



City of Westminster

Committee Agenda

Title:

Planning Applications Committee (5)

Meeting Date:

Tuesday 20th December, 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
Louise Hyams
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. 7 - 8 ST MARTIN'S PLACE, LONDON, WC2N 4HA | (Pages 7 - 48) |
| 2. 14 WIMPOLE STREET, LONDON, W1G 9SX | (Pages 49 - 80) |
| 3. DEVELOPMENT AT 123 -124 NEW BOND STREET, LONDON | (Pages 81 - 122) |
| 4. NORTH WESTMINSTER COMMUNITY SCHOOL, NORTH WHARF ROAD, LONDON, W2 1LF | (Pages 123 - 154) |
| 5. 23B GROVE END ROAD, LONDON, NW8 9BP | (Pages 155 - 182) |
| 6. 59-61 SOUTH MOLTON STREET, LONDON, W1K 5SN | (Pages 183 - 196) |
| 7. 9 SHOULDHAM STREET, LONDON, W1H 5FH | (Pages 197 - 218) |
| 8. 14 ACACIA ROAD, LONDON, NW8 6AN | (Pages 219 - |

9. MARLOW HOUSE, HALLFIELD ESTATE, LONDON, W2 6HJ

248)
(Pages 249 -
266)

10. 97 RANDOLPH AVENUE, LONDON, W9 1DL

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282)

11. 48 KNIGHTSBRIDGE, LONDON, SW1X 7JN

(Pages 283 -
292)

12. 5 CHESTER MEWS, LONDON, SW1X 7AH

(Pages 293 -
304)

Charlie Parker
Chief Executive
12 December 2016

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 20th December 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s) : 16/07659/FULL	7 - 8 St Martin's Place London WC2N 4HA	Change of use of first to fourth floors from offices (Use Class B1) to hotel (Use Class C1) accommodation together with associated works to comprise the erection of extensions at fifth floor/ roof level to create a rooftop restaurant and bar with external terrace (Use Class A3), reconfiguration of the ground floor retail and the creation of new retail floorspace at basement level (Use Class A1), works to the ground floor entrance, replacement of existing windows, installation of new shopfronts and signage at ground floor level and installation of mechanical plant at podium and roof level.	
	St James's			
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
2	RN NO(s) : 16/08184/FULL 16/08185/LBC	14 Wimpole Street London W1G 9SX	Demolition of rear extensions at lower ground and ground floor levels and demolition of mews property. Erection of replacement mews building over lower ground, ground and first floors to create new four bedroom dwellinghouse (Class C3) accessed from new entrance on Wigmore Place. Erection of replacement rear extensions at lower ground and ground floor levels and use of part lower ground floor as medical floorspace (Class D1) in order to reconfigure the two flats at lower ground floor level and enlarge medical (Class D1) use. Use of upper floors as 7 x flats (Class C3). Alterations to rear elevation including insertion of new windows in the rear wing and removal of pipework.	
	Marylebone High Street			
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
3	RN NO(s) : 16/05310/FULL	Development At 123 -124 New Bond Street London	Demolition and redevelopment behind retained New Bond Street and Lancashire Court facades to provide a building comprising basement, lower ground, ground and 4 upper floor levels, providing retail (Class A1) and office (Class B1) floorspace, with new office entrance on Lancashire Court (Site includes 124 New Bond Street).	
	West End			
Recommendation Grant conditional permission including a Grampian condition to secure appropriate arrangements to mitigate the failure of the development to provide adequate on-site carbon reductions.				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 20th December 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

4	<p>RN NO(s) : 16/03068/MOD106 16/03602/FULL Hyde Park</p>	<p>North Westminster Community School North Wharf Road London W2 1LF</p>	<p>16/03068/MOD106</p> <p>To enter into a new S106 Agreement in conjunction with RN: 16/03602/FULL to replace that dated 30 December 2013 (as varied by Deed of Variation dated 14 August 2015), which would include (i) variation of Affordable Business Space and Social and Community Floorspace clauses, including to extend the date by which these parts of the development must be fitted out for occupation by a Qualifying Tenant; (ii) deletion the Public Open Space clause; deletion of clauses requiring submission of post completion certification that the development meets the necessary Code for Sustainable Homes and BREEAM levels; and amendments to the upper and lower basement car parking plans (Plans 2 and 3) and energy centre plans (Plans 15 and 16).</p> <p>16/03602/FULL</p> <p>Variation of Condition 1 of planning permission dated 14 August 2015 (RN: 14/09037/FULL) for the variation of Condition 1 and removal of Condition 45 of planning permission dated 30 December 2013 (RN: 12/11911) for redevelopment of the western end of the former school site by erection of a building ranging between two and 15 storeys in height to provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2), provision of public open space, public realm and landscaped area, highways works including widening of Hermitage Street to accommodate two way vehicular traffic, new vehicular and pedestrian accesses and two storey basement to provide vehicular and cycle parking, energy centre and ancillary servicing accommodation; namely, to relocate the electricity sub-station from basement to ground floor level with associated reduction in retail floorspace at ground floor level and alterations to the building facade, realignment of basement wall to plant room/ energy centre and remove requirement for a deed of variation to the S106 agreement dated 30 December 2013 to incorporate the non-material amendments to the scheme approved on 2 September 2014 (14/03611/NMA). NAMELY, to vary the approved drawing numbers to allow the replacement of the approved limestone facing material with reconstituted stone.</p>	
<p>Recommendation</p> <p><i>1. Grant conditional permission, subject to a new S106 agreement to replace that dated 30 December 2013 (as varied by Deed of Variation dated 14 August 2015) to secure an additional financial contribution to the Affordable Housing Fund of £845,888 and ensure that the previously secured package of planning obligations, as modified by the current S106 modification application (16/03068/MOD106), is delivered in conjunction with implementation of the varied development:</i></p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 20th December 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

1. Grant conditional permission, subject to completion of an S106 agreement to secure an additional financial contribution to the Affordable Housing Fund of £845,888.
2. Agree complete a new S106 agreement to replace that dated 30 December 2013 (as varied by Deed of Variation dated 14 August 2015) and modify the previously secured package of planning obligations, as set out in the description of development for RN: 16/03068/MOD106, to ensure that the heads of terms set out below are delivered in conjunction with the varied development:
 - i. Development of an advertisement and shop front design strategy.
 - ii. Provision and affordability of affordable business floorspace.
 - iii. Provision and affordability of social and community floorspace (including fit-out to a 'Category B' finish).
 - iv. A financial contribution of £141,377 (index linked) towards the Social and Community Fund.
 - v. A financial contribution of £363,394 (index linked) towards the Education Fund.
 - vi. Provision of public realm works in accordance with a public realm masterplan.
 - vii. Provision, maintenance and use of and access to the on-site public realm.
 - viii. A financial contribution of £53,247 (index linked) to PATS.
 - ix. A financial contribution of £72,609 (index linked) towards PATEMS.
 - x. Provision and management of on-site car club spaces.
 - xi. Provision of car club memberships (25 years) for 27 residential units (the affordable housing units).
 - xii. Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis.
 - xiii. A financial contribution of £56,000 (£28k pa - assuming 2yr build programme) to the Environmental Inspectorate/ Environmental Sciences.
 - xiv. Provision and management of CCTV.
 - xv. Provision of costs for monitoring of agreement (£500 per head of term).
 - xvi. Adherence with the Council's Local Procurement Code.
 - xvii. Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.
 - xviii. Mitigation measures for television interference.
 - xix. Provision of 27 on-site affordable housing units to the tenure and mix set out in the committee report and to the Council's standard affordability criteria.
 - xx. Provision and periodic review of a site wide travel plan.
 - xxi. Provision of public highway enhancement works, required for the development to occur, in North Wharf Road, Harrow Road and Hermitage Street, including the carrying out of the agreed alterations to the highway along Hermitage Street. Estimated delivery cost of £400,000 (index linked).
 - xxii. Dedication of the new highway along the east side of Hermitage Street.
 - xxiii. Provision of and compliance with a Balcony Management Strategy.
3. If the S106 planning obligation has not been completed by 31 January 2017 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 benefits 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 benefits 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.

Item No	References	Site Address	Proposal	Applicant
5.	RN NO(s) : 16/05249/FULL	23B Grove End Road London NW8 9BP	Demolition of the existing building at 23B Grove End Road and its replacement with two 5 bedroom dwellings.	
Recommendation Grant conditional permission.				

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Item No	References	Site Address	Proposal	Applicant
6.	RN NO(s) : 16/09344/FULL	59-61 South Molton Street London W1K 5SN	Use of part basement, part-ground, first, second and third floors offices (Class B1)	
	West End			
Recommendation Grant conditional consent				
Item No	References	Site Address	Proposal	Applicant
7.	RN NO(s) : 16/08511/FULL 16/08512/LBC	9 Shouldham Street London W1H 5FH	Alterations including erection of rear extension at lower ground floor level, with ground level roof terrace above, erection of replacement roof extension with inset terrace to front, replacement of two rear windows and internal alterations to existing flats.	
	Bryanston And Dorset Square			
Recommendation i. Grant conditional permission. ii. Grant conditional listed building consent iii. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter				
Item No	References	Site Address	Proposal	Applicant
8.	RN NO(s) : 16/08712/FULL	14 Acacia Road London NW8 6AN	Demolition of existing dwellinghouse and erection of new two storey dwellinghouse plus excavation of single storey basement under house and front and rear garden providing ancillary living space; associated alterations to property frontage and rear garden.	
	Abbey Road			
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
9.	RN NO(s) : 16/10752/FULL 16/10753/LBC	Marlow House Hallfield Estate London W2 6HJ	Installation of gas pipe apparatus.	
	Lancaster Gate			
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Applicant
10.	RN NO(s) : 16/07619/FULL	97 Randolph Avenue London W9 1DL	Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.	

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	Maida Vale			
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
11.	RN NO(s) : 16/09072/TCH Knightsbridge And Belgravia	48 Knightsbridge London SW1X 7JN	Use of the public highway measuring between 1400mm and 650mm by 4040mm for the placing of three tables and six chairs in connection with existing restaurant at ground floor.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
12.	RN NO(s) : 16/07591/FULL Knightsbridge And Belgravia	5 Chester Mews London SW1X 7AH	Replacement of a sash window with double glazed french doors with projecting balcony at rear first floor level and installation of two velux rooflights to the rear roof slope.	
Recommendation Grant conditional permission.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	7 - 8 St Martin's Place, London, WC2N 4HA,		
Proposal	Change of use of first to fourth floors from offices (Use Class B1) to hotel (Use Class C1) accommodation together with associated works to comprise the erection of extensions at fifth floor/ roof level to create a rooftop restaurant and bar with external terrace (Use Class A3), reconfiguration of the ground floor retail and the creation of new retail floorspace at basement level (Use Class A1), works to the ground floor entrance, replacement of existing windows, installation of new shopfronts and signage at ground floor level and installation of mechanical plant at podium and roof level.		
Agent	Mrs Robyn Prince		
On behalf of	Best Effort Ventures Ltd		
Registered Number	16/07659/FULL	Date amended/ completed	10 August 2016
Date Application Received	10 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

7 - 8 St Martin's Place is a five storey unlisted building which comprises retail on the basement and ground floors and offices on the upper floors. The building forms a whole block bounded by St Martins Place, William IV Street, Adelaide Street, and adjoining the Grade II Star listed St Martin's Vicarage, Vestry and School to the south. The site is located within the Trafalgar Square Conservation Area and the Core Central Activities Zone (CAZ).

Planning permission is sought for the use of the first to fourth floors as a hotel (Class C1), reconfiguration of the retail units at ground level and new retail floorspace at basement level, together with external alterations including an extension at fifth/ roof level to create a rooftop restaurant and bar with an external terrace, replacement of all windows, new shopfronts at ground level, a new hotel entrance fronting St Martin's Place, and mechanical plant at podium and roof levels.

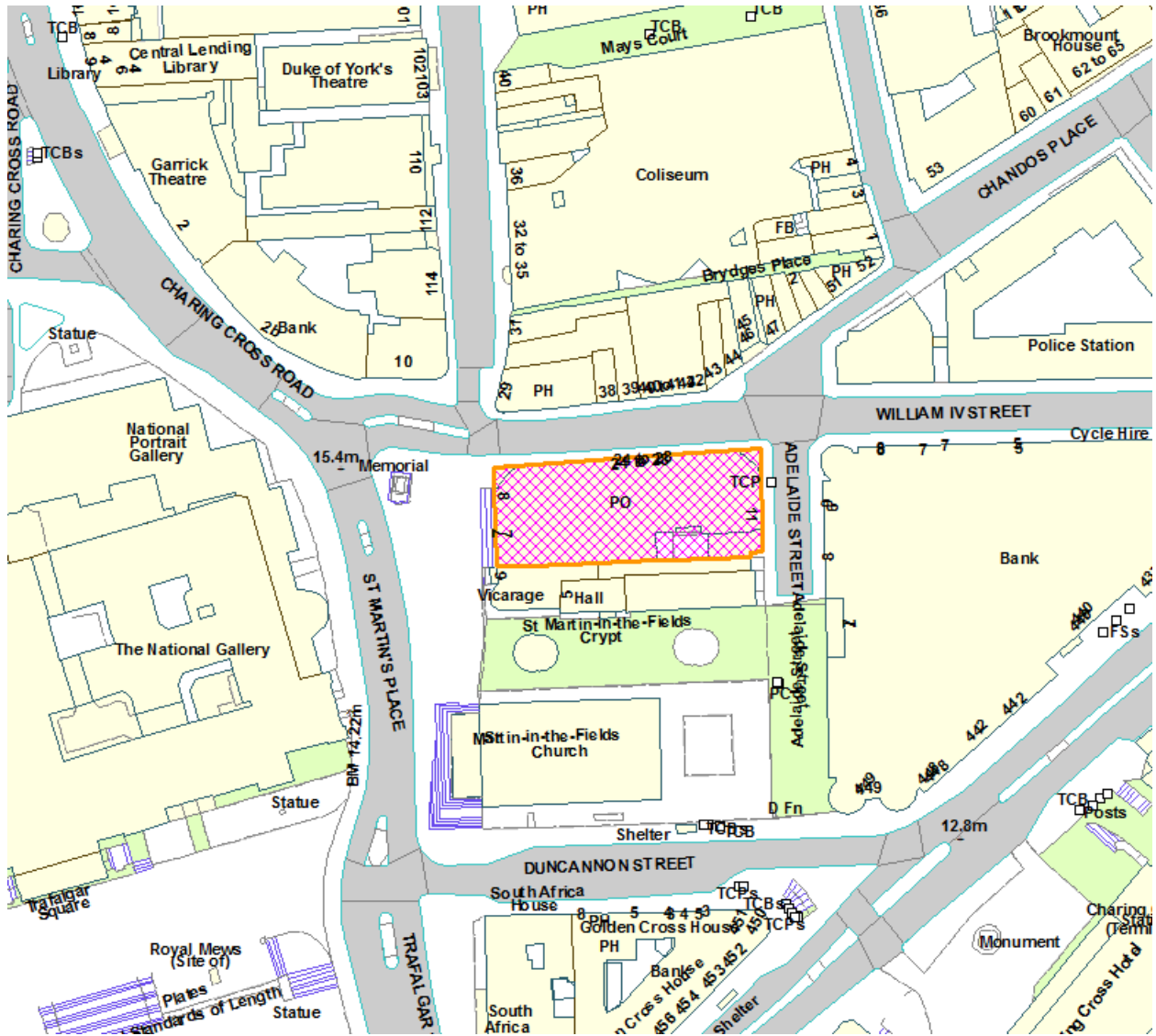
Two objections have been received from local amenity groups, The Covent Garden Community Association and The Covent Garden Area Trust, primarily concerned with the effects of new hotels in the area and the potential adverse impacts on residential amenity and the highway network.

The key issues in this case are:

- Loss of the office use and the provision of a new hotel;
- Impact of the proposals on the significance of designated heritage assets and the character and appearance of the Trafalgar Square Conservation Area;
- The impact of the proposals on the amenity of neighbouring occupiers;
- The impact of the proposals on the surrounding highway network.

The proposed development would be consistent with relevant development plan policy in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the proposal is acceptable in terms of land use, design, amenity, and transportation terms and the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



7 – 8 St. Martin's Place



View across Trafalgar Square



View from corner of National Portrait Gallery



View from Charing Cross Road



View along William IV Street



View from Duncannon Street



Corner of William IV Street & Adelaide Street

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Raise no objection to a hotel in this location however have serious concerns about the following:

- Adverse impacts and disruption to the high volumes of vehicular traffic;
- No parking for taxis or coaches or other space for dropping off/ picking up guests;
- Servicing and deliver proposals are unclear and a detailed strategy must be provided;
- Impact of the proposed outdoor terrace on residential amenity, particularly noise and disturbance late at night;
- The restaurant and bar windows must be closed at all times to prevent noise break out;
- Restaurant and bar must be restricted to hotel residents and their guests only;
- The area is more residential than it may seem, thus the impacts on residents must be considered;
- Impact on heritage assets must be considered.

COVENT GARDEN AREA TRUST:

Object on following grounds:

- Concern about the loss of offices;
- Cumulative impact of hotel proposals in the local area;
- Lack of information relating to transport/ servicing/ delivery to the hotel;
- Concern about the potential impacts on the neighbouring heritage assets;
- Impact of the proposed outdoor terrace on residential amenity.

HISTORIC ENGLAND:

This application should be determined in accordance with national and local policy guidance.

HIGHWAYS PLANNING MANAGER:

Unacceptable but could be considered acceptable. Recommend conditions for a revised Servicing and Delivery Plan, including a restriction on coach party booking.

CLEANSING MANAGER:

Objection on following grounds:

- No waste storage provision for the reconfigured retail units;
- Recommends that the waste storage for the hotel should be enlarged to accommodate waste from the retail units; and
- All waste generated should be collected from Adelaide Street and not from William IV Street.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 35

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One objection raising concern on the following grounds:

- Noise and disturbance from the roof top bar
- Loss of privacy to flats opposite;
- Disturbance from demolition works.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

7 - 8 St Martin's Place is a five storey unlisted building located within the Trafalgar Square Conservation Area. The building forms a whole block bounded by St Martins Place to the west, William IV Street to the north, Adelaide Street to the east, and adjoining the Grade II Star listed St Martin's Vicarage, Vestry and School to the south. The building has a frontage onto St Martin's Place and a secondary frontage onto William IV Street.

The building is in retail use at basement and ground floor level providing a commercial frontage onto St Martin's Place and William IV Street. The remaining upper floors are in office use. The site is also located within the Core Central Activities Zone (CAZ).

6.2 Recent Relevant History

The planning history comprises a number of minor applications for signage, new lighting, and minor external alterations.

7. THE PROPOSAL

The proposals seek to change the use of the upper floors of the existing building from office use (Class B1) to a 136 bedroom hotel (Class C1). The building will remain in retail use (Class A1) at ground level. The layout of the existing four retail units will be reconfigured and new retail floorspace will be created at basement level.

An extension at fifth/ roof level is proposed to create a rooftop restaurant and bar with an external terrace. The restaurant and bar will be open to hotel guests and members of the public.

The existing building will be retained but will be refurbished including replacement of all windows, new shopfronts at ground level, and a new hotel entrance fronting St Martin's Place. Mechanical plant is also proposed at podium and roof levels.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site is located within the Core Central Activities Zone (CAZ). The typical character of land uses in this part of the City is one of retail and entertainment uses on the ground floor with residential and office uses on the upper floors.

The proposed scheme is for a new 136 bedroom hotel with ancillary rooftop restaurant and bar. The hotel operator will be the Butterfly Hotel Group who are based and primarily operate hotels in Hong Kong.

The layout of four existing retail units, including a Post Office, will be reconfigured and new retail floorspace will be created at basement level.

The existing and proposed land uses can be summarised as follows:

Use Class	Existing (sqm)	Proposed (sqm)	Change (sqm)
A1 Retail	1493	1362	-131
A3 (Restaurant and bar)	0	450	+450
B1 Office	4266	0	-4266
C1 Hotel	0	4396	+4396
Other (plant/ storage/ parking/ substation)	1391	1157	-234
Total	7150	7365	+215

8.1.1 Loss of office use

The existing B1 office accommodation (4266sqm) will be replaced by a hotel. Policy S20 of the City Plan July 2016 resists the loss of offices to residential use but there is no policy that resists the loss of existing office space to hotel use (which is another employment-generating use) in this location. The loss of the existing office accommodation is therefore acceptable in principle.

8.1.2 New hotel use

Policy S23 of the City Plan states that new hotels will be directed to the Core CAZ and that existing hotels will be protected where they do not have significant adverse effects on residential amenity and proposals to improve the quality and range of hotels will be encouraged.

Policy TACE 2 of the UDP states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ frontages, planning permission will be granted for new hotels and extensions to existing hotels where no adverse environmental and traffic effects would be generated, and adequate on-site facilities are incorporated

within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel.

The hotel will provide 136 bedrooms with a rooftop restaurant and bar with an external terrace. The restaurant and bar will be open to hotel guests and members of the public. The hotel will be open 24 hours a day, seven days a week. A new hotel entrance will be created on St Martin's Place. The hotels supporting facilities are very limited and therefore guests are likely to be out of the hotel for the majority of the day. The applicant expects that guests would typically leave in the morning, return for a short period in the evening before leaving again and returning later at night. The main on-site facility for guests is the rooftop restaurant and bar.

It is not considered that there is an over proliferation of hotel uses in the surrounding area and the proposal would complement the existing multifaceted mix of uses in this part of the City as well as cater for tourist and business travellers. It is considered that this location within the CAZ and Covent Garden locale would be appropriate for a new hotel use.

Conditions are recommended to restrict the hotel restaurant and bar opening for non-hotel guests between 01.00 hours and 08.00 hours; and to restrict access to the rooftop external terrace to all customers before 07.00 hours or after 11.30 hours each day.

It is proposed that the details of hotel operation and servicing arrangements be controlled through conditioning a Servicing and Operational Management Plan. This will ensure that the highway network, amenity of neighbouring residents and businesses and the quality of the surrounding environment is adequately safeguarded. The servicing and highways implications of the development are detailed later in this report.

8.1.3 Retail use

There are four existing retail units at ground floor level including a post office. Policy S21 of the City Plan states that existing A1 retail will be protected throughout Westminster.

The proposals seek to reconfigure the existing retail floorspace on the ground floor to create better quality and more efficient retail units. New retail floorspace will also be created at basement level. The proposals would provide four new retail units. This includes one large retail unit set over ground and basement levels on the corner of William IV Street and Adelaide Street; and 3 smaller retail units at ground floor level only fronting William IV Street. The applicant states that the reconfigured layouts would provide more efficient and high quality retail units which will complement the new hotel and improve the overall contribution the building makes to the character and function of the surrounding area.

There would be a loss of some 131 sqm of A1 retail floorspace, which mostly arises through the removal of an existing mezzanine floor serving the Post Office. The mezzanine level is considered to be of poor quality and is currently used as ancillary storage. As such the mezzanine floor is not considered to add to the retail character or function of the area. The loss of retail floorspace also partly arises from the inclusion of the new hotel entrance lobby on the St Martin's Place frontage.

There is no adopted policy which resists the reconfiguration of existing retail units, providing they remain within the same use class. The four reconfigured units would remain class A1 retail, and although there is a loss of some existing retail floorspace, the new units are considered to be an improvement in terms of layout. Whilst the loss of retail floorspace and frontage on St Martin's Place is regrettable, the retail frontage on to William IV Street will be significantly improved creating larger, unified shopfronts, making it more attractive to customers. The proposals are not resisted in land use terms within the context of the NPPF, UDP and City Plan.

In respect of the existing Post Office, the applicant has advised that they are actively engaging with representatives of the Post Office. The applicant has confirmed that the proposals enable the Post Office to remain within the building but in a smaller unit which the Post Office advise would meet their requirements should they decide to remain in this location.

8.2 Townscape and Design

The application site is an unlisted post-war building of some architectural merit within the Trafalgar Square Conservation Area, although the Conservation Area Audit does not list it as a building of merit. It forms a whole block bounded by St Martins Place to the west, William IV Street to the north, Adelaide Street to the east and adjoining the Grade II Star listed St Martin's Vicarage, Vestry and School to the south. The location is one of intense heritage significance, including not only the Square itself, but also high graded listed buildings in close proximity including the National Gallery, the National Portrait Gallery (Grade I), the former City Council Offices at Cavell House, Coutts Bank (434-438 Strand - Grade II Star), the Church of St Martin-in-the-Fields (Grade I), the Edith Cavell Memorial (Grade I) and the London Colliseum (Grade II Star). The building is an evident feature in views of the Church from the Square.

In accordance with the requirements of the Act, and Sections 7 and 12 of the NPPF, there is a presumption against harm when determining applications affecting the setting of listed buildings or within Conservation Areas.

The proposal would include the complete re-fenestration of the building, new shopfronts and extensions to the existing fifth floor plant level to include a rooftop restaurant and bar, including roof terrace. The extensions at roof level include a substantial set back from the roof edge in order to prevent the building from breaking the silhouette of the St Mary's Vestry roofline in views of the Church from Trafalgar Square and other key local viewpoints. This includes a set back over the main staircase and no additional height for plant over the proposed main roof.

The proposed alterations and extensions to the building for enabling the proposed use(s) are considered to be acceptable, subject to conditions.

The proposed re-fenestration of the building and modification of the shopfronts and roof parapets would work well with the building's existing architecture, preserving what is best about it, but improving upon its current limitations. The proposed new canopy onto St Martin's Place would add legibility to the building whilst being appropriately sized for the site.

The extensions at roof level are adequately set back and restrained in extent to avoid the building from detracting from the setting of the adjacent listed buildings, and to protect key views from various angles. As amended during the course of the application, the new roof extension would sit comfortably behind the silhouette of the adjacent listed building in views of it and the Church from both Trafalgar Square and Duncannon Street. From the latter, where the hipped roof of the School building tapers down the extension would become visible, infilling the sky gap which currently aids the definition of the School's silhouette, but this is only slight, transient and is based on a viewing position hard up against the buildings fronting Duncannon Street. The impacts of the development on significant local views are therefore considered to be acceptable.

The applicant has submitted an indicative signage strategy, which is generally acceptable however it doesn't remove the requirement to apply for advertisement consent for signage for the hotel and each shop unit.

There is some risk of currently unidentified impacts on the views through post-development ad-hoc paraphernalia accumulating on the roof terrace, including umbrellas and planters, but also from functional items accumulating on the roof. Conditions can adequately control this, as set out in the draft decision letter.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a loss of daylight/sunlight, particularly to existing dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

The majority of neighbouring properties are in commercial use. However, there are some residential properties nearby with the nearest being located on the upper floors on the opposite side of William IV Street at nos.38 – 42 and at 29 St Martin's Lane and 43 Chandos Place. An objection has been received from a neighbouring occupier raising concern about noise and disturbance from the hotel restaurant and bar roof terrace as well as overlooking of their windows.

8.3.1 Noise

A terrace in this location adjacent one of London's most popular tourist destinations, with views towards Trafalgar square is considered acceptable. However given its size, the proposed hotel restaurant and bar roof terrace has the potential to result in noise disturbance, especially if used for entertainment purposes. Conditions are therefore recommended to restrict access to the rooftop terrace to all customers before 07.00 hours or after 11.30 hours each day; and also to prevent amplified music from being played on the terrace.

8.3.2 Privacy

Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. The proposed terrace would have a capacity to hold up to 80 people. The nearest residential occupiers are located on the opposite side of William IV Street, which is located over 10m from the proposed external terrace and at a lower oblique angle.

Given that the terrace is also set back from the roof edge, it is considered that the terrace will not lead to an unacceptable loss of residential amenity in terms of overlooking.

8.3.3 Sunlight and Daylight

The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines. Windows in the nearest residential properties (29 St Martin's Lane, 38 - 42 William IV Street, and 43 Chandos Place) have been tested for daylight and sunlight and comply with BRE guidelines with reductions in Vertical Sky Component of less than 20% and as such are considered acceptable.

8.3.4 Sense of Enclosure

Policy ENV13 also states that developments should not result in an increased sense of enclosure. The fifth floor roof extensions infill the gaps between existing part enclosures. The proposed rooftop structure will not be higher than the existing structures but they are being enlarged. It is considered that the resulting relationship between the extended building and neighbouring residential buildings would not result in an unacceptable increase in sense of enclosure.

8.4 Transportation/Parking

8.4.1 Car Parking

It is proposed to reduce the number of car parking spaces on the site from the existing 23 spaces to three spaces (one standard and two blue badge parking spaces). One disabled bay will be for use of disabled employees at the retail unit, and the other for the use of disabled employees at the hotel. The standard bay will be retained in accordance with an existing contract with St- Martin-In-The Fields Vicarage, which requires one car parking space to be provided in the basement level for the use of the church.

The site is within a Controlled Parking Zone and has a good level of public transport accessibility. The reduction in car parking spaces is supported by the London Plan which states that only operational and disabled parking should be provided at sites with high public transport accessibility. It is therefore considered that the proposal is unlikely to have an adverse impact on on-street car parking in the area.

8.4.2 Cycle Parking

24 secure cycle parking spaces are to be provided at basement level in accordance with London Plan requirements. It is recommended that their provision is secured by condition.

8.4.3 Servicing and deliveries

The existing building currently has an off-street basement access and a street level service bay on the Adelaide Street frontage. The access to both is restricted as any large vehicles over 7 metres in length would have difficulty with entry or exit.

The applicant indicates that the site would likely (if the B1 was occupied) generate approximately 14 daily service trips (which seems conservative given the size of the B1

floor area) while the proposal would likely generate 21 daily service trips. The availability and retention of both the off-street service areas will help reduce the impact on the public highway.

The submitted Service and Delivery Plan (S&DP) states that all retail units will have access to the off-street service areas. It is not clear from the plans how this is possible given that the three smaller ground floor retail units fronting William IV Street do not have direct access to the off-street service areas. It's likely that only one of the A1 units would have access to the off-street facility which is no different to the existing situation. For clarity and completeness it is considered that an amended S&DP should be secured by condition.

Any servicing for the three smaller ground floor retail units fronting William IV Street and from larger vehicles (e.g. refuse lorry) will need to comply with the on-street restrictions (which is no different to the existing situation). The site is located within a Controlled Parking Zone; the double yellow lines on William IV Street allow unloading to occur during restricted times. While not ideal, as it will mean transporting goods over the footway, this is no worse than the existing situation.

On balance, given no increase in A1 retail floorspace is proposed and the off-street servicing facilities are retained for use by the hotel and larger A1 corner unit, the proposal is considered acceptable subject to an updated S&DP.

8.4.4 Coaches and Taxis

The Highways Planning Manager requests details of how coaches and taxis will be managed. The applicant has confirmed that bookings for coach parties will not be accepted. Highways Planning is concerned that this may change in future, however if the Servicing and Delivery Plan explicitly rules out coach parties, any future change to accept coach parties would subsequently need approval by the Council.

With regard to taxis, both the existing office and proposed hotel users would use taxis. The submitted Transport Statement confirms that the proposed use would represent a net reduction in pedestrian, servicing and car borne trips in comparison to the existing use. This reduction with the added control that will be in place by condition should serve to adequately mitigate any impacts on the highway network.

8.4.5 Frontage Alterations

The corner of the building on William IV Street and Adelaide Street is to be altered with the chamfered corner removed. The proposal extends further out than the existing building line and covers an area of land that is public highway. The applicant is advised by informative that pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place.

8.5 Economic Considerations

The economic benefits associated with the creation of a new hotel and reconfigured retail units are welcomed.

8.6 Access

Step free access would be provided to the new hotel and retail units. Access within the building is designed to comply with all relevant access legislation. Two cores containing stairs and lifts are provided. All lifts will meet the minimum standards for Part M and wheelchair friendly.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Mechanical Plant

Mechanical plant is to be located at roof level and at podium level within the buildings internal lightwell area. Subject to conditions Environmental Health officers have no objection and it is considered that the plant will not result in noise nuisance or a loss of neighbouring amenity.

8.7.2 Refuse /Recycling

The proposed waste storage for the hotel and rooftop restaurant and bar is provided at basement level and is considered acceptable.

No waste storage provision is shown for the reconfigured retail units. The existing four retail units currently store waste within their units and place their waste on William IV Street for collection. The applicant states that there will be no change to the existing situation in that each retail tenant will be responsible for designing and providing sufficient internal waste storage space within their unit.

The Cleansing Manager advises that it is not acceptable for the retail units waste to place their waste on William IV Street, and advises that the basement level waste storage should be enlarged further to accommodate waste from the retail units, and also that all the waste generated should be collected via Adelaide Street.

Despite this request from the Cleansing Manager, it is not possible for the three ground floor retail units to store their waste in the basement given that they would not have direct access to the basement store. However it is considered that a condition can be attached requiring revised plans to be submitted and annotated to show waste storage for the retail units, together with a waste management strategy which agrees to a co-ordinated approach for the future hotel and retail occupiers to place their waste in the same location and at the same time on Adelaide Street.

8.7.3 Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The applicant has submitted an Energy and Sustainability Assessment setting out the energy efficiency and sustainability measures for the proposals which include a combination of passive design measures, and Combined Heat and Power (CHP). It is estimated that for the whole site the proposal will achieve an overall total carbon reduction of 47%.

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 in this case.

9. BACKGROUND PAPERS

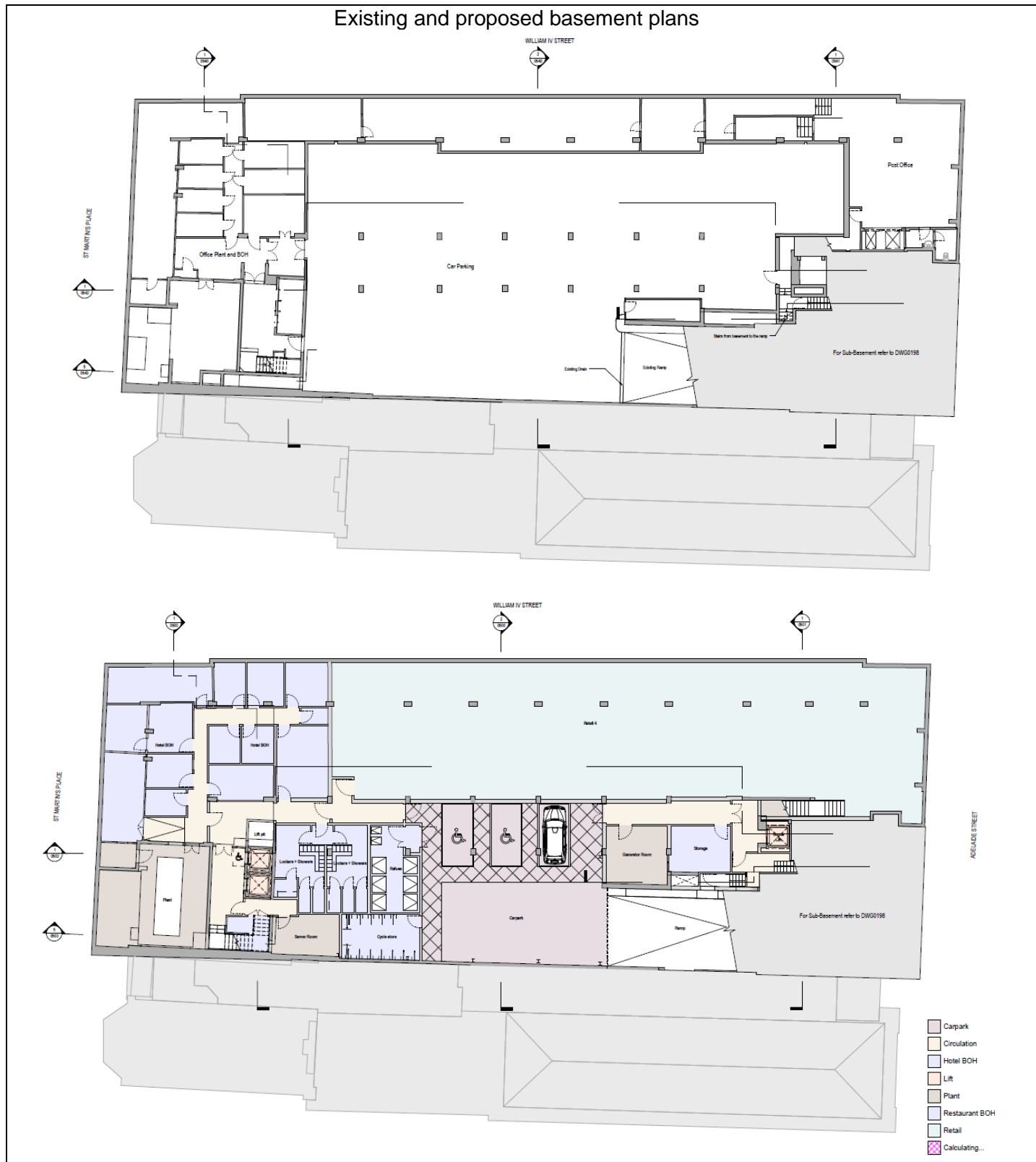
1. Application form
2. Response from Covent Garden Area Trust dated 21 September 2016
3. Response from Covent Garden Community Association dated 12 September 2016
4. Response from Highways Planning Manager dated 09 November 2016
5. Response from Cleansing Manager dated 06 August 2016
6. Response from Environmental Health dated 12 October 2016
7. Response from Historic England dated 4 October 2016
8. Letter from occupier of Flat 4, 40-42 William IV Street dated 5 September 2016

Selected relevant drawings

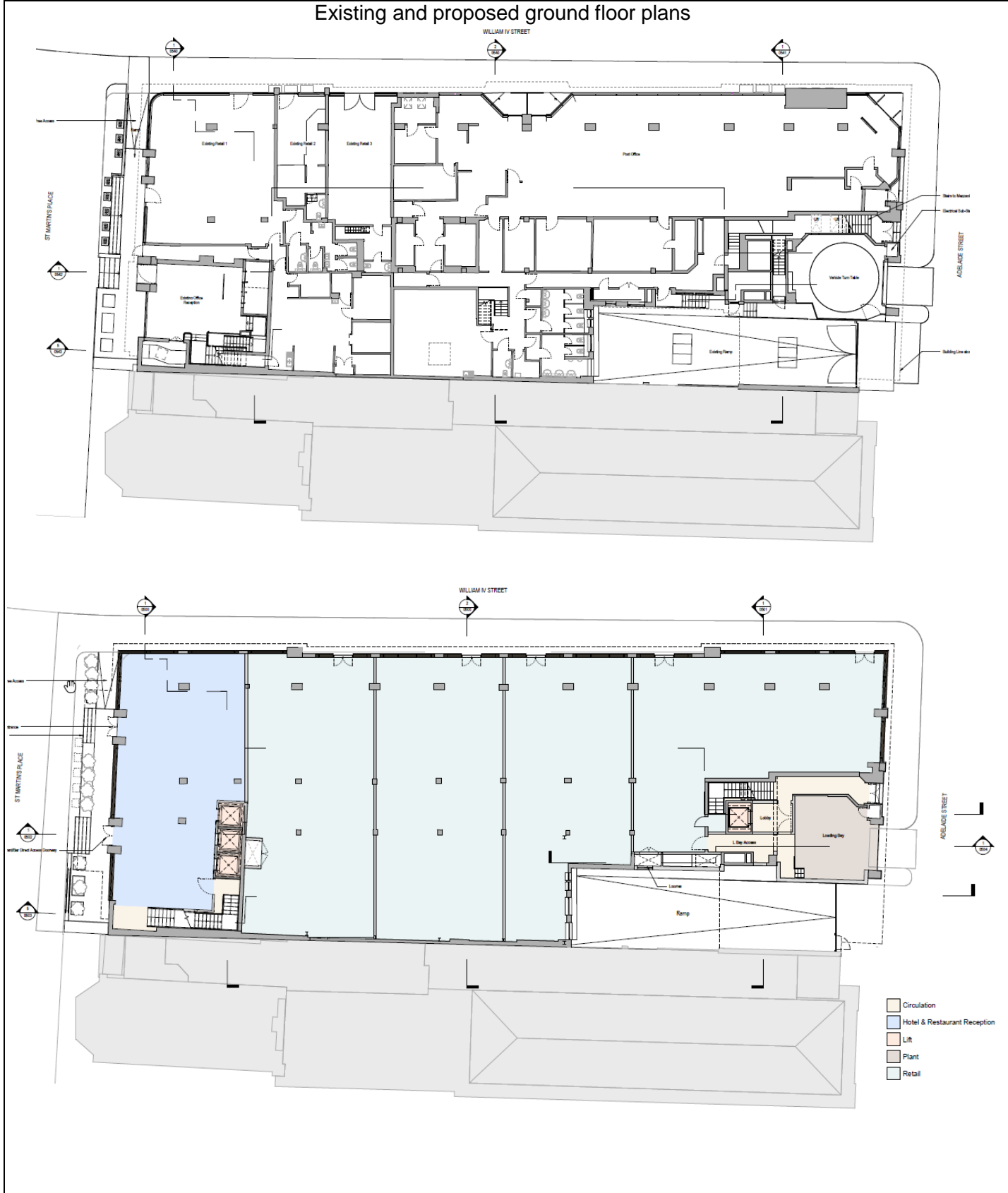
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT LFRANCIS@WESTMINSTER.GOV.UK

10. KEY DRAWINGS



Existing and proposed ground floor plans

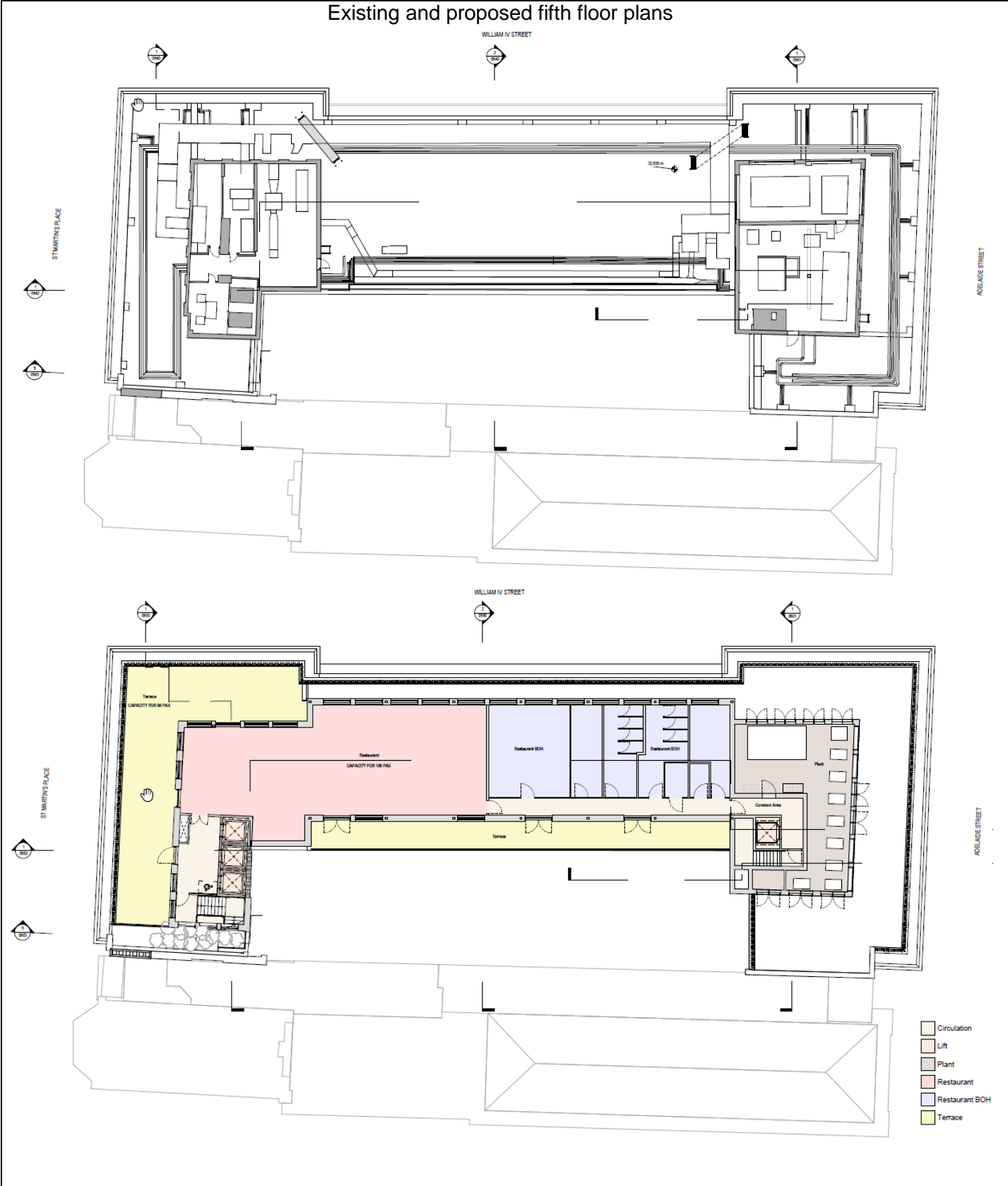


Existing and proposed first floor plans

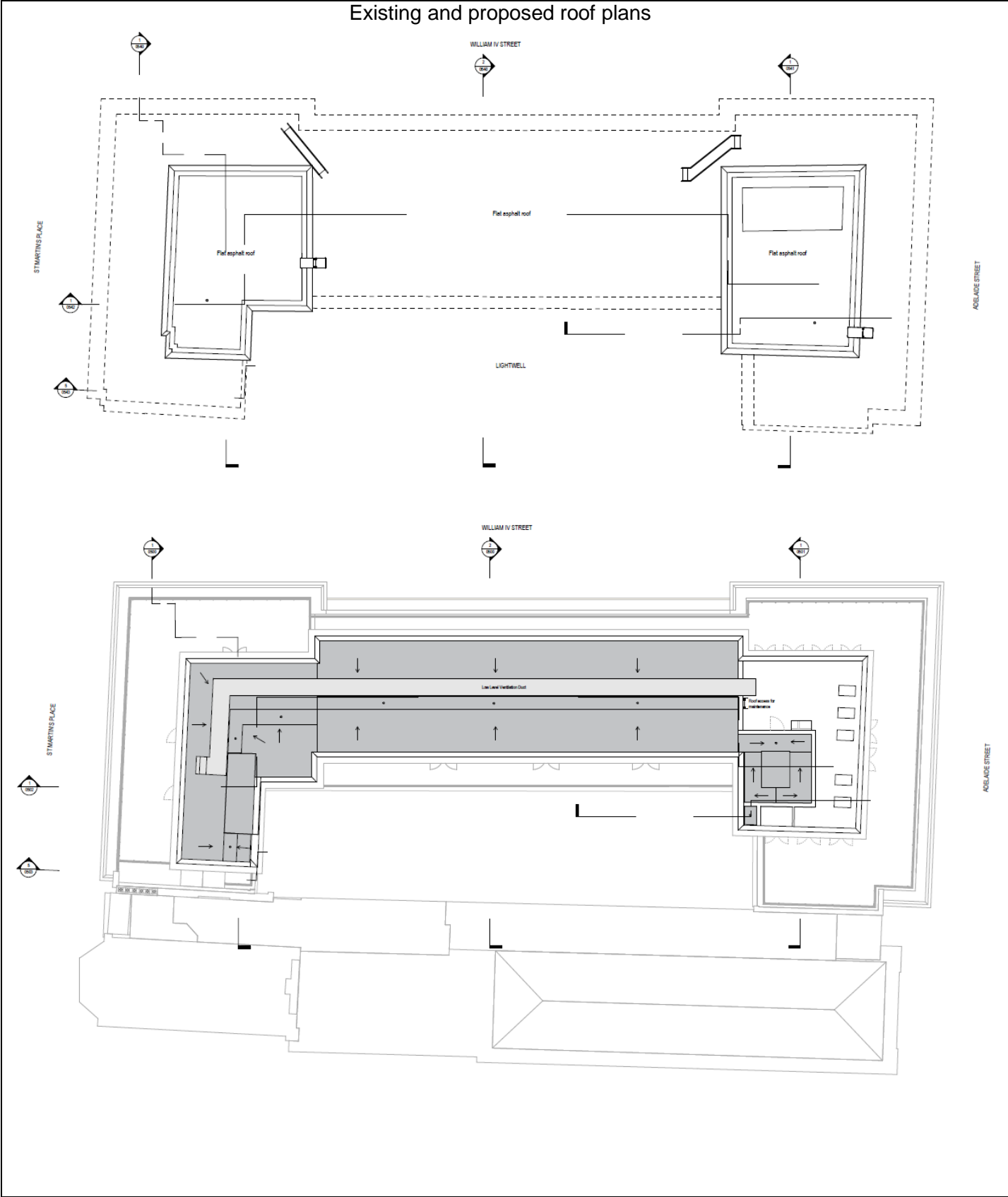


Existing second and proposed second, third, and fourth floor plans

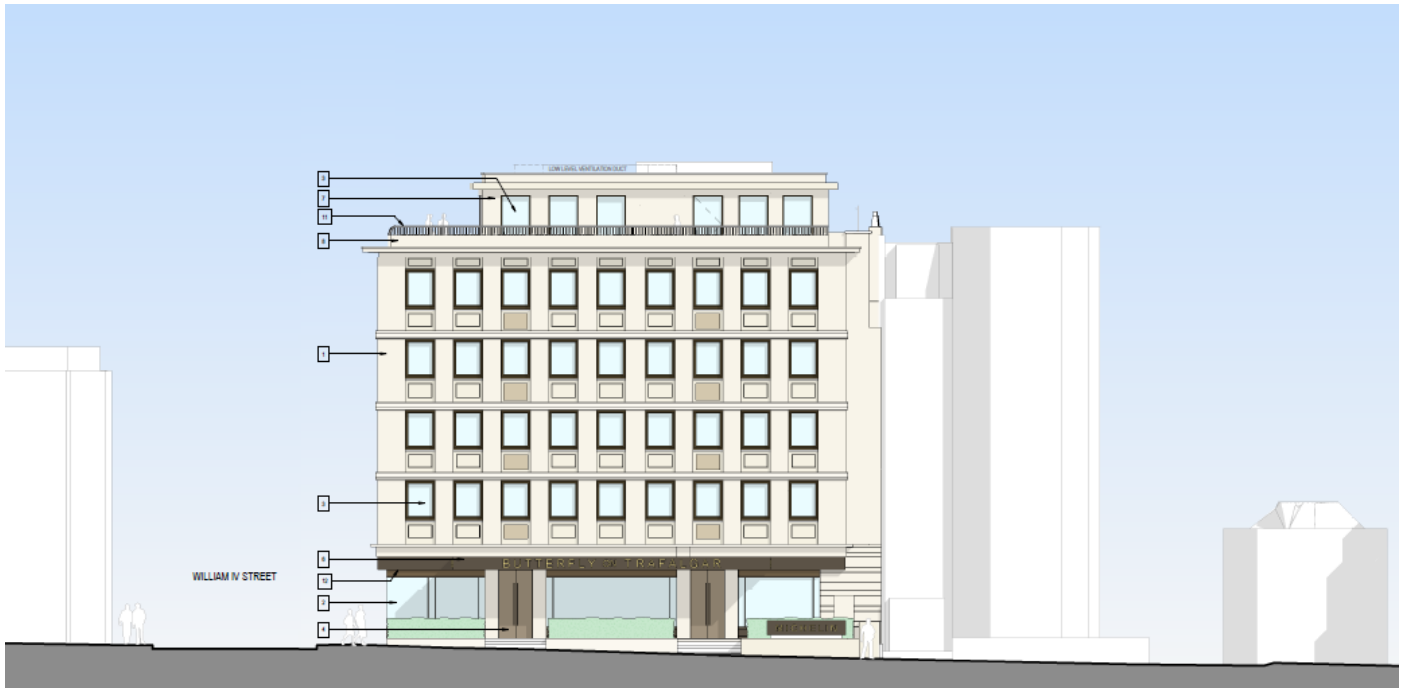




Existing and proposed roof plans



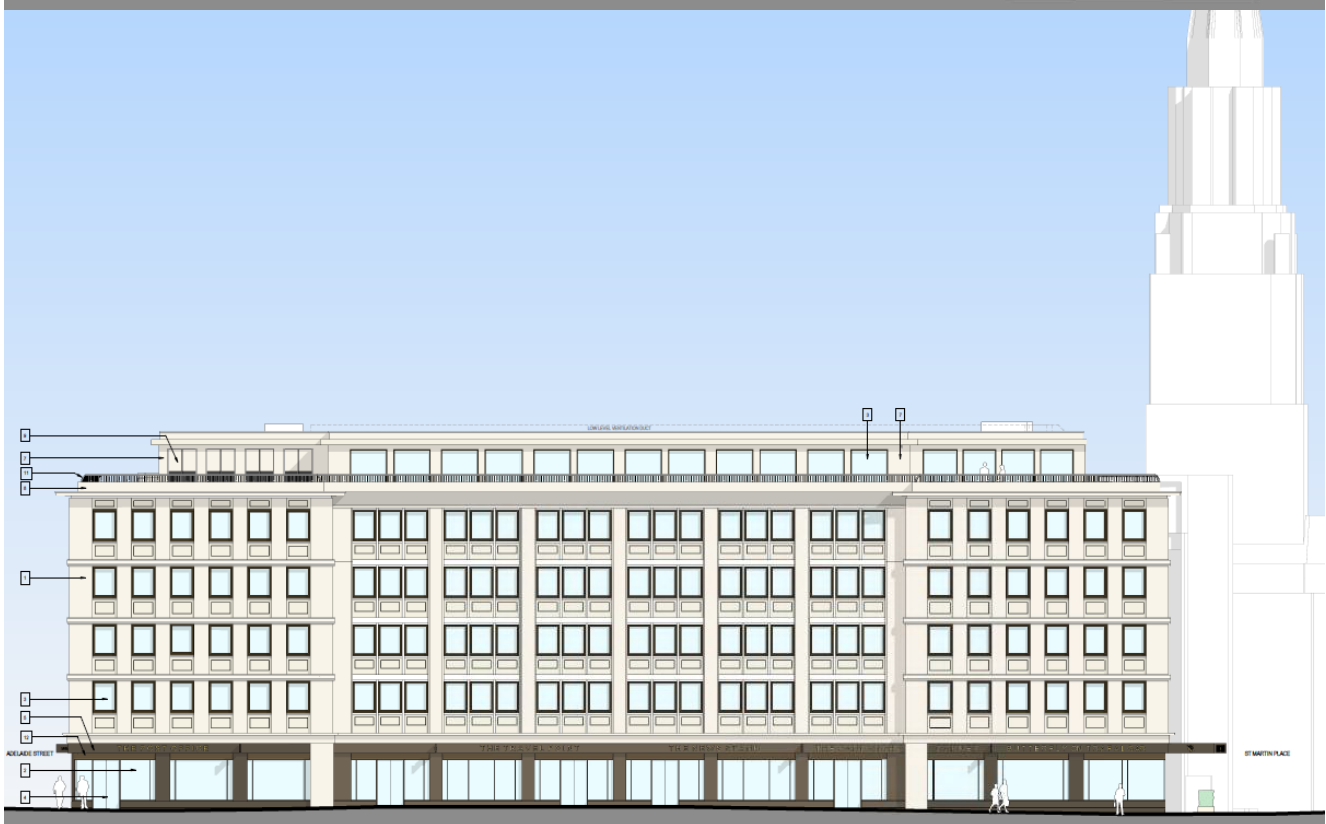
Existing and proposed west elevations



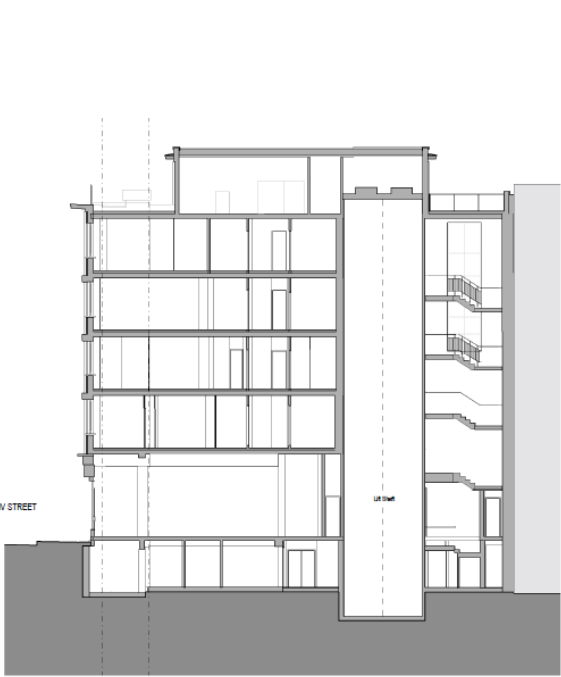
Existing and proposed east elevations



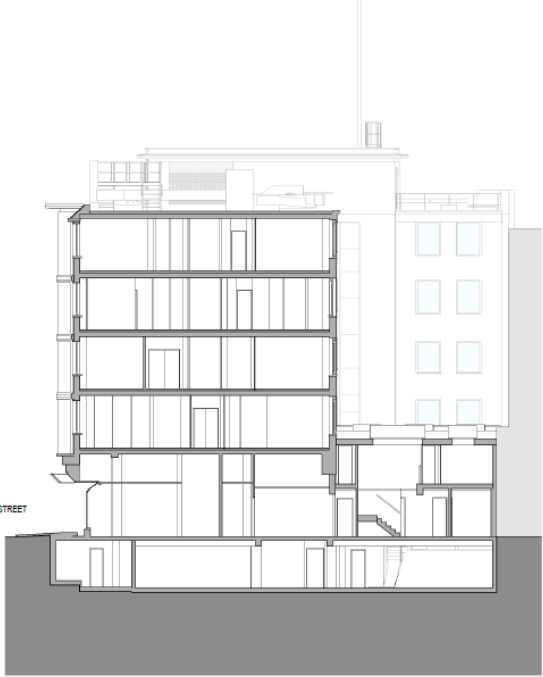
Existing and proposed north elevations



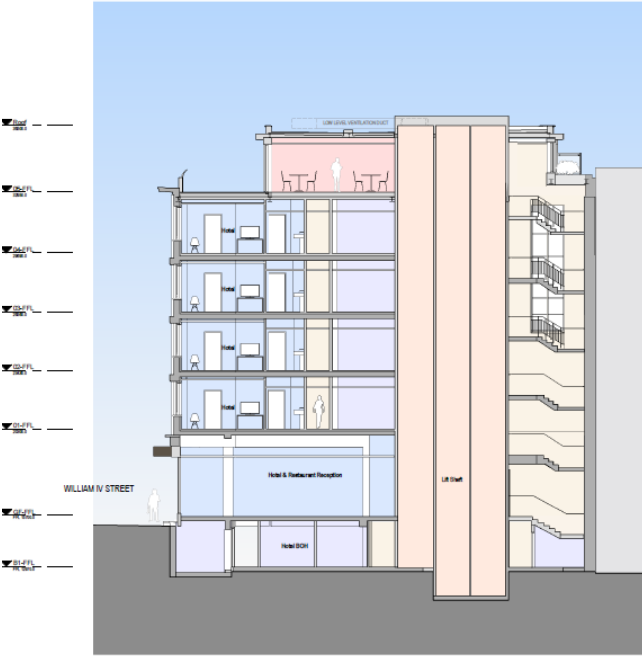
Existing and proposed sections AA & BB



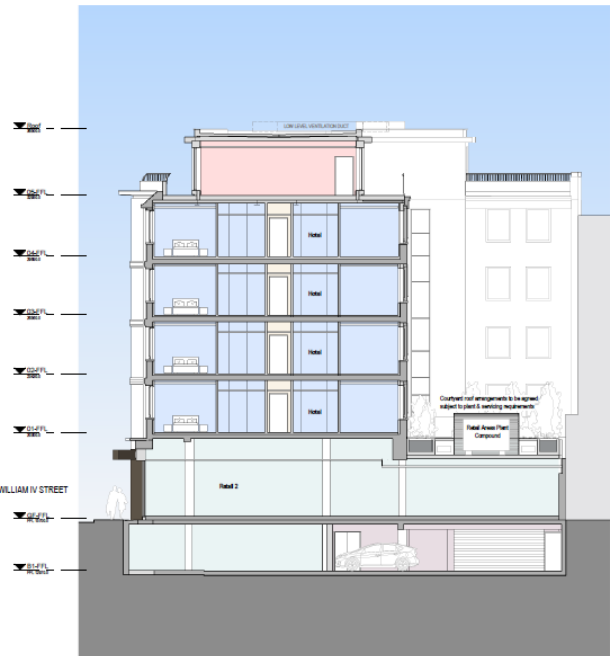
Existing Section AA



TP Existing Section BB

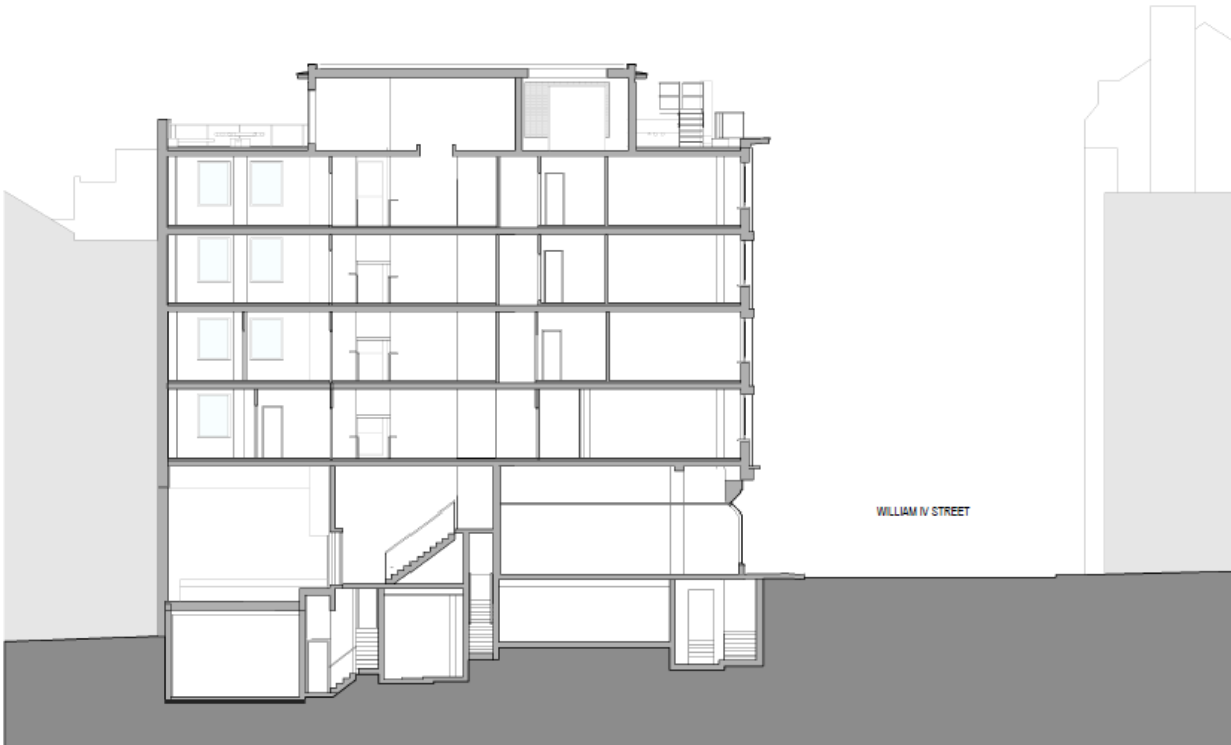


TP Proposed Section AA

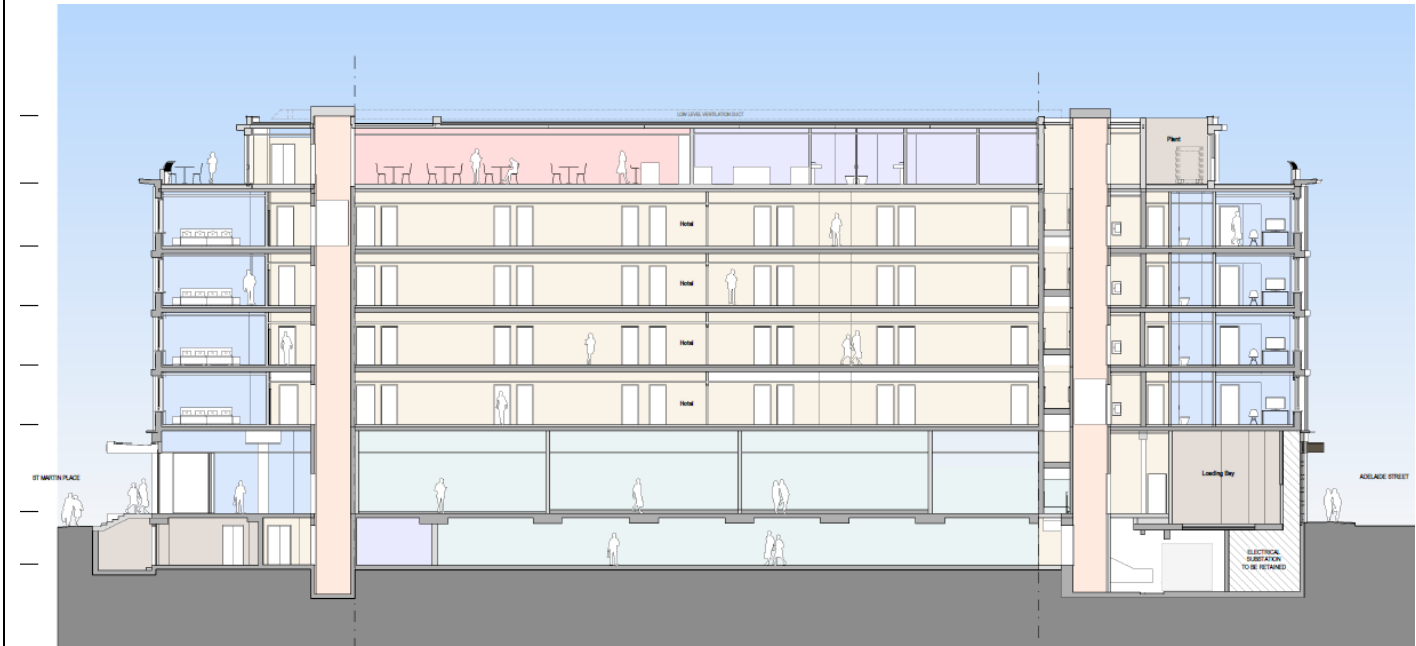
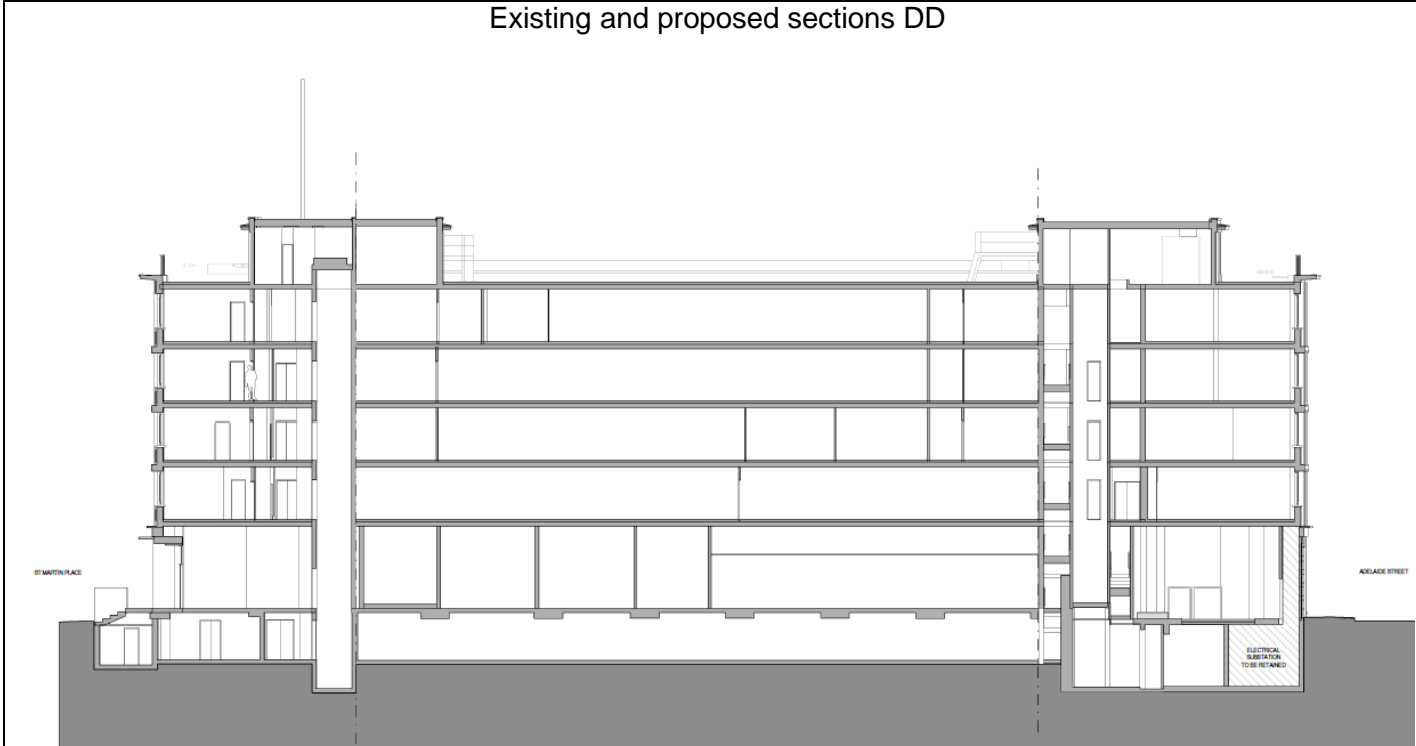


TP Proposed Section BB

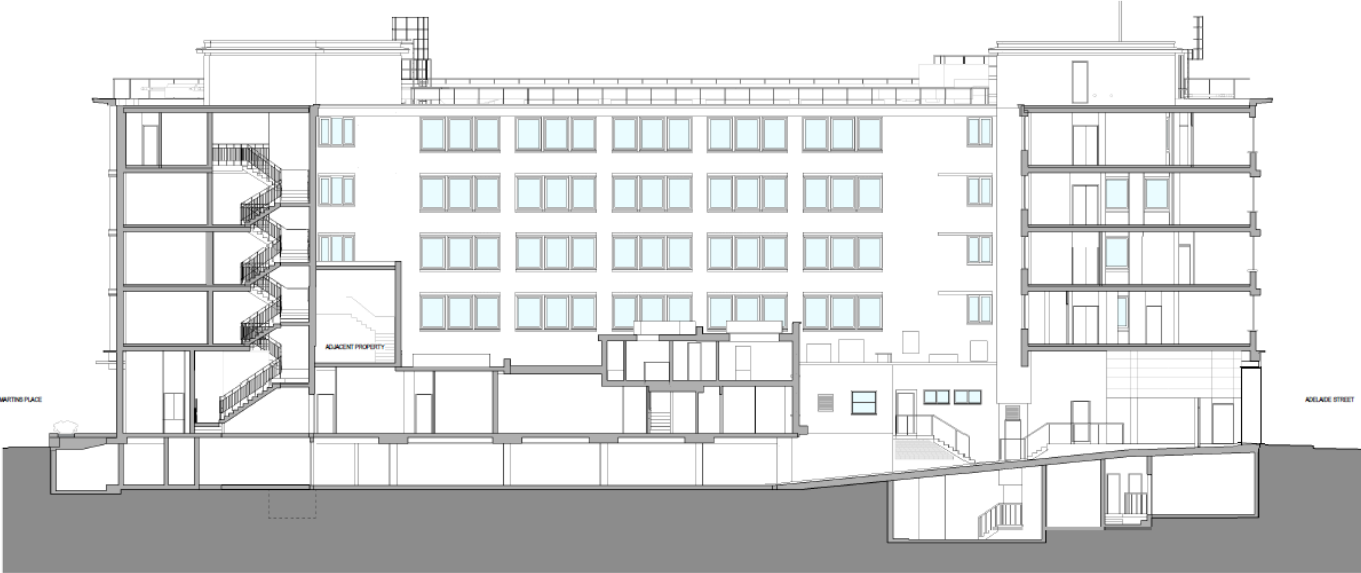
Existing and proposed sections CC



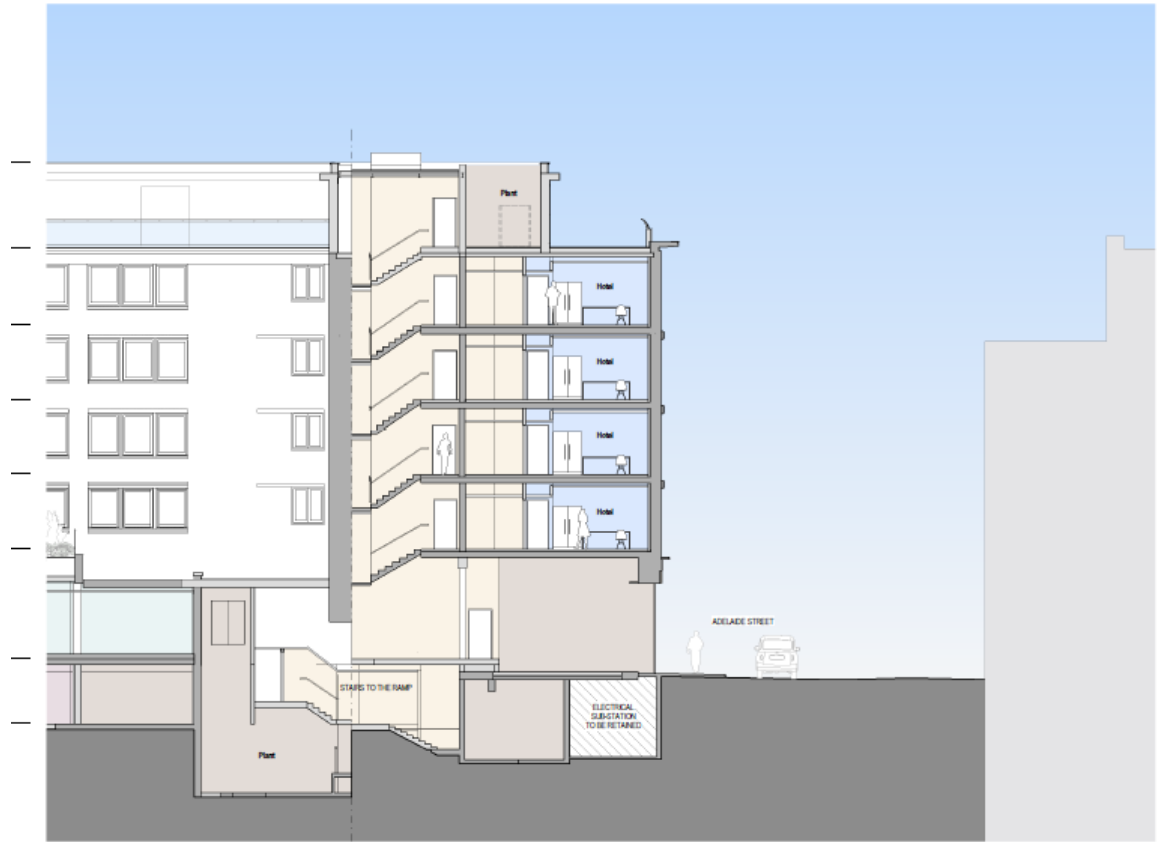
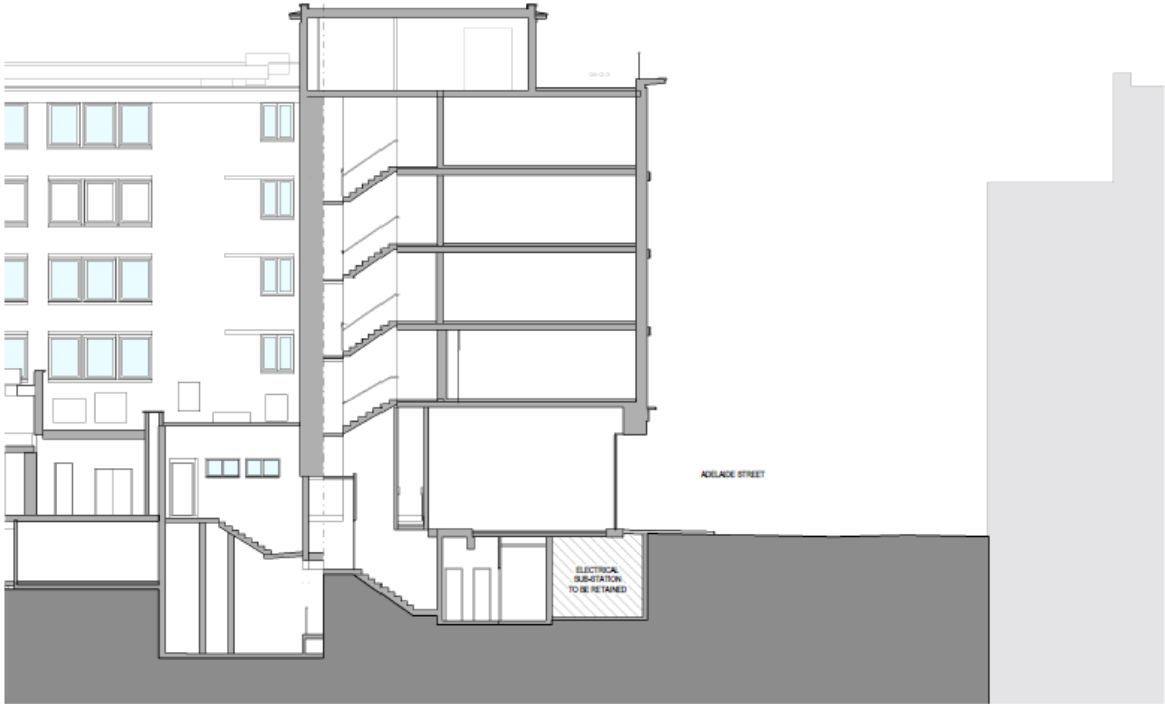
Existing and proposed sections DD



Existing and proposed sections EE



Existing and proposed sections FF



Photomontages



DRAFT DECISION LETTER

Address: 7 - 8 St Martin's Place, London, WC2N 4HA,

Proposal: Change of use of first to fourth floors from offices (Use Class B1) to hotel (Use Class C1) accommodation together with associated works to comprise the erection of extensions at fifth floor/ roof level to create a rooftop restaurant and bar with external terrace (Use Class A3), reconfiguration of the ground floor retail and the creation of new retail floorspace at basement level (Use Class A1), works to the ground floor entrance, replacement of existing windows, installation of new shopfronts and signage at ground floor level and installation of mechanical plant at podium and roof level.

Reference: 16/07659/FULL

Plan Nos: Proposed drawings: 0100 Rev 3, 0198 Rev 6, 0199 Rev 8, 0200 Rev 10, 0201 Rev 7, 0202 Rev 6, 0205 Rev 7, 0206 Rev 4, 0400 Rev 5, 0401 Rev 7, 0402 Rev 4, 0500 Rev 5, 0501 Rev 4, 0502 Rev 4, 0503 Rev 4, 0504 Rev 4; Existing drawings: 0238 Rev 3, 0239 Rev 3, 0240 Rev 3, 0241 Rev 3, 0242 Rev 3, 0243 Rev 3, 0244 Rev 3, 0245 Rev 3, 0246 Rev 3, 0247 Rev 3, 0440 Rev 3, 0441 Rev 3, 0442 Rev 3, 0540 Rev 3, 0541 Rev 3, 0542 Rev 3, 0543 Rev 3, 0544 Rev 3; Demolition drawings: 0258 Rev 3, 0259 Rev 3, 0260 Rev 3, 0261 Rev 3, 0262 Rev 3, 0263 Rev 3, 0264 Rev 3, 0265 Rev 3, 0266 Rev 3, 0267 Rev 3, 0460 Rev 3, 0461 Rev 3, 0462 Rev 3, 0560 Rev 3, 0561 Rev 3, 0562 Rev 3, 0563 Rev 3, 0564 Rev 3

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

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 (November 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 Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 You must apply to us for approval of details as set out below of the following parts of the development:

- (a) Shopfronts (elevations and plans at 1:20, sections at 1:5);
- (b) New windows and doors (elevations and sections at 1:5);
- (c) Roof extension (typical bay-study elevation and section at 1:20);
- (d) New front entrance canopy (section at 1:10).

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

You must then carry out the work according to these details. (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 Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 You must not put structures such as canopies, umbrellas, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area, and also that it protects the setting of the adjacent listed buildings at St Martin's Church and Vicarage / School. 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 para, DES 9 and DES 10 and paras 10.108 to 10.128 of our Unitary

Development Plan that we adopted in January 2007. (R26BE)

- 6 Any planters on the roof terrace must have their planting kept trimmed so that it does not exceed the approved height of the terrace balustrading.

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 Trafalgar Square Conservation Area, and also that it protects the setting of the adjacent listed buildings at St Martin's Church and Vicarage / School. 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 para, DES 9 and DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area, and also that it protects the setting of the adjacent listed buildings at St Martin's Church and Vicarage / School. 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 para, DES 9 and DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 No customer, hotel resident or guest shall be permitted onto the fifth floor hotel terrace before 0700 hours or after 2330 hours daily.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 9 The fifth floor restaurant and bar within the hotel hereby approved shall not be open to customers (other than hotel residents (those staying overnight at the hotel)) before 0800 hrs or after 0100 hrs daily.

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 (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 No music shall be played in the hotel such as to be audible outside the premises.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development

Plan that we adopted in January 2007. (R13BC)

- 11 No amplified music shall be played on the external hotel terrace.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 12 (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 (November 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.

- 13 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.

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

Reason:

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

- 15 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

- 16 You must apply to us for approval of a Servicing, Delivery and Operational Management Plan prior to occupation. The plan should identify process, internal storage locations, scheduling of deliveries and staffing, and a clear process for managing taxis and private hire vehicles arrivals/ departures including measures to deter coaches. You must not commence the hotel use until we have approved what you have sent us. The Servicing, Delivery and Operational Management Plan must thereafter be maintained and followed by the occupants for the life of the development.

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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 17 You must provide the refuse store shown on drawing 0199 Rev 8 (proposed basement floor plan) before anyone moves into the hotel. You must clearly mark it and make it available at all times to everyone using the hotel. You must store waste inside the building 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 Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 18 You must apply to us for approval of details of how waste is going to be stored and how materials for recycling will be stored separately for the retail units. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the retail units. You must store waste inside the building and only put it outside just before it is going to be collected.

Reason:

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

- 19 You must apply to us for approval of a Waste and Recycling Management Strategy. The strategy should identify internal waste and recycling storage locations, and scheduling of when and where waste is to be put outside to be collected for the hotel and retail units. The Waste and Recycling Management Strategy must thereafter be maintained and followed by the occupants for the life of the development, unless otherwise agreed in writing.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place

outside the permitted hours unless you have our written approval. (I50AA)

- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 8 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 9 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 10 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 11 Pursuant to s247 of the Town and Country Planning Act 1990, a stopping up order for parts of the

Item No.
1

public highway would be required to enable parts of the development to take place.

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Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	14 Wimpole Street, London, W1G 9SX		
Proposal	Demolition of mews building and lower ground and ground floor rear extensions. Erection of replacement mews building on lower, ground and first floors to provide a four bedroom dwellinghouse (Class C3), accessed from Wigmore Place. Erection of replacement lower ground and ground floor levels rear extension to the main building and use of part ground and part lower ground floor as medical floorspace (Class D1) and use of part lower ground, part ground floor and first to fourth floors as nine flats (Class C3). Alterations to rear elevation including the installation of new windows. Internal alterations.		
Agent	Montagu Evans LLP		
On behalf of	14 Wimpole Street Limited		
Registered Number	16/08184/FULL 16/08185/LBC	Date amended/ completed	19 September 2016
Date Application Received	26 August 2016		
Historic Building Grade	Grade II		
Conservation Area	Harley Street		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent 3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

<p>The application site is a Grade II listed building which is linked by lower ground and ground floor extensions to a mews building at the rear. The buildings' lawful use is as five flats on lower ground and first to fourth floors with a private, walk-in, medical clinic at ground floor level. The site is located within the Harley Street Conservation Area, the Core Central Activities Zone (Core CAZ) and the Harley Street Special Policy Area (SPA).</p> <p>It is proposed to demolish the rear mews building and the lower ground and ground floor link</p>

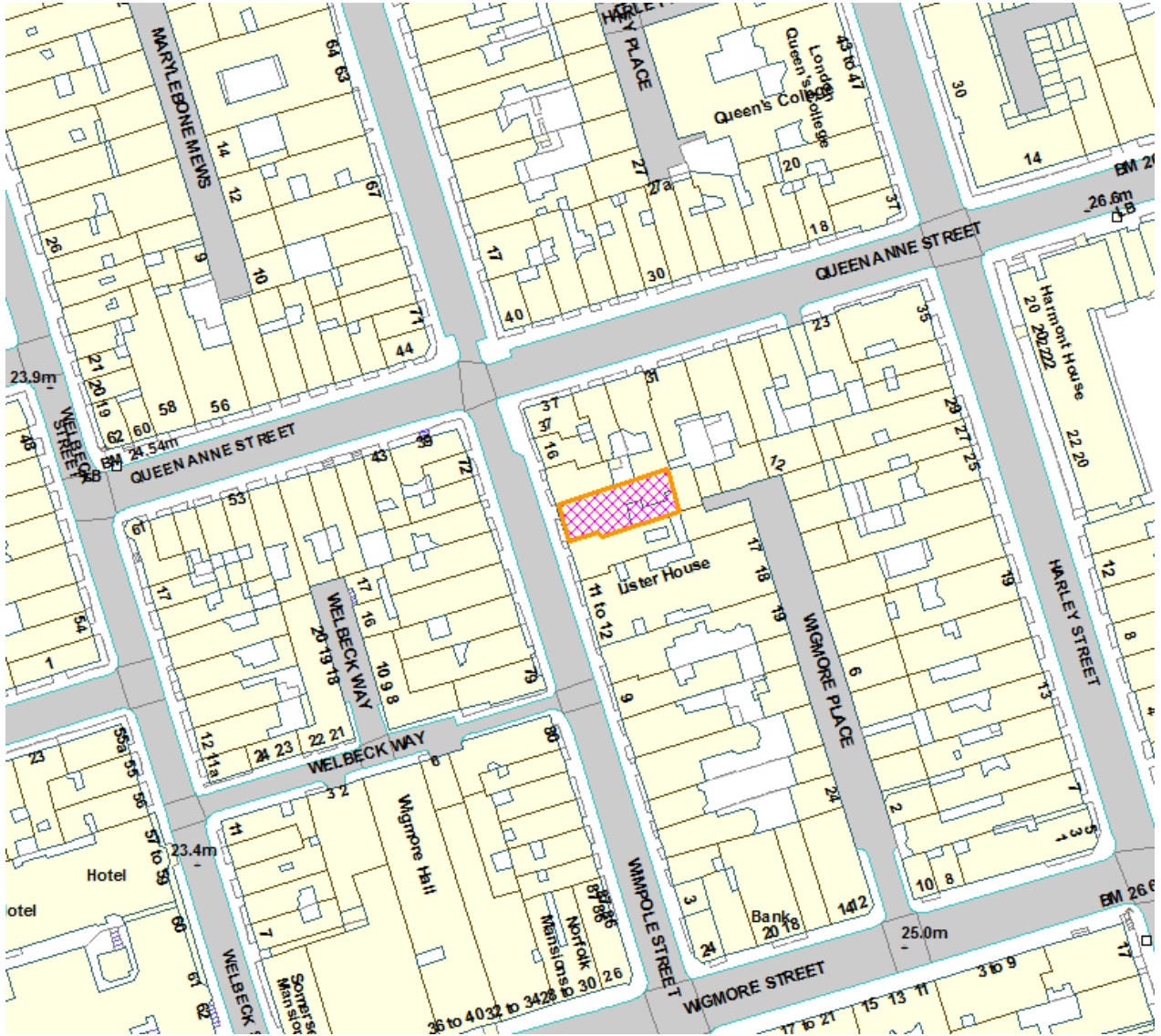
extensions and to erect a replacement mews building over lower ground, ground and first floor levels for use as a four bedroom dwelling house (Class C3), accessed from Wigmore Place. The ground floor medical floorspace would be reconfigured, with an additional consulting room at lower ground floor level to compensate for the loss of floorspace at rear ground floor level. The two existing lower ground floor flats would also be reconfigured and the flats on the first to fourth floors would be subdivided to increase the total number of dwellings on site from five to ten. Objections have been received on land use and amenity grounds.

The key issues for consideration are:

- * Whether the proposed demolition, alterations and extensions preserves the buildings' special architectural and historic interest.
- * Whether the proposal preserves or enhances the character and appearance of the Harley Street Conservation Area.
- * Whether the potential additional car parking demand arising from the proposed development is acceptable given the benefits of additional residential accommodation and can be adequately mitigated by condition.
- * Whether the proposed mews house and alterations at rear ground floor level will result in a loss of amenity for the occupants of neighbouring dwellings.
- * Whether the proposed new dwellings are of an adequate standard.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). Furthermore, the scheme is considered to preserve the character and appearance of the Harley Street Conservation Area, and would not harm the special interest of the listed building or the setting of the adjacent listed buildings. For these reasons it is recommended that conditional planning permission and listed building consent be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Original submission

HISTORIC ENGLAND:

Authorisation for the City Council to determine the application as it sees fit.

MARYLEBONE ASSOCIATION:

The proposed mews house results in a significant increase in massing at the rear which will impact on the amenity of neighbouring 13 Wimpole Street and 16 Wimpole Mews [presumably 16 Wigmore Place] in terms of privacy/ overlooking, loss of light and, potentially, an unacceptable increase in sense of enclosure.

ENVIRONMENTAL HEALTH:

No objection subject to provision of updated noise survey and detailed supplementary report once the plant has been selected.

HIGHWAYS PLANNING:

Objection: increased number of residential units will result in an unacceptable increase in on-street car parking stress, cycle parking provision is acceptable.

CLEANSING:

Objection: lack of information regarding the proposed refuse arrangements, absence of storage for clinical waste and lack of separation between the residential and medical refuse stores.

ANCIENT MONUMENTS SOCIETY:

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY:

Any response to be reported verbally.

THE GEORGIAN GROUP:

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY:

Any response to be reported verbally.

THE VICTORIAN SOCIETY:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Both objecting on the following grounds:

Land Use:

- The subdivision of the flats on site to create nine flats and the continued medical use on site represents a significant intensification of the current use.
- The smaller flats will come under pressure to be used for short term letting. Enforcing against this breach of planning control is cumbersome and not always fully effective.

Amenity:

- Loss of privacy.
- Increased sense of enclosure.
- Loss of daylight and sunlight.
- Noise nuisance.

Other:

- Lack of information in respect to where dustbins for the proposed new mews house would be located.
- Disruption during the course of construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Final submission: (consultation period expires 15 December 2016)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2

Total No. of replies:0

No. of objections: 0

No. in support: 0

Any additional responses to be reported verbally.

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

The site comprises a Grade II listed building arranged over lower ground, ground and four upper floors and, to the rear, a mews building on lower ground and ground floors levels. This mews building is largely obscured by the adjoining property at 14 Wigmore Place and only presents as a small section of blank wall on Wigmore Place. As the mews building is in the same ownership as the main building, is linked at basement and ground floor levels and was in existence at the time of listing it is also considered to be a listed building by virtue of being a curtilage structure.

The site is located within the Harley Street Conservation Area, the Core Central Activities Zone and the Harley Street Special Policy Area.

The buildings to the north of the site on Queen Anne Street are all Grade II listed, as are 13 and 15 Wimpole Street.

The main building and the mews property are linked at lower ground and ground floor levels. Until recently, a private walk-in medical clinic ('Sameday Doctor') occupied the ground floor of both buildings. This medical floorspace shares a communal hallway with a flat at rear lower ground floor; two, two bedroom flats on the first and second floors and a four bedroom maisonette on the third and fourth floors. Although currently vacant, records indicate that the lawful use at lower ground floor (front) is as a two-bedroom flat, making a total of five flats.

The site is surrounded by residential properties; the nearest being the dwellinghouses on either side (13 and 15 Wimpole Street), 16 Wigmore Place (which includes a flat at first floor level and an additional accommodation for 13 Wimpole Street at lower ground and ground floor levels) and 14 Wigmore Place (a dwellinghouse). 33 Queen Anne Street, immediately to the north of the site, is in office use.

6.2 Recent Relevant History

30 January 1979: Permission granted for the use of the lower ground floor as two self-contained flats, a ground and first floor medical consulting rooms, one self-contained flat on the second floor and a maisonette on third and fourth floors.

20 October 1987: Permission granted for the use of the first floor as a self-contained residential unit and for the associated alterations.

2 May 1989: Listed building consent granted for the re-arrangement of the two existing self-contained flats at lower ground floor level.

30 November 1989: Permission refused for the use of the lower ground, ground and first floors as offices - loss of residential accommodation and the loss of ground floor medical consulting rooms.

7. THE PROPOSAL

Permission and listed building consent are sought to demolish the mews building and the lower ground and ground floor link extensions.

The mews building (on lower ground and ground floors) would be replaced by a four-bedroom dwellinghouse (arranged over lower ground, ground and first floors), which would be accessed from a new entrance on Wigmore Place. This redevelopment would result in the loss of two small medical consulting rooms at rear ground floor level (19 sqm) and a reduction in the size of the existing two-bedroom flat at rear lower ground floor, which would become a one-bedroom flat.

The medical floorspace lost at rear ground floor level would be replaced by converting the residential accommodation at lower ground floor (front) to medical use. The result would be the reduction in the size of the existing two-bedroom flat, which would become a one-bedroom unit.

The existing and proposed floorspace schedule is below:

	Residential floorspace sq.m (GIA)	Medical floorspace sq.m (GIA)	Total floorspace (GIA)
As existing	795	172	967
As proposed	832	173	1,005
Change	+37	+1	+38

Two, two-bedroom, flats at first and second floor levels would be subdivided to create 4 x one-bedroom flats. The existing four-bedroom maisonette would be reconfigured to create two, one-bedroom flats, on the third floor and a three-bedroom flat at fourth floor level.

The net result is an increase in the total number of residential units on the site (including the new mews house) from five to ten, with a net increase in residential floorspace of 38 sqm.

The existing and proposed housing mix is as follows:

	Existing	Proposed
One-bed	/	8
Two-bed	4	/
Three-bed	/	1
Four-bed	1	1
Total	5	10

Provision for the storage of nine bicycles is proposed within one of the pavement vaults. The remaining two pavement vaults would accommodate plant and refuse/recycling stores for the residential and medical uses.

In addition to the internal alterations to reconfigure the accommodation, it is proposed to remove the existing extensive pipework at the rear (services will be relocated internally in two dedicated service routes), to reinstate windows within the rear wing and to make minor modifications to the roof form. Condensing units are proposed within the internal central lightwell at lower ground floor level and within a recessed area at roof level.

The application has been amended in an attempt to address the concerns of the occupier of 13 Wimpole Street by:

- Hipping the proposed replacement rear ground floor extension away from the boundary between the two sites.
- The setting the replacement rear extensions inside of the site boundary wall.
- Omitting residential terraces at rear first floor level.
- Installing obscured glass to rear first floor windows to the new mews house (to a height of 1.8m above internal floor level).

Additional drawings have also been provided which show the relationship of the new development to 13 Wimpole Street.

The two objectors to the application have been notified of the amendments to the application. This re-consultation period expires on 15 December 2016.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Reconfiguration of medical floorspace

As set out above, the site is located within the Harley Street SPA. City Plan Policy CM2.1 seeks to support and enhance the SPA's role as an international centre of medical excellence, complemented primarily by residential use. The loss of existing medical facilities will only be allowed in exceptional circumstances.

There is no objection to the reconfiguration of the existing medical floorspace on site given that there is a slight increase in floorspace and that the new lower ground floor consulting room is readily accessible via the central staircase.

A condition is recommended to prevent the occupation of the new mews house until the reconfigured medical accommodation is made ready for occupation. This is to ensure that this change of use takes place and there is no loss of medical floorspace within the Harley Street SPA.

Increase in residential floorspace and units

The proposed increase in residential floorspace of 38 sq.m (GIA) and the increase in the number of dwellings, from five to ten is welcome in principle and will assist in meeting the borough housing target set out within London Plan Policy 3.3, in accordance with UDP Policy H3 and City Plan Policy S14. Furthermore, it is considered that the number of residential units on site has been optimised. There is no requirement to provide any affordable housing within the development as the net increase in residential floorspace and units falls well below the 1,000 sqm or 10 unit threshold set out within City Plan Policy S16.

Policy H5 of the UDP normally requires 33% of new dwelling to be family-sized (i.e. containing three or more bedrooms). Overall, eight of the ten units provide only one bedroom. However, the proposal will provide an additional 'family sized' unit and the proportion of family sized units would be the same as the existing (20%). In these circumstances, and given the site's central location, the development is considered to provide an appropriate mix of residential units in accordance with City Plan S15 and UDP Policy H5.

Quality of the Proposed Flats

City Plan Policy S29 requires all new housing, and where possible refurbished housing, to provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood. London Plan Policy 3.5 sets out minimum space standards for different residential unit types. Guidance is provided within the Mayor

of London's Housing SPG (May 2016) which requires developments to minimise the number of single aspect dwellings and avoid such dwellings where:

- They are north facing; or
- They are exposed to noise levels above which significant adverse effect on health and quality of life occur; or
- They contain three or more bedrooms.

All of the proposed dwellings meet the minimum space standards

		Dwelling type	Area (sq.m) (GIA)	Minimum area requirement (sq.m) (GIA)
Lower ground	Apartment 1	1b 2p	58	50
	Apartment 2	1b 2p	62	50
Ground floor	/	/	/	/
First floor	Apartment 3	1b 1p	44	39
	Apartment 4	1b 2p	54	50
Second Floor	Apartment 5	1b 1p	45	39
	Apartment 6	1b 2p	55	50
Third Floor	Apartment 7	1b 1p	39	39
	Apartment 8	1b 2p	54	50
Fourth Floor	Apartment 9	3b 5p	86	86
	Mews House	4b 7p	172	121

The replacement of the dual aspect flats at first, second and third floor levels with single aspect flats is unfortunate. However, none of the proposed flats face north nor do they contain three or more bedrooms. To ensure that they flats are adequately ventilated, the six single aspect flats would be mechanically ventilated, utilising the chimneys to link the flats to the proposed roof plant. This will also enable the occupants of the flats facing Wimpole Street to be keep their windows shut, should they so choose, to minimise disturbance from traffic noise.

The L-shaped plan of the mews house and the presence of rooflights will assist in ensuring that this properly can be adequately ventilated.

Objections have been received on the grounds that the reduction in the size of the flats would increase the likelihood of them being occupied as short-term lets, which would be difficult to enforce against. However, there is no reason to believe that the proposed flats would be any more likely to be used for short-term letting than larger flats on the site

An objection has been received to the increase in the number of dwellings on the site on the grounds that this results in the intensification of the existing use. As local plan policies encourage the optimisation of the number of dwellings within new developments, and as all of the units are considered acceptable in terms of the standard of accommodation provided, it is not considered that permission could reasonably be withheld on these grounds.

Overall, the proposed flats are considered to provide an acceptable standard of residential accommodation, in accordance with City Plan Policy S29, London Plan Policy 3.5 and Mayor of London's Housing SPG (2016).

8.2 Townscape and Design

The main design implications of the proposal relate to the impact on plan form at all floor levels, the removal and rebuilding of structures to the rear and the impact of the enlarged mews building.

There is some concern over the apparent removal of a fireplace at lower ground floor level. This can be addressed by an amending condition requiring the retention of this fireplace or its sensitive relocation elsewhere in the listed building.

At ground floor level the removal of partitions and a counter associated with the medical use is welcomed.

At first floor level, and the front room on all floors above, have undergone unsympathetic alterations including the installation of false ceilings. The re-arrangement of partitions at all floor levels, to accommodate the new flats, is largely neutral in impact. The works to the closet wing are more beneficial in that they reinstate the sash windows.

A new roof lantern is proposed above the main staircase. This is acceptable subject to the submission of detailed drawings.

The replacement mews building is considered to be of an acceptable height and bulk which is appropriate within its mews setting. The detailed design is considered acceptable and the use of good quality traditional materials is welcomed. Material samples are recommended to be secured by condition to ensure a good quality replacement building.

The proposed replacement rear extensions are acceptable as they largely replicate the existing rear extensions in terms of their form.

In design terms the works are acceptable and in accordance with the NPPF, UDP Policies DES 1, DES 6, DES 9 and DES 10, and City Plan Policies S25 and S28.

8.3 Residential Amenity

Objections have been received from the occupants of the dwellinghouses on either side of the application site (at 13 and 15 Wimpole Street) on the grounds that the proposal would have an adverse impact upon the amenity of the neighbouring properties due to a loss of privacy, an increased sense of enclosure to neighbouring gardens and a loss of daylight and sunlight. The Marylebone Association has also objected to the increase in the massing of the mews house and the impact upon the amenity of the occupants of 13 Wimpole Street and 16 Wimpole Mews (it is assumed that it is referring to 16 Wigmore Place).

As detailed in Section 7 of this report, the application has been revised in an attempt to address neighbours' objections, most notably to set the ground floor extension away from the boundary with 13 Wimpole Street to reduce its impact, to install obscured glass within

first floor rear windows to the mews house and to omit the first floor terraces. The objectors have been notified of these amendments.

The replacement mews building would be increased in height and would, in part, project 3 metres further towards the rear of the main house than the existing structure. The design incorporates a square bay which projects 0.9m beyond the adjacent building line at 16 Wigmore Place. However, it is considered that this increased bulk, which is set towards the north-east corner of the site, is of such a distance from the rear gardens and rear habitable rooms of 13 (approximately 11m) and 15 Wimpole Street (~9m) that there would be no material loss of daylight, sunlight or increased sense of enclosure to these neighbouring properties or their gardens. 33 Queen Anne Street, to the north is in use as offices, and it is not considered that the proposals would adversely affect the occupation of the building for this use.

The amendments to the design of the ground floor rear extension significantly reduces its apparent bulk in views from the rear garden at 13 Wimpole Street. As a consequence, it is not considered that the enjoyment of the neighbouring garden will be materially affected by the revised scheme.

Subject to conditions securing the obscured glass within rear windows and requiring these to be fixed shut, it is not considered that the proposals would result in any additional loss of privacy to neighbouring properties. This would also prevent overlooking between the mews house and the rear flat at first floor level. The proposed rooflights will ensure that this open plan living / kitchen / dining room within the mews house will be adequately ventilated.

Finally, the omission of first floor terraces between the main dwelling and the mews property overcomes objections received regarding the impact of their use on overlooking and noise grounds. A condition is recommended to prevent the use of flat roofs for sitting out.

Subject to conditions, it is not considered that the amended proposals would have a material impact upon the amenities of neighbouring properties.

8.4 Transportation/Parking

The Highway Planning Manager has objected to the proposal on the ground that the increase in the number of residential units will result exacerbate existing pressures on on-street parking demand in the area (87% at night time). UDP Policy TRANS 23 normally seeks to resist development that would add to already high levels (80% being considered a serious deficiency) of on-street car parking occupancy unless the potential impact of additional cars being parked on-street in the vicinity is mitigated.

Clearly, there is no opportunity to provide on-site car parking. In light of the excellent levels of public transport accessibility of this site, which is located in the Core CAZ, it is considered that the benefits of the additional residential provision outweigh the possible increase in on-street car parking demand. However, it is recommended that any permission should be subject to a condition requiring the submission of details of appropriate arrangements to mitigate the impact of the development upon local parking

pressures. It is considered that lifetime car club membership for each residential unit (minimum 25 years) would be sufficient to address these concerns.

The cycle provision within one of the front pavement vaults is acceptable and would be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

The existing access from Wimpole Street is, like the majority of buildings of this period, via steps. It is acknowledged that as the building is listed, it is difficult to improve this situation whilst still allowing access to the front pavement vault. For this reason, despite the building not being wheelchair accessible, this is acceptable in this instance.

Level access is provided to the mews property

Other UDP/Westminster Policy Considerations

Plant

The application is supported by a Noise Report. This has been assessed by the Environmental Health Officer who has raised no objection to the proposal subject to standard conditions relating to noise and vibration and requiring the submission of a post-commissioning supplementary acoustic report to demonstrate that these conditions can be complied with.

Refuse / Recycling

The Cleansing Manger has raised some concerns over the lack of detail on the submitted drawings in respect to the storage of waste and recyclable material. However, two large pavement vaults have been dedicated for this purpose which should be more than sufficient to accommodate the amount of refuse generated by the development. The submission of detailed drawings showing the separation of residential and domestic waste stores and facilities for the storage of clinical waste would be secured by condition.

The occupier of 13 Wigmore Street, which also has an access onto Wigmore Place, has requested information regarding the location of the refuse store for the proposed mews house. A dedicated store for 180 litres of general waste and 240 litres of recyclable waste is provided within the hallway. This will ensure that this part of Wigmore Place is not blocked by refuse bins.

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 scheme does not trigger any planning obligations.

The estimated CIL liability of the scheme is as follows:

£4,183.49 (index linked) – Mayoral CIL.

£27,540.00 (index linked) – Westminster CIL.

£3,1723.49 (index linked) – Total CIL

8.10 Environmental Impact Assessment

The scheme is of insufficient size to require the submission of an Environmental Statement.

8.11 Impact of construction works

An objection has been received on the grounds of noise and disturbance during the course of construction. Whilst these concerns are noted, permission cannot justifiably be withheld on these grounds. However, a condition is recommended to control the hours of building works in order to safeguard neighbours' amenities.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from the Marylebone Association, dated 27 October 2016.
3. Letter from Environmental Health, dated 27 October 2016.
4. Memorandum from Highways Planning, dated 4 October 2016.
5. Memorandum from Cleansing, dated 28 September 2016.
6. Letter from occupier of 13 Wimpole Street, London, dated 21 October 2016.
7. Letter from occupier of 15 Wimpole Street, London, dated 25 November 2016.

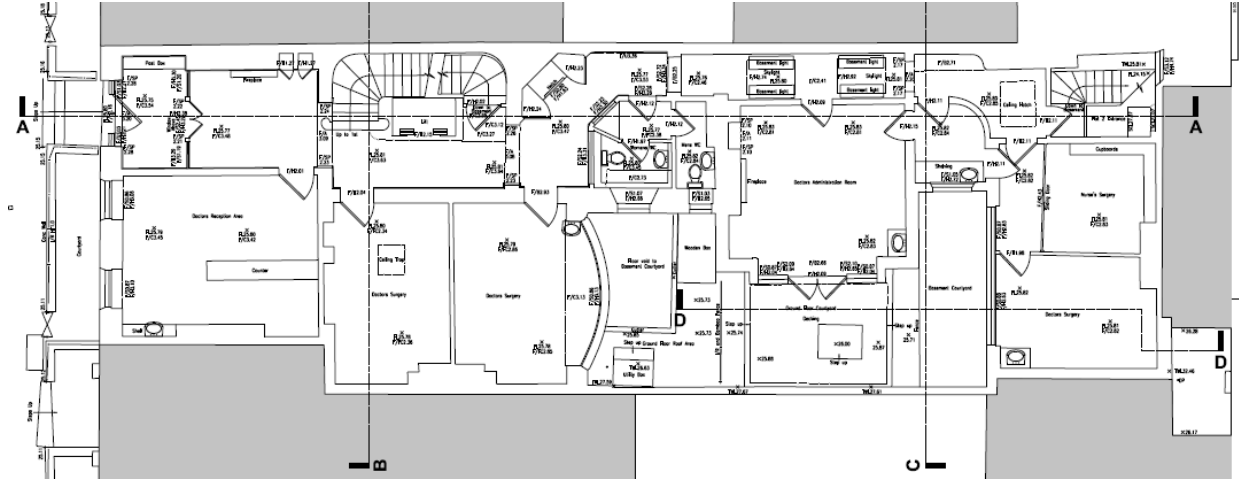
Selected relevant drawings

(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: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk.

10. KEY DRAWINGS

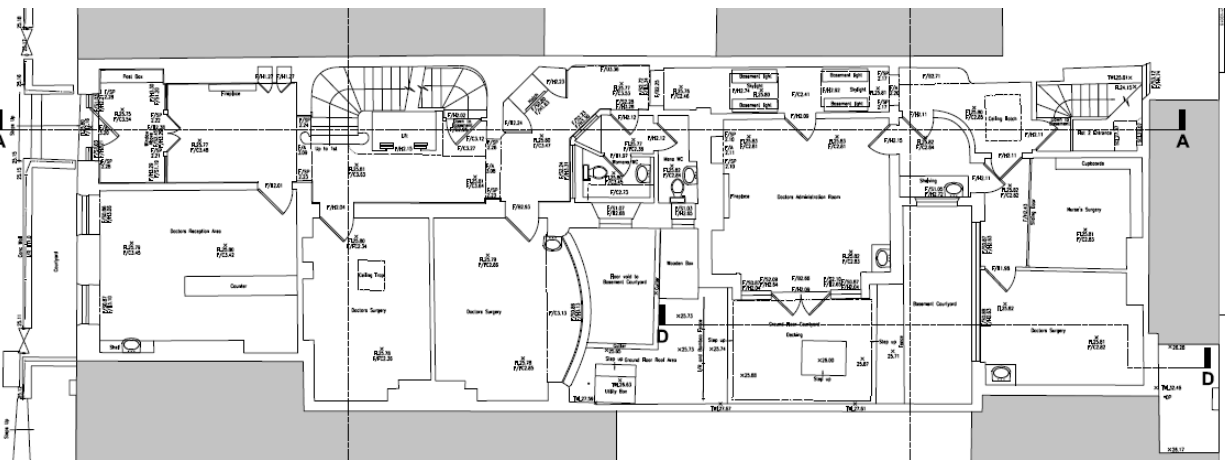
Existing lower ground floor plan:



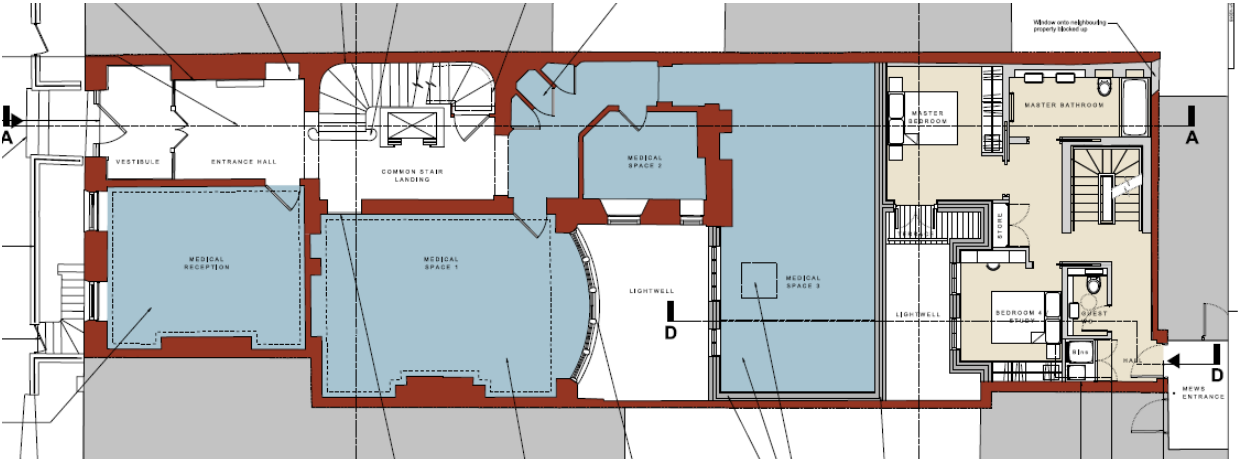
Proposed lower ground floor:



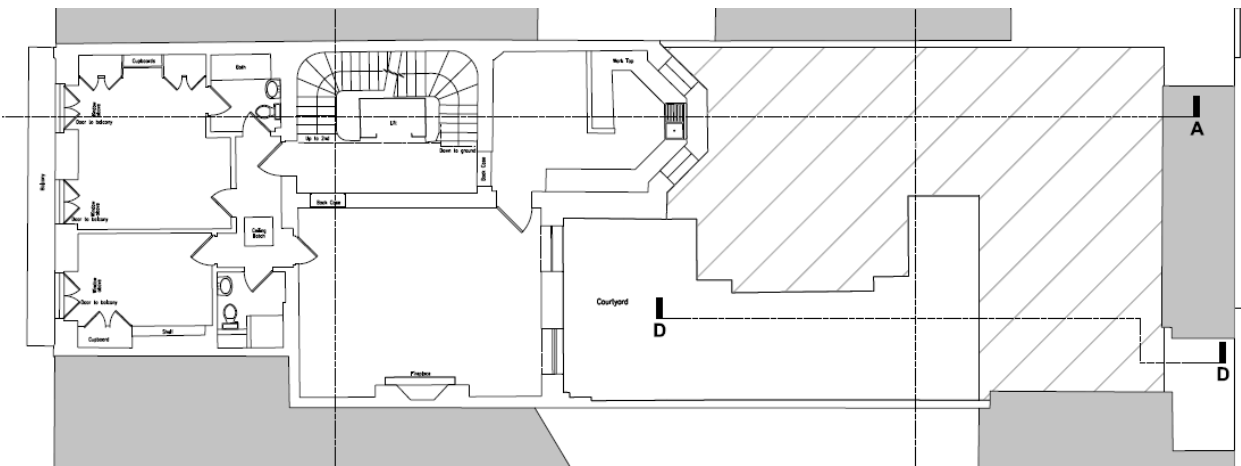
Existing ground floor:



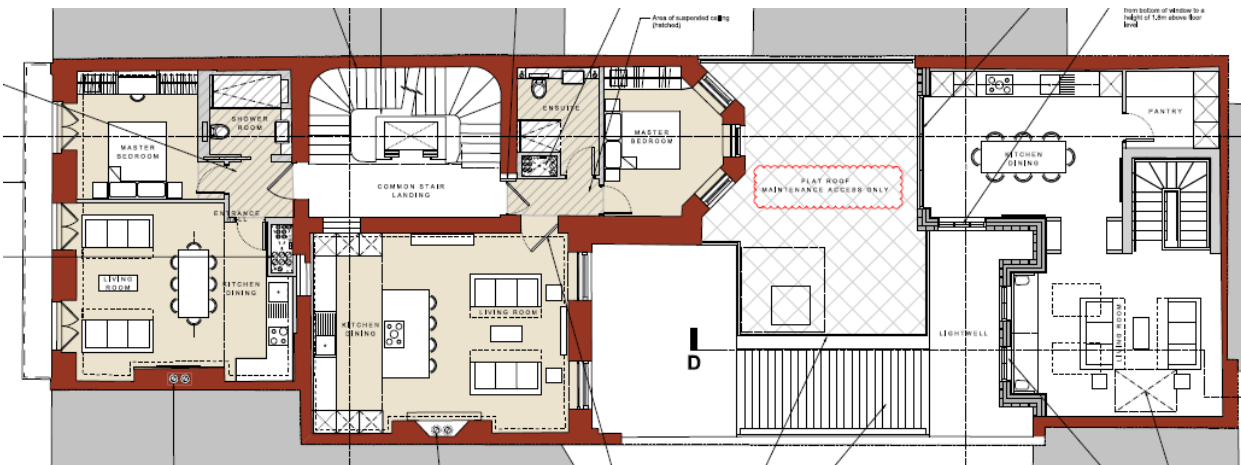
Proposed ground floor:



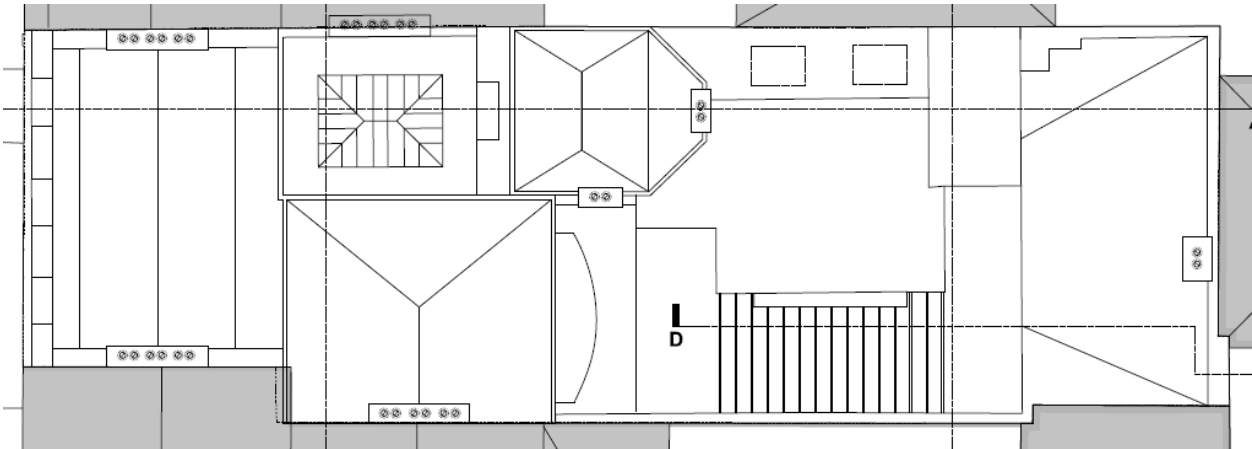
Existing first floor level:



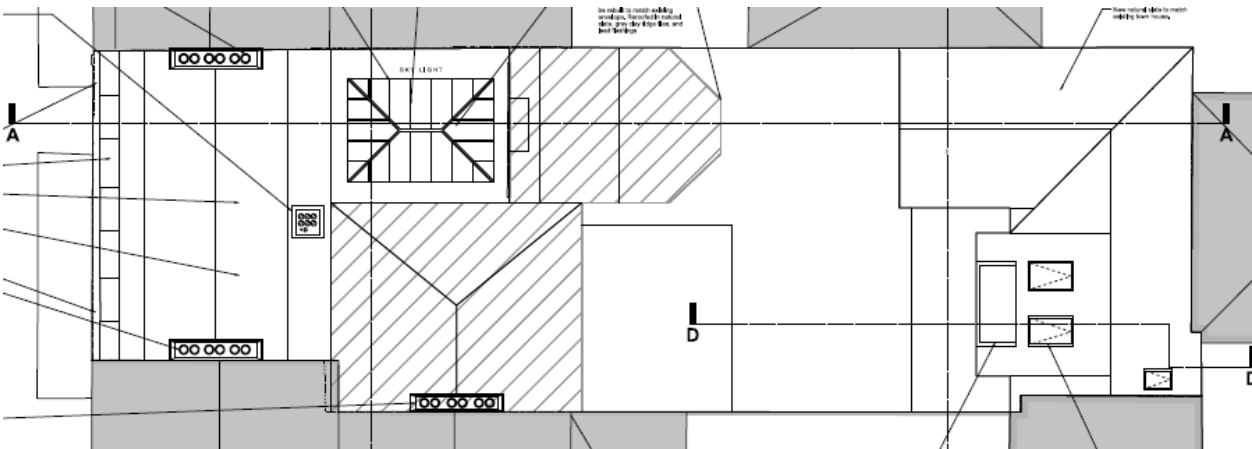
Proposed first floor level:



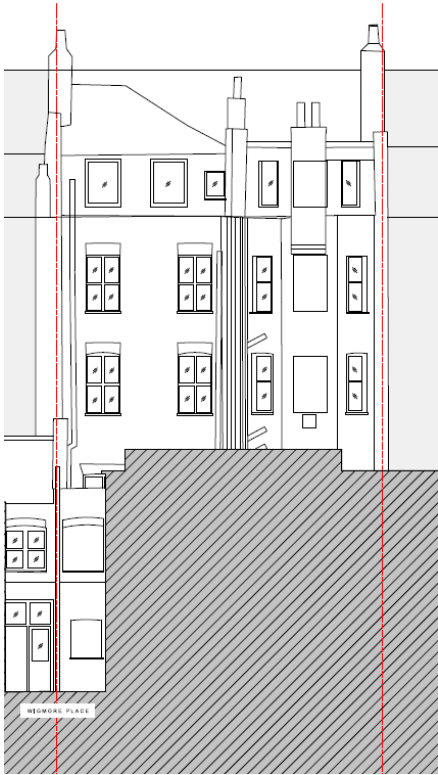
Existing roof plan:



Proposed roof plan:



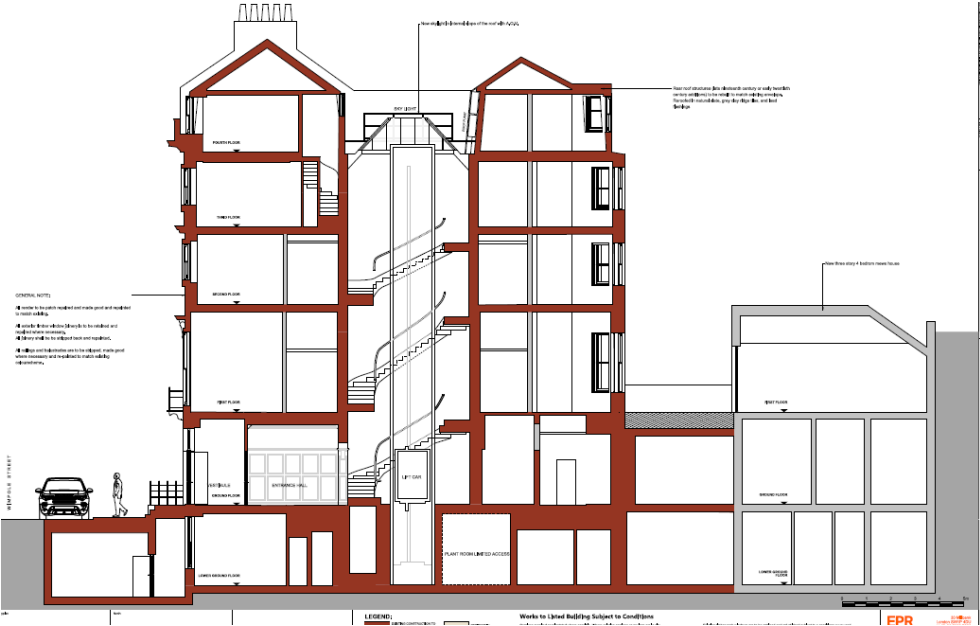
Existing and proposed rear elevation:



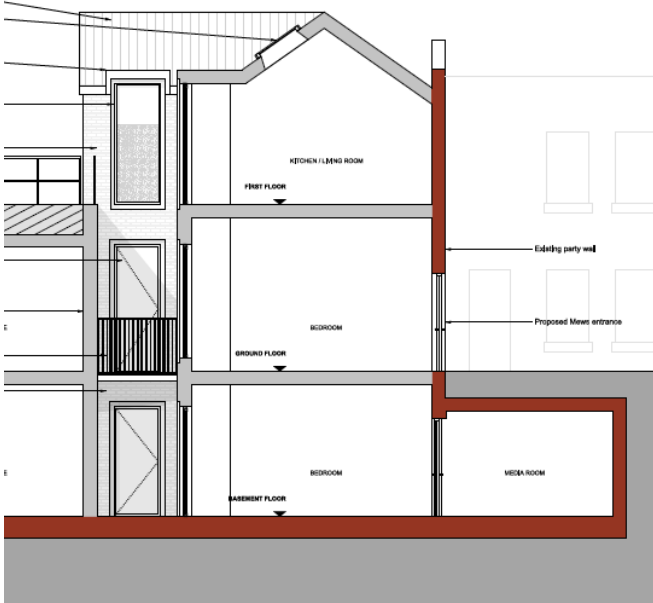
Existing section:



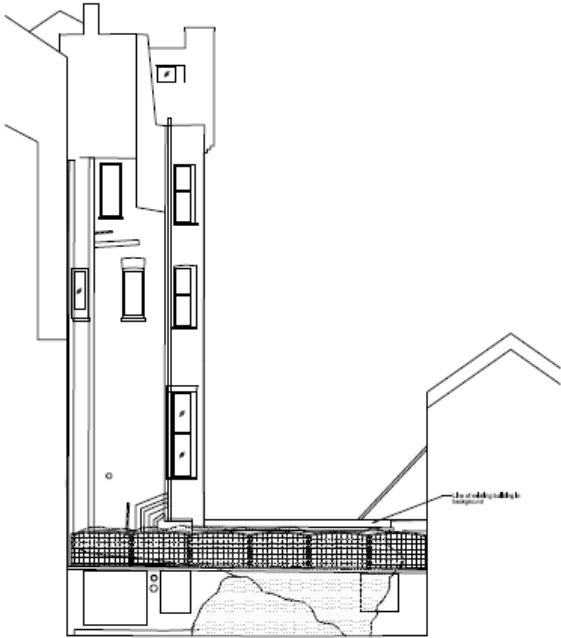
Proposed section:



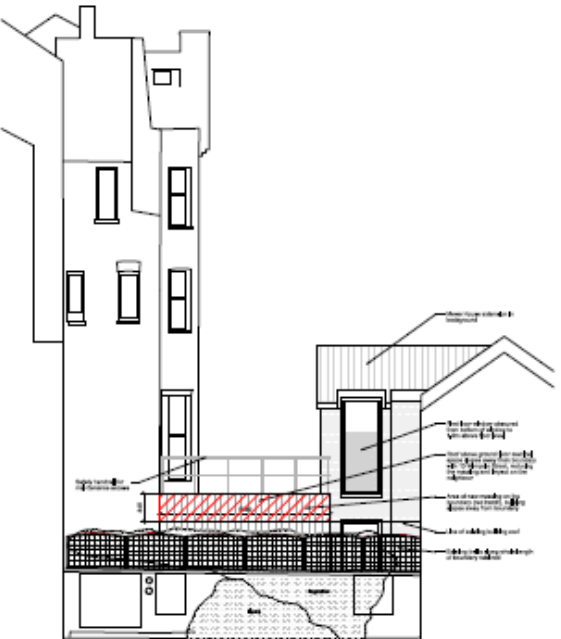
Proposed elevations of mews house:



Existing and proposed elevation from rear garden of 13 Wimpole Street:



EXISTING GARDEN ELEVATION
1:200 @ A1



PROPOSED GARDEN ELEVATION
1:200 @ A1

DRAFT DECISION LETTER (FULL)

Address: 14 Wimpole Street, London, W1G 9SX

Proposal: Demolition of mews building and lower ground and ground floor rear extensions. Erection of replacement mews building on lower, ground and first floors to provide a four bedroom dwellinghouse (Class C3), accessed from Wigmore Place. Erection of replacement lower ground and ground floor levels rear extension to the main building and use of part ground and part lower ground floor as medical floorspace (Class D1) and use of part lower ground, part ground floor and first to fourth floors as nine flats (Class C3). Alterations to rear elevation including the installation of new windows.

Reference: 16/08184/FULL

Plan Nos: Demolition drawings:
10411-T-01-0208-AB1 Rev. 02, 0209-BB1 Rev. 02, 0210-Z00 Rev. 03, 0211-Z01 Rev. 02, 0212-Z02 Rev. 02, 0213-Z03 Rev. 03, 0214-Z04 Rev. 03, 0215-Z05 Rev. 02, 0410-ZWE Rev. 01 and 0411-ZEA Rev. 02.

Proposed drawings:
10411-T-01-0218-AB1 Rev. 04, 0219-BB1 Rev. 04, 0220-Z00 Rev. 03, 0221-Z01 Rev. 04, 0222-Z02 Rev. 04, 0223-Z03 Rev. 05, 0224-Z04 Rev. 05, 0225-Z05 Rev. 04, 0420-ZWE Rev. 02, 0421-ZEA Rev. 02, 0422-ZCC Rev. 03, 0423-ZDD Rev. 03, 0520-ZAA Rev. 03, 0521-ZBB Rev. 02, 0522-ZEE Rev. 01 and 0603-ZSO Rev. 03.

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

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

- between 08.00 and 18.00 Monday to Friday; and

- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

1. The new roof lantern above the main staircase.

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must not use the roof of the lower ground and ground floor rear extensions for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 6 The glass that you put in the lower 1.8m of the all first floor windows of the mews dwellinghouse hereby approved must not be clear glass, and you must fix these windows 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, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 7 The mews house hereby approved shall not be occupied until the new medical floorspace (Class D1) at front lower ground floor level as shown on approved drawing 10411-T-01-0218-AB1 Rev. 04 has been provided and is ready for occupation.

Reason:

To ensure that there is no loss of medical (Class D1) floorspace within the Harley Street Special Policy Area, as required by Policies CM2.1 and S34 of the Westminster City Plan (November 2016).

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

Reason:

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

- 9 (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 (November 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.

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

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

Reason:

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

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

Reason:

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

- 14 You must not occupy any of the residential units shown on the approved drawings 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.

- 15 You must apply to us for approval of full details (including layout and volumes) of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the medical floorspace or any of the dwellings hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the building. (C14EC)

Reason:

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

- 16 The new windows within the rear closet wing shall match adjacent windows in terms of their materials, detailed design and shall be fitted within single glazing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 (November 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 Conditions 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 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)
- 4 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.
- 5 Under Condition 14, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure car club membership for all ten of the flats within the site hereby approved for a period of 25 years. 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)

6 For the purpose of Condition 15, you should:

- Provide more details about what is going into the plant room and provide alternative waste stores separate from the plant.
- Provide a plan showing the medical waste store completely demarcated and separate from the residential waste store by closing the new structural access opening.
- Provide a plan showing exclusive storage provision for clinical waste separate from medical general waste and recyclable materials.

Advice on the storage requirements is available at -
<https://www.westminster.gov.uk/waste-storage-planning-advice>.

DRAFT DECISION LETTER (LBC)

Address: 14 Wimpole Street, London, W1G 9SX

Proposal: Demolition of mews building and lower ground and ground floor rear extensions. Erection of replacement mews building on lower, ground and first floors. Erection of replacement lower ground and ground floor levels rear extension to the main building. Alterations to rear elevation including the installation of new windows. Internal alterations.

Reference: 16/08185/LBC

Plan Nos: Demolition drawings:
10411-T-01-0208-AB1 Rev. 02, 0209-BB1 Rev. 02, 0210-Z00 Rev. 03, 0211-Z01 Rev. 02, 0212-Z02 Rev. 02, 0213-Z03 Rev. 03, 0214-Z04 Rev. 03, 0215-Z05 Rev. 02, 0410-ZWE Rev. 01 and 0411-ZEA Rev. 02.
Proposed drawings:
10411-T-01-0218-AB1 Rev. 04, 0219-BB1 Rev. 04, 0220-Z00 Rev. 03, 0221-Z01 Rev. 04, 0222-Z02 Rev. 04, 0223-Z03 Rev. 05, 0224-Z04 Rev. 05, 0225-Z05 Rev. 04, 0420-ZWE Rev. 02, 0421-ZEA Rev. 02, 0422-ZCC Rev. 03, 0423-ZDD Rev. 03, 0520-ZAA Rev. 03, 0521-ZBB Rev. 02, 0522-ZEE Rev. 01 and 0603-ZSO Rev. 03.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

1. The retention of the fireplace at basement level OR its sensitive relocation elsewhere in the listed building.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

1. The new roof lantern above the main staircase.

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and

Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 The new windows within the rear closet wing shall match adjacent windows in terms of their materials, detailed design and shall be fitted within single glazing.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved	
Subject of Report	Development at 123 and 124 New Bond Street, London, W1		
Proposal	Demolition and redevelopment behind retained New Bond Street and Lancashire Court facades to provide a building comprising basement, lower ground, ground and four upper floors, providing retail (Class A1) and office (Class B1) floorspace, with a new office entrance on Lancashire Court.		
Agent	Turley		
On behalf of	City of London		
Registered Number	16/05310/FULL	Date amended/ completed	7 June 2016
Date Application Received	7 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission including a Grampian condition to mitigate the failure of the development to provide adequate on-site carbon reductions.

2. SUMMARY

The application site comprises two neighbouring buildings on New Bond Street, one with a return façade on Lancashire Court, which comprise retail accommodation on lower ground and ground floors, with a basement beneath part of the site, and offices on the four upper floors. The application proposes the erection of a replacement building behind the retained, and altered, street facades with rear extensions on second to fourth floors and the excavation of an extended basement area. The new building would provide a retail shop (class A1) on the basement to first floors and offices on the floors above. Objections and comments have been received concerning the impact of the development on residents' amenities and the impact of construction works upon a neighbouring business.

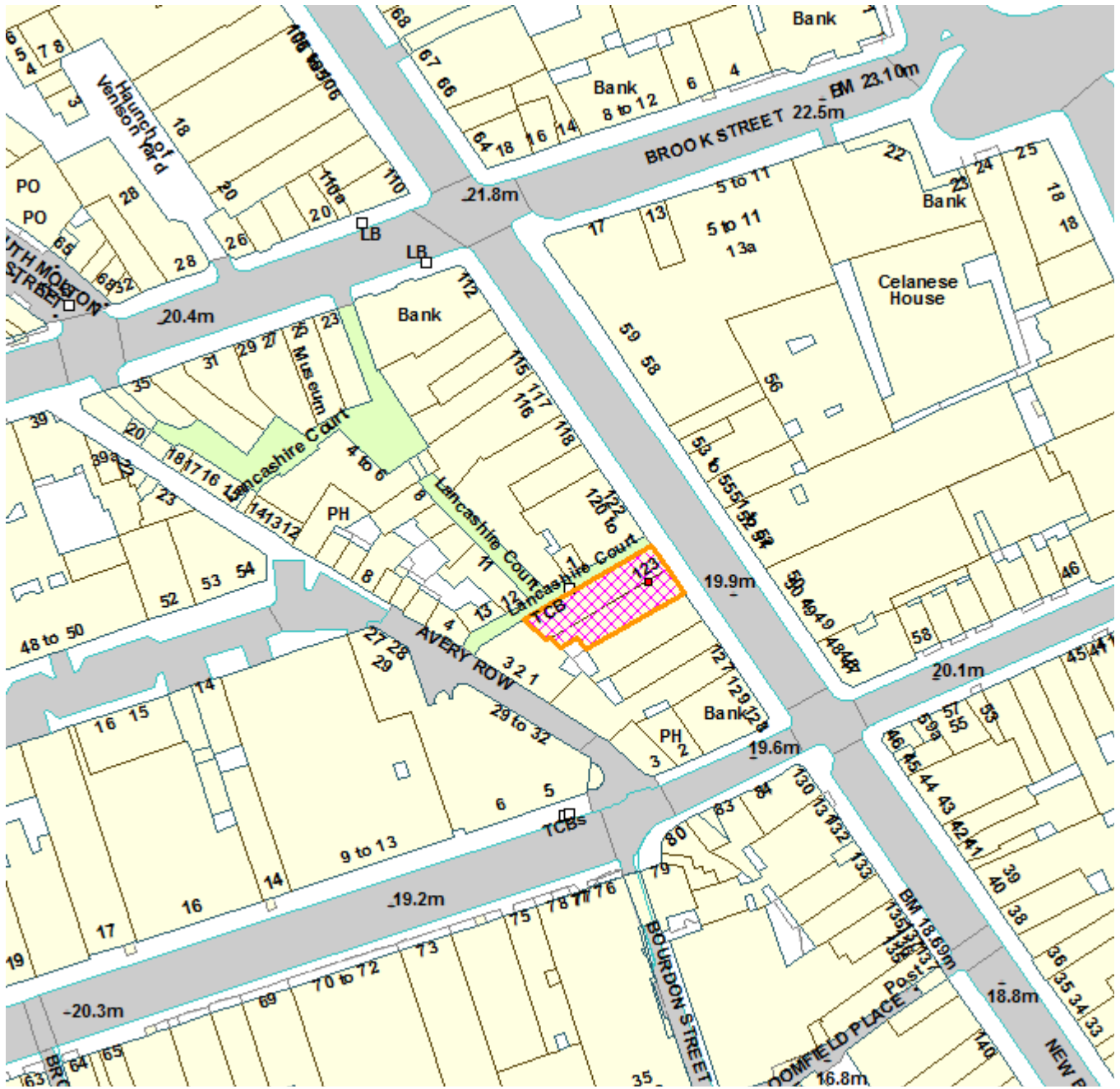
The key issues in this case are

- The acceptability of the proposals in land use terms
- The impact of the development on residents' amenities
- The acceptability of the scheme in townscape terms

The proposed development complies with adopted land use policies and, subject to conditions, is

considered acceptable in terms of its impact upon the character and appearance of this part of the Mayfair conservation area. With appropriate conditions, it is also considered that the scheme would not have a material impact upon the amenities of neighbouring occupiers. The application is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions

RESIDENTS' SOCIETY OF MAYFAIR & ST JAMES'S

Any response to be reported verbally

HIGHWAYS PLANNING

No objection

ENVIRONMENTAL HEALTH

No objection subject to conditions

BUILDING CONTROL

No objection

CLEANSING

Details of refuse/recycling storage arrangements required

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 24

Total No. of replies: 3

No. of objections: 1, No. in support: 0, Neutral: 2

Amenity

- Loss of light
- Overlooking from rear extensions and roof terrace
- Nuisance from smokers standing outside new office entrance on Lancashire Court

Other issues

- Impact on operation of neighbouring business premises during construction
- Concerns re damage to neighbouring buildings and arrangements for emergency escape routes

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application premises are two adjoining buildings, of differing architectural styles, on the west side of New Bond Street, within the Mayfair Conservation Area. No. 123 has a return frontage on Lancashire Court. The properties are not listed. However, buildings immediately to the north of the site, in New Bond Street and Lancashire Court, and to the west, in Avery Row, are Grade II listed.

The application buildings comprise vacant retail shops lower ground and ground floors (with a basement area beneath no.123)) and four floors of offices above. The offices are accessed from separate entrances on the main frontage. There are access doors from no 123 on to Lancashire Court leading from the ground floor entrance hall and the rear of the shop unit.

The area is characterised by retail uses on the lower floors with offices above. However, records indicate that there are flats on the upper floors of 122 New Bond Street, on the opposite side of Lancashire Court and at 12 and 13 Lancashire Court.

The buildings are situated within the Mayfair Conservation, the Core CAZ and form part of the designated International Shopping centre within this part of the West End Retail Special Retail Policy Area

6.2 Recent Relevant History

None relevant

7. THE PROPOSAL

This application is for the demolition of the existing buildings behind the retained, and altered, New Bond Street and Lancashire Court facades and for the erection of a single building comprising plant, cycle stores and showers at basement level, retail floorspace on lower ground, ground and first floors and offices on second to fourth floors. Although basement areas are designated for the storage of refuse and recyclable materials, the means of access to these areas remains to be confirmed. The offices would be accessed from a new office entrance on Lancashire Court. Additional plant would be located within a screened area at rear fourth floor level and on the main roof.

The scheme involves the creation of extensions on rear second to fourth floors, principally at the rear of no. 124. The lower ground and basement levels would be excavated by 700mm and 1100mm respectively and the basement area extended beneath no. 124. Alterations are proposed to the shopfronts. Retained windows will be replaced or, in some cases, bricked up. New and replacement windows will be installed to the upper floors of the flank elevation of the corner building.

Existing access doors onto Lancashire Court will be removed; Obscured glass will be installed within a number of the arched brick reveals. In addition, high level louvres would be installed to serve the retail floorspace, with two low levels louvres to serve the sub-station (see below). The reveal to the office entrance would be fitted with clear glass. Photovoltaic panels are proposed on the roof of no. 123. A new lift core will be introduced to provide improved access.

The submitted plan shows a new solid door within the westernmost brick arch, which is labelled as a "back of house access". However, the floorplan is annotated to refer to an "access hatch" for the transformer with a "clear working area" indicated on the highway beyond.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The schedule of existing and proposed floorspace is as follows (GIA)

	Existing m2	Proposed m2	+/-
Retail (A1)	641	892	+ 251
Office (B1)	578	795	+ 217
Total	1219	1687	+468

8.1.1 Retail use

The proposed increase in retail floorspace (251 sqm) would be achieved through the amalgamation of the buildings and the conversion of first floor offices to retail use. The provision of enhanced retail floorspace over three floors on this primary shopping frontage is welcomed in land use terms and accords with policies SS3 and SS4 of the Unitary Development Plan and S6, S7 and S21 of the City Plan.

8.1.2 Office use

Notwithstanding the conversion of the first floor offices to retail use, the proposals would result in an increase in Class B1 office floorspace on the site (217 sqm), achieved through the amalgamation of the two buildings and extensions at the rear. The office floorspace has been designed to provide the flexibility for the accommodation to be let to a single tenant or on a floor-by floor basis.

The increase in office floorspace within the Core CAZ accords with policies S6, S18 and S20 of the City Plan and is acceptable in land use terms.

8.1.3 Mixed use policy

City Plan policy S1 sets out the circumstances in which development proposals which include an increase in Class B1 office floorspace trigger a requirement to provide new residential accommodation. However, as the net increase in office floorspace (217 sqm) is less than 30% of the total existing building floorspace (365.7sqm), no residential offset is required to offset the increase in office floorspace.

8.2 Townscape and Design

8.2.1 Existing and proposed buildings

The demolition of the existing buildings behind the retained facades is considered acceptable in principle. This application follows the submission of pre-application proposals and has been extensively revised to address officers concerns about the treatment of the front façade, changes at roof level and increased massing at the rear, which has been reduced.

The unusual form of the rear part of the development is governed by site restrictions and the need to safeguard the amenity of neighbouring resident and, in this context, is considered acceptable given other benefits of the scheme. The rebuilt rear would include the extensive use of glazed white slip cladding to reflect the white glazed bricks at the rear of the existing building and on neighbouring sites. Part of one north facing elevation would be clad in non-oxidising standing seamed copper cladding, which also prosed for the second floor roofs. Rear windows are black framed aluminium. In principle, these materials and the unusual fenestration pattern are not considered to be harmful to the surrounding conservation area or the setting of neighbouring listed buildings.

However, some concerns remain about aspects of the current proposals namely the installation a single sheet of glass behind first floor decorative pilasters at no, 123, (replacing separate windows): the use of a single sheet of glass within the first floor window opening at no. 124; the use of large areas of copper cladding on rear roofs and the size and shape of the proposed new dormers. However, it is considered that these concerns can be addressed through the imposition of an amending condition requiring

1. the roof slopes at the rear of no.124 to be clad in zinc or lead rather than copper
2. the first floor windows on the front elevation of 123 to retain three separate openings rather than a sheet of glass behind the retained pilasters
3. the dormer windows to be of a more traditional design in keeping with the existing building facades in accordance with published design guidance.
4. an element of sub-division to be retained within the first floor arched window to no, 124.

However, subject to conditions, including the amending condition outlined above, the application is considered to accord with UDP policies DES 1; DES 5; DES 6; DES 9, S25 and S 28 of the City Plan and the relevant parts of the NPPF.

The submitted drawings indicate proposals to display a flag advertisement. This would require separate advertisement consent.

8.2.2 Archaeology

The application site does not lie within an archaeological priority area but the projected line of Civil War Defences Lies within the site. A Historic Environment Desk- based Assessment has been submitted with the application, which concludes that no further archaeological mitigation is required. The Archaeology Officer from Historic England does not agree with this conclusion and considers, given the site's topography, that there is likely to be good archaeological survival towards the rear of the site. However, given that the site is relatively small, they consider that the impact of the development could be appropriately mitigated by the implementation of an archaeological watching brief. A condition is therefore recommended requiring this work to be undertaken.

8.3 Residential Amenity

The site is located with a central location characterised by commercial uses. However, there are residential properties in close proximity to the site including a single flat at 1a Lancashire Court (which encompasses the first to third floors of 121-122 New Bond Street), and at 12 and 13 Lancashire Court.

UDP policy ENV 13 seeks to ensure that new development do not adversely affect the amenities of neighbouring residential occupiers and has particular regard to the impact on daylight and sunlight, privacy and the sense of enclosure to neighbouring windows. Similarly, City Plan policy S29 also requires developments to safeguard neighbours amenity.

8.1.1 Daylight and Sunlight

The proposal involves extensions at the rear of the site, on rear second to fourth floors, although the greatest increase in bulk is directed to the rear of 124 New Bond Street adjacent to the neighbouring commercial buildings.

The application is supported by a daylight/sunlight report, based on guidance published by the Building Research Establishment, which assesses the impact of the development on levels of light received to flats within the neighbouring residential buildings at 1a Lancashire Court/122 New Bond Street and 12 and 13 Lancashire Court.

An objection has been received from the occupier of the first/second floor flat at 12a Lancashire Court on the grounds that the proposals would result in an unacceptable loss of light to that property. At first floor level, the living room is served by two east-facing windows and one south facing window. The adjacent window on the southern facade serves a small, non-habitable kitchen. On the second floor, the room layout/ window arrangement is the same, with three windows serving a bedroom and a single, obscure glazed, window to a bathroom.

8.3.1.i Daylight

In assessing daylight measuring the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. Where windows to a room are of equal size, any losses to these windows can be taken as an average.

In all cases, testing need only be undertaken in the case of habitable rooms.

The submitted assessment shows that all reductions in VSC to windows at 12 and 13 Lancashire Court would be below the 20% benchmark.

At 1A Lancashire Court, there would losses to three first floor windows (at 33.46, 39.50 and 21.35%). Records suggest that these windows serve a single guest bedroom/study. Although the percentage reductions are high, the actual losses range between 2.58 and 3.56%. The percentage losses appear disproportionately high because existing values

are relatively low (between 8.59 and 10.64%). There would also be a reduction in VSC to one second floor window (28.29%). The use of this room is unclear but the actual reduction, at 1.17%, is minimal.

8.3.1. ii Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual 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. Only those windows facing within 90 degrees of due south require testing.

At 12 Lancashire Court, all windows would experience either no loss of annual sunlight, some slight improvement (in the case of the first floor kitchen) or would continue to receive sunlight levels far exceeding the BRE target. Only the south facing bedroom window currently receives any winter sunlight (1%) and this would be lost.

At 13 Lancashire Court, of the six windows tested, the three first floor windows would see annual sunlight losses of between 27.3 and 45.5% (from existing values of 10 and 11% to between 6 and 8%). One second floor window would experience a 25% loss (from 12 to 9%) but losses to the two adjacent second floor windows are within BRE guidelines. Only one second floor window receives any winter sun (1%), and this would be lost as a result of the proposal. No plans of the building are available and no objection has been received from the building occupiers.

Two of the three first floor bedroom windows at 1a Lancashire Court would see reductions in annual sunlight of 26.7 and 25%, although the third window would see no change. However, these windows would continue to receive relatively good sunlight values of between 19 and 22%. Two windows of these three bedroom windows would also experience a 50% reduction in winter sun (from 6 to 3%), with the third window seeing a 25% reduction (from 4 to 3%). Sunlight levels to an adjacent first floor window would be unaffected although this window would appear to serve a bathroom.

At second floor level the rear (west facing) window would continue to receive annual and winter sunlight levels exceeding the BRE targets. This window is fitted with clear glass but records suggest that it serves a bathroom. The adjacent south facing window, would see a 46.2% reduction in annual sunlight values (from 13 to 7%) and would lose all winter sun (from 3%). The use of this room is unclear.

All windows at third floor level would either see no loss of sunlight or would continue to receive sunlight values exceeding BRE targets for annual and winter sun.

Although the daylight/sunlight analysis shows that there will be some reductions in daylight and sunlight beyond the BRE thresholds, most of the affected windows serve bedrooms, which are afforded a lesser degree of protection than other principle habitable rooms. Most windows will continue to receive reasonable daylight and sunlight levels in this built up central location and it is not considered that the impact of these losses would be so significant as to justify a recommendation for refusal.

8.3.3 Overlooking

The submitted scheme includes the creation of a second floor roof terrace at the rear of 123 New Bond Street to serve the new offices. The plans show that this terrace would be set back from the roof edge behind barrier planters, but no other form of screening is proposed. An objection has been received from the occupiers of 12 Lancashire Court on the grounds that the use of this terrace would result in unacceptable overlooking to neighbouring properties.

Following discussions with officers, the applicants have agreed to accept amending conditions requiring the deletion of this terrace and its replacement with a living roof. This amendment is considered to overcome the neighbour's objection to overlooking from the terrace.

The occupant of 12a Lancashire Court has also objected to the proposed extension on overlooking grounds. New office windows in the flank elevation of 123 New Bond Street replace existing windows in similar positions and it is not considered that the installation of additional windows in this location would result in any have any significant impact on the potential for overlooking from this part of the site. However, within the proposed rear extensions, a secondary office window and an access door (initially serving the terrace) are proposed on the chamfered façade. A further access door and secondary windows are set on the boundary between the application buildings. New secondary windows on the two upper floors are set on, or close to this boundary.

Given the orientation of these windows and doors (which would access the roof for maintenance purposes only) and their relationship with residential properties on opposite side of Lancashire Court, it is considered that these windows, which are secondary windows to the offices or serve corridors/lobbies etc. should be fitted with obscured glass and, in the case of the windows, fixed shut.

Subject to these conditions, it is not considered that objections on overlooking grounds could be supported.

8.3.4 New office entrance/smoking

The resident at 12 Lancashire Court has objected to the proposals on the grounds that he relocation of the office entrance to Lancashire Court, which is a narrow pedestrian thoroughfare, would result in disturbance from increased pedestrian traffic and noise "in an already very busy" lane and would exacerbate existing levels of noise and smoke pollution (from smokers), generated by customers of the bars and shops in the area, beneath neighbouring residential windows.

These concerns are noted however, there is a relatively modest increase in floorspace on the site. Occupants of the existing offices have always had the potential to congregate/smoke in Lancashire Court, and in the context of this busy and vibrant location, it is not considered that the impact of the proposals, where activity is confined to office/shop hours, would have a significant adverse impact upon the amenities of neighbouring residents.

Subject to the amending condition requiring the omission of the terrace, it is not considered that the proposals would result in a material loss of amenity neighbouring residential properties and therefore accords with policies ENV13 and S29

8.4 Highways

The site is close to good transport link and it is assumed that the majority of reps associated with the site (excluding servicing) would be by public transport, cycle or foot.. Notwithstanding the increase in floorspace it is not considered that the development would have an adverse impact on the safety or operation of the highway. The area is located within a Controlled Parking Zone and anyone driving to the site would be subject to those parking controls and it is considered that the level of parking generated by the proposed development would be similar to that of the existing use.

Policies S42 and TRANS 20 require new developments to include off-street servicing. However, given the site constraints it is accepted that this could not be accommodated. Servicing can be carried out from single yellow lines in the vicinity of the site. The largest regular service vehicle is likely to be the refuse collection vehicle which would service this property, together with its neighbours.

Cycle parking standards within the Further Alterations to the London Plan would require the provision of 6 cycle parking spaces for the retail use and 8 spaces for the office use. Whilst the plans indicate a basement level cycle store, the space allocated is not likely to be sufficient to accommodate the cycle parking requirement. However, there is considered to be adequate space within the basement to accommodate the required number of cycle spaces and this matter can be dealt with by condition.

There is currently street lighting attached to the facade of the building on Lancashire Court. The applicants have confirmed that these will have to be removed in order for the development to proceed. The site will be enclosed by a hoarding and temporary street lighting will be attached to the hoarding to replaces the existing permanent lighting, or where the hoarding obscures retained lighting. The applicants have confirmed that the lighting and brackets will either be stored for reinstatement, or alternative replacement lighting erected, following the works. The full cost of this work, which would be dealt with through the Highways Licensing process, will be borne by the applicants.

8.5 Economic Considerations

Any economic benefits of the scheme are welcomed.

8.6 Access

The development would improve access to the site providing level entrances to the shops and offices, with wheelchair access, and a lift where none currently exists. These improvements are welcomed.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Plant

The application is accompanied by an acoustic report which has been assessed by the Environmental Health officer. He has raised no objection to the proposals subject to standard conditions on plant noise and vibration, and subject to plant attenuation being carried out in accordance with specifications in the report. In addition, he has noted that some areas have been designated for future tenants' plant. This does not form part of the current application and would require the submission of a separate acoustic report. This issue would be dealt with by way of an informative.

8.7.2 Refuse

Previous discussions with the applicants have concern the provision of a transformer on the site, accessed from Lancashire Court, However, the inclusion of this has been problematic both because of the access requirements of the provider (who generally require outward opening doors), the design requirements of these doors and the narrow width of Lancashire Court.

The submitted plan shows a new solid door within the westernmost brick arch, which is designated as a "back of house" access. However, the plan is annotated to refer to an "access hatch" with a "clear working area" indicated on the highway beyond. Whilst the basement plan shows designated refuse and recycling areas, the plan states that access to these storage areas is to be detailed at a later stage once plans for the provision of the transformer have been determined. A refuse storage area would be provided at basement level. Waste will be transferred to ground level via a lift and collected from New Bond Street. The Cleansing Officer has objected to the scheme on the basis that the basement storage areas are inaccessible and because the storage capacity of the bins shown is not specified. However, given the amount of space reserved for plant and refuse storage at basement level he is satisfied that the required waste/recycling storage facility can be accommodated and a condition is therefore recommended requiring the submission of detailed plans.

8.7.3 Sustainability and biodiversity

8.7.3.1 Sustainability

City Plan policy S28 requires new development to include exemplary standards of sustainable and inclusive urban design and to reduce energy use and emissions that contribute to climate change to ensure the reduction, reuse and recycling of resources. Policy S40 requires all major developments to maximise on-site renewable energy generation to achieve at least 20% of carbon dioxide emissions, except where the council considers that this is not appropriate or practical due to the local historic environment or other site constraints.

London Plan policy 5.2 requires new developments to achieve a reduction on carbon dioxide emissions by 40% over Part L of the Building Regulation's 2010. The Mayor's SPG on Sustainable Design and Construction (2013) adopts an equivalent flat rate savings target of 35% beyond part L of the Building Regulations 2013.

The application is supported by an Energy and Sustainability Statement. This statement sets out passive design measures including energy efficient building fabric, energy efficient ventilation systems with heat recovery, air source heat pumps for heating and cooling and roof mounted photovoltaic panels. The development will be designed to link into future local heating and energy networks in accordance with policy S28. In addition, photovoltaic panels will be installed on the main roof. The development is designed to achieve an “excellent” BREEAM rating

It is estimated that the proposed sustainability measures would achieve a reduction in CO2 emissions of 29.7% over 2013 Building Regulations.

The applicants propose to offset this shortfall by a carbon offset payment. Based upon the figure which is likely to be set out in the SPD on Planning Obligations of £1,800/t (which is also the figure in the London Plan) this equates to a payment of £3,900. This would be acceptable and would be secured by condition.

The application is accompanied by a SUDS report and the development is designed to ensure that there is negative impact from water run off.

In view of the above, this aspect of the scheme is considered acceptable.

8.7.3.2. Biodiversity

The original scheme included a second roof terrace enclosed by large planters. As detailed above, the roof terrace is considered unacceptable on overlooking grounds. Following discussions with officers, the applicants have agreed to a condition requiring this roof to provide a living roof in order to increase the development’s contribution to the biodiversity of the area. This is welcomed. It is recommended that details of the living roof be reserved by condition.

8.8 London Plan

The application does not raise any strategic issues

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The estimated Westminster CIL payment is £93,600.

8.11 Environmental Impact Assessment

Environmental Impact issues have been covered elsewhere in the report.

8.12 Other Issues

8.12.1 Basements

The application involves the excavation of the basement and lower ground levels by approximately 1 metre and the extension of the basement beneath no 124 New Bond Street. The application was submitted prior to the formal adoption of the revised City plan but after 1 November 2015 when new basement policies began to be used in the determination of planning applications.

City Plan policy CM28 requires all applications for basement development to demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development. They must be accompanied by a detailed structural methodology statement and a separate flood risk assessment, where required, and reports detailing measures to protect heritage assets, as appropriate. In addition, applicants will be required to sign an undertaking to demonstrate that they will comply with the relevant parts of the Council's Code of Construction Practice and are aware of the need to comply with other public and private law requirements governing development of this kind.

The policy sets out the requirement for the development to safeguard the structural stability of the existing building, nearby buildings and other infrastructure and to be designed to ensure that any flood risk on the site, or beyond, is not increased or exacerbated. The policy also requires the development to be designed and constructed so as to minimise the impact at construction and occupation stages on neighbouring uses; the amenity of those living or working in the area; on users of the highway; and traffic and highways function.

The application is supported by a Construction methodology Statement which has been reviewed by the Building Control Officer. He has advised that the structural method statement is considered to be partially acceptable. An initial investigation of existing structures and geology has been undertaken and further investigation will yet be made and details provided. 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 friction piles and underpinning of the retained facade and party walls, which is considered to be acceptable for this site. The proposals to safeguarding of adjacent properties are in outline form only and will need to be further detailed before demolition can commence. However, the Building Control Officer has since confirmed that the submitted reports are adequate for the purposes of determining the planning application and that the additional information would be required as part of the application under the Building Regulations.

As the new construction provides support to the highway, an informative should be included to remind the applicant to obtain a Technical Approval from the City Council's highways engineers before beginning excavation.

The Building Control Officer has since confirmed that the submitted reports are adequate for the purpose of determining the planning application.

8.12.2 Construction management

The application is also supported by a Construction Management Plan which details measures to ameliorate the impact of the construction works given the extent of the demolition and the constrained nature of the site. These measures would now be considered under new arrangements under the Code of Construction Practice, including the payment of a capped annual fee for site monitoring by Council officers during the course of construction. The applicants have indicated their willingness to be bound by the CoCP, which would not be the subject of a condition rather than a planning obligation within a legal agreement.

An objection has been received on behalf of the commercial occupier of 126-127 New Bond Street. This objection relates to nuisance from noise, dust and vibrations, the impact of scaffolding, disruption to deliveries and inconvenience during the course of construction and potential damage to neighbouring sites (and related insurance issues). These matters, which cannot justifiably form the basis of a recommendation for refusal of the scheme, will be covered as part of the CoCP. The matter of insurance against damage is not a material planning consideration.

8.13 Other issues

The neighbouring commercial occupier has also asked for confirmation i) of the proposed route for the new fire escape routes from 123/124 New Bond Street and whether these would connect with 125 New Bond Street and ii) that the demolition of the fire escape staircase across the boundary of 124 and 125 New Bond Street would not affect their property. They have also requested details of the applicant's proposals in terms of removing and making safe the portion of staircase that exits across, and into, 125 New Bond Street and confirmation of the provisions for repairing any damage to the neighbouring building caused by removal of the fire escape staircase.

The applicants do not believe that the neighbouring occupier has any right of escape via their property and, consequently, no provision is made in respect of the adjoining building. The proposed fire escape route from the application premises is via the internal stairs. There is no plan to connect the application building with the neighbouring site. The scheme involves the removal of the fire escape up to the boundary line, between the first and second floors. The party wall is to be altered and increased in height, subject to a Party Wall Award.

The applicants anticipate that any works to the adjacent property will be minimal, with any right of support for the remaining portion of fire escape addressed under the Party Wall Award. Any necessary structural and balustrade alterations to terminate the escape at the party wall line, to comply with the Building Regulations, will be undertaken "in a safe and workmanlike manner" at the applicants expense.

One neighbouring occupier contacted the Council to advise that they were unable to view the application document on-line, that they had not seen any site notices posted outside of the application property and had not seen a flyer which the applicants stated that they had posted prior to the submission of the application. The problem with the Council's website was immediately rectified. Records show that the application was advertised and the Council has undertaken a full consultation with neighbouring properties. This respondent has raised no objection to the application.

9. BACKGROUND PAPERS

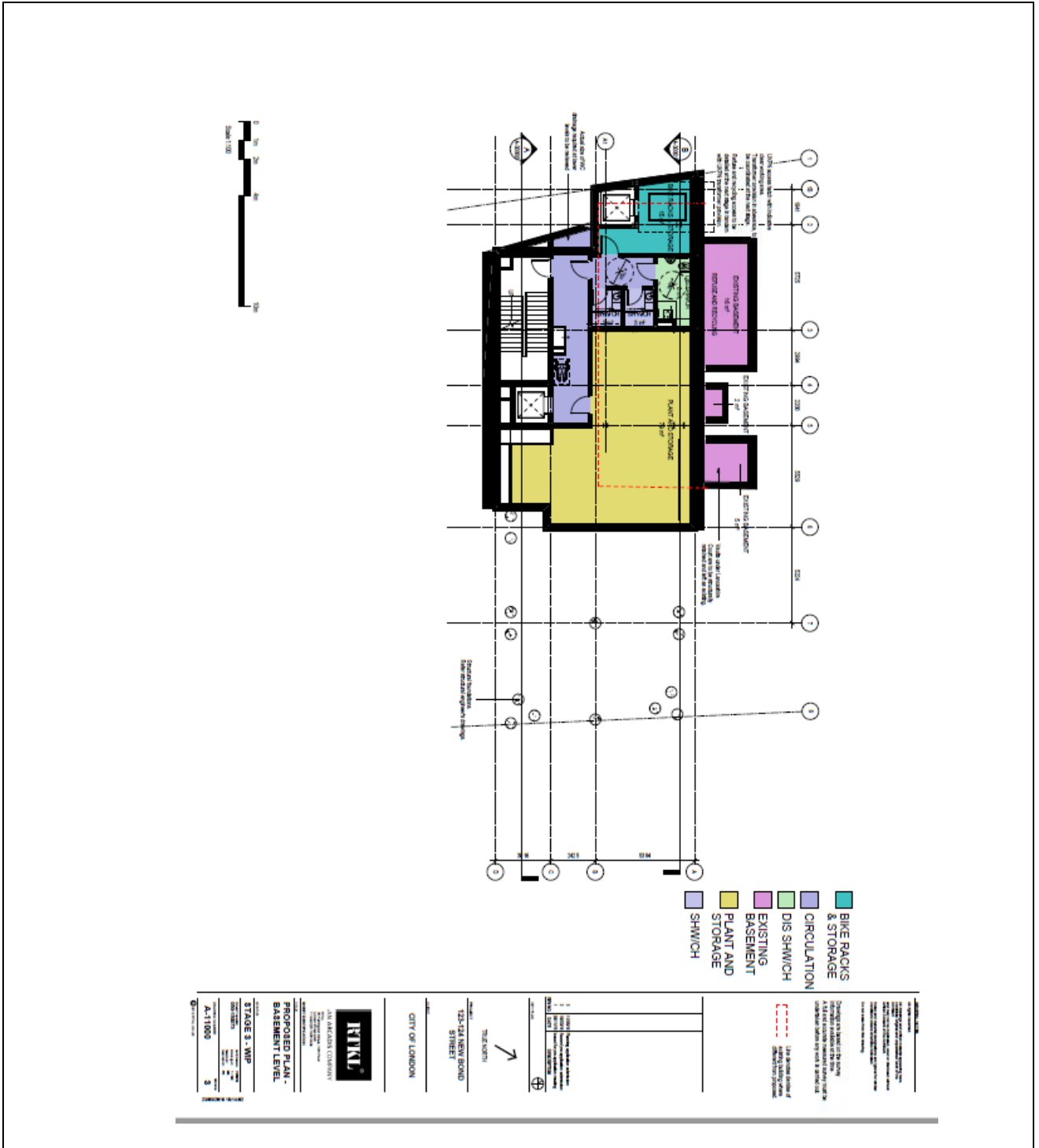
1. Application form
2. Letter from Historic England (Archaeology) dated 26 July 2016
3. Memorandum from Environmental Health dated 27 June 2016
4. Memoranda from Building Control dated 12 July and 18 October 2016
5. Memorandum from Project Officer (Waste) dated 21 June 2016
6. Memorandum from Highways Planning dated 22 August 2016
7. Responses from the occupier 12a Lancashire Court dated 4 and 7 November 2016
8. Letter on behalf of the occupier 126-127 New Bond Street dated 23 June 2016
9. Email from neighbouring occupier dated 4 November 2016

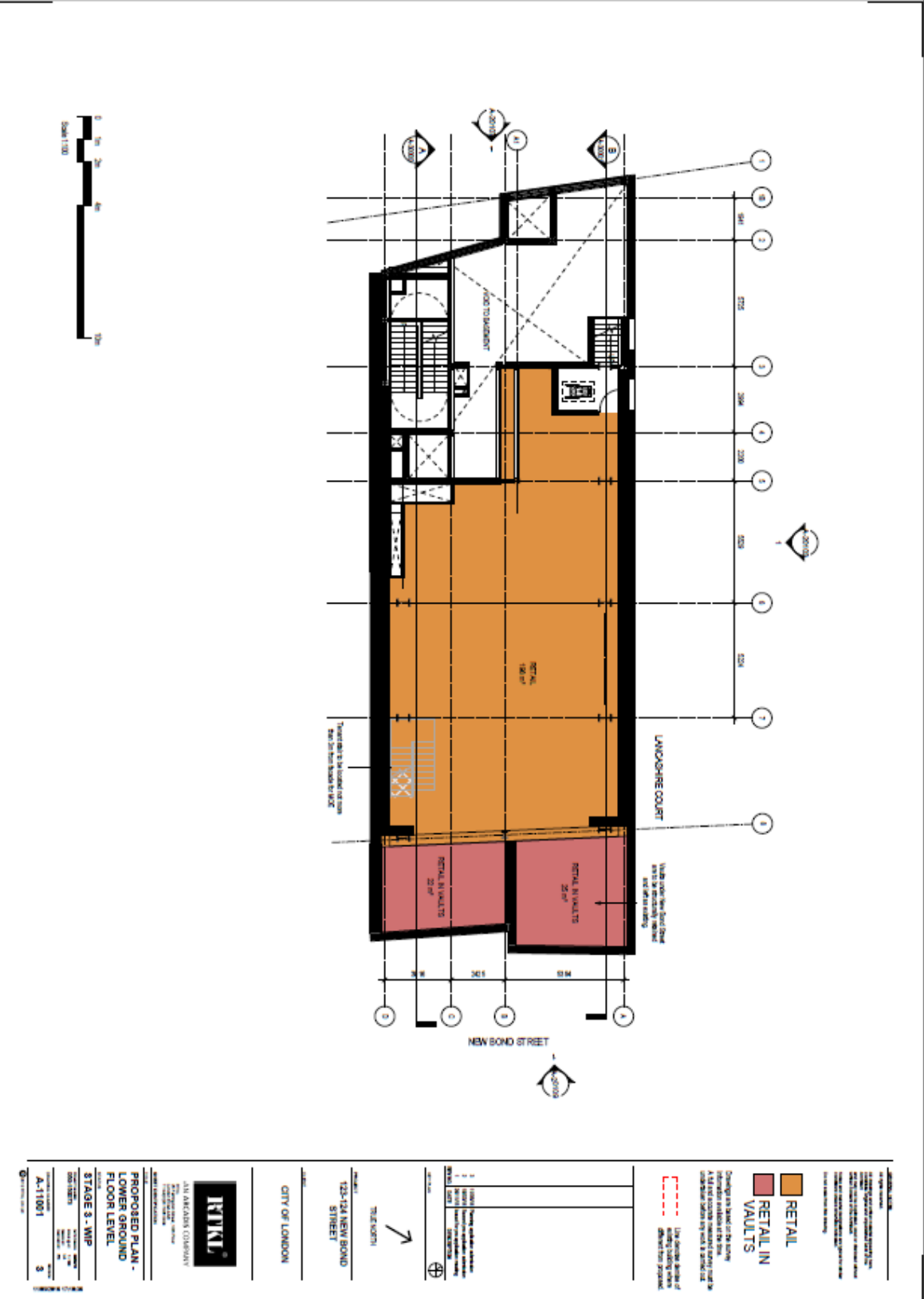
Selected relevant drawings

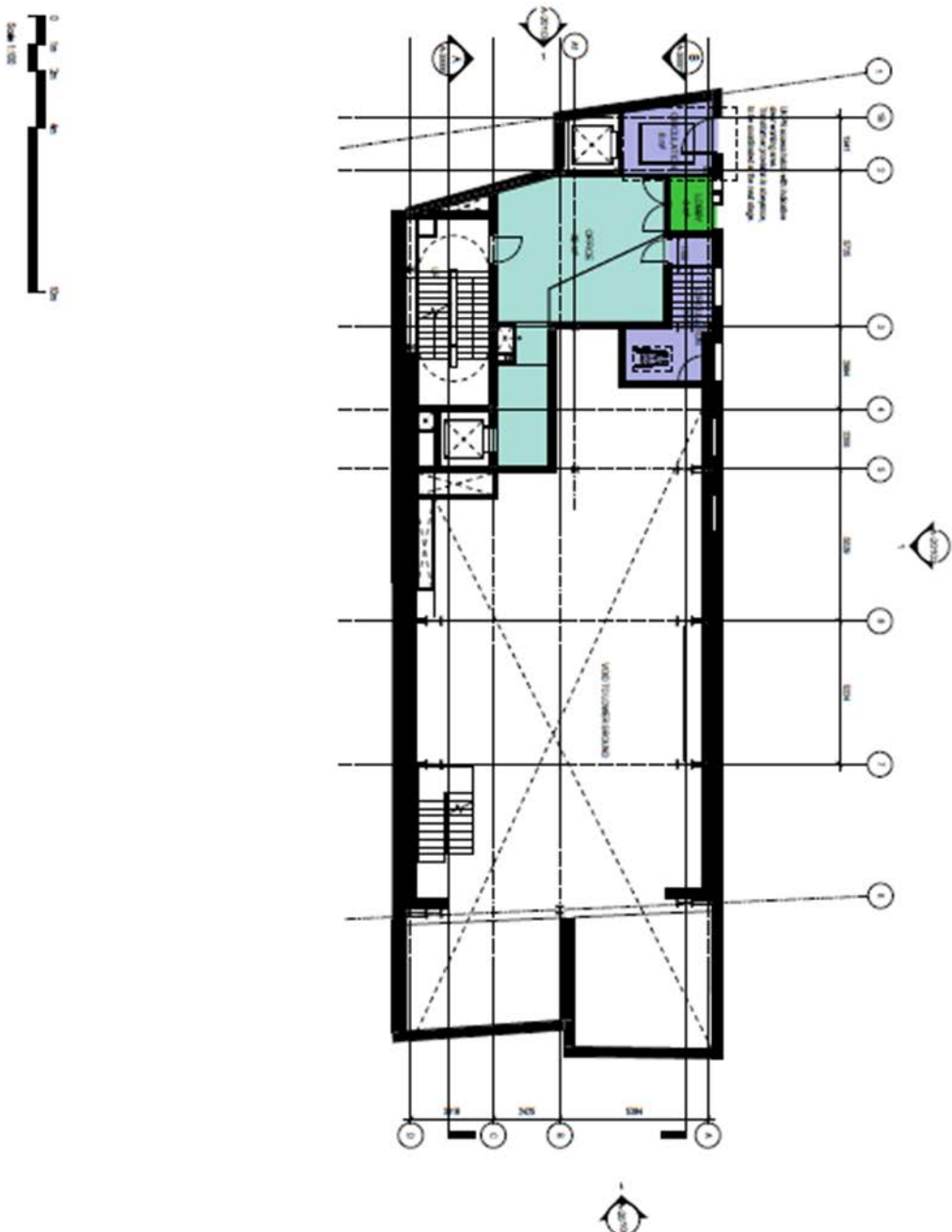
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT saraspurrier@westminster.gov.uk

10. KEY DRAWINGS







PROPOSED PLAN - OFFICE ENTRANCE LEVEL

STAGE 3 - WIP

RTKL
AN ARCHITECT'S COMPANY

123-124 NEW BOND STREET
CITY OF LONDON

LEGEND

- CIRCULATION
- LOBBY
- OFFICE

NOTES

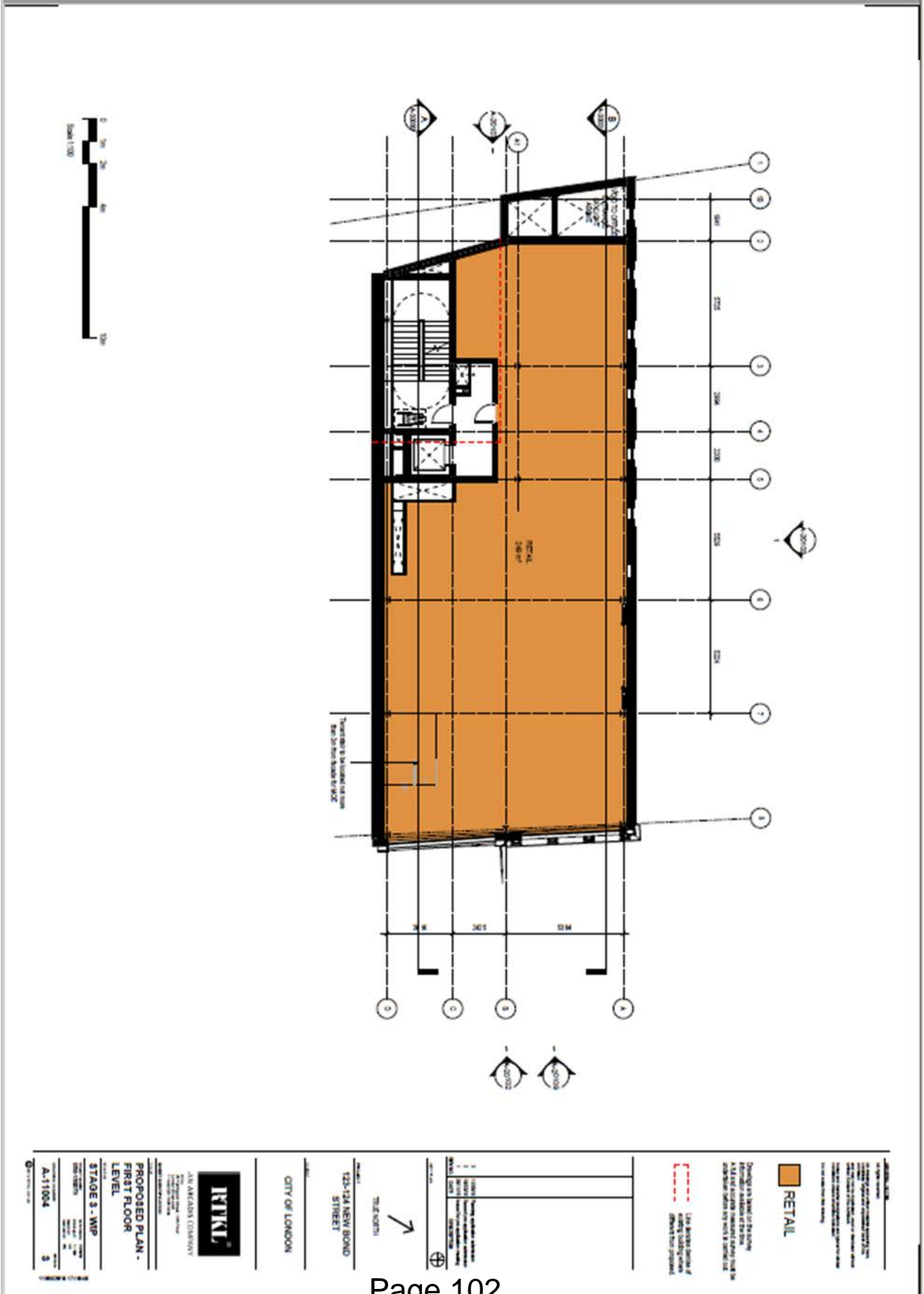
1. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING REGULATIONS AND THE LONDON BUILDING ACT 1992.
2. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING REGULATIONS AND THE LONDON BUILDING ACT 1992.
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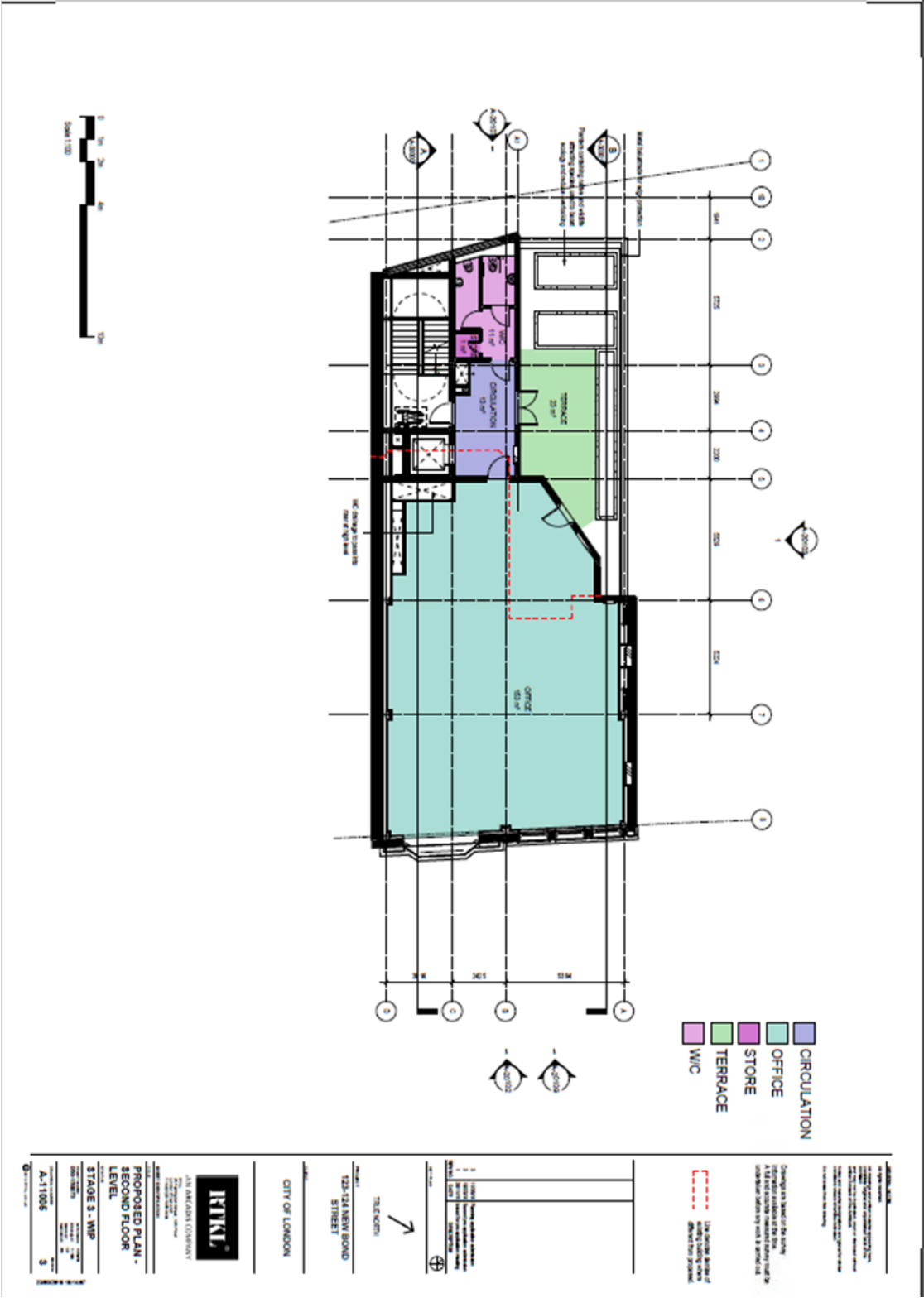
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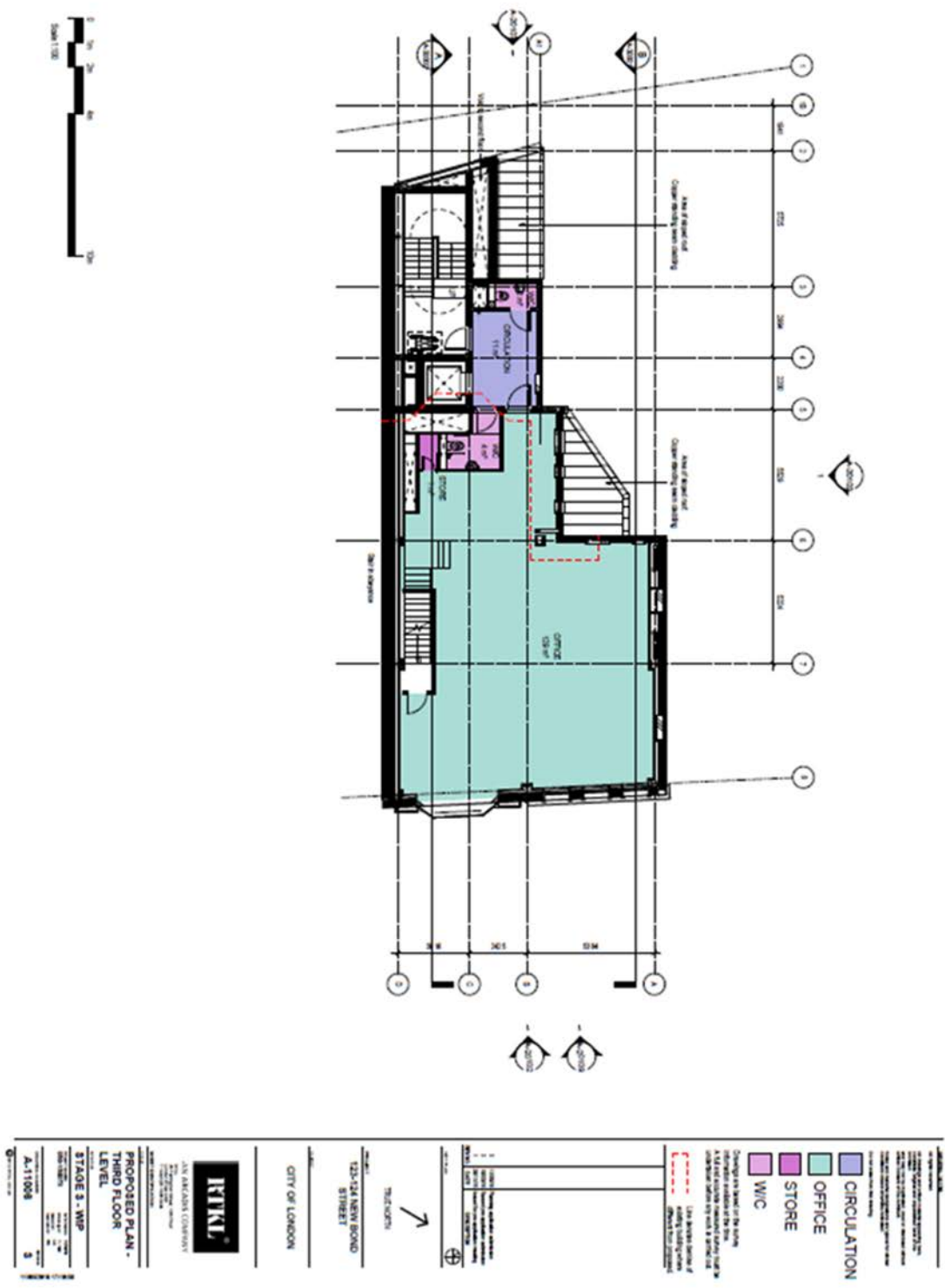
SCALE: 1/8" = 1'-0"

PROJECT NO.: A-11002

3









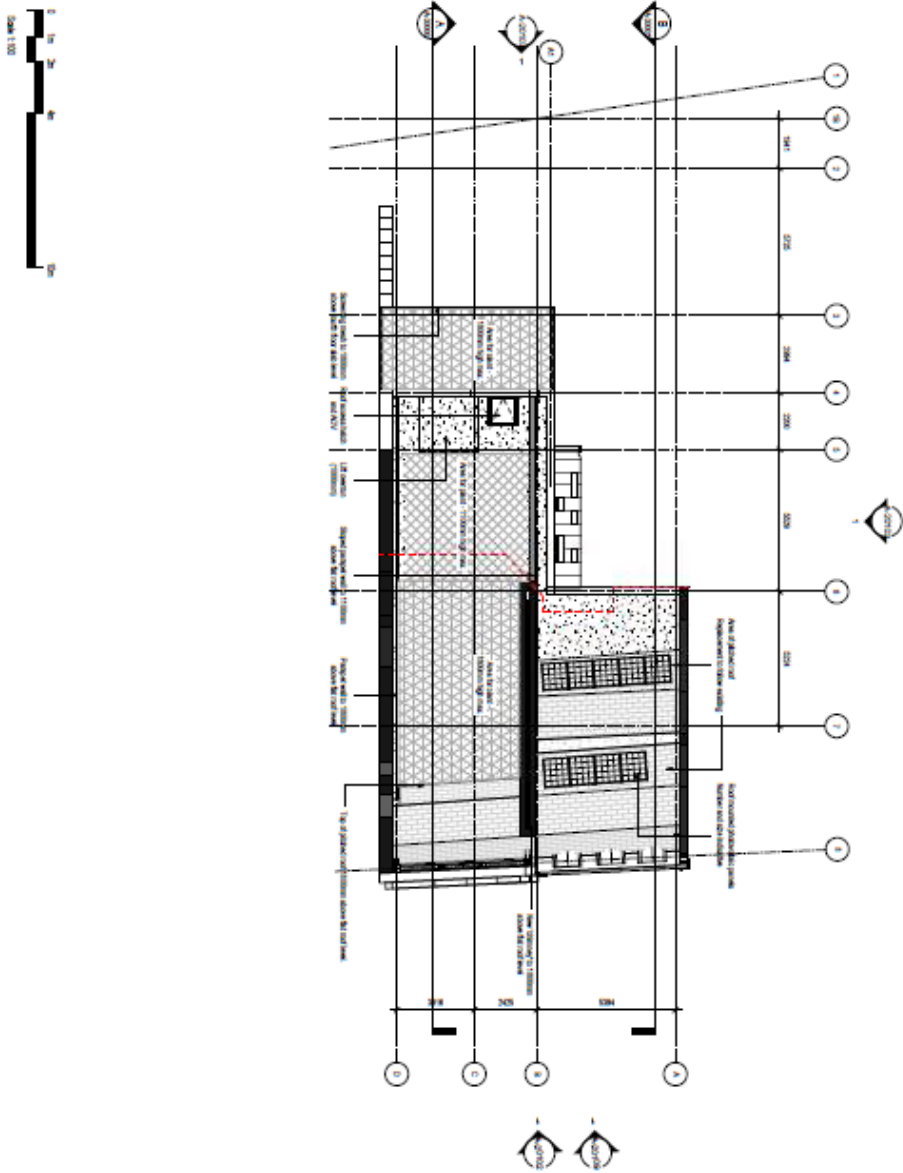
CIRCULATION
OFFICE
SCREENED PLANT
STORE
W/C



RTKL
AN ARCADIS COMPANY
125-124 NEW BOND STREET
CITY OF LONDON
PROPOSED PLAN - FOURTH FLOOR LEVEL
STAGE 3 - WIP
A-11007 3
1:200
2024/01/20

Legend:
- - - - - Change to floor of the room
- - - - - New wall (includes existing walls if not
compromised unless not a screen fit)
- - - - - Line shows location of
existing building within
proposed plot boundary

Notes:
1. (1) (1) Existing building structure
2. (1) (1) Existing building structure
3. (1) (1) Existing building structure
4. (1) (1) Existing building structure



REVINT
 100 MARK LANE, LONDON
 TEL: 020 7460 8000
 WWW.REVINT.CO.UK

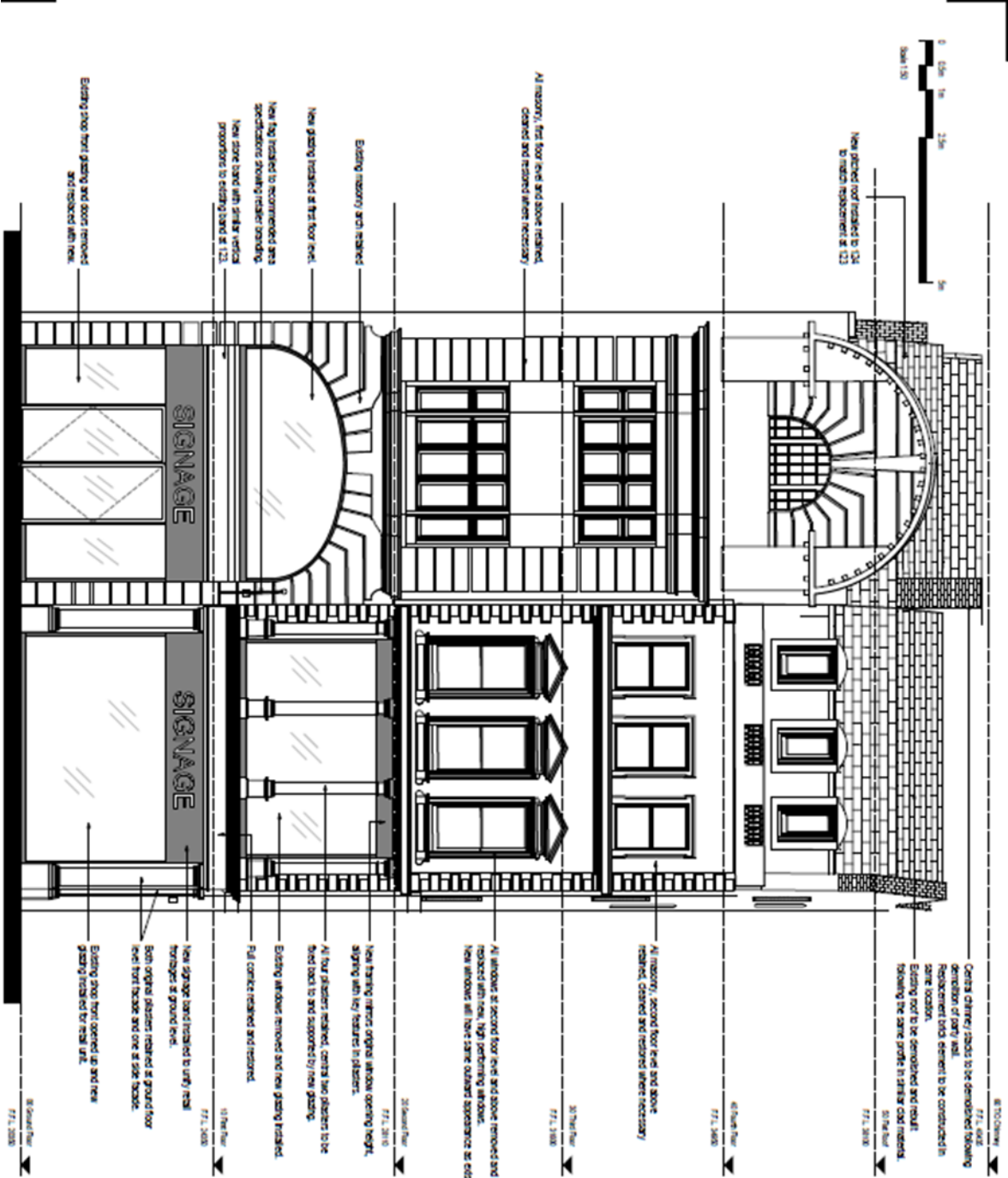
PROPOSED PLAN - ROOF LEVEL

STAGE 3 - IHP
 12-13th NEW BOND STREET
 A-11008

12-13th NEW BOND STREET
 CITY OF LONDON

Legend:
 - - - - - (Red dashed line) Line showing location of existing structural elements
 - - - - - (Black dashed line) Line showing location of proposed structural elements

Notes:
 1. All dimensions are in meters.
 2. All dimensions are to the center of the line unless otherwise stated.



NOTES:

1. (100%) New glazing system
2. (100%) New stone terra cotta
3. (100%) New stone band
4. (100%) New signage
5. (100%) New roof system
6. (100%) New windows
7. (100%) New doors
8. (100%) New brickwork
9. (100%) New plaster
10. (100%) New masonry

CHANGE SHEET NO. 01

THIS SHEET IS A CHANGE SHEET TO THE ORIGINAL SHEET NO. 00. ALL DIMENSIONS SHOWN ARE THE DIMENSIONS TO BE CONSTRUCTED UNLESS OTHERWISE NOTED.

PROJECT: 123-124 NEW BOND STREET
CITY OF LONDON

CLIENT: AN MCKAY COMPANY

ARCHITECT: [Logo]

PROPOSED - FRONT ELEVATION

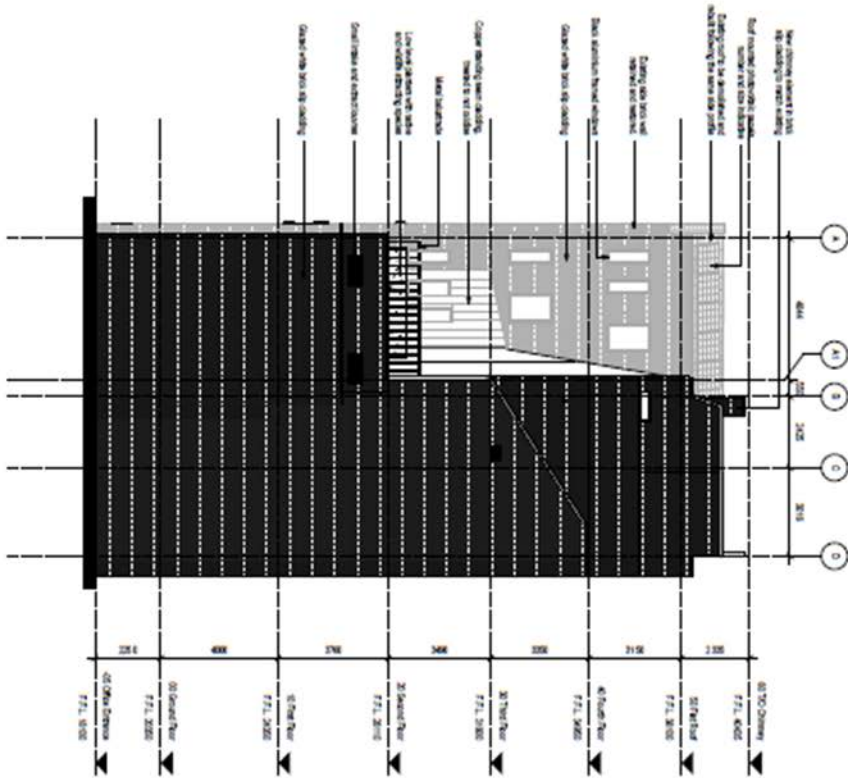
STAGE 3 - WIP

DATE: 06/10/2023

SCALE: 1:50

PROJECT NO.: A-20192

DATE: 06/10/2023



REVISIONS

NO.	DESCRIPTION	DATE
1	Issue for Construction	02/11/2018

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PROJECT
 123-124 NEW BOND
 STREET
 CITY OF LONDON



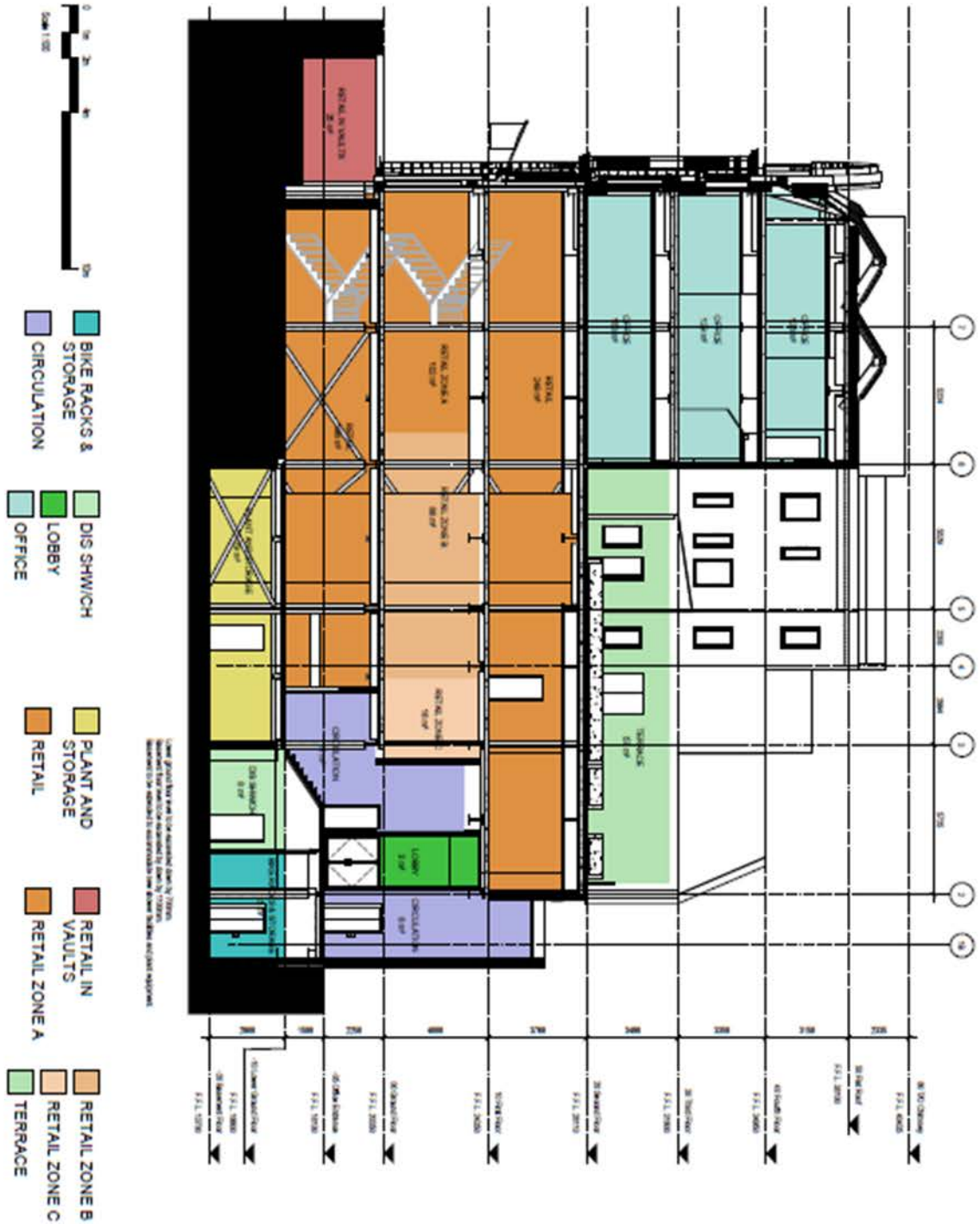
RTKL
 AN AECOM COMPANY

**PROPOSED - REAR
 ELEVATION**

STAGE 3 - WP

DATE: 02/11/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]

A-20107 1



RETAIL

123-124 NEW BOND STREET
CITY OF LONDON

PROPOSED - SECTION B

STAGE 3 - W/P

DATE: 12/11/2011

BY: [Signature]

NO. A-30001

3

© 2011 [Company Name]

DRAFT DECISION LETTER

Address: Development At, 123 - 124 New Bond Street, London, ,

Proposal: Demolition and redevelopment behind retained New Bond Street and Lancashire Court facades to provide a building comprising basement, lower ground, ground and 4 upper floor levels, providing retail (Class A1) and office (Class B1) floorspace, with new office entrance on Lancashire Court (Site includes 124 New Bond Street). (Description corrected to refer to 123 AND 124 New Bond Street)

Reference: 16/05310/FULL

Plan Nos: A-12000Rev2, A-12001Rev2, A-1202Rev2, A-1203Rev2, A-12004Rev2, A-12005Rev2, A-12006Rev2, A-12007Rev1, A-20104-Rev1, A-20105Rev1, A-20108Rev1, A-30004Rev1, A-30005Rev1 (demolition drawings), A-11000Rev3, A-11001Rev3, A-11002Rev3, A-11003Rev3, A-11004Rev3, A-11005Rev3, A-11006Rev3, A-11007Rev3, A-11008Rev2, A-20109Rev1, A-20102Rev5, A-20103Rev4, A-20107Rev1, A-30003Rev3, A-30001Rev3, Acoustic report by Bickerdike Allen Partners reference A9955_R01_CC dated 15 April 2016.

Case Officer: [Redacted] Carrier

Direct Tel. No. 020 7641 3934

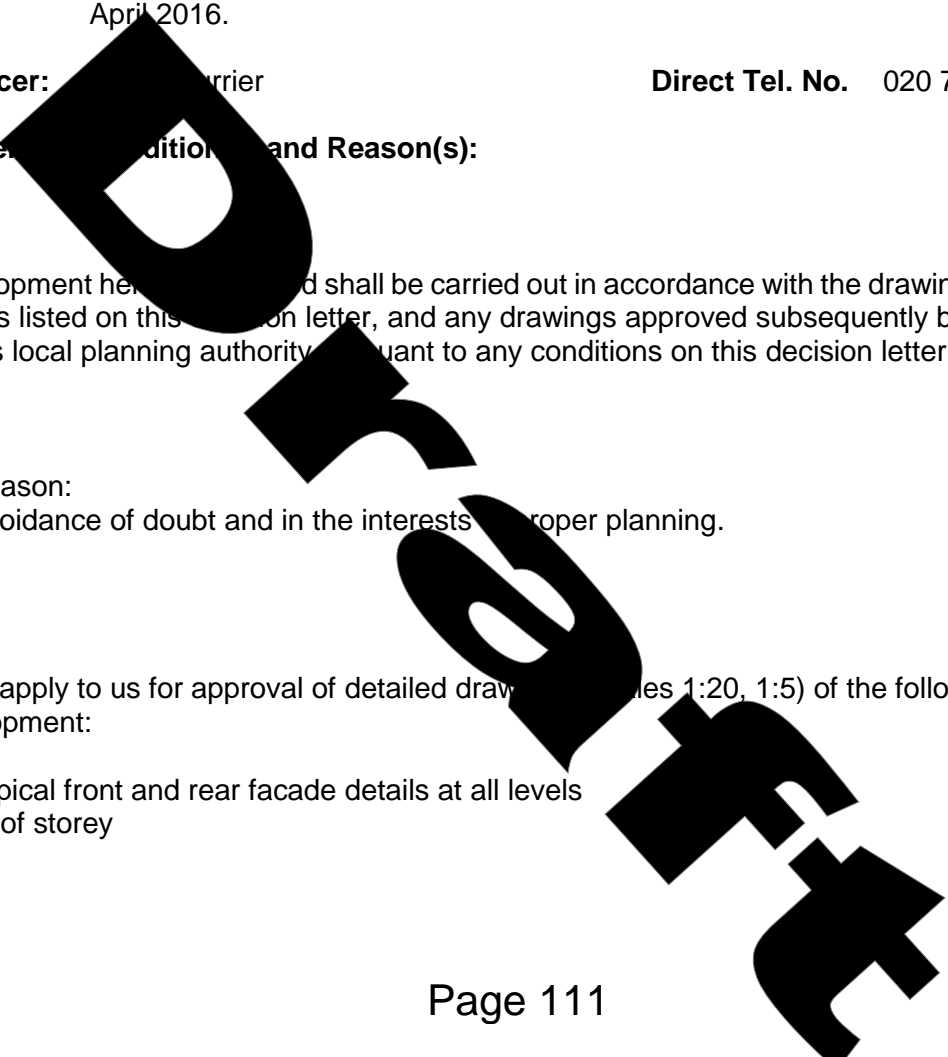
Recommendation and Reason(s):

1
The development hereby proposed 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, in addition to any conditions on this decision letter.

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

2
You must apply to us for approval of detailed drawings (scales 1:20, 1:5) of the following parts of the development:

- 1. Typical front and rear facade details at all levels
- 2. Roof storey



You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

3

You must apply to us for approval of detailed drawings showing the following alterations to the scheme:

1. The roof slope at the rear of no.124 shall be clad in zinc or lead (and not copper as shown in the drawings hereby approved)
2. The first floor windows on the front elevation of 123 should remain as three separate openings (not a single sheet of glass behind the pilasters as shown on the drawings hereby approved)
3. The proposed dormer windows should be designed in a traditional manner including sash windows in keeping with the existing building façade
4. The retention of an element of subdivision in the first floor arched window of no.124 rather than a plain sheet of glass

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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

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:

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

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

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

Noisy work must not take place outside these hours 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

6

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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

7

(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;, (c) Manufacturer specifications of sound emissions in octave or third octave detail;, (d) The location of most affected noise sensitive receptor location and the most affected window of it;, (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

8

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

Reason:

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

9

(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 (November 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.

10

The plant hereby approved shall be attitude and operated in accordance with the details set out in the acoustic assessment by Bickerdike Allen Partners reference A9955_R01_CC dated 15 April 2016.

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 (November 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.

11

This permission does not grant approval for the installation of future tenants' equipment at third floor level as shown in Figure 3 of the acoustic assessment by Bickerdike Allen Partners reference A9955_R01_CC dated 15 April 2016.

Reason:

In accordance with the submitted application and to ensure that, 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, future tenants' plant operates 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 (November 2016), by contributing to reducing excessive ambient noise levels.

12

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

Reason:

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

13

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

Reason:

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

14

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

Reason:

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

15

You must apply to us for approval of detailed drawings (plans, elevations and sections) showing the following alteration(s) to the scheme:
the deletion of the roof terrace shown on drawing A-11005Rev3 and its replacement with a living roof.

Reason:

To protect the privacy and environment of people in neighbouring properties and to protect and increase the biodiversity of the environment. This is as set out in S29, S32 and S38 of Westminster's City Plan (November 2016) and ENV 6, ENV 13 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

16

You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living roof at second floor level, secured under condition 15, to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

17

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

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

18

The external doors shown on drawing A-11005Rev3 shall only be used to access the second floor flat roof for emergency or maintenance purposes

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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

19

No waste shall be left on the highway

Reason:

To protect the environment as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

20

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 Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 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)

21

Pre Commencement Condition. You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building., , You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 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)

22

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to, and approved by, the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

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

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

Reason:

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

24

You must not use any part of the development until we have approved appropriate arrangements to secure the following:

measures to mitigate the development's failure to provide adequate on-site carbon savings.

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:

As required by policy 5.2 of the London Plan and the Mayor's Supplementary Planning Guidance on Sustainable Design and Construction (2013)

25

With the exception of windows within the eastern and northern retained facades, all windows and glass within doors on the second, third and fourth floors must not be clear glass and, in the case of the windows, must be fixed 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)

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 (November 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

Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

3

Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (154AA)

4

Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (108AA)

5

The term 'clearly mark' in condition 13 means marked by a permanent wall notice or floor markings, or both. (188AA)

6

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

7

The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

8

The written scheme of investigation will need to be prepared and implemented by a suitable, professionally accredited, archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. Condition 22 is exempt from deemed discharge under schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method, with contingency arrangements for significant discoveries, will need to be agreed. The outcome will be a report and archive.

For further advice, please contact Laura O'Gorman, Archaeology Advisor, Greater London Archaeological Advisory Service - laura.o'gorman@HistoricEngland.org.uk

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 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Former North Westminster Community School, North Wharf Road, London, W2 1LF		
Proposal	<p>Application 1 (16/03602/FULL) Variation of Condition 1 of planning permission dated 14 August 2015 (RN: 14/09037/FULL), which varied Condition 1 and removed Condition 45 of planning permission dated 30 December 2013 (RN: 12/11911) for redevelopment of the western end of the former school site by erection of a building ranging between two and 15 storeys in height to provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2), provision of public open space, public realm and landscaped area, highways works including widening of Hermitage Street to accommodate two way vehicular traffic, new vehicular and pedestrian accesses and two storey basement to provide vehicular and cycle parking, energy centre and ancillary servicing accommodation; namely, to replacement the originally approved limestone cladding with reconstituted stone cladding.</p> <p>Application 2 (16/03068/MOD106) To enter into a new S106 Agreement in conjunction with RN: 16/03602/FULL to replace that dated 30 December 2013 (as varied by Deed of Variation dated 14 August 2015), which would include (i) variation of Affordable Business Space and Social and Community Floorspace clauses, including to extend the date by which these parts of the development must be fitted out for occupation by a Qualifying Tenant; (ii) deletion of the Public Open Space clause; deletion of clauses requiring submission of post completion certification that the development meets the necessary Code for Sustainable Homes and BREEAM levels; and amendments to the upper and lower basement car parking plans (Plans 2 and 3) and energy centre plans (Plans 15 and 16).</p>		
Agent	DP9		
On behalf of	Taylor Wimpey Central London		
Registered Number	16/03602/FULL & 16/03068/MOD106	Date amended/ completed	11 May 2016
Date Application Received	21 April 2016		

Historic Building Grade	Unlisted
Conservation Area	N/A

1. RECOMMENDATION

1. Grant conditional permission for Application 1, subject to completion of an S106 agreement to secure an additional financial contribution to the Affordable Housing Fund of £845,888.
2. Agree under Application 2 to complete a new S106 agreement to replace that dated 30 December 2013 (as varied by Deed of Variation dated 14 August 2015) and modify the previously secured package of planning obligations, as set out in the description of development for Application 2, to ensure that the heads of terms set out below are delivered in conjunction with the varied development:
 - i. Development of an advertisement and shop front design strategy.
 - ii. Provision and affordability of affordable business floorspace.
 - iii. Provision and affordability of social and community floorspace (including fit-out to a 'Category B' finish).
 - iv. Provision of public realm works in accordance with a public realm masterplan.
 - v. Provision, maintenance and use of and access to the on-site public realm.
 - vi. A financial contribution of £53,247 (index linked) to PATS.
 - vii. Provision and management of on-site car club spaces.
 - viii. Provision of car club memberships (25 years) for 27 residential units (the affordable housing units).
 - ix. Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis.
 - x. A financial contribution of £56,000 (£28k pa - assuming 2yr build programme) to the Environmental Inspectorate/ Environmental Sciences.
 - xi. Provision and management of CCTV.
 - xii. Provision of costs for monitoring of agreement (£500 per head of term).
 - xiii. Adherence with the Council's Local Procurement Code.
 - xiv. Developer undertaking to enter into discussions with adjoining sites to form a heat and/or power network.
 - xv. Mitigation measures for television interference.
 - xvi. Provision of 27 on-site affordable housing units to the tenure and mix set out in the committee report and to the Council's standard affordability criteria.
 - xvii. Provision and periodic review of a site wide travel plan.
 - xviii. Provision of public highway enhancement works, required for the development to occur, in North Wharf Road, Harrow Road and Hermitage Street, including the carrying out of the agreed alterations to the highway along Hermitage Street.
 - xix. Dedication of the new highway along the east side of Hermitage Street.
 - xx. Provision of and compliance with a Balcony Management Strategy.
 - xxi. A financial contribution of £845,888 to the Affordable Housing Fund (to be paid on completion of the S106 agreement).
3. If the S106 planning obligation has not been completed by 31 January 2017 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 benefits 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 benefits 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.

2. SUMMARY

Application 1 seeks permission to vary Condition 1 of planning permission dated 14 August 2015 (RN: 14/09037/FULL) (itself a Section 73 application that varied conditions imposed on the original permission dated 31 December 2013 - RN: 12/11911) for the comprehensive redevelopment of the western end of the former North Westminster Community School site to provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2). The amendment sought by Application 1 is to allow replacement of the approved limestone cladding to the tower elements of the building with reconstituted stone cladding.

In tandem with Application 1, Application 2 proposes the modification of the S106 agreement dated 14 August 2015, which secures planning obligations arising from the redevelopment of this site. The applicant proposes that the existing S106 agreement is replaced by a new S106 agreement, which does not bind the freeholder of the land as the freeholder is understood to be unwilling to be a signatory to a deed of variation of the original S106 agreement. The new agreement would include the following principal modifications to the original agreement:

- (i) The Affordable Business Space and Social and Community Floorspace clauses would be varied, principally to extend the date by which these parts of the development must be fitted out for occupation by a Qualifying Tenant;
- (ii) The clause to require delivery of a public open space would be deleted as the public open space will be delivered by the Site 2 development (RN: 13/11045/FULL) to the eastern end of the former North Westminster Community School site;
- (iii) The clauses requiring submission of post completion certification that the development meets the necessary Code for Sustainable Homes and BREEAM levels are to be deleted as they replicate the requirement of the conditions;
- (iv) The upper and lower basement car parking plans (Plans 2 and 3) and energy centre plans (Plans 15 and 16) are to be amended so they are consistent with the development as shown in the approved drawings.

The key issues in this case are:

- The impact of the proposed reconstituted stone cladding on the appearance of the building and this part of the City.
- The impact of the change in facing materials on the viability of the development and its ability to provide affordable housing.
- That the entering into a new S106 agreement, which does not bind the freeholder of the land, and the modifications to the previously secured planning obligations, would not result

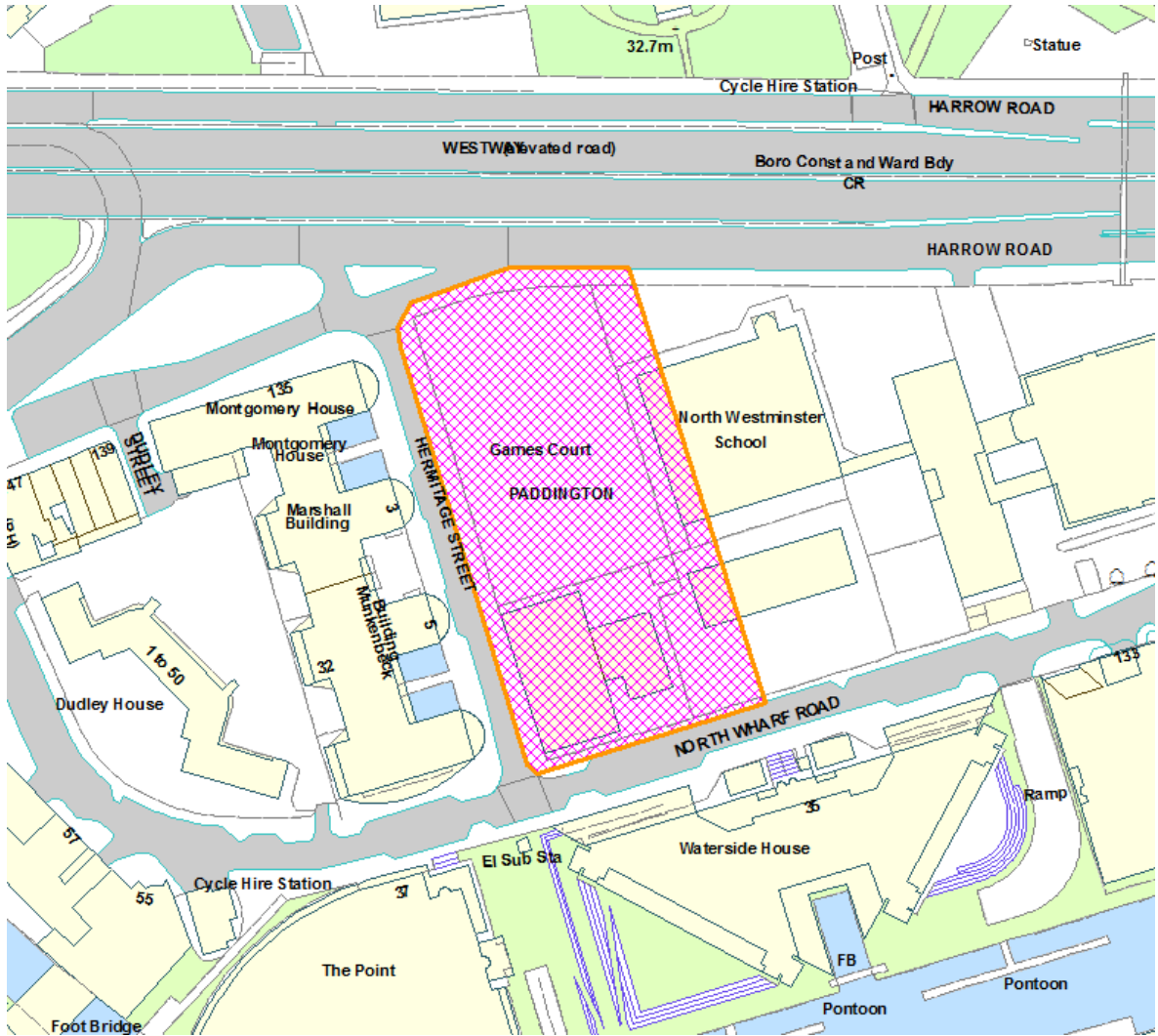
in the loss or weakening of the previously secured planning obligations, which are necessary to make the development acceptable.

In respect of Application 1, the use of reconstituted stone in this location outside a conservation area is acceptable, subject to the provision of an additional £845,888 to the Affordable Housing Fund due to the improved viability of the development as a result of using this cheaper cladding material.

In respect of Application 2, for the detailed reasons set out in this report, it is considered that there are exceptional circumstances in this case to justify entering into a new S106 agreement to secure the planning obligations arising from the development that does not bind the freehold owner of the site. In terms of the modifications to the S106 agreement that are proposed, the principal matter is the modifications proposed to the Affordable Business Space and Social and Community Floorspace clauses, which would extend the period for fit out of this floorspace. This is acceptable in principle on the proviso that the Qualifying Tenant's investment partner enters into a long lease or completes an agreement to lease the Affordable Business Space and Social and Community Floorspace prior to the completion of the new S106 agreement, as this would ensure the Affordable Business Space and Social and Community Floorspace would be fitted out to a specification and finish that is to the Qualifying Tenant's satisfaction and which will meet their particular end user requirements.

The other modifications to the original S106 agreement are either procedural, and reflect the need to amend and update the heads of terms to allow a new S106 to be entered into that excludes the freehold owner, or are otherwise uncontentious for the reasons set out later in this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Hermitage Street (front) elevation (top) and rear elevation seen from North Wharf Road (bottom).

5. CONSULTATIONS

5.1.1 Application 1 – S73 Application to Vary Condition 1

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 89

Total No. of replies: 0

No. of objections: 0

No. in support: 0

ADVERTISEMENT/ SITE NOTICE: Yes.

5.1.2 Application 2 – Modification of S106 Agreement

No consultations required.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application comprises the western end of the former North Westminster Community School site. The site has been split into two development plots ('Site 1' and 'Site 2'). The 'Site 2' plot comprises the eastern end of the former North Westminster Community School site. This application relates to Site 1. The relevant planning history for both plots are set out in Section 6.2.

The site is located within the Paddington Opportunity Area (POA), the Central Activities Zone (CAZ) and the North Westminster Economic Development Area (NWEDA). The site does not contain any listed buildings and it is not located within a conservation area.

6.2 Recent Relevant History

6.2.1 The Application Site - 'Site 1' Eastern End of Former NWCS Site

16/10548/NMA

Non-Material Amendments application that seeks deletion of Conditions 16 (which requires provision of Affordable Business Space prior to occupation of 50% of market units) and Condition 43 (which requires provision of the Social and Community Floorspace prior to occupation of 50% of the residential units) of the planning permission dated 14 August 2015 (RN: 14/09037).

Application currently under consideration.

14/09037/FULL

Variation of Condition 1 and removal of Condition 45 of planning permission dated 30 December 2013 (RN: 12/11911) for redevelopment of the western end of the former school site by erection of a building ranging between two and 15 storeys in height to

provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2), provision of public open space, public realm and landscaped area, highways works including widening of Hermitage Street to accommodate two way vehicular traffic, new vehicular and pedestrian accesses and two storey basement to provide vehicular and cycle parking, energy centre and ancillary servicing accommodation; namely, to relocate the electricity sub-station from basement to ground floor level with associated reduction in retail floorspace at ground floor level and alterations to the building facade, realignment of basement wall to plant room/ energy centre and remove requirement for a deed of variation to the S106 agreement dated 30 December 2013 to incorporate the non-material amendments to the scheme approved on 2 September 2014 (14/03611/NMA).

Application Permitted 14 August 2015

12/11911/FULL

Redevelopment of the western end of the former school site by erection of a building ranging between two and 15 storeys in height to provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2). Provision of public open space, public realm and landscaped area, highways works including widening of Hermitage Street to accommodate two way vehicular traffic, new vehicular and pedestrian accesses and two storey basement to provide vehicular and cycle parking, energy centre and ancillary servicing accommodation.

Application Permitted 30 December 2013

6.2.2 'Site 2' – Western End of Former NWCS Site

13/11045/FULL

Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space.

Application Permitted 11 March 2015

7. THE PROPOSAL

Application 1 seeks permission to vary Condition 1 of planning permission dated 14 August 2015 (RN: 14/09037/FULL) (itself a S73 application that varied conditions imposed on the original permission dated 31 December 2013 - RN: 12/11911) for the comprehensive redevelopment of the western end of the former North Westminster Community School site to provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2). The amendment sought by Application 1 is to allow replacement of the approved limestone cladding to the tower elements of the building with reconstituted stone cladding.

In tandem with Application 1, Application 2 proposes the modification of the S106 agreement dated 14 August 2015, which secures planning obligations arising from the

redevelopment of this site. The applicant proposes that the existing S106 agreement is replaced by a new S106 agreement, which does not bind the freeholder of the land as the freeholder is understood to be unwilling to be a signatory to a deed of variation of the original S106 agreement. The new agreement would include the following modifications to the original agreement, of which the amendments to the Affordable Business Space and Social and Community Floorspace clauses are most significant and these are considered in detail in Section 8.10 of this report:

- The Affordable Business Space and Social and Community Floorspace clauses would be varied, principally to extend the date by which these parts of the development must be fitted out for occupation by a Qualifying Tenant;
- The clause to require delivery of a public open space would be deleted as this will be provided as part of the Site 2 development (RN: 13/11045/FULL);
- The clauses requiring submission of post completion certification that the development meets the necessary Code for Sustainable Homes and BREEAM levels are to be deleted as they replicate the requirement of the conditions;
- The upper and lower basement car parking plans (Plans 2 and 3) and energy centre plans (Plans 15 and 16) are to be amended so they are consistent with the development as shown in the approved drawings.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The amendments to the S106 agreement in respect of the Affordable Business Space and Social and Community Floorspace at ground and first floor levels would not alter the lawful uses of these parts of the development as Class B1 office floorspace and Class D1/ D2 floorspace respectively.

8.2 Townscape and Design

The proposed reconstituted stone facing material has a more uniform appearance when compared to typical limestone cladding and as a result has a more clinical and manufactured appearance. However, in this location within the Paddington Opportunity Area, set among other large modern buildings of similarly crisp detailing, this is not an unacceptable characteristic. The colouration of reconstituted stone proposed is not dissimilar to limestone and therefore the overall appearance of the architectural composition is not significantly altered, particularly in longer views. As such, in design terms, the proposed replacement of limestone with a reconstituted stone cladding is acceptable in this instance and would be in accordance with S28 in the City Plan and DES1 in the UDP.

8.3 Residential Amenity

The amendment to the facing materials proposed by Application 1 has no impact on the amenity of neighbouring residents.

8.4 Transportation/ Parking

Not relevant to the determination of these applications.

8.5 Economic Considerations

Any relevant economic considerations are set out in Section 6.10 of this report.

8.6 Access

The amendment to the facing materials proposed by Application 1 has no impact on access to the development.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

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

8.10.1 Amended Cladding Material – Viability Impact (Application 1)

Application 1 proposes the use of reconstituted stone cladding to the facades of the building and this would be a cheaper cladding material than the Limestone specified during the course of the original planning application. As a result, the viability of the development has been reassessed. The applicant's viability assessment set out that the amendment to the cladding material would enable the development to provide an additional financial contribution to the Affordable Housing Fund of between £206k and £742k. This assessment was independently reviewed for the City Council by Lambert Smith Hampton. Their independent review concluded that the viability of the scheme would be improved such that the development could provide a higher addition contribution to the Affordable Housing Fund of £845,880. The applicant has subsequently accepted the higher Affordable Housing Fund contribution recommended by the independent review. It is therefore recommended that the additional contribution to the Affordable Housing Fund is secured as part of the new S106 agreement referred to in Section 8.10.2.

8.10.2 Requirement for a New S106 Agreement (Application 2)

The applicant (Taylor Wimpey Central London) is the long head leaseholder of the part of the application site on which the building has been constructed (they have a 997 year lease). The applicant has advised that despite their best efforts to negotiate with the freeholder of the site, they have been unable to persuade the freehold owner to be a signatory to any further deeds of variations to the original S106 agreement for this development dated 30 December 2013 (as previously varied on 14 August 2015), to which the freeholder is a signatory. It is apparent therefore that this commercial relationship has

broken down to the extent that it is necessary and reasonable to consider alternative means to secure the additional planning obligation set out in Section 8.10.1 (i.e. the additional financial contribution to the Affordable Housing Fund) and the modifications to the original planning obligations set out in 8.10.3.

In this case, with the exception of a clause that seeks to ensure the land to the rear of the new building becomes part of an enlarged public open space, including land within the 'Site 2' development site (13/11045/FULL), all the other planning obligations can be secured using a new S106 agreement that binds the applicant's land ownership only and excludes the freehold owner.

In terms of the enlarged public open space, this is to be provided on land at the centre of the former North Westminster Community School site, part of which would be outside of the 'Site 1' planning application boundary, to which the current applications relate. For this reason a clause was included in the original 'Site 1' S106 agreement, requiring the developer to remove any boundary walls and fences and include the land within the curtilage of the 'Site 1' development as part of the enlarged public open space.

Subsequent to the completion of original S106 agreement, the redevelopment scheme for 'Site 2' was approved in 2015 (13/11045/FULL) and the application site for the 'Site 2' development includes all of the land that is to be used to provide the enlarged public open space. A clause within the S106 agreement for the 'Site 2' development requires the provision of this area as public open space and therefore the clause to be omitted from the new S106 agreement for 'Site 1' development is redundant in any event. As such, this clause can be omitted from the new 'Site 1' S106 agreement without the loss of this key planning obligation arising from the wider redevelopment of the former North Westminster Community School site.

Additionally, where planning obligations in the original S106 agreement dated 30 December 2013 (as previously varied on 14 August 2015) comprised financial contributions to various funds, and these have already been paid, these will not be replicated in the new S106 agreement as these obligations have already been met by the applicant. For the avoidance of doubt the following obligations have been excluded from the new S106 agreement for this reason:

- A financial contribution of £141,377 (index linked) towards the Social and Community Fund.
- A financial contribution of £363,394 (index linked) towards the Education Fund.
- A financial contribution of £72,609 (index linked) towards PATEMS.

All three financial contributions above were paid with indexation on 22 February 2016.

The other modifications proposed to the original S106 agreement in the new S106 agreement go beyond those that are procedurally required to enter into a new S106 agreement excluding the Freehold owner and these are considered in Section 8.10.3.

8.10.3 Modification of S106 Head s of Terms (Application 2)

In addition to the procedural amendments set out in Section 8.10.2 that are required to enable the original S106 agreement to be replaced by a new S106 agreement that

excludes the Freehold owner, the applicant is also seeking a number of modifications to the clauses within the original S106 agreement. These are set out in turn in this section of the report. However, it should be noted that negotiations on the content of the new S106 agreement are on-going, particularly in respect of the Affordable Business Space and Social and Community Floorspace clauses. Therefore should there be further amendment to these clauses from that set out below, the further amendments will be reported verbally to the Committee.

Affordable Business Space and Social and Community Floorspace

The proposed modifications to the original S106 agreement of principal importance are the amendments to the Affordable Business Space (ABS) and Social and Community Floorspace (SCF) clauses. The basic requirements of the original S106 agreement in terms of the provision of these on-site planning obligations are as set out below:

Affordable Business Space

- Floorspace must be provided to Category A fit out to the City Council's written satisfaction prior to occupation of 50% of market residential units
- An 80 year lease must be given to the City Council or a Qualifying Tenant prior to occupation of 50% of the market residential units.
- The 80 year lease to be 40% market value.

Social and Community Floorspace

- Floorspace must provided to Category B fit out to the City Council's written satisfaction prior to occupation of 50% of market residential floorspace.
- An 80 year lease must be given to the City Council or a Qualifying Tenant prior to occupation of 50% of the market residential units.
- The 80 year lease is to be provided at a pepper corn rent.

The applicant has advised that they cannot provide the ABS and SCF in accordance with the requirements above, as the market residential accommodation is due to be occupied in late January 2017/ early February 2017 and work on ground and first floors of the building, where the ABS and SCF are to be provided (see plans in Section 10), has not advanced significantly on site to date.

In light of the difficulties the applicant has in providing the ABS and SCF by the specified time in the original S106 agreement, the applicant has been in extended discussions with the nominated Qualifying Tenant for future occupation of the ABS and SCF, which is the Hub Paddington to try to reach agreement on a mutually agreeable compromise on the delivery of the ABS and SCF.

Hub Paddington is proposed to be a joint venture between the City Council and its chosen investment partner, which will provide affordable business space and training and skills space pursuant to the aims and aspirations of City for All programme. Amongst other aims and objectives, the Hub space would support start-up businesses, support residents with entrepreneurial aspirations and provide a purpose built training centre, much like the existing Hub Westminster located in New Zealand House.

The negotiations between the applicant and the Qualifying Tenant have focused on giving the Qualifying Tenant greater control over the fit out of the ABS and SCF in return for

removal/ relaxation of the link to the occupation of the market residential units. The product of the negotiations between the applicant and the Qualifying Tenant, which have latterly also included Development Planning officers are as set out below:

Affordable Business Space

- Floorspace to be provided to shell and core by 28 February 2017.
- Floorspace must be provided to Category A fit out within 11 months of completion of shell and core works.
- An 80 year lease must be given to the Qualifying Tenant prior to occupation of 50% of the market residential units.
- The 80 year lease to be 40% market value.

Social and Community Floorspace

- Floorspace to be provided to shell and core by 28 February 2017.
- Floorspace must be provided to Category B fit out within 11 months of completion of the shell and core works.
- An 80 year lease must be given to the City Council or a Qualifying Tenant prior to occupation of 50% of the market residential units.
- The 80 year lease is to be provided at a pepper corn rent.

In addition to the headline modifications to the clauses themselves (as above), the applicant has undertaken to agree to lease the ABS and SCF (on a 997 year lease) to a property company operated by the Hub Paddington investment partner prior to completion of the new S106 agreement. This would allow the fit out of the ABS and SCF floorspace to be carried out by the Qualifying Tenant's preferred partner, rather than by Taylor Wimpey (the applicant), and this in turn would give the Qualifying Tenant greater comfort that the quality and specification of the fit out works would be to their satisfaction and meet their particular end user requirements and that the fit out would be delivered to a deadline of their choosing.

This undertaking by the applicant, which gives the Qualifying Tenant significantly enhanced confidence in the likely success of the Hub Paddington project is therefore key to the acceptability of the amended ABS and SCF clauses. It would also make the property company operated by the Hub Paddington investment partner a signatory to the new S106 agreement as they would have an interest in the land bound by the new agreement.

In conclusion on the ABS and SCF clauses, the amendments to the clauses that are proposed, which would remove the linkages between fit out of the ABS and SCF and occupation of the market residential units, are acceptable, but only on the basis that the property company that is operated by the investment partner in Hub Paddington becomes the long leaseholder of/ has an agreement to lease the ABS and SCF floorspace prior to completion of the new S106 agreement.

Code for Sustainable Homes and BREEAM

The clauses requiring the completion of the development in accordance with Code for Sustainable Homes Level 4 and a BREEAM 'Excellent' rating duplicate the requirements of Conditions 29, 30 and 31 (see conditions in the draft decision letter appended to this report) and therefore it is not necessary for these requirements to also be included in the

S106 agreement. For this reason it is reasonable to omit these clauses from the new S106 agreement.

Basement Level Car Parking and Energy Centre Plans

The upper and lower basement car parking plans (Plans 2 and 3) and energy centre plans (Plans 15 and 16) included in the S106 agreement are proposed to be amended so they are consistent with the development as shown in the approved drawings, which have previously been amended by a number of non-material amendment applications. This modification to the S106 agreement effectively allows the basement plans in the agreement to 'catch up' with the most up to date approved layout of the basement floors and does not have any practical consequences in terms of previously secured planning obligations.

8.11 Environmental Impact Assessment

The scope of the applications does not necessitate an Environmental Impact Assessment.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.

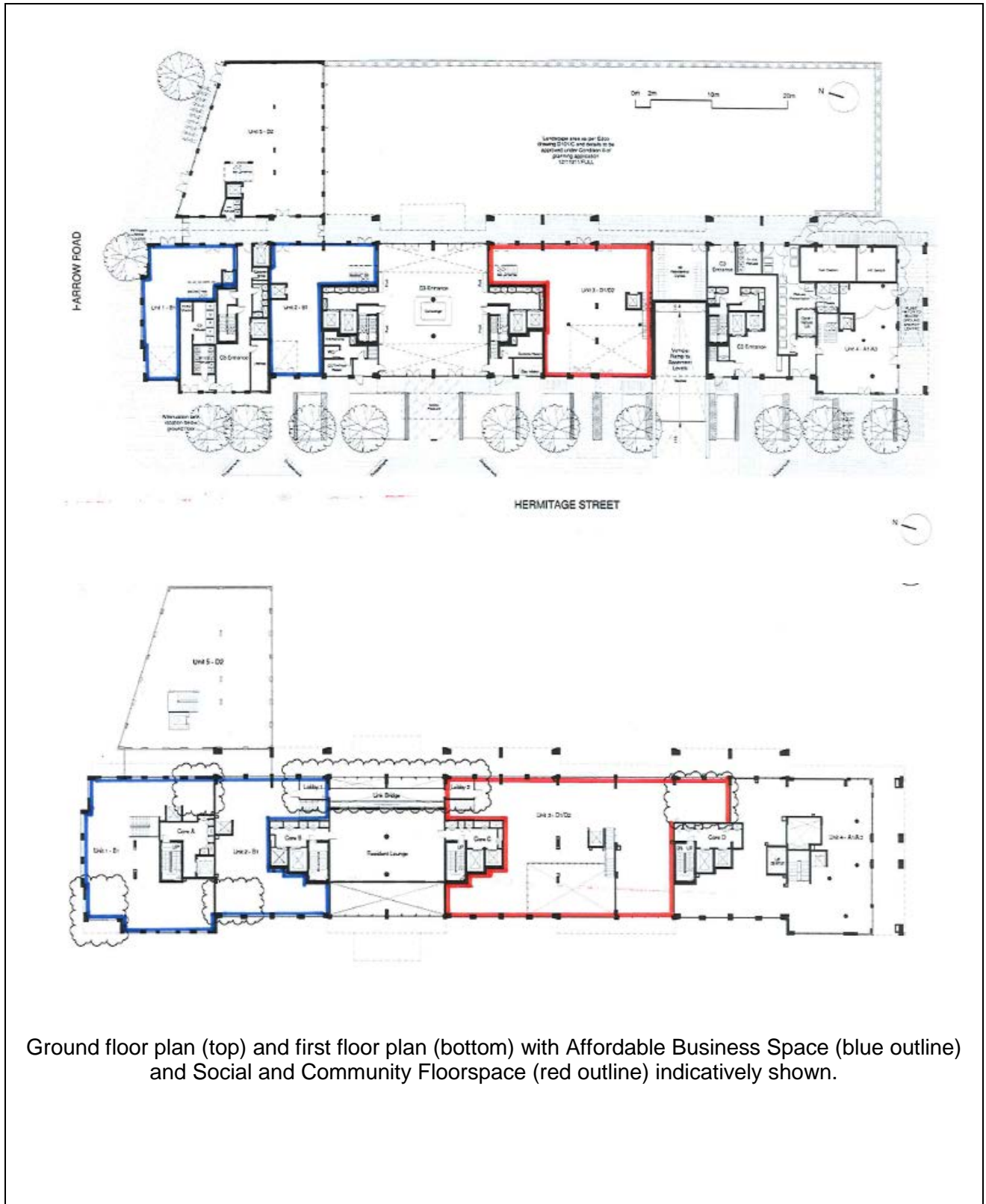
Selected relevant drawings

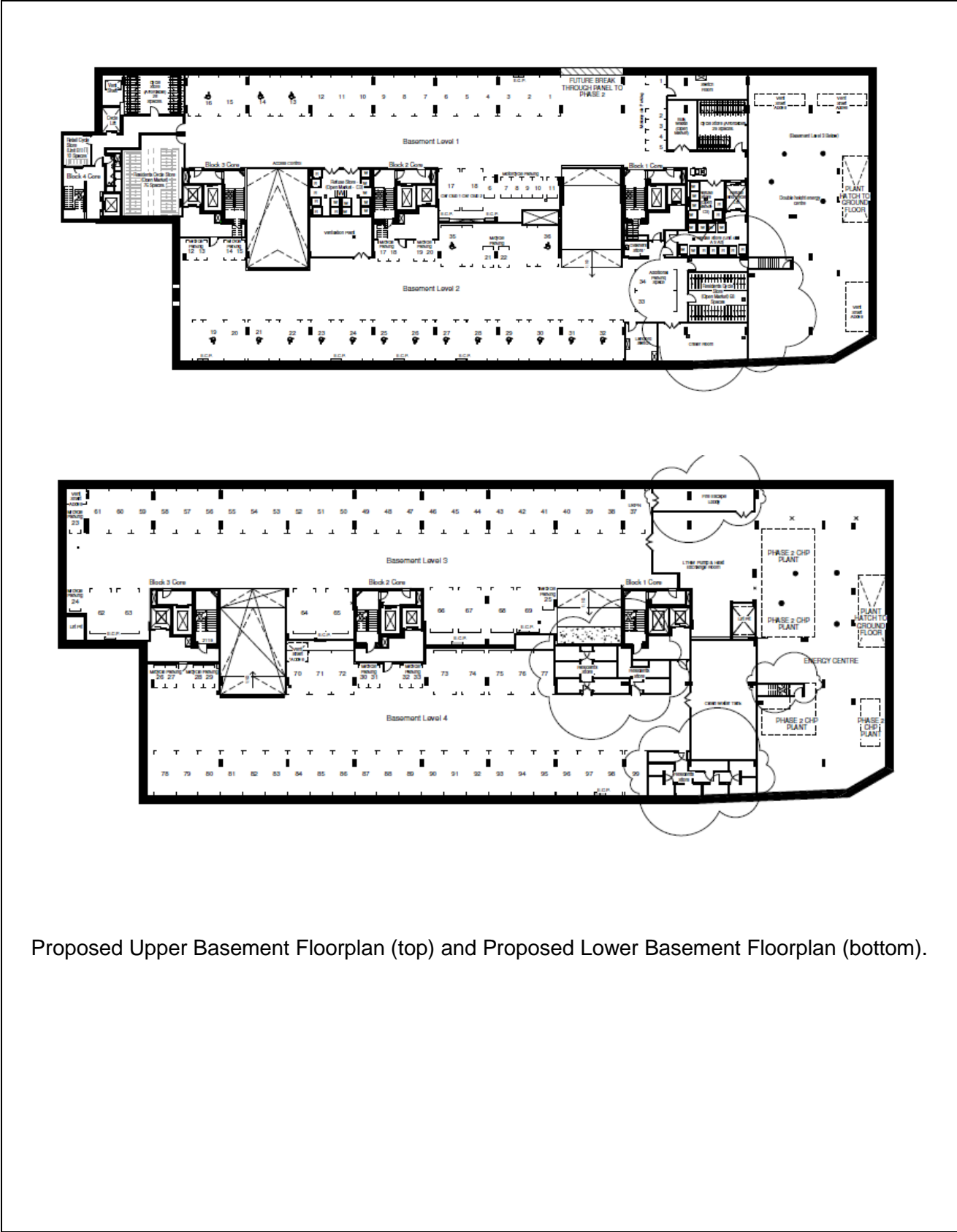
Proposed plans and elevations.

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

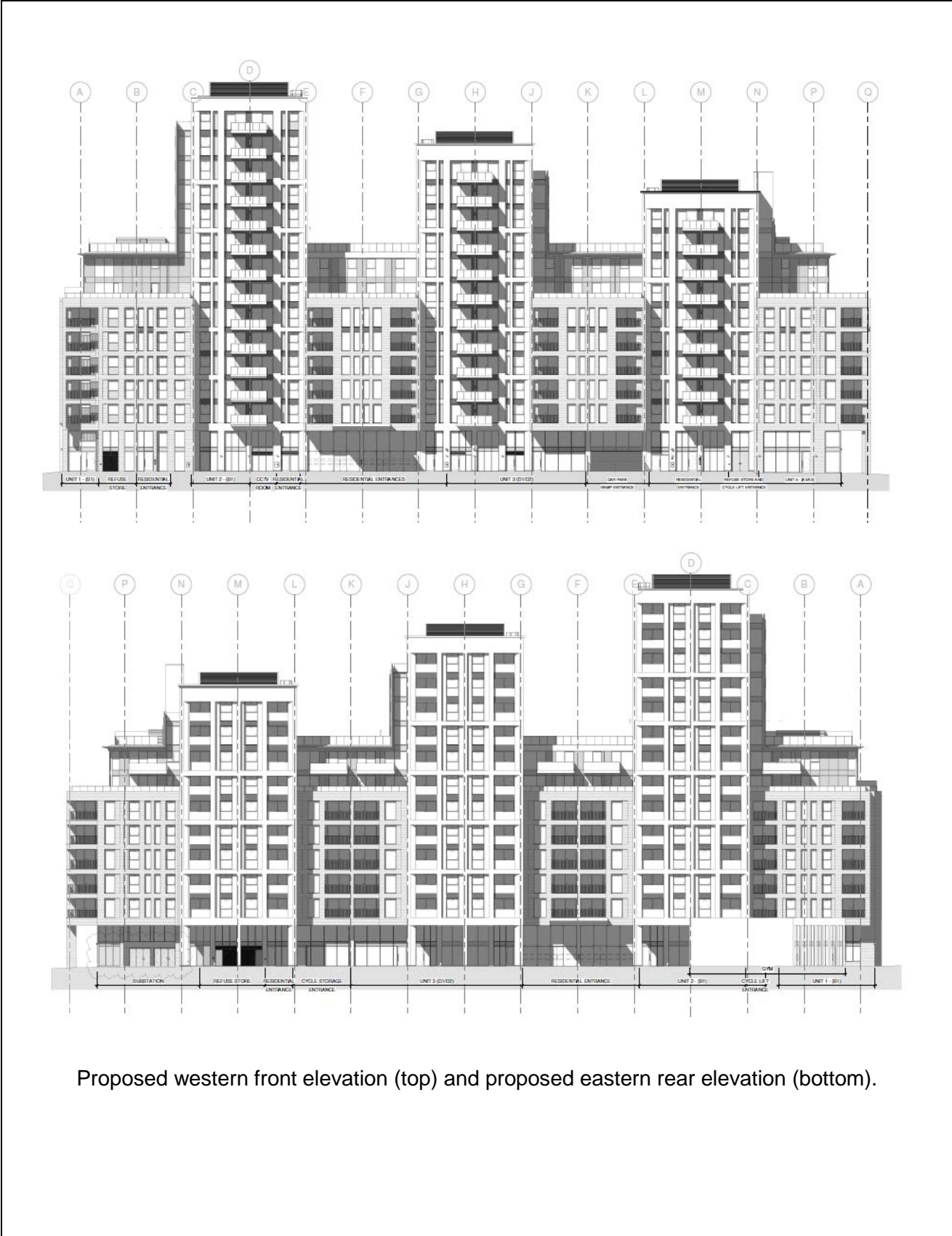
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk

10. KEY DRAWINGS

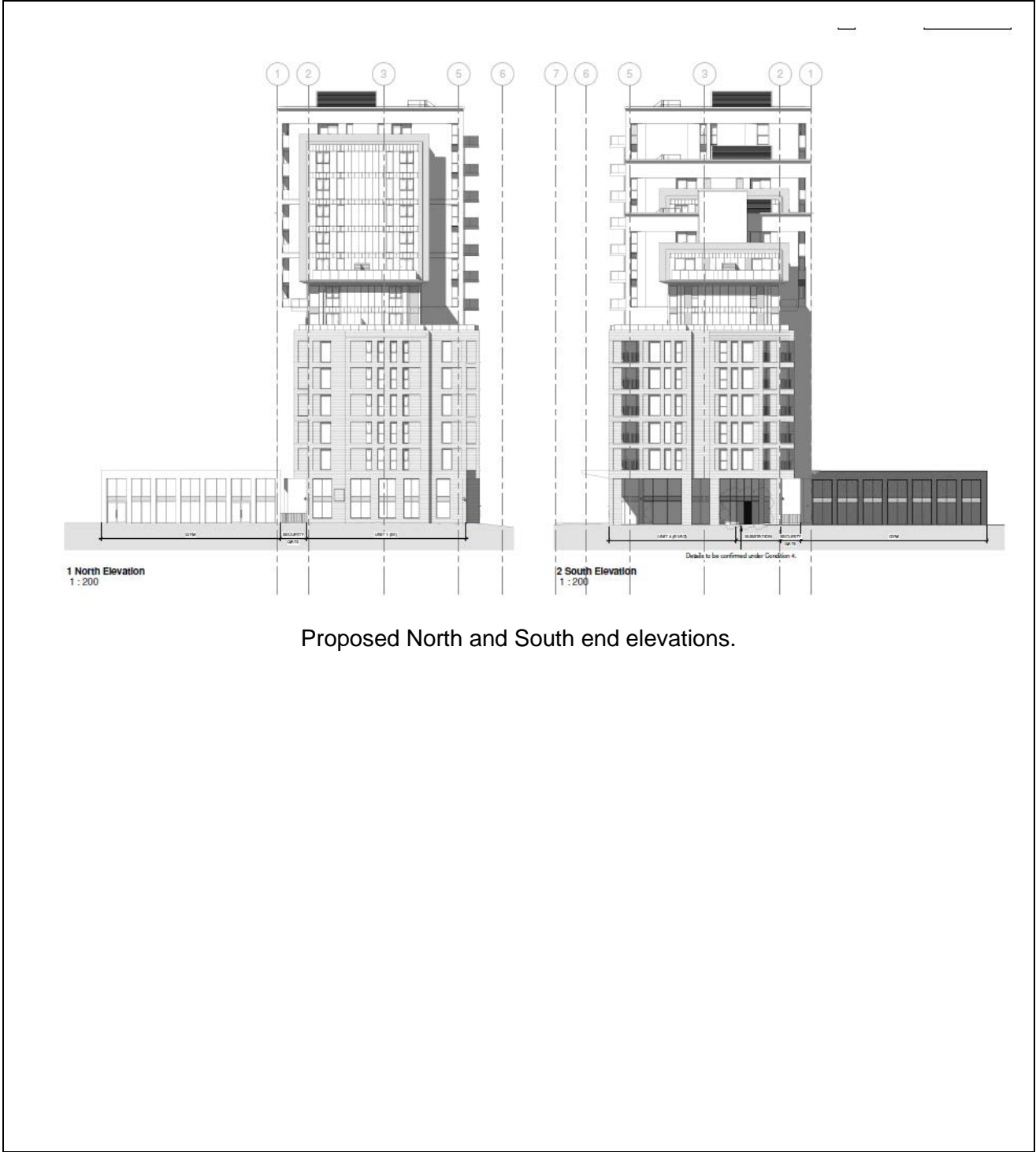




Proposed Upper Basement Floorplan (top) and Proposed Lower Basement Floorplan (bottom).



Proposed western front elevation (top) and proposed eastern rear elevation (bottom).



Proposed North and South end elevations.

DRAFT DECISION LETTER

Address: North Westminster Community School, North Wharf Road, London, W2 1LF,

Proposal: Variation of Condition 1 of planning permission dated 14 August 2015 (RN: 14/09037/FULL) for the variation of Condition 1 and removal of Condition 45 of planning permission dated 30 December 2013 (RN: 12/11911) for redevelopment of the western end of the former school site by erection of a building ranging between two and 15 storeys in height to provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2), provision of public open space, public realm and landscaped area, highways works including widening of Hermitage Street to accommodate two way vehicular traffic, new vehicular and pedestrian accesses and two storey basement to provide vehicular and cycle parking, energy centre and ancillary servicing accommodation; namely, to relocate the electricity sub-station from basement to ground floor level with associated reduction in retail floorspace at ground floor level and alterations to the building facade, realignment of basement wall to plant room/ energy centre and remove requirement for a deed of variation to the S106 agreement dated 30 December 2013 to incorporate the non-material amendments to the scheme approved on 2 September 2014 (14/03611/NMA). NAMELY, to vary the approved drawing numbers to allow the replacement of the approved limestone facing material with reconstituted stone.

Reference: 16/03602/FULL

Plan Nos: NWG/PDA/A31/ALL/DET/SL/020805, Powell Dobson Architects External Reconstituted Stone Cladding brochure dated 20.04.2016 and letter from DP9 dated 20 April 2016. Previously approved drawings and supporting documents as listed on decision letters dated 14 August 2015 (14/09037/FULL) and 30 December 2013 (12/11911/FULL), as amended by preceding drawings and documents listed on this decision letter.

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

* between 08.00 and 18.00 Monday to Friday;

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

You must carry out basement excavation work only:

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

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

Reason:

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

- 3 Excluding the reconstituted stone hereby approved, unless you carry out the development in accordance with the facing materials we approved on 8 February 2016 and 6 July 2016 (RNs: 15/09252/ADFULL and 16/03660/ADFULL) you must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 Unless you carry out the development in accordance with the details we approved on 4 November 2016 (RN: 15/09096/ADFULL) pursuant to parts (a), (b), (d) and (e) of the condition, you must apply to us for approval of detailed drawings at a scale of 1:50 (at ground and first floor level), including large scale detail elevations and sections at a scale of 1:10 of the following parts of the development: , (a) Typical details of all proposed shopfronts to retail units., (b) Typical details of all social and community use and affordable business use facades., (c) Typical details of all gym facades., (d) The vehicular entrance ramp and associated retaining walls and building entrance., (e) Residential entrances and associated canopies (where proposed)., , You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 Unless you carry out the development in accordance with the details we approved on 28 June 2016 (RN: 14/09037/FULL), you must apply to us for approval of detailed drawings of any cleaning and maintenance equipment to be fixed to the building, including on roofs. 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 these details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must carry out the development in accordance with the details of public art that we approved on 4 November 2016 (RN: 16/08944/ADFULL).

Reason:

To make sure that the appearance of the development is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan that we adopted in November 2016 and DES 1 and DES 7 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 Unless the development is carried out in accordance with the details of landscaping we approved on 17 October 2016 (RN: 15/11526/ADFULL), you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for all parts of the site at ground level that are not covered by buildings, which includes the number, size, species and position of trees and shrubs. You must not start work until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five 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 the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan that we adopted in November 2016 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 9 Unless you carry out the development in accordance with the details of lighting and CCTV cameras that we approved on 4 October 2016 (RN: 16/08238/ADFULL), you must apply to us for approval of a strategy for installation (providing the location, position, lighting level (lighting only) and camera coverage/ light splay), detailed drawings and manufacturers specifications of all external light fixtures and externally mounted CCTV cameras. 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 in accordance with the details that we approve.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 Unless the development is carried out in accordance with the details of landscaping we approved on 17 October 2016 (RN: 15/11526/ADFULL), you must apply to us for approval of detailed drawings of the hard

landscaping and paving to the public realm areas, including street furniture, at a scale of 1:50, including details and cross sections at a scale of 1:10. 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 these drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan that we adopted in November 2016 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 11 Unless the development is carried out in accordance with the samples of paving and other landscaping materials we approved on 17 October 2016 (RN: 15/11526/ADFULL), you must apply to us for approval of samples of the paving and other materials, including planters and other street furniture not required by other conditions of this approval, for the public realm areas. 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 using the materials that we approve. (C26BB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 12 You must apply to us for approval of detailed drawings of the proposed play equipment/ features to be provided in the public open space/ garden area to the rear of the development. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings and install the play equipment we approve prior to the occupation of the development.

Reason:

To ensure the provision of appropriate children's play provision so that the proposed development accords with Policy S35 in Westminster's City Plan that we adopted in November 2016 and Policies H10 and SOC 6 in the Unitary Development Plan we adopted in January 2007.

- 13 The 'retail' accommodation at ground and first floor level shall only be occupied by uses falling within Classes A1 or A3 of the Town and Country Planning (Use Classes) Order 1987, as amended April 2005, (or any equivalent class in any order that may replace it), details of which, including its location and floor area, a description of each use, its Use Class, hours of operation and hours of servicing shall be agreed in writing by us before the relevant use commences. The accommodation shall not be occupied other than in accordance with the details thus approved, unless otherwise agreed by us in writing.

Reason:

Insufficient information has been submitted to demonstrate in amenity terms the acceptability of unrestricted Class A3 use. In the absence of such information the City Council considers that it would be premature to confer unrestricted Class A3 use on these parts of the development. This is in accordance with S3, S29 and S32 in Westminster's City Plan that we adopted in November 2016 and TACE 8 and TACE 9 in the Unitary Development Plan that we adopted in January 2007.

- 14 If any of the 'retail' accommodation hereby permitted is to be occupied for Class A3 purposes the use(s) shall not commence until full details of means of ventilation for the extraction and dispersal of cooking smells (including details of its method of construction and appearance, hours of use and noise attenuation methods) have been submitted to and agreed by us in writing. The accommodation and mechanical plant

shall not be occupied/ operated otherwise than in accordance with the details thus approved.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S31 and S32 in Westminster's City Plan that we adopted in November 2016 and ENV6, ENV7 and DES5 of the Unitary Development Plan that we adopted in January 2007. (R14AB)

- 15 Not more than 50% of the 'retail' floorspace within the development shall be occupied by uses falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987, as amended April 2005, (or any equivalent class in any order that may replace it).

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S31 and S32 in Westminster's City Plan that we adopted in November 2016 and ENV6, ENV7 and DES5 of the Unitary Development Plan that we adopted in January 2007. (R14AB)

- 16 You must provide and make ready for occupation the social and community floorspace at ground and first floor levels prior to occupation of not more than 50% of the market residential flats in the buildings, which are those residential units contained within Blocks 1, 2 and 3 on the approved drawings.

Reason:

To ensure that the replacement social and community floorspace is provided in accordance with S3 and S34 in Westminster's City Plan that we adopted in November 2016 and SOC1, SOC2, SOC3 and SOC4 in the Unitary Development Plan that we adopted in January 2007.

- 17 The social and community floorspace at ground and first floor levels shall only be occupied by uses falling within Classes D1 and D2 of the Town and Country Planning (Use Classes) Order 1987, as amended April 2005, (or any equivalent class in any order that may replace it), details of which, including a description of each use, its Use Class, hours of operation and hours of servicing shall be agreed in writing by us before the relevant use commences. The accommodation shall not be occupied other than in accordance with the details thus approved, unless otherwise agreed by us in writing.

Reason:

Insufficient information has been submitted to demonstrate in land use and amenity terms the acceptability of unrestricted Class D1 or D2 use. In the absence of such information the City Council considers that it would be premature to confer unrestricted Class D1 or D2 use on these parts of the development. This is in accordance with S3, S29 and S34 in Westminster's City Plan that we adopted in November 2016 and ENV6 and SOC1 in the Unitary Development Plan that we adopted in January 2007.

- 18 You must provide each car parking space shown on drawings A (05)200 Rev.C and A (05)201 Rev.C and each car parking space shall only be used for the parking of the private vehicles of people living in the residential part of this development.

Reason:

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

- 19 You must provide the two car parking space annotated as 'Car Club 1 and Car Club 2' on drawing A (05)201 Rev.C and these spaces shall only be used for the parking of car club vehicles and for no other purpose.

Reason:

To provide car club parking spaces for people living in and using the development and to encourage more sustainable modes of transport in accordance with Policy S41 in Westminster's City Plan that we adopted in November 2016. (R22AB)

- 20 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.

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

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 22 Before anyone moves into the development, you must provide the separate stores for waste and materials for recycling shown on drawing numbers A (05)200 Rev.C, A (05)201 Rev.C and 00 A (05)202 Rev.D. You must clearly mark them and make the respective waste stores available at all times to everyone occupying the residential accommodation and other non-residential accommodation within the development.

Reason:

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

- 23 (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 (November 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.

- 24 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.

- 25 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.

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the

development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 27 You must provide the double height Energy Centre at basement level in the location shown on drawings A (05)200 Rev.C and A (05)201 Rev.C and as set out in the Energy Statement dated November 2012 prior to occupation of any of the residential or non-residential parts of the development. Thereafter you must maintain the Energy Centre in the location shown on the approved drawings and energy statement.

Reason:

To make sure that the development provides the environmental sustainability features included in your application in accordance with S28 and S39 in Westminster's City Plan that we adopted in November 2016 and Policies 5.2, 5.3 and 5.6 in the London Plan 2015 (FALP - as amended).

- 28 You must carry out the development in accordance with the overheating and cooling strategy, including installation of mechanical ventilation with heat recovery system to each flat, set out in the submitted Environmental Noise Survey and Building Facade Requirements report (Rev.5) (contained with Volume 4A of the ES). Thereafter you must permanently maintain the mechanical ventilation system with heat recovery to each flat in accordance with the approved strategy and you must not remove it.

Reason:

To improve the energy efficiency of the development and ensure the building provides an acceptable internal living environment in accordance with S28 and S29 in Westminster's City Plan that we adopted in November 2016 and 5.9 in the London Plan 2015 (FALP - as amended October 2013).

- 29 The dwellings shall achieve Level 4 of the Code for Sustainable Homes or higher (or any such national measure of sustainability for house design that replaces that scheme of the same standard). A copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 or higher shall be submitted to us for our approval within three months of occupation of the residential parts of the development. , , If the submitted Final Post Construction Stage Assessment and Certification do not demonstrate that the residential part of the development has achieved Code for Sustainable Homes Level 4 or higher then you must also submit a remediation strategy and a timetable for carrying out the remedial works necessary to achieve Code for Sustainable Homes Level 4 or higher. You must carry out any remedial works that are required in accordance with the strategy and timetable that we approve.

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 (November 2016). (R44AC)

- 30 The development must score both available credits under the Code for Sustainable Homes Ene7: Low or Zero Carbon Technologies.

Reason:

To ensure that the development achieves carbon reduction through the use of renewable technology, in accordance with S40 of Westminster's City Plan that we adopted in November 2016.

- 31 The non-residential parts of the building shall achieve a BREEAM 'Excellent' rating or higher (or any such national measure of sustainability for house design that replaces that scheme of the same standard). A copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post

Construction Stage Assessment and Certification, confirming that the non-residential parts of the building have achieved BREEAM 'Excellent' rating or higher shall be submitted to us for our approval within three months of occupation of the non-residential parts of the development. , , If the submitted Final Post Construction Stage Assessment and Certification do not demonstrate that the residential part of the development has achieved BREEAM 'Excellent' or higher then you must also submit a remediation strategy and a timetable for carrying out the remedial works necessary to achieve BREEAM 'Excellent' or higher. You must carry out any remedial works that are required in accordance with the strategy and timetable that we approve.

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 (November 2016). (R44AC)

- 32 Unless you carry out the development in accordance with the details of bird and bat boxes we approved on 3 November 2015 (RN: 15/09464/ADFULL), you must apply to us for approval of detailed drawings indicating the location and number of bird and bat boxes within the landscaping of the development hereby approved. 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 works in accordance with the details we approve prior to the occupation of the building.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 33 You must apply to us for approval of detailed drawings (including a manufacturer's specification if appropriate) and a management plan for the proposed biodiverse (green and brown) roof over the gym accommodation. You must not install the biodiverse roof until we have approved what you have sent us. You must then carry out the works in accordance with the details we approve and permanently maintain the biodiverse roofs in accordance with the approved management plan, unless otherwise agreed by us in writing.

Reason:

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

- 34 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , - Photovoltaic panels at roof level., , You must not remove any of these features, 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 (November 2016). (R44AC)

- 35 No tables and chairs shall be placed outside of the 'retail' (Classes A1 or A3) premises hereby approved within the hard or soft landscaping of the public realm without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures such as enclosure around tables and chairs or sun shades that you propose to place within the hard or soft landscaping comprising the public realm. You must not place the table and chairs or associated structures outside the 'retail' premises until we have approved what you

have sent us. You must then place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve.

Reason:

To prevent obstruction to pedestrian movement across the site, protect the amenity of neighbouring residents and ensure that the appearance of the tables and chairs and associated structures are appropriate in accordance with S28, S32 and S41 in Westminster's City Plan that we adopted in November 2016 and DES1, ENV6 and TRANS3 in the Unitary Development Plan we adopted in January 2007.

- 36 You must carry out the development in accordance with the surface water drainage scheme for the site that we previously approved on 26 March 2013 (RN: 14/01044/ADFULL). You must carry out the development in accordance with the details that we previously approved, unless you apply to us and we approve in writing an alternative surface water drainage scheme. If we approve an alternative surface water drainage scheme you must then carry out the development in accordance with that alternative scheme.

Reason:

To prevent increased risk of flooding and improve and protect water quality in accordance with Policy S30 in Westminster's City Plan that we adopted in November 2016.

- 37 You must carry out the development in accordance with the Phase 1 (Desktop Study), Phase 2 (Site Investigation) and Phase 3 (Remediation Strategy) Contaminated Land reports that we previously approved on 24 April 2014 (RN: 14/00955/ADFULL).

Within 6 months of completion of the development you must apply for approval of a Phase 4: 'Validation report', which summarises the action you have taken during the development and what action you will take in the future. You must then carry out remedial works that may be required in accordance with the Phase 4: 'Validation report' that we approve. (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 38 You must carry out the development in accordance with the demolition and construction vehicular and pedestrian site accesses that we previously approved on 4 March 2016 (RN: 15/11290/ADFULL), unless you apply to us and we approve alternative demolition and construction vehicular and pedestrian site accesses. If we approve alternative demolition and construction vehicular and pedestrian site accesses, you must then carry out the development in accordance with these amended site accesses.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan that we adopted in November 2016 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 39 You must carry out the development in accordance with the Construction Management Statement that we previously approved on 4 March 2016 (RN: 15/11290/ADFULL), unless an alternative Construction Management Statement for the development is submitted to and approved in writing by us. If we approve an alternative Construction Management Statement, you must then carry out the development with the amended Construction Management Statement.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 40 You must provide the two way vehicular ramp to basement level as shown on drawing 00 A (05)202 Rev.D prior to occupation of the first residential flat and thereafter you must maintain the ramp in accordance with the approved drawing.

Reason:

To ensure the provision of vehicular parking at basement level in accordance with Policy TRANS23 in the Unitary Development Plan we adopted in January 2007.

- 41 Unless you carry out the development in accordance with the details of landscape and habitat management we approved on 14 October 2016 (RN: 16/06414/ADFULL), you must apply to us for approval of an Landscape and Habitat Management Plan, which must include provision of details of the habitats to be provided and maintained within the landscaped open space and other public realm areas. You must not commence work on the landscaped open space or any other public realm areas until we have approved what you send us. You must then carry out and maintain the landscaping and public realm works in accordance with the approved Landscape and Habitat Management Plan.

Reason:

To ensure that the development provides habitats to replace those loss through demolition of the existing buildings and landscaping and to encourage biodiversity on site in accordance with Policy S38 in Westminster's City Plan that we adopted in November 2016 and Policy ENV17 in the Unitary Development Plan we adopted in January 2007.

- 42 You must carry out the development in accordance with the the tree protection measures we previously approved on 26 March 2014 (RN: 14/01044/ADFULL) unless you must apply to us for approval of alternative ways in which you will protect the trees which you are keeping, as shown on drawings 601_TS01 and 602_TS02AIA. If you apply for approval of alternative tree protection measures to those previously approved, you must not carry out the development in accordance with the alternative tree protection measures until we have approved them in writing.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 43 You must provide and make ready for occupation the affordable business space floorspace at ground and first floor levels prior to occupation of not more than 50% of the market residential flats in the buildings, which are those residential units contained within Blocks 1, 2 and 3 on the approved drawings.

Reason:

To ensure the provision of affordable business space within the Paddington Opportunity Area in accordance with Policy S3 in Westminster's City Plan that we adopted in November 2016.

- 44 You must not erect any extensions or otherwise enlarge the building hereby approved above the roof of the ground and first floor level 'gym' (annotated as 'D2') shown on drawings 00 A (05)202 Rev.D, 01 A (05)203

and 02 A (05)204.

Reason:

To prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in S29 of Westminster's City Plan that we adopted in November 2016 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21EC)

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 (November 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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to: ,
 - i. Development of an advertisement and shop front design strategy.
 - ii. Provision and affordability of affordable business floorspace.
 - iii. Provision and affordability of social and community floorspace (including fit-out to a 'Category B' finish).
 - iv. Provision of public realm works in accordance with a public realm masterplan.
 - v. Provision, maintenance and use of and access to the on-site public realm.
 - vi. A financial contribution of £53,247 (index linked) to PATS.
 - vii. Provision and management of on-site car club spaces.
 - viii. Provision of car club memberships (25 years) for 27 residential units (the affordable housing units).
 - ix. Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis.
 - x. A financial contribution of £56,000 (£28k pa - assuming 2yr build programme) to the Environmental Inspectorate/ Environmental Sciences.
 - xi. Provision and management of CCTV.
 - xii. Provision of costs for monitoring of agreement (£500 per head of term).
 - xiii. Adherence with the Council's Local Procurement Code.
 - xiv. Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.
 - xv. Mitigation measures for television interference.
 - xvi. Provision of 27 on-site affordable housing units to the tenure and mix set out in the committee report and to the Council's standard affordability criteria.
 - xvii. Provision and periodic review of a site wide travel plan.

- xviii. Provision of public highway enhancement works, required for the development to occur, in North Wharf Road, Harrow Road and Hermitage Street, including the carrying out of the agreed alterations to the highway along Hermitage Street.
 - xix. Dedication of the new highway along the east side of Hermitage Street.
 - xx. Provision of and compliance with a Balcony Management Strategy.
 - xxi. A financial contribution of £845,888 to the Affordable Housing Fund (to be paid on completion of the S106 agreement).
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 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.**

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.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	23B Grove End Road, London, NW8 9BP,		
Proposal	Demolition of the existing building and erection of replacement building comprising basement, ground and first floor levels for use as two dwellinghouses (Class C3).		
Agent	RPS CgMs		
On behalf of	Mr Meyonas		
Registered Number	16/05249/FULL	Date amended/ completed	27 July 2016
Date Application Received	3 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application seeks permission for the demolition of the existing building and erection of a replacement building comprising basement, ground and first floor levels. It is proposed to use the new building as two dwellinghouses (Class C3).

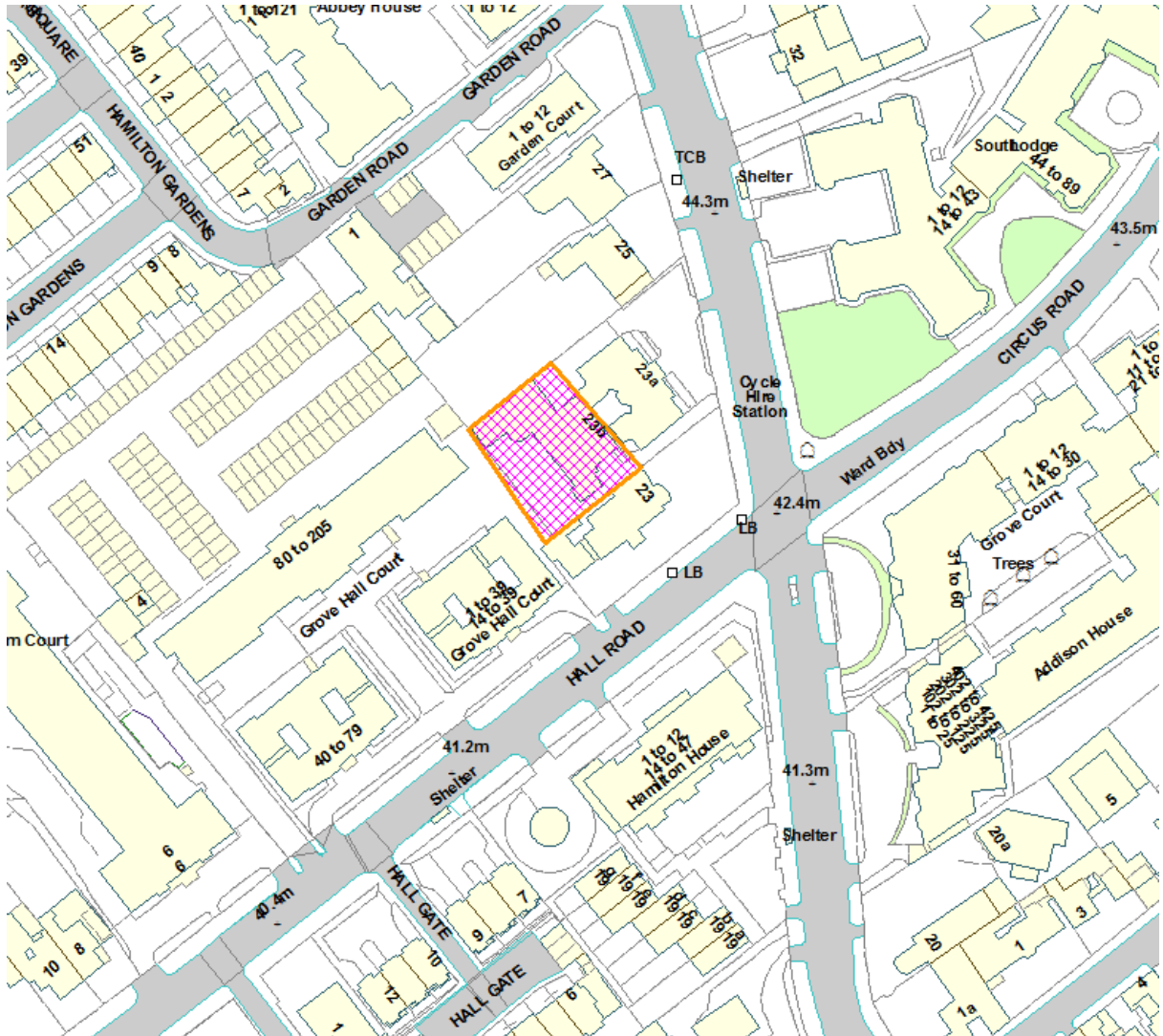
Permission has previously been granted in November 2010 and July 2014 for the demolition of the existing building, but on those occasions it was proposed to replace it with a new building with a basement floor to provide only one 7 bedroom dwellinghouse.

The key issues in this case are:

- The impact of the proposed development on the appearance of this part of the City and the adjacent St. John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.
- The impact on trees on or adjoining the application site.

Following amendments to proposed development to increase soil depth over the basement and to address initial concerns expressed by the Arboricultural Manager, the scheme is now acceptable in land use, design, amenity, environment and transportation terms and, subject to the recommended conditions, it would accord with the relevant policies in the UDP and City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of 23A Grove End Road, with access road to 23B Grove End Road, which is behind No.23A, to left of photograph.



Existing north east elevation.



Existing south east elevation.



View from first floor window looking south west towards Grove Hall Court.

5. CONSULTATIONS

ST. JOHN'S WOOD SOCIETY

Support concerns of neighbours in terms of noise from mechanical plant. Arboricultural Manager must ensure that no trees of high visual amenity would be harmed. Concerned that proposal will cause light pollution to neighbours.

ARBORICULTURAL MANAGER

No objection following submission of revised arboricultural survey and plans showing further set back of basement at front and provision of 1.2m vertical soil depth above basement where it extends beneath part of front and rear garden. Reservations regarding structural pile details breaching soil volumes addressed through the submission of revised structural drawings supplied 25 November 2016.

BUILDING CONTROL

No objection.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNER/OCCUPIERS

No consulted: 16; No of responses: 2.

Two emails received raising objection on all or some of the following grounds:

- Mechanical plant in rear garden would affect visual and audible amenity of neighbours to the rear and should be removed.
- Was not consulted on application.
- Scaffolding during development should be alarmed

ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located to the rear of No.23A Grove End Road. The site is not within a conservation area, but is located close to the boundary of the St. John's Wood Conservation Area, which runs along Grove End Road. The existing buildings on the site and adjacent to it are not listed.

The existing building has a lawful use as a single dwellinghouse, which has incorporated workshop studio uses over time. At the time of the application site visit in July 2016 the site was vacant.

6.2 Recent Relevant History

14/02179/FULL

Demolition of existing building and erection of a seven bedroom two storey dwellinghouse with basement floor.

Application Permitted 25 July 2014

10/06540/FULL

Demolition of existing building and erection of a seven bedroom two storey dwellinghouse with basement floor.

Application Permitted 9 November 2010

08/11071/FULL

Extensions at basement, ground, first and roof level in connection with the use of the building as a five bedroom house.

Application Permitted 12 February 2009

7. THE PROPOSAL

The application involves the demolition of the existing building at 23B Grove End Road and its replacement with two 5 bedroom dwellings incorporating a single storey basement. There have been two permissions for the redevelopment of the site for residential listed in the site history above.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the replacement of the existing building with two new dwellinghouses of increased floorspace accords with Policy H3 of the UDP and Policies S14 and S15 in the City Plan.

In terms of the quality of accommodation that would be provided, the replacement dwellinghouses would provide total floor area that would exceed Government's Technical Housing Standards (March 2015). The bedrooms located at basement level would achieve daylight levels that satisfy the Building Research Establishment (BRE) guidelines of at least 1% Average Daylight Factor for bedrooms. Other parts of the basement accommodation would receive less daylight; however, these are ancillary accommodation to be used as games and media rooms which do not require access to high levels of natural light. Overall the proposed dwellinghouses, which would have a large amount of habitable floorspace at ground and first floor bedrooms would provide a good standard of accommodation in terms of the natural light it receives.

Both dwellinghouses would have a private garden to provide external amenity space and this is welcomed.

8.2 Townscape and Design

Demolition of the existing building has previously been accepted as part of the permissions for redevelopment of this site that were granted in November 2010 and July 2014. The building is of limited architectural quality and is located outside a conservation area. As such, the principle of the demolition and redevelopment of the site is acceptable in design terms.

In terms of the height, footprint and massing of the building proposed, these aspects remain much as they were in the previously approved schemes and it remains acceptable as part of this current application. The building is at present, and would remain as part of this scheme, a small scale domestic property surrounded by more substantial mansion blocks. As a result, the views of the site are largely limited to private views from the upper floor windows of surrounding buildings. The most significant change to the overall arrangement of the site is the conversion from a single large house to two separate houses, and whilst this involves a split in the landscaped rear garden area to incorporate a garden fence, the impact of this change is minor in design and townscape terms.

In detailed design terms the approach differs slightly from the previously approved schemes and the overall appearance is less unified as the architects have sought to distinguish between the now two separate dwellings. Both the previously approved building and the one now proposed have principally a hand made dark red brick finish to the elevations, although the scheme now proposed includes some areas of cedar cladding and lighter coloured brickwork to give a more layered approach to the design, rather than a wholly unified finish. The building is still a relatively large property (notwithstanding it comprising only two floors above ground) and the introduction of a differing cladding to break up the massing of elements of the elevations and slate cladding material to the roof is considered acceptable.

In terms of the proposed basement, it is located beneath the proposed building and in part under the front driveway and rear garden, incorporating a single lightwell serving each dwelling respectively. The basement has been assessed under the recently adopted basement development policy (Policy CM28.1) and the Supplementary Planning Document (SPD) 'Basement Development in Westminster (2014)'. The proposed basement would be a single storey, extends under an area of no greater than 50% of garden land, where required it would retain a margin of undeveloped land to the perimeter of the site, and it includes 1.2m of vertical soil depth above the basement where it extends beneath the rear garden and front drive. With regards to the rooflights serving the basement, their size and positioning adheres with requirements that they be discreetly incorporated into basement proposals, pursuant to part (B) (5) of Policy CM28.1 and as set out in the guidance in the SPD.

Adjoining occupiers have raised concerns with regards to the visual amenity of the proposed air conditioning enclosures in the gardens of each property. UDP policy DES 5 advises that any necessary equipment, such as plant, should be enclosed within the external envelope of the building, which is also recommended in the basement SPD. In this instance, the enclosures are positioned adjacent to the building façade at the rear of

the building. Given the discreet location of the site and its location outside of a Conservation Area, subject to details of materials for the enclosure, which are to be secured by condition, it is not considered permission could reasonably be withheld on these grounds.

Overall, the design approach remains similar to that previously approved, the materials are considered acceptable, and the application is acceptable in design terms and would accord with Policies DES1, DES4 and DES9 in the UDP and S28 and CM28.1 in the City Plan.

8.3 Residential Amenity

Policy ENV 13 in the UDP states that the Council will resist proposals that would result in a material loss of daylight or sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 in the City Plan aims to protect the amenity of residents from the effects of development.

The proposed building would occupy broadly the same footprint as the extant permission and the height would also be no greater than the extant permission. As such, there would be no material increase in enclosure relative to the existing situation and the previously approved schemes. Windows would be located to avoid overlooking to neighbouring windows and gardens. A condition is recommended to restrict future permitted development rights to prevent overlooking or enclosure occurring as a result of future alterations to the two dwellinghouses that form part of this development.

The application is accompanied by a daylight and sunlight report and this identifies, in terms of impacts upon surrounding properties, that there would be very little change in comparison to the consented scheme. Where changes are observed, these mainly show improvements in both the daylight and sunlight levels that would be experienced.

As per the previously approved extant scheme, three rooms at the rear within 'The Hall' (23A Grove End Road) would fall marginally short of Building Research Establishment (BRE) target levels with respect to daylight, although these serve non habitable rooms and are located beneath fire escape walkways, which likely make them particularly sensitive to daylight and sunlight changes. With regards to sunlight, all windows with south orientation show full compliance with BRE Guidelines. As such, the redevelopment is not considered to have adverse impacts on neighbouring amenity with regards to its scale and massing.

The proposed development would incorporate two air conditioning units in the newly created rear gardens within the site. The application is accompanied by an acoustic report that identifies these as likely to comply with Policies ENV6 and ENV7 in the City Plan and S32 in the City Plan. Environmental Health have reviewed this report and are content that the mechanical plant would be likely to comply with these policies subject to conditions to control future noise and vibration from the plant.

Objections from a resident adjoining the site in Grove Hall Court and another close adjoining resident have been received on grounds of likely noise disturbances as a result of the mechanical plant in its location within the garden area. The objections also identify

that the type of plant has not been specified, nor has the acoustic enclosure. These concerns are acknowledged and it is recommended that further details of the plant and the acoustic enclosures are secured by condition, along with a supplementary acoustic report to demonstrate that the particular equipment chosen by the applicant will comply with the noise policies in the UDP and City Plan. Subject to these conditions, it is considered that the concerns raised by neighbours on this ground have been addressed.

8.4 Transportation/Parking

The existing site has two car parking spaces. The proposal provides two spaces per unit, in individual car stackers for each unit. TRANS23 in the UDP requires 1.5 vehicles per residential unit of three bedrooms or more. Therefore the provision of a total of two spaces per unit exceeds the maximum set out in the policy. However, in practice the provision of parking in accordance with this standard must be assessed pragmatically, particularly as the standards seek 1.5 spaces for units of this size and not a round number. The parking proposed would be discreetly located within the envelope of the proposed building and would have no adverse impact on the appearance of the site or the operation of the local highway network given that access to the highway would be unchanged (i.e. using an existing crossover to the front of No.23A Grove End Road).

With regards to cycle parking and dedicated waste storage, dedicated areas for these are shown on the plans and these are to be secured by condition.

8.5 Access

Level access would be provided to the ground floor of both dwellings and this is sufficient step free access given that these would be private houses and not publically accessible buildings.

8.6 Economic Considerations

No economic considerations are applicable for a development of this size

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees and Landscaping

Part (B)(2) of Policy CM28.1 sets out that basement proposals must not result in the loss of trees of townscape, ecological or amenity value and where trees are affected, the applicant must provide an arboricultural report explaining particular steps to protect existing trees.

In this case the proposed development was initially the subject of objections from the Arboricultural Manager. Her concerns related to encroachment of the basement cinema room on the root protection area of the trees in neighbouring garden of No. 25 Grove End Road, which are protected by a Tree Preservation Order and as the scheme failed to provide sufficient vertical soil depth above the basement where it extends below part of front and rear gardens.

In response to these concerns further trial pit excavations were undertaken on site to establish the actual degree of rooting of the neighbouring trees below the application site. Following this exercise the applicant has updated the submitted arboricultural survey to reflect these results and has set back the proposed basement at the front of the site. In terms of soil depth, the scheme has been amended to provide 1.2m of soil depth over the basement where it projects beyond the building above ground level and this would ensure that there is adequate soil depth for landscaping, tree planting and sustainable drainage. Following these amendments the Arboricultural Manager does not raise objection and it is considered that subject to the recommended tree protection and landscaping conditions, the scheme complies with Policies ENV16 and ENV17 in the UDP and CM28.1 in the City Plan.

8.7.2 Structural and Construction Impact

The structural methodology submitted in relation to the basement excavation proposed has been assessed by Building Control who advise that the details submitted are sufficient to demonstrate that the method of excavation is appropriate for the ground conditions found in this location and would not present any significant structural risks to neighbouring buildings. Accordingly, the requirements of CM28.1 in respect of the structural impact of this part of the development have been met.

In terms of the amenity of the locality during construction, a Construction Management Plan (CMP) has been submitted detailing the vehicular arrangements during construction, which provides an overview of how the development might be undertaken. However, since summer 2016 and the adoption of the basement policy (CM28.1), the policy requirement for controlling the impact of basement construction is to require developments to comply with the City Council's Code of Construction Practice (CoCP). The CoCP, which is managed and monitored by the Environmental Inspectorate Team is now well established and it is therefore recommended that a condition is imposed requiring this development to be carried out in accordance with the CoCP, despite the application being submitted in June 2016 prior to adoption of the latest version of the CoCP. A further condition is recommended to control the hours of construction works, including the prevention of noisy basement excavation works on Saturdays.

One objection has been raised on grounds that the scaffolding should be alarmed. This is not a planning matter and therefore not a ground on which permission could be withheld.

8.7.3 Sustainability

Policy S28 of the City Plan requires applicants to demonstrate how their scheme incorporates elements of sustainable design through the submission of an Environmental Performance Statement. The submitted statement confirms the proposed building will achieve in excess of the 35% improvement upon baseline carbon dioxide emissions set out in 2013 Building regulation Part L through incorporating lean and green measures. For a development of this limited size, this satisfies the objectives of policy S28 of the City Plan.

8.8 London Plan

This application does not raise any 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.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floorspace figures, the estimated CIL liability would be £114,950 for Westminster's CIL (£550 per square metre in the Residential Prime Area), and £10,450 for the Mayor's CIL (£50 per square metre in Zone 1). However, it should be noted that these amounts are provisional and may be subject to any relief of exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment. Where relevant, sustainability and biodiversity issues are addressed elsewhere in this report.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Email from the St John's Wood Society dated 14 July 2016.
3. Emails from Building Control dated 21 June 2016 and 25 November 2016.
4. Memo from the Cleansing Manager dated 22 June 2016.
5. Memo from Environmental Health dated 30 June 2016.
6. Memo from the Highways Planning Manager dated 1 July 2016.
7. Memos from the Arboricultural Manager dated 18 July 2016, 29 July 2016 and 21 November 2016.
8. Email from the occupier of Flat 5 And 6, The Hall dated 8 July 2016.
9. Email from the occupier of 27 Grove Hall Court, Hall Road, dated 8 July 2016.

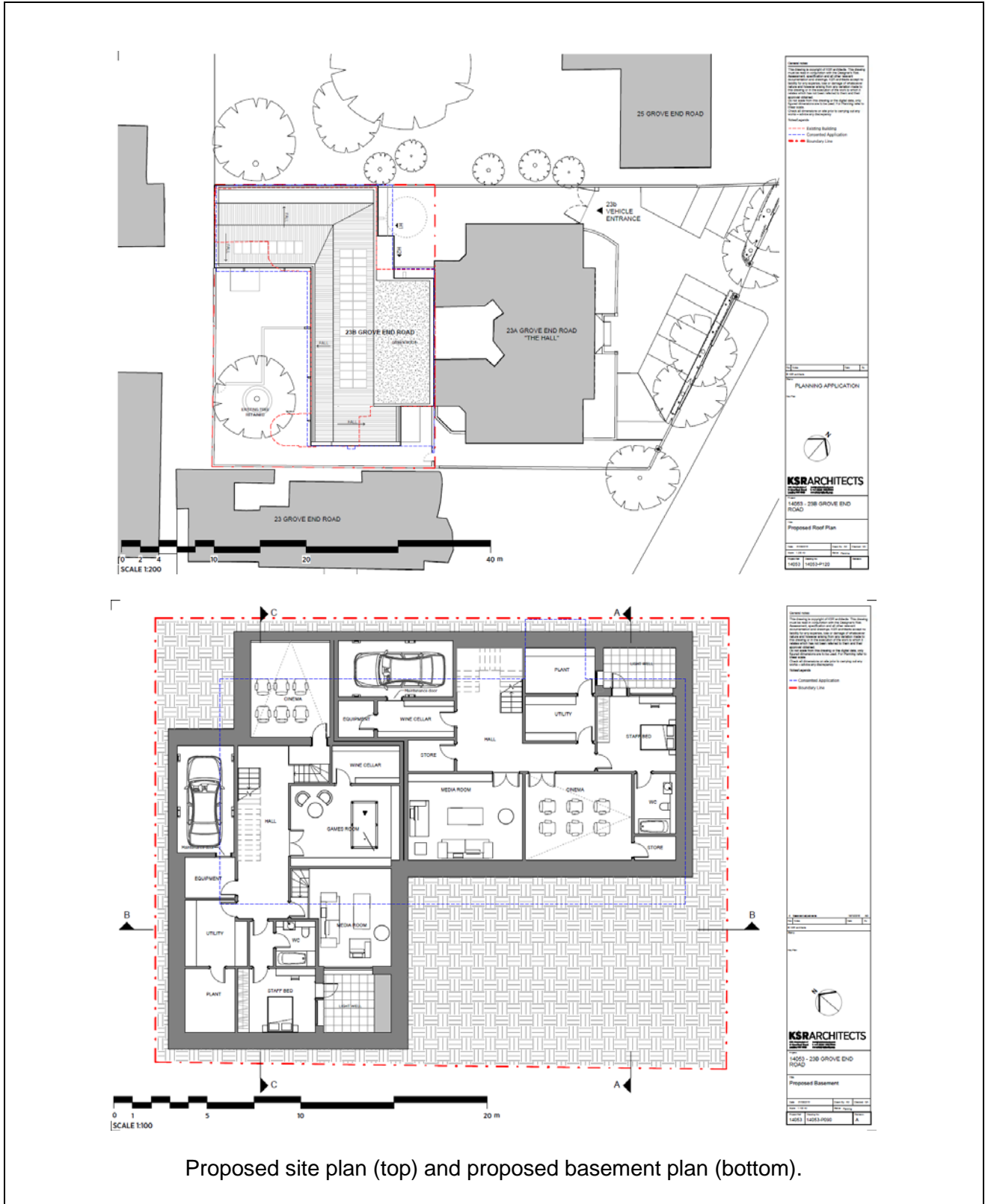
Selected relevant drawings

Existing and proposed plans, elevations and sections.

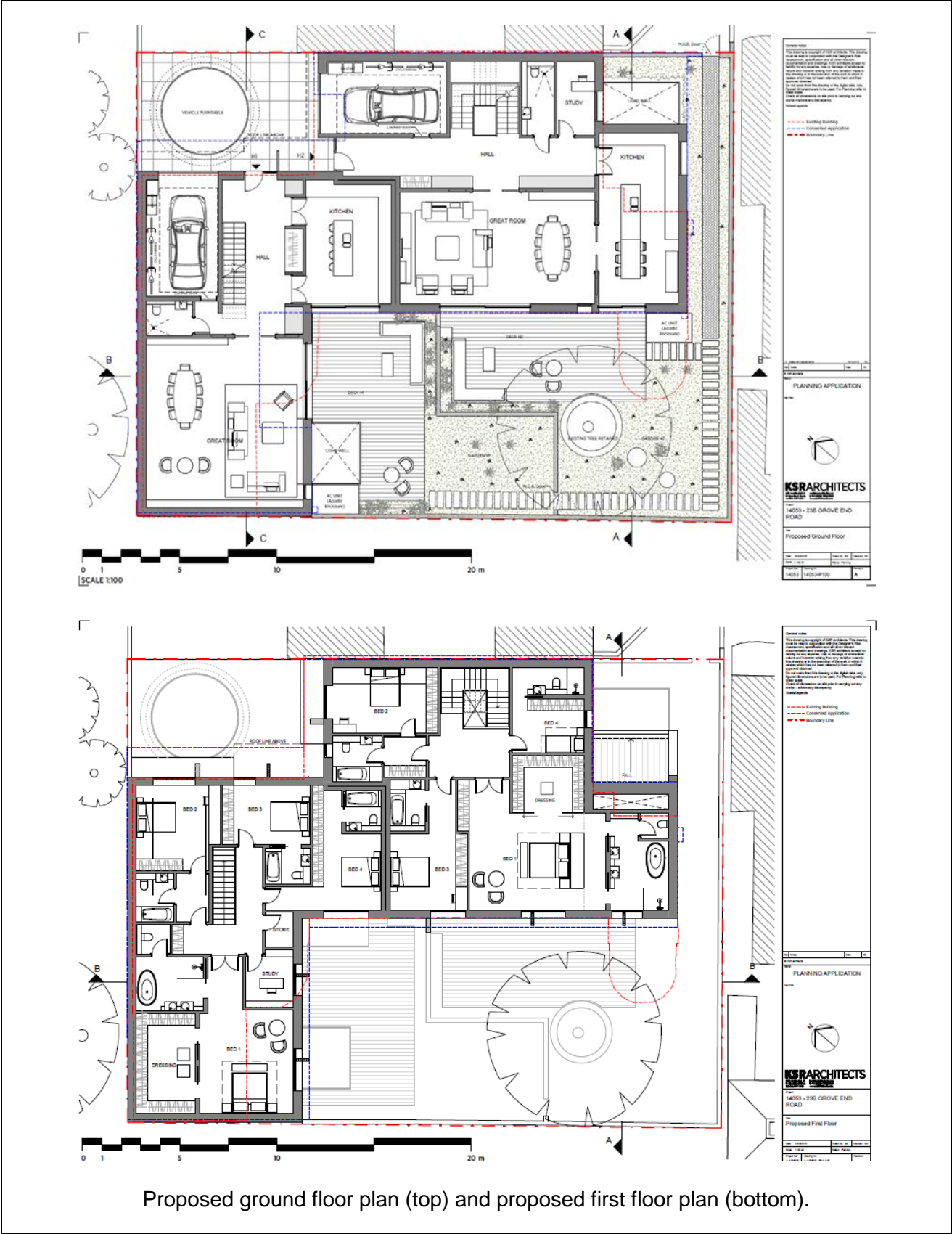
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

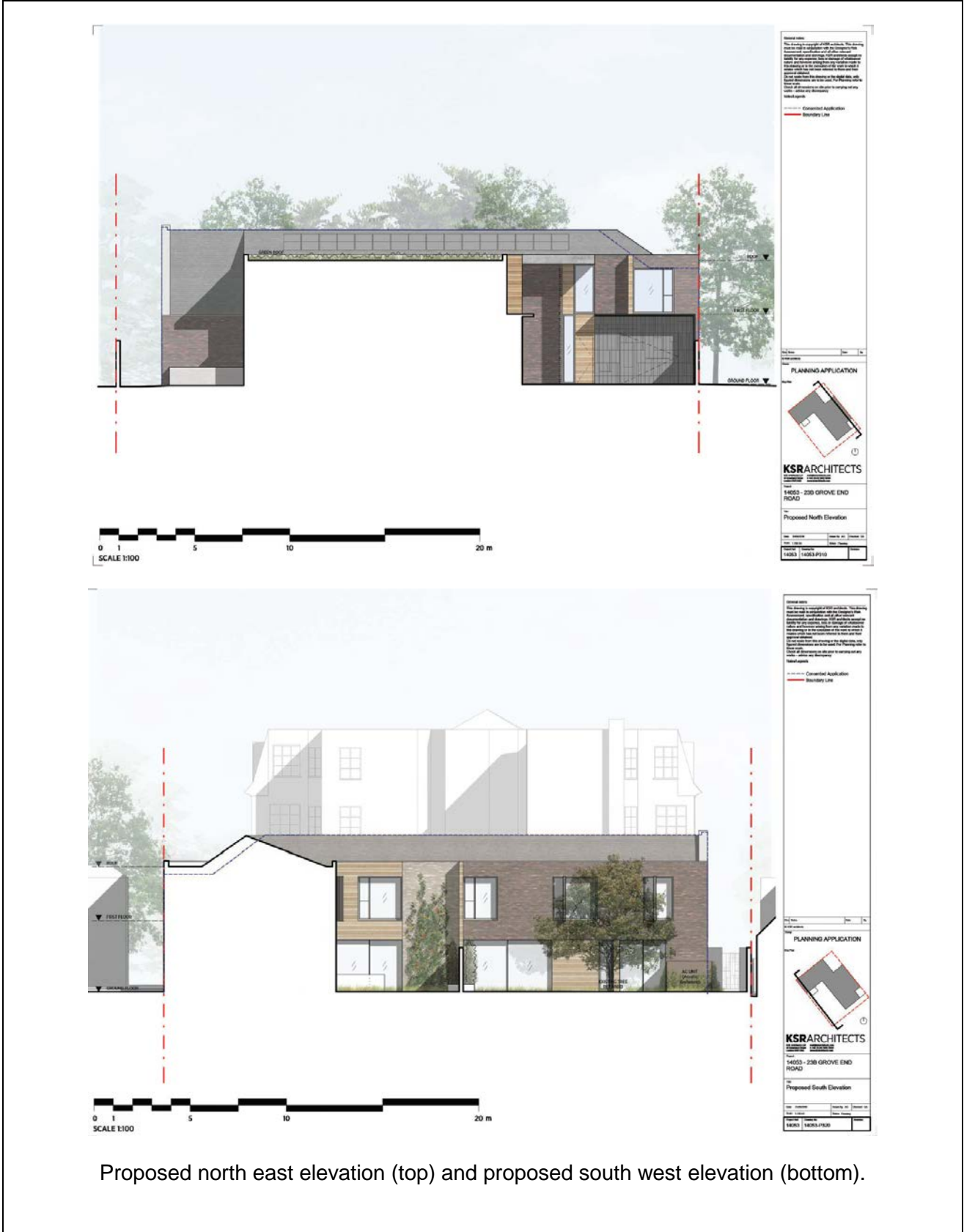
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk

10. KEY DRAWINGS

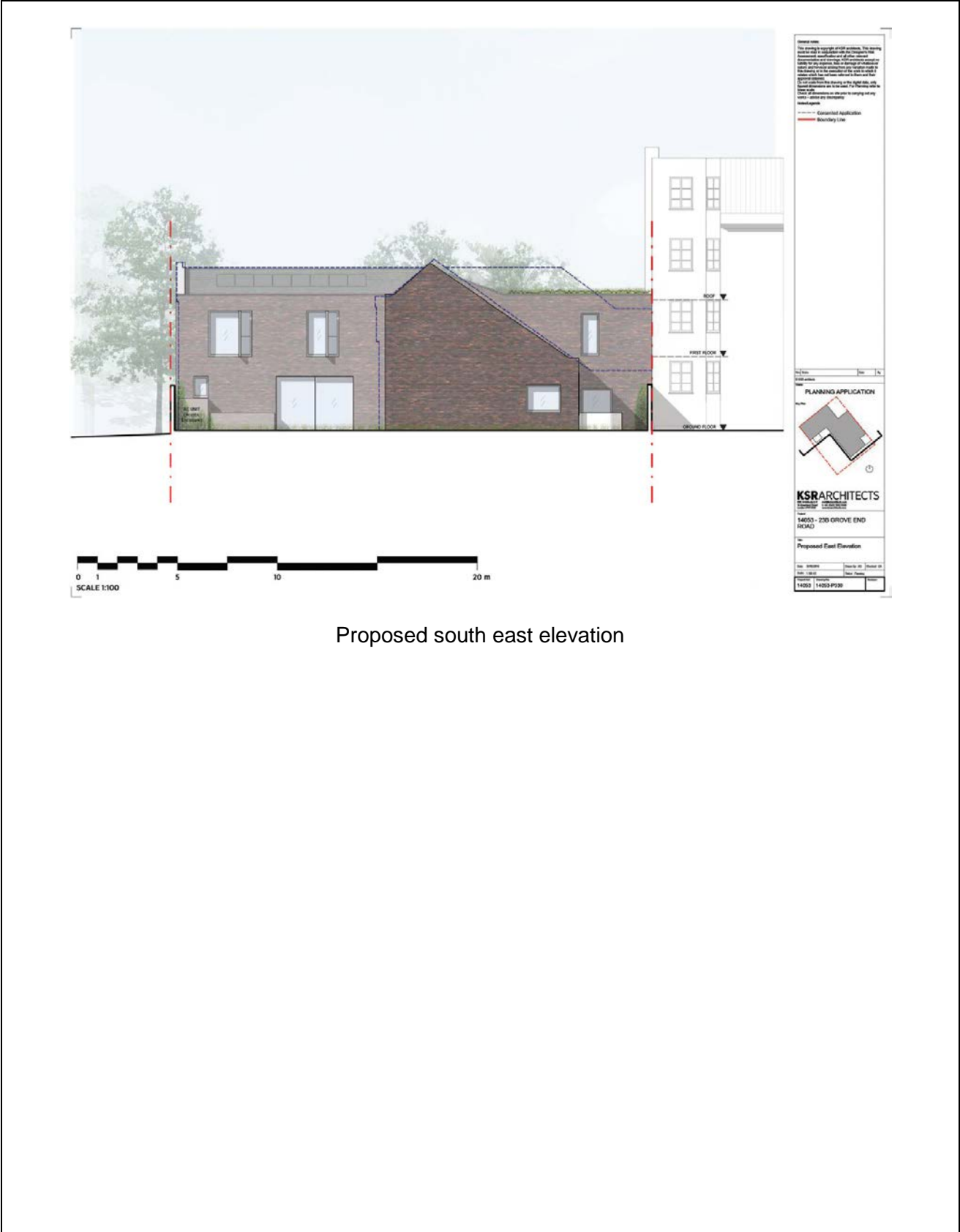


Proposed site plan (top) and proposed basement plan (bottom).

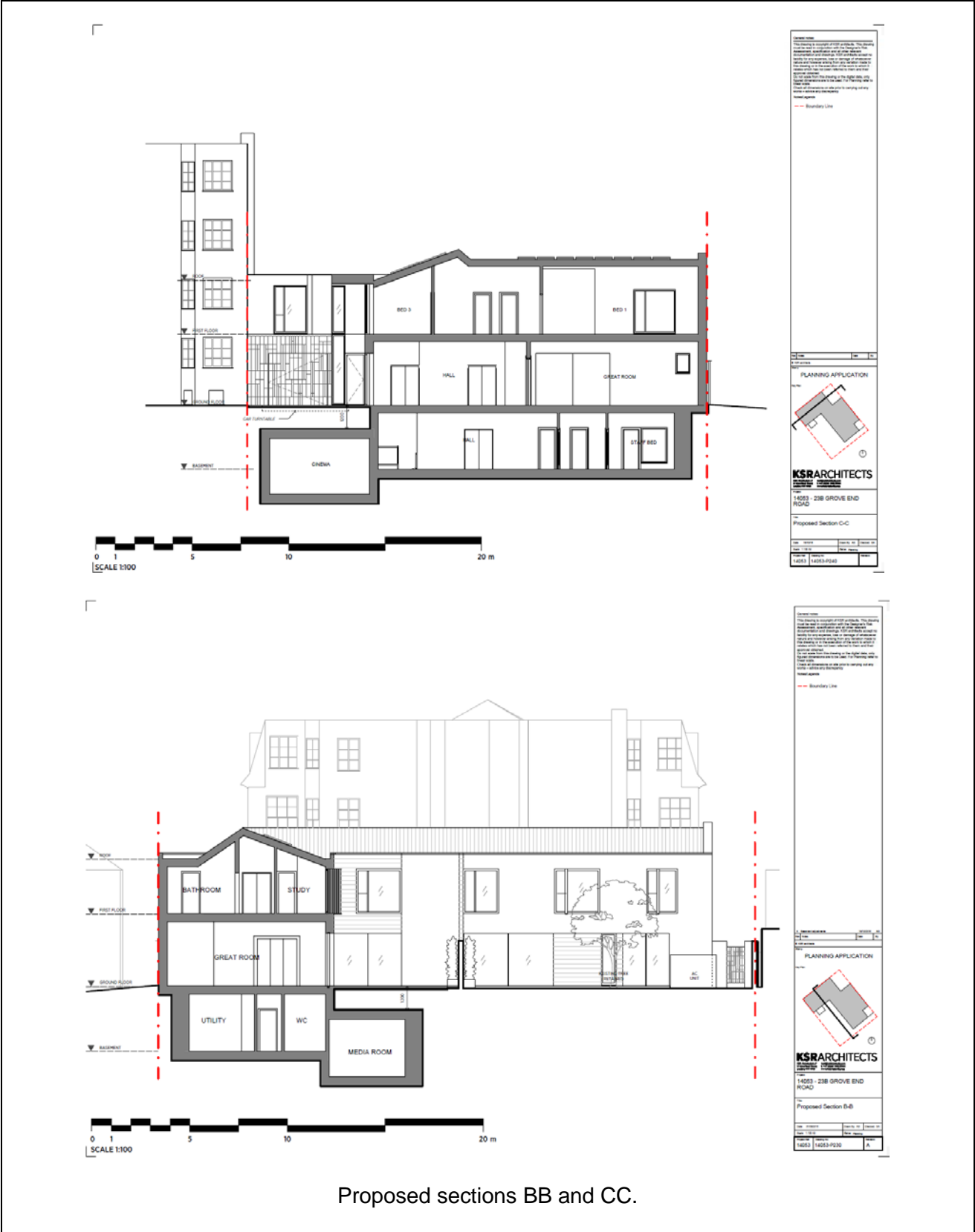




Proposed north east elevation (top) and proposed south west elevation (bottom).



Proposed south east elevation



Proposed sections BB and CC.

DRAFT DECISION LETTER

Address: 23B Grove End Road, London, NW8 9BP,

Proposal: Demolition of the existing building and erection of replacement building comprising basement, ground and first floor levels for use as two dwellinghouses (Class C3).

Reference: 16/05249/FULL

Plan Nos: 14053-P001, 14053-P090 Rev.A, 14053-P100 Rev.A, 14053-P110 Rev.A, 14053-P120, 14053-P210, 14053-P230 Rev.A, 14053-P240, 14053-P310, 14053-P320, 14053-P330, 14053-P340, 14053-X100, 14053-X110, 14053-X120, 14053-X210, 14053-X310, Supporting Planning Statement by RPS CgMs dated 3rd June 2016, Design and Access Statement by KSR Architects dated June 2016, Transport Statement prepared by WYG dated May 2016, Plant Noise Assessment by CSG Acoustics dated 20th May 2016, Construction Management Statement prepared by WYG dated 01.11.16 (for information only - see Condition 16 and Informative 2), Internal Sunlight & Daylight Assessment by GIA dated 07.10.16, External Sunlight & Daylight Assessment by GIA dated 16 May 2016, Sustainability & Energy Statement by Integration dated 20 May 2016, Arboricultural Impact Assessment Report & Outline Method Statement prepared by Landscape Trees dated 31.10.16. Structural Method Statement Version 7 by Built Engineers Ltd (for information only - see Informative 11), , ,

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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:
- between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.

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

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

Noisy work must not take place outside these hours 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may

attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing 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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 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.

- 5 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.

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

Reason:

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

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

(a) The north west elevation as seen from No.25 Grove End Road.

(b) The mechanical plant enclosures within the rear gardens.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 14053-P100 rev A. You must clearly mark them and make them available at all times to everyone using the dwellinghouses. (C14FB)

Reason:

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within five 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 the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

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

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 14 (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the supervision schedule. You must apply to us for our approval of the details of such supervision including:

- identification of individual responsibilities and key personnel.,
- induction and personnel awareness of arboricultural matters.
- supervision schedule, indicating frequency and methods of site visiting and record keeping,
- procedures for dealing with variations and incidents.

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 adhere to the approved supervision schedule.

(b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

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

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in policies S38 and CM28.1 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

- 16 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 17 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application: - The living green roof. You must not remove any of these features. (C43FA)

Reason:

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

- 18 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have

made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 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 With reference to condition 16 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.
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. , , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 5 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Phone: 020 7641 2000

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

- 7 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 8 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:, , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
- 9 Condition 13 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;
 - how trees will be protected during hard and soft landscaping and during the construction of the vehicle turntable;

- 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.
- 10 Some of the trees on and adjacent to are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 2922
- 11 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 12 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**

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5

there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

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

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	59-61 South Molton Street, London, W1K 5SN,		
Proposal	Use of part basement, part ground, first, second and third floors as offices (use class B1).		
Agent	Mr Martin Moss		
On behalf of	Bonhams		
Registered Number	16/09344/FULL	Date amended/ completed	28 September 2016
Date Application Received	28 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is an unlisted building located in the Mayfair Conservation Area. The building comprises a number of retail units which cover part of the basement and ground floors (which do not form part of the application premises) and a language school (Class D1) on the remainder of the basement and ground floors, and on the three upper floors.

Permission is sought for the change of use of the language school to offices (Class B1).

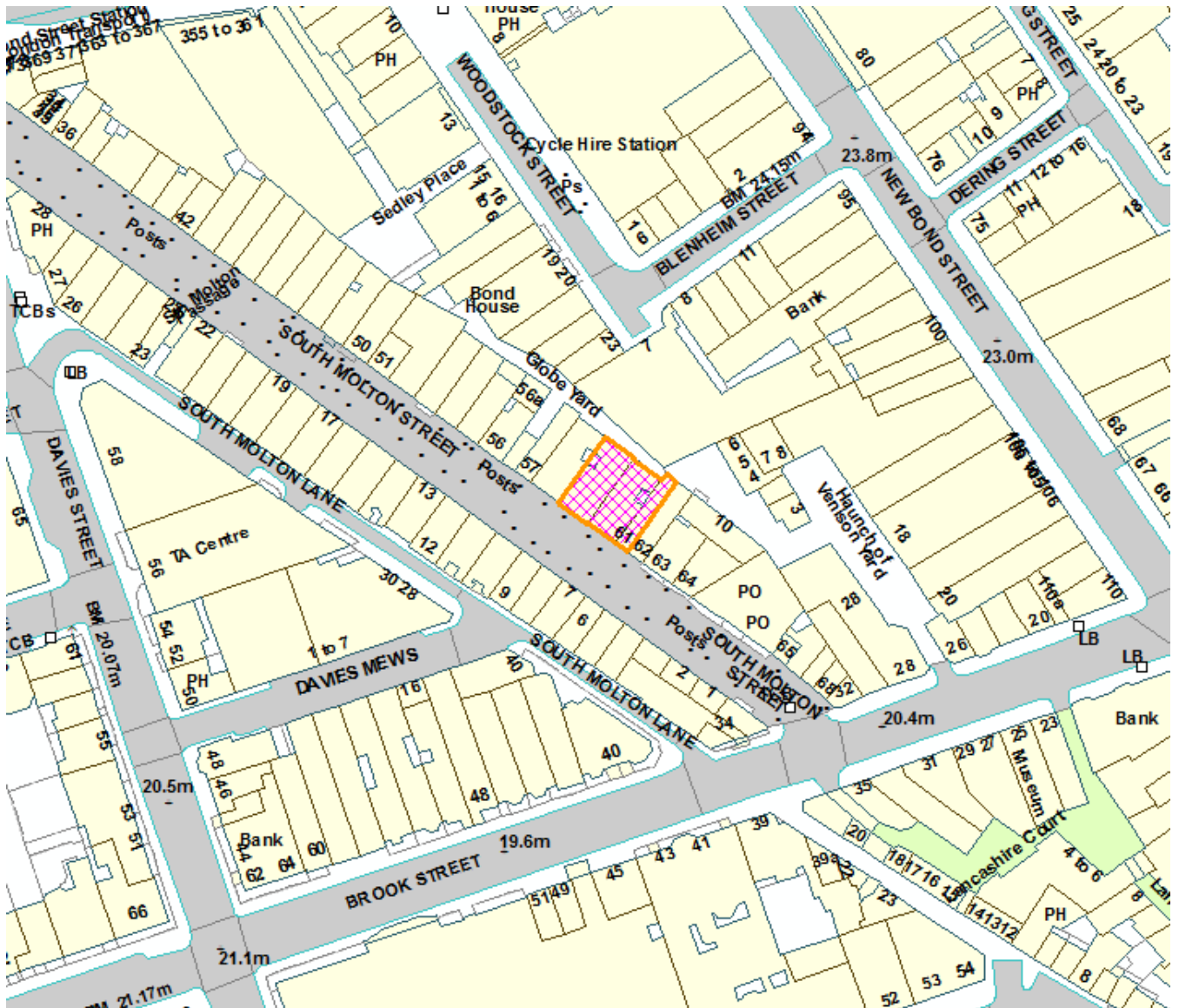
The key issues are:

- The acceptability of the loss of the language school
- The acceptability of the proposed office use

The existing language school is protected under policies in the UDP and City Plan which seek to protect social and community floorspace. However, it is acknowledged that there are continuing pressures on the 'language school' market, that the accommodation would be unsuitable for a range of alternative Class D1 uses and that the language schools provide little value to the local community and are primarily a private commercial enterprise. The adopted City Plan (2016) also places a strong emphasis on the provision of office accommodation within the Core CAZ.

As detailed in the main report the proposals are considered acceptable in land use terms and the application is therefore recommended for approval, subject to conditions.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

Objection: the property should be re-marketed and retained as a school

HIGHWAYS PLANNING

Details of cycle parking required

CLEANSING

Details of refuse storage required

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is an unlisted building which lies in the Core CAZ, on the east side of South Molton Street. The area is designated as part of the Mayfair Conservation Area.

Retail units occupy part of the basement and ground floors but do not form part of the application site. The remainder of the basement, ground floor entrances and first to third floors have a lawful use as a language school (Class D1)

6.2 Recent Relevant History

20 June 1995: Certificate of lawfulness issues for the use of the basement and first to third floors at 59 South Molton Street and the first to fourth floors of 60 & 61 South Molton Street for Class D1 (Educational purposes) (95/02954/CLEUD).

Notwithstanding this decision, it is noted that the building comprises only three upper floors.

7. THE PROPOSAL

Permission is sought for the use of part basement, part ground, first, second and third floors as offices (Class B1).

No external alterations are proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Class D1 floorspace

The existing property, which measures 738 sqm, has been occupied by Saxoncourt International since 2003. Up until early 2016 they used the property as a language school and teacher training facility (Class D1). The applicant has advised that since 2013 there has been a decline in the foreign language industry due to the growth in online language courses. Consequently, Saxoncourt International currently only provide a limited number of teacher training courses on the site, and employ only 6 people to run these courses.

The current use is a private educational facility, which is considered a 'social and community use' within the adopted development plans. Such uses are protected under City Plan Policy S34 which states that; 'all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider.' In all such cases, the council will need to be satisfied that the overall level of social and community provision is improved and that there is no demand for an alternative social and community use for that floorspace. Where the council accepts the loss or reduction of social and community floorspace, the priority replacement use for this area will be the priority use for the area, which is offices.

Policy SOC1 of the UDP protects all existing community facilities, where a facility is proposed to be redeveloped or to change use, then a replacement facility should be provided. Where the facility is surplus to the needs of the existing provider, any new development should include an alternative community facility. Where adequate replacement facilities are not proposed, the City Council will refuse planning permission.

In this instance, the applicant contends that the property is not viable as a D1 language school due to a significant reduction in demand for EFL courses and increasing rents. The applicant states the site is currently under-occupied and un-viable as a teacher training centre and that Saxoncourt International are, financially, unable to terminate their 10 year lease (last renewed in 2013) due to the amount owing for dilapidations. As such, there is no evidence of marketing of the premises to demonstrate that there is no demand from an alternative Class D1 use or occupier.

The local amenity society has objected to the loss of the language school and considers that the property should be marketed and retained as a school. However, given the location of the site and the building constraints, including the lack of drop off facilities, the absence of outdoor space and the lack of disabled access, it is acknowledged that it would not be suitable for a range of alternative social and community uses falling within Class D1 use (such as nursery, primary or secondary school and, medical uses. Given these constraints, it is accepted that the premises are unlikely to be considered attractive other than by language school operators and similar higher education uses. It is also considered that language schools offer very little 'social' benefit to the local community and are essentially a private commercial enterprise.

In these circumstances and as, based on similar applications, it appears that language schools appear to have difficulty operating in the current economic climate, and particularly due to the lack of demand for “timetabled” learning, a departure from the normal policy presumption to protect social and community facilities is considered acceptable.

8.1.2 Increase in B1 office space

Policy S20 of the City Plan seeks to direct office floorspace towards the Core Central Activities Zone in order to meet targets on providing B1 office floorspace and new jobs. The Core CAZ is identified as a suitable location for office floorspace in Policy S1 of the City Plan as it contributes to the unique and varied mixed use character of the Core CAZ which is ensuring the vitality, attraction and continued economic success of Central London.

This proposal would result in the provision of new office floorspace (Class B1) within the Core CAZ. As this increase results from a change of use, rather than from the creation of additional floorspace, there is no requirement for the provision of new residential floorspace under policy S1 of the City Plan.

The application has been submitted on behalf of Bonhams whose would assign the lease and take on the liability for dilapidations. Bonhams existing headquarters are located at 101 Bond Street. Leases for their other offices premises (in Woodstock Street and New Bond Street) are due to expire by 2017, resulting in the need to relocate approximately 70 employees within the vicinity of the main auction house. The site application site would meet this need and would also allow Bonhams to re-introduce an ancillary education centre – a facility which it previously operated at its headquarters, prior to their renovation in 2013. This education centre would provide lectures and training to Bonhams’ staff as well as to third parties including other international experts, galleries, dealers and members of the public. In addition, part of the accommodation would be used for research and the appraisal of art/artefacts. The applicants consider that these functions are ancillary to the proposed office use.

The proposed use, which would support Bohams’ activities as an international auction house, complies with policies S1 and S20 of the City Plan and is considered acceptable in land use terms.

8.2 Townscape and Design

No external alterations are proposed.

8.3 Amenity

The site is surrounded by predominantly commercial uses and the proposed B1 office use would not result in any adverse impact on amenity when compared with the existing use.

8.4 Transportation/Parking

The site does not currently benefit from any car parking but is located in an area with excellent public transport links. It is not considered that the proposed office use would result in any significant increase in parking demand in the area.

The existing site servicing arrangements would remain unchanged.

At the request of the Highways Planning manager, a condition requiring the provision for cycle storage for a minimum of 9 cycles to serve the office use.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

The proposals solely relate to the change of use of the property. No change to access arrangements is proposed.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Refuse

A condition is recommended to require the submission of drawings that demonstrate the adequate provision of storage facilities for waste and recycling.

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

This proposal does not trigger any planning obligations.

8.11 Environmental Impact Assessment

Not applicable

9. BACKGROUND PAPERS

1. Application form
2. Responses (two) from the Residents' Society Of Mayfair & St. James's dated 24 October 2016
3. Memorandum from Highways Planning dated 8 December 2016
4. Memorandum from Project Officer (Waste) dated 2 December 2016

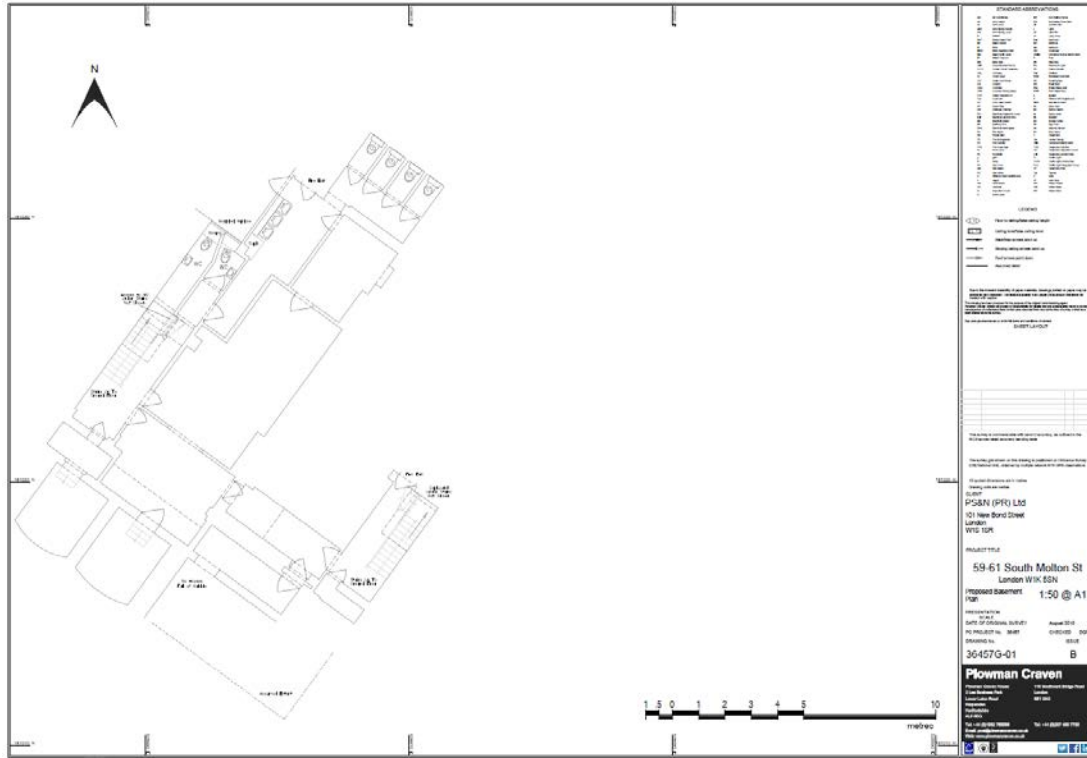
Selected relevant drawings

(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: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS

Proposed Basement plan



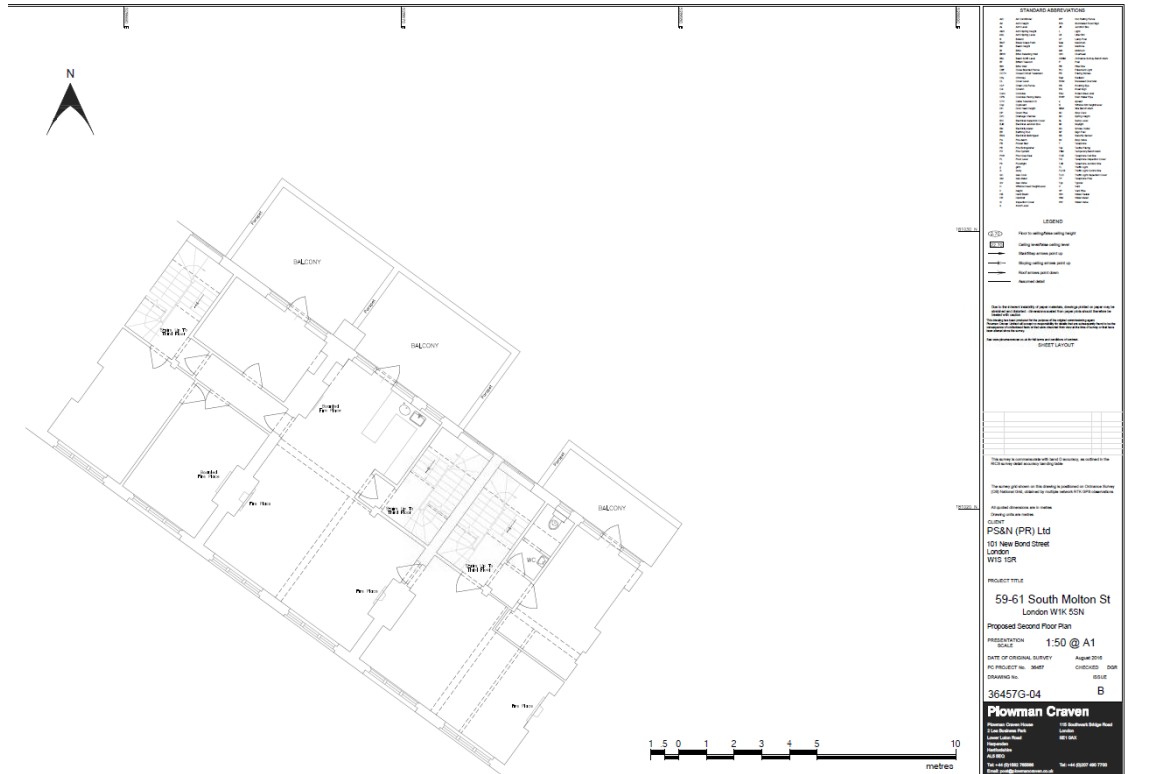
Proposed Ground floor plan



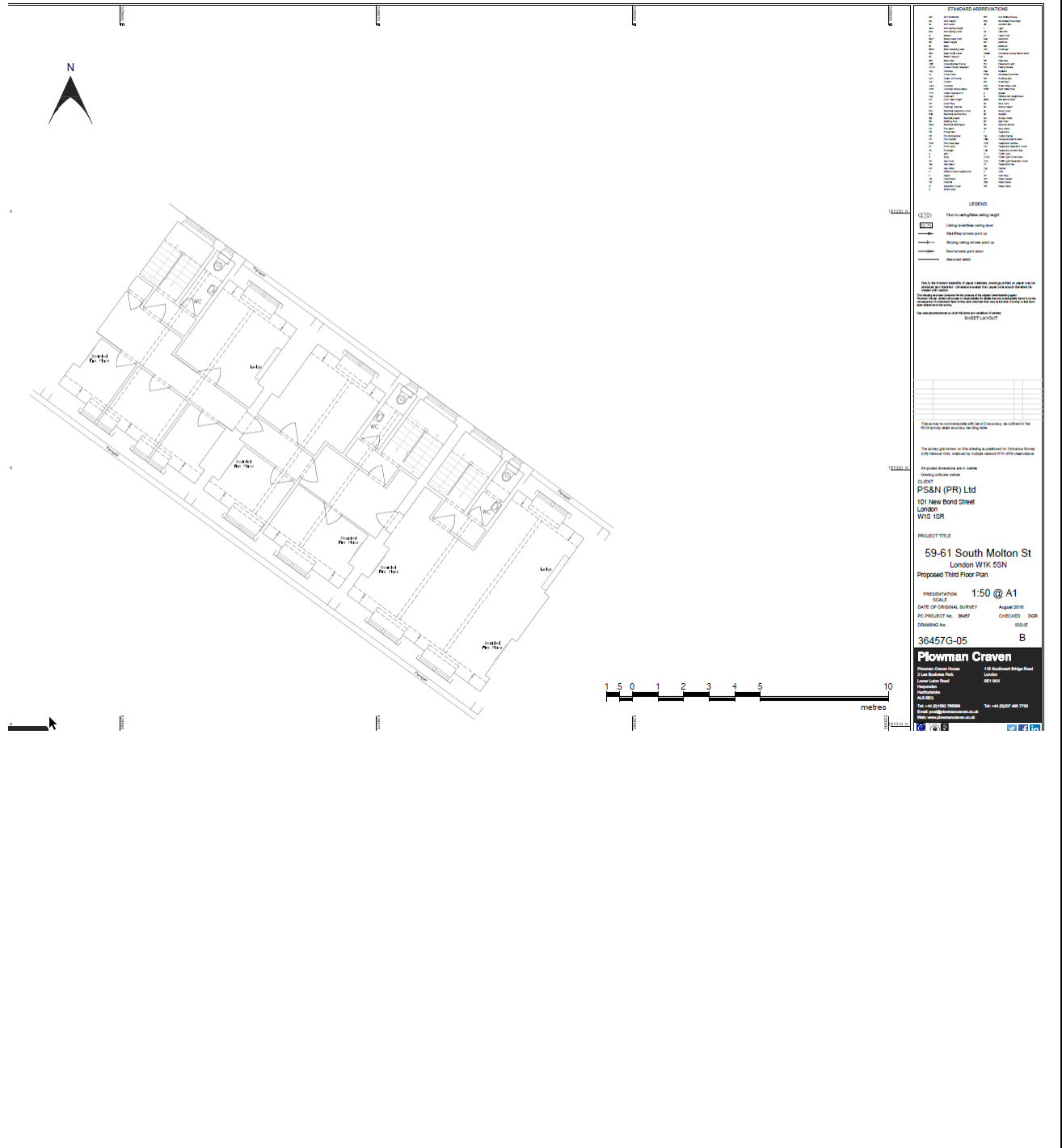
Proposed First floor plan



Proposed Second Floor Plan



Proposed third floor plan



DRAFT DECISION LETTER

Address: 59-61 South Molton Street, London, W1K 5SN,

Proposal: Change of use of part basement, part-ground, first, second and third floors from class D1 (Language school) to class B1 (offices).

Reference: 16/09344/FULL

Plan Nos: 36457F-05 Rev B, 36457F-04 Rev B, 36457F-03 Rev B, 36457F-02 Rev B, 36457F-01 Rev B

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the B1 office space. You must not use the waste store for any other purpose. (C14CD)

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)

- 3 Prior to commencement of development, details of a minimum of 9 cycle parking spaces for the B1 office shall be submitted and approved. The cycle parking shall then be provided and maintained for the life of the development in the approved form.

Reason: To ensure that the development complies with London Plan Policy 6.9 and UDP policy TRANS 9.

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.

- 2 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 The term 'clearly mark' in condition 2 means marked by a permanent wall notice or floor markings, or both. (I88AA)

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	9 Shouldham Street, London, W1H 5FH,		
Proposal	Alterations including erection of single storey rear extension at lower ground floor level, with ground floor roof terrace above; demolition of existing roof extension and erection of replacement roof extension with inset terrace to front and rooflights to the rear; replacement of two ear windows and internal alterations.		
Agent	Iceni Projects		
On behalf of	Ms Sleeper		
Registered Number	16/08511/FULL & 16/08512/LBC	Date amended/ completed	27 September 2016
Date Application Received	5 September 2016		
Historic Building Grade	II		
Conservation Area	Molyneux Street		

1. RECOMMENDATION

- | |
|---|
| <ul style="list-style-type: none"> i. Grant conditional permission. ii. Grant conditional listed building consent. iii. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter. |
|---|

2. SUMMARY

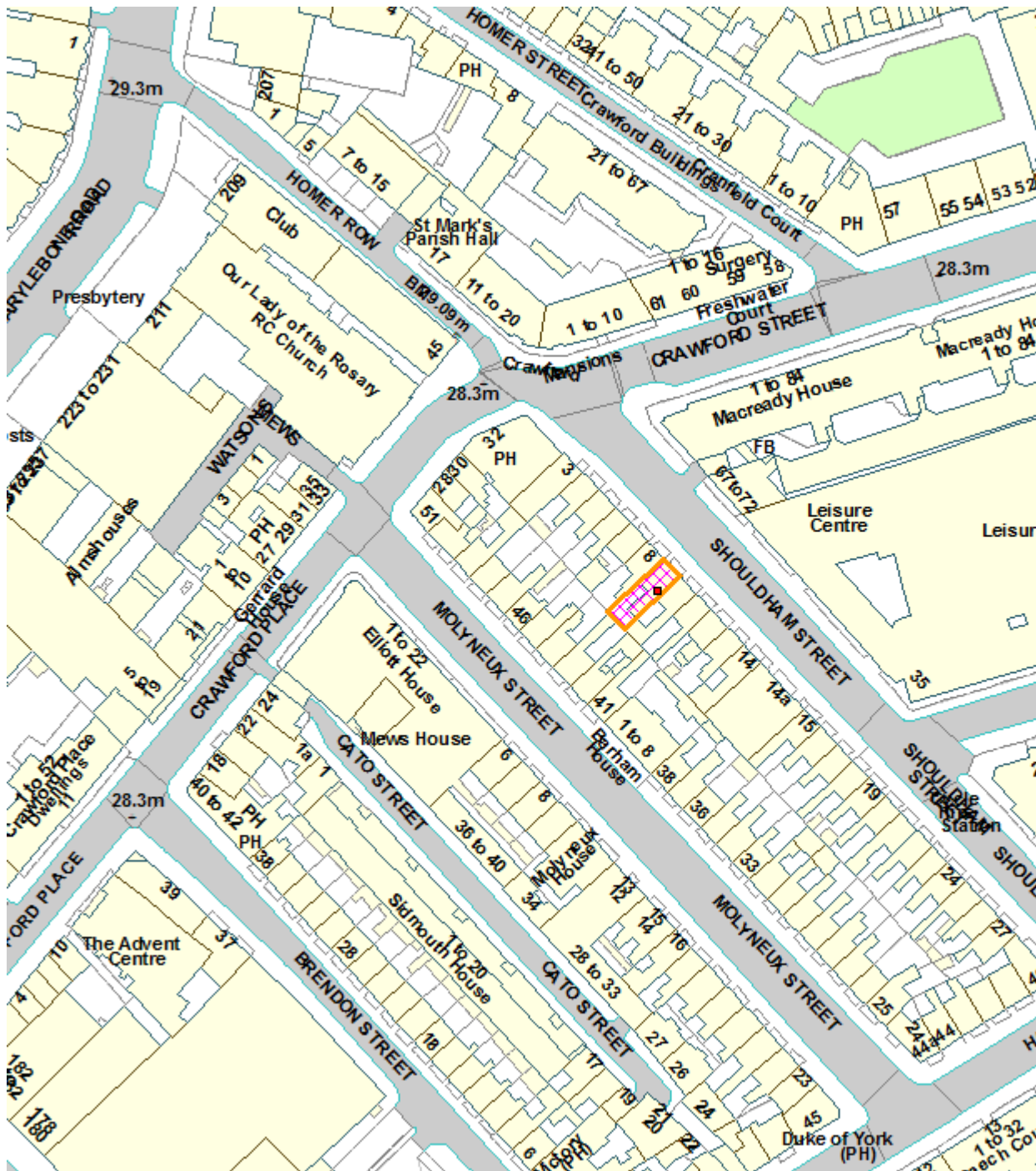
<p>The application seeks permission and listed building consent for alterations to existing flats including the erection of a single storey rear extension at lower ground floor, with a roof terrace above, the demolition and replacement of a roof level extension, with a terrace to the front, alterations to rear windows and internal alterations. Objections have been received on design and amenity grounds and objectors have also expressed concerns about the impact of the development upon a neighbouring tree.</p>
--

The key issues for consideration are:

- | |
|--|
| <ul style="list-style-type: none"> • The impact of the extension on the amenity of neighbouring residential properties; and • The impact of the proposals on both the special interest of the listed building and the character and appearance of the conservation, including the neighbouring tree. |
|--|

For the reasons set out in the main report, it is not considered that the proposal would result in a material loss of amenity to adjoining properties or, adversely affect the special interest of the listed building or the character and appearance of the Molyneux Street Conservation Area. The proposal complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan and is subsequently recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation



View toward Molyneux Street



5. CONSULTATIONS

HISTORIC ENGLAND

Do not wish to comment.

MARYLEBONE ASSOCIATION

No objection

ARBORICULTURAL OFFICER

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5

Total No. of replies: 7

No. in support: 0

No. of objections: 7

Objections received on some or all of the following grounds:

Amenity

- Overlooking from roof terrace and rear windows to roof extension
- Noise from use of terrace
- Light pollution
- Loss of light/rights of light

Design/Townscape

- Not in keeping with neighbouring properties
- Unacceptable fenestration pattern to roof extension
- Unacceptable increase in height at roof level
- Adverse impact on the Conservation Area
- Adverse impact on neighbouring listed building
- Loss of garden land
- Impact on trees neighbouring trees
- Impacts on wildlife (bats)

Structural

- Party wall is not structurally capable of supporting the extension
- Insufficient structural detail

Other

- Soil pipes terminate at ground floor level

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a grade II listed building located on the west side of Shouldham Street within the Molyneux Street Conservation Area and the Core Central Activity Zone (CAZ). The building provides three self-contained flats and comprises lower ground, ground and two upper floors, with a roof level access enclosure to a terrace at the front of the building. All flats are currently occupied.

Shouldham Street and the wider surrounding area are predominantly residential in character although there are serviced flats (Class C1) and a leisure centre (Class D2) immediately adjacent. The northern end of Shouldham Street forms a junction with Crawford Street, which provides a small retail and commercial local centre.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

The proposal involves the erection of single storey rear extension at lower ground floor level, incorporating an access hatch to the roof. The roof of this extension would provide a terrace to the ground floor flat. It is also proposed to demolish the existing roof level enclosure and to erect a replacement roof extension, to provide additional accommodation at third floor level, leading to the retained terrace at the front of the building. This extension would be served by a large window to the front and three rooflights to the rear. It is also proposed to replace two UPVC windows at the rear of the building and to carry out minor internal alterations on lower ground, ground and third floors.

The application has been amended to:

- remodel and reduce the height of the roof top extension and to replace 3 no. dormer windows within the rear roofslope with three rooflights;
- to alter proposed materials, introducing timber rather than aluminium window and door surrounds;
- to reduce the depth of the proposed ground floor terrace by setting the balustrade railing further back from the roof edge;
- to reduce the height of the chimney stack; and
- to reposition the ground floor rooflight to run adjacent to the boundary wall with No.8 Shouldham Street.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed lower ground floor, ground and roof extensions would provide an additional 32.4 m² GIA residential floorspace is considered acceptable in principle in land use terms and complies with UDP Policy H3 and City Plan policy S14.

The existing lower ground floor flat has a single window within the front lightwell serving the main living area and rear windows serving a galley kitchen, a hallway and toilet. The central living space is poorly illuminated.

The extended lower ground floor flat would include a full width, south west facing, glazed window/doors to the rear of the property. Internal walls within the main living space would be removed to increase internal light level and improve the quality of the accommodation. The flat would also be served by a rooflight set within the ground floor terrace. Although there is the potential for skylight to be temporarily blocked when the terrace above is in use, it is considered that, even without light from this rooflight, the extended lower ground floor flats would provide a, significantly, improved standard of accommodation when compared with the existing situation.

The scheme will also provide additional accommodation to the upper maisonette, which is welcomed.

The proposal is considered to accord with policies S29 of the City Plan and ENV13 of the Unitary Development Plan which require developments to provide a high quality living environment for future residential occupants.

8.2 Townscape and Design

The main design impacts of the scheme centre around the replacement roof extension, the lower ground floor level rear extension and the internal alterations.

The existing roof extension is of poor quality and comprises a sloped felt construction with poorly detailed timber cladding, a UPVC door and a large window formed from glass blocks.

The applicant has made significant revisions to the scheme to address officers' and objectors' concerns about the rear mansard originally proposed to reduce the mass at the rear. The replacement extension occupies a slightly larger footprint than the existing but is set a considerable distance from the front parapet and is not visible from street level. It will be slightly higher than the existing towards the front (by approximately 0.9m) but will follow the existing sloped profile at the rear. The extension will utilise traditional materials such as slate and lead flashing with a timber framed glass door to the front. An objection has been received on the grounds that the proposed sliding window to the front is inappropriate. However, this is not incongruous in its setting and, given the traditional materials proposed, it is a good quality replacement for the existing.

The use of conservation rooflights in place of previously proposed dormer windows and reducing the extent that the chimney is being raised to be less visible from street level are welcome in design terms.

The rear extension at lower ground floor level has been amended to include a natural stone coping, steel railings (painted black) and timber framed windows. The design is not incongruous in its setting and due to its height and location is not readily visible in views of this rear area.

The replacement of UPVC double glazed windows to the rear elevation is welcomed.

Internally the property retains some areas of historic interest which are not harmed by minor internal works.

Given the amendments to the scheme, it is not considered that objections to the height of the proposed extensions, the fenestration pattern to the front, the incorporation of dormer windows to the rear and the proposed use of materials and the impact of the scheme upon the character of the conservation area and the setting of neighbouring listed buildings can be supported. The revised scheme application is in accordance with DES 1; DES 6; DES 9; DES 10; S 25; S 28 and the NPPF and therefore recommended for approval on design/townscape grounds.

8.3 Residential Amenity

Policy ENV13 seeks to protect and safeguard the amenities of existing residential properties from development proposals including in relation to the levels of daylight and sunlight received, overlooking, increased sense of enclosure. Similarly, City Plan policy S29 also requires development proposals to safeguard neighbours' amenities.

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and external activity. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 requires disturbance from noise to be contained.

8.3.1 Daylight and Sunlight

An objection has been received from occupiers of No.49 Molyneux Street on the grounds that the proposal will lead to a loss of light to their property. The proposed lower ground floor extension is set below the height of the site boundary walls and the height and profile of the replacement roof extension is not significantly different from the existing, with a modest increase in height (approximately 0.9m) set towards the centre of the building. In view of the relationship between the proposed extension and properties to the front and the rear, and the distance between buildings, it is not considered that the proposal will result in a material loss of daylight or sunlight to neighbouring residential properties and objections on these grounds cannot be supported.

The occupier of No. 8 Shouldham Street has requested that there should be no increase in height to the party wall between the two buildings in order to protect light to a lower ground floor living room to the rear of this neighbouring property, as existing light levels are already poor. The application drawings show that there will be no increase in height on this boundary.

8.3.2 Sense of Enclosure

Given that the relationship of the proposed lower ground floor and roof level extensions with adjoining properties, it is not considered that the development will result in any increase in the sense of enclosure to neighbouring windows.

8.3.3 Overlooking

A new roof terrace will be created at ground floor level, on top of the new lower ground floor rear extension. The roof top terrace to the front of the building is “as existing”. Three rooflights are proposed in the new rear roofslope. These replace three dormer windows within the mansard roof addition originally proposed. Objections have been received from the occupants of No. 43, 44, 46, 47 and 49 Molyneux Street and No.8 Shouldham Street on the grounds of that overlooking from new rear windows and the roof terrace would result in an unacceptable loss of privacy to those properties.

The extent of the ground floor terrace has been reduced by setting the balustrade further back from the roof edge. Given the presence of similar terraces on the neighbouring buildings (a fact acknowledged by objectors) and the relationship between the proposed terrace and neighbouring buildings, while some mutual overlooking will occur to properties on Molyneux Street, it is not considered that the impact would be so significant as to justify a recommendation for refusal.

The occupier at No. 8 Shouldham Street is concerned about the potential for overlooking from the proposed roof terrace to windows at the rear of the adjoining property and has also requested that the “lean-to” roof light be relocated to a position adjacent to the party wall to prevent access to the terrace close to the site boundary in order to minimise the potential for overlooking. The rooflight has been relocated adjacent to the boundary as requested. However, this would not prevent access to this part of the roof as it is a “walk on” rather than a lantern style rooflight. Nevertheless, given the relationship of the proposed terrace to the site boundary, and as there are no windows immediately adjacent to this boundary on the lower floors of No. 8 Shouldham Street, it is not considered that the use of the proposed terrace would have a significant impact on the degree of overlooking to the neighbouring building.

Given the amendments to the height and profile of the proposed roof extension, the rear dormer windows, originally proposed, have been replaced by three rooflights within the shallow roof slope. Two of these rooflights serve a new bedroom/studio and the third lights a stair. The submitted drawings suggest that, given the shallow roof slope, there would be limited opportunity to look from these windows down into the rear of neighbouring properties, however, given that there are already numerous windows in the rear of the application building which look towards properties to the rear and the presence of rear facing terraces on both neighbouring properties, it is not considered that the properties along Molyneux Street would experience a material loss of privacy as a result of the provision of these rooflights. For these reasons, it is not considered that it would be reasonable to require these rooflights to be obscure glazed or fixed shut.

8.3.4 Noise

Objections have also been received on the grounds of noise disturbance from the use of the rear terrace. However, most of the neighbouring properties benefit from outside amenity space at the rear of their respective buildings including terraces at No. 7, 10 and 11 in addition, to gardens.. Properties in Molyneux Street also benefit from rear garden spaces at there are also rear terraces at No, 41, 45 and 49 Molyneux Street. Whilst there is the potential that there could be some noise associated with the use of the proposed terrace, give its domestic use, and as there are other terraces in the

immediate vicinity, it is not considered that its use is likely to give rise to such significant disturbance as to justify a recommendation for refusal.

8.4 Transportation/Parking

The proposal includes the provision of three additional cycle parking spaces which are welcomed.

8.5 Economic Considerations

Any economic benefits generated by the development are welcome.

8.6 Access

The existing access arrangement remains unchanged.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Refuse /Recycling

The drawings submitted with the application indicate a bin store within a front lightwell which is welcome.

8.7.2 Trees

Local residents have objected to the application on the grounds that it would have an adverse impact on neighbouring trees (particularly the protected bay tree at the rear of No. 44 Molyneux Street which is the subject of a Tree Preservation Order). There are no other trees in the immediate vicinity of the application site.

The application is supported by an Arboricultural Report which details trial trench excavation around the rear garden to establish the likely impact of the development on the roots of the bay tree. The report concludes that no roots from the bay tree were present on the application site.

The Council's Arboricultural Officer has assessed this report. Some roots clearly appear to be growing through the site boundary wall and have been damaged. No species analysis has been undertaken to establish whether these are roots from the bay tree. However, the Council's Arboricultural Officer does not consider, on the basis of the evidence provided, that the bay tree is likely to be significantly harmed by the proposal given the condition of the roots present. Consequently, objections relating to the impact on the protected tree cannot be supported.

8.7.3 Biodiversity

An objection has been received to the reduction in garden size (30.7 m²), on biodiversity grounds. The proposal would reduce the area of the garden by approximately 50% but would provide external space for the, separate, ground floor flat (approximately 8 m²), which is welcomed in principle.

As detailed above, it is not considered that the proposals would adversely affect the neighbouring bay tree. The Council's Arboricultural Officer has recommended that a condition is imposed requiring the submission of details of a hard and soft landscaping scheme. However, given the modest nature of the development, it is not considered that such a condition is justified.

Additionally, as required by UDP policy DES 12, the reduction in garden size would have a material impact on the setting of the listed building, and in these circumstances, the reduction in the size of the rear garden is considered acceptable.

One objector has mentioned that bats 'circle' the tree at the rear of 44 Molyneux Street from April through to September and must roost nearby, although not in the tree itself. As the tree to the rear of no. 44 will not be adversely affected by the proposal, it is not considered that the proposal poses a risk to the local bat population.

8.8 Environmental Impact Assessment

The proposal is of insufficient scale as to trigger an environmental assessment.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

The development does not trigger any planning obligations.

8.12 Other Issues

8.12.1 Structural concerns

The occupier of an adjoining property considers that there is insufficient structural detail within the planning applications and contends that the party wall is not structurally capable of supporting the proposed extension and terrace. This is not an uncommon form of extension to a listed building and there is no reason to believe that the building structure could not support the proposed development.

8.12.2 Soil pipe routes

One objector is concerned that the soil pipe on the rear elevation is shown terminating at ground floor level. The applicant has confirmed that that the soil pipe will be contained within the structure of the proposed extension.

8.12.3 Right to Light

An objector has stated that the proposal diminish their 'Right to Light'. This is a legal matter and not a planning consideration therefore this application cannot be refused on this basis. However, for the reasons explained elsewhere in this report, it is not considered that levels of light received to neighbouring properties will be diminished.

8.12.4 Light Pollution

The occupier of No. 44 Molyneux Street is concerned that the proposed roof of terrace would sit just below the height of the site boundary walls and they consider that this would result in unwelcome light pollution. There is no external lighting proposed at the rear of the building although a rooflight is set within the proposed roof terrace, serving the accommodation below. The door access to the terrace is located on the north west of the terrace and does not directly face the objector's premises. Given the relationship between the two properties and the presence of a large protected tree to the rear of No. 44, it is not considered that any light emitting from the proposed extension would have a significant adverse effect on levels of light pollution and neighbours' amenities.

9. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 8 October 2016
3. Response from Historic England, dated 11 November 2016
4. Response from Arboricultural Section, dated 24 November 2016
5. Letter from occupier of 47 Molyneux Street, dated 20 October 2016
6. Letter from occupier of 46 Molyneux Street, dated 20 October 2016
7. Letter from occupier of 41 Molyneux Street, dated 21 October 2016
8. Letter from occupier of 44 Molyneux Street, dated 19 October 2016
9. Letter from occupier of 49 Molyneux Street, dated 20 October 2016
10. Letter from occupier of 8 Shouldham Street, dated 19 October 2016
11. Letter from occupier of 43 Molyneux Street, dated 18 October 2016

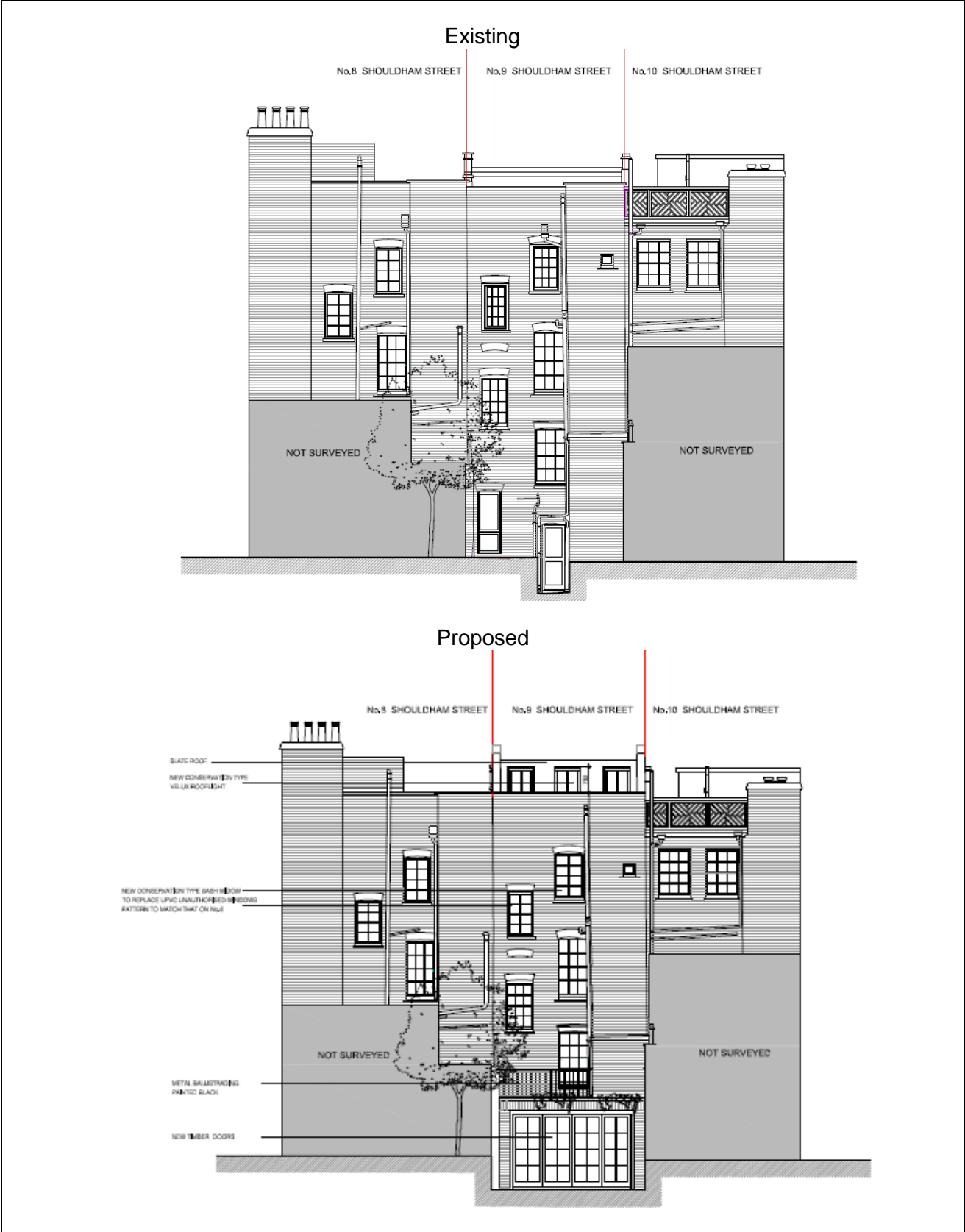
Selected relevant drawings

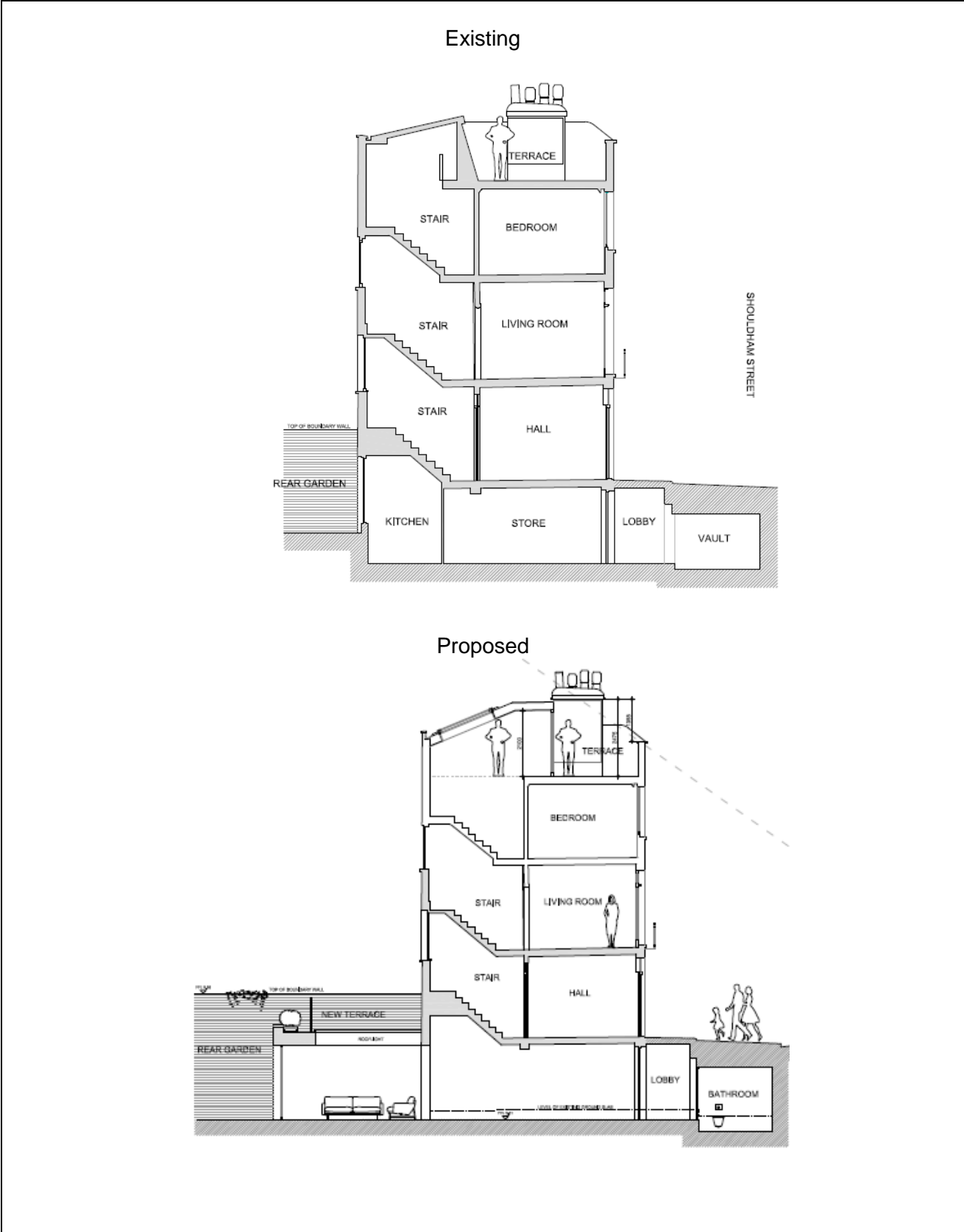
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

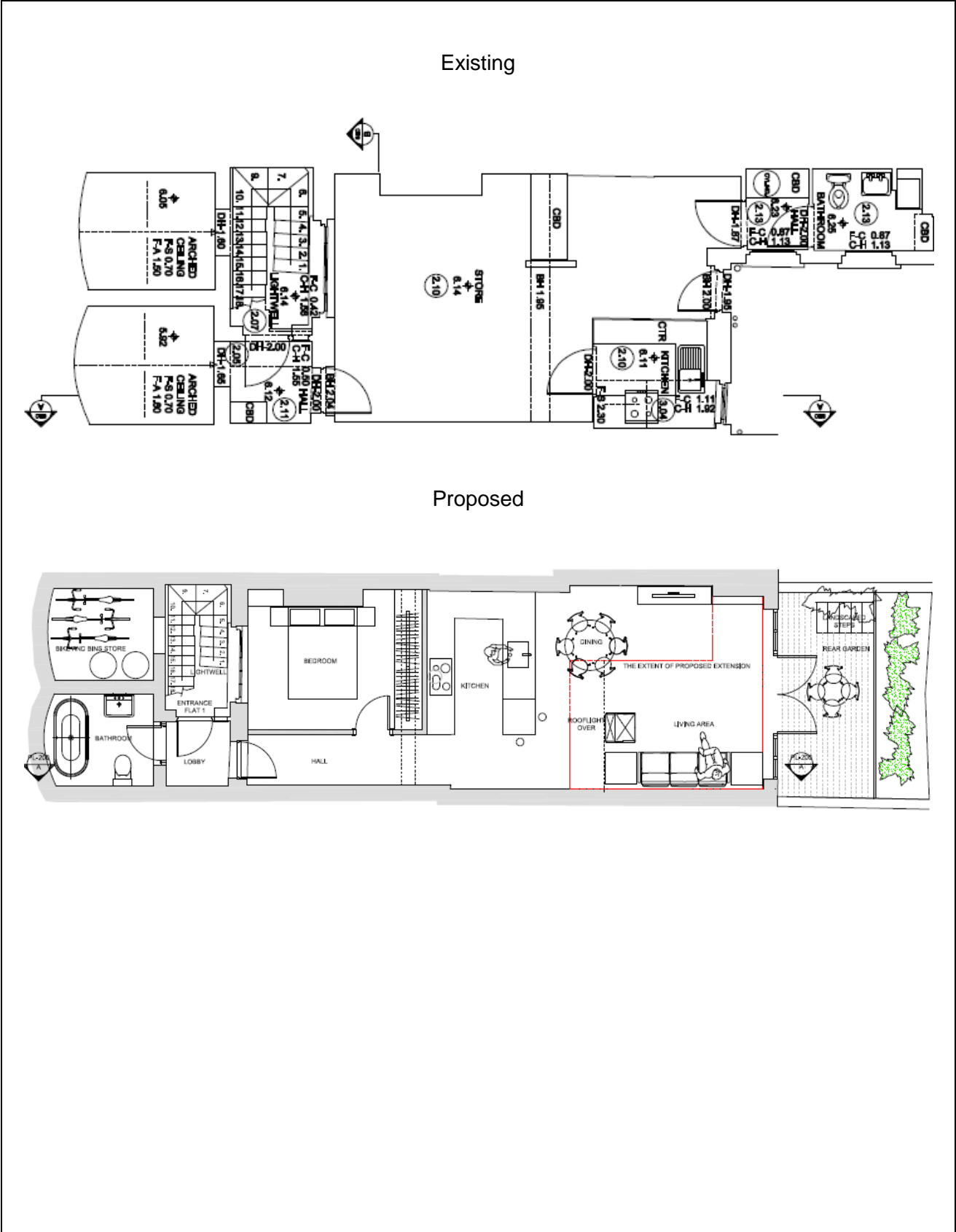
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk.

10. KEY DRAWINGS

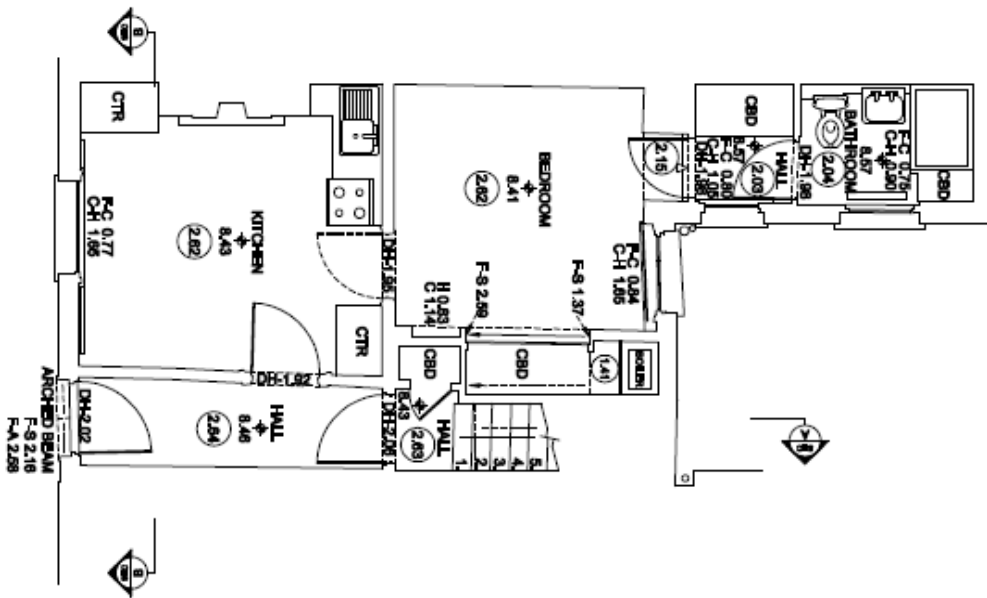




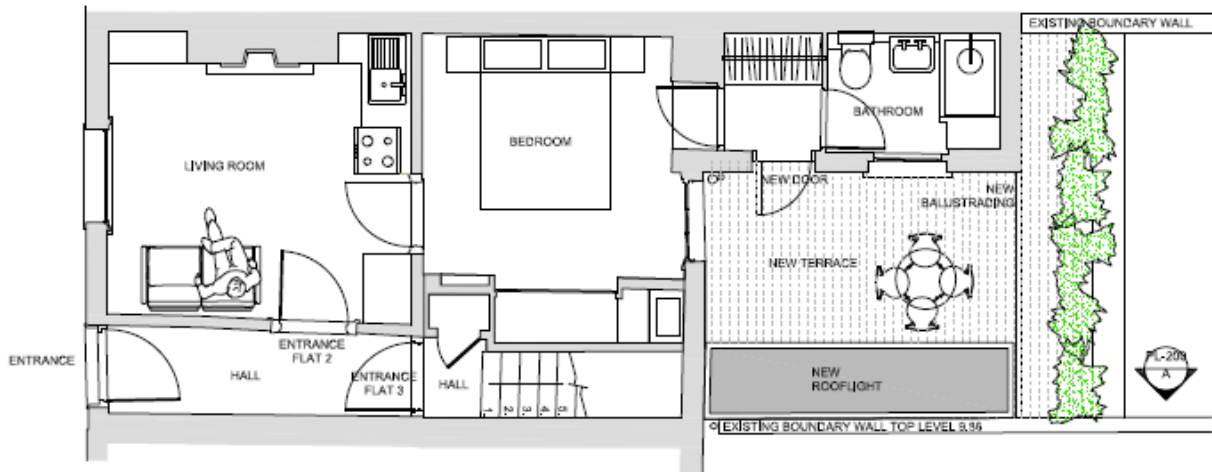




Existing



Proposed



DRAFT DECISION LETTER

Address: 9 Shouldham Street, London, W1H 5FH,

Proposal: Alterations including erection of single storey rear extension at lower ground floor level, with ground floor roof terrace above; demolition of existing roof extension and erection of replacement roof extension with inset terrace to front and rooflights to the rear; replacement of two rear windows and internal alterations.

Reference: 16/08511/FULL

Plan Nos: Drawings PL-100 B, PL-101 C, PL-103, PL-104 B, PL-200 E, PL-300 B, PL-301 H, PL-302 B, PL-600

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 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 (November 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 Molyneux Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 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 facing the street unless they are shown on drawings we have approved. (C26MA)

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 Molyneux Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 glass that you put in the roof light at fifth floor level; must not be clear glass, and you must fix it 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 future residential occupants and people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 The highest point of the new roof must be no greater than 1m above the top of the highest part of the existing parapet on the rear facade.
- 6 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 Molyneux Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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

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(November 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.

DRAFT DECISION LETTER

Address: 9 Shouldham Street, London, W1H 5FH,

Proposal: Alterations including erection of single storey rear extension at lower ground floor level, with ground floor roof terrace above; demolition of existing roof extension and erection of replacement roof extension with inset terrace to front and rooflights to the rear; replacement of two rear windows and internal alterations.

Reference: 16/08512/LBC

Plan Nos: Drawings PL-100 B, PL-101 C, PL-103, PL-104 B, PL-200 E, PL-300 B, PL-301 H, PL-302 B, PL-600

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Molyneux Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 3 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 facing the street unless they are shown on drawings we have approved. (C26MA)

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 Molyneux Street Conservation Area. This is as set out in S25 and S28 of

Westminster's City Plan (November 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 highest point of the new roof must be no greater than 995mm above the top of the highest part of the existing parapet on the rear facade.

- 4 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 Molyneux Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	14 Acacia Road, London, NW8 6AN,		
Proposal	Demolition of existing dwellinghouse and erection of new four storey dwellinghouse (Class C3) comprising a basement floor extending under part of the front and rear gardens, ground and two upper floors. Associated external alterations, including replacement of front boundary wall.		
Agent	Sacks Maguire Architects		
On behalf of	Mr & Mrs Avi Goldberg		
Registered Number	16/08712/FULL	Date amended/ completed	23 September 2016
Date Application Received	9 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for the demolition of the existing three storey dwellinghouse and erection of a larger replacement four storey dwellinghouse comprising basement, ground, first and second floor levels.

Objections have been received from the St. John's Wood Society and two neighbouring residents on grounds relating to the appropriateness of the proposed design, the construction impact, the structural impact and the extent of the basement excavation.

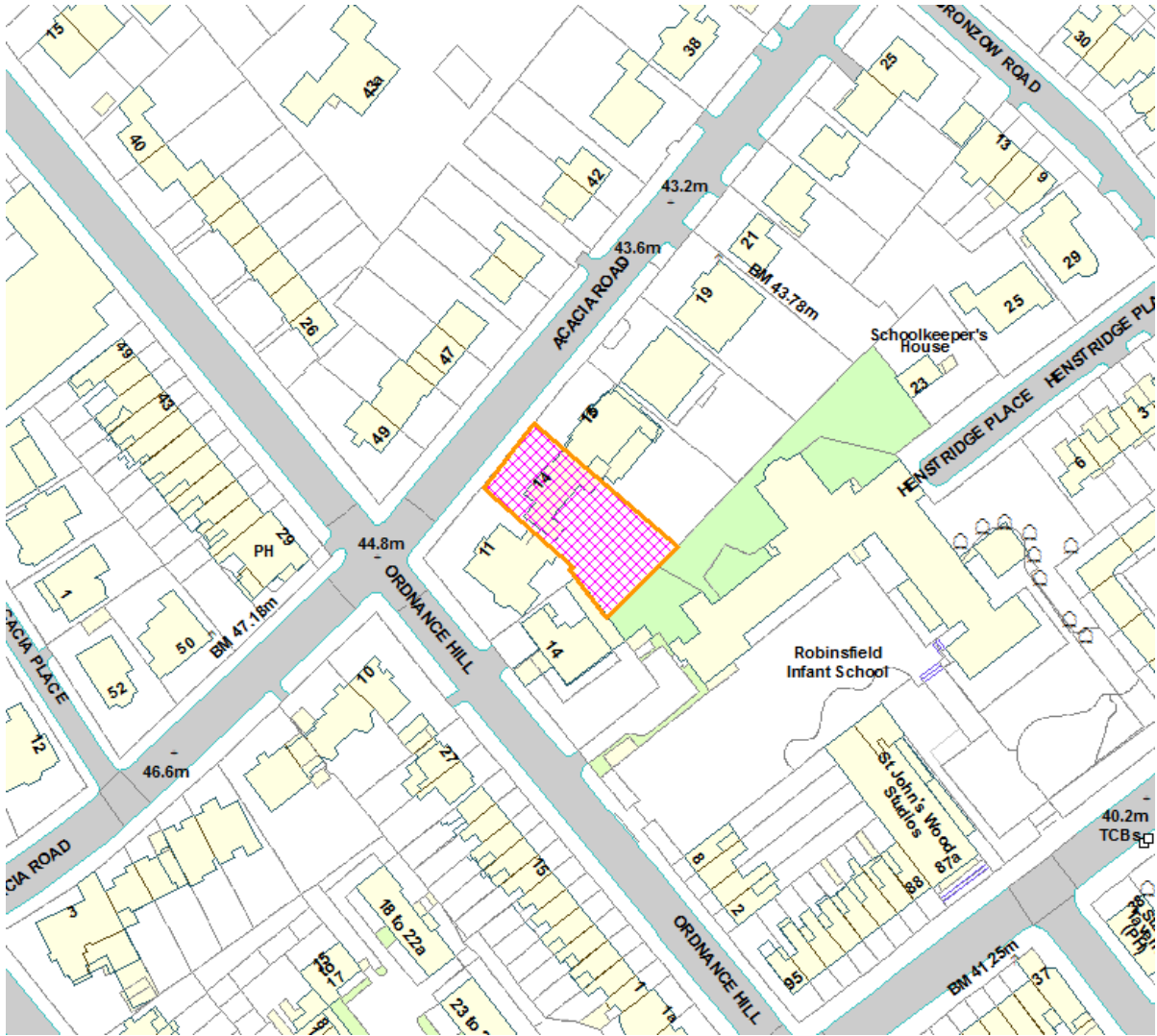
The key considerations are:

- The impact on the character and appearance of the St. John's Wood Conservation Area.
- Compliance of proposed basement with basement policy CM28.1 of the City Plan.

- The impact on the amenity of neighbouring residents.
- The impact upon trees within the conservation area.

The proposed development would be consistent with relevant land use, design, amenity, transportation and environment policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and as such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and rear elevation (bottom).

5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY

Objection raised on the following grounds:

- Elevation uninspiring and poorly detailed.
- Welcome basement size reduction in comparison to withdrawn scheme; however, request case officer ensures size is acceptable.
- Arboricultural Officer should ensure no trees of amenity value are felled.
- Design of roof, large side dormers and chimney not befitting for Conservation Area.
- Query how basement plan will be ventilated.
- Lack of light and ventilation to staff accommodation in basement.

ARBORICULTURAL MANAGER

Notes that some trees at No.15 Acacia Road are subject to a TPO. Notes that some neighbouring trees have not been surveyed and therefore tree protection measures may need to be extended further than outlined in the submitted report. No objection to loss of Apple Birch trees to facilitate development. Suggests that proposed soft landscaping proposals for front and rear gardens are improved. The ground protection specified would not be suitable to support a piling rig and it is not clear if tree pruning is required to allow for piling. Recommends that updated and improved tree protection measures and landscaping proposals are secured by condition.

BUILDING CONTROL

No objection. Structural method statement is acceptable.

ENVIRONMENTAL HEALTH

No objection. Conditions recommended.

HIGHWAYS PLANNING MANAGER

No objection. Conditions and informatives recommended.

THAMES WATER UTILITIES LTD

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 23.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

Objections raised on all or some of the following grounds:

- Request control mechanisms to safeguard structural stability of adjoining properties and residential amenity during construction.
- Landscape details should be required including details of replacement tree for any felled.
- Size of basement too great and will cause disruption during construction.

ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The existing dwellinghouse is a post war neo Georgian two storey detached dwellinghouse situated on Acacia Road within the St John's Wood Conservation Area. Acacia Road is characterised by large detached and semi-detached villas in diverse architectural styles, which combine to create an informal and picturesque townscape as described in the City Council's published Conservation Area Audit. Many dwellinghouses on Acacia Road, including No. 42 – 49 opposite the application site, are Grade II listed. No. 14 is noted in the Conservation Area Audit as an unlisted building of merit in terms of its contribution to the character and appearance of the conservation area. It is situated within a stretch of five properties with this designation which have a similar brick front neo Georgian appearance.

6.2 Recent Relevant History

26 July 2016 – Application withdrawn that proposed: Demolition of existing dwellinghouse and erection of new two storey dwellinghouse plus excavation of single storey basement under house and front and rear garden providing ancillary living space; associated alterations to property frontage and rear garden (RN: 16/01898/FULL). Application withdrawn following advice from officers that basement floor and side dormer were too large.

7. THE PROPOSAL

The proposed development comprises the complete demolition of the existing three storey dwellinghouse and erection of a four storey dwellinghouse comprising basement, ground, first and second floor levels. At basement level the proposed basement would extend under the replacement house and part of the front and rear gardens providing ancillary living space, including a swimming pool. Associated alterations to the front boundary wall and the front and rear gardens are proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the replacement of the existing dwellinghouse with a new dwellinghouse of increased size in terms of floorspace accords with Policy H3 in the UDP and policies S14 and S15 of the City Plan. The replacement dwellinghouse would provide a good standard of residential accommodation, with a total floor area that would significantly exceed Government's new technical housing standards (March 2015).

The St. John's Wood Society have raised concerns regarding the level of light and ventilation to the staff accommodation shown at basement level. In planning terms this accommodation is ancillary to the use of the site as a single dwellinghouse and therefore

permission could not be refused on these grounds as the dwellinghouse as a whole would be well lit and suitably ventilated.

8.2 Townscape and Design

8.2.1 Existing building

There are a limited number of separate early to mid-20th century buildings between Nos.11 to 19 Acacia Road and the application site falls within this group. The buildings have a good degree of consistency with one another, albeit they differ in many respects from the surrounding 19th century listed buildings.

The group at Nos.11 to 19 are characterised by the use of red brickwork and comprise two sheer storeys detached buildings with additional accommodation provided within an attic storey at second floor level. The buildings have ordered front elevations and steep clay pitched roof profiles incorporating small dormers.

The existing building on the application site generally accords with the prevailing appearance of this group of neo-Georgian buildings, and for this reason it is included in the Conservation Area Audit as an unlisted building of merit. However, the other buildings in the group have larger footprints than the building on the application site and are generally more richly detailed. In this context, and given that neighbouring building No.15 Acacia Road has been redeveloped in a similar Neo Georgian style (RN:03/00316/FULL), the demolition of the building could be considered acceptable, subject to the replacement building being of sufficient design and architectural merit and appropriateness to the conservation area context.

To protect the appearance of the conservation area, a condition is recommended to prevent the demolition of the existing building, except as part of a continuous programme of development to deliver the replacement building.

8.2.2 Proposed development

The proposed development comprises two new sheer storeys at ground and first floor levels, with accommodation also within the roof structure to second floor level and within a newly excavated basement, which would be located beneath the dwellinghouse and part of the front and rear garden. The existing stepped building footprint would be replaced by a building with a larger, much squarer footprint, which would incorporate a front entrance bay and two rear bay windows. In terms of coordination with neighbouring buildings, its overall form responds to the precedent of neighbouring properties at Nos. 11, 15 and 17 Acacia Road, which also exhibit the same principle form, whilst the front building line is consistent with neighbouring buildings.

Objections have been received from the St. John's Wood Society and two neighbouring occupiers raising concerns with regard to the detailed design of the proposed building.

In terms of elevation design treatment, the proposed building would be brick faced with an arrangement of vertically proportioned windows to the front and rear elevations. This is considered an appropriate design. The proposed slate roof form incorporates a steep profile and two dormers on the side elevation and a single dormer to the rear. The St.

John's Wood Society consider the building to be poorly detailed, specifically with regards to the quoins not extending to the roof soffit, the size of the dormer windows and the relationship of the chimney to the house. These points are acknowledged; however, it is not considered they could justify withholding planning permission given that the front elevation is considered to display a clear application of the chosen neo Georgian styling with appropriate detailing, white painted timber sash windows and red brick construction. The dormers are not out of scale with the bulk and form of the proposed roof at second floor level, which itself is consistent with the neighbouring unlisted neo Georgian houses in this part of Acacia Road.

With regards to the proposed roof level "courtyard", the drawings indicate that is open with doors and windows orientated toward it within the roof level accommodation. This is not a typical feature of the neo Georgian building; however, given that it is concealed within the centre of the second floor, it would not be visible from the street so would have limited impact on the appearance of the new building and the conservation area.

The proposed basement would be located beneath the proposed dwellinghouse and would extend beneath part of the front and rear gardens. The proposed basement has been assessed against the requirements of the recently adopted basement development policy, CM28.1 in the City Plan, and the 'Basement Development in Westminster' Supplementary Planning Document (SPD) (October 2014). In accordance with the policy and guidance, the proposed basement would be limited to a single storey, the floor area of the basement would occupy no more than 50% of the garden land beyond the footprint of the building, it would retain a margin of undeveloped land on its perimeter proportionate to the size of the plot, and would include more than 1.2m of vertical soil depth above the basement where it extends beneath the rear garden. The soil depth would be less than 1.2m over the basement where it is below the front garden (it would be 0.8m); however, given that it would extend beneath an area of existing impermeable front driveway and as the remainder of the front garden, including the area to be soft landscaped, would retain existing soil depth, it is not considered that permission could reasonably be withheld on this ground. Furthermore, the new driveway to the front garden is to be constructed using a permeable paving material and this is to be secured by condition.

With regards to the external manifestations of the proposed basement, these would be limited to two modestly scaled lightwells to the front elevation, which would be located in front of the front windows either side of the entrance bay and porch. To the rear a single lightwell is proposed, which sits within the central recess of in the rear elevation and would not project beyond the two raised terraces. In these locations the proposed lightwells would relate well to the host building and would not be out of scale with the proposed building. As such the external manifestations of the basement would accord with part (B) (5) of Policy CM28.1 and the guidance in the basement development SPD.

The proposed alterations to the front boundary wall indicate that the existing wall would be replaced with a wall of greater height, but with similarly scaled piers and capping stones to those installed on the existing dwarf wall. The wall proposed would be inappropriately detailed and misses the opportunity to introduce consistency to the appearance of boundary treatments along this part of Acacia Road. As such, an amending condition is recommended requiring further details of a new front boundary wall, which is more consistent with the neighbouring properties, so that the scheme accords with Policy DES7 in the UDP.

In conclusion in design terms, the proposed development is acceptable, subject to the recommended conditions, and would accord with Policies DES1, DES4, DES7 and DES9 in the UDP and S25, S28 and CM28.1 in the City Plan.

8.3 Residential Amenity

Policy ENV 13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight or sunlight, particularly to dwellings, and that developments should not result in a significantly increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan: Strategic Policies aims to protect the amenity of residents from the effects of development.

The building would occupy an increased footprint and would be bulkier than the existing dwellinghouse. However, given the large plot that the proposed building and neighbouring buildings occupy, a reasonable separation between the properties would be maintained.

The drawings for the new house at No.15 Acacia Road (RN: 03/00316/FULL) indicates that the window in the side elevation of No.15 serves a bathroom, whilst the boundary between the application site and No.11 Acacia Road comprises a high wall. As such, the proposed building would not result in an unacceptable increase in enclosure for neighbours, nor would it cause an unacceptable loss of daylight or sunlight.

In terms of privacy, windows are proposed at first floor level in the side elevations; however, these would replace existing windows in the side elevations at this floor level and as such these would not materially increase overlooking to the two neighbouring properties. At second floor level the proposed house introduces dormer windows to both side elevations. However, these are to be obscured glazed and fixed shut to prevent overlooking and this is to be secured by condition. This can be achieved as the internal courtyard at second floor level, in the centre of the second floor, would provide natural light, outlook and ventilation for the rooms at second floor level.

A condition is recommended to restrict future permitted development rights to prevent future installation of windows or erection of extensions that would result in a material loss of amenity for neighbouring residents. A further condition is recommended to prevent the use of the flat roofs of the building as terraces or for sitting out on, so as to prevent overlooking to neighbouring windows.

Subject to the recommended conditions, the proposed development is acceptable in amenity terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

The existing house has a garage and forecourt area providing parking. Policy TRANS23 seeks to resist the loss of existing off-street residential car parking space. The proposed scheme would not include a garage, but would re-provide a forecourt area for car parking and as such, the proposed development would accord with Policy TRANS23 in the UDP despite the loss of the garage.

In terms of refuse storage, a bin store is shown in the front garden and is to be secured by condition. With regard to cycle storage, the proposed house would be of sufficiently large size to enable the storage of cycles without the need for a condition requiring the provision of dedicated storage space.

8.5 Economic Considerations

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

8.6 Access

The proposed dwellinghouse would have level access from the public highway and a lift is proposed, which would provide level access to all floor levels.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Structural Issues

With regard to basement structural impact, objections have been received from adjoining occupiers in relation to potential risk of subsidence and movement as a result of basement works. To address this and the requirements of Policy CM28.1 and the basement development SPD, the applicant has provided a structural engineer's report and supporting geotechnical survey explaining the likely methodology of excavation. Building Control officers have reviewed the submitted details and are content that the requirements of Policy CM28.1 have been met. As such, permission could not reasonably be withheld on structural grounds.

8.7.2 Construction Impact

Concerns from adjoining occupier have been expressed regarding construction related disturbances. To address these concerns it is recommended that a condition is imposed to limit the hours of building works, including additional weekend restrictions on basement excavation works. A further condition is also recommended to require the applicant to carry out the development in accordance with the City Council's Code of Construction Practice, which would include monitoring of the development during the construction period by the Environmental Inspectorate. Subject to these conditions, the requirements of Policy CM28.1 in the City Plan will have been met and permission could not be withheld on construction impact grounds.

8.7.3 Mechanical Plant

The basement includes a swimming pool and associated sauna steam room uses, and identifies a plant and store room. The application is accompanied by an acoustic report assessing the noise implications of proposed plant in relation to adjoining noise sensitive properties. This has been reviewed by Environmental Health and they are satisfied that the mechanical plant would not cause noise disturbance to neighbouring residents and would accord with Policies ENV6 and ENV7 in the UDP and S32 in the City Plan.

A condition is recommended to secure full details of the location and appearance of any vents or flues necessary to ventilate the basement level mechanical plant. This condition would address the concerns raised by the St John's Wood Society.

8.7.4 Trees and Biodiversity

The application is accompanied by an Arboricultural Survey and Tree Protection Plan. The proposed development would necessitate the removal of an apple and a birch tree. Both are of limited amenity value and as such, their removal is considered to be acceptable.

In terms of tree protection for those trees on or close to the site that are to be retained, the Arboricultural Manager has identified that some trees within adjoining sites have not been surveyed and the impact during piling is not currently adequately dealt with in the submitted tree protection methodology. Notwithstanding this, the Arboricultural Manager advises that the impact of the proposed development is likely to be acceptable in principle; provided a condition is imposed to secure more detailed and revised tree protection measures.

In terms of landscaping, a condition is recommended to secure details of the landscaping to be provided over the basement within the front and rear gardens, which should include replacement tree planting to mitigate the loss of the two trees that are to be removed to facilitate the development. A condition is also recommended to ensure the soil depths over the basement are provided in accordance with the submitted drawings.

Subject to the recommended conditions, the scheme would accord with Policies ENV16 and 17 in the UDP and CM28.1 in the City Plan.

8.7.5 Sustainability

Policy S28 of the City Plan requires applicant to demonstrate how their scheme incorporates elements of sustainable design through the submission of an Environmental Performance Statement. The submitted statement confirms the proposed building will achieve a 20% improvement on baseline carbon dioxide emissions, as set out in 2013 Building Regulation Part L. This is to be achieved through incorporating a number of measures into the fabric and fittings of the building and through the installation of photovoltaic (PV) panels to provide renewables energy on-site. The submission drawings do not include details of the appearance and location of the PV panels and a condition is therefore recommended to secure these details and to ensure they are provided and retained on site in accordance with Policy S28.

8.8 London Plan

This application does not raise any 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.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floorspace figures, the estimated CIL payment would be £59,000 for Westminster's CIL (£400 per square metre in the Residential Core Area), and £7,400 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment. Where relevant, sustainability and biodiversity issues are addressed elsewhere in this report.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Email from the St. John's Wood Society dated 24 October 2016.
3. Memo from Building Control dated 27 September 2016.
4. Memo from Environmental Health dated 3 October 2016.
5. Memo from the Highways Planning Manager dated 4 October 2016.
6. Memo from the Arboricultural Manager dated 4 November 2016.
7. Letter from the occupier of 17 Acacia Road dated 12 October 2016.
8. Letter on behalf of occupiers of 15 Acacia Road dated 17 October 2016.

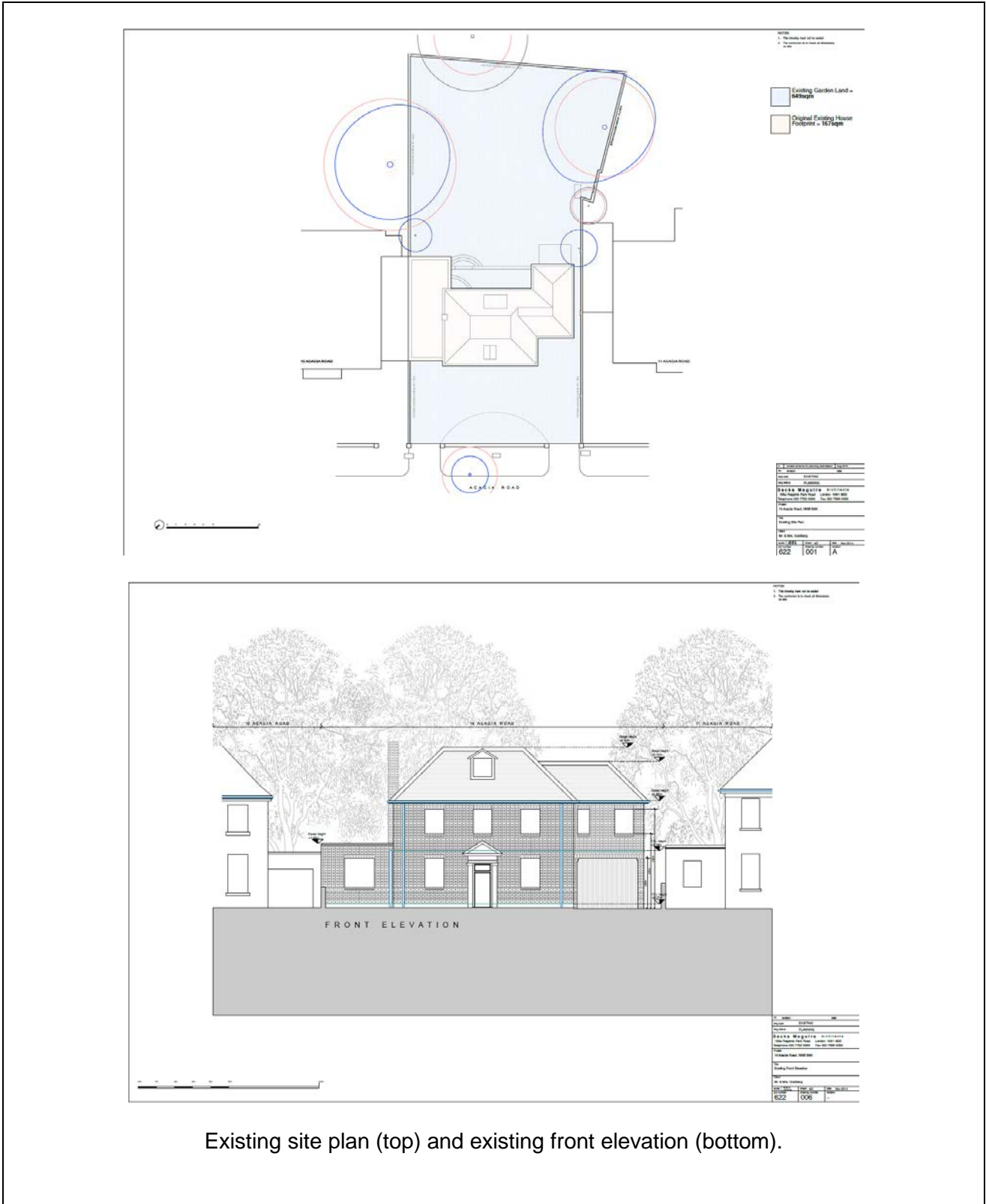
Selected relevant drawings

Existing and proposed plans, elevations and sections.

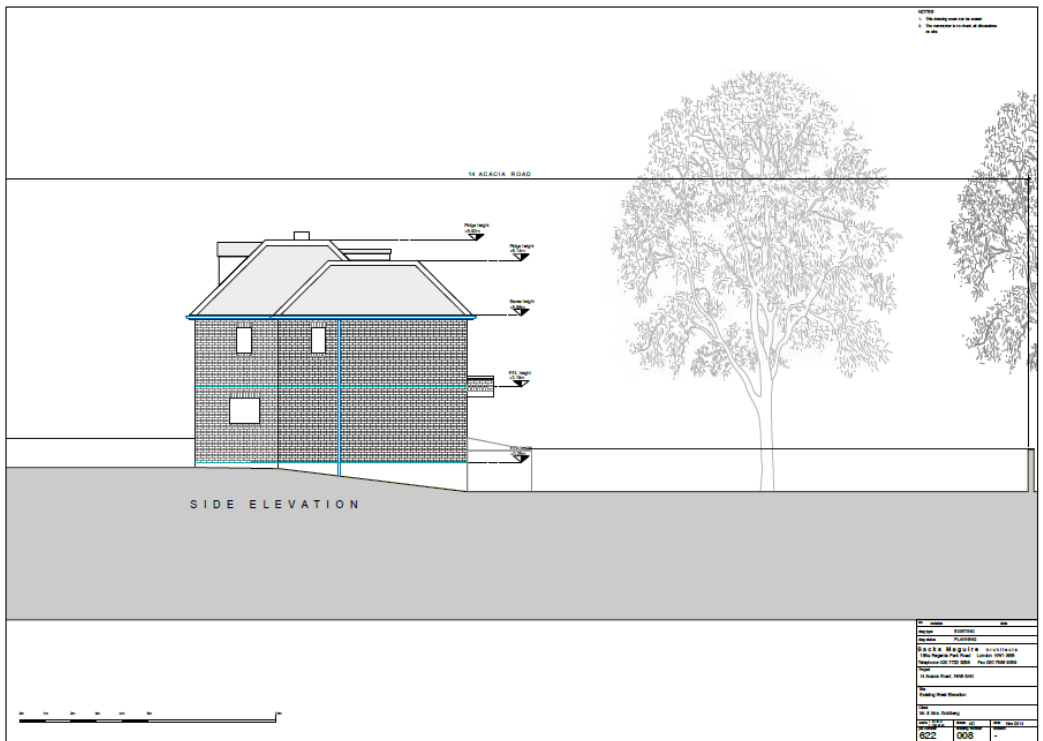
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk

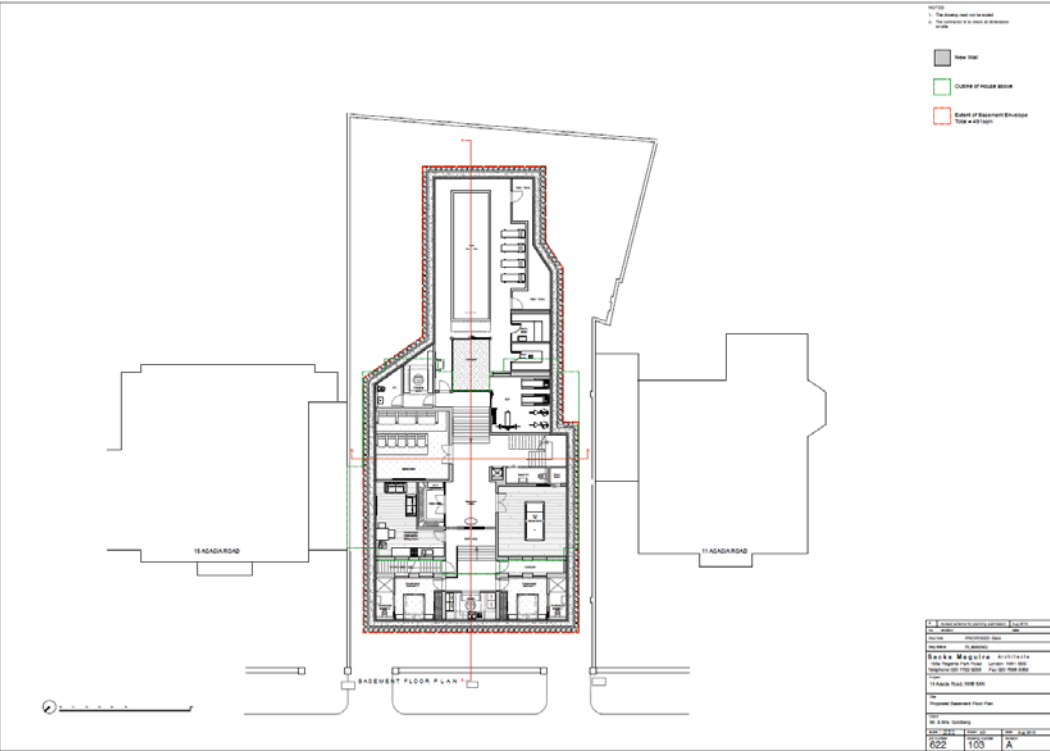
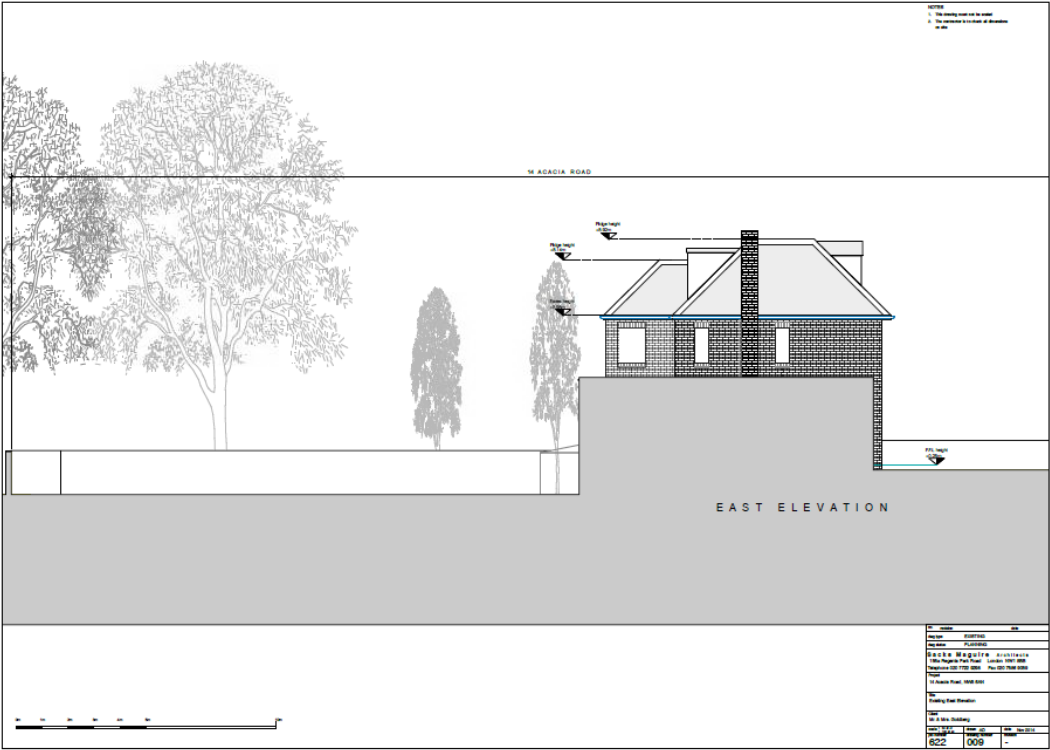
10. KEY DRAWINGS



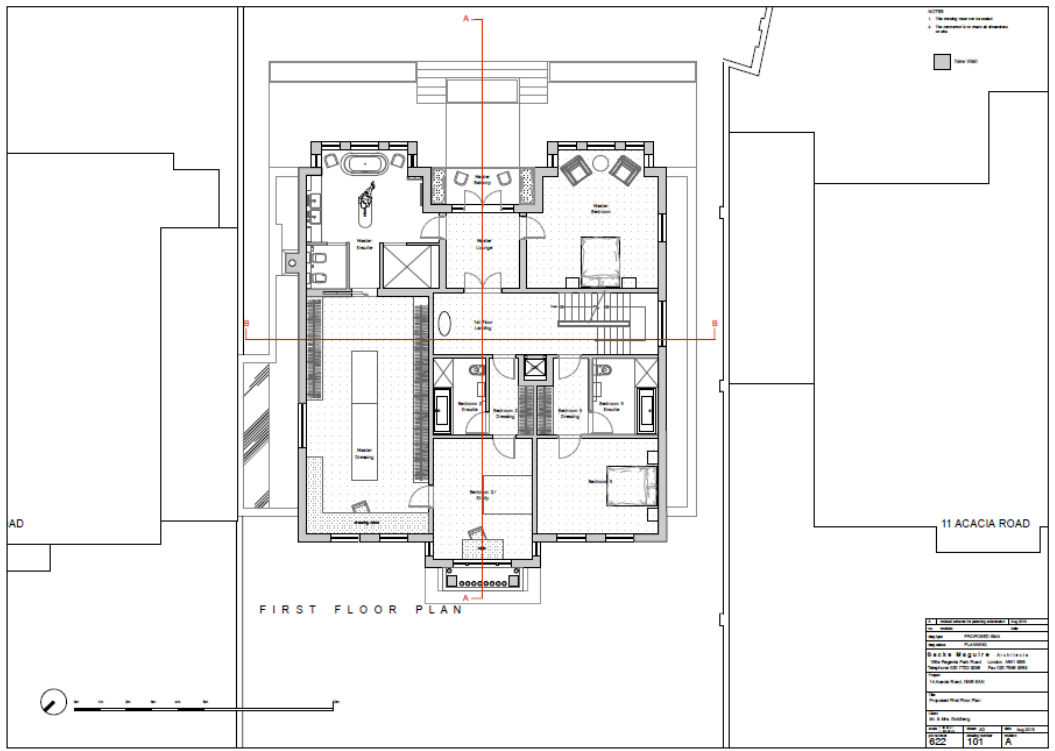
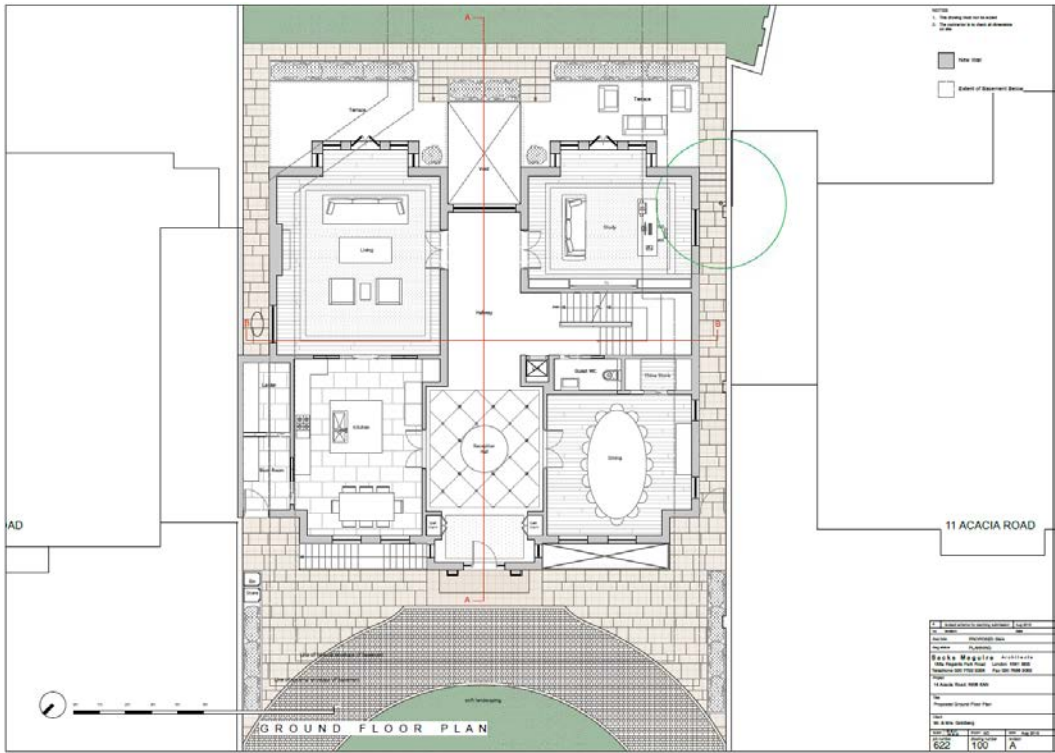
Existing site plan (top) and existing front elevation (bottom).



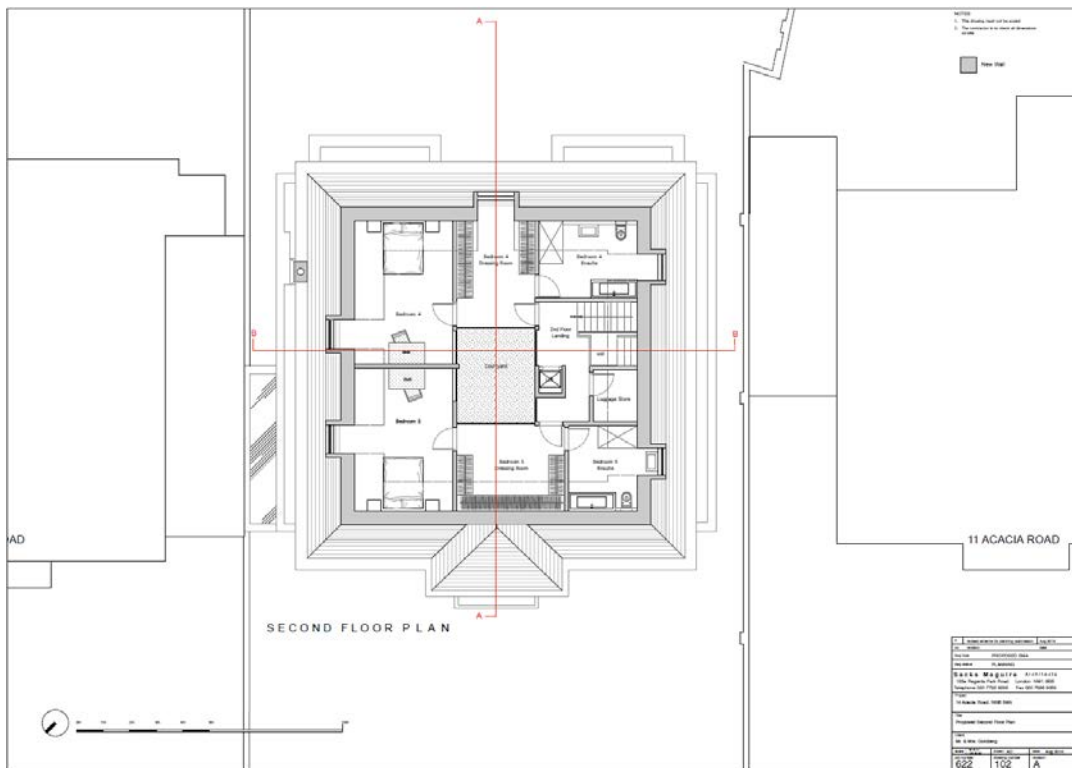
Existing rear elevation (top) and existing south west side (bottom).



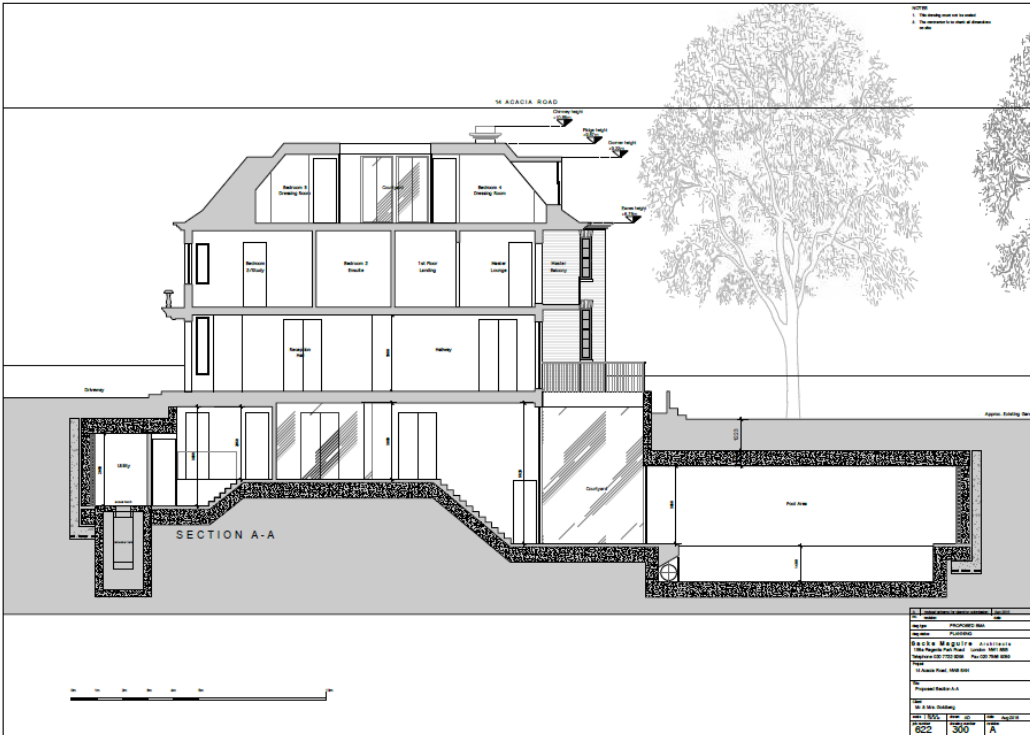
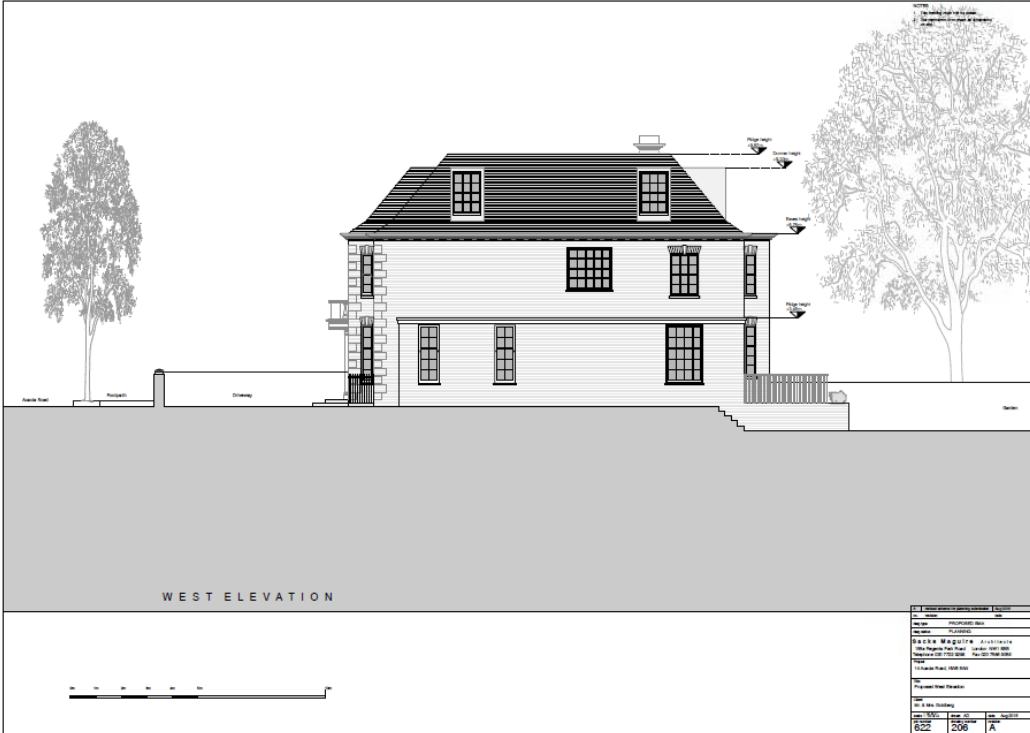
Existing north east side elevation (top) and proposed basement plan (bottom).



Proposed ground floor plan (top) and proposed first floor plan (bottom).



Proposed second floor plan (top) and proposed front elevation (bottom).



Proposed north west elevation (top) and proposed section (bottom).

DRAFT DECISION LETTER

Address: 14 Acacia Road, London, NW8 6AN,

Proposal: Demolition of existing dwellinghouse and erection of new four storey dwellinghouse (Class C3) comprising a basement floor extending under part of the front and rear gardens, ground and two upper floors. Associated external alterations, including replacement of front boundary wall.

Reference: 16/08712/FULL

Plan Nos: 622-0001A, 622-001A, 622-002A, 622-003A, 622-004A, 622-005A, 622-006, 622-007, 622-008, 622-009, 622-1000A, 622-100A, 622-101A, 622-102A, 622-103A, 622-104A, 622-200A, 622-201A, 622-202A, 622-203A, 622-204A, 622-205A, 622-206A, 622-207A, 622-300A, 622-301A, 622-500, 8677/01 (Tree constraints plan), 8677/02 (Tree protection Plan) (for information - see Condition 14), Sustainability Report dated 29 April 2016, Design and Access Statement Rev.A dated August 2016, JTK/8677/so (Arboricultural Report) (for information - see Condition 14), Acoustic Report prepared by Ken Collins dated May 2016, Basement Floor Area Schedule 14 Acacia Road, Construction Traffic Management Plan dated January 2016 (for information only - see Condition 12 and Informative 2) and Structural Engineer's Structural Method Statement for Planning prepared by Rob Jones dated October 2016 Rev.3 (for information only - see Informative 10).

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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:
- between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.

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

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

Noisy work must not take place outside these hours 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 St. John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 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)

- 4 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. The bricks shall not be rendered, painted or otherwise overlaid. (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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The new windows and external doors shall be formed in glazing and white painted timber framing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, DES 9 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 a sample of the slate roof tiles. 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 this sample. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 All external metal railings and grilles shall be black in colour, and maintained as such thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:, , (a) Amended proposed plans and elevations showing the locations of any external grilles, vents or flues serving the basement level plant room., (b) Amended proposed plans and elevations showing a front boundary treatment that is appropriately detailed and more consistent in appearance with the front boundary treatments to Nos.11 and 15 Acacia Road., , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, DES 7, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)

Reason:

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

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 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 (November 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.

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

Reason:

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

- 12 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 13 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and details of permeable surfacing in the front garden. 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 the first planting season of completing the development (or within any other time limit we agree to in writing)., If you remove any trees that form part of the landscaping scheme that we approve, or find that they are dying, severely damaged or diseased within five year 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. John's 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 (November 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)

- 14 **Pre Commencement Condition.** Notwithstanding the tree protection measures submitted at application stage, you must apply to us for approval of a method statement explaining the revised and expanded 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 the trees and the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 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. (R31DC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 16 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 622/100 Rev.A. You must clearly mark them and make them available at all times to everyone using the dwellinghouse. (C14FB)

Reason:

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

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

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 18 The glass that you put in the side elevation dormer windows at second floor level must not be clear glass, and you must fix the windows 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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 19 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: , , - Amended proposed plans, elevations and sections showing the location and appearance of the proposed photovoltaic panels. , , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. The photovoltaic panels must be installed prior to occupation of the dwellinghouse and thereafter must be retained on the building. (C26UB)

Reason:

To ensure the building is sustainable and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 20 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved, except where a lesser depth of soil is shown on the approved drawings over the basement where it extends under part of the front garden. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

- 21 You must apply to us for approval of detailed drawings of the following parts of the development;

- (a) all windows and external doors.
- (b) brickwork detailing.
- (c) railing to external lightwells and terraces.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

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 (November 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 With reference to condition 12 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.
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team,
Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP
Phone: 020 7641 2000

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

- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if

such non compliance has resulted in a death or major injury.

- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 7 Condition 14 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.
- 8 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)
- 9 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.**

- 10 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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.
9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Marlow House, Hallfield Estate, London, W2 6HJ		
Proposal	Installation of gas pipe apparatus.		
Agent	Wardell Armstrong		
On behalf of	tRiiO Strategic Partnership		
Registered Number	16/10752/FULL & 16/10753/LBC	Date amended/ completed	10 November 2016
Date Application Received	10 November 2016		
Historic Building Grade	II		
Conservation Area	Hallfield Estate		

1. RECOMMENDATION

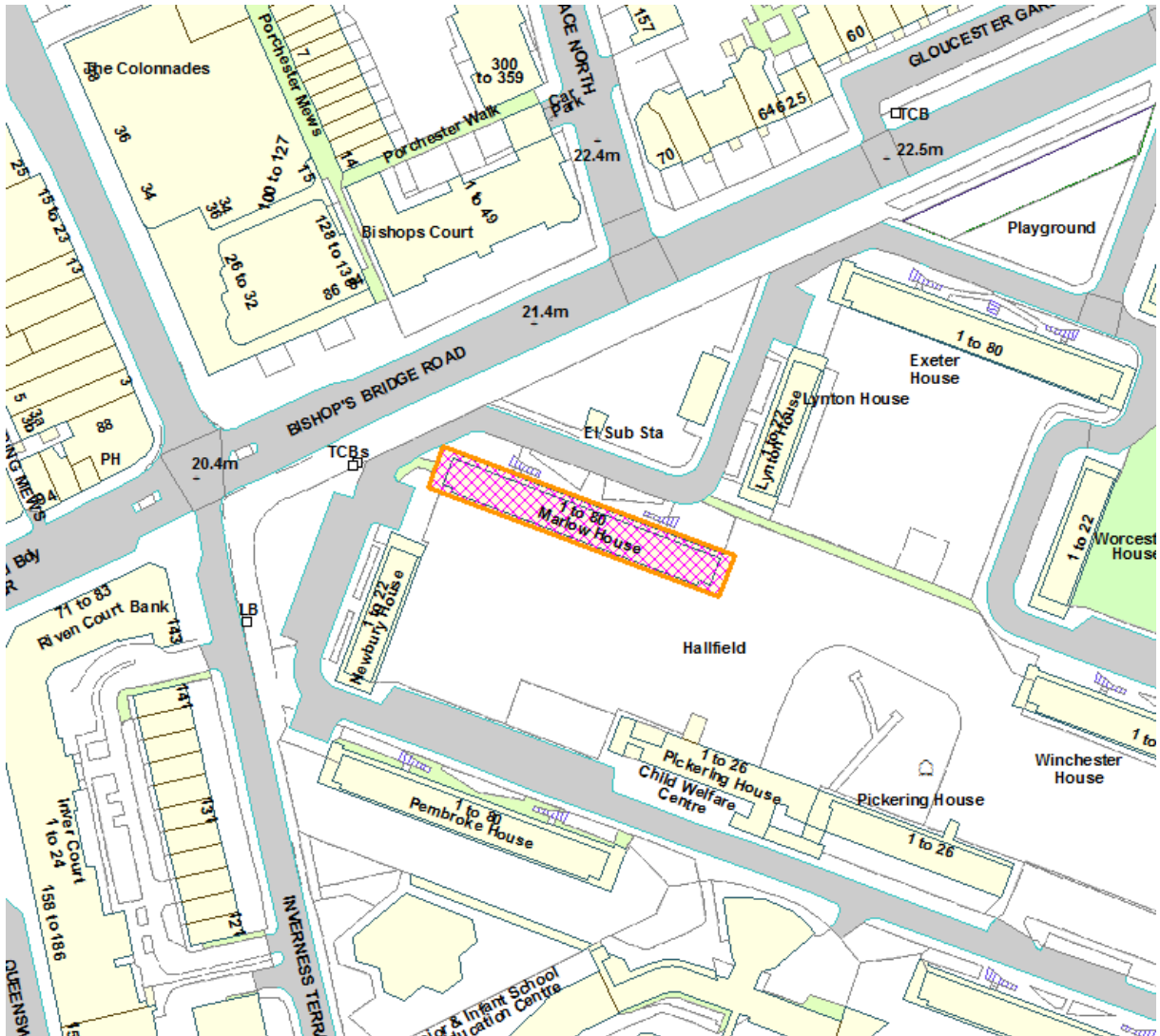
<ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent for a temporary period of 3 years. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

<p>The Hallfield Estate is a mid 20th century housing estate which comprises its own conservation area, the Hallfield Estate Conservation Area. The estate comprises 13 residential blocks, which are all Grade II listed, and other ancillary blocks. The current planning and listed building consent applications propose the installation of new gas pipes to all flats within Marlow House following identification of a leak which has resulted in the gas supply to 20 flats being temporarily cut off.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> • The impact of the proposed works on the character, appearance and special interest of the listed buildings and the Hallfield Estate Conservation Area. <p>It is considered that given the particular circumstances of this case, the harm to the special architectural and historical interest of the heritage assets is outweighed on a temporary basis by the significant short term public benefit of reconnecting the 20 residents in Marlow House who are currently</p>

without a gas supply. However, the gas pipework proposed is not acceptable on a permanent basis and therefore it is recommended that conditional permission and listed building consent are only granted for a limited period of three years to allow the applicant to explore alternative solutions for the permanent replacement of the existing gas supply to this listed building.

3. LOCATION PLAN



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4. PHOTOGRAPHS



North elevation (top) and east elevation (bottom).



Close up detail of access decks and external tiled façade (top) and view of access deck from stair core (bottom).

5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any comments to be reported verbally.

HISTORIC ENGLAND

No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80.

Total No. of replies: 0.

No. of objections: 0.

No. in support: 0.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relate to Marlow House, which is one of the residential blocks on the Hallfield Estate, that was constructed between 1949-1955. The estate was designed by the architectural practice Tecton, and then executed by two of its members, Lindsay Drake and Sir Denys Lasdun. Lasdun in particular is one of the most respected mid 20th century architects and the estate, as designed and executed, is of particular architectural merit.

The residential buildings were Grade II listed in 2011 and all the buildings on the estate are included within the Hallfield Estate Conservation Area.

6.2 Recent Relevant History

16/04961/COFUL and 16/10753/LBC: Mechanical extract fan installation to kitchens and bathrooms, localised external soffit insulation to ground floor level, and installation of bathroom towel-rail/radiator heating units. Application currently pending determination.

16/02898/FULL and 16/02899/FULL: Proposed replacement of the communal lighting with new surface mounted conduit/trunking and new lighting fittings to the deck access walkways to all blocks on the Hallfield Estate. Application currently pending determination.

7. THE PROPOSAL

The application proposes the installation of externally located gas pipes. The proposed gas pipes would necessitate a new underground supply being run to the south-eastern corner of the building. The proposed gas pipe would rise from the ground on the southern elevation and then wrap around a ground floor level window before running along the underside of the overhanging soffit to the eastern elevation. From here the proposed gas pipe would run vertically up the full height of the building within the stair core to the north eastern corner of the building. At each floor level lateral branches attached to the soffit of the access decks on the northern façade would provide the gas supply to all 80 flats in this 10 storey block.

The application has been submitted following the detection of a gas leak from the internal risers that feeds 20 of the 80 flats (namely flats 5, 6, 13, 14, 21, 22, 29, 30, 37, 38, 45, 46, 53, 54, 61, 62, 69, 70, 77, 78). The applicant seeks to restore a safe gas supply to these residents, whilst also proposing to upgrade the supply to all of the flats in Marlow House.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The scheme does not raise any land use considerations.

8.2 Listed Building, Townscape and Design

The main issue in this case is the impact of the proposal on the special architectural and historical interest of this grade II listed building in the Hallfield Estate Conservation Area.

Marlow House is one of the six 10 storey blocks on the Hallfield Estate. The block consists of a pair of dog-leg staircases located either end of the building. The front façade is north facing and comprises of central located light and stairwell, with cantilevered reinforced concrete access decks/ balconies on each floor running the length of the façade. The balconies are faced with a solid screen of pre-cast concrete panels that appear to float from the façade with alternate vertical links between each floor level. The stair wells at either end project slightly and are enclosed by concrete panels but faced in cream tiles. The front walls of the flats are well set back and are of brown concrete brick. The rear elevation (south elevation) is arranged in a chequered pattern of windows and alternating red concrete brick and blue engineering brick panels.

The 14 blocks and laundry building are listed for the distinctive and sophisticated aesthetic approach to social housing whereby the facades are treated like works of abstract art. The estate provided post-war mass housing and associated landscaping in an urban environment, as inspired by Le Corbusier's 'Radiant City'. The Hallfield Estate is the work of some of the 20th Century's most significant architects.

The statutory requirements are set out in the Planning (Listed Building and Conservation Areas) Act 1990. In particular Section 16 concerns listed building consents "*the local planning authority shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historical interest which it possesses*". Section 66 relates to planning permission affecting a listed building and states that "*the local planning authority shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historical interest which it possesses*". Section 72 set out duties relating to conservation areas where "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*".

The applicant, tRiIO Strategic Partnership, is a strategic joint venture partnership between Skanska and Morrison Utility Services. They are responsible for replacing gas mains in London and the east of England. They state that they have explored the reuse of the existing pipe work and would normally seek to undertake upgrading works through a like

for like replacement. However, in this case they state they are unable to reuse the existing pipes for the reasons set out in the following paragraphs.

The existing pipes are connected to the underground mains gas supply via a service duct that is located at the foot of the north elevation. The service duct is covered by large concrete slabs. There are several full height vertical risers located in the flats (usually in the kitchen adjacent to the main front door of the flat). The applicant suspects that the gas leak that has led to the current application occurred *“due to corrosion of the gas main within the concrete floor plates, it is necessary to assume that this is likely to be a possibility on every level of the block.”*

The applicant states that the existing gas pipes cannot be reused for the following reasons:

1. The applicant cannot access the service duct that provides the connection between the service risers in the building and the mains supply underground. The service duct was found to contain asbestos and standing water, which may pose a risk of legionella, thus raising health a safely concerns. In addition, works to the foot of the building would damage the fabric of this part of the building.
2. The condition of the existing pipes and their buried location in the building would result in intrusive disruption to the building fabric.
3. The gas riser in the flats is located adjacent to neighbouring services such as electrical mains and works to the riser may disrupt other services.

The applicant has explored three separate options for surface mounted gas pipes to restore and upgrade the gas supply to Marlow House. The first option comprises the installation of gas pipes on the rear (southern) elevation. The second option would involve the installation of two new vertical risers in the staircase with lateral pipes attached to the soffit of the balconies on the front (northern) façade. Both were disregarded for various reasons. The third option is that proposed by this application, which is described in Section 7 of this report. The applicant considers this to be the most viable option due to points 1-3 set out above.

The proposed new gas pipes would be visible in many private and public views. The balconies are a fundamental feature in the design of Marlow House and a recurring feature across the estate. The single vertical riser proposed would be situated in a discreet location against a utilitarian wall of the stairway and is partially obscured by the forward concrete features. However, the lateral gas pipe attached to the soffit of the access decks/ balconies above would be clearly seen in many public views and this is exacerbated by their number.

The existing balconies and their soffits are largely free of fixtures, albeit it is acknowledged that there are a few examples of flues, otherwise when viewed from the ground the clutter free balconies, including soffits, significantly contribute to the elegant appearance of this intrinsic feature of this grade II listed building. Therefore, the proposal is considered to have a harmful impact on the significance of the building, and would fail to preserve the special architectural interest of this listed building and undermine the wider architectural integrity of the estate. The degree of harm that would be caused is considered less than substantial and therefore Paragraph 134 of the National Planning Policy Framework

(NPPF) 2012 states that the harm caused should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In this case the improved health and social wellbeing of the occupants as a result of reconnecting the residents to a safe gas supply outweighs the harm to the building in the short term. Therefore the proposed gas pipework can be considered acceptable in design terms; however, this is only on a temporary three year basis to enable the applicant to carry out full and comprehensive investigation works to explore alternative options for reusing/ upgrading the gas supply to this and other blocks on the Hallfield Estate.

The use of a condition to limit the permission to a temporary period is justified as the applicant has failed to demonstrate that more sensitive solutions to provision of a permanent replacement gas supply have not been adequately explored. In Section 4 of the applicant's Design and Access Statement, it is indicated that the 20 occupants in Marlow House who have lost their permanent gas supply currently have a temporary glass supply. The temporary solution utilises the existing pipes within the building, but with temporary pipework 'cutting out' the existing pipework within the service duct. This is understood to be a departure from normal National Grid procedure and requires daily inspection and is therefore not a sustainable solution. It is though encouraging as the existing pipes are currently being reused. However, no details have been provided in the current application as to why it is not considered that reuse of the existing pipework within the building cannot be part of a permanent solution.

In terms of the service duct, the removal of the existing asbestos and standing water has not been fully explored and compelling reasons have not been provided as to why this could not be achieved so that it could be reused. Contrary to the applicant's assertion, the alterations to the concrete slab at the foot of the building would not adversely impact on the special interest of the building, especially if this could facilitate the reuse of the existing risers and negate the need for surface gas pipes. Similarly, whilst the internal routing of gas pipework would cause disruption to the internal part of the flats, these works would be localised to small sections of the floor plate, normally within kitchens containing modern fittings.

Because the need to replace gas connections to other blocks in the estate will be likely to arise in the future, it is important that the solution arrived at in this case has the least harmful impact possible in design and listed building terms, as it will more than likely inform the approach taken on other listed buildings across the whole estate. In this context and given the lack of information and investigation of alternative and less prominent options to date, the proposed gas pipework is only acceptable in design and listed building terms on a temporary basis. The permanent installation of the gas pipework proposed in this application would be contrary to Policies DES1, DES5, DES9 and DES10 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

The proposal does not raise any residential amenity concerns.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposals do not affect the access arrangements to the flats in this building.

8.7 Other UDP/Westminster Policy Considerations

No other 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.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment..

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Email from Historic England dated 21 November 2016.

Selected relevant drawings

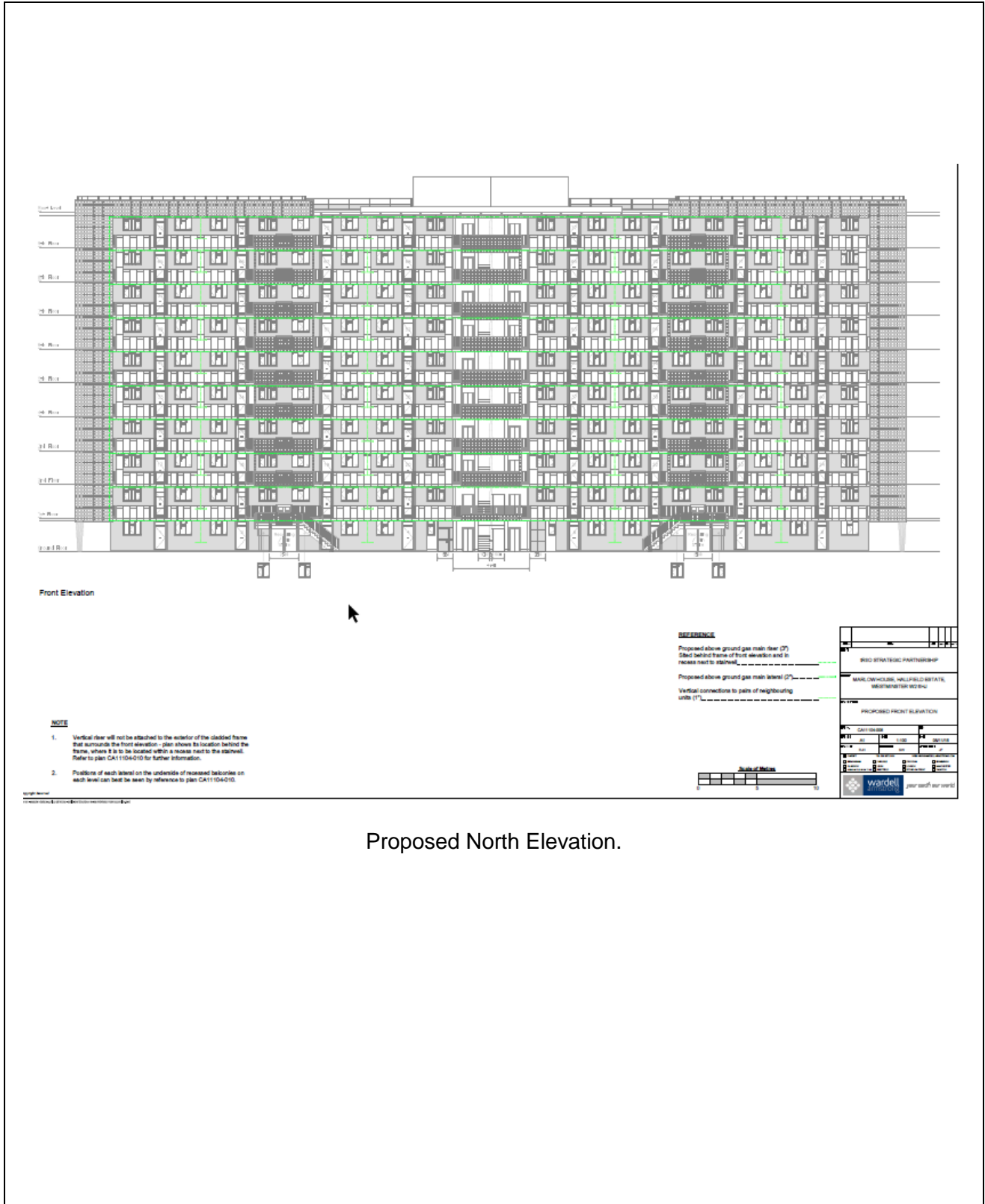
Proposed elevations and sections.

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

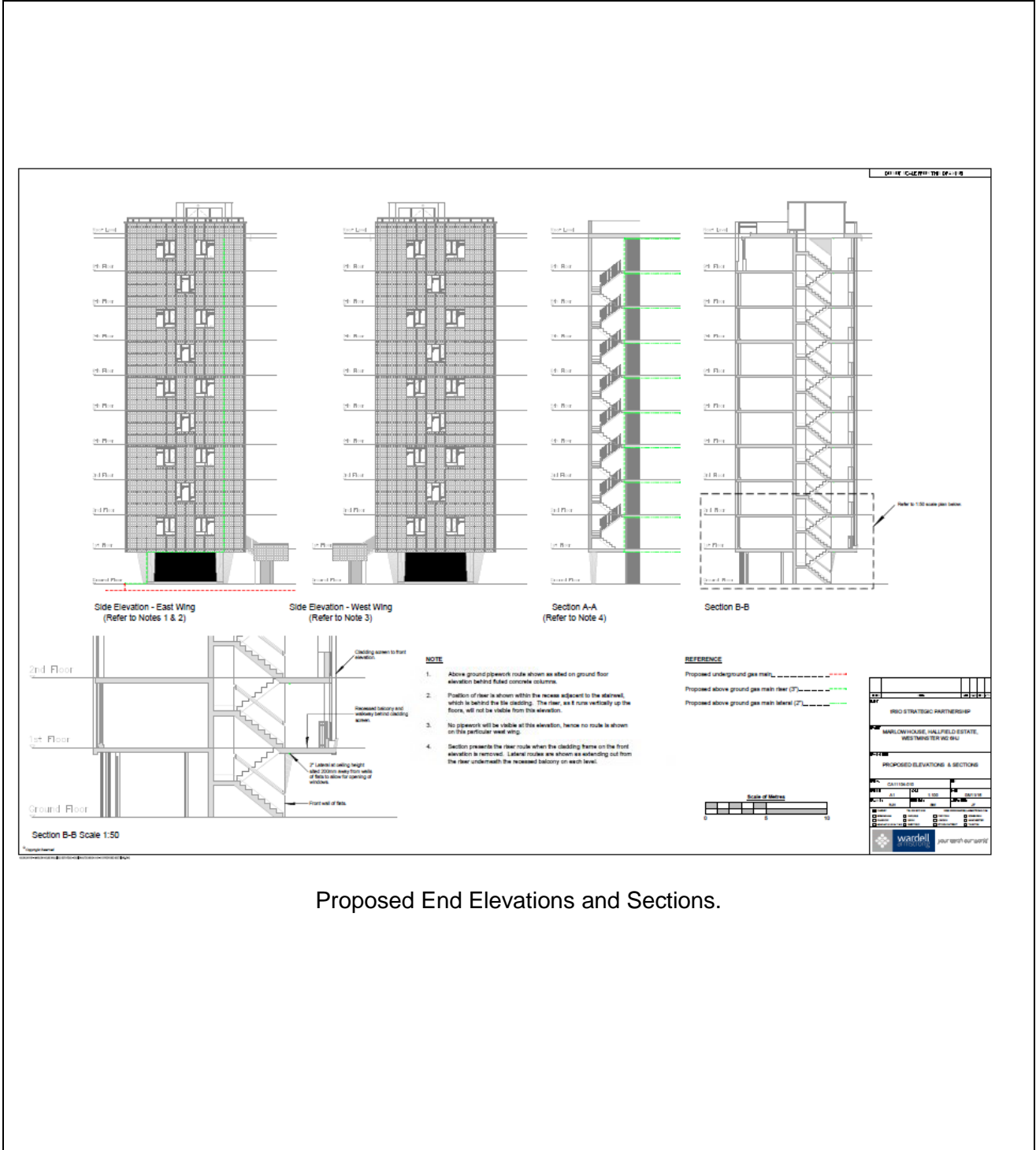
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

Item No.
9

10. KEY DRAWINGS



Proposed North Elevation.



Proposed End Elevations and Sections.

DRAFT DECISION LETTER

Address: Marlow House , Hallfield Estate, London, W2 6HJ

Proposal: Installation of gas pipe apparatus.

Reference: 16/10752/FULL

Plan Nos: CA11104-004, CA11104-006, CA11104-007, CA11104-008, CA11104-009, CA11104-010, CA11104-011, Design and Access Statement, Heritage Statement.

Case Officer: Shui-Fung Siu

Direct Tel. No. 020 7641 2522

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 The gas pipes hereby approved can remain until 19 December 2019. After that you must remove them in one continuous programme of works without interruption and return the building to its previous condition within six months following 19 December 2019. (C03CA)

Reason:

The gas pipes should not remain for a longer period because they harm the special interest this grade II listed buildings and fail to maintain or enhance the character and appearance of the Hallfield Estate Conservation Area. The permanent retention of the gas pipes would be contrary to S25 and S28 of Westminster's City Plan (Nov 2016) and DES 1 and DES 5 or DES 6 or both, DES 9, DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 3 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 (Nov 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Hallfield Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The gas pipes shall be finished/ painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Hallfield Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 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 (Nov 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The purpose of Condition 2 is not to seek disconnection of the gas supply in the future, but to allow sufficient time to investigate whether alternative methods and designs for replacing gas pipes can be devised, both for Marlow House and other blocks in the estate, which would avoid or substantially reduce the extent of surface run pipework. Should the scheme hereby approved,

prove to be the least harmful option, then you would be at liberty to seek removal of this condition and use the survey/ investigative work that you undertake in future to justify this.

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

DRAFT DECISION LETTER

Address: Marlow House , Hallfield Estate, London, W2 6HJ

Proposal: Installation of gas pipe apparatus.

Reference: 16/10753/LBC

Plan Nos: CA11104-004, CA11104-006, CA11104-007, CA11104-008, CA11104-009, CA11104-010, CA11104-011, Design and Access Statement and Heritage Statement.

Case Officer: Shui-Fung Siu

Direct Tel. No. 020 7641 2522

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 The gas pipes hereby approved can remain until 31 December 2019. After that you must remove them in one continuous programme of works without interruption and return the building to its previous condition within six months of 31 December 2019.

Reason:

The gas pipes should not remain for a longer period because they harm the special interest this grade II listed buildings and fail to maintain or enhance the character and appearance of the Hallfield Estate Conservation Area. The permanent retention of the gas pipes would be contrary to S25 and S28 of Westminster's City Plan (Nov 2016) and DES 1 and DES 5 or DES 6 or both, DES 9, DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 3 The gas pipes shall be finished/ painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Hallfield Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Hallfield Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 The purpose of Condition 2 is not to seek disconnection of the gas supply in the future, but to allow sufficient time to investigate whether alternative methods and designs for replacing gas pipes can be devised, both for Marlow House and other blocks in the estate, which would avoid or substantially reduce the extent of surface run pipework. Should the scheme hereby approved, prove to be the least harmful option, then you would be at liberty to seek removal of this condition and use the survey/ investigative work that you undertake in future to justify this.

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.
10

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	97 Randolph Avenue, London, W9 1DL		
Proposal	Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.		
Agent	d u s t design Ltd		
On behalf of	Mrs Marie-Claire Pereira		
Registered Number	16/07619/FULL	Date amended/ completed	9 August 2016
Date Application Received	9 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

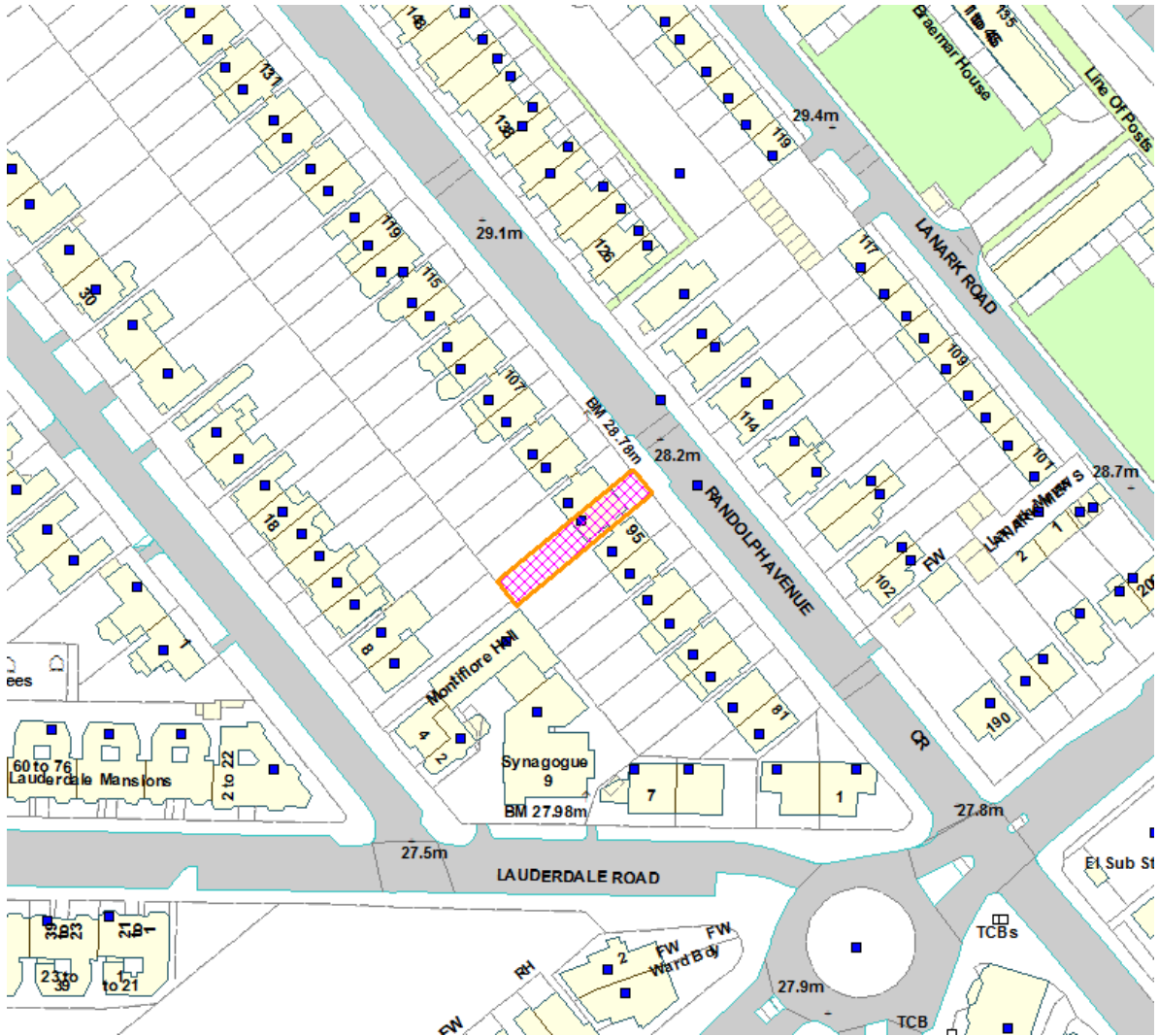
This application was reported to the Planning Applications Committee on 8 November 2017, when committee resolved to grant conditional permission. However, following the committee meeting, and prior to the expiry of the consultation period at midnight on 8 November 2016, an additional consultation response was received raising objection on noise disturbance and design grounds. This representation must be taken in to consideration in the determination of the application and therefore the application is reported back to committee for its further consideration.

As set out in the committee report dated 8 November 2016, which is appended to this report, Environmental Health advise that, subject to the recommended conditions, the operational noise level of the proposed mechanical plant would be sufficiently below the existing background noise level at the nearest noise sensitive (residential) window so as not to cause noise disturbance to neighbouring properties. This would accord with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan. These policies do not afford the same level of protection to external amenity spaces and therefore the concerns raised that the mechanical plant would be audible within neighbouring gardens is not a ground on which permission could reasonably be withheld.

In design terms, as per the previous committee report, the proposed garden structure would be substantially enclosed by existing boundary walls and is considered to be appropriate in terms of its footprint, scale and height. The cladding of the proposed building in redwood cladding would result in an appropriately designed garden building which would preserve the character and appearance of this part of the Maida Vale Conservation Area. Accordingly the proposed structure accords with Policies DES 1 and DES9 in the UDP and Policies S25 and S28 of the City Plan.

For the reasons set out in the preceding paragraphs, despite the objection received since the previous Planning Applications Committee meeting, the proposed development is considered to be acceptable and in accordance with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, it is recommended that conditional permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from 97 Randolph Avenue towards the proposed location of mechanical plant.

5. CONSULTATIONS

Original representations as reported to the Planning Applications Committee on 8 November 2016.

Additional Representations Received after the Planning Application Committee on 8 November 2016

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 0; No. of Responses: 1.

One letter of objection from the occupier of 6 Ashworth Road raising objection on the following grounds:

- Increase in noise disturbance to neighbouring gardens due to the proposed air conditioning unit.
- Plant and size of shed structure proposed are disproportionate.

6. BACKGROUND PAPERS

1. Application form.
2. Representations as reported to the Planning Applications Committee on 8 November 2016.
3. Email from the occupier of 6 Ashworth Road dated

Selected relevant drawings

Existing plan and proposed plan, elevations and section.

(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: OLIVER GIBSON BY EMAIL AT northplanningteam@westminster.gov.uk

7. KEY DRAWINGS

Existing and Proposed Rear Garden Plan

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Planning Applications Committee (5) Decisions – Tuesday 8th November 2015

8 97 RANDOLPH AVENUE, LONDON, W9 1DL

Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.

RESOLVED:

That conditional permission be granted.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	97 Randolph Avenue, London, W9 1DL		
Proposal	Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.		
Agent	Mr Anthony Ambrose		
On behalf of	Mrs Marie-Claire Pereira		
Registered Number	16/07619/FULL	Date amended/ completed	9 August 2016
Date Application Received	9 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for the installation of an external air conditioning unit, and the erection of a shed and enclosure on ground floor level at the rear of the application site.

A local resident has raised an objection on a number of grounds with respect to the impact on residential amenity and design.

The key issues are:

- Impact on the conservation area.
- Impact on the amenity of neighbouring residents.

The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and is therefore acceptable in land use design and amenity terms. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. CONSULTATIONS

COUNCILLOR PRENDERGAST

Shocked at the size and scale of the proposed shed and enclosure this will impact the neighbouring residents further.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ARBORICULTURAL OFFICER

Noted that the tree protection approved pursuant to the basement permission is not currently being implemented to protect the mature silver birch, planning enforcement have been advised of this; these protection measures could not be carried out due to the proposed works being located in the area which is supposed to be fenced off. Conditions recommended to overcome concerns over the tree protection methods and informatives added to advise applicant of how to proceed.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 1

No. of objections: 1

No. in support: 0

In summary, the following issues were raised:

Amenity (noise):

- Noise to garden should be taken into account and not just to bedroom windows
- More detailed noise assessment is required

Design:

- Size and bulk of the shed and housing unit is considerable.
- Views that gardens should not be bulked up with development.

Other:

- Sufficient drainage or soak away system is needed. Already a problem has been identified with pooling of water during excavations at No.97 and a possible contributing cause to the serious subsidence/movement of neighbours house

PRESS ADVERTISEMENT / SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

No.97 Randolph Avenue is an unlisted four storey semi-detached property located within the Maida Vale Conservation Area with a front and rear garden. The building is in use as a single family dwelling house.

4.2 Recent Relevant History

Conditional permission was granted in 2014 for the excavation of a basement extension under the house and garden, together with a lower ground floor rear and side extension, and conversion of roof space to provide habitable accommodation with 4no. rooflights. (14/04980/FULL). This is currently under construction; having undertaken the excavation works, works have ceased due to some concerns over drainage and structure.

5. THE PROPOSAL

Planning permission is sought for the installation of one external air conditioning unit and the erection of a shed and enclosure at ground floor level within the rear garden. The air conditioning unit will be housed within the enclosure on the left hand side and the shed situated on the right, one concealed single leaf door to access both will be situated off centre. The proposed shed and enclosure for the air conditioning unit will be the full width of the garden (approximately 7 metres) and project from the furthest point from the rear boundary wall by approximately 2.5metres. It will be 2 metres in height with a flat roof. It is proposed to have western red cedar timber slat cladding and a Glass Reinforced Plastic (GRP) flat roof hidden behind the parapet.

6. DETAILED CONSIDERATIONS

6.1 Land Use

In terms of land use, the proposed shed and air conditioning enclosure will be used ancillary to the existing dwelling house. The principle of ancillary floor space to an existing dwelling house is acceptable in land use terms. As part of the requirements of Schedule 2, Part 1, Class E of the General Permitted Development Order, it is considered that the proposed shed and enclosure is likely to fall within the tolerances and therefore would be seen as permitted development. Notwithstanding this the a planning application has been submitted and must be determined under planning policy.

6.2 Townscape and Design

The proposed garden structure is single storey with a flat roof and located to the very end of the rear garden of the property, enclosed on three sides by garden boundaries. It is considered to be appropriate in terms of its footprint, scale and height, and also in the context of the neighbouring properties and gardens. The detailed design of the building and the use of redwood cladding is considered to result in an appropriately designed garden building which preserves the character and appearance of this part of the Maida Vale Conservation Area.

The proposal is considered to be acceptable in design terms and complies with policies DES 1 and DES9 of the UDP and S25 and S28 of the City Plan.

6.3 Residential Amenity

The proposed enclosure and shed is located to the rear of the garden adjacent to the rear boundary and is 2m in height. The surrounding boundaries are 1.5m in height and the rear boundary benefits from a number of trees.

The proposal is adjacent to the boundaries of 95 and 99 Randolph Avenue; no representation has been received from the owners of 95 Randolph Avenue. An objection has been received from the owners of 99 Randolph Avenue raising amenity and design concerns. The neighbours to the rear of the application site are 6 and 8 Ashworth Road both these residential properties are set towards the front of their boundary and due to the existing foliage and the proposed 0.5m increase in height above the boundary wall the proposed works would not result in an unacceptable impact to the amenity. Montifiore Hall is situated to the rear of the application site this is linked with the Synagogue and is not a residential property.

Given the location of the garden building at the end of the rear garden, its size, height and relationship with adjacent properties and their gardens (95 and 99 Randolph Avenue) it is not considered to result in any significant impact on amenity through sense of enclosure, daylight and sunlight or privacy. Neither does it raise amenity issues within respect to its use, given the domestic ancillary nature of the use. Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that the proposed plant is likely to comply with the City Council's noise policy ENV 6 of the UDP, subject to the unit being installed within an acoustic enclosure. Subject to standard Westminster noise conditions and a condition to ensure that the acoustic enclosure is installed before use it is not considered that the proposals will harm the amenity of neighbouring properties.

The proposal is considered acceptable in terms of residential amenity as it complies with policies, ENV6, ENV 13 of our UDP and S29 and S32 of our City Plan.

6.4 Transportation/Parking

Not applicable.

6.5 Economic Considerations

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

6.6 Access

The proposal does not have any adverse access implications.

6.7 Other UDP/Westminster Policy Considerations

None

6.8 London Plan

This application raises no strategic issues.

6.9 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.

6.10 Planning Obligations

Not applicable.

6.11 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale.

6.12 Other Issues

Not applicable.

7. BACKGROUND PAPERS

1. Application form
2. Response from Plant And Equipment, dated 23 August 2016
3. Response from Arboricultural Officer dated 25 October 2016
4. Letter from occupier of 99 Randolph Ave, London W9 IDL, dated 28 September 2016
5. Email from Councillor Prendergast dated 22 September 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 OLIVER GIBSON ON 020 7641 7641 OR BY EMAIL AT northplanningteam@westminster.gov.uk

DRAFT DECISION LETTER

Address: 97 Randolph Avenue, London, W9 1DL

Proposal: Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.

Reference: 16/07619/FULL

Plan Nos: Location Plan A-127-RAN-PRO-000-PL Rev P, A-127-RAN-PRO-010-PL Rev P, A-127-RAN-PRO-030-SE Rev P, A-127-RAN-PRO-040-AS Rev P, Design and Access Statement, Acoustic Assessment of Proposed Mechanical Equipment dated August 2016 and Air Conditioning Product Information.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

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 The air conditioning unit hereby approved shall not be used until the acoustic enclosure and timber enclosure shown on the plans have been provided. The enclosures must then be maintained in perpetuity.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

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

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the

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

- 5 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.

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

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

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 Conditions 3, 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 4 Condition 6 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.
- 5 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 6 It has come to our attention that the tree protection measures approved pursuant to Condition 8 of the basement permission (14/04980/FULL) are not currently being implemented. Furthermore, they could not be carried out properly if this planning permission is implemented, as the shed and air conditioning unit and enclosure are within the area which is to be fenced off and from which all construction activity should be excluded (see approval of details application RN: 14/11361/ADFULL). Therefore when you apply to us for our approval of details pursuant to Condition 6 you should also submit an application to approve alternative tree protection measures pursuant to Condition 8 of the planning permission dated 7 October 2014 (14/04980/FULL).

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.
11

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	48 Knightsbridge, London, SW1X 7JN		
Proposal	Use of the public highway measuring between 1400mm and 650mm x 4040mm for the placing of three tables and six chairs in connection with existing restaurant at ground floor.		
Agent	Mr Deon van Niekerk		
On behalf of	Mr Magdy Khalil		
Registered Number	16/09072/TCH	Date amended/ completed	22 November 2016
Date Application Received	21 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	Albert Gate		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to part of the public highway outside 48 Knightsbridge, which is an unlisted building located in the Albert Gate Conservation Area. The area of public highway forms part of the forecourt of the building and is therefore outside of the area maintained by Transport for London, the highway authority for this part of Knightsbridge. Planning permission is sought for the use of part of the public highway for the placing of three tables and six chairs in connection with the existing restaurant at ground floor level.

The key issues for consideration are:

- The impact on pedestrian movement and highway safety;
- The impact on residential amenity;
- The impact on the character and appearance of the conservation area.

Objections have been received from neighbouring residents and a business on the grounds the proposal would harm residential amenity, would obstruct the pavement, would worsen safety and would be visually inappropriate. The Knightsbridge Association have also raised concerns.

Originally, four tables and eight chairs were proposed. In this layout the tables and chairs would have been partly located outside of the building's forecourt. Transport for London objected to the use of part of the highway they maintain for the tables and chairs. Accordingly, the applicant amended the proposal so the tables and chairs are proposed only within the forecourt.

The Westminster Way Supplementary Planning Guidance (2011) stipulates that proposals for outdoor seating should maintain a minimum clearance of 2 metres from the edge of the seating area to the kerb. A minimum of 2.1 metres is proposed. Whilst Knightsbridge experiences very heavy vehicular traffic, on this footway, pedestrian flow is relatively low. Therefore, the tables and chairs would not obstruct or endanger pedestrians. The Highway Planning Manger raises no objection to the proposal.

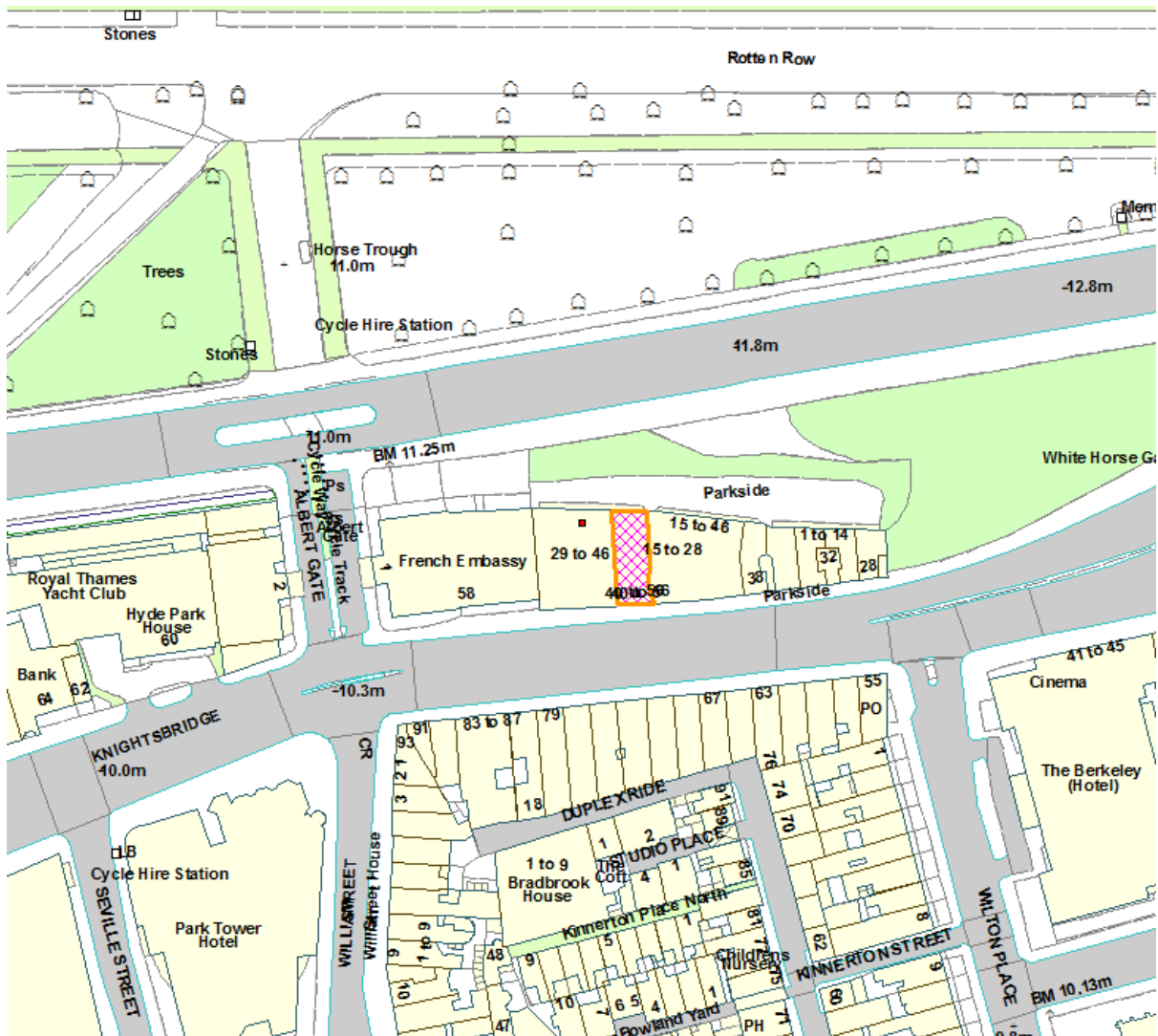
The nearest residents are above the existing restaurant. The tables and chairs would allow for a maximum of six customers to dine outside, given this modest number it is not considered this would unacceptably intensify the existing restaurant use. Whilst residents live close, subject to the imposition of a condition which allows the external dining between 11:30 and 22:30 only, it is not considered that this level of dining would likely create a harmful increase in noise or disturbance. A condition recommending the use be limited to a temporary one year period is also recommended. This would allow the circumstances to be reviewed in future.

Objectors have also raised concerns regarding smoking. Whilst diners will be able to smoke, it is considered that any smoke will have adequately dispersed to not materially harm the air quality for those residents above. Further concern is raised regarding waste storage and cleansing. The proposal would not alter the refuse arrangements of the restaurant and the external tables and tables would be serviced in the same manner as the internal covers. The Cleansing Manager has raised no objection to the proposal.

In design terms, the proposed furniture is considered acceptable in appearance and will not harm the character and appearance of the Albert Gate Conservation Area. It should be noted that advertisements will require separate advertisement consent.

For the above reasons, the proposal is considered to comply with Westminster Way requirements and is accordance with Policy S41 of Westminster's City Plan, TRANS 3, ENV 6, ENV 13, DES 7, DES 9, TACE 11 of the Unitary Development Plan and the Tables and Chairs SPG.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

TRANSPORT for LONDON

No objection; subject to revision to ensure tables and chairs are not placed on TfL maintained highway.

KNIGHTSBRIDGE ASSOCIATION

No objection; subject to no shisha smoking, no A boards, pavement washed daily and tables and chairs removed by 21:30.

HIGHWAY PLANNING MANGER

No objection.

CLEANSING MANAGER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 43

Total No. of replies: 50

No. of objections: 50 (including 45 signed pro-forma letters).

No. in support: 0

Objections from neighbouring residents and businesses on some or all of the following grounds:

- The use of part of the pavement for tables and chairs would generate noise, disturbance, rubbish, cigarette (cigar, pipe and/ or shisha) smoke and smells harmful to neighbouring resident's amenity and neighbouring businesses.
- The use of part of the pavement for tables and chairs would obstruct pedestrians and distract vehicular traffic.
- The use of part of the pavement for tables and chairs would increase crime.
- The tables and chairs would harm the character and appearance of the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

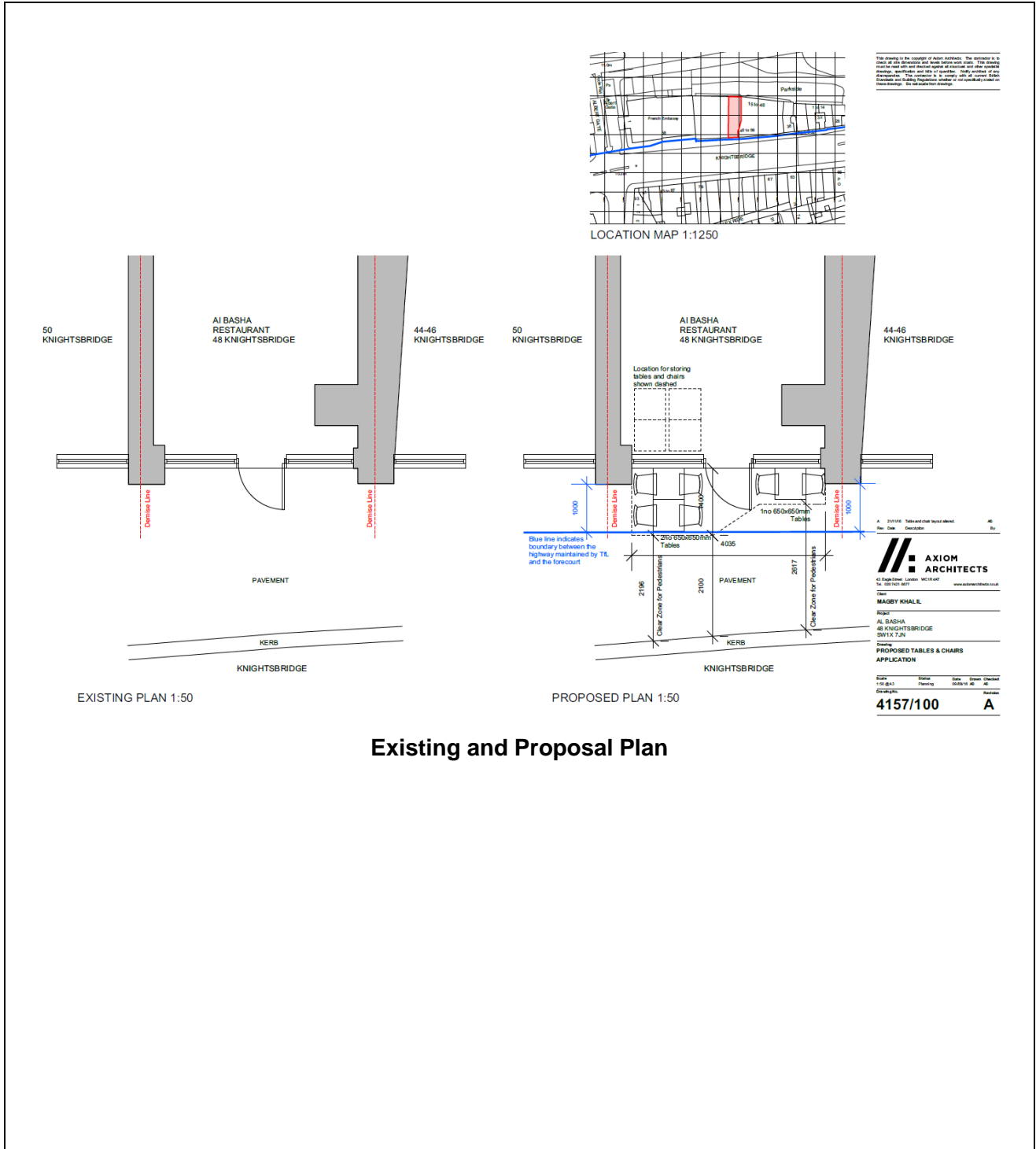
1. Application form
2. Memorandum from Cleansing Manger, dated 20 October 2016
3. Response from Knightsbridge Association, dated 3 November 2016
4. Memorandum from Highway Planning Manager, dated 15 November 2016
5. Email from Transport For London, dated 22 November 2016
6. Letter from occupier of 50 Knightsbridge, dated 25 October 2016
7. Letter from occupier of Flat 15, Parkside, 28-56 Knightsbridge, dated 28 October 2016
8. Letter from occupier of Flat 17, Parkside, 28-56 Knightsbridge, dated 1 November 2016
9. Letter from occupier of Flat 37, Parkside, 28-56 Knightsbridge, dated 1 November 2016
10. Letter from occupier of Flat 23, Parkside, 28-56 Knightsbridge, dated 3 November 2016
11. 45 signed pro-forma letters from residents of Parkside, 28-56 Knightsbridge, various dates

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: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk

7. KEY DRAWINGS



Existing and Proposal Plan

DRAFT DECISION LETTER

Address: 48 Knightsbridge, London, SW1X 7JN

Proposal: Use of the public highway measuring a between 1400mm and 650mm by 4040mm for the placing of three tables and six chairs in connection with existing restaurant at ground floor.

Reference: 16/09072/TCH

Plan Nos: Site Location Plan; 4157/100 rev A; Design and Access Statement (Capital Safety Solutions); Table and Chairs Photo.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must not put the tables and chairs in any other position than that shown on drawing 4157/100 rev A. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 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 11:30 and 10:30. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 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 31 December 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" and states "Any council may assert and protect the rights of the public to the use and enjoyment of any highway in their area for which they are not 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 (November 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 4157/100 rev A.

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. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 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 may not be able to put tables and chairs in the area unless you have a street trading licence.,

, You are advised to 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.

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

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

Item No.
12

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	5 Chester Mews, London, SW1X 7AH,		
Proposal	Replacement of a sash window with double glazed French doors with projecting balcony at rear first floor level and installation of two velux rooflights to the rear roof slope.		
Agent	Mr Riccardo Vicarelli		
On behalf of	Mr Valerio Mancini		
Registered Number	16/07591/FULL	Date amended/ completed	9 August 2016
Date Application Received	9 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a first floor flat (with roofspace above) set within a residential block spanning Nos 5 to 9 Chester Mews.

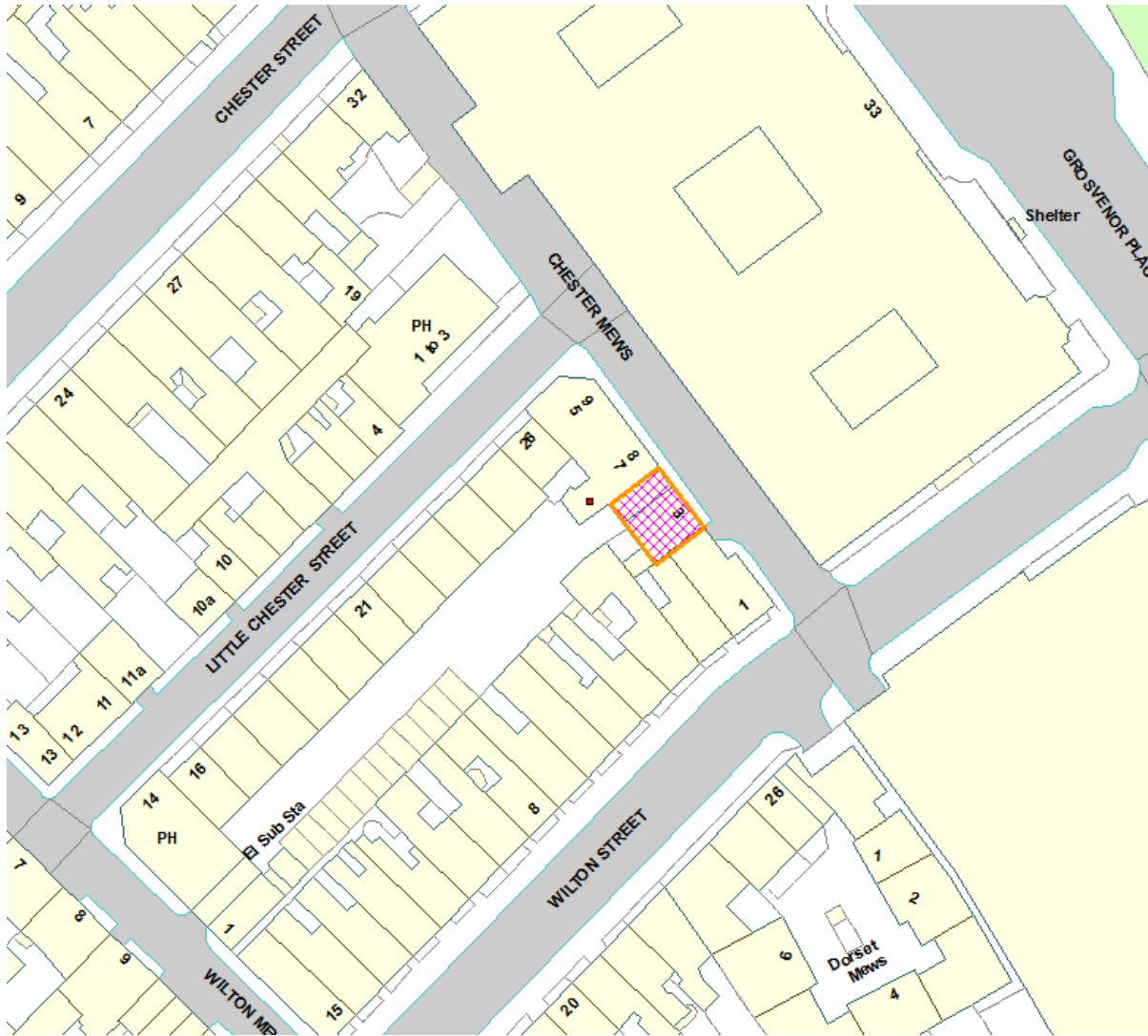
Planning permission is sought for the replacement of one rear sash window with a double glazed French door with a projecting balcony and the installation of two velux rooflights to the rear roof slope to serve the loft area.

The key issue in this case is:

* The impact of the proposals on neighbouring residential amenity.

Subject to the recommended conditions, the proposals are considered acceptable and are in line with the policies set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Rear elevation

5. CONSULTATIONS

Belgravia Neighbourhood Forum
Any response to be reported verbally.

Belgravia Residents Association
Any response to be reported verbally.

Belgravia Society
Objection on the grounds of loss of privacy to 1 Wilton Row.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5
Total No. of replies: 4
No. of objections: 4
No. in support: 0

Four letters of objection have been received from the owners/occupiers of 1 Wilton Street, 2 Wilton Street, 3 Chester Mews and 7 Chester Mews on the following grounds:

Amenity
-Loss of privacy
-Increased sense of overlooking

Other
-Safety issues.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 5 Chester Mews is a flat within the residential block of 5-9 Chester Mews. The block spans an access into a private road allowing access to the rear of properties along Little Chester Street. The site is not listed and is within the Belgravia Conservation Area.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

Planning permission is sought for the replacement of one rear sash window with a double glazed French door with a projecting balcony and the installation of two Velux rooflights to the rear roof slope to serve the loft area.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal would not result in any land use changes.

8.2 Townscape and Design

These minor works to the rear will have little impact on the character and appearance of the conservation area and are acceptable in design terms. The window should be painted timber, the balcony balustrade should be finished in black and roof lights should be conservation roof lights. It is recommended this is secured by condition.

8.3 Residential Amenity

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

The initial proposal submitted was for the replacement of two sash windows with two double glazed French doors with projecting balconies at rear first floor level and installation of three velux rooflights to the rear and side roof slopes. The application has since been amended to omit the balcony/French window above the conservatory to No. 3 Chester Mews and to omit the rooflight in the side roofslope facing 1 Wilton Street.

The Belgravia Society objects to the application on the grounds that there will be a loss of privacy as a result of overlooking to the neighbouring property of no. 1 Wilton Street. Three letters of objection have been received from the neighbouring occupiers on the grounds of a loss of privacy due to the side roof light and the balconies.

1 Wilton Street & 2 Wilton Street raise concerns with regards to the installation of the rooflights stating the side roof light would allow direct views into their properties. The omission of the rooflight to the side roofslope is considered to address these issues.

The occupiers of 3 Chester Mews raise concerns with regards to sunlight and privacy issues - this was with regards to the initial proposal which included a second balcony located directly above their glass conservatory; this balcony has since been omitted from the application.

It is considered that the proposed balcony is discreet and located a sufficient distance from neighbouring properties. The balcony is compact and unlikely to accommodate more than one person sitting out. There would be oblique views to the conservatory of No. 3 Chester Mews, which are not considered to create a significant degree overlooking sufficient to justify refusing the application, particularly given that the conservatory forms part of a commercial premises. The flat at No. 7 Chester Mews already has a large

screened terrace and there will be some degree of mutual overlooking as a result of the proposed balcony.

The amendments made to the application are considered to overcome the objections raised from 1 Wilton Street, 2 Wilton Street & 3 Chester Mews.

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

The owner of 7 Chester Mews states that no notice was served upon them. The applicant has completed the correct Certificate of ownership on the planning application form and states that notice has been served.

BACKGROUND PAPERS

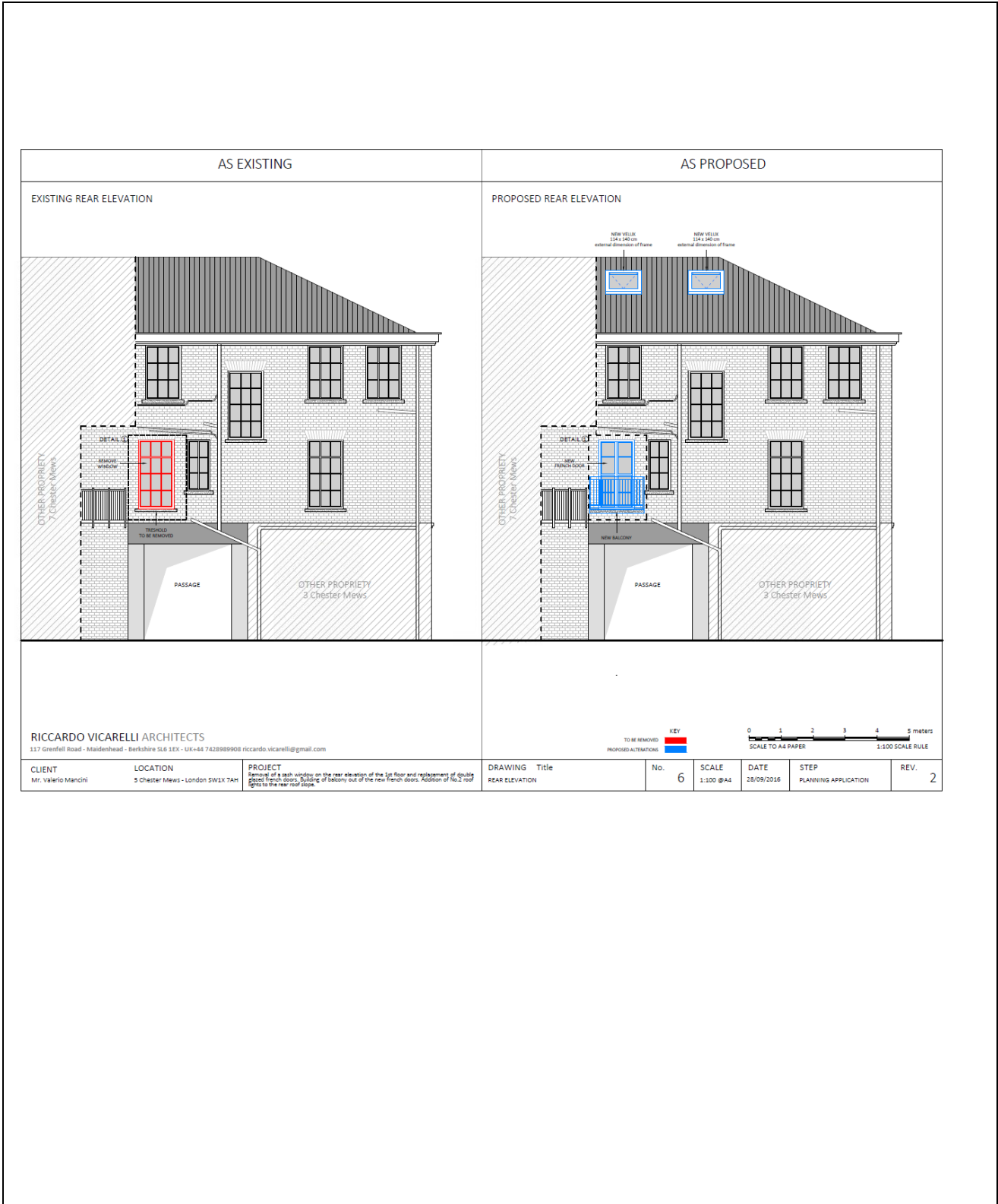
1. Application form
2. Response from the Belgravia Society, dated 25 August 2016
3. Letter from occupier of 2 Wilton Street, Belgravia, dated 31 August 2016
4. Letter from occupier of 3 Chester Mews, Belgravia, dated 24 August 2016
5. Letter from occupier of 7 Chester Mews, London, dated 6 September 2016
6. Letter from occupier of 1 Wilton Street, Belgravia, dated 17 August 2016

Selected relevant drawings

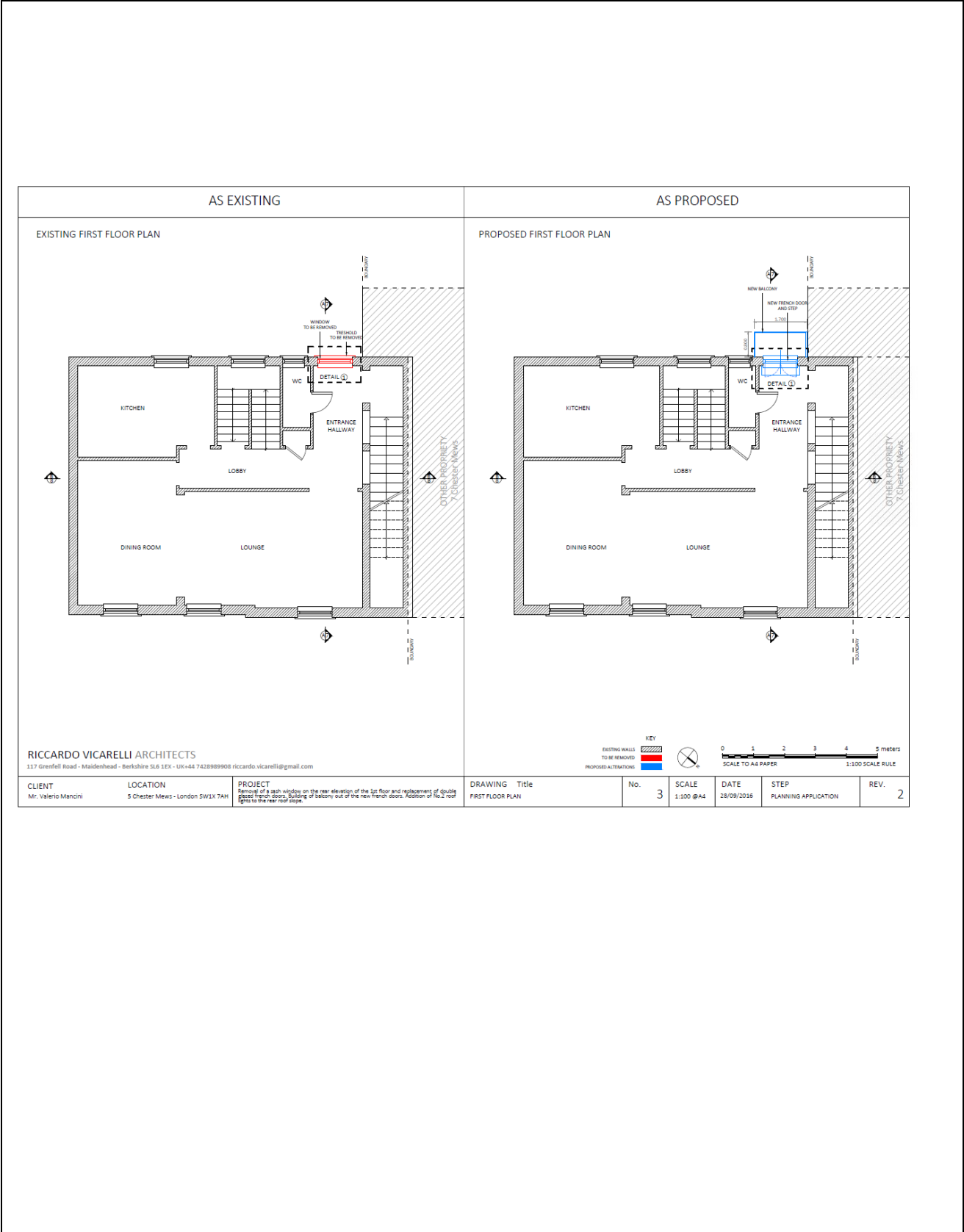
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk

9. KEY DRAWINGS



AS EXISTING		AS PROPOSED	
EXISTING REAR ELEVATION		PROPOSED REAR ELEVATION	
<p>OTHER PROPRIETY 7 Chester Mews</p> <p>TRUSKOLD TO BE REMOVED</p> <p>PASSAGE</p> <p>OTHER PROPRIETY 3 Chester Mews</p>		<p>NEW VELUX 124 x 440 cm external dimension of frame</p> <p>NEW VELUX 124 x 540 cm external dimension of frame</p> <p>OTHER PROPRIETY 7 Chester Mews</p> <p>NEW FRENCH DOOR</p> <p>NEW BALCONY</p> <p>PASSAGE</p> <p>OTHER PROPRIETY 3 Chester Mews</p>	
<p>RICCARDO VICARELLI ARCHITECTS 117 Grenfell Road - Maidenhead - Berkshire SL6 1EX - UK+44 7428989908 riccardo.vicarelli@gmail.com</p>		<p>KEY</p> <p>TO BE REMOVED ■</p> <p>PROPOSED ALTERATIONS ■</p> <p>0 1 2 3 4 5 meters</p> <p>SCALE TO A4 PAPER 1:100 SCALE RULE</p>	
CLIENT	LOCATION	PROJECT	DRAWING Title
Mr. Valerio Mancini	5 Chester Mews - London SW1X 7AH	Removal of a sash window on the rear elevation of the 1st floor and replacement of double glazed french doors. Building of balcony out of the new french doors. Addition of No.2 roof lights to the rear roof slope.	REAR ELEVATION
		No.	SCALE
		6	1:100 @A4
		DATE	STEP
		28/09/2016	PLANNING APPLICATION
		REV.	2





16/07591/FULL

DRAFT DECISION LETTER

- Address:** 5 Chester Mews, London, SW1X 7AH,
- Proposal:** Replacement of a sash window with double glazed French doors with projecting balcony at rear first floor level and installation of two velux rooflights to the rear roof slope.
- Plan Nos:** Site location plan; Detail 2 Rev 1; Block Plan Rev 1; Roof plan Rev 1; Front elevation Rev 1; First floor plan Rev2; Rear elevation Rev2.
- Case Officer:** Seana McCaffrey **Direct Tel. No.** 020 7641 1091

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 (November 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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 window frames shall be painted timber, the balcony balustrade shall be finished in black and the roof lights shall be conservation roof lights.

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 (November 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.