

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 7 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	124-126 St John's Wood High Street, London, NW8 7SG		
Proposal	Erection of a new 3 storey dwelling with terrace accessed from Charles Lane including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level.		
Agent	Mr Simon Martland		
On behalf of	Mr Ray Kerr		
Registered Number	16/01126/FULL	Date amended/ completed	22 February 2016
Date Application Received	9 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

124-126 St John's Wood High Street are not listed but are located within the St John's Wood Conservation Area. The buildings are currently in use as retail (Class A1) on the basement and ground floor levels, with residential flats on the upper floors.

This application relates to the land and buildings located to the rear of the site which have access from Charles Lane. There is currently a strip of land which is used as a parking space adjacent to 2 Charles Lane. There are also out buildings used for storage and a yard for the retail use. Two existing metal stairs provide access from Charles Lane up to the residential flats on the upper levels of the building.

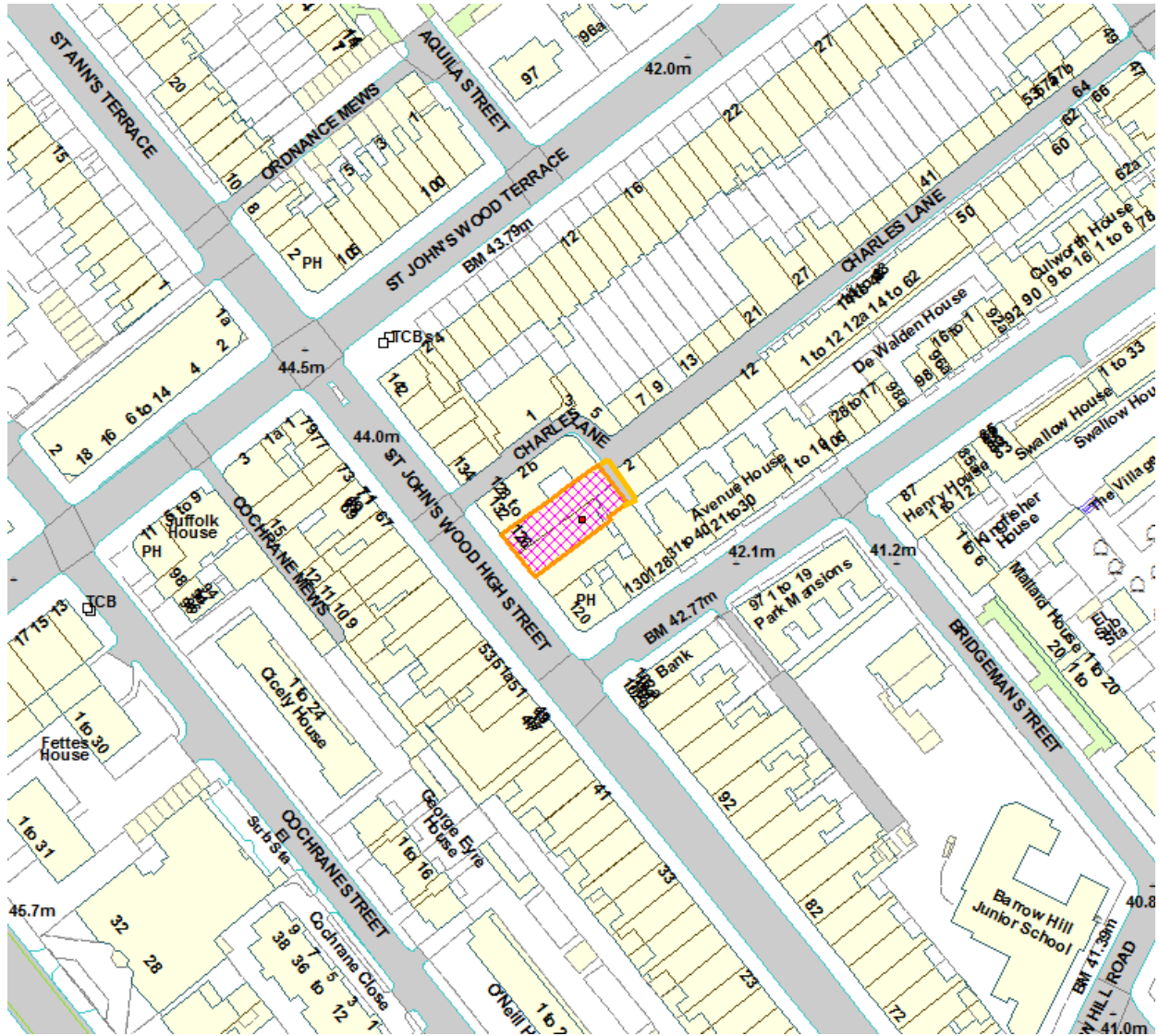
Planning permission is sought to erect a new dwelling adjacent to 2 Charles Lane, with associated alterations to the access arrangements to the existing flats. Objections have been received from the local amenity society and surrounding residents in relation to access arrangements, amenity and overdevelopment.

The key issues in this case are:

- * The impact of the development on the character and appearance of the conservation area.
- * The impact of the development on the amenity of neighbouring properties.

Notwithstanding the objections received, the proposed development is considered to be acceptable and would accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial Shots with site outlined in red (approximate)



View of the site from Charles Lane



View from rear of 124 St Johns Wood High Street

5. CONSULTATIONS

ST JOHNS WOOD SOCIETY:

Raise objection on the following grounds: Overdevelopment of the site; access to existing properties will be compromised; impact on emergency escape from both the rear of the retail unit and the residential properties who currently use the area to be developed for access and as an emergency escape route; increased sense of enclosure to neighbouring properties; impact of construction due to limited access to the mews.

HIGHWAYS PLANNING MANAGER:

No objection.

CLEANSING:

No objection subject to a condition to secure the provision of a revised plan to show waste and recyclable storage.

ENVIRONMENTAL HEALTH:

No objection.

BUILDING CONTROL:

No objection.

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 57; No. of replies: 3 letters of objection from adjacent residents raising some or all of the following points:

Amenity:

- Loss of light to neighbouring properties.

Highways:

- No parking provided.

Other:

- Overdevelopment of the site.

1 Letter of support from a resident who welcomes the removal of rubbish from the area and the provision of car parking.

ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to a site which does not include any listed buildings, but is located within the St John's Wood Conservation Area. 124-126 St Johns Wood High Street are a pair of attractive red brick buildings set over basement, ground and three upper levels. The ground and basement levels are currently in retail use by Boots Pharmacy (Class A1), the upper levels are in use as residential flats (Class C3). The

entrance to the residential accommodation is located at rear first floor level, with external access via two metal stairs which lead up from Charles Lane. A flat on the upper levels of No. 124 currently has the use of a car parking space, accessed from Charles Lane.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Permission is sought for the demolition of the existing structures to the rear of the site and the erection of a new dwellinghouse over ground, first and second floor levels. The ground floor will provide two car parking spaces, access to the existing flats above the retail unit on the high street, access to the new dwelling and the re-provision of a yard for the retail unit. The proposals include a new access enclosure up to the flat roof at rear first floor level, providing access to the existing flats above the retail unit. A terrace is also proposed to the side of the new dwelling at first floor level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals result in the loss of 65sqm of retail space, which is contrary to policy S21 of the City Plan which requires that existing A1 uses are protected. While the proposals do result in the loss of some floorspace, the retail unit will still be approximately 440sqm following the works. The proposals will also include internal works to provide improved access to the basement, which is currently only used in part by Boots due to poor existing access.

The small loss of retail floorspace is considered acceptable, with the vast majority of the unit being retained as existing. The internal works to provide better access to the basement area also welcomed.

8.2 Townscape and Design

The existing site is of poor design quality, presenting a cluttered appearance to this corner of the mews, with the existing structures of somewhat industrial appearance. The replacement of these structures with a new building is welcomed in principle.

The proposal is for a traditionally detailed building, with a brickwork frame around ground floor timber doors and garage door, and a first floor front elevation faced in render with several vertically orientated window openings set slightly back from the elevation to give an appropriate depth to the appearance of the building. In these respects the building essentially follows the cladding materials of the relatively long run of properties to the immediate east of this application site. The building does not turn the corner of this section of the mews but instead continues projecting back into the site with the area above ground floor level to the west end of this main section of the mews given over to a roof terrace. In arranging the building in this manner the house is able to achieve some

outdoor amenity space. The detailing of the mansard roof does not fully follow Supplementary Planning Guidance (particularly in terms of set back from parapets etc.) though it largely follows the approach of the mansard roofs to the run of buildings to the immediate east.

Overall, the building will sit in place of a poor section of townscape, and it is faced in traditional materials and with some traditional detailing which will help it integrate into the area successfully.

The proposals also include a new shopfront to St John's Wood High Street, which is considered an improvement upon the existing. Overall, the scheme is considered acceptable in design terms and in accordance with Westminster Policies S28, DES1, DES 4, DES 5 and DES9.

8.3 Residential Amenity

Objections have been received from the local amenity society and local residents on the grounds of loss of light and increased sense of enclosure. Given the orientation of the site and the existing adjacent properties, it is not considered that the properties on Charles Lane would see a significant loss of amenity as a result of the proposed works, with the most affected properties being located to the rear of the site on Allitsen Road and the rear windows of the residential units above the application site on St Johns Wood High Street.

31-40 Avenue House, Allitsen Road:

This property is located to the rear of the new dwelling to the south east of the site. A daylight and sunlight report has been submitted with the application, which confirms that all windows except for two pass the requirements as set out within the Building Research Establishment (BRE) Guidelines. The two windows which fail are located at lower ground floor level, but have existing very low levels of light with one window's Vertical Sky Component (VSC) reduced from 6.6 to 5.1 (22.7% loss) and the other window reducing from 10.5 to 7.8 (25.7% loss).

No objection has been received from these occupiers, and it is understood from an adjacent resident that these most affected windows serve flats used as hospital staff accommodation. Typically a good VSC value would be in excess of 27%, it is therefore apparent that the existing levels are well below this level, given this it is considered that while a breach of the BRE guidelines has occurred, the actual loss of daylight is not so severe to warrant withholding permission. In addition the outlook from the remainder of the blocks is similar to as proposed, with windows in close proximity to the rear building line of Charles Lane, which is to be extended, replicating this relationship.

In terms of increased sense of enclosure the nearest windows already have quite a constrained view, looking directly onto the rear of 2 Charles Lane, however they do have oblique views over the existing application site, which is currently relatively unobstructed, with the exception of a ground floor retaining wall. The next most affected windows which look out obliquely across the application site are slightly further set back and appear to have opaque glazing and will therefore be less affected. The remaining windows in properties to the rear of Allitsen Road, in the properties approaching the junction with St John's Wood High Street are further set back, and divided from the

application site, by existing single storey extensions at lower ground floor level. In summary, given the most affected windows have a limited existing outlook, it is not considered that the impact would be so significant to warrant withholding permission.

124-126 St John's Wood High Street:

The existing windows look out onto the rear first floor flat roof and the flank wall of No. 2 Charles Lane beyond. As a result of the development, this flank wall will be brought forward and closer to these existing rear windows. There will also be an access enclosure located in front of this flank wall.

The applicants daylight and sunlight report states that all windows will meet the requirements as set out within the BRE guide as a result of the proposed development. In terms of sense of enclosure, while the new building will bring additional bulk, it is considered to be sufficiently separated as to be considered acceptable in these terms.

Terrace:

A new terrace is proposed at first floor level, which will look down Charles Lane. The provision of this terrace is welcomed, providing amenity space for the new dwelling. Due to level of the terrace, it will not result in a loss of amenity to the occupiers of properties on St John's Wood High Street, and is sufficiently set away from the properties on Charles Lane to be considered acceptable in amenity terms.

8.4 Transportation/Parking

There is one existing car parking space accessed from Charles Lane which is currently used by the resident who occupies the upper floors of 124 St John's Wood High Street. This resident has an agreement with the existing landlord allowing her use of this space. The resident has raised concerns verbally that she will not be given the same parking space should the proposals be granted and that the new car parking space will be difficult to manoeuvre into from the street. There is an existing section of kerb located in front of No.2 Charles Lane, however it is not considered that this would cause such an obstruction as to restrict access into the new garage. In addition the allocation of this secondary parking space to this resident is a private matter between the landlord and the tenant.

The Highways Planning Manager has not raised objection to this application, which provides two parking spaces. A condition is recommended to secure this provision.

8.5 Economic Considerations

Not applicable to a scheme of this scale.

8.6 Access

Access to the new dwelling is to be from Charles Lane at ground floor level.

Access to the existing flats above the retail unit are also to remain from Charles Lane, however from a new shared stair enclosure. Concern has been raised from a resident that the new access will not be acceptable as it will be harder to negotiate furniture/large deliveries and will be a more threatening space. In terms of security, the new access will

be shared by the new dwelling and all the flats above Boots. Shared access to flats is a common occurrence and will in some respects improve safety, due to increased observation and presence from the other residents. While the concerns in relation to deliveries of large items is noted, this is not a planning issue.

8.7 Other UDP/Westminster Policy Considerations

A condition is recommended for the submission of revised plans to show the provision of storage for waste and recycling.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable to a scheme of this scale.

8.12 Other Issues

Concerns have been raised in relation to the impact of the construction of the development on the surrounding street network. Given the relatively constrained nature of the site, a construction management plan has been submitted with the application. While it would not usually be necessary for developments of this type, given the objections received and as one has been submitted with the application, it is recommended that this is secured by condition.

Concerns have also been received in relation to overdevelopment of the site. While the small size of the site is noted, the development proposals are considered to be acceptable for the reasons set out within this report.

9. BACKGROUND PAPERS

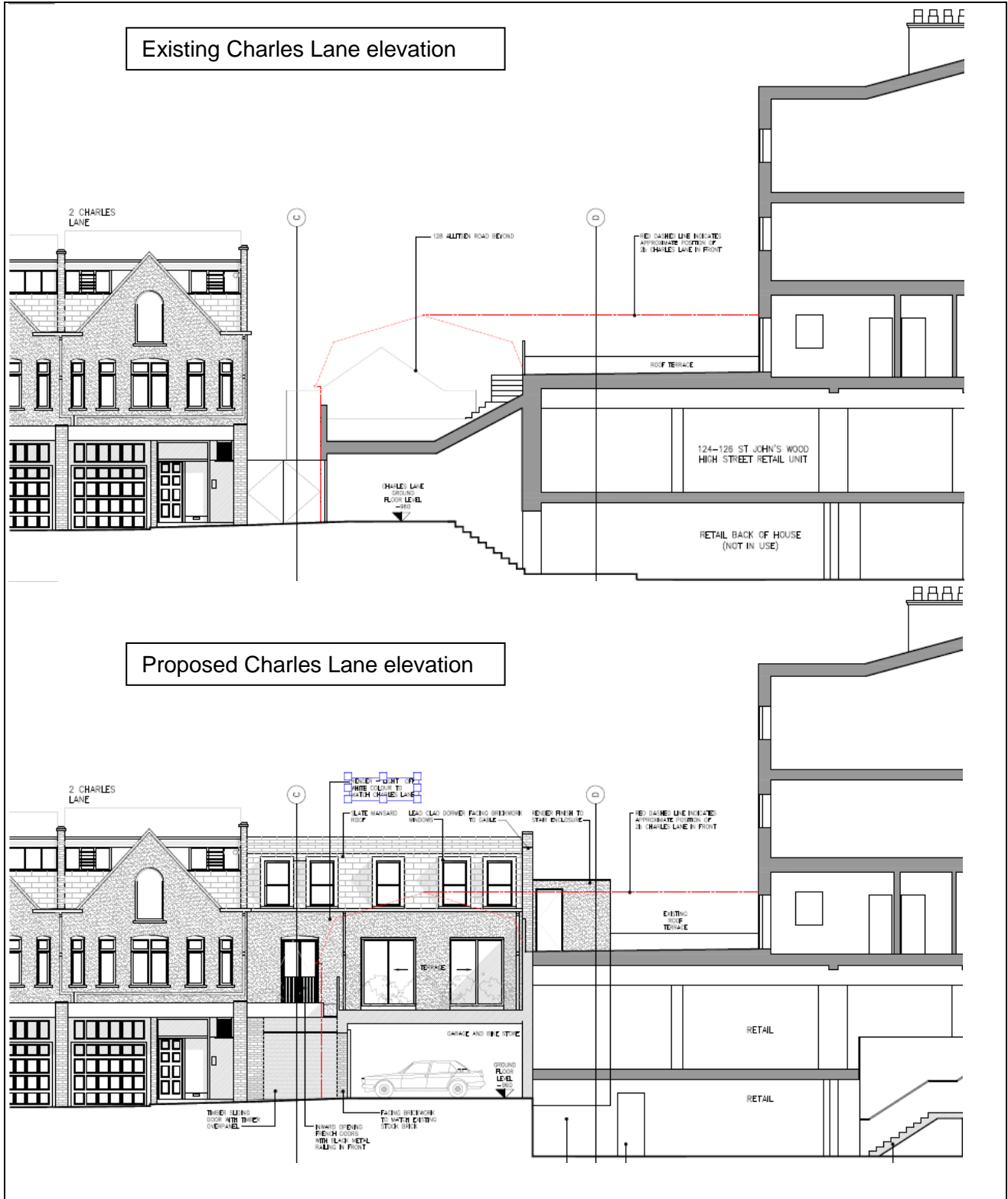
1. Application form
2. Response from The St John's Wood Society, dated 1 April 2016
3. Response from Building Control, dated 7 March 2016
4. Response from Cleansing, dated 8 March 2016
5. Response from Highways Planning Manager, dated 10 March 2016
6. Response from Environmental Health, dated 7 March 2016

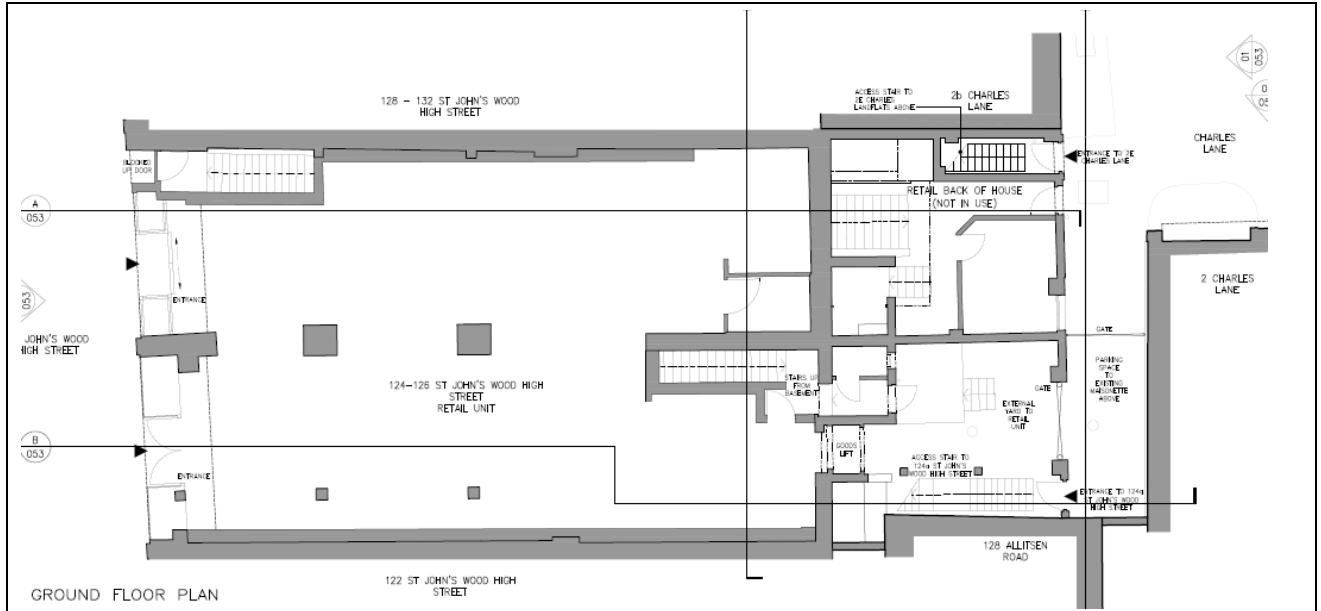
7. Letter from occupier of 5 Charles Lane, St John's Wood, dated 6 March 2016
8. Letter from occupier of 2B Charles Lane, London, dated 1 April 2016
9. Email from occupier of 124A St John's Wood High Street, London, dated 25 February 2016

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

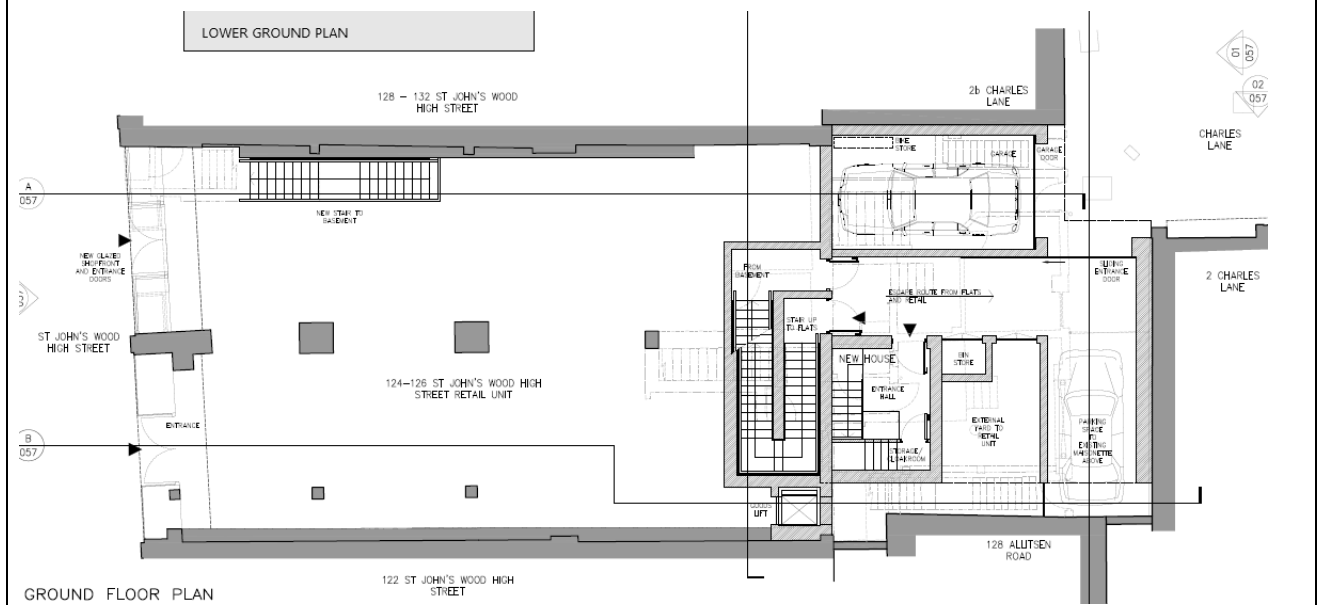
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RUPERT HANDLEY ON 020 7641 2497 OR BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS

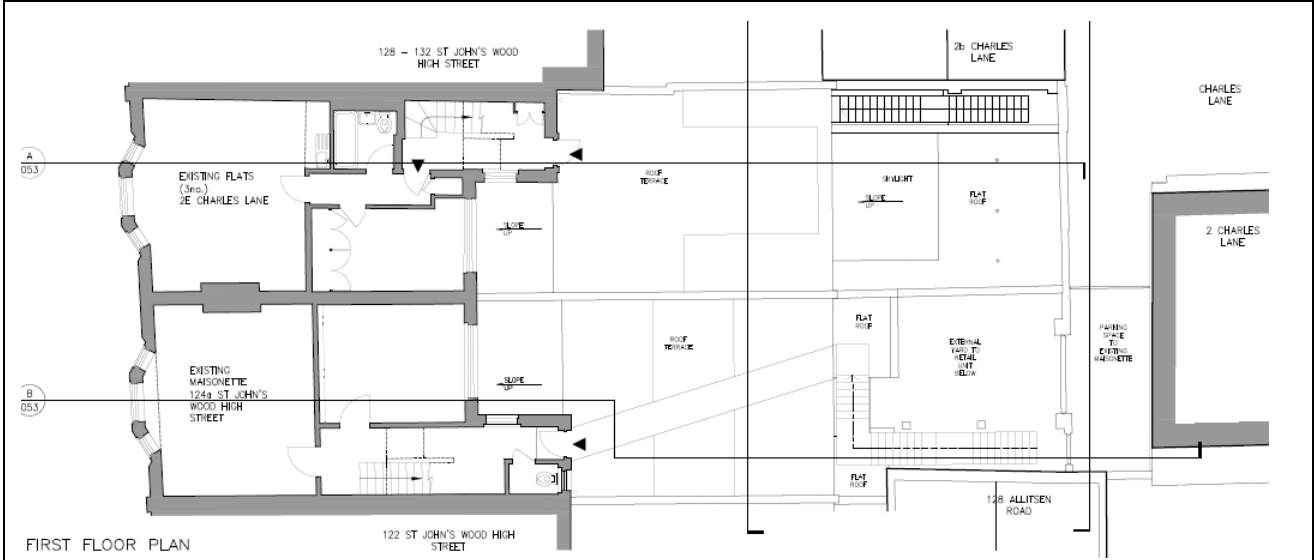




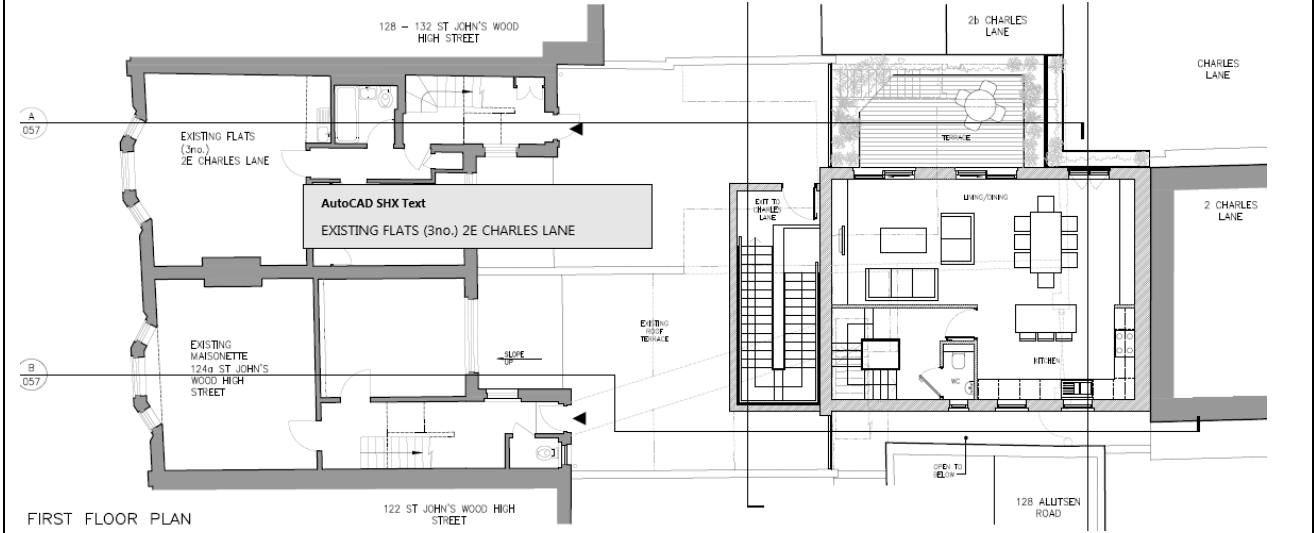
Existing Ground floor plan



Proposed ground floor plan



Existing first floor plan



Proposed first floor plan

DRAFT DECISION LETTER

Address: 124-126 St John's Wood High Street, London, NW8 7SG,

Proposal: Erection of a new 3 storey dwelling with terrace accessed from Charles Lane including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level.

Plan Nos: 1181-050; 1181-051; 1181-052 A; 1181-053; 1181-055; 1181-056 A; 1181-057 A; Design, access and heritage statement; Daylight and Sunlight Report by CHP Surveyors Limited; Letter dated 29 January 2016 from Savills; Construction Management Plan by Mcdonald architects dated December 2015.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development

Plan that we adopted in January 2007. (R26BE)

- 4 The pitched roof structure to second floor level shall be clad in natural slates to pitched roof slopes, lead to flat roofs, and with dormers clad in lead to sides, cheeks and roofs.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The new railings to the first floor roof terrace shall be formed in black metal.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 9 You must provide access to the existing flats located on the upper floors of 124-126 St John's Wood High Street prior to the occupation of the new residential dwelling as shown on the hereby approved drawings. Access shall be retained thereafter.

Reason:

To make sure that there is reasonable access to existing residents and to ensure that the amenity of existing residents is not negatively affected, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must apply to us for approval of detailed plans, sections and elevations of the following parts of the development - the new garage doors to show how they will operate and provide access to both residents and vehicles. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 The Construction Management Plan dated December 2015 shall be adhered to throughout the construction period.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must not enlarge, improve or alter the building without our permission. This is despite the provisions of Classes A, B, C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015 (or any order that may replace it).

Reason:

To prevent the unacceptable extension or alteration to the building and make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 The facing brickwork must match the existing adjacent work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

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

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

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

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