



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 26th July, 2016**

Time: **6.30 pm**

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

Members: **Councillors:**

Tony Devenish (Chairman)  
Jonathan Glanz  
Robert Rigby  
Jason Williams

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

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



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

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

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

## **AGENDA**

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

#### **1. MEMBERSHIP**

To note any changes to the membership.

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

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

#### **3. MINUTES**

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

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

Applications for decision

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

- |                                                                          |                        |
|--------------------------------------------------------------------------|------------------------|
| <b>1. 24 CARLTON HOUSE TERRACE, LONDON, SW1Y 5AP</b>                     | <b>(Pages 3 - 22)</b>  |
| <b>2. CARLTON GATE PHASE 3, ADMIRAL WALK, LONDON, W9 3TD</b>             | <b>(Pages 23 - 46)</b> |
| <b>3. 58 WESTBOURNE GROVE, LONDON, W2 5SH</b>                            | <b>(Pages 47 - 60)</b> |
| <b>4. 1 ROMNEY MEWS, LONDON, W1U 5DT</b>                                 | <b>(Pages 61 - 72)</b> |
| <b>5. BASEMENT AND GROUND FLOOR, 63 MARGARET STREET, LONDON, W1W 8SW</b> | <b>(Pages 73 - 84)</b> |

**Charlie Parker**  
**Chief Executive**  
**18 July 2016**

# Agenda Item

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 26th July 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	
1.	<b>RN NO(s) :</b> 16/02449/FULL  St James's	24 Carlton House Terrace London SW1Y 5AP	Demolition of the existing mansard roof and construction of two floors to create a duplex residential flat with roof terrace and associated works including a new rooftop plant area and extension to the existing internal lift.	
	<b>Recommendation</b> Grant conditional permission			
2	<b>RN NO(s) :</b> 15/06084/FULL  Westbourne	Carlton Gate Phase 3 Admiral Walk London W9 3TD	Use of canal for permanent mooring of 6 x 2 bedroom canal houseboats with associated gravel access paths and service posts with pedestrian access between Finch Lodge and Harrow Road and parking in basement car park underneath Willow Court with associated alterations to elevation of Willow Court.	
	<b>Recommendation</b> Grant conditional permission.			
3	<b>RN NO(s) :</b> 16/02966/FULL  Bayswater	58 Westbourne Grove London W2 5SH	Use of ground floor east shop unit as a reflexology and massage shop (Sui Generis).	
	<b>Recommendation</b> Grant conditional permission.			
4	<b>RN NO(s) :</b> 16/04218/FULL  Marylebone High Street	1 Romney Mews London W1U 5DT	Erection of a single storey roof extension to create a new second floor level with a terrace and an extension at first floor level all in association with the residential use of the property.	
	<b>Recommendation</b> Grant conditional permission			
5	<b>RN NO(s) :</b> 16/03467/FULL  West End	Basement And Ground Floor 63 Margaret Street London W1W 8SW	Use of the basement and ground floors as a retail shop (Use Class A1).	
	<b>Recommendation</b> Grant conditional permission			

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# Agenda Item 1

Item No.
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<b>1</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 26 July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>24 Carlton House Terrace, London, SW1Y 5AP,</b>		
<b>Proposal</b>	Demolition of the existing mansard roof and construction of two floors to create a duplex residential flat with roof terrace and associated works including a new rooftop plant area and extension to the existing internal lift.		
<b>Agent</b>	Mr Luke Emmerton		
<b>On behalf of</b>	Carlton House Terrace Ltd		
<b>Registered Number</b>	16/02449/FULL	<b>Date amended/ completed</b>	3 May 2016
<b>Date Application Received</b>	18 March 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St James's		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

24 Carlton House Terrace is an 8 storey 1970's residential building located within the St James's Conservation Area. The building is divided into 14 flats; the current application relates to the existing 7<sup>th</sup> floor flat. Planning permission is sought to remove the existing mansard roof (7<sup>th</sup> floor) and to construct two new floors (7<sup>th</sup> and 8<sup>th</sup>) to create a duplex 4 bedroom residential flat with roof terrace at 8<sup>th</sup> floor level plus roof top plant enclosure.

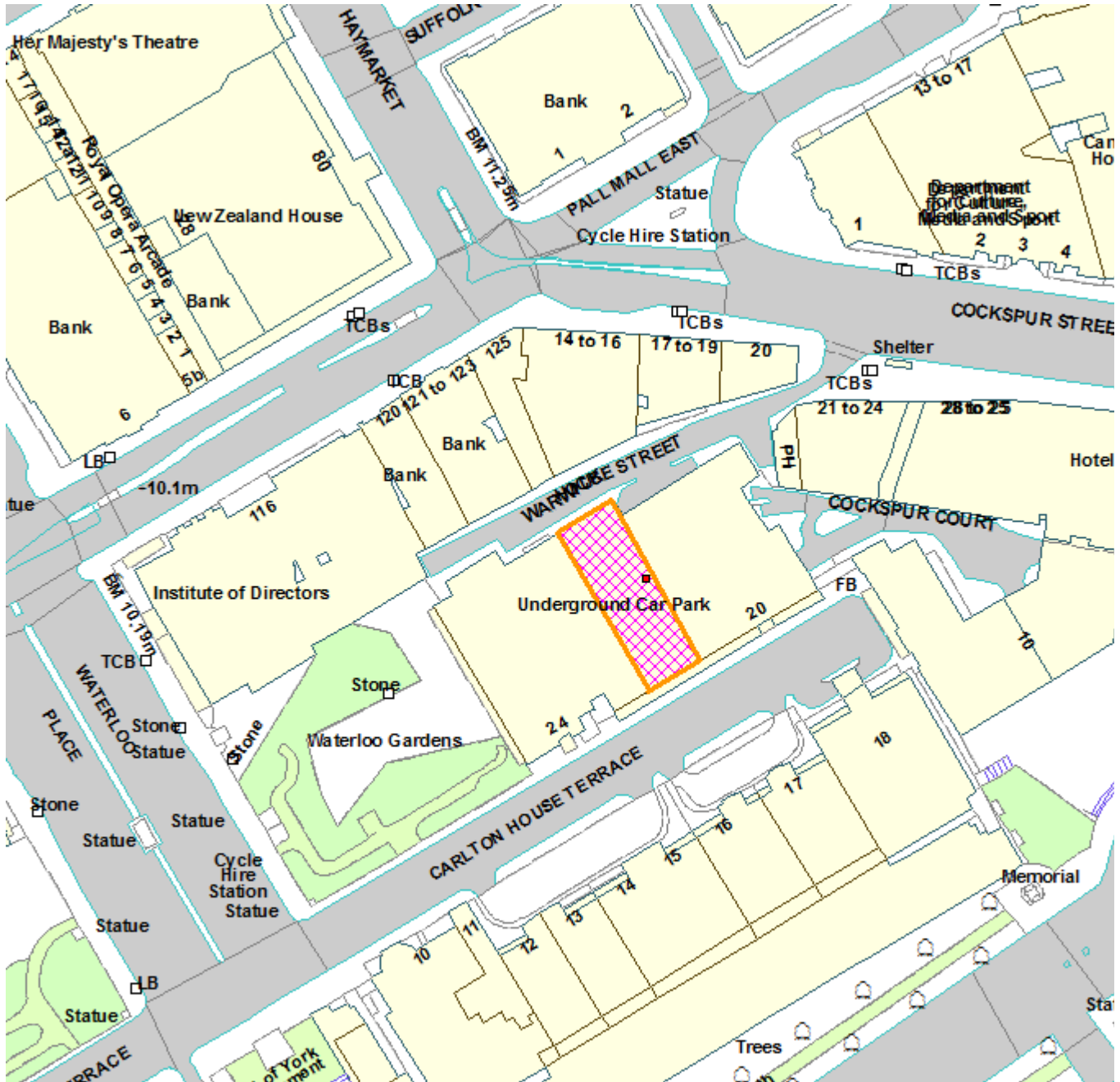
Objections have been received from local residents on amenity grounds (privacy, overlooking and noise) to the new roof terrace and to the disruption likely to be caused by the construction work.

The key issues for consideration are:

- The impact on the appearance of the building and on the character and appearance of the St James's Conservation Area
- The impact on residential amenity

Notwithstanding the objections received the application is 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).

**LOCATION PLAN**



3. PHOTOGRAPHS



Front elevation

#### 4. CONSULTATIONS

Westminster Society: no serious reservations. Support approval.

Environmental Health: no objection subject to conditions to control noise from plant.

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

No. Consulted: 62 No. of replies: 4

Objections from and on behalf of Flats 2, 3, 5, 8 & 9, 10 & 11, 12 & 14 24 Carlton House Terrace; 1<sup>st</sup> floor apt, 2<sup>nd</sup> floor apt, penthouse 13-15 Carlton House Terrace, 13-16 Carlton House Terrace and 16 Carlton House Terrace on the following grounds:

##### AMENITY

- Loss of privacy and overlooking from terrace
- Noise disturbance caused by people and activity on the terrace

##### OTHER

- Disturbance from building work and construction traffic
- Works should take place in accordance with an approved construction management plan
- Lengthy construction period will exacerbate nuisance
- Building works should only be carried out between 0800-1800 Monday to Friday and particularly noisy building works should be further restricted

PRESS ADVERTISEMENT / SITE NOTICE: Yes

#### 5. BACKGROUND INFORMATION

##### 5.1 The Application Site

24 Carlton House Terrace is an eight storey 1970s residential building located on the eastern side of Waterloo Gardens within the St James's Conservation Area. The building is accessed from Carlton House Terrace but its primary elevation fronts on to the private garden fronting on to Waterloo Place.

The building, which is not listed, is formed of large stone panels with deep recessed windows and protruding balconies (from ground to 6th floor). The 7th floor plan is set back and designed as a tiled mansard roof. The building is divided into 14 residential flats which are accessed at ground floor level from Carlton House Terrace.

##### 5.2 Recent Relevant History

None relevant



## 6. THE PROPOSAL

This application seeks permission to demolish the existing mansard roof and to construct two floors to create a single duplex residential unit with roof terrace; associated works include a new rooftop louvred plant enclosure and extension of the existing internal lift.

## 7. DETAILED CONSIDERATIONS

### 7.1 Land Use

The application involves the replacement of the existing family size 7<sup>th</sup> floor flat with a larger, duplex, four bedroom family size flat on 7<sup>th</sup> and new 8<sup>th</sup> floor. The principal habitable spaces; dining room and living rooms opening out onto a terrace, are located at new 8<sup>th</sup> floor level, with bedrooms below at 7<sup>th</sup> floor level. The proposed accommodation complies with the national housing technical standards and with the London Plan housing standards. The new flat would be accessed via stairs and lift; the existing lift is to be extended up to the new eighth floor level within the existing core tower.

### 7.2 Townscape and Design

The existing building is of some architectural merit and reflects the architecture of its time. However the current roof structure, whilst it has been suggested that it is contemporary with the building, does not retain the same architectural quality. It is therefore considered that its demolition (including the unsightly safety railing) and replacement with a more suitable architectural form which enhances the building and its surroundings is acceptable in principle.

The design of the extension is contemporary but detailed and proportioned to reflect the form and character of the host building. The extension will be set within a Portland stone frame. At 7<sup>th</sup> floor level alternating glazed and limestone panels are set back from the frame. The 8<sup>th</sup> floor, which is further set back from the main façade line, is formed as a bronzed box with decorative sliding metal work screens.

The proposed extension presents an architectural termination to the building, which is currently missing. The plant area has been set down and does not project too far (1.4m) above the walls of the structure. The verified views clearly indicate that the proposal will only be visible in those views closest to the building and it will not impact at views from St James's Park or over Nash House.

The existing building has a simple white/ grey structural frame with simple railings. The detailing of the extension will be key to the overall success of the proposal. The design for the sliding bronze screens as originally submitted was considered overly dominant. It is considered that the design of these screens should provide a minimal, subdued appearance, which does not dominate the stark architecture below. It is therefore recommended that the detail of the sliding screens is reserved by condition, with advice given by way of an informative that the design should be simple and not overtly decorative and dominant.

### 7.3 Residential Amenity

Objections have been raised on behalf of owner/occupiers in 13-16 Carlton Terrace and other flats within 24 Carlton House Terrace itself, to the creation of a roof terrace on the south (Carlton House Terrace) side of the new flat.

The roof terrace is created by inseting the new 8<sup>th</sup> floor back from the edge of the roof of the 7<sup>th</sup> floor below whilst setting it within the stone frame of the extension. Although there is an existing roof terrace within the existing mansard on this side of the application building, the objector's concerns are that the enlarged roof terrace is capable of accommodating more outdoor furniture and a greater number of people which could cause additional overlooking to the occupiers of flats in 13-16 Carlton House Terrace and noise nuisance (raised voices of large groups of people and loud music) to these residents and the residents of other flats within 24 Carlton House Terrace.

The proposed terrace is set slightly further back from the main building line on Carlton House Terrace than the existing terrace. The distance between 24 Carlton House Terrace and 13-16 Carlton House Terrace is over 30metres, which is nearly twice the typical street width in much of Westminster. Furthermore, given the difference in height between the buildings, 24 Carlton House Terrace will be two storeys higher, and the fact that the front courtyard of 13-16 Carlton House Terrace is used for parking and access, it is not considered that the new roof terrace would have a material impact on the amenity, in terms of loss of privacy or additional overlooking, of residents in 13-16 Carlton House Terrace.

The applicant's agent has confirmed that there will not be any cooking facilities on the terrace and that the terrace will not be used for any outdoor events. The applicant is accordingly willing to accept conditions that preclude any outdoor cooking or amplified music. They are also willing to accept the Council's standard condition which prohibits the use of additional features on the terrace such as trellises, patio heaters etc. It is considered that these conditions would be sufficient to address and overcome many of the objector's concerns regarding the use of the terrace. It is not however considered appropriate to restrict the hours of use of a residential roof terrace.

The application is accompanied by a daylight and sunlight assessment which demonstrates that there will be no material impact on the levels of daylight and sunlight received by adjacent residential properties.

### 7.4 Transportation/Parking

The replacement of an existing family size residential flat with a slightly larger family size flat does not raise any parking or highways issues.

### 7.5 Other UDP/Westminster Policy Considerations

There is an existing plant room within the existing 7<sup>th</sup> floor mansard plus further plant, flues and satellite dishes scattered around on the existing roof of the building. The existing plant room is retained at 7<sup>th</sup> floor level and a new 1.4m high louvred plant

enclosure is proposed at roof level to accommodate the air-conditioning plant for the new flat plus the other existing roof top plant equipment which needs to be relocated.

The applicant has indicated the type of plant equipment that will be housed at roof level i.e. air-handling units and heat recovery units but the exact specification is not known at this stage. Environmental Health have therefore requested a condition requiring the submission of a supplementary acoustic report to ensure that the plant equipment when selected does comply with the Council's normal conditions controlling noise and vibration plus conditions to ensure acceptable residential internal noise standards and to control the hours of building works.

## **7.6 London Plan**

This application raises no strategic issues.

## **7.7 National Policy/Guidance Considerations**

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

## **7.8 Planning Obligations**

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

## **7.9 Other Issues**

### **Construction Work**

The concerns expressed by and on behalf of existing residents, within the building and within nearby 13-16 Carlton House Terrace, regarding the disturbance which will be caused by the building work and construction traffic are acknowledged.

The application is supported by a draft Construction Management Plan which identifies the key issues associated with the demolition of the existing mansard roof and the erection of a two storey extension. It is recommended that the submission of a final detailed Construction Management Plan is secured by condition. The Council's standard condition controlling the hours of noisy building works is also recommended. Further controls and restrictions on building works are likely to be agreed with Environmental Health via a Section 61 notice (under the Control of Pollution Act 1974). Skips, scaffolds and the temporary suspension of on-street parking bays (if required) will require the relevant licences under the Highways Act. The developer intends to join the national Considerate Contractors scheme which is welcomed.

**8. BACKGROUND PAPERS**

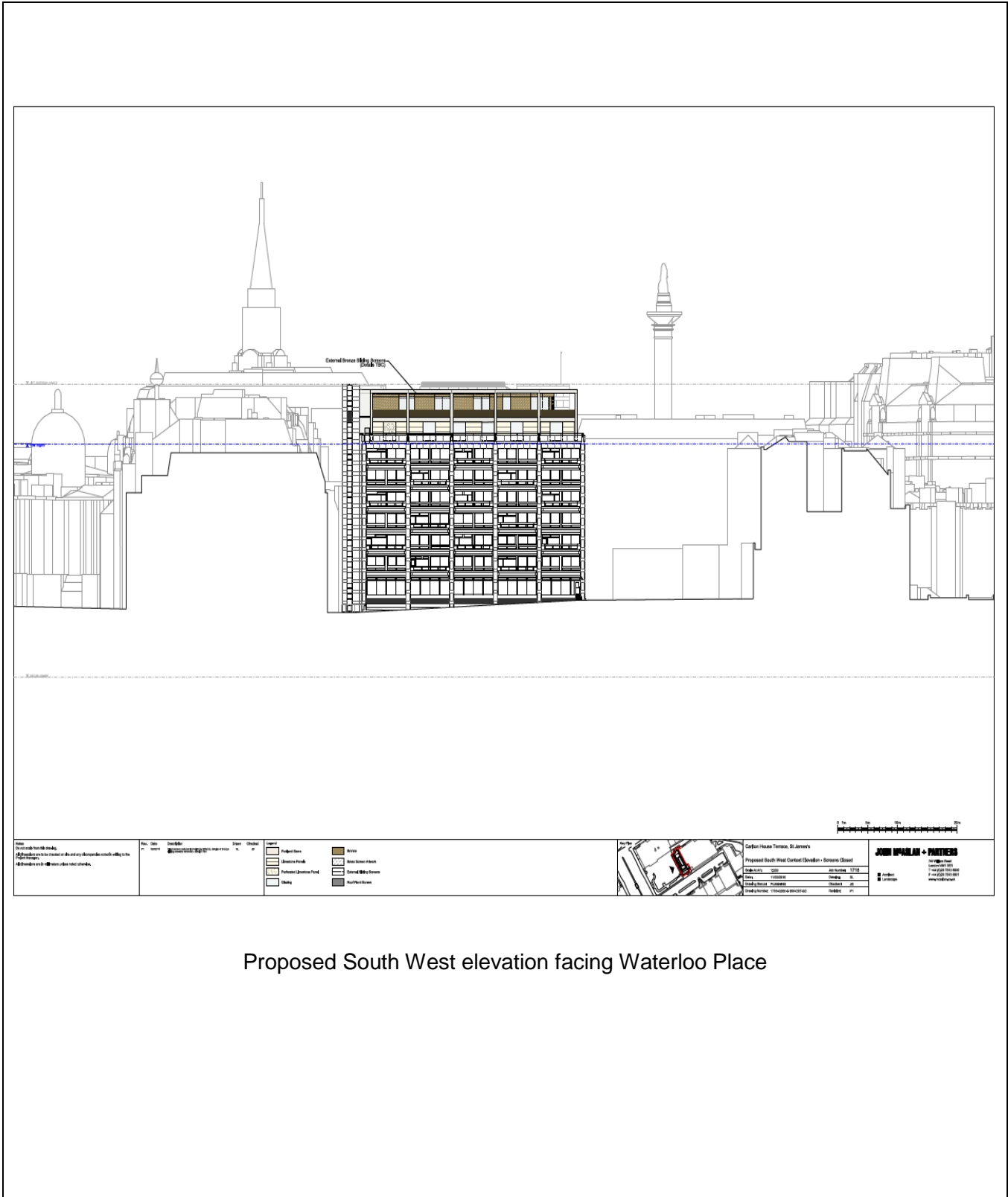
1. Application form and DP9 letter dated 18.3.16 and email dated 3.5.16
2. Westminster Society on-line response dated 5 April 2016
3. Environmental Health on-line response dated 12 May 2016
4. Flat 3, 24 Carlton House Terrace on-line response dated 6 April 2016
5. Forsters on behalf of owner/occupier of Flat 5, 24 Carlton House Terrace letter dated 28 April 2016
6. Weldon Walshe on behalf of Flat 2, 8 & 9, 10 & 11 and 12 & 14, 24 Carlton House Terrace, 1<sup>st</sup> floor apt, 2<sup>nd</sup> floor apt and penthouse 13-15 Carlton House Terrace, 13-16 Carlton House Terrace and 16 Carlton House Terrace on-line response dated 20 May 2016 and email dated 1 July 2016

**Selected relevant drawings**

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

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

## 9. KEY DRAWINGS

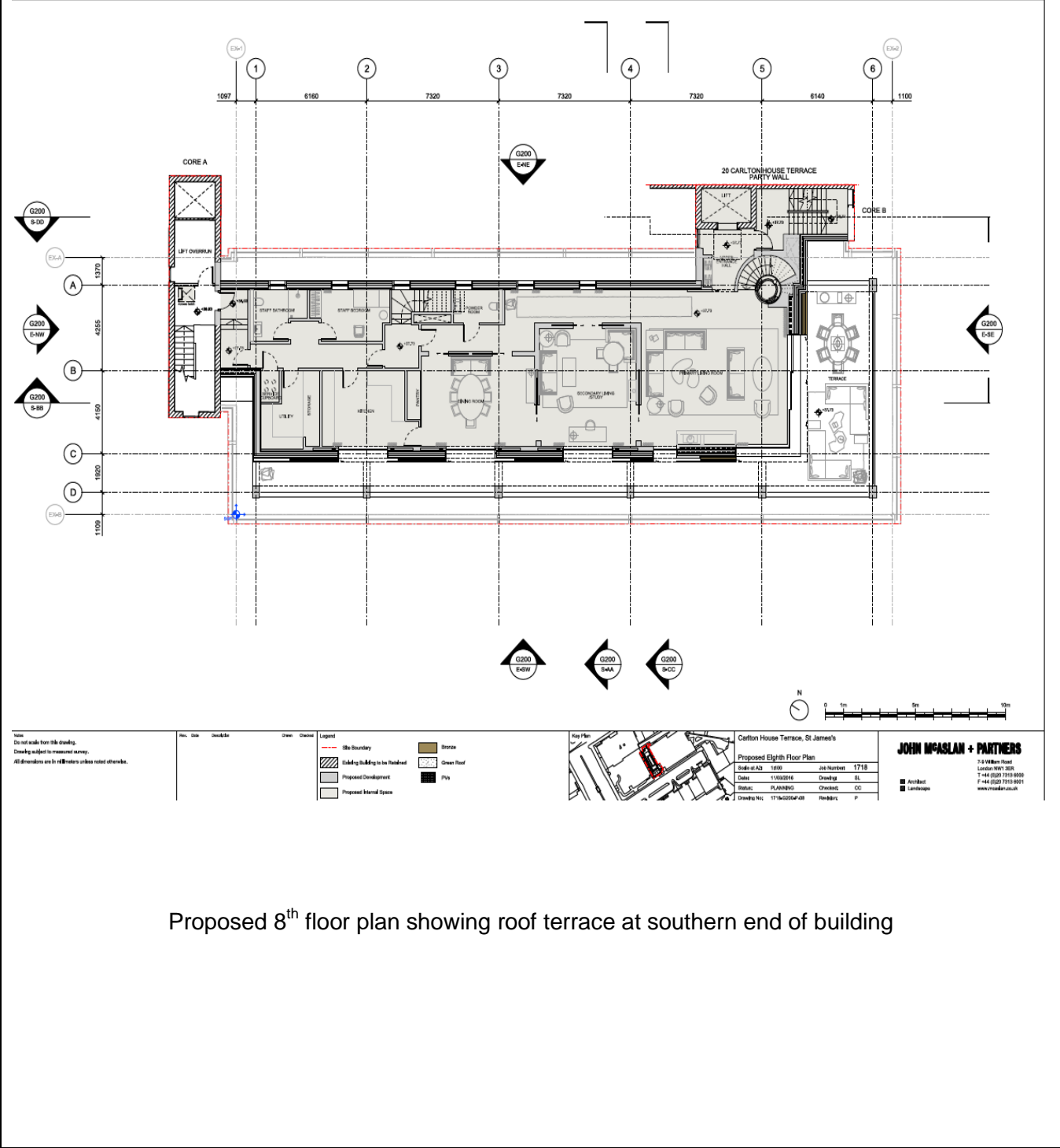


<p><b>Notes:</b>          1. All work to be done in accordance with the contract documents.          2. All work to be done in accordance with the contract documents.          3. All work to be done in accordance with the contract documents.</p>	<p>Rev. Date Description</p> <p>1 01/20/2020 Proposed South West Elevation - Screen Glass</p>	<p>Scale: 1/8" = 1'-0"</p> <p>North</p>	<p>Legend:</p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Glass</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Screen Glass</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> External Screen Panel</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Cladding</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Screen Glass</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> External Screen Panel</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Cladding</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Screen Glass</li> </ul>	<p>Project: Custom House Terrace, St. James's</p> <p>Proposed South West Central Elevation - Screen Glass</p> <p>Scale: 1/8" = 1'-0"</p> <p>Date: 01/20/2020</p> <p>Drawing: 01</p> <p>Project Manager: J. P. O'Connell</p> <p>Drawing Date: 01/20/2020</p> <p>Scale: 1/8" = 1'-0"</p>	<p><b>JOHN SPARLAN + PARTNERS</b></p> <p>Architects</p> <p>100 West 10th Street          New York, NY 10011          Phone: (212) 512-1000          Fax: (212) 512-1001          www.johnsparlan.com</p>
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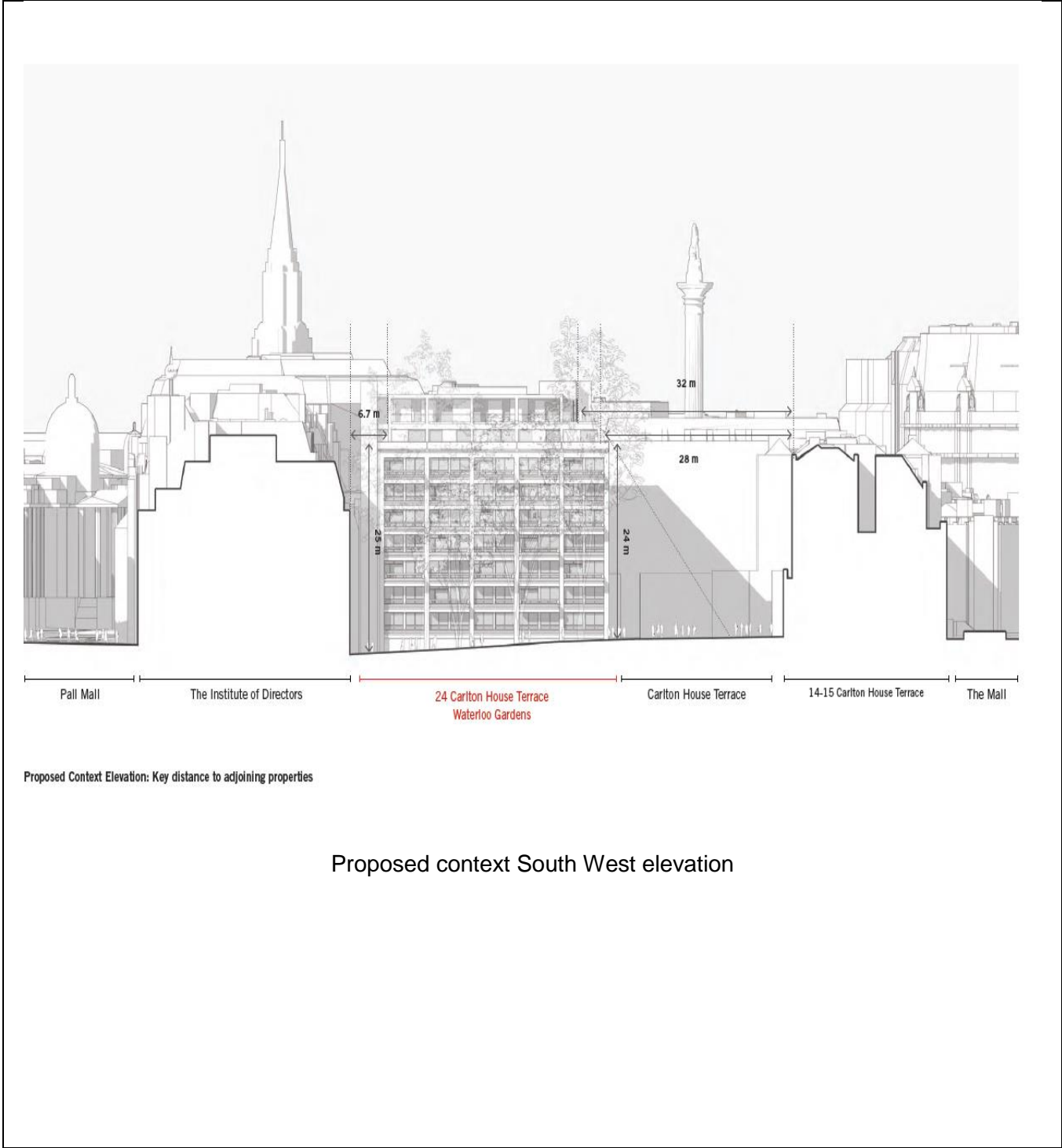
Proposed South West elevation facing Waterloo Place



Proposed two storey roof extension with roof terrace



Proposed 8<sup>th</sup> floor plan showing roof terrace at southern end of building





**DRAFT DECISION LETTER**

**Address:** 24 Carlton House Terrace, London, SW1Y 5AP,

**Proposal:** Demolition of the existing mansard roof and construction of two floors to create a duplex residential flat with roof terrace and associated works including a new rooftop plant area and extension to the existing internal lift.

**Plan Nos:** DP9 letter dated 18.3.16 and Planning Statement March 2016 and email dated 3.5.16; John McAslan & Partners Design & Access Statement March 2016 and Supplementary Planning Statement dated 27.5.16; KM Heritage Heritage & Townscape Appraisal March 2016; Point 2 Surveyors Ltd Daylight & Sunlight Assessment March 2016; Aecom Energy Statement March 2016 and Overheating analysis dated 7.3.16; JMP Access Statement 11.3.16;

1718-G100-P-LP; G100-P-SP; JC10-XP-07, 08, RF; JC10-XE-NE, NW, SE, SW, XS; JC20-XP-07, 08, RF; JC20-XE-NE, NW, SE, SW, XS; G200-P-06, 07, 08, 08U, RF; G200-E-NE-P1, NW-P1, SE-SC-P1, SE-SO-P1, SW-SC-P1, SW-SO-P1; G200-E-SE-CXT-SC-P1, SE-CXT-SO-P1, SW-CXT-SC-P1, SW-CXT-SO-P1; G200-S-AA & CC P1, S-BB P1, S-DD P1; G252-D-TY-001 P1, D-TY-002, D-TY-003 P1;

FOR INFORMATION PURPOSES ONLY: Aecom Structural report dated 11.3.16; Aecom Construction Management Plan dated 16.3.16

**Case Officer:** Amanda Jackson

**Direct Tel. No.** 020 7641 2934

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

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

Reason:

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

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

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

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

Reason:

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

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

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

Reason:

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

- 4 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 5 (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.

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

Reason:

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

- 7 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 5 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

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

Reason:

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

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

- 10 You must apply to us for approval of detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) railings;
- ii) windows;
- iii) plant enclosure.

You must not start any work on these parts of the development until we have approved what you have sent us.

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

**Reason:**

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

- 11 You must apply to us for approval of detailed drawings including sections and samples of the proposed sliding screens. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

**Reason:**

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

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

**Reason:**

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 13 You must not install or use any outdoor cooking equipment or play any amplified music on the roof terrace hereby approved.

**Reason:**

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

**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 construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 5 For the avoidance of doubt the Construction Management Plan required under condition 3 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 6 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008

require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).

- 7 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)
- 8 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)
- 9 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.

- 10 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)
- 11 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)
- 12 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 13 Conditions 5, 6 & 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 14 With regard to Condition 11, the proposed sliding screens should accord with the character of the existing building. An overly decorative design and use of materials is unlikely to be considered favourably. Simple forms should be used to provide the level of privacy/shading required, without becoming overtly dominant.



# Agenda Item 2

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 26th July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Westbourne	
<b>Subject of Report</b>	<b>Carlton Gate Phase 3, Admiral Walk, London, W9 3TD,</b>		
<b>Proposal</b>	Use of canal for permanent mooring of 6 x 2 bedroom canal houseboats with associated gravel access paths and service posts with pedestrian access between Finch Lodge and Harrow Road and parking in basement car park underneath Willow Court with associated alteration to elevation of Willow Court.		
<b>Agent</b>	Mr John Cannon		
<b>On behalf of</b>	Mr Charles Rifkind		
<b>Registered Number</b>	15/06084/FULL	<b>Date amended/ completed</b>	17 July 2015
<b>Date Application Received</b>	24 June 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside of Conservation Area		

## 1. RECOMMENDATION

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

## 2. SUMMARY

The application site is located on the north side of the Grand Union Canal, which is part of the Blue Ribbon Network, and to the south of Carlton Gate which is a development of over 400 flats built in the 1990s. It is not located in a conservation area.

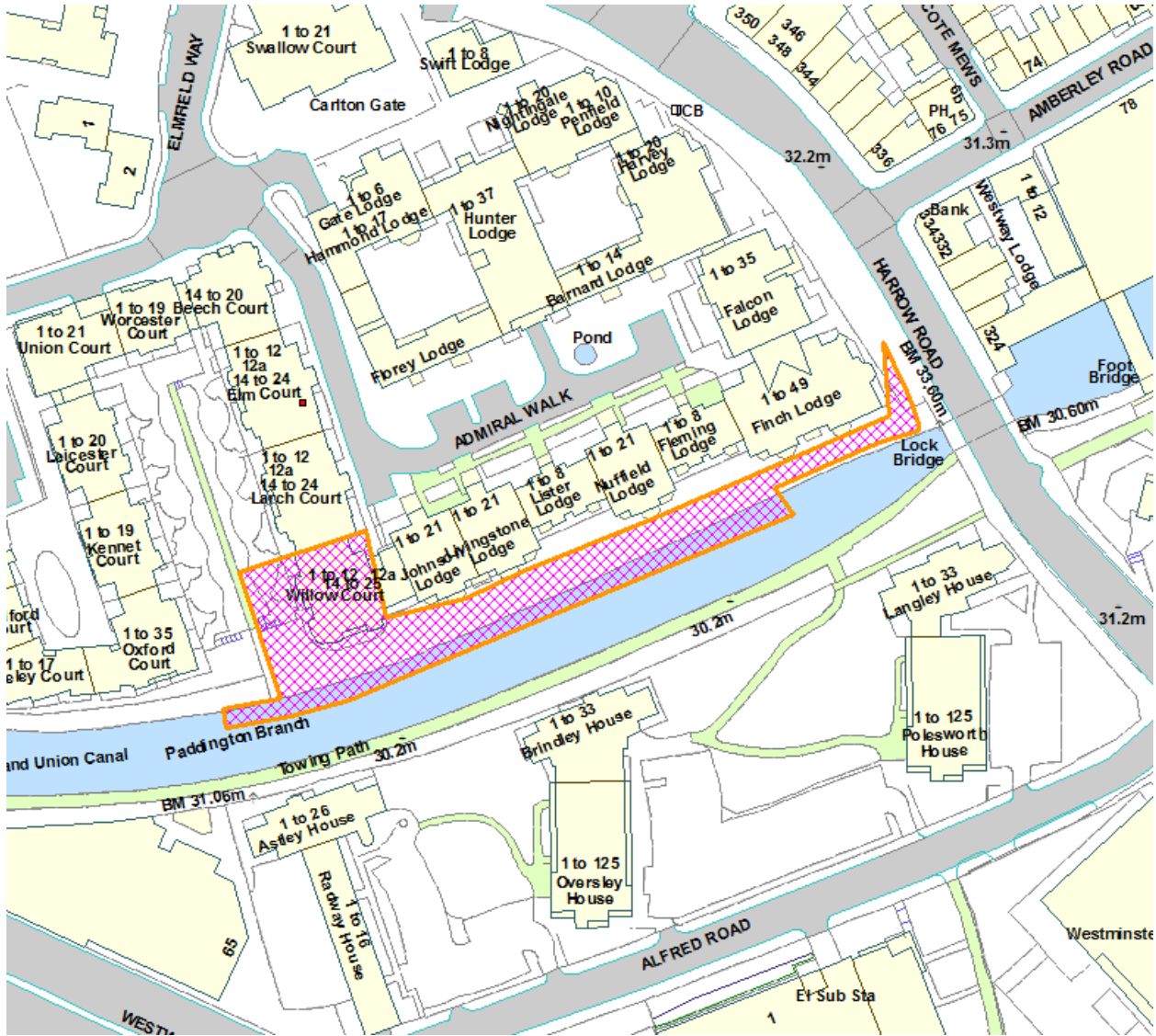
Planning permission is sought in respect of the use of the canal for the permanent mooring of 6 x 2 bedroom canal houseboats with associated gravel access paths and service posts with pedestrian access between Finch Lodge and Harrow Road and parking in the basement car park underneath Willow Court with associated alterations to elevation of Willow Court.

Several objections have been received on the grounds of security and access issues, the impact on the garden area, the impact on the canal, loss of amenity to neighbouring occupiers and general conflict with the City Council's adopted policies. Concerns have also been raised in respect of the consultation process and the reasons behind the submission of the application.

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).
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### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### ORIGINAL CONSULTATION

#### Environment Agency (Thames Region)

As the canal is not designated a main watercourse and there are no other constraints within their remit at this site, they have no comments to the proposed development.

#### Canal & River Trust

No objection to the proposed development. The site is suitable for permanent residential moorings, given its central location and proximity to transport and other amenities. The applicant has submitted a 'Works Proposal' for this development to the Canal and River Trust, where it was concluded that, subject to a survey in relation to the depth of the canal; the proposed moorings would not have a negative impact upon navigational safety. The Canal and River Trust will require that these surveys be undertaken before providing any licence for the use of the Trust's waterspace.

The proposed boats will take the form of a traditional narrowboat, whilst the park benches between the boats will ensure that views of the canal are maintained. The design and siting of the boats is accordingly considered to be acceptable.

#### Inland Waterways Association

As the boats will be permanently moored in this location, a full planning application should include drawings to show the appearance of the proposed houseboats in order that the impact on the canal environment can be assessed. Six identical vessels could make this section of the canal look like a caravan park. No details are provided about pump out facilities for toilets. Further evidence with canal depths is required to support the statement concerning the navigation operational width.

#### Natural England:

Any response to be reported verbally.

#### North Paddington Society

Any response to be reported verbally.

#### Paddington Waterways & Maida Vale Society

Please take neighbours' views into account regarding loss of amenity space, noise and refuse strategies.

#### Arboricultural Manager

No attempt seems to have been made to examine the trees alongside the proposed moorings. Assessing the White Willows in particular on site indicates that these should be examined for safety reasons. A recent site visit indicated some trees of this species have been felled within the last few years presumably due to basal decay in their trunks. A reassessment of the trees should be undertaken after a survey has been undertaken.

#### Highways Planning Manager

The applicant advises that car parking is available in the neighbouring basement car park of the Carlton Gate properties. 6 spaces are offered which would satisfy the requirement of TRANS23. However it is not clear if the existing spaces are linked via a condition to the

existing residential units with the Carlton Gate flats. If the spaces are not linked to existing residential units, a condition should be imposed to secure these spaces are linked to the proposed residential units. If the spaces are linked to the existing residential units, then the use of the spaces for the new residential units (houseboats) are not acceptable and it would be considered that no off-street parking is provided by the application.

Secure cycle parking should be provided.

#### Environmental Health:

No objections. However, it is noted that some of the local objectors are concerned about disposal of waste from toilets. The applicants should address this.

#### Crime Prevention:

The venue currently benefits from existing access controls, including surveillance and movement detector alarms systems, limiting prescribed individuals only onto the site. In addition, a continuous and dedicated staffed security service operates and manages the development. The existing security provision is commensurate with the perceived risk.

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

No. Consulted: 265

Total No. of replies: 13

No. of objections: 13

No. in support: 0

Objections were raised on the following grounds;

#### Amenity

- The boats would completely block light and outlook whilst providing a view into the living rooms and bedrooms of flats alongside the canal;
- Occupiers of the boats drying their washing will create an eyesore.
- Impact of the stoves on air quality.

#### Impact on Canal

- The proposed dwellings are out of sorts with the canals working and living canal boats and are not designed to move and transport in true sympathy with the canal's true purpose;
- Impact on a heritage asset, which is an important historic transport link to the capital;
- The canal is not wide enough to accommodate the moorings so the proposal is likely to result in traffic jams.
- Impact on natural habitat of the Canal.

#### Conflict with Adopted Policies

- The proposal is contrary to policy S35 as it fails to 'protect all open spaces', 'protect tranquillity and amenity' and 'protect ecological value' in the area;
- The proposal is contrary to policy S36 as it would occupy an important habitat for wildlife and create a barrier between the canal and the green habitat along the canal's edge;
- The proposal is contrary to policy S37 as it would damage the ecological value of an important waterside habitat and reduce the water surface that is in itself an important

- habitat. It would also reduce the landscape value of the canal and its setting, reduce the space available on the canal transport and damage the heritage asset of the Grand Union Canal;
- The proposal is contrary to policy S31 as each boat would have a stove that would generate ground-level pollution;
  - The proposal is contrary to two emerging policies;
  - General conflict with policies relating to the blue ribbon.

#### Impact on Garden Area

- Inappropriate replacement of garden with gravel path;
- Residents would lose use of this garden to the occupants of the boats who will allegedly create a mess as well as noise;
- Around 1000 residents of Carlton Gate will have their waterside amenity greatly diminished or withdrawn entirely;
- Destruction of garden and natural habitat;
- Garden will be used for storage and will be polluted by wood stoves;
- The service posts will destroy tree roots and trees.

#### Security and Access Issues

- Carlton Gate is a gated community where residents pay for upkeep of grounds, including this area adjacent to the canal. The proposal would undermine safety and security as those living on the boats would not need to use the same security gates as everybody else;
- The provision of access to the garage would affect the security of expensive vehicles parked in the garage and potentially provide access to the flats;
- It is queried whether or not the occupants staying on the boats would be subject to the same service charges and codes of conduct as residents in Carlton Gate;
- The occupiers of the boats are likely to have dogs which would be dangerous;
- There are currently insufficient parking spaces for Carlton Gate's tenants and leaseholders.

#### Consultation Process

- Delay in receiving consultation letters;
- Easter and summer holidays are not suitable times for an application to receive proper consultation as many people are on holiday;
- The majority of affected residents are not native English speakers who are not familiar with the UK planning procedures and will not appreciate the impact of the proposals when the letter they received gives so little information;
- Most properties are rented, so owners are unlikely to see the notice;
- Many occupiers are frequently away on business or spending time abroad with family so are unlikely to see the notices on time, especially over Easter and summer holidays;
- Unable to get an answer on telephone number provided for planning department.

#### Other issues

- Reduction in property values;
- Request made to consider objections received in respect of earlier application that was withdrawn;
- The interests of the applicants and owners are purely commercial, with no benefits to be afforded to local residents and Westminster as a whole;

- An approval would set a precedent for further developments of this nature;
- It is queried who is behind this application;
- The disposal of human waste is unhygienic.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**SECOND CONSULTATION:**

Following the provision of further information on the car parking arrangements and the appearance and layout of the boats, neighbouring occupiers were re-consulted.

No. Consulted: 268

Total No. of replies: 8

No. of objections: 8

No. in support: 0

Many of the original objections were reiterated. Further concerns are raised in respect of flooding caused by canal boats, the danger of having boats in close proximity to a curve in the canal, the alleged misleading and 'greedy' landlords, the pollution caused by the disposal of waste from boats into the canal and limited faith in the Council to address any issues should they arise.

One neighbour states that there are several precedents that deem this application invalid and a judicial review is threatened by several residents in the case of permission being granted.

The proposals would fail to comply with new policies CM35.2 and CM37.2

**THIRD CONSULTATION:**

Following provision of further information on the appearance and layout of the boats, arrangements for waste disposal and an operational management plan, neighbouring occupiers as well as the statutory and non-statutory consultees were re-consulted.

**PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY:**

Please take neighbour's views into consideration.

**ENVIRONMENTAL HEALTH:**

With reference to the stoves, it would be expected that the occupiers of the boats use 'smokeless fuels' (authorised fuels) and possibly approved appliances.

No. Consulted: 268

Total No. of replies: 11

No. of objections: 11

No. in support: 0

Many of the original objections are reiterated. It is also stated on this occasion that barges are unecological and are not a solution to the housing crisis. Further concerns have been raised in respect of the 'unethical' process of submitting numerous planning applications for a scheme.

**6. BACKGROUND INFORMATION**



## 6.1 The Application Site

The application site is located on the north side of the Grand Union Canal and to the south of Carlton Gate which is a development of over 500 flats built in the 1990s.

This side of the canal is currently used as a private garden by the residents of Carlton Gate, with the canal towpath located on the south side of the canal.

It is located within the North West Westminster Special Policy Area (NWWSPA) as designated by the Unitary Development Plan and the North Westminster Economic Development Area (NWEDA) as designated by the City Plan. It is not located in a conservation area. The Grand Union Canal is part of the Blue Ribbon Network.

## 6.2 Relevant History

Planning permission was granted for the development of Carlton Gate on 11 January 1988 (RN: PT/TP/1494) and was subject to a condition requiring the underground car park to be used solely by the residents of the flats. The purpose of such a condition was to prevent increased demand for on-street parking in the surrounding area.

### 01/04791/OUT

Moorings of 10 houseboats with service pods and footpath (Outline application).  
Application Withdrawn 24 January 2002

### 15/00319/FULL

Moorings for six residential canalboats with new gravel access paths and service posts to towpath with access between Finch Lodge and Harrow Road.  
Application Withdrawn 6 May 2015

## 7. THE PROPOSAL

This application seeks planning permission for the use of the canal for the permanent mooring of 6 x 2 bedroom canal houseboats with associated gravel access paths and service posts with pedestrian access between Finch Lodge and Harrow Road and parking in the basement car park underneath Willow Court with associated alterations to elevation of Willow Court.

Each boat would be 21 metres long, 3.5 metres wide and 2.7 metres high, would be constructed in steel and painted blue. They would have oak doors and sliding hatches to the front, side and rear, small decks to the front and rear and a flat roof.

The new pedestrian access, which is currently a locked gate, will have an intercom system and mailboxes.

The current proposal follows the withdrawal of an application comprising six two-storey houseboats, which were considered to be too bulky and detrimental to the navigational safety of the canal.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Policy DES13 of the adopted Unitary Development Plan states that the provision of moorings, for both permanent and visitor use, and facilities for boaters, will be encouraged in locations where these will not hinder navigation of the canal. The plans submitted with the application show that the moorings will leave about 12 metres free for navigation. The Canal and River Trust raise no objections on this basis, however, along with the Inland Waterways Association, state that a survey of the depth of the canal must be carried out and submitted for approval to ensure navigational safety is maintained. It is recommended that such a survey is required by condition.

The proposed moorings would provide an opportunity to increase floorspace used for residential purposes which would comply with policies S12 and S14 of the adopted City Plan and policy H3 of the adopted Unitary Development Plan. The applicant has confirmed that the boats would have assured shorthold lease for a minimum period of one year which can be terminated thereafter with three months notice. Whilst it has been alleged that boats are not a conventional form of housing, the boats would be used in the same way as any flats being let at Carlton Gate and would therefore contribute towards the City's housing stock. An informative is attached to the decision notice to advise the applicant that the boats cannot be used for temporary sleeping accommodation/short term lets.

### 8.2 Townscape and Design

Policy DES13 of the adopted Unitary Development Plan seeks to ensure that development either safeguards or enhances the setting and important views of the canal. The canal boats that would be facilitated by the moorings in this location would be in keeping with the character of the area, where boats are already permitted to moor along the majority of the Grand Union Canal. The boats would be suitable for their surroundings, would be capable of moving up and down the canal when required, and it is not agreed that six identical vessels could make this section of the canal look like a caravan park, as suggested by the Inland Waterways Association. The proposed service posts, at one metre high, would be modest additions to the canal bank. The proposals are considered to comply with policy DES13.

Policy DES12 of the adopted Unitary Development Plan states that permission will only be granted for proposals adjacent to parks, public and private squares which safeguard their appearance, wider setting and ecological value, preserve their historic integrity, protect views into and out of these spaces and will not project above existing tree or building lines. Policy S35 of the City Plan also seeks to protect all open spaces, and their quality, heritage and ecological value, tranquillity and amenity.

Objections have been received on the grounds of the loss of the residents' garden area and the inappropriate replacement of grass with a gravel path. However, the plans clearly show that the majority of the grass area would be retained, the existing residents would benefit from additional benches and would only be sharing this area with the occupiers of

six additional residential units. The applicant has confirmed that the occupiers of the boats would be bound by the terms of their lease from storing anything in the garden area. They would also be prohibited from organised sport, lighting of fires or barbeques, drying clothes outdoors, parties or gatherings of more than 6 persons, drinking of alcoholic beverages or any other activity which could disturb the peaceful enjoyment of the garden by neighbouring apartments or residents.

Given the modest size of the boats and their height in relation to garden area, the gaps between the boats, the restrictions placed upon the occupiers of the boats, the absence of any objection from Natural England or the Environment Agency, it is considered that the proposals would not conflict with the objectives of policy DES12 of the adopted Unitary Development Plan or policy S35 of the City Plan.

The installation of a new gate to provide access from the car park to the moorings is considered to be acceptable in design terms in accordance with policy DES5 of the Unitary Development Plan and policy S28 of the City Plan.

A condition is recommended to ensure that the boats cannot be replaced by different boats which may be less desirable in design terms.

Several of the letters of objection state that the proposal would not comply with policy S37 of the City Plan which relates specifically to Westminster's Blue Ribbon Network. However it is considered that the proposed moorings for narrow boats and associated landscaping works, which would be relatively modest, would protect and improve the blue ribbon network and would therefore comply with the objectives of policy S37.

Reference has been made to the City Council's emerging policies CM35.2 and CM37.2 which relate to open space however weight is not being attributed to these policies at this time.

### **8.3 Residential Amenity**

Objections have been raised on the grounds of the loss of light, outlook and privacy to the raised ground floor flats overlooking the canal at Carlton Gate.

Whilst the boats would be visible from these flats, the flats are at a significantly higher level than the canal and water level, and given that the boats would be of a narrow boat style and limited to single storey, it is considered these objections are not sustainable.

There is shrubbery adjacent to the ground floor flats in the communal garden area and whilst this does not obscure these residential windows, it does provide useful separation to prevent anyone from standing immediately adjacent to the windows on the canal bank. It must be remembered that the private garden could be used now for anyone residing in Carlton Gate and therefore, compared to the existing situation, there is considered to be no additional harm from the proposed residents of the boats.

The terraces at the front and rear of the boats would be very small and located at a much lower level than the raised ground floor windows of the flats in Carlton Gate given the canal and water level. As such they would not result in any undue overlooking or loss of privacy to the occupiers of the flats. A condition is recommended to ensure that the roof of

the boats cannot be used as terraces which would have the potential to affect the privacy of neighbouring occupiers.

Whilst it is acknowledged that the existing flats have had private views and use of the garden area and the canal as there is no public tow path on this section of the canal, the mooring of narrow boats adjacent to residential buildings is a common arrangement along the Grand Union and Regent's Canal and is already evident along much of the south side of the canal. Any noise arising from the proposed moorings is likely to be more closely monitored than noise coming from boats on the south side of the canal as the applicant has indicated that the occupiers of the boats would be subject to the same rules and restrictions as the rest of the Carlton Gate residents. Given the separation between the boats and the flats, it is considered that the use of the boats themselves would not result in a significant increase in noise levels.

A small area at the top of the service posts would be illuminated. Given the separation between these posts and the flats as well as the difference in levels, it is considered that there would be no material light pollution to the detriment of the amenities of neighbouring occupiers.

The proposal is therefore considered to be acceptable in amenity terms in accordance with policies ENV6, EMV10 and ENV13 of the Unitary Development Plan and policy S29 and S32 of the City Plan.

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

TRANS23 of the adopted UDP requires the provision of one parking space per residential unit. The applicant has offered to use six of the existing underground car parking spaces at Willow Court in Carlton Gate (under the same ownership) for use by the occupiers of the boats. The original permission for the development of Carlton Gate was subject to a condition requiring the use of the car parking spaces to be solely for the occupiers of the flats, at a ratio of one parking space to each flat as well as the use of the car parking spaces for employees using the building, and for visitors.

The intention to use some of these spaces for the occupiers of the boats would not strictly comply with these conditions and has raised some concerns. The applicant has provided a map of the car park as well as a list of all flats to demonstrate that the number of car parking spaces exceeds the number of flats by 8. On the basis of the surplus parking spaces, two of which can still be used by visitors and employees of the whole development and the remaining six by the occupiers of the canal boats, the proposals are considered to be acceptable in principle, in transportation and parking terms and would accord with policies of the adopted UDP.

Details of arrangements to secure the provision of the six car parking spaces underneath Willow Court are to be sought by condition and the applicant is advised that suitable arrangements may involve the submission of a Section S.73 application to vary the parking condition (Condition 5) on the original permission for Carlton Gate. Any subsequent application will be subject to public consultation and assessed on its merits. If in due course, planning permission cannot be granted for this arrangement, then the

applicant will have to submit an alternative proposal before being able to implement any future planning permission.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The new pedestrian access, which is currently a locked gated between Finch Lodge and Harrow Road, would be fitted with an intercom and mailboxes. Vehicular access arrangements will be the same as used by existing Carlton Gate residents. A louvre would be replaced by a door to provide direct access from the underground car park to the canal bank. Both means of access are considered to be appropriate for the site.

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

#### **Refuse /Recycling**

The applicant has confirmed that the existing refuse storage room in the underground car park will be made available for occupiers of the boats and this is considered to be appropriate in principle. However, it is recommended that further details of the refuse storage area are sought by condition.

#### **Trees**

Concerns have been raised by the Arboricultural Officer on the impact of the service posts and associated connections to services and the changes to the pathways in respect of the White Willow Trees on the site. There is likely to be a minimal impact on the trees given the minor nature of the works, however it is recommended that details of tree protection methods are required by condition.

#### **Pollution**

Objections have been on received on the grounds that the stoves on the boats would generate ground-level pollution contrary to policy S31 of the City Plan. The applicant notes in their supporting statement that each boat would have a solid fuel stove. The City Council's Environmental Health Officer has raised no concerns in respect of the principle of the stoves however has stipulated that it would be expected that the occupiers of the boats use 'smokeless fuels' (authorised fuels) and possibly approved appliances. It is recommended that further details are sought by condition.

Concerns have been raised in respect of the disposal of waste from the toilets. The applicant has confirmed that the liquid and foul waste will drain to a sealed sump tank located in the bilge, which is automatically pumped through a 26mm hose to the shore connection into the underground foul sewer system; thereby preventing the discharging of waste into the canal. Whilst this is acceptable in principle it is recommended that more detailed information is sought by condition.

#### **Flooding**

Objections have been received by neighbouring occupiers on the grounds of the increased risk of flooding. However, the Environment Agency has been consulted and has not supported these objections.

### **8.8 London Plan**

As discussed elsewhere in this report, the proposal is considered to be acceptable in terms of its impact on the Blue Ribbon Network and would therefore comply with policies 7.24 and 7.28 of the London Plan.

### **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.

### **8.10 Planning Obligations**

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

### **8.11 Environmental Assessment**

Given the limited scope of the works proposed and the limited number of moorings, and the gaps between the moorings it is considered that this proposal would not adversely affect the biodiversity, ecology or environmental quality along this section of the canal in accordance with policy DES13 of the Unitary Development Plan and policies S36 and S37 of the City Plan.

### **8.12 Other Issues**

#### **Crime and security**

Several objections have been received on the grounds of the impact on the safety and security of existing residents of Carlton Gate, and on their cars within the basement car park and the implications this may have on service charges as a result of future occupiers of the boats being able to park their cars in the carpark. Whilst it is not the role of the planning department to comment on service charge arrangements etc, it is noted that the applicant (who is the freeholder of the flats adjacent) intends to manage the new boats and the occupiers in the same way as it manages the flats, which should go some way towards mitigating the concerns raised by neighbouring occupiers. The applicant raises the point that the presence of these canal boats if approved would prevent 'unlawful moorings' which does happen and therefore permanent and controlled canal boats is a benefit to the existing residents of the flats.

In planning terms, six new residential units, albeit in the form of houseboats, would not be considered cause for concern when it comes to crime and security. This is supported by the Crime Prevention Officer.

#### **Other Neighbour Objections**

Objections relating to reduced property values, service charges and access to certain parts of the site are not planning matters. Several allegations are made in respect of the

occupiers of the new boats, however, these appear to be unfounded and are not grounds for refusing planning permission.

Concerns have been raised in respect of the consultation carried out by the City Council. However, the City Council met its statutory obligations in terms of consultation and does not have any control over when the application is submitted and thus when consultation letters are sent. As the current proposal has sought to address concerns relating to the previously withdrawn application, it would be unreasonable to base this recommendation on any representation that related to the earlier application.

Allegations have been made in respect of the applicant submitting numerous applications in an attempt to confuse or tire residents but this is not grounds for refusal. Firstly, this application is to overcome the previously withdrawn application (see planning history). Secondly, the three rounds of consultation were carried out by officers as it was felt appropriate to reconsult neighbours on amended and additional information.

With regard to the suggested precedent that this development would set, all future applications would be assessed on their merits.

It has been alleged that approval of this application would result in a judicial review but this in itself does not warrant refusal of an application that is considered to be acceptable with regard to the City Council's adopted policies.

### **8.13 Conclusion**

Notwithstanding the objections received, the proposals are considered to be acceptable in land use, design, amenity, transportation/parking and environmental terms and would therefore 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.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Response from Inland Waterways Association, dated 27 July 2015
3. Response from Canal and River Trust, dated 12 August 2015
4. Response from Environment Agency, dated 29 January 2016
5. Response from Highways Planning - Development Planning, dated 28 July 2015
6. Response from Arboricultural Manager – Development Planning, dated 13 August 2015
7. Response from Environmental Health, dated 29 January 2016 and 15 February 2016
8. Response from Crime Prevention Officer, dated 10 February 2016
9. Response from Paddington Waterways and Maida Vale Society, dated 23 July 2015 and 12 February 2016
10. Letter from occupier of 19 Nuffield Lodge, Admiral Walk, dated 27 July 2015
11. Letter from occupier of Flat 7, Nuffield Lodge, dated 30 July 2015
12. Letter from occupier of Flat 44 Finch Lodge, Admiral Walk, dated 31 July 2015
13. Letter from occupier of 1 Nuffield Lodge, Admiral Walk, dated 3 August 2015
14. Letter from occupier of Flat 18, Johnson Lodge, dated 3 August 2015
15. Letter from occupier of Flat 9, Livingstone Lodge, dated 4 August 2015
16. Letter from occupier of Flat 18, Johnson Lodge, dated 4 August 2015
17. Letter from occupier of Flat 49, Finch Lodge, dated 4 August 2015

18. Letter from occupier of Flat 15, Admiral Walk, dated 7 August 2015
19. Letter from occupier of 19 Johnson Lodge, Admiral Walk, dated 8 August 2015
20. Letter from occupier of Flat 7, Livingstone Lodge, Admiral Walk, dated 9 August 2015
21. Letter from occupier of Flat 21, Finch Lodge, dated 11 August 2015
22. Letter from occupier of 3 Johnson Lodge, Admiral Walk, dated 2 October 2015
23. Letter from occupier of Flat 21, Finch Lodge, dated 4 February 2016
24. Letter from occupier of 6 Nuffield Lodge, Admiral Walk, dated 5 February 2016
25. Letter from occupier of 18 Johnson Lodge, Admiral Walk, dated 7 February 2016
26. Letter from occupier of 18 Johnson Lodge, Admiral Walk, dated 7 February 2016
27. Letter from occupier of 19 Johnson Lodge, Admiral Walk, dated 8 February 2016
28. Letter from occupier of 21 Nuffield Lodge, Admiral Walk, dated 15 February 2016
29. Letter from occupier of 19 Nuffield Lodge, Admiral Walk, dated 15 February 2016
30. Letter from occupier of 43 Finch Lodge, Admiral Walk, dated 16 February 2016
31. Letter from occupier of Flat 25, Langley House, Alfred Road, dated 10 June 2016
32. Letter from occupier of 15 Willow Court, Admiral Walk, dated 12 June 2016
33. Letter from occupier of 18 Johnson Lodge, Admiral Walk, dated 12 June 2016
34. Letter from occupier of 18 Johnson Lodge, Admiral Walk, dated 12 June
35. Letter from occupier of 19 Johnson Lodge, Admiral Walk, dated 13 June 2016
36. Letter from occupier of 49 Lodge, Carlton Gate, dated 15 June 2016
37. Letter from occupier of 7 Nuffield Lodge, Admiral Walk, dated 15 June 2016
38. Letter from occupier of Finch Lodge, Admiral Walk, dated 22 June 2016
39. Letter from occupier of Flat 24, Falcon Lodge, Admiral Walk, dated 22 June 2016
40. Letter from occupier of 47 Airedale Road, London, dated 23 June 2016
41. Letter from occupier of 19 Nuffield Lodge, Admiral Walk, dated 11 July 2016

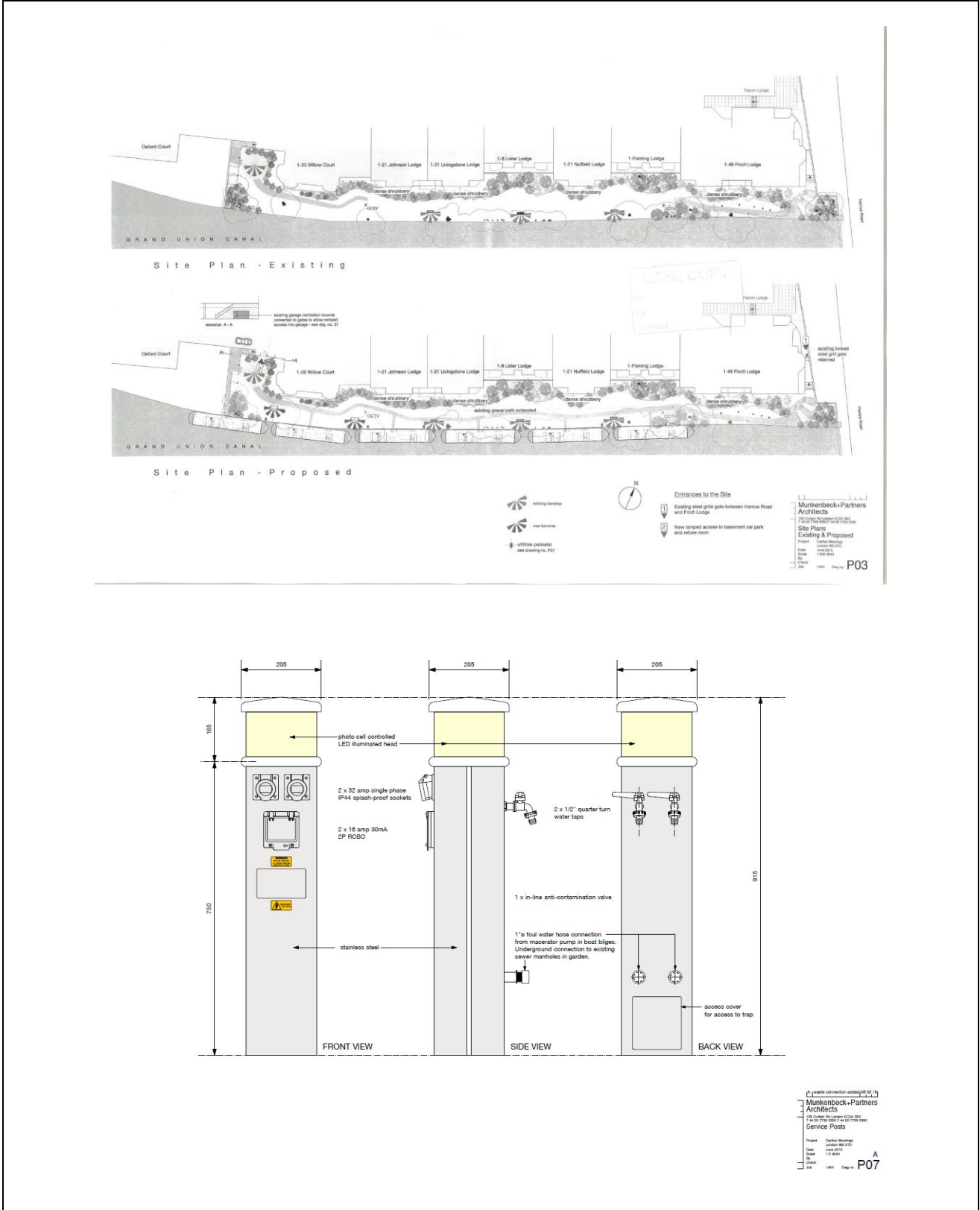
### **Selected relevant drawings**

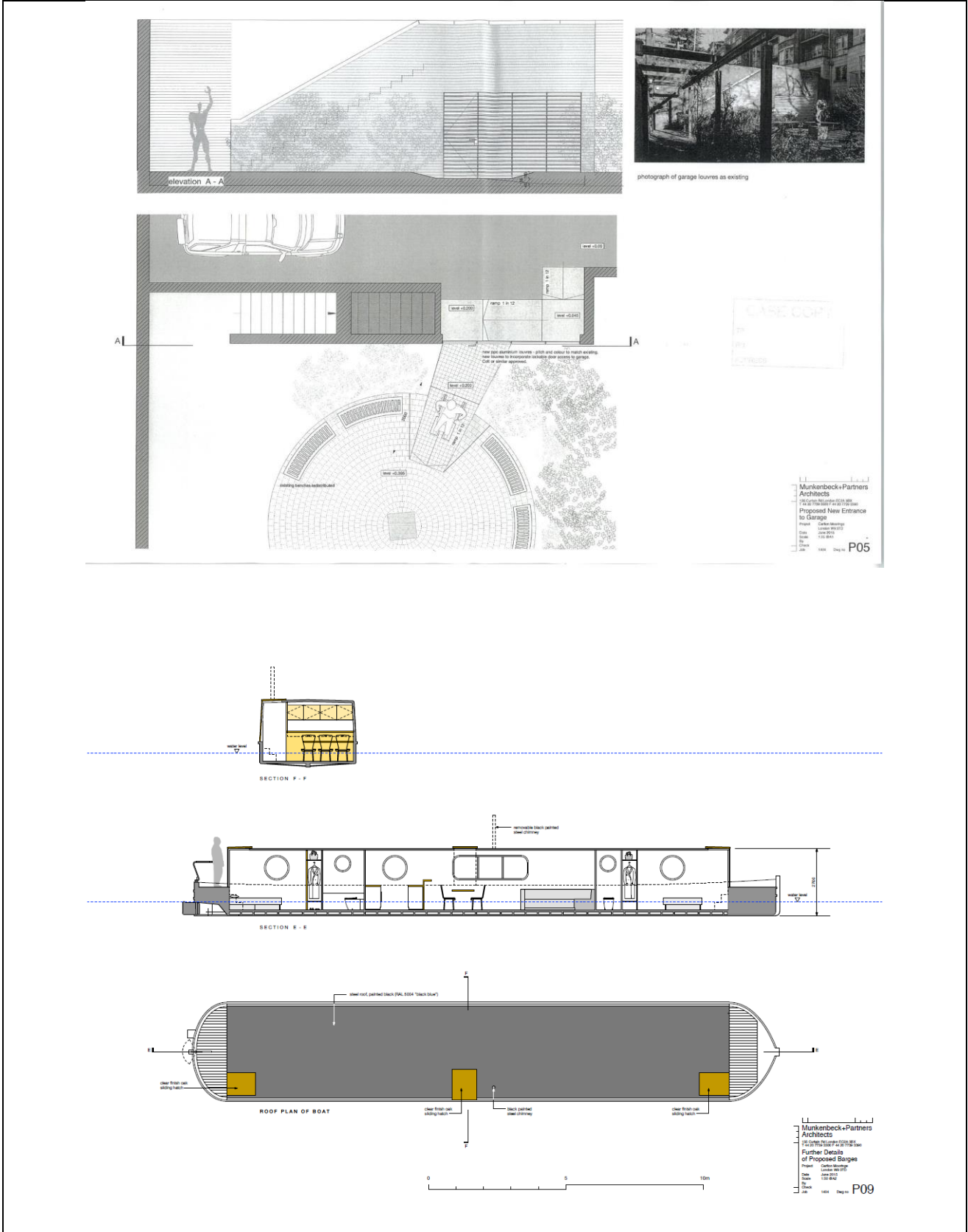
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

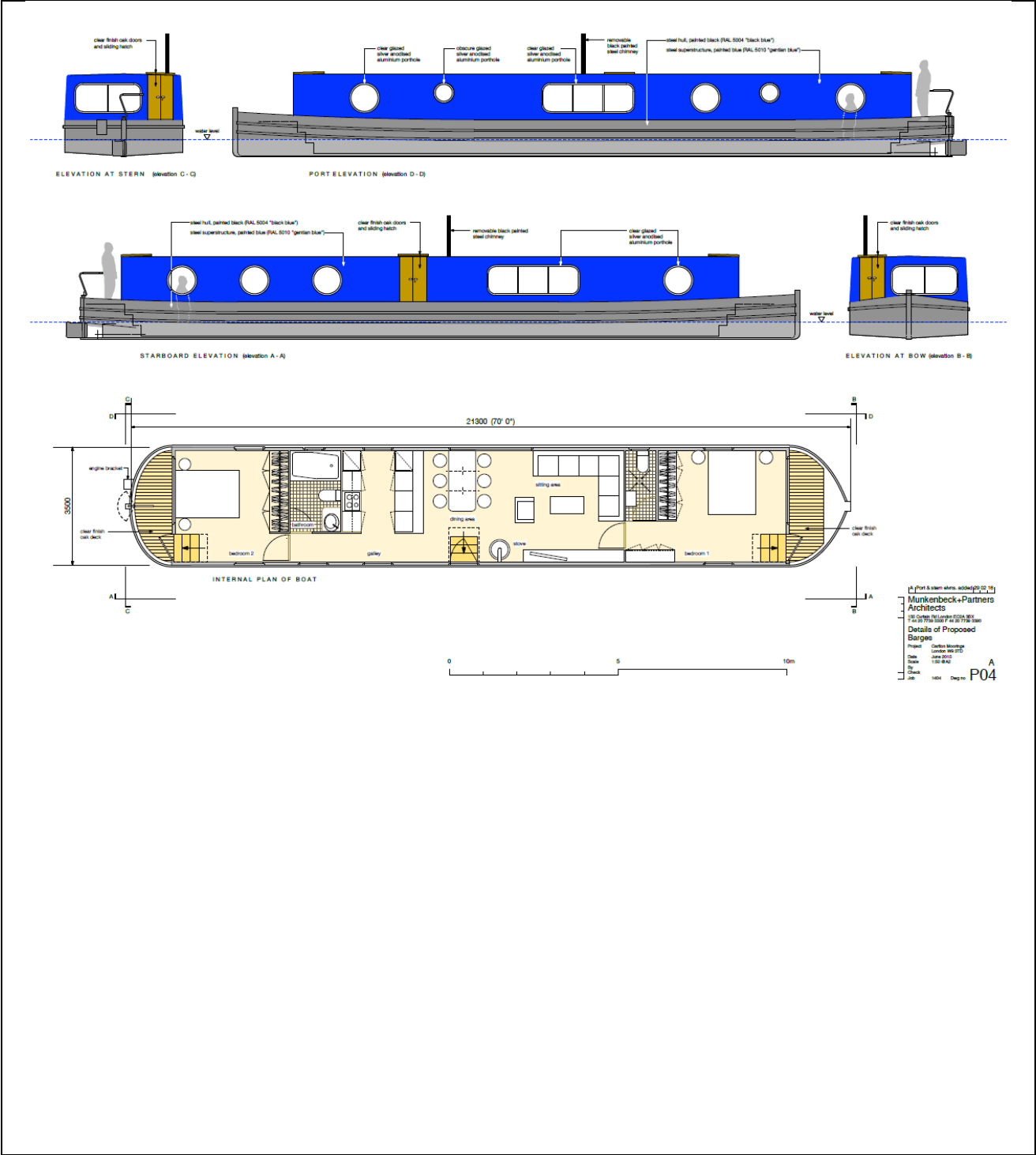
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 0207 641 5939 OR BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk)



10. KEY DRAWINGS







**DRAFT DECISION LETTER**

**Address:** Carlton Gate Phase 3, Admiral Walk, London, W9 3TD

**Proposal:** Use of canal for permanent mooring of 6 x 2 bedroom canal houseboats with associated gravel access paths and service posts with pedestrian access between Finch Lodge and Harrow Road and parking in basement car park underneath Willow Court with associated alterations to elevation of Willow Court (Additional information received).

**Plan Nos:** P01, P02, P03, P04A, P05, P06A, P07A, P08, P09, Design and Access Statement, Parking Justification Statement and Tenant Information - Carlton Moorings.

**Case Officer:** Claire Berry

**Direct Tel. No.** 020 7641 4203

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

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

Reason:

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

- 2 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.

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 The vessels to be moored at the moorings hereby permitted shall be those shown on drawing no.P04A and P09. The approved details shall be complied with at all times.

Reason:

To ensure that the canal boats are appropriate to the canal location and that they contribute to the character and appearance of the Grand Union Canal, as set out in S37 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES13 of our Unitary Development Plan that we adopted in January 2007.

- 4 All new work to the outside of the Willow Court 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.

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)

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

Reason:

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

- 6 Prior to commencement of development, a detailed survey relating to the depth of the canal shall be submitted to and approved by the City Council in consultation with the Canal and River Trust.

Reason:

To ensure that the moorings do not have a negative impact upon navigational safety, as set out in S37 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES13 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 8 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing P03. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005.

You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 9 You must apply to us for approval of detailed information regarding the disposal of waste from the toilets on the boats. You must not start any work on this part of the development until we have approved what you have sent us. All future occupiers must then dispose of waste in line with the approved details.

Reason:

To protect the environment and provide suitable waste removal 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.

- 10 You must not start work on the site until we have approved appropriate arrangements to secure the following.

-The provision of six car parking spaces (one space per canal boat) in Willow Court for the occupiers of the canal boats.

In the case of the above benefit, you must include in the arrangements details of how this can be achieved, and how you will guarantee this. You must only carry out the development according to the approved arrangements.

Reason:

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

- 11 You must not use the roofs of the boats for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21BA)

Reason:

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

- 12 You must apply to us for approval of detailed information regarding the operation of the stoves on the boats. You must not start any work on this part of the development until we have approved what you have sent us. All future occupiers must then use the stoves in line with the approved details.

Reason:

To protect the environment and provide suitable waste removal as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

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

- 2 The Canal and River Trust provide the following advice.

The applicant should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained. Please visit <http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>

The applicant is advised to contact Sam Anderson-Brown (Sam.Anderson-Brown@canalrivertrust.org.uk) from Canal & River Trust's Business Boating team to ensure that all necessary approvals and agreements are in place.

- 3 In respect of Condition 10 you are advised that an application under Section 73 of the Planning Acts to vary condition 5 on the original planning permission dated 11 January 1988 may be considered acceptable. Any acceptable arrangement for the provision of parking for the canal boats must then be submitted pursuant to an 'approval of details application'. Condition 5 states

'In respect of the whole of the car parking accommodation shown on the drawings hereby approved (with the exception of the spaces reserved for nursing accommodation), 1 car parking space per unit shall be provided and permanently retained for the accommodation of vehicles of the occupiers (including employees using the building) and persons calling at the building for the purpose of conducting business with the occupiers thereof and visitors'.

- 4 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use

the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (138AB)

- 5 In respect of condition 12, you are advised that it would be expected that the occupiers of the boats use 'smokeless fuels' (authorised fuels) and approved appliances.



# Agenda Item 3

Item No.

3

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 26 July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	58 Westbourne Grove, London, W2 5SH,		
<b>Proposal</b>	Use of ground floor east shop unit as a reflexology/ massage and retail shop (Sui Generis).		
<b>Agent</b>	Marcos Pavlides		
<b>On behalf of</b>	Marcos Pavlides		
<b>Registered Number</b>	16/02966/FULL	<b>Date amended/ completed</b>	26 April 2016
<b>Date Application Received</b>	3 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY

The application site is part of a three storey plus basement mixed use building located on Westbourne Grove in the Bayswater Conservation Area. Permission is sought for the change of use of the eastern half of a Class A1 retail unit to a reflexology/massage and retail shop (Sui Generis).

The key issue in the determination of this case is whether the loss of a Class A1 retail shop within the core frontage of the Queensway and Westbourne Grove District Centre would harm the retail character and function of this District Centre.

As set out in the report, in this instance and given the particular circumstances of the case, the proposed change of use is considered to be acceptable in land use terms; notwithstanding the normal policy requirements of Policy SS6 in the Unitary Development Plan and S21 Westminster's City Plan Strategic Policies. As such, it is recommended that conditional planning permission is granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Previous arrangement of A1 unit until December 2015



Interior of eastern unit (current A1 arrangement).



Interior of current massage/reflexology shop in Whiteley's



Retail sales offering in current unit in Whiteleys

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR BAYSWATER

Any response to be reported verbally.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

### BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

### HIGHWAYS PLANNING

No objection but expressed concern over lack of provision for servicing and cycle parking.

### CLEANSING

No objection provided certain conditions are complied with.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 2

No. of objections: 0

No. in support: 2

The applicant has submitted a response letter and a petition signed by 118 of his clients. A staff member also submitted a letter of support.

PRESS ADVERTISEMENT / SITE NOTICE: Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application premises are located within the Core Frontage of the Queensway and Westbourne Grove District Centre. This application lies in the Westbourne Conservation Area, but the building is not listed

Until December 2015 the whole of the application premises were used as a Class A1 carpet shop. The unit has now been divided into two, referred to in this report as the eastern unit and western unit. The application relates solely to the eastern unit. The western unit is currently vacant but has a lawful Class A1 use. The adjacent property, No.56 Westbourne Grove is also vacant but has a lawful use as a Class A3 restaurant/ café. The character of the area comprises a mix of commercial uses including retail, entertainment and residential accommodation at upper levels.

### 6.2 Recent Relevant History

01/07898/FULL: Change of use of shop (Class A1) to restaurant (Class A3) use at ground and first floor level. This was refused on the grounds of loss of retail accommodation and a subsequent appeal was dismissed.

04/03512/FULL: Change of use of ground floor from a shop unit (Class A1) to use as an Estate Agents (Class A2) and associated replacement of existing shop front with full height glass shop front. This was refused on the grounds of loss of retail accommodation and a subsequent appeal was dismissed.

13/04976/FULL: Continued use of raised ground floor as self-contained 1 x 1 bedroom flat and associated external alterations including rear infill extension and front window. Application approved.

14/05767/FULL: New shop fronts to 56-58 Westbourne Grove, extend 58 Westbourne Grove shop front to its original position in line with 56 Westbourne Grove and beneath the existing overhead section of shop front. Application approved (not yet implemented)

## 7. THE PROPOSAL

Permission is sought for a change of use of the eastern unit of No. 58 from a Class A1 retail use to a sui generis use comprising a reflexology/ massage centre and retail sales.

The applicant advises that a small portion of the rear of the application site is to be retained in Class A1 use and used in connection with the western unit as a Class A1 timber flooring shop.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of retail use

The applicant's reflexology and massage business currently occupies a shop unit within Whiteley's and has occupied this unit within the centre for over 20 years. Due to the impending redevelopment of Whiteley's, the business will shortly face closure unless it can find an alternative shop premises to operate from in the local area. It is considered the business is currently operating as a sui generis use providing reflexology and massage services and ancillary retail sales to predominantly walk-in customers.

Policy SS6 of the Unitary Development Plan (UDP) and S21 of the City Plan seek to protect Class A1 uses within the Core Frontage within the District Centres. SS6 (Core Frontage) specifically seeks to prevent the total length of Core Frontage in non-A1 use at ground floor level on Westbourne Grove and Queensway from exceeding 25% and requires that that the proposals do not result in more than two non-A1 unit located consecutively in a frontage

The most recent land use survey figures for the District Centre (from 2013-14) show that this threshold has already been exceeded and total non-A1 usage is 39.1% (see table below). This proposal would add to the excess of non-A1 use and so cannot be considered fully in accordance with Policy SS6. However, the applicant has confirmed that should the business move to application site he intends to increase the retail floorspace and stock levels as the unit has a larger internal area. Given the application does

propose the inclusion of a significant quantum of retail shop floorspace within the overall mixed use immediately behind the shop front, thereby maintaining a retail character to the front of the premises and provide a retail offer to visiting members of the public and this is welcomed

**Table 1 – Percentage of Class A1 and Non-A1 Shop frontage within the District Centre**

Shopping Centre	Frontage	A1 shopfront (m)	Non-A1 Shopfront (m)	Total shopfront (m)	% Non-A1	% Non-A1 permitted
Queensway/ Westbourne Grove	Core	1017	652	1669	39.1	25.0
	Secondary	127	162	289	56.0	45.0

The proposal would not result in more than two consecutive non-A1 units within the Core Frontage.

It is considered that in this instance, the proposal to relocate a long established local business which maintains a retail presence on the street is acceptable in land use terms.. Conditions are recommended requiring the submission of further details of the proposed retail sales area at the front of the unit and for the retention of a retail sales display behind the shop front glazing.

## 8.2 Townscape and Design

### 8.3

No external works are proposed as part of this application..

## 8.4 Residential Amenity

### 8.5

This scheme is not considered to raise any amenity concerns.

## 8.6 Transportation/Parking

58 Westbourne Grove is within a Controlled Parking Zone so anyone who does drive to the site will be subject to those controls, however given the size and nature of the proposal, and the existing use it is considered the impact on parking is likely to be minimal.

TRANS20 requires off-street servicing, however no details of servicing have been provided with the application. The Highways Planning Manager considers that the level of servicing generated by the proposal is unlikely to be significant and therefore, in this does not require any further details and considers the proposals acceptable in this regard.

No cycle parking provision has been included in the proposal for staff members. A condition requiring one cycle space is recommended and a condition has been attached to secure details of this.

The drawing submitted did not include provision for the storage of general waste, recyclable materials and clinical waste and a condition has been attached requiring details of this to be supplied to the City Council.

#### **8.7 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.8 Access**

There will be no change in access to the premises.

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

Not applicable.

#### **8.10 London Plan**

This application raises no strategic issues.

#### **8.11 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.

#### **8.12 Planning Obligations**

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

#### **8.13 Environmental Impact Assessment**

There are no environmental Impact issues related to this application.

#### **8.14 Other Issues**

The highways planning manager has queried that the business employs 40 part time staff. However it was clarified on site that the employees all work on a part time basis and at any given time there wouldn't be more than 5 staff members working.

### **9. BACKGROUND PAPERS**

1. Application form.
2. Letter from occupier of 67a St John's Avenue Harlesden, London dated 1 July 2016
3. Memo from Cleansing Manager dated 20 May 2016
4. Memo from Highways Planning Manager dated 17 May 2016
5. Letter from the applicant dated 27 April 2016 with a petition of 118 letters of support from clients.

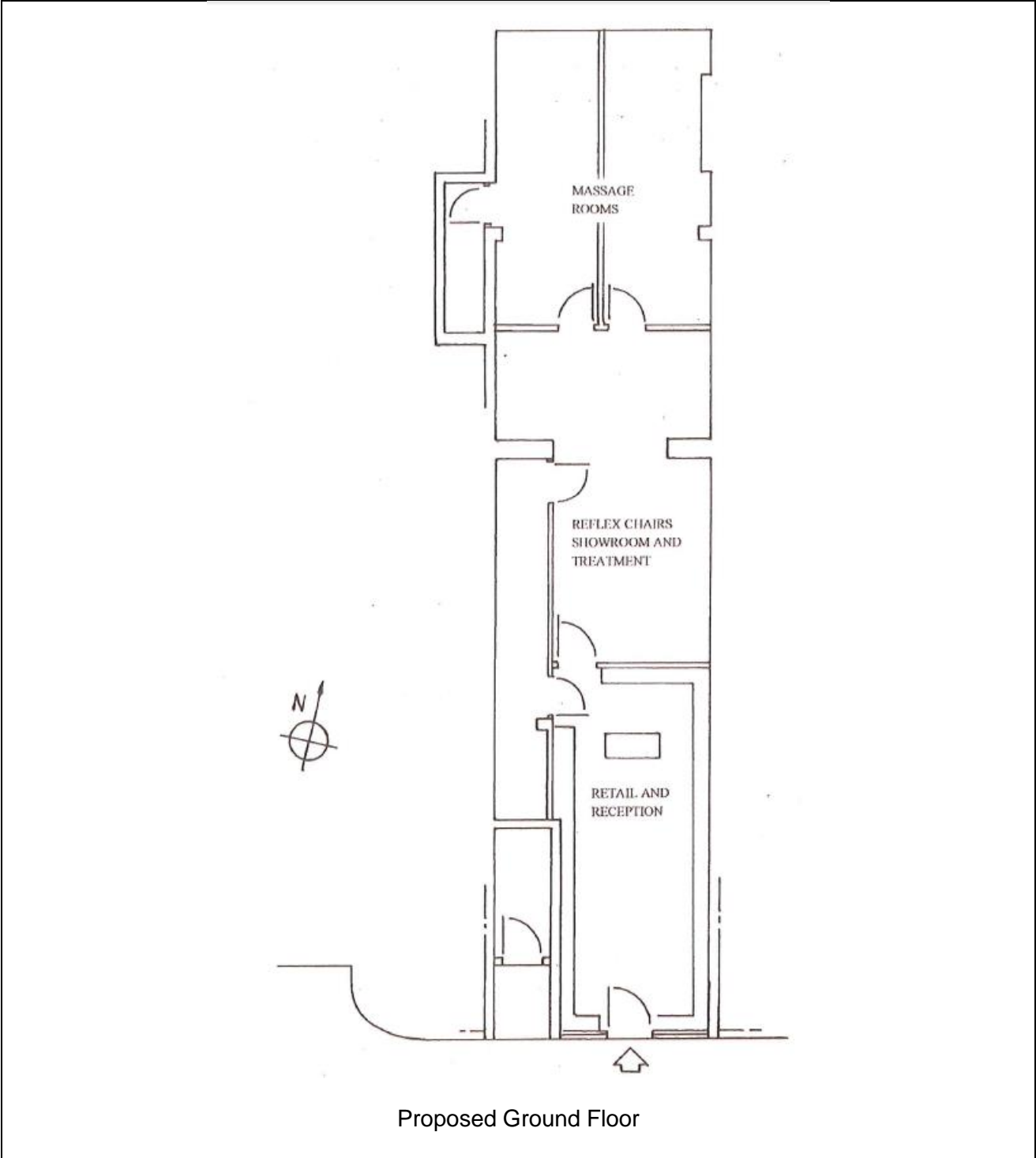
#### **Selected relevant drawings**



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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICE: KIMBERLEY DAVIES BY EMAIL AT <a href="mailto:kdavies1@westminster.gov.uk">kdavies1@westminster.gov.uk</a> .
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10. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** 58 Westbourne Grove, London, W2 5SH,

**Proposal:** Use of ground floor (eastern) shop unit as a reflexology/ massage and retail shop (Sui Generis).

**Plan Nos:** Site location plan, proposed front elevation (for reference only), PWG 16-4-02, retail marketing statement, proposed retail offerings list, merchandising samples.

**Case Officer:** Heather Sevicke-Jones

**Direct Tel. No.** 020 7641 6519

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

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

Reason:

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

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

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

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

Reason:

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

- 3 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling and clinical waste will be stored separately. You must not start work until we have approved what you have sent us. You must then provide the stores for waste, clinical waste and materials for recycling according to these details. The bins that will be used for storage should be marked R for recyclable materials, C for clinical waste and W for residual waste on the plans and must be available at all times to everyone using the ground floor unit at 58A Westbourne Grove. The provisions for waste storage are to be made permanently available and used for no other purpose.

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)

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

Reason:

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

- 5 You must not paint the window glass of the shop front or block it in any other way. The window must contain a display which must be maintained to our satisfaction.

Reason:

To protect the appearance and character of the shopping street as set out in SS 17 of our Unitary Development Plan that we adopted in January 2007. (R26IA)

- 6 The area titled retail and reception on the drawing numbered P/WG-16-4-02 shall be used for the display and sale of retail goods and shall not be used for any other purpose, including for reflex chairs showroom and treatment or as massage rooms.

Reason:

To protect the retail character and function of the Queensway and Westbourne Grove District Centre in accordance with Policies SS6 of the Unitary Development Plan (UDP) and S21 of the City Plan.

- 7 The business shall be open to customers from 09.00 am to 9.00 p.m Monday to Sundays.

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.

Item No.
<b>3</b>

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# Agenda Item 4

Item No.
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4
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 26 July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>1 Romney Mews, London, W1U 5DT,</b>		
<b>Proposal</b>	Erection of a single storey roof extension to create a new second floor level with a terrace and an extension at first floor level all in association with the residential use of the property.		
<b>Agent</b>	David Corley Architects		
<b>On behalf of</b>	Mr Jamil Shamash		
<b>Registered Number</b>	16/04218/FULL	<b>Date amended/ completed</b>	3 May 2016
<b>Date Application Received</b>	3 May 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

Grant conditional planning permission
---------------------------------------

## 2. SUMMARY

The application site is an unlisted semi-detached two storey mews house. Romney Mews is accessed via Chiltern Street and comprises two mews houses. The application site is located at eastern end of the mews and cannot be seen from Chiltern Street. The site is located just outside the Portman Estate Conservation Area. The nearest residential is located adjacent at 2 Romney Mews, but the site is overlooked by the residential windows within York Mansions.

Permission is sought for the erection of a single storey roof extension to create a new second floor level with a terrace and an extension at first floor level all in association with the residential use of the property. The increase in residential floorspace acceptable in land use terms, in accordance with City Plan Policy S14 and UDP Policy H3.

In amenity terms, four objections have been received from residents in York Mansions on the grounds of overlooking and loss of daylight and sunlight to the existing courtyard and residential windows.

There are balconies at each level to the rear of York Mansions. The entrance doors to the flats are along the balconies. The balconies significantly reduce light entering windows below them. The proposed roof extension is to the east of the residential windows and will be approximately 15 metres away. Although the roof extension will be taller than 2 Romney Mews it is not considered that it will

have an adverse effect on daylight or sunlight levels to the residential windows or the residential courtyard. The proposed extension is set against the taller buildings of the University of Westminster and therefore it is not considered that there will be an increase sense of enclosure.

The proposal includes a flat roof and objections have been received on the grounds that this could be used as a roof terrace. A condition is recommended to prohibit the use of the roof as a terrace.

A rear terrace is proposed at second floor level, a glazed privacy screen is proposed to prevent views to York Mansions. The terrace at this level is modest in size (1.7m<sup>2</sup>) and it is not considered that its use will have an adverse impact on neighbouring residential properties.

In design terms, the building is located in a discreet location and there are very few public and private views. The building dates from the 1980's and is an unusual design and is not of particular merit. The proposals would result in an unconventional roofscape, with areas of tiled roof and vertical render. In views from the west, the party wall will project above the roof of the adjacent building.

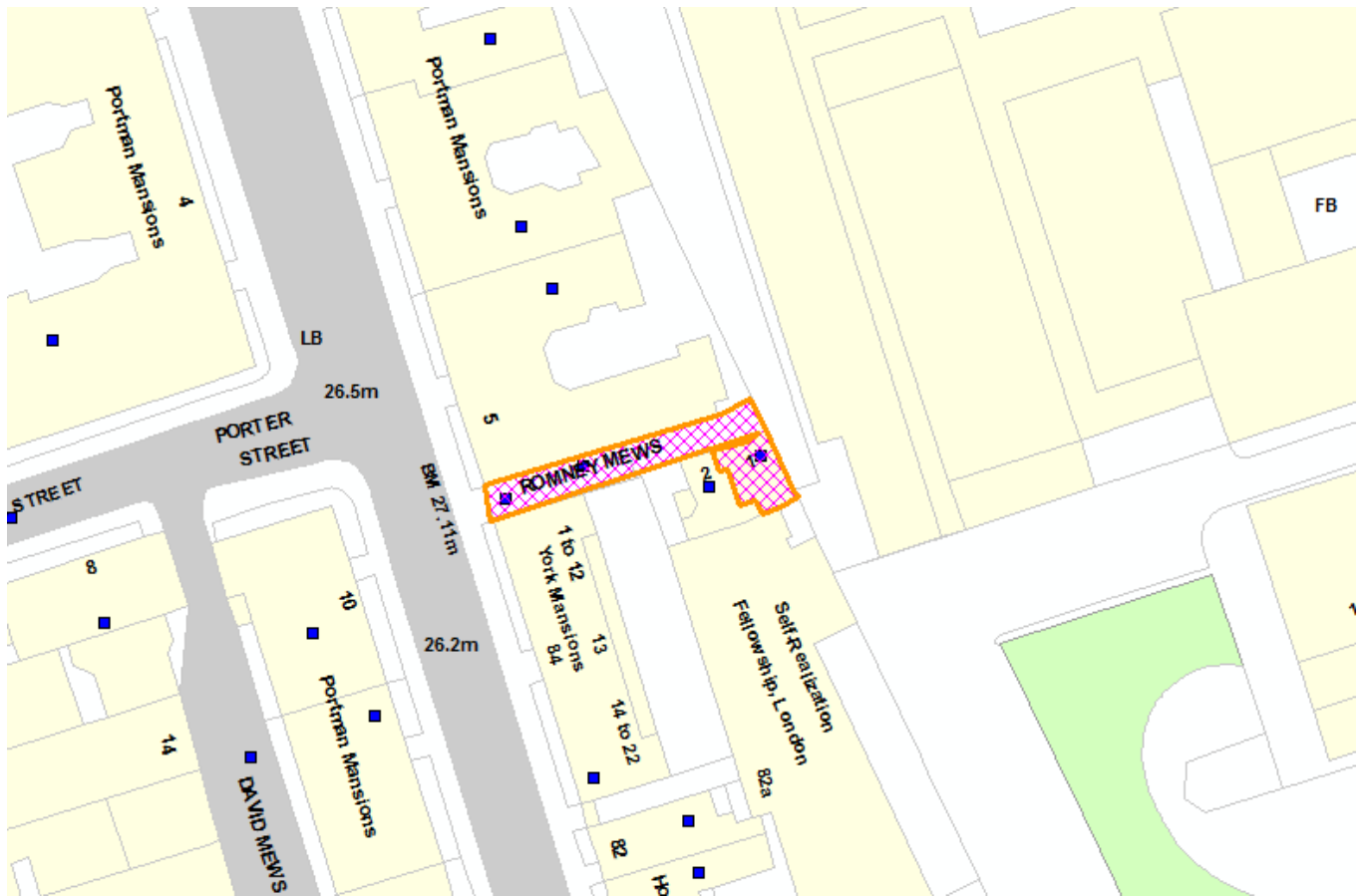
In a more sensitive location this would be problematic, but in this instance the roof form is considered acceptable. The ideal situation would be to address the roofs of both 1 and 2 Romney Mews simultaneously, but as an application for 2 Romney Mews is not forthcoming, it would be unreasonable to recommend refusal on design grounds.

Objections have been received on the grounds that there are other major redevelopments in and around Chiltern Street and the additional works will have an impact on noise and disruption in the area. Planning permission cannot be withheld on these grounds and the objections are therefore not sustainable to justify a reason for refusal.

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



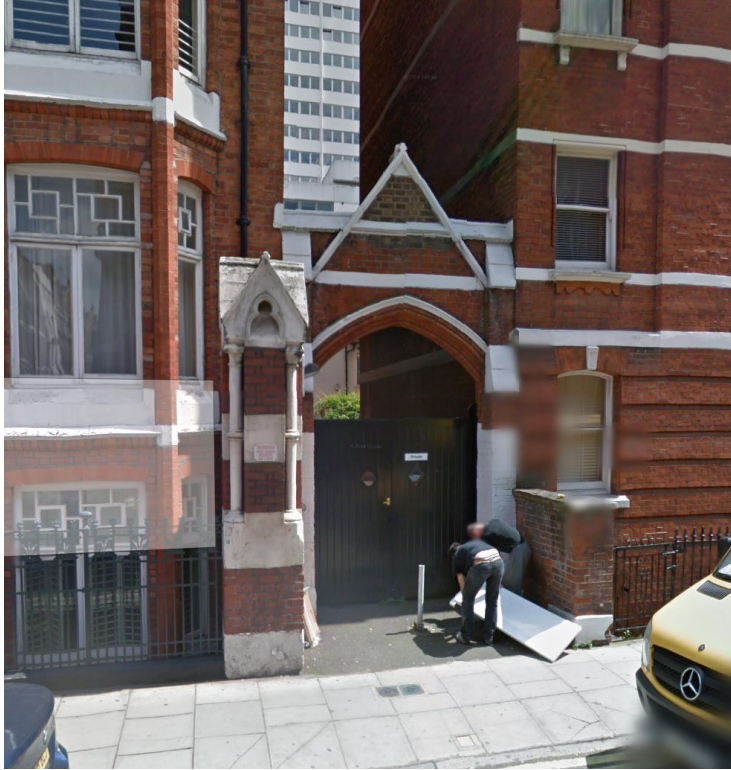
### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Entrance to Romney Mews from Chiltern Street



Application site



Application site



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Objection – No contextual sections or massing studies have been provided.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 51

Total No. of replies: 4

No. of objections: 4 raising the following:

#### Amenity

- Overlooking to York Mansions garden and residential windows
- Loss of daylight and sunlight to York Mansions garden and windows
- Noise and disturbance from new terraces
- Flat roof could be used as a terrace

#### Other

- Plans submitted are not clear
- Area around Chiltern Street experiencing significant overdevelopment.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 6 June 2016
3. Letter from occupier of Flat 20 York Mansions, 84 Chiltern Street, dated 12 June 2016
4. Letter from occupier of 12 York Mansions, Chiltern Street, dated 8 June 2016
5. Letter from occupier of Flat 2a, York Mansions, dated 8 June 2016
6. Letter from occupier of 7 York Mansions, 84 Chiltern Street, dated 8 June 2016

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

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

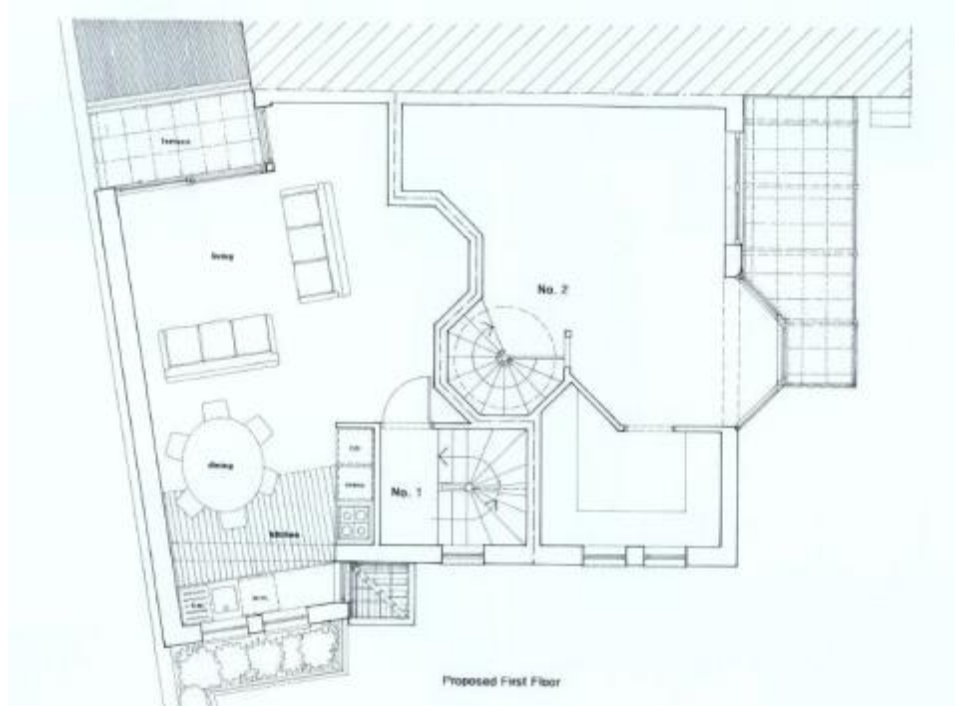
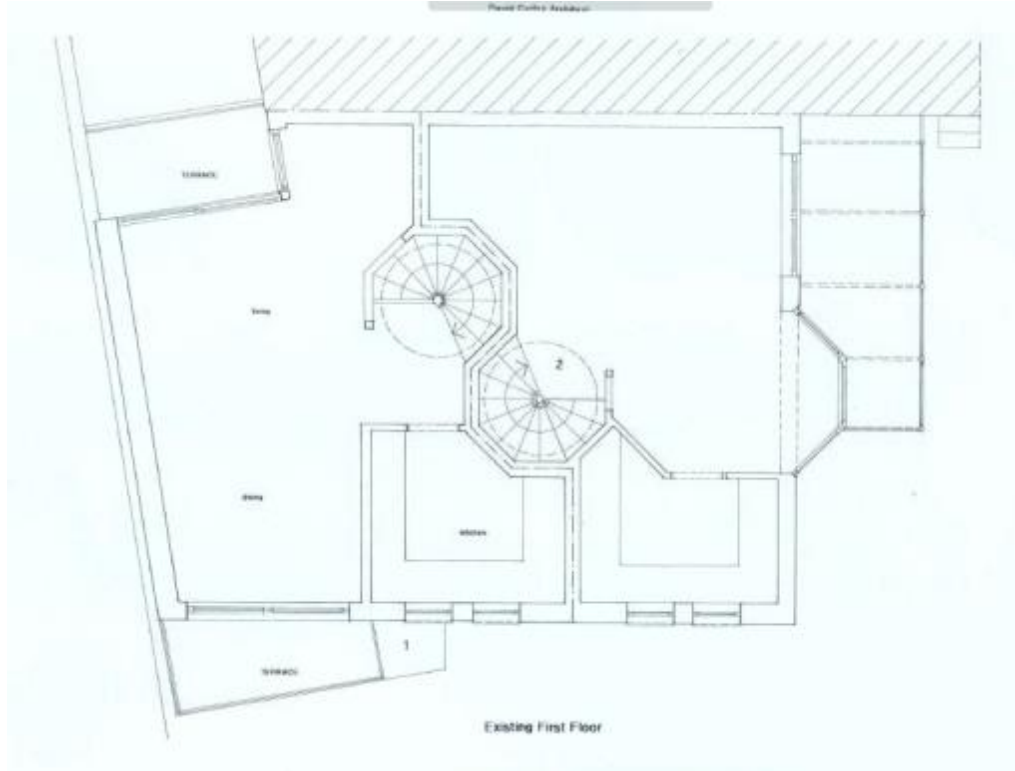
## 7. KEY DRAWINGS

Existing and Proposed West Elevation

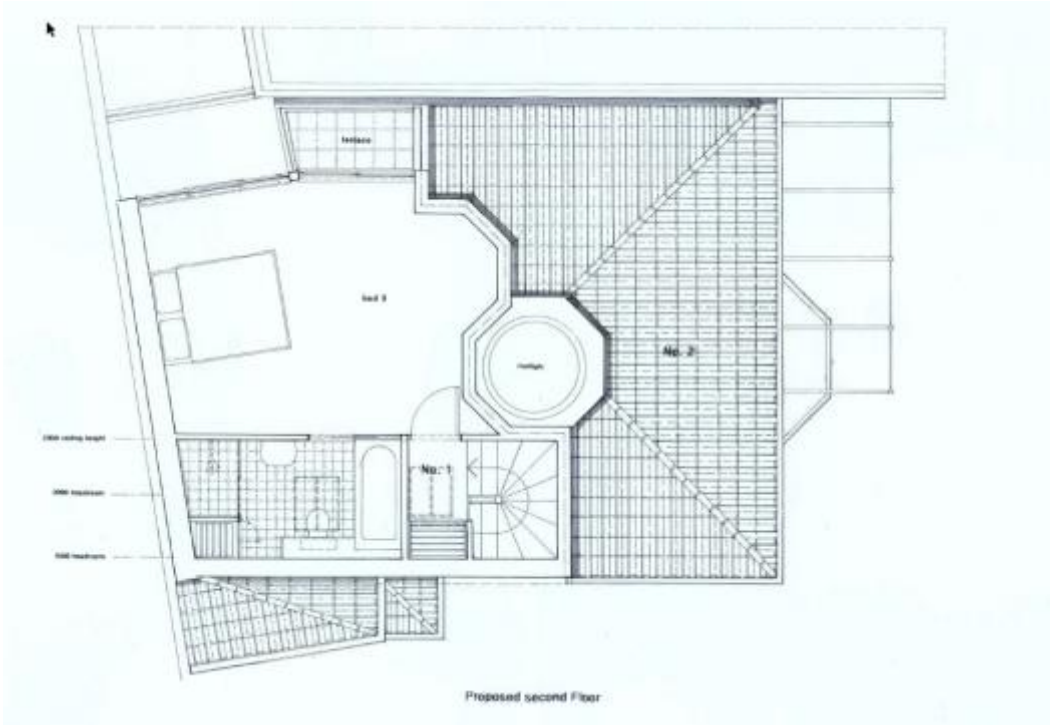


1 Ranney Way, London W10 5DT - PROPOSED SECOND FLOOR & ALTERATIONS - December 2010

Existing and proposed first floor plan



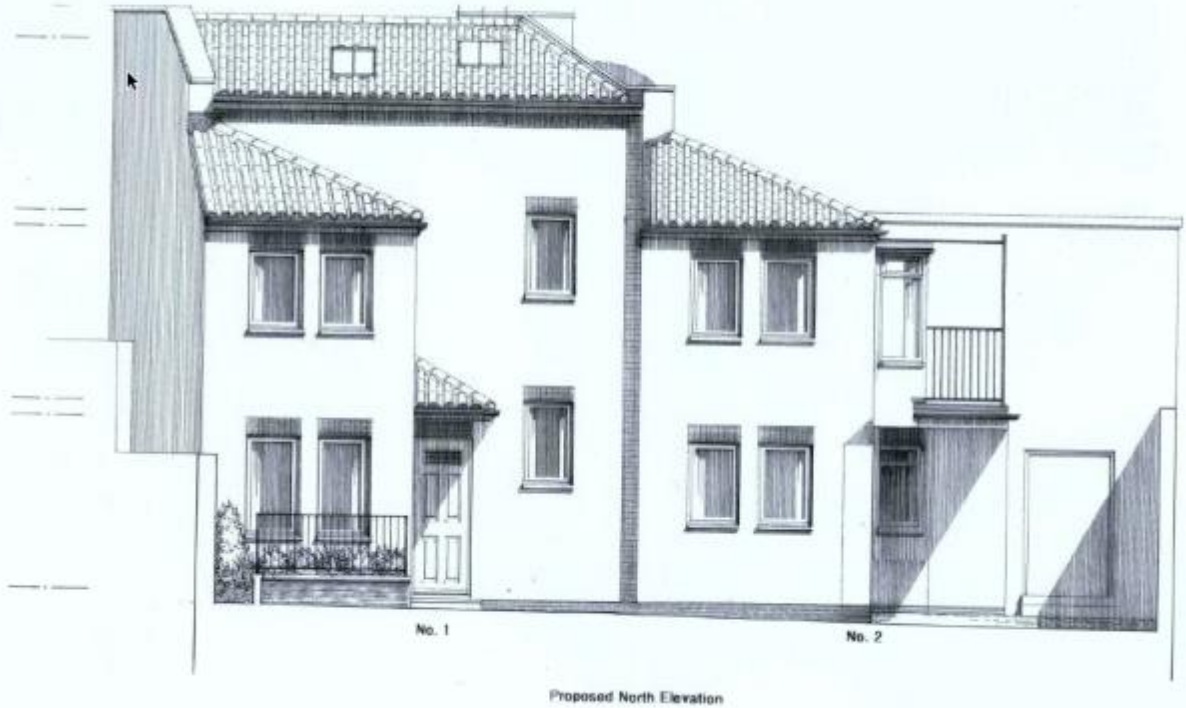
Proposed second floor plan



Existing North/Front elevation



Proposed North/front elevation





**DRAFT DECISION LETTER**

**Address:** 1 Romney Mews, London, W1U 5DT,

**Proposal:** Erection of a single storey roof extension to create a new second floor level with a terrace and an extension at first floor level all in association with the residential use of the property.

**Reference:** 16/04218/FULL

**Plan Nos:** 812/P/01A, 812/P/02, 812/P/03, 812/P/04, 812/P/05, 812/P/06, 812/P/07A, 812/P/08A, 812/P/09A, 812/P/10

**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 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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 3 You must not put structures such as canopies, fences, loggias or trellises on the flat roof.

Reason:

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

- 4 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)

- 5 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

6. The glass that you put on the second floor terrace must not be clear glass as detailed on Drawing. 812/P/08A . You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

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

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

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

Item No.
<b>5</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 26 July 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>Basement And Ground Floor, 63 Margaret Street, London, W1W 8SW,</b>		
<b>Proposal</b>	Use of the basement and ground floors as a retail shop (Use Class A1).		
<b>Agent</b>	Clifford Rance Associates		
<b>On behalf of</b>	Margaret Howell Ltd and The Berloni Gallery		
<b>Registered Number</b>	16/03467/FULL	<b>Date amended/ completed</b>	18 April 2016
<b>Date Application Received</b>	15 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	East Marylebone		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY

No. 63 Margaret Street is an unlisted building located approximately 50 metres east of the junction of Great Portland Street and Margaret Street within the East Marylebone Conservation Area, the Core Central Activities Zone (CAZ) and the East Marylebone Special Policy Area.

The building comprises basement, ground and five upper floors, and this application relates to the ground and basement unit.

At present the ground and basement floor are vacant however the lawful use is as a wholesale showroom (sui generis). However, it appears that the basement and ground floor have been used as an art gallery for some time. The upper floors are believed to be in office use.

This application seeks permission for the change of use of the existing basement and ground floor showroom to a retail unit (Class A1).

The key issue in this case is:

\* The loss of the showroom floorspace within the designated East Marylebone Special Policy Area which seeks to protect wholesale showroom uses.

Policies COM12 of the Unitary Development Plan (UDP) and S2 of the City Plan seek to protect wholesale showroom uses within the East Marylebone Special Policy Area. As the proposal would result in the loss of the wholesale showroom use which has not been marketed for 18 months, it deviates from this policy.

Although the current East Marylebone Special Policy Area is still in force, the deletion of the Special Policy Area as a formal policy change is at an advanced stage having been through public consultation and has been submitted to the Secretary of State for approval. It can therefore be given some, though not full, weight and the current expectation is that the deletion of the Special Policy Area will be ratified.

In these circumstances, the peripheral location of the site within the Special Policy Area, it is considered acceptable on land use grounds.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

### HIGHWAYS PLANNING - DEVELOPMENT PLANNING

No objection subject to condition.

### CLEANSING - DEVELOPMENT PLANNING

No objection subject to condition.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 69

Total No. of replies: 0

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted building located within the East Marylebone Conservation Area and the Core Central Activities Zone. The property is also located within the East Marylebone Special Policy Area (EMSPA) as defined by both the UDP and the City Plan.

The lawful use of the basement and ground floor levels is as a wholesale showroom (sui generis). It would appear that the property has been vacant for a number of years and has been used as an art gallery (Class A1). The upper floors of the property are in use as office accommodation.

Margaret Street is characterised by commercial uses at ground floor level with residential and office uses on the upper floors. The property is located on the south side of a section of Margaret Street located approximately 50 metres east of the junction of Great Portland Street and Margaret Street.

### 6.2 Recent Relevant History

No relevant history

## 7. THE PROPOSAL

Permission is sought for the change of use of the ground and basement floor levels from the current wholesale showroom (sui generis) use to retail accommodation (Class A1) to accommodate a contemporary high end clothing company, to sell their own unique designs.

## 8. DETAILED CONSIDERATIONS

## 8.1 Land Use

### Loss of showroom use

The lawful use of the basement and ground floor is as a wholesale showroom. It is unknown when the premises was last used as a wholesale showroom. The applicant has confirmed that the premises were in use as an art gallery before it becoming vacant in January 2016. The premises have been marketed as a gallery (not a wholesale showroom) since November 2015 without success.

The unit is located within the EMSPA where UDP Policy COM12 is applicable. The EMSPA has been designated to protect the wholesale showrooms in the area which have created a 'marketplace for the exchange of goods manufactured and sold all over the world'. COM12 Part A states that 'planning permission which would result in the loss of wholesale showrooms in the EMSPA at ground floor and basement levels will not normally be granted'.

Paragraph 2.86 of the UDP states the following:

'In East Marylebone, and to a lesser degree elsewhere in the City, showrooms are important uses which contribute to the character and function of the surrounding area. The City Council has defined a core showroom area, the East Marylebone Special Policy Area. This area contains the main concentration of wholesale showrooms in Westminster; most of these showrooms are associated with the fashion industry. The protective Policy COM 12 (A) will apply within this area.'

This policy was in put in place to ensure the viability of East Marylebone as a prestigious wholesale area was retained.

Although the current EMSPA is still in force, the deletion of this SPA as a formal policy change is at an advanced stage, having been through public consultation it has now been submitted to the Secretary of State for approval. It can therefore be given some, though not full weight. The current expectation is that the deletion of the EMSPA will be ratified.

The Council has proposed the deletion of the EMSPA as it is considered that the number of remaining wholesale showrooms has reduced to a level which no longer supports the area as strategically important location for wholesale showrooms. It is also considered that the policy to protect wholesale showrooms may be resulting in under investment in premises.

To comply with current policy, long-term vacancy is considered to be marketing of a vacant unit for a minimum period of 18 months. It must be demonstrated that the unit has been 'marketed widely and thoroughly on terms that are no more onerous than market conditions in the locality'. The premises have been marketed since November 2015 for gallery use, not for wholesale showroom purposes. As the special policy area is due to be deleted it is considered that it would be counterintuitive to insist that the property is marketed as a wholesale showroom for 18 months and on this basis the loss of the wholesale showroom loss is acceptable.

### Introduction of Retail Use



Policy S6 of the City Plan states, with regard to the Core CAZ that 'retail use is encouraged throughout the area'. The UDP is also supportive of retail floorspace increases within the Core CAZ. In principle, the increase in retail accommodation is therefore considered acceptable.

## **8.2 Townscape and Design**

The application does not propose any alterations to the external appearance of the property.

## **8.3 Residential Amenity**

It is not considered that the proposal would result in any material amenity implications.

## **8.4 Transportation/Parking**

The existing unit is serviced from the street with deliveries directly from Margaret Street. It is not considered that the proposed change of use from wholesale showroom to a retail unit would result in a significant change to the servicing requirements of the premises.

The Highways Planning Manager has requested the addition of a condition requiring the submission of amended drawings to show the provision of two cycle parking space within the demise of the proposed retail unit. As the proposal relates to a very small unit, it is not considered necessary in this instance to require the provision of two cycle parking space within the demise of the property.

## **8.5 Economic Considerations**

Any economic benefits generated are welcomed.

## **8.6 Access**

The application does not involve any alterations to the access arrangements to the property. The unit currently appears to have level access from street level to the ground floor.

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

### **Refuse /Recycling**

The applicant has stated that refuse, glass and recycling will be stored internally within the building to the rear; however, this has not been illustrated on the submitted drawings. As such, a drawing showing the location where waste will be permanently stored for the lifetime of the operation of the retail unit will be secured by a condition, ensuring that waste will not be stored on the public highway

## **8.8 London Plan**

This application raises no strategic issues.

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

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

The proposal is of an insufficient scale to require an environmental assessment.

## **9. BACKGROUND PAPERS**

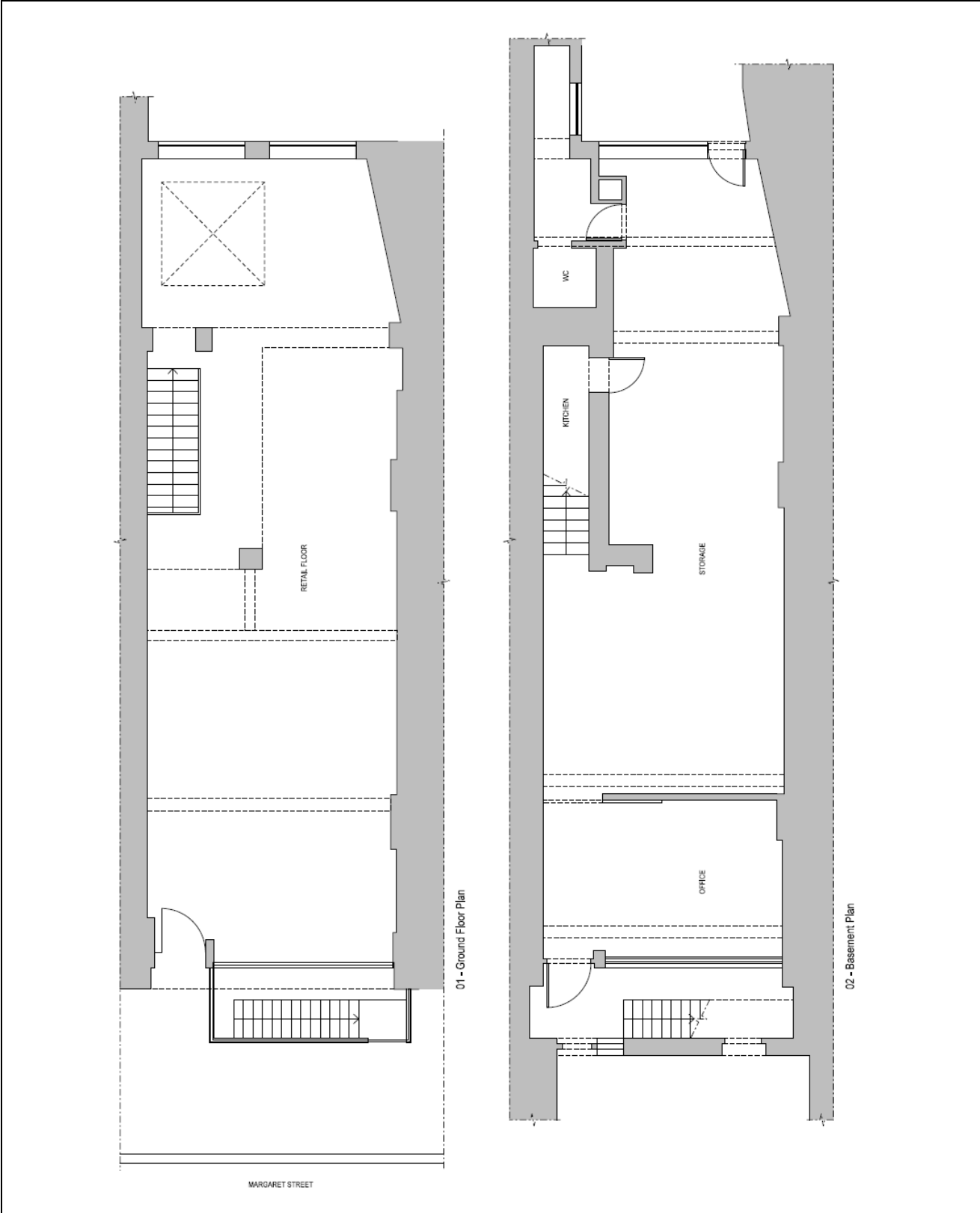
1. Application form
2. Memorandum from Cleansing dated 27 April 2016
3. Memorandum from Highways Planning Manager dated 21 April 2016

### **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 HELEN MACKENZIE BY EMAIL AT [hmackenzie@westminster.gov.uk](mailto:hmackenzie@westminster.gov.uk)

10. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** Basement And Ground Floor, 63 Margaret Street, London, W1W 8SW,  
**Proposal:** Use of the basement and ground floors as a retail shop (Use Class A1).  
**Reference:** 16/03467/FULL  
**Plan Nos:** Drawing 703.36: 01.10

**Case Officer:** Damian Lavelle

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

**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 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the retail accommodation hereby approved shall not be used for food/supermarket purposes

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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

Reason:

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

**Informative(s):**

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

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

- 2 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 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)

- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

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

Item No.
<b>5</b>