



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 29th May, 2018

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Gotz Mohindra
David Boothroyd
Ruth Bush
Peter Freeman

Murad Gassanly
Jim Glen
Elizabeth Hitchcock



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. 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: Senior Committee and Governance Officer.

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

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

AGENDA

PART 1 (IN PUBLIC)

1. ELECTION OF CHAIRMAN

To elect a Chairman of the Planning (Major Applications) Sub-Committee.

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. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|------------------------|
| 1. VICTORIA WHARF, ST JOHN'S TERRACE, LONDON, W10 4RB | (Pages 3 - 28) |
| 2. 19 CRAVEN HILL, LONDON, W2 3EN | (Pages 29 - 42) |
| 3. ACHILLES WAY, TRAFFIC ISLAND 6, W1K 1AB | (Pages 43 - 52) |
| 4. OCTAVIA HOUSE, MEDWAY STREET, LONDON, SW1P 2TA | (Pages 53 - 68) |
| 5. 200 OXFORD STREET, LONDON, W1D 1NU | (Pages 69 - 80) |
| 6. 49B WESTBOURNE TERRACE, LONDON, W2 3UY | (Pages 81 - 94) |

**Stuart Love
Chief Executive
18 May 2018**

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 29th May 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/07652/FULL Queen's Park	Victoria Wharf St John's Terrace London W10 4RB	Demolition of existing buildings, construction of a part 5 and part 3 storey building containing 9 flats (2 x 1 bed, 4 x 2 bed, 2 x 3 bed, 1 x 4 bed) with private balconies/terraces, bicycle storage, waste storage and grass amenity areas.	
	Recommendation Subject to no new issues being raised by the Queens Park Community Council by 15 June 2018, grant conditional permission.			
2.	RN(s) : 18/01915/FULL Lancaster Gate	19 Craven Hill London W2 3EN	Amalgamation of 4 flats to form a single dwelling house.	
	Recommendation Refuse permission – failure to optimise unit numbers.			
3.	RN(s) : 18/02337/FULL Knightsbridge And Belgravia	Achilles Way Traffic Island 6 W1K 1AB	Temporary installation of a sculpture by Matt Marga.	
	Recommendation Grant conditional permission, subject to a condition restricting the period of display to six months			
4.	RN(s) : 18/00295/FULL St James's	Octavia House Medway Street London SW1P 2TA	Use of part of car park (part of level 2) to provide self-storage facility (Use Class B8).	
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 29th May 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

5.	RN(s) : 18/01612/FULL West End	200 Oxford Street London W1D 1NU	Variation of Condition 6 of planning permission dated 2 April 2004 (RN: 02/04118) for alterations to elevations; infill extension to lightwell to provide new retail and office accommodation and for new plant; erection of roof extension and installation of roof plant. Use of the third floor as offices and new fourth floor mezzanine and fifth floors as 10 flats, with ancillary office and residential areas on part sub-basement to part second floor levels namely, submission of an updated waste strategy to regularize how the waste for the retail unit is currently managed	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 18/02170/FULL Hyde Park	49B Westbourne Terrace London W2 3UY	Erection of conservatory at rear first floor level.	
Recommendation <ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent; and 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter. 				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 May 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved Queen's Park		
Subject of Report	Victoria Wharf , St John's Terrace, London, W10 4RB		
Proposal	Demolition of existing buildings, construction of a part 5 and part 3 storey building containing 9 flats (2 x 1 bed, 4 x 2 bed, 2 x 3 bed, 1 x 4 bed) with private balconies/terraces, bicycle storage, waste storage and grass amenity areas.		
Agent	Bell Cornwell LLP		
On behalf of	F G Mileham Building Contractors Limited.		
Registered Number	17/07652/FULL	Date amended/ completed	25 August 2017
Date Application Received	25 August 2017		
Historic Building Grade	Unlisted – Grade II listed Kensal House located on-site to the east.		
Conservation Area	None.		

1. RECOMMENDATION

Subject to no new issues being raised by the Queens Park Community Council by 15 June 2018, grant conditional permission.

2. SUMMARY

The subject site lies on the north side of the Grand Union Canal and at the southern end of St John's Terrace. It is not within a conservation area although the Grade II listed Kensal House is located on the site to the east. It contains a builder's yard (Use Class Sui Generis) with a double storey building located along its eastern side and a single storey structure on its southern boundary, adjacent to the canal.

The applicant seeks permission for demolition of all buildings on-site and erection of a part five storey and part three storey building containing nine flats. This would be comprised of 2 x 1 bedroom flats, 4 x 2 bedroom flats, 2 x 3 bedroom flats and 1 x 4 bedroom flats.

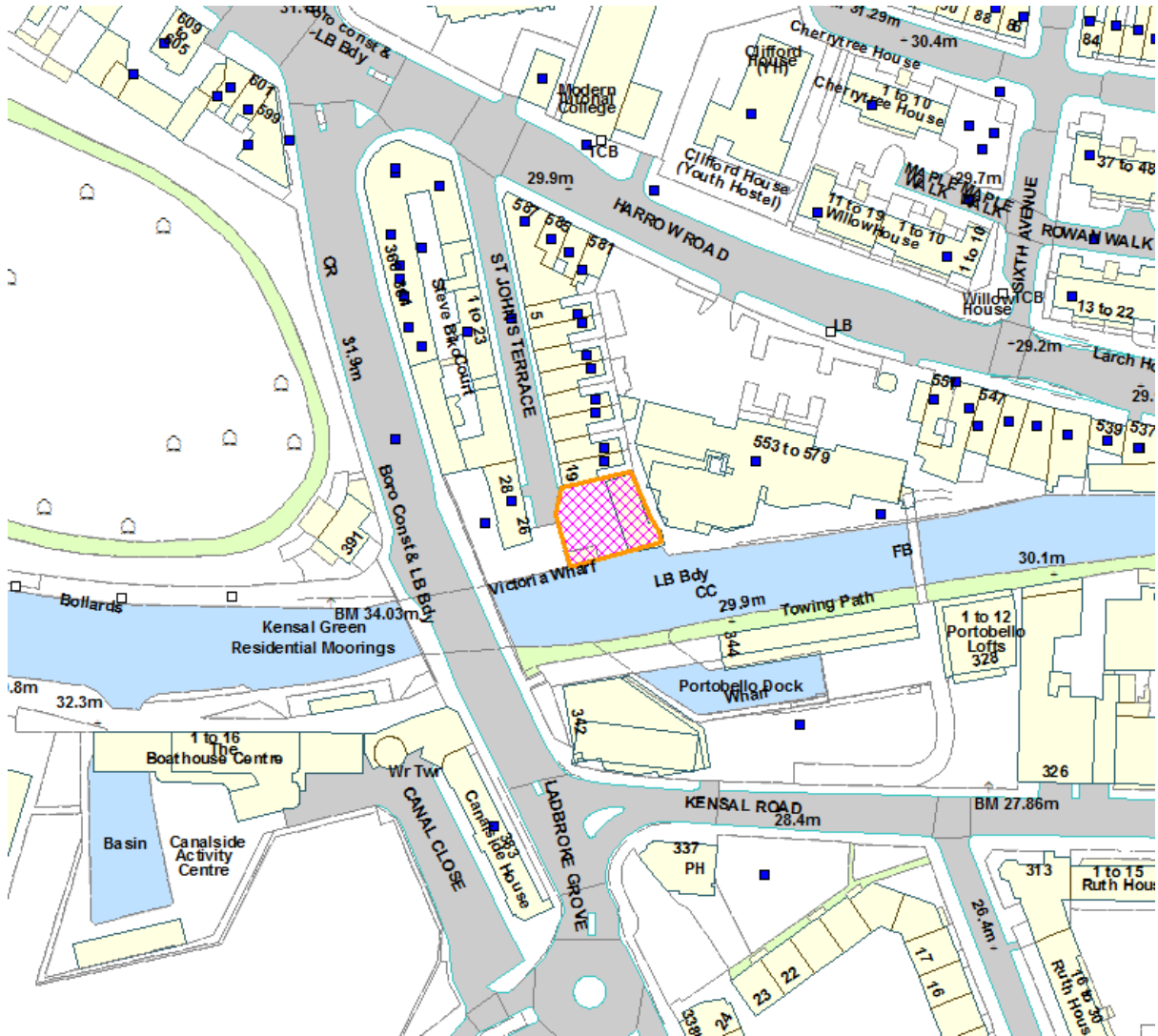
The key considerations are:

- Provision of new residential units;
- Impact on the setting of listed buildings and the Grand Union Canal;

- Impact on residential amenity;
- Impact on parking.

The proposed development is considered to comply with 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). The application is therefore recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site as seen from opposite side of Grand Union Canal

5. CONSULTATIONS

WARD COUNCILLORS FOR QUEEN'S PARK

Any response to be reported verbally.

QUEENS PARK COMMUNITY COUNCIL

Any response to be reported verbally. (NOTE: Consult period closes 14 June 2017).

ROYAL BOROUGH OF KENSINGTON & CHELSEA (RBKC)

Object. They are concerned that the proposed development may harm the setting of the Grade II* listed Dissenters Chapel within Kensal Cemetery.

CANAL & RIVER TRUST

No objection, subject to conditions requiring details of balconies where they oversail the canal, a condition survey of the canal wall, site contamination investigation, use of the canal for freight, lighting and landscaping.

NATURAL ENGLAND

Confirm that they have no comments to make on the proposal.

DESIGNING OUT CRIME OFFICER

No objection, subject to a condition requiring that the development achieve Secure by Design accreditation.

WASTE PROJECT OFFICER

No objection, subject to a condition requiring the provision of waste storage shown on the proposed drawings.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions requiring provision of waste and cycle storage.

ENVIRONMENTAL HEALTH OFFICER

Object to the proposed Means of Escape in Case of Fire. The proposed floor plans show that the escape route for occupiers of the bedrooms of the proposed dwellings are not adequately separated from areas of highest risk, namely the kitchen/living areas. This could be resolved by the installation of a self-closing fire door between the kitchen and the circulation space that leads to the main door of each dwelling.

BUILDING CONTROL OFFICER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80

Total No. of replies: 1 objection

In summary, the objector raises the following issues:

- The development should be of a transitional scale between the re-development scheme to the west and the three storey (plus hipped roof) wing to the Grade II

listed Kensal House to the east. The current proposal is an abrupt change in height from three storeys at Kensal House to five storeys on the application site.

- Object to any part of the development overhanging the canal.
- The architectural design is disappointing, particularly when set against the style of Kensal House. The use of projecting bays on the south and east facades are bulky overpowering elements, which will have an adverse impact on the setting of the canal and adjoining buildings.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The subject site lies on the north side of the Grand Union Canal and at the southern end of St John's Terrace. It is not within a conservation area although the Grade II listed Kensal House is located on the site to the east. It contains a builder's yard (Use Class Sui Generis) with a double storey building located along its eastern side and a single storey structure on its southern boundary, adjacent to the canal.

6.2 Recent Relevant History

15/07129/OUT

Demolition of existing buildings. Construction of four storey building containing nine flats (1 x 4 bed, 2 x 3 bed, 4 x 2 bed and 2 x 1 bed) (Outline application: approval sought for appearance and layout only. All other matters reserved).
Permission Refused – 22 January 2016

The reasons for refusal were:

1. The proposed development has a gross floorspace that exceeds 1000 square metres and an affordable housing contribution has not been provided. A viability appraisal has also not been provided to demonstrate why an affordable housing contribution may not be possible. This would not meet S16 of Westminster's City Plan: Strategic Policies adopted November 2013, policy H4 of our Unitary Development Plan that we adopted in January 2007 and the Interim Guidance Note on Affordable Housing Policy (updated April 2015).
2. Because of poor design and material choice, the proposed building would harm the setting of the Grade II listed Kensal House and the character and appearance of the area and the Grand Union Canal. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, DES 10 and DES 13 of our Unitary Development Plan that we adopted in January 2007.
3. The design of the proposed building would lead to an unacceptable loss of privacy for people in neighbouring properties. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.
4. Your application does not contain an assessment of noise levels from the proposed lift. This means that the lift could be a nuisance to people living at 19 St Johns Terrace. This would not meet S29 and S32 of Westminster's City Plan:

Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

7. THE PROPOSAL

The applicant seeks permission for demolition of all buildings on-site and erection of a part five storey and part three storey building containing nine flats. This would be comprised of 2 x 1 bedroom flats, 4 x 2 bedroom flats, 2 x 3 bedroom flats and 1 x 4 bedroom flats. The relevant floor areas are set out below:

Table 1: Existing and Proposed Floor Areas

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Builders Yard (Sui Generis)	148	0	-148
Residential (Use Class C3)	0	781	+781
Total	148	781	

Following refusal of application ref: 15/07129/OUT, the applicant has comprehensively redesigned the building and provided additional information to address the City Council's concerns. During the course of the application, the scheme has been amended to reduce the depth of the balconies proposed on the south elevation so that they do not project over the canal.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Builders Yard

The existing site is used by a local builder as a site to store building materials and as an office to coordinate works within the nearby Queens Park estate. This type of yard falls within the Sui Generis Use Class and is not protected by any policy of the City Plan or the Unitary Development Plan (adopted 2007) ("the UDP"). Accordingly, there is no in principle objection to the loss of this use.

8.1.2 Provision of Residential

The provision of additional residential accommodation is supported in principle by policy H3 of the UDP and policy S14 of the City Plan. Accordingly, the replacement use would be supported.

The applicant has also provided drawings which demonstrate that the proposed development would not exceed 1000 sqm GIA or provide 10 or more residential units. Accordingly, they have overcome one of the reasons for refusing application ref: 15/07129/OUT.

The proposal would also include three flats with three or more bedrooms resulting in one-third of the units being 'family sized'. This satisfies the unit mix sought by policy H5 of the UDP.

The size of the proposed flats are set out in the table below:

Table 2: Proposed Flat Sizes

Unit	National Described Space Standard Requirement (sqm GIA)	Proposed (sqm GIA)
Unit 1 – 2b 4p	70	70
Unit 2 – 3b 6p	95	117
Unit 3 – 2b 4p	70	73
Unit 4 – 3b 6p	70	117
Unit 5 – 2b 4p	70	73
Unit 6 – 2b 4p	70	92
Unit 7 – 4b 7p	115	128.8
Unit 8 – 1b 2p	50	54.4
Unit 9 - 1b 2p	50	56

The proposed flats would all meet the minimum space standards contained within the Nationally Described Space Standard (March 2015). They would also be dual aspect and would include outdoor amenity space in the form of balconies facing the canal. These balconies would all exceed the space requirements of Standard 4.10.1 of the Mayor of London's Housing SPG for a residential unit of the size proposed. Accordingly, the proposed units would provide appropriate outdoor amenity space and satisfactory living accommodation.

8.2 Townscape and Design

The objector is concerned with the design of the proposed building whilst RBKC have objected to the potential impact of the proposed building on the setting of the Grade II* Dissenters Chapel within Kensal Cemetery.

The site lies on the north side of the Grand Union Canal (Paddington Branch) and at the southern end of St John's Terrace. It is not within a conservation area and the nearest designated heritage asset is the Grade II listed Kensal House, which lies to the east. The east side of St John's Terrace contains some attractive late nineteenth century two-storey terraced houses, whereas the west side of the street has a more varied character and is generally of buildings of later twentieth century date. The immediately adjacent site to the west (26 St John's Terrace - also faces onto the canal) has recently been re-developed (ref: 12/06405/COFUL & 14/10573/COFUL).

The boundary with RBKC lies to the south and west and there are designated heritage assets within RBKC in the surrounding area, notably Kensal Green Cemetery Conservation Area, which contains numerous listed buildings and perhaps of most relevance to this application – the Grade II* listed Dissenter's Chapel which is adjacent to the eastern boundary of the cemetery.

The proposal is to demolish the existing buildings on site and redevelop with a residential scheme. The new building is a part five, part three and part two-storey building, providing nine flats, accessed from St John's Terrace, but with its principal façade facing towards the canal.

The proposed five-storey element would match the height and respect the building lines of the adjoining site at 26 St John's Terrace, but at its eastern end the building line steps back from the canal edge and reduces in height to three storey to respond to the scale and orientation of the later extensions to Kensal House. The entrance to the block would be via a small recessed courtyard, with bin and bike stores in a single storey structure abutting the flank wall of 19 St John's Terrace. The large 3-bedroom ground floor flat would have access to two enclosed courtyard gardens; and all of the other flats would have balcony space – for the most part facing onto the canal. The architecture would be contemporary, albeit having contextual references, particularly in terms of the principal brick-facing material. The saw-tooth roof form, also references the industrial style of architecture associated with the canalside environment. The projecting bays are in pre-cast stone with square steel embellishment and the main roof is clad in standing seam zinc. Flat roofs will incorporate green roofs.

The current buildings on the site do not make a positive contribution to the townscape and have a poor relationship with the canal. As such, the demolition of the existing buildings and the principle of a residential redevelopment of the site is considered acceptable in design terms.

In terms of height and bulk, the proposed new building is considered to be acceptable, appropriately relating to its neighbours. It is the same height as the neighbouring no.26 St John's Terrace, albeit the saw tooth roof and projecting elements reduce the overall bulk more effectively; and in stepping down to the side (east) and rear (north) it appropriately responds to the smaller scale of the buildings in Kensal House and 19 St John's Terrace. Thus in terms of height and massing the concern expressed by the objector is not shared.

In terms of materials, the proposal is considered entirely appropriate with a handmade redbrick being the primary material, alongside a standing seam zinc roof, pre-cast stone elements and off-white steel metal elements. The final agreement of materials and issues of bonding pattern and pointing can be reserved by condition.

The scheme has been amended and the building line to the canal set back so that no projecting façade elements oversail the canal itself. This is a direct response to officer concern about a conflict with policy DES 13 of the UDP and as amended this issue has been overcome.

Whilst RBKC's objection does not elaborate on the reason for their objection, it would seem clear from their delegated report that they are concerned that the development will be seen from within Kensal Green Cemetery and that it may detract from the setting of the Dissenter's Chapel. While no visual impact assessment has been undertaken from within the cemetery by the applicants, it is considered that the proposal would not result in an adverse impact on the setting of the chapel or the conservation area. The backdrop to the chapel when viewed from within the cemetery already features a number of existing (and in some cases new) buildings including the recently completed 26 St

John's Terrace and Steve Biko Court (to the north of 26 St John's Terrace), but also within RBKC is 342 Ladbrooke Grove (Innocent Drinks HQ) and a former water tower on the south side of the canal. Given that the proposed development will lie to the east and broadly be of the same height as 26 St John's Terrace, if it can be seen at all, it will sit within the existing backdrop of buildings and will certainly be less assertive than no.26 and also 342 Ladbrooke Grove. It is thus considered that the setting of the Kensal Green Cemetery Conservation and its listed buildings, notably the Dissenter's Chapel would not be adversely affected and would be preserved by the proposal.

Accordingly and given the above, the proposal is considered acceptable in design terms and would accord with policies S25, S28 and S37 of the City Plan and DES 1, DES 4, DES 9, DES 10 and DES 13 of the UDP.

8.3 Residential Amenity

The application site is separated from sites to the south by the width of the Grand Union Canal whilst the buildings on the south side of the canal are in non-residential use in any event. The site to the east of the application site (Kensal House) is in office use and amenity for office uses is not protected by development plan policy. Accordingly, the proposed development would not result in harm to residential amenity on those sites through unacceptable loss of light, increased sense of enclosure or loss of privacy.

With regards to the site to the west (26 St John's Terrace), the proposed development would abut and not project significantly beyond the flank wall of the development recently completed on that site. It is noted that 26 St John's Wood Terrace does include flank windows and a rooftop balcony on the boundary with the application site. However, and as noted in informative 25 of the decision notice for the approval on that site (ref: 12/06405/COFUL), these windows and the balcony are un-neighbourly, would form an unreasonable constraint on development of the application site and can only be afforded limited protection. Accordingly, it would be unreasonable to withhold permission for the proposed development due to loss of light and sense of enclosure to those windows. Overall, the proposed development would not result in unacceptable loss of light, increased sense of enclosure or loss of privacy for the occupants of that property.

With regards to the site to the north (19 St Johns Terrace), permission was previously refused under application ref: 15/07129/OUT due to potential loss of privacy for the occupants of that property. However, it is understood the applicant now owns that property and proposes to install obscure glazed windows in the three first floor flank windows and blocking up two ground floor windows. As these windows are secondary windows, this is considered appropriate mitigation for potential loss of privacy resulting from the development. A condition is recommended requiring installation of this obscure glazing before occupation of the residential units proposed.

The applicant has provided an Assessment of Daylight and Sunlight Loss to the flank windows to 19 St Johns Wood Terrace. In terms of daylight, this assessment indicates that the three first floor flank windows noted above would have Vertical Sky Component losses of up to 80%. This would be a significant loss of daylight in terms of BRE Guidelines. In terms of sunlight, losses would be within BRE Guidelines.

Whilst this daylight loss is regrettable, the three windows affected are un-neighbourly, being located on the boundary with the application site, and form an unreasonable constraint on development of the application site. Accordingly, and given the benefits of the development in terms of housing delivery, an objection to the development on this basis would not be sustainable.

The applicant has revised the proposed development so that the lift shaft and associated machinery are located within the proposed building, rather than on the boundary with 19 St Johns Terrace as proposed under application ref: 15/07129/OUT. In this revised position, and subject to the recommended condition controlling plant noise, the proposed lift would be consistent with policy S29 of the UDP and policies ENV 6 and ENV 7 of the UDP.

8.4 Transportation/Parking

No off-street parking is proposed for this development. Policy TRANS23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency.

The evidence of the Council's most recent night time parking survey indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 64%. However, policy TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 50%.

However, the evidence of the Council's most recent daytime parking survey indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 44%. Policy TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

Overall, parking pressures in this area remain below the stress level, but with the introduction of increased levels of residential in this area without off-street parking or on-street parking restraint the stress levels are likely to increase. On the basis of the Council's data and car ownership levels, with the addition of residential units in this location, any additional on-street parking generated can be absorbed into the surrounding street network. Therefore, the development is consistent with policy TRANS23 of the UDP.

Conditions are recommended requiring details of cycle parking and waste storage. Subject to these conditions, the proposal would provide satisfactory cycle parking and waste storage.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed development includes lift access to all floors but would also be required to meet part m of the Building Regulations in any event. Accordingly, it would provide satisfactory access throughout.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Ecology

The Grand Union Canal is classified as a Metropolitan Site of Nature Conservation Importance. The applicant has submitted an Ecological Survey that confirms that no bats are on-site. Conditions are recommended to protect use of the canal for feeding by bats and to enhance its ecological value. Subject to these conditions, the proposed development would be consistent with policy S36 of the City Plan.

8.7.2 Site Contamination

The applicant has submitted a preliminary Land Contamination Assessment in light of this sites history as a builder's yard. This assessment concludes that the risk of contamination is low but recommends further site investigation. A condition is recommended to secure this further investigation. Subject to this condition, the proposal would be consistent with policy ENV 8 of the UDP.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

Subject to any relief or exemptions available to the applicant, the estimated WCC CIL payment would be £227,387.64

8.11 Environmental Impact Assessment

This proposed development is too small to require an Environmental Impact Assessment.

8.12 Other Issues

The Environmental Health Officer has raised an objection to the development on the grounds that inadequate means of escape in the event of fire has been provided for the proposed flats. However, this is a building regulations matter and an objection to the proposal on this basis would therefore not be sustainable.

The Designing Out Crime Officer has requested a condition requiring that the development include various measures to prevent crime. A condition is attached to secure these measures.

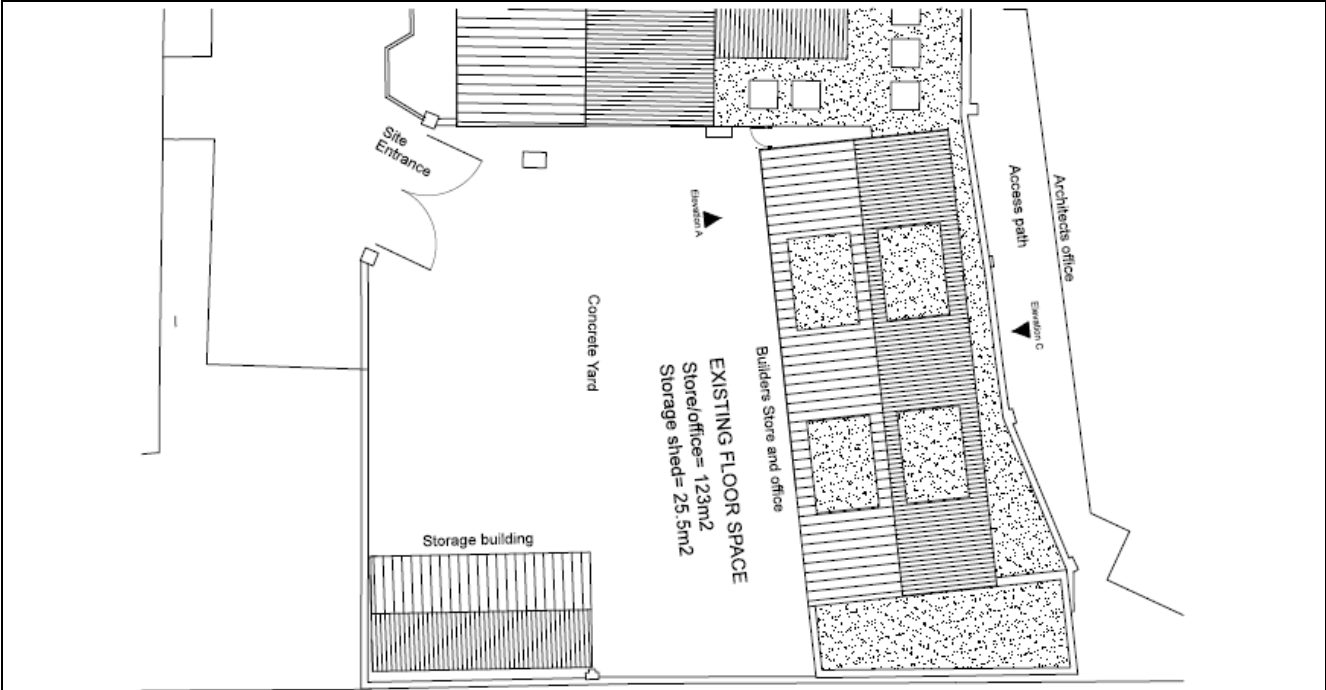
9. BACKGROUND PAPERS

1. Application form
2. Response from Royal Borough of Kensington and Chelsea, dated 7 September 2017
3. Response from Canal and Rivers Trust, dated 28 September 2017
4. Response from Natural England, dated 20 September 2017
5. Response from Metropolitan Police, dated 25 September 2017
6. Response from Highways Planning Manager, dated 18 September 2017
7. Response from Waste Project Officer, dated 18 September 2017
8. Response from Environmental Health Officer, dated 13 September 2017
9. Letter from occupier at Farrier's House, Kingman Way, dated 5 October 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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

10. KEY DRAWINGS



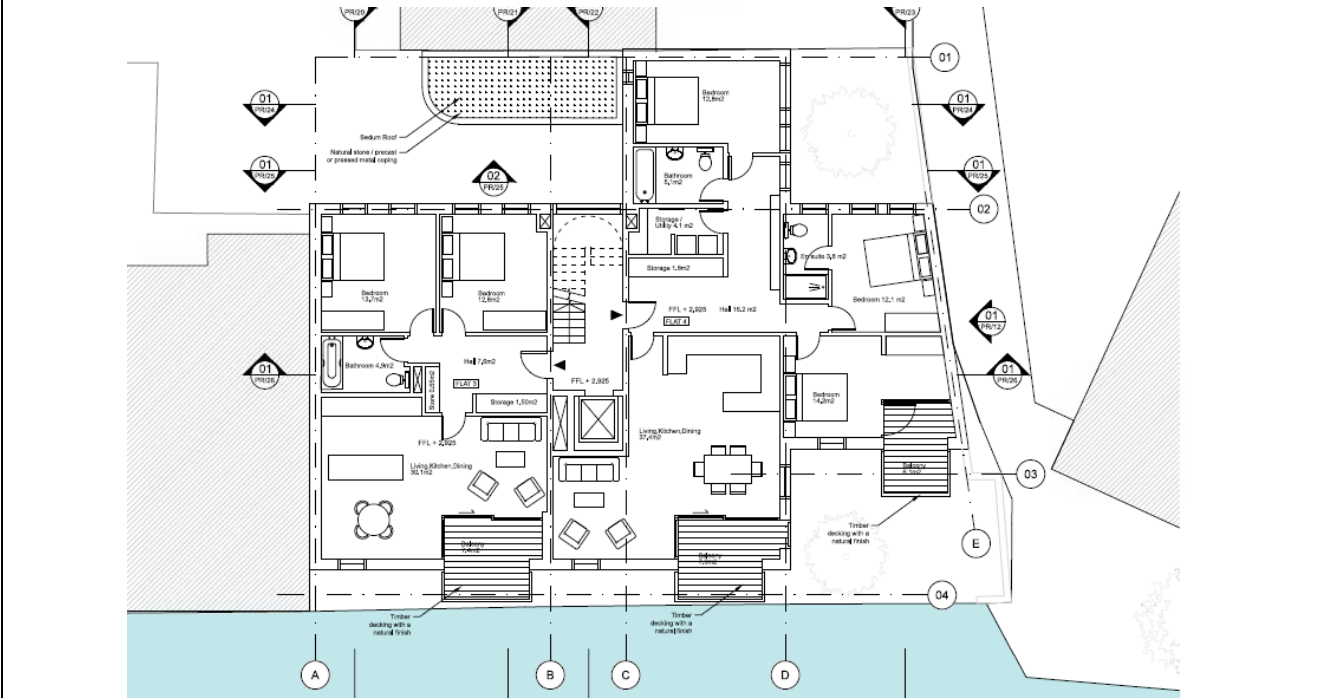
Existing Site Plan



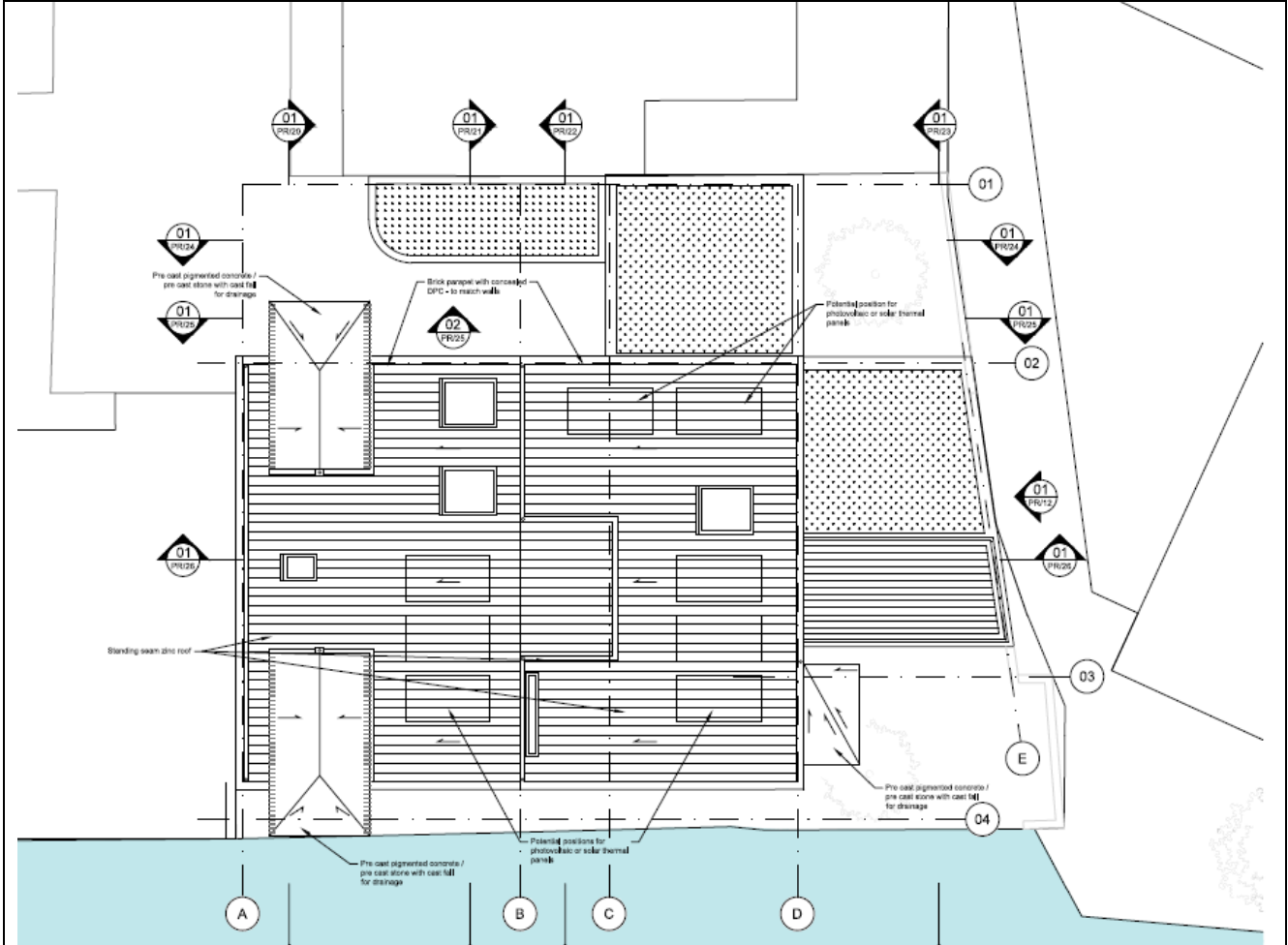
Existing Elevations



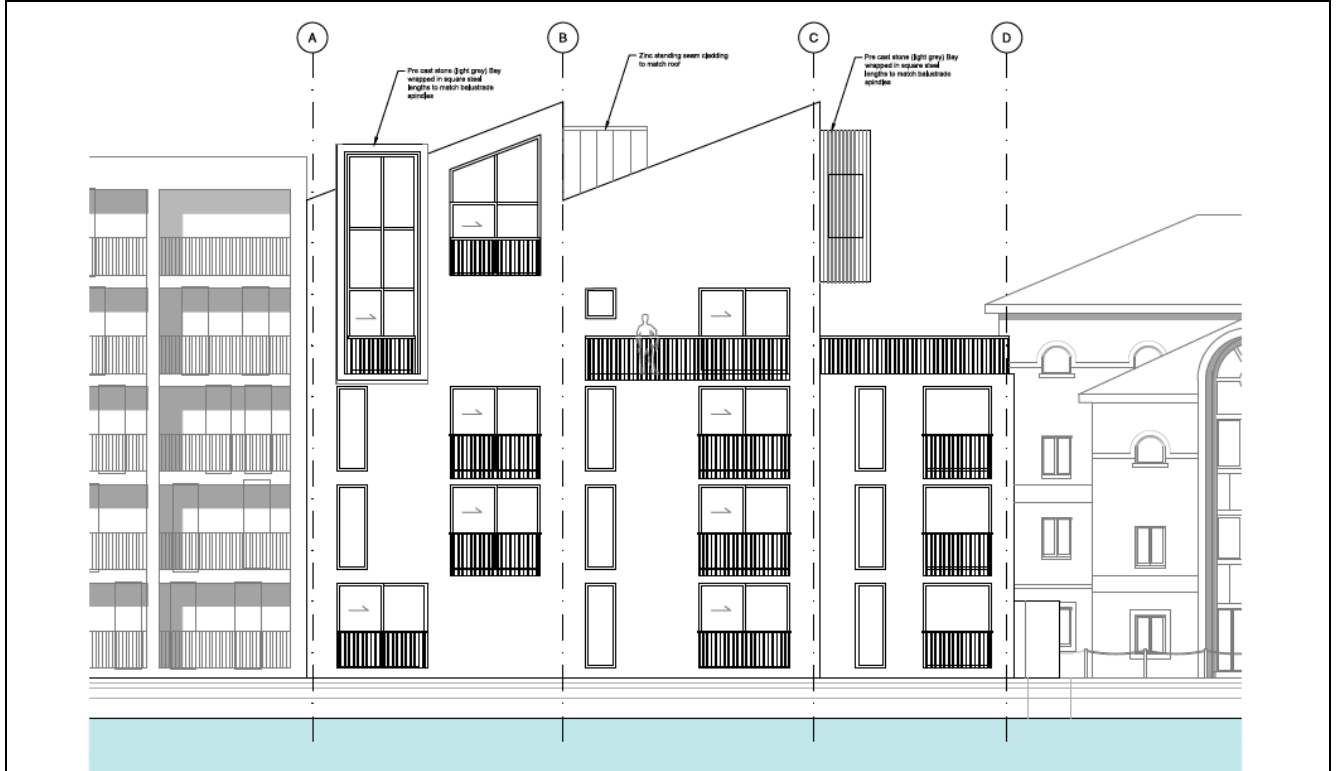
Proposed Site/Ground Floor Plan



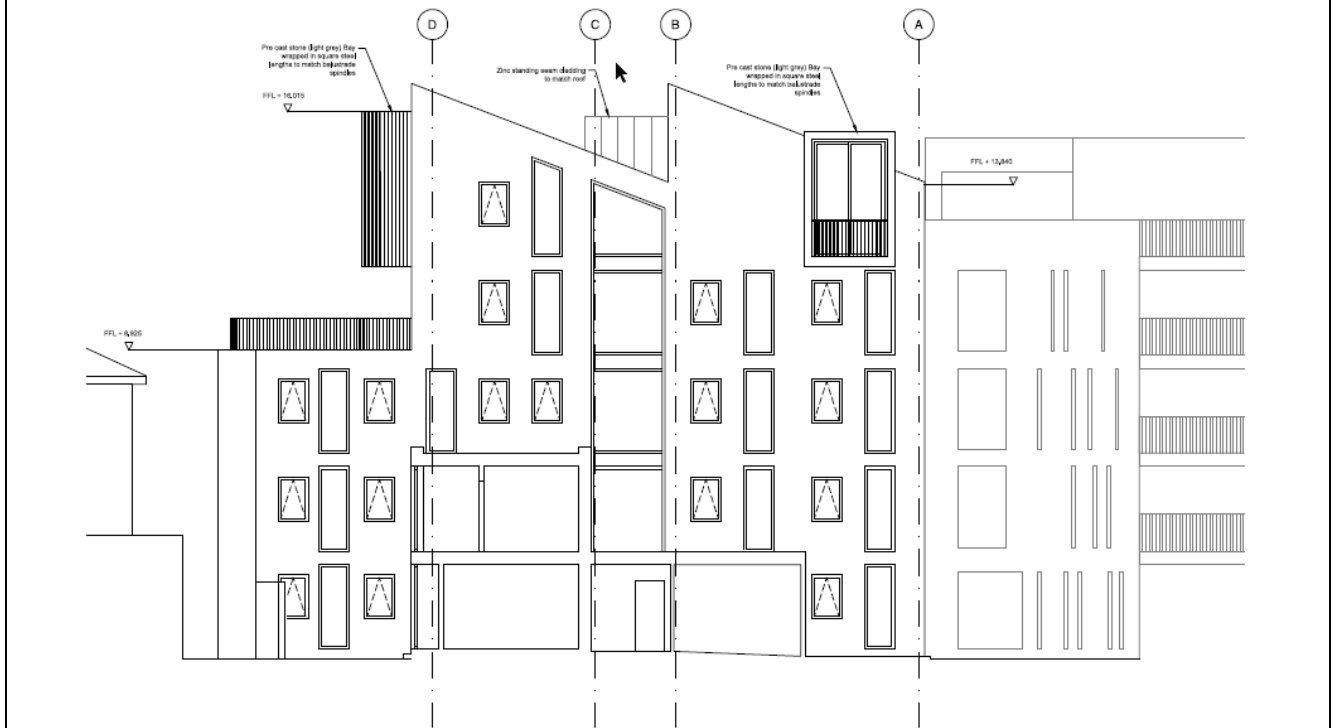
Proposed First Floor Plan



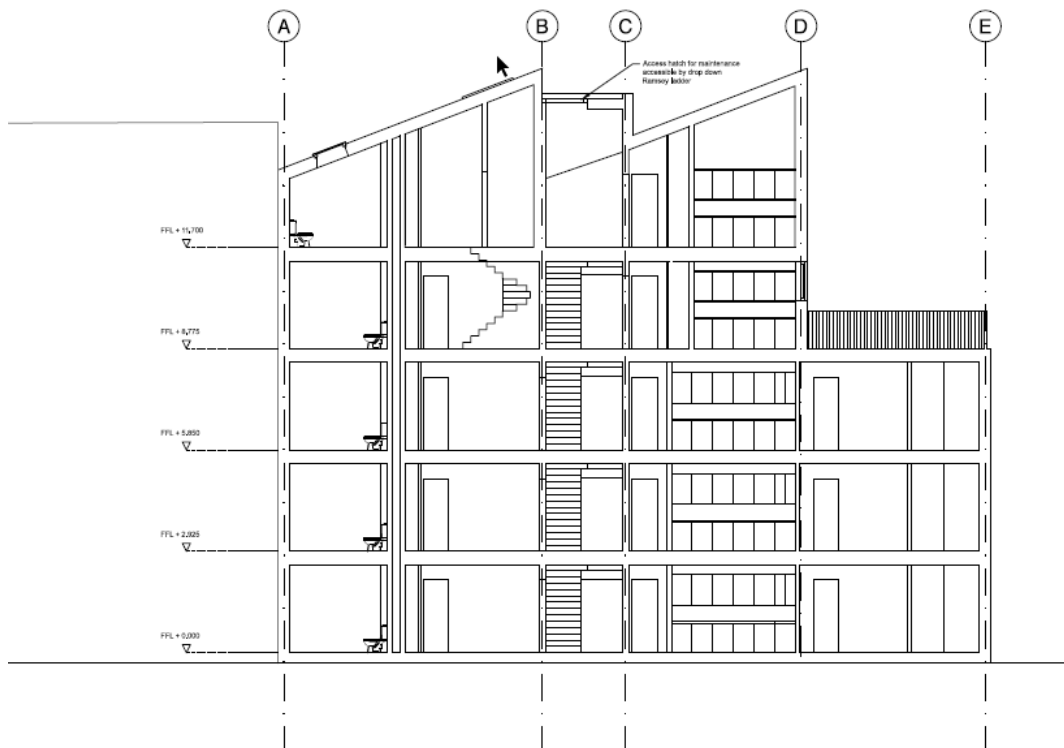
Proposed Roof Plan



Proposed South/Canal Elevation



Proposed North/St Johns Terrace Elevation



Proposed Long Section



Visualisation of Proposed Development from Canal

DRAFT DECISION LETTER

Address: Victoria Wharf, St John's Terrace, London, W10 4RB

Proposal: Demolition of existing buildings, construction of a part 5 and part 3 storey building containing 9 flats (2 x 1 bed, 4 x 2 bed, 2 x 3 bed, 1 x 4 bed) with private balconies/terraces, bicycle storage, waste storage and grass amenity areas.

Reference: 17/07652/FULL

Plan Nos: Drawing numbers PR00 Rev 02, PR01 Rev 02, PR02 Rev 02, PR03 Rev 02, PR04 Rev 02, PR05 Rev 02, PR06 Rev 02, PR07 Rev 02, PR11 Rev 02, PR12 Rev 02, PR20 Rev 02, PR21 Rev 02, PR22 Rev 02, PR23 Rev 02, PR24 Rev 02, Pr25 Rev 02, PR26 rev 02

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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 You must apply to us for approval of samples of the facing materials you will use, including glazing and landscaping materials, 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)

- 4 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development:

i) typical facade bays.

The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panels.

You must then carry out the work according to these approved sample(s).

Reason:

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

- 5 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades to indicate the following:

- i) windows;
- ii) external doors;
- iii) cills;
- iv) reveals;
- v) location and size of movement joints;
- vi) step backs in façade;
- vii) interfaces with windows;
- viii) interfaces with architectural metalwork;
- x) ventilation and other services terminations at façade and roof;
- xi) balconies including method of drainage;
- xii) railings and balustrades; and
- xiii) integral lighting.

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 drawings.

Reason:

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

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

- 6 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

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

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of

the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

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

Reason:

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

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

Reason:

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

- 9 You must provide the waste store shown on drawing PR01 Rev 02 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)

- 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 (March 2016).

- 11 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site

investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

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

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

Reason:

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

- 13 The glass that you put in the first floor south elevation of 19 St John's Terrace must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

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)

- 14 **Pre Commencement Condition** Before development commences, a survey of the condition of the canal wall, and a method statement and schedule of the repairs identified shall be submitted to and approved in writing by the Local Planning Authority. The works identified shall be carried out in accordance with the approved method statement and repairs schedule before the flats

hereby approved are occupied.

Reason:

In the interest of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity, in accordance with policy S37 of the Westminster's City Plan (November 2016).

- 15 **Pre Commencement Condition.** If surface water run-off and ground water is proposed to drain into the canal, details shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The development must be carried out in accordance with the approved details.

Reason:

To safeguard the canals water quality, in accordance with policy S37 of the Westminster's City Plan (November 2016).

- 16 Before occupation of the development, full details of the proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details before occupation of the approved development.

Reason:

To safeguard the canals ecology, in accordance with policies S36 and S37 of Westminster's City Plan (November 2016).

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

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

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S36, S37 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

- 18 **Pre Commencement Condition.** You must apply to us for approval of details of a security scheme for the development. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development

Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that all necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>).
- 5 The applicant/developer is advised that any development, crane oversail or access over the waterway requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Estates team at jonathan.young@canalrivertrust.org.uk regarding the required agreement.
- 6 The applicant is advised that any drainage from the site into the waterway will require consent from the Canal & River Trust, and they should contact the Canal & River Trust's Utilities team at nick.pogson@canalrivertrust.org.uk.
- 7 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)
- 8 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 9 The term 'clearly mark' in condition 9 means marked by a permanent wall notice or floor

markings, or both. (I88AA)

- 10 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 SUB COMMITTEE	Date 29 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	19 Craven Hill, London, W2 3EN		
Proposal	Amalgamation of four flats to form a single dwellinghouse.		
Agent	Mr Paul Booth		
On behalf of	Mr Adnan Imam		
Registered Number	18/01915/FULL	Date amended/ completed	9 March 2018
Date Application Received	7 March 2018		
Historic Building Grade	Grade II		
Conservation Area	Bayswater		

1. RECOMMENDATION

Refuse permission – failure to optimise unit numbers.

2. SUMMARY

The application site comprises a four storey terraced property situated on the west side of Craven Hill. The building is listed Grade II and is located within the Bayswater Conservation Area. The property currently contains four separate residential flats.

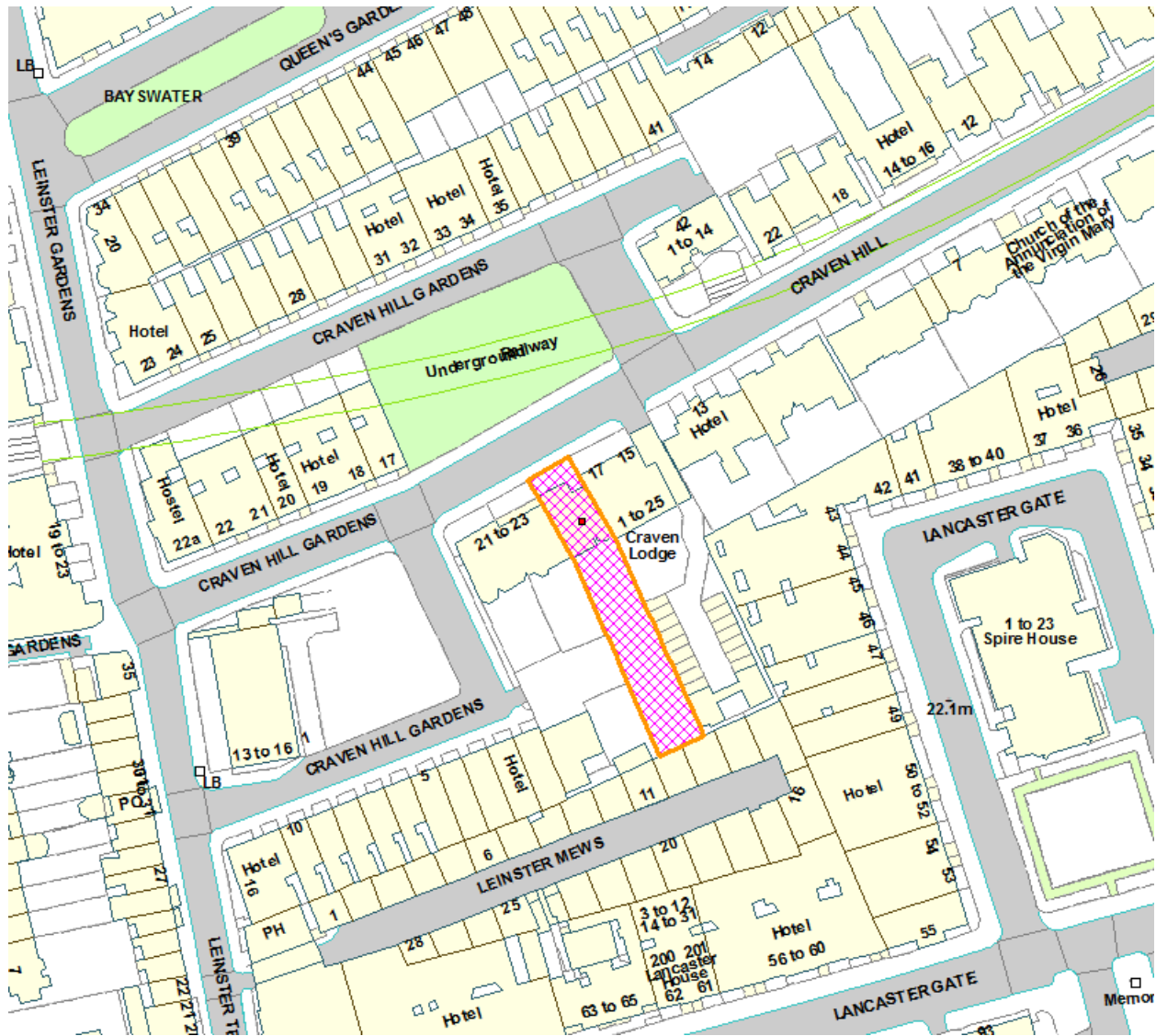
Permission is sought for the amalgamation of four existing flats into a single dwellinghouse. An objection has been received from South East Bayswater Resident’s Association with regards to the loss of good-sized flats in order to create a large 10-bedroom house.

The key issue in this case is:

- Whether the proposed amalgamation of the flats is acceptable in land use terms, with particular regard to policy S14 of Westminster’s City Plan (November 2016) (“the City Plan”) which seeks to optimise housing delivery.

The proposed development fails to optimise the number of residential units on-site and is therefore contrary to policy S14 of the City Plan. It is therefore recommended that permission is refused for the reasons set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation

5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Object to the loss of flats; has made reference to an article in March 2018 issue of the Westminster Report, in which Councillor Beddoe is quoted as saying "The council is committed to creating more homes in the city and we have been clear that if you build in Westminster, you must build affordable.", in relation to new build housing and provision of affordable housing.

BAYSWATER RESIDENTS ASSOCIATION

No response to date

HIGHWAYS PLANNING

No objections subject to the provision of cycle parking and waste storage

WASTE PROJECT OFFICER

No provision for the storage of waste and recyclable material - recommend a condition is attached.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a four storey terraced property situated on the west side of Craven Hill. The building is listed Grade II and is located within the Bayswater Conservation Area. The property is currently used as four separate residential units, comprising of a four-bedroom maisonette located at lower ground and ground floor; 2x three-bedroom flats located on the first and second floors and a two-bedroom flat on the third floor.

6.2 Recent Relevant History

01/05664/FULL

Change of use from office Class (B1) to one four bedroom self-contained flat (C3) at basement and ground floor level with associated internal alterations.

Granted 11.12.2001

01/05665/LBC

Internal alterations in connection with use of basement and ground floor as one self-contained flat (C3) use.

Granted 11.12.2001

7. THE PROPOSAL

The application seeks permission to amalgamate the existing four flats into a single-dwellinghouse. No external alterations are proposed as part of this application. Internal alterations comprise of the removal of three kitchens located on first, second and third floor levels. These rooms (currently kitchens) are proposed to be used as a children’s playroom, a bedroom and a dressing room

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S14 of the City Plan states that all residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable, except where, inter alia;

- a converted house is being returned to a family-sized dwelling or dwellings; or
- two flats are being joined to create a family-sized dwelling.

Westminster's Unitary Development Plan defines a 'family sized' dwelling as one with three or more bedrooms.

The existing building contains 1 x 2 bedroom flat, 2 x 3 bedroom flats and 1 x 4 bedroom maisonette. These would be joined to create a single 10-bedroom house. The relevant floor areas are set out below:

	Existing Floor Area	Proposed Floor Area
Existing Ground and Lower Ground Floor Flat (4 bed)	240sqm	-
Existing First Floor Flat (3 bed)	110sqm	-
Existing Second Floor Flat (3 bed)	110sqm	-
Existing Third Floor Flat (2 bed)	95sqm	-
Proposed Dwellinghouse	-	555 sqm

In this instance, the proposed development does not meet the two relevant exceptions noted in policy S14. Whilst this property is a converted house, it already contains three family sized dwellings. It is therefore not being returned to a family sized dwelling or dwellings and therefore does not meet the first exception noted above. The proposal also does not result in a net increase in family sized dwellings from the amalgamation of non-family sized dwellings. It instead results in a net loss of two family sized units and a non-family sized unit to create one family sized unit. Accordingly, the second relevant exception has not been met and the proposal is contrary to policy S14 of the City Plan.

Notwithstanding the above, the proposed dwellinghouse greatly exceeds the minimum floorspace standards set out in DCLG’s Nationally Described Space Standard (2015). To take one example from these standards, the minimum floorspace for a 3 -bedroom, 6-person single storey dwelling is 95sqm. In this case, the existing floorspace for the 2-bedroom flat measures 95sqm, which would meet the minimum standard for a 3-

bedroom flat. For a 4-bedroom, 8 person, two-storey dwelling, a minimum of 124sqm is required. In this case, the existing floor space of the 4-bedroom maisonette situated on the lower ground and ground floor level measures 240sqm. This is almost double the size of the minimum standard for a 4-bedroom dwelling that could accommodate up to 8 people. This illustrates that all four residential units substantially exceed minimum standards for new-build residential units, and would have the capacity to accommodate four families. The proposal would result in the loss of three units, in order to provide a large 10-bedroom dwelling which is considered to be contrary to the aims of policy S14 which is to optimise housing delivery.

The applicant contends that the Council's own policies support the conversion of properties back to their original use. As set out above however, this is an incorrect interpretation of policy S14, which does not support the loss of family sized dwellings to return a converted house back to its original use.

The applicant has also highlighted that the adjacent addresses at 21 and 23 Craven Hill are both dwellinghouses. However, the planning history for the adjacent properties for no. 21 and 23 reveals that permission was granted for use of that building as three residential units in 1999 (ref: 99/02650/FULL). Officers consider that that application is materially different to the current application and also pre-dates the current development plan. It is therefore not directly comparable to the current application.

This property is also a Grade II listed building and the applicant has requested that officers consider applicant's plans to renovate the building. However, the current application is for planning permission, and there has been no accompanying listed building consent application submitted. The internal works proposed under this application are minimal, being comprised of the removal of kitchens only with no changes proposed to plan form or internal finishes etc. Accordingly, the applicant's aspirations for the property are not a material consideration in this instance.

8.2 Townscape and Design

There are no external changes proposed to the building. Internal alterations comprise of the removal of three kitchens to existing flats located on the first, second and third floors and their use as a kids playroom, bedroom and dressing room. This does not pose any design or heritage issues relating to the listing of the building, as these works do not affect the special architectural or historic character of the building. In this case, therefore, the applicants have not submitted an associated application for listed building consent. However, had this application been recommended for approval, an informative would have been recommended to advise the applicant that should any proposed alterations change, then listed building consent may be required.

8.3 Residential Amenity

The relevant policies are ENV 13 of Westminster's Unitary Development Plan and S29 of Westminster's City Plan. As no external alterations are proposed and the use of the building is to remain as residential, it is considered that the proposal would not result in any harmful impact on neighbouring amenity.

8.4 Transportation/Parking

The Highways Planning Officer has no objection to the proposal in terms of car parking as there will be reduction in the number of residential units. However, the London Plan requires 2 cycle parking spaces for residential units that have two or more bedrooms.

As there is no increase in the number of residential units the impact on cycle parking would not be significant and it would be unreasonable to require the provision of cycle parking in these circumstances.

The Waste Project Officer has requested details of waste and recycling materials storage. However, and as the proposal is the amalgamation of existing flats to a house, there would be existing provision of waste and recycling. It is therefore unreasonable to request further details by condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposals would not alter the existing access arrangements to this residential property.

8.7 Other UDP/Westminster Policy Considerations

None relevant

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The development does not require an Environmental Impact Assessment.

8.12 Other Issues

None relevant

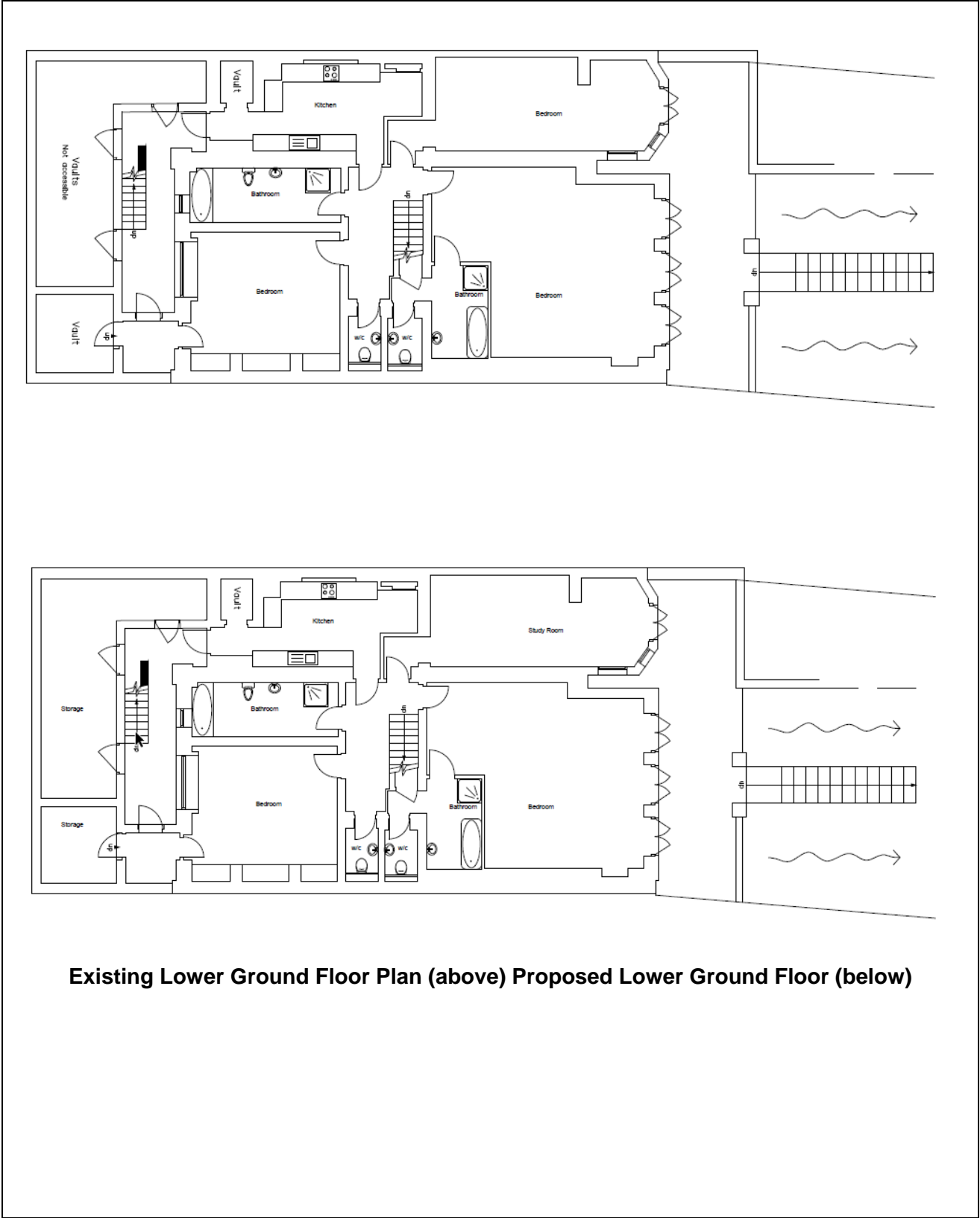
9. BACKGROUND PAPERS

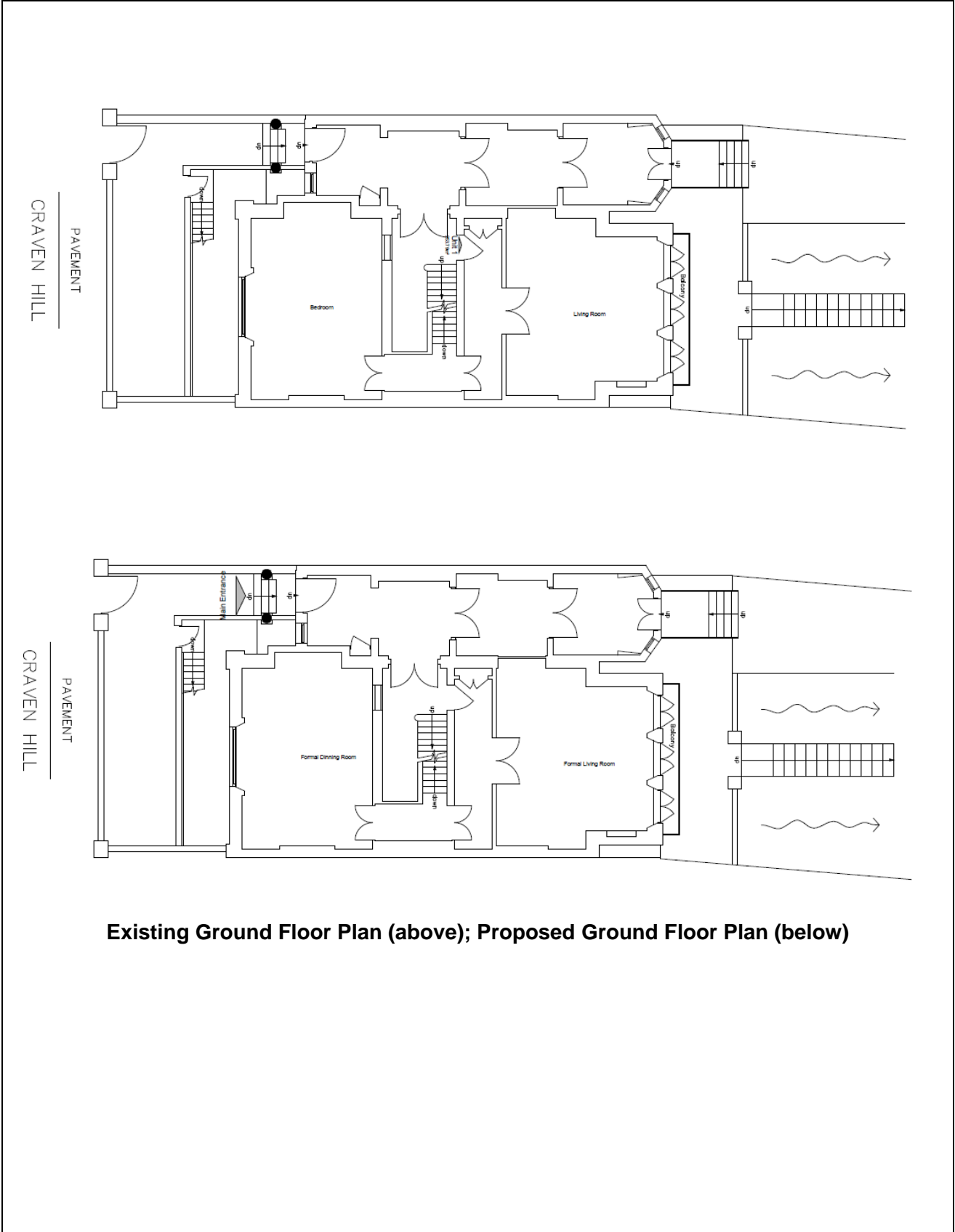
1. Application form
2. Response from Highways Planning - Development Planning, dated 20 March 2018
3. Response from Cleansing - Development Planning, dated 27 March 2018
4. Response from South East Bayswater Residents Association, dated 27 March 2018

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

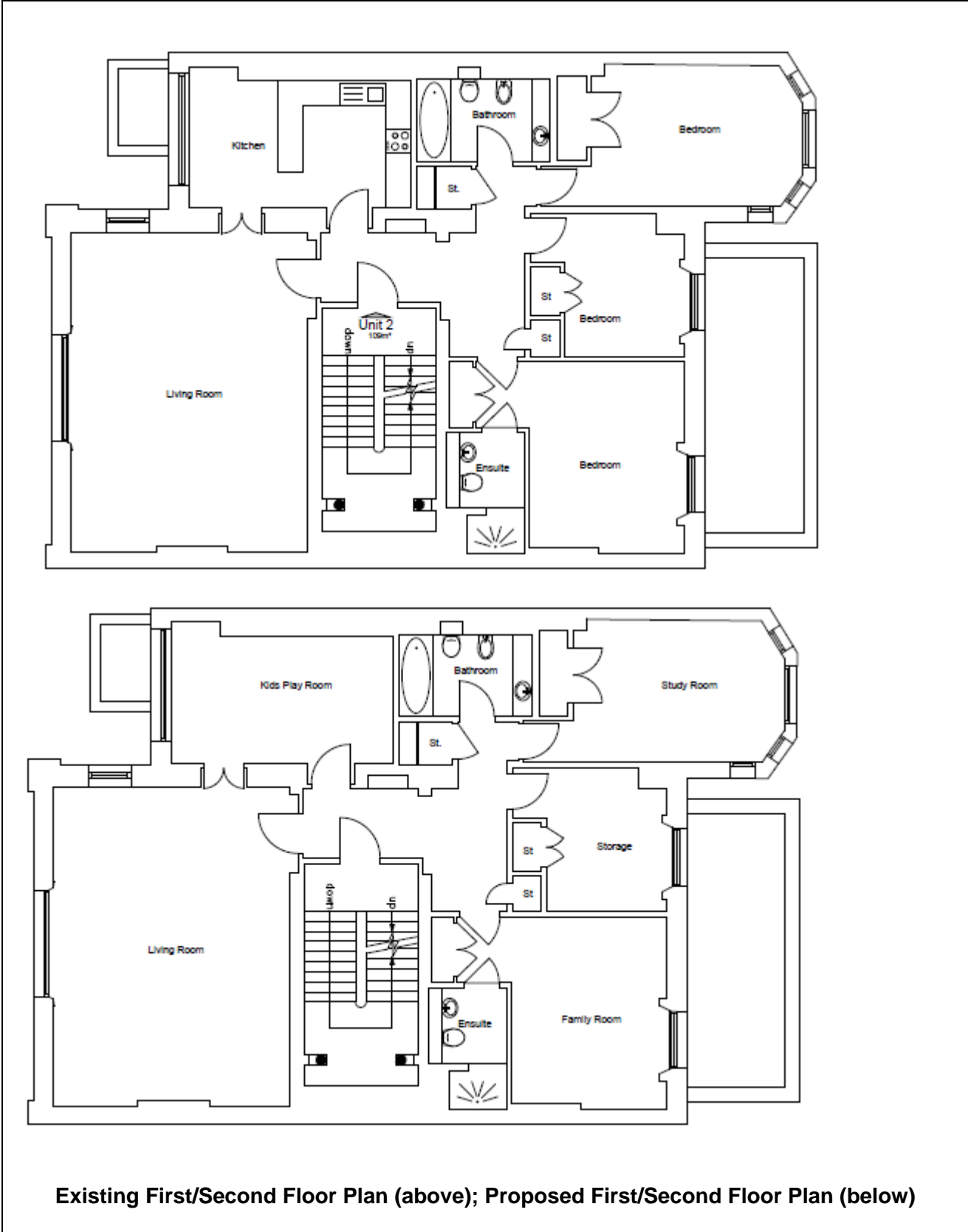
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

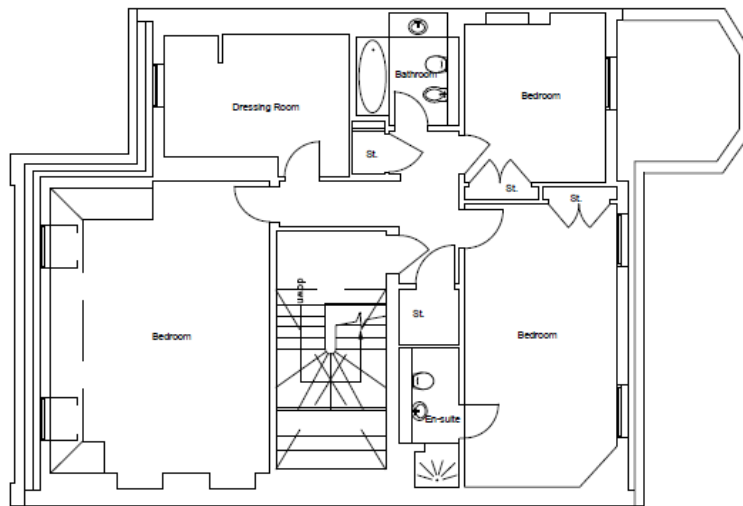
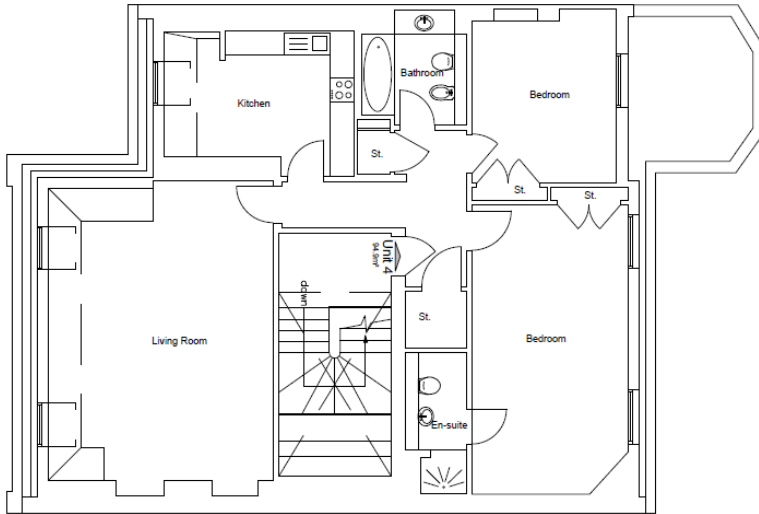
10. KEY DRAWINGS





Existing Ground Floor Plan (above); Proposed Ground Floor Plan (below)





Existing Third Floor Plan (above); Proposed Thurd Floor Plan (below)

Item No.
2

DRAFT DECISION LETTER

Address: 19 Craven Hill, London, W2 3EN

Proposal: Amalgamation of four flats to form a single dwellinghouse.

Reference: 18/01915/FULL

Plan Nos: 924 EX 0001 Rev A; 924 EX 0101 Rev A; 924 EX B101 Rev A; 924 EX 0201 Rev A; 924 EX 0301 Rev A; 924 DG 0001 Rev A; 924 DG 0101 Rev A; 924 DG 0201 Rev A; 924 DG 0301 Rev A; 924 DG 0S 01 Rev A; Planning Supporting Statement dated February 2018

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

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 (November 2016). We do not consider that the circumstances of your case justify an exception to our policy. (X04AC)

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 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.

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Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Achilles Way, Traffic Island 6, W1K 1AB		
Proposal	Temporary installation of a sculpture by Matt Marga.		
Agent	Mr Gioia Bernardi		
On behalf of	Mr Gioia Bernardi		
Registered Number	18/02337/FULL	Date amended/ completed	22 March 2018
Date Application Received	22 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Royal Parks		

1. RECOMMENDATION

Grant conditional permission, subject to a condition restricting the period of display to six months.

2. SUMMARY

Island six is the southernmost traffic island on Park Lane. It is in the Royal Parks Conservation Area and is home to the grade II listed statue of Lord Byron. This large traffic island also contains a Parks Department enclosure and some Thames Water infrastructure. It is not accessible to pedestrians.

The City Council has permitted the display of sculpture in this location on three occasions, in 1998, 2012 and 2014, and has permitted the display of a menorah for the duration of Chanukah on a number of occasions.

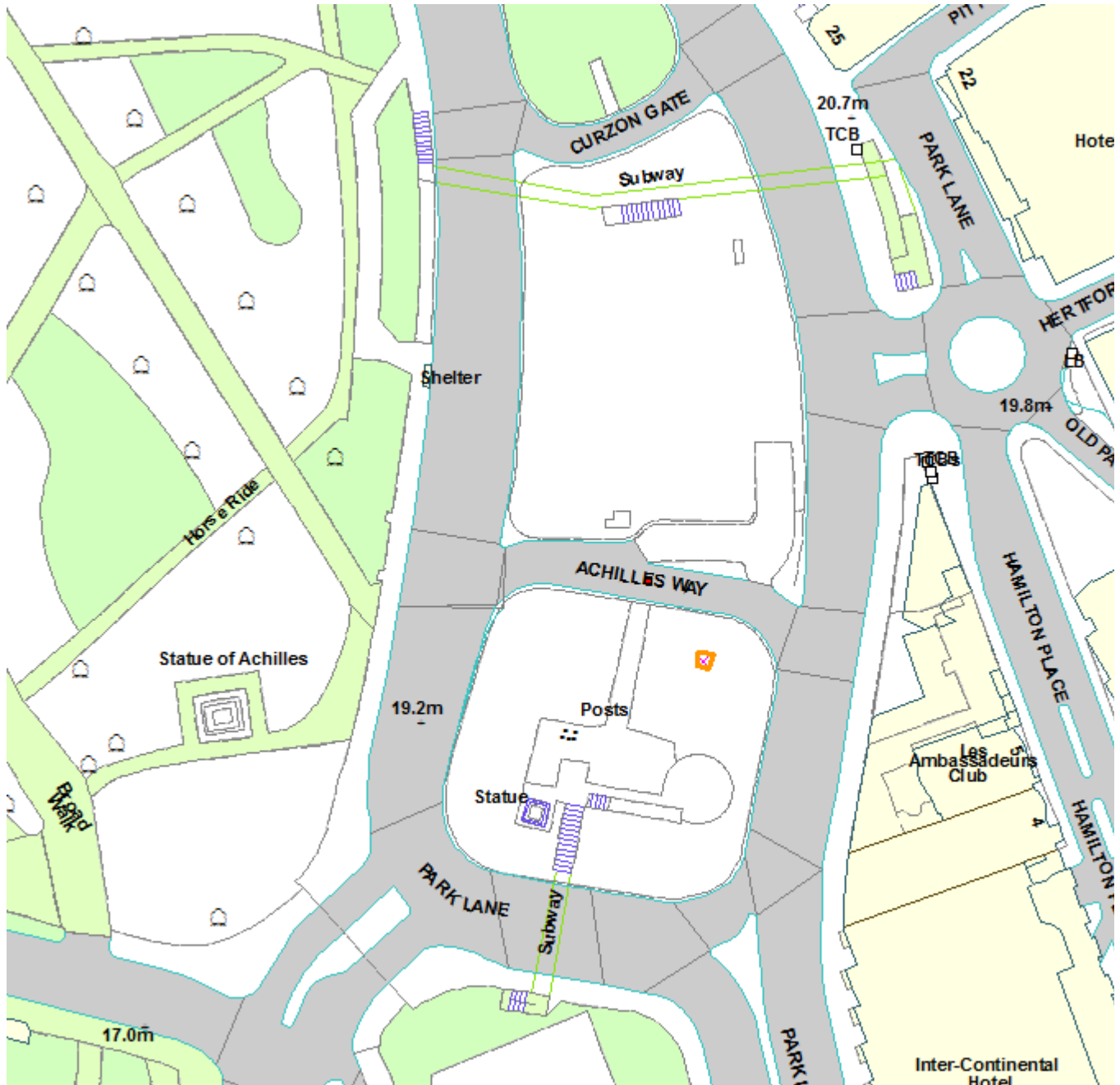
The proposed sculpture is by artist Matt Marga, represented by Gallery Ventique. Mr Marga proposes a sculpture composed of toughened glass, and bearing an image of the HM the Queen. The sculpture, including its steel plinth, is 5.3m high and 3m wide.

An existing sculpture, 'Dunamis' by Bushra Fakhoury currently occupies the proposed location on Island Six. Its temporary planning permission has expired.

No objections have been received. The sculpture is considered to be acceptable for display in this location for a temporary period. Its scale, location and orientation are acceptable in design terms. The display of a glass sculpture in the public realm is not considered to be problematic in this instance because of its inaccessible location.

The usual period of display for temporary sculpture in Westminster is six months in the first instance. A condition is proposed restricting display to six months.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S
Any response to be reported verbally

TRANSPORT FOR LONDON
No objection

HIGHWAYS PLANNING MANAGER
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

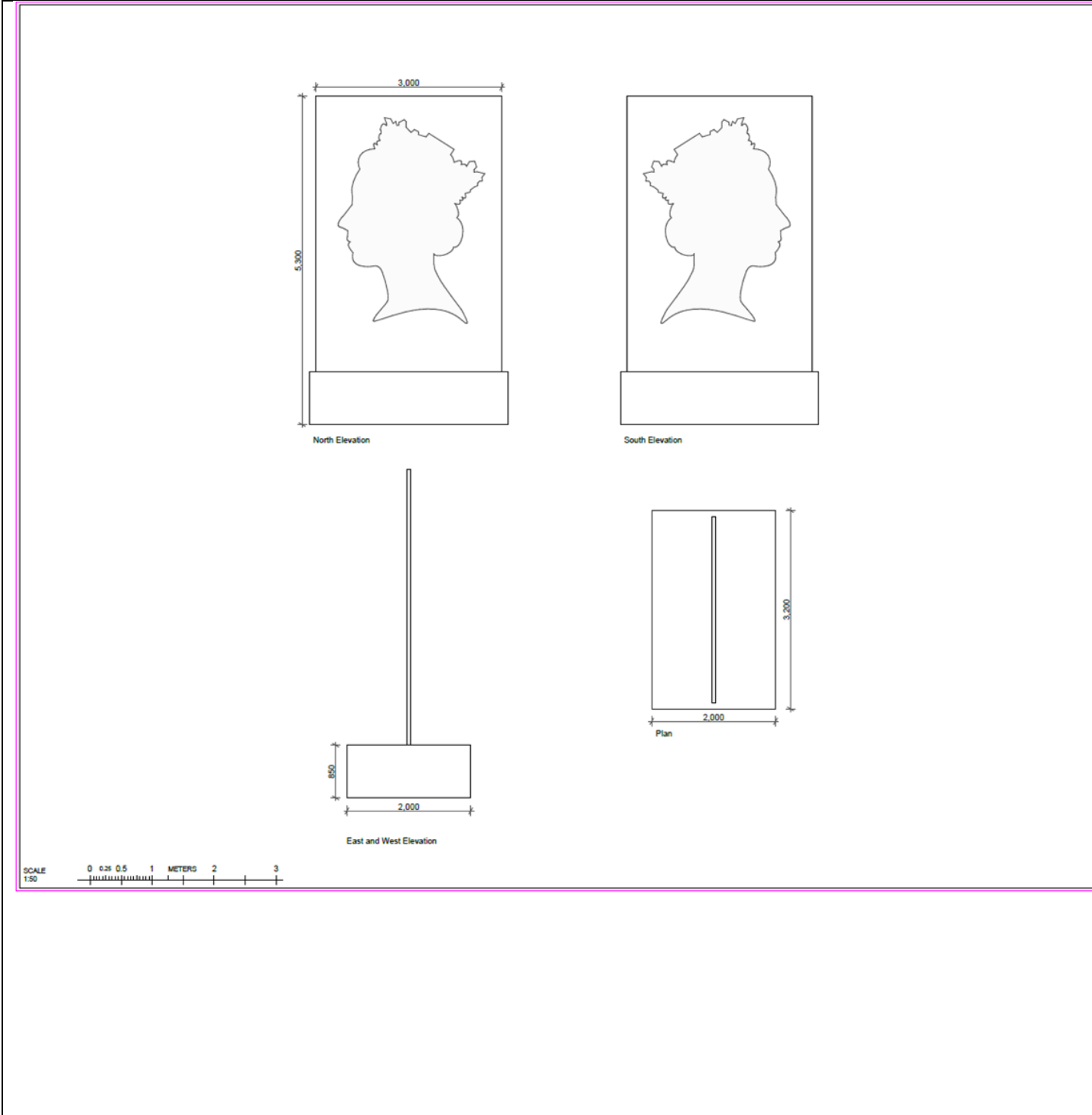
6. BACKGROUND PAPERS

1. Application form
2. Memorandum from Highways Planning Manager dated 4 April 2018
3. Letter from Transport For London dated 12 April 2018

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

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

7. KEY DRAWINGS





Photomontage showing sculpture in location.

Item No.
3

DRAFT DECISION LETTER

Address: Achilles Way, Traffic Island 6, W1K 1AB

Proposal: Temporary installation of a sculpture by Matt Marga.

Reference: 18/02337/FULL

Plan Nos: VE74-100; Location plan reference OI487429

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

Recommended Condition(s) and Reason(s)

- The development hereby permitted shall be carried out in accordance with the drawings and other documents 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 in the interests of proper planning.

- The sculpture hereby consented to be displayed for a period of six months only. At the end of this period, the sculpture must be removed and the land returned to its former condition. You must write to the city council to agree the date of removal of the sculpture.

Reason:
Because the installation is temporary and it contributes to the character and appearance of this part of the Portman Estate Conservation Area and the setting of the neighbouring grade II listed building. This is as set out in S25 and S26 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 7, DES 9 and DES 10 paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2017.

Informative(s):

- 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

Item No.
3

application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 In addition to planning permission, you will require the consent of the

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

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Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Octavia House, Medway Street, London, SW1P 2TA		
Proposal	Use of part of car park (part of level 2) to provide self-storage facility (Use Class B8).		
Agent	Nicholas Taylor + Associates		
On behalf of	Vanguard Self Storage Ltd		
Registered Number	18/00295/FULL	Date amended/ completed	19 January 2018
Date Application Received	15 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Gant conditional permission.

2. SUMMARY

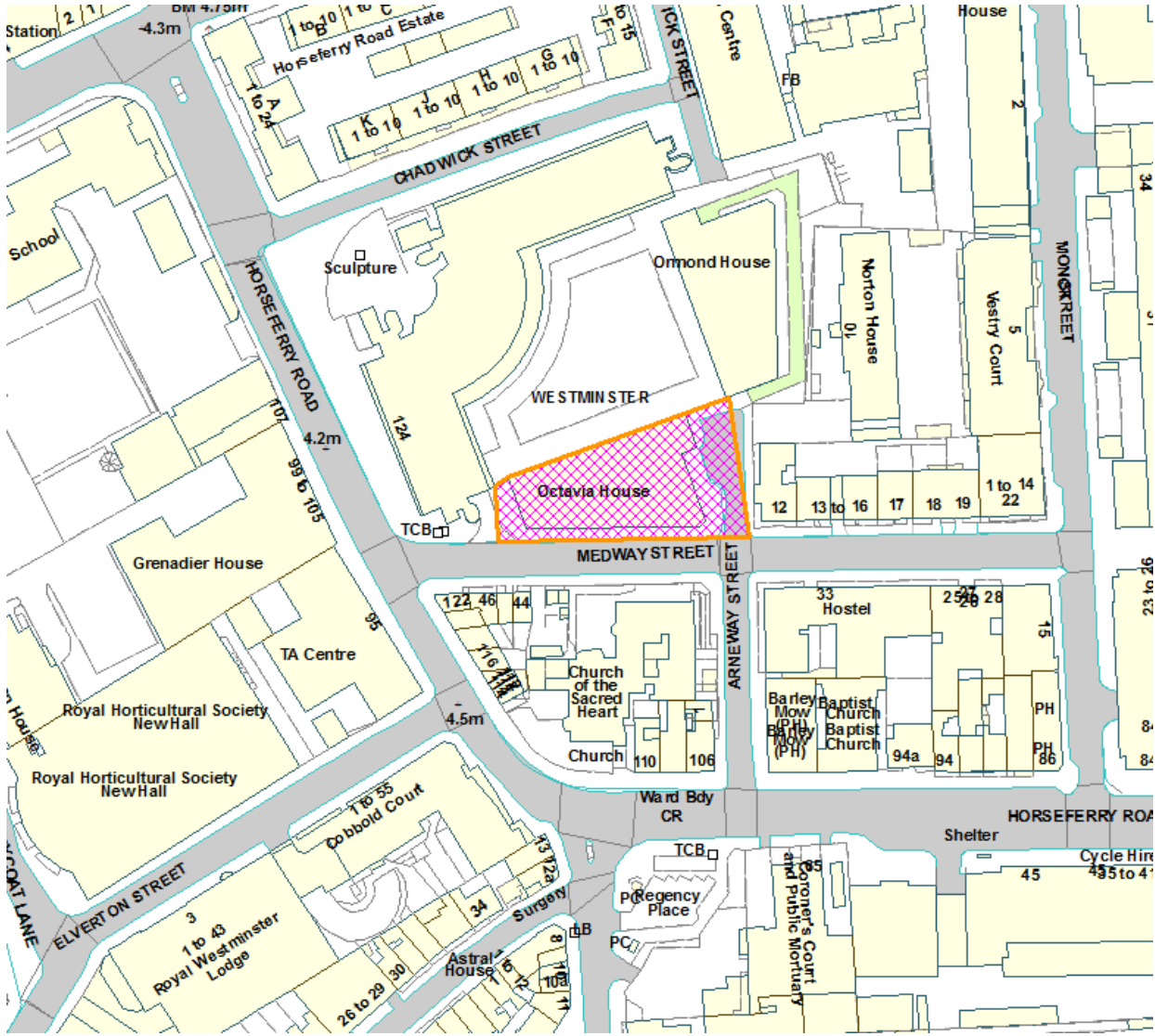
This application relates to part of the Q-Park Victoria Car Park located beneath Octavia House. Permission is sought for a change of use to part of the level 2 basement of the car park (sui generis) to provide a self-storage facility (Use Class B8) which would provide 417 storage units resulting in the loss of 117 car parking spaces.

The key issues in this case are:

- The impact of the proposal on on-street parking demand and traffic generation;
- The impact of the use upon residential amenity.

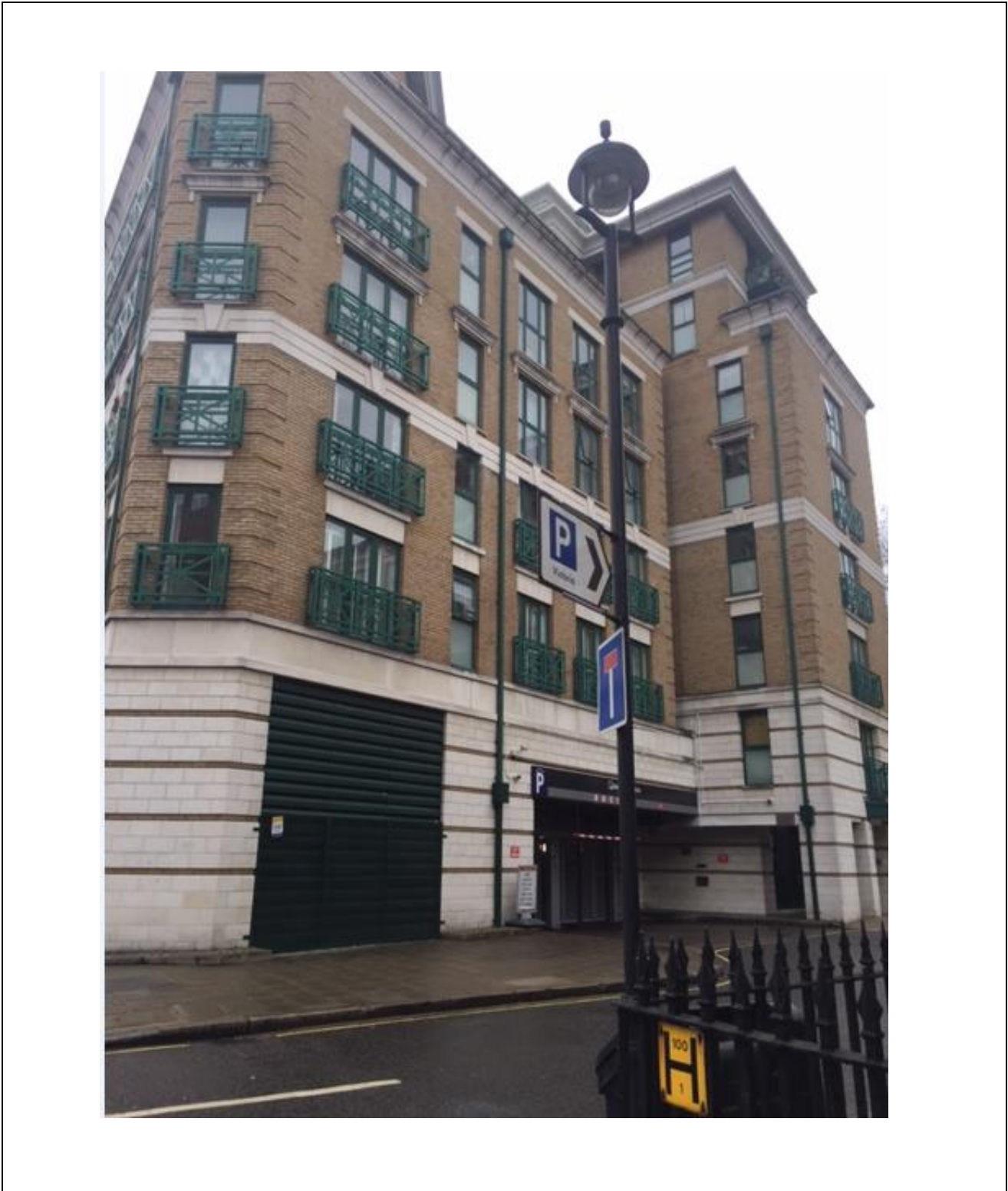
Objections have been received on grounds including highway safety and impact on amenity. The principle of the loss of public car parking spaces and replacement use are acceptable in land use terms. Subject to appropriate conditions, including the securing of an operational management plan, it is considered that the storage facility would not adversely affect the amenity of neighbouring residential properties or compromise highway safety. The application is considered to comply with relevant UDP and City plan policies and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY

No objection. The application is supported by a robust management plan which seems to address potential problems in a satisfactory manner.

THORNEY ISLAND SOCIETY

No objection. A reduction in parking spaces in inner London is to be welcomed.

HIGHWAYS PLANNING MANAGER

Given that the surveys show that the figure of 114 spaces was only exceeded during a one-off period event and that the average peak occupancy is 51, the proposals is in line with UDP policy TRANS 25. The Operational Management Plan should be conditioned in the event of planning permission being granted.

CLEANSING OFFICER

No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 241

Total No. of replies: 5

Five letters of representation have been received raising the following concerns:

Amenity:

- Inconvenience caused to residents by increase in noise levels at all hours.
- Disturbance from loading and unloading occurring directly under the windows of residents.

Highways:

- Arneway Street is a short cul-de-sac and the street is frequently used and further congestion would result in serious consequences.
- Basement level 2 would be made more dangerous with cars and small vans reversing and turning in a proposed two-way road system.

Other:

- Security and protection of the residents' car park would be put at risk.
- Increased pollution and litter.
- CCTV is a poor substitute for security officers.
- Construction noise.
- Signage could be intrusive.
- Query whether the load bearing capacity of has been taken into consideration.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Octavia House is an unlisted building which is not located within a conservation area but is located within the Core Central Activities Zone. The building comprises 55 residential flats (Class C3) and three levels of basement car parking. It is located on the corner of Medway Street and Arneway Street and off Horseferry Road. Channel 4 studios is located to the north but the surrounding area is residential in character.

The application relates to the Q-Park facility located beneath Octavia House. The car park is accessed via a two-way ramp on Arneway Street. There is a separate pedestrian access from Medway Street. The car park is split over three levels with basement levels 1 and 2 containing 231 publicly accessible Q-Park spaces and basement level 3 containing 125 parking spaces for the residents of Octavia House.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

Planning permission is sought for a change of use to part of the level 2 basement Q-Park (sui generis) to provide a self-storage facility (Use Class B8). The operator is identified as Vanguard self-storage.

The total number of car parking spaces available on three basement levels is 359. Levels 1 and 2 are open to the public and provide a total of 231 parking spaces. The 125 parking spaces on level 3 are reserved for residents of Octavia House. The application proposes 417 storage units of varying sizes which would result in the loss of 117 public car parking spaces.

Whilst the car park is open 24hrs a day, the use is proposed to operate between 8am to 8pm only. The self-storage site office will be staffed from 9am and 6pm Monday to Friday, 10am to 4pm on Saturdays and 10am to 2pm on Sundays. Two dedicated loading bays are proposed within the basement to accommodate customers loading/unloading.

The application includes details of internal CCTV, security lighting and waste storage. An Operating and Management Statement (OMS) supports the application and provides comprehensive operational details.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Car Parking

UDP policy TRANS 25 states that the council will usually permit the loss of public off-street parking. In determining such proposals, the Council will consider the need to reduce traffic levels and encourage more sustainable modes of transport, the average

and peak usage of the car park, the availability of alternative, nearby public car parks; the impact on local on-street parking facilities; the impact on traffic and local residential amenity and any other factors considered relevant.

The submitted survey indicates that the existing public car park is underused and the average daily occupancy is 51 from the 231 available spaces. The proposals would result in the loss of 117 car parking spaces, reducing the capacity of the car park from 231 spaces to 114 spaces. However, taking into account the car park is underused and given that an adequate number of public parking spaces would still be available, it would be difficult to raise objections to the loss of the parking spaces, particularly as the London Plan is encouraging adoption of car-free developments. The Highway Planning Manager raises no objection to the loss of car parking spaces on highway grounds, and, as such, the proposal would be considered to be in accordance with UDP policy TRANS 25.

Proposed Self-Storage Use

Council policies do not refer specifically to self-storage facilities. However, such a use could broadly be considered to fall within the remit of UDP policy COM 11, which relates to new general industrial or commercial warehouse floorspace, albeit that the proposed use is on a smaller scale. The policy states that such uses will only be approved where they are located close to the strategic road/rail network, the accommodation is particularly suited to the proposed use, the servicing requirements can be adequately met within the site and there would be no adverse impact on residential amenity.

There are other examples throughout the city where underused car parks are now providing self-storage facilities without detrimental impacts. Officers have also observed on site on three occasions the lack of demand for the public parking. On this basis, the loss of the existing car parking would be considered acceptable, and given the nature and relatively small scale of the proposed use, the proposal would accord with the objectives of policy COM 11 and is considered acceptable in land use terms. The impact of the use on the highway network and residential amenity are discussed in sections 8.3 and 8.4 below.

8.2 Townscape and Design

No external alterations are proposed.

8.3 Residential Amenity

Policies ENV 6 and ENV 7 of the UDP and City Plan policy S32 require new developments to minimise noise disturbance and to protect noise sensitive properties. The City Council will apply conditions when approving schemes in order to limit noise emissions. City Plan policy S29 seeks to safeguard the amenity of neighbouring residential properties.

It is unlikely that internal activity within basement level 2 would result in noise transfer to residential properties within the application building given level of parking at basement level 1 will act as a buffer. In terms of noise and disturbance from external activity, subject to the conditions to ensure that all loading and unloading of takes place within the premises and during permitted hours of operation (08:00 to 20:00 hours), it is not

considered that the proposals would have any greater impact on noise levels than the existing 24 hour car park use.

Subject to appropriate operating conditions, it is considered that the proposed use would not unacceptably impact upon the amenities of neighbouring residents.

8.4 Transportation/Parking

The application is supported by an OMS, which sets out the hours of operation (8am – 8pm, 7 days a week). It also details security measures and surveillance, vehicle access restrictions, activities and goods which are prohibited, requirements for customer ID and waste. It also stipulates that unloading/loading which can only occur within the car park and not outside, which has been raised as a concern by residents. It is proposed to secure the submitted OMS by condition.

The Highway Planning Manager raises no objection to the loss of the public parking provision and is satisfied with the information provided with regards to the unloading and loading as detailed in the OMS. In terms of the height restriction of 2.1m for vehicles entering the car park, the Highways Planning Manager agrees that customers should follow the procedure of signing an agreement prohibiting vehicles above 2.1m high entering the car park set out in the OMS.

A two-way system would replace the current one-way system at basement level 2. The Council's Highway Manager has confirmed that the proposed width of 7.5m for the two-way system would be sufficient to allow two vehicles to pass safely. The 5mph speed limit within the car park would further slowdown drivers. Access to the car park would not change with vehicles entering and leaving the site in forward gear. The proposals are considered acceptable in terms of highway safety.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the car park and proposed self-storage facility would remain as existing.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The proposed arrangements for the storage of waste and recyclable materials are considered acceptable and would be secured by condition.

Flooding

The site is located within flood zone 3 and it benefits from flood defences. Furthermore, the change of use to a storage facility would be a less vulnerable use and further mitigation is not required for the proposed change of use in this instance

8.8 London Plan

Policy 6.13 of the London Plan seeks an appropriate balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. The proposals would accord with the intent of this policy by providing an alternative use for excess parking spaces.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Matters

In respect of the safety and security measures for the proposed facility, the OMP states that all parts of the car park, including the pedestrian access from Arneway Street, are actively monitored. Intruder alarms, off-site CCTV monitoring, digital entry systems and personalised codes for each storage unit are all dealt within the OMS. A list of prohibited items that cannot be stored on-site is include within the OMS and is also set out in the terms and conditions of the contract which users would need to sign. The measures put forward by the applicant are considered reasonable to address safety and security concerns for such a use.

A comment has been made with respect to the potential for signs being displayed. No advertisements are proposed as part of this application and if sought will need to be considered under a separate application for advertisement consent.

A comment relating the whether the load bearding of the basement has been adequately considered. This would be a Building Regulations matter dealt with at the appropriate time and is not a valid planning consideration.

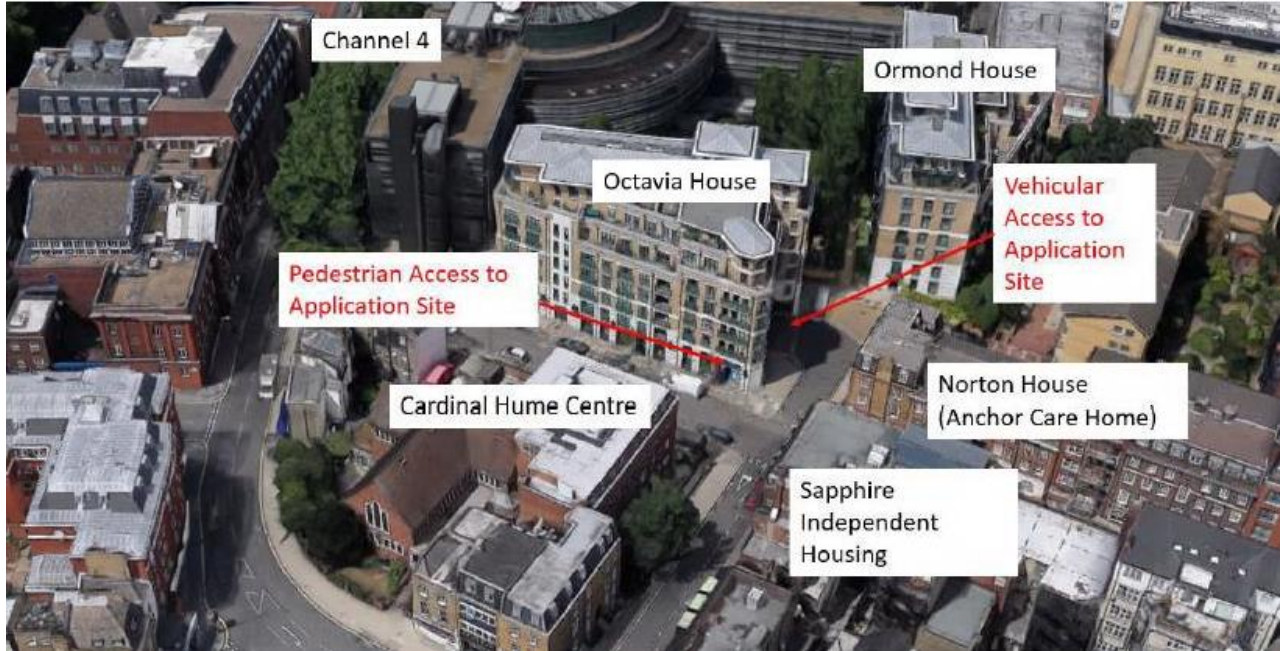
In terms of noise during construction, the Councils standard hours of works condition is recommend.

9. BACKGROUND PAPERS

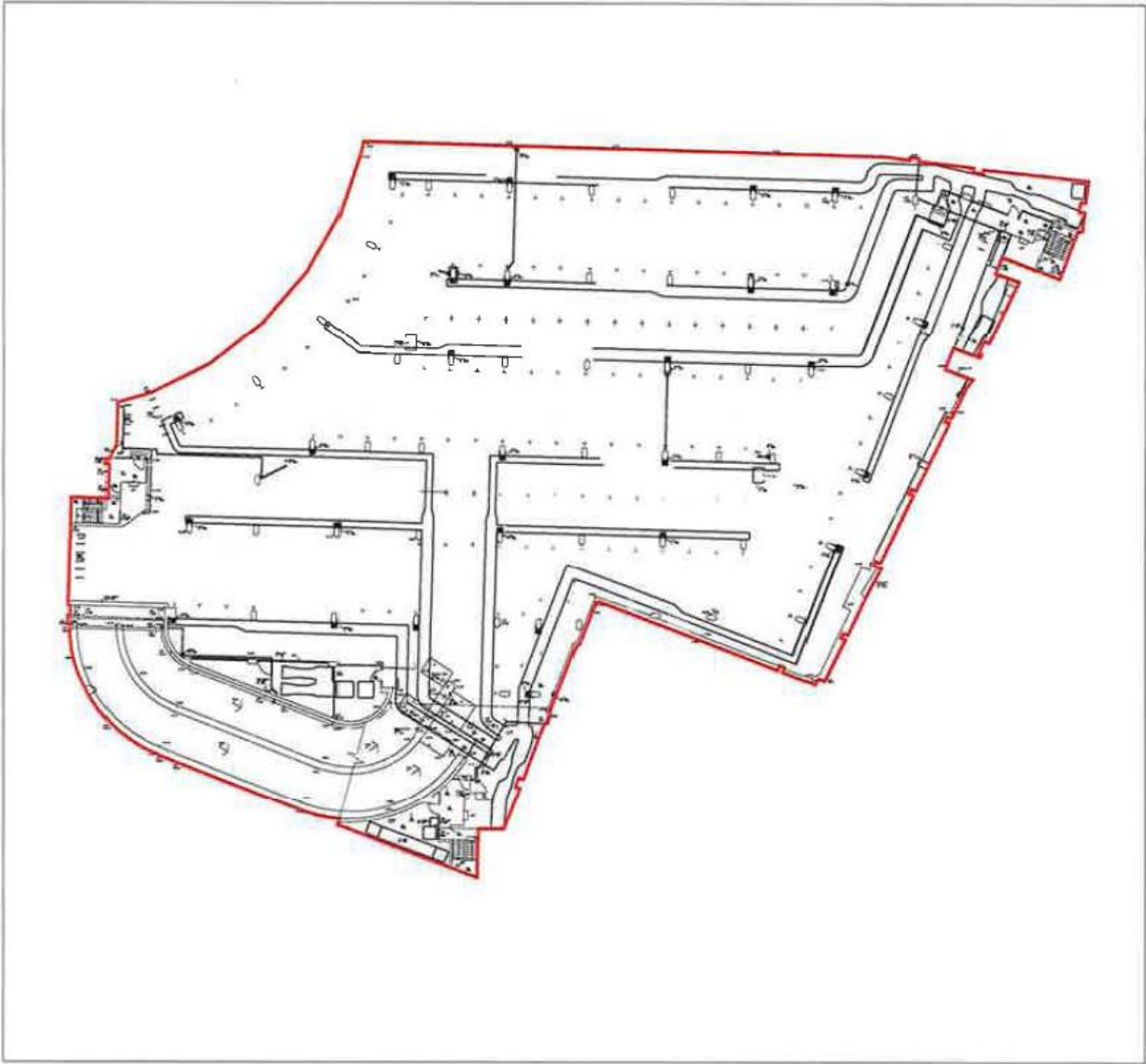
1. Application form.
2. Response from Westminster Society, dated 8 February 2018.
3. Response from Thorney Island Society, dated 29 January 2018.
4. Response from Cleansing Officer received on 15 May 2018.
5. Response from Highways Planning Manager received on 9 May 2018.
6. Letter from an occupier of Octavia House dated 7 February 2018.
7. Letter from an occupier of Octavia House dated 7 February 2018.
8. Letter from an occupier of Primrose Mansions, Prince of Wales Drive, dated 1 March 2018.
9. Letter from an occupier of Octavia House dated 19 February 2018.
10. Letter from an occupier of Octavia House dated 16 March 2018.

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

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



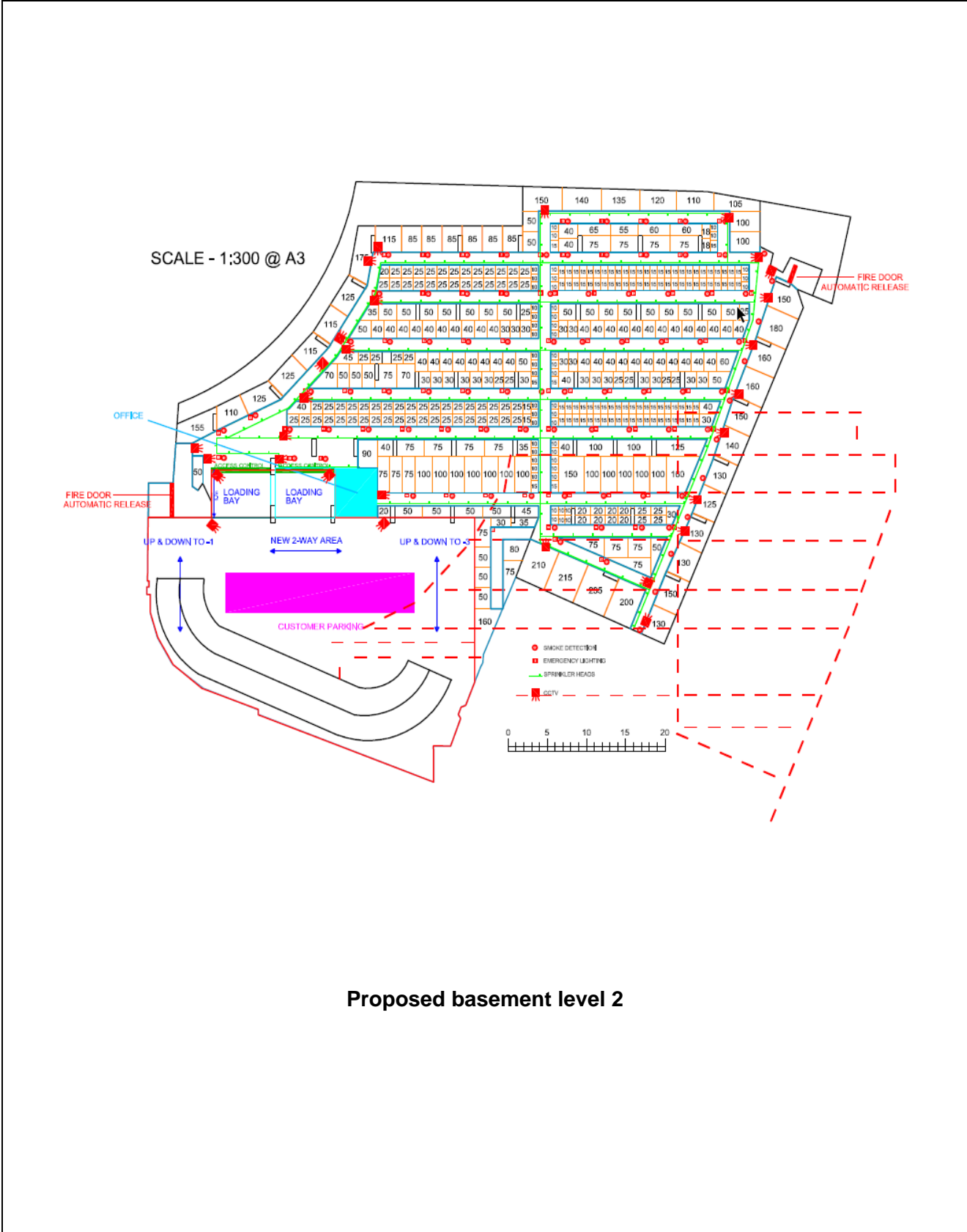
Aerial photograph



01 LEAD DEMISE AT LEVEL 2 BASEMENT
1200

Scale 1/8" = 1'-0"
0 5 10 15 20
N

Existing basement level 2



Proposed basement level 2

DRAFT DECISION LETTER

Address: Octavia House, Medway Street, London, SW1P 2TA,

Proposal: Use of part of car park (part of level 2) to provide self-storage facility (Use Class B8).

Reference: 18/00295/FULL

Plan Nos: Site location plan; existing plan and SP113317 rev 0; Operating and Management Statement; Transport Statement no: 5001-21285A-01; Planning Statement Ref: 779; 799-001 APP.

Case Officer: Nosheen Javed **Direct Tel. No.** 020 7641 2858

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 the measures included in your Operating and Management Statement for the lifetime of the development hereby approved. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TRANS 25 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 3 You must not open the self-storage premises to customers, and you must not allow customers on the premises, outside the following times: 08.00 - 20.00 hours each day.

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 ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

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

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

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

Reason:

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

- 5 The area within the level 2 basement shown on approved drawing 'Proposed Self Storage Layout' shall only be used for self-storage units. You must not use it for any other purpose, including within Class B8 of the Town and Country Planning (Use Classes) Order (1987) (as amended) (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class B8 because it would not meet COM 11 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 6 You must provide the waste store shown on drawing 799-001 APP before the permitted use commences. You must clearly mark it and make it available at all times to everyone using the use. 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)

- 7 With the exception of the collection of refuse, the delivery and collection of all goods must take place within level 2 basement and not outside. No delivery or collection of goods shall take place outside the following times: 08.00 - 20.00 hours each day.

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)

- 8 The use hereby permitted shall not have more than a maximum of 417 individual self-storage units within the level 2 basement.

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)

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 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.

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	200 Oxford Street, London, W1D 1NU,		
Proposal	Variation of Condition 6 of planning permission dated 2 April 2004 (RN: 02/04118) for alterations to elevations; infill extension to lightwell to provide new retail and office accommodation and for new plant; erection of roof extension and installation of roof plant. Use of the third floor as offices and new fourth floor mezzanine and fifth floors as 10 flats, with ancillary office and residential areas on part sub-basement to part second floor levels namely, submission of an updated waste strategy to regularise how the waste for the retail unit is currently managed.		
Agent	apt Design Ltd.		
On behalf of	URBN UK Ltd		
Registered Number	18/01612/FULL	Date amended/ completed	26 February 2018
Date Application Received	26 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site relates to a retail unit located on the corner of Oxford Street, Great Portland Street and Market Place. Planning permission was granted on 2 April 2004 for alterations and extensions in connection with the mixed use of the building as retail, offices and 10 residential flats. This permission was implemented and was subject to a condition (No 6) which required waste management for the retail unit to be carried out in accordance with waste strategy submitted.

The approved waste strategy included the following:

- 1100 litre Eurobin compactor with space provision for storage three 1100 litre Eurobins;
- A front loading baling press with space provision for the storage of three 800x700mm bales;
- A goods lift serving all retail floors; and
- A dedicated refuse holding area off Market Place to store two 1100 litre Eurobins served by the goods lift.

Residents raised concerns that the approved refuse strategy was not being adhered to as waste is being left on Market Place, specifically cardboard boxes are have not been flattened by a baling press and have been used by rough sleepers.

A dedicated refuse storage area has been provided at basement level as required by the consent granted in 2004, however it is evident that the baling press was not installed. Permission is now sought for an updated refuse strategy and the variation of the condition 6 on the permission dated 2 April 2004. Procedurally, as this is an old consent, and variation of a condition requires a new decision notice being re-issued. Some conditions on the 2004 have been superseded by other legislation and have been removed. The condition which relates to the refuse strategy is now number 5 on the decision notice, (this was previously number 6).

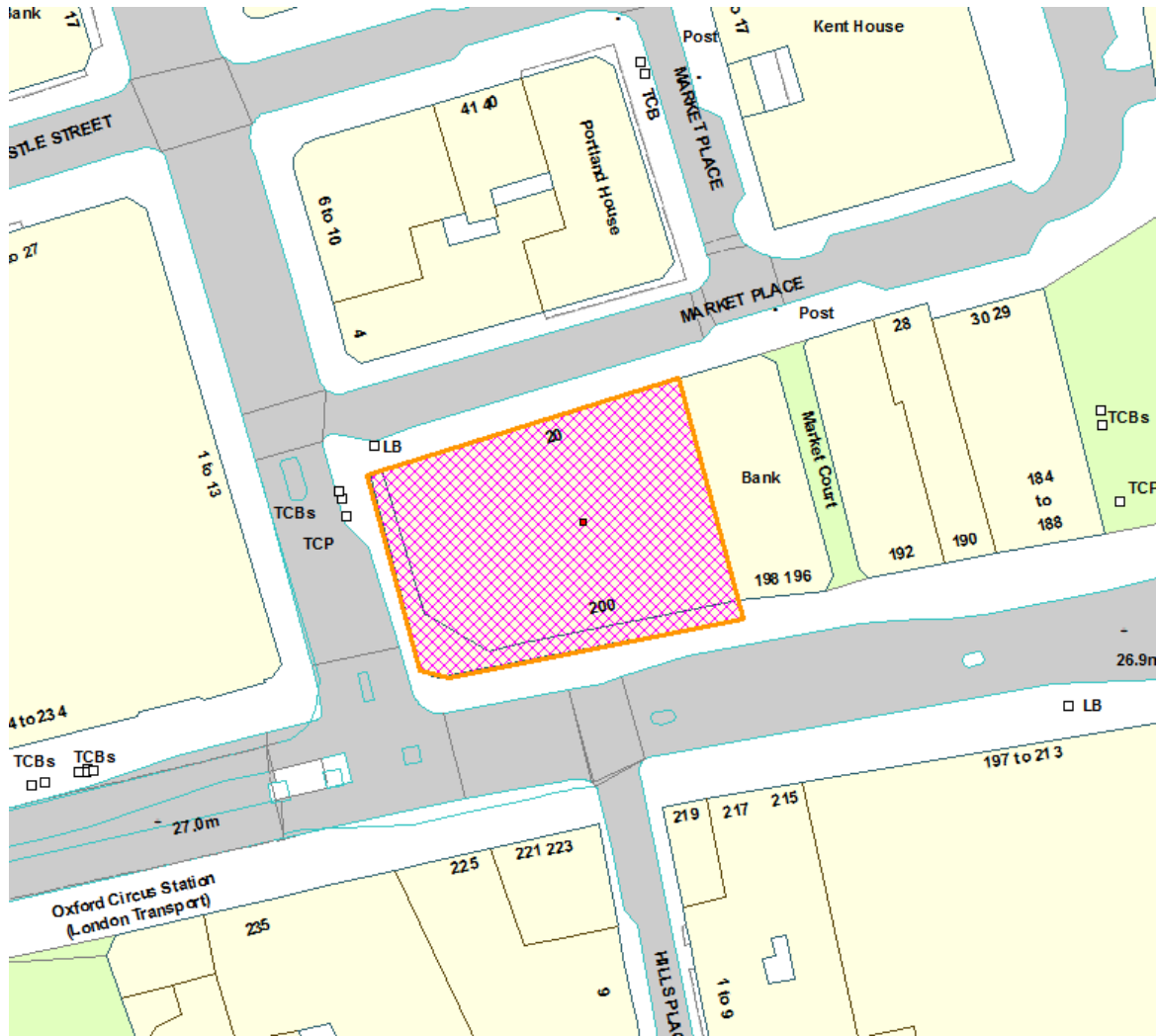
The revised refuse strategy includes the following details :

- waste generated is collected and stored in two 660 litre Eurobins within a dedicated bin store at sub-basement level. This is transported to the ground floor via a lift;
- the bins and cardboard waste are placed in a designated area on Market Place, 30 minutes prior to collection by Veolia;
- Veolia Ltd collect the waste and cardboard waste twice a day, seven days a week;
- once the waste has been collected, retail staff will collect the bins and return them to the sub-basement level.
- all cardboard waste will be flattened, taped, and stacked.

Objections have been received from residents on the upper floors of the building to the application, that waste is not being collected from holding area on Market Place promptly, that cardboard boxes are an eyesore and are used by rough sleepers which can lead to anti- social behaviour.

The Cleansing Manager advises that the refuse strategy is acceptable and has no objection to the application. Although the baler which former part of the original refuse strategy has not been installed, the revised strategy requires all cardboard waste will be flattened, taped and stacked. This is very similar to how a baler would deal with cardboard waste. The refuse storage area in the basement and holding area prior to collection remain as previously permitted. Permission could not reasonably be withheld for the proposed refuse strategy on the basis that the contractor has not always adhered to collection times. The revised waste strategy is considered acceptable.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Rear ground floor



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

CLEANSING

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 4

No. of objections: 4 letters of objection raising all or some of the following:

Refuse

- balers and compactors not installed as part of original permission

Other

- health and safety issue caused my waste on the highway

- waste causes an eyesore

- anti-social behaviour increased from the waste on the highway

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form and refuse strategy dated 29. January 2018
2. WCC Decision Notice dated 2 April 2004
3. Response from Cleansing dated, 16 March 2018
4. Letter from occupier at 24 Market Place, dated 26 March 2018
5. Letter from occupier at 24 Market Place, dated 26 March 2018
6. Letters from occupier at 24 Market Place, dated 20 March, 21 March, 23 March 2018 and 10 April 2018
7. Letter from occupier at 24 Market Place, dated 3 April 2018

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

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

DRAFT DECISION LETTER

Address: 200 Oxford Street, London, W1D 1NU,

Proposal: Variation of Condition 6 of planning permission dated 02 April 2004 (RN: 02/04118) for Alterations to elevations; infill extension to lightwell to provide new retail and office accommodation and for new plant; erection of roof extension and installation of roof plant. Use of the third floor as offices and new fourth floor mezzanine and fifth floors as 10 flats, with ancillary office and residential areas on part sub-basement to part second floor levels namely, Service Management Plan to regularise how the waste is currently managed.

Reference: 18/01612/FULL

Plan Nos:

Refuse strategy dated 29 January 2018,

02/04118,
10A,11A,12A,13A,20A,21A; 22;1112.23.-2A,-2MA,-1A,-1MA,00A,
01A,02A,03A,04A,04MA,05A,06A,10A,11A,12A,13A,20A,21A,22A, 30A; historical report dated 12.10.01 (Price and Myers); marketing correspondence (Kitchen La Frenais Morgan); acoustic report dated May 2001 (Paul Gillieron Acoustic, Design); letter from ORMS describing waste strategy dated 5 March 2004. 1112.00.-2A,-2MA,-1A,-1MA,00A,01A,02A,03A,04A,05A,06A

06/00611/ADFULL,
Samples of lead roofing, zinc roofing and Burlington Blue Grey roof slate.

06/06001/ADFULL
Environmental Noise Assessment prepared by Paul Gillerion Acoustic Design dated 20.1.2006.

06/06429/ADFULL
Unnumbered generator details received 10.08.2006.

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

- 1 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)

- 2 The principle slopes of the mansard roof extension hereby approved shall be clad in natural slates.

Reason:

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

- 3 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 4 The office use allowed by this permission must not begin until the residential accommodation has been completed and made ready for occupation. (C07B),

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H3 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 5 You must provide waste storage facilities, and undertake management of those facilities, in accordance with the measures described in the refuse strategy from apt.Design Ltd dated 29.01.2018. You must clearly mark the stores and lifts and make them available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is to be collected.

Reason:

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

- 6 (a) Unless and until the 'maximum noise level' and 'measurement location' are fixed under (b), the plant/machinery hereby permitted (excluding the emergency generator) shall be operated so as to ensure that any noise generated is not audible at any time outside any residential property (to be referred to as the 'receptor location/s')., (b) If the 'maximum noise level' and 'measurement location' are fixed under this condition, the plant/machinery hereby permitted (excluding the emergency generator) shall be operated so as to ensure that any noise generated does not exceed the 'maximum noise level' when measured at the 'measurement location'., For the purposes of fixing the 'maximum noise level' and 'measurement location' under this condition, details of the following noise scheme shall be submitted to and approved in writing by the City Council, namely a scheme including:., i. A suitable location accessible to the applicant and City Council, close to the plant/machinery hereby permitted (excluding the emergency generator), for measuring noise emitted by it (to be referred to as the 'measurement location'); and, ii. Results of simultaneous monitoring at the 'measurement location' and 'receptor location/s'. This is to be carried out when the existing external background noise level at the 'receptor location' is quietest. The results of the monitoring shall determine the highest noise level (to be referred to as the 'maximum noise level') emitted by the plant/machinery hereby permitted (excluding the emergency generator) when measured at the 'measurement location' and which remains inaudible at the 'receptor location/s'. The results shall be provided as the maximum sound levels over a 5-minute period expressed as L_{Amax} L_{Aeq} and un-weighted octave band frequency spectra.,

Reason:

The plant/machinery hereby permitted is situated in a location where the existing external background noise level is high and is causing serious detriment to the amenity of occupiers of property in the area, or in an area sensitive to increases in noise levels. No development which would cause further detriment to the external background noise level is to be permitted in these areas. This condition is to ensure that the plant/machinery hereby permitted which is in the Central Activities Zone (CAZ), on a CAZ Frontage and/or within a Stress Area will be designed and operated so that noise will not be emitted that will be audible outside the nearest noise sensitive property., This is required in order to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R38AB)

- 7 The plant/machinery hereby permitted (excluding the emergency generator) shall be operated so as to ensure that there is no audible noise or perceptible vibration transmitted through the structure to adjoining premises.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R38BB)

- 8 You must carry out the development in accordance with the air handling system (including technical spec and acoustic report) details approved by the City Council as Local Planning Authority on 11 September 2006 under reference RN:06/06001/ADFULL or in accordance with other air handling system details as submitted to and approved by the City Council.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R38BB)

- 9 You must carry out the development in accordance with the emergency generator details as approved by the City Council as Local Planning Authority on 27 September 2006 under reference 06/06429/ADFULL or in accordance with other emergency generator details as submitted to and approved by the City Council.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R38BB)

- 10 The stand-by generator hereby approved shall only be used in the case of a mains power failure or other emergency. Test periods shall be restricted to a period of not more than 60 minutes per month between 09.00 and 17.00 hours on Monday to Friday only.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R38BB)

- 11 The facade lighting units hereby approved shall be painted or otherwise treated and be permanently maintained in a colour to match the adjoining stonework

Reason:

Item No.
5

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

- 12 The light from the facade lighting units hereby approved shall be static and in white light only

Reason:

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

- 13 You must apply to us for approval of a detailed section drawing of the following parts of the development - New facade lighting units. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this drawing. (C26DB)

Reason:

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

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

Reason:

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

- 15 You must carry out the development in accordance with the facing materials samples approved by the City Council as Local Planning Authority on 7 February 2006 under reference RN:06/00611/ADFULL or in accordance with other facing materials samples as submitted to and approved by the City Council.

Reason:

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

- 16 The dormer windows shall be formed in timber with lead cladding to cheeks and 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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 You must apply to us for approval of a method statement for the cleaning of the external facades. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this method statement. (C26DB)

Reason:

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

- 18 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.

Informative(s)

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

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

Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	49B Westbourne Terrace, London, W2 3UY,		
Proposal	Erection of conservatory at rear first floor level.		
Agent	Area Design		
On behalf of	Area Design		
Registered Number	18/02170/FULL and 18/02175/LBC	Date amended/ completed	13 March 2018
Date Application Received	13 March 2018		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

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

2. SUMMARY

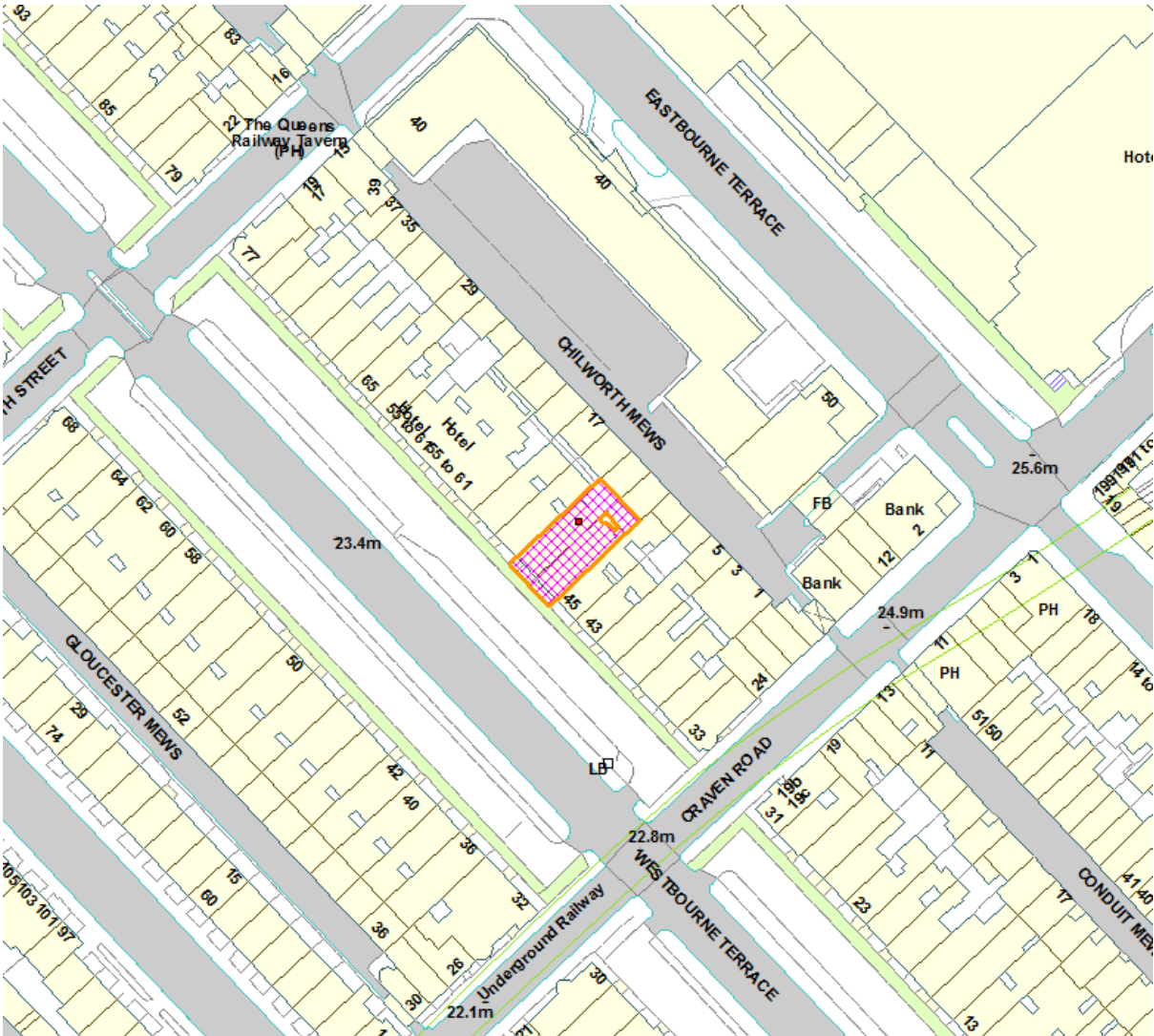
Planning permission and listed building consent are sought to erect a conservatory on the rear flat roof at first floor level. Objections have been received from three properties on design, amenity and land ownership grounds. The local amenity society has raised no objection.

The key issues in this case are:

- The impact on the special interest of the Grade II listed buildings
- The impact of the proposal on the character and appearance of the Bayswater Conservation Area.
- The impact on the amenity of the neighbouring residents.

The proposed development is considered to comply with 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). The applications are therefore recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Existing Rear Elevation



Other structures on the rear of the terrace

5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION: No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 26

No. Responses: 3

In summary, the objector raises the following issues:

- Objection to the granting of application 16/09656/FULL on procedural grounds;
- Conservatory is out of keeping with the neighbouring buildings and this listed;
- Conservatory would result in loss of historic fabric;
- The flat roof on which the conservatory would be constructed belongs to another property within the building;
- Loss of light to neighbouring property;
- Lack of sound insulation;
- Use of flat roof as a terrace;
- Structural stability of the flat roof and constrains of construction; and
- Design is not in keeping with neighbouring buildings

ADVERTISEMENT/SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site forms part of a grand terrace of four storey houses, Grade II listed and located within the Bayswater Conservation Area. Flat 49b is a laterally converted flat over the first floor level of 47 and 49 Westbourne Terrace.

A revised Certificate B has been received during the course of the application confirming notice had been served on all those with an interest in the building.

6.2 Recent Relevant History

15/11513/FULL and 15/11514/LBC

Construction of single storey pavilion and link on rear elevation on existing flat roof at first floor level.

Application Refused 11 April 2016

16/09656/FULL and 16/09116/LBC

Replace existing double casement window with timber single glazed french door.

Application Permitted 7 December 2016

7. THE PROPOSAL

Permission and consent is sought for the erection of a conservatory on the roof of the closet wing, at first floor level. The conservatory comprises of a single storey timber

frame with a lead roof. During the course of the application the drawings have been amended to show the side windows and vertical glazing being obscured glazed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of providing additional floorspace to enlarge the existing residential dwelling is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan (UDP), provided the alterations have no adverse amenity effect and are in keeping with the character of the building and area.

8.2 Townscape and Design

Objections to the design of the extension and its relationship with this listed building have been received.

The application site forms part of a terrace which has been altered to the rear and contains a couple of domed conservatories at both upper ground and first floor levels. The proposed conservatory will project as far as the neighbouring domed conservatory and will maintain the rear built line at this level. Additionally the conservatory is single storey and considered to be of a height which sits proportionately on the elevation. Therefore, in response to the objection raised, the scale of the extension is considered to be acceptable. The detailed design of the proposed conservatory is reflective of that on the neighbouring property and therefore is not considered to be wholly out of keeping with the character and appearance of the area.

The rear elevation where the conservatory will adjoin the historic core, has been altered previously through the insertion of modern windows which are not considered to be in keeping with the age and architectural style of the building. Therefore the principle of the conservatory sitting against the compromised elevation is considered to have a limited impact on the special interest of the listed building.

The insertion of a door to replace a window on the rear elevation of the building has already been considered acceptable in an application consented on 7 December 2016 (RN: 16/09656/FULL and 16/09116/LBC) and there has been no change in policy to warrant a different view.

The proposed works are considered to be acceptable and would preserve the special interest of this listed buildings and the character and appearance of the conservation area. The proposals therefore comply with the NPPF, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 1, DES 5, DES, DES 9 and DES 10 of Westminster's Unitary Development Plan (adopted January 2007) and SPG 'Repairs and Alterations to Listed Buildings' (adopted April 1996).

8.3 Residential Amenity

Policy ENV13 of the adopted UDP and policy S29 of the adopted City Plan seek to protect residential amenity. Policy ENV13 specifically states that proposals resulting in either a material loss of daylight/sunlight to existing dwellings or a significant increase in

the sense of enclosure, overlooking or overshadowing to existing dwellings will normally be resisted.

In amenity terms it is considered that the proposed pavilion, with obscure glazing to the side elevations will not result in increased overlooking to the mews property directly behind in Chilworth Mews or to the bedroom windows at 1st floor. Due to its scale and positioning, the extension will not result in an unacceptable increase in the sense of enclosure or loss of light to any neighbouring property.

Whilst the flat roof surrounding the conservatory has not been shown as being used as a terrace, there are openable doors within the proposed conservatory and the objections received raised concerns with the use of the flat roof as external amenity space. As the use of the flat roof surrounding the conservatory would overlook the properties in Chilworth Mews, the neighbours within the ground floor flat of 49 Westbourne Terrace and the neighbours in the ground floor of 47 Westbourne Terrace a condition is recommended to ensure that the flat roof is not used as a terrace. Subject to that condition, the proposals are considered to be in accordance with ENV13 of the UDP and S29 of the City Plan.

8.4 Economic Considerations

No economic considerations are applicable for a development of this size

8.5 Access

Not relevant to consideration of this application.

8.6 Other UDP/Westminster Policy Considerations

None.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

Not applicable.

8.11 Other Issues

The objectors concerns are largely addressed above. The following is also noted.

An objector has questioned whether the applicant has the rights to access the flat roof and to construct on it. They have also questioned the structural integrity of the flat roof and the building below and whether it would be capable of supporting the proposed development. These matters do not form material planning considerations and would not be reasons to withhold planning permission or listed building consent.

The objection to the granting of application 16/09656/FULL has been raised following the incorrect serving of Certificate B. Following an investigation the Agent has been made aware that they cannot rely upon that permission and they have confirmed by email that they do not intend to implement that permission in any event. With regards to this application, the applicant has also provided the City Council with a revised application form confirming that they have served notice on all parties with an interest in the application site.

The objectors concerns with the potential lack of sound insulation between the floor of the proposed extension and the property below is understood. A condition is recommended to secure appropriate sound insulation details.

The potential difficulties of cleaning this extension are also understood. However, it is anticipated that any cleaning or maintenance would be infrequent and therefore does not justify refusal of permission or listed building consent.

9. BACKGROUND PAPERS

1. Application form
2. Response from South East Bayswater Residents Association, dated 28 March 2018
3. Letter from occupier at 45 Westbourne Terrace, dated 23 March 2018
4. Letters from the occupiers at 47 Westbourne Terrace, London, dated 29 March 2018, 3 April 2018
5. Letter from the occupier at 47 Westbourne Terrace, London, dated 10 April 2018.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk .
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DRAFT DECISION LETTER

Address: 49B Westbourne Terrace, London, W2 3UY,
Proposal: Erection of conservatory at rear first floor level (Linked to 18/02175/LBC).
Reference: 18/02170/FULL
Plan Nos: Drawing no1; Drawing no2; Drawing no3 Rev 1; Drawing no4; SK(A); SK(B).
Case Officer: Rebecca Mason **Direct Tel. No.** 020 7641 7540

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the

development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 Notwithstanding details shown on the approved drawings the vertical glazing and windows on the side elevation shall be obscure glazed and maintained as such hereafter.

Reason:

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

- 5 You must not use the flat roof at first floor level, outside of the conservatory, for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

Reason:

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

- 6 The design and structure of the conservatory floor shall be of such a standard that it will protect residents in the residential unit below from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

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 are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more

Item No.
6

information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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

DRAFT DECISION LETTER

Address: 49B Westbourne Terrace, London, W2 3UY,
Proposal: Erection of conservatory at rear first floor level (Linked to 18/02170/FULL).
Reference: 18/02175/LBC
Plan Nos: Drawing no1; Drawing no2; Drawing no3 Rev 1; Drawing no4; SK(A); SK(B).
Case Officer: Rebecca Mason **Direct Tel. No.** 020 7641 7540

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

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

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

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

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

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