

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 2 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	8 Chesterfield Hill, London, W1J 5BW,		
Proposal	Variation of condition 1 of planning permission dated 14 January 2014 (RN: 13/10660) for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3); installation of plant and terrace at roof level'; namely, to allow changes to the approved scheme including extension to rear lightwell on basement to third floors, alterations to windows north east elevation, alterations to Farm Street elevation, modifications to roof level plant; omission of roof level stair enclosure and refuse lift within lightwell; alterations to internal layout including changes to the mix of residential units and lowering the floor slab at lower ground floor level.		
Agent	Mr Jon Dingle		
On behalf of	Wellingtons Developments Ltd		
Registered Number	16/00807/FULL	Date amended/ completed	9 February 2016
Date Application Received	29 January 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission subject to no new substantive issues being raised prior to the expiry of the re-consultation period on 5 August 2016.

2. SUMMARY

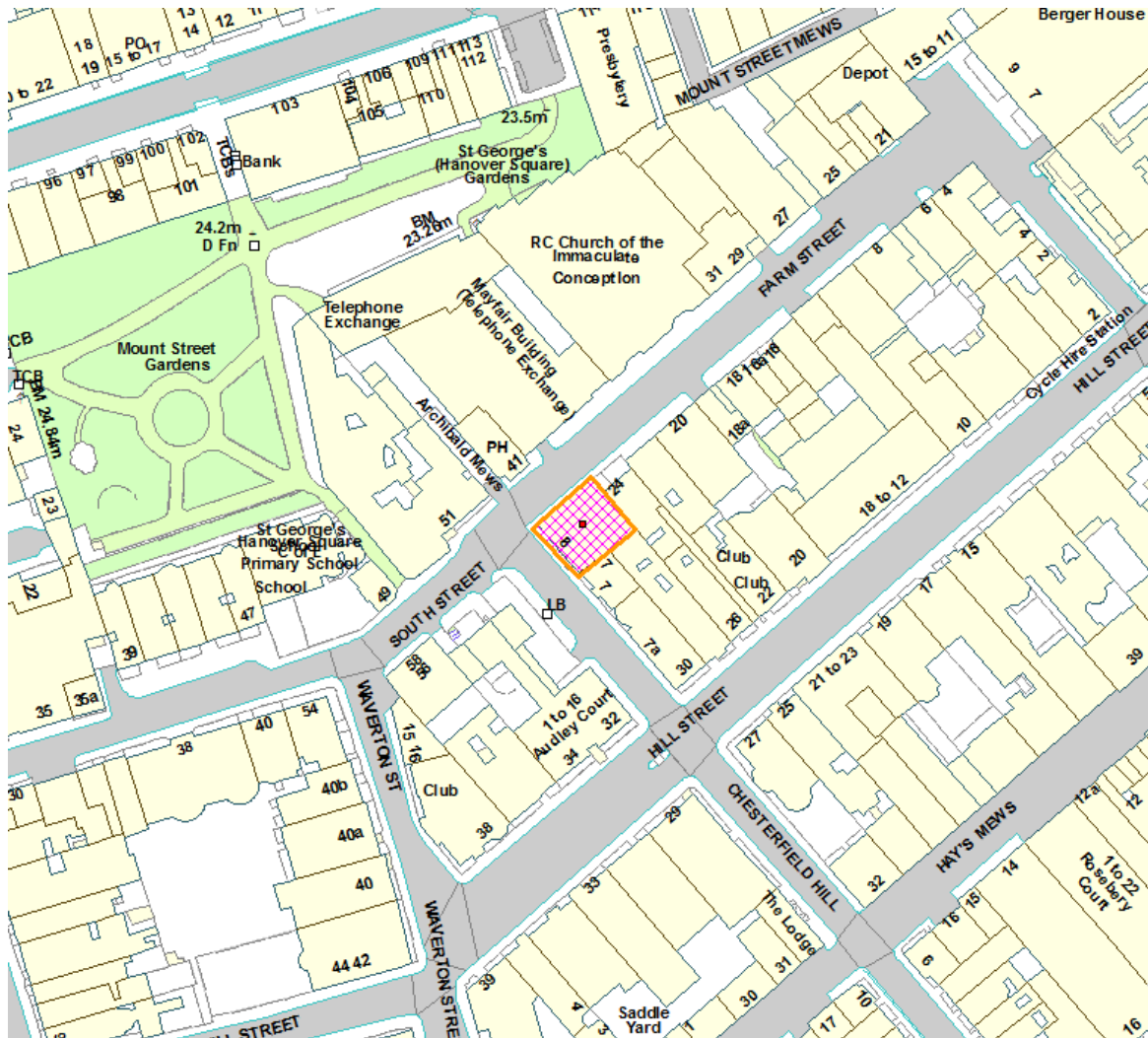
The application site is an unlisted building located within the Mayfair conservation area. Available records suggests that the lawful use of the building is as offices (Class B1) on basement to second floors, with a residential flat at third floor level. The property is currently vacant. Permission was granted on 14 January 2014 for the demolition of the existing building and for the erection of a new building on basement to third floor to provide five flats (C3). This application is for alterations to that scheme including changes to the residential mix of the five units, the erection of a full height extension in part of the rear lightwell, roof level alterations including the reconfiguration of roof plant and alterations to the building elevations including the installation of an access door to a new ground level refuse and cycle store on Farm Street and lowering the height of the floor slab at lower ground floor level.

The key considerations in this case are:

- * the acceptability of the proposed alterations in terms of their impact on the character and appearance of this part of the conservation area
- * the impact of the proposals upon the amenities of neighbouring residents with particular regard to the impact of the relocated refuse/cycle store and the reconfigured roof plant
- * the acceptability of the proposals in highways term, again in respect of the use of the refuse/cycle store.

Objections have been received on design, amenity and highway safety grounds. However, subject to appropriate conditions, it is not considered that the proposed modifications to the approved scheme would adversely affect the amenities of neighbouring residents or the character and appearance of this part of the conservation area. In addition, it is not considered that the use of the refuse/cycle store would result in highway obstruction to the detriment of pedestrians' safety. The application has been revised to refer, explicitly, to proposals to reduce the height of the floor slab at lower ground floor levels and further re consultations have been carried out to ensure that neighbours are aware of this aspect of the scheme. The consultation period will not expire until a few days the application is report to the Committee. Consequently, the application is recommended for approval subject to no new substantive issues being raised prior to this date.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR ROBERTS

Request that application be reported to Committee. Considers the alterations to be a "step too far"

HISTORIC ENGLAND

Do not wish to comment

RESIDENTS' SOCIETY OF MAYFAIR & ST JAMES'S

No objection

CLEANSING

No objection

HIGHWAYS PLANNING

Objection; lack of off-street parking,

ENVIRONMENTAL HEALTH

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 65

Total No. of replies: 10 (including three letters from/on behalf of occupants of one property)

No. of objections: 7

No. in support: 0

Objections on the following grounds:

Amenity

- Formation of ground level refuse and cycle store on Farm Street would lead to potential hygiene issue, infestation by vermin and smell nuisance and noise disturbance caused by the use of the access door; impact all exacerbated by the fact that no full-time porter would be present. Site servicing and access should be confined to Chesterfield Hill
- Noise disturbance from use of new basement plant room, adequate soundproofing required.
- Overshadowing to neighbouring property from relocated roof plant
- Noise and vibration from relocated roof plant, post-installation assessment required

Design

- Reconfigured roof plant would adversely affect the character and appearance of the conservation area
- Size and appearance of door to refuse/cycle store inappropriate

Highways

- Highway obstruction from use of access doors and storage of waste on pavement
- Potential conflict between use of cycle storage/refuse bay and adjacent motor cycle bays
- Cycle parking should not be required as part of the development, adequate facilities nearby

Other issues

- Safety concern if cycle store used to park motorbikes

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application premises is an unlisted, neo-Georgian, corner property situated on the east side of Chesterfield Hill at its junction with Farm Street, within the Mayfair Conservation Area, within the Core Central Activities Zone.

The building comprises lower ground, ground and three upper floors. Previous applications appear to have been determined on the basis that the lawful use of the building is as Class B1 offices. However, the applicants contend that the lawful use of the third floor is as a residential flat (Class C3).

The site is located within a mixed commercial and residential area. The closest residential properties are immediately adjacent at 24 Farm Street and 7 Chesterfield Hill and to the rear, at 26 and 28 Hill Street.

6.2 Recent Relevant History

There is some question as to whether the lawful use of building includes a third floor flat. The planning history shows the following:

9 August 1972: Application received for the redevelopment of 8/9 Chesterfield Hill and 24 Farm Street. The use of the Chesterfield Hill building is noted as offices with a residential apartment.

5 February 1997: Permission granted for the erection of a satellite dish. The application form states that the building is in office and residential use.

An application dated 3 January 2006 for the erection of an infill extension to the rear courtyard, on basement to second floors, was withdrawn on 8 February 2006. The proposed addition, with sheer brickwork on all levels, extended to the rear boundary with 28 Hill Street and incorporated an internal lightwell.

The submitted survey plans show a flat on the entire third floor comprising a reception room, dining room, kitchen, bedroom, bathroom (with bath) and a second cloakroom. The application form details 168.5 sqm of residential floorspace.

21 September 2006: Permission granted for erection of an extension in the rear lightwell on basement to first floors, for office use. This addition, which incorporated an internal lightwell extended as far as the site boundary with 28 Hill Street on basement and ground floors. The top floor, in mansard form, was set back from the boundary. Not implemented.

Again, the submitted plans show a third floor flat although no reference is made to a residential use in the Committee report.

27 March.2008: Permission granted for the demolition of the existing building and the erection of a dwelling house on basement, ground and three upper floors, with roof level terrace. Not implemented.

The applicant's covering letter refers to a mixed office and residential use on the site but this use is not shown on the submitted plans nor referred to on the application form.

22 January 2009: Permission granted for the demolition of the existing building and the erection of a dwelling house on sub-basement, basement and ground to third floors, with roof terrace. Not implemented.

This time, the covering letter from the same agent refers only to an office use on this site.

29 March 2012: Permission granted for an extension of time to implement the permission granted on 22 January 2009.

The covering letter, from the same agent, refers to an office and residential use on the site but no other documents or drawings refer to a third floor flat.

This application was submitted and approved after the adoption of the Core Strategy (January 2011) and the Interim Guidance on Affordable Housing, when any increase in residential floorspace of 1000 sqm would have triggered the new affordable housing policies..

The accompany report, although stating that the building was in office use, confirms that the introduction of the new policies had no planning implications.

14 January 2014: Permission granted for the demolition of the existing building and for the erection of a replacement building on lower ground, ground and three upper floors to provide 5 x 3 bed flats; installation of plant and creation of a terrace at roof level.

The accompanying report states that the existing building is in office use. It also confirms that the proposals would result in an increase in residential floorspace of 993.8 sqm, falling below the 1000 sqm threshold at which the affordable housing policy would be triggered.

Applications to discharge details of the refuse storage arrangements and a Construction Management Plan have been approved. However, a pre-commencement condition requiring the approval of details of the means of ensuring that demolition and construction take place as a continuous process has, at the time of writing this report, yet to be approved. A recent site visit revealed that the existing lightwell walls have been removed at lower ground floor level. A small area of the lower ground floor slab has also been dug out, to a depth of approximately 1 metre.

7. THE PROPOSAL

This application is for various alterations to the approved scheme, as follows:

- The erection of a full height extension within part of the rear lightwell, resulting in the omission of most windows on the north-east elevation.
- Alterations to the approved residential mix to provide 1 x 1, 1 x 2 and 3 x 3 bed units
- A slight enlargement of windows on the ground floor and the enlargement and reconfiguration of windows within the lower ground floor lightwell
- Modifications to the arched window on the Farm Street elevation to provide a door access to a new refuse and cycle storage area and the associated omission of a waste transfer lift in the front basement lightwell.
- Increased width of the main entrance and levelling the internal lobby to improve accessibility
- The lowering of the lower ground floor slab by approximately 1m
- The rationalisation of roof level plant and the omission of a roof level stair enclosure providing access to the roof terrace.
- The rationalisation of escape routes resulting in the omission of an escape gantry at third floor level. The reciprocal means of escape with 7 Chesterfield Hill would be re-provided via a designated escape lobby leading to the main staircase within the application building.

The application was initially amended to remove reference to a new basement area beneath part of the site. A roof level satellite dish has also been located to a less prominent position. More recently, the application was revised to make explicit reference

to the lowering of the floor slab at lower ground level, although these works were shown on the submitted drawings.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of offices

The application would involve the loss of 810 sqm of office floorspace on the site. There are no policies within the adopted UDP and City Plan which safeguard existing office uses. However, since 1 September 2015, given the pressures on existing office floorspace from residential development, on sites within the Core CAZ, the conversion of existing offices to residential use, has been considered unacceptable, other than in the most exceptional circumstances.

Updated policies, 'The Basement Revision and Mixed Use Revision to the City Plan' were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March. Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016.

However, as there is an extant permission for the redevelopment of the site for residential purposes, the current application for alterations to the approved scheme could not reasonably be resisted in land use terms. Nevertheless, given the change in policy direction, it is considered appropriate to limit any new permission to the life of the existing permission.

Residential use

On the basis that the loss of the existing offices is considered acceptable, the use of the site for residential purposes is also considered acceptable and complies with UDP policy H3 and S14 of the City Plan.

The approved scheme involved the provision of 5 x 3 bed units. Although the number of units has not changed, the accommodation has been reconfigured to provide a mix of unit sizes 1 x 1, 1 x 2 and 3 x 3 bed, which is welcomed. Three of the flats (60%) would be family-sized, which accords with policy H5.

The reconfigured units, which provide two duplex apartments on lower ground and ground floors and a single flat on each of the three upper floors, would provide an acceptable standard of accommodation for future residents in terms of unit size and layout and the level of light received. As previously, conditions are recommended to ensure that the new units would achieve satisfactory internal noise levels.

Affordable housing

On the basis that the 2014 permission provided 993.8 sqm of new residential floorspace on the site, officers determined that the scheme did not trigger an affordable housing requirement. However, the applicants contend that the existing building provides 810 sqm of offices and 184 sqm of residential floorspace (GEA) and that the approved scheme (2014), resulted in a net increase of only 810 sqm. On this basis, they consider that the current proposals, which provide 1100 sqm of residential floorspace (an additional 106 sqm), would result in a net increase in residential floorspace of 916 sqm.

Section 6.2 of this report (Planning History) shows that there are references to a residential flat on the site in various applications submitted between 2006 and 2013. The “existing” residential floorspace figure given by the applicants is close to that detailed in the 2006 application.

Current Council Tax records (June 2016) refer to a flat on the site. The applicant has provided Council Tax demand notices for the years 2011/2012 to 2016/2017, addressed to the same resident at “The Flat at 8 Chesterfield Hill”. Business Rates records have also been supplied from April 2010 to date. These refer to an office use on basement to second floors only.

In view of the planning history and additional information supplied by the applicants, it appears likely that the lawful use of the third floor of the building is as a residential flat and that the proposed increase in residential floorspace on the site would be below the 1000 sqm threshold.

8.2 Townscape and Design

The design of the proposed building reflects the neighbouring property in Chesterfield Hill, which is an attractive Edwardian red brick dwelling house with ornate stonework. The proposed building takes its references from this and would fit in with its surroundings to a greater extent than the current building and would be an enhancement of this prominent corner site.

The height, bulk and massing and detailed design of the under the current proposal is largely the same as that for the most recent approval. The most significant change is the full height extension within part of the rear lightwell. The design modifications to the elevations involve the reconfiguration of windows in the front basement lightwell and the creation of an arched door opening (previously a window) on Farm Street. The approved roof level plant enclosure , adjacent to the party wall with 7 Chesterfield Hill, would be enlarged and set further back from the street elevation, but would be the same height of the approved plant enclosure, and would be significantly less tall/bulky than existing roof level structures. The approved roof level stair enclosure would be replaced by an access panel. Railings to the roof level terrace would be moved slightly closer to the roof edge but the impact of this change is not considered to be significant in townscape terms.

Objections have been received on the grounds that the reconfigured roof plant and the replacement of the approved windows on the Farm Street frontage with an access door to

a new refuse and cycle store would have an adverse impact on the character of the conservation area.

In comparison with the approved scheme, the roof level alterations represent a slight improvement which would principally benefit views from the upper floors of neighbouring properties. The replacement of the approved ground floor window with a doorway, and alterations to the basement level lightwell windows, are also considered acceptable. In addition, the enlarged building footprint, extending into part of the lightwell, is unobjectionable. The design of the building as now proposed would still suit the site. In conclusion, the proposed modifications would maintain the character appearance of the Mayfair Conservation Area and the setting of the listed public house, opposite. Consequently, it is not considered that the objections could be supported.

8.3 Residential amenity

The properties adjoining the application site are in residential use; 7 Chesterfield Hill and 24 Farm Street are single family dwelling houses, whilst 28 Hill Street is subdivided into flats. None of the properties have windows which face directly towards the application site, although there is a ground floor roof lantern at 28 Hill Street. The height and bulk of the proposed building is largely the same as that under the recent approval, with a slight reduction in roof height when compared with the existing building. However, it is now proposed to erect a full height extension within part of the rear lightwell and to enlarge the foot print of, and relocate, the roof level plant .

The lightwell extension, to approximately two-thirds of the depth of the previous lightwell, would be would set back from the boundary with 28 Hill Street, enclosed by the existing building and the blank party wall with 24 Farm Street. However, the upper level would project above the height of this party wall. The reconfigured plant enclosure, although the same height as the approved enclosure, would be set further back from the street frontage, closer to the lightwell.

Daylight/Sunlight

UDP policy ENV13 states that permission will not be granted for development proposals which result in a material loss of amenity to neighbouring residential properties with regard to the level of daylight or sunlight received, any increase in the sense of enclosure to adjoining windows or any loss of privacy. Similarly, City Plan policy S29 seeks to safeguard the amenities of neighbouring residential properties.

The application is supported by an updated daylight and sunlight report. This shows that, in most cases there would be no reduction in the amount of daylight and sunlight received to neighbouring properties. In many cases, there would be a slight improvement over the existing situation due to the reduction in the overall building height. There would be a reduction in daylight (VSC) to one ground floor window at 28 Hill Street, where existing levels are already poor. This loss, at 20% is within acceptable parameters as set down in the BRE guidelines. Any other reductions would be at 1 or 2%.

There would be no material loss of sunlight. The occupier of 7 Chesterfield Hill has objected to the application on the grounds that the proposals and the reconfiguration of

the roof plant would result in the overshadowing of a neighbouring property and roof terrace. However, the application site is located to the north of the neighbouring terrace and the plant is largely set behind the existing party wall. Consequently, the plant proposals would not affect the amount of sunlight received to the adjacent terrace. The submitted sunlight assessment demonstrates that there would be no material loss of sunlight to neighbouring buildings.

Overlooking

The extension to the lightwell would include new windows, which would be sited closer to the rear boundary than windows within the approved development. The only direct view from these windows would be towards the rear of properties in Hill Street and, given the distance, between buildings, it is not considered that changes to the scheme would have any significant impact in the degree of overlooking to properties at the rear.

Windows on the upper floor of the new lightwell extension would provide more oblique views towards a high level terrace at the rear of 24 Farm Street. However, these windows replace those windows within the original (approved) lightwell elevation which afforded more direct views towards the neighbouring terrace. Similarly, the lightwell windows would afford oblique views towards the rear of 7 Chesterfield Hill but it is not considered that the degree of overlooking to the rear windows and terrace would be so significant as to justify a recommendation for refusal on overlooking grounds.

As previously, a roof terrace is proposed at main roof level, which has been slightly reconfigured. However, it is not considered that this change would increase the potential for overlooking to neighbouring residential properties, given the acute sightlines.

Creation of ground level refuse and cycle store

The permitted scheme provides refuse and cycle stores at basement level, with waste being transferred to ground level via a lift located in the front basement lightwell. The current scheme relocates the refuse and cycle storage areas to a dedicated ground level store, on the farm Street frontage. The new refuse/cycle store would lead in to a porter's room at the rear which would, itself, provide access into the main entrance lobby.

Objections have been received on the grounds that the creation of a refuse and cycle store, and secondary access, in this location would adversely affect the amenities of neighbouring occupiers resulting in increased noise disturbance to residents in Farm Street, including from the opening/closing of the access doors, and potential smell nuisance and problems with vermin. Objectors have cited similar problems associated with the storage of waste outside the Punchbowl public house. They are concerned that any potential problems associated with the provision of the refuse store would be exacerbated by the fact that the porter will not be present on the building 24 hours a day. The occupants of 24 Farm Street are particularly concerned about the impact of the use of this area, which replaces a dining room under the approved scheme, immediately adjacent to their property.

The applicants have advised that a porter would be on-site for 18 hours a day, Even in the case of 24-hours cover by a porter, it is unlikely that cleaning of the refuse area would take

place “out of hours”. However, given that the refuse/cycle store is accessible from within the building, it is in the best interests of the developer to ensure that the store is well managed and kept clean, not least to safeguard the amenities of future residents of the flats. In addition, it is unlikely that the occasional use of the access door would have such a significant impact on noise levels in the area, to cause a loss of amenity to neighbouring residents.

The new refuse/cycle store would be sited on the boundary with 24 Farm Street, where the front building line is set over 3 metres behind the line of the proposed building. Consequently, the greater part of the storage area would sit in front of the neighbouring property. The rear part of the storage area would abut the hallway of the neighbouring house. The plans show that the wall to the storage area, would be 0.7m thick, resulting in a separation of interior spaces within the two buildings by nearly 1 metre. In these circumstances, it is not considered that the use of the refuse and cycle areas, serving five flats, would have a significant impact on the amenities of the neighbouring property.

Impact of works at lower ground floor level

The application has recently been amended to refer, explicitly, to proposals to lower the floor slab at lower ground floor level by approximately 1 metre. Although this work is shown on the application drawings, it was not explicitly referred to in the application letter which detailed the proposed changes to the approved scheme and, consequently, was not referred to in any advertisement or neighbour consultations. The application has now been re-advertised to explicitly refer to this part of the scheme. This modification to the approved scheme does not involve the excavation of an additional storey of accommodation, but is designed to increase the head height at lower ground floor level, without increasing the height of the building above ground level. It is not considered that this “digging out” would have a significant impact upon the amenities of neighbouring residents. A condition is recommended requiring the development to be carried out in accordance with either the approved Construction Management Plans (which include reference to these excavation works and the removal of spoil) or an updated CMP. It is also noted that a previous permission for the redevelopment of the site included the excavation of a new sub-basement.

8.4 Highways

The City Council's Highways Officer has indicated that the application site is within an area where on street parking demand exceeds defined stress levels where the occupancy of on-street legal parking bays has exceeded 80% within a 200m radius of the development site, and has objected to the scheme on the grounds that the scheme does not include off-street parking for the flats. The potential increased pressure for on street parking needs to be balanced against the land use objective to increase the housing stock. It was not previously considered that the scheme could be refused on parking grounds, and that permission for the creation of five flats remains extant. In these circumstances, it is not considered that the lack of off-street parking could justify a recommendation for refusal.

Sufficient secure cycle parking (11 spaces) is provided within the new ground level cycle store. One objection has been received to the principle of providing a cycle store on the basis that there is available cycle provision nearby. However, Council policies and policies

within the Further Alterations to the London Plan require cycle storage to be provided as a part of new development. In these circumstances, it is not considered that objections to the principle of cycle storage could be supported.

Objections have been received on the grounds that the use of the cycle/refuse store would conflict with the motorcycle parking bays on the highway, and that storage of waste on the highway would result in the obstruction of the narrow pavement to the detriment of pedestrian safety, forcing pedestrians to walk in the roadway. The submitted plans show the door to the refuse store would open inwards, and this would be controlled by condition. There are no pavement structures/control boxes along the Farm Street frontage and the roadway directly outside the refuse store is marked by double yellow lines. These yellow lines are located between motor cycle bays which are situated further westwards along the Farm Street frontage (towards Chesterfield Hill) and a residents' parking bay directly outside of 24 Farm Street. It is likely that refuse bin will be placed on the highway immediately prior to collection, probably on the area of highway between the t motor cycle and residents' parking bays, rather than on the pavement. This arrangement is the same as that proposed under the approved scheme, where waste would have been transferred from the basement and placed on the highway to await collection. Although the Farm Street pavement is narrow, this width is typical of pavements in the area and it is not considered that the sporadic use of the refuse/cycle store would have a material impact on highways obstruction or pedestrian safety.

8.5 Economic Considerations

Any economic benefits resulting from the development are welcomed.

8.6 Access

As previously the new accommodation would provide full access for future residents.

8.7 Plant

The application is supported by an acoustic report. The occupier of 7 Chesterfield Hill has requested that the proposals be assessed to ensure that it meets plant noise requirements. They have also expressed concern that the plans show a new basement level plant room adjacent to their party wall.

As previously, it is proposed to site new plant at roof level. A preliminary Acoustic Report has been provided. The Environmental Health Officer has raised no objection to the proposals subject to the submission of a supplementary acoustic report to demonstrate that the plant would comply with standard noise conditions. This is the same approach adopted with previous application. Subject to appropriate controls, the scheme is considered to comply with UDP policy ENV 7.

The occupants of 24 Farm Street have expressed concern about potential noise disturbance from a basement level plant room adjacent to their party wall. The applicants have confirmed that this area would accommodate domestic boilers and water softeners

rather than mechanical plant. In these circumstances, it is not considered that there would be a material impact on noise levels.

8.8 Refuse /Recycling

The Projects Officer has confirmed that he has no objection to the proposed storage provision for waste and recyclable material within the proposed ground floor store.

Objectors consider that there is no need for a dedicated refuse store and that residents could place their waste directly to the street deposit in Farm Street. However, Council policies encourage the provision of dedicated refuse stores in new developments, for the very reasons highlighted by objectors with regards to refuse stored outside the neighbouring public house, and there is no objection to the provision of a refuse store in principle.

8.9 Biodiversity and Sustainability

The scheme provides an area of green roof. Although the area is slightly reduced as a result of the roof level alterations, it would enhance the site's contribution to the biodiversity of the area and is welcomed. The green roof would be secured by condition.

The proposals do not have any implications for the sustainability of the development.

8.10 Other issues

One objector has expressed safety concerns should the cycle store be used for the parking of motorbikes. However, this area is only to be used for the storage of refuse and bicycles.

Further consultations were undertaken following formal revisions to the application to include explicit reference to the digging out works at lower ground floor level (although these works were shown on the application drawings). As the consultation period does not expire until 5 August 2016, the recommendation to approve the application is subject to no substantive new issues being raised prior to the expiry of the reconsultation period

8.11 London Plan

This application raises no strategic issues.

8.12 National Policy/Guidance Considerations

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

8.13 Planning Obligations

The proposal does not generate any planning obligations.

9. BACKGROUND PAPERS

1. Application form and letters dated 29 January, 2 June and 7 July 2016
2. Email from Councillor Roberts dated 27 June 2016
3. Response from Historic England (Listed Builds/Con Areas), dated 23 February and 23 May 2016
4. Response from Residents' Society of Mayfair & St. James's, dated 18 March 2016
5. Response from Environmental Health dated 26 February 2016
6. Letter from occupier of 51 South Street dated 17 June 2016
7. Letter from the occupier 51 South Street dated 19 June 2016
8. Letter from occupier of 29A Brook Street dated 20 June 2016
9. Letter from occupier 22 Farm Street dated 23 June 2016
10. Letters/email from and on behalf of the occupiers of 24 Farm Street dated 10 March, 17 June (enclosure) and 21 June 2016
11. Email from occupier 25 Farm Street dated 25 June 2016
12. E-mail from a resident of Farm Street dated 20 June 2016
13. Letter from the occupier of 7 Chesterfield Hill dated 14 April 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 THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS



NOTES:
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LEGEND - REFERENCES
- - - - - Outline of existing building
- - - - - Outline of proposed building

- LEGEND - PATTERNS
- Proposed new flat roof structure
 - Proposed new stone masonry to gable end
 - Proposed new masonry wall structure
 - Proposed new brickwork to be removed
 - Proposed new masonry window sills
 - Proposed new stone masonry to be removed
 - Proposed new masonry to be removed

Scale: 1/100
Date: 11/01/2016

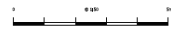
SQUIRE & PARTNERS

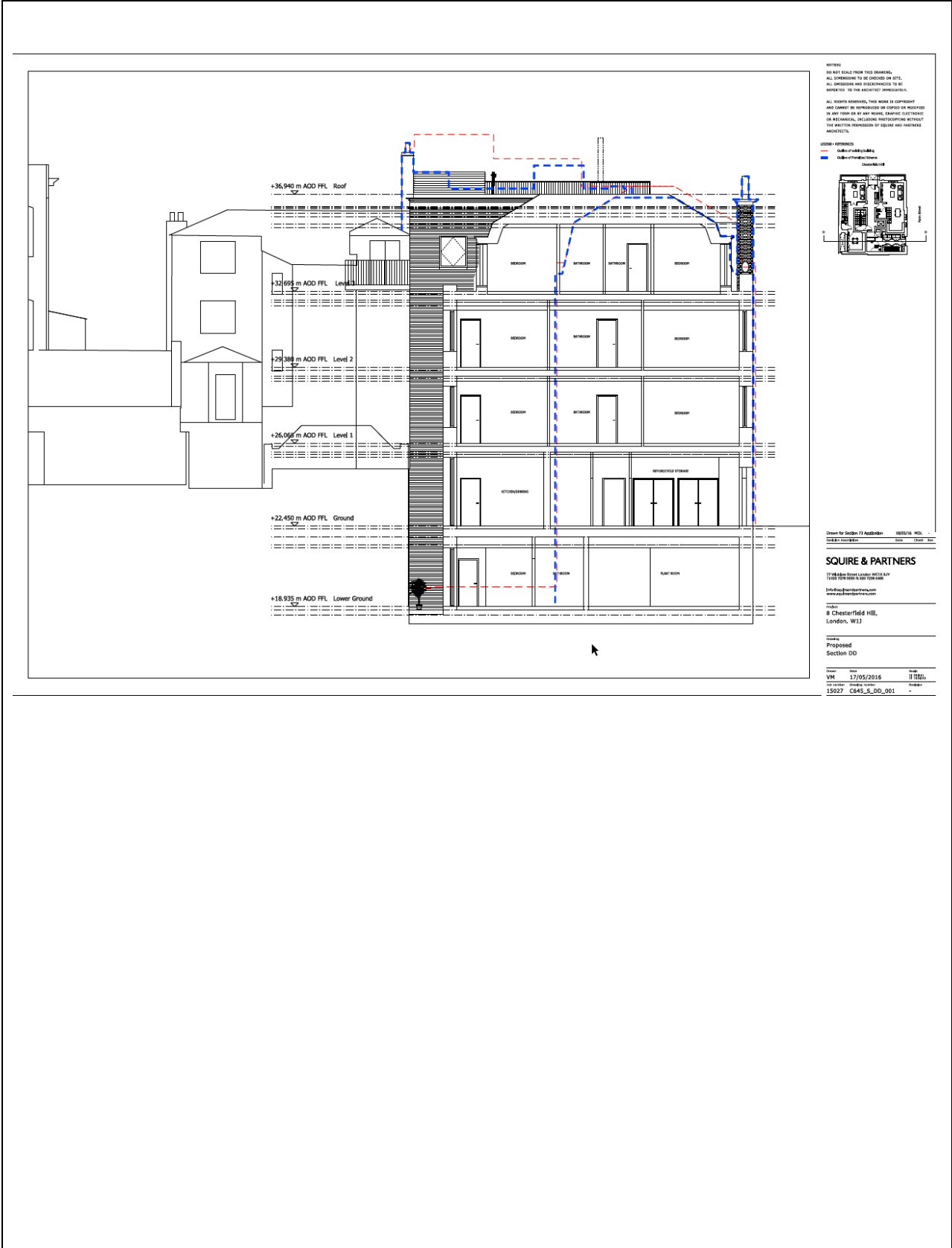
100 Abchurch Lane, London, EC4N 3DF
Tel: 020 7403 3000
www.squireandpartners.com

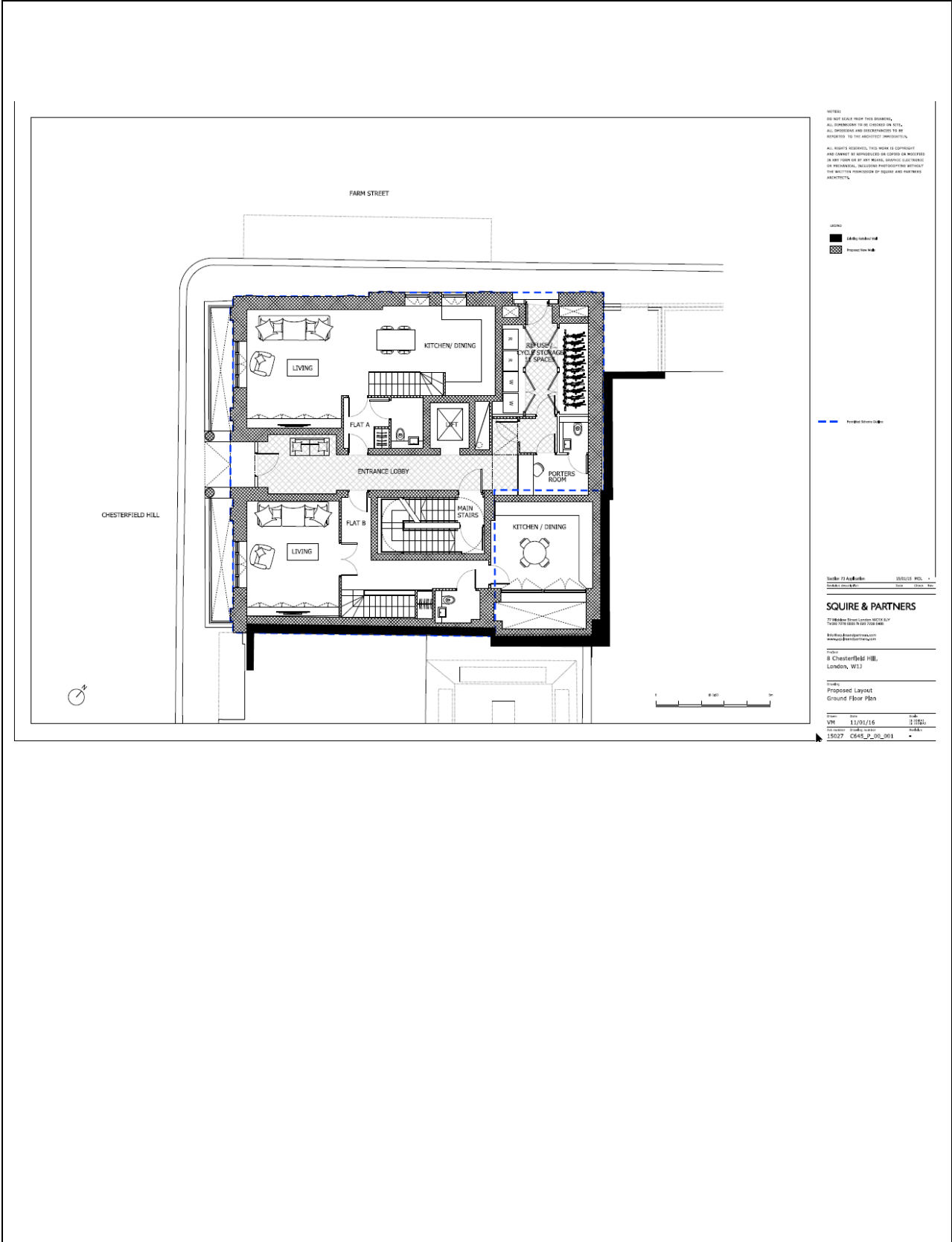
Project:
8 Chesterfield Hill,
London, W1J

Drawn:
Proposed
North West Elevation

Author	Date	Check
VM	11/01/2016	11/01/2016
15027_C645_F_NW_001		







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ARCHITECTS.

LEGEND:
 Existing building
 Proposed new work

--- Proposed Access Design

Scale: 1:500
 Date: 11/09/16

SQUIRE & PARTNERS
 17 Old Bailey Street, London, W3C 2AF
 Tel: 020 7461 1111
 www.squireandpartners.com

Project:
 8 Chesterfield Hill,
 London, W3J

Drawn:
 Proposed Layout
 Ground Floor Plan

Drawn	Date	Check
VM	11/09/16	11/09/16
15027	CS45_P0_001	

DRAFT DECISION LETTER

Address: 8 Chesterfield Hill, London, W1J 5BW,

Proposal: Variation of condition 1 of planning permission dated 14 January 2014 (RN: 13/10660) for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3); installation of plant and terrace at roof level'; namely, to allow changes to the approved scheme including extension to rear lightwell on basement to third floors, alterations to windows north east elevation, alterations to Farm Street elevation, modifications to roof level plant; omission of roof level stair enclosure and refuse lift within lightwell; alterations to internal layout including changes to the mix of residential units and lowering the floor slab at lower ground floor level.

Reference: 16/00807/FULL

Plan Nos: 15027 C645_P_/LG_001A, 00_001, 01_001, 02_001, 03_001, RF_001A; 15027 C645_E_/SW-001B, NW_001, SE_001A, NE_001A; 15027 C645_S_DD_001A

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

Recommended Condition(s) and Reason(s):

1

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

Reason:

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

2

You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

3

You must apply to us for approval of detailed drawings of the following parts of the development - 1) external doors, 2) windows and dormers, 3) railings and 4) string courses, moulded/rubbed brickwork and carved stonework. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

4

Pre Commencement Condition. You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

5

You must not carry out demolition work unless it is part of the complete development of the site.

You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

6

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)

7

You must provide the waste store shown on drawing 15027 C645_P_00_001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

8

You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

9

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment

complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

10

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

Reason:

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

11

You must carry out the development accordance with the Construction Management Plan approved on 24 February 2016 under reference 15/11591/ADFUL or the Construction Management Plan approved on 22 April 2016 under reference 16/02425/ADFUL or in accordance with a new a Construction Management Plan for the proposed development which has been submitted to and approved in writing by the City Council as local planning authority prior to the commencement of works, including any works of demolition. The plan must include the following details (where appropriate):

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and

(vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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 apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

13

This permission must be commenced no later than 13 January 2017

Reason:

This permission authorises amendments to the original planning permission granted on 14 January 2014 (RN 13/10660/FULL) which must be commenced no later than the above date.

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.

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.