



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 14th November, 2023

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Paul Fisher (Chair)
Barbara Arzymanow
Md Shamsed Chowdhury
Patrick Lilley



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

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm.

If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.

If you require any further information, please contact the Committee Officer, Katherine Stagg, Committee and Governance Officer.

**Email: kstagg@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 hybrid 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. To access the recording after the meeting please revisit the Media link. Please note that the link is only available 90 days after the meeting.

(Pages 5 - 10)

1. 1 CHILTERN STREET, LONDON, W1U 7PA
2. 21A WARLOCK ROAD, LONDON, W9 3LP

(Pages 13 - 34)

(Pages 35 - 62)

Stuart Love
Chief Executive
3 November 2023

Order of Business

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

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) 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 (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 19th September, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Paul Fisher (Chair), Barbara Arzymanow, Md Shamsed Chowdhury and Patrick Lilley

Also Present: Councillor Karen Scarborough (Item 3)

1 MEMBERSHIP

That Councillor Patrick Lilley had replaced Councillor Ryan Jude on the Planning Applications Sub-Committee (2).

There were no further changes to the membership.

2 DECLARATIONS OF INTEREST

Councillor Paul Fisher explained that a week before the meeting, all four Members of the Sub-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 email received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-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 Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

Councillor Paul Fisher declared an interest in respect to Items 1, 2, 4 and 5, that he is a Ward Member for the West End.

Councillor Patrick Lilley made the same declaration.

Councillor Paul Fisher also declared an interest in Item 1, he organised a public meeting in July 2023 with the help of Motcomb Estates to discuss Shepherd Market. Councillor Fisher advised that he had not held any discussions regarding the application with them.

Councillor Patrick Lilley made the same declaration.

Councillor Paul Fisher also declared an interest in Item 2 that he had sat on a Planning Applications Sub-Committee on 26th July 2022 which had considered similar applications for 15 BT Hub structures. He advised he would consider each application on their individual merit.

Councillors Md Shamsed Chowdhury and Barbara Arzymanow made the same declaration.

Councillor Barbara Arzymanow declared an interest in respect to Item 3 and advised that following legal advice she would leave the meeting whilst the item was being considered.

Councillor Md Shamsed Chowdhury declared an interest in Item 2 that Application 5, 19-20 Praed Street, is in his Ward.

Councillor Chowdhury also declared an interest in Item 3, that Councillor Scarborough speaking on the Item, is a Ward resident who he is in contact with, but he had not held any discussions regarding the application with her.

Councillor Chowdhury also declared an interest in Item 5, that he is a Ward Member for Hyde Park which has half of the Royal Park's Hyde Park within it.

Councillor Patrick Lilley declared an interest in Item 3 as an applicant contacted him on it, but he referred them to the council and had no further discussions with them on the application.

Councillor Paul Fisher also advised that one of the applicants for Item 3 is a former Westminster City Councillor for the West End Ward. The Councillor making a representation in support of the application was a former colleague of the applicant. Councillors Fisher and Lilley will have had some dealings with him as he is their predecessor but have not discussed the application with him.

3 MINUTES

RESOLVED: That the minutes of the meeting held on 11th July 2023 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

The Sub-Committee heard the applications in the following order: 3, 4, 5, 1, 2.

1 100 PICCADILLY LONDON & 5-6 YARMOUTH PLACE, LONDON, W1J 7NH

Variation of condition 1 of planning permission dated 6th August 2020 (RN:19/08291/FULL) for the Variation of condition 1 and removal of condition 34 of planning permission dated 22nd December 2016 (RN: 15/06446/FULL) for Excavation of a sub-basement, redevelopment of nos. 5 - 6 Yarmouth Place, alterations and extension to provide enlarged sixth and new seventh floor storeys and installation of plant at basement, ground and fourth floor levels. Use of extended and altered building as 36 flats (Class C3), car / cycle parking and a shop (Class A1) or financial and professional institution (Class A2) at part ground floor level. Internal alterations. (Site comprises 96-100 Piccadilly and 5 - 6 Yarmouth Place). NAMELY; alterations and extensions to the rear to provide additional residential floorspace, reconfiguration of residential units from 32 to 36, increase in commercial floorspace (Class E), amendments to the cycle storage, internal alterations at all levels, removal of basement car park and car lifts, addition of screening to rear amenity space, minor design changes to the frontage on 100 Piccadilly including reinstatement of decorative iron balustrading to the former lightwell area, alterations to White Horse Street façade including new residential entrance (Application under S73 of the Act)

RESOLVED ON THE CHAIR'S CASTING VOTE THAT THE APPLICATION BE GRANTED: (Agreed: Councillors Fisher and Arzymanow: Agreed subject to capacity conditions: Councillors Patrick Lilley and Md Shamsed Chowdhury)

That conditional permission be granted subject to amended condition 38 requiring service management plan for a restaurant and an additional condition requiring an operational management plan for a restaurant [subsequently agreed with the Chairman to be incorporated as an amendment to condition 36], also to include details of how bottles will be crushed.

2 AREAS OF PAVEMENT OUTSIDE/NEAR: 70-88 OXFORD STREET; 150-154 OXFORD STREET; JUNCTION OF GREAT PORTLAND STREET AND MARKET PLACE; PAYPHONE SITE OUTSIDE 74 GREAT PORTLAND STREET; OPPOSITE 19-21 PRAED STREET

Planning permission and advertisement consent for the removal of BT kiosks and installation of a BT Street Hub, incorporating two digital 75" LCD advert screens and telephone, on the pavement (in the above locations).

Application 1. 22/04754/FULL & 22/04755/ADV

RESOLVED THAT THE APPLICATION BE GRANTED: (Agreed: Councillors Fisher, Chowdhury and Arzymanow: Refused: Councillor Lilley)

That conditional permission and conditional advertisement consent be granted.

Application 2.- 22/04756/FULL 22/04757/ADV

RESOLVED THAT THE APPLICATION BE GRANTED: (Agreed: Councillors Fisher, Chowdhury and Arzymanow: Refused: Councillor Lilley)

That conditional permission and conditional advertisement consent be granted.

Application 3. - 22/04758/FULL 22/04759/ADV

RESOLVED ON THE CHAIR'S CASTING VOTE THAT THE APPLICATION BE REFUSED: (Refused: Councillors Fisher and Lilley; Agreed: Councillors Chowdhury and Arzymanow)

Reason: unacceptable visual amenity

Application 4.- 22/04784/FULL 22/04785/ADV

RESOLVED ON THE CHAIR'S CASTING VOTE THAT THE APPLICATION BE REFUSED: (Refused: Councillors Fisher and Lilley; Agreed: Councillors Chowdhury and Arzymanow)

Reason: unacceptable visual amenity

Application 5.- 22/04790/FULL 22/04791/ADV

RESOLVED UNANIMOUSLY

That conditional permission and conditional advertisement consent be granted.

3 45 WELBECK STREET, LONDON, W1G 8DZ

Conversion of the existing ground and lower ground floor commercial office areas to form a new two bedroom duplex residential apartment with associated alterations.

Late representations were received from Councillor Karen Scarborough (18.09.23) and Marylebone Association (18.09.23)

Councillor Karen Scarborough, in her capacity as Ward Councillor, addressed the Sub-Committee in support of the application.

RESOLVED THAT THE APPLICATION BE REFUSED: (Refused: Councillors Paul Fisher and Md Shamsed Chowdhury; Agreed: Councillor Patrick Lilley)

Reason: loss of office in a commercial area of the Central Activities Zone

RESOLVED UNANIMOUSLY

That conditional listed building consent be granted.

4 1 JAMES STREET, MARYLEBONE, LONDON, W1U 1DR

Installation of replacement plant at roof level and creation of a new external roof terrace with pergola and green walls and additional landscaping in association with the existing office accommodation

Chris Baker, representing Redevco, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY

That conditional permission be granted subject to amended condition restricting use of terrace between 8am and 7pm and an informative be added requiring details of the management company be made available to residents.

5 DORCHESTER HOTEL, 53 PARK LANE, LONDON, W1K 1QA

Partial demolition of the ninth floor and erection of single storey extensions to the south, north and east (rear) of the ninth floor, erection of new kitchen extract riser, replacement windows, together with replacement plant and equipment to the roof of the ninth floor, and other associated internal and external alterations; includes use of part of the perimeter area of the south-eastern area [opposite the junction with Tilney Street-Deanery Street] of the ninth floor roof as a terrace and use of part of the rear eastern ninth floor wing, parallel to Deanery Street, as a roof terrace, both terraces being used as additional restaurant seating ancillary to the hotel.

Luca Virgilio, representing the Dorchester Hotel, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY

That conditional permission and conditional listed building consent be granted.

The Meeting ended at 9.35 pm

CHAIR: _____

DATE: _____

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 14th November 2023
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 23/02315/FULL Marylebone	1 Chiltern Street London W1U 7PA	Variation of Condition 9 and 21 of planning permission dated 24th November 2021 (RN: 21/05449/FULL) for "Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY, to permanently extend the opening hours of the courtyard to 22:00 on Thursdays, Fridays and Saturdays.	Chiltern Street Hotel Limited
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a deed of variation to the existing legal agreement dated 24 November 2021 to ensure the continued provision of the previously secured planning obligations.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>a) The Director of Town Planning and Building Control 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 Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Town Planning and Building Control 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 Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 23/01264/OUT Harrow Road	21A Warlock Road London W9 3LP	Demolition of existing store and premises (Class B8/E(g) and construction of new residential dwelling house (Class C3) with terrace. (Application is for Outline Planning permission for access, scale and landscaping and with some reserved matters-appearance and layout).	The Mahmoud Alade Lawal Will Trust
<p>Recommendation</p> <p>Grant conditional outline permission.</p>				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 November 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	1 Chiltern Street, London, W1U 7PA,		
Proposal	Variation of Condition 9 and 21 of planning permission dated 24th November 2021 (RN: 21/05449/FULL) for "Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY, to permanently extend the opening hours of the courtyard to 22:00 on Thursdays, Fridays and Saturdays.		
Agent	WSP UK Limited		
On behalf of	c/o Agent		
Registered Number	23/02315/FULL	Date amended/ completed	5 April 2023
Date Application Received	5 April 2023		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a deed of variation to the existing legal agreement dated 24 November 2021 to ensure the continued provision of the previously secured planning obligations.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>a) The Director of Town Planning and Building Control 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 Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Town Planning and Building Control 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</p>

would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

The application concerns the Firehouse Hotel, Chiltern Street which, following a permission originally granted in 2009, has been in operation as an hotel since April 2014. A condition was attached to that permission which limits the use of courtyard area for drinking and dining from 09:00 to 21:00 hours each day (Condition 21). Condition 9 requires compliance with a management plan.

An application was approved on 14 May 2021, which granted temporary planning permission for the use of the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a period until to 30 September 2021. This application was again renewed on 24 November 2021, but only for the hours of 09:00 to 22:00 on Thursdays, Fridays and Saturdays. These permissions were granted following the Business and Planning Act 2020 which included a range of measures intended to support recovery from the disruption caused by the COVID-19 outbreak, including measures which enabled businesses to provide outdoor restaurant seating without the need for planning permission.

Planning permission is now sought to enable the courtyard area to be used on a permanent basis until 22:00 hours on Thursdays, Fridays and Saturdays. Linked to this is an updated management plan for condition 9.

The key issue in this case is the impact of the proposals on residential amenity and objections from neighbouring residents have been received on the grounds that customers of the Firehouse cause noise and nuisance.

The application is supported by a detailed acoustic information in relation to proposed noise levels from the courtyard use and existing background noise levels. In this regard, the information submitted as part of this application is more comprehensive than that submitted in previous reports, which only referred to historic background noise levels, rather than calculating noise levels from the courtyard. Environmental Services have assessed the report and advise they have no objections and approval is recommended.

4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

MARYLEBONE ASSOCIATION

If permission is granted, request that a temporary 1-year consent is approved to ensure that there is no detrimental impact to the amenity of the residential neighbours.

ENVIRONMENTAL HEALTH

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 87

Total No. of replies: 40

No. of objections: 13 (2 letters from one respondent) raising issues on the following grounds:

- * Increase in noise levels.
- * Given the listed status of neighbouring properties, double glazing cannot be installed to prevent noise.
- * Neighbours have the right to expect 'peace and enjoyment' after 6pm.
- * The Firehouse is having trouble managing their existing planning agreements, specifically in relation to noise control. Existing issues must be addressed before any consideration of additional liberties is given.
- * Noise in the street from patrons who become more voluble as the evening goes is not something that the Firehouse has been able to control.
- * The covered area - which has permission as a walkway - is now used for extra seating and not for its permitted purpose.
- * A recent Licence Review of the adjoining licensed premises formerly known as the Bok Bar (56 Blandford St) was clear in establishing a cutoff for outdoor drinking of 9 p.m. There is no cause to extend the Firehouse's hours beyond this.
- * The comments made by the Fire House that there will "no discernible impact on the residential amenity of the neighbouring properties" is completely untrue.
- * Two previous Council Planning Committees and two previous Licensing Committees all unanimously said permanent planning permission should never be granted.
- * The previous temporary extensions of hours was granted as a post-COVID relief measure, under the explicit understanding that this would not lead to a permanent extension request.
- * The pandemic is now over and the viability of the Chiltern Firehouse is an entirely commercial matter for them and should not be at the expense of the amenity of neighbouring residents.
- * Extended hours results in more hire-bikes on the street, more anti-social behaviour, more litter overflow, and more white-collar dealing.
- * Sets a dangerous precedent for other businesses in the vicinity.
- * The Fire House have a list of near residents' email addresses but did not use it to contact us, so it appears that their 'consultation' with affected neighbours was not serious.

No. in support: 27 raising the following comments:

- * Other restaurants have tables/chairs till 11pm;
- * Staff manage noise levels very well;
- * The Fire House have extra staff to deal with less considerate patrons.

PRESS NOTICE/ SITE NOTICE: Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) included a community event and two further meetings were held following the event with stakeholders at their request. These were with the Chair and events officer of the Marylebone Association and the neighbours of an adjoining property.

Most verbal feedback was positive about the extra hour from attendees. However, there were some concerns raised by some close residents about noise from the courtyard and the hotel. The Operational Management Plan (OMP) has been reviewed in light of comments and has been resubmitted as part of this application.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in

Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

Chiltern Firehouse, a Grade II listed hotel, is located on the west side of Chiltern Street near the corner of Blandford Street within the Portman Estate Conservation Area. Planning permission was originally granted for the use of the former fire station as an hotel in April 2009.

The operation of the hotel is subject to a number of conditions including a requirement to close the restaurant doors and windows on Chiltern Street between 20:00 and 08:00 and limiting the al fresco dining area within the courtyard between the hours of 09:00 and 21:00.

7.2 Recent Relevant History

Planning permission granted 30 April 2009 for the use of the fire station as a 33 bedroom hotel (Class C1). Construction of a new five storey building in the yard, glazed rear roof light and single storey rear extension at ground floor level and part-two and three storey rear extensions at first floor level and above and new part basement excavation. Associated internal and external works.

Planning permission granted 19 August 2011 for the use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations.

Planning permission granted 18 December 2014 (RN: 14/08741) for use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations;

Planning permission granted 28 March 2017 for Variation of Conditions 1, 8, 9, 23, 26 and 31 of planning permission dated 18 December 2014 to vary the wording of Condition 8 to remove reference to a bar and identify the areas of the hotel to which non-resident hotel guests can have access to and remain on the premises after 2400 hours; to revise Condition 9 to refer to an updated Management Plan; to vary condition 23 (to clarify the areas of the hotel restricted by the capacity condition) and revisions to Conditions 1, 26 and 31 to refer to an updated drawing number for a revised Ground Floor plan (14/11804/FULL).

Planning permission and listed building consent granted on 23 June 2021 for the erection of a glazed canopy and cloister in the front courtyard.

Planning permission was granted on 14 May 2021 for Variation of Condition 21 of planning permission dated 28 March 2017 (RN: 14/11804/FULL) for 'Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY, to enable the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a temporary period until 30 September 2021.

Permission was granted on 8 July 2021 for the use of the public highway for the placing of 10 tables and 20 chairs in an area measuring 14m x 2.5m between the hours of 09:00 and 20:00, in connection with the existing hotel for a temporary period of one year.

Planning permission was granted on 24 November 2021 for Variation of Condition 21 of planning permission dated 28 March 2017 (RN: 14/11804/FULL) for 'Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY, to enable the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 on Thursdays, Fridays and Saturdays for a temporary period until 30 September 2022.

Licensing history

The premises licence granted in May 2021 enabled the use of the courtyard to operate until 22:00 hours daily (ref: 20/11588/LIPV). The current licence, approved 4th October 2023 requires all tables and chairs to be removed from the outside area or rendered unusable by 21:00 each day (ref: 23/04650/LIPDPS).

8. THE PROPOSAL

Condition 21 of the original planning permission for the hotel use (ref. 10/10324/FULL) restricts the use of the outside courtyard until 21:00. Applications were subsequently approved in March 2021 and again in November 2021, both of which granted temporary planning permission for the use of the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day. The last permission expired on 30 September 2022 (ref. 21/05449/FULL). This date was imposed as it was in line with the Business and Planning Act 2020 which included a range of measures intended to support recovery from the disruption caused by the COVID-19 outbreak, including measures which enabled businesses to provide outdoor restaurant seating without the need for planning permission.

This application now seeks to extend the opening hours of the courtyard area by one hour (22:00) on Thursdays, Fridays and Saturdays on a permanent basis. The applicant argues that the additional flexibility provided by the extended opening hours in the courtyard have helped restore trading levels and ultimately, increase and retain

employment. They argue that the permanent increase of one hour on Thursdays, Fridays and Saturdays will allow the Firehouse to have more certainty in their operations going forward, help to retain their staff in a competitive market, invest into the Borough and protect the longevity of the hotel and therefore, support the London visitor economy.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Not applicable to this case.

9.2 Environment & Sustainability

Not applicable to this case.

9.3 Biodiversity & Greening

Not applicable to this case.

9.4 Townscape, Design & Heritage Impact

Not applicable in the determination of this application.

9.5 Residential Amenity

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of minimising noise impacts and preventing noise intrusion to residential developments; and to make sure that quality of life and health and wellbeing of existing and future occupiers are not adversely affected by negative impacts on the local environment.

Whilst 27 letters of support have been received, objections have again been received from neighbouring residents, primarily on the grounds that noise and nuisance is caused by the customers within the courtyard, including noise and commotion when customers leave.

It is accepted that the presence of tables and chairs close to residential premises can cause problems in terms of noise nuisance and late-night disturbance and it is clear that the premises have been a source of complaint from local residents. The premises is located in close proximity to a number of residential dwellings, the nearest being the flats directly opposite, and adjacent to the Fire House, in Wendover Court. This is a relatively quiet location and it is once again acknowledged that the extended hours of use of the courtyard will result in an increase in later noise and activity.

The courtyard can also accommodate a significant number of customers (approximately 100-120 seated people), however, the historic permissions for this site do not restrict the number of tables and chairs, or the total courtyard capacity, only the hours of its use. Objectors also refer to the fact that the glass walkway is also used for extra seating and not for its permitted purpose (which they believe was to provide a covered access to the hotel entrance). However, the permission granted for the walkway is not subject to any conditions to prevent the space beneath it from being used for seating/dining purposes.

As set out above, consent has previously been granted, on a temporary basis, for the extended use of the terrace until 22:00. Whilst the first temporary permission enabled the courtyard to be used for seven days a week, the most recent temporary permission enabled the courtyard to be used until 22:00 only on Thursdays, Fridays and Saturdays. As noted by objectors, both consents were considered acceptable only as a post-COVID relief measure, and previous reports to committee did set out that permission would be unlikely to be forthcoming for any future application to enable the external seating to be used beyond 21:00 hours on a permanent basis.

However, during the course of this application further acoustic information has been submitted in relation to proposed noise levels from the courtyard use and existing background noise levels. In this regard, the information submitted as part of this application is more comprehensive than that submitted in previous reports, which only referred to historic background noise levels, rather than calculating noise levels from the courtyard. Environmental Services have assessed the report and advise they have no objections. They advise that the assessment indicates that noise levels emanating from the use of the terrace from 60 people (i.e. half of the assumed capacity) all talking at once within the courtyard are at or below ambient noise levels at receptors. This does mean that noise levels are not below background noise levels, and indeed at a recent officer's site visit, the noise of clatter of cutlery can be clearly heard from outside the site. Objectors also argue that noise from the use of the courtyard is audible within adjoining properties.

It is however acknowledged that the courtyard can operate until 21:00 hours without any restriction on numbers, vertical drinking or a requirement for waiter/waitress service etc. The Environmental Services Officer (ESO) argues that with additional measures, such as those included within the previous premises licences, such as table-only service, the requirement for either a SIA door supervisor or a dedicated and trained duty manager to be within the courtyard to manage the courtyard area at all times and preventing vertical drinking, that the likely impact on residents will be reduced. Further measures within the approved Management Plan include restrictions on regulated entertainment within the courtyard and the encouragement of guests to call for cars and taxis whilst inside the premises rather than waiting on street and the provision of direct contacts of senior members of staff to enable local residents to contact them on a 24 hour basis.

Given that the courtyard currently can operate without a restriction on numbers, it is more appropriate in this case to regulate activities within the courtyard, and the area beneath the glass walkway, through the Licensing process rather than through the planning system to ensure that the risk of public nuisance is reduced. In granting the premises licence in May 2021 for the use of the courtyard until 22:00 hours daily (ref: 20/11588/LIPV) the Licensing Sub-Committee imposed additional conditions which required alcohol in the courtyard to be served by waiter or waitress service to only seated persons and for a Street Warden to be employed to patrol the vicinity of the premises from 17:00 to midnight on Monday to Saturday and 17:00 to 23:00 on Sundays.

The licence approved in May 2021 only allowed the use of the courtyard until 22:00 hours for a temporary period which expired on 30 September 2022. It is understood that the applicant will apply for a revised licence to align with any variation granted.

The operators do have in place, as part of the current Premises Licence, a Noise Management Plan that was always designed to be used to consider the ongoing and

changing needs at the site, and it may be possible to amend this to introduce additional sound absorbing measures, such as additional fabric and soft furnishings, and rubber mats and rubber legs on chairs.

Since the courtyard has been operating until 22:00 hours, there has been one complaint about music noise in the courtyard. There have not been any complaints received relating to more general noise from the use or extended hours of use of the courtyard. Notwithstanding this, it is recognised that the reason residents do not register formal complaints can be attributed to several factors including the 'fatigue/exhaustion' experienced by individuals to the process of registering complaints. Residents have previously argued that this lack of complaints is because most residents believe that Westminster cannot take action on voices alone, as this, unlike music, is not treated as a Statutory Nuisance.

There have however been numerous complaints relating to noise from the Chiltern Firehouse itself, particularly in relation to music noise from the Ladder Shed, and objectors believe that existing issues must be addressed before any consideration of additional extended hours for the courtyard are given. This issue has been passed to the Noise Team to investigate the re-setting of the sound limiter, but it is not considered reasonable for this to prevent assessment of the current proposal for the additional hour in the courtyard.

Residents comment that the pandemic restrictions on hospitality have now been lifted and it is time for conditions at least to return to pre-restrictions conditions. They also believe that any extended hours of operation would set a precedent for other similar applications and that other premises operate to much earlier hours, examples of which include:

- AOK Kitchen (on Dorset Street) has a restriction that the 18-seat terrace can only be used between 08.00 am and 21.00;
- Il Baretto on Blandford Street is subject to a condition requiring the 16 chairs to be used only between 11:00 and 21:00;
- the Larrik pub (on the corner of Crawford Place and Crawford Street) has a restriction that the 12 benches to only be used between 11.00 and 21.00; and
- Aubaine restaurant on Moxon Street is subject to a condition requiring the 10 chairs only to be used between 08:00 and 21:00.

It appears that there are very few exceptions to this terminal hour of 21:00 hours in nearby premises, but there is a history of consents for 22 Paddington Street, with the last permission granted in June 2022 which allows tables and benches to be placed on the highway until 23:00.

The committee report for the last temporary permission granted in October 2021 does also set out that permission is unlikely to be forthcoming for any future application to enable the external seating to be used beyond the authorised terminal hour of 21:00 on a permanent basis. However, given the submission of more comprehensive acoustic information, and to the comments of Environmental Sciences set out above, it is considered reasonable to grant permission to allow the courtyard to be used only on Thursdays, Fridays and Saturdays until 22:00 hours.

9.6 Transportation, Accessibility & Servicing

Not applicable in the determination of this application.

9.7 Economy including Employment & Skills

No economic considerations are applicable for a development of this size, although it is noted that the applicant does state the additional hour three nights a week will help to retain their staff in a competitive market, invest into the Borough and protect the longevity of the hotel and therefore, support the London visitor economy.

9.8 Other Considerations

Comments have been raised regarding the pre-application engagement process carried out by the applicant, and the lack of consultation with immediate neighbours. Whilst this is regrettable, it is not a reason to withhold planning permission, and notification with immediate neighbours has been undertaken as part of the Council's consultation process (with 87 immediate neighbours notified.)

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

The original permission was subject to a legal agreement which secured:

- i) A financial contribution of £377,325 towards public realm works;
- ii) A financial contribution of £194,102 towards the City Council's affordable housing fund;
- iii) The residential uses (and retention of) at 48, 58 and 63 Gloucester Place and 15 to 16 Fitzhardinge Street prior to the occupation of the hotel;
- iv) Retention of the school use at Bryanston Square;
- v) The permanent retention of the use of the hotel function room (free of charge) for local residents' use;
- vi) Public access to the hotel;
- vii) A parking mitigation payment of £9,000.
- viii) A Crossrail contribution of £67,020 as agreed between the applicant and TfL.

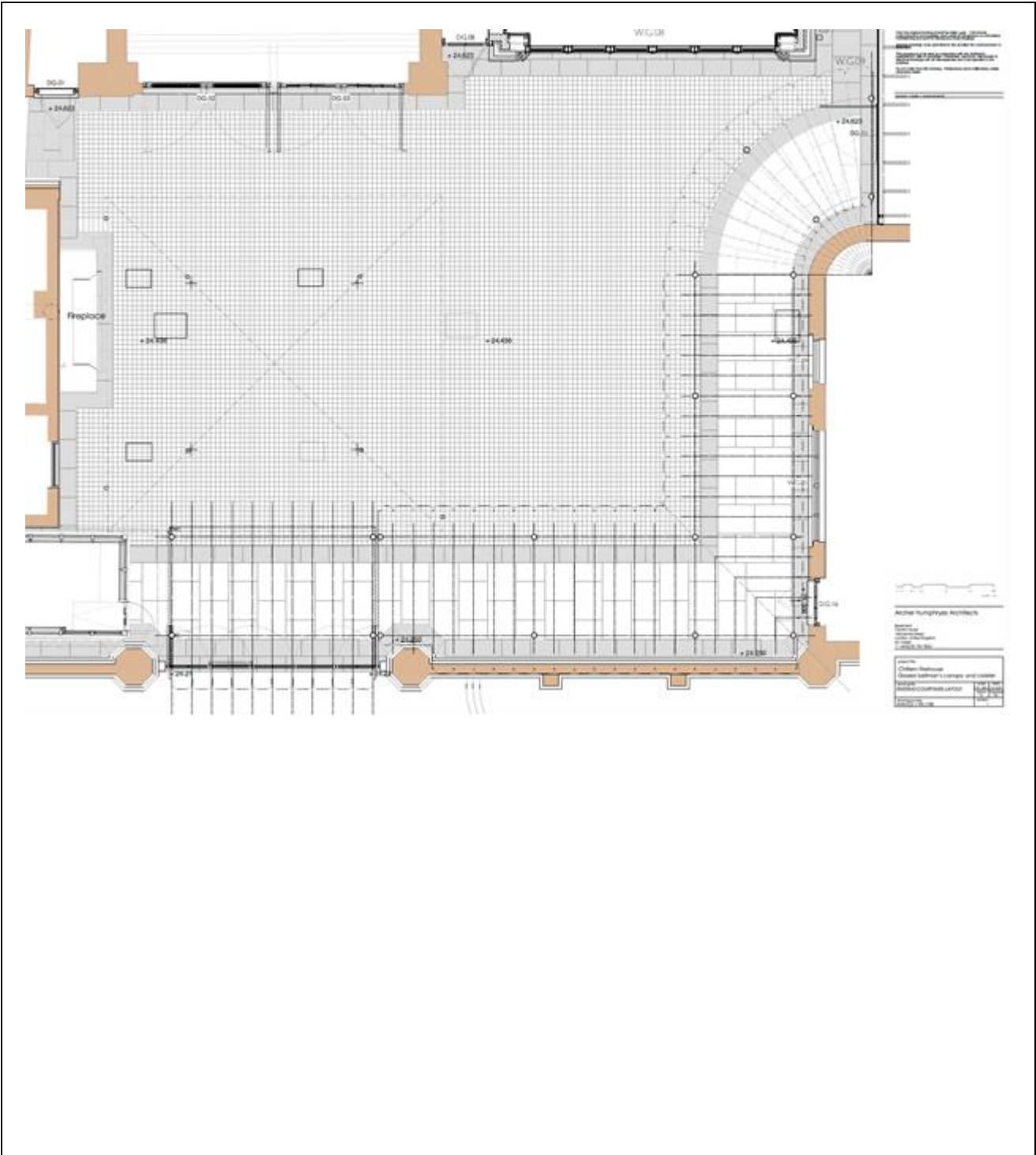
Whilst the financial payments have all been paid, a deed of variation to the original agreement will be required to secure the matters set out in iii) to vi) above.

A CIL payment is not liable.

(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: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 1 Chiltern Street, London, W1U 7PA,

Proposal: Variation of Condition 9 and 21 of planning permission dated 24th November 2021 (RN: 21/05449/FULL) for "Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY, to permanently extend the opening hours of the courtyard to 22:00 on Thursdays, Fridays and Saturdays at Chiltern Firehouse.

Reference: 23/02315/FULL

Plan Nos: AHA-CS-GA-100

21/05449/FULL
AHA-CS-GA-100

AHA-CS-GA-100

20/07858/FULL
AHA-CS-GA-100

14/11804/FULL
DA/CS/PL/101 Rev AD

14/08741/FULL
DA/CS/PL/101 Rev AA, , 12/10521/FULL, DA/CS/PL/101/AA, 103/S, 101/Z, 104/P, 105/O, 106/O, 107/J, 108/J, 111/H, 114/L, 116/G; DA/CS/DM/020/C3, 003/C4, 018/C3, 016/C3; DA-CS-DET-508A/T2

12/10521/FULL
DA/CS/PL/101/AA, 103/S, 101/Z, 104/P, 105/O, 106/O, 107/J, 108/J, 111/H, 114/L, 116/G; DA/CS/DM/020/C3, 003/C4, 018/C3, 016/C3; DA-CS-DET-508A/T2

12/05388/NMA
DA-CS-PL-103, DA-CS-PL-101, DA-CS-PL-104, DA-CS-PL-106, DA-CS-PL-107, DA-CS-DM-002, DA-CS-DM-003, DA-CS-DM-006, DA-CS-DM-011, DA-CS-DM-016, DA-CS-DM-018, DA-CS-DM-020, DA-CS-DET-510, DA-CS-DET-527, PE.CF3_2201, PE.CF3_2202, PE.CF3_3105, PE.CF3_3109, PE.CF3_3110, 17196-ST-005, 17196-ST-010, 17196-ST-011, 17196-ST-012, 17196-ST-020, 17196-ST-021, 17196-ST-022, 17196-ST-030, 17196-ST-031, 17196-ST-032, 17196-ST-033, 17196-ST-034, 17196-ST-035, 17196-ST-040, 17196-ST-041, 17196-ST-050, 17196-ST-051, 17196-ST-060, 17196-ST-061, 17196-ST-062, 17196-ST-065, 17196-ST-070, 17196-ST-080, 17196-ST-081, 17196-ST-082, 17196-ST-083, 17196-ST-084, 17196-ST-085, 17196-ST-086, 17196-ST-090, 17196-ST-099, 17196-ST-100, 17196-ST-101, 17196-ST-102, 17196-ST-103, 17196-ST-109,

17196-ST-110, 17196-ST-112, 17196-ST-120, 17196-ST-121, 17196-ST-130,
17196-ST-131, 17196-ST-140, 17196-ST-141, 17196-ST-150, 17196-ST-151,
17196-ST-160, 17196-ST-161, 17196-ST-165, 17196-ST-170, 17196-ST-171,
17196-ST-172, 17196-ST-173, 17196-ST-174, 17196-ST-180, 17196-ST-185,
17196-ST-186,

11/09264/NMA

101-O, 103-J, 104-L, 105-L, 106-K, 107-J, 108-G, 109-D, 111-F, 113-H, 114-J, 115-F,
116-E, 117-G, 118-E

10/10324/FULL

DA/CS/PL/100, 100.1A, 101F, 103F, 104F, 105E, 106E, 107D, 108C, 109C, 111D,
113E, 114F, 115D, 116C, 117D, 118C; DA/CS/DM/002B, 003A, 004A, 005A, 006A,
007A, 008A, 009A, 011A, 013A, 014B, 015B, 016A, 017A, 018A, 019A, 020A;
DA/CS/EX 003, 002, 004, 005, 006, 008, 009, 011, 013, 014, 015, 016, 019;
External Noise Assessment dated November 2010; Structural Engineering Report
dated 15 November 2010 (FOR INFORMATION ONLY).

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

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

You must carry out basement excavation work only; ,

* between 08.00 and 18.00 Monday to Friday; and,

* not at all on Saturdays, Sundays, bank holidays and public holidays. , ,

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and

33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 You must carry out the work in accordance with the details approved under 12/11691/ADFULL approved on 20.12.2012, 11/09854/ADFULL approved on 28.11.2011 and 11/11918/ADFULL approved on 21.8.2012 or in accordance with alternative details to be approved by the City Council.

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 Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must carry out the work in accordance with the samples approved under 11/11116/ADFULL or in accordance with alternative samples to be approved by the City Council.

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 Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 6 You must carry out the work in accordance with the materials approved under 11/11116/ADFULL approved on 01.12.2011 or in accordance with an alternative sample panel of brickwork to be approved by the City Council.

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 Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 8 Non resident hotel guests shall not be allowed access to or to remain on the premises within the hotel restaurant and function room except between the hours of 07.00 and 24.00

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 9 You must carry out the measures included in your management plan dated March 2023 at all times that the hotel is in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 10 You must install the ventilation measures approved under RN 11/11148/ADFULL prior to the occupation of the hotel. You must not change it without our permission.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 11 (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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 12 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:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 13 You must operate the plant/machinery in accordance with the supplemental noise report approved under RN 14/00780/ADFULL at all times that the plant is in use.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels.

(R51AC)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number DA/CS/PL/103 revision S. You must clearly mark them and make them available at all times to everyone using the hotel. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 15 You must maintain the acoustic measures according to the works approved under RN 11/08504/ADFULL.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 16 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 in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 17 All servicing must take place between 08:00 and 18:00 on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 18 You must carry out the measures in your Servicing Management Plan approved under RN 13/11973/ADFULL at all times that the hotel is in use.

Reason:

To ensure that the servicing facility operates as designed and does not impact on the safety or operation of the highway, as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23BC)

- 19 You must hang all doors or gates so that they do not open over or across the road or pavement, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 20 All restaurant windows/doors on the Chiltern Street frontage shall be closed between 2000 hours each day and 0800 hours the following morning.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 21 The courtyard area can only be used for outside dining/drinking between 09:00 hours and 22:00 hours on Thursdays, Fridays and Saturdays and between 09:00 hours and 21:00 hours on Sundays, Mondays, Tuesdays and Wednesdays.

Reason:

To protect neighbouring residents from noise and disturbance as set out Policies 7, 33 and 43 of the City Plan 2019 - 2040 (April 2021). (R25BE)

- 22 You must carry out the measures in your Travel Plan approved under 13.11973/ADFULL at all times that the hotel is in use.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 23 You must not allow more than 250 customers in the front of house areas at any one time.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 24 The existing firestation lantern and the firestation sign at second floor level on the Chiltern Street frontage shall be retained in situ unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 25 The plant area at basement level shall be reserved for plant only and not be used for any

front of house activities.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 26 Public access/egress (for guests and non-resident patrons) shall only be through the courtyard entrance on Chiltern Street and the three entrances on Broadstone Place as respectively marked hotel entrance and secondary hotel entrance(s) on Plan no DA/CS/PL 101 (Rev AD). The door leading from the kitchen area onto Chiltern Street shall be for means of escape only.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 27 The operation of the premises for hotel purposes shall only take place in accordance with the parking bays as replaced on Broadstone Place.

Reason:

To provide parking spaces for people using the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22AC)

- 28 All existing original windows shall be retained in situ in the listed building. Double glazed windows shall not be installed within the listed building.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 29 You must not use the first floor roof (marked as terraced area on your drawing no. DA/CS/PL 104 Rev P) for sitting out or hotel guest use, unless we have given our approval beforehand. You can however use the roof for maintenance or means of escape purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 30 No music or amplified sound played within the restaurant shall be audible outside the premises at any time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary

Planning Document (May 2021). (R13FC)

- 31 You must only use the area shown as restaurant on the ground floor plan DA/CS/PL/101 AD as a sit-down restaurant with waiter service. You must not use any part of the restaurant as a bar or bar area, or for any other purposes, including any other within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

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 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 retention of the residential uses at 48, 58 and 63 Gloucester Place, 15-16 Fitzhardinge Street and the school use at 48 Bryanston Square; to secure public access to the hotel and the permanent retention of the use of the hotel function room (free of charge) for local residents' use.

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

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 November 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Harrow Road	
Subject of Report	21A Warlock Road, London, W9 3LP		
Proposal	Demolition of garage and construction of new residential dwelling house (Class C3). (Application is for Outline Planning permission for access, scale and landscaping and with some matters reserved namely appearance and layout).		
Agent	Mr James Sloan		
On behalf of	Mr Akinyelu		
Registered Number	23/01264/OUT	Date amended/ completed	16 August 2023
Date Application Received	27 February 2023		
Historic Building Grade	Unlisted		
Conservation Area	Outside		
Neighbourhood Plan	Maida Hill Neighbourhood Forum currently has no adopted or draft plan		

1. RECOMMENDATION

Grant conditional outline permission.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the redevelopment of the site to provide a new residential dwelling house. As existing, the site includes 21 Warlock Road, which records indicate is in use as 4 flats. There is a gate to the side of the main house, which provides access down a driveway, to two of the flats, and a vacant garage building, which occupies the whole end of the site.

The applicant has submitted an outline planning application whereby the access, landscaping and scale have been submitted, and details in relation to appearance and layout are proposed to be subject to a future application for approval by reserved matters. It is noted that the application

documents do include details of the appearance and layout, but this is for information only.

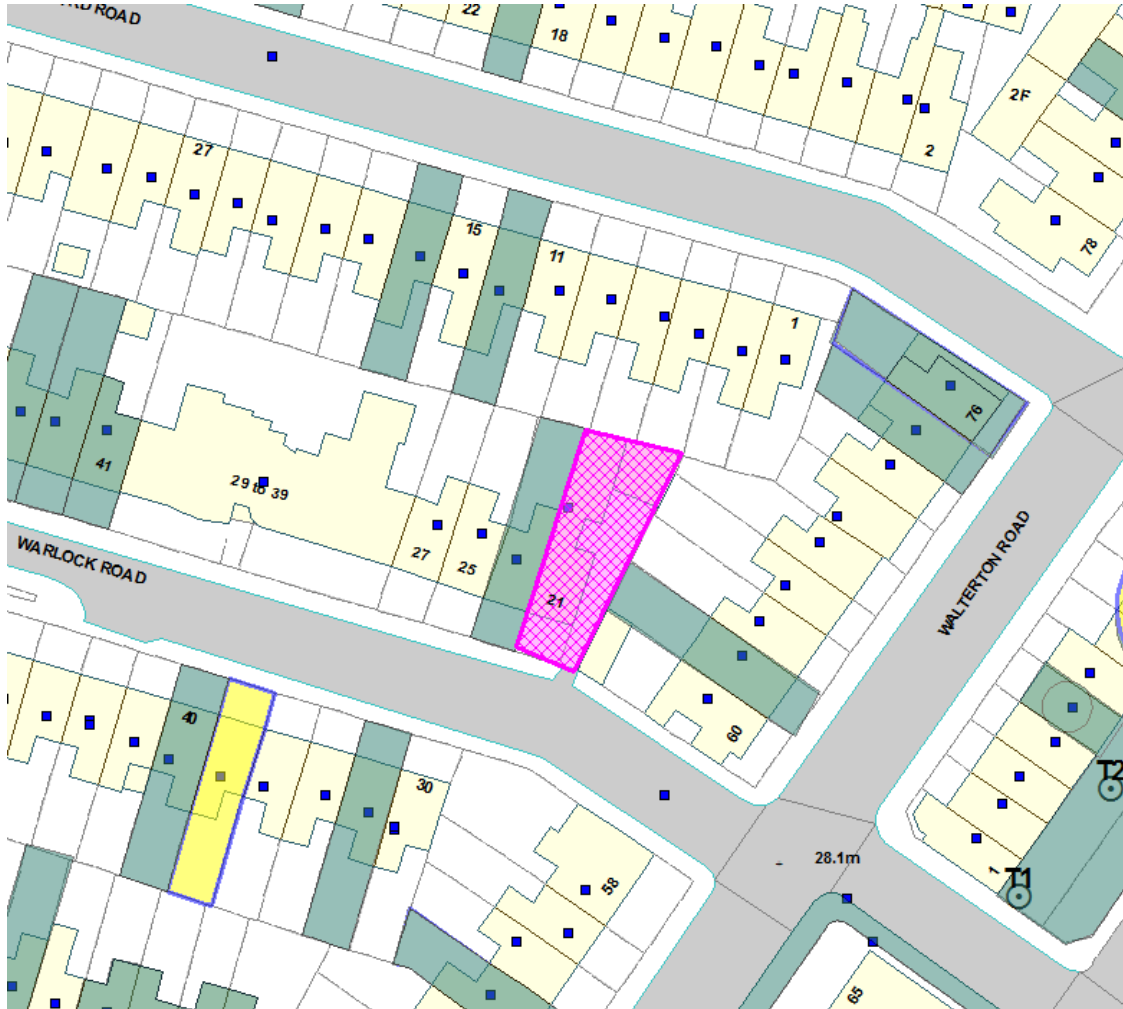
Objections have been received from a number of neighbours on grounds including the impact of the development on their amenity, trees, and impacts during the course of construction works.

The key considerations in this case are:

- The acceptability of the proposed residential accommodation in land use terms, with final details of the layout to be reserved.
- The acceptability of the proposed in terms its scale and location, with details of its appearance to be reserved.
- The impact on the amenity of neighbouring residential properties.
- Whether the development is acceptable in arboricultural terms.
- The acceptability of the development in highways terms.

The proposed development is considered against policies in the City Plan 2019-2040 (adopted April 2021). As set out within this report, the proposals are considered to be acceptable, subject to the conditions and reserved matters as set out on the draft decision letter at the end of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial photograph (source: google maps)



Warlock Road frontage



Existing garage frontage

5. CONSULTATIONS

5.1 Application Consultations

MAIDA HILL NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Acceptable subject to conditions and the following comments:

- Plans indicate existing car parking is retained. The development should be car free to accord with Westminster and London Plan policies.
- Removal of car parking space would allow for increased soft landscaping, and improve the public realm and highway environment.
- Car club membership for all residents is recommended.
- The proposals require the provision of 2 cycle parking spaces and should be secured by condition.
- Waste storage should be provided off the highway.

WASTE PROJECT OFFICER:

No waste storage shown, revised details should be provided.

ENVIRONMENTAL SCIENCES:

No objection subject to an acoustic report demonstrating that the new residential is in accordance with internal noise standards required by standard policy, and a condition for standard building working hours.

ARBORICULTURAL OFFICER:

The only impacted tree is an offsite, third party fig (T5), which is not protected by a Tree Preservation Order (TPO) and is not within a conservation area. Following the receipt of additional information to demonstrate foundation options, no objections subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 39

No. of objections: 3 on some or all of the following grounds:

Amenity:

- Additional bulk will result in loss of daylight and sunlight to properties to the rear including their gardens.
- Lack of daylight and sunlight assessing impact to properties on Lydford Road.
- Planning Officer should visit affected properties.
- Loss of privacy and increased overlooking.

Trees:

- Incorrect information, and impact on adjacent fig tree within adjacent rear garden.
- Next to the fig is an olive, which may also be affected.

Other:

- Delay in receiving consultation letter, and therefore reduced time to respond.
- Neighbours did not receive letters.

- Impact of building works on the enjoyment of adjacent properties.
- Should permission be recommended, conditions recommended.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

No formal pre-application community engagement has been undertaken. While officers would always encourage pre-application engagement with surrounding occupiers, the application is of insufficient scale for this to be a requirement.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (September 2023) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

This application is located outside of a conservation area, but within the North West Economic Development Area and the West Kilburn surface water flooding hotspot. The site includes 21 Warlock Road, which houses 4 flats and features a gated side vehicle access, which widens towards the rear of the site.

The rear of the site currently includes a vacant building which was last in use as a car garage, which is considered to fall within Use Class B2. It is understood that the building has been vacant for some time, since 1997. It is proposed to demolish this building and to erect a replacement extended building to house a new single family dwelling (Use Class C3).

7.2 Recent Relevant History

There is no recent planning history, however another planning application has recently been submitted for similar works to those proposed under this application, except it includes a larger building, with the ground floor excavated down by half a storey, and with a second floor level and terrace. It is also proposed as a single family dwelling house. Reference number 23/06707/FULL

8. THE PROPOSAL

Outline Planning Permission is sought. Outline planning applications are used to gain an understanding as to whether the nature of a development is acceptable, this can help ensure viability up front. Specific details known as 'reserved matters' can then be confirmed later.

Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, namely so that they can be 'reserved' for later determination. These are defined in Part 1 section 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- 'Access': the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 'Appearance': the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 'Landscaping': the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 'Layout': the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 'Scale': the height, width and length of each building proposed within the development in relation to its surroundings.

This application seeks approval for the access, landscaping and scale with layout and

appearance being reserved. The details of the future reserved matters applications must be in line with the outline approval, including any conditions attached to the permission.

This application relates to the demolition of the existing garage and for the erection of a new single storey building, with part pitched roof and part flat roof, to house a new single family dwelling house.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Garage	54	0	-54
Residential	0	70	+70
Total	54	70	+16

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals include the change of use of the land from the existing garage to a residential house. The applicant has stated within their application forms that the existing use is B8: Storage and Distribution / E(g): Commercial, Business and Service uses which can be carried out in a residential area without detriment to its amenity. It is understood that the last use of the now vacant unit was as a car repair garage, officers consider this to be a B2 use: General industry. While no certificate of lawful development has been submitted, all of the aforementioned uses are commercial/ industrial and are considered against policies within the City Plan below.

Loss of garage:

Located within the NWEDA, Policy 5 “Spatial Development Priorities: North West Economic Development Area” of the City Plan 2019-2040 applies. This sets out priorities which should be sought to be delivered within the area including part A) which seeks to increase job opportunities, including through the protection of existing employment floorspace, particularly that which is suitable for small and medium enterprises (SME), and / or helps to diversify the local economy.

Policy 13 “Supporting economic growth” seeks to protect against the loss of space suitable for SME’s within the NWEDA.

The proposals include the loss of the existing garage on the site. However, it is noted that this has been vacant since 1997, with the applicant providing the last commercial tenancy agreement. Surrounding residents have also confirmed that it has been vacant for a long time. The applicant has noted that the owner struggled to get a new tenant largely due to noise complaints from the previous occupier. The access to the garage is shared with access to existing flats within 21 Warlock Road, and therefore comings and goings to the commercial unit would have an impact on their amenity.

While it is noted that the aforementioned policies seek to protect commercial uses, particularly those which could provide for SME’s, it is considered that the loss of this

garage is acceptable in this instance. The area is very much residential in character, and a commercial use would have increased comings and goings and could be noisy, particularly if another garage was to occupy the site. In addition, given the long term vacancy of the site, its loss will not result in the loss of any current, or recent employment.

New residential:

Part B) of NWEDA Policy 5 seeks new residential and mixed-use developments that improve housing quality and help diversify the area's tenure mix. Policy 8 seeks to maximise the number of homes within Westminster, including by setting maximum floorspace for new homes at 200sqm.

While the proposals seek for the layout of the new unit to be reserved, an indicative plan has been provided which shows a two bedroom unit. The maximum floorspace of the unit is shown as 70sqm, which accords with the Nationally Described Space standards for a 1 storey, 2 bedroom, 4 person unit. Along with a reserved matters condition for final layouts to be provided, an informative is recommended to ensure that any unit meets the nationally described space standards is recommended. Subject to these, the principle of the new residential unit in this location is considered acceptable in land use terms.

Affordable Housing

The unit is of insufficient size to require the provision of affordable housing.

Social & Community Uses

The proposals are of insufficient scale to require the provision of any social and community uses.

9.2 Environment & Sustainability

As the application has been submitted in outline with the final layout an appearance to be reserved, there is no information in relation to the likely performance of the building in environmental and sustainability terms. A condition is therefore recommended that details of how the development will reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change in order to meet Policies 36 "Energy" and 38 "Design principles" and the councils Environment Supplementary Planning Document.

Circular Economy

The development is of insufficient scale to require the submission of a circular economy statement.

Air Quality

The development is of insufficient scale to require the submission of a circular economy statement.

Flood Risk & Sustainable Drainage

The site is within a surface water flooding hotspot. The application has been considered by the Lead Local Flood Authority, who note that they can only provide advice given that this is a minor application. They do however object as they state that no flood risk assessment was provided and that it has not been demonstrated that the development would not result in increased flooding outside of the development site, or within it. As such they recommend a condition for no construction to begin until a detailed surface water drainage scheme including Sustainable Drainage Systems (SuDS) has been provided.

Despite the above objection, a Flood Risk Assessment has been provided with the application. Within the statement the applicant notes "The existing driveway/access path to the building is concrete draining into the public sewer and measuring approximately 72sqm. This will be broken up and replaced with a permeable surface envisaged to be pea shingle or similar to reduce rain water runoff. Additional reduction in rain water runoff can be discussed and agreed with the planning office such as water batts and the possibility of a water attenuation tank should this be necessary to achieve the required reduction in runoff." They also propose to raise the floor level above external by approximately 200mm.

As noted by the applicant, the driveway is currently solid concrete. The roof of the existing garage is also currently solid. Neither of these therefore provide mitigation against runoff at present. It is considered that the proposals will help to reduce surface water flooding through the provision of a porous driveway and green roof (See section 9.3). However, as the flood risk assessment is currently in draft, with the full details of the proposals still in outline, a condition for the submission of a flood risk assessment to set out SuDS and mitigation prior to commencement of development. Subject to these conditions, the proposals are considered to accord with Policy 35 and Environment SPD.

Light Pollution

The proposed dwelling includes boundary walls which do not include any openings. The only windows will look onto the site, which already feature windows in the existing house at 21 Warlock Road. It is not considered that the additional windows will result in significant additional light pollution above the existing residential character of the area.

Odour

The proposed residential use is not considered to result in significant increase in odour above the existing residential character of the area.

Land Contamination

Given that the existing site is a garage, it is recommended that a condition for the submission of a contaminated land report is provided prior to commencement of development.

9.3 Biodiversity & Greening

The submitted plans indicate that much of the roof will be flat. A condition is therefore

considered reasonable for details to be provided of an intensive green roof in order to meet the requirements of Policy 34 – Green Infrastructure. This would also form part of the reserved matters ‘appearance’ future application.

During the course of the application, the plans have been updated to show a dedicated garden for the new dwelling on the existing driveway. As there are no details of this provided with the application, conditions are recommended for details of both the hard and soft landscaping for the garden and driveway, along with details of how the garden would be suitably screened and segregated from the rest of the driveway.

9.4 Townscape and Design Impact

The site is not located within or adjacent to a conservation area or any listed buildings. Regardless, the local townscape has an attractive residential quality with properties being of a scale of between 3 and 4 stories in height facing onto the street, with closet wings extending to the rear onto garden land. The site is unusual in that it features an existing driveway down the side of the property and the whole of the rear of the site has already been infilled, and the property itself has an additional two storey add-on to the closet wing. It also has a slightly larger plot width, which widens as you go north into the site.

It is proposed to demolish the existing vacant garage building and to replace this with a larger single storey structure which extends onto the driveway. While the finished design has not been finalised, the maximum parameters show that the replacement building could feature a pitched roof running north south over part of the site.

The driveway is sloped so that the existing garage is only glimpsed from the street. While the proposed new building is larger, particularly with the pitched roof, given its low level and set down location at the rear of the site, it is not considered to have a negative impact on the local townscape. As its appearance is to be ‘reserved’ and only submitted in outline, the finished materials will be subject to a future application. Drawings have been provided which show how the building could look, and these are considered to be acceptable in design and townscape terms and in accordance with Policies 38 and 40 of the City Plan.

Fire Safety

The development is of insufficient scale to require the submission of a fire statement. Any development would be subject to building control legislation in relation to fire.

Archaeology

The site is not within an archaeological priority area.

9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring occupiers are assessed against Policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policies 33 and 38 C are also relevant, which

seek to make sure that quality of life and health and wellbeing of existing and future occupiers, including considerations such as noise, odour and construction impacts. The applicant has submitted in support of the application a daylight and sunlight assessment by GA Surveyors, which sets out the surrounding buildings which have been tested.

Objections have been received from residents located to the rear on Lydford Road, whose rear windows and gardens face onto the rear boundary wall of the site. They raise objection in relation to loss of light and increased overlooking.

Daylight & Sunlight

For daylight matters, Vertical Sky Component is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window and represents the direct daylight received by a window, expressed as a percentage of 'visible sky' that can be seen from the window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises 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.

In terms of sunlight to an existing dwelling, the BRE advises it may be adversely affected if the centre of a main window: receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours (APSH) between 21 September and 21 March; and receives less than 0.8 times its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The submitted daylight & sunlight assessment has only undertaken tests on windows within the adjacent building, 21 Warlock Road, which look directly onto the site and are in close proximity. The report shows that all tested windows pass, with very minimal losses if any, with the worst affected window only seeing a 4% reduction, which is well within the 20% tolerance set out by the BRE in terms of VSC. All windows similarly pass in terms of sunlight. Given the pitch and size of the roof and as the boundary wall is of comparable size to existing, it is not considered that the rear gardens would see any significant losses of sunlight.

Residents within Lydford Road object on the grounds that their windows have not been tested and that their light will be significantly affected. During the course of the application the applicant was asked to provide a drawing to show the relationship of their windows with the development site. The BRE states that where a new development is in front of existing dwellings "If this angle is less than 25° for the whole of the development then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building. If, for any part of the new development, this angle is more than 25°, a more detailed check is needed to find the loss of skylight to the existing building." The drawings below show the development site on the left and the nearest rear facing windows which serve kitchens to the rear of Lydford Road in properties 3 and 5. No 7 also looks onto the boundary wall, but it does not have a window at lower ground floor level facing the development site in the end of its coset wing.

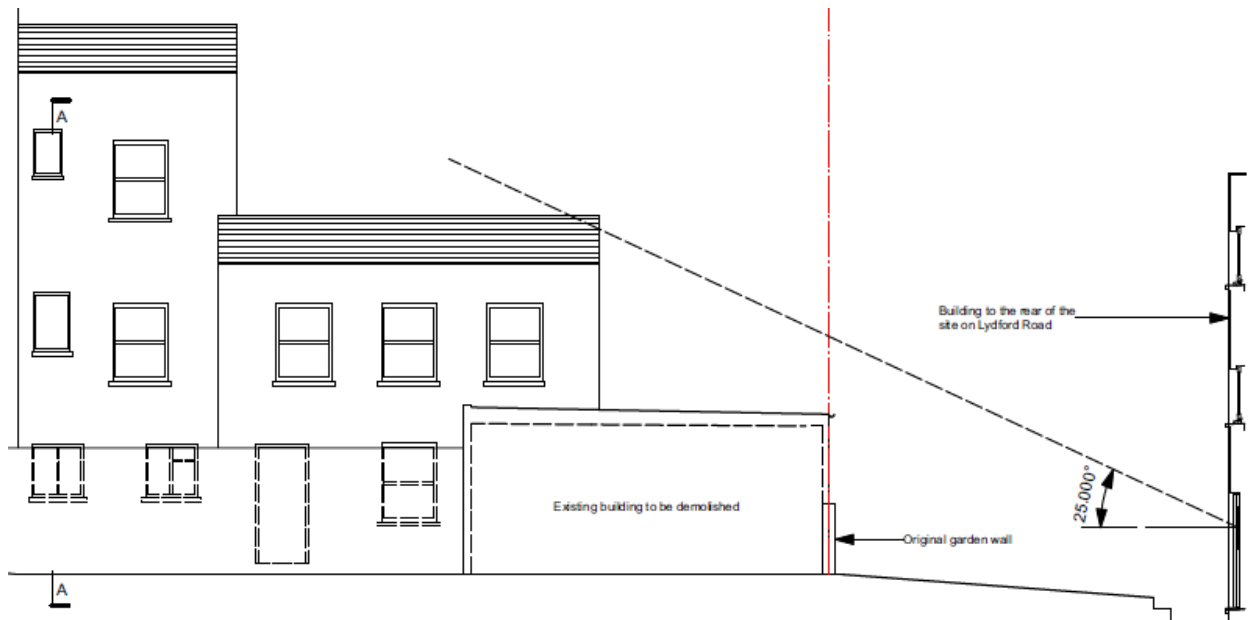


Figure 1 above shows the existing arrangement

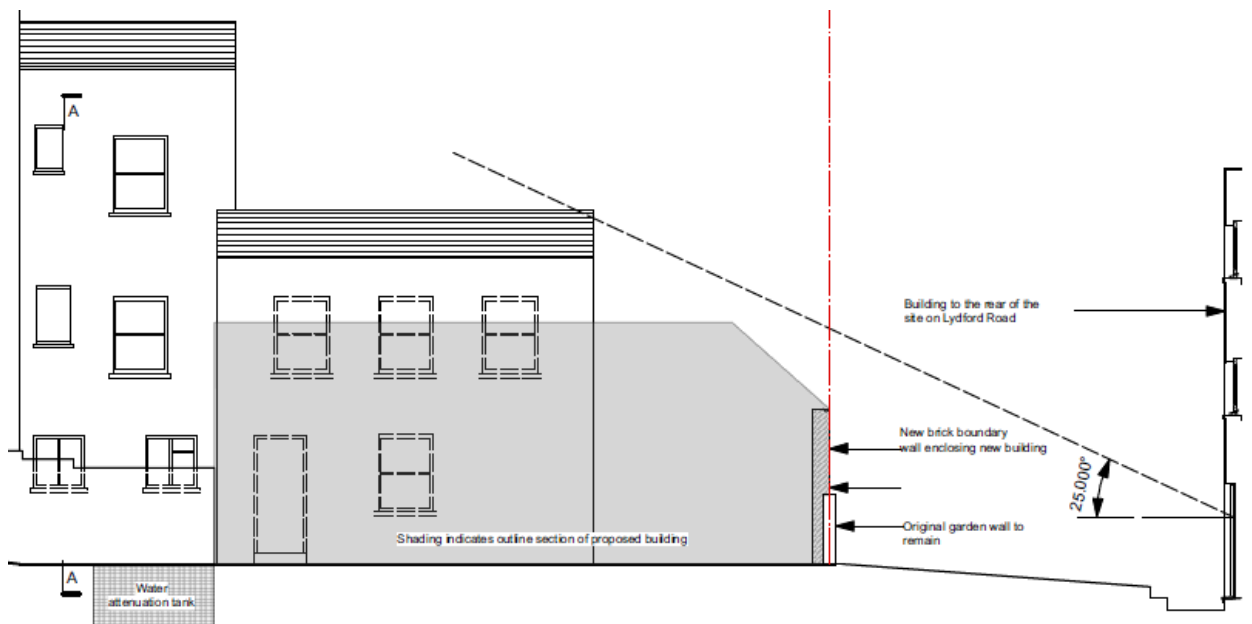


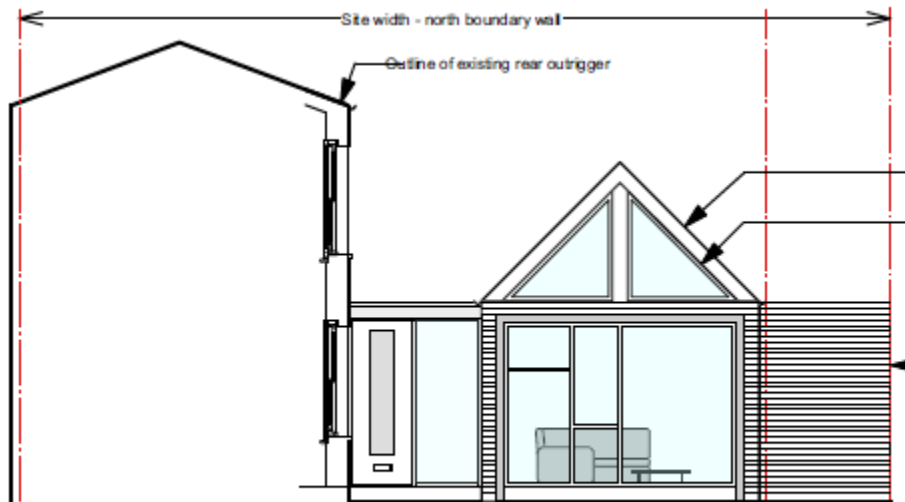
Figure 2 above shows the proposed arrangement

As the new development is not within the 25 degree angle line, it is not expected that it will have a substantial impact in terms of daylight to these windows as set out by the BRE guidance.

Sense of Enclosure

The most affected property will be those within 21 Warlock Road, with windows which face directly onto the existing driveway. The most affected window will be the window adjacent to the ground floor door, which is shown hatched on Figures 1 and 2 above.

The proposal extends the new dwelling out onto the drive and in front of this window, which is understood from a site visit to serve a living room. The single storey structure, with pitched roof will result in an increased sense of enclosure to this room. However it is also appreciated that the room currently looks out to the existing boundary wall on the other side of the drive. The windows above this will also be affected as they will look out onto the new pitched roof. However due to the pitched nature of the roof and the separation, it is not considered that the impact on these windows will be significant. The relationship of the development on these windows is shown in Figure 3 below, with the affected windows on the left and the new development on the right.



South (front) Elevation A-A as Proposed - 1:100

Figure 3 showing 21 Warlock Road on the left and the new development on the right.

It has been confirmed that all of the flats within 21 Warlock Road are within the same ownership as the development site. While the ground floor window will experience some increased sense of enclosure, given it is under the same ownership and its existing outlook, it is not considered that refusal on these grounds could be sustained.

Objection has also been received that the development would result in an increased sense of enclosure to properties to the rear on Lydford Road.

As existing, there is a short boundary wall to the rear of the gardens on Lydford road of just over a meter in height. Set just behind this is the larger existing garage structure which measures 2.77m in height. As proposed, the short wall is to be retained and the maximum height of the new building along the boundary remains the same at 2.77m in height. The pitched roof has been hipped, so that the end gable raises up from the boundary up to a maximum height of 4.2m, so 1.43m higher than the existing boundary wall. The main impact of the proposals will therefore come from the additional bulk of the proposed pitched roof. While the concerns of the residents are noted, it is not considered that the impact will be significant given that the roof is pitched so that only the ridge line will be at this maximum height, and the end has been hipped to reduce the bulk along the boundary. This is shown in both Figures 2 and 3 above.

There will also be some impact to rear facing windows of properties along Walterton Road to the east of the site. However the pitched roof is set slightly away from the boundary, and these windows are set further away than those on Lydford Road as the gardens are longer. The impact on these residents is therefore considered to be minimal.

It is also noted that as the final appearance of the development is 'reserved' the impact assessed above, is based on the maximum heights as put forward within this outline application.

Privacy

Concerns have been raised that the development would result in overlooking to residents on Lydford Road. No windows are proposed in the boundary walls facing Lydford Road or Walterton Road. A condition is recommended to ensure this. As the final design of the development has not yet been set, the impact on properties within 21 Warlock Road is not yet know. A condition could be placed on any future reserved matters application to address this if required.

Noise & Vibration

In general terms it is not considered that a single family dwelling would give rise to significant noise or vibration, given the existing residential nature of the area. While it will feature a garden, these are welcomed to provide amenity space for the unit.

Environmental Health has requested that internal noise levels of the site are suitable and request a supplementary acoustic report to demonstrate compliance with the councils standard internal noise level condition. It is considered that the compliance condition is sufficient to ensure that the new unit is suitably insulated, given that the area is not considered to be noisy.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager has requested that the off street car parking is removed to meet Policy 27, which states that where sites are redeveloped, existing parking provision must be reduced. They also request that the vehicle crossover is removed to improve the Highway and pedestrian environment.

During the course of the application the proposals have been amended slightly to provide a dedicated garden covering part of the drive. This will reduce the available space for car parking, however as the proposals are not for the total redevelopment of the site, with 21 Warlock Road remaining as existing, it is not considered that the removal of all parking from the site can be reasonably required, as the existing parking will continue to serve the existing flats.

The Highways Planning Manager has also recommended that car club membership is secured for the new unit. As this is usually free to join and only one unit is proposed, it is not considered that securing this is required.

Accessibility

The new flat will be accessed by the existing drive which runs down the side of 21 Warlock Road.

Servicing and Waste & Recycling Storage

A condition is recommended to provide details of waste and recycling storage in accordance with the councils guidelines.

Cycling & Cycle Storage

The plans indicate that cycle storage is to be provided within the existing driveway. A condition is recommended for details of the cycle storage to be provided, namely for 2 spaces.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

Objection has been received that neighbours were not consulted and that they had limited time to respond to letters as they arrived late. The case officers subsequently sent out additional consultation letters, and additional time has been provided to respond, which is considered to address these concerns.

Objections have also been received on the grounds that the development will cause disturbance during construction which will impact on the living conditions of adjacent occupiers. A condition is recommended for the hours of construction to be limited to standard daytime hours Monday-Friday and Saturday mornings. An informative is also recommended to advise the applicant to join the considerate constructors scheme. While the concerns of neighbours are noted, this is not a reason to refuse permission. Subject to the aforementioned condition and informative the proposals are considered acceptable in these terms.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

The estimated Westminster CIL payment is £18,339.48, whilst the estimated Mayoral CIL payment is £5,969.97. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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 following:

- Reserved Matters: Layout and Appearance
- Details of the garden
- How the development will reduce on site energy demand
- Contaminated land
- Tree protection
- Foundation details

The applicant has agreed to the imposition of these conditions.

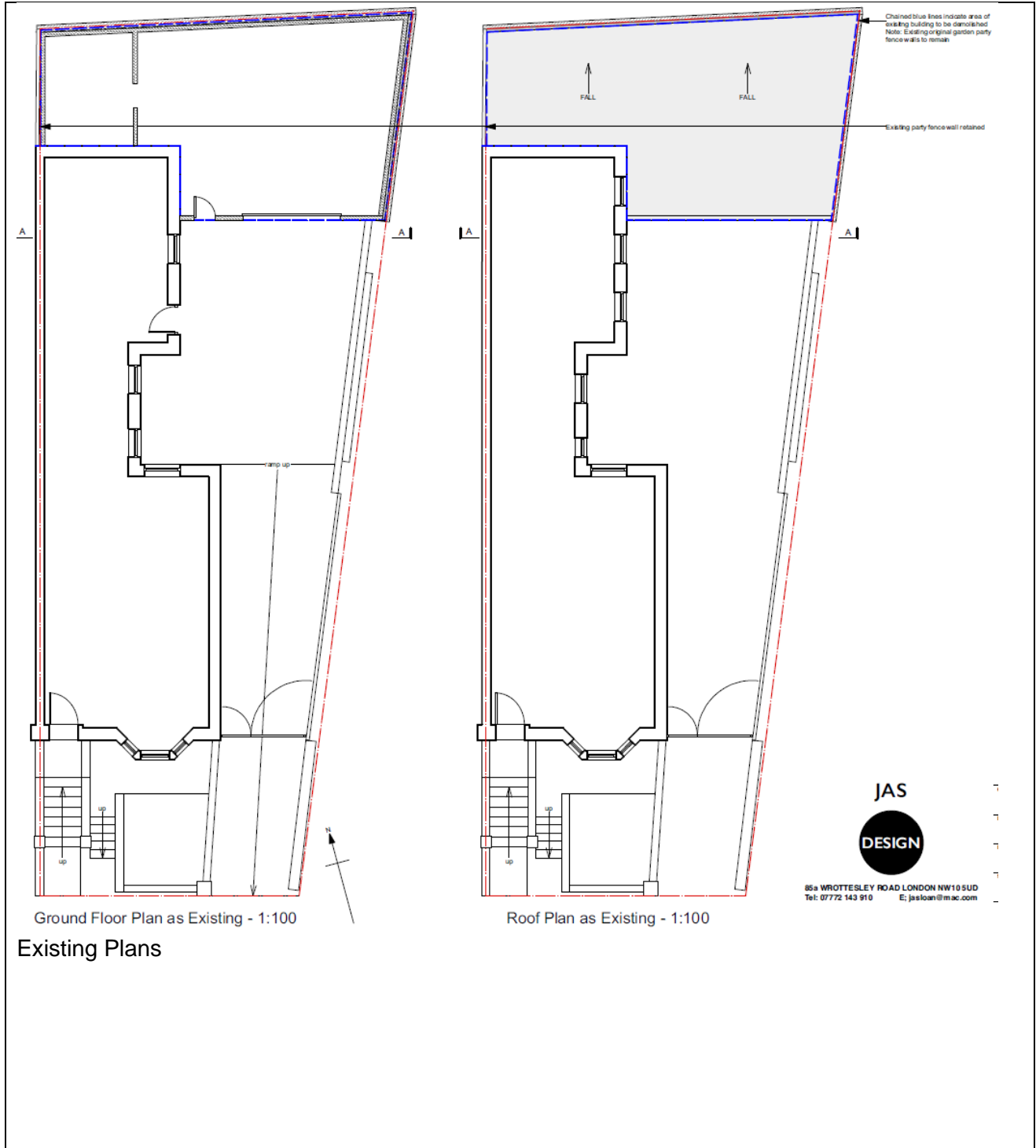
10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy. Having regard to this assessment, it has found that the proposed development is acceptable. Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that the outline planning permission is granted, subject the reserved matters of 'layout' and 'appearance' and conditions listed at the end of this report, which are necessary to make the development acceptable.

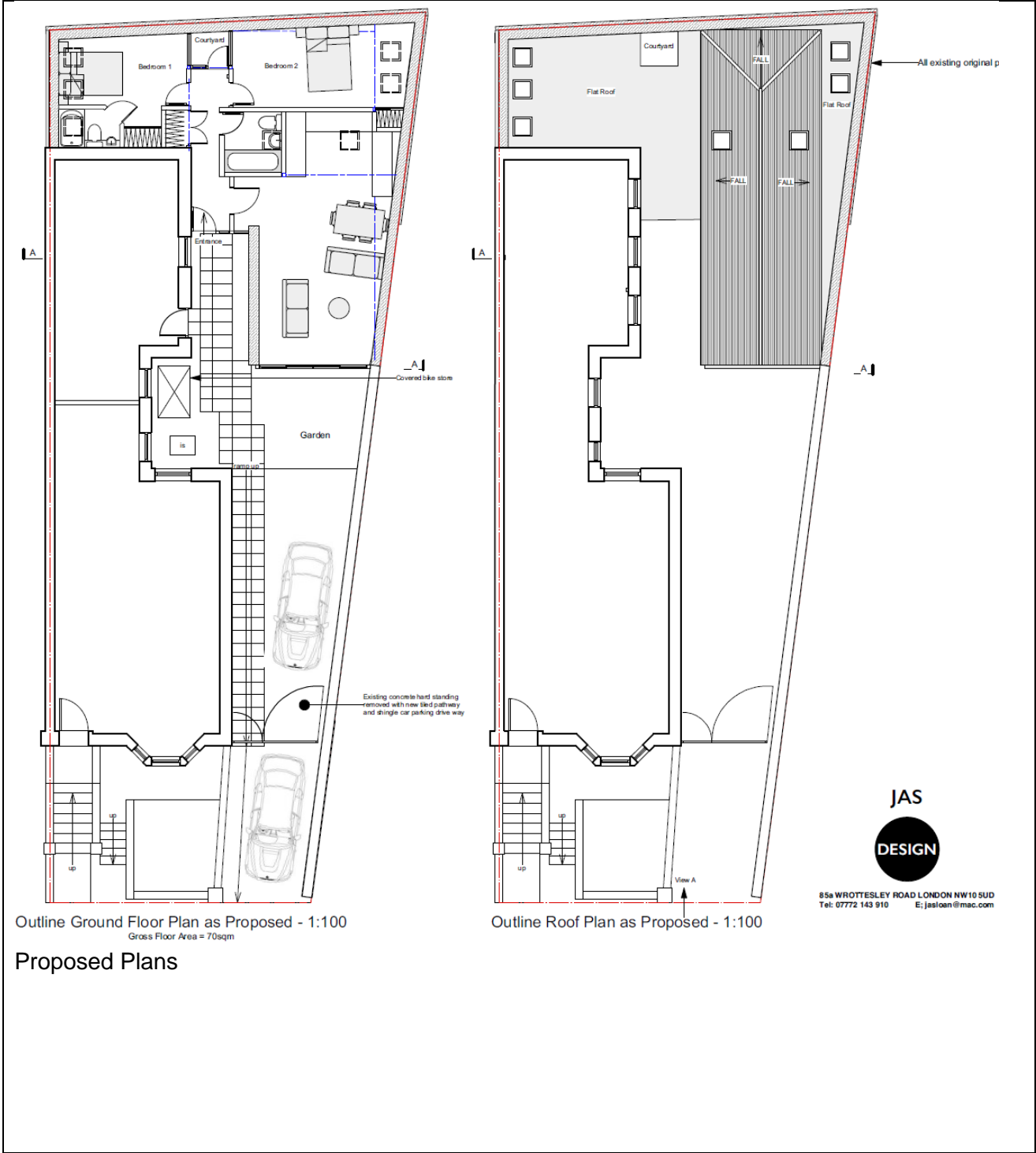
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **RUPERT HANDLEY** BY EMAIL AT rhandley@westminster.gov.uk.

11. KEY DRAWINGS



Existing Plans

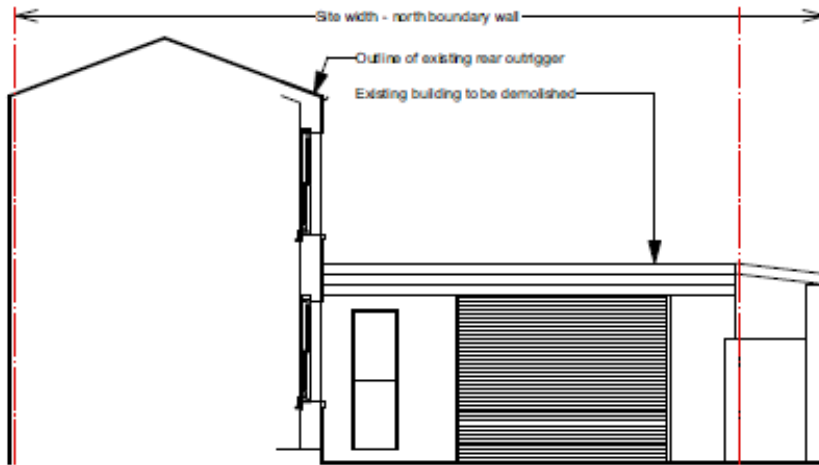


Outline Ground Floor Plan as Proposed - 1:100
Gross Floor Area = 70sqm

Outline Roof Plan as Proposed - 1:100

Proposed Plans

JAS
DESIGN
 85a WROTLESLEY ROAD LONDON NW10 5UD
 Tel: 07772 143 910 E: jas@on@mac.com

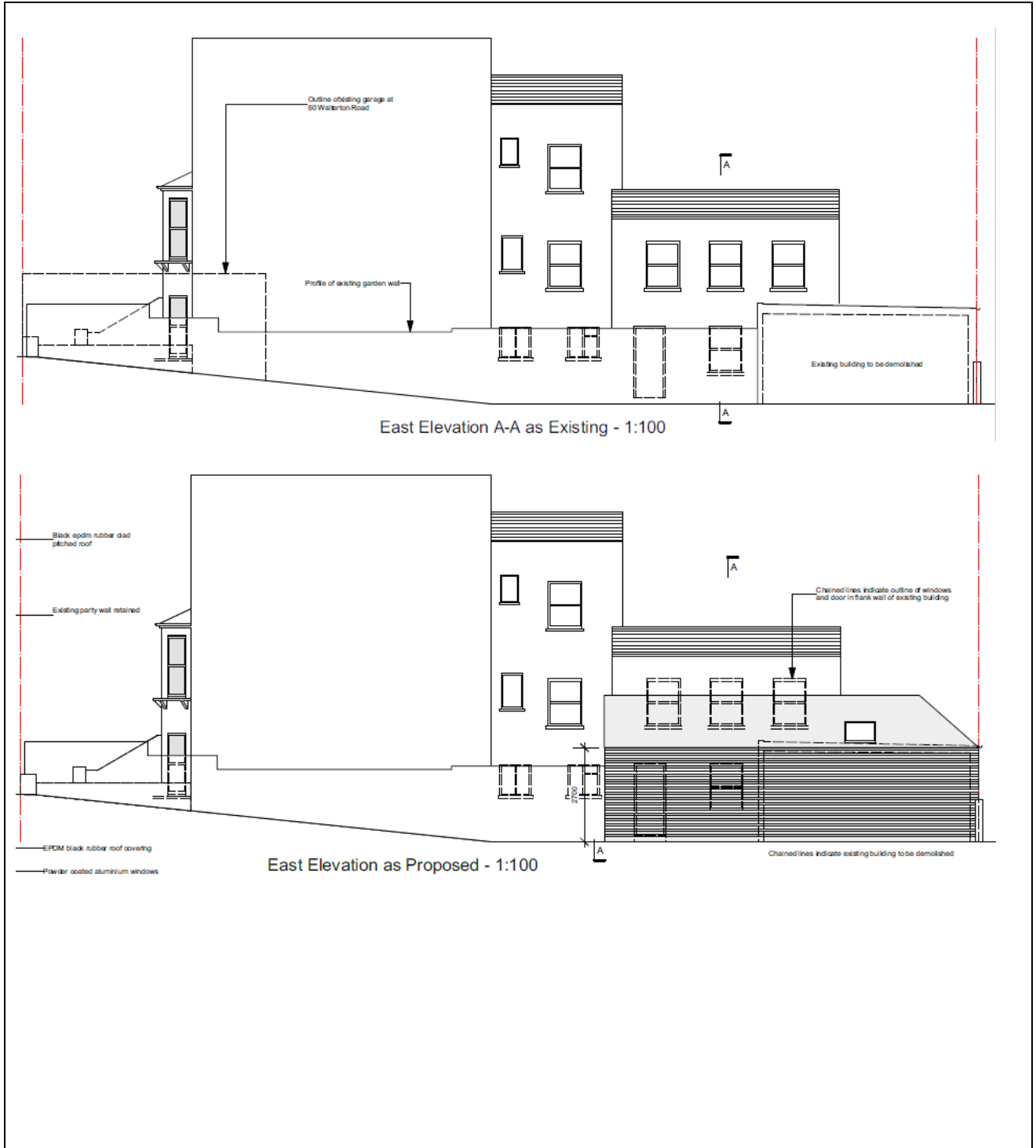


South (front) Elevation A-A as Existing - 1:100



Front Context Elevation as Existing - 1:100





DRAFT DECISION LETTER

Address: 21A Warlock Road, London, W9 3LP,

Proposal: Demolition of garage and construction of new residential dwelling house (Class C3). (Application is for Outline Planning permission for access, scale and landscaping and with some matters reserved namely appearance and layout).

Plan Nos: 22/036/001; 22/036/002C; 22/036/003B; 22/036/004D; 22/036/005C;

For information only:

22/036/006; Tenancy Agreement dated 30 April 1996; Arboricultural Impact Assessment by Trevor Heaps; BRE Daylight/Sunlight Report by GA Surveyors; Flood Risk Assessment Ref JAS/22/033-FRA; Environment Agency flood maps; Planning Statement by JAS design.

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** You must apply to us for approval of all the following 'reserved matters' in writing:

- A) Layout
- B) Appearance

You must not start work until we have approved in writing what you have sent us. You must then carry out the work in line with what we have approved.

Reason:

The application is for outline planning permission only. We need to be satisfied with the details of the proposal before any development work starts. (R01AA)

- 4 **Prior to the commencement of development** details of the garden, including size, screening and location, shall be provided and agreed by the Local Planning Authority. The garden shall be retained thereafter.

Reason:

In order to provide housing of a suitable quality, to ensure that it does not have a negative impact on adjacent occupiers, and to ensure that its appearance is acceptable, as set out in Policies 7, 12, 38 and 40 of the City Plan 2019-2040 (April 2021)

- 5 You must apply to us for approval of detailed drawings (including roof sections) and a bio-diversity management plan in relation to the provision of a green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 6 **Prior to the commencement of development** details of how the development will reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change.

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 7 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster

City Council in January 2018.

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

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

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

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

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

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 8 No windows shall be formed within the boundary walls shared with properties on Lydford Road or Walterton Road.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 9 The design and structure of the building 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. (C49AA)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 10 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the new residential unit. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 11 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the new unit. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). And to make sure that the appearance of the bike store is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021).

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

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 13 **Pre Commencement Condition.** You must apply to us for approval of a detailed design and method statement relating to the foundations and all new ground work. You must not start any construction work until we have approved in writing what you have sent us. You must then carry out the work according to the approved design and method statement. (C32AB)

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 advised that in relation to the building layout, this will need to meet the Nationally Described Space Standards (March 2015).
- 4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 6 In relation to the garden details required by condition 4, these will need to meet the minimum standards as set out in Policy 12 of the City Plan.
- 7 The arboricultural method statement required by condition 13 will need to account for a slightly larger RPA of 3.8m radius, as well as ensuring site supervision and arboricultural assessment to help with site investigations and subsequent foundation design.