



City of Westminster

Committee Agenda

Title:

Planning Applications Committee (3)

Meeting Date:

Tuesday 28th March, 2017

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Andrew Smith (Chairman)
Jonathan Glanz
Barbara Grahame
Robert Rigby



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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. 17 ADAMS ROW, LONDON, W1K 2LA | (Pages 5 - 26) |
| 2. 25-27 OXFORD STREET, LONDON, W1D 2DW | (Pages 27 - 68) |
| 3. 10 - 12 BOURLET CLOSE, LONDON, W1W 7BR | (Pages 69 - 86) |
| 4. 7-9 BOTTS MEWS, LONDON, W2 5AG | (Pages 87 - 114) |
| 5. 84B CARLTON HILL, LONDON, NW8 0ER | (Pages 115 - 148) |
| 6. 3 ABBEY ROAD, LONDON, NW8 9AY | (Pages 149 - 196) |
| 7. 55 OLD COMPTON STREET, LONDON, W1D 6HW | (Pages 197 - 214) |
| 8. 5 MACCLESFIELD STREET, LONDON, W1D 6AY | (Pages 215 - 228) |

- | | |
|---|--------------------------|
| 9. MOORE HOUSE, 2 GATLIFF ROAD, LONDON | (Pages 229 - 250) |
| 10. 7 CLIFTON HILL, LONDON, CITY OF WESTMINSTER, NW8 0QE | (Pages 251 - 282) |

**Charlie Parker
Chief Executive
20 March 2017**

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CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE – 28th March 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN NO(s) : 16/12217/FULL West End	17 Adams Row London W1K 2LA	Demolition behind retained front facade and redevelopment to provide a building comprising new basement, ground and two upper floors, including rear extensions at ground and first floors, and first floor rear terrace, for use as a single family dwelling with two integral garages.	
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
2.	RN NO(s) : 16/11476/FULL West End	25-27 Oxford Street London W1D 2DW	Redevelopment behind retained facade and erection of seventh floor extension with new plant room at roof level to provide retail use (Class A1) at basement, ground and first floors and office (Class B1) use at part basement, part ground, part first and second to seventh floors.	
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
3.	RN NO(s) : 16/12196/FULL West End	10 - 12 Bourlet Close London W1W 7BR	Erection of a 4 th floor mansard roof extension at No's 10 and 11 and a 3 rd floor mansard at No 12, excavation of a sub-basement level, installation of plant within acoustic enclosure at rear first floor level at No's 11 and 12 in connection with continued use of the buildings as offices (Class B1).	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN NO(s) : 16/09953/FULL Bayswater	7-9 Botts Mews London W2 5AG	Demolition of existing buildings and erection of replacement three storey buildings with double basements to provide 2 x 4 bedroom single family dwellinghouses (Class C3), with integral garages and other associated works.	
	Recommendation Refuse permission - extent of excavation, design and amenity.			
Item No	References	Site Address	Proposal	Resolution
5.	RN NO(s) : Application 1 16/11456/FULL 16/11457/LBC	84B Carlton Hill London NW8 0ER	Application 1: Construction of gable end/ pediment to side extension with a pitched roof behind; retention of roof lanterns to side extension, retention of ground and first floor extended area to side extension; retention of lights and green roof to rear single	

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SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Application 2 16/11461/FULL 16/11460/LBC Abbey Road		storey extension, alterations to front and rear garden including new landscaping, and associated internal alterations to the 1950's extension. Retrospective Application (16/11456/FULL & 16/11457/LBC) Application 2: Erection of a single storey rear extension at ground floor level with frameless, double glazed,-sliding-folding doors, and internal alterations including the removal of an internal partition. Retrospective Application (16/11461/FULL & 16/11462/LBC)	
Recommendation Application 1 <ol style="list-style-type: none"> Grant conditional permission and conditional listed building consent. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter. Application 2 <ol style="list-style-type: none"> Refuse planning permission – design. Refuse listed building consent - design, loss of historic fabric and plan form. 				
Item No	References	Site Address	Proposal	Resolution
6.	RN NO(s) : 16/07867/FULL 16/07868/LBC Abbey Road	3 Abbey Road London NW8 9AY	Variation of Condition 1 of planning permission dated 2 July 2015 (RN: 14/11186/FULL & 14/11187/LBC) for the reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3. NAMELY, amendments to alter the detailed design, layout and form of the new recording studio to rear of No.5 Abbey Road including demolition and replacement of boundary wall with No.7; relocation of plant from roof of the existing building and new recording studio to rear of No.5 Abbey Road to within the gap between it and Studio 2; alteration to the detailed design and plant arrangement to the garage building facing Hill road in connection with its use as two small studios; alteration of the detailed design, form and roof level plant arrangement of the single storey block adjacent to boundary with Abbey House;	

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SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			omission of entrance canopy to gift shop entrance, relocation of gift shop plant and repositioning of front wall pier; and amendments to internal alterations to Studio 3.	
	Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
7.	RN NO(s) : 16/03127/FULL West End	55 Old Compton Street London W1D 6HW	Replacement of existing full height extract duct to the rear elevation measuring 450mm x 450mm and associated plant at rear lower flat roof level.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
8.	RN NO(s) : 17/01062/FULL 17/01063/ADV St James's	5 Macclesfield Street, London W1D 6AY	1. Replacement shopfront and installation of new awning at front ground floor level. 2. Display of internally illuminated fascia sign measuring 1.43m x 1.69m, externally-illuminated mural measuring 6.2m x 8.6m to Dansey Place 3.8m x 4.5m to shopfront.	
	Recommendation 1. Refuse permission - design grounds. 2. Refuse advertisement consent - design grounds.			
Item No	References	Site Address	Proposal	Resolution
9.	RN NO(s) : 16/05525/FULL Churchill	Moore House, 2 Gatliff Road, London	Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m2 retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.	
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
10.	RN NO(s) : 16/09298/FULL 16/09299/LBC	7 Clifton Hill London City Of Westminster	Variation to Condition 1 of planning permission and listed building consent dated 20.11.2012 (Ref: 12/03398/FULL & Ref: 12/03399/LBC) for the excavation and the dwellinghouse and part of rear	

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SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Abbey Road	NW8 0QE	garden to provide additional residential accommodation, associated internal and external alterations, and retention of bin store in front garden; NAMELY, for a new plant room to sub-basement level including new vent to rear garden and a deepening of the swimming pool, and for new windows and doors to rear lower ground floor level and new windows to rear ground and first floor levels	
	Recommendation 1 Grant conditional permission and conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	17 Adams Row, London, W1K 2LA,		
Proposal	Demolition behind retained front facade and redevelopment to provide a building comprising new basement, ground and two upper floors, including rear extensions at ground and first floors, and 1st floor rear terrace, for use as a single family dwelling with two integral garages.		
Agent	De Matos Ryan		
On behalf of	Alexanders Ltd.		
Registered Number	16/12217/FULL	Date amended/ completed	11 January 2017
Date Application Received	22 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application premises comprises two garages at part ground part and part lower ground floor levels with residential flats at both 1st and 2nd floors. Adams Row is situated to the south of Grosvenor Square within the Mayfair Conservation Area.

Permission is sought for redevelopment behind a retained front façade to provide a new building comprising basement, ground and two upper floors for use as a 5 x bedroom single dwellinghouse.

The key issues for consideration are:

- The impact on residential amenity.
- The impact on the townscape and the character and appearance of the Mayfair Conservation Area.

The new building will not result in a material increase in bulk and mass and would not adversely impact on the amenity of neighbouring residents. The scheme is also considered to be acceptable in design terms and would preserve the character and appearance of the Mayfair Conservation Area. The application accords with adopted policies in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan), accordingly the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



27 Sep 2016, 14:15:30



27 Sep 2016, 14:15:32



5. CONSULTATIONS

COUNCILLOR ROBERTS:

Objection to potential noise disturbance from construction, comment that the premise overlooks bedrooms to flats at 18 Mount Street. The Mews properties are part of the charm of the conservation area and are not significantly altered at both front and rear, which should be continued.

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S:

Any response to be reported verbally

BUILDING CONTROL:

No objection, comment that the structural method statement is acceptable.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions

HIGHWAYS PLANNING MANAGER:

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 48

Total No. of replies: 4

No. of objections: 4

No. in support: 0

4 letters of objection raising some or all of the following issues:

- Noise and disturbance nuisance during construction works.
- Potential structural damage

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No 17 Adams Row comprises part lower ground, ground and two upper floors. The ground and lower ground floor are garages currently used as storage space, with a 1x 2 bedroom flat on each of the 1st and 2nd floors. The building is not listed but is located within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ).

The surrounding area is mixed use in character comprising commercial offices, residential, retail, and restaurant uses.

6.2 Recent Relevant History

None relevant

7. THE PROPOSAL

Permission is sought to redevelop the existing mews building behind a retained front façade. The rebuilt property which will include a new basement, would comprise basement, ground and two upper floors for use a single 5 x bedroom house with integral garages.

The scheme would result in an increase of 49.3 m² (new basement). There is no increase in height, the proposal includes small extensions at rear ground and first floor levels. No change is proposed to the front fenestration in the retained front façade. At the rear two asymmetrical dormers will be replaced by a single central dormer window and rooflights.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The lawful use of the 1st and 2nd floors is residential, comprising flats 2 x flats. The scheme would result in the provision of a single 5 x bedroom house.

Policy S14 of the adopted City Plan 2016 seeks to optimise residential as such residential is protected both in terms of both units and floorspace. An exception to the policy is where flats are behind combined to create a family sized unit, which is the case in this instance. The proposal is therefore in accordance with policy. The additional residential floorspace is welcomed. The proposed house accords with The Mayor of London's housing standards and would provide a good standard of accommodation.

8.2 Townscape and Design

Background

17 Adams Row is an unlisted building in the Mayfair conservation area. It forms part of a terrace with 12-20 Adams Row, and was built as stabling to service the new shops in Mount Street in 1896. It is considered to make a positive contribution to the character and appearance of the conservation area. The Adams Row buildings would have been among the last purpose built stables to be constructed in Westminster, before stables were replaced in new developments by garaging for motor cars.

The Adams Row buildings, with the exception of the adjacent no.16, which was rebuilt in 1960, have stable doors at ground floor level with gabled red brick

facades above. Each roof features a louvred cupola, presumably to provide fresh air to the ground floor stabling.

The fronts of the buildings form a highly consistent terrace, notwithstanding the insertion of no.16. At the rear the buildings are less consistent. The rear roof slopes have had a variety of windows and rooflights added. Nos. 12 to 15 all have a large rear dormers taking up the majority of the rear roofslope. Nos. 17 to 19 have matching large and small rear dormers, though no 19 is much altered. No 20 is not consistent. The lower floors are mostly concealed behind the party wall with Mount Street buildings.

The significance of the buildings exists mostly in their front elevations, including roof covering and cupola. These make a considerable contribution to the character of the Mayfair conservation area, and the protection of the front elevation is key. While the rear elevation does also have some degree of significance, particularly in the arrangement of large and small dormers, this is limited because:
visibility is limited;
the rear of the terrace has limited consistency;
the rear elevations are modest in design, with little decorative detail.

Principle of Demolition

Councillor Roberts has commented that the Adams Row mews houses are part of the charm of the Mayfair conservation area and have not been altered much at the rear as well as the front and that this should continue.

The proposals involve the demolition of 17 Adams Row, retaining the existing front façade. The front roof slope is to be rebuilt in facsimile, reusing the cupola. The chimney stacks to the party walls are to be retained, with only a single centrally located chimney to be demolished and not rebuilt. By retaining the front façade the scheme will retain the key elements of the building which is considered to be acceptable in design terms.

The rear elevation is to be rebuilt including small extensions at ground and first floor levels. The rear roof slope will have a revised arrangement of windows. The existing large and small dormers are to be replaced with a single central dormer with rooflights either side. New bi-folding doors will allow access onto an existing 1st floor terrace.

Impact on the new building on the conservation area.

The key issue at the rear is the loss of the large and small dormer in the rear roof slope. The other changes to the rear elevation are considered to have less impact on the appearance of the building because of the height of the rear party wall, which rises almost to eaves level.

The current arrangement of dormers does have some charm, its asymmetry is a deliberate device, repeated at no 18 next door. It is not however considered that

there is sufficient consistency of rear dormer arrangements along Adams Row for this to form a reason to resist the loss of the dormers. The proposed arrangement of windows and rooflights is considered to be sufficiently traditional for this, relatively sensitive, context.

A markedly modern central dormer was originally proposed, along with a frameless glass opening to the rear terrace. Both these elements have been redesigned in more traditional materials and design to better reflect the style and period of the host building. These elements are now considered to be acceptable.

The proposal will not cause harm to the character of the mews and setting of neighbouring listed building to the rear. The scheme is considered acceptable in this context, particularly taking into account the large scale of the buildings to the rear and the enclosed nature of the site and is of an appropriately high quality to outweigh the less than substantial harm caused by the redevelopment of the unlisted building.

8.3 Residential Amenity (Daylight/ sunlight/ sense of enclosure/ privacy)

With the exception of the new basement which will not extend beyond the footprint of the existing building and the small rear ground and first floor extensions, which are contained below the height of a rear boundary wall, the proposed rebuilt mews house is within the envelope of the existing building. A daylight and sunlight report has been submitted in support of the application which assesses the impact of the development on No's 20-22 Mount Row located directly to the rear. The main roof of the proposed building will follow the height and pitch of the existing building and the rear extensions are set below the boundary wall separating the buildings. As such, the scheme would have no material impact on daylight, sunlight or sense of enclosure to No 20-22 Mount Street or any of the surrounding nearby properties.

Councillor Roberts comments that the existing mews building overlooks bedrooms of residential properties on Mount Street. Although as stated the scheme would result in the re-arrangement windows at the rear of the building this would not result in any increased overlooking. The present arrangement of a large and single dormer window will be amended to a single central dormer window and rooflights. The new central dormer window will serve a staircase. New bi folding doors allowing access onto an existing terrace are below the existing rear boundary wall. The proposed changes to the rear fenestration detailing would not result in a loss of privacy. The development will not result in a loss of amenity to residents and accords with policies ENV 13 of the UDP and S29 of Westminster's City Plan.

8.4 Transportation/Parking

The existing garages provide 3 off street car parking spaces. The scheme will retain the garages which will be integral with the mews house and would result in

the provision of two car parking spaces and two cycle parking spaces. The Highways Planning has confirmed that this is acceptable. It is recommended that the car parking and cycle parking spaces are secured by condition.

8.5 Economic Considerations

The economic benefits associated with the development are welcomed.

8.6 Access

The access arrangements to the mews dwelling will remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

Plant

The application includes plant which will be positioned internally within the roof of the property. An acoustic report has been submitted in support of the application which has been assessed by Environmental Health team who raise no objection. This aspect of the application is considered acceptable subject to the imposition of the normal noise conditions.

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.

The proposal is not CIL-liable.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Basement

Basement developments need to be assessed against City Plan Policy CM28.1. The new basement will not extend beyond the footprint of the existing building to

this residential building situated with the Core CAZ. The proposed basement complies with the criteria as set out in the policy and is considered to be acceptable in principle.

Structural issues

With regards to structural impact, objections have been received from adjoining occupiers in relation to potential structural damage as a result of the building works particularly from the construction of the basement. The application includes the submission of a structural engineer's report and supporting geotechnical survey explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The level of analysis and detail submitted with the application is substantial and has been prepared by a suitably qualified Structural Engineer. Building Control officers have reviewed the submitted details and raised no concerns. Whilst this satisfies the policy for the purposes of determining this planning application, detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology and appendices have provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

The site is not a surface water flood risk hotspot.

Construction impact

Objections have been received from adjoining occupiers that the development would result in nuisance from construction works, including problems associated with vehicles accessing the site, noise disturbance, hours of building works, and potential damage to party walls. Policy CM28.1 of the City Plan requires the applicant to supply a signed pro-forma setting out an obligation on behalf of the applicant to undertake the works in accordance with the Councils Code of Construction Practice. This is a provision of the adopted basement policy revision to provide the Council with greater monitoring powers for the construction period and details of construction practices; with the aim of reducing construction related impacts on the locality. The applicant has agreed that they will adhere to the City council's Code of Construction Practice. It is recommended that this is secured by condition. This should successfully ensure that construction should not result in a

loss of amenity to residents. On this basis permission could not reasonably be withheld due to the potential impact of construction works.

9. BACKGROUND PAPERS

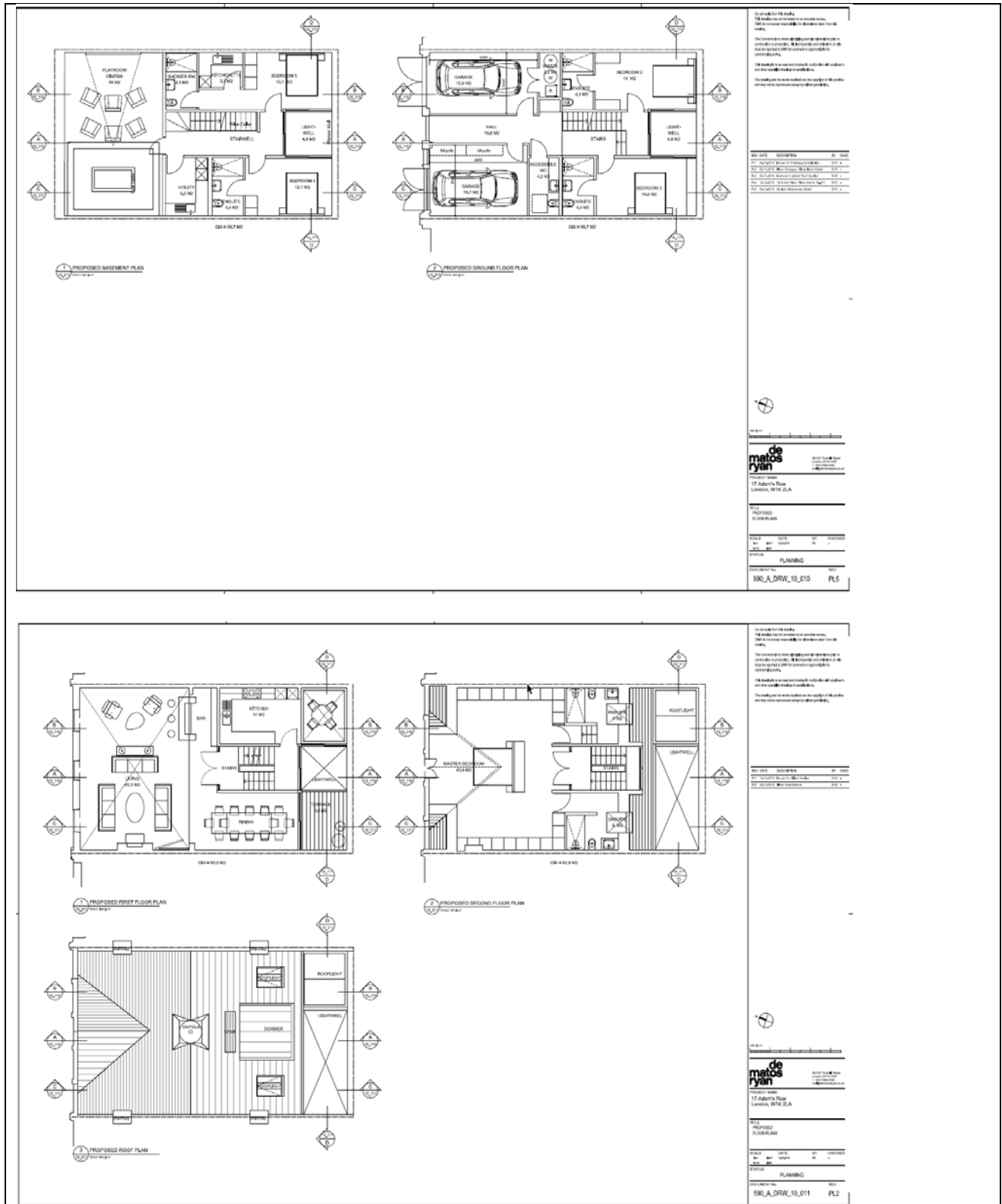
1. Application form
2. E-mail from Councillor Roberts, dated 28 January 2017
3. Letter from occupier of 16 Adams Row, London, dated 9 February 2017
4. Letter from occupier of 18 Adams Row, London, dated 6 February 2017
5. Letter from occupier of 18 Adams Row, London, dated 9 February 2017
6. Email from District Surveyor dated 20 March 2017.

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

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

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 17 Adams Row, London, W1K 2LA,

Proposal: Demolition behind retained front facade and redevelopment to provide a building comprising new basement, ground and two upper floors, including rear extensions at ground and first floors, and 1st floor rear terrace, for use as a single family dwelling with two integral garages.

Reference: 16/12217/FULL

Plan Nos: 590_A_DRW_10_010 REV PL5, 590_A_DRW_10_011 REV PL2,
590_A_DRW_10_110 REV PL4, 590_A_DRW_10_111 REV PL3,
590_A_DRW_10_210 REV PL4

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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 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 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 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 The roof tiles must be stored and reused on the rebuilt roof.

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)

- 6 The existing cupola must be carefully dismantled, securely stored, and then replaced on

the new roof structure.

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)

- 7 The existing garage doors must be securely stored during building work and reinstated in their current positions.

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)

- 8 You must apply to us for approval of drawings at 1:5 and 1:20 of the following parts of the development - all new windows and doors. 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 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)

- 9 The chimneys surmounting each of the party walls must be retained on site and carefully protected during the course of construction.

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)

- 10 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising 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. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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.

- 11 (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.

- 12 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.

- 13 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no

other purpose without the prior written consent of the local planning authority.

Reason:

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

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

Reason:

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

- 15 You must provide the waste store shown on drawing 590_A_DRW_10_010 REV PL5 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste 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

Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
- * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- * Lighting - ensure luminaires can be safely accessed for replacement.
- * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

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

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

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor markings, or both. (I88AA)

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	25-27 Oxford Street, London, W1D 2DW,		
Proposal	Redevelopment behind retained facade and erection of seventh floor extension with new plant room at roof level to provide retail use (Class A1) at part basement, part ground and part first floors and office (Class B1) use at part basement, part ground, part first and second to seventh floors.		
Agent	GL Hearn Limited		
On behalf of	Famous Awards Limited		
Registered Number	16/11476/FULL	Date amended/ completed	15 December 2016
Date Application Received	02 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

1. Grant conditional planning permission

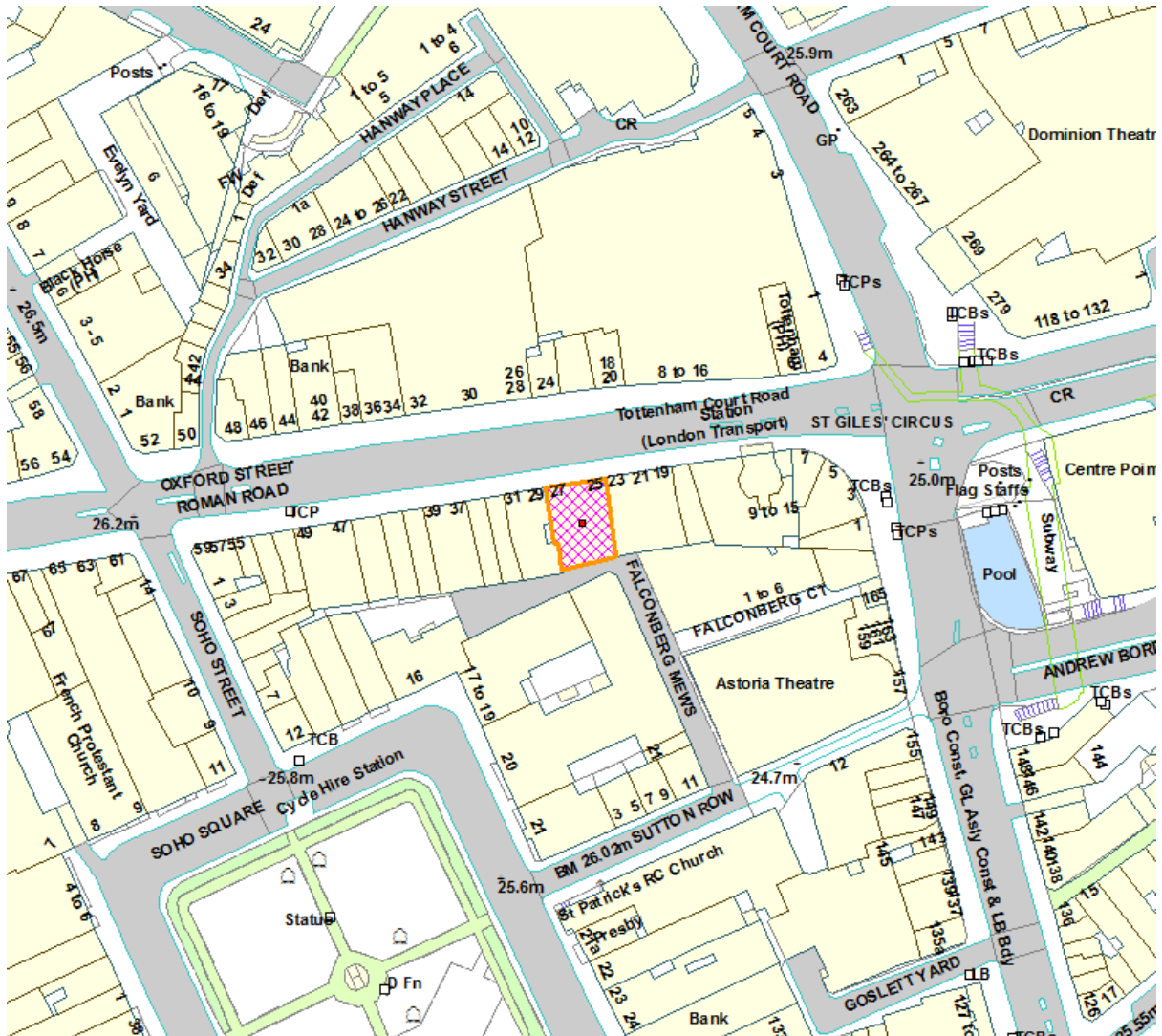
2. SUMMARY

The site is a mixed use building at the eastern end of Oxford Street immediately adjacent to the Tottenham Court Road Crossrail eastern ticket hall over station development site. Permission is sought for a redevelopment scheme behind a retained façade including a new seventh floor and roof level plant room. The scheme would provide a mix of retail (Class A1) and office (Class B1) uses.

The key issues are:
land use implications and;
the impact on the townscape and the surrounding conservation area.

The proposed retail and offices are appropriate at this site ,which is a primary shopping frontage within the West End Special Retail Policy Area (WESRPA) and the Core CAZ. The retention of the front façade, which is of visual interest, and additional story and plant room are acceptable in design terms. Subject to appropriate conditions the application is acceptable and in accordance with the adopted UDP and City Plan policies. Accordingly, the application is recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

CROSSRAIL 1

No comment

CROSSRAIL 2

No objection subject to condition

ENVIRONMENTAL HEALTH

No objection subject to conditions

TRANSPORT FOR LONDON

No comment (other than the developer should continue to work with London Underground engineers)

SOHO SOCIETY

No objection

CLEANSING

No objection subject to conditions

HIGHWAYS PLANNING

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 101

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located within the Core Central Activities Zone (Core CAZ), the Soho Conservation Area, the West End Stress Area and the West End Special Retail Policy Area (WESRPA). The property is on the southern side of Oxford Street, which is identified as a Primary Shopping Frontage, adjacent to the Tottenham Court Road Crossrail over-station development site.

The building consists of basement, ground and six upper floors. There is currently a retail (Class A1) unit and restaurant/cafe (Class A3) unit each occupying part basement and ground floors. The second and third floors have a lawful use as a language school (non-residential institution, Class D1), however only the third floor

is currently occupied, while the first, fourth, fifth and sixth floors are in office (Class B1) use.

6.2 Recent Relevant History

Non directly relevant to the application site.

At 29-31 Oxford Street situated to the west in December 2014 permission was granted for a scheme which permitted use of the first to sixth floors as residential units (Class C3) and associated alterations (Ref 14/10789/FULL). This permission has not been implemented

7. THE PROPOSAL

Permission is sought for the redevelopment of the property behind retained a facade along with erection of seventh floor extension with new plant room at roof level. The proposal will provide retail use (Class A1) at part basement, part ground and part first floors and office (Class B1) use at part basement, part ground, part first and second to seventh floors.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed floorspace figures are set out in the table below.

Use	Existing (Sqm GIA)	Proposed (Sqm GIA)	Net Floor Area (Sqm GIA)
Restaurant/café (Class A3)	108	0	-108
Language School Non-residential institution (Class D1)	349	0	-349
Retail (Class A1)	268	470	+202
Office (Class B1)	660	1172	+512
Total Floorspace	1428	1841	+413

Increase in Retail Floorspace (Class A1)

Policy SS3 of the UDP seeks to maintain, preserve and enhance the international shopping character of the West End and Knightsbridge International Shopping Centres. Policy S7 of the City Plan seeks to maintain and enhance the unique status of the West End Special Retail Policy Area (WESPRA). Both of these

policies encourage the provision of retail floorspace (Class A1) along the Primary Shopping Frontages at least at basement, ground and first floor levels.

Policy S6 of the Westminster City Plan identifies the Core CAZ as an appropriate location for retail (Class A1) uses and encourages the provision of more retail throughout the area. The policy identifies that large scale retail developments should be directed to the West End International Shopping Centre's Primary Shopping Frontages, on which the site is located. City Plan Policy S21 looks to direct new retail floorspace to the designated shopping centres.

The proposal will result in the provision of 470sqm GIA of retail (Class A1) floorspace at part basement, part ground and first floor levels. The parts of these floors not in retail (class A1) use serve as access to the upper floors or as service areas housing waste storage, cycle storage, etc. Given the sites location, the provision of 202 m2 of additional retail is welcomed in accordance with Policies S6, S7 and S21 of the City Plan and SS3 of the UDP.

Increase in Office Floorspace (Class B1)

Policy S20 of the City Plan identifies the need for significant additional office floorspace (Class B1) within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness. The Core CAZ is identified as a suitable location for office floorspace in Policies S6 and S20 of the City Plan as offices contribute to the unique and varied mixed use character of the Core CAZ which will ensure the continued vitality, attraction and continued economic success of Central London. The provision of additional office floorspace in this location is therefore acceptable in principle.

This proposal would result in the provision of a total of 1172sqm GIA of office floorspace (Class B1), an increase of 512sqm GIA. This is acceptable in principle given the sites location within the Core CAZ and is in accordance with Policy S20 of the City Plan.

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. As the net increase in floorspace of all uses (413sqm GIA) is less than 30% of the total existing building floorspace (28.9% of 1428sqm GIA), no residential offset is required to offset the increase in office floorspace.

Loss of restaurant/café (Class A3)

The application site is located within the West End Stress Area which is considered to have become saturated with entertainment uses which has an impact on the environment and character. The proposal will result in the loss of 108sqm GIA of restaurant/café (Class A3) floorspace in favour of additional retail (Class A1)

floorspace. This loss is not resisted by the City Council given the sites location within the Stress Area and the focus for the provision of retail (Class A1) at these floors on the International Shopping Frontage.

Loss of social and community use (Class D1)

UDP Policy SOC1 and City Plan Policy S34 seek to protect and improve social and community facilities in Westminster. UDP Policy SOC 1 (D) states that all community facilities will be protected. Under SOC 1(E), schemes involving the redevelopment or change of use of community facilities are required to include adequate replacement facilities. 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 normally refuse planning permission.

City Plan Policy S34 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. In those cases where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be the priority use for the area.'

The second and third floors of the property have a lawful use as social and community use (Class D1). These floors are currently leased by the language school 'English Time' which is a private educational facility however, such facilities are defined as a social and community use (Class D1). The applicant advises that 'English Time' are currently only occupying the third floor. A letter from Savoy Stewart (a commercial property letting agent) has been provided by the applicant detailing the existing use of the property, the current market of language schools in the UK and the un-suitability of the site for other uses falling within Class D1. The letter states that 'English Time' are behind on rental payments and outlines the emerging difficulties which language schools must overcome to be able to secure foreign students. Savoy Stewart outline the un-suitability of the site for other uses within the D1 use class and state issues including access restrictions to the site (second and third floors with a very small lift, no drop off/pick up area), unsuitable space in terms of floor plate layout options, and the absence of any amenity space. The applicant has not provided any details of attempts to market these floors to other D1 uses.

The applicants argument that this location is unlikely to be appropriate for an alternative use which falls within Class D1 use (such as a nursery, primary or secondary school, medical or religious uses) is accepted. Given the sites constraints it is accepted that the premises are unlikely to be considered attractive to other social and community uses. It is also considered that language schools

offer very little 'social' benefit to the local community and are essentially commercial enterprises. In these circumstances, and given the increased emphasis on the provision of office accommodation in the Core CAZ (the proposed replacement use), a departure from the policy requirement to protect existing social and community uses is considered justifiable.

8.2 Townscape and Design

25- 27 Oxford Street is an early 20th century unlisted building positioned within the Soho Conservation area, just outside of the strategic viewing corridor from Parliament Hill to the Palace of Westminster. The site is located mid- terrace within an unlisted, architecturally varied early 20th century group. Immediately to the east of the site lies 1-23 Oxford Street, for which planning permission has been granted for demolition and redevelopment as part of Crossrail works.

Façade Retention

The retention of the front Oxford Street façade is welcomed in conservation and design terms. The building is identified as an unlisted building of merit in the Soho Conservation Area Audit (2005). This Edwardian building is considered an important component of the Oxford Street urban streetscape. The architectural treatment of the stone façade is based on classical and baroque idioms, which relates successfully to the group within which it is located, all of which appear to date from a similar period and employ a similar style and use of materials. Thus, there is a strong presumption in favour of its retention.

The architectural interest of the building is limited to its frontage; the rear of the building fronting on to Falconberg Mews is subservient to its Classical frontage and lacks design merit. The rear of the building has been substantially altered and its visibility is very limited. Thus, no objection is raised to the demolition of the building behind the retained Oxford Street façade.

Whilst the proposed scheme seeks to retain the majority of the Oxford Street frontage, the scheme involves the demolition of the ground and first floors, as well as the existing roof storey, including the original dormer windows. The ornate central gable at roof level is to be retained.

The arched clerestorey windows at first floor level are original and make a positive contribution to the appearance of the building. The demolition of this original detailing is considered undesirable. However, the design improvements offered to the ground floor should be given some weight. The ground floor shopfronts are almost entirely openable with poorly designed commercial signs which fail to relate successfully to the upper parts of the building and detract from the appearance of the streetscape.

Shopfront

The proposed replacement shopfront, however, incorporates a greater extent of fixed glazing than the existing and is considered to relate satisfactorily to the appearance of the group. It is also considered that the proposed design relates satisfactorily to the upper parts of the building, with the proposed first floor arched frames echoing the existing treatment as well as the fenestration at second floor level. Overall, the merits of the improvements proposed to the ground floor are considered to outweigh the harm caused by the loss of the first floor.

Extensions

The scheme involves the erection of a seventh storey roof extension with a plant enclosure above. The building, along with the rest in the group, is identified in the Soho Conservation Area Audit as a property where a roof extension would not normally be acceptable.

As part of the redevelopment scheme at 1- 23 Oxford Street (the Crossrail Over Site Development) , planning permission has been granted for a taller building immediately adjacent to the application site. Whilst additional roof storeys would not normally be acceptable in this group of unlisted buildings of merit, it is noted that the impact of the proposed roof extension in this instance will be lesser when considered in relation to the approved scheme at 1- 23 Oxford Street. Following negotiations, the height of the proposed roof extension has been reduced to a single pitched roof storey with a plant room above and the size of the front rooflights have also been reduced.

The view looking westward down Oxford Street from Tottenham Court road is described in the Soho Conservation Area Audit as 'familiar and significant.' From this viewpoint, the proposed additional storey to the application site is likely to be almost entirely obscured behind the taller building which has been approved as part of the Corssrail over station development. The impact of the proposed roof extension on this view is therefore considered minimal.

The additional storey is likely to be more visible from the western approach, looking eastwards towards the site. However, following negotiations the pitch of the new roof storey has been reduced to 40 degrees. As this is a secondary pitch, the impact of the proposed roof extension on the long views from this direction, against the backdrop of the taller building approved as part of the redevelopment at 1- 23 Oxford Street, is considered acceptable.

A plant room is also proposed above the new roof storey, with some external plant within a louvred screen. At present, the design quality of the rear elevation is compromised by a number of large, poorly sited air conditioning units and ducts. The rationalisation of the plant to a designated space is therefore considered a design benefit. The proposed plant room is set back from the ridge of the proposed roof extension and, following design amendments, incorporates a pitch to the front in order to reflect the form of the main roof and thus reduce its visual impact from the front of the building. The impact of the plant enclosure on long views from the

eastern approach on Oxford Street is considered minimal, and this aspect of the proposals is also considered acceptable in design terms, subject to the imposition of a condition requiring all external plant and ductwork to be accommodated below the height of the upstand.

In light of the above, the proposals are considered compliant with DES 1, DES 5, DES 6 and DES 9 of the City Council's Unitary Development Plan and the Council's Supplementary Planning Guidance and are considered to preserve (or enhance) the character and appearance of this part of the Soho Conservation Area.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Daylight and Sunlight

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used.

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

A daylight and sunlight report has been submitted as part of the application which assesses the impact of the development on 29-31 Oxford Street. While this property is currently in office (Class B1) use, as stated in section 6.2(recent

relevant history) permission has been granted for use of the first to third floors as residential (Class C3) accommodation. The report has assessed the habitable rooms in the property which will be impacted by the proposal (all bedrooms) on the possibility of the permission being implemented.

The report demonstrates that a number of windows (9 of the 12 assessed) in 29-31 Oxford Street will experience significant losses in daylight. The threshold above which losses in daylight are considered to be noticeable is 20% VSC. The losses in VSC as a result of the proposal range between 33% and 67%. While these losses are high and in excess of the 20% VSC which is considered to be noticeable, it is recognised that the windows assessed have particularly low baseline levels of VSC (7 of the assessed windows currently experience less than 10%). As a result any change in massing to the application site would create a disproportionately high percentage change with only small absolute changes. Additionally, these windows are located in a tight lightwell which is particularly close to the site boundary, restricting the potential for these rooms to achieve good levels of light.

Given the relatively small absolute changes which the proposal would have on VSC levels for the property and in light of the fact that the rooms in question would all bedrooms (three of which are dual aspect) which are considered less sensitive to daylight in the BRE guidelines, the losses in VSC demonstrated are considered acceptable in this instance and the losses are considered to be minor enough that should the property be converted to residential, the proposal would not materially worsen the living conditions of the accommodation.

The losses in APSH and APSH during the winter months are all very small as most of the assessed windows are north facing. The report demonstrates that, while the windows and rooms in the surrounding tested properties will not strictly be compliant with BRE guidelines for daylight and sunlight with the proposal in place, in this instance the losses are considered acceptable.

Sense of Enclosure

The proposal will result in a marginal increased sense of enclosure to the windows within the lightwell of 29-31 Oxford Street. However, as this property is currently in office (Class B1) use the Council would not look to protect the amenity of this use. Should the extant residential permission at the property be implemented, the impact is not considered so great that it would warrant planning permission to be withheld.

Privacy/Overlooking

There is already significant mutual overlooking between the application site and 29-31 Oxford Street within the shared lightwell and at fourth, fifth and sixth floors. While the proposed building will extend to the site boundary, there will now be no windows facing the neighbouring property up to, and including, the fifth floor. This would represent a reduction in the mutual overlooking.

The proposed building is setback from the boundary at the sixth floor. The proposal shows a 'glass box' structure at this floor which extends from the setback façade, but is still set in from the site boundary, and contributes to creating a stepping back effect for the rear of the property. While there are existing windows at sixth floor in the current building, this 'glass box' could still be seen as an increase in overlooking to the neighbouring property.

Should the neighbouring property remain in office (Class B1) use, the 'glass box' and resulting increase in overlooking would not be considered a significant issue as the Council does not seek to protect the amenity of commercial uses except in specific circumstances. Should the extant permission at the neighbouring property be implemented, this would increase overlooking to the new residential (Class C3) bedrooms. However, as the proposed use of the floors in question are as offices (Class B1) and will generally not be in use at the same time as the bedrooms, it is not considered that this increase would be significant enough to warrant withholding permission on these grounds. The proposed seventh floor has two large windows which also face the neighbouring property however, they are set back further than the 'glass box' and would only result in a small increase in overlooking similar to that of the current situation. The application is acceptable on amenity grounds.

8.4 Transportation/Parking

Car Parking

With regards to car parking, none is provided as part of the proposal. However, the site is within a controlled parking zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels is expected to be minimal and therefore no objection is raised with regards to this aspect.

Servicing

The Highways Planning Manager has raised objection to the proposal on the basis that no off-street servicing is available for the site. The applicant indicates within the submitted documentation that servicing will access the site through the rear area on Falconberg Mews. Servicing will occur where possible at the rear, but some vehicles may need to use on-street servicing within Soho Square. The site is located within a Controlled Parking Zone, which means that locations of single yellow lines in the vicinity allow loading and unloading to occur. Whilst the uplift in floor area is not large, and it is likely that the reduction in uses of the building may help to lower the number of service trips generated to the site, given the location it would further improve the situation if a Service Management Plan (SMP) were secured. It is recommended that this is secured by condition.

The Highways Planning manager has also advised that should the retail floorspace (Class A1) be used for food retailing, it is likely that a food store of this size would generate significantly different levels and types of servicing which, in

turn, would have an adverse impact on the highway network. The applicant has also agreed to this and as a result, this will be excluded from the use class by condition.

Cycle Parking

The London Plan requires 1 cycle parking space per 100sqm for retail floorspace (Class A1) and 1 space per 90sqm for office floorspace (Class B1). 5 spaces are proposed on the plans for the retail and 15 spaces are proposed for the office. The proposed provision for both uses is sufficient however, as the retail spaces are only indicative, condition should be applied requesting details of these spaces once a final occupier has been secured. The provision of the office spaces will be secured through condition.

Pavement Lights

Highway is often in the ownership of the adjoining landowners (for example, pavement lights) however land ownership does not void the highway status. Under the Highways Act, as the area has been open and passable, it has gained the status of highway, even if it has not been maintained by the Council as Highway Authority for at least 20 years.

Westminster seeks to maintain a high quality public realm and pedestrian environment to facilitate movement in line with UDP Policy TRANS3. The Highway Authority resists the installation of any new pavement lights or smoke vents in the footway, in accordance with the principals of the Westminster Way.

The proposed pavement lights replace existing ones in part. The current pavement lights do not extend in front of the access door to the upper floors while the proposed ones cover almost the width of the property. While this increase in area covered by pavement lights is not preferred, given that the proposed lights do not extend deeper into the highway than those already there, it is not considered reasonable to withhold permission on these grounds. The applicant will need to acquire technical approval for the works to the highway and supporting structure prior to commencement of any work on the development under the Highways Act.

Doors

The proposal shows door at the rear of the building and the access door from the office entrance which appear to open over the highway. This would be unacceptable and contrary to TRANS2, TRANS3 and S41 however, condition can be applied requiring that no doors open over the public highway.

8.5 Economic Considerations

The economic benefits of a more intensive use of the site as a result of the increase in both retail and office floorspace are welcomed.

8.6 Access

The proposed access arrangements will be improved from the current situation. Level access from Oxford Street to the ground floor retail (Class A1) unit will be maintained while level access will now be provided to the office (Class A1) entrance from Oxford Street. This level access to the Office area at ground floor will provide access to internal lifts accessing all floors of the building. Level access will also now be provided to the rear of the property on Falconberg Mews. These improvements are welcomed.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposed scheme includes plant located internally at the rear of the first floor and a range of plant in an enclosure on the roof. An acoustic report has been submitted in support of the application which details existing background noise levels. Following revisions to the plant, a revised acoustic report has been submitted. Environmental Health have assessed both of these reports and confirmed that the calculated noise levels of the proposed plant are likely to comply with the conditions set out by the Council. This is subject to the installation of the proposed mitigation measures (louvered acoustic screening). As such; they have raised no objection to the application subject to appropriate noise conditions which requires all plant to operate at a level 10dB below background noise levels. The installation of the required louvered screening, as shown around the plant at roof level and on the rear elevation at first floor level, will be secured through condition.

The Officer has also noted that the acoustic report outlines that “testing will be undertaken to each emergency plant individually” so as to avoid any cumulative noise impact. To ensure that the emergency plant does not contribute to cumulative noise impact, condition will be applied setting the noise criteria and times when such plant can be tested.

Refuse /Recycling

The applicant has provided details of waste and recycling storage for the office (Class B1) accommodation which meet the requirements of the Council. This storage will be secured by condition. The applicant has advised that the waste storage for the retail (Class A1) will be determined by any incoming client. As such, a condition a condition is recommended requesting these details.

Sustainability

Policy S40 of the City Plan requires that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an Energy Statement, by Hulley & Kirkwood Consulting Engineers Ltd., in support of the application. This document outlines that, with the installation of photo voltaic cells on the roof, the use of a high efficiency air source heat pump system, and as a result of the new construction design and materials, a total carbon saving of 32.5% can be achieved. This is above the carbon reduction required by policy and the provision of the proposed PV cells on the roof will be secured through condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council adopted its own Community Infrastructure Levy on the 1st May 2016.

The total estimated CIL payment is: £ 113,655.82.

- £26,483.86 of this is Mayoral CIL
- £87,171.96 of this is Westminster CIL.

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues

Construction impact

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code.

Furthermore, City Plan Policy S29 states that: *“The development of major infrastructure projects and where appropriate, other projects with significant local impacts will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation, and this will be achieved through compliance with the relevant parts of the Council’s Code of Construction Practice.”*

The applicant has raised concern regarding the costs and timescales of complying with the Code of Construction Practice. However, this application falls firmly within the developments identified as Level 2 and would be required to comply with the relevant sections of the Code. In light of Policy S29, the mandatory requirements set out within the Code and the sites location (on a prominent central London road, busy shopping street and next to a major infrastructure construction site); it is recommended the condition is still imposed.

Crossrail

The site is located immediately to the west of the Crossrail site for Tottenham Court Road. The site falls within both the safeguarding area for both Crossrail 1 and Crossrail 2. Crossrail 1 have confirmed that they do not wish to comment on the application. Crossrail 2 have assessed the application and advised that condition must be applied requiring the applicant to submit detailed design and construction method statements to the Council for approval. These details will be secured through the appropriate condition relevant to sites within Crossrail safeguarding areas.

9. BACKGROUND PAPERS

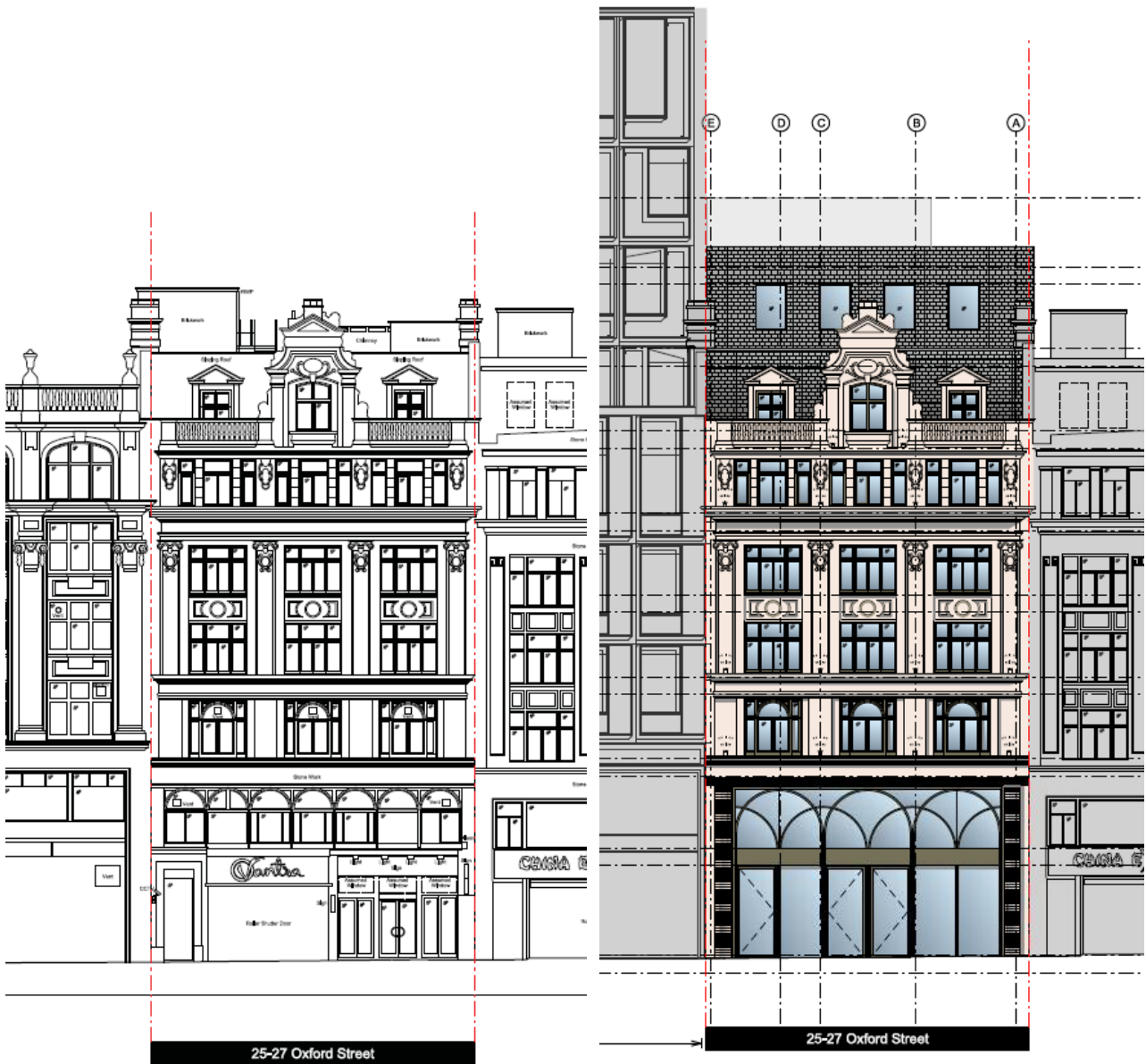
1. Application form
2. Response from Cross London Rail Links Ltd (Crossrail 1), dated 20 December 2016
3. Responses from Environmental Health, dated 31 January 2017, 06 March 2017 and 08 March 2016
4. Response from Transport For London - Borough Planning, dated 18 January 2017
5. Response from Cross London Rail Links Ltd (Crossrail 2), dated 26 January 2017
6. Response from Soho Society, dated 10 January 2017
7. Response from Cleansing, dated 28 February 2017
8. Responses from Highways Planning - Development Planning, dated 22 December 2016 and 28 February 2017

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

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

10. KEY DRAWINGS

Existing and Proposed Oxford Street Elevation

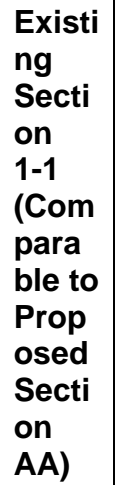


Existing and Proposed Rear Elevation (Falconberg Mews)



Proposed Front (Oxford Street) and Rear (Falconberg Mews) Visuals

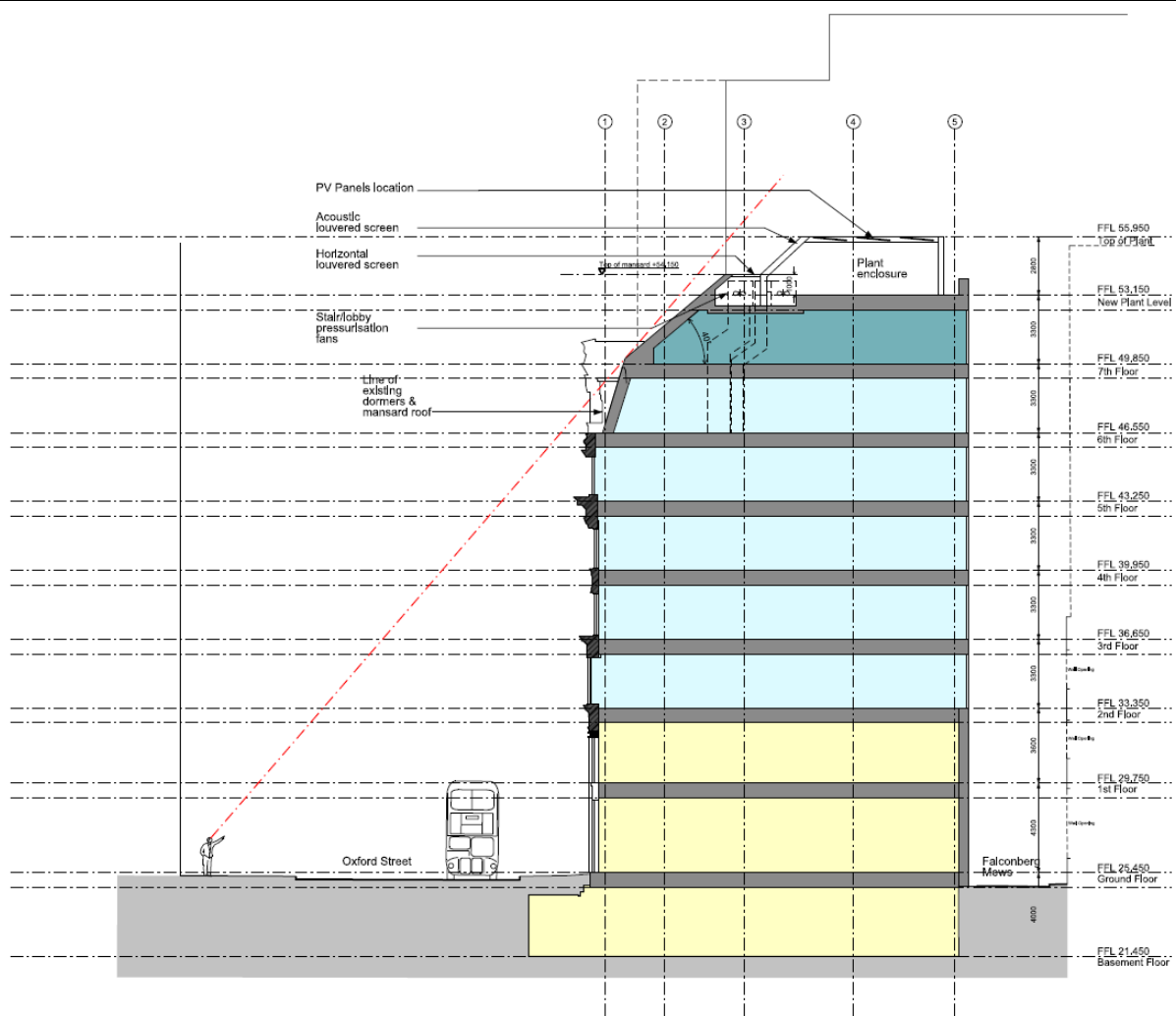




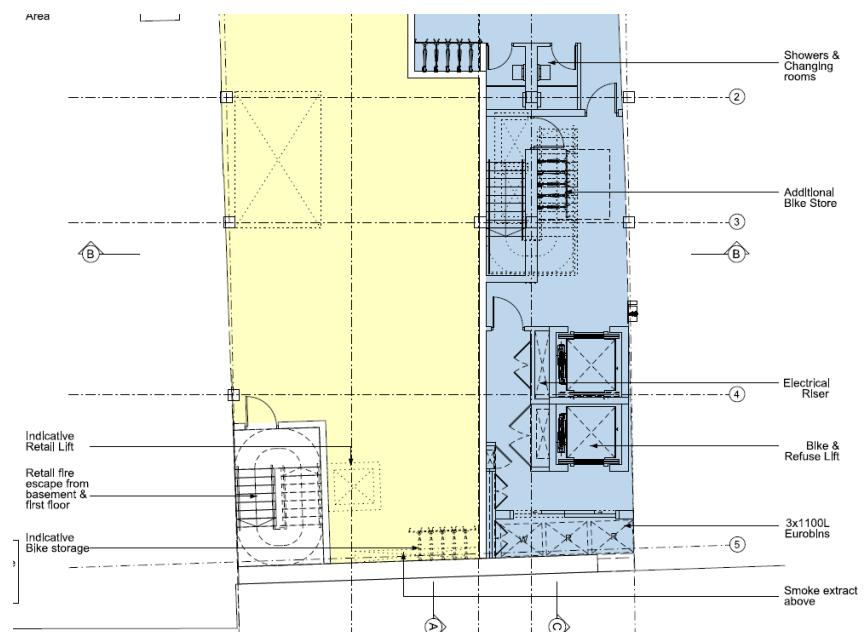
Datum 20.00m

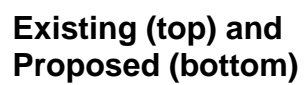
Item No.
2

Proposed Section AA (Comparable to Existing Section 1-1)



Existing (top) and Proposed (bottom) Basement Plan





Architectural floor plan of the second floor of a building, showing various rooms and their elevations. The plan includes a SHOP, RESTAURANT, KITCHEN, CURRENCY EXCHANGE, and several smaller rooms and corridors. Elevations are noted throughout, such as FL 25.34, FL 25.55, and FL 25.57. The plan also shows exterior features like a ramp, stairs, and a parking lot.

Rooms and Elevations:

- SHOP: FL 25.53, FL 25.54
- RESTAURANT: FL 25.55
- KITCHEN: FL 25.55
- CURRENCY EXCHANGE: FL 25.55
- Small rooms: FL 25.55, FL 25.56, FL 25.57

Other Features:

- Stairs: Up, Down
- Ramp: 1:10
- Exterior: Ramp, Stairs, Parking Lot
- Windows: Window over Door, Window over Door
- Doors: Entry Door, Exit Door
- Signage: SHOP, RESTAURANT, KITCHEN, CURRENCY EXCHANGE

OXFORD STREET

Retained Facade

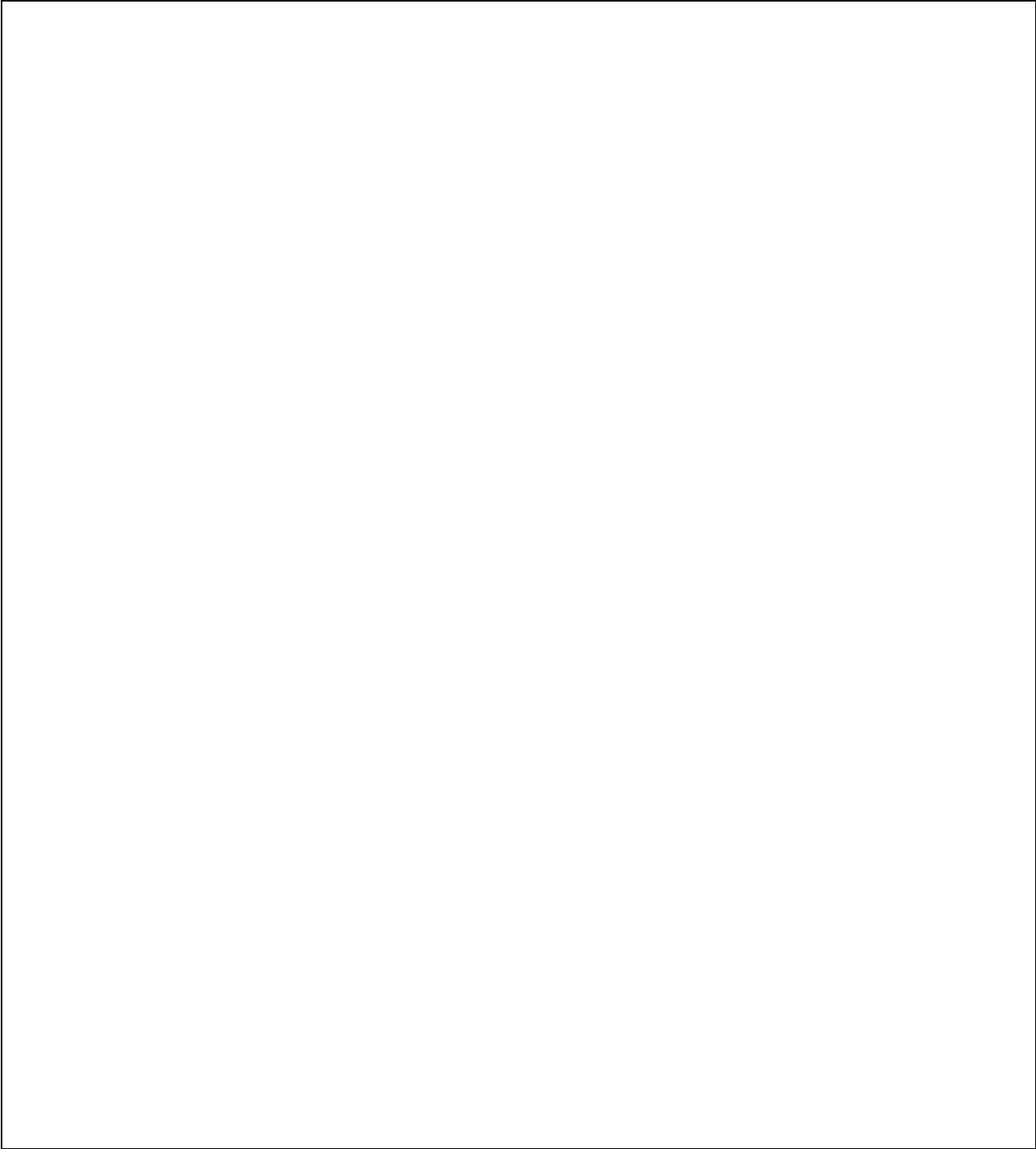
New Proposed Flush Roof Windows

Horizontal louvered screen on top of pressurisation system fans which are located outside the main plant enclosure

6th Floor Glass Roof

Plant NIA 63m²/681ft²
GIA 63m²/681ft²

was based on assumed of face of party wall and are to confirmation once extant any wall is established.



DRAFT DECISION LETTER

Address: 25-27 Oxford Street, London, W1D 2DW,
Proposal: Redevelopment behind retained facade and erection of seventh floor

extension with new plant room at roof level to provide retail use (Class A1) at part basement, part ground and part first floors and office (Class B1) use at part basement, part ground, part first and second to seventh floors.

Reference: 16/11476/FULL

Plan Nos: Demolition Drawings: 050_15 ; 050_16 ; 050_17 ; 050_18 ; 050_19 ; 050_20 ; 050_21 ; 050_22 ; 050_23 ; 050_24 ; 050_25_revA ; 050_26 ; 050_27 ; 050_28

Proposed Drawings: 050_29_revA ; 050_30_revA ; 050_31_revA ; 050_32_revA ; 050_33_revA ; 050_34_revA ; 050_35_revA ; 050_36_revA ; 050_37_revB ; 050_38_revD ; 050_39_revD ; 050_40_revD ; 050_41_revC ; 050_42 ; 050_43_revA ; 050_45 ; 050_46

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (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 Soho 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 (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.

- 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 install the plant screens shown on the approved drawings before you use the machinery. You must then maintain these screens in the form shown for as long as the machinery remains in place. (C13DA)

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)

- 7 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)

- 8 You must provide each of the 15 cycle parking spaces for the Office (Class A1) use as shown on the approved drawing number 050_29_revA prior to occupation of the Office (Class A1) use. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 9 You must apply to us for approval of details of at least 5 secure cycle storage spaces for the retail (Class A1) use. You must not occupy the retail (Class A1) 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 of the retail (Class A1) part of the development. 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.

- 10 Notwithstanding the provisions of Class A1 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) the retail accommodation hereby approved at basement, ground and first floors shall not be used as a food retail supermarket unless otherwise agreed in writing by the City Council as local planning authority.

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)

- 11 You must apply to us for approval of a Service Management Plan for the property. You must not occupy the approved Retail (Class A1) or Office (Class B1) uses until we have approved what you have sent us. You must then carry out the measures included in the Service Management Plan at all times.

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

Reason:

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

- 13 **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 Soho 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)

- 14 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

- (i) Accommodate the proposed location of the Crossrail 2 structures including

tunnels, shafts and temporary works,

(ii) Accommodate ground movement arising from the construction thereof,

(iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures,

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), (ii) and (iii) and of this condition shall be completed, in their entirety, before any part of the building[s] [is] [are] occupied.

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

- 15 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.

Rooftop PV 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)

- 16 Before anyone moves into the office (Class B1) accommodation, you must provide the separate stores for waste and materials for recycling shown on drawing number 050_29 Rev. A. You must clearly mark them and make them available at all times to everyone using the office (Class B1).

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 apply to us for approval of details of how waste is going to be stored for the

retail (Class A1) use and how materials for recycling will be stored separately. You must not occupy the retail (Class A1) unit 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 (Class A1). (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)

- 18 You must apply to us for approval of 1:5 and 1:20 detailed drawings of the following parts of the development;. You must not start work until we have approved what you have sent us.

- i) external windows
- ii) external doors
- iii) shopfront
- iv) dormers (to match existing)
- v) rooflights

You must then carry out the work according to these detailed drawings (C26CB)

Reason:

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

- 19 The roof must be clad in natural slate of a dark colour.

Reason:

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

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

Reason:

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

character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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)

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

Reason:

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

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

Reason:

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

- 23 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)

- 24 The front pitch of the roof extension must not exceed 40 degrees.

Reason:

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

- 25 All external plant located outside of the roof level plant enclosure, as shown on drawing no. 050_38_REV D, must not exceed the finished height of the upstand, as shown on drawing no. 050_39_REV D.

Reason:

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

- 26 (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.

(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.

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

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

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

Phone: 020 7641 2000

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

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 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)
- 7 The Service Management Plan (SMP) requested in Condition 11 should be a practical document for everyday use by staff. The plan should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process stage by stage, maybe the easiest way to communicate it accompanied by a plan highlighting activity locations. The SMP should help to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.
- 8 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway.
- 9 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)

- 10 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)

- 11 Condition 14 meets the requirements of the direction made by the Department of Transport relating to the Chelsea to Hackney (CrossRail 2) line. If you have any questions about this project, please write to:

Crossrail Limited
25 Canada Square
London, E14 5LQ.
(Telephone: 0345 602 3813)

Applicants should refer to the Crossrail 2 Information for Developers pack which is available at www.crossrail2.co.uk. Crossrail 2 will provide guidance in relation to the proposed location of the Crossrail 2 structures and tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to contact the Crossrail2 Safeguarding Engineer in the course of preparing detailed design and method statements.

- 12 The term 'clearly mark' in condition 16 and 17 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 13 With reference to condition 23 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.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	10 - 12 Bourlet Close, London, W1W 7BR		
Proposal	Erection of a 4 th floor mansard roof extension at No's 10 and 11 and a 3 rd floor mansard at No 12, excavation of a sub-basement level, installation of plant within acoustic enclosure at rear first floor level at No's 11 and 12 in connection with continued use of the buildings as offices (Class B1).		
Agent	Leith Planning Limited		
On behalf of	Bourlet Close Properties Limited		
Registered Number	16/12196/FULL	Date amended/ completed	22 December 2016
Date Application Received	22 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

1. Grant conditional permission.

2. SUMMARY

The application relates to three buildings in office use (Class B1) on the eastern side of Bourlet Close, which is a short cul-de-sac located on the southern side of Riding House street. The buildings are unlisted within the East Marylebone Conservation Area.

Permission is sought for erection of mansard roof extensions and the excavation of a sub- basement providing additional office floorspace.

The key issues for consideration are :

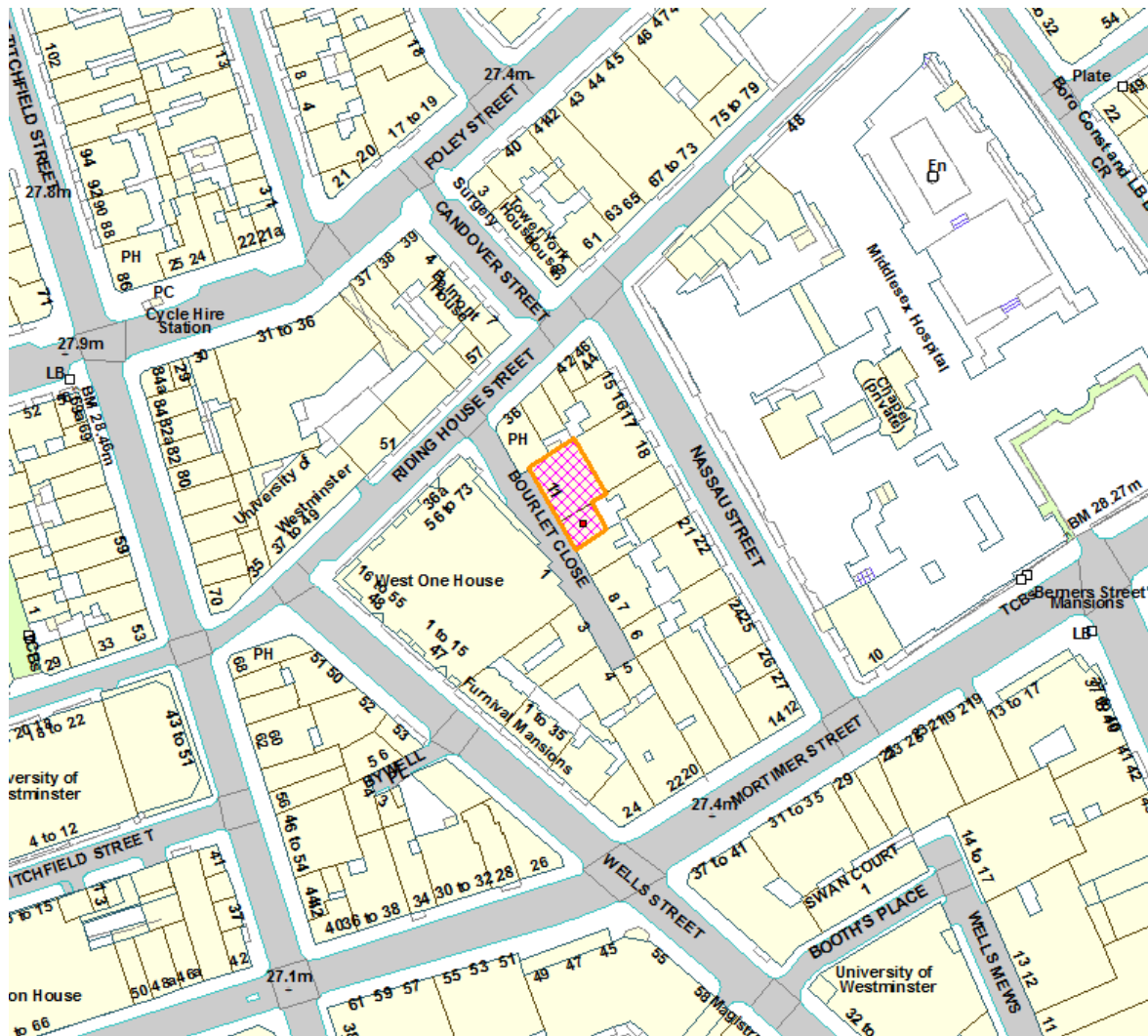
- The impact in design terms on the townscape and the conservation area
- The impact on residential amenities

The planning history is particularly relevant. On 3rd October 2016 permission was granted for mansard roof extensions across all three properties. This scheme includes two main changes to the previous approval:

- i) Raising the mansard roof and gable walls by 200mm to enable the provision of a lift and ;
- ii) excavation of a sub-basement

The proposed works are relatively modest alterations to the previously permitted scheme. The application is considered acceptable in land use, amenity, design and highways terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1. Existing front elevation



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION:

Any response will be reported verbally.

BUILDING CONTROL:

No objection, structural report is acceptable.

ENVIRONMENTAL HEALTH:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 67

Total No. of replies: 6

6 objections from 4 respondents raising some or all of the following issues;

Amenity

Loss of light and views

Loss of privacy

Noise and disturbance during construction

Design

Roof addition too bulky

Highways

Increased vehicular and pedestrian activity

The Cul De Sac cannot successfully accommodate construction traffic

A construction transport management plan is required

Other

Overdevelopment

Additional waste collection

Potential structural damage

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

10, 11 and 12 Bourlet Close are unlisted buildings located in the East Marylebone Conservation Area. No 10 and 11 comprise of lower ground, ground and three upper floors, No 12 comprises lower ground, ground and two upper floors. All three buildings are in use as offices (Class B1).

Bourlet Close is a short cul-de-sac accessed from the southern side of Riding House Street. It is mixed use in character, comprising both commercial offices and residential and a Public House immediately to the north of the application premises. The site lies within the Core Central Activities Zone (CAZ),

6.2 Recent Relevant History

On 22.12.2015 a lawful development certificate was granted confirming the use of the property as office accommodation (Class B1) 15/09973/CLEUD.

On 3.10.2016 an appeal was allowed against non-determination for the following development: Erection of mansard roof extensions across all three buildings and associated internal and external works in connection with the continued use as offices (Class B1). Installation of plant within acoustic enclosure at rear first floor level 16/01025/FULL

On 16.11.2016 changes to the front and rear elevations were agreed as non-material amendments to the permission granted on 3.10.2016 (16/01025/FULL) – 16/10331/NMA.

7. THE PROPOSAL

Permission is sought for the erection of a 4th floor mansard roof extension at No's 10 and 11 and a 3rd floor mansard at No 12, excavation of a sub-basement level, installation of plant within acoustic enclosure at rear first floor level at No's 11 and 12 in connection with continued use of the buildings as offices (Class B1).

The current application seeks to raise the mansard roof extensions permitted in October 2016 by 200mm, in order to accommodate an internal lift overrun. The alterations include raising the heads of the dormer windows by 410mm, and raising the parapet.

A sub- basement is also proposed which will provide additional storage and plant for the lawful offices (Class B1).

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of the provision of additional office space was established when permission was granted for mansard roof extensions in October last year. The increase in office floorspace in this location within the Core CAZ. is again considered acceptable.

Policy S1 of the City Plan promotes a mix of uses within the Core CAZ. For development within Core CAZ, the Named Streets, and Opportunity Areas, which includes net additional B1 office floorspace:

- A) Where the net additional floorspace (of all uses) is;
 - i. less than 30% of the existing building floorspace, or
 - ii. less than 400sqm; (whichever is the greater),

or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required.

The buildings have an existing gross internal area of 804 (GIA) and the proposal seeks an increase in office floorspace by 232 m² (92 roof + 140 basement), resulting in 1285m² (GIA). The additional 232m² of office floorspace is a 28% increase to the existing building. Accordingly the proposal does trigger a requirement to provide residential under City Plan policy S1, and complies with land use policies.

8.2 Townscape and Design

The existing buildings are considered to make a positive contribution to the street and surrounding area, and have simple facades of an industrial appearance. None of the windows facing the street are original (dating from a late twentieth century refurbishment) and their alteration is acceptable in principle. In design terms the alterations proposed in this application are minor namely: the mansard roof and gable walls have been raised by 200mm; the dormer window heads have been raised slightly; the parapet has been raised by 300mm (4 courses) at Number 11 Bourlet Close and 525mm (7 courses) at Number 10 Bourlet Close. A plant enclosure at rear first floor level is acceptable and the basement has no appreciable external manifestation.

The amendments are considered minor and acceptable in design terms and accord with the City Councils UDP adopted in 2007 and City Plan adopted in July 2016. A condition is recommended requiring the mansards to be constructed in their entirety to ensure the unity of the buildings is maintained.

8.3 Residential Amenity

A daylight and sunlight report was submitted in support of the earlier permitted scheme. In granting permission it was considered that the mansard roof extensions would not adversely impact on levels of daylight and sunlight to neighbouring properties. An updated daylight and sunlight report has been submitted as part of the current application to take into account the proposed 200mm increase in height of the mansard roof extensions. The report demonstrates that there are no material changes to daylight and sunlight levels experienced by neighbouring properties over and above the previously approved scheme.

Objections that the application would result in the overdevelopment of the site and a loss of daylight and sunlight to residential properties in the vicinity are not considered sustainable.

There is no significant change to the approved window arrangement and it is considered that the current scheme would not result in overlooking or any material increased sense of enclosure to neighbouring buildings. The proposal accords with UDP policy ENV13 and City Plan policy S29.

8.4 Transportation/Parking

There is no dedicated cycle parking indicated on the proposed plans, however the London Plan requires 1 space per additional 90m². In accordance with cycle parking standards two spaces should be provided. There is adequate space within the sub-basement or lower ground floor to accommodate the two required cycle parking spaces. It is recommended that this is secured by condition.

8.5 Economic Considerations

Any economic benefits of an extension to an existing office building are welcomed.

8.6 Access

Access to the building will be unchanged and the building will be serviced from Bourlet Close.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposed plant within an acoustic enclosure at rear 1st floor level has been previously permitted. The applicant has confirmed that no new additional external plant would be required. Environmental Health have confirmed that they have no objection to the application subject to the imposition of standard conditions which control the operation of plant.

8.8 London Plan

The 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.

The estimated CIL payment is: £39,351.06

Mayoral CIL- £9,169.51

Westminster CIL- £30,181.55

Formal determination of the CIL liability will be made by Westminster Council when a Liability Notice is issued after the CIL liable application is approved and the final figure might change due to indexation.

8.11 Environmental Impact Assessment

There are no environmental impacts associated with this proposed development.

8.12 Other Issues

Basement

Basement developments need to be assessed against City Plan Policy CM28.1

As the site is a commercial premises within the Core Caz the policy does not restrict the depth or extent of the basement excavation provides it adheres to a number of criteria relating to landscaping, sustainable urban drainage, trees, ecology, energy efficiency, heritage considerations and a requirement that the basement is not visible. In this case the single storey basement wholly contained under the footprint of the existing buildings complies with the basement policy.

Structural issues

With regards 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 the basement SPD and policy, the applicant has provided a structural engineer's report and supporting geotechnical survey explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The level of analysis and detail submitted with the application is substantial and has been prepared by a suitably qualified Structural Engineer. Building Control officers have reviewed the submitted details and raised no concerns. Whilst this satisfies the policy for the purposes of determining this planning application, detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology and appendices have provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

The site is located outside the surface water flood risk hotspot.

Construction impact

Concerns from adjoining occupiers have been expressed regarding construction relates disturbances. Policy CM28.1 of the City Plan requires the applicant to supply a signed pro-forma setting out an obligation on behalf of the applicant to undertake the works in accordance with the Councils Code of Construction Practice. This is a provision of the adopted basement policy revision to provide the Council with greater monitoring powers for the construction period and details of construction practices; with the aim of reducing construction related impacts on the locality. A condition is recommended that prior to commencement of development, 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.

9 BACKGROUND PAPERS

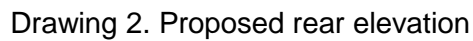
1. Application form
2. Response from Environmental Health, dated 30 January 2017

3. Letter from occupier of 1B , Bourlet Close, London, dated 16 January 2017
4. Letter from occupier of 9a Bourlet Close, London, dated 12 January 2017
5. Letter from occupier of 9B Bourlet Close, London, dated 26 January 2017
6. Letter from occupier of 9 Bourlet Close, London, dated 26 January and 7 February 2017

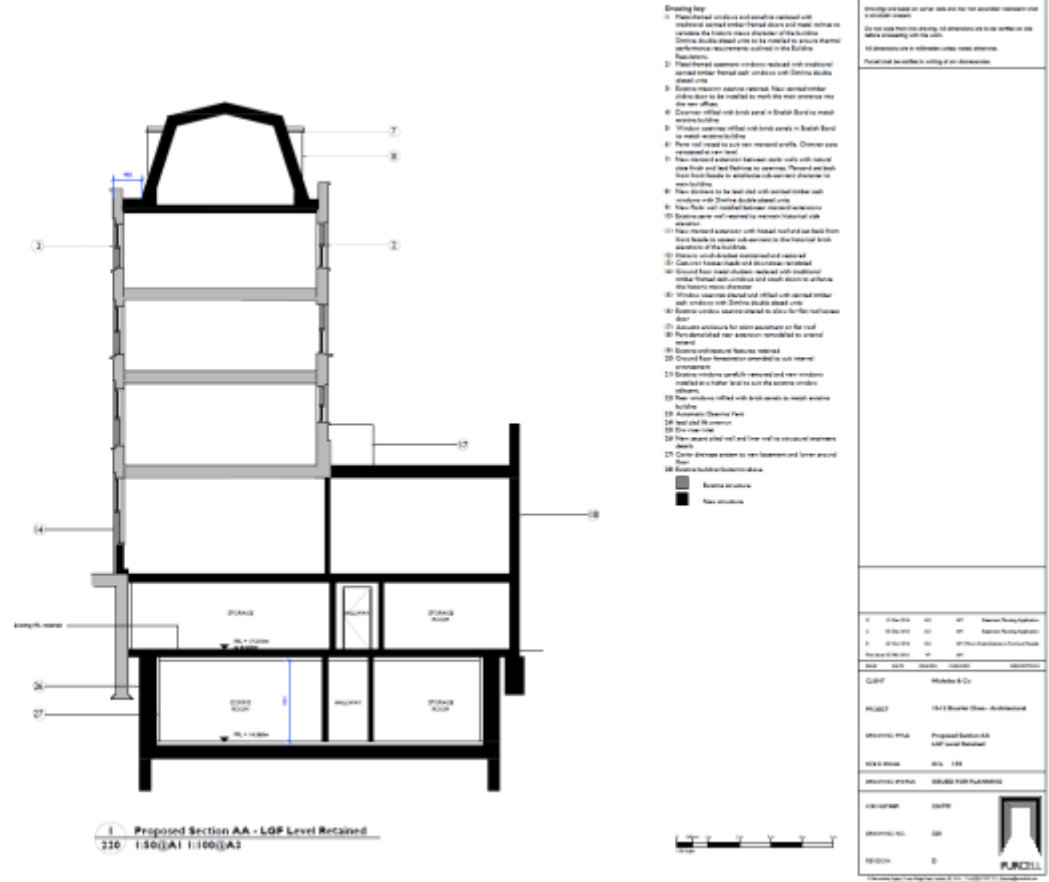
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

Drawing 1. Proposed front elevation



Drawing 3. Proposed Section A-A



DRAFT DECISION LETTER

Address: 10 - 12 Bourlet Close, London, W1W 7BR,

Proposal: Erection of mansard roof extensions across all three buildings and the excavation of a sub-basement level and associated internal and external works in connection with an office use (Class B1). Installation of plant within acoustic enclosure at rear first floor level.

Reference: 16/12196/FULL

Plan Nos: 236799/200, 201B, 202B, 203A, 204A, 205A, 206B, 207B, 210D, 211E, 212D, 220D, 225.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

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 three mansard roof extensions shall be constructed in their entirety as set out in the approved drawings.

Reason:

To maintain the character of the East Marylebone 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.

- 3 No development shall commence until details of the materials and finishes to be used in the construction of the external surfaces of the extensions and alterations hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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 East Marylebone 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 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)

- 5 The 'A' weighted sound pressure level from all non-construction related plant and machinery (including non-emergency auxiliary plant and generators) operated at the site shall not at any time exceed a value of 10 dB below the minimum external background noise and shall not exceed 15 dB below the minimum external background noise where the noise contains tones or is intermittent. Measurement shall be at a point 1 metre outside any window of any residential or other noise sensitive property. The background level shall be expressed in terms of the lowest LA90, 15 minutes during hours of operation. The plant-specific noise level shall be expressed as LAeqTm and shall be representative of the plant operating at its maximum.

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.

- 6 All non-construction related plant and machinery (including non-emergency auxiliary plant and generators) operated at the site shall not at any time cause vibrations to be transmitted to adjoining or other premises and structures through the building structure and fabric of this development so 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 or other noise sensitive property.

Reason:

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

- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising 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. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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)

- 8 You must apply to us for approval of details of 2 secure cycle parking space for the extended office use. 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.

- 9 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 East Marylebone 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)

- 10 The roof slates shall be natural welsh slate

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 East Marylebone 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)

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

Reason:

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

- 12 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 East Marylebone Association 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 With reference to condition 7 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 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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Cllr Holloway

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	7-9 Botts Mews, London, W2 5AG,		
Proposal	Demolition of existing buildings and erection of replacement three storey buildings with double basements to provide 2 x 4 bedroom single family dwellinghouses (Class C3), with integral garages and other associated works.		
Agent	Craig Slack		
On behalf of	W11 Construction		
Registered Number	16/09953/FULL	Date amended/ completed	18 October 2016
Date Application Received	18 October 2016		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Refuse permission – extent of excavation and design.

2. SUMMARY

The application site comprises back to back two storey buildings facing Bridstow Place and Botts Mews. None of these buildings are listed but the site is located within the Westbourne Conservation Area. The site is not located within the North Westminster Economic Development Area and therefore the existing employment uses are not protected by adopted policy.

Planning permission is sought for the redevelopment of the site to provide two single family dwellings, set over ground, first and second floor levels including the excavation of a double basement

Considerable objection has been received on various grounds including: The level of excavation, amenity, design and the impact of the development on the highway network.

The key issues for consideration are:

- * Whether the proposals are acceptable in design and conservation terms.
- * Whether the impact of the proposal on the amenity of the neighbouring residents is acceptable.

Item No.
4

* The impact of the proposals in highways and parking terms.

The application is recommended for refusal as it is considered that the proposed development is contrary with policies within out Unitary Development Plan (UDP) and City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Above: Bridstow Place frontage

Below: Botts Mews frontage



5. CONSULTATIONS

CLLR HOLLOWAY:

Request to be kept informed in relation to the development proposals.

HISTORIC ENGLAND:

Do not consider that consider that it was necessary for them to have been notified of the application.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Object to the application on the following grounds:

- Do not like the design which is too high and bulky, which will not preserve or enhance the Westbourne Conservation Area;
- Overlooking, loss of light and increased sense of enclosure to surrounding properties;
- Double basement is against new WCC basement policy;
- If buildings demolished, query if it would be necessary for spoil to be transported across Chepstow Road to a skip in Artesian Road.

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

No objection subject to the following comments:

- The walking route to the east is enhanced in safety;
- No technical evidence against double basement, however note that they do not feel that a strong enough case in this instance. Should a coherent and viable justification for basement be provided no objection;
- Removal of waste and associated disturbance should be minimised through separate dialogue with the council in consultation with the public;
- Ground floors have flexible uses for office or workshops;
- Mews cobbles and greening enhanced;
- A true sloping mansard would allow solar collection and minimise shading

Also comment on social emptiness and squalor of this underused part of the neighbourhood and request for application to be dealt with more evenly.

THAMES WATER:

No objection subject to conditions and informatives in relation to waste, piling, surface water drainage and water.

BUILDING CONTROL:

No objection raised.

HIGHWAYS PLANNING:

No objection raised subject to conditions and informatives.

CLEANSING:

No waste details provided detailing waste storage capacity and plans indicate bin store which opens over the highway. Revised plans requested.

ARBORICULTURAL OFFICER:

No objection raised.

ENVIRONMENTAL HEALTH:

Raise objection as principle living accommodation provided at sub ground floor level which would receive inadequate light or ventilation. Means of escape is inadequate.

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 251

No. of replies: 76 objections raising some or all of the following points:

Land Use:

- The proposals do not meet the Councils Public Sector Equality Duty to provide social housing.
- Loss of offices is a loss of a function for the area.

Amenity:

- Loss of light to adjacent properties.
- Loss of privacy and increased noise and overlooking to adjacent properties from windows and terraces.

Design:

- Loss of mews properties unacceptable.
- Increased bulk unacceptable.
- Design of replacement buildings is unacceptable and out of character with area.
- Double basement is excessive and to allow would set a precedent.
- Double basement contrary to Westminster Basement Policy
- 2015 permission protected character of the area.

Highways:

- Surrounding streets cannot cope with increased traffic.
- Query if parking provision has been considered.
- People parking on Botts Mews would block new garages.
- Loss of Botts Mews walkway during construction.

Other:

- Noise, pollution and general disturbance and disruption from construction works.
- Request for restrictions on building hours, including no weekend working.
- Comments in relation to the planning history of various schemes on this site, including a similar scheme which was dismissed at appeal.
- Due to different excavation method, this should be treated as a new application.
- Abuse of the planning system.
- Negative impact on the water table.
- Proposals seek to maximise profits with a detrimental impact on neighbourhood.
- Negative impact of the excavation works on the health of adjacent occupiers.
- Damage to adjacent buildings due to excavation and building works.
- Localism Act allows for shop keepers experiencing hardship, which a building site will cause, to apply to city council for a credit note / reduction of their Business Rates. Such a complaint would affect tax payers.
- Negative impact of additional floor on television signals.
- Development period is likely to be longer than stated in proposals.
- Concerns in relation to an insufficiently wide consultation with neighbours.
- The 'community involvement' section of the application is not comprehensive or accurately includes all of the communities concerns.

- Application should be determined by the Mayor of London.
- Impact on fire escape of adjacent occupiers during building works.

ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a pair of two storey buildings facing Bridstow Place and a short terrace of smaller two storey buildings facing Botts Mews that sit back-to-back to each other. None of these buildings are listed but the site is located within the Westbourne Conservation Area. The site is not located within the Central Activities Zone (CAZ) or the North Westminster Economic Development Area (NWEDA).

The buildings are currently surrounded by hoardings and vacant.

6.2 Recent Relevant History

Nos. 1A and 2A Bridstow Place:

Planning permission was granted on 24 November 2003 for the use of the building from a bakery (Class B2 – General Industrial) to a yoga studio and treatment rooms (Class D1 – Non-residential Institution). This permission was never implemented.

It was deemed on 19 April 2004 that using the buildings as an office (Class B1 – Business) would not require planning permission as changing the use from Class B2 to Class B1 constitutes ‘permitted development.’

Planning permission was granted on 6 October 2004 for the use of the building as a ‘relaxation centre’ (Class D1). This permission was not implemented.

Planning permission was granted on 20 October 2004 for the use of the entirety of the first floor and part of the ground floor as 1x1 bedroom flat and 1x2 bedroom flat with two off-street car parking spaces (Class C3). This permission was also not implemented.

Given that none of the above permissions were implemented the lawful use of the building is still as a bakery (Class B2).

Nos. 7 – 9 Botts Mews:

Planning permission was granted on 12 February 1982 for the use of the first floor as a photographic studio (Class B1).

Two applications for planning permission (and linked conservation area consent applications) were refused by the City Council on 17 December 2013. The refusals were appealed, with the appeals subsequently dismissed on 22 September 2014 (appeal decision within background papers).

Nos. 7-9 Botts Mews & 1A-2A Bridstow Place

Application 1: Demolition of 7-9 Botts Mews and 1A-2A Bridstow Place and erection of 3 x 3 bedroom dwelling houses over sub-basement, basement, ground, first and second floor levels, including garage parking, terraces and associated works., Application 2: Demolition of 7-9 Botts Mews and 1A-2A Bridstow Place and erection of 3 x 3 bedroom dwelling houses over sub-basement, basement, ground, first and second floor levels, including terraces and associated works. This application was refused on design ground. [RN's 13/07718/FULL & 13/07719/CAC]

Application 2: Demolition of 7-9 Botts Mews and 1A-2A Bridstow Place and erection of 3 x 3 bedroom dwelling houses over sub-basement, basement, ground, first and second floor levels, including terraces and associated works. This application was refused on both design and highways grounds due to lack of parking provision. [RN's 13/07819/FULL & 13/07820/CAC]

An application was approved on 31 March 2015 for the Use of 7-9 Botts Mews and 1A-2A Bridstow Place as 2x3 bedroom single family dwellinghouses (Class C3) with integral garages and excavation of two storey basement, removal of water tanks and associated alterations. [RN 14/02993/FULL]

Permission granted on 17 December 2015 in relation to a pre-commencement condition for the submission of details of the biodiversity management plans in relation to the brown roofs pursuant to Condition 15 and sustainable urban drainage pursuant to Condition 17 of planning permission dated 31 March 2015 referenced 14/02993/FULL. [15/10635/ADFULL]

A certificate of lawful development was issued on 15 March 2017 for Confirmation that material operations took place on site (7-9 Botts Mews and 1A-2A Bridstow Place, London W2 5AG) within the terms of Section 56 of the Town and Country Planning Act 1990 to implement the planning permission dated 31 March 2015 (ref: 14/02993/FUL) before the expiry of the statutory three year time period, and therefore the continued development of this site in accordance with the above planning permission is lawful.

7. THE PROPOSAL

Permission is sought for the redevelopment of the site to provide two single family dwelling houses (Class C3) including the excavation of a double basement across the whole site. The new dwellings are to lie over sub basement, basement, ground, first and half second floor levels. The second floor level will also feature a terrace which looks out over Botts Mews. A garage is to be provided for each dwelling accessed from Botts Mews.

8. DETAILED CONSIDERATIONS (APPLICATION 1)

8.1 Land Use

Objections have been raised on the grounds that the development does not provide social housing, and in relation to the loss of office floorspace.

The existing building are currently vacant but were last in commercial uses. The recently approved certificate of lawful development application has confirmed that works have commenced on site to implement permission granted 31 March 2015, which was for the use of the site as two residential buildings and the excavation of a double basement. The lawful use of the site is therefore now considered to be as two residential dwellings. The continued use of the site as two dwellings is therefore considered to be acceptable.

The provision of additional residential accommodation is supported by Policy S14 in the City Plan and Policy H3 in the UDP.

In relation to the lack of social housing, as the proposed increase in residential floorspace falls below the 1,000sqm threshold there is no requirement to provide affordable or social housing, in accordance with City Plan Policy S16.

All new housing is expected to provide a well designed living environment. As a large proportion of the dwellings are subterranean it is important to ensure that the dwellings as a whole represent an acceptable standard of residential accommodation. The applicant has proposed internal lightwells in the middle of the two houses and devices such as glass decks in order to provide the reception rooms and bedrooms at basement level and the media and games rooms at sub-basement level with light. The Environmental Health Officer has raised concerns in relation to light and ventilation to basement levels. As with the extant approved scheme, the proposed layout is not ideal for family-sized units due to the reliance on devices such as glass floors, and the poor outlook from the main reception room at sub ground floor level. Given that the units are used as single family dwellings, with three above ground floors, with suitable light and outlook, and given that permission has been granted for a double basement, it is not considered that refusal on the grounds of poor living arrangements could be sustained. In relation to ventilation, should the proposals have been considered acceptable an informative would have been recommended to advise the applicant

8.2 Townscape and Design

The mews properties proposed to be demolished appear on historic maps dating from the mid-late 19th century and formed part of the original development of Westbourne, now the Westbourne Conservation Area. Botts Mews is one of only a handful of mews developments in the area. Nos. 7-9 Botts Mews have the charm of small mews properties, glimpsed in views from Chepstow Road (No.7 is particularly small in scale). Bridstow Place is a unique street; characteristic of a mews but street-sized and featuring two storey cottages which are protected by an 'Article 4 Direction' which removes some rights normally afforded to householders to alter their properties without the need for planning permission. Nos. 1a and 2a Bridstow Place form the terminating building in long views along this street and are attractive examples of their type.

There was an appeal decision in 2014 for the redevelopment of this site in which the Inspector concluded that the existing buildings make a positive contribution to the character and appearance of the Westbourne Conservation Area. She noted that in the absence of a satisfactory scheme to redevelop the site the demolition of the existing buildings would fail to enhance the character and appearance of the conservation area.

The applicant considers that the proposed buildings can be demolished, subject to the replacement building being acceptable. Officers consider that while there is scope to develop,

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potentially with some demolition of the buildings, the current scheme does not offer a suitable replacement development. While all the existing buildings are capable of adaptive reuse, they would require significant alterations to accommodate the new dwellings, as demonstrated by the scheme approved in 2015.

The existing buildings on either side of the site are of clearly different styles, which is an interesting acknowledgment of the sites history, a point the Inspector noted in 2014, when they stated: "Taken as a group, I consider the existing buildings, whilst more utilitarian and domestic in scale compared to many buildings in the nearby area, make a modest positive contribution to the character and appearance of the Westbourne Conservation Area".

The Botts Mews buildings are two storey rendered buildings with garage doors to ground floor level and multiple paned metal windows to the first floor, there are slated pitched roofs behind. The Bridstow Place elevation has two elements, one of which is a horizontal character 1950s style warehouse building, while the other (a former Bakery) is a smaller stuccoed building adjacent to the Chepstow Road corner building.

City Plan policies S 25 and S 28 and UDP Policies DES 1 and DES 9, require development to be of the highest standards and to preserve the built heritage of the City.

The former Bakery building facing Bridstow Place is the older of the buildings on this side of the group. This Victorian building has attractive arched windows at ground floor level and a hay loft door at first floor. Its more elaborate detailing is a quirky element in this mews entrance setting and contributes to the character and appearance both of the mews and the wider conservation area. As such, it should be retained and reused, both for its value as a vestige of the former uses of the site and its architecture and appearance. The façade could readily be retained and form an interesting counterpoint to a new development adjacent, should that building not be retained. It is noted that retaining the bakery would require the structure to be carefully integrated into a revised design. Such a design would need to ensure a comfortable relationship to the rest of its context in terms of building heights and floor levels. It should also be noted that the applicants have permission to convert and retain all the buildings in a development which allows the residential use and basement excavation.

Given the need to pay due regard to preservation or enhancement, the City Council expects high quality development to enhance conservation areas. In terms of replacement buildings, in order to justify the loss of the present buildings, these should offer a greater positive contribution to the conservation area than existing structures.

The new development is broadly acceptable in terms of its scale, being two storey and attic to both elevations. However, its form neither reads as a suitable replacement for buildings reflecting utility / light industrial warehousing or the typical mews housing found to the rear of higher status streets.

The proposed design of new buildings heavily feature steel windows frames which evoke the industrial character of the former garages. However, the setting of the openings within the proposed elevations which lacks cohesion reduces their effect.

For example, in place of the demolished bakery building, there is a rendered house twice the plot width of a traditional mews house. The appeal proposal had three houses on the Bridstow Place elevation, but there are just two houses in the present scheme, which run

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between the two frontages, whereas the setting calls for greater plot subdivision. These excessive plot widths run counter to the typical typography of the conservation area.

While the elevation design has been divided into bays, with brick and render being used, the resulting composition is confused. There are four differently sized openings to both the ground and first floors of each house and the location of openings lacks a comfortable visual rhythm.

The two bays of each house are divided by a central darker section (on both elevations), but neither the bays, nor the central section are reflected in the design of the mansard, which has one party wall upstand between the two houses.

The fenestration of the mansard is atypical. The curved dormers to Bridstow Place are uncommon in the area and they are positioned without consideration to the fenestration on the storeys below, being asymmetric to each other and to the houses to either side.

The mansard fenestration varies again on the Botts Mews side with much larger double door and single door dormers. These are again asymmetrically located and between them a fixed full height roof light is located. The design is also supplemented by a full width terrace across both properties with an unusually detailed terrace setting set on, rather than behind the parapet. Such a device is an atypical addition to a traditional mews setting, as it introduces uncharacteristic metalwork detailing and high level visual clutter.

While render is proposed on some of the elevations, few mews houses were designed with render and therefore with the exception of the bakery building (which should be retained) the use of high quality brickwork should be prioritised. If a contrast is needed then there are other ways to achieve this through skilful use of brick detailing/texture, colour etc. Brick is a traditional and high quality material which ages well, render not so well. Render in mews setting is typically a later evolution, as the original utilitarian buildings would have been brick faced.

The appeal decision on the previous scheme noted a number of deficiencies, with that design, including the irregular window arrangements. The overall palette of materials, bulk and footprint were considered suitable for the site. However, the present design does not offer an equal or greater contribution to the conservation area than the present buildings, nor does it satisfy or resolve the issues raised in the appeal.

The proposed replacement buildings are of insufficient design quality to provide an enhancement to the character and appearance of the Westbourne Conservation Area and therefore they fail to meet the design requirements outlined in City Plan and UDP Policies S25, S27, DES 1 and DES 9 or the tests applied by the NPPF.

These policies require the highest quality in the form and design of new development and for it to result in an enhancement of the conservation area. Given the qualities of the existing buildings and their established role in the local townscape, a high design quality is required of the proposed development, which will enhance the significance of the Westbourne Conservation Area.

For this reason, it is recommended that the application be refused.

8.3 Residential Amenity

The application site is surrounded by residential properties, both on Botts Mews to the south and Bridstow Place to the north. Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity. Concerns have been raised by residents in respect of the impact of the proposed development on their light, privacy, noise and outlook.

9.3.1 Sunlight and Daylight

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing the windows of the adjacent residential properties. This report finds that, as a result of the development, no windows within neighbouring residential units will suffer a reduction in light above what is recommended under the BRE guidelines. For this reason, the impact of the development on the quality of the environment within neighbouring residential properties in terms of daylight and sunlight terms is considered acceptable.

9.3.2 Sense of Enclosure

There is an existing party wall which diagonally dissects the site, separating the existing properties facing Bridstow Place from the properties facing Botts Mews. The buildings facing Bridstow Place are taller and on a slightly higher level than the Botts Mews Properties. The proposals include the erection of a mansard roof extension at second floor level, which is set back on the Botts Mews frontage to provide roof terraces. Due to the level changes, the actual increase in height of the new buildings is relatively minor at approximately 0.9m at the lower end of the site (to the east) and 0.3m at the higher end of the site (to the west).

Due to the relatively small increase in bulk and the setting back of the top storey on the Botts Mews frontage, it is not considered that the proposed development would result in a material increase in the sense of enclosure for residents on the opposite side of Botts Mews. Similarly, it is not considered that the increase in bulk over the existing building would result in a material impact on residents at the opposite side of Bridstow Place or within Hereford Mansions. The scheme is therefore considered acceptable in this regard.

9.3.3 Privacy, Overlooking and Noise

There are windows in both street facing elevations of the existing buildings, while the proposals do include a greater number of windows and new windows at second floor level, it is not considered that these would give rise to such a negative impact as to justify refusal. The proposals also include the provision of a terrace at second floor level on the Botts Mews frontage.

There are existing terraces at second and third floor levels to the properties on the other side of Botts Mews. Some of these properties are used as single family dwellings and some are divided into flats. 2 Chepstow Road, has frontages onto both Chepstow Road and Botts Mews and has windows located at a similar level to the proposed terrace. There is also a window in the rear of 6-8 Chepstow Road just above the application site, which would appear from records to be residential use.

The scheme refused in 2014 also included the provision of terraces in the same location to those currently proposed, however in a slightly different arrangement as the previous application was for three dwellinghouses rather than two. Officers did not consider that the proposals resulted in a negative impact in terms of loss of amenity as to recommend refusal.

The application was subsequently appealed, within which the inspector agreed with the statement of common ground, which set out that the proposals would not have adverse effect on the living conditions of either future occupants or occupants of nearby properties. It is not considered that Westminster Policies or the site situation have changed considerably since this time, and therefore it is not considered that refusal on these grounds could be sustained.

8.4 Transportation/Parking

The Highways Planning Manager has raised no objection to the proposal for one off-street car parking space (within an integral garage) accessed from Botts mews, for each of the proposed dwellings and such provision is in accordance with UDP Policy TRANS 23.

Provision is made for the storage of a bicycle for each of the proposed dwellings. Such provision is in accordance with UDP Policy TRANS 10.

8.5 Economic Considerations

As outlined in Section 8.1 of this report, the lawful use of the site is now considered to be residential and therefore there is no loss of employment floorspace. Any economic benefits of the proposed scheme are welcomed.

8.6 Access

Were the proposals considered acceptable in other terms a condition would have been recommended to ensure that each of the dwellings would benefit from step free access to accords with Policies TRANS27 and DES1 in the UDP.

A comment has been received in relation to blocking of a walkway. It is assumed that this would be as a result of construction works. As such works would only be temporary, it is not considered that refusal on these grounds could be sustained. Any suspension of the public highway would require prior consent from Highways licensing.

8.7 Other UDP/Westminster Policy Considerations

Basement:

Permission was granted in 2015 for the excavation of a double basement beneath the existing buildings on the site. Prior to this, the 2014 applications also included a double basement, which were not refused on grounds of the extent of excavation. The recently approved certificate of lawful development certificate has also been issued, which confirms that the 2015 permission has been implemented. The applicant is therefore able to implement this permission in perpetuity, which is also a material consideration.

Strong objection has been received to the development proposals on the grounds that they are contrary to adopted policies within the updated City Plan (November 2016).

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015 and were adopted in July 2016, with subsequent revisions to the City Plan adopted November 2016. They are material considerations that full weight will be attached to in the determining of the planning application.

The current proposals are considered to be in contrary to policy CM28.1 C 3 of the updated City Plan (November 2016). The proposals are assessed against the new policy as follows:

Part A. 1-4

Strong objection has been received in relation to the proposed works. The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. The St Johns Wood Society and residents, including those at several of the neighbouring properties in this instance, are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

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

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

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

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

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

Part A. 5 & 6

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

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

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016. Had the application been considered acceptable, the applicants would need to comply with this code. This is a fundamental shift in the way the construction impacts of developments are dealt with. Previously the conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

Concerns have been raised by a resident in relation to the impacts of the development on their health and wellbeing. The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process. Section 2 of the CoCP states 'reasonable steps should be taken to engage with the elderly and residents with disabilities, and with other groups in the neighbouring area who might be affected by construction impact in different ways'. It

continues 'The contractor will ensure that occupier of nearby properties, and local amenity associations, business improvement districts or similar groups where these exist, will be informed in advance of works taking place.'

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

A condition would also be recommended requiring evidence to be submitted of compliance with the CoCP prior to commencement of development.

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

Part B:

1&2) The Arboricultural Officer has raised no objection in relation to the removal of a self-planted young Tree of Heaven, which is therefore considered acceptable.

3) The plans indicate a plant room at basement level, no details have been provided to confirm if this is to serve plant equipment and no details of ventilation have been provided, which has been raised by the Environmental Health Officer. Should the proposals have been considered acceptable in other terms, conditions would have been required to provide details and to confirm that any external plant equipment would require planning permission.

4 & 7) The site is not located within a flooding hot spot, and it is not considered that the basements would have a severe impact on surface water. Should the proposals have been considered acceptable, an informative would have been recommended to advise the applicant that they will need to ensure that suitable drainage is provided.

5&6) As there are no external manifestations of the basement, the proposals will not negatively impact on the character of the area area (see section 8.2 of this report).

Part C:

1&2) The proposals do not have a garden therefore these points are not applicable.

3) This part of the policy sets limits on the depth and extent of basement development where there is potential for impact on neighbouring residential properties. The application site is bounded by residential buildings and is within a dense residential context, with Botts Mews being a narrow street and residential properties on the other side of Bridstow Place. The site is small and access is limited. The policy states basement development to existing residential buildings will not involve the excavation of more than one storey below the lowest original floor level. It is considered that the proposed double basement development would be harmful to neighbours. The criteria set out for the extent of basement development underneath existing residential buildings is intended to strike a balance between allowing development, while ensuring that it is not of an excessive scale. This is to ensure the harmful

impacts on neighbours that are associated with basement development are lessened. The proposal here would significantly exceed the limit set out by the policy, and the policy only allows for exceptions to be made in specific and/ or exceptional circumstances. The policy only allows an exception to be made if the site is large and of high accessibility and that no heritage assets are affected. It is not considered that this site is highly accessible, located in a tight residential location.

Recent appeal decisions have subsequently been dismissed which related to the excavation of double basements and are therefore relevant to this case. The inspector on appeals at 34 Old Queen Street (Ref APP/X5990/W/16/3149719) and 7 Chesham Mews (Ref APP/X5990/D/16/3162479) upheld the council's decision to refuse as it was considered that the proposals would cause unacceptable harm to the environment and amenities of the area, contrary to this part of the policy. The proposals to excavate a double basement are contrary to this part of the policy and the proposal is therefore recommended for refusal.

Part D:

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

Refuse /Recycling

Should the proposals have been considered acceptable, a condition would have been recommended for details of waste and recyclable storage to be submitted and approved to the City Council.

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.

The estimated CIL payment would be £319,600.

8.11 Environmental Impact Assessment

The application is of insufficient scale to trigger the requirement for the submission of an Environmental Impact Assessment.

8.12 Other Issues

Objections have raised issues on which planning permission could not be withheld, including disruption to television signals, impacts on local shops during construction, which could result in fees against the council, and concerns in relation to consultation. In relation to consultation, additional consultation letters were sent out to neighbours during the applications process.

It is considered that the council has undertaken in excess of what is statutorily required, with neighbour letters, site notice and an advert being placed in the press.

An objection has been received from Environmental Health in relation to means of escape from the basement. Such considerations are a matter of building regulations, it would not be sustainable to withhold planning permission on these grounds.

9. BACKGROUND PAPERS

1. Application form
2. Appeal decision dated 22 September 2014
3. Response from Historic England, dated 7 November 2016
4. Response from South East Bayswater Residents Association, dated 20 December 2016
5. Response from Notting Hill East Neighbourhood Forum, dated 30 November 2016
6. Response from Thames Water Utilities Ltd, dated 21 November 2016
7. Response from Highways Planning, dated 8 November 2016
8. Response from Cleansing, dated 9 November 2016
9. Response from Arboricultural Section, dated 12 December 2016
10. Response from Environmental Health, dated 21 November 2016
11. Responses from Building Control, dated 14 March 2016
12. Letter from occupier of 3, Bridstow Place, dated 10 November 2016
13. Letters from occupiers of Apartment 4, 2 Chepstow Road, dated 8 & 14 November 2016
14. Letter from occupier of Flat One , 4 Monmouth Place, dated 14 November 2016
15. Letter from occupier of 56a Hereford Rd, Lower Ground, dated 14 November 2016
16. Letter from occupier of 55 Hereford Road, dated 15 November 2016
17. Letter from occupier of 10 Hereford Mansions, Hereford Road, dated 15 November 2016
18. Letter from occupier of 17 Bridstow Place, dated 16 November 2016
19. Letter from occupier of 6 Talbot Road, dated 16 November 2016
20. Letter from occupier of 38 Bark Place, dated 16 November 2016
21. Letter from occupier of 98 Westbourne Terrace, dated 16 November 2016
22. Letter from occupier of 30 Bridstow Place, dated 16 November 2016
23. Letter from occupier of 78 Chepstow Road, dated 16 November 2016
24. Letter from occupier of 26 Bridstow Place, dated 17 November 2016
25. Letter from occupier of 9 Artesian Road, dated 17 November 2016
26. Letters from occupier of 13 Bridstow Place, dated 18 & 21 November 2016
27. Letters from occupier of 60 Westbourne Park Villas, dated 18 & 20 November 2016
28. Letter from occupier of 16 Sunderland Terrace, dated 19 November 2016
29. Letters from occupier of 49 Hereford road, dated 19 & 24 November 2016
30. Letter from occupier of 15 Artesian Road, dated 20 November 2016
31. Letter from occupier of 26 Artesian Road, flat 3, dated 20 November 2016
32. Letter from occupier of Pentagram Design Limited, 11 Needham Road, dated 21 November 2016
33. Letter on behalf of occupier of 22 Artesian Road, dated 21 November 2016
34. Letter from occupier of 9 Needham Road, dated 21 November 2016
35. Letter from occupier of 1-5Needham Road, dated 21 November 2016
36. Letter from occupier of 34-35 New Bond Street, dated 21 November 2016
37. Letter from occupier of 13 Tavistock Mansions, 49 St Lukes Road, dated 21 November 2016
38. Letters from occupier of 57 Artesian Road, dated 21 November and 12 December 2016
39. Letter from occupier of Second Floor Flat, 16 Artesian Road, dated 21 November 2016

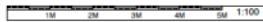
40. Letter from occupier of 165 Gloucester Terrace, dated 21 November 2016
41. Letter from occupier of 12 Artesian Road, dated 21 November 2016
42. Letter from occupier of Flat 5, 24 Artesian Road, dated 21 November 2016
43. Letter from occupier of 7 Talbot Road, dated 21 November 2016
44. Letter from occupier of 45 Mortimer Street, 5th Floor, dated 21 November 2016
45. Letter from occupier of 12 Needham Road, dated 22 November 2016
46. Letters from occupier of 29A Bridstow Place, dated 22 November & 19 December 2016
47. Letters from occupier of 25 Artesian Road, dated 22 & 23 November 2016
48. Letters from occupier of 5 Bridstow Place, dated 22 & 23 November 2016
49. Letter from occupier of 19 Artesian Road, dated 22, 24 & 25 November and 2 December 2016
50. Letter from occupier of 57 Hereford Rd, dated 22 November 2016
51. Letters from occupiers of 10B Chepstow Road, dated 22 & 23 November 2016
52. Letter from occupier of Flat B, 17 Westbourne Park Road, dated 22 November 2016
53. Letter from occupier of 10A Chepstow Rd, dated 22 November 2016
54. Letter from occupier of 58 Westbourne Park Villas, dated 23 November 2016
55. Letter from occupier of 6 Monmouth place, dated 23 November 2016
56. Letter from occupier of Basement Flat, 49A Chepstow Road, dated 23 November 2016
57. Letters from occupiers of 53 Artesian Road, dated 23 November 2016
58. Letter from occupier of 7 Bridstow Place, dated 23 November 2016
59. Letter from occupier of C/O 47 Hereford Road, dated 23 November 2016
60. Letters from occupier of 19 Artesian Rd, dated 22 November 2016
61. Letter from occupier of 10 Bridstow Place, dated 23 November 2016
62. Letter from occupier of 38 Chepstow Road, dated 23 November 2016
63. Letter from occupier of 15A Artesian Road, dated 23 November 2016
64. Letter from occupier of 14 Bridstow Place, dated 23 November 2016
65. Letter from occupier of 17 Cornwall Grove, dated 24 November 2016
66. Letter from occupier of Flat 3, 5 Botts Mews, dated 25 November 2016
67. Letter from occupier of Flat 2, Hereford Mansion, received 28 November 2016
68. Letters from occupier of Apartment 1, The Gate Apartments, received 29 November and 5 December 2016
69. Letter from occupier of 23, Artesian Road, dated 2 December 2016
70. Letter from occupier of 29 Artesian Road, dated 13 December 2016
71. Letter from occupier of 5 Botts Mews, Flat 1, dated 25 January 2017

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

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

10. KEY DRAWINGS

EXISTING BOTTS MEWS ELEVATION
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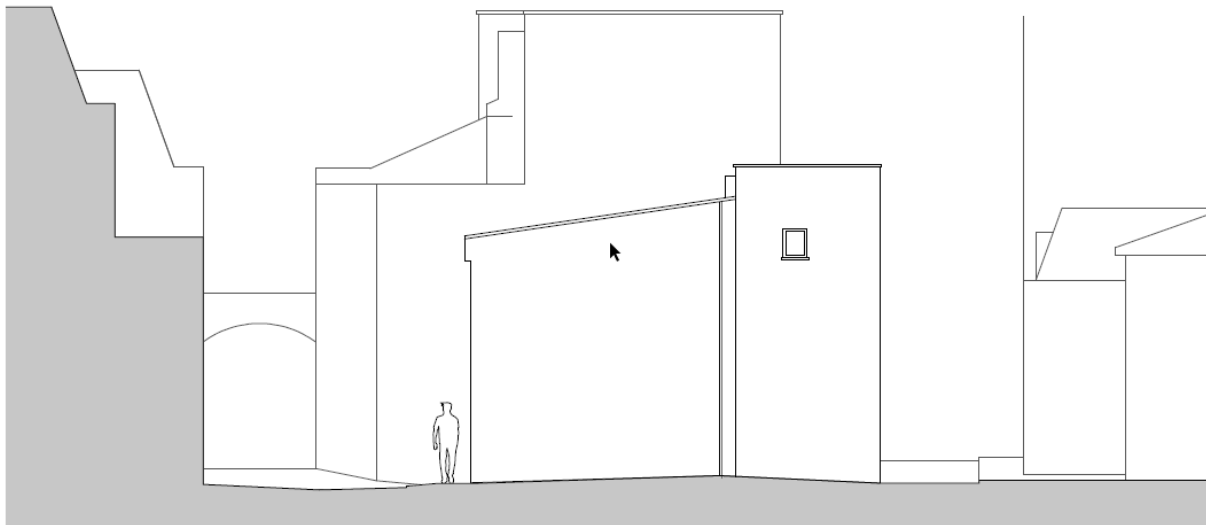




EXISTING BRIDSTOW PLACE ELEVATION
SCALE: 1:100@A3

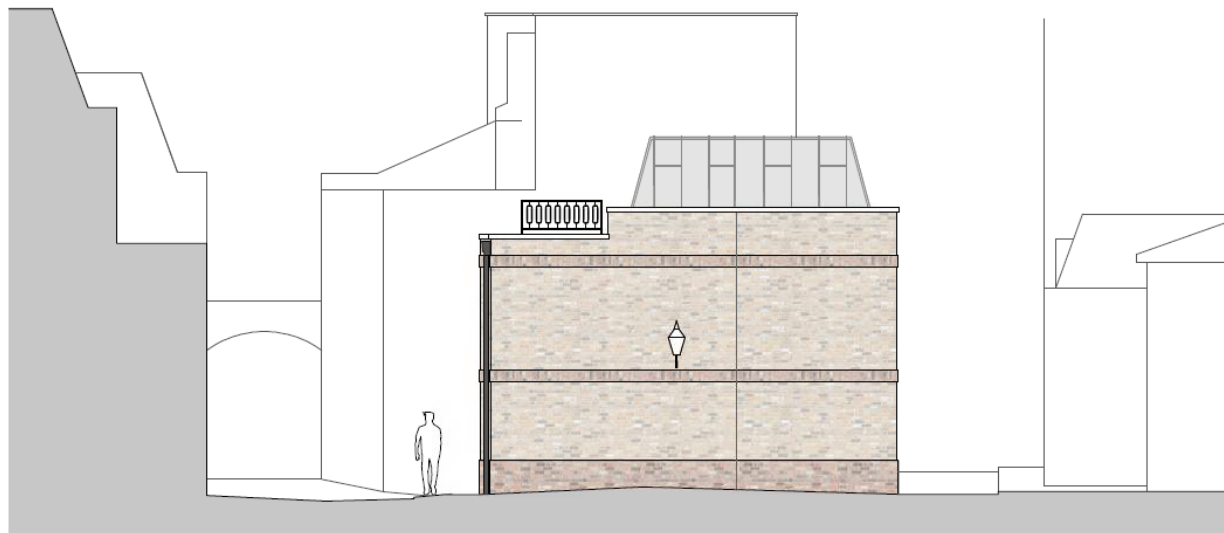
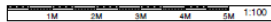


Proposed Bridstow Place elevation



EXISTING EAST ELEVATION

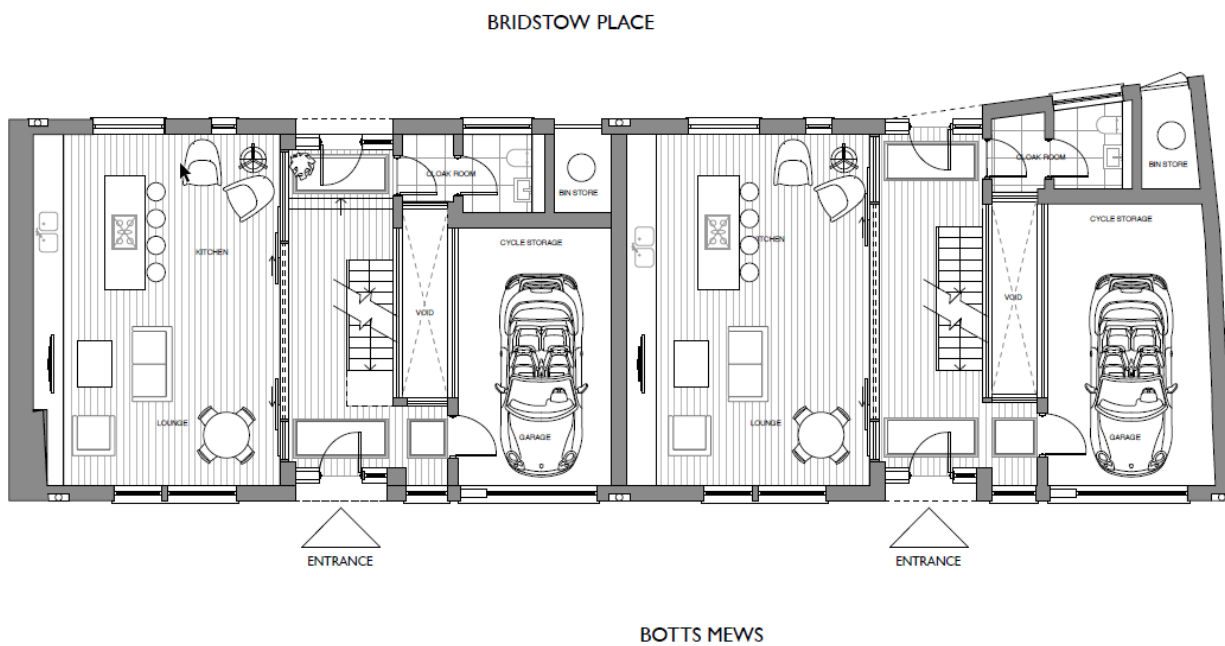
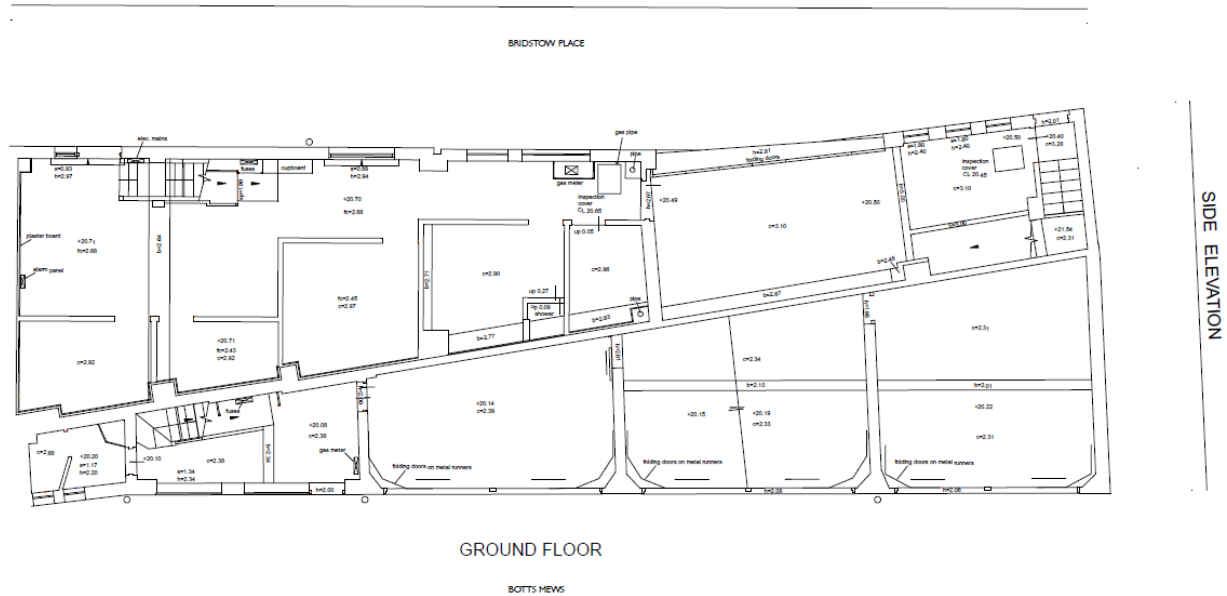
SCALE: 1:100@A3



PROPOSED EAST ELEVATION

SCALE: 1:100@A3

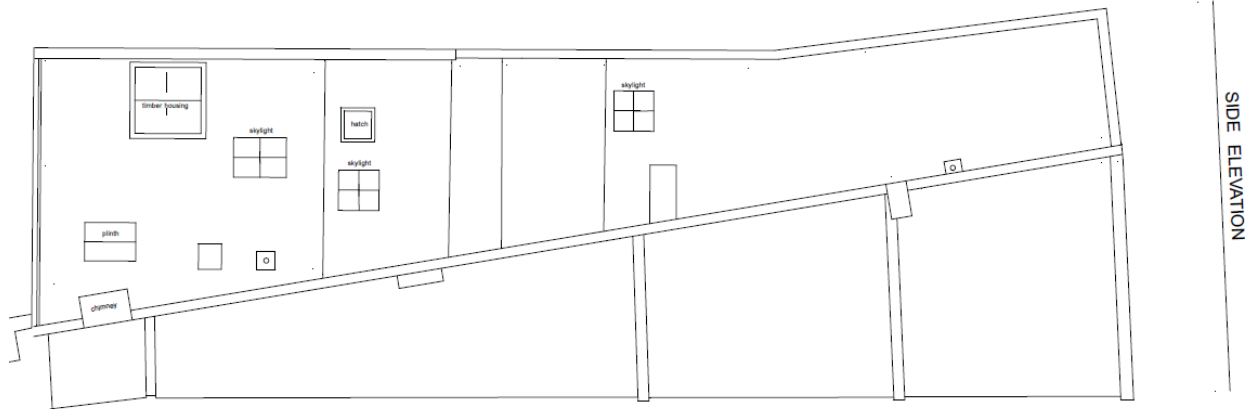




GROUND FLOOR PLAN
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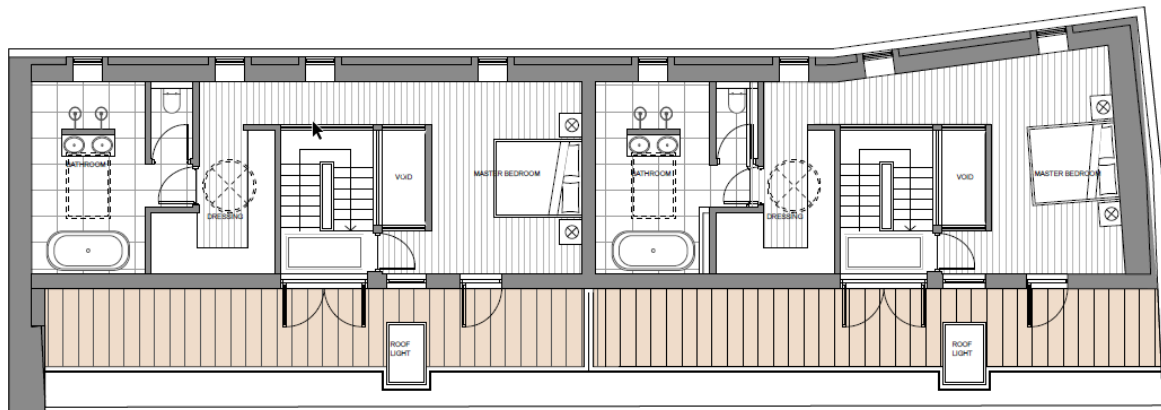
N

BRIDSTOW PLACE ELEVATION



ROOF PLAN

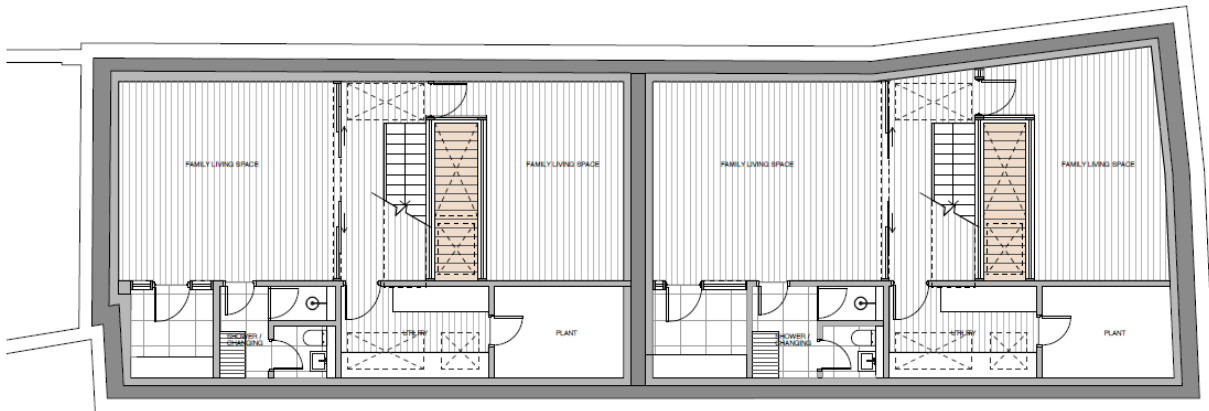
BOTTS MEWS ELEVATION

SECOND FLOOR PLAN
SCALE: 1:100@A3, 1:50@A1

N



BASEMENT FLOOR PLAN
SCALE: 1:100@A3, 1:50@A1



SUB BASEMENT FLOOR PLAN
SCALE: 1:100@A3, 1:50@A1



DRAFT DECISION LETTER

Address: 7-9 Botts Mews, London, W2 5AG,

Proposal: Demolition of existing buildings and erection of replacement three storey buildings with double basements to provide 2 x 4 bedroom single family dwellinghouses (Class C3), with integral garages and other associated works.

Plan Nos: 2000 PP1; 2050 PP1; 2051 PP1; 2052 PP1; 2061 PP1; 2062 PP1; 2063 PP1; 2070 PP1; 2100 PP1; 2101 PP1; 2102 PP1; 2103 PP1; 2104 PP1; 2108 PP1; 2200 PP1; 2201 PP1; 2202 PP1; 2210 PP1; Design and Access Statement by moreno:massey dated September 2016; Planning Statement by Turley dated October 2016; Waste management plan by W11 construction ltd dated 21 September 2016;

For information only: Daylight & Sunlight Study by behan partnership ltd dated 19 September 2016; Construction Management Plan by W11 dated October 2016; Statement of community involvement; Geotechnical and geo-environmental site assessment by RSK dated May 2012; Structural Engineer's structural method statement by Form dated 14 October 2016.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

Reason:

- 1 Because of the loss of the existing buildings, as well as the form, plot widths, proportions and detailed design of the replacement buildings, the development would fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not meet S25 and S28 of Westminster's City Plan adopted November 2016 and DES 1, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

The development is also contrary to the City Council's guidance contained within adopted and published Supplementary Planning Guidance entitled, 'Development and Demolition within Conservation Areas' (City Of Westminster: 1994) and The Westbourne Conservation Area Audit (City Of Westminster: 2002).

Reason:

- 2 The proposal would result in subterranean excavation that would extend two storeys underneath the original lowest floor level. The proposal would therefore be contrary to Policy CM28.1 of the Westminster's City Plan (July 2016), and the guidance in our Basement Development in Westminster Supplementary Planning Document, adopted in October 2014.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- Reduction to a single storey basement extension;
- Retain and restore the facade of the bakery building;
- Revise plot divisions to reflect a mews form (party wall up stands in roof); fenestration arrangement to be more regular/cohesive; materials to be brick to both sides;
- Symmetrically locate dormers on each element/omit arched dormer top/use steel windows;
- Reconsider horizontal brick string course detailing as this emphasizes width;
- Set terrace railing behind a parapet.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	84B Carlton Hill, London, NW8 0ER		
Proposal	Application 1: Construction of gable end/ pediment to side extension with a pitched roof behind; retention of roof lanterns to side extension, retention of ground and first floor extended area to side extension; retention of 4 roof lights and green roof to rear single storey extension, alterations to front and rear garden including new landscaping, and associated internal alterations to the 1950's extension. Retrospective Application (16/11456/FULL & 16/11457/LBC) Application 2: Erection of a single storey rear extension at ground floor level with frameless, double glazed, -sliding-folding doors, and internal alterations including the removal of an internal partition. Retrospective Application (16/11461/FULL & 16/11462/LBC)		
Agent	Mr BARRY SUMPTER		
On behalf of	Mrs Francis Silver		
Registered Number	16/11461/FULL & 16/11462/LBC 16/11456/FULL & 16/11457/LBC	Date amended/ completed	9 December 2016
Date Application Received	2 December 2016		
Historic Building Grade	II		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Application 1:

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

Application 2:

1. Refuse planning permission – design.
2. Refuse listed building consent - design, loss of historic fabric and plan form.

2. SUMMARY

The application site is a Grade II listed detached building located within the St John's Wood Conservation Area. The principle building is a 3-bay gault brick building with a slate pitched roof and square headed architrave windows. The application property is within a 1950's extension to no.84 and occupies part of the lower ground floor level of the historic core, however has always been a separate dwelling since the extension and is known as 84b Carlton Hill, whereas the main building is known as 84a Carlton Hill (which is divided into 3 flats).

Planning permission and listed building consent, under application 1 is sought for works to the lower ground floor including, the construction of gable end/ pediment to side extension with a pitched roof behind; roof lanterns to side extension, ground and first floor extended area to side extension; 4 roof lights to rear extension and green roof to rear single storey extension, alterations to front and rear garden including new landscaping, and associated internal alterations. The second application is for the erection of a single storey rear extension at ground floor level with frameless, double glazed, -sliding-folding doors, and internal alterations including the removal of an internal partition.

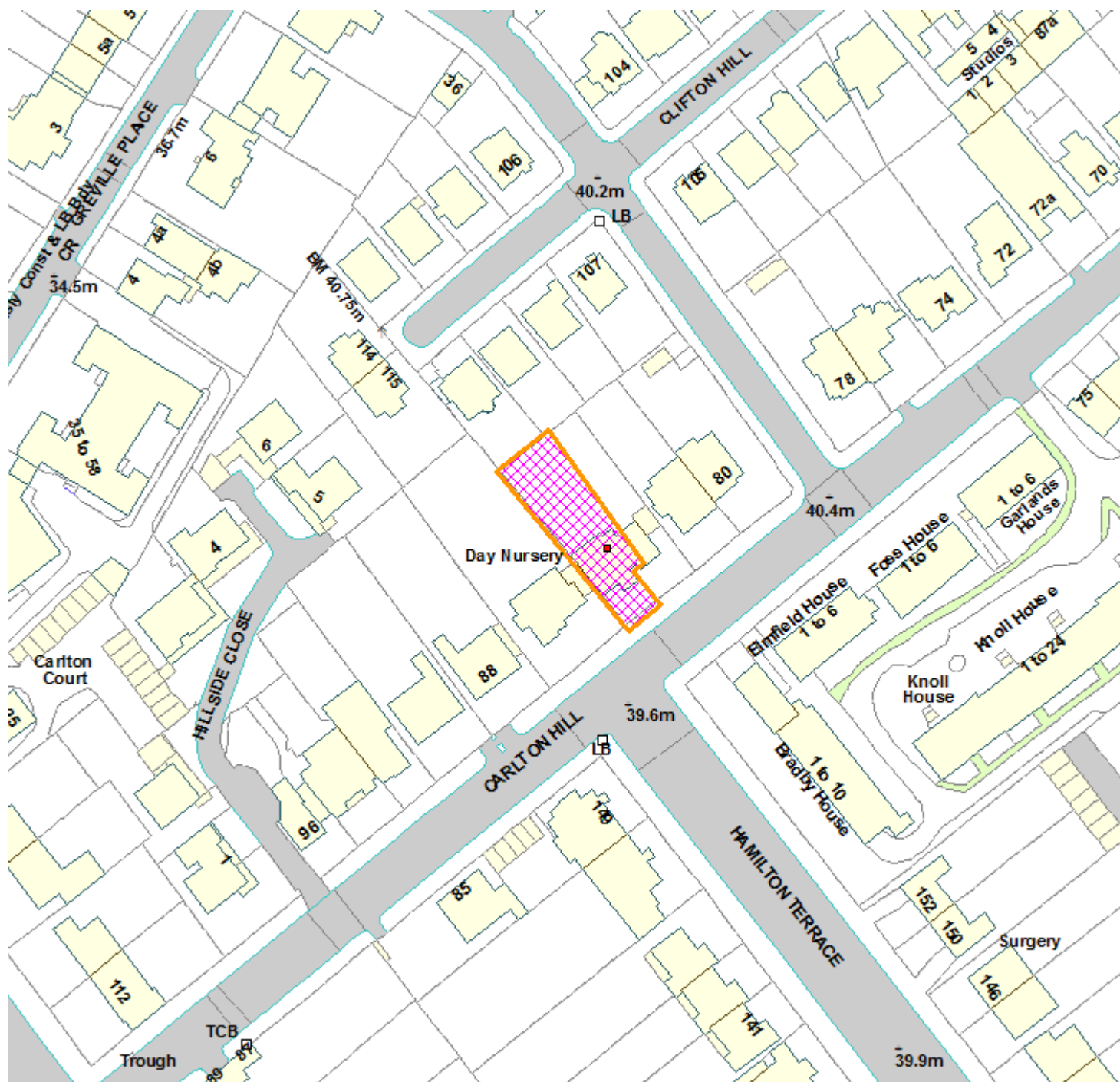
These works have all been completed and are a variation of what has previously been approved in recent years (see planning history).

The key issues in the consideration of these application are:

- The implications of the proposals on the Grade II listed building and the St John's Wood Conservation Area; and
- The impact of the proposals upon the amenity of residents, notably those within 84A Carlton Hill.

For the reasons set out in the report, Application 1 is considered acceptable in design, listed building and amenity terms and accords with policies in the City Plan (adopted November 2016) and the Unitary Development Plan (adopted January 2007). Application 2 is considered unacceptable and the works harmful to the design and appearance of the Conservation Area and to the special interest of the listed building and is therefore recommended for refusal. The proposals are considered contrary to policies in the City Plan (adopted November 2016) and the Unitary Development Plan (adopted January 2007).

3. LOCATION PLAN



4. PHOTOGRAPHS



Front elevation



Photo of rear extension

5. CONSULTATIONS

St John's Wood Society:

Application 1:

Comment made that the society are concerned that the works have taken place without the relevant consents and that the appropriate action is taken. The rooflights are likely to result in light pollution.

Application 2:

Comment made that the society are concerned that the works have taken place without the relevant consents and that the appropriate action is taken. The rooflights are likely to result in light pollution.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Application 1

No. Consulted: 22

No. of objections: 4

Four objections received on the following grounds:

DESIGN:

- The size of the rear extension has resulted in the loss of the garden;
- The rooflights in the extension are too large;
- The pitched gable roof to the front elevation and the scale of the rear bay extension detrimentally affect the appearance of the listed building;
- Questions raised as to the conclusions of the heritage statement.

AMENITY:

- The scale of the rear bay extension blocks light to the raised ground floor and first floor flat of 84a Carlton Hill
- Loss of outlook from bay extension to all three flats in 84a Carlton Hill;
- The rooflights result in light pollution;
- Pitched roof behind front elevation gable restricts light to windows in the side elevation

OTHER:

- The garden has been re-landscaped and is unsightly way;
- An intrusion into the privacy of one of the neighbouring properties took place in order to compile the heritage statement;
- The applicant did not accurately complete the Certificate B notices.
- The certificate B notice didn't reach intendees;
- Loss of ceiling beneath neighbouring properties was distressing and dangerous and was done without party wall notices being served;
- The application drawings (and those submitted for previous applications) are not accurate and have not shown the bathroom window of Flat1; incorrectly labelled windows;
- The pitched roof behind front gable results in an inaccessible box gutter;
- Access for maintenance is seriously compromised;

Application 2

No. Consulted: 22

No. of objections: 2

Two objections received on the following grounds:

DESIGN:

- Harm to listed building;
- The frameless double glazed doors are unacceptable in design terms;
- The size of the rear extension (and loss of garden) is too large;
- Questions raised as to the conclusions of the heritage statement;
- The un-consented works have resulted in structural damage to neighbours flats within the building harmful to the listed building;.

OTHER:

- The applicant has carried out these works without the relevant consents and appropriate action should be taken;
- Loss of ceiling beneath neighbouring properties has resulted in disruption;
- Party wall notices have not been served;
- An intrusion into the privacy of one of the neighbouring properties took place in order to compile the heritage statement;
- The applicant did not accurately complete the Certificate B notices;
- The application drawings (and those submitted for previous applications) have not shown the bathroom window of Flat1 and has incorrectly labelled windows.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

The application site is a Grade II listed detached building located within the St John's Wood Conservation Area. The principle building is a 3-bay gault brick building with a slate pitched roof and square headed architrave windows. The application property is within a 1950's extension to no.84 and occupies part of the lower ground floor level of the historic core, however has always been a separate dwelling since the extension and is known as 84b Carlton Hill, whereas the main building is known as 84a Carlton Hill (which is divided into 3 flats).

Since the refusal of planning permission and listed building consent in March 2016 the works proposed within those applications have been carried out. The rear extension has been constructed to the scale of the single storey rear extension approved in 2013 but with the insertion of full width glazed doors and a different rooflight arrangement. The replacement of the garage door and the erection of a bay window has also been carried out in accordance with the approved scheme.

6.2 Recent Relevant History

In April 2013 planning permission and listed building consent (13/00485/FULL & 13/00486/LBC) were granted for the demolition of the rear conservatory and its replacement with a single storey rear extension measuring 3.481metres deep and 7.524metres wide. The structure was to be rendered with timber French door openings puncturing the rear elevation. The application also contained alterations to the existing garage, with its replacement with a bay window permitted. Internal alterations were also granted.

These permissions were not implemented prior to submitting the 2015 applications.

In March 2016 applications (15/08882/FULL & 15/08883/LBC) for a single storey rear extension which was deeper and shallower than the approved scheme were refused on the grounds that the scale and detailed design of the rear extension would harm the special architectural interest of the listed building and would fail to accord with relevant policies. The application also contained alterations to the garage and its replacement with a bay window, the erection of a rear bay to first and second floor of the existing side extension and the erection of a rear pediment and pitched roof behind a new front pediment. Consent was also sought for internal alterations.

The new bay on the front elevation and the new fenestration on the front elevation were considered to harm the special interest of the listed building and the character and appearance of the Conservation Area and hence planning permission and listed building consent were refused on these grounds. The listed building consent was also refused on the grounds that the proposed internal alteration would have a harmful impact on the historic plan form and the loss of internal fabric of interest. The rear bay extensions and alterations to the roof of the 1950's extension were not considered to be contentious.

To date the works proposed in the March 2016 applications have been carried out, without the benefit of planning permission or listed building consent. The rear extension has been constructed to the scale of the single storey rear extension approved in 2013 but with the insertion of full width glazed doors and a different rooflight arrangement. The replacement of the garage door and the erection of a bay window has also been carried out in accordance with the approved scheme.

In 2016, applications 16/05279/FULL & 16/07006/LBC for the demolition of and rebuilding of side/ rear extensions; erection of single storey rear extension and glass conservatory, external alterations to front and rear elevations including extended bay windows to front and rear, new windows and changes to roof were made. The applicant had intended on making applications to retain unauthorised works rather than applying for new works and were therefore considered to be submitted in error. At the advice of officers, the applications were withdrawn and were to be resubmitted (in the manner of the current applications).

7. THE PROPOSAL

Application 1

Planning permission and listed building consent is sought for the construction of gable end/ pediment to side extension with a pitched roof behind; retention of roof lanterns to

side extension, retention of ground and first floor extended area to side extension; retention of 4 roof lights and green roof to rear single storey extension. As advised above these works have already been carried out.

Application 2

The proposals include the erection of a single storey rear extension at ground floor level with frameless, double glazed, -sliding-folding doors, and internal alterations including the removal of an internal partition. Again, the works have been carried out and the single storey extension has been constructed, in terms of its bulk and height in accordance with the 2013 consents. The glazing that has been installed measures almost the full width of the extension and is double glazed. The internal partition which has been removed was the original historic wall between a hallway and a rear room at lower ground floor level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals relate to a single dwelling and this is not to alter as a result of the proposals.

8.2 Townscape and Design

8.2.1 Site Description

The application site dates from the late 19th century and forms part of the rapid expansion St John's Wood which occurred at this time. The building is Grade II listed and located within the St John's Wood Conservation Area. Located on the north side of Carlton Hill, opposite the junction with Hamilton Terrace, the building is highly characteristic of the types of properties built in this area, being a detached dwelling in the Gothic style. Its distinguishing features include pointed gables, square headed architrave windows and a pitched slate roof, with the building itself being set within a generous plot with a large garden to the rear and space to the front.

In the 1950's a 3no storey side extension was erected against the west elevation. It was of modern construction with a flat roof, recessed doorway at lower ground floor level and 2no modest casement windows at ground and first floor levels on the front elevation. It is believe that when the extension was erected the building was subdivided with 84B occupying the extension on all levels and part of the lower ground floor level of the host building, including the former hallway. To the rear of this extension was a modern conservatory; the date of its erection is unknown.

8.2.2 Legislation and Policy

In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the local planning authority to have "*special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses*". Likewise, in accordance with Section 16, in

considering whether to grant listed building consent special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With regard to the impact of the development in conservation area terms, Section 72 of the same Act indicates that *“In the exercise, with respect to any buildings or other land in a conservation area . . . special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.

Chapter 12 of the National Planning Policy Framework (NPPF) requires great weight to be given to a heritage asset's conservation when considering the impact of a proposed development on its significance; the more important the asset, the greater the weight should be given to its conservation. Paragraphs 133 and 134 specifically address the issues of harm to designated heritage assets; Paragraph 133 states where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm is necessary to achieve substantial public benefits, whilst Paragraph 134 states that where a proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. The public benefits would have to be of a magnitude that would outweigh the substantial weight that has been given to the protection of the significance of the heritage asset. In the case of this application, the designated heritage assets comprise of the application site and the St John's Wood Area.

The City Council's City Plan strategic policies S25 and S28 recognise the importance of Westminster's historic townscape and the need to conserve it and require exemplary standards of sustainable and inclusive urban design and architecture.

Policy DES 1 of our UDP set out principles of urban design and conservation to ensure the highest quality in the form and quality of new developments in order to preserve or enhance the townscape of Westminster.

DES 5 of the UDP seeks to ensure the highest standards of design in alterations and extensions. The policy aims for new building works to successfully integrate with their surroundings.

DES 6 of the UDP seeks to ensure the highest standards of design for roof level alterations and extensions. It states, not exhaustively, that the form and details of additional storeys should be in sympathy with the existing buildings architectural character and the materials found on the existing building should be reflected.

Policy DES 9 of the UDP aims to preserve or enhance the character and appearance of conservation areas and their settings and indicates that development proposals should recognise the special character or appearance of the conservation area.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

The St John's Wood Conservation Area Audit was adopted as a Supplementary Planning Document in June 2008. In the Audit the history of the area is discussed, as is the character and architectural style of the buildings on the street.

8.2.3 Significance of the affected Heritage Assets

In accordance with paragraph 129 of the National Planning Policy Framework (NPPF) the significance of the heritage asset which will be primarily affected by the proposal, principally 84 Carlton Hill, has been identified and discussed in accordance with values identified in English Heritage's (now referred to as Historic England) guidance document Conservation Principles, Policies and Guidance.

The special interest of the heritage asset derives from its evidential, historical and aesthetical values. The buildings conscious design, architectural composition, detailing and materials all contribute to its appearance, the character of the area and the way it is experienced. Additionally the building provides evidence of the requirements of occupants at the time of construction and how these have changed following its extension and subdivision. Furthermore it contributes to the understanding of how St John's Wood developed and the character and appearance of the Conservation Area.

8.2.4 Application 1

These applications seek listed building consent and planning permission for the retention of the gable end and pediment to the side extension, the retention of a roof lantern to the side extension and the retention of ground and first floor extension to the side extension. Permission is also sought for the retention of 4no rooflights and a green roof to the single storey rear extension, alterations to the front and rear garden and associated internal alterations.

As a result of an objection from one of the flats in the host building regarding the accuracy of the drawings, during the course of the application amended plans have been received which more accurately reflect the host building (notably a windows serving Flat 2 was not shown on the drawing) and the alterations and extensions which have taken place. The drawing set is now considered to be accurate with regards to the proposals, however a couple of 'existing' drawings still do not show the window of Flat 2 in relation to the pitched roof behind the gable end/pediment). The objector was notified of these revisions. It should be noted that the absence of Flat 2's window on some of the drawings has not affected the assessment of the proposals.

The introduction of a pitched roof, which spans half the depth of the 1950s extension and is concealed behind a gable on the front elevation was previously considered to have a limited impact on the special interest of the listed building and the character and appearance of the Conservation Area as it would appear to be in keeping with the host building. It is recommended however that this pitched roof is replaced with traditional natural slate. Comments have been raised that the pediment and pitched roof has been constructed higher than shown on the drawings; the drawings have been amended to reflect the building as constructed. The height of the pediment and pitched roof is not considered to detract from the heritage asset as its remains at a subservient height. The proposal is considered to be in accordance with UDP policy DES 6 and is acceptable in design and heritage terms.

The rear extension is proposed to be built in accordance with the 2013 approved scheme, with the proposed drawings showing the fenestration arrangement as approved as opposed to as built. A comment has been received raising concern with the size of the rear extension and the resulted loss of some of the garden. This extension was

previously considered to be acceptable in design and heritage terms as well as being in accordance with current policy and there has not been a substantial change in policy to warrant an objection in design terms. The extension as proposed is therefore acceptable. Previously the introduction of a green roof was secured by condition and permission is now sought for this, which is welcomed. The rooflight arrangement does differ from the approved scheme, however this variation is no so dissimilar as to harm the special interest of the heritage assets.

Under the 2016 scheme the bay extension to the 1950s extension at ground and first floor levels was considered to be acceptable as it sat comfortably in the context of the punctuated nature of the rear elevation and the projecting gable ends found on the heritage asset. This remains the case.

The internal alterations are contained within the 1950's extension, which is of limited architectural or historic interest. These alterations are therefore acceptable.

The alterations and extensions shown on the proposed drawings are considered to have a limited impact on the special interest of the heritage asset and the character and appearance of the St John's Wood conservation Area. The works are in accordance with UDP and City Plan policies and as such the application is considered to be acceptable in design and heritage terms.

8.2.5 Application 2

The application seeks planning permission and listed building consent for the retention for the single storey rear extension as built, including the full width, frameless double-glazed sliding doors and for internal alterations including the removal of a wall at lower ground floor level within the historic core.

The extension, with regards to its footprint and height, has been constructed in accordance with the approved 2013 scheme. A comment has been received raising concern with the size of the rear extension and the resulted loss of some of the garden. This extension was previously considered to be acceptable in design and heritage terms as well as being in accordance with current policy and there has not been a substantial change in policy to warrant an objection in design terms. The principle difference to the approved scheme is the installation of full width, frameless, double glazed, -sliding-folding doors. As the principle of an extension in this location and of this scale has already been considered and deemed acceptable in design and heritage terms, the discussion relates to the fenestration.

UDP policy DES 5 seeks to ensure that extensions do not visually dominate the existing building, are in scale with the existing building and its immediate setting and the design reflects the style and details of the existing building. As proposed the fenestration on the rear elevation of the extension is not considered to accord with this policy and is considered to harm the special interest of the heritage asset and the character and appearance of the Conservation Area.

Public comments have raised concern with the frameless double doors and the overall harm to the heritage asset. Whilst the extension is a modern extension to the 1950's addition, it also spans from and is read in the context of the historic core of the heritage asset. In this setting a full width glazed opening is considered to compete with the formal

rear elevation which is characterised by its solid form and punctured openings, which respond to the internal plan form and hierarchical arrangement, characteristic of buildings of this age and architectural style.

The fenestration results in an extension which is not subservient to the heritage asset and is visually distracting. The rear of the building is appreciated in private views from neighbouring buildings and properties to the rear on Clifton Hill. Therefore how the building is experienced and appears will be readily appreciated. The fenestration will erode the distinction between the historic core and the 1950's extension and consequently is considered to harm the character and appearance of the Conservation Area.

Furthermore the materials used and the detailed design of the fenestration is not considered to be appropriate for a building of this age and architectural style. The windows are within metal frames and due to the scale of the pane, the thickness of the double glazing is readily apparent. This contrasts with the traditionally constructed timber framed, single glazed units found on the heritage asset. Neither the design nor the scale of the fenestration is in keeping with the host building or the buildings within its setting and therefore is contrary to DES 5.

As proposed and as built, the fenestration on the rear elevation of the rear extension is considered to harm the special interest of the listed building and fail to preserve or enhance the character and appearance of the St John's Wood Conservation Area.

The ground floor level of 84B Carlton Hill occupies part of the lower ground floor level of the historic core of 84 Carlton Hill prior the 1950's extensions. From their plan form and proportions the lounge and garage appear to have been rooms at lower ground floor level whilst bedroom one appears to have been a hallway; this view also derives from the presence of the scar of a former staircase within the wall between the application site and the neighbouring flat occupying the lower ground floor level within 84 Carlton Hill. Whilst it is recognised the ceiling above this area has been altered during the conversion and the staircase has been removed, the interpretation of the space and historic plan form has been maintained.

The wall between the lounge and bedroom one has been removed in its entirety without the benefit of listed building consent and this application seeks consent to retain the opening. The alteration is considered to have harmed the interpretation of the historic plan form and has resulted in loss of fabric of historical and architectural interest. This alteration is considered to have harmed the special interest of the listed building and consequently the retention of the opening is considered to be unacceptable.

As previously discussed the historic plan form of the heritage asset can still be interpreted even though the building has been subdivided. During the course of the works stone flags were found beneath the suspended timber floor, supporting the view that this formed the lower ground floor level of the heritage asset and they have been laid as to respect the wall between the lounge and hallway. This is confirmed by the applicant in their Heritage Statement. Therefore it can be surmised that the wall was part of the planned floor plan and was constructed of original fabric. The complete removal of the wall has eroded the interpretation of the historic plan form and therefore has harmed the special interest of the listed building.

Within the Heritage Statement submitted as part of the application, the author notes the 'removal of the internal wall between the living room and bedroom 1 of 84B is considered to have a direct, cumulative, adverse impact by removing one of the remaining original elements of the building'. They take the view that this alteration is unlikely to impact upon the overall significance of the building; however this view is not definitive. The alteration has harmed the significance of the building through eroding the historic plan form, removing of fabric of interest and creating an large scale room which is not in keeping with the age or architectural style of the heritage asset.

Comments have been received from other occupiers of 84 Carlton Hill stating that the works have resulted in structural damage to the other flats within the building and therefore have harmed the building in its entirety. Whilst a structural report has not been provided to support these statements, during a site visit to 2no of the properties superficial damage to fixtures and internal decoration was noticeable. The applicants have confirmed that the internal works have been approved by a private Building Control Inspector and have responded by email to confirm that the works have been supervised by the applicants company, Building Logistics (UK) Ltd. As it is recommended that this application is refused the enforcement case will remain active and therefore we can address any structural works during the enforcement process. Additionally the neighbouring properties can privately seek to address structural damage through the Party Wall Agreement process.

For the reasons set out, the proposals are considered to have a harmful impact on the heritage asset and would fail to preserve or enhance the character and appearance of the St John's Wood Conservation Area. Additionally the proposals are not considered to accord with City Plan policies S25 and S28 or UDP policies DES 1, DES 5, DES 9 and DES 10.

The identified harm is considered to be less than substantial. Paragraph 134 of the NPPF states that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It has not been shown that the property cannot be occupied without these alterations and design features and therefore it cannot be argued the proposals are required to keep the property in use. Additionally meeting the living requirements of the occupants of the privately owned building is not considered to be a public benefit sufficient to outweigh the harm that would be caused to the heritage asset.

It is recommended that planning permission and listed building consent is refused.

8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Objections have been received in relation to loss of light, increased sense of enclosure and loss of privacy.

8.3.1 Application 1

As discussed above, the extension at lower ground floor in terms of size, bulk and height is the same as the consented extension. Objections have been received on the grounds that the extension is too large and 'eats' into the garden, however given the original approval, there is not considered to be any amenity concerns in this regard. Permission was originally approved for one rectangular rooflight, however four smaller rooflights have been constructed. Given one larger rooflight was originally approved, it is not considered that a refusal could be sustained on the grounds of light spillage upwards.

Objections have also been received on the grounds of loss of light and sense of enclosure to Flats 1-3 of 84A Carlton Hill as a result of the rear bay extension at ground and first floor level. The extension measures 1m in depth and is some 1.2m-1.8m away from the windows of Flat 1 and Flat 2. Although this element of the proposals was part of the 2015 refusal, there were no objections to this extension in amenity terms. It is not considered that this modest projection will result in any detrimental loss of light or sense of enclosure to the windows in the rear elevation.

The gable end/ pediment and pitched roof to the side extension are most likely to affect the window of Flat 3 in the side elevation of the original building, adjacent the 1950's side extension. This room is used as a bedroom. Whilst the pitched roof is visible from this window the height is not considered excessive, not rising significantly above the window cill height and is not considered to result in loss of light or loss of outlook. The gable end can be seen only in oblique views and similarly has little impact upon light and outlook. Objections to these elements are also raised in terms of their impact upon a bathroom window of Flat 3 and a high level bathroom of Flat 2, both within the side elevation of the main elevation. The bathroom window of Flat 3 is obscure glazed with patterned glazing and in any event is some 1m away from the end of the pitched roof. The pitched roof is in part in front of the bathroom window of Flat 2. Given the angle of the pitch roof however this is not directly in front and given the window is high level and obscure glazed/ patterned is not considered to be harmfully impacted.

8.3.2 Application 2

As addressed above, the bulk and height of the rear extension has been constructed in accordance with the approvals of 2013. The proposed full width sliding/folding doors, facing the rear garden are not considered to result in any amenity concerns when compared to the traditional openable doors previously approved.

The internal works sought under this application raise no amenity concerns.

In conclusion, the proposals sought under Applications 1 and 2 are considered to be acceptable in amenity terms and accord with policies in the City Plan and UDP.

8.4 Transportation/Parking

There are no highways implications as a result of either proposals.

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

None.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Objections have been received on the grounds that the garden has been re-landscaped in an unsightly way. This is not considered to be a matter for planning control.

According to one of the objectors, the heritage consultant gained access to their flat without their permission. Whilst unfortunate, this is considered to be a private matter.

All the objectors note that the applicant did not accurately complete the Certificate B notices and referred to 'the owners' rather than by name; or that the certificate B notices didn't reach intendeeds. The application form submitted with the application was considered sufficient to validate the application and any further issues of names etc should be taken up privately with the applicant.

Two of the objections refer to the removal of the ceiling beneath Flat 1 and that this was distressing and dangerous and was done without party wall notices being served. The applicant has confirmed that all works have been signed off from a private building control inspector. The applicant has confirmed that party wall notices were served. This is again a private matter, not a material planning consideration and permission can not be withheld on these grounds.

According to objectors, the pitched roof behind the front gable/ pediment results in an inaccessible box gutter and the proposals limit access for maintenance of the various elements of the schemes. This, again is not considered to be a material planning consideration and will have to be addressed through the management of the site.

9. BACKGROUND PAPERS

Application 1:

1. Application form.
2. Response from St John's Wood Society, dated 11 January 2017.
3. Letter and email on behalf of lesses of 84A Carlton Hill dated 3 January 2017.
4. Letter from occupier of Flat 1, 84A Carlton Hill dated 12 January 2017
5. Letter from owner of Flat 2, 84A Carlton Hill dated 10 and 12 January 2017.
6. Letter from occupier of Flat 3, 84A Carlton Hill dated 12 January 2017.

Application 2:

7. Application form.
8. Response from St John's Wood Society, dated 11 January 2017.
9. Letter from occupier of Flat 1, 84A Carlton Hill dated 12 January 2017
10. Letter from owner of Flat 2, 84A Carlton Hill dated 10 and 12 January 2017.

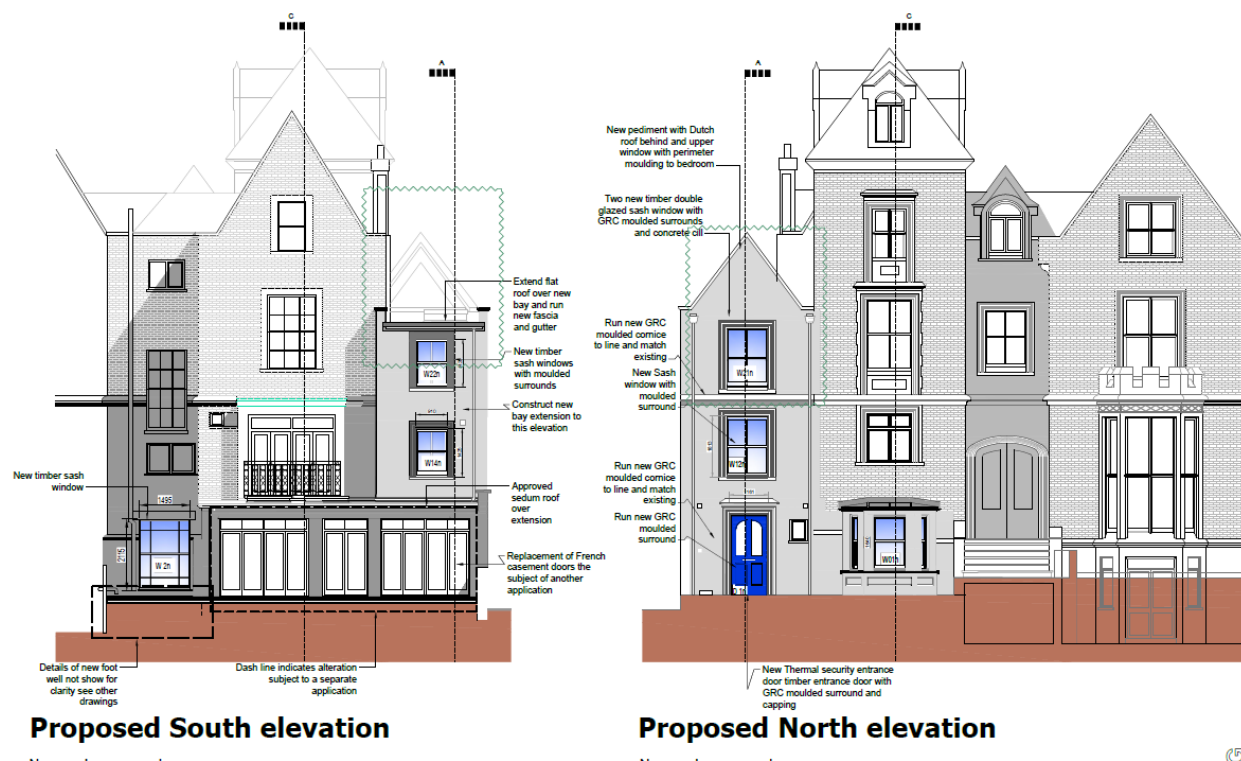
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS

Application 1

Proposed Front and Rear Drawings.



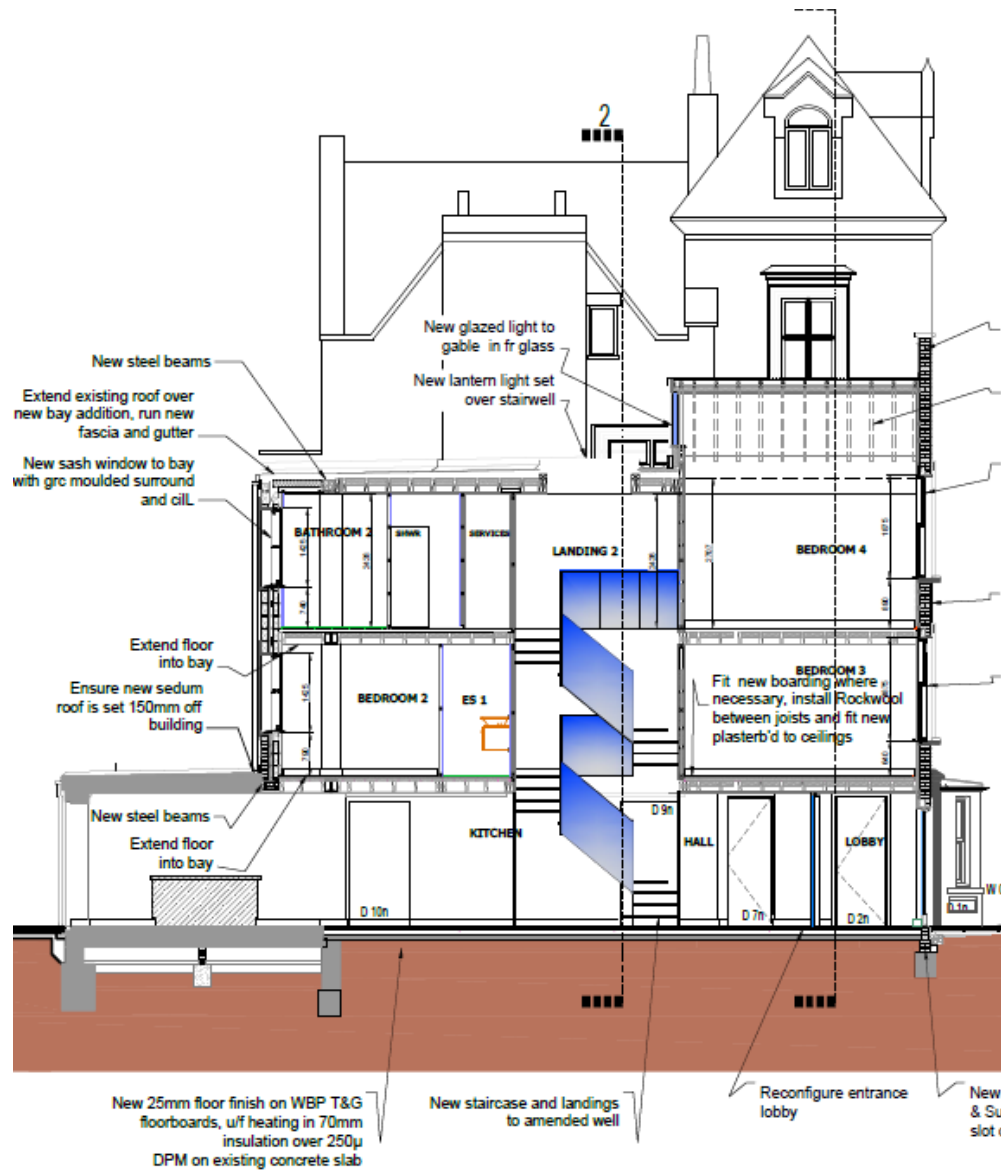
Photos of front elevation and gable end/pediment and pitched roof.



Photos of rear bay extension at first and second floor and rooflights to lower ground floor extension (photo also shows rear projection of bay extension).



Proposed section to show gable end/pediment & pitched roof & rear bay extension.

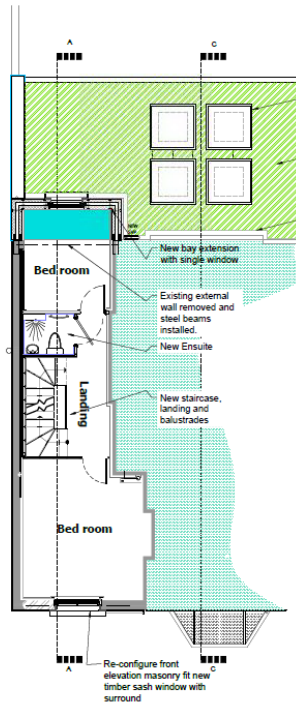


Proposed section A-A

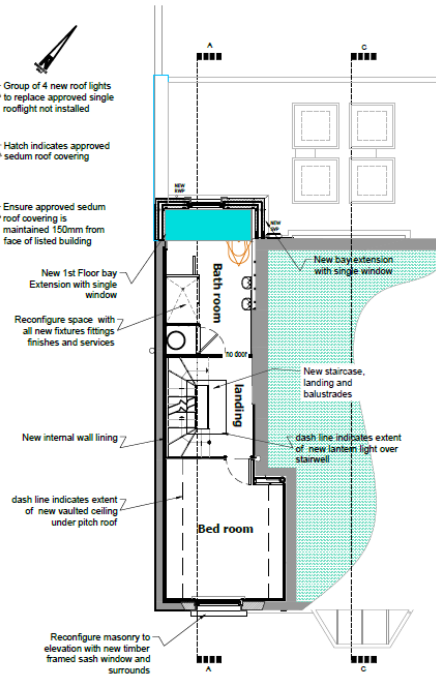
New works proposed

Annexe building
Carry out complete refit of floors, walls, ceilings, fixtures, fittings and ceilings throughout. Install all new services

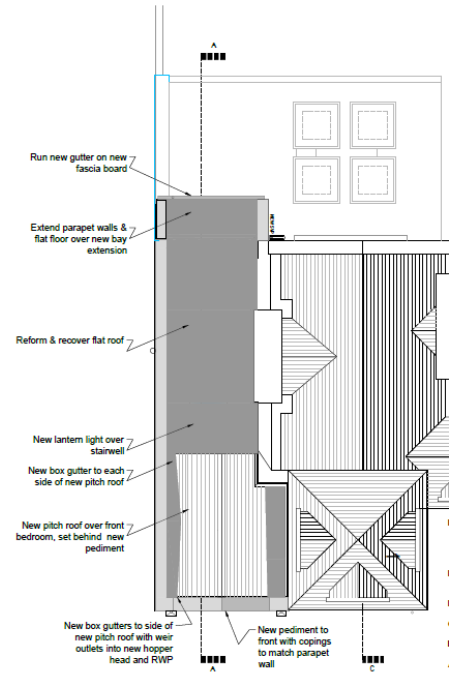
Proposed Relevant Floor plans



Upper GF plan



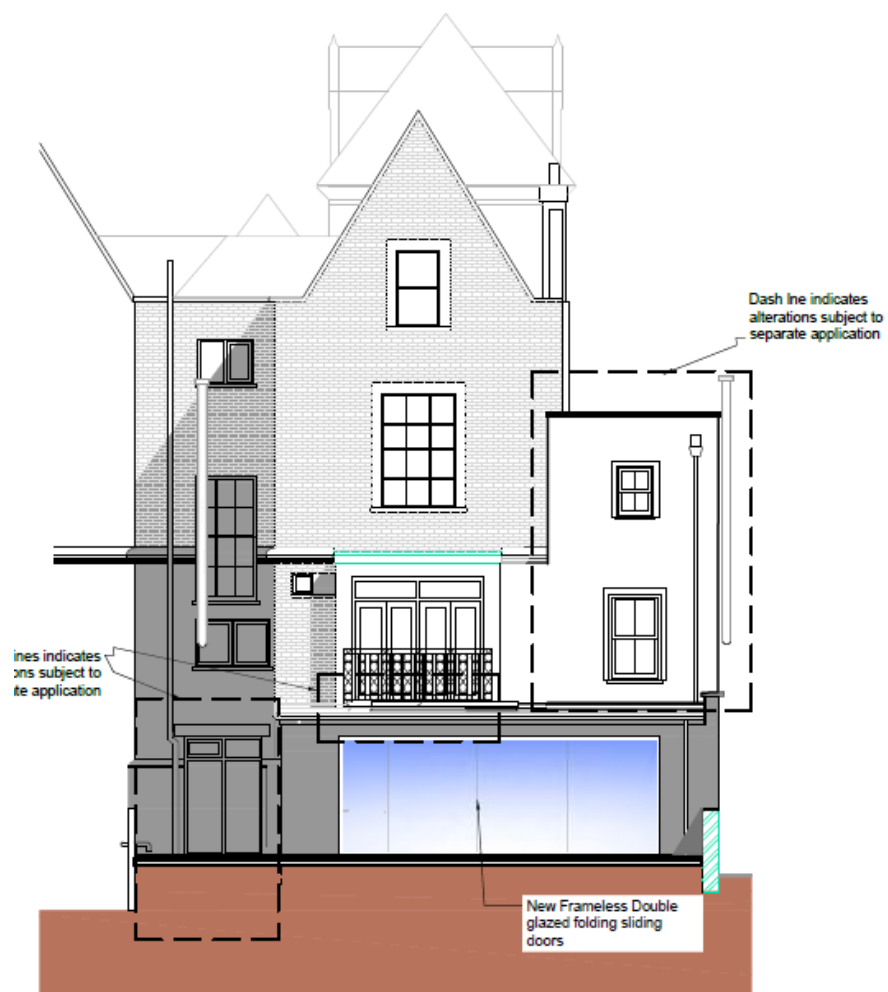
First floor plan



Roof plan

Application 2

Proposed Rear elevation Drawing

**North elevation - Proposed**

New works proposed

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Photo of lower ground floor extension



Proposed lower ground floor plan showing removal of original wall.

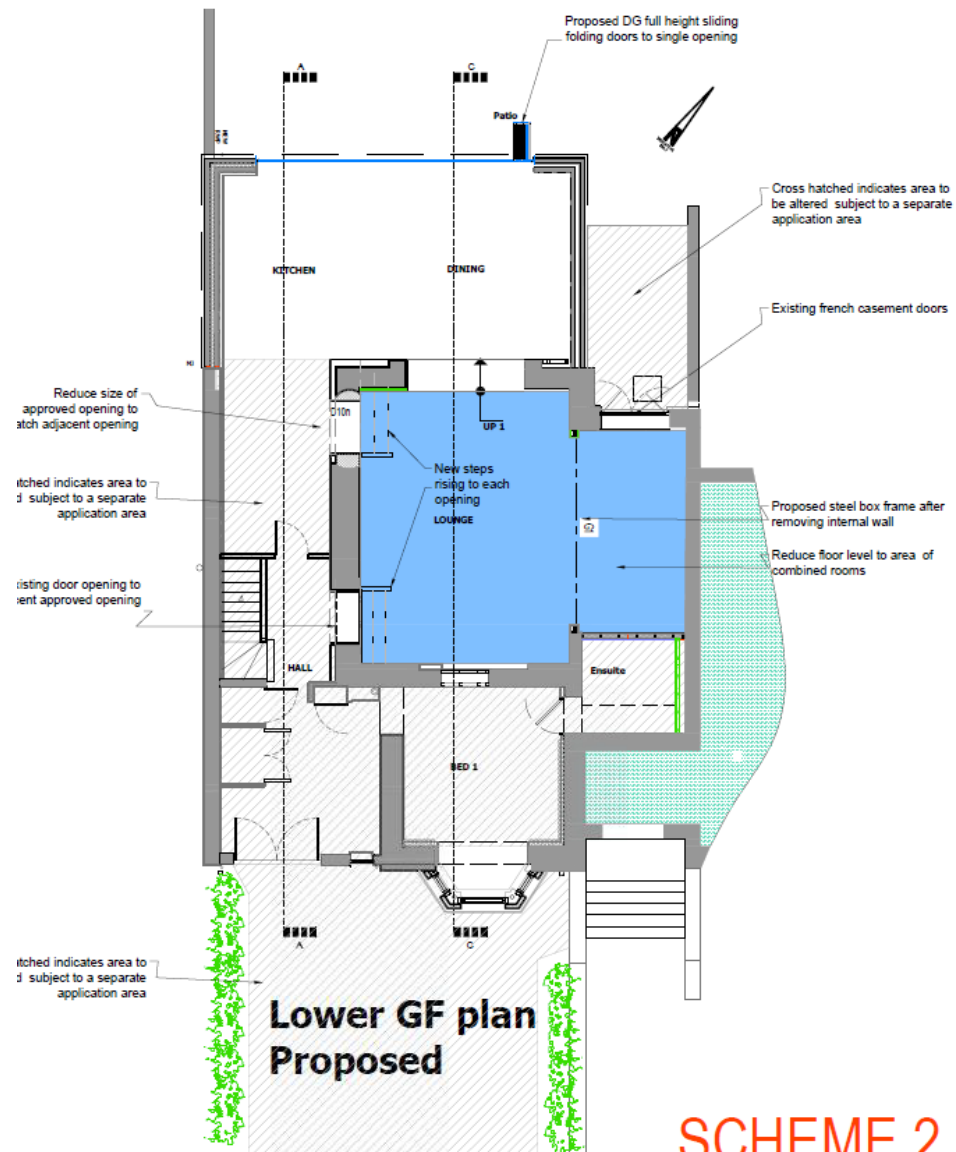


Photo of where original wall used to be.



DRAFT DECISION LETTER – 16/11456/FULL

Address: 84B Carlton Hill, London, NW8 0ER,

Proposal: Retention of gable end/ pediment to side extension with a pitched roof behind; retention of roof lanterns to side extension, retention of ground and first floor extended area to side extension; retention of 4 roof lights and green roof to rear single storey extension, alterations to front and rear garden including new landscaping, and associated internal alterations.

Plan Nos: 2009_01 A3:E01B; E52C; E55G; E56J; E57J; 102.B; 103.1A; 103.2D; 103.4 D; 155H; 156I; 160G; 163H; 180L; 181F; Design, Impact and Access Statement dated 14 November 2016; Heritage Statement dated 5 October 2016; Sedum Roof Specification; Brett Aura Paving Details.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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 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 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 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

green roof to rear extension

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)

- 5 Within 3 months of the date of this permission, you must replace the slate tiles of the pitch roof above the side extension with natural slate. These must be then be retained in that condition 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 (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:

- 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.

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5

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 – 16/11457/LBC

Address: 84B Carlton Hill, London, NW8 0ER,

Proposal: Retention of gable end/ pediment to side extension with a pitched roof behind; retention of roof lanterns to side extension, retention of ground and first floor extended area to side extension; retention of 4 roof lights and green roof to rear single storey extension, alterations to front and rear garden including new landscaping, and associated internal alterations. Scheme 1

Plan Nos: 2009_01 A3:E01B; E52C; E55G; E56J; E57J; 102.B; 103.1A; 103.2D; 103.4 D; 155H; 156I; 160G; 163H; 180L; 181F; Design, Impact and Access Statement dated 14 November 2016; Heritage Statement dated 5 October 2016; Sedum Roof Specification; Brett Aura Paving Details.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January

2007. (R27AC)

- 4 Within 3 months of the date of this permission, you must replace the slate tiles of the pitch roof above the side extension with natural slate. These must be then be retained in that condition thereafter.

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan 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 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

DRAFT DECISION LETTER- 16/11461/FULL

Address: 84B Carlton Hill, London, NW8 0ER,

Proposal: Retention of a single storey rear extension at ground floor level with frameless, double glazed,-sliding-folding doors, and internal alterations including the removal of an internal partition.

Plan Nos: 2009_01.A3: E71B; E72C; E75G; E76J; E77J; E78A; 203.1A; 203.2A; 203.3A; 203.4D;203.5A; 205G; 206K; 210G; 213G; 220K; Design, Impact and Access Statement dated 10 October 2016; Heritage Statement dated 5 October 2016.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

- 1 Because of their scale and detailed design the fenestration on the rear elevation of the rear extension would harm the special architectural and historical interest of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

DRAFT DECISION LETTER – 16/11460/LBC

Address: 84B Carlton Hill, London, NW8 0ER,

Proposal: Retention of a single storey rear extension at ground floor level with frameless, double glazed,-sliding-folding doors, and internal alterations including the removal of an internal partition. Scheme 2

Plan Nos: 2009_01.A3; E71B; E72C; E75G; E76J; E77J; E78A; 203.1A; 203.2A; 203.3A; 203.4D;203.5A; 205G; 206K; 210G; 213G; 220K; Design, Impact and Access Statement dated 10 October 2016; Heritage Statement dated 5 October 2016.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

Reason:

- 1 Because of their scale and detailed design the fenestration on the rear elevation of the rear extension would harm the special architectural and historical interest of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet 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 and the advice set out in paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (X17EB)

Reason:

- 2 Because of the impact on the plan form and loss of fabric the removal of the internal wall would harm the special architectural and historic interest of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet 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 and the advice set out in paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (X17EB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	3 Abbey Road, London, NW8 9AY		
Proposal	Variation of Condition 1 of planning permission dated 2 July 2015 (RN: 14/11186/FULL & 14/11187/LBC) for the reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3. NAMELY, amendments to alter the detailed design, layout and form of the new recording studio to rear of No.5 Abbey Road including demolition and replacement of boundary wall with No.7; relocation of plant from roof of the existing building and new recording studio to rear of No.5 Abbey Road to within the gap between it and Studio 2; alteration to the detailed design and plant arrangement to the garage building facing Hill road in connection with its use as two small studios; alteration of the detailed design, form and roof level plant arrangement of the single storey block adjacent to boundary with Abbey House; omission of entrance canopy to gift shop entrance, relocation of gift shop plant and repositioning of front wall pier; and amendments to internal alterations to Studio 3.		
Agent	Porta Planning LLP		
On behalf of	Abbey Road Studios		
Registered Number	16/07867/FULL & 16/07868/LBC	Date amended/ completed	18 August 2016
Date Application Received	16 August 2016		
Historic Building Grade	II		
Conservation Area	Partially within the St. John's Wood Conservation Area		

1. RECOMMENDATION

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

2. SUMMARY

The buildings comprising Abbey Road Studios are not located within a conservation area, but are grade II listed and adjoin other grade II listed buildings in Hill Road.

The application proposes variations to the planning permission and listed building consent dated 2 July 2015 for the reconfiguration and expansion of music recording and production facilities at Abbey Road Studios, 3 Abbey Road and creation of a gift shop at No.5 Abbey Road. The variations proposed are to:

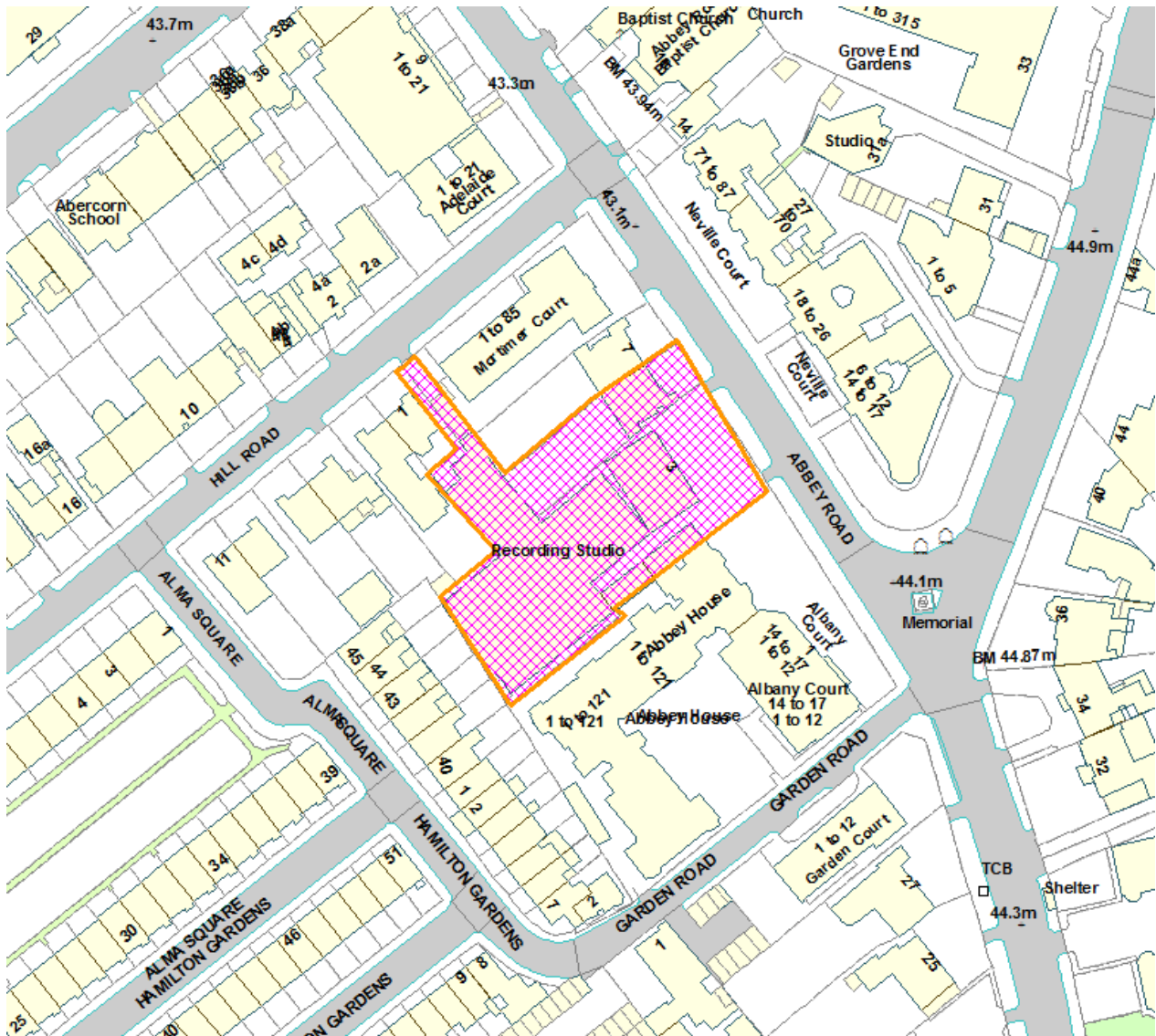
- a) to alter the detailed design, layout and form of the new recording studio to the rear of No.5 Abbey Road, including demolition and replacement of the boundary wall with No.7;
- b) to relocate mechanical plant from roof of the existing building and the new recording studio to the rear of No.5 Abbey Road to within the gap between it and Studio 2;
- c) to alter the detailed design and plant arrangement to the garage building facing Hill Road in connection with its use as two small studios, rather than one as shown in the approved scheme;
- d) to alter the detailed design, form and roof level plant arrangement of the single storey block adjacent to boundary with Abbey House;
- e) to omit the entrance canopy to gift shop, relocation of the gift shop plant and repositioning of front wall pier.
- f) amend the previous internal alterations to Studio 3.

The key issues in this case are:

- The impact of the amendments to the originally approved scheme on the character and appearance of the listed building and the St. John's Wood Conservation Area.
- The impact of the amended development on the amenity of neighbouring residents.
- The impact on the health and longevity of neighbouring trees that are to be retained.

Following revisions made during the course of the application, and subject to the recommended conditions, the varied development is considered to be acceptable in land use, design, heritage, amenity, environment and transportation terms and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation in Abbey Road (top) and 'Dolby Atmos studio' under construction in 2016 (bottom).



Site in view from Hill Road. 'Garage studio' under construction (January 2017).

5. CONSULTATIONS

CONSULTATION ON INITIALLY SUBMITTED SCHEME (AUGUST 2016)

ST. JOHN'S WOOD SOCIETY

Note that they have been contacted by a number of residents who have raised concerns about the consequences of the approved change of use of the garage on Hill Road. Abbey Road Studios plays an important role locally and we understand and support the need to develop facilities so as to remain competitive in these challenging times. However, the Studios needs to consider its neighbours and, in terms of the Hill Road garage redevelopment, support the concerns raised neighbours regarding loss of amenity. Case officer should carefully consider the hours of use of the garage studios and make it a requirement for the Studios to liaise with residents regularly to ensure that there is adequate security on Hill Road. Should also ensure that neighbours do not suffer a loss of amenity from compromised privacy or noise nuisance from the proposed smoking area and relocated mechanical plant.

ARBORICULTURAL MANAGER

No objection in principle. Notes that tree works need a TPO application. Unclear if protective fencing is replaced by ground protection when wall demolished and only one tree protection document should be provided.

ENVIRONMENTAL HEALTH

Holding objection - details of mechanical ventilation and mitigation measures required. Conditions recommended.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 249; No. of Responses: 14.

14 emails/ letters received from 8 respondents raising objection on all or some of the following grounds:

Land Use

- Object to change of use of garage to a studio.
- Object to use of garage studio as two studios.

Design

- Hill Road garage studio is too wide and high and this will block views of trees beyond.
- Garage studio window is of inappropriate design.
- Garage studio would harm the character and appearance of the St. John's Wood Conservation Area.

Amenity

- Entrance to Garage Studio in Hill Road and provision of smoking shelter will cause noise disturbance to neighbours.
- Garden studio window would overlooking neighbouring properties opposite.
- Entrance should be moved to rear of Garage Studio

- Already suffer noise disturbance from Studio 2 and the echo chamber and additional studios will cause more noise from their use, associated plant and the smoking shelter.
- Increased height of garage studio will reduce light to No.1 Hill Road.
- Smoking shelter will cause fumes in kitchen of neighbouring property.
- Hours of use of smoking shelter and number of persons using it should be limited.
- Concern at potential for noise and vibration from relocated mechanical plant.
- Existing studios mechanical plant causes noise disturbance.
- Increased footfall to and from garage studio as a result of use as two studios rather than one.
- Hours of use of the garage studios should be limited to between 08.00 and 22.00 hours and not at all on Sundays.
- Concern that the storage extension to the rear of Studio 2 will cause a loss of light to the garden of No.1 Hill Road.
- Noise from the use of the studios garden.
- Sound from the garage studio will be amplified by taller surrounding buildings.
- Garage studio building must be adequately sound proofed.
- Garage studio should be accessed from within the studios and not from Hill Road.

Highways

- Vehicles servicing the site in Hill Road would obstruct residents parking and access.

Other Matters

- Request that the Planning Applications Committee visits the site and neighbouring properties in No.1 Hill Road.
- Adverse impact on tree roots and foundations of neighbouring buildings as a result of the storage block to the rear of Studio 2.
- Tourists will be encouraged to wait in Hill Road if they are aware that there is a studio in Hill Road. This will cause graffiti, noise and litter.
- Adverse impact on the security of No.1 Hill Road, which shares an alleyway with the Studios next to the garage studio.
- The storage block to the rear of Studio 2 requires a party wall agreement.
- Clarification requested on height and degree of excavation proposed for construction of the storage block.
- Use of the forecourt in Hill Road would lessen security of neighbouring property at No.1 Hill Road.
- One CCTV camera is not sufficient to maintain security to Hill Road frontage of the site.
- Previous application should never have been approved.
- Passageway between No.1 Hill Road and the garage studio is likely to be used as a urinal as only one toilet in the garage studio.
- Consider that neighbours were not fully aware of original application as less objections displayed on the Council's website for that application.
- Construction works should not be permitted on Saturdays.

ADVERTISEMENT/ SITE NOTICE

Yes.

CONSULTATION ON REVISED SCHEME - RELOCATION OF MECHANICAL PLANT BETWEEN STUDIO 2 AND NEW DOLBY ATMOS EXTENSION, AMENDMENT TO MECHANICAL PLANT SPECIFICATION, AND UPDATED ARBORICULTURAL METHOD STATEMENT AND TREE PROTECTION DETAILS (JANUARY 2017)

ST. JOHN'S WOOD SOCIETY

Request that the case officer carefully considers the comments of neighbours with regard to noise nuisance, parking, hours of use and smoking. These issues can all be addressed by considerate management and an understanding that the proposed conversion of the garage into a studio is likely to have a significant impact on the amenity of neighbours who live in close proximity.

ARBORICULTURAL MANAGER

No objection to most amendments proposed and tree protection details are acceptable. Would prefer to see more details of relocation of gate pier. Concerned that limb of Horse Chestnut tree in rear garden of No.7 Abbey Road has been removed without necessary TPO consent. Landscaping details are insufficient and amendments required to lessen hard landscaping and improve choice of trees.

ENVIRONMENTAL HEALTH

No objection following amendments. Conditions to control plant noise and vibration recommended.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 249; No. of Responses: 2.

2 letters received raising objection on all or some of the following grounds:

Amenity

- Previously agreed management and operational plans need to be strengthened and made more robust, with clearer enforcement procedures.
- Given hours of use of garage studio building that are allowed there should be strict controls in the management and operational procedures which are enforced and are common practice.

Highways

- Adverse impact on highways safety from use of driveway and from construction traffic.

Other Matters

- Noise and disturbance from construction works.
- Adverse impact on security of neighbouring properties as a result of construction works.
- Pollution from construction works.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises Nos.3 and 5 Abbey Road, which are in use as Abbey Road Studios. The use of the site as recording studios is historic, having first started in the early 1930s, following modification and extension of the original villa building at No.3 Abbey Road.

Whilst the majority of the site is not located within a conservation area, the building at No.3 Abbey Road is grade II listed, as is the nearby Abbey Road pedestrian crossing. The Studios and the associated zebra crossing in Abbey Road were grade II listed in February 2010. The St. John's Wood Conservation Area borders the site to the front elevation in Abbey Road and to the rear in Hamilton Gardens and Hill Road. The studio garage structure facing Hill Road is located just inside the boundary of the St. John's Wood Conservation Area.

6.2 Recent Relevant History

2 July 2015 – Planning permission and listed building consent were granted for the reconfiguration and expansion of the existing studios buildings (14/11186/FULL and 14/11187/LBC). The Planning Applications Committee resolved to grant conditional permission and consent on 21 April 2015, subject to further negotiation with officers and the Chairman of the committee to improve the management and operational statement that controls the use of the enlarged studio complex (see Conditions 10 and 13 of the 2 July 2015 planning permission decision letter in the background papers). The full description of the previously approved development was:

Reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3.

7. THE PROPOSAL

The application proposes variations to the planning permission and listed building consent dated 2 July 2015 for the reconfiguration and expansion of music recording and production facilities at Abbey Road Studios, 3 Abbey Road and creation of a gift shop at No.5 Abbey Road. The variations proposed are:

- a) to alter the detailed design, layout and form of the new recording studio to the rear of No.5 Abbey Road, including demolition and replacement of the boundary wall with No.7;
- b) to relocate mechanical plant from roof of the existing building and the new recording studio to the rear of No.5 Abbey Road to within the gap between it and Studio 2;

- c) to alter the detailed design and plant arrangement to the garage building facing Hill Road in connection with its use as two small studios, rather than one as shown in the approved scheme;
- d) to alter the detailed design, form and roof level plant arrangement of the single storey block adjacent to boundary with Abbey House;
- e) to omit the entrance canopy to gift shop, relocation of the gift shop plant and repositioning of front wall pier.
- f) amend the previous internal alterations to Studio 3.

In conjunction with the proposed amendments listed above the applicant has submitted details of facing material in order that Condition 24 attached to the original planning permission and Condition 5 attached to the original listed building consent (both dated 2 July 2015), which require details of facing materials, can be amended to comprise a compliance conditions.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Abbey Road Studios are located in a predominantly residential area and St. John's Wood is not an area where new commercial/ light industrial floorspace would normally be considered favourably, unless the use accords with the requirements of COM9 in the UDP.

Policy COM9 in the UDP sets out that light industrial uses, which include creative industry uses such as recording studios that fall within the Class B1(c) Use Class, '*...will be granted permission were: (1) the proposed use meets local service and employment needs of the residential community and there is no adverse impact on residential amenity; (2) the accommodation is particularly suited to light industrial use by virtue of its design, layout and structural condition; (3) the accommodation is retained for light industrial use by planning condition or, where necessary, by legal agreement*'.

Policy S18 in the City Plan states that '*Commercial Development will be encouraged and directed to Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, the Named Streets, the North Westminster Economic Development Area and designated Shopping Centres... Proposals for new commercial uses must be appropriate in terms of scale and intensity of land uses, and character and function of the area*'.

Policy S20 in the City Plan, which is titled 'New Offices and Other B1 Floorspace' confirms that new Class B1 floorspace will be directed to the Opportunity Areas, Core Central Activities Zone, the Named Streets and the North Westminster Economic Development Area.

The amendments proposed by the current application would not substantively alter the amount of additional floorspace that would be created relative to that approved by the original permission dated 2 July 2015. Furthermore, whilst the City Council adopted a consolidated version of Westminster's City Plan in November 2016, the latest version of the City Plan has not altered the aims and objectives of Policies S18 and S20, relative to

the versions of these policies that were in adopted at the time of the July 2015 permission. In this context, the officer justification in favour of supporting the expansion of Abbey Road Studios, as was advanced in 2015 and as is set out in the following two paragraphs, is considered to remain relevant to the determination of the current S73 application.

In respect of Policy COM9 in the UDP, the enlargement of the studios would not meet local service need (it services meet a global demand), although it may contribute in part to meeting local employment needs, as referenced at point (1) of the policy. The studio accommodation was purpose built in the 1930's and has been continually adapted since to ensure that it is suited to its lawful light industrial use as a recording studio and therefore it is considered that the requirement of part (2) of the policy is met. In respect of part (3) of the policy the accommodation is not specifically retained for light industrial use by planning condition or legal agreement; however, as stated earlier in this report the Studios are an internationally recognised use that are historically and culturally linked to this part of the City. Therefore there is a persuasive argument in favour of facilitating the continuation of the studio use in this location.

The proposed enlargement of the existing Studios would be contrary to Policies S18 and S20 in the City Plan given the location of the site outside the areas of the City where new Class B1 uses are explicitly supported. However, given that the site has historically been used as a recording studio and is historically and culturally important in terms of the identity of the area, it is considered that the modest enlargement of the Studios to ensure that they remain viable in this location within the City (as set out in Section 6.1.1), represents a justifiable exception to these strategic policies. Furthermore, as set out in the preceding paragraph, the proposal is broadly in accordance with the detailed policy, COM9 in the UDP, subject to the impact the scheme would have on the amenity of neighbouring residents.

Objection has been raised on the ground that the current scheme seeks to create two small studios within the garage studio building facing Hill Road, rather than use this whole building as a double height studio space with a mezzanine floor. However, this internal alteration to the previously approved garage studio could be carried out without the need for further planning permission and as such, whilst this amendment is shown on the submitted drawings, it is not considered that permission could reasonably be withheld on this ground in land use terms.

8.2 Townscape and Design

8.2.1 Alterations to Studio Extension to Rear of No.5 Abbey Road

The amendments to the studio extension to the rear of No.5 Abbey Road (which is intended to house a Dolby Atmos Studio), would amend its form and detailed design principally so that it can be constructed whilst accommodating the existing adjoining tree in the rear garden of No.7 Abbey Road, which is now subject to a tree preservation order (TPO). To achieve this, the extension is proposed to be chamfered at its northern end and set back further from the tree trunk than was originally approved.

The other amendments to its form and detailed design would remove the cluttering platform lift from the garden elevation of the extension (step free access is now to be provided from within the existing studio building) and remove the previously approved roof

level mechanical plant and plant enclosure. The plant serving the new studio would be relocated below the floor of the studio and within the gap between the new studio and the existing Studio 2. In these locations the mechanical plant would not be visible in any public or private views of the site.

The existing wall between Nos.5 and 7 Abbey Road is of limited historic value and its removal and replacement with a facsimile wall is considered to be acceptable in design and listed building terms.

The amendments to this element of the originally approved scheme would improve its appearance and therefore the current application would not have an adverse impact on the character and appearance of the host listed building or the St. John's Wood Conservation Area.

8.2.2 Alteration to Garage Studio Facing Hill Road

The amendments proposed to the garage studio comprise amendment to the location of the rooflights at roof level, omission of metal roof cladding in favour of natural slates, omission of the secondary door to the rear elevation and relocation of the mechanical plant from first floor level to the rear to ground level. Within the garage studio structure it is now proposed to use the building as two smaller studios rather than one double height studio as was the case in the originally approved scheme.

The amendment to the roof of the garage studio to omit the metal cladding was a requirement of Condition 11 attached to the original permission and listed building consent dated 2 July 2015 and this amendment is therefore welcome in design terms. The relocation of rooflights within the pitched roof would not have a material impact upon the building's appearance. Similarly, the removal of the existing door at the rear of the building at ground floor level would not harm the appearance of the building.

The relocation of the mechanical plant from a gantry at first floor level to ground floor level to the rear of the garage studio would lessen its visual impact, to the benefit of the overall appearance of the garage studio building. In addition, it is now proposed to enclose the plant within a screened enclosure, thereby further improving its appearance relative to the originally approved plant arrangement for this part of the Abbey Road Studios site.

Objections have been raised on grounds that the Hill Road garage studio is too wide and high and this will block views of trees beyond and is of inappropriate design. However, the bulk, height and form of the building are no different from that originally approved in July 2015. The detailed design is proposed to be amended, as set out in the preceding paragraphs; however, the amendments proposed are minor in nature and would improve the appearance of the garage studio relative to the garage studio structure in the originally approved scheme.

Overall, the amendments to the approved garage studio building would improve its visual appearance relative to the scheme previously approved in July 2015.

8.2.3 Alterations to Single Storey Block Adjacent to Abbey House

The alterations to the single storey block adjacent to the boundary with Abbey House comprise an increase in the height of part of the roof and the roof edge parapet, provision of a roof access hatch and fall protection measures adjacent to the mechanical plant units and relocation of all mechanical plant to within acoustic enclosures on the rear portion of the flat roof.

In design terms the alterations to this block would largely be obscured behind the previously approved high front parapet and therefore they are not contentious. The mechanical plant proposed would now be clustered at the rear of the roof of the block against the boundary with Abbey House such that it would be less visible than in the originally approved scheme. The roof access hatch and fall protection railings would also be towards the rear of the roof where they would not be prominent in views from Abbey Road. The increased parapet height to the centre of the block would not have any adverse impact on its appearance.

In summary, the amendments proposed would not adversely affect the appearance of this modern part of the listed building, nor would they harm the character and appearance of the conservation area.

8.2.4 Alterations to Gift Shop at No.5 Abbey Road

The omission of the entrance canopy to gift shop is not objectionable in design terms and would not harm the appearance of the building at No.5 Abbey Road. Similarly, the repositioning of the pier between Nos.3 and 5 Abbey Road is not objectionable given it is not an original gate pier and it is to be rebuilt in facsimile.

The mechanical plant proposed to the rear of No.5 Abbey Road on the side elevation would be located in a higher location than originally approved, but it would remain sufficiently low so as not to be visible in views from Abbey Road as it would be located behind the boundary wall between No's.3 and 5 Abbey Road.

The amendments proposed to the shop unit at No.5 Abbey Road are considered to be uncontentious in design terms and would not harm the appearance of the building or the character and appearance of the St. John's Wood Conservation Area.

8.2.5 Other Design Alterations

The materials submitted comprise a grey aluminium window frame, yellow stock brick and a natural grey/ blue slate. The aluminium window is suitable for use in the modern additions to the original listed building (the Dolby Atmos studio extension and the garage studio) and is acceptable on this basis. The stock brick proposed is an appropriate colour and finish for use on this site and will complement other brickwork on the site, such as to the side and rear elevations of Studio 2. The proposed slate, for use on the roof of the garage studio, is acceptable as it is a natural slate of appropriate colour to complement the slate roofs of the neighbouring listed buildings in Hill Road.

The amendments to the internal alterations to Studio 3 are uncontentious in listed building terms. The internal fit out of Studio 3 is modern and the amendments to the originally

approved scheme would therefore not result in the loss of any historic or original fabric from within the listed building.

In summary, the proposed minor material amendments are acceptable in design and listed building terms and would accord with Policies DES1, DES5, DES6, DES9 and DES10 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

In amenity terms the alterations to the gift shop at No.5 Abbey Road and the extension to provide the Dolby Atmos studio to the rear of No.5 would not have any adverse impact on the amenity of neighbouring residents given their distance from these parts of the scheme and the limited scope of the amendments proposed.

The alterations to the single storey block adjacent to Abbey House would raise the parapet of the lowered flat roof adjacent to the lightwell of Abbey House; however, a lower section of roof would remain adjacent to the lightwell and this would be sufficient to prevent the scheme causing a material loss of light or a significantly increased sense of enclosure to the windows within the lightwell.

The alterations to the garage studio to relocate two of the previously approved rooflights would not cause a material loss of privacy for neighbouring occupiers. The rooflights would be located above head height within the studio and would not therefore allow for views out of the garage studio towards other neighbouring windows. Objection has been received on the basis that the front window of the garage studio would overlook windows on the opposite side of Hill Road. However, the window serves a staircase and is a significant distance from the front windows of properties on the opposite side of Hill Road. Given the distance between the windows and as the window formed part of the originally approved scheme, it is not considered that it would cause a material increase in overlooking relative to the originally approved scheme.

The omission of metal roof cladding in favour of natural slates and omission of the secondary door to the rear would not harm the amenity of neighbouring residents. The removal of the rear door would be likely to reduce the potential for users of the garage studio to congregate to the rear adjacent to the rear of No.1 Hill Road and a condition is recommended to ensure the door is removed prior to first use of the garage studios.

Some objectors have suggested that the entrance to the garage studio should be relocated to the rear of this building and that the garage studio should be accessed from the rear via the main studio buildings. However, both of these 'options', which were explored during the course of the determination of the original planning and listed building consent applications in 2015, would increase use of the passageways to the side and rear of No.1 Hill Road, thereby increasing noise and disturbance to the occupiers of this, and other, immediately neighbouring property. For this reason the retention of the entrance to the garage studio to the front elevation, as per the originally approved scheme, with a planted screen and canopy to limit overlooking towards the front of No.1 Hill Road is the least intrusive means of access to the garage studio and therefore remains acceptable in amenity terms.

Concerns have been expressed that the entrance canopy to the garage studio could cause cigarette fumes to spread into the kitchen of the neighbouring property as a result of its use as a smoking shelter. However the canopy, which has not been materially altered from that originally approved in July 2015, is of very limited size, remote from neighbouring windows on either side and screened, such that the infrequent use of this space for smoking would not cause significant odour or noise nuisance to neighbours.

Objections have been raised by neighbours in Hill Road that the reconfiguration of the garage studio to form two small studios, instead of one double height studio, could cause increased noise disturbance as a result of increased noise from servicing of the studio via the forecourt to the Hill Road frontage of the site. However, the studios to be created would be very small and unlikely to be suitable for use by large groups. The increase in servicing required would therefore be likely to be limited and would not be materially worse than that required by the studio arrangement in the originally approved scheme. The management of the forecourt will continue to be controlled by way the management strategy secured by Condition 14 of the original planning permission dated 15 July 2015; albeit the strategy has undergone minor amendment to reflect the current application. Servicing of the garage studio using the forecourt in Hill Road will be limited to between 08.00 and 22.00 hours, as was the case under Condition 13 of the original permission. Given the limited amendments proposed in the current application to the garage studio, relative to the originally approved scheme, it is not considered that it would be reasonable to require the applicant to comply with a more onerous management strategy than was previously negotiated. A copy of the originally approved management strategy and the updated management strategy submitted with the current application are included in the background papers for information.

Objection has been raised on the basis that the hours of use of the garage studio should be limited to between 08.00 and 22.00 hours and not at all on Sundays. However, the use of the existing garage for storage of studio equipment is not controlled and on this basis the use of the replacement garage studio could not reasonably be controlled.

Furthermore, the garage studio is to be insulated so that activity within the building would not be audible externally and this is required by condition. However, as mentioned earlier in this section of the report, the hours of use of the forecourt for servicing of the garage studio are controlled by condition so as to limit noise disturbance to neighbours from this external activity.

One objection refers to the garage studio being higher than originally approved. However, this is not the case and the garage studio in the current application remains the same height as originally approved. As such, the objectors concern that the current proposal would increase the loss of light to No.1 Hill Road cannot be supported.

Concerns have been expressed regarding existing noise disturbance from Studio 2, the echo chamber serving Studio 2 and use of the Studio gardens, which are located to the rear of No.5 Abbey Road. However, these issues fall outside the scope of the current scheme and therefore these impacts cannot be remedied via the current planning and listed building consent applications. In terms of the use of the Studios garden (to the rear of No.5 Abbey Road), which is not currently controlled by planning conditions, this would be reduced in size as a result of the extension to provide the Dolby Atmos studio and therefore the capacity of the garden would be reduced as a coincidence of the proposed development

In summary, subject to the recommended conditions, the proposed minor material amendments are considered to be acceptable in amenity terms and would accord with Policies ENV6 and ENV13 in the UDP and S29 and S32 in the City Plan.

8.4 Transportation/Parking

In transportation and parking terms the current application for minor material amendments to the original permission does not significantly alter the impact of the development in terms of parking or the operation of the local highway network. Servicing of the new retail unit would continue to be carried out off-street on the forecourt of No.3 Abbey Road. The use of the parking space in Hill Road outside the garage studio would be controlled by the previously agreed management plan and the condition restricting the use of the forecourt for servicing to between 08.00 and 22.00 hours.

Concerns have been expressed by objectors that vehicles servicing the site in Hill Road would obstruct residents parking and access and that the use of this driveway/ forecourt area for servicing would have an adverse impact on highways safety. This aspect of the development was considered when resolving to grant permission for this development originally in 2015. The driveway/ forecourt area is already in existence and has previously been used by Abbey Road Studio for servicing and to accommodate their outside broadcast unit. As such, it has historically been used for similar servicing activity to that which is proposed in future. Given this previous servicing use of this area of the site, the limited size of the garage studio (which will be serviced via this forecourt area), and the controls on servicing that will be imposed by the conditions referred to in the preceding paragraph, it is not considered that permission could reasonably be withheld on the basis that the use of the forecourt for servicing would obstruct the highway or significantly reduce highway safety in Hill Road.

8.5 Economic Considerations

The economic benefits of the long term retention of Abbey Road Studios on this site are welcomed.

8.6 Access

Existing access to the Studios would not be altered by the current application. Step free access is provided via the side entrance at lower ground floor level and the shop unit has level access via a ramp from Abbey Road.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Mechanical Plant

The minor material amendments proposed include a number of amendments to the location, number and specification of mechanical plant to each of the elements of the scheme. Concerns have been raised by neighbours, particularly in Hill Road, who are concerned that the mechanical plant may cause noise disturbance. Objectors note that their concerns are heightened as they state they can hear existing mechanical plant at Abbey Road Studio (i.e. plant not within the scope of this application) when they have their

windows open. The amendments to the mechanical plant that are proposed are summarised below:

- a) The mechanical plant on the roof of the existing building (to serve the new Dolby Atmos studio) and on the roof of Dolby Atmos studio extension itself is to be removed and relocated below the new studio and in the gap formed between it and the existing side elevation of Studio 2.
- b) The mechanical plant to the rear of the garage studio is to be relocated from a gantry at first floor level (as originally approved) to ground level and enclosed in an enclosure.
- c) The mechanical plant on the roof of the single storey block adjacent to Abbey House is to be consolidated into one area at the rear of the block at roof level, rather than being spread more widely across the roof of the block.
- d) The air conditioning units to the side of the gift shop are to be repositioned in a slightly higher location on the side elevation.

In terms of the amended location for plant serving the new Dolby Atmos studio, Environmental Health advise that given the distance to neighbouring residential windows and the proposed provision of acoustic absorption panels to the side of the new studio, it would not cause noise disturbance to neighbouring occupiers. The ventilation equipment below the studio is to be fitted with silencers to reduce the operational noise of the plant so it accords with Policy ENV7 in the UDP.

The mechanical plant to the rear of the garage studio, which comprises three air conditioning units, would be located within a custom built acoustic enclosure and Environmental Health are satisfied that this would be sufficient to prevent noise disturbance to neighbouring occupiers in Hill Road.

The specification of the mechanical plant on the roof of the block adjacent to Abbey House has been amended to comprise ventilation units that have a lower operational noise level and the plant has been consolidated in to a single area of the roof. The number of units proposed has also been reduced from 8 to 5 units. Environmental Health are content that the plant now proposed, which would be located within an acoustic enclosure, would accord with the requirements of Policy ENV7 in the UDP and would not cause noise disturbance to the adjacent occupiers of Abbey House.

The amendments to the mechanical plant associated with the gift shop are minor and would not alter the position of these units on the site (only their height above ground level would be altered) as a result these items of mechanical plant would continue to comply with Policy ENV7 in the UDP, as they did at the time of the originally permission.

In summary, the minor material amendments proposed to the mechanical plant to serve the new studios would accord with Policies ENV6 and ENV7 in the UDP and S32 in the City Plan, provided conditions are imposed to require the provision of the proposed noise mitigation measures and to control future noise and vibration from the mechanical plant.

8.7.2 Trees and Landscaping

The Arboricultural Manager does not object to the majority of the minor material amendments, such as the demolition and rebuilding of the boundary wall between Nos.5 and 7 Abbey Road, and is content that the tree protection measures set out in the

submitted arboricultural method statement are acceptable. A condition is recommended to ensure compliance with the tree protection measures during the course of construction works.

The Arboricultural Manager does though note that the applicant appears to have removed a lower limb from the TPO Horse Chestnut tree in the rear garden of No.7 Abbey Road, which is located outside the application site but overhangs the boundary. Formal consent for the removal of this limb of the tree should have been sought prior to its removal. However, there is no retrospective approval process in the case of works to a TPO tree. The recourse in such circumstances is to consider whether prosecution is necessary, having regard to the harm that has been caused to the tree. In this case the Arboricultural Manager is currently considering whether it is necessary to take any further action. However, the separate resolution of this TPO matter is not a ground on which permission or consent could reasonably be withheld.

The applicant has provided an updated the landscaping scheme for the site with the current application. The Arboricultural Manager has expressed concerns that the landscaping scheme is insufficiently detailed and would be excessively hard landscaped in respect of the rear garden of the Studios. A condition is recommended, as was imposed on the originally approved scheme, to seek additional soft landscaping and including a more appropriate choice of tree planting.

Subject to the recommended tree protection and landscaping conditions the application is acceptable and would accord with Policies ENV16 and ENV17 in the UDP.

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

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Concerns have been expressed by neighbours in Hill Road that tourists will be encouraged to wait in Hill Road if they are aware that there is a studio(s) in the extended garage structure adjacent to No.1 Hill Road and this will cause graffiti, noise and litter. The entrance in Hill Road to the Abbey Road Studio site is already in existence and the intention of the proposed development is to maintain this as a low key secondary element of the site. Tourist interest in the Abbey Road Studios is generally manifested in the

historic frontage in Abbey Road and the pedestrian crossing. As such, the potential for the amendments to the Hill Road frontage of the site to attract significant numbers of visitors into Hill Road is considered to be limited.

Objection has been raised on the basis that the proposed development would have an adverse impact on the security of No.1 Hill Road, which shares an alleyway with the Studios next to the garage studio. However, the entrance to the Abbey Road Studios site, which is shared with No.1 Hill Road (i.e. the two sites are not segregated by a fence or wall) is already open to the street and not gated. This affords unrestricted access to the front and side of No.1 Hill Road. Therefore, whilst the forecourt in Hill Road may be used more intensely in conjunction with the garage studio by persons working in the new studio, the provision of gates to the front boundary would improve the security of this part of the Abbey Road Studios site and to No.1 Hill Road. For this reason the objections on security grounds cannot be supported.

Concerns have been expressed by objectors that construction works would cause noise and disturbance to neighbouring residents and that construction works should not be permitted on Saturdays. Permission and listed building consent cannot reasonably be withheld on construction impact grounds. Conditions are though recommended, as per the originally approved scheme, to require the construction works to be carried out in accordance with a construction management plan. In granting permission previously in 2015 construction works that are audible at the boundary of the site were permitted on Saturday mornings and given the limited scope of the amendments proposed in the current S73 planning application for minor material amendments it is not considered that it would be reasonable to preclude Saturday morning working. It should be noted that additional restrictions on the hours of work would serve to lengthen the overall period of construction.

9 BACKGROUND PAPERS

1. Application form.
2. Planning and listed building consent decision letters dated 2 July 2015.
3. Abbey Road Studios Site Management Report dated 29 June 2015.
4. Amended Abbey Road Studios Site Management Report dated 9 August 2016.

Consultation on Initially Submitted Scheme (August 2016)

5. Emails from the St. John's Wood Society dated 19 September 2016 and 27 October 2016.
6. Memo from the Arboricultural Manager dated 26 October 2016.
7. Memo from Environmental Health dated 9 December 2016.
8. Email from the occupier of 2 Hill Road dated 24 September 2016.
9. Letter from the occupier of 1C Hill Road dated 25 September 2016 and 10 October 2016.
10. Email from the occupier of 1A Hill Road dated 26 September 2016.
11. Email from the occupier of Garden Flat, 1 Hill Road dated 26 September 2016.
12. Emails from the occupier of Flat B, 1 Hill Road, dated 28 September 2016 (x2), 12 October 2016 (x2), 13 October 2016 and 14 October 2016.
13. Email from an occupier of Mortimer Court, Abbey Road dated 1 October 2016.
14. Letter from the occupier of 85 Mortimer Court, Abbey Road dated 4 October 2016.

15. Email from occupier of 46 Hamilton Gardens dated 18 October 2016.

Consultation on Revised Scheme (January 2017)

16. Email from the St. John's Wood Society dated 22 February 2017.

17. Memo from Environmental Health dated 17 February 2017.

18. Memo from the Arboricultural Manager dated 14 March 2017.

19. Letter from the occupier of 85 Mortmer Court, Abbey Road dated 10 February 2017.

20. Letter from the occupier of 1C Hill Road dated 16 February 2017.

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

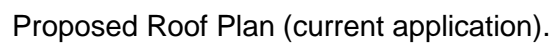
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

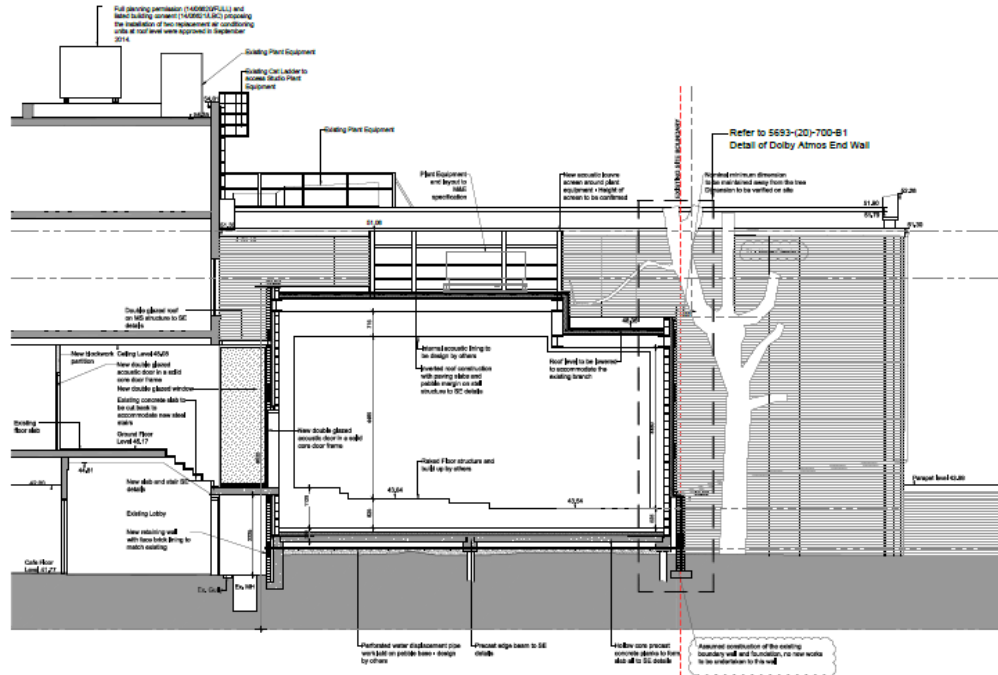
10 KEY DRAWINGS



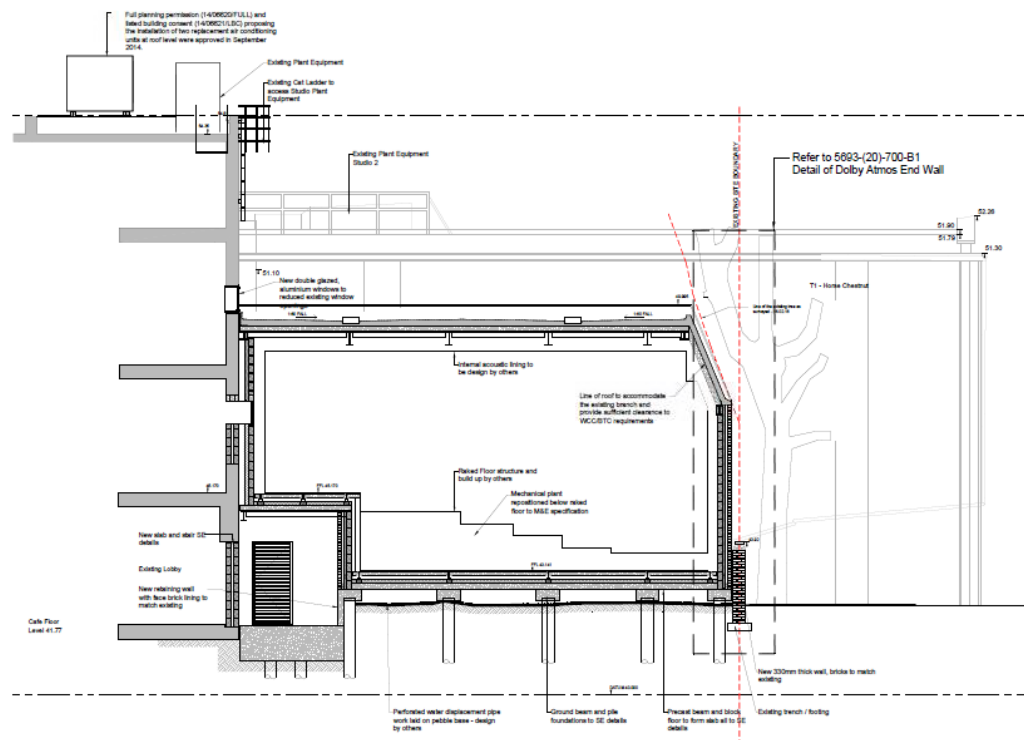
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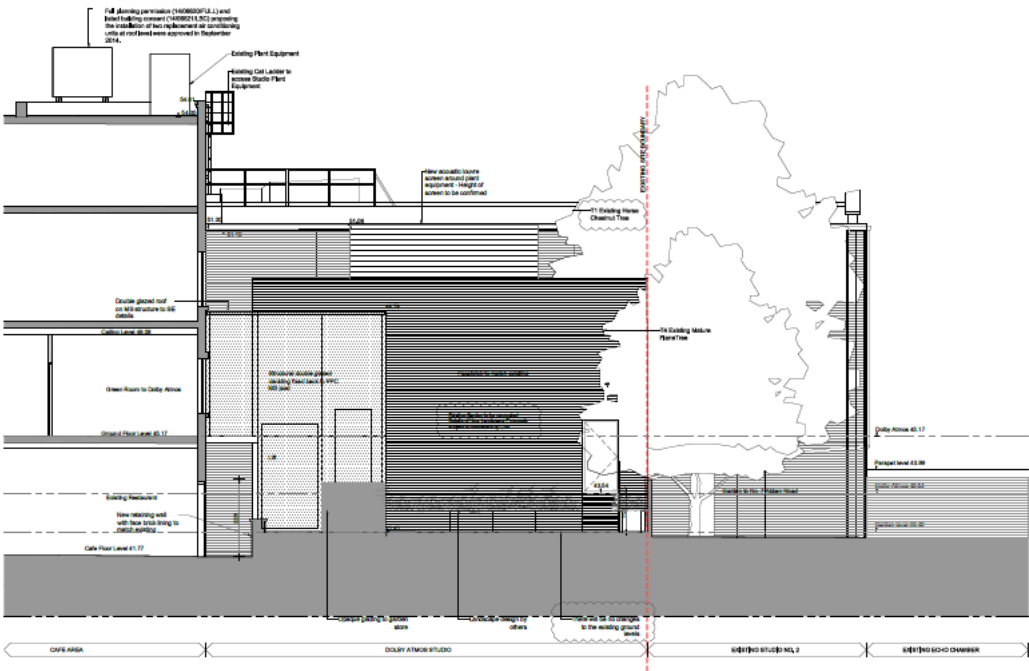




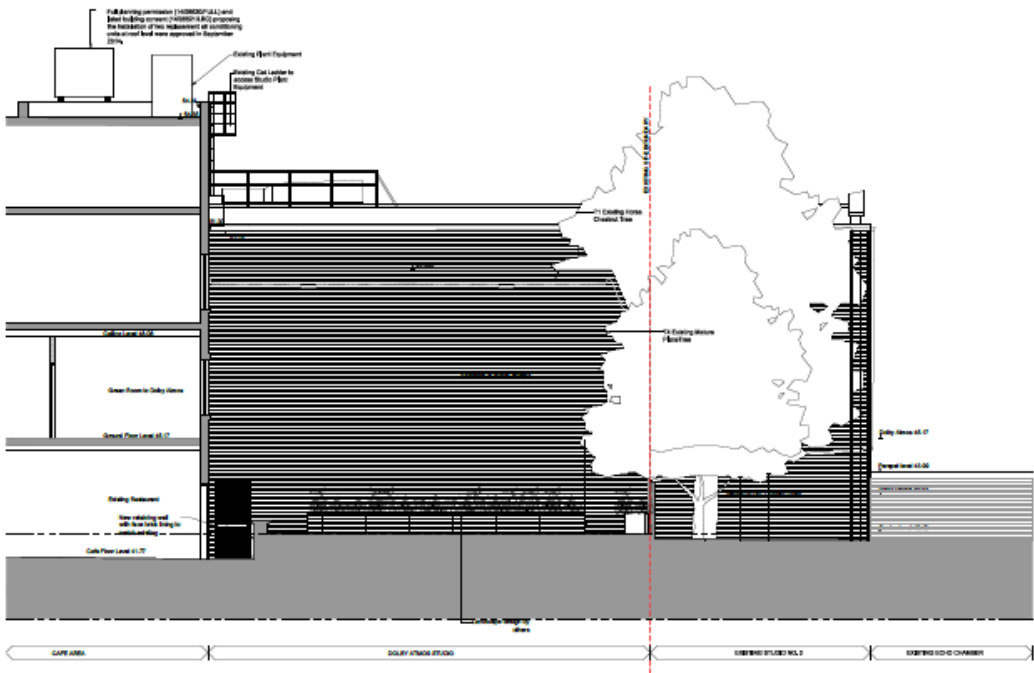
Approved Section (14/11186/FULL).



Proposed Section (current application).

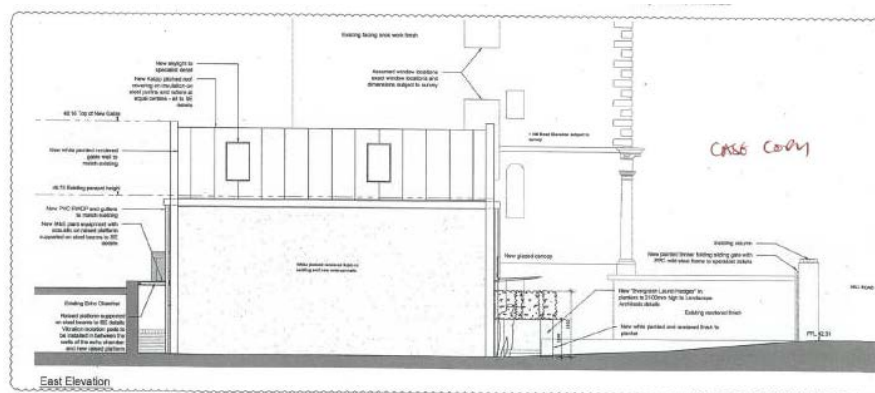
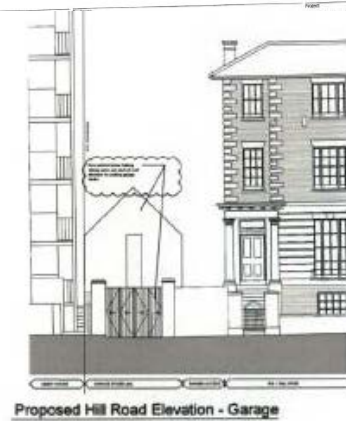
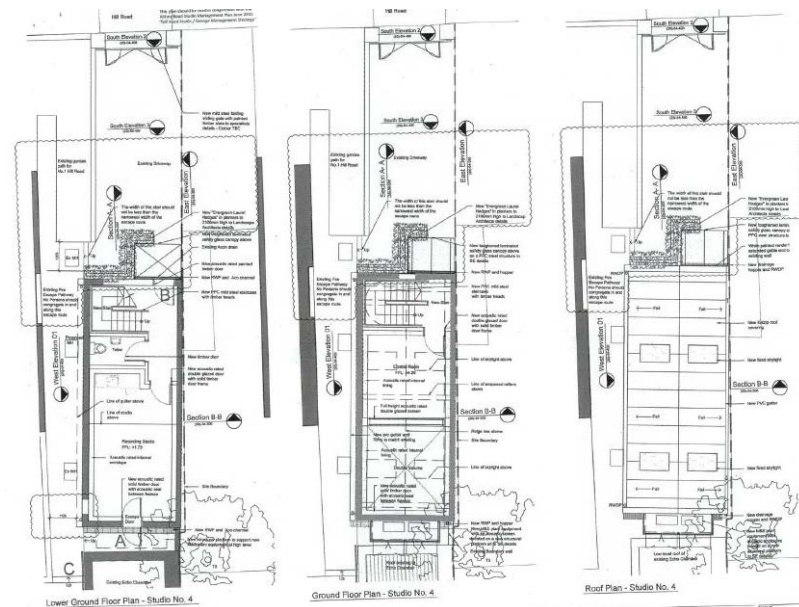


Approved North East Elevation (14/11186/FULL).



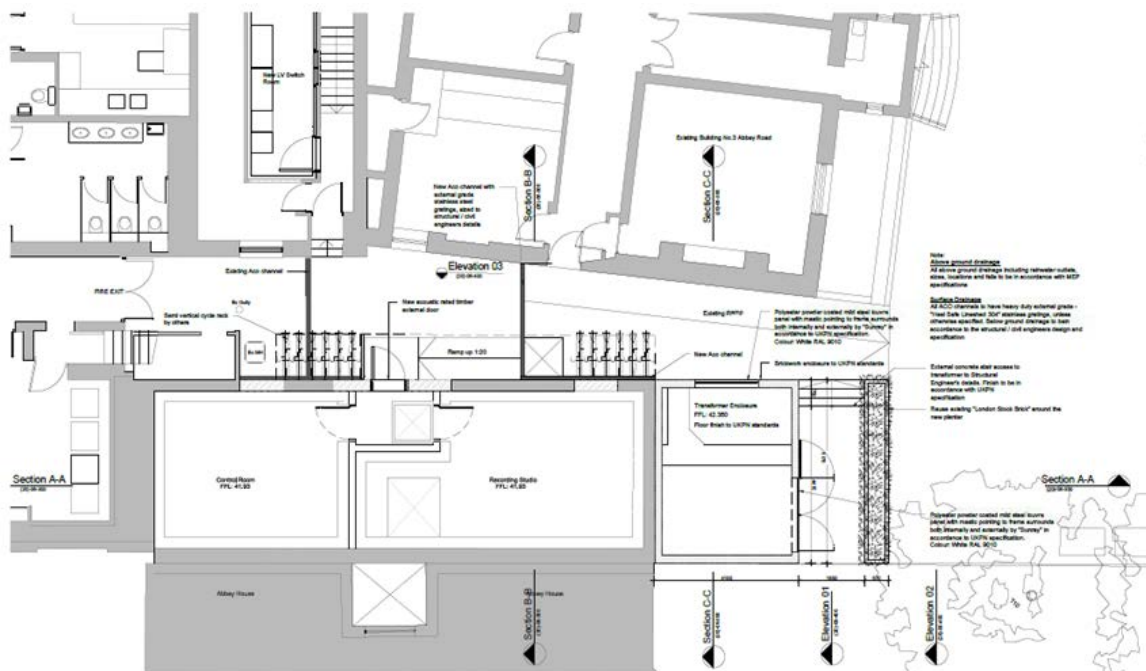
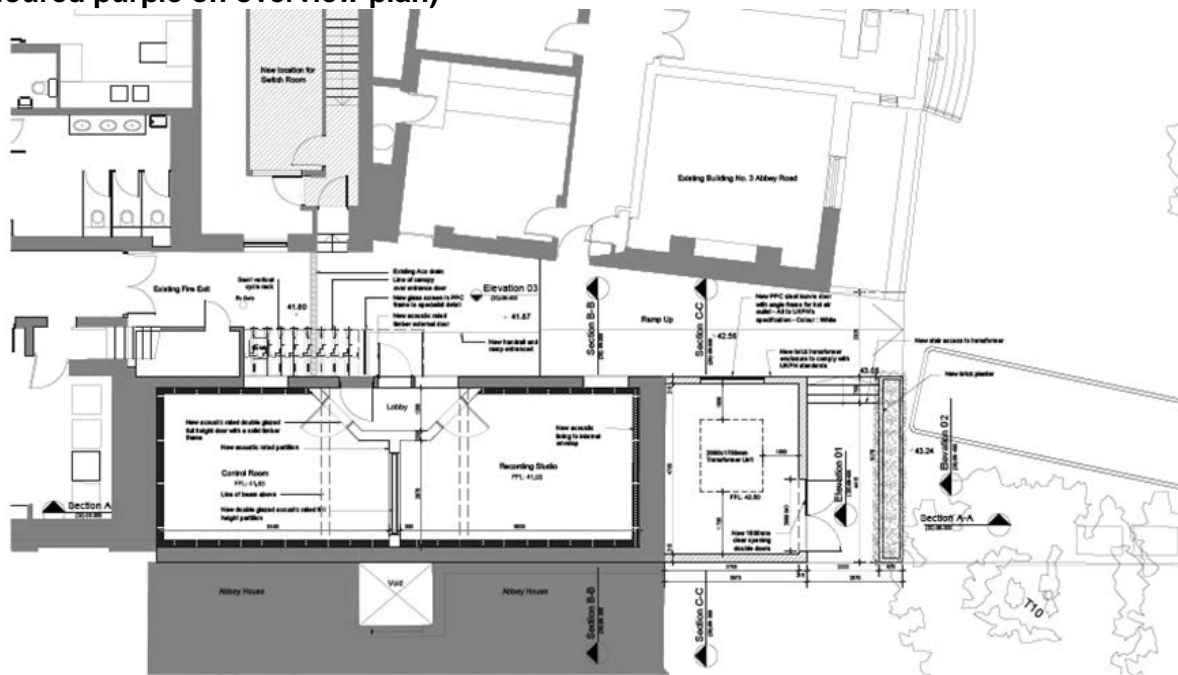
Proposed North East Elevation (current application).

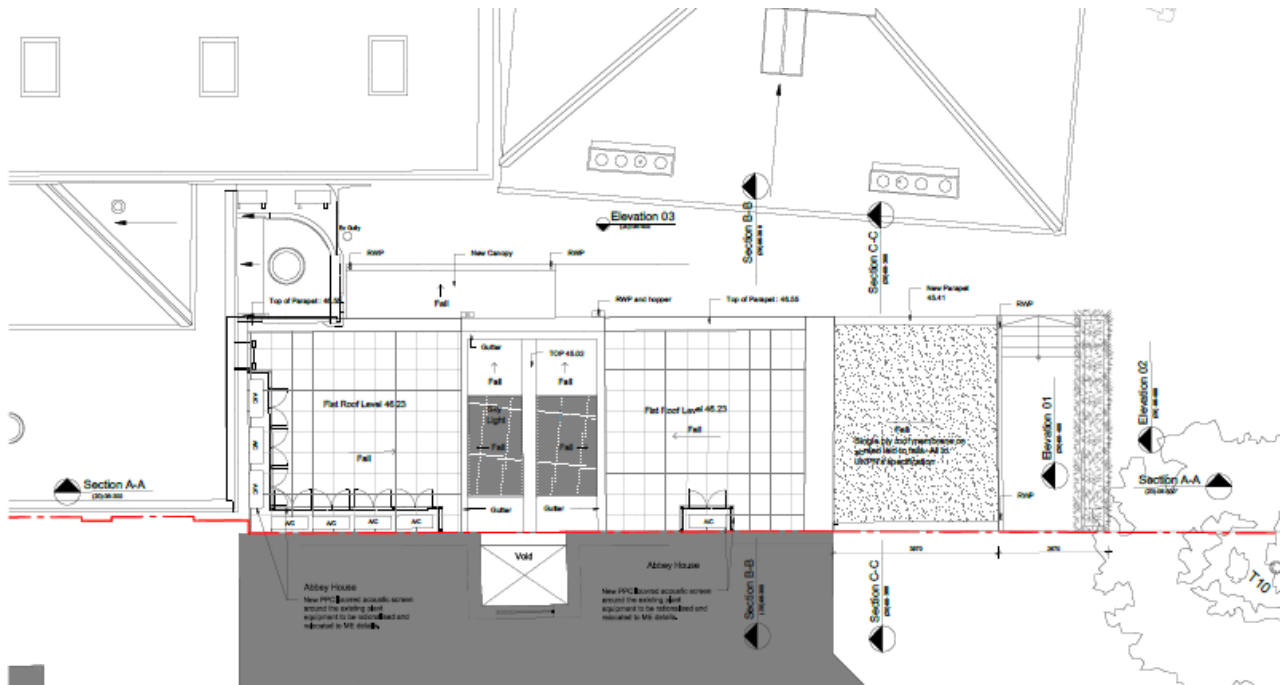
Garage Studio (Coloured pink on overview plan)



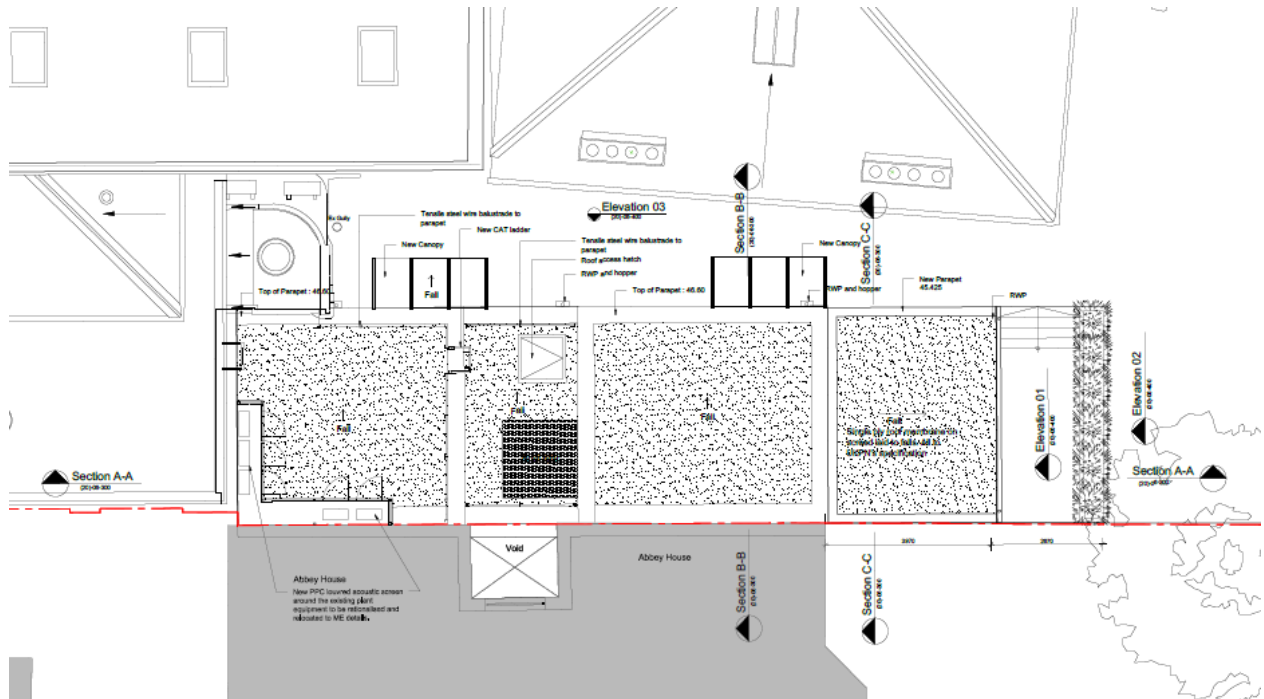
Approved plans and elevations (14/11186/FULL).

Single Storey Block at Boundary with Abbey House (Coloured purple on overview plan)

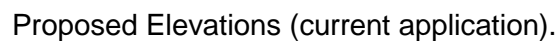
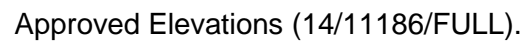


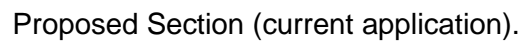
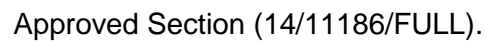


Approved Roof Plan (14/11186/FULL).



Proposed Roof Plan (current application).

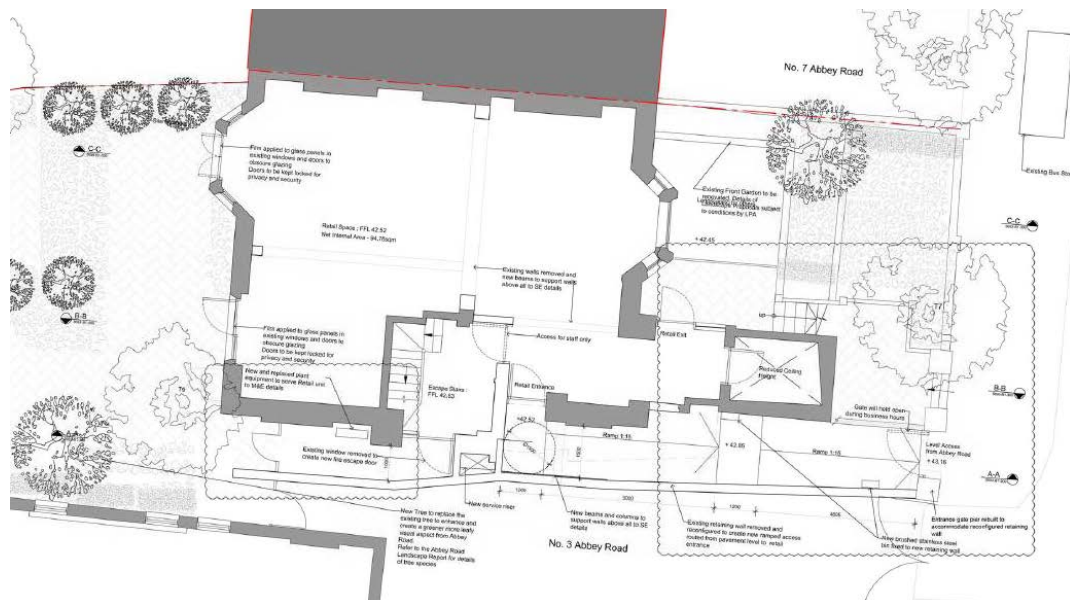




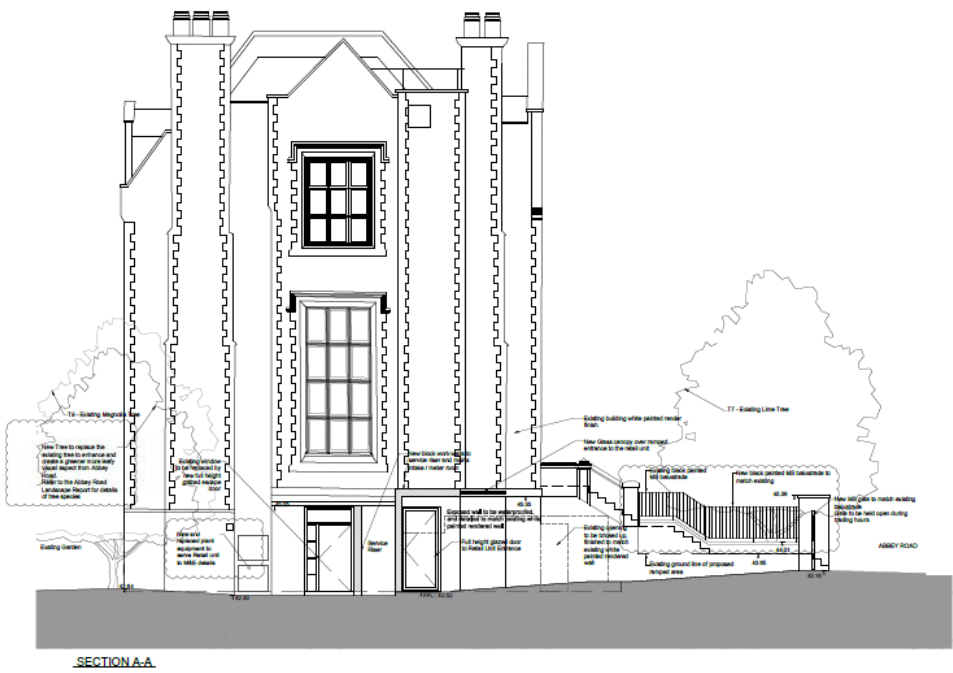
Gift Shop at No.5 Abbey Road (Coloured green on overview plan)



Approved Lower Ground Floor Plan (14/11186/FULL).



Proposed Lower Ground Floor Plan (current application).



Approved Side Elevation (14/11186/FULL).



Proposed Side Elevation (current application).

DRAFT DECISION LETTER

Address: 3 Abbey Road, London, NW8 9AY,

Proposal: Variation of Condition 1 of planning permission dated 2 July 2015 (RN: 14/11186/FULL) for the reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3. NAMELY, amendments to alter the detailed design, layout and form of the new recording studio to rear of No.5 Abbey Road including demolition and replacement of boundary wall with No.7; relocation of plant from roof of the existing building and new recording studio to rear of No.5 Abbey Road to within the gap between it and Studio 2; alteration to the detailed design and plant arrangement to the garage building facing Hill road in connection with its use as two small studios; alteration of the detailed design, form and roof level plant arrangement of the single storey block adjacent to boundary with Abbey House; and omission of entrance canopy to gift shop entrance, relocation of gift shop plant and repositioning of front wall pier.

Reference: 16/07867/FULL

Plan Nos: **DRAWINGS AND DOCUMENTS APPROVED UNDER 14/11186/FULL:** (00)-001, (00)-002, (00)-003, (00)-004, (00)-005, (00)-006, (00)-007/P1, (00)-008/P1, (00)-009/P4, (00)-010/P1, (00)-011/P1, (00)-012/P1, (00)-015/P1, (00)-016/P1, (00)-017, (20)-01-099/P1, (20)-01-100/P1, (20)-01-101/P1, (20)-01-300/P2, (20)-01-301/P1, (20)-01-400/P2, (20)-01-401/P1, (20)-01-700, (20)-02-099, (20)-02-100/P1, (20)-02-101, (20)-02-300, (20)-03-100, (20)-03-300, (20)-04-200/P2, (20)-04-300/P2, (20)-04-400/P2, (20)-05-099/P1, (20)-05-100/P1, (20)-05-300/P1, (20)-05-301/P1, (20)-05-400/P1, (20)-06-099/P1, (20)-06-100/P2, (20)-06-300/P3, (20)-06-400/P3, (ME)-002, (ME)-002/P3, (ME)-004/P1, (ME)-005/P1, (ME)-006/P1, (ME)-007/P2, (ME)-008/P2, (ME)-009/P1, (ME)-010/P1, (ME)-011/P1, (ME)-012/P1, (ME)-013, Planning, Design and Access Statement dated November 2014 (as appended by letter from Washbourne Field Planning dated 13 February 2015, Historic Building Appraisal and Statement of Significance dated January 2014, Heritage Impact Assessment dated April 2015, Noise Impact Assessment dated 6 February 2015 (Rev.7 - version submitted on 16 March 2015), Landscape Design Proposal document dated February 2015 (containing drawings LA/101, LA 103, LA/104, LA/107, LA/537, LA/P110 and montage of view from Mortimer Court), Daylight and Sunlight Impact Assessment (Rev.N2), Statement of Consultation dated November 2014 (Rev.A), Arboricultural Method Statement dated 26 June 2015 (ref: 14001-AMS2-AS) and drawing 14001-BT6, and Phase 1 Construction Management Plan dated 23 June 2015 (Rev.C), Abbey Road Studios Site Management Report (29 June 2015), un-numbered landscaping drawing showing planting at entrance to new Hill Road studio entrance and construction phasing drawings (00)-025 Rev.P,

(00)-026 Rev.P and (00)-027 Rev.P.

AS AMENDED BY DRAWINGS AND DOCUMENTS HEREBY APPROVED:

(00)-001 Rev.P1, (00)-002 Rev.P1, (00)-003 Rev.P1, (00)-004 Rev.P1, (00)-005 Rev.P1, (00)-006 Rev.P1, (00)-007 Rev.P4, (00)-008 Rev.P3, (00)-009 Rev.P8, (00)-010 Rev.P2, (00)-011 Rev.P3, (00)-012 Rev.P3, (00)-015 Rev.P2, (00)-016 Rev.P2, (00)-017 Rev.P1, (00)-018 Rev.P1, (20)-01-099 Rev.P3, (20)-01-100 Rev.P3, (20)-01-101 Rev.P3, (20)-01-300 Rev.P3, (20)-01-301 Rev.P3, (20)-01-400 Rev.P2, (20)-01-401 Rev.P2, (20)-01-700 Rev.P1, (20)-02-099 Rev.P1, (20)-02-100 Rev.P2, (20)-02-101 Rev.P2, (20)-02-300 Rev.P1, (20)-03-100 Rev.P2, (20)-04-200 Rev.P5, (20)-04-300 Rev.P5, (20)-04-400 Rev.P4, (20)-04-700 Rev.P2, (20)-05-300 Rev.P2, (20)-05-301 Rev.P2, (20)-05-400 Rev.P2, (20)-05-700 Rev.P2, (20)-06-099 Rev.P2, (20)-06-100 Rev.P3, (20)-06-300 Rev.P4, (20)-06-400 Rev.P4, (ME)-002 Rev.P2, (ME)-003 Rev.P5, (ME)-004 Rev.P3, (ME)-005 Rev.P2, (ME)-006 Rev.P3, (ME)-007 Rev.P3, (ME)-008 Rev.P3, (ME)-009 Rev.3, (ME)-010 Rev.P3, (ME)-011 Rev.P2, (ME)-012 Rev.P2, (ME)-013 Rev.P1, Heritage Assessment dated June 2016, Historic Building Appraisal and Statement of Significance dated January 2014, Arboricultural Method Statement dated 20 December 2016 (Ref: 14001-AMS8-AS), 14001-BT11, Noise Impact Assessment (Second Addendum) dated 6 May 2015 (with updates dated 22 November 2016), Noise Impact Assessment Addendum dated 15 December 2016, Abbey Road Studios Site Management Report (version V2 dated 9 August 2016), Construction Management Plan Rev.2 dated August 2016, Daylight and Sunlight Report dated 6 July 2016 (updated 15 August 2016), LA/101/PC Rev.P3, LA/102/PC Rev.3, LA/104/PC, LA/107/PC Rev.3, LA/108/PC Rev.3, P0516/Rev.3, Materials Submission List (Rev.A), sample of natural grey/ blue slate, sample yellow stock brick and sample of grey aluminium window frame.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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 Phase 1 of the development hereby approved (as shown on construction phasing plans (00)-025 Rev.P, (00)-026 Rev.P and (00)-027 Rev.P) shall be carried out in accordance with the Construction Management Plan by Kingly dated 23 June 2015.

Phase 2 of the development hereby approved (as shown on construction phasing plans (00)-025 Rev.P, (00)-026 Rev.P and (00)-027 Rev.P) shall be carried out in accordance with the Construction Management Plan by Bollingbrook dated August 2016.

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.

- 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. 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)

- 5 Only Abbey Road Studios can carry out the Class A1 retail shop use of the lower ground floor of No.5 Abbey Road. No one else may benefit from this permission in respect of the retail shop use of the lower ground floor of No.5 Abbey Road. (C06AA)

Reason:

Because of the special circumstances of this case we need to control future use of the premises if the Abbey Road Studios retail shop use leaves. This is as set out in SS10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S29 and S32 of Westminster's City Plan (November 2016). (R06AB)

- 6 You must keep the rear doors of the Class A1 retail unit in the lower ground floor of No.5 Abbey Road shut at all times and you must not allow customers of the retail shop to enter the garden area to the rear between Nos.3 and 5 Abbey Road at any time. You can however use the doors and rear garden area to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, 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. (R21AC)

- 7 Customers shall not be permitted within the retail shop premises in the lower ground floor of No.5 Abbey Road before 09.30 or after 19.00 on Monday to Saturday and before 10.00 or after 18.00 on Sundays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S21, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SS 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must only service the retail shop use between the hours of 08.00 and 22.00 daily and the retail shop servicing shall be carried out on the forecourt of No.3 Abbey Road.

Reason:

To protect the environment of people in neighbouring properties and minimise disruption to the public highway as set out in S21, S29, S32 and S42 of Westminster's City Plan (November 2016) and ENV 6, SS 10 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 You must not play live or recorded music within the retail shop premises in the lower ground floor of No.5 Abbey Road that is audible outside the shop premises and you must not play live or recorded music in the front garden area outside the retail shop premises at No.5 Abbey Road. (C13IA)

Reason:

To protect the environment of people in neighbouring properties as set out in S21, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and SS 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 You must operate the retail shop unit located in the lower ground floor of No.5 Abbey Road, including the management of customers entering and leaving the premises, in accordance with the Retail Management Strategy set out in Section 3.7 of the Amended Version of the Abbey Road Studios Site Management Report dated 9 August 2016.

Reason:

To protect the environment of people in neighbouring properties as set out in S21, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and SS 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 You must block up the rear door to the new recording studio facing Hill Road, in accordance with the drawings hereby approved, prior to first use of the studios within this building.

Reason:

To protect the environment of people in neighbouring properties 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. (R12AC)

- 12 The new recording studio facing Hill Road shall be serviced between 08.00 and 22.00 hours and the servicing shall be carried out on the forecourt of the studio premises in Hill Road.

Reason:

To protect the environment of people in neighbouring properties and minimise disruption to the public highway as set out in S21, S29, S32 and S42 of Westminster's City Plan (November 2016) and ENV 6, SS 10 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 You must operate the new recording studio facing Hill Road, including the management of studio staff and artists/ guests entering and leaving the premises, in accordance with the Hill Road Management Strategy set out in Section 3.8 and Appendix B of the Abbey Road Studios Site Management Report dated 9 August 2016.

Reason:

To protect the environment of people in neighbouring properties 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. (R12AC)

- 14 The design and structure of the development shall be of such a standard that it will protect residents 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.

- 15 You must apply to us for approval of detailed drawings at a scale of 1:20 or larger of the following parts of the development:

- (a) the new timber vehicular gates to the Hill Road frontage of the Studios site.
- (b) the new gates to the front boundary of No.5 Abbey Road.

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

Reason:

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

- 16 (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 LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the

planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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.

- 17 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.

- 18 Prior to operation of each item of mechanical plant hereby approved you must install any associated noise attenuation measures as set out in the Noise Impact Assessment (Second Addendum) dated 6 May 2015 (with updates dated 22 November 2016) and the Noise Impact Assessment Addendum dated 15 December 2016 and as shown on the drawings hereby approved (including acoustic screens and enclosures as may be amended by details submitted pursuant to Condition 24 attached to this decision letter). Thereafter you must permanently retain the noise attenuation measures hereby approved unless or until the mechanical plant to which the screen or enclosure is related is permanently removed from the building.

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.

- 19 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.

- 20 Notwithstanding the submitted landscaping scheme, 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 (including at least one tree in the townscape gap between Nos.3 and 5 Abbey Road and climbing planting to the front of the Dolby Atmos studio). 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 that comprise part of the landscaping scheme that we approve or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the neighbouring 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)

- 21 Phase 1 of the development hereby approved (as shown on construction phasing plans (00)-025 Rev.P, (00)-026 Rev.P and (00)-027 Rev.P) shall be carried out in accordance with the tree protection measures set out in the Arboricultural Method Statement by Barrell Tree Consultancy dated 26 June 2015 and shown on 14001-BT6.

Phase 2 of the development hereby approved (as shown on construction phasing plans (00)-025 Rev.P, (00)-026 Rev.P and (00)-027 Rev.P) shall be carried out in accordance with the tree protection measures set out in the Arboricultural Method Statement by Barrell Tree Consultancy dated 20 December 2016 (Ref: 14001-AMS8-AS) and as shown on drawing 14001-BT11.

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)

- 22 You must provide the climbing planting to the north east elevation of the Dolby Atmos studio and the new tree in the townscape gap between Nos.3 and 5 Abbey Road that we approve under Condition 20 prior to occupation of the new Dolby Atmos studio. Thereafter, you must permanently retain the climbing planting and new tree in accordance with the details that we approve under Condition 20.

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)

- 23 You carry out the works in accordance with the samples of facing materials hereby approved and those facing materials that were previously approved on 10 December 2015 (RN: 15/08627/ADFULL).

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)

- 24 You must apply to us for approval of detailed drawings at a scale of 1:20 or larger of the following parts of the development: all new acoustic enclosures and screens. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

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)

- 25 Notwithstanding the annotations on the approved drawings, the extended recording studio and transformer room extension at the south eastern boundary with Abbey House must be finished in smooth white render and thereafter retained in this colour and finish.

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)

- 26 The retail shop at lower ground floor level within No.5 Abbey Road shall only display and sell the range of Abbey Road Studios and music related goods listed in Appendix A of the document titled Abbey Road Studios Site Management Report dated 9 August 2016 that is hereby approved.

Reason:

To ensure that the retail shop use does not harm the vitality and viability of nearby designated local and district centres in accordance with Policy SS10 in the Unitary Development Plan that we adopted in January 2007 and Policy S21 in Westminster's City Plan (November 2016).

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 will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 3 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)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 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 Some of the trees on the site 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 6096 or 020 7641 2922. (I30AA)

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: 3 Abbey Road, London, NW8 9AY

Proposal: Variation of Condition 1 of listed building consent dated 2 July 2015 (RN: 14/11187/LBC) for the reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3. NAMELY, amendments to alter the detailed design, layout and form of the new recording studio to rear of No.5 Abbey Road including demolition and replacement of boundary wall with No.7; relocation of plant from roof of the existing building and new recording studio to rear of No.5 Abbey Road to within the gap between it and Studio 2; alteration to the detailed design and plant arrangement to the garage building facing Hill road in connection with its use as two small studios; alteration of the detailed design, form and roof level plant arrangement of the single storey block adjacent to boundary with Abbey House; omission of entrance canopy to gift shop entrance, relocation of gift shop plant and repositioning of front wall pier; and amendments to internal alterations to Studio 3.

Reference: 16/07868/LBC

Plan Nos: **DRAWINGS AND DOCUMENTS APPROVED UNDER 14/11187/LBC:** (00)-001, (00)-002, (00)-003, (00)-004, (00)-005, (00)-006, (00)-007/P1, (00)-008/P1, (00)-009/P4, (00)-010/P1, (00)-011/P1, (00)-012/P1, (00)-015/P1, (00)-016/P1, (00)-017, (20)-01-099/P1, (20)-01-100/P1, (20)-01-101/P1, (20)-01-300/P2, (20)-01-301/P1, (20)-01-400/P2, (20)-01-401/P1, (20)-01-700, (20)-02-099, (20)-02-100/P1, (20)-02-101, (20)-02-300, (20)-03-100, (20)-03-300, (20)-04-200/P2, (20)-04-300/P2, (20)-04-400/P2, (20)-05-099/P1, (20)-05-100/P1, (20)-05-300/P1, (20)-05-301/P1, (20)-05-400/P1, (20)-06-099/P1, (20)-06-100/P2, (20)-06-300/P3, (20)-06-400/P3, (ME)-002, (ME)-002/P3, (ME)-004/P1, (ME)-005/P1, (ME)-006/P1, (ME)-007/P2, (ME)-008/P2, (ME)-009/P1, (ME)-010/P1, (ME)-011/P1, (ME)-012/P1, (ME)-013, Planning, Design and Access Statement dated November 2014 (as appended by letter from Washbourne Field Planning dated 13 February 2015, Historic Building Appraisal and Statement of Significance dated January 2014, Heritage Impact Assessment dated April 2015, Noise Impact Assessment dated 6 February 2015 (Rev.7 - version submitted on 16 March 2015), Landscape Design Proposal document dated February 2015 (containing drawings LA/101, LA 103, LA/104, LA/107, LA/537, LA/P110 and montage of view from Mortimer Court), Daylight and Sunlight Impact Assessment (Rev.N2), Statement of Consultation dated November 2014 (Rev.A), Arboricultural Method Statement dated 26 June 2015 (ref: 14001-AMS2-AS) and drawing 14001-BT6, and Phase 1 Construction Management Plan dated 23 June 2015 (Rev.C), Abbey Road Studios Site Management Report (29 June 2015), un-numbered landscaping drawing showing planting at entrance to new Hill Road studio entrance and construction phasing drawings (00)-025 Rev.P,

(00)-026 Rev.P and (00)-027 Rev.P.

AS AMENDED BY DRAWINGS AND DOCUMENTS HEREBY APPROVED:

(00)-001 Rev.P1, (00)-002 Rev.P1, (00)-003 Rev.P1, (00)-004 Rev.P1, (00)-005 Rev.P1, (00)-006 Rev.P1, (00)-007 Rev.P4, (00)-008 Rev.P3, (00)-009 Rev.P8, (00)-010 Rev.P2, (00)-011 Rev.P3, (00)-012 Rev.P3, (00)-015 Rev.P2, (00)-016 Rev.P2, (00)-017 Rev.P1, (00)-018 Rev.P1, (20)-01-099 Rev.P3, (20)-01-100 Rev.P3, (20)-01-101 Rev.P3, (20)-01-300 Rev.P3, (20)-01-301 Rev.P3, (20)-01-400 Rev.P2, (20)-01-401 Rev.P2, (20)-01-700 Rev.P1, (20)-02-099 Rev.P1, (20)-02-100 Rev.P2, (20)-02-101 Rev.P2, (20)-02-300 Rev.P1, (20)-03-100 Rev.P2, (20)-04-200 Rev.P5, (20)-04-300 Rev.P5, (20)-04-400 Rev.P4, (20)-04-700 Rev.P2, (20)-05-300 Rev.P2, (20)-05-301 Rev.P2, (20)-05-400 Rev.P2, (20)-05-700 Rev.P2, (20)-06-099 Rev.P2, (20)-06-100 Rev.P3, (20)-06-300 Rev.P4, (20)-06-400 Rev.P4, (ME)-002 Rev.P2, (ME)-003 Rev.P5, (ME)-004 Rev.P3, (ME)-005 Rev.P2, (ME)-006 Rev.P3, (ME)-007 Rev.P3, (ME)-008 Rev.P3, (ME)-009 Rev.3, (ME)-010 Rev.P3, (ME)-011 Rev.P2, (ME)-012 Rev.P2, (ME)-013 Rev.P1, Heritage Assessment dated June 2016, Historic Building Appraisal and Statement of Significance dated January 2014, Arboricultural Method Statement dated 20 December 2016 (Ref: 14001-AMS8-AS), 14001-BT11, Noise Impact Assessment (Second Addendum) dated 6 May 2015 (with updates dated 22 November 2016), Noise Impact Assessment Addendum dated 15 December 2016, Abbey Road Studios Site Management Report (version V2 dated 9 August 2016), Construction Management Plan Rev.2 dated August 2016, Daylight and Sunlight Report dated 6 July 2016 (updated 15 August 2016), LA/101/PC Rev.P3, LA/102/PC Rev.3, LA/104/PC, LA/107/PC Rev.3, LA/108/PC Rev.3, P0516/Rev.3, Materials Submission List (Rev.A), sample of natural grey/ blue slate, sample yellow stock brick and sample of grey aluminium window frame.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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 building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings at a scale of 1:20 or larger of the following parts of the development:

- (a) the new timber vehicular gates to the Hill Road frontage of the Studios site.
- (b) the new gates to the front boundary of No.5 Abbey Road.

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

Reason:

To protect the special architectural or historic interest of this listed building. 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 our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You carry out the works in accordance with the samples of facing materials hereby approved and those facing materials that were previously approved on 10 December 2015 (RN: 15/08637/ADLBC).

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

- 5 You must apply to us for approval of detailed drawings at a scale of 1:20 or larger of the following parts of the development: all new acoustic enclosures and screens. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

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

- 6 Notwithstanding the annotations on the approved drawings, the extended recording studio and transformer room extension at the south eastern boundary with Abbey House must be finished in smooth white render and thereafter retained in this colour and finish.

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan 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 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.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	55 Old Compton Street, London, W1D 6HW,		
Proposal	Replacement of existing full height extract duct to rear elevation measuring 450mm x 450mm and associated plant at rear lower flat roof level		
Agent	Peacock and Smith		
On behalf of	Poppies Soho Ltd		
Registered Number	16/03127/FULL	Date amended/ completed	19 May 2016
Date Application Received	7 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The proposal relates to an extract duct and associated plant on the rear elevation. The rear elevation of the premises is visible from St Anne's Church gardens. The basement and ground floor of the property is currently used as a fish and chip shop (Poppies) and the upper floors are in use as residential flats. The site is located within the Soho Conservation Area, the West End Stress Area and Core CAZ.

Prior to the submission of this application there was an existing full height extract duct (pre-existing) on the rear elevation and unfortunately the applicants replaced the existing duct with a larger duct (unauthorised) without planning permission during the application process. The unauthorised duct is closer to residential windows and it became apparent once erected, that it did not resemble the application drawings submitted. Revised drawings have been submitted which show the removal of the unauthorised duct and the installation of a new smaller duct set away from the existing residential windows. The new duct would be located in approximately the same position as the pre-existing duct.

The key issues for consideration:

- The impact of the proposed duct and plant on amenity; and

- The impact of the proposed duct and plant on the character and appearance of the Soho Conservation Area.

It is regrettable that the duct and plant was installed without planning permission and the impact on the residential windows is not acceptable. The proposed duct is set away from the residential windows and is acceptable in terms of impact on residential amenity and design grounds and therefore complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). It is therefore recommended that permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Pre-existing extract duct



Unauthorised extract duct



Unauthorised extract duct

5. CONSULTATIONS

SOHO SOCIETY:

No objection.

ENVIRONMENTAL HEALTH:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 19

Total No. of replies: 2

No. of objections: 2

Letters of objection on the following grounds:

- The acoustic report does not adequately assess the impact of smells and noise from the proposed plant.
- Unauthorised ducting has been installed which is larger than shown on the proposed plans and obstructs the residential windows on the upper floors of the building, blocking view and light

SECOND CONSULTATION

No. Consulted: 21

Total No. of replies: 4

No. of objections: 4

Letters of objection on the following grounds:

- Insufficient detail in the drawings
- Unauthorised ducting is larger than pre-existing and blocks light and view to residential windows on upper floors of the building.
- Noise nuisance from unauthorised duct
- Unauthorised duct is unsightly/an eyesore
- Location of proposed duct should not be closer to residential windows than the pre-existing duct
- Unsatisfactory response from developer causing delay and stress

THIRD CONSULTATION – CURRENT PROPOSAL

No. Consulted: 25

Total No. of replies: 1

No. of objections: 1

Letter of objection on the following grounds:

- Potential for insulation to increase size of proposed duct
- Proposed plans show duct projects out from the rear elevation further than the previous proposal

- Duct could result in loss of light and view to flats.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

55 Old Compton Street is an unlisted building located in the Soho Conservation Area and the Core Central Activities Zone. The building is also within the designated West End Stress Area.

The building comprises five storeys plus basement. The application relates to the ground and basement floors of the property which have a lawful use for restaurant (Class A3). The upper floors are in use as residential accommodation (Class C3).

Old Compton Street is characterised by a mix of uses including retail and restaurant uses at ground floor and upper floors in residential and office use.

The rear elevation of the property faces onto the Grade II* listed St Anne's Churchyard.

6.2 Recent Relevant History

At the time that this planning application was submitted to the City Council in April 2016, the pre-existing extract duct associated with the restaurant use was in situ on the rear elevation of the building. It is unclear whether this extract duct was subject to planning consent, however the duct had been in situ for more than four years and therefore was considered to be lawful.

An enforcement notice was served on the 14 March 2017 which will become effective on 18 April 2017 and requires the unauthorised duct to be removed within 1 month of the notice coming into effect.

7. THE PROPOSAL

Permission is sought for the installation of a full height extract duct to the rear elevation of the building and associated plant at rear lower flat roof level.

The application has been amended to reduce the size of the extract duct to 450mm x 450mm which is in line with the pre-existing duct. The plant at rear flat roof level has also been reduced in size to sit below the parapet wall and the residential windows at first floor level.

The extract duct in situ is unauthorised and has been built closer to the existing residential windows than the extract duct it replaced. The previous duct was set away from the residential windows. The unauthorised duct was installed in July 2016. New plant was also installed to the rear lower flat roof. This plant partially obscured the residential windows at first floor level. As already stated above the unauthorised duct and plant is now the subject of an enforcement notice.

Drawings initially submitted as part of the application were inconsistent and did not accurately reflect the existing or proposed situation and the unauthorised duct was not installed in line with the proposed drawings. Therefore, the City Council has undertaken three rounds of consultation when new drawings were submitted. Officers' are confident that the latest set of drawings are accurate.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal does not raise any land use issues.

8.2 Townscape and Design

The proposed duct is located in the same position as the pre-existing duct and therefore provided that the duct is painted black, the duct will not have an impact on the character and appearance of the Soho Conservation Area.

8.3 Residential Amenity

Policy ENV6 of the UDP relates to noise pollution and part 1 states that the City Council will require design features and operational measures to minimise and contain noise from developments, to protect noise sensitive properties. Policy ENV7 of the UDP relates to noise from plant and machinery and internal activity and sets out noise standards to be achieved in relation to noise sensitive properties. Policy S29 of the City Plan relates to health, safety and well-being. It states that 'The council will resist proposals that result in an unacceptable material loss of residential amenity and development should aim to improve the residential environment'. Finally, policy S32 (noise) aims to ensure that development 'provides an acceptable noise and vibration climate for occupants and is designed to minimise exposure to vibration and external noise sources'.

Original proposal – June 2016

As set out above, the existing and proposed drawings originally submitted with the application were inaccurate. The alignment of the windows on the rear elevation was differed from the application drawings.

The unauthorised duct was installed in July 2016. The duct was installed closer to the residential windows and larger thereby causing an obstruction to the residential windows.

Two objections were received from the first round of consultation on the grounds of increased smells from the new user of the restaurant, noise from the plant, and the duct causing an increase sense of enclosure to the residential windows.

Second proposal – October 2016

Additional drawings were submitted as well as a revised acoustic report.

Four objections were received to the revised proposal on the grounds that the plans contained insufficient detail regarding the dimensions of the duct and the length of time taken to deal with the unauthorised duct.

It was considered that the drawings were inaccurate and the application couldn't reasonably be determined.

Third proposal – January 2017

The application drawings now include dimensions and are an accurate representation of the building. The plant installed at rear flat roof level is partially in front of the first floor windows and this is not acceptable. The proposal shows the plant will not extend in front of the residential windows which is now considered to be acceptable.

The drawings indicate that the proposed duct will be installed away from the residential windows and will be located to the east of an existing drainpipe, which is roughly the same position as a pre-existing duct. The proposed duct will be 400mm x 400mm and will include 50mm of insulation as recommended in the acoustic report. An objection has been received that the depth of insulation is unclear and the total width of the duct, including insulation should not exceed 450mm x 450mm. This is the case as per the submitted drawings. Environmental Health has no objection to the proposal on noise grounds.

An objection is also made on the grounds that duct extends sits too far out from the rear elevation and will cause an obstruction to residential windows. Proposed plans show the proposed duct will project 164mm from the rear elevation. The objector states that as part of the latest proposal the duct would project further from the rear than the pre-existing duct. It is unlikely that the pre-existing duct sat flush with the rear elevation as there would need to be separation from the elevation and the duct for maintenance and vibration reasons. Furthermore the eaves of the building restrict the duct from sitting any closer to the elevation.

Although the grounds for objection are understood and Officers are sympathetic to the resident's concerns, as the proposed duct is now in the same position as the pre-existing duct it is not considered that permission could reasonably be withheld for amenity reasons. A condition is however recommended to ensure that the scheme is implemented by 18 May 2017 to ensure the removal of the unauthorised plant and ductwork in accordance with the enforcement notice. The condition also requires the proposed plant and duct to be completed in their entirety to ensure that ventilation to the restaurant is satisfactory.

8.4 Transportation/Parking

The proposal does not raise any highways implications.

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 to the building.

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

The proposal is not CIL Liabe.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues**9. BACKGROUND PAPERS**

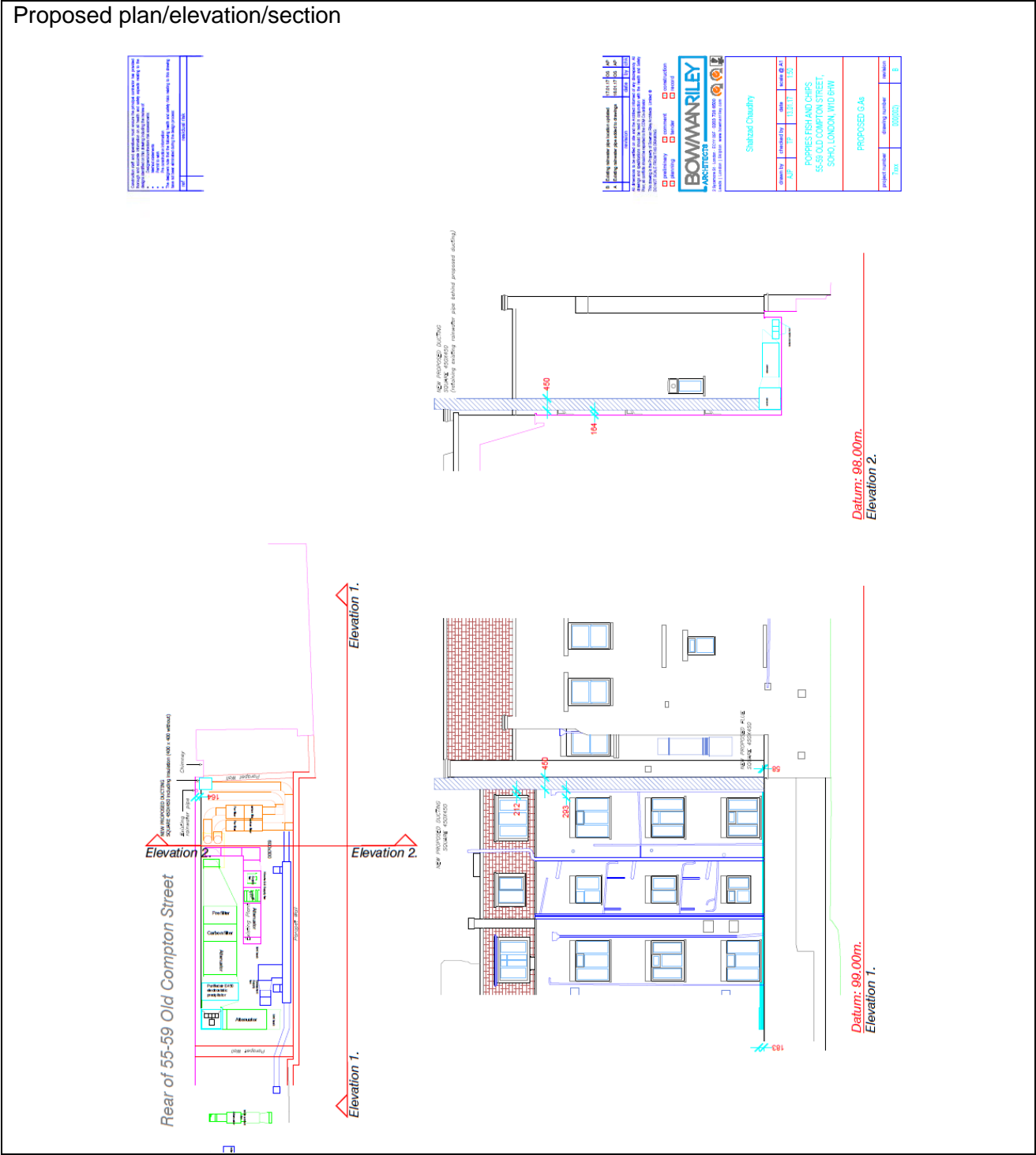
1. Application form
2. Response from Soho Society, dated 2 July 2016
3. Response from Environmental Health dated 12 October 2016
4. Letters from occupier of Top flat, 55 Old Compton Street dated 18 July 2016, 22 October 2016
5. Letters from occupier of Flat 1, 55 Old Compton Street dated 23 June 2016, 26 July 2016, 9 October 2016 and 27 January 2017
6. Letter from occupier of 55 Old Compton Street dated 22 October 2016
7. Letter from occupier of 55 Old Compton Street dated 22 October 2016
8. Enforcement notice 55 Old Compton Street dated 14 March 2017.

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

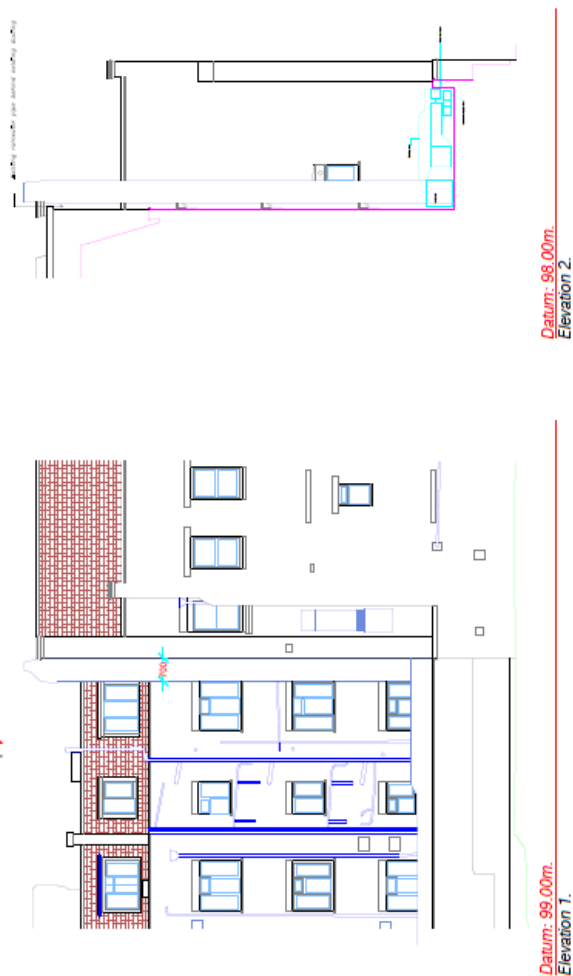
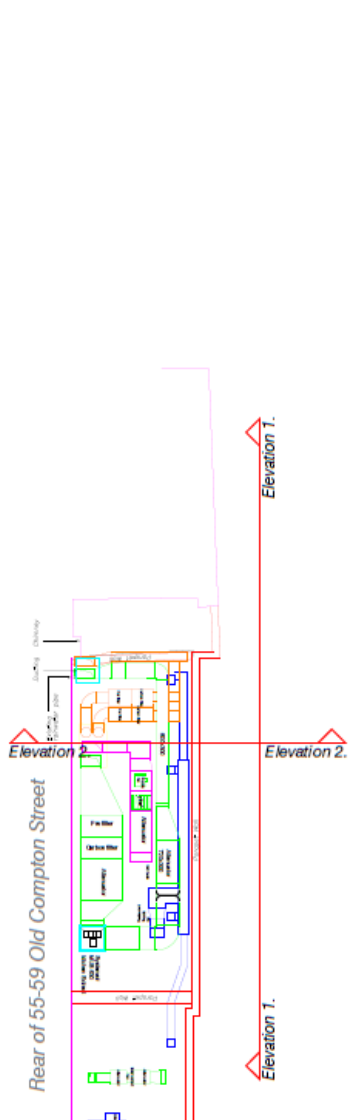
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

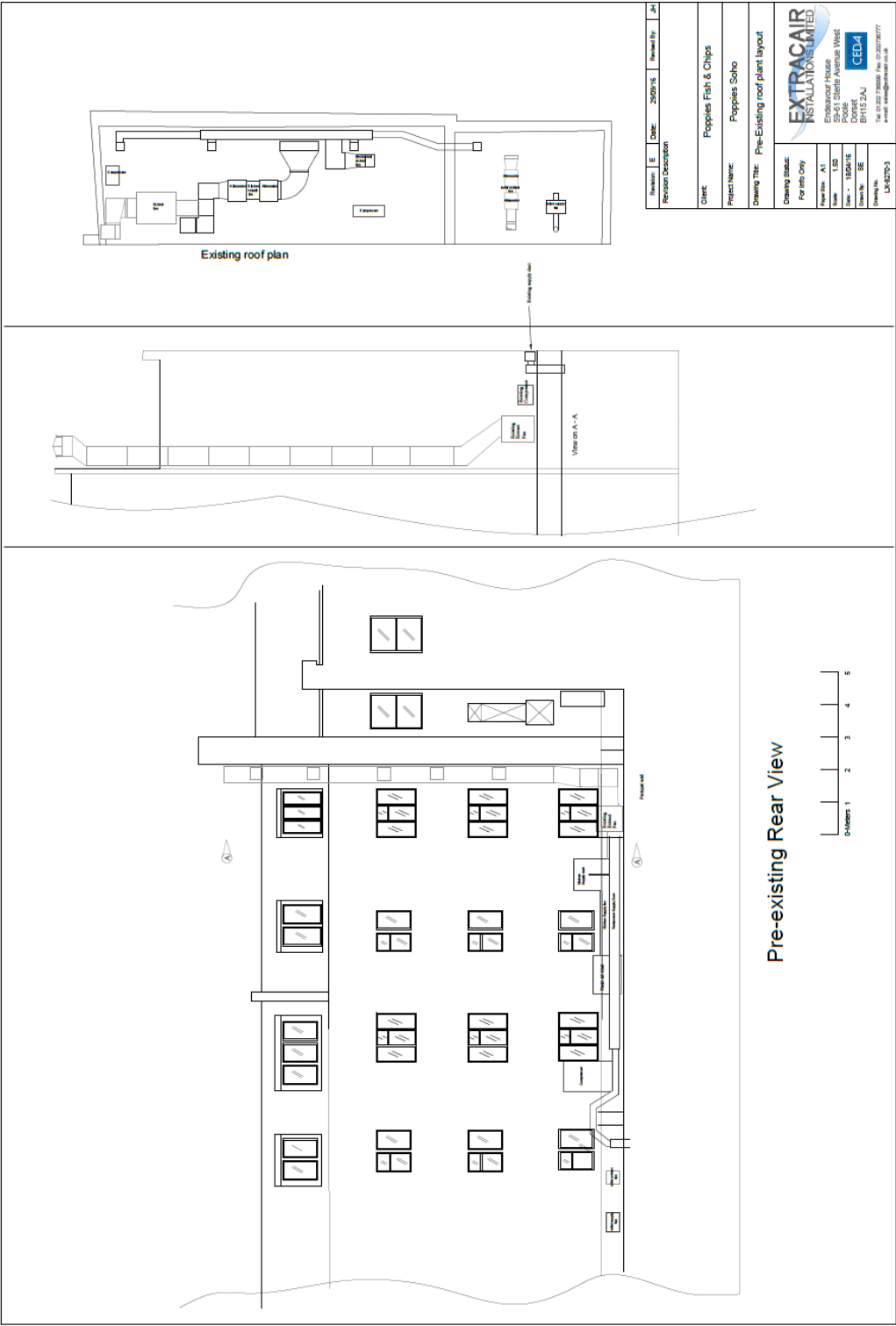
Proposed plan/elevation/section



Year	Number of cases	Number of deaths
1990	1,000	100
1991	1,200	120
1992	1,400	140
1993	1,600	160
1994	1,800	180
1995	2,000	200
1996	2,200	220
1997	2,400	240
1998	2,600	260
1999	2,800	280
2000	3,000	300
2001	3,200	320
2002	3,400	340
2003	3,600	360
2004	3,800	380
2005	4,000	400
2006	4,200	420
2007	4,400	440
2008	4,600	460
2009	4,800	480
2010	5,000	500
2011	5,200	520
2012	5,400	540
2013	5,600	560
2014	5,800	580
2015	6,000	600
2016	6,200	620
2017	6,400	640
2018	6,600	660
2019	6,800	680
2020	7,000	700

[illegible]

Pre-existing plan/elevation/section



DRAFT DECISION LETTER

Address: 55 Old Compton Street, London, W1D 6HW,

Proposal: Replacement of existing full height extract duct to rear elevation measuring 450mm x 450mm and associated plant at rear lower flat roof level.

Reference: 16/03127/FULL

Plan Nos: 7xxx 000(002) B

Case Officer: Alice Dunn

Direct Tel. No. 020 7641 7957

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 (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.

- 4 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.

- 5 You must remove the unauthorised extract duct and plant and install the new extract duct and plant hereby approved within 2 months of the date of this decision, the works must be completed as per the approved drawings in their entirety.

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 You must paint the extract duct black and keep it that colour. (C26EA)

Reason:

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

- 7 The air conditioning/extract/supply air hereby permitted shall not be operated except between 11.30 hours and 00.00 (midnight) hours daily. The chiller condensers can operate on a 24 hour basis.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance 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.

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 3 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)

Informative(s)

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 Mach 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	5 Macclesfield Street, London, W1D 6AY,		
Proposal	1) Replacement shopfront and installation of new awning at front ground floor level. 2) Display of internally illuminated fascia sign measuring 1.43m x 1.69m, externally-illuminated mural measuring 6.2m x 8.6m to Dansey Place 3.8m x 4.5m to shopfront.		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury Chinatown Limited and Rasa Sayang		
Registered Number	17/01062/FULL and 17/01603/ADV	Date amended/ completed	9 February 2017
Date Application Received	9 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Chinatown		

1. RECOMMENDATION

Refuse planning permission and advertisement consent – design grounds

2. SUMMARY

Two separate applications have been submitted. Planning permission is sought for alterations to the shopfront including an awning. Advertisement consent is sought for the painting a mural advertisement on the side elevation on Dansey Place and across part of the Macclesfield Street front elevation and an externally illuminated fascia sign.

The key issue for consideration in both applications is design and the impact of the works and adverts on the appearance of the building and to the character and appearance of the conservation area.

The proposed shopfront is unacceptable because of its uncharacteristic proportions, which are considered to be harmful to the appearance of the building and the conservation area.

Although a mural on the side elevation on Dansey Place passageway is acceptable, as proposed the mural would also cover part of the shopfront including the stallriser and shop window. It would be an uncharacteristic feature which would also be harmful to the appearance of the building.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Soho Society:
No objection

Adjoining owners/occupiers and other representations received:

No. Consulted: 31

Total No. of replies: 0

Press advertisement / site notice: yes

6. BACKGROUND INFORMATION

6.1 The Application Site

5 Macclesfield Street lies within the Chinatown Conservation Area. It is not listed, but is identified in the Soho and Chinatown Conservation Area Audit as an Unlisted Building of Merit, that is, one which makes a positive contribution to the character and appearance of the conservation area.

The building forms one corner of the junction with Dansey Place, which joins Macclesfield Street through an arched opening.

This application site also lies in the Central Activities Zone and the West End Stress Area.

6.2 Recent Relevant History

None directly relevant

7. THE PROPOSAL

- i) Permission is sought for a replacement shopfront and installation of new awning at front ground floor level.
- ii) Advertisement consent is sought for display of an internally illuminated fascia sign measuring 1.43m x 1.69m, and an externally-illuminated mural measuring 6.2m x 8.6m to Dansey Place 3.8m x 4.5m to shopfront.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Not applicable.

8.2 Townscape and Design

i) Shopfront

The proportions of the proposed shopfront are considered to be unacceptable. A part of the shop window is proposed to be infilled in order to accommodate the mural. The resulting shopfront has awkward proportions, and an overly narrow window. It does not relate to the proportions of the building above, having a particularly awkward relationship with the window openings.

The proposed stallriser presents no improvement on the proportions or materials of the existing low concrete stallriser. The proposed shopfront is contrary to UDP policies DES 5 and DES9.

ii) Mural

The proposed mural advertisement is by Yip Yew Chong, a Malaysian street artist, and is typical of his work overseas. The applicant has provided the mural artist's CV, he has painted murals Singapore, though none to date in the UK.

The mural depicts a Singaporean street scene. Its purpose is to publicise the Malaysian restaurant on which it is painted through the medium of a large scale painted display. A secondary purpose is to enliven a somewhat run-down part of Chinatown.

The scale and quality of the work's execution are material considerations. It is these aspects which have a visual impact on the building and amenity of the surrounding area. The content of the display is of lesser significance, although still material insofar as it is necessary to acknowledge this to determine the extent of artistic/advertising content.

The Town and Country Planning Act 1990 at S336 Interpretation defines an advertisement as follows:

"any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used, or adapted for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly"

In this case, and noting the display's content, the ordinary meaning of advertisement is considered to draw attention to the premises on which it is painted, displaying a street scene typical of the cuisine's country of origin (while identified as a Singaporean street scene, Singapore is geographically and

culturally a part of Malaysia). This constitutes an announcement, which brings it within control of the Regulations. The Regulations deal with displays as diverse as saints' flags and neighbourhood watch signs. Thus commercial content is not necessary for a display to be an 'advertisement'.

Policy DES8 requires that advertising be well designed and sensitively located within the street scene, relate to the character, scale and architectural features of the building and, in the case of shop signs, be located at fascia level.

In this case the absence of overtly commercial content is considered to make the portion of the mural within the covered arch less harmful than the portion on the shop front. The wall on which is located is undistinguished and the view through the arch to Dansey Place is very poor. A mural proposed in this location only would be likely to be acceptable.

The mural on the shop front however is considered to be much more harmful to visual amenity. It forms part of the commercial presence of the shop in the street scene, and results in the entire façade of the shop being covered in advertising.

Advertising on shop fronts should be confined to fascia signs, projecting signs and awnings. The proposed extent of advertising here is uncharacteristic of Victorian shop fronts, and of shopfronts within the conservation area in general.

Fascia Sign

The proposed fascia sign is unacceptable in design terms. It is a highly unusual shape, being virtually square, and occupying only a small proportion of the shop fascia.

While the existing (unconsented) fascia sign is very poor, and harmful in itself to the amenity of the area, this is not sufficient reason to consent another harmful sign.

The last consented sign on this site was a depth of 970mm, compared to the existing sign which is 1690mm, and the proposed sign which is 1430mm. A fascia sign should ordinarily span the entire width of the shopfront, and should not be overly deep. Westminster's Shopfronts Blinds and Signs SPG states that:

"In Georgian, Victorian and Edwardian buildings, shopfronts are often set within a framework of classical elements of pilasters, columns and a frieze incorporating a fascia, usually topped by a cornice. It is important that these features are retained intact and, if damaged, replaced in replica."

The applicant stated that the unusually deep fascia is required because of a low ceiling within the shop unit. A more satisfactory resolution could be achieved by

raising the ceiling. A fascia sign of greater depth than the consented 970mm is not considered to be acceptable. The proposed fascia sign is contrary to policies DES 8 A) 1) a) b) and c).

8.3 Economic Considerations

The Shopfronts Blinds and Signs SPG states that 'making a shop 'stand out' in the context of the street, does not always make it more attractive to shoppers. Evident respect for the character of the street and the area, will generally produce a high quality retail environment which is likely to attract more shoppers".

8.4 Access

No change is proposed to the existing access arrangements.

8.5 Other UDP/Westminster Policy Considerations

The applicant states that local stakeholders have expressed strong support for the proposals including the London Chinatown Chinese Association (LCCA) and Ward Councillors. Evidence of this support has not been seen by officers.

8.6 London Plan

This application raises no strategic issues.

8.7 National Policy/Guidance Considerations

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

8.8 Planning Obligations

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

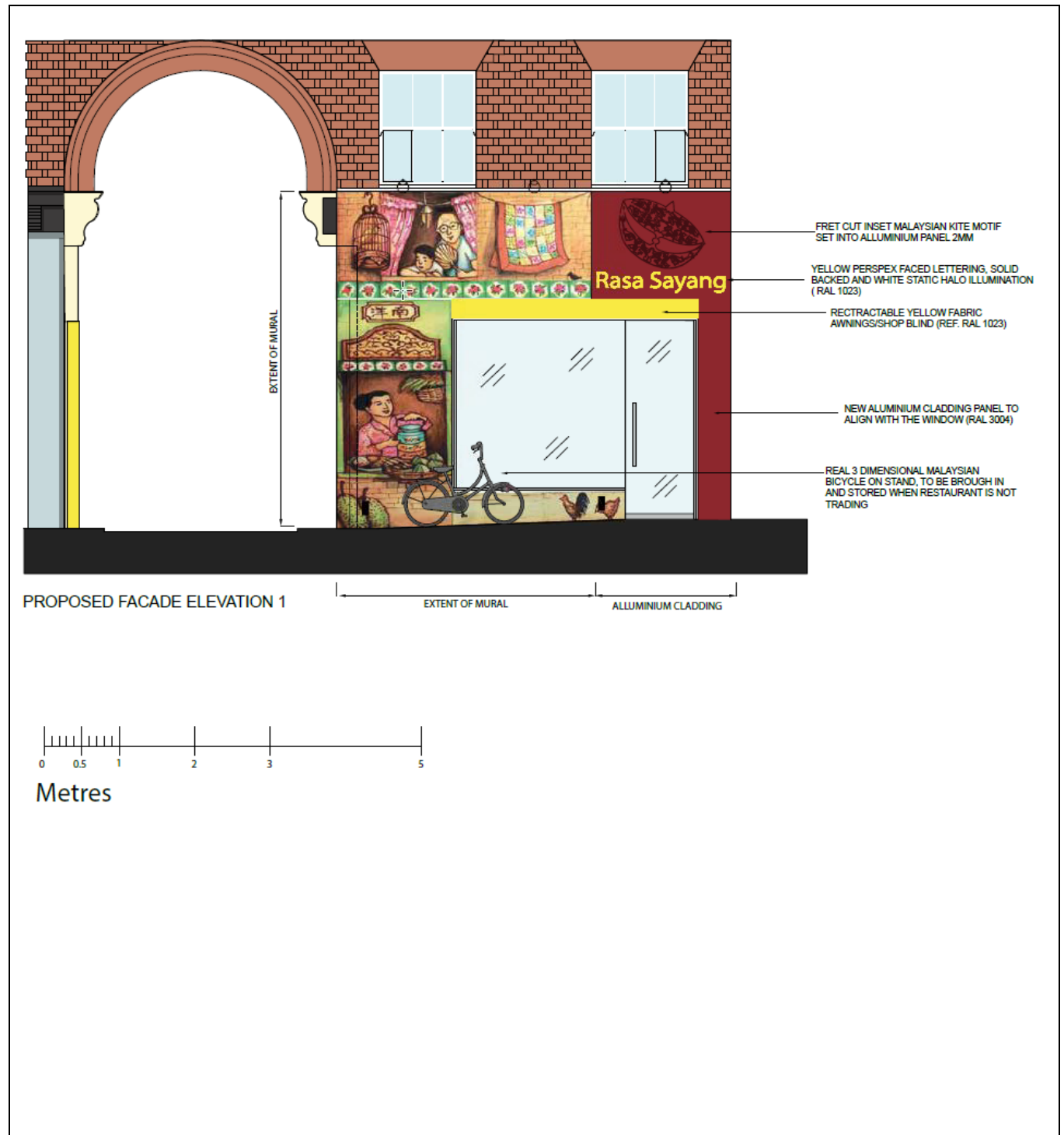
9 BACKGROUND PAPERS

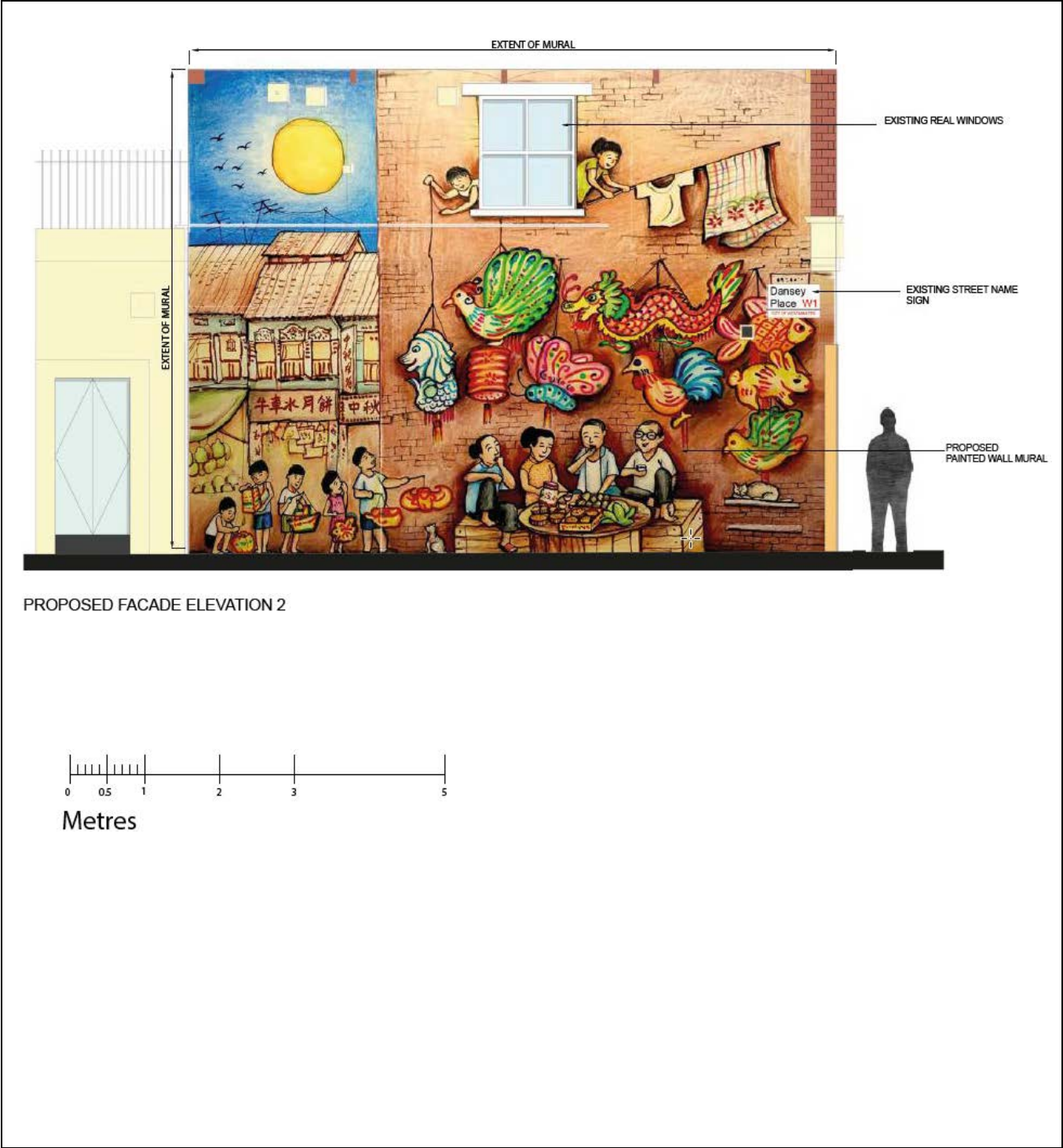
1. Application form
2. Soho Society consultation response

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

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

10 KEY DRAWINGS





DRAFT DECISION LETTER

Address: 5 Macclesfield Street, London, W1D 6AY,
Proposal: Replacement shopfront and installation of new awning at front ground floor level.
Reference: 17/01062/FULL
Plan Nos: E004 rev B; E005 rev A; E007 rev B; E008

Case Officer: Toby Cuthbertson

Direct Tel. No. 020 7641 8705

Recommended Condition(s) and Reason(s)

Reason:

Because of its proportions and design the proposed shopfront would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Chinatown Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 5 (C), DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)

Informative(s):

DRAFT DECISION LETTER

Address: 5 Macclesfield Street, London, W1D 6AY,

Proposal: Display of internally illuminated fascia sign measuring 1.43m x 1.69m, externally-illuminated murals to either side of entrance to Dansey Place measuring 6.4m x 8.6m and 6.2m x 8.6 and externally illuminated mural to shopfront measuring 3.8m x 4.5m.

Plan Nos: E004 rev B; E005 rev A; E007 rev B; E008

Case Officer: Toby Cuthbertson Direct Tel. No. 020 7641 8705

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

Reason:

Because of its extent and appearance the proposed mural would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Chinatown Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 5, DES 7 DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)

Reason:

Because of its proportions the proposed fascia sign would harm the appearance of the building and the appearance (amenity) of the area. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Chinatown Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 8 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X15AD)

Informative(s):

1 A mural may be acceptable on the Dansey Place elevation only. The decoration of the front of a building with a mural is unacceptable in principle.

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 March 2017	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	Moore House, 2 Gatliff Road, London, SW1		
Proposal	Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m2 retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.		
Agent	Indigo Planning Limited		
On behalf of	Sainsbury's Supermarkets Ltd		
Registered Number	16/05525/FULL	Date amended/ completed	14 June 2016
Date Application Received	14 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside conservation area		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

A decision on this application was deferred by the Planning Application Committee on 22 November 2016 so that the applicant could come back with firm measures to address the following issues:

- i) light pollution,
- ii) servicing and
- iii) the location of the ATM machine

in order to reduce the impact of the proposed extended operational hours on local residents.

The Committee also requested that the applicant revert to displaying their current lawful operational hours on their signage and abide by those hours.

Sainsbury's have responded as follows:

i) light pollution

As previously reported to Committee, a timer device will be fitted to the store signage so that it is only illuminated during store opening hours to avoid attracting customers when the store is not open. This can be secured by condition (see recommended Condition 14 on the draft decision letter).

Sainsbury's have also undertaken to manually switch off or cover the self-scan till lights each day (this is already being done) and to replace the internal store lighting with new LED lights which emit lower levels of light pollution (there is no timescale for this).

ii) servicing

The store, depot and drivers have all been reminded to adhere to the approved delivery plan (Condition 5 of planning permission 12/03886/FULL dated 11 September 2012) which requires all deliveries to the store (with the exception of newspapers and periodicals) to be undertaken from the dedicated servicing bay at the rear between 10.00 and 17.00 daily. Sainsbury's have confirmed that the proposed extension of store opening times would not generate any additional deliveries to the store and in their view the most appropriate way to deal with any breach of this condition would be for the Council to take enforcement action.

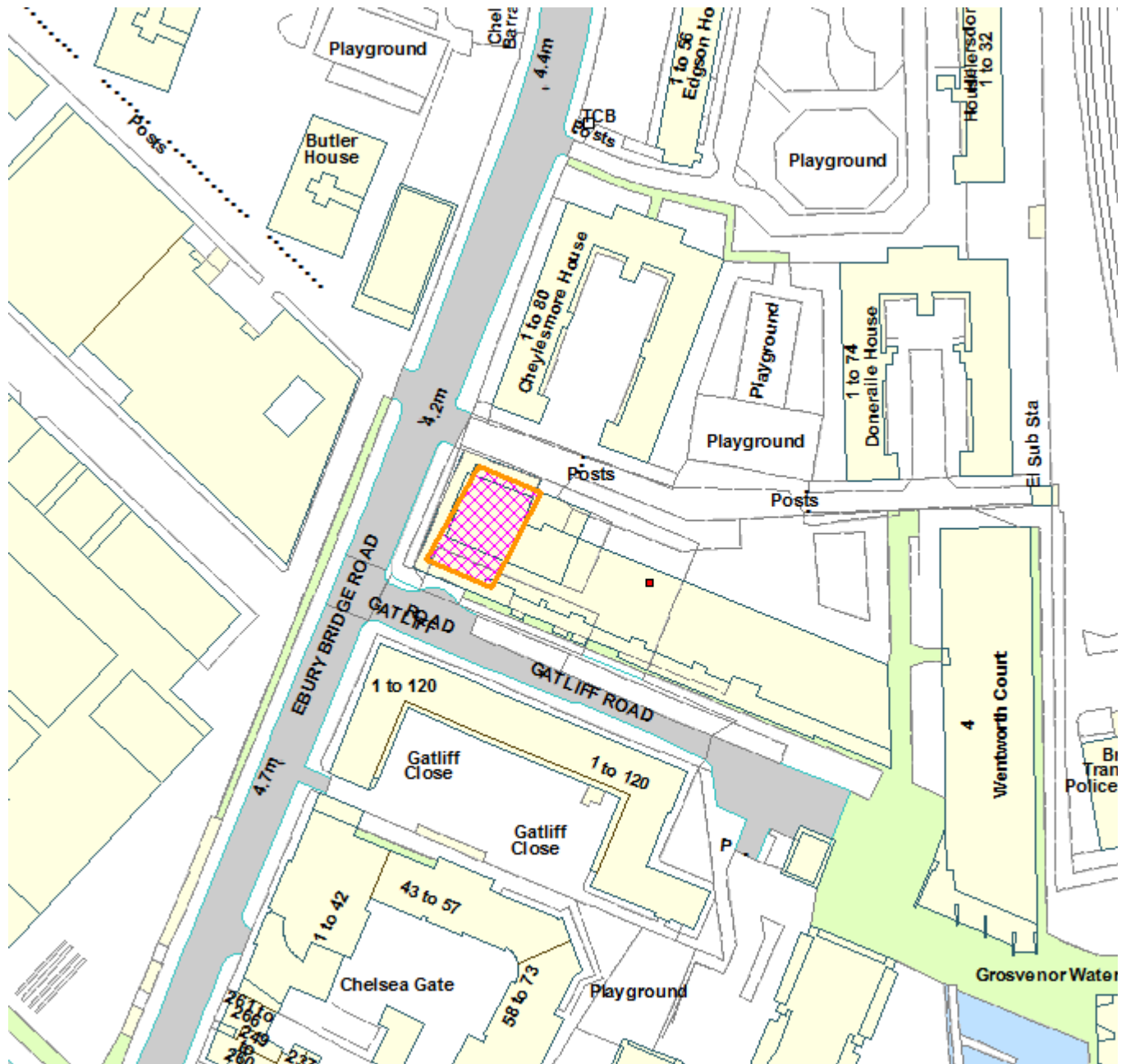
iii) relocation of the ATM

Options for the relocation of the ATM have been considered by Sainsbury's but they consider that this is best positioned adjacent to the store entrance door (where it is at present) for security reasons. The ATM cannot be relocated to the rear of the store as this area is poorly lit and has limited natural surveillance. In Sainsbury's view the ATM is separate to the general operation of the store and they do not consider that this should be a material consideration in the determination of this application.

Notwithstanding Committee's request regarding the existing store signage, Sainsbury's have continued to display the store opening hours as 7am to 11pm daily on the vinyl advertisements applied to the inside face of the store windows.

The application is accordingly reported back to Committee for decision, recommended for approval subject to conditions as previously.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

None since last reported to Planning Applications Committee on 22 November 2016

6. BACKGROUND PAPERS

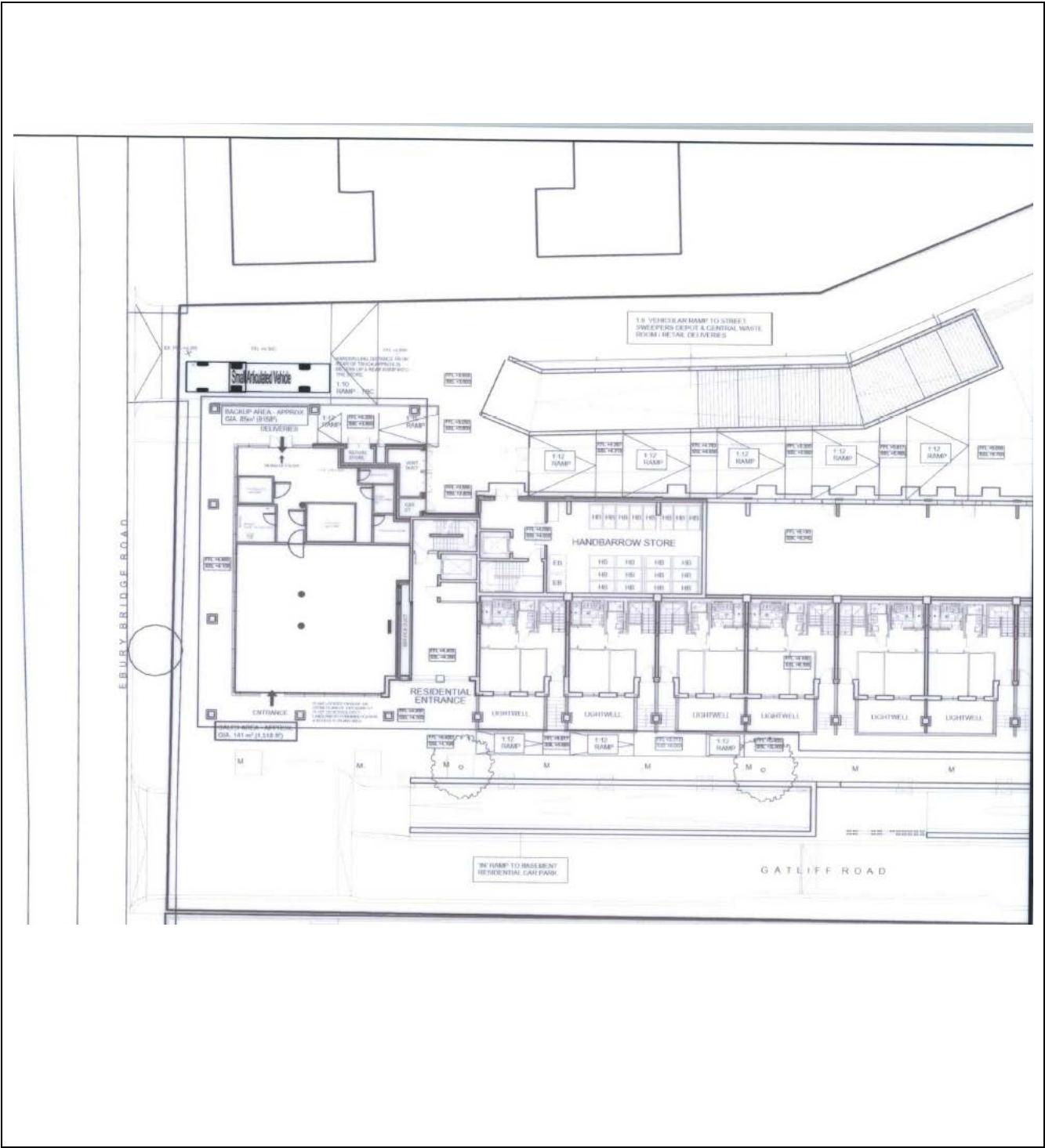
1. Planning Applications Committee report and background papers dated 22 November 2016
2. Indigo Planning emails dated 20 December 2016 and 16 February 2017

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: JULIA ASGHAR BY EMAIL AT: jasghar@westminster.gov.uk

7. KEY DRAWINGS



Unit A1 Moore House – ground floor plan

DRAFT DECISION LETTER

Address: Moore House, 2 Gatliff Road, London, ,

Proposal: Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m2 retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.

Reference: 16/05525/FULL

Plan Nos: Original approved scheme:
9795-1-00-9105-Z00 01; 3085-00-271; 3085-00-273; 9947-D24; 120391/AR/C01; 120391_PD_01; Servicing Delivery Information (Points 1-4); Covering Letter dated 5 April 2012; Design and Access Statement dated April 2012; Supporting Servicing and Operational Statement dated March 2012.

Revised S73 application scheme:
Indigo Planning letter dated 6 June 2016 & email dated 17.10.16; site location plan

Case Officer: Amanda Jackson

Direct Tel. No. 020 7641 2934

Recommended Condition(s) and Reason(s)

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

Reason:

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

2 Customers shall not be permitted within the supermarket premises before 07.00 or after 23.00 daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

3 (1) Where noise emitted from the proposed plant and machinery approved as part of the 06/07097/FULL permission 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 approved as part of the 06/07097/FULL permission 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 approved as part of the 06/07097/FULL permission, 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.

4 No vibration from the plant approved as part of the 06/07097/FULL permission 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.

5 All servicing to the supermarket must be carried out from the service road accessed from Ebury Bridge Road as shown on drawings 120391-AR-C01 and 120391/PD/01.

Reason:

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

6 With the exception of newspapers/ periodicals, all servicing for the supermarket must take place between the hours of 10.00 and 17.00 daily

Reason:

To avoid blocking the access to the street sweepers depot at basement level of Moore House and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

7 Servicing must be carried out in accordance with points 1-4 of the Sainsbury's Delivery Information, as approved as part of the permission dated 11 September 2012 reference 12/03886/FULL.

Reason:

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

8 If Unit A1 is used for Class A3 restaurant/cafe purposes then it must only be used as a sit-down restaurant with waiter service. If you provide a bar and bar seating, it must not take up more than 15% of the floor area of each restaurant. You must use the bar to serve restaurant customers only, before, during or after meals.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

9 Customers shall not be permitted within the restaurant premises before 11.00 or after 23.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

10 If Unit A1 is to be used for restaurant purposes then it shall be constructed and sound insulated and ventilated so as to ensure that there is no perceptible noise (including amplified and nonamplified music and human voices) or vibration transmitted through the structure to adjoining residential premises.

Reason:

To ensure that the plant/machinery hereby permitted which is outside the Central Activities Zone (CAZ), not on a CAZ Frontage and not in a Stress Area will be designed and operated so that noise generated by the plant/machinery hereby permitted will not exceed the background

noise outside the nearest noise sensitive property.

This is required in order to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R39AB)

11 If Unit A1 is to be used as a restaurant, you must apply to us for written approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

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

12 If Unit A1 is to be used for restaurant purposes you must apply to us for written approval of details of a holding store for waste within the restaurant. The restaurant use must not begin until we have approved a waste holding store for that unit. You must then provide the waste holding store in line with the approved details and make it available to everyone using that restaurant unit.

Reason:

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

13 No customer car parking shall be provided or allowed within the Grosvenor Waterside development, including Gatliff Road or the service road. This shall be maintained and managed by both Sainsbury's Supermarkets Ltd and St James Group.

Reason:

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

14 In accordance with Indigo Planning email dated 17.10.16 a timer device shall be fitted to the illuminated signage of the store to ensure that the signage is only illuminated during store opening hours between 07.00 to 23.00 daily. The timer device shall be installed within two months of the date of this decision and shall thereafter be permanently retained for as long as Sainsbury's occupy the shop premises.

Reason:

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

Informatives

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in

order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 You must still keep to the terms and conditions of the original planning permission dated 11 September 2012 unless this decision has changed those terms and conditions. (I15AA)

3 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, Unit A1 of Moore House can change between the Class A1 and Class A3 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

4 Conditions 3 and 4 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)

5 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

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



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (3)** held on **Tuesday 22nd November, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Andrew Smith (Chairman), Barbara Grahame, Robert Rigby and Angela Harvey.

Also Present: Councillor Jason Williams (for item 2 only).

1 MEMBERSHIP

- 1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Andrew Smith explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Smith also declared that in respect of item 6, he had sat on the Committee that had considered a previous application.
- 2.3 Councillor Angela Harvey declared that she would be addressing the Committee as a Ward Councillor in respect of item 4, and so she would withdraw from the Committee during consideration of this application.
- 2.4 Councillor Robert Rigby declared that in respect of item 2, he had sat on the Committee that had considered a previous application.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 11 October 2016 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 30 UPPER GROSVENOR STREET, LONDON, W1K 7EH

Use of the ground floor as a restaurant (Class A3) including the installation of a full height extract duct to the rear elevation.

A late representation was received from MSP Puri of Restaurant Craft Ltd (18.11.2016).

RESOLVED:

That conditional permission be granted.

2 MOORE HOUSE, 2 GATLIFF ROAD, LONDON

Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m2 retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.

Councillor Jason Williams addressed the Committee in his capacity as Ward Councillor to raise his concerns about the application.

RESOLVED:

That the application be deferred to permit the applicant to propose firm measures to address light pollution, servicing and to review the location of the ATM machine in order to reduce the impact of the proposed extended operational hours on local residents. The Committee also requested that the applicant revert to displaying their current lawful operational hours on their signage and to abide by those hours.

3 7-14 COVENTRY STREET, LONDON, W1D 7DH

Variation of Conditions 1 and 7 of planning permission dated 19 June 2012 (RN: 12/02627/FULL) for use of the first floor (mezzanine) as a restaurant (Class A3) with retail (Class A1) accommodation at ground floor level and associated external alterations including the installation of plant at roof level - namely, to vary the approved drawings to allow the relocation of the approved ancillary retail use (Class A1) from ground floor to first floor (mezzanine) level, and to enable the use of the ground floor level for Class A3 (restaurant) use in connection with the existing restaurant.

Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	Moore House, 2 Gatliff Road, London, SW1		
Proposal	Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m2 retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.		
Agent	Indigo Planning Limited		
On behalf of	Sainsbury's Supermarkets Ltd		
Registered Number	16/05525/FULL	Date amended/ completed	14 June 2016
Date Application Received	14 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside conservation area		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application relates to Unit A1 on the ground floor of Moore House which is located on the corner of Ebury Bridge Road and Gatliff Road at the entrance to the St James Grosvenor Waterside development. The unit is occupied by Sainsbury's Supermarkets Ltd as a 'Sainsbury's Local' and comprises 227sqm of Class A1 retail floorspace. Immediately opposite the store on the south side of Gatliff Road is Gatliff Close, a block of residential flats which pre-dates Grosvenor Waterside.

Planning permission is sought to vary Condition 2 of planning permission dated 11 September 2012 relating to the opening hours of the existing Sainsbury's Local store to extend the opening hours by an additional hour on Monday to Saturday so that the store can stay open until 23.00 instead of 22.00 as currently and by three additional hours on Sundays and Bank Holidays so that the store can open at 07.00 instead of 08.00 and stay open until 23.00 instead of 21.00 as currently.

Objections have been received from Cllr Williams and the Gatliff Close Residents Association on

amenity and highways grounds.

The key issue in the determination of this application is the impact of the extended opening hours on the amenity of neighbouring residential occupiers.

The proposal is considered acceptable in amenity terms and accords with Unitary Development Plan (UDP) policies and Westminster City Plan: Strategic Policies (City Plan) policies and is therefore recommended for approval.

5. CONSULTATIONS

Ward Councillor Jason Williams – Objects. Has received objections from local residents relating to the impact of the store on the local community; issues including parking in Gatliff Road, noise and light pollution will be exacerbated by an extension of opening hours. Note there have been problems in the past with service deliveries arriving at the front entrance on Gatliff Road rather than to the delivery bay at the rear. Request that the application is turned down.

Westminster Society – No objection

Highways Planning – No objection

Cleansing – No objection

Environmental Health – No objection. Environmental Health/Noise Team files have only one recorded complaint; a security alarm which was resolved relatively quickly by the store operator and there has been no recorded recurrence. There are no records of any complaints relating to servicing deliveries or internal activity noise.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 350; Total No. of replies: 2

No. of objections: 2 (from a resident of Gatliff Close commenting as an individual and on behalf of Gatliff Close Resident's Association) on the following grounds:

Highways

- The store attracts car drivers who park illegally in Gatliff Road
- Road safety issues – cars that are turned away at the entrance to Grosvenor Waterside by Estate Management staff cause accidents/near misses on Ebury Bridge Road

Amenity

- Light pollution – caused by the headlights of turning vehicles, fluorescent strip lighting in the store and self-scan tills
- Noise - from cars/vehicles coming and going/turning/engines left idling; from people using the cash machine late at night; cash machine attracts vehicular traffic 24 hours a day

Other

- Anti-social behaviour – including street drinking (alcohol)
- Cycles chained to Gatliff Close railings
- Reference to problems experienced in the past i.e. servicing not carried out from the rear of the store (in dedicated delivery bay); store newspaper delivery left outside Gatliff Close flats (and not in delivery bay) and a period of unauthorised extended

store trading from 07.00 to 23.00; difficulty in contacting the relevant person within Sainsbury's to deal with any problems arising.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to Unit A1 on the ground floor of Moore House which is located on the corner of Ebury Bridge Road and Gatliff Road at the entrance to the St James Grosvenor Waterside development. The unit is occupied by Sainsbury's Supermarkets Ltd as a 'Sainsbury's Local' and comprises 227sqm of Class A1 retail floorspace. Immediately opposite the store on the south side of Gatliff Road is Gatliff Close, a block of residential flats which pre-dates Grosvenor Waterside. To the rear of the store is Cheylesmore House, another residential block of flats which forms part of the Council's Ebury Bridge Estate.

6.2 Recent Relevant History

The application property is located on the ground floor of Moore House which forms part of Grosvenor Waterside. The relevant planning history is as follows:

23.07.2007 - planning permission granted for the erection of two buildings: Building A (Moore House) - part five/part six/part seven/part ten storeys for use as 164 residential units, two retail/restaurant (Class A1/A3) units and a street sweepers depot; Building B (Caro Point/Wentworth Court) - rising in stages from six storeys to fourteen storeys with tower feature for use as a 159 residential units (including 71 affordable units) and a retail/restaurant (Class A1/A3) unit (06/07097/FULL)

In the absence of a detailed servicing strategy, the three Class A units if used for Class A1 retail purposes were restricted by Condition 2 of the above permission, to non-food Class A1 retail sales only.

If occupied for Class A3 restaurant purposes the three Class A units could open to customers between 11.00 and 23.00 daily (Condition 4 of the above permission).

11.09.2012 - planning permission granted for use of the ground floor (Unit A1) of Moore House/Building A as a 227sqm retail unit (Class A1) with no conditions restricting food retail uses or as a Class A3 restaurant (12/03886/FULL). This is the permission which allowed Sainsbury's to occupy Unit A1 in Moore House.

Condition 2 of this permission restricted the supermarket trading hours to between 07.00 to 22.00 Monday to Saturday and 08.00 to 21.00 on Sundays and Bank Holidays.

Condition 3 of this permission allowed the restaurant (if Unit A1 was occupied as a Class A3 restaurant) to open to customers from 11.00 to 23.00 daily.

8.04.2016 - planning permission granted for variation of Condition 4 of permission dated 23.07.2007 (06/07097/FULL) to allow the cafe/restaurant in Unit A2 of Moore House to open to customers from 07.00 to 23.00 daily.

7. THE PROPOSAL

This is a S73 planning application to vary Condition 2 of planning permission 12/03886/FULL dated 11 September 2012 relating to the opening hours of the existing Sainsbury's Local store at 2 Gatliff Road.

Permission is sought to extend the store opening hours by an additional hour on Monday to Saturday so that the store can stay open until 23.00 instead of 22.00 as currently and by three additional hours on Sundays and Bank Holidays so that the store can open at 07.00 instead of 08.00 and stay open until 23.00 instead of 21.00 as currently.

8. DETAILED CONSIDERATIONS

8.1 Background

Sainsbury's occupy Unit A1 Moore House as a Sainsbury's Local by virtue of the conditional planning permission granted on 11 September 2012.

In addition to Condition 2 which controls the opening hours of the store, there are a number of other conditions which are relevant to the operation of the store namely; Condition 5 which requires that all servicing to the supermarket must be carried out from the service road accessed from Ebury Bridge Road at the rear of the store; Condition 6 requires that all servicing for the supermarket with the exception of newspapers/periodicals must take place between the hours of 10.00 and 17.00 daily; Condition 7 requires that all servicing must be carried out in accordance with the approved deliveries plan which sets out the servicing procedures for the store and the responsibilities of the store manager, staff and delivery vehicle drivers; and Condition 13 which prohibits customer car parking within Grosvenor Waterside, Gatliff Road and the service road.

Objections to the current application have been received from and on behalf of Gatliff Close residents and from Cllr Willams on highways and amenity grounds. A meeting attended by representatives of Sainsbury's, Gatliff Close Resident's Association, Cllr Williams and a council planning officer took place on site on 3 October 2016 to try to resolve some of the resident's on-going concerns relating to the operation of the Sainsbury store.

8.2 Highways issues – Servicing and Parking

The development has been designed to allow a large servicing vehicle of up to 10.7m in length to enter and leave the site in forward gear. The approved servicing arrangements for the supermarket require that all deliveries and servicing take place via the service road and dedicated bay at the rear of the store. There are up to four delivery vehicle visits each day plus a weekly cigarette delivery. All deliveries with the exception of newspapers/periodicals take place between the hours of 10.00 and 17.00 daily. It is the responsibility of the store manager to ensure that the delivery plan (approved as part of

the September 2012 permission) is adhered to. There have been two instances where the Planning Enforcement Team have investigated the breach of servicing conditions at this store; in 2013, the newspaper delivery was being left in Gatliff Road rather than in the servicing bay and in 2015 there was a further complaint about servicing taking place from the front of the store. However neither of these complaints resulted in the need for the Council to take formal enforcement action

There is no customer car parking for the supermarket either within Grosvenor Waterside or on Gatliff Road. Gatliff Road is a private road and the enforcement of parking controls along here is the responsibility of the Grosvenor Waterside Estate Management Team. Condition 13 of the September 2012 permission prohibits customer car parking and requires that this is managed by St James and Sainsbury's. There are double yellow lines on Ebury Bridge Road immediately in front of the supermarket. This is public highway and therefore normal traffic regulations apply to anyone wishing to stop or park along here.

In response to complaints from residents of both Gatliff Close and Grosvenor Waterside, about the noise and nuisance associated with the large volume of traffic using the entrance and exit from Ebury Bridge Road and the parking/drop-off area near the security hut adjacent to the flats in Gatliff Close, St James have had to take a more proactive approach to traffic management. This can involve Estate Management staff turning vehicles away at the entrance of Gatliff Road. However it should be noted that these vehicles may not be attempting to visit the supermarket but could be visiting the other commercial activities within Grosvenor Waterside, including Purple Dragon (private children's day nursery) or residents. Furthermore there is no evidence to suggest that the vehicles which are prevented from entering and are required to turn round have led to an increase in road traffic accidents at the junction of Gatliff Road/Ebury Bridge Road. Accordingly the Highways Planning Manager is satisfied that the extension of store opening hours would not give rise to any additional road safety issues.

8.3 Residential Amenity issues

The meeting on site on 3 October 2016 with Sainsbury's, Cllr Williams and a representative of Gatliff Close Residents Association sought to address resident's concerns about light pollution.

With regard to the nuisance caused to residents by the headlights of turning cars shining into their lower ground floor flats, it was acknowledged that this is a general Grosvenor Waterside traffic management issue and would need to be taken up with St James's Grosvenor Waterside Estate Management Team. With regard to light pollution emanating from the store itself, Sainsbury's have undertaken to do the following:

- Place a timer on the illuminated signage of the store. This would limit the illumination of the signs to the opening hours of the store and thus reduce the chance of attracting customers when the store is not open.
- Fast track the replacement of the existing in-store strip lighting with new LED lights (currently being rolled out in all Sainsbury stores)
- Find out if it is possible to turn off the lights on the self-scan checkouts during out of hours

Other issues discussed at the meeting include i) the possibility of moving the cash machine (ATM) from Gatliff Road and ii) placing vinyls on the south facing (Gatliff Road shopfront window of the store. However these could give rise to other issues; if the ATM was moved to Ebury Bridge Road this may cause highway safety issues with drivers tempted to park on the double yellow lines whilst using the ATM; if the ATM was moved to the rear of the store (the delivery area) there could be an issue with personal safety/potential for crime as this area has limited natural surveillance and is less well lit.

The possibility of installing vinyls to the inner face of the shopfront window on Gatliff Road was discussed as a way of reducing the nuisance caused by the lights on the self-scan checkouts in this part of the store. However as there are already vinyls on the north and west facing shopfront windows, this is the only elevation of the store which has an active frontage. Vinyl advertisement displays, although they do not require express advertisement from the council, are not generally encouraged because of the dead frontage they create at ground floor level for pedestrians. Sainsbury's willingness to find a way of turning off the lights to the self-scan checkouts is therefore welcomed as a better solution to the problem.

The meeting on 3 October was attended by Sainsbury's Town Planning Manager who is responsible for all the Sainsbury stores in Westminster. He has now provided the Gatliff Close Residents Association with his contact details (name, email and mobile number) so that should any further problems arise in the future the residents can contact him directly.

Given that the adjacent restaurant in Unit A2 of Moore House has approved opening hours of 07.00 to 23.00 daily and that this unit (Unit A1 of Moore House) could also be occupied as a restaurant under the terms of the flexible A1/A3 2012 permission with permitted opening hours of 11.00 to 23.00 daily, it is not considered that the one additional store opening hour on Mondays to Saturdays and the three additional hours on Sundays and Bank Holidays would have a significant impact on the amenity of adjoining residents subject to the conditions on the original permission controlling servicing and subject to an additional condition requiring the illuminated store signage to be controlled by a timer switch.

8.4 Economic Considerations

The economic benefits associated with the supermarket in terms of the service it provides for local residents and the local employment opportunities it offers to Westminster residents are welcomed.

8.5 London Plan

The proposal does not raise strategic issues and does have significant implications for the London Plan.

8.6 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.

8.7 Planning Obligations

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

8.8 Environmental Impact Assessment

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

9. BACKGROUND PAPERS

1. Application form and Indigo Planning letter dated 14.6.2016 and email dated 17.10.16
2. Planning permission dated 11.9.2012 (12/03886/FULL)
3. Councillor Jason Williams (Churchill Ward Councillor) email dated 1.8.2016
4. Westminster Society on-line comment dated 5.7.2016
5. Highways Planning memorandum dated 7.7.2016
6. Cleansing memorandum dated 13.7.2016
7. Environmental Health on-line comment dated 15.07.2016
8. Occupier of 9 Gatliff Close, Gatliff Road on-line comments on behalf of Gatliff Close Residents Association dated 29 July 2016
9. Occupier of 9 Gatliff Close, Gatliff Road on-line comments dated 29 July 2016

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT: ajackson@westminster.gov.uk

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	7 Clifton Hill, London, City Of Westminster, NW8 0QE		
Proposal	Variation to Condition 1 of planning permission and listed building consent dated 20.11.2012 (Ref: 12/03398/FULL & Ref: 12/03399/LBC) for the excavation beneath dwellinghouse and part of rear garden to provide additional residential accommodation, associated internal and external alterations, and retention of bin store in front garden; NAMELY, for a new plant room to sub-basement level including new vent to rear garden and a deepening of the swimming pool, and for new windows and doors to rear lower ground floor level and new windows to rear ground and first floor levels		
Agent	Mr Ben Shaw		
On behalf of	Mr Ben Shaw		
Registered Number	16/09298/FULL, and 16/09299/LBC	Date amended/ completed	10 October 2016
Date Application Received	28 September 2016		
Historic Building Grade	II		
Conservation Area	St John's Wood		

1. RECOMMENDATION

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

2. SUMMARY

No. 7 Clifton Hill is a Grade II listed detached villa building which is located within the St John's Wood Conservation Area. The building comprises the original floor levels of lower ground, ground and first floor levels. Since its construction wings have been added to the main building to both east and west sides, and the site now also includes new accommodation both underneath the front garden related to applications approved on 18th July 2011, and also underneath the house and the rear garden related to applications approved on 20th November 2012.

The basement accommodation underneath the rear garden has not been constructed fully in accordance with the scheme approved on 20th November 2012. The swimming pool has been constructed deeper than approved, and a new plant room structure has been excavated underneath the area of approved basement accommodation in the location of the rear patio. In addition, two windows and a door to rear lower ground floor level which were not included in the approval of 2012 have been removed without permission, and the application seeks to reinstate a timber door and windows to these locations, with a single window each to rear ground and rear first floors on the eastern side wing to the building also proposed for replacement.

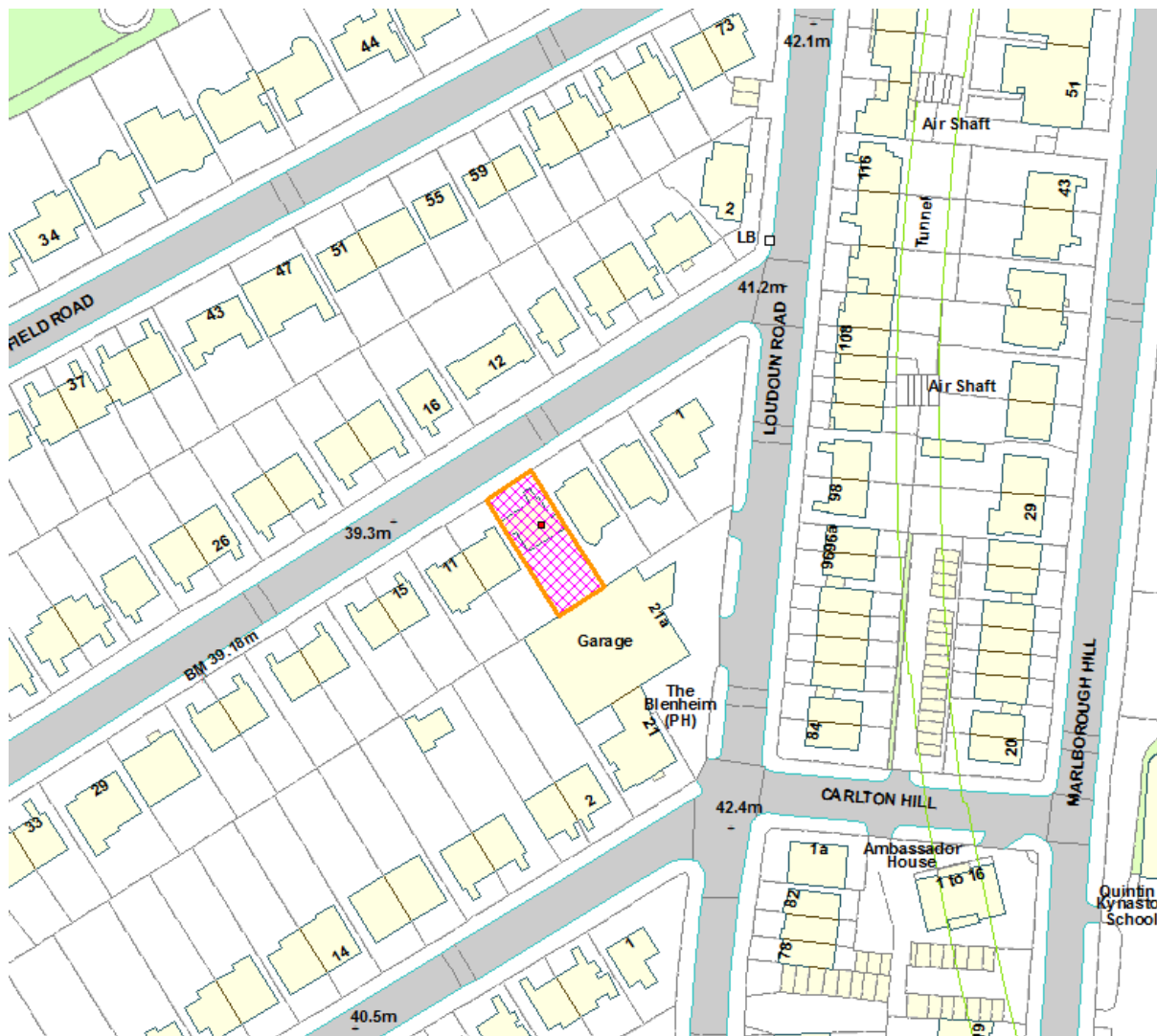
Planning permission and listed building consent are sought to vary the scheme previously approved on 20th November 2012 to retain the basement accommodation underneath the main house and rear garden though with the deeper swimming pool and new plant room including new vent to rear garden, and also for new windows and doors to the rear lower ground floor, and rear upper floors to the side wing. The element of the basement underneath the main house in the scheme approved on 20th November 2012 is unaffected by these changes proposed.

The key issues for consideration are:

- The impact of the proposal upon the special architectural and historic interest of this Grade II listed building and the wider St John's Wood Conservation Area;
- Compliance of proposed basement with basement policy CM28.1 of the City Plan.
- The impact of the proposal upon the amenities of the adjoining residents

For the reasons set out in the main report, the applications are considered acceptable in design/listed building terms, amenity terms and in terms of the impact of the basement development. The proposals comply with the policies set out in the Unitary Development Plan (UDP) and Westminster City Plan and are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear elevation

5. CONSULTATIONS

ST JOHNS WOOD SOCIETY

Any comments to be reported verbally.

ENVIRONMENTAL HEALTH

State that they have no objection to the proposals.

BUILDING CONTROL

Advise that the construction works were inspected by a Private Approved Inspector who has signed the construction work off, that they have no relevant input, and that their initially expressed concerns are no longer relevant to the application proposals.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

Total No. of replies: 2

No. of objections: 2

Objections received on the following grounds:-

- Query that the word retention implies that the swimming pool already exists, but does not clarify whether with planning permission or not.
- Concern expressed about what happens to any storm water in the context of a large basement estimated at two stories deep.
- State that the house and swimming pool make a large imprint, and query whether this is environmentally sustainable.
- Concern expressed about whether this would set a precedent for all the houses in Clifton Hill
- Concern expressed about accessing application information on the internet, and concern that having to do so discriminates by age.
- Concern that an acoustic report has not been provided, and understand that it is requested (by officers). State that it is not clear how this would impact the adjoining property.
- State that the scheme has not been justified structurally, and that no enough information has been provided in terms of details or a method statement setting out how the basement construction would affect the adjoining property. State that they understand that the planning department is still awaiting an engineer's report.
- Note that the construction that has taken place is significantly different to what was proposed, and that this has been a regular occurrence, of more concern given the lack of structural justification.
- State that the proposal is not clear, and nor is the difference between the proposal and the actual construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The existing dwelling house is a Grade 2 listed building located within the St John's Wood Conservation Area. It dates from the mid 19th century and is in use as a single dwelling house. The main body of the building covers lower ground floor, ground floor and first floor levels, though basement accommodation (allowed from previous approvals in 2011) exists underneath the front garden. Further subterranean accommodation is approaching completion to the house and the rear garden, which was approved in 2012 (albeit not fully constructed in accordance with the permission, as described above and below). Apparently relatively long standing side wings exist to both sides of the original villa building, with the eastern side wing rising full height to the main building.

6.2 Recent Relevant History

27 August 2010:

Approval granted for Replacement boundary treatment. Excavation under front garden to create a playroom, shower room and utility room in connection with single dwelling house.

07 December 2010:

Approval granted for Replacement boundary treatment and excavation under front garden to create further accommodation in connection with single dwelling house.

18 July 2011:

Approval granted for Demolition and replacement of front boundary treatment and excavation under front garden to create further accommodation in connection with single dwelling house, including lightwell immediately adjacent to front elevation of the building. Associated alterations to front elevation.

20 November 2012:

Approval granted for Excavation beneath house and under rear garden to provide additional residential accommodation, external alterations and the retention of the bin store structure in front garden.

7. THE PROPOSAL

The scheme approved on 20th November 2012 allowed for the creation of a new basement underneath the house and part of the rear garden, which included a large swimming pool and gym in the accommodation beneath the rear garden and also a plant room to the far end of the accommodation under the rear garden. This basement development is approaching completion on site, however several alterations to the scheme, approved on 20th November 2012 have been made, principally related to the depth of the basement which has been increased in depth by 0.7m and the creation of a new section of sub-basement excavation (measuring 2.2m in depth) for a new plant room in a location immediately adjacent to the house in the location of the rear patio, and with a new vent

proposed to the rear garden in association with the new plant room. These current applications seek to vary the previous approvals to incorporate these amendments. These current applications also seek to install a new door and two new sash windows to the rear lower ground floor level to replace those removed during the course of the works without permission. Existing relatively modern windows to the rear elevation of the eastern side wing at ground and first floor levels are proposed to be replaced with new sash windows. In addition, the applications seek permission to install walk on glazing slightly set below the level of the front garden to a small section of the front lightwell in place of the existing grill, which would match the glazing across the remainder of this front lightwell.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the new floor space proposed at basement level over and above that included with the scheme approved in 2012 is limited solely to the new plant room, and this increase to a single dwelling house accords with Policy H3 in the UDP.

8.2 Townscape and Design

As set out above, the two principal physical differences between the scheme for a basement underneath the house and rear garden which was approved on 20 November 2012 and the current application proposals relates to a deeper volume which has been created to the swimming pool area, and also for the creation of a new plant room area underneath the rear patio of the building (including underneath the rear lightwell which includes a fixed grill at patio level). The increase in depth of the swimming pool located outwith of the footprint of the main original building is relatively limited and this does not adversely affect the character of this listed building. The new plant room area creates a relatively small new room to basement level set beneath the rear patio, and this also would not in itself adversely affect the character of the listed building.

The external manifestations of the basement proposed for retention also includes a slight increase in the width of the rear lightwell. This lightwell will retain its approved projection from the building but will be approximately 40cm wider. The modest increase in width is not considered to cause harm to the character and appearance of the building or conservation area, and as with the approved scheme it will be covered by a black metal grill which will minimise its visual impact. The slight widening of the York stone paved rear patio is considered uncontentious. In addition, a new plant vent measuring 70cm x 70cm x 70cm and clad to each side in timber louvres is proposed to be set within a planter bed to the west side of the rear garden, which will be located immediately adjacent to the side boundary wall. This is considered a discreet location for this feature, and it will not unduly clutter the attractive landscaped character of the rear garden or the setting of the building.

To the front lightwell, a new section of walk-on glazing is proposed in place of a small existing section of metal grill, and this would match the glazing present to the remainder of the lightwell adjacent. The approval of 18 July 2011 allowed for glazing across the full width of this front lightwell. As such, this work is not considered contentious.

The removal of the door and two sash windows to rear lower ground floor level is regrettable, however this application seeks as a starting point the installation of two new sash windows and a new door. These will be formed in timber and subject to a condition to secure an amendment to reduce the height of the window openings on site so that they match the height of the original openings, this work is considered acceptable. The slight widening of the width of one of these windows will allow it to match the width of the other, which is considered acceptable. The removal of relatively modern windows to ground and to first floor levels on the rear elevation of the side wing and their replacement with new sash windows is considered uncontentious.

In conclusion, the proposed development is acceptable in design terms, 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 (discussed below).

8.3 Residential Amenity

The scheme has largely been largely completed on site, and the applications seek its retention as built. In such circumstances, the proposed development is considered acceptable in residential amenity terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

Mechanical Plant

The scheme approved on 20th November 2012 included a plant room located to the far end of the basement underneath the rear garden, with this room being ventilated through the lightwell adjacent to the rear elevation. This current application includes a new location for the plant room, to new sub-basement level in a location underneath the rear patio, to be ventilated through that lightwell and through a vent sited against the western boundary wall within the rear garden. Notwithstanding the concerns raised by an objector about a perceived lack of an acoustic report, one has been submitted to accompany the application and which assesses the noise implications of proposed plant in relation to adjoining residential 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.

8.4 Transportation/Parking

The proposals do not give rise to significant highways or parking issues given that the works are largely complete. The existing refuse store within the front garden is unaffected by these current proposals.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The access arrangements into the building remain unchanged by the proposals.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Policy CM28.1

The City Plan was adopted as consolidated with the new basement policy in July 2016. Policy CM28.1 within the City Plan relates to proposals for basement development. This policy therefore was adopted subsequent to the 20 November 2012 approval of a basement development underneath the house and the rear garden to this property. It is apparent that in several regards the basement proposed for retention in this application does not fully meet Policy CM28.1. This policy requires that basement development does not extend beneath more than 50% of the garden land, whereas in this case the basement extends beneath approximately 50.5% of the garden land (including accounting for the previously approved and now constructed basement underneath the front garden). Given that the approval of 20th November 2012 allowed a basement of similar footprint to that proposed in this application aside from the relatively small new plant room and that it is approaching completion, and that the basement proposed extends only marginally above the 50% requirement it is not considered that permission could reasonably be withheld in this case.

The basement proposed also does not maintain the 1.2m soil depth above the new basement as set out in CM28.1, but instead has a short angled grass bank immediately adjacent to the rear patio which incorporates a minimum of 0.4m depth of soil above the basement and with the basement otherwise being a minimum of 1.1m beneath the garden level. This however is very similar to the arrangement included in the approval of 20th November 2012 and given that, and that the depth of soil for almost all the garden level only just falls short of the policy requirement then it is not considered that permission could reasonably be withheld in this case.

Policy CM28.1 of the City Plan also requires that basement development does not involve the excavation of more than one storey below the lowest original floor level, except to large sites with high levels of accessibility and that no heritage assets will be adversely affected. A concern was raised by an objector that they judged the basement to be two stories high. The two main elements of the scheme which differ from those previously approved on 20th November 2012 are the increase in depth of the swimming pool and the creation of a new plant room underneath the rear lightwell. The swimming pool area is 5.1m in depth at its deepest point as compared to 4.4m as approved, though is otherwise similar to that previously approved. Though this represents an increase in volume over and above that previously approved, nonetheless it remains as a single floor level of limited increase in height as compared to the approved scheme and as such this element is not considered contrary to the policy above. The creation of a new plant room beneath the rear lightwell creates a room at sub-basement level which is sited directly below part of the basement approved in 2012. Notwithstanding that this creates two floors of basement accommodation to this location, the new room created is relatively small and it is not considered that permission could reasonably be withheld on this ground.

The basement proposed is in general accordance with the policy otherwise. Given the above comments, the application is not considered unacceptable when assessed in light of Policy CM28.1 of the City Plan.

8.7.2 Basement Structural Issues

With regards to the structural impact of the basement proposals, two objections have been received in relation to structural and construction issues related to the creation of basement development. It is noted that no structural report has been submitted to accompany this application submission, although one was submitted for the previous application approved on 20 November 2012 and to which Building Control raised no objection. The Building Control team have been consulted on these current applications and have responded and raised no objections, and state that they note that the construction works were inspected by a Private Approved Inspector who has signed the construction work off. Notwithstanding the concerns received from several neighbours it is considered that permission could not reasonably be withheld on structural grounds.

8.7.3 Construction Impact

With regards to issues related to noise and disruption from construction works, it is again noted that the principal basement development works are approaching completion. To address these construction impact issues however it is recommended that a condition is imposed to limit the hours of building works, including additional weekend restrictions should there be any remaining basement works. In the circumstances of this case, it is not considered appropriate to require measures to ensure compliance with the City Council's Code of Construction Practice. Subject to the hours of works conditions it is not considered that permission could reasonably be withheld on construction impact grounds.

8.7.4 Trees and Biodiversity

In terms of its footprint, the scheme remains as previously approved aside from a new area of excavation directly underneath the rear lightwell adjacent to the main building, and a minor deepening of the swimming pool area which would not be anticipated to raise new issues for trees. As such, it is not considered that the alterations from the scheme approved in 2012 would give rise to any new trees issues, and thus the scheme would accord with Policies ENV16 and 17 in the UDP and CM28.1 in the City Plan in this regard.

8.7.5 Sustainability

Concern has been raised by an objector to the applications as to whether a house with a swimming pool, which together are stated by the objector to make a large imprint, can be considered environmentally sustainable. It is considered however that swimming pools are not uncommon features of basement development, and though the basement construction accommodating this pool is relatively large the pool is not in itself considered inherently unsustainable. As such, it is not considered that permission could reasonably be withheld on this ground.

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.

This development does not generate a Mayor CIL or WCC CIL payment.

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

One of the objectors raises a query about whether the word 'retention' implies that the swimming pool already exists but does not clarify whether this is with planning permission or not. The application submission makes clear reference to the earlier approval of 2012, with the pool marked clearly on drawings annotated as 'approved', and as such this issue is considered to have been suitably illustrated on the application submission.

A comment has been received from an objector stating that in their opinion the application proposals are not clear including the difference between the proposal and the actual construction. The application has been accompanied by a set of 'existing' drawings detailing the situation prior to the 2012 approval/construction, a set of 'approved' drawings detailing the situation approved in 2012, and a set of 'proposed' drawings setting out what is proposed to be retained under this application. Officers consider that the information is clear in terms of representing these application proposals, and this concern is therefore not considered sustainable.

Concern is also expressed by one of the objectors about whether an approval of these works would set a precedent for all the houses in Clifton Hill. In many respects, the basement under the house and rear garden has already been approved, and this application seeks merely to retain some aspects not carried out in accordance with the approval of 2012. Any applications for basement development to other buildings in Clifton Hill would be judged on their own merits.

9. BACKGROUND PAPERS

1. Application forms.
2. Emails from Building Control dated 16.November 2016 with email chain attached and dated 27 October 2016
3. Memorandum from Environmental Health dated 06 March 2017
4. Comments from the occupier of 12 Clifton Hill dated 04 November.2016
5. Comments from the occupier of 5 Clifton Hill dated 08 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)

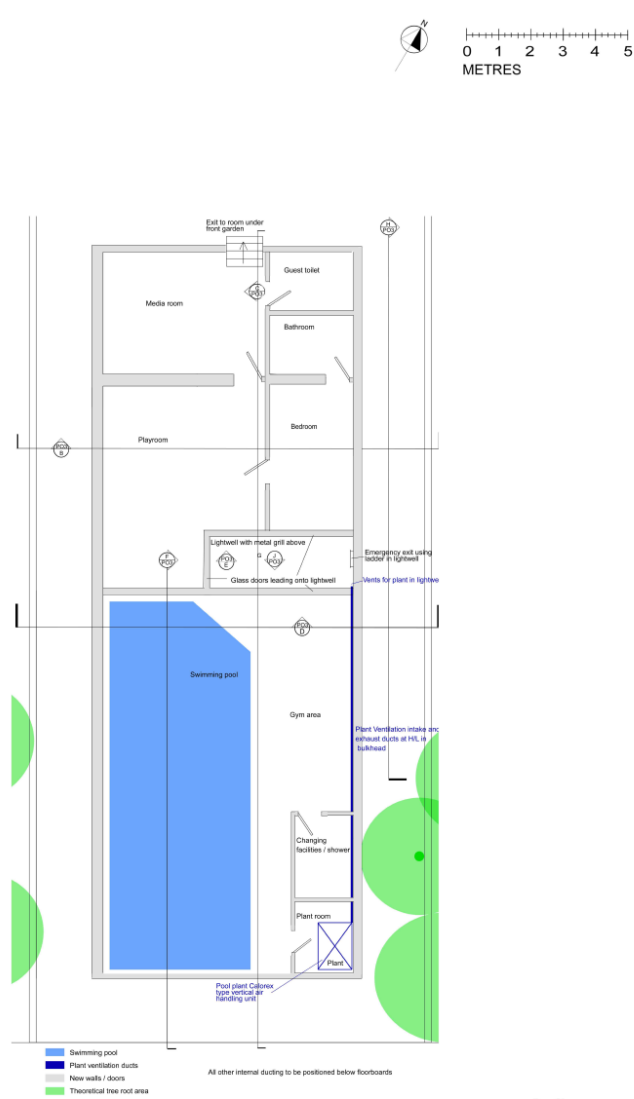
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

10. KEY DRAWINGS

Proposed Basement Plan



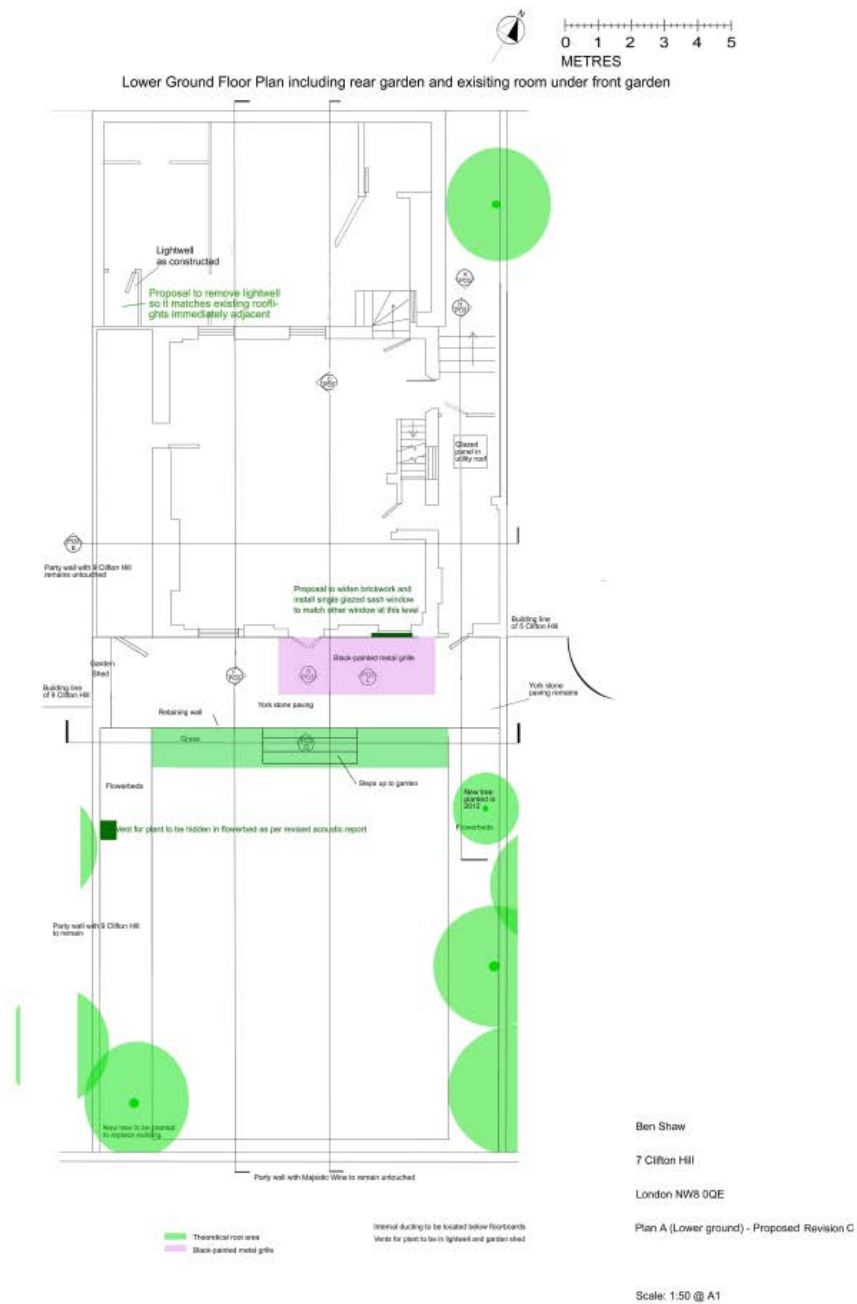
Approved Basement Plan



Basement plan

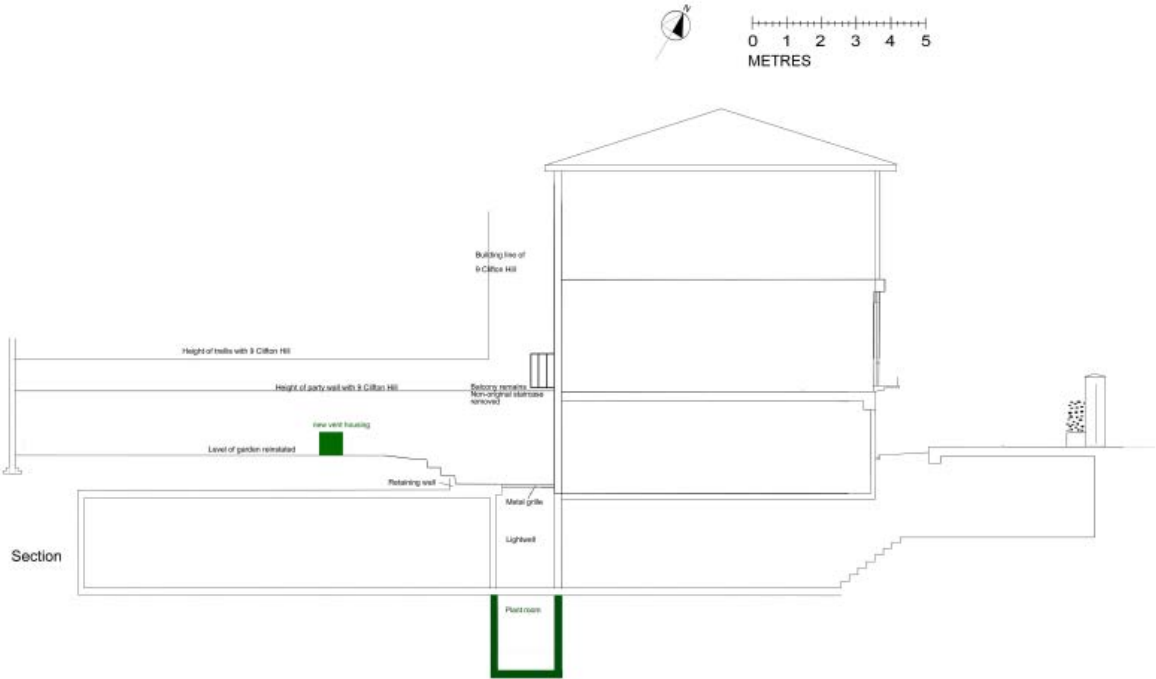
Ben Shaw
 7 Clifton Hill
 London NW8 0QE
 Plam I (Basement) - Approved
 Scale: 1:50 @ A1

Proposed Lower Ground Floor Plan



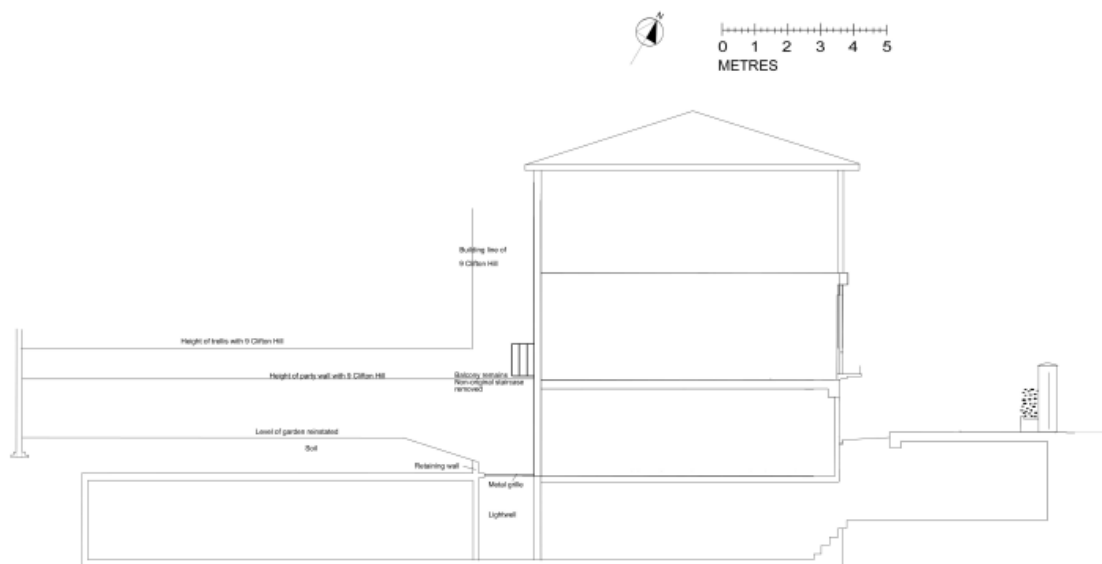
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Proposed Section C



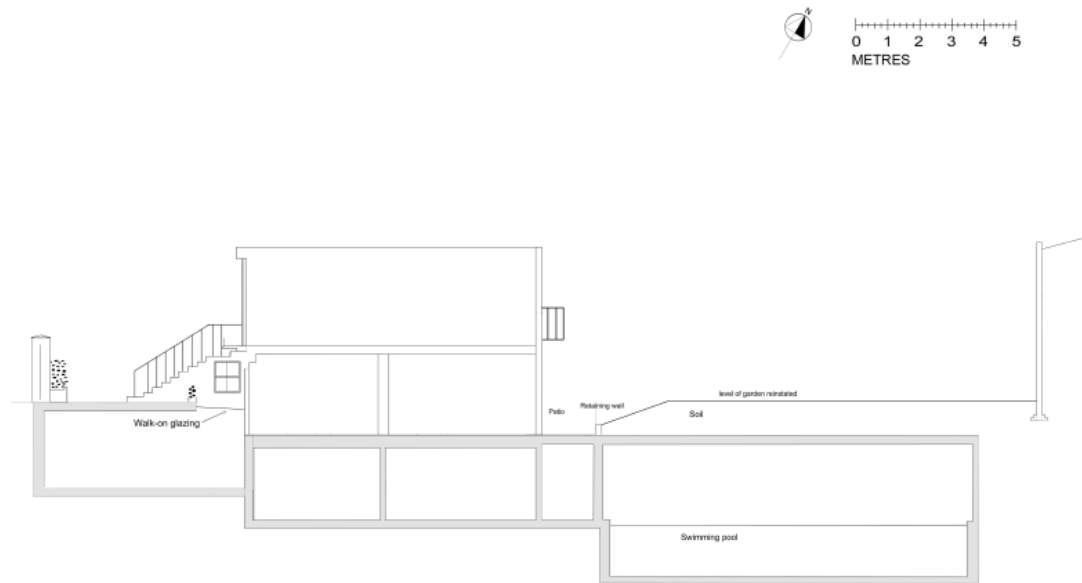
Ben Shaw
 7 Clifton Hill
 London NW8 0QE
 Section C - Proposed Revision B
 Scale: 1:50 @ A1

Approved Section C



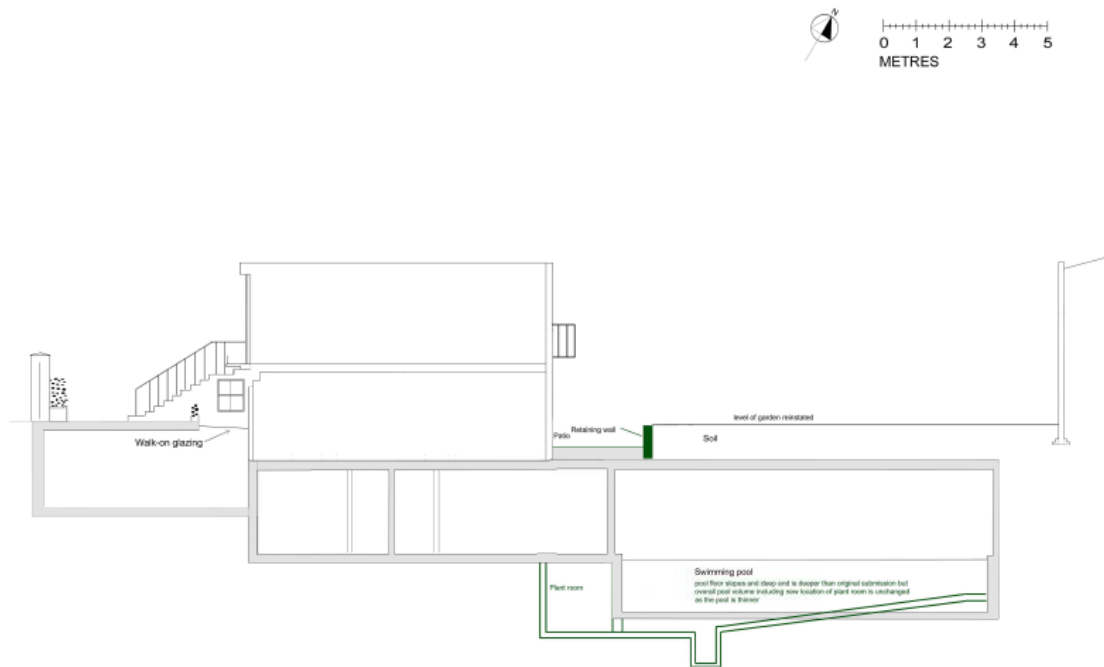
Ben Shaw
7 Clifton Hill
London NW8 0QE
Section C - Approved
Scale: 1:50 @ A1

Approved Section F



Ben Shaw
7 Clifton Hill
London NW8 0QE
Section F - Approved

Scale: 1:50 @ A1

Proposed Section F

Ben Shaw
7 Clifton Hill
London NW8 0QE
Section F - Proposed Revision C
Scale: 1:50 @ A1

DRAFT DECISION LETTER

Address: 7 Clifton Hill, London, City Of Westminster, NW8 0QE

Proposal: Retention of increased size and depth of basement pool and plant room to rear and front lightwell; alterations to windows (Linked Case: 16/09299/LBC).

Reference: 16/09298/FULL

Plan Nos: Plan A (Lower Ground) - Approved, Plan A (Lower Ground) - Existing, Plan A (Lower Ground) - Proposed Revision C, Section B - Approved, Section B - Existing, Section B - Proposed Revision B, Section C - Approved, Section C - Existing, Section C - Proposed Revision B, Section D - Approved, Section D - Existing, Section D - Proposed Revision A, Elevation E (Rear Elevation) - Approved, Elevation E (Rear Elevation) - Existing, Elevation E (Rear Elevation) - Proposed Revision A, Section F - Approved, Section F - Proposed Revision C, Elevation G - Approved, Elevation G - Proposed Revision A, Section H - Approved, Section H - Existing, Section H - Proposed Revision A, Plan I (Basement) - Approved, Plan I (Basement) - Proposed Revision B, Plan J (Upper Ground) - Approved, Plan J - Existing, Plan J (Upper Ground Floor) - Proposed Revision A, Elevation K (Front Elevation) - Approved, Elevation K (Front Elevation) - Existing, Elevation K (Front Elevation) - Proposed Revision A, Elevation L - Approved, Elevation L - Existing, Elevation L - Proposed Revision A, Elevation M - Approved, Elevation M - Existing, Elevation M - Proposed Revision A, Elevation N - Approved, Elevation N - Existing, Elevation N - Proposed Revision A, Plan O (First Floor) - Approved, Plan O (First Floor) - Existing, Plan O (First Floor) - Proposed Revision A, Elevation P - Approved, Elevation P - Existing, Elevation P - Proposed Revision A, Elevation Q - Proposed Revision A, Acoustic Report from Acoustic Plus ref: 103208 ph Issue 1, Location Plan, Design and Access Statement, Letter from Assent Building Control dated 15.03.2016 Ref NN67658, Site Photos, Emails from Ben Shaw dated 27th October 2016 and 1st December 2016 as amended in part by above drawings

Considered for Information Only:-

Report from Michael Barclay Partnership dated 21st February 2014, Technical Information sheets from Michael Barclay Partnership dated 21st February 2014, 30th and 30th November 2015

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

Recommended Condition(s) and Reason(s)

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 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)

- 4 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 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 3 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)

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

Reason:

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

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

Reason:

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

- 7 The new doors in the rear lightwell shall be timber

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)

- 8 The grille to the rear lightwell shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter, and shall be formed of black coloured metal

Reason:

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

- 9 The new windows to the rear elevation at ground, first and second floor levels shall be formed in glazing and white painted timber framing, and shall be constructed as single glazed vertically sliding sash windows

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)

- 10 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:-
 , - Cill level on rear lower ground floor level windows raised to their original level (3 brick courses higher than existing on site), , 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 (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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

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

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

- 5 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:, , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.

- 6 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:., , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard

arising be reduced to a safe level if avoidance is not possible;,, * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 7 You will need to re-apply for planning permission and/or listed building consent if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 8 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.
- 9 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 10 You are advised that Thames Water recommends that a non-return valve or other suitable device be installed to avoid the risk of back flow at a later date , on the assumption that the sewerage network may surcharge to ground level during storm conditions.

1. Application forms., 2. Emails from Building Control dated 16.11.2016 with email chain attached and dated 27.10.2016, 3. Memorandum from Environmental Health dated 06.03.2017, 4. Comments from the occupier of 12 Clifton Hill dated 04.11.2016, 5. Comments from the occupier of 5 Clifton Hill dated 08.11.2016, ,

DRAFT DECISION LETTER

Address: 7 Clifton Hill, London, City Of Westminster, NW8 0QE

Proposal: Variation to Condition 1 of listed building consent dated 20.11.2012 (Ref: 12/03399/LBC) for the Excavation beneath dwellinghouse and part of rear garden to provide additional residential accommodation, associated internal and external alterations, and retention of bin store in front garden; NAMELY, for a new plant room to sub-basement level including new vent to rear garden and a deepening of the swimming pool, alterations to rear lightwell and patio, and for new windows and doors to rear lower ground floor level and new windows to rear ground and first floor levels

Reference: 16/09299/LBC

Plan Nos: Plan A (Lower Ground) - Approved, Plan A (Lower Ground) - Existing, Plan A (Lower Ground) - Proposed Revision C, Section B - Approved, Section B - Existing, Section B - Proposed Revision B, Section C - Approved, Section C - Existing, Section C - Proposed Revision B, Section D - Approved, Section D - Existing, Section D - Proposed Revision A, Elevation E (Rear Elevation) - Approved, Elevation E (Rear Elevation) - Existing, Elevation E (Rear Elevation) - Proposed Revision A, Section F - Approved, Section F - Proposed Revision C, Elevation G - Approved, Elevation G - Proposed Revision A, Section H - Approved, Section H - Existing, Section H - Proposed Revision A, Plan I (Basement) - Approved, Plan I (Basement) - Proposed Revision B, Plan J (Upper Ground) - Approved, Plan J - Existing, Plan J (Upper Ground Floor) - Proposed Revision A, Elevation K (Front Elevation) - Approved, Elevation K (Front Elevation) - Existing, Elevation K (Front Elevation) - Proposed Revision A, Elevation L - Approved, Elevation L - Existing, Elevation L - Proposed Revision A, Elevation M - Approved, Elevation M - Existing, Elevation M - Proposed Revision A, Elevation N - Approved, Elevation N - Existing, Elevation N - Proposed Revision A, Plan O (First Floor) - Approved, Plan O (First Floor) - Existing, Plan O (First Floor) - Proposed Revision A, Elevation P - Approved, Elevation P - Existing, Elevation P - Proposed Revision A, Elevation Q - Proposed Revision A, Acoustic Report from Acoustic Plus ref: 103208 ph Issue 1, Location Plan, Design and Access Statement, Letter from Assent Building Control dated 15.03.2016 Ref NN67658, Site Photos, Emails from Ben Shaw dated 27th October 2016 and 1st December 2016 as amended in part by above drawings, , Considered for Information Only:-, Report from Michael Barclay Partnership dated 21st February 2014, Technical Information sheets from Michael Barclay Partnership dated 21st February 2014, 30th and 30th November 2015,

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

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. 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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 The new doors in the rear lightwell shall be timber

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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The grille to the rear lightwell shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter, and shall be formed of black coloured metal

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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 The new windows to the rear elevation at ground, first and second floor levels shall be formed in glazing and white painted timber framing, and shall be constructed as single glazed vertically sliding sash windows

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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

, - Cill level on rear lower ground floor level windows raised to their original level (3 brick courses higher than existing on site), , 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 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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan 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 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Item No.
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Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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