

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 th October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	8 Chesterfield Hill, London, W1J 5BW,		
Proposal	Erection of a new residential building comprising 5 flats (Class C3)		
Agent	Jon Dingle		
On behalf of	Wellingtons Developments Ltd		
Registered Number	17/05737/FULL	Date amended/ completed	10 October 2017
Date Application Received	29 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Refuse planning consent - design

2. SUMMARY

The application site was last occupied by an unlisted, 4-storey office building with a residential flat at third floor level. This building has recently been demolished and the site is currently under construction following a permission granted in 2016. The application follows a refusal in March this year for a similar scheme which has subsequently been dismissed on appeal. The current application differs from that refused, by way of a reduction in height by one storey on part of the Farm Street facade, an overall height reduction of 600mm, changes to the façade design, and internal layout.

The key issues are:

- The impact on the character and appearance of the Mayfair Conservation area
- The impact on the setting of the adjacent listed building
- The impact on residential amenity – with particular regard to privacy and daylight.

Whilst objections have been received on amenity and development density grounds, the previous application was refused only on detailed design grounds and on the impact of the proposals on the setting of the grade II listed Punchbowl Public House and it is not considered that this application could now be refused on amenity or density grounds. The modest change in height and the changes to the design of the building however are not considered to have addressed the previous reasons for refusal and are points noted by the Inspector in dismissing the appeal. It is considered that the proposed scheme is unacceptable in design terms, and it is recommended that planning permission is refused.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1: Original building before demolition



5. CONSULTATIONS

WARD COUNCILLORS

Councillor Roberts raises strong objections on the grounds of overdevelopment and inappropriate design in the conservation area. Requests that the application be determined by committee.

RESIDENTS SOCIETY OF MAYFAIR & ST.JAMES'S

Objection – the group supports comments made by residents.

HIGHWAYS PLANNING MANAGER

Considers that acceptable cycle parking and waste storage could be secured by condition, but raises objections to lack of off street parking.

BUILDING CONTROL MANAGER

No objection

ENVIRONMENTAL HEALTH

No objection provided conditions are applied to limit plant machinery and vibration, and subject to a supplementary acoustic report.

CLEANSING

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 71

Total No. of replies: 6 letters of objection (from 5 respondents) on the following grounds:

Amenity

- Loss of light and privacy
- Overshadowing
- Noise and odour from waste and cycle storage
- Accuracy of daylight report

Design

- Mansard is visually dominant and not in-keeping with surrounding area or setting
- Unnecessary and unjustified increased roof height
- Smaller central windows not in-keeping
- Loss of elevational symmetry
- Poorly executed, crude step down to 24 Farm Street
- Height, scale, mass and bulk would harm the character and appearance of the listed buildings in close proximity.
- Excessive and inappropriate use of ironwork and
- Contemporary materials are incongruous to the Conservation Area.

Process and policy

- Cumulative change through multiple applications
- Increased delays to construction works
- Increase in floorspace without any gain in unit numbers would be a failure to optimise the site in accordance with policy S14
- Over development of the site
- Lack of detailed floor area schedule
- Excessive size of units fails to comply with policy S14 'Optimising Housing Delivery'
- Size of units exceeds London Plan minimum space standards

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is 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 former building on the site, a 4-storey office building, with a flat at third floor, has been demolished and construction has commenced to the lowest floors of the approved 2016 scheme.

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

Permission was granted on 22/1/2009 for 'Demolition of the existing office building and redevelopment to create new building comprising sub-basement, lower ground, four upper floors and a roof terrace for use as a single family dwelling.'

Permission was granted on 14/01/14 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.'

Permission was granted on 10/09/16 for '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) and 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, alterations to plant at roof level; 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 height of the floor slab at lower ground floor level by approximately 1 metre.'

Permission was refused on 21/03/17 for 'Excavation to lower existing lower ground floor by 1 metre and erection of building over lower ground, ground, first - third floors and

set-back mansard roof to accommodate five flats (Class C3), creation of terrace at fourth floor level and installation of plant and sedum roof at roof level.’ The application was refused purely on design grounds on the basis of its height, bulk, design and architectural relationship to adjacent buildings. On 22 September 2017 the appeal was dismissed on detailed design grounds and on the impact of the proposals on the setting of the grade II listed Punchbowl Public House.

7. THE PROPOSAL

Since 2009, a number of planning consents have been granted to redevelop the site for residential use. The original building on site has now been demolished and construction works have commenced in relation to a permission granted in 2016.

This application follows a similar scheme which was refused in March this year and which has now been dismissed on appeal on detailed design grounds and on the impact of the proposals on the setting of the grade II listed Punchbowl Public House. The current application differs from that previously refused, by way of a reduction in height by one storey on part of the Farm Street facade, an overall height reduction of 600mm, changes to the façade design, and internal layout.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

Permission was originally granted in 2014 for the demolition of the former building on this site. Records suggest that the lawful use of the building was offices (Class B1) on basement to second floor level, with a residential flat at third floor level. The site is currently under construction following the 2016 permission and to this end, there is no longer any office space on site to protect. The current proposal has been designed to be structurally identical to the commenced scheme therefore the current application does not prejudice the continuous building out of the site as part of the permitted scheme.

Given that the original building has already been demolished, and that works have commenced for 5 residential dwellings on site, the scheme could not reasonably be resisted in land use terms. On balance, the proposals would not be contrary to policy S20 ‘Offices and Other B1 Floorspace’.

Residential use

Policy H3 of the UDP sets out that the Council will seek to maximise the amount of land in housing use, where appropriate, within the CAZ. Policy S14 of the City Plan sets out that residential use is a priority across the city and that the number of residential units on development sites will be optimised. The supporting text notes that “Land and buildings should be used efficiently, and larger development sites should optimise the number of units in schemes, taking into account other policies and objectives.” This is to support the Council in meeting its housing targets.

The 2016 application granted permission for 5 units with a mix of 1 x 1-bed, 1 x 2-bed and 3 x 3-bed flats. The current application again proposes 5 residential units, comprising a mix of 1x 1-bed, 1x 2-bed, 2 x 3-bed and 1 x 4-bed units. As in the scheme refused earlier

this year, the difference in this scheme to that consented is that an additional floor of accommodation is created with the penthouse flat falling over the top two floors providing a 4-bed unit in place of the approved 3-bed top floor flat.

Objections have been raised on the grounds that the application is contrary to Policy S14 and the London Plan. It is accepted that the site could accommodate more than five flats, however, with the exception of the penthouse flat, the scheme is identical to the previous consents on this site and, as in the scheme dismissed on appeal, it is not considered that the scheme could be refused on the grounds that the development fails to optimise the development potential of the site.

Each unit would generously exceed the London Plan (2016) internal space standards as set out in policy 3.5, and the Nationally Described Space Standards (NDSS) adopted in 2015. All proposed units would therefore provide good quality living accommodation in line with policies H3 and H5 of the UDP, S15 of the City Plan and the intent of London Plan policy 3.3 and 3.5.

Affordable housing

City Plan Policy S16 requires the provision of affordable housing on all new developments of either 10 units or more, or over 1000 sq.m of additional residential floorspace. Thus far, only the refused scheme in 2017 would have triggered the requirement for affordable housing. The current proposals have a GIA of 1085 sq.m, given that there was previously a residential flat of 160 sq.m on site, the additional residential floorspace is 925 sq.m. This scheme therefore does not trigger any requirement for affordable housing contribution.

The developer has offered a voluntary payment of £438,480 towards the Council's affordable housing fund. This amount corresponds with that which would have been triggered by the refused 2017 scheme. However, this payment could only be made on a voluntary basis, and the contribution would fail to meet the requirements on the limitations of planning obligations as set out in the CIL Regulations 2011. It therefore cannot be afforded weight in the determination of this application.

8.2 Townscape and Design

The current proposal is a revised version of the appeal scheme, intended to address objections in design and heritage asset terms and the City Council's reasons for refusal.

The key changes made to the design of the building are a reduction in height by one storey on part of the Farm Street façade, a reduction of approximately 600mm in the overall height of the building, enrichment of the detailed design of the facades by the addition of decorative brickwork panels, altering the window details, thus creating a stronger sense of the building having a 'base-middle-and-top'. On the Farm Street façade, the eastern-most part of the building is now proposed to step down one storey and has smaller windows to reduce its visual impact. This is successful in reducing the bulk of the building in views along Farm Street and it also helps to enrich the Farm Street façade which is further enlivened by decorative brick panels. To a limited extent this addresses the City Council's reasons for refusal and the Inspector's objections on this part of the site.

Omission of the string course between first and second floor levels helps to create a stronger hierarchy of detail on the main facades which is characteristic of building in

the conservation area and reinforces the sense of the building having a 'basemiddle-and-top'. This improves the appearance of the building in views along South Street and Chesterfield Hill. However, the modest overall height reduction and the off-centre dormer windows on the Chesterfield Hill façade are not considered to have addressed the previous reasons for refusal and are points noted by the Inspector in dismissing the appeal. Furthermore, the height of the building is noted, amongst other things, by the Inspector as causing harm to the setting of the Grade II listed pub in Farm Street, and the floor-to-ceiling windows to which he also objected are still present. The Inspector found that the modest benefits of the scheme did not outweigh the harm to heritage assets and it was a key part of the City Council's case that the same benefits could be delivered by the approved development without the harm.

Strong objections have been received which re-iterate concerns raised before, to the detailed design of the building, its impact on the Mayfair Conservation area and adjacent building. Therefore, noting these legitimate and justifiable objections and the appeal decision, the application is recommended for refusal.

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.

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.

Whilst a number of objections to the 2016 scheme were received on detailed amenity grounds, that application was refused only on design grounds. This scheme is lower in height, and in part one-storey lower, than the 2016 refusal and it is not considered that this application could now be refused for reasons of loss of light. The daylight report now demonstrates that the one window which would be adversely affected, a ground floor window within 28 Hill Street, would now experience a 34% loss of VSC instead of the predicted 44% loss in the last refusal. In considering the last application it was recognised that this window currently receives very poor VSC values (1.58%) and would only experience a very small change in actual VSC values. It was therefore determined that the last application could not be refused on the grounds of loss of light.

Overlooking/Overshadowing

The adjoining occupier at 24 Farm Street has objected on the grounds of potential overlooking. The proposed scheme introduces one new east facing window at fourth floor level when compared with the 2016 refusal. This window serves a study, and whilst it would be positioned slightly forward of the front building line at Farm Street, it is considered that only very limited oblique views would be gained from this window and as such there would be no unacceptable loss of privacy to properties along Farm Street.

As in the refused scheme, had the application been considered acceptable, a condition would have been imposed to prevent the flat roof as a terrace.

Objections have again been received on the grounds that the proposals would result in the overshadowing of the roof terrace at 24 Farm Street. The proposed building is to the north-west and set back from the roof terrace to 24 Farm Street and any loss of sunlight to this space would be in the late afternoon, and as the terrace is south facing it would still receive good levels of daylight throughout the day. The objectors also again query the accuracy of the submitted daylight report. The report, submitted as in this case, by a member of the RICS carries a duty of care which the Council considers sufficient to rely on.

Noise and Plant

Plant is proposed at roof level adjacent to 7 Chesterfield Hill. The Environmental Health Officer raises no objections to the proposal, subject to the requirement for a supplementary acoustic report to demonstrate the plant's compliance with the design noise criteria.

8.4 Transport and Access

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.

The application proposes 11 secure cycle parking spaces contained within the ground floor of the property. This would satisfy the policy requirement for cycle parking spaces.

8.5 Waste and Recycling

Objections have been received on the grounds that waste and recycling storage would be located adjacent to neighbouring residential properties. The location of the waste and recycling storage has not changed since the 2016 application and was not a reason for refusal for this previous application.

The Council's Cleansing officers have reviewed the proposals and have no objections proposed storage, which is considered to meet the needs of the proposed flats .

8.6 Biodiversity and Sustainability

The scheme provides a limited area of green sedum roof, which would enhance the site's contribution to the biodiversity of the area and is welcomed. Had the scheme been considered acceptable, full details of the green roof would have been secured by condition.

8.7 Economic Considerations

Any economic benefits resulting from the development are welcomed.

8.8 Other Issues

The application proposes to excavate the lower ground floor by a further 1m in depth. This is the same as previously approved in 2016 and there has been no objection to this element of the works. The basement excavation is in accordance with City Plan policy CM28.1. A construction method statement has been submitted in support of this, and Building Control are satisfied with this element of the proposals.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

The proposal does not generate any planning obligations although the applicant has offered a voluntary payment towards the Council's affordable housing fund.

The estimated CIL payment is £620 972 to the Westminster City Council and £68 603 to the Mayoral CIL fund.

9. BACKGROUND PAPERS

1. Application form, correspondence dated 31 July 2017 and appeal decision dated 22.09.17
2. Response from Residents Society Of Mayfair & St. James's, dated 27 July 2017
3. Memorandum from Highways Planning Manager dated 10 July 2017
4. Memorandum from Environmental Health, dated 10 July 2017
5. Memorandum from Building Control dated 17 July 2017
6. Memorandum from Cleansing dated 19 July 2017
7. Letter from occupier of 24 Farm Street, London, dated 26 July 2017
8. Letter on behalf of occupier of 24 Farm Street, dated 27 July 2017 and 30 November 2016
9. Letter from on behalf of occupier of 7 Chesterfield Hill, dated 17 July 2017 and 21 November 2016
10. Letters from occupiers of 51 South Street, London, dated 23 July 2017 and 26 July 2017

Selected relevant drawings

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

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

10. KEY DRAWINGS

Below: West elevation of the previously approved scheme now under construction



Elevation of permitted scheme (ref: 16/00807/FULL) and No.7 Chesterfield Hill.

Proposed west elevation:



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--- Outline of Section 75 Permitted Scheme

--- Outline of Proposed Applied Scheme

Issued for Planning 23/06/17 PKL A
 Final Date 23/06/17 PKL A
 Scheme Reference 1502 1502A 1502B

SQUIRE & PARTNERS

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 www.squirepartners.com

Project
 8 Chesterfield Hill,
 London, W1J

Drawing
 Proposed
 South West Elevation

Drawn	By	Date	Scale
JOB	JL	21/05/2017	1:100 (A3)
Checked	By	Drawing Number	Revision
15027	C645_E_SW_003		A

Proposed north elevation:



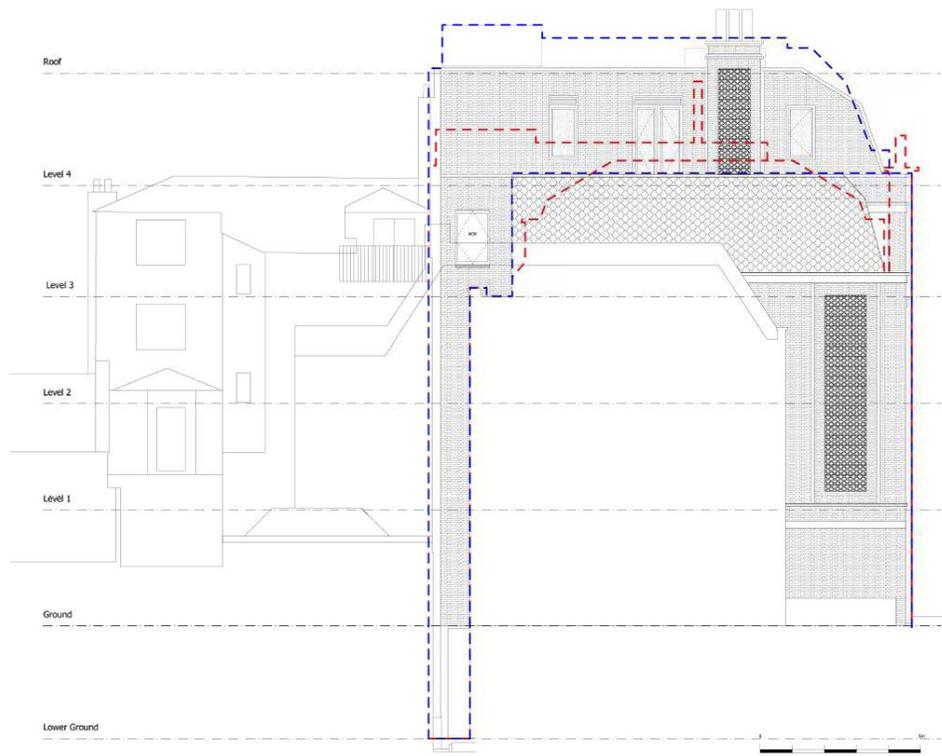
OR MECHANICAL, INCLUDING PHOTOGRAPHY WITHOUT THE WRITTEN PERMISSION OF SQUIRE & PARTNERS ARCHITECTS.

--- Outline of Section 73, Permitted Scheme
 --- Outline of Previous Application Scheme

Issued for Planning	23/06/17	PROJ. A
Final Issue	13/06/17	PROJ. -
Revised Description	None	Check Rev.

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Proposed east elevation:



OR MECHANICAL, INCLUDING PHOTOGRAPHY WITHOUT THE WRITTEN PERMISSION OF SQUIRE & PARTNERS ARCHITECTS.

--- Outline of Section 73, Permitted Scheme
 --- Outline of Previous Application Scheme

Issued for Planning	23/06/17	PROJ. A
Final Issue	13/06/17	PROJ. -
Revised Description	None	Check Rev.

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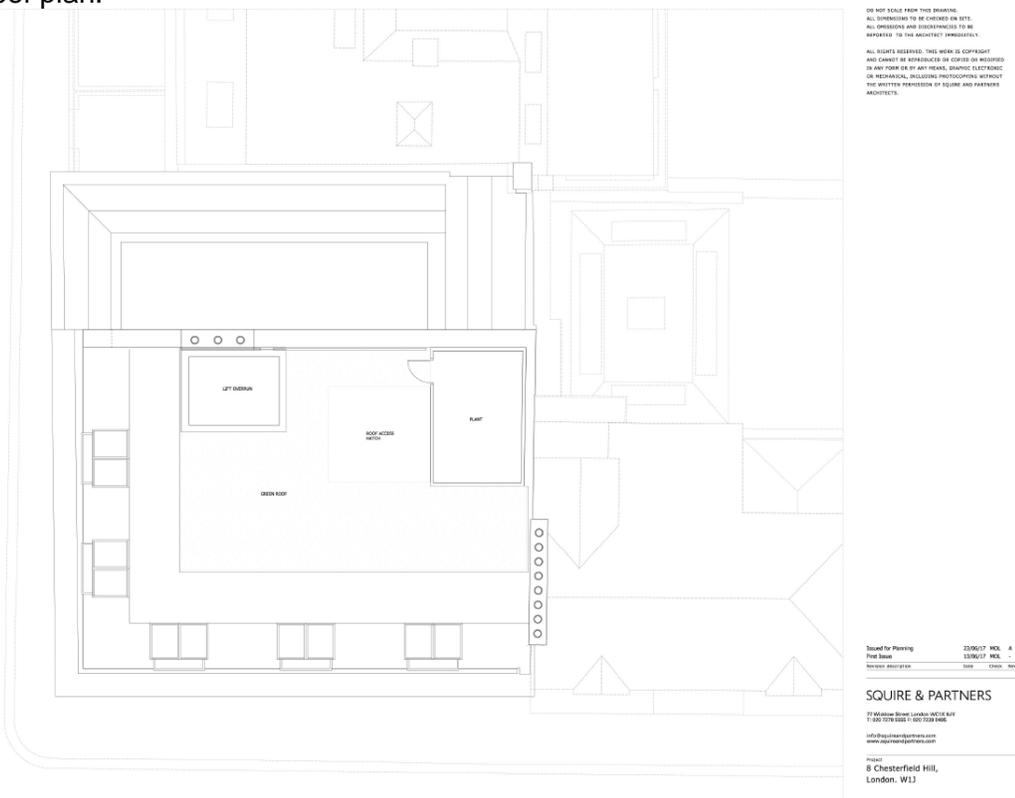
8 Chesterfield Hill,
 London, W1J

Proposed
 North East Elevation

Proposed south elevation :



Proposed roof plan:



DRAFT DECISION LETTER

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

Proposal: Lowering of existing lower ground floor by 1 metre, and erection of 5 flats (Class C3), installation of plant at roof level.

Reference: 17/05737/FULL

Plan Nos: C645_E_NE_003 Rev B, C645_S_BB_003 Rev A, C645_E_NW_003 Rev A, C645_E_SE_003 Rev A, C645_E_SW_003 Rev A, C645_P_RF_003 Rev A, C645_S_AA_003, F000_P_00_003, F000_P_01_003, F000_P_02_003, F000_P_03_003, F000_P_04_003, F000_P_B1_003, JA12_P_00_001, JA12_P_LG_001, JA12_P_01_001, JA12_P_02_001, JA12_P_03_001, JA12_P_RF_001, JA12_E_SW_001, JA12_E_NW_001, JA12_E_NE_001, JA12_E_SE_001, JA12_S_BB_001,
Construction Management plan ref. KB/CMP/ 8 CHESTERFIELD HILL/ March Rev 00
Acoustic report ref. 3506_ENA_1_JG
Structural Method Statement by Knight Build Rev 00 dated 20th December 2016
Materials submission:
Handmade red brick – main facades.
Stock brick – rear facades.
Portland stone (Basebed and Whitbed) – window surrounds and string courses.
Granite – railing plinths and lightwell paving
Anodised Bronze Aluminium – window frames and external doors
Anodised Grey Aluminium – mansard roof

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Reason for Refusal:

Because of its height and detailed design the new building would harm the setting of the grade II listed building at 41 Farm Street, and would fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4, DES 9 and DES 10(D) of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

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