



City of Westminster

# Committee Agenda

Title: **Planning Applications Sub-Committee (1)**

Meeting Date: **Tuesday 17th September, 2019**

Time: **6.30 pm**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**  
Tony Devenish (Chairman)  
Eoghain Murphy  
Tim Roca  
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 a pass, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



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

**Tel: 020 7641 7513; Email: [gwillis@westminster.gov.uk](mailto:gwillis@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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 Director of Law in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note that Councillor Elizabeth Hitchcock had replaced Councillor Peter Freeman.

To note any further changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

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

#### **3. MINUTES**

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

**(Pages 5 - 10)**

#### **4. TREE PRESERVATION ORDER TPO 652 (2019) 21 CHEPSTOW PLACE, LONDON, W2 4TT**

**(Pages 11 - 78)**

#### **5. TREE PRESERVATION ORDER TPO 649 (2019) 57 HAMILTON TERRACE, LONDON, NW8 9RG**

**(Pages 79 -  
162)**

#### **6. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

##### **1. 40 EASTBOURNE TERRACE LONDON W2 6LG**

**(Pages 167 -  
214)**

##### **2. MARBLE ARCH APARTMENTS, HARROWBY STREET, LONDON, W1H 5PQ**

**(Pages 215 -  
252)**

##### **3. 20 - 21 MONTPELIER MEWS LONDON SW7 1HB**

**(Pages 253 -  
278)**

##### **4. 40-42 BERKELEY STREET, LONDON W1J 8LT**

**(Pages 279 -  
290)**

- |    |  |                              |
|----|--|------------------------------|
| 5. | <b>KINGSTON HOUSE SOUTH, FLATS 40 TO 90<br/>ENNISMORE GARDENS, LONDON, SW7 1NG</b> | <b>(Pages 291 -<br/>304)</b> |
| 6. | <b>BASEMENT FLAT, 47 CLEVELAND SQUARE, LONDON<br/>W2 6DB</b>                       | <b>(Pages 305 -<br/>320)</b> |
| 7. | <b>VARIOUS BLOCKS HALLFIELD ESTATE LONDON W2<br/>6EW</b>                           | <b>(Pages 321 -<br/>388)</b> |

**Stuart Love  
Chief Executive  
6 September 2019**

## Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

<b>Order of Business</b>
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

## MINUTES

### Planning Applications Sub-Committee (1)

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 20th August, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Tony Devenish (Chairman), Peter Freeman, Eoghain Murphy and Guthrie McKie

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillor McKie had replaced Councillor Roca.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor Tony Devenish explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillors Devenish and McKie declared that they had sat on the Sub-Committee when it had previously considered the application.

#### 3 MINUTES

- 3.1 That the minutes of the meeting held on 30 July 2019 be signed by the Chairman as a correct record of proceedings.

## 4 PLANNING APPLICATIONS

### 1 4 - 5 BUCKINGHAM GATE, LONDON SW1E 6JP

Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate.

The presenting officer tabled the following changes to the recommendation and to the draft decision letter:

1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:
  - i) Provision of all highway works immediately surrounding the site required for the development to occur, including provision of new on-street loading bay on Buckingham Gate, ~~reconfiguration~~ relocation of two of existing parking bays, public realm improvements to cul-de-sac (including between Buckingham Gate and Stafford Place), on-street restrictions and associated work at the applicant's expense prior to occupation;
  - ii) Provision of a financial contribution of £17,469 (index linked) to the Westminster Employment Service payable on commencement and provision of an Employment and Skills Plan; and
  - iii) Monitoring costs.
2. If the S106 legal agreement has not been completed within six weeks of the date of the Sub-Committee's resolution then:
  - a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.

Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

### **Additional condition**

New condition:

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

Reason:

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

### **Revised conditions**

Condition 10:

You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies.

Condition 11:

All servicing and deliveries shall only use ~~must take place using~~ the dedicated loading bay on Buckingham Gate. No servicing or deliveries for the hotel use hereby approved must take place from the public highway along Stafford Place. All servicing must take place between 0830 and 1830 on Monday to Saturday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Condition 23:

You must ~~keep to the terms set out in the operational management plan for the hotel~~ apply to us for approval of an Operational Management Plan prior to occupation. You must not commence the hotel use until we have approved what you have sent us. The Operational Management Plan must thereafter be maintained and followed by the occupants for the life of the development.

Condition 32:

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 for the ~~cul de sac between Buckingham Gate and Salford Place~~ and the green roof to the extension to the rear on Stafford Place. 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 works in accordance with the approved drawings. You must then carry out the landscaping and planting with one year of completing the development (or within any other time limit we agree to in writing).

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

(N.B landscaping works will be secured via the s106)

### **Deleted conditions**

Condition 12:

~~All servicing must take place between 0830 and 1830 on Monday to Saturday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.~~

Condition 12 has been merged with condition 11 – see revised condition 11

### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted subject to:
  - (A) The completion of a Section 106 Legal Agreement to secure the following:
    - i. Provision of all highway works immediately surrounding the site required for the development to occur, including provision of new on-street loading bay on Buckingham Gate, relocation of two existing parking bays, public realm improvements to cul-de-sac (including between Buckingham Gate and Stafford Place) on-street restrictions and associated work at the applicant's expense prior to occupation;
    - ii. Provision of a financial contribution of £17,469 (index linked) to the Westminster Employment Service and provision of an Employment and Skills Plan.
    - iii. Costs of monitoring the agreement.
  - (B) The changes to the draft decision letter as tabled and set out above and further minor changes to the conditions and reasons for conditions. The latter to be determined by officers under delegated powers in consultation with the Chairman.
2. If the legal agreement has not been completed within 6 weeks of the date of the Sub-Committee's resolution then:
  - a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

- b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Grant conditional listed building consent be granted.
  4. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letters be agreed.
- 2 50 WEYMOUTH STREET, LONDON W1G 6NT, BLOCKS A-C ,OSSINGTON BUILDINGS LONDON W1U 4BG, OSBOURNE HOUSE, MOXON STREET, LONDON, W1U 4EZ**

Application 1: Erection of a mansard roof extension at rear second floor level on Beaumont Mews building to create a self-contained flat (Class C3).

Application 2: Alterations to existing roof to create 2 x self-contained flats (Class C3) including new dormer windows and conservation rooflights.

Application 3: Erection of rear single storey ground floor extension within rear lightwell of Moxon House and use of enlarged ground floor of both Osbourne House and Moxon House as four retail shop units (Class A1), installation of new shop fronts onto Moxon Street and Ossington Buildings and other minor external alterations.

Late representations were received from the Marylebone Association (undated), the Highways Planning Officer (8.3.2019), the occupier of Flat 4, 54 Weymouth Street, London (undated) and the occupier of Flat 3, 54 Weymouth Street, London (undated)

**RESOLVED UNANIMOUSLY:**

Application 1: That conditional permission be granted.

Application 2: That conditional permission be granted.

Application 3: That conditional permission be granted, subject to a Grampian condition to secure the replacement residential floorspace and units secured by Applications 1 and 2 prior to the commencement of development.

**3 83A PICCADILLY LONDON W1J 8JA**

Use of the ground floor and basement level for a car showroom use (sui generis) and alterations to shopfront to Clarges Street elevation to form vehicular entrance.

Late representations were received from British Land (14.8.2019), DP9 (15.8.2019), Waterman Infrastructure and Environment Ltd (12.7.2019) and the Occupier of 4 Connaught House, London (19.8.2019).

Michael Meadows addressed the Sub-Committee in support of the application.

**RESOLVED UNANIMOUSLY:**

1. That conditional planning permission be granted contrary to officer recommendation.
2. The Sub-Committee was satisfied that the undertakings put forward by the applicant in the operational management plan would mitigate any impact on pedestrian safety.
3. That the draft decision letter including conditions to be determined by officers under delegated powers. This to include a condition to ensure compliance with the submitted operational management plan and a further condition to prevent vehicular access to or egress from the unit outside the hours of 10.00 and 16.00 daily.

The Meeting ended at 7.15 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_



# Executive Summary and Recommendations

**Title of Report:** Tree Preservation Order No. 652 – 21  
Chepstow Place, London W2 4TT

**Date:** 17<sup>th</sup> September 2019



## **Summary of this Report**

On 18<sup>th</sup> June 2019 the City Council made a provisional Tree Preservation Order (TPO) to protect one golden false acacia tree (labelled T1 on the TPO plan) located in the back garden of 21 Chepstow Place, London, W2 4TT. The TPO is provisionally effective for a period of six months from the date it was made (18<sup>th</sup> June 2019) during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 18<sup>th</sup> December 2019.

The TPO was made because the tree has high amenity value and makes a positive contribution to the character and appearance of the Bayswater conservation area. The City Council, having been made aware of the proposal to remove the golden false acacia tree, considered it expedient in the interests of amenity that a TPO was made, in order to safeguard its preservation and future management.

Confirmation of the TPO will not preclude the appropriate management or removal of the tree in the future, subject to the merits of a future application.

One objection to the TPO has been received.

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

## **Recommendations**

The Sub-Committee should decide EITHER

(a) NOT TO CONFIRM Tree Preservation Order No. 652 (2019); OR

(b) TO CONFIRM Tree Preservation Order No. 652 (2019) with or without modification with permanent effect.



City of Westminster

# Committee Report

Item No:	
Date:	17 <sup>th</sup> September 2019
Classification:	General Release
Title of Report:	Tree Preservation Order No. 652 (2019) 21 Chepstow Place, London W2 4TT
Report of:	21 Chepstow Place
Wards involved:	Bayswater
Policy context:	No requirement to have regard to Development Plan policies when confirming a TPO but special attention must be paid to desirability of preserving enhancing the character and appearance of the conservation area Notwithstanding the above – the following planning policies are of relevance: S25, S38, S31 - Westminster City Plan (Nov 2016) DES 9; ENV16 - UDP
Financial summary:	No financial issues are raised in this report.
Report Author:	Kirsten Chohan
Contact details	<a href="mailto:kchohan@westminster.gov.uk">kchohan@westminster.gov.uk</a>

## 1. **Background**

- 1.1 Under the Town and Country Planning Act 1990 (the “1990 Act”) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (the “2012 Regulations”) the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 652 (2019) authorised under delegated powers was served on all the parties whom the Council is statutorily required to notify and took effect on 18<sup>th</sup> June 2019.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they must be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 652 (2019) was made following the receipt by the City Council of six weeks’ notice of intention to remove the golden false acacia tree (shown labelled T1 of the TPO Plan). Under 211 of the 1990 Act it is a defence to the offence of removing a tree in a conservation area, if the person undertaking the works has provided 6 weeks’ notice to the local planning authority in advance of doing so. The service of such a notice effectively leaves the Council in a position where they must either accept the notice and allow for the tree to be removed or to take further protective action by making a TPO.
- 1.4 The tree is located in the rear garden of 21 Chepstow Place on the boundary with Rede Place. It is clearly visible along a considerable length of Rede Place and is overlooked by various properties on Chepstow Place and Rede Place. The tree is 12m high and has a good form. It has previously been subject to crown reduction which does not detract from its appearance.
- 1.5 By virtue of its size, form and location, the tree was considered by the Council’s Tree Section to make a significant contribution to visual amenity and a useful contribution to the outlook from nearby properties (full details are set out in the Officer’s report within the background papers).
- 1.6 The reasons given by the Applicant for the proposed removal of the tree were:

- the tree was alleged to have caused damage to the rear boundary wall, which needs to be demolished and rebuilt;
- there are some decaying and girding roots at the base of the tree which would lead to its instability;
- the tree has outgrown its location and the retention of the tree will cause unnecessary problems for the owners; and
- the Local Planning Authority has previously agreed to tree removals in nearby properties.

1.7 The application is supported by a letter from a Structural Engineer which states that the boundary wall has significant distortions and cracking and an outwards lean into Rede Place. The letter considers that there is no immediate risk of collapse but recommends that the wall is demolished and rebuilt. It states that it is essential that the tree is removed and recommends that the wall is built on a new foundation which extends below the level of tree root activity, and that it is tied in to the returning party fence at each side to provide a buttressing action.

1.8 The Council's Head of Building Control has commented that:

- the tree is not mechanically impacting the wall via the trunk;
- there may be minor upheaval from the roots but this is not substantial;
- the wall has some cracking and bulging to the mews side but this is not severe;
- the party garden wall between 23 and 21 has been rebuilt and the brick slip tying has de-bonded leaving the rear wall unrestrained at that junction;
- his advice would be to install a structural restraint to the rear wall linked to the party wall (23/ 21) giving adequate restraint to the lower portion of the rear wall. That itself may prevent deterioration. The wall may need further remedial works in the near future.

1.9 Notably the rear boundary wall extends along the rear of ten properties on Chepstow Place and appears to be in very poor condition, with several sections displaying a notable outward lean and cracking.

1.10 The application is also supported by an arboricultural report, however the Council's Tree Section considers some of the information is incorrect and remarks that there is no evidence of significant or extensive decay. The tree officer accepts that there is some decay at the base of the tree but the extent is not currently causing the tree to be unstable and there is no evidence to indicate

the decay is likely to progress very swiftly. The tree officer also rejects the assertion that the tree has an estimated remaining contribution of less than 20 years and considers the tree to have a significant expected lifespan, such that it merits retention.

1.11 The arboricultural report refers to previous tree removal permitted by the Council, however each application is treated on its merits and does not set a precedent.

1.12 The Council's Tree Section does not consider that the tree is unsuitable for the location and with regular crown reductions a suitable size would be maintained. Such maintenance is not considered so onerous to justify tree removal and would not be significantly detrimental to the amenity value of the tree. Removal of the tree would not remove the requirement to undertake repairs to the wall, and the Council's Head of Building Control considers it possible to repair rather than rebuild the wall, without removing the tree. If the wall is demolished and rebuilt, it could be reconstructed using specialist techniques to avoid tree roots and reduce the risk of any future damage caused by the growth of the tree.

1.13 The provisional TPO was made as the Council's Tree Section considered the golden false acacia has significant amenity value and makes a positive contribution to Bayswater conservation area and the removal due to damage to the wall, the tree's condition and its unsuitability for the location is not considered to be justified.

1.14 Subsequent to making the TPO the City Council received one objection.

## **2 Objection**

2.1 The Council's tree officer received an email dated 20th June 2019 objecting to the TPO on the grounds that the felling is necessary to abate a nuisance (i.e. causing damage to the boundary wall).

## **3. Response to Objection**

3.1 The City Council's Arboricultural Officer responded to the objection by email dated 16 August 2019 attaching the officer report recommending the making of the TPO. The Officer states; "*with respect to the issue of nuisance, the Head of Building Control has commented that 'the tree is not mechanically impacting the*

*wall via the trunk' and 'there may be minor upheaval from the roots but this is not substantial'. If there is a case to be made for works to abate a nuisance then these works could only comprise pruning any roots which are specifically causing nuisance to your neighbour. Further investigation would be required in order to determine which roots might be pruned under this exemption."*

#### **4. Ward Member Consultation**

- 4.1 Ward Members have been consulted in relation to this matter. No responses have been received at the time of finalising this report. Any responses received between the time of finalising this report and the date of the sub-committee will be presented at the sub-committee.

#### **5. Conclusion**

- 5.1 In light of the representations received from the objectors it is for the Planning Applications Sub-Committee to decide EITHER
- (a) NOT TO CONFIRM Tree Preservation Order No. 652 (2019); OR
  - (b) TO CONFIRM Tree Preservation Order No.652 (2019) with or without modification with permanent effect.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIRSTEN CHOCHAN, LEGAL SERVICES ON 020 7641 5689 (Email kchohan@westminster.gov.uk)
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## **Local Government (Access to Information) Act 1985**

### Background Papers

1. Copy of Provisional TPO 652 (2019)
2. Photographs of T1
3. Response Email from the City Council's Arboricultural Officer dated 16th August 2019.
4. Objection Email dated 20th June 2019.
5. Report of Council's Arboricultural Officer dated 11<sup>th</sup> June 2019 recommending making of the Provisional Order.
6. Email from the Council's Head of Building Control, dated 5<sup>th</sup> June 2019.
7. Evidence submitted by Arboricultural Consultant Dr Frank Hope, dated 3<sup>rd</sup> May 2019, in support of tree removal.
8. Evidence submitted by the Structural Engineers ICDE, dated 15<sup>th</sup> April, 2019 submitted in support of tree removal.

**TREE PRESERVATION ORDER**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**CITY OF WESTMINSTER TREE PRESERVATION ORDER 652 (2019)**

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

**Citation**

1. This Order may be cited as The City of Westminster Tree Preservation Order 652 (2019)

**Interpretation**

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

**Effect**

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

**Application to trees to be planted pursuant to a condition**

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

Dated this 18<sup>th</sup> day of June 2019

Seal No
4510
60771

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



A handwritten signature in blue ink, appearing to be "K. A. G.", written over the text "hereunto affixed by order:".

Director of Law

**PRINCIPAL SOLICITOR**



Scale 1:1,250  
 0 5 10 20 Metres

Map produced by Corporate GIS Team  
 Date: June 2019 Map Reference: 0441

 City of Westminster  
 Corporate GIS Team

Tree Preservation Order Westminster No. 652  
 21 Chepstow Place London W2 4TT

Director of Law: *K. A. G.*  
 Signed: 18 June 2019

SCHEDULE  
SPECIFICATION OF TREES

*Trees specified individually*  
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>T1</b>	<b>Golden False Acacia</b>	<b>21 Chepstow Place London W2 4TT</b>

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

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>None</b>		

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

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>None</b>		

*Woodlands*  
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>None</b>		

DATED 18<sup>th</sup> June 2019

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THE TOWN AND COUNTRY PLANNING  
ACT 1990 (AS AMENDED)

CITY OF WESTMINSTER

TREE PRESERVATION ORDER 652 (2019)

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

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

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View from Rede place, south



Cracks in wall adjacent to tree, Rede Place



View from Rede Place, north



Length of wall Rede Place (south end)



Tree seen from rear window of 21 Chepstow Place



Base of tree and relationship with wall



Rear wall de-bonded from side wall





# INDEX

## A: Section A

<b>A1.</b>	<b>Background 1 - RD response to objection dated 16 August 2019</b>		<b>A:1 - A:7</b>
<b>A2.</b>	<b>Background 2 : 5034 - 21 Chepstow Place London.: Westminster Planning Ref: 19/03237</b>		<b>A:8 - A:13</b>
<b>A3.</b>	<b>Background 3 - TPO 652 REPORT 21 Chepstow Place</b>		<b>A:14 - A:18</b>
<b>A4.</b>	<b>Background 4 - Building Control email 19/03524/TCA 21 Chepstow Place</b>		<b>A:19 - A:20</b>
<b>A5.</b>	<b>Background 5 - Arboricultural Report 030519 21 Chepstow Place</b>		<b>A:21 - A:44</b>
<b>A6.</b>	<b>Background 6 - Engineers report 150419 21 Chepstow Place</b>		<b>A:45 - A:50</b>

From: [REDACTED]  
Sent: Mon 1 Jul 2019 14:07:05 +0000  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237  
Attachments: TPO 652 report 21 Chepstow Place.pdf

Dear [REDACTED]

Further to my previous email and in response to your email dated 20<sup>th</sup> June:

Thank you for your email which I have forwarded to my colleagues in Legal Property Services, as an objection to the making of the TPO.

Please find the report recommending the making of the TPO attached.

With respect to the issue of nuisance, the Head of Building Control has commented that 'the tree is not mechanically impacting the wall via the trunk' and 'there may be minor upheaval from the roots but this is not substantial'. If there is a case to be made for works to abate a nuisance then these works could only comprise pruning any roots which are specifically causing nuisance to your neighbour. Further investigation would be required in order to determine which roots might be pruned under this exemption.

If the content of this email is sufficient to allow you to withdraw your objection to the Order, please let me know. If I do not hear from you within 21 days of the date of this email, I will assume that you would like your objection to the order to remain.

In this case, this matter will be reported to a Planning Applications Committee, where Councillors will decide whether or not to confirm the Tree Preservation Order. My colleagues in the legal section will contact you in due course to confirm the Committee date.

Please let me know if you have any queries.

Kind regards

Rosie

Rosalee Dobson  
Senior Arboricultural Officer  
City Highways | City Management and Communities  
Westminster City Council  
64 Victoria Street London SW1E 6QP  
Tel: 020 7641 7761 | [westminster.gov.uk](http://westminster.gov.uk)

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**From:** [REDACTED]  
**Sent:** 20 June 2019 17:15  
**To:** Dobson, Rosalie: WCC <rdoobson@westminster.gov.uk>  
**Co:** [REDACTED]

**Subject:** Re: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237

Hi Rosie

Thanks again for coming on 5 June.

I've received the TPO notice, which of course I will be contesting, on the basis of the felling being necessary to abate a nuisance.

The tree is clearly the cause of damage to our neighbours' property (to all of those impacted by the tree pushing out the boundary wall to over a 100mm lean), and to our own.

Please could you and/or Julien provide a report contradicting the report of Ian Drummond Consulting Engineers, as well as Dr Frank Hope's?

I assume this was already prepared in advance of applying for the TPO and can be easily shared.

I look forward to the Council's response.

Best wishes

[REDACTED]  
**From:** [REDACTED]  
**Date:** Wednesday, 5 June 2019 at 15:19

To: "Raven, Avani: WCC" <araven@westminster.gov.uk>, "rdobson@westminster.gov.uk" <rdobson@westminster.gov.uk>

Subject: Re: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237

Hi Rosie and Avani

Rosie, thanks so much to you and Julien for coming today.

If you agree the tree is simply in the wrong size garden, poor thing, then we of course are very happy to replace with a more appropriate species, and so look forward to what you would recommend. I don't know if you'll have seen what number 19 next door planted but that seems like the right size for our small back gardens. Of course, just let me know if you need anything else from me in the meantime.

Avani, Rosie and Julien kindly took a look at the house and what we have proposed/submitted planning for, and Rosie took some photos of what our neighbours at 25 have in terms of the foot print of their glass box, extending out to just behind our closet wing boundary.

I explained to Rosie that my husband is a classical pianist so we are very much hoping to be able to use the GF extension as home for his grand piano, so every little bit of space would be super helpful.

And as Rosie and Julien saw, I'm 32 weeks pregnant with little person number 3, and we are very much in need of the extra space!

If you could take the possibility of extending the GF to the end of 25's glass box extension into consideration I'd be hugely grateful for your thoughts.

I thought I'd share some pictures as to what number 25 have and number 15 have. These are attached, however I think Rosie's photos will be better than mine in relation to number 25.

Look forward to both of your thoughts and thanks so much.

If either of you would like to chat anything through please call me on my mobile, super happy to discuss.

My best wishes

---

From: [REDACTED]  
Date: Saturday, 25 May 2019 at 16:37  
To: "Raven, Avani: WCC" <araven@westminster.gov.uk>  
Cc: [REDACTED]  
Subject: Re: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237

Hi Avani, so hope you're well and won't mind me emailing you personally.

I just wanted to ask if you could provide your thoughts on what would be acceptable based on precedent for permitted developments at number 23 and number 15.

Number 15 are just completing their rear extension and have built a closet wing to the same boundary line as ours,

They have also been successful in extending their ground floor to the same boundary line, and erecting a garden wall extension at GF level to the same boundary line as their newly built closet wing on the boundary with number 17. This is all on the planning portal. It means that their extension at LG and GF are the same.

Our neighbours at number 23 have also extended their property at LG and GF to just shy of the boundary of our closet wing. They actually have part of their glass extension overlooking us. I've provided a link to their photographs and floorplans available on Rightmove.

<https://www.rightmove.co.uk/house-prices/detailMatching.html?prop=46062070&sale=83879703&country=england>

They have erected a quite high fence on our boundary, higher than that which we have with number 19.

My question is, would it not seemingly be a fair ask of number 23 to allow us to extend our GF to the same boundary line as their glass box extension, and in line with the planning permission granted to number 15 for them to extend a brick wall out from their boundary with their neighbours at 17?

It doesn't seem quite right that number 23 can be standing in their study at their window overlooking us but we should only apply to extend our GF to the line of their brick closet wing for their privacy.

I just wanted to ask your opinion, I hope that's possible.

I would actually rather that number 23 couldn't look in on us and like they have with number 25, have a full brick wall on the boundary line, rather than glass. Until last week we were only the tenants of the property but as we are now the fully fledged owners, I'm more minded to think of ways to solve the issue. I'm sure you can understand that.

Rosie Dobson from the Planning Team is coming on 5 June to look at our tree. I wondered, would you be happy for me to show Rosie what I mean and she could feedback to you?

We obviously have taken your advice on the pre application under consideration when submitting our full planning application, but I would just like to chat this through with you if you have time to consider, separately to the planning application we have made of course as I don't want to jeopardise that, we are in desperate need of the extra space as I am soon to deliver baby number 3!

Thanks hugely in advance



From: "Raven, Avani: WCC" <[araven@westminster.gov.uk](mailto:araven@westminster.gov.uk)>  
Date: Thursday, 16 May 2019 at 11:45  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237

Dear [REDACTED]

Thank you for your email with revised drawings for this application. As there are such a large number of drawings, it would involve uploading a large number of files to the case and superseding all the previous ones too. It would therefore help if you can provide a smaller number of files each with several drawings; one pdf with all the existing drawings and a separate one with all the proposed drawings and perhaps a separate one for details of windows.

Please let me know if you can do this and send the files to me as soon as possible.

Thank you

Regards

**Ms Avani Raven**  
Senior Planning Officer | North Planning Team  
Westminster City Council  
PO Box 732  
Redhill  
RH1 9FL

[www.westminster.gov.uk](http://www.westminster.gov.uk)



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From: [REDACTED]  
Sent: 15 May 2019 15:37

To: Raven, Avani: WCC <[araven@westminster.gov.uk](mailto:araven@westminster.gov.uk)>

Cc: [REDACTED]

Subject: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237

Dear Avani,

Further to your email and conversations with [REDACTED] please find attached the revised planning drawings and a window schedule detailing how we propose to upgrade the current windows for higher thermal efficiency.

We understand and accept the Implications regarding consultations with the Inclusion of the upgraded windows as shown on the attached drawings.

If you need any additional information paperwork to progress this application please let us know.

Regards

[REDACTED]

[REDACTED]



\*\*\*\*\*

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## **CITY OF WESTMINSTER**

### **REPORT RECOMMENDING THE MAKING OF A TREE PRESERVATION ORDER BY THE EXECUTIVE DIRECTOR GROWTH PLANNING AND HOUSING UNDER DELEGATED POWERS.**

**DATE:** 11 June 2019

**STATUS:** FOR GENERAL RELEASE                      **COMMITTEE:** DELEGATED

**WARD:** BAYSWATER

### **REPORT OF HEAD OF ARBORICULTURAL SERVICES**

**Tree Preservation Order No. 652 (2019): 21 Chepstow Place London W2 4TT**

#### **1. Background**

- 1.1 On 9<sup>th</sup> May 2019 the City Council received six weeks' notice of intent to remove one golden false acacia (T1) from 21 Chepstow Place. The tree is protected by virtue of its location within the Bayswater conservation area.
- 1.2 The reasons given for the proposed removal of the golden false acacia T1 are that the tree has caused damage to the adjacent boundary wall, that there are some decaying and girdling roots at the base of the tree which will ultimately lead to its instability, that the tree has outgrown its location, that the Local Planning Authority has previously agreed to tree removals in nearby properties and that the retention of the tree will cause unnecessary problems for the owners.

#### **2. Amenity**

##### Visibility, size and form

- 2.1 The golden false acacia is located in the rear garden of 21 Chepstow Place, on the boundary with Rede Place. It is clearly visible along a considerable length of Rede Place and is overlooked by various properties on Chepstow Place and Rede Place
- 2.2 The tree is 12m high and has a good form. It has previously been subject to a crown reduction which does not detract from its appearance.
- 2.3 By virtue of its size, form and location, the tree makes a significant contribution to visual amenity and a useful contribution to the outlook from nearby properties.

##### Future potential as an amenity and tree condition

- 2.4 The golden false acacia is a mature tree, in good condition. Two surface roots at the base of the tree have been pruned and there are small areas of dead bark and associated decay and minor girdling surface roots at the base of the trunk. Whilst these structural defects should be monitored, they do not appear to be significant with respect to the current health and stability of the tree and it is still expected to have a considerable life expectancy.

##### Rarity, cultural or historic value

- 2.5 Golden false acacias are not especially common in Westminster but neither is the species considered to be rare. This tree is not known to have a specific cultural or historic value,

but trees are a key component of the conservation area, and so this tree contributes to this general cultural value.

#### Contribution to, and relationship with, the landscape

- 2.6 The scale and form of the tree are such that they are in proportion with the host garden and properties on Chepstow Place and Rede Place.
- 2.7 The tree is growing adjacent to the rear boundary wall, but it is not considered to be unacceptably close to the wall.
- 2.8 The golden false acacia tree has been subjected to a previous crown reduction and it is likely that an application to reduce it back to the same reduction points would be considered acceptable.

#### Contribution to the character and appearance of a conservation area

- 2.9 The loss of T1 would cause harm to the character and appearance of this part of the conservation area.

#### Other factors

- 2.10 Trees contribute generally to mitigation of climate change, by absorbing and storing carbon dioxide. Invertebrates inhabit trees, and these form a potential food source for birds. The dense evergreen nature of the tree may also provide cover and shelter and potential roosts for birds. The mitigation of air pollution near busy roads such as Bayswater Road is a high priority in Westminster.

#### Policy considerations

- 2.11 Policy S25 of Westminster's City Plan adopted in November 2016 aims to conserve Westminster's extensive heritage assets including listed buildings and conservation areas.
- 2.12 Policy S38 of Westminster's City Plan adopted in November 2016 aims to protect and enhance biodiversity and green infrastructure.
- 2.13 Policy S31 of Westminster's City Plan adopted in November 2016 aims to reduce air pollution with the aim of meeting the objectives for pollutants set out in the national strategy.
- 2.14 UDP Policy DES 9 aims to preserve or enhance the character or appearance of conservation areas and their settings.
- 2.15 UDP Policy ENV16 states that trees subject to Tree Preservation Orders will be safeguarded unless dangerous to public safety or, in rare circumstances, when felling is required as part of a replanting programme.
- 2.16 There is no requirement to have regard to Development Plan policies when deciding to create a new TPO but special attention should be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

### **3. Reasons for proposed removal of the tree T1 and appraisal**

**3.1 Removal of T1 is proposed on the following grounds:**

- The tree has caused damage to the rear boundary wall, which needs to be demolished and rebuilt;
- The tree has structural defects which will ultimately result in its instability;
- The Local Planning Authority has previously agreed to the removal of other trees in the rear gardens of properties on Chepstow Place;
- The tree has outgrown its location and if retained will cause unnecessary problems to the owners;

**Structural damage to wall**

**3.2** The application is supported by a letter from a Structural Engineer, which states that the boundary wall has significant distortions and cracking and an outwards lean into Rede Place. The letter considers that there is no immediate risk of collapse but recommends that the wall is demolished and rebuilt. It states that it is essential that the tree is removed and recommends that the wall is built on a new foundation which extends below the level of tree root activity, and that it is tied in to the returning party fence at each side to provide a buttressing action.

**3.3** The Council's Head of Building Control has commented that:

- The tree is not mechanically impacting the wall via the trunk;
- There may be minor upheaval from the roots but this is not substantial;
- The wall has some cracking and bulging to the mews side but this is not severe;
- The party garden wall between 23 and 21 has been rebuilt at some point and the brick slip tying has debonded leaving the rear wall unrestrained at that junction;
- His advice would be to install a structural restraint to the rear wall linked to the party wall (23/21) giving adequate restraint to the lower portion of the rear wall. That may well itself be sufficient to prevent deterioration. The wall may need further remedial works in the near future.

**3.4** It is notable that the rear boundary wall extends along the rear of ten properties on Chepstow Place and that it appears to be in very poor condition in several places, with several sections displaying a notable outward lean and cracking.

**Condition of the tree**

**3.5** The application is supported by a report from an arboricultural consultant. He identifies a significant structural root with a diameter of 90mm which has been cut, with associated bark death and decay extending back towards the trunk. The report states that associated decay extends back 400mm to the trunk where the root has a diameter of 350mm but I think these figures are incorrect as the tree trunk itself has a diameter of 320mm at 1.50m above ground level and this root is much smaller than the tree trunk. The report states that this root is the only significant root on this side of the trunk but there is no evidence of trial excavations supporting this claim. The report also describes surface girdling roots and areas of decay. Whilst it is evident that there are some areas of decay and girdling surface roots at the base of the tree, these are not considered to be so significant as to justify tree removal.

**3.6** The arboricultural report states that the decay at the base will ultimately result in the instability of the tree. Whilst the decay may progress and cause instability in the long term, the extent of decay is not currently causing the tree to be unstable nor is there any evidence to indicate that the decay is likely to progress very swiftly.

**3.7** The arboricultural report also described the crown of the tree as slightly sparse with extensive dead wood present. When I inspected the tree it appeared to be in good vigour with a full crown. It is very normal for the species to have some dead branches which

should be periodically removed.

- 3.8 The report estimates that the tree has an estimated remaining contribution of less than 20 years and considers it to be a 'U Category' tree, following the guidance in BS5837 (2012) Trees in Relation to Design, Demolition and Construction. This document is not designed to be used to assess the suitability of trees for new Tree Preservation Orders, BS5837 (2012) Category U trees are those considered to have a remaining contribution of less than 10 years rather than the 20 years cited in the report so it seems to be contradictory. T1 is considered to have a significant expected lifespan, such that it merits retention.

#### Removal of other trees

- 3.9 The arboricultural report refers to previous tree removals agreed by Westminster City Council. All planning proposals which involve tree removals are considered on their own merits. Any previous tree removals on Chepstow Place do not set a precedent for tree removals in other properties.

#### Suitability of the tree for the location

- 3.10 The golden false acacia is close to the rear boundary wall, in a location that is normal for a tree in a small garden. The trunk is more than 400mm from the boundary wall. Whilst the roots of the trees are closer to the wall than the trunk, overall the tree is not considered to be too close to the wall.
- 3.11 The tree has been subject to previous crown reductions and it would be reasonable to periodically re-reduce it back to the previous reduction points, to maintain it at a suitable size. This is common practice in Westminster and is not considered to be so onerous as to justify tree removal nor would it be significantly detrimental to the amenity value of the tree.
- 3.12 Removal of the tree would not remove the requirement to undertake repairs to the wall. The Council's Head of Building Council has recommended tying the wall into the side boundary walls. Even if it is demolished and rebuilt, it could be reconstructed using specialist techniques to avoid tree roots and significantly reduce the risk of any future damage caused by the growth of the tree. These techniques might include the use of lintels or micropile foundations.

#### Public consultation

- 3.13 In response to a public consultation the City Council received one objection to the removal of the tree, on the grounds that the damage to the wall is not noticeable from Rede Place and that the tree is valued as contributing to the green character of the conservation area.

#### **4. Conclusion**

- 4.1 The golden false acacia has significant amenity value and makes a positive contribution to the Bayswater conservation area. Removal of the tree on the basis of the damage to the wall, the tree's condition and its unsuitability for the location is not considered to be justified.

#### **5. Recommendations**

- 5.1 That a Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990 be made in respect of the tree, shown on the map Registered TPO no. 652.
- 5.2 That if no objections or representations in respect of the making of the TPO no. 652 are made within the prescribed period then the Order be confirmed.

#### **6. Statement of grounds for making Tree Preservation Order no. 652**

- 6.1 The tree makes a valuable contribution to public amenity, to the outlook from nearby properties and to the character and appearance of the conservation area.
- 6.2 Having received notice of intent to remove the tree under the terms of section 211 of the Town and Country Planning Act 1990 (as amended) a Tree Preservation Order is considered expedient in the interests of the amenity, and in order to safeguard the preservation and future management of the tree.

**From:**Tanton, Julian: WCC  
**Sent:**Wed, 5 Jun, 2019 11:27:19 +0000  
**To:**Dobson, Rosalie: WCC  
**Subject:**RE: 19/03524/TCA 21 Chepstow Place

Thanks Rosie

Following our site inspection 05-06-19 I note the following:-

1. The tree is not mechanically impacting the wall via the trunk.
2. There may be minor upheaval from the roots but this is not substantial.
3. The wall has some cracking and bulging to the mews side but this is not severe.
4. The party garden wall between 23 and 21 has been rebuilt at some point and the brick slip tying has debonded leaving the rear wall unrestrained at that junction.

My advice would be to install a structural restraint to the rear wall linked to the party wall (23/21) giving adequate restraint to the lower portion of the rear wall. That may well itself be sufficient to prevent deterioration. The wall may need further remedial works in the near future.

Many thanks

Julian Tanton  
Head of Building Control  
Growth, Planning and Housing  
Westminster City Council  
13<sup>th</sup> Floor, 64 Victoria Street  
SW1E 6QP

Tel: 020 7641 7016

<https://www.westminster.gov.uk/building-control>

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**From:** Dobson, Rosalie: WCC  
**Sent:** 21 May 2019 15:21  
**To:** Tanton, Julian: WCC <jtanton@westminster.gov.uk>  
**Subject:** 19/03524/TCA 21 Chepstow Place

Dear Julian

I would be grateful to receive your comments on this proposed tree removal – please see my memo attached.

I will be arranging a site visit – please let me know if you'd like to attend.

Many thanks

Rosie

Rosalie Dobson  
Senior Arboricultural Officer  
Development Planning | Growth, Planning and Housing  
Westminster City Council, PO Box 792, Redhill, RH1 9FL  
Tel: 020 7641 7761 | [westminster.gov.uk](http://westminster.gov.uk)

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**DR. FRANK HOPE**

*Forensic & Planning Arboricultural Consultant*

Chestnut House, Northside, Thorney, Peterborough, Cambridgeshire PE6 0RL  
Telephone: 01733 350500 Mobile: 07860 227002  
Email: [frank.hope@btconnect.com](mailto:frank.hope@btconnect.com) Website: [www.frankhope.com](http://www.frankhope.com)

**ARBORICULTURAL REPORT RELATING TO THE GOLDEN-LEAVED FALSE ACACIA TREE LOCATED WITHIN THE REAR GARDEN OF NUMBER 21 CHEPSTOW PLACE, LONDON, W2 4TT.**

**CLIENT NAME:**

[REDACTED]

Ref: None specified

**REFERENCE:**

[REDACTED]

**DATE OF VISIT:**

3<sup>rd</sup> May 2019

**TIME:** 10.30am

**PEOPLE PRESENT:**

Dr Frank Hope  
[REDACTED]

**1.0 FORMAL DETAILS:**

- 1.1 My name is Dr Frank Hope and I am an independent Arboricultural Consultant based at Chestnut House, Northside, Thorney, Peterborough. The practice specialises in arboriculture, urban forestry, biological sciences and project management. I have advised many major clients during the past thirty years, for example, Sainsburys, Midland Bank, Alfred McAlpine, P&O, Ministry of Defence, Environment Agency, The Health and Safety Executive, Metropolitan Police, Local Authorities, Insurance Companies and Loss Adjusters.
- 1.2 For five years (April 1998 to April 2003), I acted for the Office of the Deputy Prime Minister (ODPM) as an Inspecting Officer on Tree Preservation Order Appeals. This provided me with a detailed insight into this topic.

- 1.3 In addition to having a doctorate and a master's degree in Biological Sciences (research on woody plants), I hold the National Diploma in Arboriculture (RFS) which is the foremost practical British qualification in trees and their management. I also hold numerous general horticultural qualifications, the most notable of which is the National Diploma of Horticulture (now the Master of Horticulture (RHS)).
- 1.4 I am a retired Fellow of the Arboricultural Association, and a retired Fellow of the Institute of Groundsmanship. I am a past member of the education committee of the Arboricultural Association, past vice Chairman of the East Anglian Branch, and am a past member of the governing council. I am also a past member of the governing body of the East of England Show.
- 1.5 During 1997 I was one of three people commissioned by the Arboricultural Association to develop a computerised model capable of assessing the future risk of subsidence damage to buildings when trees are growing close-by.
- 1.6 For further detail on my qualifications and experience see Appendix -A-.

## **2.0 AUTHORITY AND BRIEF.**

2.1 The initial authority for this report was provided by [REDACTED] in the form of an email dated the 2<sup>nd</sup> of May 2019.

### **2.2 The objectives of this commission are to:**

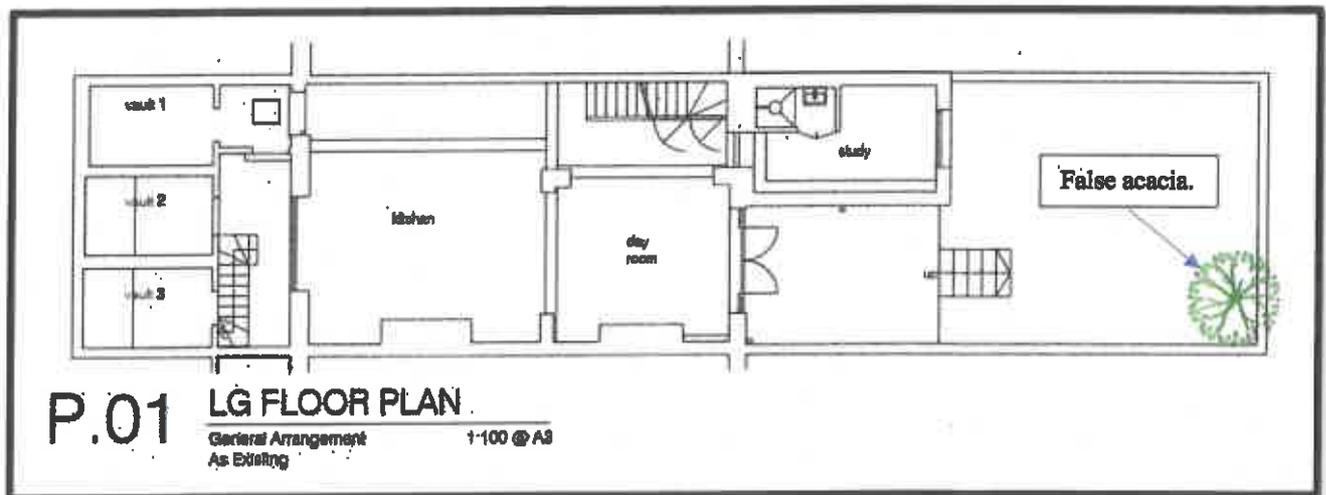
- inspect the golden-leaved False Acacia tree (*Robinia pseudoacacia* 'Frisia') located on the elevated section of the small, rear garden, of number 21 Chepstow Place, London;
- discuss the implications of any legal protection of the tree;
- assess the overall condition of the tree, and assess its safe life expectancy;
- quantify the quality of the tree in accordance with the category rating definitions in British Standard 5837 (April 2012 edition);
- make comment on the damage that the False Acacia is causing to the rear boundary wall of the property;
- identify remedial measures to ensure the integrity and safety of the tree and

the boundary wall.

### **3.0 DESCRIPTION OF THE PROPERTY.**

- 3.1 Number 21 Chepstow Place is a multi-storey, mid-terrace, residential property located on the eastern side of Chepstow Place, London.
- 3.2 The house faces approximately westwards, the front of which abuts the public pavement, i.e. there is no garden to the front of the property, and the entrance is via a low section of steps from off Chepstow Place.

#### **Plan produced by NFA Architects Ltd showing the lower ground floor plan of the existing house.**



- 3.3 The rear garden of the property is small, and is on two levels, both of which are currently covered with flags. The garden is enclosed by brick-built boundary walls. The lower level is accessed from the kitchen via French windows.
- 3.4 The upper level is 1.3 metres above the lower level, and is accessed via a flight of six steps from the lower level. There is a small, rectangular bed of soil along the northern section of the rear garden, which contains a poor-quality Camellia shrub. There is also a small, approximately square-shaped bed of soil in the south-eastern corner that contains a middle-aged tree. A wooden seat is located centrally, close to the rear boundary wall.
- 3.5 The rear, eastern boundary wall contains significant cracking, and the wall leans outwards, towards Rede Place to the east. There is a difference in levels between the upper section of the rear garden and the carriageway of

Rede Place. A small storage structure is located against the eastern side of the boundary wall, i.e. along Rede Place.

Picture showing the lower section of the rear garden, with the entrance into the house.



Picture showing the steps leading to the upper, rear garden.



**Picture showing the small rectangular bed on the upper section of garden, containing a poor quality 2.5 metre tall Camellia shrub.**



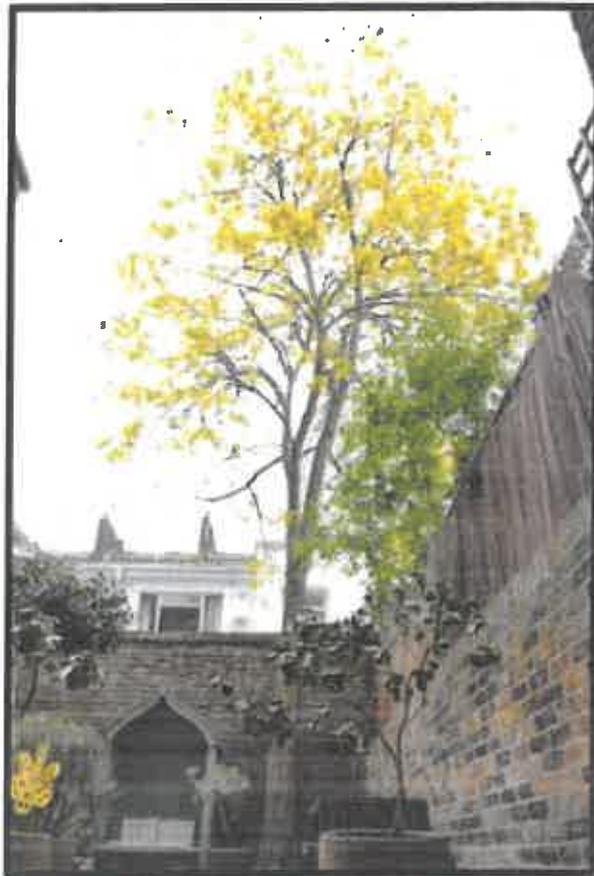
**Picture showing the False Acacia in the square bed on the upper level of the rear garden.**



**Picture showing the storage shed along Rede Place, against the eastern side of the boundary wall.**



**Picture showing the False Acacia in the rear corner of the property.**



#### **4.0 DESCRIPTION OF THE GOLDEN-LEAVED FALSE ACACIA.**

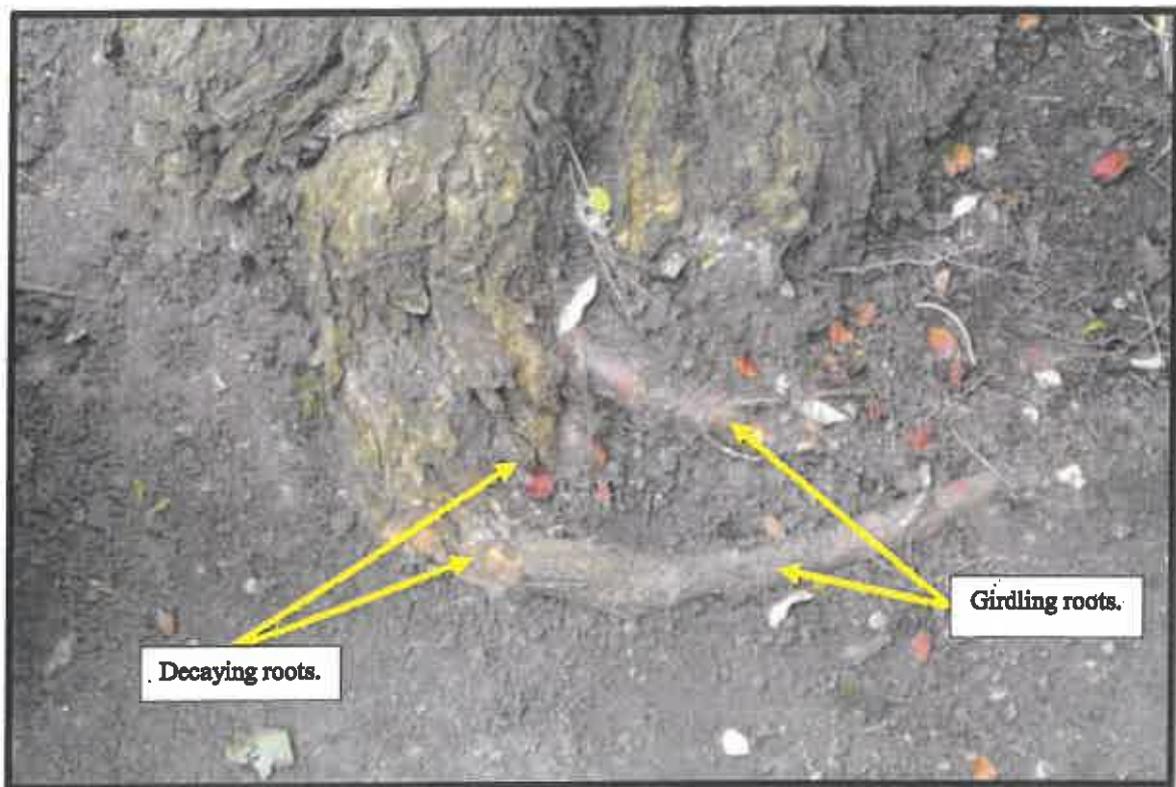
- 4.1 As mentioned in item 3.4 above, the Golden-leaved False Acacia is located in a small, slightly raised, rectangular bed in the rear, south-eastern corner of the elevated section of the garden (See the picture on page 6 above).
- 4.2 The tree, which is middle-aged, is currently in the region of 12.0 metres tall, with an average, overall crown spread of approximately 7.0 metres (See the picture on the previous page). It has a trunk diameter of 320mm, and the main branches emanate between 3.5 metres and 4.0 metres above ground level, where the trunk divides into two. The union of the branches is weak, and this species is known for having brittle branch structures.
- 4.3 The roots of the tree at the extremities of the root plate are growing up against the boundary wall, and are exerting direct pressure on it. This has caused the wall to crack in a number of places, and to move eastwards away from vertical, i.e. in the direction of Rede Place. The trunk is located 500mm away from the wall.

**Picture showing a large diameter decaying root which has been severed in the past. The loss of bark and decay extends back to the basal trunk.**



- 4.4 Physical damage has occurred to some of the roots. One large, surface, structural root, with a severed (by saw) end of approximately 90mm diameter is now exhibiting extensive signs of decay at its distal end. There is extensive bark loss and decay extending approximately 400mm back to the basal trunk, and the root is in the region of 350mm diameter adjacent to the bole of the trunk. It is the only large root on the southern side of the tree. The decay is irremediable, and will continue to worsen throughout the life of the tree. It will ultimately result in the instability of the tree. Other large girdling and decaying roots are present around the basal trunk.

**Picture showing decaying girdling roots around the basal trunk of the tree.**

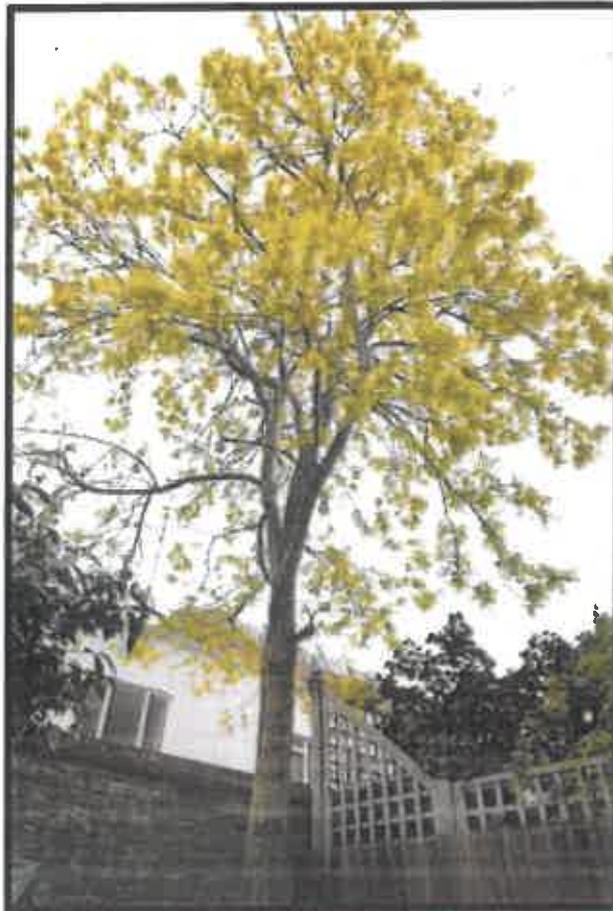


- 4.5 Dysfunctional wood is present around the basal trunk, and signs of deterioration are present within the vertical flutes of the bark at the area of the basal trunk (See the picture on page 9 below).
- 4.6 The canopy (branches) of the tree has been reduced in the past, and is slightly sparse, with extensive small dead branches present (See the second picture on page 9 below). The extent of the dead branches indicate that the tree is under stress. It is making little annual extension growth.

**Picture showing the poor condition of the basal trunk of the False Acacia.**



**Picture showing extensive small dead branches in the tree canopy.**



**5.0 VISUAL AMENITY OF THE FALSE ACACIA.**

5.1 The Golden-leaved False Acacia is located adjacent to the rear wall of number 21 Chepstow Place. It can be clearly seen from both directions along Rede Place and from adjacent properties (See the pictures below).

**Pictures showing the False Acacia from along Rede Place looking northwards and southwards.**



**6.0 THE CONDITION OF THE REAR (EASTERN) BOUNDARY WALL.**

6.1 The rear boundary wall of the property borders onto Rede Place to the east. There is significant movement and cracking to the wall. There is also a brick-built bin store which has been constructed on Rede Place, butting against the wall (See the pictures above and on the following pages). This store is also exhibiting significant movement away from the wall.

**Picture showing the overall unevenness of the boundary wall.**



**Picture showing the extensive cracking of the boundary wall.**



**Close-up picture of the cracks in the boundary wall.**



- 6.2 Ian Drummond, Consulting Engineers visited the site and inspected the wall on the 2<sup>nd</sup> of April 2019, and subsequently produced a report dated the 15<sup>th</sup> of April 2019.
- 6.3 The Ian Drummond report identified the rear boundary wall as being 3.0 metres high from the garden level, and constructed in 215mm thick solid bonded brickwork. It forms part of the wall which runs along the rear boundaries of the properties on Chepstow Place. There are two party fence walls located along the side boundaries of the property; they are both in the region of 1.5 metres high above the garden level, and neither appears to be bonded into the rear boundary wall.
- 6.4 Although the wall is 3.0 metres high when measured from within the property, it is only 2650mm high when measured from off Rede Place, i.e. there is a difference in height on the Rede Place side in the region of 350mm, i.e. the wall on the Rede Place side is higher than the garden.
- 6.5 The rear boundary wall leans outwards towards Rede Place, by at least 100mm. Ian Drummond states that in structural engineering terms this degree of movement is significant (See below for confirmation).

**Picture taken by Ian Drummond showing the lean of the wall towards Rede Place.**



- 6.6 The Structural engineers have identified that for a 215mm thick solid bonded wall, an outward lean in excess of 75mm is of serious concern. This is because the self-weight of the wall, once it is leaning beyond that limit, actually contributes to further outward movement and sets up tension in the mortar courses which are inherently weak due to the soft lime mortar. Consequently, once the out-of-plumb exceeds 75mm, outward movement of the wall is likely to accelerate in the medium-term. While the Structural engineers do not consider that there is any immediate danger of collapse of the wall, they strongly advise that remedial action needs to be taken in the short-term:
- 6.7 The Structural engineers have identified that significant distortions can be seen in the bed courses of the wall, together with signs of previous repairs. However, the Structural engineering inspection confirms the presence of fresh cracking in the immediate vicinity of the False Acacia.
- 6.8 The Structural engineers consider that there is little doubt that the growth of the False Acacia has resulted in distortions in the wall, as well as the

outward lean. They confirm this by identifying that the retaining element of the wall would normally result in the wall leaning inwards, whereas in this instance it leans outwards.

6.9 The Structural engineers confirm that the movement of the wall is active as identified by the presence of relatively fresh cracking in the region of the previously repaired brickwork.

6.10 As mentioned previously in this report, a brick-built bin store has been erected against the boundary wall on the Rede Place side. The store leans outwards towards Rede Place by 50mm, which in structural engineering terms is significant. The Structural engineers have identified that this movement has been caused by the influence of the abutting boundary wall. The outward lean of the bin store clearly indicates that the outward movement has occurred since the bin store was constructed.

**Picture taken by Ian Drummond showing the lean of the bin Store.**



6.11 The Structural engineers are of the opinion that while it may be possible to stabilise the wall by introducing buttresses, this is unlikely to be an acceptable solution as it would involve construction beyond the curtilage of the property. **The engineers consider that the only satisfactory means of the repair would be to take the wall down and reconstruct it plumb.** As the primary cause of the problem is the growth of the adjacent tree, it is essential that the tree is removed as part of the operation, and that the wall is rebuilt on a new foundation that extends below the level of tree root activity. They also recommend that in rebuilding the wall it should be tied into the returning party fence at each side to provide a buttressing action and add stability to the relatively high wall.

6.12 The Structural engineers recommended that the False Acacia should be removed.

#### **7.0 THE HISTORY OF TREE REMOVAL IN THE GARDENS ALONG THE REAR OF CHEPSTOW PLACE.**

7.1 The gardens to the rear of the properties close to number 21 Chepstow Place are small, and enclosed. The rear boundaries consist of the same 3.0 metre high, brick-built boundary wall as that of number 15.

7.2 Tree removal has taken place in the past from some of the rear gardens along Chepstow Place. For example, the Local Planning Authority raised no objection to the removal of an Ash tree growing in the rear garden of number 15 Chepstow Place in June 1991.

7.3 The Local Planning Authority raised no objection to the removal of a tree from the rear garden of number 31 Chepstow Place in 2011/2012, where a development including lowering the rear garden was granted planning consent.

7.4 It is evident from previous tree-related applications and developments that the Local Planning Authority recognises that it is acceptable to remove trees, where justified, from within the rear gardens of Chepstow Place.

#### **8.0 INTRODUCTION TO TREE PROTECTION (STATUTORY).**

8.1 Local planning authorities look upon trees as being highly beneficial to the locality. To ensure that any important specimens, or significant groups of trees, are retained, they may place **Tree Preservation Orders (TPOs)** on them. In other situations, villages or whole districts may be classified as

**Conservation Areas.** In these instances certain trees in the designated area will be protected. When trees are protected, legal procedures must be followed before any work is carried out.

- 8.2 When trees are protected by Preservation Orders, no work should be carried out on them without prior written consent from the Local Planning Authority. Once an application is made, the Authority personnel must inspect the trees, and make a decision within a statutory eight week period as to whether the work can go ahead. If no decision is made within the eight week period, the appellant (person making the application) can appeal to the Planning Inspectorate, for non-determination. If the Local Authority refuses the application the appellant still has the right to appeal.
- 8.3 The legislation for Conservation Areas is slightly different to that of Preservation Orders. Trees with trunk diameters of less than 75mm at breast height (1.5 metres) are exempt from the legislation, and no application is required to carry out any work on them. Trees with trunk diameters of between 75mm and 100mm can be removed without permission, if their removal is to allow the further development of other trees growing close-by.
- 8.4 When an application is made to carry out work on a tree located within a Conservation Area, the Local Authority must make a decision within a statutory six week period (not eight as with TPOs). The Local Authority has three options, namely,
1. *Give written permission to carry out the work.*
  2. *Make no written decision within the six week period. If this occurs the application is accepted by default, and the owner of the tree(s) can carry out the proposed work, but it must be completed within two years of the initial application.*
  3. *Refuse consent to carry out the work. If this option is selected the Local Authority must protect the tree(s) with a Preservation Order. In this instance, the owner of the trees has the right to appeal, and the Local Authority must be able to show that the tree(s) are, in fact, worthy of protection. (Bolding added by Dr. Hope).*
- 8.5 If a tree protected by a Preservation Order, or is located in a Conservation Area, is killed, or wilfully destroyed, the owners of the tree, and the contractor who did the work, can both be prosecuted. The fines for killing,

or wilfully destroying a tree can be high, i.e. the current maximum is £20,000 per tree, and there is an automatic requirement to re-plant. The current maximum for minor unlawful infringements, such as pruning, is £2,500.

- 8.6 Trees which are dead, or dangerous are exempt from the legislation (both Preservation Orders and Conservation Areas), although if such trees are removed, the onus of proving that they fell into one of these categories lies with the tree owner. Whenever possible it is strongly recommended that the Local Authority be given at least five days notice before any work on such trees is carried out.

## 9.0 THE RIGHT TREE IN THE RIGHT PLACE.

- 9.1 In the year 2005 the then Mayor of London (Ken Livingston) produced a document entitled "The Mayor of London Tree and Woodland Framework for London" which provided guidance on the establishment and management of trees within the city. The document was widely accepted throughout the Arboricultural Industry, and remains valid to date.
- 9.2 The publication introduced the concept of "The right tree in the right place". It recognised that although it is laudable to establish large, long-lived trees wherever possible within the City, it is critical to ensure that such trees are growing in appropriate positions, and do not cause unnecessary problems to property owners.
- 9.3 It is generally recognised that although trees may be healthy, and have a useful visual amenity to the locality, it is sometimes prudent for various reasons, such as causing oppressive living conditions, or structural damage, that large species should not be planted, or that if they are found to be growing in the "wrong place", it would be appropriate to remove them.
- 9.4 In the case of the False Acacia located on the elevated section of the rear garden of number 21 Chepstow Place it is clearly the "wrong tree in the wrong place", as its position so close to the boundary wall will mean that it will inevitably cause additional structural damage throughout its remaining life as it continues to produce annual extension growth of its basal trunk; and the canopy of the tree will have to be reduced on a regular basis during its life. The tree has simply outgrown its position.
- 9.5 If retained in situ the tree would cause continued unnecessary problems to the owners of the property.

**10.0 THE LEGAL STATUS OF THE GOLDEN-LEAVED FALSE ACACIA WITHIN THE CURTILAGE OF NUMBER 21 CHEPSTOW PLACE.**

- 10.1 Number 21 Chepstow Place is located within the Bayswater Conservation Area, and the False Acacia is therefore legally protected by the Conservation Area legislation. No information has been provided to indicate that the False Acacia is legally protected by a Preservation Order, or by any other type of restrictive covenant.
- 10.2 As the False is legally protected no work should be carried out on it without prior consultation and agreement with the Local Planning Authority.

**11.0 IS THE FALSE ACACIA WORTHY OF A TREE PRESERVATION ORDER?**

- 11.1 The False Acacia is exhibiting significant decay in one of its main structural roots, and other smaller, girdling roots. The decay is irremediable and will continue to develop during the remainder of the tree's short, safe life.
- 11.2 The canopy of the tree is becoming relatively sparse, and extensive small dead twigs/branches are already present.
- 11.3 During pre-planning application discussions relating to the structural condition of the rear boundary wall, the Local Planning Authority suggested that it may be possible to retain the tree, and re-build the wall in situ. However, this suggestion is simplistic, and does not take into consideration the short, safe life expectancy of the tree, nor does it take into consideration that the tree will pose a significant problem for as long as it remains.
- 11.4 The tree does have a visual amenity to the location. However, it is located in a small elevated garden, very close to the rear boundary wall. The roots of the tree have pushed against the wall, causing significant leaning and cracking.
- 11.5 There is a history of tree removal from the rear gardens of properties along Chepstow Place.
- 11.6 The False Acacia is clearly "the wrong tree in the wrong place", and will continue to pose problems for the remainder of its life. It is not worthy of a Preservation Order.

**12.0 THE BRITISH STANDARD 5837 CATEGORY RATING OF THE FALSE ACACIA.**

12.1 British Standard 5837 is the industry standard, and nationally accepted document, for providing recommendations in relation to the juxtaposition of trees and building structures. Although not a statutory document, the British Standard now forms the basis for almost all arboricultural impact assessments. It was revised and updated in April 2012.

12.2 One of the most fundamental features of the British Standard 5837 category rating system (as identified in the Cascade Chart of page 9 of the British Standard) is the recognition that trees that cannot be realistically retained as living trees in the context of the current land use for longer than 10 years are given the rating of “U”.

12.3 Trees which are classified as having a British Standard 5837 category rating of “U”, are typically of such poor quality, or have such a short safe life expectancy, that they should be removed from a site. Unless such trees have some special conservation-related value, they are clearly not worthy of a Preservation Order, and should not be used to adversely affect any proposed development.

**TABLE 1 – Cascade Chart for tree quality assessment.**

Category and Definition	Criteria (including subcategories where appropriate)	Identification on plan
<b>Trees unsuitable for retention (see note)</b>		
<p><b>Category U</b></p> <p>Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years</p>	<ul style="list-style-type: none"> <li>• Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>• Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>• Trees infected with pathogens of significance to the health and/or safety of other trees nearby or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p>NOTE Category U trees can have an existing or potential conservation value which might be desirable to preserve; see 4.5.7</p>	See Table 2

12.4 Item 4.5.8 of the British Standard acknowledges that when categorising a tree, the presence of any serious disease, or tree-related hazards should be taken into account. This is critical as irremediable diseases, especially within the structural roots or branches of trees, can lead to stability, i.e. safety problems.

**Picture showing the large irremediable decaying structural root, which will continue to develop for the remainder of the tree's life.**



12.5 Based on the physiological and structural condition of the False Acacia, and the fact that it will pose a continued nuisance to the boundary wall, it has a British Standard 5837 category rating of "U". As mentioned previously, the tree has simply outgrown its position.

12.6 The British Standard 5837 category rating of "U" confirms that the tree is not worthy of a Preservation Order.

### **13.0 TREE SURVEY SUMMARY.**

13.1 The following tree data schedule provides detail on the False Acacia.

<b>TREE SURVEY SUMMARY</b>											
Tree No	Species	Height (m)	Branch spread Av. M	Stem Dis mm	Age class	Height of crown clearance m	Physiological condition	Structural Condition	Prelim. Recomm..	Remaining contribution in years	BS: Cat.
1	Golden-leaved False Acacia	12.0	N 3.5 S 3.5 E 3.5 W 3.5	320	MA	3.5-4.0	Poor	Poor	Remove.	<20	U

## **14.0 CONCLUSIONS.**

- 14.1 Concern has been shown in relation to the structural integrity of the rear boundary wall of number 21 Chepstow Place. Structural engineers have inspected the wall, and have confirmed that the extensive cracking and significant lean have been caused by the Golden-leaved False Acacia located in the rear garden of the property. The cracking has been identified as being active, i.e. it is continuing.
- 14.2 The Structural engineers have recommended the removal of the tree so that the wall can be demolished, and be reconstructed on new foundations. They have discounted the simple removal of the wall, and re-building, as the presence of the tree would lead to continued problems to the owners of the property.
- 14.3 The Structural engineers have also discounted the use of buttressing as any such structures would, by necessity, be outside the curtilage of the property.
- 14.4 The False Acacia has simply outgrown its position, and is the wrong tree in the wrong place.
- 14.5 Chepstow Place is located within a Conservation Area, which legally protects the Golden-leaved False Acacia. The tree is not protected by a Preservation Order.
- 14.6 The Golden-leaved False Acacia contains significant decay within its root system. This decay is irremediable, and will continue to increase during the remaining life of the tree. The extent of the decay in the root system confirms that the tree has a short, safe life expectancy, and is not worthy of a Preservation Order. Now would be an appropriate time to remove the tree, and allow the re-building of the boundary wall in its current location.
- 24.7 Any tree works should be carried out in accordance with British Standard 3998 "Tree Work" 2010, and should not be carried out during the bird breeding season, unless an appropriate inspection is carried out to confirm that no bird nesting activity is occurring.

© Dr. Frank Hope.

9<sup>th</sup> May 2019

DR. FRANK HOPE

**APPENDIX -A-**

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**### FORENSIC ARBORICULTURAL CONSULTANT ###**

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**Page 69**

# Dr. Frank Hope

## PROFESSIONAL QUALIFICATIONS AND EXPERIENCE

Dr. Hope has been involved with the land-based industries for the past 48 years. During this time he has worked for local government, the Royal Horticultural Society, the Institute of Groundsmanship and private industry. In the early 1970's he trained at the RHS Gardens Wisley and later became a practical arborist in the gardens. For four years he was a lecturer in Horticulture and Arboriculture at the Cheshire College of Agriculture, and has more recently been a part-time lecturer to the BTEC National Diploma course in Countryside management, at the Cambridgeshire College of Agriculture. He has been an Arboricultural and Horticultural examiner for the Royal Forestry Society, the Royal Horticultural Society and the Institute of Groundsmanship.

The majority of his work is based in East Anglia, and London, although he has taken commissions throughout the world. For example, in the 1980's he was involved in the management and harvesting of a 26,000 acre hardwood crop in Malaya. He carries out technical projects for a range of organisations on both Arboricultural and general Horticultural subjects, and has been involved in the proposed re-development of the Elephant and Castle, and the area around Waterloo station in London. He specialises in both legal and planning aspects of trees.

He has been a technical adviser to the Jockey Club and Racecourse Association, and organised all their training courses for over five years.

During 1997, Dr. Hope was one of three people commissioned by the Arboricultural Association to develop a computerised model capable of assessing the future risk of subsidence damage to buildings when trees are growing close-by. He has also given the Association advice on the Arboricultural Appendix to the ISE handbook.

Over the past 20 years, Dr. Hope has been involved in over 3,500 cases involving trees and subsidence damage to buildings. He regularly gives evidence in court, and has experience as a single joint expert. Notable cases in which he has been involved are Siddiqui & Sohanpal -v- London Borough of Hillingdon, Loftus Brigham -v- London Borough of Ealing, Dayani -v- London Borough of Bromley, Berent -v- Family Mosaic & The London Borough of Islington, Robbins -v- London Borough of Bromley, Battley -v- Wycombe District Council, and Middleton -v- Surrey County Council.

For five years (until April 2003), Dr. Hope acted for the Office of the Deputy Prime Minister as an Inspecting Officer on Tree Preservation Order Appeals, which provided him with a detailed insight into this topic.

In addition to having a Doctorate and a Masters degree in Biological Sciences (based on Arboricultural and Horticultural research), Dr Hope holds the National Diploma in Arboriculture (RFS), which is the premier practical qualification for Arboriculture, and the National Diploma in Horticulture (now the Master of Horticulture), administered by the Royal Horticultural Society. The Master of Horticulture is the world premier qualification for general horticulture. Dr. Hope is a past examiner for the final stages of the Master of Horticulture qualification. His personal qualifications are at the highest level; the major ones are as follows:

Doctor of Philosophy (Ph.D):	University of Bath, Biological Sciences Dept. The Development of a computerised Plant Establishment and Growth Model for use with Landscape Trees and Shrubs.
Master of Philosophy (M.Phil):	University of Bath Biological Sciences Dept. The Development of a Computerised Information Retrieval System for Decorative Plant Selection.
National Diploma in Horticulture:	Administered by the Royal Horticultural Society.
National Diploma in Arboriculture (N.D.Arbor):	Royal Forestry Society.
National Certificate in Arboriculture (Distinction):	Royal Forestry Society.

Wisley Diploma in Horticulture:

Royal Horticultural Society.

Advanced Diploma in Horticulture:

Writtle Agricultural College.

Certificate of Education:

Wolverhampton Teacher Training College,  
(Wolverhampton Polytechnic).

#### **SOME PUBLISHED WORKS**

Recognition and Control of  
Pest and Diseases of Farm Crops

Blandford Press 1980  
ISBN 0 7137 0995

The Garden Planner

Hardback - Collins 1981  
Softback - Fontana 1981  
Softback - Pilot 1983  
ISBN 0 00 4116622  
Co-author of each edition

QL Gardener Manual

Sinclair Research 1985  
ISBN 1 850 160449

The New Organic Grower

Cassall Publishers 1990  
ISBN 0 304 34013 8

Turf Culture

Blandford Press 1978  
ISBN 0 7137 0873 5

Turf Culture - A manual for  
the Practising Groundsman

Cassall 1990  
ISBN 0-304-31854-X

Rasen

German Edition of Turf Culture  
ISBN 3-8001-5038-7

NVQ Levels 1 & 2 manuals

Technical author for the British Association of Landscape  
Industries (BALI) instruction manuals for general  
horticulture and turf culture at levels 1 and 2, for the  
National Vocational Qualifications.

Numerous articles on Horticulture, Arboriculture and computers in a range of magazines, e.g. Horticulture Week,  
The Groundsman, Personal Computer World.

#### **SOME PUBLISHED SOFTWARE**

Horticultural Key

Quanta magazine.

Plant Selector II

A.J. Harding Molimerx Ltd.

Computerised Ornamental Plant  
Retrieval System

University of Bath.

Genus Plant Selector

Intersearch Ltd.

Plant Establishment and  
Growth Model  
QL Gardener

University of Bath.  
Sinclair Research.

15 April 2019

PROJECT REF [REDACTED]

Dear [REDACTED]

**21 CHEPSTOW PLACE W2**

We refer to our visit to the above property on the 2<sup>nd</sup> April 2019 during which we examined the boundary wall to the rear of the property which borders onto Rede Place. The wall is displaying significant structural defects and we would advise accordingly.

Measured from the rear garden of 21 Chepstow Place the wall is 3.0 metres high from garden level and appears to be constructed in 215mm thick solid bonded brickwork. See Photograph 1. The wall runs continuously past the rear of the properties in Chepstow Place in both directions and appears to have been originally constructed as an independent structure. The party fence walls both sides of the property are lower at approximately 1.5 metres above garden level and do not appear to be bonded into the rear wall. A mature tree, thought to be a false acacia, is growing very close to the inside face of the wall. It is apparently from the inside that the wall has an appreciable lean outward.

When viewed from the far side of the wall the outward lean can be measured and is at least 100mm. when measured from Rede Place the wall is only 2650mm high meaning that the ground on the Rede Place side is 350mm higher than the garden level. Despite this the wall still leans outwards. See Photographs 2, 3 and 4.

A bin store has been built up against the outer face of the wall but this has failed to buttress the wall in any way, as the bin store wall itself leans outward by 50mm and consequently it is clear that movement in the main wall has pushed over the bin store wall subsequent to its construction. See Photograph 5.

Significant distortions can be seen in the bed courses of the wall together with signs of previous repairs. However relatively fresh cracking is evident in the immediate vicinity of the tree. See Photographs 6, 7 and 8.

There is little doubt that the growth of the tree over the years has resulted in distortions in the wall as well as the outward lean. This is supported by the fact that the retaining element of the wall would normally result in the wall leaning inwards. It is also clear that the movement is active due to the relatively fresh cracking that can be seen in the previously repaired brickwork. The outward lean of the bin store gives a clear indication that much of the outward movement in the wall has occurred since the construction of the bin store.

For a 215mm thick solid bonded wall an outward lean in excess of 75mm is of serious concern. This is because the self-weight of the wall, once it is leaning beyond that limit, actually contributes to further outward movement and sets up tension in the mortar courses which are inherently weak due to the soft lime mortar. Consequently, once the out-of-plumb exceeds 75mm, outward movement of the wall is likely to accelerate in the medium-term. While we do not consider that there is any immediate danger of collapse, we strongly advise that action needs to be taken in the short-term.

While it may be possible to stabilise the wall by introducing buttresses, this is unlikely to be an acceptable solution as it would involve construction beyond the curtilage of the property. We would consider that the only satisfactory means of the repair would be to take the wall down and reconstruct it plumb. As the primary cause of the problem is the growth of the adjacent tree, it is essential that the tree is removed as part of the operation and that the wall is rebuilt on a new foundation that extends below the level of tree root activity. We would also recommend that in rebuilding the wall it is tied into the returning party fence at each side to provide a buttressing action and add stability to the relatively high wall.

We suggest therefore that you obtain any necessary permissions for removal of the tree and reconstruction of the wall which would also involve reconstruction of the bin store on the outer side.

We trust these comments are of assistance and please let us know if you would like our further input in this respect.

Yours sincerely



I G Drummond  
for and on behalf of  
**Ian Drummond Consulting Engineers**



Photograph 1.



Photograph 2.



Photograph 3.



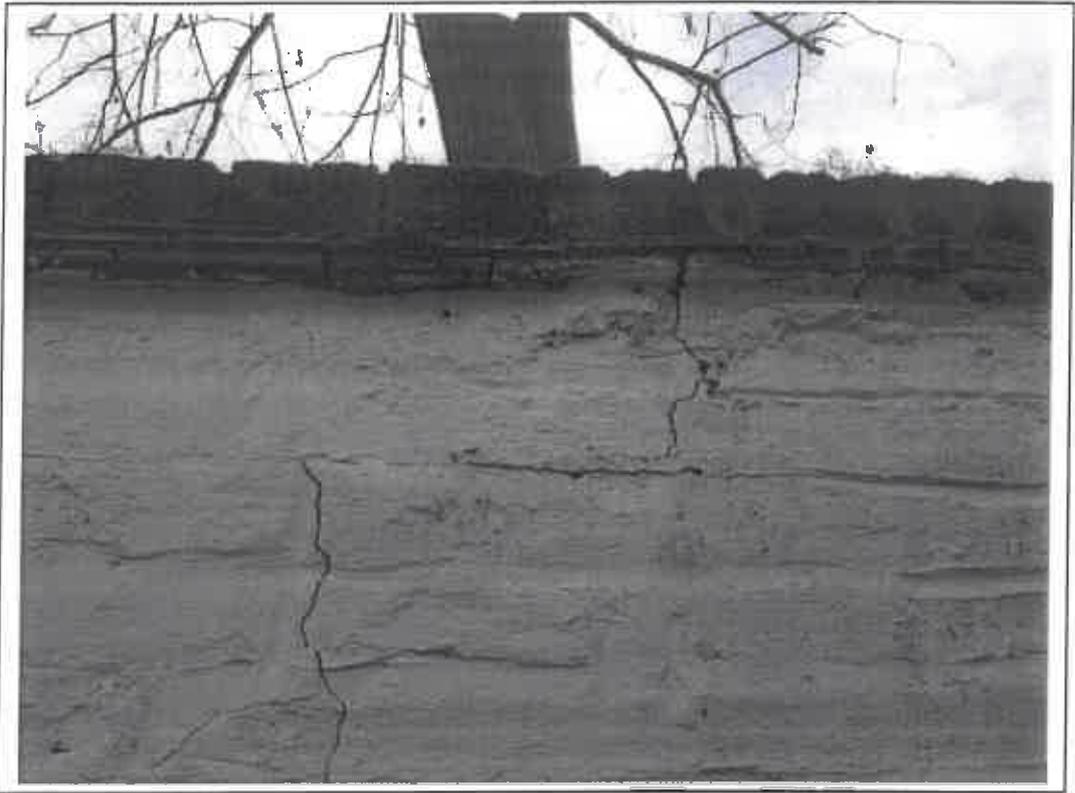
Photograph 4.



Photograph 5.



Photograph 6.



**Photograph 7.**



**Photograph 8.**

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# Executive Summary and Recommendations

**Title of Report:** Tree Preservation Order No. 649 – 57  
Hamilton Terrace, NW8 9RG

**Date:** 17<sup>th</sup> September 2019



## **Summary of this Report**

On 30<sup>th</sup> April 2019 the City Council made a provisional Tree Preservation Order (TPO) to protect one red maple tree (labelled T1 on the TPO plan) located in the back garden of 57 Hamilton Terrance, London, NW8 9RG. The TPO is provisionally effective for a period of six months from the date it was made (30<sup>th</sup> April 2019) during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 30<sup>th</sup> October 2019.

The TPO was made because the tree has high amenity value and makes a positive contribution to the character and appearance of the conservation area (St John's Wood). The City Council, having been made aware of the proposal; to remove the red maple tree, considered it expedient in the interests of amenity that a TPO was made, in order to safeguard its preservation and future management.

Confirmation of the TPO will not preclude the appropriate management or removal of the tree in the future, subject to the merits of a future application.

Objection to the TPO has been received from:-

- MWA Arboriculture Ltd, Bloxham Mill Business Centre, Barford Road, Bloxham, Banbury, OX5 4FF

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

## **Recommendations**

The Sub-Committee should decide EITHER

(a) NOT TO CONFIRM Tree Preservation Order No. 649 (2019); OR

(b) TO CONFIRM Tree Preservation Order No. 649 (2019) with or without modification with permanent effect.



City of Westminster

# Committee Report

Item No:

Date:

Classification:

Title of Report:

Report of:

Wards involved:

Policy context:

No requirement to have regard to Development Plan policies when confirming a TPO but special attention must be paid to desirability of preserving enhancing the character and appearance of the conservation area  
Notwithstanding the above – the following planning policies are of relevance:  
S25, S38, S31 - Westminster City Plan (Nov 2016)  
DES 9; ENV16 - UDP

Financial summary:

Report Author:

Contact details

## 1. **Background**

- 1.1 Under the Town and Country Planning Act 1990 (the “1990 Act”) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (the “2012 Regulations”) the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 649 (2019) authorised under delegated powers was served on all the parties whom the Council is statutorily required to notify and took effect on 30<sup>th</sup> April 2019.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they must be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 649 (2019) was made following the receipt by the City Council of six weeks’ notice of intention to remove the red maple tree (shown labelled T1 of the TPO Plan). Under 211 of the 1990 Act it is defence to the offence of removing a tree in a conservation area if the person undertaking the works has provided 6 weeks’ notice to the local planning authority in advance of doing so. The service of such a notice effectively leaves the City Council in a position where it must either accept the notice and allow for the tree to be removed or to take further protective action by making a TPO.
- 1.4 The tree is located in the rear garden of 57 Hamilton Terrace. It is clearly visible from Hall Road to the north east. It can also be seen from the rear of various properties on Hamilton Terrace and Maida Vale. The tree is in good form and is approximately 12m high.
- 1.5 The tree was considered by the Council’s Tree Section to have high amenity value and to make a positive contribution to the character and appearance of the conservation area (full details for this conclusion are set out in the Officer’s report within the background papers).
- 1.6 The initial reasons given by the Applicant for the proposed removal of the tree were:

- Alleged induced clay shrinkage subsidence to the property at 55 Hamilton Terrace

- 1.7 No technical evidence was submitted with the application to support this assertion.
- 1.8 The Council's Tree Section were of the view that the lack of technical evidence provided did not support the subsidence conclusion, and that the evidence provided was insufficient to allow for the Council's Building Control Surveyor to assess the position.
- 1.9 A future TPO application to remove the tree on the grounds of alleged subsidence damage will require the following supporting information: A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals. These requirements are set out in detail in the Planning Portal guidance notes for completing a tree work application (an extract of the guidance has been included within the background papers).
- 1.10 The Council's Tree Section balanced the above factors and felt that, considering the tree's value, its removal would be premature without further evidence to demonstrate that it was the cause of the damage.
- 1.11 The Provisional TPO was subsequently made for the reasons set out above and as more particularly set out in the Arboricultural Officer's report.
- 1.12 Subsequent to making the TPO the City Council received one objection.

## **2 Objection**

- 2.1 The Council's Legal Service received a letter dated 24<sup>th</sup> May 2019 from MWA Arboriculture objecting to the TPO on the grounds that:

The tree is considered to be a contributory cause of root induced clay shrinkage subsidence damage to 55 Hamilton Terrace and that the Order was made prior to site investigations being undertaken which are said to conclude that:

- There is a plastic clay subsoil below the foundations susceptible to volumetric change under the influence of vegetation;
- The subject maple tree is 14m from 55 Hamilton Terrace
- Engineering opinion is that there is damage to 55 Hamilton Terrace due to clay shrinkage subsidence
- On the basis of the evidence available, it is our opinion that there is damage consistence with the influence of the maple tree on the soils below foundation level;
- The tree is too close to the affected building for appropriate pruning to offer a viable long term solution in abating its influence;
- If the tree is retained, even with pruning, further damage is likely at some point in the future;
- If stability is to be restored to 55 Hamilton Terrace, the maple tree will need to be removed; and
- The view of the tree is extremely restricted and is not viewable from a public place

### **3. Response to Objection**

- 3.1 The City Council's Arboricultural Officer responded to the objection by letter and email dated 19<sup>th</sup> June 2019. The Officer considers the tree is of high amenity value and makes a positive contribution to the character and appearance of the conservation area. The Officer notes that the young mature tree is in good condition and has a significant potential lifespan and is clearly visible from Hall Road as well as being overlooked by several nearby properties.
- 3.2 The Officer also considers that despite some evidence being submitted after the TPO was made, including a report from an arboricultural consultant, a site investigation report, crack monitoring all received on 18<sup>th</sup> April 2019 and further crack monitoring results received on 18<sup>th</sup> August 2019, this further evidence would still be insufficient to justify the removal of the tree (even if it had been submitted at an earlier date). This additional information submitted has been included with the background papers for information purposes.
- 3.3 The Officer acknowledges that the making and confirmation of the TPO does not preclude the removal of the tree in the future if an application is submitted, supported by an appropriate level of evidence to the demonstrate that, on the

balance of probabilities, the tree is contributing to the damage at 55 Hamilton Terrace and that tree removal is the appropriate remedy.

#### **4. Ward Member Consultation**

4.1 Ward Members have been consulted in relation to this matter. No responses have been received at the time of finalising this report. Any responses received between the time of finalising this report and the date of the sub-committee will be presented at the sub-committee.

#### **5. Conclusion**

5.1 In light of the representations received from the objectors it is for the Planning Applications Sub-Committee to decide EITHER

(a) NOT TO CONFIRM Tree Preservation Order No. 649 (2019); OR

(b) TO CONFIRM Tree Preservation Order No. 649 (2019) with or without modification with permanent effect.

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT CHRISTOPHER TODMAN, LEGAL SERVICES ON 020 7641 1256 (Email ctodman@westminster.gov.uk)</p>
--

## **Local Government (Access to Information) Act 1985**

### **Background Papers**

1. Copy of Provisional TPO 649 (2019)
2. Photographs of T1
3. Objection Letter from MWA Arboriculture dated 24<sup>th</sup> May 2019
4. Response Letter from City Council's Arboricultural Officer dated 19<sup>th</sup> June 2019
5. Report of Council's Arboricultural Officer dated 16<sup>th</sup> April 2019 recommending making of the Provisional Order
6. Evidence submitted to support subsidence claim, received after the Provisional TPO was made, and consisting of:
  - Arboricultural Report from MWA Arboriculture, dated 21 November 2018
  - Site Investigation report
  - Crack monitoring dated 13 December 2018, sheets 1 and 2
  - Crack monitoring dated 19 August 2019, sheets 1 and 2
7. Extract from Planning Portal guidance for completing a TPO application, in relation to subsidence

**TREE PRESERVATION ORDER**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**CITY OF WESTMINSTER TREE PRESERVATION ORDER 649 (2019)**

---

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

**Citation**

1. This Order may be cited as The City of Westminster Tree Preservation Order 649 (2019)

**Interpretation**

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

**Effect**

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

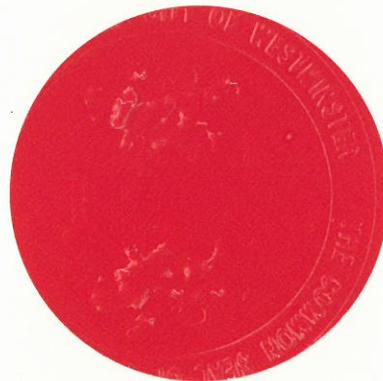
**Application to trees to be planted pursuant to a condition**

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

Dated this 30<sup>th</sup> day of April 2019

Seal No
4371
60632

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



Director of Law

**PRINCIPAL SOLICITOR**

SCHEDULE  
SPECIFICATION OF TREES

*Trees specified individually*  
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Red maple tree	57 Hamilton Terrace London NW8 9RG

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

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

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

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

*Woodlands*  
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		



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Scale 1:1,250  
 0 5 10 20 Metres  
 [Scale bar with markings]



Map produced by Corporate GIS Team  
 Date: April 2019 Map Reference: 0431

City of Westminster  
 Corporate GIS Team

PRINCIPAL SOLICITOR

Tree Preservation Order Westminster No. 649  
 57 Hamilton Terrace, London, NW8 9RG

Director of Law:

Signed:

DATED 30<sup>th</sup> April 2019

THE TOWN AND COUNTRY PLANNING  
ACT 1990 (AS AMENDED)

CITY OF WESTMINSTER

TREE PRESERVATION ORDER 649 (2019)

57 HAMILTON TERRACE  
LONDON  
NW8 9RG

---

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

---

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

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Tree viewed from Hall Road: central tree to the rear of the group





Legal Services  
Ground Floor (G29)  
Kensington Town Hall,  
Horton Street,  
London,  
W8 7NX

24th May 2019

TPO No: 649 (2019)  
Title: 57 Hamilton Terrace, London NW8 9RG  
Our Ref: SUB181107-2864

Tree Location: 57 Hamilton Terrace, NW8 9RG

Your Reference: AM/40002273

Dear Sirs

**Re: Objection to Placing of Tree Preservation Order**

We write to formally object to the placing of Tree Preservation Order 649 (2019) on the subject red maple tree identified as T1 in the temporary order.

The council have made the order on the basis that:

- *The tree makes a valuable contribution to public amenity, to the outlook from nearby properties and to the character and appearance of the adjacent conservation area.*
- *A Tree Preservation Order is considered expedient in the interests of the amenity, and in order to safeguard the preservation and future management of the tree.*

The tree is considered to be a contributory cause of root induced clay shrinkage subsidence damage to 55 Hamilton Terrace. The order was placed prior to site investigations being undertaken which have established the following:

1. There is a plastic clay subsoil below the foundations susceptible to volumetric change under the influence of vegetation.

---

MWA Arboriculture Ltd  
Bloxham Mill Business Centre  
Barford Road, Bloxham  
Banbury  
OX5 4FF

Tel: 0191 432 9560  
Email: [office@mwaarboriculture.co.uk](mailto:office@mwaarboriculture.co.uk)

Company Registered In England No: 06882555  
Registered Address: MWA Arboriculture Ltd, 8 Stephenson House, Horsley Business Centre, Horsley, Newcastle upon Tyne, NE15 0NY

2. The subject maple tree is 14m from 55 Hamilton Terrace.
3. Engineering opinion is that there is damage to 55 Hamilton Terrace due to clay shrinkage subsidence.
4. On the basis of the evidence available, it is our opinion that there is damage consistent with the influence of the maple tree on the soils below foundation level.
5. The tree is too close to the affected building for appropriate pruning to offer a viable long-term solution in abating its influence.
6. If the tree is retained, even with pruning, further damage is likely at some point in the future.
7. If stability is to be restored to 55 Hamilton Terrace, the maple tree will need to be removed.
8. The view of the tree is extremely restricted and it is not viewable from a public place.

On the basis of the above, the placing of a Tree Preservation Order on the subject tree is considered to be unwarranted and inappropriate and we ask that the order is NOT confirmed.

Yours faithfully

MWA Arboriculture Ltd



**Barbara Brownlee**  
**Executive Director Growth Planning**  
**and Housing**

Please reply to: Rosie Dobson (Tree Section)  
Direct Line/Voicemail: 020 7641 7761  
Email: [rdobson@westminster.gov.uk](mailto:rdobson@westminster.gov.uk)

MWA Arboriculture Ltd  
Bloxham Mill Business Centre  
Barford Road  
Bloxham  
Banbury  
OX5 4FF

Your Ref: SUB181107-2864  
My Ref: TPO 649

Date: 19 June 2019

Dear Sir/Madam

**Tree Preservation Order (TPO) Westminster no. 649 (2019)**  
**57 Hamilton Terrace, London NW8 9RG**

Thank you for your letter of 24<sup>th</sup> May 2019.

I note your objections to the TPO on the grounds that the maple tree is considered to be a contributory cause of root induced clay shrinkage subsidence damage to 55 Hamilton Terrace, that the view of the tree is extremely restricted and that it is not viewable from a public place.

**Visibility of the red maple tree T1**

The tree is clearly visible from Hall Road to the north west of the property. It is also overlooked by many properties, including the substantial block of flats on Maida Vale.

**Alleged subsidence damage to 55 Hamilton Terrace**

You consider that the maple tree is contributing to subsidence damage to 55 Hamilton Terrace and list the following facts in support of this view:

1. There is plastic clay subsoil below the foundations susceptible to volumetric change under the influence of vegetation.
2. The subject maple tree is 14m from 55 Hamilton Terrace.
3. Engineering opinion is that there is damage to 55 Hamilton Terrace due to clay shrinkage subsidence.
4. It is your opinion that there is damage consistent with the influence of the maple tree on the soils below foundation level.
5. The tree is too close to the building for appropriate pruning to offer a viable long term solution in abating its influence.
6. If the tree is retained, even with pruning, further damage to likely at some point in the future.
7. If stability is to be restored to 55 Hamilton Terrace, the maple tree will need to be removed.

No technical information was originally submitted in support of the proposal for tree removal. In the absence of an appropriate level of evidence implicating T1 in the damage to 55 Hamilton



Terrace, it was considered that insufficient reason had been put forward for the removal of the tree and that it was appropriate to protect the tree by making a TPO. The making of the TPO does not preclude the success of a future application to remove the tree, but allows us to require appropriate levels of evidence in support of tree removal.

Should evidence be provided demonstrating that it is reasonably foreseeable that the red maple tree is the cause of the damage, then the City Council may grant consent to an application for tree removal or may consider it appropriate not to confirm the TPO.

Some evidence was sent to the City Council after the TPO was made. You will need to make a new TPO application if you wish to remove the tree on the basis of that evidence. However, I would refer you to the Planning Portal Guidance for application to trees protected by a TPO, on the grounds of alleged subsidence damage, which lists the information required in order for such an application to be valid. The evidence sent to us following the making of the TPO would not be sufficient to validate a TPO application.

### **Appraisal**

The red maple tree at 55 Hamilton Terrace is clearly visible from Hall Road and is overlooked by many properties. It is a young mature tree, in good condition, with a significant potential lifespan. It has high amenity value and makes a positive contribution to the character and appearance of the conservation area.

No evidence was originally submitted in support of the notification. Some evidence was submitted after the TPO was made, but this evidence would have been insufficient to justify tree removal, even if it had been submitted at an earlier date.

The making of the Tree Preservation Order does not preclude the removal of the tree in the future if an application is submitted, supported by an appropriate level of evidence to demonstrate that, on the balance of probabilities, the tree is contributing to the damage at 55 Hamilton Terrace and that tree removal is the appropriate remedy to the movement.

If the content of this letter is sufficient to allow you to withdraw all or part of your objections to the Order, please let me know. If I do not hear from you within 21 days of the date of this letter, I will assume that you would like your objections to the order to remain.

In this case, this matter will be reported to a Planning Applications Committee, where Councillors will decide whether or not to confirm the Tree Preservation Order. My colleagues in the Legal section will contact you in due course to confirm the Committee date.

Yours faithfully

**Rosie Dobson**  
**Arboricultural Officer**

## CITY OF WESTMINSTER

### REPORT RECOMMENDING THE MAKING OF A TREE PRESERVATION ORDER BY THE EXECUTIVE DIRECTOR GROWTH PLANNING AND HOUSING UNDER DELEGATED POWERS.

DATE: 16 APRIL 2019

STATUS: FOR GENERAL RELEASE COMMITTEE: DELEGATED

WARD: ABBEY ROAD

### REPORT OF ARBORICULTURAL MANAGER

#### Tree Preservation Order No. 649 (2019): 57 Hamilton Terrace NW8 9RG

#### 1. Background

- 1.1 On 8<sup>th</sup> March 2019 the City Council received six weeks' notice of intent to remove one red maple (T1) from 57 Hamilton Terrace. The tree is protected by virtue of its location within a conservation area.
- 1.2 The reasons given for the proposed removal of T1 is that it is causing root induced clay shrinkage subsidence to the property at 55 Hamilton Terrace.

#### 2. Amenity

##### Visibility, size and form

- 2.1 The red maple tree is located in the rear garden of 57 Hamilton Terrace. It is clearly visible from Hall Road to the north east. It can also be seen from the rear of various properties on Hamilton Terrace and Maida Vale.
- 2.2 The tree is of good form and is approximately 12m high.
- 2.3 By virtue of its size, form and location, the tree makes a significant contribution to visual amenity and a useful contribution to the outlook from nearby properties.

##### Future potential as an amenity and tree condition

- 2.4 The red maple is a young-mature specimen, with potential for significant growth. It is in good condition and is expected to have a long life expectancy.

##### Rarity, cultural or historic value

- 2.5 Red maple trees are not unusual but neither are they especially common in Westminster. This tree is not known to have a specific cultural or historic value, but trees are a key component of the conservation area, and so this tree contributes to this general cultural value.

##### Contribution to, and relationship with, the landscape

- 2.6 The scale and form of the tree are relatively modest in proportion with the properties on Hamilton Terrace and Maida Vale. As the tree matures and increases in size it will continue to be in proportion to adjacent properties.

- 2.7 The red maple tree provides a screening function between properties on Hamilton Terrace and Maida Vale.
- 2.8 In general the St John's Wood area is known for its leafy character and particularly for the trees in gardens of private properties. T1 fits well within this context.

#### Contribution to the character and appearance of a conservation area

- 2.9 The St John's Wood conservation area information leaflet states:

'St John's Wood was originally envisaged as an Arcadian suburb and as its name accurately reflects it remains a wooded suburb where trees are very important in the townscape, though it is unlikely that any now present pre-date the buildings. These trees are not only along the roadside, but both in front gardens and the extensive groups of rear gardens that characterize the area.'

The loss of T1 would cause harm to the character and appearance of this part of the conservation area.

#### Other factors

- 2.10 Trees contribute generally to mitigation of climate change, by absorbing and storing carbon dioxide. Invertebrates inhabit trees, and these form a potential food source for birds. The tree may also provide cover and shelter and potential roosts for birds. The mitigation of air pollution is a high priority in Westminster.

#### Policy considerations

- 2.11 Policy S25 of Westminster's City Plan adopted in November 2016 aims to conserve Westminster's extensive heritage assets including listed buildings and conservation areas.
- 2.12 Policy S38 of Westminster's City Plan adopted in November 2016 aims to protect and enhance biodiversity and green infrastructure.
- 2.13 Policy S31 of Westminster's City Plan adopted in November 2016 aims to reduce air pollution with the aim of meeting the objectives for pollutants set out in the national strategy.
- 2.14 UDP Policy DES 9 aims to preserve or enhance the character or appearance of conservation areas and their settings.
- 2.15 UDP Policy ENV16 states that trees subject to Tree Preservation Orders will be safeguarded unless dangerous to public safety or, in rare circumstances, when felling is required as part of a replanting programme.
- 2.16 There is no requirement to have regard to Development Plan policies when deciding to create a new TPO but special attention should be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

### **3. Reasons for proposed removal of the tree T1 and appraisal**

- 3.1 Removal of the tree is proposed on the grounds of alleged root induced clay shrinkage subsidence to the property at 55 Hamilton Terrace. Cracks can be observed throughout the property. However, the applicants have not submitted any technical evidence in support of the proposed tree removal.

- 3.2 Due to the lack of technical evidence the Council's Building Control Surveyor has not been formally consulted.
- 3.4 In the absence of an appropriate level of evidence it is considered that insufficient reason has been put forward for the removal of the tree. Should evidence be provided confirming that it is reasonable foreseeable that the red maple tree is the cause of the damage, then the City Council may consider it appropriate not to confirm the TPO.
- 3.5 The evidence submitted in support of any future application to remove the tree should follow the Planning Portal guidance for making TPO applications in relation to subsidence.

#### **4. Conclusion**

The red maple tree has high amenity value and makes a positive contribution to the conservation area. Its removal would be premature without further evidence to demonstrate that it is the cause of the damage.

#### **6. Recommendations**

- 6.1 That a Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990 be made in respect of the tree, shown on the map Registered TPO no. 649.
- 6.2 That if no objections or representations in respect of the making of the TPO no. 649 are made within the prescribed period then the Order be confirmed.

#### **7. Statement of grounds for making Tree Preservation Order no. 649**

- 7.1 The tree makes a valuable contribution to public amenity, to the outlook from nearby properties and to the character and appearance of the conservation area.
- 7.2 A Tree Preservation Order is considered expedient in the interests of the amenity, and in order to safeguard the preservation and future management of the tree.

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# Arboricultural Appraisal Report

## Subsidence Damage Investigation at:

55 Hamilton Terrace  
London  
NW8 9RG



CLIENT:  
CLIENT REF:  
MWA REF:  
MWA CONSULTANT:  
REPORT DATE:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
21/11/2018

## SUMMARY

Statutory Controls		Mitigation (current claim works)	
TPO current claim	No	Policy Holder	No
TPO future risk	No	3 <sup>rd</sup> Party	Yes
Cons. Area	Yes (St John's Wood)	Local Authority	No
Trusts schemes	No	Other	No
Local Authority: -	City of Westminster		

## Introduction

Acting on instructions received from [REDACTED] the insured property was visited on 15/11/2018 for the purpose of assessing the potential role of vegetation in respect of subsidence damage.

We are instructed to provide opinion on whether moisture abstraction by vegetation is a causal factor in the damage to the property and give recommendations on what vegetation management, if any, may be carried out with a view to restoring stability to the property. The scope of our assessment includes opinion relating to mitigation of future risk. Vegetation not recorded is considered not to be significant to the current damage or pose a significant risk in the foreseeable future.

This is an initial appraisal report and recommendations are made with reference to the technical reports and information currently available and may be subject to review upon receipt of additional site investigation data, monitoring, engineering opinion or other information.

This report does not include a detailed assessment of tree condition or safety. Where indications of poor condition or health in accessible trees are observed, this will be indicated within the report. Assessment of the condition and safety of third party trees is excluded and third party owners are advised to seek their own advice on tree health and stability of trees under their control.

## Property Description

The property comprises a 4 storey mid-terrace house of traditional construction, built c. 1830.

External areas comprise gardens to the front and rear.

The site is generally level with no adverse topographical features.

## Damage Description & History

Internal damage is observed throughout the property across all 4 floors, with external damage also observed to the front and rear elevations of the insured dwelling. Damage is reported to have first been noted during late October, early November 2017.

We have not been made aware of any previous claims.

At the time of the engineers' inspection (23/11/2017) the structural significance of the damage was found to fall within Category 1-2 (Very slight to slight) of Table 1 of BRE Digest 251.

## Geology / Soils

Reference has been made to the British Geological Survey maps for an indicative guide to underlying soil characteristics. The online 1:50 000 scale map records the bedrock geology as London Clay Formation - Clay, silt and sand. No superficial deposits are recorded.

## Monitoring

A period of crack monitoring at various points around the property has been completed between 15/12/2017 and 31/08/2018. Monitoring demonstrates movement which, although minor, in parts does follow a seasonal trend of crack closure during the winter and spring months, followed by widening during the summer months, indicative of the seasonal soil drying effects of vegetation.

Seasonal movement however is not observed at all monitoring points.

## Discussion

Opinion and recommendations are made on the understanding that Smithers Purslow are satisfied that the current building movement and the associated damage is the result of clay shrinkage subsidence and that other possible causal factors have been discounted.

Preliminary desktop-based assessment has indicated the presence of subsoils which include a plastic clay component susceptible to undergoing volumetric change in relation to changes in soil moisture.

Based on the technical reports currently available, engineering opinion and our own site assessment we conclude the damage is on balance very likely to be due in part to shrinkage of the clay fraction related to moisture abstraction by vegetation. There is potential however that other factors may be involved.

We have identified numerous trees in and around the property, most notable of which are the third party T1 Poplar and T2 Norway Maple to the rear and the Local Authority T6, T7 and T8 London Planes to the front, all of which have the potential to be contributory cause of the damage. All except T2 Norway Maple have however been recently pollarded.

In view of the above, if an arboricultural solution is to be implemented to mitigate vegetation influence we recommend that in the first instance T2 Norway Maple is removed. Given the recent pollarding of T1 Poplar and T6, T7 and T8 London Planes, further works are potentially not necessary. If movement persists however following the removal of T2, or where other species are directly implicated as a current factor in the damage, further works may be required.

If movement persists additional removals are likely to be necessary although the council will require evidence which established their trees as a cause of damage.

---

## Conclusions

- Conditions necessary for clay shrinkage subsidence to occur related to moisture abstraction by vegetation have been identified by desktop investigations.
- Engineering opinion is that the damage is potentially partly related to clay shrinkage subsidence.
- There is significant vegetation present with the potential to influence soil moisture and volumes below foundation level.

**Table 1 Current Claim - Tree Details & Recommendations**

Tree No.	Species	Ht (m)	Dia (mm)	Crown Spread (m)	Dist. to building (m)	Age Classification	Ownership
T2	Maple (Norway)	13.5	450 *	11.0	14.1	Younger than Property	Third Party: 57 Hamilton Terrace, NW8 9RG
Management history		No past management noted.					
Recommendation		Remove (fell) to near ground level and treat stump to inhibit regrowth					

Ms: multi-stemmed \* Estimated value

**Table 2 Future Risk - Tree Details & Recommendations**

Tree No.	Species	Ht (m)	Dia (mm)	Crown Spread (m)	Dist. to building (m)	Age Classification	Ownership
T1	Poplar	10.0	600 *	9.5 *	16.0	Younger than Property	Third Party: 57 Hamilton Terrace, NW8 9RG
Management history		Subject to past management – very recently pollarded. No visible regrowth					
Recommendation		Prune on a triennial cycle (re-pollarding)					
T3	Poplar (Lombardy)	21.0 *	400 *	4.5*	21.6	Younger than Property	Third Party: 57 Hamilton Terrace, NW8 9RG
Management history		No past management noted.					
Recommendation		Do not allow to exceed current dimensions.					
T4	Tree of Heaven	17.5	740	16.0	24.1	Younger than Property	Policy Holder
Management history		No past management noted					
Recommendation		Do not allow to exceed current dimensions					
T5	Plane (London)	19.5*	900 *	12.0*	35.0*	Younger than Property	Third Party: 51 Hamilton Terrace, NW8 9RG
Management history		No past management noted					
Recommendation		Do not allow to exceed current dimensions					
T6	Plane (London)	10.5	720	5.0	9.4	Younger than Property	Local Authority
Management history		Subject to past management – very recently pollarded. No visible regrowth					
Recommendation		Pollard annually					

**Table 2 Future Risk - Tree Details & Recommendations (contd.)**

Tree No.	Species	Ht (m)	Dia (mm)	Crown Spread (m)	Dist. to building (m)	Age Classification	Ownership
T7	Plane (London)	11.5	670	7.5	8.2	Younger than Property	Local Authority
Management history		Subject to past management – very recently pollarded. No visible regrowth					
Recommendation		Pollard annually					
T8	Plane (London)	10.0	530	5.5	13.0	Younger than Property	Local Authority
Management history		Subject to past management – very recently pollarded. No visible regrowth					
Recommendation		Pollard annually					
TG1	Lime group	14.0	320 Ms *	5.0	24.7	Younger than Property	Third Party: 57 Hamilton Terrace, NW8 9RG
Management history		No past management noted					
Recommendation		Do not allow to exceed current dimensions					

Ms: multi-stemmed

\* Estimated value

**SITE PLAN**



Plan not to scale – Indicative only

 Approximate areas of damage



Images



View of T1 Poplar



View of T2 Norway Maple, T3 Lombardy Poplar and TG1 Lime group to rear



View of T4 Tree of Heaven and T5 London Plane [small PH shrub based vegetation to foreground not recorded – not considered relevant to the damage]



View of T6, T7 and T8 London Plane

**CCTV REPORT FOR: 55 HAMILTON TERRACE  
LONDON  
NW8 9RG**

**CONTENTS: SITE AND DRAINAGE LAYOUT  
FOUNDATION RECORD  
INVESTIGATION SUMMARY  
RECOMMENDATIONS  
PHOTOGRAPHS  
LABORATORY TESTING RESULTS  
ROOT IDENTIFICATION  
LIMITATIONS OF REPORT**



**Client:** [REDACTED]

**Insured:** [REDACTED]  
**Reference:** [REDACTED]

**1st Site Visit: 14-Dec-17  
1st Report Date: 22-Jan-18**

**2nd Site Visit: 22-Nov-18  
2nd Report Date: 11-Dec-18**

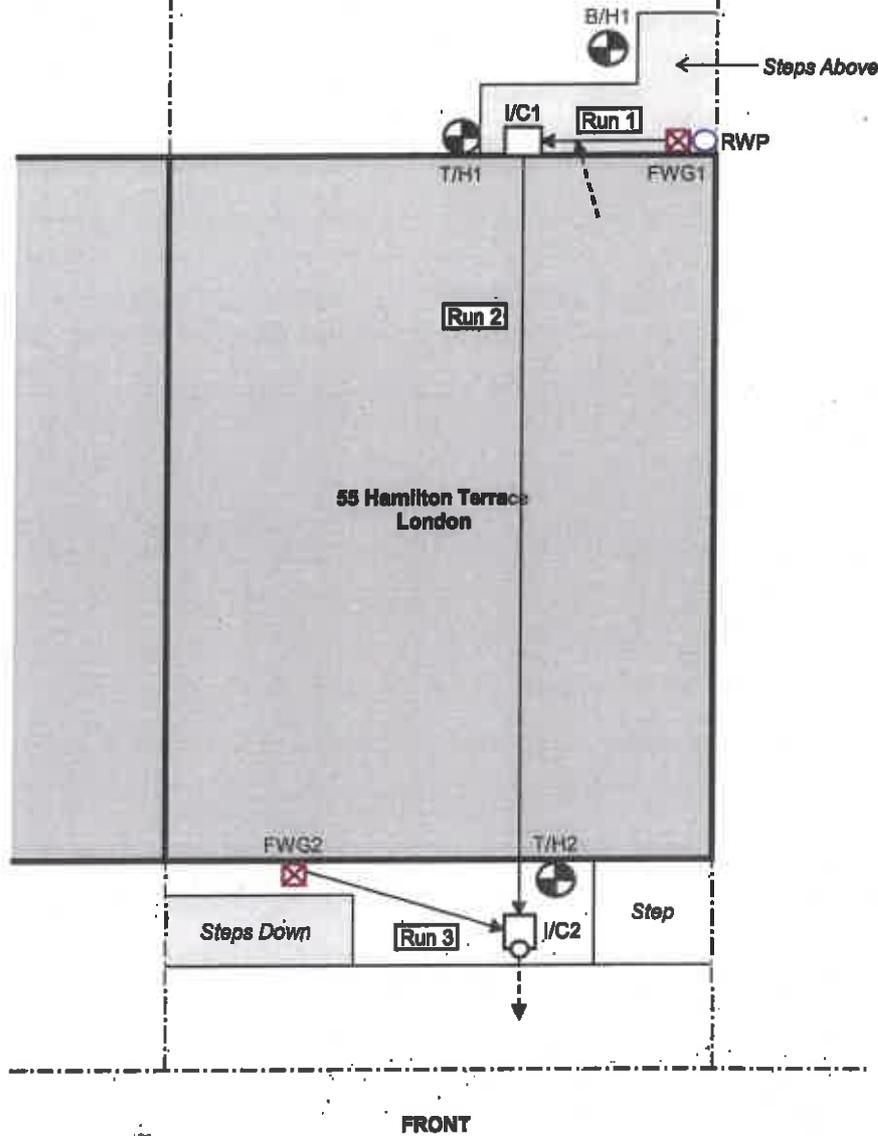


**Drainage**  
Repair Company

# SITE AND DRAINAGE LAYOUT

Site Crew: JT

Date: 22-Nov-18



(This plan is not to be scaled and is provided to illustrate general layout only)

General Comments:

**Note: Runs shown in red have been adopted by the local water authority.**

- Key:**
- = Storm Gully    ○ = Storm Pipe    ⊗ = Foul Gully    ● = W/C or Soil Pipe    □ = Inspection Chamber
  - = Rodding Eye    → = Surveyed pipe indicating flow    - - - - - → = Unsurveyed pipe
  - ⊙ = Exploratory Hole (hand dug pit and/or hand auger)    - - - - - = Boundary line
  - ▭ = Hedges & Shrubs    ○ = Trees & bushes    ○ (dotted) = Area of damage

Address: 55 HAMILTON TERRACE, LONDON, NW8 9RG



**CCTV SURVEY DETAILS**

Site Crew: JT & LP Date: 14-Dec-17

RUN: 1 Pipe Dia. (mm): 100 System: Foul Water Made of: Glazed Clay  
From: I/C1 Inv (m): 0.31 Upstream To: FWG1 Inv (m): n/a

Metres	Faults / Defects	Remarks
0.60		Inlet at 3 o'clock to boiler room
1.73	No Visible Defects	At FWG1
		End of survey

RUN: 2 Pipe Dia. (mm): 150 System: Foul Water Made of: Glazed Clay  
From: I/C1 Inv (m): 0.31 Downstream To: I/C2 Inv (m): ?

Metres	Faults / Defects	Remarks
0.60	Circumferential Crack 7 to 4 o'clock	
2.24	Circumferential Crack 7 to 5 o'clock	
4.70	Circumferential Crack 9 to 3 o'clock	
5.89	Circumferential Crack 7 to 4 o'clock	
	Water Level 10%	
11.12		Into I/C2 (front light well)
		End of survey

Cracks observed are to pipe surface only, run is in serviceable condition.

Site Crew: JT Date: 22-Nov-18

RUN: 3 Pipe Dia. (mm): 100 System: Foul Water Made of: Glazed Clay  
From: I/C2 Inv (m): 0.42 Upstream To: FWG2 Inv (m): n/a

Metres	Faults / Defects	Remarks
3.80	No Visible Defects	At FWG2
		End of survey

Defects shown in **RED** relate to runs adopted by the Local Water Authority









## INVESTIGATION SUMMARY

### **1.0 EXECUTIVE SUMMARY**

<b>Brief:</b>	The Drainage Repair Company Ltd were commissioned to undertake a CCTV survey / inspection of the drainage at the property.
<b>Specific Area of Interest:</b>	Drainage to front and rear of property.
<b>System Access:</b>	Inspection chambers to front and rear of property.
<b>Visual Survey:</b>	N/A
<b>Water Pressure Test:</b>	No

### **2.0 SUMMARY OF FINDINGS**

<b>Defects requiring repair:</b>	No
<b>Is any damaged section shared:</b>	N/A
<b>No. of properties sharing:</b>	N/A
<b>Age of property / system:</b>	Unknown
<b>Cause of damage:</b>	N/A



## INVESTIGATION SUMMARY

### **3.0 GENERAL SUMMARY**

The results of the CCTV / inspection survey to the underground drainage system at the above address are as follows:

**Run 1 - Foul - Private:**

No visible pipework defects.

**Run 2 - Foul - Private:**

Circumferential cracks, minor standing water.

**Run 3 - Foul - Private:**

No visible pipework defects.

**4.0 RECOMMENDATIONS**

We would recommend returning the system to a watertight condition by repairing the defects as follows:

**Run 1:**

No recommendations are required.

**Run 2:**

Cracks observed are to be believed to be to the pipe surface only and the run is in a serviceable condition.  
No recommendations are required.

**Run 3:**

No recommendations are required.



**FWG1**



**I/C1 Upstream to FWG1**



**I/C1**



**T/H1**



**Drainage**  
Repair Company

**PHOTOGRAPHS - NOVEMBER 2018**



**B/H1**



**T/H2**







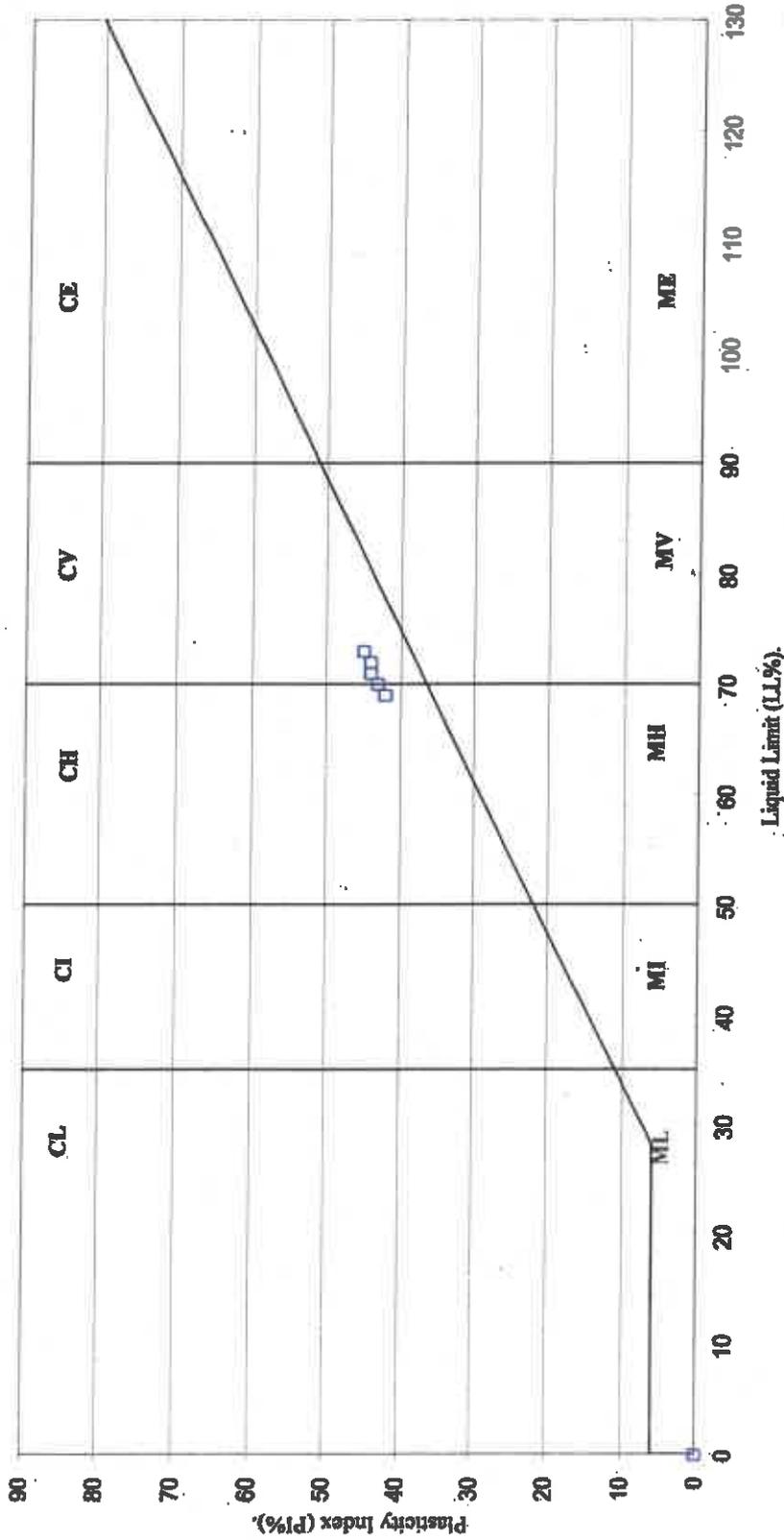




**Drainage**  
Repair Company

### LABORATORY TESTING RESULTS

## PLASTICITY CHART FOR CASAGRANDE CLASSIFICATION.



Contract No:

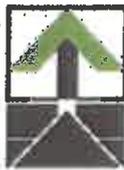


Client Ref:

55 Hamilton Terrace London

**PSL**  
Professional Soils Laboratory

UKAS  
4043



Root identification  
Vegetation surveys  
Tree/Building investigations  
Plant taxonomy

## Richardson's Botanical Identifications

**The Drainage Repair Company**  
**Suite 15, Leatherline House**  
**71 Narrow Lane**  
**AYLESTONE**  
**Leicester LE2 8NA**

10/12/2018

**Dr Ian B K Richardson**  
*BSc, MSc, PhD, MRSB, FLS*  
**James Richardson**  
*BSc (Hons. Biology)*

**Enterprise House**  
**48-51 Whiteknights Road**  
**Reading**  
**RG6 7BB**

**Tel: (0118) 986 9562** *(Direct line)*  
**E-mail: [richardsons@botanical.net](mailto:richardsons@botanical.net)**  
**Web: [www.botanical.net](http://www.botanical.net)**

**Your ref: Root ID**

**Our ref: 76/6404**

Dear Lisa

**55 Hamilton Terrace**

The samples you sent in relation to the above on 29/11/2018 have been examined. Their structures were referable as follows:

**TP/BH1, to 1.5m**

5 no. Examined root: the family SALICACEAE (Salix (Willows) and Populus (Poplars)).

1 no. A piece of BARK only, insufficient material for identification.

**TP/BH2, to 1.5m**

5 no. Examined root: PLATANUS (Plane).

Click here for more information: [PLATANUS SALICACEAE](#)

I trust this is of help. Please call us if you have any queries; our invoice is enclosed.

Yours sincerely

**\*\* Try out our web site on [www.botanical.net](http://www.botanical.net) \*\***

Identified with no information on vegetation, on or off site.

Report commissioned by





**Drainage**  
Repair Company

## **LIMITATION OF REPORT**

We were commissioned to carry out an inspection of the accessible areas of the drainage to the property, identifying any major defects and recommending any repair works that may be necessary. It should be appreciated that the exact layout of the system cannot be confirmed without the exposure of inaccessible branches and connections etc.

The lack of any significant defects within the main drainage line should not be regarded as a guarantee of water tightness. Defects may be encountered upon exposure of inaccessible branches and gullies etc.

The contents of this report are strictly confined to comments concerning those terms outlined above. It is not a structural survey and must not be construed as such.

The views expressed in this report are based entirely upon a visual examination of the drainage, supported by information obtained from a CCTV inspection / water pressure test.



# SUBSIDENCE MONITORING

## Crack Monitoring

**Our Ref:** 4026

**Date of Issue:** 14/12/2018

### Provider Details

**SML - 0116 2605309**

### Monitoring Details

<b>Instruction Date:</b>	<b>11/12/2017</b>		
<b>Number of visits</b>	<b>3</b>	<b>Visit Frequency (Wks)</b>	<b>8</b>

#### **Visit Dates (future dates are estimated)**

<b>Setup</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>15/12/17</b>	<b>09/02/18</b>	<b>06/04/18</b>	<b>01/06/18</b>			

### Client Details

<b>Insurance Co.:</b>	
<b>Client Ref:</b>	<b>170836</b>
<b>Client Name:</b>	<b>[REDACTED]</b>
<b>Technical Mgr:</b>	<b>[REDACTED]</b>
<b>Customer support</b>	
<b>Tel:</b>	
<b>Email:</b>	

### Risk Address

<b>Occupier:</b>	<b>[REDACTED]</b>
<b>Address:</b>	<b>55 Hamilton Terrace</b>
<b>Address:</b>	
<b>Town:</b>	<b>London</b>
<b>County:</b>	
<b>Post Code:</b>	<b>NW8 9RG</b>
<b>Contact Name</b>	

Our ref: 4026      Client ref: 170639      Client Name: [REDACTED]      Issue Date: 14/12/2018

**Stud locations**

1	INT 2F bath rear left wall
2	INT RF rear left bedroom left party wall rear rear
3	INT 2F rear bedroom ensuite right wall
4	
5	
6	



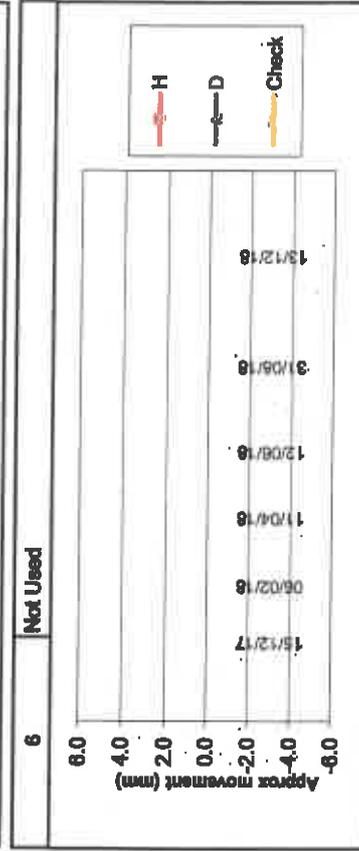
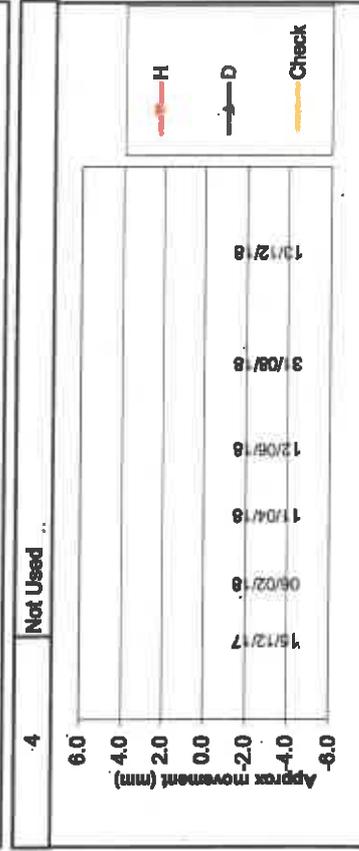
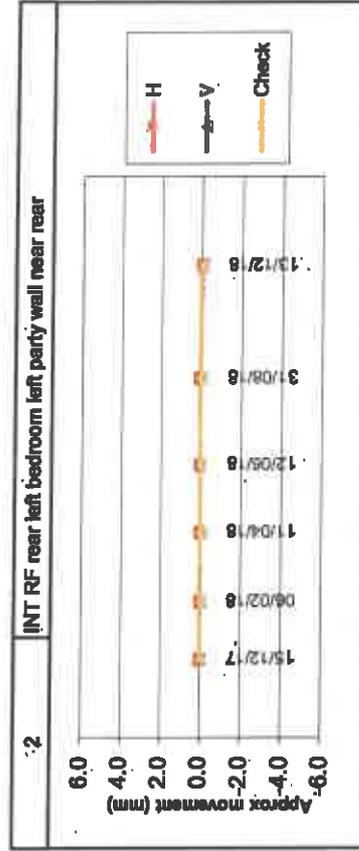
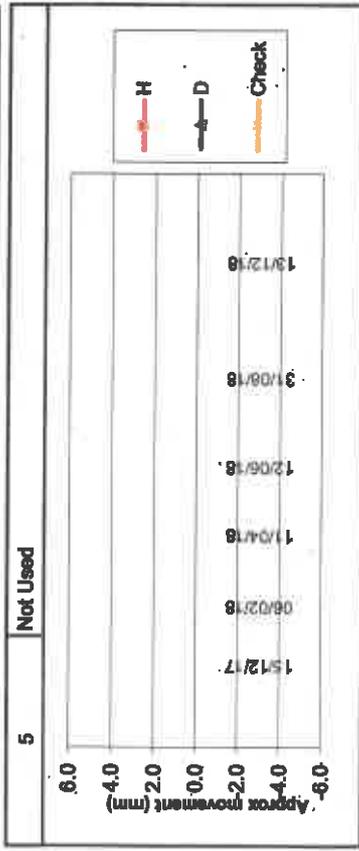
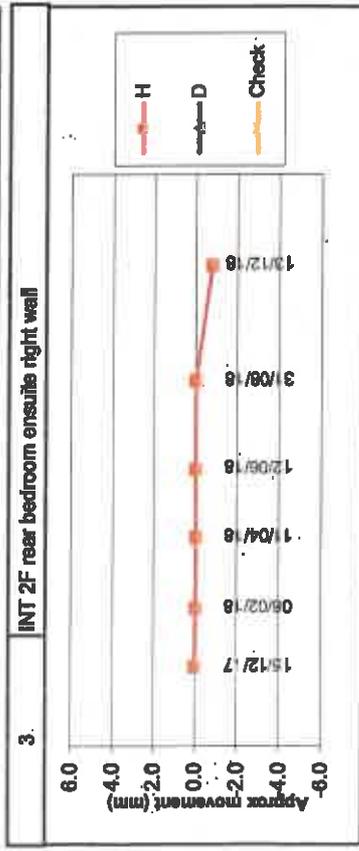
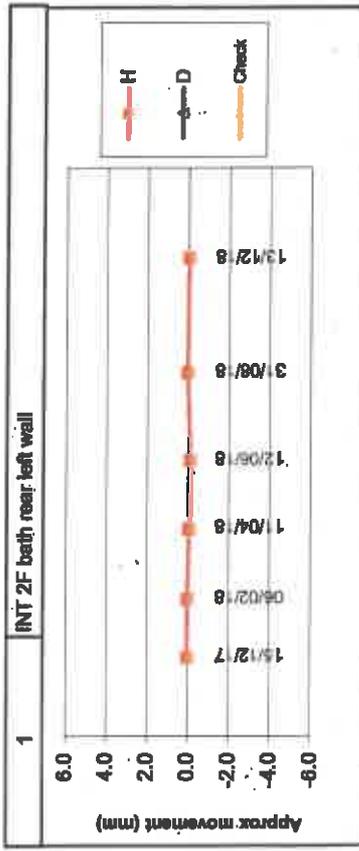
Additional instructions / notes

**Crack Monitoring - Readings**

Studs nos.	Alignment	15/12/17		06/02/18		11/04/18		12/06/18		31/08/18		13/12/18	
		Visit Date	Current chr	Reading	Current chr								
1	H	92.52	1.86	92.52		92.44		92.40		92.55	1.45	92.50	1.35
1	D												
1	Check												
2	H	42.26	1.12	42.24		42.27		42.29		42.34	1.02	42.20	0.97
2	V	57.95	0.96	57.94		57.95		57.96		57.96	0.32	57.93	0.30
2	Check	65.84		65.86		65.86		65.85		65.90		65.90	
3	H	40.20	0.54	40.18		40.18		40.19		40.20	0.50	39.43	0.40
3	D												
3	Check												
4	H												
4	D												
4	Check												
5	H												
5	D												
5	Check												
6	H												
6	D												
6	Check												
Calliper nos :		9839		9839		4190		4190		4190		9804	
Technician :		A-J		A-J		A-J		A-Z		J-M		EM	

Our ref	Client ref	Client Name	Issue Date
4026	17063	[REDACTED]	14/12/2018

**Crack Monitoring - Movement Against Time**





# SUBSIDENCE MONITORING

## Crack Monitoring

**Our Ref:** 4026

**Date of Issue:** 14/12/2018

### Provider Details

**SML - 0116 2605309**

### Monitoring Details

<b>Instruction Date:</b>	<b>11/12/2017</b>		
<b>Number of visits</b>	<b>3</b>	<b>Visit Frequency (Wks)</b>	<b>8</b>

#### **Visit Dates (future dates are estimated)**

<b>Setup</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>15/12/17</b>	<b>09/02/18</b>	<b>06/04/18</b>	<b>01/06/18</b>			

### Client Details

<b>Insurance Co.:</b>	
<b>Client Ref:</b>	<b>170836</b>
<b>Client Name:</b>	
<b>Technical Mgr:</b>	
<b>Customer support</b>	
<b>Tel:</b>	
<b>Email:</b>	

### Risk Address

<b>Occupier:</b>	<b>Removed for data protection purposes</b>
<b>Address:</b>	<b>55 Hamilton Terrace</b>
<b>Address:</b>	
<b>Town:</b>	<b>London</b>
<b>County:</b>	
<b>Post Code:</b>	<b>NW8 9RG</b>
<b>Contact Name</b>	



Our ref: 4026      Client ref: 170838      Client Name: [REDACTED]      Issue Date: 14/12/2018

**Stuid locations**

1	EXT near upstairs above door to G/F
2	EXT rear same door low RHS
3	INT G/F Understairs cupboard off main front entrance
4	INT G/F hall above door to rear garden
5	INT LGF dining above door
6	INT LGF hall near rear ext door on RHS

Additional instructions / notes

**Crack Monitoring - Readings**

Studs nos	Align-ment	15/12/17		06/02/18		11/04/18		12/06/18		31/08/18		13/12/18	
		Reading	Current c/w										
1	H	37.46	1.48	37.25	1.24	36.75	1.00	36.89		36.37	1.88	36.95	1.73
1	D												
1	Check												
2	H	27.11	1.16	26.68	0.85	26.25	0.70	26.31		26.54	2.58	26.25	2.24
2	V	42.30	0.81	42.23	0.48	42.27	0.45	42.31		42.31	1.71	42.13	1.53
2	Check	48.81		48.84		48.87		48.81		48.86		48.86	
3	V	46.48	1.70	46.41	1.34	46.05	0.83	45.97		46.89	1.05	47.15	1.46
3	D												
3	Check												
4	H	127.00		127.03		126.93		126.85		126.96		126.45	1.79
4	D												
4	Check												
5	H	51.50	0.88	51.41	0.70	51.82		51.47	1.00	51.69	1.20	51.01	1.01
5	D												
5	Check												
8	H	60.47	0.74	60.36	0.60	60.28		60.34		61.13	1.31	59.46	
6	V	45.83	0.23	45.86	0.57	45.86		45.79		45.76	0.50	44.03	0.40
6	Check	78.83		78.82		78.83		78.82		78.85		78.89	
Calliper nos :		9839		9839		4190		4190		4191		9804	
Technician :		A.Z		A.Z		A.Z		A.Z		J.M		E.M	

Our ref 4028 Client ref 170636 Client Name [REDACTED] Issue Date 14/12/2018

**Stud locations**

7	INT-LGF level above door towards right party
8	INT-landing between GF& 1ST FLOOR left rear wall
9	INT landing GF 1st f rear wall right low
10	INT1/Ffront right bedroom rear wall
11	INT 1F-2F stairs RHS wall
12	INT -2F front right bedroom front wall



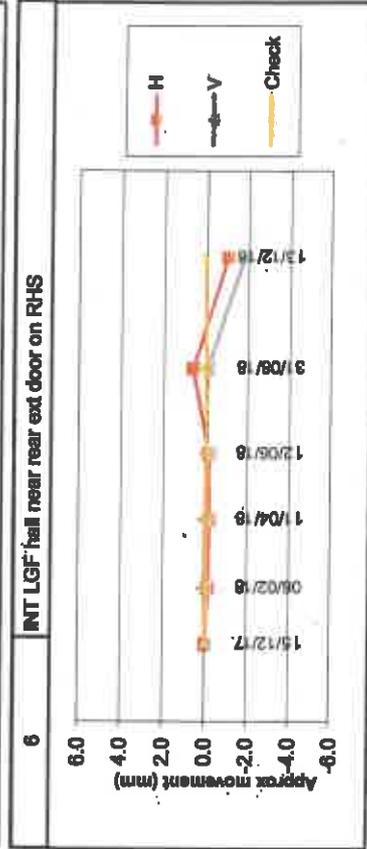
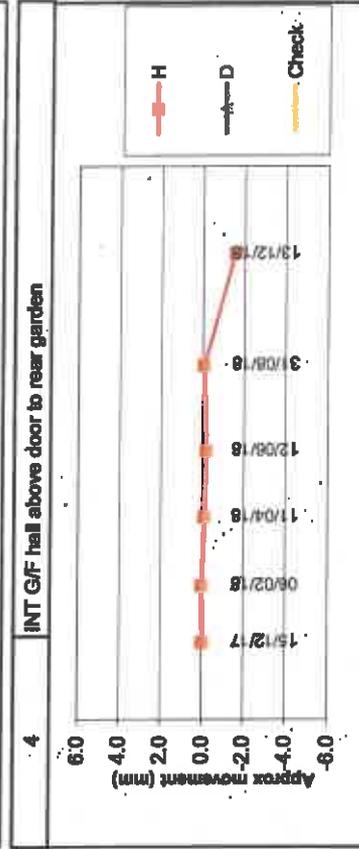
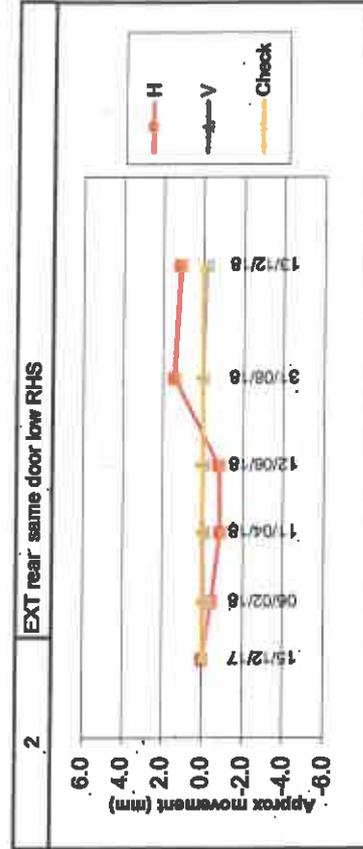
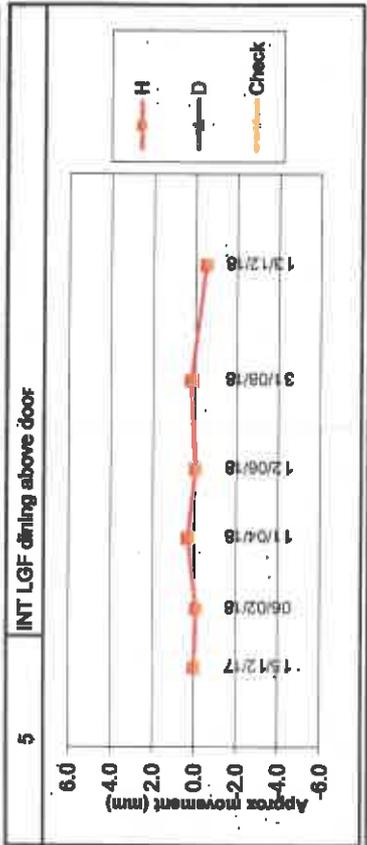
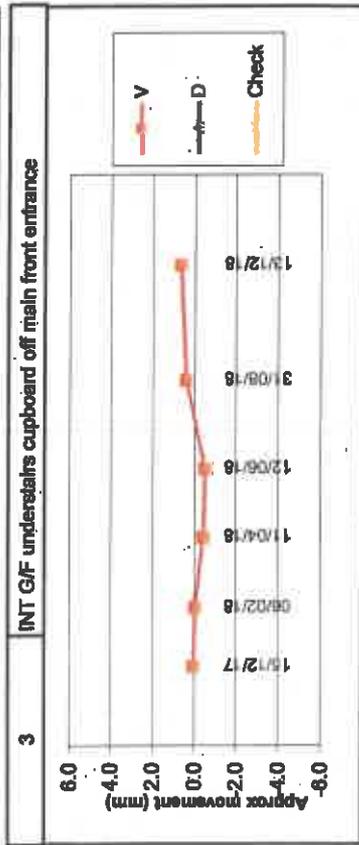
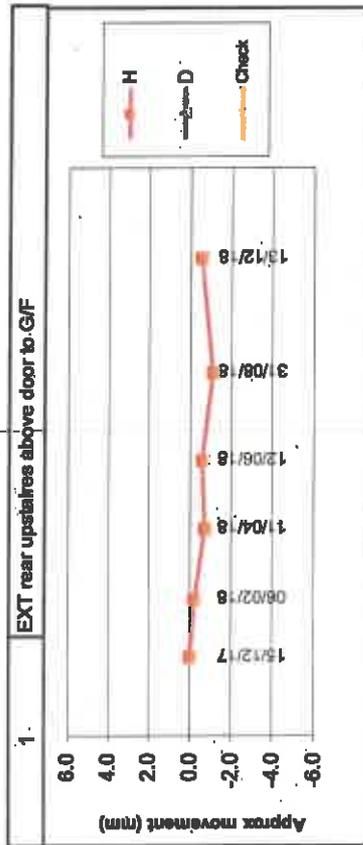
**CONTINUATION SHEET - STUD GROUPS 7-12**

Studs nos.	Align-ment	15/12/17		06/02/18		17/04/18		12/06/18		31/08/18		13/12/18	
		Visit Date	Reading	Current c/w	Reading	Current c/w	Visit Date	Reading	Current c/w	Visit Date	Reading	Current c/w	Visit Date
7	H	55.14	1.08	55.16		55.12	55.10	55.28	55.20	55.28	1.27	55.20	
7	V	49.94	0.81	49.93		49.80	49.75	49.75	49.80	50.40	1.69	49.80	1.20
7	Check	78.07		78.08		78.08	78.08	78.08	78.00	78.08		78.00	
8	H	98.61		98.66		98.71	98.69	98.74	98.10	98.74	0.84	98.10	0.80
8	D												
8	Check												
9	H	48.01	1.12	48.74	0.85	48.37	48.41	49.89	2.40	49.89	2.40	48.31	1.50
9	V	52.68	1.68	52.48	1.82	52.27	52.35	53.52	1.94	53.52	1.94	53.26	1.68
9	Check	70.02		70.01			69.99	70.26		70.26		70.26	
10	H	63.71	0.78	63.86	0.71	63.55	63.58	65.19	1.66	65.19	1.66	64.27	1.76
10	D												
10	Check												
11	H	49.86	0.50	49.94	0.50	50.03	50.03	50.15	0.29	50.15	0.29	50.04	0.20
11	V	63.10	0.25	63.14	0.25	63.22	63.17	63.03	0.45	63.03	0.45	62.89	0.38
11	Check	82.39		82.33		82.34	82.34	82.45		82.45		82.45	
12	H	34.13	1.52	34.14		34.08	34.14	34.18	1.00	34.18	1.00	33.42	0.88
12	D												
12	Check												
Calliper nos :		9839		9839		4180		4180		4181		9804	
Technician :		AIZ		AIZ		AIZ		AIZ		JM		EM	



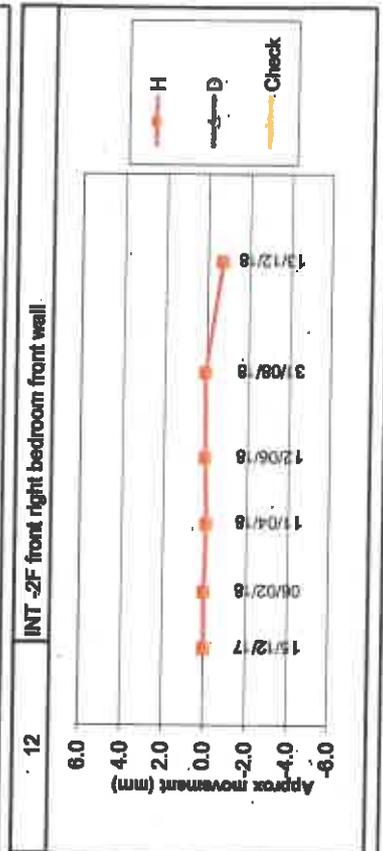
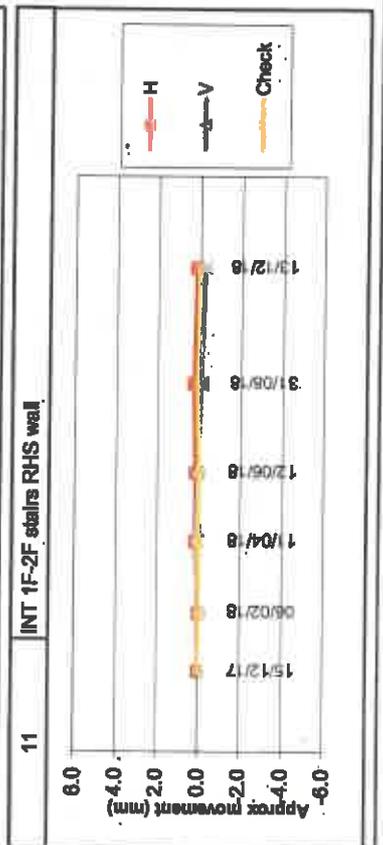
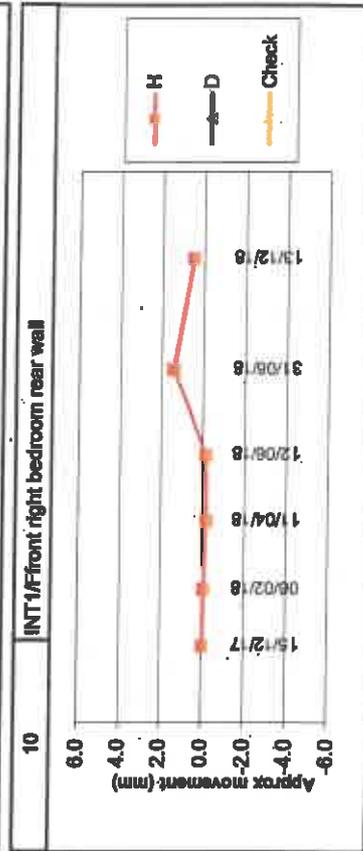
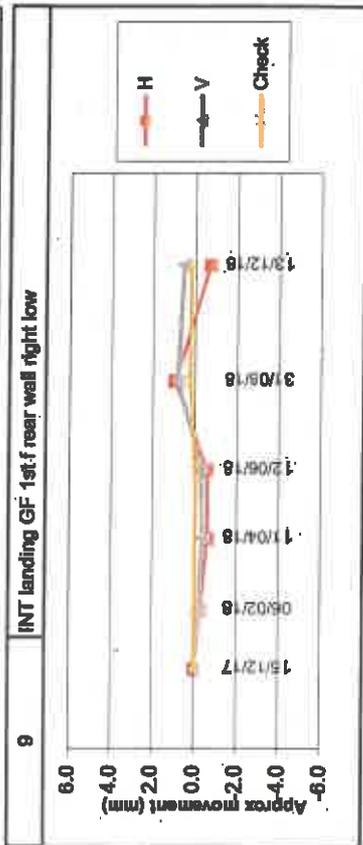
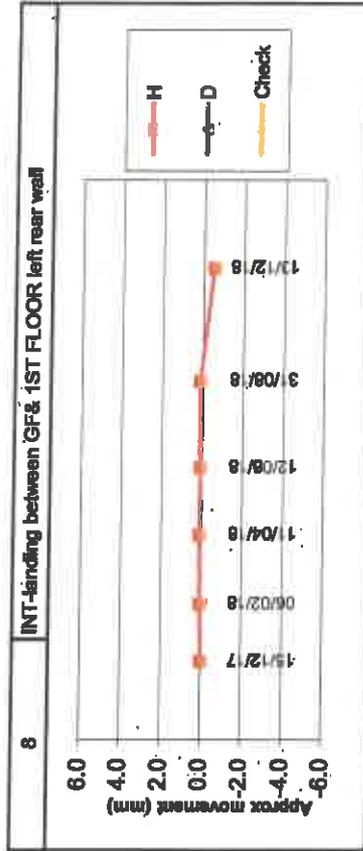
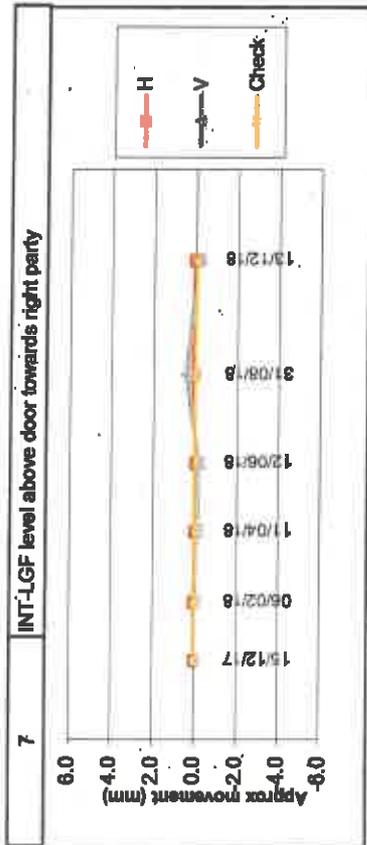
Our ref	Client ref	Client Name	Issue Date
4026	170630	[REDACTED]	14/12/2018

## Crack Monitoring - Movement Against Time



Our ref	Client ref	Client Name	Issue Date
4028	170836	[REDACTED]	14/12/2018

**Crack Monitoring - Movement Against Time**





# SUBSIDENCE MONITORING

## Crack Monitoring

**Our Ref:** 4026

**Date of Issue:** 19/08/2019

### Provider Details

**SML - 0116 2605309**

### Monitoring Details

<b>Instruction Date:</b>	<b>11/12/2017</b>		
<b>Number of visits</b>	<b>3</b>	<b>Visit Frequency (Wks)</b>	<b>8</b>

#### **Visit Dates (future dates are estimated)**

<b>Setup</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>15/12/17</b>	<b>09/02/18</b>	<b>06/04/18</b>	<b>01/06/18</b>			

### Client Details

<b>Insurance Co.:</b>	
<b>Client Ref:</b>	<b>170836</b>
<b>Client Name:</b>	<b>[REDACTED]</b>
<b>Technical Mgr:</b>	<b>[REDACTED]</b>
<b>Customer support</b>	
<b>Tel:</b>	
<b>Email:</b>	

### Risk Address

<b>Occupier:</b>	<b>Mr Stewart</b>
<b>Address:</b>	<b>55 Hamilton Terrace</b>
<b>Address:</b>	
<b>Town:</b>	<b>London</b>
<b>County:</b>	
<b>Post Code:</b>	<b>NW8 9RG</b>
<b>Contact Name</b>	





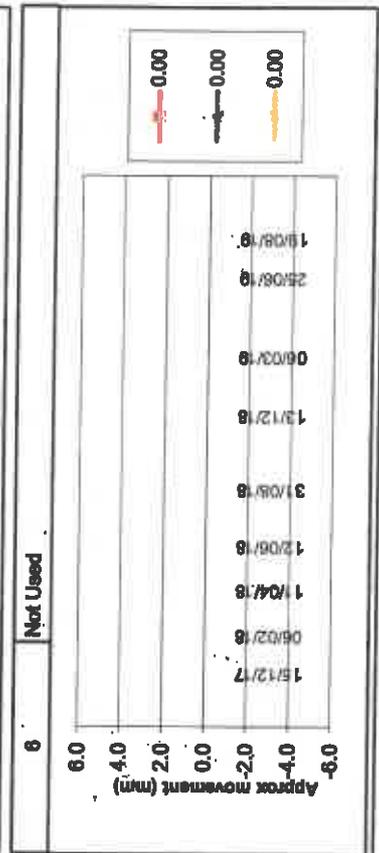
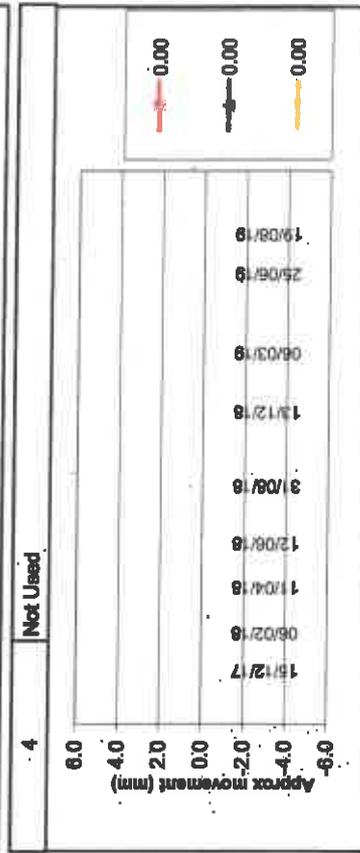
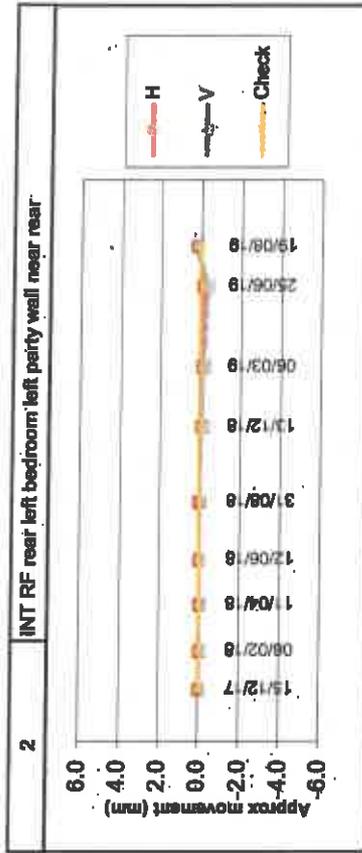
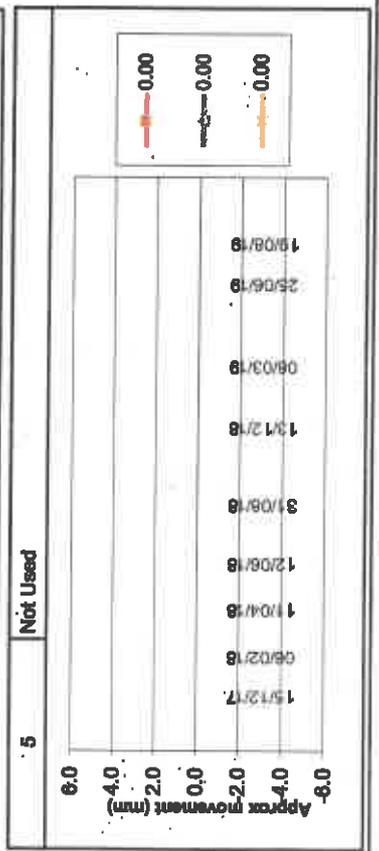
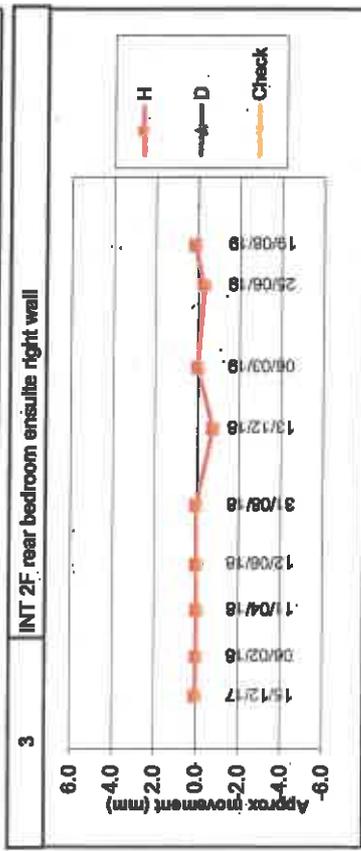
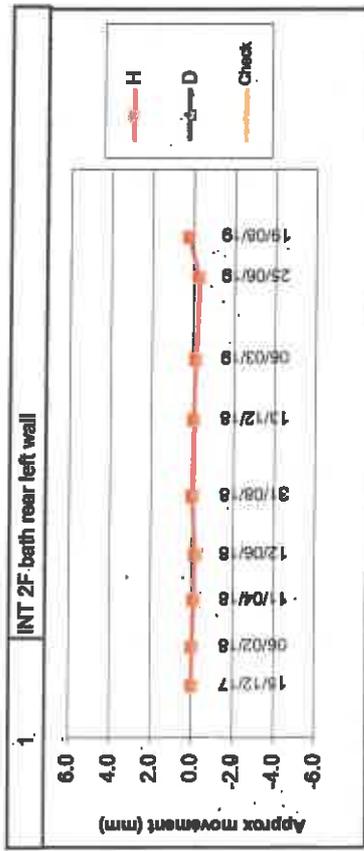


# SUBSIDENCE MONITORING

###

Our ref	Client ref	Client Name	Issue Date
4026	170836	[REDACTED]	19/08/2019

## Crack Monitoring - Movement Against Time





# SUBSIDENCE MONITORING

## Crack Monitoring

Our Ref: 4026

Date of Issue: 19/08/2019

### Provider Details

SML - 0116 2605309

### Monitoring Details

Instruction Date:	11/12/2017		
Number of visits	3	Visit Frequency (Wks)	8

#### Visit Dates (future dates are estimated)

Setup	1	2	3	4	5	6
15/12/17	09/02/18	06/04/18	01/06/18			

### Client Details

Insurance Co.:	
Client Ref:	170836
Client Name:	[REDACTED]
Technical Mgr:	[REDACTED]
Customer support	
Tel:	
Email:	

### Risk Address

Occupier:	Removed for data protection purposes
Address:	55 Hamilton Terrace
Address:	
Town:	London
County:	
Post Code:	NW8 9RG
Contact Name	



Our ref: 4026 Client ref: 170836 Client Name: [REDACTED] Issue Date: 18/08/2019

**Stud locations**

1	EXT rear upstairs above door to G/F
2	EXT rear same door low RHS
3	INT G/F understairs cupboard off main front entrance
4	INT G/F hall above door to rear garden
5	INT LGF dining above door
6	INT LGF hall near rear ext door on RHS

Additional instructions / notes

**Crack Monitoring - Readings**

Studs nos.	Align-ment	15/12/17		08/02/18		11/04/18		12/08/18		31/08/18		13/12/18	
		Reading	Current ch/w										
1	H	37.46	1.48	37.25	1.24	38.76	1.00	38.89		36.37	1.88	38.95	1.73
1	D												
1	Check												
2	H	27.11	1.16	26.88	0.85	28.25	0.70	28.31		28.54	2.58	28.25	2.24
2	V	42.30	0.81	42.23	0.48	42.27	0.45	42.31		42.31	1.71	42.13	1.53
2	Check	48.81		48.84		48.87		48.81		48.86		48.88	
3	V	46.48	1.70	46.41	1.34	46.05	0.93	45.97		46.89	1.05	47.15	1.46
3	D												
3	Check												
4	H	127.00		127.03		128.93		128.85		128.96	2.26	128.45	1.79
4	D												
4	Check												
5	H	51.50	0.68	51.41	0.70	51.82		51.47	1.00	51.69	1.20	51.01	1.01
5	D												
5	Check												
6	H	60.47	0.74	60.38	0.60	60.28		60.34		61.13	1.31	59.49	
6	V	45.83	0.23	45.88	0.57	45.86		45.79		45.76	0.50	44.03	0.40
6	Check	78.63		78.62		78.63		78.62		78.65		78.69	
Calliper nos :		9839		9839		4180		4180		4181		9804	
Technician :		A/J		A/J		A/J		A/J		J/M		E/M	

Our ref	Client ref	Client Name	Issue Date
4026	170836	[REDACTED]	19/08/2019

**Stud locations.**

7	INT-LGF level above door towards right party
8	INT-landing between GF & 1ST FLOOR left rear wall
9	INT landing GF 1st rear wall right low
10	INT1/Ffront right bedroom rear wall
11	INT 1F-2F stairs RHS wall
12	INT -2F front right bedroom front wall



**CONTINUATION SHEET - STUD GROUPS 7-12**

Studs nos	Align-ment	15/12/17		05/02/18		11/04/18		12/06/18		31/08/18		13/12/18		
		Visit Date	Reading	Current c/w	Reading	Current c/w	Visit Date	Reading	Current c/w	Visit Date	Reading	Current c/w	Visit Date	Reading
7	H	55.14	1.08	55.16	55.12	55.10	55.28	55.20	55.28	1.27	56.20	56.20		
7	V	49.94	0.81	49.93	49.80	49.76	50.40	50.40	50.40	1.09	49.80	49.80	1.20	
7	Check	78.07		78.09	78.06	78.08	78.08	78.08	78.08		78.00	78.00		
8	H	98.61		98.66	98.71	98.69	98.74	98.74	98.74	0.84	98.10	98.10	0.80	
8	D													
8	Check													
9	H	49.01	1.12	48.74	48.37	48.41	49.99	49.99	49.99	2.40	48.31	48.31	1.50	
9	V	52.68	1.68	52.49	52.27	52.38	53.52	53.52	53.52	1.94	53.28	53.28	1.68	
9	Check	70.02		70.01	70.01	69.99	70.28	70.28	70.28		70.28	70.28		
10	H	63.71	0.78	63.66	63.55	63.58	65.19	65.19	65.19	1.88	64.27	64.27	1.76	
10	D													
10	Check													
11	H	49.86	0.50	49.84	50.03	50.03	50.15	50.15	50.15	0.29	50.04	50.04	0.20	
11	V	63.10	0.25	63.14	63.22	63.17	63.03	63.03	63.03	0.45	62.89	62.89	0.39	
11	Check	82.36		82.33	82.34	82.34	82.45	82.45	82.45		82.45	82.45		
12	H	34.13	1.52	34.14	34.08	34.14	34.18	34.18	34.18	1.00	33.42	33.42	0.89	
12	D													
12	Check													
Calliper nos :		9639		9639		4190		4190		4191		9804		
Technician :		A.J.Z		A.J.Z		A.J.Z		A.J.Z		J.M		E.M		



Our ref	Client ref	Client Name	Issue Date
4026	170636	[REDACTED]	19/09/2019

**Stud locations**

1	EXT rear upstairs above door to GF
2	EXT rear same door low RHS
3	INT GF underside curboard off main front entrance
4	INT GF hall above door to rear garden
5	INT LGF dining above door
6	INT LGF hall near rear ext door on RHS

Additional instructions / notes

**Crack Monitoring - Readings (Continuation Sheet)**

Stud nos.	Alignment	06/03/19		25/06/19		19/08/19		Visit Date		Visit Date	
		Reading	Current c/w	Reading	Current c/w	Reading	Current c/w	Reading	Current c/w	Reading	Current c/w
1	H	38.98	1.81	38.97	1.76	38.98	1.82				
1	D										
1	Check										
2	H	28.76	2.46	28.34	2.38	28.51	2.46				
2	V	42.19	1.55	42.12	1.51	42.34	1.62				
2	Check	48.88		48.88		48.90					
3	V	47.03	1.14	46.86	1.12	46.84	1.04				
3	D										
3	Check										
4	H	125.44		125.02	1.65	126.95	1.98				
4	D										
4	Check										
5	H	52.59		52.13	0.98	51.89	1.23				
5	D										
5	Check										
6	H	60.88		60.43	1.18	60.76	1.24				
6	V	45.75		45.15	HL	45.83					
6	Check	78.89		78.83		78.65					
Calliper nos :		9804		9616		7539					
Technician :		EM		JYLJH		AH					



CONTINUATION SHEET - STUD GROUPS 7-12

Our ref	Client ref	Client Name	Issue Date
4026	170838	[REDACTED]	19/08/2019

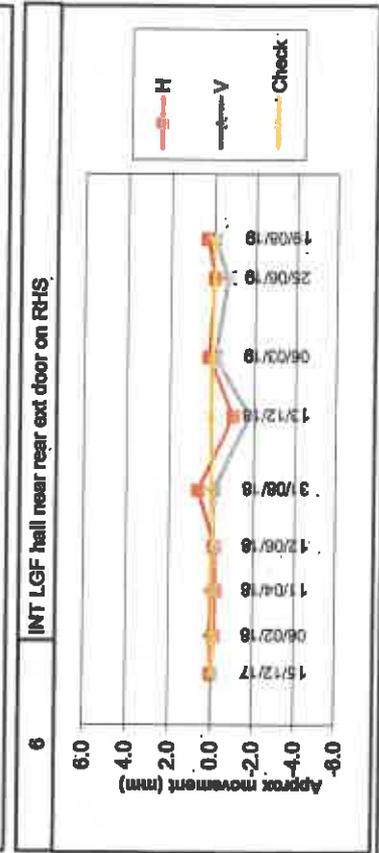
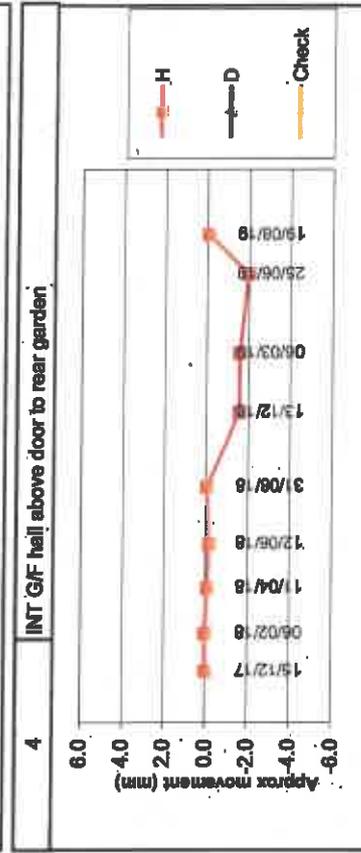
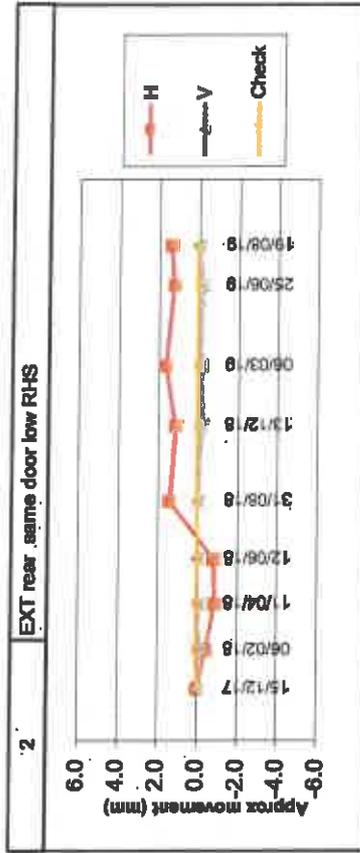
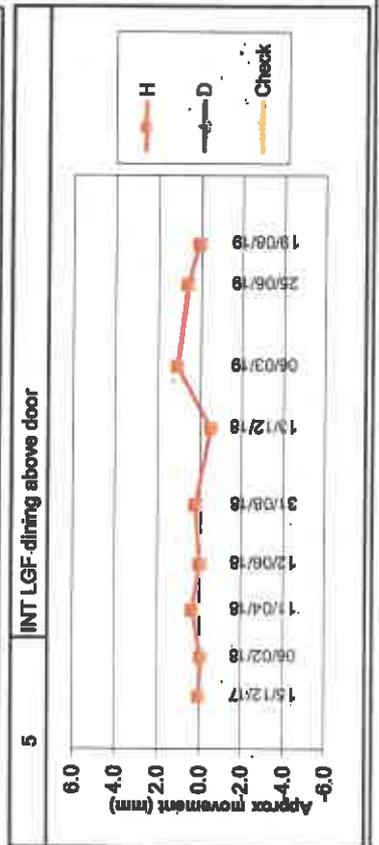
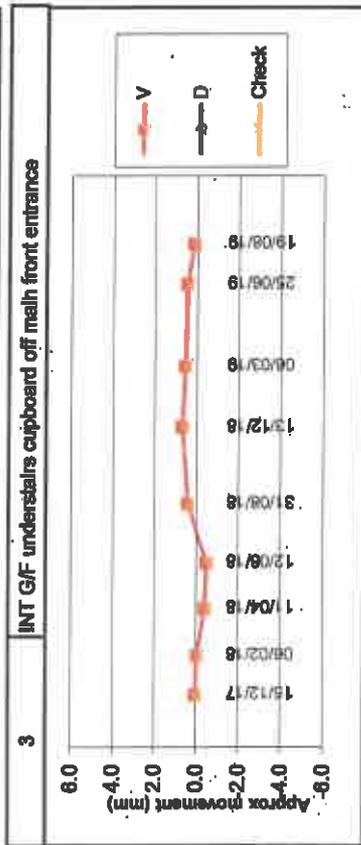
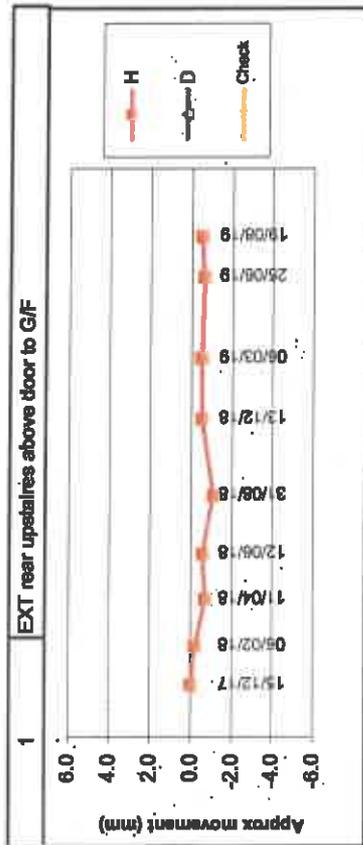
Stud locations

7	INT-LGF level above door towards right party
8	INT-landing between GF & 1ST FLOOR left rear wall
9	INT landing GF 1st f rear wall right low
10	INT/1/Front right bedroom rear wall
11	INT 1F-2F stairs RHS wall
12	INT -2F front right bedroom front wall

Studs nos.	Align-ment	Visit Date 06/03/10		Visit Date 25/06/19		Visit Date 19/06/19		Visit Date		Visit Date	
		Reading	Current c/w	Reading	Current c/w	Reading	Current c/w	Reading	Current c/w	Reading	Current c/w
7	H	55.55	1.46	54.67	1.37	56.71	1.86				
7	V	50.23		50.01		50.22					
7	Check	78.00		78.06		78.11					
8	H	98.06	0.88	98.54	0.78	98.66	0.61				
8	D										
8	Check										
9	H	49.67	1.55	48.23	1.51	49.52	1.97				
9	V	53.66	1.76	53.29	1.68	53.44	1.75				
9	Check	70.28		70.02		70.05					
10	H	65.68	2.14	65.11	1.98	65.50	2.14				
10	D										
10	Check										
11	H	50.10	1.15	49.63	0.93	50.34	1.22				
11	V	62.65		62.26	HL	63.03					
11	Check	82.45		82.36		82.36					
12	H	33.52	0.90	33.31	0.86	33.68	0.97				
12	D										
12	Check										
Calliper nos :		9804		9816		7539					
Technician :		EM		JY/JH		AH					

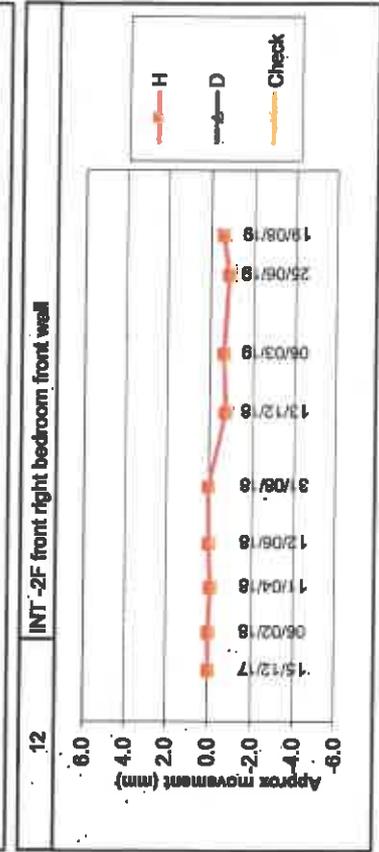
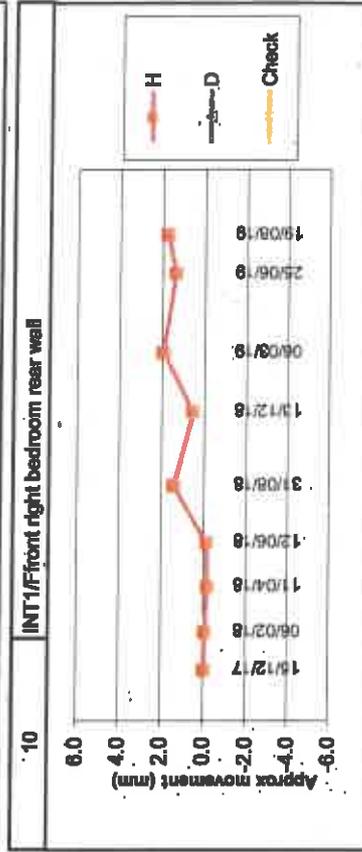
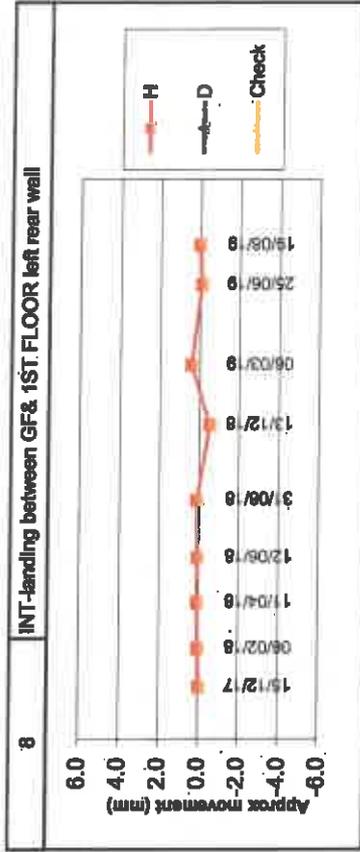
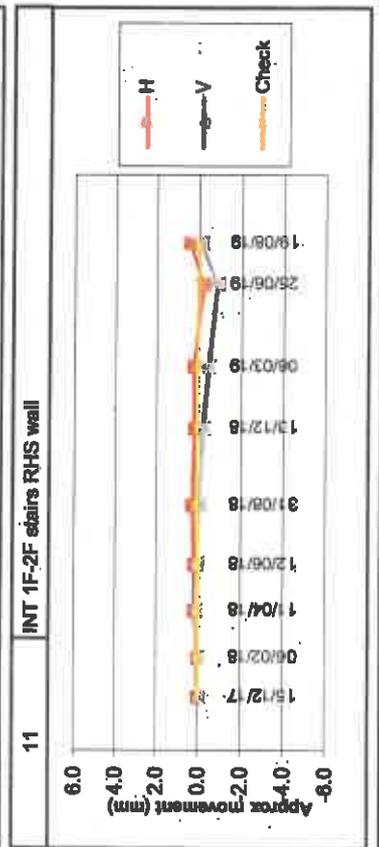
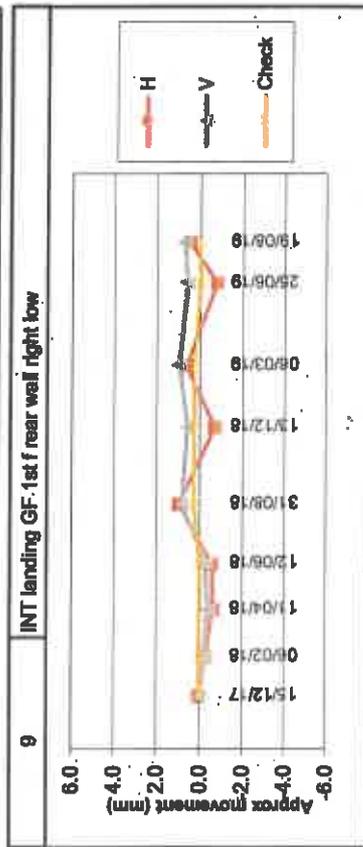
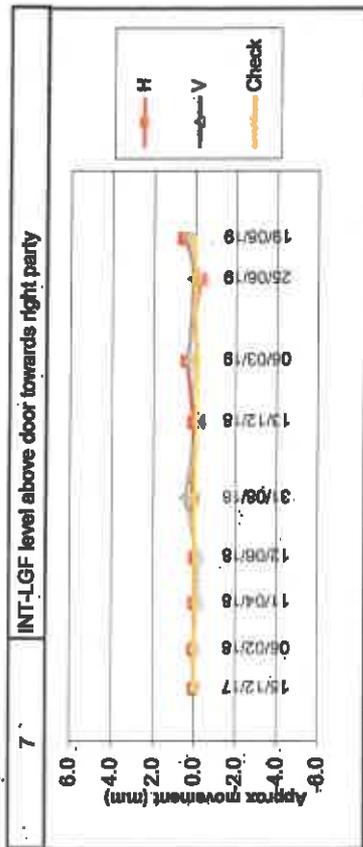
Our ref	Client ref	Client Name	Issue Date
4026	17063	[REDACTED]	19/06/2019

**Crack Monitoring - Movement Against Time**



Our ref	Client ref	Client Name	Issue Date
4026	17003	[REDACTED]	19/08/2019

**Crack Monitoring - Movement Against Time**



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## **Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO)**

*Town and Country Planning Act 1990*

and/or

## **Notification of Proposed Works to Trees in Conservation Areas (CA)**

*Town and Country Planning Act 1990*

### **When to use this form**

You will normally need to contact your local planning authority (LPA) before any work can be carried out on protected trees. The LPA is usually the council to which you pay your Council Tax, but where the tree(s) are in the Broads Authority area or a National Park you should consult the relevant Authority.

Protected trees include those covered by a tree preservation order (TPO) or those which grow in a conservation area. You will need to contact the LPA even if you wish to prune branches overhanging from a neighbour's protected tree. You should send one copy of the completed form to your LPA.

- **TPOs** - If you wish to carry out work to trees protected by a TPO you must apply using this form. Your application, and any subsequent appeal, will be decided on the basis of the information you provide now, so it is worth getting it right at the start
- **Conservation areas** - You must give six weeks' notice before carrying out work to trees in a conservation area that are not protected by a TPO. You may use this form for this purpose or you may send a letter or email, which must still include the information required by the form. This gives the LPA an opportunity to consider whether a TPO should be made to protect the tree(s)
- **Permitted development** - You must also apply or give notice to your LPA (as above) if you want to work on a protected tree where you are carrying out development where full planning permission is not needed
- **Planning permission** - Where full planning permission has been granted you might need to apply or give notice to the LPA before carrying out work to protected trees. You should check with the LPA to see what is required

### **When not to use this form**

You do not need to get the LPA's consent in a few special circumstances: when a tree is dead or dangerous, for example. In this case you are advised to speak to the LPA about proposed work, particularly felling (see 'Further Information' below.) You should be prepared to prove that the work falls within an exemption.

## Before you apply

You may wish to discuss your needs with a competent arborist (tree surgeon) before contacting the LPA. If the LPA are able to, it may be worthwhile discussing your proposals with them informally before you complete the form. Early discussion gives the LPA the chance to:

- Explore whether the work is exempt from the need to apply/notify
- Advise on how best to present your proposals
- Guide you through the process and the LPA's tree protection policies

The advice and guidance given to you during these discussions is given in good faith, but no LPA officer can give you a definite answer as to whether your proposed works will be allowed. You may want to contact the LPA to see if they charge for giving this advice.

## Who can carry out the tree work?

When deciding who should prune or fell your tree you should bear in mind that:

- Tree work is a dangerous activity and should be carried out by trained, competent and appropriately insured arborists
- Tree work should be carried out to a good standard. LPAs will usually require the work to comply with BS 3998 *Recommendations for Tree Work*
- You may wish to contact your LPA for guidance on selecting a contractor in your area.

## Enforcement

The LPA can prosecute when work is carried out without their consent on a preserved tree, without the required notice on a tree in a conservation area or when exemptions are misused.

## Further information

More information about TPO procedures, including exemptions, felling licences and detailed guidance intended primarily for LPAs, can be found in the ['Tree Preservation Orders and trees in conservation areas' guidance on the Gov.uk website](#).

---

## Completing the application form

**Please note:** The question numbering below reflects the order of the MHCLG standard template and our blank paper forms. The question order on our online system is slightly different.

### Electronic Communication

If you submit this form electronically (from the Planning Portal, or by email or fax) the LPA will take it that you have agreed that they may communicate with you in the same manner. This may include the issuing of their decision. You may cancel this agreement by writing to the LPA and asking them to stop communicating with you electronically.

### 1/2. Applicant's And Agent's Names And Addresses

You may submit the application yourself; you do not have to use an agent, nor do you have to be the owner of the tree(s). Complete both boxes if the application is being submitted by an agent (e.g. a friend, relative or technical adviser who is acting on the applicant's behalf).

Your tree work contractor's name should not be entered here unless they are handling the application on your behalf. All correspondence, including the decision letter, will be sent to the agent. Arrangements for a site visit will also be made through the agent.

### 3. Tree Location

If the trees grow in more than one property, or if a tree trunk straddles the boundary between two properties, you should enter the details of the second address here. If trees grow on any other properties, enter those addresses in the space at the bottom of this question.

### 4. Tree Ownership

You don't have to own the tree(s) to apply for consent but it is good practice to let the owner know what you are proposing. You will still need to get any necessary agreements or permissions from the owner before carrying out any work permitted by the LPA.

The owner of the tree is usually the owner of the land on which it grows. Please provide their address if it is different from the address of the site where the tree(s) stands that you have already entered in question 3.

Please provide an explanation separately of tree ownership where a tree is on the boundary and is the joint responsibility of the applicant and the neighbour, or where consent is sought for trees on both properties.

## 5. What Are You Applying For?

Refer to the ['Tree Preservation Orders and trees in conservation areas' guidance on the Gov.uk website](#).

In conservation areas, notice is required for works to trees that have a trunk diameter of more than 75mm when measured at 1.5m from ground level (or more than 100mm if reducing the number of trees to benefit the growth of other trees).

## 6. Tree Preservation Order Details

The LPA may be able to help you answer this question. You should find the title at the top of the Order. For example: City of Woodville (No. 4) Tree Preservation Order 1992 or City of Woodville (1 Garden Court) Tree Preservation Order 1992.

## 7. Identification Of Tree(s) And Description Of Work

### Identifying the tree(s)

Please give the species of tree if known (e.g. oak, Scots pine); Latin names are not required. Where known, use the numbering of trees from the First Schedule of the TPO (e.g. T1 ash, or two cherry and one birch in G2). Make sure other trees are identified by using a different sequence e.g. A, B, C etc. Make sure the numbering matches that used on the sketch plan (see notes for question 8).

### Poor tree surgery

Proposals that would endanger the health or condition of a tree or greatly reduce its amenity value to the local environment are unlikely to be allowed unless there are strong reasons to do so.

### Describing the works and reasons

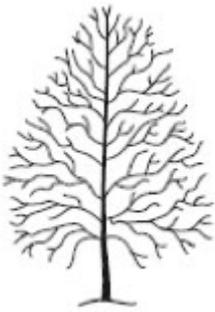
Please make clear to which trees the descriptions of works and reasons apply. Reasons must be given for work to trees protected by a TPO. For trees in conservation areas, giving reasons for work would be helpful, but is not mandatory.

It is vital that you clearly specify the works you want to carry out for each tree included in your application. A proposal simply to "cut back", "lop" or "trim" some branches is too vague because it fails to indicate the extent of the works.

Examples of common tree work operations are shown on the following page.

*...continued on next page...*

## Common tree work operations



**General information** - The common operations described and simply illustrated here show some of your options.

An arborist should be able to help in defining the work that will be appropriate for the tree(s) and in line with British Standard 3998 – *Recommendations for Tree Work*.

- Please note that the entire branch system is known as the 'crown'.
- LPA approval is not required to remove **dead branches**.



**Crown Thinning** - This reduces the density of the tree's crown without changing the overall shape and size of the tree. Thinning reduces the amount of foliage and allows more light through the canopy or crown.

The amount of thinning proposed should be specified as a percentage (%) of the leaf area (usually no more than 30%).

- Useful for letting more light into gardens and windows



**Crown Lifting** - This means removing lower branches to increase the clearance between the ground and the crown.

Identify the branches you wish to remove, or specify a height above ground level to which you wish to "lift" the crown.

- Useful for allowing more light into gardens
- Prevents low branches obstructing paths, drives etc.



**Crown Reduction** - The tree crown is reduced by shortening branches, and so changes the overall size and shape of the tree. Reductions are usually carried out all round the outer parts of the crown to maintain a balanced shape, but seldom should it include cutting through the main stem.

The amount of reduction proposed should be stated in terms of the intended height and spread of the tree after pruning (rather than what percentage (%) of the overall crown is to be removed).

- Partial reduction may be useful for preventing branches contacting buildings, roofs and guttering

...continued on next page...

## Planting replacement trees

Unless there are good reasons, a condition is usually made for a replacement tree to be planted when granting consent to remove a tree protected by a TPO. Please use this opportunity to show your preference of tree should the LPA approve your application and make such a condition.

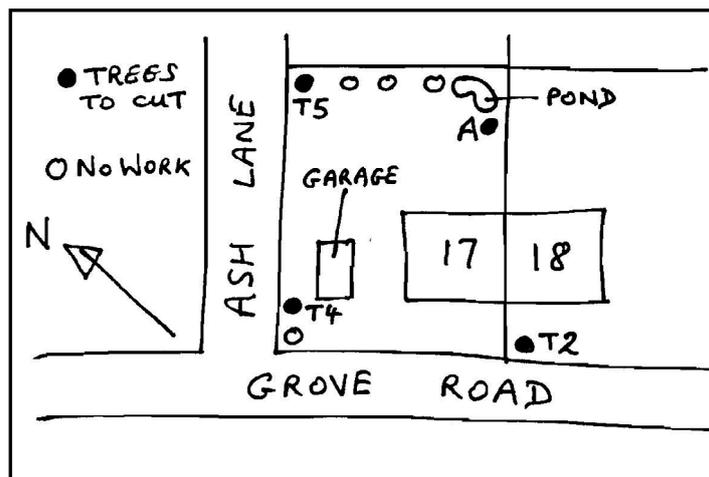
## 8. Additional Information

When setting out the reasons for proposed works to trees protected by a TPO, please provide sufficient evidence to support your case. Note that failure to supply precise and detailed information may result in your application being rejected or delay in dealing with it. Additional information should be posted or hand-delivered at the same time as the form or supplied electronically in support of your application. Applications cannot be processed until all mandatory information is received by the LPA.

References to an arboriculturist refer to a person who has recognised qualifications, experience and expertise in the field of tree management.

### Sketch plan identifying the trees

The sketch plan should show boundaries and adjoining properties (including house numbers or names) and names of roads. It is not necessary to draw a scaled plan, but it may be useful to show approximate distances between the tree(s) in question and other relevant features. If possible, include an arrow showing north. Show the position of the tree(s) in relation to buildings and add the numbering used in question 7.



*Reduced example of a sketch plan*

It may be helpful to show other trees in the garden to help the LPA identify the trees on the form. If there are many trees, it is important to make it clear which tree(s) you want to work on.

*...continued on next page...*

If it is impossible to identify the tree(s) accurately on the plan (e.g. because they are part of a woodland or group of trees), please identify their approximate location on the plan and explain how the tree(s) have been marked on site (e.g. coloured tape, tree tags). The bark of trees must not be damaged e.g. by scarring or cutting into the bark.

Photographs can be useful, particularly where you wish to identify the trees you want to work on or to show specific work where there could be doubt e.g. marking a major branch to be removed. If you do submit photographs make sure that it is clear which tree is shown.

### **For work to trees covered by a TPO**

Unless the LPA agree in writing that the tree(s) is of very low amenity value you must provide the information detailed below when your application relates to the condition of the tree or damage that it is causing.

#### **Condition of tree(s)**

The presence and impact of pests, diseases or fungi that require work to be carried out to the tree(s) should be described in written evidence or diagnostic information from an arboriculturist or other appropriate expert. Arboricultural evidence must be provided to support applications that suggest the tree has defects that may be of concern to the current or future safe retention of the tree or parts of the tree.

#### **Subsidence**

Reports will usually be provided by a structural engineer and/or a chartered surveyor and be supported by technical analysis from other experts e.g. for root and soil analysis.

*...continued on next page...*

These reports must include the following information:

- A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of any previous underpinning or building work, the geological strata for the site identified from the geological map
- Details of vegetation in the vicinity and its management since discovery of the damage. Include a plan showing the vegetation and affected building
- Measurement of the extent and distribution of vertical movement using level monitoring. Where level monitoring is not possible, state why and provide crack-monitoring data. Data provided must be sufficient to show a pattern of movement consistent with the presence of the implicated tree(s)
- A profile of a trial/bore hole dug to identify foundation type and depth and soil characteristics
- The sub-soil characteristics including soil type (particularly that on which the foundations rest), liquid limit, plastic limit and plasticity index
- The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out
- Proposals and estimated costs of options to repair the damage

In addition, you must include a report from an arboriculturist to support the tree work proposals, including arboricultural options for avoidance or remediation of indirect tree-related damage.

### **Other structural damage**

Technical evidence in respect of other structural damage (e.g. garden walls, drains, paving, drive surfaces) should be provided by a relevant engineer, building/drainage surveyor or other appropriate expert.

## **9. Authority Employee / Member**

You must declare whether the applicant or agent is a member of the council's staff, an elected member of the Council or related to a member of staff or elected member of the Council.

Serving elected members or planning officers who submit their own planning applications should play no part in their determination and such applications should be determined by the planning committee rather than by planning officers under delegated powers.

## **10. Application For Tree Works - Checklist**

You may find it helpful to use this checklist to make sure that you have given the local planning authority all the required information.

## 11. Declaration

Please sign and date your application.

## 12. Applicant Contact Details

Please provide contact information for the applicant.

## 13. Agent Contact Details

Please provide contact information for the agent.

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## What happens next?

### Tree preservation order applications

The LPA will usually carry out a site visit to help them assess the proposed works. They may discuss alternative works with you.

You will have a right of appeal to the Planning Inspectorate where the LPA has not issued a decision within either eight weeks or two months of your application, depending on the age of the TPO. You should confirm with your LPA which period applies; alternatively you can agree an extended period with them. Details of these processes can be found in the [‘Tree Preservation Orders and trees in conservation areas’ guidance on the Gov.uk website](#).

### Conservation area notices

The LPA has six weeks within which they can object to your proposals. This gives the LPA the opportunity to protect trees of amenity value, which may be harmed by the proposed works. A site visit is usually carried out.

The LPA can only object formally by making a TPO on the tree(s) concerned. In many cases, where the LPA feel that the works are inappropriate, they may discuss alternative work with you. If you do not receive a decision within six weeks of your notice then you can carry out the works you gave notice for, but no more.

If a TPO is made this will prevent you doing the work without making an application for consent. You will have the right to object to the TPO and the LPA will provide details on how to do this.

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# Agenda Annex

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 17th September 2019  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s):</b> 19/03058/FULL  Hyde Park	40 Eastbourne Terrace London W2 6LG	Demolition of top floor and erection of replacement floor plus one storey extension, rear extensions, and replacement facades with associated external alterations for use as a 366 bed hotel (Class C1) with flexible use at part of ground floor for restaurant/hotel use (Class A3/C1).	CSHV IUK ET Propco Limited
	<p><b>Recommendation</b></p> <p>1 Grant conditional permission, subject to a Section 106 legal agreement to secure the following:</p> <p>a) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of the redundant crossovers in Chilworth Mews including signage improvements as required by City Highways. All to the council's specification, at full cost (administrative, legal and physical).</p> <p>b) Employment and skills plan and financial contribution of £117,162.15 towards initiatives that provide employment, training and skills development.</p> <p>c) Carbon Off-set payment TBC</p> <p>d) The costs of monitoring the S106 agreement</p> <p>All figures are to be index linked and paid on commencement of development.</p> <p>3. If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:</p> <p>a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>			
2.	<b>RN(s):</b> 19/00261/FULL  Bryanston And Dorset Square	Marble Arch Apartments 11 Harrowby Street London W1H 5PQ	Erection of a single storey roof extension to provide eight additional residential units (Class C3) (2 x 1-bed, 3 x 2-bed and 3 x 3-bed units). Relocation of existing water tanks to new roof level.	Jewelside Ltd.
	<p><b>Recommendation</b></p> <p>Grant conditional permission</p>			
3.	<b>RN(s):</b> 19/00810/FULL	20 - 21 Montpelier Mews London SW7 1HB	Part demolition of front and rear facades and removal of existing third floor, alteration and refurbishment of front and rear facades including rear extensions at lower ground floor level, erection of new third floor level, erection of additional storey to create a new 4th floor level with roof terrace and mechanical plant, and	Cheval Property Holdings Ltd.

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 17th September 2019  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Knightsbridge And Belgravia		use of extended building as 10 flats (Class C3). Provision of cycle storage and bin store.	
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Applicant</b>
4.	<b>RN(s):</b> 19/03893/FULL  West End	40-42 Berkeley Street London W1J 8LT	Use of the ground floor of the premises as a car showroom use (sui generis) and alterations to the shopfront.	HR Owen Dealerships Ltd.
<b>Recommendation</b> Grant conditional permission, including a condition to secure the following benefits:  a) Provision of highway works, including the creation of a crossover, relocation of two parking spaces and the removal of a dropped kerb to facilitate vehicular access to the new unit prior to occupation of the showroom use.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Applicant</b>
5.	<b>RN(s):</b> 19/03882/FULL  Knightsbridge And Belgravia	Kingston House South, Flats 40 To 90 Ennismore Gardens London SW7 1NG	Alterations to front entrance including installation of new external ramp and new doors, repaving of entrance area and re-cladding of canopy and associated alterations.	Bishop and Associates
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Applicant</b>
6.	<b>RN(s):</b> 19/05283/FULL & 19/05284/LBC  Lancaster Gate	Basement Flat 47 Cleveland Square London W2 6DB	Retention of the installation of four uplighters recessed into the slate paving of the lightwell and two downlights recessed over the doorway into the lightwell.	Ms Lorraine Connolly
<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Applicant</b>
7.	<b>RN(s):</b> 18/07230/COFUL 18/07231/COLBC (Lynton House)  18/07232/COFUL 18/07233/COLBC	Various Blocks, Hallfield Estate London W2 6EW	Replacement of communal lighting including new trunking and conduits (same description for all 11 planning and listed building consent applications).	Westminster City Council

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 17th September 2019  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

(Bridgewater House)  18/07227/COFUL 18/07228/COLBC (Newbury House)  18/07225/COFUL 18/07226/COLBC (Clovelly House)  18/07223/COFUL 18/07224/COLBC (Brecon House)  18/07236/COFUL 18/07237/COLBC (Taunton House)  18/07238/COFUL 18/07239/COLBC (Worcester House)  18/07241/COFUL 18/07242/COLBC (Caernarvon House)  18/07249/COFUL 18/07250/COLBC (Exeter House)  18/07243/COFUL 18/07244/COLBC (Marlow House)  18/07246/COFUL 18/07247/COLBC (Winchester House)			
Lancaster Gate			
<p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li>1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.</li> <li>2. Grant conditional listed building consent.</li> <li>3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol> <p>(Same recommendation for all 11 planning and listed building consent applications.)</p>			

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# Agenda Item 1

Item No.
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<b>1</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 17 September 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>40 Eastbourne Terrace, London, W2 6LG,</b>		
<b>Proposal</b>	Demolition of top floor and erection of replacement floor plus one storey extension, rear extensions, and replacement facades with associated external alterations for use as a 366 bed hotel (Class C1) with flexible use at part of ground floor for restaurant/hotel use (Class A3/C1).		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	CSHV IUK ET Propco Limited with Yard Nine acting as Development Managers.		
<b>Registered Number</b>	19/03058/FULL	<b>Date amended/ completed</b>	5 <sup>th</sup> August 2019
<b>Date Application Received</b>	20 April 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside of but adjacent to Bayswater Conservation Area		

## 1. RECOMMENDATION

1 Grant conditional permission, subject to a Section 106 legal agreement to secure the following:

- a) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of the redundant crossovers in Chilworth Mews including signage improvements as required by City Highways. All to the council's specification, at full cost (administrative, legal and physical).
- b) Employment and skills plan and financial contribution of £117,162.15 towards initiatives that provide employment, training and skills development.
- c) Carbon Off-set payment TBC
- d) The costs of monitoring the S106 agreement

All figures are to be index linked and paid on commencement of development.

3. If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:

- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

Permission is sought for the redevelopment of the site with retention of internal structure, rear and roof extensions and associated alterations in connection with the use of the site as a hotel and restaurant. The principle of a hotel within the CAZ, POA and NWEDA is acceptable subject the use meeting all other relevant development plan policies.

Significant representation of objection has been received from SEBRA and the local community in close proximity of the site including many from Chilworth Mews and nearby streets, on a number of grounds including the principle of a hotel use which backs on to a residential mews, the physical and operational impact of the proposal on the amenities of residents of Chilworth Mews and other surrounding properties, its impact on transportation and highways and design and conservation. Paddington BID and two further representations, which include a small petition from the wider community support the proposal due to its location and benefits it would bring.

The key issues in this case are:

- The principle of hotel development in this location within the CAZ, POA and NWEDA, backing on to a residential mews.
- The physical and operational impact on the amenities of residents of Chilworth Mews
- The impact of the proposed hotel in transport and highways terms.

Officers fully acknowledge and understand the concerns of residents of the Chilworth Mews with respect to the potential physical an operational impact of the proposal. However, it is considered that with appropriate conditions, any potential adverse impact can be satisfactorily mitigated so as not to result in any significant impact on residents' amenities or the local highway.

As such, the application is recommended favourably, subject to conditions and the completion of a S106 legal agreement to secure the planning obligations set out in the officer's recommendation.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### ORIGINAL CONSULTATION 22.05.2019

#### HISTORIC ENGLAND

No comment

#### GREATER LONDON AUTHORITY (GLA)

No comment. Application is not referable to the Mayor.

#### TRANSPORT FOR LONDON

Comment. Car-free nature of scheme (except for four blue badge car parking spaces) is welcome. Blue badge car parking and cycle provision with adaptable spaces acceptable, subject to layout and end of journey facilities for staff according with policy. 1 coach parking space required and should be reviewed, However, noted that applicant identified existing coach parking in vicinity of the site, subject to this having capacity, should be secured through a taxi, private hire vehicle and coach management strategy, otherwise condition to prevent group booking should be imposed. With regard to trip generation, raw data should be provided. Construction Logistic Plan (CLP) requested to take into consideration ongoing works at Crossrail, Eastbourne Terrace and surrounding area and to consider measures such as delivery booking system, off-site fabrication, consolidation of deliveries and co-operation between construction sites in the area (including common procurement). Plan requested framework travel.

Further comment. Noted that coach parking within the site may not be possible, it should be demonstrated that the alternative arrangements are sufficient to accommodate any demand. Coach parking in locality is already likely to be well used and as such, surveys should be undertaken together with demand for coach parking from the development. Alternatively, a condition should be imposed to restrict group bookings. Would have preferred different method of trip generation for existing and proposed surveys used are dated and therefore applicant should undertake sensitivity testing for trip generation. Request Construction Logistics Plan and Travel Plan

#### NETWORK RAIL

No comment

#### CROSSRAIL

Comment. Detailed design of the development needs to take into account the construction of Crossrail. Pre-commencement conditions requested with respect to foundation design and settlement and concurrent working and informative with respect to transmitted ground Bourne noise and vibration.

#### LONDON UNDERGROUND LIMNITED

No comment. The applicant is in communication with London Underground engineers with regard to the development above. Therefore, we have no comment to make on the application except that the developer should continue to work with LU engineers.

**THAMES WATER**

No objection, subject to conditions regarding water and surface water network upgrades and informative with respect to water mains and underground water assets.

**NATIONAL GRID**

Any response to be reported verbally

**ENVIRONMENT AGENCY**

Any response to be reported verbally

**LONDON FIRE SERVICES/LONDON FIRE AND CIVIL DEFENCE**

Any response to be reported verbally

**METROPOLITAN POLICE**

Any response to be reported verbally.

**COUNCILLORS FOR HYDE PARK WARD**

Any response to be reported verbally.

**ENVIRONMENTAL HEALTH**

Holding objection of Air Quality grounds.

No objection in all other respects, subject to conditions with respect to imposition of standard noise and vibration conditions and in relation to supplementary acoustic report, emergency generators, noise from internal activity, contaminated land, deliveries and servicing, cooking ventilation. Informative also requested.

**ECONOMY TEAM**

Comment. Based on total net uplift in floor space and employment and skills plan and financial contribution of £117,162.15 is required under Local Economy policy 2019.

**HIGHWAYS PLANNING MANAGER**

Comment. Support proposed servicing, car parking, cycle parking, trip generation, travel plan and waste storage. Unsupported transport issues - Chilworth Street entrance and impact on footway from hotel guests with luggage blocking the highway, Eastbourne Terrace more suited to this type of activity. Coaches and Taxi's- No provision for coach party arrivals or departures within the site, relying on on-street provision for coach drop offs and collection of hotel guests and relies in part on Eastbourne Terrace post Crossrail, some of which is still in flux. Questionable if existing on-street coach provision has capacity for additional activity. Operational Management does not sufficiently address coaches and would need to be amended for taxi's. Suggest S106 obligation for highways alterations, conditions and informatives.

**WASTE PROJECT MANAGER**

No objection, subject to condition.

**DESIGNING OUT CRIME**

Comment. Met with the applicant and designing our crime advice given.

**BUILDING CONTROL**

Any response to be reported verbally

**ARBORICULTURAL MANAGER**

Any response to be reported verbally.

**PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY**

No objection. No objection to principle of the development or facades. Take neighbours views into consideration.

**SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION**

Objection. Objection to change of use to hotel on grounds of harm to amenity of residents of Chilworth Mews, as do not consider that the harm could be overcome by conditions.

Vehicles of up to 50 per day (total for both sites) as site becomes a loading/unloading facility for both 40 and 50 Eastbourne Terrace, would reverse into or out of the loading bay with associated noise from beepers and doors. Hours of delivery should be shorter (for example 8-6 M-F and 10-4 other days).

Impact of hotel bedrooms facing Chilworth Mews properties through light spill, potential overlooking.

**PADDINGTON BUSINESS IMPROVEMENT DISTRICT**

Support. Timing for hotel use of this site is now right and Paddington's hotel offer needs to increase and modernise, with more appropriate accommodation being provided in the vicinity of the station, providing over 100 jobs. Opportunity for ground floor animation of more human scale to Eastbourne Terrace is welcomed, as completion of Crossrail is closer and the introduction of a cafe will provide a vital pause point for passengers exiting Crossrail as they navigate their way through Paddington. Servicing strategy including a consolidated zone applauded.

**BAYSWATER RESIDENTS ASSOCIATION**

Any response to be reported verbally

**HYDE PARK ESTATE ASSOCIATION**

Any response to be reported verbally

**PADDINGTON RESIDENTS ACTION ON TRANSPORT**

Any response to be reported verbally

**ADJOINING OWNERS AND OCCUPIERS AND OTHER REPRESENTATIONS**

No. consulted; 1057

No of replies: Numerous representations of objection from 25 individual properties

Two representations of support including a petition of 27 signatures

**OBJECTION****Land use**

- Inappropriate location for a hotel in a residential street due to amount of activity it would generate as no way to mitigate the problems of a busy hotel operating day and night and the impact it would have on the quality of life in Chilworth Mews
- Proposal contrary to City Plan policies S23, S29 and NPPF as hotel proposed in a residential street

- Does not support public safety, accessibility, right of way access or pedestrian and cyclists.
- Already too many hotels
- Is extra hotel space needed?

#### Amenity

- Hotel use detrimental to residential amenity and character of Chilworth Mews50 and 40 Eastbourne Terrace and servicing requirements
- Cumulative impact of Mews.
- Hours of servicing too long causing noise and disturbance to residents of the News
- Impact of commercial hub of 24/7 commercial activity.
- Loss of light from increase in height of building
- Pollution on Chilworth Mews from increase in vehicles.
- 24/7 hotel use detrimental impact on residents sleep and lifestyles
- Lobby on Chilworth Street will cause 24/7 noise and disturbance due to footfall and drop offs and pickups.
- Proposal has no regard for residents
- Vehicle noise
- Impact of staff entrance to rear in Chilworth mews
- Does not improve local area or wellbeing
- Excessive scale of development
- Angled slat blinds to mitigate privacy needs careful consideration
- Peace of mews will be shattered
- Chilworth mews will become the service entrance for 366 room hotel
- Use of Mews for cigarette breaks
- Loss of privacy to Westbourne Terrace properties
- Loss of view from Westbourne Terrace properties
- Loss of light to Westbourne Terrace properties
- Associated dirt and rubbish on Chilworth Street and Westbourne Terrace unacceptable
- Impact on health

#### Transport

- Number of delivery vehicles underestimated and misrepresented due to temporary closure of Chilworth Street, Eastbourne Terrace changes and Crossrail
- Vehicles cannot stop on Eastbourne Terrace, so will use Chilworth Mews, Chilworth Street and Craven Road
- There is a qualitative and quantitative difference between servicing of offices and a 24/7 hotel.
- Servicing and delivery plan is to be submitted, what if it proves to be unworkable.
- Impact on safety of children an older people in the Mew
- Increased deliveries and traffic due to change from office to hotel
- Hotel use will result in Chilworth mews becoming a taxi stand
- Impact of increased vehicular movement on pedestrians as Chilworth Mews does not have any pavement
- Inadequate dropping off or short term parking facilities on Eastbourne Terrace consequently taxi, uber services will spill onto Chilworth Mews.
- Substantial spillage of commercial traffic to Chilworth Mews surrounding streets.

- Applicant has closed the essential private access road on its land at 50 Eastbourne Terrace
- Proposed service route and car park has for the past 60 years been used as a children's play area
- Mews has a high level of pedestrian and cycle movement
- Mews is sole entry /exit for all Chilworth mews properties and their garages
- Servicing numbers exclude No.50 Eastbourne Terrace, and so will be much higher
- Both servicing bays would not be able to be used at the same time
- Road safety
- Traffic congestion
- Lack of taxi and food delivery points Overlooking from hotel to mews
- Proposed privacy mitigation has not been tested
- No mitigation of light pollution
- Alternative servicing arrangement could be from Craven Road and Chilworth Street.
- The mews will become a congested lagoon of idling cars causing noise and pollution contrary to Mayors anti idling campaign
- Council's inability to stop illegal taxi ranking.
- Will block garages in Chilworth mews
- Traffic increasingly use Chilworth Street and Mews as a rat run the bypass congestion and made worse by taxis backed up on Praed Street and deliveries to the Hilton hotel.
- Lobby of Chilworth Street will maximise 24 hour use of this quiet residential street.
- Use of Westbourne Terrace for coach parking is unacceptable.
- Impact on Conduit mews
- Local infrastructure cannot cope

#### Design

- Proposal would dissolve the character of the conservation area
- Impact on setting of Chilworth Mews
- Residential character of Mews altered as Mews becomes a service yard
- Enclosed loading bay an eyesore

#### Trees and landscaping

- Removal of cherry tree
- Will the trees be retained..?
- Landscaping proposal is weak compared to that of 10, 20, 30 Eastbourne Mews

#### Other

- Disappointing that developers have misrepresented the scheme and feedback that they have had from residents.
- Developers have a duty to collaborate with the local community
- Visuals misrepresent the scale of the proposal
- Plans for 40 and 50 Eastbourne Terrace need to tally
- Revised draft City Plan- policy S23 now directs hotels to the CAZ, S24 states that entertainment uses should be of appropriate size and type to location and overconcentration of those uses prevented where cause harm. S40 to preserve character and appearance of conservation areas and protect their setting. S34 ensures quality of life, health and wellbeing and not adversely affected by harmful pollutants and negative impacts on the local environment and S32 to prevent adverse effects of noise

and vibration. S30 servicing, collection and delivery needs should be fully met within a development site. S1 to balance competing functions within the CAZ.S3 POA inclusive and high quality public realm.

- Have already endured years of Crossrail building.
- Use of the private land on Westbourne Terrace as a fire assembly point for the hotel is unacceptable.
- Chilworth Street should not be used as an access point for construction as have suffered 5 years of Crossrail noise

ADVERTISEMENT/SITE NOTICE: Yes

**RECONSULTATION AS ABOVE ON 05.08.2019 (DETAILED DEMOLITION DRAWINGS; LIGHT POLLUTION REPORT, AIR QUALITY CLARIFICATIONS, RAILINGS OMITTED FROM EASTBOURNE TERRACE AND CHILWORTH STREET,REVISED DRAWINGS TO SHOW CONTEXT WITH 50 EASTBOURNE TERRACE, LOADING BAY PLAN AND SECTION, TRANSPORT TECHNICAL NOTE, AGENT RESPONSE TO REPRESENTATIONS.**

ENVIRONMENTAL HEALTH

No objection. Original holding objection of Air Quality grounds withdrawn.

WASTE PROJECT MANAGER

No objection

### **OBJECTION**

#### General

- Amendments fail to address the substantive issues previously raised.

#### Land use

- A community or arts use should be proposed.

#### Transport

- Transport arrangements continue to pose a safety risk to pedestrians, cyclists and other road users from multiple large vehicles completing reversing manoeuvres in a narrow residential road, obstructing the highways on exit and entry.
- Development should meet the servicing and delivery requirements within the development site as required by policy S42
- two alternative options were put to the developer- reinstate the private service road through 50 Eastbourne Terrace or create access from Chilworth Street into the back of 40 Eastbourne Terrace.
- Chilworth Mews access arch is only single vehicle width.
- Chilworth Mews should be one-way

#### Amenity

- Amendments fail to mitigate against reduced amenity, privacy, noise and light pollution
- Heavy loading bay doors will cause noise opening and shutting and vehicles manoeuvring
- Roof level plant will struggle to meet noise level criteria

- Light pollution report is inaccurate, refers to full height louvres which are not proposed and to internal lighting design being unresolved.
- No evidence provided that the louvres will prevent overlooking and privacy issues have not been addressed.
- Overlooking of back windows

#### Design

- Height of building is excessive
- Welcome investment in area and long-term economic benefits
- Will introduce greening and landscaping

#### **SUPPORT**

- Appropriately located within CAZ, POA and NWEDA.
- Hotel supported.
- Good public transport location
- Will provide a number of different jobs.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site comprises a 1950's office block with curtilage access road and car parking to its rear. Its primary frontage is to Eastbourne Terrace facing the flank of the Grade I listed Paddington Station. It also faces onto Chilworth Street (north) and at the rear (west) to Chilworth Mews, beyond which lies the larger properties on Westbourne Terrace. Chilworth Mews is a public highway and comprises of a terrace of residential mews houses along its western side. To its south is 50 Eastbourne Terrace, previously also an office building, which is currently undergoing redevelopment for office and residential use. Access to Chilworth Mews is via arched entrances from Chilworth Street and Craven Road and the road which has no formal footpath is shared by pedestrians, cyclists and vehicles.

40 Eastbourne Terrace is not listed and is located outside of a conservation area, although the boundary of the Conservation Area runs down the centre of Chilworth Mews. There are a number of trees within the rear curtilage of the site, which are the subject of Tree Preservation Orders.

In terms of land use designations within the development plan, the site is located within the Paddington Opportunity Area (POA), the North Westminster Economic Development Area (NWEDA) and the Central Activities Zone (CAZ).

Eastbourne Terrace has been the subject of Crossrail works, which has resulted in various closures and diversions of vehicular and pedestrian traffic over the last few years.

### **6.2 Recent Relevant History**

40 EASTBOURNE TERRACE

Permission was granted on 16.03.2015 for Alterations to an approved scheme under the course of construction (03/09674/FULL) for the existing five-storey office building refurbishment. Change of external appearance. New cladding panels, replacement windows, new spandrel panels, brise soleil, plant room cladding and new entrance facade enclosure and additional landscaping: Namely the erection of a full height atrium across part of the rear elevation. (05/00067/FULL).

Permission was granted on 29.04.2015 Alterations during the course of construction to a scheme granted permission dated 22 November 2004 (RN: 03/09674) for refurbishment and extensions to existing office building namely, modification to roof plant enclosures and new roof guard rail. (04/09872/FULL).

Pending application submitted on 19.07.2019 for temporary plant equipment located in the car park of 40 Eastbourne Terrace. (19/05644/CLEUD)

50 EASTBOURNE TERRACE

Conditional permission was granted subject to a S106 legal agreement on 10th July 2019 for Variation of Condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. NAMELY, to provide an additional floor of Class B1 office accommodation beyond the approved; minor alterations to the proposed massing, terraces, green roof, solar panels and external facades; minor internal reconfiguration of the proposed retail (Classes A1/A2/A3) and office (Class B1) floorplates including ancillary spaces.(18/09733/FULL).

This development is currently underway and 50 Eastbourne Terrace is currently a construction site.

**7. THE PROPOSAL**

Planning permission is sought for works of demolition and extension and external alterations to the building in connection with a change of use from office to hotel use. The key elements of the proposal are set out below:-

- Demolition with retention of the existing structure of the building.
- Replacement of facades
- Roof extension
- Rear extensions
- External alterations
- Infill of front lightwell
- Use as 366 bed hotel with ancillary restaurant
- Flexible use of part of the ground floor for restaurant/hotel

- Reduction in the quantum of car parking to rear in Chilworth Mews
- Soft landscaping to rear.

	Existing GIA (sqm)	Proposed GIA (sqm)	Change
Office	9457	0	Loss of office 9457m2
Hotel	0	12,414m2	New hotel 12,414m2
Flexible hotel/restaurant.(C1/A3	0	658m2	New C1/A3
Increase of 3615m2 of floor space			

The applicant has advised that they also own no. 50 Eastbourne Terrace and that the proposals for that site which are currently under construction, together with the proposals for this site forms part of a wider comprehensive mixed-use development of both sites, comprising hotel, office, retail and residential accommodation.

During the course of the application, the applicant has sought to provide further clarifications, documents, drawings and comments on matters raised during the original consultation. This included more detailed demolition drawings to clarify quantum of demolition, revised drawings to omit railings from corner of Eastbourne Terrace and Chilworth Street and to show the site context with 50 Eastbourne Terrace and further drawings and transport technical note with respect to the loading bay and servicing. Further clarifications with respect to air quality was provided together with a light pollution report and the agent has also sought to provide a written response to representations received during the original consultation. Subsequently, re-consultation was carried out to enable interested parties to provide any further representations.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of office use

Policy S3 (Paddington Opportunity Area) of our City Plan seeks to provide new homes and new jobs within the POA by the provision of a range and mix of uses across the opportunity area, including offices, housing, health and other uses to support the economic and social regeneration of the area, including new retail, social and community facilities, entertainment and arts/cultural uses. The area is an established centre for officers and remains Westminster's most important area for development with significant opportunities for place-making and improving connectivity.

Policies S12 (NWEDA) seeks to tackle deprivation and promote economic activity by contributing to increasing economic activity in the area, or providing local services, or improving quality and tenure mix of housing, and also contribute to a number of priorities relating to physical connections and severance, public realm and local environment, heat and power networks, housing, local services and employment .

Policy S6 (Core CAZ) indicates that the area is an appropriate location for a range of commercial and cultural uses and complementary residential use, subject to a number of priorities. The most relevant to this site is that “Supporting strategically important clusters of uses consistent with enabling the growth and evolution of places to ensure that the area retains its globally important function as a business location.

Whilst office use is encouraged within this location, there is no policy protection to the loss of office floor space by a change of use. Given the significant office floor space within the POA and in the pipeline within the vicinity of the site (e.g. Paddington Cube) and in the absence of any policy protection, the loss of office floor space is acceptable.

### **Proposed Hotel use**

Policy S23 (Hotels and Conference facilities) directs new hotels to a number of locations including the POA, Core CAZ and NWEDA, to streets which do not have a predominantly residential character. A hotel in this area would support the commercial activities and would be located within the vicinity of a strategic transport hub.

In this case, the application site address and main frontage of the site is Eastbourne Terrace which is a street comprising of office buildings to the west site and which faces the flank of Paddington Station and the location of departures road. Eastbourne Terrace is also a pedestrian and vehicular highway and bus route, although over recent past has been subject to temporary closures due to Crossrail works. With the completion of Crossrail works, Eastbourne Terrace is expected to be a key street in pedestrian and vehicular movement from Paddington Station. However, this is very much in contrast to the rear of the application site, which backs on to Chilworth Mews, which retains to its western side a terrace of domestic scale mews houses in residential use and Chilworth Street that contains residential uses to its western end. However, this relationship between commercial uses on busy roads and the smaller residential properties in side streets is not un-common within Westminster.

Given the address and frontage of the site and its location within the POA, NWEDA and CAZ, the principle of a hotel on this site and in this location is considered to accord with Policy S23. The principle frontage of the building itself is not located in a residential street but a busy commercial street in the heart of Paddington. It is recognised that the building/site backs onto a residential mews, but this is not uncommon within Westminster and applies to many buildings/sites within the POA, NEWDA and CAZ. As such, the objections raised to the principle of a hotel in this location in policy land use terms is not supported.

However, simply by accepting the principle of the hotel use in land use terms does not imply that it is automatically acceptable in all other respects. The proposed hotel use must be considered acceptable in all other planning considerations including in transportation and residential amenity terms. As assessment on these grounds is set out elsewhere in this report.

### **Restaurant use**

Two areas at ground floor level, either side of the main entrance lobby from Eastbourne Terrace are indicated as being in connection with food and beverage offers. One area to the right of the main entrance lobby is proposed with a food prep area and as ancillary to the hotel operation. A larger area (658m<sup>2</sup>) to the left of the main entrance lobby

is proposed a restaurant with a kitchen (for primary cooking) and permission is sought for the flexible use of this space as either a hotel restaurant (Class C1) to be owned and operated by the hotel, or as a separate restaurant unit (Class A3) operated by an external restaurateur. In either scenario, the restaurant would be available for use by hotel guests and the public.

The introduction of an independent restaurant is an appropriate use in this location would support the wider commercial, hotel and transport infrastructure in the vicinity. Policy S24 requires entertainment uses such as restaurants, to be appropriate in terms of type, size of use, scale of activity and relationship to an existing concentrations of entertainment uses and cumulative impact. Residential amenity, health and safety, local environmental quality and the character and function of the area must not be adversely affected. Generally large-scale (over 500m<sup>2</sup>) late night entertainment uses will not be appropriate.

## 8.2 Townscape and Design

The existing building consists of a six storey (plus plant) L-shaped building; the site is cut off from the pavement by a lightwell along both the Eastbourne Terrace and Chilworth Street elevations. None of the buildings on site are designated listed buildings, although there are a number of heritage assets in the immediate setting, including the Grade I listed Paddington Station, Grade II listed Hilton Hotel and Grade II listed Westbourne Terrace. The site is bordered on the east and west sides by the Bayswater Conservation Area, with the site itself not being included within a conservation area.

The existing building dates from the 1960s and although having been upgraded and reclad, is considered to be of limited architectural merit. The west side of Eastbourne Terrace is occupied by office buildings following the 1950s redevelopment plan in response to bomb damage in this area. To the rear of the site lies Chilworth Mews, the west side of which is located within the Bayswater Conservation Area. The buildings are typical of traditional mews buildings in terms of their scale form and detailed design. The buildings on Chilworth Street date from c.1840 and are characteristic of the four-storey stucco terraces found within Bayswater.

The application proposes the demolition of top floor and erection of replacement floor plus a one storey extension (resulting in a 7-storey building when seen from the rear) and plant area, a part 2 storey, part 5 storey rear extension, the infilling of the front lightwell and replacement facades.

The façade of the building will be reclad in response to the retained structure beneath. Vertical bays will be created by the use of concrete 'fins', orientated either parallel or perpendicular to the façade and of a varied scale in order to visually break up the massing. A horizontal break between the existing building and proposed upper levels is shown to break up the verticality a create a degree of separation. The windows on the upper levels, serving the hotel room, will either be opaque or transparent, with the rear windows obscured in part by internal slats. The ground floor will predominantly be glazed, set within irregular columns. To the rear the lower 2 storeys will be clad in brick. The principle entrance is demarked by a projecting canopy located centrally on the Eastbourne Terrace elevation, whilst the second entrance is located on the northern corner of the block, demarked by a recessed portico. To the rear formal landscaping is

proposed in the form of hard landscaping and planters. On the Eastbourne Terrace elevation planters and seating are proposed; the hard landscaping will be staggered to accommodate the change in ground level.

The proposals are considered to be acceptable in design and townscape terms. UDP policy DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance Westminster's townscape. It states that development should have regard to the prevailing townscape and character of the area. Whilst the mass of the building is greater than the existing building, the resultant height of the building is in keeping with those on the west side of Eastbourne Terrace. The encroachment of the height of the building on the adjoining buildings on Chilworth Street does result in the chimneystack not being the only feature of such height within the street scene; however, the staggering of the mass results in a transition between the existing and proposed heights, which is supported. Consequently, the height is considered sympathetic to the townscape and responsive to the prevailing heights of the buildings within the setting, including heritage assets. Whilst the plant room projects above the top storey, it has been located to the in the centre of the plan, which is the least prominent area of the roof where public and private views will be limited. The plant room will be evident in long and medium views from Eastbourne Terrace however; it will be seen in the context of other office buildings, which contain plant in more prominent locations.

In terms of detailed design and materials, the proposals are reflective of modern development within the immediate setting, including at Paddington Station opposite. The consistent framing and scale of the openings reference the terrace buildings found within the wider setting. Furthermore, the proportionality of the building, with respect of the relationship between the base, middle and top is appropriate and reinforced by the introduction of the horizontal break. The use of brickwork for the lower levels on the rear elevation works to create a human proportion, which comfortably relates to the scale of the mews buildings opposite.

The application contains indicative views within the Design and Access Statement. In terms of the townscape impact and the impact upon the setting of designated heritage assets, the increased height will have a limited impact and the positioning of the fins generates interest when viewed obliquely. With regards to impact on the setting of the mews houses within the Bayswater Conservation Area, given the design and materials are respectful of the characteristic scale, form and detailed design of the existing mews buildings and the greening will provide visual separation, the character and appearance of the Conservation Area is considered to be preserved. The proposal is considered to accord with design policies S25 and S28 of our City Plan and DES 1, DES 4, DES 9, DES 10 of the UDP.

### **8.3 Residential Amenity**

Given the scale of the proposal and the proximity to residential properties, both the physical and operational impact of the proposal must be assessed.

#### Physical Impact

The physical impact of the proposed extensions require a full assessment as to the potential impact on the amenities of residential properties to the rear on Chilworth Mews

and those in Chilworth Street and beyond. Given the use as a hotel which involves 24/7 activity, careful consideration must be given to the fenestration to the rear of the building to prevent noise breakout, overlooking, light pollution, reflection, and overall loss of amenity.

A daylight and sunlight assessment and light pollution report has been undertaken and contextual section drawings and privacy details provided to aid assessment.

#### Daylight and Sunlight

A daylight and sunlight report has been submitted which sets out the impact of the proposed development on daylight and sunlight received by surrounding properties.

Properties that would experience a loss of daylight and that require assessment are set out in the table below. Some windows would see a minor loss of daylight above the 20% loss set out in the BRE Guidelines and some larger percentage losses are due to the existing low levels. However, a majority of the windows affected are one of a number of windows that serve the same room in a property and which would not be adversely affected. As such, overall the proposed rooms would continue to receive satisfactory daylight and the objections received on this ground are not supported by officers.

Property	Room	Number of Windows	Existing VSC	Proposed VSC	% loss	Total No. of windows serving this room
9 Chilworth Mews	Kitchen	1	1.50	0.81	44%	4
23 Chilworth Mews	Dining room D	2	2.15 2.09	0.48 0.50	77.67% 76.08%	3
25 Chilworth Mews	K/D/L	1	8.45	5.14	39.17%	5
29 Chilworth Mews	K/D/L	2	14.45 14.48	11.26 11.44	22.08% 20.99%	5
31 Chilworth Mews	Living room	2	17.60 17.10	14.04 13.41	20.23% 21.57%	7
35 Chilworth Mews	Assumed	1	16.52	13.24	20.34% <sup>1</sup>	1
37 Chilworth Mews	Assumed	1	9.87	7.55	23.51%	3
39 Chilworth Mews	Assumed	1	1.06	0.58	45.28%	1
55-61 Westbourne	Assumed W35	1	0.18	0.00	100%	4

Terrace	/2033					
55-61 Westbourne Terrace	Assumed W51/2033	1	0.36	0.00	100%	4
55-61 Westbourne Terrace	Assumed W36/2034	1	1.14	0.01	99.12%	4
55-61 Westbourne Terrace	Assumed W54/2034	1	1.31	0.02	98.47%	4

NB/ Assumed- means assumed habitable room to a residential property.

No surrounding properties would see any significant loss of sunlight.

Sense of enclosure & Privacy

The proposal would result in additional height and additional bulk to the building at the rear. The building (excluding loading bay) would retain a distance of 22-25 m from Chilworth Mews properties, set within landscaped parking area incorporating the retention of existing mature trees on site. The single storey loading bay would align with the proposed mews houses at 50 Eastbourne Terrace and would incorporate a green roof.

Given the height of the proposed building and distance to surrounding properties, it is not considered that it would result in any significant sense of enclosure to properties of Chilworth mews or other surrounding properties.

The proposed building would overall contain less glazing when compared to the existing building, which is welcomed (from 44% to 20%). However, given the change in the nature of use from office to hotel, there is more scope for loss of privacy to occur. In order to address this the applicant is proposing permanent physical internal screens to the internal face of the windows on the rear elevation. These screens are proposed as internal fixed horizontal slats, fixed to look upwards at 60 degrees extended to 1.85m and are now proposed at lower ground, ground, first and second floor levels, with a 45 degree angle proposed for the remaining upper floors. The applicants have provided a visual of this within their addendum design and access statement and officers have experienced a mock version on site. As such, it is considered that this permanent fixture would mitigate the opportunity for overlooking and would provide protection for residents. Consequently, officers do not support the objections raised on grounds of loss of privacy.

The applicant has undertaken a light pollution of assessment to provide comfort that the proposed 24/7 hotel use would not result in any significant light pollution to residents of Chilworth Mews.

Given the scale of the development and distance between the development and residents of Chilworth Mews and other surrounding properties, together with the use of appropriate fenestration arrangements, materials, and internal screening officers are satisfied that the proposed measures sufficiently mitigate any potential loss of amenity from overlooking or light pollution. As such, the physical impact of the development

would satisfy policy ENV13 of our UDP and S29 of our City Plan and the objections raised on amenity grounds are not supported.

#### Operational impact

Given the nature and activities associated with a hotel use it is paramount that procedures are put in place for the hotel to operate without causing a loss of amenity to the existing residents within Chilworth Mews to the rear and those within Chilworth Street and surrounding nearby streets.

It should be noted that the 7 car parking spaces shown in the submission are associated with the provision of residential car parking for the mews houses being built at the adjoining site of 50 Eastbourne Terrace and this arrangement has already received separate permission.

The main pedestrian entrance to the hotel and restaurant for staff and guests is proposed from Eastbourne Terrace (together with smoking areas to the front lightwell) and it is paramount that the use is operated in this way to ensure the majority of activity takes place away from Chilworth Mews including arrival and departure of guests over a 24 hour period and potential taxi drop off and pick up's. However, there remains some pedestrian access to the building from the rear via Chilworth Mews, but only for specific users. Up to 28 staff cyclists using the on-site cycle storage provision and up to 4 guests with blue or white badges using the DDA car parking bays would be able to access the building from the rear. These low-key activities are considered unlikely to cause noise and disturbance to residents of the mews.

The key consideration with respect to activity in the Mews, is the potential impact of the proposed servicing activity. Servicing is proposed to take place within a single storey enclosed loading bay located to the rear of the site on Chilworth Mews. Up to 15 vehicles a day (one refuse vehicle, four lorries and ten transit vans) are proposed to use the loading bay between 07.00-20.00 Monday to Saturday and 09.00-16.00 Sunday bay, however in the absence of a vehicle turntable, all vehicles using the loading bay would have to reverse into or out of the site.

Significant objections have been raised by residents of the mews on grounds that the proposed servicing activity within the mews would detrimentally impact on their quality of life and amenities. Officers fully acknowledge these concerns. However, whilst it is regrettable that a vehicle turntable has not been proposed within the loading bay, an assessment of the proposed servicing activity must compare it with the impact of existing activity. The City Council's Highways Planning manager has advised that the proposed use would result in less vehicle activity in the mews when compared to the existing use with no control over how or when the servicing is carried out. This is because offices (especially multi occupied) generate more servicing requirements and because the current site contains off-street car parking for around 37 vehicles. The proposed vehicular movement within the mews is proposed to reduce under this proposal, with fewer servicing vehicles and fewer car parking spaces. However whilst the servicing arrangements would involve up to 15 vehicles reversing into or out of the loading bay (whereas in the current arrangement vehicles drive into the car parking area) which is regrettable. Given the overall reduction in servicing vehicles attending the site, the reduction in the car parking spaces and associated vehicle movements with those spaces, together with the introduction of an enclosed loading bay and control over the

hours that servicing can take place. It is considered that the impact of servicing and vehicle movement on residents amenities is comparable with the existing arrangement if not an improvement, as it would become controlled and regulated as opposed to the existing unregulated servicing of the site.

Therefore, notwithstanding the objections raised, subject to suitable conditions, the proposed operation of the proposed use is not considered to result in any significant detrimental to the amenities of residents of Chilworth Mews.

Whilst reference has been made as to the servicing impact of the proposed development under construction at 50 Eastbourne Terrace, this is not relevant to the determination of this application.

#### **8.4 Transportation/Parking**

The site benefits from a PTAL rating of 6b, which indicates that it is amongst the most accessible locations in Greater London. The site borders London Paddington Station, which acts as the western terminus for the Great Western Main Line and one of London's major transport interchanges. This station, which is directly managed by Network Rail and sits within Zone 1, provides access to the following services:

- Great Western Railway services to the southwest, west and northwest of London;
- Heathrow Express services to Heathrow Airport;
- TfL Rail services to Heathrow Airport;
- London Underground.

A wider variety of destinations are available from other nearby rail interchanges, which can be easily reached using existing bus and London Underground networks. Five London Underground line are accessible within a 10-minute walk of the site.

In addition, Paddington Crossrail service will significantly increase the public transport capacity at Paddington Station. The main entrance to this service will be immediately opposite the development site.

The proposed hotel and restaurant development will incorporate general guest and staff access from Eastbourne Terrace and to the rear via Chilworth Mews an off-street servicing bay accessed, DDA car parking bays and staff cycle access to cycle parking.

##### Loss of car parking and proposed car parking

The existing site contains an office building and rear curtilage area which contains around 37 off-street car parking spaces. Under the proposed hotel use, this would be reduced to four off-street car parking spaces for guests requiring DDA access (blue badge parking). The further 7 off-street car parking spaces shown on the application drawings are connected to the proposed 7 new mews houses at 50 Eastbourne Terrace and secured under that separate permission. The layout of the proposed car parking spaces is acceptable and provision of electric vehicle charging points is welcome. The overall reduction of non-residential car parking is welcomed and supported under policy TRANS21, TRANS22 and TRANS25. Furthermore, the site is within a Controlled Parking Zone (CPZ).

##### Trip generation

It is accepted that the majority of trips associated with the operation of the hotel and restaurant (excluding servicing) will be made using public transport or by walking or cycling. As such, the Highways Planning Manager is satisfied that the proposal will not be detrimental to the safety or operation of the highway network. Whilst Transport for London (TFL) has queried the nature and age of the data used for calculating trip generation, the City Council's Highways Planning Manager does not raise concern and is satisfied with the data provided.

#### Cycle parking

Provision is made for long stay parking of 28 cycles for staff within the building (secure, weatherproof), accessed from Chilworth Mews. In addition, short stay cycle parking is proposed to the front of the building on Eastbourne Terrace. This provision is in line with the requirements of the current draft London Plan policy T5 and will encourage sustainable transport.

#### Servicing/ Deliveries and Waste

The existing office building is currently serviced externally of-street from the rear car park/curtilage area via Chilworth Mews and is unrestricted and unregulated.

The proposed hotel would be serviced from a new purpose built enclosed loading bay structure also at the rear and access via Chilworth Mews. The structure would contain two bays, 1 for this site (40 Eastbourne Terrace) and 1 for the adjacent site (50 Eastbourne Terrace for its 32/33 vehicular movements a day) with a maximum clearance height of 4.6m allowing use by a smaller private refuse vehicle and provided with an electrical vehicle charging point. No turntable is proposed within the loading bay, and therefore vehicles would be required to reverse into the loading bay. Servicing hours of 0600-21.00 (with restriction between 08.00-10.00 and 16.00 and 19.00) were originally proposed but have since been revised to 07.00-20.00 Monday to Saturday and 09.00-16.00 Sundays and Bank Holidays.

When compared with the servicing requirements of the existing office building, the proposed hotel and restaurant would result in a reduction in servicing requirements. The hotel would generate 15 vehicular movements a day, one refuse vehicle, four 7.5t lorries and ten transit vans (as set out on page 57 of the transport study)

Given the overall reduction in servicing vehicles and cars attending the site under this proposed hotel use compared to the existing office use, the introduction of an enclosed loading bay and opportunity to control the hours of servicing, the proposed servicing arrangements are considered acceptable. The City Council's Highways Planning Manager is satisfied that the servicing arrangements including the reverse manoeuvres required to access the off-street loading bay are acceptable and do not raise highway concerns. A Servicing Management Plan (SMP) has been submitted which contains overarching principles of how servicing will be managed. Given the revised made to hours etc., a revised and simplified SMP is recommended to be required by condition.

Whilst reference has been made as to the servicing impact of the proposed development under construction at 50 Eastbourne Terrace, this is not relevant to the determination of this application.

Provision is made within the proposed building for the provision for storage of waste and recycling and the City Council's waste project manager is satisfied that the provision meets with our detailed requirements. The provision is proposed to be secured for this purpose in perpetuity and to restrict any waste being left on the highway.

#### Taxi's and Coaches

The Highways Planning Manager advises that taxi and private hire vehicle movement is expected to be similar to that of the existing office building, but that the time profile would change with movement more likely during evenings and weekend movement. The applicant has advised that activity would be encouraged to use the eastern side of Eastbourne Terrace to limit the impact on traffic flow. However, whilst ideal this cannot be assumed and it is likely that activity will be outside of or close to the main entrances on Eastbourne Terrace. As such, whilst it is acknowledged that this activity may result in some localised congestion on Eastbourne Terrace, this is unlikely to be significantly different to that associated with the existing building (part from different time profile) and on that basis the proposal is considered to be acceptable under policy TRANS7.

No provision is made for coach party arrivals or departures within the site, but reliance is made on existing on-street provision for coach drop offs and collection of hotel guests. These are located some distance from the site on Bishops Bridge Road and Westbourne Terrace. Both the City Council's Highways Planning Manager and TFL have questioned whether this existing provision has capacity for additional activity associated with this proposed hotel. Without sufficient coach drop off/pick up provision, or a plan to deal with this activity, coaches are likely to stop on the carriageway and obstruct both the highway and footway. In the absence of evidence of capacity of the existing coach provision drop off/collection locations and a coach management strategy to get guests from and to those areas, it is considered necessary and justified to restrict hotel or restaurant group bookings and coach parties attending the site.

#### Pedestrian Access and Pedestrian footway

Two pedestrian entrances are proposed to the hotel, to allow two separate hotel brands to operate. One is on Eastbourne Terrace; the other is on Chilworth Street close to the corner of Eastbourne Terrace. The Highways Planning Manager has raised concern with respect to the entrance on Chilworth Street, on the basis that the footway on Chilworth Street (northern façade) is narrow with street furniture and trees and currently is not an active frontage and that hotel guests with luggage could cause obstruction to other highway users. As such, an amending condition is recommended to seek a relocation of this entrance to Eastbourne Terrace, which is of much more suited to this type of activity and to retain the focus of pedestrian activity associated with the hotel use on Eastbourne Terrace.

#### Travel Plan

Whilst TFL has requested that a framework travel plan be produced, the City Council's Highways Planning Manager is satisfied that given the location of the site and the proposed uses a travel plan there is no justification to require a travel plan.

### **8.5 Economic Considerations**

The applicant has submitted an Economic Statement in support of this proposal. This statement sets out the predicted economic implications of both the construction and

operational phases of the proposed development together with the potential projected visitor and worker expenditure.

A brief summary is set out in the table below:

	Jobs	Apprenticeships/Trainee	Expenditure
Construction Phase of hotel	220 (40 FTE)	19	£660,000
Operational phase of Hotel	145 (120 FTE)		£5.7m per year + £for the site +£29m per year additional by hotel guests away from the site
Existing offices	540 (500 FTE)		

NB/ TFE= Full time Equivalent

Policy S19 (Inclusive Local Economy and Employment) requires where appropriate, new development to contribute towards initiatives that provide employment, training and skills development for local residents and to ensure that local people and communities benefit from opportunities which are generated from the development.

Office floor space is capable of supporting a higher employment density than hotels. This means the proposed development would lead to a net loss in direct employment on site. However, when taking into account the wide variety of employment positions within the hotel industry, the apprenticeship and trainee opportunities during construction and the overall predicted expenditure resultant from the development during construction and future operation, it is considered that the proposal is acceptable.

Based on total net uplift in floor space an employment and skills plan and financial contribution of £117,162.15 is required under policy S19 and Inclusive Local Economy and Employment Guidance Note 2019. This is to be secured under a S106 legal agreement.

## 8.6 Other UDP/Westminster Policy Considerations

### Trees and landscaping

There are six trees located in the carpark to the rear of the site adjacent to Chilworth Mews, five of which are subject to Tree Preservation Order (TPO). The single tree not subject to TPO is proposed to be removed as part of the scheme proposals and a soft landscaping scheme is proposed to the rear car park area together with a green roof

to the proposed single storey loading bay structure. Details of the soft landscaping scheme and that of the proposed green roof are to be required by condition

### **Sustainability**

The energy strategy for the proposed development including the following passive and low energy design measures:

- High performance glazing
- Improved building fabric
- Low building air leakage rate
- Variable speed fans and pumps
- Heat recovery
- Low energy lighting.
- Automatic lighting control with occupancy sensors (auto on, auto off)
- Photovoltaic cells
- Air source heat pumps to provide the heating and cooling requirements
- Air to water heat pumps will preheat the domestic hot water to the hotel.
- BREEAM rating of Excellent.

Overall, the proposed energy strategy provides a carbon emissions reduction of 24.75% when compared to the baseline Building Regulation 2013 (TER) compliant scheme, resulting in an annual shortfall of 10.25% below the 35% target. As such, a cash-in lieu carbon offset payment will be required, to be secured through a S106 agreement.

### **Other**

A Flood Risk Assessment (FRA) has been prepared by AECOM in support of the planning application. The site is located within Flood Zone 1 (Low Probability).

## **8.7 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

## **8.8 Neighbourhood Plans**

Not applicable to this location.

## 8.9 London Plan

This application raises no strategic issues and the application is not referable to the Mayor of London.

## 8.10 National Policy/Guidance Considerations

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

## 8.11 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- a) All highway works immediately surrounding the site required the development to occur prior to occupation of the development, including reinstatement of the redundant crossovers in Chilworth Mews including signage improvements as required by City Highways. All to the council's specification, at full cost (administrative, legal and physical).
- b) Employment and skills plan and financial contribution of £117,162.15 towards initiatives that provide employment, training and skills development.
- c) Carbon Off-set payment TBC

The application is liable for both Mayoral and Westminster CIL.

## 8.12 Environmental Impact Assessment

Environmental Impact issues have been covered throughout the report.

## 8.13 Other Issues

### Construction impact

In line with Westminster City Council's adopted CoCP, Appendix A, a code of Construction Practice Checklist has been completed and forms part of the submitted planning application. Under the City Council's Code of Construction Practice the Proposed Development would be a 'Level 1' scheme and the applicant has confirmed their commitment to supporting at least 19 apprenticeships or trainee start positions over the course of the construction phase

Construction and servicing vehicles will be routed primarily from the A40 in order to minimise local congestion. Routes and their viability will be confirmed as part of the Delivery and Servicing Plan and Construction Logistics Plan that are expected to be secured by planning condition.

### Crime and security

The applicant has been in communication with the Designing out Crime Officer and advice has been given. A condition is recommended to secure further details as the detailed design progresses.

**Technical Reports**

Following consultation with Thames Water, Crossrail and our Environmental Health team on related technical aspects of the proposal, conditions are recommended in light of advice.

**Community involvement**

The Applicant appointed Kanda to develop a programme of community engagement to inform key stakeholders of the project and gather feedback from them. This has included dialogue with Councillors, local landowners, local businesses and residents, with public consultation events held on 14 and 15 March. Engagement with residents and commercial stakeholders meetings with, ward councillors, engagement with amenity groups including SEBRA and BID; a letter distributed to approximately 2,306 local residents and businesses inviting them to a public exhibition of proposals; a public exhibition and private viewings of proposals held over two days attended by 39 people.

(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: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

9. KEY DRAWINGS



PROPOSED

SHEPPARD ROBSON

DESIGN AND ACCESS STATEMENT | 69



PROPOSED

SHEPPARD ROBBIN

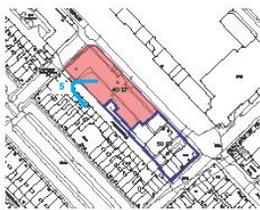
DESIGN AND ACCESS STATEMENT | 71



EXISTING



PROPOSED



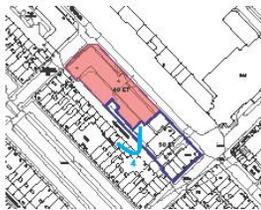
5. VIEW FROM CHILWORTH MEWS, CHILWORTH STREET END



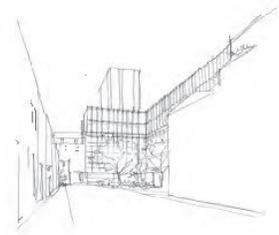
EXISTING



PROPOSED



4. VIEW FROM CHILWORTH MEWS, CRAVEN ROAD END



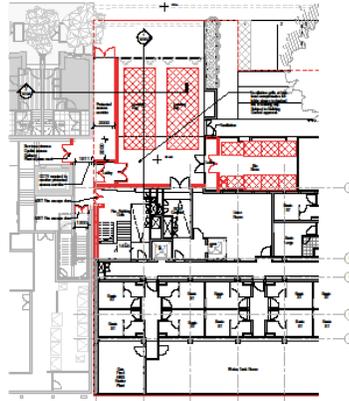
## 2. Loading Bay

As part of this proposal, a green roof has been introduced over the loading bay area in Chilworth Mews to provide a more pleasant view to the residents. The proposed green roof covers the two loading bays for vehicles servicing both No.40 and No.50. A set of gates has been introduced to the front of each bay and the following amendments have been made following the servicing and fire requirements:

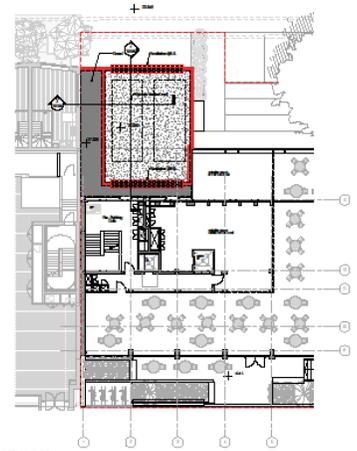
- Protected access corridor
- 40ET fire escape
- 50ET fire escape
- 50ET Service entrance / Cyclist access / Deliveries / Plant replacement
- Lobby between protected corridor and loading bay
- Lobby to bin store
- Ventilation louvres

Proposed green roof has a stepped perimeter along 50ET and 40ET facades to enable a decent window parapet height for 50ET residential and ventilation at high level towards 40ET. The height of the green roof has been determined by the clear height requirement for the delivery and refuse vehicles that are going to be parked under the roof.

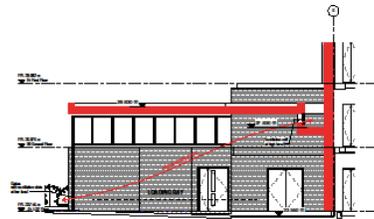
Ventilation to loading bay has been provided through the gates at low level to the louvres at high level to the back of the vehicles.



LOWER GROUND FLOOR



GROUND FLOOR



SECTION 01



SECTION 02

### 3. Window Screens

Following public consultation and individual meetings held with local residents, it has been acknowledged that overlooking and privacy in Chilworth Mews are a concern for Chilworth residents.

Alternative resolutions have been explored to provide privacy both daytime and night time and in both directions.

These include introducing film application to windows to overcome this issue, but this was not found suitable as it wasn't satisfying the above criteria. Film applications generally provide good privacy during daytime, but as soon as the internal lights are switched on, they do not perform.

Comprehending residents' views and aspirations, the design team have developed a physical internal screen to the windows to eliminate the overlooking and privacy issue.

Proposed screens are installed to the internal face of the glazing and are comprised of horizontal slats. They are permanent screens with the angle of the slats fixed to look upwards at 60 degrees (lower ground and ground floor) and 45 degrees (first floor and above) to the sky at all times and the height set to 1850mm from the floor finish level leaving the top portion of the window clear to enable receiving daylight into the hotel rooms.

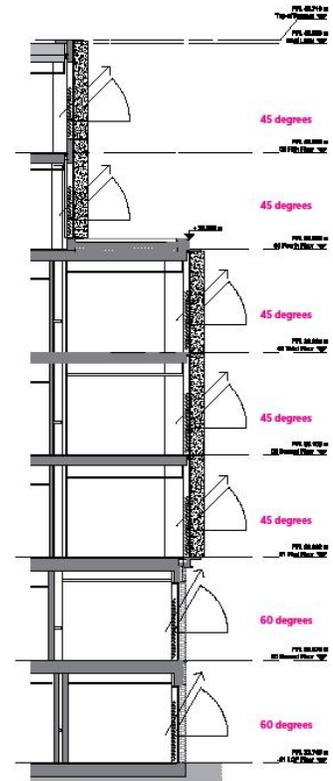
The dimensions and the spacing of the horizontal slats have been determined carefully in order to prevent visibility to and from Chilworth Mews and the mews houses.

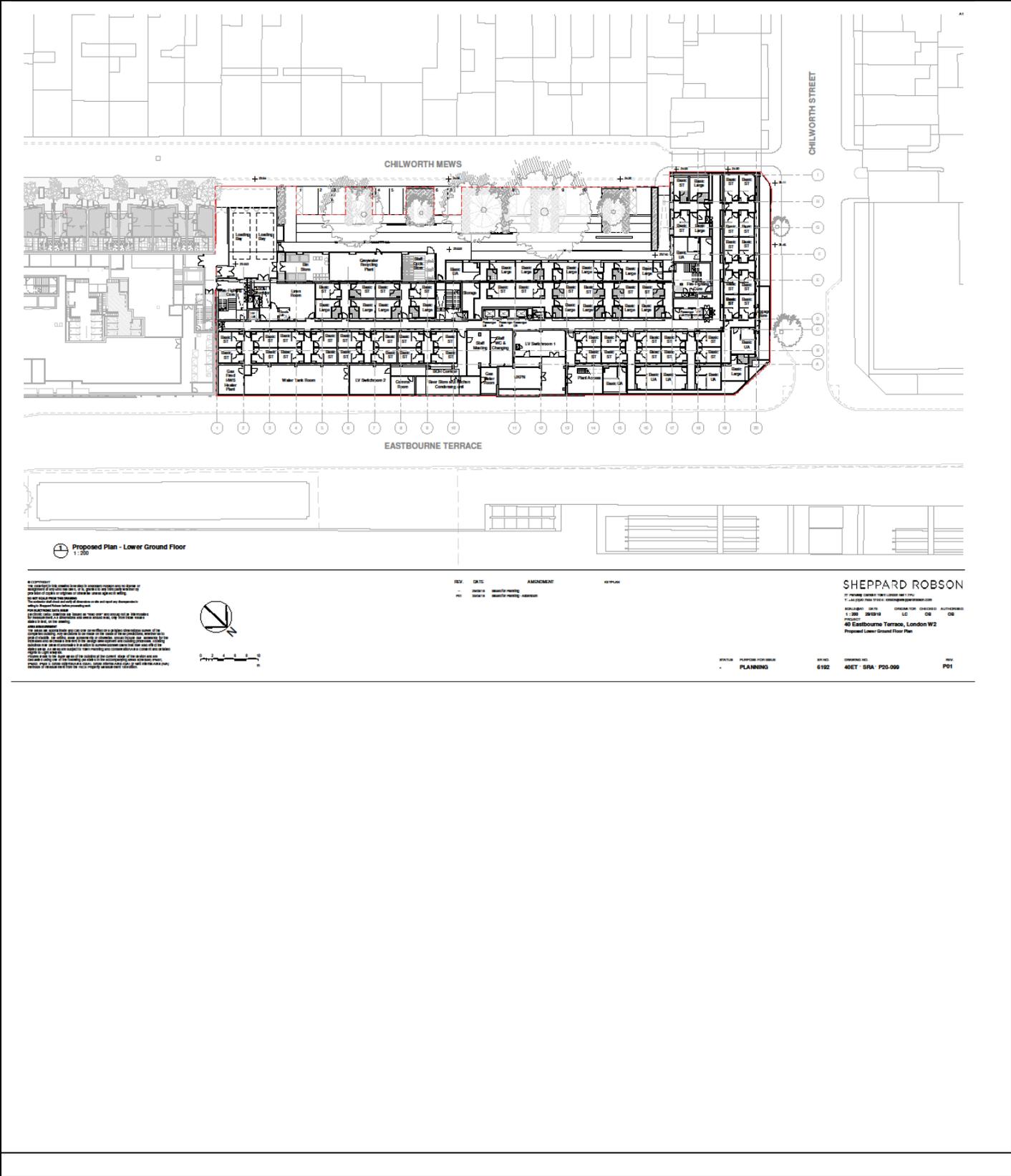
The screens appear on every floor on Chilworth Mews elevation including the return elevation to the North end and providing privacy to 128 rooms as well as the mews houses.



VIEW FROM INSIDE THE HOTEL ROOM

SHEPPARD ROSSON





**DRAFT DECISION LETTER**

**Address:** 40 Eastbourne Terrace, London, W2 6LG,

**Proposal:** Demolition of top floor and erection of replacement floor plus one storey extension, rear extensions, and replacement facades with associated external alterations for use as a 366 bed hotel (Class C1) with flexible use at part of ground floor for restaurant/hotel use (Class A3/C1).

**Reference:** 19/03058/FULL

**Plan Nos:** Site Location Plan; Design & Access Statement, by Sheppard Robson Architects; Heritage and Townscape Statement, by KM Heritage; Transport Assessment, by Steer;; Draft Operational Management Plan, prepared by Gerald Eve LLP; Daylight and Sunlight Assessment, by Point 2; Energy Strategy, by WPP; Sustainability Strategy, by WPP; Noise Impact Assessment, by AECOM; Statement of Community Involvement, prepared by Kanda; Economic Statement, prepared by Volterra; Arboricultural Survey and Impact Assessment, by tree:fabrik;; Air Quality Assessment, by Air Quality Consultants; Flood Risk Assessment, by AEC; Signed Draft Code of Construction Practice Appendix A Form. Existing and proposed drawings.

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641 2929

**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 residents and the area generally as set out in S29 of Westminster's City

Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 **Pre Commencement Condition.** Prior to the commencement of any: (a) Demolition, and/or, (b) Earthworks/piling and/or , (c) Construction , On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

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 3m x 3m fabricated sample panels of the following parts, of the development: i) typical facade bay of the front elevation, upper level of the building., ii) typical façade bay of the rear ground and first floor levels., 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)

- 6 You must apply to us for approval of a scheme of public art. You must not start work on the, public art

until we have approved what you have sent us. Before anyone moves into the, building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it

Reason:

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

- 7 You must provide the waste store shown on drawing 23340102-STR-HGN-100-DR-D-00502 Revision P2 within the Transport Statement. ; before anyone moves into the property. You must clearly mark it and make it 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 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)

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

Reason:

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

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:, , a. A revised layout removing any pedestrian access points onto Chilworth Street. , , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 10 Prior to occupation you must provide to us and we must have agreed , , a. An Operational Management Plan for the hotel and restaurant uses. , b. A Servicing Management Plan., c. Details of how you will manage a No Coach/No group bookings policy, d. Details of Electric Vehicle charging points for LGV delivery use and the 4 DDA car parking bays., , These plans must thereafter be followed/maintained for the life of the development, unless a revised plan is agreed by use in writing.

## Reason:

In the interests of public safety, to avoid blocking the road and to protect the environment of residents and the area generally as set out in S41 and S29 of Westminster's City Plan (November 2016) and STRA25, TRANS 2, TRANS23, ENV5, ENV6 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 11 The enclosed loading bay shall be provided with a headroom of at least 4.6m (clear unobstructed height above the floor surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. It shall be maintained for servicing (including waste collection) and for no other purpose. All servicing (including waste collection) shall take place from within this loading bay and no goods are to be accepted and dispatched or waste collected directly from any other location including from the highway.

## Reason:

In the interests of public safety, to avoid blocking the road and to protect the environment of residents and the area generally as set out in S41 and S29 of Westminster's City Plan (November 2016) and STRA25, TRANS 2, TRANS23, ENV5, ENV6 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must provide each of the car and cycle parking spaces shown on the approved drawings prior to occupation and as set out below: a. A maximum of 4 car parking spaces for guests staying overnight at the hotel with a valid blue or white badge only. with electrical vehicle charging points, b. A maximum of 7 car [parking spaces retained for the adjoining residential mews houses currently under construction at 50 Eastbourne Terrace with electrical vehicle charging points., c. minimum of 23 long stay cycle spaces ( 19 for hotel use and 4 for A3 use) as indicated on the approved drawings, d. The short stay cycle parking as indicated on the approved drawings., , Thereafter the car parking and 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 4 parking spaces for blue or white badge hotel guests, 7 parking spaces for residents of the adjoining mews houses under construction at 50 Eastbourne Terrace and to provide cycle parking for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007 and Policy 6.9 (Table 6.3) of the London Plan 2016.

- 13 Prior to any demolition or construction, you must provide to us (in liaison with TFL) a Construction Logistics Plan which should take into consideration the ongoing construction works for Crossrail on Eastbourne Terrace and in the surrounding area and consider measures such as a delivery booking system, off site fabrication, consolidation of deliveries and co-operation between construction sites in the area (including common practice procurement).

## Reason:

In order to appropriately manage any potential adverse effects on the local road network and adjacent bus stops, as requested by Transport for London (TFL)

- 14 A. None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority which:-, , (i) Accommodate the location and of the Crossrail structures including temporary works, maintenance and works compounds and all access and egress requirements., (iii) Mitigate the effects on Crossrail, of ground movement arising from development, , B. None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded., , The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by A and B this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied., ,

## Reason:

To ensure that the development does not impact on existing Crossrail infrastructure and does not impede or compromise the delivery of Crossrail, as requested by Crossrail Limited.

- 15 Prior to occupation you must provide confirmation in liaison with Thames Water , , A. that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan., , B. that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan

## Reason:

The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents. The development may also lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. All as requested by Thames Water.

- 16 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

## Reason:

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

- 17 **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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , 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)

- 18 All servicing must take place between 07.00-20.00; on Monday to Saturday and 09.00-16.00 on Sundays and Bank Holidays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 19 (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. (R46AB)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

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

level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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. (R47AB)

- 22 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 23 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 19,20,21,22 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so

that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 24 You must provide to us details of an acoustic report demonstrating how the noise from internal activity will meet the requirements of condition 21.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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. (R47AB)

- 25 You must apply to us for approval of details of a security scheme for the hotel and restaurant You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building. (C16AC)

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. (R16AC)

- 26 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping on site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

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

- 27 The building shall be operated in accordance with the following details:-, , A. The doors and windows to the ground floor rear elevation of the restaurant facing Chilworth Mews shall not be opened or used, except in the case of an emergency., B. The doors to the ground floor rear elevation of the building facing Chilworth Mews shall only be used by the following:, i) Guests staying overnight at the hotel with a valid blue or white badge only using one of the four of DDA car parking spaces, ii) Staff Cyclists using one of the 23 long stay cycle spaces ( 19 for hotel use and 4 for A3 use) , ii) In the case of an emergency.

## Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 28 The ground floor restaurant must operate in accordance with the following:-, , A. The doors and windows to the ground floor rear elevation of the restaurant facing Chilworth Mews shall not be opened or used, except in the case of an emergency., B. The restaurant shall not be open to members of the public (Non-Hotel guests) between Midnight and 7am daily.

## Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 29 You must not use any of the roofs of the building or the enclosed loading bay 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)

- 30 The rear elevation of the building shall be constructed in line with the details submitted set out in the Design and Access Statement Addendum May 2019 as amended by the following:., , A. The permanent screens with the angle of the slats fixed to look upwards at 60 degrees (at lower ground, ground floor, first and Second floor levels) and 45 degrees (to third floor and above) to the sky at all times and the height set to 1850mm from the floor finish level, leaving the top portion of the window translucent to enable receiving daylight into the hotel rooms., ,

## 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)

- 31 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and details of the green roof including maintenance and irrigation. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

**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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The developer is required to apply to Westminster City Council for approval of the chimney/flue height in accordance with the Clean Air Act 1993 (14) subsection 2. Applications should be made to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)
- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk) , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 The term 'clearly mark' in condition 7 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 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)
- 8 Crossrail Informative - transmitted groundbourne noise & vibration , The Developer is recommended to assess and consider mitigating the possible effects of noise and vibration arising from the operation of Crossrail (the future Elizabeth Line) within tunnels and nearby structures.
- 9 Thames Water Advice, The developer can request information to support the discharge of this Thames water conditions by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning). Thames Water Development Planning Department (telephone 0203 577 9998)., , There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>, , The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk), , Waste: Based on the info provided;, Proposed: 368 bed hotel. Foul water to discharge by gravity using 2 existing and 1 new

connection into combined 1829x787 sewer. Surface water to discharge by gravity via 3 combined connections as foul. Attenuated and restricted to 2l/s per connection (total 6l/s)., Foul - combined 1829x787 sewer has enough capacity Surface Water: Needs to reduce further.

- 10 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, , Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 11 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 12 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following: , \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings; , \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase; , \* Any changes of level, such as a step between floors, which are not obvious, are

marked to make them conspicuous. The markings must be fitted correctly and properly maintained;, \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;; \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

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- 13 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following., \* Window cleaning - where possible, install windows that can be cleaned safely from within the building., \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained., \* Lighting - ensure luminaires can be safely accessed for replacement., \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm)., , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (180CB)
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appearance of the building, you will need to apply separately for planning permission. (180CB)

- 14 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
  
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Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

# Agenda Item 2

Item No.

2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 17 September 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>Marble Arch Apartments, 11 Harrowby Street, London, W1H 5PQ</b>		
<b>Proposal</b>	Erection of a single storey roof extension to provide eight additional residential units (Class C3) (2 x 1-bed, 3 x 2-bed and 3 x 3-bed units). Relocation of existing water tanks to new roof level.		
<b>Agent</b>	Stephen Davy Peter Smith Architects		
<b>On behalf of</b>	Jewelside Ltd.		
<b>Registered Number</b>	19/00261/FULL	<b>Date amended/ completed</b>	04 April 2019
<b>Date Application Received</b>	14 January 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

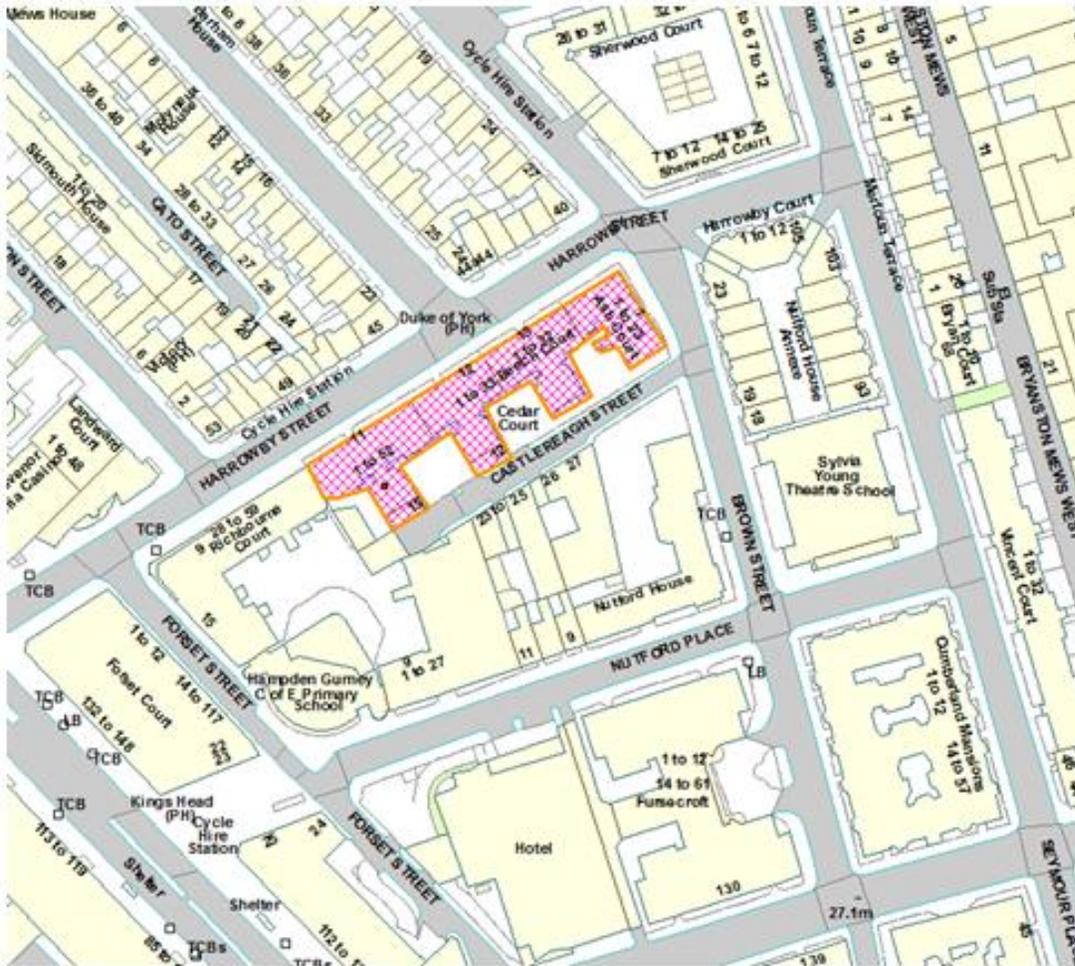
Marble Arch Apartments is residential development comprising a group of four buildings, now linked, on lower ground, ground and four upper floors, with an attic above. Permission is sought for the erection of a single storey roof extension, forming a double mansard to the front and with a sheer profile to the rear, to create eight new flats (731 sqm). The existing roof level water tanks would be relocated to the roof of the proposed extension.

The key issues are:

- \* The amenity impact of the proposed extension on surrounding sensitive properties;
- \* The impact of the proposed alterations on the character and appearance of the area;
- \* The impacts on-street parking demand.

Numerous objections have been received on land use, amenity, design and highways grounds. However, following design alterations, the application is considered to comply with relevant Unitary Development Plan and City Plan policies and is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Any response to be reported verbally

### HIGHWAYS PLANNING

Objection - lack of off-street parking, inadequate cycle parking

### PROJECT OFFICER (WASTE)

No objection subject to conditions

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 262

Total No. of replies: 118

No. of objections: 116 (including Marble Arch Residents' Association)

No. of Neutral: 2

No. in support: 0

Objection/concerns on the following grounds:

#### Land use:

- Potential use for short term lets
- Absence of affordable housing
- No open space/private amenity space for new flats

#### Design:

- Unacceptable bulk/height/massing
- Loss of existing hip roof; replacement of double mansard roof in appropriate in the context of the building and the area
- Impact on architectural integrity of the building and its proportions
- Impact on setting of neighbouring listed buildings
- Impact on streetscape and neighbouring conservation areas
- Impact on private views
- Unacceptable design details (windows /facing materials)
- Drawings do not take account of necessary structural and insulation requirements and extension will be taller than shown

#### Amenity:

- Loss of privacy
- Loss of daylight and sunlight to neighbouring properties, no daylight/sunlight assessment with application documents
- Overshadowing of open spaces and adjacent streets
- Noise disturbance to occupants of existing top floor flats from use of proposed units
- Detrimental to local environment (air quality/noise pollution)

#### Highways

- Increased traffic generations (and associated pollution)

- Increased on-street parking demand
- Impact on loading
- Transport analysis does not take account of local changes to Harrowby Street

#### Construction impact

- General disturbance, noise, health/safety risks, impact on air quality/pollution. Many residents work from home.
- Security of existing flats
- Highway congestion from construction traffic and reduced parking availability
- Impacts of scaffolding for prolonged period (light, enclosure of windows, appearance of building)
- Reduced lift access/impact on communal areas
- Inconvenience from relocation of water tanks
- Families will be forced to relocate
- Potential removal of trees to accommodate scaffolding

#### Human rights

- Impact on rights to protect peaceful enjoyment of possessions (Article 1)
- Impact on rights of respect for private and family life (article 8)

#### Access

- No step free access to proposed flats

#### Biodiversity

- Street trees will suffer due to reduced light
- Impact on plants outside neighbouring public house

#### Consultation

- Lack of consultation by the Council and applicant

#### Other

- Sets precedent for similar developments
- Impact on property values/property
- Ability of managing agents to cope with requirements of additional residents
- Building at capacity
- Loss of 'community feel' within the mansion block due to the additional apartments
- Exacerbation of existing building servicing/maintenance issues
- Application is in breach of lease
- Concerns regarding the ability of the existing building to carry additional load
- Impact on local broadcasting signals
- Increased pressure of local services (health services, schools, transport, policing)
- Incorrect labelling of application documents
- Rights to Light
- No Environmental Impact Statement
- Energy and sustainability statement vague

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site comprises a group of four separate buildings (Marble Arch Apartments), now internally linked, located on the south side of Harrowby Street, between its junctions with Forsett Street and Brown Street, to the east of the Edgware Road. Although the buildings occupy the plots at 11, 12 and 13 Harrowby Street and 1 Brown Street, the site address is 11 Harrowby Street.

The building, which has frontages on Harrowby Street, Brown Street and Castlereagh Street (to the rear), comprises lower ground, ground and four upper floors, with an attic above, and is occupied as 125 flats. There are several water tanks on the roof of the building.

Whilst the site is not within a conservation area both the Molyneux Street and Portman Estate conservations areas are within close proximity. The site is also located outside the Core Central Activities Zone (Core CAZ).

The area is predominantly residential in character although there are some retail type units (Class A1, A2 and A4) located on the opposite side of Harrowby Street and commercial premises to the rear.

### **6.2 Recent Relevant History**

7 August 2007: Permission granted for the demolition of existing building (to the rear of the application site) and erection of single storey dwelling house (one bed) at the rear of 11 Harrowby Street.

28 August 2003 Permission granted for the erection of three, three storey extensions to the rear of existing building to provide 2 x 1 bedroom maisonettes, and bin stores, and an extension to two existing residential units.

18 February 2002 Permission refused for erection of three, three-storey extensions to rear of existing building to provide 3x1 bedroom maisonettes and bin stores - external staircase would lead to an unacceptable loss of privacy, sunlight and outlook for people in neighbouring properties.

18 February 2002 Permission granted for conversion of ancillary ground floor residential floorspace for use as 1x1 bedroom and 2x studio flats.

A number of flats within Marble Arch Apartments were the subject of enforcement notices (1995) relating to unauthorised use as temporary sleeping accommodation.

## **7. THE PROPOSAL**

Permission is sought for the erection of a new single storey roof extension to create eight new residential flats (3 x 3-bed, 3 x 2-bed and 2 x 1-bed flat), totalling 731 sqm of new residential floorspace.

To the front, the slope of the existing mansard would be extended to form a double mansard with traditional dormer windows. To the rear the extension would be sheer, to match the existing profile, with double glazed windows to match those below. The extension would be clad in slate.

The existing water tanks at main roof level will be relocated to new main roof level. The four lift/stair cores would be extended to serve the new flats.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use**

The provision of new residential floorspace is considered acceptable in principle and accords with Policy H3 of the UDP and policy S14 of the City Plan which seek to encourage the provision of new housing.

The proposed units, which are all double aspect, are considered to be acceptable in terms of their size and layout and the standard of accommodation offered to future residents. All of the flats exceed the space requirements set out in the London Plan but are not excessively large (ranging from 52 sqm GIA to 108 sqm GIA) and the development is considered to optimise the residential development potential of the site, in accordance with City Plan Policy S14. A condition is recommended to ensure that the new units would achieve acceptable internal noise levels in relation to external noise sources.

Policy H5 of the UDP states that the City Council will ensure that an appropriate mix of unit sizes is achieved in all housing developments and that the City Council will normally require 33% of housing units in housing developments to be family sized. City Plan policy S15 states that residential developments should provide an appropriate mix of units in terms of size, type and affordable housing provision in order to meet Westminster's housing needs and to create mixed communities. Three of the new units (38%) would be family sized.

Policy H10 of the UDP states that as part of housing developments, the City Council will normally expect the provision of amenity space. Outside the CAZ, this will normally include the provision of open space. Objections have been received due to the absence of any private amenity space for the new flats in an area of open space deficiency. Although the absence of external amenity space is regrettable, as with many residential developments, it is considered that the provision of balconies/terraces, with associated balustrades, on this prominent building has the potential to create amenity issues and is unlikely to be considered acceptable in design/townscape terms. In these circumstances, the lack of amenity space could not justify a recommendation for refusal on the grounds that the units would not provide an acceptable standard of amenity for future occupants.

Objections have been received on the basis that the scheme does not include any affordable housing Given the number of units proposed, and as the increase in

residential floorspace is less than 1000 sqm, the development does not trigger the Council's affordable housing policies.

Concerns have also been raised regard the potential use of the flats as short-term letting with an associated impact on the amenity of existing permanent residents. A condition has been imposed to ensure that the flats are used as permanent accommodation. Any reported unauthorised use of the flats would be the subject of enforcement investigations and objectors' concerns about the potential unauthorised use could not justify the refusal of planning permission.

Objectors have also stated that empty offices should be converted to residential properties to avoid disruption to existing residents. However, the City Council is required to assess the current application, as submitted.

## 8.2 Townscape and Design

Marble Arch Apartments is an unlisted mansion block building. The building is located outside of a conservation area although the boundary of the Molyneux Street Conservation Area is located immediately north of the proposal site, running down the centre of Harrowby Street. The boundary to the Portman Estate Conservation Area runs to the south, and east, of the site. There are several grade II listed buildings in close proximity including those at 46- 53 and 41- 43 Harrowby Street and at 6-9, 16-23, 25- 38 and 41- 49 Molyneux Street. The building is prominent in long views from within the Molyneux Street Conservation Area and there is a direct visual relationship between the nearby listed buildings and the application building, which makes an important contribution to the setting of the adjacent conservation areas and listed buildings.

The existing building is six storeys in height, including a basement and double pitched roof storey, including an attic. There are pedimented dormers to the front and a sheer elevation to the rear. Three, tall, projecting rear wings back onto Castlereagh Street.

The proposals involve the addition of a fifth floor extension involving a continuation of the existing roof pitch to the front and the sheer profile to the rear. Proposed dormers to the front roofslope would match the positioning of the existing windows below. Following negotiations with the applicant, the scale of the proposed dormers has been reduced, to ensure they appear hierarchically subordinate to the windows below. In terms of detailed design, the proposed extension is to be clad in slate, in place of the zinc cladding originally proposed to the rear. Slate samples would be secured by condition. The relocated water tanks, which would project above the proposed roof, would be centrally located in several positions.

The scheme is the subject of strong local objections. Objectors consider that the proposed roof extension constitutes an overdevelopment that would result in an unacceptable increase in height and bulk at roof level. They also consider that the extension, resulting in the creation of a double mansard to the front, would be overbearing and uncharacteristic of the area, detracting from the appearance of the existing building and the character of the area and harming the setting of neighbouring conservation areas and listed buildings. Objections have also been received on the

grounds that the proposed roofing materials (slate) and the new dormer windows are inappropriate in design terms.

### **Impact on views and designated heritage assets**

The overall increase in roof height above the existing attic (a maximum of 0.94m to the eastern end of the site and 0.66m across the rest of the site) is modest. However, the proposed additional storey will represent an increase in high level bulk and several of the objections refer to the overbearing impact of the proposal on local views and the setting of nearby listed buildings. The roof extension will be highly visible in local views from within the adjacent conservation area to the north (Molyneux Street) and will form part of the backdrop and setting of the listed townhouses on Molyneux Street. However, the design and detailing of the extension will relate sensitively to the existing building and the palette of the surrounding roofscape, echoing the pitch, composition and materials of the existing roof form. Further, the application building is already of a considerably greater scale than the rows of listed terraces to the north, terminating local views down Molyneux Street. Given the already large scale of this mansion block, it is considered that one, appropriately detailed, additional storey can be accommodated without appearing top heavy or disproportionate. It is also considered that the additional high level bulk will blend sensitively with the existing streetscape and will not appear unduly prominent in the backdrop of the Molyneux Street listed buildings and conservation area when compared to the existing situation.

The roofscape on the south side of Harrowby Street is also varied in its form, reflecting the piecemeal development of the buildings on this side. Given the larger scale of these buildings and the already significant difference in height between the application building and the grade II listed buildings opposite, it is considered that an appropriately designed increase in height and bulk on the application site will not have a detrimental impact on local views from Harrowby Street and would also relate sensitively to the larger scale of buildings outside of the conservation area on the south side of the street.

From the south of the site the presence of the existing rear wings would reduce the visual impact of the proposed roof extension in local views from Brown Street and Castlereagh Street and from the Portman Estate conservation area. The proposed treatment at the rear consists of a sheer storey clad in slate. Following negotiations, the design of the rear fenestration has been amended to relate more successfully to the existing windows on the main building.

The side of the proposed extension will be more prominent from Brown Street. However, as a continuation of the existing roof pitch, the additional height and bulk in this position will relate sensitively to the existing building. Whilst the proposed development will result in an increase in high level bulk on this corner, it is not considered to have a detrimental impact from public or private vantage points from within the Portman Estate Conservation Area and will not harm any views of significance.

Whilst the proposed additional bulk will, to a degree, impact on local views, as well as the setting of the adjacent conservation area and its listed buildings, the additional height and bulk proposed can be accommodated without detriment to the setting of nearby designated heritage assets and local views from within the conservation area. It is therefore considered that, given the reasons set out above, the objections concerning

the impact of the development on local views and the setting of nearby listed buildings cannot be supported.

Many objectors consider that the proposal for a taller building in this location, incorporating a double mansard roof, would be uncharacteristic of this area. It is accepted that the 19th century terraces on the north side of Harrowby Street, and the streets leading off from it within the conservation area to the north, are modest and domestic in their scale. The roofscapes in these groups of townhouses are typically characterised by shallow pitched roofs and single mansard storeys. However, the scale of buildings on the south side of Harrowby Street, which are not located within a conservation area, is much greater than that of buildings to the north of the site. The buildings on the south side are typically larger, taller, and more varied in their architectural style. For example, the building immediately to the west (Richbourne Court) is taller than the application building, and would remain so following the construction of the proposed extension, providing a visual transition between Marble Arch Apartments and the, significantly, taller buildings fronting Edgware Road.

Whilst double mansard roofs are not a common roof type in the immediate vicinity, the principle of this roof form is not wholly uncharacteristic of the mansion block building type. There are some examples of other early 20th century mansion blocks within Marylebone with double mansard roof forms, e.g. at 11 Crawford Place, although they do not typify buildings of this sort. In the context of the varied pattern of development, roof forms and building heights outside of the conservation area on the south side of Harrowby Street, it is not considered that the introduction of a double mansard would harm the, already varied, roofscape. It is therefore considered that objections to the increase in height, the loss of the existing roof profile, and the proposed roof form cannot be supported.

### **Materials**

Objectors consider that the proposals to clad the extension in slate are inappropriate as this would result in two slate-clad storeys on the building, which they consider would be 'dull'. They are also concerned that the continuation of the mansard roof pitch would only be possible with the introduction of 'ugly' dormer windows.

The roofscape in this area, including the roof on the existing building, is characterised by natural slate of a dark grey/ blue colour. The proposal to clad the roof extension in slate is in keeping with the existing palette of roofing materials. Although there will be a large expanse of new roof across the full width of the building, this would be punctuated by dormer window openings, the arrangement of which is typical of traditional solid to void ratios and reflects the fenestration pattern of the existing building. Consequently, objections to the appearance of the proposed extension, including the proposed materials and new dormers cannot be supported.

### **Structural/soundproofing requirements**

Some objectors are concerned that the application drawings do not make allowance for necessary structural elements and soundproofing and that the extension, if built would be taller (by approximately 800mmm), than shown. The finished floor level to the extension (43.95 m AOD) is 300 mm above the existing roof level identified on the

survey (43.65 m AOD). The applicant has confirmed that this space is sufficient to accommodate all structural and insulation requirements. However, as the proposed drawings provide limited information regarding the structural build-up, a condition is recommended requiring the submission of detailed construction drawings (with AOD annotations) to demonstrate that the height and bulk of the development will be in accordance with the dimensions shown on the application drawings.

For the reasons set out above, it is considered that objections received on design and townscape terms cannot be supported. Subject to conditions, including a condition to require the development to be carried out in its entirety (to prevent a situation where e.g. only one part of this phased development would be constructed) the proposals are considered compliant with DES 6 of the UDP. Whilst the development will have some impact on the setting of the neighbouring conservation area and listed buildings, this impact is not considered harmful and the scheme therefore complies with policies DES 9 and DES 10.

### **8.3 Residential Amenity**

Policy ENV13 seeks to protect and safeguard the amenities of existing residential properties from development proposals including in relation to the levels of daylight and sunlight received and overlooking. Policy S29 of the City Plan also requires new development to safeguard the amenity of neighbouring properties.

Numerous objections have been received from residents of the application site and neighbouring residential and commercial buildings on the grounds of loss of daylight and sunlight, overshadowing of private amenity space (and the street) and loss of privacy from new windows.

#### **Sunlight and Daylight**

Notwithstanding objections relating to the absence of a daylight/sunlight analysis, a daylight and sunlight report has been submitted. This assesses the impact of the development on 1 to 27 Richbourne Court, 23 to 27 Castlereagh Street, Nutford House, 23 Brown Street and 40 to 51 Harroway Street and flats within the application building.

#### **Daylight**

Vertical Sky Component (VSC) is the method used to measure the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the window will have the potential to provide good levels of daylight. Reductions of more than 20% should be avoided as such losses are likely to be noticeable, and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to principal habitable rooms including living rooms, larger kitchens and bedrooms. However, the guidance is clear that numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the site circumstances.

The distribution of daylight within individual rooms can also be assessed using the No-Sky Line (NSL) test. Where a significant proportion of the working plane (which can receive direct skylight) lies beyond the NSL, the distribution of daylight within the room

will seem poor and supplementary electric lighting will be required. The British Standard suggests that a significant area would be more than 20%. However, it is acknowledged that if an existing building contains single aspect rooms, which are particularly deep, then a greater movement of the NSL line may be unavoidable. In all cases, testing need only be undertaken in the case of habitable rooms. If the area of the working plane is reduced by more than 20%, this will be noticeable to the occupants, with more of the room appearing to be poorly lit. Again, habitable room should be assessed, although bedrooms are accepted as being of less importance than living rooms.

With the exception of windows serving habitable rooms within 23 to 25 Castlereagh Street, 44 Harrowby Street, 50 Harrowby Street, and some windows on the lower floors of the application site, the report shows that any reductions in daylight received are below BRE thresholds.

The table below details the breaches of the 20% BRE thresholds to flat windows at 23 to 25 Castlereagh Street, to the south of the application site, and at 44 and 50 Harrowby Street to the north, as follows:

Ref	Floor	Use	Vertical Sky Component				No Sky Line			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
<b>23 to 25 Castlereagh Street</b>										
Window 31	Grnd	bedroom	8.7%	7.5%	1.2%	0.86	23%	16%	7%	0.70
Window 32	1 <sup>st</sup>	bedroom	18.7%	17.1%	1.6%	0.91	43%	33%	10.0%	0.77
Window 33	2 <sup>nd</sup>	bedroom	22.9%	21%	2.9%	0.92	62%	47%	15%	0.76
Window 38	1 <sup>st</sup>	bedroom	18.5%	16.9%	1.6%	0.91	74%	57%	17%	0.77
Window 39	2 <sup>nd</sup>	bedroom	22.5%	20.8%	1.7%	0.92	90%	69%	21%	0.77
Window 45	1 <sup>st</sup>	bedroom	15.2%	13.9%	1.3%	0.91	56%	43%	13%	0.77
Window 46	1 <sup>st</sup>	bedroom	21.9%	20.5%	1.4%	0.94	65%	43%	13%	0.77
Window 47	Grnd	bedroom	11.9%	10.9%	1.0%	0.92	39%	31%	8%	0.79
Window 48	4 <sup>th</sup>	bedroom	5.4%	4.1%	1.3%	0.76	42%	22%	20%	0.52
Window 49	1 <sup>st</sup>	bedroom	22.1%	20.5%	1.6%	0.93	51%	38%	13%	0.75
<b>44 Harrowby Street</b>										
Window 197	1 <sup>st</sup>	Unknown	23.4%	20.9%	2.3%	0.9%	51%	40%	11%	0.78
<b>50 Harrowby street</b>										
Window 313	1 <sup>st</sup>	Bedsit	21%	19.4%	1.6%	0.92	70%	55%	15%	0.79
Window 314	1 <sup>st</sup>	Bedsit	20.8%	19.3%	1.5%	0.93	70%	55%	15%	0.79
Window 315	2 <sup>nd</sup>	Bedsit	24.1%	22.5%	1.6%	0.93	66%	51%	15%	0.77
Window 316	2 <sup>nd</sup>	Bedsit	23.8%	22.4%	1.4%	0.94	66%	51%	15%	0.77
<b>Marble Arch Apartments</b>										
Window 397	L. grnd	Unknown	15.4%	15.4%	0%	1	22%	17%	5%	0.77
Window 607	4 <sup>th</sup>	Kitchen	26%	16.4%	9.6%	0.63	72%	72%	0	1
Window 622	3 <sup>rd</sup>	Kitchen	9%	6.5%	2.5%	0.72	76%	62%	14%	0.82
Window 623	3 <sup>rd</sup>	Kitchen	10.8%	7.3%	3.5%	0.68	76%	62%	14%	0.82
Window 624	4 <sup>th</sup>	Kitchen	18.5%	9.2%	9.3%	0.5	89%	74%	15%	0.83
Window 625	4 <sup>th</sup>	Kitchen	23.8%	11%	12.8%	0.46	89%	74%	15%	0.83

All main habitable room windows tested pass the VSC test with the exception of a fourth floor bedroom window (48) at 23 to 25 Castlereagh Street. However, this window is obstructed by an overhanging balcony, which would cut out light from the top part of the sky, meaning that even a modest obstruction resulting from a proposed development may result in a large relative impact on VSC values. In such circumstances, the BRE guidance recommends that a further assessment is undertaken which excludes the

impact of overhanging balconies. If the window meets the BRE target on this basis then this confirms that it is the balcony that prevents the targets from being met. The submitted daylight report includes such an assessment which shows that, if the effect of the balcony is discounted, there would be no material reduction in VSC (9% loss).

While the remaining windows at 23 to 25 Castlereagh Street, all of which serve bedrooms, meet VSC targets, there would be reductions in NSL of 0.7 (30%) and above. However, the given that bedrooms are afforded a lesser degree of protection than other habitable rooms, and as any reductions in VSC are well below 20%, it is not considered that any impact would be so significant as to justify a recommendation for refusal.

44 Harrowby Street, where the use of the room is unknown, would see a reduction in NSL of 22%. However, the reduction in VSC (window 197) would be limited to 10% and the window would continue to receive a VSC exceeding 20%. At 50 Harrowby Street, four bedsits would see reductions in NSL of 21 and 23%, close to the 20% benchmark. Any losses of VSC would be at a maximum of 8%, with retained values of between 19.4 and 22.5%, which are considered reasonable in a built-up central location.

On the lower floors of the application site a skylight (window 397) a rear ground floor room would see a reduction in NSL of 23%. As this room is located within the rear courtyard, beside a lift shaft, and is not connected to an adjoining room on the principal elevation, it is considered likely that this skylight serves an external store which would not be afforded any protection. There would not be any reduction in VSC

Five windows to kitchens at third and fourth floor level would experience VSC reductions of between 28 and 54%.at third and fourth floor level. It is unclear whether these are habitable kitchens. However, the NSL assessment shows that at least 62% of these rooms would receive direct sky light.

As the report confirms that any loss of light to properties in Molyneux Street would be below the 20% threshold, objections relating to the impact of the development of light to these buildings cannot be supported.

An objection has been received from the Duke of York public house at 45 Harrowby Street on the grounds that the proposals would result in a loss of light that would adversely affect the public house and letting rooms on the upper floors. Whilst the BRE guidance does not require daylight to neighbouring commercial buildings to be assessed, the submit report does include an analysis of the public house and other commercial properties within the immediate vicinity of the site. The assessment indicates that the remaining VSC and NSL level would ensure that long term use of these buildings would not be compromised given that any losses meet the BRE targets.

Objections have been received from several residents of Sherwood Court, 109-119 Seymour Place (which also fronts onto Shouldham Street and Harrowby Street) relating to loss of light. These properties have not been assessed in the applicant's submission. However, given the relationship of this building to the application site and the form of the proposed roof on the Brown Street/ Harrowby Street junction, which is closet to Sherwood Court, it is not considered that there will be a material impact on daylight to rooms within this property.

## Rights to Light

Objectors have stated that the proposal diminishes their 'Right to Light'. This is a legal right and cannot form the basis of a recommendation for refusal. It is also unclear whether this a reference to the impact on light received to neighbouring flats, addressed above.

## Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that if the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, and there is a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

General objections have been received on the ground of loss of sunlight to properties in Sherwood Court, Harrowby Street, Shouldham Street, Molyneux Street, Brown Street and Castlereagh Street. Residents of Flat 5, Harrowby Court, 25 Molyneux Street and Flat 228 within the application building have specifically referred to loss of sunlight to their own properties.

The sunlight assessment indicates that predicted losses in annual sunlight and winter sunlight are within acceptable BRE thresholds with the exception of a first floor window (180) at 43 Harrowby Street (use of room unknown); a bedroom window (190) overlooking the basement lightwell at 44 Harrowby Street; a first floor (window (209) to a living room/kitchen at 44a Harrowby Street (which is served by several windows) and windows to third and fourth floor kitchens in the application building (622, 623, 624 and 625). In these cases, the losses are as follows:

Ref.	Loc.	Use	Sunlight to Windows							
			Total Sunlight Hours				Winter Sunlight Hours			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
<b>43 Harrowby Street</b>										
Window 180	1st	unknown	58%	53%	5%	0.84	11%	7%	4%	0.64
<b>44 Harrowby Street</b>										
Window 190	bsmt	bedroom	20%	15%	5%	0.83	0%	0%	0%	1
<b>44A Harrowby Street</b>										
Window 209	first	Liv/Kitchen	48%	42%	6%	0.88	7%	4%	3%	0.57
<b>Marble Arch Apartments</b>										
Window 622	3 <sup>rd</sup>	Kitchen	19%	10%	9%	0.53	4%	4%	0	1
Window 623	3 <sup>rd</sup>	Kitchen	18%	10%	8%	0.56	4%	3%	1%	0.75
Window 624	4th	Kitchen	40%	18%	22%	0.45	17%	5%	12%	0.29
Window 625	4th	Kitchen	42%	18%	24%	0.43	18%	5%	13%	0.28

The first floor window at 43 Harrowby Street would see a reduction in winter sunlight of 36% (from 7% to 4%). However, given that the retained annual sunlight level (at 53%) far exceeds the minimum target, this room would continue to receive good sunlight.

The basement bedroom window at 44 Harrowby Street would see a reduction in annual sunlight levels of 25% (from 20 to 15%). However, the retained levels are considered reasonable for a bedroom in this central London location. There would be no impact on winter sun.

Whilst the first floor living room/kitchen window at 44A Harrowby Street would experience winter sunlight values (4%) below the recommended threshold, given the high level of retained annual sunlight (42%) and as other windows to the same room would not be materially affected, it is considered that this room would continue to receive good levels of sunlight.

Losses of annual sunlight to third and fourth floor kitchen windows within Marble Arch Apartments would exceed BRE guidelines (at between 44% and 57%). There would also be a loss of winter sun to three of these windows (of 25, 71 and 72%). However, the worst affected window would continue to meet the winter sunlight threshold and the loss in the case of the third window is less significant. Additionally, the report confirms that these kitchens are small kitchen (measuring less than 13 sqm) and do not therefore constitute habitable rooms for the purpose of the daylight/sunlight assessment.

A sunlight assessment has also been undertaken in relation to neighbouring commercial properties. The report shows that there would be no material loss of annual sunlight; however, there would be a loss of winter sun (33% and 25%) to two windows to the ground floor bar at the Duke of York public house (45 Harrowby Street). However, as no other windows are materially affected, it is considered that the future operation of the public house, including the upper floor letting rooms, would not be compromised. All other losses in sunlight to commercial properties in the immediate area are within BRE thresholds.

### **Overshadowing to gardens and open spaces**

Objections have been received on the grounds that the proposals would result unacceptable overshadowing to communal gardens at Nutford House and Richbourne Court and to surrounding streets.

BRE guidance recommends, with respect to the impact of developments on the overshadowing of private and communal gardens and terraces, that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21 March. If, as a result of new development, the space does not meet this target, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.

The applicant has undertaken an assessment of the open spaces at Nutford House and 28 to 59 Richbourne Court which demonstrates that there would be no reduction in the areas receiving less than two hours of sunlight on the appointed day. Consequently, objections on these grounds cannot be supported.

Objectors have also raised concerns regarding the impact of the proposal on open space to the centre of Harrowby Court. As this concreted area is wholly enclosed by Harrowby Court, with no views of the development site, it is not considered that there will be any impact on this space as a result of the proposal.

### **Overshadowing to surrounding streets**

Objections have been made due to the potential of the development to overshadow adjacent streets. However, given the limited increase in height and bulk, it is not considered that any impact would be significant.

### **Sense of Enclosure**

Given the mansard roof form proposed (to Harrowby Street), the limited increase in height and the relationship of the extension to adjoining properties, it is not considered that the proposals would result in any material increase in the sense of enclosure to neighbouring residential windows.

### **Privacy**

The proposal introduces new windows to the front and rear of the building within the proposed extension. Objections have been received from the occupants of flats at 219 and 330 Marble Arch Apartments, 44 and 78 Harrowby Court, and from addresses at 71-75 Shelton Street (in Covent Garden) and in Kent, on the grounds that this would lead to an unacceptable loss of privacy to their properties. However, these fifth floor windows would be in similar positions to existing windows on the floors below and given the relative building heights it is not considered that their installation would afford any significant increase in the potential for overlooking.

In conclusion, as detailed above, while the proposal would have some effect on the amenity of neighbouring residential properties, it is not considered that the impact would be so significant as to justify a recommendation for refusal.

## **8.4 Transportation/Parking**

The site is centrally located and well served by public transport including principal bus routes and benefits from the highest public transport accessibility (PTAL) rating (6b).

### **Car Parking**

The Highways Planning Manager has objected to the application on the grounds that no additional off-street parking would be provided in association with the proposed flats. A number of residents have also objected to the proposal due to the potential of increased parking stress and increased traffic generation/associated pollution.

Policy TRANS23 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 addition of even one additional residential unit can have an adverse impact on parking levels in the area and this could lead to a reduction in road safety and operation.

The evidence of the Council's most recent night time parking survey in 2015 (Buchanan's) indicates that parking occupancy of resident parking bays within a 200 metre radius of the site is 81%. However, TRANS23 includes all legal parking spaces

(e.g. Single Yellow Lines, Metered Bays, pay and display, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level decreases to 34%.

The most recent daytime parking survey (2015) indicates that parking occupancy of resident parking bays within a 200 metre radius of the site is 90%. 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.

Whilst it is acknowledged that the site has a high level of public transport accessibility, 35% of households in the Marylebone High Street Ward own one or more cars (2011 Census figures). Whilst this is lower than the borough average, this indicates that residents in the area do own cars, and that there is a high occupancy of residents' bays. It is therefore considered that the development is not consistent with TRANS23 and will add to existing on-street parking stress.

The applicant is willing to accept a S106 agreement preventing future occupants from apply for on-street parking permits. Whilst this approach is supported by the objectors, the City Council does not currently to restrict access to parking permits in the manner suggested. The Highways Manager considers that, if other planning considerations take priority over parking concerns, lifetime car club membership (minimum 25 years) should be secured in association with the new flats as it is considered the strongest mechanism to reduce car ownership of the future residential occupiers. and associated potential for pollution. This would be secured by condition. In these circumstances and given the limited increase in the number of flats, it is not considered that the scheme would have a significant impact on traffic generation or associated levels of traffic pollution.

### **Cycle Parking**

The London Plan requires one cycle parking space to be provided per residential dwelling and two spaces for each unit of 2 or 3 bedrooms. The scheme includes 12 parking spaces, which would meet the requirements of the six larger flats. However, proposed cycle parking for the smaller flats is in the form of Sheffield stands, which do not appear to be weather proof. All cycle parking should be secure and covered and a condition is therefore recommended requiring the submission of plans showing amended cycle parking arrangements.

### **Loading/unloading**

No off-street servicing facilities are proposed as part of the application. Objections have been received on the basis that the scheme would impact on loading/unloading in the area. Whilst no information has been provided regarding site servicing, there are areas on Harrowby Street, Brown Street and Castlereagh Street, outside of the areas reserved for residents' parking, where loading/unloading could take place. As the development would not have a significant impact on overall servicing demands of the building, it is not considered that there would be any significant impact on the operation of the highway.

### **Changes to the local highway**

Objectors are concerned that the submitted Transport Assessment does not take account of planned changes to the local highway network, including proposals to make

Harrowby Street into a one-way street and to make improvements at junctions for cyclists. However, these changes have been considered by officers and it is not considered that the proposals would have any material impact on these highway alterations, or would be affected by them.

### **8.5 Economic Considerations**

Any economic benefits generated by the proposed developments are welcome.

### **8.6 Access**

Policy 3.8 of the London Plan requires at least 90% of new dwellings to have step free access. Similarly, Policy DES 1 of the UDP requires development proposals to demonstrate how they have taken accessibility and inclusive design into account.

The existing building is accessed via entrance steps and there are four separate stair/lift cores. Lifts in the main building all stop at half landing level and all flats are accessed via a half flight of stairs. Flats within the three rear extension benefit from level lift access but, given the differing levels between the front and rear parts of the building, there is no step free access from the rear wings to flats within the main building.

The existing stair/lift cores would be extended to serve the new flats although, as currently, the lifts will terminate at half landing level. Each of the existing stair/lift cores would serve two of the new flats proposed. Objectors are concerned that there is no step free access to the new flats. Due to site constraints, this could not be practically achieved and, although this is regrettable, given the overall benefits of the scheme in providing new flats, it is not considered that permission could reasonably be withheld on these grounds.

Objections have also been raised regarding the adequacy of the proposal to provide appropriate means of fire escape. Each block of two flats has access to a separate stair core and therefore there is no reason to believe the proposal could not comply with the requirements of the Building Regulations.

### **8.7 Other UDP/Westminster Policy Considerations**

#### **Refuse /Recycling**

The Council's Waste Project Officer has raised no objection to proposed refuse and recycling storage arrangements, which would be secured by condition.

#### **Internal Transfer Noise**

Objections have been received from occupants of the existing top floor flats regarding potential noise transfer between the proposed flats and their properties. Whilst final construction details would be dealt with under the Building Regulations, a condition is recommended requiring the development to achieve acceptable levels of noise and vibration in relation to neighbouring properties. Subject to this condition, it is not considered that these objections could be supported.

## Trees

Concerns have been raised regarding the possible requirement to remove existing street trees to accommodate any necessary scaffolding. These trees are located towards the kerb edge and there is no reason to believe that the construction cannot be carried out without interference with these trees. Objectors are also concerned that the proposal would result in the overshadowing of the trees, compromising their potential growth in the longer term. As the extension follows the existing mansard profile, and given the modest increase in height proposed, the Council's Arboricultural Officer has conformed, verbally, that they do not consider these concerns to be justified.

An objection has been received on the grounds that the proposals would affect planting in hanging baskets and window boxes outside of the Duke of York public house. Given that there would be no material loss of light to pub windows as a result of the proposals, it is not considered that light to these planters would be affected in the longer term. Any impact on this planting during construction works would not justify a recommendation for refusal of the scheme.

### 8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

### 8.9 London Plan

This application does not raise any strategic issues.

### 8.10 National Policy/Guidance Considerations

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition and construction phases of the development and requiring the submission of a construction contract to confirm that the development will be completed in its entirety. The applicant has agreed to the imposition of these conditions.

### **8.11 Planning Obligations**

The estimated Westminster CIL payment is £362,532.84 and the Mayoral CIL is estimated at £55,070.85.

The proposal does not trigger any planning obligations.

### **8.12 Environmental Impact Assessment**

Objections have been received on the basis that no Environmental Impact Statement has been produced. The proposal is of insufficient scale to require an environmental assessment.

### **8.13 Other Issues**

#### **Construction impact**

The occupants of both the existing building and neighbouring properties have raised concerns in relation to the potential impact of the construction works including noise disturbance, dust, air pollution, smells, hazardous materials, the impact of construction traffic and associated impacts on the health of residents and pupils of local schools. Additionally, existing residents of the building are concerned about potential inconvenience resulting from the relocation of the water tanks, loss of light as the result of scaffolding/hoardings, the safety/security of the existing flats, restricted access to the common parts and lifts and general disruption. Objectors consider that the proposals, including, the disruption of services, would be in breach of their lease. Occupants of the existing top floors flats are concerned that they will have to relocate during the construction process and are concerned regarding potential damage to their flats.

Although not required for a proposal of this scale, the applicant has volunteered to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. This will be secured by condition. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupants during the construction process to ensure that residents' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of building works.

The applicant has stated that in order to maintain the water supply during the construction stage a temporary direct connection from the mains supply will be provided. This will be installed and fully operational before the existing water tanks are disconnected. It is intended that the construction works should be phased so each

section is completed before the next one is started. This will minimise the number of flats affected by the works at each time and guarantee the disruption is as short as possible. During the construction phase, the top level will be covered with scaffolding and weather-protected until external construction is finished. This is a typical approach with all rooftop constructions and will ensure existing residents can remain on site and will limit the potential of damage to existing flats. The issue of noise from building works is dealt with under the COCP. However, the terms of the lease with regard to the enjoyment of property and of building facilities is a private matter.

The applicant intends to retain and extend the existing lifts and has confirmed that this work would be subject to detailed discussion with the lift manufacturer and existing residents (as part of the COCP process) before any work is undertaken. In order to minimise disruption to existing residents, the construction works will be phased so that each development of two flats, around each of the extended cores, would be completed before the next phase commences. This will enable those with reduced mobility to use an alternative lift and will minimise the number of flats affected by the works at any one time, ensuring that any period of disruption is as short as possible.

Existing residents have expressed concern about the security of their flats during building works. An external access will be provided from the rear of the development for construction workers and materials. These details will be discussed with residents through the COCP process.

Developers carrying out work must notify the Health and Safety Executive (HSE) and must ensure that the method of construction and access arrangements during the construction process comply with the Construction (Design and Management) Regulations 2015 (CDM 2015).

An informative has also been added requesting the applicant to investigate the use of an ultra-light shroud to cover the building during construction to minimise loss of light to existing flats.

Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

### **Consultation**

A number of residents have expressed concern about the extent of consultation by the City Council and the developer and the lack of notification following amendments to the scheme.

The applicant initially completed the incorrect Certificate of Ownership but subsequently provided the correct certificate and served the requisite notice on everyone with a freehold interest in the property or a leasehold interest with at least seven years left to run, as required by the legislation.

The City Council sent a total of 262 letters to occupants of the application buildings and neighbouring properties. A site notice was posted outside the building and the application was advertised in the local press in accordance with the Council's usual procedures. Following amendments to the proposal, all original consultees and those

who had submitted comments were informed of the revisions. As a number of residents, advised that reconsultation letters had not been received, all parties were reconsulted on two further occasions.

Objectors have also stated that the letters were addressed to the 'Owner/occupier' of neighbouring properties rather than to the named owner/occupant. This is the case with every consultation letter which requests that, if appropriate, the letter is passed on to the property owners.

In these circumstances, it is considered that adequate consultations have been undertaken.

### **Sustainability**

One objection has been received on the grounds that undertakings in the energy and sustainability strategy for the development are too 'vague'.

London Plan Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean: use less energy
2. Be Clean: supply energy efficiently
3. Be Green: use renewable energy

As the scheme would provide eight new flats, and does not constitute a major development, the further detailed requirements of the policy 5.2, which sets out requirements for carbon savings, do not apply. Nor does policy S40 of the City Plan which requires sets targets relating to the use of renewable energy sources for major development.

Policy S28 Design of the City Plan requires new development to incorporate exemplary standards of sustainable and inclusive urban design and architecture. In the correct context development will reduce energy use and emissions that contribute to climate change during the life- cycle of the development and ensure the reduction, reuse or recycling of resources and materials, including water, waste and aggregates.

In order to reduce carbon omissions, the scheme incorporates various measures including the use of thermally efficient building fabric, double glazing and energy efficient water, heating and lighting systems. The proposed flat would also be naturally ventilated. This is welcomed and the objections regarding the sustainability of the proposal cannot be supported.

### **Precedent**

Objectors are concerned that the approval of the application would set an unwelcome precedent for similar development in the area. The proposal is considered to be acceptable for this site and in the context of the adopted development plan polices. Any future applications in relation to other sites would be assessed on their individual merits and therefore refusal on the grounds of precedent cannot be justified.

### **Economic impact on neighbouring properties**

Objections have from existing flat owners and the manager of a number of flats within the existing building who are concerned the proposals would reduce the value of their flats, that tenants would not wish to occupy their properties during construction works or that the inability to let the flats would affect their lettings businesses. Whilst these concerns are noted, these are not material planning considerations and could not justify the refusal of planning permission.

### **Inconsistent/ labelling errors within application submission**

Concerns have been raised regarding mislabelling of application documents and photographs showing examples of other double mansards. Any decision notice would only list the application drawings and any labelling errors in background material, of which officers are aware, would have no impact upon the consideration or determination of the application.

### **Structural Concerns**

Objectors are also concerned about the ability of the existing building to cope with the additional load of the proposed extension. The structural integrity of the development is not controlled through the planning system but through other legislation, including Building Regulations. Whilst these concerns are noted they could not justify the withholding of planning approval.

### **Human Rights**

Objections have been received on the grounds that the development would affect the rights of existing residents. The Human Rights Act requires that the City Council, in its role as local planning authority, acts consistently with the European Convention on Human Rights. The occupier of one of the flats within the building has objected to the proposal arguing that it would interfere with his rights under Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Protection of property).

Article 8 rights are not rights without limit and may be interfered with where it is in accordance with the law and is necessary in a democratic society. Article 8 rights should be respected as part of the planning process, but they are not guaranteed, and it is a planning judgement against all the other material considerations, wider public interests and other private interests. Article 8 does not give a right to a home but, where someone has a dwelling, it may interfere with their Article 8 rights to require them to move from that home. As the Town and Country Planning regime is designed to balance the rights of individuals against the interests of the wider community, the City Council must consider the potential interference with human rights and ensure that any reasons for interfering with these rights are proportionate.

Article 1 of the first protocol is the right of property and possessions. The overarching principle is that there should be no interference with the peaceful enjoyment of possessions and property. It is a qualified right in that any interference has to be lawful under domestic law, and a fair balance has to be struck between the general interest of the community and the need to protect the individuals' fundamental rights by applying a

proportionality test. The concept of possessions is not limited to ownership of physical goods. There are circumstances where Article 1 of the first protocol rights can be interfered with where it is proportionate, lawful and in the public interest.

The rights of family, the applicant and the interests of the wider community have to be balanced when assessing this application. The impact of the proposal on neighbouring properties has been discussed within the committee report. The benefits of the proposal due to provision of eight additionally flats including three family sized units outweigh the objections that have been raised. It is not considered that the proposal (including the construction period) would require the objector to move from their home. It is therefore considered that any interference with the family's rights is proportionate.

### **Broadcasting signal interference**

Objectors are concerned that the erection of the proposed roof addition would compromise broadcasting signals in the vicinity of the site. Poor signal does not simply arise from signal cast from broadcasting towers not being able to directly reach a device. Within an urban environment such as this; it is likely that the broadcasting tower(s) will be powerful enough to provide coverage in the vicinity of the site despite the increased height of the proposed building and. given the modest increase in building height, it is not considered likely that there would be any adverse impact.

### **Building Management and impact on communal facilities**

Concerns have been raised about the ability of the managing agents for the building to cope with the additional pressures arising from servicing and maintenance issues associated with the construction of additional flats. The management of a building is a private matter and not a material planning consideration.

Objectors are also concerned that the development would result in overcrowding and increased pressure on communal facilities within the building. As each of the existing stairs and lifts would provide access for an additional two flats, it is not considered that the proposal, within an existing development of 125 flats, would have a noticeable impact on the use of the common areas. Additional waste storage facilities and cycle storage will also be provided as part of the scheme.

### **Pressure on Local Services**

Objections have been received on the grounds that the area is already densely populated and that this development would bring additional pressures on the local services such as schools and healthcare provision, the Police etc. Westminster has a housing target to create 22,222 extra residential units between 2020 to 2040. To achieve this target, it will be necessary to provide more services throughout Westminster but given that only eight new dwellings are proposed as part of this scheme, it is not considered that the capacity of local services will be affected to a significant degree which could justify a recommendation for refusal.

**Loss of Community feel**

Objectors have referred to a potential loss of the existing 'sense of community' within the existing building during the construction process and through the creation of additional flats. Again, this is not a material planning consideration, but it is not considered likely that there would be a significant impact on the character of the building or the wellbeing of residents in the longer term.

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

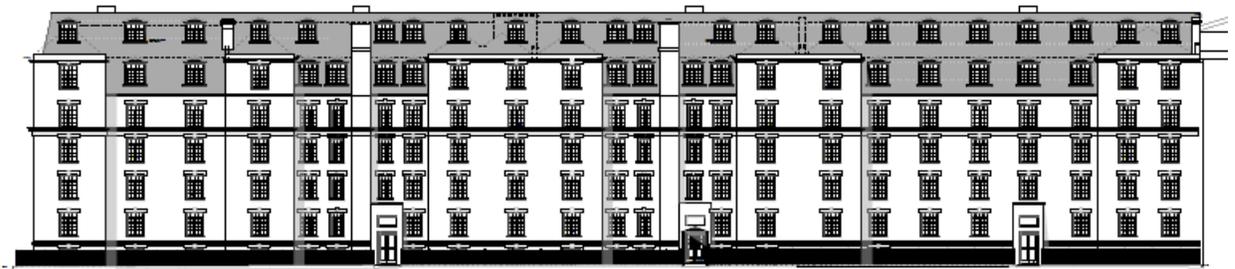
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT [SSPURRIER@WESTMINSTER.GOV.UK](mailto:SSPURRIER@WESTMINSTER.GOV.UK).

9. KEY DRAWINGS

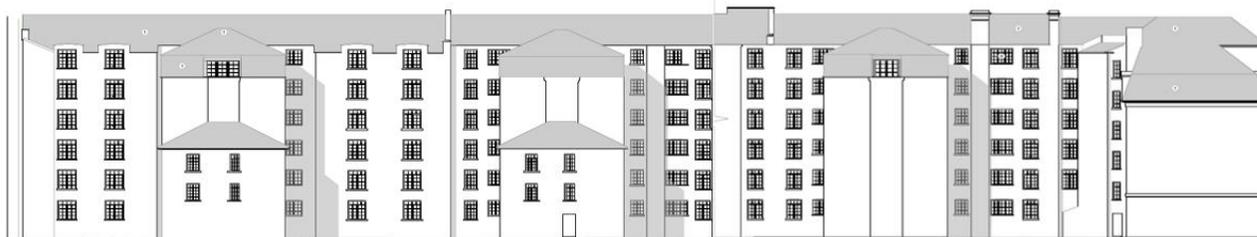
Existing Front Elevation



Proposed Front Elevation



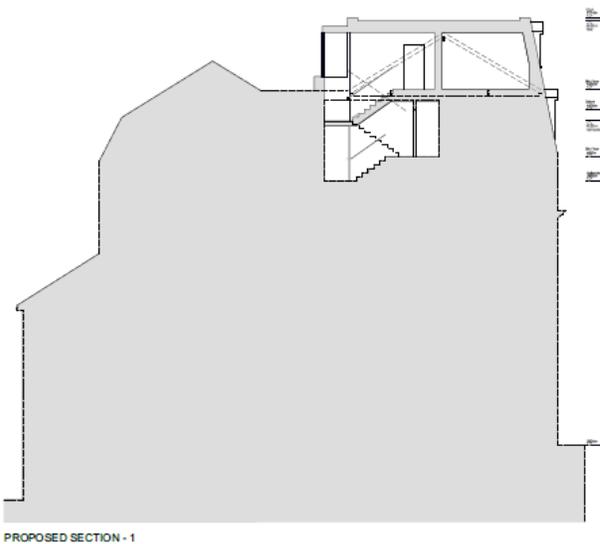
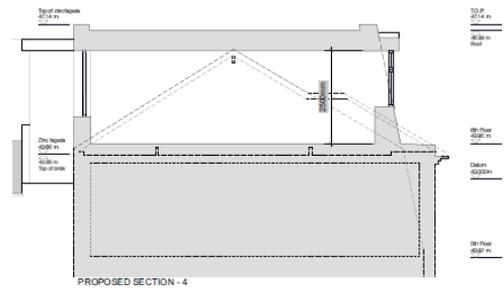
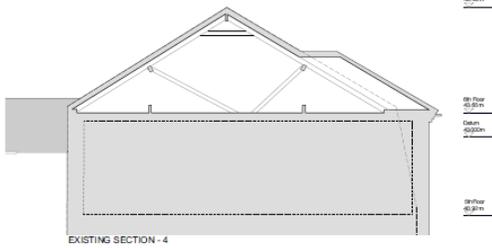
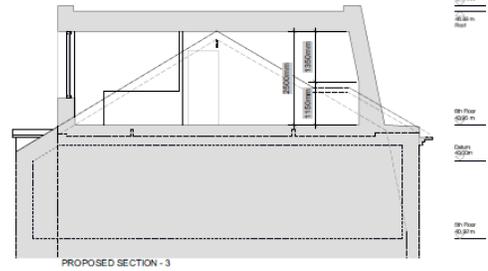
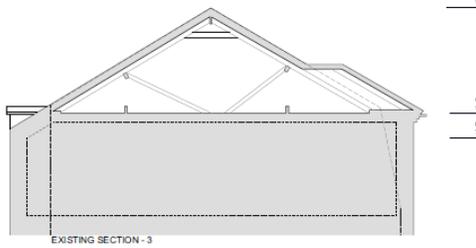
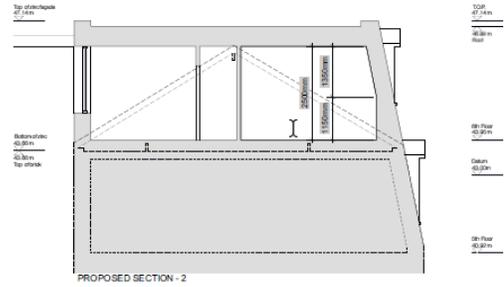
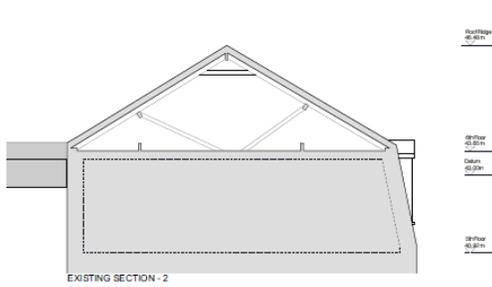
Existing Rear Elevation



Proposed Rear Elevation



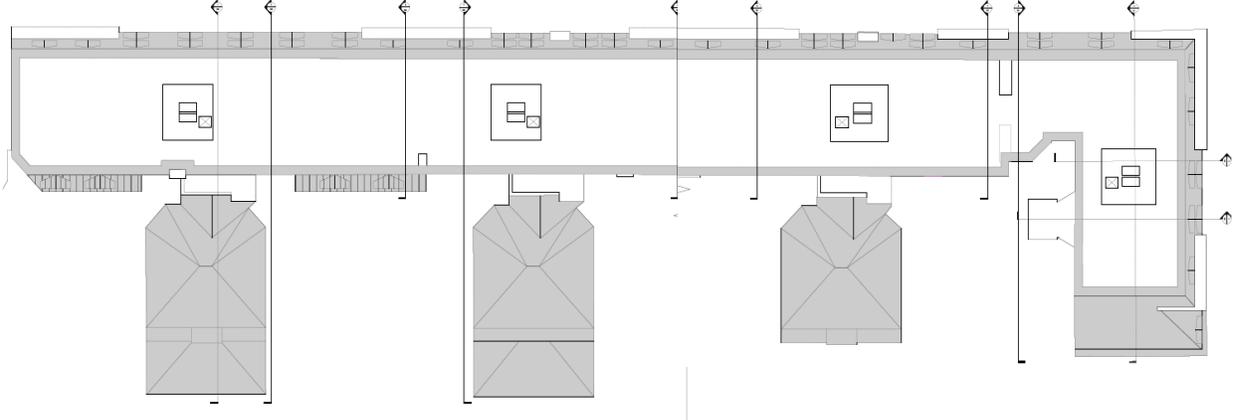
### Compared Sections



Proposed Fifth Floor Plan



Proposed Roof Plan



**DRAFT DECISION LETTER**

**Address:** Marble Arch Apartments, 11 Harrowby Street, London, W1H 5PQ

**Proposal:** Erection of a single storey roof extension to provide eight additional residential units (Class C3) (2 x 1-bed, 3 x 2-bed and 3 x 3-bed units). Relocation of existing water cylinders to new roof level.

**Plan Nos:** MAA-P100-S2-P0, MAA-P103-S2-P0, MAA-P202-S2-P0, MAA-P301-S2-P4, MAA-P101-S2-P1, MAA-P201-S2-P3, MAA-P203-S2-P1, MAA-P300-S2-P2, MAA-P301-S2-P3, MAA-P302-S2-P04, MAA-P303-S2-P1.

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area and to the setting of neighbouring listed buildings and the Molyneux Street and Portman Estate Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6 (or both), DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area and to the setting of neighbouring listed buildings and the Molyneux Street and Portman Estate Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6 (or both), DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

1. Detailed construction drawings (including sections) of proposed roof storey (1:5 and 1:20) including AOD heights.
2. New external windows (1:5 and 1:20)
3. Dormers (1:5 and 1:20)

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

You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area and to the setting of neighbouring listed buildings and the Molyneux Street and Portman Estate Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6 (or both), DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area and to the setting of neighbouring listed buildings and the Molyneux Street and Portman Estate Conservation Areas. This is as set out in S25 and S28 of

Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6 (or both), DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 8 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. (C07DC)

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 P103-S2 Rev P0 before anyone moves into any of the flats hereby approved. You must clearly mark it and make it available at all times to everyone using the residential units. 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 **Pre-commencement condition**

You must not commence development until we have approved appropriate arrangements to secure the following:

- Arrangements to mitigate the impact of the development on on-street parking demand in the area

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

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 11 Notwithstanding the detail shown on the approved drawings, you must apply to us for approval of details of secure cycle storage with coverings for the new residential units. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation of any of the residential units hereby approved. You must not use the cycle storage for any other purpose.

Reason:

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

- 12 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 13 None of the flats hereby approved shall be used as sleeping accommodation which is occupied by the same person for less than ninety consecutive nights.

Reason:

To ensure that there is no loss of permanent residential accommodation and to ensure that the amenity of nearby residents is preserved through preventing increased noise and disturbance at unsocial hours and increased perception or fear of crime and anti-social behaviour, in accordance with Policy 3.14(C) of the London Plan (2016), Policies ENV 6 and H2 of our Unitary Development Plan that we adopted in January 2007 and Policies S29 and S32 of Westminster's City Plan (adopted November 2016).

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

Reason:

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

insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

15 {b Pre Commencement Condition}. You must not start any work on site, including any works of demolition, until we have approved in writing either:

- (a) a construction contract with the builder to complete the demolition and redevelopment work for which we have given planning permission, in its entirety or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building and that the development will be completed in its entirety.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To secure a satisfactory development and to prevent the piecemeal implementation of this scheme, which would be harmful to the character and appearance area and to the setting of the neighbouring listed buildings and the Molyneux Street and Portman Estate Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6 (or both), DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

**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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 3 The term 'clearly mark' in condition 9 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well

as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

\* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

\* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

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

\* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

\* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

\* Lighting - ensure luminaires can be safely accessed for replacement.

\* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (180CB)

- 7 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS).

However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
[www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel: 020 7641 3003 Fax: 020 7641 8504.

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

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

CIL forms are available from the planning on the planning portal:  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

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

- 9 You are requested to investigate the use of an ultra-light shroud to cover the building during construction to minimise loss of light to existing flats.
- 10 With reference to condition 12, please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 11 Under condition 10 we are likely to accept a legal agreement under section 106 of the Town

and County Planning Act to secure lifetime car club membership for future occupiers. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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# Agenda Item 3

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 17 September 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>20 - 21 Montpelier Mews, London, SW7 1HB,</b>		
<b>Proposal</b>	Part demolition of front and rear facades and removal of existing third floor, alteration and refurbishment of front and rear facades including rear extensions at lower ground floor level, erection of new third floor level, erection of additional storey to create a new 4th floor level with roof terrace and mechanical plant, and use of extended building as 10 flats (Class C3). Provision of cycle storage and bin store.		
<b>Agent</b>	Charlotte Goodrum, Daniel Watney LLP		
<b>On behalf of</b>	Cheval Property Holdings Ltd		
<b>Registered Number</b>	19/00810/FULL	<b>Date amended/ completed</b>	4 February 2019
<b>Date Application Received</b>	4 February 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Knightsbridge		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

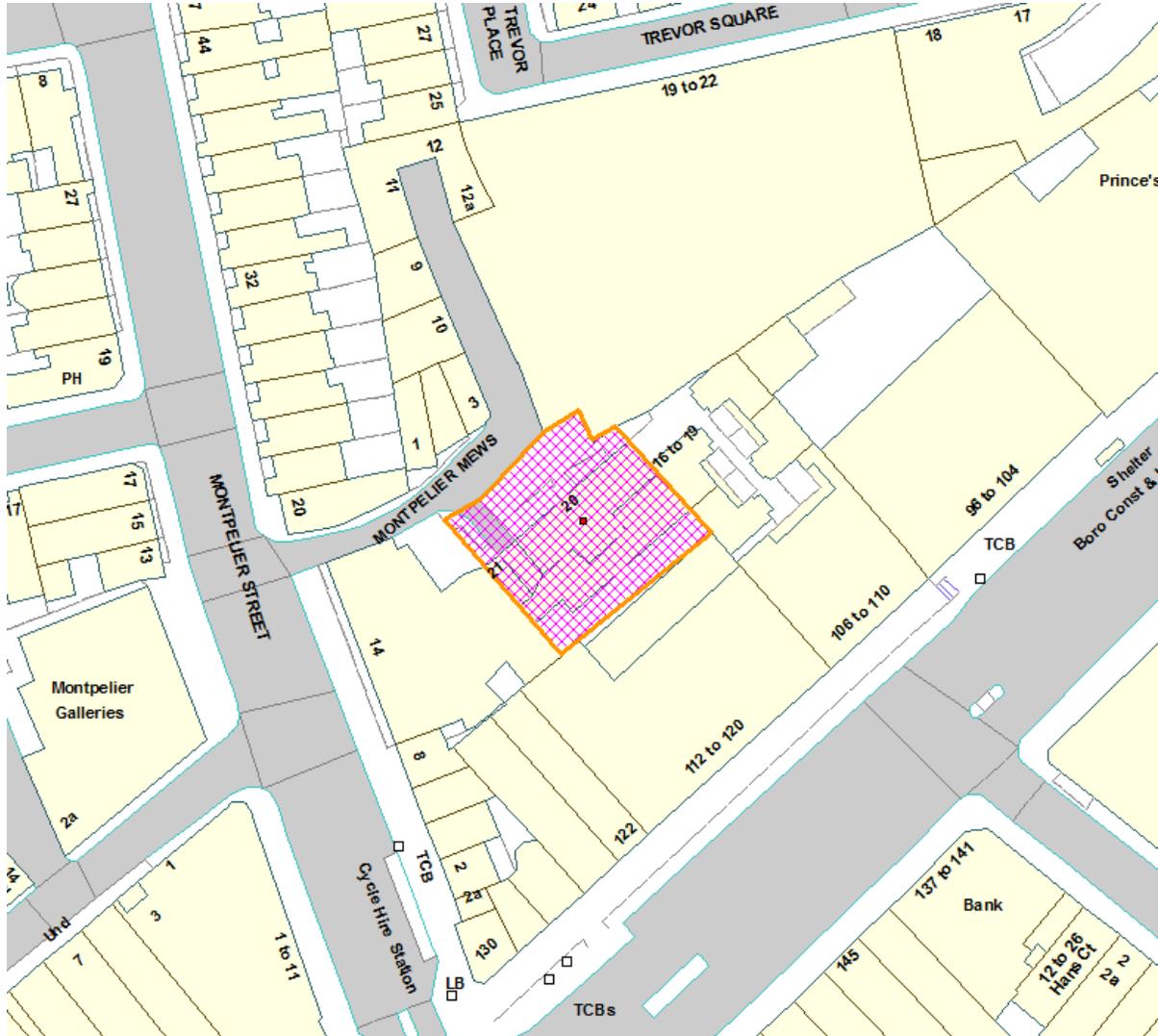
The application relates to 20-21 Montpelier Mews which lies within the Knightsbridge Conservation Area. The site currently comprises a five storey building (over lower ground, ground and three upper floors), arranged as nine two-bedroom apartments and one two bedroom townhouse. Permission is sought for extensive alterations including the demolition and reconstruction of the third floor; a fourth floor roof extension, remodelling of the facades and various other alterations in connection with the provision of 10 residential units comprising 1 x 1 bed; 5 x 2 bed and 4 x 3 bed

The key issues for consideration are:

- The impact on the amenity of neighbouring properties;
- The impact on the character and appearance of the Conservation Area.
- The impact of the proposals on the surrounding highway network.

The proposed development is considered acceptable in land use, design, highways and amenity terms and would accord with policies within the Unitary Development Plan (UDP), Westminster's City Plan: Strategic Policies (City Plan) and the Knightsbridge Neighbourhood Plan (KNP). As such, it is recommended that conditional planning permission is granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



20-21 Montpelier Mews (above)



Photograph showing 1, 2 and 3 Montpelier Mews to the left and the application site to the right

## 5. CONSULTATIONS

### KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

The Forum comments neutrally on the proposal. Consider that it may be a major development and the KNF's guidance on construction standards and procedures should apply. Concern over air quality implications and renewable energy provision.

### KNIGHTSBRIDGE ASSOCIATION

Concern that proposals would have an adverse effect on the daylight and sunlight to 1,2, and 3 Montpelier Mews. The Large balconies would result in loss of privacy and overlooking. The initial application does not recognise the Knightsbridge Neighbourhood Plan. A Construction management plan should be provided that addresses the effects of the proposals at 16-19 Montpelier Mews and 20-21 Montpelier Mews

### WASTE PROJECT OFFICER

No objection, subject to condition to secure a revised plan indicating proposals for the storage of residual waste and recyclable materials.

### HIGHWAYS PLANNING MANAGER

No objection.

### ENVIRONMENTAL HEALTH

No objection, subject to standard conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 59

Total No. of replies: 3

No. of objections: 4

Three letters of objection from residents on Montpelier Mews and one letter from Right of light surveyors who are acting on behalf of 5 apartments in 14 Montpelier Street raising concerns on the following grounds:

#### Amenity

- Loss of privacy and overlooking from the balconies and enlarged windows
- Loss of daylight and sunlight from the roof extension.
- Noise and nuisance.

#### Highways

- The proposed manoeuvring area for taxis is opposite the parking bays for 2 and 3 Montpelier mews.
- The volume of traffic is high.
- Noise from cars and revving of engines.

#### Other

- The construction will be disruptive

- Impact of construction vehicle movements on the mews, particularly with such restricted access.
- Properties are currently used for Short term lettings which causes excessive traffic.
- The land ownership is potentially disputed and there could be legal issues with construction traffic having to cross privately owned land.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site currently comprises a five storey (across lower ground, ground and three upper floors) building, arranged as nine two-bedroom apartments and one two bedroom townhouse. This site is located in the Core Central Activities Zone (CAZ), the Knightsbridge Conservation Area and in the Knightsbridge Neighbourhood Forum Area.

### 6.2 Recent Relevant History

Planning permission was granted in October 2011 (RN:11/02800/FULL) for the construction of lift plant room in basement car park. Alterations to front basement fenestration and installation of ladder.

There is an extant permission for the redevelopment of 16-19 Montpelier Mews which is adjacent to this application site. Permission was granted in December 2018 (18/05866/FULL) for a 4 storey building comprising 8 flats. Both this and the application site are in the same ownership.

## 7. THE PROPOSAL

The proposals involve the part demolition of the front and rear facades and removal of existing third floor. The facades are to be re-clad, with new fenestration and a new third floor built out to match the building footprint below. A new fourth floor extension is created which also accommodates a roof terrace and mechanical plant. The existing 10 x 2 bedroom residential units are reconfigured to create a different mix of unit sizes, comprising 1 x 1 bed; 5 x 2 bed and 4 x 3 bed. A separate cycle and bin store are provided to the rear lower ground floor, accessed via the existing vehicular ramp. Two car parking spaces are relocated from the front of the site to the rear, also accessed by the ramp. The front area is re-landscaped and the existing lightwell partially filled in to facilitate this. A small vehicle manoeuvring area is provided in front of the building.

The proposals would result in an increase in residential (Class C3) floorspace at the site as set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	1108 sqm	1349 sqm	+241sqm

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Residential use

Policy S14 states that the council will work to achieve and exceed its borough housing target set out in the London Plan. Residential use is the priority across Westminster except where specifically stated. The additional residential floorspace is therefore welcomed in policy terms.

The existing and proposed units and percentage of family-sized units are set out below.

	No. of bedrooms			Total no. of units	% Family-sized
	1 Bed	2 Bed	3 Bed		
Existing units		10		10	
Proposed units	1	5	4	10	33%

Unitary Development Plan policy H5 seeks to ensure that an appropriate mix of unit sizes is achieved in all housing developments. At 33% the proposed mix of residential units meets the policy requirement for a third to be family sized (3 or more beds), it is recognised that the proposed mix would be an improvement on the existing situation.

The flats are consistent with the minimum residential space standards for new development as set out in the Technical Housing Standards - Nationally Described Space Standard (2015). Each unit benefits from private amenity space in the form of a balcony. The quality of accommodation proposed is considered acceptable.

### 8.2 Townscape and Design

The application site is a modern unlisted apartment block of no real architectural merit within the Knightsbridge Conservation Area, and is therefore subject to the design and conservation policies of the UDP and City Plan, and to the guidance given by the Knightsbridge CA Audit. It falls within the Knightsbridge Neighbourhood Planning Area, and is therefore subject to the policies of the Knightsbridge Neighbourhood Plan (KNP).

The application proposes to completely remodel the exterior of the building, whilst also adding an additional fourth floor, and to enlarge the existing third floor out to meet the main building line below. Alterations are also proposed to the outdoor space to the front of the block including new railings, and to remove front balconies and remodel rear balconies.

The proposals would overall produce a notable improvement in the design quality of the building, introducing higher quality materials and details whilst restraining the increase in vertical scale and bulk to an acceptable degree, which would respond well to the scale and relationship of surrounding buildings. The design is admittedly not specific to the area and uses materials and details typical of many recent London developments, but in this location this works successfully and responds to the character and textures of

historic buildings locally, and also to some of the more high quality recent developments in the area.

Subject to the recommended conditions, the proposal should become a positive new feature to the area. It would comply with relevant national and local policies and guidance, including DES 1, DES 5 and DES 9 of the UDP and KBR1 of the KNP.

### 8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance. Objectors are very concerned that the extension will result in loss of daylight, and will be overbearing, as well as allowing more overlooking.

#### Sunlight and Daylight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, eb7, has carried out the necessary tests using the methodology set out in the BRE guidelines on residential properties surrounding the site. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution (no sky line) available to windows in these properties. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

Objections have been received on the grounds that the proposed increase in height will result in a loss of daylight and sunlight for the neighbouring properties to the front of the site, namely Montpelier Mews and Montpelier Street. The applicant has undertaken a

daylight and sunlight assessment in accordance with the BRE guidelines. The properties included in the assessment are

- 17-22 Trevor Square
- 20 Montpelier Street
- 22 Montpelier Street
- 1 Montpelier Mews
- 2 Montpelier Mews
- 3 Montpelier Mews
- 16-19 Montpelier Mews
- Montpelier Hall (14 Montpelier Street)

#### 17-22 Trevor Square

This is a large development of flats to the north east of the application site. One window at first floor level experiences a reduction in VSC of 30%. It is however one of four windows serving a living/kitchen/dining area with the remaining windows fully compliant. The overall effect on daylighting to that room therefore is not considered material.

#### 20 Montpelier Street

A single lower ground floor bedroom experiences a 50% reduction in 'no sky line' beyond the BRE target however this room is served by a small window at lower ground floor and already has a low level of daylight – any absolute reduction appears large in percentage terms.

#### 22 Montpelier Street

There is no material impact to VSC, NSL or sunlight levels within room facing the site. A letter of objection was received from this property raising concerns of loss of light to the rear garden, assessments show that there is no change in shading to the garden of 22 Montpelier Street as a result of the proposals and the scheme fully meets the BRE guide in this respect.

#### 1, 2 and 3 Montpelier Mews

1, 2 and 3 Montpelier Mews are 3 storey mews houses located immediately opposite the site.

There is no material impact to VSC levels which are retained at levels between 16 to 22% in bedrooms. However, in each of the properties, bedrooms experience a 30% reduction in the NSL – at No. 1, the second floor is affected, and at No 2, the first floor bedroom is affected. At No. 3, both the bedrooms at first and second floor are affected. There is also a material reduction in the amount of winter sunlight received by the ground floor living areas of Nos. 2 and 3.

Overall daylight levels to these rooms remains reasonable therefore it is not considered there will be a significant impact on the amenity of this property given the compliance with the primary VSC target and the bedroom use of the spaces.

#### 16- 19 Montpelier Mews

There is no material impact on windows to this property.

### Montpelier Hall (14 Montpelier Street)

This block of flats is situated to the west of the application site. The primary windows of these units look north, across Montpelier Mews, or south, although there are some kitchen windows within terraces that look along the mews. The results show no material impact to either VSC or NSL to any windows. None of the windows of the property facing the scheme are within 90 degrees of due south. Therefore no windows are relevant for the APSH assessment. The effects of the proposal are therefore considered to be unnoticeable and fully comply with the BRE targets.

### Summary

In terms of the overall impact, whilst any transgressions of the BRE guidance are unfortunate, the level of daylight, sunlight and garden sunlight retained is considered reasonable for an urban location. The degree of impact to sunlight is considered to be within reasonable limits given the density of development in the area. In terms of winter sunlight in particular, given the low angle of the sun in the sky, it is very difficult to develop in an urban context without some degree of impact to winter sunlight. Overall therefore, it is not considered the scheme could reasonably be refused on daylight/sunlight grounds.

Subject to conditions, the proposals are considered to be in line with policies S29 of the City Plan, ENV13 of the UDP and KBR9 of the Knightsbridge Neighbourhood plan.

### **Overlooking/ Privacy**

In terms of privacy, objections have been received on the grounds that there will be increased overlooking and a loss of privacy from the enlarged windows on the front elevation and the balcony at fourth floor level.

The application site is surrounded by buildings in office and residential use. The relationship with the immediate townscape and neighbouring properties is well established. The residential properties are principally to the front (south elevation) onto Montpelier Mews which is approximately 16m away from the application site, with the north elevation facing onto the rear of Moreau House which is in commercial use.

The rebuilding of the third floor would result in the building line sitting further forward than existing, this will result in the residential floorspace closer to those properties sitting directly opposite (nos. 20, 1, 2 and 3 Montpelier Mews), there is an existing balcony along this edge at third floor level which allows neighbouring views, and bringing the building line out would only replicate the existing relationship to the floors below.

The proposal involves facade alterations. This includes the enlargement of a number of existing windows on the front and rear elevation. Given the windows already exist in the front and rear elevation of the building, albeit smaller, and as this is a dense urban location where overlooking is not uncommon it is not considered that the proposals would lead to an unacceptable loss of privacy or increase in noise to neighbouring residential occupiers.

In respect of the proposed fourth floor extension, there is a 1.5m set back on the northern elevation. This helps to reduce the overall perception of 'bulk' when viewed from both public and private vantage points. Objections raise concerns with regards to

the proposed terrace at this level. It is solely for use by the occupants in the top floor 3 bedroom unit. The applicants have proposed fixed planters to narrow the usable area of the terrace to limit views to the mews houses. Furthermore, given the existing terrace at third floor level, and the difference in height between the upper most floor of nos. 1, 2 and 3 Montpelier Mews compared to the proposed height of application site, the views are largely oblique, thereby reducing the risk of any direct overlooking. The proposed planters will be secured by condition.

#### 8.4 Transportation/Parking

Objectors state that the proposals would lead to increased traffic in the area and the proposed manoeuvring area for taxis is opposite the parking bays for 2 and 3 Montpelier mews will create issues for the mews properties.

Policy KBR29 states that proposals that are likely to generate significant transport movements should demonstrate no significant adverse impacts on:

- a. air quality
- b. road safety
- c. the pedestrian environment and movement
- d. cycling infrastructure;
- e. disabled access; and
- f. the street network

Policy TRANS 23 states that where the on street parking threshold in an area is over 80% then this will result in an unacceptable level of deficiency and increase parking stress in the area. The day time parking occupancy of residential parking bays within a 200m radius of the site is 73%. The night time parking occupancy of residential parking bays within a 200m radius of the site is 60%.

Parking pressure in this area is therefore below the stress level and the development is consistent with the aims of the City Council's policy TRANS 23 (B) and (D).

Fourteen cycle parking spaces are proposed in a dedicated bike store, which meets the requirements of the London Plan in this regard. A condition is recommended to secure the cycle store.

The two existing car parking spaces at ground level are being relocated to the rear of the property which is accessed via the existing vehicular ramp. The area of the existing car parking spaces is to be reused as a drop off and turning area, which although comprises private land, would be to the benefit of users of the Mews. Concerns have been raised in respect of the noise generated by vehicles entering and exiting the mews. There is no uplift in the number of residential units and as such it is not anticipated that there would be any material change in movements and thus noise generated. The planning application is supported by a transport assessment which includes tracking associated with the proposed turning area and demonstrates that sufficient space for turning is available.

The proposed development is accessible to a number of local facilities and transport connections. Montpelier Mews is a private road and not a public highway. Given that the development would not result in the creation of additional units, the proposals are not

considered to detrimentally impact on the operation of the local road network or highway safety during operation or result in a material increase in trips to result in a harmful impact upon amenity sufficient to refuse planning permission.

#### **8.5 Economic Considerations**

Any economic benefits generated are welcome.

#### **8.6 Access**

The development has been designed to conform with Part M of the Building Regulations and would be DDA compliant.

#### **8.7 Other UDP/Westminster Policy Considerations**

Mechanical plant is proposed at fourth floor level with associated acoustic screening. Environmental Health officers raise no objection subject to conditions to ensure compliance with the Council's standard noise conditions.

#### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

#### **8.9 Neighbourhood Plans**

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 18 October 2018, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Knightsbridge Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

#### **8.10 London Plan**

This application raises no strategic issues.

#### **8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which

must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

#### **8.12 Planning Obligations**

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

The Council's own Community Infrastructure Levy was introduced on 1 May 2016. The total CIL payable will be approximately £187,000. This figure is provisional and may be subject to any relief or exceptions which may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

#### **8.13 Environmental Impact Assessment**

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

The applicant has agreed to the addition of a biodiverse roof incorporating solar panels at main roof level. As well as enabling some of the energy used by the development to be renewable and benefits to local biodiversity it will also mitigate surface water run-off. It is recommended that details of the roof treatment and maintenance be secured by condition.

#### **8.14 Other Issues**

Objections have been raised on the grounds of noise, disturbance and issues of access created by the construction impact.

Policy KBR22 of the Knightsbridge Neighbourhood Plan states that proposals should be designed in a way that minimises their impacts on amenity, public health and the environment through dust and emissions, light pollution, noise and vibration during deconstruction and construction.

It is a longstanding principle that planning permission cannot be refused due to the impact on construction. This is due to its temporary nature and the ability to control it by condition. Accordingly, conditions are recommended that limit the hours of construction and require the adherence to the City Council's Code of Construction Practice (CoCP). The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. Whilst the Code of Construction Practice is generally applicable to major schemes, this site is considered to be a sensitive location in terms of construction impact in terms of the narrow surrounding streets and close proximity of residential properties as well as the extent of demolition proposed. As such, given the potential issues involved in construction management, it

is considered appropriate to attach the standard pre-commencement condition requiring evidence of adherence to the CoCP.

A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

Accordingly, the proposals are considered to be in accordance with KBR22 of the KNP.

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

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

### 9. KEY DRAWINGS





Existing rear elevation (above); proposed (below)

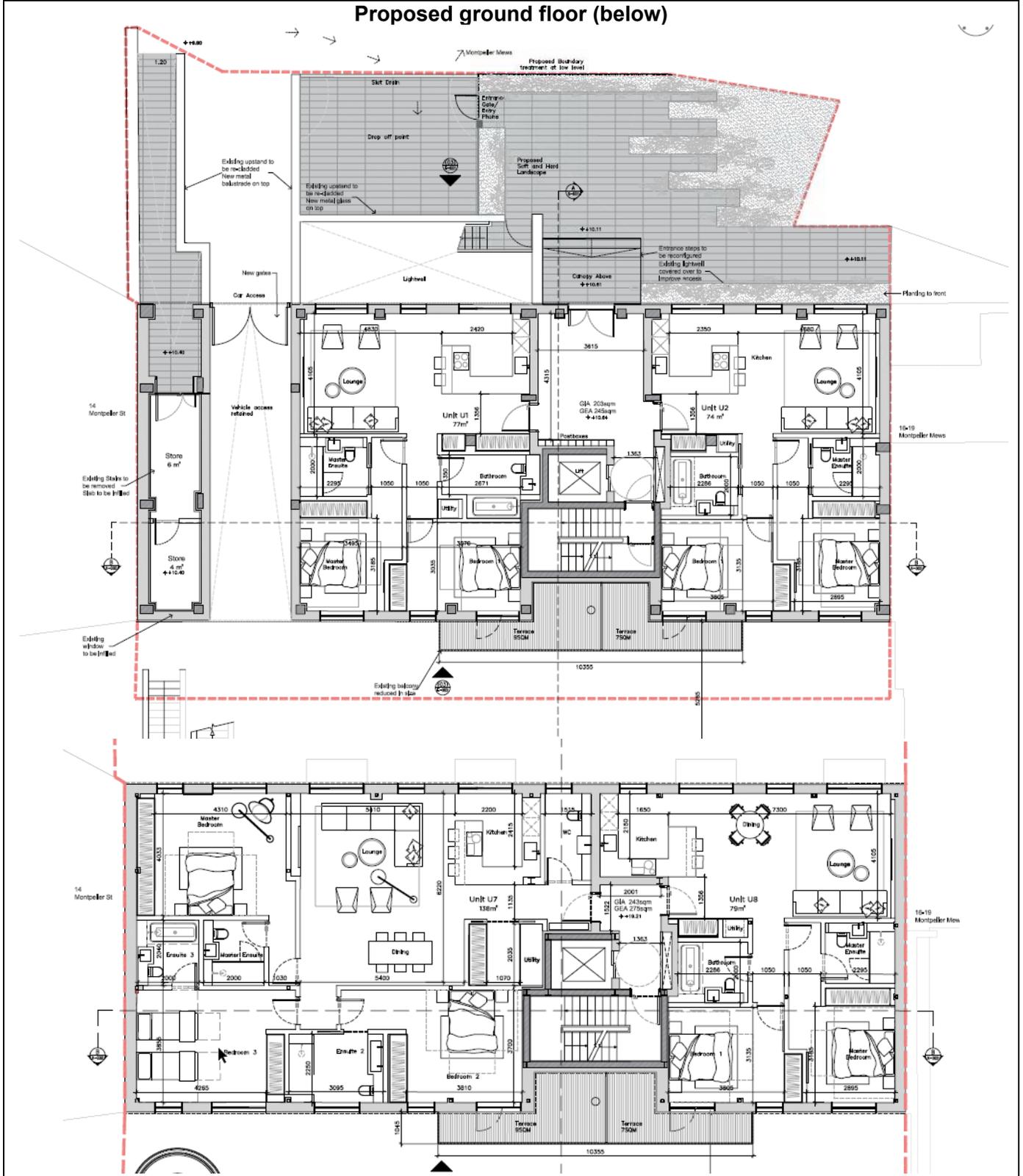




Proposed images of front (above) and rear (below)

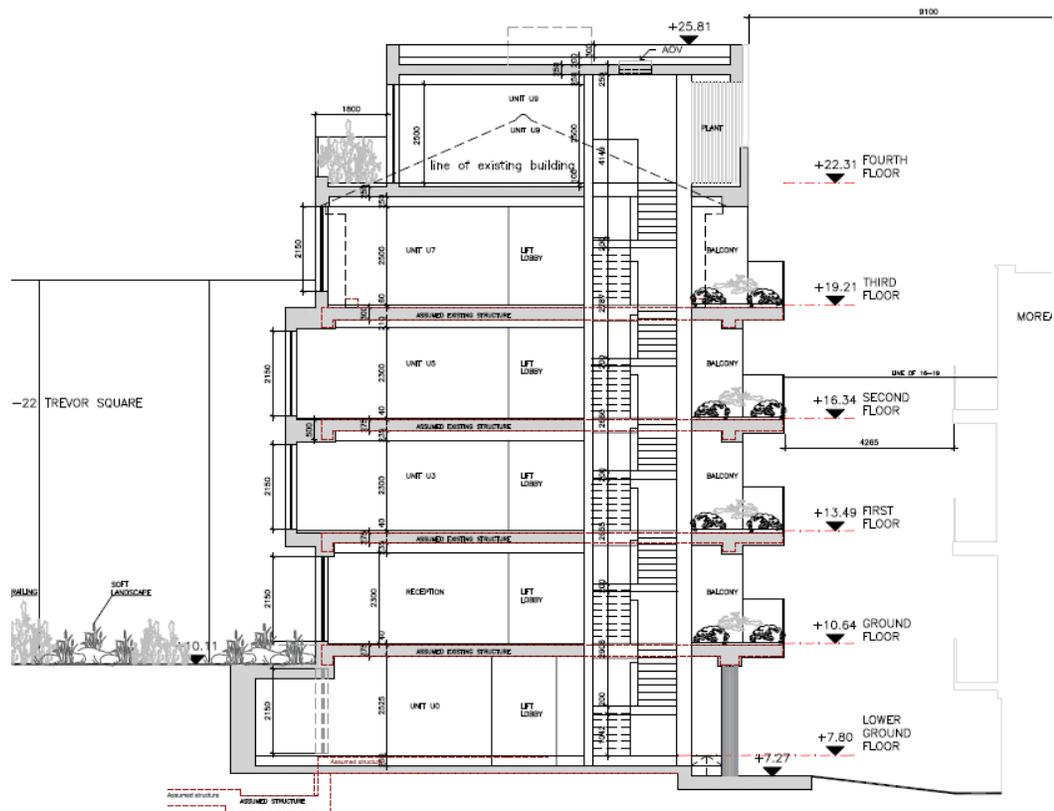
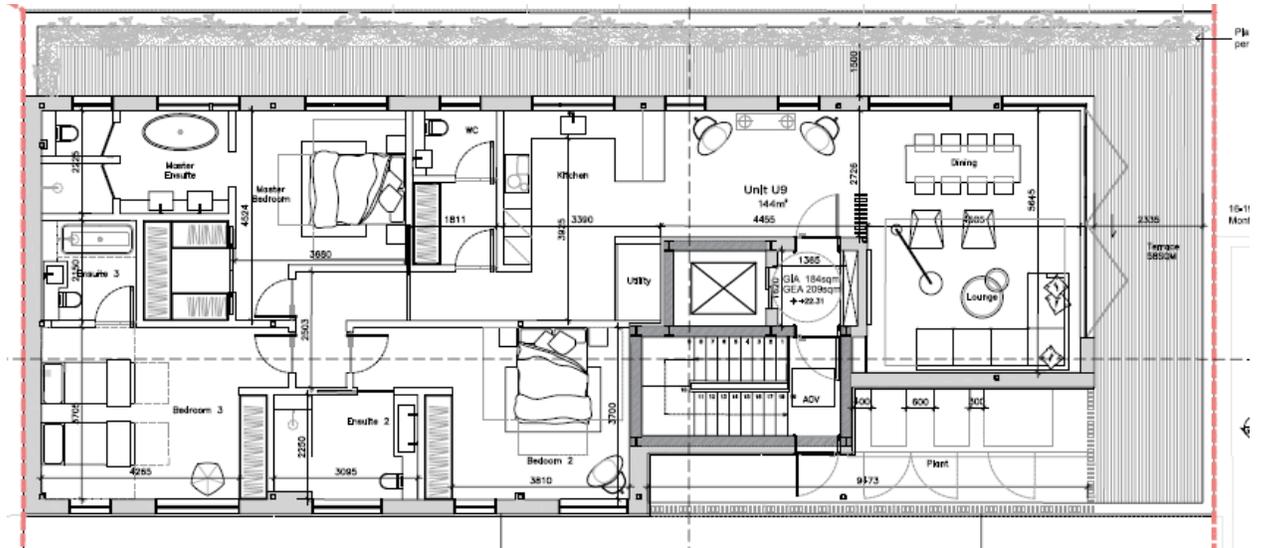


Proposed ground floor (below)



Proposed third floor (above)

### Proposed fourth floor plan



Proposed section (front of building to left, rear to right)

**DRAFT DECISION LETTER**

**Address:** 20 - 21 Montpelier Mews, London, SW7 1HB,

**Proposal:** Part demolition of front and rear facades and removal of existing third floor, alteration and refurbishment of front and rear facades including rear extensions at lower ground floor level, erection of new third floor level, erection of additional storey to create a new 4th floor level with roof terrace and mechanical plant, and use of extended building as 10 flats (Class C3). Provision of cycle storage and bin store.

**Reference:** 19/00810/FULL

**Plan Nos:** (01)-P-00S Rev. PL; (01)-P-S01 Rev. PL; (01)-P-0B0 Rev. PL; (01)-P-0G0 Rev. PL; (01)-P-001 Rev. PL; (01)-P-002 Rev. PL; (01)-P-003 Rev. PL; (01)-P-004 Rev. PL; (01)-X-001 Rev. PL; (01)-X-002 Rev. PL; (01)-X-003 Rev. PL; (01)-X-004 Rev. PL; (01)-E-001 Rev. PL; (01)-E-002 Rev. PL; (02)-E-001 Rev. PL; (02)-E-002 Rev. PL; (02)-E-003 Rev. PL; (02)-P-0B0 Rev. PL; (02)-P-0G0 Rev. PL; (02)-P-001 Rev. PL; (02)-P-002 Rev. PL; (02)-P-003 Rev. PL; (02)-P-004 Rev. PL; (02)-X-001 Rev. PL; (03)-E-001 Rev. PL; (03)-E-002 Rev. PL; (03)-E-003 Rev. PL; (03)-P-0B0 Rev. PL; (03)-P-0G0 Rev. PL; (03)-P-001 Rev. PL; (03)-P-002 Rev. PL; (03)-P-003 Rev. PL; (03)-P-004 Rev. PL; (03)-P-005 Rev. PL; (03)-P-S01 Rev. PL; (03)-X-001 Rev. PL; (03)-X-002 Rev. PL; Environmental Noise Survey Report No. 280172/01-C dated 2 December 2018, prepared by Noico Limited.

For information only: Daylight & Sunlight Report dated 22 March 2019, prepared by eb7, planning statement, design and access statement (Darling Associates dated January 2019); highways report (Royal HaskoningDSV January 2019).

**Case Officer:** Seana McCaffrey

**Direct Tel. No.** 020 7641 1091

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and KBR 22 of the Knightsbridge Neighbourhood Plan (December 2018). (R11AC),

### 3 **Pre Commencement Condition**

Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and KBR 22 of the Knightsbridge Neighbourhood Plan (December 2018). (R11AC)

- 4 You must apply to us for approval of details of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Knightsbridge 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 and KBR1 of the Knightsbridge Neighbourhood Plan (December 2018). (R26BE)

- 5 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 Knightsbridge 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 and KBR1 of the Knightsbridge Neighbourhood Plan (December 2018). (R26BE)

- 6 You must apply to us for approval of drawings of the following parts of the development: -
- (a) Typical bay study at 1:20 demonstrating roof edge, door and window profiles;
  - (b) Details of railings at 1:20, including finishes.

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

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Knightsbridge 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 and KBR1 of the Knightsbridge Neighbourhood Plan (December 2018). (R26BE)

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

## Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 8 You must provide the waste store shown on drawing (03)-P-0B0 Revision PL before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the residential units. 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 and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated ducting; attenuation and damping equipment;, (c) Manufacturer specifications of sound emissions in octave or third octave detail;, (d) The location of most affected noise sensitive receptor location and the most affected window of it;, (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 11 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

Installation of solar panels and a biodiverse roof at main roof level of the proposed building, including sections to show construction of base, substrate depth, species list, maintenance regime and works to accommodate the supporting structure within the proposed new roof structures and associated piping/irrigation etc.

You must not occupy the development until we have approved what you have sent us. You must then carry out the work according to these details and retain the biodiverse in perpetuity and in accordance with the maintenance regime.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of

Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007 and KBR10 and KBR35 of the Knightsbridge Neighbourhood Plan (December 2018). (R43AB)

- 12 The planters shown on the approved fourth floor terrace shall be installed prior to first use of the terrace, and maintained in that position for the time that the terrace remains in place.

**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)

**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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 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.
- 6 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and

all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase. Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

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.
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<b>4</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 17 September 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	40-42 Berkeley Street, London, W1J 8LT		
<b>Proposal</b>	Use of the ground floor as a car showroom use (sui generis) and alterations to the shopfront.		
<b>Agent</b>	Boyer Planning		
<b>On behalf of</b>	HR Owen Dealerships Ltd		
<b>Registered Number</b>	19/03893/FULL	<b>Date amended/ completed</b>	22 May 2019
<b>Date Application Received</b>	22 May 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

The application site comprises an unlisted building on basement, ground and seven upper floors, located at the junction of Berkeley Street and Stratton Street, within the Mayfair Conservation Area and the Core Central Activities Zone. The ground floor was, until July 2019, occupied as a supermarket (Class A1), in conjunction with the neighbouring building, and the basement was also previously occupied as part of the supermarket. This retail use has been retained, and consolidated, on the ground floor of the adjacent unit (597 sqm). The upper floors of the building are in office use.

Permission is now sought for the use of the vacant ground floor retail floorspace (451 sqm) as a car showroom (Sui Generis) and for alterations to the shopfront to create a vehicular access on Stratton Street. The unit would be occupied by Rolls-Royce Motor Cars, who are required to vacate their Berkeley Square premises in the near future. No objections have been received.

The key issue is the loss of retail floorspace. UDP policy SS5 seeks to maintain an appropriate balance of town centre uses and states that, within the Core CAZ, retail uses will be protected at basement, ground and first floor level. The introduction of a non-retail use at ground floor level will only be permitted where there is no detrimental impact on the character and function of the area. City Plan policy S21 also aims to protect existing retail uses except where the Council considers that the unit is not viable, as demonstrated by long term vacancy and despite reasonable attempts to let. The premises have only very recently been vacated and no marketing material has been submitted to

demonstrate that the premises could not continue to be occupied for retail purposes. The applicants have made the following points in support of their application:

- The previous tenant (Sainsbury's) has been able to reduce their size of their retail shop due to increased efficiencies. The reduced size of the shop unit would not jeopardise its long-term viability as sufficient trading and display areas would be maintained.
- The provision of an alternative use in this location has the potential to increase footfall on Berkley Street and to attract additional custom to the neighbouring supermarket. The scheme would also provide more jobs, on the combined sites, than at present as the supermarket employs the same number of full and part-time staff (87) as it did when occupying the proposed showroom, which would provide an additional 8 jobs. This would accord with the NPPF (para. 18) which aims to secure economic growth in order to create jobs and prosperity. Permission was recently granted, on appeal, for the use of part of a ground floor retail unit at 73 Piccadilly as a café (Class A3). In this case, the Inspector concluded that "... the use offers the prospect of providing more jobs than an A1 use of the premises and increasing average spend in the area and is therefore consistent with the objectives in the Framework in terms of supporting economic growth and competitive town centres that promote customer choice...."
- The previous supermarket use effectively 'turned its back' on Berkley Street as the shop windows were obscured by impermeable vinyl, to screen internal shelving and storage. The proposed showroom use will enliven and activate the street frontages, creating open views into the unit, with some retail displays.

City Plan policy S6 acknowledges that the Core CAZ is a suitable location for a range of commercial uses and the UDP identifies car showrooms as an appropriate non-Class A1 use within town centres. In these circumstances, subject to the acceptability of the loss of retail floorspace, the proposed use is appropriate in this location. The use will be open to visiting members of the public and will provide an active shopfront display, also selling goods associated with the Rolls Royce brand. In addition, the site is close to the boundary of the Mayfair SPA, where City Plan policy promotes the sale of specialist luxury items. As such, the proposed use is considered to complement the character and status of the area, contributing to central London's global appeal.

Notwithstanding the requirements of the relevant land use policies, for the reasons outlined above, it is not considered that the proposed loss of retail floorspace would have an adverse impact on the character and function of the area. Furthermore, the proposal would introduce an appropriate use, with a more active street frontage than at present, and has the potential to create new jobs. Consequently, on balance, it is considered that there are exceptional circumstances to justify a departure from the Council's land use policies.

The creation of the new vehicular access to the showroom will require the installation of a dropped kerb and the relocation of two parking bays further westwards on Stratton Street. The acceptability of the highway works is assessed under other legislation and these works do not form part of the current application. The Highways Manager has raised no objection to the proposal subject to the submission of a revised Delivery Management Plan to demonstrate that the delivery of display vehicles would not adversely affect the operation of the highway. For this reason, it is considered that vehicle deliveries should take place between midnight and 06.00 the following morning. Given the distance between the site and residential properties in the vicinity, and subject to details in the

Delivery Management Plan setting out measures to ameliorate potential noise disturbance, it is not considered that (infrequent) vehicle deliveries at these times would have a material impact on residents' amenity.

The existing shopfronts are modern, incorporating large expanses of glass. The proposed shopfront alterations are considered acceptable in design terms subject to a condition requiring the framing to be finished in a bronze colour to match that of adjacent shopfronts.

Subject to conditions, the proposal is considered acceptable in land use, amenity and design terms and is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



**5. CONSULTATIONS****RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S**

Any response to be reported verbally.

**MAYFAIR RESIDENTS' GROUP**

Any response to be reported verbally.

**HIGHWAYS PLANNING**

No objection to revised scheme subject to conditions

**PROJECT OFFICER (WASTE)**

Details of arrangement for storage of waste and recyclable materials required.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 34

Total No. of replies: 0

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes.

**6. RELEVANT HISTORY**

20 January 2017: Permission granted for the use of the basement and ground floor (part) (which was occupied by Sainsbury's for storage purposes) as a gym and sports rehabilitation centre (sui generis) and for alterations to the existing Berkeley Street access. (RN:16/10354/FULL) Not implemented.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK.

**7. KEY DRAWINGS**



**PROPOSED FRONT ELEVATION (BERKELEY STREET)**

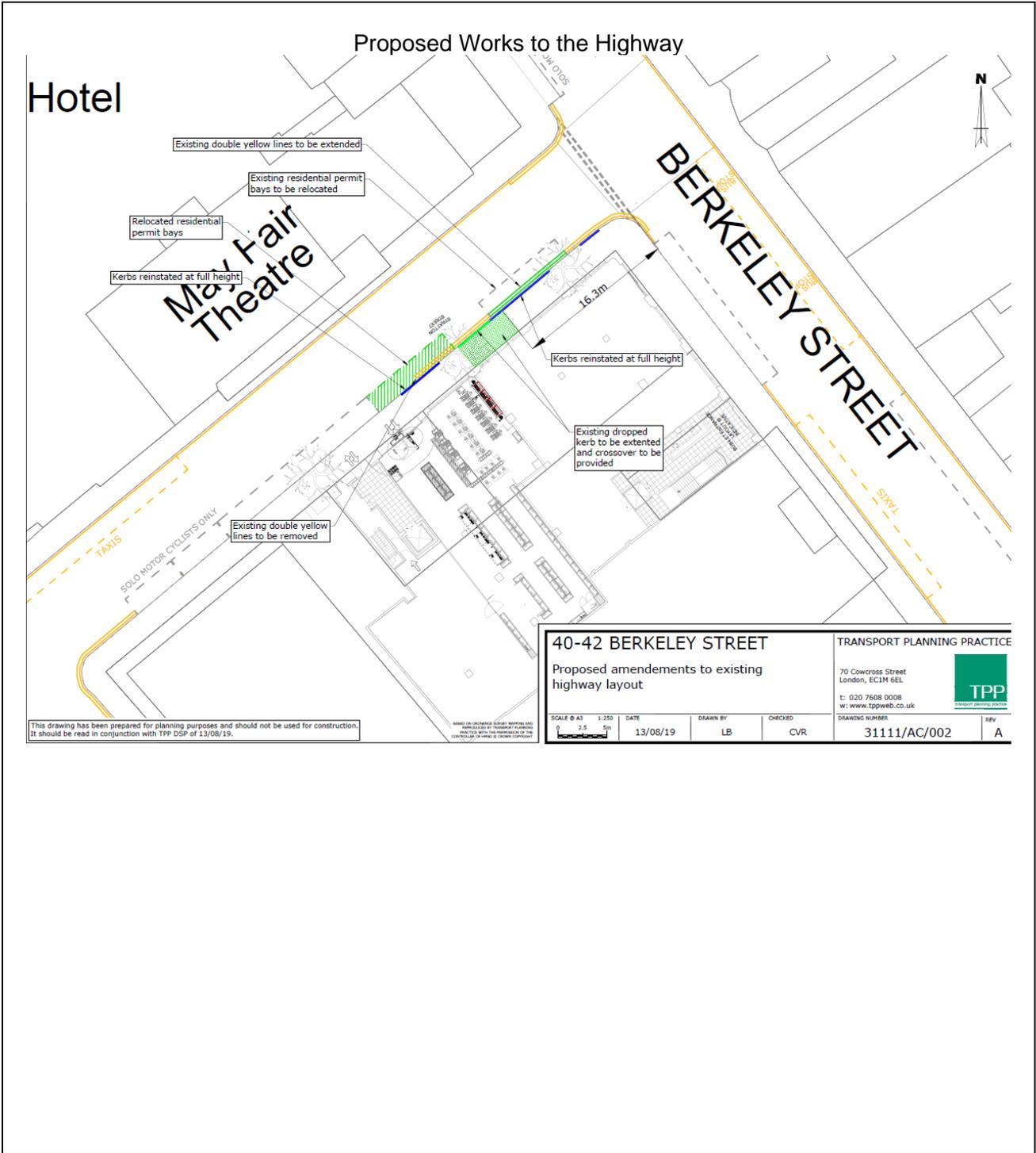


**PROPOSED SIDE ELEVATION (STRATTON STREET)**

Proposed Ground Floor Plan



GROUND FLOOR PLAN



This drawing has been prepared for planning purposes and should not be used for construction. It should be read in conjunction with TPP DSP of 13/08/19.

BASED ON CURRENTLY EXISTING RECORDS AND INFORMATION PROVIDED BY APPLICANT. NOT TO BE USED FOR THE PURPOSES OF THE CONSTRUCTION OF ANY STRUCTURE OR EQUIPMENT.

<b>40-42 BERKELEY STREET</b>		TRANSPORT PLANNING PRACTICE	
Proposed amendments to existing highway layout		70 Cowcross Street London, EC1M 6EL t: 020 7608 0008 w: www.tppweb.co.uk	
SCALE @ A3	1:250	DATE	13/08/19
DRAWN BY	LB	CHECKED	CVR
DRAWING NUMBER		31111/AC/002	
REV		A	

**DRAFT DECISION LETTER**

**Address:** 40-42 Berkeley Street, London, W1J 8LT,

**Proposal:** Use of the ground floor as a car showroom use (sui generis) and alterations to the shopfront.

**Plan Nos:** PL003 Rev C, PL004 Rev B, 31111/AC/002 Rev A

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**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 to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)  
  
Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)
  
- 3 The shopfront frame shall have a bronze coloured finish rather than exposed steel to match other shopfronts in the building.  
  
Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)
  
- 4 **Pre-commencement condition**  
You must not start work on the site until we have approved appropriate arrangements for securing the relocation of two parking bays on Stratton Street, the installation of a dropped kerb adjacent to the vehicle delivery access and reinstatement of the footway alongside the relocated parking bays. You must not occupy the ground floor as a car showroom (sui generis) until the highway works outside of the application site have been completed.  
  
Reason:

Item No.
4

To secure an improved pedestrian environment and ensure there is no loss of on-street parking, as required by Policy S41 of the Westminster City Plan (adopted in November 2016) and Policy TRANS 3 and TRANS 20 of the Unitary Development Plan (adopted January 2007)

- 5 You must apply to us for approval of a Delivery Management Plan. This must include the hours during which servicing will take place, measures to ensure that the operation of the highway will not be adversely affected and measures to ameliorate potential noise disturbance. You must not commence the car showroom use (Sui Generis) until we have approved what you have sent us. You must then carry out the servicing of all the ground floor unit according to the Delivery Management Plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42, S29 and S32 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20, TRANS 21 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 6 Pre- commencement condition  
You must not start work on the site until we have approved full details of the threshold levels of the vehicular entrance demonstrating that this meets the level of the existing highway. You must not occupy the ground floor as a car showroom (sui generis) until the threshold levels have been constructed in accordance with the approved details.

Reason:

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

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

Reason:

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

- 8 Notwithstanding the detail shown on the drawings hereby approved, the two access points on the Stratton Street frontage, nearest to the Stratton Street/ Berkeley Street junction, shall not be used for vehicular access.

Reason:

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

**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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You are advised in relation to condition 4 that we would expect:
- o A limit on number of deliveries/vehicles crossing the footway to four per month to allow for change of display stock only
  - o No transfer of vehicles across the footway other than those for display
  - o No vehicles to be moved into/out of the site under their own power (wheeled/pushed only)
  - o Vehicles only to be moved via wheel-based casters/dolly
  - o No test drivers from the site
  - o No customer deliveries from the site
  - o No vehicle transporters at site
  - o Servicing between midnight to 6.00am
  - o Details for the protection and ramping of the footway

# Agenda Item 5

Item No.
<b>5</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 17 September 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>Kingston House South, Flats 40 To 90, Ennismore Gardens, London, SW7 1NG</b>		
<b>Proposal</b>	Alterations to main entrance including installation of new external ramp and new doors, repaving of entrance area, cladding of canopy and associated alterations.		
<b>Agent</b>	Falconer Chester Hall		
<b>On behalf of</b>	Bishop and Associates		
<b>Registered Number</b>	19/03882/FULL	<b>Date amended/ completed</b>	21 May 2019
<b>Date Application Received</b>	21 May 2019		
<b>Historic Building Grade</b>	n/a		
<b>Conservation Area</b>	n/a		

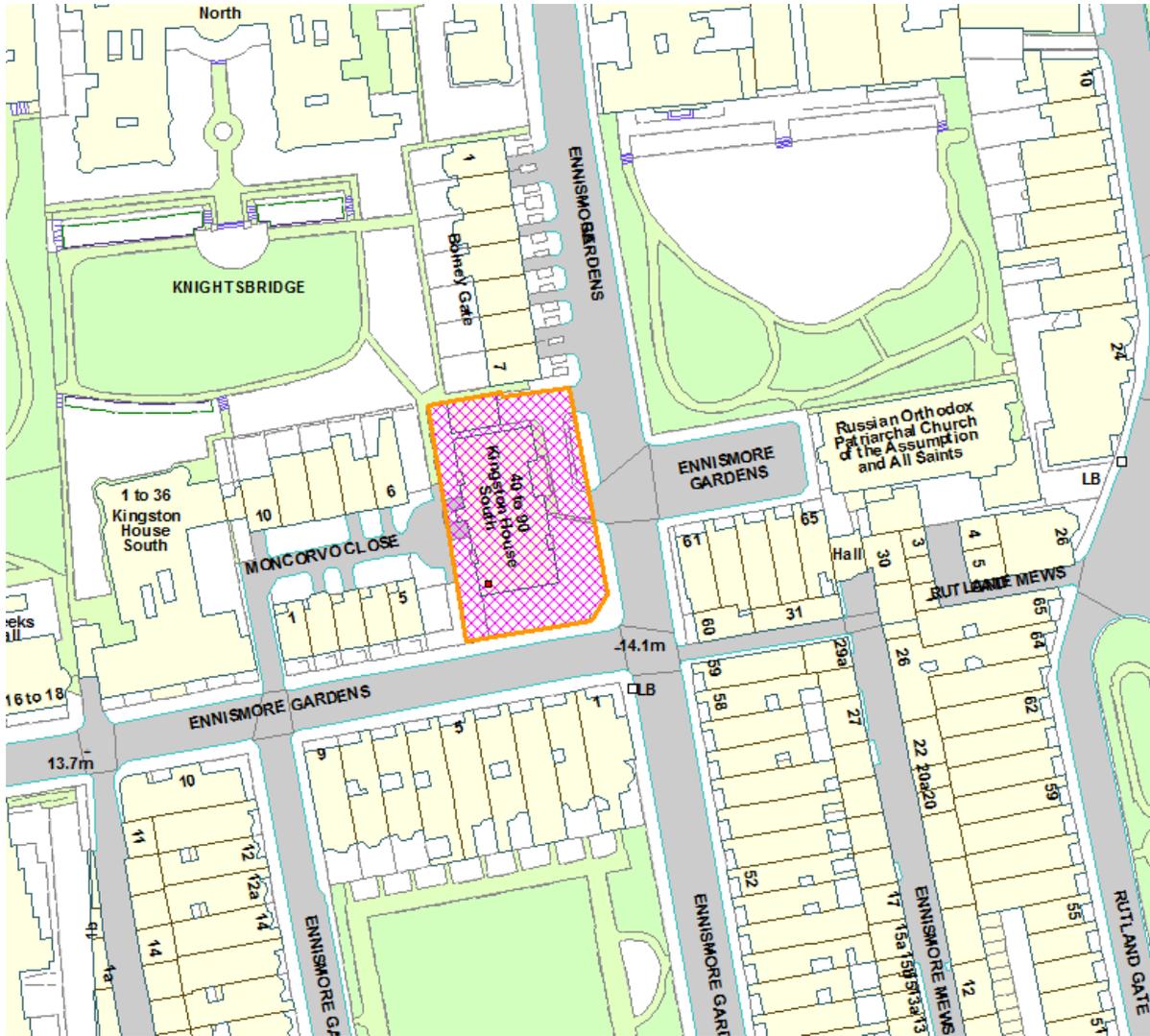
## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

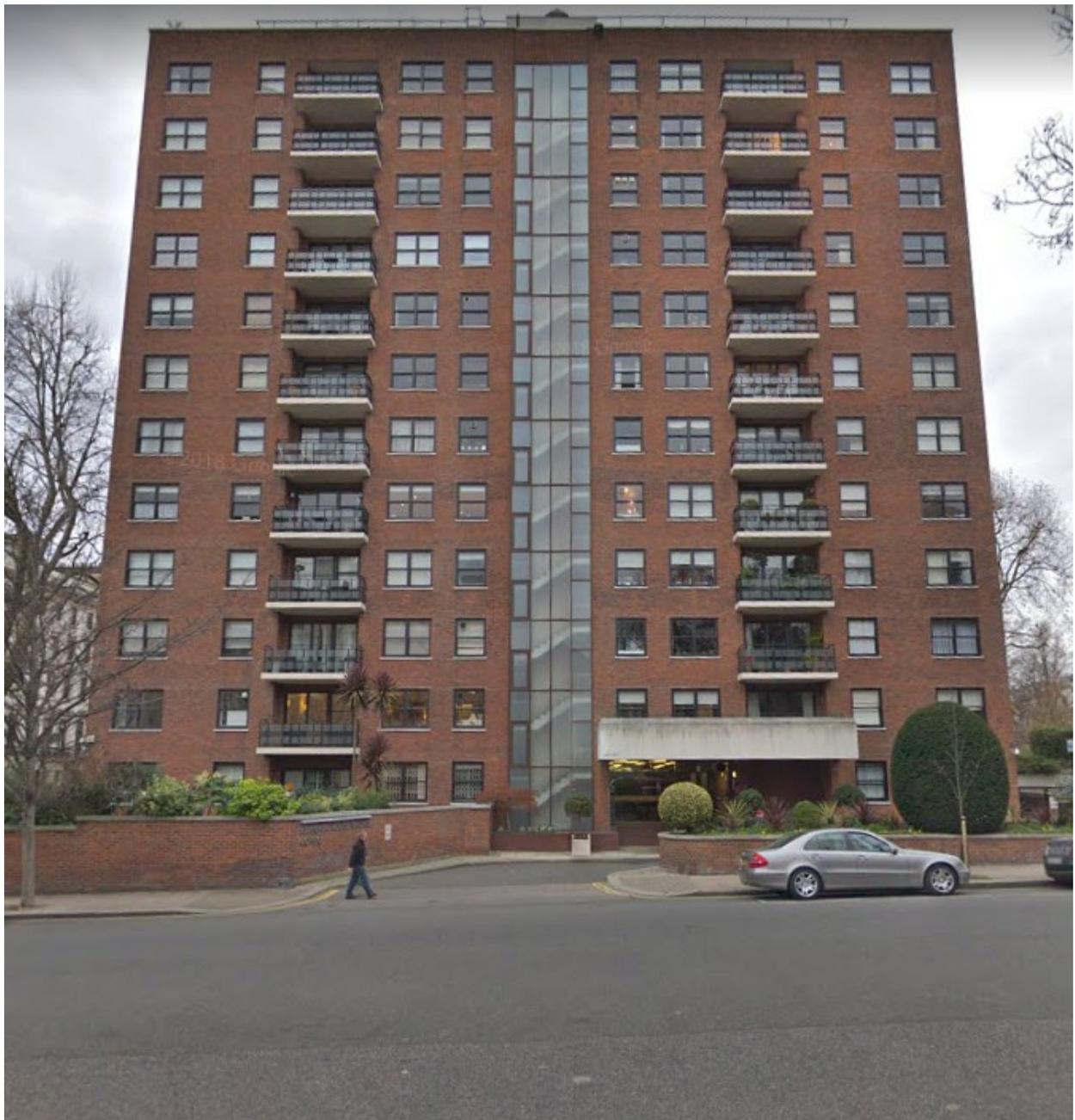
<p>Kingston House South comprises two unlisted buildings outside of a conservation area. The buildings comprise residential flats, and flats 40 to 90 are within the eastern building located on the corner of Ennismore Gardens. The applicant seeks permission to alter the main entrance, including the installation of a new external ramp and new doors, repaving of the entrance area, cladding of the canopy and associated alterations.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> <li>- the impact of the proposed development on the character and appearance of the building and the setting of the Knightsbridge Conservation Area and nearby listed buildings; and</li> <li>- the impact on the amenity of neighbouring residents.</li> </ul> <p>For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan) and the Knightsbridge Neighbourhood Plan adopted December 2018 (the KNP). As such, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letter.</p>
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### 3. LOCATION PLAN

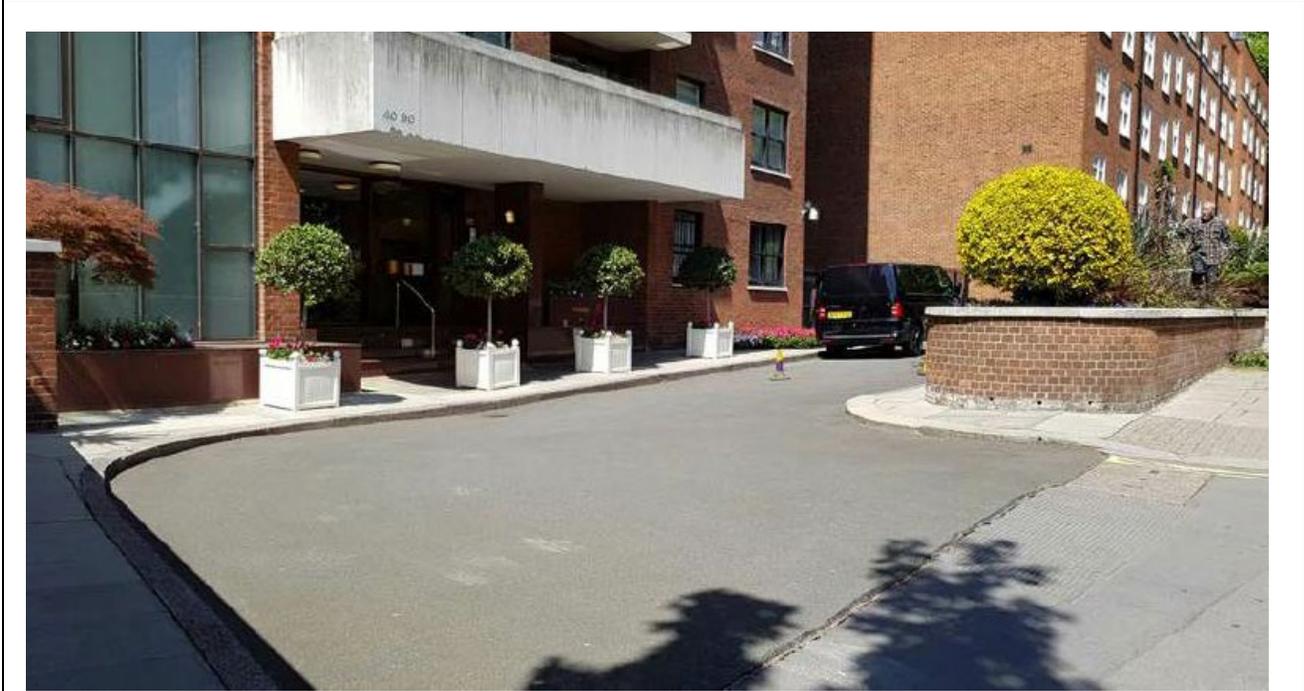


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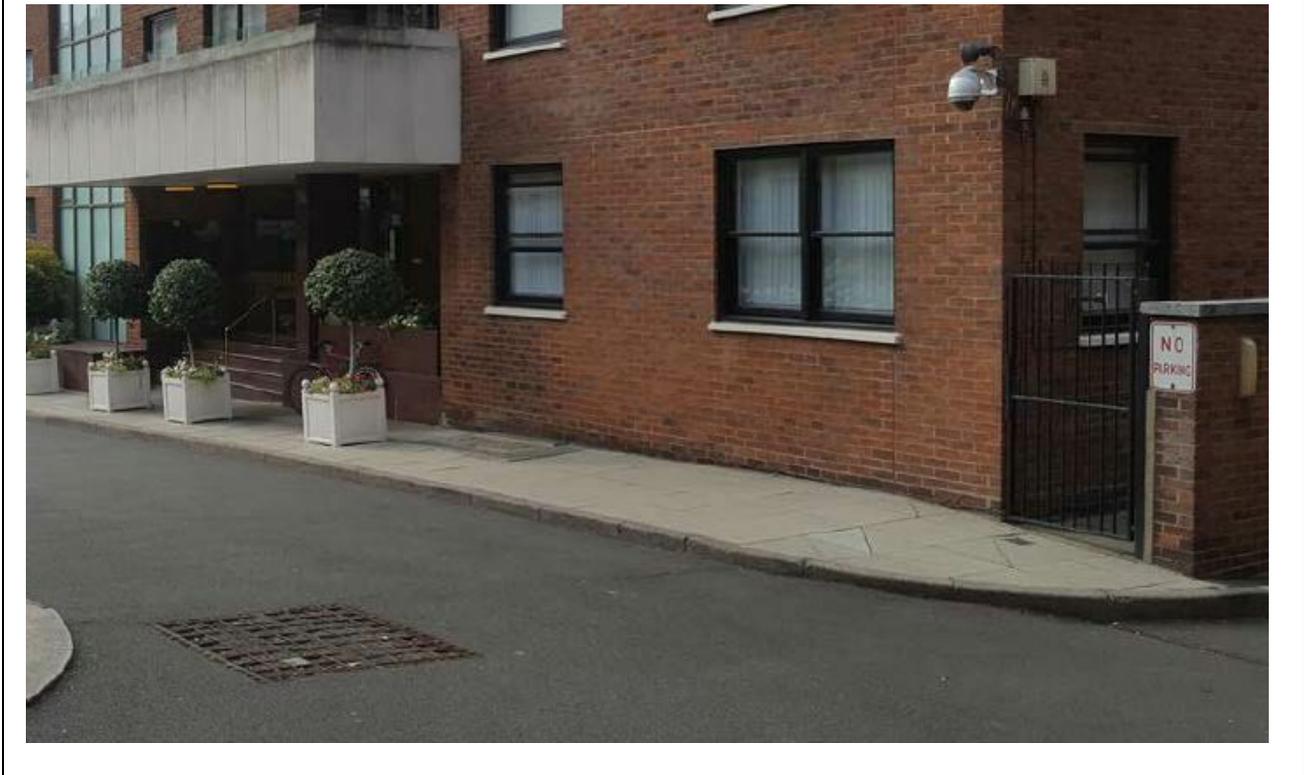
4. PHOTOGRAPHS



Front Elevation



**Main Entrance**



## 5. CONSULTATIONS

### KNIGHTSBRIDGE ASSOCIATION:

No objection.

### KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53

Total No. of replies: 2 (Objections)

Objections from two residents, who reside within the application building, on all the following summarised grounds:

#### Design:

- The cladding for the canopy and alterations to the stairs, pillars and other changes would harm the character and appearance of the building and area;
- The repaving would remove planting;

#### Residential Amenity:

- The ramp would impinge on the privacy of the adjacent flat and is a security risk;

#### Pedestrian Safety:

- The ramp would reduce the space for pedestrians, and there is an existing ramp to a side entrance;

#### Other:

- New doors are not required as the existing are sufficiently wide;
- The ramp would block a smoke outlet; and
- Motorcyclists will use the ramp.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Kingston House South comprises two unlisted buildings outside of a conservation area. The buildings comprise residential flats, and flats 40 to 90 are within the eastern building located on a corner of Ennismore Gardens.

The site is within the setting of the Knightsbridge Conservation Area, which is opposite to the south and east, the setting of the grade II listed townhouses on the south and east side of Ennismore Gardens and the setting of the grade II\* listed Russian Orthodox Church.

The building's main entrance is simple in design with steps and doors, above which is a concrete canopy. To the front of the main entrance, within the building's curtilage, is a

small drive way for vehicles. To the side of the building is the entrance to an underground car park.

## **6.2 Recent Relevant History**

On 14 December 2005, the City Council granted permission for replacement glazing to the common stairwell on front elevation.

## **7. THE PROPOSAL**

The applicant seeks permission to alter the main entrance, including the installation of a new external ramp and new doors, repaving of the entrance area, cladding of the canopy and associated alterations.

Since submission the applicant amended their drawings, confirming they will re-provide the smoke outlet and to clarify that the planting to the front of the site, by the public highway, would not be removed.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The residential use of the site would remain unchanged. Therefore, the application raises no land use implications.

### **8.2 Townscape and Design**

Policies DES 1 and DES 5 of the UDP and policy S28 of the City Plan are the most relevant design policies. These aim to ensure the highest standards of design in alterations and extensions in all parts of the city. As the site is within setting of the Knightsbridge Conservation Area and the listed buildings on Ennismore Gardens, UDP policies DES 9 (conservation areas) and DES 10 (listed buildings) are also relevant. These aim to ensure the preservation or enhancement of the City's conservation areas and listed buildings. Policy KBR1 of the KNP relates to character, design and materials and states development should respond creatively to the enhancement of the area and that high-quality materials should be used.

The applicant seeks to improve the entrance both visually and for residents, particularly those with reduced mobility. Objectors consider the appearance of the proposals to be inferior to the existing situation.

The alterations are relatively modest and would be appropriate to the building. The materials, while differing from the existing, are suitable to this unlisted building outside of a conservation area. The concrete canopy would be clad in a patinated brass, which would sit well with the red brick of the building. The ramp would be formed with a metal balustrade and the raised section would be clad in marble effect tiles, forming a simple ramp. A new glazed door into the building would be created in connection with the ramp and existing steps would be altered, and this work would not be harmful to appearance of the building.

Objectors have also raised concern that the applicant proposes to remove planting. The applicant clarified that the planting to the front by the road is not to be removed as part of this application, but a small planter to the side of the entrance would be removed. Given this is required to allow for the ramp, its removal not opposed.

Cumulatively, the alterations would be suitable and would not harm the character and appearance of the building, the setting of the Knightsbridge Conservation Area or the listed buildings on Ennismore Gardens.

### **8.3 Residential Amenity**

Policy ENV 13 of the UDP and policy S29 of the City Plan aim to safeguard the amenity of residents from the effects of new development with regard to overlooking, sense of enclosure and loss of daylight and sunlight.

Objectors consider the ramp would impinge on the privacy of the flat adjacent to it and it would pose a security risk.

The ramp would be located outside windows which serve the flat of the live-in concierge, the smaller window serves a kitchen and the larger window a living room (officers understand that these windows do not serve either of the objector's flats). Residents and guests to the building can already walk past and stand by these windows. The ramp may modestly increase the number of residents who ordinarily pass the window, but given this would be only a slight difference, the impact of the ramp in terms of additional privacy loss would be very limited.

It is not considered that the alterations would enable people to force entry into the building, and there would be a limited impact on security. The benefits of a ramp and access improvements are considered to outweigh the minor impacts described above.

### **8.4 Transportation/ Parking/ Highways**

Policy TRANS 3 of the UDP and Policy S41 of the City Plan aim to ensure all developments prioritise pedestrian movement and the creation of a convenient, attractive and safe pedestrian environment (this also applies to wheelchair users). Policies KBR7 and KBR 28 of the KNP states developments should seek to improve pedestrian movements.

The ramp would not be located on public highway, it would be within the forecourt of the building. Objectors consider it would unduly restrict pedestrians using this forecourt.

The applicant has designed the ramp and area in front for those in wheelchairs and other less mobile residents, given a wheelchair user would be able to use this area so would pedestrians. Indeed, the principal benefit of the development is that it would create a more convenient, attractive and safe environment for those who are less mobile, including elderly pedestrians and wheelchair users. For those residents who do not wish to make use of the ramp, stairs will remain. This is in compliance with the aforementioned policies.

### **8.5 Economic Considerations**

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

## **8.6 Access**

It is regrettable that the existing main entrance does not include level access. Currently, those who are less able to use steps must use a secondary entrance accessed via a gate to the side of the building. London Plan policy 7.2 requires the City Council foster an inclusive environment and states the City Council should support developments that can be used safely, easily and with dignity by all regardless of disability and age. The proposed ramp would create a convenient and more welcoming entrance that everyone can use (and removes the existing indignity of having to use a secondary separate entrance). Similarly, the repaving is required as the existing area is unlevel and is causing some difficulty for those who are less mobile. Given the proposed alterations would improve access, they are welcomed.

## **8.7 Other UDP/Westminster Policy Considerations**

None applicable.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

## **8.9 Neighbourhood Plans**

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 18 October 2018, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Knightsbridge Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

## **8.10 London Plan**

This application raises no strategic issues.

### **8.11 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.

### **8.12 Planning Obligations**

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

### **8.13 Environmental Impact Assessment**

The application is of insufficient scale to trigger the requirement of an EIA.

### **8.14 Other Issues**

The objectors raise concern that the ramp will cover a smoke outlet. The applicant confirmed this smoke outlet will be re-provided and the applicant has provided updated drawings to show this.

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

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

**Existing (above) and Proposed (below) Front Elevation**

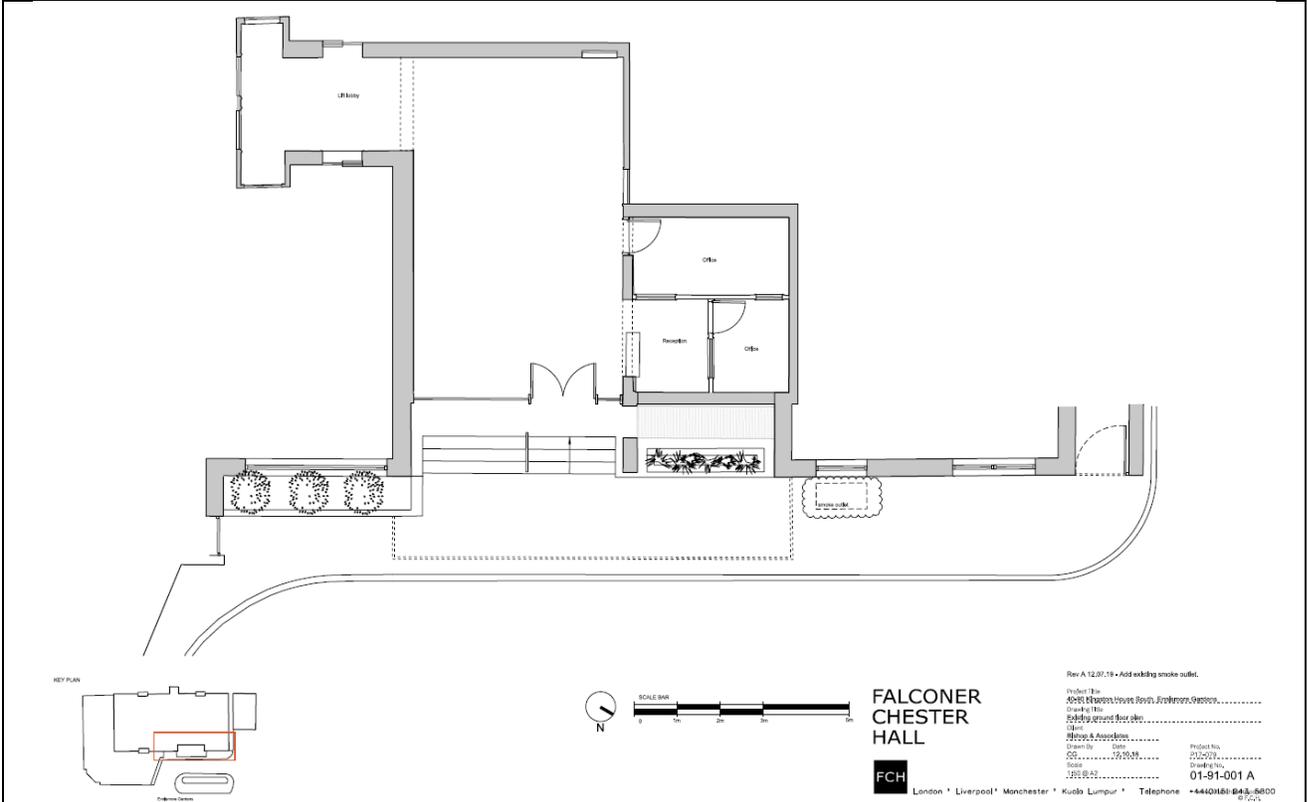
**MATERIAL KEY**

- ① Existing brickwork to be retained
- ② New brickwork to be installed
- ③ Existing window frames to be retained
- ④ New window frames to be installed
- ⑤ Existing door frames to be retained
- ⑥ New door frames to be installed
- ⑦ New glass to be installed
- ⑧ New metalwork to be installed

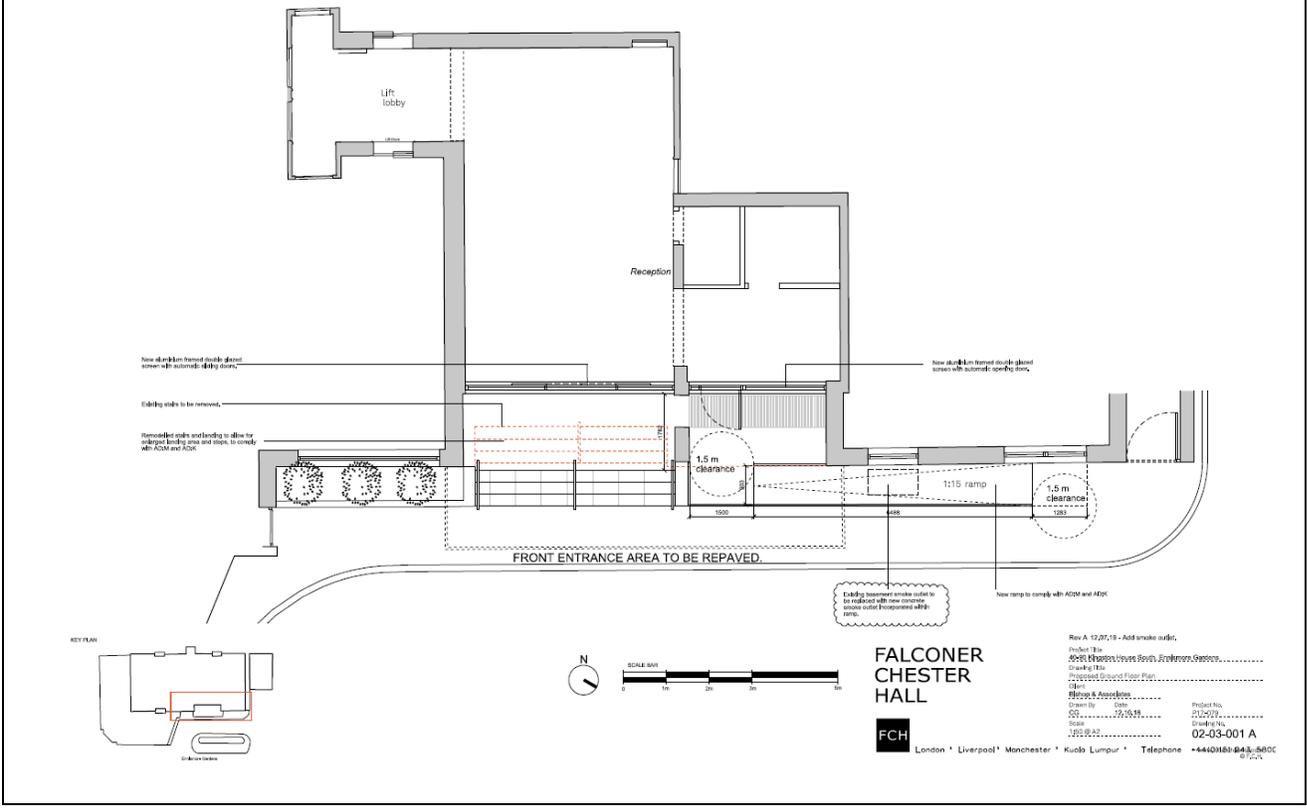
**FALCONER CHESTER HALL**

Project Title: 25-26 Kingsway House South, Erdington, Goscote  
 Drawing Title: Existing Elevation 01  
 Client: Edinco and Associates  
 Drawn By: Date: Project No.  
 CCB: 06/10/18 P17470  
 Scale: 1:500 A3 Drawing No.  
 1000 01-91-002

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Existing (above) and Proposed (below) Floor Plan



**DRAFT DECISION LETTER**

**Address:** Kingston House South, Flats 40 To 90 , Ennismore Gardens, London, SW7 1NG

**Proposal:** Alterations to front entrance including installation of new external ramp and new doors, repaving of entrance area and re-cladding of canopy and associated alterations.

**Reference:** 19/03882/FULL

**Plan Nos:** Site Plan; Location Plan; 01-91-001 A; 01-91-002; 02-05-001; 02-03-001 A; 02-03-002 B; Design and Access Statement.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

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

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

Reason:

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

- 2 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and KBR22 of the Knightsbridge Neighbourhood Plan (December 2018). (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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 and KBR22 of the Knightsbridge Neighbourhood Plan (December 2018). (R26AD)

**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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

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# Agenda Item 6

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 17 September 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>Basement Flat, 47 Cleveland Square, London, W2 6DB</b>		
<b>Proposal</b>	Retention of the installation of 4 uplighters recessed into the external slate paving of the lightwell and two 2 downlights recessed over the doorway to the lightwell.		
<b>Agent</b>	Ms Carol Shea		
<b>On behalf of</b>	Ms Lorraine Connolly		
<b>Registered Number</b>	19/05283/FULL and 19/05284/LBC	<b>Date amended/ completed</b>	10 July 2019
<b>Date Application Received</b>	8 July 2019		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. 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 for the retention of lights inserted into the paving within an internal lightwell and two downlighters. An objection was received from the South East Bayswater Residents Association on design and amenity grounds. Objections have also been received from three neighbours and are summarised in Section 5 of the report.

The key issues in this case are:

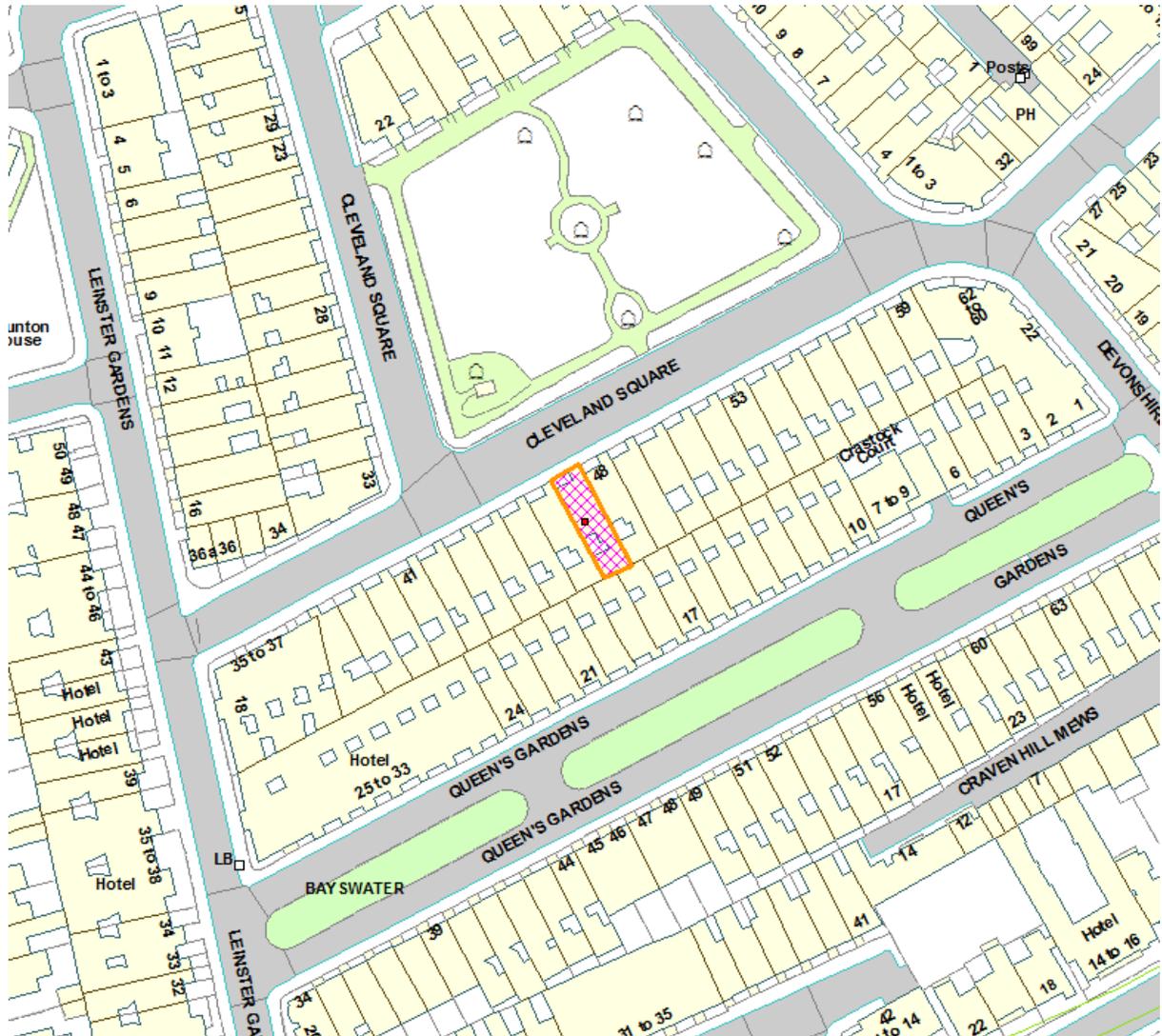
- The impact on the special interest of the Grade II listed building.
- The impact of the proposal on the character and appearance of the Bayswater Conservation Area and Cleveland Square as a Grade I listed Historic Park and Garden of Special Historic Interest.
- The impact on the amenity of neighbouring 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

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November 2016 (the City Plan). The applications for planning permission and listed building consent 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

Lights as installed.



Day time view with lights on.



Downlighters



## 5. CONSULTATIONS

PLANNING ENFORCEMENT TEAM  
Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION  
Objection on the following grounds:

- Harms the setting of the listed building
- Impact of light pollution on the amenity of the neighbours
- Unacceptable precedent

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 3

No. of objections: 3 (against the listed building consent application)

Objections on some or all of the following grounds:

- Lights are left on at night time
- Light pollution and the impact on neighbouring residents
- Lights are visible by neighbouring residents
- Lights are cosmetic and do not enhance the architecture of the building
- Lights change the function of the shared lightwell
- There are no benefits to outweigh the harm.

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a lower ground floor flat within a Grade II listed building, located on the south side of Cleveland Square. The site is located within the Bayswater Conservation Area.

### 6.2 Recent Relevant History

04/01045/FULL

Retention of wooden decking with uplighters to rear basement lightwell.

Application Permitted 24 June 2004

04/01046/LBC

Retention of wooden decking and up lighters to rear basement patio area.

Application Permitted 24 June 2004

## 7 THE PROPOSAL

The application seeks the retention of external lights which have been installed within the lightwell of the application site at lower ground floor level. Four uplighters have been recessed into the slate paving and two recessed downlights have been installed above the door into the lightwell.

The installation of 4 uplighters in the lightwell was granted on 26 June 2004 (04/01045/FULL and 04/01046/LBC). In the approved scheme, the uplighters were small circular lights recessed into timber decking and were dimmable; the uplighters currently installed are in the same location as those in the approved scheme but are recessed into slate paving. They are small and circular and are dimmable.

The two downlights replaced a previous surface mounted light fitting. The installed downlights are of the same design as those installed within the paving, being small, circular and dimmable.

## **8 DETAILED CONSIDERATIONS**

### **8.1 Land Use**

This application raises no land use issues.

### **8.2 Townscape and Design**

Section 66 of the Planning (Listed Building Conservation Areas) Act 1990 places a duty upon the decision maker, in the exercise of planning functions, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The 1990 Act also requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The pertinent policies contained in the adopted City Plan are S25 and S28. The relevant policies in the adopted UDP are set out in Chapter 10, Urban Design and Conservation. The most applicable policies are DES 1 that sets out principles of urban design and conservation, DES 5 relating to alterations to existing buildings, DES 9 that concerns the impact of development on conservation areas and DES10 which relates to works affecting listed buildings.

The lights that have been installed are discreet in terms of number and scale. The uplighters have been set within slate paving and consequently the visibility of them is limited. It is appreciated that lights within the floor of the lightwells is not a traditional arrangement. However, this lightwell has historically been compromised by the introduction of modern paving and as such the uplighters are not considered to further detract in this context.

When illuminated the lights are more visible in private views from the flats which share this lightwell. However from a design and heritage perspective, given the lights are

viewed in the context of the modern paving, the impact on the special interest of the heritage asset is considered to be limited.

The two downlights which have been installed above the access door are also discreet in scale. As they replaced a previous larger light, the positioning and scale of the lights are considered to be more sympathetic than the previous arrangement. These lights are acceptable in design and heritage terms.

Although objections have been received on the grounds that the lights are inappropriate for this Grade II listed building, they are not considered to be harmful to the special architectural and historic interest of this building and given the fact that it is not visible from public views, it will not affect the character and appearance of this part of the Bayswater Conservation Area.

### 8.3 Residential Amenity

Planning permission was granted at sub-committee in 2004 for 'Retention of wooden decking and up lighters to rear basement patio area. '

At planning committee, it was agreed that to protect residential amenity, the lights should be limited by condition to use between the hours of 7am and 10pm only.

In 2014 planning permission and listed building consent were granted for the removal of the existing timber decking and the installation of slate flooring to the lightwell. The drawings and supporting text did not include lighting. Works commenced in November 2015 to install the slate flooring, up lights were installed in the slate flooring and down lights above the doors in locations similar to previously approved lights. The lighting was not included on the 2014 permissions and has therefore been installed unlawfully.

Following a complaint to the planning enforcement team in February 2019 relating to the unlawful lighting and the impact on neighbouring residential amenity and this listed building an application has been submitted to regularise the situation.

Policy ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality. Policy ENV 13 specifically seeks to protect residential amenity from an increased sense of enclosure, loss of privacy and a loss of daylight/sunlight. Policy ENV 10 states that when planning permission is granted for developments which involve the installation of lighting apparatus, conditions will be attached to ensure minimal upward lightspill. The reasoned justification for policy ENV 10 states '*Light spill can also impinge directly on residents, destroying their sense of privacy and interfering with sleep*'

Three objections have been received raising one or more of the following amenity issues:

- Up lighting was permitted but never installed
- Light pollution causing disruption to sleep patterns
- Lights kept on all night
- The lights change the function of the lightwell
- Lights are not in accordance with lowering carbon emissions

Objections have been received on the grounds that the lights installed in the courtyard cause light pollution for the residents of the buildings on the upper floors of the building.

It has previously been accepted that lighting in the court yard, subject to conditions limiting the hours of use, would not have a detrimental impact on the neighbouring residential amenity. While the previous decision was granted prior to the adoption of the UDP in 2007, ENV 10 accepts that conditions can be used to mitigate lightspill and protect residential amenity. Objections have stated that the installed lights are not in accordance with Government guidance on light pollution. The Guidance indicates that in domestic settings precautions such as limiting when lighting is used can mitigate the impacts of exterior lights.

In letters to the Planning Enforcement Team from objectors it is stated that if the City Council are minded to grant permission, conditions limiting the use of the light to between 7am and 10pm could be used to protect amenity. The applicant has confirmed during a site visit that such a condition would be acceptable.

Due to the location and size of the lights, the previous permission and the proposed condition it is not considered installed lights would harm the amenity of the neighbouring residential properties in regards to light pollution subject. The works are in accordance with ENV 10, 13 and S29 of the City Plan and therefore acceptable on amenity grounds.

#### **8.4 Transportation/Parking**

The application does not raise any transportation or parking issues.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The application does not raise any access issues.

#### **8.7 Other UDP/Westminster Policy Considerations**

The application does not raise any other policy considerations.

#### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination

in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

#### **8.9 Neighbourhood Plans**

There are no neighbourhood plans

#### **8.10 London Plan**

This application raises no strategic issues.

#### **8.11 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.

#### **8.12 Planning Obligations**

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

#### **8.13 Environmental Impact Assessment**

This application raises no environmental issues.

#### **8.14 Other Issues**

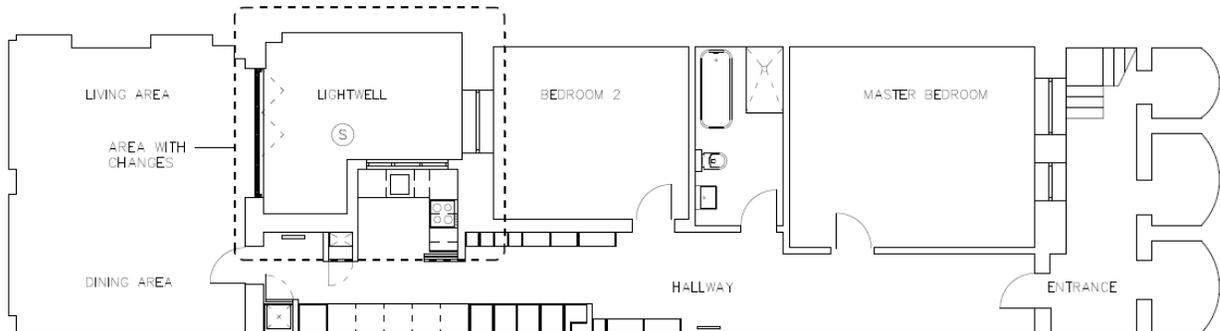
This application raises no other issues.

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

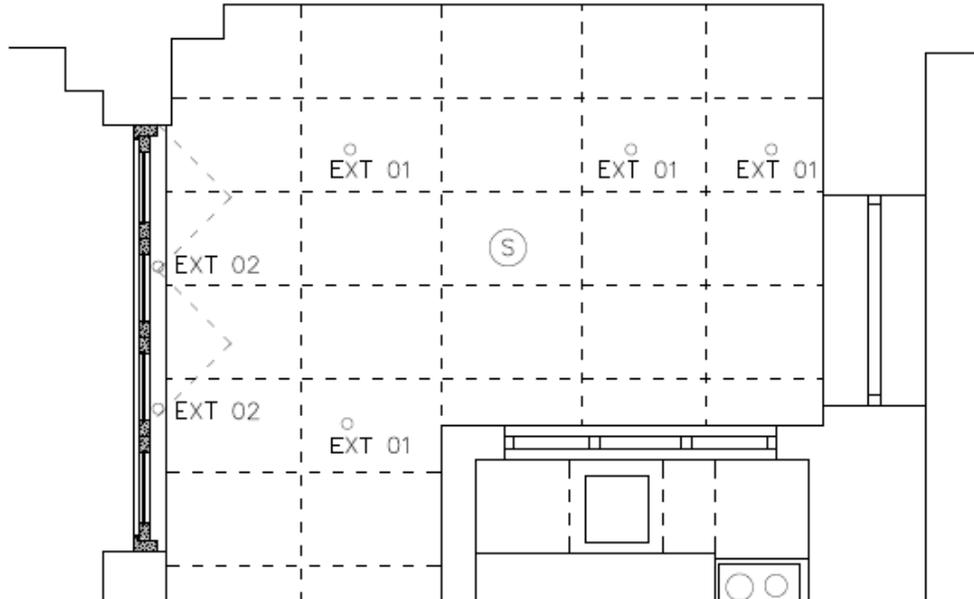
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk)

## 9 KEY DRAWINGS

## Pre-existing floorplan



## Lightwell with location of downlights and uplighters.



○  
EXT 01 RECESSED INGROUND UPLIGHTER TO BOTTOM OF LIGHTWELL:  
MR. RESISTOR PHANTOM Q3989 IP68 STAINLESS STEEL ROUND LED UPLIGHTER, (WARM WHITE) WITH DIMMABLE DRIVER

○  
EXT 02 RECESSED DOWNLIGHT OVER DOORWAY TO LIGHTWELL:  
MR. RESISTOR BLAZE LED DOWNLIGHT Q3B75 IP64 (WARM WHITE) NICKEL WITH DIMMABLE DRIVER

Ⓢ SLATE PAVING

**DRAFT DECISION LETTER**

**Address:** Basement Flat , 47 Cleveland Square, London, W2 6DB

**Proposal:** Retention of the installation of 4 uplighters recessed into the external slate paving of the lightwell and two 2 downlights recessed over the doorway to the lightwell.

**Plan Nos:** P01; P02A.

**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 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)

- 3 The lights hereby permitted shall not operate between the hours of 22:00 and 07:00.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

**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, neighbourhood plan (where relevant),

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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 HIGHWAYS LICENSING:

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.

CONSIDERATE CONSTRUCTORS:

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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

**DRAFT DECISION LETTER**

**Address:** Basement Flat , 47 Cleveland Square, London, W2 6DB

**Proposal:** Retention of the installation of 4 uplighters recessed into the external slate paving of the lightwell and two 2 downlights recessed over the doorway to the lightwell.

**Plan Nos:** P01; P02A.

**Case Officer:** Rebecca Mason

**Direct Tel. No.** 020 7641 7540

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

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

Reason:

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

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, the London Plan 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)

- 3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>.

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 7

Item No.
7

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 17 September 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>Halffield Estate, London, W2 6EW</b>		
<b>Proposal</b>	Replacement of communal lighting including new trunking and conduits		
<b>Agent</b>	Mr Terry Marsh		
<b>On behalf of</b>	Katherine Chambers		
<b>Registered Number</b>	18/07230/COFUL & 18/07231/COLBC (Lynton House)	<b>Date amended/ completed</b>	29 August 2018
	18/07232/COFUL & 18/07233/COLBC (Bridgewater House)		
	18/07227/COFUL & 18/07228/COLBC (Newbury House)		
	18/07225/COFUL & 18/07226/COLBC (Clovelly House)		
	18/07223/COFUL & 18/07224/COLBC (Brecon House)		
	18/07236/COFUL & 18/07237/COLBC (Taunton House)		
	18/07238/COFUL & 18/07239/COLBC (Worcester House)		
	18/07241/COFUL & 18/07242/COLBC (Caernarvon House)		

	<p>18/07249/COFUL &amp; 18/07250/COLBC (Exeter House)</p> <p>18/07243/COFUL &amp; 18/07244/COLBC (Marlow House)</p> <p>18/07246/COFUL &amp; 18/07247/COLBC (Winchester House)</p>		
<b>Date Application Received</b>	24 August 2018		
<b>Historic Building Grade</b>	Grade		
<b>Conservation Area</b>	Hallfield Estate		

**1. RECOMMENDATION**

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. Grant conditional permission for each application under Regulation 3 of the Town and Country Planning General Regulations 1992.</li> <li>2. Grant conditional listed building consent for each listed building consent application</li> <li>3. Agree the reasons for granting each listed building consent as set out in Informative 1 of the draft decision letters.</li> </ol> |
|--|

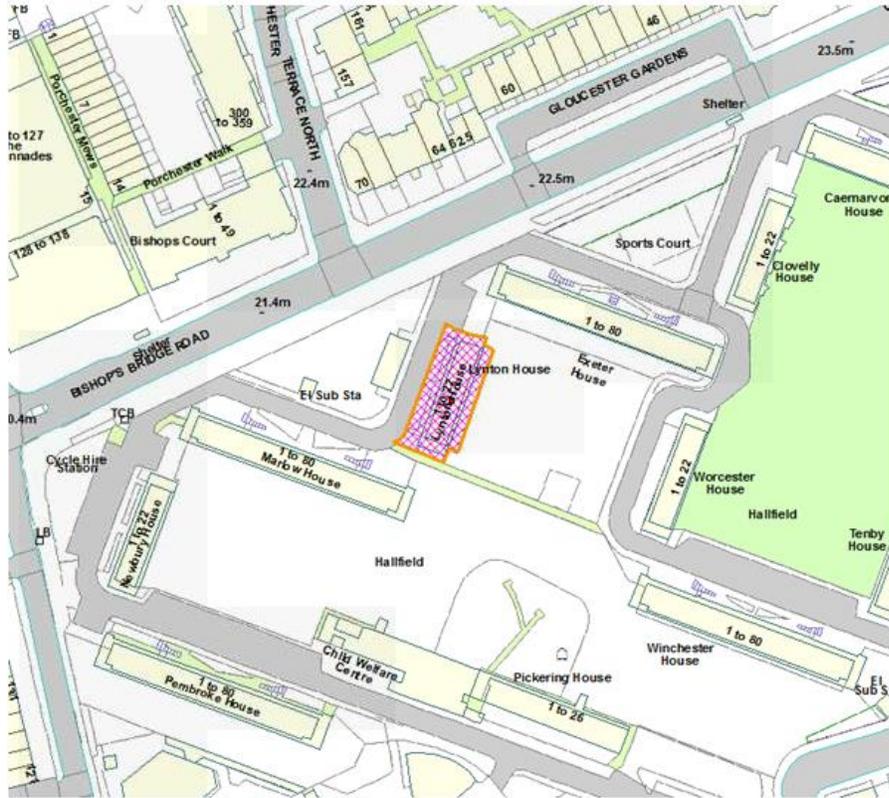
**2. SUMMARY**

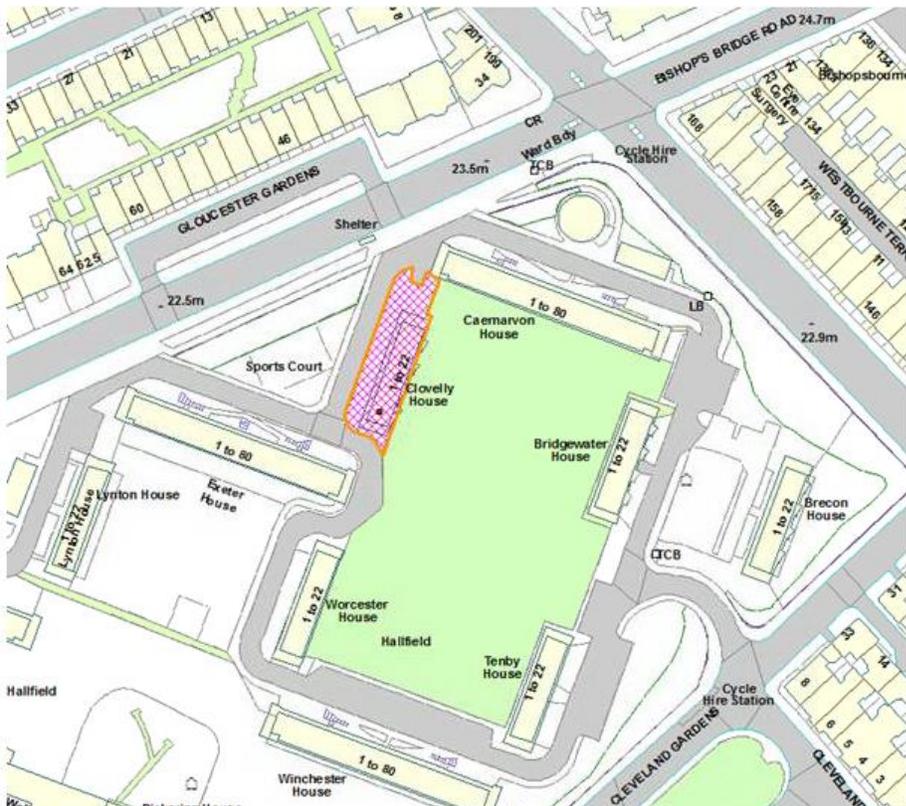
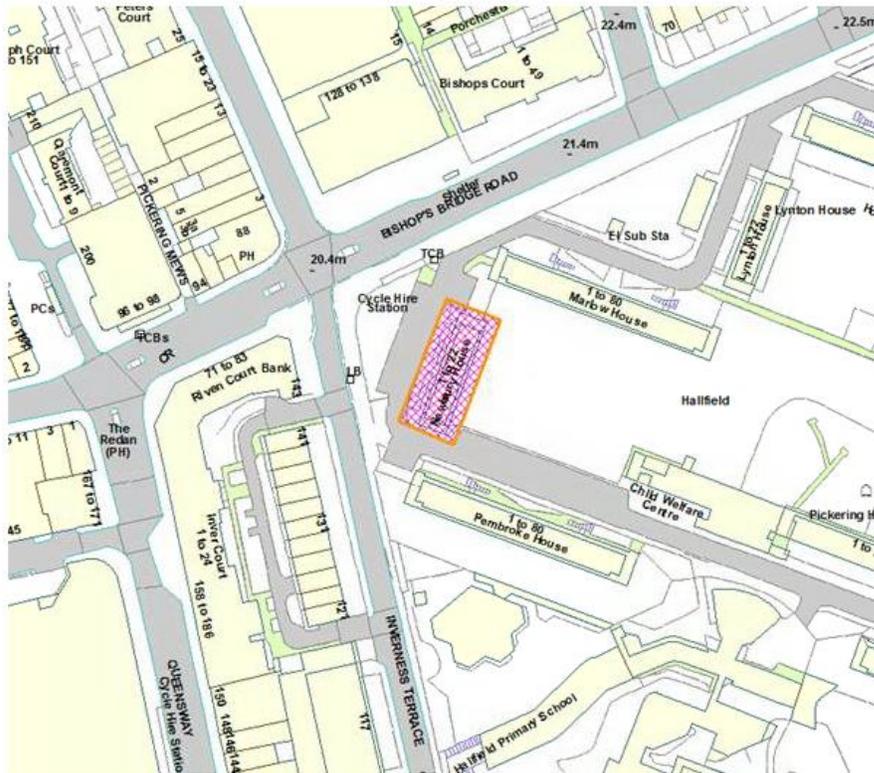
<p>The Hallfield Estate is a mid 20th century housing estate which comprises its own conservation area, the Hallfield Estate Conservation Area. The estate comprises 14 residential blocks, which are all Grade II listed, and other ancillary blocks. The current planning and listed building consent applications propose the replacement of the communal lighting including new trunking and conduits to serve the lighting at 11 of the residential blocks, namely – Lynton House, Bridgewater House, Newbury House, Clovelly House, Brecon House, Taunton House, Worcester House, Caernarvon House, Exeter House, Marlow House and Winchester House.</p> <p>Permission was previously granted on 24 March 2017 for the installation of new communal lighting including trunking and conduits to Tenby House, Reading House and Pembroke House.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> <li>- The impact of the proposed works on the character, appearance and special interest of the listed buildings and the Hallfield Estate Conservation Area.</li> </ul>
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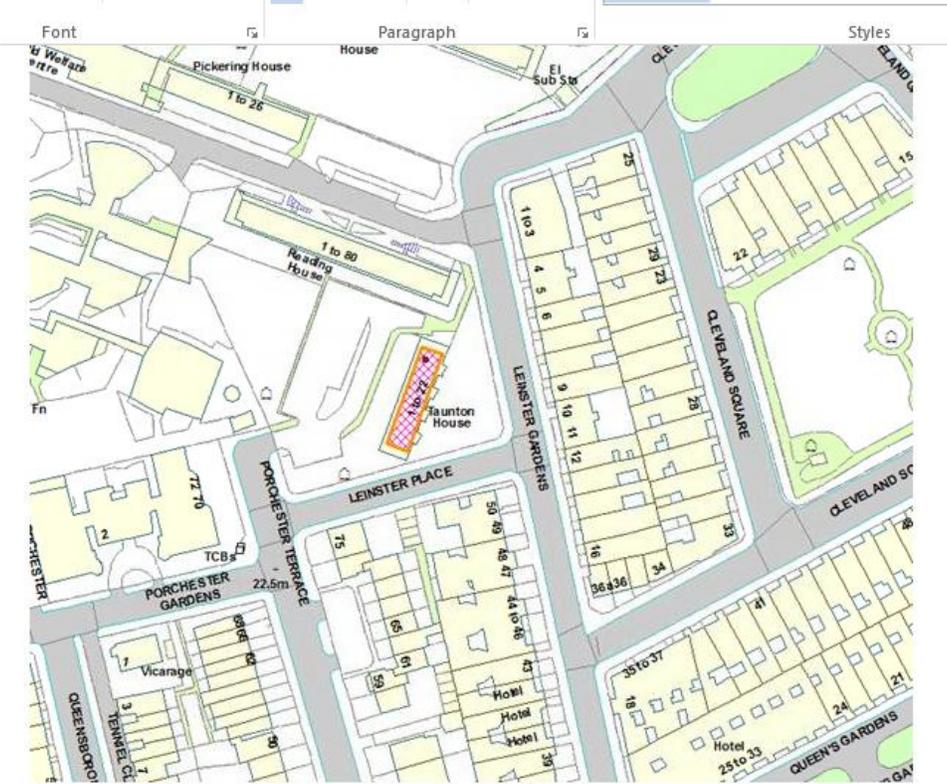
Item No.
<b>7</b>

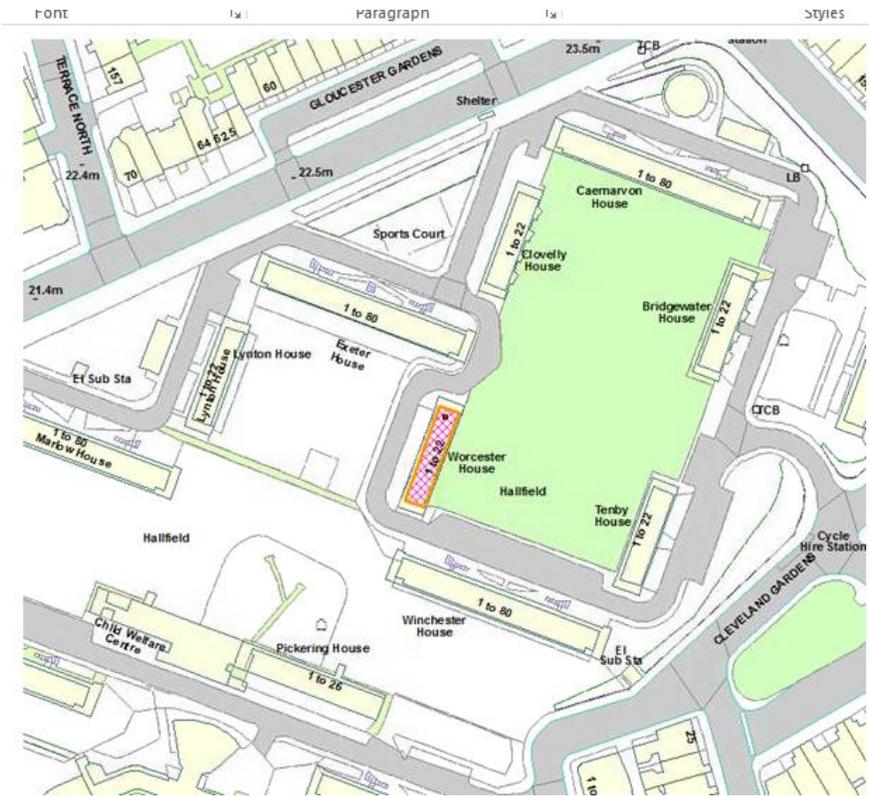
It is considered that given the particular circumstances of this case, the less that substantial harm to the special architectural and historical interest of the designated heritage assets is balanced against the benefits to local residents of providing lighting including emergency lighting to these 11 blocks.

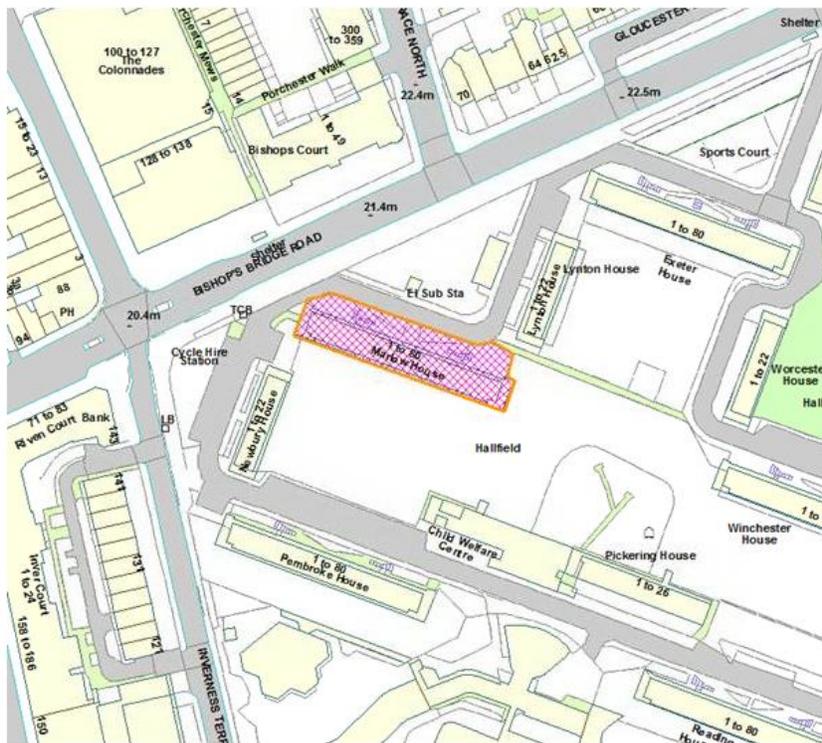
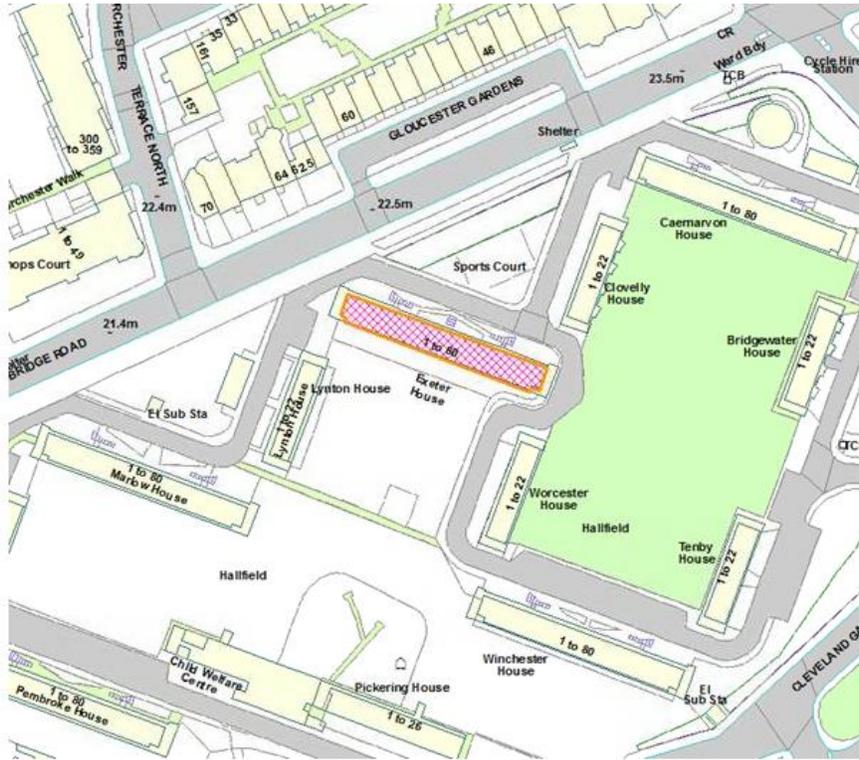
### 3. LOCATION PLANS











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**4. PHOTOGRAPHS**

**External Appearance of Hallfield Estate Buildings**



**Existing Lighting at Winchester House**



**Existing Lighting to an Upper Floor Balcony Walkway**



**Authorised and Installed Lighting at Tenby House**



## 5. CONSULTATIONS

### Applications for Each Building Included the Following Two Consultations:-

#### WARD COUNCILLORS FOR LANCASTER GATE

Comment from Councillor Smith, advising that he has received objections from residents who are concerned about the appearance of the lights, whether round lights are in keeping with the design of the building, and whether bright white light impacts on the appearance of the building at night. Also advises that the objections received express concern about the bright lights leaving dark pools. Query whether there are any design or heritage concerns.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No responses received.

#### HISTORIC ENGLAND

Responses received for applications at Exeter House, Taunton House, Worcester House, Caernarvon House, Marlow House and Winchester House. They state that on the basis of the information provided they do not consider that it is necessary for the application to be notified to Historic England.

### Applications for Newbury House Included the Following Consultation:-

#### ENVIRONMENTAL SCIENCES

State that the new lighting is designed to replace existing features, although the Design and Access Statement notes that the new fixtures will be in different locations to achieve adequate lux levels. State that in the absence of information on the location of existing fixtures compared to proposed it is difficult to determine whether there is any significant net change in light trespass into windows. State that the plans do not show whether the new fixtures will be sited above windows of bedrooms or living rooms and note that there are no calculations for light trespass into windows. State that the lux calculation demonstrate that the scheme will meet the levels recommended by the Society of Light and Lighting 'Code for Lighting' document and do not significantly exceed these levels. State that the fixtures therefore appear to be sufficient for this purpose and not excessive. State that if the rooms facing the corridor areas are not habitable rooms or they are kitchens and bathrooms/internal corridors this would negate any impact in terms of light trespass.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted in Total to Estate: 562

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Two letters received from residents of Winchester House objecting on the following grounds:

- Concern that light fittings should be as similar in appearance to the originals as possible.

- Note that the proposed lights are round whereas the existing lights at Winchester House are rectangular.
- Note that the existing lighting is located in various locations within the walkway areas.
- Express concern that the trunking is not attractive, and query why it cannot be run through the original concealed electrical pipes.
- Query why trunking cannot be in the shape of a round metal pipe.
- Express concern that if trunking is added then CityWest Homes may seek to remove some flue outlets onto the walkway areas.
- Comment that the statement that the works are to the interior of a listed building is not correct and that they are to the exterior of the building.
- Query comments of statutory consultees
- Query whether the proposals were considered at pre-application stage.
- Query whether the proposals are part of an estate wide plan for upgrading services.
- Query whether research has been undertaken on the kind of light fitting originally used and whether this could be used to create a new light fitting of authentic appearance.
- Query whether there has been the involvement of someone with built heritage credentials.
- Comment that the listing description sets out a series of attributes of the buildings on the estate, and comment that in these circumstances it is considered unbelievable to consider unsightly surface trunking and inappropriate lights
- State that the Conservation Area Audit is from 2008 before the estate was listed, and therefore is not appropriate as an analysis of the merit of the building.
- State that a previous application of 2011 included a Heritage Statement which noted that pipes vents and wiring detract from the character of the listed buildings.
- State that any proposals need to be considered as part of an estate-wide context, and that piecemeal development is detrimental.
- State that the lighting should be integrated into the other major works underway at the estate.
- State that the drawings of existing light locations are incorrect, as there are lights to the external side of walkways (behind pillars) and to the soffits.
- State that the plot showing lighting levels include lights above the rubbish chutes but these don't appear on the proposed drawings.
- State that the lighting plots come with a disclaimer that the lighting levels can't be held to the illuminance levels and the lighting positions were fixed in advance. Further state that the illuminance data doesn't come with any 'conclusion' or interpretation to allow understanding from a lay person.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application relates to 11 residential blocks on the Hallfield Estate that was constructed between 1949-1955. The estate was designed by the architectural practice Tecton, and then executed by two of its members, Lindsay Drake and Sir Denys Lasdun.

Lasdun in particular is one of the most respected mid-20th century architects and the estate, as designed and executed, is of notable architectural merit.

## **6.2 Recent Relevant History**

### 16/02898/COFUL and 16/02899/COLBC

Permission was previously granted on 24.03.2017 for the installation of new communal lighting including trunking and conduits to Tenby House, Reading House and Pembroke House on the Hallfield Estate.

## **7. THE PROPOSAL**

The applications seek the replacement of the communal lighting to the walkway and staircase areas on each of these 11 residential buildings, including the associated installation of new trunking and conduits.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The scheme does not raise any land use issues.

### **8.2 Townscape and Design**

The residential buildings are arranged with a walkway to ground floor level and balcony walkways to the upper floors which are all located to one side of the building from which each of the flats are accessed. The buildings are of considerable character and significance in architectural terms, and the walkway and balcony areas are both an important and integral part of their architectural design and are readily visible from ground floor level as well as from the walkway areas themselves. The applications relate to proposals for replacement lighting within the walkway and balcony walkway areas.

This scheme follows a previous proposal for new lighting to the ground floor walkways and balcony walkways on Tenby House, Reading House and Pembroke House which was approved on 24<sup>th</sup> March 2017. The design and arrangement of the lighting and use of surface mounted cable routes as are included in the applications currently proposed follow those features included in the previously approved scheme on 24<sup>th</sup> March 2017.

Whilst a number of what are believed to be original light fittings would be lost to facilitate these proposals, these existing light fittings are not considered of notable contribution to the overall significance of these listed buildings and their removal is considered acceptable as part of the overall scheme, as it was in the schemes previously approved on 24<sup>th</sup> March 2017.

It is recognised that the balconies are a feature of considerable importance in the design of these residential blocks. It is considered that the existing lighting to the ground floor level walkway areas are often quite cluttering in their own right, as they stand out notably

against the white painted ceilings of these walkway areas and often incorporate prominent cable routes. The existing lighting to the upper floors is more neatly detailed, albeit there are some areas of surface cabling to the existing lighting and the lighting is not considered well integrated into the architecture of the buildings.

It is also recognised however that the new lighting proposed represent larger and more prominent features on these buildings, particularly through the larger cable conduit connecting to each light fitting but also in terms of the slightly more prominent light fitting as compared to the existing. It is also recognised that concerns have been raised by several objectors, and with Councillor Smith also reflecting those concerns raised, with reference made to the design and prominence of the trunking and light fittings.

The proposed light fittings are slightly larger than existing, albeit the visual prominence of these is lessened by the white casing used for the fitting which helps harmonise its appearance against the white ceilings to the walkway areas whereas the existing have a darker coloured casing box. The conduit casing for the cabling for the new lighting is notably larger than the existing external cable routes present, and this structure does to an extent clutter the balcony walkways, however its white colour again helps reduce its apparent visual impact.

Overall, as with the previous applications at Tenby, Reading and Pembroke Houses, the new lighting proposed is considered to have a harmful impact on the significance of the building, and would fail to preserve the special architectural interest of this listed building and undermine the wider architectural integrity of the estate. The degree of harm that would be caused is considered less than substantial and therefore Paragraph 134 of the National Planning Policy Framework (NPPF) 2012 states that the harm caused should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The new lighting would however be designed to current lighting standards, which is a public benefit, and it is noted that it follows the same design approach as has previously been approved to Reading, Tenby and Pembroke Houses. Whilst recognising that the existing lighting is not considered well integrated into the buildings and is considered to a certain extent cluttering of the walkway areas, it is also recognised that the proposed lighting is somewhat more prominent and cluttering, and that this gives rise to less than substantial harm to the buildings and conservation area, albeit the harm is considered quite limited in this case. The improvements to the lightings of the walkway areas of these residential buildings however, which has been clarified by the applicant to meet all relevant lighting standards, is in this case considered to overcome the less than substantial harm caused by the works proposed.

It is also recognised that the finding of harm is a consideration which should be given considerable importance and weight in the balancing exercise in an application, and mindful of the statutory duties set out in s. 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In the circumstances of this case however, and for the reasons set out above, the proposals are considered acceptable in light of these statutory duties.

With regards to the objections received, it is recognised that concerns have been raised by an objector who considers that the new light fittings should be as similar in

appearance to the originals as possible. The original light fittings are square in shape, whereas the currently proposed lighting is round. In the previous scheme for lighting at Tenby, Reading and Pembroke Houses this issue was investigated and the applicants advised that square light fittings were sourced but more lights would be required to meet the Emergency Lighting Code of Practice, and the scheme was ultimately approved with light fittings matching those currently proposed. Given this previous approval, and for the reasons set out in this report including that whilst the light fittings proposed do not match the originals but are relatively small in their own right, this concern is not considered to give rise to a recommendation for refusal of the application proposals.

Objectors note that the plans do not make clear the locations of the existing lighting, however whilst noting that, the applications are clear in that all the existing lights are to be removed as part of these application proposals.

Objectors state that since the Conservation Area Audit was published in 2008 which was prior to the listing of the buildings that it is not therefore appropriate to use this to analyse the character of the buildings. Notwithstanding that, the audit goes into considerable detail in terms of explaining the history and architectural form and character of the buildings, and is considered of relevance in understanding the significance of the individual buildings and the conservation area as a whole.

Objectors make reference to a previous application of 2011 on the estate which included a comment from the applicants suggesting that pipes, vents and wiring detract from the character of the listed buildings, however for the reasons set out in this report, overall the proposals are considered acceptable notwithstanding that the lighting and associated equipment proposed will have some degree of a cluttering effect on the buildings.

Objectors also state that any proposals need to be considered as part of an estate wide context and that piecemeal development is detrimental, however the application proposals have been submitted and must be considered on their individual merits.

Councillor Smith also raises an issue raised in discussions with local residents, querying whether the lighting would give rise to the bright lights leaving 'dark pools' in the appearance of the elevations. Whilst the lighting would not be continuous along the length of the balcony walkways, but would be spaced out along the walkways with gaps between, this in itself is not considered to harm the character and appearance of the buildings or conservation area.

### **8.3 Residential Amenity**

The proposed plans follow the arrangement of lighting previously approved to Tenby House, Reading House and Pembroke House on 24<sup>th</sup> March 2017 in that they are offset from windows to the walkways. Though original plans for the construction of the estate are not available, the general approach as originally conceived was to include kitchens and bathrooms on the side of the flat overlooking the access walkways, with living rooms and bedrooms located to the other side of the flat. Whilst access to each flat affected by these applications is not possible, nonetheless this arrangement is believed to still be in place through the estate.

Environmental Health advise that if the rooms facing the corridor areas are not habitable rooms or they are kitchens and bathrooms/internal corridors this would negate any impact in terms of light trespass.

As such, given Environmental Health's comments and given the location of light fittings offset from the windows, the proposals are thus not considered to give rise to any unacceptable impact in terms of light spill to adjoining flats.

The proposals therefore do not raise any residential amenity concerns and are considered in line with policies ENV 10 and S29, and the comments raised by the objectors in this regard are not considered sustainable.

#### **8.4 Transportation/Parking**

Not applicable.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The proposals do not affect the access arrangements to the flats in the building.

#### **8.7 Other UDP/Westminster Policy Considerations**

None applicable.

#### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

#### **8.9 Neighbourhood Plans**

Not applicable for this area.

#### **8.10 London Plan**

This application raises no strategic issues.

#### **8.11 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.

### **8.12 Planning Obligations**

Planning obligations are not relevant in the determination of this application. The proposals do not trigger the requirement for a CIL payment.

### **8.13 Environmental Impact Assessment**

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

### **8.14 Other Issues**

The objectors express concern that if trunking is added then they consider that at a later stage CityWest Homes may seek to remove some flue outlets onto the walkway areas. This however would be a separate issue, and one between CityWest Homes and any residents with flues which extend across the width of the walkway issues. There are not known to be any approvals for such flues across the width of the walkways.

The objectors note an anomaly on the application where it refers to internal alterations, however the application submission is considered clear in terms of what is being sought permission and consent and these relate to the external installation of lighting units and associated trunking/conduits.

The objectors query the comments of statutory consultees. The consultees are as listed above in this report.

The objectors query whether the proposals were considered at a pre-application stage. Whilst this would not be relevant to a consideration of the planning merits of the applications, the proposals were not in this case considered at pre-application stage.

The objectors also query whether the applications have had the involvement of someone with built heritage credentials, and it is to be noted that the applications have been considered by one of the City Council's conservation officers, as was the previous application approved on 24<sup>th</sup> March 2017 for new lighting to Tenby House, Reading House and Pembroke House.

(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 <a href="mailto:nbarrett@westminster.gov.uk">nbarrett@westminster.gov.uk</a>
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## **9. KEY DRAWINGS**

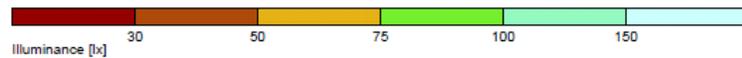
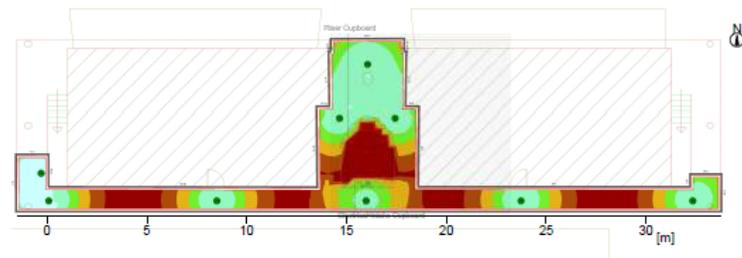
Object : Small block - Typical floor 1  
 Installation : Corridors „Stairwells“  
 Project number : TDQ18002021/V5/APS  
 Date : 05.04.2019

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## 2 Ground Floor

### 2.2 Summary, Ground Floor

#### 2.2.1 Result overview, Evaluation area 1



#### General

Calculation algorithm used	Average indirect fraction
Height of luminaire plane	2.80 m
Maintenance factor	0.85
Total luminous flux of all lamps	17010.00 lm
Total power	182.0 W
Total power per area (78.35 m <sup>2</sup> )	2.12 W/m <sup>2</sup> (2.81 W/m <sup>2</sup> /100lx)

#### Evaluation area 1

	Reference plane 1.1
	Horizontal
Em	75,5 lx
Emin	3,3 lx
Emin/Em (Uo)	0,04
Emin/Emax (Ud)	0,02
Position	0,00 m

#### Major surfaces

	Em	Uo
M 1.19 (Ceiling)	0 lx	---
M 1.1 (Wall)	180 lx	0.47
M 1.2 (Wall)	0 lx	---
M 1.3 (Wall)	56 lx	0.09
M 1.4 (Wall)	74 lx	0.45
M 1.5 (Wall)	77 lx	0.34
M 1.6 (Wall)	39 lx	---
M 1.7 (Wall)	42 lx	0.12
M 1.8 (Wall)	45 lx	0.20

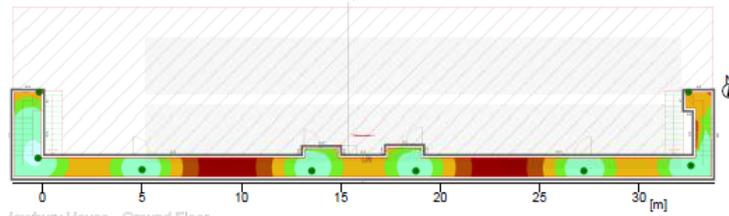
Object : Small block - Typical floor i.  
 Installation : Corridors ,Stairwells  
 Project number : TDQ18002021/V5/APS  
 Date : 05.04.2019



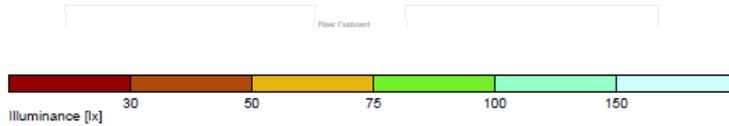
### 3 First Floor

#### 3.2 Summary, First Floor

##### 3.2.1 Result overview, Evaluation area 1



Lewbury House - Ground Floor



<b>General</b>	
Calculation algorithm used	Average indirect fraction
Maintenance factor	0.85
Total luminous flux of all lamps	15120.00 lm
Total power	144.0 W
Total power per area (50.67 m <sup>2</sup> )	2.84 W/m <sup>2</sup> (3.72 W/m <sup>2</sup> /100lx)

<b>Evaluation area 1</b>	<b>Reference plane 1.1</b>
Em	Horizontal
Emin	76.4 lx
Emin/Em (Uo)	18.2 lx
Emin/Emax (Ud)	0.24
Position	0.12
	0.00 m

<b>Major surfaces</b>	Em	Uo
M 1.20 (Ceiling)	53.8 lx	0.12
M 1.1 (Wall)	332 lx	0.09
M 1.2 (Wall)	91.4 lx	0.48
M 1.3 (Wall)	115 lx	0.41
M 1.4 (Wall)	67.1 lx	0.11
M 1.5 (Wall)	104 lx	0.41
M 1.6 (Wall)	98.2 lx	0.29
M 1.7 (Wall)	348 lx	0.07
M 1.8 (Wall)	383 lx	0.08
M 1.9 (Wall)	39.5 lx	0.65

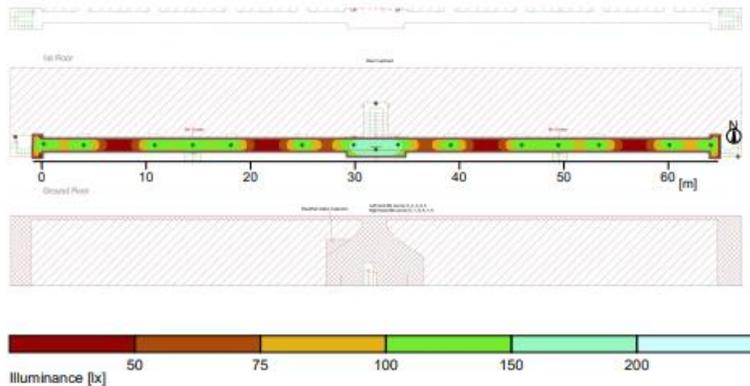
Object : Large block - Typical floor li  
 Installation : Corridors\_Stairwells  
 Project number : TDQ18002021/APS  
 Date : 05.04.2019

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#### 4 First Floor Corridor

##### 4.2 Summary, First Floor Corridor

###### 4.2.1 Result overview, Evaluation area 1



#### General

Calculation algorithm used	Average indirect fraction
Maintenance factor	0.85
Total luminous flux of all lamps	28350.00 lm
Total power	270.0 W
Total power per area (75.48 m <sup>2</sup> )	3.58 W/m <sup>2</sup> (3.66 W/m <sup>2</sup> /100lx)

#### Evaluation area 1

Em  
 Emin  
 Emin/Em (Uo)  
 Emin/Emax (Ud)  
 Position

#### Reference plane 1.1

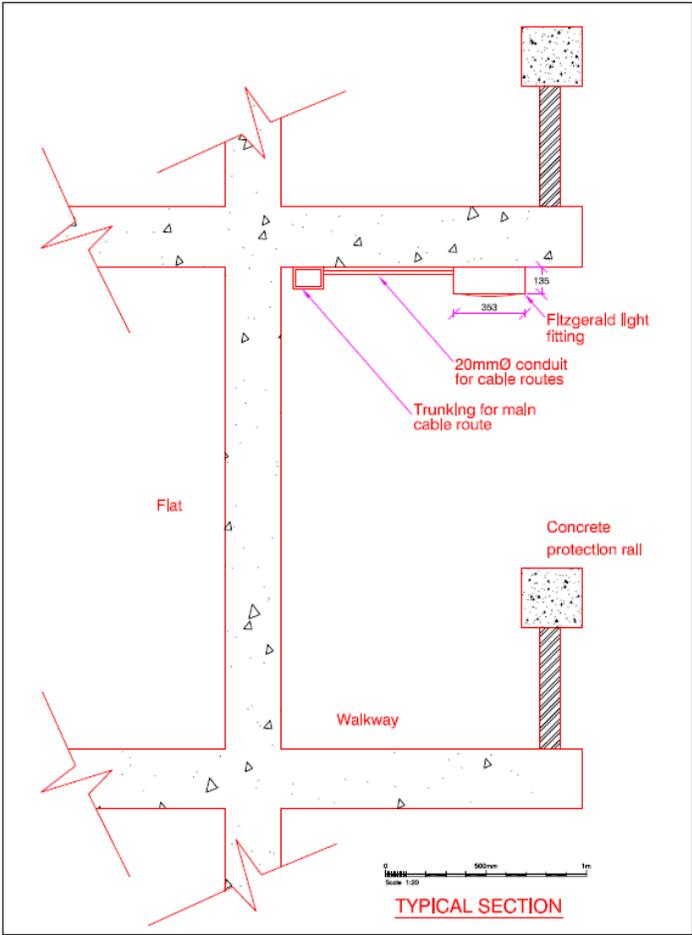
Horizontal  
 97.6 lx  
 34 lx  
 0.35  
 0.18  
 0.00 m

#### Major surfaces

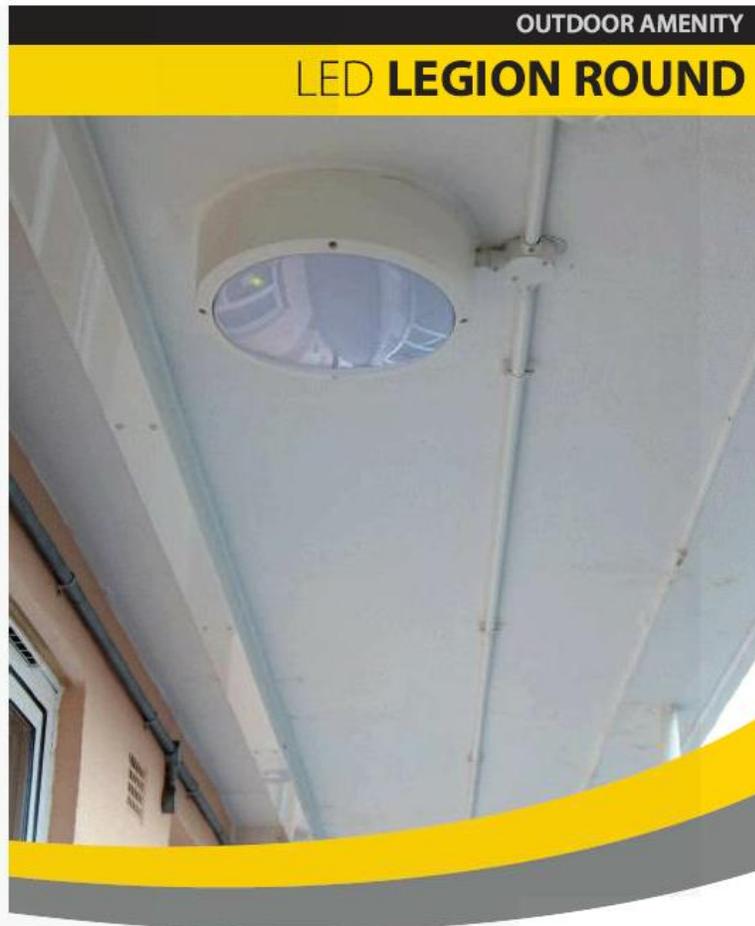
	Em	Uo
M 1.17 (Ceiling)	52.8 lx	0.20
M 1.1 (Wall)	35 lx	0.39
M 1.2 (Wall)	83 lx	0.15
M 1.3 (Wall)	129 lx	0.54
M 1.4 (Wall)	148 lx	0.47
M 1.5 (Wall)	127 lx	0.55
M 1.6 (Wall)	81.2 lx	0.16
M 1.7 (Wall)	46.3 lx	0.49
M 1.8 (Wall)	95.1 lx	0.40
M 1.9 (Wall)	120 lx	0.34

Tony Stuchberry - Fitzgerald Lighting Cornwall Ltd  
 38 Normandy Way, Walker Lines Ind Est, Bodmin, Cornwall. PL31 1EX Tel 01208 79524  
 TDQ18002021 UR Marksheet Version 1.0

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<b>Parker Associates Limited</b> THE BEECHES CHURCH RD FINGRINGHOE COLCHESTER ESSEX CO5 7BN	client: Hallfield Estate Hallfield Estate London W2 6ZF	drawing: UPPER FLOORS TYPICAL SECTION	
	project: LIGHTING SCHEME	scale: A4G1:50 drawing no. 10	drawn: JP date: NOV 2015



Tel: 01208 79524  
Fax: 01208 72832  
info@fitzlight.co.uk  
[www.fitzlight.co.uk](http://www.fitzlight.co.uk)

**Fitzgerald**<sup>FL</sup>  
Lighting your world

Fitzgerald Lighting (Cornwall) Limited, 38 Normandy Way, Bodmin, Cornwall PL31 1EX

**DRAFT DECISION LETTER**

**Address:** Lynton House, Hallfield Estate, London, W2 6EW

**Proposal:** Installation of communal lighting. (Linked with 18/07231/COLBC)

**Reference:** 18/07230/COFUL

**Plan Nos:** Location plan, Copy of conservation area audit, Copy of list description, Email from Axis Europe dated 8th October 2018, Brochure of LED Legion Round lighting from Fitzgerald, Photograph of lighting at Tenby House, 10 titled block plan, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Extract from Code for Lighting 2002 report, Small Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Design and Access Statement dated October 2018 (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 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).

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

Item No.
<b>7</b>

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

Reason:

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

- 4 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

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

**Informative(s):**

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

**DRAFT DECISION LETTER**

**Address:** Lynton House, Hallfield Estate, London, W2 6EW

**Proposal:** Replacement of communal lighting including new trunking and conduits (Linked with 18/07230/COFUL)

**Reference:** 18/07231/COLBC

**Plan Nos:** Location plan, Copy of conservation area audit, Copy of list description, Email from Axis Europe dated 8th October 2018, Brochure of LED Legion Round lighting from Fitzgerald, Photograph of lighting at Tenby House, 10 titled block plan, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Extract from Code for Lighting 2002 report, Small Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Design and Access Statement dated October 2018 (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary

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Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**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, the London Plan 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.

**DRAFT DECISION LETTER**

**Address:** Bridgewater House, Hallfield Estate, London, W2 6EE

**Proposal:** Replacement of communal lighting including new trunking and conduits. (Linked to 18/07233/COLBC)

**Reference:** 18/07232/COFUL

**Plan Nos:** Copy of Conservation Area Audit, Copy of list description, Email from Axis Europe dated 8th October 2018, Brochure from Fitzgerald of LED Legion Round, Photo of Lighting at Tenby House, 10 titled Block Plan, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting dated 2004, Small Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 4 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

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

**Informative(s):**

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

**DRAFT DECISION LETTER**

**Address:** Bridgewater House, Hallfield Estate, London, W2 6EE

**Proposal:** Replacement of communal lighting including new trunking and conduits (Linked to 18/07232/COFUL)

**Reference:** 18/07233/COLBC

**Plan Nos:** Copy of Conservation Area Audit, Copy of list description, Email from Axis Europe dated 8th October 2018, Brochure from Fitzgerald of LED Legion Round, Photo of Lighting at Tenby House, 10 titled Block Plan, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting dated 2004, Small Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**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, the London Plan 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.

**DRAFT DECISION LETTER**

**Address:** Newbury House, Hallfield Estate, London, W2 6HH

**Proposal:** Replacement of communal lighting including new trunking and conduits . (Linked with 18/07228/COLBC)

**Reference:** 18/07227/COFUL

**Plan Nos:** Copy of Conservation Area Audit, Copy of list description, Email from Axis Europe dated 8th October 2018, Brochure from Fitzgerald with LED Legion Round light unit, 10 titled Block Plan, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting dated 2004, Small Block Typical Floor Layout dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Photo of Tenby House, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 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).

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 4 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

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

**Informative(s):**

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

**DRAFT DECISION LETTER**

**Address:** Newbury House, Hallfield Estate, London, W2 6HH

**Proposal:** Replacement of communal lighting including new trunking and conduits . (Linked with 18/07227/COFUL)

**Reference:** 18/07228/COLBC

**Plan Nos:** Copy of Conservation Area Audit, Copy of list description, Email from Axis Europe dated 8th October 2018, Brochure from Fitzgerald with LED Legion Round light unit, 10 titled Block Plan, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting dated 2004, Small Block Typical Floor Layout dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Photo of Tenby House, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary

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Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**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, the London Plan 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.

**DRAFT DECISION LETTER**

**Address:** Clovelly House, Hallfield Estate, London, W2 6EH

**Proposal:** Replacement of communal lighting including new trunking and conduits . (Linked with 18/07226/COLBC)

**Reference:** 18/07225/COFUL

**Plan Nos:** Copy of Conservation Area Audit, Copy of list description, Brochure of LED Legion Round light from Fitzgerald, Photo of Tenby House, Design and Access Statement (as amended by above drawings), 10 titled Block Plan, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting dated 2004, Small Block Typical Floor Layout from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 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).

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 4 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

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

**Informative(s):**

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

**DRAFT DECISION LETTER**

**Address:** Clovelly House, Hallfield Estate, London, W2 6EH

**Proposal:** Replacement of communal lighting including new trunking and conduits . (Linked with 18/07225/COFUL)

**Reference:** 18/07226/COLBC

**Plan Nos:** Copy of Conservation Area Audit, Copy of list description, Brochure of LED Legion Round light from Fitzgerald, Photo of Tenby House, Design and Access Statement (as amended by above drawings), 10 titled Block Plan, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting dated 2004, Small Block Typical Floor Layout from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**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, the London Plan 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.

**DRAFT DECISION LETTER**

**Address:** Brecon House, Hallfield Estate, London, W2 6EF

**Proposal:** Replacement of communal lighting including new trunking and conduits . (Linked with 18/07224/COLBC)

**Reference:** 18/07223/COFUL

**Plan Nos:** 10 titled Block Plan, Copy of Conservation Area Audit, Copy of list description, Fitzgerald brochure for LED Legion Round light, Photograph of Tenby House, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting 2004, Small Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 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).

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 4 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

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

**Informative(s):**

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

**DRAFT DECISION LETTER**

**Address:** Brecon House, Hallfield Estate, London, W2 6EF

**Proposal:** Replacement of communal lighting including new trunking and conduits . (Linked with 18/07223/COFUL)

**Reference:** 18/07224/COLBC

**Plan Nos:** 10 titled Block Plan, Copy of Conservation Area Audit, Copy of list description, Fitzgerald brochure for LED Legion Round light, Photograph of Tenby House, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting 2004, Small Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**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, the London Plan 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.

**DRAFT DECISION LETTER**

**Address:** Taunton House, Hallfield Estate, London, W2 6HB

**Proposal:** Replacement of communal lighting including new trunking and conduits (Linked to 18/07237/COLBC)

**Reference:** 18/07236/COFUL

**Plan Nos:** Copy of Conservation Area Audit, 10 titled Block Plan, Copy of list description, Brochure from Fitzgerald of LED Legion Round light, Photo of Tenby House, Design and Access Statement (as amended by above drawings), 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting 2004, Small Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019

**Case Officer:** Alistair Taylor **Direct Tel. No.** 020 7641 2979

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

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

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

- 2 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).

Reason:  
To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 4 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

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

**Informative(s):**

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

**DRAFT DECISION LETTER**

**Address:** Taunton House, Hallfield Estate, London, W2 6HB

**Proposal:** Replacement of communal lighting including new trunking and conduits (Linked to 18/07236/COFUL)

**Reference:** 18/07237/COLBC

**Plan Nos:** Copy of Conservation Area Audit, 10 titled Block Plan, Copy of list description, Brochure from Fitzgerald of LED Legion Round light, Photo of Tenby House, Design and Access Statement (as amended by above drawings), 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting 2004, Small Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**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, the London Plan 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.

**DRAFT DECISION LETTER**

**Address:** Worcester House, Hallfield Estate, London, W2 6EJ

**Proposal:** Replacement of communal lighting including new trunking and conduits (Linked to 18/07239/COLBC)

**Reference:** 18/07238/COFUL

**Plan Nos:** Copy of Conservation Area Audit, 10 titled Block Plan, Copy of list description, Brochure from Fitzgerald of LED Legion Round light, Photo of Tenby House, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting 2004, Small Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 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).

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

**Reason:**

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

- 4 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

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

**Informative(s):**

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

**DRAFT DECISION LETTER**

**Address:** Worcester House , Hallfield Estate, London, W2 6EJ

**Proposal:** Replacement of communal lighting including new trunking and conduits (Linked to 18/07238/COFUL)

**Reference:** 18/07239/COLBC

**Plan Nos:** Copy of Conservation Area Audit, 10 titled Block Plan, Copy of list description, Brochure from Fitzgerald of LED Legion Round light, Photo of Tenby House, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Copy of Code for Lighting 2004, Small Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**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, the London Plan 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.

**DRAFT DECISION LETTER**

**Address:** Caernarvon House, Hallfield Estate, London, W2 6EG

**Proposal:** Replacement of communal lighting including new trunking and conduits (Linked to 18/07242/COLBC)

**Reference:** 18/07241/COFUL

**Plan Nos:** 10 titled Block Plan, Copy of Conservation Area Audit, Copy of list description, 01, Brochure from Fitzgerald of LED Legion Round light, Photo of Tenby House, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Large Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Copy of Code for Lighting 2004, Email from Parker Associates dated 7th May 2019, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 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).

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 4 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

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

**Informative(s):**

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

**DRAFT DECISION LETTER**

**Address:** Caernarvon House, Hallfield Estate, London, W2 6EG

**Proposal:** Replacement of communal lighting including new trunking and conduits (Linked to 18/07241/COFUL)

**Reference:** 18/07242/COLBC

**Plan Nos:** 10 titled Block Plan, Copy of Conservation Area Audit, Copy of list description, 01, Brochure from Fitzgerald of LED Legion Round light, Photo of Tenby House, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Large Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Copy of Code for Lighting 2004, Email from Parker Associates dated 7th May 2019, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

Item No.
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**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, the London Plan 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.

**DRAFT DECISION LETTER**

**Address:** Exeter House, Hallfield Estate, London, W2 6EL

**Proposal:** Replacement of communal lighting including new trunking and conduits (Linked to 18/07250/COLBC)

**Reference:** 18/07249/COFUL

**Plan Nos:** 10 titled Block Plan, Copy of Conservation Area Audit, Copy of List Description, 01 titled Existing Plans Fourth to Seventh Floor, 01 titled Existing Plans Ground to Third Floor, 01 titled Existing Plans Eighth to Ninth Floor, Email from Axis Europe dated 8th October 2018, Brochure from Fitzgerald of LED Legion Round light, Photograph of Tenby House, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Large Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Copy of Code for Lighting report dated 2004, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Design and Access Statement dated October 2018 (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 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).

Reason:

Item No.
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To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 4 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

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

**Informative(s):**

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

**DRAFT DECISION LETTER**

**Address:** Exeter House, Hallfield Estate, London, W2 6EL

**Proposal:** Replacement of communal lighting including new trunking and conduits (Linked to 18/07249/COFUL)

**Reference:** 18/07250/COLBC

**Plan Nos:** 10 titled Block Plan, Copy of Conservation Area Audit, Copy of List Description, 01 titled Existing Plans Fourth to Seventh Floor, 01 titled Existing Plans Ground to Third Floor, 01 titled Existing Plans Eighth to Ninth Floor, Email from Axis Europe dated 8th October 2018, Brochure from Fitzgerald of LED Legion Round light, Photograph of Tenby House, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Large Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Copy of Code for Lighting report dated 2004, Email from James Beard dated 30th April 2019, Email from Parker Associates dated 7th May 2019, Design and Access Statement dated October 2018 (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

Reason:

Item No.
<b>7</b>

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**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, the London Plan 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.

**DRAFT DECISION LETTER**

**Address:** Marlow House , Hallfield Estate, London, W2 6HJ

**Proposal:** Replacement of communal lighting including new trunking and conduits . (Linked to 18/07244/COLBC )

**Reference:** 18/07243/COFUL

**Plan Nos:** 10 titled Block Plan, Copy of Conservation Area Audit, Copy of list description, 01 titled existing ground to third floor plans, 01 titled existing fourth to seventh floor plans, 01 titled existing eight to ninth floor plans, Brochure from Fitzgerald of LED Legion Round light, Photo of Tenby House, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Large Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Copy of Code for Lighting 2004, Email from Parker Associates dated 7th May 2019, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 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).

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

Item No.
<b>7</b>

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

Reason:

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

- 4 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

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

**Informative(s):**

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

**DRAFT DECISION LETTER**

**Address:** Marlow House, Hallfield Estate, London, W2 6HJ

**Proposal:** Replacement of communal lighting including new trunking and conduits (Linked to 18/07243/COFUL)

**Reference:** 18/07244/COLBC

**Plan Nos:** 10 titled Block Plan, Copy of Conservation Area Audit, Copy of list description, 01 titled existing ground to third floor plans, 01 titled existing fourth to seventh floor plans, 01 titled existing eight to ninth floor plans, Brochure from Fitzgerald of LED Legion Round light, Photo of Tenby House, 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Large Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Copy of Code for Lighting 2004, Email from Parker Associates dated 7th May 2019, Design and Access Statement (as amended by above drawings)

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary

Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**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, the London Plan 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.

**DRAFT DECISION LETTER**

**Address:** Winchester House, Hallfield Estate, London, W2 6EA

**Proposal:** Replacement of communal lighting including new trunking and conduits . (Linked to 18/07247/COLBC)

**Reference:** 18/07246/COFUL

**Plan Nos:** 10 titled Block Plan, Copy of Conservation Area Audit, Copy of list description, 01 titled Existing Plans Ground to Third Floor, 01 titled Existing Plans Fourth to Seventh Floor, 01 titled Existing Plans Eight to Ninth Floor, Brochure from Fitzgerald of LED Legion Round light, Photo of Tenby House, Design and Access Statement (as amended by above drawings), 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Large Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Copy of Code for Lighting 2004, Email from Parker Associates dated 7th May 2019

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

- 2 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).

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 4 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

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

**Informative(s):**

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

**DRAFT DECISION LETTER**

**Address:** Winchester House, Hallfield Estate, London, W2 6EA

**Proposal:** Replacement of communal lighting including new trunking and conduits . (Linked to 18/07246/COFUL)

**Reference:** 18/07247/COLBC

**Plan Nos:** 10 titled Block Plan, Copy of Conservation Area Audit, Copy of list description, 01 titled Existing Plans Ground to Third Floor, 01 titled Existing Plans Fourth to Seventh Floor, 01 titled Existing Plans Eight to Ninth Floor, Brochure from Fitzgerald of LED Legion Round light, Photo of Tenby House, Design and Access Statement (as amended by above drawings), 11 titled Ground Floor Typical Section, 10 titled Upper Floors Typical Section, Large Block Typical Floor Layout report from Fitzgerald dated 5th April 2019, Email from James Beard dated 30th April 2019, Copy of Code for Lighting 2004, Email from Parker Associates dated 7th May 2019

**Case Officer:** Alistair Taylor **Direct Tel. No.** 020 7641 2979

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

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

**Reason:**

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

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

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The trunking and conduits, and the casing to each of the lights, shall be finished/painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary

Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**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, the London Plan 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.

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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