



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 26th November, 2019

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Robert Rigby (Chairman)
James Spencer
Matt Noble
Jim Glen



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
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Jim Glen had replaced Councillor Louise Hyams.

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 - 14)

4. PLANNING APPLICATIONS

Applications for decision

(Pages 15 - 18)

Schedule of Applications

1. 3 LANCELOT PLACE LONDON SW7 1DR

(Pages 19 - 64)

2. 1-18 YORK TERRACE EAST, LONDON NW1 4PT

(Pages 65 - 96)

3. 104 GREAT PORTLAND STREET LONDON W1W 6PE

(Pages 97 - 118)

4. 31 SALTRAM CRESCENT LONDON W9 3JR

(Pages 119 - 146)

5. 95 RANDOLPH AVENUE, LONDON W9 1DL

(Pages 147 - 164)

6. NOVELLO HOUSE 152 - 160 WARDOUR STREET LONDON W1F 8YA

(Pages 165 - 178)

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|----|--------------------------------------|-------------------|
| 7. | 61-63 BEAK STREET LONDON W1F 9SS | (Pages 179 - 194) |
| 8. | 62 BOURNE STREET LONDON SW1W 8JD | (Pages 195 - 222) |
| 9. | 52 - 55 DORSET STREET LONDON W1U 7NH | (Pages 223 - 236) |

Stuart Love
Chief Executive
15 November 2019

Order of Business

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

Order of Business
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 (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 29th October, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Rigby (Chairman), Louise Hyams, James Spencer and Matt Noble

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 The Chairman 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 emails 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.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on the 1 October 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 318 OXFORD STREET, LONDON, W1C 1HF

Use of part basement, part ground, part first, part second and third, fourth fifth sixth and part seventh floors as office use (Class B1) (including waste storage and cycle parking at ground and basement floors levels). Use of part ground and part basement as gymnasium (Class D2). Use of part ground and part seventh floor as restaurant (Class A3). Alterations at roof level including new louvred screen to plant and increase in height to the lift overrun.

A late representation was received from the Applicant in the form of a brochure on the proposed development (undated).

Andrew Davidson, PDP Architects, addressed the Sub-Committee, acting on behalf of the applicant in support of the application.

A late representation was received from Montagu Evans LLP (24.10.2019).

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted, subject to a S106 legal agreement to secure the following:
 - a) within 6 months of the date of this permission to submit the proposed highway works and public realm improvements to Chapel Place and the draft alterations to the traffic orders. Not to commence development of the D2 and A3 uses until the highway works and public realm improvements have been agreed and the TRO confirmed. Highway works and public realm improvements to be completed prior to occupation of either the gymnasium (Class D2) or restaurant (Class A3) floorspace.
 - b) The costs of monitoring the agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
 - a) The Director of Place Shaping and Town Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of 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 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 8-10 GREAT GEORGE STREET, LONDON, SW1P 3AE

Use of part ground and upper floors as a 134-room hotel (Class C1); use of part lower ground as a leisure suite (Class D2); use of ground floor as restaurant/bar (Class A3/A4), external alterations, including demolition to include the removal of the rooftop plant enclosures and replacement with a single-storey extension, remodelling of the Little Sanctuary elevation and introduction of balconies and lightwells.

An additional representation was received from Public Protection and Licensing Environmental Sciences (18.10.2019).

Late representations were received from the occupier of 16 Dartmouth Street (27.10.2019) and a brochure of the proposed development from the Applicant (undated).

The presenting officer tabled the following amended and additional conditions to the draft decision letter:

Condition 7

You must apply to us for approval of plans, sections and elevations (scale 1:20) of the following parts of the development - disabled lift to Great George Street entrance. You must not start any work on these parts of the development until we have approved what you have sent us.

You must not occupy the hotel, restaurant, bar or leisure suite until you have carried out these works and installed the disabled access lift in accordance with the approved details.

Condition 10

You must apply to us for approval of materials including sample(s) of the following parts of the development – roof. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Condition 12

You must not allow more than 134 customers into the Class A3 restaurant at any one time.

Condition 21

You must submit a detailed servicing and deliveries management plan for approval by the City Council **no later than three months** before occupation of the hotel, restaurant and leisure suite. The plan must include details of delivery vehicles,

number of deliveries, how deliveries will be managed and refuse collection processes. The hotel, restaurant and leisure suite uses must then operate in accordance with the approved servicing and deliveries management plan for the lifetime of the development.

Condition 29

The bar and bar seating at ground floor level must not take up more than 15% of the floor area of the proposed restaurant as shown on drawing number P130-3.

Condition 31

You must submit a detailed Operational Management Plan for the approval of the City Council **no later than three months** before occupation of the hotel that provides details and further information on how you shall manage potential noise and disturbance from the restaurant, bar leisure suite and hotel guests (including from taxis, guests congregating and smoking locations for guests etc).

Additional condition

Condition 32

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

Air quality neutral mitigation

In the case of the above, you must include in the arrangements details of when you will provide the mitigation and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Laurence Brooker, Turleys, agents representing the applicants, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to the amended and additional conditions as tabled and set out above.

3 OPEN SPACE, BERKELEY SQUARE, LONDON W1J 6EB

Use of Berkeley Square Gardens for a temporary Forest of Light event for a period of up to 28 days from 1st November to 20th December (including construction and clean-up) for a temporary period of three years (2020, 2021 and 2022).

Additional representations were received from the Council's Arboricultural Section (23.10.2019) and the Mayfair Neighbourhood Forum (undated).

The presenting officer tabled Policies MGS1 (Mayfair's Green Spaces) and MGS2 (Events in Green Spaces) of the Mayfair Neighbourhood Plan (Referendum Version) as well as the following changes to the draft decision letter:

Amended description of development:

Use of Berkeley Square Gardens for a temporary Forest of Light event for a period of up to 28 days ~~in from 1st November and / or to 20th December~~ (including construction and clean-up) for a temporary period of three years (2020, 2021 and 2022).

Amended Condition 3

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

- (i) Boundary treatment(s) to the gardens event
- (ii) Structures within the gardens

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

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

(No change to reason)

Amended Condition 5

The use of Berkeley Square for the Forest of Light event, and the installation of structures, plant and boundary treatment associated with the Forest of Light, can only be in place for a maximum period of 28 days ~~in between 1st November and / or to 20th December~~ each year in 2020, 2021 and 2022. You must then return the land to its previous condition and use.

(No change to reason)

Amended Condition 6

You must open the Forest of Light event to visiting members of the public between the following times: 08.00 and 22.00. All generators and lights associated with the event must be switched off outside of these operating hours.

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 **and to ensure that public access to Berkeley Square is maintained, as required by Policy MGS2 of the Mayfair Neighbourhood Plan (Referendum Version).**

Additional Condition 7

You must not carry out any excavation within the Root Protection Area of any tree.

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.

Additional Condition 8

At least six months prior to the installation date you must apply to us for approval of details of the following:

- The temporary footpath, which must be no-dig in construction;
- The methods by which the temporary Christmas trees and any lighting will be fixed, including any requirements to use ground pins or to attach fittings to existing trees;
- Details of construction of the temporary structures, to include details of the temporary surfacing, means of fixing including below ground pins or attachments to trees.
- Details of electricity cables and other services, where these pass through the Root Protection Areas of any tree.

You must not undertake the installation of these elements until we have approved what you have sent us. You must then undertake the installation in accordance with the approved details.

Reason:

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

Additional Condition 9

At least six months prior to the installation date you must apply to us for approval of a method statement of the ways in which you will protect the trees on site. This information should be prepared by a suitably qualified arboriculturist in accordance with the recommendations of BS5837: 2012 (Trees in relation to design, demolition and construction– Recommendations), and shall include:

- A scaled plan that shows the position and crown spread of every tree with a stem diameter of over 75mm measured over the bark at 1.5 m above ground level, and shrub masses and hedges on the application site and adjacent land. For individual trees, the crown spread taken at four cardinal points (section 4 of BS5837: 2012).
- A schedule of tree details as recommended at paragraph 4.4.2.5 -4.4.3.9 of BS5837: 2012, and their categorisation as per paragraph 4.5 and table 1 of BS5837: 2012
- Details of the root protection areas (RPAs) of the trees as per paragraph 4.6 of BS5837: 2012 and details of any proposed alterations to the existing ground

levels or any other works to be undertaken within the RPA of any tree within the tree survey plan and schedule.

- Details of all proposed tree surgery and removal, and the reasons for the proposed works.
- Tree constraints (the RPA and any other relevant constraints as set out in paragraph 5.2 of BS5837: 2012 plotted around each of the trees on relevant drawings, including proposed site layout plans.
- A tree protection plan superimposed on a layout plan, based on the topographical survey, and details of all tree protection measures for every tree proposed to be retained for the duration of the course of the development, and showing all hard surfacing and other existing structures within the RPA. (section 5.5 of BS5837: 2012)

The method statement also must include details of any vehicle access to the site and incorporate suitable ground protection and protective fencing. You must also include a methodology for undertaking any ground pinning or attachments to existing trees to ensure that the trees are not harmed. You must not start any works on the site or take any materials or equipment for the development onto the site until we have approved what you have sent us. You must then carry out the work in accordance with the approved details.

Reason:

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

Additional Condition 10

At least six months prior to the installation date you must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

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

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

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

Reason:

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

Additional Condition 11

You must apply to us for approval of site 'pre-installation' and 'sign-off' inspections, to be carried out prior to and following the removal of the installation, each year. The inspections must be carried out by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. Following the removal of the installation the consultant must assess any impact on trees and make recommendations for any necessary soil decompaction or other remedial measures. You must submit a report of the 'pre-installation' inspection to us at least two weeks prior to the installation and you must submit a report of the 'sign off' inspection to us within two weeks of the removal of the installation. You must then undertake the recommended amelioration measures within three months of the removal of the installation or within any other such period of time that you agree in writing with us and you must notify us within that time period once the amelioration measures have been carried out.

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)

Additional Condition 12

You must arrange for all of the London plane trees to be subject to a climbing inspection, to identify and remove branches affected by Massaria disease of plane. The inspection must be carried out each year, before the installation of the Christmas trees but no more than one month before the installation. If any branches need to be removed which are affected by Massaria and which are not dead you may need our approval, as the trees are located within a conservation area. You should discuss this in advance with our Tree Officer on 020 7641 7761.

Reason:

To ensure the safety of visitors to the event, in accordance with Policy S29 of the Westminster's City Plan (November 2016).

RESOLVED UNANIMOUSLY:

1. That conditional planning permission be granted subject to the amended description of the development and the amendments to conditions as tabled and set out above save that permission be for a temporary period of one year and not three years.
2. The Committee was concerned about the potential issues associated with the development and wanted an opportunity for this to be reviewed after one year to reflect that approval is for one year only.
3. That the final wording of conditions be determined by officers under delegated powers.

4 9 BLENHEIM ROAD, LONDON, NW8 0LU

Excavation of a basement beneath the footprint of the building and part of rear garden, with lightwells to front and side elevations. (Linked to 19/01802/LBC)

David Kavanagh, Cranbrook Basement and Design and Construction Ltd, acting on behalf of the applicant, addressed the Sub-Committee in support of the application.

Trevor Innes, on behalf of the occupiers, 7 & 8 Blenheim Road, addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to:
 1. amending Condition 10 so that the permeable hard surfacing to the rear patio is provided prior to commencement of the works.
 2. an additional informative regarding the installation of a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow as suggested by Thames Water.
2. That conditional listed building consent be granted.
3. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

5 33 ST LUKE'S ROAD, LONDON W11 1DD

Single storey rear extension and associated alterations to basement flat (Flat 1) including removal of tree.

Late representations were received from three Directors of 33 St Luke's Road Ltd (the Freeholder) (24 and 25.10.19)

Marina Belezina, on behalf of three of the Directors of 33 St Luke's Road (the Freeholder), addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

6 GROUND FLOOR FLAT, 9 TAVISTOCK ROAD, LONDON W11 1AT

Erection of a single storey rear extension at first floor level to enlarge the ground floor flat.

Mark Evans, Travellyan Developments Ltd, addressed the Sub-Committee in support of the application.

Anna Mathias, acting on behalf of Occupiers of the 2nd and 3rd Floor Flats, 9 Tavistock Road, addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to an additional condition regarding the reinstatement of the bird box to the side of the single storey rear extension and an additional informative about the need to take measures to protect nesting birds on the single storey flat roof to the property during works.

The Meeting ended at 8.37 pm

CHAIRMAN: _____

DATE _____

Agenda Item 4

CITY OF WESTMINSTER PLANNING APPLICATIONS SUB COMMITTEE – 26th November 2019 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 19/01596/FULL Knightsbridge And Belgravia	3 Lancelot Place London SW7 1DR	Erection of five single family dwelling houses (Class C3) at 3 to 11 Lancelot Place comprising two basement levels plus sub-basement plant room, ground, first, second and third floor levels.	High Point Estates Ltd
<p>Recommendation</p> <p>1. Grant conditional permission, subject to the completion of a S106 legal agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> i. Notice of commencement of development; ii. A financial contribution of £440,000 to the Affordable Housing Fund to allow provision of affordable housing elsewhere in the City (payable on commencement of development and index linked); iii. A financial contribution of £33,003 to the Carbon Off-Setting Fund (index linked); and iv. Costs of monitoring the S106 agreement. <p>2. If the S106 legal agreement to secure the planning obligations has not been completed within 6 weeks of the Sub-Committee date then:</p> <ul style="list-style-type: none"> 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 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 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. 				
Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 19/04384/FULL & 19/04385/LBC Marylebone High Street	1-18 York Terrace East London NW1 4PT	Use of buildings as 21 new dwellings; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park.	Westbourne Capital Partners
<p>Recommendation</p> <p>1. Refuse permission – failure to optimise the residential use of the site.</p> <p>2. Grant conditional listed building consent.</p> <p>3. Agree reasons for granting conditional listed building consent for the reasons set out in Informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Applicant
3.	RN(s): 19/06282/FULL West End	104 Great Portland Street London W1W 6PE	Use of basement and ground floor as a restaurant/cafe (Class A3), installation of a new shopfront, an extract duct on the rear elevation of the building to terminate at main roof level and ventilation ducts at rear first floor level with visual screening.	Mr R Bertuccelli
<p>Recommendation</p> <p>Grant conditional permission.</p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 26th November 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 18/10570/FULL Harrow Road	31 Saltram Crescent London W9 3JR	Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed) (Use Class C3).	Soho Housing Association
	Recommendation Grant conditional permission, including subject to a Grampian condition to secure: a) Highway works in Saltram Crescent to remove the redundant vehicular crossover and reinstate the pavement and change on-street restrictions to introduce additional on-street parking. b) Lifetime (25 years) car club membership for each residential unit.			
Item No	References	Site Address	Proposal	Applicant
5.	RN(s): 19/06836/FULL Maida Vale	95 Randolph Avenue London W9 1DL	Excavation to create basement extension with front lightwell, lower ground floor side and rear extensions, and installation of rooflight.	Mr Andrew Rahamim
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
6.	RN(s): 19/07578/FULL West End	Novello House 152 - 160 Wardour Street London W1F 8YA	Variation of Condition 8 of planning permission dated 9 March 2017 (RN: 17/11343/FULL) for 'Single storey extension at the fourth floor to provide additional (Class B1) office with roof terrace, relocation of existing plant to roof level and associated external alterations'; NAMELY to extend the hours of use of the roof terrace to enable its use from 08.00 to 19.00 with extended hours of 08.00 to 21.30 up to 10 days every calendar year on Mondays to Thursdays, and from 08.00 to 21.30 on Fridays.	Badoo Limited
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
7.	RN(s): 19/02354/FULL West End	61-63 Beak Street London W1F 9SS	Installation of a new openable shopfront with fixed stallriser and louvres and two condensers housed in acoustic enclosure to rear of site.	Shaftesbury West End Ltd
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 26th November 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

8.	RN(s): 19/02250/FULL Churchill	62 Bourne Street London SW1W 8JD	Variation of Condition 1 of planning permission dated 7 February 2017 (RN: 16/07755/FULL) for 'Excavation of basement extension with lightwell to rear and erection of extensions at rear ground and first floor levels'; NAMELY, alterations to height, form and pitch of roof of rear first floor extension, alterations to height and form of ground floor extension and replacement of window with door and Juliet balcony to rear elevation at first floor level.	Mr Edward Redmond
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	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
9.	RN(s): 19/07086/TCH Marylebone High Street	52 - 55 Dorset Street London W1U 7NH	Use of two areas of forecourt measuring 5.84m x 1.78m and 3.76m x 2.05m for placing of nine tables and 18 chairs, 3 freestanding heaters, and planters associated with the operation of the ground and basement premises.	AOK Kitchen
	Recommendation Grant conditional permission.			

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 November 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	3 to 11 Lancelot Place, London, SW7 1DR,		
Proposal	Erection of five single family dwelling houses (Class C3) at 3 to 11 Lancelot Place comprising two basement levels plus sub-basement plant room, ground, first, second and third floor levels.		
Agent	tp Bennett		
On behalf of	High Point Estates Ltd		
Registered Number	19/01596/FULL	Date amended/ completed	29 July 2019
Date Application Received	1 March 2019		
Historic Building Grade	Unlisted		
Conservation Area	n/a		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to the completion of a S106 legal agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> i. Notice of commencement of development; ii. A financial contribution of £440,000 to the Affordable Housing Fund to allow provision of affordable housing elsewhere in the City (payable on commencement of development and index linked); iii. A financial contribution of £33,003 to the Carbon Off-Setting Fund (index linked); and iv. Costs of monitoring the S106 agreement. <p>2. If the S106 legal agreement to secure the planning obligations has not been completed within 6 weeks of the Sub-Committee date then:</p> <ul style="list-style-type: none"> 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 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 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.

2. SUMMARY

3 to 11 Lancelot Place were five unlisted single family dwellinghouses, which were recently demolished. The applicant demolished these houses in connection with the redevelopment of the site to provide five new, larger houses which the City Council permitted in 2016.

The proposed development is the erection of five different single family dwellinghouses, comprising two basement levels plus sub-basement plant room, ground, first, second and third floor levels.

The main difference between the 2016 permission and current proposals are the above ground works. This latest proposal seeks permission for houses of increased height and with an alternative, bolder design.

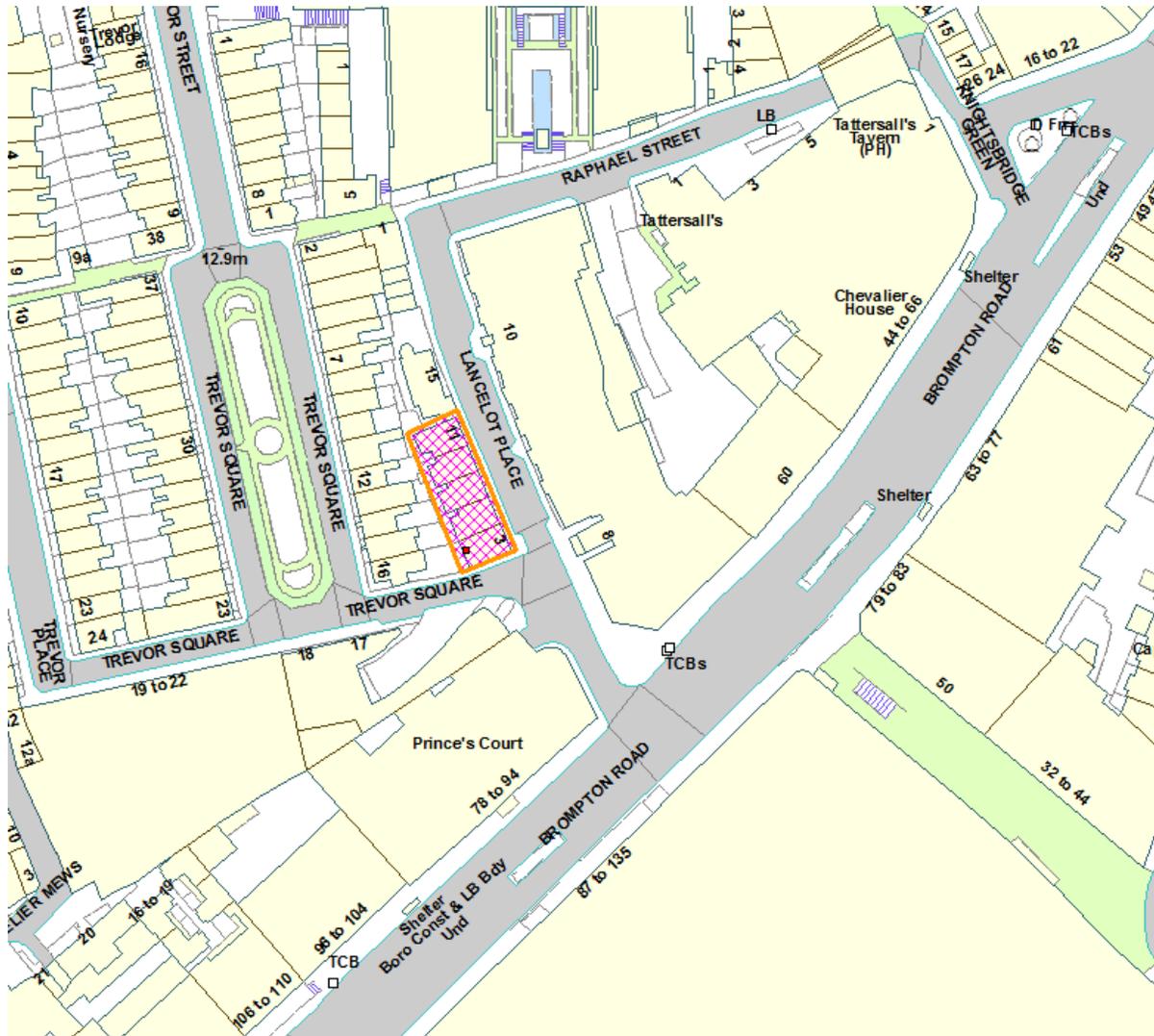
The key issues for consideration are:

- The acceptability of five single family residential dwellinghouses in land use terms;
- The impact of the buildings on the appearance of the area and the setting of the adjacent Knightsbridge Conservation Area and listed buildings on Trevor Square; and
- The impact of the new buildings on residential amenity.

Numerous objections have been received from, or on behalf of, neighbouring residents primarily on the grounds of harm to residential amenity and the appearance of the area. As the report sets out, neighbouring residential occupiers would not be unduly harmed and the proposal represents a successful re-interpretation of the London terrace and that this would contribute more positively to the character of the area than the consented scheme, despite the increases in scale.

For the reasons set out in this report, the proposed development accords with the relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP), Westminster's City Plan adopted in November 2016 (the City Plan) and the Knightsbridge Neighbourhood Plan 2018-2037 adopted in 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 and the completion of a legal agreement principally securing a payment in lieu of affordable housing and a payment to the Carbon Off-Setting Fund.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Existing Site



View of Site Prior to Demolition

5. CONSULTATIONS

FIRST CONSULTATION

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Object because of the scale, height and massing of the building. Recognise this is the first application in the area to address positively the policies in the Knightsbridge Neighbourhood Plan, but there are areas where the applicant does not appear to demonstrate compliance. Including: no explicit recognition it is a major development, lack of a construction management plan and no commitment to use natural urban greening.

KNIGHTSBRIDGE ASSOCIATION:

Object because of the scale, height and bulk of the building. The proposals would harm residential amenity, including overlooking. No construction management plan has been submitted. The approved height of 15 Lancelot Place/ 1 Trevor Walk (under construction) should not be a precedent for this application because it was an odd approval by the City Council at the time.

ROYAL BOROUGH of KENSINGTON & CHELSEA:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection, subject to conditions.

ENVIRONMENTAL SCIENCES:

No objection, subject to conditions.

WASTE PROJECT OFFICER:

Revisions required to ensure waste and recycling storage meets City Council requirements.

ARBORICULTURAL MANAGER:

No objection.

BUILDING CONTROL:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 262

Total No. of replies: 29 (objections)

29 objections received from or on behalf of neighbouring residents/ interested parties on all or some of the following grounds:

Land Use:

- The overly large houses do not address the housing need in Knightsbridge, and does not optimise housing delivery;
- Affordable housing should be provided, and this should be on site;

Design:

- The additional height of the buildings and their appearance (including materials) would harm the character of the street and wider area, including the listed buildings on Trevor Square and the Knightsbridge Conservation Area;
 - o The applicant should not be allowed to match or go higher than the height of 15 Lancelot Place (currently under construction);
- The buildings are not appropriate in this low-key residential area, characterised by smaller buildings, and the applicant mis-characterises the attributes of this location;

Residential Amenity:

- Loss of daylight and sunlight in excess of BRE guidelines;
 - o No overshadowing assessment carried out;
 - o The current scheme should not be compared to the consented scheme;
 - o The new daylight and sunlight report appears more accurate than the one submitted for the 2016 permission, so the previous application may have been considered on the basis of inaccurate information;
 - o More research should have been undertaken to establish the layouts of adjoining building;
- Increased overlooking;
 - o Windows are overly large/ too numerous;
- Increased sense of enclosure/ overbearing;

Density:

- The building is too dense and not in compliance with the London Plan's density matrix;

Air Quality and Environmental Impacts:

- The height of the buildings will result in increased air pollution being trapped on the road;
- Large windows can result in birds harming themselves against them;
- The development should include more greenery;

Excavation and Construction:

- Noise, vibration and disturbance from the excavation and construction of the basement levels, which current planning policy should prevent (and no exception should be made);
- No mitigation of pollution caused by construction;
- Impact of basements on the local water table;
- Structural impact of the development;

Other:

- The previous chairman of planning committee's relationship with the developers and their communication company should not affect planning decisions;
- Impact of the development on local property values;
- The height of the building will block views;
- The applicant changing the scheme prolongs the works.

SECOND CONSULTATION – After Revisions to Design and Reduction in Massing

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Recognises that the revisions are an improvement on the original proposal but do not overcome the original objection. In addition, the white stucco south facing wall, with 'arrow slit' windows, seems harsh and this wall could be softened with a greenwall, in accordance with Policy KBR10. Also recommend that the utility cabinet is placed out of sight within the building.

KNIGHTSBRIDGE ASSOCIATION:

The revisions have made a number of improvements with regard to the treatment of the mansard, which slightly mitigates the extra height, and the south elevation. Pleased to see reference to a Construction Management Plan. Still regret the proposed extra height when compared with the consented scheme.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 262

Total No. of replies: 10 (objections)

10 objections received from or on behalf of neighbouring residents/ interested parties on all or some of the following grounds:

Land Use:

- The dwellinghouses are still too large, the proposal does not optimise housing delivery and does not address the housing need in Knightsbridge;
- Overdevelopment of the site;

Design:

- White stucco is out of keeping with Lancelot Place and the area, and the originally proposed stone or the brick of the 2016 scheme would be better;
- The mansard top floor is not an improvement;
- The overly large scale and massing of the buildings would harm the appearance of the area, including nearby heritage assets, the additional floor and height should not be allowed;

Residential amenity:

- The application does not accord with BRE guidelines in terms of light/ shadowing and will result in harmful losses of light to neighbours;
- The previous application may have been considered on the basis of inaccurate daylight and sunlight information;
- The applicant should have used the actual layout of 10 Lancelot Place, rather than assumed layouts, in their calculations as this may have different results;
- New windows would increase overlooking of 10 Lancelot Place;

Construction impact:

- The construction will impact on the existing residents of Lancelot Place;

Other:

- The applications seeks to make more profit for the developer;

- The revisions does not address the reason the objections received under the first consultation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

3 to 11 Lancelot Place were five unlisted single family dwellinghouses, which were recently demolished. The demolished houses dated from the 1950s, were of a neo-Georgian style and comprised ground and two upper floors. The applicant demolished these houses in connection with the redevelopment of the site to provide five new, larger houses which they gained consent for in 2016.

While outside of a conservation area, the site backs onto to the grade II listed houses on Trevor Square and the boundary with the Knightsbridge Conservation Area. To the front is the residential development of 10 Lancelot Place. To the north is the development site of 15 Lancelot Place and 1 Trevor Walk. To the south is Brompton Road.

The site is within a central setting, being near the Knightsbridge International Shopping Area, and is also in an area where single family dwellings are protected from conversion into flats.

6.2 Recent Relevant History

On 3 February 2016, the City Council granted permission for demolition and redevelopment of Nos. 3-11 Lancelot Place to provide five single family dwelling houses (Class C3) comprising two basement levels (plus sub basement plant room), ground, first and second floors levels (RN: 15/10163/FULL).

On 20 February 2013, the City Council refused permission for the demolition and redevelopment of Nos. 3-7 Lancelot Place to provide three dwelling houses comprising two basement levels, ground, first and second floors, on the grounds it would unacceptably enclose 9 Lancelot Place and would have been visually harmful (RN: 12/08414/FULL).

Adjacent development site 15 Lancelot Place & 1 Trevor Walk (commonly referred as 15 Lancelot Place)

On 23 February 2016, the City Council granted permission for demolition of the existing buildings, redevelopment of site comprising two buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces, carparking and cycle parking (site includes 15 Lancelot Place and 1 Trevor Walk) (RN: 15/09276/FULL).

7. THE PROPOSAL

The proposed development is the erection of five single family dwellinghouses, comprising two basement levels plus sub-basement plant room, ground, first, second and third floor levels.

The scale and depth of the proposed basement works match that approved in 2016. Works have commenced on site in connection with the 2016 approval therefore this development can be implemented in perpetuity.

The principal difference between the 2016 scheme and the current proposal are the above ground works. This latest proposal seeks permission for houses of increased height and with a new, bolder design. The increased height would result in a building of a similar height to the building under construction at the adjacent development site of 15 Lancelot Place and 1 Trevor Walk (commonly referred to as 15 Lancelot Place).

Table 1: Floorspace Figures

	Pre-Existing* GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	718	1,759	+1,041

*prior to demolition

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

The extant permission allowed the replacement of the dwellinghouses with five larger ones, and the current application seeks permission for five dwellinghouses that are larger still.

The site is within an area of Knightsbridge where the City Council protects single family dwellinghouses from conversion into flats, as set out in policy H 5 of the UDP. The use of the site for five residential dwellinghouses is consistent with the pre-existing use of the site and the use allowed by the extant permission. The use of the site for five residential dwellinghouses is established. The proposal accords with policy H5.

Density

Objections have been received on grounds the development is too dense and is not in accordance with the London Plan's density matrix. Within a central setting such as this, the London Plan sets a density range of between 650 – 1100 habitable rooms per hectare. The proposed density of this development is 875 habitable rooms per hectare which accords with the London Plan.

There has also been objection on grounds the site does not optimise housing delivery and could accommodate more residential units (rather than large dwellinghouses). The London Plan's density matrix also considers the number of dwellings per hectare. The proposal is below the range deemed appropriate, so is not dense enough in this regard. However, this is already the case and the number of units and the size of the site would remain unchanged. The site is also within an area where single family dwellinghouses are protected and so increasing the number of units to achieve an increased unit density would conflict with the City Council's policy to protect single family dwellinghouses in this location. In addition, the site has extant permission for redevelopment for five

dwellinghouses. It would be unreasonable to withhold consent on the basis that unit density is too low.

Affordable housing

On 14 May 2019, the Cabinet Member for Place Shaping and Planning issued a formal statement on the application of Westminster’s adopted affordable housing policy (S16 of the City Plan) in light of revisions to the National Planning Policy Framework (NPPF) and the emerging London Plan. The new NPPF position conflicts with the adopted City Plan policy with regard to floorspace; the adopted City Plan bases affordable housing provision on net additional floorspace, and not gross. Whereas it is clear in the NPPF that if development is major development then affordable housing is to be provided.

The May 2019 statement explains that the City Council will require affordable housing contributions based on total (gross) residential floorspace. However, the statement explains this will only apply for applications received and validated after 01 June 2019 – this application was received on 01 March 2019 and so this change does not apply .

The net additional residential floorspace comprises 1,041sqm (GIA), and this still triggers a requirement for the provision of affordable housing under the relevant implementation of City Plan policy S16. The affordable housing liability would equate to one residential unit (80sqm).

The policy sets out a hierarchy for this provision with a preference for on-site housing, followed by the use of an alternative site nearby and finally, where neither option is achievable, a payment in lieu for the amount of floorspace required.

For the single affordable housing unit to be provided on site, the buildings would have to be split into residential flats, which would result in the loss of at least one single family dwellinghouse. As explained above, the site is within an area where family dwellinghouses are protected and so this provision would conflict with that policy. The applicant states that they do not have a suitable property located elsewhere in the vicinity of the development that could be utilised for provision of off-site affordable housing, and given only one unit of 80sqm is required, this would likely be difficult for developers to provide. Therefore, it is accepted that a payment in lieu of affordable housing is appropriate in this instance.

A legal agreement is recommended to secure a payment in lieu of affordable housing provision of £440,000 (index linked and payable upon commencement of the development).

8.2 Townscape and Design

The site is outside of but immediately adjoins the Knightsbridge Conservation Area, the boundary of which runs along the western boundary of the site, which is shared with a row of grade II listed townhouses which in turn form the eastern side of Trevor Square, one of the area’s most picturesque garden squares. The pre-existing houses on the site were unlisted and of no architectural merit.

The site sits on the corner of Lancelot Place and the southern cross-road of Trevor Square, and is highly visible from Brompton Road to the south, which forms part of the

Knightsbridge international shopping centre. It marks a sudden and almost dramatic point of change in scale, built-character and activity; from the bustling, high energy of Brompton Road to the peaceful residential, almost 'village-like' character of Trevor Square. Whilst the site falls within the setting of the adjacent Trevor Square listed buildings, its surroundings are otherwise dominated by much larger scale, mostly modern non-residential or flatted development, such as the Brompton Road commercial frontages to the south, and the massively scaled residential blocks which form the eastern and northern sides of Lancelot Place itself. Immediately to the north of the application site is a further current development site of 15 Lancelot Place, itself also granted permission for a new single family dwellinghouse and two residential flats in 2016. The planning history for that site is complex, with the permitted development for the 'new no.15' being notably larger in scale and bolder in design than the permitted redevelopment for nos. 3-11.

Legislative, policy and guidance background

When determining applications affecting the setting of a listed building, or for development within a conservation area, the decision-maker is required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard / attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area. Section 66 is relevant to this case in that it has been identified that the site falls within the setting of the adjacent Trevor Square listed buildings. Section 72 does not apply in this case as the site is not within a conservation area; there is no direct statutory duty to consider the setting of a conservation area, although there is a policy / guidance requirement (see below).

Sections 12 and 16 of the NPPF (2018) require that great weight should be placed on high quality new design and on the preservation of designated heritage assets (listed buildings and conservation areas) including their settings. This means that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of a scheme. This should take into account the relevant significance of the affected assets, and the severity of the harm caused.

Locally, UDP policies DES 1 (urban design / conservation principles), DES 4 (infill development), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of the application proposals, including in terms of the setting of the conservation area, whilst S26 and S28 of the City Plan provide the strategic basis for the application. Relevant London Plan policies include 7.4 (Local Character), 7.6 (Architecture), 7.7 (Location and design of tall and large buildings), and 7.8 (Heritage assets and archaeology).

The Knightsbridge Neighbourhood Plan (KNP) is of key relevance to this application, most notably policy KBR1 (character, design and materials), and to a lesser degree, KBR3 (boundary railings and walls) and KBR9 (roofscapes and balconies).

The proposals and their impacts

This current application seeks permission for an alternative scheme of above-ground redevelopment of the site. The current proposals follow extensive negotiations between officers and the applicant following the approval of the redevelopment scheme for no.15 which will adjoin the site immediately to the north. Consisting of three deliberately taller

than standard sheer storeys, the permitted 'new no.15' will be notably taller, bulkier and more boldly designed than the approved development for this site which would have consisted of two relatively standard sheer storeys plus mansard (plus two basement storeys below). Whilst the approved scheme for this site can be built-out, it is relatively pedestrian in design and features some limitations to its design such as the depth of the side (south) elevation. The current application seeks to increase the vertical scale of the proposal to be closer to that approved for no.15 alongside a bolder design.

The current proposals would consist of three sheer storeys (ground to second), plus a mansard third floor, and has been revised since original submission to have a much more contextual design aimed at reinterpreting local terraced housing in a modern manner. As revised, the new houses would feature a rusticated stucco base and plain stucco upper floor elevations to south and east facades, with the rear elevations built of stock brick. The rear elevation would be broken up into alternating recessed and projecting bays, reminiscent of the closet wings which characterise many local terraces, and which helps to both break up the massing of the rear, but also reduce its visual impacts on the setting of the adjacent listed Trevor Square terraced houses. The visual front roofline of the new terrace (i.e. not including the mansard storey) would remain notably lower than that of the approved new development to the north at 15 Lancelot Place.

The mansard roof would be clad in slates cut to a diamond pattern. Windows would be metal set within metal-lined punched reveals with evenly spaced 'oriel' windows at first floor to the front elevation. Windows to the rear at first and second floor would be faceted such that views outward would be angled to the south in an effort to manage privacy between the new houses and the existing Trevor Square houses to the west. The south flank elevation four semi-concealed windows would be designed to mimic the blind windows seen typically on some flank elevations of traditional terraced houses in the area. The mansard roof would be punctuated by metal clad dormers.

The Knightsbridge Neighbourhood Forum (KNF) and Knightsbridge Association (KA) both objected to the original application proposals on the grounds of scale, height and massing. Concerns over height, bulk and massing however did reflect similar concerns raised by officers, and therefore further revisions were sought and secured during the course of the application.

The KNF recognises this is an improvement but do not consider they overcome their initial concerns and have suggested further greening could be incorporated on the southern flank elevation. A green wall would not be appropriate in this location as successful design-integration with the façade beneath would be problematic – poor integration results in an obviously tacked-on appearance and these types of green wall often die due to poor detailing and lack of maintenance. Indeed, typically they do not suit domestic sites due to the maintenance required to stop them dying. The 'greening' proposed at 15 Lancelot Place, is different - it is ground-planted and was considered from the outset to be a 'desirable' only with the building behind being successful architecturally with or without it. There is also 'greening' not attached to walls proposed here at ground, second and roof levels and this would be acceptable.

The proposed new houses would, by an extra storey, be evidently taller than both the pre-existing (now demolished) houses which occupied the site (approximately 1.89

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metres higher), and the 2016 approved development (approximately 1.5 metres higher). This scale and bulk by itself, in close proximity to the adjacent listed buildings and conservation area, would have a slightly negative affect on the setting of these designated heritage assets which, by itself, can be considered to represent 'less than substantial' harm in the terms of the NPPF. This must however be considered against the quality of the new designs before an overall conclusion can be made regarding townscape, design and heritage impacts.

The revisions during the course of the application to the top storey to be a true mansard (whereas before a more sheer storey was proposed) is a notable improvement and gives the development a more subtle and more locally relevant form. The proposed diamond-pattern slate covering would add some visual interest at this level. Critically, and as demonstrated by the architects submitted documentation, the new design would better respond to the local context of terraced housing than both the 2016 approvals for Lancelot Place – both for this site and the adjacent no.15. The influence of the scale, proportions and orderly character of the traditional terraces nearby is evident in the revised design whilst successfully avoiding slavish or pastiche traditional 19th century architectural components.

It is considered that the proposal represents a successful re-interpretation of the London terrace for the 21st century and that this would contribute more positively overall to the character of the area, despite the increases in scale, than the 2015 approval would have done or the pre-existing houses did. Whilst the proposed scale has increased over that approved in 2016 and pre-existed, this is considered to be adequately outweighed by the townscape benefits that the proposed new design would bring in terms of architectural quality and visual interest when viewed from Brompton Road, more fully resolving the modern design character of Lancelot Place alongside the mixture of traditional and modern development which characterises the locality of the site.

Subject to careful detailing to be secured through condition, it considered that the proposals would comply with the relevant local and national policies and guidance as discussed above, and would overall cause no harm to the setting of the adjacent listed buildings and conservation area.

8.3 Residential Amenity

There are numerous residential properties surrounding the site, including opposite within 10 Lancelot Place, to the rear on Trevor Square and under construction adjacent to the site at 15 Lancelot Place.

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Neighbouring residents have objected on the grounds the proposal would harm their amenity primarily in terms of loss of light and an increased sense of enclosure.

Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE)

guide “Site Layout Planning for Daylight and Sunlight: a guide to good practice”. The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms, and it accepts that bedrooms are of less importance.

The applicant provided an addendum considering the revisions they made to the application and concluded that the reduced bulk and massing of the building would not worsen the results in their original daylight and sunlight assessment.

The 2016 application was supported by a daylight and sunlight assessment, an objector states that the current assessment appears to be more accurate than the previous and so the 2016 application may have been considered on the basis of inaccurate information. As the below sets out, the current assessment, which includes a comparative assessment of the consented scheme, demonstrates that both the current proposal and the consented would not result in undue light losses.

Another objector states the applicant should not compare the consented scheme with the proposed. While the pre-existing versus proposed analysis is of primary importance in the assessment, the comparative analysis is useful as it provides context on a scheme the applicant can lawfully complete – indeed, the consented scheme is a material consideration in the current application.

Further objection has been received on the grounds that the assessment could have done further research to ascertain the layouts of the neighbouring buildings. The assessment has done a relatively high level of research, but not all building layouts are readily available – in these circumstances it is usual to assume the layout.

Daylight

The BRE methodologies for the assessment of daylight values is the ‘vertical sky component’ (VSC) and ‘no sky line’ (NSL).

VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable.

NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss would be noticeable.

There are breaches of the above criteria in 10 and 15 Lancelot Place and 12, 13, 15 and 16 Trevor Square. It should be noted that for 16 Trevor Square, the results were updated since submission as that building has recently been extended. The results are summarised below:

Table 2: Vertical Sky Component breaches

Neighbouring building	No. of windows assessed	No. BRE complaint	No. BRE breaches			Total
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	
10 Lancelot Place	268	263 (98%)	5	0	0	5
15 Lancelot Place	3	2 (67%)	0	1	0	1
12 Trevor Square	8	7 (88%)	0	1	0	1
13 Trevor Square	14	12 (86%)	0	1	1	2
15 Trevor Square	33	26 (79%)	1	6	0	7
16 Trevor Square	18	14 (93%)	4	0	0	4
Totals*	344	323 (94%)	9	9	1	19

*Excludes properties assessed and found to be BRE compliant

Table 3: No Sky Line breaches

Neighbouring building	No. of rooms assessed	No. BRE complaint	No. BRE breaches			Total
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	
10 Lancelot Place	156	140 (90%)	2	11	3	16
12 Trevor Square	6	5	0	1	0	1
Totals*	162	145 (90%)	2	12	3	17

*Excludes properties assessed and found to be BRE compliant

9 of the breaches of VSC are between 20% and 29.9% and there are 10 breaches greater than 30%. In terms of NSL the majority of the breaches occur at 10 Lancelot Place.

The most significant VSC breaches are to the Trevor Square properties. The applicant sought to compare the results for the proposed scheme and the consented scheme. The daylight and sunlight report analyses the existing, consented and proposed VSC levels and it shows that the proposed VSC levels are largely comparable to the consented VSC levels. Table 4 below shows the 10 most significant breaches (30%+) and shows the results and explains the mitigating circumstances. In some instances, the results are marginally worse and in others they are marginally better.

Table 4: Most significant VSC breaches (including consented figures)

Building / Floor / Window	Existing VSC	Consented VSC	Proposed VSC	Loss consented	Loss proposed	Circumstances
15 Lancelot PI / 2 nd / W2	18.6	8.5	13	45.7%	30.1%	Room enjoys other BRE compliant windows
12 Trevor Sq / G / W3	17.4	10.9	11	37.4%	36.8%	Room enjoys another BRE compliant window
13 Trevor Sq / B / W3	14.5	8	8.4	44.8%	42.1%	Room enjoys BRE compliant rooflights
13 Trevor Sq / G / W1	19.3	11.4	11.6	40.9%	39.9%	Room enjoys BRE compliant rooflights
15 Trevor Sq / B / W1	12.3	8.5	8.5	30.9%	30.9%	Part of rooflight, other panes are compliant
15 Trevor Sq / B / W2	14.2	9.9	9.8	30.3%	31%	Part of rooflight, other panes are compliant
15 Trevor Sq / B / W3	12.8	8.7	8.8	32%	31.2%	Part of rooflight, other panes are compliant
15 Trevor Sq / B / W5	16.6	11.2	11.4	32.5%	31.3%	Part of rooflight, other panes are compliant
15 Trevor Sq / B / W6	16	10.8	11	32.5%	31.2%	Part of rooflight, other panes are compliant
15 Trevor Sq / B / W7	14.7	10.1	10.1	31.3%	31.3%	Part of rooflight, other panes are compliant

The majority of the most significant VSC breaches are to a rooflight at 15 Trevor Square where other panes are compliant with the BRE guidelines. The other significant breaches at 12 and 13 Trevor Square and 15 Lancelot Place are all to dual aspect rooms which enjoy another BRE compliant window. In these circumstances, while the individual windows or panes would breach the criteria, the rooms they serve would likely remain well lit.

Of the other VSC breaches between 20 to 29.9%, five are to 10 Lancelot Place at ground floor level. The daylight and sunlight report assumes that two of the rooms these windows serve are smaller than they are in reality. From floorplans held by the City Council (and confirmed by an objector) that are associated with this development, all of the rooms affected would enjoy an alternative window which complies with the BRE guidelines. In terms of the other breaches at 15 and 16 Trevor Square, again these are to rooms with alternative compliant windows. Given this, and that the levels are not significantly different to those for the consented scheme, these VSC breaches would not lead to undue light losses.

In terms of NSL most of the breaches occur to rooms at 10 Lancelot Place, at ground and first floors. The applicant again has assumed the rooms are smaller than they are, and this has the effect of worsening these results. The report indicates 16 rooms would be impacted, but floorplans indicate that it would be 12 rooms (7 bedrooms and 5 living rooms). Given that the NSL figures are likely to be better than assumed, that the most affected rooms have windows which would maintain a good VSC figure, and that the figures are not significantly worse when compared to the consented scheme, the proposed development would not unduly harm these residents in terms of daylight.

Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed.

BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period. Breaches of this criteria these are summarised below:

Table 5: Annual Probable Sunlight Hours breaches

Neighbouring building	No. of windows assessed	No. BRE compliant	Total
10 Lancelot Place	156	148 (95%)	8
11 Trevor Square	1	0	1
12 Trevor Square	1	0	1
Totals*	158	148	10

*Excludes properties assessed and found to be BRE compliant

There is a commonality between rooms that would breach the criteria for APSH and the rooms identified above in the daylight section. 10 Lancelot Place would have the majority of the breaches, and for these windows, the mitigating circumstances identified in the daylight section would apply. For 11 Trevor Square the breach would result in sunlight conditions that would be only marginally below the target values and so would achieve sunlight levels that is relatively common in an urban context. For 12 Trevor Square the assessed window is to a room with an alternative window, and it is understood that this property is being extended to the rear which remove this window which is the only one at the property which faces 90 degrees due south. In these circumstances, the sunlight reaching neighbouring properties would not be unduly reduced.

Overshadowing

The BRE guidelines have methodologies to assess overshadowing of gardens. And the applicant has conducted one with reference to the sun-on-ground on the spring equinox. This is used to determine the areas which receive direct sunlight and those which do not. This method applies to both new and existing areas of amenity space. The BRE Guidelines suggest that the Spring Equinox (21 March) is a suitable date for the assessment as this is the midpoint of the sun’s position throughout the year. It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21 March.

Since submission, and following an objection which referenced it was missing, the applicant has conducted an overshadowing assessment of the Trevor Square properties with gardens to the rear. This included 10 to 16 Trevor Square. Three of these properties currently receive no sun-on-ground and this would not change. The other four (10, 11,

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13 and 16) would have a reduction in the sun-on-ground, and these would be excess of 20% of their former values. While the percentage losses are relatively high to some of these properties, the absolute loss of area seeing 2 hours of sunlight on 21 March is low, ranging from 1.4 to 3.7 sqm. Because the existing levels are low, small changes lead to higher percentage losses but as the absolute losses are low this would not be unduly harmful.

Sense of Enclosure

The pre-existing building, the 2016 consented building and the currently proposed building all cover a similar footprint on the site, although the pre-existing building included side returns between the houses. The pre-existing building comprised 2 storeys plus loft, the 2016 consented scheme comprised 3 above ground storeys, and the current application proposes 4 above ground storeys. While an additional storey is proposed currently, the highest point of the building would be 1.5 metres higher than the 2016 proposal.

Since submission, the applicant has reduced the massing and bulk of the second and third floors by introducing recesses to the rear at the second floor and setting back the third floor. Like in the 2016 scheme, the rear building line would be unified so that it is flush at both ground and first floor levels.

As the site converges toward the Trevor Square properties from the south to the north, the gap between the application building and the neighbours on Trevor Square decreases. Therefore, the main building of 16 Trevor Square would be furthest from the application building at approximately 13.5 metres and this gap decreases toward the northern end of the site so that the main building of 11 Trevor Square is approximately 8 metres away. These distances match the pre-existing situation but given some of the Trevor Square properties have been extended on the lower levels, some openings are closer.

The effect of the additional height and bulk of the additional floor would be lessened by the top floor's mansard design and set back from the rear building line on the floors below and by the recesses at second floor. And as reported in 2016, the impact of the unified elevation at first floor would not be significant given the existing mass of the building.

The original layout of the buildings on Trevor Square is typical of townhouses in that the principal living spaces are located at upper ground and first floors. It is understood that for all of the Trevor Square properties opposite the application site, these principal living spaces are large dual aspect rooms. This means these rooms will enjoy outlook to the front onto the more open square, as well as the rear, and so enjoy a good sense of openness.

The 2016 report considered the worst affected property in terms of sense of enclosure would likely be 13 Trevor Square, as this property has extended the furthest into the rear garden. The officer noted that this new rear addition included large rooflights and a fully glazed side infill, which will give this space a considerable openness. Since 2016, 16 Trevor Square has also extended into their rear garden, although 16 Trevor Square enjoys a rear garden of a larger size and so the residents here are less affected in terms of enclosure.

Whilst the openings to these Trevor Square properties at lower ground level are close to the application building, they already look at the rear garden boundaries in close proximity. The rooms affected the greatest would be those on the upper ground and floors above, but the windows here tend to serve dual aspect living spaces on the upper ground and first floors and bedrooms on the upper floors.

Further, for the properties to the north, the relationship between the application building and the Trevor Square properties would be similar to that which would result from the 15 Lancelot Place redevelopment. That building would be a similar in height to the proposed and is a similar distance as that between 11 Trevor Square and the application building.

Overall, whilst the increased bulk of the application building would be apparent in views from rear rooms along the Trevor Square, it is not considered that this would result in an increased sense of enclosure sufficient to justify refusal on this basis.

Given the separation from the application site by the road, it is not considered that the properties opposite the site (on the east side of Lancelot Place) would experience a significant impact as a result of the proposed development.

Privacy

Given the proximity between the application building and the Trevor Square properties identified above, new windows could harm the residents within these properties in terms of overlooking. To mitigate this, the applicant has proposed windows to the rear elevation at first and second floors which direct views away from the Trevor Square properties by using angled slats within the windows to create oblique views through them. This would satisfactorily reduce overlooking through these windows.

These angled slats would not be applied to the rear bathrooms at second windows or the windows to the top floor, however. The second floor bathroom windows would be high level and so views out of them would not be significant. So, all windows except those on the top floor would have measures to prevent harmful levels of overlooking. Given the pre-existing buildings contained rear windows which allowed rear views of the Trevor Square properties, these top floor windows being clear would result in a similar level of overlooking that previously existed, and so these windows cannot be reasonably resisted.

To the front, the new windows would be opposing those to 10 Lancelot Place. Given these are over 12 metres and that this is a typical relationship between properties on either side of a road, these additional windows would not result in unreasonable overlooking.

8.4 Transportation/Parking

Car Parking

The proposal does not provide any off-street car parking spaces and nor did the pre-existing houses. Given the proposal does not represent an increase in residential units the parking arrangements are not contrary to policy TRANS23 of the UDP or KBR30 of the KNP.

Cycling Parking

As required by the London Plan, and supported by policies KBR29 and KBR28 of the KNP, cycle parking spaces are required for each unit. The applicant proposes these in the basement of each dwellinghouse. The highways planning manager notes that a basement location is not ideal but does not object. This provision is to be secured by condition.

8.5 Economic Considerations

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

8.6 Access

Lifts are proposed to all the dwellinghouses, while each unit does include a small number of internal entrance steps, this could be easily adapted if required thereby making all floors accessible if future occupiers require this.

8.7 Other UDP/Westminster Policy Considerations

Basement Development

Policy CM28.1 relates to all basement excavation in the City. This was adopted after the February 2016 permission, in July 2016. Neighbouring occupiers raised considerable concerns in relation to the basement levels in 2016, and many of these related to the impact in terms of residential amenity. The construction works associated with basement excavations can often have a serious impact on quality of life and often last longer than other residential developments with the potential to cause significant disruption to neighbours during the course of works. This has led to significant concern and complaints from local residents in Westminster regarding basements across the City, and this is why the City Council adopted the basement policy which in part sought to reduce the impacts associated with this type of development.

Part (B) and (C) of policy CM28.1 relates to the design and scale of development involving new basement levels. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. The policy limits basements to a single storey below the original ground level.

The 2016 application and the current application proposes two stories of basement, plus a sub-basement plant room. Objectors contend that, considering the basement policy, the current application should be refused because of its size. However, the development allowed in the 2016 application is a material consideration in the current application, particularly because the applicant has begun the 2016 development, thereby meaning they can lawfully construct a basement of the scale proposed in the current application. Indeed, it would be unreasonable to refuse consent for a development because of its scale when that scale is lawful. Still, of relevance to this application are the parts of the basement policy that consider structural impacts, construction impacts, ventilation, flood risk, trees and archaeological impacts and these are discussed below. The policy also seeks to ensure the heritage assets are protected but this is discussed above in section 8.2.

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Structural Impact:

The applicant has submitted a detailed structural methodology statement as required by the basement policy. Objectors have raised concern on structural impact grounds, arguing harmful impacts on the structural integrity of the building and adjoining buildings.

The City Council's Building Control team have confirmed that the applicant's structural method statement is satisfactory and have raised no concerns. The applicant has investigated existing structures and geology and Building Control consider this to be of sufficient detail. The developer proposes to construct the basement using piling/underpinning with RC internal walls which Building Control confirm is appropriate, and so too are the plans to safeguard adjacent properties during construction. In these circumstances, there are no grounds to withhold permission because of the structural impacts on neighbouring properties.

It should be noted that the purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that the developer must use during construction which may need to be altered once the site investigation/ excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Construction Impact:

Policy KBR22 of the KNP relates to construction activity and is relevant, along with the basement policy in the City Plan, to the construction impacts. In 2016, objectors raised concern regarding the impact the construction works would have on them and they have reiterated these concerns here.

Unlike in 2016, the applicant has also submitted a draft signed proforma Appendix A of the Code of Construction Practice (CoCP) which demonstrates that the applicant would comply with the code. When the CoCP was adopted, it was a fundamental shift in the way the City Council dealt with the construction impacts of developments relative to the position prior to July 2016. Previously the City Council attached conditions to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that the developer should carry this out if and when the City Council grants planning permission and throughout the construction

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process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help reduce the impact of the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible. A condition is recommended requiring evidence to be submitted of compliance with the CoCP. In addition, to be consistent with the previous approval and the approval at the adjacent site 15 Lacenlot Place, hours of building work will be more restrictive than usual as no weekend working will be allowed. This will also help mitigate some of the impact on neighbouring residents.

Plant & Machinery

The basement policy states that new basements should use the most energy efficient means of ventilation, and wherever practicable natural ventilation should be used. In this case, mechanical ventilation is proposed because of the size of the basement means that it would not be possible to ventilate the space naturally.

The applicant has submitted an acoustic assessment as part of the application. Plant equipment is proposed within the basement. The acoustic assessment indicates that the equipment would likely be inaudible at the nearest residential premises. The City Council's Environmental Health Team have confirmed that they agree this would be the case and officers recommend conditions to ensure it. Subject to the conditions set out in the draft decision letters, the proposed plant and ventilation strategy is acceptable in both amenity and design terms, and would accord with ENV 7 of the UDP and KBR 40 of the KNP.

Flood Risk

The site is located within Flood Risk Zone 1, which means there is a low probability of river or coastal flooding. Further, Building Control have confirmed that the applicant has acceptably researched the likelihood of local flooding and impacts on the water table, and have found the impacts to be negligible.

In terms of drainage of rain water, given the basement would largely be underneath the footprint of the pre-existing dwellings (rather than permeable surfaces of a large garden), there would limited additional impacts.

Archaeological Impact

The site is outside of an Archaeological Priority Area which means there is negligible risk of harm to archaeological heritage assets.

Trees

Given that work has already commenced on the 2016 application, and the changes to the scheme to not alter the extent and depth of the basement works, the Arboricultural Manager advises that there would no increased impact on the retention/ protection of surrounding trees than the previous scheme.

Biodiversity

Policy 38 of the City Plan and KBR 10 of the KNP promote the inclusion of biodiversity and urban greening measures in new developments. Objection has been received on the grounds there is not enough greening.

Given the constraints of the site, the scope to add significant levels of urban greening is limited. Notwithstanding this, the revision the applicant made to their proposal included the introduction of setbacks and they took this as an opportunity for the inclusion of more greenery. As such, each property would contain planting a ground floor and at elevated positions on the houses at second floor and roof levels. This planting is welcomed and allows for a greater level of greening than the pre-existing houses or the extant scheme. In these circumstances, the proposals accord with the aims of the relevant policies.

Sustainability

The proposed energy strategy would be compliant with Policy 5.2 in the London Plan and Policy SI2 in the draft London Plan (July 2019) as well as policies KBR 35 and KBR 40 of the KNP. The strategy would deliver a 10.44% reduction in CO2 emissions relative to 2013 Building Regulations Target Emissions Rate through energy efficiency measures, with a further 27.41% reduction achieved through the provision of a photovoltaic panel array integrated into the roof of the building and through ground source heat pumps. This would deliver an overall reduction in CO2 emissions of 37.85%.

In accordance with the London Plan and the Mayor's Energy Assessment SPG, the shortfall in achieving zero carbon emissions is to be met via a financial contribution of £33,003 to the Council's Carbon Off-Setting Fund. It is recommended that the financial contribution is secured via the legal agreement prior to the commencement of development.

Air Quality

Policy S31 City Plan and KBR34 KNP seek to reduce air pollution from developments. Objection has been made on the grounds the new taller building could trap pollution within the street.

The increased height of the building would have minimal impacts on the presence of air pollution. Moreover, the energy efficiency measures proposed by the applicant will reduce emissions from the development thereby improving air quality.

Refuse /Recycling

A condition is recommended to secure details of waste and recyclable materials to ensure that these are in line with the City Council's requirements.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 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 and subject to 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

The draft 'Heads of Terms' for inclusion in the legal agreement to be completed prior to the issue of planning permission are proposed to cover the following issues:

- i. Notice of commencement of development;
- ii. A financial contribution of £440,000 to the Affordable Housing Fund to allow provision of affordable housing elsewhere in the City (payable on commencement of development and index linked);
- iii. A financial contribution of £33,003 to the Carbon Off-Setting Fund (index linked); and
- iv. Costs of monitoring the S106 agreement.

CIL

The development is liable to pay the Mayoral and Westminster CIL. The estimated* payments are:

Mayoral CIL: £140,720

Westminster CIL: £967,450

*The developer may be able to apply for abatement under the CIL regulations as it is understood they have already paid a CIL payment in connection with the 2016 permission.

8.13 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental issues have been considered in other sections of this report.

8.14 Other Issues

Objections have been received on the grounds the proposal will impact on property values and will block local views. Property values and private views are not material planning considerations, although the impact on residential amenity and the townscape have been considered elsewhere in this report.

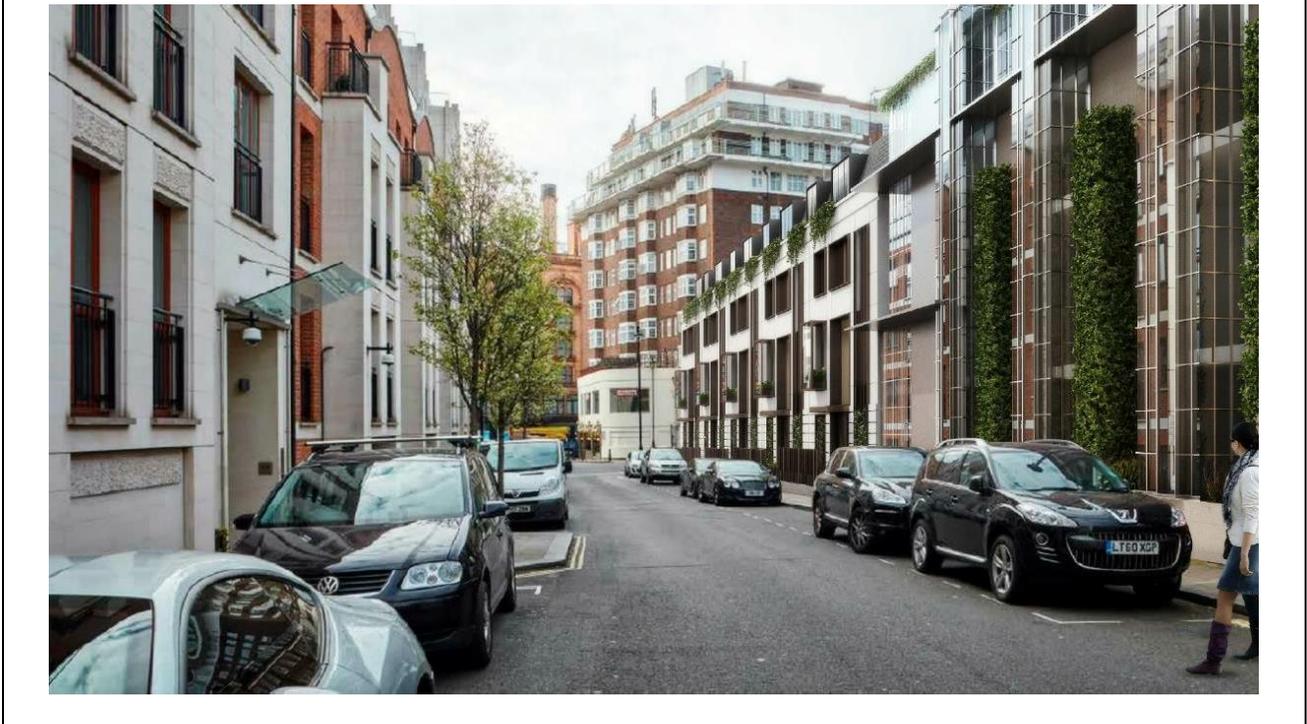
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

9. KEY DRAWINGS



Images: View from Lancelot Place Looking North Above, View Looking South Below





Images: View from Brompton Road Above, View from Trevor Square Below





Image: View of Rear Façade Above, View of Front Façade Below





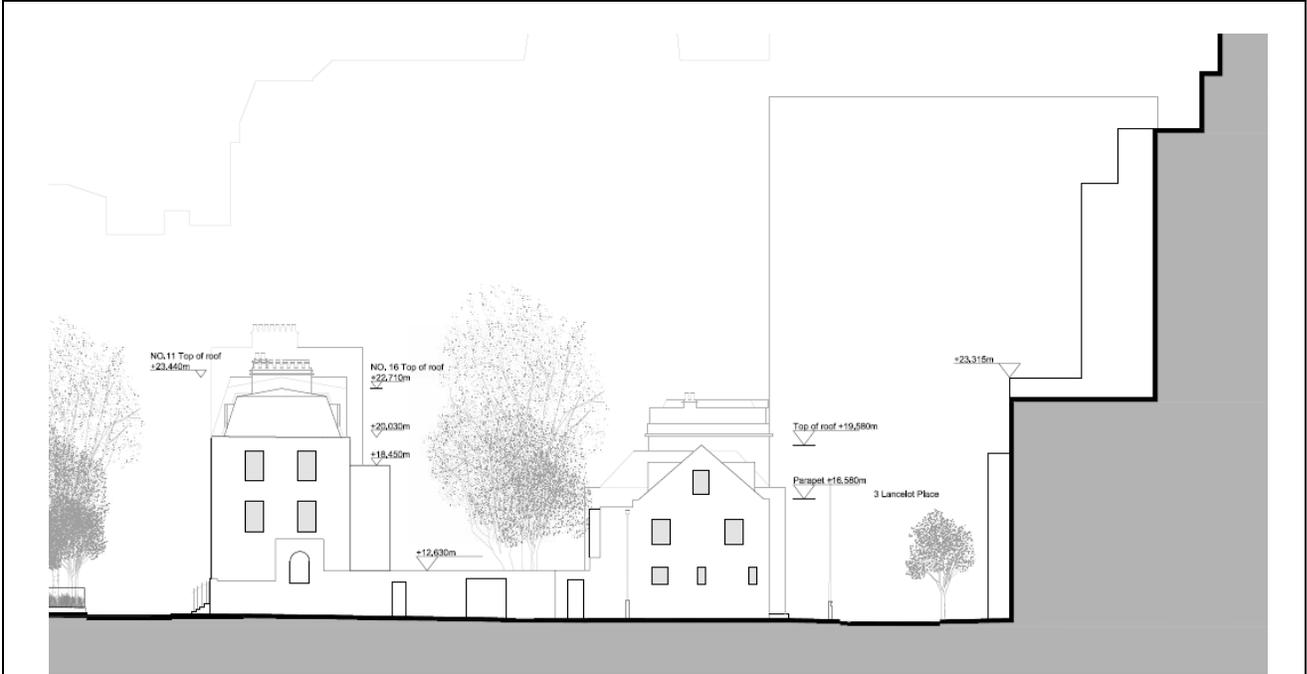
Pre-Existing Front Elevation Above, Proposed Front Elevation Below





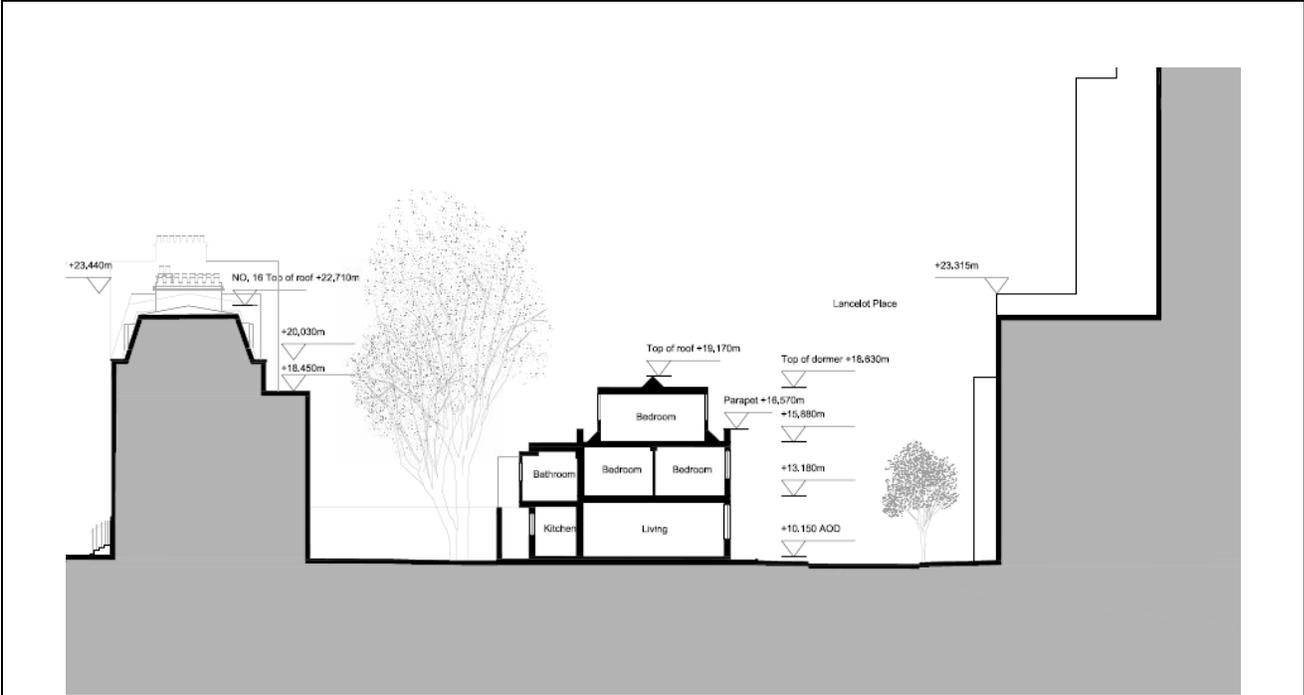
Pre-Existing Rear Elevation Above, Proposed Rear Elevation Below





Pre-Existing Rear Elevation Above, Proposed Rear Elevation Below

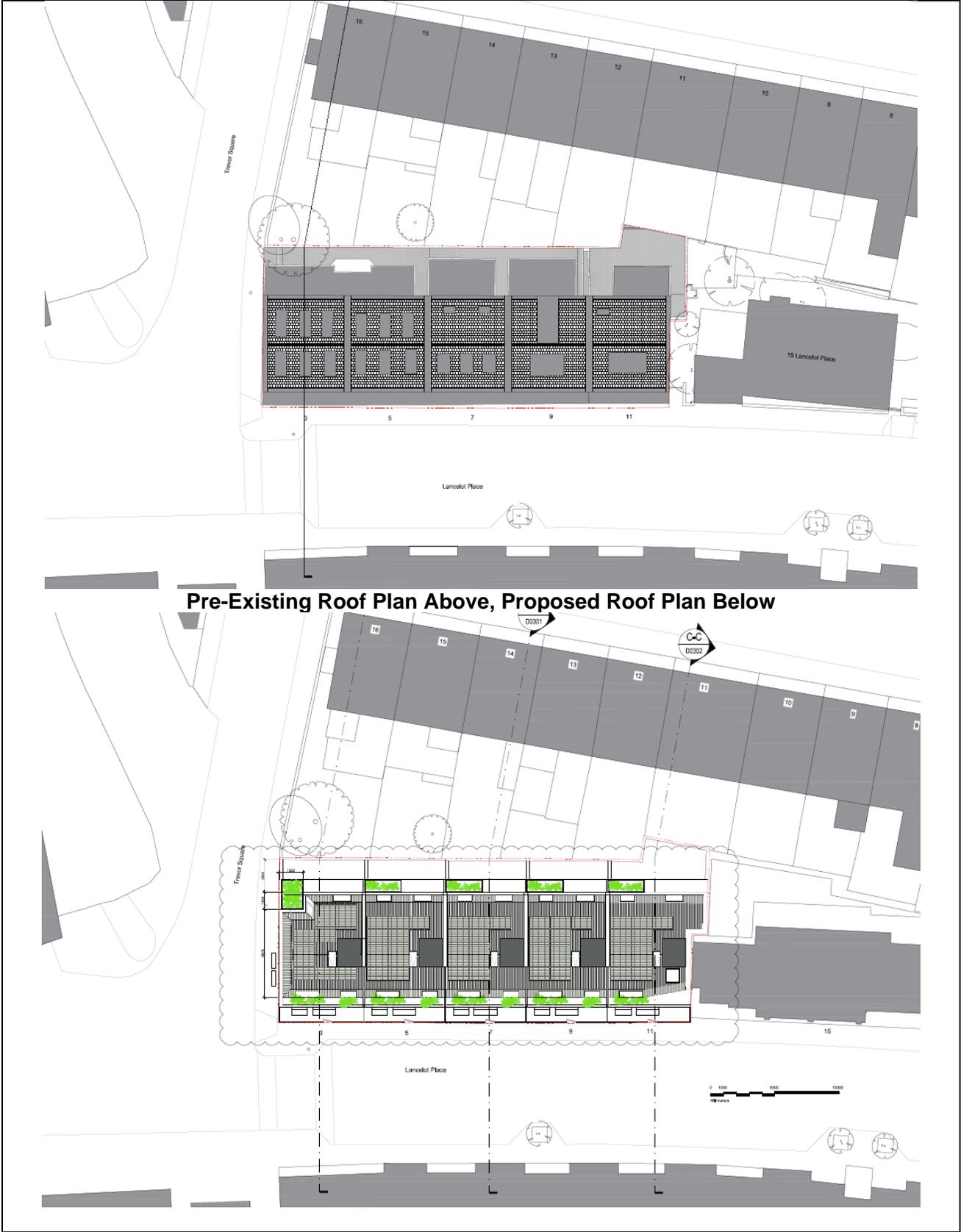




Pre-Existing Section Above, Proposed Section Below







Pre-Existing Roof Plan Above, Proposed Roof Plan Below

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DRAFT DECISION LETTER

Address: 3 Lancelot Place, London, SW7 1DR

Proposal: Erection of five single family dwellinghouses (Class C3) at 3 to 11 Lancelot Place comprising two basement levels plus sub-basement plant room, ground, first, second and third floor levels.

Reference: 19/01596/FULL

Plan Nos: Drawings:
Site Location Plan; D4981 - D 1001 rev I2; D 0600 rev I1; D 0601 rev I1; D 0602 rev I1; D 0200 rev I1; D 0201 rev I1; D 0202 rev I1; D 0203 rev I1; D 0500 rev I1; D 0097 rev I2; D 0098 rev I2; D 0099 rev I2; D 0100 rev I2; D 0101 rev I2; D 0102 rev I2; D 0103 rev I2; D 0104 rev I2; D 0300 rev I2; D 0301 rev I2; D 0302 rev I2; D 0400 rev I2; D 0401 rev I2; D 0402 rev I2.

Documents:

Design and Access Statement and Addendum (tp bennett); Townscape and Heritage Statement (tp bennett); Planning Statement (tp bennett); Arboricultural Assessment Report and Tree Protection Plan (Barrell Tree Consultancy); Daylight and Sunlight report and Addendum (gia); Overshadowing Impact Assessment rev A (gia); Amenity Within the Site Report (gia); Energy and Sustainability Statement (LIBRA services); Acoustic Assessment Report (PC Environmental); Transport Statement (TPP).

For Info only:

Geo-environmental Site Assessment (RSK); Structural Methodology Statement (RSK); Report on Ground Investigation (K F Geotechnical); Details of Previously Approved Construction Traffic Management Plan; Details of Shared Pile Agreement; Statement of Community Involvement.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must 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; 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 further:

- (a) Earthworks/piling and/or
- (b) 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 a written and photographic schedule of the facing materials and finishes you propose to use, including reference to sample / trial panels prepared on-site for our inspection, cross-referenced to annotated versions / excerpts of the approved elevations and roof plans to show where each of the materials would be used. You must not start work on the relevant parts of the development until we have approved in writing what you have sent us. You must then carry out the work using only 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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

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- 5 You must apply to us for approval of further information (as set out below) about the following parts of the development:
- a) Typical bay studies (detailed overall part-elevations and sections at 1:20);
 - b) Windows and external doors, including their reveals and surrounds (detailed elevations and sections at 1:5);
 - c) External railings and balustrades (detailed elevations and sections at 1:10).

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B or C of Part 1 or Class C of Part 2 of Schedule 2 of the Order shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 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 new single family dwellinghouses. (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 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)

- 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;

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- (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 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. (R49AA)

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- 12 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)

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

1. The planting shown on drawings D0100 rev I2 and D0104 rev I2.

You must not remove any of these features. (C43FA)

Reason:

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

- 14 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

1. The photovoltaic panels and ground source heat pumps.

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

Reason:

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

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

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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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 3 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)

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 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 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.

- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:

www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 8 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 9 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 10 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

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

- 11 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)
- 12 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- i. Notice of commencement of development;

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- ii. Provision of a payment in lieu of affordable housing provision of £440,000 (index linked and payable upon commencement of the development);
 - iii. Provision of a financial contribution to the Carbon Off-Setting Fund of £33,003 (index linked); and
 - iv. Costs of monitoring the agreement.
- 13 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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

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Agenda Item 2

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 November 2019	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	1-18 York Terrace East, London, NW1 4PT,		
Proposal	Use of buildings as 21 new dwellings; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park.)		
Agent	Savills		
On behalf of	c/o agent		
Registered Number	19/04384/FULL & 19/4385/LBC	Date amended/ completed	5 June 2019
Date Application Received	5 June 2019		
Historic Building Grade	Grade I		
Conservation Area	Regent's Park		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Refuse planning permission – land use 2. Grant conditional listed building consent. 3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter.

2. SUMMARY

<p>The application site contains a grade I listed terrace on the south side of Regent's Park and within the Regent's Park Conservation Area. The buildings are currently vacant but were last in use as student accommodation (Use Class Sui Generis), a private school for 3-8 year olds and a rotary club (Both Use Class D1).</p> <p>Planning permission and listed building consent are sought for the use of buildings as 21 residential units; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park.)</p>
--

Planning permission was granted in June 2018 for the use of buildings as 28 residential units (Class C3) including 26 flats and two single dwelling houses. This permission followed an earlier proposal to convert these buildings into 13 townhouses was presented to Sub-Committee on 23rd January 2018. Members resolved that the scheme was unacceptable as it failed to provide on-site affordable housing (our consultants had indicated that 17.3% was viable), failed to maximise the useage of the site as all the units proposed were large dwellings; and the applicants had failed to justify the loss of the student accommodation.

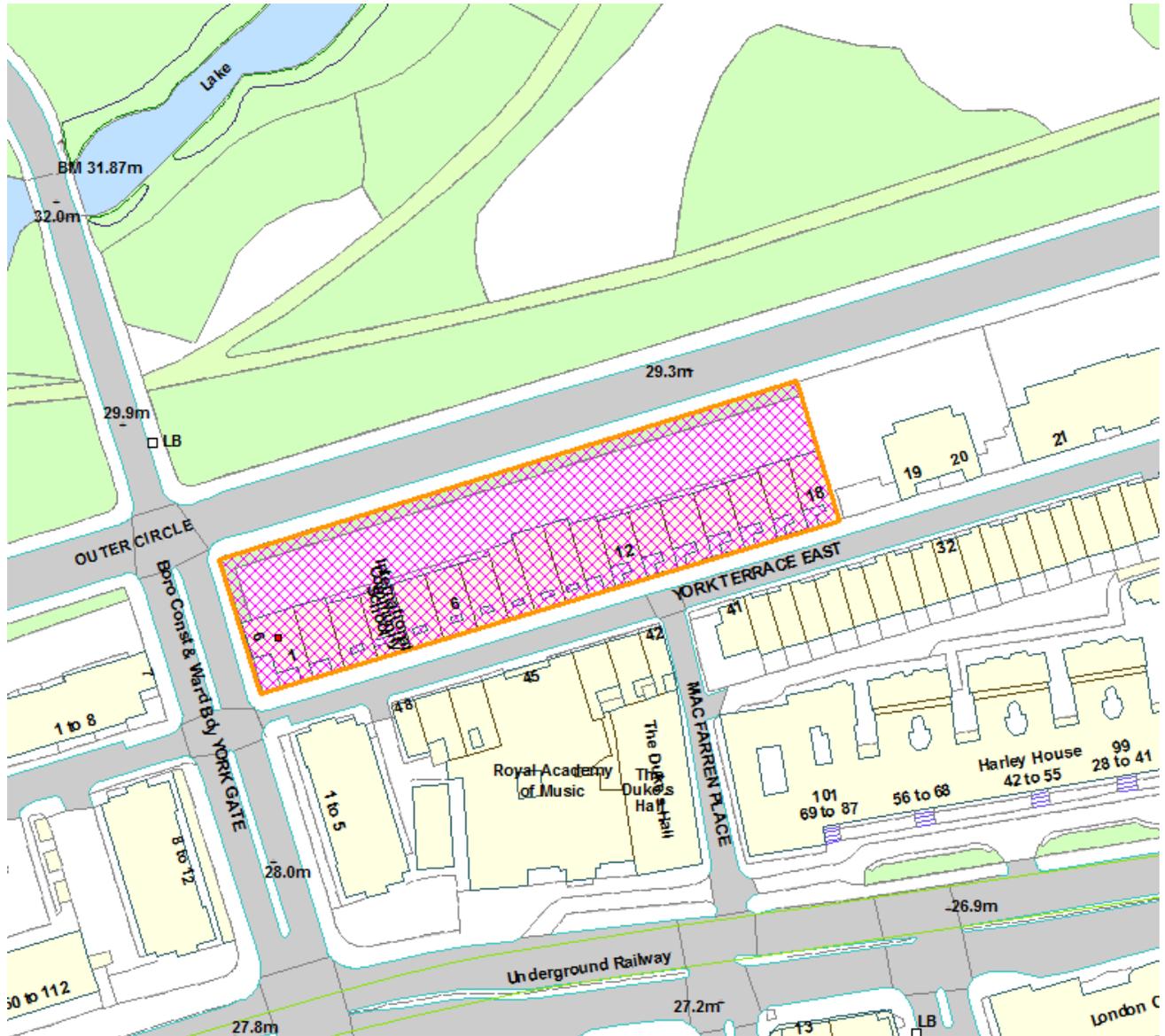
As way of some background history, planning permission has been granted for the demolition of 44 Chesterfield Lodge and the erection of a four storey building to accommodate 44 residential dwellings. This application when originally submitted was intended to be the off -site affordable housing for the No 31 London Street development (known as the 'Paddington Pole') which was later withdrawn. Although a fresh application was permitted for redevelopment of No 31 London Street (Ref 16/09050/FULL) this application no longer proposes an off-site residential component. The proposal to redevelop Chesterfield Lodge is now a stand-alone planning permission, and the applicant, like on the previous application approved in June 2018 is requesting whether the City Council will treat this scheme as an affordable housing credit. The applicant has put forward, and had approved under application 19/06932/ADFULL, a funding mechanism in a Memorandum of Understanding (MOU) which will allow monies in lieu of affordable housing from other developments to contribute towards the delivery of the Almshouse redevelopment.

The main issues in the determination of this application (over and above the scheme already approved and extant) are:

- The impact of the proposals in land use terms;
- The viability of the proposals; and
- The impact of the proposals upon the Grade I listed building and the Regent's Park Conservation Area.

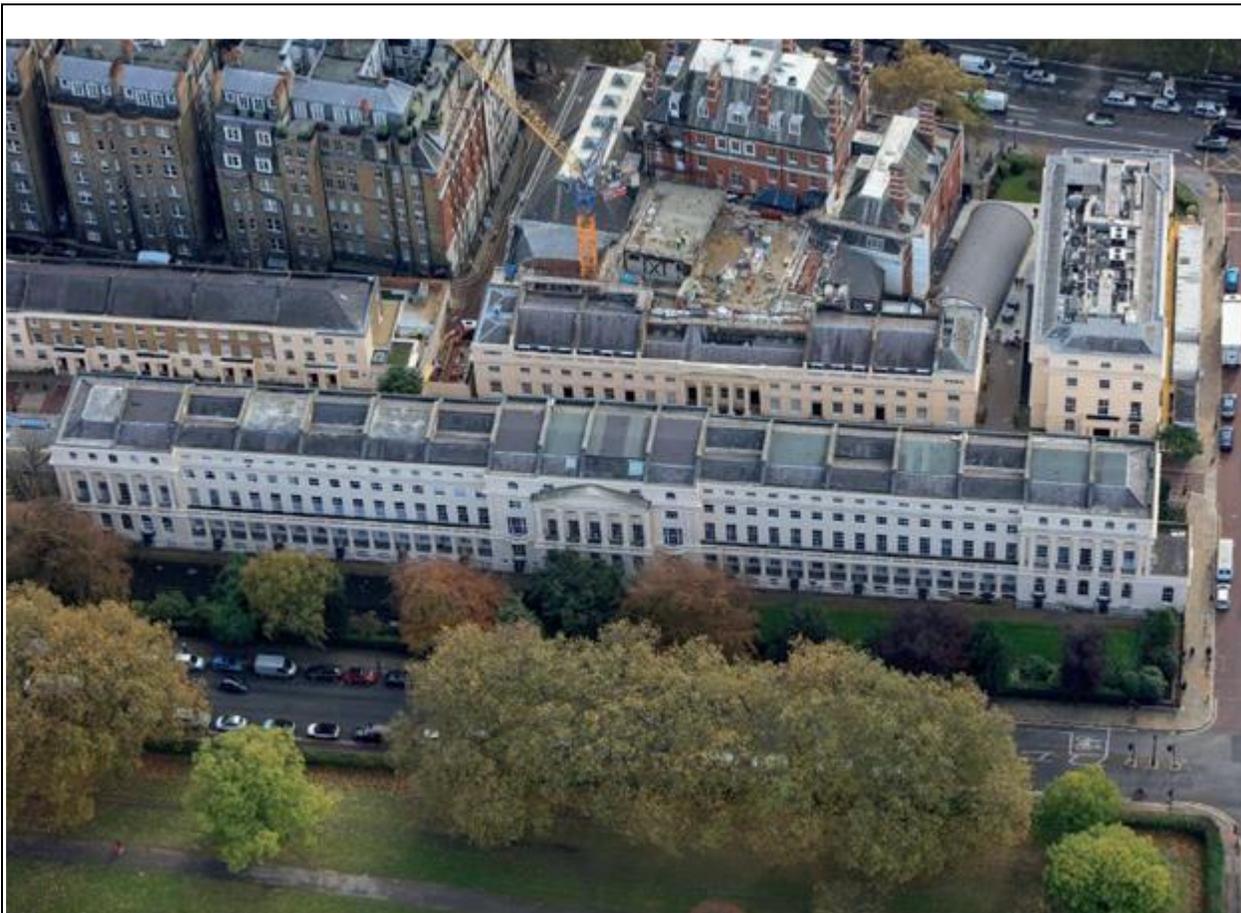
For the reasons set out within the report, the proposals are unacceptable in land use terms as the proposals fail to optimise the number of residential units on the site and recommended for refusal. Had the application been considered acceptable in land use terms, the proposals are considered acceptable in listed building, conservation and design terms.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial view of application site as seen from north (over Regents Park)



Subject site as seen from York Terrace East

5. CONSULTATIONS

WARD COUNCILLORS FOR REGENT PARK

Any response to be reported verbally.

WARD COUNCILLORS FOR MARYLEBONE HIGH STREET

Any response to be reported verbally.

HISTORIC ENGLAND

No response received, however for the previous application, they noted that the application should be determined in accordance with national and local policy guidance.

THE ST MARYLEBONE SOCIETY

Objection on the grounds that the number of units is being reduced from what was previously granted. Concerns of nearby residents are also reiterated which include, noise from the proposed airconditioning units noise and disturbance during the course of works

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

FRIENDS OF REGENTS PARK & PRIMROSE HILL

Any comments to be reported verbally.

CHILDREN'S SERVICES

No comment.

LONDON UNDERGROUND

No comment

TRANSPORT FOR LONDON

Any response to be reported verbally.

CROWN ESTATE PAVING COMMISSION

This application is an improvement over the earlier permission, 17/06973/FULL as it will reduce the number of pedestrians/ cars accessing the site. Clarification is required on a number of points, including discrepancies on drawings; external communal space lighting; removal and replacement of any railing are within the CEPC ownership; all landscaping although supported in principle are subject to CPEC approval.

THE GEORGIAN GROUP

Any response to be reported verbally.

THE VICTORIAN SOCIETY

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

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COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

BUILDING CONTROL

No response received, however in response to the previous application, no objections were made.

CLEANSING

No objection subject to condition requiring details of waste storage provision.

ARBORICULTURAL SECTION:

The basement extent is as approved under application 17/06973/FULL. Objections raised to the extent of tree removal as it is difficult to assess the differences in this regard to what has previously been approved.

HIGHWAYS PLANNING

No objection as the proposals are for similar arrangement to that approved under application 17/06973/FULL.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 553

Total No. of replies: 2

No. of objections: 2

No. of letters of support: 0

Two objections received raising the following concerns:

Amenity

Noise from the airconditioning units and the impact upon existing residential units.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site contains a grade I listed terrace located on the south side of Regent's Park and within the Regent's Park Conservation Area. The terrace forms part of John Nash's Regent's Park Crown Estate Development and was built between 1821-6. The site is also within the Marylebone and Fitzrovia area of the Central Activities Zone

The buildings, whilst vacant have last been in use as student accommodation (Use Class Sui Generis), a private school for 3-8 year olds and a rotary club (Both Use Classes D1).

6.2 Recent Relevant History

17/06973/FULL and 19/06974/LBC:

Planning permission and listed building consent was granted in June 2018 for the use of buildings as 21 new dwellings; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park. This was subject to a legal agreement to secure the provision of 44 affordable units at Chesterfield Lodge as the off site affordable housing.

Chesterfield Lodge, St John's Wood Terrace:

Planning permission was granted in January 2017 for the demolition of existing building and the erection of a four storey building to accommodate 44 residential dwellings (Class C3) and associated works including landscaping and the provision of car parking. (16/00492/FULL).

This permission was recently varied in design terms mainly and resolved to be granted at the Planning Committee of 24 September 2019 (19/04932/FULL). A deed of variation to the original legal agreement is awaiting completion to reflect this amended scheme at 1-18 York Terrace East..

7. THE PROPOSAL

Planning permission and listed building consent are sought for the use of buildings as 21 new dwellings; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park.

It should be noted that the applicant submitted two duplicate applications (19/04387/FULL and 19/04388/LBC), to run concurrently alongside the applications subject of this report, however these were returned to the applicant.

The proposals bring forward a substantial number of principles established as part of the extant consent including the excavation beneath the terrace to create a subterranean basement storey and the replacement of the non-original elements of the roof.

Table 1: The existing and proposed uses are set out in the table below: (taken from previous report)

	Existing Floorspace (sqm GIA)	Proposed Floorspace (sqm GIA)	Change (+/- sqm GIA)
Private School	672	0	-672
Rotary Club	218	0	-218
Student Accommodation	7,150		-7,150
Residential	0	10,318	+10,318
Total	8,040	10,318	+2,278

The size and mix of the proposed residential units is set out below:

Table 2 : Residential Mix

Unit No	No. of Bedrooms	Floorspace (sqm GIA)	Vault Area (sqm)
1(house)	7	1244	30
2	4	840	73
3	3	686	48
4	2	197	
5	4	443	
6	3	309	
7(house)	10	2083	80
8	3	180	23
9	1	116	
10	1	92	
11	1	149	
12	4	431	
13	3	297	
14(house)	6	1135	46
15	1	57	
16	1	58	
17	2	150	
18	1	100	
19	2	143	24
20	1	101	
21	1	100	24
Total		9983 (10,331)	348

Table 3: Below is a land use table showing the 'as consented' scheme for information:

Unit No	No. of Bedrooms	Floorspace (sqm GIA)
1	3	443
2	2	423
3	2	163
4	2	153
5	2	319
6	2	118
7	2	119
8	1	57
9	1	56
10	1	55
11	2	140
12	2	140
13	2	109
14	2	114
15	2	114
16	1	60
17	3	202
18	3	263
19	4	648
20	2	105
21	3	290
22	3	310
23	3	444
24	3	511
25	4	661
26	3	478
27(house)	5	1147
28(house)	5	923
Common circulation and amenity	n/a	904
TOTAL		10,248

No on-site car parking is proposed. However, the applicant still proposes using spaces in the basement level car park beneath 24-41 York Terrace East for the proposed units, as per the previous permission – this will equate to 21 spaces.

No on-site affordable housing is proposed as the applicant states it is not viable. The applicant is repeating their offer to pay for the construction of 44 off-site affordable units at Chesterfield Lodge St John's Wood Terrace. As per the previous 2018 permission, the applicant in their viability assessment has assumed a cost of £15 million to construct Chesterfield Lodge, and any under spend from the £15 million cost will be given to the Council's Affordable Housing Fund.

The applicant has submitted these proposals as they contend that over the course of the last year, London has witnessed a downturn in the prime residential market, and coupled with ongoing uncertainty surrounding Brexit, the extant no longer currently represent a viable development and therefore the development at Chesterfield Lodge will be stalled. The current proposals, are argued to improve the viability of the scheme and would ensure that the Chesterfield Lodge scheme is brought forward.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Student Accommodation

The principle of the loss of the student accommodation was agreed under application 17/06973/FULL and is acceptable in land use terms, given this permission is extant and there has been no material change in Council policy.

Loss of Social and Community Use

Again, there are no land use objections to the loss of the small rotary club and nursery school, as established under the 17/06973/FULL permission..

Proposed Residential use

As way of background, the Committee in January 2018 considered that the proposal for 13 houses failed to optimise the use of these buildings and was contrary to policy S14 of the City Plan and deferred the proposals. The applicant amended the proposals to provide 28 units (2 houses and 26 flats) and members resolved to be grant permission in March. It was agreed that this was the maximum amount of units, which could be viably provided on site and the applicant was proposing to construct 44 affordable units at Chesterfield Lodge as off-site affordable housing.

It is now proposed to reduce the number of units to 21 comprising 18 flats and 3 single dwelling houses. 12 of those units are family sized (as shown in the earlier proposals table). Accordingly, the proposed development would satisfy the unit mix requirements of policy H5 of the UDP.

Whilst all units meet and exceed the nationally described minimum space standard, the proposals include a number of very large units including a 1244sqm (10 bed house), 1244sqm (7 bed house), 1135sqm (6 bedroom house), 840sqm (4 bed flat) and 686sqm (3 bed flat) which are substantially larger than those previously approved. The largest unit is still 15 times the minimum space standard (as specified in the Technical Housing Standards for a 8 person, 6 bedroom house – the standards do not account for a 10 bed house).

In terms of optimising housing delivery, Paragraph 122 of the NPPF sets out that planning policies and decisions should support development that makes efficient use of land, taking into account matters including local market conditions and viability. Policy S14 of the City Plan, *Optimising Housing Delivery*, states that residential use is the

priority across Westminster and that the Council will work to achieve and exceed its borough housing target set out in the London Plan. The principle of a residential conversion of the site has previously been accepted, and under the current development plan remains acceptable in principle. Policy S14 goes on to state that *'the number of residential units on development sites will be optimised'*.

The extant consent delivers 28 residential units on site, and cross funds the deliverability of 44 affordable housing units at Chesterfield Lodge (referred to in the planning history of this report). The applicant now argues that the current viability of the extant scheme is now a major concern and the associated deliverability of Chesterfield Lodge is at risk. The applicant argues that in order to improve the viability of the scheme a reduction of unit numbers on site is needed. The reduction in unit numbers improves the gross internal area achievable per unit/house, and as a result improves the viability of the scheme. This has been set out in a viability assessment.

According to the applicants viability assessment, the scheme remains in deficit against the agreed site value benchmark, but is more viable than the previous scheme for 28 residential units and 21 units is the highest number of units that can be delivered in a scheme that is deliverable. The revised proposal will deliver a variety of unit sizes and types, from family homes to smaller 1 and 2 bedroom apartments. The applicant contends that the mix proposed by this application seeks to strike a balance between providing a variety of housing types and sizes whilst respecting the historical significance of the Grade I listed terrace, and seeking to deliver the off-site affordable housing development at Chesterfield Lodge.

The City Council has had the viability assessment independently assessed and whilst the City Council concur that this scheme is more viable than the previously approved scheme ((and more viable than the applicants viability assessment suggests (although still technically unviable)), the extant permission clearly demonstrates that the creation of 28 units on site is achievable, with little harm to the listed building. Officers therefore consider that the reduction in unit numbers, to create 'super prime' units, to improve the viability of the scheme, clearly fails to meet the requirements of S14 in that the scheme does not optimise the housing delivery on the site. And the application is therefore recommended for refusal on this basis

As a final point to note, in terms of density levels, the lowest density range suggested for a central area with a high PTAL rating of between 4 and 6 such as this is 140-290 units per hectare (as stipulated in table 3.2 of the London Plan). The density levels previously approved was 63 units per hectare based and whilst this fell short of the density required, on balance this was considered acceptable. The applicant has been asked to provide officers with the density levels of the current proposals, however this has not been forthcoming.

Affordable housing

It is not considered that it is viable to provide on-site affordable housing. As with the earlier approved scheme, through viability appraisal, officers agreed that an increase in unit numbers from 13 to 28 and the affect this had on the overall viability, it is agreed that it is not viable to provide on-site affordable housing.

Policy S16 does allow the consideration of offsite provision. As with the earlier approved scheme, the applicant is offering to pay for the construction of 44 units at Chesterfield Lodge. This scheme for the St Martins in the Fields Charity has already been granted planning permission, and when granted permission, Committee Members agreed there were exceptional circumstances to justify this scheme being treated as an affordable housing credit controlled by a memorandum of understanding (MoU). This MoU is valid for 10 years from the Committee resolution.

Officers previously accepted that the applicant's offer to pay for this off site scheme will result in the early delivery of this development which a single developer will fund. The Chesterfield Lodge development would deliver approximately 3,541 sq.m of floorspace, only slightly less than the policy compliant provision of 35% (3,587 sq.m) required for this proposal, at 34%. As with the earlier scheme had this application been acceptable, any under-spend from the cost as set out in the Cast Cost Plan would have been given to the Council's affordable housing, secured through a legal agreement.

Whilst it is recognised that this proposal will secure the deliverability of 44 affordable units at Chesterfield Lodge, it is not considered that these public benefits outweighs the failure of this proposal to optimise the residential use of York Terrace East.

8.2 Townscape and Design

It is not proposed to repeat the history and description of the site, or a detailed description of all the works or a detailed assessment of significance, all of which were contained within the original committee reports dated 23 January 2018 and 27 March 2018, which is included as a background paper to this report.

The comments below focus on this amended scheme and an assessment of impact on the significance of the affected heritage assets. The important considerations in assessing the proposals are the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant national and local policy context. Section 16 (2) of the Act states that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall 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."

Section 66 states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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."

Section 72 of the same Act states that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets

would comprise the building itself, its neighbouring listed buildings and the Regent's Park Conservation Area.

The main development plan policies of relevance are S25, S28 and CM28.1 of our City Plan; and DES 1, DES 5, DES 6, DES 9 and DES 10 of our UDP.

The Amended Scheme

The proposals centre on the conversion of the terrace for residential use, including three family houses at nos. 1-2, 8-11 and 17-18 York Terrace East, and the creation of apartments in the buildings at 3-7 and 12-16.

Externally, the proposals remain largely as the consented scheme. To the south elevation, the scheme would involve restoration of the single-storey screen wall by separating the middle entrances and reinstating all secondary service doors in their original locations. The existing historic doorways with their entry pavilions would be re-activated or reinstated as the primary entrances to the new houses, or, in certain cases, as the secondary entrances to the proposed double houses.

In locations where a new stair is to be constructed against the south elevation, there would be a benefit from the restoration of the windows to their historic half-landing positions. The external render and brickwork would also be repaired and restored to correct blemishes where old alterations and repairs have not been blended in.

The lightwells and service areas on the south side of the terrace would be cleared of their inappropriate extensions and alterations, to restore their original function and regularity. This would provide additional benefit of allowing more light into the lower ground floor rooms on this side of the terrace. The restored service areas would also naturally become the service areas of the new houses, with bin stores and bicycle storage provided here for each house.

The profile and roof line of the terrace would be restored through reinstatement of the historic M-profile to the roofs where historic structure remains, new slate coverings to all pitched roof areas, new lead flashings and guttering, and new chimney pots. Where no historic structure remains, it is proposed that the central valley of each roof be formed to introduce a concealed roof terrace, and the extent and locations of roof terraces remain as the consented scheme.

Internally, apart from the few remaining historic staircases, little evidence remains of the historic spatial hierarchy and finishes. It is proposed that this hierarchy be restored where appropriate through reinstatement of the historic plan form and hierarchy, along with appropriate finishes and ornamentation. This hierarchy will also be reinstated in section, as the vertical divisions between houses are repaired where possible and room hierarchies over the height of each house are re-established. These internal improvements will also benefit the external appearance of the buildings, made legible through patterns of use, lighting, and window treatments.

Party walls and historic staircases are to be retained, but it is proposed that all other internal building fabric be removed including internal walls, floors, and ceilings. This would enable the restoration of the character and scale of spaces that have been compromised by later structural interventions, such as the intrusive downstand beams in what were the principal rooms, while also upgrading the building services to a modern specification.

The interiors would also benefit from the reintroduction of characteristic decorative features that have been lost. These would include the provision of new historically detailed staircases (where historic stairs have been removed or replaced), the installation of period-style chimneypieces and suitably detailed joinery (skirting boards, architraves, doors and window shutters) and decorative plasterwork. These details would help return the interiors to their former glory.

It is also proposed that additional basement floor area is created to provide leisure facilities, plant rooms, and storage below the existing terrace and the shared gardens to the north side of the buildings. The proposed design of these basements minimises any effects on the historic buildings and respects the geometry and integrity of the houses above. The extent of the proposed basements and the provision for soil depth where they extend beneath the shared garden have both been determined in accordance with WCC guidelines.

Assessment of Impact and Design Conclusions

As with the earlier scheme, for the most part the proposals will have a benign or beneficial impact upon the significance of this grade I listed terrace. The fabric and features of highest significance are retained, refurbished and better presented; and even areas of lesser significance, such as the interiors, will be enhanced and benefit from the residential use. The improvements and repair work to the roofscape, the railings and the facades, particularly the treatment of the rear façade will enhance and complement not only the building but also its surrounding Regency townscape. Overall, the scheme offers the potential to secure a long-term sustainable use for the building, alongside conserving its significance.

There will be some harm to significance with the loss of floor structures and some original wall structure, mainly at lower ground floor level. This harm would fall within the category of 'less than substantial' and thus in accordance with the NPPF, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This weighing exercise must still be undertaken being mindful of the statutory duty 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 applicants have cited numerous public benefits associated with the proposed scheme including the following:

- *“Provision of 21 high quality private residential dwellings which seek to optimise the delivery of residential dwellings within this Grade I listed building*
- *Return of the grade I terrace to its original residential use and reinstatement / retention of numerous historical features;*
- *Comprehensive landscaping scheme based upon Nash’s original vision for this part of the Regents Park Master plan*
- *Provision of 44 off site affordable housing units within close proximity to the application site.”*

While there are numerous enhancements to the buildings, the extent to which these result in public benefits is somewhat ambiguous and some aspects of the interior works are more closely aligned to private benefits and works which would inevitably occur with any refurbishment scheme. Nevertheless, the proposed works of enhancement and refurbishment to the exterior, including repairs to railings, the south-facing façade and the re-instatement of chimney stacks and chimney pots; alongside the re-use of the original entrances to serve a residential use, would certainly amount to a quantum of public benefit.

In these circumstances whilst these particular proposals are unacceptable in land use terms, it is considered, mindful of our statutory duties, the elements of the terrace which are of the highest significance will be enhanced and many of these enhancements, will also have a beneficial impact upon the Regent's Park Conservation Area and upon the setting of neighbouring listed buildings. As such the proposals are acceptable in design and listed building terms and in accordance with referenced policy and legislation.

8.3 Residential Amenity

Policy S29 of the City Plan and 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 I 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.

This amended scheme does not involve any changes which would change the impact on neighbouring amenity in terms of loss of light, sense of enclosure or privacy, over what has previously been approved.

Two objections to the proposals have been received on the impact of the rooftop airconditioning units, notably those to the eastern side of the development and the impact upon existing York Terrace East residents. The plant shown on the current drawings is in the same location as previously approved. Whilst Environmental Health officers have not commented on this application, the details submitted are exactly the same as those previously submitted, which were considered acceptable. It is not considered that the plant proposed would harm the amenity of neighbouring properties and had the application been considered acceptable would have been controlled by conditions.

8.4 Transportation/Parking

As per the previous arrangements approved, although no off-street parking is provided on the site itself, the applicant proposes that car parking spaces would be secured at 24-41 York Terrace East. The previous application would have secured 28 car parking spaces, however given the reduction in the number of units in this application to 21, the applicant proposes also to reduce the number of spaces to 21. The existing carparking spaces at 24-41 York Terrace do not serve existing residential properties. This was previously accepted by the planning committee upon the recommendations of officers

and the Highways Planning Manager that no objection would be raised and the proposal would be policy compliant.

With regards to cycle parking, the proposals do not differ to those previously approved.

8.5 Economic Considerations

No new issues are raised.

8.6 Access

No new issues are raised.

8.7 Other UDP/Westminster Policy Considerations

Trees:

The arboricultural officer raised an objection to the extent of tree removal as it is difficult to assess the differences in this regard to what has previously been approved. It appears that the works are the same as those previously approved, however had the application been considered acceptable, officers would have sought further clarification.

The basement extent is as approved under application 17/06973/FULL.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 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 and subject to 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 is no neighbourhood plan for this area.

8.10 London Plan

This application raises no strategic issues. The relevant housing policies from the London Plan are raised within 8.1 of this report.

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.

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8.12 Planning Obligations

As the planning application is recommended for refusal, no planning obligations sought.

CIL payments of £1,500,221.40 (WCC CIL) and £176,000.00 (Mayors CIL), totalling £1,676,221.40 would have been liable had the application been considered acceptable.

8.13 Environmental Impact Assessment

The proposal does not require an Environmental Impact Assessment. No changes to the extent of basement excavation are proposed when compared to the previous proposal.

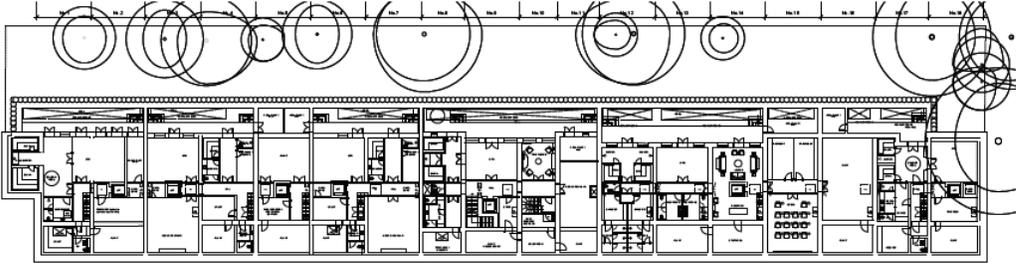
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk
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9. KEY DRAWINGS**NB – EXISTING AND ‘AS APPROVED’ DRAWINGS AVAILABLE IN PREVIOUS REPORTS**

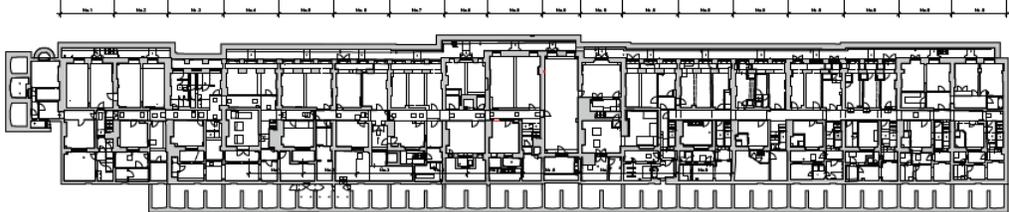
Artists impression of terrace, showing roof level alterations and lightwells and landscaping to north elevation.

Proposed Basement and Existing and Proposed Lower Ground

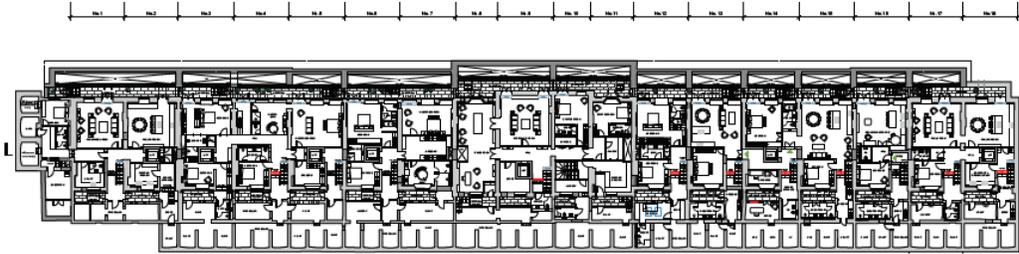
BASEMENT FLOOR PLAN
AS PROPOSED



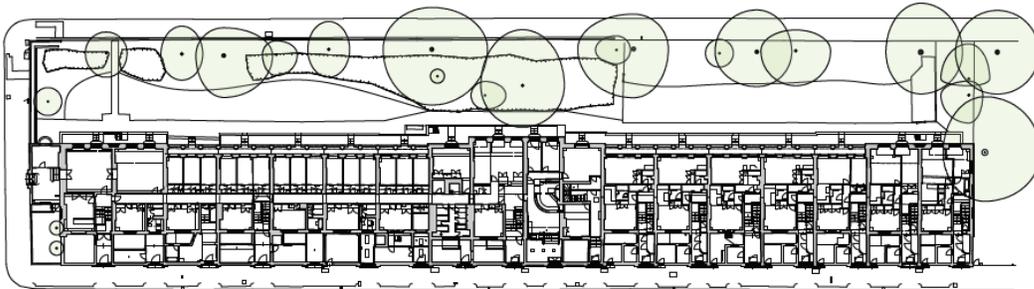
LOWER GROUND FLOOR
PLAN AS EXISTING



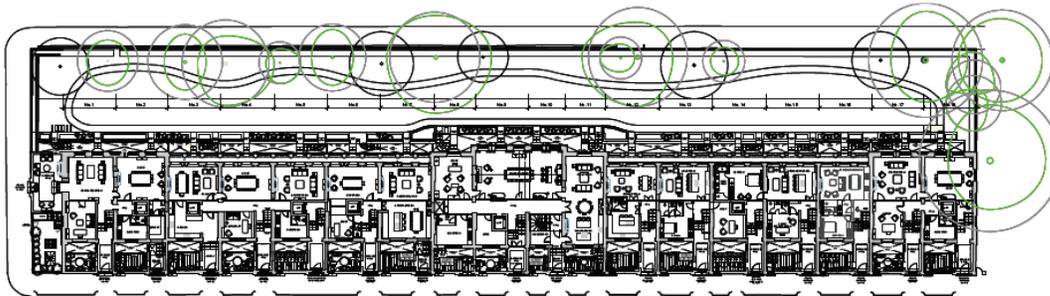
LOWER GROUND FLOOR
PLAN AS PROPOSED



Existing and Proposed Ground Floor

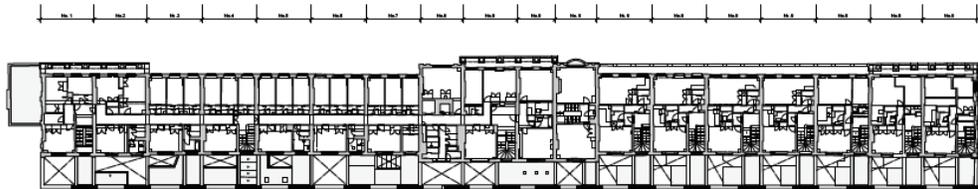


GROUND FLOOR PLAN AS EXISTING

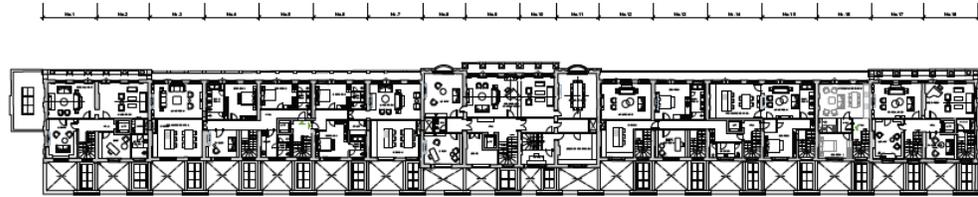


GROUND FLOOR PLAN AS PROPOSED

Existing and Proposed First Floor (typical floor plan)



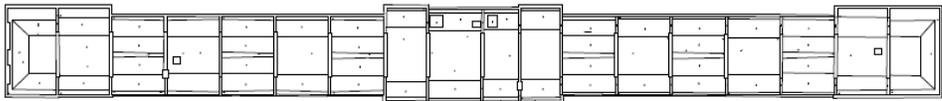
FIRST FLOOR PLAN AS EXISTING



FIRST FLOOR PLAN AS PROPOSED

Existing and Proposed Roof Plan

ROOF PLAN AS EXISTING



ROOF PLAN AS PROPOSED



Existing and Proposed South (rear) Elevation

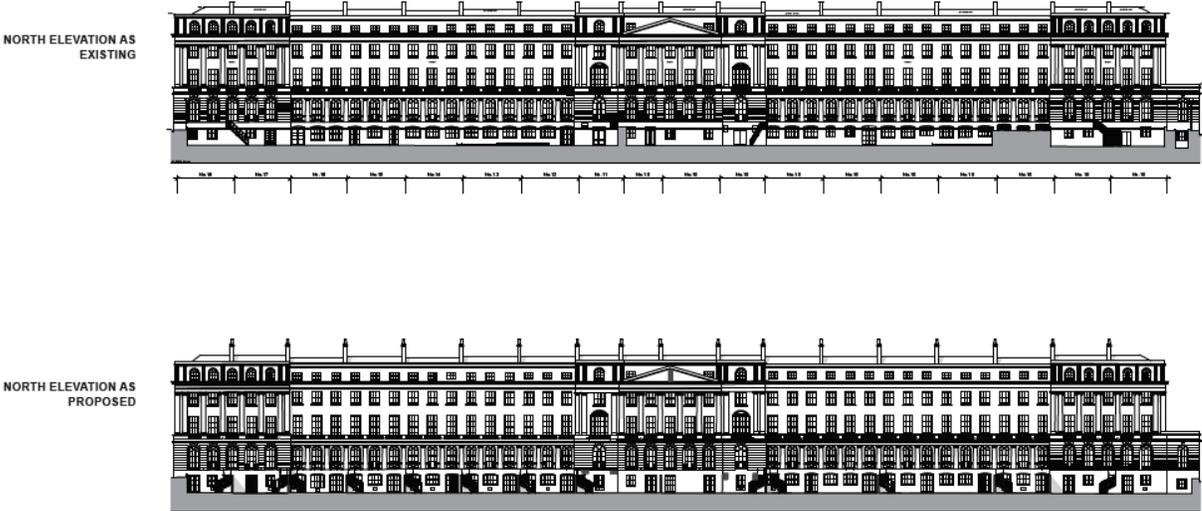


SOUTH ELEVATION AS EXISTING



SOUTH ELEVATION AS PROPOSED

Existing and Proposed North (front) Elevation



DRAFT DECISION LETTER – 19/04384/FULL

Address: 1-18 York Terrace East, London, NW1 4PT,

Proposal: Use of buildings as 21 new dwellings; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park. (Linked to 19/04385/LBC)

Plan Nos: 1957:(00)000 P1;(00)003 P1; (00)004 P1; (00)005 P1; (00)006 P1; (00)007 P1; (00)008 P1; (00)009 P1; (00)010; (00) 010 P1; (00)011 P1; (00)012 P1; (00)013 P1; (00)014 P1; (00)100 P1; (00)101 P1; (00)102 P1; (00)103 P1; (00)104 P1; (00)105 P1; (00)106 P1; (00)107 P1; (00)108 P1; (00)109 P1; (00)201 P1; (00)202 P1; (00)203 P1; (00)204 P1; (01)322 P1; (01)323 P1; (01)323P1; (01)324 P1; (01)325 P1; (01)326 P1; (01)327 P1; (01)328 P1; (01)329 P1; (01)330 P1; (01)331 P1; (01)332 P1; (01)333 P1; (02)320 P1; (02)321 P1; (02)322 P1; (02)323 P1; (02)324 P1; (02)326 P1; (02) 327 P1; (02)328 P1; Design (02)329 P1; (02)330 P1; (02)331 P1; (02)332 P1; (02)333 P1; (02)340 P1; (02)341 P1; (02)342 P1; (02)350 P1; (02)351 P1; (02)352 P1; (02)353 P1; (02)354 P1; (02) 355 P1; Design and Access Statement by PDP dated 24 April 2019; Heritage Statement by Donald Inshall Associates dated April 2019; For Information Only: Construction Management Plan by Walter Lily dated 5 April 2019; Transport Impact Statement by WSP dated 22 March 2019; Sustainability and Energy Strategy by Hoare Lee dated 27 March 2019; Sustainability Statement by Hoare Lee dated 27 March 2019; Environmental Noise Survey by Hoare Lee dated 22 March 2019; Air Quality Assessment by Hoare Lee REV 5 dated 16 April 2019 ; Structural Method Statement by Waterman dated July 2017; Drainage Strategy by Waterman dated March 2019; Archaeological Assessment by Waterman dated July 2017; Arboricultural Report by Ruskins Tree Consultancy dated December 2017; Landscaping Scheme by Any Sturgeon Design; Preliminary Ecological Appraisal by Waterman.

Case Officer: Kimberley Davies **Direct Tel. No.** 020 7641 5939

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

- 1 It is considered the proposals to use the buildings as 21 units fails to optimise the number of residential units, and this is reflected in the size of a number of the units, well in excess of the Nationally Described Space Standards. As such the proposal fails to comply with policy S14 of the City Plan that we adopted in November 2016. It is not considered that the proposal to pay for 44 affordable units at Chesterfield Lodge as the off-site affordable housing outweighs the failure to optimise.

Informative(s):

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

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practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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

DRAFT DECISION LETTER – 19/04385/LBC

Address: 1-18 York Terrace East, London, NW1 4PT,

Proposal: Use of buildings as 21 new dwellings; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park. (Linked to 19/04384/FULL)

Plan Nos: 1957:(00)000 P1;(00)003 P1; (00)004 P1; (00)005 P1; (00)006 P1; (00)007 P1; (00)008 P1; (00)009 P1; (00)010; (00) 010 P1; (00)011 P1; (00)012 P1; (00)013 P1; (00)014 P1; (00)100 P1; (00)101 P1; (00)102 P1; (00)103 P1; (00)104 P1; (00)105 P1; (00)106 P1; (00)107 P1; (00)108 P1; (00)109 P1; (00)201 P1; (00)202 P1; (00)203 P1; (00)204 P1; (01)322 P1; (01)323 P1; (01)323P1; (01)324 P1; (01)325 P1; (01)326 P1; (01)327 P1; (01)328 P1; (01)329 P1; (01)330 P1; (01)331 P1; (01)332 P1; (01)333 P1; (02)320 P1; (02)321 P1; (02)322 P1; (02)323 P1; (02)324 P1; (02)326 P1; (02) 327 P1; (02)328 P1; Design (02)329 P1; (02)330 P1; (02)331 P1; (02)332 P1; (02)333 P1; (02)340 P1; (02)341 P1; (02)342 P1; (02)350 P1; (02)351 P1; (02)352 P1; (02)353 P1; (02)354 P1; (02) 355 P1; Design and Access Statement by PDP dated 24 April 2019; Heritage Statement by Donald Insall Associates dated April 2019; For Information Only: Construction Management Plan by Walter Lily date 5 April 2019; Transport Impact Statement by WSP dated 22 March 2019; Sustainability and Energy Strategy by Hoare Lee dated 27 March 2019; Sustainability Statement by Hoare Lee dated 27 March 2019; Environmental Noise Survey by Hoare Lee dated 22 March 2019; Air Quality Assessment by Hoare Lee REV 5 dated 16 April 2019 ; Structural Method Statement by Waterman dated July 2017; Drainage Strategy by Waterman dated March 2019; Archaeological Assessment by Waterman dated July 2017; Arboricultural Report by Ruskins Tree Consultancy dated December 2017; Landscaping Scheme by Any Sturgeon Design; Preliminary Ecological Appraisal by Waterman.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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.

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

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the development contributes to the character and appearance of the Regent's Park 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.

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

- i) new windows;
- ii) typical details of new doors;
- iii) typical lantern lights, rooflights and sliding box roof lanterns to main roof terraces;
- iv) new chimney stacks and pots;
- v) external lighting;
- vi) secondary glazing showing interface with retained window joinery;
- vii) typical internal refurbishment including internal doors, architraves, skirting boards, shutters, fireplaces, new staircases and lighting;
- viii) new staircases;
- ix) plant enclosures / screens;
- x) external lightwell details including new stairs and modifications to existing bridging stairs;
- xi) new railings to north lightwell;
- xii) bin and bicycle storage structures;
- xiii) ventilation and other services terminations at façade;
- xiv) all proposed works to entry steps in south façade entrance screen.

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

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the development contributes to the character and appearance of the Regent's Park 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.

- 4 You must apply to us for approval of full details of the following parts of the development:

- i) a detailed specification for stucco repairs;
- ii) the proposed works of cleaning, repairs and new brickwork to the south façade. These details should include a sample panel of brickwork (minimum 1m x 1m) which demonstrates the cleaned finish, bonding details and pointing finish.

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

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the development contributes to the character and appearance of the Regent's Park 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.

5 You must apply to us for approval of full details of the following parts of the development:

- i) A detailed methodology for the dismantlement, storage, repair (where appropriate) and re-assembly of the historic roof structures to nos. 1, 3, 5, 6, 13, 14, 15, 16 and 17;
- ii) A detailed methodology for the dismantlement, storage, repair (where appropriate) and re-assembly of the historic railings to the communal garden and elsewhere to the perimeter of the site;
- iii) Full details of means by which retained historic staircases are to be protected during construction works and any works of repair/alteration.

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

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the development contributes to the character and appearance of the Regent's Park 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.

6 You must apply to us for approval of full details of the following parts of the development:

- methodology and location of damp-proofing works to retained historic fabric.

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

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the development contributes to the character and appearance of the Regent's Park 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.

7 All new external rainwater and soil pipes shall be in cast-iron and painted black. They must be maintained in that colour thereafter.

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 Regent's Park 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)

- 8 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 Regent's Park 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 are advised that whilst listed building consent has been granted for the works listed in the decision notice, planning permission has not been granted for the use or the works, as listed.
- 3 With respect to the condition requiring samples of facing materials you are advised that in regard to the new roof covering we will expect this to be a natural Welsh slate.
- 4 With respect to condition requiring details of treatment of brickwork to the south façade, you are advised that despite proposal to clean the brickwork, we may conclude that some degree of toning (sootwash) is ultimately required in order to ensure a consistent appearance.

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With respect to condition relating to damp-proofing, we would expect a membrane system to be considered rather than a render system.

- 6 With respect to condition requiring details of internal doors, we may consider it appropriate to incorporate jib doors where any new doors are formed in main party walls - this will particularly be the case within main rooms facing towards the park.

- 7 With respect to condition requiring details of internal lighting, this can be in the form of a schedule of luminaires and a set of key plans indicating locations. The installation of recessed downlighters into main room spaces, particularly on ground and first floors and in rooms facing the park are unlikely to be supported other than for bathrooms.

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 November 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	104 Great Portland Street, London, W1W 6PE		
Proposal	Use of basement and ground floor as a restaurant / cafe (Class A3); installation of a new shopfront; an extract duct on the rear elevation of the building to terminate at main roof level and ventilation ducts at rear first floor level with visual screening.		
Agent	Citizen Architects Limited.		
On behalf of	Mr R Bertuccelli		
Registered Number	19/06282/FULL	Date amended/ completed	9 August 2019
Date Application Received	9 August 2019		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional planning permission.
--

2. SUMMARY

104 Great Portland Street is an unlisted building located within the East Marylebone Conservation Area. The property comprises of basement, ground and first to fourth floor levels. The first to fourth floors of the property are currently in use as office accommodation (Class B1). Planning permission was granted in March 2018 for the use of the retail unit at ground and basement levels as a restaurant, but this application has not been implemented. Unauthorised works did however take place to use the lower floors for a retail/restaurant use (a sui generis use), but this use has now ceased and the lawful use of these floors is again considered to be for retail purposes (Class A1).

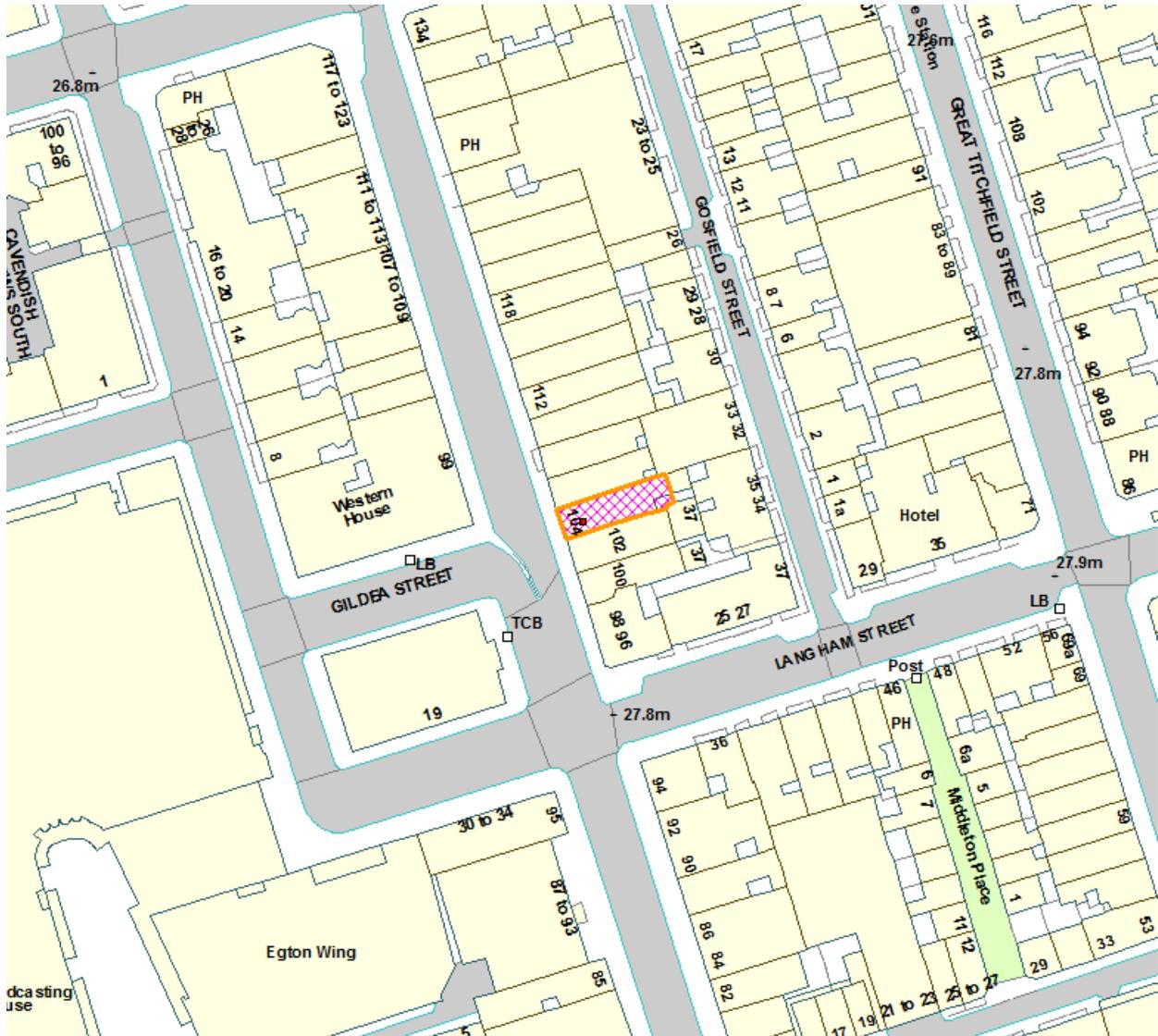
Planning permission is again sought for the use of the basement and ground floors as a restaurant, however this application seeks the installation of a high-level extract duct with screening on the rear elevation and retention of lowered air intake ducts with new screening on the rear ground floor roof.

The key issues are:

- The impact of noise from the plant operation on the amenity of nearby sensitive occupiers.
- The impact of the proposed use on the amenity of nearby sensitive occupiers.

The loss of the retail accommodation has previously been accepted, and subject to appropriate conditions, it is also considered that the proposed restaurant use, and associated extract and ventilation plant, will be acceptable in terms of its impact upon residential and visual amenity in the vicinity. The proposal is therefore considered acceptable in land use, transport, design and amenity terms. The application is recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS

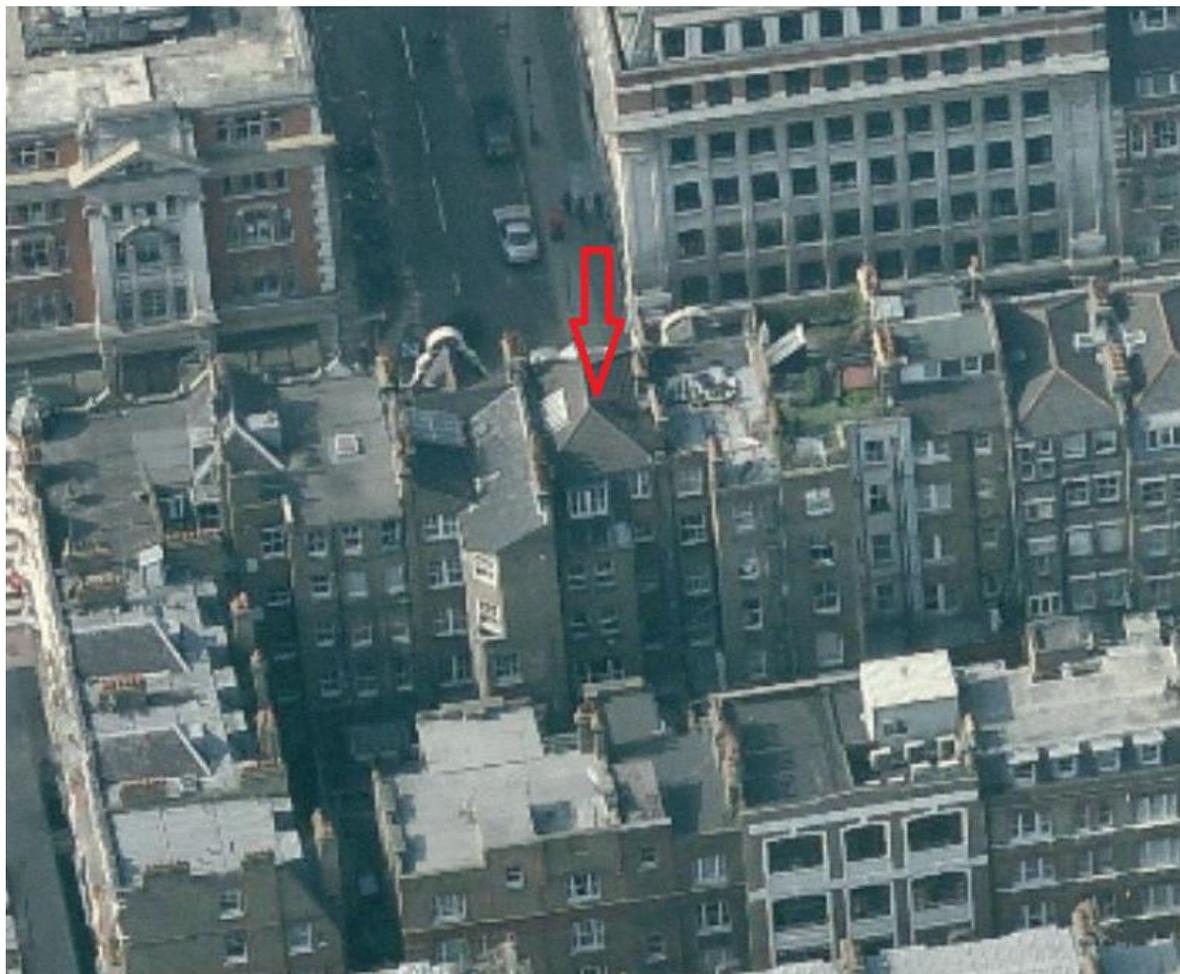
Front Elevation



Rear Elevation



Rear elevation



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING TEAM

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

WASTE PROJECTS OFFICER

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 75

Total No. of replies: 4 letters of objection on the following grounds:

Amenity:

- *Increase in noise disruption from the operation of the plant items.
- *Inaccuracies in the acoustic report including background noise measurements and identification of sensitive properties
- *Plant currently operates at unauthorised hours.
- * Requirement for assessment of noise generated from the operation of the low-level vents.
- *Increased opening hours of the premises will result in additional disturbance to residents.

Design:

- *Proposed high level extract is unsightly and will detrimentally impact the appearance of the building and wider area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

104 Great Portland Street is an unlisted building located within the East Marylebone Conservation Area and on a 'named street' outside of any designated stress area. The building comprises a commercial unit on the basement and ground floors with office accommodation on the first to fourth floor levels.

Planning permission was granted in 2018 for the use of the basement and ground floors as a restaurant (Class A3). The lawful use of the ground floor and basement at that time was retail accommodation. Following this permission, alterations took place at the

property including the use for retail/restaurant purposes (a sui generis use), the installation of a new skylight, kitchen extraction ducting and a new shopfront however none of these alterations were in accordance with the approved drawings. A different shopfront has been installed with full glass, no stallriser and the door in the wrong location, the original consent included an internal extract duct through the building whilst a low level extract at the rear of the property has been installed, there were also a number of conditions relating to a management plan and obscure glazing in the rear skylight which have not been discharged or complied with. It is therefore not considered that the March 2018 consent has been implemented and the lawful use of the ground and basement is still considered as retail accommodation (Class A1).

The retail/restaurant use has now ceased and the unit is vacant.

6.2 Recent Relevant History

In March 2018 planning permission was granted for the use of the basement and ground floors as a restaurant (Class A3), installation of a new shopfront and replacement rooflight at rear first floor level. Installation of an internal high-level extract duct to terminate at main roof level.

In February 2019 planning permission was refused for the use of the basement and ground floor as a restaurant (Class A3), installation of a new shopfront and erection of ductwork at rear first floor level. The permission was refused on the grounds of design, materials and proportions of the proposed retained shopfront; the size and location of the proposed ducts at the rear, and that the retained low-level extract duct would not provide a suitable means of odour dispersal.

In May 2019 an application for the use of basement and ground floors as (Class A3) use, alterations to the shopfront and installation of a recirculation extraction system (part retrospective application) was withdrawn.

In May 2019 a breach of condition notice (BCN) was served requiring the installation of the high-level duct in compliance with Condition 8 of the 2018 permission. The BCN is currently being held in abeyance on determination of this application.

7. THE PROPOSAL

Planning permission is now sought for the use of the premises as a restaurant, the installation of a high-level extract duct on the rear elevation with cladding, alterations to the shopfront and retention of two air intake ducts in the roof of the rear ground floor roof with new screening.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Retail

There is an extant consent from March 2018 for the use of the basement and ground floors as a restaurant. It was previously determined that the loss of the retail unit in this location was acceptable in terms of Policy S8 and S21 of the City Plan and SS5 of the

UDP and this is again considered the case as there have been no substantive policy changes in the interim period with regard to this issue, or the immediate surroundings of the site, such that a refusal on these grounds could be sustained.

Restaurant use

The proposed restaurant over ground and basement levels of the building would measure 220m². An entertainment unit of this type and size located on a named street outside of a designated stress area would be considered against Policies TACE 8 of the UDP and S24 of the City Plan. The City Council assesses restaurant applications with regard to any adverse impact (including cumulative effects) resulting from noise, vibration, odour, late night activity or traffic implications.

The proposed restaurant is still considered acceptable with regard to the stipulations of policies TACE8 and S24 including the impact on the character and function of the area, the potential for traffic problems, servicing, waste and ancillary bar areas. The application proposes extended opening hours (when compared to the original consent) to between 08:00 and 00:00 (midnight) Monday to Saturday and 08:00 till 23:00 on Sundays. The original consent allowed opening hours of 12:00 till 22:30 daily.

The immediate vicinity along Great Portland Street is characterised mainly by restaurant and retail units on the lower floors and office or residential uses on the upper floors. The nearest residential units are located on the upper floors of 102 Great Portland Street and 106 Great Portland Street, being the adjoining properties to the north and south of the application site. Paragraph 8.88 of the UDP states, 'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'. The proposed opening hours therefore accord with this approach and would be similar to other licensed premises in the vicinity, including:

Picture Restaurant at 110 Great Portland Street with hours of opening Monday to Saturday 10:00 – 00:30 and Sunday 12:00 – 00:00.

Sushi Atelier at 114 Great Portland Street with hours of opening Monday to Thursday 07:00 – 23:45, Friday to Saturday 07:00 – 00:15, Sunday 07:00 -22:45.

Roast Restaurant at 94 Great Portland Street with hours of opening Monday to Thursday 07:30 – 23:30, Friday 07:30 – 00:00, Saturday 09:00 – 00:00 and Sunday 10:00 – 21:30.

An objection has been received from a neighbouring residential occupier concerned that the new restaurant unit may result in additional noise nuisance later in the evening. However, the proposal is for a relatively small restaurant unit with limited covers (55) and opening hours similar to other units in the immediate vicinity. A condition is also proposed stating that no music can be played in the premises which is audible externally or within adjoining properties and requiring the submission of an Operational Management Plan to show management processes that will be adopted to prevent noise nuisance from the restaurant operation. The previous consent also included conditions restricting deliveries to between 07.00 and 22.00 hours on Monday to Saturday and not at all on Sundays, and stating that no delivery service could take place from the premises and these are again included to prevent noise nuisance and potential blocking of the public highway.

The current application includes the installation of a new high-level extract duct on the rear elevation on the premises with appropriate cladding. The applicant has confirmed that the duct and associated cladding would only be affixed to the building itself and not to the neighbouring building (102 Great Portland Street). The duct will terminate at roof level and Environmental Health have assessed the application and determined that the duct will provide a suitable method of odour dispersal. A condition is proposed requiring that the high-level extract duct is installed before the restaurant use can operate.

8.2 Townscape and Design

104 Great Portland Street is an unlisted building located within the East Marylebone Conservation Area. The proposals are for alterations and replacement of the current unauthorised shopfront and alterations in relation to the installation of a high-level duct to replace an existing unauthorised low-level installation. A number of objections have been received to the proposals in design terms principally relating to the high-level duct as being unsightly and objecting to the visual impact. The duct in the application has been negotiated and detailed to sit tightly against the rear wall and is brick clad to match existing adjacent brick for its full length. The proposal is also to reconfigure the two low level vents and enclose them within a louvred screen. The reconfigured vents would then be of a similar height to the party wall between the two properties and as a result would be acceptable in visual amenity terms. The design has been negotiated with officers to have as little visual impact as possible and the current arrangement is considered to be acceptable in design terms.

The proposals for a replacement shopfront have been negotiated to reflect the shopfront as previously approved and it is therefore acceptable in design terms subject to conditions. The proposals are considered acceptable in design terms and to accord with DES 1, DES 5, DES 9 and SPG Shopfronts, Blinds and Signs.

8.3 Residential Amenity

Privacy

The previous consent for the restaurant use included a condition requiring that the glazing installed in the rear skylight be opaque glass, due to the potential for overlooking of other windows on the upper floors of neighbouring properties. The applicant has requested that this condition is not included. This is considered acceptable given that the installed skylight is no larger than the previous skylight and there is very limited potential for customers within the premises to affect the privacy of occupiers of the upper floors of neighbouring buildings. A condition is included to ensure the rooflight is fixed shut to reduce the potential for noise outbreak from the unit.

8.4 Transportation/Parking

It is not considered the proposed restaurant operation would result in any additional servicing requirements when compared to the lawful retail use. The site is also within a Controlled Parking Zone and therefore all customers wishing to drive to the premises will have to accord with the on-street parking restrictions. To minimise the impact of the proposed use on the highway network a condition is imposed to ensure no delivery

service takes place from the premises as delivery vehicles can reduce the availability of parking for other users and generate additional noise and pollution.

The Highways Planning Manager requested the addition of a condition requiring the provision of cycle parking spaces within the demise of the premises however, this is not considered practical where cycles would need to be taken in and out of the main customer entrance.

8.5 Economic Considerations

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

8.6 Access

There is existing stepped access into the unit and it is not possible to remove this due to the structure of the building. A toilet is provided at the rear of the ground floor.

8.7 Other UDP/Westminster Policy Considerations

Plant

In relation to noise from the proposed ducting the application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant.

The acoustic report states that the plant will operate between the hours of 07:45 and 22:30 daily. This means that the extraction plant would need to be turned off before the restaurant has closed to customers. The applicant has been made aware of this and states that the plant will be turned off at 22:30 as after this time the restaurant is only open for customers to finish their food / drinks. The applicant has agreed to the imposition of a condition restricting the hours to operation of the plant to those set out in the acoustic report.

The lowest background noise levels were recorded as being 44dB during the period for which the plant will operate which equates to a design criteria of 39dB. The report assesses noise levels to the windows 2m distant from the extract terminus (being the fourth floor windows of the building itself) with expected noise levels from the plant operation of 38dB during the proposed hours of operation. These noise levels are compliant with the City Council noise criteria as detailed above. This is with silencers installed on the ducting which have been conditioned.

Objections have been received to the proposal from neighbouring residents concerned that the previous plant generated noise complaints and that the proposed plant might also result in a noise nuisance. They consider that noise from the operation of the existing unauthorised extract duct at the rear of the property would have increased the measured background noise measurements. The objectors suggest that the background noise levels should (with unauthorised plant switched off) be lower and the plant now proposed would require further acoustic mitigation to comply with the council criteria. Objectors also suggest that the inclusion of 3dB for noise reverberation at the rear of the

property is too low and it should be higher. The Environmental Health Officer who considered the submitted acoustic information has been made aware of the objections and provided with an acoustic report commissioned by a neighbour in relation to the unauthorised plant. They have compared the background noise measurement in the current report with an acoustic report from 2017 and they are broadly similar measurements. They therefore conclude that the submitted acoustic report is accurate. The Environmental Health Officer has requested that a condition is imposed on any approval requiring the submission of a post installation survey to demonstrate compliance with the City Council standard noise criteria. This condition is included as requested and conditions are also imposed to ensure the installation and retention of the acoustic mitigation measures as detailed in the report.

One of the objectors is concerned that their property has not been directly referred to in the acoustic report, however, the acoustic report records the nearest sensitive window as being the fourth floor window in the building itself (actually serving office accommodation). This window is 2m from the termination point of the high level duct and therefore closer than the objectors window. It is considered using the fourth floor window of the building itself has therefore resulted in more stringent noise criteria.

The objector has raised concern about the potential for noise disturbance from the operation of the lowered ventilation ducts at the rear of the property. The applicant has confirmed that one of these is entirely passive with no associated fan and provides air intake, the other is to allow for heat escape and serves cooling plant located within the basement of the building. Environmental Health have confirmed that these vents are unlikely to cause any noise issue but has included a condition requiring the submission of a supplementary acoustic report demonstrating all the plant (including the vents) is compliant with the City Council standard noise criteria. The condition also requires that the plant is not operated until this report has been deemed acceptable by the City Council.

Refuse /Recycling

Storage areas are identified in the basement of the premises which could easily accommodate the waste and recycling requirements of the premises. The Cleansing Manager has requested the addition of a condition to any approval to require amended drawings to show the provision of separate food, waste, recycling and cooking oil storage areas to be provided and made permanent. A condition is attached to request this information.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 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 and subject to 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

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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 raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

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

8.12 Other Issues

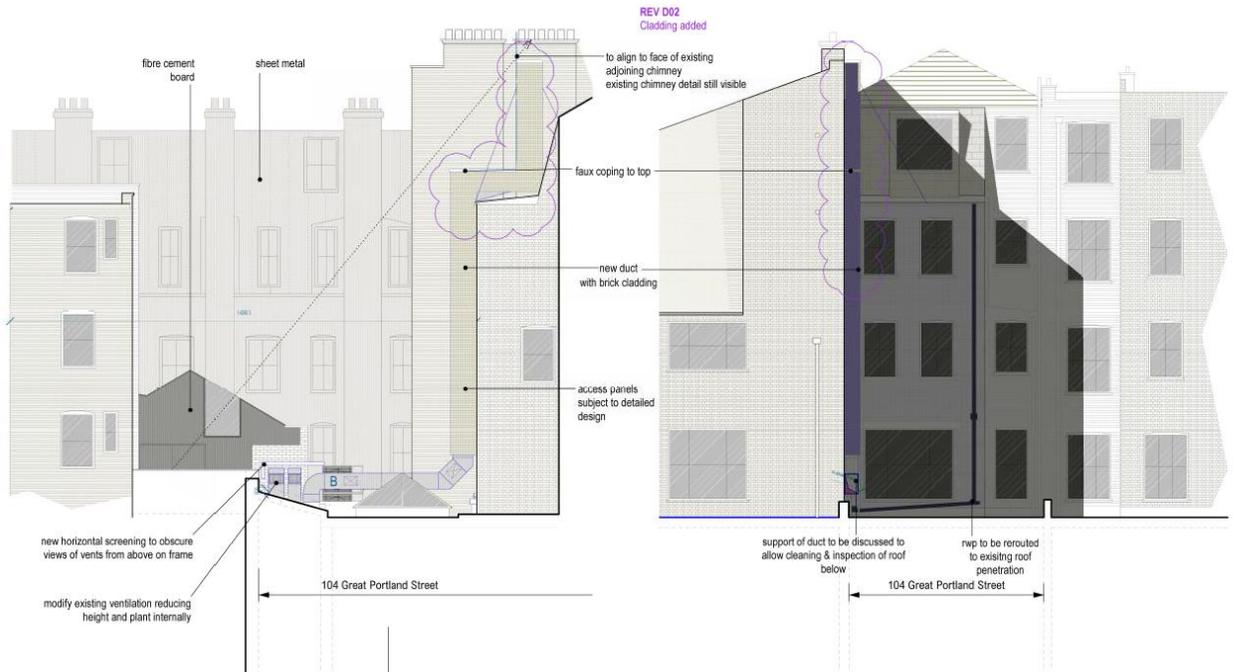
None relevant.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT JPALME@WESTMINSTER.GOV.UK
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9. KEY DRAWINGS

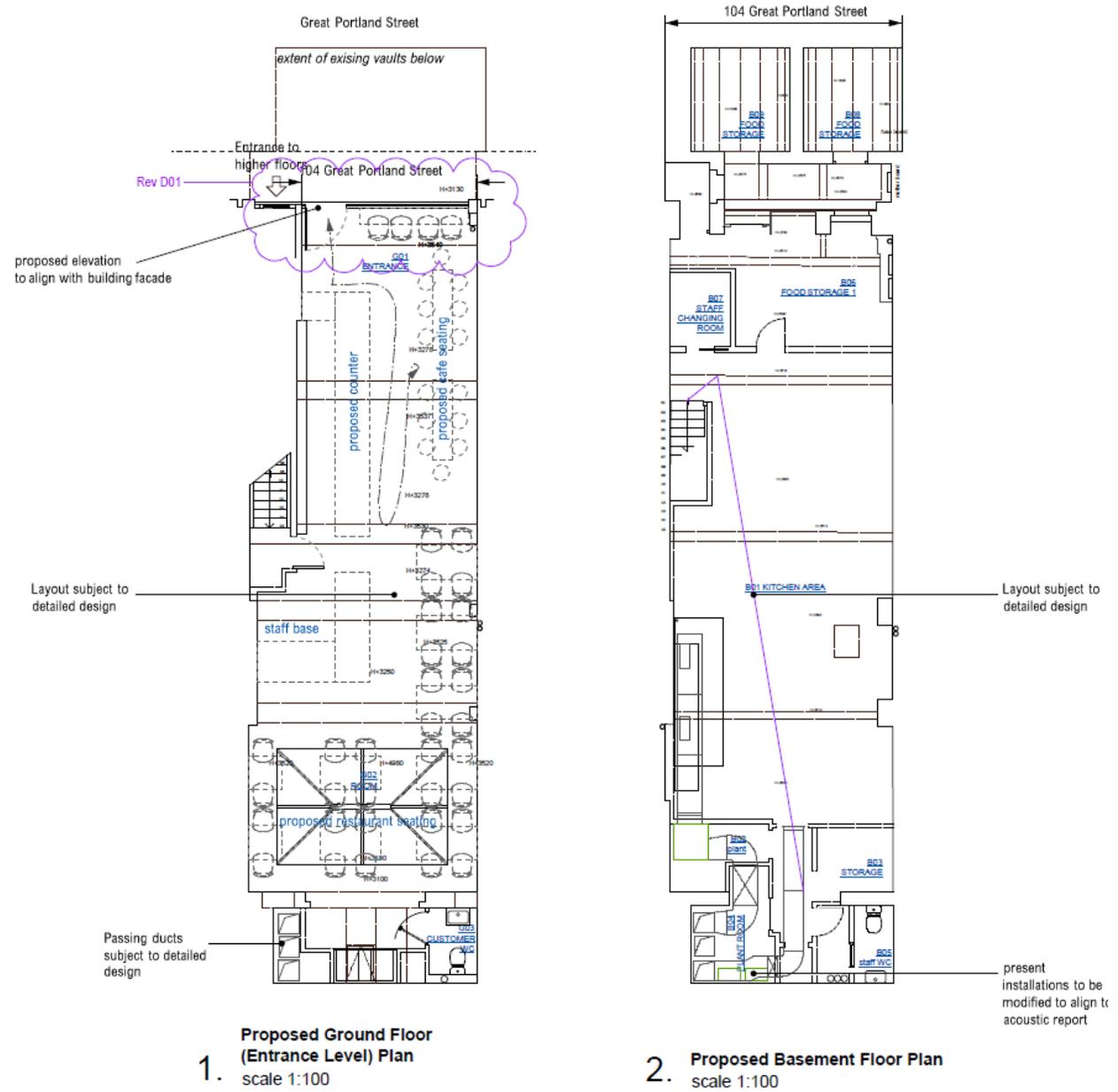
Proposed extract duct on the rear elevation:



1. Rear Space Side Elevation looking south
scale 1:100

2. Rear Elevation
scale 1:100

Proposed basement and ground floors:



DRAFT DECISION LETTER

Address: 104 Great Portland Street, London, W1W 6PE,

Proposal: Use of basement and ground floor as a restaurant/cafe (Class A3), installation of a new shopfront, an extract duct on the rear elevation of the building to terminate at main roof level and ventilation ducts at rear first floor level with visual screening.

Reference: 19/06282/FULL

Plan Nos: Acoustic Report 14330-NIA-01 RevC, Drawings: X003 RevD03, P001 RevD01, P002 RevD01, P003 RevD02, P05 RevD02.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the restaurant use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone

using the restaurant. You must not use the waste and recycling store for any other purpose.
(C14GA)

Reason:

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

- 4 You must not operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 5 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)

- 6 All servicing must take place between 07.00 and 22.00 hours on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles, but no goods should be left on the highway.

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)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm and shall be representative of the plant operating at its maximum. (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a

further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BB)

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

Reason:

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

- 9 The plant/machinery hereby permitted shall not be operated except between 07:45 hours and 22:30 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 of this permission. You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-

commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery (including any associated vents) complies with the noise criteria set out in condition 7 of this permission.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 11 You must install the high level duct as shown on the approved drawings before you can operate the restaurant hereby approved, the duct must thereafter be maintained in situ for as long as the restaurant remains in operation.

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)

- 12 You must not allow more than 55 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 13 You must not play live or recorded music within the restaurant premises that will be audible externally or in the adjacent properties.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 14 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours:
08:00 till 00:00 (midnight) Monday to Saturday;
08:00 till 22:30 Sundays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 15 If you provide a bar and bar seating within the restaurant premises, it must not take up more than 15% of the floor area of the restaurant premises. You must use the bar (if provided) to serve restaurant customers only, before, during or after their meals.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 You must apply to us for approval of a management plan for the approved restaurant premises to show how you will prevent customers who are leaving the premises from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the approved restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use.

Reason:

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

- 17 The rear rooflight must be permanently fixed shut.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 18 You must install the new shopfront as shown on the approved drawings before you can operate the restaurant hereby approved.

Reason:

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

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

- 20 You must install the duct cladding as shown on the approved drawings, the cladding must match the adjoining existing brickwork. The lower portion of the ductwork which is not clad must be finished / painted to match the adjoining material.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES

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6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

- 22 You must install the horizontal screening around the rear low level ducts and finish / paint the screening dove grey. This must be installed before you can operate the restaurant hereby approved, and thereafter maintained in this form for as long as the ductwork remains in place.

Reason:

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

- 23 You must install the acoustic mitigations measures as detailed in the approved acoustic report and these must be maintained in this form for as long as the plant remains in situ.

Reason:

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

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 Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards.

Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 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 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm. The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>: BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 6 Conditions 7, 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)
- 7 The kitchen extract duct informative:
 - o The kitchen extract duct should be designed to discharge vertically (with discharge velocity of at least 8m/s).
 - o All cookline equipment must be placed under the extraction canopy.
 - o The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals or in compliance with the Building & Engineering Services Association document TR19 for cleaning.
 - o Any cladding must be made of non-flammable materials (approved by Building Control or Fire Brigade) and still allow access to any cleaning and maintenance doors/hatches.
 - o Access to the ducting must comply with the Health & Safety safe access standards.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 26 th November 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Harrow Road	
Subject of Report	31 Saltram Crescent, London, W9 3JR.		
Proposal	Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed) (Use Class C3).		
Agent	Jon Dingle Ltd		
On behalf of	Soho Housing Association		
Registered Number	18/10570/FULL	Date amended/ completed	8 February 2019
Date Application Received	14 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Outside of conservation area		

1. RECOMMENDATION

Grant conditional permission, including subject to a Grampian condition to secure:

- a) Highway works in Saltram Crescent to remove the redundant vehicular crossover and reinstate the pavement and change on-street restrictions to introduce additional on-street parking.
- b) Lifetime (25 years) car club membership for each residential unit.

2. SUMMARY

This application was first reported to the Planning Applications Sub-Committee on 9th April 2019 but withdrawn from the agenda prior to being presented for the reason that the access to the public highway for the two story building facing Malvern Mews, was across private land in Brent and that an application to allow access should therefore be made to Brent confirming access to the public highway prior to this application being determined. A subsequent application was made to Brent, but was refused on amenity grounds.

Permission is sought for the erection of two new houses, one facing Saltram Crescent and one facing Malvern Mews, together with alterations to the boundary treatments at Saltram Crescent and Malvern Mews and the erection of waste and cycling storage to the front garden on Saltram Crescent. During the course of the application, re-consultation was undertaken following the receipt of a revised red line application plan, which included Malvern Mews.

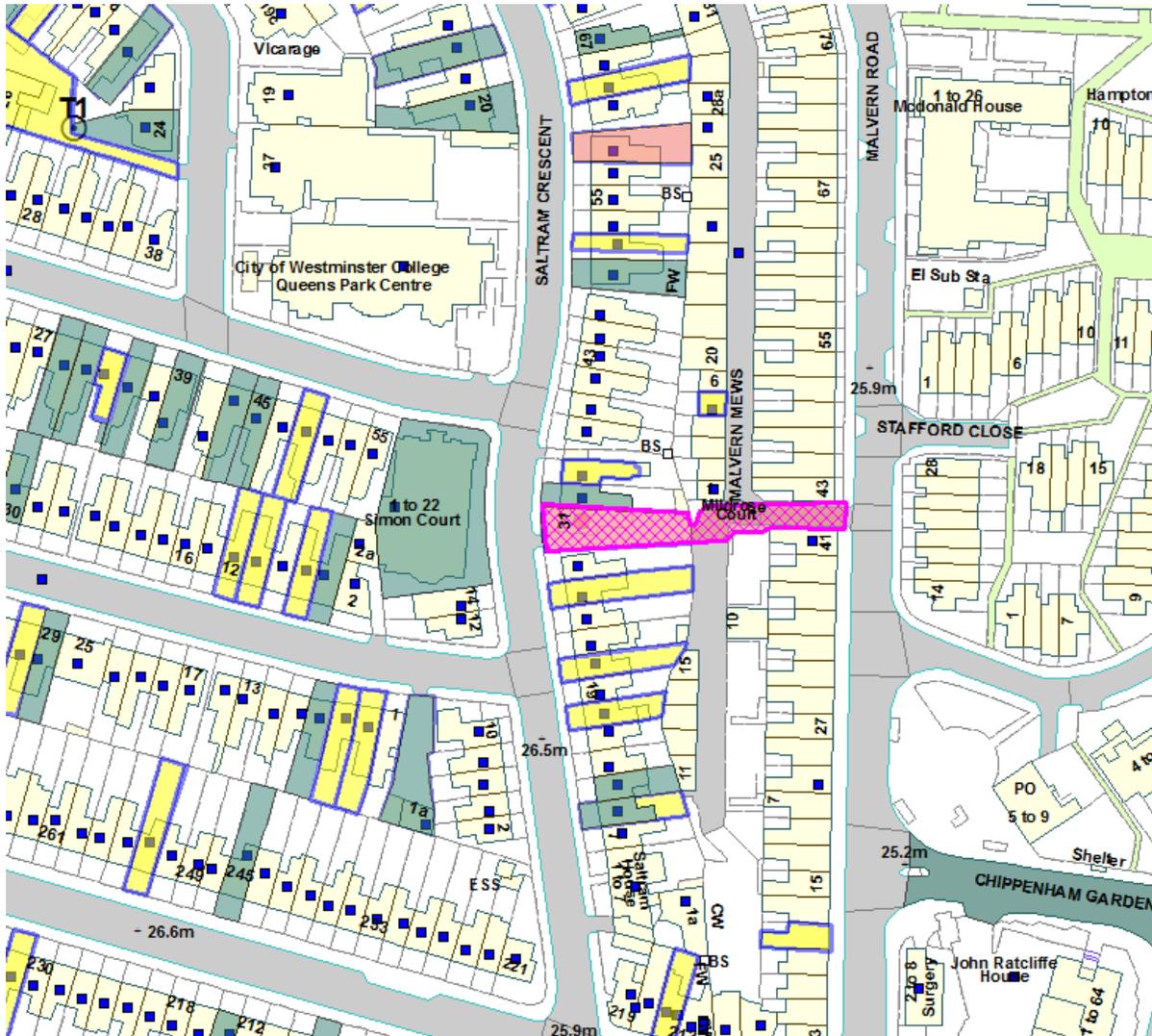
The application has attracted objection from 21 neighbouring residents on a range of grounds set out in section 5 of this report.

The key issues are:

- The impact of the proposed development on the character and appearance of the local townscape.
- The impact of the proposed development on the amenity of neighbouring residents

The proposed development is considered to be acceptable and, subject to the recommended conditions, including a Grampian condition to secure highways works and car club membership, it is considered to comply with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster's City Plan adopted in November 2016 (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

View of the application site from Saltram Crescent



Area to the rear of the site where the two bedroom dwelling would be located



Rear of site viewed from Malvern Mews



5. CONSULTATIONS

CONSULTATION RESPONSES TO THE ORIGINAL CONSULTATION DECEMBER 2018

WARD COUNCILLORS FOR HARROW ROAD:

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY:

Any responses to be reported verbally.

MAIDA HILL NEIGHBOURHOOD FORUM:

Any responses to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Comment. The proposal does not provide enough car parking and cycle storage.

WASTE PROJECT OFFICER:

No objection.

LONDON BOROUGH OF BRENT:

No objection.

BUILDING CONTROL:

No objection, general comments made:

- A protected stair should be provided serving all floors and a sprinkler system should be installed throughout for a four-storey house with no alternative exit on the top floor.
- For a two-storey house, a protected stair should be provided serving all floors or the bedrooms on the first floor must be provided with suitable alternatives means of escape. Guidance can be found in Approved Document B.
- These matters are for the applicant to resolve when they submit a Building Regulation application to a Building Control Body.

ARBORICULTURAL OFFICER:

Comment. The works may restrict the growth of a tree in a neighbouring garden. Request conditions to secure further tree protection details.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 52

Total No. of replies: 21 objections on one or more of the following grounds.

Design

- Incongruous architecture
- Height and style of the building facing Saltram Crescent unacceptable
- Not in keeping with the character of Saltram Crescent
- Loss of gap between buildings
- Property facing Malvern Mews not in keeping with the mews.
- Loss of open space
- Over development of the site/plot

Amenity

- Overlooking
- Loss of light
- Overshadowing
- Sense of enclosure
- Loss of view of the sky between No. 29 and 31 Saltram Crescent

Highways/Parking

- Increased pressure on parking
- Lack of cycle parking in the two bed property

Other

- Loss of vegetation and wildlife on the site following the removal of the existing plants
- Logistics of building a house in Westminster which is accessed via Brent have not been addressed
- Works/excavation adjacent to boundary with neighbouring properties
- Disruption to residents during the course of the works including noise and traffic
- Harm to the cobbled mews

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

CONSULTATION RESPONSES TO REVISED CONSULTATION (RED LINE TO INCLUDE MALVERN MEWS - FEBRUARY 2019)

BRENT COUNCIL:

No objection. (Please also refer to planning history section).

ADJOINING OWNERS/OCCUPIERS:

No consulted: 60

No responses: 1 objection

- Proposed building looks out of character compared to the Victorian style architecture and height of the buildings on Saltram Crescent.
- Ruins the uniformity of the crescent, one of its key architectural features.
- The space is better used as intended, as a garden.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site lies on the eastern side of Saltram Crescent. It is not located within a conservation area and there are no listed buildings in the immediate vicinity. The plot comprises a narrow piece of hard landscaped land located between the two neighbouring buildings, leading to a larger open area to the rear. The rear boundary of the site fronts Malvern Mews and abuts the boundary wall shared with 1 Mildrose Court, Malvern Mews. The boundary line between the boroughs of Westminster and Brent runs

along the boundary lines of the rear of the gardens of the properties on Saltram Crescent.

Saltram Crescent is predominantly residential and is characterised by a variety of Victorian terraces of different scales and displaying comparable architectural detailing. The application site demarks a change in scale of the existing built form with the terraces to the north of the site being of three stories starting at ground floor level with pitch roofs and rear closet wings, whereas those to the south of the site are characterised by three storey terraces at a lower height, including lower ground floor level and distinctive butterfly roofs.

Malvern Mews to the north east of the site has a typical mews character, with cobbled streets and two storey buildings fronting the mews. Historic maps show that historically a building was likely located in the proposed location of the mews style building, however this is no longer present.

The existing use of the site is an unallocated car park. The space was originally linked to the three residential flats at 31 Saltram Crescent by a condition placed on the planning permission dated 15th August 1995 (RN: 95/04829/FULL) for 'Conversion of 3 storey single dwelling to 3 self-contained flats; associated external alterations.'

In 2015 a certificate of lawfulness application was approved by the City Council confirming that the three flats at 31 Saltram Crescent had been occupied for over ten years without the occupants having access to the car parking and therefore the continued use of the building as three flats without compliance with Condition 2 of the permission dated 15 August 1995 is lawful by virtue of Section 171B of the Town and Country Planning Act 1990 (as amended).

6.2 Recent Relevant History

Westminster Applications

95/04829/FULL

CONVERSION OF 3 STOREY SINGLE DWELLING TO 3 SELF CONTAINED FLATS; ASSOCIATED EXTERNAL ALTERATIONS.

Application Permitted 15 August 1995

15/09892/CLEUD

Use as three flats without compliance with Condition 2 of planning permission dated 26th July 1996 which required the provision of 3 car parking spaces to the rear for use by occupiers of the flats.

Application Permitted 6 January 2016

18/05443/FULL

Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed).

Application Withdrawn 16 August 2018

Brent Application

It has been agreed by Brent that the application site the subject of this report, falls within Westminster although the boundary wall spans the boundary between the boroughs.

An application was made to Brent for 'Part removal of a section of brick wall and fence, to facilitate development of a 2-bedroom 2-storey house, the entirety of which is to be located in the borough of Westminster, fronting Malvern Mews, with a pedestrian door opening onto Malvern Mews.' (RN: 19/2080)

The application was refused by Brent on 27th August 2019 for the reasons set out below:

1. The proposed 2 storey house, due to the position and height of the front elevation with relation to the garden of 1 Mildrose Court, would cause an unacceptable impact in terms of an increase in sense of enclosure and an overbearing aspect to that amenity space, as evidenced by failure to comply with the 45 degree rule, failing to comply with London Plan (2016) Policy 7.6: Architecture, Brent Development Management Policy (2016) DMP1- General Planning Policy, and Brent Supplementary Planning Document 1 - Brent Design Guide (2018).

2. The proposed 2 storey house, due to the position and height of the front elevation with relation to the bedroom of 1 Mildrose Court, would cause an unacceptable impact in terms of loss of light and impact on outlook, thus failing to comply with London Plan (2016) Policy 7.6: Architecture, and Brent Development Management Policy (2016) DMP1- General Planning Policy.

The decision notice and delegated report of Brent are included as a background paper to this report.

7. THE PROPOSAL

The proposed building fronting Saltram Crescent is proposed to be 3 storeys plus roof storey, with the front elevation set back from the front built line of the building to the north, comprising of 95.5m². The roof form, which has been designed as a mansard roof, sits within the built envelope of the building to the north whilst the rear elevation projects beyond the established rear built line. Each floor level contains a single fenestration on the front and rear elevations and two roof lights are proposed in the centre of the front and rear elevations which span the full height of the roof, over the knee. The material palette of the building consists of brick, which will be laid decoratively, stone lintels and slate roof tiles.

To the front of the building the existing brick, low boundary wall, will be continued to create a formal boundary to the site with an off centred pedestrian opening. Immediately behind the front wall sits an enclosed bin and bike store which will be provided with a green roof. To the rear of the site the area has been subdivided with timber fencing to create private gardens.

The proposed building fronting Malvern Mews would be two storeys comprising of 83.5m², with the upper storey having semi-pitched roof to reduce the overall height and mass of the building. The front elevation is to incorporate an existing boundary wall with discreetly scaled fenestration, whilst the rear elevation has a larger opening at ground floor level and obscured windows on the upper level. The building uses a combination of brickwork, laid in a decorative way, and timber cladding. One side of the pitched roof will contain a green roof, whilst the other side will be slate.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policies H3 of the UDP and S14 of the City Plan seek to encourage the provision of additional residential floor space throughout the borough. S14 states that residential use is the priority across Westminster except where specifically stated. H5 of the UDP and S15 of the City Plan seek to ensure that developments deliver a mixture of housing sizes and tenures. S12 of the City Plan relates to the North Westminster Economic Development Area (NWEDA) and states development should contribute to increasing economic activity within the area, or providing local services, or improving the quality and tenure mix of housing.

The proposed scheme would introduce two new houses, 1x 3bed family sized dwelling and 1x 2bed dwelling. Both of the houses are in accordance with the nationally described space standards, provide some private outdoor amenity space and therefore are considered to deliver new, high quality housing accordance with the aforementioned policies relating to housing.

Objections have been raised on the grounds that the works would lead to an over development of the site which is out of keeping with the character of the area. Historic maps demonstrate that the site originally contained buildings and was not 'garden land' as detailed in the design section of the report. Additionally the density of the site following the development would not exceed what is considered appropriate in this part of city and is in accordance with the City Council's adopted policies and the London Plan.

8.2 Townscape and Design

Legislation and Policy:

The proposals have been considered in relation to policies DES 1 and DES 4 of the UDP and Policy S28 of the Westminster City Plan. Of particular relevance is UDP policy DES 4 which seeks to ensure the highest quality of new development in order to preserve or enhance the townscape. The policy sets out considerations whereby new infill development must have regard to the prevailing character and quality of the surrounding townscape specifically noting that the development conforms or reflects established boundary lines and local scale, storey heights and massing of adjacent buildings, characteristic frontage plot widths, roof profiles including silhouettes of adjoining buildings, distinctive forms of prevalent architectural detailing and type of characteristic materials. Part (H) also notes that where there is the existence of a set piece or unified architectural composition or significant building groups new development should conform or reflect the design characteristics.

Assessment:

The design of the scheme has raised objections from local neighbours. With regards to Saltram Crescent one respondent has questioned the reference to Saltram Crescent being architecturally 'unremarkable' within the applicants planning statement. The City Council acknowledges that Saltram Crescent contains Victorian terraces which positively contribute to the character and appearance of the area. The setting of the site has been considered as part of the application assessment. A number of comments state that the new building fronting Saltram Crescent contrasts with the Victorian houses on Saltram Crescent and will have an impact on the character of the road. Additionally, they note the existing gap between the two terraces makes a positive contribution to the road, allowing for the change in scale of the buildings, with the resultant gap left in between the buildings is too narrow and awkward.

The form, scale and massing of the building fronting Saltram Crescent is considered to be in accordance with the aims of UDP policy DES 4. The height of the building allows it to comfortably transition from the buildings to the north, to the lower terrace immediately to the south of the site. Furthermore, the proposed height prevents competition with the existing terraces, allowing the infill building to be perceived as a later addition to the site.

The built lines are in keeping with those along the terrace, whilst setting the front elevation back allows the northern terrace to remain prominent in the street scene. Whilst there is currently a townscape gap, it is not considered this was intended to provide views to the terrace behind, rather a tool to address the curve in the road when constructing terraced properties. In response to the objections raised, the loss of the gap is not considered to result in the loss of a high quality public realm view and due to the height and set back of the building line the infill building allows for the townscape gap to be interpreted by respecting the prominence of the existing terraces.

The design approach is considered to respond to the prevailing architectural character of the neighbouring Victorian terraces; the architectural detailing such as recessed windows, stone lintels and brickwork references the surrounding terraces whilst not replicating them, which is appropriate in this instance. The brickwork is shown as being laid in a herringbone bond, which does not follow the brick bond on the neighbouring terraces however this will add some visual interest to the building and is supported. Sample panels are requested by condition to ensure the bricks and details are in keeping with its setting. The fenestration are reflective of those on the northern terraces in terms of their proportions and scale, whilst the rooflights have a more contemporary approach in extending over the knee of the mansard roof. This approach is acceptable in the context of a new addition within the street scene.

Concerns have been raised with the principle of a building at the rear of the site fronting Malvern Mews as in this location it could be perceived as being a building set within a garden, which is not characteristic to the rear of Saltram Crescent. Additionally, objections have been raised on the grounds the mews building does not fit in with the character of Malvern Mews.

The footprint of the building fronting Malvern Mews approximately replicates the building that historically stood in this location. By incorporating the existing boundary wall the established building line is being retained, whilst to the rear the depth of the building is

not considered to result in a large loss of external 'garden' space. The form of the building is reflective of a mews building, having been kept to a subservient scale of 2no storeys in relation to the buildings on Saltram Crescent. Furthermore, the scale is reflective of the mews terraces within Malvern Mews itself. The roof has been pitched in reference to the pitched roofs found within the wider setting, whilst reducing the mass of the building. This approach is considered appropriate for the setting and the inclusion of a green roof is welcomed as it visually softens the building when seen in private views. In terms of detailed design, the prevention of amenity implication has resulted in the location, scale and design of the fenestration, however they are in keeping with those found on the surrounding terraces and do not visually dominate the building. The use of both brick and timber cladding identifies the building to its wider setting whilst acknowledging that it is a subservient building within a garden area. The building is considered to be in keeping with the aims of UDP policy DES 4. A condition requiring samples of material is recommended.

The alterations to the front boundary treatment along Saltram Crescent and the proposed works within the front garden are in keeping with the features within the street scene and will allow the new building to comfortably integrate into the setting. The green roof to the bike store should be secured by condition and details of the brick work and paving requested. Similarly, at the rear the subdivision of the garden spaces is shown to be via timber garden fences, which is appropriate for the setting.

The proposals are considered to comply with UDP policies DES 1 and DES 4 as well as City Plan policies S28.

8.3 Residential Amenity

Sunlight and Daylight

Objections have been received regarding a potential loss of light to neighbouring residential properties to the north and south of the site, the opposite side of Saltram Crescent, and properties on Malvern Road and Malvern Mews which have rear windows facing the site.

The applicant has provided a detailed sunlight and daylight report assessing daylight using both Vertical Sky Component (VSC) and No Sky Line (NSL) methods in accordance with The British Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight : A Guide to Good Practice (2011). The following properties were assessed:- 1 Malvern Mews, 39 – 43 Malvern Road, 14 Saltram Crescent, 27 – 35 Saltram Crescent, Simon Court.

Taking into account the results of both methods of daylight assessment and the sunlight assessment and the existing surrounding properties, there would be no significant reduction in daylight or sunlight to most of the surrounding properties.

However, an existing ground floor window in the side elevation of 31 Saltram Crescent (part of the application site) would be blocked up under the proposal (as one of the new houses would attach to this flank wall) However, this is an unneighbourly flank window on the boundary and the room is dual aspect with the main window on the rear elevation

of the building retaining good levels of daylight. As such, the loss of this window is considered acceptable.

Whilst the report indicates some minor loss of daylight and sunlight to a ground floor window in 1 Malvern Mews, the affected window is no longer in the same location, following the construction of a ground floor extension and first floor terrace to this neighbouring property.

It is acknowledged that subsequent to the submission of this application the occupier of 1 Mildrose Court, Malvern Mews, has made alterations to their own property, however the new extension and balcony replace a permanent timber structure which was in a very similar position. It is acknowledged that the extension at 1 Mildrose Court may reduce the amount of daylight to a new ground floor window/door, however it is not considered that the impact would be so significant to withhold permission on this ground.

Whilst Brent have not formally raised objection to this application, they have refused a related application on the grounds that the proposed development would cause an unacceptable loss of light to a ground floor window to 1 Mildrose Court, Malvern Mews. Officers not agree with this conclusion for the reasons set out above.

Sense of Enclosure

Objections have been received from neighbouring residential properties on grounds that both of the new buildings would reduce residents views of the sky and trees and result in an increased sense of enclosure.

The proposed house fronting Saltram Crescent sits back from the established built line at the front elevation, to the rear the building extends marginally beyond 29 and 31 Saltram Crescent. Due to the position of the proposed building and the location of the windows on the rear elevations of the neighbouring buildings it is not considered that any significant increase in sense of enclosure to neighbouring residential properties would occur.

The proposed house facing Malvern Mews is set significantly below the ground level of the existing 31 Saltram Crescent property and would sit at a level similar to the terrace to the south of the site which begins at 29 Saltram Crescent. Objections have been received from ground floor flats to the north and south of the site with respect to the new house appearing over bearing and obstructing existing views of the surrounding area. During the course of the application, the case officer visited all of the directly adjacent ground floor properties. Given the pitched green roof of the proposed house, the setting of the house at a lower ground level when compared to the existing buildings to the north and given the presence of the significantly larger buildings on Malvern Road it is not considered that any significant sense of enclosure would occur and it is therefore not sustainable to withhold permission on this ground. There is no right to a view under planning and therefore individual views are not protected.

The boundary fence between the application site and No. 29 Saltram Crescent to the south, would be increased in height by up to 1.7m. Given the change in levels between the two sites, when viewed from the ground floor of 29 Saltram Crescent the boundary fence would be approximately 2.9m high. The increased height would be noticeable,

however given the distance between the two properties there would be no significant sense of enclosure to warrant withholding permission.

Objections have been raised on grounds that the house would have a detrimental effect on outlook and increase the feeling of confinement from within the building and garden of 1 Mildrose Court, Malvern Mews. The case officer visited this neighbouring property during the course of the application. Due to the position of the windows which face south and the position of the proposed house which is not located directly to the south of the windows, it is not considered that it would result in a significant increase in the sense of enclosure for occupiers of the building.

From the small courtyard garden space to the south of 1 Mildrose Court, Malvern Mews, the house to the south west of the courtyard would be noticeable to the south west of the garden. However, the existing garden is already enclosed by boundary walls of between 2.5 to 3m high. Given this, it is not considered that the proposal would result in such enclosure to this garden, to warrant withholding permission.

Whilst Brent refused a related application on grounds that the proposal would result in a sense of enclosure and would be overbearing to this garden. They have not raised objection to a consultation on this application and officers, having had the benefit of an on-site assessment, do not agree with Brent's conclusions for the reasons set out above.

Privacy

Objections have been received on grounds that the two-storey mews house would increase overlooking between the proposed first floor rear windows and the rear of the buildings on Saltram Crescent. The windows in the northern part of the building are obscure glazed to head height which would prevent overlooking towards the buildings directly opposite and to the north. The first floor window to the south of the proposed mews building on the rear elevation is set back behind enlarged returns and is obscure glazed on the bottom half of the window. Given the distance between properties, the oblique views offered and the mitigation measures put in place by the applicant it is not considered the window would harm the privacy of the properties on Saltram Crescent.

A condition is recommended to ensure that the house is not occupied until details of the opaque glazing have been submitted, approved and installed. As such the proposal is not considered to raise privacy issues.

Subject to the conditions recommended to restrict permitted development rights and provision of obscure glazing, the proposal is considered to be acceptable in amenity terms.

8.4 Transportation/Parking

The Highways Manager has raised concern that the existing hard standing is car parking for the existing property and that no parking for the units is being provided.

In 2015, a Certificate of Lawfulness was granted for 'Use as three flats without compliance with Condition 2 of planning permission dated 26th July 1996, which required the provision of 3 car parking spaces to the rear for use, by occupiers of the

flats.’ The certificate confirmed that the area had not been used for residents parking for a period of more than ten years and that the occupants of the flats had no access to the area in their long term leases. As such, the proposal does not result in any loss of car parking.

Whilst no off-street car parking is proposed for the two new houses, to the front of the site on Saltram Crescent there is an existing dropped curb which is to be removed allowing the reinstatement of two on street residential parking bays. In addition, lifetime car club membership is also proposed. Given this, it is considered that the benefit of providing two new homes, together with the creation of additional on-street car parking bays and car club membership, outweighs the Highway’s Manager’s concerns.

Details of highways works and car club are recommended to be secured by way of Grampian condition and satisfactory details of cycle storage is proposed to be secured by condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The house fronting Saltram Crescent will be accessed from the street via a front garden in the same manner as the existing properties within Saltram Crescent.

The house fronting Malvern Mews will be accessed from Malvern Mews. Malvern Mews is a private road which is accessed from Malvern Road. Both Malvern Mews and Malvern Road lie within the adjacent borough of Brent.

During the course of the application it was raised by officer’s that the access to the site was not included in the red line application site plan. The red line was revised by the applicant to include the access to the public highway and the application was re-consulted upon.

Brent raised no objection to the future access arrangements of the property facing Malvern Mews in responses to consultation. The no objection raised by Brent dated 7th March 2019 included the below informative relating to access.

Informative:-

The proposed house to the rear would be accessed from Malvern Mews. This street is not an adopted highway and is managed by Brent Housing. If existing rights of way do not exist to this property from the rear, then the permission of Brent Housing will be required to provide access and it is recommended that this department is consulted on this proposal, as it directly affects their street.

A subsequent application to Brent was refused by them, but not on the grounds relating to access to the site, but on grounds of impact on amenity. (See history section of this report and background papers). Whilst this is unfortunate, this is a matter for the applicant to pursue and is not a reason in which to withhold permission.

Objections have been received on the grounds of access to the two storey mews building. The objections state that the road is privately owned by the Malvern Mews freeholders who will withhold permission from future occupants. While this is a private matter, the Mews is an un-adopted highway as it has been open and passable for over 20 years and Brent have raised no objection to the proposed access. Refusal on these grounds would not be sustainable.

8.7 Other UDP/Westminster Policy Considerations

Trees

The removal of the purple plum street tree, from the front of the site (ref T1) is accepted as fungi and decay within the tree have been identified by the City Council. The tree officer has recommends conditions to secure landscaping in the gardens of the new dwellings and permeable surfaces for drainage.

An objection has been raised on the grounds that the works may restrict the growth of and require future pruning of a Sweet Gum tree in an adjoining garden. The tree officer has recommended conditions to secure further tree protection details.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 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 and subject to 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 paragraph 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

Not applicable to this location

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 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 pre-commencement conditions as set out in the draft decision notice (No.5 Highways works and car club, No.11 Tree protection and No.15 Code of Construction Practice. The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

A Grampian condition to secure highway works in Saltram Crescent and life-time car club membership for each of the residential units is recommended.

Subject to any relevant exceptions, the Westminster CIL would be £35,800 and the Mayoral CIL would be £14,320.

8.13 Other Issues

Objections have been raised on the grounds that Westminster City Council should not be granting permission for works that could detrimentally impact the residents of another borough (Brent). Work on land adjoining neighbouring boroughs is not uncommon and the City Council have consulted both the neighbouring residents and the Neighbouring Local Authority. The City Council have assessed the impact on amenity of residents of both Westminster and Brent the City Council's position is that the proposal is acceptable for the reasons set out in this report.

The applicant is required under condition 15 to sign up to and be bound by our Code of Construction Practice, in order to protect the environment of residents and the area generally during construction works.

(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 .
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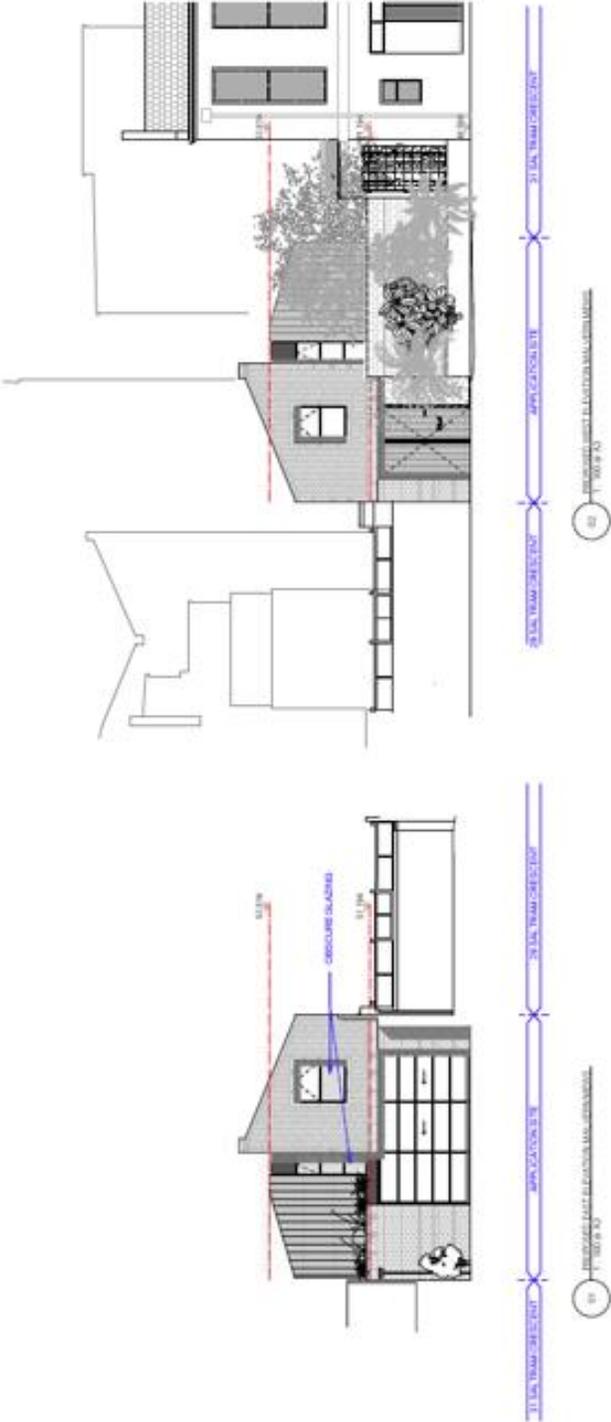
9. KEY DRAWINGS



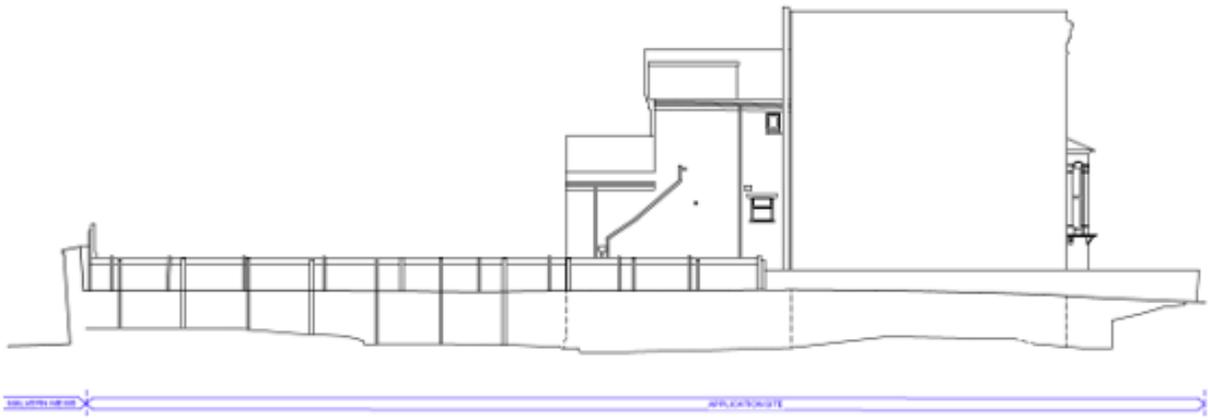
Rear elevation of proposed three bedroom property



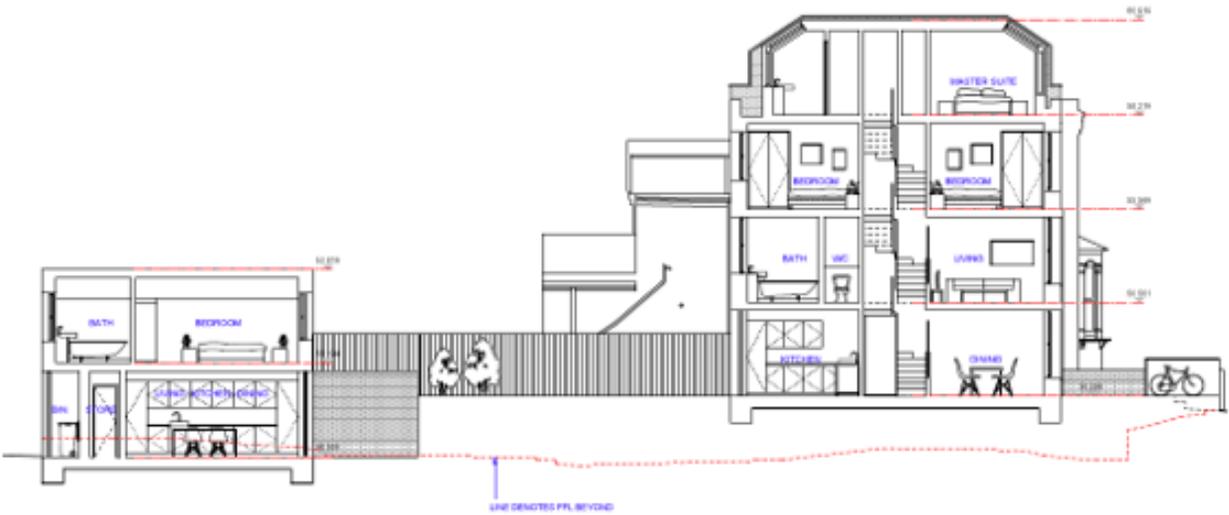
Front and Rear elevations of proposed two storey property facing Malvern Mews



Existing section



Proposed section



DRAFT DECISION LETTER

Address: 31 Saltram Crescent, London, W9 3JR,

Proposal: Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed) (Use Class C3).

Reference: 18/10570/FULL

Plan Nos: Site location plan, 0301 Rev A, 0302 Rev A, 0200 Rev A, 0100, 0201, 0300 Rev A, 1301 Rev 02, 1303 Rev 01, 1200 Rev 02, 1201 Rev 02, 1302 Rev 01, 1101 Rev 03, 1100 Rev 03, 1104 Rev 03, 1103 Rev 03, 1300 Rev 03, 1102 Rev 03, , For information only, Daylight and Sunlight Report, Design and Access Statement

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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

Reason:

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

- 4 You must provide the waste store shown on drawing 1100 Rev 02 before anyone moves into the properties. You must clearly mark it and make it available at all times to everyone using the houses. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 5 You must not use any part of the development until we have approved appropriate arrangements to secure the following: , a) Highway works in Saltram Crescent to remove the redundant vehicular cross over and reinstate the pavement and change on-street restrictions to introduce additional on-street parking., b) Lifetime (25 years) car club membership for each residential unit., , 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 prioritises pedestrian movement and does not result in increased pressure on on-street residents' parking, as set out in S33 and S42 of Westminster's City Plan (November 2016) and in STRA25, TRANS2, TRANS3 and TRANS23 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must provide each cycle parking space shown for the property facing Saltram Crescent 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)

- 7 Notwithstanding the details shown in drawing 1100 Rev 3, you must apply to us for approval of details of secure cycle storage for the property facing Malvern Mews. You must not occupy this property until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 8 The glass that you put in the windows in the rear elevation of the property facing Malvern Mews must not be clear glass. The windows must be inward opening and have restrictors on them to limit the range of opening. You must apply to us for approval of a sample of the glass (at least 300mm square) and the restrictor. You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 9 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)

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 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 and its contribution to biodiversity and the local environment, 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. (R30AC)

- 11 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

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)

- 12 Prior to the occupation of the property facing Malvern Mews, you must provide the green roof hereby approved and maintain it thereafter.

Reason:

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

- 13 You must apply to us for approval of samples of the following parts of the development including elevations and roof plans annotated to show where the materials are to be located: , i) stone lintels , ii) Sample panels of the brickwork, herringbone pattern and rendering, iii) roof slates, , 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. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in S29 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. (R21EC)

- 15 **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),

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 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 or visit 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>
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. 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)
- 4

The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 5 Under condition five we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure highway works to remove the existing redundant vehicular crossover in Saltram Crescent, amend on-street restrictions to introduce additional on-street residents' parking and secure the provision of lifetime (25 year) car club membership for each of the new residential units, as set out in the email dated 29 January 2019 from Jon Dingle Ltd. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 6 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

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 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 th November 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Maida Vale	
Subject of Report	95 Randolph Avenue, London, W9 1DL,		
Proposal	Excavation to create basement extension with front light well, lower ground floor side and rear extensions, and installation of rooflight.		
Agent	Planning Resolution Limited		
On behalf of	Mr Andrew Rahamim		
Registered Number	19/06836/FULL	Date amended/ completed	30 August 2019
Date Application Received	30 August 2019		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for the excavation of a basement and for lower ground floor extensions, to provide additional living space to this single family dwelling house.

The same proposals were granted permission by the Planning Applications Sub-Committee in November 2016, however the permission was not implemented and has recently expired.

An objection has been received from a nearby residential occupier on the grounds that the proposals could cause damage to adjoining properties and disruption during excavation and development. The objector has highlighted damage to No. 99 Randolph Avenue which they attribute to previous basement excavation at 97 Randolph Avenue.

The application has been considered against the City Council's basement policy and all other material planning considerations and is considered to provide sufficient consideration of structural issues, by way of a Structural Methodology Statement and associated documents, and construction impact related issues; by way of a signed pro forma committing the applicant to comply with the Council's Code of Construction Practice.

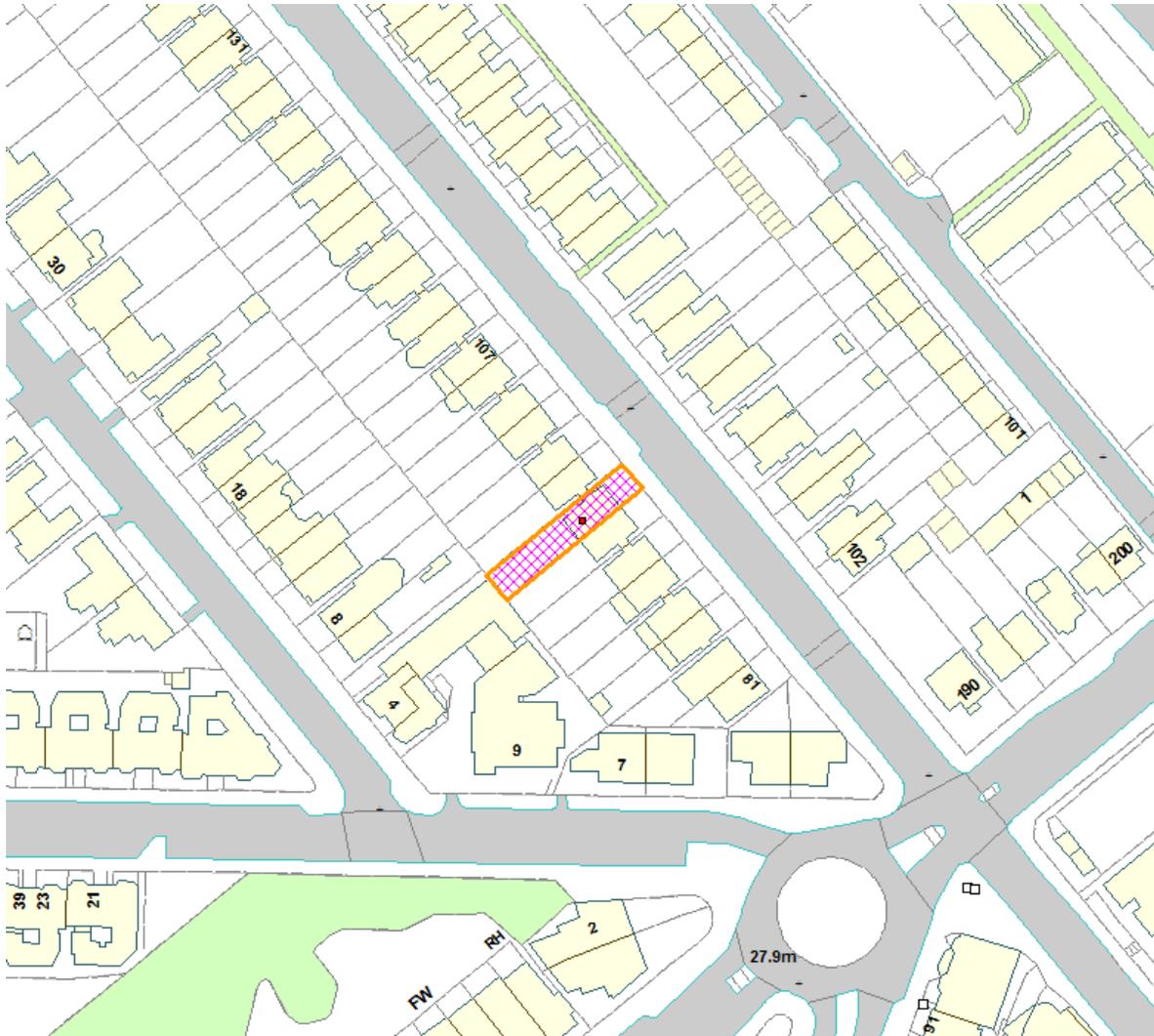
These provisions are considered to provide sufficient consideration of these matters pursuant to the basement policy, and the proposals do not raise any other issues that would warrant withholding planning permission.

The key issues are:

- Impact on the existing house and conservation area
- Impact on the amenity of neighbouring residents

The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front of No.95 Randolph Avenue



Rear of No.95 Randolph Avenue

5. CONSULTATIONS

COUNCILLOR CAPLAN

Requested application be reported to committee and highlights previous disruption caused by works at No. 97 Randolph Avenue to No.99.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No objection. Please take neighbour's views into consideration

BUILDING CONTROL

No objection. The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

TREE SECTION

No objection. The proposal would have the same impact on trees as the proposal which was granted planning permission under RN: 16/08162/FULL. The proposed rear extension would require the removal of a privet at the rear, it is a shrub and no objection is raised to its loss. Conditions requiring tree protection and landscaping details requested.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28

Total No. of replies: 1 objection

AMENITY

- The proposals will be detrimental to neighbouring residential amenity. No analysis has been provided in relation to the damage to nearby buildings, construction noise, dust and flouting of traffic restrictions related to the basement excavation at 97 Randolph Avenue (RN: 17/03517/FULL).

OTHER

- The type of house is totally unsuitable for this type of excavation.
- 14 days was not enough time for neighbours to submit comments and no site notices were put up.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

95 Randolph Avenue is an unlisted building located within the Maida Vale Conservation Area. The property is in use as a single dwelling house and comprises lower ground, ground, first and second floor, with front and rear gardens. The application site backs onto the rear of properties on Ashworth Road and is surrounded by a number of other residential properties.

6.2 Recent Relevant History

No. 95 Randolph Avenue

On 10th November 2016, planning permission was granted by the Planning Applications Sub-Committee for excavation of a basement extension with front lightwell, erection of single storey side and rear extensions at lower ground floor level and alterations to fenestration at rear (RN:16/08162/FULL).

No. 97 Randolph Avenue

In October 2014, planning permission was granted for excavation of basement extension under garden and house, lower ground floor rear and side extension, conversion of roof space to provide habitable accommodation, insertion of 4no. rooflights (RN: 14/04980/FULL).

In March 2015, a non-material amendment was granted to increase the depth of the rear roof light from 1M to allow more light into basement room (RN:15/01809/NMA).

In April 2017, a non-material amendment was refused to replace the approved rooflights above approved rear extension, with 1no. subdivided rooflight in the same location (17/02064/NMA).

In March 2017, a non-material amendment was granted for the replacement of an approved grey metal fascia with a brick band in a soldier course arrangement (RN: 17/02121/NMA).

In March 2017, a non-material amendment was refused for the replacement of an approved metal balustrade with a frameless glass balustrade (RN:17/02120/NMA).

In March 2017, a non-material amendment was permitted for an amendment of location of approved rooflights and installation of addition rooflight in flat roof element of main roof (RN: 17/02065/NMA).

In December 2019, the permission was amended to allow changes to the arrangement of rooflights in the roof of the lower ground floor rear extension from 3 rooflights to one larger rooflight (RN: 17/03517/FULL). The works were later allowed at appeal (18/00027/HASREF).

7. THE PROPOSAL

Permission is sought for the excavation of a basement level underneath the front garden, dwelling house and part of the rear garden. At ground floor level rear and side extensions are proposed, with associated front lightwell with rails and walk on rooflight to the rear. The proposals will provide additional residential floorspace to this single family dwelling house.

The works proposed are exactly the same as permitted November 2016 (RN: 16/08162/FULL)

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of providing additional floorspace to enlarge the existing residential dwelling house is acceptable in land use terms and accords with policy H3 in the UDP and policy S14 of the City Plan.

8.2 Townscape and Design

The proposed basement is located beneath the property, incorporating a front lightwell, and extending beneath the proposed rear extension with a walk on rooflight to its rear. It has been considered in relation to the Basement Supplementary Planning Document (SPD), adopted October 2014, and the Basement Revision to the City Plan, Policy CM28.1. The proposed basement is single storey, and extends an area of no greater than 50% of garden land, it would retain a margin of undeveloped land on its perimeter proportionate to the size of the plot, and includes more than 1.2m of vertical soil depth above the basement where it extends beneath the front garden. With regards to the rear rooflight serving the basement, its size and positioning at the foot of the proposed rear extension adheres with requirements that they be discreetly incorporated into basement proposals, pursuant to part (B) (5) of the basement policy and the basement SPD. The front lightwell, with the incorporation of railings, are also considered acceptable in design terms.

The proposed side and rear extension are of appropriate scale, height, bulk and detailed design and remain subordinate to the existing building. The adjacent neighbouring properties both have permission for similar works. The proposed materials of London stock brick, aluminium framing and lightweight glazing to the rear extension are appropriate as is the more solid brickwork side extension. Overall the extensions are acceptable and considered to preserve the Maida Vale conservation area and comply with policies DES1, DES5 and DES9 of the UDP and S25 and S28 of the City Plan.

Other alterations comprise the replacement of aluminium windows to the rear with timber sash windows, landscaping works to the front and rear garden, and excavation of front lightwell with railings. The front bay is also extended downwards replicating the existing lower ground floor bay window. These alterations are also considered acceptable.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan: Strategic Policies aims to protect the amenity of residents from the effects of development.

In this instance, the proposed extensions due to their location at lower ground level, their height and detailed design and relationship with neighbouring properties are not considered to adversely impact upon the amenity of adjoining occupiers, with respect to sense of enclosure, daylight and sunlight or privacy, and accords with the above policies. A condition is recommended to ensure that the roofs of the rear and side extensions will not be used for sitting out.

8.4 Transportation/Parking

The application does not raise transportation/parking issues. Matters relating to construction management are dealt with in section 8.10 of this report.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access arrangements will remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

Trees

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

The City Council's Arboricultural Officer has reviewed the proposals and raises no objection to the removal of the single 'shrub' in the rear garden nearest the house on the boundary with No. 97, subject to detailed landscaping to secure a satisfactory setting for the development. Details of tree protection are also recommended to safeguard the fruit tree towards the rear of the garden that could be vulnerable to damage during construction. Landscaping and tree protection conditions are recommended accordingly.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 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 and subject to 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 paragraph 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

Not applicable.

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 pre-commencement conditions 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 and details of the ways trees will be protected on site. The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

The estimated CIL payment is: £66,555 (Mayoral: £7,395, Westminster £59,160).

8.13 Environmental Impact Assessment

Not applicable.

8.14 Other Issues

Basement structural issues

A nearby residential occupier states that the property is unsuitable for basement excavation and that no analysis has been provided in relation to potential damage to nearby buildings, construction noise, dust and flouting of traffic restrictions. It is understood that this concern is related to previous basement works which took place at 97 Randolph Avenue (RN:17/03517/FULL).

The submission includes a Structural Methodology Statement, supporting geotechnical survey and sequential floor plans explaining the likely methodology of excavation, prepared by a suitably qualified Structural Engineer. The submission of this information is a requirement of the adopted basement SPD and basement policy CM28.1 (A). Any report by a member of the relevant professional institution carries a duty of care to demonstrate that the matter has been properly considered at this early stage, and that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. Building Control officers have reviewed the submitted details and no objections are raised.

Planning Officers have previously sought clarification from the City Council’s Building Control Officer in relation to the situation between No. 97 and 99 Randolph Avenue. The officer advised that it was a private Party Wall issue related to the underpinning of the boundary. As such, whilst these concerns are acknowledged, party wall matters outside the application site are a separate issue that fall outside the remit of this planning application. The current application has to be considered on its merits in relation to the application site, adopted development plan policies and any other material planning considerations. Pursuant to this, the submission has provided satisfactory consideration of structural implications at this early planning stage. It should be noted that detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above.

Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

Construction Impact

Policy CM28.1 of the City Plan requires the applicant to supply a signed pro-forma which essentially binds the applicant or any other parties undertaking the works to the Council’s Code of Construction Practice. This is a provision which provides the Council with monitoring powers for the construction period and details of construction practices; with the aim of reducing construction related impacts on the locality. Accordingly a signed pro forma has been submitted with the application.

In addition to this, the applicant has provided; a Construction Traffic Management Plan (CMP) dated 27 August 2019 detailing vehicular arrangements during construction, a

Construction Management Plan dated August 2019 prepared by Pall Mall Developments Limited detailing working practices relating to site rules/ health and safety principles. The Preliminary Works Programme indicates that works will take place from May to December 2020. These will be considered by the City Council's Code of Construction Practice Team as part of the requirements of condition 3.

A condition (no.3) is recommended requiring that; prior to the commencement of development, the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the Council's Code of Construction Practice

Neighbour Notification

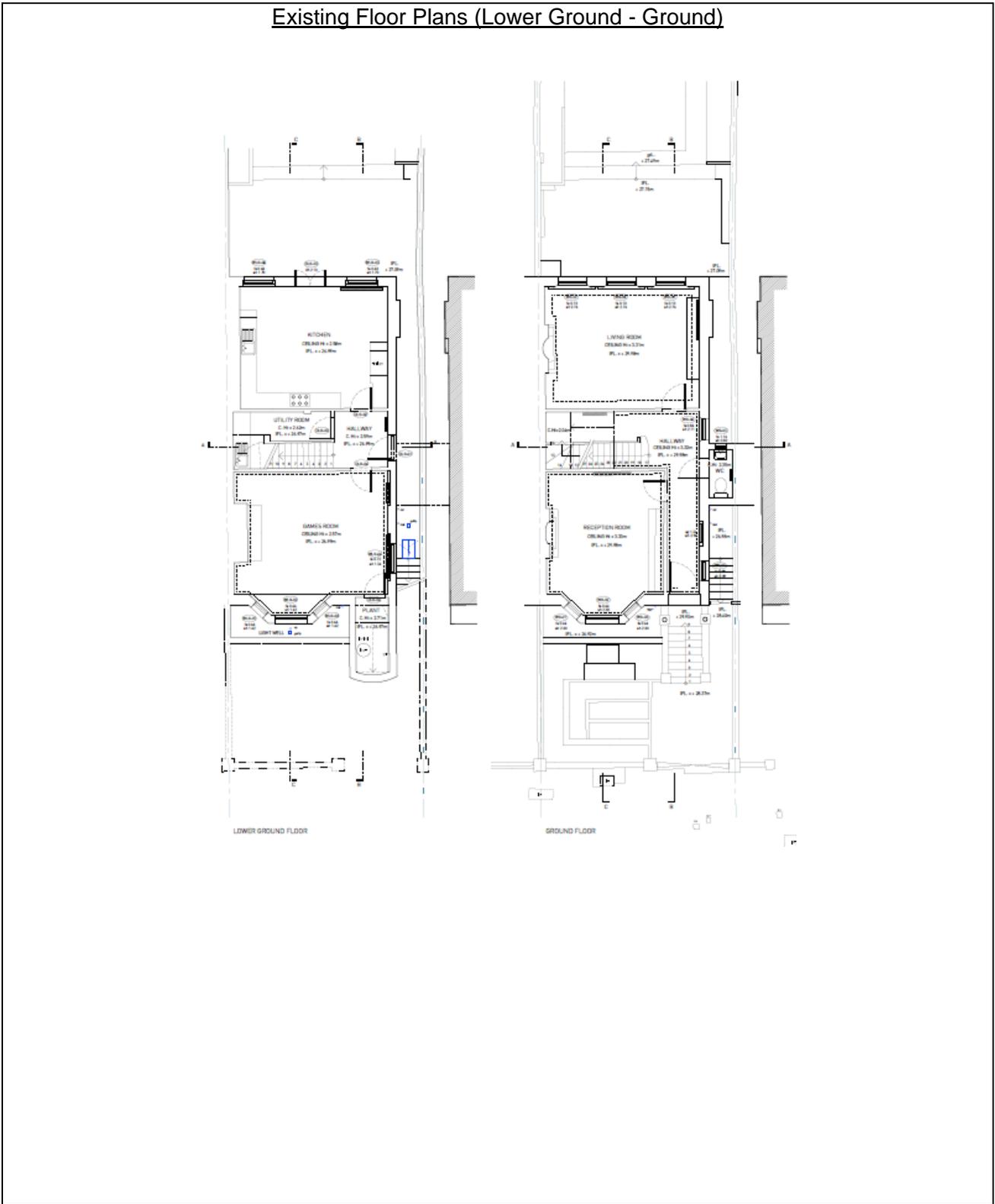
The objector has raised concern that 14 days was not enough time for neighbours to submit comments and no site notices were put up.

Neighbours were originally notified by letter on 9 September 2019 for a period of 21 days, this was accompanied by a site notice on 9 September 2019 and press advert on 13 September 2019. On 8 October 2019, the case officer sent out additional neighbour notification letters to a further 23 neighbours, as it was considered that the original round of consultation was not wide enough. All responses received, up to the day the application is determined, will be taken into account and it considered that neighbouring residents have not been disadvantaged.

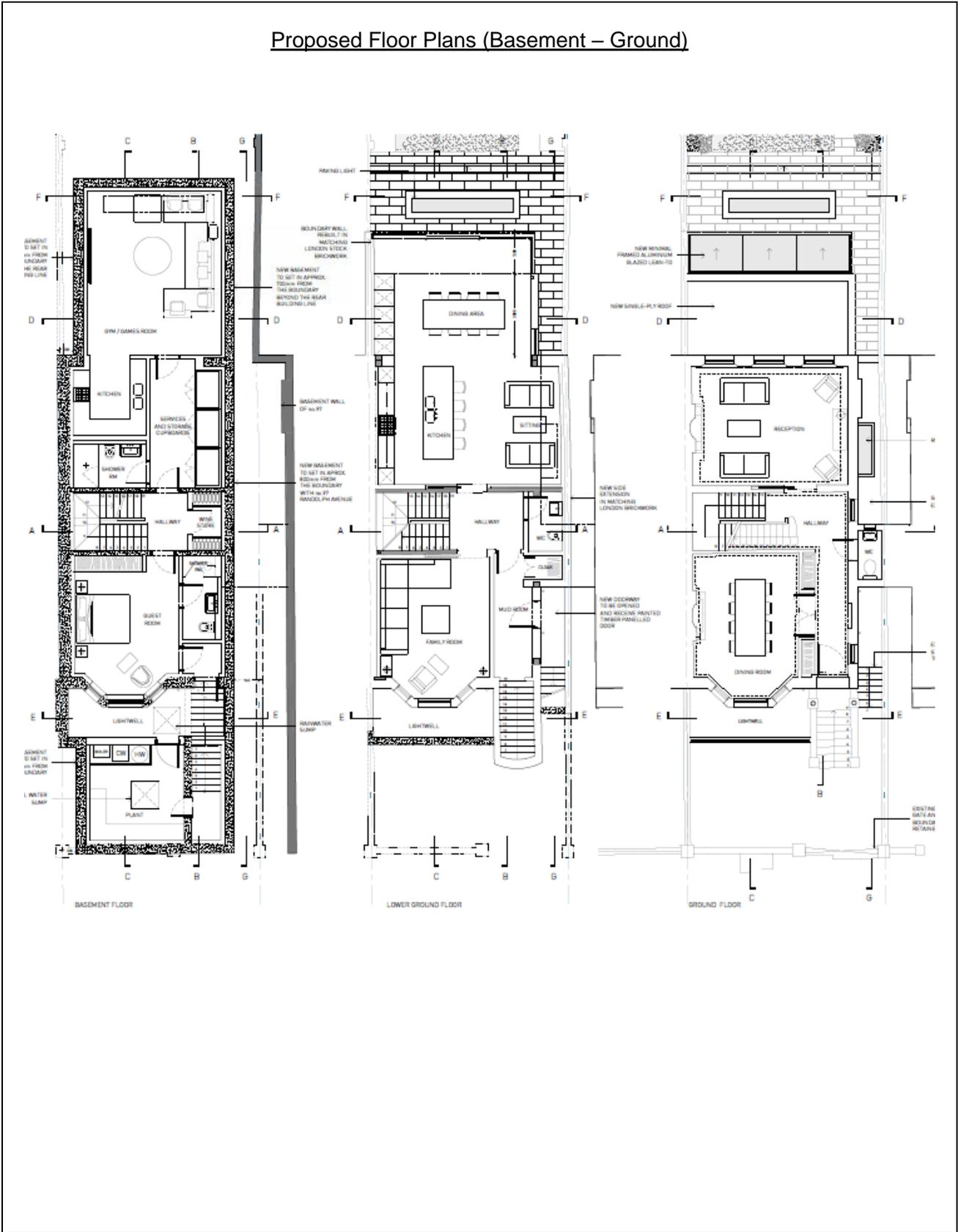
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

9. KEY DRAWINGS



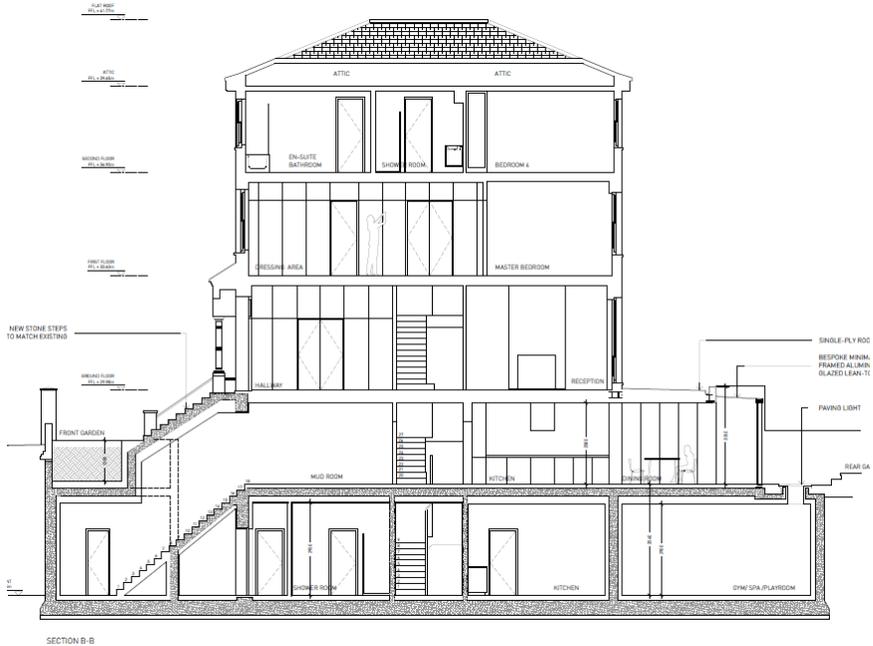
Proposed Floor Plans (Basement – Ground)



Existing Section B-B



Proposed Section B-B



South Bird's-Eye View (Rear Garden) As Proposed



DRAFT DECISION LETTER

- Address:** 95 Randolph Avenue, London, W9 1DL,
- Proposal:** Excavation to create basement extension with front light well, lower ground floor side and rear extensions, and installation of rooflight.
- Reference:** 19/06836/FULL
- Plan Nos:** 1427_001, 1427_1_100, 1427_101, 1427_102, 1427_110, 1427_111, 1427_120, 1427_121, 1427_1_200, 1427_1_201, 1427_1_210, 1427_1_211, 1427_1_212, 1427_1_220, 1427_1_221, 1427_1_230. Design and Access Statement dated August 2019; Planning Statement dated August 2019; Checklist B: Code of Construction Practice – Basements; Cover Letter dated 30 August 2016

For information:

Construction Management Plan dated August 2019; Construction Traffic Management Plan dated 27 August 2019;; Strategic Summary of Mechanical and Electrical Building Services; Structural Engineer's Structural Method Statement Rev. B dated 23 August 2019; 1427_390; 391; 392; 393; 394.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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 not at all on Saturdays, 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 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of 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 detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 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 3 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 this part of the Maida Vale Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

5 **Pre Commencement Condition.**

You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 1427_1_230 . 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 protect trees and the character and appearance of the site 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. (R31CC)

- 6 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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 The front railings shall be painted black and permanently maintained in that colour.

Reason:

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

- 8 You must not use the roof of the rear or side extension for sitting out or for any other purpose. You can however use the roof of the extensions to escape in an emergency. (C21BA)

Reason:

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

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

Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 November 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Novello House, 152 - 160 Wardour Street, London, W1F 8YA,		
Proposal	Variation of Condition 8 of planning permission dated 9 March 2017 (RN: 17/11343/FULL) for, 'Single storey extension at the fourth floor to provide additional (Class B1) office with roof terrace, relocation of existing plant to roof level and associated external alterations'; NAMELY to extend the hours of use of the roof terrace to enable its use from 0800 to 1900 with extended hours of 08.00 to 21.30 up to 10 days every calendar year on Mondays to Thursdays, and from 0800 to 2130 on Fridays.		
Agent	JLL		
On behalf of	Badoo Limited		
Registered Number	19/07578/FULL	Date amended/ completed	1 October 2019
Date Application Received	1 October 2019		
Historic Building Grade	II		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a grade II listed building located on the corner of Wardour Street and Sheraton Street. The upper levels of the building are in use as offices (Class B1) currently occupied by Badoo Limited. Permission was initially granted in June 2016 for a single storey extension at fourth floor to provide additional office (Class B1) floorspace, this permission included a roof level terrace, the subject of this application, which wraps round the south western corner of the building. The roof terrace is currently restricted to hours of use from 08.00 to 19.00 on Mondays to Fridays. This application seeks permission to vary the permitted hours of the roof terrace extending its use until 21:30 on Fridays and, on up to 10 days each calendar year, until 21.30 on Mondays to Thursdays.

The applicant sets out that with more flexible working practices staff are less tied to “traditional” office hours and that the terrace has a key role to play in supporting the well-being of staff. The terrace is currently used as external space over the course of the working day to provide an open-air

environment away from desks and meeting rooms and encouraging social interaction and internal networking. It also provides a break-out area for activities and a space for informal social functions in the evenings, typically on Fridays, where a free dinner is provided. It is understood that though regular use beyond 19:00 will typically only be needed on Fridays, occasional gatherings (up to 10 per year) do occur on other days of the working week.

The Soho Society initially raised concerns regarding the capacity of the terrace but have since commented that the hours of the terrace should be restricted to 22:00 at the latest.

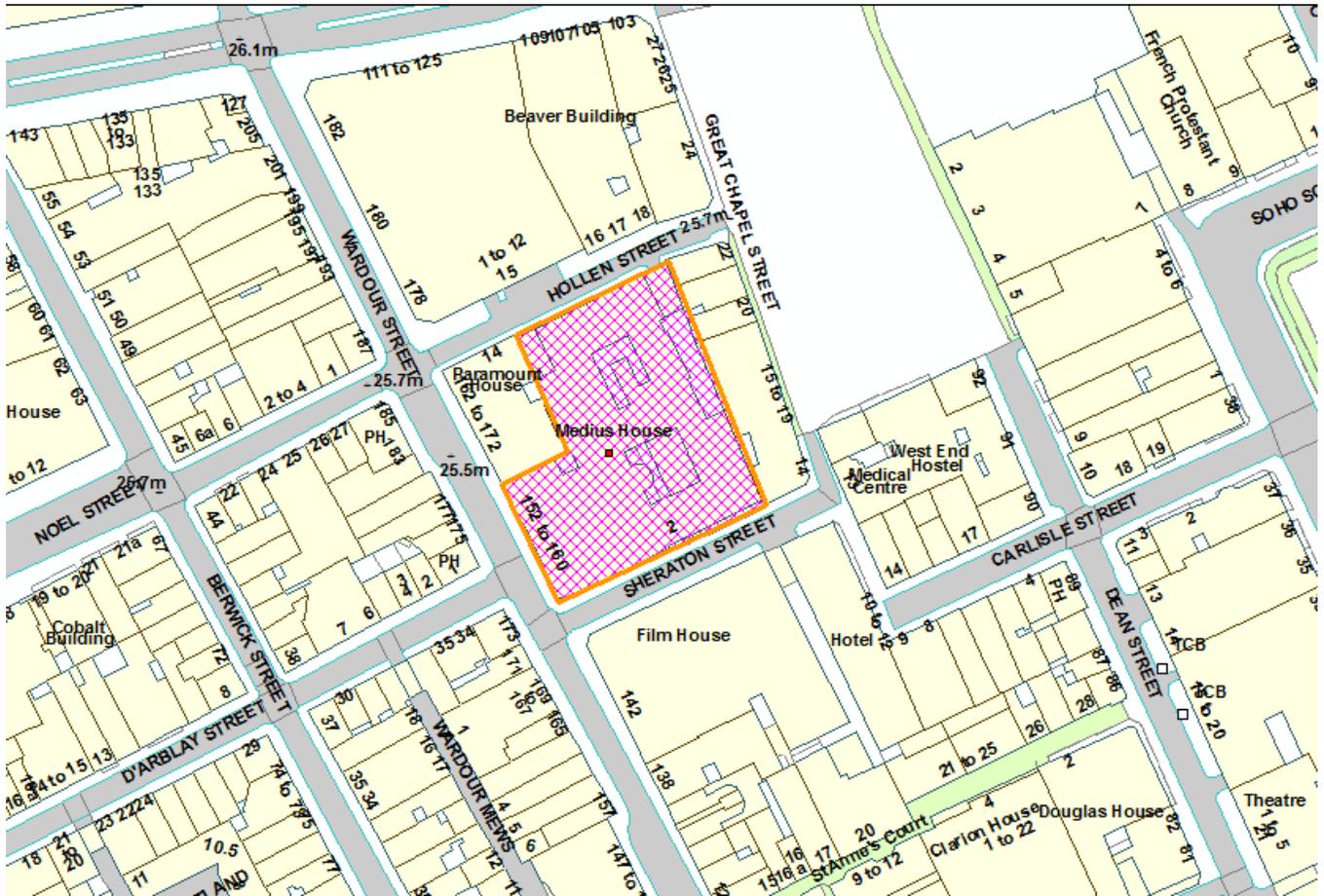
The closest residential to the application site are the 15 flats within Paramount House, 168 Wardour Street, some 8m from the most northern point of the terrace. Five letters from occupiers of Paramount House have been received. One letter of objection has also been received from an occupier in Great Chapel Street to the north east of the application site. The objectors raise concerns regarding noise from the terrace bouncing off walls into the terraces/balconies and windows of neighbouring residential windows and parties on the roof beyond midnight.

Whilst the objector's concerns regarding noise are understood, it is unlikely that the noise levels associated with an additional 2.5 hours each Friday, and on 10 other days per year, would be so harmful to justify refusal. The applicant confirms that no music will be played on the terrace and whilst the maximum capacity of the terrace is 100, it is understood that the terrace has been used throughout the summer and there is no evidence of noise nuisance having been reported from use of this terrace. A terminal hour of 21:30 on Fridays (and on 10 other days each year) is considered acceptable within this central location on Wardour Street and as such, it is considered that the proposal is unlikely to significantly harm the amenity of the adjoining residential occupiers.

One of the objections, from the occupier in Great Chapel Street, refers to noise from parties on the roof beyond midnight. However, the roof terrace the subject of this application is some 50m from this objector's property and shielded by intervening roof structures. None of the occupiers of the flats within Paramount House, the adjoining residential building refer to current late-night use of this terrace. There is however one roof terrace at 14 Great Chapel Street and two other roof terraces within the application site that are both closer to the objector's property in Great Chapel Street and subject to later hours of use (until 22.30), and which appear to be the more likely source of this noise complaint. The complaint regarding late night parties is the subject of ongoing enforcement investigation.

Additional conditions are proposed to prevent music being played and to restrict capacity limits. An informative has been included on this permission to remind the applicant that formal enforcement action may be taken should the roof terrace be used outside of the permitted hours of operation.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

SOHO SOCIETY

Initial objection raised regarding the location and capacity of the roof terrace. Further response requesting limit on the hours to be 21:00 or 22:00 at the latest.

CROSSRAIL 1

Do not wish to make any comment on the application as submitted.

CROSSRAIL 2

Do not wish to make any comment on the application as submitted.

ADJOINING OWNERS/OCCUPIERS

No. consulted: 155

No. responses: 6 objections received on the following grounds:

- Noise concerns
- Conditions likely to be flouted with no guarantee terrace will cease use by 21:30

Site and Press Notice: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

Permission was granted on the 23 June 2016 for a single storey extension at the fourth floor to provide additional (Class B1) office with roof terrace, relocation of existing plant to roof level and associated external alterations (15/06311/FULL)

Permission was granted on the 20 February 2018 for the variation of condition 1 of planning permission dated 23 June 2016 (RN: 15/06311/FULL) for the Single storey extension at the fourth floor to provide additional (Class B1) office with roof terrace, relocation of existing plant to roof level and associated external alterations. NAMELY, to allow the introduction of additional glazing to the existing atrium elevation, infilling of balcony, and a rooflight (17/11343/FULL).

Both the above mentioned consents included a condition restricting the use of the roof terrace between 08:00 and 19:00 Monday to Friday.

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

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

DRAFT DECISION LETTER

Address: Novello House, 152 - 160 Wardour Street, London, W1F 8YA,

Proposal: Variation of Condition 8 of planning permission dated 9 March 2017 (RN: 17/11343/FULL) for, 'Single storey extension at the fourth floor to provide additional (Class B1) office with roof terrace, relocation of existing plant to roof level and associated external alterations'; NAMELY to extend the hours of use of the roof terrace to enable its use from 0800 to 1900 with extended hours of 08.00 to 21.30 up to 10 days every calendar year on Mondays to Thursdays, and from 0800 to 2130 on Fridays.

Reference: 19/07578/FULL

Plan Nos: 17/11343/FULL
1452-D3-115 P1, 1452-D3-104 P1, 1452-D3-105 P1, 1452-D1-300 P1, 1452-D3-301 P1, 1452-D3-302 P1, 1452-D3-201 P1, 1452-D3-200 P1, , 16/09178/ADFULL, D2-105-P2, D2-200-P2, D2-201-P3, D2-302-P2;' , Euroclad Vleo aluminium standing seam roof RAL 7012, Kingspan composite panel RAL 7016, Kingspan AWP flat composite panel RAL 7016, structural glass roof light, Composite decking - colour pebble gray, Welsh slate - Cwt Bugail dark blue grey, MHB Slimline SL-30 RAL 7012, galvanised steel staircase, chevron acoustic louvre CS 600 RAL 7016, glazing sample, , 16/09451/NMA, 1452-D1-104 P5, 1452-D1-300 P6, 1452-D1-201 P6, 1452-D1-200 P5, 1452-D1-105 P4, 1452-D1-301 P4, 1452-D1-302 P4; , BALUSTRADE STUDY - NOVEMBER 2016 by Orbit Architects., ,

15/06311/FULL
1988_X_GA(04)01_XX, 1988_X_GA(R1)01_XX, 1988_X_GE(SO)01_XX, 1988_X_GE(WE)01_XX_REV P01, 1988_X_GS(AA)01_XX REV P01, 1988_X_GS(BB)01_XX Rev P01, Acoustic report dated 16 October 2014

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho 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 carry out the development in accordance with the full particulars of facing materials approved by the City Council as Local Planning Authority on 8 November 2016 under reference RN:16/09178/ADFULL or in accordance with other facing material particulars as submitted to and approved by the City Council.

Reason:

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

- 4 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:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 5 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and,
 - * not at all on Sundays, bank holidays and public holidays.
- Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of 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),

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including

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

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

Reason:

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

8 You must only use the roof terrace between the following hours:

- Monday-Thursday 08:00-19:00 with extended hours of 08:00-21:30 up to 10 days each calendar year
- Friday 08:00-21:30.

Detailed records of the ten days that the terrace is used between 19:00 and 21:30 on Mondays to Thursday shall be kept and made available to the City Council upon written request by the Council.

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)

9 You must not play live or recorded music on the roof terrace.

Reason:

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

10 You must not allow more than 100 people on the terrace at any one time.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following., * Window cleaning - where possible, install windows that can be cleaned safely from within the building., * Internal atria - design these spaces so that glazing can be safely cleaned and maintained., * Lighting - ensure luminaires can be safely accessed for replacement., * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm., , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 3 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.

- 4 Conditions 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

Item No.
6

- 6 You are reminded that Condition 8 must be adhered to. You should ensure that the terrace is vacated no later than 21:30 on the days of use. The City Council may seek to take formal enforcement action should complaints be received regarding the terrace being used outside the permitted hours.

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 7

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 November 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	61-63 Beak Street, London, W1F 9SS,		
Proposal	Installation of a new openable shopfront with fixed stallriser and louvres and 2 condensers housed in acoustic enclosure to rear of site.		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury West End Ltd		
Registered Number	19/02354/FULL	Date amended/ completed	29 August 2019
Date Application Received	29 March 2019		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

<p>The application relates to a vacant A3 unit at 61-63 Beak Street which is within the Soho Conservation Area and the Core Central Activities Zone (CAZ). The original proposals sought alterations to the shopfront and louvres within the fascia panel. Further to officer advice that this would detract from the appearance of the building the application has been revised and includes smaller louvres within the stallriser. The louvres will be used for air intake only. The stallriser is fixed with fully openable windows above. The application includes air conditioning units which are to be housed within an acoustic enclosure at the rear first floor lightwell and will be used to cool the restaurant.</p> <p>The key issues for consideration are:</p> <ul style="list-style-type: none"> - the impact on the appearance of the building, and the character and appearance of the Soho Conservation Area; - the impact on residential amenity. <p>The upper floors of the premises are in use as residential flats (3 self-contained flats). Objections have been received from the owner/occupiers of these flats, and an adjoining neighbour, on amenity grounds. With regards to amenity the objections are that the louvres would result in nuisance from</p>

cooking fumes, that the air-conditioning units would result in noise and loss of light, and that the openable shopfront would result in noise nuisance emanating from any music playing within the restaurant and from diners.

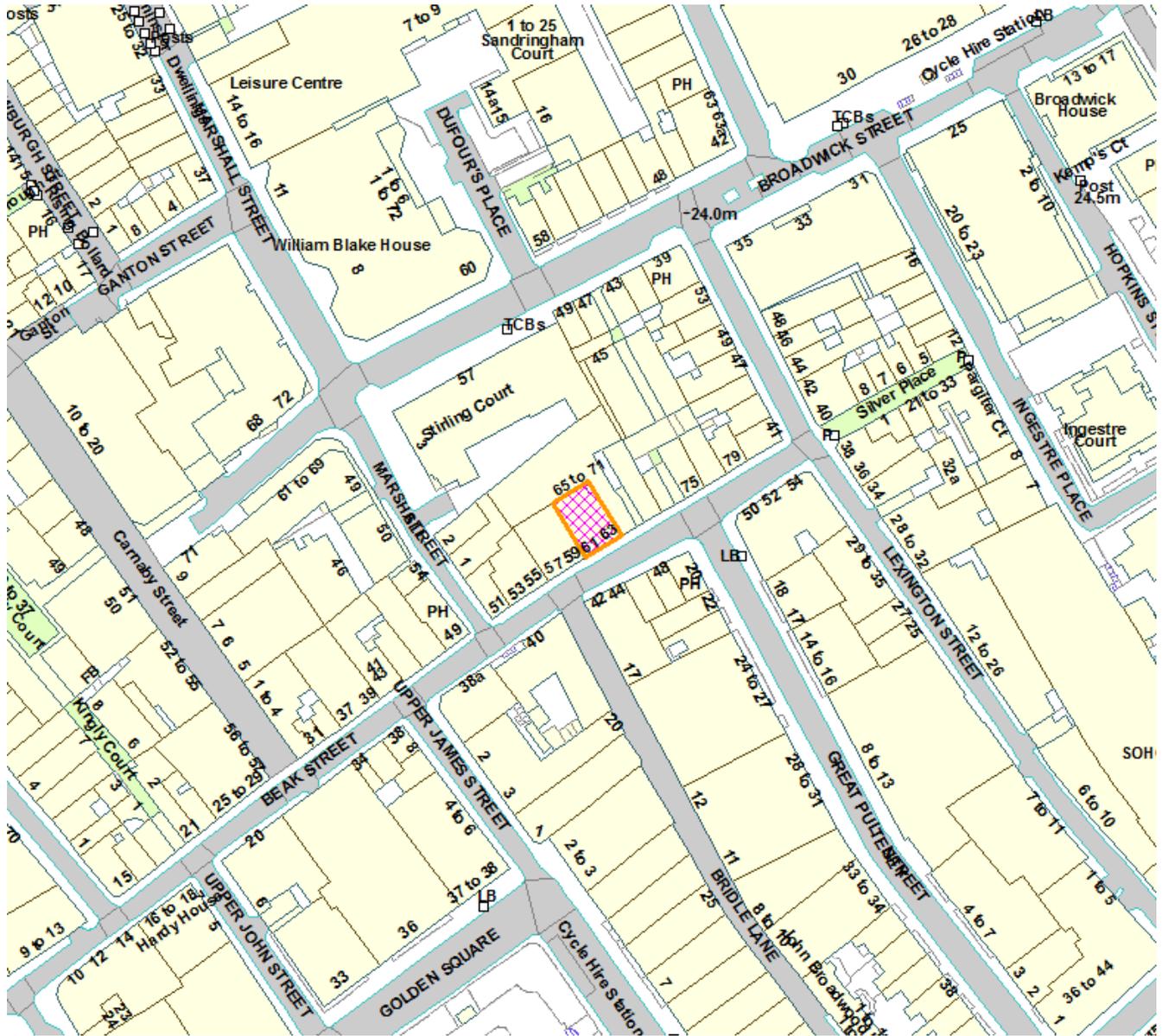
As mentioned, the proposed louvres will provide air intake only. The restaurant will continue to be ventilated via a full height extract duct, which was permitted in 2013. The proposed new shopfront will have no impact on the dispersal of cooking odours. In relation to noise, the policy presumption is not to allow fully openable shopfronts directly underneath residential properties. Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development. Similarly, Policies ENV 6 and ENV 7 of the UDP seek to control noise disturbance from development. Of particular relevance, is paragraph 9.108 of Policy ENV 7 which states that 'The City Council will discourage provision of openable shop fronts that would enable noise from inside the premises to be heard outside'. Openable shopfronts will generally be resisted where there is the potential for internal noise to escape and cause disturbance to neighbouring residents. In this case the intention is that the windows would be openable between 08.00 and 19.00 hours. An acoustic report has been submitted in support of the application which details background noise levels during these hours. Whilst concerns have been raised on the grounds that the acoustic report relies on inaccurate survey information, Environmental Health are satisfied that the information submitted is representative and that noise levels from an openable shopfront during these hours is unlikely to result in any harmful impact. Given the proximity of flats on the upper floors of the building, and that this area of Soho is relatively quiet, the proposed shopfront hours are considered appropriate in this location. Therefore, subject to a condition which requires the shopfront to be fixed shut outside the stated hours, the entrance door is not left in an open position, and a condition that prevents any amplified music from being played within the restaurant whilst the windows are open, it is not considered that the new shopfront would result in noise nuisance and a loss of amenity to residents above.

The proposals also include two air conditioning units on the rear first floor flat roof. These are close to rear first floor residential windows, however they are to be housed within an acoustic enclosure which sits beneath the windowsill of the closest residential windows. Environmental Health raise no objection to these units on noise grounds. Given their location, it is not considered that these units would result in any adverse loss of daylight. Conditions are recommended relating to plant noise, hours of operation (07:00 – 23:00 hours), vibration, and requiring the installation of plant screening prior to the operation of the plant. Objections have also been received on the grounds that previous operators have failed to operate the plant in accordance with approved hours of operation, however, no formal complaints to the noise team have been made on these grounds. An informative is added to remind the applicant to comply with the conditions on the attached draft decision notice.

In design terms the proposed shopfront is traditional in appearance with a fixed stallriser and complies with the Council's 'Shopfronts, Blinds and Signs - A Guide to their Design' SPG. The louvres within the stallriser are not unduly prominent. However, for the shopfront to retain its traditional character when it is opened it is considered an amending condition is required to retain fixed mullions between the openable glazing and reflect the guidance set out within the 'A Planning Guide for Food and Drink premises' SPG and avoid an open hole within the façade. Subject to this amending condition, the new shopfront is considered acceptable in design terms subject also to conditions requiring the louvres to be finished and maintained in the same colour as the stallriser.

The application is considered to accord with policies in the adopted UDP and City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation to 61 – 63 Beak Street



Rear lightwell to 61 – 63 Beak Street (1st Floor)



5. CONSULTATIONS

Original consultation

SOHO SOCIETY

No response to date

ENVIRONMENTAL HEALTH

Objection raised on noise and nuisance grounds. The application fails to mention the use of a kitchen extraction system.

ADJOINING OWNERS AND OCCUPIERS

No Consulted: 24

No Replied: 5 letters of objection received on the following grounds:

- * noise creation
- * vibration, smells and odours created by the louvers at the front.
- * openable shopfront that will lead to the loss of amenity through noise creation by patrons.

SITE AND PRESS NOTICE

Yes

Re-consultation following revisions

SOHO SOCIETY

No response to date

ENVIRONMENTAL HEALTH

No objections subject to conditions

ADJOINING OWNERS AND OCCUPIERS

No Consulted: 26

No Replied: 4 letters of objection received on the following grounds:

- * possibility of playing amplified music will lead to noise disturbance.
- * restaurant door will be left open and this will generate further noise disturbance.
- * hours should be tightened further with respect to the use of the openable shopfront and operation of plant.
- * continued concerns raised regarding the need for additional condenser units
- * loss of light from the installation of air conditioning units
- * noise report appears to be inaccurate with survey data referring to a different address

SITE AND PRESS NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant history

13/06737/FULL

Infilling of rear lightwell to provide additional restaurant floorspace at basement and ground floor levels (Class A3). Replacement of rear sloping glazed roof at ground floor level with lead clad sloping roof; replacement of plant equipment at rear first floor level, and installation of replacement full height flue on rear elevation. (Retrospective application).

Application Permitted 3 September 2013

13/09352/ADFULL

Approval of details pursuant to Condition 4 of planning permission dated 3 September 2013 (RN:13/06737); namely, detailed post-commissioning noise survey.

Application Permitted 17 October 2013

97/06572/FULL

VARIATION OF CONDITION 2 ATTACHED TO PLANNING PERMISSION DATED 14/12/95 FOR AN EXTENSION OF OPENING HOURS UNTIL 11.20 P.M. DAILY.

Application Permitted 17 September 1997

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT JPALME@WESTMINSTER.GOV.UK

7. KEY DRAWINGS

FRONT ELEVATION AS PROPOSED 1:50

FRESSON AND TEE

6th Floor Queens House
55-56 Lincoln's Inn Fields
LONDON WC2A 3LJ

020 7891 7100 www.fandt.com

NOTES:
LOCATION PLAN @ 1:250 and NORTH UP AS SHOWN. DIMENSIONS TO BE CHECKED ON SITE.

NO.	REV.	DESCRIPTION	DATE
1	AK	Revised Elevation	04/06/2019
2	AK	Final Elevation	23/11/20
REV.	D.R.	Description	Date

Prepared by: **Front Elevation As Proposed**

Project name: **Replacement Shopfront**

Address: **61-63 Beak Street London W1**

Client: **Shaftesbury West End Ltd**

JOB NO:	24436	DATE:	03-P-REV B
SCALE:	1:50@A3	DATE:	March 2019
DESIGNER:	KK	CHECKED BY:	CM

SECTION A-A AS PROPOSED

SECTION B-B AS PROPOSED

FRESSON AND TEE

6th Floor Queens House
55-56 Lincoln's Inn Fields
LONDON WC2A 3LJ

020 7891 7100 www.fandt.com

NOTES:
LOCATION PLAN @ 1:250 and NORTH UP AS SHOWN. DIMENSIONS TO BE CHECKED ON SITE.

NO.	REV.	DESCRIPTION	DATE
1	AK	Revised Shop Front Heights	04/06/2019
2	AK	Revised Louvre Size	10/06/2019
REV.	D.R.	Description	Date

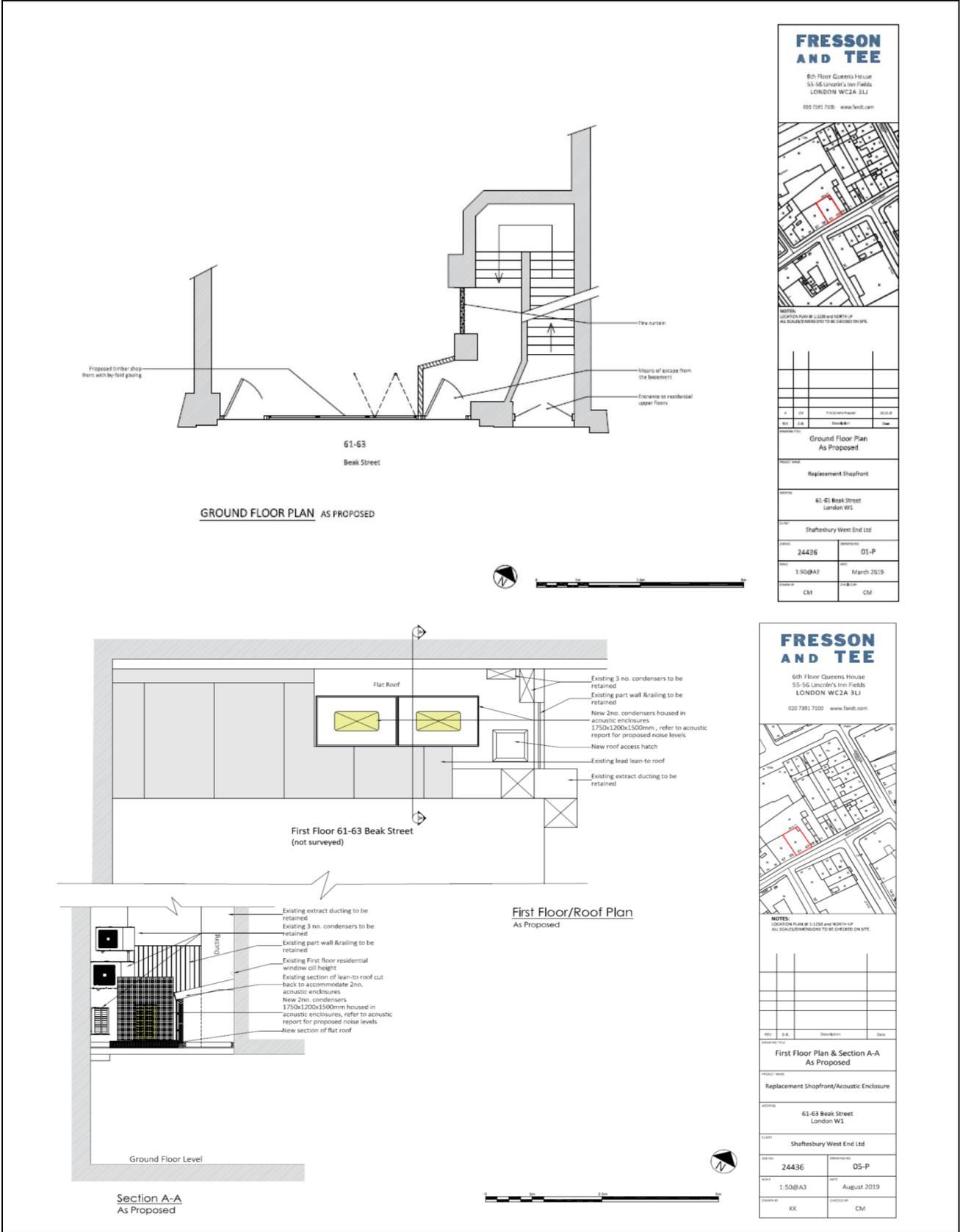
Prepared by: **Sections A-A & B-B As Proposed**

Project name: **Replacement Shopfront**

Address: **61-63 Beak Street London W1**

Client: **Shaftesbury West End Ltd**

JOB NO:	24436	DATE:	02-P-REV B
SCALE:	1:50@A3	DATE:	March 2019
DESIGNER:	CM	CHECKED BY:	CM



DRAFT DECISION LETTER

Address: 61-63 Beak Street, London, W1F 9SS,

Proposal: Installation of a new openable shopfront with fixed stallriser and louvres and 2 condensers housed in acoustic enclosure to rear of site.

Reference: 19/02354/FULL

Plan Nos: 01-P, 02-P REVB, 03-P-RevB, 05-P

Case Officer: Rattan Sehra

Direct Tel. No. 020 7641 6913

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) (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 (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)

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

Reason:

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

- 5 You must put up the plant screens shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB), ,

- 6 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 7 You must not play live or recorded music on your property (including amplified and non-amplified music) that is audible in the nearest property, when the shopfront is open.

Reason:

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

- 8 The partially openable shopfront on the Beak Street elevation can only be opened between the hours of 08:00 and 19:00 daily and must be fixed shut outside of these times.

Reason:

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

- 9 The entrance door to the ground floor restaurant must not be left in an open position and must be kept closed except when staff or visitors are entering or leaving the premises.

Reason:

To ensure against noise escape from the premises in order to protect the amenity of neighbouring residential occupiers as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 10 The louvres shall be finished and maintained the same colour as the stallriser.

Reason:

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

- 11 At times when the shopfront windows hereby permitted are open (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 restaurant, 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 when the windows within the shopfront are open, 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 restaurant, 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 when the windows within the shopfront are open, 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 when the windows within the shopfront are open. 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.,

- 12 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: fixed mullions. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

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

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 3 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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- 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 Please be advised that Condition 2 of planning permission dated 17 September 1997 restricts the opening hours of the restaurant at ground and basement floors to between 08.00 - 23.20 (Mondays - Saturdays) and between 08.00 - 22.50 (Sundays and Bank Holidays).

- 5 Please be advised that the lawful use of the ground and basement floors is within Class A3 (Cafes and Restaurant). The primary purpose of the use must therefore be for the on-site consumption of food. If there is any takeaway element to the proposed operation you should seek the City Council's advice as whether this constitutes a material change of use that would require planning permission.

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 8

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 November 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Churchill	
Subject of Report	62 Bourne Street, London, SW1W 8JD,		
Proposal	Variation of condition 1 of planning permission dated 7 February 2017 (RN: 16/07755/FULL) for "Excavation of basement extension with lightwell to rear and erection of extensions at rear ground and first floor levels". NAMELY, alterations to height, form and pitch of roof of rear first floor extension, alterations to height and form of ground floor extension and replacement of window with French door and Juliet balcony to rear elevation at first floor level.		
Agent			
On behalf of	Mr Edward Redmond		
Registered Number	19/02250/FULL	Date amended/ completed	2 April 2019
Date Application Received	26 March 2019		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission was granted on 07 February 2017 for the excavation of a basement extension with a lightwell to the rear and erection of extensions at rear ground and first floor levels. The scheme was not built in accordance with the approved plans. This application seeks permission to retain the unauthorised works which consist of the removal of the set back to the ground floor rear extension and increase in its height, an increase in height of the first floor extension and alterations to the roof line, along with the replacement of a window with French doors and Juliet balcony at first floor level.

The key issues in this case are:

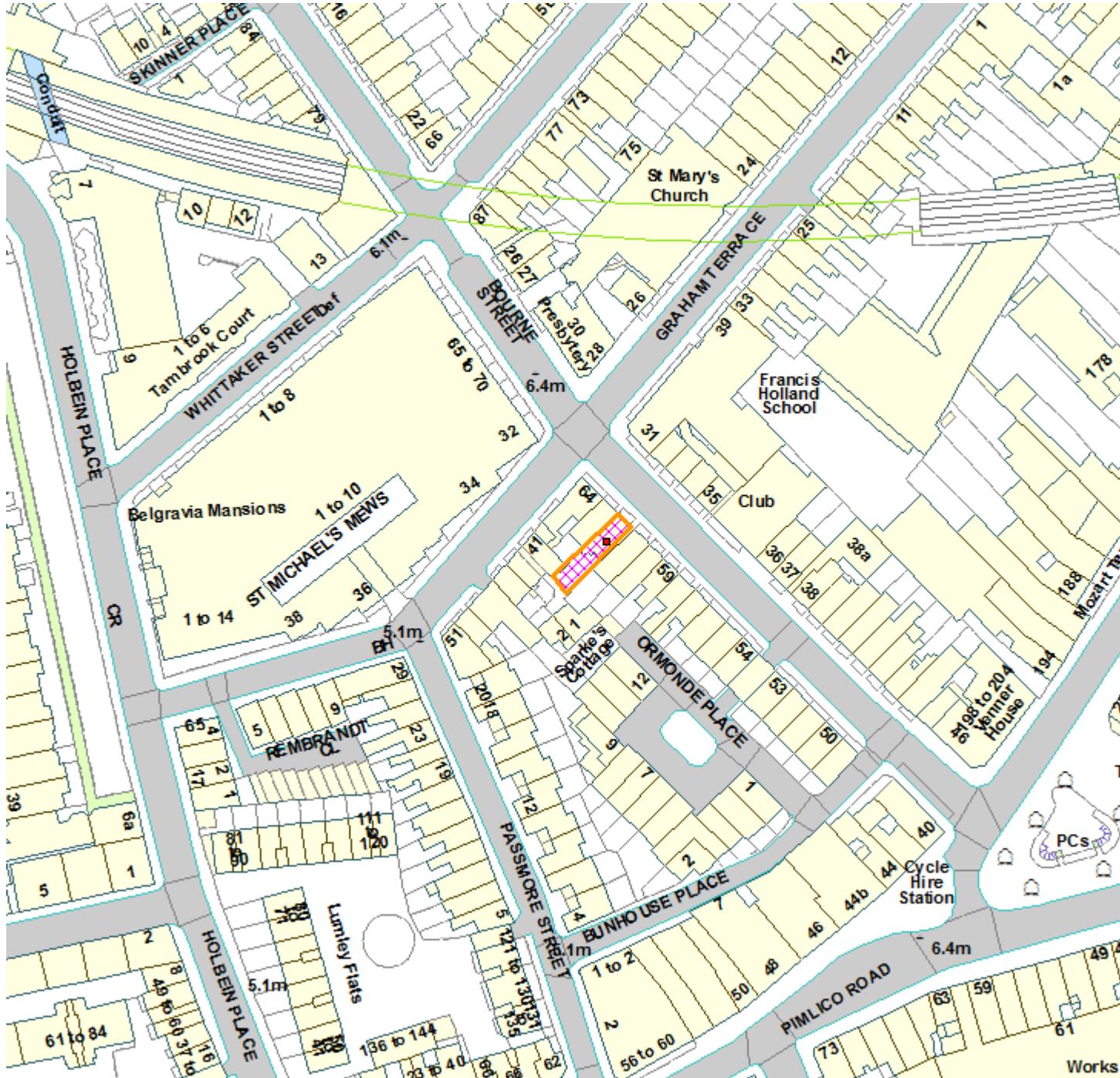
- the impact of the proposed works on the character and appearance of the Belgravia Conservation Area;
- the impacts of the proposals on the neighbouring residential amenities.

Objections from nearby residents have been received on the grounds of design, affect on amenity,

the principle of a retrospective application and inaccurate drawings. Whilst the officers understand the objectors' frustration that the development was not built in accordance with the approved plans, a retrospective application is assessed the same way as any application for planning permission. In design terms, the implemented extensions are not significantly different from the approved scheme and in amenity terms, the increase of heights and change to fenestration are not considered to be of scale to materially reduce the daylight and sunlight or cause a sense of enclosure to an unacceptable level or create overlooking issues.

Whilst the proposals are clearly not as originally approved, they are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in the City Plan and the Unitary Development Plan (UDP). The application is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



Front elevation



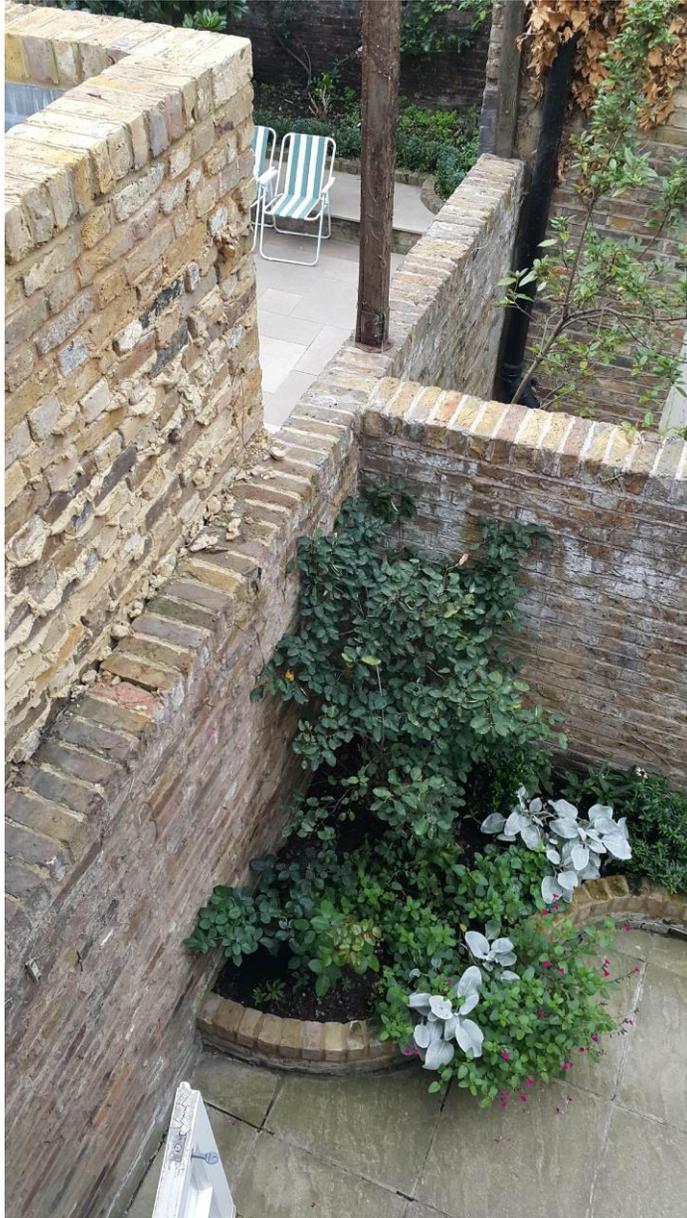
Pre-existing rear elevation



As-built rear elevation



Application site showing boundary with 63 Bourne Street to the left



View from first floor of 63 Bourne St into rear garden with extension to left



Wall when viewed from garden of 63



View from No. 63 in 2017 with former trellis in place, before works at no. 62.

5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION: Objection on the grounds of design and loss of privacy. They state that this is a classic case of someone deliberately flouting planning consent, if allowed it will send a message to everyone in Westminster "build what you want and let the council chase you, and if pressurized to conform then simply submit a retrospective application". The wall is described as atrocious due to the condition of the pointing. The association requests the offending wall is taken down and rebuilt professionally and to the height designated in the original consent. They also have concern about the use of the first floor flat roof as a terrace and request that the planning team visit the neighbouring property.

THE BELGRAVIA SOCIETY:
Any response to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM:
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8
Total No. of replies: 4
No. of objections: 4
No. in support: 0

Four letters of objection on the following grounds:

*Design

- Contrary to Policy DES1 which requires that all development is of high quality, respects the amenities of neighbouring properties and respects the character and context of the area in which it is located. The as built proposal meets none of those tests.
- Small confined area of houses at the end of a terrace so changes to design have a disproportionate impact.
- Overall size of the building as built.
- Size and proportion of the additional wall, namely the parapet wall, has a negative impact upon the view from the garden. Request for the wall to be reduced to match approved.
- Shape, size and impact of first floor roofline, the approved slope was in accordance with other eight houses.
- Small corner of Bourne Street is special as it still has an original Victorian Cottage (Sparkes Cottage), development works should take into account the unique feel of the area.

*Amenity

- Loss of privacy and overlooking from the creation of a terrace to first floor flat roof and introduction of doors at first floor level.
- Loss of daylight and sunlight and sense of enclosure due to alterations to ground and first floor level extension

*Other matters:

-Inaccuracies of the drawings submitted

-Query about the consultation process

- Applying for retrospective consent seems to fly in face of common sense and, should the Council permit such an application will open the doors to wholesale flouting of planning regulations.

-Permission for substantial changes should be requested before the works commence. Developer is banking upon the Council capitulating because it would seem unreasonable to enforce the original design.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

62 Bourne Street is an unlisted building located within the Belgravia Conservation Area. The building comprises lower ground, ground and first floor levels and is in use as a single family dwellinghouse. The building appears to date from the mid-19th century.

6.2 Recent Relevant History

On 7 February 2017 planning permission was granted for the excavation of basement extension with lightwell to rear and erection of extensions at rear ground and first floor levels (RN: 16/07755/FULL).

A planning enforcement investigation (ref 19/69499/H) was subsequently opened when it came to light the extension was not built in accordance with the approved plans.

The application under consideration here was submitted to regularise the situation.

7. THE PROPOSAL

This application seeks permission to retain the unauthorised works which consist of the following:

- removal of the dip (small set back from the party wall with no. 63 Bourne St) to the ground floor extension and retention of the flank wall of the extension built next to the boundary wall (rather than on top of it as shown on the approved drawings)
- increase in height of the ground floor extension
- increase in height of the first floor extension and alterations to its roofline.
- Replacement of a first floor window with French doors and Juliet balcony.

The objection letters received pointed out inaccuracies in the drawings submitted. Upon officers' recommendations revised drawings have been received and objectors were informed through a new consultation letter.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal is to extend a single family dwellinghouse, the provision of additional accommodation is considered acceptable in principle and is in accordance with Policy S14 of the City Plan and UDP Policy H3.

8.2 Townscape and Design

Objections have been received on the grounds of the overall size of the extensions as built, the importance of the character of this area and the fact that the scheme is contrary to Policy DES1.

At ground floor level the dip has been removed and the extension no longer extends along the boundary wall. The effect of this is that the extension is set very slightly further away from No. 63, but it is higher due to i) the 'dip' (set back) having been removed and ii) the extension having been built 16cm higher along its entire width. There are no changes in terms of depth of the ground floor extension, it is in line with the ground floor extension at No.61 Bourne Street as approved in 2016. With regards to height it has been increased by approximately 16cm in comparison to the approved drawings when measured during the site visit.

At first floor level the French doors and Juliet balcony match the other one approved at that level and this change is not contentious in design terms. In any event, it should be noted that changes to the fenestration of a single family dwelling are usually classed as 'permitted development' which can be done without the benefit of planning permission. The roof level to the first floor extension has been raised by approximately 30 cm and the extent of slope has been truncated by approximately 1.5m to be replaced by a flat roof.

In design terms, the 'as built' extensions are not significantly different from the approved scheme. Whilst the approved scheme is arguably a more successful design approach, the alterations are minor in nature and the extensions at ground and first floor levels remain in keeping with the architectural style of the building in terms of scale and materials.

During a site visit it was noted that the pointing of the side elevation of the ground floor extension has not been finished properly. Revised drawings have been received during the course of consideration of the application with annotation for the side extension wall to be made good. This will be secured via condition.

It is not considered that the proposal as built is harmful to the appearance of the host building or to the surrounding conservation area, providing the pointing is made good. In

view of the scheme previously granted in 2017, it would be unreasonable to refuse permission on design grounds. The proposal is considered to accord with City Plan Policy S28, and UDP Policies DES1, DES5 and DES9.

8.3 Residential Amenity

Strong objections have been raised by adjacent residents on the grounds of sense of enclosure, overlooking, loss of privacy, impact on view, and reduction of daylight and sunlight.

Policies ENV13 of the UDP and S29 of the City Plan state that the Council will resist proposals that would result in a material loss of daylight/sunlight and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

At first floor level the roofline has been raised by approximately 30cm and the extent of the slope has been shortened to be replaced by a flat roof. The changes to the roof are not be considered to be of scale to materially reduce the daylight and sunlight received by the neighbouring properties.

The introduction of French doors at first floor level does not allow access to the flat roof as they are enclosed by a Juliet balcony. In addition, there is no balustrade surrounding the existing flat roof and a condition attached to the original permission does not allow the use of this roof for sitting out. This condition will be retained. It is not considered that the alterations lead to the creation of a roof terrace on top of the ground floor extension, therefore it is not considered sustainable to withhold permission on that basis.

Officers visited adjoining property 63 Bourne Street on 01 May, 10 September and 29 October 2019 and confirmed that the ground floor extension projected higher than the 1.05m increase over the party wall shown on the original permission. Measurements on site show that the constructed extension is approximately 1.24m over the height of the existing party wall. The increase is explained by the removal of the 'dip' and the approximately 16cm increase of the overall height.

This new application highlighted the difference of garden levels between the application site and No 63 Bourne Street (approximately 35.5cm lower than the application site's garden). The drawings submitted during the course of consideration of the original permission did not indicate that difference of levels. Therefore, the existing boundary wall is not 1.65m height as measured from 63 Bourne Street but approximately 2m measured from no. 63. This means that the height of the wall as constructed, measured from the garden of 63, is approximately 3.26m whereas it is 2.96m in height when measured from the garden level of the application site.

The removal of the dip which was previously negotiated is regrettable. The new extension is however marginally further set back as it is not built on top of the party wall. It is recognised that the proposed ground floor rear extension increases the sense of enclosure experienced by occupants of 63 Bourne Street when viewed from their rear garden and the rear lower ground floor windows which serve a small office. Nevertheless, following a site visit to this property, it is considered that taking in to

account the highly built-up environment and close knit buildings, the overall impact would not be so great as to warrant refusal of permission on sense of enclosure, loss of daylight and sunlight or overshadowing of the garden. In addition, 63 Bourne Street is a single-dwellinghouse which benefits from other windows serving the main living rooms that are not affected by the adjacent extension.

The committee report for the original permission notes that the existing boundary wall had trellising on top. The remaining trellises have been removed, noted after a site visit in July 2019.

Whilst objections have been raised on amenity grounds, in the context of the approved scheme it is not considered that the additional impact is sufficient to justify withholding permission and the alterations are considered to be in line with Policies S29 and ENV13.

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 alterations to the scheme do not involve alterations to the access to the property.

8.7 Other UDP/Westminster Policy Considerations

Not 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

There is no adopted neighbourhood plan 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.

8.13 Environmental Impact Assessment

The proposal is of insufficient scale to require an environmental assessment.

8.14 Other Issues

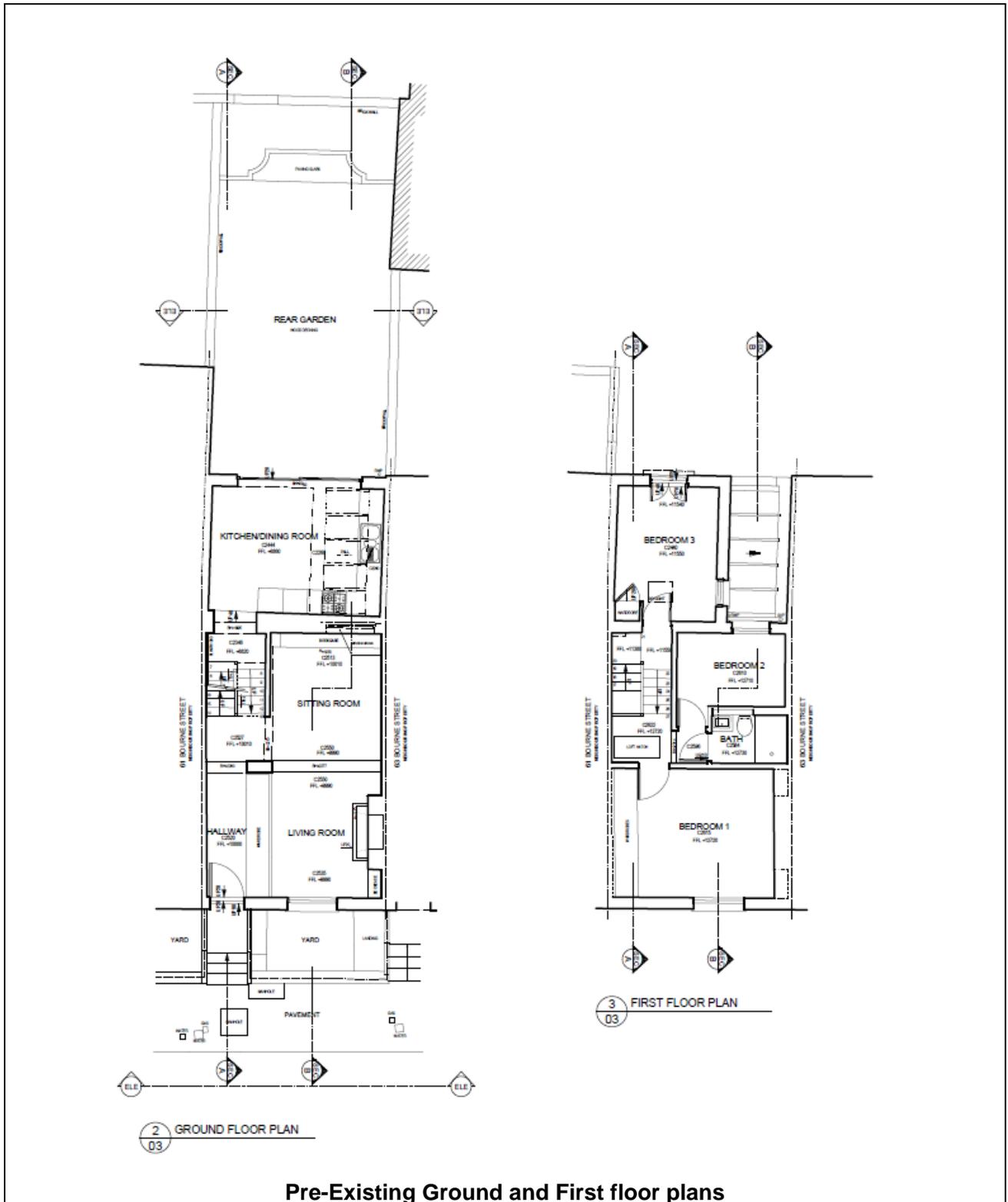
Retrospective application

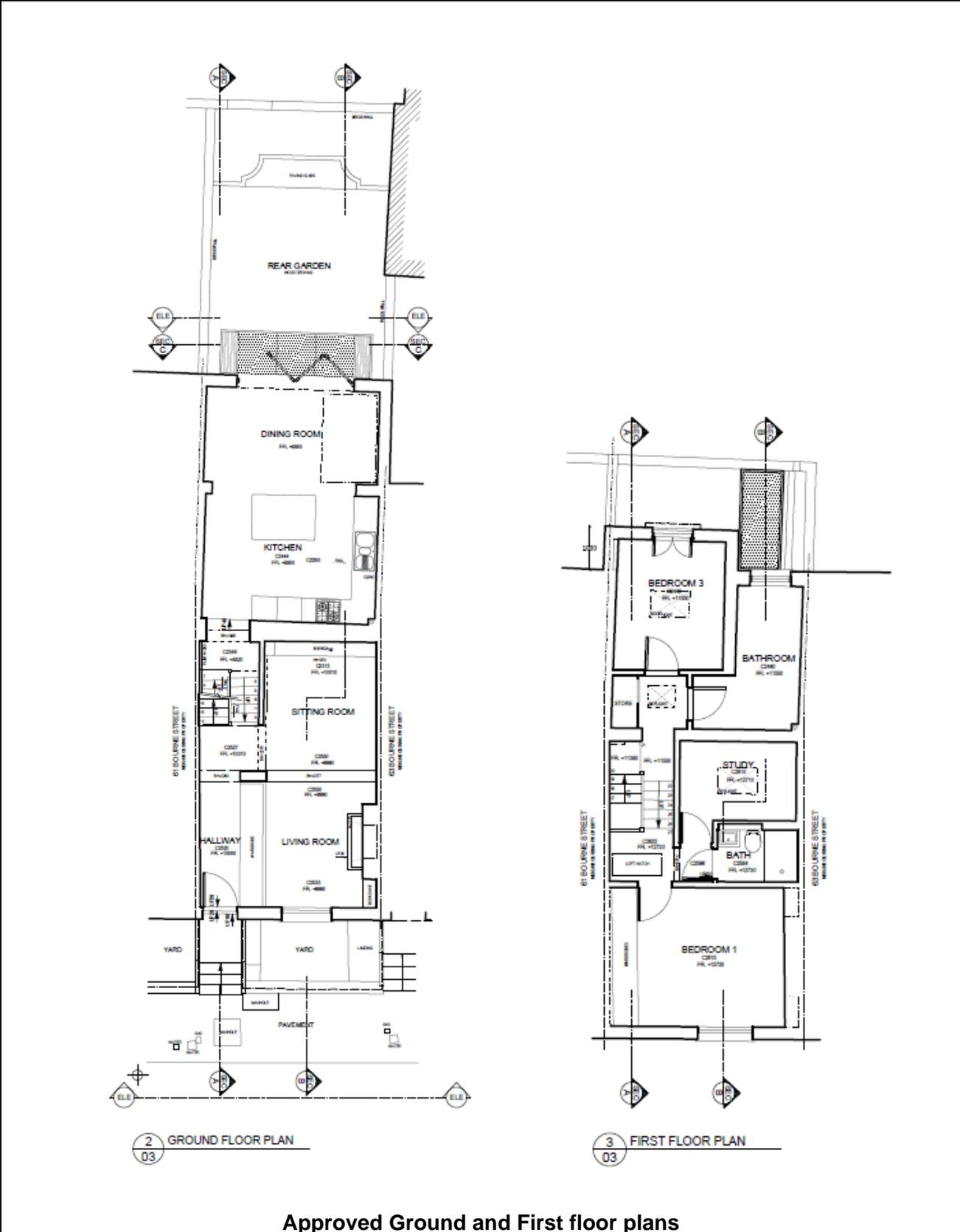
Officers understand the objectors' frustration that the development was not built in accordance with what had been approved. It is correct to note that permission should be sought for works prior to implementation. However, failure to comply with planning permission is not illegal. In circumstances where a retrospective application is submitted, the City Council must consider the application the normal way. The decisive issues are whether the changes would unacceptably affect residential amenities and the appearance and character of the building and the Conservation Area. It is therefore not reasonable to refuse permission on the grounds that the works have already been carried out.

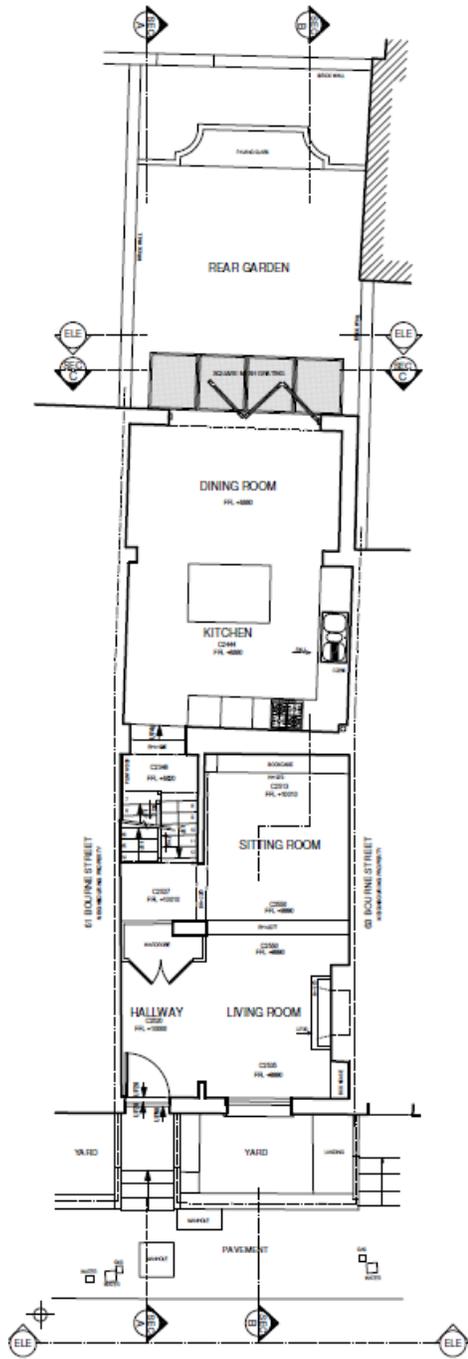
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk

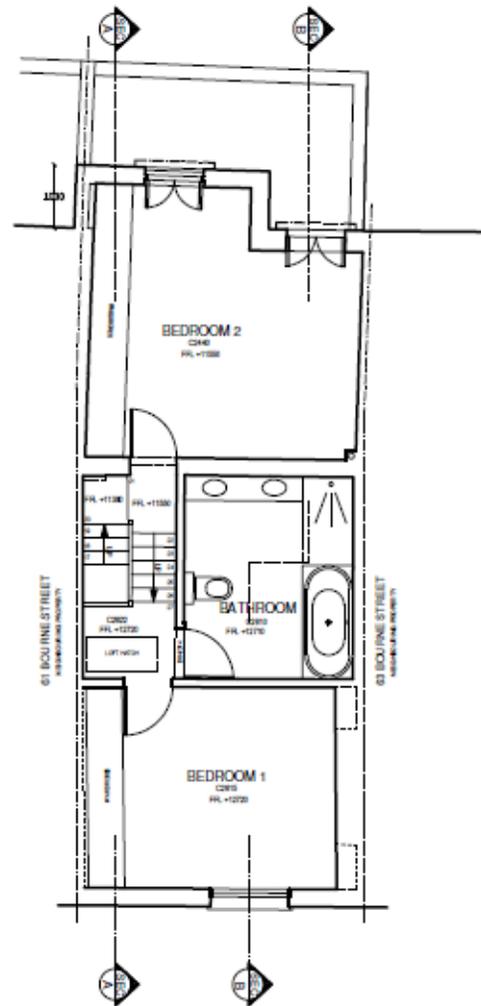
9. KEY DRAWINGS





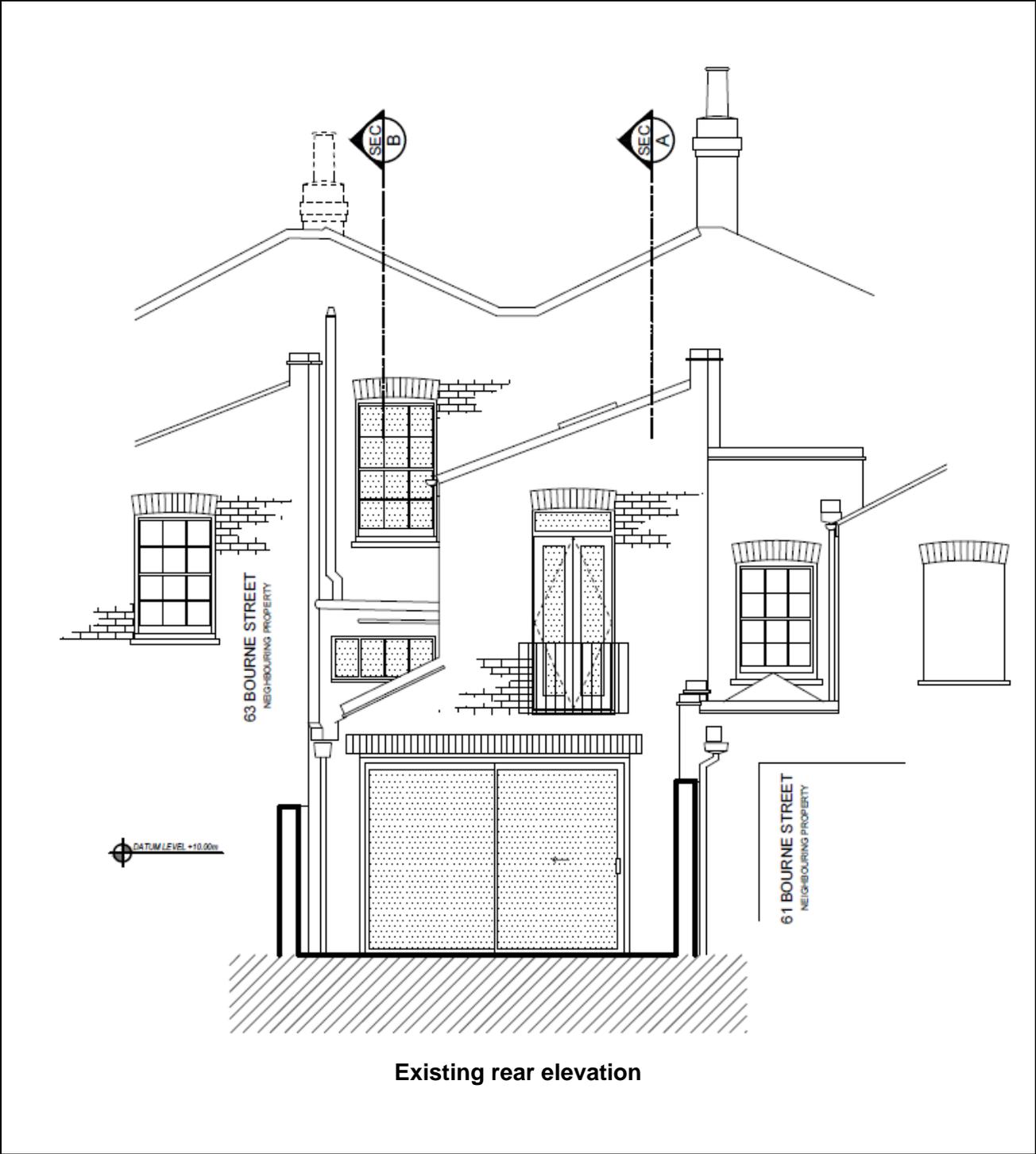


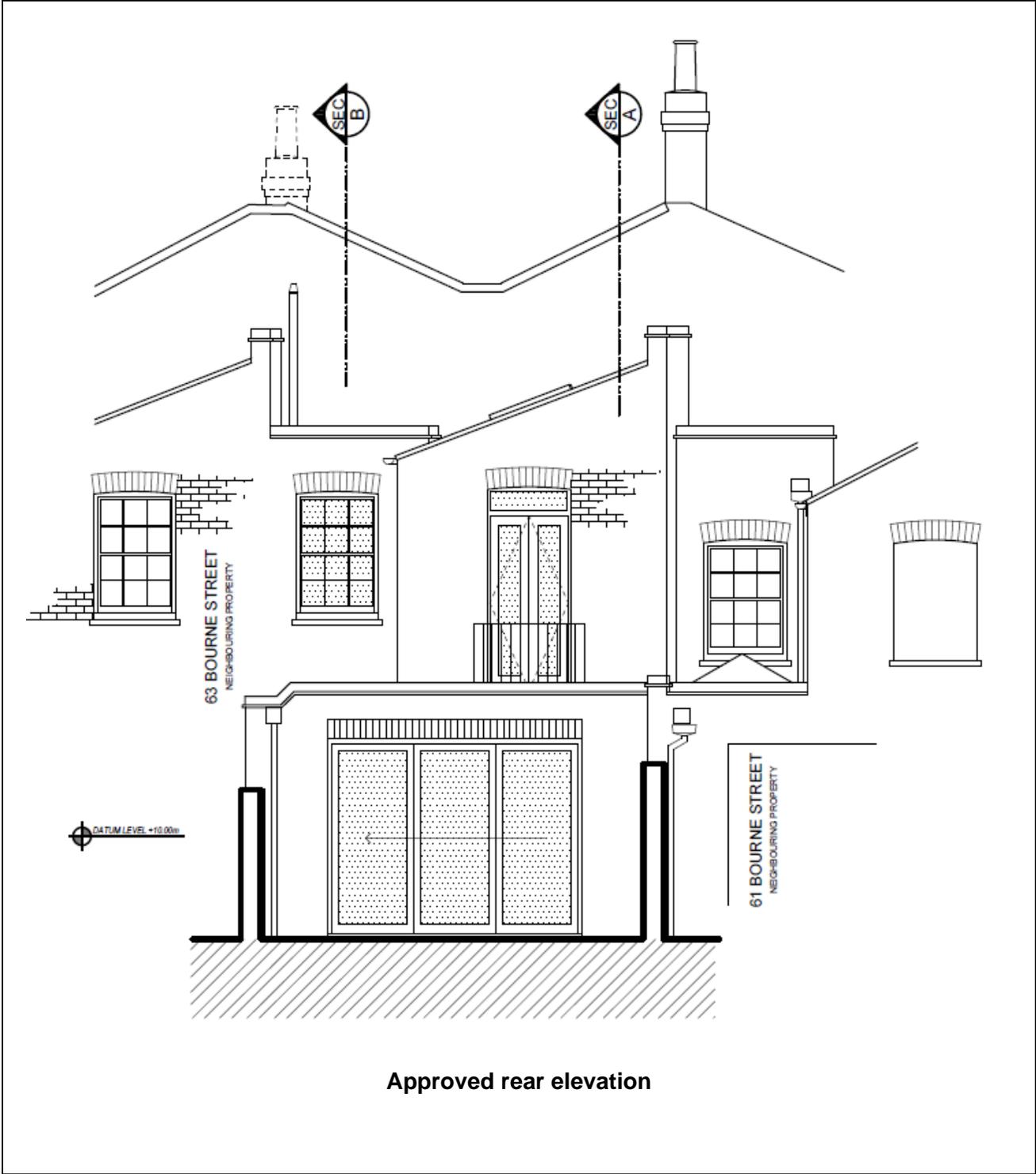
2 GROUND FLOOR PLAN
03 G.I.A - APPROX. 54.7m²

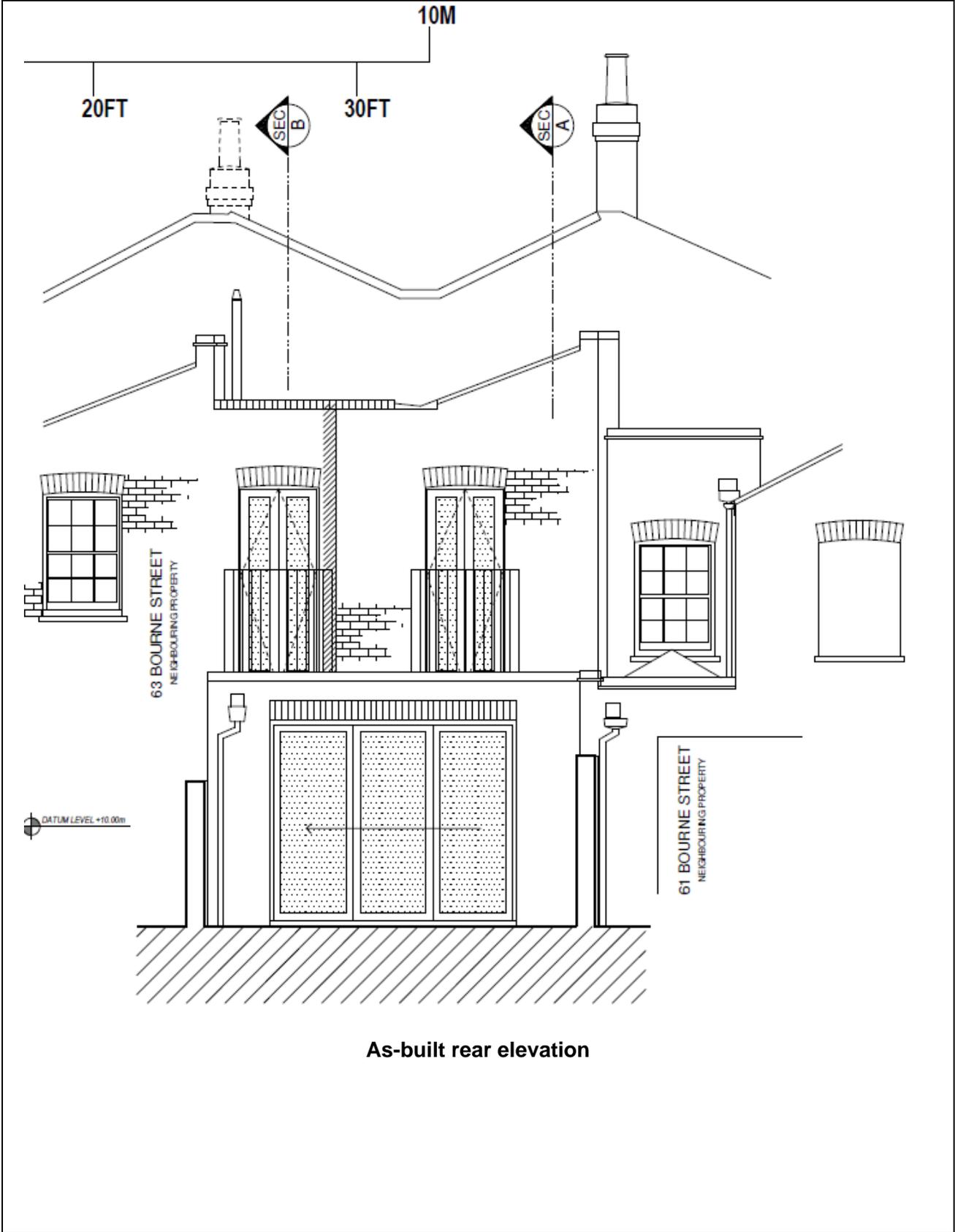


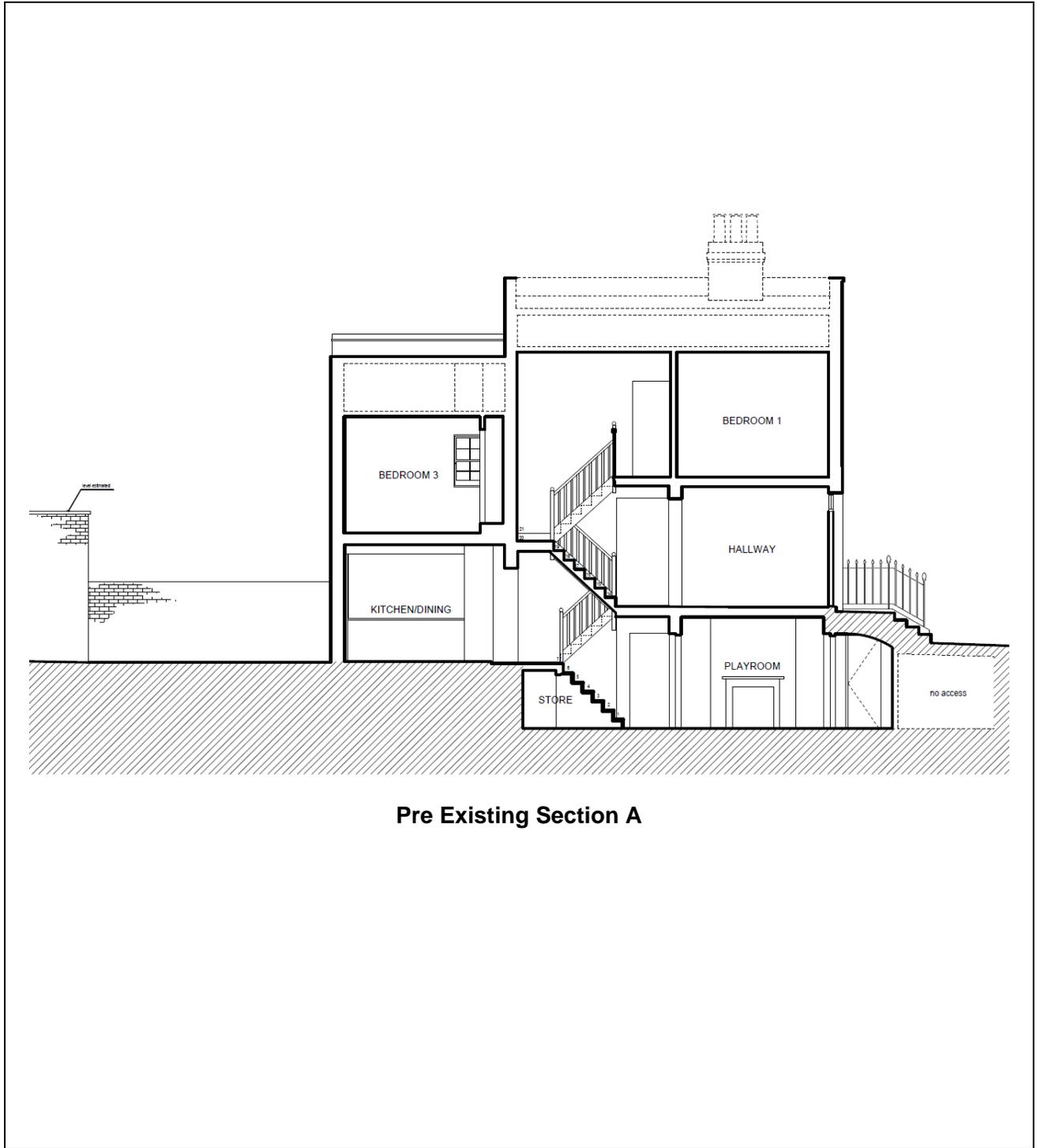
3 FIRST FLOOR PLAN
03 G.I.A - APPROX. 44.6m²

As-built Ground and First floor plans

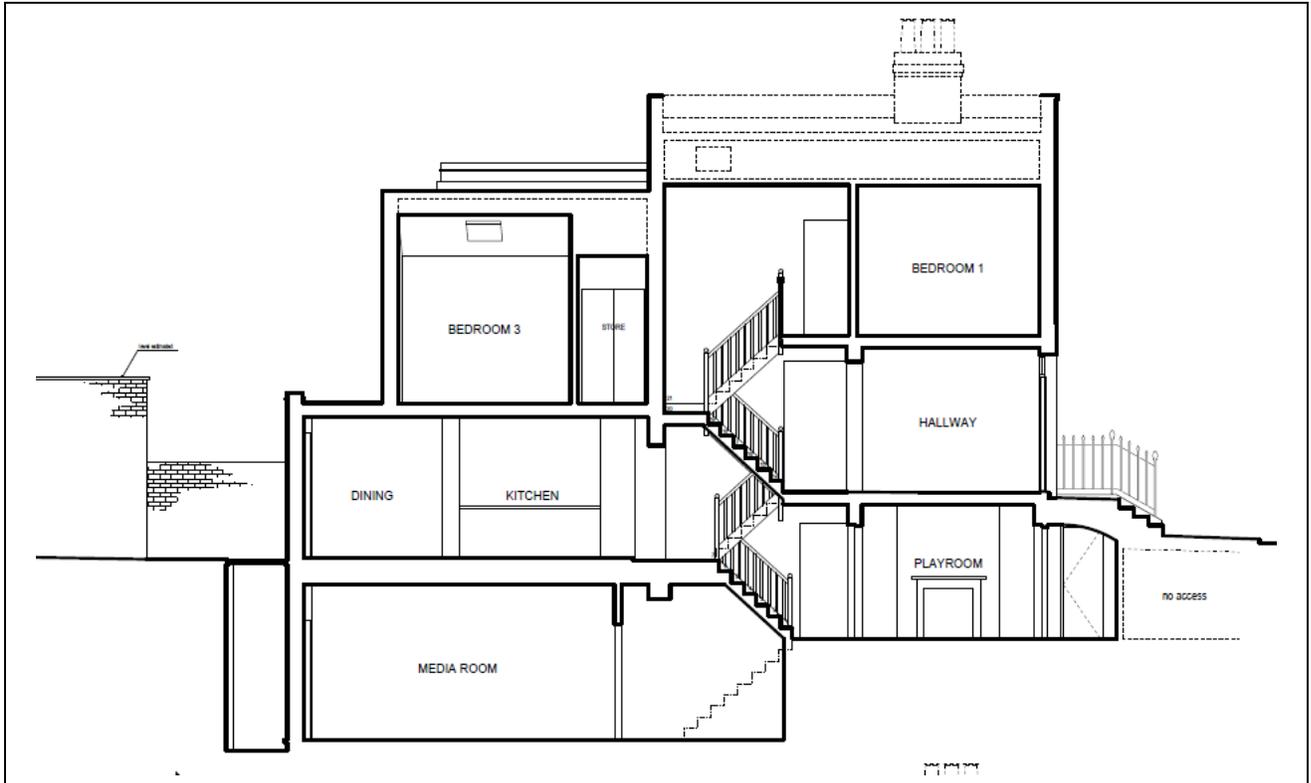




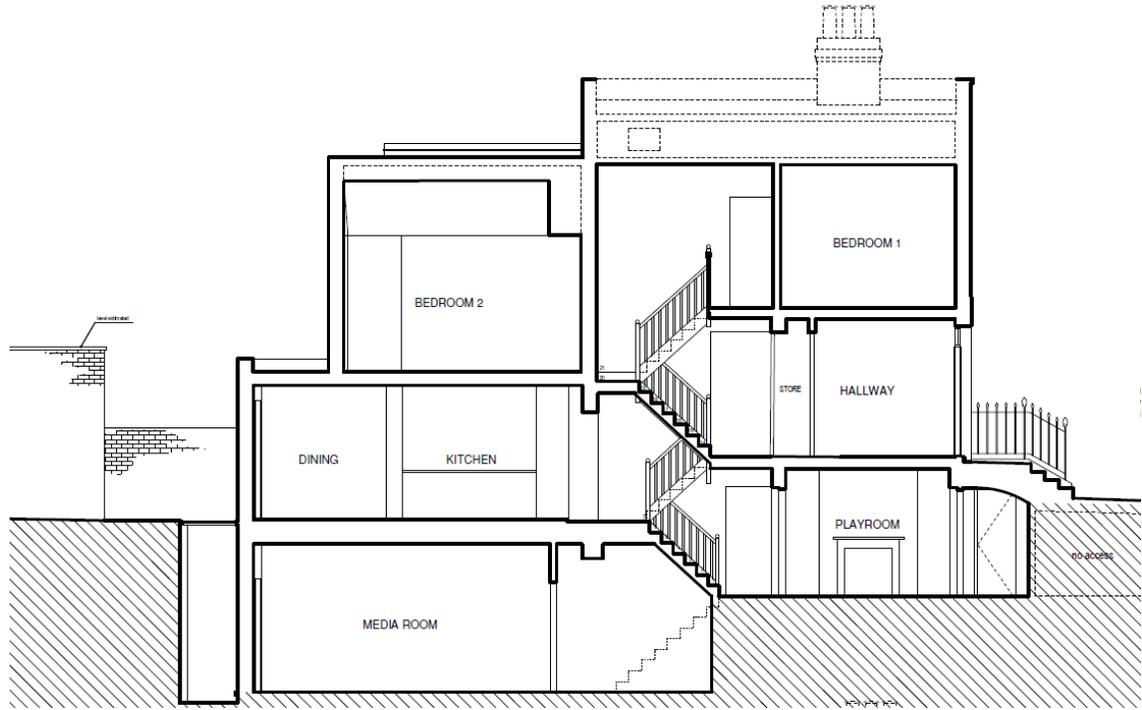




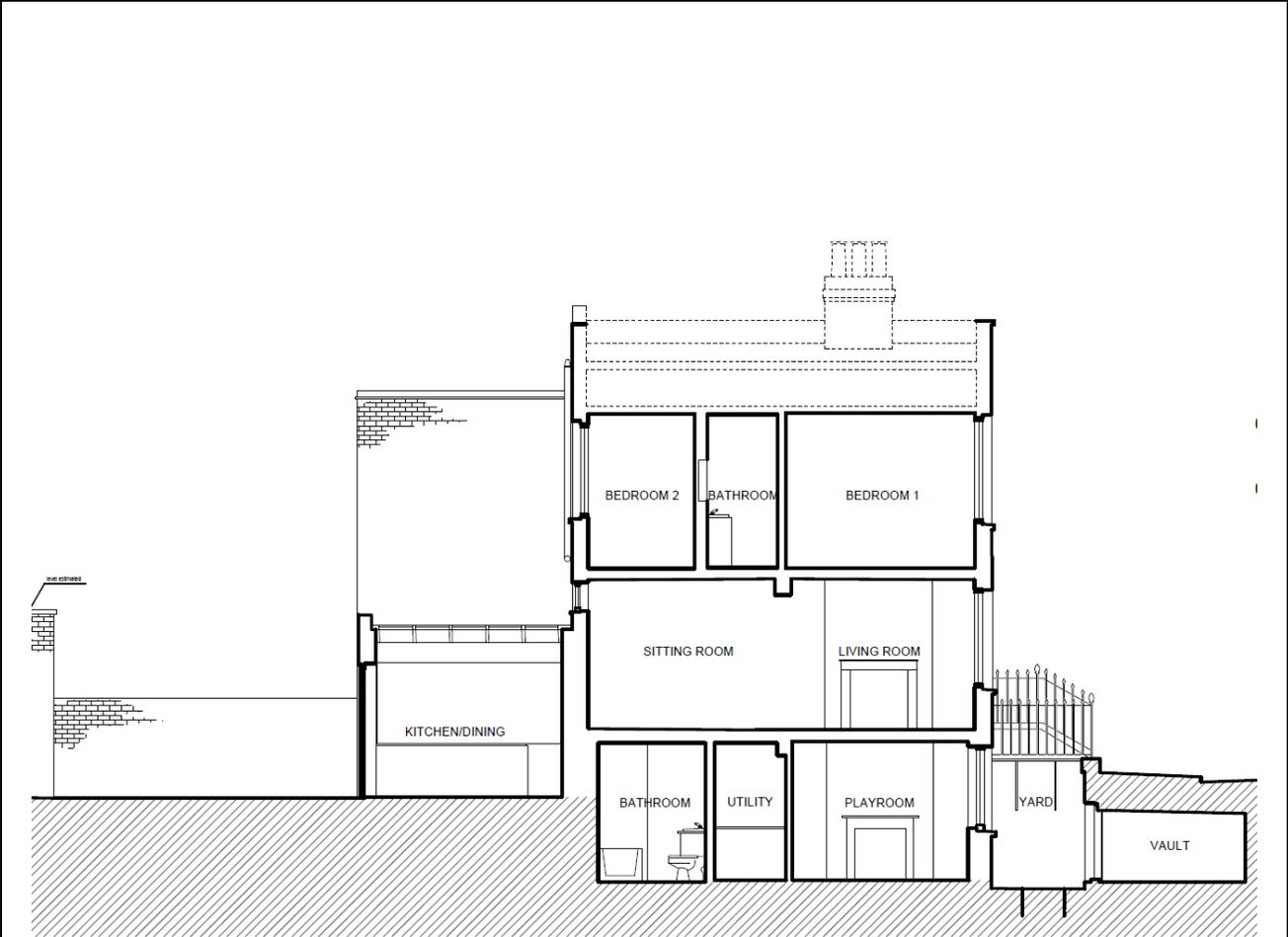
Pre Existing Section A



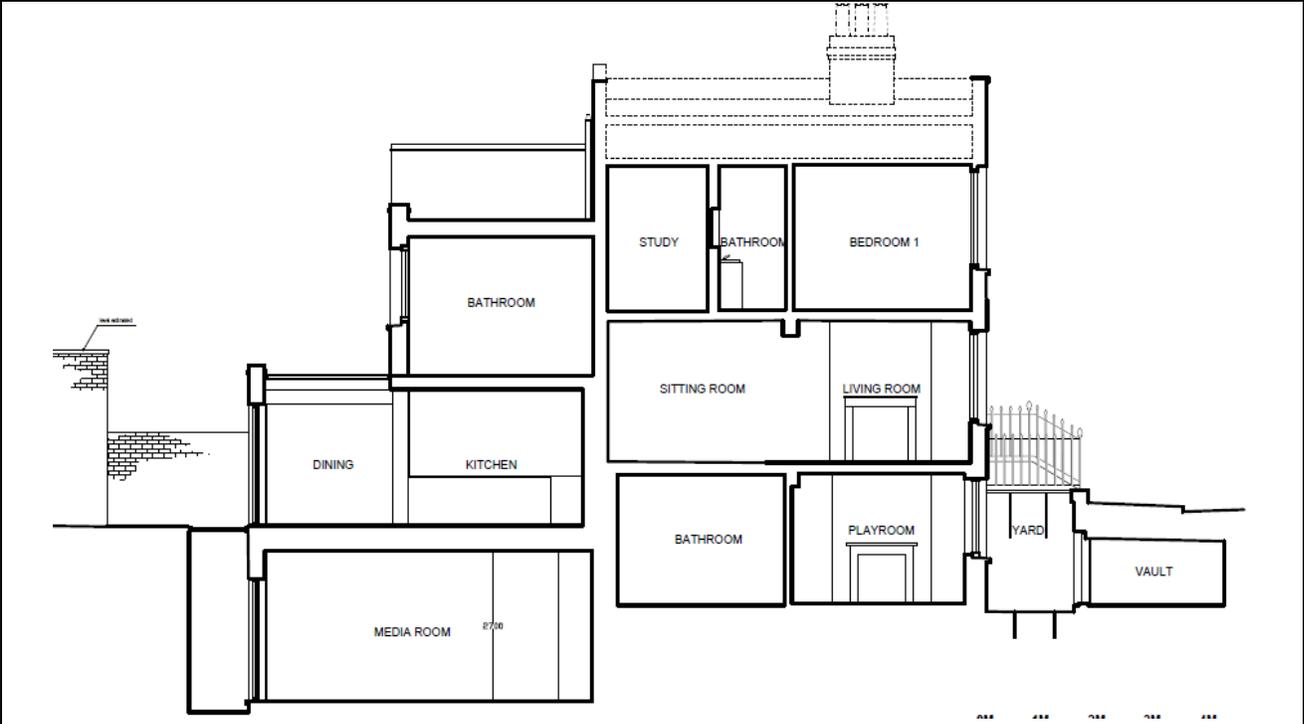
Approved Section A



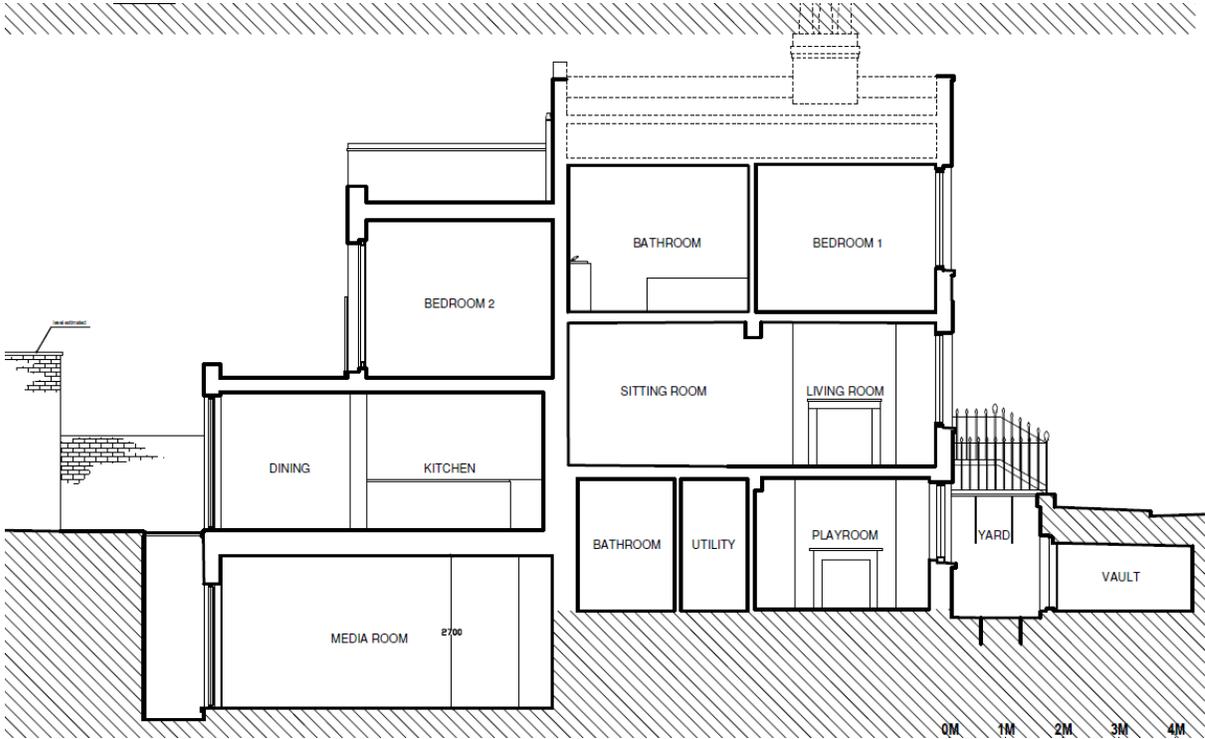
As-built Section A



Pre Existing Section B



Approved Section B



As-built Section B

DRAFT DECISION LETTER

Address: 62 Bourne Street, London, SW1W 8JD,

Proposal: Variation of condition 1 of planning permission dated 7 February 2017 (RN: 16/07755/FULL) for "Excavation of basement extension with lightwell to rear and erection of extensions at rear ground and first floor levels". NAMELY, alterations to height, form and pitch of roof of rear first floor extension, alterations to height and form of ground floor extension and replacement of window with French door and Juliet balcony to rear elevation at first floor level.

Reference: 19/02250/FULL

Plan Nos: 16/07755/FULL, 696_01_001; 696_02_001; 696_03_001; 696_04_001; 696_05_001; 696_02_101; 696_03_101 Rev D; 696_04_101 Rev D; 696_05_101 Rev D; (for information only) Proposed Basement Works Structural Methodology dated 21 July 2016, prepared by Vincent and Rymill.

As amended by:, 696_01_001; 696_02_001; 696_02_101; 696_03_101; 696_04_101; 696_05_101.

For information only: 696_03_301; 696_04_301; 696_05_301.

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

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

Reason:

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

- 4 You must not use the roof of the extensions for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

Reason:

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

- 5 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

- 6 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to

10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 Within three months of this decision the pointing of the extension wall facing No. 63 Bourne Street must be carried out and the wall made good as shown in drawing 696_04_101. You must then provide confirmation to us that the works have been carried out.

Reason:

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

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

Agenda Item 9

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 November 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	52 - 55 Dorset Street, London, W1U 7NH,		
Proposal	Use of two areas of forecourt measuring 5.84m x 1.78m and 3.76m x 2.05m for placing of nine tables and 18 chairs, 3 freestanding heaters, and planters associated with the operation of the ground and basement premises.		
Agent	Turley		
On behalf of	AOK Kitchen		
Registered Number	19/07086/TCH	Date amended/ completed	17 September 2019
Date Application Received	12 September 2019		
Historic Building Grade	II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

<p>This application site partly comprises a Grade II listed building (Nos. 53-55) and an unlisted building (No. 52) situated within the Portman Estate Conservation Area. Following a permission granted in 2018 the building is now in restaurant use. Above the site at first, second and third floor level is residential (Class C3) accommodation.</p> <p>Planning permission is sought for the use of two areas of forecourt measuring 5.84m x 1.78m and 3.76m x 2.05m for the placing of nine tables and 18 chairs, 3 freestanding heaters, and planters. Permission was previously granted on 30 July 2018 to use the same external area for seating for a period of one year.</p> <p>The main difference in this application from that previously permitted is the inclusion of three freestanding heaters and the extended hours of operation from 09:00 to 08:30, an overall increase in the hours of use by 30 minutes daily. The applicant originally sought permission to use the forecourt for tables and chairs until 22:00 daily. However, the applicant has agreed to reduce the hours to the same terminal hour of 21:00 as previously permitted.</p>

The key issue for consideration is the impact of the proposals upon the amenity of neighbouring residents. A large number of objections from neighbouring residents in the Dorset Street area have been received on the grounds of early morning and late-night disturbance, that heaters would intensify the external seating area use, increased traffic causing highway obstruction and parking issues and on the basis that the operator has been noisy and operating outside the approved hours. The agent confirms that the applicant has been in regular contact with local community and neighbours in an attempt to resolve the matters highlighted within the consultation concerns. The scheme has been revised to address some of these concerns by:

- Provision of an operational management plan confirming the management of the tables and chairs.
- Terminal hour of external seating area 21:00 (as previously approved).

Subject to conditions, the scheme is considered acceptable on highways and amenity grounds. However, it is recommended that permission is granted for a temporary period of one year to enable the situation to be monitored.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection subject to condition

CLEANSING:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 75

Total number of replies: 9 objections received from neighbouring residents on the following grounds:

- increased hours will create increased noise at the beginning of the day and in the late evening
- heaters will intensify the use
- increased traffic and parking on double yellow lines
- complaints have been made to the restaurant regarding noise and opening outside the approved hours of operation
- use of outside heaters are environmentally damaging

SITE & PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 52 is an unlisted property and No. 53 - 55 is a Grade II listed property located on the southern side of Dorset Street at the corner of Manchester Street. The building comprises basement, ground and three upper floors. The site is located within the Portman Estate Conservation Area. The building is in restaurant use operated by A.O.K Kitchen and residential use on the upper floors.

The site is located outside the Core Central Activities Zone (but within the Central Activities Zone) and is part of a Local Shopping Centre. It is not in a Stress Area.

6.2 Recent Relevant History

Planning permission and listed building consent were granted on 30 July 2018 (18/02822/FULL) for the alterations at basement and ground floor levels including the installation of a partially openable shopfront, erection of a bin store screen and installation of replacement plant to the rear and associated alterations. Dual/alternative use of part of the basement level as a restaurant (Class A3) and/or bakery (Class A1) and use of two areas of the private forecourt for the placing of nine tables and 18 chairs

in association with the ground floor restaurant use. This permission has been implemented.

7. THE PROPOSAL

Permission is sought for the use of two areas of forecourt measuring 5.84m x 1.78m and 3.76m x 2.05m for placing of nine tables and 18 chairs, 3 freestanding heaters, and planters associated with the operation of the property.

The most recent permission allowed the use of external seating between 09.00 and 21.00 daily, after which time the tables and chairs were to be stored within the building. Permission is now sought for the use of the tables and chairs between 08:30 and 21:00 daily.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The use of the highway for tables and chairs in connection with eating and drinking establishments is assessed under Unitary Development Plan (UDP) Policy TACE 11 and Policy S41 of the City Plan. These policies permit tables and chairs where there would be no adverse obstruction on the highway and no material harm to the local residential amenity. These matters are discussed in paragraphs 8.3 and 8.4 below.

8.2 Townscape and Design

The proposed tables and chairs are considered acceptable in townscape terms and, being impermanent, would not harm the character and appearance of the East Marylebone Conservation Area.

8.3 Residential Amenity

The nearest residential accommodation is located above the restaurant at 52 Dorset Street. There are also number of residential dwellings in Dorset Street in close proximity to the site including a large number of residential flats at St Andrew's Mansions opposite the application site. Objections have been received from nine local residents, which relate to the use of the terrace before 09:00 and beyond 21:00 daily, noise from customers and clearing of tables, concerns have also been raised regarding the use of external heaters.

The forecourt to the front of the premises has been in use for a varied amount of tables and chairs by the previous occupier for a number of years. The tables and chairs are located on a private forecourt, not public highway, and therefore the City Council ordinarily has no control over the use of tables and chairs in this area. However, as part of the permitted 2018 application, the applicant agreed to apply to the City Council for permission for the tables and chairs.

As stated above, objectors are concerned about extended hours for the tables and chairs and believe that the terminal hour of 21:00 should remain in place and that the tables and chairs should not be placed on the terrace before 09:00. Since the

application was submitted the terminal hour has been revised to 21:00 in accordance with the concerns raised. The increased hours by 30 minutes to 08:30 in the morning are not considered unreasonably early and is unlikely to materially impact the amenity of surrounding residents. There are a number of other tables and chairs in close proximity on Chiltern Street operating similar or earlier hours.

Since the application was submitted, complaints have also been made to the City Council's Noise Team relating to noise disturbance from tables and chairs being placed on the pavement after 21:00 and objectors have contacted the restaurant directly complaining both about noise from the terrace after 21:00 and from noise from inside the restaurant when windows have been left open, contrary to the terms of the original permission. These concerns have been raised with the applicant who contend that these infringements are as a result of a recent change in management, however, they maintain that the requirements set out in the operational management plan have now been addressed, that the tables and chairs on the terrace are closely monitored by the management team and that any breach will be flagged and addressed accordingly. A condition is recommended limiting the external seating to a further year only and the applicant has been advised that if further complaints are received it is unlikely that a renewal would be granted in the future.

In response to the objections from neighbours to this application, the restaurant has also submitted a 'Operational Strategy' which sets out the measures proposed to prevent public nuisance and to protect the local residential amenity. The Operational Strategy sets out a number of objectives including the hours of use of the seating area, cleaning of the area, spot checks by management and the number of patrons permitted in the external seating area. This strategy is to be secured by condition.

8.4 Transportation/Parking

The tables and chairs retain a pavement width of 2.12m for pedestrian use. This satisfies the Council's 'Westminster Way – Public realm strategy, Design principles and practice' which states that a minimum requirement of 2m is required as a pedestrian clearway.

A number of concerns raised by objectors relate to the traffic situation on Dorset Street and Manchester Street with vehicles parking in residents' bays and on double yellow lines. Whilst these objections are acknowledged, unauthorised parking is not a planning consideration and it would be unreasonable to refuse the application for tables and chairs on these grounds.

8.5 Economic Considerations

Any economic benefits are welcome.

8.6 Access

The access arrangements to the property remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

Objections have been received regarding the external heaters intensifying the use and are environmentally damaging to the environment. Whilst these concerns are acknowledged, there is no policy basis to refuse the application on sustainability grounds and the City Council has approved a large number of tables and chairs applications which include external heaters. The heaters are fully removable from the public highway and will be conditioned to ensure they are stored within the premises outside the hours of use.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 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 and subject to 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 raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application. The proposal is not CIL-liable.

8.12 Environmental Impact Assessment

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

8.13 Other Issues

A number of objectors refer to the fact that the application site is not within a shopping centre. However, the southern part of Dorset Street is designated as a Local Shopping Centre in both the UDP and City Plan.

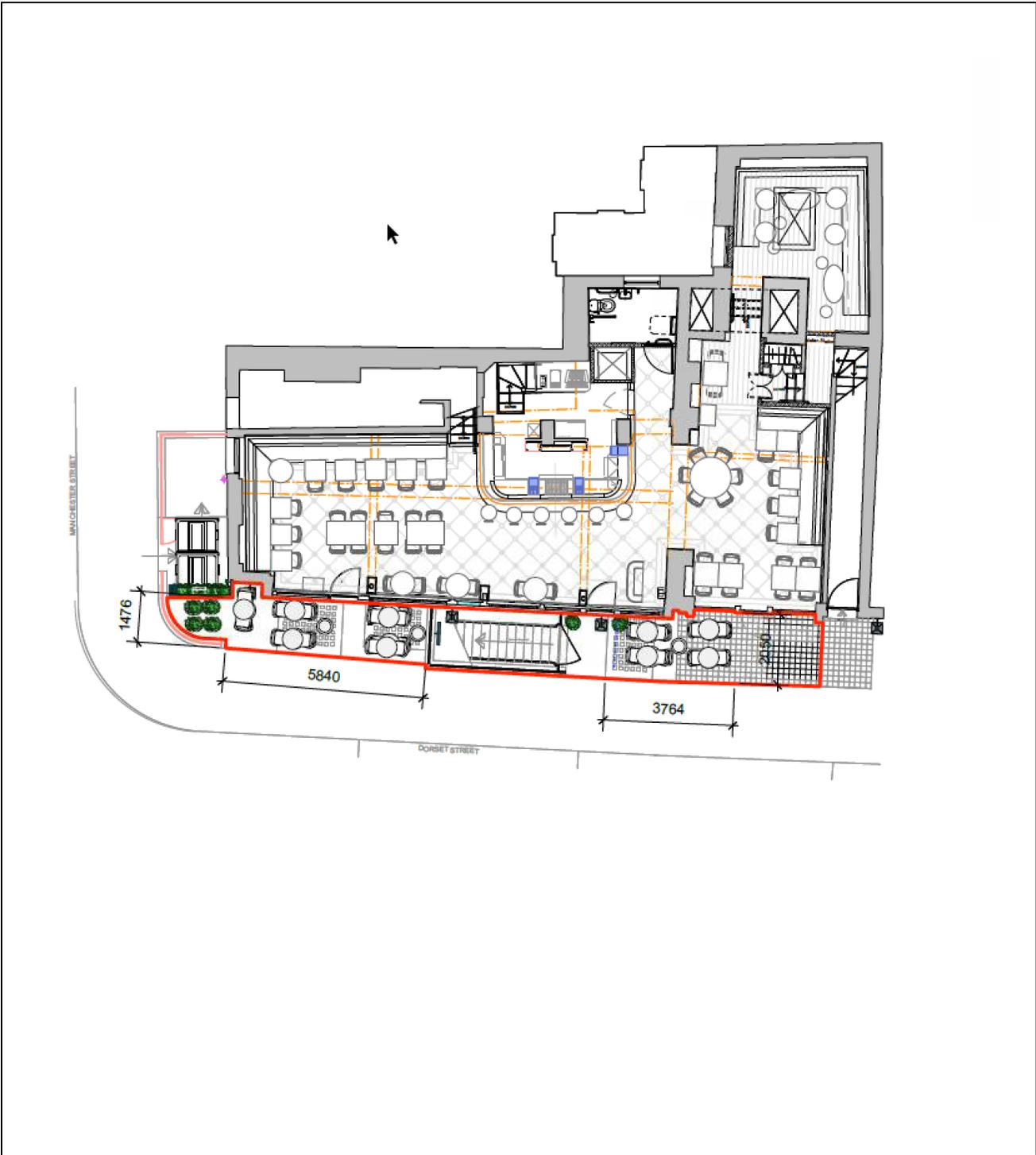
(Please note: All the application drawings and other relevant documents and Background

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Papers are available to view on the Council's website)

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

KEY DRAWINGS



DRAFT DECISION LETTER

- Address:** 52 - 55 Dorset Street, London, W1U 7NH,
- Proposal:** Use of two areas of forecourt measuring 5.84m x 1.78m and 3.76m x 2.05m for placing of nine tables and 18 chairs, 3 freestanding heaters, and planters associated with the operation of the property.
- Reference:** 19/07086/TCH
- Plan Nos:** 1398_GA_2202 A, Management Strategy received by City Council on 7 November 2019

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing 1398_GA_2202 A. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved on the pavement between 08:30 and 21:00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 4 The tables and chairs must only be used by customers of the basement and ground floor unit. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 5 This use of the pavement may continue until 30 November 2020. You must then remove the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved shown on drawing 1398_GA_2202 A. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 7 You must carry out the measures included in your Management Strategy received on 7 November 2019.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 11 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

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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 cannot put tables and chairs in the area unless you have a street trading licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 Management strategy received on 7 November 2019 must be adhered to. If the City Council continue to receive complaints planning permission is unlikely to be renewed.

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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