



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 31st January, 2017**

Time: **6.30 pm**

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

Members: **Councillors:**

Angela Harvey (Chairman)
Iain Bott
Louise Hyams
Jason Williams

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

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



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

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
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 / ELECTION OF CHAIRMAN

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. TREE PRESERVATION ORDER NO. 632 (2016) - 188 SUTHERLAND AVENUE, W9 1HR

(Pages 1 - 32)

5. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

1. 8 CHESTERFIELD HILL, LONDON, W1J 5BW

(Pages 35 - 58)

2. 38-40 STRATTON STREET, LONDON, W1J 8LT

(Pages 59 - 68)

3. 37-38 MARGARET STREET, LONDON, W1G 0JF

(Pages 69 - 78)

4. 18 WEIGHHOUSE STREET, LONDON, W1K 5LU

(Pages 79 - 90)

5. 29 MARYLEBONE ROAD, LONDON, NW1 5JX

(Pages 91 - 116)

6. 18 ILBERT STREET, LONDON, W10 4QJ

(Pages 117 - 126)

7. 50 BALCOMBE STREET, LONDON, NW1 6ND

(Pages 127 - 144)

8. FIRST FLOOR FLAT, 88 QUEENSWAY, LONDON, W2

(Pages 145 -

3RR

9. 5 MAIDA AVENUE, LONDON, W2 1TF

154)

**(Pages 155 -
170)**

**Charlie Parker
Chief Executive
23 January 2017**

This page is intentionally left blank



City of Westminster

Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 632
(2016)
188 Sutherland Avenue, London,
W9 1HR**

Date: 31st January 2017





City of Westminster

Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 632
(2016) 188 Sutherland Avenue,
London, W9 1HR**

Date: 31st January 2017

Summary of this Report

The City Council has made a Tree Preservation Order (TPO) to protect one Horse Chestnut tree located in the garden at 188 Sutherland Avenue, London, W9 1HR. The TPO is provisionally effective for a period of six months from 9th August 2016 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 8th February 2017.

The TPO was made because the tree has significant amenity value and makes a valuable contribution to the character and appearance of the conservation area. The City Council, having been made aware of the proposal to remove the Horse Chestnut tree considers it expedient in the interests of the amenity that a TPO is made in order to safeguard its preservation and future management.

Objection to the TPO has been made by the owner of 188 Sutherland Avenue, London, W9 1HR

The City Council's Arboricultural Officer has responded to the objections.

Recommendations

The Sub-Committee should decide EITHER

(a) NOT to confirm Tree Preservation Order No. 632 (2016); OR

(b) Confirm Tree Preservation Order No. 632 (2016) with or without modification with permanent effect.



City of Westminster

Committee Report

| | |
|--------------------|--|
| Item No: | |
| Date: | 31 st January 2017 |
| Classification: | General Release |
| Title of Report: | Tree Preservation Order No. 632 (2016)_ 188 Sutherland Avenue, London, W9 1HR |
| Report of: | The Director of Law |
| Wards involved: | Little Venice |
| Policy context: | |
| Financial summary: | No financial issues are raised in this report. |
| Report Author: | Daniel Hollingsworth |
| Contact details | dhollingsworth@westminster.gov.uk |

1. Background

- 1.1 Under current legislation the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 632 (2016), authorised by the Operational Director Development Planning acting under delegated powers on 2nd August 2016, was served on all the parties whom the Council is statutorily required to notify and took effect on 9th August 2016.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they have to be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 632 (2016) was made following the receipt by the City Council of six weeks notice of intention to remove the Horse Chestnut tree (T1) submitted under section 211 of the Town and Country Planning Act 1990 (Trees in Conservation Areas). The tree is situated within the Maida Vale Conservation Area. On receipt of such notice the City Council can either raise no objections to the works or make a Tree Preservation Order.
- 1.4 The reasons given for the proposed removal of the tree are:
- Southside of canopy has died which hangs over a busy footpath and Sutherland Avenue East Bound carriageway.
 - Potential falling limbs over footpath render the tree dangerous.
 - Die back from tips indicates possible root disorder or desiccation of roots on pavement side of rooting area.
 - North canopy is in a fair physiological condition leaving the tree structurally and aesthetically unbalanced.
- 1.5 Subsequent to the making of the TPO the City Council received one objection.

2. Objections on behalf of owners of 188 Sutherland Avenue

- 2.1 On 3rd October 2016 the Council's Legal Services section received a letter dated 30th September 2016 from Parsons Tree Care (**Appendix A**) objecting to the TPO on the grounds that:
- 2.1.1 The tree was surveyed in May 2016 for poor condition and the condition has since worsened.
- 2.1.2 The entire south side of the canopy has died which overhangs a busy

footpath and Sutherland Avenue east bound carriageway.

- 2.1.3 The tree has no safe useful life expectancy with less than ten years expected.
- 2.1.4 The tree has a British standard categorisation of U which is defined: *Trees that have a serious, irremediable, structural defect which are expected to collapse, Trees that are dead or are showing signs of significant, immediate and irreversible decline, or Trees infected with pathogens with significant risk to the health and safety to other trees.*
- 2.1.5 The tree overhangs a main road and footpath with high frequency of pedestrians.
- 2.1.6 The tree is showing early signs of colonization by the fungus *Guignardia aesculi*.
- 2.1.7 The tree is now considered to be in a dangerous condition.
- 2.1.8 An application has been put forward for a suitable replacement tree.

3. Response to Objection

- 3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 10th January 2017(**Appendix B**):
 - 3.1.1 It is agreed the Horse Chestnut Tree is in poor condition but cause of decline has not been demonstrated. The tree still remains of significant amenity value to the area and is a positive contribution to the conservation area.
 - 3.1.2 It is not inevitable that the tree needs to be removed on the grounds of its current condition and it is suggested the condition of the tree be reviewed in the spring.
 - 3.1.3 It is difficult to be certain of the causes of the poor condition of the tree. Reference to street view images indicates the decline has been rapid. Which suggests either the root system is dysfunctional or has failed, or the vascular system serving the dying part of the tree has been disrupted.
 - 3.1.4 Five copper nails were found at the base of the trunk and there is a small patch of missing bark. Although toxic to the tree the copper nails are not likely to be the cause of such extensive dieback Salt damage is a possibility, but herbicide or other chemical damage is the most likely cause of dieback. If herbicide is the cause of symptoms, prognosis for the tree is poor but does not necessarily mean the tree must be removed. Further investigation should be conducted to track the rate

and appearance of dieback. Review is suggested in the spring regarding the condition of the tree.

3.1.5 A proposal to replace the tree is welcomed, but the City Council cannot require tree replacement if no objections are raised in response to a section 211 notification of intent to remove a tree in a conservation area. The loss of character and amenity from the removal of the tree takes a considerable amount of time to restore by restoring replacement trees.

3.1.6 The formal consent of the City Council is not required for the removal of dead wood from the tree.

4. Support for TPO

4.1 In response to the section 211 notification of intent to remove the tree (16/06218/TCA), the City Council received 5 letters/ emails objecting to its removal. Two correspondents speculated a recent planning application for a basement may be a reason for the proposed tree removal. A revised basement proposal is currently under consideration by the City Council (16/01254/FULL).
The correspondence is attached at Appendix C

5. Ward Member Consultation

5.1 Ward member comments were sought in this matter but no responses have been received. Should any comments be received, they will be reported to the committee at the meeting.

6. Conclusion

6.1 In the light of the representations received from the objector it is for the Planning Applications Sub-Committee to decide whether to confirm the TPO, with or without modification, or whether the TPO should not be confirmed.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE DANIEL HOLLINGSWORTH, PLANNING AND PROPERTY SECTION, LEGAL SERVICES ON 020 7641 1822 (FAX 020 7641 2761)
(Email dhollingsworth@westminster.gov.uk)

Local Government (Access to Information) Act 1985

Copy of TPO 632 (2016)

Background Papers

Appendix A - Letter of objection dated 30th September 2016

Appendix B – Westminster City Council letter of response dated 10th January 2017

Appendix C – Responses received in relation to consultation on proposed tree removal

TREE PRESERVATION ORDER
TOWN AND COUNTRY PLANNING ACT 1990
CITY OF WESTMINSTER TREE PRESERVATION ORDER 632 (2016)

The Westminster City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order –

Citation

1. This Order may be cited as The City of Westminster Tree Preservation Order 632 (2016)

Interpretation

2. (1) In this Order “the authority” means Westminster City Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this *9th* day of *August* 2016

56671

THE COMMON SEAL OF THE LORD)
MAYOR AND CITIZENS OF THE)
CITY OF WESTMINSTER was)
hereunto affixed by order:)



Director of Law



Scale 1:1,250

0 10 20 40 Metres

Map produced by Corporate GIS Team
Date: August 2016 Map Reference: 0109

City of Westminster

Corporate GIS Team

Tree Preservation Order Westminster no. 632:
188 Sutherland Avenue, London, W9 1HR

© Crown copyright and database rights 2016. OS 100019597

Director of Law:
Signed:

SCHEDULE
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|---|
| T1 | Horse chestnut | 188 Sutherland Avenue London W9 1HR |

Trees specified by reference to an area
(within a dotted black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
| <u>NONE</u> | | |

Groups of trees
(within a broken black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
| <u>NONE</u> | | |

Woodlands
(within a continuous black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
| <u>NONE</u> | | |

DATED 9th August 2016

THE TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)

CITY OF WESTMINSTER

TREE PRESERVATION ORDER 632 (2016)

188 Sutherland Avenue
London
W9 1HR

TREE PRESERVATION ORDER
MADE FOR THE PURPOSES
OF SECTION 198 OF THE
TOWN AND COUNTRY
PLANNING ACT 1990
(AS AMENDED)

Director of Law
Westminster City Council
Westminster City Hall
Victoria Street
LONDON SW1E 6QP

Appendix A



RECEIVED
03 OCT 2016
LEGAL SERVICES

To: The Head of Legal and Democratic Services
Your reference:
Westminster City Council
64 Victoria Street
London
SW1E 6QP

30th September 2016

Regarding City of Westminster Tree Preservation Order 632 (2016)
With regards to the property: 188 Sutherland Avenue, London, W9 1HR
Date of formal notice of provisional order: 9th August 2016

I, the agent, hereby object on behalf of the tree owners Mr and Mrs Thorne, to the decision made by Westminster Council to the Provisional Tree Preservation Order made on the Horse Chestnut growing in the garden of 188 Sutherland Avenue.

The tree was previously surveyed in May 2016 as being in a poor condition both structurally and physiologically (*Previous survey attached ref: FP/TS/212*). Since then its condition has worsened. The entire south side of the canopy has died which overhangs the busy footpath and Sutherland Avenue east bound carriageway.

Response to Westminster Councils reasoning for making the provisional order:

WC – The tree makes a valuable contribution to public amenity, nature conservation and to the character and appearance of the area.

Response – The tree has no safe useful life expectancy (SULE) and has an estimated contribution of less than 10 years with a British Standard categorisation U.

See extract from BS: 5837:2012 below

Trees unsuitable for retention (see Note)

Category U - Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years

- *Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)*
 - *Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline*
 - *Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality*
- NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve;*

The Horse Chestnut without doubt falls under the Category U surveyed. With regards to conservational value – the health and safety of the general public overrides the conservational value of this tree as it is situated overhanging a main road and footpath with high frequency of



pedestrians. It poses a significant hazard in its current form and should be removed to eliminate this hazard as soon as legally possible.

I am sure the Tree officer is aware of the threat to Horse Chestnuts currently on going throughout the British Isles. Most common is the colonization by the fungus *Guignardia aesculi* Chestnut leaf blotch, which weakens the trees energy reserves by the reduction in chlorophyll and therefore its ability to photosynthesize, leaving the tree open to colonization from *Phytophthora cactorum* Bleeding Canker, which I believe the Horse Chestnut in question is showing early signs of this decay fungus.

An application was made to fell the Horse Chestnut tree (Ref: PP-05286961) July 1st 2016 and replant with a suitable replacement tree extra heavy standard 14-16cm in girth and 3-4m in height.

The replacement tree will provide greater amenity value for potentially hundreds of years to come. The felling should have been undertaken within the priority schedule of the application made – 3 months, and the tree is now considered to be in a dangerous condition.

The applicant requires planning and London borough of Westminster to hold full liability and accountability for injury to people and or damage to property caused by the failure, partial or total collapse of the Horse Chestnut during this time of a provisional tree preservation order being served.

We look forward to formal notification that the Tree Preservation Order 632 (2016) will not be made permanent.

Yours sincerely

*RFS certificate in Arboriculture
AA Technicians certificate in Arboriculture
(Level 4 Diploma in Arboriculture)*



Regarding City of Westminster Tree Preservation Order 632 (2016)
With regards to the property: 188 Sutherland Avenue, London, W9 1HR



Photo of the Horse Chestnut in its current form

Appendix B



Please reply to:
Direct Line/Voicemail:
Email:

Your Ref:
My Ref:
Date: 10 January 2017

Dear

**THE TOWN AND COUNTRY PLANNING ACT 1990
CITY OF WESTMINSTER TREE PRESERVATION ORDER (TPO) 632 (2016)
188 SUTHERLAND AVENUE, LONDON W9 1HR**

Thank you for your letter of 30 September 2016 raising an objection to the making of a Tree Preservation Order (TPO) for the horse chestnut tree at the above location. It has been passed to me for response.

Objection summary

The tree is in poor condition with less than 10 years safe life expectancy.

It would be a category U tree as assessed according to British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations

There are threats to horse chestnut tree health such as a fungal leaf blotch (*Guignardia aesculi*) and bleeding canker (*Phytophthora cactorum*).

An application was made to remove the horse chestnut in July 2016 and replace it with a suitable replacement.

You hold the City Council liable if the tree fails whilst the provisional TPO is in place.

Response to objections

In summary it is agreed that the horse chestnut is in poor condition but the cause of the rapid decline of the tree has not been demonstrated. The horse chestnut tree would be of very high amenity value had its condition not have deteriorated recently. However, it remains of significant amenity value and makes a positive contribution to the conservation area. It is not inevitable that the tree must be removed now on the basis of its condition, and it is suggested that the condition of the tree is reviewed in the spring. Investigation into the underlying cause of the symptoms of decline is recommended. The removal of dead wood can take place without further reference to the City Council.

Tree condition

The condition of the tree is such that its amenity value has been harmed. The cause of the dieback has not been positively identified, so it is difficult to be certain about the prognosis



for the tree. Reference to street view images indicates the decline has been rapid. Full recovery of the canopy appears unlikely. If some recovery of the canopy occurs, it is likely that canopy reduction will be required to some extent, and so the future potential of the tree as an amenity will be reduced, but the impact of this on the amenity value of the tree will depend on the amount of crown reduction required. If the tree continues to die back then it is likely it will be rendered useless as an amenity, and the tree will need to be removed.

With regard to the cause of dieback, the symptoms are not indicative of horse chestnut leaf blotch, which is a common fungal leaf disease of limited significance to the health and longevity of most horse chestnut trees. Bleeding canker of horse chestnut is usually attribute to a bacterium (*Pseudomonas syringae* pv *aesculi*) rather than *Phytophthora*, and mature horse chestnut trees such as this usually survive with the symptoms of bleeding canker for many years. It is a common disease, but even if it is present in the tree, is unlikely to be the cause of the rapid dieback exhibited.

The nature of the dieback, with a discrete part of the canopy dying back suggests that either part of the root system is dysfunctional or has failed, or the part of the vascular system that serves the dead/ dying part of the tree canopy has been disrupted. There is no evidence of basal or root decay. About 5 copper nails were found at the base of the trunk, and there is an associated small patch of missing bark. Copper nails have the potential to be toxic to trees, but it is unlikely that such a limited intervention would be the cause of the extensive dieback. Salt damage is a possibility, but if application of road salt was the cause, it is highly likely that the adjacent privet hedge would also have been affected.

In my view herbicide or other chemical damage is the most likely cause of dieback, in view of the symptoms and in the absence of other likely cause. Symptoms consistent with herbicide application or other chemical treatment include relatively sudden appearance of the symptoms, curled shoots, discrete defoliation in part of canopy, bud proliferation, distorted/ small leaves and interveinal chlorosis.

If herbicide or other chemical damage is the cause of the symptoms, then the prognosis for the tree is poor, given the extent of dieback which is apparent, but it does not necessarily mean that the tree must be removed altogether. Further investigation should be carried out into the cause of dieback. Careful monitoring of the tree should be carried out to track the rate and appearance of dieback and/ or evidence of recovery of the canopy. Some amelioration may also be helpful. I suggest you contact me in the spring to review to the condition of the tree.

Proposed tree removal (ref 16/06218/TCA)

You also object to the TPO on the grounds that an application to remove and replace the tree was made in July 2016. The proposal to remove the tree was not an application, rather it was a notice of intent under the terms of section 211 of the Town and Country Planning Act 1990. In response to a section 211 notice the City Council can either raise no objections, or make a TPO. Whilst the offer of replacement is appreciated, it is not possible to require tree replacement if no objections to tree removal are made. Even if it the legislation allowed the Council to require the replacement of the tree, the loss of character and amenity which results from the removal of a mature tree takes a considerable length of time to restore by planting replacement trees. In this case it was not considered inevitable that the condition of the tree required its removal, and it was considered expedient to make a TPO in the interests of the amenity, in order to investigate further the cause and



prognosis of crown dieback, and in order to safeguard the preservation and future management of the tree.

Five letters/ emails of objection to tree removal were received from local residents in response to a consultation exercise on 16/06218/TCA. Four residents commented on the value they placed on the tree. Two correspondents expressed the view or speculated that a recently refused basement planning application may be a reason for the proposed tree removal, as the basement application was declined in part on the grounds of impact on the horse chestnut. I note that a revised basement proposal has been submitted under reference 16/01254/FULL and this is currently under consideration by the City Council.

The applicant holds the City Council liable if the tree fails whilst the provisional TPO is in place.

You do not need the formal consent of the Council to remove dead wood from the tree. You are advised to do so. If the all of the large limbs on the south side of the canopy are dead they will need to be removed to prevent them falling in the future, but there is no evidence that they are likely to break or fall imminently.

If the content of this letter allows you to withdraw your objection to the TPO please let me know. If I do not hear from you I will assume you would like your objections to remain, in which case the matter will be reported to a Planning Applications Committee, where Councillors will decide whether or not to confirm the Tree Preservation Order. At present the intended date of the Committee is 31 January 2017, although if this is altered I will ask my colleagues in the Legal section to let you know.

Yours sincerely

Senior Arboricultural Officer

Appendix C

From:
Sent: 03 August 2016 08:38
To:
Subject: Your ref:

Dear

We write to object to the proposal that the Horse Chestnut tree at 188 Sutherland Avenue is removed. The tree provides an attractive feature at the front of the garden adjacent to our residence next door and enhances the appearance of the street. To our knowledge, there has never been a problem with danger from falling branches from the tree as alleged in the application. We understand that, with removal of ivy from the trunk and expert pruning, the health of the tree would be assured and the appearance of the tree further improved.

We understand that, as part of an application for extensive work to be carried out at 188 Sutherland Avenue - which has been refused - an application to remove the tree was made to enable the works to be undertaken. We question whether the current application is in some way relevant to the former one.

Yours sincerely

Comments for Planning Application 16/06218/TCA

Application Summary

Application Number:
Address: 188 Sutherland Avenue London W9 1HR
Proposal: 1 x Horse Chestnut (T1): Removal
Case Officer: .

Customer Details

Name: .
Address: .

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:

Comment: I have already objected to this tree being cut down in the previous application made by Flat 1, 188 Sutherland Avenue.

This application has nothing to do with the tree being unwell and has everything to do with the recently declined planning application to build a subterranean basement which is impeded by the roots of this tree.

This tree provides privacy and shade to numerous flats within this historic property.

It is a beautiful tree and is a key part of the building's charm. The building is in a conservation area for a reason.

In the recently declined application one of the reasons given for planning not being granted was the need to fell this tree. That decision should be upheld.

From: ;
Sent: 02 August 2016 17:52
To:
Cc:
Subject: Planning consultatic

Dear,

In response to the planning consultation, I can not entry in the merit of the physiological condition. However removing the tree will alter the aesthetic of sutherland avenue even further. 3 trees have been already removed, one of which not replaced in front of 174. This already made a significant difference in the noise that can be heard (previously the foliage was smoothing the noise) and in the amount of green on the avenue. I think an other trees should not be removed in next two years, until the previously removed trees grow enough.

Best Regards

--

Comments for Planning Application 16/06218/TCA

Application Summary

Application Number:

Address: 188 Sutherland Avenue London W9 1HR

Proposal: 1 x Horse Chestnut: Removal

Case Officer:

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The tree looks perfectly healthy and flowers beautifully every Spring.

To remove it would be a great shame and a detriment to the neighbourhood.

Sutherland Avenue is defined by its trees

I would expect a specialist to review this on behalf of the council and verify what is written in the report from the owner.

From:
Sent: 02 August 2016 13:53
To:
Subject: Comments for Planning Application

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:52 PM on 02 Aug 2016 from

Application Summary

Address: 188 Sutherland Avenue London W9 1HR

Proposal: 1 x Horse Chestnut (T1): Removal

Case Officer:

[Click for further information](#)

Customer Details

Name:

Email:

Address: 188A Sutherland Avenue London

Comments Details

Commenter

Type:

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: I understand that removal of the horse chestnut tree has already been objected to as it was proposed under previous planning application made by Flat 1, 188 Sutherland Avenue, London W9 1HR.

I do not believe that the tree is either dangerous or unhealthy unless it has been made that way and suggest that this application may have nothing to do with the state of the tree but has everything to do with the recently declined planning application referenced above to build a subterranean basement, which I understand is impeded by the roots of this tree.

This tree is old and beautiful and has always formed an integral part of the garden of an old historic building located within a conservation area and it provides a charming contribution to the garden. It provides privacy and shade to a number flats within the building.

I further understand that one of several reasons given for planning not being granted was the need to fell this tree and as nothing appears to have changed that decision should continue to be upheld.

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 31st January 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| Item No | References | Site Address | Proposal | Resolution |
|---------|--|--|---|------------|
| 1. | RN NO(s) : 16/09976/FULL West End | 8 Chesterfield Hill London W1J 5BW | Excavation to lower existing lower ground floor by 1 metre and erection of building over lower ground, ground, first - third floors and set-back mansard roof to accommodate five flats (Class C3), creation of terrace at fourth floor level and installation of plant and sedum roof at roof level. | |
| | | | | |
| 2. | RN NO(s) : 16/10354/FULL West End | 38-40 Stratton Street London W1J 8LT | Use of the basement and ground floor (part) for gym and sports rehabilitation (sui generis) and alterations to the existing Berkeley Street access [Site includes 40-42 Berkeley Street] | |
| | | | | |
| 3. | RN NO(s) : 16/10306/FULL West End | 37-38 Margaret Street London W1G 0JF | Variation of condition 3 of planning permission dated 8 April 2015 (RN 15/01461/FULL) which in itself varied condition 3 on planning permission dated 8 April 2014 for use of part of the ground floor as a restaurant (Class A3) (which allowed an extension to opening hours); NAMELY, to extend of opening hours from 08.00 - 03.00 daily. | |
| | | | | |
| 4. | RN NO(s) : 16/10936/FULL West End | 18 - 22 Weighhouse Street, London, W1K 5LU | Variation of Conditions 4 and 5 of planning permission dated 17 September 2014 (RN: 14/06746/FULL) for 'Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels' - namely, to vary the wording of conditions 4 and 5 to enable a maximum capacity of 40 people in the restaurant and to enable the restaurant to remain open until 23:00 Mondays to Saturdays. | |
| | | | | |
| Item No | References | Site Address | Proposal | Resolution |

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 31st January 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| | | | | |
|--|--|--|--|-------------------|
| 5. | RN NO(s) : 16/10311/FULL Marylebone High Street | 29 Marylebone Road London NW1 5JX | Alterations to the ground floor frontage, construction of roof top plant enclosures and extensions, facade alterations to the annexe on Luxborough Street at all levels including a roof terrace and use of the building as a dual/alternative Class B1 office/D1 non-residential institution. | |
| Recommendation Grant conditional permission. | | | | |
| Item No | References | Site Address | Proposal | Resolution |
| 6. | RN NO(s) : 16/09622/COFUL Queen's Park | 18 Ilbert Street London W10 4QJ | Installation of two bike hangars on the highway outside 18 Ilbert Street. | |
| Recommendation Refuse permission - on design grounds. | | | | |
| Item No | References | Site Address | Proposal | Resolution |
| 7. | RN NO(s) : 16/08338/FULL 16/08339/LBC Bryanston And Dorset Square | 50 Balcombe Street London NW1 6ND | Installation of a glazed roof access hatch in roof of 4th floor mansard storey and replacement of internal staircase to roof level with new staircase/ ladder. | |
| 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 |
| 8. | RN NO(s) : 16/09916/FULL Lancaster Gate | First Floor Flat 88 Queensway London W2 3RR | Use of first floor as a Class B1 office for a temporary five year period. | |
| Recommendation Refuse permission - loss of housing. | | | | |
| Item No | References | Site Address | Proposal | Resolution |
| 9. | RN NO(s) : 16/09049/FULL Little Venice | 5 Maida Avenue London W2 1TF | Erection of part single storey and part two storey rear extension at lower ground and ground floor levels. | |
| Recommendation Refuse permission - increased sense of enclosure to neighbouring property. | | | | |

Agenda Item 1

| |
|----------|
| Item No. |
|----------|

| |
|---|
| 1 |
|---|

| | | | |
|--|---|--|-----------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 31 January 2017 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved West End | |
| Subject of Report | 8 Chesterfield Hill, London, W1J 5BW, | | |
| Proposal | Excavation to lower existing lower ground floor by 1 metre and erection of building over lower ground, ground, first - third floors and set-back mansard roof to accommodate five flats (Class C3), creation of terrace at fourth floor level and installation of plant and sedum roof at roof level. | | |
| Agent | Jon Dingle | | |
| On behalf of | Wellingtons Developments Ltd | | |
| Registered Number | 16/09976/FULL | Date amended/ completed | 26 October 2106 |
| Date Application Received | 14 October 2016 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Mayfair | | |

1. RECOMMENDATION

| |
|--|
| <p>1. Grant conditional planning consent subject to a S106 agreement to secure a financial contribution of £438,480 towards the Council's affordable housing fund</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> |
|--|

2. SUMMARY

| |
|---|
| <p>The application site is within the Mayfair conservation area and was last occupied by an unlisted, 4 storey building in use as offices (Class B1) with a residential flat (Class C3) at third floor level. This building has recently been demolished and the site is currently under construction in relation to a permission granted in 2016. The current application differs from that currently under construction, by</p> |
|---|

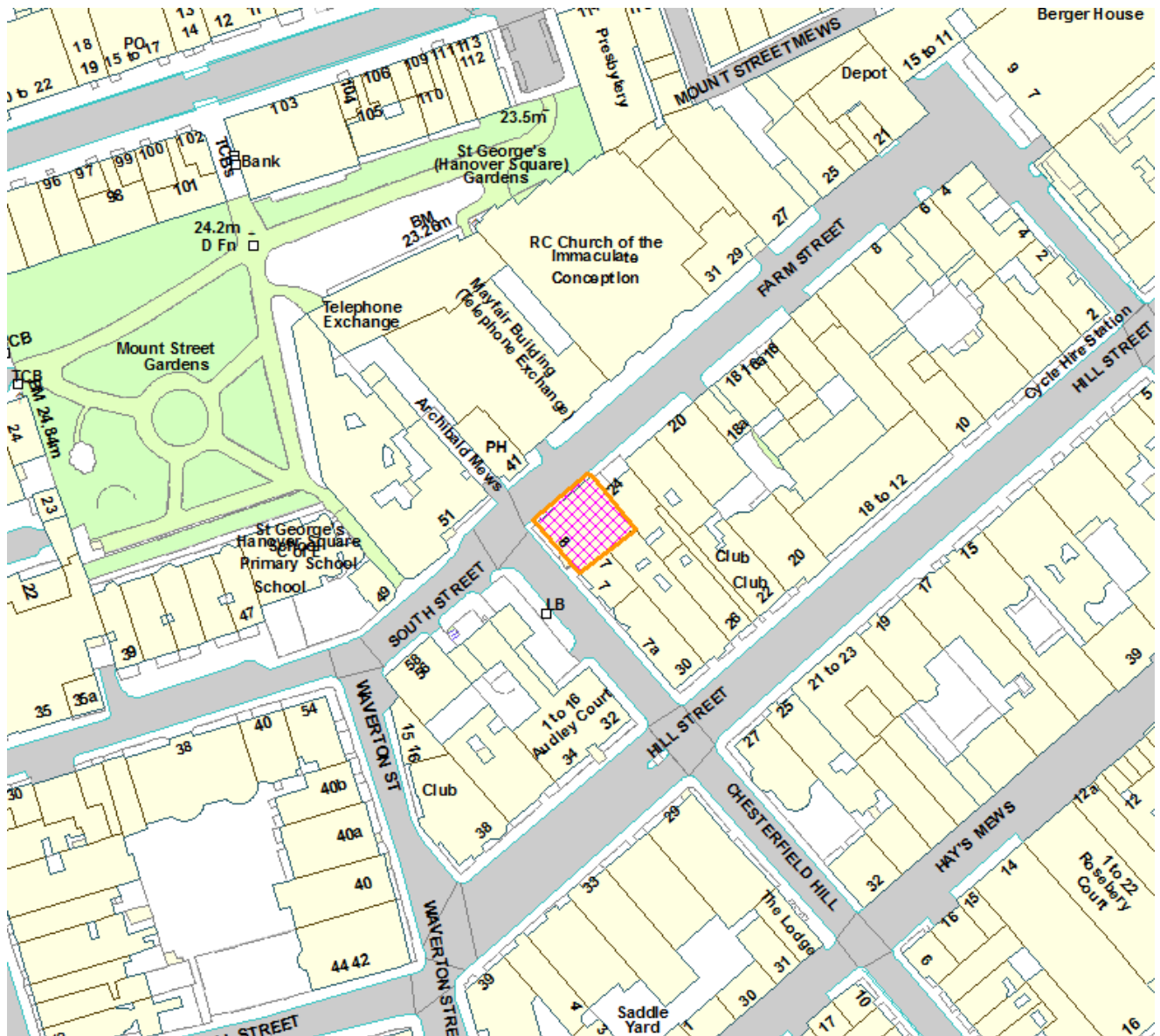
way of one additional storey, changes to the façade design, and to the residential mix and internal layout.

The key issues are:

- The impact on the character and appearance of the Mayfair Conservation area
- The impact on neighbour's amenity – with particular regard to privacy and daylight.
- The acceptability of the proposed units

Objections have been received on design, amenity, highways safety and development density grounds. The application has been revised to remove a roof terrace to the east side of the site. It is considered that the proposed scheme is acceptable, and it is recommended that conditional planning consent be granted subject to a S106 legal agreement to secure financial contribution towards affordable housing.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's

3. PHOTOGRAPHS

Photograph 1: Original building before demolition



Photograph 2: Site as viewed from 51 South Street

6 Dec 2016, 10:21:37



4. CONSULTATIONS

Ward Councillors for West End

Councillor Roberts raises strong objections on the grounds of overdevelopment and inappropriate design in the conservation area. Requests that the application be determined by committee.

RESIDENTS SOCIETY OF MAYFAIR & ST.JAMES'S

No response to date

HIGHWAYS PLANNING MANAGER

Considers that cycle parking and waste storage is acceptable, but raises objections to lack of off street parking.

BUILDING CONTROL MANAGER

The structural method statement is considered to be acceptable

ENVIRONMENTAL HEALTH

No objection provided conditions are applied to limit plant machinery and vibration, and subject to a supplementary acoustic report.

CLEANSING

No objection, the proposed layout of waste storage is as previously approved.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 68

Total No. of replies: 8

8 letters of objections on the following grounds:

Amenity

- Loss of privacy
- Loss of daylight and sunlight
- Noise pollution from plant
- Increased sense of enclosure
- Impact on listed buildings by way of overshadowing
- Impacts on street level winds
- Increase of pollution

Design

- Mansard not in-keeping with surrounding area or setting
- Unnecessary increased roof height
- Windows unduly large
- No roof set-back to the south side
- Proposed facades have a vertical emphasis which conflicts with the horizontal emphasis of neighbouring buildings.
- Height, scale, mass and bulk would harm the character and appearance of the listed buildings in close proximity.

Process and policy

- Cumulative change through multiple applications
- Underdevelopment of a site with capacity for 15 units
- Over development of the site
- Ground floor north entrance has potential to be converted to a garage access over time
- Increased size of exit to Farm Street would be dangerous
- Excessive size of units fails to comply with policy S14 'Optimising Housing Delivery'
- Size of units exceeds London Plan minimum space standards
- Conflicts with policy S20 'Offices and Other B1 Floorspace' by way of loss of office floorspace
- Conflicts with policy S18 'Commercial Development'

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

This application site is situated on the east side of Chesterfield Hill at its junction with Farm Street, within the Mayfair Conservation Area, within the Core Central Activities Zone.

The former building on the site, a 4-storey office building, with a flat at third floor, has been demolished.

The site is located within a mixed commercial and residential area. The closest residential properties are immediately adjacent at 24 Farm Street and 7 Chesterfield Hill and to the rear, at 26 and 28 Hill Street.

5.2 Recent Relevant History

Permission was granted on 22/1/2009 for 'Demolition of the existing office building and redevelopment to create new building comprising sub-basement, lower ground, four upper floors and a roof terrace for use as a single family dwelling.'

Permission was granted on 14/01/14 for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3). Installation of plant and terrace at roof level.'

Permission was granted on 10/09/16 for 'Variation of condition 1 of planning permission dated 14 January 2014 (RN: 13/10660) for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3) and installation of plant and terrace at roof level namely to allow changes to the approved scheme including extension to rear lightwell on basement to third floors, alterations to windows north east elevation, alterations to Farm Street elevation, alterations to plant at roof level; omission of roof level stair enclosure and refuse lift within lightwell; alterations to internal layout including changes to the mix of residential

units and lowering the height of the floor slab at lower ground floor level by approximately 1 metre.'

6. THE PROPOSAL

The application site is on the east side of Chesterfield Hill at its junction with Farm Street and South Street, and is in the Mayfair Conservation Area. Since 2009, a number of planning consents have been granted to redevelop the site for residential use. The original building on site has now been demolished and construction works have commenced in relation to the 2016 consent.

This application proposes 'Excavation to lower existing lower ground floor by 1 metre and erection of building over lower ground, ground, first - third floors and set-back mansard roof to accommodate five flats (Class C3), creation of terrace at fourth floor level and installation of plant and sedum roof at roof level.'

7. DETAILED CONSIDERATIONS

7.1 Land Use

Loss of office use

Permission was originally granted in 2014 for the demolition of the former building on this site. Records suggest that the lawful use of the building was offices (Class B1) on basement to second floor level, with a residential flat at third floor level. This original application was amended by a 2016 permission which made changes to the rear light well, elevations, roof plant, internal layout and residential mix and the level of the lower ground floor.

The site is currently under construction following that recent permission in compliance with Condition 16 which required the development to commence no later than 13/1/17. The demolition triggers the legal requirement for the continuous construction of the existing planning consent - for five residential units.

To this end, and despite the objections raised, there is no longer any office space on site to protect. The current proposal has been designed to be structurally identical to the approved scheme therefore the current application does not prejudice the continuous building out of the site as part of the permitted scheme.

Given that the original building has already been demolished, and that works have commenced for 5 residential dwellings on site, the scheme could not reasonably be resisted in land use terms. On balance, the proposals would not be contrary to policy S20 'Offices and Other B1 Floorspace'.

Residential use

Policy H3 of the UDP sets out that the Council will seek to maximise the amount of land in housing use, where appropriate, within the CAZ. Policy S14 of the City Plan sets out that residential use is a priority across the city and that the number of residential units on development sites will be optimised. The supporting text notes that "Land and buildings should be used efficiently, and larger development sites should optimise the number of

units in schemes, taking into account other policies and objectives.” This is to support the Council in meeting its housing targets.

The 2014 application granted permission for 5 x 3-bed units. The 2016 application amended this to 1 x 1bed, 1 x 2-bed and 3 x 3-bed units. Both schemes were for four-storey buildings with a lower ground floor. The acceptability of the site for residential use is therefore already established.

The current application proposes 5 residential units, comprising a mix of 1x 1-bed, 1x 2-bed, 2 x 3-beds and 1 x 4-bed units. Policy H5 of the UDP requires developments to provide a mix of housing units with 33% to be family sized units and 5% to have five or more habitable rooms. Three of the units (60%) would be family-sized and all three would have five or more habitable rooms, which accords with policy H5.

The proposed building would be five storeys with a lower ground floor. The scheme would create an additional floor of accommodation when compared to the previous consents on this site, however the number of residential units would remain as 5. The penthouse flat would fall over the top two floors providing a 4-bed unit in place of the approved 3-bed top floor flat. Objections have been raised on the grounds that the application is contrary to Policy S14 and the London Plan. It is accepted that the site could accommodate more than five flats, however, with the exception of the penthouse flat, the scheme is identical to the previous consents on this site and it is not considered that the scheme could be refused on the grounds that the development fails to optimise the development potential of the site.

The floor areas of the flats is proposed as follows:

Flat 1: 1 bed duplex, 124 sq.m

Flat 2: 2 bed duplex 118 sq. m

Flat 3: 3 bed, 176 sq. m

Flat 4: 3 bed 176 sq. m

Flat 5: 4 bed duplex 266 sq. m

Each unit would generously exceed the London Plan (2016) internal space standards as set out in policy 3.5, and the Nationally Described Space Standards (NDSS) adopted in 2015. All proposed units would therefore provide good quality living accommodation. It is noted that with the exception of flat 5 – which would be significantly larger - these are all similar to the proposed unit sizes for the previous two planning consents.

It follows that the proposal is considered to provide good quality living accommodation and would generally be in accordance with line with policies H3 and H5 of the UDP, S15 of the City Plan and the intent of London Plan policy 3.3 and 3.5.

Affordable housing

City Plan Policy S16 requires the provision of affordable housing on all new developments of either 10 units or more, or over 1000 sq.m of additional residential floorspace. The scheme would provide 1101sq.m of residential floorspace and therefore triggers the requirement for affordable housing in accordance with Policy S16 of the adopted City Plan.

UPD policy H4 and City Plan policy S16 set out that on-site provision should take priority, however, where it is demonstrated that on-site affordable housing is not viable or practical, the council will accept off-site provision provided that this would be of a higher quality and greater amount.

In this instance, the scheme would trigger the requirement for one affordable housing unit. Given the tight constraints of the site and the proposed internal layout and core, it would not be practical to deliver this unit on site. It would therefore be appropriate to accept a payment in lieu to provide the affordable housing off-site which in this case requires £438,480 to be paid as a financial contribution towards off-site affordable housing. This would be secured by a S106 legal agreement.

It should be noted that neither of the previous applications granted exceeded the 1000sq.m threshold for providing affordable housing.

7.2 Townscape and Design

The now demolished building on the site dated from the late twentieth century and was a concrete-framed replica of the pre-existing late eighteenth century building that was once on site. It was not a particularly faithful replica and its execution was rather harsh and mechanical, consequently it made only a neutral contribution to the character and appearance of the conservation area.

Opposite the site, to the north, is the grade II listed 'Punch Bowl' public house, and the grade II-star listed Church of the Immaculate Conception, Farm Street. Both of which are visible from the site, as is the grade II listed St George's Church School in South Street. All of these listed buildings have a degree of separation from the site by virtue of the public highway, and it is not considered that the proposal would harm their significance or setting.

Audley Court, opposite, on the west side of Chesterfield Hill is a post-war development of no architectural interest, but neighbouring buildings at No.7 and 7a are attractive and make a positive contribution to the conservation area. The rear of grade II listed buildings in Hill Street overlook the site.

In urban design terms, the now-demolished building at No. 8 Chesterfield Hill was designed to face west. Farm Street was historically a mews and it retains vestiges of its menial status particularly on the south side where, despite the architectural pretensions of recent rebuilds, the original subordinate scale and character of the street is still tangible. Chesterfield Hill was always of a grander scale and Hill Street greater still. This hierarchy of streets is apparent and is an important characteristic of the conservation area.

The planning permission granted in 2016 was for the redevelopment of the site with a late-Victorian styled building, and that scheme is currently being implemented. However, approval is now sought for a modern reinterpretation of historic building forms characteristic of the conservation area. The proposed building would have a brick and stone design with a double-pitched mansard roof including habitable accommodation and a living roof.

The height and bulk of the proposed building would be one storey greater than previously approved. Objections have been received on the grounds that the mansard would not be in-keeping with the character of the area, however there are a variety of building heights in the vicinity- although notably there are no other buildings along Farm Street of this height. The detailed design of the mansard roof is such that the increased height would be set back from the facades and would not appear obtrusive or out of character. Furthermore, the building would still be of an appropriate scale in terms of its position in the hierarchy of streets, particularly given its corner plot location. Given the relationship with the adjoining property 7 Chesterfield Hill it is considered appropriate that there is no mansard set back to the south side of the site.

The proposed red-brick and Portland stone facades would be typical for building materials found in the area, and the carefully detailed windows including canted bays to Chesterfield Hill, add richness to the overall design. At roof level, the mansard would be clad with dark-grey perforated grey aluminium cladding with recessed bronze coloured windows. Windows to the north and east elevations would have recessed limestone detailing and bronze coloured metal balustrades.

There would be no objection to the enlarged footprint to the building achieved by infilling the original lightwell and this would be the same as the previously approved development.

The design, and in particular the height, of the building is suitable for its location and it correctly addresses the scale of Chesterfield Hill which it faces, rather than the smaller scale of development behind in Farm Street. It is an appropriate response to the local character of the street and surrounding conservation area, and makes use of locally characteristic facing materials, in accordance with Section 7 of the NPPF which requires good design. The development is therefore considered acceptable in design terms and would maintain the character and appearance of the Mayfair Conservation Area and the setting of nearby listed buildings including the grade II listed pub opposite the site in Farm Street. This accords with UDP policies DES 1, DES 4, DES 9 and DES 10, and the city council's 'Development and Demolition in Conservation Areas' supplementary planning guidance.

7.3 Residential Amenity

The properties adjoining the application site are in residential use; 7 Chesterfield Hill and 24 Farm Street are single family dwelling houses, whilst 28 Hill Street is subdivided into flats. None of the properties have windows which face directly towards the application site, although there is a ground floor roof lantern at 28 Hill Street.

UDP policy ENV13 states that permission will not be granted for development proposals which result in a material loss of amenity to neighbouring residential properties with regard to the level of daylight or sunlight received, any increase to the sense of enclosure to adjoining windows or any loss of privacy. Similarly, City Plan policy S29 seeks to safeguard the amenities of neighbouring residential properties.

Overlooking

There would be no loss of privacy to either 24 Farm Street or 7 Chesterfield Hill, since neither property has windows which face the site. It is noted that 24 Farm Street has a roof terrace to the rear, and that windows to the lightwell of the proposed development would

provide limited, oblique views of this space, however it is not considered that the degree of overlooking to the roof terrace would be sufficient to be a sustainable reason for refusal given the previous two consents for the site.

The original submission included a roof terrace to the east side of the roof, however amended plans have been received which remove this element, and which maintain the privacy of neighbouring properties. A condition prevents the use of the flat roof as a terrace in future.

The nearest residential windows at 28 Hill Street, are set back approximately 15m from the site, similarly, the nearest windows to flats at 51 South Street are afforded a degree of separation by the highway and as such, there would be no loss of privacy to either of these properties as the separation distances are considered to be of a normal residential relationship for Mayfair.

It is noted that objections have been raised to the style of windows at roof level giving rise to loss of privacy, given the separation distances it is not considered that the mansard windows would cause unacceptable loss of privacy to properties along the opposing side of Farm Street or Chesterfield Hill.

Daylight and Sunlight

A BRE daylight and sunlight report has been submitted which demonstrates that the proposed building will have minimal impact on the daylight and sunlight levels received by the adjoining residential properties. One window at ground floor within 28 Hill Street would experience a 41% loss in VSC values contrary to BRE guidance. However, this window currently receives very poor VSC values (1.53%) and would only experience a change of 0.62%. Given this low change in the VSC value it is not considered that the impact will be significant.

There would be no material loss of sunlight. Objections have been received on the grounds that the proposals would result in the overshadowing of both neighbouring properties either side of the application site and the roof terrace at 24 Farm Street. The application site is located to the north of No. 7 Chesterfield Hill and north-west of the neighbouring terrace at No. 24 Farm Street. The proposals would not affect the amount of sunlight received to the terrace at 7 Chesterfield Hill which sits behind the existing party wall. The proposed roof extension is to the north-west and set back from the roof terrace to 24 Farm Street and any loss of sunlight to this space would be in the late afternoon, and as the terrace is south facing it would still receive good levels of daylight throughout the day.

The report however fails to assess the impact to the north-west facing windows at 24 Farm Street. An addendum report has been requested to assess these windows and members will be updated on this issue at the committee meeting.

Sense of Enclosure

The proposed building would be similar to the previously approved building, in terms of its L shaped footprint with a lightwell in the site's south eastern corner. The height and bulk of the proposed building would be increased from previously permitted scheme due to an additional mansard storey. However, given the location of the windows to neighbouring properties it is not considered that there would be any unacceptable sense of enclosure.

Noise and Plant

The application is supported by an acoustic report which demonstrates that the roof plant would be designed to be 10dB below the lowest existing background noise. The acoustic report states that the plant equipment will be operated twenty four hours daily. The nearest residential window has been identified at 7 Chesterfield Hill, 5 metres from the proposed plant. As the proposed plant has yet to be finalised, the Environmental Health Officer has requested a condition in imposed which requires a supplementary acoustic report to demonstrate the plant's compliance with the design noise criteria.

7.4 Transport and Access

The City Council's Highways Officer has indicated that the application site is within an area where on street parking demand exceeds defined stress levels where the occupancy of on-street legal parking bays has exceeded 80% within a 200m radius of the development site, and has objected to the scheme on the grounds that the scheme does not include off-street parking for the flats. The potential increased pressure for on street parking needs to be balanced against the land use objective to increase the housing stock. It was not previously considered that the scheme could be refused on parking grounds, and that permission for the creation of five flats remains extant. In these circumstances, it is not considered that the lack of off-street parking could justify a recommendation for refusal.

The application proposes 11 secure cycle parking spaces contained within the ground floor of the property. This would satisfy the policy requirement for cycle parking spaces.

Objectors have commented that the size of the exit onto Farm Street would be dangerous. However, the door to the waste store is the same size as the approved scheme and the submitted plans show the door to the refuse store would open inwards, and this would be controlled by condition

Objectors have commented that there is potential for the ground floor entrance to the waste and cycle storage to be converted into a garage access over time. The application can only be assessed as it currently stands and on its own merits. In addition, the installation of a garage door would require subsequent planning permission. A condition is also proposed to retain this area as a waste and cycle store.

7.5 Waste and Recycling

The proposed waste and recycling store remains the same as in the previously approved schemes, and again is considered acceptable.

7.6 Biodiversity and Sustainability

The scheme provides a limited area of green sedum roof, which would enhance the site's contribution to the biodiversity of the area and is welcomed. Full details of the green roof could be secured by condition.

7.7 Economic Considerations

Any economic benefits resulting from the development are welcomed.

7.8 Other Issues

The application proposes to excavate the lower ground floor by a further 1m in depth. This is the same as previously approved in 2016 and there has been no objection to this element of the works. The basement excavation is in accordance with City Plan policy CM28.1. A construction method statement has been submitted in support of this, and Building Control are satisfied with this element of the proposals.

Objectors have raised concerns over the impact of the proposed development on street level winds. Wind tunnel impacts typically only occur where a building is significantly taller than its surrounding context, or where there is a cluster of 'tall buildings'. At five storeys, the proposed development would not be considered a 'tall building'. Whilst the mansard roof would project above the adjoining properties, it is not considered that the proposal could be refused on these grounds.

Objectors have commented that the proposals would give rise to an increase in pollution. The proposal is for a residential use, as 5 residential flats, it is not considered that a development of this nature would significantly contribute to local pollution.

7.9 London Plan

This application raises no strategic issues.

7.10 National Policy/Guidance Considerations

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

7.11 Planning Obligations

The proposal generates a requirement of £438,480 to the Council's affordable housing fund. This would be secured by S106 legal agreement. The estimated CIL payment is £605,550

8. BACKGROUND PAPERS

1. Application form
2. Letter from Councillor Roberts dated 18 January 2017 and 24 November 2016
3. Memorandum from Environmental Health, dated 10 November 2016
4. Memorandum from Building Control dated 22 December 2016
5. Memorandum from Highways Planning Manager dated 6 December 2016
6. Letters from occupiers of 51 South Street, London, dated 1 and 2 December 2016
7. Letter from occupier of Chairman, Mayfair Residents Group, dated 2 December 2016
8. Letter from Property Assistant, Burlington Estates London Ltd, on behalf of the residents at 51 South Street, dated 5 December 2016
9. Letter from occupier of 16 Farm Street, dated 1 December 2016
10. Letter from occupier of 22 Farm Street, dated 1 December 2016
11. Letter from H Planning Limited, 7 Ridgemoor Street, on behalf of 7 Chesterfield Hill dated 21 November 2016

12. Letter on behalf of the occupier of 24 Farm Street, dated 30 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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

9. KEY DRAWINGS

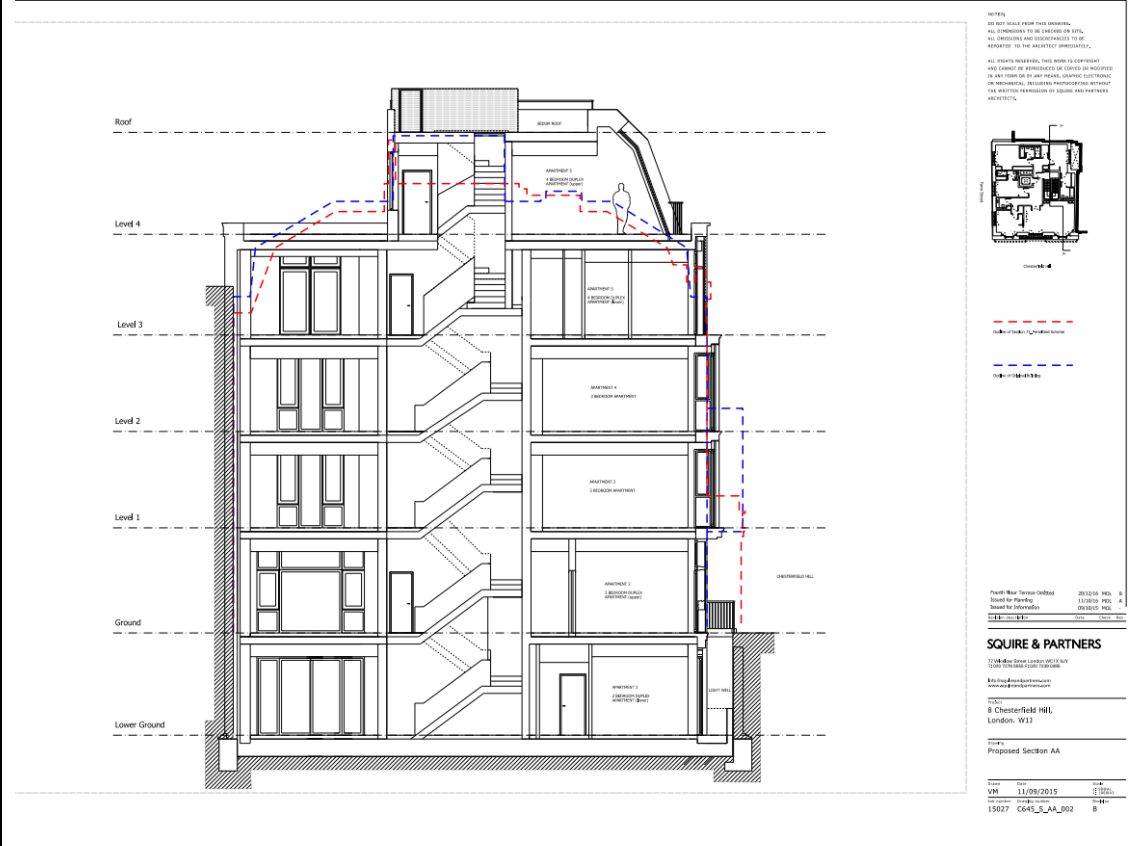
Below: West elevation of the previously approved scheme now under construction

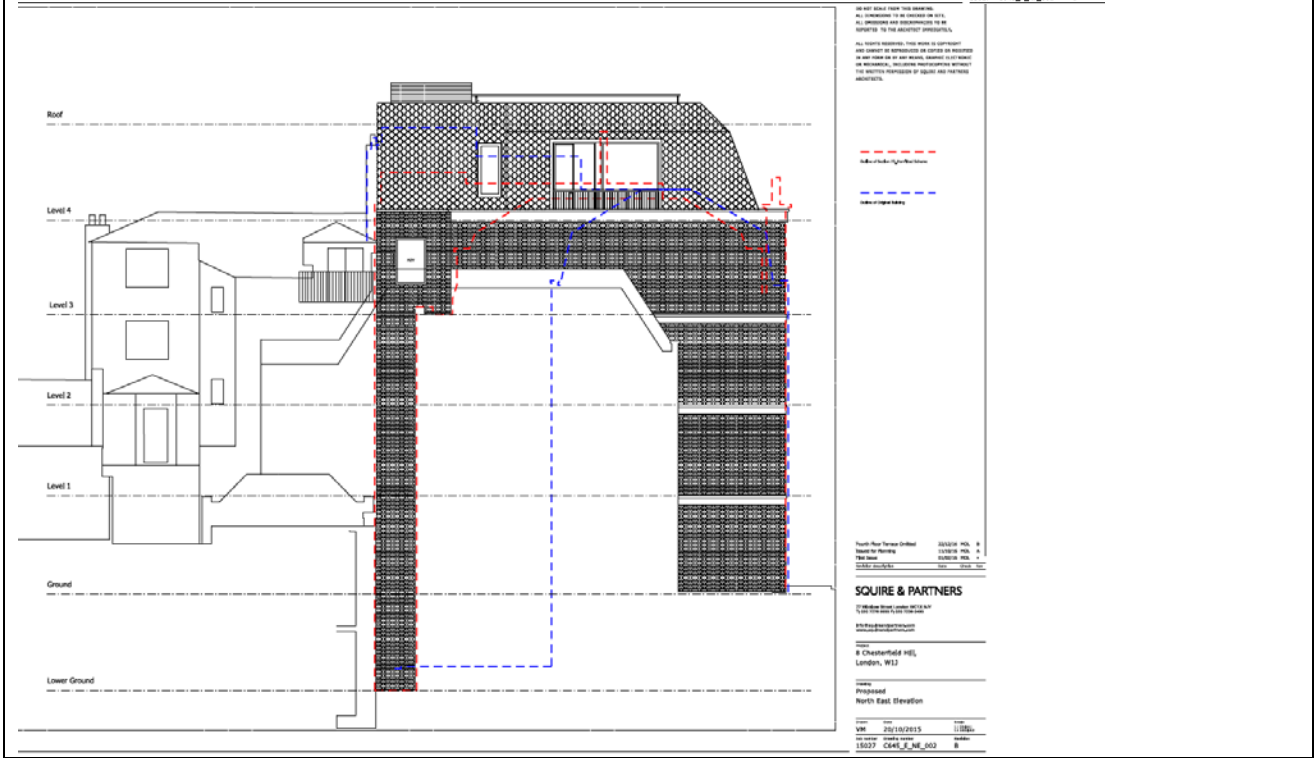
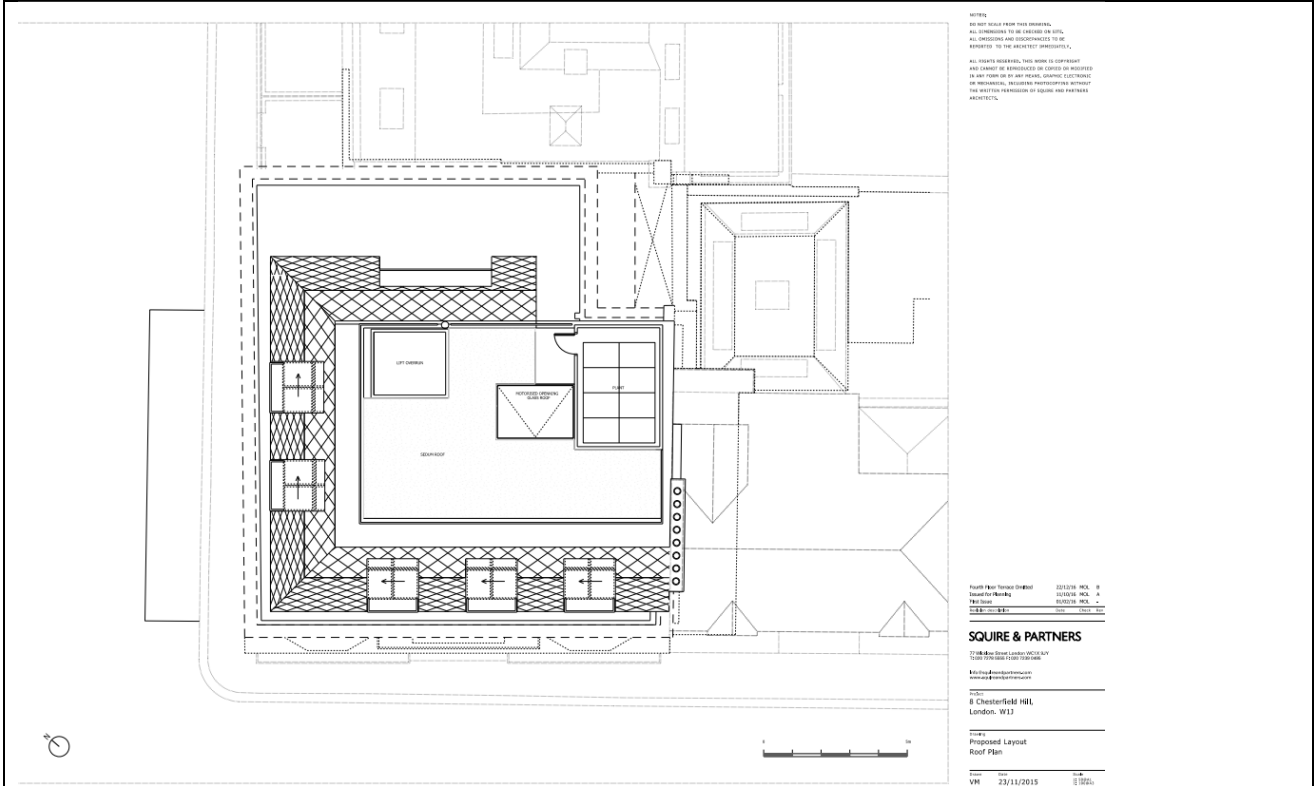


Elevation of permitted scheme (ref: 16/00807/FULL) and No.7 Chesterfield Hill.



Elevation of proposed scheme (ref: 16/09976/FULL) and No.7 Chesterfield Hill.





DRAFT DECISION LETTER

Address: 8 Chesterfield Hill, London, W1J 5BW,

Proposal: Excavation to lower existing lower ground floor by 1 metre and erection of building over lower ground, ground, first - third floors and set-back mansard roof to accommodate five flats (Class C3), creation of terrace at fourth floor level and installation of plant and sedum roof at roof level.

Reference: 16/09976/FULL

Plan Nos: G100_P_00_002, C645_P_00_002 Rev B, C645_P_B1_002 Rev B
C645_P_01_002 Rev A, C645_P_02_002 Rev A, C645_P_03_002 Rev A
C645_P_04_002 Rev B, C645_P_RF_002 Rev B, C645_E_SW_002 Rev A
C645_E_NW_002 Rev B, C645_E_NE_002 Rev B, C645_E_SE_002 Rev B
C645_S_AA_002 Rev B, C645_S_BB_002 Rev A

Submission to discharge materials dated January 2017
JA12_P_00_001, JA12_P_LG_001, JA12_P_01_001, JA12_P_02_001
JA12_P_03_001, JA12_P_RF_001, JA12_E_SW_001, JA12_E_NW_001
JA12_E_NE_001, JA12_E_SE_001, JA12_S_BB_001

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

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

Reason:

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

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

Reason:

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

- 3 You must carry out any building work which can be heard at the boundary of the site only, , * between 08.00 and 18.00 Monday to Friday;, * between 08.00 and 13.00 on Saturday; and, * not at all on Sundays, bank holidays and public holidays., , Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring 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)

- 4 You must provide the waste store shown on drawing C645_P_00_002 rev B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 5 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.

- 6 (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.

- 7 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.

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

- 11 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the 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 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 use the roof of the development for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 13 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 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)

- 14 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 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)

- 15 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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

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

- 6 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)

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

| |
|----------|
| Item No. |
| 2 |

| | | | |
|--|--|--|-----------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 31 January 2017 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved West End | |
| Subject of Report | 38-40 Stratton Street, London, W1J 8LT, | | |
| Proposal | Use of the basement and ground floor (part) for gym and sports rehabilitation (sui generis) and alterations to the existing Berkeley Street access [Site includes 40-42 Berkeley Street] | | |
| Agent | Indigo Planning | | |
| On behalf of | Sainsbury's Supermarkets Ltd | | |
| Registered Number | 16/10354/FULL | Date amended/ completed | 28 October 2016 |
| Date Application Received | 28 October 2016 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Mayfair | | |

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises an eight-storey plus basement unlisted building located within the Mayfair Conservation Area. The basement and ground floors, to which the application relates, are in use as retail (Class A1) and are currently occupied by Sainsbury's. The upper floors are in office use.

The applicant seeks permission for the use of the basement and part of the ground floor fronting onto Berkeley Street for use as a sports rehabilitation and gym facility (Sui Generis) and alterations to an existing access on Berkeley Street. The proposed occupier for the new unit would be Pure Sports Medicine who offer a range of services including physiotherapy, osteopathy, podiatry and personal strength and conditioning training for its members.

The physical alterations to the building are not contentious in design terms and the key issue in this case is the loss of retail floorspace.

The existing A1 retail unit comprises 905 m2 at basement level and 1,048 m2 at ground (totalling 1,953 m2). The proposal involves the use of the entire basement floor and the creation of an entrance lobby at ground floor, involving an additional loss of retail of 91m2 (996 m2 in total). This would result in the loss of approximately 25% of the retail frontage on Berkeley Street. As a result of

the proposal, the existing ancillary accommodation at basement level would be consolidated and relocated to ground floor level which would further reduce the existing sales area by 320 m² (based on the indicative ground floor layout plan provided by the Applicant).

The property falls within the Core CAZ and therefore Policies S21 of the City Plan and the SS5 of the UDP apply. Policy SS5 seeks an appropriate balance of town centre uses and states that within the Core CAZ, retail uses at ground floor will be protected at basement ground and first floor level. The policy goes on to state that non-A1 uses will only be granted at ground floor level where they will not be detrimental to the character and function of the area. Policy S21 states that existing A1 retail will be protected except where the Council considers the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let. No marketing material has however been submitted to demonstrate that the existing retail floor space is not viable. In support of their application the applicant argues that the basement has never operated as trading floorspace, is currently used as a store room and back of house area, and that due to increased efficiencies in the operation of the store, Sainsbury's is able to relocate and reduce its back-of-house area to the ground floor. On this basis, the applicant claims that with the imposition of Sainsbury's updated and more efficient method of operation, there will be no meaningful change in the retail offer. The reduced size of the unit would not jeopardise the long-term use of the store as sufficient trading and display areas and back of house facilities (including general office and storage areas) would still be provided.

The applicant argues that the provision of another commercial use in this location would increase the footfall on the street and could possibly lead to greater footfall within the store in accordance with paragraph 18 of the NPPF which aims to secure economic growth in order to create jobs and prosperity. The applicant makes reference to a recent appeal at 73 Piccadilly, where the Inspector concludes that "... the use offers the prospect of providing more jobs than an A1 use of the premises and increasing average spend in the area, and is therefore consistent with the objectives in the Framework in terms of supporting economic growth and competitive town centres that promote customer choice...."

The applicant states that the existing Sainsbury's store employs a total of 87 staff on-site, in full-time and part-time positions. The proposed store, although smaller, will employ the same number of staff. In addition, the proposed gym and sports rehabilitation use will employ 35-40 individuals in a mixture of full-time and contract positions. As such, the applicant contends that the proposal will provide significantly more jobs on-site than the existing situation, bring new business to the area and is, therefore, consistent with the objectives of the Framework in terms of supporting economic growth.

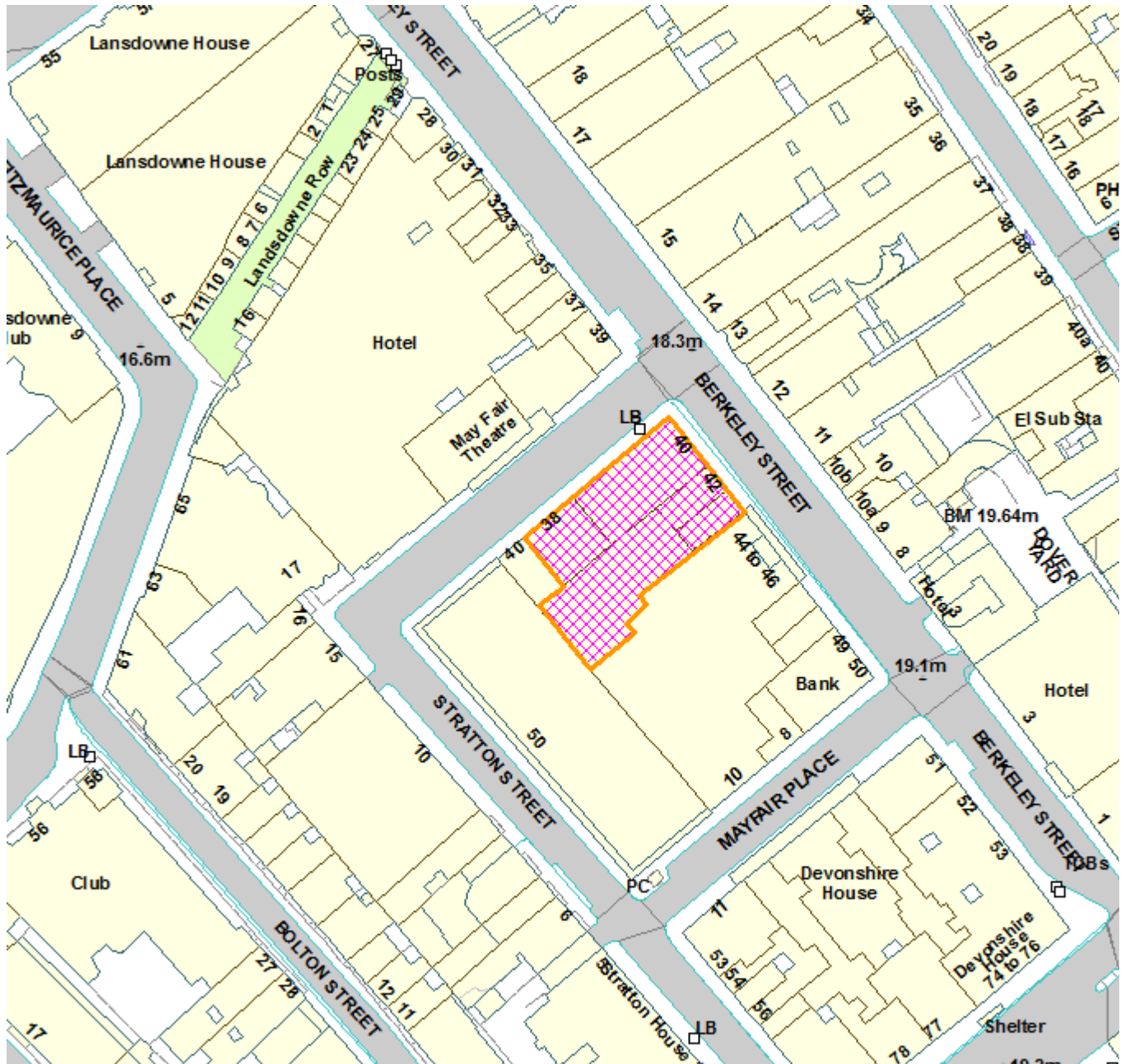
Although both policies S21 and SS5 of the UDP protect retail floorspace at ground and basement levels, the retail offer will remain and there will be little change to the appearance to the building, and as such it is not considered that the proposed loss in retail floorspace would be detrimental to the character and function of the area. Furthermore, the proposal creates the potential to provide significantly more jobs on-site and in this regard it is considered that there are exceptional circumstances to justify the loss of retail floorspace.

With regard to the proposed gym and sports rehabilitation use, Policy SOC 1 of the UDP and S34 of City Plan encourage the provision of community facilities in appropriate locations throughout Westminster provided they are accessible to residential area, will not harm the amenity of the surrounding area, including the effect of any traffic generated and be safe and easy to reach on foot, by cycle and by public transport.

It is considered that the proposed use is appropriate in terms of its location in terms of proximity to

residential occupants and accessibility and, with the imposition of appropriate condition, including limiting hours of use until 20:00, it would have no demonstrable harm to the amenity of the surrounding area (including the effect of any traffic generated). In light of the above, the proposal is considered acceptable and therefore is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

To be reported verbally.

HIGHWAYS PLANNING MANAGER

No objections raised.

CLEANSING

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

6. BACKGROUND PAPERS

1. Application form
2. Memorandum from Cleansing dated 17 November 2016
3. Memorandum from Highways Planning Manager dated 03 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: JO PALMER BY EMAIL AT JPALME@WESTMINSTER.GOV.UK.

7. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 38-40 Stratton Street, London, W1J 8LT,

Proposal: Use of the basement and ground floor (part) for gym and sports rehabilitation (sui generis) and alterations to the existing Berkeley Street access [Site includes 40-42 Berkeley Street]

Reference: 16/10354/FULL

Plan Nos: Drawings P-129492-101, P-129492-102, P-129492-201

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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.

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

all times to everyone using the retail unit and gym/sports rehabilitation facility. (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)

- 4 You must apply to us for approval of details for secure cycle storage for 9 cycles for the gym and sports rehabilitation 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.

- 5 You must not start any work on this part of the development allowed by this permission until an Operational Management Plan, incorporating a Servicing Management Plan for both the retained retail unit and the sports rehabilitation and gym facility has been submitted to and approved by the City Council which includes details of schedule and hours of delivery, storage locations and deliver procedures. You must then carry out the measures included in the servicing management plan at all times that the retail unit and the sports rehabilitation and gym facility are in use

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)

- 6 No doors should open onto the highway.

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)

- 7 Customers shall not be permitted within the gym and sports rehabilitation centre; before 07:00; or after 20:00 on Monday to Friday; before 08:00; or after 15:00 on Saturday and not at all Sundays or Bank Holidays.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and 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. (R13FB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 The term 'clearly mark' in condition 3 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.

Agenda Item 3

| |
|----------|
| Item No. |
|----------|

| |
|---|
| 3 |
|---|

| | | | |
|--|--|--|-----------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 31 January 2017 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved West End | |
| Subject of Report | 37-38 , Margaret Street, London, W1G 0JF | | |
| Proposal | Variation of condition 3 of planning permission dated 8 April 2015 (RN 15/01461/FULL) which in itself varied condition 3 of planning permission dated 8 April 2014 for use of part of the ground floor as a restaurant (Class A3) (which allowed an extension to opening hours); NAMELY, to extend opening hours from 08.00 - 03.00 daily. | | |
| Agent | Bidwells LLP | | |
| On behalf of | Mrs G Bahl | | |
| Registered Number | 16/10306/FULL | Date amended/ completed | 27 October 2016 |
| Date Application Received | 27 October 2016 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Regent Street | | |

1. RECOMMENDATION

| |
|--|
| Grant conditional permission for a temporary period of 1 year. |
|--|

2. SUMMARY

| |
|--|
| <p>The application involves a vacant basement and ground floor unit last occupied by 'Matchbar' as a bar/ restaurant in which customers could purchase drinks, snacks and full meals. Matchbar occupied the premises between 1999 and October 2016. The premises are to be occupied by 'The Jazz Suite' which the applicant describes as being 'a premium wine and cocktail bar with food'. The upper floors are in office use (Class B1). The site is close to the junction with Regent Street and lies within the Regent Street Conservation Area.</p> |
|--|

| |
|---|
| <p>Permission is sought to vary condition 3 on permission dated 8 April 2015 to enable an extension to the opening hours of the premises. The existing permitted closing time is midnight on Sundays to Tuesdays, 01.00 the following morning on Wednesdays and Thursdays and</p> |
|---|

02.00 the following morning on Fridays and Saturdays. Permission is sought to extend the opening until 03.00 daily. This would therefore enable the premises to remain open an extra three hours on Sundays to Tuesdays, two hours on Wednesdays and Thursdays and one hour on Fridays and Saturdays.

The key issues for consideration are :

- the impact of the character and function of the area,
- the impact on residential amenity

The site lies within the Core CAZ in an area mixed use in character. Ground floor units in the vicinity are a mixture of shops, cafes, bars and restaurants with primarily offices on the upper floors. Given the commercial nature of the area close to Oxford Circus in the Core CAZ, it is not considered that extending the opening hours as proposed would impact on the character and function of the area.

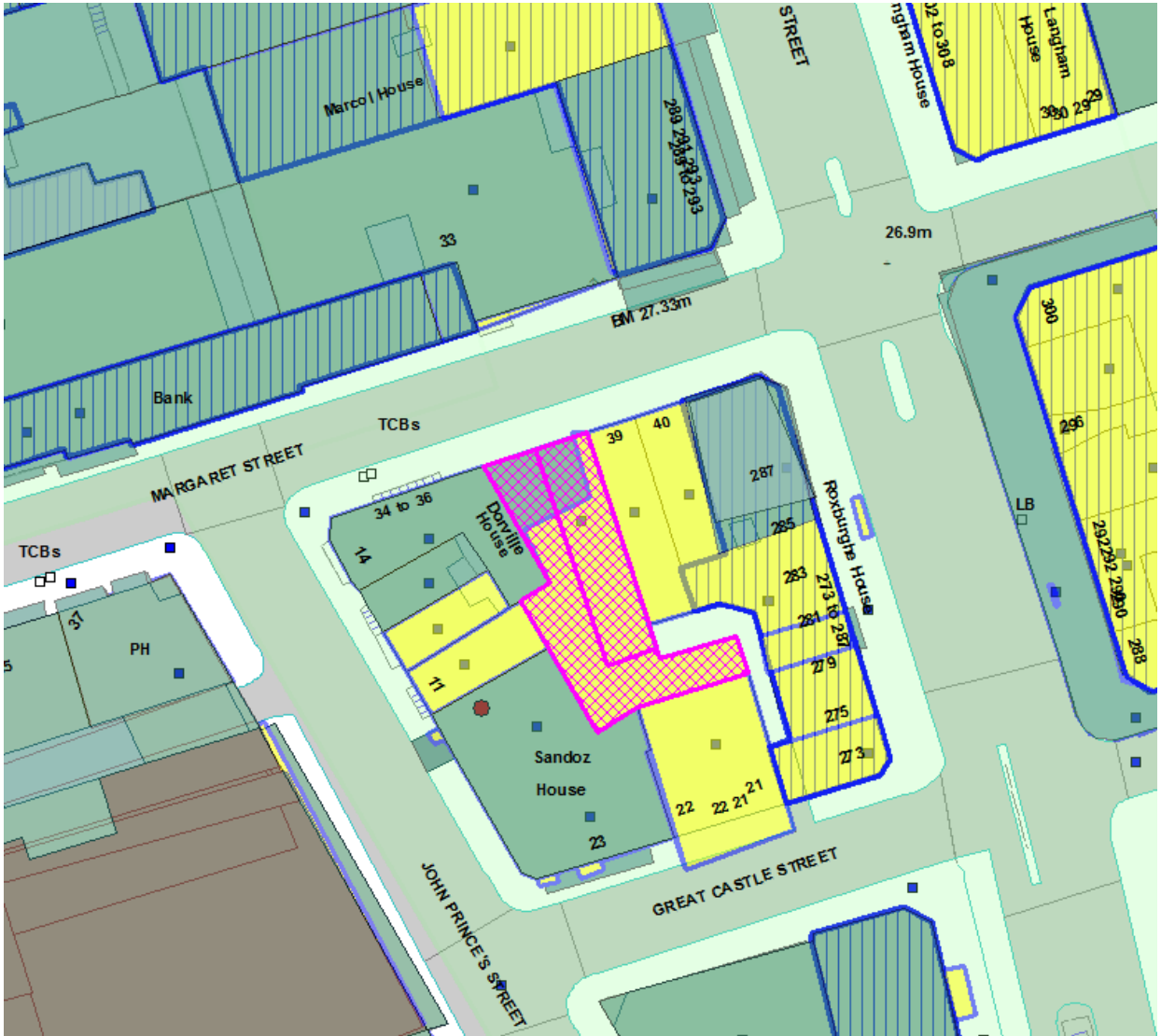
The nearest residential accommodation are four flats on the upper floors of Dorville House 14 John Prince's Street, these residential flats front onto Margaret Street immediately to the west of the application site. Objections have been received from The Marylebone Association and a nearby commercial office occupier that the proposed extended hours would adversely impact on amenity and would not benefit the area. However, no objections have been received from the occupiers of Dorville House. There are also three other licensed premises in the immediate vicinity, namely; All bar one at 291 Regent Street, The Finery Public House at 23 Great Castle Street, and The Phoenix Public House at 37 Cavendish Square. All three of these premises have a terminal hour earlier than proposed at the application premises. The latest closing time of All bar one is 11pm, the Finery Public House is open until midnight on Fridays, the Phoenix Public House is open until 2am (the following morning) on Fridays.

The approved premises license allows opening until 3am daily, however a condition on the license prevents the entrance on Margaret Street being used after 23.00 hours (other than for emergency purposes). The condition requires all access and egress between 23.00 and 03.00 to be from Great Castle Street.

It is acknowledged that the proposed extended hours would have a later terminal hour than other licensed premises in the vicinity. However there are no residential properties on Great Castle Street, therefore provided that access and egress onto Margaret Street is restricted until 23.00 hours as per the premises licence, the extended hours are considered to be acceptable and would not adversely impact on either residential amenity or the character of the area. It is however recommended that permission is granted for a temporary period of 1 year in the first instance to enable the position to be monitored.

The application initially also sought to vary condition 4 on permission dated 8 April 2015 to enable plant to operate until the later 3am closing time. However, as Environmental Health advised that the submitted acoustic report was inadequate, the proposal to vary condition 4 has now been omitted from this application. The applicant is aware that the operation of the plant will not correspond with the opening hours and has confirmed that a subsequent application accompanied by an updated acoustic report will be made to rectify this position.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's

4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Objection, adverse impact on amenity in terms of noise and disturbance

ENVIRONMENTAL HEALTH:

Object on the grounds that the acoustic report does not assess the impact of plant noise

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 65

Total No. of replies: 1

One letter of objection that the extended hours will generate more noise, rubbish waste and general disturbance for nearby commercial/ office occupiers and will not benefit the area in any way.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

Planning permission was originally granted in February 1996 for use of the basement/ ground floor as a restaurant/bar - (Council ref: 95/05549).

On 30 September 1999, planning permission was granted for a variation of conditions 3 & 8 of 95/05549 to allow opening hours of 0800-2400 daily and use of the plant operation from 0800-2430 daily (Council ref: 99/02795).

On 8 April 2014, temporary planning permission was granted at appeal for a variation of conditions 3 & 8 of 99/02795 to allow opening hours of 0800-midnight on Sundays to Tuesdays; 0800-0130hrs on Wednesdays and Thursdays; and 0800-0230hrs on Fridays and Saturdays and hours of use for associated plant of 0800-2430hrs on Sundays to Tuesdays; 0800-0130hrs on Wednesdays and Thursdays; and 0800-0230hrs on Fridays and Saturdays (Council ref: 13/02825/FULL; PINS Ref: APP/X5990/A/13/2201970). The permission was granted on a 12-month trial basis.

On 8 April 2015, permanent planning permission was granted for a variation of conditions 3 & 8 of 99/02795 to allow opening hours of 0800-midnight on Sundays to Tuesdays; 0800-0130hrs on Wednesdays and Thursdays; and 0800-0230hrs on Fridays and Saturdays and hours of use for associated plant of 0800-2430hrs on Sundays to Tuesdays; 0800-0130hrs on Wednesdays and Thursdays; and 0800-0230hrs on Fridays and Saturdays (Council ref: 15/01461/FULL).

On 17 June 2014, the premises licence was granted at the premises for opening hours of 1000-0300hrs daily (Council Ref: 13/09648/LIPN).

BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Health dated 17 November 2016
3. Email from Marylebone Association, dated 22 November 2016
4. Letter from occupier of 40 Margaret Street, dated 22 November 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk.

DRAFT DECISION LETTER

Address: 37-38 , Margaret Street, London, W1G 0JF

Proposal: Variation of condition 3 of planning permission dated 8 April 2015 (RN 15/01461/FULL) which in itself varied condition 3 of planning permission dated 8 April 2014 for use of part of the ground floor as a restaurant (Class A3) (which allowed an extension to opening hours); NAMELY, to extend opening hours from 08.00 - 03.00 daily.

Reference: 16/10306/FULL

Plan Nos: Unnumbered site location plan (received 27 October 2016)

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

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 (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.

- 3 Customers shall only be permitted within the restaurant premises between the hours of 08.00 and 03.00 the following morning daily for a temporary period of 1 year from the date of this permission . After which time customers shall not be permitted within the restaurant premises before 08.00 or after 12.00 midnight on Sunday to Tuesday, and before 08.00 or after 01.00 the following morning on Wednesday and Thursday and before 08.00 or after 02.00 the following morning on Friday and Saturday.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 The plant and associated equipment shall not operate except between the hours of 08.00 or after 00.30 the following morning on Sunday to Tuesday, and before 08.00 or after 01.30 the following morning on Wednesday and Thursday and before 08.00 or after 02.30 the following morning on Friday and Saturday.

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.

- 5 After 23:00 hours access and egress from the premises shall be from the Great Castle Street entrance/exit and the entrance on Margaret Street shall only be used in the case of emergencies after this time.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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.

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.

This page is intentionally left blank

Agenda Item 4

| |
|----------|
| Item No. |
|----------|

| |
|---|
| 4 |
|---|

| | | | |
|--|---|--|------------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 31 January 2016 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved West End | |
| Subject of Report | 18 - 22 Weighhouse Street, London, W1K 5LU, | | |
| Proposal | Variation of Conditions 4 and 5 of planning permission dated 17 September 2014 (RN: 14/06746/FULL) for 'Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels' - namely, to vary the wording of conditions 4 and 5 to enable a maximum capacity of 40 people in the restaurant and to enable the restaurant to remain open until 23:00 Mondays to Saturdays. | | |
| Agent | Gerald Eve LLP | | |
| On behalf of | Grosvenor West End Properties | | |
| Registered Number | 16/10936/FULL | Date amended/ completed | 18 November 2016 |
| Date Application Received | 16 November 2016 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Mayfair | | |

1. RECOMMENDATION

| |
|--|
| Grant conditional permission for a temporary period of one year. |
|--|

2. SUMMARY

| |
|---|
| <p>The application relates to a newly converted restaurant unit on the south side of Weighhouse Street, just south of Oxford Street in the Core Central Activities Zone and Mayfair Conservation Area. Permission was granted in September 2014 to convert the three small shops and one café along this frontage into one larger retail unit and a restaurant. Restrictions on the restaurant use included a maximum number of customers of 20, opening hours of 07.00 to 22.00 hours each day and no primary cooking (as there was no provision for kitchen extractor equipment).</p> |
|---|

| |
|---|
| <p>At that time there was no specific occupier. There is now a prospective operator, Café Comptoir, which will offer 'high quality' all day dining and artisan coffee, seasonal food and a small ancillary retail element. An Operational Management Statement has been submitted giving more details about how</p> |
|---|

the premises will be managed. Permission is now sought to amend two of the original conditions to increase the capacity from 20 to 40 customers and extend the closing time on Mondays to Saturdays by one hour (to a closing time of 23.00 hours – closing time on Sundays would remain at 22.00 hours).

The unit's size is 160sqm: although the A3 permission already exists, it is appropriate to assess the current application against Unitary Development Plan policy TACE 8. This states that proposals for this type and size of entertainment use will generally be permissible, subject to a number of criteria, including no adverse effect upon residential amenity or local environmental quality as a result of noise and increased late night activity and no adverse effect on the character or function of the area.

Several objections have been received from residents living in flats on the upper floors of the building, primarily on the grounds of adverse impact of the proposals on residential amenity. Some of the objections relate to the principle of the restaurant but this was previously approved. (There were no objections from residents to the original application.)

The key issue is whether the increase in opening hours of one hour and increased capacity are likely to result in a material loss of amenity to local residents. It is important to remember that the approved restaurant replaced a former café on the site that had no planning controls over opening times nor capacity. The capacity restriction that was added to the subsequent permission was largely based on the actual capacity of the former café of approximately 18 seats, though it was smaller than the approved replacement restaurant. A closing time of 22.00 hours was considered to be a reasonable time in the absence of a named operator.

The objectors refer to this being a quiet residential area and although it is very close to busy commercial areas, in particular a very short distance from Oxford Street, it is acknowledged that the area immediately around the site is a relatively quiet enclave. (This is likely to change in the future when the Crossrail station (currently under construction) opens on the neighbouring site.) At 40 covers the requested capacity is still considered to be modest. Similarly it is not considered that opening until 23.00 hours will lead to a material loss of amenity. As the objectors state, there would still be staff on the premises clearing up, but given the small size of the premises it is not considered that this would result in an excessive amount of noise and disturbance, as the objectors claim.

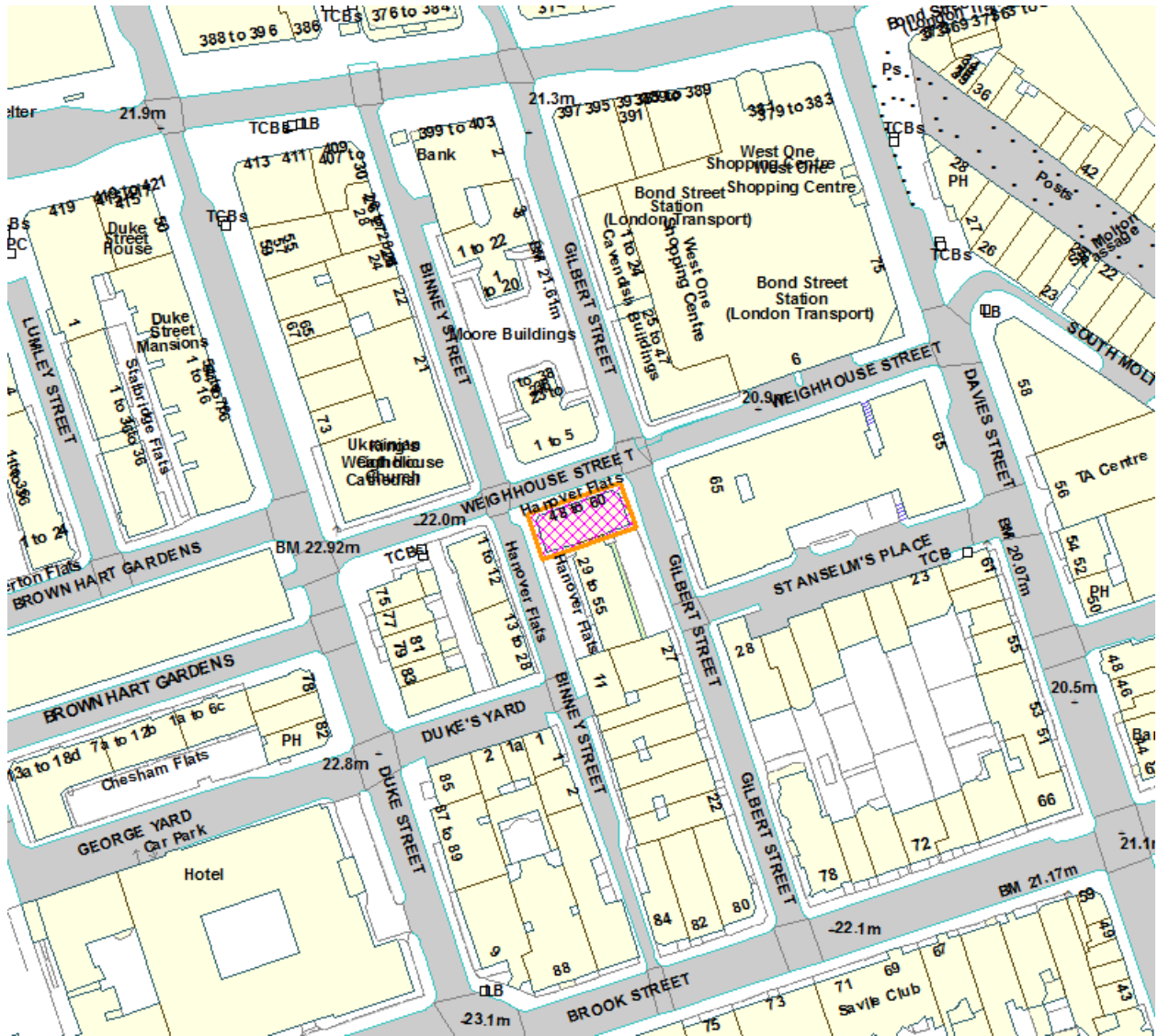
The future tenant (a qualified sommelier) wishes the premises to be fully licenced and will offer a broad selection of wines. As it is likely that this emphasis will generate a disproportionate number of bottles amongst the refuse, it is considered appropriate to ensure that this matter is properly addressed by condition to ensure that the disposal of bottles does not create noise nuisance for neighbouring residents.

Objectors are concerned about refuse problems. A condition on the original permission secured adequate refuse storage provision, though the current layout replaces this as part of the wine bottle storage. The refuse condition has therefore been amended to require details of these matters to be submitted before the use commences.

The planning submission advises that the basement will operate as a wine shop, though there is also seating for customers. It is considered that this activity is ancillary to the main A3 food and drink function. Concerns about outside seating are not sustainable at this stage as a condition on the original permission specifically excluded this (though this does not preclude the applicant applying for this at a later date).

The application does not trigger any CIL requirements nor planning obligations.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 68; No. of objections: 4, on some or all of the following grounds:

- * This is a residential area and there is residential accommodation immediately above the premises
- * Increased noise, dirt, pollution
- * Increased congestion
- * Objection to another cafe
- * Later hours mean staff clearing up and closing the premises mean a closure time closer to midnight
- * Queries about refuse provision
- * Queries about the proposed outlet/operator
- * Queries about outdoor seating

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

September 2014 – conditional permission granted for ‘Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels.’

7. BACKGROUND PAPERS

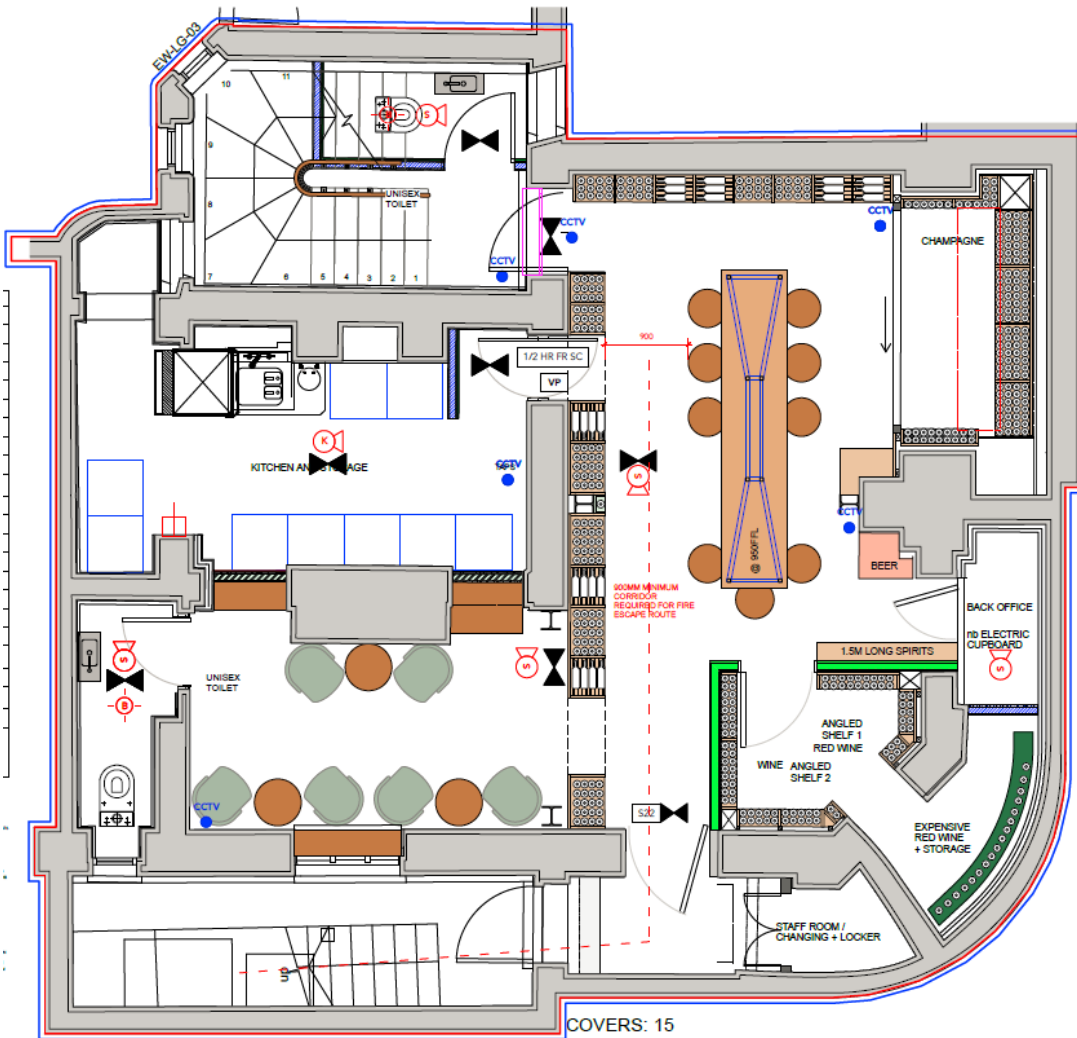
1. Application form and letter from Gerald Eve dated 16 November 2016
2. Operational Management Statement for Café Comptoir dated November 2016
3. Letter from occupier of 43 Hanover Flats, Gilbert Street, dated 28 December 2016
4. Letter from occupier of 48 Hanover Flats, Gilbert Street, dated 1 December 2016
5. Letter from occupier of 53 Hanover Flats, Gilbert Street, dated 1 December 2016
6. Letter from occupier of 41 Hanover Flats, Gilbert street, dated 18 December 2016

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

Indicative basement layout



COVERS: 15

ALL DIMENSIONS TO BE CHECKED ON SITE

THE POSITION OF FIRE AND SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITIONS AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY

LOCATION OF MOVABLE FURNITURE FOR INDICATIVE PURPOSES

- - - - - ESCAPE ROUTE
- — — — — INDICATES EXTENT OF PROPERTY BOUNDARY
- — — — — INDICATES AREA TO BE USED FOR LICENSABLE ACTIVITIES

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------------|----------------------|
| A | 15.01.2017 | LATEST BASEMENT PLAN |

B3 DESIGN JERS

PROJECT NO: 1118 - COMPTON CAFE
 SITE ADDRESS: 21-22 WEDGE HOUSE STREET WYTHAM LONDON

| DATE | DRAWN | CHECKED | SCALE |
|------------|-------|---------|-------------------|
| 01/12/2016 | DI | MH | 1:200 A1, 1:30 A2 |

TITLE: BASEMENT LICENSING PLAN

STATUS: FOR TENDER

| DWG NO. | REV |
|--------------|-----|
| 1118-129_LIC | A |

DRAFT DECISION LETTER

Address: 18 Weighhouse Street, London, W1K 5LU,

Proposal: Variation of Conditions 4 and 5 of planning permission dated 17 September 2014 (RN: 14/06746/FULL) for DEVELOPMENT SITE INCL 18-22 WEIGHHOUSE STREET: Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels. NAMELY, to vary the wording of conditions 4 and 5 to enable a maximum capacity of 40 people in the restaurant and to enable the restaurant to remain open until 23:00 Mondays to Saturdays.

Reference: 16/10936/FULL

Plan Nos: 1118-109_LIC and 1118-129_LIC Rev A

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and, not at all on Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours. (C11AA)

Reason:

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

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

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 4 You must not allow more than 40 customers into the Class A3 property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 5 Customers shall not be permitted within the Class A3 premises before 07.00 hours or after 23.00 hours on Mondays to Saturdays and not before 07.00 hours or after 22.00 hours on Sundays. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 No tables and chairs shall be placed outside any of the premises (unless granted separate planning permission).

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007, and to protect neighbouring residents from noise and disturbance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 7 Notwithstanding the provisions of Class 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and (or any equivalent class in any order that may replace it) no part of the ground or basement floors shall be used as a food supermarket unless full servicing arrangements are submitted to and approved by the City Council. Servicing shall then be carried out in accordance with the approved servicing arrangements.

Reason:

To avoid the servicing of a food supermarket blocking the surrounding streets as set out in TRANS 20 of our Unitary Development Plan that we adopted in January 2007 and Policy S41 of Westminster's City Plan: Strategic Policies that we adopted in November 2013.

- 8 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)

- 9 You must apply to us for approval of details of how waste is going to be stored within the Class A3 restaurant unit, how materials for recycling will be stored separately and an updated Operational Management Statement setting out how bottles will be stored and disposed of without creating a noise nuisance to neighbouring residents. You must not commence the A3 restaurant use until we have approved what you have sent us. For the Class A1 retail unit you must provide the waste store shown on drawing 618-34.3-1.003H. 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 A1 and A3 units. You must store waste (including bottles) inside the units and only put it outside just before it is going to be collected. You must not use the waste stores for any other purpose.

Reason:

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

- 10 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.

- 11 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)

- 12 You must carry out the development in accordance with the details approved by the City Council as local planning authority on 26 June 2015 under reference 15/05044/ADFULL (or in accordance with any other details subsequently approved) with regard to all new timber and glazing details to the shopfronts and the new windows in the south elevation.

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)

- 13 You must apply to us for approval of an updated operational management statement to show how you will prevent customers who are leaving the A3 restaurant unit from causing nuisance for people in the area, including people who live in nearby buildings, and how you will manage the storage and disposal of empty bottles (as required in condition 9). You must not start the A3 restaurant use until we have approved what you have sent us. You must then carry out the measures included in the operational management statement at all times that the A3 restaurant is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 14 The extended opening hours and increased capacity of the A3 restaurant use allowed by this permission can continue for one year from the date that the A3 restaurant use commences. After that the capacity must be restricted to 20 and the closing time must not exceed 22.00 hours. You must notify us, with a

minimum period of notice of seven days, when the premises are due to open, so that the commencement of the one year permission can be recorded.

Reason:

So that we can assess the effect of the A3 restaurant use and make sure it meets policy TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R03CB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need separate licensing approval for the A3 restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 3 You are advised that the described level and function of wine sampling and sales at the property is considered to be ancillary to the main function of the premises as a restaurant (Class A3), however, if this described operation were to fluctuate in the future to place greater emphasis on wine sampling and/or sales then it may be considered that a change of use of the premises has occurred for which planning permission would be required. The City Council will take appropriate enforcement action to prevent any unauthorised change of use of the premises.

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.

This page is intentionally left blank

Agenda Item 5

| |
|----------|
| Item No. |
|----------|

| |
|---|
| 5 |
|---|

| | | | |
|--|--|---|-----------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 31 January 2017 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Marylebone High Street | |
| Subject of Report | 29 Marylebone Road, London, NW1 5JX | | |
| Proposal | Alterations to the ground floor frontage, construction of roof top plant enclosures and extensions, facade alterations to the annexe on Luxborough Street at all levels including a roof terrace and use of the building as a dual/alternative Class B1 office/D1 non-residential institution. | | |
| Agent | Savills | | |
| On behalf of | University of Westminster | | |
| Registered Number | 16/10311/FULL | Date amended/ completed | 4 November 2016 |
| Date Application Received | 27 October 2016 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | No | | |

1. RECOMMENDATION

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

2. SUMMARY

The application site comprises a corner site at the junction of Luxborough Street and Marylebone Road. The property has a lawful Class B1 office use and at the time of the officer's site visit, only one floor was occupied. The rear facades face onto Bingham Place. The building is unlisted and lies outside, but immediately to the north of the Harley Street Conservation Area. The building is in two main parts with the main part being an eight storey brick building facing onto Marylebone Road with a return façade onto Luxborough Street; whilst the annex part of the building is a five storey structure facing onto Luxborough Street.

Permission is sought for alterations to the ground floor frontage, construction of roof top plant enclosures and extensions and facade alterations to the annexe in Luxborough Street at all levels, including provision of a roof terrace in connection with the use of the building as a dual/alternative Class B1 office/D1 non-residential institution use.

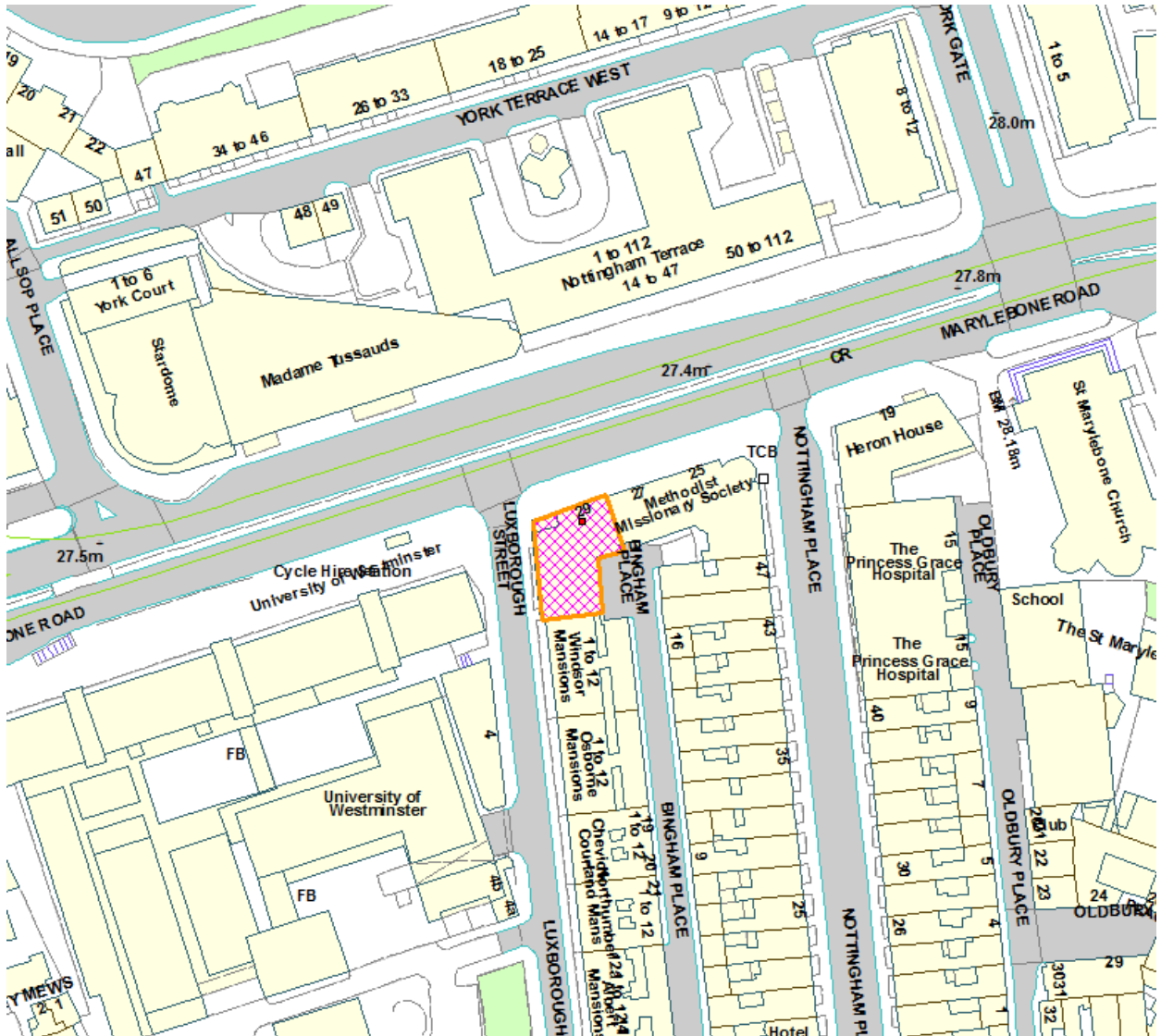
One objection has been received from the Methodist Church adjoining the site in Marylebone Road on the design, amenity and construction impact grounds.

The key considerations in this instance are:

- The impact of the proposals in land use terms.
- The impact of the proposals upon the design and appearance of the building, this part of the City and the adjacent conservation area.
- The impact of the proposals upon the amenity of neighbouring properties.

For the reasons set out in the report, the proposals are considered acceptable in land use, townscape, design, amenity, highways and environment terms and comply with City Council Unitary Development Plan (UDP) and Westminster City Plan (City Plan) policies.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Photographs showing the application site from Marylebone Road (left) and Luxborough Street (right).



Photographs showing the application site from Bingham Place (top left and bottom) and the street level of building from Luxborough Street (top right).

5. CONSULTATIONS

MARYLEBONE ASSOCIATION

No objection, subject to hours of operation for the roof terrace.

CLEANSING MANAGER:

No objection subject to conditions.

ENVIRONMENTAL HEALTH:

No objections subject to conditions.

HIGHWAYS PLANNING MANAGER:

Objection on the grounds that no servicing and management plan or travel plan has been submitted with the application; the short stay cycle parking to the front forecourt as proposed will result in blocking of the pavement and should be designed to be parallel with the building line and no long stay cycle parking is proposed.

TRANSPORT FOR LONDON

No objection.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

Total No. Consulted:35; Total No. Responses:1.

One objection received on the grounds the annexe building forms part of the Harley Street Conservation Area and therefore should be assessed in that manor; that the proposals are unacceptable in design terms notably with regards to the height of the annexe building in relation to Windsor Mansions adjacent; the elevation treatment of the annexe building has no relationship with the adjacent properties; the plant at roof level is unsightly; the large glazed frontage on Luxborough Street is both unacceptable in design and privacy terms and that the proposed terrace at roof level will raise amenity concerns.

PRESS ADVERTISEMENT / SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a corner site at the junction of Luxborough Street and Marylebone Road. The property has a lawful Class B1 office use and at the time of the officer's site visit, only one floor was occupied. The rear facades face onto Bingham Place.

The building is unlisted and lies outside, but immediately to the north of the Harley Street Conservation Area. The building is in two main parts: the main part being an eight storey brick building facing onto Marylebone Road, with a return façade onto Luxborough Street; whilst the annex part of the building is a five storey structure facing onto Luxborough Street.

6.2 Recent Relevant History

An application for similar alterations was recently submitted (16/06106/FULL), but withdrawn upon officer's advice as the proposals were not considered in townscape and design terms.

7. THE PROPOSAL

The application seeks to overcome officer's previous concerns in relation to application withdrawn in 2016 (16/06106/FULL). The amendments proposed include moving the ground floor entrance from Marylebone Road to Luxborough Street to allow a full shop front display in its original location to Marylebone Road; provision of a new fire exit to allow people from the basement level to escape in an emergency whilst offering a new entrance to the lower ground level; second and third floor additions on the annex frontage to extend out to the main building line in Luxborough Street, re-cladding of the annex façade in Luxborough Street; installation of additional roof level plant; replacement of car park entrance with windows and use of annex roof as a terrace with railings to the front elevation and a 1.8 m privacy screen formed in white opaque glass to the rear elevation facing Bingham Place.

The works are proposed in association with the use of the building as either Class B1 offices or Class D1 non-residential institution use.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Permission is sought for the use of the building as either Class B1 offices or Class D1 non-residential institution use.

The GIA of the existing building is 2820m² and as a result of the extension, including the internal modifications the GIA of the proposed building is 2852m², resulting in an increase of 32m².

As the building already has a lawful use as Class B1 offices, there are no objections to the continued use of the building for this use.

With regards to the proposed Class D1 use, the University of Westminster's Vision and Engagement Statement has been submitted with the application. The objective is to create a university based business centre and incubator unit as a stepping stone for students between the education and business worlds. The building will be used as a functional and professional space, equipped to showcase Westminster's academic excellence. There will be a permanent and highly visible exhibition space and a programme of engagement activities to amplify the relevant and impact for future clients and policymakers. Aside from income generation through short courses and conferences, the building will showcase the University's research excellence and enable it to host clients in order to raise its profile, awareness of its work and, ultimately, increase income generation. The building will be a home for the Institute of Advanced Studies and cross disciplinary research.

It is considered that the proposed use, as described, is a dual use of Class B1 offices (the existing use) and Class D1 non-residential institution use. However, the application form

states the proposals is for either B1 or D1 use, and that the University wishes the ability to move in either direction.

Whether the building is used as a dual Class B1/D1 use or solely as a D1 use, the proposed loss of office accommodation is considered to comply with S1 and S20 of the City Plan. The proposed dual use or solely the Class D1 use are also considered comply with Policy S8 of the City Plan which supports uses of this nature in the Marylebone and Fitzrovia area. It must also be remembered that the University of Westminster already has an extensive campus in the Marylebone area. The proposals would also be seen to accord with policy SOC3 of the UDP.

It should be noted that the University's business sponsors for the project have met with the Baker Street Quarter, the Business Improvement District (BID), within which the Marylebone Campus sits, and apparently there is support for the proposals from these bodies, although nothing of note to corroborate this has been submitted with the application.

The proposals are acceptable in land use terms, subject to a condition preventing the use of the premises for any other use within Classes B1 and D1 other than those which have been applied for. This condition is necessary to prevent the use of the building for other uses which could have a materially greater impact on the amenity of neighbouring occupiers.

8.2 Townscape and Design

No.29 Marylebone Road is a post-war building (probably dating to the 1950s or 1960s) and has been designed as a complementary addition to Nos.25-27 Marylebone Road (Methodist Church House), which dates from 1939. As a later addition, the post-war block does not have the refinement of detailing found in its neighbour and has been harmfully altered by replacement windows, nevertheless with its punched window openings, stone plinth and brick string courses it, at best, quietly defers to its neighbour. The Luxborough Street façade is even less successful, with a bland and largely blank ground floor and the rather incongruous annex structure with its tiled cladding, creating a rather uncomfortable junction with the late nineteenth century brick mansion blocks to the south, which all lie within the conservation area.

The main alterations proposed include recladding and façade alterations to the ground floor of the main brick building; extensions and recladding of the annex building; the introduction of a roof terrace to the annex building; and the introduction of plant to the roof of the main building. Some alterations are also proposed to the rear of the annex at ground floor level.

The works to the ground floor of the main block involve moving the entrance onto the Luxborough Street façade as well as introducing windows into this side, lowering some of the window openings in the Marylebone Road side to create informal benches, over cladding of the brickwork with limestone, and over cladding and extending the annex building in a reconstituted stone. It is also proposed to install a metal railing in place of the existing brick wall to the light well areas in Luxborough Street.

With respect to the annex building, this currently presents three sheer storeys onto Luxborough Street, with a further two upper storeys stepped progressively back. The proposal would bring these upper storeys forward so that a full height, five storey elevation faces onto the street. The façade would be replaced with a reconstituted stone grid containing large panels of full height glazing.

The roof terrace would be at a similar height as the existing flat roof to the annex and the main alteration is the proposal to introduce an opaque glass balustrade, 690mm in height, which would rise above the existing rear parapet level to address potential overlooking.

At main roof level new plant is proposed in the form of 1 large air-handling unit (AHU) and 3 air-conditioning units. The air-handling unit will be positioned towards the Marylebone Road façade and will measure 1.7m in height and the proposal includes introducing a 1.7m louvered screen enclosure around this item of plant. The air conditioning units are set relatively centrally within the roof plan and would be 2m high. Associated ductwork running on the roof would be 650mm high. The proposed plant and enclosure are lower in height than the existing rooftop plant rooms.

At the rear it is proposed to replace the existing metal roller shutter garage door and access door, with a predominantly glass wall and to introduce some planters in front of this glazing.

Finally, it is proposed to introduce new signage onto the Marylebone Road façade, with internally illuminated lettering, identifying the building as part of the University of Westminster.

In townscape and design terms, the main policies which relate to the current proposals are Policies S25 and S28 in the City Plan and Policies DES 1, DES 5, DES 6 and DES 9 in the UDP. DES 8 of our UDP is also relevant to the advertisement application.

The proposals are considered acceptable in design terms. The principle of moving the entrance to the Luxborough Street façade, of modifying existing windows and introducing new windows and of modifying the perimeter treatment to the lightwell are all considered acceptable. The choice of limestone and reconstituted stone are a complementary choice of materials.

The principle of bringing the upper two floors of the annex forward is considered acceptable and would arguably improve the townscape by covering up the exposed brick flank wall with Windsor Mansions. The façade treatment, while more assertive than the current building, is considered to provide a building of better articulation and relief. While not within the conservation area, this new façade lies immediately adjacent to Windsor Mansions which is within the Harley Street Conservation Area. Policy DES 9 of our UDP does seek to protect the setting of conservation areas and the objection letter from the adjacent Methodist Church does raise the issue about impact upon the conservation area. For the reasons set out above it is considered that the proposal would not have an adverse impact on the setting of the conservation area and arguably better stitches the street façade together. In terms of the statutory duty it is considered that the character and appearance of the conservation area would not be adversely affected by this scheme.

With respect to the proposed rooftop plant, this is also considered acceptable with the plant being of a relatively low profile compared with existing rooftop structures. It is considered unlikely that the proposed plant will be visible from street level views and if there are any views, these will be of the plant seen in conjunction with existing rooftop structures and thus having a recessive quality.

The changes to the rear façade, the introduction of planters and the proposed rooftop terrace raise no design concerns.

The new building sign is the subject of a separate application (16/06107/ADV) which is currently invalid. The proposed signage would be large individually mounted built up letters which would spell University of Westminster. The drawings indicate that the lettering is to be halo illuminated. The size of the proposed letters would mean that the sign is just beyond the size which would allow this signage to have deemed consent, but in any case on the basis that a genuine halo effect is created, it is considered that the design proposed would be acceptable in terms of visual amenity.

The proposals are considered to be acceptable in townscape and design terms.

8.3 Residential Amenity

Policy ENV13 of the UDP and S29 of the City Plan seeks to protect the amenities, sunlight and daylight and environmental quality of neighbouring properties. Policy ENV7 of the UDP seeks to protect neighbouring properties from plant and machinery.

The proposed elevational and roof top alterations to the Marylebone Road building raise no amenity concerns with regards to loss of daylight and sunlight, sense of enclosure or outlook. A significant amount of plant is proposed at roof level and the majority of this will be sited so as to be a minimally as intrusive as possible. An acoustic report has been submitted with the application and this demonstrates that the plant will comply with City Council policy ENV7 and will therefore not raise any noise concerns.

The annexe building which faces Luxborough Street and Bingham Place is to be extended and modified. This comprises an extension to the front elevation of the building at second and third floor to bring the building line flush with that of the main building at 29 Marylebone Road and the adjacent Windsor Mansion. Modifications are proposed at ground floor, (lower ground floor to Bingham Place) and comprise a significant amount of glazing. At fifth floor roof level over the annex building it is proposed to create a terrace and this will require a balustrade to the front and rear elevations, although the rear elevation balustrade will be sited on top of an already tall parapet wall of 1.3m. The extension will rise no higher than the existing boundary wall with Windsor Mansions directly to the south of the site and will not project any forward of the front or rear elevations of this building. Given the extension is proposed to the front elevation of the building, there are no impacts upon adjacent properties in terms of daylight, sunlight, outlook or sense of enclosure. It is also not considered that the balustrade to the front elevation, which is traditional open black metal railings, or the proposed 0.7m opaque glass screen to the rear would result in any harm to neighbouring properties in Luxborough Place or Bingham Place in terms of loss daylight, sunlight or increased sense of enclosure.

The modifications to the rear in terms of the glazing are not considered to result in any significant light spillage to the properties to the rear on Bingham Place and therefore do not warrant withholding permission.

The terrace is proposed to provide an outdoor facility to the students and somewhere for events to take place. Given the balustrade proposed at 2m in height, there are no concerns with regards to overlooking. Given the nature of the development and that the terrace is at roof level, generally higher than all the other residential and neighbouring properties, it is not considered that the terrace will attract such noisy behaviour so as to warrant refusal. The terrace is to be used Monday to Friday and the applicant has requested that the terrace be used until 10.00pm. Given that there are residential properties adjacent in Windsor Mansions and to the rear in Bingham Place it is considered that 9.00pm is a more reasonable cessation time and this is to be conditioned. The applicant is aware of this.

The objector contends that the open glazing to the front of Luxborough Street will allow for overlooking through the site to the rear of the Methodist Church which backs onto Bingham Place and the residential properties Bingham Place when walking past on Luxborough Street. Given the properties on Bingham Place and the rear of the Methodist Church are already seen from public view points, it is not considered that the proposals would result in unacceptable levels of overlooking.

The proposals are considered acceptable in amenity terms and comply with City Council policies.

8.4 Transportation/Parking

8.4.1 Car Parking

The site is within a Controlled Parking Zone which means anyone who does drive will be subject to those controls. The site has a good level of public transport accessibility. Car parking spaces in the lower ground floor of the building, accessed from Bingham Place are to be lost, however these are spaces associated with the existing office use and therefore their loss is acceptable and compliant with Policies TRANS21 and TRANS23 in the UDP.

8.4.2 Trip Generation

Based on the information submitted the proposal is likely to generate more trips per day than the existing approved use of the site. Given the age of the students, the transport facilities in the area the Highways Planning Manager considers that provided a robust travel plan is secured it is unlikely that the proposal will have a significant impact on the public highway.

A Travel Plan has not been submitted as part of the application. Given the nature of the university building and that there are other university buildings within the vicinity of the application site as part of the Marylebone Campus, it is not considered reasonable to request this in this instance.

8.4.3 Servicing

TRANS20 requires off-street servicing. Limited off-street servicing is indicated for the development at the rear of the site accessed from Bingham Place. No details of servicing have been submitted. The plans do not indicate any catering facility is included (although

a bar is indicated on the roof terrace) however no other information regarding the use is submitted which makes it difficult to anticipate the likely level of servicing. It is expected that the proposed Class B1/D1 or Class D1 use would generate more than the existing Class B1 use. Details regarding the likely service generation of the site should also be submitted and a Servicing Management Plan (SMP) is to be conditioned.

8.4.4 Forecourt Alterations

Policy TRANS 3 states that the City Council, in considering development proposals, will aim to secure an improved environment for pedestrians, with particular regard to their safety, ease, convenience and directness of movement, in the course of negotiations or securing planning agreements, including the provision of appropriate facilities, such as footway widening, connecting walkways, footbridge location and covered arcading.

The proposed short stay cycle parking at the front of the site on the corner of Luxborough Street and Marylebone Road adjacent to the building entrance, if built as proposed, will likely lead to cycle over hanging and obstructing the public high. These spaces/ hoops should be altered and aligned parallel to the building façade and this is to be secured by condition. This will reduce the number of hoops to 4 but the use of the spaces should leave the public highway unaffected or obstructed. As these spaces are not secure or covered they do not count towards the long stay cycle parking requirement under the London Plan.

8.4.5 Cycle Parking

For Class D1 (University Education) uses the London Plan requires 1 space per 4 staff and 1 space per 20 students. No internal, covered and secure cycle parking spaces are proposed. This is to be secured by condition and it is likely that these spaces could be accommodated in the basement.

The proposals are considered acceptable in highways terms and comply with policies, subject to conditions.

8.5 Economic Considerations

Please see the land use section of the report, regarding the status of the University of Westminster and its economic profile within London.

8.6 Access

The proposals will allow for level access from Luxborough Street.

8.7 Other UDP/ Westminster Policy Considerations

A condition requiring details of waste facilities is recommended as none are currently shown on the submitted drawings. As per the cycle parking, this could be accommodated in the basement area.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The proposed change of use does not generate a requirement for any planning obligations and falls below the minimum floorspace threshold for CIL liability.

8.11 Environmental Impact Assessment

Not relevant in an application of this nature.

8.12 Other Issues

The objection refers to the impact that the proposed construction would have in terms of noise and disturbance and for the potential need for cranes. This is not considered a sustainable reason for refusal. A development of this kind would require the applicant to comply with the City Council's Code of Construction Practice in order to minimise disruption to neighbouring properties and the standard hours of working condition is to be attached.

9. BACKGROUND PAPERS

1. Application form.
2. Email from Marylebone Association dated 30 November 2016.
3. Memo from Cleansing Manager dated 21 November 2016.
4. Memo from Highways Planning Manager dated 22 November 2016.
5. Email from Transport for London dated 29 November 2016.
6. Memo from Environmental Health dated 30 November 2016.
7. Letter from The Methodist Church, occupiers of Methodist Church House, 25 Marylebone Road, dated 7 December 2016.

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

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

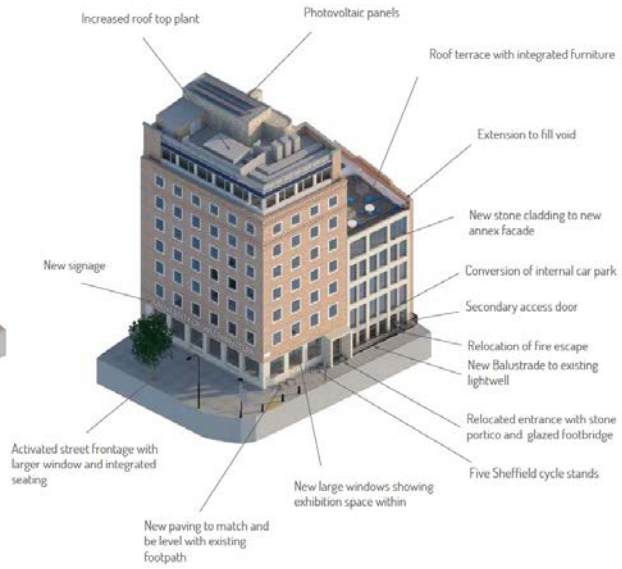
10. KEY DRAWINGS

Existing and proposed Visuals of front and rear elevations

Existing



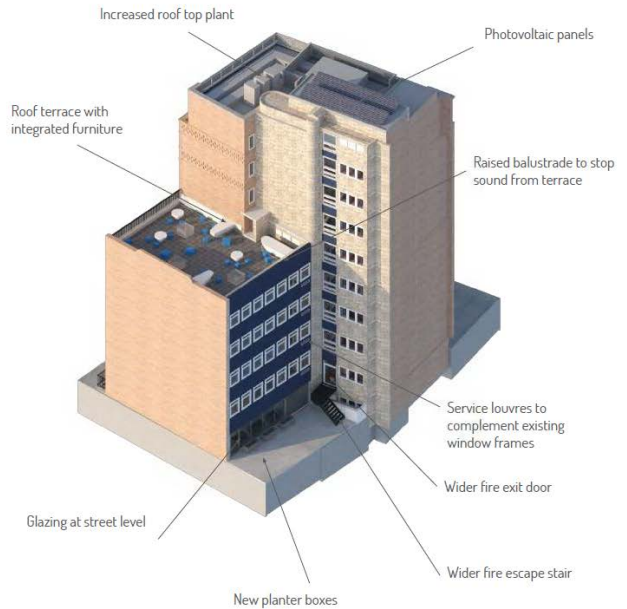
Proposed



Existing



Proposed



Proposed Luxborough Street Elevation



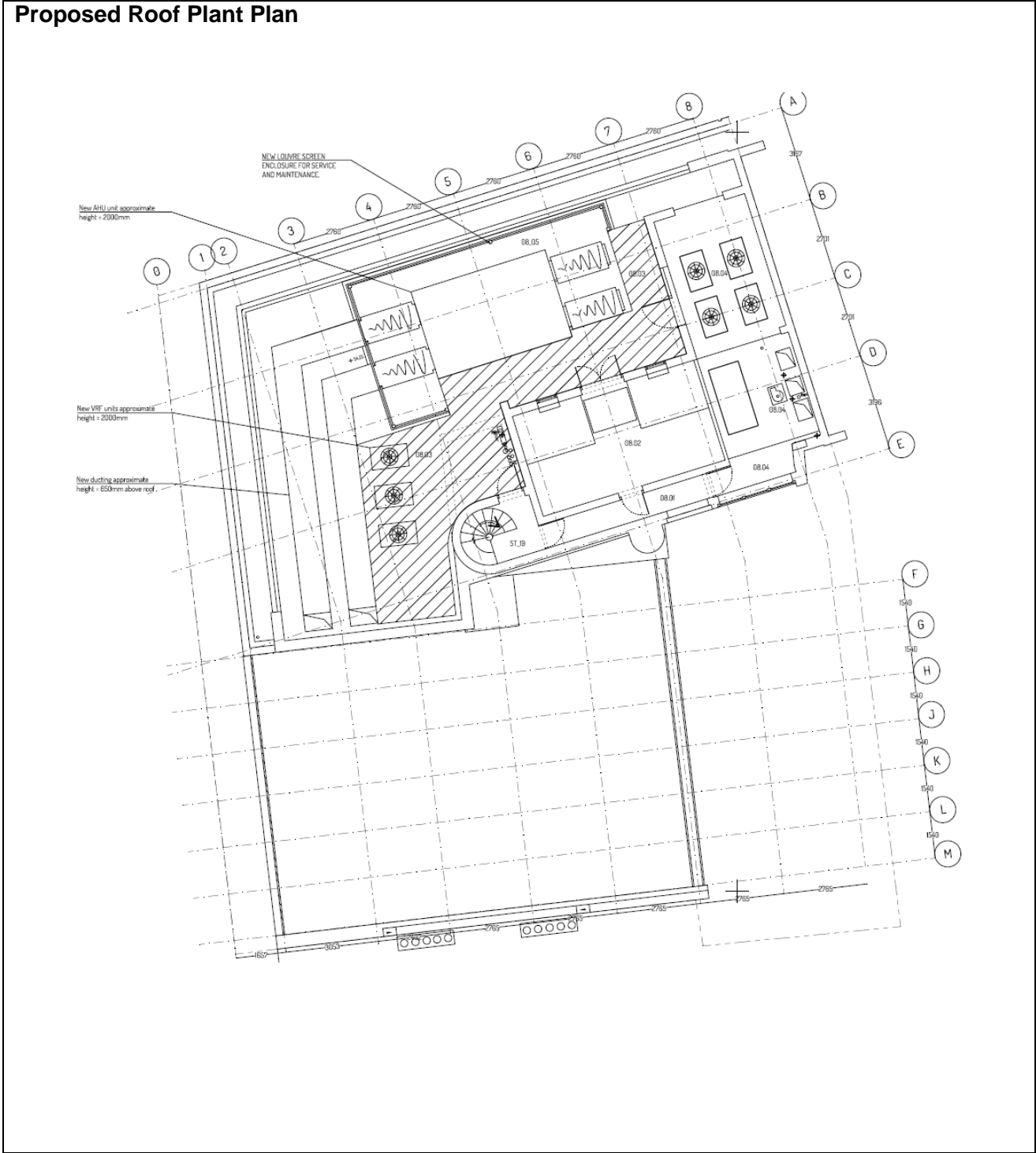
Proposed Marylebone Road Elevation



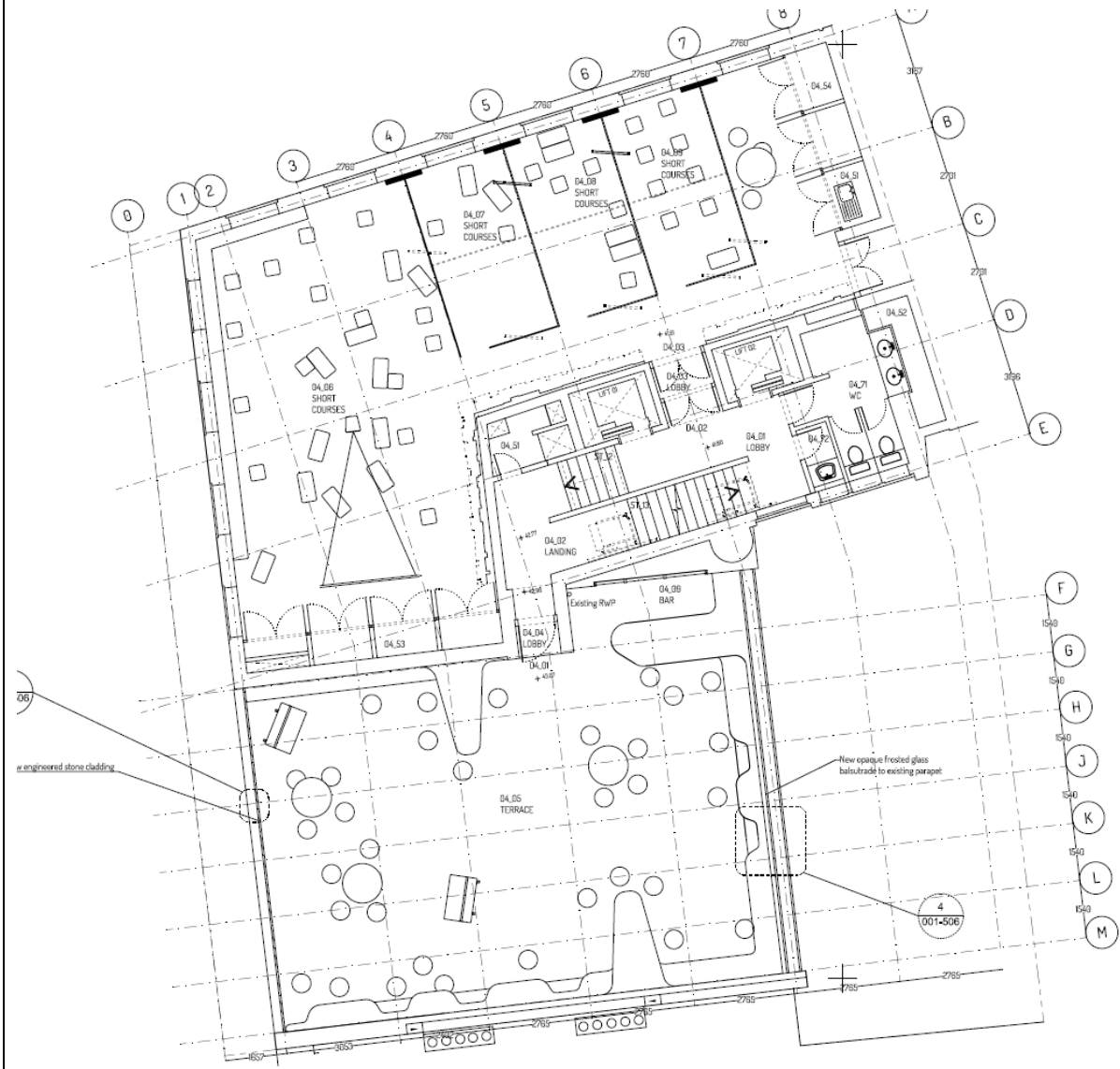
Proposed Bingham Place Elevation



Proposed Roof Plant Plan



Proposed Terrace Roof Plan



DRAFT DECISION LETTER

Address: 29 Marylebone Road, London, NW1 5JX

Proposal: Alterations to the ground floor frontage, construction of roof top plant enclosures and extensions and facade alterations to the annexe on Luxborough Street at all levels including a roof terrace in connection with the use of the building as a dual/alternative Class B1 office/D1 non-residential institution.

Reference: 16/10311/FULL

Plan Nos: 001: 010; 100 B Ex C; 100 LG Ex C; 100 GF E C; 100 MZG Ex C; 101 Ex C; 102 Ex C; 103 Ex C; 104 Ex C; 105 Ex C; 106 Ex C; 107 Ex C; 108 Ex C; 109 RP Ex C; 211 Ex C; 212 Ex C; 213 Ex C; 214 Ex C; 321 Ex C; 322 Ex C; 323 Ex C; 324 Ex C; 325 Ex C; 326 Ex C; 327 Ex C; 328 Ex C; 329 Ex C; 330 Ex C; 331 Ex C; 100 B Q; 100 LG P; 100 GFL Q; 100 MZG P; 101 P; 102 P; 103 Q; 104 Q; 105 Q; 106 Q; 107 Q; 108 P; 109 P; 211 Q; 212 Q; 213 Q; 214 Q; 321 Q; 322 Q; 323 Q; 324 Q; 325 Q; 327 Q; 330 Q; 331 Q; 501 D; 502 D; 504 D; 505 D; 506 C; 507 C; Covering Letter dated 27 October 2016; Design and Access Statement dated 24 October 2016.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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 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)

- 4 The terrace at roof level on the annexe building hereby approved shall only be used between the hours of 10.00 and 21.00 Monday to Friday.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 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 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: the cycle parking stands to the Luxborough Street elevation relocated parallel with the building line. 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:

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 apply to us for approval of details of secure cycle storage for the Class B1/ Class D1 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 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the office or university use. (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)

- 10 You must apply to us for approval of details of a servicing management plan. You must not occupy the development until we have approved what you have sent us. You must then abide at all times to the details as set out in the servicing management plan.

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)

- 11 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.

Reason:

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

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

- i) The new railings;
- ii) The setting out and joints (including any movement joints) of the new stone cladding;
- iii) The new planters.

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

Reason:

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

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

Reason:

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

- 14 You must use the property only as offices or as an administrative place/ lecture space/ function space for the university. You must not use it for any other purpose, including any within Class B1 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any

order that may replace it). (C05AB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet ENV13 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the office and university floor can change between the office and university 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)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 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)

- 6 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)

- 7 Conditions 5 and 6 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)

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.

This page is intentionally left blank

| |
|----------|
| Item No. |
| 6 |

| | | | |
|--|---|--|-----------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 31 January 2017 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Queen's Park | |
| Subject of Report | 18 Ilbert Street, London, W10 4QJ | | |
| Proposal | Installation of two bike hangars on the highway outside 18 Ilbert Street. | | |
| Agent | WSP Parsons Brinckerhoff | | |
| On behalf of | Westminster City Council | | |
| Registered Number | 16/09622/COFUL | Date amended/ completed | 19 October 2016 |
| Date Application Received | 7 October 2016 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Queens Park Estate | | |

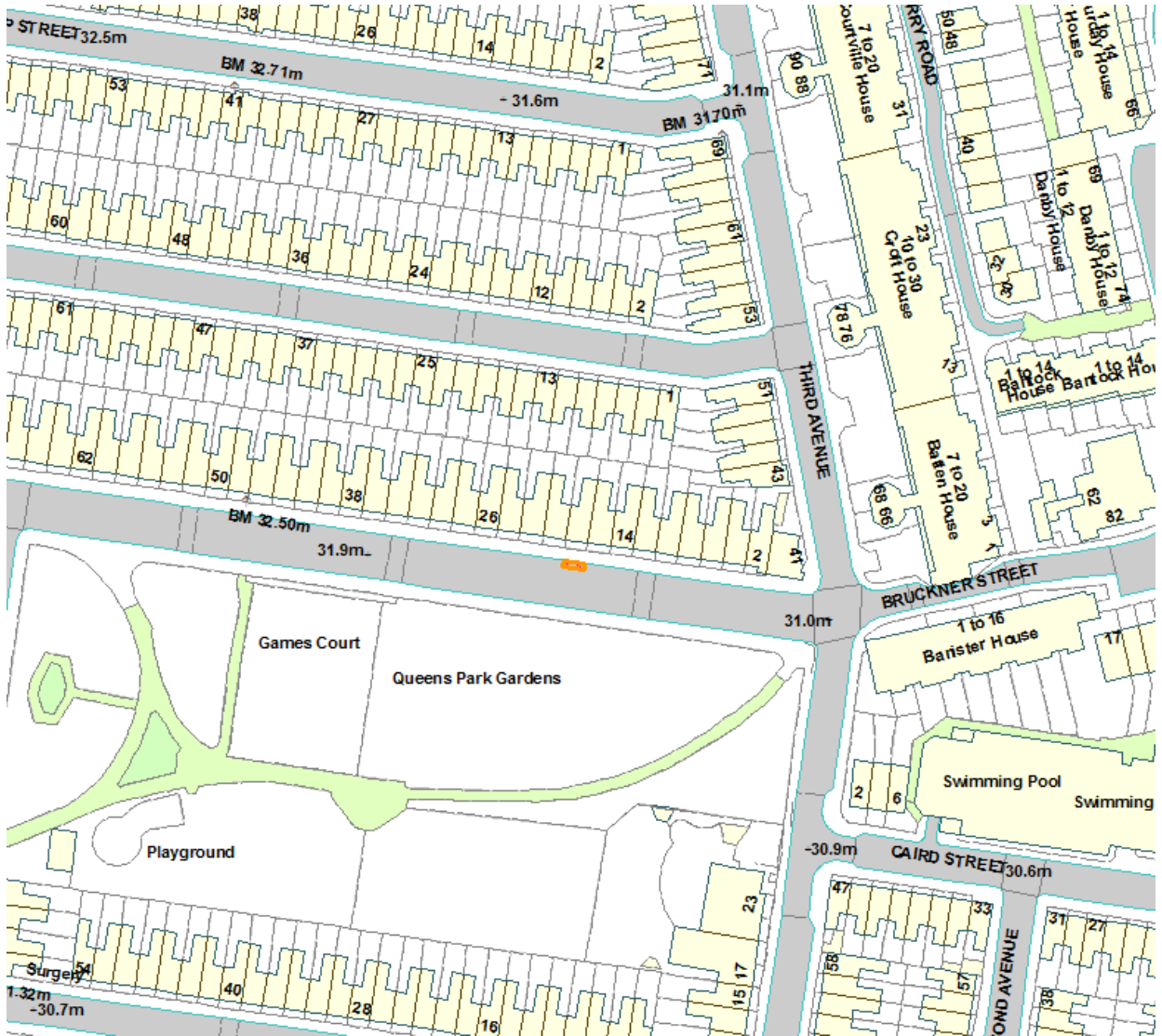
1. RECOMMENDATION

| |
|--|
| Refuse permission – on design grounds. |
|--|

2. SUMMARY

| |
|--|
| <p>Permission is sought for the installation of two cycle storage structures located on the public highway outside No.18 Ilbert Street.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • The impact of the structures on the character and appearance of the Queen’s Park Estate Conservation Area. • The provision of cycle storage facilities for local residents. <p>The proposed bicycle storage structures are considered to be unacceptable in design terms as they would harm the character and appearance of the Queen’s Park Estate Conservation Area. It is not considered that the benefits of providing the cycle storage facility outweighs the harm that the structures would cause to the character and appearance of the Queen’s Park Conservation Area, which would be contrary to Policies DES1, DES7 and DES9 in the Unitary Development Plan (UDP) and Policies S25 and S28 in Westminster’s City Plan (the City Plan).</p> |
|--|

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR MORGAN (QUEEN'S PARK COMMUNITY COUNCIL COUNCILLOR)
Support the application. Encourages choosing a healthy lifestyle and would be a secure area to store bikes.

QUEEN'S PARK COMMUNITY COUNCIL
Support the application.

HIGHWAYS PLANNING MANAGER:
No objection.

CLEANSING MANAGER:
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 9
Total No. of replies: 2
No. of objections: 0
No. in support: 2

Support given on the following grounds:

Design:

- Visual appearance no less attractive than the average motor vehicle.

Other:

- Encourage cycling in the area.
- Alleviate problems in finding secure, dry storage.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is outside No. 18 Ilbert Street and forms part of the public highway. Ilbert Street lies within the Queen's Park Estate Conservation Area. The vast majority of the buildings within the conservation area were constructed in the 1870's by The Artizans, Labourers and General Dwellings Company, which was the creation of the philanthropist William Austin, to provide an improved standard of working class housing. The estate was identified as being one of special architectural and historic interest by the Council and was designated as a conservation area in 1978.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

The application seeks permission for the installation of two bicycle storage structures located on the public highway outside No.18 Ilbert Street. The structures would be located in an existing disabled White Badge holder space, which is no longer required by its previous user.

The two bicycle storage structures can each store up to six bicycles and they are to be installed by the City Council, but managed by Cyclehoop Ltd. The combined size of the storage structures (as they will be positioned alongside one another) would be 5.1m in length (along the kerb) by 2.0m wide and they would be 1.36m in height. The structures would have a galvanised metal frame and would partially sit on the kerb. The predominant colour of the structure would be black.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application does not raise any land use issues as the land forming the application site would remain part of the public highway.

8.2 Townscape and Design

The Queen's Park Estate Conservation Area Audit (adopted in 2005) includes the following section in relation to street furniture:

"...The street furniture is co-ordinated and simple and wide uncluttered streets are characteristic of the estate....Unnecessary modern street clutter and signage can detract from the character of conservation areas and should be kept to a minimum. The proliferation of clutter in the streetscape will be resisted and a co-ordinated approach to street furniture design promoted" (paras. 4.49 and 4.50)

The stated reason for the site selection is that it lies within the 1.5km 'buffer zone' of Cycle Superhighway 8, where in residential areas new cycle parking facilities are to be provided to encourage residents to use the Superhighway and to cycle generally. This particular site has been chosen to promote cycling by domestic users, who may otherwise be discouraged by the lack of facilities available to them.

The proposal is considered unacceptable in design terms as it will cause harm to the conservation area. The modest scale of the housing and the uncluttered streets combine to create a townscape of high quality and charm. The proposed bicycle storage structures introduce a bulky and incongruous feature into the townscape, which detracts from the setting of the houses. While the streets are lined by parked cars, these are of course transitory and have a very different impact on the character of the area.

The statutory duty and policy DES 9 of our UDP require us to pay special attention to preserve or enhance the character or appearance of conservation areas, and it is considered that acceptance of this proposal would not accord with that duty or policy. The application has made no attempt to justify the proposal in terms of impact on the conservation area, nor has it sought to demonstrate that less sensitive sites could not be

found. Beyond the boundaries of the Queen's Park Estate Conservation Area, there are, in Westminster terms, large areas which are not conservation areas and it is suggested that the use public highway in these areas ought to be pursued in the first instance.

Furthermore, while the challenges relating to cycle storage are recognised, this has more resonance for areas of the city where the properties are mainly sub-divided into flats and where there are minimal storage facilities in those flats. This is less acceptable, as an argument, in the Queen's Park Estate where the houses are mainly single family dwellings with rear gardens.

For these reasons, in design and conservation terms, the proposed bicycle storage structures would not accord with Policies DES1, DES7 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

The proposed bicycle storage structure is sufficiently small scale and sufficiently distant from neighbouring windows so as not to cause any concerns in amenity issues and the proposal would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

The Highways Planning Manager advises that the existing parking bay, which was formally used as a White Badge bay, is now surplus to requirements and therefore the loss of this bay to enable the provision of the bicycle storage structure is not objectionable in this case as there would not be a material increase in on-street residents parking demand, which would be contrary to Policy STRA25 in the UDP.

The provision of secure weatherproof bicycle storage would accord with Policy 6.9 in the London Plan, which supports the provision of new cycle infrastructure that promotes cycling. However, the benefits that this scheme would deliver in this location are not considered to be so significant, for the reasons set out in Section 6.2, so as to outweigh the harm caused to the character and appearance of the Queen's Park Estate Conservation Area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposal does not have any adverse access implications.

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

The proposed development does not generate a requirement for any planning obligations and is not CIL liable.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale.

8.12 Other Issues

Not applicable.

9. BACKGROUND PAPERS

1. Application form
2. Letter from a Queen's Park Community Council Councillor (Emma Morgan) dated 8 December 2016.
3. Email from the Queens Park Community Council dated 21 December 2016.
4. Memo from the Cleansing Manager dated 18 November 2016.
5. Memo from the Highways Planning Manager dated 8 December 2016.
6. Letter from occupier of 67 Sixth Avenue dated 23 November 2016.
7. Letter from occupier of Flat 229, Dibdin House dated 8 December 2016.

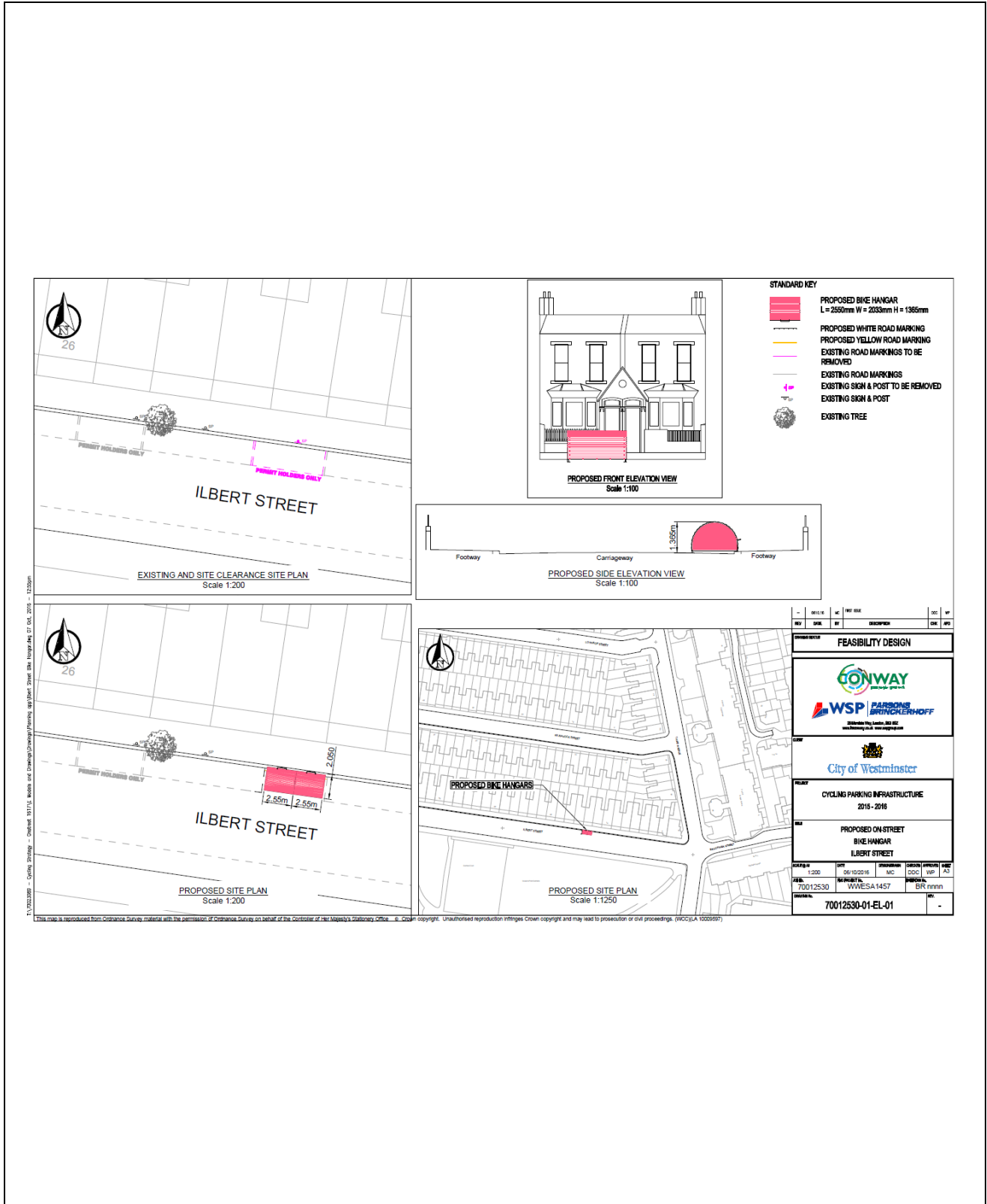
Selected relevant drawings

Drawing and 'Bikehangar' manufacturer's specification.

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

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

10. KEY DRAWINGS



cyclehoop

www.cyclehoop.com

✉ info@cyclehoop.com

☎ 0208 699 1338

📧 @cyclehoop

📘 facebook.com/cyclehoop

The Lambeth Bikehangar

The Lambeth Bikehangar is an award-winning popular design for outdoor sites offering a safe and effective way to protect bikes from tough weather conditions and vandalism where storage space is limited.

It is an effective street de-cluttering design which can store up to six bicycles and only occupies half of a parking space.

Cyclehoop can work with your organisation or local council to provide a fully managed cycle parking rental scheme:

- Residents can find their nearest Bikehangar online
- Application for spaces can be made on a dedicated website
- A small rental fee and key deposit can be paid online
- Key distribution and replacement services offered
- Yearly maintenance and servicing

For more details visit: www.cyclehoop.com/rentals



Technical Specification

- Gas sprung door and galvanized steel frame.
- Can be placed in half of a parking space.
- Optional powder-coating available.
- Made in Britain.

Dimensions

- Length 2550mm
- Depth 2050mm
- Height 1350mm



DRAFT DECISION LETTER

Address: 18 Ilbert Street, London, W10 4QJ

Proposal: Installation of two covered bicycle stores on the public highway outside No.18 Ilbert Street.

Reference: 16/09622/COFUL

Plan Nos: 70012530-01-EL-01, 'Google Extract' sheet and 'Lambeth Bikehangar' manufacturer's specification and Design and Access Statement.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

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

Because of their size, location and appearance the proposed covered bicycle storage structures would fail to maintain or improve (preserve or enhance) the character and appearance of the Queen's Park Estate Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 7 and DES 9 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 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.

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

| |
|----------|
| Item No. |
| 7 |

| | | | |
|--|--|--|------------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 31 January 2017 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Bryanston And Dorset Square | |
| Subject of Report | 50 Balcombe Street, London, NW1 6ND | | |
| Proposal | Installation of a glazed roof access hatch in roof of 4th floor mansard storey and replacement of internal staircase to roof level with new staircase/ ladder. | | |
| Agent | Kember Loudon Williams LLP | | |
| On behalf of | B Gibson | | |
| Registered Number | 16/08338/FULL & 16/08339/LBC | Date amended/ completed | 8 September 2016 |
| Date Application Received | 31 August 2016 | | |
| Historic Building Grade | II | | |
| Conservation Area | Dorset Square | | |

1. RECOMMENDATION

| |
|---|
| <ol style="list-style-type: none"> 1. Grant conditional 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. |
|---|

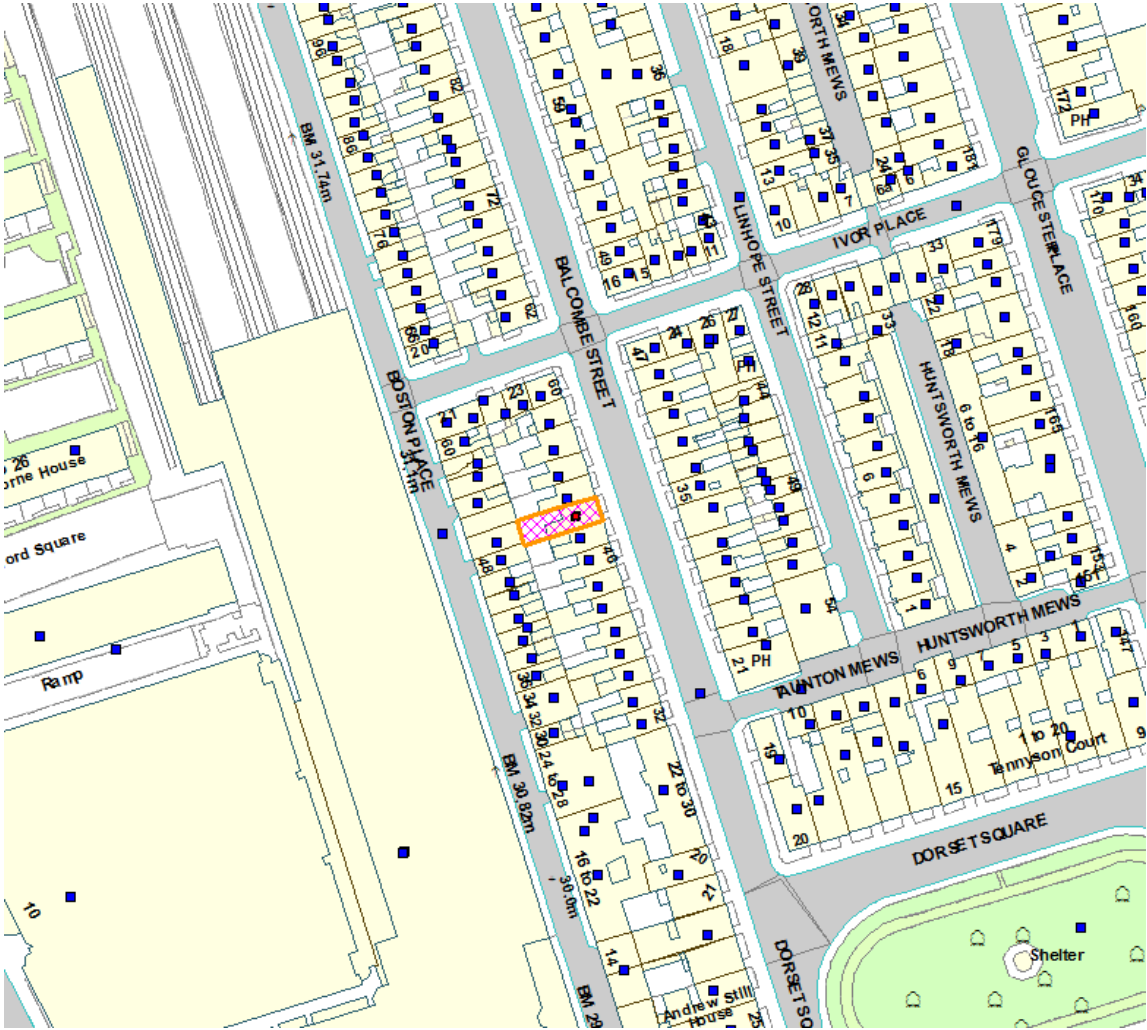
2. SUMMARY

| |
|--|
| <p>The application site is a Grade II listed terraced property located on the west side of Balcombe Street within the Dorset Square Conservation Area. This proposal relates to the maisonette on the third and fourth floor levels.</p> <p>Planning permission and listed building consent are sought for the installation of a glazed roof hatch in the roof of the 4th floor mansard storey to provide access to roof level and replacement of the internal staircase at 4th floor level with a steeper staircase/ ladder.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> • The impact on the significance and character and appearance of this listed building and the character and appearance of the Dorset Square Conservation Area; • The impact of the proposed access hatch on the amenity of neighbouring residents in terms of |
|--|

noise disturbance and overlooking.

For the reasons set out in the report, subject to the recommended conditions, the proposed roof hatch and associated works 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). As such, the applications are recommended for conditional approval.

3. LOCATION PLAN

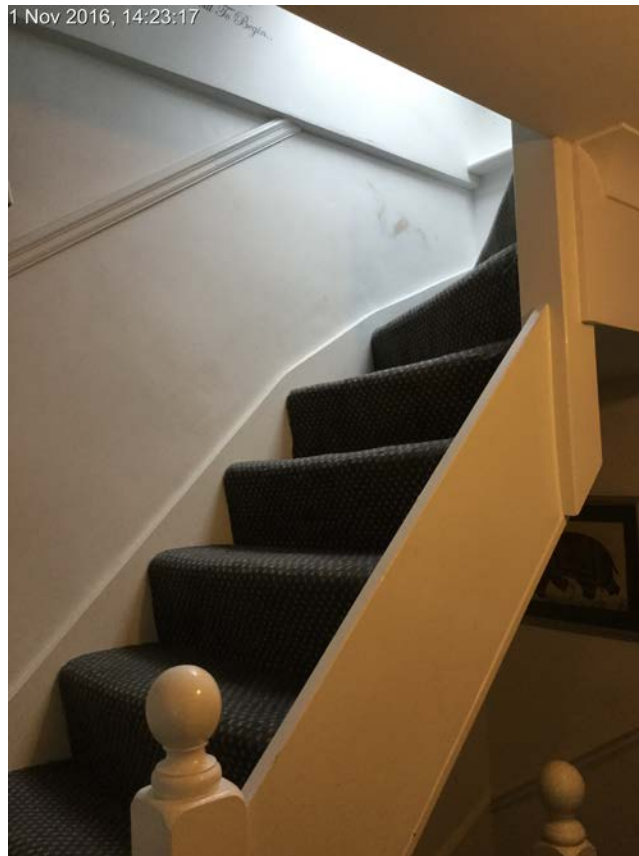


This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Front elevation (top) and existing access hatch at roof level (bottom).



Existing internal staircase at fourth floor level which leads to access hatch.

5. CONSULTATIONS

WARD COUNCILLORS (BRYANSTON AND DORSET SQUARE)

Any response to be reported verbally.

ST MARYLEBONE SOCIETY

Defer to Conservation Officer. It would have been useful to see photos of existing and proposed roof hatches side by side.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14; Total No. of replies: 1.

One email received raising objection on the following grounds:

- The proposed hatch appears to be larger than the existing;
- The loss of residential amenity to neighbours through noise, disturbance, overlooking and loss of privacy; and
- The installation of a ladder will pose greater safety risks.

ADVERTISEMENT / SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a Grade II listed mid-terraced property located on the west side of Balcombe Street within the Dorset Square Conservation Area. This proposal relates to the maisonette on the third and fourth floors.

The property has been extended at roof level with a mansard roof extension granted permission in the mid 1980's. There is a staircase inside this flat which leads onto the flat roof of the mansard via an access hatch. This existing hatch, which sits proud of the mansard roof, is unauthorised.

The flat roof area of the mansard is tiled and at the rear of the flat roof facing towards Boston Place, there is a recently built timber seat/enclosure which is fixed to the party walls. At the front, there is a metal railing. The front railing and the timber enclosures are also unauthorised. However, whilst most of the current the structures at roof level are unauthorised (including the means of access to the roof), the use of the flat roof of the mansard as a roof terrace is lawful, as was established by the Certificate of Lawful Existing Use or Development issued on 24 January 2005.

6.2 Recent Relevant History

20 January 2005 – Planning and listed building consent applications for retention and relocation of rooftop railings in connection with use as a roof terrace were withdrawn (04/09524/FULL and 04/09515/LBC).

24 January 2005 – A Certificate of Lawful Existing Use or Development was issued confirming that the use of part of mansard flat roof as a roof terrace was lawful (04/09525/CLEUD).

9 April 2008 – Two listed building enforcement notices were issued, which took effect on 15 May 2008. The requirements of the two enforcement notices are as follows:

- Within 3 months (a) remove the glazed roof extension built on top of the mansard roof of the property; (b) making good any damage caused to by the carrying out of the unauthorised works; and restoration of the property to its original condition prior to carrying out of the unauthorised works.
- Within 3 months (a) remove the railings installed on the roof of the mansard to the front and rear elevations of the property; (b) making good any damage caused to by the carrying out of the unauthorised works; and restoration of the property to its original condition prior to carrying out of the unauthorised works.

19 November 2008 – An appeal against the enforcement notice dated 9 April 2008 requiring the removal of the glazed roof extension built on top of the mansard roof was dismissed; although the period for compliance was extended to 5 months.

The glazed roof extension and railings were subsequently removed and replaced by a new roof access structure and the means of enclosure referred to in enforcement notices dated 9 June 2016 (see below).

27 November 2012 – Planning permission and listed building consent were refused for retention of a low level access hatch on the roof of the mansard and use of part of existing flat roof as a roof terrace (08/11044/FULL and 08/11045/LBC). Application refused on design grounds and on grounds that the proposal will result in more intensive use of the flat roof of the mansard as a terrace, to the detriment of the amenity of neighbouring residents.

16 August 2013 – Planning permission and listed building consent were refused for erection of railings to the rear of the flat roof of the mansard (13/04958/FULL and 13/04959/LBC). Application refused on design grounds and on grounds that the proposal will result in more intensive use of the flat roof of the mansard as a terrace, to the detriment of the amenity of neighbouring residents.

5 March 2014 – An appeal against the City Council's decision of 27 November 2012 was dismissed. In dismissing the appeal the Inspector found that the hatch proposed would unacceptably protrude above the roof and, relative to the overall area of the roof, would be significant in size. The Inspector also noted that the hatch would facilitate further uncharacteristic use of the roof as a terrace. In these regards the proposed hatch would harm the appearance of the listed building and the character and appearance of the conservation area. The Inspector also considered the additional use of extra areas of the roof as a terrace, beyond those areas confirmed to be lawful by the 2004 certificate, to be harmful to the amenity of neighbouring residents due to increased noise and disturbance and overlooking.

25 March 2015 – Planning permission and listed building consent were refused for the installation of a flat sliding rooflight to provide access to roof terrace at main roof level

(14/10040/FULL and 14/10041/LBC). Application refused on design grounds and on grounds that the proposal will result in more intensive use of the flat roof of the mansard as a terrace, to the detriment of the amenity of neighbouring residents.

20 May 2016 – An appeal against the City Council's decision of 25 March 2015 was dismissed. In dismissing the appeal the Inspector again found that the hatch proposed would unacceptably protrude above the roof and, relative to the overall area of the roof, would be significant in size. The Inspector also again noted that the hatch would facilitate further uncharacteristic use of the roof as a terrace. In these regards the proposed hatch would harm the appearance of the listed building and the character and appearance of the conservation area. In terms of residential amenity, like to 2014 appeal decision the Inspector considered the intensification of the use of the roof as a terrace would be harmful to the amenity of neighbouring residents due to increased noise and disturbance and overlooking.

9 June 2016 – Three listed building enforcement notices were issued, which took effect on 15 July 2016. The requirements of the three enforcement notices are as follows:

- Enforcement Notice B, which requires within 6 months (a) the removal from the mansard roof the raised enclosure and access hatch and (b) following completion of (a), restoration of the roof to its previous condition by reinstating paving stones to match those already in situ elsewhere on the roof.
- Enforcement Notice C, which requires within 6 months the removal of the metal railings erected at roof level to the front of the property.
- Enforcement Notice D, which requires within 6 months the removal of the timber structure (providing bench-type seating) installed at roof level.

7. THE PROPOSAL

The applicant seeks planning permission and listed building consent for the installation of a glazed roof hatch in the roof of the 4th floor mansard storey to provide access to roof level. Listed building consent is also sought for internal alterations to the top floor to replace the existing staircase to roof level with a new steeper staircase/ ladder. The applicant states that the proposed access hatch is required for maintenance purposes.

The applicant has confirmed in the submitted Design and Access Statement that it is his intention to remove the unauthorised structures (the access hatch and box, the timber seat structure to the rear of the roof and the front railings) in accordance with the enforcement notices that came into force in July 2016. The applicant's intention is to carry out these works to comply with the enforcement notices along with the works to implement the new access hatch and staircase/ ladder that comprise the current application, if permission and consent are granted.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed development does not propose a material change of use. The use of the roof for sitting out on as a terrace was confirmed as being lawful by the Certificate of Lawful Existing Use or Development issued on 24 January 2005. However, this does not

mean the means of access and enclosure to the roof that have been erected are lawful. These are unauthorised and, with the exception of the water tank enclosure, the enforcement notices that came into effect on 15 July 2016 require their removal.

8.2 Townscape and Design

As set out in Section 6.2 of this report there is a significant amount of planning history in this case, including two recent appeal decisions in 2014 and 2016 relating to larger and more prominent roof access hatches than is currently proposed. These appeal decisions, which are included in full in the background papers, are material considerations in the determination of the current planning and listed building consent applications. The appeal decisions both establish that any access hatch on the roof of this building would need to project only marginally above the roof of the flat roof of the mansard and that the size of the access structure, including any boxing around it, must be much smaller than the existing unauthorised structure at roof level. The Inspectors both identified that such amendments would be necessary to reduce the impact of any access hatch on the character and appearance of the listed building and the Dorset Square Conservation Area, and to avoid the intensification of the uncharacteristic use of the roof of the listed building for sitting out on/ as a terrace.

It is also of note that there are small low level rooflights/ access hatches, similar in scale to that proposed, to the flat roofs of the mansards of both neighbouring listed buildings at Nos.48 and 52 Balcombe Street.

As noted by the objector, the proposed roof access hatch itself would be larger than the existing unauthorised hatch, which measures approximately 0.45m by 0.65m. However, the proposed access hatch would remain small in size (measuring 1.1m x 0.76m) and would project only 0.13m above the roof level of the mansard roof storey. Conversely the existing unauthorised roof access hatch is mounted on a raised felt clad box/ bulk head, which measures 2.4m by 1.13m and projects 0.5m above the flat roof of the mansard.

The true comparison however, is with the lawful position at roof level, which comprises a relatively uncluttered flat roof with only paving slabs on the flat roof and a water tank to the front of the roof area in front of the location of the proposed roof hatch. The presence of the water tank structure, which is not required to be removed by the enforcement notices that came into effect in July 2016, would screen the low level access hatch in public and private views from Balcombe Street.

To the rear, the proposed access hatch would only be visible in a limited number of views from upper floor windows in the much smaller scale properties in Boston Place. Furthermore, in these limited views the proposed access hatch would be very discreet due to its low profile above the original roof level and its location against the party wall and chimney shared with No.48 Balcombe Street. Additionally, it would appear in front of the existing felt covered water tanks and is to be finished in a dark grey colour, such that its projection above roof level would be even less appreciable in these limited private views from the rear.

Whilst the proposed access hatch would be slightly larger than the unauthorised hatch, it would remain small in size and would be almost flush with the roof level of the mansard, rather than raised 0.5m above roof level, as is the case with the unauthorised roof access

hatch. The consequence of the proposed lowering of the height of the access hatch is that the internal staircase to reach roof level will need to be remodelled to form a steeper staircase/ ladder arrangement, as the existing head room adjacent to the access hatch will be lost as a result of the removal of the unauthorised projecting box/ bulk head structure. The resultant effect of these changes will be to make the roof of the mansard much less accessible than it currently is.

The introduction of a steeper stair/ ladder and the provision of an access hatch of limited dimensions would discourage occupiers from using the roof to some degree and would also preclude larger items of outdoor furniture or other paraphernalia, which would clutter the roof of the building, being taken on to the roof. However, the retention of a staircase/ ladder to roof level; albeit one with a steeper gradient than existing, would continue to provide permanent access. This would therefore continue to provide enticing access to external space for occupiers of the flat given that no other external amenity space is available to them. Therefore to protect the appearance, character and function of the roof of the listed building a condition is recommended to prevent the use of the roof access hatch except to for the carrying out of maintenance works or in an emergency as a means of escape.

A condition is also recommended requiring further details of the new stairs/ ladder as these are not shown in sufficient detail or context on the submitted drawings so as to understand their intended appearance or impact on the plan form and layout of the listed building. The principle of amending the existing staircase is not objectionable given that the mansard roof storey is a 20th Century addition to the original listed building.

For the reasons set out, the proposed access hatch and internal alterations are considered to address the design and listed building concerns expressed by Inspectors in their appeal decisions in 2014 and 20166. As such, the proposal would not harm the special interest of the listed building and would maintain the character and appearance of the listed building and the Dorset Square Conservation Area. The proposals would accord with Policies DES1, DES6, DES9 and DES10 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

In amenity terms, the Inspectors in their appeal decisions in 2014 and 2016 (see full copies of appeal decision in the background papers) found that the provision of an access hatch that readily facilitates access to the roof of the building would lead to an intensification of the use of the roof for sitting out on/ as a terrace and that this would consequently result in a materially increase in noise disturbance and overlooking for neighbouring and adjacent occupiers.

The objection received raises concern that the access hatch proposed is larger than the existing unauthorised hatch and that this will lead to intensification of the use of the roof for recreational purposes and social gatherings, thus resulting in a loss of residential amenity to neighbours through noise disturbance and overlooking.

As set out in Section 6.2, whilst the proposed access hatch would necessitate the installation of a steeper staircase/ ladder than the existing staircase to roof level, the ability to access the roof as amenity space would nonetheless remain on a permanent basis;

whereas there has never been a lawful roof access structure/ hatch to the roof of this property. Therefore to address the amenity impact resulting from the intensification of the use of the roof for sitting out on/ as a terrace, which will occur from the provision of a permanently accessible roof access hatch, a condition is recommended to prevent the use of the hatch except for maintenance purposes or as a means of escape in an emergency.

Subject to the recommended condition, the proposed roof access hatch would not result in a material increase in noise disturbance or overlooking to neighbouring residential occupiers. The proposal would therefore accord with Policies ENV6 and ENV13 in UDP and Policies S28 and S32 in the City Plan.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

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

8.6 Access

The application does not affect the existing means of access to this private residential property.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 London Plan

This application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

This development does not generate a Mayoral or WCC CIL payment.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Email from the St Marylebone Society dated 10 October 2016
3. Email from the occupier of 41 Balcombe Street dated 7 October 2016.
4. Appeal decision letter dated 20 May 2016.
5. Planning and listed building consent decision letters dated 25 March 2015 and relevant application drawings.
6. Appeal decision letter dated 5 March 2014.
7. Planning and listed building decision letters dated 27 November 2012 and relevant application drawings.
8. Certificate of Lawful Existing Use or Development decision letter dated 24 January 2005 and relevant application drawing.

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

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

DRAFT DECISION LETTER

Address: 50 Balcombe Street, London, NW1 6ND

Proposal: Installation of a glazed roof access hatch in roof of 4th floor mansard storey and replacement of internal staircase to roof level with new staircase/ ladder.

Reference: 16/08338/FULL

Plan Nos: Site location plan, Design and Access Statement dated September 2016, 922-01 Rev.J and 922-03 Rev.C.

Case Officer: Agnes Hagan

Direct Tel. No. 020 7641 5651

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square 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 You must not use the roof access hatch hereby approved except for the carrying out of maintenance inspections and maintenance works at roof level and you must not use it to access the roof of the 4th floor mansard storey for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To prevent the intensification of the use of the roof for sitting out on/ as a terrace so as to protect the noise environment and privacy of neighbouring residents and protect the appearance, character and function of the roof of this listed building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in S25, S28 and S29 of Westminster's City Plan (November 2016) and ENV6, ENV13, DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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 Notwithstanding the development hereby approved, you are reminded of the need to comply with the enforcement notices that came into force July 2016. We may take legal action to have the work removed and the building restored to how it was if you do not comply with the requirements of the enforcement notices.

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: 50 Balcombe Street, London, NW1 6ND

Proposal: Installation of a glazed roof hatch to provide access to roof level.

Reference: 16/08339/LBC

Plan Nos: Site location plan, Design and Access Statement dated September 2016, 922-01 Rev.J and 922-03 Rev.C.

Case Officer: Agnes Hagan

Direct Tel. No. 020 7641 5651

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

(a) The new internal staircase/ ladder at fourth floor level to provide access to the roof hatch at a scale of 1:20 or larger.

(b) Plans showing any consequential amendments to the internal layout of the fourth floor as a result of the removal and replacement of the existing unauthorised staircase (at a scale of 1:50).

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 Sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must not use the roof access hatch hereby approved except for the carrying out of maintenance inspections and maintenance works at roof level and you must not use it to access the roof of the 4th floor mansard storey for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To prevent the intensification of the use of the roof for sitting out on/ as a terrace so as to protect the appearance, character and function of the roof of this listed building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (July 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 Sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 Notwithstanding the works hereby approved, you are reminded of the need to comply with the enforcement notices that came into force July 2016. We may take legal action to have the work removed and the building restored to how it was if you do not comply with the requirements of the enforcement notices.

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.

This page is intentionally left blank

Agenda Item 8

| |
|----------|
| Item No. |
|----------|

| |
|---|
| 8 |
|---|

| | | | |
|--|---|--|-----------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 31 January 2017 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Lancaster Gate | |
| Subject of Report | First Floor Flat , 88 Queensway, London, W2 3RR | | |
| Proposal | Use of first floor as a Class B1 office for a temporary five year period. | | |
| Agent | Hodgkinson Design | | |
| On behalf of | Mr John Kyriakides | | |
| Registered Number | 16/09916/FULL | Date amended/ completed | 18 October 2016 |
| Date Application Received | 18 October 2016 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Queensway | | |

1. RECOMMENDATION

| |
|---|
| Refuse permission – on loss of housing grounds. |
|---|

2. SUMMARY

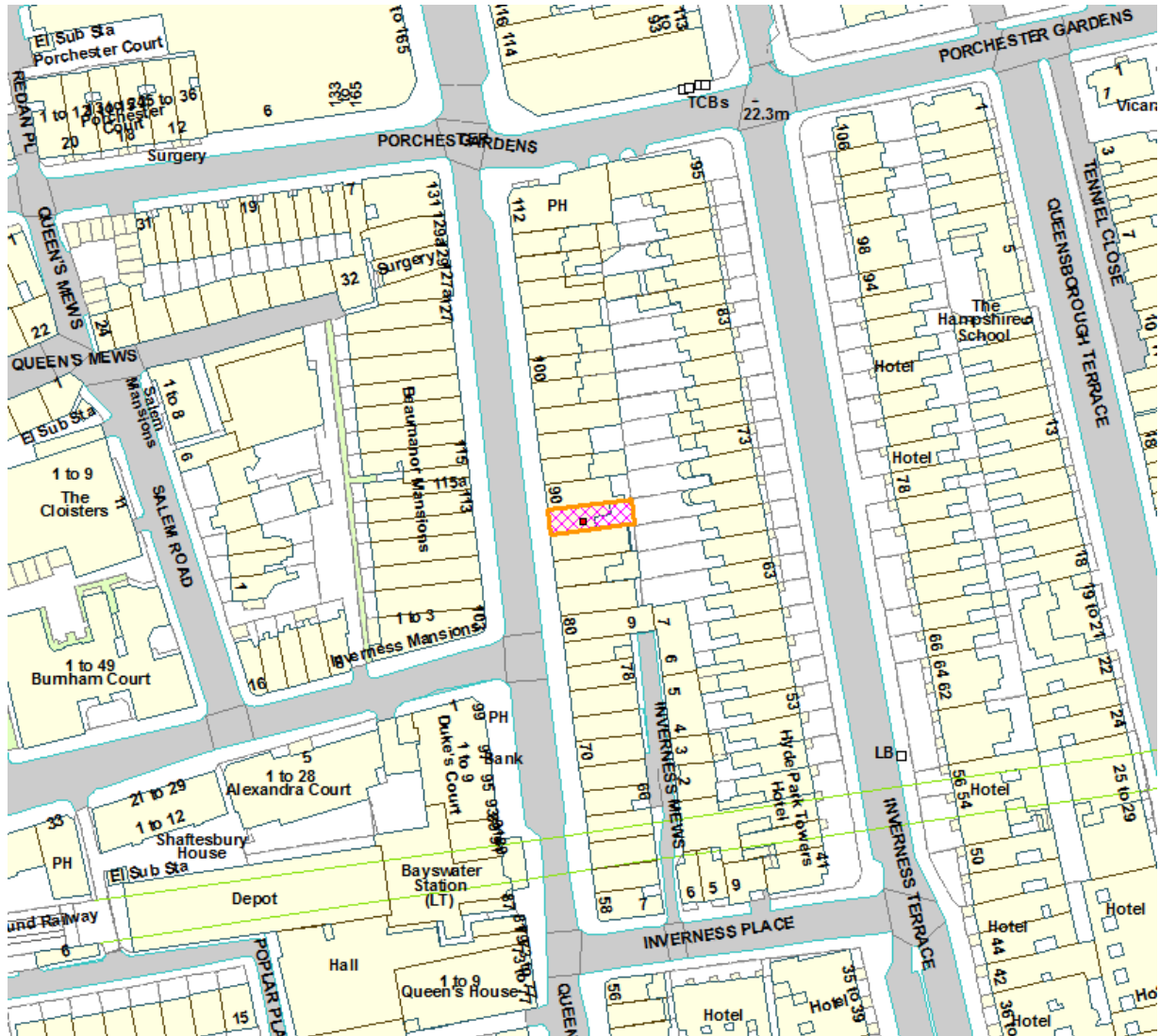
Retrospective permission is sought for the use of the first floor flat as a Class B1 office use for a temporary period of 5 years.

The key issues in this case are:

- The loss of the residential floorspace/ one residential unit at first floor level.

The proposed development does not comply with Policy S14 in Westminster's City Plan (the City Plan) as it would result in a loss of residential floorspace and one residential unit. The proposal is therefore not acceptable in land use terms and it is not considered that there are exceptional circumstances in this case that justify a departure from the normal policy presumption against the loss of existing residential accommodation. As such, the application is recommended for refusal.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013.
 All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



View from Queensway (top) and within first floor office (bottom).

5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION
Object to the loss of a residential unit.

BAYSWATER RESIDENTS ASSOCIATION
Object to the loss of a residential unit.

HIGHWAYS PLANNING MANAGER
No objection.

CLEANSING MANAGER
No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 45.
Total No. of replies: 0.
No. of objections: 0.
No. in support: 0.

ADVERTISEMENT/ SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is at first floor level within a four storey mid terrace building situated on the east side of Queensway. The building is not listed but lies within Queensway Conservation Area and the Queensway/ Westbourne Grove District Centre.

The ground floor of the premises is in Class A1 retail use and the upper floors are lawfully in use as residential flats (Class C3); albeit the first floor, which is the subject of this application, is currently in unauthorised use as an office (Class B1).

6.2 Recent Relevant History

In 2013 (13/01231/FULL) and 2014 (14/05768/FULL) planning permission was refused for the same proposed change of use as is currently proposed. On both occasions the applications were refused on loss of housing grounds. However, the 2013 application sought a permanent change of use, whilst the 2014 application was for a temporary five year period.

There is an ongoing planning enforcement investigation regarding the unauthorised office use at first floor level.

7. THE PROPOSAL

Retrospective planning permission is sought for the use of the first floor flat as a Class B1 office use for a temporary period of five years.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The office is used by 'Navarino Estates' who, the applicant states, have operated in the Queensway area for over 45 years in property development, property management and as a letting agent. The applicant advises that Navarino Estates formally operated from offices on the first and second floors of No.102 Queensway, but this lease expired approximately 15 months ago, after which the company had to find alternative office accommodation. The applicant advises that they were unable to find alternative lawful Class B1 office accommodation; although no details of their efforts to find alternative accommodation is provided with the application. Therefore they chose to occupy the first floor flat at No.88 Queensway as they are the long leaseholder of this flat.

The policy presumption to resist the loss of existing residential floorspace and units is due to the fact that the residential population within the City is projected to grow significantly, with few large sites available to deliver the housing required to accommodate this growth. The London Plan 2015 (as amended) sets Westminster a target of delivering 1,068 new homes per year over the 10 year period to 2025.

Policy S14 of the City Plan states that residential use is a priority across Westminster with all residential uses, floorspace and land protected except where redevelopment of affordable housing would better meet affordable housing need, a converted house is returned to a family sized dwelling or dwellings, or where two flats are being joined to make a family sized dwelling. The current proposal does not comprise one of these exceptions, which are set out in the wording of the policy itself.

The applicant has set out in his Design and Access Statement a number of examples in Queensway where small offices have been converted to residential use. However, these conversions have been permitted and carried out in accord with Policy H3 in the UDP and Policies S13 and S14 in the City Plan, which promote increases in residential floorspace and units across the City, but particularly in locations such as Queensway, which are outside the Central Activities Zone (CAZ), Named Streets and the three Opportunity Areas.

The applicant also identifies that the City Plan promotes office retention and growth; however, the City Plan is clear that office growth will be delivered in appropriate locations within the Central Activities Zone (CAZ), Named Streets, the three Opportunity Areas and the North Westminster Economic Development Area (NWEDA). The application site is not located within any of these areas where office growth of any scale is supported.

The applicant notes that the office use is proposed on a temporary five year basis, which would see the re-provision of the residential unit on expiry of the permission. However, this is a considerable temporary period and such temporary permissions are only normally appropriate where there is compelling public benefit to be achieved from allowing the temporary use. In this case there would be no public benefit from the change of use proposed to a private office use which, as set out earlier in this section of the report, is contrary to long established land use policies in this part of the City.

The applicant suggests in his Design and Access Statement that a land use swap could be offered. However, no specific site is identified in the application as being offered for this purpose. In any event, given the loss of the existing residential unit at the application site is contrary to Policy S14 in the City Plan and as provision of a new residential unit as a result of an office to residential conversion elsewhere in the vicinity would most likely be policy compliant in land use terms, there would be no substantive planning benefit to be derived from entertaining a land use swap in this case.

The applicant notes that the GIA floorspace of the one bedroom flat that has been lost as a result of the unauthorised change of use was 45.8m² and argues that this is below the minimum size standard for a one bedroom unit. However, this is not correct as the Government's Technical Housing Standards (2015) allow for one bedroom one person units to be as small as 37m² (GIA). The applicant also argues that residential accommodation above shop units within a District Shopping Centre would 'not have a high level of amenity' due to limited access to outside space and potential for noise from the retail uses below. However, the provision of residential accommodation over retail uses is not unusual and the standard of accommodation that the flat provides in this location is acceptable and is not compromised to the extent alleged by the applicant. No evidence is provided by the applicant to demonstrate that the flat was not capable of being occupied for residential purposes prior to the unauthorised change of use occurring.

In summary, for the reasons considered in this section of the report, the proposed change of use to Class B1 office use of the first floor flat is considered to be contrary to Policy S14 in the City Plan and the exceptional circumstances cited by the applicant, including the proposal for a temporary permission, do not outweigh the policy presumption in favour of preventing the loss of existing Class C3 residential accommodation in this location.

8.2 Townscape and Design

The application does not propose any physical, exterior works. There are therefore no design issues.

8.3 Residential Amenity

The proposed office unit would be small in size and would not serve visiting member of the public. As such, the provision of an office use at first floor level would not result in a material loss of amenity for neighbouring residents on the upper floors of the building in terms of noise disturbance. As such, the application would accord with Policy ENV6 in the City Plan and S32 in the City Plan and is acceptable in amenity terms.

8.4 Transportation/Parking

The Highways Planning Manager does not object to the proposed office use. The use would not generate a requirement for car parking. Had the application been recommended favourably details of waste and cycle storage would have been sought by condition in accordance with Policy ENV12 in the UDP and Policy 6.9 in the London Plan 2015 (as amended).

8.5 Economic Considerations

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

8.6 Access

The proposal does not alter the existing access arrangements to the first floor, which comprise a stepped access via a staircase shared with the residential accommodation on the second and third floors. Whilst this arrangement is not ideal, given the limited size of the office and as it does not serve visiting members of the public, this arrangement is considered to be acceptable in access terms.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 London Plan

This application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The proposed change of use does not generate a requirement for any planning obligations and falls below the minimum floorspace threshold for CIL liability.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Email from the South East Bayswater Residents Association dated 20 December 2016.
3. Email from the Bayswater Residents Association dated 9 January 2017.
4. Memo from the Cleansing Manager 28 October 2016.
5. Email from the Highways Planning Manager dated 29 November 2016.
6. Email from the applicant to Leader of the Council dated 31 October 2016.
7. Email from the applicant to Ward Councillors dated 14 December 2016.

Selected relevant drawings

Existing and proposed floorplans.

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

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

10. KEY DRAWINGS

Existing plans

| | | | | | | | | | | | | |
|--------------------|-----------------|---------------------|---|--|--|------------------------------------|-------------------------------|--|--------------------------|---------------------------|----------------------------|------------------------|
| North point | Sign off | Issued dates | General notes | | | Client: NAVARINO ESTATES | Org: EXISTING PLANS | HODGKINSON DESIGN <small>ARCHITECTURE INTERIOR DESIGN CORPORATE IDENTITY</small> <small>29 Alexander Street London W3 2NU</small> <small>T: 020 7221 7257 F: 020 7221 4334</small> <small>E: info@hodgkinsondesign.co.uk</small> <small>www.hodgkinsondesign.co.uk</small> | | | | |
| | | | Planning _____ Building control _____ Tender _____ Construction _____ Contract _____ As built _____ | | | Project: 88 QUEENSWAY | Status: PLANNING | | | | | |
| | | | The supervisor is to verify all dimensions and coordinate on site. The drawings are the property of Hodgkinson Design. It is to be used for the understanding of the project and is not to be reproduced or distributed in whole or in part to any third party without written permission from Hodgkinson Design. | | | Drawn: BA | Checked: - | | Date: 23.02.14 | Job N°: 1548.01 | Scale: 1:100(A3) | Org N°: 9001 |
| | | | | | | | | | | | | |

Proposed plans

| | | | | | | | | | | | | |
|--------------------|-----------------|---------------------|---|--|--|------------------------------------|-------------------------------|--|--------------------------|---------------------------|----------------------------|------------------------|
| North point | Sign off | Issued dates | General notes | | | Client: NAVARINO ESTATES | Org: PROPOSED PLANS | HODGKINSON DESIGN <small>ARCHITECTURE INTERIOR DESIGN CORPORATE IDENTITY</small> <small>29 Alexander Street London W3 2NU</small> <small>T: 020 7221 7257 F: 020 7221 4334</small> <small>E: info@hodgkinsondesign.co.uk</small> <small>www.hodgkinsondesign.co.uk</small> | | | | |
| | | | Planning _____ Building control _____ Tender _____ Construction _____ Contract _____ As built _____ | | | Project: 88 QUEENSWAY | Status: PLANNING | | | | | |
| | | | The supervisor is to verify all dimensions and coordinate on site. The drawings are the property of Hodgkinson Design. It is to be used for the understanding of the project and is not to be reproduced or distributed in whole or in part to any third party without written permission from Hodgkinson Design. | | | Drawn: BA | Checked: - | | Date: 23.02.14 | Job N°: 1548.01 | Scale: 1:100(A3) | Org N°: 9002 |
| | | | | | | | | | | | | |

DRAFT DECISION LETTER

Address: First Floor Flat , 88 Queensway, London, W2 3RR

Proposal: Use of first floor as a Class B1 office for a temporary five year period.

Reference: 16/09916/FULL

Plan Nos: P001, P002, P003, P004 and Design and Access Statement dated 17 October 2016.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Your development would lead to a loss of housing which would not meet S14 of Westminster's City Plan that we adopted in November 2016. We do not consider that the circumstances of your case justify an exception to this policy.

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.

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

Agenda Item 9

Item No.

9

| | | | |
|--|--|--|-------------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 31 January 2017 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Little Venice | |
| Subject of Report | 5 Maida Avenue, London, W2 1TF | | |
| Proposal | Erection of part single storey and part two storey rear extension at lower ground and ground floor levels. | | |
| Agent | Barnaby Gunning Architects | | |
| On behalf of | Mr & Mrs Simon Walker | | |
| Registered Number | 16/09049/FULL | Date amended/ completed | 20 September 2016 |
| Date Application Received | 20 September 2016 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Maida Vale | | |

1. RECOMMENDATION

Refuse permission - increased sense of enclosure to neighbouring property.

2. SUMMARY

The application site comprises a five storey mid terrace dwellinghouse located on the southern side of Maida Avenue. The building is not listed, but is located within the Maida Vale Conservation Area.

The application seeks planning permission for the erection of a part single storey and part two storey rear extension at lower ground and ground floor levels.

Objections have been received from 13 neighbours to the proposal on design, amenity and structural impact grounds.

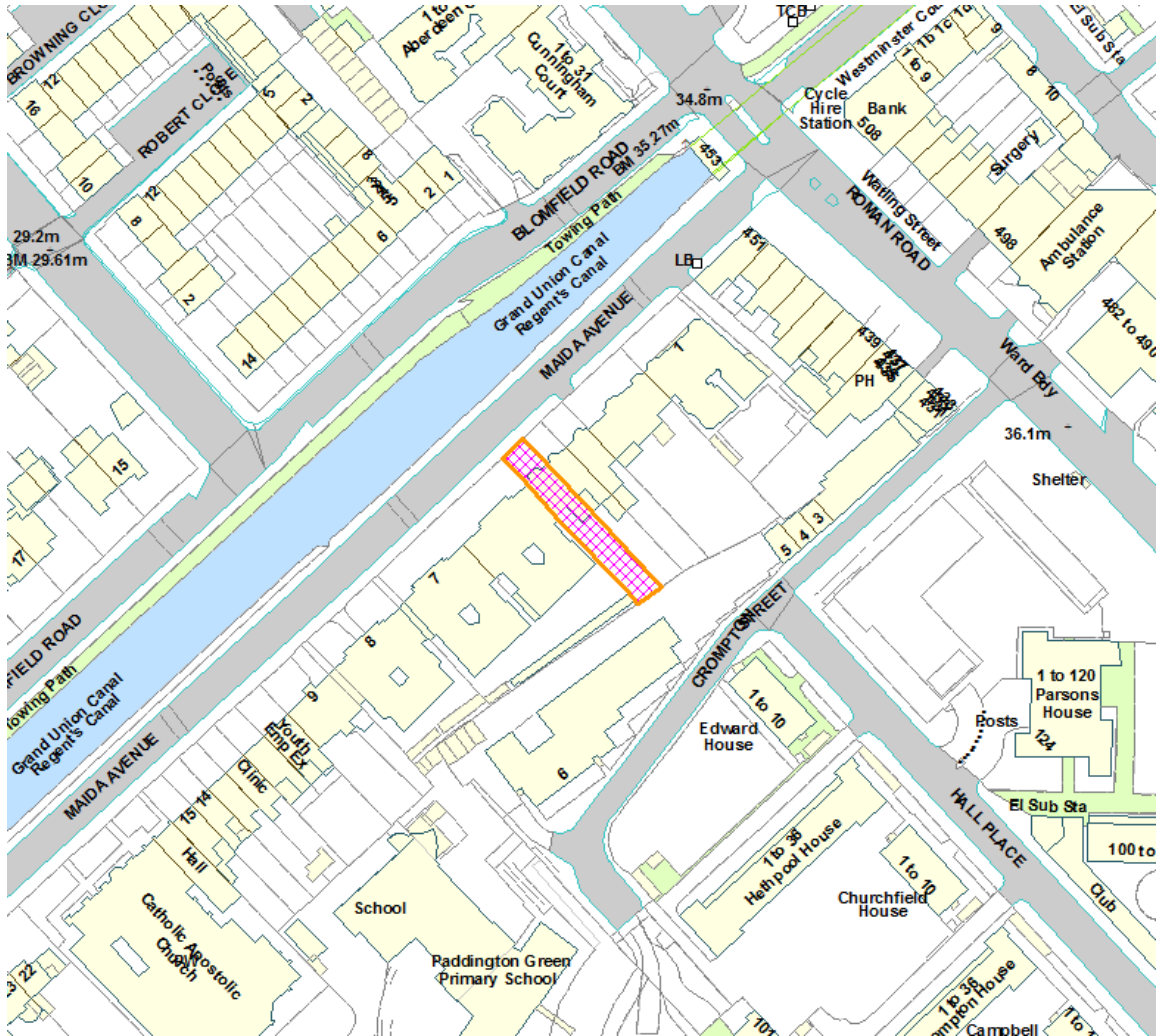
The key issues in this case are:

- The impact of the proposal on the appearance of the building and the character and appearance of the Maida Vale Conservation Area.
- The impact on the amenity of neighbouring residents.

For the reasons detailed in the report it is considered that the proposal would cause a materially

increased sense of enclosure to the windows of the upper ground floor flat (Flat 3A), which has windows in the north eastern side elevation of Douglas House. Therefore the proposed extension would be contrary to Policy S29 of Westminster's City Plan (November 2016) (the City Plan) and Policy ENV 13 in the Unitary Development Plan (January 2007) (the UDP). The application is therefore recommended for refusal.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



View of location of single storey lower ground floor level infill extension.



View of location of two storey rear extension to the closet wing at lower ground and ground floor levels.



View from upper floor window in north east elevation of Douglas House, which serves a kitchen.

5. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

No objection to basement level, but consider ground floor level extension to be harmful to the conservation area. Ask that neighbours views are taken into consideration.

BUILDING CONTROL

Structural method statement is satisfactory. Comments made on means of escape.

HIGHWAYS PLANNING MANAGER

No objection.

ARBORICULTURAL MANAGER

No objection, subject to landscaping and tree protection conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 45; Total No. of Replies: 14.

14 responses received from 13 respondents raising objection on all or some of the following grounds:

Design

- Any change will be out of keeping with the other mansion blocks, the road and conservation area.
- Design and scale out of keeping with the conservation area.
- Proposal is large and out of keeping with neighbourhood.

Amenity

- Loss of light.
- Loss of privacy
- Use of flat roof as balcony.
- Increased sense of enclosure.

Other

- Impact on drainage.
- Disturbance of watercourse.
Adverse impact on foundations of the neighbouring mansion block.
- Letter on behalf of the board of Aubrey Douglas Limited (Freeholder of neighbouring Douglas House mansion block) stating that other representations referencing Aubrey Douglas Limited do not comment on its behalf.
- Applicant has offered to meet neighbours to explain application.

ADVERTISEMENT / SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a five storey mid terrace dwellinghouse located on the southern side of Maida Avenue. The building is not listed, but is located within the Maida Vale Conservation Area.

The property forms the south western end of a group of three similarly scaled and detailed Victorian building, which form part of a longer terrace of buildings of a variety of heights, forms and detailed design along the southern side of Maida Avenue, facing the Grand Union Canal. The neighbouring building to the south west of the application site is an Edwardian mansion block, Douglas House, which is taller and bulkier than the application property and its neighbours to the north east.

6.2 Recent Relevant History

5 December 2014 – Planning permission was refused for the erection of two storey rear extension including excavation to garden to create additional habitable living space at lower ground floor level (13/12887/FULL). The application was refused on grounds that the extension proposed would harm the appearance of the building and the character and appearance of the conservation due to its scale and bulk and as it would cause a materially increased sense of enclosure to windows in Douglas House, 6 Maida Vale (see copy of decision and relevant drawings in background papers).

7. THE PROPOSAL

Planning permission is sought for the erection of a part single storey and part two storey rear extension at lower ground and ground floor levels. The proposal has been amended during the course of its consideration to remove the balustrade to the rear of the flat roof of the infill extension.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwellinghouse would accord with Policy H3 in the UDP and Policy S14 in the City Plan. Accordingly the proposal is acceptable in land use terms.

8.2 Townscape and Design

A number of objections have been received raising concerns about the impact of the proposed extensions on the appearance of the building and the character and appearance of the Maida Vale Conservation Area.

The building forms part of a short terrace with front and rear gardens. The rear of the application site is surrounded by mature trees and vegetation. However, it is overlooked by the flats in Douglas House to the south west. To the rear of the application property there is a rear closet wing with a lower ground floor lightwell alongside between the closet wing and the boundary wall of Douglas House. The rear garden is located between lower ground and ground floor levels and is accessed via a short external staircase from a doorway in the rear of the closet wing.

UDP policy DES 5 seeks to ensure the highest standards of design in alterations and extensions. It specifically states that development should not visually dominate the existing building, be in scale with the existing building and its surroundings and reflect the style and detailing of the host building. Furthermore DES 9 seeks to preserve or enhance the character and appearance of conservation areas and states in Part (c) that alterations or extensions to unlisted buildings can, in locally appropriate situations, use modern or other atypical facing materials or innovative forms of building design.

The proposed ground and lower ground floor extension would project 3.6 metres from the rear face of the closet wing and be fully glazed on the rear and side elevations. Only the obscure glazed flat roof and shallow rear elevation of the lower ground floor infill extension alongside the closet wing would be appreciable, as the majority of the structure is contained within the existing lightwell, which is below garden level.

The infill extension at lower ground floor level is not considered to be contentious in design terms given its discreet location at the rear of the building and as it would not project significantly above the boundary wall with Douglas House. In terms of its detailed design, it would be a lightweight, predominantly glazed structure that would contrast with solid form of the original building, such that the original form of the building would remain appreciable. For these reasons the lower ground floor extension would not be visually dominant and would be in scale with the host building. Accordingly this element of the scheme would harm the appearance of the building or the character and appearance of the Maida Vale Conservation Area.

The proposed half width two storey ground and lower ground floor extension is considered to be acceptable in design terms in respect of its form, scale and detailed design. The extension proposed would be a lightweight predominantly glazed extension which would be subservient in scale and would not compete with the scale of the host building and its existing large closet wing, given that in external views it would appear as a single storey extension given the raised level of the rear garden. It is also of note in design terms that a similar contemporary addition to the rear closet wing of No.4 Maida Avenue was approved on 14 September 2010 (10/05004/FULL) and has since been built.

To the rear of the two storey extension a staircase is proposed to link the upper and lower floors of the extended dwellinghouse to the rear garden. The lightwell and staircase proposed would be of contemporary design, but given their location against the proposed two storey extension to the closet wing they would appear as a coherent and modest addition to the rear of the building. They would only be appreciable at garden level and in limited private views from the rear windows of Douglas House and as such, they would not detract from the character or appearance of the conservation area.

In summary in design terms, the proposed extensions are of acceptable design, would remain in scale with the host building and would be discreetly located such that they would not harm appearance of the building or the character and appearance of the Maida Vale Conservation Area. The proposed development would therefore be consistent with Policies S25 and S28 in the City Plan and Policies DES 1, DES 5 and DES 9 in the UDP.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

A number of objections to the proposal have been received from residents of Douglas House which lies to the south west of the site on the grounds of loss of daylight. There is a lightwell to Douglas House at the boundary with 5 Maida Avenue which drops down to basement/ lower ground floor level. The windows within this lightwell would be vulnerable to any significant increase in height at this boundary. However, the height of the boundary will remain as existing and whilst the extension proposed at lower ground floor level would be marginally higher than the boundary wall (10cm) it would be set back behind it such that this would not result in the loss of any daylight to the windows in Douglas House at basement/ lower ground floor level. The proposed extension at upper ground floor level projecting from the rear elevation of the closet wing would be approximately 2.5 metres from the boundary with Douglas House and at this distance the upper ground floor level extension would not cause a material loss of daylight.

The proposed extensions would not cause a material loss of daylight to any other neighbouring windows and given the orientation and distance from the location of the proposed extensions, they would not result in a material loss of sunlight to any neighbouring windows.

In summary, the impact in terms of daylight and sunlight loss would not be so significant so as to warrant withholding permission and the proposals accord with Policy S29 in the City Plan and Policy ENV13 in the UDP.

8.3.2 Sense of Enclosure

The case officer has visited the ground floor flat (Flat 3A) within Douglas House, which has two windows facing onto the rear of the application site. This on-site assessment revealed that the two windows at upper ground floor level in this flat serve a kitchen and a bathroom. Bathrooms are not habitable rooms and therefore the impact of the development on this window is not a ground on which permission could be refused. However, the impact of the extension to the closet wing at upper ground floor level on the kitchen window would be significant and would serve to significantly increase the sense of enclosure suffered by occupier of the flat when using this room. The proposed upper ground floor extension would, by virtue of its height and projection from the existing closet wing, significantly reduce the existing view from this window beyond the closet wing. As such, the proposed upper ground floor extension is considered to be contrary to Policy S29 in the City Plan and Policy ENV13 in the UDP.

The flank elevation windows at basement/ lower ground floor level in Douglas House already look out on to the high boundary wall with the application site and the proposed extensions would not be appreciable in views from these windows. The upper floor windows, above upper ground floor level, would be sufficiently elevated so as not to suffer a materially increased sense of enclosure as they would maintain an outlook over the roof of the proposed upper ground floor extension.

In terms of impact on No.4 Maida Avenue to the north east of the site the proposed upper ground floor extension would have a modest projection along this boundary of just over 3.5 metres and would project approximately 1.2 metres in height above the existing trellis. However, it would be sufficiently distant from the rear windows of this property so as not to result in a material increase in enclosure.

8.3.3 Privacy

Objections have been received on the grounds of overlooking from the flat roof of the infill extension. This seems to have been due to a misconception that this flat roof was to be used as a terrace which may have in turn been due to the addition of a balustrade in the original submission to the edge of the flat roof. This balustrade has since been removed from the drawings. The proposal does not include the use of any of the extensions flat roofs as terraces and this would be insured through a condition had the application been recommended favourably.

There are steps including a landing from the projecting extension to the garden level. Although this might afford some fleeting overlooking when occupiers use the staircase there is insufficient space for people to dwell on these stairs or landing area and therefore it is not considered sustainable to refuse the proposal on loss of privacy grounds.

The proposed extensions would not include any clear windows facing Douglas House or No.4 Maida Avenue and as such the scheme would not cause overlooking as a result of new windows. An obscure glazed fixed shut wall is proposed to the side elevation of the upper ground floor extension facing Douglas House and had the application been recommended favourably a condition would have been imposed to ensure this elevation is permanently retained as fixed obscure glazed panels. A condition would have also been recommended to require the roof of the proposed lower ground floor extension to be obscure glazed to prevent views up towards windows in Douglas House and to reduce light spill from the glazed roof.

8.4 Transportation/Parking

The proposal does not raise any transportation or parking issues and the Highways Planning Manager does not raise objection to the application.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application does not propose any changes to the existing means of access to this private dwellinghouse.

8.7 Other UDP/Westminster Policy Considerations

The proposal involves some excavation works, which have attracted objection on structural impact grounds. However, Building Control have confirmed that the structural works that would be necessary are appropriate for the ground conditions on this site and there is not therefore grounds to withhold permission on the basis of the structural impact of the proposals on neighbouring properties.

In terms of the application of the basement policy, CM28.1 in the City Plan, the extensions proposed at lower ground floor level would not be below the existing ground floor level of the building (in this case the lower ground floor) and would not be fully below garden level. Therefore the basement policy is not applicable in this case as the proposal comprises an extension to the lower ground floor, which would involve some modest excavation within part of the rear garden and is not a fully subterranean addition wholly below the existing ground floor and garden level.

The City Council's Arboricultural Officer has assessed the proposal and has no objection, subject to tree protection and landscaping conditions being imposed had the application been recommended for approval.

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. The application is of insufficient scale to be CIL liable.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment.

8.12 Other Matters

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Decision letter dated 5 December 2014 and relevant application drawings.
3. Letter from the Paddington Waterways and Maida Vale Society dated 17 November 2016.
4. Email from Building Control dated 10 October 2016.
5. Memo from the Highways Planning Manager dated 17 October 2016.
6. Memo from the Arboricultural Manager dated 4 November 2016.
7. Letter from occupier of 3 Douglas House, 6 Maida Avenue dated 10 October 2016.
8. Letter from occupier of 1A, Douglas House, Maida Avenue dated 20 October 2016.
9. Letter from occupier of 4 Douglas House, 6 Maida Avenue dated 20 October 2016.
10. Letter from occupier of 9A Douglas House, 6 Maida Avenue dated 20 October 2016.
11. Letter from occupier of the Coach House, 2 Maida Avenue dated 21 October 2016.
12. Letter from occupier of 3a Douglas House, 6 Maida Avenue dated 21 October 2016.

13. Letter from occupier of 10A Douglas House, 6 Maida Avenue dated 21 October 2016.
14. Letter from occupier of 5a Douglas House, 6 Maida Avenue dated 22 October 2016.
15. Letter from occupier of 3 Stafford House, Maida Avenue dated 23 October 2016.
16. Letter from occupier of 8 Stafford House, Maida Avenue dated 23 October 2016.
17. Letter from occupier of 3 Parklands Close, Barnet dated 23 October 2016.
18. Letter from occupier of 12 Douglas House, 6 Maida Avenue dated 26 October 2016.
19. Letter from occupier of 12 Douglas House, 6 Maida Avenue dated 27 October 2016.
20. Letter from occupier of Flat 2 Stafford House, 1 Maida Avenue dated 2 November 2016.

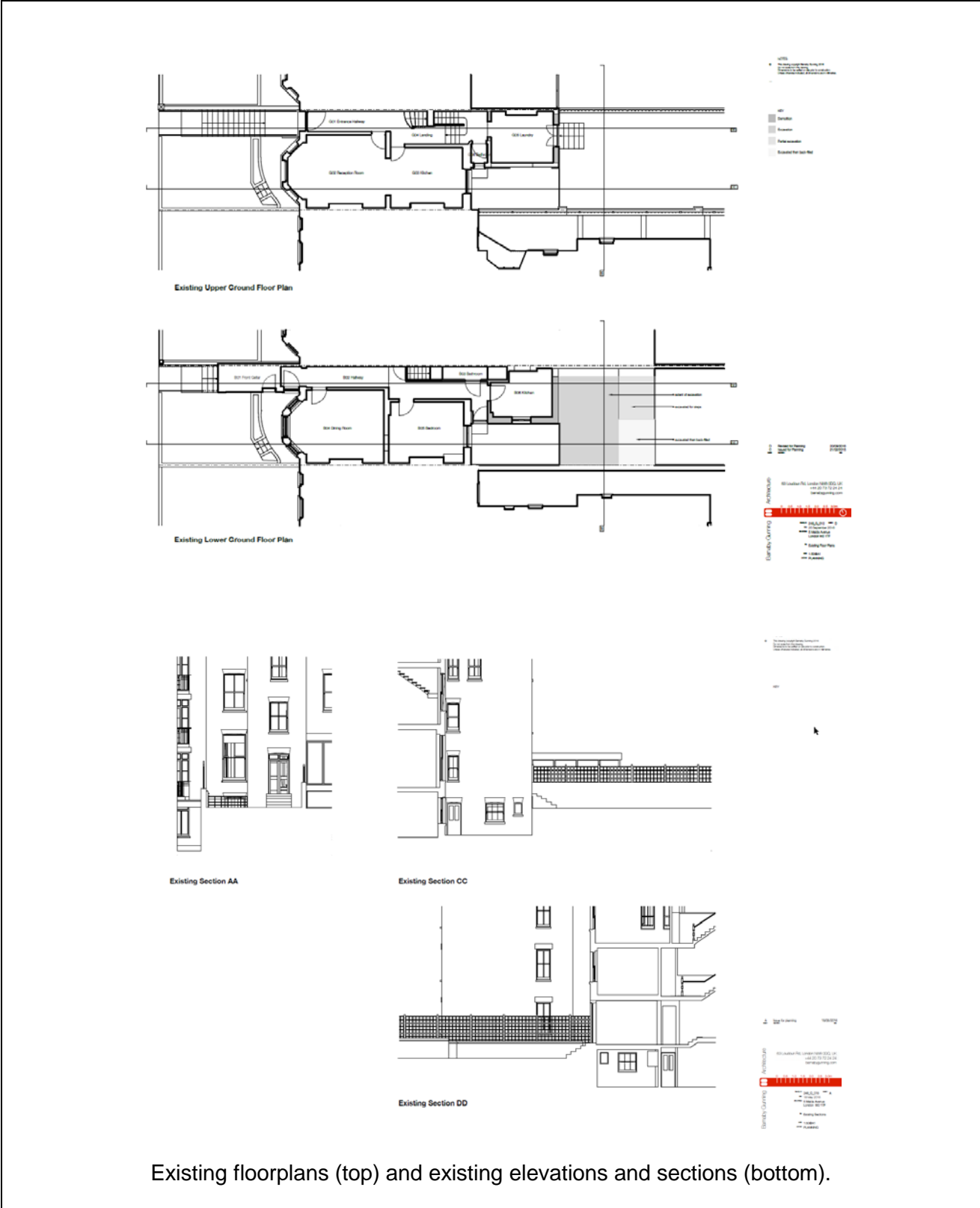
Selected Drawings and Documents

Existing and proposed plans, elevations and sections.

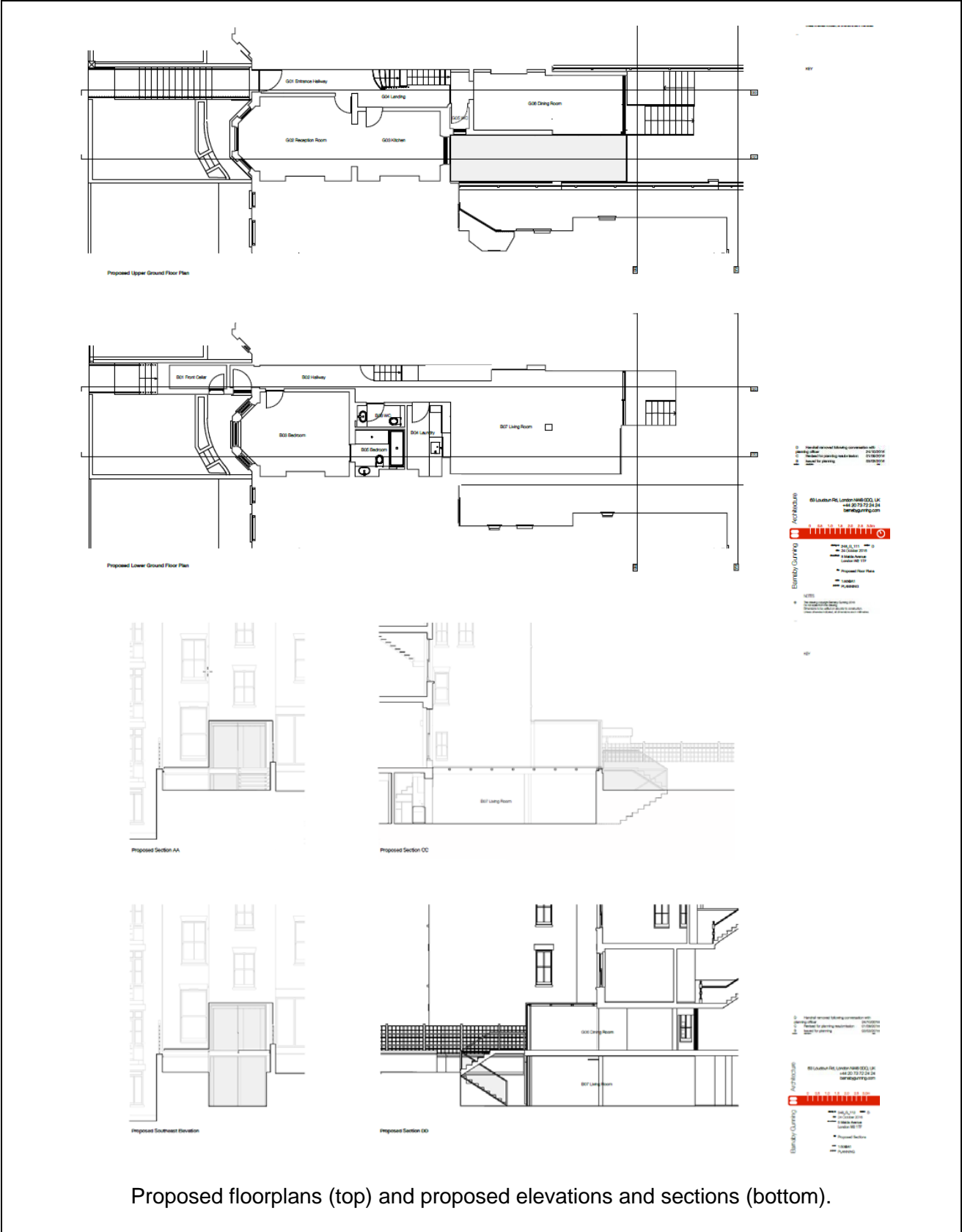
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS



Existing floorplans (top) and existing elevations and sections (bottom).



Proposed floorplans (top) and proposed elevations and sections (bottom).

DRAFT DECISION LETTER

Address: 5 Maida Avenue, London, W2 1TF

Proposal: Erection of part single storey and part two storey rear extension at lower ground and ground floor levels.

Reference: 16/09049/FULL

Plan Nos: 248_G_010 Rev.D; 248_G_012 Rev.C; 248_G_013 Rev.C; 248_G_015 Rev.A;,
248_G_100 Rev.D; 248_G_110 Rev.D; 248_G_111 Rev.D; 248_G_112 Rev.D;
248_G_113 Rev.D; Structural Methodology Statement dated June 2016 (Version 3);
Design and Access Statement dated September 2016.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s)

- Reason:
- 1 The two storey rear extension would make the people living Flat 3A, Douglas House feel too shut in. This is because of its bulk and height and how close it would be to the windows in that property in the north east side elevation at upper ground floor level. This would not meet S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X14BB)

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. 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: Omission of the upper floor of the two storey rear extension to the rear of the existing closet wing.

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

| |
|----------|
| Item No. |
| 9 |