



City of Westminster

# Committee Agenda

Title: **Planning Applications Committee (4)**

Meeting Date: **Tuesday 21st June, 2016**

Time: **6.30 pm**

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

Members: **Councillors:**

Tony Devenish (Chairman)  
Jonathan Glanz  
Andrew Smith  
Jason Williams

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

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



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

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

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

## **AGENDA**

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

#### **1. MEMBERSHIP**

To note that Councillor Andrew Smith has replaced Councillor Angela Harvey.

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

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

#### **3. MINUTES**

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

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

Applications for decision

##### **Schedule of Applications**

- |  |                         |
|--|-------------------------|
| <b>1. 47 FRANCIS STREET, LONDON SW1P 1QR</b>                         | <b>(Pages 3 - 30)</b>   |
| <b>2. 16A D'ARBLAY STREET, LONDON W1F 8EA</b>                        | <b>(Pages 31 - 44)</b>  |
| <b>3. AMPHITHEATRE AND OUTDOOR SPACES, SHELDON SQUARE, LONDON W2</b> | <b>(Pages 45 - 58)</b>  |
| <b>4. 35 HAMILTON TERRACE, LONDON NW8 9RG</b>                        | <b>(Pages 59 - 76)</b>  |
| <b>5. 11 GERALD ROAD, LONDON SW1W 9EH</b>                            | <b>(Pages 77 - 104)</b> |

**Charlie Parker  
Chief Executive  
13 June 2016**

# Agenda Item

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 21st June 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM NO	REFERENCES	SITE ADDRESS	PROPOSAL	
1	<b>RN NO(s):</b> 16/00915/FULL 16/00916/LBC  Vincent Square	47 Francis Street London SW1P 1QR	Use of the building to provide a day school (Class D1) with ancillary residential unit at third floor level. Works include alterations to windows and doors, installation of canopies and platform lift at rear ground, new rooflights and extended lift enclosure at roof level.	
<p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li>1. Grant conditional permission.</li> <li>2. Grant conditional listed building consent.</li> <li>3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol>				
2	<b>RN NO(s):</b> 16/02074/FULL  West End	16A D'Arblay Street London W1F 8EA	Dual/alternative use of the ground floor for either a retail (Class A1) use and/or for a composite retail/café/bar use (sui generis).	
<p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li>1. Does the Committee agree that the use of the ground floor for either a retail (Class A1) use and/or for a composite retail/cafe/bar use (sui generis) is acceptable?</li> <li>2. Subject to 1. above grant conditional permission.</li> </ol>				
3	<b>RN NO(s):</b> 16/03221/FULL 16/03222/ADV  Hyde Park	Amphitheatre And Outdoor Spaces Sheldon Square London W2	Application 1: Temporary use of the amphitheatre for event screenings between 1 June and 28 August 2016.  Application 2: Display of 1 LED Screen (2058 x 5080mm) to be mounted onto a structure measuring 6280mm (W) x 4958 (H) x 3750 (D) between 1 June and 28 August 2016.	
<p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li>1. Grant conditional permission.</li> <li>2. Grant conditional advertisement consent.</li> </ol>				
4	<b>RN NO(s):</b> 16/03270/FULL  Regent's Park	35 Hamilton Terrace London NW8 9RG	Erection of a rear single storey extension at lower ground floor level (works in association with lower ground floor flat).	
<p><b>Recommendation</b></p> <p>Grant conditional permission.</p>				

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 21st June 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

5	<b>RN NO(s) :</b> 15/10141/FULL  Knightsbridge and Belgravia	11 Gerald Road London SW1W 9EH	Excavation to create enlarged basement extension beneath main house, rear garden and Mews building with swimming pool and associated plant under part of the rear garden. Excavation of lower ground floor under the front garden. (Site includes 2 Burton Mews).	
<p><b>Recommendation</b>          Refuse permission – loss of trees and insufficient soil depth.</p>				
6	<b>RN NO(s) :</b> 15/09279/FULL  Knightsbridge and Belgravia	11 Gerald Road London SW1W 9EH	Excavation to create enlarged basement extension beneath main house, rear garden and Mews building with swimming pool and associated plant under Mews and part of the rear garden. Excavation of lower ground floor and basement under the front garden. (Site includes 2 Burton Mews).	
<p><b>Recommendation</b>          Refuse permission – loss of trees and insufficient soil depth.</p>				

# Agenda Item 1

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21st June 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Ward(s) involved</b> Vincent Square		
<b>Subject of Report</b>	<b>47 Francis Street, London, SW1P 1QR,</b>		
<b>Proposal</b>	Use of the building to provide a day school (Class D1) with ancillary residential unit at third floor level. Works include alterations to windows and doors, installation of canopies and platform lift at rear ground, new rooflights and extended lift enclosure at roof level.		
<b>Agent</b>	Vanessa Harrison		
<b>On behalf of</b>	Westminster Cathedral Choir School		
<b>Registered Number</b>	16/00915/FULL and 16/00916/LBC	<b>Date amended/ completed</b>	5 May 2016
<b>Date Application Received</b>	3 February 2016		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Westminster Cathedral		

## 1. RECOMMENDATION

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

## 2. SUMMARY

The application site is 47 Francis Street a grade II listed building within the Westminster Cathedral Conservation Area. It is mid-nineteenth century and comprises of five storeys. It was originally built as a boarding school for girls and is currently used as an office (Class B1) on the ground and upper floor levels and a friary (sui generis) at basement level.

The applicant seeks planning permission and listed building consent for the change of use of the building to provide a day school (Class D1) with an ancillary residential unit at third floor level, involving internal and external alterations to the building.

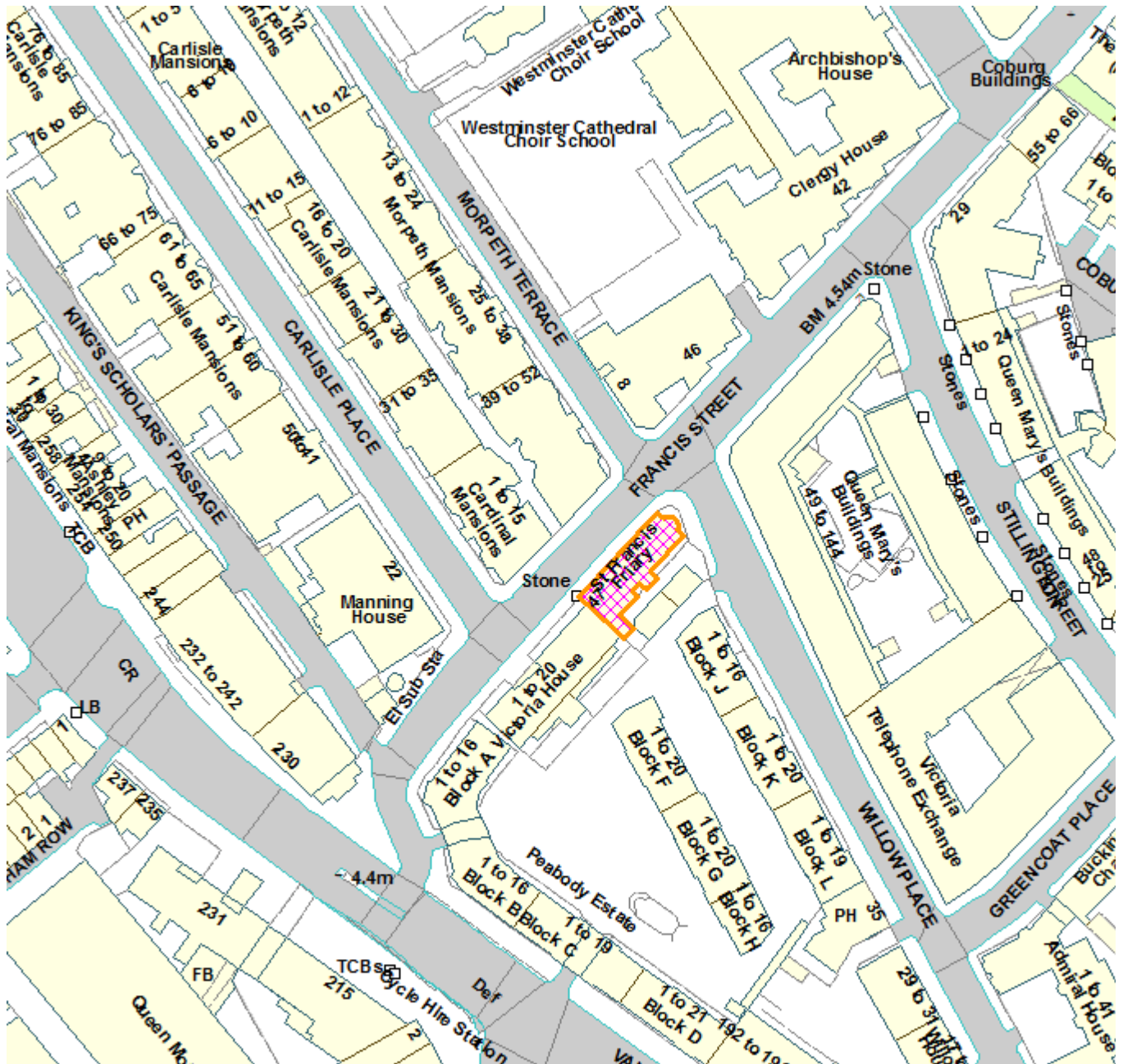
The main issues for consideration are:

- Impact of the proposals on the character and appearance of the listed building and the setting

- of the conservation area;
- Impact of the proposed use on the amenity of existing residents; and
- Impact of the proposed use on the local highway network.

The provision of a school is supported in principle by the development plan. Subject to recommended conditions, the proposal would not harm the significance of the listed building or the setting of the conservation area. Whilst the amenity and transportation concerns of local residents are understood, subject to the recommended conditions which include securing a School Travel Plan, the proposal does not give rise to a loss of amenity or harm to the local highway network of such magnitude that permission could sustainably be refused. Accordingly, the proposed development has been recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPH





## 5. CONSULTATIONS

### Westminster Society

Support. This is an ambitious scheme to bring a new use to an historic building with an established connection to Westminster Cathedral nearby. The proposed use will create a valuable addition to the Cathedral's facilities and regarded as an application worthy of the Westminster Society's support.

### Highways Planning - Development Planning

Unacceptable on transportation grounds but could be made acceptable. The ancillary residential unit could increase parking stress; lifetime car membership would be the strongest mechanism that would likely reduce car ownership.

### Environmental Health

No objections subject to conditions and informatives relating to proposed plant and building work.

### Cleansing - Development Planning

No objection subject to clarification regarding recycling and waste storage.

### Historic England

No comment.

### Metropolitan Police

No objection subject to a condition to ensure a security scheme.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 194

Total No. of replies: 9

No. of objections: 9

In summary, six neighbouring residents object to the proposal on the following grounds:

### Transportation, parking and the local highway network:

- The proposed school would result in an increase in local highway congestion, an increase in parking stress and a reduction in highway safety harmful to neighbouring residential occupiers.
- The supporting information the applicant has submitted relating to transportation is inaccurate.

### Residential Amenity:

- The proposed school use would generate noise and disturbance harmful to the amenity currently enjoyed by neighbouring residential occupiers.
- The 'out of hours' use of the building for other community activities would generate noise and disturbance harmful to the amenity currently enjoyed by neighbouring residential occupiers.

Construction impact:

- The implementation of the proposal would give rise to noise, disturbance and construction traffic harmful the amenity currently enjoyed by neighbouring residential occupiers.

A spokesperson for Ashley Gardens Resident Association and a spokesperson for the residents of Cardinal Mansions object on the following grounds:

- The proper consultation process has not been followed.
- The proposed school would result in an increase in local highway congestion, an increase in parking stress and a reduction in highway safety harmful to neighbouring residential occupiers.
- The implementation of the proposal would give rise to noise, disturbance and construction traffic harmful the amenity currently enjoyed by neighbouring residential occupiers.

A resident has also suggested local highway improvements that could improve traffic flow within the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is 47 Francis Street, which is a grade II listed building located in the Westminster Cathedral Conservation Area. The building is located on the south side of Francis Street, at the junction with Willow Place. It is mid-nineteenth century and comprises of five storeys. It was originally built as a boarding school for girls. It is currently used as an office (Class B1) on the ground and upper floor levels and a friary (sui generis) at basement level which has been vacant since approx.. 2012. The site is located outside the Core Central Activities Zone.

### **6.2 Recent Relevant History**

On 9 July 2014 permission was granted for the use of the ground, first, second and third floors as a single family dwelling (Class C3). External alterations including the installation of windows and doors, a new terrace and stair to rear ground floor level and installation of rooflights.

On 26 August 2008 permission was granted for the use of ground, first, second and third floors as five residential units (Class C3).

## **7. THE PROPOSAL**

The applicant seeks planning permission and listed building consent for the change of use of the building to provide a day school (Class D1) with an ancillary residential unit at third floor level. The school would be a pre-preparatory day school for children of ages 3 – 7 years. The proposed school would be associated with the existing Westminster Cathedral Choir School (ages 7 – 13 years) nearby on Ambrosden Avenue which is a

preparatory day and boarding school. When at full capacity it is expected that the proposed school could accommodate 120 pupils and 20 staff.

The development involves alterations to the front and rear elevation including; at lower ground and ground floor levels, new light fittings, alterations to doors, installation of platform lift, glazed rooflight, glazed balustrade, canopy, and new access stair; alterations at roof level including new rooflights and windows and extension of lift enclosure; the creation of bicycle and scooter store; alteration to the entrance gate and internal alterations.

During the course of the application, the applicant has sought to address concerns of residents and the Highway Planning Manager in relation to transportation and highway impacts. The applicant has submitted revised and additional documents including a School Travel Plan.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The existing and proposed land uses are summarised below:

Table 1. Existing and Proposed Land Uses

Use	Existing (sqm GIA)	Proposed (sqm GIA)
Office (Class B1(a))	568	0
Friary (sui generis)	137	0
School (Class D1) (including ancillary residential unit)	0	705
Total	705	705

#### Loss of office use

The proposals would result in the loss of office floorspace amounting to 568sqm.

Policy S47 of the Westminster's City Plan (City Plan) advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area.'

The application site is outside the Core Central Activities Zone and as such the interim policy which protects the loss of offices does not apply in the case. In addition to this there is extant permission for the change of the use of the office floors of the building to residential use. In this case, the loss of premises capable of providing office employment would be outweighed by the benefits resulting from the provision of a school. In the context of a growing population, new and enlarged educational facilities are crucial to meet the needs of Westminster's residents and students. In addition, educational

facilities also provide local employment benefitting the local economy. In these circumstances, the loss of the office space is not opposed.

### **Loss of friary**

The proposals would result in the loss of friary floorspace amounting to 137 sqm.

The friary is not considered to fall within any use class. Although, friaries do support ecclesiastical uses which benefit the community in terms of supporting places of worship, the school would contribute to providing education for young people and would be associated with the Cathedral. For these reasons the loss of the friary use is not opposed.

### **School use (including the ancillary residential use)**

Policy S34 of the City Plan and SOC 3 of the Unitary Development Plan (UDP) encourages the provision of educational facilities and as the proposal would provide a school, it accords with these policies. The residential unit would be ancillary to the school and used by the family of the headmistress / headmaster. It would therefore support the school use. A condition is recommended to ensure that this residential element of the school is not converted into a self-contained flat.

SOC 3 of the UDP also seeks to ensure schools can be used for other community activities in order to maximise the benefit to local residents and the City. The applicant has stated that the school would be made available for this purpose. Subject to a condition securing a scheme detailing these activities, the proposal would accord with the development plan. Neighbouring residents have raised concerns that this use could harm the enjoyment of their properties; this is addressed in section 8.3.

## **8.2 Townscape and Design**

The external works proposed include the installation of platform lift from courtyard to ground floor level and alterations to windows, doors and rooflights. These works are minor in nature and largely affect the rear wing and lower ground floor level, which is obscured from street level views.

To the front of the property it is proposed to install doors to enclose the vaults and to damp proof the vaults with a membrane lining system. The vaults are recessed from the lightwell wall with a passage running in front with arched openings into the lightwell area. Aside from the vaults to the south-west corner which have been plastered, the extensive brick vaults remain in good condition and contribute to the significance of the listed building. The proposed works avoid any significant interventions, other than the installation of plant. Subject to recommended conditions, the external work would not harm the significance of the listed building or harm the character and appearance of the conservation area.

The interior of the property, with the possible exception of the central staircase, retains no historic fabric of interest. The internal alterations associated with its conversion back to educational use are relatively modest and do not result in significant structural

changes. Therefore, the proposed internal work is not considered harmful to the significance of the listed building.

Therefore proposal would comply with Policies S25 and S28 of the City Plan and DES1, DES9 and DES10 of the UDP and the guidance contained within the City Council's SPG: Repairs and Alterations to Listed Buildings.

### **8.3 Residential Amenity**

Concerns have been raised by neighbouring residents regarding impact on residential amenity.

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

Given the nature of the proposed alterations to the building, there would be no implications in terms of light, privacy, sense of enclosure or overlooking over the existing arrangements. Neighbouring residents have objected to the potential increase in noise and disturbance from the use of the building as a school and the potential for the building to also be used for community uses outside of teaching hours.

The applicant has submitted an acoustic report which explains that the existing single glazed windows would not be sufficient to contain noise from inside the school building and ancillary residential use, and therefore secondary glazing is proposed. A further noise report is recommended to be conditioned which addresses noise from both activities internal and external of the school so the City Council can ensure residents, who live in close proximity, are not harmed by the development. Additional conditions to protect neighbouring amenity are also proposed including; hours of use of external play space and the removal of permitted development rights which could allow for a change to a more harmful use.

### **8.4 Transportation/Parking**

Concerns have been raised by neighbouring residents regarding transportation, parking and congestion on the local highway network.

#### **Trip Generation**

The applicant has stated in their supporting information that an expected 7% of pupils (8.4) would arrive by car. Officer's note that the existing Westminster Cathedral Choir School site located nearby on Ambrosden Avenue has approximately 42% of pupils travelling to the school by car. The Highway Planning Manager states that this would equate to 50 of the proposed 120 pupils if replicated at the application site. Although to arrive at the lower figure, the applicant has combined some trips by car due to siblings travelling together, it is the Highway Planning Manager's view that this would reduce the number of pupils arriving by car to 38 of the proposed 120.

The proposal is likely to generate more trips per day than the existing office and friary use of the site. Given the number of these trips that might be made by car, concern is

raised by the Highway Planning Manger regarding the impact the provision of the school could have in terms of increasing localised congestion.

Despite the high numbers of pupils arriving by car, the existing school on Ambrosden Avenue did not have a School Travel Plan until very recently. A School Travel Plan has now been prepared and it is a plan that would operate across both school sites, and has been submitted as part of this application.

The creation of a School Travel Plan is a very welcomed development, but because one has not been in existence for the Ambrosden Avenue site until recently, its impact in real terms on the existing school site cannot be assessed. Nevertheless, the School Travel Plan submitted aims to encourage healthier, sustainable travel on the journey to and from school - i.e. walking, cycling and public transport use - and away from private car trips and the 'school run'. The plan includes a number of practical steps and measures which will encourage and promote sustainable and healthy modes of transport. This will reduce car use and its consequent impact on the local highway network. A finalised Travel Plan, with monitoring at first and third years, is recommended to be secured by condition.

### **Cycle Parking**

The London Plan requires 1 cycle parking space per 8 staff and 1 space per 8 students. The proposed use would therefore require a total of 3 cycle parking spaces for staff and 15 for students. An additional 2 spaces are required for the residential unit.

The submitted drawing indicates a combined cycle store of 20 cycle parking spaces. Subject to a condition to ensure these spaces are provided; the proposal would be consistent with the requirements of the London Plan.

### **Servicing**

Policy S42 of the City Plan and TRANS 20 of the UDP require off-street servicing to be provided. No off-street servicing is indicated for the development. The site is located within a Controlled Parking Zone, which means that single yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicles expected to be associated with this development is the refuse collection vehicle. This would service this property in a similar fashion to nearby properties. It is considered that the servicing requirements are unlikely to be significantly more than could be generated by the existing use onsite.

### **Car Parking (ancillary residential unit)**

No off-street parking is provided by the application. The occupiers of the ancillary residential unit would be entitled to apply for an on-street residents parking permit.

Policy TRANS 23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 82%. However Policy TRANS 23 includes all legal parking spaces (eg Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 63%.

However, the evidence of the Council's most recent daytime parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 82%. TRANS 23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

It is acknowledged that the site has a high level of public transport accessibility, however it is important to note that households within the Vincent Square Ward with 1 or more cars is 36% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy. The development would not be consistent with Policy TRANS 23 and could add to existing on-street parking stress overall. However, given the application only seeks the addition on one ancillary residential unit, it is considered that the benefits of a new school being provided would outweigh the harm.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The proposed school would provide level access. A platform lift from courtyard to ground floor level is proposed and a lift within the building would provide access to all floors.

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

#### **Plant**

The proposal includes mechanical plant within the basement vaults. The plant specification has not been detailed at application stage. Environmental has requested a supplementary acoustic report be submitted to confirm the plant, once selected, complies with the Council's standard noise conditions. It is recommended that this be secured by conditions.

#### **Refuse /Recycling**

A waste store would be provided within the new school yard. The Council's Cleansing Officer has made no objection to the proposal subject to a condition to ensure this storage is provided and used for no other purpose.

### **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**

None required.

### **8.11 Environmental Impact Assessment**

An Environmental Impact Assessment is not required for a development of this size.

### **8.12 Other Issues**

#### **Construction impact**

Concerns have been raised by neighbouring residents regarding noise and disturbance that could be generated by construction work.

Noise and disturbance during construction is an unwelcome and well understood consequence of allowing new development. In a densely developed urban environment, it must be accepted that such disturbance will inevitably occur as a result of building works. The City Council cannot refuse permission to develop on the grounds that building work will be noisy and disruptive. As a local planning authority, we can impose a restriction on the working hours and encourage contractors to be a member of the Considerate Constructors Scheme. It is recommended that the standard condition and informative be added.

#### **Crime and security**

The Metropolitan Police have commented on the proposal. Subject to a condition to ensure a Secured by Design Scheme is submitted and approved, the Metropolitan Police have raised no objection. A condition to ensure a security scheme for the school is recommended.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Westminster Society, dated 23 February 2016
3. Response from Highways Planning Manager, dated 04 March 2016
4. Response from Highways Planning Manager, dated 12 May 2016
5. Response from Environmental Health, dated 8 March 2016
6. Response from Cleansing, dated 01 March 2016
7. Response from Historic England, dated 02 March 2016
8. Response from Metropolitan Police, dated 24 February 2016
9. Letter from occupier of 40 Morpeth Mansions, Morpeth Terrace, dated 10 March 2016
10. Letter from occupier of 40 Morpeth Mansions, Morpeth Terrace, dated 12 March 2016
11. Letter from occupier of 28 Morpeth Mansions, Morpeth Terrace, dated 14 March 2016
12. Letter from occupier of 42 Morpeth Mansions, Morpeth Terrace, dated 14 March 2016



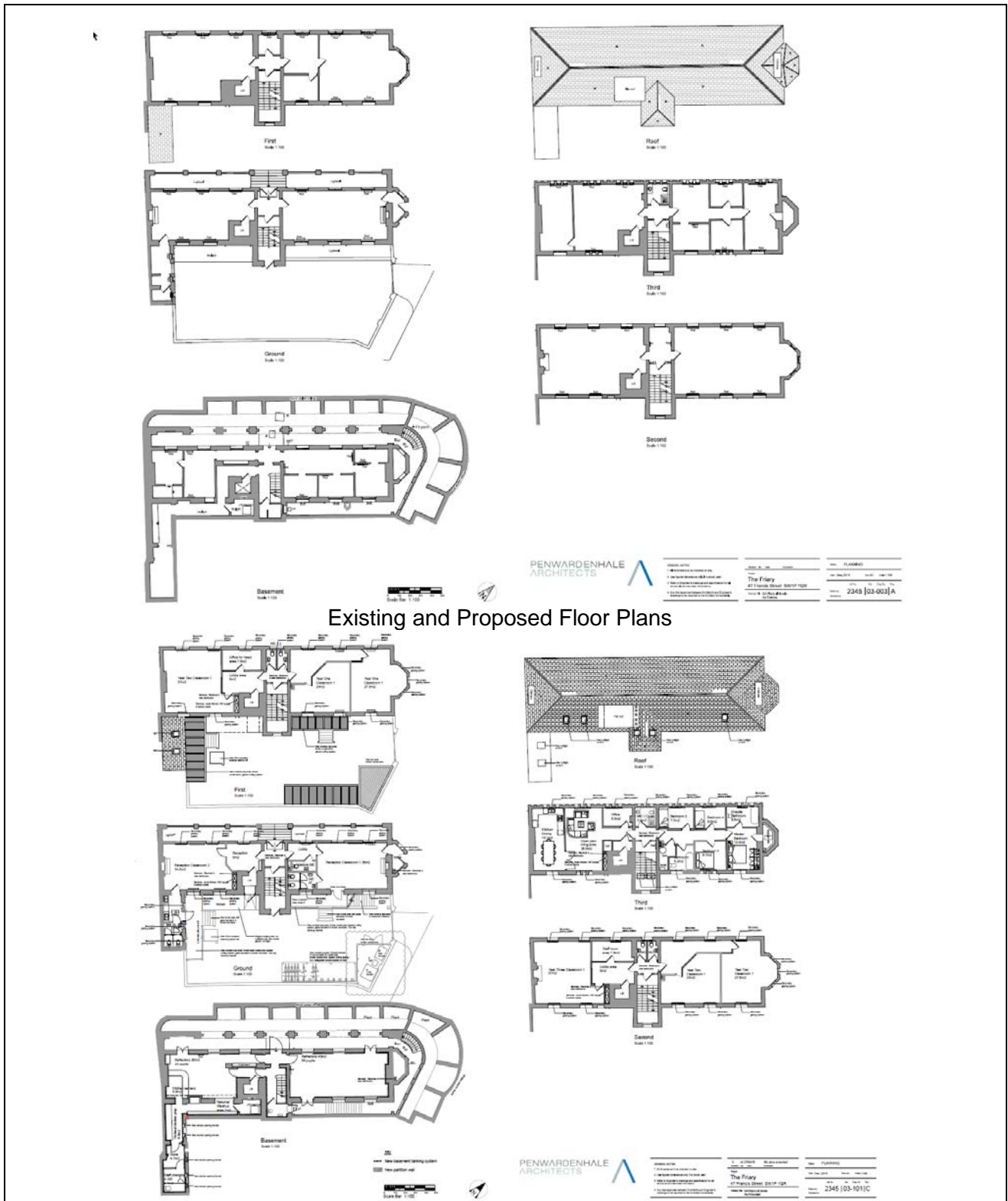
13. Letter from occupier of 39 Morpeth Mansions, Morpeth Terrace, dated 14 March 2016
14. Letter from occupier of 80 Carlisle Mansions, Carlisle Place, dated 15 March 2016
15. Letter from occupier of 45 Morpeth Mansions, Morpeth Terrace, dated 21 March 2016
16. Letter on behalf of the residents of Cardinal Mansions, 14 March 2016
17. Letter on behalf of Ashley Gardens Residents' Association, dated 14 March 2016

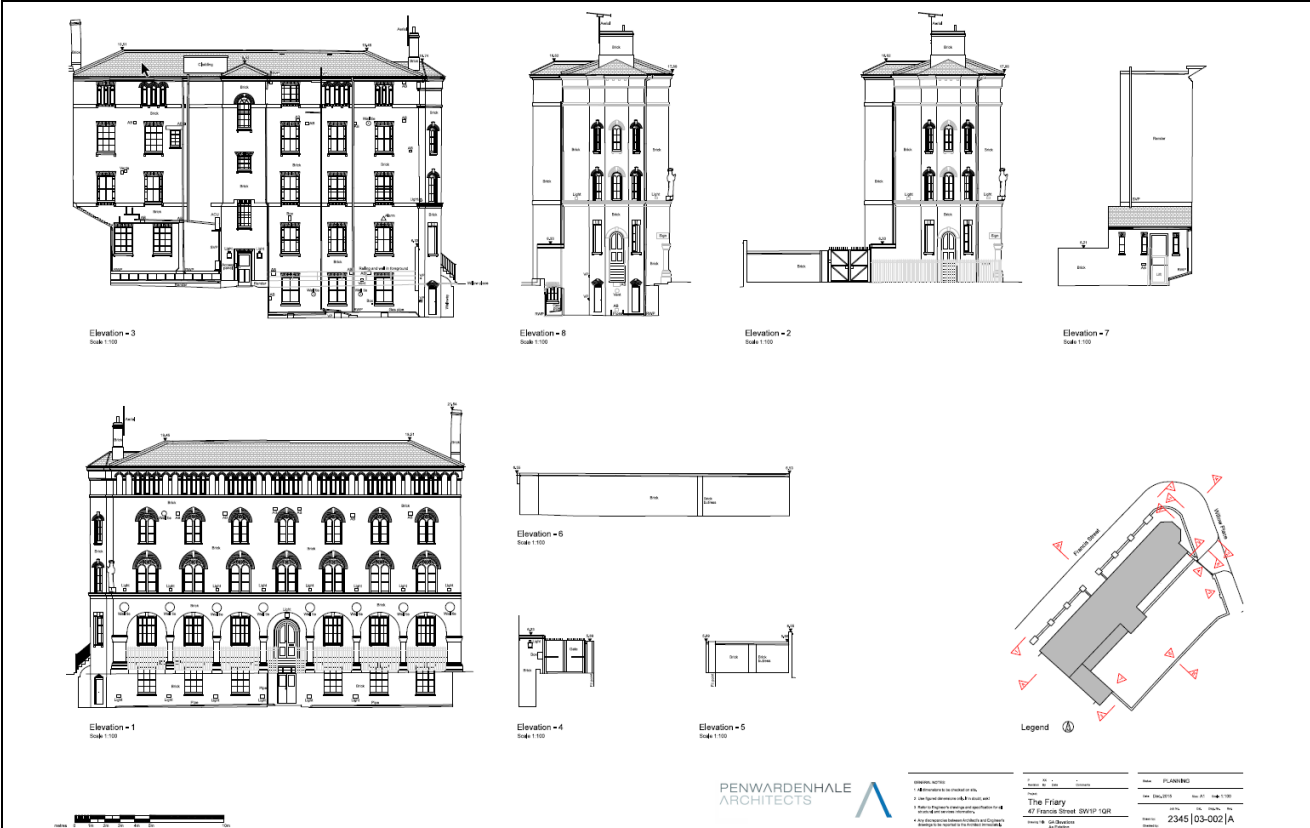
### **Selected relevant drawings**

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

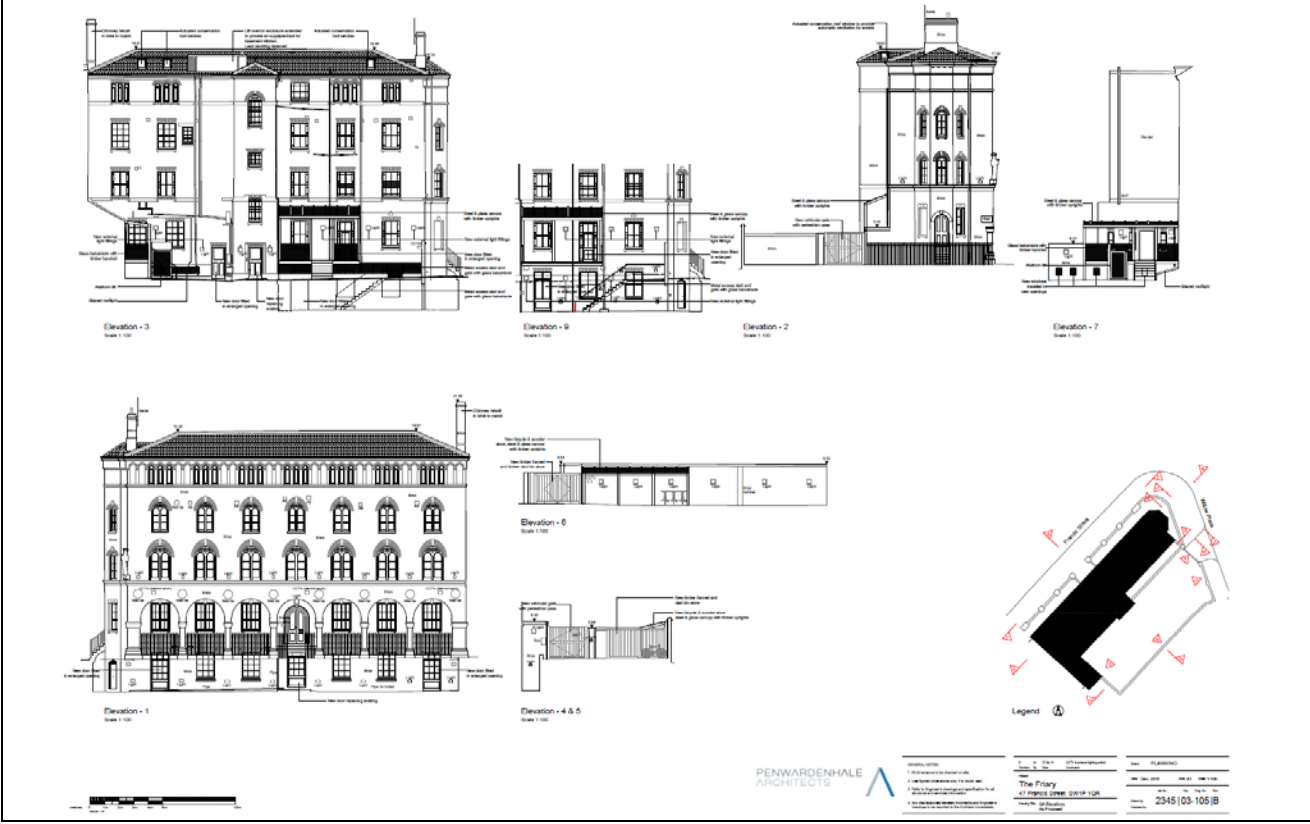
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT VINCENT NALLY ON 02076415947, EMAIL VNALLY@WESTMINSTER.GOV.UK

10. KEY DRAWINGS





Existing and Proposed Elevations and Sections



**DRAFT DECISION LETTER**

**Address:** 47 Francis Street, London, SW1P 1QR,

**Proposal:** Change of use of the building to provide a day school (Class D1) with an ancillary residential unit at third floor level. Door alterations to front elevation and alterations to rear elevation including; at lower ground and ground floor levels, new light fittings, alterations to doors, installation of platform lift, glazed rooflight, glazed balustrade, canopy, and new access stair; alteration at roof level including new rooflights and windows and extension of lift enclosure. Creation of bicycle store. Alteration to entrance gate. Internal alterations.

**Reference:** 16/00915/FULL

**Plan Nos:** 03-004 rev:1st, 03-002 rev:A, 03-003 rev:A, 03-101 rev:C, 03-105 rev:B, 03-011 rev:D, 03-012 rev:A, Design and Access Statement (PenwardenHale Architects), Heritage Statement (The Heritage Practice), Heritage Statement Addendum (The Heritage Practice), Environmental Noise Survey and Façade Assessment (Sandy Brown), Transport Statement (TTP Consulting), School Travel Plan (Canerapro Associates), Flood Risk Report (Environment Agency), Asbestos Methodology (Adams Environmental).

**Case Officer:** Joshua Howitt

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

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

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

Reason:

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

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

\* between 08.00 and 18.00 Monday to Friday;

\* between 08.00 and 13.00 on Saturday; and,

\* not at all on Sundays, bank holidays and public holidays.

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

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Westminster Cathedral 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)

- 4 You must use the building at basement, ground, first and second floor levels as a school within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) and for no other use within that Use Class.

You must provide the school and make it ready for occupation prior to the occupation of the ancillary residential part of the development. You must not convert the ancillary residential part of the development into a self-contained residential flat.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007 and S34 in Westminster's City Plan: Strategic Policies that we adopted in November 2013. (R05AB)

- 5 You must apply to us for approval of full details of a scheme of community use for the school premises. The scheme should include: \* the type of uses and activities; \* details of a pricing policy; \* typical number of users; \* the exact locations within the school where these are to take place; \* the opening hours for evening and weekend use throughout the whole year and any plans for use outside of school terms; \* operational details, management responsibilities and a mechanism for review.

You must not occupy the school premises until we approve what you have sent us and you must then operate the community uses in accordance with the details that we have approved, unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

To ensure the provision of facilities to meet local community needs as set out in SOC3(A) of our Unitary Development Plan that we adopted in January 2007 and Policy 3.18 in the London Plan (with Further Amendments) published in March 2015.

- 6 The external school play area hereby approved shall only be used between 07.00 and 19.00 hours daily.

Reason:

To safeguard the amenity of neighbouring residential occupiers from noise disturbance in the evenings and late at night. 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.

- 7 (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.

- 8 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.

- 9 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.

- 10 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.

- 11 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 7 -10 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.

- 12 Before you begin to use the new school buildings, you must apply to us for approval of an updated School Travel Plan. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the school;
- (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
- (c) Targets set in the Plan to reduce car journeys to the school;
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new school buildings are occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

- 13 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.

- 14 Before anyone moves into the property, you must provide the stores for waste and materials for recycling shown on drawing number 03-101 rev:C. You must clearly mark them and make them available at all times to everyone using the school. You must not store waste or materials for recycling on the highway. (C14FB)

Reason:

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

- 15 **Pre Commencement Condition.** You must apply to us for approval of details of a security scheme for the school. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

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

Reason:

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

#### Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary

Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 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)
- 4 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.
- 5 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact: , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, [www.westminster.gov.uk](http://www.westminster.gov.uk), Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk), Tel: 020 7641 3003 Fax: 020 7641 8504.
- 6 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

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

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

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to

be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

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

- 7 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)
- 8 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 9 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at [www.hse.gov.uk/pubns/indg244.pdf](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 10 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.

- 11 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.  
Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. [www.opsi.gov.uk/SI/si1992/Uksi\\_19923004\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm)

The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:

BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 12 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 13 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 14 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 15 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)

- 16 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)

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:** 47 Francis Street, London, SW1P 1QR,

**Proposal:** Alterations to windows and doors, installation of canopies and platform lift at rear ground, new rooflights and extended lift enclosure at roof level and associated internal alterations (in connection with use of the building to provide a day school (Class D1) with ancillary residential unit at third floor level).

**Plan Nos:** 03-004 rev:1st, 03-002 rev:A, 03-003 rev:A, 03-101 rev:C, 03-105 rev:B, 03-011 rev:D, 03-012 rev:A, Design and Access Statement (PenwardenHale Architects), Heritage Statement (The Heritage Practice), Heritage Statement Addendum (The Heritage Practice), Environmental Noise Survey and Façade Assessment (Sandy Brown), Transport Statement (TTP Consulting), School Travel Plan (Canerapro Associates), Flood Risk Report (Environment Agency), Asbestos Methodology (Adams Environmental).

**Case Officer:** Joshua Howitt

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

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Westminster Cathedral 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 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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 Westminster Cathedral Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

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 Westminster Cathedral Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must 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 building and to make sure the development contributes to the character and appearance of the Westminster Cathedral Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

#### **Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

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

In reaching this decision the following were of particular relevance:

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

Item No.
<b>1</b>



Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21 <sup>st</sup> June 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>16A D'Arblay Street, London, W1F 8EA,</b>		
<b>Proposal</b>	Dual/alternative use of the ground floor for either a retail (Class A1) use and/or for a composite retail/cafe/bar use (sui generis).		
<b>Agent</b>	Rolfe Judd Planning		
<b>On behalf of</b>	Dalla Terra Vetro Ltd		
<b>Registered Number</b>	16/02074/FULL	<b>Date amended/ completed</b>	8 March 2016
<b>Date Application Received</b>	8 March 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

1. Does the Committee agree that the use of the ground floor for either a retail (Class A1) use and/or for a composite retail/cafe/bar use (sui generis) is acceptable?
2. Subject to 1. above grant conditional permission

## 2. SUMMARY

<p>The application site is situated on the northern side of D'Arblay Street, within the Core Central Activities Zone (CAZ) and the Soho Conservation Area. Permission is sought for the continued retrospective use of the ground floor for a dual/alternative use as either retail or a mixed retail and cafe/bar use (sui generis) by 'Vetro'. No external alterations are proposed.</p> <p>The lawful use of the premises at ground floor is for retail purposes (Class A1). Whilst an element of retail is retained in the form of a small retail display of Italian wines, it is considered that due to the amount of internal seating (39 covers with an additional 12 covers in the private room to the rear) and the sale of wines and ancillary snacks and lunches for consumption on the premises, that the current use is a mix of retail (Class A1), cafe (Class A3) and drinking establishment (Class A4). The applicant has confirmed that the majority of sales to date are for the consumption of food and drink on site falling within Class A3 and Class A4 (cafe 25% and drinking establishment 40%), with a Class A1 (retail) element (35%). There is no primary cooking and no kitchen ventilation equipment is proposed.</p> <p>The sui generis use will result in a loss of retail floorspace. Policy S21 of Westminster's City Plan: Strategic Policies states that existing A1 retail will be protected throughout Westminster except where</p>
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the council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let. Saved Unitary Development Plan Policy SS5 states that planning permission for the introduction of a non-A1 town centre use at basement, ground and first floor level will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality and does not lead to, or add to, a concentration of three or more consecutive non-A1 uses or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

The application would lead to 3 or more non-retail uses. However, the area is primarily commercial in character, the use generates activity at street level and the retail area, which albeit is small, retains an element of the retail use. It is not considered that the use of the unit for a mixed A1/cafe/bar use in this location would be detrimental to the character and function of the area or to the vitality or viability of the shopping frontage or locality and the balance of A1 to non-A1 uses would not be undermined, and as such, the proposal is considered to satisfy the relevant shopping policies within the CAZ.

The principle of the introduction of an element of Class A3/A4 use in this location also needs to be assessed. The relevant policies for consideration are TACE9 and S24. TACE9 states that permission will only be granted for proposals that have no adverse effect on residential amenity or local environmental quality as a result of noise; vibration; smells; late night activity or increased parking and traffic and should have no adverse impact on the character and function of the area. Policy S24 is similarly worded. The Soho Society has objected to the application on the grounds that the proposal introduces a new entertainment use within the Stress Area. This part of D'Arblay Street is, however, mixed in character and function with only a relatively limited number of other entertainment uses. It is not considered that an additional entertainment use would result in an unacceptable concentration of entertainment uses or harm the character and function of the Soho Conservation Area.

One letter of objection has also been received from a resident some distance away in Broadwick Street, on the grounds of noise from deliveries and from customers leaving the premises late at night. Whilst there is some residential in the locality: the nearest are flats at 13 and 25 D'Arblay Street. There are other flats on D'Arblay Street but these are located on the opposite end of the street close to the junction with Berwick Street.

No primary cooking occurs, no ventilation or extraction equipment is required and in the nine months the use has been operating only one complaint has been received regarding the operation of the use. Given that the use has been shown to be able to operate without adversely affecting direct residential amenity, it is considered that this 'sui generis' retail/cafe/bar use restricted to 51 covers is acceptable. The hours of operation are between 11:30 - 23:00 hours Monday - Thursday; 11:30 - 24:00 Friday - Saturday and 12:00 - 20:00 on Sunday. Within this very busy, predominantly commercial location, the hours are considered to be acceptable in amenity terms.

The Highways Planning Manager considers that the proposal will have limited impact on parking but recommends that no delivery service should operate from this location to minimise the impact of the proposed use on the road network. This is dealt with by condition. Whilst two cycle parking spaces should normally be provided within the demise of the unit, given the small size of the unit, it is not considered reasonable to attach a condition requiring cycle parking provision in this instance.

The application is considered acceptable in amenity terms, and although the property is located within the West End Stress Area this proposal is considered to be small scale, low impact and will not result in an added increase in late night users due to the reasonable hours of operation in this part of Soho. Committee's views are sought on the acceptability of the proposal.

### 3. LOCATION PLAN



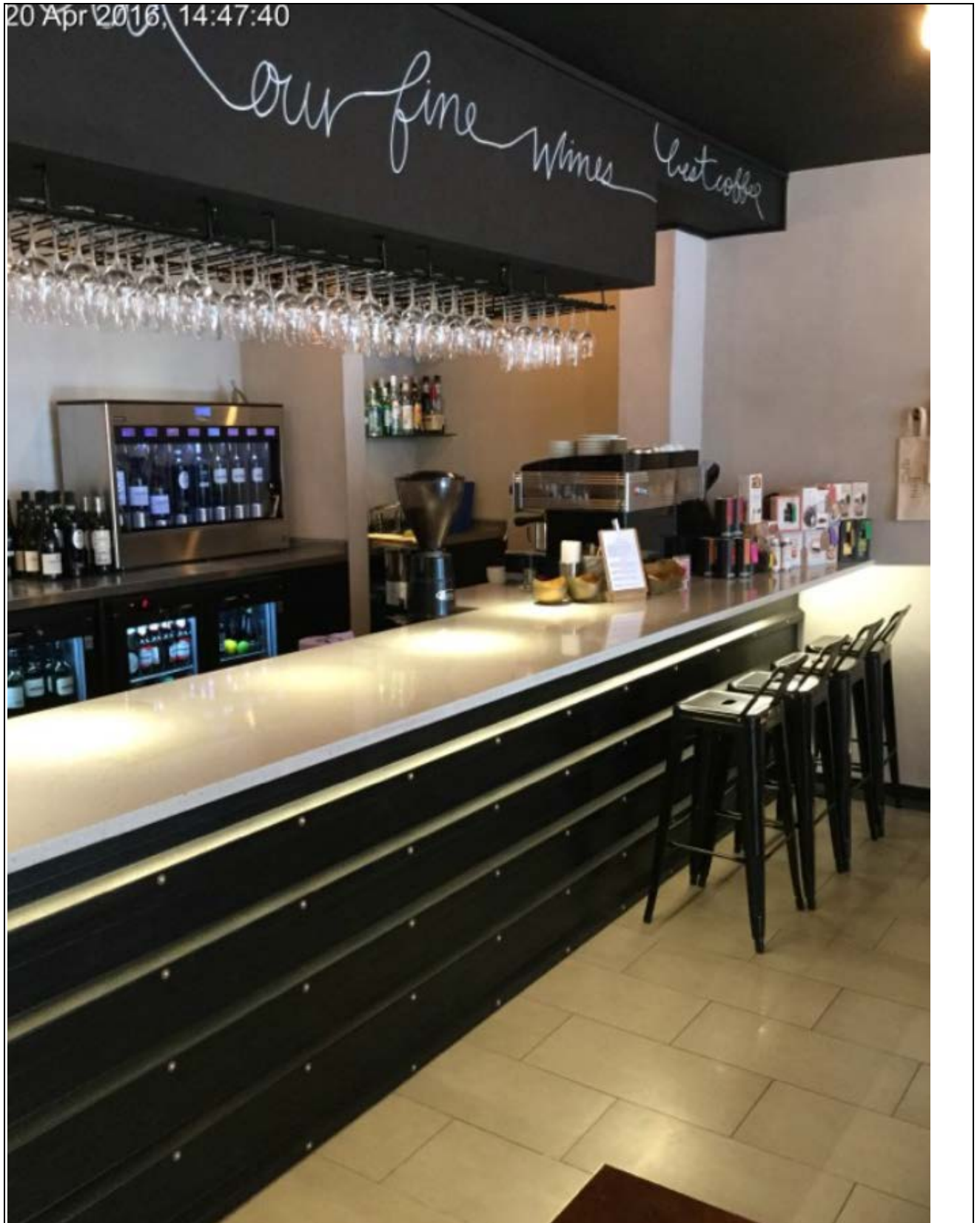
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4. PHOTOGRAPHS





20 Apr 2016, 14:47:40



20 Apr 2018 14:47:50



## 5. CONSULTATIONS

### THE SOHO SOCIETY

Objection - Application for "sui-generis" use class does not reflect the nature of the existing business or the proposed. Intensification of an A4 use in the West End Stress Area, which is already saturated with venues of this type. The proposed continued A1 use is not objected to.

### ENVIRONMENTAL HEALTH

No objection.

### HIGHWAYS PLANNING MANAGER

Undesirable on transportation grounds; no off street servicing indicated within the application site. Cycle parking should also be provided.

### CLEANSING MANAGER

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 1

No. of objections: 1 - Noise concerns, increase in A4 use.

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application lies in the:  
Central Activities Zone  
Soho Conservation Area  
West End Stress Area

### 6.2 Recent Relevant History

#### 02/03794/FULL

Use of ground floor of 16A D'Arblay Street for either Class A1 (retail) purposes or Class A1 (retail) purposes in ground floor front and Class B1c (light industrial) use in ground floor rear.

Application Permitted                      10 July 2002

#### 02/01935/FULL

Use of ground floor for Class A1 (retail) or Class B1 (light industrial) uses.

Application Withdrawn                      2 May 2002

## 7. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 10 April 2016
3. Letter from occupier of 16 Broadwick Street, London, dated 6 April 2016
4. Memorandum from Highways Planning Manager dated 4 April 2016
5. Memorandum from Environmental Health dated 5 April 2016

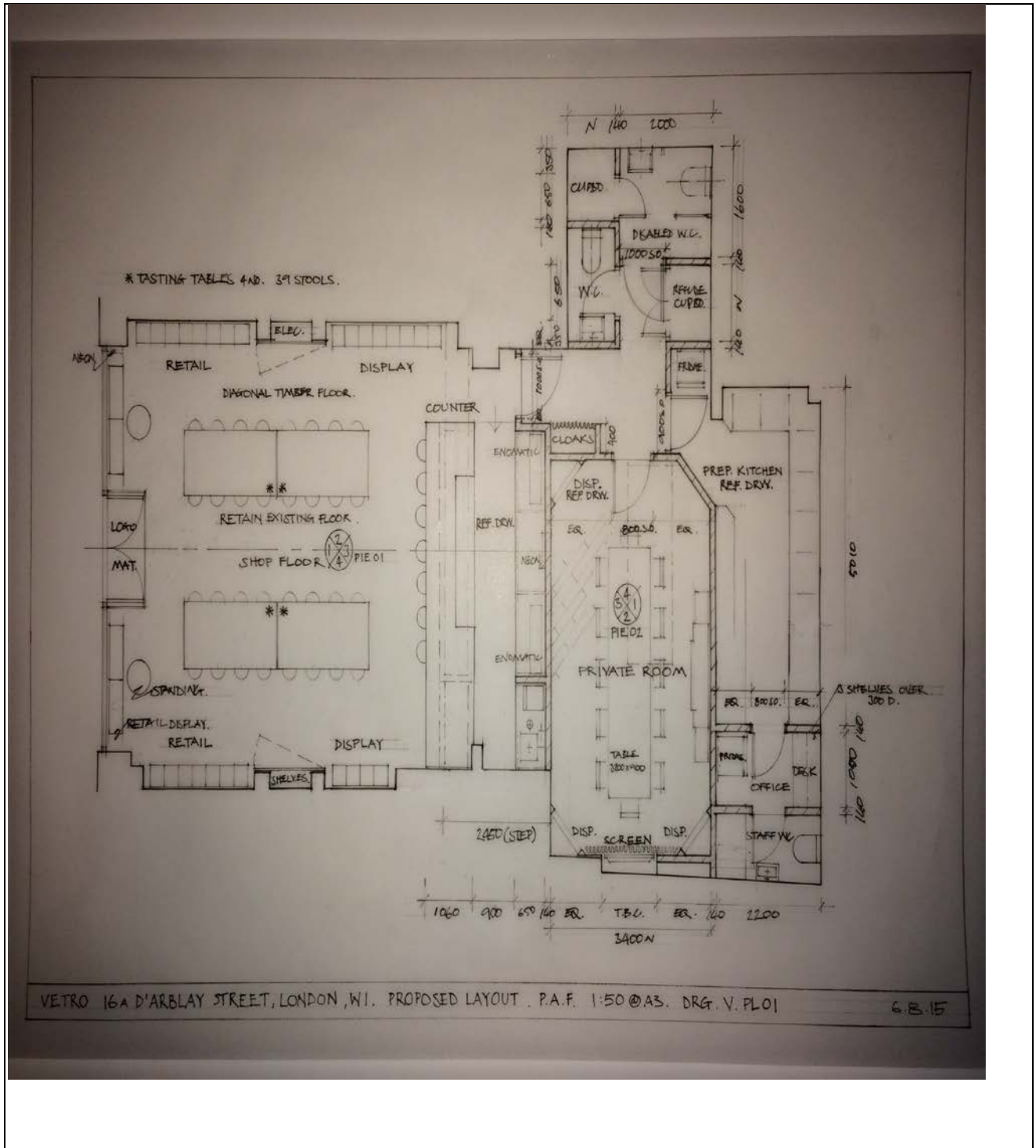
### **Selected relevant drawings**

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JOSEPHINE PALMER ON 02076412723 OR BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)



### 8. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** 16A D'Arblay Street, London, W1F 8EA,

**Proposal:** Dual/alternative use of the ground floor for either a retail (Class A1) use and/or for a composite retail/cafe/bar use (sui generis).

**Reference:** 16/02074/FULL

**Plan Nos:** V.PL01

**Case Officer:** Shaun Retzback

**Direct Tel. No.** 020 7641 6027

**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 Customers shall not be permitted within the ground floor premises before 11:30 or after 23:00 Monday to Thursday, before 11:30 or after 24:00 Friday-Saturday and before 12:00-20:00 on a Sunday

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and

TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 5 You must provide the waste store shown on drawing V.PL01 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 6 You must not operate a delivery service from the premises hereby permitted, even as an ancillary part of the 'Sui Generis' use.

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)

- 7 The seating capacity of the ground and basement floors shall be limited to 51 customers as indicated on drawing V.PL01.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 8 No music shall be played within the premises that is audible outside the premises.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 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)

- 10 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

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)

- 11 You must not put planters, tubs, furniture or other obstructions on the forecourt. (C26QA)

Reason:

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

- 12 The retail display area shown on drawing V.PL01 must be retained in the manner shown on the drawing and used only for retail purposes.

Reason:

To ensure the retention of a retail character and function to the unit and to support the retail vitality and character and function of the area in accordance with Policies S6 and S21 of our City Plan that we adopted in November 2013 and Policy SS5 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 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible

Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk). It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 You cannot put tables and chairs in the area unless you have a street trading licence. If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter. Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 6 You are reminded of the need to apply for advertisement consent for any A-boards on the pavement.

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

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# Agenda Item 3

Item No.
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3
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21 June 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>Amphitheatre And Outdoor Spaces, Sheldon Square, London, ,</b>		
<b>Proposal</b>	Application 1: Temporary use of the amphitheatre for event screenings between 1 June and 28 August 2016.  Application 2: Display of 1 LED Screen (2058 x 5080mm) to be mounted onto a structure measuring 6280mm (W) x 4958 (H) x 3750 (D) between 1 June and 28 August 2016.		
<b>Agent</b>	Mr Shaun MacArthur		
<b>On behalf of</b>	British Land		
<b>Registered Number</b>	16/03221/FULL & 16/03222/ADV	<b>Date amended/ completed</b>	19 April 2016
<b>Date Application Received</b>	8 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside		
<b>Licensing</b>	Monday – Sunday 09:00 – 21:00		

## 1. RECOMMENDATION

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. Grant conditional permission.</li> <li>2. Grant conditional advertisement consent.</li> </ol> |
|---|

## 2. SUMMARY

<p>Planning permission and advertisement consent is sought for the temporary placement of a video screen in the tiered grassed amphitheatre area in the centre of Paddington Central. Objections have been received from residents in Sheldon Square particularly due to increased noise and disturbance to existing residents caused by the screening of events on a large screen in the amphitheatre. The proposal is supported by many of the commercial occupiers in the area.</p>
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<p>The key issues are:</p>
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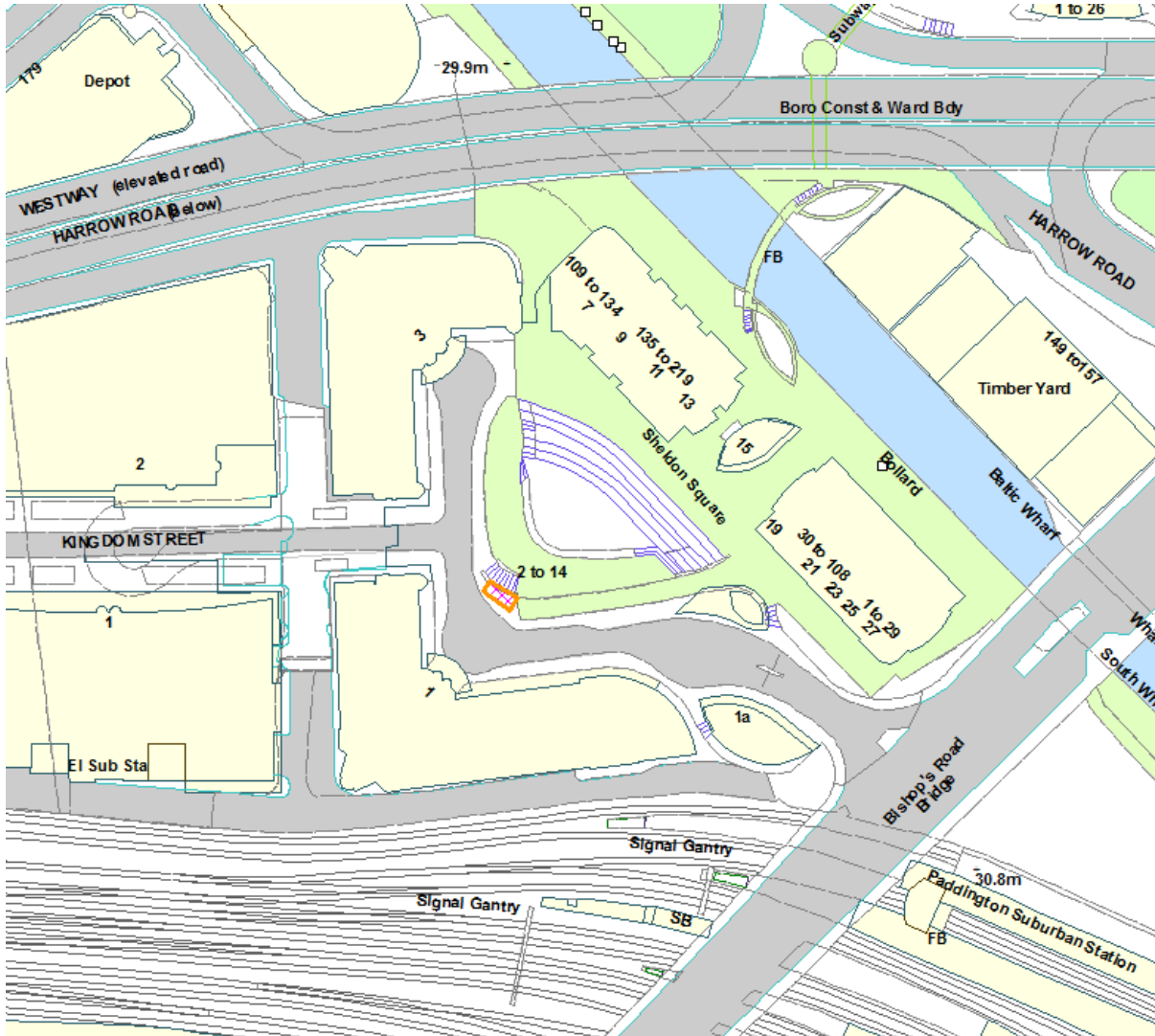
\* The impact of the screening of events on the amenities of residents living in Sheldon Square for a temporary period;

\* The erection of a LED screen on the amenity of this area given such screens are normally discouraged under Policy DES8 in the UDP.

It is considered that holding of such events (sporting events and films) for a limited period from 1 June to 28 August until 21.00 in the evening, will not materially harm the amenities of existing residents in Paddington Central. Given the location of the amphitheatre within the centre of Phase 1 of the Paddington Central Development, the proposed LED screen will not be visible from public street views and is for a limited period, therefore it is considered that an exception under Policy DES8 can be made.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



The screen in place at Sheldon Square previously

## 5. CONSULTATIONS

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Request that neighbours' views are taken into consideration.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

### HYDE PARK ESTATE ASSOCIATION:

No objection. Support the commercial investment within the Paddington Basin, which help to create a sense of place.

### CANAL & RIVER TRUST:

No comment.

### PADDINGTON BID:

Any response to be reported verbally.

### HIGHWAYS PLANNING:

No objection.

### CLEANSING:

No objection.

### ENVIRONMENTAL HEALTH:

Comment that no noise complaints received for the same event last year.

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

No. Consulted: 261

No. of objections: 5 on some or all of the following grounds:

#### Amenity:

- Noise and disturbance to neighbouring residents.
- It is not possible to open windows in adjacent residential properties to provide ventilation due to noise. The social housing is particularly affected as no air conditioning.
- Despite complaints to Westminster Noise team the sound is kept high or returned back to high later in the day or the following day.

#### Other:

- Increased rubbish.
- Increased anti-social behaviour.
- The square is not a major sporting arena, such events should not be allowed.
- The local supermarket has reduced groceries for residents due to increase in people in the area.

No. in support: 9 from local business workers / companies who welcome the return of the big screen.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

These applications relate to the part grassed part paved amphitheatre at Sheldon Square which formed Phase 1 of the wider Paddington Central Development. This site is located outside of a conservation area and within the Paddington Opportunity Area (POA).

### **6.2 Recent Relevant History**

Planning permission was granted on 2 June 2015 for the temporary use of the amphitheatre for event screenings and associated screen for a limited period between 13 June 2015 and 1 November 2015 and the installation of a temporary "Paddington Bear" statue.

Prior to this, in 2014, the screen was in place for a temporary period of 28 days, which benefited from permitted development and therefore did not require a formal application.

## **7. THE PROPOSAL**

The application is again looking to install the screen for a temporary period until the 28 August 2016. The applicant amended the amount of time the screen would be in place, from November to August, during the course of the application. The screen is to show films along with sporting events such as Wimbledon. The proposed hours for the screen are between the hours of 9am and 9pm daily. Advertisement consent is also sought to display the screen for the same temporary period.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The site is located within the Paddington Opportunity Area and Policy S3 in the City Plan promotes the area as one that supports businesses whilst building a thriving mixed use sustainable neighbourhood and destination. The proposal will bring vitality to this area of public realm for the benefit of local office workers, visitors and residents. However, this has to be balanced against the impact of the proposed use on the amenities of residents in Paddington Central, and this is dealt with in more detail in Section 8.3 of this report. A number of local employees have written in support of the application.

### **8.2 Townscape and Design**

Policy DES8 in the UDP states that advertisement consent will generally not be granted for LED, video screens and moving digital displays. In this particular location, it is considered that an exception to policy could be made for a limited period and will not have such a harmful impact on the visual amenity of this part of the City to warrant refusal. The screen will be located within the development itself and will not be visible from public street views, nor will it affect highway safety in the surrounding area.

### **8.3 Residential Amenity**

Objections have been received from residents within the residential block (Sheldon Square) located adjacent to the site. The principle concern is in relation to noise from both the screen and people in the public square. They note that complaints have previously been made to the council in relation to noise and as a result the volume has either not been turned down, or only turned down temporarily. Environmental Health has however commented that there were no records of noise nuisance complaints being made between June and September last year.

A license has been granted for the screen to be in place for the same hours as those currently proposed (9am – 9pm). The license includes conditions to ensure that no noise is heard outside of the perimeter of the site and that noise levels are monitored to ensure that no nuisance is caused to both commercial and residential occupiers. A copy of the noise report for last year's installation has been provided by the applicant for information.

The amphitheatre space is a popular location for workers and visitors to congregate. As in previous years the applicant has sought to position the screen away from the flats in order to minimise disturbance, although it is noted that by nature of the design of the amphitheatre this does mean that the screen is directed at the residential blocks. Subject to conditions to ensure that the screen is only operational during the hours proposed (9am – 9pm) and subject to the restrictions on the approved license the screen is acceptable for a further temporary period. Officers also note that the space has been designed for events such as those currently proposed and welcome the place shaping benefits that such proposals bring to the area.

The proposals are therefore considered to be acceptable having regard to policies ENV6 and ENV13 of the UDP and S29 and S32 of the City Plan.

### **8.4 Transportation/Parking**

The application site is well served by public transport being a short distance away from Paddington Station and it is not considered that the proposed use will result in unacceptable increases in vehicular traffic.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

No change to existing arrangements.

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

None

### **8.8 London Plan**

This application raises no strategic issues.

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

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

Not relevant to the determination of an application of these types.

### **8.12 Other Issues**

Objections on the grounds of increased rubbish, anti-social behaviour and the impact of such events on local services, such as provisions within the supermarket. The applicant has commented that they have a dedicated cleaning team and security staff who patrol the area in order to manage such issues and they note that they were able to ensure that such issues were kept under control on previous years. It is in the interest of both the applicant as well as local residents for such monitoring to take place, to ensure that the space is a safe and welcoming space for both residents/workers and visitors alike. In terms of the supermarket stock, this is not a planning consideration.

## **9. BACKGROUND PAPERS**

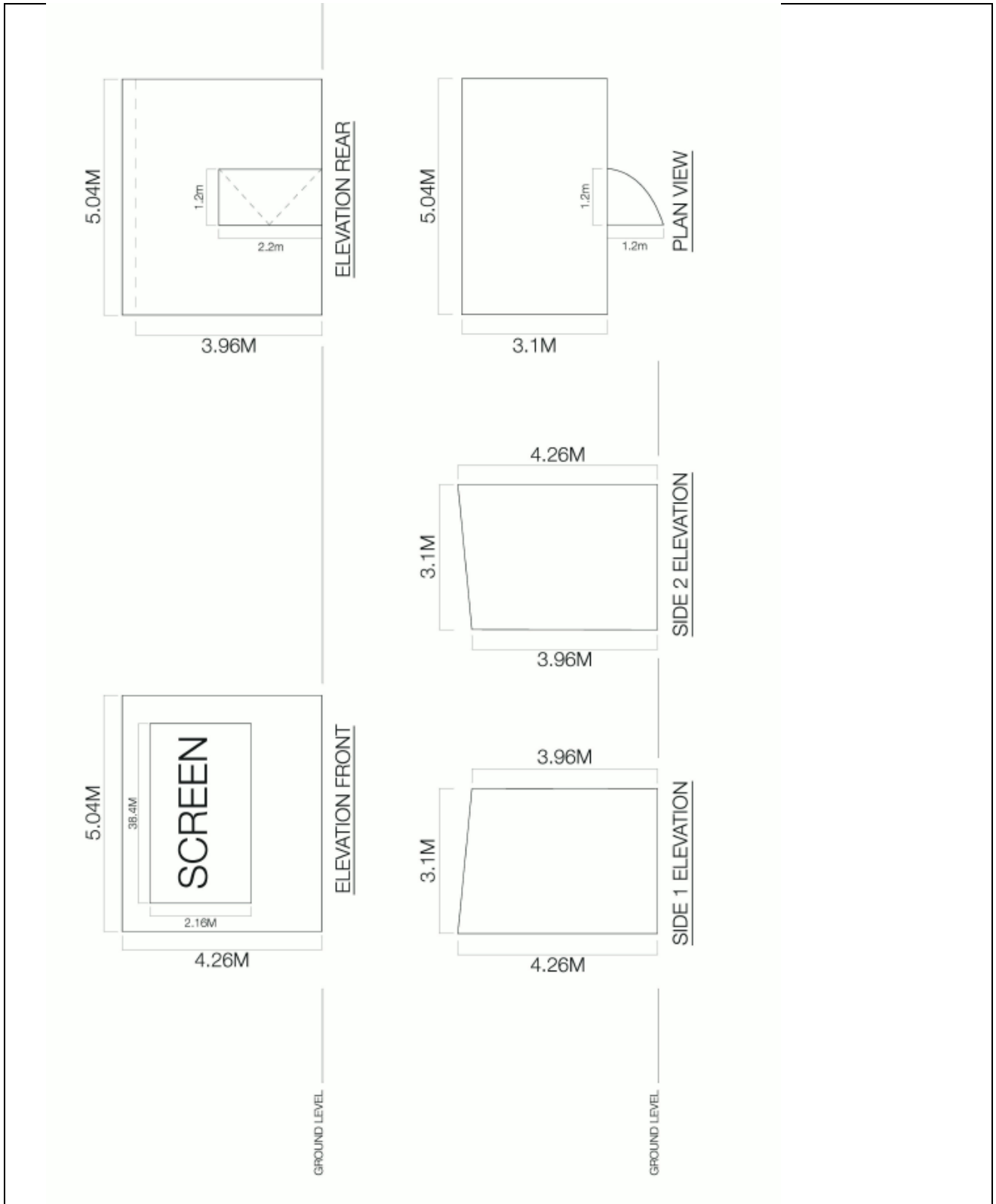
1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 5 May 2016
3. Response from Highways Planning, dated 5 May 2016
4. Response from Cleansing, dated 6 May 2016
5. Response from Hyde Park Estate Association, dated 26 May 2016
6. Response from Canal & River Trust, dated 19 May 2016
7. Response from Environmental Health, dated 1 June 2016
8. Letter from occupier of St George House, 16 The Boulevard, dated 1 June 2016
9. Letter from employee of EMEA offices, dated 27 May 2016
10. Letter from employee of 'Poncho 8' dated 27 May 2016
11. Letter from employee of Cerner dated 27 May 2016
12. Letter from employee of Larsen & Toubro Infotech Ltd, Ground Floor, 3 Sheldon Square, dated 27 May 2016
13. Letter from employee of Novotel London Paddington, 3 Kingdom Street, dated 27 May 2016
14. Letter from employee of Pret A Manger, Paddington Central, dated 27 May 2016
15. Letter from occupier of Kingfisher Plc, 3 Sheldon Square, dated 27 May 2016
16. Letter from occupier of Flat, LONDON, dated 7 May 2016
17. Letter from occupier of Apartment 14, 27 Sheldon Square, dated 20 & 26 May 2016
18. Letter from occupier of Corner Lodge, 107 Sussex Gardens, dated 26 May 2016
19. Letter from occupier of Paddington, dated 8 May 2016
20. Letter from occupier of Apartment 4, 27 Sheldon square, dated 20 May 2016
21. Letter from the Sheldon Square Residents Association dated 31 May 2016

Item No.
<b>3</b>

(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 KIMBERLEY DAVIES ON 02076415939 OR BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk)

10. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** Amphitheatre And Outdoor Spaces, Sheldon Square, London,

**Proposal:** Temporary use of the amphitheatre for event screenings between 1 June and 28 August 2016.

**Plan Nos:** Site location plan; 6 Photographs; 3D visual of front and rear of structure; drawing showing dimensions of screen; LED screen hire ltd specifications; Letters dated 8 Aprils and 31 May 2016 from CBRE.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

**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 The use of the amphitheatre for events screening and the associated screen use allowed by this permission can take place from 1 June 2016 until 28 August 2016. After that period the use shall cease and the screen shall be removed, and the land must return to its previous use.

Reason:

To ensure that the temporary use and associated structure are removed at the end of the temporary period, and the land is restored to its former use .

- 3 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)

- 4 The screen hereby approved shall only be used between the hours of 09.00 to 21.00 daily.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

**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.

**DRAFT DECISION LETTER**

**Address:** Amphitheatre And Outdoor Spaces, Sheldon Square, London,

**Proposal:** Display of 1 LED Screen (2058 x 5080mm) to be mounted onto a structure measuring 6280mm (W) x 4958 (H) x 3750 (D) between 1 June and 28 August 2016.

**Plan Nos:** Site location plan; 6 Photographs; 3D visual of front and rear of structure; drawing showing dimensions of screen; LED screen hire ltd specifications; Letters dated 8 Aprils and 31 May 2016 from CBRE.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

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

- 1 You can display the advert from 1 June 2016 to 28 August 2016. You must then remove it without delay. (C04BA)

**Reason:**

The advert is temporary, so under DES 8 of our Unitary Development Plan that we adopted in January 2007, we can only approve it for a limited period. (R04AB)

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Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b>  <b>21 June 2016</b>	<b>Classification</b>  For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>35 Hamilton Terrace, London, NW8 9RG,</b>		
<b>Proposal</b>	Erection of a single storey rear extension at lower ground floor level (works in association with lower ground floor flat).		
<b>Agent</b>	Michael Doyle		
<b>On behalf of</b>	Mr Eli Talmor		
<b>Registered Number</b>	16/03270/FULL	<b>Date amended/ completed</b>	6 May 2016
<b>Date Application Received</b>	11 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is occupied by a detached building divided into flats and is located on the western side of Hamilton Terrace in the St John's Wood Conservation Area.

The application seeks planning permission for the erection of a single storey rear extension at lower ground floor level, which will provide additional accommodation for the lower ground floor flat.

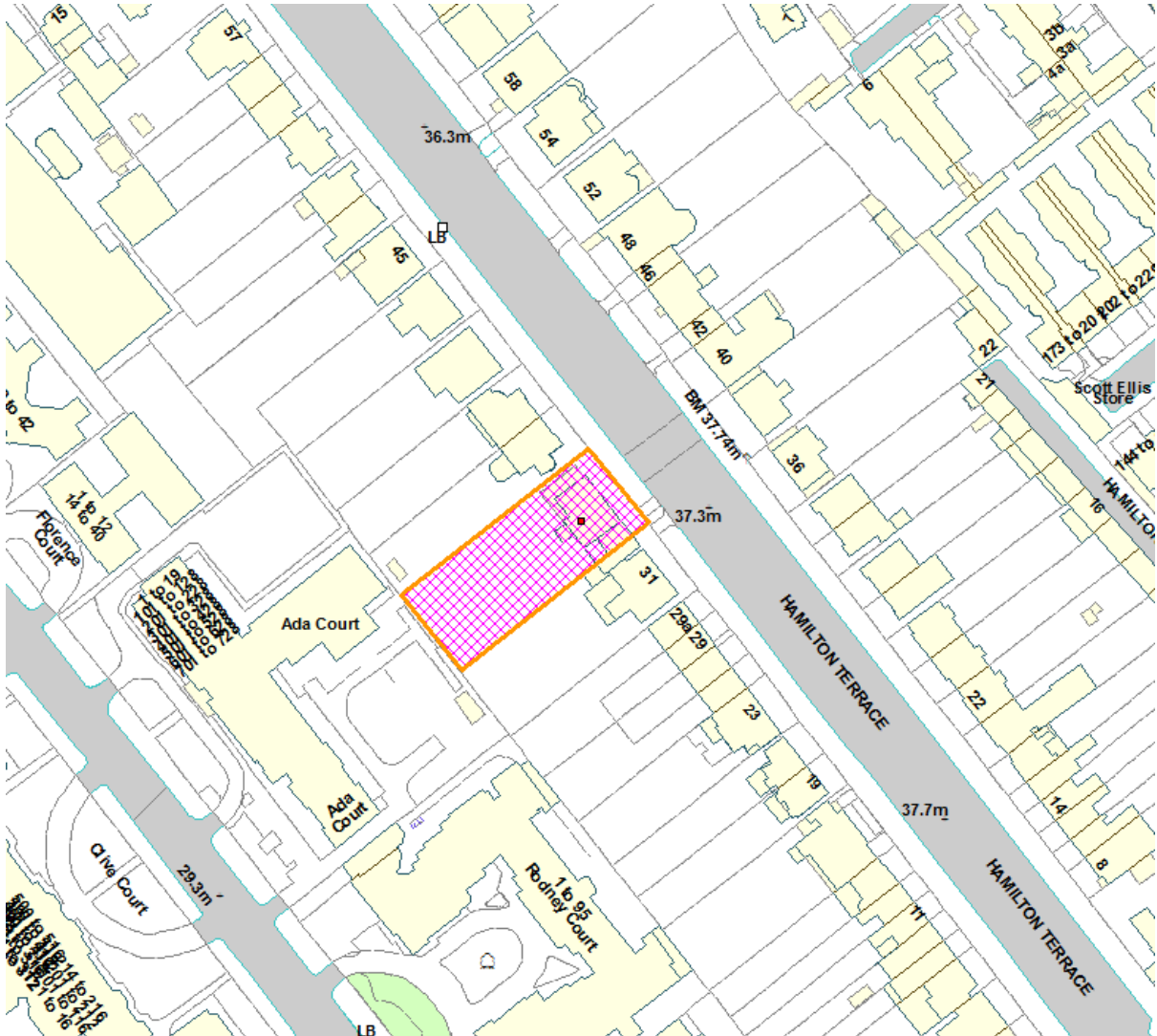
The key issues in this case are:

- \* The impact of the development on the character and appearance of the townscape, adjacent conservation area and neighbouring listed buildings;
- \* The impact of the development on the amenity of neighbouring properties;

Several objections have been received from neighbouring properties on design, amenity and construction grounds.

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

Rear Elevation



Proposed location of extension



## 5. CONSULTATIONS

Ward Councillors:

Any responses to be reported verbally.

St John's Wood Society:

Support is given to the neighbours objections.

Arboricultural Section - Development Planning

Any responses to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7

No. of objections: 8

No. in support: 2 (from applicant)

Seven objections (four on behalf of the same family) on the following grounds:

Design:

- The proposed extensions are too large, resulting in an imposing structure harmful to the design and appearance of the building and the garden;
- The large extension is uncharacteristic of the area;
- The extension is a starkly modern incongruous addition to the rear of the building;
- The rendered treatment is unacceptable;
- The use of lead is an industrial material not suitable to the area;
- The detailing of the windows is unacceptable;
- The extension should be considered part of the garden rather than an extension to the building.

Amenity:

- Loss of views to garden from Flat 2;
- View onto roof of extension is unsightly;
- Light spillage from roof lanterns;
- The herb garden should be permanent to prevent the area being used as an amenity space in the future which would result in noise and overlooking to Flat 2 above;
- Overlooking from the side elevation windows of the extension to the windows of Flat 2 above;
- The proposed extension, at a higher point than the main garden level would result in overlooking;
- The planting of trees at the extension level, whilst helping to overcome overlooking, is not allowed to be carried out by the applicant and would result in further issues regarding the protection of trees in a conservation area, in future years;
- The lead roof will result in an increase in heat and reflect glare to the windows of Flat 2, above at ground floor level.

Other:



- Disruption during the course of construction;
- Access to the property during works will be via the hardstanding and the communal stairs to the rear garden and this is unacceptable;
- The construction management plan is inadequate;
- The third bedroom of Flat 2 will become un-useable if works were approved;
- The proposed development results in the loss of structural columns which support the cantilevered extension and it is not clear if this can be done;
- Applicant does not own the structural columns;
- Artists views are misleading;
- The proposed plans do not accurately reflect the adjacent buildings;
- No drainage information has been supplied;
- Lack of consultation between the applicant and the owners/occupiers of 35 Hamilton Terrace'
- Private neighbour disputes are also referred to.

The two letters of support received are from the applicant and justify why the proposals are should be considered acceptable. On behalf of the applicant, the agent has provided two comments in direct response to the objections received.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

CONSULTATION RESPONSES FURTHER TO THE RECEIPT OF REVISED DRAWINGS:

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7

No. of objections: 3

No. in support: 0

Three further objections received from the same family, raising mainly the same objections as previously submitted.

Amenity:

- Users of the raised garden level terrace could easily fall of the edge to the main garden level.

Other:

- The Construction Management Plan is inadequate and raises concerns as to how the development will affect neighbours during the course of construction;
- The list of similar examples of development in the area are irrelevant as they relate to single family dwellings;
- The drawings submitted showing the removal of the ground floor pillars are inappropriate.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site comprises a four storey building, divided into flat on the western side of Hamilton Terrace. To the rear of the building is a raised paved terrace area and a large extensive garden measuring nearly 40m. Access to the communal garden, for all the flats, is via a side gate and steps to the north side of the building. The property is unlisted and lies within the St John's Wood Conservation Area.

## 6.2 Recent Relevant History

A similar application (16/00790/FULL) for a lower ground floor extension was recently withdrawn on 1 April 2016 upon the advice of officers. The proposals, whilst considered acceptable in principle, were too large in terms of the footprint of the extension and raised detailed design concerns. This application too was subject to objections.

## 7. THE PROPOSAL

Planning permission is sought for the erection of a single storey rear extension at lower ground floor level, on a raised area of garden (comprising a paved area and grassed area). The proposed extension will provide additional accommodation to the existing lower ground floor flat. The extension comprises two elements, a solid brick extension, with a rendered base cited within the centre of the building with a solid lead roof lantern; and a smaller extension to the southern end of the terrace, which is primarily timber and glazed in terms of elevational treatment with a dark obscure rooflight. Full height doors are proposed to the main extension which will allow access onto a small area of garden and outside of the smaller extension is an area designated as 'family/outdoor space'.

The proposals were subject to amendments during the course of the application and included changes to the proposed design and architectural detailing of the extension and the submission of structural engineers drawings to demonstrate how the existing cantilevered extension is retained. Further consultation on these revisions was carried out.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposed extension accord with policies S14 of the City Plan and H3 of the UDP which welcome the provision of additional residential floorspace.

### 8.2 Townscape and Design

The proposed extension is to be assessed against Policy DES5, DES9 and DES12 of the UDP and S25 and S28 of the City Plan.

The extension will project outward from the rear elevation of the property by between 3.5m and 5m. The extension comprises two architectural elements. The main part of the extension is to be in brickwork, with a rendered base, despite some objectors referring to the extension as fully white render. The roof will consist of a solid lead lantern. Two timber sliding sash windows are proposed to the side elevation of the main extension and three sets of timber doors are proposed to the rear elevation, all to be painted white. The

smaller extension has been designed to read as a more subservient addition, in timber and primarily glazed and with a glass rooflight.

Objections have been received to the proposals on conservation and design grounds, notably that the extension is too large and bulky; is too modern in its design with a rendered elevation; is too industrial looking with the lead roof and is too dominant in terms of its relationship to the host property and to the garden. Comment is made that the artists' visuals are misleading and that the drawings do not show the neighbouring properties to show the development in context.

Firstly, the artists' impressions are only generally submitted for officers and consultees to gain a further understanding and perspective over the submitted architectural drawings. These visuals are not approved, rather for information only. Whilst in some cases, it is of benefit to see the proposals in the context of neighbouring properties; it is not a requirement of the applicant and is for the officer to assess on site.

Policy DES 5 of the UDP seeks to ensure the highest standards of design in alterations and extensions, specifically noting that permission will be granted where an alteration or extension does not visually dominate the existing building and is of a scale and detailed design that reflects the host building. It also states that permission may be refused where an extension rises above the penultimate storey of the existing building.

Given that the extension is sited to the rear of the building and is confined to the lower ground floor level, the extension as now proposed (having been reduced substantially in terms of footprint, bulk and massing from the previous withdrawn scheme) is considered acceptable in principle and complies with policy. Whilst large and providing a substantial amount of accommodation to the lower ground floor flat, it is not considered that the extension is over-dominant when seen in context of the main building or the garden. The design and appearance of the main part of the extension; in brickwork with timber doors and windows finished white, to match the host property is considered acceptable and not an incongruous addition as argued by the objectors. The lead roof as proposed is considered to be a traditional roofing material and is welcomed. The smaller timber extension which reads as a more traditional conservatory is considered to be a subservient addition to both the larger brick extension and the host property. The glass lantern rooflight is considered to be a typical feature of extensions and raises no design concerns.

For the reasons given above, the proposals are also considered to comply with Part C of Policy DES9 which relates to extensions to buildings in conservation areas.

Objectors have argued that the proposals are not consistent with the aims and objectives of Policy DES12 which seeks to preserve and enhance the appearance and integrity of open spaces, including private gardens. The proposed extension, whilst large is to be positioned at the upper level of the garden and the main garden in its traditional landscaped form is not to be altered. It is therefore considered that the extension does not harm the appearance or wider setting of the garden. The extension is considered to be well designed and relates well to the host property and the main garden area and therefore complies with policy DES12.

The applicant has submitted examples of similar extensions to properties within Hamilton Terrace. This was in direct response to an objector's comment which stated that similar examples hadn't been provided as supporting information for the application. The objectors now say that these should not be taken as precedent cases as they relate to single family dwellings. Whilst this is acknowledged, the principle of large extensions at lower ground has been accepted in the St John's Wood Conservation Area and this is noted.

For the reasons set out above, the proposals are considered to preserve and enhance the character and appearance of the St John's Wood Conservation Area and are considered acceptable in design terms.

### 8.3 Residential Amenity

Policy ENV13 of the UDP and S29 of the City Plan aim to safeguard the amenity of residents from the effects of new development with particular regard to overlooking, sense of enclosure and loss of daylight and sunlight.

Objections have been received in relation to loss of garden view, light spillage and loss of privacy from residents within the upper level flats.

The extension will project outward from the rear elevation of the property by between 3.5m and 5m. The main extension will measure 3.4m in height to the parapet level with the pitch of the lead roof measuring a further 300mm and the smaller extension will measure 3m in height with the pitch of the glass rooflight measuring a further 200mm. Objections have been raised on the grounds that the extension will impact the views into and out of the existing garden. The garden is nearly 40m long and whilst the neighbours of the upper flats will see the roofs of the extension directly below them, it is not considered that this relationship is unacceptable or that the proposals will significantly result in the loss of the view of the garden. The City Council does not protect the views of residents as this is not a material planning consideration and therefore the application cannot be refused on this basis.

The proposed lead lantern, according to the applicant will result in heat projection to the windows at Flat 2 above. Lead is a traditional roofing material and not generally considered to result in any amenity concerns regarding heat. To the smaller extension, a dark opaque glass rooflight is proposed and the owners and occupier of Flat 2 has concerns that this will result in light spillage detrimental to the bedroom accommodation directly above. Given the dark and opaque nature of the glass proposed, which is to be conditioned as a sample, it is not considered that there would be any significant light spillage to harm the ability of neighbours to sleep in their bedroom. In addition, an extension with a glass rooflight is not uncommon.

The proposed extension contains a number of sets of openable doors within the rear elevation of both elements of the extension. Outside of the smaller part of the extension, the plans are annotated to provide 'family/outdoor space'. Objections on the grounds of loss of privacy to the users of the communal garden from these elements have been received. The existing lower ground floor flat already significantly overlooks the rear garden from within the flat and when using the communal raised garden area. Whilst it is acknowledged that the occupiers of the lower ground floor flat will have a 'closer' view into

the main part of the rear garden and arguably views into the garden could become more intensive from within the new extension, given the existing situation and the large size of the garden, it is not considered that the extension would result in substantial overlooking to users of the garden to warrant refusal. The plans do show a number of trees set in planter on the lower part of the garden (the communal area) which, when grown, would afford a privacy barrier to both the lower ground floor flat and the users of the garden. Objections have been made to the positioning of trees in this location as they would be on the communal part of the objection where the applicant has no right to install them and it is unknown who responsibility these would be and that they would be protected trees by virtue of being in a conservation area that could result in other concerns such as overshadowing to the garden. The plans show these trees in non-permanent planters that could effectively be moved around the garden. It is therefore considered that these cannot be subject to planning control. It is further worth noting that the issue of where the trees are placed would be a private matter between the owner of the lower ground floor flat and the owners of the remaining flats.

To the side elevation of the extension, two windows are proposed overlooking the proposed herb garden, which will be adjacent the stairs/path to the communal garden. An objection has been received that the windows will allow for overlooking to the terrace and living room window of Flat 2 at ground floor level. It is considered that any view from these windows upwards, would be so oblique as to result in any overlooking.

Objectors have requested that the proposed herb garden should become a permanent feature so that at no time in the future it can become an amenity space for the lower ground floor flat, below the living room windows of Flat 2 at ground floor level, thereby potentially resulting in any overlooking or noise conditions. The area where the herb garden is proposed is already an area that the occupiers of the lower ground floor or any other flat could use for amenity space/ entertaining and therefore it is not considered reasonable in this instance to condition its retention.

The proposed extension is set a sufficient distance, of over 8m from the neighbouring boundary with No. 37 Hamilton Terrace does not raise any amenity concerns.

With regards to the impact upon No. 31 Hamilton Terrace, the extension is contained wholly within the application site, behind the boundary wall/ side elevation of the neighbouring property and will therefore have no impact upon the amenity of the occupiers of this property. Concern has been raised to the occupier of 31 Hamilton Terrace being able to look down into the glass rooflight of the extension. It is unlikely that the owner of this property would purposefully stand in a window to look solely into the rooflight of the neighbouring property and therefore this objection cannot be sustained.

The proposals are acceptable in amenity terms and considered to accord with policies ENV13 of the UDP and S29 of the City Plan.

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

The provision of additional residential accommodation for the existing lower ground floor flat raises no highways concerns.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

There is no change to the existing access arrangements.

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

#### **Trees**

The proposals would not have a harmful impact on trees in the application site or adjoining gardens and would therefore comply with policy ENV16 in the adopted 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**

Not applicable, given the size of the extension proposed.

### **8.12 Other Issues**

#### **Construction Management Plan.**

Objections have been raised on the grounds that the construction management statement is inadequate.

The construction management statement, whilst inclusive of some of the details that the council require, such as contact numbers and a schedule of works, is more of an agreement between the applicant and the contractor. It should also be noted that the dates referred to within the statement are already in the past, as this was the statement that was originally provided for the previous application.

Given the nature of the works for a single storey extension, the applicant is not required in this instance to provide one and therefore it is considered unreasonable to condition further details. A construction management plan is generally required when basement excavation is proposed or on more complex applications.

An issue arising from the plan is the access to the rear of the site and how materials will be transferred. The plan states that this will be done through the application site rather than via

the communal side/ garden stairs, whereas objectors state that in all likelihood it would be done from the communal side/garden stairs and that this will also require use of the existing hardstanding, which are both unacceptable. This is considered to be a private matter and not one in which the City Council can become involved.

### **Disruption during the Course of Works**

With regard to the impact in terms of noise and disruption of the works during construction, a standard condition to control hours of building work is recommended which includes 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.

An objection from Flat 2, at ground floor level has been received on the grounds that their third bedroom, in the cantilevered extension will become unusable during the works, especially as works are proposed to the pillars. Whilst it is acknowledged that the development could be disruptive to the occupiers both in terms of structural stability and as a result of noise, these are not reasons to withhold permission.

### **Ownership issues**

Concern has been raised with regards to the applicants' intention to use part of the raised terrace as a herb garden and the removal of the structural columns to the cantilevered extension at ground floor level and that it is not within their right to do these works. Landownership matters are not considered to be a material planning consideration and these matters will have to be resolved privately before the implementation of any planning permission.

### **Drainage**

The proposed plans do not show any form of drainage and objectors have raised this as a concern. Details of drainage are secured via Building Regulations and planning permission cannot be withheld on this basis.

### **Other**

The objectors refer to the lack of consultation between the applicant and themselves. Whilst it is desirable and encouraged for neighbours to engage in meaningful discussion regarding future development, it is not a legal requirement and permission cannot be withheld on this basis.

A concern has been raised that the occupiers of the lower ground floor flat could easily fall from the raised garden terrace area to the lower garden area and this could be unsafe. The extension will be set back some 2.1m from the change in level. Even with the French doors fully open there will be a clear path of 1.6m. The level change is approximately 70-75cm. It is not a large drop and no changes are proposed to the detailing of the wall.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from St John's Wood Society, dated 16 May 2016
3. Letter from occupier of 31 Hamilton Terrace dated 21 April 2016.
4. Letter from owners/ occupiers of Flat 2, 35 Hamilton Terrace, London, dated 3, 6, 9, 15, 25 and 31 May 2016 and 3 June 2016;

5. Letter from occupier of Flat 4, 35 Hamilton Terrace, London, dated 9 May 2016
6. Letters from owner of application site, dated 11 May 2016.
7. Letter on behalf of owners of application site, dated 1 June 2016.

**Selected relevant drawings**

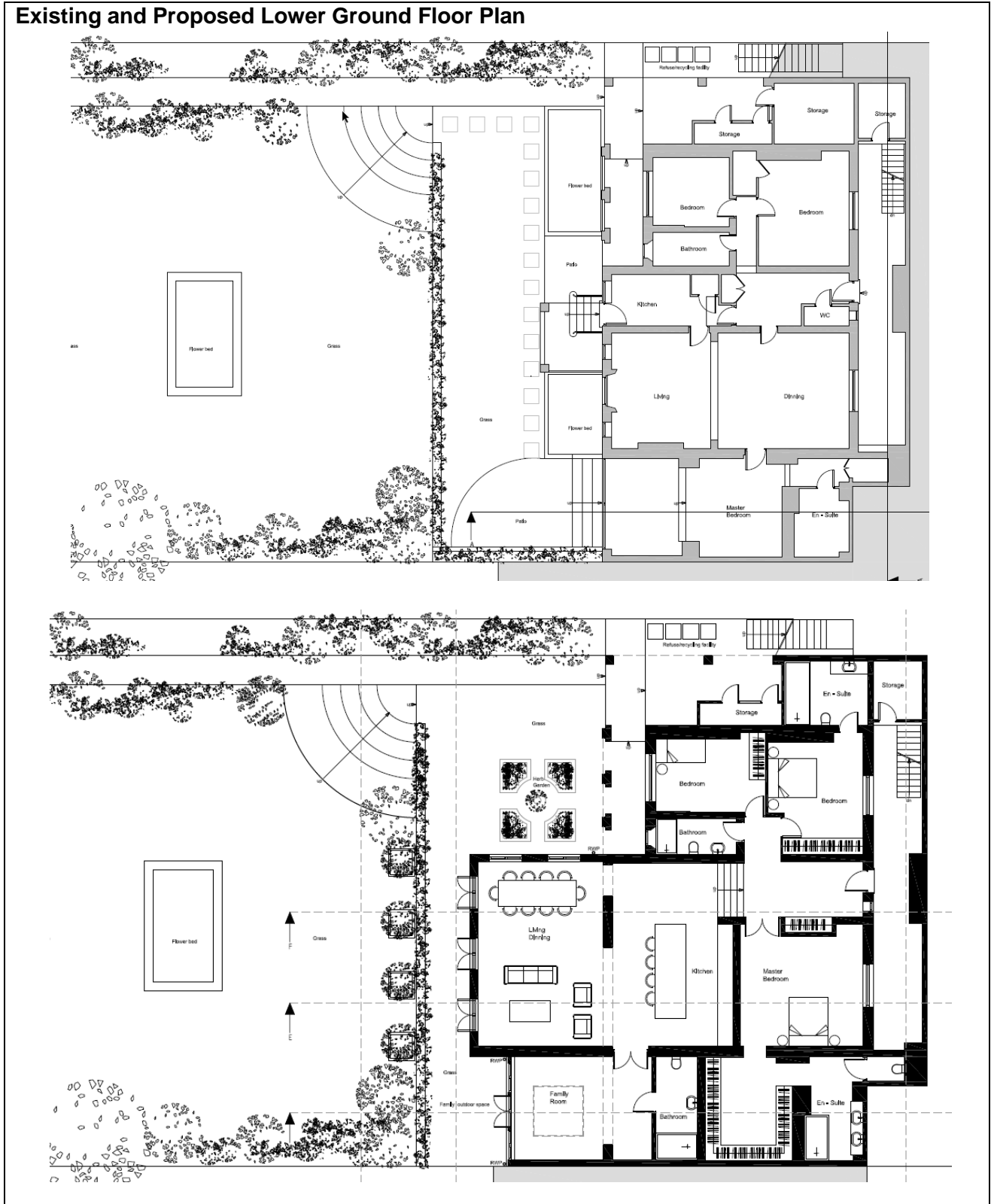
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT [northplanningteamkdavies1@westminster.gov.uk](mailto:northplanningteamkdavies1@westminster.gov.uk)



10. KEY DRAWINGS

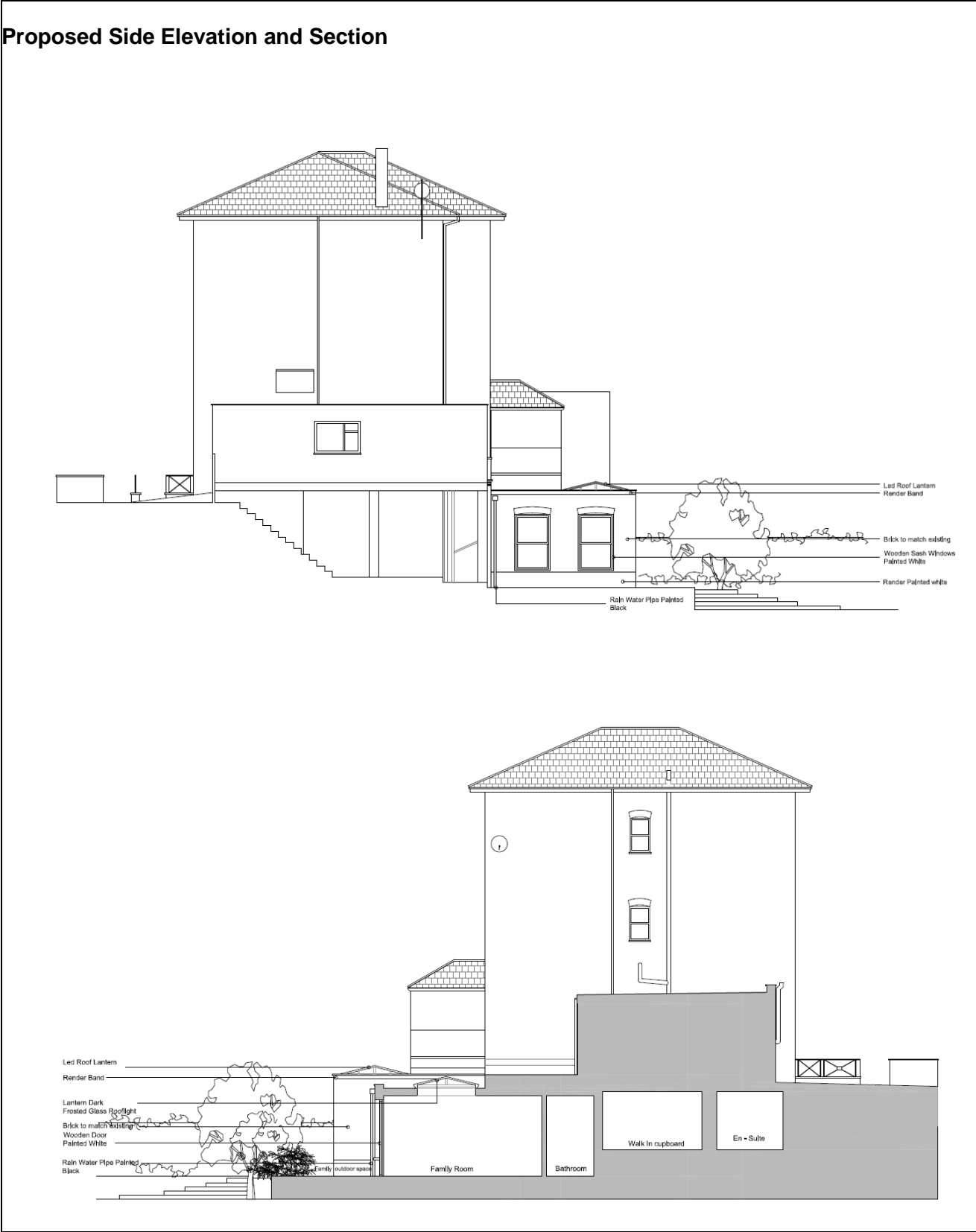
Existing and Proposed Lower Ground Floor Plan



Existing and Proposed Rear Elevation



**Proposed Side Elevation and Section**



**DRAFT DECISION LETTER**

**Address:** 35 Hamilton Terrace, London, NW8 9RG,

**Proposal:** Erection of a rear single storey extension at lower ground floor level (works in association to lower ground floor flat).

**Reference:** 16/03270/FULL

**Plan Nos:** EX100; EX100A, EX101; EX102, EX200; EX201; EX203; EX300; EX302; PL100; PL101; PL102; PL201; PL202; PL203; PL300; Site location plan; Covering Letter; For Information Only: Structural Drawings by Malachy Walsh and Partners and Construction Management Plan.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set

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

- 4 You must 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 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 glass in the rooflight shall be non-opening and opaque and be retained in that condition thereafter.

Reason:

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

#### **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 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)
- 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](http://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](mailto: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.**

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

# Agenda Item 5

Item No.

5 & 6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21 <sup>st</sup> June 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	11 Gerald Road, London, SW1W 9EH,		
<b>Proposal</b>	<p><b>Application 1:</b> Excavation to create enlarged basement extension beneath main house, rear garden and Mews building with swimming pool and associated plant under part of the rear garden. Excavation of lower ground floor under the front garden. (Site includes 2 Burton Mews).</p> <p><b>Application 2:</b> Excavation to create enlarged basement extension beneath main house, rear garden and Mews building with swimming pool and associated plant under Mews and part of the rear garden. Excavation of lower ground floor and basement under the front garden. (Site includes 2 Burton Mews).</p>		
<b>Agent</b>	Mr Dan Pyzer-Knapp		
<b>On behalf of</b>	Mrs Alison Davies		
<b>Registered Number</b>	<b>Application 1:</b> 15/10141/FULL <b>Application 2:</b> 15/09279/FULL	<b>Date amended/ completed</b>	7 April 2016
<b>Date Application Received</b>	<b>Application 1:</b> 30 October 2015 <b>Application 2:</b> 5 October 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		

## 1. RECOMMENDATION

1. **Application 1:** Refuse planning permission.
2. **Application 2:** Refuse planning permission.

## 2. SUMMARY

Applications have been submitted seeking planning permission for excavation to create an enlarged basement extension beneath the main house, rear garden and Mews building and the excavation of a lower ground floor under the front garden.

Application 2 further proposes the excavation of a basement under the extended lower ground floor under the front garden and additional excavation below the mews to provide a pool.

Application 1 proposes the retention of the protected mature London plane tree in the rear garden whereas Application 2 would require its removal. Both applications would result in the loss of three other semi-mature trees within the garden.

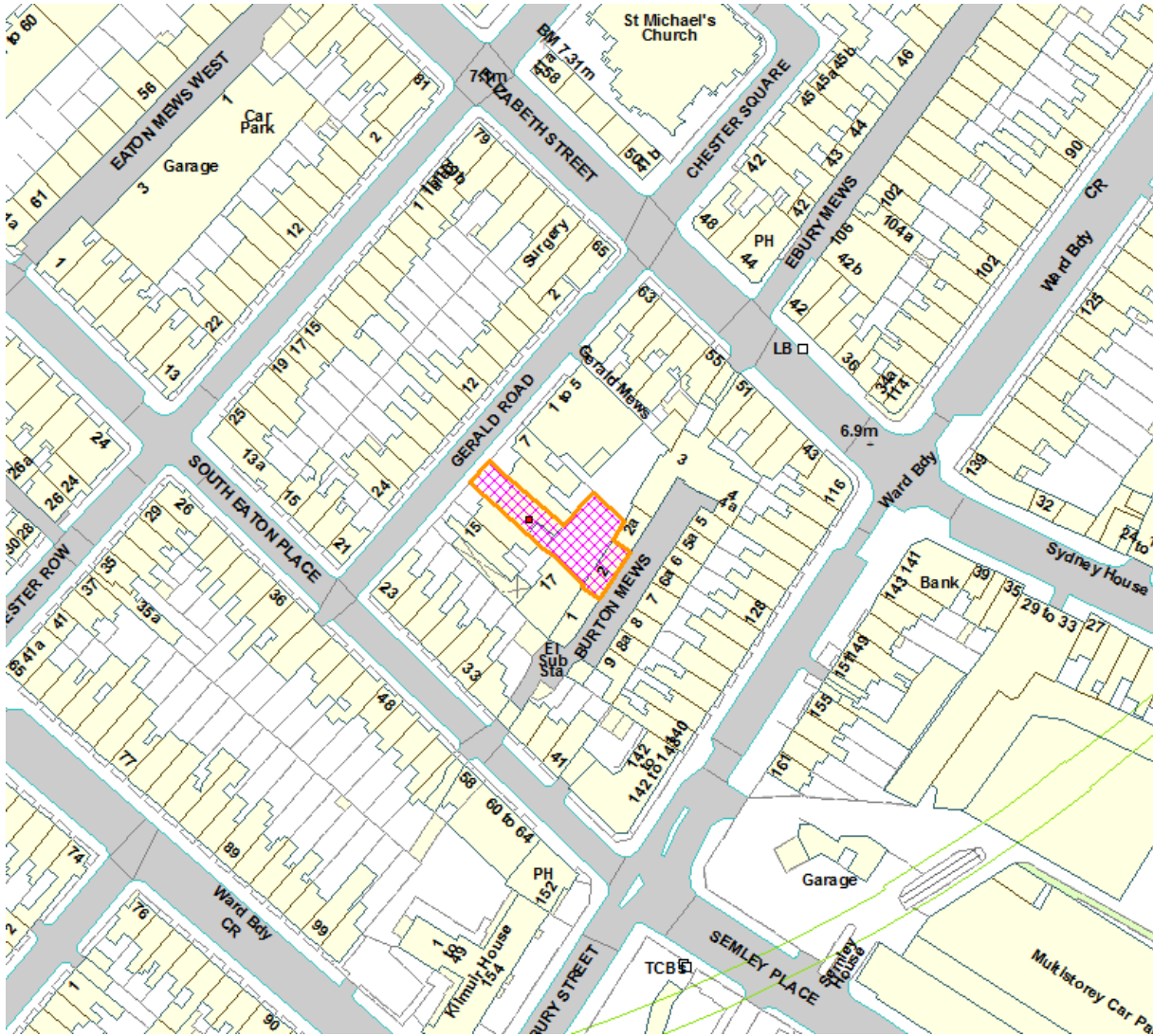
The key issues for consideration are:

- \* The impact of the proposals on the appearance of the building and character of the surrounding Belgravia Conservation Area, particularly with regard to the loss and likely loss or damage to the protected London plane tree.
- \* The impact of the proposals on the amenity of neighbouring residents.

The proposals are not considered to comply with the Council's policies in relation to design and conservation as set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and the applications are recommended for refusal.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS

To the front  
11 Gerald Road



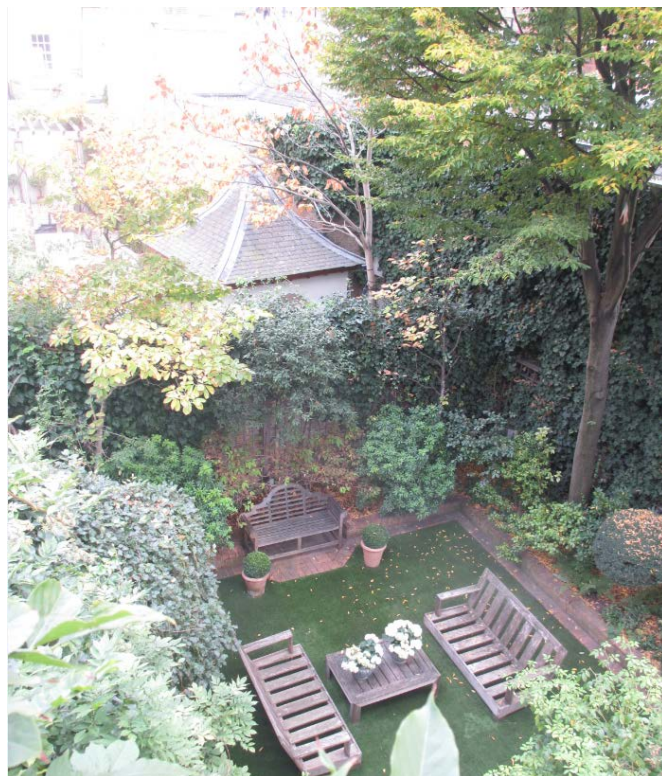
To the rear  
2 Burton Mews



**Mature London  
plane in the rear  
garden**



**Hornbeam tree  
(to the right) in  
the rear garden**





## 5. CONSULTATIONS

### Application 1:

#### BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported at committee.

#### BELGRAVIA NEIGHBOURHOOD FORUM

Any response to be reported at committee.

#### BUILDING CONTROL

Structural Method Statement is considered to be satisfactory.

#### HIGHWAYS PLANNING MANAGER

No cycle parking indicated. No waste storage indicated.

#### ENVIRONMENTAL HEALTH

No objection, subject to standard conditions.

#### ARBORICULTURAL MANAGER

Objection on the grounds of the highly probable risk of loss or damage to protected London plane tree in rear garden. Also to loss of hornbeam tree in rear garden. No soil depth provided above the front basement area.

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

No. Consulted: 25

Total No. of replies: 7

No. of objections: 7

Seven letters received, from or on behalf of six neighbouring residents raising the following issues:

#### Design and Conservation

\*The development would lead to the loss of trees, particularly the loss of a London plane tree, which is of wide amenity value to the area.

\*Development is grotesquely at odds with the character of Gerald Road.

\* Property is contrary to the City Council's Basement SPD which states that front excavation is not always desirable – the historic form of the front vault would be lost and a single large, deep excavated box would result.

#### Amenity

\*Noise and disturbance from air intake and outtake vents in the rear garden.

#### Highways

\*Narrow one way road, unsuitable for this kind of traffic.

\*Impact of construction on traffic flow in the mews over a protracted period.

\*Construction would cause congestion and would disrupt parking.

### Basement Construction

- \*76-week construction time is unbearable and is an exceptionally long time.
- \*Construction Management Statement makes assumptions about the existing structures present at the neighbouring properties, rather than detailed visual site assessment.
- \*Noise, including from piling, dust and vibration and disturbance arising from the construction would be intolerable.
- \*Structural hazards and potential damage to neighbouring properties.
- \*Lengthy construction.
- \*Ground movement and poor foundations will damage houses on the west side of street.
- \*Trucks parked in front of property.
- \*Emergency vehicles and garbage trucks would not be able to get through.

### Other

- \*Work is not necessary. Extreme disruption the sake of a swimming pool should not be allowed.
- \*Certificate B not served.
- \*Impact on party walls with no party wall notifications or agreements entered into.
- \*High water table and unknown location of Kingston Aquifer could lead to damp spreading to neighbouring properties.
- \*Lack of emergency response plan or route for emergency vehicles to reach all homes along Burton Mews.
- \*Previous residents agreed on a survey by Grosvenor Estate that no more permissions would be given for sub-basement excavations.
- \*Thought that the City Council had stopped approving this type of development.
- \*Inadequate soil depth to allow planting which is a breach of the SPD.
- \*Weight should be given to the emerging basement policy, applicant is seeking credit for where the application does comply, so negatives should also be considered.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### **Application 2:**

#### BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported at committee.

#### BELGRAVIA NEIGHBOURHOOD FORUM

Any response to be reported at committee.

#### BUILDING CONTROL

Structural Method Statement is considered to be satisfactory.

#### ENVIRONMENTAL HEALTH

No objection, subject to standard conditions.

#### ARBORICULTURAL MANAGER

Objection on the grounds of the loss of the protected London plane tree in rear garden. Also to loss of hornbeam tree in rear garden. No soil depth provided above the front basement area.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26  
 Total No. of replies: 6  
 No. of objections: 6

Six letters received, from or on behalf of five neighbouring residents raising the following issues:

### Design and Conservation

- \*The development would lead to the loss of trees, particularly the loss of a London plane tree, which is of wide amenity value to the area.
- \* Property is contrary to the City Council's Basement SPD which states that front excavation is not always desirable – the historic form of the front vault would be lost and a single large, deep excavated box would result.

### Highways

- \*Narrow one way road, unsuitable for this kind of traffic. Burton Mews utterly unsuitable for construction traffic.

### Basement Construction

- \*Construction Management Statement makes assumptions about the existing structures present at the neighbouring properties, rather than detailed visual site assessment.
- \*Noise, including from piling, dust and vibration and disturbance arising from the construction would be intolerable.
- \*Structural hazards and potential damage to neighbouring properties.
- \*Lengthy construction.
- \*Trucks parked in front of property.

### Other

- \*Certificate B not served.
- \*High water table and unknown location of Kingston Aquifer could lead to damp spreading to neighbouring properties.
- \*Inadequate soil depth to allow planting which is a breach of the SPD.
- \*Weight should be given to the emerging basement policy, applicant is seeking credit for where the application does comply, so negatives should also be considered.
- \*Only recently have committee members protected the same tree that this proposal would remove.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

No. 11 Gerald Road is an unlisted, mid-terrace single family dwelling consisting of lower ground, ground and first to third floor levels. Linked by the garden the application site also includes No. 2 Burton Mews to the rear, which is an unlisted mid-terrace mews building consisting of ground and first floor levels. The properties are located within the Belgravia

Conservation Area and outside of the Central Activities Zone in a predominantly residential area. Within the garden there is a mature London plane tree and three smaller semi-mature trees (a hornbeam, southern beech and an evergreen magnolia).

## **6.2 Recent Relevant History**

An application to remove the London plane from the rear garden of 11 Gerald Road was refused in October 2015. An appeal has been lodged with the Planning Inspectorate and the appeal decision is awaited.

Committee resolved to grant planning permission for the excavation to create a new basement level extension beneath 2 Burton Mews to the rear of 11 Gerald Road in April 2016. These proposals could be constructed under permitted development legislation as the basement extended solely underneath the footprint of the existing mews property.

Committee also resolved to grant planning permission for the excavation of lower ground floor and basement under the front garden and replacement of front basement lightwell stair in May 2016. This application was revised during the determination process to provide 1.2m soil depth above the basement, which the arboricultural officer considered would allow for suitable landscaping to be provided in the front garden.

There is one other application currently pending determination at the site for other works including erection of rear extension at ground floor level, formation of new roof terrace and alterations to existing roof terrace at first floor level.

## **7. THE PROPOSAL**

The application seeks planning permission for excavation to create an enlarged basement extension beneath the main house, rear garden and Mews building and the excavation of a lower ground floor under the front garden.

Application 1 proposes to retain the protected mature London plane tree in the rear garden whereas Application 2 would require its removal. Both applications would result in the loss of the remaining semi-mature trees.

Application 2 further proposes the excavation of a basement under the extended lower ground floor under the front garden and additional excavation below the mews to provide a pool.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposal seeks to extend the existing residential accommodation which is acceptable in principle in land use terms and in accordance with H3 of the UDP and S14 of Westminster's City Plan.

## 8.2 Townscape and Design

Given the subterranean nature of the works of excavation to create an enlarged basement extension beneath the main house, front and rear garden and Mews building, the proposals would have a minimal impact on the appearance of the existing building.

Application 1 proposes to retain the protected London plane tree in the rear garden, though the City Council's arboricultural officer is unconvinced that this would be feasible. Application 2 would require the removal of the London plane tree. Both applications would result in the loss of the remaining semi-mature trees.

Given the resulting loss or likely damage or loss to the London plane tree and the loss of the hornbeam tree, the proposals would harm the Belgravia Conservation Area. Objections have been received on these grounds.

The London plane tree in particular is considered to make a positive contribution to the character and appearance of Belgravia Conservation Area. The Council's draft Conservation Area Audit identifies that mature trees in private gardens which are visible through townscape gaps, over wall or from mews add interest to the townscape and hint at the existence of a private realm beyond the formal streetscape. The London plane conforms to this description. The tree also enhances the rear garden views and softens the appearance of the tall buildings, and provides a focal point in views from rear windows of the many nearby properties which overlook 11 Gerald Road.

Both applications are therefore considered unacceptable in principle and are recommended for refusal on these grounds.

The tree considerations are considered in more detail in section 8.7 below.

## 8.3 Residential Amenity

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

It is considered that the works of excavation to create an enlarged basement extension beneath the main house, front and rear garden and Mews building would not materially impact upon the amenity of neighbouring properties in terms of loss of privacy, daylight or sense of enclosure. An acoustic report was submitted in relation to plant proposed to be installed as part of the applications and Environmental Health raise no objection subject to standard conditions.

As such, the proposals are considered acceptable in amenity terms, in accordance with Policies S29 of the City Plan and ENV13 of the UDP.



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

As the enlarged property will continue to be used as a single family dwelling, the proposals are considered acceptable in Highways terms.

The impact associated with the excavation and construction is considered in Section 8.12 of this report.

#### **8.5 Economic Considerations**

Not applicable.

#### **8.6 Access**

The access arrangements are unchanged by these proposals.

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

##### **Trees**

Committee members confirmed a tree protection order and refused an application to remove the London plane tree in October 2015.

Given the trees visibility in part from Burton Mews, and a large number of properties on Ebury Street, Elizabeth Street, South Eaton Place and Gerald Road overlook the tree, it was considered that protection of the tree was justified in light of the public benefit it provides. That view was supported by the value placed on the tree in the strong objections to the tree's loss which were received from local residents and interested parties, including the Grosvenor Estate, Belgravia Society and the Belgravia Garden Square Committee, among others.

In addition to the London plane, there are three smaller semi-mature trees growing in the rear garden of 11 Gerald Road, an evergreen magnolia, a southern beech and a hornbeam. These trees are protected by virtue of being located within a conservation area. Both applications would require the removal of these trees, however issue is only additionally raised with regard to the loss of the hornbeam, which is considered to be an attractive garden tree suitable in its setting, having a canopy visible above the Mews and in the outlook from surrounding properties.

The applicant has provided justification in support of their view that the design of the extension to the basement under the rear garden proposed by Application 1 could be undertaken with a reasonable prospect of the London plane tree surviving. However this justification is disputed by the City Council's arboricultural officer. The main issue being the extent of the incursion into the tree's root protection area that would occur as a result of the excavation works, as the tree already functions in a lesser rooting area than would be expected.

Both the arboricultural officer's comments and the response from the applicant's tree consultant are provided for reference in the background papers. The applicant's tree consultant concludes their comments of 26 April 2016 by stating that the investigations

have been undertaken as thoroughly as is reasonably practical. However, they recognise that the London plane could be harmed by the proposals and that the work would obviously need to incorporate suitably stringent tree protection measures, enforced at all stages.

The City Council's arboricultural officer is not convinced that if the proposals are permitted with such measures in place, it would not cause damage to and possibly risk the loss of the tree. The depth of the trial pits conducted have been restricted for safety reasons, however the City Council's arboricultural officer considers that it is likely the tree has sought to root deeply given the constraints restricting its rooting outwards in this location. With basement excavation of this scale in close proximity to the London plane tree, which is already functioning within a reduced root protection area, the development would more than certainly have a significant impact on the trees ability to continue to thrive and could quite likely lead to its loss.

On this basis, Application 1 is assessed on the basis that the proposals would lead to the loss or likely damage or loss to the London plane tree and the loss of the hornbeam tree. The application is therefore considered unacceptable in principle and recommended for refusal on these grounds.

Application 2 proposes the loss of the London plane tree and the loss of the hornbeam tree. The application is again therefore considered unacceptable in principle and recommended for refusal on these grounds.

### **Landscaping**

Objection is also raised on the grounds that there is no soil depth to the front garden above the basement. The City Council's SPD on Basement Development adopted in October 2014 requires the provision of a minimum of 1.2m (which includes drainage layer) of soil depth above the new basement to allow for planting. The applicant has sought to justify not providing any soil depth on the basis of the presence of the existing vaults. In May 2016 permission was granted at committee for excavation of basements beneath the front garden area which retained an acceptable level of soil depth.

However given the effective sterilisation of the garden in the future, the relatively generous size of the garden in comparison to others in surrounding streets, and the reason for requiring soil depth being to attenuate run-off as well as provide for planting, the argument against providing soil depth is not accepted and this element of the proposals forms a second reason for refusal on both applications.

Both applications are supported by indicative landscaping proposals which would be undertaken following development. Replacement planting and landscaping are not considered a substitute to justify the loss of trees, particularly in the case of the London plane and hornbeam which make a valuable contribution to the conservation area.

### **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

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

### 8.11 Environmental Impact Assessment including Sustainability and Biodiversity Issues

The proposals are of an insufficient scale to require an environmental assessment.

### 8.12 Other Issues

#### Basement

The applications were submitted prior to 1 November 2015, from which date the City Council has sought to apply elements of its emerging Basement Revision to the City Plan, prior to its full adoption.

Were the applications assessed against this policy, the proposals would additionally be unacceptable as they propose extension beneath more than 50% of the garden land, fail to leave a margin of undeveloped land proportionate to the scale of the development around the entire site boundary and propose excavation of more than one storey without meeting the exceptional circumstances criteria which may make further excavation acceptable. Objections have been received on these grounds.

However, given the date of submission these grounds could not be used to justify a refusal of planning permission.

Objections have been raised in relation to the basement proposal on the grounds that Construction Management Statement makes assumptions about the existing structures present at the neighbouring properties and regarding the structural hazards and potential damage to neighbouring properties which could arise as a result of the proposal. Also, they suggest that there are missing water and utilities drawings, structural calculations and drawings and that the high water table and unknown location of Kingston Aquifer could lead to damp spreading to neighbouring properties.

With regard to the construction of the extended lower ground floor level and basement area, 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.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory and shows that with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations.

### **Construction impact**

Neighbouring residents have raised concerns in relation to the management of construction traffic, access arrangements during construction and the general disturbance and potential damage caused by the construction process and construction traffic. Planning applications cannot reasonably be refused on grounds of construction impact. However, it is possible to mitigate the effects of construction through a Construction Management Plan (CMP) and through controlling the hours when noisy works are permitted.

An initial CMP has been submitted with the application. This details the measures proposed to minimise the impact of the construction works on surrounding neighbours. Were the applications considered acceptable in other regards, it would be recommended a full CMP is secured by condition and a condition imposed to limit the hours when noisy works and basement excavation were permitted.

### **Other**

Objection has been raised on the grounds that Certificate B was not served. The applicant has subsequently submitted Certificate B.

Objection has also been received suggesting that the proposals are unnecessary and that such disruption for the sake of a swimming pool should not be allowed. Although these views are understood, they would not in themselves be considered a sufficient reason to refuse planning permission in this instance.

Another objection has raised concern over the lack of emergency response plan or route for emergency vehicles to reach all homes along Burton Mews. Had the applications been considered acceptable, a revised Construction Management Plan could address such matters as ensuring access is maintained to the Mews throughout the duration of construction.

Objections have also been raised by adjoining owner/occupiers that no party wall agreement has been entered into with regard to the proposals and a comment was made that the previous residents agreed on a survey by Grosvenor Estate that no more permissions would be given for sub-basement excavations. Land ownership and party wall agreements are private matters and permission could not be withheld on these grounds.

## 9. BACKGROUND PAPERS –

### Application 1:

1. Application form
2. Response from Highways Planning, dated 30 November 2015
3. Response from Building Control, dated 15 December 2015
4. Response from Environmental Health - Plant And Equipment, dated 17 November 2015
5. Response from Tree Section, dated 1 December 2015, 30 March 2016 and 10 May 2016
6. Letters from occupiers of 13 Gerald Road, dated 6 December 2015 and 11 April 2016
7. Letter from occupier of 16 Gerald Road, dated 14 December 2015
8. Letter from occupier of 2a Burton Mews, dated 15 December 2015
9. Letter from occupier of 14 Gerald Road, dated 16 December 2015
10. Letter on behalf of occupier of 9 Gerald Road, dated 15 December 2015
11. Letter from occupier of 10 Icklingham Road, Cobham, dated 17 January 2016
12. Letter from ADL Planning Ltd on behalf of applicant, dated 18 February 2016
13. Letter from Simon Pryce Arboriculture on behalf of applicant, dated 26 April 2016

### Application 2:

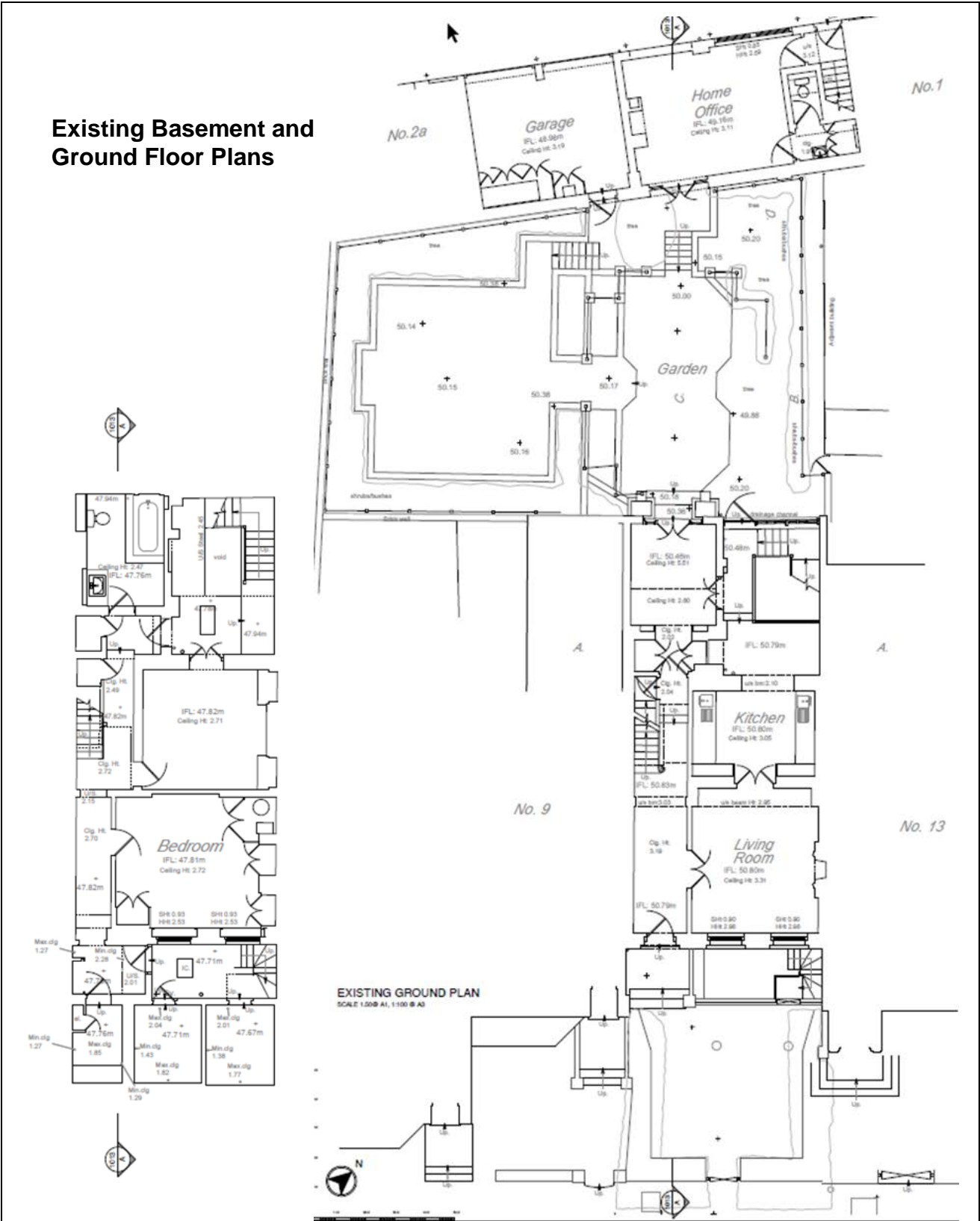
1. Application form
2. Response from Building Control, dated 3 December 2015
3. Response from Environmental Health - Plant And Equipment, dated 17 November 2015
4. Response from Tree Section, dated 24 November 2015 and 30 March 2016
5. Letter from occupier of 9 Gerald Road, dated 17 November 2015
6. Letter from occupier of 8a Burton Mews, dated 24 November 2015
7. Letter from occupier of 13 Gerald Road, dated 24 November 2015 and 30 November 2015
8. Letter from occupier of 1 Gerald Road, dated 24 November 2015
9. Letter on behalf of occupier of 9 Gerald Road, dated 15 December 2015
10. Letter from ADL Planning Ltd on behalf of applicant, dated 18 February 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 VINCENT NALLY ON 02076415947 OR BY EMAIL AT [vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)

**KEY DRAWINGS**



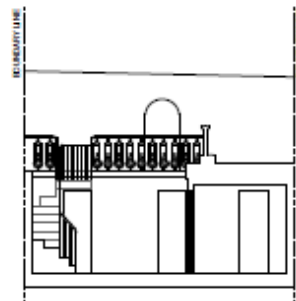




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SCALE 1/8" = 1'-0" @ A3



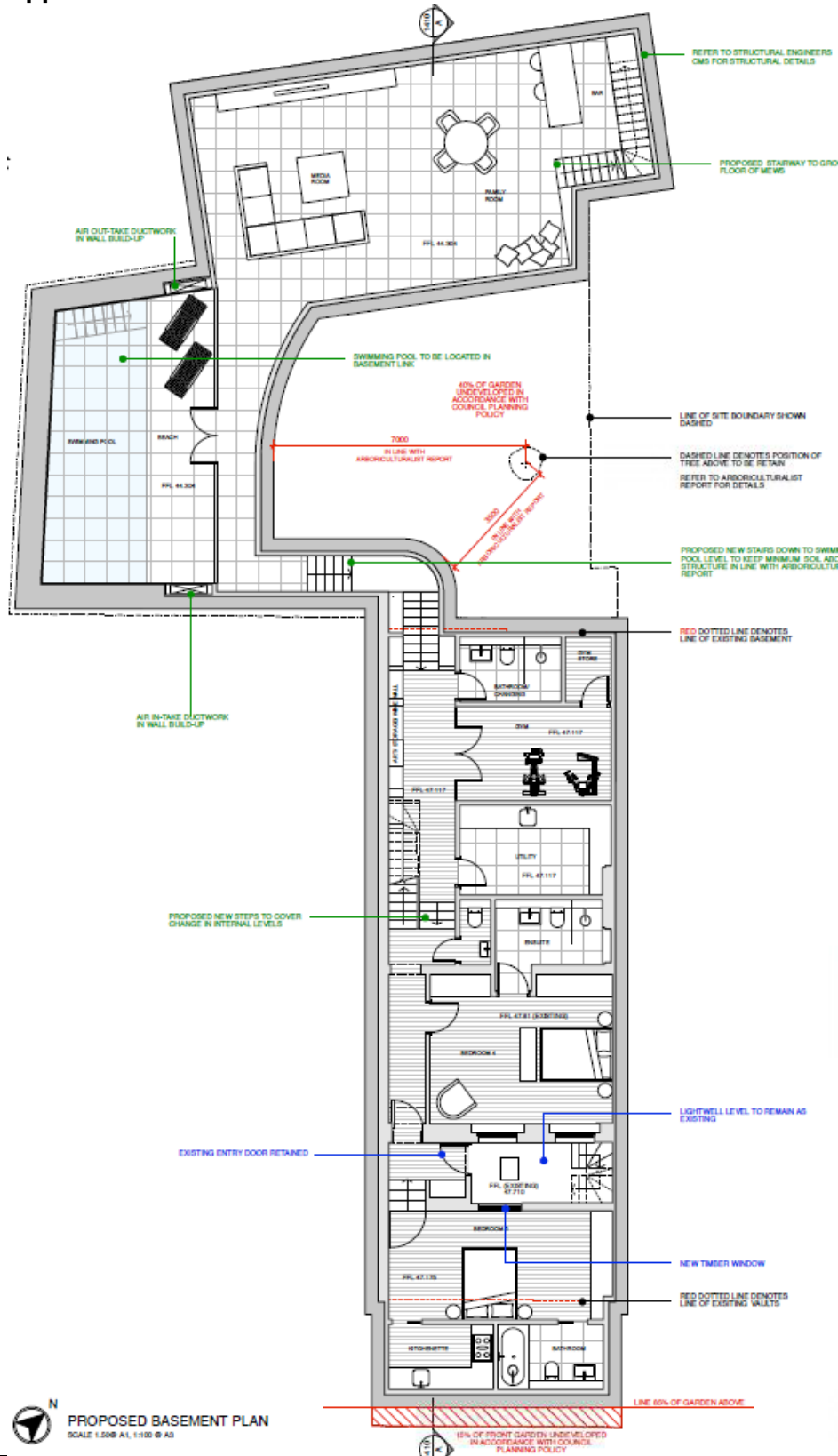
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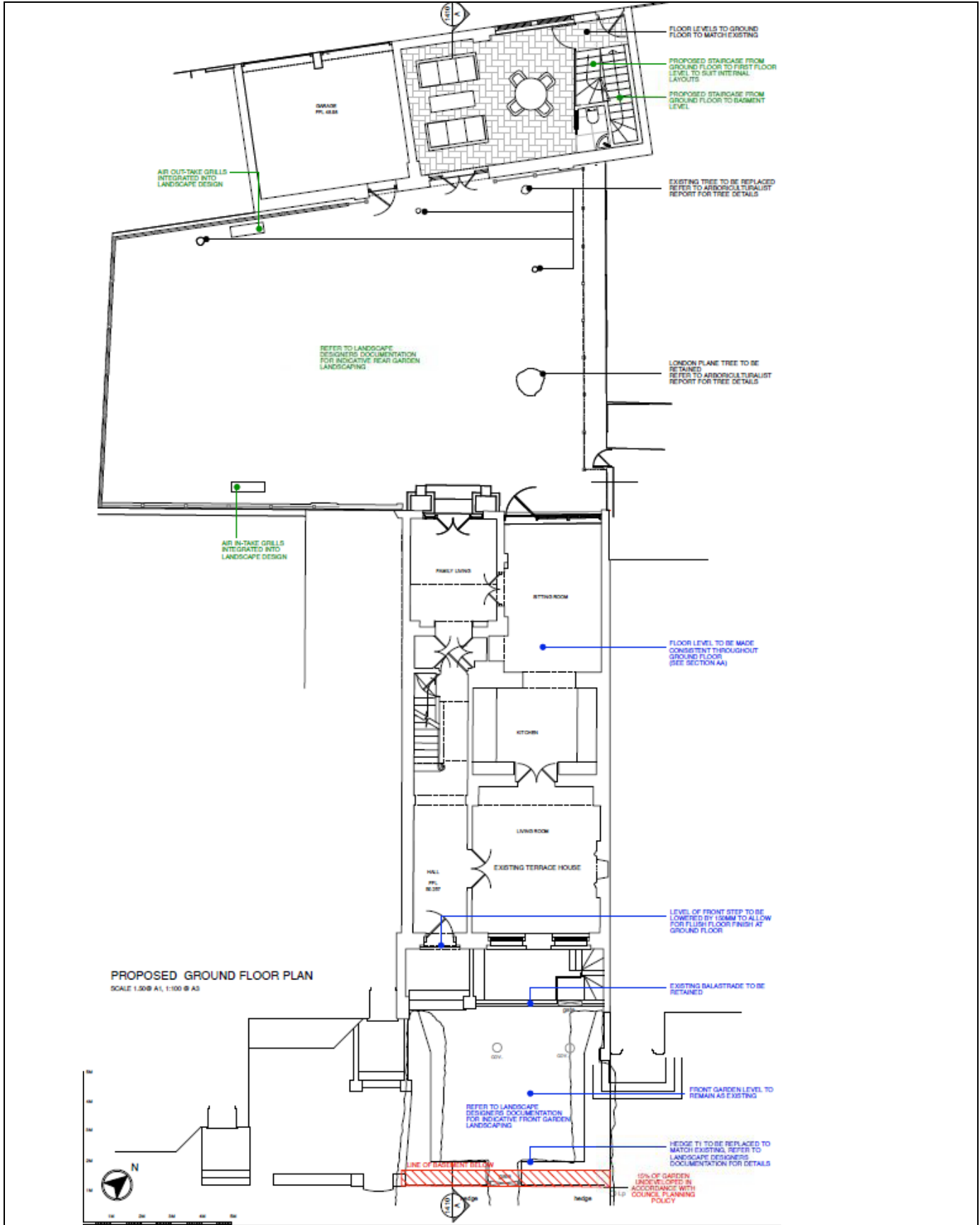


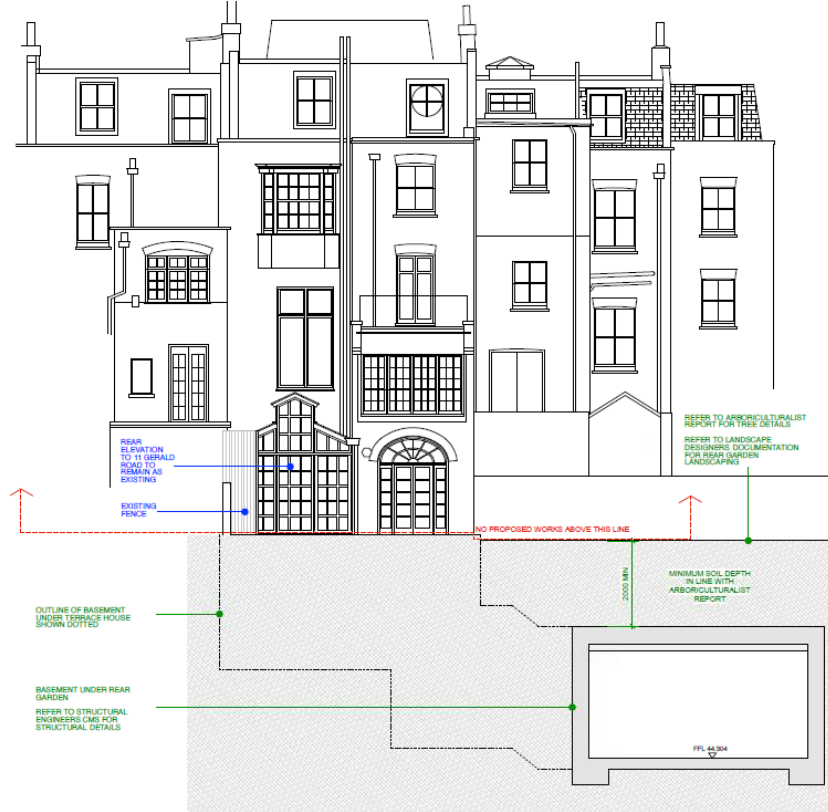
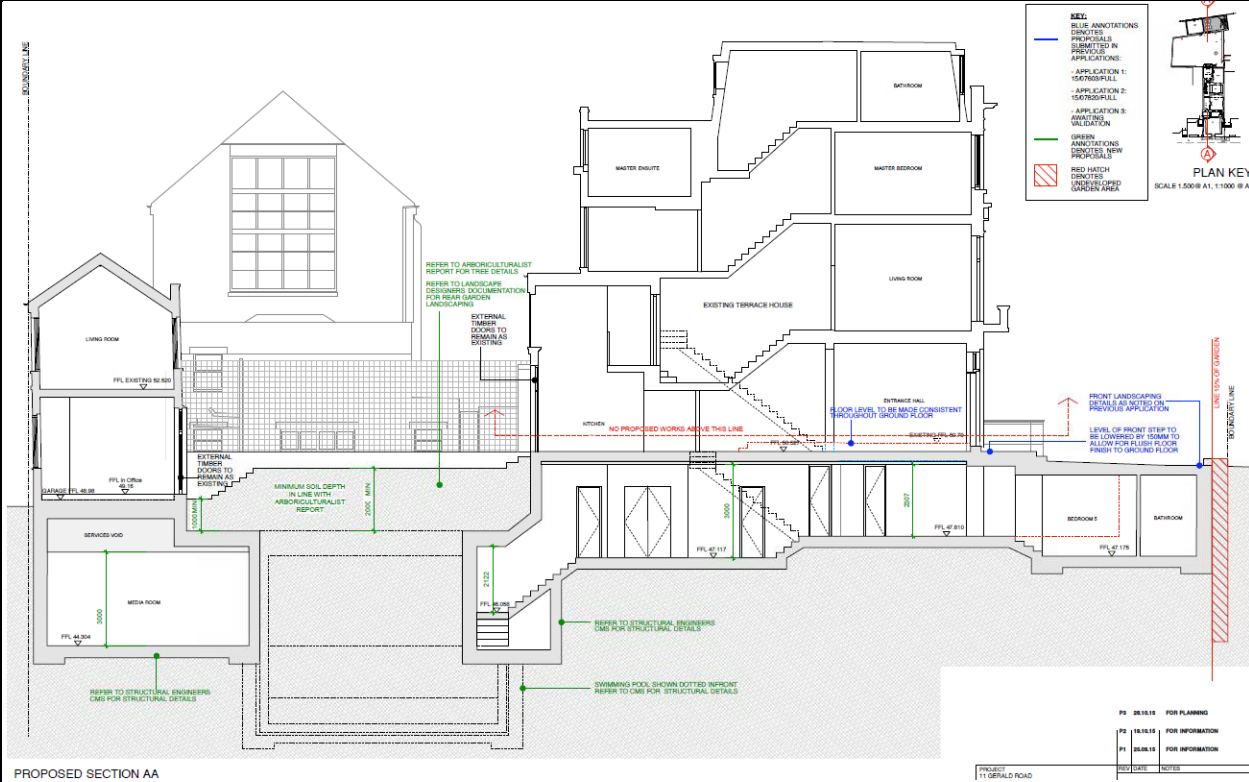
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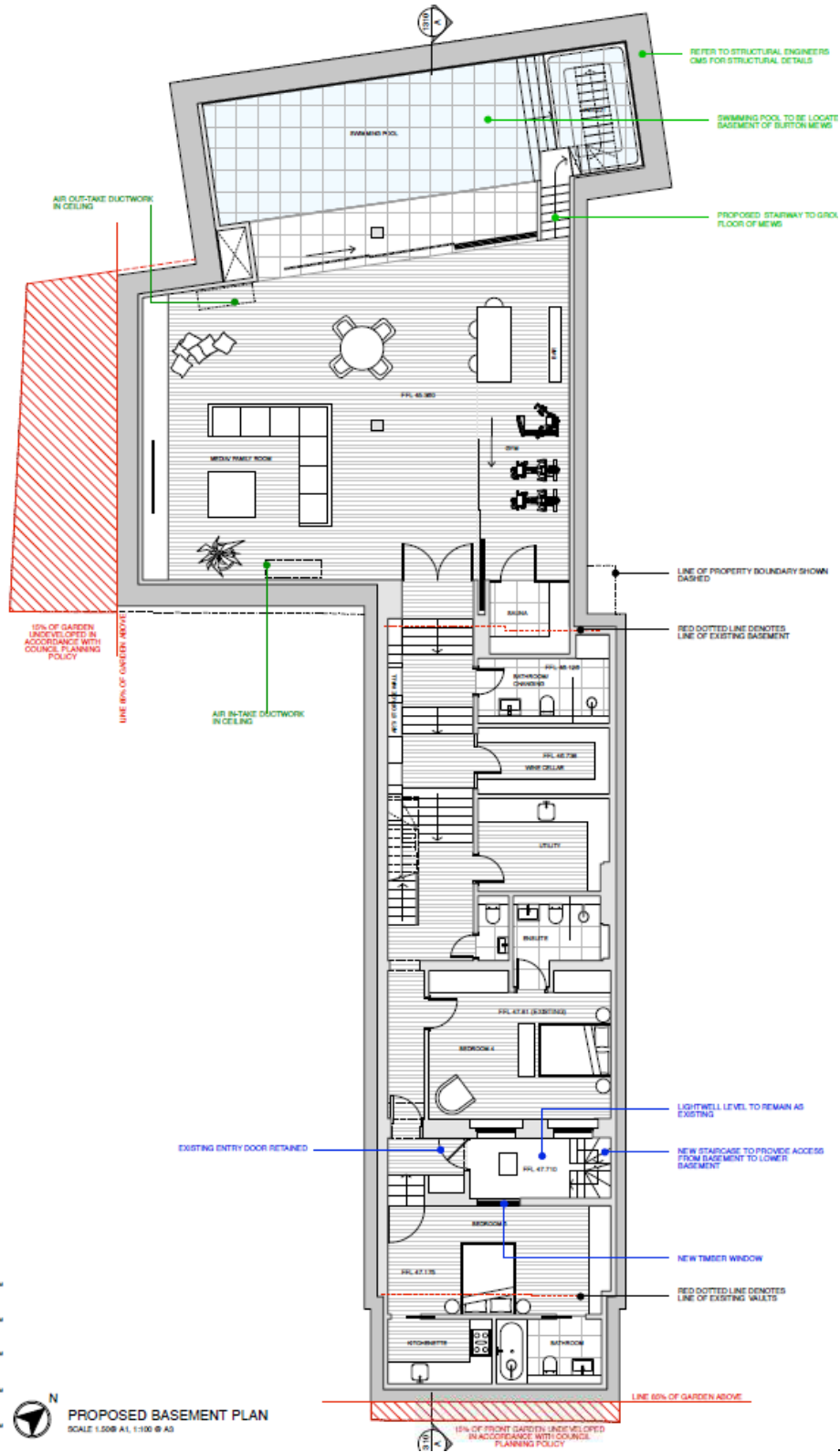
Application 1: 15/10141/FULL

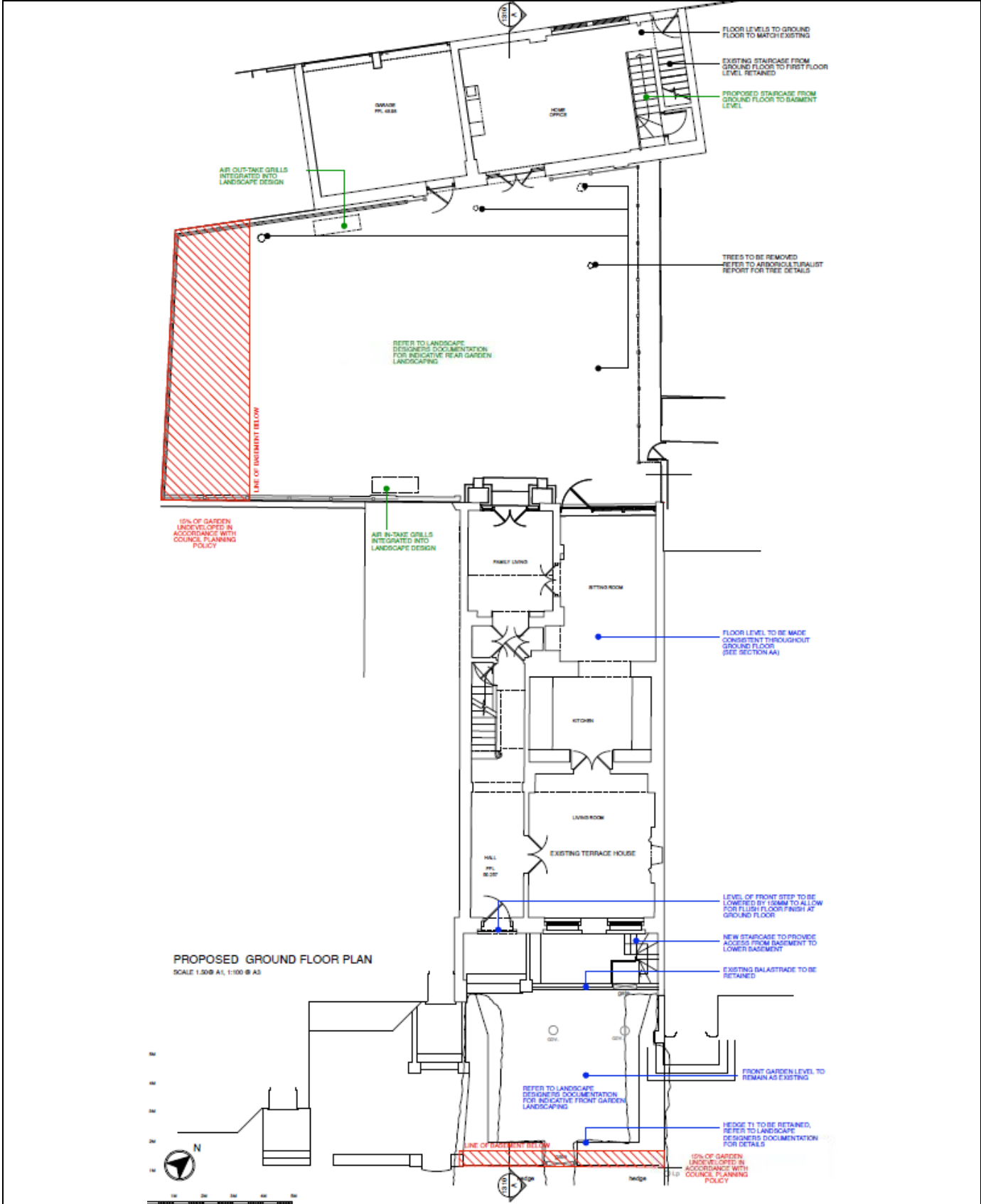


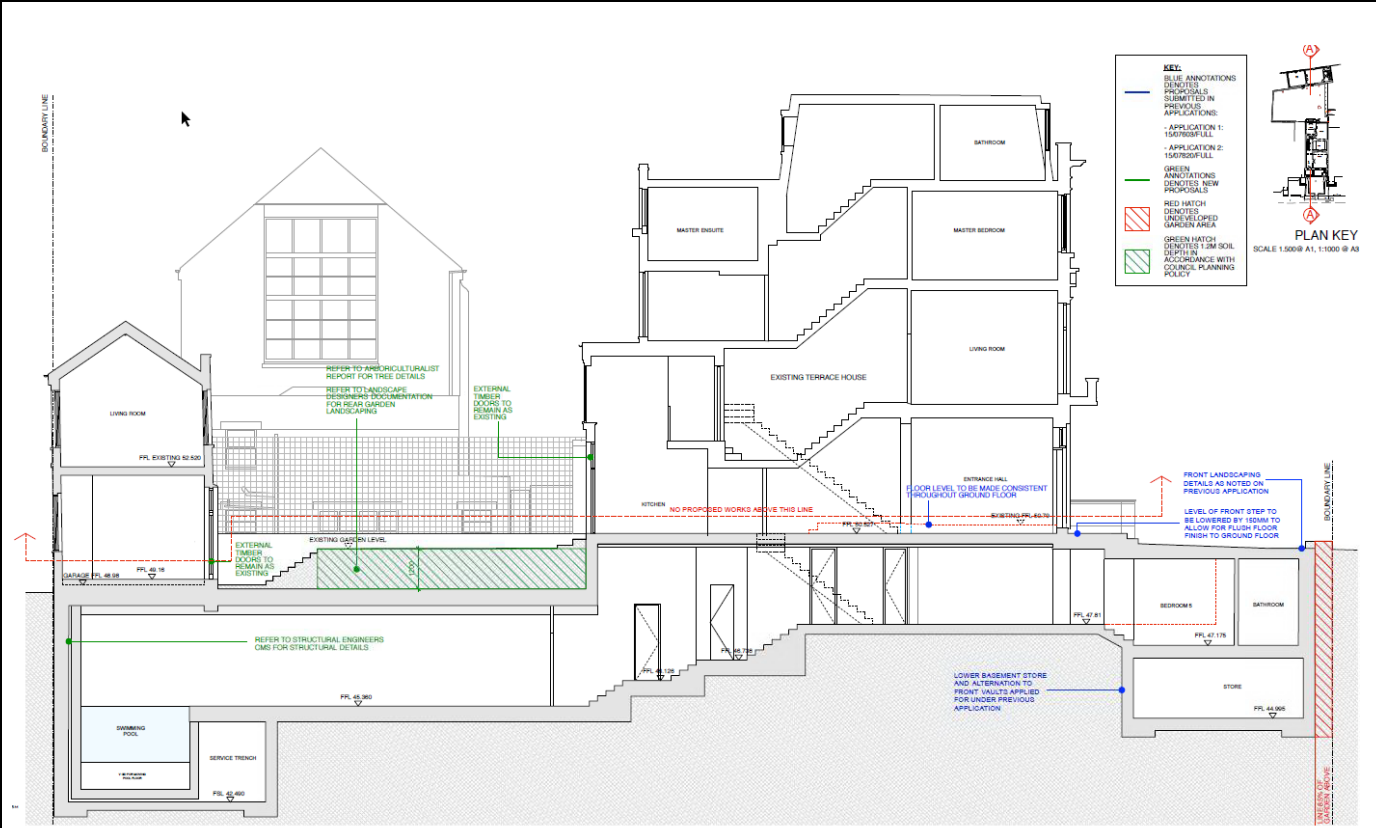




Application 2: 15/09279/FULL







**DRAFT DECISION LETTER – APPLICATION 1**

- Address:** 11 Gerald Road, London, SW1W 9EH,
- Proposal:** Excavation to create enlarged basement extension beneath main house, rear garden and Mews building with swimming pool and associated plant under part of the rear garden. Excavation of lower ground floor under the front garden. (Site includes 2 Burton Mews).
- Reference:** 15/10141/FULL
- Plan Nos:** 1000 Rev. P1; 1001 Rev. P1; 1002 Rev. P1; 1003 Rev. P1; 1004 Rev. P1; 1005 Rev. P1; 1006 Rev. P1; 010 Rev. P1; 1011 Rev. P1; 1012 Rev. P1; 1013 Rev. P1; 1400 Rev. P1; 1401 Rev. P3; 1402 Rev. P3; 1403 Rev. P1; 1404 Rev. P1; 1405 Rev. P1; 1406 Rev. P1; 1410 Rev. P3; 1411 Rev. P2; 1420 Rev. P1; 1421 Rev. P1; 1422 Rev. P1; Planning, Heritage and Design and Access Statement; Arboricultural Implications Assessment and Method Statement dated 28 October 2015 and Advice Note and Appendices dated 12 February 2016, prepared by ACS Consulting; Letters from Simon Pryce Arboriculture dated 8 February 2016 and 26 April 2016; Construction Management Statement, prepared by ADL Planning Limited; Plant Noise Assessment dated 21 September 2015, prepared by Environmental Equipment Corporation Ltd; (for information only) Engineering Design & Construction Method Statement Rev P2 dated October 2015, prepared by Elliott Wood Partnership LLP; Basement Impact Assessment dated October 2015, prepared by Site Analytical Services Ltd; Landscape Concept Proposals dated August 2015, prepared by Randle Siddeley Associates.

**Case Officer:** Sebastian Knox

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

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

- Reason:
- 1 The proposals would result in the loss of or damage to a mature London Plane tree and the loss of a hornbeam tree which make a significant contribution to the character and appearance of the Belgravia Conservation Area. The proposals would therefore be contrary to policies S25, S28, S38 of the Westminster City Plan, policies DES1, DES9, ENV16 and ENV17 of our Unitary Development Plan adopted in January 2007 and guidance in our Basement Development in Westminster Supplementary Planning Document, adopted in October 2014.
- Reason:
- 2 The proposals do not provide adequate soil depth and volume to allow for adequate landscaping in relation to the front basement. The proposals would therefore be contrary to policies S25, S28, S38 of the Westminster City Plan, policies DES1, DES9, ENV16 and ENV17 of our Unitary Development Plan adopted in January 2007 and guidance in our Basement Development in Westminster Supplementary Planning Document, adopted in October 2014.

**Informative(s):**

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

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



**DRAFT DECISION LETTER – APPLICATION 2****Address:** 11 Gerald Road, London, SW1W 9EH,**Proposal:** Excavation to create enlarged basement extension beneath main house, rear garden and Mews building with swimming pool and associated plant under Mews and part of the rear garden. Excavation of lower ground floor and basement under the front garden. (Site includes 2 Burton Mews).**Reference:** 15/09279/FULL**Plan Nos:** 1000 Rev. P1; 1001 Rev. P1; 1002 Rev. P1; 1003 Rev. P1; 1004 Rev. P1; 1005 Rev. P1; 1006 Rev. P1; 010 Rev. P1; 1011 Rev. P1; 1012 Rev. P1; 1013 Rev. P1; 1300 Rev. P1; 1301 A Rev. P1; 1302 Rev. P1; 1303 Rev. P1; 1304 Rev. P1; 1305 Rev. P1; 1306 Rev. P1; 1310 Rev. P1; 1320 Rev. P1; 1321 Rev. P1; 1322 Rev. P1; Planning, Heritage and Design and Access Statement; Tree Survey and Preliminary Arboricultural Report dated 3 September 2015, prepared by ACS Consulting; Construction Management Statement, prepared by ADL Planning Limited; Plant Noise Assessment dated 21 September 2015, prepared by Environmental Equipment Corporation Ltd; (for information only) Engineering Design & Construction Method Statement Rev P2 dated September 2015, prepared by Elliott Wood Partnership LLP; Basement Impact Assessment dated September 2015, prepared by Site Analytical Services Ltd; Landscape Concept Proposals dated August 2015, prepared by Randle Siddeley Associates.**Case Officer:** Sebastian Knox**Direct Tel. No.** 020 7641 4208**Recommended Condition(s) and Reason(s):**

Reason:

- 1 The proposals would result in the loss of a mature London Plane tree and loss of a hornbeam tree which make a significant contribution to the character and appearance of the Belgravia Conservation Area. The proposals would therefore be contrary to policies S25, S28, S38 of the Westminster City Plan, policies DES1, DES9, ENV16 and ENV17 of our Unitary Development Plan adopted in January 2007 and guidance in our Basement Development in Westminster Supplementary Planning Document, adopted in October 2014.

Reason:

- 2 The proposals do not provide adequate soil depth and volume to allow for adequate landscaping in relation to the front basement. The proposals would therefore be contrary to policies S25, S28, S38 of the Westminster City Plan, policies DES1, DES9, ENV16 and ENV17 of our Unitary Development Plan adopted in January 2007 and guidance in our Basement Development in Westminster Supplementary Planning Document, adopted in October 2014.

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