



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 9th June, 2020**

Time: **6.30 pm**

Venue: **Please note that this will be a virtual meeting.**

Members: **Councillors:**

Robert Rigby (Chairman)
Mark Shearer
Selina Short
Tim Roca

This will be a virtual meeting and members of the public and press are welcome to follow the meeting and listen to discussion to Part 1 of the Agenda

This meeting will be live streamed and recorded. To access the recording after the meeting please revisit the link.

If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.

**Tel: 07870 548 348; 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 any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot at the virtual meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

(Pages 5 - 14)

To access the recording after the meeting please revisit the Media link

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|----|---|--------------------------|
| 1. | 5 SEAFORTH PLACE, LONDON SW1E 6AB | (Pages 17 - 58) |
| 2. | THE COLONNADES, 34 PORCHESTER SQUARE, LONDON W2 6AP | (Pages 59 - 96) |
| 3. | FLAT 1, 280 ELGIN AVENUE, LONDON W9 1JR | (Pages 97 - 122) |
| 4. | FLAT 10, 15 HYDE PARK GARDENS, LONDON W2 2LU | (Pages 123 - 142) |
| 5. | FLAT 17, VALE ROYAL HOUSE, 36 NEWPORT COURT, LONDON WC2H 7PS | (Pages 143 - 166) |
| 6. | 48 DEVONSHIRE CLOSE, LONDON, W1G 7BG | (Pages 167 - 182) |
| 7. | 52 - 54 AND 56 DAVIES STREET, LONDON, W1K 5JF | (Pages 183 - 200) |

Stuart Love
Chief Executive
29 May 2020

Order of Business

At Planning Applications 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) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

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



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 14th April, 2020**, Please note that this will be a virtual meeting..

Members Present: Councillors Robert Rigby (Chairman), Mark Shearer, Selina Short and Guthrie McKie

1 MEMBERSHIP

- Membership

It was noted that Councillor Guthrie McKie had replaced Councillor Tim Roca.

- Election of Deputy Chairman

The Chairmen proposed that Councillor Mark Shearer be appointed as Deputy Chairman for the duration of the Meeting. There being no other nominations it was

RESOLVED:

That Councillor Mark Shearer be appointed as Deputy Chairman for the duration of the Meeting.

2 DECLARATIONS OF INTEREST

The Chairman stated that Councillor Iain Bott had an interest in respect of Item 8 on the agenda. He advised that in line with guidance agreed by the City Council's Standards Committee, members of the Majority party sitting on the Committee were no longer required to apply for a dispensation from the Code of Conduct provided they could declare that they only know Councillor Bott through their membership of the Majority party and see him at Council and related events. He advised that he was able to give that declaration in relation to Councillor Bott. Other members of the Majority Party on the Committee made the same declaration.

In respect of Item 1 he declared that he had met with the Developers alongside Officers in the previous month.

Councillor Selina Short declared that the application site for Item 1 was located in her Ward and advised that she had been involved in discussions and would leave the virtual meeting whilst the Item was being considered.

Councillor Mark Shearer declared that in respect of Item 6 he was the Deputy Cabinet Member for Community Services and Digital and that the portfolio included overseeing the Sports Portfolio and advised that he had no involvement with the Application or held any discussions about the proposals.

3 MINUTES

RESOLVED:

That the minutes of the meeting held on 18 February 2020 be signed by the Chairman as a correct record of proceedings.

4 SUSPENSION OF PUBLIC SPEAKING

The Chairman sought agreement for a temporarily suspension of public speaking at Planning Applications Sub-Committee (s) meetings during the Coronavirus (COVID-19) pandemic.

RESOLVED:

That public speaking at Planning Applications Sub-Committee meetings be temporarily suspended during the Coronavirus (COVID-19) pandemic.

5 PLANNING APPLICATIONS

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.

1 DEVELOPMENT SITE AT 268-282 VAUXHALL BRIDGE ROAD LONDON

Having made an earlier declaration of Interest in respect of Item 1; Councillor Selina Short left the virtual meeting whilst the Application was being considered.

Demolition of existing buildings and erection of a new building comprising basement, ground and 7 upper levels plus rooftop plant to provide a hotel with associated

ancillary facilities including restaurant/bar and gym (Class C1), 2 x 2 bedroom apartments (Class C3), plant, cycle parking and other associated works.

Late representations had been received from ROK Planning on behalf of the applicant 4C Hotel Group (14.04.20), the Applicant's PR Company 4C (14.04.20) and a local resident (25.03.20)

The presenting officer tabled the following additional Condition and amendment to Condition 32:

Item 1 Development Site At 268-282 Vauxhall Bridge Road London

Additional Condition:
33.

You must provide a minimum of 10% of the hotel bedrooms as wheelchair accessible.

Reason:
As required by Policy 4.5 of the London Plan 2016.

Amendment to Condition:
32.

You must apply to us for approval of an Operational Management Plan for the approved hotel use. You must not start the hotel use until we have approved what you have sent us. You must then carry out the measures included in the approved Operational Management Plan at all times that the hotel is in use. (C05JB)

Points of Clarification

<i>Section 7 should read:</i>			
	<i>Proposed GIA (sqm)</i>		<i>+/-</i>
<i>Existing GIA (sqm)</i>			
<i>Office (Class B1)</i>	<i>2073.2</i>	<i>0</i>	<i>-2073.2</i>
<i>Hotel (Class C1) including ancillary uses</i>	<i>435.4</i>	<i>5273</i>	<i>+4837.6</i>
<i>Residential (Class C3)</i>	<i>195.8</i>	<i>202</i>	<i>+6.2</i>
<i>Total</i>	<i>2704.4</i>	<i>5475</i>	<i>+2770.6</i>

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted as amended and subject to an additional Condition as set out above and the completion of a S106 legal agreement to secure:
 - I. Financial contribution of £95,467 to the Westminster Employment Service (index linked and payable on commencement of development).
 - II. Carbon off-setting payment of £2,100 (index linked and payable on commencement of development).
 - III. Payment of cost of monitoring the agreement (£500 per head of term).
2. That If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not,
 - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the 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.
3. That an additional Condition be included which requests for details on how EMF from the substation would be addressed.

2 BERGER HOUSE 36-38 BERKELEY SQUARE LONDON W1J 5AE

Demolition of the existing building and redevelopment of the site to provide a new office (Class B1) use building, of sub-basement, part basement, part ground and eight upper storeys with a plant enclosure above, with flexible retail and/or office (Class A1 and / or B1) use at part ground, part basement and part sub-basement levels floor and associated works.

Additional representations were received from Councillor Jonathan Glanz (06.04.20), Gerald Eve LLP (09.04.20) and Astrea Asset Management (unknown)

RESOLVED UNANIMOUSLY:

1. That subject to the views of the Mayor of London, conditional permission be granted subject to Condition 12 being amended to restrict all servicing until

21:00hrs and from Farm Street only and subject to the completion of a legal agreement to secure the following:

- i. A financial contribution to the Affordable Housing Fund of £1,182,731 (index linked), payable prior to occupying in excess of 11,431 sqm of the building as offices (Class B1).
 - ii. A financial contribution towards the Westminster Employment Service of £101,962 (index linked) payable on commencement of development.
 - iii. Undertaking of highway works in the vicinity of the site, including resurfacing and formation of a new pedestrian footway in Farm Street. Highway works to be agreed prior to commencement of development and highway works to be completed prior to occupation of any of the building.
 - iv. Costs of monitoring the S106 agreement.
2. That If the S106 legal agreement has not been completed within eight 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 the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That the Committee authorises the making of a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway. That the Director of Place Shaping and Town Planning, Executive Director of City Management and Communities, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

3 35 ELIZABETH STREET LONDON SW1W 9RP

Demolition of existing buildings at 35 -37 Elizabeth Street and erection of a new five storey building with retail unit (Class A1) retained at part ground floor and residential (Class C3) at part ground to fourth floor levels (3 x 2 bed, 1 x 1 bed); Creation of roof terrace with balcony to rear in connection with existing residential accommodation at 39 Elizabeth Street; Use of ground and basement of 141 Ebury Street and part ground floor of new building at 35 Elizabeth Street as restaurant (Class A3) and associated alterations including: installation of full height extract duct, plant machinery and changes to shopfront.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

4 5 CURZON STREET LONDON W1J 5HE

Increase in height of lower roof, erection of slate screen, and replacement of existing railings with a black painted metal balustrade to create a roof terrace with bar, seating and bathroom facilities, for use in association with the existing hotel use (Class C1).

Additional representations were received from a local resident, (16.03.20), (13.03.20) local resident (17.03.20) and local resident (17.03.20).

The Presenting Officer tabled the following additional Condition.

Item 4 – 5 Curzon Street

In the verbal presentation tonight, officers will refer to the requirement for the following additional condition to be imposed:

Condition 8

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

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.

RESOLVED UNANIMOUSLY:

That conditional permission be granted, subject to the additional Condition 8, as set out above, and an additional 'amending condition' requiring an increase to the height of the proposed western screen to a height of 1.8 m.

5 15 HATTON STREET LONDON NW8 8PL

Dual/alternative use of ground and first floor as offices (Class B1) or as music audio production and training facility and recording studio (Sui Generis) and alterations to front entrance to provide glazed foyer.

A late representation was received from residents of 17 Hatton Street (14.04.20)

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to the amendment of Condition 9 to require the use of headphones prior to 09:00hrs.

6 ATHLETICS TRACK PADDINGTON RECREATION GROUND CARLTON VALE LONDON NW6 5EP

Construction of a new floodlit Multi Use Games Area (MUGA) with associated fencing. Installation of calisthenics equipment, sprint track and parkour area. Installation of replacement and new lighting and fencing.

RESOLVED UNANIMOUSLY:

That conditional permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992.

7 45-49 EDGWARE ROAD LONDON W2 2HZ

Use of ground and basement floors as a mixed delicatessen and restaurant use (Sui Generis) and the installation of external full height kitchen extract duct within rear lightwell.

Additional representations were received from Connaught Court Tenants Association / Connaught Court Residents Management Limited (06.04.20), (09.04.20) and (06.04.20),

Late representations were received from a local resident (14.04.20), local resident (10.04.20) and local resident (10.04.20)

RESOLVED: Against: Councillors Rigby, Shearer and Short: For: Councillor McKie

That permission be refused, on the grounds of the Application being contrary to policy TACE 9 and the cumulative impact of an additional mixed A1/A3 use on

residential amenity and Stress Area. The reasons of refusal to be agreed under delegated powers in consultation with the Chairman.

8 37 GLOUCESTER MEWS LONDON W2 3HE

1. Variation of condition 1 of the listed building consent dated 28 January 2020 (RN: 19/08416/LBC) for extension to rear courtyard at lower ground floor level, replacement of lower ground floor external windows and doors, internal alterations including conversion of vaults in association with lower ground floor flat , NAMELY, variation of the floor layout. Linked to 20/00962/NMA

2. Non-material amendments to planning permission dated 28 January 2020 (RN: 19/08415) for extension to rear courtyard at lower ground floor level, replacement of lower ground floor external windows and doors. NAMELY, variation of the floor layout.

RESOLVED UNANIMOUSLY:

1. That conditional listed building consent be granted and that the reasons for granting conditional listed building consent as set out in Informative One of the draft decision letter be agreed.
2. That non-material amendment be agreed.

9 9 MARYLEBONE LANE LONDON W1U 1DA

Amendments to planning permission dated 26 September 2014 (RN: 14/03625) for the demolition of existing building and redevelopment to provide a building comprising lower ground, ground and seven floor levels, excavation to provide three sub-basement levels. Use of the building as 21 residential units, terraces at sixth and seventh floors, together with landscaping of existing access road, landscaped communal amenity space. Associated ancillary leisure facilities, car and cycle parking, mechanical plant and associated works at lower basement levels; NAMELY, to enable amendments to the design and size of the internal window fins. A late representation was received from DP9 on behalf of the Applicant (14.04.20)

The Presenting Officer tabled the following amendment:

Item 9 9 Marylebone Lane London W1U 1DA

In the verbal presentation tonight, officers will refer to the requirement for the amendment (shown in bold type below) to Condition 1 to this case:

Condition 1

*The internal window fins, as shown on the approved drawings, must be installed in their entirety within **2 months** of the date of this decision. They must thereafter remain in situ for the lifetime of the development*

RESOLVED UNANIMOUSLY:

That non-material amendment be agreed subject to the amendment of Condition 1.

PART 2

The reports below (item 10 & 11) are not available for public inspection because the public will be excluded while it is being considered. This report is exempt from disclosure by virtue of the Local Government Act 1972, Schedule 12A Part 1, paragraph 3 (as amended), in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

10 41 MARLBOROUGH HILL LONDON NW8 0NG

Remove one bay tree (T7)

Additional representations were received from MWA Arboriculture Limited (02.04.20), Head of Building Control, Growth, Planning and Housing Westminster City Council (08.04.20) and Legal Services Westminster City Council (07.04.20)

RESOLVED: For: Councillors Rigby, Shearer and Short: Against: Councillor McKie

That conditional consent be granted and that T7 be replaced with a tree of similar character.

11 39 MARLBOROUGH HILL LONDON NW8 0NG

Remove one lime tree (T8)

Additional representations were received from MWA Arboriculture Limited (02.04.20), Head of Building Control, Growth, Planning and Housing Westminster City Council (08.04.20) and Legal Services Westminster City Council (07.04.20)

RESOLVED: For: Councillors Rigby, Shearer and Short: Against: Councillor McKie

That consent be refused

The Meeting ended at 9.40 pm

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 9th June 2020
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s): 19/06004/FULL St James's	5 Seaforth Place London SW1E 6AB	Demolition of existing dwelling (Class C3); erection of 10-storey mixed-use building comprising office floorspace (Class B1), one residential unit (Class C3) and ground floor café (Class A1/A3); creation of pocket park; new school playground for Westminster City School; and associated works.	
Recommendation 1. Grant conditional permission subject to the views of the Mayor of London and a S106 legal agreement to secure the following: <ul style="list-style-type: none"> • A payment of £1,370,000 towards the Council's affordable housing fund (index linked and payable on commencement of development). • A Financial Contribution of £ 63,284.97 towards employment and training initiatives prior to commencement of development. • Management/maintenance agreement to secure public access to the pocket park to be completed prior to first occupation of the development. • Extension to the playground for Westminster City School to be completed prior to first occupation of the development. • Carbon offset payment of £3,878 (index linked and payable on commencement of development) • Monitoring costs. 2. If the S106 legal agreement has not been completed within four weeks of the Committee resolution then: <ol style="list-style-type: none"> a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not b) The Director of Place Shaping and Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is 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 reason for refusal under Delegated Powers. 				
Item No	References	Site Address	Proposal	Resolution
2.	RN(s): 19/08437/FULL Bayswater	The Colonnades 34 Porchester Square London W2 6AP	Erection of single storey roof extension and associated alterations to 11 flats facing Bishops Bridge Road and Porchester Mews.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 19/07934/FULL Maida Vale	Flat 1 280 Elgin Avenue London W9 1JR	Rear extension at lower ground floor with new basement extension beneath, installation of sash windows to the front elevation and alterations to the front boundary wall and front lightwell.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 20/01477/FULL 20/01478/LBC	Flat 10 15 Hyde Park Gardens	Removal and replacement of south facing rear mansard slope with enlarged roof terrace to south side of mansard, replacement of railings to rear	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 9th June 2020
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Hyde Park	London W2 2LU	southern parapet and roof top lightwell, and internal alterations	
Recommendation				
1. Grant conditional permission 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter				
Item No	References	Site Address	Proposal	Resolution
5.	RN(s): 20/00355/FULL St James's	Flat 17 Vale Royal House 36 Newport Court London WC2H 7PS	Erection of a single storey roof extension and alterations to existing roof slope at first floor level including the creation of a terrace.	
Recommendation				
Refuse permission- design and amenity.				
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 19/07715/FULL Marylebone High Street	48 Devonshire Close London W1G 7BG	Internal demolition and rebuilding works behind a retained façade, the erection of a mansard roof extension, conversion of the existing garage into habitable space, and associated external works to alter and extend the dwellinghouse (Class C3).	
Recommendation				
Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 20/01547/FULL West End	52 - 54 And 56 Davies Street London W1K 5JF	Use as an office (Class B1) and associated external alterations including the installation platform lift to front entrance steps and increase in lift shaft width to the rear at 56 Davies Street.	
Recommendation				
Grant conditional permission.				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	5 Seaforth Place, London, SW1E 6AB		
Proposal	Demolition of existing dwelling (Class C3) and erection of new building comprising two basements, ground and nine upper floors to provide office floorspace (Class B1), one residential unit (Class C3) and ground floor retail/café (Class A1/A3); creation of pocket park; new school playground for Westminster City School; and associated works.		
Agent	Mr Tim Rainbird		
On behalf of	David Maxwell t/a Seaforth Place		
Registered Number	19/06004/FULL	Date amended/ completed	7 August 2019
Date Application Received	31 July 2019		
Historic Building Grade	Unlisted		
Conservation Area	outside		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to the views of the Mayor and a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> • A payment of £1,370,000 towards the Council's affordable housing fund (index linked and payable on commencement of development). • A Financial Contribution of £63,284.97 towards employment and training initiatives prior to commencement of development. • Management/maintenance agreement to secure public access to the pocket park to be completed prior to first occupation of the development. • New school playground for Westminster City School to be completed prior to first occupation of the development. • Carbon offset payment of £3,878 (index linked and payable on commencement of

development).

- Monitoring costs.

2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

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

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

2. SUMMARY

5 Seaforth Place is a derelict two-storey residential dwelling. Planning permission is sought for its demolition and replacement with a new ten storey building plus two basements, comprising offices at ground to seventh floor level, one residential unit on the eighth and ninth floors and a retail/café unit (Class A1/A3) at part ground floor level. The application includes the creation of a public pocket park and new school playground for Westminster City School on the roof of the district and circle line London Underground tunnel.

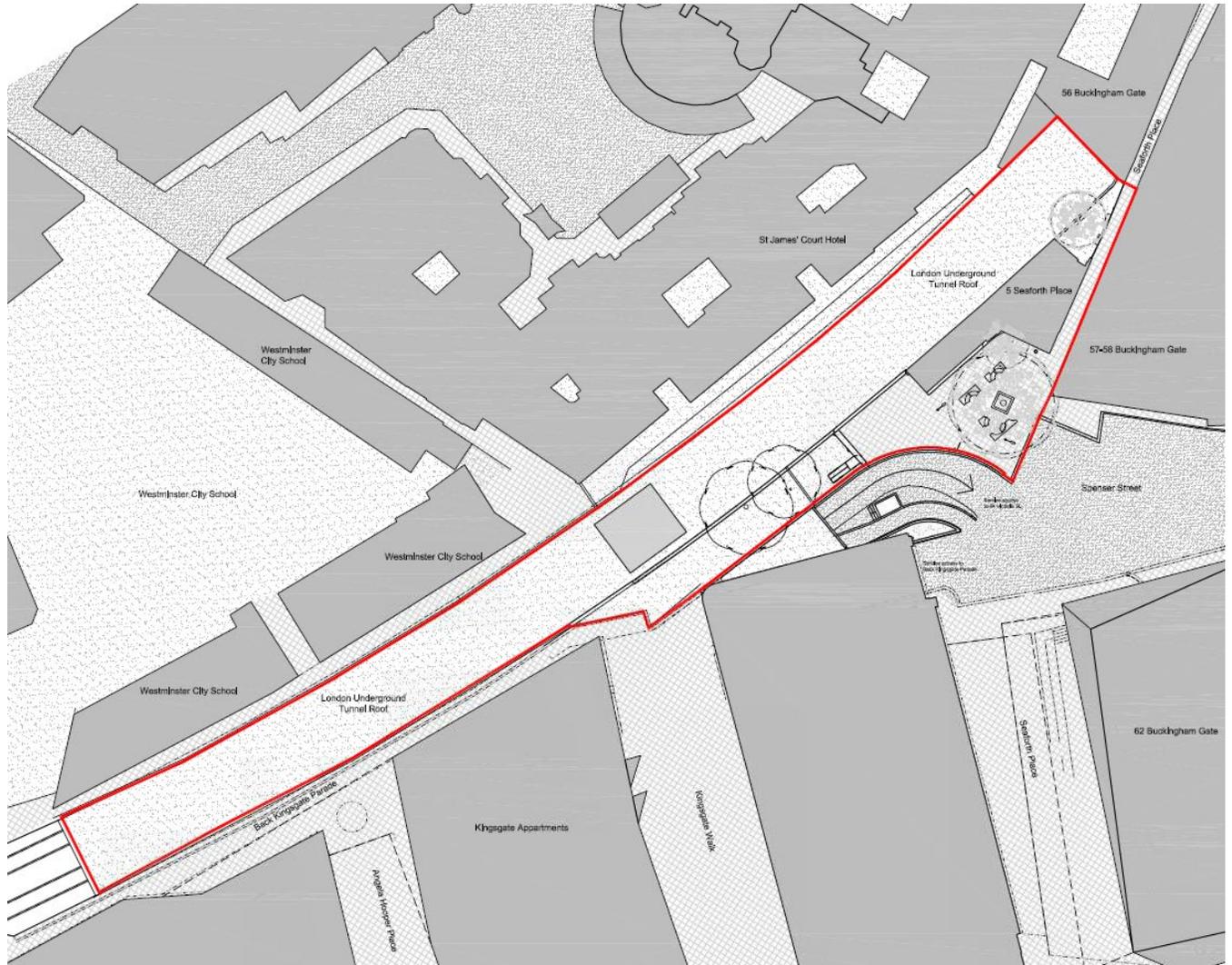
The site is located within the Core Central Activities Zone and Victoria Opportunity Area. It falls outside of a conservation area.

The key issues for consideration are:

- The impact of the proposals on the character and appearance of the area;
- The land use and amenity implications of the proposal;
- The impact of the proposal on the environment and surrounding highway network.

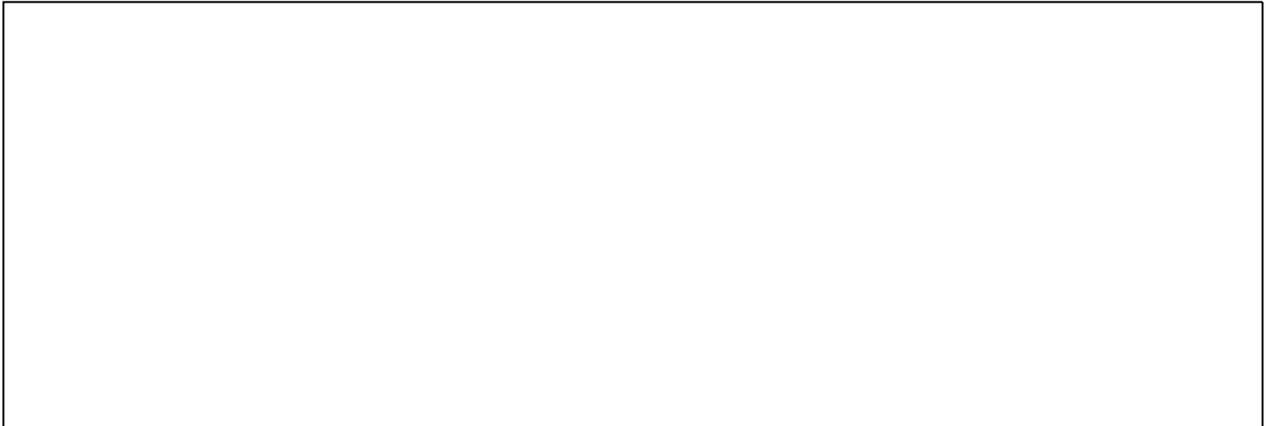
The proposals are considered acceptable in design, land use, amenity, environmental and highway terms subject to conditions and the completion of a S.106 legal agreement.

3. LOCATION PLAN

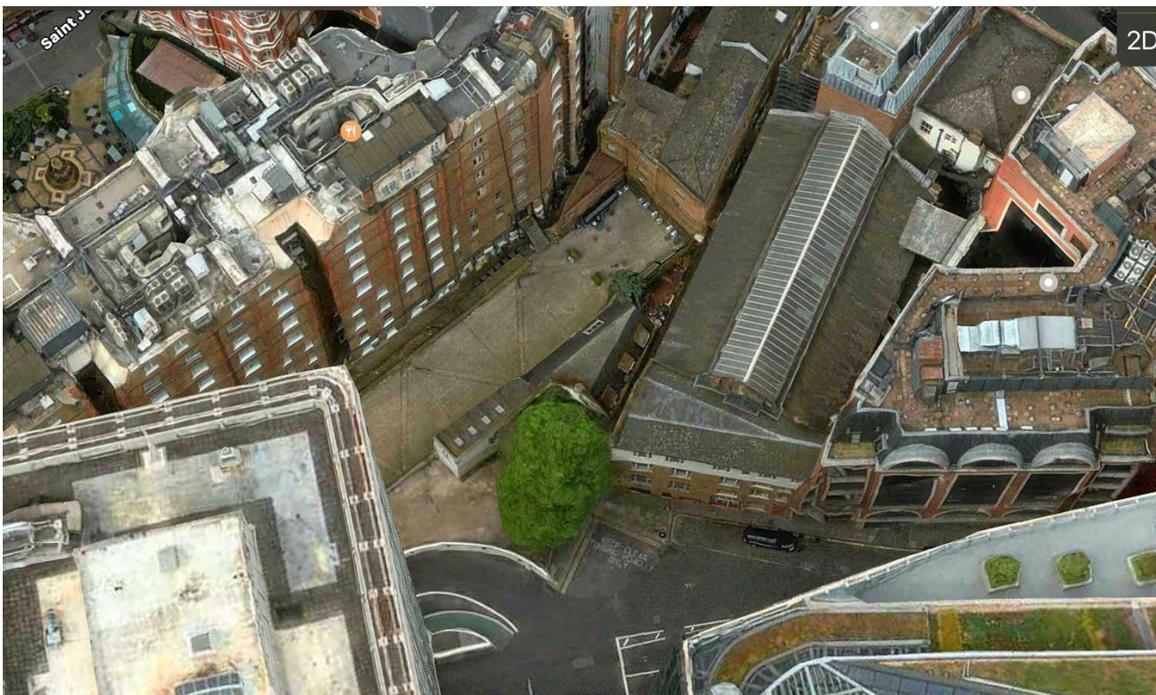


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4. PHOTOGRAPHS



5 Seaforth Place



5. CONSULTATIONS

GREATER LONDON AUTHORITY

Stage 1 comments have been received confirming the following:

- Principle of development: The scheme optimises the site by providing high-quality commercial floorspace and re-providing a residential unit. The development accords with objectives of the Central Activities Zone and the Victoria Opportunity Area, and is supported.
- Design: The design optimises the site and responds successfully to the surrounding built context. The ground floor level is activated through the location of a workspace café, and high-quality materials and detailed design is proposed. A public pocket park and a school playground successfully optimises the use of the land in this urban context. No strategic design concerns are raised.
- Energy: While the Energy Hierarchy has broadly been followed; the energy proposals should be updated to ensure compliance with the London Plan policies.
- Flood risk and sustainable drainage: More evidence should be provided that the proposed measures will provide enough flood mitigation or raise finished floor level above the TE2100 breach scenario. Further details in relation to sustainable urban drainage systems and greenfield runoff rate should be provided.
- Urban greening: A landscape plan should be provided, and the proposed development's Urban Greening Factor should be calculated. Opportunities to create green links to the local green network should be explored including more planting and a green roof.
- Transport: The development is car-free but must demonstrate how blue badge car parking will be provided. Further information on cycle parking, Healthy Streets and Vision Zero is required. A Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan should be secured.

Post stage 1 comments have received confirming outstanding issues relating to energy, water, sustainable drainage and urban greening have been addressed and are acceptable subject to conditions and a S.106 legal agreement to secure a carbon offset payment.

TRANSPORT FOR LONDON

No objection in principle. There are a number of potential constraints on a redevelopment site situated close to London underground tunnels and infrastructure and detailed design will need to be agreed with LUL engineers.

The development is car free which is in line with draft London Plan policy, however it should demonstrate how blue badge parking will be provided. Further information should be provided to understand how the development meets cycle parking, Healthy Streets

and Vision Zero policy objectives. A Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan should be secured by condition

WARD COUNCILLORS

Any response to be reported verbally.

HISTORIC ENGLAND (ARCHAEOLOGY)

Any response to be reported verbally.

WESTMINSTER SOCIETY

Any response to be reported verbally.

VICTORIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

CRIME PREVENTION DESIGN ADVISOR

Any response to be reported verbally.

ENVIRONMENT AGENCY

No objection.

LONDON UNDERGROUND

Any response to be reported verbally.

THAMES WATER

Informatives recommended.

HIGHWAYS PLANNING MANAGER

No car parking is proposed which is acceptable for office use and no additional residential units are proposed. Cycle parking is in accordance with London Plan standards. No off street servicing is proposed which is acceptable given the limited footprint of the site and the limited servicing requirements likely for the building.

WASTE PROJECT OFFICER

No objection.

ENVIRONMENTAL HEALTH

Conditions recommended including full details of plant, supplementary acoustic report and details of noise/vibration attenuation measures; noise mitigation plan (in relation to physical measures) required for the school playground and an operational management plan to manage the way in which the playground is used.

ARBORICULTURAL OFFICER

Two shrubs and three trees are proposed to be removed. The loss of the shrubs (buddleia and pyracantha) are acceptable. The loss of a sycamore and cherry tree are not of sufficient amenity value to merit refusal subject to adequate replacement tree planting. Objection to the loss of the lime tree. Whilst it is not protected by a tree preservation order nor by virtue of being within a conservation area, it is of sufficient amenity value that it would merit statutory protection. The tree report suggests the tree is suffering from honey fungus, however, remain unconvinced that the tree has an irremediable and fatal disease.

The proposal to create a pocket part on top of the district and circle line is welcomed in terms of amenity space, but it would not provide adequate soil depth or volume to plant meaningful replacement trees. The majority of the pocket park would be hard landscaped. Shrubs or plants in raised planters would require artificial irrigation.

BUILDING CONTROL

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 177

Total No. of replies: 2

No. of objections: 1

No. in support: 1

One letter of objection has been received from the owners of Nos. 58 and 59 (Swire House) Buckingham Gate which are in commercial use on the following grounds:

Design

- The proposed height is at risk of being too dominant in relation to its surroundings contrary to policy DES 1 of the UDP. The bulk and mass will be detrimental to the character of Seaforth Place passageway in terms of overshadowing and visual encroachment.

Land use

- Overdevelopment of the site. The site is extremely small and constrained.

Other

- Deliverability of the public open space, pocket park and extensions to Westminster City School on the lid on the London underground tunnel. This land is owned by TFL and Land Securities and not the applicant. TFL constraints and separate ownership of this land puts into question the deliverability of these key public benefits which is central to the acceptability of the scheme.
- The pocket park is essentially a private gated park which is inappropriate.

- The proposal will result in the loss of an existing public parklet on Spencer Street which should be protected.
- Prejudice to the future development of adjoining sites.

One letter of support received from the United Westminster Grey Coat Foundation and their school Westminster City School, confirming that they are very supportive of the additional playground space which is much needed.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

5 Seaforth Place is a two storey residential dwelling which has been vacant for a considerable period of time and has fallen into a state of disrepair. Seaforth Place is a pedestrianised passageway connecting Buckingham Gate with Spencer Street (a servicing street) and Victoria Street. The building is dwarfed by the taller commercial buildings surrounding the site, including Westminster City Council offices at 64 Victoria Street.

The site also includes part of the roof/lid of the London Underground District and Circle lines which lies immediately to the rear (north/west) of the building.

The site is located within the Core Central Activities Zone and the Victoria Opportunity Area. It falls outside of a conservation area.

Recent Relevant History

There is no relevant planning history.

7. THE PROPOSAL

Planning permission is sought for the demolition of the existing dwelling and the redevelopment of the site to provide a new building comprising two basements, ground and nine upper floors with a plant room and terrace above. The building will provide offices (Class B1) at ground to seventh floor level, one residential unit on the eighth and ninth floors and a retail/café unit (Class A1/A3) at part ground floor level. Ancillary storage, cycle parking and plant is proposed in the two basement levels.

The Application includes the creation of pocket park immediately to the rear and a new school playground for Westminster City School on the roof of the district and circle line London Underground tunnel.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land uses can be summarised as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	0	1971	+1971
residential	173	416	+243
Retail/café (A1/A3)	0	207	+207
Total	173	2,594	+2421

(Applicants calculation)

Policy Context

Policy S1 of Westminster's City Plan adopted November 2016 relates to mixed uses in the CAZ and encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting populations. A mix of uses consistent with supporting its vitality, function and character will be promoted.

The policy goes onto state that for development within the core CAZ and opportunity areas, which includes net additional B1 office floorspace, where the net additional floorspace (off all uses) is more than 50% of the existing building floorspace, and more than 400sqm, residential floorspace or an equivalent payment in lieu will be required, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace. The provision of residential floorspace (in whole or in part) should be provided using the following cascade: (i) on-site or in the immediate vicinity; (ii) off-site, including by mixed use credits, within the Opportunity Areas including Victoria, and (iii) payment of an appropriate payment in lieu to the Council's affordable housing fund. Applicants are required to demonstrate that it is not appropriate or practical to provide the floorspace (in whole or in part) at each step of the policy cascade before they can move to the next.

Policy S4 relates to the Victoria Opportunity Area and states that at least 1,000 new homes and development capacity for 4,000 new jobs will be provided within the Victoria Opportunity Area between 2011 and 2031, together with Improvements including public realm and environmental improvements to improve legibility and accessibility for pedestrians and cyclists; a mix of uses on all development sites including active

frontages at ground floor level except where this would compromise movement in and around the Victoria Transport Interchange; provision of publicly accessible open spaces, including tranquil spaces in the vicinity of the transport interchange, and play spaces for children; provision of new purpose-built library; facilities for young people / teenagers; and improved sports and leisure facilities. The policy goes on to state that the requirement for residential floorspace as part of new commercial development may be applied more flexibly where the council considers this to be necessary in order to deliver substantial planned transport infrastructure improvements and/or public realm improvements and are also of benefit to the local community.

Policy S20 relates to offices and states that the Council will seek to exceed its target for additional B1 office floorspace capacity. New office development will be directed to the Opportunity Areas including Victoria and the core CAZ.

Office Use

The site is located within the Core CAZ and Victoria Opportunity Area and the principle of new office floorspace (class B1) is acceptable. The development will provide seven floors of office accommodation on floorplates of between 177 and 251 square metres (GIA) which the applicant states will enable the space to be multi-let and suitable for small and medium-sized enterprises (SMEs) which is welcomed.

The proposal results in 1971sqm (GIA) net additional Class B1 office floorspace. On the basis of Policy S1 of the City Plan the proposal generates a requirement for an equivalent amount of residential floorspace, less 30% of the existing building floorspace and uplift in residential floorspace, to be provided of 1676sqm.

The applicant states that providing the full on-site residential floorspace requirement on this constrained site would compromise the office-led scheme and create sub-optimal residential units on the lower floors. They have also confirmed that they do not own any other sites within the immediate vicinity or Opportunity Area to provide residential accommodation. They propose to deliver alternative public benefits by bringing the derelict building in this neglected corner of Westminster into active use, provision of a new pocket park and space allocated for use as a school playground for Westminster City School which they argue is consistent with the Victoria opportunity area and Policy S4 of the City Plan.

The applicant has provided a financial viability assessment which they argue demonstrates that it would not be viable to provide a policy compliant payment of £2.9m to the Affordable Housing Fund.

The Council has employed Gerald Eve as an independent consultant to review the applicant's financial viability assessment. They have concluded that whilst the scheme cannot afford a policy compliant contribution they can pay £1.37m towards the Council's

affordable housing fund to which the applicant has agreed. It is recommended that this be secured through a S106 legal agreement to be paid in full on commencement of development.

Residential use

Policy S14 of the City Plan 'Optimising Housing Delivery' and H3 of the UDP 'To Encourage the Provision of More Housing' seek to protect all residential uses and floorspace and optimise the number of residential units on a development site.

The existing single family dwelling has been vacant for some time. This is to be replaced with one new residential apartment on the top two floors of the proposed building. At 416sqm the provision of only one unit is not considered to be the most efficient use of floorspace given the policy requirement to optimise the number of residential units on development sites. The applicant argues that the proposed development of this site is unique in terms of the other benefits it delivers, including the provision of a new public pocket park and playground for Westminster City School. Whilst the provision of only one residential unit is regrettable, these benefits are welcomed in this part of the Victoria Opportunity Area and it is not considered that the application could reasonably be refused on this basis.

It is the applicants' intention to occupy the residential unit. No layout of the proposed unit has been provided, however, it far exceeds the national minimum space standard for a 3+ bed family sized unit. A separate access up to the residential unit has been introduced during the course of the application.

Retail/café use

Policy S6 (Core Central Activities Zone) and S21 (Retail) of the City Plan and SS4 (New retail floorspace in the CAZ) of the UDP encourage new retail floorspace in the CAZ.

Policy S24 of the City Plan relates to entertainment uses and states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

Policy TACE 8 of the UDP states that restaurant/cafe uses within the Core CAZ with a gross floorspace of up to 500sqm will generally be permissible.

The introduction of a retail or café use of 207sqm in this location will activate this currently underused area, creating a much improved ground floor frontage and natural surveillance to this part of Seaforth Place/Spencer Street.

The applicant requests hours of opening of a café use between 0600-2000 daily and it is recommended that an operational management plan for the café use be secured by condition. No full height kitchen extraction system is proposed and the applicant is therefore willing to accept a condition that no primary cooking be carried out in order to protect amenity and local environmental quality.

8.2 Townscape and Design

The existing two storey residential building is of limited architectural and aesthetic value and lies outside of a conservation area. It is small in scale compared to surrounding buildings, including the 21 storey Westminster City Hall to the south and St James' Court Hotel to the north which comprises 12 storeys. The site is constrained by the district/circle line tunnel to the north, which is concealed by a concrete cover.

In terms of height, bulk and overall scale, the proposed building would sit in stark contrast with the existing building on the site, but would not be discordant with its surroundings. Architecturally the arrangement of the building appears balanced, exhibiting a distinct base, middle and recessed top storeys.

The base of the building will occupy the office reception and retail/café unit, and feature large glass arches. This arrangement of uses should enliven the frontage of the building and improve natural surveillance to an area which can seem threatening and currently attracts loitering. Access to the pocket garden is via a passageway through the base of the building which will be gated to prevent access out of hours. It is recommended that details of the gates are secured by condition.

The architectural context of the site is wide-ranging, from Victorian red bricked buildings, post war concrete framed structures and contemporary glass faced developments. The building has a contemporary whilst contextual design with arches featuring strongly throughout. The facade incorporates a vibrant pallet of materials including buff brick at the base, glazed brick work above and metal copper coloured cladding for the top two floors. Glazing is framed by steel with a copper/bronze finish. In order to ensure their quality and finish, it is recommended that samples of materials are secured by condition.

In design terms the height, scale and form of the building are felt to respond positively to its varied context, delivering a well-considered building on a constrained site. The development will deliver an external public space, as well as active frontage which will enliven an underutilised site. Subject to conditions seeking further design details and samples of materials, the proposed building is considered acceptable in design terms.

8.3 Residential Amenity (Sunlight, daylight, sense of enclosure/privacy)

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings and educational buildings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

The buildings surrounding the site are currently in commercial use. There is an extant planning permission for 8 eight residential flats at 55-56 Buckingham Gate which extends back along Seaforth Place. A certificate of lawfulness was issued in 2017 to confirm that this permission has been implemented and can therefore be carried out in perpetuity. There are windows to approved living room and bedrooms in the rear wall of this site at ground to second floor level close to 5 Seaforth Place.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultants, GIA, have carried out daylight and sunlight tests using the methodology set out in the BRE guidelines on 55-56 Buckingham Gate.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also suggests that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

Four windows at first and second floor level within 55-56 Buckingham Gate will experience transgressions in VSC beyond BRE guidelines in relation to daylight. Three of these windows serve bedrooms which are not considered to be main habitable rooms. One window at second floor level serves a living/kitchen/dining room and will experience a minor transgression in VSC of 21.1% against a BRE target of 20% (existing VSC level 12.8/retained VSC 10.1). This window will remain BRE complaint with regards to the

daylight distribution test (NSL). With regards to sunlight there will be a reduction of APSH to this window of 29.2%, however it will retain a good level of annual APSH for Central London of 17%. It should also be noted that this room is also dual aspect, served by two further windows to the south/Seaforth Place elevation which will not be affected by the proposed development.

Given the location of the terrace at main roof level it will not result in a loss of privacy to the proposed residential units in 55-56 Buckingham Gate. Accordingly the application is considered acceptable in amenity terms.

One letter of objection has been received from the owner of commercial properties at 58-59 Buckingham Gate on the grounds that the proposed development may prejudice the future development of adjoining sites. Seaforth Place (passage) runs in-between the application site and 58-59 Buckingham Gate and no windows are therefore proposed on the boundary line with this property. It is not considered that the proposal would prejudice the development potential of this site. However, Seaforth Place is narrow and the applicant should be mindful that if a development does come forward on an adjoining sight it may impact on their development and they therefore do so at their own risk.

8.4 Transportation/Parking

The applicant has submitted a Transport Statement in support of their application. No car parking is proposed which is acceptable for office use and no additional residential units are proposed. This is consistent with policies TRANS21 and TRANS22 of the UDP.

30 cycle parking spaces are proposed (26 for the office use and 2 each for the residential and retail/café uses) in line with London Plan standards. Three Sheffield stands/6 cycle parking spaces are also proposed for short term parking which is welcomed.

No off-street servicing is proposed. The applicant is in discussions with Land Securities about servicing the development on their private land. Notwithstanding this the applicant has carried out tracking which confirms that the servicing requirements of the development could be met on the public highway. The Highways Planning Manager raises no objection. It is recommended that a Delivery and Servicing Management Plan be secured by condition.

8.5 Economic Considerations

The economic benefits of the development are welcomed.

8.6 Access

Level access is proposed into the pocket park and each of the uses at ground floor level with lift access to the basement and upper floors. Lift lobbies, corridors and thresholds will comply with Part M of the Building Regulations.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed within the basement and at main roof level. Conditions are recommended to secure full details of plant and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures available to confirm compliance with the Council's standard noise condition.

Noise from new school playground

A noise assessment has been carried out on the potential noise impact of the proposed new school playground for Westminster City School on neighbouring residents in Kingsgate House which overlook the proposed playground.

The assessment considers the impact of the noise based on two scenarios at the apartments, one with the windows closed and one with the windows partially open. With the windows closed, the assessment considers that the noise levels within the apartments would be within recommended guidelines and is acceptable. With windows partially open, the assessment considers that this could result in behavioural change though occupants closing their windows as a result of noise.

The Council's Environmental Health Officer recommends that a noise mitigation plan (in relation to physical measures) and an operational management plan to manage the way in which the playground is used including supervision measures, permitted activities and hours of use (restricted to school hours only), be secured by condition to mitigate the potential noise impact of the proposed new playground.

Vibration and Internal noise levels

A vibration assessment has been undertaken due to the close proximity of the London Underground tunnels. Environmental Health officers are satisfied that the building measures proposed will ensure that vibration will not be perceptible in the proposed residential unit and that the unit will also comply with internal noise standards.

Air Quality

The proposed development falls within an Air Quality Management Area. The applicant has submitted an Air Quality Assessment in support of their application which concludes that the development will be air quality neutral for both building and transport emissions.

Refuse /Recycling

Separate waste storage areas are proposed at ground level for each of the uses with direct street access. The Council's Waste Project Officer is satisfied that they are large enough to accommodate the waste and recycling expected from the development.

Trees/Landscaping/Biodiversity/Public Realm

The applicant has submitted an Arboricultural Impact Assessment. Five trees/shrubs adjacent to the development site are proposed to be removed. The Council's Arboricultural Manager raises no objection to the loss of two shrubs (buddleia and pyracantha) or to the sycamore and cherry trees which are considered to be of limited amenity value. The loss of the lime tree is highly regrettable, however, it is not considered that the application could reasonably be refused on this basis, subject to suitable replacement tree planting which is recommended be secured by condition.

The proposal to create a pocket park on top of the district and circle line is welcomed in terms of public amenity space. It is recommended that full details of a hard and soft landscaping scheme be secured by condition. It is proposed that rainwater will be harvested as part of the building's attenuation strategy for the purposes of landscape irrigation. This will be stored in the basement and supplied via a drip-fed irrigation system with soil moisture sensors to the landscape planters.

It is recommended that the pocket park and new school playground be completed prior to first occupation of the development; and that a management/ maintenance agreement to secure public access to the pocket park be secured through a S.106 legal agreement

Wind Conditions

The applicant has carried out a pedestrian level wind desk-based assessment of the likely wind conditions around the proposed development. It concludes that with the proposed development in place, wind conditions would be suitable for sitting to standing use during the windiest season and that the conditions on thoroughfares and at entrance locations would likely be suitable for the intended use. It is recommended that details of landscaping/localised screening to seating areas in the new Westminster City School playground be secured by condition to protect them from wind.

Sustainability

The applicant has submitted an Energy Statement and Sustainability Statement in support of their application.

The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice

design of building services, lighting and controls;

- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

It is proposed to deliver a 41.19% improvement in carbon emissions based on the current Building Regulations (2013). It achieves this through passive design and energy efficiency measures including high performance insulation and glazing and energy efficient building service systems. Renewable energy is proposed in the form of air source heat pumps and two PV panels at roof level.

There are no available existing or proposed district heating networks in the vicinity of the proposed development. However, the scheme will be future proofed to make allowance for connection should a low-carbon district heat network become available.

The applicant has agreed to a carbon offset payment of £3,878 (index linked) for the shortfall in carbon savings relative to the requirements of the London Plan (Policy 5.2 and Policy SI2 of the draft London Plan). It is recommended that this be secured through the S106 legal agreement.

The scheme aims to achieve a BREEAM 'Excellent' rating assessed against BREEAM New Construction 2018 standards and it is recommended that this be secured by condition.

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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, 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

Not applicable.

8.10 London Plan

The application has been referred to the Mayor of London and the Stage 1 referral letter has been received. The Mayor considers that the proposed scheme optimises the site by providing high-quality commercial floorspace and re-providing a residential unit. The development accords with objectives of the Central Activities Zone and the Victoria Opportunity Area, and is supported. The design optimises the site and responds successfully to the surrounding built context. The ground floor level is activated through the location of a workspace café, and high-quality materials and detailed design is proposed. A public pocket park and a school playground successfully optimises the use of the land in this urban context.

Post stage 1 comments have been received confirming outstanding issues relating to energy, water, sustainable drainage and urban greening have been addressed. A carbon offset payment will be secured through a S.106 legal agreement.

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 agreement are proposed to cover the following issues:

- A payment of £1,370,000 towards the Council's affordable housing fund (index linked and payable on commencement of development).

- A Financial Contribution of £ 63,284.97 towards employment and training initiatives prior to commencement of development.
- Management/maintenance agreement to secure public access to the pocket park to be completed prior to first occupation of the development.
- New school playground for Westminster City School to be completed prior to first occupation of the development.
- Carbon offset payment of £3,878 (index linked and payable on commencement of development)
Monitoring costs.

The estimated CIL payment is: £1,065,777.83 (£692,467.04 Westminster CIL/
£373,310.79 Mayoral CIL).

8.13 Environmental Impact Assessment

An Environmental Impact Assessment is not required. Sustainability and environmental issues have been covered in section 8.7 above.

8.14 Other Issues

Construction impact

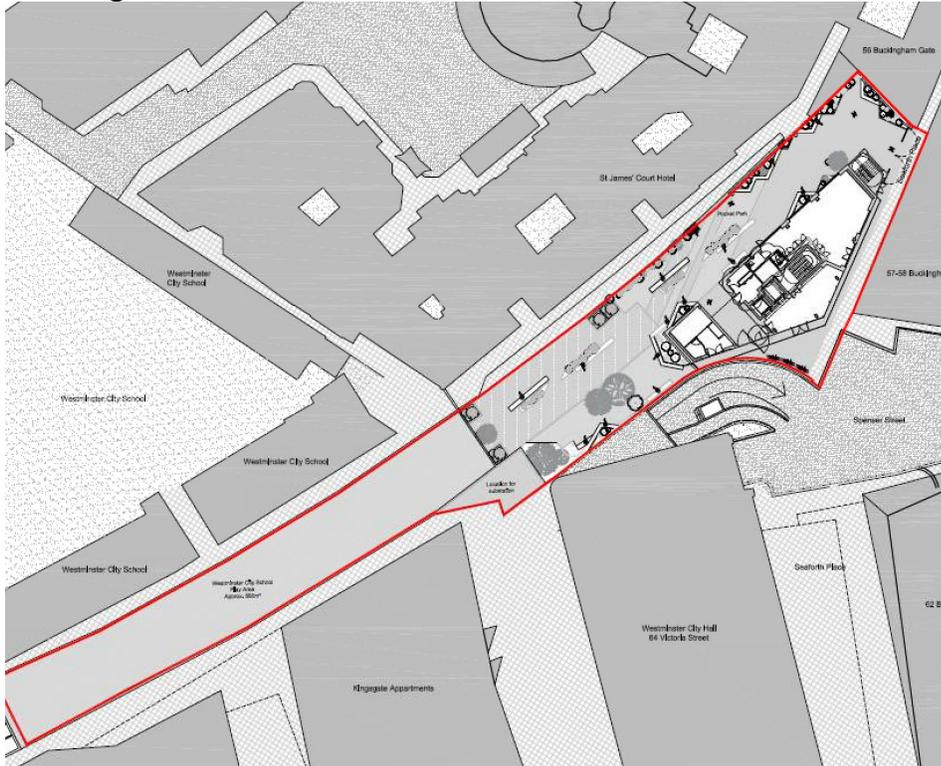
A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMPs; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

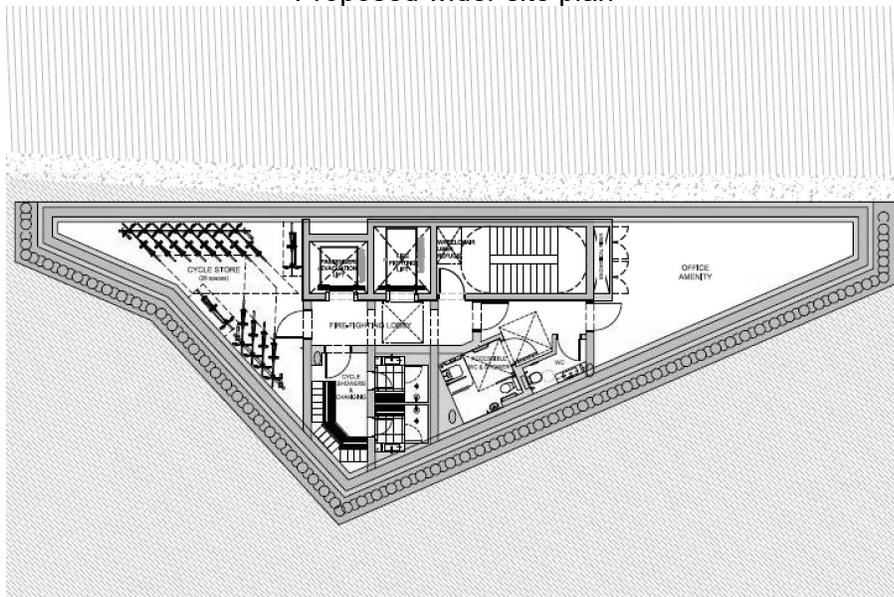
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

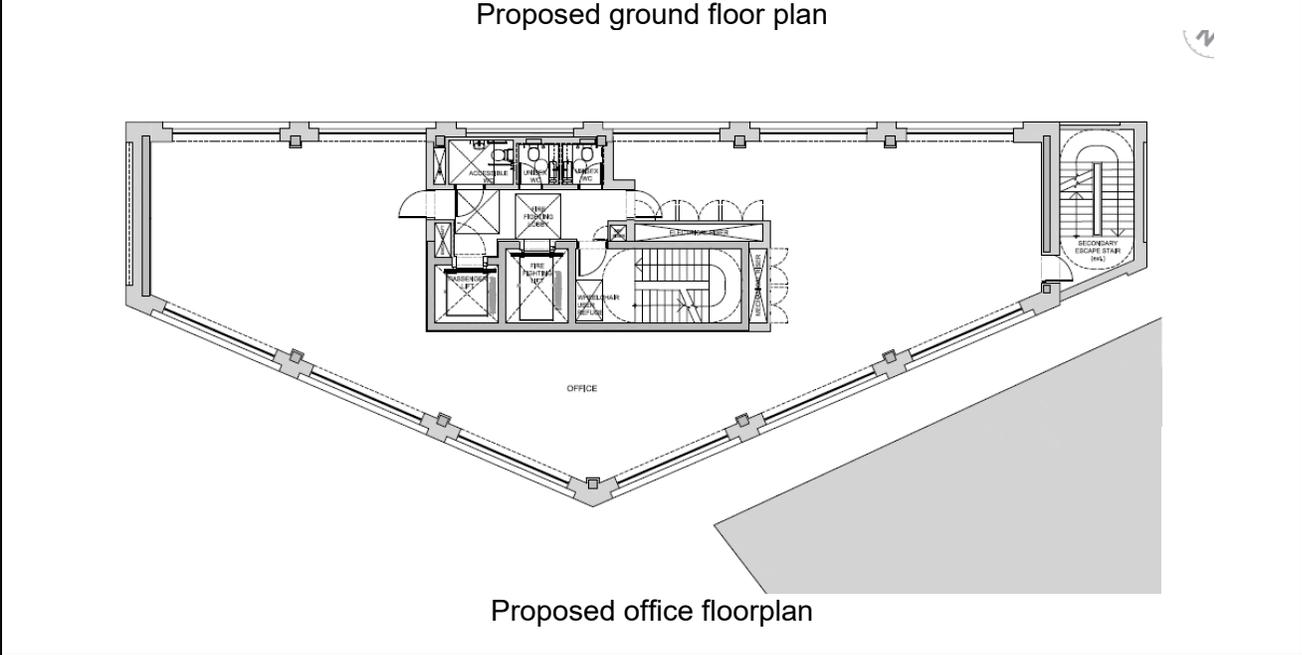
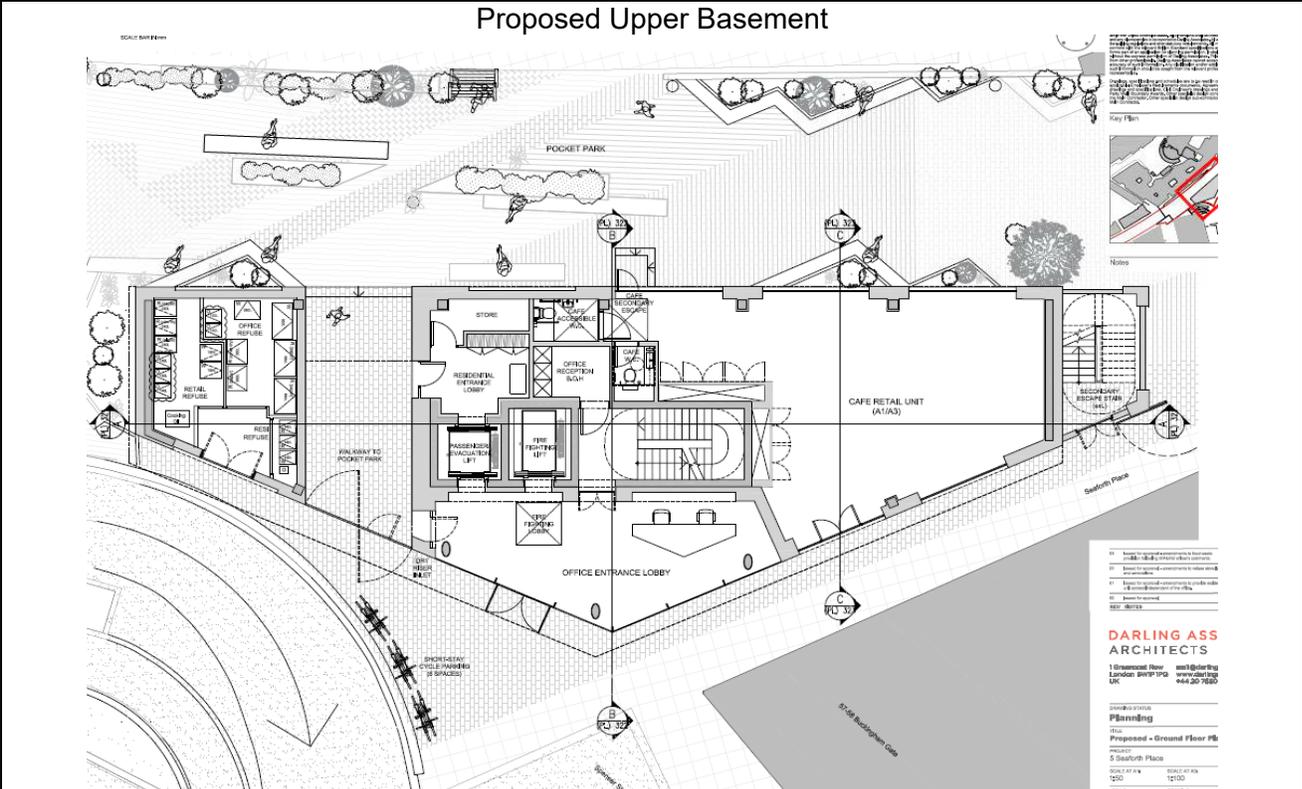
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

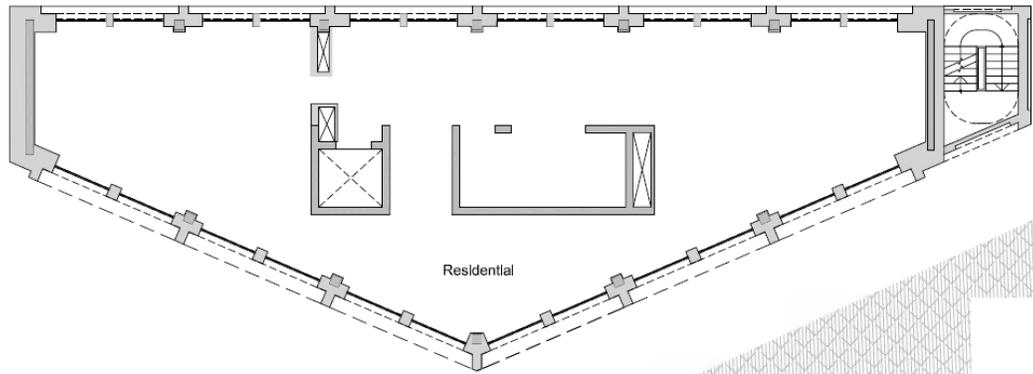
9. Key Drawings



Proposed wider site plan

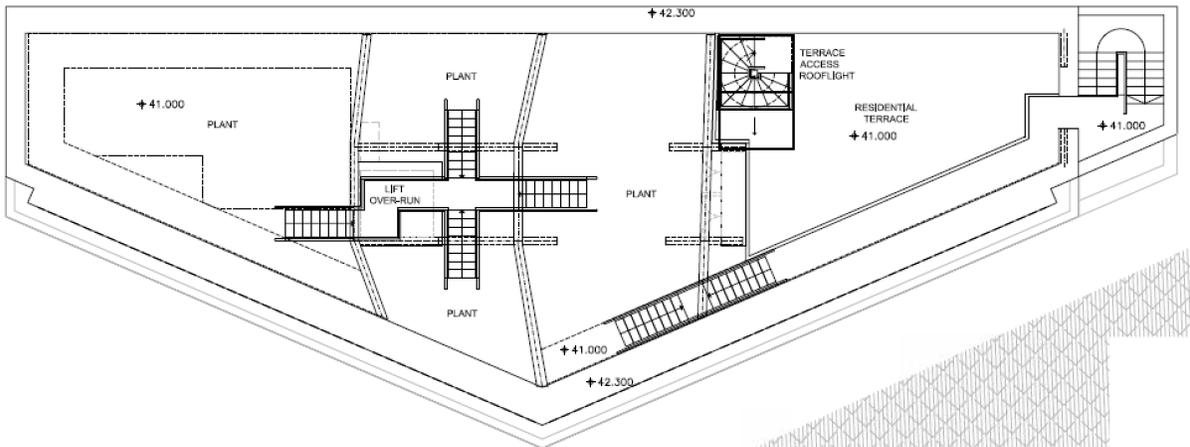




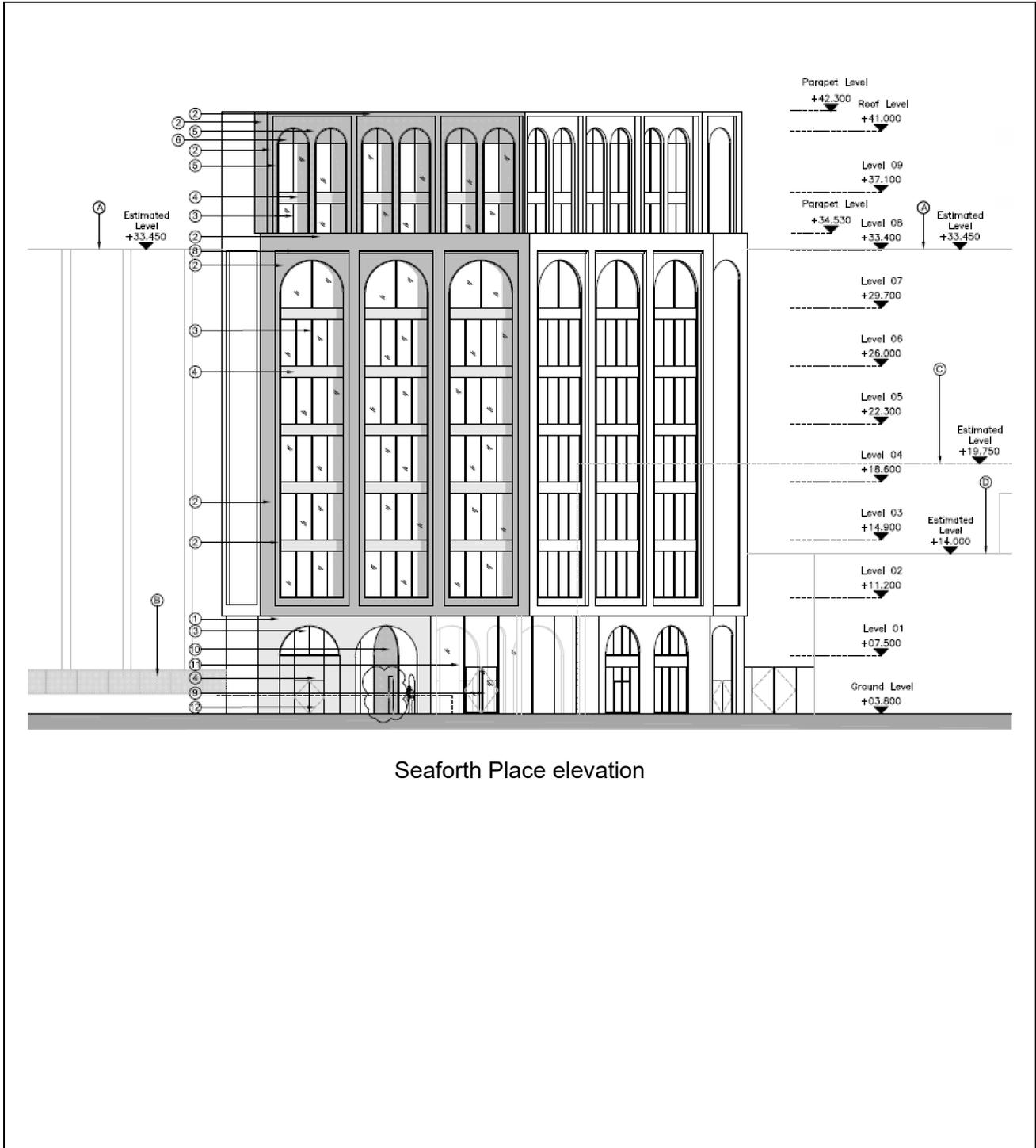


Residential

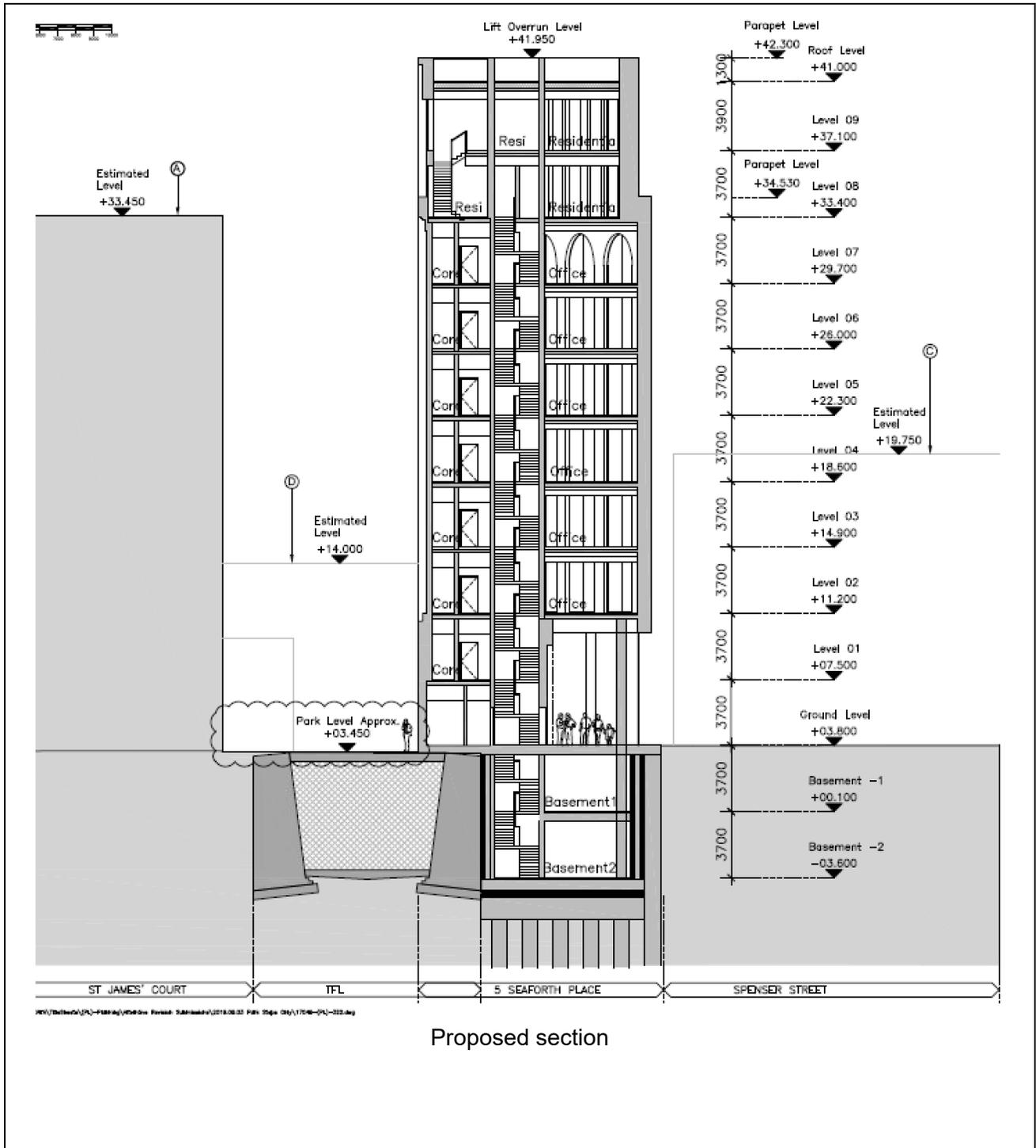
Proposed ninth floor (residential)

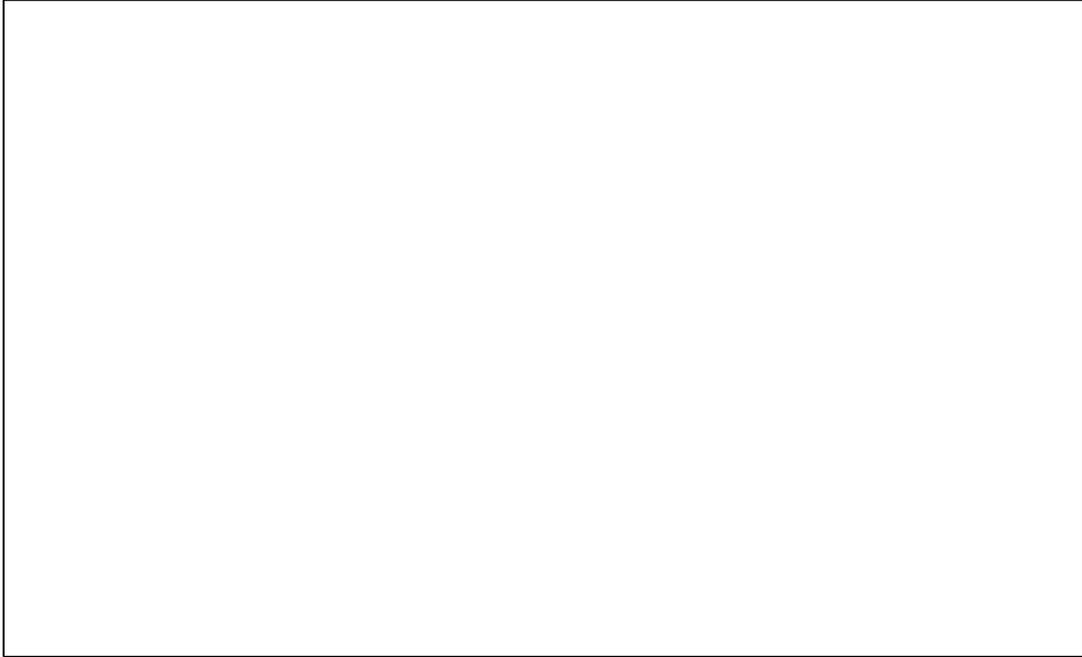


Proposed roofplan



Seaforth Place elevation

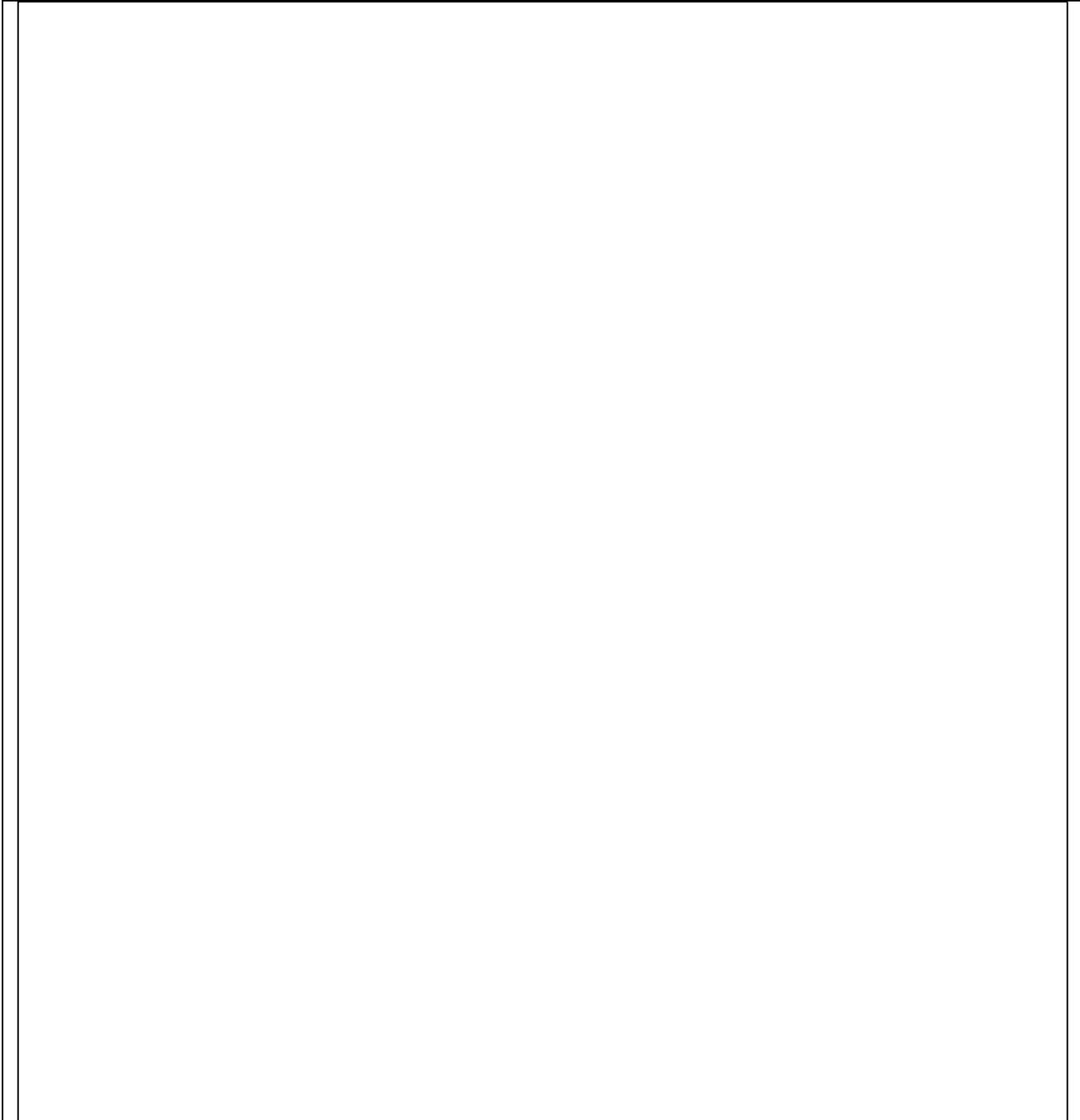




View from Spenser Street



Seaforth Place



View from Victoria Street (without existing canopy in place)

DRAFT DECISION LETTER

- Address:** 5 Seaforth Place, London, SW1E 6AB,
- Proposal:** Demolition of existing dwelling (Class C3); erection of 10-storey mixed-use building comprising office floorspace (Class B1), one residential unit (Class C3) and ground floor retail/café (Class A1/A3); creation of pocket park; new school playground for Westminster City School; and associated works.
- Reference:** 19/06004/FULL
- Plan Nos:** 17049 (PL) 100 Rev 00; 17049 (PL) 101 Rev 00; 17049 (PL) 102 Rev 00; , 17049 (PL) 103 Rev 00; 17049 (PL) 111 Rev 00; 17049 (PL) 112 Rev 00; , 17049 (PL) 113 Rev 00; 17049 (PL) 131 Rev 00; 17049 (PL) 132 Rev 00; , 17049 (PL) 201 Rev 00; 17049 (PL) 202 Rev 00; 17049 (PL) 203 Rev 00; , 17049 (PL) 211 Rev 00; 17049 (PL) 212 Rev 00; 17049 (PL) 213 Rev 00; , 17049 (PL) 231 Rev 00; 17049 (PL) 232 Rev 00; 17049 (PL) 301 Rev 01; , 17049 (PL) 302 Rev 01; 17049 (PL) 303 Rev 00; 17049 (PL) 311 Rev 00; , 17049 (PL) 312 Rev 00; 17049 (PL) 313 Rev 03; 17049 (PL) 314 Rev 00; , 17049 (PL) 315 Rev 00; 17049 (PL) 316 Rev 00; 17049 (PL) 317 Rev 00; , 17049 (PL) 318 Rev 00; 17049 (PL) 319 Rev 00; 17049 (PL) 321 Rev 00; , 17049 (PL) 322 Rev 01; 17049 (PL) 323 Rev 01; 17049 (PL) 331 Rev 01; , 17049 (PL) 332 Rev 00; 17049 (PL) 333 Rev 01; 17049 (PL) 334 Rev 01 and , 17049 (PL) 335 Rev 01.
- Wind Assessment, prepared by RWDI dated July 2019 RevB; Energy Statement, prepared by Envision dated 22 November 2019 Rev D; Sustainability Statement, prepared by Envision dated July 2019 Rev C; Carbon Emissions Reporting Sheet, Energy Calculations and Residential calculations received 3 December 2019; Utilities Statement, prepared by Envision dated July 2019 Rev A; Refuse Storage Calculation dated 3 December 2019; Facade Noise Levels by Sharpe Redmore dated 17 June 2019; Air Quality Assessment, by WYG November 2019; , Flood Risk Assessment and Drainage Strategy by Engineeria dated 16 May Rev P2; Flood Risk Assessment Addendum by Engineeria dated 25 November 2019 Rev P1; Technical Response to GLA Energy Memo: Stage I Consultation by Envision dated 22 November 2019; Technical Response to GLA Water and Green Infrastructure Memo by Envision dated 25 November 2019; and Urban Greening by Phil Allen dated 31 March 2020 Rev C. For information only: Planning Statement, prepared by Quod dated 8 July 2019; Design and Access Statement, prepared by DAA dated July 2019 Rev C; Structural Methodology Statement, prepared by Engineeria dated July 2019 Re P2; Sunlight and Daylight Report, prepared by GIA dated 4 July 2019; Arboricultural Impact Assessment by Landmark Trees dated 22 October 2019; Letters from Landmark Trees dated 19 November 2019 and 20 January 2020;

Transport Assessment, prepared by TPP dated July 2019 Rev P2; Transport Response by TPP dated December 2019; Acoustic Report by Sharps Redmore dated 30 June 2019; Supplementary Acoustic Report of Playground Noise by Sharps Redmore dated 31 March 2020 Rev B; and Statement of Community Involvement, prepared by Concillo.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641
07866037964

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 **Pre Commencement Condition.** Prior to the commencement of any:
 - (a) Demolition, and/or
 - (b) Earthworks/piling and/or
 - (c) Construction
 , On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist

from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start 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)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:
- i) Typical Bay details: elevations and sections scaled 1:20 showing the interface with brick work, cladding and glazing.
 - ii) The gates to the pocket park, including materials.

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

Reason:

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

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio

antennae on the roof terrace. (C26NA)

Reason:

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

- 7 The office use allowed by this permission must not begin until the residential use has been completed. (C07BA)

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H4 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 8 There shall be no primary cooking in the retail/cafe (class A1/ A3) unit such that you must not cook raw or fresh food on the premises.

Reason:

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

- 9 Customers shall not be permitted within the cafe (class A3) premises before 0600 or after 2000 each day. (C12AD)

Reason:

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

- 10 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the cafe (class A3) 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 cafe is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in

S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 11 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment and a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 12 and 13 of this permission. 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. You must not change it without our permission. (C13BB), ,

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 12 (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)

- 13 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)

- 14 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)

- 15 You must provide the waste store shown on drawing PL-313 rev03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 16 No waste should be left or stored on the public highway.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 17 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)

- 18 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)

- 19 You must apply to us for approval of a Servicing Management Plan prior to occupation of the development. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. You must not commence any of the uses until we have approved what you have sent us. The Servicing Management Plan must thereafter be maintained and followed by the occupants for the life of, the development, unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 20 You must apply to us for approval of an operational management plan for the new school playground extension setting out management steps such as the hours of use of the playground, supervision measures and permitted activities to show how you will prevent the playground extension from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the playground 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 playground extension is in use. (C05JB)

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)

- 21 You must apply to us for approval of a noise mitigation plan to demonstrate the physical steps taken to mitigate noise impacts from the use of the new school playground. This should include a consideration of measures such as screening and absorption as well as any other physical measures deemed appropriate at this setting. You must not start the use until we have approved what you have sent us. You must then carry out the measures included in the approved noise mitigation plan at all times that the school playground extension is in use.

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)

- 22 If you cut down any trees so you can build this development, you must plant replacement trees in the first planting season after you complete the development. You must apply to us for our written approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of similar size and species to the one originally planted. (C31KA)

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)

- 23 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs for:
- i) The pocket park.
 - ii) The new school playground, to include landscaping/localised screening to seating areas to ensure wind conditions would be suitable for sitting.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within 3 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)

- 24 You must provide the water irrigation system as specified in the Flood Risk Assessment Addendum report dated 25 November 2019 Rev P1.

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)

- 25 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.
- Air source Heat pumps,
 - Photovoltaics,
 - Development future proofed to allow connection should a low-carbon district heat network become available.
- 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)

- 26 The development shall achieve a BREEAM rating of 'Excellent' (New Construction 2018 or any such national measure of sustainability that replaces that scheme of the same standard). A post construction certificate confirming this standard under BREEAM has been achieved, must be issued by the Building Research Establishment, and submitted for approval by the Local Planning Authority within 3 months of completion on site.

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 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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.

- 4 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 5 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. 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).
- 7 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 8 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 9 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 at www.westminster.gov.uk/contact-us-building-control

- 10 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 11 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 12 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 and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 13 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/short-term-lets., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 14 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61,

Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 15 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.
- 16 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.
- 17 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: www.westminster.gov.uk/street-naming-numbering (I54AB)

- 18 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: , o A payment of £1,370,000 towards the Council's affordable housing fund (index linked and payable on commencement of development)., o A Financial Contribution of £ 63,284.97 towards employment and training initiatives prior to commencement of development., o Management/maintenance agreement to secure public access to the pocket park to be completed prior to first occupation of the development. , o Extension to the playground for Westminster City School to be completed prior to first occupation of the development. , o Carbon offset payment of £3,878 (index linked and payable on commencement of development), Monitoring costs.,
- 19 Under condition 8IN you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment., , The hot food operation as described in the approved documents shall not be altered in any way with regards to cooking methods, cookline equipment or hot food types sold. , , Any application to remove or vary the condition must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation). For further information please contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email to ehconsultationteam@westminster.gov.uk.
- 20 This site is inside an 'area of wildlife deficiency' as set out in S38 of our City Plan that we adopted in November 2016. So, you should include environmental features that improve public access to nature when designing the development and any open areas pursuant to the requirements of any relevant conditions attached to this planning permission.
- 21 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: , , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email:

Devcon.Team@thameswater.co.uk

- 22 A Groundwater Risk Management Permit from Thames Water will be required for discharging, groundwater into a public sewer. Any discharge made without a permit is deemed illegal and, may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water, expect the developer to demonstrate what measures he will undertake to minimise, groundwater discharges into the public sewer. Permit enquiries should be directed to Thames, Water's Risk Management Team by telephoning 02035779483 or by emailing, wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via, www.thameswater.co.uk/wastewaterquality.
- 23 There are water mains crossing or close to your development. Thames Water do NOT permit, the building over or construction within 3m of water mains. You are advised to read Thames, Waters guide to working near or diverting our pipes., <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>
- 24 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. You are advised to read Thames Waters guide to working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>
- 25 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: 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.**

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 June 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	The Colonnades, 34 Porchester Square, London, W2 6AP		
Proposal	Erection of single storey roof extensions and associated alterations to 11 flats facing Bishops Bridge Road and Porchester Mews.		
Agent	Mr Ed Bucknall		
On behalf of	Mr Emmanuel Ninos		
Registered Number	19/08437/FULL	Date amended/ completed	30 October 2019
Date Application Received	30 October 2019		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to the southern block of a large 1970s development of apartments, known as The Colonnades, fronting Bishops Bridge Road to the south, Porchester Road to the west and Porchester Square to the north. At ground floor level the development fronting Bishops Bridge Road and Porchester Road has retail/ commercial buildings including Waitrose. The site is not listed but falls within the Bayswater Conservation Area (BCA). The nearest listed buildings to the site are the Porchester Hall (Grade II*), Hallfield Estate (Grade II) and the terraces which form the northern and eastern sides of Porchester Square (Grade II). The site, in relation to the nature of the current application proposals, is not considered to affect the setting of any of these listed buildings.

Permission is sought for the construction of two single storey roof extensions at fourth floor level facing Bishops Bridge Road and Porchester Mews. The extensions would provide additional living accommodation for 11 flats to duplex flats at second/ third floor.

The key issues in the determination of this application are:

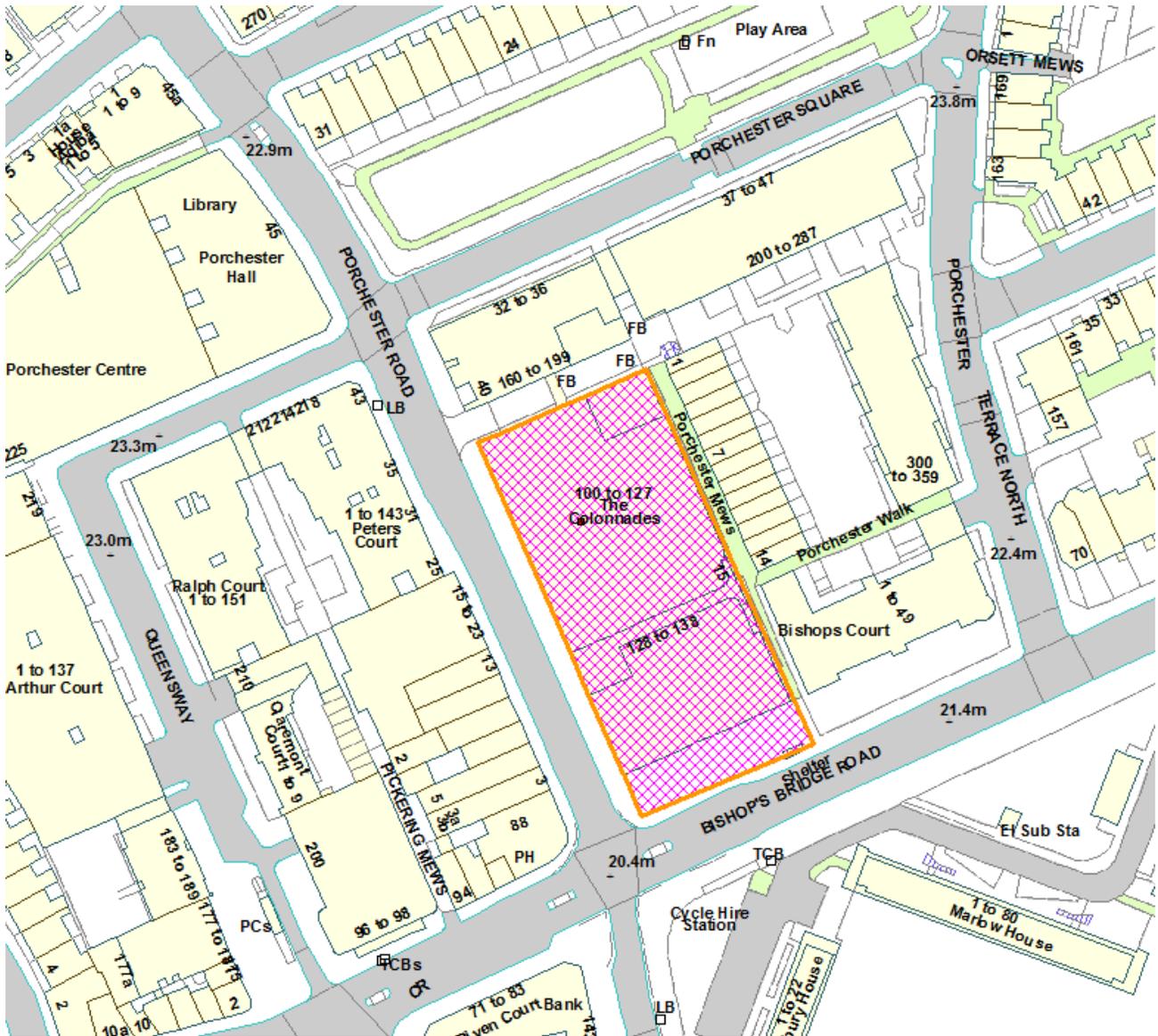
- The impact of the proposed works on the Bayswater Conservation Area; and
- The impact of the proposed extension on the amenity of neighbouring properties.

The proposals are considered acceptable in terms of design and amenity and are considered to accord with City Council policies as set out in the Unitary Development Plan (UDP) adopted January

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2007 and the City Plan adopted November 2016 subject to the conditions as set out in the draft decision letter at the end of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Application Site from Bishop's Bridge Road



Application Site from Porchester Mews



Aerial Image



5. CONSULTATIONS

COUNCILLOR CARMEN:

No formal comment made. Councillor Carmen has contacted the case officer on behalf of both the applicant and objectors and confirms that she remains neutral on the application.

COUNCILLOR ELCHO:

No formal comment. Councillor Elcho has contacted the case officer on behalf of the applicant but has given no view on the proposals.

COUNCILLOR PAYNE:

Objects. Comments that the extension and design proposed negatively affects the area but supports the principle of the extensions, which result in family homes.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally

TRANSPORT FOR LONDON - BOROUGH PLANNING

No comment.

THAMES WATER:

Comment made that the Thames Water have been unable to determine the waste water infrastructure needs for this application. Therefore conditions are suggested.

HIGHWAYS PLANNING MANAGER:

No objection.

WASTE MANAGER:

No objection subject to conditions.

BUILDING CONTROL - DEVELOPMENT PLANNING

Comment that any extension would require a Structural Engineering Assessment.

ENVIRONMENTAL HEALTH

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 607. 416 of these households consulted at the very beginning of the application process (4 November 2019) and a further 191 households consulted on 12 December 2019).

Total No. of replies: 74

No. of objections: 51 on behalf of 34 households

No. in support: 23 on behalf of 21 households

51 objections have been received on some or all of the following grounds:

Land Use:

- The proposal does not provide for affordable housing;
- The proposals do nothing to help the housing crisis;

- The proposals contradict the Council's affordable housing policy to create new homes/ new affordable homes.

Design:

- This is a completed building by a world renowned architect Sir Terry Farrell;
- The design isn't in keeping with the rest of The Colonnades
- Where the extension remains empty (as those residents below don't want to build up) this will be unsightly;
- The 'hodgepodge' infilling of the extension as and when the applicants want to build will look unsightly;

Amenity:

- Loss of light to neighbouring properties;
- Loss of privacy to neighbouring properties;
- Overshadowing and loss of light to Porchester Mews pathway;
- Loss of views;
- Reduction in light and air to the Porchester Mews pathway will encourage the use of this pathway for urination and increase the odours

Other:

- Consultation has not been carried out widely enough with only residents in the 100 block consulted. Requests made to consult the whole of The Colonnades;
- Consultation letters should not be addressed to the 'flat' rather the 'named owners' as there are many absentee leaseholders;
- The Council and the applicants have been in discussion for many years regarding this proposal and only now are other residents hearing about this;
- Objections as to how the application has been presented to the Council by the applicant;
- How can an application which only benefits 11 flats be entertained;
- Inconvenience/ noise and disruption during the course of works;
- Increase in pollution during the course of works;
- Structural implications on the existing building including to the supermarket below;
- Implications of construction upon the operation of Waitrose;
- Query if a structural survey has been carried out;
- There are subsidence issues in the building;
- Query if any Party Wall agreements have been agreed;
- Should there be any funding issues, will the development stop mid-way;
- Security implications to Porchester Mews pathway as a result of the increase in height;
- The letter of support by 'the applicants' and their families/ friends should not be taken into consideration;
- Who will manage the future maintenance of extension and the 'void' areas;
- Implications on 'utilities' in The Colonnades;
- There may be asbestos in the building;
- How safe are modular constructed extensions, will they withstand severe weather;
- Requests that a planning officer visit the site and affected flats; and that any

Planning Committee visits the premises before making a decision

23 letters of support have been received on some or all of the following grounds:

- The proposals would allow families to stay in the area by providing extra bedroom space;
- It is clear that the majority of objectors have been encouraged to object by individuals through a 'campaign of misinformation';
- Many of the objections clearly indicate that reports such as the sunlight and daylight report have not been read';
- The design is in keeping with the original architecture and only a very small part of the extension fronting Bishops Bridge Road will be seen;
- The height of the proposals will not be out of keeping with buildings on Bishops Court;
- The objections received are largely driven from a minority of owners who have a vested interest in the current management and who object to any change;
- The objections received on the grounds that The Colonnades is an award winning piece of architecture and that the proposals are unacceptable in design terms, fail to mention recent planning permissions (Case officer has noted these below).

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

REVISED APPLICATION

Revisions to the design of the rear elevation and confirmation regarding the installation of photovoltaics panels were received and the application re-advertised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 574

Total No. of replies: 15

No. of objections: 14 on behalf of 9 households, and 1 on behalf of The Resident's Association

One letter received from Sir Terry Farell, the original architect stating the following: "The design of the Colonnades which me and my firm led, never ever intended in any way to raise any of the roof top patio houses another floor. We also never ran out of money as these patio houses were deemed to be architecturally and market-wise complete in there present form".

11 objections including one submitted on behalf of the Residents Association reiterating their original objections and that the revisions to the rear elevation do nothing to overcome the in principle objection. Concerns also raised that there is little detail with regards to the PV panels.

Additional objections received on the following grounds:

- The proposals will create accommodation that suits short term accommodation;
- As these revisions have come during the Covid-19 pandemic, its even more prevalent that any works would cause significant noise and disruption to the majority of people who are now at home all the time;

- As these revisions have come during the Covid-19 pandemic, it is more apparent that the proposals would result in loss of privacy to neighbouring residents, who have been using their balconies/ outside space far more frequently.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to the southern block of a large 1970s development of apartments, known as The Colonnades, fronting Bishops Bridge Road to the south, Porchester Road to the west and Porchester Square to the north.

The Colonnades is a complex of buildings occupying a 1.2Ha site with six large blocks on it; five of these, covering the larger portion of the site, form the Colonnades development. The remaining block forms Bishops Court; a late '80s six-storey block of flats. The Colonnades comprise of one mews block of two storey terraced houses, three large blocks of flats of seven and eight storeys in height (The North 100 Building, the 200 Building and the 300 Building). The South 100 building is connected at high level and below ground to the North 100 building. It takes up roughly a third of the overall site area and is made up of commercial units on the ground and first floors, with two further stories of residential units above.

The site is not listed but falls within the Bayswater Conservation Area (BCA). The nearest listed buildings to the site are the Porchester Hall (Grade II*), Hallfield Estate (Grade II) and the terraces which form the northern and eastern sides of Porchester Square (Grade II). The site, in relation to the nature of the current application proposals, is not considered to affect the setting of any of these listed buildings.

6.2 Recent Relevant History

13/12442/FULL:

Reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works.

Application approved October 2014.

17/04344/FULL:

Extension to front elevation at ground and first floor, re-cladding of building at ground and first floor and changes to the elevations in association with the change of use at first floor level from ancillary public house accommodation (Class A4) to a self-contained residential unit (Class C3).

Application approved February 2018

7. THE PROPOSAL

Planning permission is sought for the erection of single storey roof extensions facing Bishops Bridge Road and Porchester Mews (in a backwards L shape). The extensions are proposed to provide additional accommodation (in the form of two additional bedrooms and a bathroom) for 11 existing duplex flats at second/ third floor. The extensions will span the width of 21 flats (there are 25 however at these levels, but the extension is not proposed to be built over all of them as they are to be set in from the building edges), however the remaining 10 flats do not currently form 'the applicant'.

The extension fronting Bishops Bridge Road measures 32m in width, east to west x 11.4m in depth and is 2.24m in height above the existing parapet. This is set in either side of the Bishops Bridge Road frontage by 'one flat width' of 3.6m. Fronting Porchester Mews, the extension measures 44m in width, north to south x 11.4m in depth and is 2.24m in height above the existing parapet. Again, this is set in from the buildings edges to the north and the south by 'one flat width', 3.6m. Where the extension is associated with the flats below, the elevations are complete. Where the extension is a void/ shell behind it is proposed to install mesh panels, with mullions to replicate the glazing detail.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Objections have been received on the grounds that the applicants are greedily looking to extend existing two and three bedroom homes to four and five bedroom units, whilst arguing that their existing flats are not fit for families and that this should be a driving factor in the assessment of the application, i.e. retaining families within Westminster. Objections are also made on the grounds that these larger units, appear to be designed under ulterior motives such as student accommodation and short term lets.

The principle of extensions to existing dwellings and the provision of family sized units is supported by policies H3 of the UDP and S14 of the City Plan and therefore the above objections cannot be sustained. The application before the City Council is to be assessed on its merits rather than taking into consideration the personal situation of both 'the applicant' or indeed objectors to the scheme. Should any of the residential flats be used as student accommodation, then this would require planning permission and in many instances short term let accommodation would also requires permission. Any breach of planning control can be reported to the City Council's Enforcement Department and this will be investigated.

Objections to the proposals have been received on the grounds that the proposals will provide no affordable housing and do not contribute to the affordability of housing in the area or Westminster, rather just extensions to existing properties. The proposed floor area (taking into consideration the whole extension i.e. the rooms to be used in association with the 11 applicant flats and the 'shell layout' for those flats not participating in this application) is 898m² and therefore does not trigger the requirement for affordable housing. The objections on these grounds can therefore not be sustained.

8.2 Townscape and Design

The Site

The affected block is attached to the rear of and is accessed from the Porchester Square-fronting block, but presents its principal faces to Porchester Road and Bishops Bridge Road as a low, modern, three storey block containing retail to ground and first floors, with flats above to the second and third floors. The third floors of the residential sections of the block are split into three disconnected linear pavilions, substantially set back from the street frontage and separated by two linear lightwells. Within, flats are arranged over two storeys, with the bedrooms contained both at second floor and within the third floor pavilions.

The character of the site is in stark (and deliberate) contrast to the varied character of the 19th century terraces and squares in the area. The parts of The Colonnades facing onto Porchester Square are more consistent in scale and bulk to the historic terraces which otherwise characterise the square and includes the retained frontage of half of the original southern side of the square.

The existing site is, whilst in many respects inconsistent with the character of the wider area, of some architectural merit in its own right. It was designed by the pioneering Farrell Grimshaw Practice in the early 1970s and won a number of awards at the time, including those commemorated on the arch facing Porchester Square; both Nicholas Grimshaw and Terry Farrell later set up separate practices of global renown, and are widely recognised as two of the later 20th century's most influential architects. The development is not listed, nor is it considered to be likely to be listable given its limited architectural flair or apparent innovation compared with the architects' other works. Extensive thematic listing reviews of postwar housing have been carried out by Historic England in recent years, in order to identify the best examples of this period for listing and so it is reasonable to presume that the estate will have been assessed by such reviews.

Legislation and Policy

The starting point for the assessment of this application is Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that "*... 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.*"

Policies DES 6 (roof extensions) and DES 9 (conservation areas) of the UDP also form part of the statutory basis for the assessment of this application, together requiring that roof extensions within a conservation area must respect the character and form of the building, and the manner in which it contributes to the character and appearance of the conservation area. In support of the UDP is also the Bayswater Conservation Area Audit which identifies what is special about the area, and how it might be sensitive to development.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be

approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The proposals

The application proposes to erect an additional fourth floor over the existing third floor pavilions of the southern and eastern wings of the block. The extensions would consist of an overall steel frame separated into regularly spaced bays arranged vertically with the existing flats below. Within this frame would sit the extensions to the individual flats below. As part of this current application, only 11 out of 25 flats contained in these two wings are proposed to be extended, with the bays above the non-participating flats left as empty, partially enclosed sections of the steel frame. These empty bays would be faced on both elevations with a mesh designed to have a similar rhythmic and tonal character to the glazed elevations of the occupied parts of the extension.

As noted above, many objections have been received to both the principle of a roof extension on this building and the detailed design, notably the 'gaps' where there is no extension behind. A point of debate has also arisen between applicants, supporters and objectors relating to whether the building was originally intended to receive additional floors above the existing pavilion blocks. This includes a representation direct from the building's original architect who states clearly that the building was completed as planned, and that it was not expected or planned at the time to add further floors later.

In design terms, the differing viewpoints from the applicants/ supported and objectors are noted, but the central fact that it was not originally intended to extend further, is not considered to preclude the principle of upward extensions to the building today. The reasons why the upwards extension of the building is considered to be acceptable in principle, as proposed, are discussed below.

The principle of extending upwards to this block is considered acceptable, subject to design quality, due to the limited architectural value of the building, and due to its size and built form which makes setbacks a realistic means of integrating additional height and massing. The manner in which the proposal has been put forward for only two of the third floor pavilions to be extended (i.e. not the pavilion which directly fronts Porchester Road) limits the potential visual impacts of the proposals, particularly when viewed from Porchester Road. The proposals would have no impact on the more designed and more sensitive Porchester Square to the north.

The set back position of each extension moderates the impact and visibility of the proposals on the appearance of the block. The development would be most publicly visible from Bishops Bridge Road to the south where the southern extension would be broadly visible. Other key views would be from the north, where the corner of the extended unit 129 would be visible, and from within the development from the courtyard to the east of this block. High level private views would be afforded of the extensions from a number of angles and have been the subject of objections from other residents of the development.

The design form of the proposals are considered to be broadly acceptable in

principle. The general position, size and manner of the extensions would be respectful to the original character of the Farrell Grimshaw designs and would integrate well with the wider block. The proposals would not harm the manner in which the development contributes to the character and appearance of the Bayswater Conservation Area.

The proposals would be most successful in their outward designs, in the manner in which the empty bays have been closed off by the metal mesh in a pattern consistent with the occupied bays' windows and spandrel panels. This largely mitigates what might otherwise be a 'gappy toothed' effect in those most important public / external facing views, and this addresses a number of objections received. Conversely, the development would be least successful from private high level views where the open-topped nature of the empty bays would cause this 'fifth elevation' to appear unresolved and incomplete. The impact of this design limitation on the appearance of the building, and on the wider conservation area is however considered to be slight and would not cause the proposals to fail with respect to the relevant legislative and design / conservation policy considerations set out above.

Subject to detailed design to be secured through conditions, and a condition to secure that the development of each pavilion extension is built as one development (i.e, not leaving any elevational gaps), it is considered that the proposals would cause no harm to the appearance of the building or to the conservation area's special character and appearance.

As such, the proposal is considered acceptable in design and conservation terms, mindful of policies DES 6 and DES 9 and S25/S28 of the UDP/City Plan; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

Objections have been received to the application on the grounds that the proposed extension would result in loss of light notably to those residents in the block to the north of the proposals (the 200 block of The Colonnades) and to the flats in Porchester Mews. Objections have also been received on the grounds of overlooking and loss of privacy, most notably to residents in Porchester Mews and Bishops Court.

Daylight/Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Malcom Hollis, has carried out the necessary tests using the methodology set out in the BRE guidelines on residential properties surrounding the site on Palmer Street, Caxton Street and Petty France. Whilst there was no assessment of daylight distribution when the application was submitted, this has since been done. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The properties tested for daylight and sunlight levels comprise:

- 1-14 Porchester Mews (east of site)
- 1-49 Bishops Court (east of site)
- Block 100 of The Colonnades - west of the site
- Block 100 of The Colonnades - north of the of site
- 3-13 Porchester Road (west of site)

Daylight

As a percentage of the 500+ windows tested, 11% of these do not meet the VSC recommendations as set out in the BRE guidance.

Of these 57 windows that do not meet the BRE guidelines, 55 of these windows relate to flats within the western part of the 100 block at low level, west of the site and 2 windows relate to two flats in the 100 block to the north of the site.

100Block – West of Site:

Of the 55 windows affected, 6 windows serve communal corridors etc, 11 windows are into flats of those whom form 'the applicant' with a further 9 windows to flats inside the application area (i.e with the ability to extend in the future), It should be noted have not objected to the proposals. 3 flats (the end units, No's 100, 126, 128) which will not have the capability of extending upwards in the future also suffer minimal losses to windows. These windows either serve a rooflight that has been installed to enclose the internal lightwell to create an extended living area (in some cases) or serve a bedroom window

that faces the internal lightwell. These windows already are already poorly lit and therefore their losses, although above the tolerances of the BRE guidance will unlikely to be noticeable.

The remainder of the losses are to flats 101-127 of The Colonnades which front Porchester Road, and the windows serve high level bedroom windows (at 3rd floor level) and/or secondary windows in the form of rooflights to living rooms or bedrooms at 2nd floor level (depending on whether works have taken place in the past to make these units 3 bed). Given that these losses are to secondary windows to living areas or bedrooms which are already dimly lit by high level narrow windows, and given that the losses are only marginally over the BRE guidelines, the proposals, on balance are considered acceptable.

100 Block – north of the site

In the case of the 100 block to the north (40 Porchester Road), Flat 172 will experience a loss to their living room (full width) windows that falls marginally short of the recommended VSC target, with an after ratio of 0.76 against the BRE target of 0.8. The neighbouring flat to the east, No.174 is served by a living room window (again full width) which also marginally fails the test. These two flats are a reverse of each other and as with a number of other flats in this building have their living room leading out onto a recessed balcony, with the balcony overhang of the flat above them. The BRE guide acknowledges that existing windows with balconies above them typically receive less daylight as the balcony cuts out light from the top part of the sky and that even a modest obstruction opposite may result in a large relative impact on the VSC. The case officer has visited Flat 172. It is not considered that both windows, which fall only marginally short of the guideline figure would experience light losses so as to be noticeable and the proposals are acceptable in this regard.

Where there are some losses to the 1-13 Porchester Road, Porchester Mews and Bishops Court properties these are all extremely minor and well within the tolerances of the BRE guidelines.

Daylight Distribution

A further test for daylight is daylight distribution. Six rooms of those tested above do not meet the BRE daylight distribution recommendations. Of these, 3 are within the applicant's property (i.e. one of the 11 who wish to extend at this point) and these appear to serve bathrooms and living areas. The remaining 3 of these windows are outside the red line area and according to the applicant they serve bathrooms. Whilst these windows will fail the BRE guidelines, they are only marginally short of the BRE 0.8 recommendation, achieving a before/after ratio of 0.7 in 5 of the 6 cases and a 0.7 in 1 case. The absolute losses will be negligible.

Sunlight:

Of the 489 windows tested (as these are windows that face within 90 degrees of due south), there are 6 windows (within 4 flats of The Colonnades No's. 100, 110, 116, 126 (all bar No. 100 form part of the 'application area')) that will receive less sunlight as a result of the development, over and above the BRE guidelines, However 5 of these windows appear to serve bathrooms/staircases and the remaining window serves an enclosed lightwell. The losses are only marginally over the BRE guidelines and given the rooms they serve are considered acceptable.

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Privacy

The extension to Bishops Bridge Road has windows in the north and south elevations. These will replicate window sizes/openings to those windows at lower levels. To the south elevation these windows will be clear glass. To the north elevation, at low level the glass is to be opaque and at high level the glazing is to be clear. There are no side (east/west) elevation windows proposed. Whilst some of the south elevation windows may afford some very oblique views to the upper level windows of the western elevation windows of Bishops Bridge Court properties, this is no difference in situation as existing and the proposals are therefore not considered to give rise to loss of privacy to these properties. The northern elevation high level window will look out across the roofs of the 100 block of The Colonnades. There will be distant views of flats in the other 100 block of The Colonnades, however this is of a substantial distance and will not allow for any significant overlooking.

The extension fronting Porchester Mews has windows in the east and west elevations. These will replicate window sizes/opening to those windows at lower levels. There are no side (north/south) elevation windows proposed. It is not considered that this element of the proposals would afford any views of the Porchester Mews properties, given their height (substantially lower at ground plus two storeys) and the significant set back of the extension proposed. The view from the rooms within the extension proposed will only look out down to the roof of the lower levels of the 100 block of The Colonnades. The existing building/corner form of the Bishops Bridge Road building (a substantial plant/ lift room) will restrict any views to the Bishops Court residential building. The rear windows of the Porchester Mews extension are over 30m away from the upper level windows of the residential properties on the west side of Porchester Road (including Peters Court) and therefore will result in no detrimental overlooking.

The proposals are therefore considered acceptable in terms of privacy and overlooking.

Sense of Enclosure

It is not considered that the extension fronting Bishops Bridge Road measuring 2.24m in height and set back from the building edge on Porchester Mews (directly opposite the western elevation of Bishops Court flats) resulting in a distance between Bishops Court and the side elevation of the extension of 6.25m, would result in any significant sense of enclosure to flats in Bishops Court.

The extension facing Porchester Mews, again measuring 2.24m in height, is set away from the existing Porchester Mews properties (which as noted above measure ground plus two storeys), by 13m, again is not considered to result in any sense of enclosure. Residents in upper level flats in the 100 block of The Colonnades, to the north of the application site area will see the extension, but those almost directly opposite the flank elevation will not experience any significant enclosure, given the distance between the south elevation of the larger 100 block and the north elevation of the application area 100 block, and given that the extension is set in from this edge by 3.6m.

The proposals are not considered to result in any harmful sense of enclosure to flats in The Colonnades or Bishop's Court.

8.4 Transportation/Parking

No new residential units are proposed and therefore the proposals for extensions to 11 existing flats raises no highways concerns.

8.5 Economic Considerations

Any economic benefits associated with the development proposals are welcomed.

8.6 Access

The proposals for extensions to 11 individual flats raise no access issues (which remain as existing).

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Waste manager has commented that conditions to secure appropriate refuse and recycling storage are required. Given that the proposals are for extensions to 11 existing flats, who are all part of The Colonnades residential development where an holistic refuse/ recycling collection is already in place, it is not considered necessary to condition this.

Sustainability

Photovoltaic (PV) panels are proposed at roof level of the extensions (these were referred to in the revisions received to the application). The PV panels are low level, almost flush with the roof, and from the measurements given these will not be seen above the parapet. A condition to secure these PV panels is recommended.

Biodiversity

There is little scope to provide green roofs given the rooflights and PV panels proposed. It is unclear as to how feasible these would be if they were conditioned and given the space involved, whilst this is regrettable, it is not considered that the proposals could be refused on this basis.

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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present

time.

8.9 Neighbourhood Plans

There are no neighbourhood plans in place for this part of Bayswater.

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.

There are no pre-commencement conditions proposed.

8.12 Planning Obligations

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

The estimated CIL payment is £514,759 comprising Mayoral CIL of £72,055 and Westminster CIL of £442,704.

8.13 Environmental Impact Assessment

Not relevant for this application.

8.14 Other Issues

Consultation

Objections were initially received on the grounds that only residents in block 100 in The Colonnades were consulted and that this was not wide enough consultation. Given the nature and extent of the development and the distances to the 300 and 400 blocks, of over 40m, the consultation was considered acceptable at the time. However further consultation was carried out the 300 and 400 blocks on the 12 December 2019.

Objection has been received in relation to the addresses on Westminster's notification letters. Neighbour notification letters are addressed to 'the owner/occupier' of a property, and state "If you are not the owner of the property to which this letter is addressed, your co-operation in notifying the owner about this application would be appreciated". The planning department does not hold the names and addresses of all absentee leaseholders.

Pre-application correspondence

Objectors make comment that the applicant and the planning department have been in conversation for a number of years regarding these proposals, and yet the neighbour consultation letters for the application was the first time the other residents in the blocks were made aware of the proposals.

All pre-application discussions are private and confidential. It is however noted that community engagement by applicants with surrounding occupiers prior to the submission of application proposals is welcomed by the Council, however, it is not possible to withhold permission on these grounds.

Procedure

Objections have been received on the grounds that the City Council should not assess any application that is only submitted on behalf of a few people, only benefits a few people, and that wasn't brought to the attention of the other residents.

The application before the City Council is being assessed on its merits, not taking into consideration the private and personal circumstances. The applicant carried out the statutory requirements and completed the relevant Certificate of Ownership.

Site visits by the case officer and the committee

Comments were made that the Council should ensure that the case officer carried out a site visit to affected properties and that the committee should not make a decision without first visiting the site.

The case officers carried out a site visit to the property (prior to the Covid-19 pandemic) and met with numerous 'applicants' to assess the application. One of the case officers also met with one of the most closely affected neighbours at flat 172 and was accompanied by Councillor Carmen.

Construction and structural impact

Many objectors cite concerns relating to a history of subsidence at The Colonnades and that no structural supporting information has been submitted with the application to demonstrate that the lower floors can hold up a roof extension. The Head of Building Control has been contacted on a number of occasions by objectors in relation to this application.

Given the works proposed, there is no formal requirement for the applicant to provide any structural data/ methodology statements. The applicant was made aware of the objections made. The Head of Building Control has made no comment on the current proposals, however, he has confirmed that any application for Building Regulations would need to be accompanied by a thorough Structural Engineering Assessment and a report which shows the load takedown to the foundations and investigation into the suitability of those foundations and any remedial works required.

The objections received on structural grounds can therefore not be sustained.

Details of asbestos will be reviewed through the building regulation process.

Noise and Disruption During the Course of Works

Objections have been received on the grounds of noise and disruption during the course of works if permission was to be granted.

City Plan policy S29 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice (CoCP). Given the nature and size of the development, the proposals are not considered to fall within one of the categories which would require the submission of a CoCP. A condition is however recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

Party Wall Agreements

A number of comments ask whether any party wall agreements have been made. These are generally sought after a permission has been secured and are not a reason to withhold permission as they are a private matter.

Crime and security

Objections have been received on the grounds there are potential security implications to Porchester Mews pathway, the pathway leading down the side of Bishops Court to the undercroft for Waitrose and through pass to Porchester Road, with the increase in height of the building and as a result, decreasing light to the pathway which in turn is unsafe for people to walk to their properties in Porchester Mews and encourages antisocial behaviour.

It is not considered that the extension on Porchester Mews, at 2.24m in height and which is set back from the existing eastern building elevation of the 100 block of The Colonnades would restrict light to the pathway and therefore have a further effect on the problems that already exist, according to objectors. These objections are therefore not sustained and are considered to be a management issue for the estate.

Freeholder/ Leaseholder Matters

Significant objection has been received on some or all of the following grounds:

- That the proposals have not been agreed by freeholders/ the residents association etc prior to submitting the application to the City Council;
- That any roof extension would add costs to everyone's service charges which is unacceptable;
- Who will manage the future maintenance of the extension and the void areas; and
- Should there be any funding issues and the development stops mid-way, who is responsible.

Whilst these concerns are noted, these matters are not a material consideration in the determination of a planning application and are considered and therefore these objections cannot be sustained. As noted elsewhere within this report, a condition is however recommended to ensure that each roof extension is undertaken as one course of development.

Item No.
2

Implications on existing utilities

In response to objections on the increase demand on utilities, this is not considered a material planning consideration. However, it is not considered that a rooftop extension providing additional bedrooms and a bathroom to each flat would be so significant. Thames Water has requested that a number of conditions be attached to any permission granted. The conditions relating to piling and surface water are considered excessive for the proposals. An informative is attached advising the applicant to contact Thames Water prior to beginning works.

Letters of Support

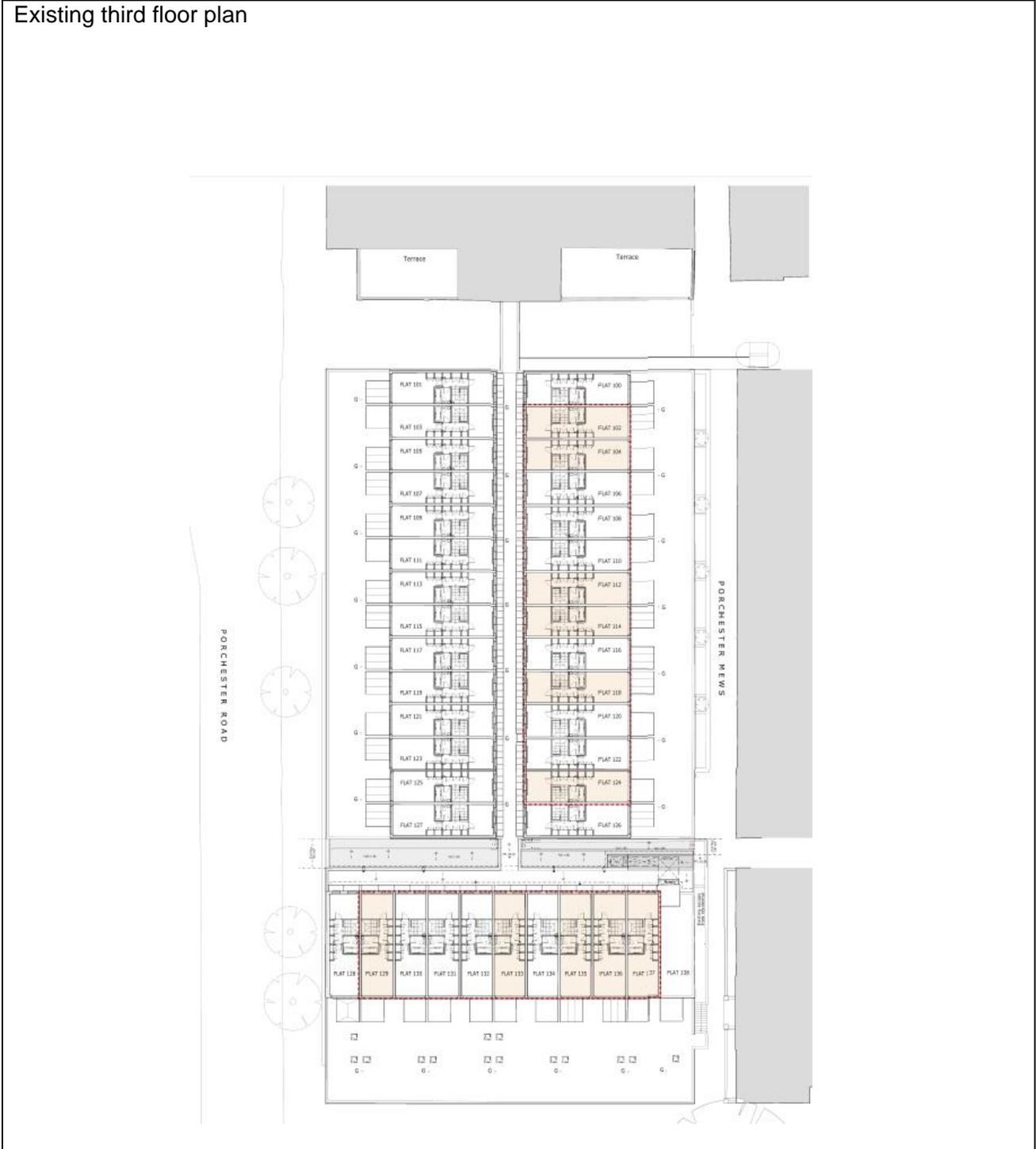
Objections have been raised on the grounds that some of the letters of support have not been submitted in good faith i.e. some have been submitted by friends of the applicant etc. The case officer has not challenged these letters of support given the time involved in this and that it could be the case that whilst supporters' addresses may not be The Colonnades, there may be legitimate reasons for their interest. The case officer has taken into consideration the merits of the proposals when assessing the application.

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

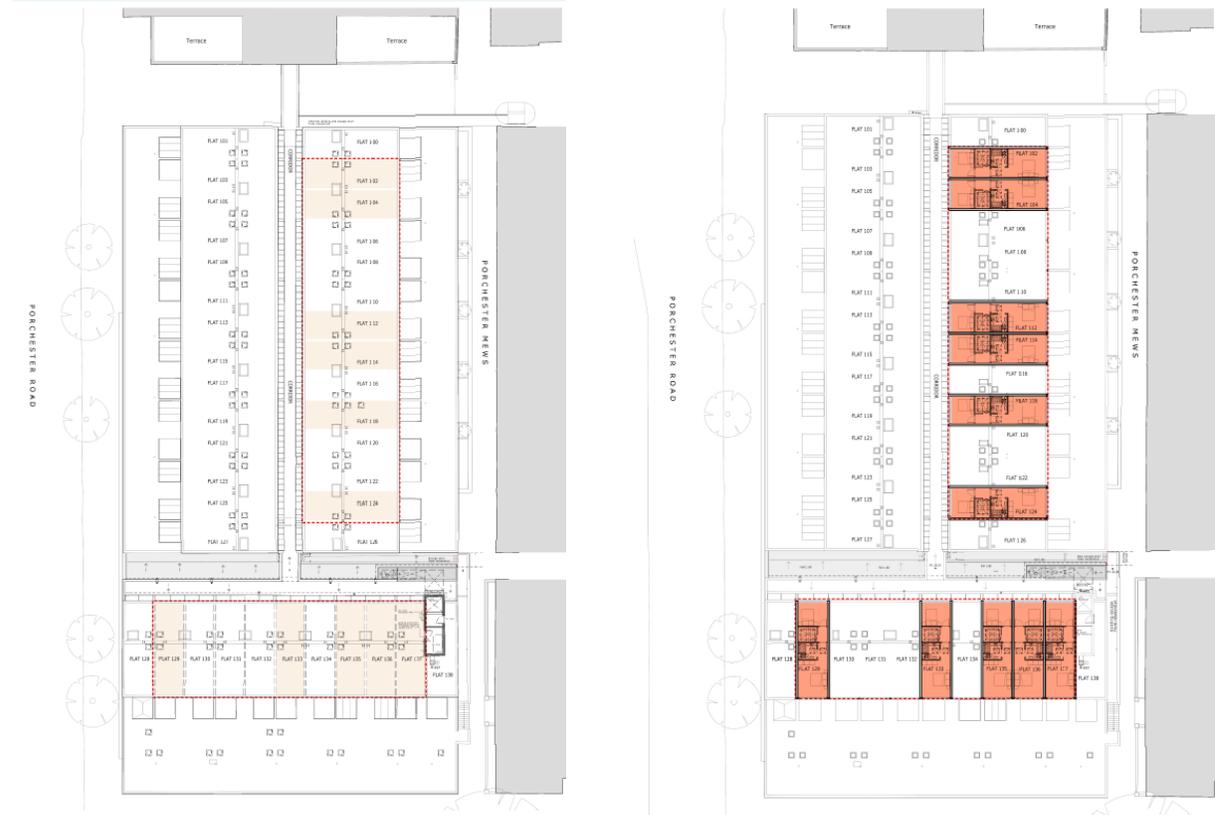
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk
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9. KEY DRAWINGS

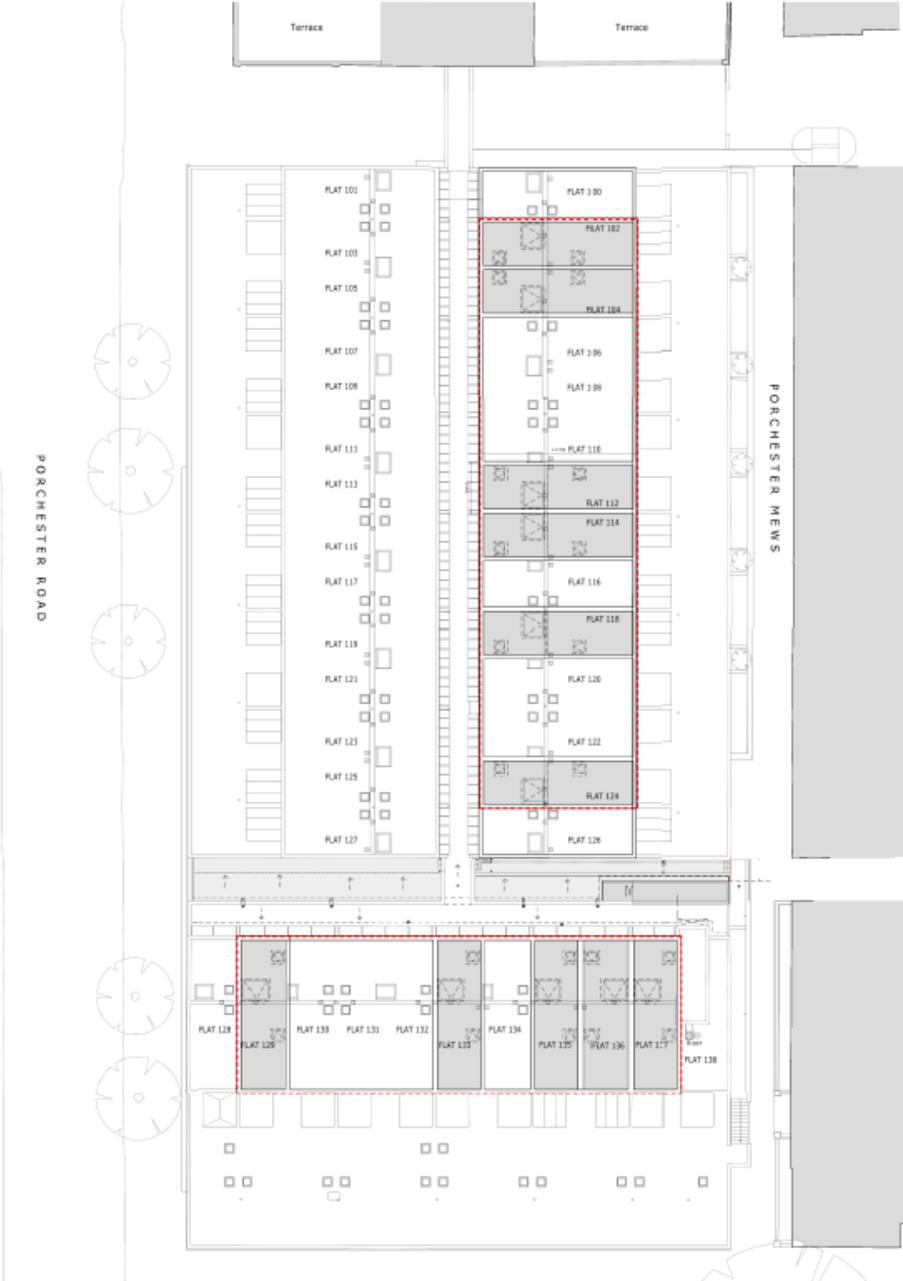
Existing third floor plan



Existing Roof Plan (left) and Proposed fourth floor plan (right)



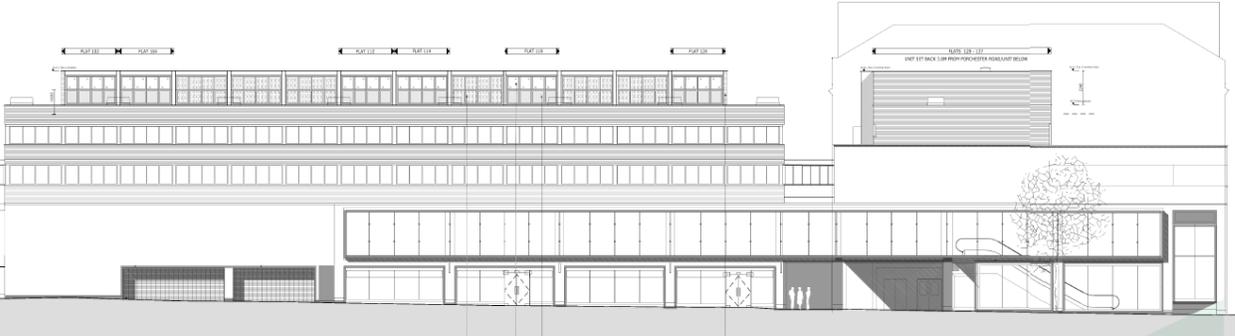
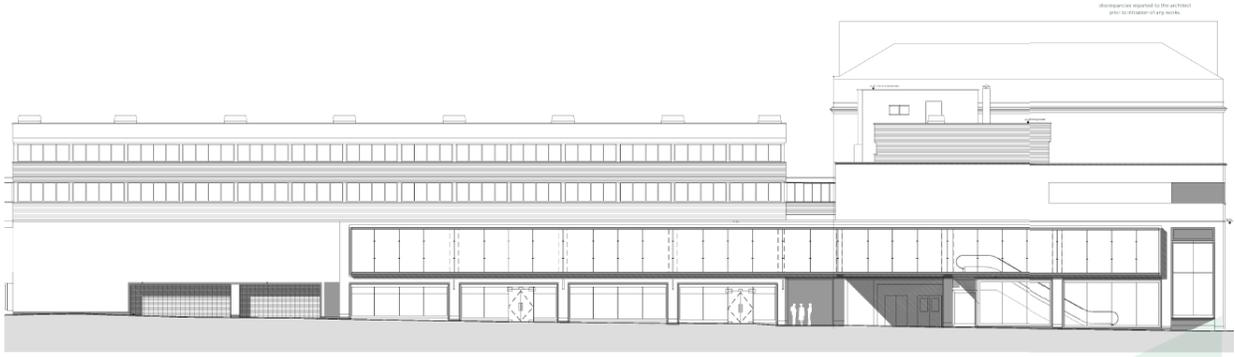
Proposed Roof Plan



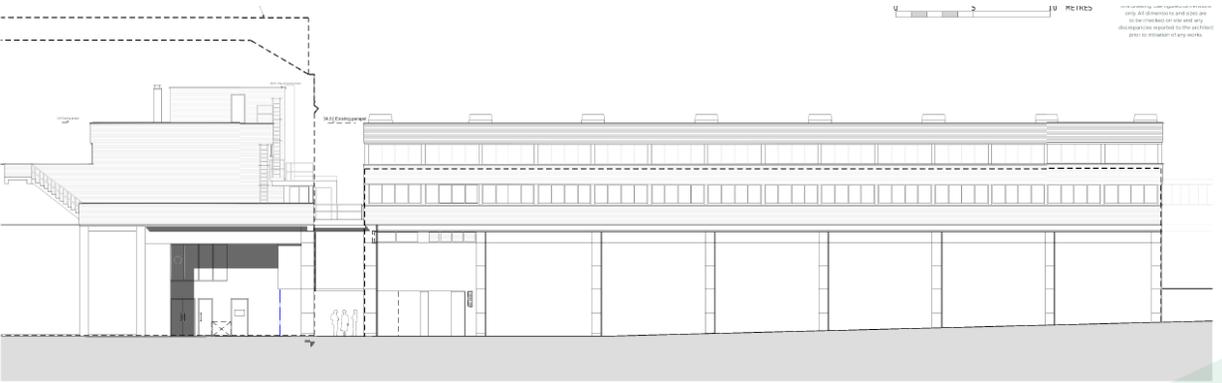
Existing (top) and Proposed (bottom) Bishop's Bridge Road elevation



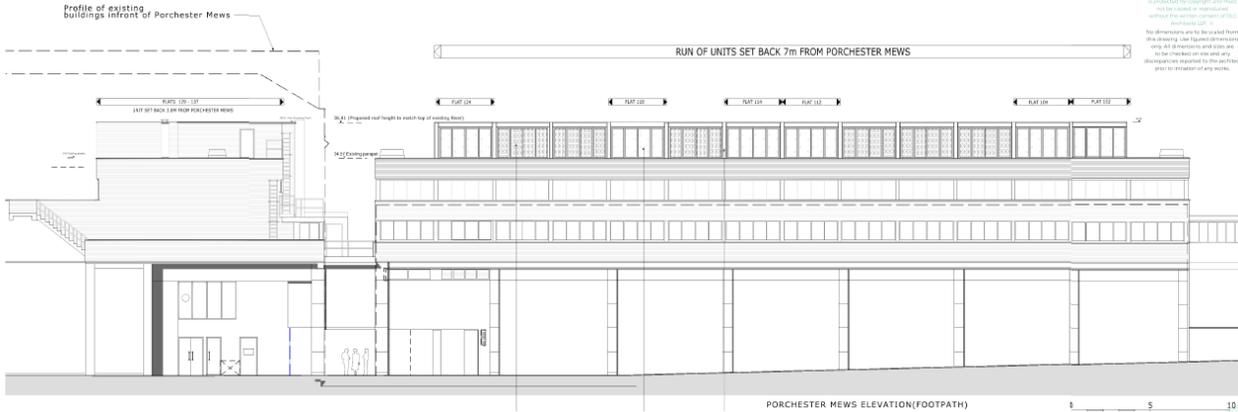
Existing (top) and Proposed (bottom) Porchester Road elevations



Existing (top) and Proposed (bottom) Porchester Mews Elevation

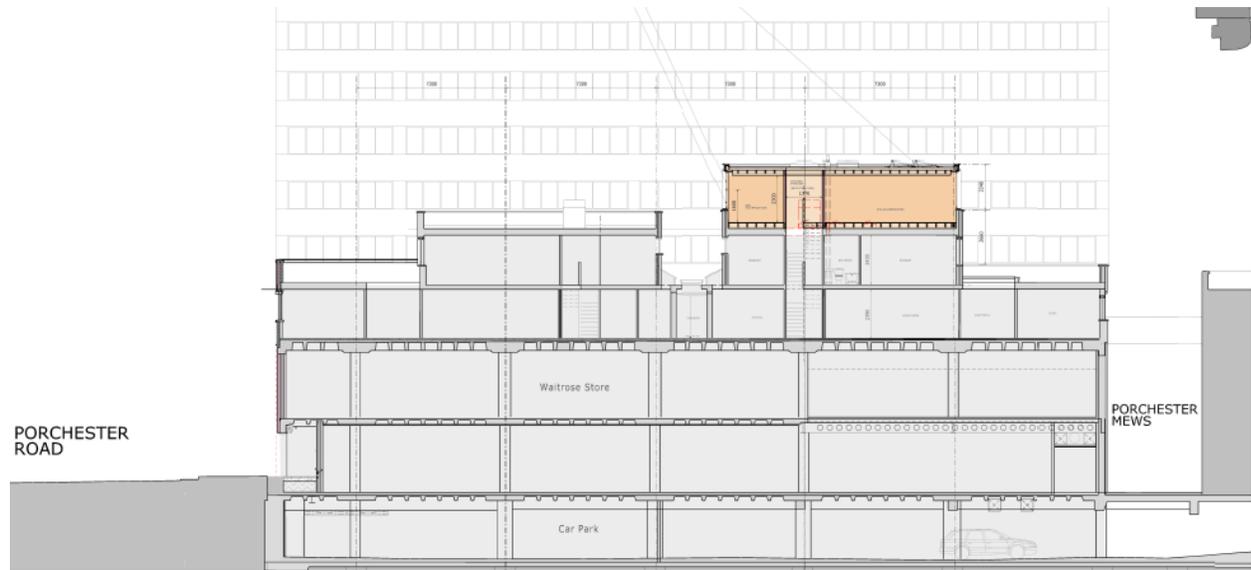
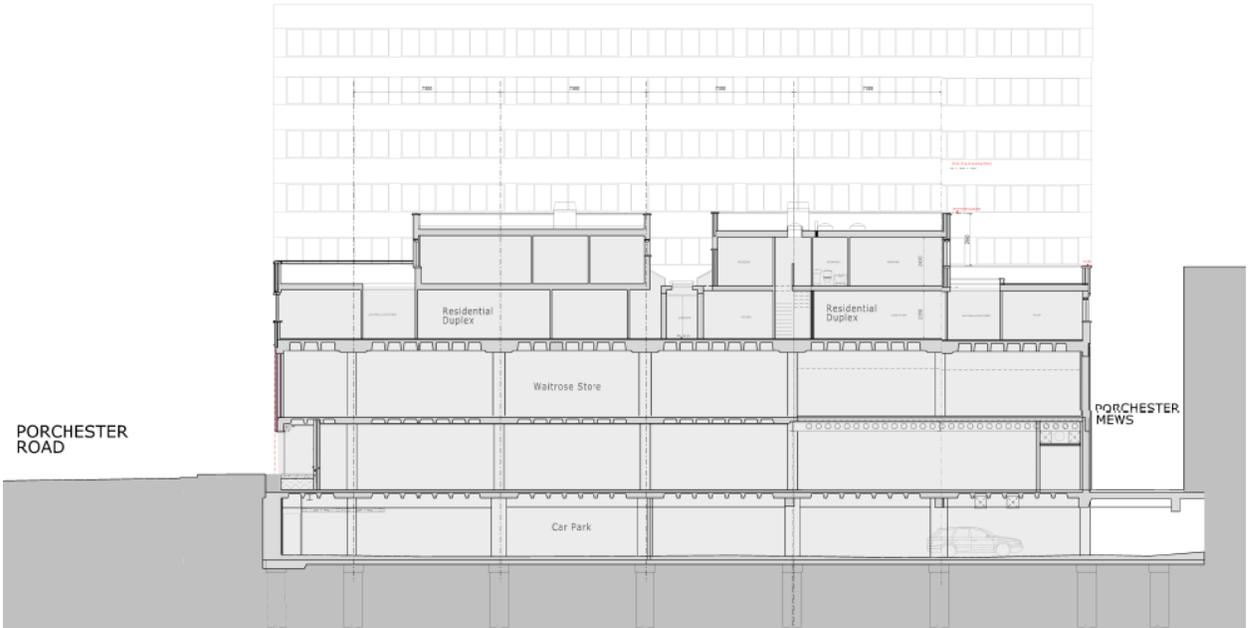


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 The dimensions are to be scaled from this drawing, and should not be used as a reference for any other drawings. Only all dimensions and sizes are to be marked on site and any discrepancies reported to the architect prior to construction of any works.

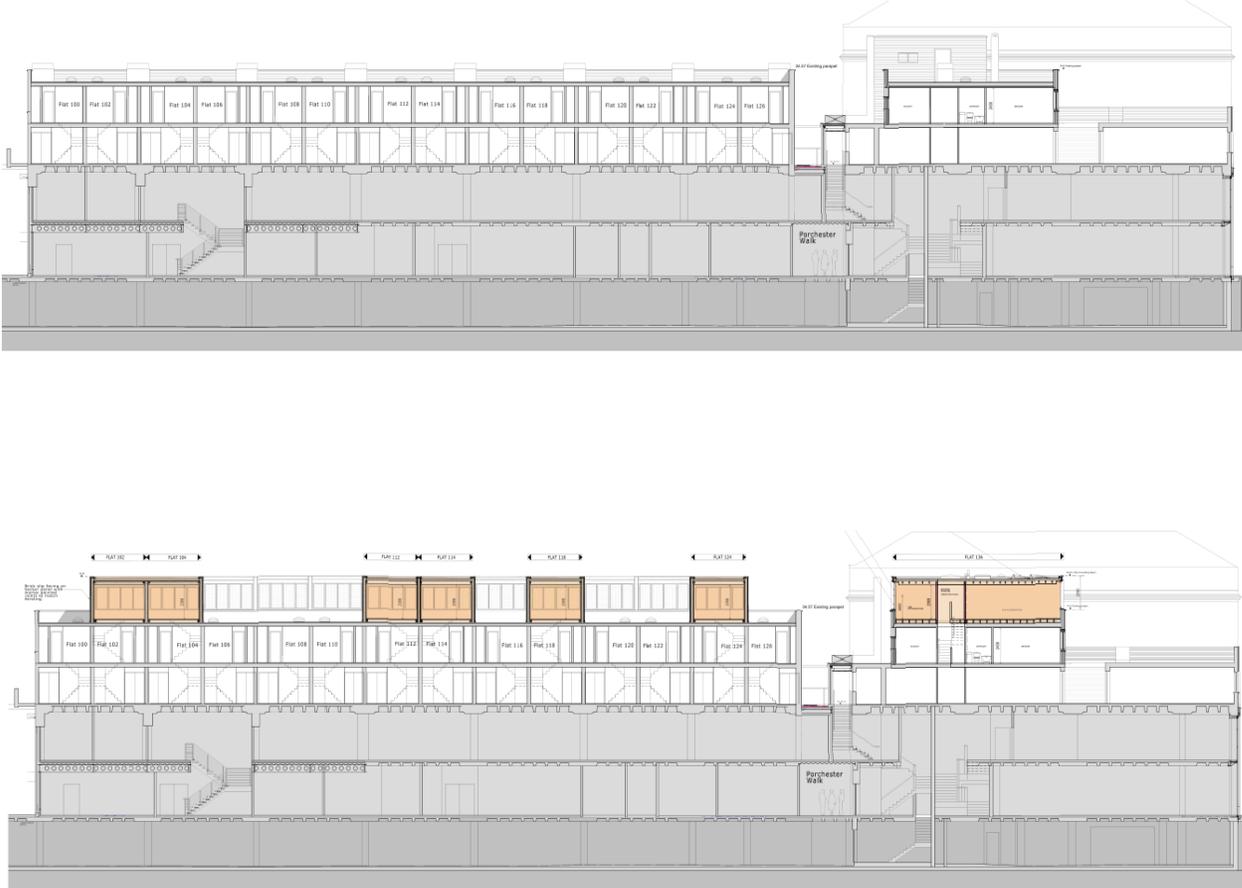


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 The dimensions are to be scaled from this drawing, and should not be used as a reference for any other drawings. Only all dimensions and sizes are to be marked on site and any discrepancies reported to the architect prior to construction of any works.

Existing (top) and Proposed (bottom) Section AA



Existing (top) and Proposed (bottom) Section BB



Proposed Bishop's Bridge Road Elevation Detail – for information



PROPOSED VIEW FROM JUNCTION



BISHOPS BRIDGE ROAD ELEVATION



Axonymetrics – for information only
Porchester Mews elevation (top) and Bishop's Bridge Road elevation (bottom)



Item No.
2

DRAFT DECISION LETTER

- Address:** The Colonnades, 34 Porchester Square, London, W2 6AP
- Proposal:** Erection of single storey roof extension and associated alterations to 11 flats facing Bishops Bridge Road and Porchester Mews.
- Plan Nos:** PL: 001; 002; 003; 004; 005; 005; 006; 007; 008; 009; 010; 011; 012; 013; 014; 015 01; 016; 017 03; 018; 019 02; 020 01; 021 01; 022 01; 023; 024; 025; 026 01; D0100-00W_011-001 01; Daylight and Sunlight Study dated 24 October 2019
For information only: Design and Access Statement dated October 2019
- Case Officer:** Kimberley Davies **Direct Tel. No.** 07866036948

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

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

Reason:

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

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

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

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

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

Reason:

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

- 3 Each roof extension pavillion must be built in its entirety as one phase of development.

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

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater 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 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

photovoltaic panels

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

Reason:

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

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

Reason:

To protect the privacy and environment of people in neighbouring properties, 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 **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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

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 at

www.westminster.gov.uk/contact-us-building-control

- 3 You are reminded that the infilling of the empty bays of the frames, to flats who are not 'the applicant' for the purposes of this application, will require planning permission.
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 6 You should include environmental sustainability features in your development. For more advice on this, please look at our supplementary planning guidance on 'Sustainable buildings'. This will make sure that the development causes as little damage as possible to the environment. However, if the features materially (significantly) affect the appearance of the outside of the building, this is likely to need planning permission. (I91AA)
- 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:
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 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

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Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 June 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Maida Vale	
Subject of Report	Flat 1, 280 Elgin Avenue, London, W9 1JR		
Proposal	Rear extension at lower ground floor with new basement extension beneath, installation of sash windows to the front elevation and alterations to the front boundary wall and front lightwell.		
Agent	Ms Melissa McDonald		
On behalf of	Mr Michael Orwin		
Registered Number	19/07934/FULL	Date amended/ completed	17 October 2019
Date Application Received	11 October 2019		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

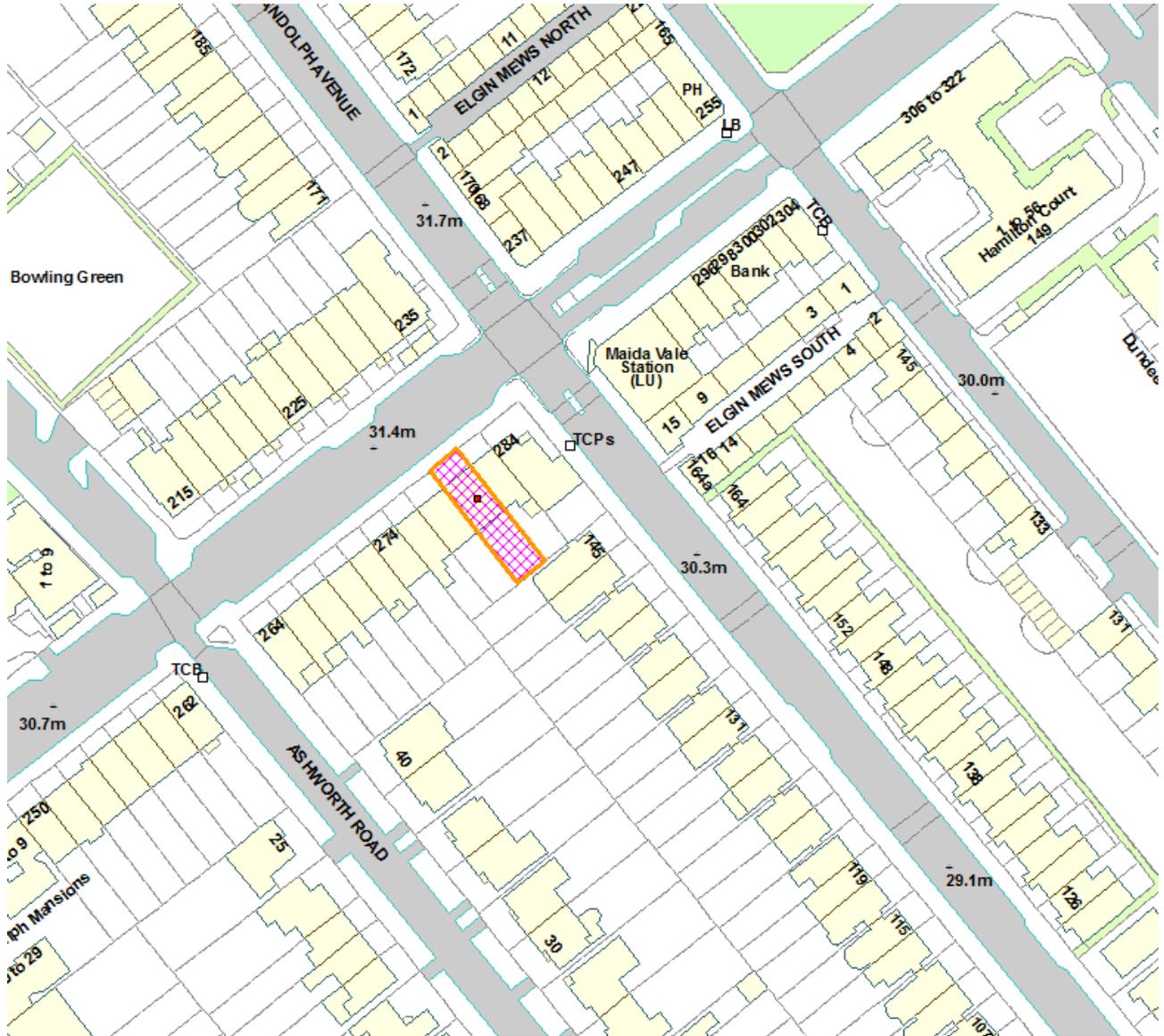
2. SUMMARY

<p>The application site is a five storey mid terraced unlisted building located within the Maida Vale Conservation Area. This application relates to the flat at lower ground floor level.</p> <p>Planning permission is sought for the erection of a rear extension at lower ground floor level with the excavation of a basement extension beneath, installation of timber sash windows to the front elevation and alterations to entrance arrangements at lower ground floor level.</p> <p>Objections have been received from neighbouring residents on a number of grounds including the design, impact on the conservation area and the impact of excavation works and amenity on neighbouring properties and residents.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> * The impact of the proposal on the appearance of the host building and the character and appearance of the Maida Vale Conservation Area * The impact of the proposal on the amenity of neighbouring residents.
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Item No.
3

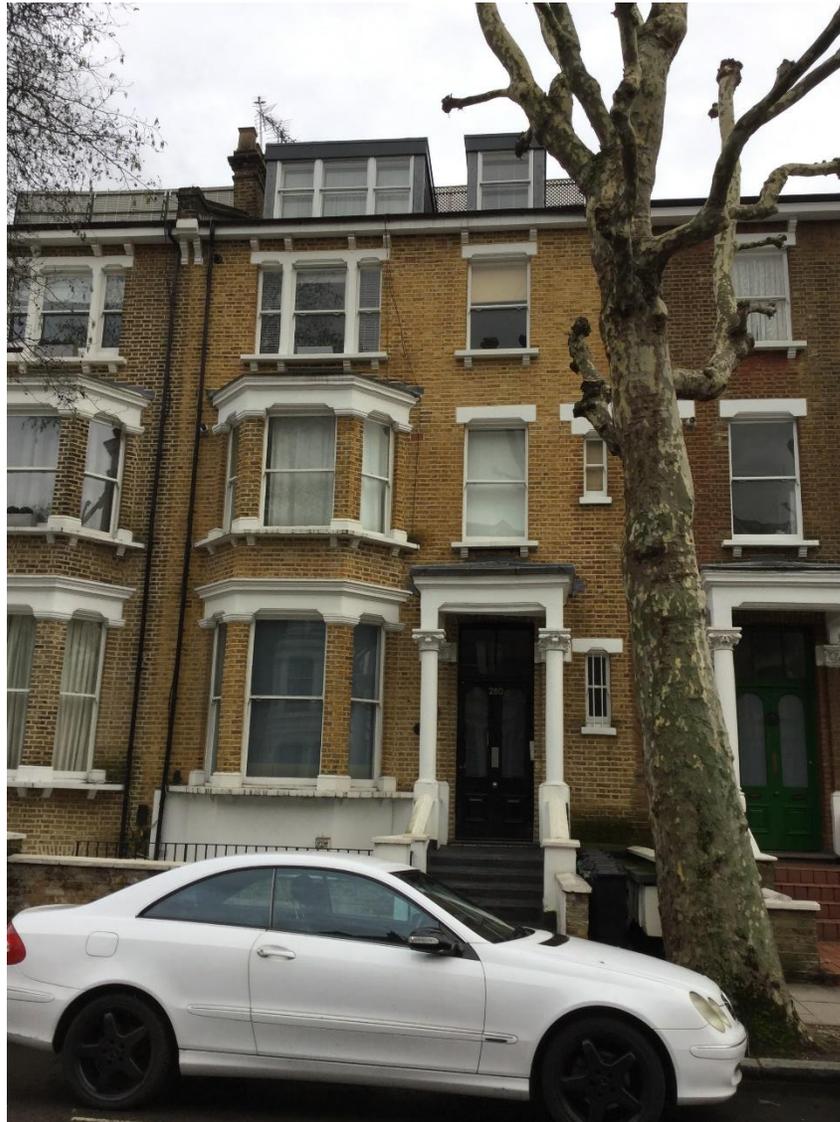
Subject to appropriate conditions as set out in the draft decision letter appended to this report, the proposals are considered to comply with the relevant design, conservation and amenity policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation (application at lower ground floor level)

Rear



Elevation

5. CONSULTATIONS

ORIGINAL CONSULTATION

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No objections

Please take neighbours views into consideration

BUILDING CONTROL:

Acceptable.

ENVIRONMENTAL HEALTH:

Any response to be verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 14; Total No. of replies: 8

Eight objections raised on all or some of the following grounds:

Amenity:

- Loss of light to adjacent properties and gardens
- Sense of enclosure to adjacent properties
- Proposal does not accord with Policy S29 of Westminster's City Plan due to it resulting in an impact on the amenity of the adjacent occupiers due to its siting and scale.

Design:

- Out of character with the host building and buildings within the area
- Living roof has no precedent in the surrounding area and no indication of how it will be maintained
- Proposal does not accord with Policies S25 and S28 of Westminster's City Plan due to its bulk, mass and materials.

Basement Excavation:

- Proposal does not accord with CM28.1 of Westminster's City Plan due to exceeding 50% of the garden, side walls are not set in from neighbouring property boundaries, insufficient information has been provided in terms of timescales or programme of work.
- Concerns over the existing properties being structurally safe for the proposal
- Proposal does not accord with S29 of Westminster's City Plan due to significant impact on residents due to the construction noise/dust and vibration.
- Impact on parking from the construction vehicles
- Damage to the mature trees in the garden

Other:

- Not notified of the planning application
- Inaccurate drawings submitted
- Set a precedent

- Over development of the site
- Examples given within the Design and Access Statement were granted decades ago and therefore cannot be supported
- Concerns with the proposed internal layout of the basement resulting in a long term vision of the applicant to split the flat into two residential units
- No second means of escape from the basement resulting in a fire risk
- Sub-standard refuse provision
- Proposal results in a security risk to the residential units in upper levels

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

RE-CONSULTATION (following design amendments)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14; Total No. of replies: 5

Five objections raised on all or some of the following grounds:

Amenity:

- Loss of light to adjacent properties and gardens

Basement Excavation:

- Concerns over the existing properties being structurally safe for the proposal
- Damage to the plants and trees

Other:

- Revisions are minor and do not overcome previous objection
- Requests extension to submit comments

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a five storey terraced red brick building situated on the southern side of Elgin Avenue. The site is an unlisted building located within the Maida Vale Conservation Area. The building has been converted into 7 residential flats and this application relates to the flat at lower ground floor level.

6.2 Recent Relevant History

18/06956/FULL

Rear extension at ground floor with new basement extension beneath, installation of sash windows to the front elevation and alterations to entrance arrangements to flat including new stone stairs from street level.

Application Withdrawn 15 March 2019

The current application has been submitted to overcome the officer's concerns regarding

the above application.

7. THE PROPOSAL

The application proposes to erect a rear single storey extension at lower ground floor level with the excavation of a basement extension beneath, installation of timber sash windows to the front elevation and alterations to entrance arrangements at lower ground floor level.

The proposal has been revised during the course of the application, to overcome officer's concerns with the design of the rear extension.

A site visit was carried out by the case officer in December 2019 and the design officer and team leader undertook a site visit in February 2020, therefore the current government movement restrictions during Covid-19 have not impacted the assessment of the site and proposals.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The addition of an increased amount of residential floorspace is considered acceptable in principle under housing Policy H3 of the UDP, adopted in January 2007.

8.2 Townscape and Design

Objections have been received to the proposals on the grounds of design and that the proposals result in an overdevelopment of the site.

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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 of the same Act requires 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 requires 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."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly

adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

The rear extension projects across the width of the rear elevation to the building, though with a main central section generally lined up with the two bands of windows to the upper ground above, and in this case is considered acceptable in design terms. The design closely follows the brick facing and size, design and arrangement of windows to the existing floor level above, and it has a brick facing to match that found on the main rear elevation. Whilst representing a horizontally proportioned extension on a building with vertically emphasised windows, in this particular case there is some evidence that this building when originally constructed had a lower level projecting wing across the width of the building as the existing adjacent building still retains, and in that context the full width horizontal projection at lower ground floor level is more in character with the original form of the building. The intention of the applicants is also to tone down the white render currently at rear lower ground floor level in the areas where it would project beyond the extension, which will also help integrate the new extension into the principally brick faced rear elevation. Its projection is comparable to other rear extensions to this level in the terrace, and the inclusion of the green roof above is welcomed.

To the front elevation, the entrance door set within the front lightwell is not in Victorian style, however seen in association with the proposed new sash window restoring back the centre of the front bay to the building at lower ground floor level then overall there is no harm to the frontage when considering both these proposals. To the front, the alterations to the boundary wall are in line with other examples to the terrace, and whilst gate piers flanking the residential entrance may not be an original feature of the building nonetheless they are found to several other buildings in the vicinity and piers are also found to party wall lines and given this and their relatively low height they do not harm the frontage of the building. The railing design is shown to follow the adjoining example, however it is not clear that this is the case given the scale of the drawings and the appearance of the railings on site, and as such a condition is included to secure further details.

The rooflight to the new basement accommodation immediately adjacent to the extension is considered uncontentious, and the lightwell relatively large but not unduly cluttering of the rear of the building, and the basement proposed raises no other design or conservation issues (the basement element of the scheme is discussed in more detail below).

Whilst recognising the concerns raised by neighbours, the scheme in its revised form is considered to overcome the concerns regarding the extension and alterations proposed, is appropriate in terms of 'overdevelopment' and the application is now considered acceptable, mindful of policies DES 1, DES 5 and DES 9 of Westminster's City Plan and S28 of the UDP and therefore a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and considered in line with the statutory duty in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Objections to the proposals have been received on the grounds that the proposals will result in detrimental harm to the neighbouring properties.

Given the subterranean nature of the proposed basement extension and the limited extent of its external manifestations, a lightwell to the rear and a glazed rooflight, the development would not result in a significant impact on the amenity of neighbouring residents. The lightwell will provide natural light and ventilation to the home cinema, gym and shower room at basement level.

The proposed works to the front entrance do not raise any issues in amenity terms.

The proposed full width extension to the rear will project 4.2m from the rear elevation and be 3.2m in height on the shared boundary with No. 278 Elgin Avenue. On this boundary, there will also be a small courtyard to allow natural light into the second bedroom of the application site. The lower ground floor flat within No. 278 Elgin Avenue contains a pair of French doors and a window close to the boundary which serves a bedroom. Whilst the roof form of the extension will be visible from this window, the proposal includes a 0.7m set in at 2.2m height to help mitigate the situation and it is not considered that the outlook or slight sense of enclosure is so significant so as to warrant refusal of the application. A lightwell is proposed to the rear of the proposed extension, close to the shared boundary which would provide natural light and ventilation to the cinema room and gym located in the basement. Due to the size it is not considered to result in light pollution to the adjacent neighbours.

The proposed extension contains a sloping glazed roof to a height of 2m on the boundary shared with No. 282 Elgin Avenue, below this glazed roof will be the staircase to the basement floor. No. 282 Elgin Avenue at lower ground floor benefits from glazed doors opening to the garden which serve the living room and the kitchen towards the front, the proposed extension will impact the light levels to this room however not enough to warrant a reason for refusal. Again, whilst this increase in bulk will be noticeable from the neighbouring property, the stepped back roof will reduce the feeling of being enclosed and minimise any loss of outlook and therefore it is considered acceptable.

The application site benefits from an existing low boundary wall with timber fencing to increase the height. The proposed rear elevation will have a sliding sash window and French doors, this faces into the large garden and therefore is not considered to result in overlooking.

It is not considered that in this instance the objections received on amenity concerns can be sustained and the proposals are considered acceptable and accord with ENV13 of the UDP and S28 of the City Plan.

8.4 Transportation/Parking

The proposal raises no transportation or parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy Considerations

Basement Excavation

The proposals are considered to be in accordance with policy CM28.1 of the City Plan (July 2016) for the reasons set out as follows:

Part A. 1-4

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions found on this site.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

We have received objection in regards to the potential harm to the fabric of the building due to the proposed basement excavation, this would be dealt with by the CoCP that would have been dealt with by the Environmental Inspectorate.

The flooding risk has been investigated within the Basement Impact Assessment and this indicates the property lies within a flood risk Zone 1 and therefore no flood risk assessment needs to be provided as part of the application.

Part A. 5-6

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016.

Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It

recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

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. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

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

Part B. 1 & 2

The application has not been accompanied by a tree report and no trees have been identified within the site however from the submitted lower ground floor plan it has incorporated a soft landscaping plan with planting and shrubs towards the edging and a permeable surface being proposed for the majority, therefore this is considered acceptable.

Part B. 3

The proposals include natural lighting and ventilation by the rear lightwell accessed by doors and a window, which serve the home cinema and gym. Therefore this is considered acceptable.

Part B. 4 & 7

The only external manifestations of the basement to the rear would be the lightwell adjacent the neighbouring property. These are not considered to have a significant impact in terms of sustainable urban drainage. Furthermore a water permeable hardstanding surface will be provided to the rear to provide drainage.

Part B. 5 & 6

The proposal to excavate the basement and the lightwell and flush roof light are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

Part C. 1

The proposal is to extend the lower ground floor beneath the proposed extension to the rear with a small lightwell. The garden area is approximately 118m² and the proposed

basement is measured to be 52m², so 48% therefore it does not extend under more than 50% of this garden area and is therefore compliant in this regard. The garden to the front and side of the application site will be unaffected from the proposed excavation. The proposals do not include an area of undeveloped garden land. The applicant has advised that to incorporate a margin of undeveloped land into the design of the basement, in this instance this would result in a significantly reduced size of basement excavation, in an already very small rear 'yard/garden'. Given the existing garden is hard paved (to the extent of depth of the proposed extension and there appears to be an astro turf garden it is not considered that permission could be withheld on this basis.

Part C. 2

With the exception of the lightwell to the rear, the proposed basement provides a minimum of 1m soil depth and 200mm drainage layer above, which is required to support sustainable planting and gives an overall volume of soil sufficient to support spread of roots. Therefore, the proposal does meet this part of the policy.

Part C. 3

This part of the policy states that the proposed basement extension should not involve the excavation of more than one storey below the lowest original floor level. In this case, there is an existing 'lower ground floor', and the proposal is to excavate underneath this level and the garden and therefore is considered acceptable and in accordance with this part of the policy.

Part D

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

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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, 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.

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.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

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

8.13 Other Issues

We have received objections on grounds relating to the proposal resulting in harm to the trees and the surrounding wildlife as seen on the submitted plans and viewed on site there are no trees within the close proximity of the proposed basement excavation and therefore this objection cannot be supported in this instance.

Objections were received on the grounds that not everyone was notified of the planning application. Letters were sent to the most affected properties and a site and press notice were also in place.

According to objectors, inaccurate drawings were submitted. Case officers disagree with this.

In terms of permissions setting a precedent for future applications, each application is assessed on its own merits and therefore permission cannot be withheld on this basis.

Concerns have been raised on the proposed internal layout of the basement which could potentially resulting in a long term vision of the applicant to split the flat into two residential units. This would require planning permission and any future application would be assessed against City Council policy.

Neighbours have commented that there is no second means of escape from the basement resulting in a fire risk. Any development would be subject to Building Regulations.

Comments have finally been received on the grounds that the proposed lower ground floor extension could results in a security risk to the residential units in upper levels.

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Many properties in the locality which are split into flats have lower ground extensions and this again cannot be a reason in which to withhold permission.

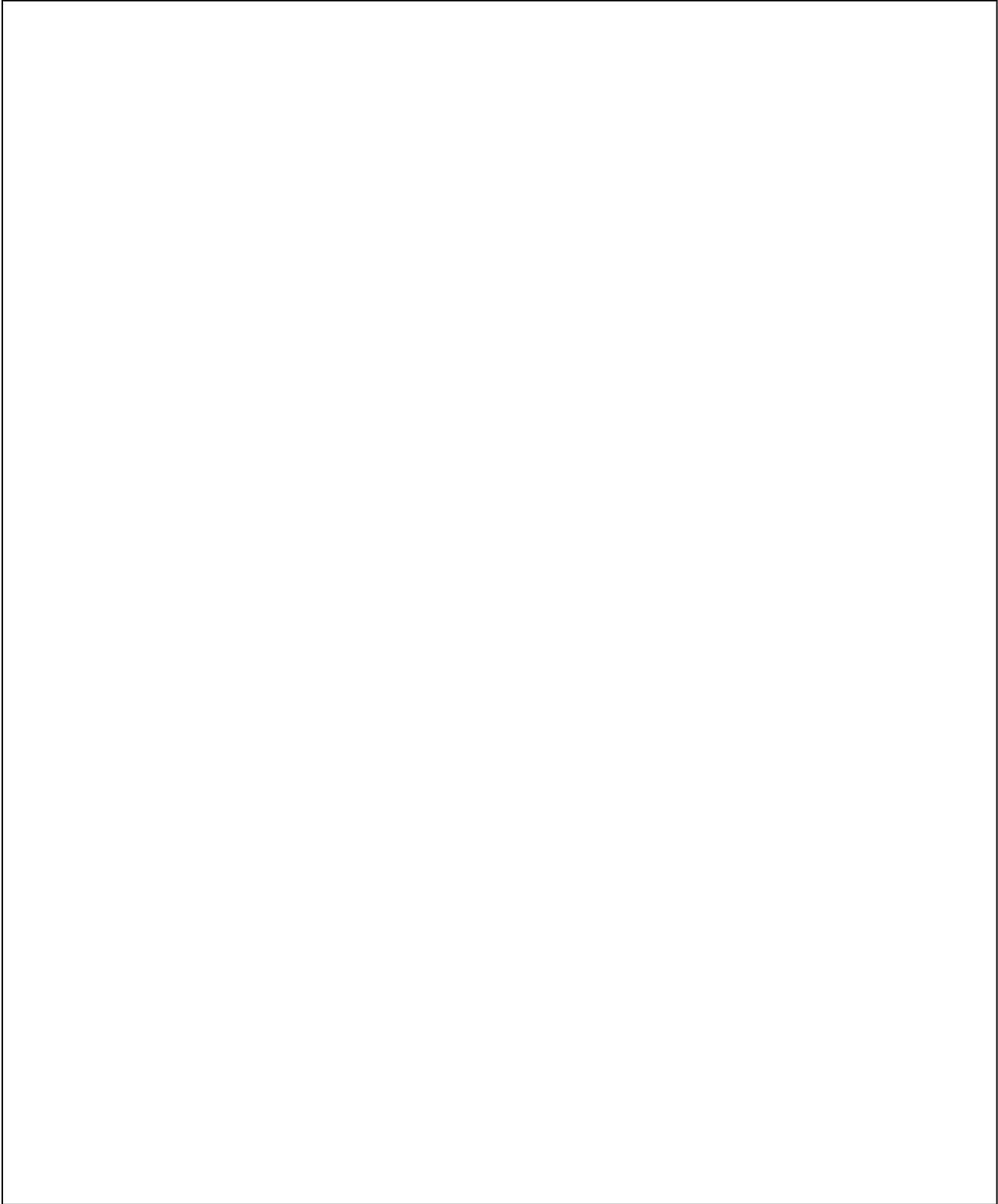
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

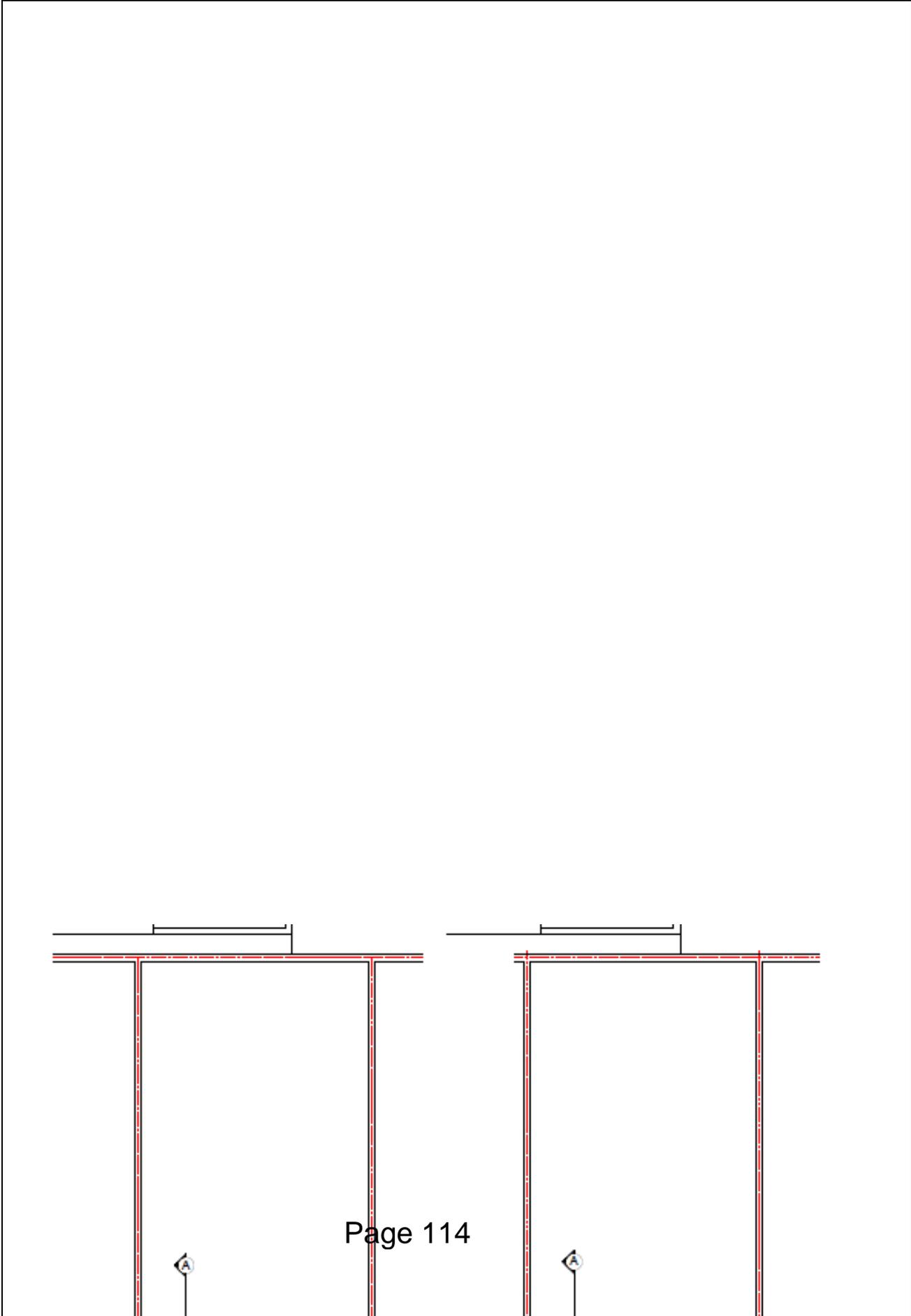
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk
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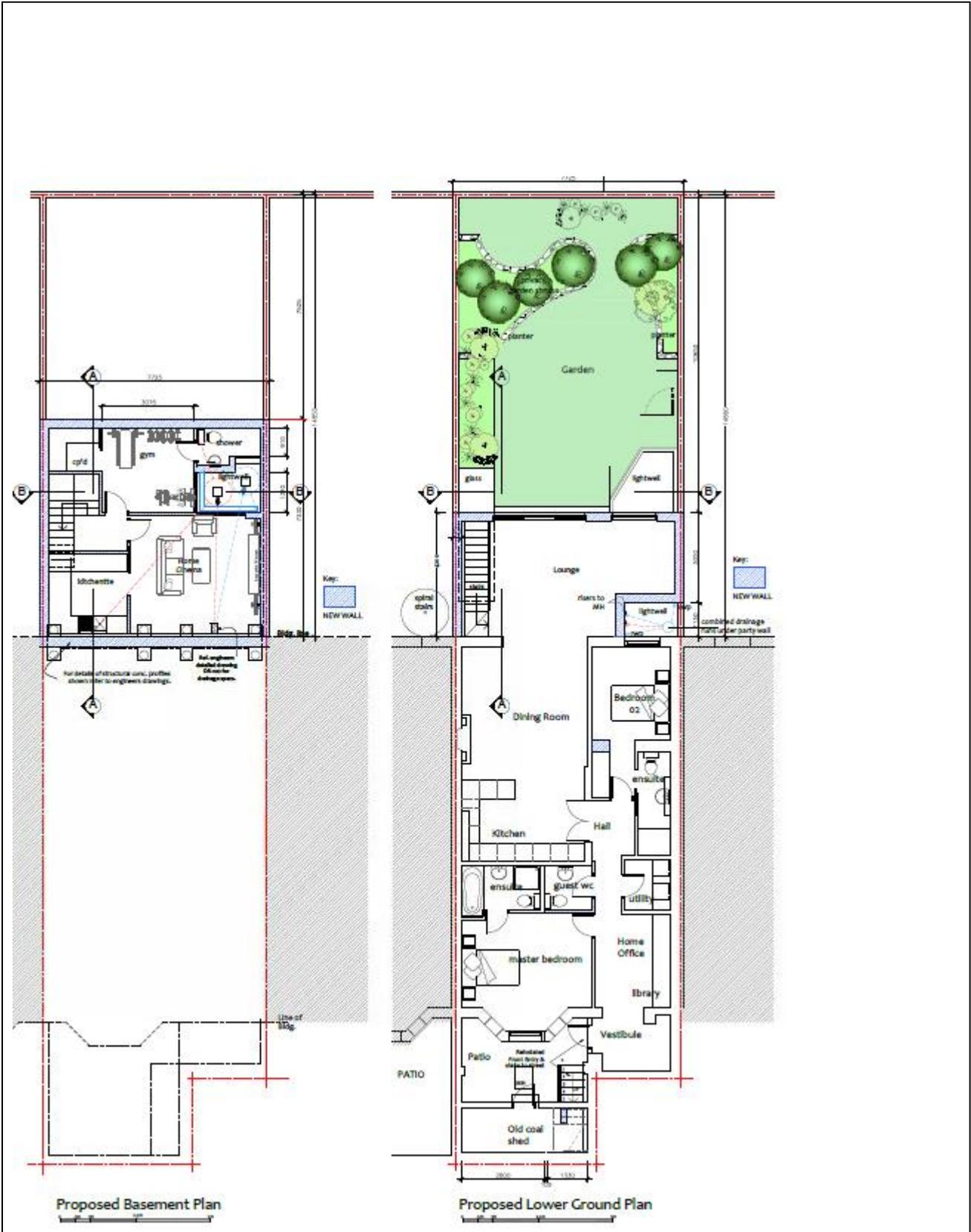
9. KEY DRAWINGS



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Item No.
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DRAFT DECISION LETTER

Address: Flat 1, 280 Elgin Avenue, London, W9 1JR

Proposal: Rear extension at lower ground floor with new basement extension beneath, installation of sash windows to the front elevation and alterations to the front boundary wall and front lightwell.

Reference: 19/07934/FULL

Plan Nos: Site Location Plan, GA-01, GA-02, GA-03, EL - 01, EL - 02, EL - 03 - A, SC-01, SC-02, SC-03, SC-04, SC-05, SC-06, IM-01-A, SA-01, SA-02, WAL-01, WAL-02-A, WAL-03, WAL-04, SCH-01-A, Planning, Design and Access and Heritage Statement (undated).

For info:
Flood Risk Assessment & SUDS Report dated 07 June 2019 and Stage 2 Design Report dated 06 September 2019 Rev P1.

Case Officer: Frederica Cooney

Direct Tel. No. 0 07866037206

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

3 Pre Commencement Condition. Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

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

Reason:

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

- 4** 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)

- 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 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)

- 6 The new external windows and doors shall be formed in glazing and white painted timber framing.

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 You must apply to us for approval of annotated elevations and a colour sample (as appropriate) showing the works to the areas of render to the rear elevation remaining visible above or to the side of the rear extension approved in this application. 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 and sample (as appropriate) and this work shall be undertaken prior to the completion of the new rear extension approved in this application. (C26DB)

Reason:

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

Living roof

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)

- 9 The new external metalwork shall be black in colour and retained as such thereafter.

Reason:

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

- 10 Notwithstanding the details submitted, you must apply to us for approval of an elevation and a section drawings of the railings to the front boundary and their integration with the boundary wall, and also an elevation drawing of the gate between the front threshold area and the landing to the head of the new front lightwell staircase. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

Reason:

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

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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

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 at www.westminster.gov.uk/contact-us-building-control

- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons

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& 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 4

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4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 June 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Hyde Park	
Subject of Report	Flat 10, 15 Hyde Park Gardens, London, W2 2LU		
Proposal	Removal and replacement of south facing rear mansard slope with enlarged roof terrace to south side of mansard, replacement of railings to rear southern parapet and roof top lightwell, and internal alterations		
Agent	Mr Jeremy Peacock		
On behalf of	Mr Simon Cox		
Registered Number	20/01477/FULL, and 20/01478/LBC	Date amended/ completed	6 March 2020
Date Application Received	28 February 2020		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

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

2. SUMMARY

Permission and consent are sought for the removal and replacement of the south facing rear mansard slope including with an enlarged roof terrace, the replacement of railings to the rear southern parapet and roof top lightwell, and internal alterations.

The key considerations are:

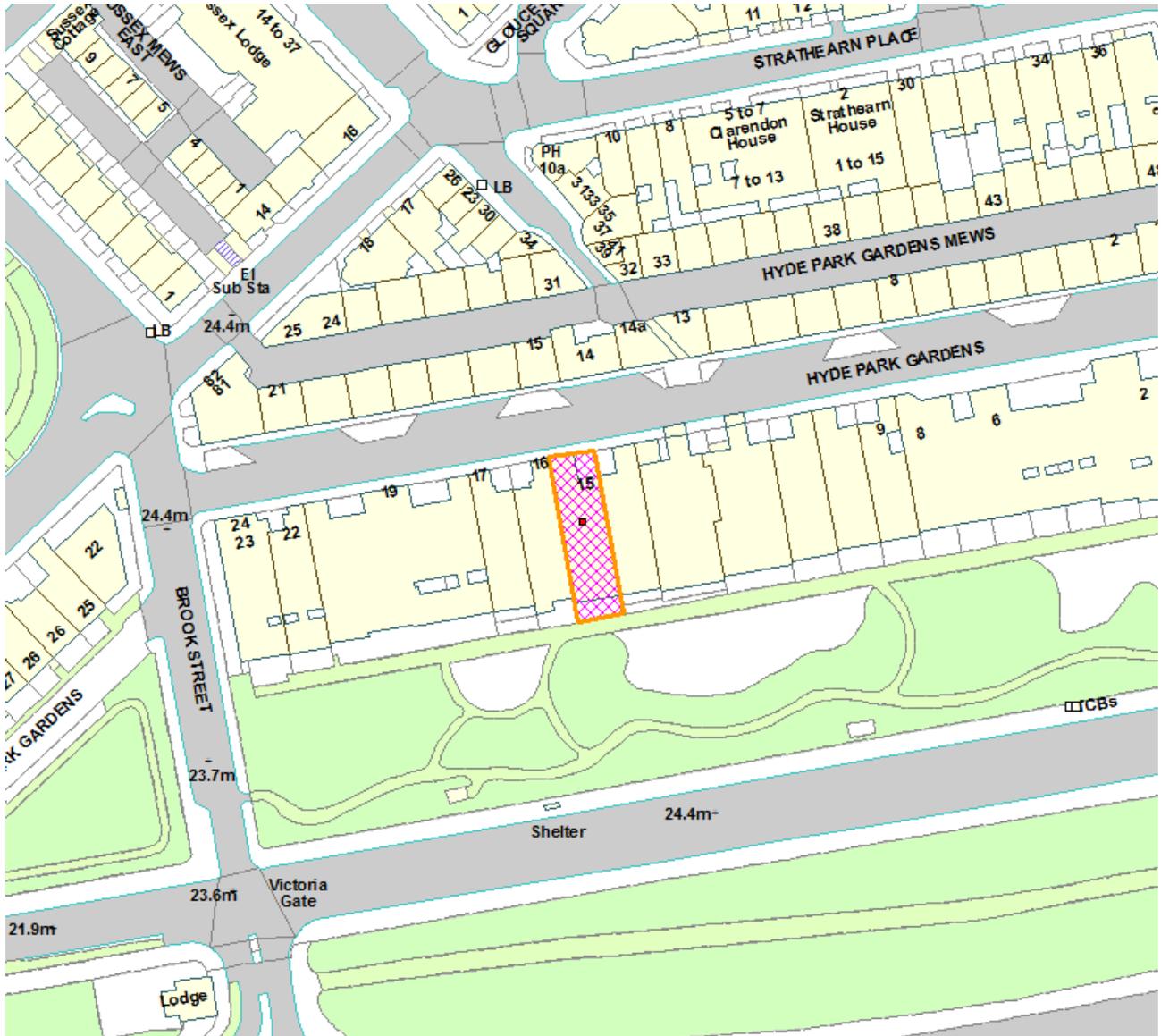
- The impact of the works on the character and appearance of the building and surrounding area.
- The impact of the works on the amenity of surrounding residents.

The proposed development would be consistent with relevant design policies, residential amenity

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policies, and other relevant policies, in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and as such, the applications are recommended for approval subject to the conditions set out in the draft decision letters.

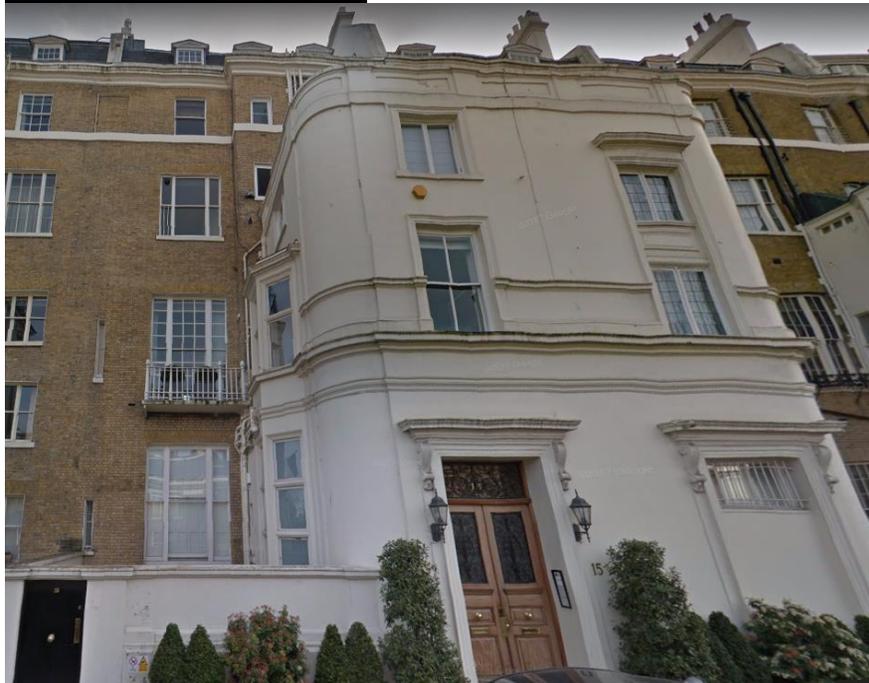
3. LOCATION PLAN



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4. PHOTOGRAPHS

Front (North Side) Elevation



View of South Elevation from Hyde Park



Views of Roof of Building



5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 15 Hyde Park Gardens is a Grade 2 listed building located within the Bayswater Conservation Area, and Flat 10 represents the top floor flat within the building. No. 15 forms an integral part of a terrace of properties between nos. 1 and 24 Hyde Park Gardens which have their main entrances on Hyde Park Gardens and their southern frontages facing over a private communal garden towards Hyde Park.

6.2 Recent Relevant History

28 April 2011

Planning permission and listed building consent granted for the removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace and associated alteration to French doors to central dormer (Flat 10).

09 July 2014

Planning permission and listed building consent granted for the removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace and associated alteration to French doors to central dormer (Flat 10).

10 October 2017

Planning permission and listed building consent granted for the removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace, associated alteration to French doors to central dormer and internal alterations (Flat 10)

7. THE PROPOSAL

The applications seek permission and consent for the removal and replacement of the south facing rear mansard slope including an enlarged roof terrace, the replacement of railings to the southern parapet and to the roof top lightwell, and internal alterations.

These current applications are a variation on the scheme most recently approved on 10th October 2017, as set out in the planning history section of the report.

Councillor Cox is the applicant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The applications involve alterations to an existing residential flat and do not raise any land use issues.

8.2 Townscape and Design

Introductory Text

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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 of the same Act requires 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 requires 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.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

Design, Conservation and Listed Building Considerations

The applications seek to remove and replace the southern section of the top floor pitched roof extension to the building. Whilst at present it incorporates dormers set into a shallower roof slope, the new arrangements will be for a steeper mansard slope across the width of the building. As with the previously approved applications, the applicants have submitted an historical analysis report which demonstrates that the fabric to roof level is generally modern. The creation of a mansard form of roof to the southern elevation of the top floor level is in line with the pattern of other mansards along the terrace, and the detailing and cladding materials are both traditional and in keeping with the character of the building and terrace. As with the previously approved schemes

therefore, this work is considered acceptable in design terms.

Internally, the flat has been considerably altered, and the relatively minor amendments proposed are not considered contentious. The proposals seek to incorporate a series of steel beams internally to support the rebuilt sections of the top floor level, and these proposals were not included in previously approved schemes. The applicants have advised that following investigation works since the previous approvals the steel beams are considered to be required to support the new structure. They have advised that the steel beams shown to the drawings as being within the floor area of the flat will be inserted between the joists, with no floor joists proposed for removal and no works proposed to the ceiling of the flat below. Steel beams are already incorporated into the roof structure of the existing flat. Given the confirmation from the applicants that no works will be undertaken to the flat below, and the modern nature of significant elements of the existing structure of the roof, the incorporation of steel beams as part of the new structure is considered acceptable.

The replacement railings to the southern parapet and surrounding the central lighwell are neater than at present and considered uncontentious in design terms given the presence of the existing railings to these locations.

As such, the proposal is considered acceptable, mindful of policies DES 1, DES 6, DES 9 and DES 10 in the UDP and policies S25 and S28 in the City Plan. It will not adversely affect the significance of the listed building or surrounding buildings and Bayswater Conservation Area, or the setting of the nearby Royal Parks Conservation Area. A recommendation to grant conditional permission and consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

An area of outdoor space already exists to the south side of the flat, albeit smaller than is now proposed. The increase in the size of the terrace relates to the removal of the elements of low pitched roof slope projecting forward of the existing area of accommodation to the flat, and their conversion to form part of the existing outdoor amenity space through the more set back line of the steeper mansard slope now proposed. The proposals would not give rise to an unacceptable impact on the property to the west in terms of overlooking given the arrangement of an existing high party wall extending almost to the south elevation and given the size and positioning of the dormers in place to that adjoining property. To the east side the existing party wall will also significantly restrict visibility, and the adjoining property to that side has a large terrace to the south side of its top floor accommodation. Given the domestic use of the flat, its relatively small one bedroom size, and the presence of existing outdoor amenity space to this southern side of the flat, the enlargement of the terrace would also not be considered to give rise to any unacceptable impact in terms of noise and disturbance to surrounding residents.

As with the previously approved schemes, the terrace proposed is not considered to give rise to any unacceptable amenity or overlooking concerns for the adjoining residential properties.

Given this, the enlarged terrace is considered in line with policies ENV 13 in the UDP and S29 in the City Plan. The proposals for a terrace follow those included in the previous approval of 10th October 2017, as set out in the planning history section of the report.

8.4 Transportation/Parking

The proposals do not give rise to highways or parking issues.

8.5 Economic Considerations

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

8.6 Access

The access arrangements into the building and flat remain unchanged by the proposals.

8.7 Other UDP/Westminster Policy Considerations

None applicable to these application proposals.

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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

There are currently no neighbourhood plans applicable to this part of Westminster.

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

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

8.13 Environmental Impact Assessment

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

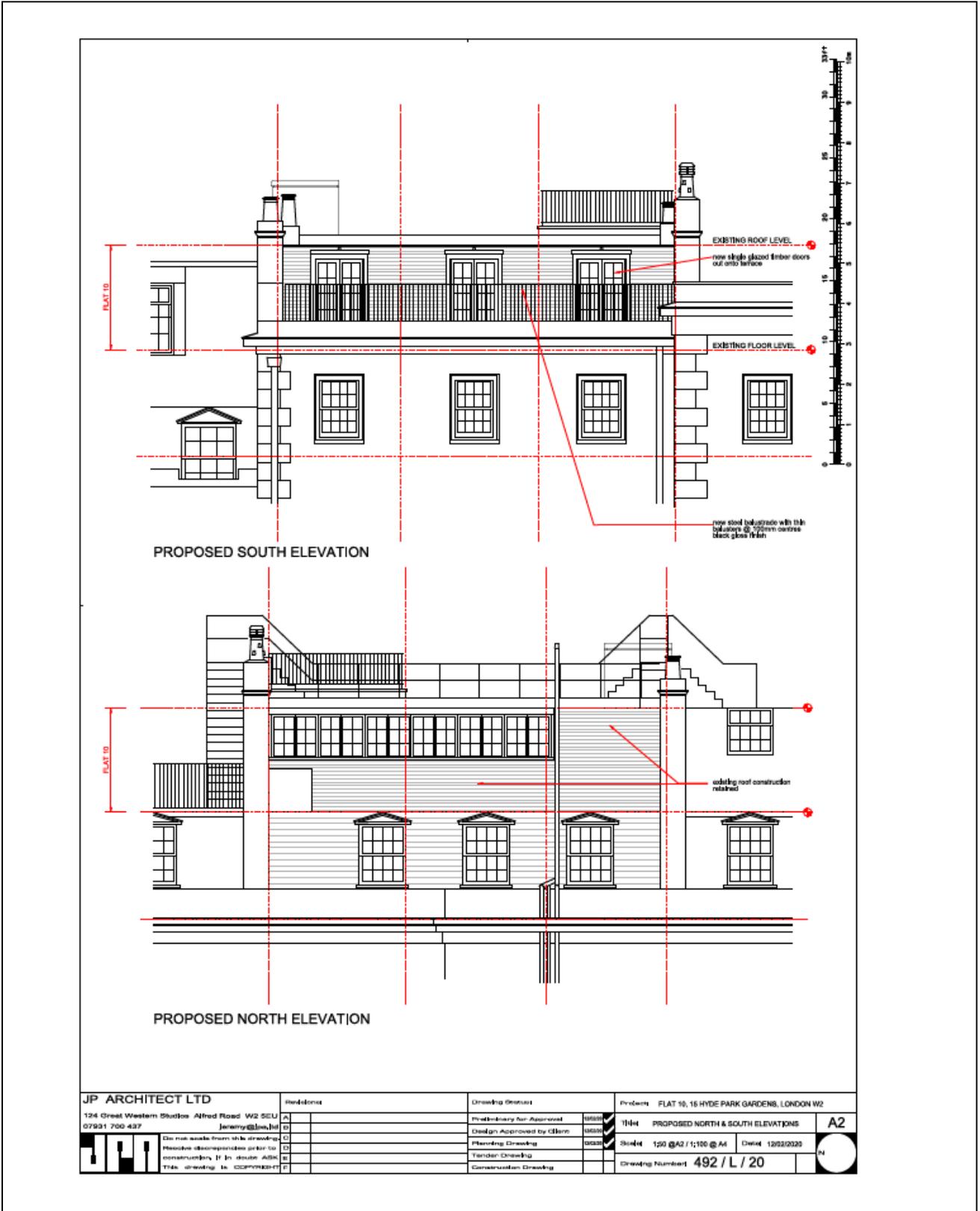
8.14 Other Issues

The application proposals do not raise other issues of relevance to these proposals.

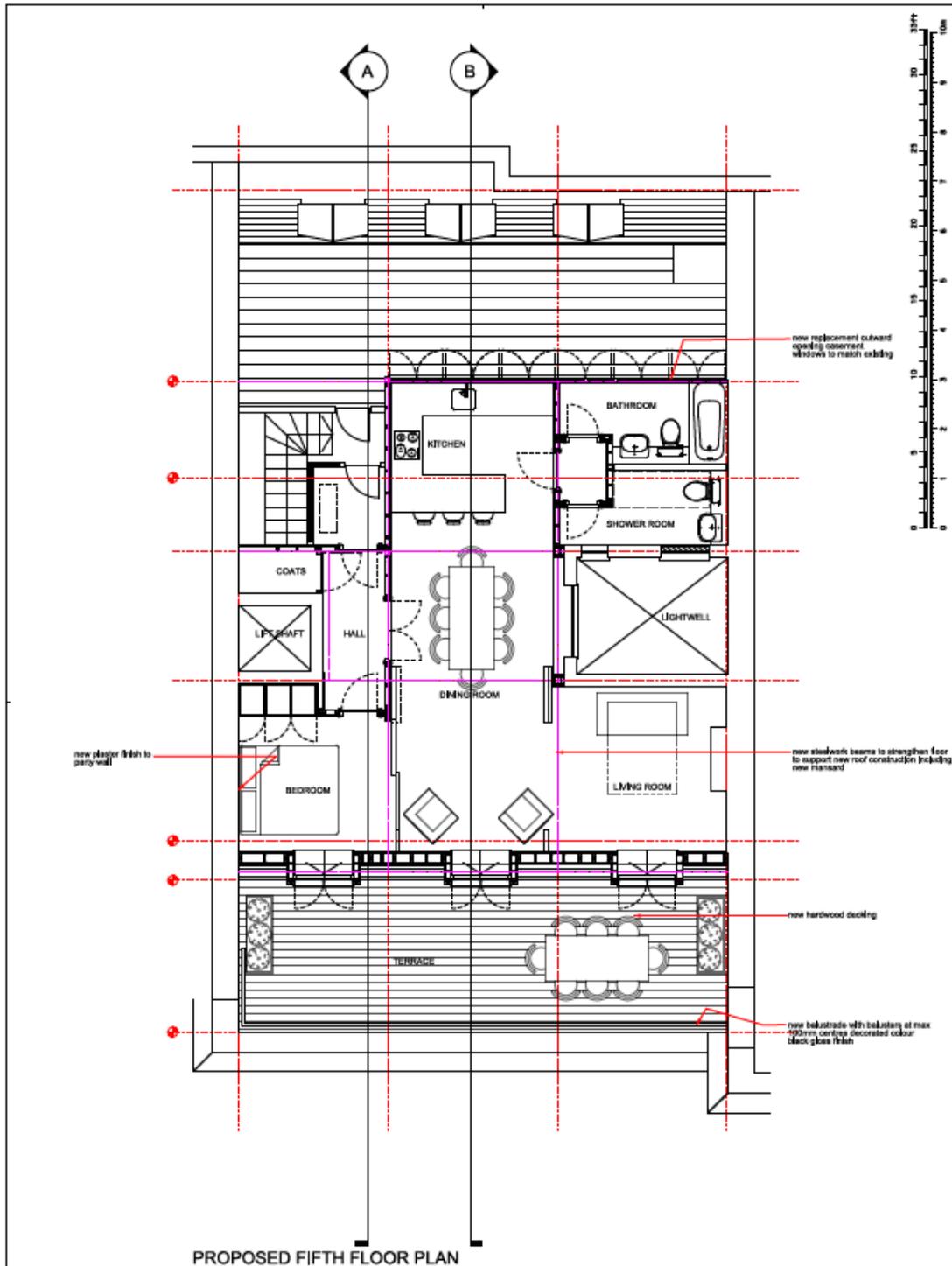
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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



JP ARCHITECT LTD 124 Great Western Studios Alfred Road W2 5EU 07931 700 437 jeremy@jpa.co.uk		Handover A D C D B C	Drawing Status Preliminary for Approval Design Approved by Client Planning Drawing Tender Drawing Construction Drawing	Project: FLAT 10, 16 HYDE PARK GARDENS, LONDON W2 T14 PROPOSED NORTH & SOUTH ELEVATIONS Sheet: 1/20 @A2 / 1:100 @A1 Date: 12/02/2020 Drawing Number: 492 / L / 20	A2 N
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PROPOSED FIFTH FLOOR PLAN

JP ARCHITECT LTD 124 Great Western Studios Alfred Road W2 5EU 07931 700 487 jeamy@jparchitect.com		Redlines A B C D E F	Drawing Status Preliminary for Approval Design Approved by Client Planning Drawing Tender Drawing Construction Drawing	Project: FLAT 10, 16 HYDE PARK GARDENS, LONDON W2 5LU Title: PROPOSED FIFTH FLOOR PLAN Scale: 120 @ A2 / 1:100 @ A1 Date: 12/02/2020 Drawing Number: 492 / L / 16	A2
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DRAFT DECISION LETTER

Address: Flat 10, 15 Hyde Park Gardens, London, W2 2LU

Proposal: Removal and replacement of south facing rear mansard slope and with enlarged roof terrace to south side of mansard, replacement of railings to rear southern parapet and roof top lightwell, and internal alterations

Reference: 20/01477/FULL

Plan Nos: 492/L/11, 492/L/12, 492/L/13, 492/L/14, 492/L/15, 492/L/16, 492/L/17, 492/L/18, 492/L/19, 492/L/20, 492/LOC/01, Emails dated 7th April 2020 and 20th April 2020 from JP Architects, Site Photo ,

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641
07866037603

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

- 4 The south facing mansard slope shall be clad in slates to its full height to match the colour and texture of the existing slates to the existing south facing pitched roof slope.

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

- 5 All new external railings shall be formed in black coloured metal, and shall be retained in that colour thereafter

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater 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 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, 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

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addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

DRAFT DECISION LETTER

Address: Flat 10, 15 Hyde Park Gardens, London, W2 2LU

Proposal: Removal and replacement of south facing rear mansard slope with enlarged roof terrace, replacement of railings to rear southern parapet and roof top lightwell and internal alterations.

Reference: 20/01478/LBC

Plan Nos: 492/L/11, 492/L/12, 492/L/13, 492/L/14, 492/L/15, 492/L/16, 492/L/17, 492/L/18, 492/L/19, 492/L/20, 492/LOC/01, Emails dated 7th April 2020 and 20th April 2020 from JP Architects, Site Photo

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 07866037603

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 The south facing mansard slope shall be clad in slates to its full height to match the

colour and texture of the existing slates to the existing south facing pitched roof slope.

Reason:

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

- 4 All new external railings shall be formed in black coloured metal, and shall be retained 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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT** - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client,

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consultants, contractors and subcontractors of the terms and conditions of this consent.
(159AA)

- 3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

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

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Agenda Item 5

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 June 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	Flat 17, Vale Royal House, 36 Newport Court, London, WC2H 7PS		
Proposal	Erection of a single storey roof extension and alterations to existing roof slope at first floor level including the creation of a terrace.		
Agent	Savills		
On behalf of	Mr Shelford		
Registered Number	20/00355/FULL	Date amended/ completed	21 January 2020
Date Application Received	20 January 2020		
Historic Building Grade	Unlisted		
Conservation Area	Chinatown		

1. RECOMMENDATION

Refuse permission - design and amenity.

2. SUMMARY

Flat 17, Vale Royal House is a single-storey bungalow sitting at the northern side of Royal Vale House at podium level. The site is located within the Chinatown Conservation Area, West End Stress Area and Central Activities Zone.

This application seeks planning permission for the erection of a single storey roof extension and alterations to the existing roof slope at first floor level including the creation of a new outdoor terrace.

The key issues for consideration are:

- The design and appearance of the extension and impact on the character and appearance of the Chinatown Conservation Area;
- The impact of the proposal on the residential amenity (in particular, consideration to impact on privacy, overshadowing and daylight/sunlight levels);
- The impact of the proposals on the operation of existing neighbouring commercial and community uses (Newport Sandringham Complex service yard).

The proposals have received objections from neighbours primarily on the grounds relating to design and impact on residential amenity. Nearby existing businesses and facilities also object on grounds

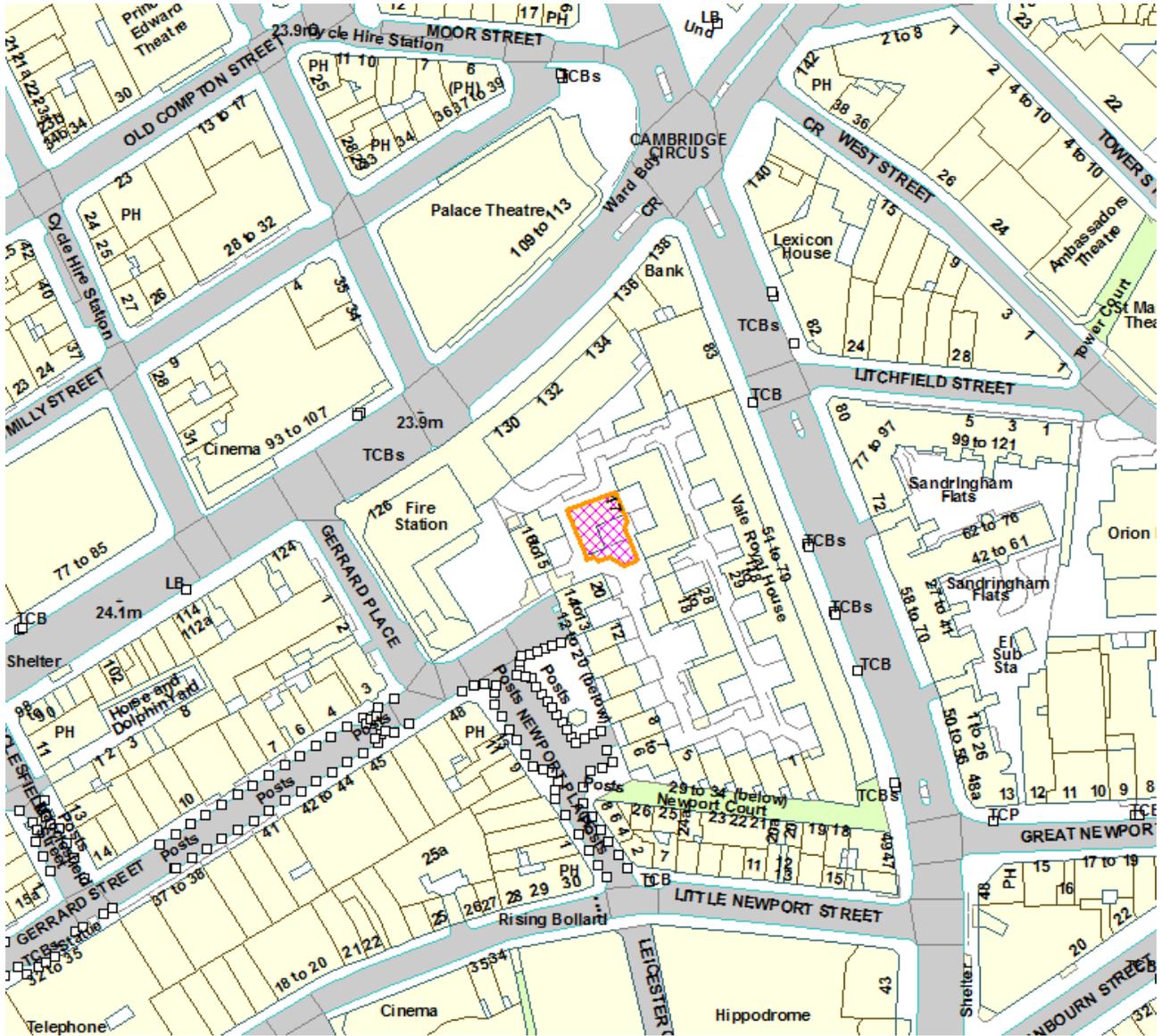
that the proposals would introduce more glazing and that existing nearby activities may no longer meet the permitted noise criteria set by the council, which might result in complaints from the occupiers of the application site.

Because of its form and bulk, the proposed roof extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance (visual amenity) of the Chinatown Conservation Area. The proposed first floor terrace would also result in unacceptable undue overlooking into the private rear gardens and habitable rooms of adjacent neighbouring properties.

Had the proposals been considered acceptable, a condition would have been recommended relating to sound insulation, and requiring the design and structure of the development to be of a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration.

The proposed development is not acceptable in design and amenity terms and would not accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, it is recommended that planning permission is refused.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front/ Northern elevation



West side elevation



East side/ rear elevation



Rear/ south elevation (behind planter)

5. CONSULTATIONS

COUNCILLOR MITCHELL:

Requests that the application be referred to a planning sub-committee.

SOHO SOCIETY:

Any response to be reported verbally.

ENVIRONMENTAL SCIENCES:

No objection subject to condition which ensures that 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 35dB(A)eq16hrs daytime and of more than 30dB(A)eq8hrs in bedrooms at night.

WASTE & PARKS CLEANSING MANAGER:

The waste and parks team has a cleansing depot below the application site and the applicant has complained about noise and vibration from the depot. Noise surveys did not show that there was a significant noise issue but the waste and parks team curtailed some of their operations. Concerns are raised that an increase in glazing may invalidate the results of previous noise surveys, reignite complaints and further curtail operations.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

No. consulted: 156

No. of replies: 13 (including 9 replies from 3 neighbouring owner/ occupiers and 2 replies on behalf of Shaftesbury Chinatown Plc)

Objections from adjoining owners/ occupiers on some or all of the following grounds:

Design

- Vale Royal House (VRH) was designed to mitigate noise and provide a sense of openness and space on the podium level for tenants;
- Impact on the design of the building;
- Proposal would be contrary to original intention of VRH development design;
- The flat roof design cues outlined with the planning statement do not accurately reflect the main roof profiles within VRH; the flat roofs outlined relate to servicing bin chutes and vents at lower ground floor/ basement level. A flat roof design should therefore not be justified for a large flat roof extension;
- There is a reason that the property was built as single-storey only, given that all other properties are two-storeys with ridged roofs;
- The proposed fenestration finishes (i.e. vertical Velux windows, patio and balcony doors) would not accord with what is permitted by the freeholder of VRH;
- The development would be seen from public views, contrary to planning statement section 7.3, given that the development would be visible from the Podium which can be used by all residents of VRH.

Amenity

- Overbearingness;
- Sunlight and daylight implications for neighbouring residents;
- Sense of crowdedness to podium;

- Neighbouring residents close to the site already experience limited amounts of daylight/sunlight;
- Glare from proposed skylights;
- Overshadowing—particularly in relation to the Podium;
- Terrace would result in noise and unneighbourly activity;
- The submitted sunlight/daylight report does not consider outlook and enclosure;
- Proposed new windows and outdoor terrace would result in overlooking;
- No acoustic report has been submitted to demonstrate how sound transfer and noise levels would change or be impacted.

Other

- Due to the design of VRH, noise from the building work would affect more than just the site in question;
- Concerns about how contractors would be managed during development works; how materials would be delivered, how scaffolding would be erected.
- Development entirely for the benefit of the leaseholder when considered against the social housing context;
- Concerns that the property would be used for holiday-let services should the applicant wish to sell the property;
- Noise and disturbance from construction works;
- Not enough residents have been notified; consultation needs to be extended to all residents of VRH.

Shaftesbury Chinatown Plc object on the following grounds:

Land Use

- The proposal does not accord with the requirements of Paragraph 182 of the NPPF (2019) whereby the applicant has not demonstrated that the proposed increase in glazing would be mitigated against the existing noise levels from the plant and servicing yard at the Newport Sandringham complex. The proposal would invalidate noise reports that satisfy that such equipment would not have a negative impact on the noise levels at the site;
- The proposals would mean that the property is no longer accessible for occupiers with disabilities or restricted mobility.

Design

- Out of character to Vale Royal House;
- Not a high-quality architectural proposal;
- The scale would be out of character with the context of Vale Royal House;
- The extensions visually dominate the existing building and does not reflect the design of the host building;
- Unsightly from private views.

Amenity

- The proposed balcony will allow direct views into the windows and gardens of 15-15 Newport Place, 20 Newport Place and 19-28 Vale Royal House (as referred to in the sunlight, daylight and overshadowing assessment submitted).
- A number of surrounding windows already receive low levels of light (VSC lower than 27%) and the development will degrade the situation further. This would therefore require the need for increased artificial lighting and heating;

- The overshadowing results of the existing open spaces show that the spaces already experience a low level of sunlight (under the 2 hour target) and therefore the proposal would compromise this light further.

ADVERTISEMENT/ SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Vale Royal House is an unlisted purpose-built residential block dating to the 1980s, located in the Chinatown Conservation Area. The site is also located within the West End Stress Area and Central Activities Zone.

The development was built-out in conjunction with the wider development of the site to create office, commercial (retail and restaurants) and residential uses, bordered by Shaftesbury Avenue to the north, Charing Cross Road to the east, Gerrard Place to the west and Newport Court to the South. The site also contains a public car park at basement level, fire station and street cleansing depot.

Flat 17, Vale Royal House relates to an individual single-storey bungalow sitting at the northern side of the Royal Vale House development and situated at first floor level (also known as the 'podium'). The property is the only detached property within the development.

6.2 Recent Relevant History

None directly related to the application site.

Neighbouring Site - Central Cross, formerly known as Newport Sandringham Complex, bounded by 10-18 Newport Place, 28-35 Newport Court and 51-79 Charing Cross Road.

In 2015, permission was granted (RN: 15/02497/FULL) for the refurbishment and reconfiguration of the site. Part of this development included alterations within the service yard from Shaftesbury Avenue, comprising new shutters and plant equipment ventilation. The service yard area is multi-purposed and provides access to the Veolia cleaning facility and the rear fire-escape, servicing and plant areas for the commercial premises over the lower levels of the block.

The permission was varied in 2016 (16/03860/FULL) to include alterations not related to the service yard.

Condition 5 of the 2016 permission sought the approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria. This condition was part discharged in 2019 (19/06623/ADFULL) for retail units 1, 2, 8, 9, 10, 11, 12, 14 and 16. Further details relating to Units 3, 4, 5 and 6, 7 and 13 remain to be submitted once the fit out of the units have been completed.

In October 2019, planning permission was granted (RN: 17/09073/FULL) for the retention of the exhaust flue to rear of 130 - 134 Shaftesbury Avenue which serves the basement car park's emergency generator.

In November 2019, planning permission was granted (19/07712/FULL) for the installation of louvered plant roof screens over existing plant areas and erection of new secondary plant deck with acoustic enclosure within the rear service yard.

7. THE PROPOSAL

This application seeks planning permission for the erection of a single storey roof extension and alterations to the existing roof slope at first floor level including the creation of a new outdoor terrace.

The proposed works would facilitate the creation of a third bedroom with private outdoor terrace and internal configurations including the relocation of all bedrooms to first floor level, separation of the shared dining/living room area into two separate spaces and the creation of a new study room and utility room. All new spaces at first floor level would include the installation of at least one or more roof skylights. No changes to the existing private garden space is proposed as part of the works.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Extensions and alterations

Policies H3 of the UDP and S14 of the City Plan outline that the principle of residential extensions are generally acceptable so long as they do not cause environmental or amenity problems and are in keeping with the character of the building or area. Therefore, subject to design and amenity, the provision of additional residential floorspace is acceptable in land use terms.

An objection has been received on the basis that the proposal would result in a change to the housing stock whereby the site would no longer be accessible to occupiers with disabilities, contrary to Policy 3.5 of the London Plan. Policy 3.5 of the London Plan is applicable to new residential dwellings only. It may also be possible to retain accessibility for disabled users by way internal arrangements (e.g. the facilitation of a lift or stairlift and the relocation of a bedroom downstairs).

Impact on adjoining uses/ Newport Sandringham Complex

Concerns have been raised that the proposed increase in windows/ glazing, particularly in the northern/ front elevation of the property, may result in existing nearby activities no longer meeting the permitted noise criteria set by the council, which might result in complaints from the occupiers of the application site.

Objectors state that the applicant has not demonstrated how sound transfer and noise levels from the existing activities and mechanical plant within the service yard of the Central Cross complex would be mitigated by the applicant.

This includes an objection from the Council's Waste and Parks Team Cleansing Manager. The waste and parks team has a cleansing depot below the application site and the applicant has previously complained about noise and vibration from the depot. Noise surveys did not show that there was a significant noise issue but the waste and parks team curtailed some of their operations. Concerns are raised that an increase in glazing may invalidate the results of previous noise surveys, reignite complaints and further curtail operations.

All servicing equipment related to the developments outlined in section 6.2 'Recent Relevant History' has been assessed 1m from the nearest noise sensitive residential window, which is considered to be the residential properties at podium level, namely, the north-facing windows of Flat 17, Vale Royal House. Subsequently, the equipment is considered to satisfy the Council's noise standards. Consequently, there are concerns that the proposed increased glazing to the north elevation of the dwelling would result in exceedance of current allowable noise levels and therefore risk the operation of the servicing yard and other mechanical plant.

Paragraph 182 of the NPPF (2019) states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on the new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.

No information has been submitted to demonstrate that the proposed works would be designed so that egress noise levels from nearby existing businesses and facilities would not impact the host occupiers. The council's Environmental Sciences department recommends that a condition is imposed which ensures that the design and structure of the development shall be of 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 35dB(A)eq16hrs daytime and of more than 30dB(A)eq8hrs in bedrooms at night. Had the proposal been considered acceptable this sound insulation condition would have been recommended.

Whilst the objections are acknowledged, alterations to a single family dwelling house (i.e. the enlargement or installation of a window) may constitute permitted development by way of Class A of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8.2 Townscape and Design

The site is located within the Chinatown Conservation Area. The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9(F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

"The Soho and Chinatown Conservation Area Audit" SPG specifically discusses how the varied skyline of the area is of interest, how proposed vertical / roof extensions need to fit into this context and how local views both within the conservation area and into and out of it need to be taken into account when assessing vertical extensions. Whilst the estate is modern, the bungalows and smaller scale buildings in the centre of the site (atop the podium below) have an architectural consistency in that they tend to reduce in mass as they increase in height, have greater areas of pitched roof (including a variety of gables and split gable roof forms) and less or no areas of flat roof at main roof level, which all contribute to their character.

It is considered that the bulky flat-topped extension to Flat 17 does not draw from this context or relate sensitively to it, but that features in the perimeter larger-scale buildings are being used to justify some of the features that are being introduced. It is considered that the character and appearance of the local area of the estate would be greatly diminished by the alterations proposed to Flat 17 and that these alterations would also result in harm to the visual amenity of the conservation area. As there are no public benefits of the scheme to outweigh this less than substantial harm, the proposal would not accord with Paragraph 196 in the NPPF (2019), Policies S25 and S28 of Westminster's City Plan (adopted in 2016), Policies DES 1, DES 5, DES 6 and DES 9 of the Council's Unitary Development Plan (adopted in 2007) and the conservation area audit. Therefore, the recommendation to refuse permission on design grounds is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Policy ENV 13 of the UDP seeks to protect and safeguard residential amenity by way of sunlight/daylight, privacy, outlook, sense of enclosure and overshadowing.

Policy S29 of the City Plan seeks to ensure that development secures a healthy and safe environment, and that all developments maximise the opportunities to contribute to health and well-being.

The neighbouring properties considered to be primarily impacted by the proposed development are those that lie immediately adjacent to the property (e.g. flat nos. 15-16

Vale Royal House to the west and flat nos. 18-20 Vale Royal House to the east) and those to the south-west of the site (i.e. namely flat nos. 13 and 14 Vale Royal House).

By virtue of the siting of the property and proposed design of the development, all remaining neighbouring properties on the Podium are not considered to be significantly impacted as a result of the proposed works.

Overlooking/Privacy

The proposed elevations show the installation of two new Velux windows at first floor level to the eastern elevation (serving a utility room), and one new window at first floor level to the western elevation (serving the newly created stairway). Due to the close proximity between the host and adjacent neighbouring properties, it is considered that the east-facing windows may result in unnecessary undue overlooking into the habitable rooms and private garden spaces of the adjacent neighbouring properties (namely flat nos. 18 and 19 Vale Royal House). Had the proposals been considered acceptable, a condition would have been recommended requiring these windows to be obscured glazed and fixed shut or with limited opening.

Due to the siting of the new west-facing window on the first floor, in conjunction with the angle and distance from the private garden of flat no. 16 Vale Royal House, this window is not considered to result in an undue amount of overlooking and loss of privacy. The proposed fenestration changes to the north and south of the property are also not considered to raise any issues in this regard given their outlook onto a boundary wall to the north and onto the Podium to the south.

The proposed terrace would be bounded by a 0.8m tall brick wall with a guard rail (consisting of one continuous metal bar) measuring 1.1m high from terrace floor level around the perimeter. No screening is proposed. By virtue of the design, siting and close proximity to adjacent neighbouring flats, notwithstanding the provision of the brick wall, it is considered that direct undue overlooking would still be achievable into the private garden of Flat 16 Vale Royal House and would provide the possibility for overlooking into the habitable rooms of Flats 15 and 16 and the private garden of Flat 19. This would be contrary to Policies ENV 13 of the UDP and S29 of the City Plan and is therefore unacceptable on amenity grounds.

Concerns have been raised that overlooking would be possible to Flat 14 Vale Royal House, however, an officer site visit found that Flat 14s respective external rear terrace, is built at a slightly higher level to the host dwelling, and therefore any overlooking would be less in this respect.

Sense of enclosure/outlook

By virtue of the existing arrangement of the residential development, outlook is fairly limited for residential properties on the Podium, with long views largely unattainable for properties not on the northern or southern extremities of the Royal Vale House development.

The proposed works would result in an increased massing to the main roof profile; namely, a large proportion of the roof would be increased by approximately 0.9m in

height. The existing maximum height of the roof (6.5m) would not change. Notwithstanding the overall increase in massing, given the built-up nature of the vicinity and reduced outlook for neighbouring properties, the proposed increase is not considered to significantly impact the neighbouring residential amenity in terms of reduced outlook, sense of enclosure or overbearingness that would justify a refusal on this basis. The objections are therefore not sustained in this respect.

Daylight and Sunlight

The council has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, ECOstudio XV, has carried out the necessary tests using the methodology set out in the BRE guidelines on the residential properties surrounding the site (i.e. namely: flat nos. 15-16 and 18-28 Vale Royal House, 19 and 20 Newport Place and 9 St Clare Street). It is considered that reference to 9 St Clare Street is a mistake, given there is no St Clare street within the locality of the site, and has subsequently been considered as 130 Shaftsbury Avenue in this report. It is also believed that mention to nos. 19 and 20 Newport Place should instead refer to Flats. 13 and 14 Vale Royal House.

The BRE assessment has considered the impact of the development on the vertical sky component (VSC), sunlight and overshadowing on the neighbours in question. All neighbouring windows likely to be impacted by the proposal have been tested.

VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% (0.8 times its former value) of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window faces within 90° of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

Daylight

The VSC test demonstrated that of all 30 windows tested, 16 of them currently achieve less than 27% of the desired amount of visible sky required to provide good levels of daylight. Notwithstanding this, the VSC results demonstrate that all windows would not see a reduction of over 5% of existing daylight levels as a result of the works. Most windows saw a reduction of less than 3%, and two windows were shown to have a reduction of 5%. This is a significantly small reduction in daylight when compared to the

20% threshold set by the BRE. Notwithstanding, any reduction would be within the limits set out by the BRE guidelines.

Sunlight

The sunlight result show that of the 15 windows tested (all facing 90 degrees due south) all reductions would be within the 20% limit, with the largest reduction known to be 11.20%. Overall, all windows are demonstrated to comply with the 20% reduction limit, minimum 25% of annual probable sunlight hours (APPSH) and maximum 4% APSSH reduction and as such no windows are considered to notice any change in sunlight levels as a result of the proposed development.

Overshadowing

Three open spaces have been tested with regards to impact on sunlight levels/ overshadowing. The three spaces are the private garden to Flat 15 Vale Royal House, open space to the rear of the office block on Shaftesbury Avenue and private garden to Flat 18 Vale Royal House. Key consideration is given to the former and latter open spaces as these relate to residential properties, whilst the open space to the rear of Shaftesbury Avenue is not considered to be used for amenity or recreational purposes.

Overall, the results show that there would be some reduction in sunlight to these spaces, demonstrating a 6.5%, 7.3% and 7.9% reduction respectively; however, such reductions are well within the maximum 20% reduction limit as set by the BRE and therefore any difference would not be significant as to harm the neighbouring residential amenity in terms of overshadowing. As such, a refusal on this basis is not justified and the objections received relating to overshadowing are not sustained.

Glare

Objections have been received with regards to the impact of glare from the proposed new rooflights on neighbouring occupiers. The rooflights facing Flats 18 and 19-28 Vale Royal House would be of a distance that is not considered to result in any glare to the detriment of these neighbours. All other rooflights would be either facing upwards or towards the Podium, as to not result in any harmful glare to neighbouring residents. The comments are therefore not sustained.

8.4 Transportation/Parking

The site has good accessibility to public transport and is in close walking distance to Leicester Square LUL. Some car-parking is also achievable by way of the underground car park (Q-Park Chinatown).

Overall, the proposed enlargement of this existing single family dwelling house is not considered to raise any transportation/ parking issues.

8.5 Economic Considerations

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

8.6 Access

No changes to the properties existing access are proposed.

8.7 Other UDP/Westminster Policy Considerations

None.

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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, 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

None relevant to this application.

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

Not relevant to this application.

8.14 Other Issues

Construction

Concerns have been raised with regards to noise and disruption from construction works. Construction works in relation to development are temporary and therefore do not constitute a material planning consideration in which a development can be refused on

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this basis. Had the proposal been considered acceptable a condition would have been recommended restricting the time of construction works.

Short-term letting

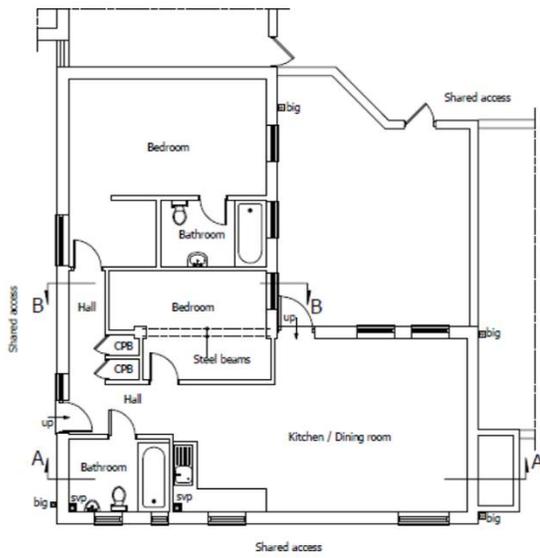
Concerns have also been raised that the proposal would provide the potential for short-term letting. The proposal is not to use the property in this way and any unauthorised use of the property would be subject to enforcement action.

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

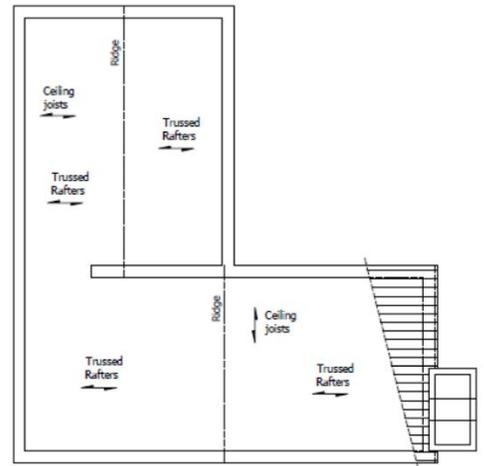
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK
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9. KEY DRAWINGS

Existing floor plans

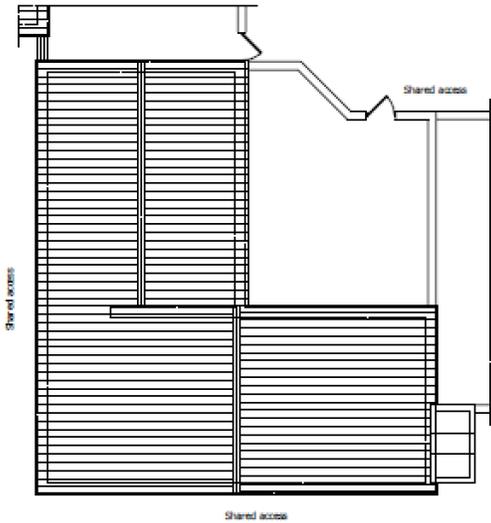


EXISTING GROUND FLOOR PLAN
scale 1:100

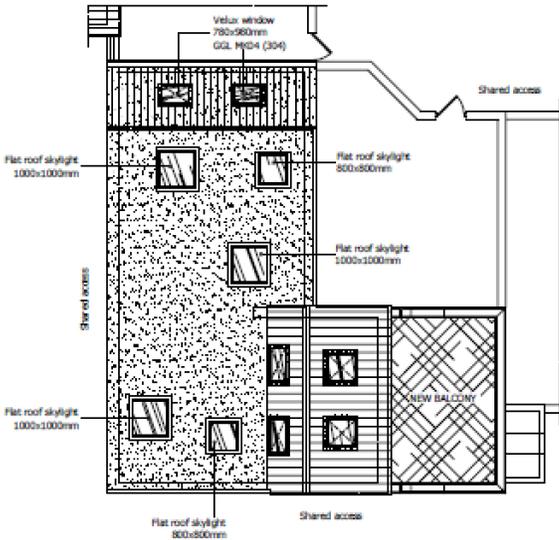


EXISTING ATTIC FLOOR PLAN
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Existing and proposed roof plans

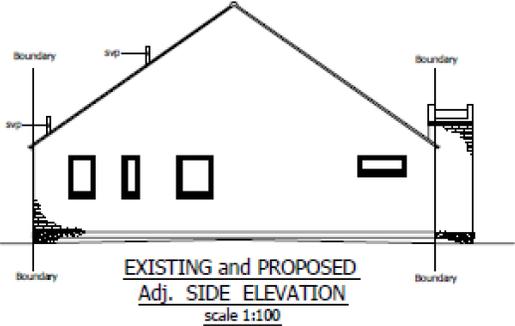
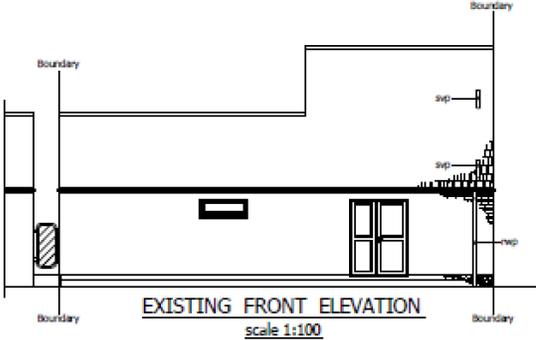


EXISTING ROOF PLAN
scale 1:100

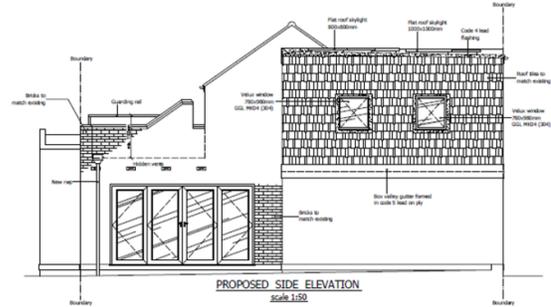
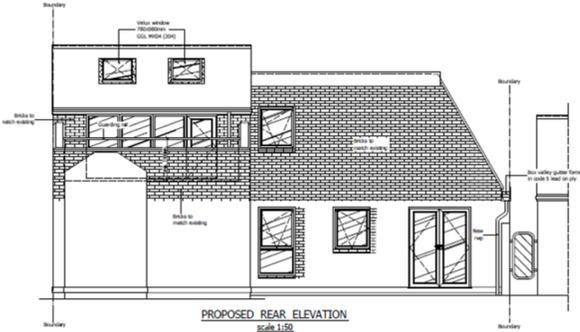
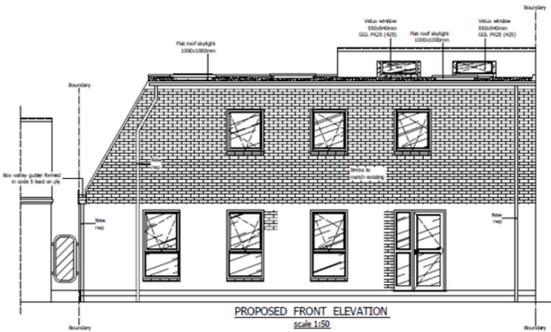


PROPOSED ROOF PLAN
scale 1:100

Existing elevations



Proposed elevations



DRAFT DECISION LETTER

Address: Flat 17, Vale Royal House, 36 Newport Court, London, WC2H 7PS,

Proposal: Erection of a single storey roof extension and alterations to existing roof slope at first floor level including the creation of a terrace.

Reference: 20/00355/FULL

Plan Nos: Site location plan; DPL.01, DPL.2, DPL.03, DPL.04, DPL.05, DPL.06, DPL.07, DPL.08, DPL.09, DPL.10, DPL.11, DPL.01, DPL.13; Planning Statement dated January 2020 ; Daylight, Sunlight and Overshadowing Assessment by ECOstudio XV, dated 23 December 2019; Supplementary information.

Case Officer: Hayley White **Direct Tel. No.** 07866038640

Recommended Condition(s) and Reason(s)

Reason:

- 1 Because of its form and bulk, the proposed roof extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance (visual amenity) of the Chinatown Conservation Area. This would not meet policies in Chapter 16 of the NPPF, strategic policies S25 and S28 of Westminster's City Plan (November 2016), UDP policies DES 1, DES 5, DES 6 and DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and our adopted SPG "The Soho and Chinatown Conservation Area Audit". (X16AD)

Reason:

- 2 The proposed first floor terrace would result in unacceptable undue overlooking into the private rear gardens and habitable rooms of adjacent neighbouring properties. This would not meet Policies S29 of Westminster's City Plan (adopted in November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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.

Agenda Item 6

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 th June 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	48 Devonshire Close, London, W1G 7BG		
Proposal	Internal demolition and rebuilding works behind a retained façade, the erection of a mansard roof extension, and associated external works to alter and extend the dwellinghouse (Class C3).		
Agent	Ian Wylie Architects		
On behalf of	Mr Ian Kitson		
Registered Number	19/07715/FULL	Date amended/ completed	4 October 2019
Date Application Received	4 October 2019		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site involves a mews dwellinghouse comprising of a ground and first floor. The property is unlisted and located in the Harley Street Conservation Area. Planning permission is sought for internal demolition and rebuilding works behind a retained façade, the erection of a mansard roof extension and associated external works to alter and extend the dwellinghouse.

One objection has been received regarding the proposals on the grounds that the proposals will result in loss of daylight and sunlight and an increased sense of enclosure/loss of sight of the sky.

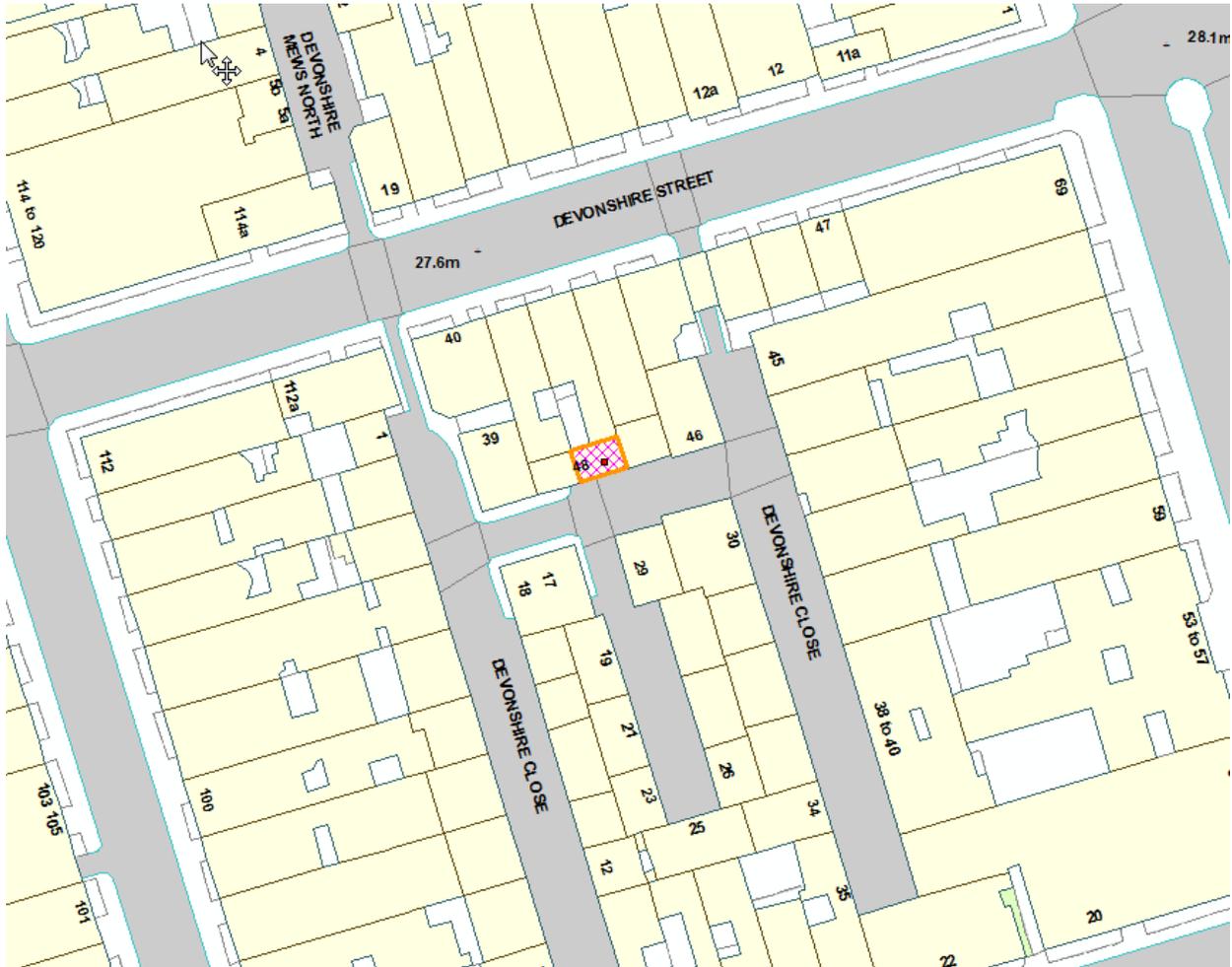
The key issues for consideration are:

- The impact the proposed works would have on the residential amenity for those living in properties in the vicinity of the application site.
- The impact of the alterations on the character and appearance of the Harley Street Conservation Area.

For the reasons set out in the main report, the proposal is considered to be acceptable in amenity terms. Furthermore, the proposed alterations will preserve the character and appearance of the

Harley Street Conservation Area and the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

No objection, on the assumption that the daylight and sunlight study adheres to planning regulations.

HIGHWAYS PLANNING MANAGER:

No objection, subject to the garage not being protected by historic condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. consulted: 29; Total no. of replies: 1

One objection received on the following grounds:

- The objector states that they would lose full sight of the sky and sunlight into their living and dining areas, and considerably less sunlight onto their terrace.
- They state that they would also suffer appreciably less light to their master bedroom, study, and lightwells at lower ground floor level.
- The objector states that both terraces (their own, and a communal terrace at first floor level) would suffer a reduction in natural light and therefore the proposals would be detrimental to all residents in the building.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is 48 Devonshire Close, which is a two storey mews building located at the northern end of the close. It is identified as an unlisted building of merit in the Harley Street Conservation Area Audit, which was adopted by the City Council in 2008. The ground floor is comprised of a garage and living space, whilst the first storey is comprised solely of living space. The building is identified within the Conservation Area Audit as one being unsuitable for a roof extension.

The property is bounded at the rear by properties on Devonshire Street; to the south by residential properties on the other side of the close; and to the east and west by adjoining residential properties. There are several listed buildings located in the immediate vicinity of the application site: 37-43 Devonshire Street forms a Grade II listed terrace, and 40 Devonshire Street is also Grade II listed.

6.2 Recent Relevant History

14th December 1999: Planning permission was refused for an application to erect a mansard roof extension in order to provide additional residential accommodation, and for alterations to the frontage.

The planning application was refused for the following reasons:

- The proposed roof extension was considered to be unacceptable in design and in terms of its architectural relationship to the existing building, and adjoining buildings. The proposals were therefore considered harmful to the Harley Street Conservation Area;
- The proposed mansard roof would have resulted in a material loss of light to the rear ground floor dining room window, and to the windows located in the two lightwells at basement level by reason of its proximity to windows serving habitable rooms;
- The proposed mansard roof extension would result in an unacceptable increased sense of enclosure to the windows located in the two lightwells at basement level by reason of its bulk, height and proximity of the mansard roof extension to habitable rooms.

The first two reasons were upheld at a subsequent appeal, but the third reason was dismissed as the proposals were considered to have a negligible impact on those rooms at basement level.

7. THE PROPOSAL

Planning permission is sought for internal demolition and rebuilding works behind a retained façade, with a mansard roof extension, and associated works in order to alter and extend the dwellinghouse (Class C3). The proposals will lead to the loss of off-street parking [one residential garage] and an increase of some 30sqm in residential floorspace.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals would lead to an increase of some 30sqm in residential floorspace. The increase in residential floorspace accords with policy and is welcomed in this instance.

8.2 Design

48 Devonshire Close is an unlisted building located within the Harley Street Conservation Area. It is a two-storey building located at the northern end of the close and is identified as an unlisted building of merit in the Harley Street Conservation Area Audit, which was adopted by the City Council in 2008. The building is also identified as a structure unsuitable for a roof extension. 43-37 Devonshire Street forms a Grade II listed terrace and 40 Devonshire Street is also Grade II listed.

This application seeks planning permission for the retention of facades and internal reconstruction, with a mansard roof extension. Planning permission was refused in 1999 for a roof extension on design and amenity grounds. This decision was subsequently upheld at appeal on the grounds that the proposal would be harmful to the character and appearance of the Harley Street Conservation Area. The Inspector's report, however, stated, 'in reaching this view I do not rule out the possibility of designing an attic or roof extension which successfully preserved the character of the property...'. Since the Appeal Decision the extension at 47 Devonshire Close has been completed and a number of mansards erected, including 6 Devonshire Close (00/07636/FULL), 43

Devonshire Close (99/10399/FULL), 47 Devonshire Close (RN. 99/10399/FULL & 99/10400/LBC), 10 Devonshire Close (04/06361/FULL), 5 Devonshire Close (09/00591/FULL) and Devonshire Close (00/04634/FULL).

While the Conservation Area Appraisal identifies it to be a building where a roof extension would not normally be appropriate, mansard roofs now form a common feature in the roofscape of the mews and have resulted in a generous gap in the roofline above 48. Given the Inspector's conclusion that a roof addition could be appropriate and surrounding examples, the principle of a roof extension is considered acceptable in this case.

The proposals have been negotiated to ensure accordance with Policy DES 6 of the UDP and the City Council's 'Roofs: A Guide to Alterations and Extensions on Domestic Buildings' SPG. It forms a traditional style mansard, set behind a newly formed parapet. The two dormer windows to the front façade conform to those below in terms of their materiality, style and siting. The height will increase by approximately 0.45m on the existing ridge height and sit approximately 0.6m lower than the height of the mansard roof at 47 Devonshire Close.

The party wall to the neighbouring single storey building, will be increased to accommodate the mansard in a similar manner to that at 47. This will be readily visible from surrounding private and public street level views. A condition is therefore recommended for a sample of brickwork to ensure the closest match possible, regarding the alterations to the party walls and parapet build-up.

Mansard roofs form common features in the local roofscape. The proposed roof extension will, therefore, sit appropriately among existing examples. The massing has been reduced as far as possible and the proposed form and materials are sympathetic to the building's architectural character and the terrace of properties within which it sits, reflecting the guidance set out within the City Council's 'Roofs: A Guide to Alterations and Extensions on Domestic Buildings' SPG and the 'Mews - A Guide to Alterations' SPG.

The submitted demolition drawings indicate the original coach doors are to be retained, however, the notes on the proposed elevations indicate the doors are to be replaced. These doors and original iron hinges contribute to the character and appearance of the Harley Street Conservation Area and their removal is inappropriate. As such, a condition is recommended to require their retention.

Subject to the conditions outlined above the proposed roof extension forms a sympathetic addition to the roofscape and will have preserve the character and appearance of the streetscape and conservation area, in accordance with saved policies DES 1, DES 6 and DES 9 of the UDP and guidance set out within the City Council's 'Roofs: A Guide to Alterations and Extensions on Domestic Buildings' the 'Mews - A Guide to Alterations' SPGs.

8.3 Residential Amenity

The site lies within a residential area with residential properties adjoining the application site at no.47 and no.49 Devonshire Close. The application site backs onto 42

Devonshire Street, which is subdivided into a maisonette on the basement and ground floors, flats on the first and second floors and a maisonette on the third and fourth floors. All have windows facing across to the rear of No. 48. A daylight and sunlight report has been submitted which examines the impact on daylight and sunlight conditions to the adjacent residential properties. One letter of objection has been received from the occupier of the ground and basement floor maisonette at 42 Devonshire Street (Flat A) on the grounds of loss of daylight and sunlight and increased sense of enclosure/loss of sky.

Sunlight and Daylight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

i. Daylight

The sunlight/daylight assessment submitted with the application shows that windows to all of the surrounding residential properties will comfortably meet the BRE Guidelines in relation to BRE (VSC and NSL) tests. With regard to the impact of the proposals on Flat A, 42 Devonshire Street, the ground floor dining room window receives a VSC value of 22.79% at present and, as a result of the proposals, this would fall to 21.66%. This represents a reduction of 5%, well within the BRE tolerances. Two other windows at ground floor level currently receive levels of light of 14.49% and 12.70%. These values would fall to 14.24% and 12.55%, a reduction of 2% and 1% respectively. These losses are minor and it is not considered that these losses would be noticeable by residents, and therefore cannot be considered contrary to ENV 13 of the UDP.

These losses are also significantly less than those associated with the application refused in 1999, which involved a roof some 600mm taller than that now proposed, and where losses to the dining room window were between 13% (the appellants figures) and 18% (the City Councils figures).

The objector states that they will receive appreciably less light to their master bedroom and study at basement level. In the first instance no figures were submitted in relation to levels of daylight and sunlight to the basement lightwell windows. As such, an updated daylight and sunlight assessment was submitted, which demonstrated that VSC figures will fall from 8.88% to 8.68% (a reduction of 2%) in the study, but there will be no loss of light to the other windows serving the master bedroom at basement level.

It is also relevant to note that the inspectors decision associated with the 1999 application refers to the basement windows as being "only dimly lit by the lightwells, and in my view, taking account of the parties' figures, the roof extension would have no

noticeable effect on the light or outlook from them".

ii. Sunlight

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window receives less than 25% annual probable sunlight hours (APSH) and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected.

The report demonstrates that only minor losses of sunlight would be experienced and all would be well within the parameters set out above. With regard to Flat A, 42 Devonshire Street, the dining room window would retain 53% APSH, and 10% winter sunlight hours, and whilst the lower ground floor study would experience a 5% loss in APSH this room would still retain 21% of APSH and as such would still retain very good levels of sunlight for this central London location.

As outlined above, it is considered that the proposals, whilst having a small impact on daylight and sunlight received to the maisonette at 42 Devonshire Street, are not so harmful as to be contrary to ENV 13 of the UDP.

Overshadowing

The objector states that the proposals will cause a considerable loss of light to their private terrace at ground floor level, and to the communal terrace at first floor level. The BRE Guidelines suggest that at least half of a garden or amenity area should receive at least 2 hours of sunlight during the Spring Equinox (21st March), or the area which received 2 hours of direct sunlight should not be reduced by more than 20%. The submitted daylight and sunlight report shows that on 21st March the upper terrace would still receive 2 hours of direct sunlight to over 50% of its area and would be compliant with BRE criteria. However, the ground floor terrace currently receives only 2 hours of direct sunlight to 4% of its area on the 21st March and this would be reduced to 0%. This loss is technically contrary to BRE guidelines, however given the very small area lit at present, it is not considered that this would cause such substantial harm to warrant refusal.

The applicant has also provided figures for the June solstice (21st June) which shows that the ground floor patio receives direct sunlight to 85% of its area; the proposals would cause this to fall to 81%, a reduction of 5%, comfortably meeting BRE guidelines. With regards to the first floor communal terrace, the lit area of the first floor terrace is currently 99% and this would remain at 99% if the proposals are implemented. Therefore, whilst it is noted that both terraces would suffer minor losses of light, it is not considered that this would be so noticeable so as to be contrary to ENV 13 of the UDP and it is not considered that the application could be refused on this basis.

The objector makes reference to the documents submitted stating that they did not provide photos of their property despite their view that it is the most affected by the proposals. Whilst the Design and Access Statement only provides photographs of the application site itself and photos of the upper communal terrace, the submitted sunlight and daylight report clearly shows the location of all surrounding residential properties, and the relevant windows tested, including those of the objector's property. These have been verified following a site visit by the case officer.

Sense of Enclosure

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity. One objection has been received on the grounds that the proposals would result in a loss of sky, and following the case officer's site visit, it was noted that the window most affected by the application proposals would be the rear ground floor level dining room window at 42 Devonshire Street. The room benefits from views to the sky at present; these views would be slightly reduced as a result of the proposed extension. The inspector in his decision in 1999 also referred to the fact that "the greater height of the building would be more prominent in the outlook from the (dining room) window, with reduced views of the sky from many points within the room.... In my opinion the roof extension would make this room less pleasant to live in." The proposed roof extension would sit approximately 450mm higher than at present, which is lower than that proposed in the application refused in 1999. Drawings of the refused 1999 permission show the proposed mansard roof to sit at the same level as that at 47 Devonshire Close. In this instance, the proposed mansard extension sits approximately 600mm lower than that at no.47. It is not considered that the increased height of the roof would cause an increased sense of enclosure to a degree that it would be harmful to amenity and environmental quality, and therefore be contrary to either ENV 13 or Policy S29.

Overlooking

The proposals will introduce two new windows at roof level, which face out onto Devonshire Close. Given that these are a streets width apart from properties opposite, and with the existing high levels of mutual overlooking on the Close, it is not considered that the introduction of two new windows would be harmful to residential amenity.

There are no windows proposed to the rear of the property, and therefore there are no privacy issues with those properties at 42 Devonshire Street.

8.4 Highways

The existing building includes a ground floor garage which is to be converted to habitable accommodation as part of the proposals. UDP policy TRANS 23 sets out the standards for parking associated with residential development. The policy states that the loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances. The Highways Planning Manager states that the proposal would be contrary to Policy TRANS 23 but acknowledges that, if the lawful use is as a single family dwellinghouse, the garage could be converted to provide additional living accommodation under permitted development rights.

In this instance, Council records indicate that the garage is not protected by any historical condition relating to the provision of off-street parking and the Inspectors decision refers to the fact that "there is no dispute that the change of use of the garage to residential does not require planning permission". In these circumstances, and given the close proximity of this site to excellent public transport facilities, it is not considered that planning permission could be reasonably refused for the loss of the existing garage. The Highways Planning Manager does not object to the proposals, subject to the inclusion of a condition which stipulates that no doors must open onto the public highway. Given that the residential unit is existing, it would not be considered reasonable

to add a condition which requires the provision of cycle parking spaces. The proposals are therefore acceptable in highways terms.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.7 Neighbourhood Plans

None relevant

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

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

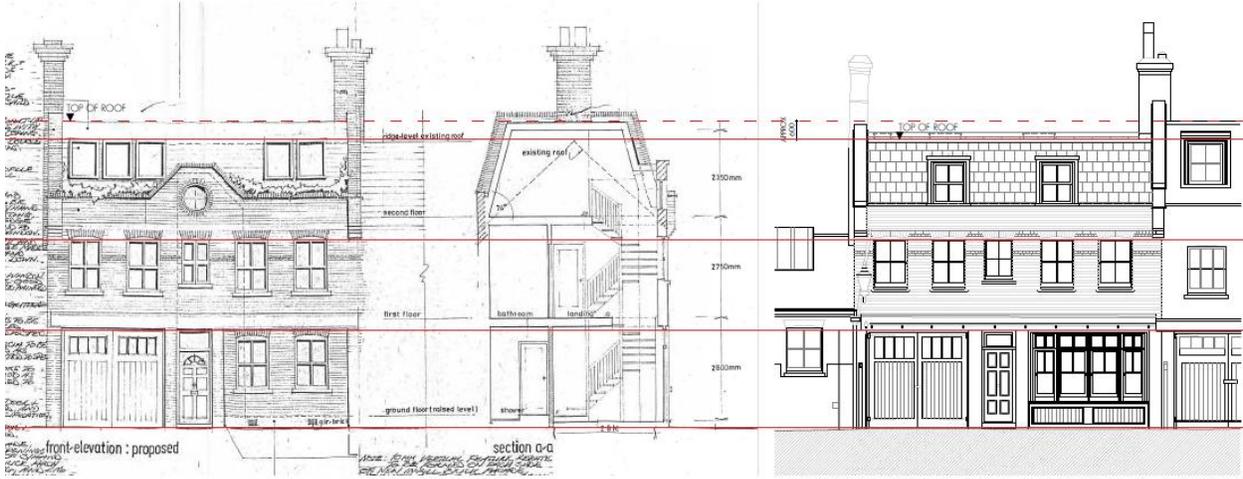
Existing front elevation



Proposed front elevation



HEIGHT COMPARISON STUDY BETWEEN CURRENT PROPOSAL AND PREVIOUS APPLICATION



PROPOSED SCHEME 1982 (RECEIVED 1996)

PROPOSED SCHEME 2019
(REVISED MARCH 2020)

IAN WYLIE AI
17 NOTTINGHAM STREET
LONDON W1U 1BN

DRAFT DECISION LETTER

Address: 48 Devonshire Close, London, W1G 7BG

Proposal: Internal demolition and rebuilding works behind a retained façade, the erection of a mansard roof extension, and associated external works to alter and extend the dwellinghouse (Class C3).

Reference: 19/07715/FULL

Plan Nos: 375-IWA-S-AA REV A , 375-IWA-E-N REV A , 375-IWA-S-BB , 375-IWA-P-RF , 375-IWA-P-02 , 375-IWA-P-01 , 375-IWA-P-00 .

Case Officer: Matthew Hollins **Direct Tel. No.** 020 7641 07866040044

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

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

- 4 You must apply to us for approval of an image of a sample panel of brickwork which shows the colour, texture, face bond and pointing, shown to match existing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample.

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

- 5 Notwithstanding the details shown on the submitted drawings, the coach doors shall be retained in situ.

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 Harley Street 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 pitched roofs of the new mansard shall be faced in natural slate, and the dormers shall be clad in lead to sides, cheeks and roofs.

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 Harley Street 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 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.

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6

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),

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

Reason:

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

Informative(s):

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

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

Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 June 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	52 - 54 And 56 Davies Street, London, W1K 5JF		
Proposal	Use as an office (Class B1) and associated external alterations including the installation platform lift to front entrance steps and increase in lift shaft width to the rear at 56 Davies Street.		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor West End Properties		
Registered Number	20/01547/FULL	Date amended/ completed	13 March 2020
Date Application Received	2 March 2020		
Historic Building Grade	52 and 54 Davies Street – Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

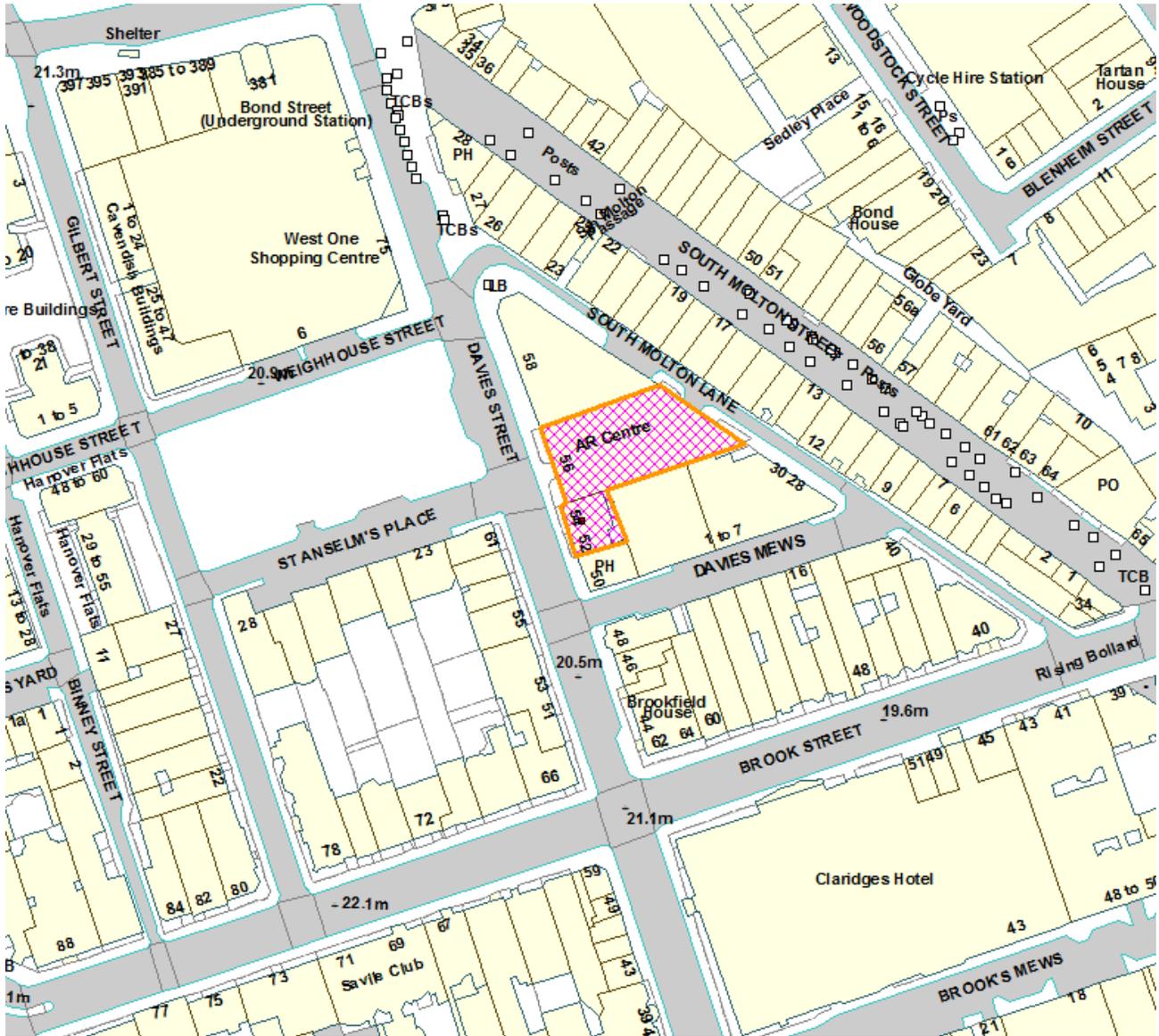
2. SUMMARY

The application site comprises three buildings located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). 52 and 54 Davies Street are Grade II listed. The three buildings are currently in use as an interactive theatre (*Sui Generis*) pursuant to temporary permissions that expire on 2 July 2022. At the end of this period, the lawful use of the three buildings will revert to their former use as an army reserve centre (*Sui Generis*).

Permission is sought to use the building as offices (Class B1), install a platform lift to the front entrance steps to 56 Davies Street to improve disabled access and to widen a lift shaft to the rear of 56 Davies Street at second and third floor levels so that it can accommodate an accessibility compliant lift.

There is no policy objection to the loss of the long-standing lawful army reserve centre (*Sui Generis*) use. Furthermore, the proposal office (Class B1) is an acceptable use in this location that will not cause any harm to the amenity of local residents. The minor alterations will also preserve the character and appearance of the Mayfair Conservation Area or not harm the setting of the listed buildings that surround the site. For these reasons, it is recommended that conditional permission be granted.

LOCATION PLAN



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3. PHOTOGRAPHS

Front elevations of 52, 54 and 56 Davies Street:



Rear elevation of 56 Davies Street (South Molton Lane):



4. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

HIGHWAYS PLANNING TEAM:

- No objection to the proposal's impact upon non-residential car parking, trip generation or to the on-site cycle parking provision.
- Objection to the loss of the existing off-street servicing bay to the rear of 56 Davies Street and accessed from South Molton Lane [now to be retained].
- Objection to the proposed access ramp proposed to the rear of 56 Davies Street on South Molton Lane [now omitted from the proposal].

WASTE PROJECT OFFICER:

No objection subject to the imposition of a condition securing the provision of waste and recyclable material storage as set out in the application for the life of the development.

CROSS LONDON RAIL LINKS LTD:

Requires the imposition of conditions safeguarding the Crossrail structures and tunnels that run beneath the application site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 107

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

This application site comprises 56 Davies Street and the two Grade II listed townhouses immediately to the south (52 and 54 Davies Street). 56 Davies Street is unlisted and a Certificate of Immunity from listing was issued by the Secretary of State on 30 August 2016, guaranteeing that 56 Davies Street will not be added to the list for a period of five years from the date of issue. The site is located within the Mayfair Conservation Area, the Core CAZ and within 'Central Mayfair', as defined within the Mayfair Neighbourhood Plan (2019).

56 Davies Street is connected internally at second floor level with 54 Davies Street and the townhouses are internally connected at all floor levels. The three buildings made up the former Territorial Army Reserve Centre and Rifles Club (*Sui Generis*) that occupied 52, 54 and 56 Davies Street between c.1890 and March 2018. The three buildings

became vacant when the F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club relocated to 127 Piccadilly. Pursuant to permissions granted in July and November 2019, the three buildings are currently in use as an immersive theatre space and ancillary uses (*Sui Generis*), albeit for a temporary period until 2 July 2022 (please see Section 6.2 for more details). At the end of this period, the lawful use of the three buildings will revert to their former use as an army reserve centre (*Sui Generis*).

The application site is surrounded by listed buildings. 58 Davies Street (occupied by Gray's Antiques) is located to the north. 50 Davies Street (The Running Horse Public House) and 1-7 Davies Mews and 28-20 South Molton Lane are located to the south and east. 14-21 South Molton Lane are located to the east of the site on the opposite side of South Molton Lane. All, but 17 South Molton Street which is Grade II* listed, are Grade II listed.

Records indicate that the nearest residential properties are eight flats within 5 Davies Mews, a third floor flat within 21 South Molton Street, a flat on the upper floors of 24 South Molton Street, a flat on the upper floors of 13 South Molton Street, 3 x flats on the upper floors of 26 South Molton Street and 11 x flats within 59 Davies Street.

Once complete, to the west of the application site will be Bond Street West Crossrail Station with over-station development that will provide office floorspace. To the north-west of the site is Bond Street Underground Station. The site is location within an Area of Surface Interest under the Crossrail Safeguarding Direction (2008).

5.2 Recent Relevant History

19/07004/FULL

Use of 52-54 Davies Street for a temporary period until 2 July 2022 as ancillary back-of-house theatre space (*sui generis*) in connection with immersive theatre space and ancillary uses (*sui generis*) at 56 Davies Street.

Permitted – 12.11.2019

19/02978/FULL

Use of 56 Davies Street as immersive theatre space and ancillary uses (*sui generis*) for a period of 36 months (i.e. until 2 July 2022).

Permitted - 02.07.2019

19/00733/FULL

Use of part basement, ground, first, part second and part third floors of 56 Davies Street as event space (*sui generis*) for a temporary period of 36 months (i.e. until 30 April 2022).

Permitted – 23.04.2019

6. THE PROPOSAL

Permission is sought to use the three buildings as offices (Class B1). A very small 2.8 sq.m GIA extension is proposed within the rear elevation of 56 Davies Street to widen a lift shaft at second and third floor levels so that it can accommodate an accessibility compliant lift.

The land use impact is summarised below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Territorial Army Reserve Centre and Rifles Club (<i>Sui Generis</i>)	2,929.7	0	-2,929.7
Office (Class B1)	0	2,932.5	+2,932.5
Total	2,929.7	2,932.5	+2.8

Provision for the storage of refuse and 42 x cycles is proposed at rear ground floor level of 56 Davies Street. Shower and changing facilities are also proposed.

No physical changes are sought to either 52 or 54 Davies Street and therefore no application for listed building consent has been submitted.

Following advice from officers that the proposed disabled access from the rear of 56 Davies Street via a ramp on the public highway was not acceptable and the loss of the servicing bay to the rear accessed from South Molton Street was also not acceptable, the applicant has amended the application to: (i) Omit the ramp; (ii) Include platform lifts (one external) to the entrance steps to 56 Davies Street to allow disabled access from the front; and (iii) Retained the servicing bay with the rear garage area and slightly relocate the storage for refuse and recyclable material.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The longstanding lawful use of 52-56 Davies Street is as a variety of military-related uses. The F (Rifles) Company Reserve regiment had control of the three buildings which contain a large drill hall at first floor level, a large garage accessed from the rear on South Molton Lane, an armoury, a firing range, stores, a mess hall and ancillary meeting rooms. It is understood that activities revolved around the organisation of the regiment, including military training, drills, equipment storage and administrative desk work and meetings.

Whilst theatres are afforded strong protection by City Plan Policy S22, the current use of the buildings is temporary and will revert to its former military-related use on 3 July 2022. As such, the current theatre use cannot be protected.

Furthermore, the military-related use is not considered to be of international and / or national importance and therefore the longstanding lawful use of the building is not protected by City Plan Policy S27. There is therefore no objection to the loss of the military-related use.

The site's location within the Core CAZ means that the proposed office use is acceptable, with City Plan Policies S6, S18 and S20 all promoting commercial and office growth in this location. Furthermore, the site's location within Central Mayfair means that commercial and office growth is supported by Mayfair Neighbourhood Plan Policy MSG2(e) and MC1.

Although the application proposes a significant increase in office floorspace, the very small net additional floorspace (2.8 sq.m GIA) proposed means that the scheme is not mixed use liable for the purposes of City Plan Policy S1.

7.2 Townscape and Design

No physical works are proposed to 52 or 54 Davies Street and therefore there will be no impact upon the special interest of these buildings.

The minor alterations to the rear elevation of 56 Davies Street in order to accommodate a lift will not harm to the character and appearance of the Mayfair Conservation Area, being in a discreet location and subject to a condition requiring the materials used to match existing.

The proposed platform lift to the front entrance steps to 56 Davies Street is acceptable in principle, subject to detailed drawings being submitted for the City Council's approval. Platform lifts have been successfully installed to a number of buildings throughout the City, including within conservation areas. Officers are confident that a platform lift can be installed in this location without causing harm to the character and appearance of the Mayfair Conservation Area.

There will be no harm to the setting of the neighbouring listed buildings.

As such, the proposal is considered acceptable, mindful of UDP Policies DES 1, DES 5, DES 9 and DES 10, as well as City Plan Policy S25 and S28. As such, a recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.3 Residential Amenity

The prevailing character of the area is mixed. The proposed change of use to offices (Class B1) would be consistent with the existing commercial character of this part of central Mayfair and would not detrimentally impact the amenity of local residents. The proposed office use constitutes a non-intensive, appropriate use of this site given its location in a Core CAZ. This is subject to a condition requiring servicing to take place between 07.00 and 22.00 daily.

7.4 Transportation/Parking

The amendment to the application in the form of retaining the ability to service the proposed offices off-street in the loading bay to the rear of 56 Davies Street off South Molton Lane overcomes the concerns of the Highways Planning Manager in this respect. A condition is recommended to be imposed requiring all goods (with the exception of the collection of rubbish) to be loaded or unloaded within this servicing bay.

There is no objection to the development's impact upon non-residential car parking or trip generation, and the cycle parking provision is policy-compliant and is recommended to be secured by condition.

The ramp on the public highway to the rear of 56 Davies Street on South Molton Lane has now been omitted from the application.

7.5 Economic Considerations

The economic benefits of the additional office floorspace is welcome.

7.6 Access

The platform lifts, accessible lift and ramps will also allow disabled access to the majority of 56 Davies Street. These improved access arrangements are recommended to be secured by condition prior to the commencement of the office (Class B1) use.

Large differences in level between 52-54 Davies Street and 56 Davies Street mean that laterally connecting the buildings at each floor is not possible with a ramp. Due to the listed nature of 52-54 Davies Street it would not be appropriate to install a second lift to 52-54 Davies Street.

7.7 Other UDP/Westminster Policy Considerations

Plant

No plant is proposed.

Refuse / Recycling

The Waste Projects Manager has no objection to the proposed storage arrangement for waste and recyclable material and a condition is recommended to be imposed securing these arrangements for the life of the development.

7.8 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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

7.9 Neighbourhood Plans

The Mayfair Neighbourhood Plan (2019) includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It forms part of the statutory development plan, along with the City Plan (2016), the remaining and saved policies within the UDP (2007) and

the London Plan (2016). 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.

7.10 London Plan

This application raises no strategic issues.

7.11 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.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions requested by Crossrail to ensure the protection of the tunnels and structures beneath the application site. The applicant has agreed to the imposition of these pre-commencement conditions.

7.12 Planning Obligations

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

The scheme is not CIL-liable as less than 100 sq.m (GIA) of additional floorspace is proposed.

7.13 Environmental Impact Assessment

The development is of insufficient scale to require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

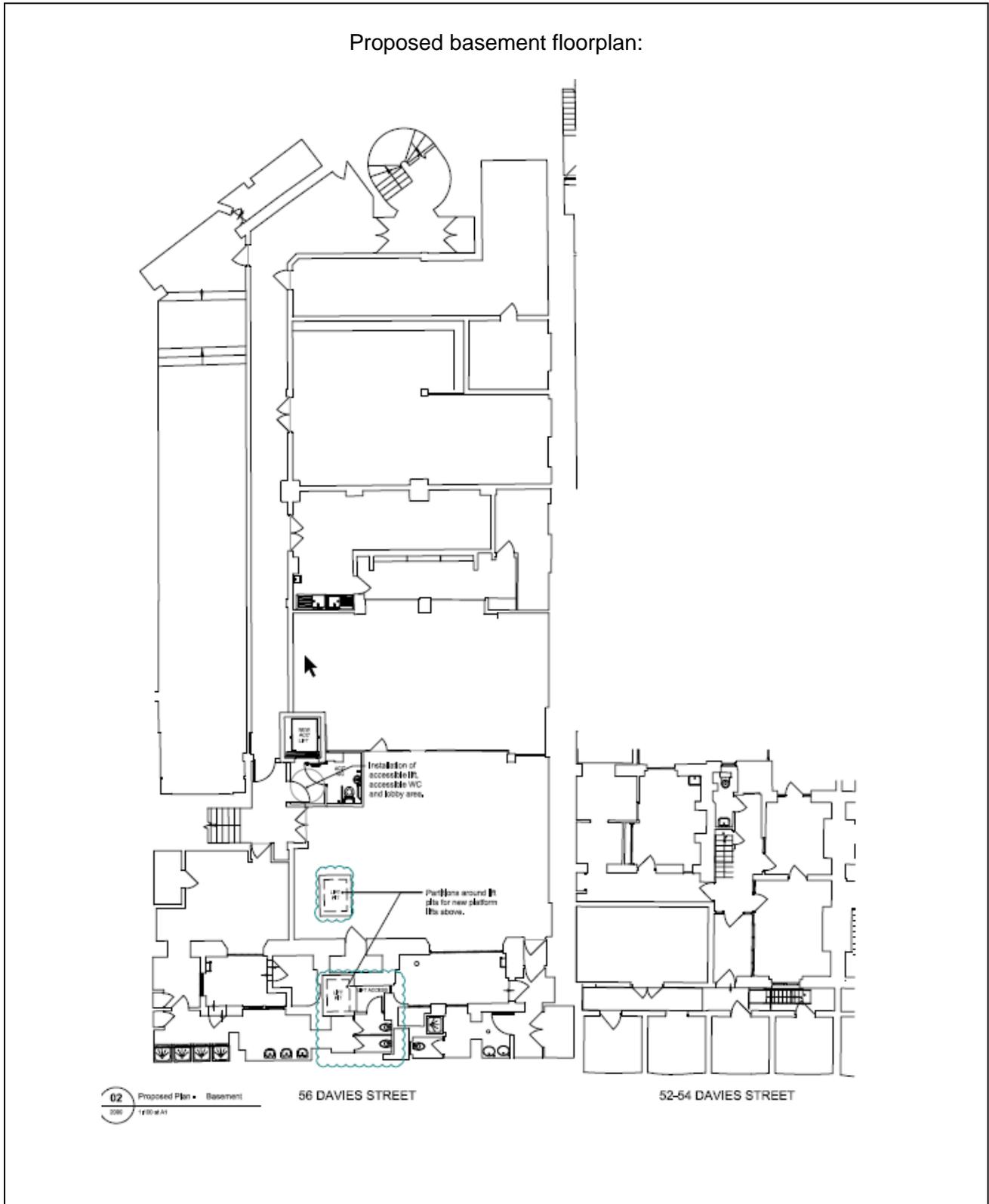
7.14 Other Issues

None.

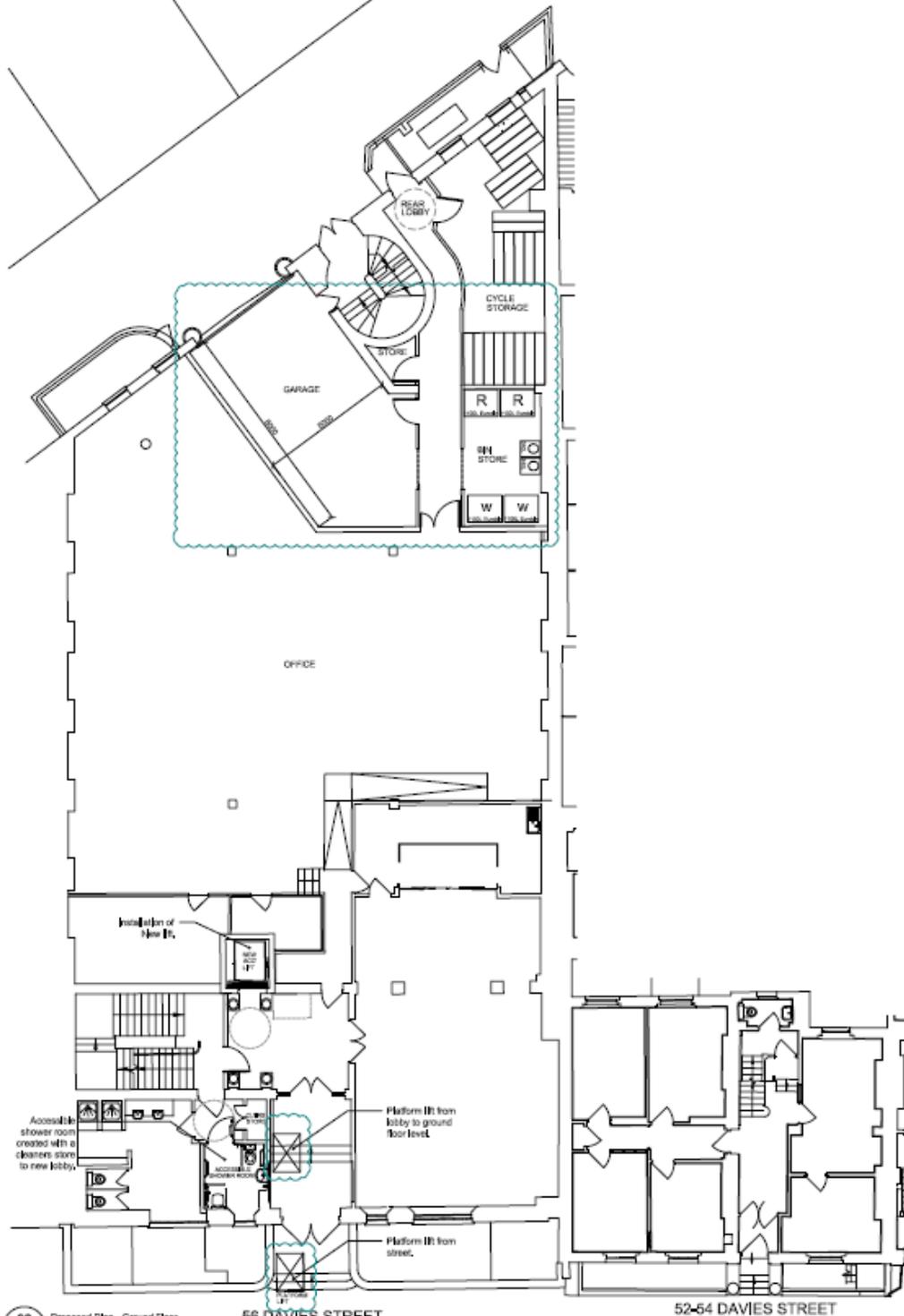
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

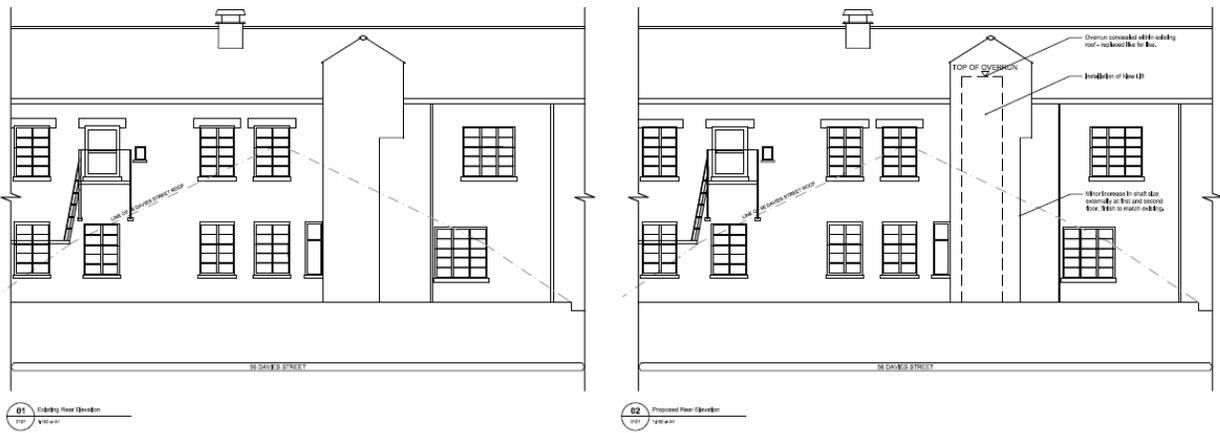
8. KEY DRAWINGS



Proposed ground floorplan:



Existing and proposed rear elevation of 56 Davies Street:



DRAFT DECISION LETTER**Address:** 52 - 54 And 56 Davies Street, London, W1K 5JF**Proposal:** Use as an office (Class B1) and associated external alterations including the installation platform lift to front entrance steps and increase in lift shaft width to the rear at 56 Davies Street.**Plan Nos:** 2099 Rev. B, 2100 Rev. B, 2101 Rev. A, 2102 Rev. A, 2103 Rev. A, 2104 Rev. A, 2105 Rev. A and 2107 Rev. A,**Case Officer:** Mark Hollington**Direct Tel. No.** 07866040156**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

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

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

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

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

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

Reason:

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

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

conditions to this permission. (C26AA)

Reason:

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

- 4 The office (Class B1) use hereby approved shall not commence until the platform lifts, the internal lift and internal ramps shown on the approved drawings have been installed in full. The platform lifts, internal lift and internal ramps shall remain in situ for the life of the development.

Reason:

To make sure that there is reasonable access for people with disabilities, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 5 You must apply to us for approval of detailed drawings and manufacturer's specification of the following parts of the development - the platform lift to the front entrance steps to 56 Davies Street. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings and manufacturer's specification. (C26DB)

Reason:

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

- 6 Prior to the commencement of the office (Class B1) use hereby approved, you must provide the separate stores for waste and materials for recycling shown on drawing number 2100 Rev. B. You must clearly mark them, retain them for the life of the development and make them available at all times to everyone using the office. You must not use the waste and recycling store for any other purpose.

Reason:

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

- 7 **Pre Commencement Condition.**

None of the development hereby permitted shall be commenced until detailed design and

construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority which:-

- (i) Accommodate the location and of the Crossrail structures including temporary works.
- (ii) Mitigate the effects on Crossrail, of ground movement arising from development.

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

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

8 Pre Commencement Condition.

None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 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 provide each cycle parking space and the showering / changing facilities shown on the approved drawings prior to occupation of any part of the building as an office (Class B1). Thereafter the cycle spaces and showering / changing facilities must be

retained and the spaces used for no other purpose.

The cycle entrance door onto South Molton Lane shall be fitted with a mechanised door entry system and the doors between this entrance and the cycle storage area shall all be 'hold open' fire safety doors.

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)

- 11 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within 56 Davies Street. You must not accept deliveries or allow collections outside the following times: between 07.00 and 22.00 daily.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 and S32 of Westminster's City Plan (November 2016) and ENV 6, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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 This permission does not act as listed building consent. You must apply for this separately for any works that affect the special architectural or historic character of 52 Davies Street or 54 Davies Street. It is a criminal offence to carry out work on a listed building without listed building consent. (I01AA)
- 3 The term 'clearly mark' in Condition 6 means marked by a permanent wall notice or floor markings, or both. (I88AA)

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

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