



City of Westminster

Committee Agenda

Title:

Planning Applications Committee (5)

Meeting Date:

Tuesday 4th October, 2016

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Richard Beddoe (Chairman)
Iain Bott
Gotz Mohindra
Tim Roca



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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTERESTS

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision.

Schedule of Applications

- | | |
|--|--------------------------|
| 1. CLAREWOOD COURT, 86 SEYMOUR PLACE, LONDON, W1H 2NG | (Pages 5 - 28) |
| 2. AMALCO HOUSE, 26 - 28 BROADWICK STREET, LONDON, W1F 8JB | (Pages 29 - 70) |
| 3. FIRST FLOOR AND SECOND FLOOR MAISONETTE, 6 MORETON TERRACE, LONDON, SW1V 2NX | (Pages 71 - 90) |
| 4. 32-34 BLOMFIELD VILLAS, LONDON, W2 6NQ | (Pages 91 - 106) |
| 5. 20-22 BLOMFIELD VILLAS, LONDON, W2 6NH | (Pages 107 - 122) |
| 6. 16-18 BLOMFIELD VILLAS, LONDON, W2 6NH | (Pages 123 - 138) |
| 7. 12-14 BLOMFIELD VILLAS, LONDON, W2 6NH | (Pages 139 - 154) |

8. 13 ABERCORN PLACE, LONDON, NW8 9EA

(Pages 155 -
172)

Charlie Parker
Chief Executive
26 September 2016

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 4th October 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<p>RN NO(s) : 16/00173/FULL</p> <p>Bryanston And Dorset Square</p>	<p>Clarewood Court 86 Seymour Place London W1H 2NG</p>	<p>Erection of a single storey roof extension to rear block to provide two residential units (Class C3) with roof terraces and associated screening. Extension of existing chimney stacks and provision of cycle parking at basement level.</p>	
<p>Recommendation Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Applicant
2.	<p>RN NO(s) : 16/06171/FULL 16/07880/FULL 16/06172/FULL 16/06300/TCH</p> <p>West End</p>	<p>Amalco House 26 - 28 Broadwick Street London W1F 8JB</p>	<p>Application 1: Use of part of the ground floor and basement as a restaurant (Unit 2) as an extension to an approved restaurant (Unit 3) (Class A3).</p> <p>Application 2: Variation of conditions 4 and 31 of planning permission dated 07 October 2015 (RN: 14/12703/FULL) for an application which itself varied conditions 1 and 16. NAMELY, to allow the use of Unit 2 at basement level and ground floor level for Class A3 purposes in connection with Unit 3 and altering the location of the restaurant lobby area.</p> <p>Application 3: Installation of a partly openable shopfront to Unit 3 and alterations to the shopfront at Unit 2 including the installation of a retractable awning.</p> <p>Application 4: Use of an area of the public highway measuring 13.075m x 2.66m for the placing of 12 tables and 36 chairs for use in connection with the adjacent restaurant premises.</p>	
<p>Recommendation</p> <p>Application 1 Grant conditional permission</p> <p>Application 2 1. Grant conditional permission, subject to a deed of variation to the original S106 dated 6 August 2014 (which was also subject to a deed of variation dated 7 October 2014) to ensure that all the previous planning benefits are secured.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 4th October 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>(b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefit which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>Application 3 Grant conditional permission</p> <p>Application 4 Grant conditional permission</p>			
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Item No	References	Site Address	Proposal	Applicant
3.	<p>RN NO(s) : 16/06491/FULL</p> <p>Tachbrook</p>	<p>First Floor And Second Floor Maisonette 6 Moreton Terrace London SW1V 2NX</p>	Erection of a single storey mansard extension.	
<p>Recommendation Refuse permission - design grounds</p>				

Item No	References	Site Address	Proposal	Applicant
4.	<p>RN NO(s) : 16/05511/COFU L</p> <p>Westbourne</p>	<p>32-34 Blomfield Villas London W2 6NQ</p>	Use of basement as three bedroom flat (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railings around lightwell to rear elevation.	
<p>Recommendation Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.</p>				

Item No	References	Site Address	Proposal	Applicant
5.	<p>RN NO(s) : 16/05510/COFU L</p> <p>Westbourne</p>	<p>20-22 Blomfield Villas London W2 6NH</p>	Use of basement as three bedroom flat (Class C3), alterations including installation of windows to the front, side and rear elevations and installation of stair within front lightwell.	
<p>Recommendation Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.</p>				

Item No	References	Site Address	Proposal	Applicant
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CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 4th October 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

6.	RN NO(s) : 16/05490/COFU L Westbourne	16-18 Blomfield Villas London W2 6NH	Use of basement as three bedroom flat (Class C3), installation of windows to the front and rear elevations and installation of stair within front lightwell.	
Recommendation Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.				
Item No	References	Site Address	Proposal	Applicant
7.	RN NO(s) : 16/05489/COFU L Westbourne	12-14 Blomfield Villas London W2 6NH	Use of basement as three bedroom flat (Class C3), installation of windows to the front and rear elevations and installation of stair within front lightwell.	
Recommendation Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.				
Item No	References	Site Address	Proposal	Applicant
8.	RN NO(s) : 16/07884/FULL Abbey Road	13 Abercorn Place London NW8 9EA	Excavation of basement extension below footprint of existing property with new lightwells to the front and rear.	
Recommendation Grant conditional permission.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Clarewood Court, 86 Seymour Place, London, W1H 2NG		
Proposal	Erection of a single storey roof extension to rear block to provide two residential units (Class C3) with roof terraces and associated screening. Extension of existing chimney stacks and provision of cycle parking at basement level.		
Agent	GL Hearn		
On behalf of	First Penthouse Ltd		
Registered Number	16/00173/FULL	Date amended/ completed	14 January 2016
Date Application Received	11 January 2016		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Clarewood Court comprises an unlisted building located within the Portman Estate Conservation Area and the Central Activities Zone (but located outside of the Core CAZ). The building is in use as commercial units at ground floor levels and residential flats above and has frontages on Seymour Place and Crawford Street. The residential block comprises two elements, the front part which extends to seven floors and the rear block which comprises six floors. The two blocks are connected by rear stairwells.

Permission is sought to erect a mansard roof extension above the flat roof in the rear block for use as two flats (Class C3). Two terraces on the southern and eastern parts of this roof are proposed to provide outdoor amenity spaces for these flats.

The key issues for consideration are:

* Whether the proposed roof extension will preserve or enhance the character and appearance of the

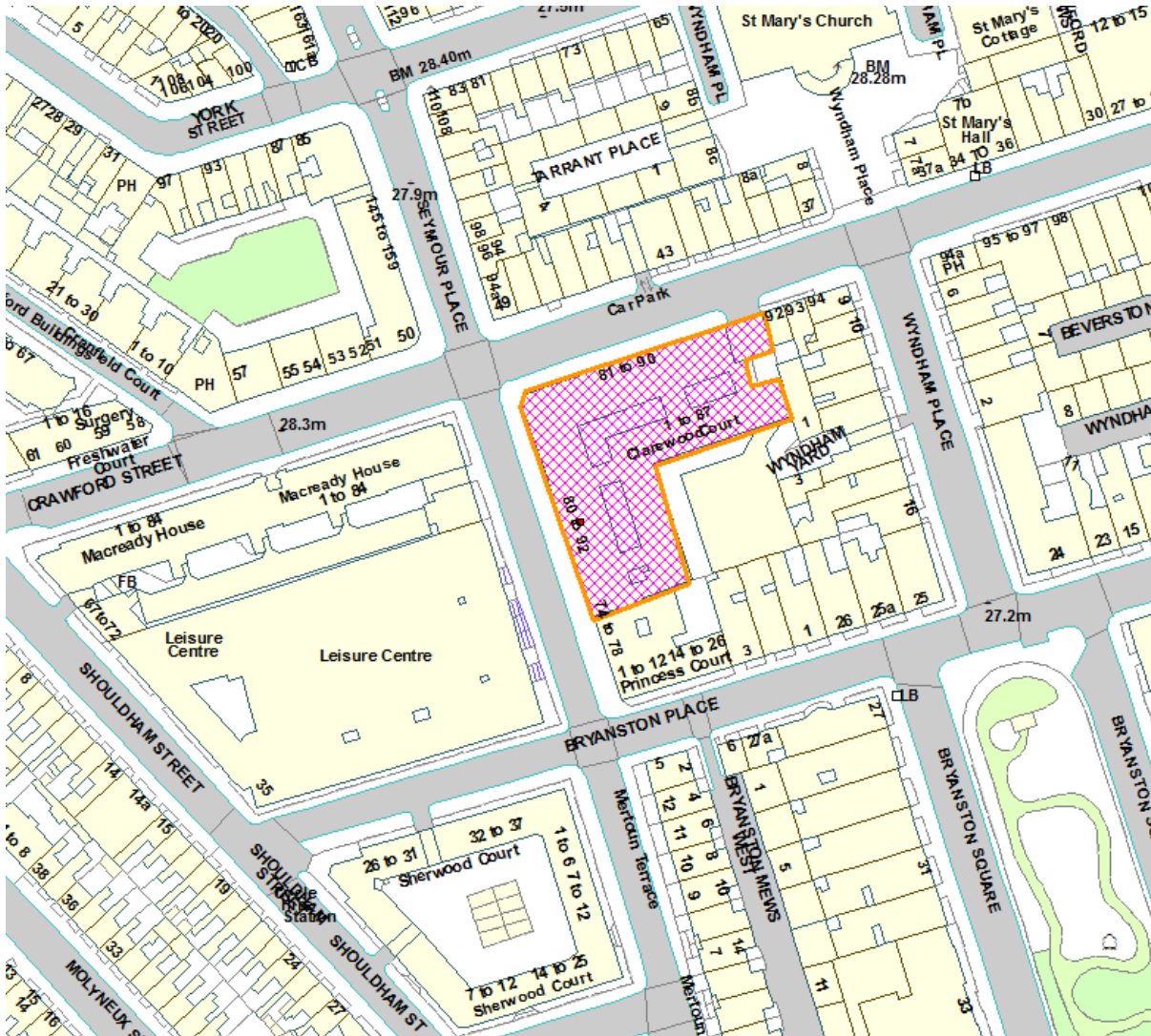
Portman Estate Conservation Area.

* Whether the amenity of the occupants of adjoining residential properties will be unacceptable harmed by the proposed development from losses of daylight, sunlight, outlook or privacy,

* Whether the increase in residential units will give rise to unacceptable impacts on on-street car parking stress.

The proposal is considered acceptable and complies 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



Rear block

5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Objection to the proposal on the ground that the loss of daylight and sunlight to neighbouring residential properties are significant and the benefit of the proposal does not outweigh this harm.

HIGHWAYS PLANNING

Refuse on the ground that the increase to the number of residential units will add to on-street car parking pressure.

CLEANSING

No objection but requests that amended plans are submitted specifying the storage capacity for the waste and clearly marking the different types of waste stores.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 445

Total No. of replies: 27

No. of objections: 23

No. in support: 4

Letters of objection on the following grounds:

Land Use

- Increase in the density of Clarewood Court which is already in a crowded area.

Amenity

- Loss of daylight and sunlight.
- Overlooking.
- Noise from the proposed flats and terraces.

Design and Conservation

- The failure to use matching building materials and the pre-fabricated nature of the construction is not in keeping with the host building.
- Requests that the design of the privacy screens be more imaginative and not be black.

Other

- Increased pressure on the facilities within Clarewood Court.
- Requests that a roof top garden accessible to existing residents of the existing building be provided as compensation.
- Harm to the structure of building.
- Disruption during the course of construction.
- Insufficient consultation.
- No detail on how the new flats will be provided with water, heating and sewerage and what implications this might have for the existing residents of Clarewood Court.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Clarewood Court is a large unlisted part six, part seven storey building with commercial units located at ground floor level and residential flats on the upper floors. The building sits at the junction between Seymour Place and Crawford Street and consists of two, L-shaped blocks which are separated by lightwells but joined at points by stair / lift cores.

The building is within the Portman Estate Conservation Area and is located within the Central Activities Zone (but outside the Core CAZ).

6.2 Recent Relevant History

None of relevance.

7. THE PROPOSAL

It is proposed to erect a single storey roof extension to the south-eastern part of Clarewood Court so that the rear element is the same height as the front parapet of the existing mansard facing Seymour Place and Crawford Street. The outer face of the proposed mansard is proposed to be a pitched roof clad in slate. The inner face is proposed to be largely set in from the edge of this part of the roof by 1.5m and clad in white render.

The roof extension is proposed to accommodate a two-bedroom flat (169 sqm GIA) on the western part of the building and a three-bedroom flat (229 sqm GIA) on the northern part of the building. Each flat is proposed to have outdoor amenity space in the form of a terrace.

Also proposed is the extension of existing chimney stacks and provision of cycle parking at basement level. Four cycle parking space spaces are proposed for the two new flats and 28 additional cycle parking spaces are proposed for communal use by other residents of Clarewood Court.

There are currently two satellite dishes on this part of the roof of the building. These are proposed to be relocated to the lower roof of the existing lift overruns.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Like much of Marylebone and Fitzrovia, the area surrounding the site is predominately residential in character. In this context, the provision of additional residential units is welcome, in accordance with City Plan Policy S14 and UDP Policy H3. One of the two units is 'family-sized' (i.e. contains at least three bedrooms) which exceeds the normal requirement within UDP Policy H5 and will play a role in meeting the City's housing needs, in accordance with City Plan Policy S15.

At 169 sqm (GIA) and 229 sqm (GIA), the units are large when compared to the minimum size standards for such flats within the London Plan (March 2016) (70 sqm GIA and 95 sqm GIA, respectively). City Plan Policy S14 requires the number of residential units on development sites to be optimised, with the supporting text stating that this applies to larger development sites and this should take into account other policies and objectives. It is considered that, when Clarewood Court is taken as a whole, it provides an appropriate mix of units in terms of size. The addition of two large units on the site will cater for a particular housing need. This, combined with the site not being a 'larger development site', means that the proposal is considered to optimise the site's potential. As such, the proposal is considered to comply with City Plan Policies S14 and S15.

As set out above, the two proposed flats easily exceed the minimum internal space standards. Combined with being dual aspect and having good quality light levels and outlook, this means that the proposed flats provide a good standard of residential accommodation.

The increase in residential floorspace falls well short of the 1,000 sq.m (GEA) threshold within City Plan Policy S16 above which the provision of affordable housing is required.

8.2 Townscape and Design

Clarewood Court is identified within the Portman Estate Conservation Area Audit (2003) as a building where roof extensions are unlikely to be considered acceptable. However, there is no objection to adding a roof extension to the rear part of Clarewood Court so that it matches the height of the parapet of the existing mansard to the front part of the building.

The proposed roof extension's traditional form, detailing and materials would replicate the existing mansard to the front of the building. The window / door pattern relates sensitively to the fenestration below. Whilst the mansard roof slope is slightly steeper than the City Council's guidance normally permits, it matches the roofslope of the mansard on the publically visible elements of Clarewood Court. In this instance this element is considered to be acceptable. Like the rear face of the existing mansard roof, a sheer elevation to the internal courtyard is proposed. This is acceptable in design and conservation terms.

The applicant has indicated that the proposed roof extension will be fabricated off-site and lifted into position by crane. Concerns have been raised by neighbouring residents that such a means of construction will mean that the roof extension will not be in keeping with the host building. Whether the roof extension is constructed in situ or off-site, conditions requiring the materials used to match those on the host building and requiring the slates used to clad the mansard roof in natural blue-grey slate will ensure that the roof extension's appearance is consistent with the host building.

Given the above, it is concluded that the proposal would preserve the character and appearance of the Portman Estate Conservation Area.

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

Objections have been received on daylight / sunlight overlooking and noise grounds.

Daylight / Sunlight

The applicant has submitted a Daylight and Sunlight Report assessing the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential properties.

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. Where layouts are known, the 'no sky line' (NSL) can be calculated. The NSL is the point on the working plane within the affected room between where can and where cannot see the sky.

The BRE guidelines seek mainly to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as habitable rooms). Bedrooms and kitchens (not kitchen / diners) should be analysed but are protected to a lesser extent.

Within Clarewood Court, there are a number of fire escape walkways and staircases that already block daylight received by neighbouring flats. In order to assess whether it is the presence of these obstructions or the size and closeness of the proposed roof extension that is the main factor in the relative losses of daylight for these flats, the applicant has provided an alternative daylight analysis without these obstructions in place. Such an approach is advocated within Para. 2.2.11 of the BRE Guide (2011).

The NSL within affected rooms has been calculated based on reasonable assumptions from information in the public domain about the layout of the affected flats.

All of the affected flats within Clarewood Court are dual aspect, with the main living rooms and larger bedrooms facing Crawford Street or Seymour Place. These relatively wide roads and the absence of any adjoining tall buildings means that the main living spaces within the affected flats have good levels of natural light and, in the case of the flats on the

western wing (with windows on Seymour Place) of Clarewood Court, good amounts of sunlight during the evenings (particularly in the summer months). The impact of the proposed development is therefore largely limited to small kitchens (not dining/habitable) and the second or third bedrooms. Whilst some of the neighbouring residents have pointed out that they currently use these rooms as studies, it is considered appropriate to treat them as bedrooms in following analysis as: (i) This is the intended and most common use of these rooms; and (ii) The City Council protects the long-term quality of residential units rather than the particularly way they may currently be used.

The daylight impact upon each of the main windows serving habitable rooms within Clarewood Court is summarised in Table 1 below:

	Window	Use	VSC				NSL			
			As existing (%)	As proposed	Percentage loss	Absolute loss (%)	Room	As existing proportion of room	As proposed proportion of room	Percentage loss
Fourth	W18	Kitchen	10.10	8.00	21%	2.10	R5	39%	30%	22%
	W19		9.02	7.15	21%	1.87				
Fifth	W14	Kitchen	16.53	12.68	23%	3.85	R4	79%	53%	33%
	W15		16.28	12.45	26%	3.83				
	W16		18.49	13.96	25%	4.53				
	W17		16.26	12.18	25%	4.08				
	W18	Kitchen	18.47	13.62	26%	4.85	R5	79%	51%	35%
	W19		16.51	12.17	26%	4.34				
	W48		Bedroom	4.13	2.24	22%				
	W51	Bedroom	3.52	2.74	22%	0.78	R15	80%	50%	38%
	W52		10.66	8.43	21%	2.23				
	W55	Kitchen	11.48	9.01	22%	2.47	R16	54%	34%	37%
	W56		9.62	7.61	21%	2.01				
W57	10.88		8.48	22%	2.40					
W14	Kitchen		27.86	21.04	24%	6.85				
W15		27.72	20.71	25%	7.01					
W16		30.21	22.86	24%	7.35					
W17	Kitchen	27.87	20.33	27%	7.54	R5	98%	88%	10%	
W45	Bedroom	23.91	18.24	24%	5.67	R13	99%	95%	4%	
W46		8.27	6.34	23%	1.93					
W47	Bedroom	17.13	13.12	23%	4.01	R14	95%	94%	1%	
W49	Bedroom	7.28	5.35	27%	1.93	R15	99%	98%	1%	
W50		21.16	15.49	27%	5.67					
W53		19.82	15.42	22%	4.40					
W54	Kitchen	16.11	12.54	22%	3.57	R16	93%	71%	24%	
W55		17.64	13.87	21%	3.77					

Table 1: Summary of windows that are predicted to lose VSC above the 20% threshold and the corresponding impact upon NSL within the rooms that these windows serve.

Due to the highly enclosed nature of the lightwell between the wings that make up Clarewood Court and the set back of the proposed roof extension, there will be no material loss of daylight to any of the flats at first, second and third floor levels. Indeed, because the proposed roof extension is largely set in 1.5m from the internal face of this part of Clarewood Court, it will not be visible from a number of flats on the lower floors of the building.

Fourth floor

The two windows that see reductions in VSC in excess of the 20% threshold both serve the same kitchen. Window 18 is the fanlight above the door and Window 19 is the main window. The impact upon the amenity of occupants of this flat is deemed to be acceptable as: (i) The affected room is a kitchen that is afforded less protection by the BRE Guide (2011); (ii) The losses in VSC to the two windows and the NSL of the room are only

marginally above the 20% threshold; (iii) The losses in VSC to the windows are very small in absolute terms; and (iv) The loss of NSL in this kitchen is only also only marginally above the 20% threshold.

Fifth floor

Whilst 12 windows will see reduction in VSC in excess of the 20% threshold, a number of these windows serve the same room. In total, five rooms are affected; all of which are bedrooms or kitchens. In the site's context in a highly built up environment, the impact upon the occupants of these flats is deemed to be acceptable as: (i) The affected rooms are kitchen and bedrooms that is afforded less protection by the BRE Guide (2011); (ii) The VSC losses are between 21% and 26% which is modest; and (iii) The losses in VSC to the windows are small in absolute terms and are therefore unlikely to materially affect the enjoyment of these rooms.

Sixth floor

Twelve windows will see reductions in VSC in excess of the 20% threshold, with maximum losses of 27%. A number of these rooms serve the same room meaning that in total six rooms are affected; all of which are bedrooms or kitchens. The rooms at this level have better quality light levels than the floors below and therefore the absolute losses in VSC are larger (although in most cases not significant). Five of the six rooms will see a NSL loss below the 20% threshold. This gives comfort that the light penetration with these rooms will not be materially harmed. The only room that will see a loss in NSL above the 20% threshold is a kitchen (Room 16). The losses in VSC to the three windows serving this kitchen are only fractionally above the 20% threshold at between 21% and 22%. Furthermore, the loss in NSL is 24% which is only just above the 20% threshold above which it will be noticeable. In the site's context in a highly built up environment, these modest losses in daylight are considered to be acceptable.

There are no breaches to other properties in the vicinity of the site.

Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested. This means that only the windows serving flats within the northern wing (on Crawford Street) of Clarewood Court need to be assessed. Again, all main living areas should be assessed but kitchens (not kitchen/diners) and bedrooms are of less importance.

As was the case in respect to daylight, the existing fire escape walkways and staircases block sunlight received by neighbouring flats. In order to assess whether it is the presence of these obstructions or the size and closeness of the proposed roof extension that is the main factor in the relative losses of sunlight for these flats, the applicant has provide an alternative sunlight analysis without these obstructions in place. Such an approach is advocated within Para. 3.2.9 of the BRE Guide (2011).

Of the 90 windows requiring assessment due to their southerly orientation, only six fail the tests set within the BRE Guide (2011).

Floor	Window	Use	APSH			Winter		
			Existing	Proposed	Loss	Winter	Proposed	Loss
Fourth	W42	Kitchen	22	17	23%	0	0	0%
Fifth	W23	Bedroom	24	19	21%	3	2	33%
	W52	Bedroom	18	11	39%	1	0	100%
	W57	Kitchen	24	19	21%	4	1	75%
Sixth	W46	Bedroom	30	23	23%	11	5	55%
	W49	Bedroom	28	20	29%	11	3	73%

Table 2: Summary of windows that are predicted to fail the sunlight test set out within the BRE Guide (2011).

Fourth floor

The glazed element of the entrance door (W42) is predicted to experience a loss in APSH of 23%. Not only is this loss only slightly above the 20% threshold set out within the BRE Guide (2011), this window is not the main source of sunlight to this kitchen. The main window (W44) is not predicted to see a material reduction in sunlight. As such, the sunlight levels to this kitchen will not be materially degraded.

Fifth floor

The losses in APSH to Window 23 (a bedroom) and Window 57 (a kitchen) are only fractionally above the 20% threshold set out within the BRE Guide (2011). This is not considered to be materially harmful in the context of the site's context in a dense urban environment. The loss in APSH to Window 52 is predicted to be larger (39%). However, this room is served by three windows in a canted bay. The two remaining windows within this bay are not materially affected and will retain reasonable levels of sunlight. As such, when taken as a whole, the sunlight to this room will not be materially harmed.

The losses in winter sunlight to these windows are so small in absolute terms that the losses will not be materially harmful. This is particularly the case in respect to the affected rooms which are all bedrooms and kitchens.

Sixth Floor

As these windows are further up the building, they currently receive good levels of APSH and sunlight during the winter months. Although the APSH are predicted to reduce by marginally above the 20% threshold, they will still retain reasonable levels of APSH and sunlight during the winter months for bedrooms in a dense urban environment. As such, the loss of sunlight to these windows is considered to be acceptable.

Sense of Enclosure

The set back of the proposed roof extension from the internal lightwell within Clarewood Court by 1.5m is considered to be sufficient to mean that the occupants of the affected kitchen / bedrooms will not feel not feel materially more enclosed than currently. This is

particularly the case given that the main living accommodation within the affected flats face Seymour Place and Crawford Street and will not be affected by the proposed development.

Privacy

The three narrow sections of flat roof facing the internal lightwell of Clarewood Court are required for refuse storage / fire escape. The applicant is not proposing these as roof terraces and has requested that a condition be imposed limiting their use for emergency escape and for refuse storage. Subject to such a condition being imposed, this element of the proposal is acceptable in terms of overlooking.

Overlooking from the roof terrace on the eastern part of the building will be adequately mitigated by a 1.8m high privacy screen that will prevent close and direct overlooking to the flats within Clarewood Court on the other side of the lightwell. The substantial distance between this terrace and the properties on the west side of Wyndham Place means that the privacy of these residential properties will be preserved.

The applicant has been amended during the course of its consideration to pull back the railings enclosing the terrace on the southern part of the building from the edge of the roof by 1.0m. This set back and the presence of planters on the inside of the railings will ensure that users of this terrace will only be able to see a small part of the existing terrace below. As such, the amenity of the occupants of this flat will be preserved.

Noise

The domestic nature of the proposed roof terraces means that they are unlikely to cause a material loss of amenity for adjoining residents.

8.4 Transportation/Parking

The Highways Planning Manager advises that the parking stress within the vicinity of the site is 62% during the night time and 80% during the day. UDP Policy TRANS 23 states that, in situations where new residential development could increase the stress levels to 80% or more during the day or night, the City Council will normally seek to resist development unless the potential impact of additional cars being parked on-street in the vicinity is mitigated.

It is considered that a condition requiring the applicant to submit appropriate arrangement to secure car club membership for each of the flats for a period of 25 years is sufficient mitigation in this instance to reduce the likelihood of the occupants of these flats owning a private car.

The proposed cycle storage in the basement of the building is acceptable and will be secured by condition.

8.5 Economic Considerations

Any economic benefits generated are welcomed.

8.6 Access

The existing access arrangement to Clarewood Court will remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

Refuse / Recycling

Despite the concerns of the Cleansing Manager, there is plenty of space that can be used for the storage of waste and recyclable material and this can be adequately deal with by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Condition 14 requires the applicant to submit appropriate arrangements to mitigate the impact of the residential development upon on-street parking demand in the area. This is likely to take the form of a unilateral undertaking under Section 106 of the Town and Country Planning Act (1990) (as amended) to provide Lifetime car club membership (minimum 25 years) with a Carplus operator.

The estimated Westminster CIL payment is £159,280 (index linked).

8.11 Environmental Impact Assessment

The development is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

A number of concerns have been raised to the proposal in respect to disruption during the course of construction. The concerns are noted, but planning permission cannot reasonably be withheld for these reasons.

Similarly, the impact upon the facilities within Clarewood Court and how the new flats will be provided with water, heating and sewerage cannot be controlled through planning. These are private matters between the existing occupants and the applicant.

9. BACKGROUND PAPERS

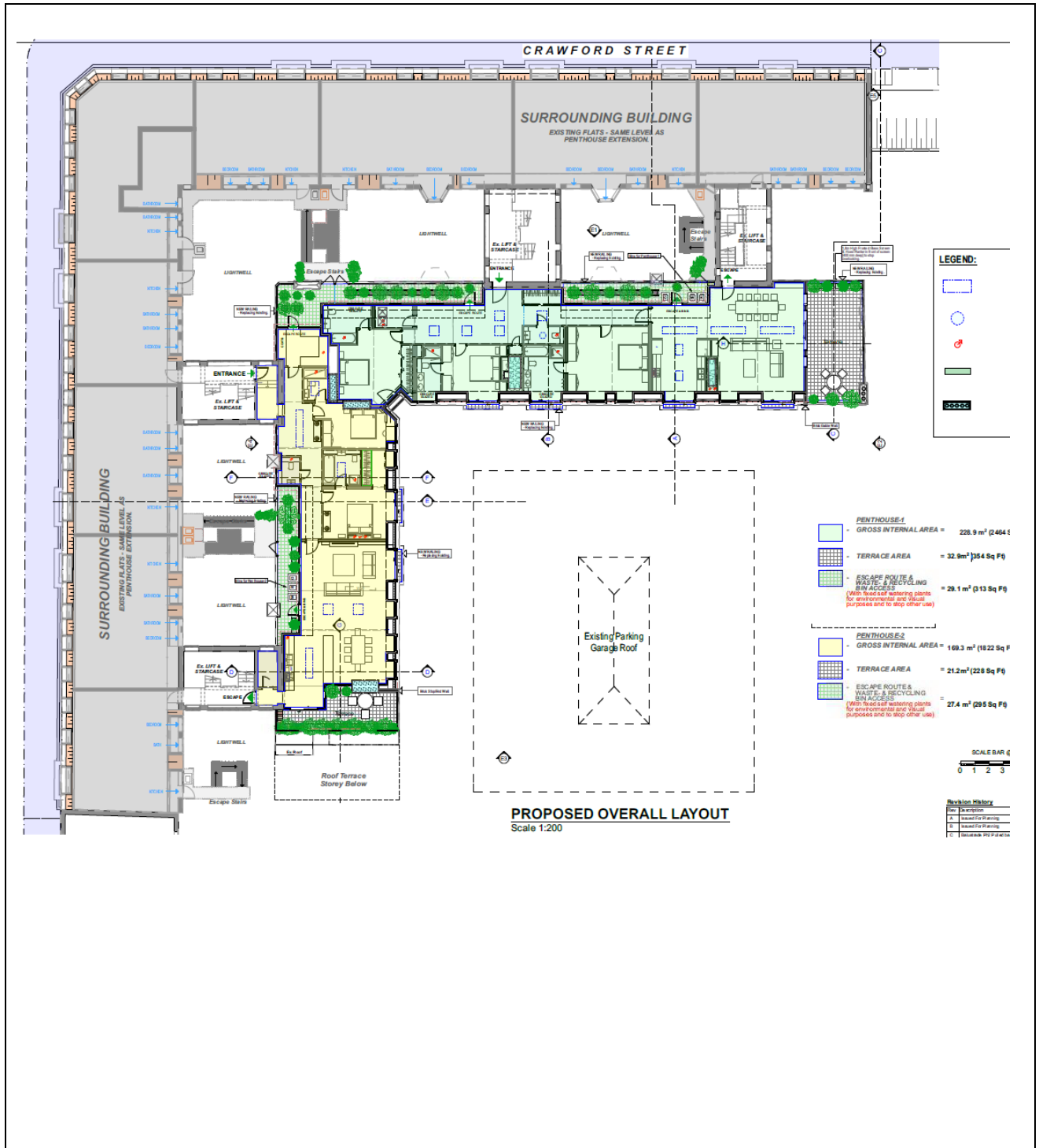
1. Application form
2. Letter from the Marylebone Association dated 29 February 2016
3. Memorandum from Highways Planning dated 26 January 2016.
4. Memorandum from Cleansing dated 27 January 2016.
5. Letter from occupier of 34 Clarewood Court, Seymour place, dated 31 January 2016
6. Letter from occupier of 41 Clarewood Court, 92A Seymour Place, dated 1 February 2016
7. Letter from occupier of Flat 84 Clarewood Court, 90 Crawford Street, dated 11 February 2016
8. Letter from occupier of 75 Clarewood Court, Crawford St, dated 1 February 2016
9. Letter from occupier of Flat 36 Clarewood Court, Seymour Place, dated 3 February 2016
10. Letter from occupier of Bryanston Place, 21 Princess court, dated 2 March 2016
11. Letter from occupier of 76 Clarewood Court, Crawford Street, dated 1 February 2016
12. Letter from occupier of Flat 58 Clarewood Court, Crawford Street, dated 2 February 2016
13. Letter from occupier of 37 Clarewood Court, 86 Seymour Place, dated 2 February 2016
14. Letter from occupier of 25 Clarewood Court, 86 Seymour Place, dated 3 February 2016
15. Letter from occupier of Flat 82 Clarewood Court, Crawford Street, dated 7 February 2016
16. Letter from occupier of Flat 3, 15 Wyndham Place, London, dated 8 February 2016
17. Letter from occupier of Flat 52, Clarewood Court, Seymour Place, dated 26 January 2016
18. Letter from occupier of 29 Clarewood Court, 86 Seymour Place, dated 1 February 2016
19. Letter from occupier of 61 Clarewood Court, Crawford Street, dated 1 February 2016
20. Letter from occupier of Flat 57 Clarewood Court, Crawford Street, dated 1 February 2016
21. Letter from occupier of 38 Clarewood court, 86 Seymour place, dated 2 February 2016
22. Letter from occupier of 5 Clarewood Court, London, dated 10 February 2016
23. Letter from occupier of Flat 68, Clarewood Court, Crawford Street, London, dated 29 January 2016
24. Letter from occupier of 71a Belsize Park Gardens, London, dated 30 January 2016
25. Letter from occupier of 76 Clarewood Court, Crawford Street, dated 31 January 2016
26. Letter from occupier of Flat 35 Clarewood Court, Seymour Place, dated 1 February 2016
27. Letter from occupier of Flat 62, Clarewood Court, Crawford Street, dated 2 February 2016
28. Letter from occupier of 9 Clarewood Court, 82 Seymour Place, dated 1 February 2016
29. Letter from occupier of 71 Clarewood Court, Crawford Street, dated 28 January 2016
30. Letter from occupier of 85 Clarewood Court, Crawford Street, dated 3 February 2016
31. Letter from occupier of 51 Clarewood Court, London, dated 2 February 2016

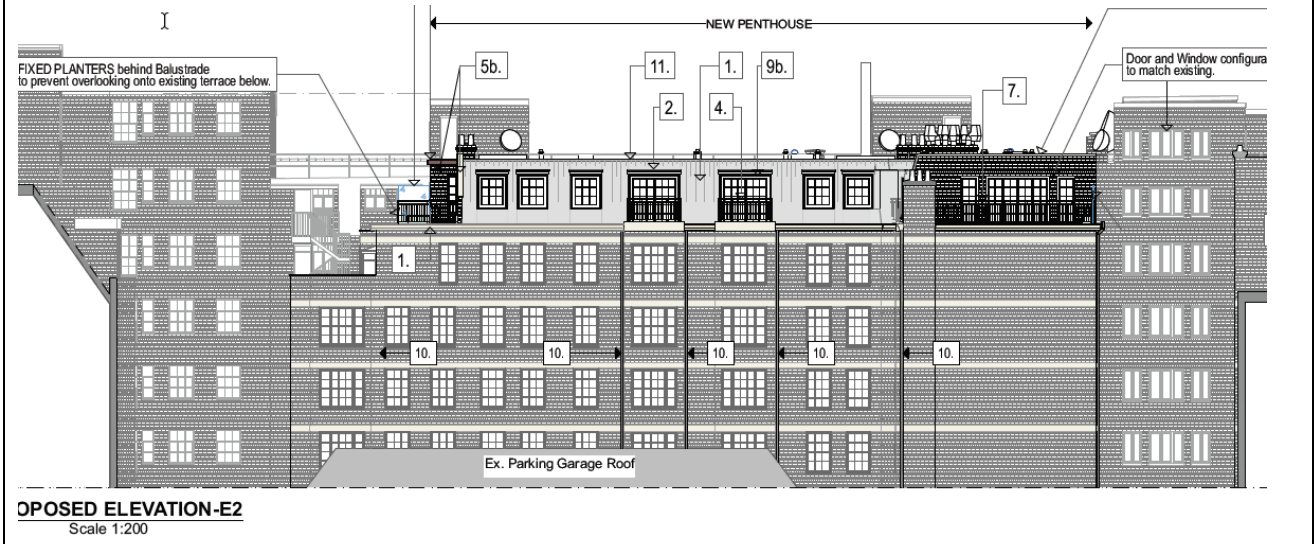
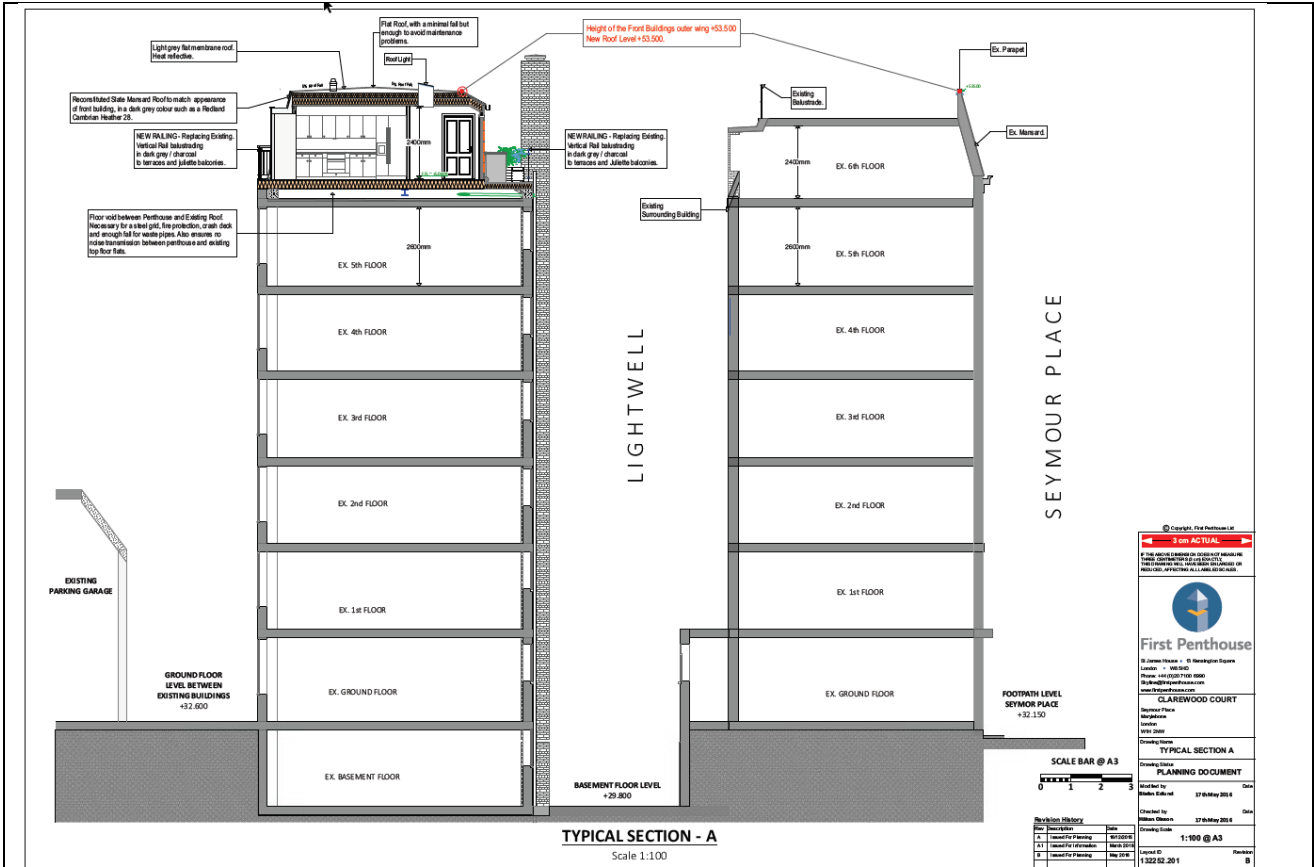
Selected relevant drawings

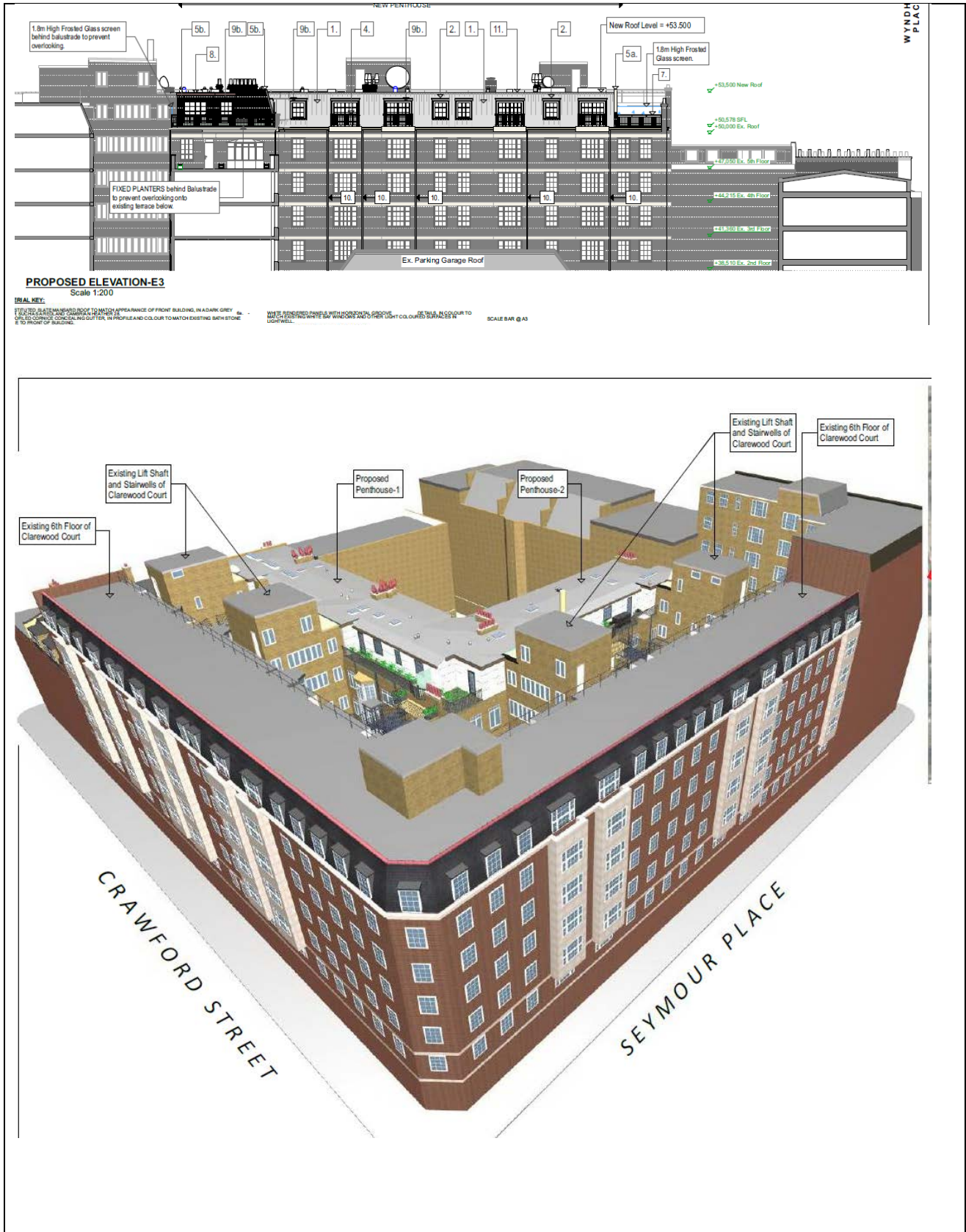
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10.KEY DRAWINGS









DRAFT DECISION LETTER

- Address:** Clarewood Court, 86 Seymour Place, London, W1H 2NG,
- Proposal:** Erection of a single storey roof extension to rear block to provide two residential units (Class C3) with roof terraces and associated screening. Extension of existing chimney stacks and provision of cycle parking at basement level.
- Reference:** 16/00173/FULL
- Plan Nos:** 132251.004 Rev. B, 101 Rev. C, 102 Rev. B, 111 Rev. B and 112 Rev. C; 132252.201 Rev. B, 202 Rev. B, 203 Rev. B, 204 Rev. B, 205 Rev. B, 206 Rev. B, 207 Rev. B and 208 Rev. B; 132253.301 Rev. B, 302 Rev. C, 303 Rev. C and 304 Rev. C; and 132254.401 Rev. B, 402 Rev. B and 405 Rev. C.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice

of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.
(C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

- 4 The slates to the mansard roof slope hereby approved shall be natural blue-grey slates.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

- 5 The three areas of flat roof not annotated as 'roof terraces' on the approved drawings shall be only used for refuse storage and to escape in an emergency. These areas of flat roof shall not be used as outdoor amenity space for the flats hereby approved.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 The privacy screens shown on the approved drawings shall be erected in full prior to the occupation of either of the flats hereby approved and shall be retained in situ. The glass that you put in these privacy screens must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on these privacy screens until we have approved the sample. You must then fit the type of glass we have approved and must not change it.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the

related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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

Reason:

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

- 9 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (July 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 13 You must provide the waste store shown on drawing 132251.101 Rev. C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the two flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 14 You must not occupy either of the residential flats hereby permitted until we have approved appropriate arrangements to secure the following:

- Means to mitigate the impact of the residential development upon on-street parking demand in the area

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To reduce the impact of the increase in residential units on on-street car parking stress, as required by Policy TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

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

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

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

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

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

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

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

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

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

- 4 Under Condition 14 we are likely to accept a unilateral undertaking under section 106 of the Town and County Planning Act to secure appropriate arrangements to mitigate the impact of the development upon on-street parking demand as set out in the email dated 22 September 2016 from Chris Benham (GL Hearn). This is likely to take the form of a unilateral undertaking to provide Lifetime car club membership (minimum 25 years) with a Carplus operator). Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 04 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Amalco House, 26 - 28 Broadwick Street, London, W1F 8JB,		
Proposal	<p>Application 1: Use of part of the ground floor and basement (Unit 2) as a restaurant as an extension to an approved restaurant (Class A3) (Unit 3)</p> <p>Application 2: Variation of condition 4 and 31 of planning permission dated 07 October 2015 (RN: 14/12703/FULL) for an application which itself varied conditions 1 and 16. NAMELY, to allow the use of Unit 2 at basement level and ground floor level for Class A3 purposes in connection with Unit 3 and altering the location of the restaurant lobby area. (Site includes 26-34 Broadwick Street and 10 Livonia Street)</p> <p>Application 3: Installation of a partly openable shopfront to Unit 3 and alterations to the shopfront at Unit 2 including the installation of a retractable awning.</p> <p>Application 4: Use of an area of the public highway measuring 13.075m x 2.66m for the placing of 12 tables and 36 chairs for use in connection with the adjacent restaurant premises.</p>		
Agent	<p>Applications 1-3: Bidwells LLP</p> <p>Application 4: Poppleston Allen Solicitors</p>		
On behalf of	Troia UK Restaurants Ltd (Subsidiary of Caprice Holdings Ltd)		
Registered Number	<p>Application 1: 16/06171/FULL</p> <p>Application 2: 16/07880/FULL</p> <p>Application 3: 16/06172/FULL</p> <p>Application 4: 16/06300/TCH</p>	Date amended/ completed	
Date Application Received	<p>Application 1: 1 July 2016</p> <p>Application 2: 17 August 2016</p> <p>Application 3: 1 July 2016</p> <p>Application 4: 05 July 2016</p>	<p>Application 1:</p> <p>Application 2:</p> <p>Application 3:</p> <p>Application 4:</p>	<p>1 July 2016</p> <p>17 August 2016</p> <p>1 July 2016</p> <p>05 July 2016</p>
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Application 1

Grant conditional permission

Application 2

1. Grant conditional permission, subject to a deed of variation to the original S106 dated 6 August 2014 (which was also subject to a deed of variation dated 7 October 2014) to ensure that all the previous planning benefits are secured.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

(b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefit which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Application 3

Grant conditional permission

Application 4

Grant conditional permission

2. SUMMARY

Amalco House has frontages on Broadwick Street, Poland Street and to the rear on Livonia Street. A new building is currently being constructed on-site as per planning permission granted in 2014 for demolition of all the buildings on-site and construction of a new building. The shell of the building is complete and the applicant advises the building is laid out as approved. The building is located within the Soho Conservation Area, the Core Central Activities Zone, the West End Stress Area and the West End Special Retail Policy Area

The original consent allowed a mix of retail, restaurant, light industrial and office uses. Condition 4 of that consent stated that the restaurant use could only cover an area up to 499sqm.

Four separate planning applications have been submitted in connection with the approved restaurant. Two of the applications are connected with the extension of the approved restaurant (Unit 3) into the

approved retail/office unit (Unit 2) over basement and ground floor levels. An application for tables and chairs has been submitted, plus an application for a partially openable shopfront (to Unit 3 only).

Application 1, relates to the use of the approved retail/office unit (Unit 2) for restaurant purposes as an extension to the approved restaurant at Unit 3. In connection with this application, a separate application (Application 2) has been submitted for the variation of Condition 4 and Condition 31 of the original consent. Condition 4 restricts the size of the restaurant floorspace to 499sqm, the proposed restaurant will cover an area up to 775sqm. Condition 31 requires the retention of the approved restaurant lobby within Unit 3. This is proposed to be moved to Unit 2 and therefore the condition is also required to be varied.

The main issues for consideration for both applications are:

- The loss of flexible retail/office floorspace; and
- The impact of the proposed larger restaurant on the amenity of neighbouring residential properties and the West End Stress Area.

The loss of the flexible retail/office use is considered acceptable. The principle of a restaurant in this location has been established with the previous consent for the site and is therefore considered to be in keeping with the mixed use character of Broadwick Street and this part of the Core CAZ. The larger restaurant along with the relocated lobby is considered acceptable and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

An application for shopfront alterations has been submitted (Application 3) and permission is sought for a partially openable shopfront to Unit 3. Alterations are proposed to Unit 2, and these include relocating the entrance door and the installation of retractable awnings are proposed above both units.

The main issues for consideration are:

- The detailed design of the proposed shopfront alterations and its impact on the surrounding conservation area.
- The impact of the partially openable shopfront on the amenity of neighbouring residential properties.

The hours which the openable parts of the shopfront can be opened will be restricted through condition to minimise the impact on residential amenity. On this basis it is considered that the shopfront is acceptable in amenity and design grounds and is recommended for approval.

Application 4 relates to the use of an area of the public highway measuring 13.075m x 2.66m for the placing of 12 tables and 36 chairs for use in connection with the adjacent restaurant premises between the hours of 08:00-23:00 daily

The main issues for consideration are:

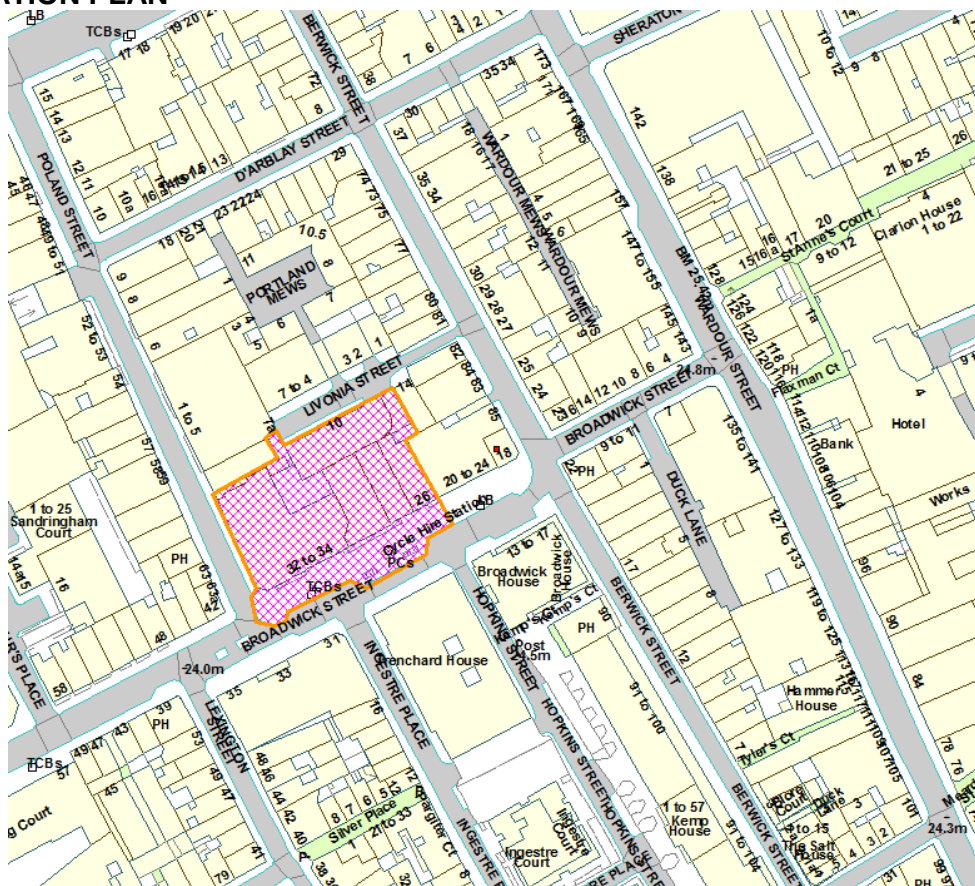
- The impact on pedestrian movement and highways safety; and
- The impact of the use of the tables and chairs on the amenity of neighbouring residential properties.

It is not considered that the number of potential customers outside as a result of this application would

result have a detrimental effect on the character of the street or cause nuisance to the neighbouring residential occupants subject to a condition ensuring a terminal hour of 23:00. Permission will only be granted for one year to allow the Council to monitor the impact of the proposal should it be implemented. Given the relatively large size of the existing and proposed A3 unit, it is considered that the relative proportion of tables and chairs to unit size is in line with other consents within Westminster.

The proposal is considered acceptable in highways and amenity terms and consequently recommended for approval for a temporary period of one year.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Application 1:

SOHO SOCIETY:

Objection on the following grounds:

- The proposal will create an A3 venue in excess of 500sqm which should only be acceptable under exceptional circumstances. No such circumstances have been offered by the applicant.
- The premises are within the West End Stress Area.

ENVIRONMENTAL HEALTH

No objection

HIGHWAYS

No objection

CLEANSING

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 121

Total No. of replies: 23

No. of objections: 12

No. in support: 11

Twelve letters of objection were received from residents in Broadwick Street, Hopkins Street, Silver Place residents located further away in Soho on D'Arblay Street, Marshall Street, Upper John Street, Stirling Court on some or all of the following grounds:

Amenity:

- Noise nuisance

Landuse:

- Saturation of entertainment uses in a stress area.
- Contrary to policy
- Restaurant is too large
- Loss of character of the area
- Cumulative impact

Highways:

- Impact of servicing and deliveries
- Increase in traffic

Other:

- Impact during construction
- Insufficient infrastructure for this size of restaurant

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2:

SOHO SOCIETY:

Objection on the following grounds:

- Reducing the mix of approved uses and therefore the mixed use nature of the site
- The creation of a large A3 unit is contrary to policy,
- Cumulative impact of the larger restaurant units and its impact on residential amenity.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 166

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 3:

SOHO SOCIETY:

Objection on the following grounds:

- A fully openable shopfront will create a visual void harming the appearance of the conservation area
- The design of the shopfront not suitable for Soho
- Openable shopfronts cause a loss of amenity for local residential properties

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80

No. of objections: 2 letters of objection received from residents in Broadwick Street and Silver Place on some or all of the following grounds:

Amenity

- Additional noise in the Stress Area
- Further loss of residential amenity

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 4:

SOHO SOCIETY:

Objection on the following grounds:

- Not commensurate with the scale of the consented A3 unit,
- will result in an intensification of tables and chairs on the pavement.

HIGHWAYS PLANNING MANAGER:

No objection.

CLEANSING MANAGER:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 15
Total No. of replies: 3
No. of objections: 2
No. in support: 1

Two letters of objection were received from residents in Broadwick Street and Silver Place on some or all of the following grounds:

Amenity

- Additional night time traffic and noise nuisance

Other

- Loss of the quiet character of the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located within the Soho Conservation Area, the Core Central Activities Zone, the West End Stress Area and the West End Special Retail Policy Area. The property is located on the northern side of Broadwick Street between Poland Street and Hopkins Street.

Planning permission granted in 2014 for demolition of the buildings and construction of a new building has been implemented. The shell of the building is complete and the applicant advises the building is laid out as approved. The approved uses at the site are a restaurant (Class A3), flexible retail/office (Class A1/B1) and office (Class B1). None of the uses approved have taken occupation of the building.

6.2 Recent Relevant History

Planning permission was granted on 06 August 2014 for the demolition of the existing buildings at 26-34 Broadwick Street and 10 Livonia Street and redevelopment to provide a new building rising to seven storeys with a basement and rooftop plantroom; dual / alternative use of part of the basement and ground floors as either retail (A1) or office (B1a) or light industrial (Class B1c) accommodation; restaurant (Class A3) at part ground floor level and office (Class B1a) accommodation at ground to sixth floor level. Creation of terraces and green roof areas at fourth, fifth, sixth and seventh floor levels; installation of plant within an enclosure and photovoltaic cells at seventh floor level; public realm improvements on the public highway and other associated works.

The above consent was varied 7 October 2015 to allow for physical changes to the development.

7. THE PROPOSALS

Four planning applications have been submitted in connection with Unit 2 and Unit 3 of the approved development. Applications 1 and 2 relate to an increase of restaurant floorspace over and above that granted permission in 2014 and 2015. The approved restaurant is located within Unit 3 and comprises a maximum floorspace of 499sqm. It is proposed to increase the amount of restaurant floorspace to a maximum of 775sqm through the use of Unit 2 (over basement and ground floor levels). As part of these proposals the approved lobby will be relocated to Unit 2.

Application 3 relates to the installation of openable windows above a fixed stallriser to Unit 3. Alterations are proposed to Unit 2 and retractable awnings are proposed above both shopfronts.

Application 4 seeks permission for the use of the public highway for the placing of 12 tables and 36 chairs in an area measuring 13.075m x 2.66m. The tables and chairs will be located outside Unit 3 and will be on the public highway from 08.00 – 23.00 daily.

The proposed operator of the restaurant is the Ivy Café, which is operated by Caprice Holdings and Troia Restaurants.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Flexible Retail/Office Floorspace

The original permission allowed the flexible use of Unit 2 for either retail (Class A1) or office (Class B1) purposes. Applications 1 and 2 will result in the loss of 294sqm of retail/office (Class A1/B1) floorspace following the amalgamation of Unit 2 with Unit 3. City Plan Policy S20 seeks to protect existing office (Class B1) floorpace. However, only when the office use is changing to residential use. The City Council does not have any policies to protect the loss of office floorspace when the new use is commercial. Therefore, if Unit 2 had been implemented as offices, the City Council could not resist its loss to restaurant use.

Had the unit been in use for retail purposes, the City Council would seek to resist its loss. City Plan Policy S7 seeks to protect all existing retail floorspace and Policy S21 Plan seeks to protect retail floorspace within the West End Special Retail Policy Area. The Soho Society has objected to the proposals for Application 2 stating that there will be a reduction in the mix of uses approved for the site.

Condition 10 of the 2014 and 2015 consents ensured that the development provided at least 258sqm of retail floorspace. This was the amount of retail floorspace on site before

the redevelopment of the buildings. The consented scheme only provides flexible retail/office floorspace (1333sqm) (there are no designated retail units), and it is important that the development provides at least the same amount of retail floorspace as previously on the site, hence the condition.

The loss of Unit 2 would still allow adequate flexible floorspace for Condition 10 to be complied with, therefore there will be no loss of retail floorspace. The proposed restaurant use will provide an active frontage and will serve visiting members of the public and will not provide a dead frontage. The objection from the Soho Society is not considered sustainable to justify a reason for refusal on these grounds.

In this instance, it is considered that the loss of the flexible retail/office floorspace is acceptable and complies with Policies S7, S20 and S21 of the City Plan.

Increase in Restaurant Floorspace

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ. City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances. Given the size of the development, it needs to be assessed against UDP Policy TACE 10.

City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The policy states that new large-scale late-night entertainment uses of over 500sqm will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The applicant has drawn the City Council's attention to their earlier proposals at 34 Grosvenor Square, where an appeal was allowed to extend a restaurant to over 500sqm and where the Inspector considered that application of the relevant planning policies should be dependent upon demonstrable harm, rather than being applied in a generalised manner. The applicant also draws attention to 46 Berkeley Square, another large entertainment use owned by the parent company of Troia Restaurants, where the policy approach established at 34 Grosvenor Square was accepted by the Council at Berkeley Square.

The principal of a restaurant is already established at this site as it was permitted in 2014 however, the approved restaurant use was assessed under TACE 9 due to the floorspace being below 499sqm. The Ivy Café is the likely operator of the enlarged restaurant space.

The applicant has provided the following details to allow a comparison of the key elements of the proposed restaurant compared to that which was previously permitted.

	Approved	Proposed
A3 floorspace (Ground and Basement)	458sqm (473sqm as built)	Up to 775sqm
Capacity	c.200	Range between 220-250 (234 shown on drawings plus 22 bar covers)
Opening hours	08:00 - 00:00	08:00 - 00:00
Refuse Storage	Within basement with service lift to ground floor servicing bay	Within basement with service lift to ground floor servicing bay
Servicing	Off street servicing bay from Livonia Street	Off street servicing bay from Livonia Street

The main kitchens will be located at basement level and the additional ground floor space within Unit 2 will provide for additional staff welfare space and some additional covers. While there is an increase in floorspace by 67% (up to 775sqm) this only translates to a maximum increase in covers of 25%, or 50 people. To ensure the premises does not cause nuisance for people in the area, a condition will be applied limiting the number of customers in the premises at any one time to a maximum of 250. The proposed opening hours are as approved being 08.00 – 00.00 (midnight).

The previous permissions were subject to a number of conditions relating to the operation of the approved restaurant. These conditions will be replicated within Application 2 and the applicant has confirmed that these conditions will be adhered to by restaurant operators.

Applications 1 and 2 have given rise to a number of strong objections on behalf of the Soho Society, neighbouring residents' flats on Broadwick Street, Hopkins Street and Silver Place and the wider Soho area. The objections raise concern predominantly (though not exclusively) on the potential impact of the proposals on residential amenity. They also cover grounds including that permitting this size use would be contrary to planning policy, the cumulative impact of allowing an enlarged restaurant and the impact this will have on the West End Stress Area.

Whilst sympathetic to the concerns raised, the principle of a restaurant has already been established at this location through the previous consents. Through that permission conditions were imposed to minimise the impact on local amenity. It is considered that with appropriate conditions that these concerns can be overcome and that the proposals will not have a material impact on the local environment.

Broadwick Street is considered to be a busy mixed use street, linking Wardour Street and Carnaby Street, with a range of uses including restaurants, public houses, retail units, residential units and office premises. This is consistent with its vitality, function and character of the core CAZ and the vibrancy of Soho. The objections received regarding the loss of character of the area cannot be upheld as the extension to the restaurant is considered to be in line with the areas character.

The applicants have submitted an Operational Management Plan (OMP) for the restaurant premises which demonstrates the applicants' commitment to operating the premises without causing disturbance to neighbouring residents and people in the area. This details measures which include having a doorman outside the premises to manage customers who are entering/leaving the restaurant as well as waiting cars and taxis.

The OMP states that the applicant has a number of other premises in Westminster and has emphasised that it has a good track record in managing these premises. There is no reason to believe that this restaurant would not be as well managed. In the event that the applicant does vacate the premises, a condition will require future occupiers to submit their own specific OMP.

Objections have been received on the grounds that the proposed larger restaurant will result in an oversaturation of entertainment uses in the West End Stress Area, leading to cumulative impact, therefore not complying with policy. It would be unreasonable to withhold permission on these grounds as the principle of a restaurant has only recently been permitted at this site and this proposal does not introduce a new entertainment use. For these reasons it is not considered that the proposal will lead to an oversaturation of entertainment uses in this area. The submitted OMP, along with track record of the applicant, is considered sufficient enough in this instance to allow the extension to the approved restaurant. The objections on the grounds of the proposal being contrary to policy and the restaurant being too large also cannot be upheld as Policies TACE 10 and S24 do allow large entertainment uses in exceptional circumstances.

8.2 Townscape and Design

Application 3 relates to the installation of a partially openable shopfront, above a fixed stallriser of Unit 3 and minor alterations to the shopfront of Unit 2. The shopfronts have been built and the alterations are now sought to suit the requirements of the incoming tenant. The scheme has been amended since its original submission to remove a fully openable shopfront and external lighting. An objection has been received from the Soho Society regarding the initial design of the shopfront, however, following the revisions these objections have been addressed.

The proposed shopfront alterations are acceptable in design and heritage asset terms and will suit the appearance of the building and surrounding Soho Conservation Area. This accords with UDP policies DES 5 and DES 9

One of the awnings (to Unit 3) has lettering and therefore is controlled by the advertisement regulations under the terms of which it would have deemed consent. A separate application for advertisement consent will need to be made by the applicant prior to the installation of any adverts. The awning (to Unit 2) does not display advertising and therefore requires planning permission. In either case, both the awnings suit the appearance of the building and are in keeping with the character and appearance of the conservation area. This accords with UDP policies DES 5 and DES 9.

There are no townscape and design concerns for applications 1, 2 or 4.

8.3 Residential Amenity

UDP Policy ENV13 aims to maintain and where possible improve the quality of life for residents, workers and visitors to Westminster. Policy S29 of the City Plan states that the council will resist proposals that result in an unacceptable material loss of residential amenity and development should aim to improve the residential environment.

There are a number of residential properties surrounding the application site but none in the application building itself. The closest are at Trenchard House, 19-25 Broadwick Street, directly opposite the site and contains a number of residential flats. There are also residential properties located at the northern end of Hopkins Street which is also opposite the application site.

The applications have all given rise to a series of objections on amenity grounds. Those which have not been addressed in section 8.1 (relating to the proposed use) are discussed below.

The approved entrance lobby in Unit 3 is proposed to be relocated under Applications 1 and 2. This will now be located within Unit 2, conditions are recommended to ensure its retention to ensure that nearby residential units are protected from noise outbreak.

Partially Openable Shopfront

Application 3 proposes the installation of a partially openable shopfront at unit 3. Openable shopfronts are discouraged by the City Council on the basis that internal noise can escape and cause nuisance for nearby residents as set out in Policy ENV 7 of the UDP.

Objections were received to this application from residents of 16 Broadwick Street, 1B Silver Place and The Soho Society on the grounds that the proposal would negatively impact residential amenity. The Soho Society requested that should the Council be minded to grant permission for this application, then appropriate conditions should be applied limiting the hours the shopfront is open and restricting the playing of live music within the premises. The playing of live music in such premises is controlled by licensing and not through planning. This part of the objection cannot be upheld.

It is considered appropriate and necessary to limit the time that the openable part of the shopfront can be opened so as to limit the impact on residential amenity. The applicant has not requested specific hours however; given the nature of the area it is considered that the hours of 08:00 - 22:00 on Monday - Friday and 09:00 - 21:00 on Sundays and public holidays would be appropriate and reasonable. This condition will also ensure that the double doors between the bi-fold windows are not left in an open position outside the permitted hours. The applicant has advised that these doors will not be used as an entrance to the restaurant and customers will only be able to enter/exit through the new entrance lobby in Unit 2. These hours are in line with other similar openable shopfronts in the Soho area. As a result, the objections on this application relating to loss of residential amenity cannot be upheld. Subject to condition, application 3 therefore complies with Policies ENV7 of the UDP and S29 of the Westminster City Plan.

Tables and Chairs on the Highway

Application 4 proposes the use of the public highways for the placing tables and chairs in connection with the restaurant. The Soho Society has objected to the proposal as they consider that the number of tables and chairs proposed is not commensurate with the scale of the consented A3 unit. Whilst the capacity of the external seating area has reduced to accommodate 36 customers to overcome initial highway concerns, given the relatively large size of the permitted and proposed unit, it is considered that the relative proportion of tables and chairs to unit size is in line with other consents within Westminster. As such, it is not considered that it is reasonable to refuse the application on this basis.

Two objections have been received from residents at Broadwick Street and Silver Place on the grounds that the presence of tables and chairs on the highways would *"fundamentally change the character of this rare, quiet area of Soho"* and cause increased noise nuisance for residents.

Broadwick Street is considered to be a busy mixed use street which is consistent with the vitality, function and character of the core CAZ. Some of the existing entertainment uses along Broadwick Street have planning permission for tables and chairs.

It is not considered that the number of potential customers outside as a result of this application would have a detrimental effect on the character of the street and cause a significant nuisance to the neighbouring residential occupants subject to a condition ensuring the furniture is removed by 23:00. As a result, the objections received against this application cannot be sustained. Permission will also only be granted for a temporary period of one year to allow the City Council to monitor the impact of the tables and chairs on surrounding residential premises. Should they be seen to cause a loss of amenity and complaints received, the City Council may withhold permission if an application is made for a new permission.

A letter of support has been received from the head of Property for Gascoyne Holdings Ltd who lease J Sheekey to the applicant (a restaurant located at 28 - 34 St. Martin's Court).

In light of the above, application 4 is therefore considered to comply with Policies ENV 5, ENV 6 and ENV 13 of the UDP and S29 of Westminster's City Plan.

Cumulative Impact

Both applications 3 and 4 could lead to a cumulative impact on residential amenity when implemented together. However, as both applications will be limited in the time periods they are allowed to operate (the openable shopfront being closed earlier to limit noise outbreak and stagger any impact), it is not considered reasonable to withhold permission for either application on these grounds.

8.4 Transportation/Parking

Highways/Serviceing/Waste

The applicant will have to comply with the approved servicing management plan for the building (Ref: 16/02569/ADULL) and has confirmed that deliveries will be received from the service bay accessed from Livonia Street.

The Highways Planning Manager and Highways Waste Manager have both assessed the application and raised no objection subject to conditions. The Highways Planning Manager welcomes that servicing will still take place from the servicing bay despite its slight reduction in size. Despite this it still serves as a functioning servicing bay. They have also stated that no delivery service should operate from the premises which can be secured through condition. The Highways Planning Manager has raised concern that the OMP, while welcomed, does lack a clear strategy for dealing with potential localised congestion as the doorman (identified as being in charge of managing traffic in the OMP) is unlikely to have the appropriate powers to direct motorists on the highway. This power is usually reserved for Police. Despite this, there is no objection raised to the OMP.

Objectors also raised concerns regarding the impact of servicing and deliveries and an increase in traffic. As a restaurant is already permitted at the site and due to the relatively small increase in covers, there is no requirement to increase the amount of servicing vehicles from the permitted scheme and therefore it is not considered that permitting the enlargement would result in a significant increase in traffic to the site. On this basis, the objections regarding increased traffic cannot be upheld.

Tables and Chairs on the Highway

The Highways Planning Manager has assessed application 4 and confirmed that the proposed layout is likely to comply with The Westminster Way (adopted November 2011).

The application drawing shows the footway proposed for tables and chairs to measure a total of 5.73m wide from the building line to the closest item of street furniture, an existing tree and tree pit. The area proposed for placing tables and chairs is 2.66m wide, leaving a pavement width of approximately 3.075m for pedestrian use. This measurement satisfies the City of Westminster's minimum requirement of 2m for a pedestrian clearway.

Appropriate conditions will be applied to permission granted requiring the furniture to only placed in the position as shown on the approved drawing so as to ensure the proposal does not block the pavement.

Application 4 is seen as acceptable in highways terms and complies with Policies TACE11 and TRANS 23 of the UDP, S41 of the City Plan and The Westminster Way (adopted November 2011).

8.5 Economic Considerations

Any economic benefits generated by the applications are welcomed.

8.6 Access

Not applicable

8.7 Other UDP/Westminster Policy Considerations

Not applicable

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

A deed of variation will be required for application 2 to ensure that the planning obligations previously secured through the permission granted on 06 August 2014 and 7 October 2015 are secured.

The proposals do not trigger CIL payments.

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues

Construction Impact

Objection was received on the grounds of the impact on nearby residents during construction. It would be unreasonable to withhold permission on these grounds especially as construction of the site was permitted under a different application and the shell of the building has largely been completed. Conditions restricting the hours of construction will be applied to applications 1 and 3 as these have the potential for minor construction work. On this basis, this element of the objections cannot be upheld.

9. BACKGROUND PAPERS

Application 1:

1. Application form
2. Responses from Soho Society, dated 29 July 2016 and 3 August 2016
3. Response from Environmental Health, dated 11 August 2016
4. Response from the Highways Planning Manager, dated 21 July 2016
5. Response from Cleansing, dated 22 July 2016
6. Letter from occupier of Apartment A, 3 Lowndes Court, dated 20 August 2016
7. Letter from occupier of Stirling Court, London, dated 29 July 2016
8. Letter from occupier of 13 Brewer street, London, dated 11 August 2016
9. Letter from occupier of 15 St James Residences, Brewer Street, Soho, dated 15 August 2016
10. Letter from occupier of 9.6 Stirling court, 3 Marshall St, dated 29 July 2016
11. Letter from occupier of Capco, 10 Bedford Street, dated 10 August 2016
12. Letter from occupier of Flat 2, 6 Upper John Street, dated 29 July 2016
13. Letter from occupier of Flat 2, 6 Upper John Street, dated 29 July 2016
14. Letter from occupier of 27-29 Berwick Street, London, dated 29 July 2016
15. Letter from occupier of The Soho Society, 55 Dean Street, Soho, dated 29 July 2016
16. Letter from occupier of 3 Marshall Street, London, dated 29 July 2016
17. Letter from occupier of 16 Broadwick Street, London, dated 29 July 2016

18. Letter from occupier of 50 Queen Anne Street, London, dated 12 August 2016
19. Letter from occupier of 100 Woodsford Square, London, dated 11 August 2016
20. Letter from occupier of Flat 5, 7 Bentinck Street, dated 17 August 2016
21. Letter from occupier of 3 D'Arblay St, London, dated 31 July 2016
22. Letter from occupier of Flat 3, 54 Bolsover Street, dated 12 August 2016
23. Letter from occupier of 1B Silver Place, London, dated 17 August 2016
24. Letter from occupier of 1 Lexington Street, London, dated 15 August 2016
25. Letter from occupier of 2 Hopkins Street, Fat 7, dated 29 July 2016
26. Letter from occupier of 103 FOUNTAIN HOUSE, PARK STREET, dated 12 August 2016
27. Letter from occupier of Flat 11, 2 Hopkins St, London, dated 29 July 2016
28. Letter from occupier of Flat 6, Trenchard house, 2 Hopkins Street, dated 29 July 2016
29. Letter from occupier of 4 Bentinck Street, London, dated 12 August 2016

Application 2:

30. Application form
31. Response from the Soho Society, dated 12 September 2016

Application 3:

32. Application form
33. Response from the Soho Society, dated 12 September 2016
34. Letter from occupier of 16 Broadwick Street, London, dated 29 July 2016
35. Letter from occupier of 1B Silver Place, London, dated 17 August 2016

Application 4:

36. Application form
37. Response from Soho Society, dated 3 August 2016
38. Response from the Highways Planning Manager, dated 24 August 2016
39. Response from Cleansing, dated 26 July 2016
40. Letter from occupier of 16 Broadwick Street, London, dated 29 July 2016
41. Letter from occupier of 1B Silver Place, London, dated 17 August 2016
42. Letter from occupier of 22 Charing Cross Road, London, dated 23 August 2016
- 43.

(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

10. KEY DRAWINGS

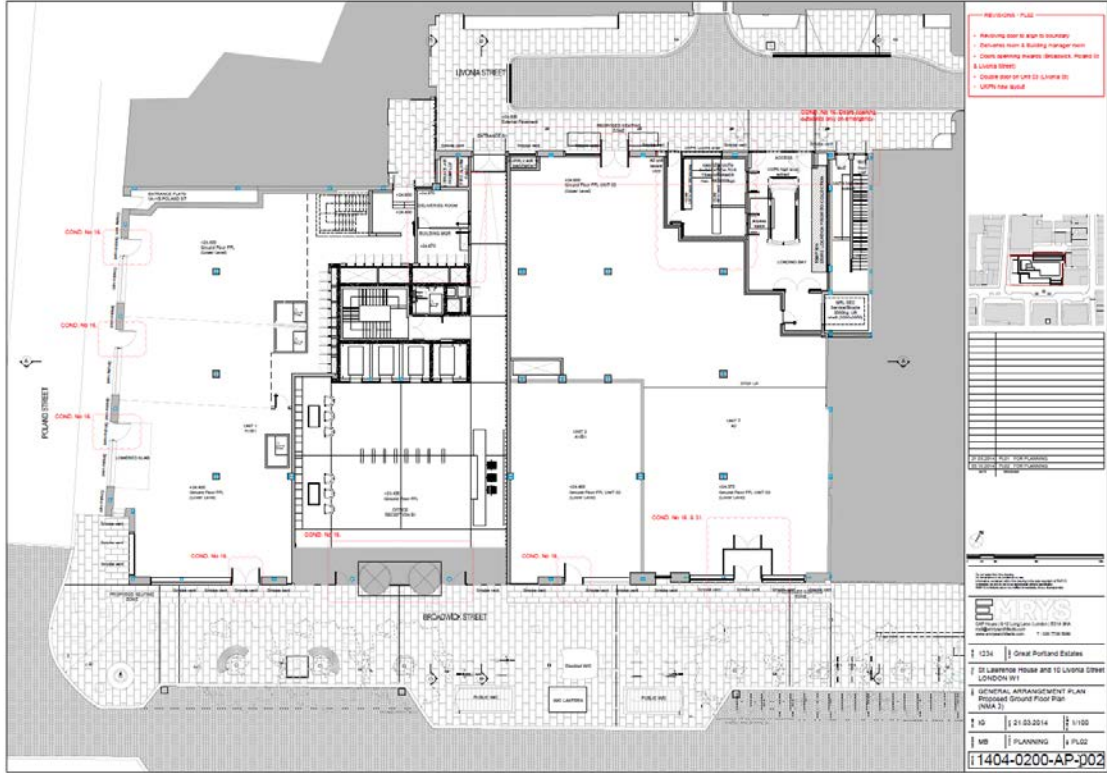
Applications 1 and 2 – Change of use of Unit 2
As approved basement floor plan



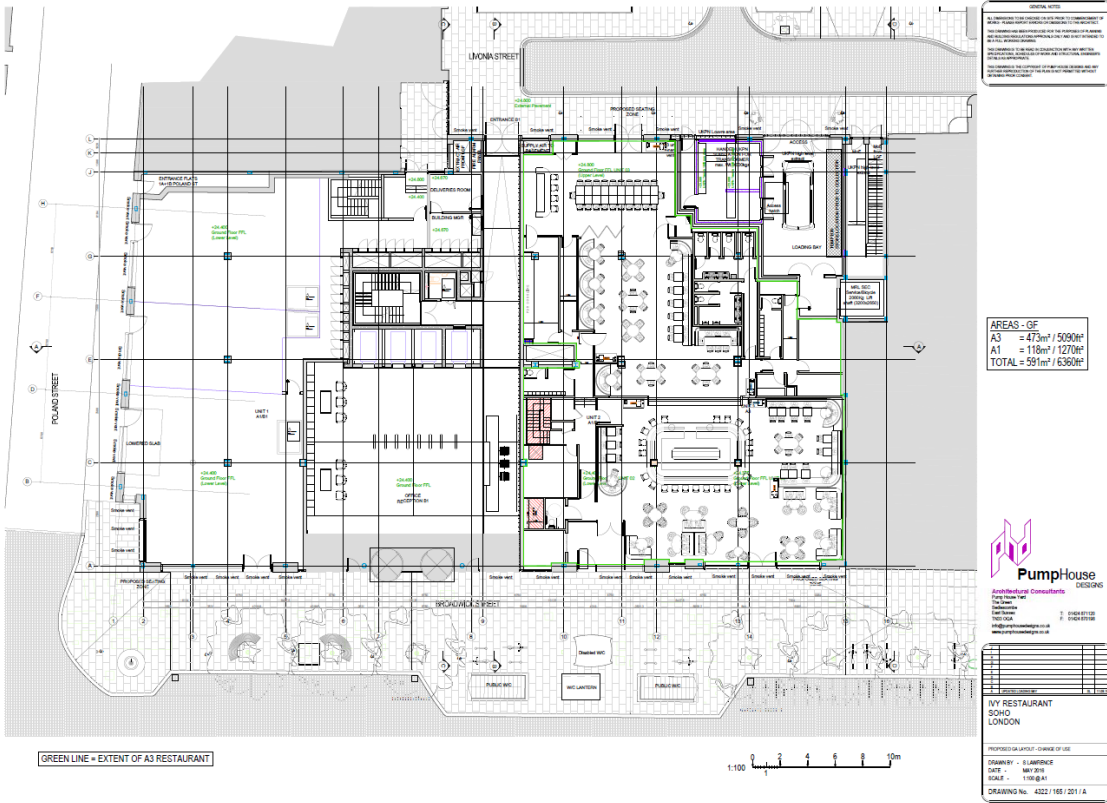
Proposed basement floor plan



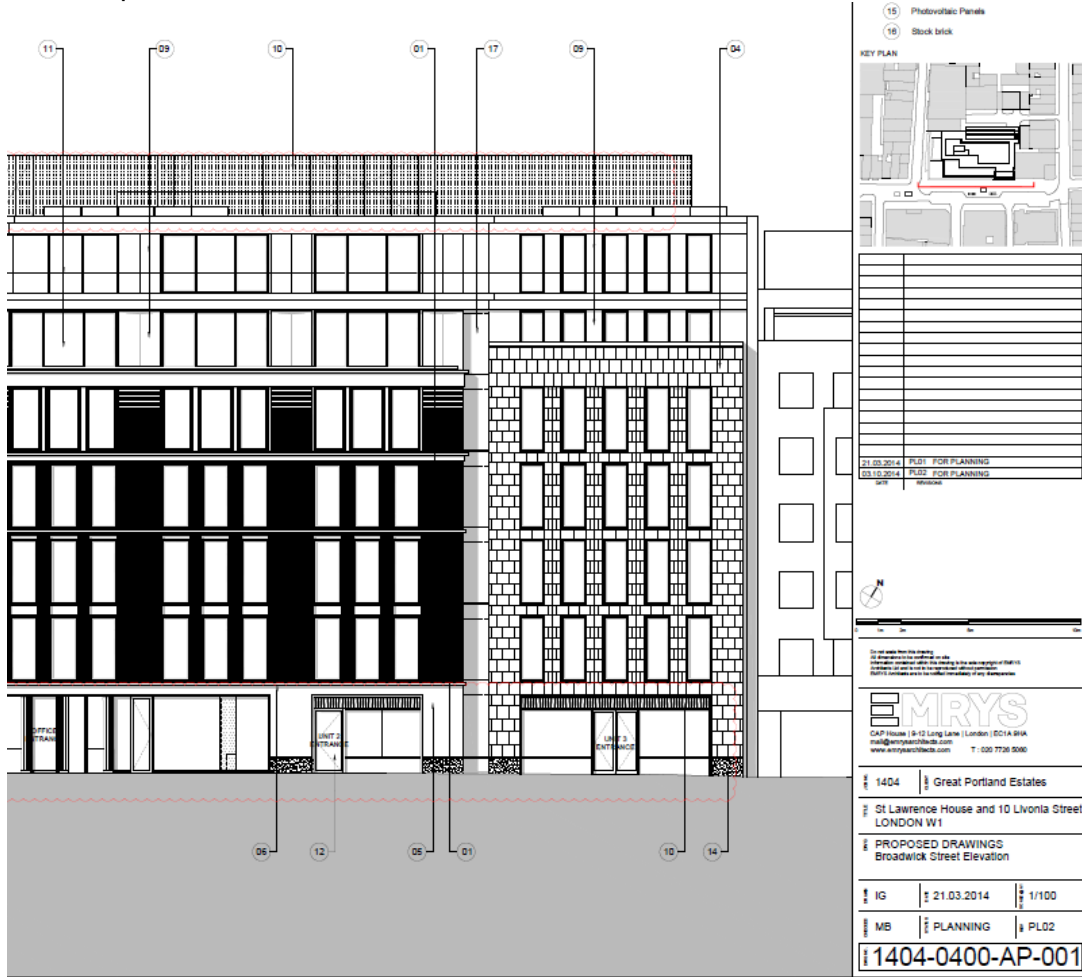
As approved ground floor plan



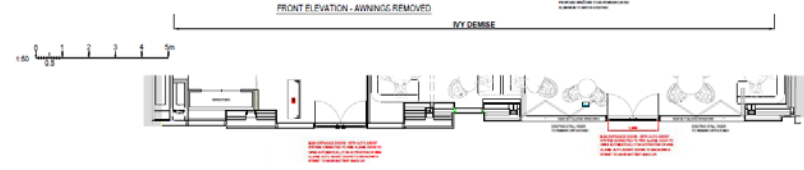
Proposed ground floor plan



Application 3 – shopfront applications
As approved Shopfront

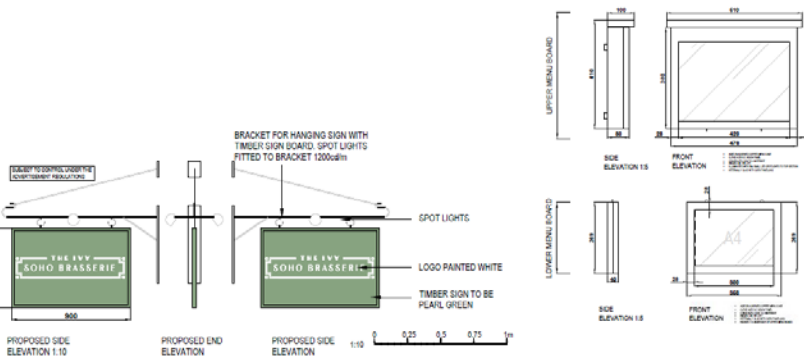


Proposed Shopfront



GENERAL NOTES

1. ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
2. ALL MATERIALS TO BE OF A QUALITY SUITABLE FOR THE EXTERIOR AND TO BE FINISHED TO A HIGH STANDARD.
3. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED BUDGET.
5. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED AREA.
6. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED PERMIT.
7. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED PERMIT.
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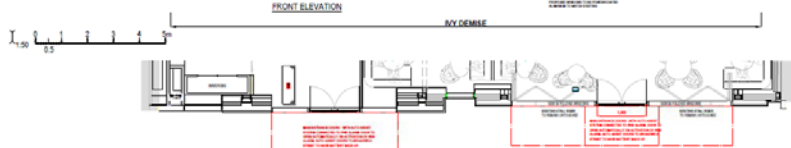
Pumphouse
DESIGNING

Architectural Consultancy
100, The Quadrant, London, W1R 0AS
Tel: 020 7437 8888
www.pumphouse.co.uk

IVY RESTAURANT SOHO LONDON

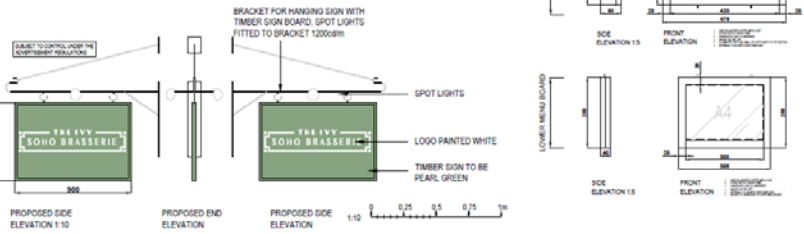
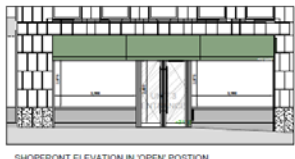
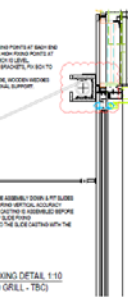
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Date: 03.07.2018
Scale: 1:500000

DRAWING No. 027 / 208



GENERAL NOTES

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10. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED PERMIT.



Pumphouse
DESIGNING

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IVY RESTAURANT SOHO LONDON

Drawn by: S. LAURENCE
Date: 03.07.2018
Scale: 1:500000

DRAWING No. 027 / 208 A

APPLICATION 1 DRAFT DECISION LETTER

- Address:** Amalco House, 26 - 28 Broadwick Street, London, W1F 8JB,
- Proposal:** Use of part of the ground floor and basement as a restaurant (Class A3) as an extension to an existing restaurant (Class A3). (Site includes 26-34 Broadwick Street and 10 Livonia Street)
- Reference:** 16/06171/FULL
- Plan Nos:** 4322 / 165 / 202 ; 4322 / 165 / 201 / A ; Management plan received by the Council on 01 July 2016 Titled "The Ivy Cafe Draft Operational Management Plan - The Ivy Collection - 26-34 Broadwick Street"

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the

unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 4 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours 08.00 to midnight Monday to Sunday. (C12DC)

Reason:

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

- 5 You must not operate any restaurant use allowed by this permission unless until you have provided the ventilation system to get rid of cooking smells from the restaurant in accordance with the details approved under City Council planning reference: 15/00155/ADFULL (dated 11 February 2015) and in accordance with the ventilation strategy dated 22 June 2016 or such other details approved by the Local Planning Authority. You must use the approved ventilation system to get rid of cooking smells for as long as the restaurant is in operation.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 6 You must carry out the measures included in your management plan received by the Council on 01 July 2016 Titled "The Ivy Cafe Draft Operational Management Plan - The Ivy Collection - 26-34 Broadwick Street" at all times that the restaurant is in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 7 You must not allow more than 250 customers into the property at any one time. (C05HA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 8 You must not sell any hot-food take-away or drink on the premises, nor operate a delivery service,

even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

Informative(s):

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

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

APPLICATION 3 DRAFT DECISION LETTER

Address: Amalco House, 26 - 28 Broadwick Street, London, W1F 8JB,

Proposal: Installation of a partly openable shopfront to Unit 3 and alterations to the shopfront at Unit 2 including the installation of a retractable awning. (Site includes 26-34 Broadwick Street and 10 Livonia Street)

Reference: 16/06172/FULL

Plan Nos: 5207/209 ; 5207/204/A

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

(C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The openable shopfront windows and the double doors (identified on drawing numbers 5207/206 and 5207/204/A as "Bi-folding windows") shall be kept in a closed position except between 08:00 - 22:00 hours Monday to Saturday and 09:00 - 21:00 on Sundays and public holidays.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: The awning above Unit 3, menu boxes and projecting signs. (I04AA)

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.

APPLICATION 2 DRAFT DECISION LETTER

Address: Amalco House, 26 - 28 Broadwick Street, London, W1F 8JB,

Proposal: Variation of condition 4 and 31 of planning permission dated 07 October 2015 (RN: 14/12703/FULL) for an application which itself varied conditions 1 and 16. NAMELY, to allow the use of Unit 2 at basement level and ground floor level for Class A3 purposes in connection with Unit 3 and altering the location of the restaurant lobby area. (Site includes 26-34 Broadwick Street and 10 Livonia Street)

Reference: 16/07880/FULL

Plan Nos: 4322 / 165 / 202 ; 4322 / 165 / 201 / A

Approved under: 16/05306/NMA:

1401-0600-AP-004 PL04; 1404-0200-AP-002 PL06; 1404-0400-AP-003 PL05;
1404-0600-AP-14 PL01; 1404-0600-AP-015 PL02; 1404-0600-AP-016 PL01;
1404-0600-AP-017 PL01; 1404-0200-AP-001 PL03; 1404-0600-AP-013 PL02.

Approved under 16/02569/ADFULL:

Servicing management plan dated July 2016

Approved under: 16/00765/NMA:

Emrys Architects - Planning Amendments April 2015 including Appendix A - Farrer Huxley Associates Landscape Design and Access Statement and Appendix B; and the following drawings: 1404-0200-AP-002 Rev PL05; 1404-0200-AP-006 Rev PL02; 1404-0200-AP-007 Rev PL02; 1404-0200-AP-008 Rev PL02; 1404-0200-AP-031 Rev PL02; 1404-0200-AP-032 Rev PL02; 1404-0200-AP-033 Rev PL02; 1404-0300-AP-001 Rev PL03; 1404-0300-AP-002 Rev PL03; 1404-0300-AP-003 Rev PL03; 1404-0300-AP-004 Rev PL03; 1404-0400-AP-001 Rev PL03; 1404-0400-AP-002 Rev PL03; 1404-0400-AP-003 Rev PL04; 1404-0400-AP-023 Rev PL02; 1404-0600-AP-010 Rev PL02.

Approved under 15/11428/ADFULL:

Document titled PLANNING CONDITION 26, JULY 2015.

Approved under 15/08433/NMA:

1404-0200-AP-002, 006, 007, 008, 010, 032, 033; 1404-0300-AP-001, 002, 003, 004; 1404-0400-AP-001, 002, 003, 023; 1404-0600-AP-010; Landscape Design and Access Statement by Fraser Huxley Associates dated April 2015

Approved under 15/06272/ADFULL:

Document entitled: Planning Condition 26.

Approved under 15/00155/ADFULL:

12489/AC/AC01/00 dated 4th November 2014, 12489/MEP/RT01/01 dated 4th December 2014.

Approved under 15/00168/ADFULL:

Public Art Proposal November 2014.

Approved under 15/00014/NMA:

1404-0200-AP-001 RevPL02, 1404-0200-009 RevPL02; 1404-0300-AP-001 RevPL02, 1404-0300-AP-002 RevPL02, 1404-0300-AP-003 RevP, 1404-0300-AP-004 RevPL02, 1404-0400-AP-001 RevPL02, 1404-0400-AP-002-RevPL02, 1404-0400-AP-003 RevPL03.

Approved under 14/12703/FULL;

1404-0200-AP-001 RevPL02, 1404-0200-AP-002 RevPL04, 1404-0200-AP-003 RevPL02, 1404-0300-AP-001 RevPL02, 1404-0300-AP-002 RevPL02, 1404-0300-AP-003 RevPL02, 1404-0300-AP-004 RevPL02, 1404-0400-AP-001 RevPL02, 1404-0400-AP-002 RevPL02, 1404-0400-AP-003 RevPL03., , 1404-0100-AP-001 RevPL01, 002 RevPL01, 003 RevPL01, 004 RevPL01, 005 RevPL01, 006 RevPL01, 007 RevPL01, 008 RevPL01, 009 RevPL01, 020 RevPL01, 021 RevPL01, 022 RevPL01, 030 RevPL01, 031 RevPL01, 040 RevPL01, 041 RevPL01, 042 RevPL01, 100 RevPL01, 101 RevPL01; 1404-0200-AP-004 RevPL01, 005 RevPL01, 006 Rev PL01, 007 RevPL01, 008 RevPL01, 009 RevPL01; 1404-0400-AP-001Rev PL01, 002 RevPL01, 003 RevPL01, 004 RevPL01, 010 RevPL01, 011 RevPL01, 012 RevPL01, 013 RevPL01; Energy Strategy by Hilson Moran, Sustainability Statement by Hilson Moran, Acoustics Report by Hilson Moran.,

Approved under 14/12593/ADFULL:

Construction Logistics Plan Rev; December 2014 by bam: MadiganGill

Approved under 14/10664/ADFULL:

Roman Brick; Grove Whitbed Portland Stone; Jordans Whitbed Portland Stone; Faience; Green Glazed Brick; White Glazed Brick; Aluminium Power Coating Colours RAL 7022 and RAL 6034; 1404-0600-AP-001 Rev PL02; 1404-0600-AP-002 Rev PL02; 1404-0600-AP-003 Rev PL02; 1404-0600-AP-044 Rev PL02; 1404-0600-AP-005 Rev PL01; 1404-0600-AP-006 Rev PL01; 1404-0600-AP-007 Rev PL01; 1404-0600-AP-008 Rev PL01; 1404-0600-AP-009 Rev PL01; 1404-0200-AP-002 Rev PL03.

Approved under 14/10652/NMA:

Planning Amends document dated October 2014; 1404-0300-AP-001 PL02; 1404-0300-AP-002 PL02; 1404-0200-AP-009 PL02; 1404-0200-AP-002 PL02; 1404-0200-AP-001 PL02; 1404-0300-AP-003 PL02; 1404-0400-AP-003 PL02; 1404-0400-AP-002 PL02; 1404-0400-AP-001 PL02; 1404-0300-AP-004 PL02.

Approved under 14/08236/ADFULL:

Legal agreement between the City Council and Pontsarn Investments/Knighton Estates Ltd dated 6 August 2014

Approved under 14/07667/ADFULL:

Demolition Management Plan by McGee dated 26 May 2014; Noise Mitigation Statement by Hush dated 23 July 2014

Approved under 14/02855/FULL:

1404-0100-AP-001 RevPL01, 002 RevPL01, 003 RevPL01, 004 RevPL01, 005 RevPL01, 006 RevPL01, 007 RevPL01, 008 RevPL01, 009 RevPL01, 020 RevPL01,

021 RevPL01, 022 RevPL01, 030 RevPL01, 031 RevPL01, 040 RevPL01, 041 RevPL01, 042 RevPL01, 100 RevPL01, 101 RevPL01; 1404-0200-AP-001 RevPL01, 002 RevPL01, 003 RevPL01, 004 RevPL01, 005 RevPL01, 006 Rev PL01, 007 RevPL01, 008 RevPL01, 009 RevPL01; 1404-0300-AP-001 RevPL01, 002 RevPL01, 003 RevPL01, 004 RevPL01; 1404-0400-AP-001 Rev PL01, 002 RevPL01, 003 RevPL01, 004 RevPL01, 010 RevPL01, 011 RevPL01, 012 RevPL01, 013 RevPL01; Energy Strategy by \\hilson Moran, Sustainability Statement by Hilson Moran, Acoustics Report by Hilson Moran.

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must 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 occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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)

- 4 The area of the site used for Class A3 purposes shall not exceed 775sqm

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet

S21 and S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE10 of our Unitary Development Plan that we adopted in January 2007.

- 5 If you provide an A3 use or uses, no more than 15% of the floor area of each of the uses shall consist of a bar or bar seating. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

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

- 6 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours 08.00 to midnight. (C12DC)

Reason:

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

- 7 You must not operate any restaurant use allowed by this permission unless until you have provided the ventilation system to get rid of cooking smells from the restaurant in accordance with the details approved under City Council planning reference: 15/00155/ADFULL (dated 11 February 2015) or such other details approved by the Local Planning Authority in writing under this condition. You must use the approved ventilation system to get rid of cooking smells for as long as the restaurant is in operation.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 8 The main entrance(s) to the proposed Class A3 use(s) shall be on Broadwick Street and/or Poland Street, and not on Livonia Street

Reason:

To minimise noise and disruption from restaurant activity in order to safeguard the living and working environment for residents and noise-sensitive uses in Livonia Street in accordance with S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must apply to us for approval of a management plan to show how you will prevent restaurant customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved

what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use.

Reason:

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

- 10 The development must provide at least 258sqm Class A1 retail floorspace

Reason:

To ensure that there is no reduction in retail floorspace at the site in accordance with policies S7 and S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January 2007

- 11 You must provide the waste storage facilities shown on drawing nos.1404-0200-AP-001 RevPL2 and 1404-0200-AP-002 RevPL04 before anyone moves into the property. You must clearly mark them and make them available at all times to everyone using the office, restaurants and shops. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the approved waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

Reason:

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

- 13 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 14 You must provide the environmental sustainability features (environmentally friendly features) as stated in your submitted Energy Strategy Update dated 20 March 2014 before you start to use any part of the development. You must not remove any of these features, unless we have given

you our permission in writing. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 15 You must provide the environmental biodiversity features as stated in your submitted Sustainability Statement dated 20 March 2014 in accordance with details to be approved by the City Council as local planning authority before you start to use any part of the development: You must not remove any of these features, unless we have given you our permission in writing.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 16 Except when being used in the event of either an emergency or an emergency drill no doors in the development shall open over or across the road or pavement. (C24AA)

Reason:

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

- 17 (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 (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 18 All plant hereby approved shall operate in accordance the supplementary noise report approved under City Council planning reference 15/00255/ADFULL dated 11 February 2015 which demonstrates that the plant will comply with the Council's noise criteria as set out in Condition 17 of this permission or such other details approved in writing by the Local Planning Authority under this condition.

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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 19 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.

20 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (July 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

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

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

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

(a) The location of most affected noise sensitive receptor location and the most affected window of it;

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 23 Any demolition or construction works occurring as a result of implementing this planning permission shall take place only in accordance with the demolition management plan approved under City Council reference 14/07667/ADFULL dated 17 September 2014 and the construction management plan approved under City Council reference 14/12593/ADFULL dated 11 March 2015 or such other details approved in writing by the Local Planning Authority under this condition.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 24 No demolition shall take place unless measures to mitigate the noise impact of the demolition and construction of the development on the neighbouring noise-sensitive businesses have been undertaken in accordance with details approved under City Council reference 14/07667/ADFULL dated 17 September 2014 or such other details approved in writing by the Local Planning

Authority under this condition.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007

- 25 The facing materials you use, including glazing, in the construction of this development shall only be in accordance with either those approved in this Minor Material Amendments application and as approved under City Council reference 14/10664/ADFULL granted 6 January 2015 or such other details approved in writing by the Local Planning Authority under this condition.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 26 The brickwork used in the construction of this development shall only be in accordance with samples as approved under City Council reference 15/11428/ADFULL granted 27 January 2016 and 15/06272/ADFULL dated 05 August 2015 or such other details approved in writing by the Local Planning Authority under this condition.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 27 The shopfront, window and external door details used in the construction of this development shall only be in accordance with either those approved in this Minor Material Amendments application and as approved under City Council reference 14/10664/ADFULL granted 6 January 2015 or such other details approved in writing by the Local Planning Authority under this condition

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 28 The demolition of the existing buildings on the site shall be immediately proceeded by the implementation of this planning permission in accordance with the details approved under City

Council reference 14/08236/ADFULL granted 16 September 2014.

Reason:

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

- 29 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

Reason:

To meet the requirements of Regional Policy Guidance Note 3a. This is as set out in S26 of Westminster's City Plan (July 2016) and DES 14 of our Unitary Development Plan that we adopted in January 2007. (R34AC)

- 31 You must provide an entrance lobby for the proposed restaurant as shown in drawing number 4322 / 165 / 201 / A. You must not use the entrance lobby as approved for any activities associated with the restaurant use, you must not put tables and chairs in it.

Reason:

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

- 32 You shall ensure that any servicing of the development is in accordance with the details approved under City Council reference 16/02569/ADFULL dated 28 September 2016 or such other details approved in writing by the Local Planning Authority under this condition.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 33 You must, before any part of the development is occupied, provide and thereafter retain a

scheme of public art in accordance with the details approved under City Council reference: 15/00168/ADFULL dated 2 March 2015 or such other details approved in writing by the Local Planning Authority under this condition.

Reason:

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

- 34 You must not allow more than 250 customers into the A3 unit at any one time. (C05HA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

Informative(s):

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

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

APPLICATION 4 DRAFT DECISION LETTER

Address: Amalco House, 26 - 28 Broadwick Street, London, W1F 8JB,

Proposal: Use of an area of the public highway measuring 13.075m x 2.66m for the placing of 12 tables and 36 chairs for use in connection with the adjacent restaurant premises.

Reference: 16/06300/TCH

Plan Nos: Drawing 5207/503 dated 22/08/16

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 You must not put the tables and chairs in any other position than that shown on drawing 5207/503. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 08:00 and 23:00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 This use of the pavement may continue until 31st October 2017. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (July 2016) and TACE 11

of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 5 You can only put out on the pavement the tables, chairs and other furniture/ equipment/ screening shown on drawing 5207/503.

Reason:

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

- 6 The tables and chairs must only be used by customers of the adjacent restaurant (Units 2 and 3). (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

Informative(s):

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

- 2 You cannot put tables and chairs in the area unless you have a street trading licence.

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this

Item No.
2

closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

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.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Tachbrook	
Subject of Report	First Floor And Second Floor Maisonette , 6 Moreton Terrace, London, SW1V 2NX		
Proposal	Erection of a single storey mansard extension.		
Agent	Planning Sense Ltd.		
On behalf of	Mr Michael Gardner		
Registered Number	16/06491/FULL	Date completed	8 July 2016
Date Application Received	8 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Refuse permission – design grounds.

2. SUMMARY

The building, located within the Pimlico Conservation Area, comprises three storey and basement which accommodate two flats. Permission is sought for a mansard extension to provide additional floorspace to the existing residential unit (Class C3) at first and second floor levels.

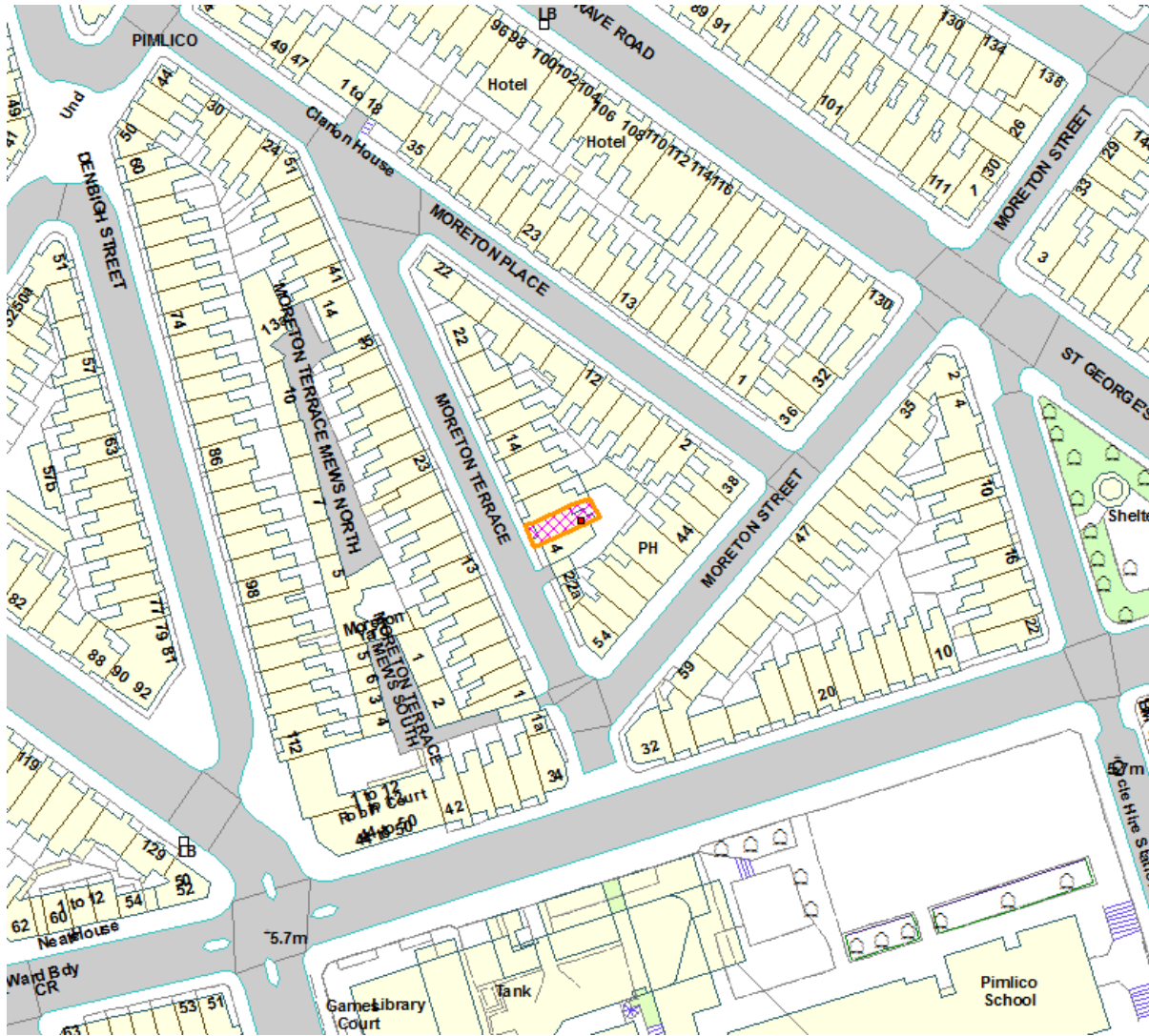
The key issues for consideration are:

- The impact of the extension on the building and on the surrounding conservation area; and
- The impact of the extension on the amenity of neighbouring residential properties.

In 2001 planning permission was refused for the erection of single-storey mansard roof extension and single-storey rear extension at second floor level. It was considered that the proposed mansard and rear extension by reason of their bulk and height are unacceptable in principle, and would adversely affect the character and appearance of this building, the terrace and the Pimlico Conservation Area and would fail to either preserve or enhance that character and appearance. The subsequent appeal was dismissed.

Seven letters of support and 15 objections have been received from residents in the neighbouring area. The objections are raised on both design and amenity grounds. The increased height and bulk of the property is not considered to give rise to an unacceptable loss of amenity to residents. However, the extension is considered to have an impact on the character of the conservation area and on the unbroken row of five properties with London (butterfly) roofs. Similarly to the 2001 decision, the scheme is considered unacceptable in design grounds and is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY

Objection - creation of a break in the existing roof line, visually intrusive

MORETON TRIANGLE RESIDENTS ASSOCIATION

Supports this application for a mansard provided that its design coheres with the Pimlico Design Guide and it cannot be viewed at street level.

ADJOINING OWNERS/OCCUPIERS

No. consulted: 36

No. of responses: 22

Seven letters of support on the following grounds:

- Precedent already set due to mansards elsewhere;
- Mansard is in line with Council guidance;
- The building is not listed;
- Will create additional space in context of housing shortage.

15 letters of objection on the following grounds:

Design

- Mansard would harm to the character and appearance of the terrace, unified roofline, butterfly roof and the conservation area, unspoilt street;
- There is a different character to the West and East side of the street;
- Proposal is contrary to Council design policies;
- Planning permission for similar proposal was refused in 2001 and the appeal was dismissed.

Amenity

- Creates an increased sense of enclosure;
- Result in a loss of privacy;
- Noise and dust during construction works.

Other:

- Impact on sewerage capacity.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

6 Moreton Terrace is an unlisted building within the Pimlico Conservation Area. The building comprises three storeys and a basement. The application relates to the first and second floor flat.

6.2 Recent Relevant History

On 11th September 2001 planning permission for the erection of a single storey mansard roof extension and single storey rear extension at second floor level was refused on the grounds that both extensions bulk and height were unacceptable in principle, and would adversely affect the character and appearance of this building, the terrace and the Pimlico Conservation Area. (RN01/05294/FULL)

A subsequent appeal of 2001 decision was submitted and dismissed by the Inspectorate on 23rd April 2002. (APP/X5990/A/011079687)

7. THE PROPOSAL

Permission is sought for the erection of a third floor mansard roof extension in connection with the first and second floor maisonette to provide additional habitable accommodation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal would increase the size of an existing residential flat and is considered acceptable in land use terms.

8.2 Townscape and Design

The Westminster Society and 15 letters of objection have been received raising design concerns referring to the loss of the run of butterfly roof, the disruption of the roof line, and the harm to the terrace and the Pimlico Conservation Area, highlighting the differences between the two sides of the street, Council design policies and the 2001 refused permission.

The Moreton Triangle Residents Association and 7 letters of support have also been received pointing out the lack of consistency in granting permission for mansard extensions in the area in particular highlighting the presence of mansard extensions in Moreton Terrace in particular in the West side, stating that mansard extension is now part of the character of the Pimlico Conservation Area, mentioning that the proposed extension is in line with guidance and the property is not listed. They also mention that in a context of housing shortage the proposal will provide additional accommodation.

Following the refusal of permission for a mansard at the property in 2001 and subsequent appeal, the Planning Inspector in his decision to dismiss the appeal stated that "although the proposed roof extension would not be readily visible from the highway directly to the front, it would be seen from further along Moreton Terrace, albeit obliquely, and in my opinion would appear intrusive in an otherwise parapet line.

Perhaps more importantly, it would be very apparent from the news directly to the rear where it would break discordantly into a run of prominent "butterfly" roofs." The decision also states that "I consider that it is valid [...] to seek to safeguard a group of buildings within a terrace with unimpaired rooflines, provided such a group is significant in scale

and prominence, as I consider is the case here". The Inspector concluded that the proposals would neither preserve, nor enhance the character and appearance of the Conservation Area.

Under policy DES 6 of the UDP, roof extensions are only acceptable where the majority of houses in a group already have them and infilling would achieve a greater uniformity of roofline. In this instance no. 6 forms part of a group with the adjoining properties to the north at nos. 8-12, the terraced houses at nos. 14-18 step forward and have different design details (nos. 16 and 18 have mansard extensions). Although nos. 2a and 2-4 are of a different character to the rest of the terrace in terms of their footprint, roofs and façade design (2-4 is a 1960s infill), they have a consistent parapet height with nos. 6-18.

There is an unbroken row of 5 properties (nos. 6-14) with London (butterfly) roofs, which define a unifying pattern to the rear elevation of this group when viewed from both from the small mews behind and from high level views from surrounding properties within the conservation area. Nos. 2a through 14 are identified in the Pimlico Conservation Area Audit as being unacceptable for roof extensions. The host building exhibits a completed and balanced composition which an additional storey would interrupt. The proposal for a mansard extension at no. 6 would also harm the character and appearance of the group, which would be contrary to DES 6 (iii).

Although the applicant refers to recently approved mansard extensions on the facing terrace and the adjacent terrace, these are not considered to set a precedent for the proposals. The facing terrace did not have an unbroken run of London roofs and majority of properties already contain mansard extensions. The adjacent terrace's character, although similar, is not directly comparable to the terrace which is subject of this application.

The principle of a mansard roof extension at the application building is considered contrary to policy. The fact that the building is not listed or that the detailed design of the mansard extension is in line with Council guidance are not considered relevant given this in principle position.

The additional space will not create an additional residential housing unit but will increase the size of an existing flat; this is not considered a reason to overcome the harm that would be caused.

The proposed works would result in harm to the visual amenity of the terrace and would harm the character and appearance (visual amenity) to the Pimlico Conservation Area. As required by para 134 of the NPPF, this harm, which is considered less than substantial, is not mitigated by substantial public benefits.

The proposal are contrary to paragraph 134 in Chapter 12 of the NPPF, strategic policies S25 and S28, UDP policies DES 1, DES 5, DES 6 and DES 9 and the Council's guidance.

8.3 Residential Amenity

Neighbours raise objection on the grounds of loss of daylight/sunlight. The two storey mews properties in the middle of the Moreton triangle are surrounded by four and five storey high buildings. The additional bulk, which would be set back from the existing roof edges, is not considered to worsen the situation sufficiently to justify refusal.

Given the distance between the application site and the properties on the other side of Moreton Terrace and those to the rear of Moreton Place, it is not considered that the proposal will cause a significant loss of daylight and sunlight or increased sense of enclosure to those properties. The relationship between the proposed extension and lower levels of the application building is orientated in such a way so that it would not result in material loss of amenity.

One letter of objection raises concerns over increased sense of enclosure and loss of privacy whilst using a large roof terrace over 4 Moreton Terrace (belonging to 2 Moreton Terrace). No windows will directly face the adjoining terrace so it is not considered reasonable to refuse permission on loss of privacy. Regarding sense of enclosure, the adjoining terrace benefits from a very open aspect and generous size, and whilst the application would result in the north side being flanked by the boundary wall of the mansard, it is considered that this would not be sufficiently detrimental to the use of the terrace to justify refusing permission.

Similarly, the 2002 Inspectorate decision also considered that the proposals would not cause losses to privacy, light or outlook.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Three letters of objection state concerns over noise and disruption during the construction works, this is not considered a sustainable reason to withhold permission. Had the application been considered acceptable on all other aspects condition on hours of works would have been recommended.

One letter raises concerns over risk of flooding and sewage capacity due to additional bathroom. This is a matter that will be dealt via Building Regulations so it is not considered a reasonable ground to refuse permission.

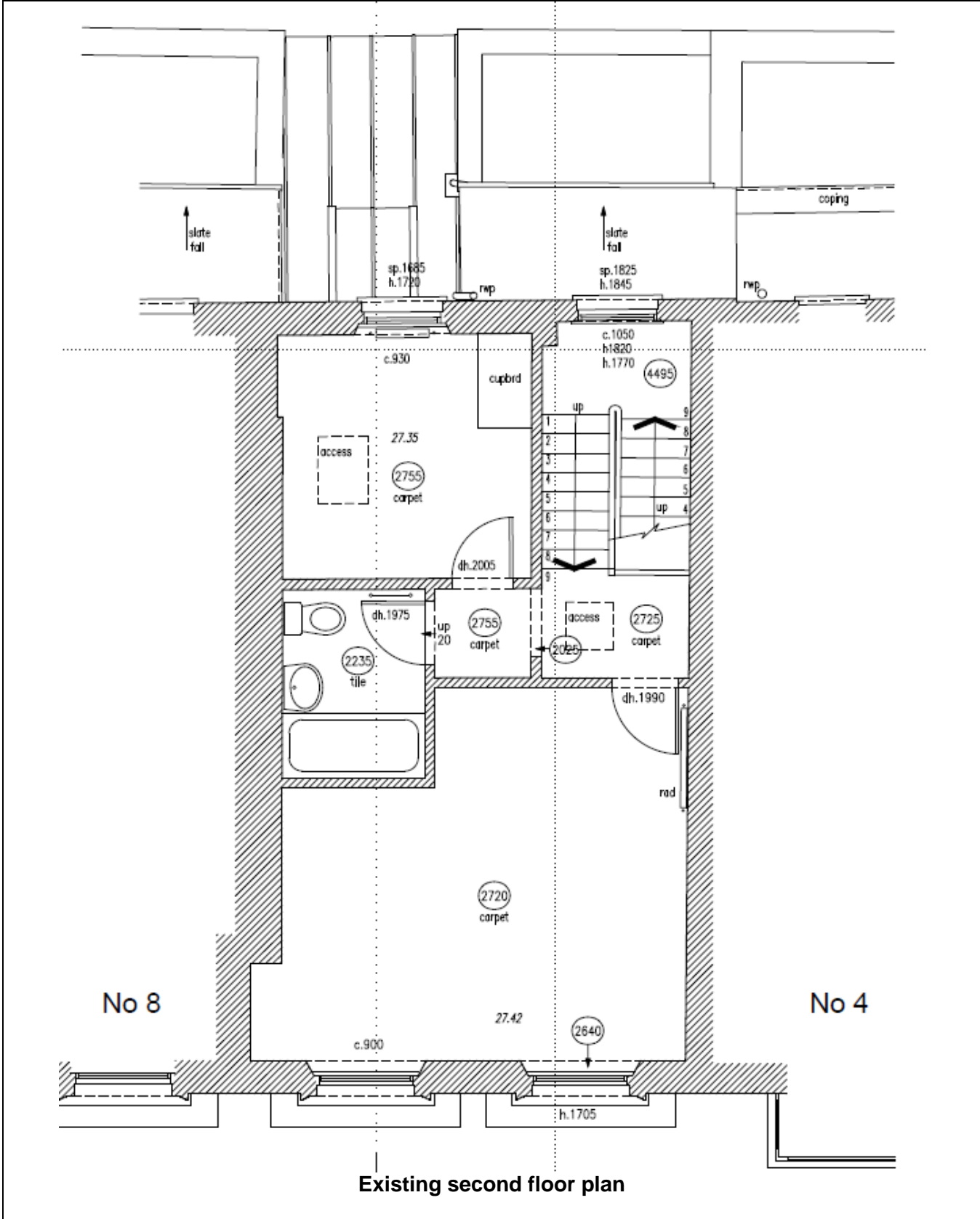
9. BACKGROUND PAPERS

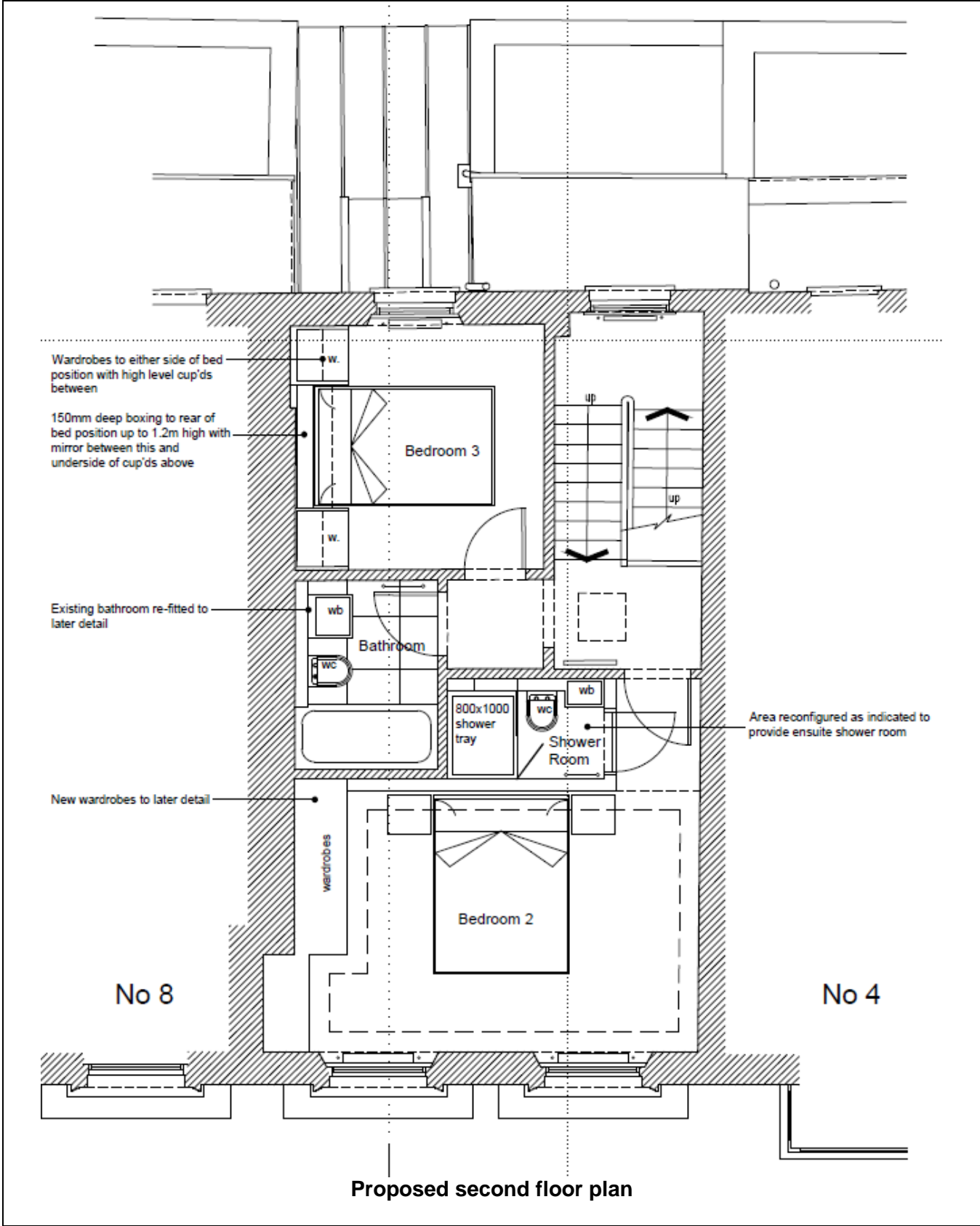
1. Application form.
2. Appeal decision from 2002.
3. Letter from Westminster Society dated 26 July 2016.
4. Letter from the Moreton Triangle Resident's Association dated 25 August 2016.
5. Letter from occupier of 21 Moreton Terrace dated 24 July 2016.
6. Letter from occupier of 17 Moreton Terrace dated 25 July 2016.
7. Letter from occupier of 10 Moreton Terrace dated 26 July 2016.
8. Letter from occupier of 44 Moreton Street dated 2 August 2016.
9. Letter from occupier of 12 Moreton Terrace 6 August 2016.
10. Letter from occupier of 15 Moreton Terrace dated 8 August 2016.
11. Letter from occupier of Ground Floor Flat, 10 Moreton Terrace dated 8 August 2016.
12. Letter from occupier of 2 Moreton Place dated 8 August 2016.
13. Letter from occupier of The Mews House, 3 Moreton Close dated 8 August 2016.
14. Letter from occupier of 34 Great James Street dated 10 August 2016.
15. Letter from occupier of Flat 1, 2 Moreton Place dated 10 August 2016.
16. Letter from occupier of 2 Moreton Place dated 10 August 2016.
17. Letter from occupier of 84 St. George's Square dated 11 August 2016.
18. Letter from occupier of 39 Vincent Square dated 11 August 2016.
19. Letter from occupier of 32 Carlisle Place dated 16 August 2016.
20. Letter from occupier of 84 St. Georges Square dated 17 August 2016.
21. Letter from occupier of 43 Halsey Street dated 18 August 2016.
22. Letter from occupier of 3 Claverton Street dated 03 September 2016.
23. Letter from occupier of 6A Moreton Terrace dated 3 September 2016.
24. Letter from occupier of 5 Lansdowne Mews dated 6 September 2016.
25. Letter from occupier of 13 Denbigh Place dated 18 September 2016.

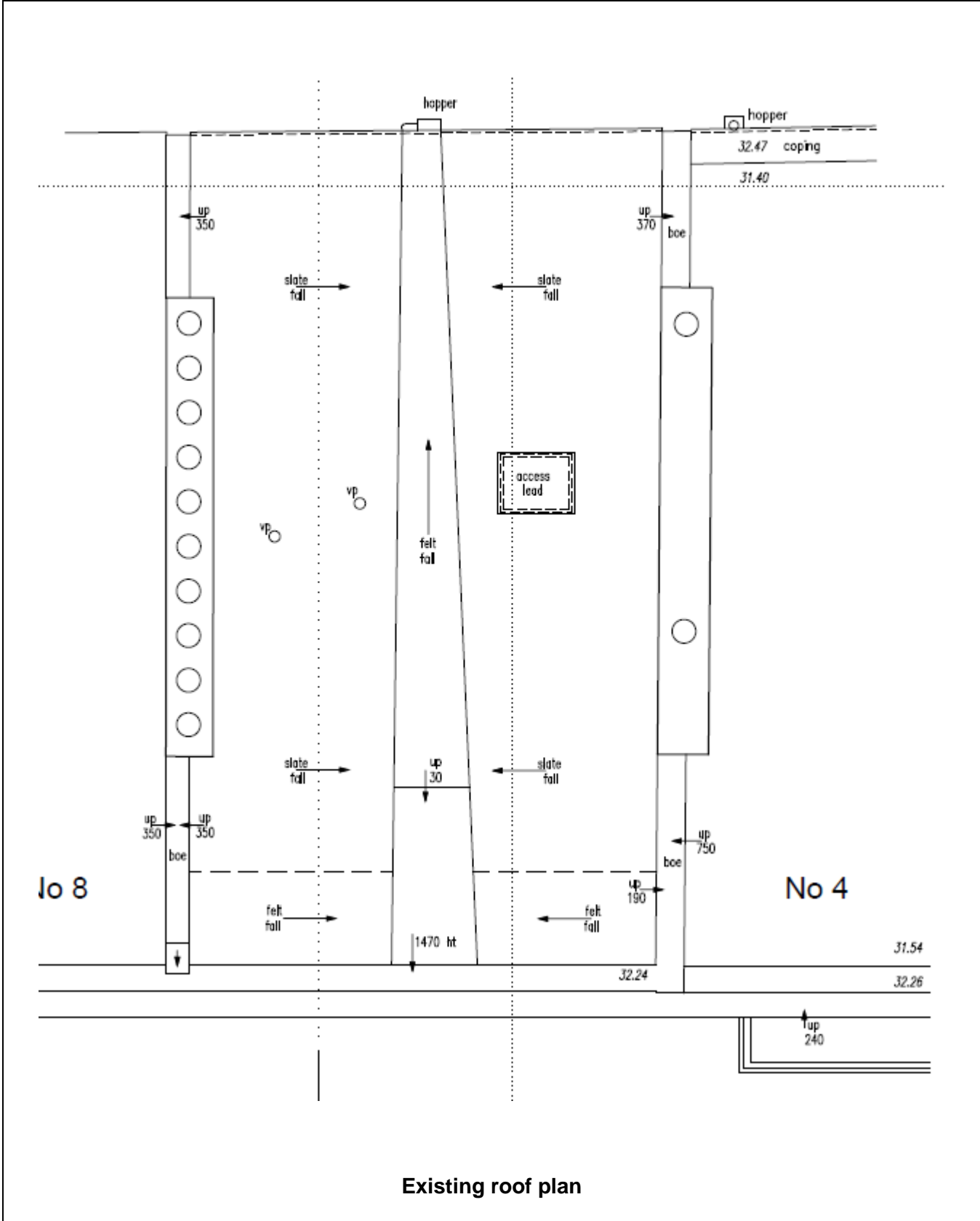
26. Letter from occupier of 10 Moreton Terrace dated 7 September 2016.
27. Letter from occupier of 13D Denbigh Place dated 18 September 2016.

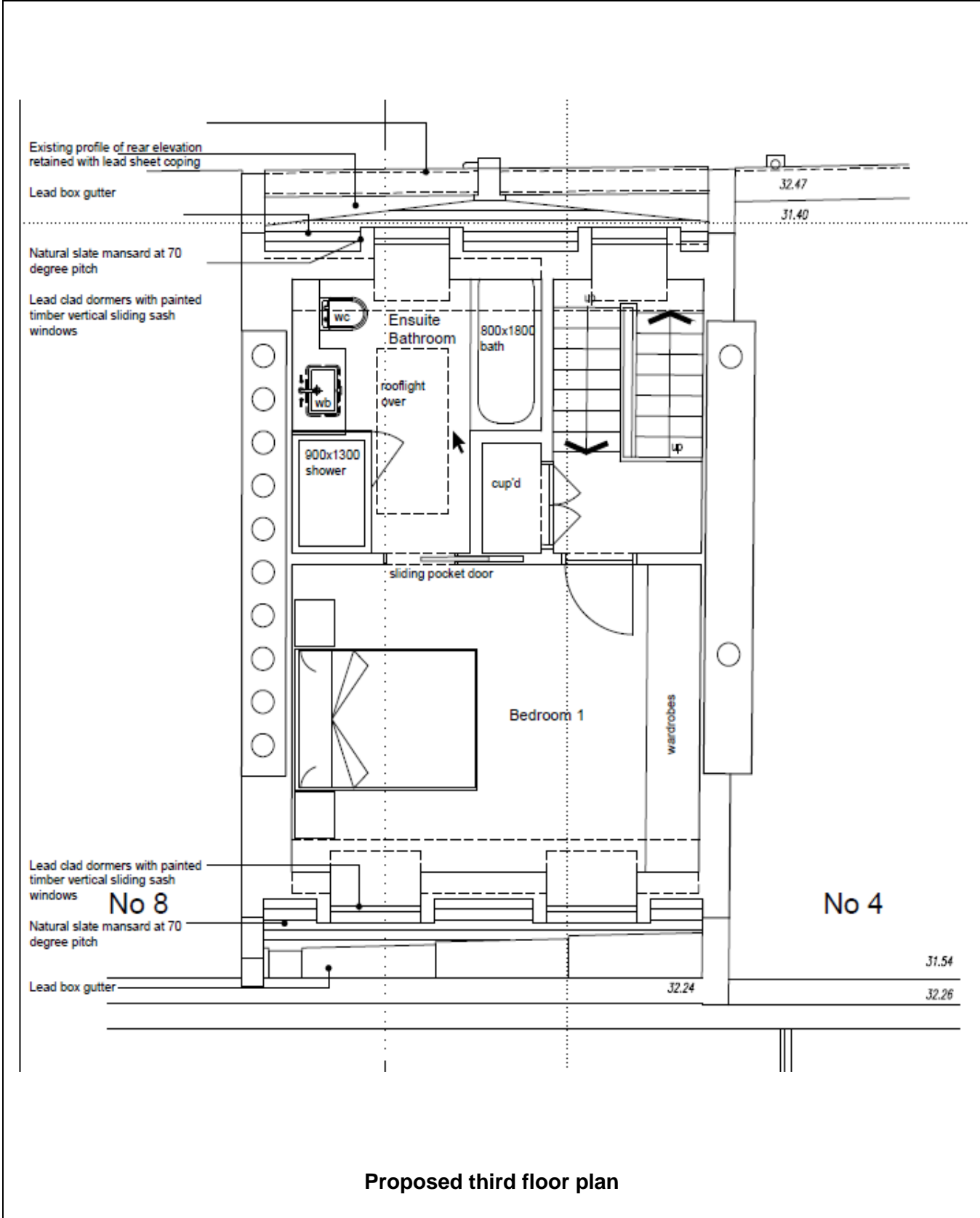
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

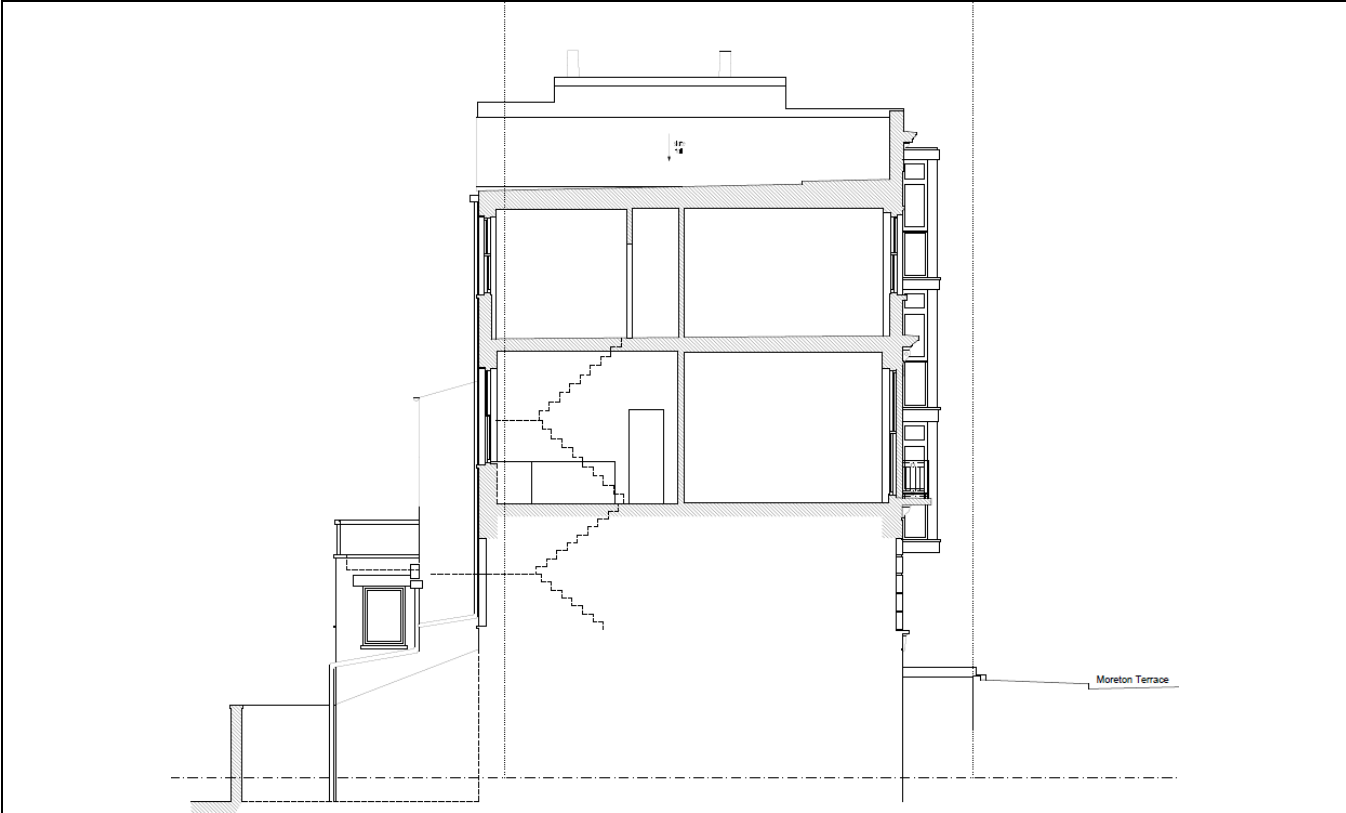




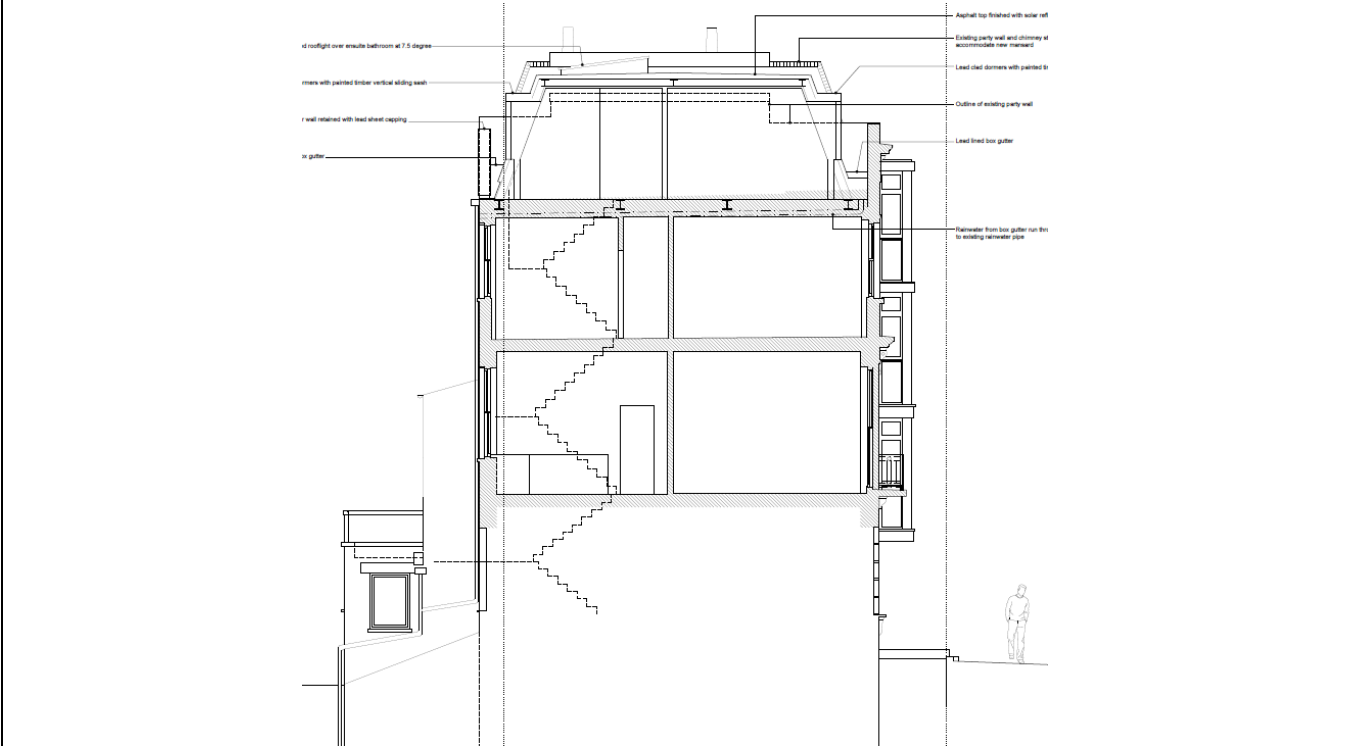




Proposed third floor plan



Existing section



Proposed section

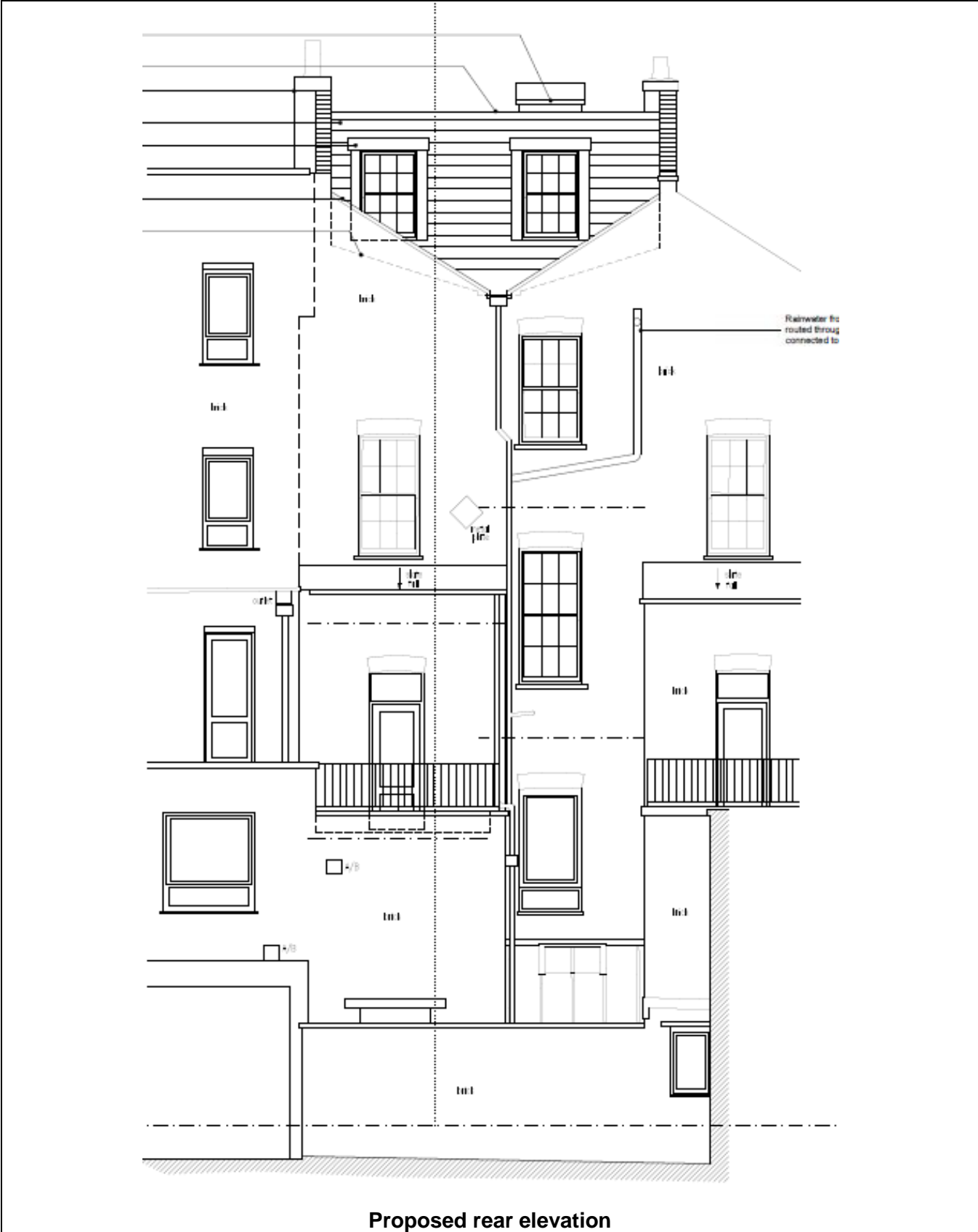


Existing front elevation





Existing rear elevation



DRAFT DECISION LETTER

Address: First Floor And Second Floor Maisonette, 6 Moreton Terrace, London, SW1V 2NX

Proposal: Erection of a single storey mansard extension.

Reference: 16/06491/FULL

Plan Nos: Location plan; 351 SY/01 A; 351 SY/02 A; 351 SY/03 A; 351 WD/11 A; 351 WD/12 A; 351 WD/13 A; Planning, heritage and design and access statement dated July 2016.

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

Recommended Condition(s) and Reason(s):

Reason:

- 1 Because of its location, massing and the loss of the historic roof form, the proposed mansard would harm the appearance of this building and the terrace and would fail to maintain or improve (preserve or enhance) the character and appearance (visual amenity) of the Pimlico Conservation Area. This would not meet the tests in Chapter 12 of the NPPF, S25 and S28 of Westminster's City Plan: Strategic Policies (July 2016) and DES 1, DES 5, DES 6 and DES 9 and paras 10.108 to 10.128 of our UDP that we adopted in January 2007. (X16AC)

Informative(s):

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

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

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Westbourne	
Subject of Report	32-34 Blomfield Villas, London, W2 6NQ,		
Proposal	Use of basement as three bedroom flat (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railings around lightwell to rear elevation.		
Agent	Lambert Smith Hampton		
On behalf of	City West Homes Limited		
Registered Number	16/05511/COFUL	Date amended/ completed	16 June 2016
Date Application Received	13 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

2. SUMMARY

The application site comprises two unlisted mid-terrace buildings located within the Maida Vale Conservation Area. Permission is sought to create a three bedroom flat by laterally converting the existing unused lower ground floor level spaces. Installation of windows on the front and rear elevations, the insertion of a lightwell to the rear, alterations to the staircase within the front lightwells and alterations to the front boundary treatment are also proposed.

Objections have been received in relation to the development proposals on the grounds of its impact on the structural integrity of the building and on grounds of noise and disturbance during construction works.

The key issues in this case are:

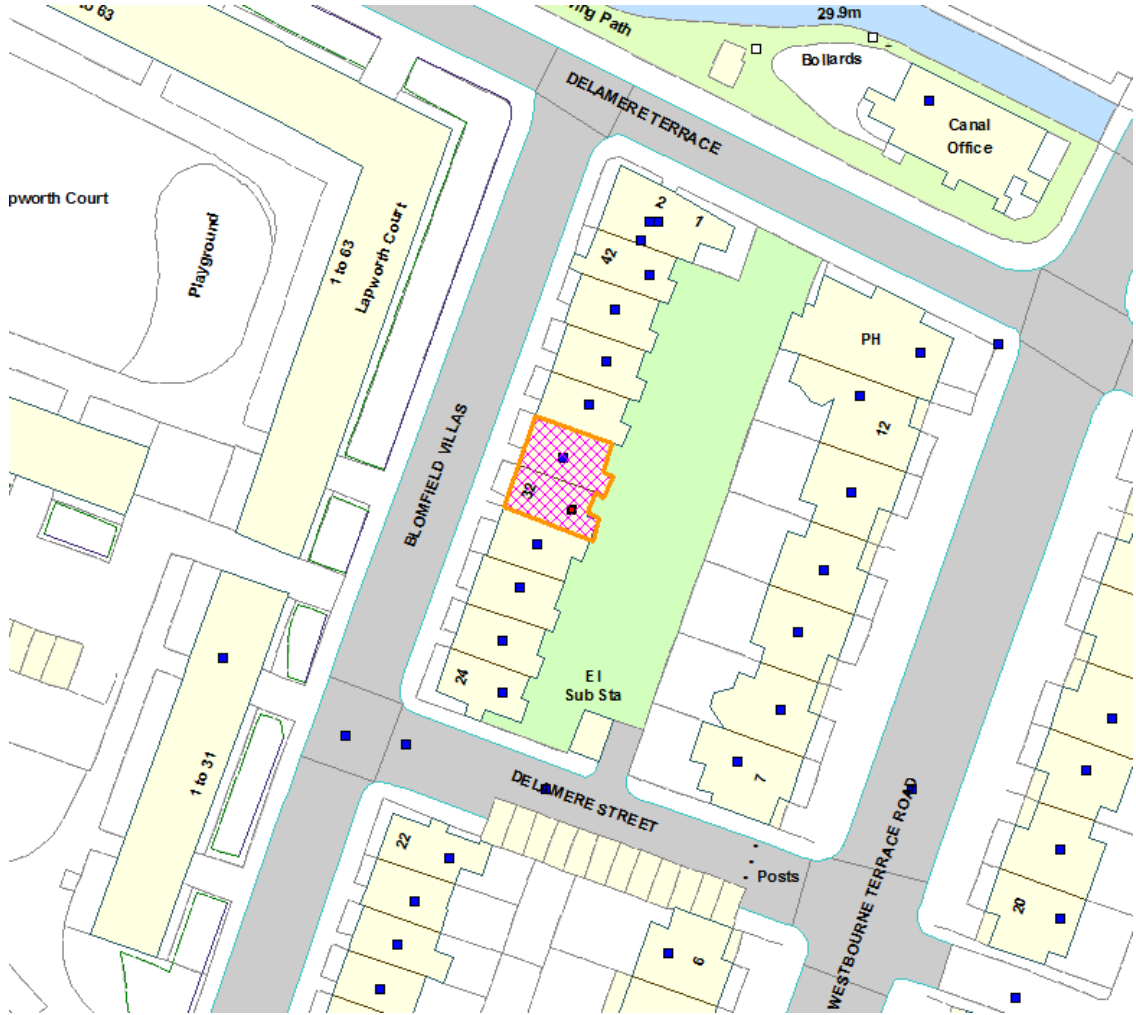
*The impact of the development on the amenity neighbouring properties

*The impact of the development on the character and appearance of the building and the Maida Vale

Conservation Area, specifically alterations to the front lightwell including provision of new railings and finials, the and the introduction of windows within the lightwell.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation of Nos.32-34 Blomfield Villas.



Basement of 28 Blomfield Villas (indicative of the size/state of all the basement spaces to be turned into 3 bedroom flats)



Basement of 32 Blomfield Villas (indicative of the size/state of all the basement spaces to be turned into 3 bedroom flats)



Rear elevation of Nos.24-46 Blomfield Villas in context with communal gardens.

5. CONSULTATIONS

WARD COUNCILLORS FOR WESTBOURNE

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No objection in principle to the use of the basement as C3 use, however the detailed design of the window is unsympathetic with the host building and the replacement staircase should be solid.

HIGHWAYS PLANNING MANAGER

Acceptable on transportation grounds.

CLEANSING MANAGER

No objection.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 15.

Total No. of replies: 3.

No. of objections: 3.

No. in support: 0.

Objections raised on all or some of the following grounds:

- Existing structural condition of the building is poor. The works to the basement will expedite current issues
- Building shows signs of subsidence.
- Upheaval in relation to basement works, particularly noise and dust.
- Rear communal garden was previously destroyed by works to neighbouring flat.
- Increased pressure on parking.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises two three storey plus basement unlisted mid-terrace buildings located within the Maida Vale Conservation Area. The buildings are currently in use as flats on ground, first and second storey levels. The lower ground floor levels are not habitable spaces, although they appear to have historically been used as such. The spaces currently do not have any internal walls or flooring and a full internal fit out would be required to make it habitable.

6.2 Recent Relevant History

Planning permission was granted for the use of the basement and basement vaults of No.24 Blomfield Villas as a one bedroom flat on 12 December 2011 (11/08882/COFUL).

Planning permission was granted for the use of the basement and ground floors of Nos.38 and 40 Blomfield Villas as 2x2 bedroom maisonettes on 20 July 2012 (12/02453/COFUL and 12/02452/COFUL).

Planning permission was granted for the use of the basements of Nos.287, 36 and 42 Blomfield Villas as 3x1 bedroom flats on 12 September 2016 (16/06069/COFUL, 16/06070/COFUL and 16/06072/COFUL). These applications were reported to the Planning Applications Committee (No.5) on 30 August 2016 at which the Committee resolved to grant conditional permission.

7. THE PROPOSAL

Planning permission is sought to create a three bedroom flat (Class C3) at lower ground floor level. To achieve this, the lower ground floor spaces between Nos32-34 will be laterally converted and external alterations undertaken to the buildings envelope, including the removal of the two staircases in the front lightwell and the installation of one replacement metal staircase. The installation of windows on the front elevation and within a new rear lightwell are proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional residential units is supported in principle by policy S14 in the City Plan') and policy H3 of the UDP.

The proposed unit would have a floor area of approximately 103m². This would meet the minimum floor area for a 3 bedroom 5 person flat (i.e. 86m²) set out in the Government's Technical Housing Standards and is considered to provide an acceptable standard of accommodation.

The proposed unit would provide a three bedroom unit, which the applicant advises is intended to be used to provide affordable housing.

8.2 Townscape and Design

The Paddington Waterways and Maida Vale Society have commented that the proposed window is unsympathetic with the host building, causing harm to the character and appearance of the Conservation Area. Additionally they state the replacement stairs should be solid rather than metal.

On the front elevation it is proposed to remove the existing solid staircases to both Nos.32 and 34 which sit against the front elevation and to introduce one replacement metal staircase against the front vault elevation to No.34 in order to insert windows on the front elevation. The new timber sash windows will sit directly below the windows at ground floor level. The comments from the local amenity society are noted. However, given that the windows are to be located on the most subservient level on the front elevation, the scale of

the windows and the minimal architectural detailing surrounding them is considered to be appropriate for this location, preserving the character and appearance of the buildings within their setting of the Maida Vale Conservation Area. As proposed the windows are of an appropriate scale, reflect the architectural style and materiality of the host building and therefore are considered to be in accordance with UDP Policy DES 5.

Whilst the loss of solid staircases is regrettable, in order to achieve light into the lower ground floor levels the staircases need to be relocated away from the front elevation. During the course of the application the complete loss of one staircase was raised as a concern due to the disruption to the uniformity of the terrace, which is considered to contribute to the character and appearance of the Conservation Area. In order to address this concern the applicant suggested the insertion of a gate which is fixed shut a gate within the front boundary railings in order to indicate that an access point would have been in this location; an amending condition is recommended requiring this alteration to be made. Whilst the replacement of both staircases would have been considered as the most sympathetic approach, given the retention of the opportunity to install a staircase in the future and the ability to interpret the historic plan form from the gate in the railings, this alteration is not considered to be so harmful to the character and appearance as to warrant refusal on design grounds.

Whilst the replacement with a solid stair would be welcomed, it would be difficult to achieve this within a lightwell of this scale where access to the vaults is required. The staircase is lightweight, subservient in scale and design and would be discreetly located within the lightwell of No.18 such that it would not detract from the overall uniformity of the terrace. Nevertheless a condition is recommended requiring the new staircase to be painted black and maintained as such in order to ensure it is in keeping with the metal work to the front boundary and on the elevation more generally. Furthermore, the principle of this alteration has previously been accepted on this street as part of a previous application to reintroduce habitable accommodation at basement level (RN: 11/08882/COFUL) and therefore a refusal would be difficult to sustain in design terms.

To the rear the alterations involve the excavation of lightwells, the depth of which does not project beyond the rear elevation of the shallow closet wings. Railings will be introduced around the lightwells and new windows are to be inserted on the rear elevation. During the course of the application the surface treatment within the lightwells has been amended to stone following concerns raised with the suitability and durability of timber decking; this alteration is acceptable. The detailed design and scale of these alterations are in keeping with the existing arrangement to some of the rear elevations of the buildings within this terrace and therefore they are not contentious in design terms.

The alterations would not harm the appearance of the building and would preserve the character and appearance of the Maida Vale Conservation Area. As such they are consistent with Policies S25 and S28 in the City Plan and Policies DES1, DES5 and DES 9 in the UDP.

8.3 Residential Amenity

The proposed flat would be located within the building envelope of the existing building and would therefore not result in material loss of light or sense of enclosure for the occupants of neighbouring properties.

Whilst new windows to the front and rear elevations are proposed, these would have outlook over the existing front lightwell and communal garden only. Accordingly, these windows would not result in loss of privacy for the occupants of neighbouring properties.

Given the above, the proposed development would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

8.4 Transportation/Parking

An objection has been raised to the potential impact of the new unit on on-street parking. No off-street parking is proposed as part of this development. The Highways Planning Manager notes that the latest on-street parking survey indicates the sufficient on-street parking exists for the likely parking demand associated with this development. Accordingly, the proposed development is consistent with policy TRANS23 of the UDP and therefore permission could not reasonably be withheld on parking grounds.

Cycle parking is proposed on-site within the basement vaults, in accordance with policy 6.9 of the London Plan (FALP 2015). A condition is recommended to secure this cycle parking.

8.5 Economic Considerations

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

8.6 Access

Given the constraints of the existing building, it is not possible to provide step free access to the proposed basement level flat.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

The estimated CIL payment is £20600, based on the floorplans submitted with the application.

8.10 Environmental Impact Assessment

Not applicable for development of this scale.

8.11 Other Issues

Concerns have been raised over the structural stability of the building. However, structural issues are a matter for building regulations and are not a material planning consideration in this instance where no significant excavation works are proposed. As such, objections on this ground cannot be supported as a ground on which to withhold planning permission.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from the Paddington Waterways and Maida Vale Society dated 20 July 2016.
3. Memo from Highways Planning Manager dated 18 July 2016.
4. Memo from the Cleansing Manager dated 25 July 2016.
5. Memo from Environmental Health dated 25 July 2016.
6. Email from the occupier of 32b Blomfield Villas dated 26 July 2016.
7. Email from the occupier of 32c Blomfield Villas dated 26 July 2016.
8. Email from the occupier of 26a Blomfield Villas dated 27 July 2016.

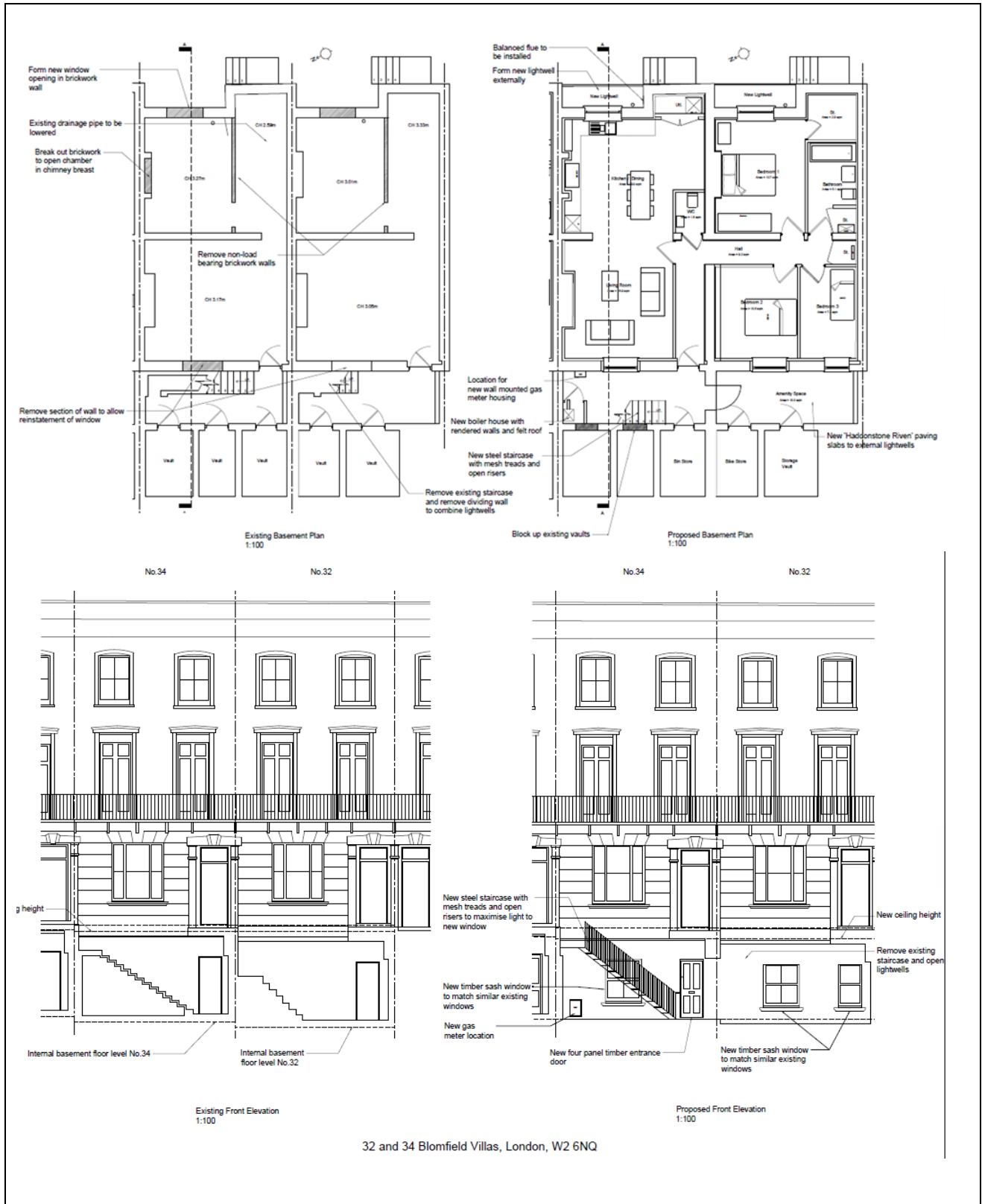
Selected relevant drawings

Existing and proposed plans and elevations

(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: RUPERT HANDLEY BY EMAIL AT RHANDLEY@WESTMINSTER.GOV.UK

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 32-34 Blomfield Villas, London, W2 6NQ,

Proposal: Use of basement as three bedroom flat (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railings around lightwell to rear elevation.

Plan Nos: 32 34-FE-001; 32/34-P-001; 32 34-RE-001; 32/34-S-001; 32/34-SE-001, Design and Access Statement and Planning Statement.

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

(R26BE)

- 4 Notwithstanding details shown on the approved drawings the new metal staircase and the new railings shall be painted black and maintained as such hereafter.

Reason:

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

(R26BE)

- 5 Notwithstanding details shown on the approved drawings the new windows hereby permitted shall be white painted timber and maintained as such.

Reason:

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

(R26BE)

- 6 You must provide the waste store shown on drawing 12/14-P-001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

Reason:

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

- 8 You must apply to us for approval of further details of the following parts of the development:

- (a) Proposed street elevation showing the insertion of a gate within the front railings.
- (b) Detailed drawings and sections at a scale of 1:10 or 1:20 of the new railings/gate.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

(R26BE)

Informative(s):

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

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

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Westbourne	
Subject of Report	20-22 Blomfield Villas, London, W2 6NH,		
Proposal	Use of basement as three bedroom flat (Class C3), installation of windows to the front and rear elevations and installation of stair within front lightwell.		
Agent	Lambert Smith Hampton		
On behalf of	City West Homes Limited		
Registered Number	16/05510/COFUL	Date amended/ completed	16 June 2016
Date Application Received	13 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

2. SUMMARY

The application site comprises two unlisted mid-terrace buildings located within the Maida Vale Conservation Area. Permission is sought to create a three bedroom flat by laterally converting the existing unused lower ground floor level spaces. Installation of windows on the front and rear elevations, alterations to the staircase within the front lightwells and alterations to the front boundary treatment are also proposed.

Objection has been received in relation to the development proposals on the grounds of overlooking to the existing private garden of No.22A Blomfield Villas.

The key issues in this case are:

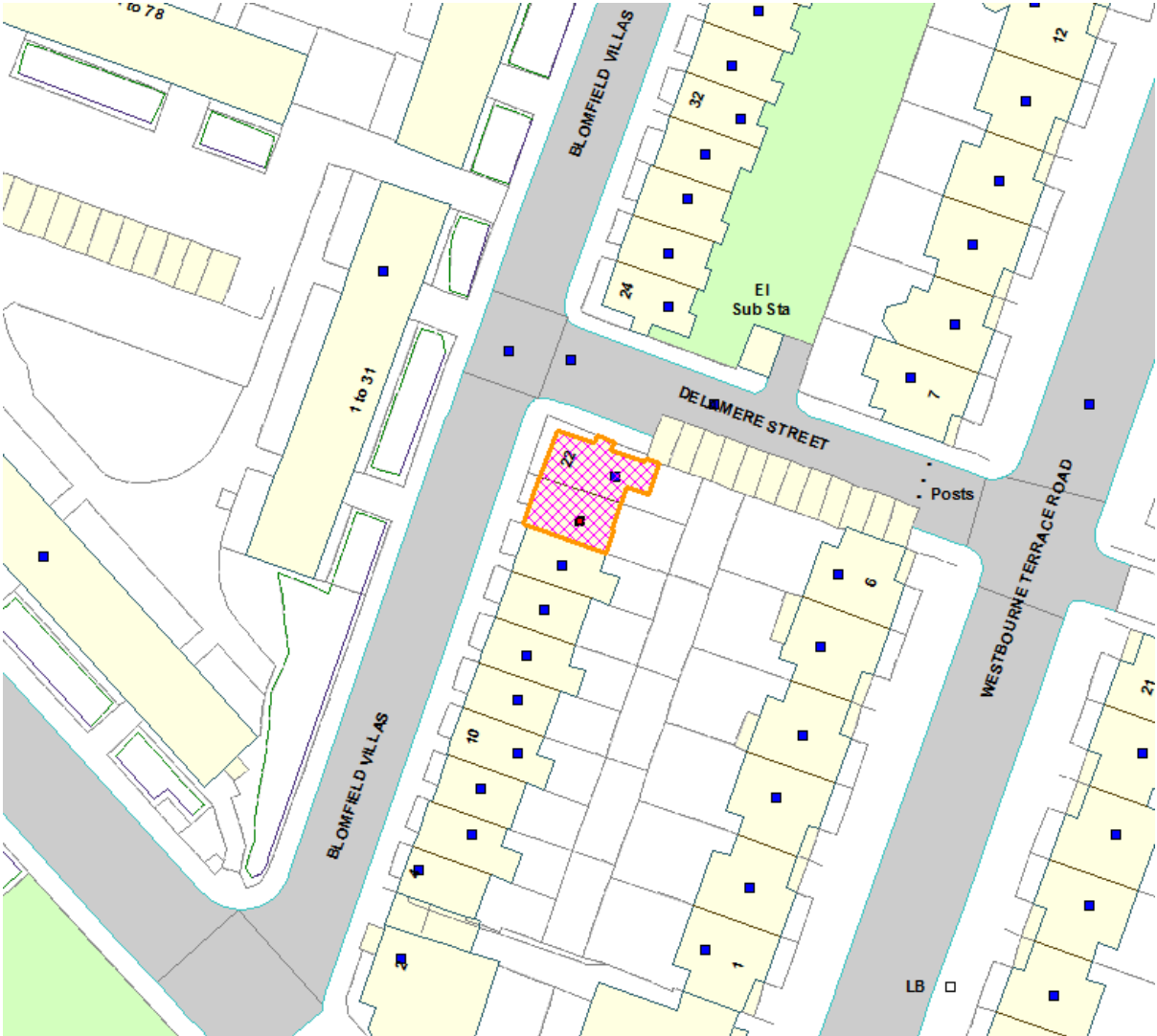
*The impact of the development on the amenity neighbouring properties

*The impact of the development on the character and appearance of the building and the Maida Vale Conservation Area, specifically alterations to the front lightwell including provision of new railings and

finials, the and the introduction of windows within the lightwell.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation of Nos.20-22 Blomfield Villas.

Item No.
5



Basement of No.28 Blomfield Villas (indicative of the size/state of all the basement spaces to be turned into 3 bedroom flats).



Basement of 32 Blomfield Villas (indicative of the size/state of all the basement spaces to be turned into 3 bedroom flats).

5. CONSULTATIONS

WARD COUNCILLORS FOR WESTBOURNE

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No objection in principle to the use of the basement as C3 use, however the detailed design of the window is unsympathetic with the host building and the replacement staircase should be solid.

HIGHWAYS PLANNING MANAGER

Acceptable on transportation grounds.

CLEANSING MANAGER

No objection.

ENVIRONMENTAL HEALTH

Object to lack of adequate provisions of escape in case of a fire.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

Object on the following grounds:

- Loss of privacy to private garden

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises the basement floors of two three storey plus basement unlisted mid-terrace buildings located within the Maida Vale Conservation Area. The buildings are currently in use as flats on ground, first and second storey levels. The lower ground floor levels are not habitable spaces, although they appear to have historically been used as such. The spaces currently do not have any internal walls or flooring and a full internal fit out would be required to make them habitable.

6.2 Recent Relevant History

Planning permission was granted for the use of the basement and basement vaults of No.24 Blomfield Villas as a one bedroom flat on 12 December 2011 (11/08882/COFUL).

Planning permission was granted for the use of the basement and ground floors of Nos.38 and 40 Blomfield Villas as 2x2 bedroom maisonettes on 20 July 2012 (12/02453/COFUL and 12/02452/COFUL).

Item No.
5

Planning permission was granted for the use of the basements of Nos.287, 36 and 42 Blomfield Villas as 3x1 bedroom flats on 12 September 2016 (16/06069/COFUL, 16/06070/COFUL and 16/06072/COFUL). These applications were reported to the Planning Applications Committee (No.5) on 30 August 2016 at which the Committee resolved to grant conditional permission.

7. THE PROPOSAL

Planning permission is sought to create a three bedroom flat (Class C3) at lower ground floor level. To achieve this, the lower ground floor spaces between Nos.20-22 will be laterally converted and external alterations undertaken to the buildings envelope, including the removal of the two staircases from the front lightwell and the installation of one replacement metal staircase. The installation of windows on the front and rear elevations is also proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional residential units is supported in principle by policy S14 in the City Plan') and policy H3 of the UDP.

The proposed unit would have a floor area of approximately 91m². This would meet the minimum floor area for a 3 bedroom 5 person flat (i.e. 86m²) set out in the Government's Technical Housing Standards and is considered to provide an acceptable standard of accommodation.

The proposed unit would provide a three bedroom unit, which the applicant advises is intended to be used to provide affordable housing.

8.2 Townscape and Design

The Paddington Waterways and Maida Vale Society have commented that the proposed window is unsympathetic with the host building, causing harm to the character and appearance of the Conservation Area. Additionally they state the replacement stairs should be solid rather than metal.

On the front elevation it is proposed to remove the existing solid staircases to both Nos.20 and 22, which sit against the front elevation, and to introduce one replacement metal staircase against the front vault elevation to No.22 in order to insert windows on the front elevation. The new timber sash windows will sit directly below the windows at ground floor level. The comments from the local amenity society are noted. However, given that the windows are to be located on the most subservient level on the front elevation, the scale of the windows and the minimal architectural detailing surrounding them is considered to be appropriate for this location, preserving the character and appearance of the buildings within their setting of the Maida Vale Conservation Area. As proposed the windows are of an appropriate scale, reflect the architectural style and materiality of the host building and therefore are considered to be in accordance with UDP Policy DES 5.

Item No.
5

Whilst the loss of solid staircases is regrettable, in order to achieve light into the lower ground floor levels the staircases need to be relocated away from the front elevation. During the course of the application the complete loss of one staircase was raised as a concern due to the disruption to the uniformity of the terrace, which is considered to contribute to the character and appearance of the Conservation Area. In order to address this concern the applicant suggested the insertion of a gate which is fixed shut a gate within the front boundary railings in order to indicate that an access point would have been in this location; an amending condition is recommended requiring this alteration to be made. Whilst the replacement of both staircases would have been considered as the most sympathetic approach, given the retention of the opportunity to install a staircase in the future and the ability to interpret the historic plan form from the gate in the railings, this alteration is not considered to be so harmful to the character and appearance as to warrant refusal on design grounds.

Whilst the replacement with a solid stair would be welcomed, it would be difficult to achieve this within a lightwell of this scale where access to the vaults is required. The staircase is lightweight, subservient in scale and design and would be discreetly located within the lightwell of No.22 such that it would not detract from the overall uniformity of the terrace. Nevertheless a condition is recommended requiring the new staircase to be painted black and maintained as such in order to ensure it is in keeping with the metal work to the front boundary and on the elevation more generally. Furthermore, the principle of this alteration has previously been accepted on this street as part of a previous application to reintroduce habitable accommodation at basement level (RN: 11/08882/COFUL) and therefore a refusal would be difficult to sustain in design terms.

To the rear the alterations involve the insertion of windows to serve the kitchen, a bedroom and the bathroom; they are appropriately scaled and designed in relation to the hierarchy of levels. As the garden to the rear does not relate to the application site the windows are to be obscure glazed (see Section 8.3 of this report). These windows are not contentious in design terms.

The alterations would not harm the appearance of the building and would preserve the character and appearance of the Maida Vale Conservation Area. As such they are consistent with Policies S25 and S28 in the City Plan and Policies DES1, DES5 and DES 9 in the UDP.

8.3 Residential Amenity

The proposed flat would be located within the building envelope of the existing building and would therefore not result in material loss of light or sense of enclosure for the occupants of neighbouring properties.

Whilst new windows to the front and rear elevations are proposed, the windows to the front would provide views into the existing front lightwell, whilst the windows to the rear are to be obscure glazed and fixed shut to prevent overlooking to the rear gardens of the flats on the upper floors. A condition is recommended to ensure the fixing shut and obscure glazing of the windows and subject to this condition, the concerns of the objector would be met on overlooking grounds.

Given the above, the proposed development would be consistent with Policy S29 in the City Plan and Policy ENV13 in the UDP.

8.4 Transportation/ Parking

The Highways Planning Manager notes that the latest on-street parking survey indicates the sufficient on-street parking availability exists in the vicinity and the likely parking demand from the proposed development could be accommodated on-street. As such, the proposed development is consistent with Policy TRANS23 in the UDP.

Cycle parking is to be provided on-site in an existing basement vault and therefore the proposal would accord with Policy 6.9 in the London Plan (FALP 2015). A condition is recommended to secure this cycle parking.

8.5 Economic Considerations

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

8.6 Access

Given the constraints of the existing building, it is not possible to provide step free access to the proposed basement level flat.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

The estimated CIL payment is £18200, based on the floorplans submitted with the application.

8.10 Environmental Impact Assessment

Not applicable for development of this scale.

8.11 Other Issues

An objection to the loss of the private garden on the rear elevation was received. However no access to the private garden will be given from the proposed units and as set out earlier in this report, the rear windows proposed are to be obscure glazed and fixed shut.

Environmental Health have raised concerns regarding the internal layout of the proposed flat, as it would contain remote rooms, which require escape through a room containing a kitchen in the event of a fire. This concern can be resolved by amendment of the internal layout or specification of appropriate internal fire safety measures and as such, this is not a ground on

Item No.
5

which to withhold planning permission. An informative is recommended drawing the concerns of Environmental Health to the applicant's attention.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from the Paddington Waterways and Maida Vale Society dated 20 July 2016.
3. Memo from Highways Planning Manager dated 18 July 2016.
4. Memo from the Cleansing Manager dated 22 July 2016.
5. Memo from Environmental Health dated 25 July 2016.
6. Letter from occupier of 22A Blomfield Villas dated 19 July 2016.

Selected relevant drawings

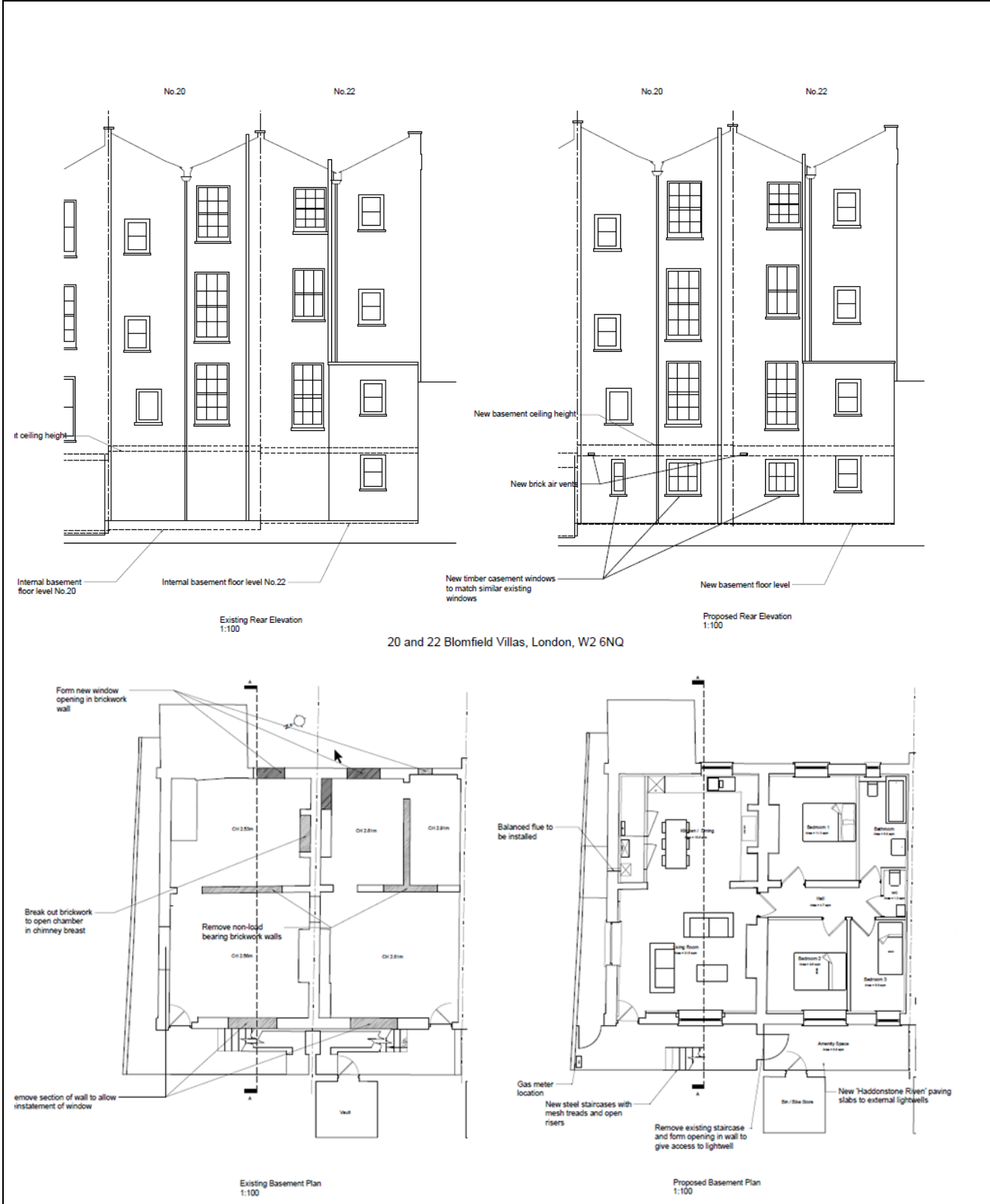
Existing and proposed plans and elevations.

(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: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk .
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10. KEY DRAWINGS





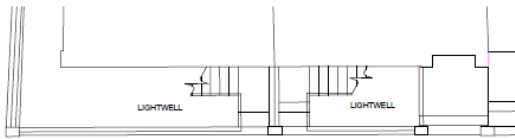


Existing Front Elevation (Street level)
1:100

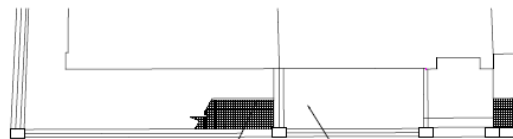


Extend railings to infill gate opening using a matching profile

Proposed Front Elevation (Street Level)
1:100



Existing front entrance and railing plan
1:100



Provide new steel staircase with mesh treads

Remove existing staircase and make good damaged surfaces

Proposed front entrance and railing plan
1:100

DRAFT DECISION LETTER

Address: 20-22 Blomfield Villas, London, W2 6NH,

Proposal: Use of basement as three bedroom flat (Class C3), installation of windows to the front and rear elevations and installation of stair within front lightwell.

Plan Nos: 20/22-BP-001; 20 22-FE-001; 20 22-GE-001; 20/22-P-001/A; 20/22-RE-001; 20/22-S-001; 20/22-SE-001.

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

Item No.
5

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

- 4 Notwithstanding details shown on the approved drawings the new metal staircase and the new railings shall be painted black and maintained as such hereafter.

Reason:

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

- 5 Notwithstanding details shown on the approved drawings the new windows hereby permitted shall be white painted timber and maintained as such.

Reason:

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

- 6 You must provide the waste store shown on drawing 20/22-P-001/A before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

Reason:

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

- 8 You must apply to us for approval of further details of the following parts of the development:

Item No.
5

- (a) Proposed street elevation showing the insertion of a gate within the front railings.
- (b) detailed drawings and sections at a scale of 1:10 or 1:20 of the new railings/gate

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 The glass that you put in the rear windows in the south east elevation of the flat must not be clear glass, and you must fix them permanently shut. 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 (July 2016) 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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that as inhabitants of the bedrooms would have to pass through the kitchen area (highest risk area) to be able to gain a safe means of escape in case of fire you should redesign and/or reconfigure the internal layout of the proposed flat. For further advice on this matter please contact Environmental Health Officer Chris Banks on 020 7641 1650.

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.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Westbourne	
Subject of Report	16-18 Blomfield Villas, London, W2 6NH,		
Proposal	Use of basement as three bedroom flat (Class C3), installation of windows to the front and rear elevations and installation of stair within front lightwell.		
Agent	Lambert Smith Hampton		
On behalf of	City West Homes Limited		
Registered Number	16/05490/COFUL	Date amended/ completed	16 June 2016
Date Application Received	13 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

2. SUMMARY

The application site comprises two unlisted mid-terrace buildings located within the Maida Vale Conservation Area. Permission is sought to create a three bedroom flat by laterally converting the existing unused lower ground floor level spaces. It is also proposed to install windows in the front and rear elevations, alter the staircases within the front lightwells and alter the front boundary treatment.

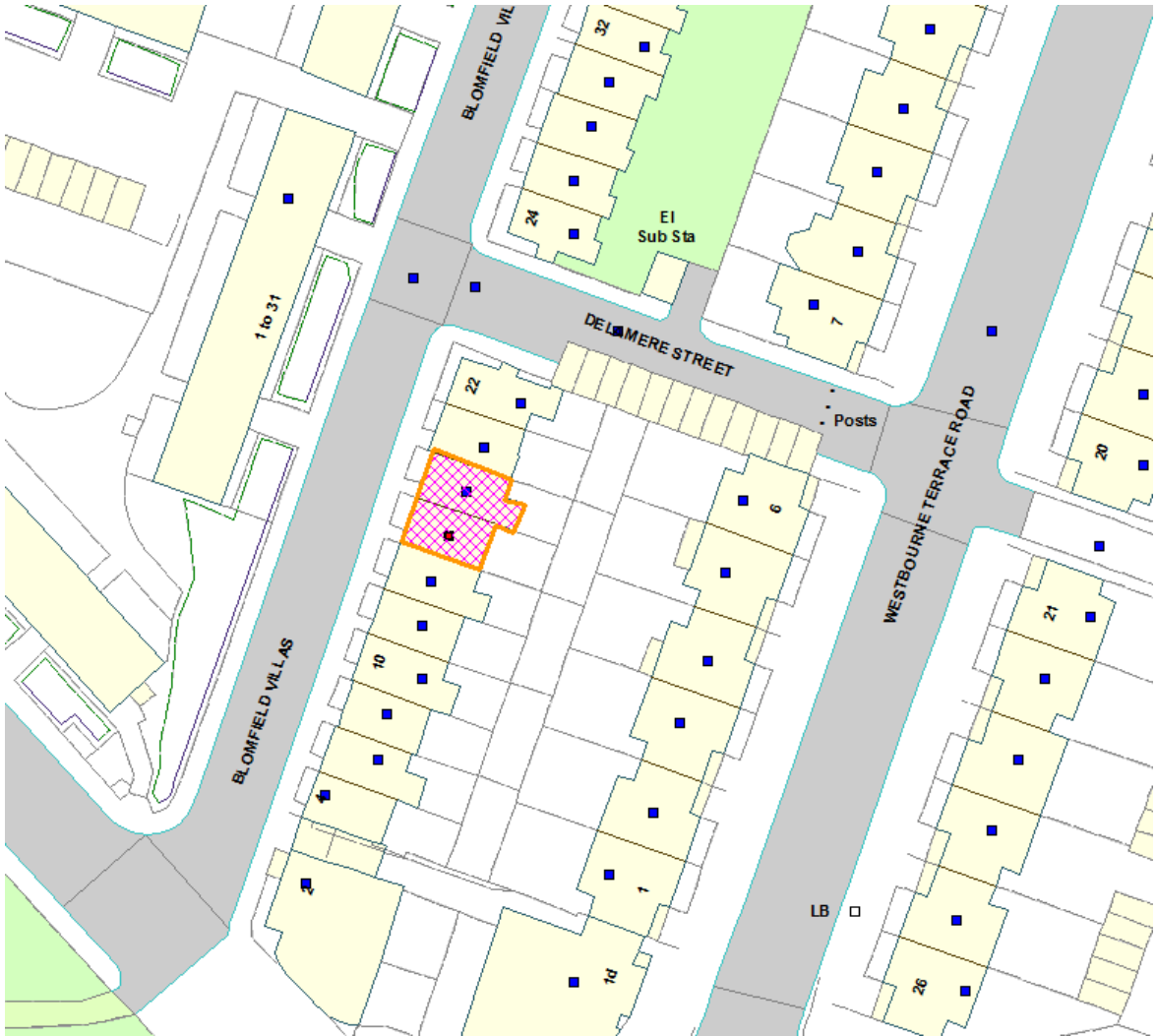
Objection has been received in relation to the development proposals on the grounds of overlooking to the existing private garden of No.18A Blomfield Villas.

The key issues in this case are:

- *The impact of the development on the amenity neighbouring properties
- *The impact of the development on the character and appearance of the building and the Maida Vale Conservation Area, specifically alterations to the front lightwell including provision of new railings and finials, the and the introduction of windows within the lightwell.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation of Nos.16-18 Blomfield Villas.



Basement of 28 Blomfield Villas (indicative of the size/state of all the basement spaces to be turned into 3 bedroom flats)



Basement of 32 Blomfield Villas (indicative of the size/state of all the basement spaces to be turned into 3 bedroom flats.)

5. CONSULTATIONS

WARD COUNCILLORS FOR WESTBOURNE

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No objection in principle to the use of the basement as Class C3 use; however the detailed design of the window is unsympathetic with the host building and the replacement staircase should be solid.

HIGHWAYS PLANNING MANAGER

Acceptable on transportation grounds.

CLEANSING MANAGER

Proposal is acceptable in cleansing terms.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

Object raised on the following grounds:

- Loss of privacy and loss of private garden.
- Lack of information leading up to submission of planning application.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the basement floors of two three storey plus basement unlisted mid-terrace buildings located within the Maida Vale Conservation Area. The buildings are currently in use as flats on ground, first and second floor levels. The lower ground floor levels are not habitable spaces, although they appear to have historically been used as such. The spaces currently do not have any internal walls or flooring and a full internal fit out would be required to make them habitable.

6.2 Recent Relevant History

Planning permission was granted for the use of the basement and basement vaults of No.24 Blomfield Villas as a one bedroom flat on 12 December 2011 (11/08882/COFUL).

Planning permission was granted for the use of the basement and ground floors of Nos.38 and 40 Blomfield Villas as 2x2 bedroom maisonettes on 20 July 2012 (12/02453/COFUL and 12/02452/COFUL).

Planning permission was granted for the use of the basements of Nos.287, 36 and 42 Blomfield Villas as 3x1 bedroom flats on 12 September 2016 (16/06069/COFUL, 16/06070/COFUL and 16/06072/COFUL). These applications were reported to the Planning Applications Committee (No.5) on 30 August 2016 at which the Committee resolved to grant conditional permission.

7. THE PROPOSAL

Planning permission is sought to create a three bedroom flat (Class C3) at lower ground floor level. To achieve this, the lower ground floor spaces between Nos.16-18 will be laterally converted and external alterations undertaken to the buildings envelope, including the removal of the two staircases from the front lightwell and the installation of one replacement metal staircase. The installation of windows on the front and rear elevations is also proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional residential units is supported in principle by policy S14 in the City Plan') and policy H3 of the UDP.

The proposed unit would have a floor area of approximately 91m². This would meet the minimum floor area for a 3 bedroom 5 person flat (i.e. 86m²) set out in the Government's Technical Housing Standards and is considered to provide an acceptable standard of accommodation.

The proposed unit would provide a three bedroom unit, which the applicant advises is intended to be used to provide affordable housing.

8.2 Townscape and Design

The Paddington Waterways and Maida Vale Society have commented that the proposed window is unsympathetic with the host building, causing harm to the character and appearance of the Conservation Area. Additionally they state the replacement stairs should be solid rather than metal.

On the front elevation it is proposed to remove the existing solid staircases to both Nos.16 and 18, which sit against the front elevation and to introduce one replacement metal staircase against the front vault elevation to No.18 in order to insert windows on the front elevation. The new timber sash windows will sit directly below the windows at ground floor level. The comments from the local amenity society are noted. However, given that the windows are to be located on the most subservient level on the front elevation, the scale of the windows and the minimal architectural detailing surrounding them is considered to be appropriate for this location, preserving the character and appearance of the buildings

Item No.
6

within their setting of the Maida Vale Conservation Area. As proposed the windows are of an appropriate scale, reflect the architectural style and materiality of the host building and therefore are considered to be in accordance with UDP Policy DES 5.

Whilst the loss of solid staircases is regrettable, in order to achieve light into the lower ground floor levels the staircases need to be relocated away from the front elevation. During the course of the application the complete loss of one staircase was raised as a concern due to the disruption to the uniformity of the terrace, which is considered to contribute to the character and appearance of the Conservation Area. In order to address this concern the applicant suggested the insertion of a gate which is fixed shut a gate within the front boundary railings in order to indicate that an access point would have been in this location; an amending condition is recommended requiring this alteration to be made. Whilst the replacement of both staircases would have been considered as the most sympathetic approach, given the retention of the opportunity to install a staircase in the future and the ability to interpret the historic plan form from the gate in the railings, this alteration is not considered to be so harmful to the character and appearance as to warrant refusal on design grounds.

Whilst the replacement with a solid stair would be welcomed, it would be difficult to achieve this within a lightwell of this scale where access to the vaults is required. The staircase is lightweight, subservient in scale and design and would be discreetly located within the lightwell of No.18 such that it would not detract from the overall uniformity of the terrace. Nevertheless a condition is recommended requiring the new staircase to be painted black and maintained as such in order to ensure it is in keeping with the metal work to the front boundary and on the elevation more generally. Furthermore, the principle of this alteration has previously been accepted on this street as part of a previous application to reintroduce habitable accommodation at basement level (RN: 11/08882/COFUL) and therefore a refusal would be difficult to sustain in design terms.

To the rear the alterations involve the insertion of windows to serve the kitchen, a bedroom and the bathroom; they are appropriately scaled and designed in relation to the hierarchy of levels. As the garden to the rear does not relate to the application site the windows are to be obscure glazed (see Section 8.3 of this report). These windows are not contentious in design terms.

The alterations would not harm the appearance of the building and would preserve the character and appearance of the Maida Vale Conservation Area. As such they are consistent with Policies S25 and S28 in the City Plan and Policies DES1, DES5 and DES 9 in the UDP.

8.3 Residential Amenity

The proposed flat would be located within the building envelope of the existing building and would therefore not result in material loss of light or sense of enclosure for the occupants of neighbouring properties.

Whilst new windows to the front and rear elevations are proposed, the windows to the front would provide views into the existing front lightwell, whilst the windows to the rear are to be obscure glazed and fixed shut to prevent overlooking to the rear gardens of the flats on the upper floors. A condition is recommended to ensure the fixing shut and obscure glazing of

the windows and subject to this condition, the concerns of the objector would be met on overlooking grounds.

Given the above, the proposed development would be consistent with Policy S29 in the City Plan and Policy ENV13 in the UDP.

8.4 Transportation/Parking

The Highways Planning Manager notes that the latest on-street parking survey indicates the sufficient on-street parking exists for the likely parking demand associated with this development. Accordingly, the proposed development is consistent with policy TRANS23 of the UDP.

Cycle parking is proposed on-site within the basement vaults, in accordance with policy 6.9 of the London Plan (FALP 2015). A condition is recommended to secure this cycle parking.

8.5 Economic Considerations

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

8.6 Access

Given the constraints of the existing building, it is not possible to provide step free access to the proposed basement level flat.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/ Guidance Considerations

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

8.9 Planning Obligations

The estimated CIL payment is £18200, based on the floorplans submitted with the application.

8.10 Environmental Impact Assessment

Not applicable for development of this scale.

8.11 Other Issues

An objection to the loss of the private garden on the rear elevation was received. However no access to the private garden will be given from the proposed units and as set out earlier in this report, the rear windows proposed are to be obscure glazed and fixed shut.

The objector has also raised concerns regarding the lack of information leading up to submission of planning application. The applicants are required to notify other interested parties in the block before the submission of the planning application. The applicants have demonstrated that a letter was sent to all those with an interest in the building on 17 June 2016. Neighbours were also notified of the application by the City Council by letter, to which the objection was received in response. As such, whilst the objectors concern on this issue is understood, this is not a ground on which permission could be withheld.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from the Paddington Waterways and Maida Vale Society dated 20 July 2016.
3. Memo from Highways Planning Manager dated 18 July 2016.
4. Memo from the Cleansing Manager dated 22 July 2016.
5. Memo from Environmental Health dated 25 July 2016.
6. Letter from the occupier of 18A Blomfield Villas dated 12 July 2016 .

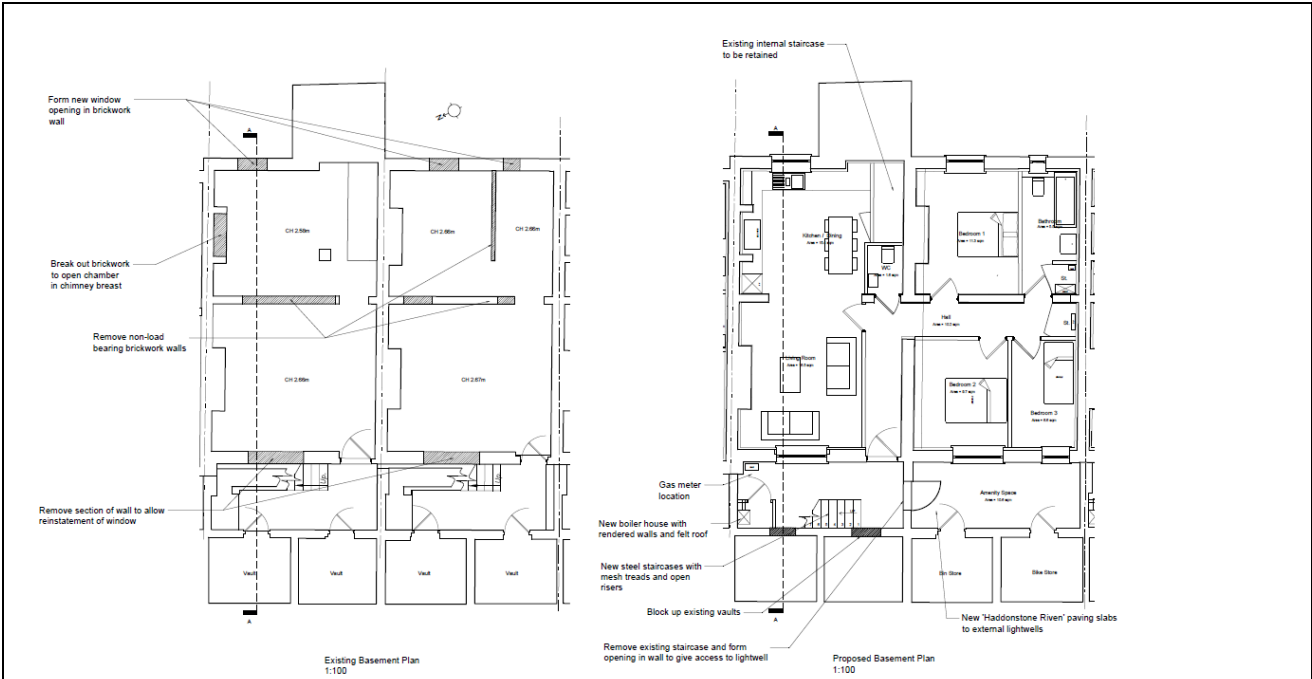
Selected relevant drawings

Existing and proposed plans and elevations.

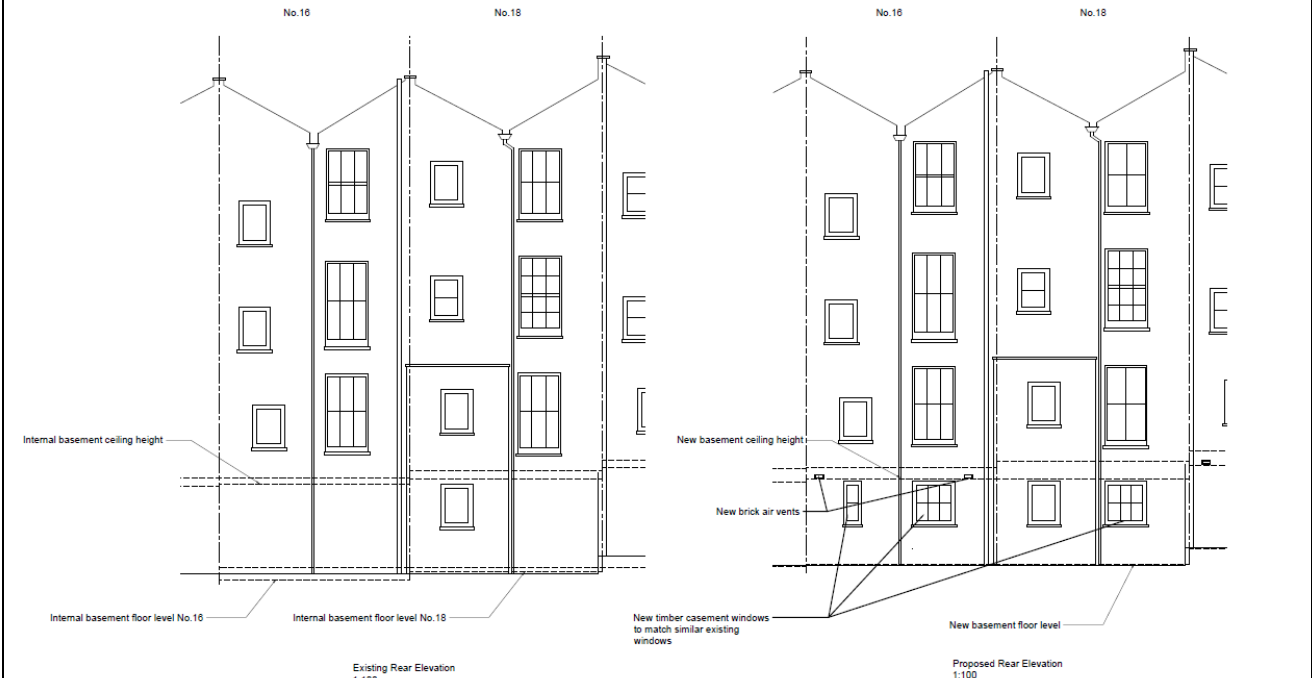
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

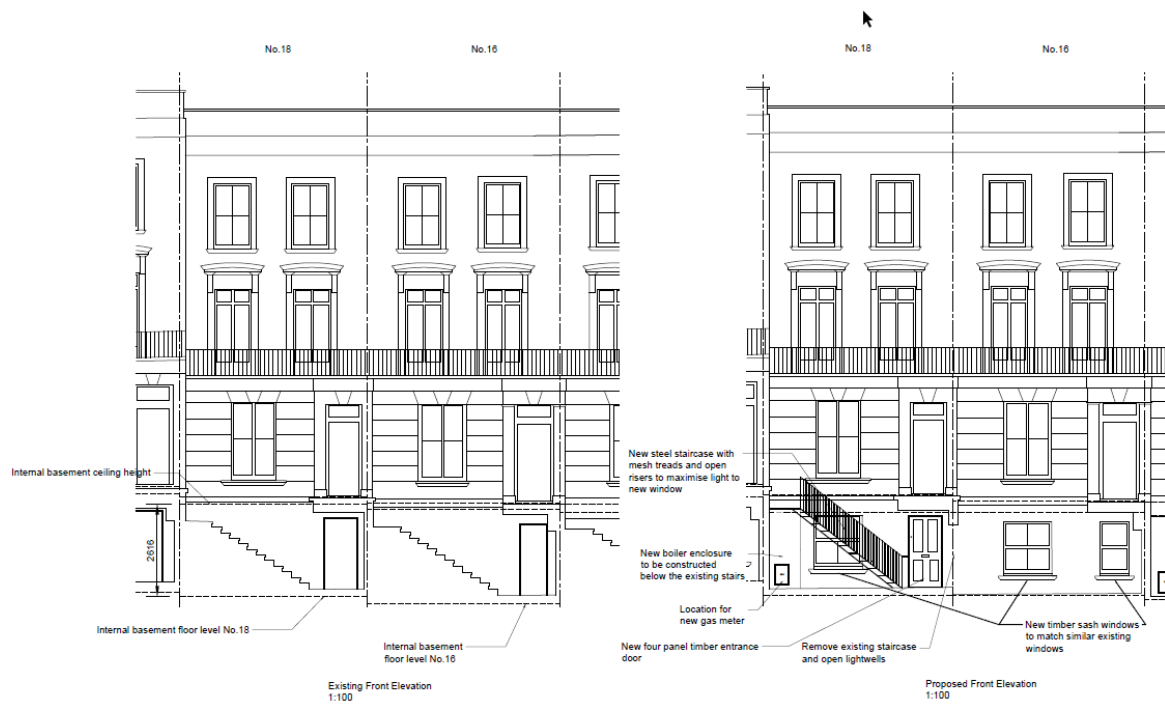
10. KEY DRAWINGS



Existing and proposed floor plans.



Existing and proposed rear elevations.



Existing and proposed front elevations.

DRAFT DECISION LETTER

Address: 16-18 Blomfield Villas, London, W2 6NH,

Proposal: Use of basement as three bedroom flat (Class C3), installation of windows to the front and rear elevations and installation of stair within front lightwell.

Plan Nos: 16/18-BP-001; 16 18-FE-001; 16/18-P-001; 16/18-RE-001; 16/18-S-001;
16/18-SE-001, Design and Access Statement and Planning Statement.

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 Notwithstanding details shown on the approved drawings the new metal staircase and the new railings shall be painted black and maintained as such hereafter.

Reason:

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

- 5 Notwithstanding details shown on the approved drawings the new windows hereby permitted shall be white painted timber and maintained as such.

Reason:

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

- 6 You must apply to us for approval of further details of the following parts of the development:

- (a) Proposed street elevation showing the insertion of a gate within the front railings.
- (b) Detailed drawings and sections at a scale of 1:10 or 1:20 of the new railings/gate.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must provide the waste store shown on drawing 42-P-001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of

Item No.
6

Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

Reason:

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

- 9 The glass that you put in the rear windows in the south east elevation of the flat must not be clear glass, and you must fix them permanently shut. 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 (July 2016) 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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

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Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Westbourne	
Subject of Report	12-14 Blomfield Villas, London, W2 6NH,		
Proposal	Use of basement as three bedroom flat (Class C3), installation of windows to the front and rear elevations and installation of stair within front lightwell.		
Agent	Lambert Smith Hampton		
On behalf of	City West Homes Limited		
Registered Number	16/05489/COFUL	Date amended/ completed	22 June 2016
Date Application Received	13 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

2. SUMMARY

The application site comprises two unlisted mid-terrace buildings located within the Maida Vale Conservation Area. Permission is sought to create a three bedroom flat by laterally converting the existing unused lower ground floor level spaces. Installation of windows on the front and rear elevations, alterations to the staircase within the front lightwells and alterations to the front boundary treatment are also proposed.

Objections have been received in relation to the development proposals on the grounds of loss of privacy to the existing rear gardens, increased pressure on on-street parking, increased flooding risk and concerns regarding the impact on the structure of the building.

The key issues in this case are:

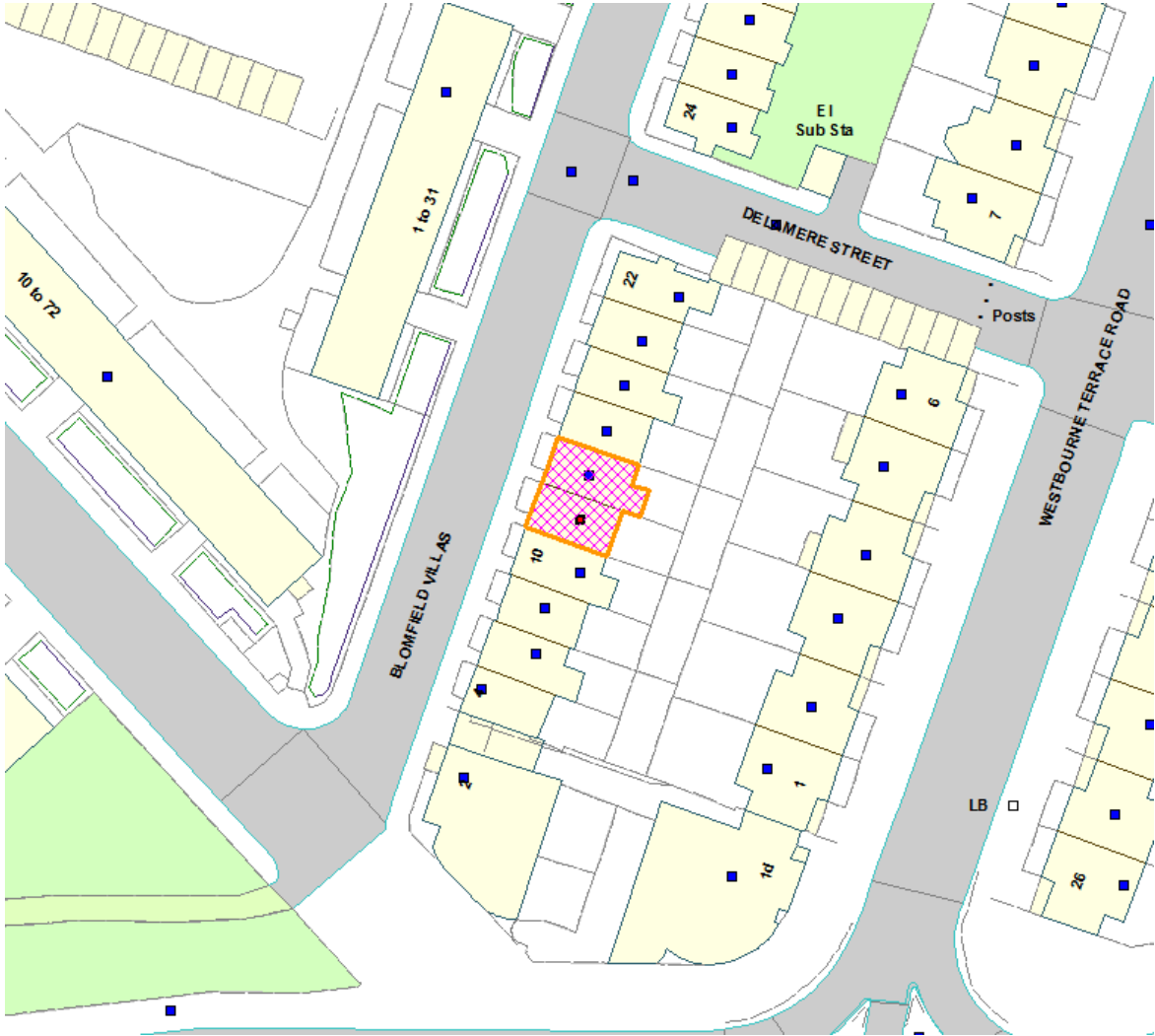
*The impact of the development on the amenity neighbouring properties

*The impact of the development on the character and appearance of the building and the Maida Vale

Conservation Area, specifically alterations to the front lightwell including provision of new railings and finials, the and the introduction of windows within the lightwell.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation of Nos.12-14 Blomfield Villas.



Basement of 28 Blomfield Villas (indicative of the size/state of all the basement spaces to be turned into 3 bedroom flats).



Basement of 32 Blomfield Villas (indicative of the size/state of all the basement spaces to be turned into 3 bedroom flats).

5. CONSULTATIONS

WARD COUNCILLORS FOR WESTBOURNE

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No objection in principle to the use of the basement as C3 use, however the detailed design of the window is unsympathetic with the host building and the replacement staircase should be solid.

HIGHWAYS PLANNING

Acceptable on transportation grounds.

CLEANSING

Submitted drawings show provisions of a bin store but these are not detailed. A revised plan indicating recycling and waste bins should be provided.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10.

Total No. of replies: 5.

No. of objections: 5.

No. in support: 0.

8 letters/ emails from 5 respondents raising objections on all or some of the following grounds:

Amenity

- Loss of privacy and loss of private garden.

Transport/ Parking

- Impact on parking provisions in the area and associated traffic noise.

Other Issues

- The basements are in poor condition with rising damp and cracking and crumbling brickwork.
- Concerned about the impact the works on the building structure.
- Concern the block is subsiding.
- Overcrowding concerns.
- Concern about basement flats flooding.
- City West Homes have not addressed the structural concerns.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the basements of these three storey plus basement level unlisted mid-terrace buildings located within the Maida Vale Conservation Area. The buildings are currently in use as flats on ground, first and second storey levels. The lower ground floor levels are not habitable spaces, although they appear to have historically been used as such. The spaces currently do not have any internal walls or flooring and a full internal fit out would be required to make it habitable.

6.2 Recent Relevant History

Planning permission was granted for the use of the basement and basement vaults of No.24 Blomfield Villas as a one bedroom flat on 12 December 2011 (11/08882/COFUL).

Planning permission was granted for the use of the basement and ground floors of Nos.38 and 40 Blomfield Villas as 2x2 bedroom maisonettes on 20 July 2012 (12/02453/COFUL and 12/02452/COFUL).

Planning permission was granted for the use of the basements of Nos.287, 36 and 42 Blomfield Villas as 3x1 bedroom flats on 12 September 2016 (16/06069/COFUL, 16/06070/COFUL and 16/06072/COFUL). These applications were reported to the Planning Applications Committee (No.5) on 30 August 2016 at which the Committee resolved to grant conditional permission.

7. THE PROPOSAL

Planning permission is sought to create a three bed flat (Use Class C3) at lower ground floor level. To achieve this, the lower ground floor spaces between no.s 12-14 will be laterally converted and external alterations undertaken to the buildings envelope, including the removal of the 2no staircases in the front lightwell and the installation of 1no replacement metal staircase and the installation of windows on the front and rear elevations are proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional residential units is supported in principle by policy S14 in the City Plan') and policy H3 of the UDP.

The proposed unit would have a floor area of approximately 91m². This would meet the minimum floor area for a 3 bedroom 5 person flat (i.e. 86m²) set out in the Government's Technical Housing Standards and is considered to provide an acceptable standard of accommodation.

The proposed unit would provide a three bedroom unit, which the applicant advises is intended to be used to provide affordable housing.

8.2 Townscape and Design

The Paddington Waterways and Maida Vale Society have commented that the proposed window is unsympathetic with the host building, causing harm to the character and

appearance of the Conservation Area. Additionally they state the replacement stairs should be solid rather than metal.

On the front elevation it is proposed to remove the existing solid staircases to both Nos.12 and 14, which sit against the front elevation, and to introduce one replacement metal staircase against the front vault elevation to No.14 in order to insert windows on the front elevation. The new timber sash windows will sit directly below the windows at ground floor level. The comments from the local amenity society are noted. However, given that the windows are to be located on the most subservient level on the front elevation, the scale of the windows and the minimal architectural detailing surrounding them is considered to be appropriate for this location, preserving the character and appearance of the buildings within their setting of the Maida Vale Conservation Area. As proposed the windows are of an appropriate scale, reflect the architectural style and materiality of the host building and therefore are considered to be in accordance with UDP Policy DES 5.

Whilst the loss of solid staircases is regrettable, in order to achieve light into the lower ground floor levels the staircases need to be relocated away from the front elevation. During the course of the application the complete loss of one staircase was raised as a concern due to the disruption to the uniformity of the terrace, which is considered to contribute to the character and appearance of the Conservation Area. In order to address this concern the applicant suggested the insertion of a gate which is fixed shut a gate within the front boundary railings in order to indicate that an access point would have been in this location; an amending condition is recommended requiring this alteration to be made. Whilst the replacement of both staircases would have been considered as the most sympathetic approach, given the retention of the opportunity to install a staircase in the future and the ability to interpret the historic plan form from the gate in the railings, this alteration is not considered to be so harmful to the character and appearance as to warrant refusal on design grounds.

Whilst the replacement with a solid stair would be welcomed, it would be difficult to achieve this within a lightwell of this scale where access to the vaults is required. The staircase is lightweight, subservient in scale and design and would be discreetly located within the lightwell of No.22 such that it would not detract from the overall uniformity of the terrace. Nevertheless a condition is recommended requiring the new staircase to be painted black and maintained as such in order to ensure it is in keeping with the metal work to the front boundary and on the elevation more generally. Furthermore, the principle of this alteration has previously been accepted on this street as part of a previous application to reintroduce habitable accommodation at basement level (RN: 11/08882/COFUL) and therefore a refusal would be difficult to sustain in design terms.

To the rear the alterations involve the insertion of windows to serve the kitchen, a bedroom and the bathroom; they are appropriately scaled and designed in relation to the hierarchy of levels. As the garden to the rear does not relate to the application site the windows are to be obscure glazed (see Section 8.3 of this report). These windows are not contentious in design terms.

The alterations would not harm the appearance of the building and would preserve the character and appearance of the Maida Vale Conservation Area. As such they are consistent with Policies S25 and S28 in the City Plan and Policies DES1, DES5 and DES 9 in the UDP.

8.3 Residential Amenity

The proposed flat would be located within the building envelope of the existing building and would therefore not result in material loss of light or sense of enclosure for the occupants of neighbouring properties.

Whilst new windows to the front and rear elevations are proposed, the windows to the front would provide views into the existing front lightwell, whilst the windows to the rear are to be obscure glazed and fixed shut to prevent overlooking to the rear gardens of the flats on the upper floors. A condition is recommended to ensure the fixing shut and obscure glazing of the windows and subject to this condition, the concerns of the objectors would be met on overlooking grounds.

Given the above, the proposed development would be consistent with Policy S29 in the City Plan and Policy ENV13 in the UDP.

8.4 Transportation/Parking

Objection has been raised to the potential impact of the new unit on on-street parking. No off-street parking is proposed as part of this development.

The Highways Planning Manager notes that the latest on-street parking survey indicates the sufficient on-street parking exists for the likely parking demand associated with this development. Accordingly, the proposed development is consistent with policy TRANS23 of the UDP and the objections raised on parking grounds cannot be supported as a ground on which to withhold permission.

Cycle parking is proposed on-site within the basement vaults, in accordance with policy 6.9 of the London Plan (FALP 2015). A condition is recommended to secure this cycle parking.

The Cleansing Manager is seeking a revised drawing showing the location of waste and recycling bins within the bin store shown indicated. However, the size of the store proposed is considered to be sufficient to accommodate the waste and recycling generated by the new residential unit without the need for this additional level of detail. A condition is recommended requiring the permanent provision of the proposed waste and recycling store.

8.5 Economic Considerations

The estimated CIL payment is £18200, based on the floorplans submitted with the application.

8.6 Access

Given the constraints of the existing building, it is not possible to provide step free access to the proposed basement level flat.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

Not applicable for development of this scale.

8.11 Other Issues

Concerns have been raised over the structural stability of the building. However, structural issues are a matter for building regulations and this is not a material planning consideration in this instance and are not a ground on which to withhold planning permission.

The site is located within a low risk area for flooding and as such, concerns that the proposed basement accommodation would be susceptible to flooding in future are not grounds on which to withhold planning permission.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from the Paddington Waterways and Maida Vale Society dated 20 July 2016.
3. Memo from Highways Planning Manager dated 6 July 2016.
4. Memo from the Cleansing Manager dated 22 July 2016.
5. Memo from Environmental Health dated 25 July 2016.
6. Letters and emails from the occupier of 14A Blomfield Villas dated 20 July 2016 (x2) and 27 July 2016.
7. Email from the occupier of 12B Blomfield Villas dated 20 July 2016.
8. Emails from the occupiers (x2) of 12C Blomfield Villas both dated 20 July 2016.
9. Emails from the occupier of 16B Blomfield Villas both dated 20 July 2016.

Selected relevant drawings

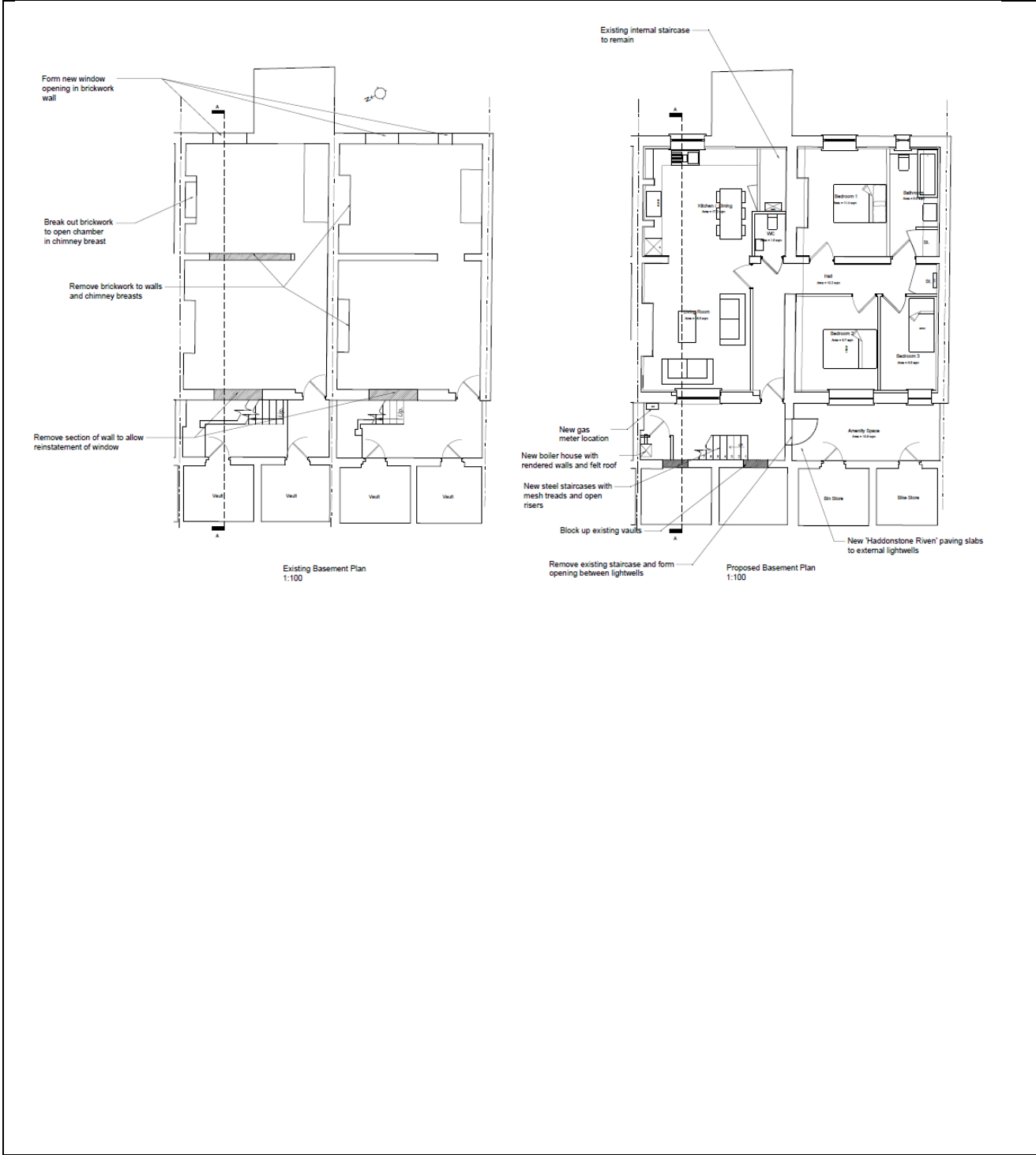
Existing and proposed plans and elevations.

(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: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 12-14 Blomfield Villas, London, W2 6NH,

Proposal: Use of basement as three bedroom flat (Class C3), installation of windows to the front and rear elevations and installation of stair within front lightwell.

Plan Nos: 16/18-BP-001, 12 14-FE-001, 12/14-P-001, 12/14-RE-001, 12/14-S-001, 12/14-SE-001, Design and Access Statement and Planning Statement.

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

Item No.
7

character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 Notwithstanding details shown on the approved drawings the new metal staircase and the new railings shall be painted black and maintained as such hereafter.

Reason:

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

- 5 Notwithstanding details shown on the approved drawings the new windows hereby permitted shall be white painted timber and maintained as such.

Reason:

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

- 6 You must provide the waste store shown on drawing 12/14-P-001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

Reason:

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

- 8 You must apply to us for approval of further details of the following parts of the development:

- (a) Proposed street elevation showing the insertion of a gate within the front railings.

Item No.
7

(b) Detailed drawings and sections at a scale of 1:10 or 1:20 of the new railings/gate.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 The glass that you put in the rear windows in the south east elevation of the flat must not be clear glass, and you must fix them permanently shut. 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 (July 2016) 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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

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Item No.
8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	13 Abercorn Place, London, NW8 9EA,		
Proposal	Excavation of basement extension below footprint of existing property with new lightwells to the front and rear.		
Agent	Mr Terry Foulsham		
On behalf of	Mr Kunal Datta		
Registered Number	16/07884/FULL	Date amended/ completed	17 August 2016
Date Application Received	17 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

An application for planning permission for excavation to create a single storey basement extension with associated lightwells to the front and rear and the installation of a new rooflight to the rear of 13 Abercorn Place. The property is in use as a single family dwelling and is within the St John's Wood Conservation Area.

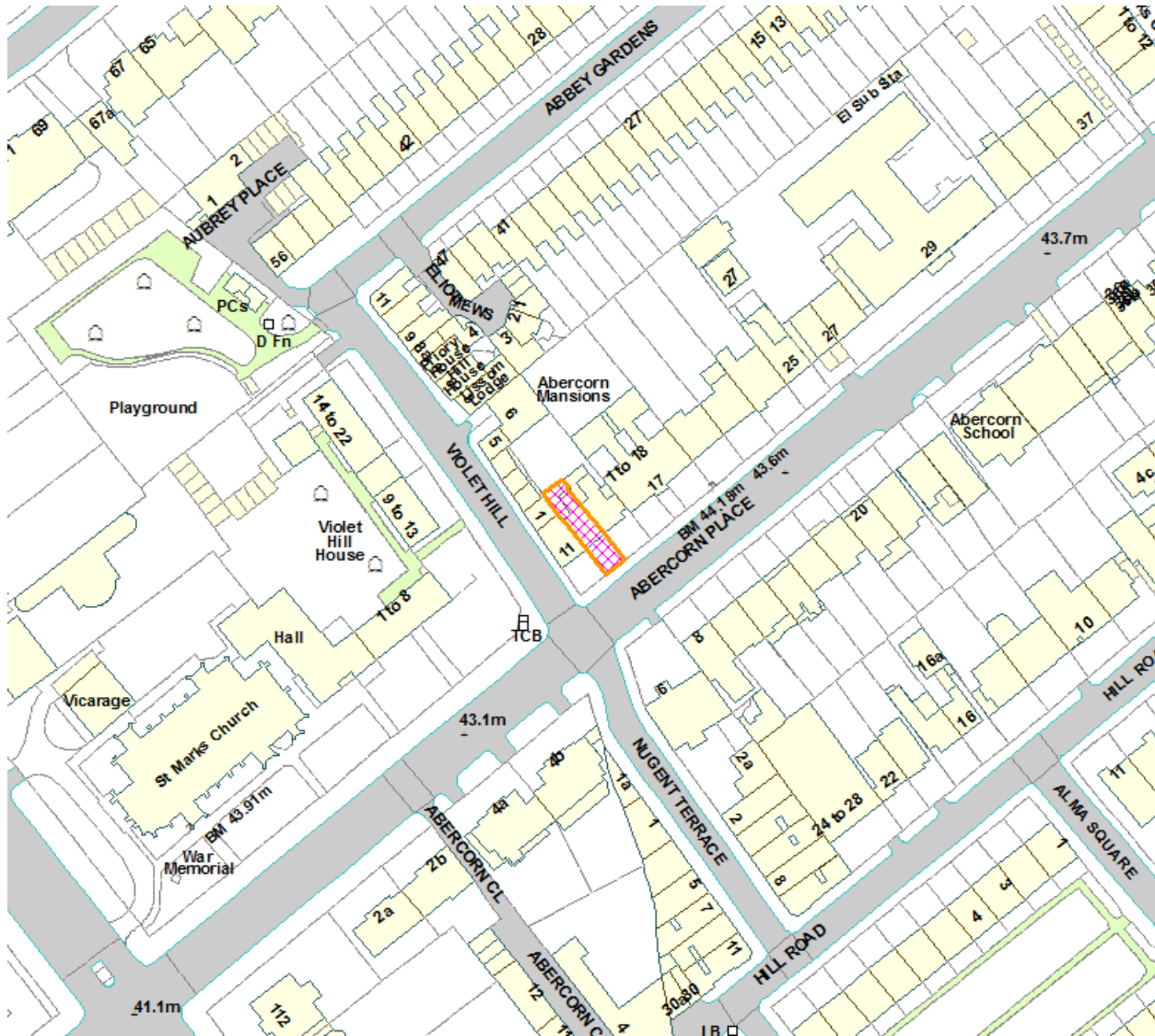
Objections have been received from surrounding occupiers, mainly with concerns in relation to disruption as a consequence of the building works.

The key issues for consideration are:

- * The impact of the proposals on the appearance of the building and character of the surrounding St John's Wood Conservation Area.
- * The impact of the proposals on the amenity of neighbouring residents.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.

3. LOCATION PLAN



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PHOTOGRAPHS

Front Elevation



Rear Elevation



4. CONSULTATIONS

ST JOHNS WOOD SOCIETY:

Request that the work on Saturdays is restricted to reduce the loss of amenity to neighbours during the excavation, piling and construction phase.

BUILDING CONTROL:

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

ARBORICULTURAL OFFICER:

No objection to removal of trees, subject to their replacement. Query impact of construction works on trees to front of property. Note that 1m of soil and 200mm of drainage is not provided above the rear basement. Raise queries in relation to the Construction Management Plan in relation to tree protection. Conditions are recommended in relation to tree protection and a hard and soft landscaping scheme to be submitted.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 35

Total No. of objections: 7 letters raising some or all of the following comments:

Basement construction:

- Substantial disruption and disturbance to area.
- Possible damage as a result of ground movement.
- Report states that development would take 6 months which is considered unrealistic.
- Working hours of 8am-6pm weekdays and 8am to lunchtime on Saturdays is unsparing for neighbours.
- Impact of works on the wellbeing of neighbour with special needs.
- Note that the council has adopted a new basement policy and seeks to control basement proposals.
- Traffic associated with works will disrupt operations of nearby school.

Other:

- Disappointment that the applicants did not consult with neighbours.
- Overdevelopment of the site.
- Presence of underground stream and storm course not mentioned in report. Basement may impact on watercourses.
- Issues with party wall with No 15&13 Abercorn Place.
- Proposals out of character with the area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

13 Abercorn Place is an unlisted single family dwellinghouse located within the St Johns Wood Conservation Area. The building sits in the middle of a terrace of three properties on the northern side of Abercorn Place. The property has a front garden, which is currently used as a car parking space and has a rear garden, with boundary walls shared with the properties on Violet Hill and 15 Abercorn Place.

5.2 Recent Relevant History

No recent history.

6. THE PROPOSAL

Planning Permission is sought for the excavation of a basement underneath the footprint of the property and for the installation of a rooflight above the single storey rear ground floor extension. The proposals have been amended slightly during the course of the application, removing a storage room, which extended out under the rear garden and a stair which ran up the side of the front garden providing access down to the basement. The amended proposals includes lightwells to both the front and rear.

7. DETAILED CONSIDERATIONS

7.1 Land Use

No change is proposed to the existing use as a single family dwelling. Despite objections on the grounds of overdevelopment, the proposals to provide additional habitable accommodation are considered to be in accordance with policies H3 of the UDP and S14 of the City Plan, which seek to maximise the amount of land in residential use.

7.2 Townscape and Design

The proposals have been amended from the original submission, removing a staircase which led up from the front basement lightwell to ground floor level along the boundary wall with No 11 Abercorn Place. This was considered to be unacceptable in design and conservation area terms and contrary to the basement supplementary planning guidance. The amended proposals, with discrete covered lightwells to the front and rear, located up adjacent to the host building, are considered to be acceptable and in accordance with policies DES1, DES 5 and DES 9 of the UDP and S25 and S28 of the City Plan.

7.3 Residential Amenity

Located at basement level, with discrete lightwells to both the front and rear, it is not considered that the development, once completed, will have a negative impact on the amenity of neighbours.

The proposal to install a rooflight to the rear, is also considered acceptable, with such installations being common in similar rear extensions.

7.4 Transportation/Parking

No change to existing arrangements with an off street parking space within the front garden.

7.5 Economic Considerations

Not applicable.

7.6 Access

Access arrangements are unchanged by these proposals

7.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement

The amended proposals are considered to be in accordance with policy CM28.1 of the City Plan (adopted July 2016) as follows:

Part A. 1-4

Strong objection has been received in relation to the proposed works, and request that building works are restricted so that they do not take place on Saturday. The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. The St Johns Wood Society and residents, including those at several of the neighbouring properties in this instance, are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology. While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

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

The NPPF and Policy CM28.1 A of the City Plan seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

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

A construction methodology statement has been provided as part of the application and whilst concerns have been raised by neighbours in respect of its accuracy particularly in relation to groundwater, the City Council's Building Control Surveyors have raised no concerns regarding this statement. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

Part A. 5 & 6

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, the timescale for the proposed construction phase and general disturbance associated with construction activity. Particular concern is raised from a neighbour with concerns that the proposed works will make daily life difficult and is likely to have a serious impact on the wellbeing of one of the occupiers who has special needs.

In relation to the hours of working, the St John's Wood Society and neighbours have requested no working on Saturdays. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation. To further restrict working hours is considered to be unreasonable and would elongate the time it would take to complete the development, which would lengthen disturbance to neighbours.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July and is permission is granted, the applicants will need to comply with this code. This is a fundamental shift in the way the construction impacts of developments are dealt with. Previously the conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and

most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process. Section 2 of the CoCP states 'reasonable steps should be taken to engage with the elderly and residents with disabilities, and with other groups in the neighbouring area who might be affected by construction impact in different ways'. It continues 'The contractor will ensure that occupier of nearby properties, and local amenity associations, business improvement districts or similar groups where these exist, will be informed in advance of works taking place.'

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, in particular those of the neighbour with special needs, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible. An informative is recommended to advise the applicant to consult with neighbours at an early stage of the CoCP process having regard to the representations received as part of this application.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

Part B:

1&2) The proposals involve the loss of two trees within the rear garden. The arboricultural officer has not raised objection to the loss of the trees subject to conditions to secure a landscaping scheme to show the replacement of the trees, which is considered acceptable and a condition is recommended.

3) The proposals do not include any details in relation to ventilation. However, as the proposals include a lightwell to both the front and the rear, the basement will be naturally ventilated. An informative is recommended to advise the applicant that should they require mechanical ventilation, a separate application for planning permission will be required.

4 & 7) The only external manifestations of the basement are the lightwells to the front and rear, which are not considered to have a significant impact in terms of sustainable urban drainage. An informative is recommended to advise the applicant that they will need to ensure that suitable drainage is provided.

5&6) The proposals are considered to be discreet and will not negatively impact on the conservation area (see section 7.2 of this report).

Part C:

- 1) The proposals do not extend under the garden, with the only encroachment being the slim lightwells to both the front and rear, which is in accordance with policy.
- 2) The proposals have been amended from the original submission, removing a store room which extended out under the rear garden. This was removed following officer comment that it did not include sufficient soil depth above, or a large enough boundary of 'undeveloped garden land'. The revised proposals are considered acceptable.
- 3) Only a single basement is proposed which is considered acceptable.

Part D:

The basement does not extend under the highway, therefore this part of the policy does not apply.

8.7.2 Trees

The arboricultural officer has commented in relation to the proposed works and the likely impact during construction. Part of the councils new Code of Construction Impact (CoCP), seeks to ensure the protection of trees during construction. Despite this, further details of tree protection as secured by condition to ensure that these are protected during building works. Conditions are also recommended to ensure that the trees within the rear garden are to be replaced. Subject to these, the proposals are considered acceptable.

7.8 London Plan

This application raises no strategic issues.

7.9 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.

7.10 Planning Obligations

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

7.11 Environmental Impact Assessment (EIA)

The proposals are of insufficient scale to require an EIA.

7.12 Other Issues

None applicable.

8. BACKGROUND PAPERS

1. Application form
2. Response from Building Control, dated 19 August 2016
3. Response from St John's Wood Society, dated 12 September 2016
4. Response from Arboricultural Officer, dated 9 September 2016

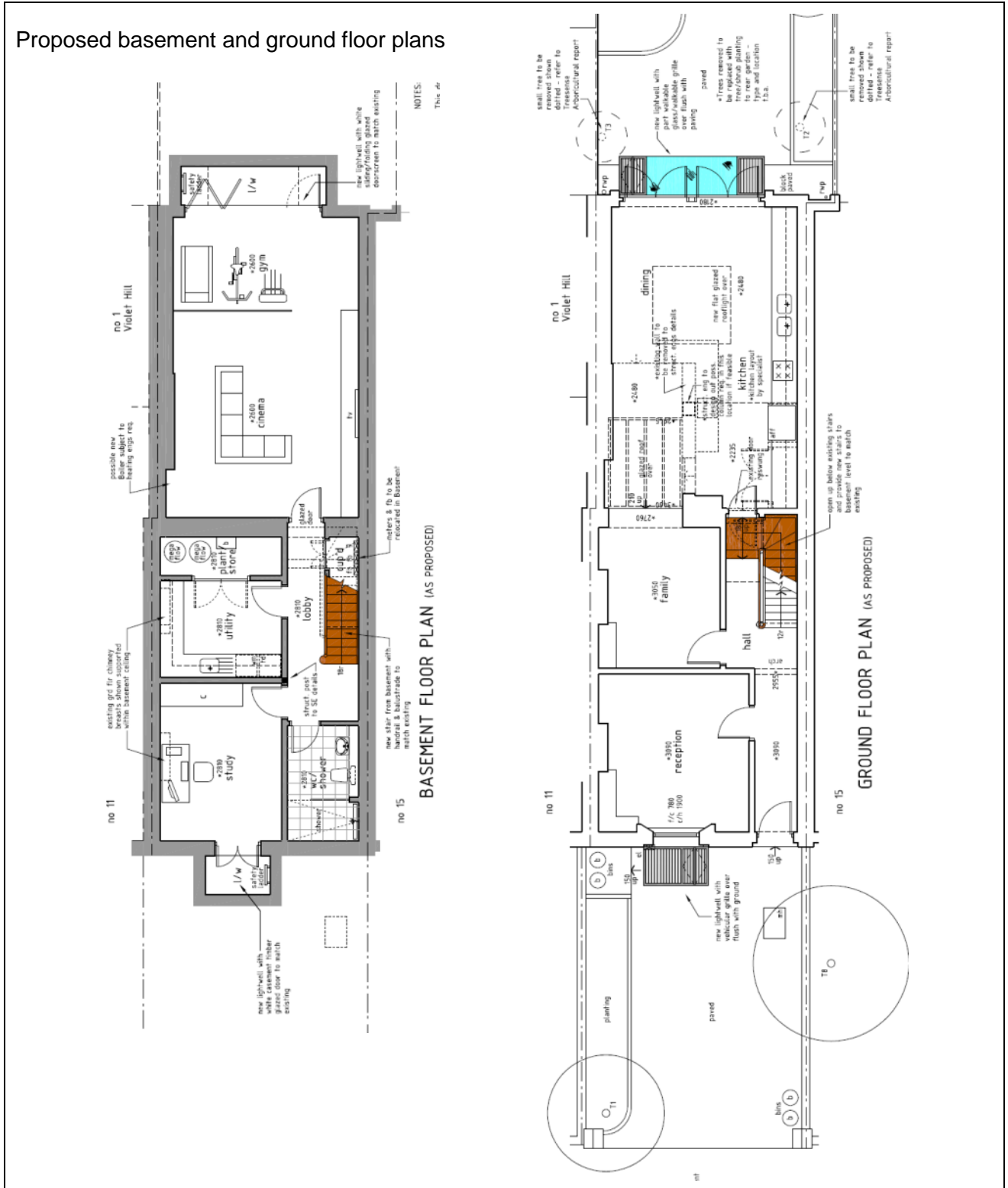
5. Letter from occupier of 2 Violet Hill, London, dated 6 September 2016
6. Letter from occupier of 28 Abercorn Place, London, dated 9 September 2016
7. Letter from occupier of 6 Violet Hill, London, dated 5 September 2016
8. Letter from occupier of Flat 6 a Abercorn Mansions, 17 Abercorn Place, dated 6 September 2016
9. Letter from occupier of 1 Violet Hill, London, dated 8 September 2016
10. Letter from occupier of 11 Abercorn Place, London, dated 6 September 2016
11. Letter from occupier of 5 Violet Hill, London, dated 5 September 2016

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

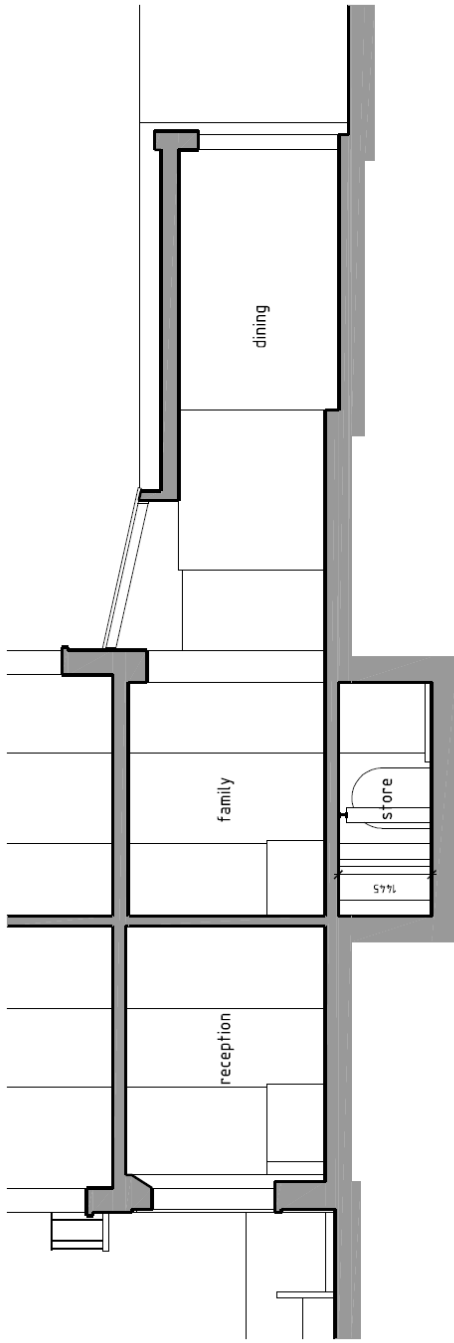
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

9. KEY DRAWINGS

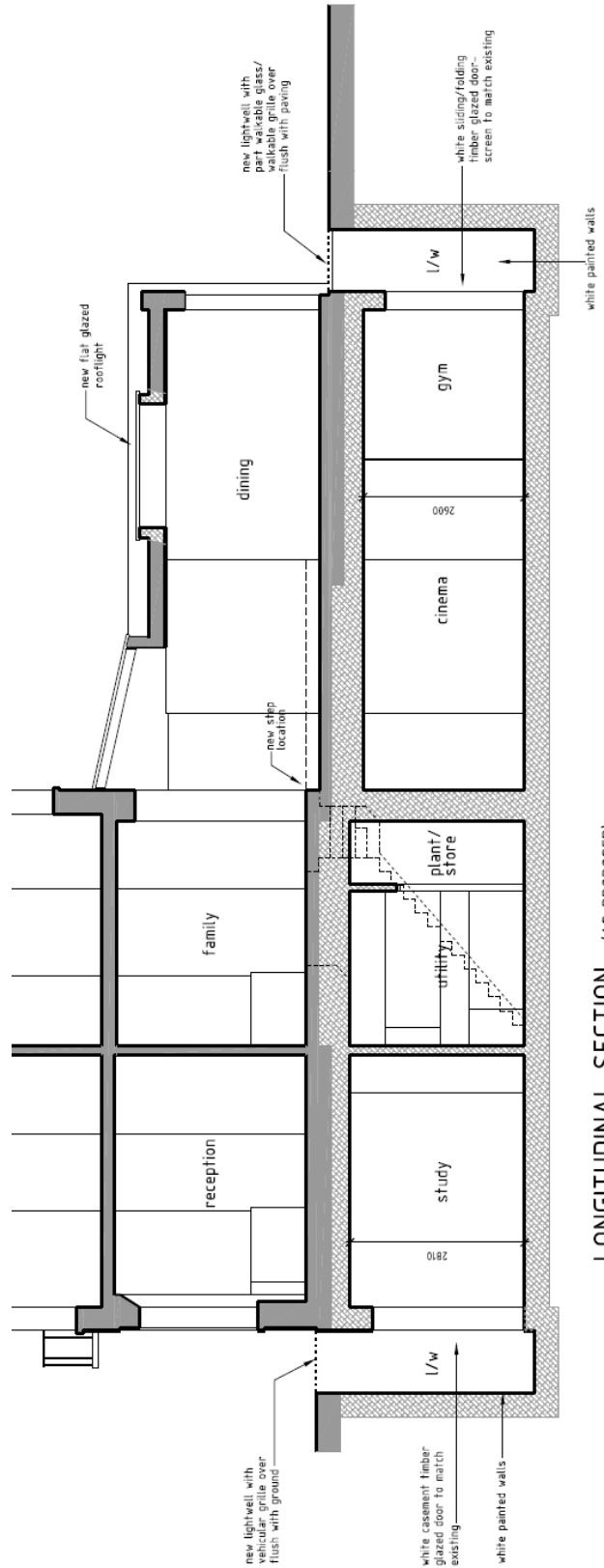
Proposed basement and ground floor plans



Section as existing and proposed



LONGITUDINAL SECTION (AS EXISTING)



LONGITUDINAL SECTION (AS PROPOSED)

DRAFT DECISION LETTER

Address: 13 Abercorn Place, London, NW8 9EA,

Proposal: Excavation of basement extension below footprint of existing property with new lightwells to the front and rear. Installation of rooflight to rear.

Plan Nos: 16-019-01A Sheet 1; 16-019-01A Sheet 2; 16-019-01A Sheet 3; 16-019-01A Sheet 4; 16-019-01A Sheet 5; 16-019-02 A Sheet 1; 16-019-02 A Sheet 2; 16-019-02 A Sheet 3; 16-019-02 A Sheet 4; Design and access statement; 14 titled photographs; Sustainable Urban Drainage System (SuDS) Statement; Tree Statement by Tree Sense dated 9 August 2016;

For information only: Subterranean Structural Statement dated 16 August 2016 from Crof Structural Engineers; Construction Site Traffic Management Plan A; Environmental Performance Statement by eb7 dated 19 July 2017.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

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

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 5 Condition 5 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
 - * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;

- * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 6 You are advised that should you wish to install any external mechanical ventilation, a new application for planning permission is likely to be required.
- 7 You are advised to incorporate a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 8 You are advised to consult with neighbouring occupiers at an early stage as part of your Code of Construction Practice, with particular reference to the representations received as part of this application.

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