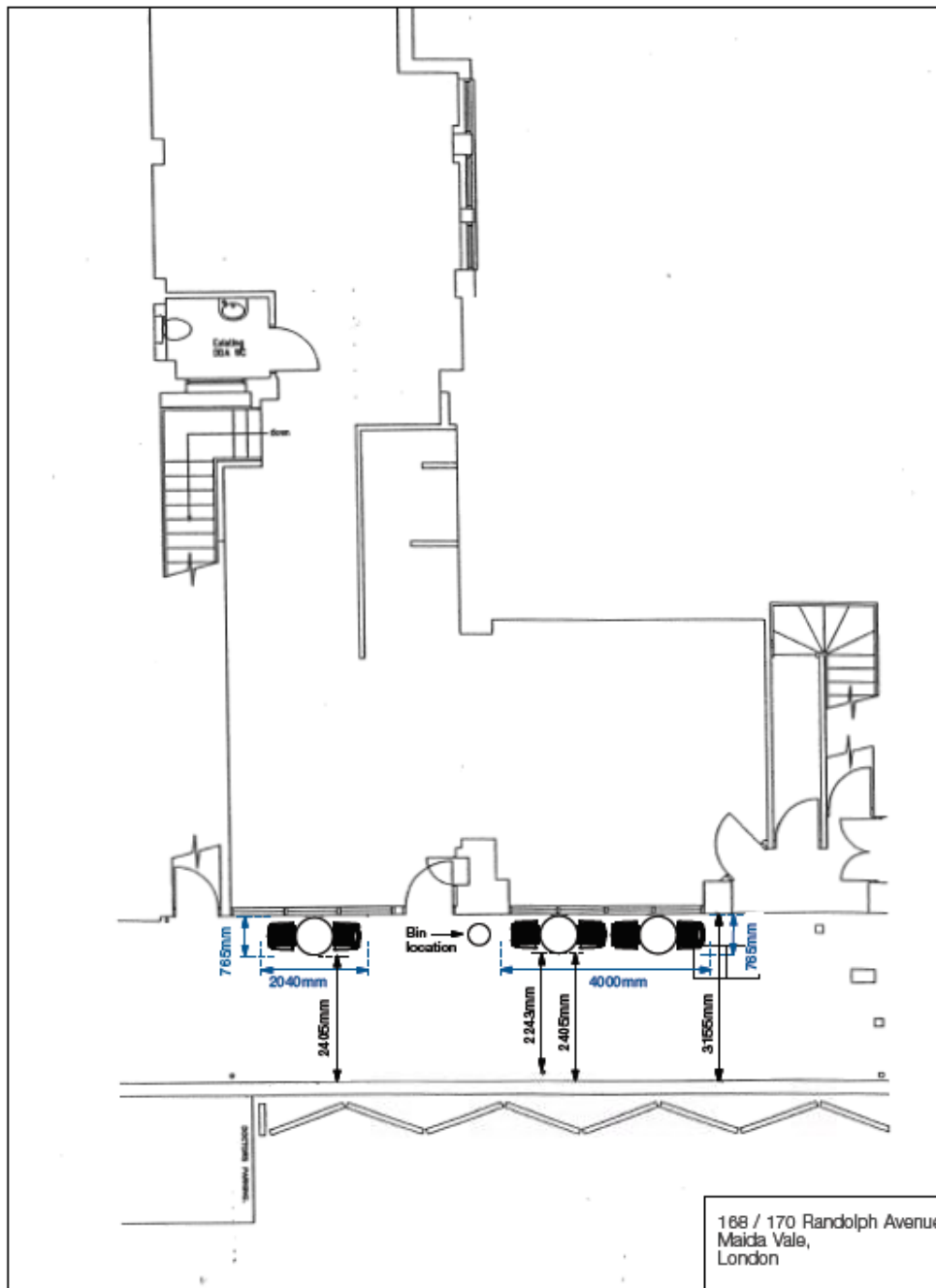
Selected relevant drawings

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

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



0 1 5m
Scale 1:100 @ A4

T 01454 525245 | F 01454 518074 | www.pegasusplanning.co.uk
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Pegasus Urban Design is part of Pegasus Planning Group. Drawing prepared for planning. Any queries to be reported to Pegasus for clarification.

168 / 170 Randolph Avenue,
Maida Vale,
London

Outdoor Seating Plan

Starbucks Coffee Company (UK) Ltd

www.pegasus.co.uk

Team: NPV/CGL

20th March 2012

1:100 @ A4

BRS.1091-12437_02-1a

Pegasus
Planning
Group

Item No.
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DRAFT DECISION LETTER

Address: 170 Randolph Avenue, London, W9 1PE,

Proposal: Use of two areas of the public highways measuring 2.04m x 0.77m and 4.0m x 0.77m for the placing of three tables, six chairs and one waste bin in connection with adjacent coffee shop from 09:00 - 19:00 Monday to Saturday and 10:00 - 18:00 Sundays.

Reference: 15/10107/TCH

Plan Nos: BRS.1091-12437_01-1; BRS.1091-12437_02-1e; Cover letter dated 29 October 2015; Liability Insurance dated 6 October 2015; Specification sheets for "Bijou Stacking Armchair with Teak Wood Seat" and "Bijou Tilt Table"; Design and Access Statement

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

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 can only put the tables and chairs and litter bin on the pavement between 09.00 and 19.00 Monday to Saturday and 10.00 and 18.00 on Sundays. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 3 You must not put the tables and chairs and litter bin in any other position than that shown on drawing BRS.1091-12437_02-1e.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 4 The tables and chairs must only be used by customers of Starbucks Coffee, 168-170 Randolph Avenue, W9. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 5 This use of the pavement may continue until 12.07.2017. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs and litter bin shown on drawing BRS.1091-12437_02-1e. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: 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 reminded of the need to comply with the conditions on this planning permission and planning permission dated 23 March 2006 (Ref:-06/00671/FULL) which granted permission for the continued use of the premises as a mixed use coffee shop (Class A1/A3) Sui Generis subject to a number of conditions, including a restriction on the hours of use of the premises to between 07.00-19.30 Monday to Friday and 07.30 to 19.30 on Saturdays and Sundays. Failure to comply is a breach of planning control and we may take legal action to stop any such breach.

Item No.
8

Any such breaches will be taken into account in assessing any future applications.

- 3 You are reminded of the need to respect your neighbours in the operation of your business. This includes managing the premises in a way to prevent anti social behaviour, noise and disturbance, litter and unsocial hours of servicing of the premises.

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 12 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	12 Maiden Lane, London, WC2E 7NA		
Proposal	Details of a post commissioning noise survey pursuant to Condition 6, 7 and 8 of planning permission dated 22 January 2016 (RN: 15/09562/FULL) which granted the installation of external plant and equipment within existing enclosure at main roof level and retention of extract ducts from second floor level to roof level terminating within the enclosure.		
Agent	Mr Mike Hughes		
On behalf of	Maiden London Ltd		
Registered Number	16/03861/ADFULL	Date amended/ completed	27 April 2016
Date Application Received	27 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Approve details.

2. SUMMARY

This application relates to approval of a post commissioning survey to demonstrate compliance with noise conditions attached to permission 15/09562/FULL, as approved in January 2016 for the 'installation of plant and machinery at first floor level and fifth floor (roof level)'. The plant services The Big Easy restaurant on the ground and lower ground floors of 12 Maiden Lane.

12 Maiden Lane is a five storey unlisted building located in the Covent Garden Conservation Area. The Maiden Lane frontage provides access at ground floor level through to a restaurant arranged over the ground, lower ground and basement levels of a development at 12 Maiden Lane and 13 Bull Inn Court. There is an office on the upper floors of 11 and 12 Maiden Lane which is accessed from no.11. The upper floors of the rear part of the building (referred to as 14 Bull Inn Court) are in use as 14 residential flats.

There has been previous history relating to the installation of plant and machinery for the restaurant and the noise impacts associated with this, notably to the residents directly beneath the rooftop plant at Flat 14, 14 Bull Inn Court. Objections to the current proposals have been received from these

residents on the grounds that the post commissioning noise survey and testing carried out are insufficient to demonstrate compliance with conditions 6, 7 and 8 of permission 15/09562/FULL.

Further to the testing carried out by the applicant, as assessed and witnessed by the City Council's Environmental Sciences and Noise Team in March and April 2016, it is recommended, for the reasons set out within the report, that requirements of the condition have been met and as such the conditions can be discharged an approval granted.

4. PHOTOGRAPHS



Photos to show installed extract ducts rising up the internal lightwell from 1st floor level, adjacent bedroom windows of flats in 14 Bull Inn Court (metal clad part of the building).





Rooftop Plant as installed



5. CONSULTATIONS

Environmental Sciences:
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7
No. of objections: 2

Two letters of objection have been received on behalf of the occupiers of Flat 14, 14 Bull Inn Court on the grounds that the post commissioning survey does not demonstrate compliance with Conditions 6, 7 and 8; and that the testing carried out is flawed.

6. BACKGROUND INFORMATION

6.1 The Application Site

12 Maiden Lane is a five storey unlisted building located in the Covent Garden Conservation Area. The Maiden Lane frontage provides access at ground floor level through to a restaurant arranged over the ground, lower ground and basement levels of a development at 12 Maiden Lane and 13 Bull Inn Court. There is an office on the upper floors of 11 and 12 Maiden Lane which is accessed from No.11. The upper floors of Bull Inn Court (referred to as 14 Bull Inn Court) are in use as 14 residential flats.

6.2 Recent Relevant History

15/09562/FULL

Installation of external plant and equipment within existing enclosure at main roof level and retention of extract ducts from second floor level to roof level terminating within the enclosure.

Application Permitted 22 January 2016

16/04050/NMA

Amendments to planning permission dated 22 January 2016 (RN: 15/09562) for installation of external plant and equipment within existing enclosure at main roof level and retention of extract ducts from second floor level to roof level terminating within the enclosure. Namely, amendments to enable VRF plant to sit 50 mm above the height of the fifth floor roof acoustic enclosure in order to accommodate vibration absorbing measures.

Application Permitted 18 May 2016

15/10460/FULL

Retention of external plant and equipment at first floor level with additional attenuators, new visual/ acoustic barrier screen and removal of existing condensers.

Application Permitted 22 January 2016

7. THE PROPOSAL

Details of a post commissioning noise survey pursuant to Condition 6, 7 and 8 of planning permission dated 22 January 2016 (RN: 15/09562/FULL) have been submitted to the Council. The survey has been compiled following noise testing carried out in March and April 2016 by the applicant, which was witnessed and monitored by officers from Environmental Sciences and representatives of the objectors.

8. DETAILED CONSIDERATIONS

Unauthorised mechanical plant was installed at 12 Maiden Lane to serve The Big Easy restaurant at ground and lower ground floors. As well as not having the benefit of planning permission, the plant also resulted in a statutory noise nuisance under the Environmental Protection Act 1990 and affected the amenity of residents in Flat 14, 14 Bull Inn Court.

Further to a number of refused planning applications, planning permission was granted on 22 January 2016 by the Planning Applications Committee for the 'Installation of external plant and equipment within existing enclosure at main roof level and retention of extract ducts from second floor level to roof level terminating within the enclosure', under application 15/09562/FULL. The plant within the enclosure comprises two VRF (variable refrigerant flow) units and seven condenser and re Fridgeration units. Attached to the internal elevation of the lightwell are two extract ducts which rise from the first floor roof (from the restaurant) to the fifth floor enclosure.

It should also be noted that permission was granted on the same date for the 'retention of external plant and equipment at first floor level with additional attenuators, new visual/ acoustic barrier screen and removal of existing condensers', under application 15/10460/FULL. This plant can run independently of the approved fifth floor plant.

For reference, the committee report and decision notices for these applications are contained within the background papers.

Permission for the fifth floor plant was granted as the installation was considered to comply with planning policies ENV6 and ENV7. Permission was subject to the standard City Council noise compliance conditions regarding noise and vibration (Conditions 4 and 5 of the decision notice dated 22 January 2016). However, it was also considered necessary, given the history and objections from neighbours, to impose conditions (Conditions 6, 7 and 8) requiring the applicant to submit a post-commissioning noise survey to demonstrate that the plant as installed would in fact comply with Conditions 4 and 5 when operated in the future..

Condition 6 relates to the fifth floor plant; condition 7 relates to the full height extract ducts and Condition 8 relates to the internal ground floor mezzanine level plant.

In addition to demonstrating that each item of plant complied with Conditions 4 and 5, Condition 6 (relating to the fifth floor plant specifically) also required the applicants to

ensure that the internal background noise levels and NR (noise rating) curves at Flats 13 and 14, 14 Bull Inn Court would not be increased beyond the baseline.

The testing carried out in order to produce the noise survey was undertaken on a number of nights in March and April 2016 and attended by an acoustic consultant and an M&E specialist on behalf of the applicant, an acoustic consultant acting on behalf of the owners of Flat 14, 14 Bull Inn Court and officers within the Environmental Sciences Team and during the April survey also included 2 members of the Noise Team.

Objections to the application have been received on behalf of the owners of Flat 14, 14 Bull Inn Court. Whilst the objector refers to all three conditions; 6, 7 and 8, it is apparent from the details within the objection that the concerns are essentially in relation to condition 6, relating to the fifth floor plant. It is therefore important to note here, that Environmental Sciences officers do not have concerns with regards to conditions 7 and 8 and are satisfied that the post commissioning noise survey satisfies these two conditions. The remainder of this report therefore focuses on Condition 6.

Condition 6 states:

You must not operate the external plant / machinery at fifth floor level that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that all plant / machinery complies with the noise criteria set out in conditions 4 and 5 (C46AB and C48AA); of this permission. It must also demonstrate that internal background noise levels and NR curves (using L90 values) at the quietest times of day and week within Apartments 13 and 14, 14 Bull Inn Court are not increased (the baseline measurement comparison should be in terms of a LA90T Broadband and NR curves without any of the permitted plant and machinery operating using a spatial average measurement method).

The main part of Condition 6 requires the post-commissioning survey to show compliance with Condition 4 and 5 i.e. the Council's standard noise and vibration conditions. The Environmental Sciences officer has confirmed that the submitted survey does demonstrate this. The objections received on behalf of the Flat 14, 14 Bull Inn Court focus primarily on the final sentence of Condition 6.

A specialist representative from Environmental Sciences will attend committee in order to provide specialist advice to members concerning the technical matters raised in this report, if required.

The main objection raised, is that the post commissioning noise survey raises a number of technical queries and calculation errors, which does not demonstrate that this second part of condition 6 has been met. This includes matters concerning 'standard deviation' and NR curves. For reference, definitions are below:

Standard deviation is a number used to tell how measurements for a group are spread out from the average (mean), or expected value. A low standard deviation means that most of the numbers are very close to the average. A high standard deviation means that the numbers are spread out. Standard deviation can be used to measure how close

a reported number is to being exactly right. For example, the standard deviation is used to find 'margin of error' in opinion poll numbers.

Noise Rating Curves (NR) is a method for rating the acceptability of indoor environments for the purposes of hearing preservation, speech communication and annoyance, based on curves developed by Kosten and van Os (1962). Sound Pressure Levels measured in octave bands are compared with these curves from which a noise rating (NR) is obtained. Higher frequencies (where the ear is more sensitive) are given heavier noise ratings than lower ones.

As submitted, it would appear that the post commissioning noise survey demonstrates that Condition 6 has been met, however the objector's acoustic consultant has noted an error within the findings and calculations. In summary, the applicant's noise survey (measured on 11 April 2016 at 00.45) shows a baseline background noise level of 25 dB LA90 and a 'corrected' calculated level of roof top plant is 27 dB LA90. This is above the stated 1.3 dB standard deviation applied by the applicant's acoustic consultant and agreed with by the Environmental Sciences officers and because the applicant's noise survey does not provide a standard deviation for the roof top plant calculation, the applicant's post-commissioning report does not show compliance with the second part of the condition when taking into consideration this calculation error.

The applicant has been asked to rectify this error. However, in further consideration of the applicant's noise survey and taking account of measurements obtained by themselves (in conjunction with the applicant's calculations) Environmental Sciences officers consider that the noise survey does show compliance with the condition, as a tolerance for a standard deviation must be allowed for. When taking into consideration measurement accuracy and standard deviation officers are content that the tests show as close as reasonably and practicably possible compliance with condition 6..

In relation to the NR curves; the acoustic consultant for the objectors has effectively broken up the consideration of NR curves into low and high frequency content. The planning condition does not however require such a consideration. The NR curves for the Living Room of Flat 14 remain at NR20 with plant on and plant off (Baseline). NR 20 is a very low design criteria for residential dwellings (including bedrooms). WHO (World Health Organisation) states that LAeq 35dB (Living Rooms) and 30 dB (Bedrooms) are a good standard of internal ambient noise. NR 20 corresponds to approximate levels of 25 dB LAeq. The background noise levels within the objectors living room (directly below the plant) are likely to be about 5 - 10 dB below WHO guidance levels with the plant operating. The measurements show that with all plant operating the 'ambient' levels were 5 dB below WHO guidance for Living rooms and 1 dB below the guidance levels for bedrooms which is acceptable and policy compliant. The objector argues that WHO guidance levels are not relevant in the assessment of the noise survey as it is not referred to within the reason for the condition. However, City Council policy is based upon WHO guidance and is clearly referred to within the policy text.

The low frequency octave band of NR curves are also so low that according to 'A' Weighting correction (which is a correction applied for the average human hearing); the low frequency content, with all plant operating combined with the existing baseline will be in the region of only 10 to 20 dBA above 0 dBA (i.e. the threshold of audible hearing).

The existing baseline low frequency content (i.e. without the plant operating) will be contributing to these very low levels.

It also has to be considered that all internal residential plant and machinery in Flat 14, 14 Bull Inn Court, was switched off for the test conditions (although it should be noted that the fridge was running when the 'all plant on' condition was tested to begin with). When the baseline measurement was taken all internal residential plant was off, this included the resident's internal heating system, kitchen wine cooler and refrigerator and freezer. This means that the testing was conducted under the strictest conditions possible and yet the increases which have been observed are within expected measurement tolerances.

It is argued by the acoustic consultant acting on behalf of the objector, that they are unable to fully verify the testing carried out and in particular, they are not clear as to what plant or equipment was turned on or off at any given moment of testing. Officers from the Environmental Sciences Team were in attendance within the restaurant prior and during the testing being conducted. Instructions between the various parties were carried out using hand-held short wave radios which was within earshot of everyone in attendance. Officers attended the premises prior to the tests being carried out and witnessed the cold storage room doors within the restaurant all being opened, thus requiring the refrigeration plant to operate to continue to cool the cold storage areas. During the tests officers witnessed air flow rate measurements being taken on behalf of the M&E specialist for the applicant. The plant was all witnessed as operational by officers and these were at full load according to the applicant's M&E specialist.

Finally, the objectors state that the plant in the fifth floor roof enclosure was changed or modified between the March and April testing and this has not been referred to within the post commissioning noise survey. The objector considers this to be a serious omission and should have been explained in the report.

As detailed in the planning history section of the report, the City Council has recently approved a non-material amendment application which sought to raise the height of the two VRF units by 50mm above the rim of the acoustic enclosure in order to accommodate vibration absorbing measures to improve the noise attenuation. It is not considered that this minor alteration necessarily be referred to within the applicants post commissioning survey as Environmental Sciences were satisfied that the amendment did not alter the noise implications of the plant.

Conclusion

The intention of the post-commissioning conditions (Conditions 6, 7 and 8) was that the acoustic quality within the properties of 14 Bull Inn Court would be retained when all the plant was operational and it is considered that this objective has been met.

It is considered that whilst the objector raises a valid concern regarding the calculated errors, as shown in the applicant initial survey; on the basis of further data and in conjunction with the assessment and data collected by officers within the Environmental Sciences it is considered that the noise testing has been carried out satisfactorily and that the submitted survey demonstrates that conditions 6, 7 and 8 have been met, in that the standard noise conditions (conditions 4 and 5) have been achieved when the plant is

fully operational and the internal noise levels within the neighbouring residential properties will not be harmful to amenity. It should here be noted that the standard noise conditions (conditions 4 and 5) will be applicable for the lifetime of the plant and should the objector consider that a breach is occurring, then a complaint can be made to the Noise Team and/or Planning Enforcement Team to be investigated.

It is therefore recommended that the post commissioning noise survey be approved.

9. BACKGROUND PAPERS

1. Application form.
2. Committee report and decision notices from 22 January 2016.
3. Responses from Environmental Sciences dated 12 May, 6 June and 29 June 2016.
4. Letters on behalf of occupiers of Flat 14, 14 Bull Inn Court dated 24 and 25 May and 9 June 2016.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

DRAFT DECISION LETTER

Address: 12 Maiden Lane, London, WC2E 7NA

Proposal: Details of a post commissioning survey pursuant to Condition 6, 7 and 8 of planning permission dated 22 January 2016 (RN: 15/09562/FULL) which granted the installation of external plant and equipment within existing enclosure at main roof level and retention of extract ducts from second floor level to roof level terminating within the enclosure.

Reference: 16/03861/ADFULL

Plan Nos: Noise Assessment by Vanguardia Rev 01 dated 21 April 2016, Covering Letter dated 27 April 2016, Plant schedule and Ventilation Commissioning Data received 13 May 2016, Photos 1-16 received 13 May 2016

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s):

- 1 This approval satisfies conditions 6, 7 and 8 of the planning permission dated 22 January 2016. (I11AA)

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.