



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (4)**

Meeting Date:

**Tuesday 14th March, 2017**

Time:

**6.30 pm**

Venue:

**Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64  
Victoria Street, London, SW1E 6 QP**

Members:

**Councillors:**

Andrew Smith (Chairman)  
Iain Bott  
Jonathan Glanz  
Jason Williams



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

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

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

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

- |  |                          |
|--|--------------------------|
| <b>1. 111B SHIRLAND ROAD, LONDON, W9 2EL</b>                         | <b>(Pages 9 - 58)</b>    |
| <b>2. 14 DENNING CLOSE, LONDON, NW8 9PJ</b>                          | <b>(Pages 59 - 80)</b>   |
| <b>3. 79 NEW CAVENDISH STREET, LONDON, W1G 7LT</b>                   | <b>(Pages 81 - 96)</b>   |
| <b>4. 8 CHESTERFIELD HILL, LONDON, W1J 5BW</b>                       | <b>(Pages 97 - 122)</b>  |
| <b>5. 20 HANOVER TERRACE, LONDON, NW1 4RJ</b>                        | <b>(Pages 123 - 138)</b> |
| <b>6. ALHAMBRA HOUSE, 27-31 CHARING CROSS ROAD, LONDON, WC2H 0AU</b> | <b>(Pages 139 - 168)</b> |
| <b>7. 77 WESTMORELAND TERRACE, LONDON, SW1V 4AH</b>                  | <b>(Pages 169 - 194)</b> |
| <b>8. PITCH 1710, DAVIES STREET, LONDON, W1C 2JR</b>                 | <b>(Pages 195 - 204)</b> |

- |     |  |                      |
|-----|--|----------------------|
| 9.  | LONDON PALLADIUM, 7-8 ARGYLL STREET,<br>LONDON, W1F 7TQ          | (Pages 205 -<br>216) |
| 10. | BASEMENT AND GROUND FLOOR, 60 BERWICK<br>STREET, LONDON, W1F 8SU | (Pages 217 -<br>226) |
| 11. | 34 BARK PLACE, LONDON, W2 4AT                                    | (Pages 227 -<br>250) |
| 12. | HALLFIELD ESTATE, LONDON, W2 6EF                                 | (Pages 251 -<br>270) |

**Charlie Parker**  
**Chief Executive**  
**6 March 2017**

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CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 14th March 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN NO(s) :</b> 16/10952/COFUL  Maida Vale	111B Shirland Road London W9 2EL	Demolition of the existing buildings and redevelopment of site to provide 84 bed care home (Use Class C2) and 31 self-contained residential flats (Class C3). The new building is part five and part four stories high, set over lower ground and four upper levels and includes balconies/terraces to the front and rear. New podium deck and associated landscaping and gardens at rear lower ground and upper ground floor levels. Associated alterations.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to a Section 106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> <li>a) Provision of affordable housing in the form of 40 care bedrooms (equating to 1120sqm GEA) for the elderly (Class C2), to occupants who have been means tested by the City Council and satisfy the Council's funding criteria (as set out in section 8.1.4).</li> <li>b) Not to occupy the self-contained residential units until practical completion of the care home.</li> <li>c) Highways works to facilitate the proposed development and including vehicular crossovers, reinstatement of redundant crossovers and paving.</li> <li>d) Car park strategy including car parking spaces on an unallocated basis.</li> <li>e) A financial contribution of £49,626 towards Carbon Offset Projects.</li> <li>f) Lifetime Car club membership for the 31 self-contained residential units.</li> <li>g) Employment training and apprenticeships opportunities for residents of Westminster.</li> <li>h) The costs of monitoring the S106 agreement.</li> </ul> <p>2. If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:</p> <ul style="list-style-type: none"> <li>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</li> <li>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ul>				
Item No	References	Site Address	Proposal	Applicant
2.	<b>RN NO(s) :</b> 15/05949/FULL  Regent's Park	14 Denning Close London NW8 9PJ	Works of partial demolition of the existing house in connection with its enlargement, including the excavation of a basement and new rear glazed roof to conservatory.	
<p><b>Recommendation</b></p> <p>Grant conditional permission.</p>				

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Item No	References	Site Address	Proposal	Applicant
3.	RN NO(s) : 16/11211/FULL  Marylebone High Street	79 New Cavendish Street London W1G 7LT	Use of part lower ground, ground, and first to fifth floors to medical (Class D1), and dual/alternative use of part basement and part ground floor as either medical (Class D1) or retail purposes (Class A1).	
4.	RN NO(s) : 16/09976/FULL  West End	8 Chesterfield Hill London W1J 5BW	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.	
5.	RN NO(s) : 16/10363/FULL 16/10364/LBC  Regent's Park	20 Hanover Terrace London NW1 4RJ	Erection of extension to accommodate new lift and lift shaft to serve second and third floor levels.	

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Item No	References	Site Address	Proposal	Applicant
6.	RN NO(s) : 15/09858/FULL  St James's	Alhambra House 27-31 Charing Cross Road London WC2H 0AU	Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.	
Item No	References	Site Address	Proposal	Applicant
7.	RN NO(s) : 16/12041/FULL  Churchill	77 Westmoreland Terrace London SW1V 4AH	Erection of a mansard roof extension and rear extensions at ground, first and second floor levels to provide additional residential floorspace including an additional residential flat (Use Class C3).	
Item No	References	Site Address	Proposal	Applicant
8.	RN NO(s) : 16/11212/FULL  West End	Pitch 1710 Davies Street London W1C 2JR	Erection of replacement street trading kiosk at the junction of Oxford Street, South Molton Street and Davies Street.	
Item No	References	Site Address	Proposal	Applicant
9.	RN NO(s) : 16/11350/FULL 16/11351/LBC 17/00925/ADV West End	London Palladium 7-8 Argyll Street London W1F 7TQ	Display of an LED advertising screen, restoration and redecoration of facades and installation of metal artwork screen, on Great Marlborough Street.	

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	letter. 4. Grant advertisement consent.			
Item No	References	Site Address	Proposal	Applicant
10.	RN NO(s) : 16/09630/FULL  West End	Basement And Ground Floor 60 Berwick Street London W1F 8SU	Installation of openable bi-folding windows in the shopfront (site includes 61 Berwick Street).	
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
11.	RN NO(s): 16/09096/FULL  Lancaster Gate	34 Bark Place London W2 4AT	Excavation of basement; erection of rear infill extension at ground floor level with rear garden trellis; alterations to windows, doors and garden stairs; installation of roof light; and associated works.	
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
12.	RN NO(s) : 16/02898/FULL 16/02899/LBC  Lancaster Gate	Hallfield Estate London W2 6EF	Replacement of the communal lighting with new surface mounted conduit and new lighting fittings to the soffit walkways to Tenby House, Reading House and Pembroke House. Also installation of new surface mounted trunking to soffit walkways for mains electricity at Tenby House.	
<b>Recommendation</b> 1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				



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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Maida Vale	
<b>Subject of Report</b>	<b>111B Shirland Road, London, W9 2EL,</b>		
<b>Proposal</b>	Demolition of the existing buildings and redevelopment of site to provide 84 bed care home (Use Class C2) and 31 self-contained residential flats (Class C3). The new building is part five and part four stories high, set over lower ground and four upper levels and includes balconies/terraces to the front and rear. New podium deck and associated landscaping and gardens at rear lower ground and upper ground floor levels. Associated alterations.		
<b>Agent</b>	Mrs Eve Ladden Timbers		
<b>On behalf of</b>	CityWest Homes		
<b>Registered Number</b>	16/10952/COFUL	<b>Date amended/ completed</b>	23 November 2016
<b>Date Application Received</b>	4 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside of a conservation area. The Maida Vale Conservation Area runs along the north western boundary and down Delaware Road, but includes the BBC TV studios.		

## 1. RECOMMENDATION

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the satisfactory completions of a Section 106 legal agreement to secure the following:

- a) Provision of affordable housing in the form of 40 care bedrooms (equating to 1120sqm GEA) for the elderly (Class C2), to occupants who have been means tested by the City Council and satisfy the Council's funding criteria (as set out in section 8.1.4).
- b) Not to occupy the self-contained residential units until the care home is available for occupation.
- c) Highways works to facilitate the proposed development and including vehicular crossovers, reinstatement of redundant crossovers and paving.
- d) Car park strategy including car parking spaces on an unallocated basis.
- e) A financial contribution of £49,626 towards Carbon Offset Projects (index linked and payable on commencement).
- f) Lifetime Car club membership for the 31 self-contained residential units.
- g) Employment training and apprenticeships opportunities for residents of Westminster.

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h) The costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:

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

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

## **2. SUMMARY**

Planning permission is sought for the redevelopment of the existing Council buildings, which are currently largely vacant, originally constructed to accommodate a children's home. There is also a four storey block to the rear which was last used as temporary sleeping accommodation. The main building was last in use for care and social services facilities but has also recently been occupied by City Guardians and a pupil referral unit.

It is proposed to redevelop the site to provide a new building consisting of an 84 bedroom care home and 31 self-contained residential flats. The new building is set over lower ground, ground and four upper levels and features terraces at roof level and to the rear. A new podium deck is also proposed to the rear of the building at ground floor level maintaining an access route through the building to Oak Tree House to the rear. Landscaping is proposed both on the podium and at the eastern end of site for the new Care Home.

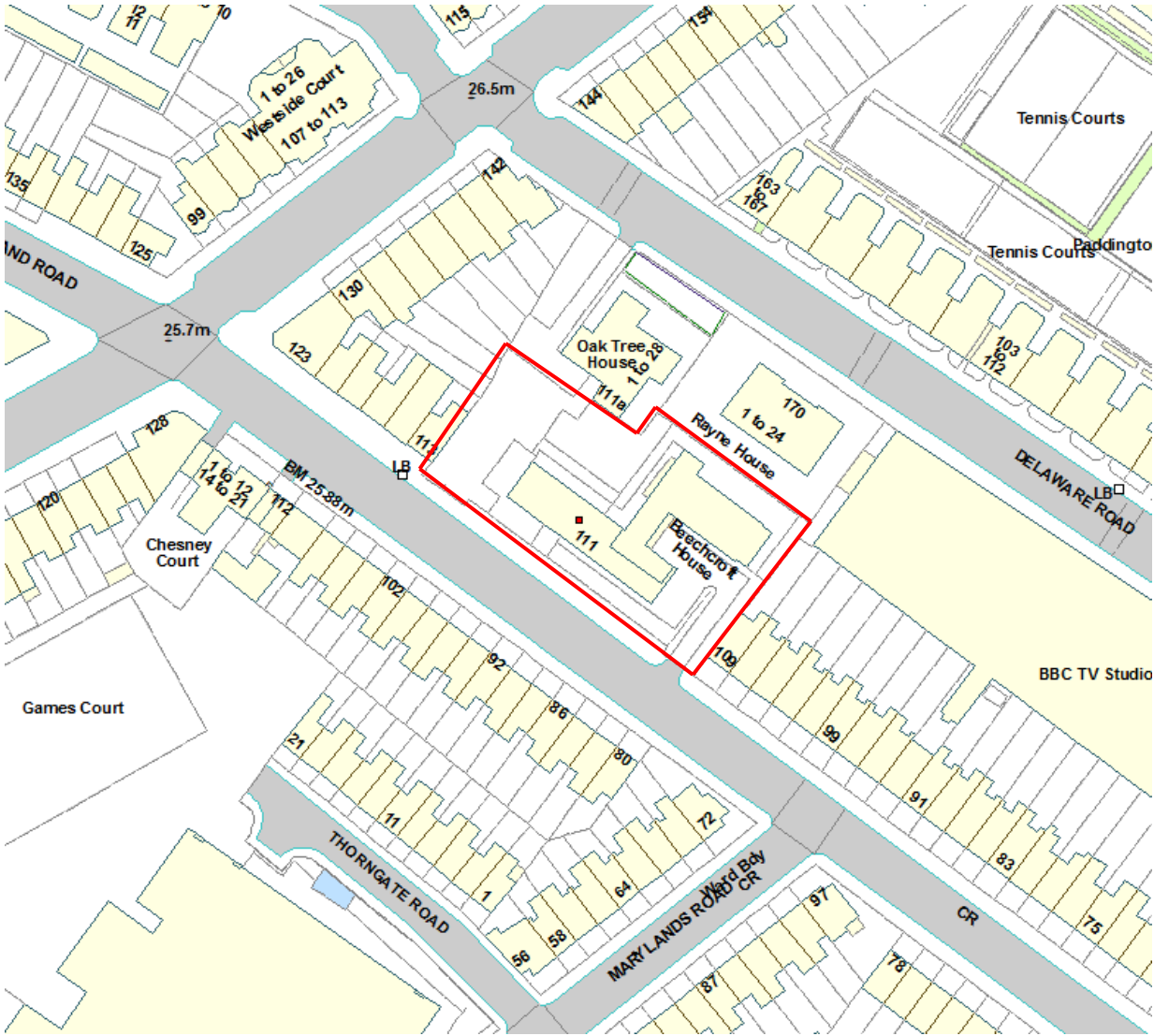
The proposals have raised concerns from surrounding residents in relation to construction, parking, on street parking stress levels, impact on amenity and design.

The key issues are:

- \* The acceptability of the proposals in land use terms;
- \* The impact of the new buildings on the townscape and adjacent conservation area;
- \* The impact of the proposals on the amenities of adjacent occupiers;
- \* The impact of the development on the highway network;
- \* Whether Members agree that the 40 bedrooms in the care home is an appropriate form of affordable housing in this instance.

The application is recommended for approval as it is considered that, subject to conditions, the proposed development complies with policies in our Unitary Development Plan (UDP) and City Plan.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Photographs of Shirland Road Frontage with Oak Tree House shown to rear below.



View from Delaware Road of existing vehicular entrance to underground car park adjacent to Oak Tree House (shown here behind the trees).



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## 5. CONSULTATIONS

### PADDINGTON AND MAIDA VALE SOCIETY:

Any response to be reported verbally.

### HISTORIC ENGLAND:

No comment, application should be determined in accordance with national and local policy guidance.

### THAMES WATER:

No objection subject to informatives in relation to waste and water.

### ENVIRONMENT AGENCY:

Any response to be reported verbally.

### DESIGNING OUT CRIME OFFICER:

Raise objection, as the security section of the Design and Access Statement is inadequate and it is unclear what security features are proposed.

### HIGHWAYS PLANNING MANAGER:

Comment that any loss of existing parking is contrary to policy. Should parking be allocated to Oak Tree House, there is an under-provision of parking for the new residential accommodation. It is however noted that the existing parking may not be protected, which could make the garages usable through permitted development. Subject to conditions, no objection is raised in relation to the rest of the development.

### BUILDING CONTROL:

No objection. Structural method statement is acceptable. Comment that the designer should be aware of maximum travel distance from communal lounge/balcony; how fire brigade access will be provided; and that provisions do not strictly comply with b5 of the building regulations and additional measures may be required.

### CLEANSING:

Raise an objection as no waste management strategy is provided. Parking spaces are blocking access to the bin stores. Waste stores are not marked correctly.

### ARBORICULTURAL OFFICER:

Raise an objection as it is not possible to determine the impact of the proposed works on trees within adjacent gardens prior to trial pits being undertaken. Should approval be given conditions are recommended.

### ENVIRONMENTAL HEALTH:

Raise no objection subject to conditions and informatives. Comment that two duplex units appear to have remote rooms.

### CITYWEST HOMES:

Any response to be reported verbally.

### GO GREEN OFFICER:

Any response to be reported verbally.

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**AFFORDABLE HOUSING OFFICER:**

No objection. 40 affordable care beds has been formally agreed by the Cabinet Member for Housing Regeneration, Business and Economic Development.

**HOUSING SERVICES:**

Any response to be reported verbally.

**CHILDRENS SERVICES:**

Comment that they wish to be kept informed in relation to affordable housing and that they support mixed tenure housing; that the proposals will trigger the requirement for a contribution towards school through a s106; note that there will be increased pressure on existing childcare; play facilities should be included; recommend that funding is provided for local youth clubs; request for S106 used to secure employment opportunities; and request that all areas should be accessible to children and young people with disabilities.

**CHILD PROTECTION SERVICES:**

Any response to be reported verbally.

**ADULT AND COMMUNITY SERVICES:**

Any response to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS:**

No. consulted: 559

No. of replies: 39 objections raising some or all of the following comments:

*Land Use:*

- Concerns on the amount of 2 bedroom accommodation, more family sized units should be provided.
- Query why some care units have more than one bedroom, which is unlikely to be required for this demographic who are either single or a couple.
- No affordable housing provided.
- Concerns in relation to the high density, which will fail to provide a high standard of design, which responds to local character and meets the needs and requirements of future residents in terms of both amenity and parking.
- Lack of provision of useable amenity space for future residents.

*Amenity:*

- Increased noise and disturbance to quiet residential street (Delaware Road) as a result of significant increase in the number of residents and occupiers on the site using the existing access.
- Overlooking and disturbance from vehicle lights and loss of views to/from Delaware Road.
- Loss of light to properties and gardens.
- Loss of privacy.
- Increased sense of enclosure

*Design:*

- Shirland Road frontage is overbearing and not in keeping with the Victorian terraces.
- Overdevelopment of site.
- Enclosing the gap between the Victorian terraces.

*Highways:*

- Increased congestion/traffic.
- Loss of and lack of parking and resultant increased stress on existing street parking.
- Insufficient parking provided, contrary to Westminster policy.
- Over provision of cycle parking.
- Increased traffic will worsen localised highways safety.
- The Transport Assessment has underestimated the trip generating potential of the development.

*Other:*

- Proposals will not benefit existing residents of the wider community.
- The Council has fallen short of its obligations and procedure to consult local residents.
- Increased air pollution.
- Access to the site should be solely from Shirland Road.
- Query as to what measures will be implemented to ensure that the existing overrun and abused waste/recycling unit on Delaware Road does not further deteriorate.
- Request to speak and for the application to be determined at planning committee.
- Recommendations in relation to what should be included within a S106 Agreement.
- Request for demolition to be swift and noise and dust controlled.
- Query in relation to party wall awards.
- Query how care staff will be requested to use public transport rather than drive.
- Noise and vibration disturbance during construction works to adjoining BBC building which is home to the Symphony Orchestra.

3 Letter of support with some or all of the following comments:

- Welcome the initiative to bring much needed provision for older people
- Welcome tidy up of existing buildings.
- Request for open gardens to be provided as presented by architects.
- Proposals will not cause overshadowing above any other local buildings.
- Suggest that a London cycle hire pitch is provided.

ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is located just outside the Maida Vale Conservation Area, although its boundary adjoins the site. It is also outside of the Central Activities Zone (CAZ) and not located within a special policy area.

The site includes two main buildings, one which fronts Shirland Road, and one which is set back to the rear of the site adjacent to Rayne House (on Delaware Road). There is a raised podium deck, which provides pedestrian access from Shirland Road to Oaktree House, which is a residential building to the rear of the site fronting Delaware Road. There is an existing garage located under the podium deck which sits between Beechcroft House and Oak Tree



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House. Surrounding the buildings are areas of scrub planting and hard standing. There are also BBC studios located to the rear of the site on Delaware Road.

## **6.2 Recent Relevant History**

Beechcroft House was originally built in the mid 1960's as a children's home (Use Class C2) which was last used as a Pupil Referral Unit. The Pupil Referral Unit is now located at Quintin Kynaston School in St Johns Wood. A four storey annex building at the rear which used to be part of the children's home and according to records, planning permission was granted in 1984 for alterations to this annex building in connection with its use as 29 units for temporary homeless family accommodation. Although the permission did not specify a use class, it would appear that this building was used as a hostel (now a sui generis use).

The planning history on the main building fronting Shirland Road is mixed. There would appear to have been a certificate of lawfulness application in 1995 in relation to the use of the ground floor as a family centre (a D1 use). Records however indicate that the ground floor of the building was last occupied as a Pupil Referral Unit (an educational D1 use). There was a permission granted on 27 June 2007 (07/04035/COFUL) for the use of part of the first floor as additional space for the Pupil Referral Unit (from the City Guardians) on the ground floor, granted on a temporary basis until 31 December 2010. As this was a temporary permission, the land must return to its previous condition and use. However, at the time of this application the first floor was in office use by Westminster City Guardians, who had previously been given permission for a temporary period up to 2005. The lawful use of this building would therefore appear to be as originally built, Class C2, with D1 on the ground floor.

There is an existing underground car park located to the rear of the site between Beechcroft House and Oak Tree House. It has not been possible to find the original permission for the development and therefore it is unclear if this car park is linked by planning condition to either of the properties.

## **7. THE PROPOSAL**

Permission is sought for the redevelopment of the site to provide an 84 bedroom care home (Class C2) and 31 self-contained residential flats (Class C3). The new building is set over lower ground, ground and four upper levels and features terraces at roof level and to the rear. A new podium deck is also proposed to the rear of the building at ground floor level maintaining an access route through the building to Oak Tree House to the rear. Car and bicycle parking is to be provided part under the podium deck and adjacent to Oak Tree House to the rear. Landscaping is proposed both on the podium and at the eastern end of site for the new car home.

Minor excavation is proposed across the site to lower the level of the lower ground floor.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The existing and proposed uses on site are set out within Table 1 below. It shows that there are existing social and community uses located on the site in the form of temporary sleeping accommodation (sui generis), children’s care facilities (Use Class C2) and a pupil referral unit (Use Class D1). The acceptability of the loss of these functions is considered below in parts 8.1.1 and 8.1.2. The principle of a new Care Home is considered to be consistent with Westminster Policies. Considerations in relation to policy COM 1 (B) which states that ‘community facilities will be required to be located as near as possible to the residential areas they serve; not harm the amenity of the surrounding area including the effect of any traffic generated by the proposal; be safe and easy to reach on foot, by cycle and by public transport’ is covered within the Amenity (8.3) and Highways (8.4) sections of this report.

Table 1 Existing and proposed floorspace figures (applicant’s figures in GEA sqm)

	Existing	Proposed	Difference
Temporary Hostel Accommodation (Sui generis)	1210	0	-1210
Care Home (C2)	342	4506	+4164
Residential (C3)	0	3111.8	+3111.8
Non-residential institutions (D1)	575	93	-482
Total	2127	7710.8	5583.8

**8.1.1 Loss of specialist housing (C2) and temporary short term accommodation:**

Currently there is a four storey building located to the rear of the site which is used as 29 temporary housing units for homeless families. Policy S15 within the City Plan, seeks to protect such uses and states ‘Hostels, Houses in Multiple Occupation, and specialist housing floorspace will be protected.’ It continues to state ‘All specialist housing floorspace and units will be protected to meet those specific needs except where the accommodation is needed to meet different residential needs as part of a published strategy by a local service provider. Where this exception applies, changes of use will only be to residential care or nursing homes, hostel, houses in multiple occupation or dwelling houses use.’

Westminster City Council has plans to deliver additional specialist housing for older people as set out within the ‘Specialist Housing Strategy for Older People (SHSOP) Programme’ dated June 2014. This SHSOP is being led by Westminster City Council in partnership with NHS Central London Clinical Commissioning Group and NHS West London Clinical Commissioning Group. The document sets out that there is an under-provision of places in residential and nursing homes in Westminster with the result that a significant number of places have to be commissioned from homes outside the borough. The document has identified this site as one which will provide new purpose built care facilities.

The proposals do result in the loss of one form of children’s care facility (Use Class C2), but this is no longer being used and is surplus to requirement. The provision of a much larger older people’s care facility is welcomed and will meet a recognised housing need. Policy SOC 4 in the UDP and S15 and S34 within the City Plan state that provision/redevelopment of the social and community uses will be encouraged that meet local needs.

As the site has been identified as a site to provide additional care facilities within the SHSOP, the loss of the existing hostel and children’s care facilities are considered to be acceptable and in accordance with S15, S34 (City Plan) and SOC 4 (UDP).

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### **8.1.2 Loss of D1 Floorspace**

Policies SOC 1 (D) of the UDP seeks to protect all existing community facilities. Part (E) of the policy states that proposals which involve the redevelopment or change of use of community facilities will be required to include adequate replacement facilities.

The proposals do include the provision of a small amount of replacement D1 facilities in the form of a community room at ground floor level adjacent to the main entrance from Shirland Road. Given that the proposals result in a considerable uplift in the amount of social facilities on site, and given the provision of this small room for community use, the reduction in the amount of D1 floorspace is considered acceptable. No details of the type of D1 use have been provided or how it will operate, a condition is there recommended to ensure this D1 floorspace is provided and for the submission of details of how the use will operate.

### **8.1.3 Residential use**

Policies S14, S15 and S16 of the City Plan and H3, H4, H5, H8, H10, H11 of the UDP are relevant to the consideration of this application

The provision of new residential accommodation is supported under Policies S14 of the City Plan and H3 of the UDP.

The applicant has undertaken a daylight and sunlight assessment to demonstrate the internal lighting for the proposed new care facility and residential units in line with BRE guidelines. Following officer comments that the results of this study indicated very poor internal lighting for the proposed residential units, the architect has undertaken some minor amendments to the scheme to include some new high level windows. The original analysis showed that a total of 39.3% of all habitable rooms in residential scheme (and 74.3% of the care home) would meet the Daylight (ADF) criteria. Following the mitigation measures, 75% of the residential block (and 100% of the care home), will now meet the ADF criteria. While it is noted that it would be preferable if more of the units passed this assessment it is largely due to the layout of the units, with open plan living / kitchen spaces with deep floorplates, with a single aspect. While more dual aspect flats would have been welcomed, given that the majority of the units do pass, it is not considered that refusal on these grounds could be sustained.

In order to ensure that the new residential accommodation does not suffer from excessive noise from either external or internal noise sources, the EHO has recommended Westminster's standard noise conditions, which are considered acceptable.

Density:

An objection has been received in relation to the high density of the proposals. Policy H11 within the UDP relates to housing density and recommends 200-350 habitable rooms per hectare in this location. The London Plan is also a relevant consideration and includes a recommendation for housing density in Suburban, Urban and Central locations. It is considered that this is an 'urban' location, identified as areas with predominantly dense development such as terraced housing, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four stories. For such areas a density of between 200-700 habitable rooms per hectare is recommended. The proposed density for this scheme is 570 habitable rooms per hectare. While this figure is above that set out within the UDP, given that the application is for the redevelopment of the site, and Westminster's aims to

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maximise housing delivery, the proposed density is considered to be acceptable in this instance.

#### Housing Mix:

The optimisation of housing delivery is a key strategic objective for the Council. Westminster City Plan Policy S15 and UDP Policy H5 require the provision of an appropriate mix of units in terms of size in new housing schemes. 31 private flats are proposed with the following mix:

- 19 x 1 bedroom flats (61%)
- 4 x 2 bedroom flats (13%)
- 8 x 3 bedroom flats (26%)

Policy H5 requires at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should have five or more habitable rooms but does allow for some flexibility with regard to the overall mix. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances. As only 8 of the 31 units have 3 beds or more, this policy has not strictly been achieved. Policy S14 within the City Plan also states that 'the number of residential units across development sites will be optimised'. While the proposals do fall short of policy H5, as a range of housing sizes are provided in the scheme and the benefits of providing more flats to help meet Westminster's Housing target and the provision of a care home, the proposed mix is considered, on balance, to be acceptable in this instance.

#### Outside Amenity Space:

Policy H10 within the UDP expects housing developments to include the provision of amenity space. All of the units have either a balcony or patio areas which is welcomed and considered to accord with this policy. The care home also has a dedicated new garden area which is welcomed.

### **8.1.4 Affordable housing**

The new residential floorspace prompts a requirement for the provision of affordable housing under the terms of Policy S16 of the City Plan. The City Plan requires housing developments of either 10 or more additional units or over 1,000sqm additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing.

The proposed residential floorspace is 3111.8sqm (GEA). Using the calculations set out in the Interim Guidance Note, this requires 35% of the total residential floorspace to be provided as affordable housing. This equates to 1089.13sqm or 13.6 units.

The applicant is proposing that the affordable housing is to be provided on site, within the care home. Of the 84 rooms, it is proposed that 40 are provided as affordable, equating to a floorspace of 1,120sqm. These rooms will be available to people that have their care funded by the Council. Anyone moving into these rooms with Council funding has to have been means-tested to demonstrate that they have savings below £23,250 and, at the very most, an income of £46,000.

While the provision of affordable care beds is not in accordance with the policy, it is considered that in this instance, it is an appropriate means for providing a form of affordable accommodation on site. This form of accommodation is fully supported by the Head of Affordable and Private Sector Housing. To ensure that 40 of the care home bedrooms will be for clients funded by the Local Authority or NHS, this will be secured by a legal agreement.

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## **8.2 Townscape and Design**

### **8.2.1 Existing Buildings and Urban Design Issues**

Both existing buildings on site date from the mid 20<sup>th</sup> century and they are considered of very poor architectural quality in their own right and at odds with the otherwise attractive Victorian character of Shirland Road.

In urban design terms, the existing arrangement of buildings is also considered harmful to the character of the area. Whereas the surrounding Victorian terraces present a continuous frontage with strong definition to the street scene, the existing buildings on this site are instead set back further from the pavement edge and designed as freestanding buildings in relatively poor landscaping, and with small windows to front first floor level and unkempt vegetation to ground resulting in a frontage providing little animation or enclosure of the Shirland Road street scene.

As a result, there is no objection to the loss of the existing buildings and the full redevelopment of the site, subject to a suitable replacement scheme which meets the tests set out in UDP policy DES 1 (A) (1) which states that development should be of the highest standards of sustainable and inclusive urban design and architectural quality.

### **8.2.2 Bulk and Massing**

The front elevations of the Victorian terraced buildings adjoining the site both rise from ground to second floor levels, though the buildings to the north side rise higher due to their higher ground floor commercial units and higher front parapet. The development proposed incorporates a sheer elevation height which closely follows the Victorian buildings to both sides of the site. It achieves this by incorporating four floors of accommodation into the Residential Wing to the north side though with lower floor to ceiling heights allowing the elevational height to almost match the adjoining Victorian terrace. Though this gives rise to a Residential Wing which has floor levels which do not line up with those to the adjoining Victorian building, the impression of matching elevational heights is sufficient in this case to provide harmony between the two buildings. The Care Home wing adopts a height and floor levels which closely follow those of the Victorian terrace to the south side, including with the incorporation of a mansard to third floor level lined up with the roof structure and dormers of the adjoining building, and will thus integrate well with its neighbours.

To the rear, the proposed development does incorporate a building line notably more advanced than those found to the Victorian terraced buildings and also includes a large rear element projecting from the Care Home wing. To the rear however the townscape context is also defined strongly by the presence of the two relatively modern and large freestanding blocks (Oak Tree House and Rayne House), and it is of relevance that the existing site incorporates significant backland development. As such, the requirement to match the adjoining terraces is not considered required and the bulk proposed acceptable in this context.

The Residential Wing also incorporates a floor of accommodation at fourth floor level, set back from front and rear elevations. This floor level would break the consistent height to the Shirland Road townscape which the new development would otherwise achieve in context with the surrounding Victorian buildings. This floor level has a higher overall height than each of the floors below (due to the thicker build-up of the main roof structure), and is sited only 2m back from the front elevation and officers have some reservations about its visual presence on the

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skyline of the building. It is recognised however that though there is a high degree of uniformity to elevation heights in the street, a 20<sup>th</sup> century mansion block to the west side of this section of Shirland Road rises a floor above the prevailing building heights, as do the former dairy buildings closeby to the north-west side of the Shirland Road and Elgin Avenue junction. Though noting the general harmony of building heights to Shirland Road, such punctuations in heights do exist in places where buildings differ from being standard Victorian terraced housing, and as such there is considered some townscape justification for this fourth floor level in this context. The plant room above the Care Home wing is set sufficiently back from the front elevation to minimise its visual impact to roof level. The development proposed overall is considered in line with the criteria set out in Policy DES 4.

Several objectors have raised concerns about a new building enclosing the gap between the adjoining Victorian terraces appearing overbearing. In urban design terms however officers instead consider that the new building will repair the existing large unattractive gap in this section of Shirland Road street frontage. Policy DES 4 in the UDP relates to infill development and states as a criteria that development will be permitted as long as it conforms with established building and boundary lines. The front elevation of the proposed development successfully negotiates the slightly differing building lines of the adjoining Victorian terraces by recessing the Care Home wing slightly further back and it is thus considered in line with the policy test set out above. The development would also allow for the enclosing of the existing unattractive large blank party wall elevations of the Victorian buildings to north and south sides which face onto the site, which is welcome in townscape terms.

Overall, officers consider that the approach taken of forming a new frontage building to Shirland Road with rear projection and landscaped grounds behind will provide a significant public benefit in terms of the improved urban design to the site.

### **8.2.3 Architectural Approach**

The development proposed is considered of sound architectural quality, and incorporates three distinct elements with sufficient variety of design approach between them to add to the interest of the development without breaking the overall visual harmony.

The Residential Wing is designed with a rhythm whereby the front elevation incorporates three window wide bays, which are separated and made more distinct from each other by larger gaps of brickwork between each incorporating narrow recessed slots set into the brickwork. This arrangement of three bay wide bays follows the basic rhythm of the Victorian buildings to the immediate north of this wing, and thus helps this element of the development to integrate successfully into its context. This building adopts the pre-cast stone cladding to lower ground and ground floor levels with brickwork above, giving a degree of grandeur to this composition and helping it integrate with the Victorian terraces adjacent to the north which have imposing ground floor commercial frontages. This wing incorporates a main residential entrance, and four entrances into flats accessed directly from the pavement, which will all provide interest and animation of the street scene.

The Care Home wing adopts a differing rhythm to its front elevation, with distinct bays defined by a paired arrangement of two prominently framed outer openings and two inner and narrower slot windows. This arrangement picks up on the similar rhythm found to the paired Victorian terraced properties to the immediate south which have outer bay extensions and inner smaller sash windows to each pair. The care home adopts brickwork to its full elevational height, giving it a softer visual aesthetic and one which integrates better with the brick faced residential

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terraced houses adjacent to the south side. Though principally separated from the street by the continuous front lightwell, this element of the building also incorporates a large community/activity room to the frontage with large windows out onto the street.

The main central focus to the composition is the three bay wing accommodating the main entrance to the development at ground floor level and with communal lounge areas for the Care Home above. This element is the main visual focus of the composition as befitting the main entrance to a substantial new development. The three storey pre-cast stone framed windows features are expressed as dormers to the roof level as the top floor angles back away from the main building line as a mansard storey.

To the rear the development adopts the same facing materials and the same general design approach, though with a somewhat reduced richness of detailing and instead an approach formed more with a simpler arrangement of windows openings set into the brickwork elevations and without the grander pre-cast stone window framing found to the front elevations. There is also more use of balconies facing onto these rear garden grounds. A simpler architectural detailing to rear elevations as compared to the grander street frontage is the same approach found to the surrounding Victorian buildings and the design still incorporates an attractive rhythm of windows and balcony openings.

The roof incorporates a significant space for green roofs, and further details will be sought of these features to ensure their successful integration into the development.

Generally, the scale of the windows is larger than that found on the adjoining Victorian terraced properties, though not excessively so, and the impression remains of an elevation with a good deal of visual solidity to it. Differing bonding is proposed to be used to make distinct the termination of the ground floor element to the Care Home and to cap the brickwork above second and third floor levels, providing some detail and greater texture to the composition.

The same palette of cladding materials is proposed across the development giving a good deal of visual harmony. The principal facing material is buff brickwork, with pre-cast stone framing to the ground floor of the Residential Wing and lower ground floor to the whole front elevation, and which is also used to frame and make more distinct the larger openings to the upper floors of the front elevation. Balconies will be in aluminium and the roof stories in zinc or aluminium. Full details of materials and detailing will be secured by condition. Though several surrounding residents raise concerns about the modern style of the building, the use of brickwork and pre-cast stone cladding, and the rhythm introduced into the elevations as described above will help integrate the building successfully into the townscape, and they are considered of sound architectural quality and a major improvement upon the existing buildings on site.

The normal expectation for a development of this scale is that a significant piece of public art be accommodated into the development. Notwithstanding this, given the positive urban design and architectural qualities of the scheme, the lack of public art is regrettable but not considered as a reason for refusal of the application proposals.

#### **8.2.4 Design Summary**

The new building is considered of sound architectural quality, and to represent a significant improvement in urban design terms as compared to the existing development on site. The proposed development overall represents an improvement in urban design and architectural

terms, and is in line with policies DES 1, DES 4 and DES 9 in the UDP and S25 and S28 in the City Plan.

**8.3 Residential Amenity**

The development site is surrounded on all sides by existing residential properties. Policies ENV13 of the UDP and S29 of the City Plan, seek to protect residential amenity. Concerns have been raised by neighbours in respect of the impact of the proposed development on their light, outlook and privacy.

**8.3.1 Sunlight and Daylight**

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing the windows of the affected residential properties on Shirland Road and to the rear of the site on Delaware Road, namely Oak Tree House and Rayne House.

The assessment notes that of the windows tested, 9 windows will experience a negative impact as a result of the development in relation to Vertical Sky Component criteria (VSC) as set out within the Building Research Establishment (BRE). Namely, 1 window within a rear ground floor bay window at 109 Shirland Road, 3 ground floor and 2 first floor windows within Oak Tree House, and 2 ground and one first floor window in Rayne House. The report notes that while the windows within Oak Tree House and Rayne house fail the BRE test, as the VSC values are reduced only marginally below the threshold of 0.8, the adverse impact is deemed to be minor. The table below sets out the worst affected windows in terms of daylight, which exceed 0.8 times reduction as recommended by the BRE.

Table 2: Existing and proposed windows which fail VSC test

	Existing VSC	Proposed VSC	Reduction
<b>Oak Tree House</b>			
GF 1	31.8	23.9	0.75
GF 2	29.6	21.5	0.73
GF 3	33.6	21	0.62
GF 4	19.6	14.9	0.76
FF 2	31.3	24.6	0.78
FF 3	35.5	25.4	0.72
<b>Rayne House</b>			
GF1	27.4	20.5	0.75
GF 2	27	21.1	0.78
FF 1	31.2	24.7	0.79
<b>109 Shirland</b>			
GF 6	29	22	0.76

The BRE guidelines set out that a conventional window design will usually give reasonable results if in excess of 27%. All of these windows within table 2 will experience a VSC of less than 27% as a result of the development. The worst affected windows GF3 and FF3 serve high level windows in what would appear from an officer site visit to serve living areas. However all of the windows on this side of Oak Tree House have internal window dressings making it hard to see what rooms the windows serve. The majority of these windows will remain well lit for a central London location and whilst a small number of windows will be



affected these losses are on balance outweighed by the benefits of a new care home and new flats.

The applicant has also undertaken tests in terms of the impact of the development on neighbouring windows sunlight as tested by Annual Probable Sunlight Hours (APSH). The proposals have an impact on similar windows to as above. The APSH values are assessed for facades that face within 90 degrees of due south and measure the percentage of sunlight in each applicable building façade. It is accepted that windows which do not face within 90 degrees of due south are likely to meet the recommended APSH. Despite this guidance the applicant has undertaken the test for all of the adjacent properties. As expected, properties which have windows which face in a north eastern direction on Shirland Road, have windows which fail the APSH test as a result of the development. These are generally located on lower levels. The only windows which are affected and face within 90 degrees of due south are located in Oak Tree House, as shown in table 3 below.

Table 3: Existing and proposed windows which fail APSH

	Existing winter	Proposed winter	Existing annual	Proposed annual	Reduction annual
<b>Oak Tree House</b>					
GF 2	14.46	2.69	43.31	28.87	14.44
GF 4	9.66	2.48	22.49	15.14	7.35
FF 4	13.67	5.95	28.21	20.52	7.69

While there will be an impact on the daylight and sunlight to ground and first floor windows within Oak Tree House it is not considered that this is so negative as to justify refusal as some of the windows are high level windows and as the windows currently experience exceptionally high levels of light due to the site being open directly in front of them. Such a situation would not normally be expected in an urban location such as this where a continuous terrace line is more characteristic.

An objection has been received from the resident within 109 Shirland Road, with particular concerns in relation to loss of light to their rear garden. Due to the orientation of the site, this garden only experiences sunlight at the end of the garden during the mornings, but with better coverage in the afternoon. The main concern was to ensure that sunlight at the end of the garden was protected. The proposals would have no impact in relation to sunlight from the morning sun, as this is provided over the existing terrace houses to the south east. The afternoon sun will be impacted as this is gained from over the development site. While the main garden will experience losses of sunlight in the afternoon, due to the infilling of the terrace block, it is not expected that the end of the garden would loose all sunlight in the afternoon as the proposed building is of a similar height to the existing terrace to the site (which does not block the morning light). Given that the garden currently enjoys an above average amount of sun, when compared to the gardens to the south east whose light is blocked by the existing terrace, it is not considered that refusal on the grounds of loss of light to the garden could be sustained.

**8.3.2 Sense of Enclosure**

The proposed development results in the infilling of the street block between 109 and 113 Shirland Road. The Care Home also projects out to the rear of the site towards Rayne House. Currently Beechcroft House is a low level building, set in the middle of the plot and therefore

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has a limited impact on the adjacent occupiers. The four storey block located to the rear of the site has more of an impact on adjacent occupiers due to its location, closer to the boundaries and given its relationship with Rayne House.

Due to the additional bulk, the proposed building will have an impact on the properties on the other side of Shirland Road, however given the separation, it is not considered that this will be so significant as to justify refusal.

The properties on either side at 109 and 113 Shirland Road have windows which look directly to the rear. 115 Shirland Road also has windows in the side elevation of its rear closet wing which look out towards the development site. Due to the location of the new buildings, which effectively carry on the line of the terrace, and the removal of the existing 4 storey building, it is not considered that these properties will experience a considerable increased sense of enclosure, indeed in the case of 109 Shirland Road, while the garden is likely to feel more enclosed due to the infilling of the terrace, the outlook from rear windows may well improve due to the relocation and pulling back of four storey building.

The main impact will be on occupiers in Rayne House and Oak Tree House respectively. Rear windows within Rayne House currently look out over their communal garden towards the application site boundary, a distance of approximately 8m. Beyond this is the existing four storey temporary housing building. The proposals will considerably reduce the breadth of bulk along this boundary, from 28m to 16m, but will pull the building line from 6.6m to 3.7m from the boundary. The replacement building will also be an additional storey or approximately 4.2m higher than the existing building. While this will result in some additional sense of enclosure, given the distance, and the reduction in the breadth of the building, it is not considered to be so significant as to justify refusal.

In relation to Oak Tree House, it is not considered that the new five storey rear wing will have a significant impact on the windows which face in a south eastern direction, given the small amount of additional depth (3m) and given their separation, which will be increased by approximately 1m to approximately 15.5m. The windows in this elevation at ground level (below the new podium level) will experience an increased sense of enclosure when compared to the windows on the upper level, as the proposals include the extension of the podium to part of the way down its boundary, however given existing planting along this boundary, it is not considered that the proposed new boundary wall would give rise to such a negative impact as to justify refusal. The windows which face in a south western direction in Oak Tree House will also experience an increased sense of enclosure, due to the infilling of the street gap. However, given their separation of approximately 14m and as these windows currently experience a better than what would be expected outlook, it is not considered that the impact will be so severe as to justify refusal.

**8.3.3 Privacy & Noise**

*Privacy:*

Objections have been received in relation to increased overlooking and loss of privacy, largely from properties on the other side of Shirland Road. The proposals will result in increased overlooking to both the front and rear, due to the addition of a considerable number of windows. Terraces are also proposed to the front elevation at fourth floor level at the north western end of the site, and to the rear at first, second, third and fourth floor levels for the new self-contained residential accommodation. No terraces are proposed for the new Care Home.

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The proposals do however include a new podium level at rear ground floor level and a new garden adjacent to the care home on the eastern side of the site.

In relation to overlooking to the front, across Shirland Road, given the separation and as mutual overlooking from one side of the road to the other is commonplace, it is not considered that refusal on these grounds could be sustained.

The new rear terraces and podium will look out over towards Oak Tree House, and also, but to a lesser extent, towards the rear gardens along Shirland Road and Elgin Avenue. Given their separation from these windows and gardens, and the benefits of providing outside amenity space for the flats, the terraces are considered acceptable. The most affected properties will be at ground (podium level) and lower ground level (below podium) within Oak Tree House. Subject to a condition for the submission of details to be provided to demonstrate the provision of a screen along the edge of the podium deck to protect the privacy of these residents, it is not considered that the impact will be so significant as to justify refusal.

It is considered that the development will result in an improved environment to the occupiers of Rayne House, which is currently overlooked by the existing temporary hostel accommodation, as the replacement building is to be significantly reduced in breadth and as there are only high level windows and a windows to the stairs and corridor proposed in this end elevation.

A new stair is proposed to run adjacent to 109 Shirland Road, providing access down to the care home garden. This is contained between boundary walls and is not considered to have a negative impact on adjacent occupiers.

*Noise:*

Concerns have been received from residents on Delaware Road in relation to increased noise as a result of increased comings and goings to this frontage. While it is agreed that there will be an increase in vehicular activity on this frontage, given that this is an existing residential street, it is not expected that this will be so severe as to cause demonstrable harm above the existing situation.

The proposals include the provision of new gardens to the rear of the Care Home at both podium and lower ground floor levels. The main lower ground floor level is slightly lower (approximately 1m) than the existing hard standing in this location. Given the proposed use, and existing boundary walls it is not considered that this garden will result in a significant increase in noise to adjacent occupiers. In relation to the podium this includes terraces for the ground floor residential units, access to Oak Tree House, and an additional seating area for the Care Home. This level replaces an existing podium level, which is currently just used for access from Shirland Road to Oak Tree House, however is publically accessible. The new podium will be a more managed space than currently, as access to Oak Tree House is gained through the secure foyer between the Care Home and the flats. Subject to the aforementioned condition to secure a screen along the edge of the podium, it is not considered that the replacement podium will give rise to a significant impact in terms of increased noise.

#### **8.4 Transportation/Parking**

Strong objections, including representation made on behalf of residents from a transport consultant, have been received from residents location on Delaware Road. Their main issue is in relation to the impacts of the development to on street parking stresses.

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#### **8.4.1 Loss of Car Parking**

The application documents indicate that there are 19 existing garage spaces and 4 off-street car parking spaces on the site below the podium deck. Following an inspection of the planning history files for the site, it has not been possible to locate the original planning permission for the development. It is therefore unclear whether these existing parking spaces have been secured through a suitable condition, to link them with the existing residential building at Oak Tree House. The applicant has also undertaken a review, and has similarly not been able to find any records relating to this parking.

The applicant has undertaken a review of the existing garage parking and who they are currently used by. They note that all of the spaces are on tenancies with a one week break clause. Currently 1 of the spaces is occupied by CityWest Homes, 5 are rented by tenants who do not live in Oak Tree House, and 11 are used by Oak Tree House residents.

The proposal includes the provision of a total of 24 car parking spaces, of which are proposed for Oak Tree House residents and 13 to provide for the new market residential units. This is a reduction in car parking to existing provision by 8, with only 11 of the existing 19 parking spaces being re-provided (on the assumption the 4 external spaces are not linked to existing residential use).

TRANS23 of the UDP states “The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances.”

The Highways Planning Manager has noted that the loss of the car parking, if it is protected by a planning condition or similar, will add to existing on-street parking pressures and be contrary to TRANS23. However, he recognises that if such protection does not exist, that the garages may have been able to be made unusable through permitted development. As it has not been possible to find the original permission, both situations must be considered.

#### **8.4.2 Car Parking Provision – Care Home**

TRANS23 of the UDP requires 1 car parking space per 10 residential units for Special Needs Housing, however this is assessed on a case by case basis. While the applicant has provided limited justification and information on this particular matter, on balance, given the location of the site and having regard for the proposed use, with occupants who are unlikely to have a car, no objection has been raised in this case to the non-provision of car parking. It is noted that two servicing bays are provided for the care home, which are able to be used for parking if they require. Any visitors would have to ask to either use one of these spaces, or park in the street in accordance with existing restrictions.

#### **8.4.3 Car Parking Provision – Residential Units**

A minimum of 13 car parking spaces are provided for the new 31 residential units. This is 0.42 car parking spaces per unit. If a lower number of car parking spaces are provided for the existing residential users (Oak Tree House), then the maximum (ie if all 24 basement car parking spaces were only available to the 31 new residential units) then the ratio of car parking spaces per unit would be a maximum of 0.77.

The impacts of high parking demand are well known and include:

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1. drivers being forced to circulate around an area seeking empty spaces which causes unnecessary congestion, environmental pollution and noise disturbance;
2. drivers being tempted to park in dangerous or inconvenient locations, such as close to junctions or on pedestrian crossing points;
3. drivers having no choice but to park some distance from their homes causing inconvenience and more serious problems for elderly or disabled residents.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 90%. TRANS23 includes all legal parking spaces (eg Single Yellow Line, Metered Bays, P&D, Shared Use). With the addition of Single Yellow Line availability, the stress level reduces to 87% - still over the UDP stress threshold.

The evidence of the Council's most recent daytime parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 66%. TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential Bays and Shared Use Bays.

Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the Maida Vale Ward is 44% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy.

Based on the census data of car ownership, 31 residential units would be expected to generate approximately 14 vehicles. Therefore, if all 11 car parking spaces are allocated to existing Oak Tree House residents, then at least 1 vehicle would be expected to be required to park on-street. If less car parking spaces are allocated to Oak Tree House, while this will reduce the impact of the new residential units on-street, it will increase the impact of the existing residential units on-street – the same overall outcome in car parking terms and TRANS23.

The applicant has confirmed that existing leases in the garage can be re-provided within other parking within the vicinity and will therefore not have a negative impact on on-street parking. This is not however considered to be justification enough to allow for a variation away from policy.

It is however considered that a pragmatic view must be had in relation to the parking provision on this scheme. It is clear that there are considerable benefits in the provision of a new purpose built 84 bed Care Home. The 31 new residential flats are required to partially fund this new facility and are therefore a crucial part of the development. It is considered that the benefits of providing this new facility outweigh the potential negative impact to on street parking. A legal agreement is proposed which will help to alleviate this pressure, which will seek to allow the existing 11 Oak Tree House residents to park vehicles in the first instance and then the remaining spaces to the new residents within the residential development. It will also secure the provision of membership car club membership for all of the new residential flats.

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#### **8.4.4 Cycle Parking**

In relation to the Care Home, London Plan Policy 6.9 requires 1 cycle parking space per 5 staff and 1 space per 40 beds. The applicant has indicated that there would be up to 30 full time staff. This would require a minimum of 6 cycle parking spaces for staff and 3 for visitors. The proposal includes 11 cycle parking spaces within the basement for the care home. This is welcomed and consistent with the required amount.

The London Plan Policy 6.9 requires 1 cycle parking space per 1 bedroom residential unit and 2 spaces per 2 plus bedroom unit. For the 31 residential units 43 cycle parking spaces are required. The submitted drawings indicate 43 cycle parking spaces – although only 32 are marked on the drawing (allowing for tandem would increase the level to 64). On balance, it is accepted there is sufficient space for a minimum of 43 cycle parking spaces.

#### **8.4.5 Vehicle Access and Ramp Gradient**

The Highways Planning Manager has raised no objection in relation to the use of the existing access from Delaware Road: The gradient and geometry of the vehicle access ramps are considered functional and acceptable; the width of the ramp is sufficient for two way vehicle flow, which is welcomed.

They also note the existing vehicle access to Shirland Road is to be removed. While this is welcomed and considered an improvement for pedestrians, the reinstatement of the redundant crossover should be secured by legal agreement.

#### **8.4.6 Travel Plan**

The applicant has submitted a travel plan. This will assist in ensuring staff associated with the care home use are encouraged to travel to the site sustainably and not have an adverse impact on on-street parking. It is expected that the Travel Plan should only apply to the Care Home element of the development and only to staff.

In parts, the Travel Plan relies on outdated information (eg 2001 Census data rather than 2011 data). The funding commitment is not specific within the Travel Plan or related to any of the proposed measures. A revised Travel Plan is therefore recommended to be secured by condition and be agreed prior to occupation/operation of the Care Home.

#### **8.4.7 Electric Car Charging Points**

The London Plan requires at least 20% active provision of EV points and 20% provision of passive EV points. While the applicant confirms that this will be provided, there is no indication that EV points will be provided or indicated on the submitted drawings. It is recommended that this is secured by condition prior to commencement of development to ensure adequate provision in accordance with policy requirements.

#### **8.4.8 Servicing**

S41 of the City Plan and TRANS20 of the UDP require off-street servicing. Besides refuse collection (see below) there is limited details of servicing for the subject site. There are two areas marked within the basement for care home servicing. Provided it is conditioned that all servicing occurs off-street and that all vehicles enter and exit the site in forward gear (other than refuse and recycling collection vehicles – see discussion below), then the proposal is consistent with S41 and TRANS20.

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#### **8.4.9 Waste storage**

Waste stored on the public highway creates an obstruction to pedestrians and other highway users. It would also have an adverse impact on the public realm. The proposal includes refuse storage for the residential uses and car home which is welcomed.

The applicant has provided vehicle tracking indicating that a refuse vehicle could collect the refuse from within the site, however the vehicle will be required to reverse into the site, as insufficient space has been provided to enable a vehicle to turn. While this is disappointing, given it is largely to be only the refuse collection vehicle that will need to reverse into the site, this is, on balance considered acceptable, provided all other servicing occurs on-site and vehicles enter and exit in forward gear.

It is noted the existing on-street Recycle Centre on Shirland Road is retained in the current position and remains unchanged as part of the development proposals and consistent with S44 (which protects Micro Recycling Centres).

#### **8.5 Economic Considerations**

Any economic benefits resultant of the development scheme are welcomed.

#### **8.6 Access**

Objection has been received in relation to the use of Delaware Road as the point of access to the site who request that Shirland Road is used instead, mainly due to the Shirland Road being a busier street. It is not considered that the intensification of this entrance would be so severe as to justify refusal.

Policy H8 of the UDP requires residential developments of 25 or more units to provide 10% of the units to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The application confirms that this is to be provided with 10% being capable of being adapted to meet Building Regulations Standard ADM (3) 'wheelchair user dwellings.' This is to be secured by condition. All of the units have level access, either directly from the street or via the lower ground floor car park.

Access to Oak Tree House from Shirland Road is being re-provided at ground floor level. During construction works, there is an existing access to Oak Tree House at lower ground floor level which will not be affected.

#### **8.7 Other UDP/Westminster Policy Considerations**

##### **8.7.1 Excavation and demolition**

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

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consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016.

Concerns have been raised in relation to building works, particularly from the BBC buildings adjacent. While the proposals are not for the excavation of a basement, it is proposed to lower the level of the existing lower ground floor across the site by approximately 1m. Given the level of demolition and this excavation work, it is recommended that Westminster Code of Construction Practice condition is attached the decision.

#### **8.7.2 Plant**

Plant equipment for both uses is proposed at basement and roof level for both mechanical ventilation and heating / cooling. Environmental Health officers have assessed the acoustic report submitted with the application and additional information in relation to ventilation and subject to conditions consider that the proposals are unlikely to result in any harm to the amenity of neighbours and the proposals are therefore considered to comply with S31 of the City Plan and ENV7 of the UDP.

#### **8.7.3 Refuse /Recycling**

The Cleansing Manager has requested the submission of a Waste Management Strategy. While this has not been provided with the application, the lower ground floor plans do indicate dedicated waste and recycle stores for both the flats and the Care Home. A condition for the submission of a Waste Management Strategy is considered acceptable, to be provided prior to occupation.

Following officer comment the lower ground floor plans have also been amended slightly so that access routes are provided through the parking to the proposed waste stores.

A comment has been received that the existing on street waste/recycling facilities on Delaware Road should not be affected by the development. As the proposals include provision of dedicated waste facilities, it is not expected that existing on street waste facilities will be affected.

#### **8.7.4 Trees**

The site is not in a conservation area and there are no Tree Preservation Orders either on the site or within adjacent gardens, however there are trees adjacent to the site that make a significant contribution the area.

An arboricultural report has been submitted with the application and notes that the proposal intends to remove the lower quality trees in the site and protect higher quality trees around the perimeter on adjacent land. No objection is raised in relation to the loss of the existing trees within the development site. Discussions have taken place between the Arboricultural Officer and the applicant, as it was not considered that sufficient information had been submitted to demonstrate the impact of the works (namely the excavation works) on adjacent trees.

The arboricultural officer does not consider that the trial holes undertaken to be sufficient to demonstrate the impact on these adjacent trees. While trees within the rear gardens of Elgin Avenue are protected due to their location within a conservation area, other trees are not protected due to their location outside of a designated conservation area and as they are not protected by a TPO. Notwithstanding this, some trees are of good value and are considered to contribute to the amenity of the area. Conditions are therefore recommended for the



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submission of details of how these will be protected. An informative is also recommended to advise the applicant that should works be required to be undertaken to trees, the applicant will need to come to an arrangement with their respective owners and the relevant application made to the City Council.

#### **8.7.5 Landscaping:**

The proposals include the provision of a new garden to the Care Home. This is welcomed, replacing existing hard standing and increasing greening. The Arboricultural Officer has requested a condition in relation to hard and soft landscaping to this area. In order to ensure that suitable planting is provided and subsequently maintained, such a condition is considered acceptable. They have also request a condition in relation to the planting to the podium deck and an informative of how this will be irrigated. In order to ensure that planting at this level is proposed and properly maintained, such a condition is also considered acceptable.

#### **8.7.6 Sustainability**

The proposals have been submitted with an Energy Assessment for both the new Residential accommodation and the New Care Home. The reports demonstrate that the proposals achieve the required 35% CO<sub>2</sub> reduction over Part L (2013) for both uses. However, in order to achieve the 'zero carbon' standard as outlined within the Housing SPG (March 2016), 827.1 tonnes of CO<sub>2</sub> are to be offset through a cash in lieu payment (for the residential use). Based on the London Plan standard of £60 per tonne of CO<sub>2</sub>, £49,626 is to be paid to the Council. This is to be secured by legal agreement.

A condition is also recommended to ensure that a Combined Heat and Power unit is provided.

#### **8.8 London Plan**

The application does not raise any significant strategic issues and is not referable to the Mayor due to the size and height of the development. Where relevant, considerations involving London Plan policies are dealt with in other sections of this report.

#### **8.9 National Policy/Guidance Considerations**

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

#### **8.10 Planning Obligations**

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

The proposed planning obligation requirements are considered to meet these tests.

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Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

The City Council's Planning Obligations Supplementary Planning Guidance (SPG) sets out in detail the scope and nature of obligations to which certain types of development will be typically subject. In this case, the principal 'Heads of Terms' of the legal agreement are proposed to cover the following issues;

- a) Provision of affordable housing in the form of 40 care bedrooms (equating to 1120sqm GEA) for the elderly (Class C2), to occupants who have been means tested by the City Council and satisfy the Council's funding criteria (as set out in section 8.1.4).
- b) Not to occupy the self-contained residential units until practical completion of the care home.
- c) Highways works to facilitate the proposed development and including vehicular crossovers, reinstatement of redundant crossovers and paving.
- d) Car park strategy including car parking spaces on an unallocated basis.
- e) A financial contribution of £49,626 towards Carbon Offset Projects.
- f) Lifetime Car club membership for the 31 self-contained residential units.
- g) Employment training and apprenticeships opportunities for residents of Westminster.
- h) The costs of monitoring the S106 agreement

Officers consider that these 'heads' satisfactorily address the City Council policies, the Supplementary Planning Guidance and the CIL Regulations.

The estimated CIL payments for this development are expected to be £188,065 for the London Mayor and £1,504,520 for Westminster unless otherwise agreed that exceptions can be applied.

Children's Services have requested that benefits such as a contribution towards local schools is provided. However, the proposals are of insufficient scale (less than 50 residential units) to require such benefits and therefore they have not been included within the draft heads of terms.

### **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

### **8.12 Other Issues**

#### **Crime and security**

An objection has been received from the Designing Out Crime (DOC) Officer in relation to insufficient information to confirm what security measures are proposed. A condition is recommended for this to be provided, in consultation with the DOC Officer prior to occupation to address this concern.

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**Building Regulations:**

The building control officers and the EHO has noted that the proposals do not comply with all building regulations. As these issues are covered under separate legislation, it is not considered that refusal on these grounds could be sustained. These matters are being dealt with by way of an informative.

**Other:**

Objections have been received that the Council has not met its obligations in terms of public consultation. As part of the application process, letters were sent out to neighbours, a site notice displayed in the street and an advert placed in the local paper. While residents may wish for a wider consultation area, letters were sent out to neighbours far in excess of what is statutorily required. Given the level of response received in relation to the development proposals, it is known that letters were received by residents. It is considered that the Council has undertaken in excess of what is statutory required.

A query in relation to party wall awards has been received. This is a private matter between the applicant and any adjacent occupiers who are affected.

**9. BACKGROUND PAPERS**

1. Application form
2. Response from Historic England, dated 28 November 2016
3. Response from Thames Water, dated 16 December 2016
4. Response from Designing Out Crime Officer, dated 25 November 2016
5. Response from Highways Planning, dated 17 February 2017
6. Response from Building Control, dated 13 December 2016
7. Response from Cleansing, dated 5 December 2016
8. Response from Arboricultural Officer, dated 17 February 2016
9. Response from Environmental Health, dated 20 February 2017
10. Response from Children's Services, dated 1 December 2016
11. Response from Affordable Housing Supply Manager, dated 6 February 2017
12. Cabinet Members Statement of Decision for Beechcroft House, dated 16 December 2016
13. Letter from Stonehall building services, received 28 December 2016
14. Letter from occupier of 9 Delaware Mansions, dated 3 December 2016
15. Letter from occupier of 82 Delaware Mansinos, dated 3 January 2017
16. Letter from occupier of 96 Shirland Road, Maida Vale, dated 3 December 2016
17. Letter from occupier of 131 Delaware Mansions, dated 5 December 2016
18. Letter from occupier of 206 Crowmarsh Hill, Crowmarsh Gifford, dated 5 December 2016
19. Letter from occupier of John Ratcliffe House, Chippenham Gardens, dated 6 December 2016
20. Letter from occupier of 114 Delaware Road, dated 6 December 2016
21. Letter from occupier of Deerings Drive, Pinner, dated 6 December 2016
22. Letter from occupier of 52 Delaware Mansions, dated 6 December 2016
23. Letter from occupier of 94, Delaware Mansions, dated 11 December 2016
24. Letters from occupier of Carringtons, 318 Kensal Road, dated 12&14 December 2016
25. Letter from occupier of 64 Delaware Mansions, dated 12 December 2016
26. Letter from occupier of 146 Delaware Mansions, dated 12 December 2016
27. Letter from occupier of 146 Delaware Mansions, dated 12 December 2016
28. Letter from occupier of a165 Delaware Mansions, dated 12 December 2016
29. Letter from occupier of Flat 53 Delaware Mansions, dated 12 December 2016
30. Letter from occupier of 58 Delaware Mansions, dated 12 December 2016

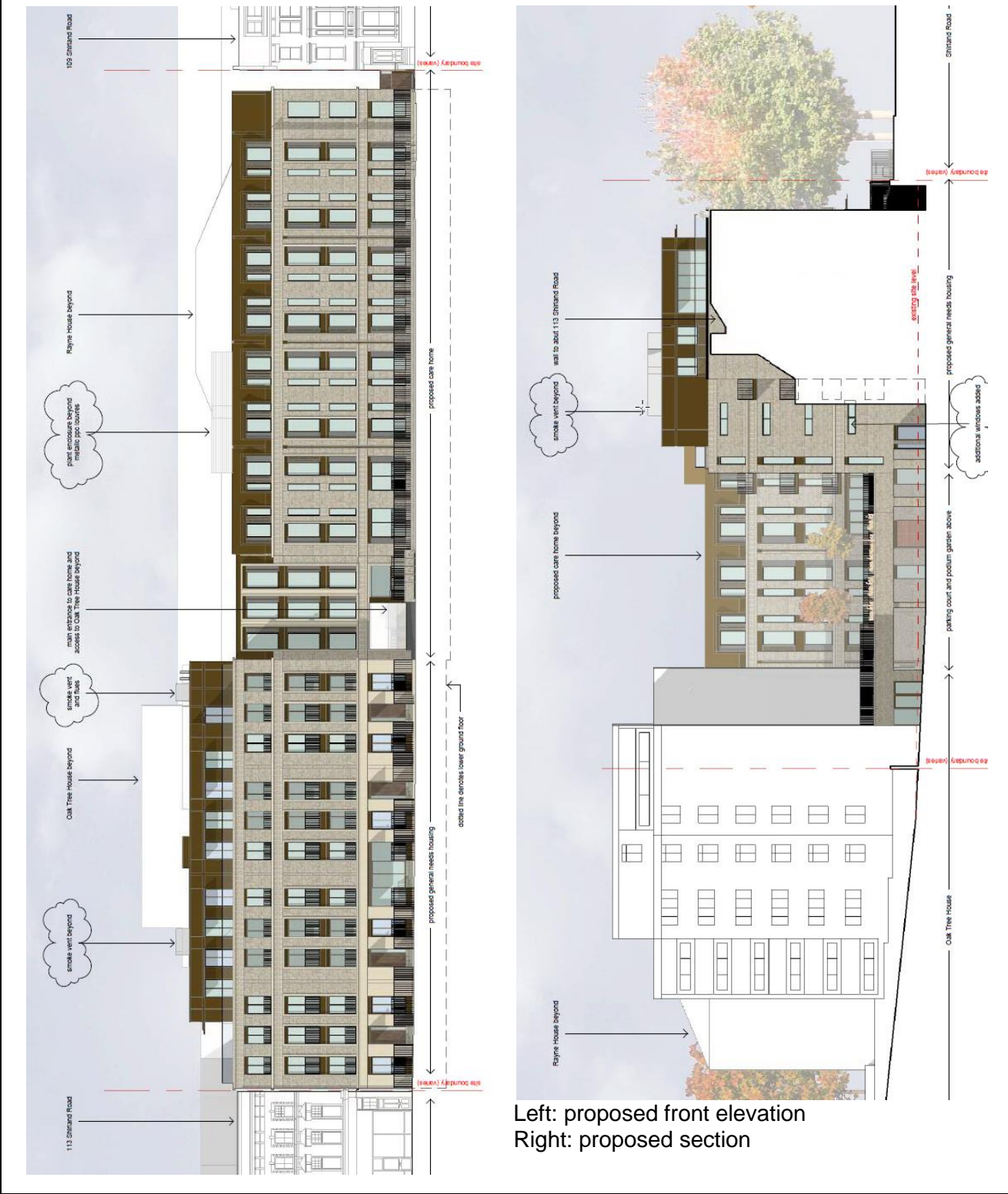
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31. Letter from occupier of 30 Delaware Road, dated 12 December 2016
32. Letter from occupier of 76 Delaware Mansions, dated 12 December 2016
33. Letter from occupier of 27 Delaware Mansions, dated 12 December 2016
34. Letter from occupier of 84c Shirland Road, dated 12 December 2016
35. Letter from occupier of 151 Delaware Mansions, dated 12 December 2016
36. Letter from occupier of 151 Delaware Mansions, dated 12 December 2016
37. Letter from occupier of 162 Delaware Mansions, dated 12 December 2016
38. Letter from occupier of 166 Delaware Mansions, dated 12 December 2016
39. Letter from occupier of 56 Delaware Mansions, dated 12 December 2016
40. Letter from occupier of 167 Delaware Road, dated 12 December 2016
41. Letter from occupier of 33 Delaware road, dated 12 December 2016
42. Letter from occupier of 5 Linslade Close, Pinner, dated 12 December 2016
43. Letter from occupier of 59 Delaware Mansions, dated 13 December 2016
44. Letter from occupier of 104 Delaware mansions, dated 13 December 2016
45. Letter from occupier of 163 Delaware Mansions, dated 13 December 2016
46. Letter from occupier of 148 Delaware Mansions, dated 13 December 2016
47. Letter from occupier of 148 Delaware Mansions, dated 13 December 2016
48. Letter from occupier of 30 Delaware Road, dated 13 December 2016
49. Letter from occupier of 67 Delaware Road, dated 14 December 2016
50. Letter from occupier of 72 Marylands Road, top flat, dated 14 December 2016
51. Letter from occupier of 67 Delaware Mansions, dated 14 December 2016
52. Letter from occupier of Garden Flat, 109 Shirland Road, dated 15 December 2016
53. Letter from occupier of 130 Delaware Mansions, dated 26 December 2016
54. Letter from the BBC, 201 Wood Lane, dated 21 February 2017
55. Letter on behalf of occupiers of Delaware Mansions, dated 20 February 2017

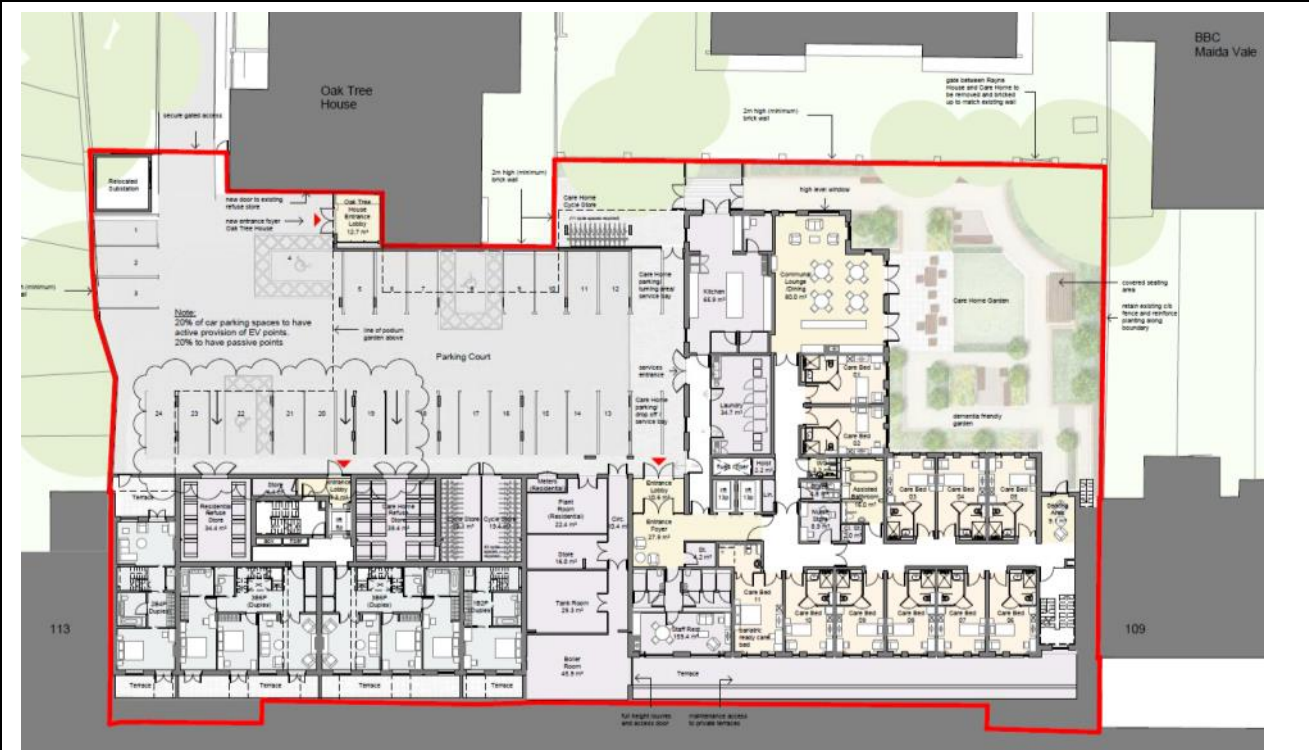
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

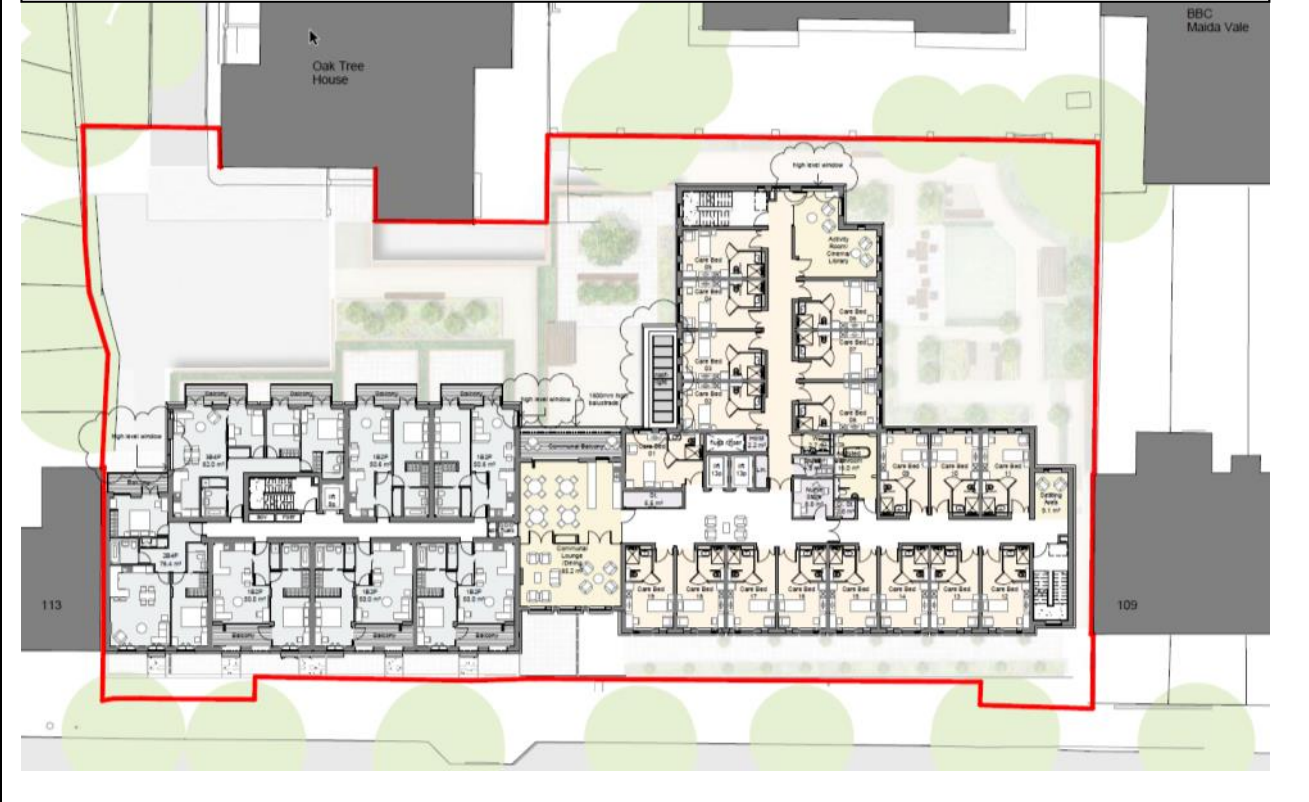
**10. KEY DRAWINGS**

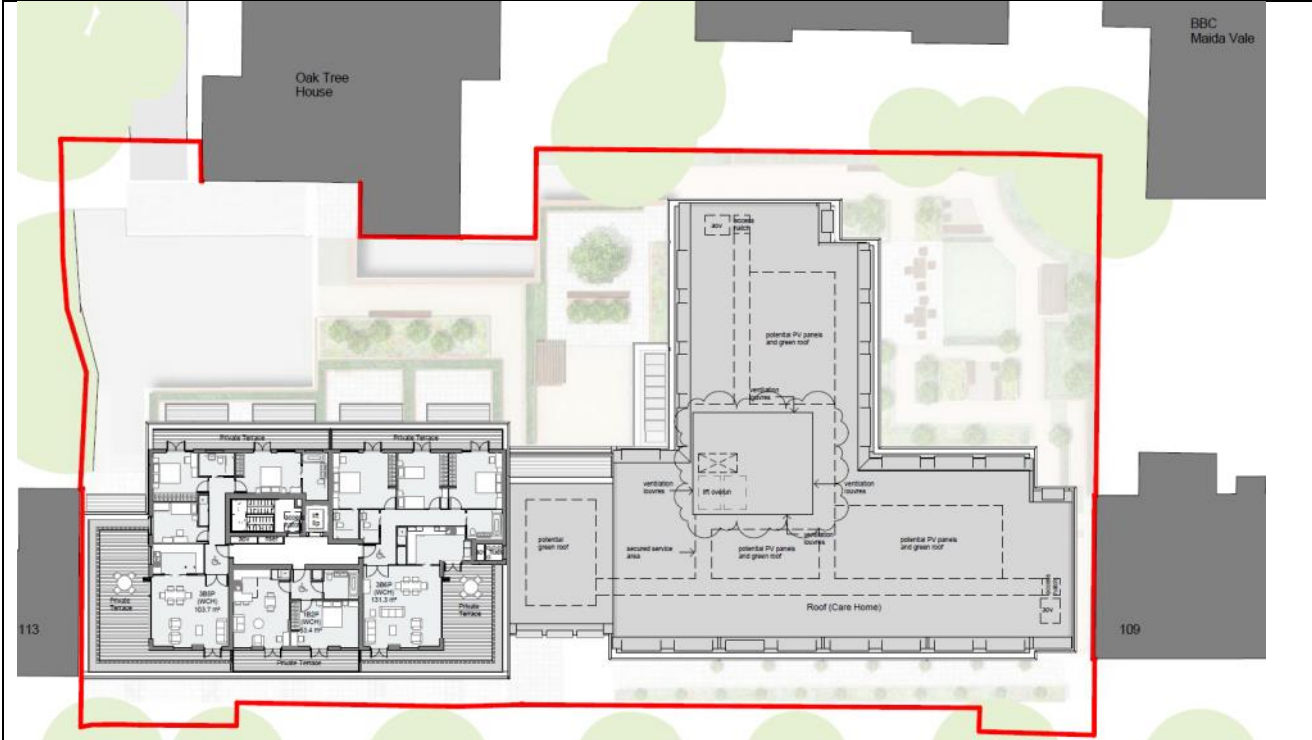


Left: proposed front elevation  
 Right: proposed section

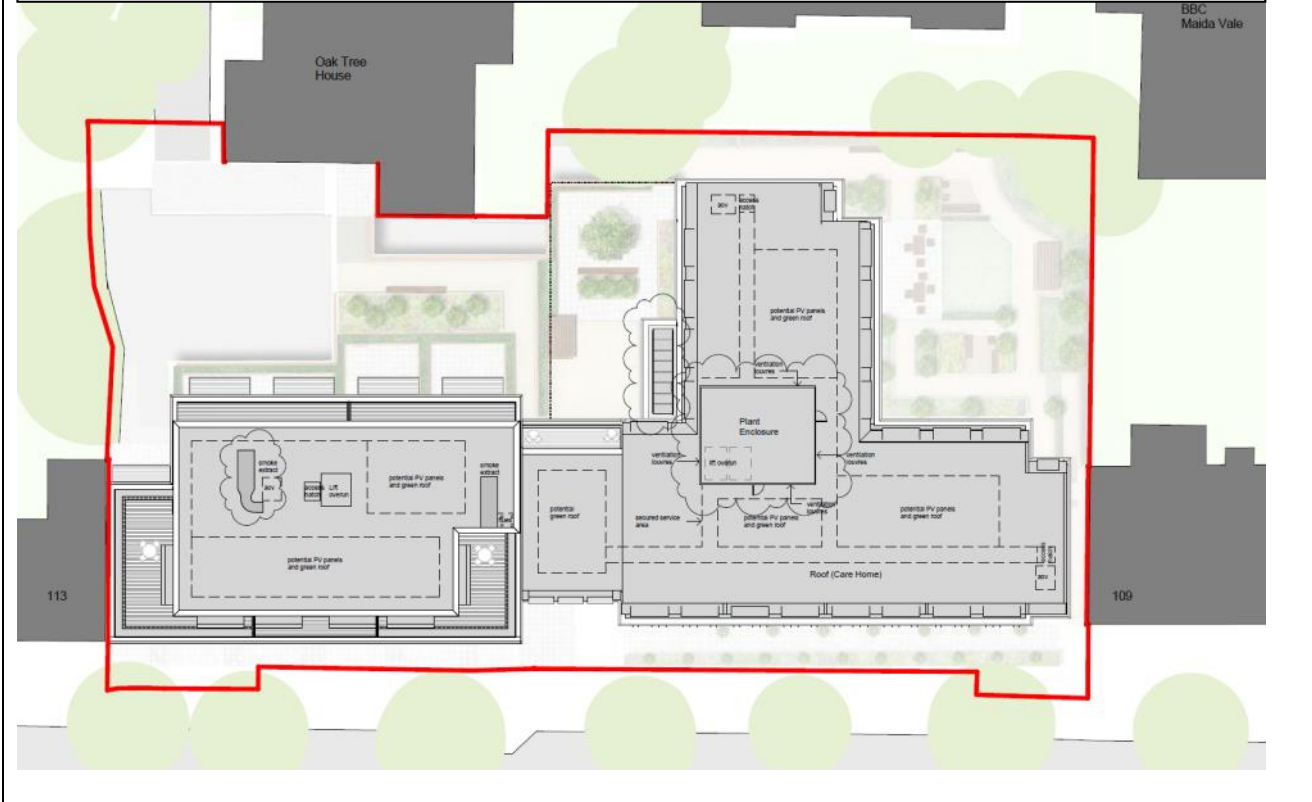


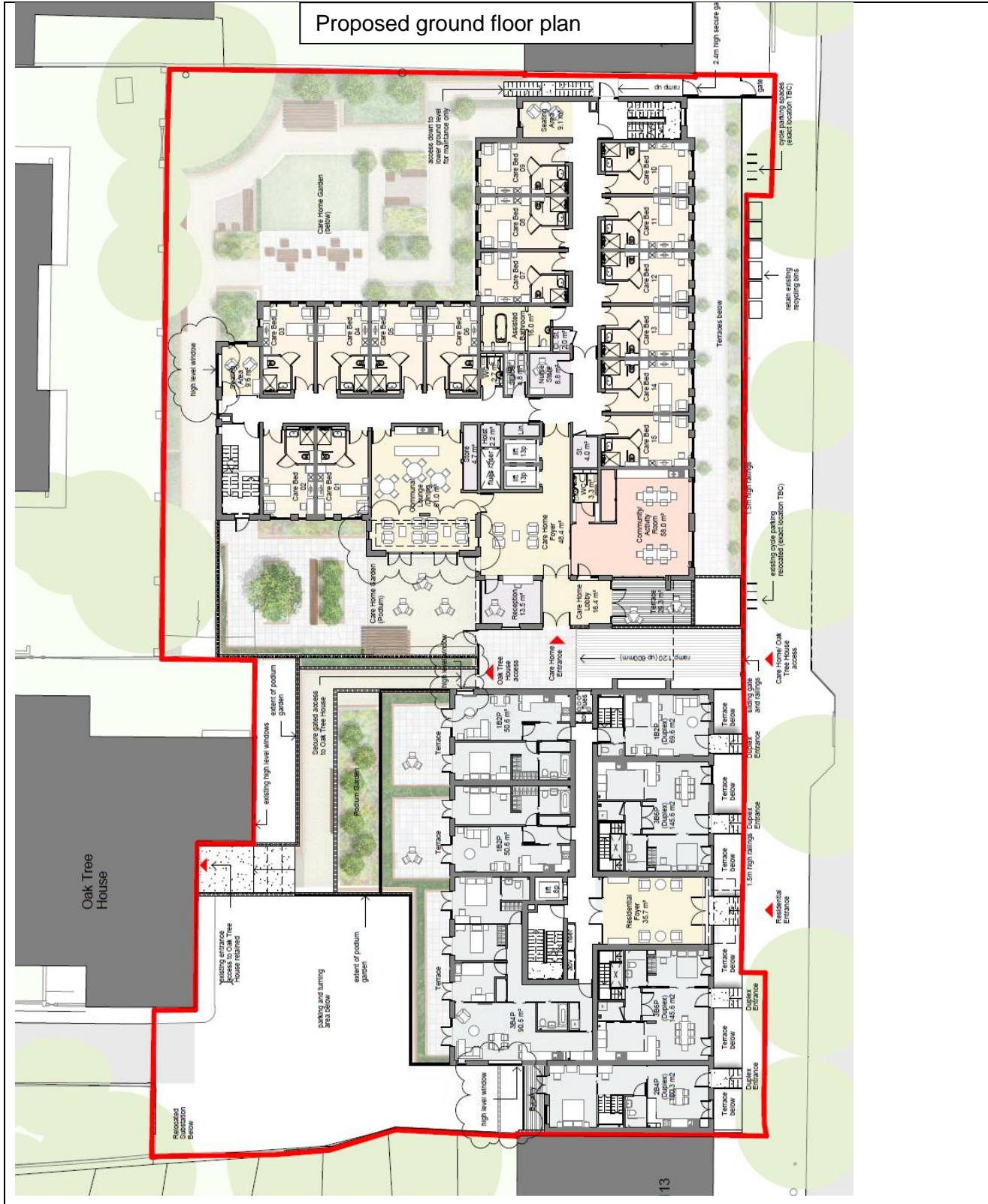
Above: Proposed lower ground floor      Below: Proposed first floor





Above: Proposed fourth floor      Below: Proposed roof







## DRAFT DECISION LETTER

**Address:** 111B Shirland Road, London, W9 2EL,

**Proposal:** Demolition of the existing buildings and redevelopment of site to provide 84 bed care home (Use Class C2) and 31 self-contained residential flats (Class C3). The new building is part five and part four stories high, set over lower ground and four upper levels and includes balconies/terraces to the front and rear. New podium deck and associated landscaping and gardens at rear lower ground and upper ground floor levels. Associated alterations.

**Plan Nos:** Design and Access Statement Revisions A dated November 2016; Arboricultural Implications Assessment dated 04 November 2016; Aspect arboriculture BS 5837:2010 Tree Schedule; Arboricultural Note dated February 2017; Acoustic Assessment dated 1 November 2016; Geo environmental and Geotechnical Desktop Study dated November 2016; Transport Assessment dated November 2016; AV5302 – Transport Further Information reports dated 21/12/2016, 13/01/2017 and 10/02/2017; Travel Plan dated January 2017.

AA5302-2000; AA5302-2002; AA5302-2003 A; AA5302-2011 A; AA5302-2012 A; AA5302-2013 A; AA5302-2014 A; AA5302-2015 A; AA5302-2016 A; AA5302-2017 A; AA5302-2020 A; AA5302-2021 A; AA5302-2022 A; AA5302-2030 A; AA5302-2031; AA5302-2032; 9056 TCP 01; AL5320\_2009 A; AL5320\_2010 C; 12395/JW/1; 12395/JW/2; 12395/JW/3; 12395/JW/4; 12395/JW/5; 12395/JW/6; 12395/JW/7; 12395/JW/8.

For information only: Structural Methodology Statement dated November 2016; Surface Water Management Plan dated November 2016; Overheating Study dated 4 November 2016; Residential Apartments Energy Assessment 03 November 2016; Care Home Energy Assessment dated 03 November 2016; Preliminary Ecological Appraisal dated October 2016; Flood Risk Assessment dated November 2016; Daylight, Sunlight and Overshadowing Analysis dated 3 November 201; Daylight Analysis Revision dated 6 February 2017; Planning and Affordable Housing Statement dated November 2016.

**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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing and paving to both lightwell floors, to the Care Home/Oak Tree House access route and to the Duplex Entrance bridges, 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of two separate sample panels of brickwork to be erected on site with a photograph of each panel submitted to the City Council. One of the panels shall be no smaller than 1.5m x 1.5m and shall show the brickwork to the main elevation, and the other shall be no smaller than 1m x 1m and shall show the brickwork to the top of the sheer front elevation to the development (ie the band of brickwork immediately beneath the coping stone to the front parapet. Each of these samples shall demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints).

You must not start any work on the cladding of the development until we have approved the sample panels. You must then carry out the work according to these approved sample panels.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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5 You must apply to us for approval of detailed elevation and section drawings of the following parts of the development:

- (a) Brickwork detailing to:-
  - (a1) to vertical slot/shadow gaps,
  - (a2) to window openings,
  - (a3) to the junction between the brickwork band beneath the parapet coping and the main brickwork elevations, and
  - (a4) the detailing to the soffits of door/main entrance openings (including its detailing and materials if not faced in brickwork)
- (b) Methodology for ensuring visual impact of expansion joints in brickwork is minimised;

You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings/ samples. (C26CB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

6 You must apply to us for approval of detailed drawing (and samples where appropriate) of the following parts of the development:

- (a) Metalwork to elevations (comprising both lightwell and balcony railings) and including elevations to show the height of the front boundary railings;
- (b) Balcony decks (including method of drainage);
- (c) Elevations to front lightwells, with drawings to include any detailing and to be annotated to show cladding materials;
- (d) Sections to show relationship of doors and windows to walls/roof (both recesses and the relationship of pre-cast window surrounds, windows and brickwork);
- (e) Cladding detailing to roof storey including jointing between panels (ie. 4th floor level to the Residential Wing and 3rd floor level to the main entrance and Care Home wing);
- (f) Windows (including window cills and window reveals) and doors, with all drawings annotated to show materials;
- (g) Ventilation and other services terminations at façade and roof;
- (h) Shadow gap details to front elevation (to include those on the residential wing and the care home wing);
- (i) Any integral lighting, including around main entrance;
- (j) Detailing of pre-cast stone cladding to front elevation showing size of panels/jointing of panels;
- (k) Dormer windows (including the projecting elements to third floor level of the three bay wide central entrance bay);
- (l) Details of any centralised satellite dish and tv system(s) to serve the development;

You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings/ samples. (C26CB)

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Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must put up the plant screen to main roof level shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 You must apply to us for approval of detailed elevation and section drawings, or manufactures specifications including clear photographs of the plant screen to be erected to main roof level. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings or specifications/photographs. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must apply to us for approval of details of the following parts of the development - the pedestrian access from Shirland Road for residents of Oak Tree House. You must not occupy the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To protect the environment of residents as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development

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Plan that we adopted in January 2007. (R26AD)

- 11 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or balconies. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 12 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings or as approved under condition 6 of this approval. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 13 You must apply to us for approval of plan and section drawings showing the extent of green roofs to main roof level. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 14 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

Green roofs, in the locations shown in drawings secured by condition 13 of this permission

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 15 Unless otherwise shown on the drawings hereby approved, you must not use the roof of the buildings for sitting out or for any other purpose. You can however use the roof to escape in an

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emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 16 You must apply to us for approval of detailed drawings (plans, sections and elevation) of the following parts of the development - a privacy screen around the podium level on the frontages facing Oak Tree House. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 17 You must apply to us for approval of details, in consultation with the Designing Out Crime Officer, of the proposed security measures. You must not occupy any part of the development until we have approved what you have sent us. You must then retain these measures.

Reason:

To ensure that the development is suitably secure, as set out in S29 of Westminster's City Plan (November 2016)

- 18 All servicing (excluding refuse and recycling collection) must occur within the site and not from the highway.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 19 All vehicles must enter and exit the site in forward gear (except refuse and recycling vehicles).

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 20 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

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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.

- 21 Prior to occupation of the development a minimum of 20% of the car parking spaces to have electric vehicle points available for use within the basement car park and thereafter maintained in working order.

Reason:

To provide electric vehicle charging for people using the development as set out in Policy 6.13 of the London Plan 2015.

- 22 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)

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

Reason:

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

- 24 You must apply to us for approval of details of a Waste Management Strategy. You must not occupy any part of the development until we have approved what you have sent us. You must then retain these facilities.

Reason:

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

- 25 You must apply to us for approval of details of how waste is going to be stored on the site. 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 waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the development. You must not use the waste store for any other purpose. (C14CD)

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Reason:

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

- 26 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. For the podium level you must include details of planter sizes, their soil volume and the proposed irrigation. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 3 months of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within two years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

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

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 28 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

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

Phase 1: Desktop study - full site history and environmental information from the public records, in accordance with the Geo environmental and Geotechnical Desktop Study by Campbell Reith dated November 2016.

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



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

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

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

29 (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

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survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 30 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.

- 31 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 29 & 30 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 (November 2016), by contributing to reducing excessive ambient noise levels.

- 32 (1) Noise emitted from emergency plant and generators shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators may be carried out only for up to one hour in a

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calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 33 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 34 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 35 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 36 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement before you occupy the buildings.

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**Reason:**

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 37 You must not use the Class D1 floorspace hereby approved, until further details of the proposed occupier / operation of the floorspace have been submitted to and approved by us in writing. The further details shall include information on the nature of the Class D1 use, hours of use, numbers of staff and customers/visitors and indicative layout plans for the premises. The Class D1 use must thereafter operate in accordance with these details.

**Reason:**

Because this is a residential neighbourhood, we need to prevent use of the property for any unsuitable purposes. This is as set out in S29 and S34 of Westminster's City Plan (November 2016) and SOC 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R10AC)

- 38 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the C2 use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

**Reason:**

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

**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.
- 2 With regards to conditions 3 and 4, you are advised that the strong expectation is that the details submitted will show both front and rear elevations clad in complete bricks, and not brick slips or other panelised systems

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- 3 With regards to condition 5, the strong expectation is that the railings generally, and especially the railings to the front boundary of the site, will accommodate some design detailing/interest and not be designed in a strictly orthogonal manner with plain vertical uprights.
- 4 With regards to condition 5, the height of front boundary railings appears relatively high to achieve the required edge protection to the front lightwells, and you are urged to consider this issue further with a view to proposing shorter railings
- 5 The trees within the rear gardens of Elgin Avenue are within a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922.
- 6 Condition 27 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- \* the order of work on the site, including demolition, site clearance and building work;
  - \* who will be responsible for protecting the trees on the site;
  - \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
  - \* how you will deal with accidents and emergencies involving trees;
  - \* planned tree surgery;
  - \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
  - \* how you will remove existing surfacing, and how any soil stripping will be carried out;
  - \* how any temporary surfaces will be laid and removed;
  - \* the surfacing of any temporary access for construction traffic;
  - \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
  - \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
  - \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
  - \* the place for any bonfires (if necessary);
  - \* any planned raising or lowering of existing ground levels; and
  - \* how any roots cut during the work will be treated.
- 7 You should include an environmentally sustainable system of irrigating the planting on the podium level. For more advice on this, please see the Mayor of London's supplementary planning guidance: Sustainable Design and Construction, April 2014. It will need to consider rainwater harvesting and storage or grey water filtration and storage to minimise the use of potable mains water for irrigation. However, if any features materially (significantly) affect the appearance of the

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outside of the building, this is likely to need planning permission.

- 8 In relation to condition 16, you are advised that the privacy screen should be a hit and miss timber trellis, similar to that shown in photograph 3 on page 63 of the design and access statement.
- 9 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover)

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 10 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for

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Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk).

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 11 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)
- 12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 13 The term 'clearly mark' in condition 25 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 14 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 16 You should include an environmentally sustainable system of irrigating the planting on the podium level. For more advice on this, please see the Mayor of London's supplementary planning guidance: Sustainable Design and Construction, April 2014. It will need to consider rainwater harvesting and storage or grey water filtration and storage to minimise the use of potable mains water for irrigation. However, if any features materially (significantly) affect the appearance of the outside of the building, this is likely to need planning permission.
- 17 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)

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- 18 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)

- 19 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 20 The City of Westminster is an air quality management area, Environmental Science will require an air quality assessment. The Air Quality Assessment (AQA) should:

- Assess the existing air quality in the study area (existing baseline);
- Predict the future air quality without the development in place (future baseline);
- Predict the future air quality with the development in place;
- Describe the demolition and/or construction impacts;
- Identify mitigation measures; and
- Assess the significance of the developments impact on air quality

An air quality neutral assessment is also required for this development as set out in the GLA SPD on Sustainable Design and Construction.

- 21 For lifts associated with the development they should follow guidance within British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings section 7.7.3.4.1 table 5.



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- 15 Please refer to legal agreement to view parking arrangements for the development.
- 22 Condition 28 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer  
Environmental Health Consultation Team  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

Phone: 020 7641 3153  
(I73AB)

- 23 You are advised that the Environmental Health Officer and Building Control Officer have commented that some of the proposals do not meet Building Regulations. You will need to address these points within any application for Building Control Approval.

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Councillors Mohindra and Astaire

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	14 Denning Close, London, NW8 9PJ,		
<b>Proposal</b>	Works of partial demolition of the existing house in connection with its enlargement, including the excavation of a basement and new rear glazed roof to conservatory.		
<b>Agent</b>	Mr Joe McGowan		
<b>On behalf of</b>			
<b>Registered Number</b>	15/05949/FULL	<b>Date amended</b>	20 December 2016
<b>Date Application Received</b>	1 July 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside a Conservation Area, but the boundary of the St John's Wood Conservation Area lies to the west		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

No 14 is a modern 1970's house. The proposal involves partial demolition of the existing front elevation in connection with the erection of a two storey front addition with roof which projects 1.6 m beyond the main front façade. The proposal also involves the excavation of a basement, replacing the rear conservatory and external alterations.

Objections have been received from residents in Denning Close on the grounds of over-development, the cumulative impact of a number of basements taking place in the Close, the adverse impact on the works on existing residents' quality of life and increased traffic congestion. Objections have also been raised to the design of the front extension. Specific objections have been raised to the position of the skip to the side of the house.

The application has been amended to revise the Construction Management Plan (CMP) to locate the skip within the curtilage of the house by demolishing the existing garage, and also to reduce the footprint of the basement so it follows the footprint of the house and under the new front extension. Further objections have been received and Councillor Mohindra supports the residents' objections.

The key issues area:

\*the impact of the proposed extensions on the appearance of this house and the setting of the adjoining conservation area

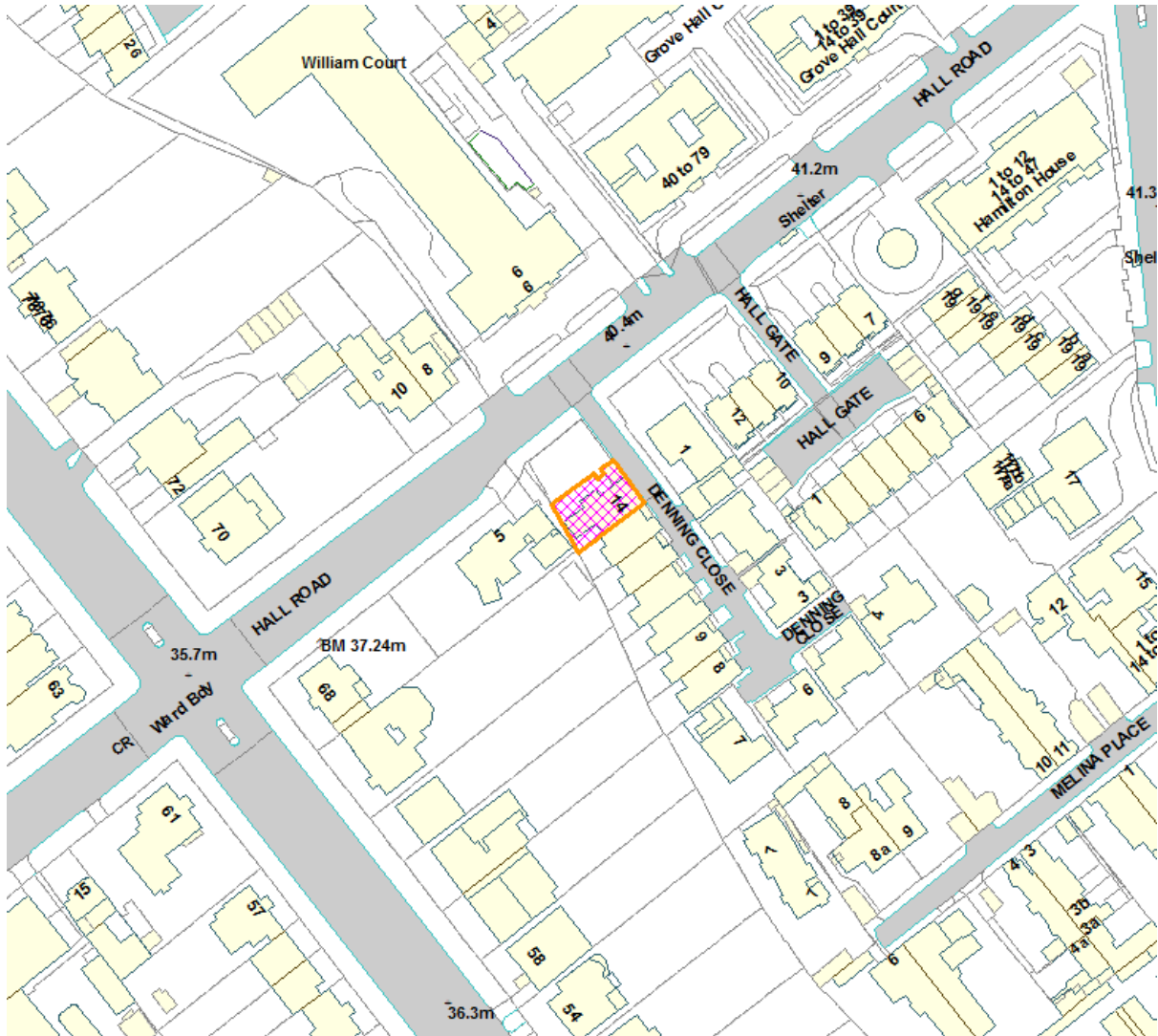
\* the impact of the development on the amenities of neighbouring residents

\* the impact of the proposed basement and its construction in respect of access /egress into the Close and the private car parking area at the front.

In design terms, the proposed front extension is similar to that granted in 2012. Although this permission has now lapsed it is a material consideration. Whilst front additions are normally resisted under policy DES5, the proposal will not harm the appearance of this house and will not harm the setting of the adjacent St John's Wood Conservation Area. Nor will the proposal result in any material loss of light or enclosure to neighbouring residents.

The objections received in relation to the basement are well understood, and the CMP has been amended to locate the skip within the curtilage of the house and to use smaller lorries. The applicant has submitted additional information which demonstrates that vehicles can pass along Denning Close , and lorries can reverse into the car park. It is recognised that the car park entrance will be blocked during the collection of the skip but this will be limited to 15 minutes a time. Given the other alternatives investigated, it is considered that the revised scheme is a reasonable solution and the application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation of No 14



Front car park area (application site is on the left)

## 5. CONSULTATIONS

*Original scheme:*

ST JOHN'S WOOD SOCIETY:

No response received.

THAMES WATER:

Request that a non-return valve or other suitable device is fitted to the basement.

ENVIRONMENT AGENCY:

No comments to make

HIGHWAYS PLANNING MANAGER:

Acceptable in transportation terms.

ARBORICULTURAL OFFICER :

Raised concerns regarding the removal of the weeping ash from the front garden and it is not clear whether this tree is covered by the Tree Preservation Order. The proposed lower ground floor occupies the whole of the site, including the small courtyard which includes a number of climbing plants. There is no provision for soil depth over the basement or replacement planting.

BUILDING CONTROL:

Initially submitted a holding objection as no structural method statement submitted. Subsequently advised that the submitted structural method statement is considered acceptable and an investigation of existing structures and geology have been undertaken and found to be sufficient details. The existence of ground water including underground rivers has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using piled walls with reinforced concrete underpinning and retaining walls which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ENVIRONMENTAL HEALTH: No objections on environmental noise or nuisance grounds subject to conditions and informatives.

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 103

Total No. of replies: 8

No. of objections: 7 objections from residents in Denning Close raising some or all of the following points:

Land Use

- Over-development of the site.

Townscape/Design

- The house has already been extended in the past, and this proposal results in further loss of front garden to accommodate light wells which is in breach of policy DES5.
- Proposed design is out of keeping with other houses in the street.

#### Transportation

- The submitted CMP states that the wait and load lorry will reverse into Denning Close and the road is only 4.75m wide, and such the vehicles will have to make a number of manoeuvres, all of which will take place on the busy Hall Road. A swept path analysis is required. If vehicles are parked to the side of No14, it will be very difficult for another vehicle to park, which will affect other residents in the Close.
- Danger to other road users and pedestrians.
- Number of planning applications for basements in Denning Close and the cumulative impact of such works taking place
- Denning Close is too narrow to accommodate construction vehicles and disruption caused to elderly residents in the Close
- Affect access for emergency vehicles.

#### Other Matters

- Applicant does not have a legal right to park in the car park next to the entrance to the Close, and the proposed construction works will affect residents using this car park.
- Possible damage to parked cars caused by construction vehicles.
- Suggest Westminster adopts the guidelines used by Barnet Council that basements are not allowed beneath terraced, semi-detached or modest houses.

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

#### *Revised Scheme*

#### COUNCILLOR MOHINDRA:

Supported resident objections, the CMP report appears to have material deficiencies and further clarification should be sought from the applicant. Not enough thinking has gone into the proposal and no credible plan of execution has been offered.

#### ST JOHN'S WOOD SOCIETY:

No comment received.

#### HIGHWAYS PLANNING MANAGER:

Any response to be reported verbally.

#### ADJOINING OWNERS/OCCUPIERS

No consulted 13

No Replies 9 further objections received raising some or all of the following points:

#### Land Use

- Over development of the site. Proposal occupies too much of the front garden and two light wells further reduce the area of garden



### Townscape and Design

- The new windows to the side elevation fronting Denning Close are not in keeping with the homogenous architectural design of the Close, in particular the metal clad windows.
- These side windows are next to parked cars and are likely to be damaged.

### Amenity

- Noise generated during construction, which will be very disruptive to residents.
- Question dust control from the skip

### Transportation

- Construction vehicles will block access to No 8 Hall Road
- The front car park is likely to be used for the demolition and construction works, and residents will lose the right to park
- There is no proper swept path analysis to show all the manoeuvres a skip lorry will take on this highly restricted road.
- No information on the type, size and weight of vehicles, where will the concrete Lorries deliver. How will this affect access for emergency vehicles?
- Implications for children playing in the road and the safety of residents and visitors, applicant's offer of a banksman is not adequate
- There is no room for hoardings to be erected on the applicant's demise.
- Applicant has no right to park in the car park area (sole use for houses 8-13) and skip is jutting out into the car park and not in the ownership of No 14.
- Not enough width in the road for vehicles to make a turn into the Close and into the car park.
- No information on where the entrance to the construction site will be and also require clarity to ensure no builders vehicles may load/unload in the car park or in the road alongside the property.
- The CMP mentions that vehicles can wait on Hall Road which is already congested.
- CMP fails to address access for fire engines and emergency vehicles.
- Health and Safety issues not dealt with by the CMP
- CMP is grossly inadequate and therefore permission should be refused.

### Other Matters

- Risk of structural damage to No 13 as they share a wall with No 14 and just completed renovations and concerned that the basement will cause damage.
- Request that the applicant notify neighbours of their plans.
- Damage caused to walls by construction vehicles. Hall Road has already been damaged by the construction works next to William Court

## 5. BACKGROUND INFORMATION

### 5.1 The Application Site

No 14 is a modern two storey house located at the entrance to Denning Close which is a private cul de sac off Hall Road, The building is not listed and lies outside the St John's

Wood Conservation Area. The boundary of the conservation area lies immediately to the west, running along the boundary with No 5 Hall Road.

This house has a small front garden which is largely paved, and a very small patch of rear garden.

To the front of this property, is a private car park , which is screened from Hall Road by a high brick boundary wall. The exiting trees in this car park are protected by a Tree Preservation Order. The car park is used by the owners of No's 8-13 Denning Close.

## 5.2 Recent Relevant History

### 11/06254/FULL

Erection of a two storey front extension and an additional storey onto existing garage.  
Application Refused on design grounds 22 September 2011

### 12/01158/FULL

Erection of first floor extension with pitched roof to north (front) elevation, a front single storey extension at ground floor level and associated external alterations.  
Application Permitted 17 May 2012 This permission was not implemented and has now lapsed

### 98/09713/FULL

ERECTION OF 1ST FLOOR EXTENSION  
Application Permitted 23 February 1999

Other basement extensions in Denning Close:

Permission was granted in 2013 and 2015 for a basement at No 5. In respect of the 2015 permission, Committee Members requested that the applicant investigate siting the skip within the curtilage of the house rather than on the Close given the strong objections raised by Councillor Rigby and residents. The owners started on the basement last year and implemented the 2013 planning permission and the skip was located in the Close.

Permission granted on 7 November 2015 for the demolition and rebuilding of No 7 with a basement and a loft conversion (Ref 15/02696/FULL)

An Article 4 Direction in respect of basement extensions came into force on 31 July 2016.

## 6. THE PROPOSAL

It is proposed to demolish the front facade of the house and extend the house by 1.6 m at the front (similar to the 2012 planning permission). It is also proposed to excavate a basement under the footprint of the house and under the front garden. The new basement will provide a staff bedroom, games room, gym and plant room. Two light wells are proposed at the front, covered by roof lights. At the rear, it is proposed to replace the existing conservatory.

The application has been amended to address officers and residents' concerns. Firstly, the footprint of the basement has been amended and reduces it by no longer extending

under the majority of the front garden area. Secondly; the CMP has been amended in relation to the position of the skip. The initial proposal to locate the skip at the side of the house was not acceptable in transportation terms. As a result the applicant is proposing to demolish the garage in order to locate a skip in its place during construction/demolition. In addition, the applicant has submitted swept path analysis.

## **7. DETAILED CONSIDERATIONS**

### **7.1 Land Use**

There are no objections in land use terms to enlarge this single family house. The City Council in 2012 has already granted permission to extend the house at the front, and the proposed single storey basement will also create additional floorspace. However, it is not considered that the proposal represents an over-development and other houses in the Close have been extended at basement level. The proposal therefore accords with policy H3 in the UDP.

### **7.2 Townscape and Design**

In design terms, extensions beyond the front building line are normally resisted under policy DES5 in the adopted UDP. The proposal is similar to that granted in 2012, and although this permission has now lapsed, it remains a material consideration in dealing with the latest application.

Given the new facade is set back approximately 14m from Hall Road and will be partly screened by the existing high brick boundary wall and trees, it is not considered that the front addition will harm the proportions of this house. Whilst it is accepted that the proposed extension will be visible from views within the St John's Wood Conservation Area along Hall Road, it is considered to be in keeping with the host building and its immediate surroundings. The proposal will therefore preserve the character and appearance of the adjoining Conservation Areas.

The originally submitted basement incorporate two light wells which were far from ideal in design terms, and the reductions of the basement has resulted in their removal. The revised scheme includes two roof lights which are much more discrete additions. Given the height of the front garden wall, these roof lights will be largely hidden from public view. Therefore the physical manifestations associated with the basement are considered acceptable in design terms.

There are no objections to the replacement rear conservatory, or to the two side windows.

### **7.3 Residential Amenity**

#### **Sunlight and Daylight**

The proposed front extension follows the same profile as the 2012 permission. There is an existing dormer window in the side elevation of No 5 Hall Road which serves a bedroom. The proposed front extension sits just behind this dormer. It is accepted that the front extension will be visible from the neighbour's bedroom, but it will not result in any material

loss of daylight. There will be some impact on No 1 Denning Close but again any loss of sunlight will be within acceptable limits.

#### **Sense of Enclosure**

There will be a small increase in enclosure to No 5 Hall Road and No1 Denning Close, but these losses will be within acceptable limits.

#### **Privacy**

The 2012 permission indicated one window in the front extension at first floor level, and two windows are now proposed. Whilst there will be oblique views from these two windows into the side dormer of No 5, given the existing mutual overlooking that exists between the two houses, the proposal is not considered to result in a material loss of privacy.

Objections have been raised to the new side windows onto Denning Close, but these openings are considered difficult to resist given such works constitute permitted development. The proposal therefore accords with policies S29 in the City Plan and ENV13 in the City Plan.

#### **7.4 Transportation/Parking**

The Highways Planning Manager raises no objections, as the garage is being re-provided. The majority of the objections on highways grounds relate to construction, and in particular the location of the skip in Denning Close. The originally submitted CMP indicated the skip to be located in Denning Close itself adjacent to the side of the house. Although vehicles currently park next to the house, it was considered that given the width of this narrow road and the presence of bollards in the footway that this was far from an ideal location. The applicant was requested to revise the CMP and to investigate a number of alternative locations for the skip. It is now proposed to demolish the garage and locate the skip on site. In the light of the objections received swept path drawings have been submitted to demonstrate that smaller concrete lorries can enter and leave safely, and this is dealt with in more detail in Section 7.12 of this report.

#### **7.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **7.6 Access**

Level access is being provided.

#### **7.7 Other UDP/Westminster Policy Considerations**

This application was submitted prior to the adoption of the Council's new basement policy. Regard has been had to the advice set out in the National Planning Policy Framework.

#### **Noise**

A plant room is proposed in the new basement and Environmental Health raise no objections on noise grounds subject to conditions.

The applicant's acoustic report refers to a new condenser unit to be located externally at ground floor level on the side of the house opposite the end wall of No 5 Hall Road. This report concludes that in order to comply with the Council's noise condition, the unit will need to be housed in an acoustic housing. However, the application drawings fail to show this condenser unit, nor is it included in the description of development, and therefore the applicant is being advised by way of informative of the need to apply for this plant separately.

#### Refuse /Recycling

The plans show a refuse area in the front garden and this will be reserved by condition.

#### Trees

The applicant has submitted an Arboricultural Report in respect of the impact of the basement on the three TPO trees in the car park, and the basement will be outside the Root Protection Area. Although the Arboricultural Officer raised concern that the original scheme had no soil depth above it, the basement has been reduced and is considered acceptable.

The applicant has revised the proposal to include planting beds in the paved front garden area, but given its small size, it is not possible to include significant amount of planting. It is however recommended that a green roof be added to the rebuilt garage, secured by condition.

### **7.8 London Plan**

This application raises no strategic issues.

### **7.9 National Policy/Guidance Considerations**

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

### **7.10 Planning Obligations**

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

As this proposal is over 100sqm (approximately 141sqm), the estimated CIL payment is: £77,550

### **7.11 Environmental Impact Assessment**

Not applicable to a development of this scale. .

### **7.12 Other Issues**

#### **Basement**

The proposed basement has attracted the majority of the objections, in particular how it will be constructed and the impacts of the works on resident's amenities and access into the Close.

This application was submitted before the adoption of the Council's basement policy CM28.1 and therefore needs to be considered in the light of the policies and guidance in

place at that time. This application was submitted prior to the adoption of the Council's Code of Construction Practice (CoCP) which now applies to all basement applications submitted after July 2016.

The proposal is for a single storey basement under the footprint of the main house which also goes underneath the new front extension. Although objections have been received, other houses in the Close have been similarly extended at basement level, and the revised scheme will not harm the appearance of this house, or the rest of Denning Close.

The structural methodology statement submitted with the application has been assessed by Building Control, who is satisfied with the proposal. This site is not located in an area at risk from flooding and the Environment Agency raises no objections. Building Control also advise that the likelihood of local flooding or adverse effects on the water table have been found to be negligible.

### **Construction impact**

This application has been amended to address the construction impact, as it is recognised that the basement does pose particular issues. The applicant has been requested to look at alternatives and this has taken some considerable time to resolve. The original proposal to locate the skip at the side of the house was undesirable in transportation terms, and this naturally attracted strong objections from other residents in the Close.

Given the applicant does not have a right to park in the car park, it was not possible to locate the skip at the front of the house. The location of a skip on Hall Road was also investigated. This was not possible due to safety concerns , as a skip will need to be sited on a single yellow line and this would cause issues for the development site opposite and to the apartment block opposite. In addition Hall Road is a busy road and a bus route and due to the location of parking bays opposite, a skip placed on the highway would cause traffic congestion. The Traffic Manager for Highways and Public Realm also raised concerns about the visibility on this busy road and of course materials/soil will need to be transported to the skip using a mini digger and this would also raise safety concerns.

The applicant's revised proposal is to demolish the garage and located the skip off site. The revised CMP proposes to use smaller lorries (6mx2.2m) and therefore a lorry can position itself to enable vehicles to pass along Denning Close. The applicant has also demonstrated that concrete trucks can reverse into the car park so that Denning Close is not blocked during a concrete delivery. Whilst it is recognised that the car park entrance will be blocked during the skip-swap , this will be limited to 15 minutes at a time , and if required the lorry can be moved to enable access to and from the car park if required. Whilst this is not ideal, it is considered the most appropriate way to service this site during construction.

### **Other Matters.**

The objectors cite that the applicant has no right to use the car park which is for the sole use of No's 8-13 Denning Close, but this is a private matter and is not a ground to refuse planning permission.

In respect of the objection there is no room for a hoarding to be erected within the demise of the application site, but this is not a ground to refuse permission.

Given that the scheme has been revised, it is not considered that the proposal will adversely affect access for emergency vehicles.

## 8. BACKGROUND PAPERS

Original scheme:

1. Application form
2. Email from Thames Water dated 14 August 2016
3. Email from the Environment Agency dated 14 August 2015
4. Response from Highways Planning dated 25 August 2015
5. Response from Building Control dated 18<sup>th</sup> and 21 August 2015
6. Response from Environmental Health dated 20 August 2015
7. Email from the Arboricultural Officer dated 25 August 2015
8. Letters from 9 Denning Close, London, dated 26 August 2015, and 1 September 2015
9. Email from 10 Denning Close, London, dated 1 September 2015
10. Letter from 4 Denning Close, London, dated 7 September 2015
11. Letter from 2 Denning Close, St John's Wood, dated 7 September 2015
12. Letter from 10 Denning Close, St John's Wood, dated 31 August 2015
13. Letter from 2 Denning Close London NW8 dated 2 September 2015

Revised Scheme:

14. Email from Councillor Mohindra dated 28 July 2016
15. Construction Methodology Statement and drawings submitted by applicant June 2016
16. Email from 8, Hall Road, dated 27 April 2016
17. Email from 13 Denning Close, London, dated 1 May 2016
18. Email and letter from 10 Denning Close London NW8 dated 5 May 2016
19. Letter from 4 Denning Close , London NW8 9PJ, dated 7 September 2015
20. Letter from 9 Denning Close London NW8 dated 26 July 2016
21. Letter from 10 Denning Close London NW8 dated 5 May 2016
22. Letter from 2 Denning Close London NW8 dated 14 May 2016.
23. Letter from 9 Denning Close London NW8 dated 26 July 2016
24. Letter from 10 Denning Close London NW8 dated 27 July 2016
25. Amended Construction Management Plan 20 December 2016.

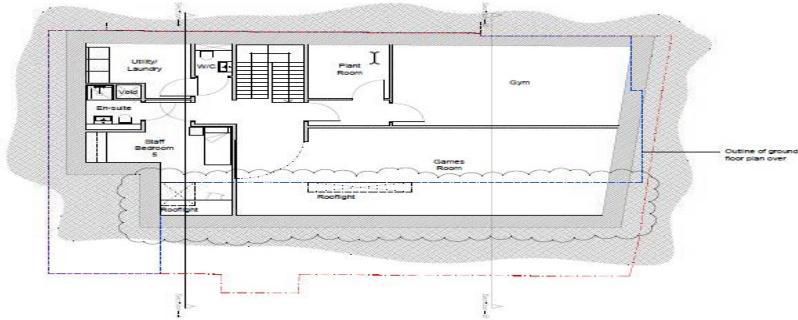
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

### 9. KEY DRAWINGS

#### Proposed Basement

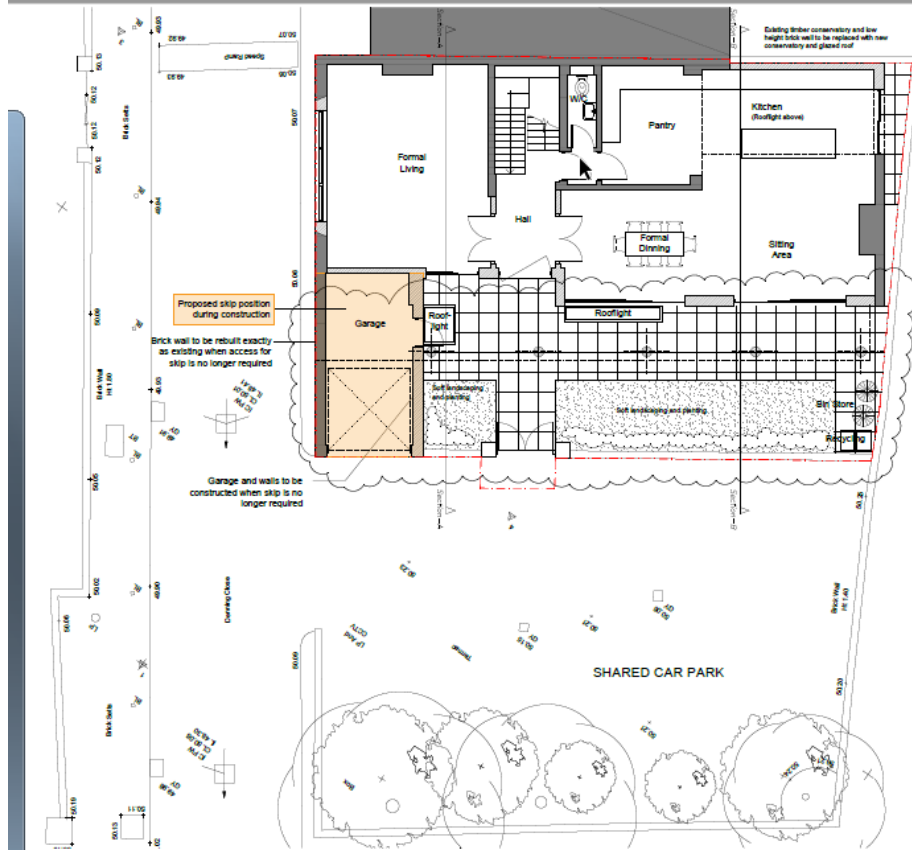
NOT TO BE SERVICED IMMEDIATELY  
 carried out cannot be pre-announced  
 etc.



- | C | 20.06.16 | Basement size reduced | J.M |
- | B | 17.02.16 | Maid's bedroom revised | J.M |
- | A | 22.06.15 | Underpinning to basement walls | J.M |

FOR PLANNING			
Project	14 Denning Close London N.W.8	date	May '14
Scale	1:100 @ A3	drawn	AH
drawing	Proposed Ground Floor Plan	REV.	REV. 106

#### Proposed Ground Floor Plan



NOTES:  
 SCHEME DESIGN SUBJECT TO  
 STRUCTURAL ENGINEER / SERVICES  
 ENGINEER, PLANNERS COMMENT  
 Detailed dimensional survey carried out  
 by others - BB Partnership cannot be  
 held responsible for any discrepancies  
 and/or inaccuracy that may arise.

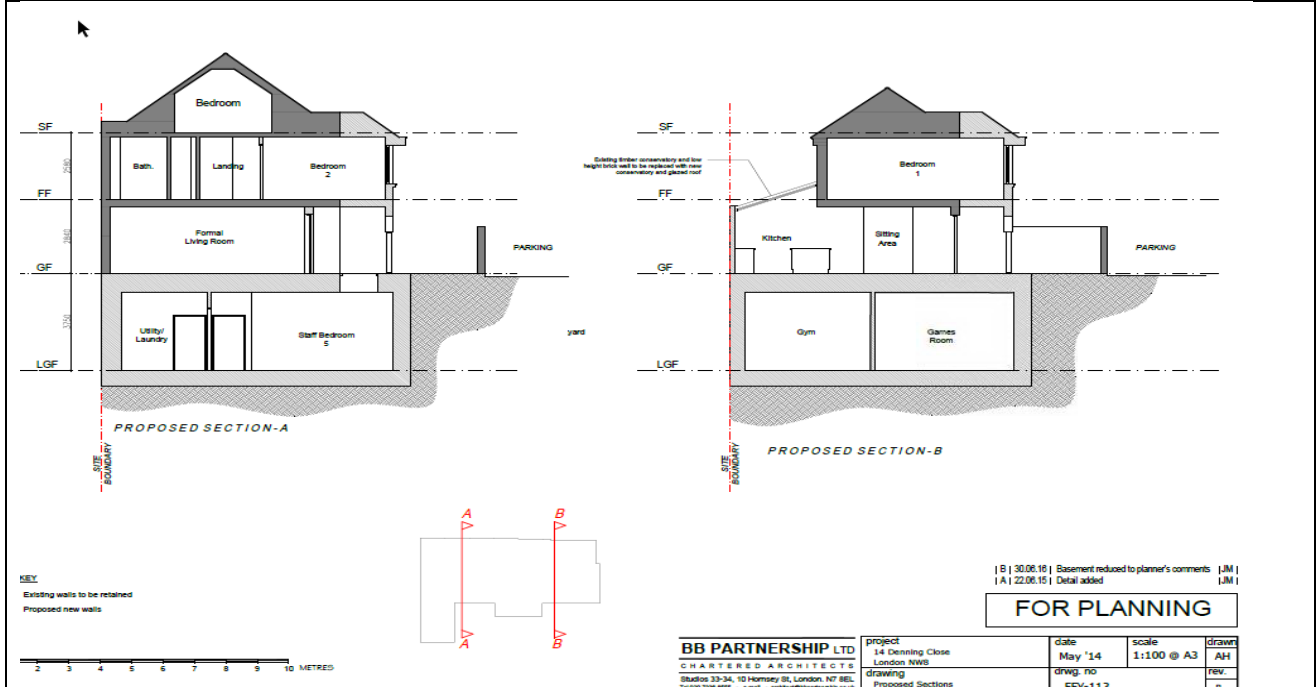


- | E | 29.06.16 | Landscaping to front added | J.M |
- | D | 17.02.16 | Skip position during construction shown | J.M |
- | C | 27.07.15 | Conservatory replaced with new construction | J.M |
- | B | 22.06.15 | Existing walls shown retained, detail added | J.M |

FOR PLANNING			
Project	14 Denning Close London N.W.8	date	May '14
Scale	1:100 @ A3	drawn	AH
drawing	Proposed Ground Floor Plan	REV.	REV. 106

#### Proposed Sections





Proposed Front elevation



**DRAFT DECISION LETTER**

**Address:** 14 Denning Close, London, NW8 9PJ,

**Proposal:** Works of partial demolition of the existing house in connection with its enlargement , including the excavation of a basement and new rear glazed roof to conservatory.

**Plan Nos:** FFY-100, 101 rev A, 102, 103, 104 rev A, 105 rev A, 106 Rev C 107 rev A, 108 rev A, 109 rev A, 110 rev A, 111 rev A, 112 rev A, 113 rev A, 50 rev B, 51 rev A, Arboricultural Report September 2014 ; Structural Engineers Structural Method Statement for Planning( for information only) Desk Study and Ground Investigation Report ( for information only) Environmental Noise Survey Report & Plant Noise Assessment, Environmental Performance Statement , Construction Management Plan revised 20.12.2016 , Design and Access Statement

**Case Officer:** Amanda Coulson

**Direct Tel. No.** 020 7641 2875

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

- 4 The development hereby approved shall be carried out in accordance with the Construction Management Plan revised December 2016, unless an alternative Construction Management Plan has been submitted to and approved by the City Council before any works start on site

Reason:

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

- 5 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure other people in the building are fully aware of the conditions and to protect their rights and safety. (R21FA)

- 6 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

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 (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 5 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 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.

(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 LA90, 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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 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.

- 9 You must provide the waste store shown on drawing FFY -106 rev C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the house. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

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

Reason:

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

- 11 The flat roof of the rebuilt garage shall be covered with a green roof, details of the green roof shall be submitted to and approved by the City Council before works start on this part of the development. The development shall be carried out in accordance with the green roof and you shall not occupy the basement until the green roof has been installed.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

**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.

- 2 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 4 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)

- 5 For the avoidance of doubt the Construction Management Plan required under condition 4 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 7 Our approval is based on Sinclair Johnston structural engineering scheme dated August 2015. Because of the professional qualifications of this company we have not done any

double-checking or appointed our own consultant engineers. We are relying on the knowledge and qualifications of your consultants. You and the consultants are responsible for carrying out the work in a way that will cause as little disturbance to the listed buildings as possible.

You must send us any changes you want to make to the approved structural engineer's scheme so that we can approve them under the terms of condition 1. (I89AA)

- 8 You are advised that this decision letter does not authorise the installation of a condenser to the side elevation of the house .Whilst the acoustic report refers to this plant, it is not shown on any of the submitted floor plans, elevations or sections. You are reminded of the need to make a separate application .
- 9 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](http://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](mailto:CIL@Westminster.gov.uk)

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

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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>79 New Cavendish Street, London, W1G 7LT,</b>		
<b>Proposal</b>	Use of part lower ground, ground, and first to fifth floors to medical (Class D1), and dual/alternative use of part basement and part ground floor as either medical (Class D1) or retail purposes (Class A1).		
<b>Agent</b>	Turley		
<b>On behalf of</b>	Harley Property Holdings		
<b>Registered Number</b>	16/11211/FULL	<b>Date amended/ completed</b>	24 November 2016
<b>Date Application Received</b>	24 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

Grant conditional permission, including a condition to secure the relocation of resident's car parking bays from the west side of Hallam Street to the east side of Hallam Street.

## 2. SUMMARY

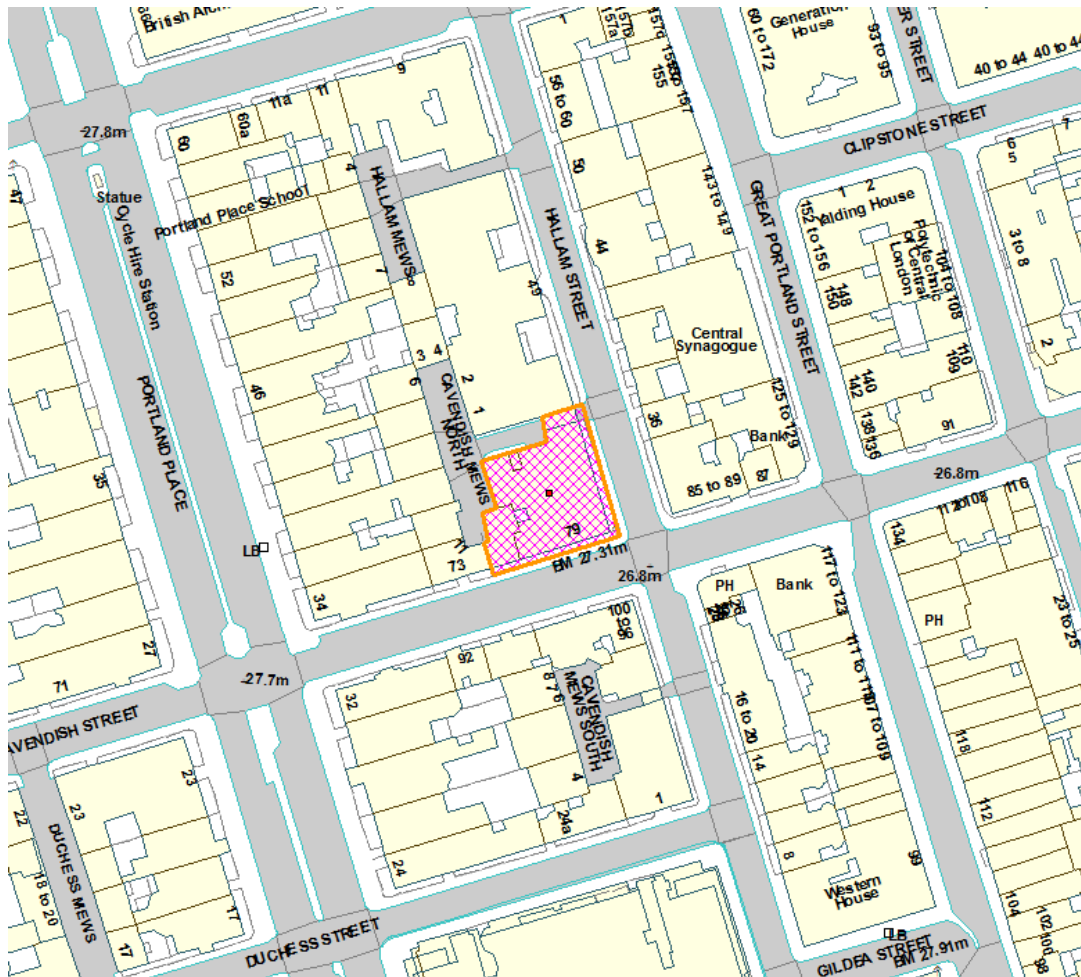
The application site is situated on the corner of New Cavendish Street and Hallam Street. There is a retail unit at part basement and ground floor and the rest of the building is in use as offices. Permission is sought to use the basement and ground floors for either retail or for medical and use the upper floors for medical purposes (Class D1). As part of the proposals the applicant wishes to relocate the existing resident's parking bays from the west side of Hallam Street to the east side to enable servicing vehicles to park closer to the servicing entrance in Cavendish Mews North.

The key issues for consideration are:

- The introduction of a medical use in this part of Marylebone;
- The impact the medical use will have on the character and function of the area;
- The impact the medical use will have on the highway network, traffic movements and servicing;
- The impact on residential amenity.

The proposal is considered to comply with the policies set out in Westminster's City Plan and the Unitary Development Plan (UDP) and is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### THE MARYLEBONE ASSOCIATION

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER

Concern raised over the number of drop-off and pick-ups that may be associated with the medical use. However, considers that this could be accommodated on the yellow lines on Hallam Street or New Cavendish Street

### CLEANSING

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 235

Total No. of replies: 9

Nine letters of objection have been received raising all or some of the following:

#### Land use

- Loss of office floorspace.
- Use of part of the building for retail purposes.
- Medical use would be out of keeping with the character and function of the area.
- Proposal will lead to residential flats in neighbouring properties being used unlawfully as medical consulting rooms.

#### Amenity

- Concern over the hours of operation for the medical consulting rooms.
- Loss of privacy if the medical use operates after normal office hours.

#### Highways/parking

- Added congestion resulting from pick-ups and drop-offs.
- Impact of ambulances on the highway.
- Proposal does not increase the amount of public car parking space.
- Number of servicing vehicles will be disruptive on the highway.
- The use of Cavendish Mews North for servicing vehicles is not acceptable.

#### Other

- Works on-site have been ongoing for some time and are causing a great deal of noise and disturbance.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This is an unlisted building situated within the Harley Street Conservation Area. The building has frontages on New Cavendish Street, Hallam Street and to the rear on

Cavendish Mews North. Part of the basement and ground floor is in use as a hair salon (Class A1) and the rest of the ground floor and the five upper storeys are in office use. There are four existing commercial car parking spaces in the basement, which is accessed via a car lift on Cavendish Mews North.

## 6.2 Recent Relevant History

Planning permission was granted on 28 February 2012 for the dual/alternative use of part basement and part ground floor for continued office (Class B1) and/or for retail purposes (Class A1). External alterations to New Cavendish Street, Hallam Street and Cavendish Mews North facades, installation of photovoltaics at roof level and new plant.

A planning application for the dual/alternative use of the lower ground floor, ground floor and 1st to 5th floors for medical purposes (Class D1/C2) was withdrawn in August 2016.

A planning application for the use of the building as a private hospital (Class C2) and alterations to all facades, alterations to the pitch of the existing fifth floor mansard roof, erection of a sixth floor secondary pitched roof extension and installation of plant at roof level was also withdrawn in August 2014.

## 7. THE PROPOSAL

Permission is sought for the use of part basement, part ground and first to fifth floors for medical use (Class D1) and the use of the part basement and part ground floors for either medical purposes (Class D1) or retail purposes (Class A1).

The proposals are speculative and an end user of the medical use has not been selected. However, the applicants have identified that there could be approximately 14 consulting rooms per floor resulting in around 70-78 medical consulting rooms. Indicative plans have been provided indicating how this use could be provided within the building.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of office use

The proposal will result in the loss of 3120m<sup>2</sup> of office floorspace. Objections have been received on the grounds that there is a loss of office floorspace in this location. However, as the loss of the offices is to another commercial use, the loss is considered acceptable and the objection is not considered to be justified.

#### Loss of retail

The proposals involve the dual/alternative use of the existing hair salon at part ground and basement levels for either retail or medical use. Despite the objection raised, there is no net increase in retail floorspace, however, in the event that this part of the building is used for medical purposes, the proposals would result in the loss of 174m<sup>2</sup> of retail floorspace. Policy S21 of the City Plan states that existing A1 retail will be protected throughout Westminster, except where the City Council considers that the unit is unviable. The site is located outside the Core CAZ and is an isolated retail unit within this part of New Cavendish Street, and it is not considered that this part of the street has a strong retail

character. Notwithstanding the fact that the unit has not been vacant for 18 months in compliance with Policy S21, it is considered that the loss in this instance is acceptable.

### **Introduction of medical use**

Objections have been received on the grounds that the site is outside the Harley Street Medical Special Policy Area (SPA), however, the provision of new social and community facilities, including private medical facilities, is supported throughout Westminster by Policy S34 of the City Plan. It is recognised that there is conflict with this policy and Policy S8, which states that outside the 'Named Streets' in Marylebone and Fitzrovia, new commercial uses will not generally be appropriate. Whilst the site is outside a 'Named Street', as the building is already in commercial use, it is not considered that a new commercial use is being created. Further, given that all social and community uses are encouraged citywide under Policy S34, it is considered that the proposal would be in accordance with City Plan policies.

An application for the use of the building as a private hospital, as a satellite site to The Portland Hospital was reported to Committee in June 2014 recommended for approval. Whilst it was ultimately withdrawn by the applicant, the principle of a medical use in this location has previously been considered acceptable by Officers.

The impact of the proposed use in traffic and amenity terms is discussed in further detail below.

## **8.2 Townscape and Design**

There are no external alterations proposed therefore the proposal does not raise any design implications.

## **8.3 Residential Amenity**

The application site is located in an area that is characterised by commercial uses, although it also contains residential uses, the closest of which are at the rear within Cavendish Mews North, to the north within 49 Hallam Street and also on the opposite side of New Cavendish Street at 94, and 96-100. Objections have been received on the grounds that the medical use will increase the amount of activity within the building and to the surrounding area through more traffic, increased numbers of servicing; drop offs on New Cavendish Street and from increased activity from staff and patients.

As set out above, the proposed use is speculative. However, the applicant has identified that there could be approximately 70-78 consulting rooms. In terms of staff numbers, the applicant estimates that there will be approximately 45-55 full time members of staff, but anticipates that many doctors will be working across a number of practices and envisages that only 40-50 consulting rooms will be in use at any one time. On this basis, the applicant estimates that between 400 to 600 patients would visit the premises each day. This would equate to 33-60 patients an hour.

A typical shift pattern for clinical staff is anticipated from 08.00 to 22.00 and for non-clinical staff between 06.30 to 22.00.

All access to the medical use would be via New Cavendish Street and spread throughout the day. Given that the access would be on New Cavendish Street the likely numbers of staff and patients and the likely level of late night activity, it is not considered that the impact of the proposed use would differ significantly from that of the lawful office use which is not controlled by planning conditions and could potentially be used late in the evening. A condition is recommended to ensure that the rear entrance within Cavendish Mews North is not used by staff or patients. In these circumstances, the proposals are considered acceptable in amenity terms.

No ambulance arrivals are anticipated as all services offered will be elective procedures. However, in the event that an emergency vehicle is required to access the building it will be able to park on the street. It is not considered that the medical use will have a detrimental impact on the area in environmental terms.

An objector opposite the site is concerned about increased overlooking and loss of privacy. No new windows are proposed, and given the street's width distance from any adjoining residential accommodation, it is not considered that the proposed use as medical use will increase the amount of overlooking to residential properties surrounding the site.

#### **8.4 Transportation/Parking**

##### **Servicing**

Strong objections have been received to the use of Cavendish Mews North for the purposes of servicing. The applicant has stated that the proposed use will have no more vehicle movements than the existing use generates (10 per day). The Highways Planning Manager agrees with this statement, but the submission of a detailed Servicing Management Plan (SMP) is recommended by condition once the occupier of the building is confirmed.

Medical waste will be collected daily in contained units by a contracted company. General waste will be collected as per the current refuse collection for the existing building. A notice on Cavendish Mews North states that waste collection takes place on Tuesday, Thursday and Saturday at 10.00.

A ramp is shown on the highway within Cavendish Mews North on the proposed drawings and this is not acceptable. There is an existing ramp in this location, but it is not considered to be appropriate considering that the plans show level access from the mews to the goods lift. A condition is recommended to remove the ramp from the proposals. A condition is also recommended to ensure that the goods lift doors (or any doors) do not open over the highway.

The applicant is also proposing that the existing residents parking bays on the west side of Hallam Street are moved to the east side of Hallam Street. This would allow any servicing vehicles to park closer to the 'goods in' entrance in Cavendish Mews North. This would also be beneficial as it would negate the need for vehicles to enter Cavendish Mews North which has a narrow entrance and restricted headroom. This would also address some of the objectors concerns over the potential conflicts in the mews. The moving of the parking bays would be subject to a separate Traffic Management Order consultation and will be secured by a Grampian condition. An informative is recommended to ensure that any

servicing management plan that is submitted in connection with this use, will prevent servicing vehicles (except for the refuse collection vehicles) from entering Cavendish Mews North.

On this basis the servicing of the site is considered acceptable.

### **Drop-off and Pick-up**

There have been a number of objections relating to the number and method of drop-off and pick-up for the medical use. The Highways Planning Manager requested additional information as the submitted Transport Statement did not adequately cover this element. The applicant has submitted some estimated figures as the proposed occupier has not been secured. They estimate that there will be approximately 40 patient arrivals an hour and the majority of patients will arrive by walking, cycling, public transport or taxi. Based on site characteristics and other similar medical consulting uses nearby, they expect 45% to arrive by car or taxi, which is less than 20 per hour. The Highways Planning Manager is inclined to agree that this could be accommodated on yellow lines on Hallam Street and New Cavendish Street, but as the medical use is speculative, an Operational Management Plan should be requested by condition once the occupier is secured to ensure that this activity can be accommodated on street.

### **8.5 Economic Considerations**

Any economic benefits generated by the scheme are welcomed.

### **8.6 Access**

Access to the medical use will be via New Cavendish Street and level access is provided. Lift access is provided to the upper floors.

### **8.7 Other UDP/Westminster Policy Considerations**

Not applicable.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

From the 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permission granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or



provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works.

The applicant has confirmed that they are willing to fund the relocation of the existing resident's car parking bays from the west side of Hallam Street to the east side and this will be secured via a Grampian condition to allow the applicant to enter into a S106 agreement at a later date, but before the occupation of the building for medical purposes.

This type of development does not trigger the CIL Regulations.

### **8.11 Environmental Impact Assessment**

Not applicable.

### **8.12 Other Issues**

An objection has been received on the grounds that the medical use is likely to result in the use of existing residential accommodation as unlawful consulting rooms. Any subsequent unlawful use of nearby residential properties would be subject to enforcement procedures and the application could not be refused on this basis.

## **9. BACKGROUND PAPERS**

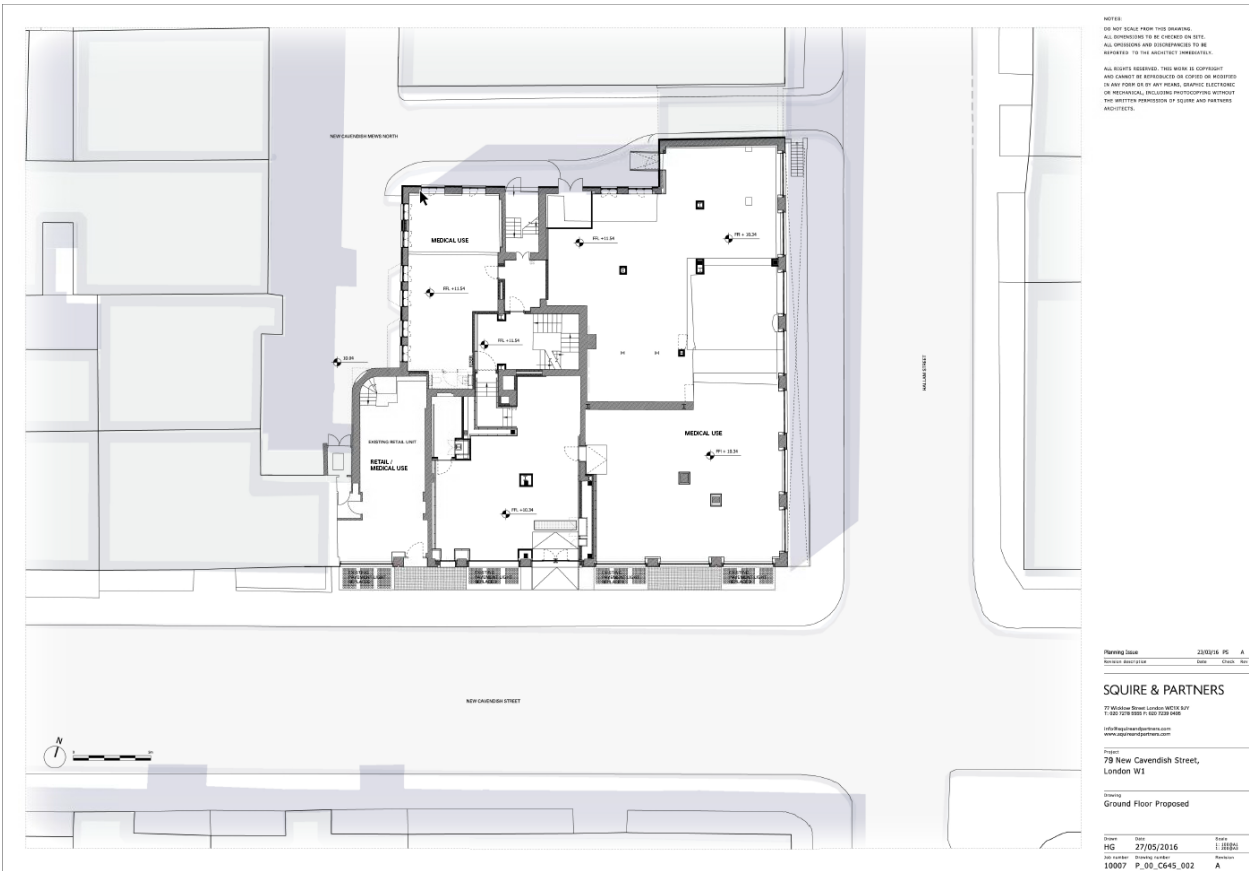
1. Application form
2. Memorandum from Cleansing dated 9 February 2017
3. Memorandum from the Highways Planning Manager dated 17 February 2017
4. Letter from occupier of Suite 2 85 New Cavendish Street dated 7 December 2016
5. Letter from occupier of Flat 5 94 New Cavendish St dated 12 December 2016
6. Letter from occupier of Flat 3 94 New Cavendish Street dated 17 December 2016
7. Letter from occupier of 7 De Walden Court 85 New Cavendish Street dated 20 December 2016
8. Letter from occupier of 5 De Walden Court 85 New Cavendish Street dated 22 December 2016
9. Letter from occupier of Ralwood Securities Ltd, 9 De Walden Court dated 28 December 2016
10. Letter from occupier of Flat 67 49 Hallam Street dated 3 January 2017
11. Letter from occupier of 1 Weymouth Street dated 4 January 2017
12. Letter from occupier of Flat 4 96-100 New Cavendish Street dated 23 January 2017

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

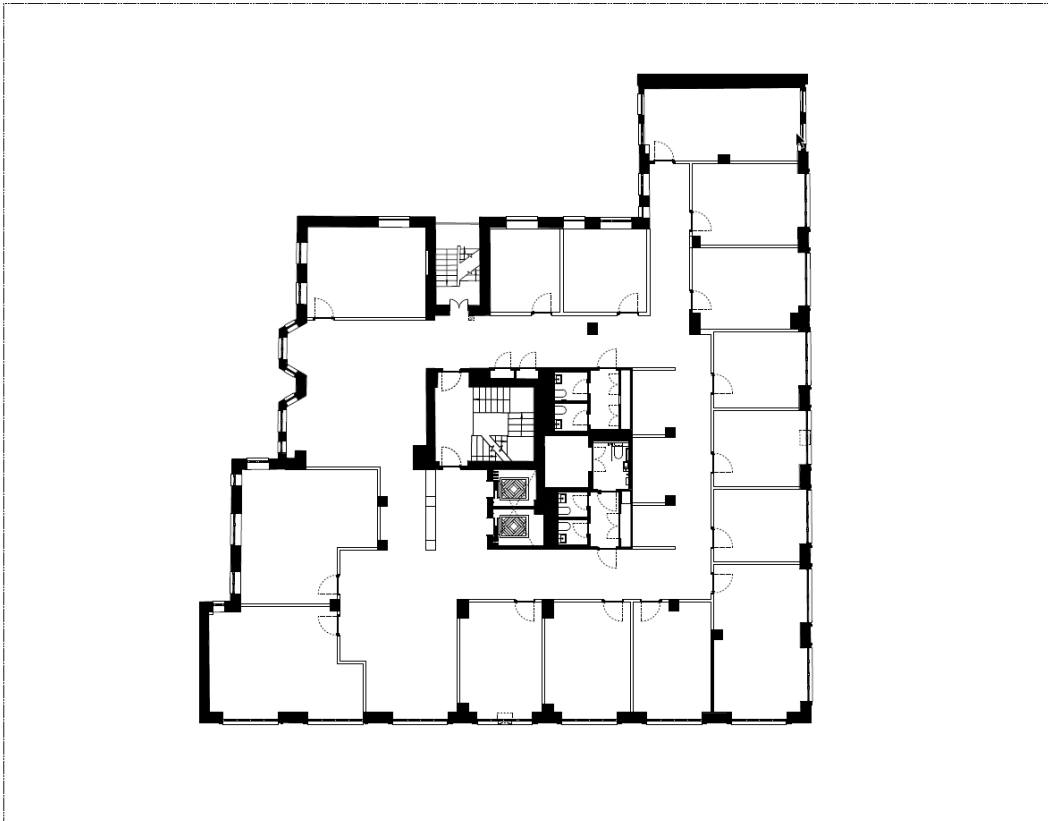
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

KEY DRAWINGS

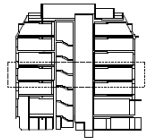
Proposed ground floor



Typical upper floor plan



NOTICE  
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ARCHITECTS.



DATE: 09/12/2016 11:00:00 AM

**SQUIRE & PARTNERS**

17 Old Broad Street, London, EC2A 4DF  
T: 020 7292 2000 F: 020 7292 2000

www.squireandpartners.com  
info@squireandpartners.com

77 New Cavendish Street,  
London W1

OFFICE SCHEME 2015

2nd Floor Proposed  
Medical Consulting Rooms

DATE	09/12/2016	DRAWN	J. JONES
BY	10007	PROJECT	P_02_G200_002

**DRAFT DECISION LETTER**

**Address:** 79 New Cavendish Street, London, W1G 7LT,

**Proposal:** Use of part lower ground, ground, and first to fifth floors to medical consulting rooms/clinic/health centre (Class D1), and dual/alternative use of part basement and part ground floor as either medical consulting rooms/clinic/health centre (Class D1) or retail purposes (Class A1).

**Reference:** 16/11211/FULL

**Plan Nos:** P\_LG\_N340\_001\_M, P\_00\_C645\_002 A, P\_02\_G200\_002, PLG\_C645\_002, P\_01\_C645\_002, P\_03\_C645\_002, P\_04\_C645\_002, P\_05\_C645\_002, P\_06\_C645\_002

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- the removal of the ramp within Cavendish Mews North.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 4 Prior to the occupation of the medical use (Class D1) you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 5 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P\_LG\_N340\_001\_M. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 6 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.

- 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 (November 2016) 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 an operational management plan identifying the layout of the medical use on each floor, the procedures to be undertaken, number of employees, patient numbers and how patients arriving by car or taxi may be accommodated on-street. You must not start the medical use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the building is used for medical purposes.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 9 You must use the part basement, part ground and first to fifth floors only for medical. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Harley Street Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 10 You must not use any part of the development until we have approved appropriate arrangements to secure the following:

- the relocation of the residents car parking bays from the west side of Hallam Street to the east side of Hallam Street.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016).

- 11 The 'goods in' entrance in Cavendish Mews North, must not be used as an entrance or exit by staff or patients. The door may be used for emergency purposes only.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 12 Patients shall not be permitted within the medical premises before 08.00 or after 21.00 each day. (C12AD)

**Reason:**

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

**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.
- 2 In reference to Condition 4, a robust SMP must identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users, including vehicles and pedestrians., , While the future occupants may not be known of all the proposed units, this should not affect the preparation of a SMP. The SMP should be responding to the physical layout of the site and provide robust procedures for any future occupant to follow, to ensure servicing occurs in an efficient manner, minimising impact on the highway. This will also ensure any future occupant is clearly aware of their responsibilities., , The SMP must include that servicing vehicles are not permitted to enter Cavendish Mews North.
- 3 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the part basement and part ground floor can change between the retail (Class A1) and medical (Class D1) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 4 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)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and

collecting waste. (I08AA)

- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
  
- 7 Under condition 11, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the relocation of the residents car parking bays from the west side of Hallam Street to the east side of Hallam Street, as set out in the letter dated 22.02.2017 from Rachel Hearn at Turley. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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



# Agenda Item 4

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>8 Chesterfield Hill, London, W1J 5BW,</b>		
<b>Proposal</b>	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.		
<b>Agent</b>	Jon Dingle		
<b>On behalf of</b>	Wellingtons Developments Ltd		
<b>Registered Number</b>	16/09976/FULL	<b>Date amended/ completed</b>	26 October 2016
<b>Date Application Received</b>	14 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

<p>1. Grant conditional planning consent subject to a S106 agreement to secure a financial contribution of £438,480 towards the Council's affordable housing fund</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>
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## 2. SUMMARY

<p>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 current application differs from that under construction, by way of an additional storey, changes to the façade design, and to the residential mix and internal</p>
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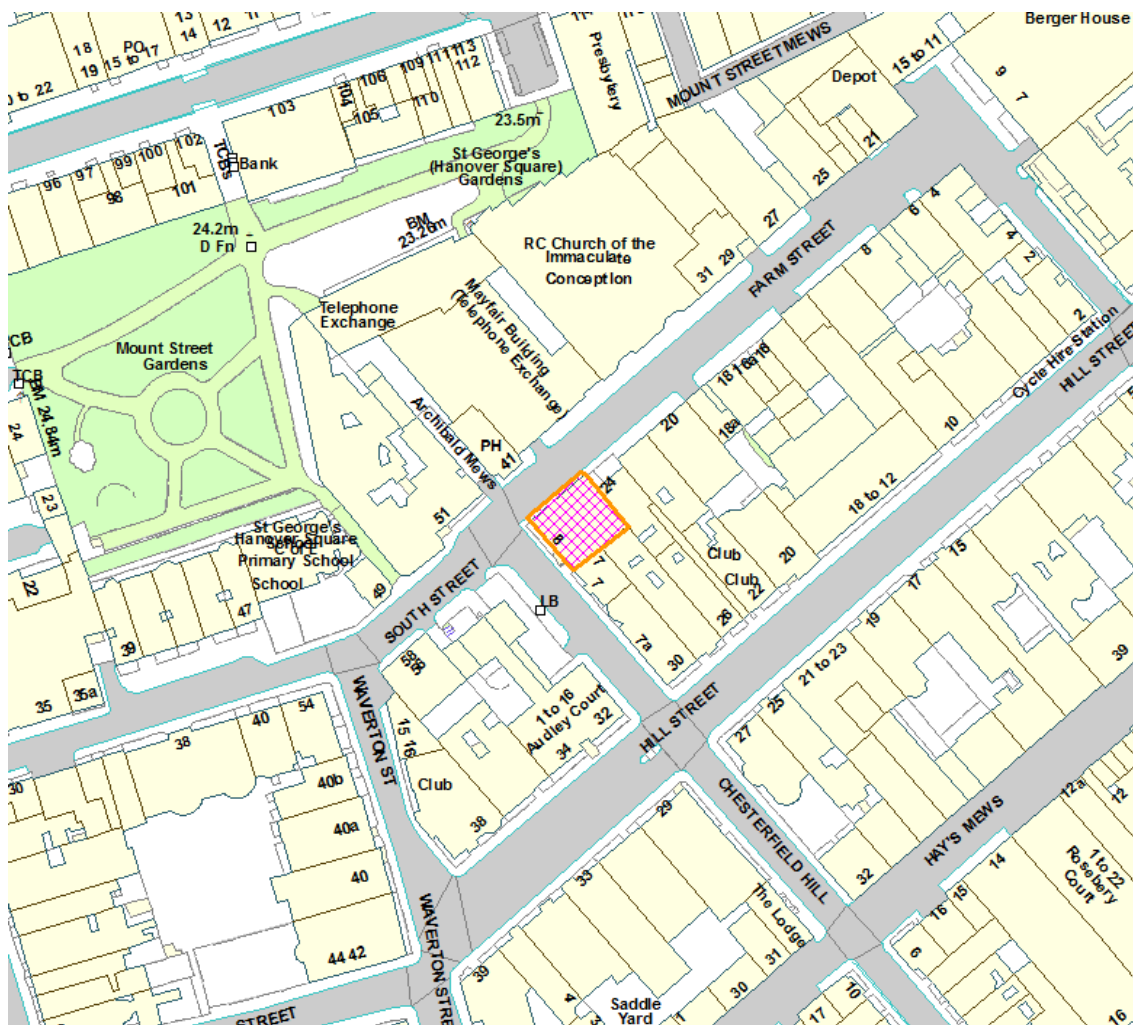
layout.

The key issues are:

- The impact on the character and appearance of the Mayfair Conservation area
- The impact on residential amenity – with particular regard to privacy and daylight.
- The acceptability of the proposed units

Objections have been received on design, amenity, highways safety and development density grounds. The application has been revised to remove a roof terrace and neighbours have been re-consulted following the submission of a revised sunlight/daylight report. It is considered that the proposed scheme is acceptable in design and amenity terms, and it is recommended that conditional planning consent be granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1: Original building before demolition



**Photograph 2: Site as viewed from 51 South Street**

6 Dec 2016, 10:21:37



## 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

No response to date

### HIGHWAYS PLANNING MANAGER

Considers that cycle parking and waste storage is acceptable, but raises objections to lack of off street parking.

### BUILDING CONTROL MANAGER

The structural method statement is considered to be acceptable

### ENVIRONMENTAL HEALTH

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

### CLEANSING

No objection, the proposed layout of waste storage is as previously approved.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 68

Total No. of replies: 16 (from 10 respondents)

16 letters of objections on the following grounds:

#### **Amenity**

- Loss of privacy
- Loss of daylight and sunlight
- Noise pollution from plant
- Increased sense of enclosure and overbearing
- Impact on listed buildings by way of overshadowing
- Impacts on street level winds
- Increase of pollution

#### **Design**

- Mansard not in-keeping with surrounding area or setting
- Unnecessary and unjustified increased roof height
- Windows unduly large
- Mansard windows would not align to windows below
- Loss of symmetry, rhythm and proportion inherent to classical architecture
- No roof set-back to the south side
- Proposed facades have a vertical emphasis which conflicts with the horizontal emphasis of neighbouring buildings.

- Height, scale, mass and bulk would harm the character and appearance of the listed buildings in close proximity.
- Contemporary design does not meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Harm to setting and aesthetic value of the grade II listed Punch Bowl Public House
- Discordant juncture and loss of overlap between roof profiles of the proposed building and 7 Chesterfield Hill

### **Process and policy**

- Cumulative change through multiple applications
- Underdevelopment of a site with capacity for 15 units
- 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
- Ground floor north entrance has potential to be converted to a garage access over time
- Increased size of exit to Farm Street would be dangerous
- Excessive size of units fails to comply with policy S14 'Optimising Housing Delivery'
- Size of units exceeds London Plan minimum space standards
- Conflicts with policy S20 'Offices and Other B1 Floorspace' by way of loss of office floorspace
- Conflicts with policy S18 'Commercial Development'
- Proposal is not in accordance with the development plan

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.

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.'

## **7. THE PROPOSAL**

The application site is on the east side of Chesterfield Hill at its junction with Farm Street and South Street, and is in the Mayfair Conservation Area. 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 the 2016 consent.

This application proposes '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.'

## **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. This original application was amended by a 2016 permission which made changes to the rear light well, elevations, roof plant, internal layout and residential mix and the level of the lower ground floor.

The site is currently under construction following that recent permission in compliance with Condition 16 which required the development to commence no later than 13/1/17. The demolition triggers the legal requirement for the continuous construction of the existing planning consent - for five residential units.

To this end, and despite the objections raised, there is no longer any office space on site to protect. The current proposal has been designed to be structurally identical to the approved 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 2014 application granted permission for 5 x 3-bed units. The 2016 application amended this to 1 x 1-bed, 1 x 2-bed and 3 x 3-bed units. Both schemes were for four-storey buildings with a lower ground floor. The acceptability of the site for residential use is therefore already established.

The current application proposes 5 residential units, comprising a mix of 1x 1-bed, 1x 2-bed, 2 x 3-bed and 1 x 4-bed units. Policy H5 of the UDP requires developments to provide a mix of housing units with 33% to be family sized units and 5% to have five or more habitable rooms. Three of the units (60%) would be family-sized and all three would have five or more habitable rooms, which accords with policy H5.

The proposed building would be five storeys with a lower ground floor. The scheme would create an additional floor of accommodation when compared to the previous consents on this site, however the number of residential units would remain as 5. The penthouse flat would fall over the top two floors providing a 5-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 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.

The floor areas of the flats is proposed as follows:

Flat 1: 1 bed duplex, 124 sq.m

Flat 2: 2 bed duplex, 118 sq. m

Flat 3: 3 bed, 176 sq. m

Flat 4: 3 bed, 176 sq. m

Flat 5: 4 bed duplex, 266 sq. m

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. It is noted that with the exception of flat 5 – which would be significantly larger - these are all similar to the proposed unit sizes for the previous two planning consents.



It follows that the proposal is considered to provide good quality living accommodation and would generally be in accordance with 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. The scheme would provide 1101sq.m of residential floorspace and therefore triggers the requirement for affordable housing in accordance with Policy S16 of the adopted City Plan.

UPD policy H4 and City Plan policy S16 set out that on-site provision should take priority, however, where it is demonstrated that on-site affordable housing is not viable or practical, the council will accept off-site provision provided that this would be of a higher quality and greater amount.

In this instance, the scheme would trigger the requirement for one affordable housing unit. Given the tight constraints of the site and the proposed internal layout and core, it would not be practical to deliver this unit on-site and off-site provision is not achievable as it is understood that the applicant does not have other suitable sites within their ownership/control. It would therefore be appropriate to accept a payment in lieu to provide the affordable housing off-site which in this case requires £438 480 to be paid as a financial contribution towards off-site affordable housing.

It should be noted that neither of the previous applications granted exceeded the 1000sq.m threshold for providing affordable housing.

## **8.2 Townscape and Design**

Strong objections to the proposed design of the building, its impact on the Mayfair Conservation area and adjacent buildings have been received.

The now demolished building on the site dated from the late twentieth century and was a concrete-framed replica of the pre-existing late eighteenth century building that was once on site. It was not a particularly faithful replica and its execution was rather harsh and mechanical, consequently it made only a neutral contribution to the character and appearance of the conservation area.

Audley Court, opposite, on the west side of Chesterfield Hill is a post-war development of no architectural interest, but neighbouring buildings at No.7 and 7a are attractive and make a positive contribution to the conservation area. The rear of grade II listed buildings in Hill Street overlook the site

Opposite the site, to the north, is the grade II listed 'Punch Bowl' public house, and the grade II-star listed Church of the Immaculate Conception, Farm Street. Both of which are visible from the site, as is the grade II listed St George's Church School in South Street. The setting of the grade II listed pub 'The Punchbowl', can be appreciated in views towards the proposed building from the surrounding area and also in views of the surrounding area seen from the building. It is the uses, urban landscape, and architecture of the pub's surroundings which form its setting.

The pub stands on the north side of the street, opposite the application site. There are taller buildings to either side of the pub and beyond it to rear. In views towards the pub from the south, east and west, the neo-Georgian telephone exchange is particularly dominant. The visual impact of the tall block of flats on the west side of Archibald Mews is also substantial but mitigated by its detailed design and physical separation from the pub by the road. The south side of Farm Street is generally of domestic scale and use and comprises buildings mostly of four-storeys above street level. The north side of Farm Street is more mixed in scale, design, and land use terms.

Chesterfield Hill has, some attractive buildings on its eastern side near the pub which are from four to five storeys above street level with an unusual two-storey bow window being a distinctive feature. Hill Street contains buildings of typically five or six storeys above street level, although there are few buildings of four storeys. South Street is of highly varied architectural character, and its gentle curve hides the pub in views from beyond its junction with Waverton Street. The rear of offices in Berkeley Square (No. 7 Farm Street) is clearly visible in the background of the view along Farm Street from South Street.

The architecture of the area around the pub (its setting) is mixed and represents most of the main-stream styles of architecture from the Georgian era though to the current time.

There is no predominant style or scale of development characterising the setting of the pub. Instead, its setting is richly varied. Nevertheless, there is still an appreciable historic hierarchy of scale from the modest height of buildings on Farm Street to the grander scale of buildings on South Street and Hill Street. Walking around the area, these features contribute to the pub's setting and in this context the redevelopment of No. 8 Chesterfield Hill is set.

The primary views from the pub are from windows facing south which overlook the site of No. 8 Chesterfield Hill and there are secondary oblique views to the east and west. The main view is of No. 8 Chesterfield Hill's north façade which, until recently demolished, was partly an attempt to replicate the original Georgian design.

In this context, the proposed redevelopment alters the setting of the pub by replacing the existing building with one of a different height and design. Noting the varied character of the pub's setting in terms of building heights and design the proposed building will maintain the setting of the pub. The building as proposed would not appear incongruous in streets displaying architectural designs spanning 300 years and the palette of materials for its facades is the same as many buildings in the immediate area. The modern interpretation of a mansard roof is an appropriate form of roofing for the area, and it successfully integrates the building in to its surroundings.

Furthermore, the building's height is not incongruous in its surroundings and it maintains the historic hierarchy of building scale found in the area. Consequently, objections to the proposed development in terms of a claimed adverse impact on the setting of the pub are not sustainable. The setting of the pub will be maintained when seen from surrounding streets and improved when seen from the pub by virtue of the greater visual interest of the new north façade of No. 8 Chesterfield Hill.

The listed buildings within the vicinity of the site all have a degree of separation from the site by virtue of the public highway, and it is not considered that the proposal would harm their significance or setting.

In urban design terms, the now-demolished building at No. 8 Chesterfield Hill was designed to face west. Farm Street was historically a mews and it retains vestiges of its menial status particularly on the south side where, despite the architectural pretensions of recent rebuilds, the original subordinate scale and character of the street is still tangible. Chesterfield Hill was always of a grander scale and Hill Street greater still. This hierarchy of streets is apparent and is an important characteristic of the conservation area.

The planning permission granted in 2016 was for the redevelopment of the site with a late-Victorian styled building, and that scheme is currently being implemented. However, approval is now sought for a modern reinterpretation of historic building forms characteristic of the conservation area. The proposed building would have a brick and stone design with a double-pitched mansard roof including habitable accommodation and a living roof.

The height and bulk of the proposed building would be one storey greater than previously approved. Objections have been received on the grounds that the mansard would not be in-keeping with the character of the area, however there are a variety of building heights in the vicinity- although notably there are no other buildings along Farm Street of this height. The detailed design of the mansard roof is such that the increased height would be set back from the facades and would not appear obtrusive or out of character. Furthermore, the building would still be of an appropriate scale in terms of its position in the hierarchy of streets, particularly given its corner plot location. Given the relationship with the adjoining property 7 Chesterfield Hill it is considered appropriate that there is no mansard set back to the south side of the site.

The proposed red-brick and Portland stone facades would be typical for building materials found in the area, and the carefully detailed windows including canted bays to Chesterfield Hill, add richness to the overall design. At roof level, the mansard would be clad with dark-grey perforated grey aluminium cladding with recessed bronze coloured windows. Windows to the north and east elevations would have recessed limestone detailing and bronze coloured metal ballustrades.

There would be no objection to the enlarged footprint to the building achieved by infilling the original lightwell and this would be the same as the previously approved development. Concerns have also been raised about the size and scale of the door to the refuse and cycle store. The door is formed of bronze coloured metal, with a single openable central panel and is acceptable in design terms given the hierarchy of openings within the building.

The design, and in particular the height, of the building is suitable for its location and it correctly addresses the scale of Chesterfield Hill which it faces, rather than the smaller scale of development behind in Farm Street. It is an appropriate response to the local character of the street and surrounding conservation area, and makes use of locally characteristic facing materials, in accordance with Section 7 of the NPPF which requires good design. The development is therefore considered acceptable in design terms and would maintain the character and appearance of the Mayfair Conservation Area and the

setting of nearby listed buildings including the grade II listed pub opposite the site in Farm Street. This accords with the Planning (Listed Buildings and Conservation Areas) Act 1990, and UDP policies DES 1, DES 4, DES 9 and DES 10, and the City Councils 'Development and Demolition in Conservation Areas' supplementary planning guidance.

### 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.

#### Overlooking

There would be no loss of privacy to either 24 Farm Street or 7 Chesterfield Hill, since neither property has windows which face the site. It is noted that 24 Farm Street has a roof terrace to the rear, and that windows to the lightwell of the proposed development would provide limited, oblique views of this space, however it is not considered that the degree of overlooking to the roof terrace would be sufficient to be a sustainable reason for refusal given the previous two consents for the site.

The original submission included a roof terrace to the east side of the roof, however amended plans have been received which remove this element, and which maintain the privacy of neighbouring properties. A condition prevents the use of the flat roof as a terrace in future.

The nearest residential windows at 28 Hill Street, are set back approximately 15m from the site, similarly, the nearest windows to flats at 51 South Street are afforded a degree of separation by the highway and as such, there would be no loss of privacy to either of these properties as the separation distances are considered to be of a normal residential relationship for Mayfair.

It is noted that objections have been raised to the style of windows at roof level giving rise to loss of privacy, given the separation distances it is not considered that the mansard windows would cause unacceptable loss of privacy to properties along the opposing side of Farm Street or Chesterfield Hill.

#### Daylight and Sunlight

An amended BRE daylight and sunlight report has been submitted by BVP which demonstrates that the proposed building will have minimal impact on the daylight and sunlight levels received by the adjoining residential properties. One window at ground floor within 28 Hill Street would experience a 41% loss in VSC values contrary to BRE guidance. However, this window currently receives very poor VSC values (1.53%) and would only experience a change of 0.62%. Given this low change in the VSC value it is not considered that the impact will be significant.

The objector at 22 Farm Street comments that their property has not been included in the daylight/sunlight report, however, this property is divorced from the application site by the intervening building at No. 24 which has been included within the amended daylight report. The report demonstrates that there would be no material losses of light to No.24 and any losses of light to No.22, being further away from the application site, would likewise be non material.

There would be no material loss of sunlight. Objections have been received on the grounds that the proposals would result in the overshadowing of both neighbouring properties either side of the application site and the roof terrace at 24 Farm Street. The application site is located to the north of No. 7 Chesterfield Hill and north-west of the neighbouring terrace at No. 24 Farm Street. The proposals would not affect the amount of sunlight received to the terrace at 7 Chesterfield Hill which sits behind the existing party wall. The proposed roof extension 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 report acknowledges the north facing windows at 24 Farm Street which are not required to be assessed as set out in BRE guidelines.

The daylight and sunlight report has demonstrated that the scheme would be BRE guideline compliant with regard to the impact on south facing bay windows at 51 South Street.

An objection from Point 2 Surveyors has been received on behalf of a number of neighbouring residents. The objection queries the accuracy of the survey information used in the daylight and sunlight report by BVP. To address this concern, BVP offered to send their 3D model (based on survey information) to Point 2, however, it is understood that Point 2 Surveyors have not been instructed to engage further with BVP in verifying the accuracy of the daylight and sunlight report. In any event, 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.

#### Sense of Enclosure

The proposed building would be similar to the previously approved building, in terms of its L shaped footprint with a lightwell in the site's south eastern corner. The height and bulk of the proposed building would be increased from previously permitted scheme due to an additional mansard storey. However, given the location of the windows to neighbouring properties it is not considered that there would be any unacceptable sense of enclosure.

Neighbours at 7 Chesterfield Hill have objected on grounds of undue sense of enclosure. This neighbouring property is located due south of the application site, and has windows to the front and rear facing west and east respectively. The proposed building would maintain the existing building line onto Chesterfield Hill and there would be no sense of enclosure to habitable rooms facing west. To the rear, the proposal would partially infill the light well to the south east corner of the site, however given the existing and proposed relationship along the boundary, this would not encroach on the 45 degree angle of outlook from windows at the rear of 7 Chesterfield Hill. Whilst the proposed building would have an additional storey, the mansard design would ensure that the main bulk of the development would be set away from the east boundary of the site, thereby minimising the

sense of enclosure to neighbours. Along the shared boundary with number 7 Chesterfield Hill the mansard level would be adjacent to existing chimneys and given the orientation and outlook from the rear of the property it is not considered that there would be any unacceptable sense of enclosure.

51 South Street is afforded a degree of separation by the highway and as such, and the separation distances are considered to be of a normal residential relationship for Mayfair. Despite the objections raised, it is not considered that there would be an undue sense of enclosure to these neighbouring properties.

#### Noise and Plant

The application is supported by an acoustic report which demonstrates that the roof plant would be designed to be 10dB below the lowest existing background noise. The acoustic report states that the plant equipment will be operated twenty four hours daily. The nearest residential window has been identified at 7 Chesterfield Hill, 5 metres from the proposed plant. As the proposed plant has yet to be finalised, the Environmental Health Officer has requested a condition in imposed which requires 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.

Objectors have commented that the size of the exit onto Farm Street would be dangerous. However, the door to the waste store is the same size as the approved scheme and the submitted plans show the door to the refuse store would open inwards, and this would be controlled by condition

Objectors have commented that there is potential for the ground floor entrance to the waste and cycle storage to be converted into a garage access over time. The application can only be assessed as it currently stands and on its own merits. In addition, the installation of a garage door would require subsequent planning permission. A condition is also proposed to retain this area as a waste and cycle store.

### **8.5 Waste and Recycling**

The proposed waste and recycling store remains the same as in the previously approved schemes, and again is considered acceptable.

## 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. Full details of the green roof could be 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.

Objectors have raised concerns over the impact of the proposed development on street level winds. Wind tunnel impacts typically only occur where a building is significantly taller than its surrounding context, or where there is a cluster of 'tall buildings'. At five storeys, the proposed development would not be considered a 'tall building'. Whilst the mansard roof would project above the adjoining properties, it is not considered that the proposal could be refused on these grounds.

Objectors have commented that the proposals would give rise to an increase in pollution. The proposal is for a residential use, as 5 residential flats, it is not considered that a development of this nature would significantly contribute to local pollution.

## 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. The estimated CIL payment is £605,550

## 9. BACKGROUND PAPERS

1. Application form and letter from applicant dated 25 January 2017 and 8<sup>th</sup> February 2017
2. Letter from Councillor Roberts dated 24 November 2016 and 18 January 2017
3. Memorandum from Environmental Health, dated 10 November 2016
4. Memorandum from Building Control dated 22 December 2016
5. Memorandum from Highways Planning Manager dated 6 December 2016

6. Letters from occupiers of 51 South Street, London, dated 1 and 2 December 2016 and 23 January 2017.
7. Letter from occupier of Chairman, Mayfair Residents Group, dated 2 December 2016
8. Letter from Burlington Estates London Ltd, on behalf of the residents at 51 South Street, dated 2 December 2016
9. Letter from occupier of 16 Farm Street, dated 1 December 2016
10. Letter from occupier of 22 Farm Street, dated 1 December 2016 and 23 January 2017
11. Letter from H Planning Limited, 7 Ridgemount Street, on behalf of 7 Chesterfield Hill dated 21 November 2016 and 26 January 2017
12. Letter on behalf of the occupier of 24 Farm Street, dated 30 November 2016
13. Email from 24 Farm Street dated 24, 25 and 27 January 2017
14. Letter from Point 2 Surveyors on behalf of 7 Chesterfield Hill dated 25<sup>th</sup> January 2016 (received 26 January 2017)
15. Letter from Parker Dann on behalf of Burlington Estates London Limited and residents at 51 South Street, dated 17 February 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](mailto:jpalme@westminster.gov.uk)



10. KEY DRAWINGS

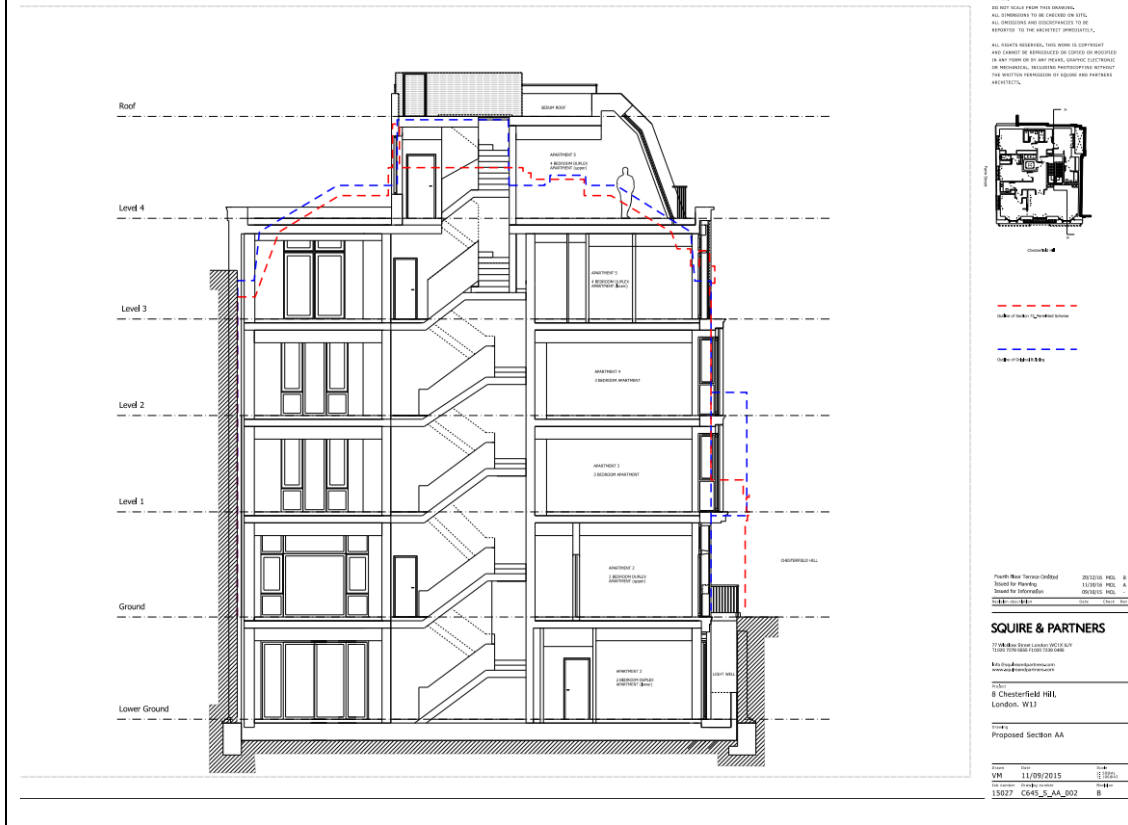
Below: West elevation of the previously approved scheme now under construction

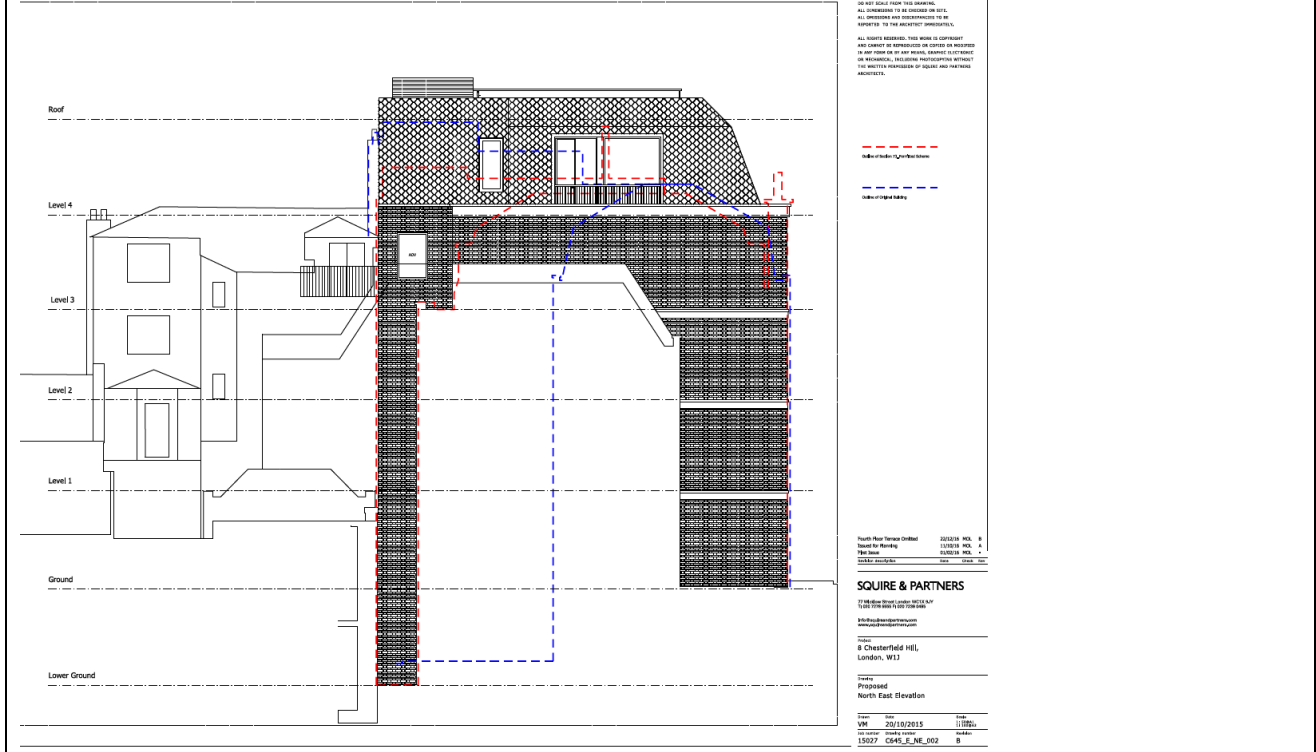
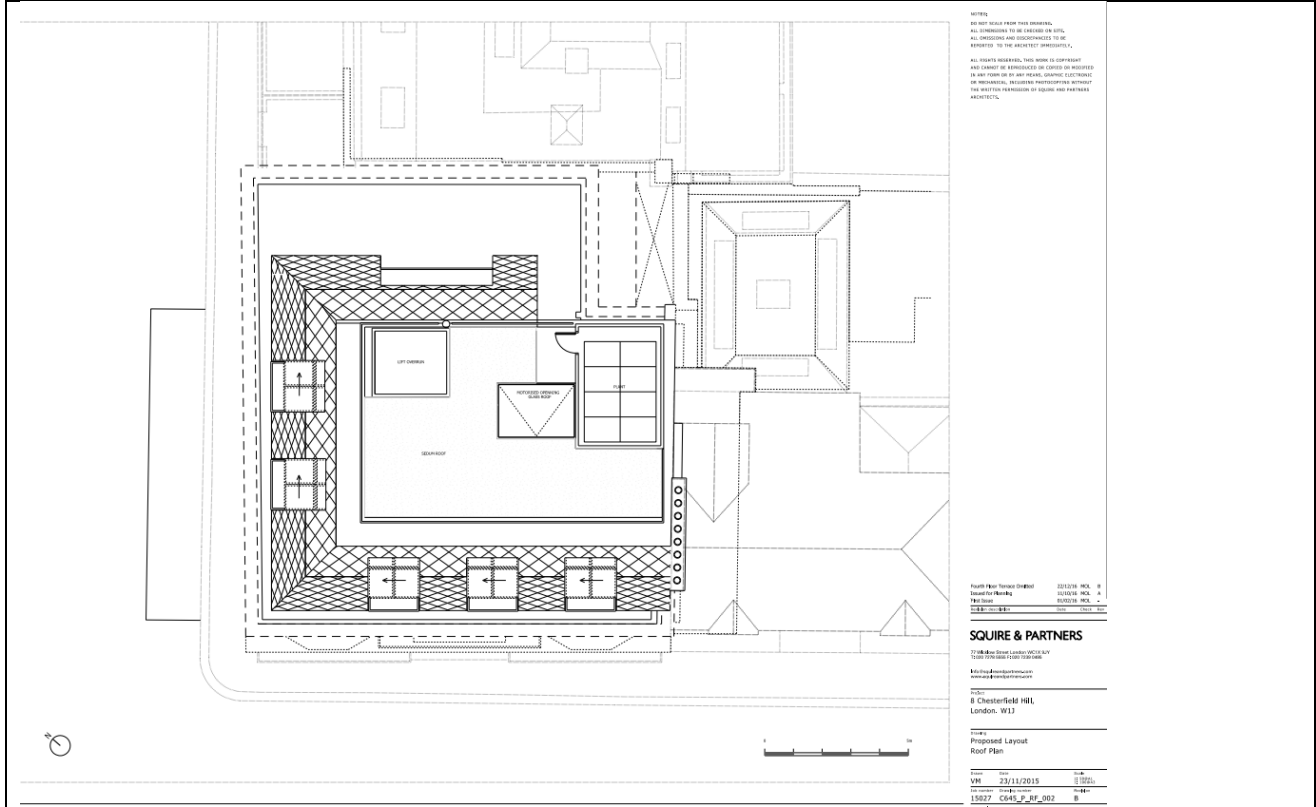


Elevation of permitted scheme (ref: 16/00807/FULL) and No.7 Chesterfield Hill.



Elevation of proposed scheme (ref: 16/09976/FULL) and No.7 Chesterfield Hill.





**DRAFT DECISION LETTER**

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

**Proposal:** 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.

**Reference:** 16/09976/FULL

**Plan Nos:** G100\_P\_00\_002, C645\_P\_00\_002 Rev B, C645\_P\_B1\_002 Rev B  
C645\_P\_01\_002 Rev A, C645\_P\_02\_002 Rev A, C645\_P\_03\_002 Rev A  
C645\_P\_04\_002 Rev B, C645\_P\_RF\_002 Rev B, C645\_E\_SW\_002 Rev A  
C645\_E\_NW\_002 Rev B, C645\_E\_NE\_002 Rev B, C645\_E\_SE\_002 Rev B  
C645\_S\_AA\_002 Rev B, C645\_S\_BB\_002 Rev A

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

Submission to discharge materials dated January 2017, Grey PPC metal, Grey anodised aluminium cladding (analoc B713, B715, B717), Bronze anodised aluminium analoc 545, Limestone parapet and detailing, Albion Stone- Jordans Basebed, Albion stone - Jordans Grove Whitbed, Limestone bay window and porch, Flemish Bond brickwork in Charnwood Farnham red brick, Limestone Mullion, Marshalls prospero (mid/dark grey) flamed, Marchalls Despina (Mid/Dark grey) - flamed, bronze coloured metal screens, Weinerberger hurstwood stockbrick, Pilkington Suncool 70/40 glass.

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641 2814

- 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 occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must provide the waste store shown on drawing C645\_P\_00\_002 rev B 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 4 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.

- 5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in

front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 6 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.

7

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 6 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 (November 2016), by contributing to reducing excessive ambient noise levels.

- 8 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 9 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the sedum roof to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 10 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof.

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

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

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

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

- 13 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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

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

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk) , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 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)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and



collecting waste. (I08AA)

- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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

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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>20 Hanover Terrace, London, NW1 4RJ</b>		
<b>Proposal</b>	Erection of extension to accommodate new lift and lift shaft to serve second and third floor levels.		
<b>Agent</b>	Ms Elizabeth Smith		
<b>On behalf of</b>	Hanover Terrace Limited		
<b>Registered Number</b>	16/10363/FULL and 16/10364/LBC	<b>Date amended/ completed</b>	28 October 2016
<b>Date Application Received</b>	28 October 2016		
<b>Historic Building Grade</b>	I		
<b>Conservation Area</b>	Regent's Park		

## 1. RECOMMENDATION

Refuse permission and listed building consent.
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## 2. SUMMARY

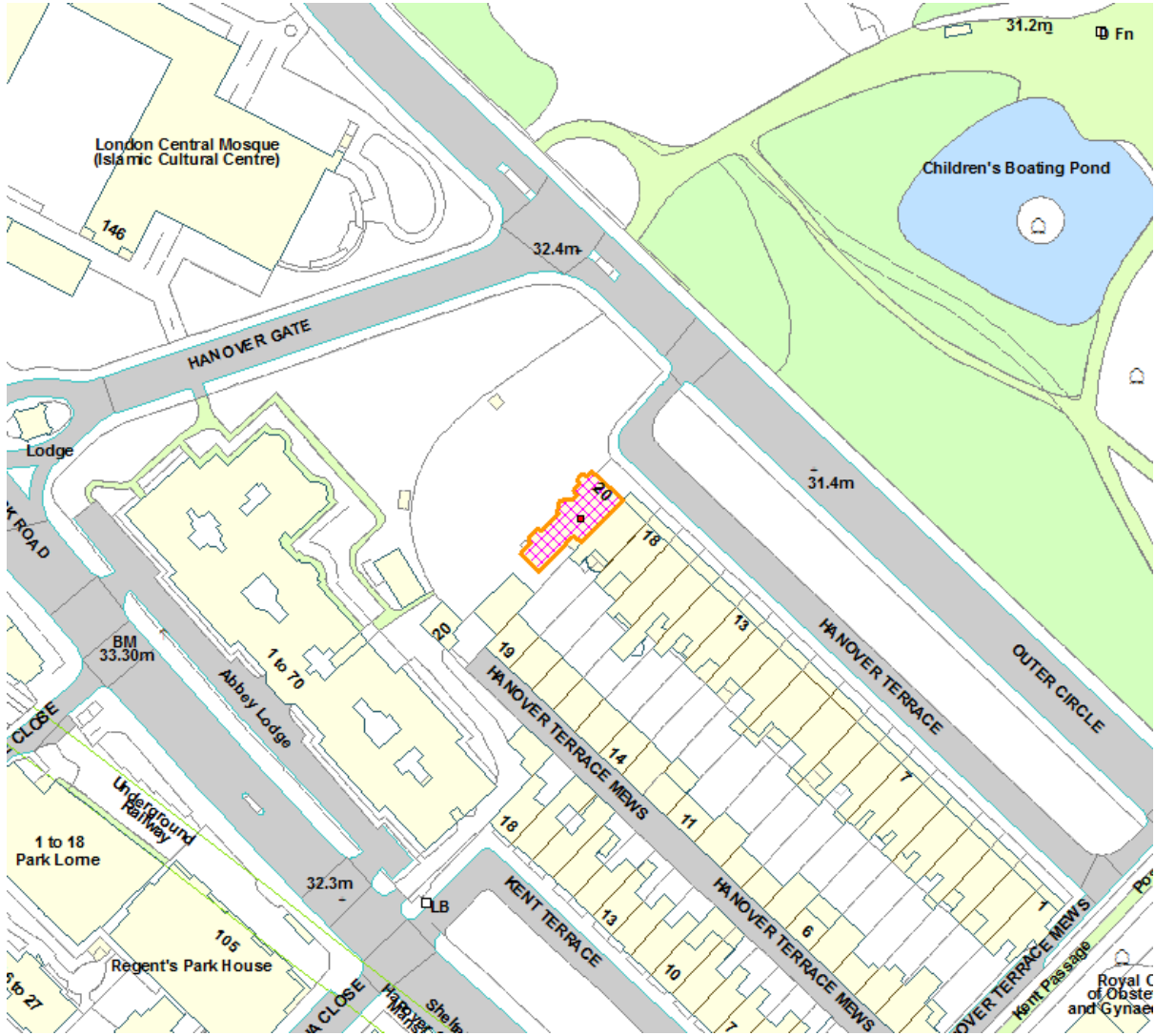
20 Hanover Terrace forms part of a grade I listed terrace, dating to the early 1820s. It also lies within the Regent's Park Conservation Area. The building is in use as a single family dwelling. Planning permission and listed building consent have already been granted for a large basement extension beneath the garden and for alterations and extensions to the main house and its outbuildings. These approved works include the installation of lift between the new basement storey and the lower ground, ground and first floor levels of the main house. This application seeks permission and consent to install a passenger lift in a slightly modified position to that approved, but also to extend it so that it projects as an external lift shaft at second and third floor levels.

The key issues for consideration are:

- The impact of the proposal on the special interest (or significance) of the listed building and upon the character and appearance of the Regent's Park Conservation Area.
- The impact of the proposal on the amenity of adjacent occupiers.

The proposal is considered to have a harmful impact upon the listed building and upon the conservation area and there are not public benefits which would outweigh this harm.

### 3. LOCATION PLAN



#### 4. PHOTOGRAPHS



Top – Front facade facing towards Regent's Park;

Bottom – Side and rear facades viewed from within garden.



## 5. CONSULTATIONS

### CLLR DAVIS:

Request that the application is determined at a planning committee.

### CLLR RIGBY:

Agrees with officer recommendation, and requests that the application is determined at a planning committee.

### HISTORIC ENGLAND:

Consider that harm is caused by the proposal. The harm would be in the category of 'less than substantial harm' in the terms of the NPPF. However, this should not be equated with harm which is unimportant or inconsequential. They note that a finding of harm to a listed building gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. However, it is not irrebuttable and it can be outweighed by material considerations powerful enough to do so. They conclude by indicating that they are unable to support the granting of listed building consent and as such no authorisation to determine the listed building consent application has been sent to the City Council.

### THE ST MARYLEBONE SOCIETY:

Consider the extension to be very bulky and sits uneasily with the adjacent curved bay. Concerned about loss of two rear windows. Are aware of other applications where lifts running up the rear walls of listed Georgian buildings have been refused. Consider that the same standards should be applied to this building.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 81

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

20 Hanover Terrace forms part of a grade I listed terrace, dating to the early 1820s. It also lies within the Regent's Park Conservation Area. There are two detached outbuildings to the rear which in part are contemporary with the original house. The main house and outbuildings have been altered and extended, with perhaps the most significant intervention occurring in c.1911/12 when a remodelling of the interior occurred and a two storey extension was added to the rear. The rear double-height stable block was also altered at this time. The rear 'caretaker's cottage' (20 Hanover Terrace Mews) was altered and extended in the late 1940s. The wall and gate entrance at the northern end of Hanover Terrace Mews provides access into the rear service buildings and while likely to contain some original 1820s fabric has been modified to accommodate larger entrance openings.

Other listed buildings in the vicinity of the development proposal, include the grade II\* listed Kent Terrace approximately 50m to the south and the grade II\* listed Hanover Gate Lodge over 100m away to the north east.

## 6.2 Recent Relevant History

### 15/06788/FULL

Excavation of basement extension below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.

Application Permitted                      2 December 2015

### 15/06789/LBC

Excavation of basement extension below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.

Application Permitted                      2 December 2015

### 15/09445/FULL

Excavation of basement extension including swimming pool below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.

Application Permitted                      23 February 2016

### 15/09446/LBC

Excavation of basement extension including swimming pool below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.

Application Permitted                      23 February 2016

### 15/11755/FULL

Erection of extension to accommodate new lift and lift shaft to serve second and third floor levels.

Application Refused                      2 March 2016

15/11756/LBC

Erection of extension to accommodate new lift and lift shaft to serve second and third floor levels.

Application Refused                      2 March 2016

Appeals had been lodged against the two applications which were refused on 2 March 2016 but were subsequently withdrawn by the applicant.

## **7. THE PROPOSAL**

This proposal is to install a passenger lift which would connect to the newly approved basement and would be located within the original 1820s part of the lower ground and ground floors; and within the 1911/12 extension at first floor level. Above first floor level the proposal is for an external lift shaft to run up the full height of the rear façade of the building.

The proposal is very similar to the scheme which was refused permission and consent in March 2016, but there are differences and also the applicant has sought to demonstrate that the fabric affected by the proposed works is of lesser significance than had been presented in the earlier refused scheme.

The changes from the refused scheme are that the lift shaft is repositioned slightly further into the building so that when the shaft becomes an external structure, above first floor level, it is set back 925mm further back from the north facade than in the refused scheme. Another change is that the size of the externally expressed lift shaft is smaller than in the refused scheme, 1.7m x 3.5m compared with 2.1m x 4.1m. The external section of the lift shaft will be finished in render to match the external facades and will feature a string course and cornice detail to match that of the north facing facade.

The new lift will provide access to all floors of the building and at second and third floor levels will involve forming a door opening in the rear wall, to link the lift lobby with the existing rooms.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The existing building is a single residential dwelling and this proposal would have no implications for this land use.

### **8.2 Townscape and Design**

Hanover Terrace forms part of John Nash's Crown Estate development of Regent's Park. The scheme which was developed during the second decade of the nineteenth century comprised stuccoed terraces of houses, each a grand composition in classical style, ringing the park, with a highly contrived 'natural' landscape within which were set



several villas. Hanover Terrace was one of the finer and more expensive of the developments and was constructed between 1822-23 to Nash's design. It comprises twenty houses contained in a palace front, with a pedimented central bay and end wings. The terrace lies on the west side of the park and there are very attractive views of the terrace from the park. Unlike the other buildings in the terrace, no.20 was associated with a large garden to the north-west and originally a driveway and the main entrance to the house was through this area of landscaping, with the entrance to the house contained within the north façade.

While there have been additions to Regent's Park and its setting, John Nash's design still dominates the character and appearance of the Regent's Park Conservation Area and it is considered that the work of Nash should be afforded the highest level of significance, in terms of positive contributors to the conservation area.

A detailed history of Hanover Terrace and no.20 in particular are set out within the applicant's heritage statement. This demonstrates that the building was constructed in 1822-23 to Nash's design by the builder John Mackell Aitkens and was partially financed by Mr Alexander Birnie. The terrace comprises a group of twenty houses (nos.1-20) and as originally designed the end houses - no.1 and no.20 – had their entrances in the side elevations, distinguishing them from the other 18 houses. No.20 was further distinguished by being associated with a large private garden to the north, the extent and layout of which are shown in a plan of 1827 which is reproduced in the heritage statement. This plan also reveals something of the layout of the building, at a point in time very close to its original construction. This shows that the bowed bay in the north façade was facing directly towards the garden and centred on the turning circle of the carriage drive; and the plan also shows a second bowed bay facing towards the rear of the site. Thus this north façade of no.20 effectively formed its front façade, containing its main entrance door and accessed via its private carriage drive and thus what might be regarded as the rear was in effect performing the function of a side elevation.

A series of alterations took place to the property in c.1912 and these included the addition of a 3 storey (basement, ground and first) rear extension, which abuts the two bowed bays; other works included a reconfiguration of the main entrance, including a re-ordering of the staircase at ground floor level; and the addition of a ground floor canted bay extension. These changes led to the more formal establishment of the eastern, park-facing façade, as the one which contained the front door to the house. The extent of the garden associated with 20 Hanover Terrace had also been reduced by this time, with some of the grounds now associated with Abbey Lodge to the north.

An interesting characteristic of the rear (or west-facing) façade of no.20 is that it has a rendered stucco facing. This is not typical to the terrace and indeed all the other 19 properties have a brick-faced rear façade. The reasons for this can only be speculated upon, but the two most likely are: i) that because the front of the house was originally the north façade, which was approached from the north via a carriage drive through a private garden, that the rear or west façade appeared as a side elevation and thus the render treatment was run round onto this façade to provide a more complementary and consistent treatment to the exterior; or ii) that in building the 1912 extension which is rendered on all sides, that the decision was taken to include the rear of the main house in the same treatment.

The two bowed bays to the north and west facades of the application site are considered to be important architectural elements of the building. It is believed that they are both original and formed part of Nash's initial design. Their presence distinguishes them from the rest of the terrace, where for the most part the rear is flat at upper levels. The projecting wings which do exist do not generally rise above first floor level (and in all likelihood these are later extensions, as suggested by the 1827 plan). The exceptions to this are the two centre properties – nos.11 and 12 Hanover Terrace, which feature the central pediment to their front façade, but also have full height canted brick bays on the rear façade. These are considered to be original features and are certainly evident on Ordnance Survey maps of the nineteenth century. Thus the only properties where historic full height rear projections exist are those at nos.10, 11 and 20, and in each case they are serving as an architectural embellishment to the building.

The importance of the bowed bays in no.20, should also be considered in the context of their date and architect. These were designed by perhaps the foremost Regency architect and in their form and finish can be categorised as one of the architectural features which define and distinguish Regency architecture. Indeed Nash was not averse to incorporating this diversion from the flatter classical treatment applied to earlier Georgian buildings, in his Regent's Park development. The more prominent examples of the use of bowed bays can be found at Ulster Terrace and the caryatid embellished bow to no.1 Cornwall Terrace – the latter having similarities with 20 Hanover Terrace, in that the bow is on the side façade and was associated with an end house which had its own larger private garden.

The proposed lift extension would project on the western, rear façade of the main house, thus when viewing the house from the private garden it would appear to the right of the main bowed bay and adjacent to the rear western bowed bay. It is considered that this extension would have a harmful impact upon the significance and special interest of this grade I listed building. The extension would introduce a prominent full height extension to this property which would affect the appearance of both the north and the west facades. The extension compromises both the appearance and massing of the original Nash house and in particular it harmfully disrupts the relationship of the two full height bowed bays. As already indicated these bowed bays, a significant Regency feature, appear to be original components of the Nash house and would have been seen together as part of the experience when originally approaching the front of this property. While this access arrangement has changed, this does not erode the historic interest and significance of their visual connection.

The proposed extension, while finished in stucco and featuring moulded cornice and string course to minimise the visual intrusion, will project further from the back wall of the house than the smaller bow and will be wider than it, thus reducing the architectural pre-eminence of this bow; furthermore it will visually separate the bows. Its orthogonal shape will clash with the curved forms, with its close proximity to the western bow creating an uncomfortable junction and with its absence of windows will appear as entirely incongruous and harmfully assertive addition.

The applicants have sought to differentiate this current proposal from the refused scheme by slightly re-positioning the lift shaft and changing its dimensions, but also downgrading the significance of the rear façade. In the refused scheme the rear western wall, including the bowed bay was identified as fabric of 'high significance', primarily

based on the assessment that it was original 1820s fabric of Nash design. However, in the current application this part of the house is downgraded to being of 'medium significance' and this is based on several factors, including: doubt over the relationship between the north and west bows as originally built; that the west (rear) of the terrace as a whole should be regarded as of lesser significance than the east (front) façade and of the north façade to no.20; the loss of original context i.e. the original garden approach and northern entrance to the house no longer exists; physical alterations which have taken place to the west façade and its fabric, including the use of modern materials and insertion of modern windows.

This distinction and downgrading of significance is considered to represent a strained attempt to justify acceptance of the proposed extension. It is considered that all three external facades of 20 Hanover Terrace make a major contribution to the significance of this grade I listed building and that the full height bowed-bays and their visual relationship are of particular importance, reflecting an original and typically Nash-style.

In the terms of the NPPF, the degree of harm is considered by both officers and Historic England to be in the category of 'less than substantial'. However, as Historic England observe "this should not be equated with harm which is unimportant or inconsequential", they go on to say "it is to recognize that a finding of harm to a listed building gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one".

Where the identification of 'less than substantial harm' occurs then the NPPF indicates that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. While the lift would clearly provide a private benefit, improving access within the building, it should be noted that a lift which extends as far as the first floor (i.e. the degree of alteration that has been approved) would allow access between four floors of the property, including access to a lower ground floor ensuite bedroom, a first floor principal bedroom and all main function rooms within the house. Thus the degree of change that has already been permitted is considered to have struck an acceptable balance between improving access while maintaining the significance of the listed building. Furthermore, there is no evidence that the use of the building as a residential dwelling would be threatened by refusal of this proposal.

The statutory duty is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is considered that by allowing the proposed extension and causing harm to the listed building (an impact identified by officers and by Historic England), would not accord with this duty. The proposal is also considered to be contrary to design policies S25 and S28 of the City Plan; and DES 1, DES 5, DES 9 and DES 10 of the UDP.

### **8.3 Residential Amenity**

Due to its location set away from the boundary with No. 19 Hanover Terrace, the proposal does not give rise to any amenity issues.

### **8.4 Transportation/Parking**

The proposal does not give rise to any parking or transportation issues.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The proposed lift would provide access to all floors of the house.

### **8.7 Other UDP/Westminster Policy Considerations**

There are no other policy issues which arise from this proposal.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

As the application for planning permission relates solely to the lift shaft to second and third floor levels, this would be less than 100 sqm of extension and as such the proposal would not be CIL liable.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from The St Marylebone Society, dated 15 November 2016
3. Response from Historic England, dated 23 November 2016
4. Response from St Marylebone Society, dated 13 December 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: RUPERT HANDLEY BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk).

**10. KEY DRAWINGS**

Existing Photo and photomontage of the proposed lift extension.



Existing Photo (top) and photomontage of the proposed lift extension (bottom).



**Existing Elevation**



**Proposed Elevation**



**DRAFT DECISION LETTER**

**Address:** 20 Hanover Terrace, London, NW1 4RJ

**Proposal:** Erection of extension to accommodate new lift and lift shaft to serve second and third floor levels.

**Reference:** 16/10363/FULL

**Plan Nos:** 100/A; 101/A; 102/A; 103/A; 104/A; 105/A; 106/A; 107/A; 108/A; 111/A; P5\_001/B; P5\_200/B; P5\_201/B; P5\_202/B; P5\_203/B; P5\_204/B; P5\_205/B; P5\_206/B; P5\_207/B; P5\_208/B; P5\_209/B; P5\_210/B; P5\_211/B; P5\_212/B.

For information: Design and Access Statement, October 2016; Planning Statement, October 2016; Heritage Impact Assessment Issue 5, October 2016; Supplementary Statement, January 2017.

**Case Officer:** Tom Burke

**Direct Tel. No.** 020 7641 2357

**Recommended Condition(s) and Reason(s)**

- |        |  |
|--------|--|
| Reason |  |
| 1      | Because of its location and height the proposed lift shaft extension would harm the special interest / significance of this grade I listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Regent's Park Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2016 and DES 1, DES 5, DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007. |

**Informative(s):**

- |   |  |
|---|--|
| 1 | In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal. |
|---|--|

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



**DRAFT DECISION LETTER**

**Address:** 20 Hanover Terrace, London, NW1 4RJ

**Proposal:** Erection of extension to accommodate new lift and lift shaft to serve second and third floor levels.

**Reference:** 16/10364/LBC

**Plan Nos:** 100/A; 101/A; 102/A; 103/A; 104/A; 105/A; 106/A; 107/A; 108/A; 111/A; P5\_001/B; P5\_200/B; P5\_201/B; P5\_202/B; P5\_203/B; P5\_204/B; P5\_205/B; P5\_206/B; P5\_207/B; P5\_208/B; P5\_209/B; P5\_210/B; P5\_211/B; P5\_212/B.

For information: Design and Access Statement, October 2016; Planning Statement, October 2016; Heritage Impact Assessment Issue 5, October 2016; Supplementary Statement, January 2017.

**Case Officer:** Tom Burke

**Direct Tel. No.** 020 7641 2357

**Recommended Condition(s) and Reason(s)**

- Reason:
- 1 Because of its location and height the proposed lift shaft extension would harm the special interest / significance of this grade I listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Regent's Park Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2016 and DES 1, DES 5, DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007.

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

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# Agenda Item 6

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Alhambra House, 27-31 Charing Cross Road, London, WC2H 0AU,</b>		
<b>Proposal</b>	Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.		
<b>Agent</b>	dpp Planning		
<b>On behalf of</b>	West End Property LP		
<b>Registered Number</b>	15/09858/FULL	<b>Date amended/ completed</b>	19 October 2015
<b>Date Application Received</b>	19 October 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Leicester Square		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

## 2. SUMMARY

The application was considered by Planning Committee on 29 March 2016 where it was resolved:

1. That conditional permission be granted subject to the completion of a s106 legal agreement to secure a financial contribution towards affordable housing of £378,457 (index linked and payable on commencement of development).

The s106 legal agreement has not yet been completed and in the intervening period the Council's planning policy position has changed, with the adoption of the latest version of Westminster's City Plan (November 2016). Following adoption of the latest version of Westminster's City Plan (November 2016), there is now no longer a requirement for this application to provide residential floorspace (or a financial contribution towards affordable housing).

As such, this application is referred back to committee to determine whether it may now be approved subject to conditions, and without a s106 legal agreement to secure a financial contribution towards affordable housing.

### **Report of Director Of Planning dated 29 March 2016**

As set out in the report to Committee on 29 March 2016, the proposed scheme, which involves the creation of 230 sqm (GEA) of new C1 hotel floorspace (the additional tenth storey) was assessed against the relevant adopted policies, including Policy S1: Mixed Use in the Central Activities Zone of the City Plan (2013) and Policy COM2 of the UDP (2007) which seek provision of residential floorspace alongside increases in commercial floorspace within the Core Central Activities Zone (CAZ).

The increase in commercial floorspace triggered a requirement for an equivalent amount of residential floorspace under policies S1 of the City Plan (2013) and COM 2 of the UDP (2007). In the consideration of the application it was accepted that it would not be reasonable or practical to provide on-site residential floorspace within the building or off-site in the vicinity of the application site. Therefore a payment in lieu of the provision of residential floorspace was considered appropriate and a contribution of £378,457 towards affordable housing was sought, to be secured by s106 legal agreement.

### **Recent changes to Council's Mixed Use Policies**

On 9 November 2016 the latest version of Westminster's City Plan (Consolidated with all changes since November 2013) was adopted by the Council. This version of the City Plan supersedes the previous City Plan, adopted in 2013 and includes a revision to Policy S1: Mixed Use in the Central Activities Zone. Furthermore Policy COM 2 of the UDP (2007) has now been deleted, having been replaced by policies in Westminster's City Plan.

Policy S1 of the former City Plan (2013) required that where the proposal would increase the amount of commercial floorspace by 200 sqm or more, the provision of an equivalent amount of residential floorspace will be required on-site or off-site in the vicinity of the application site. Where neither option is achievable, a payment in lieu for the amount of floorspace required may be accepted.

The latest version of the City Plan (November 2016) revises this policy by exempting developments within the core commercial areas which are less than 30% of the existing floorspace or less than 400 sqm whichever is the greater. This includes schemes that just involve a change of use. Above those levels a series of triggers apply to determine the amount of residential floorspace required to accompany net gains in Class B1 floorspace and the location and manner of its provision.

The impetus for the revised Mixed Use Policy arose from the growing concern about the loss of office accommodation in Westminster. The revised policy allows a greater amount of new floorspace to be created before equivalent residential accommodation is required. It also introduces a presumption against the loss of existing offices to housing. In broad terms the effect of the Revised Mixed Use Policy should be to encourage office development to take place because the requirement for commensurate residential accommodation is less onerous.

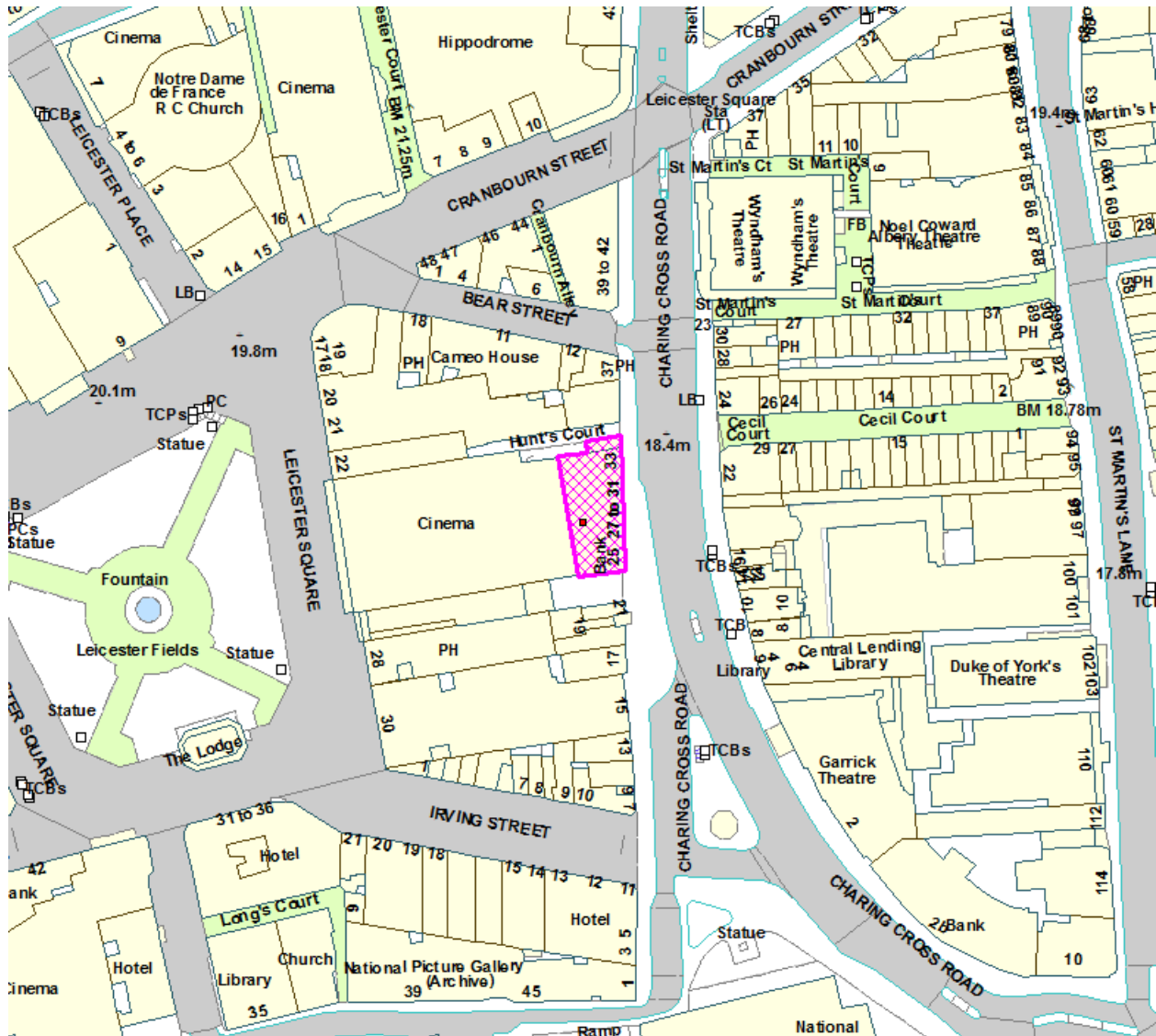
### **Summary**

The revised Mixed Use Policy S1 requires the provision of residential floorspace only in the case of development which includes net additional B1 office floorspace. This policy does not apply to other

commercial uses, such as hotels. On this basis, Policy S1 is no longer relevant to the proposed extension of Alhambra House to provide an additional storey of hotel (Class C1) floorspace, and does not trigger any requirement to provide on-site or off-site residential floorspace.

The proposed development remains unchanged from that presented to Committee in March 2016. Given that the s106 legal agreement has not yet been completed, this application is referred back to committee to determine whether it may now be approved subject to conditions, and without a s106 legal agreement to secure a financial contribution towards affordable housing.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



**Alhambra House, 27 – 33 Charing Cross Road, WC2H 0AU**

**5. BACKGROUND PAPERS**

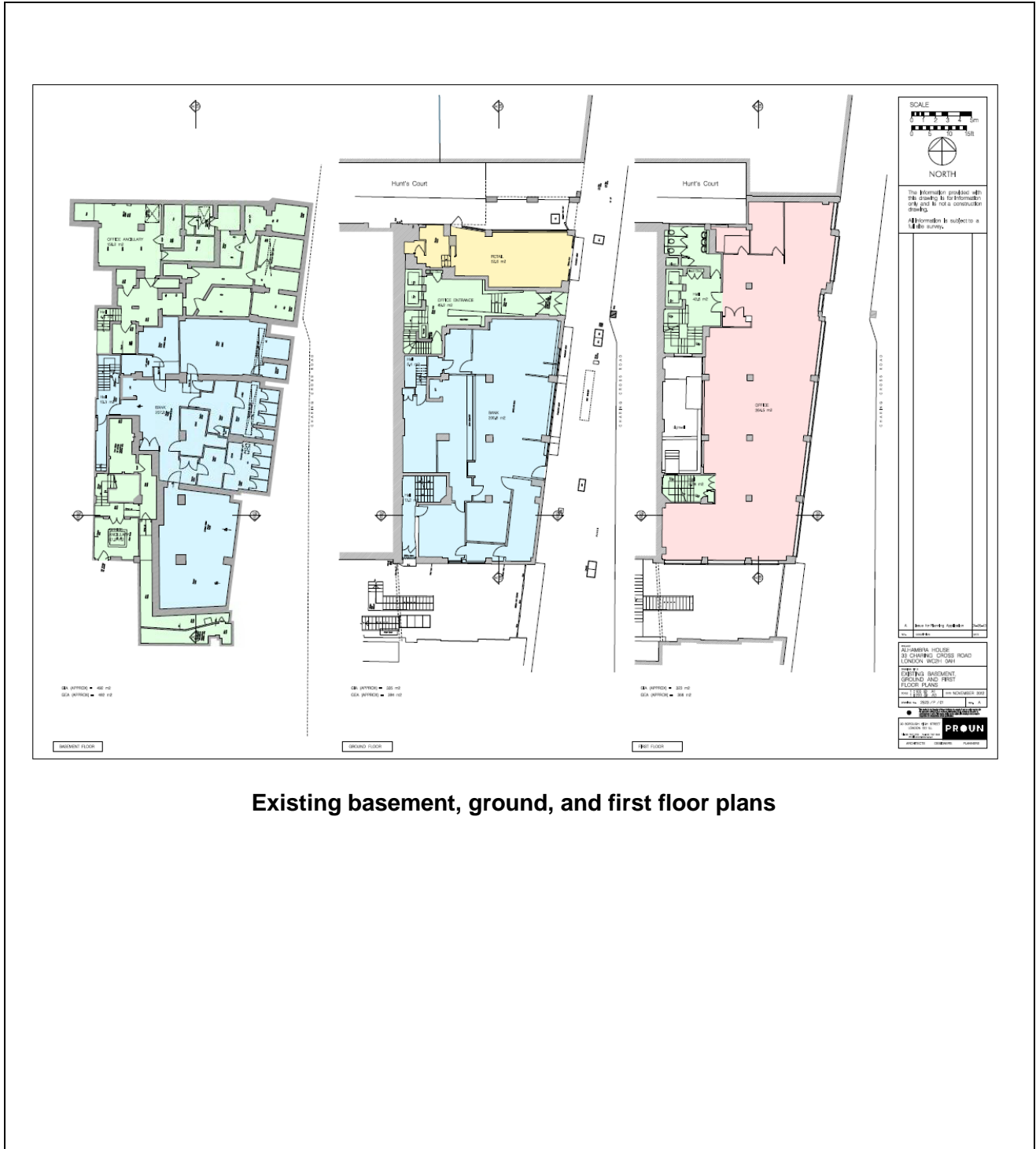
1. Letter from dpp Planning dated 12 December 2016
2. Minutes and report of the Director of Planning dated 29 March 2016 (including original background papers/ representations)

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT [ddorward@westminster.gov.uk](mailto:ddorward@westminster.gov.uk)



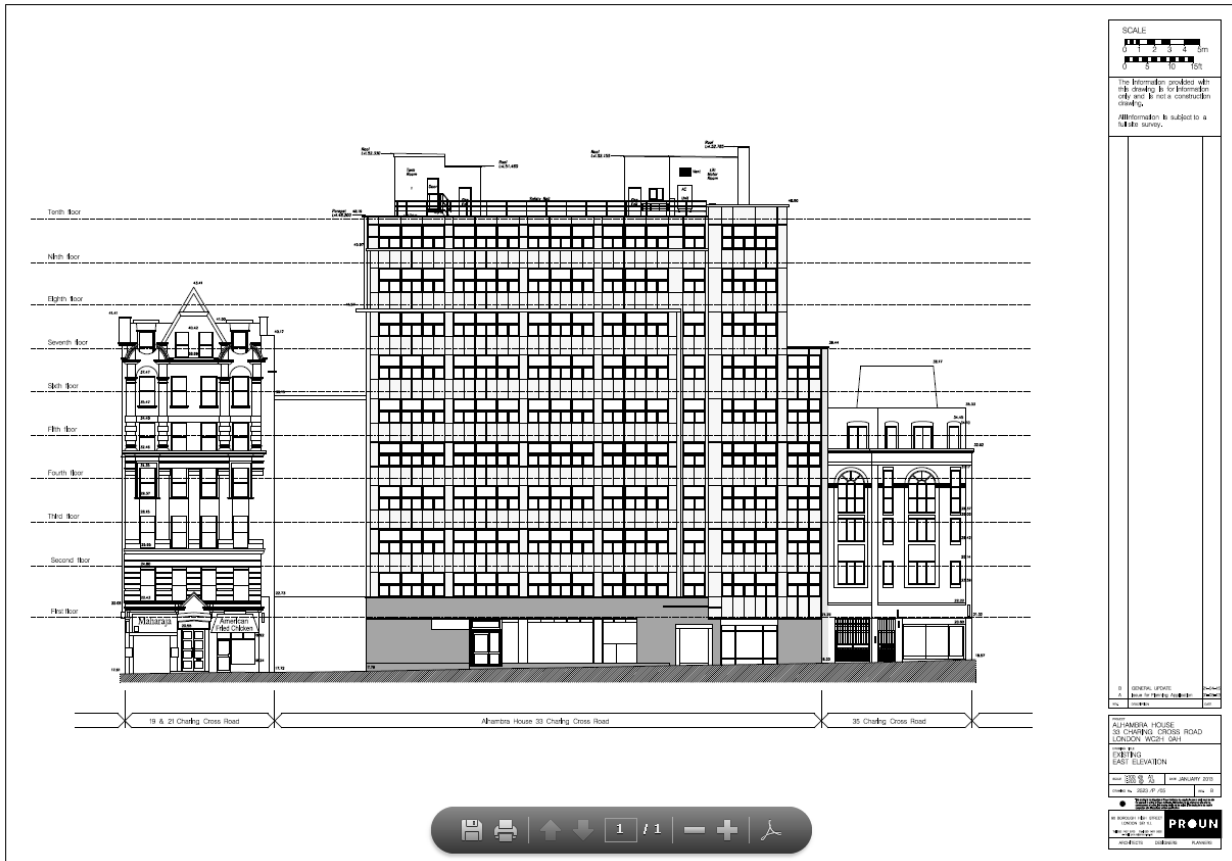
6. KEY DRAWINGS



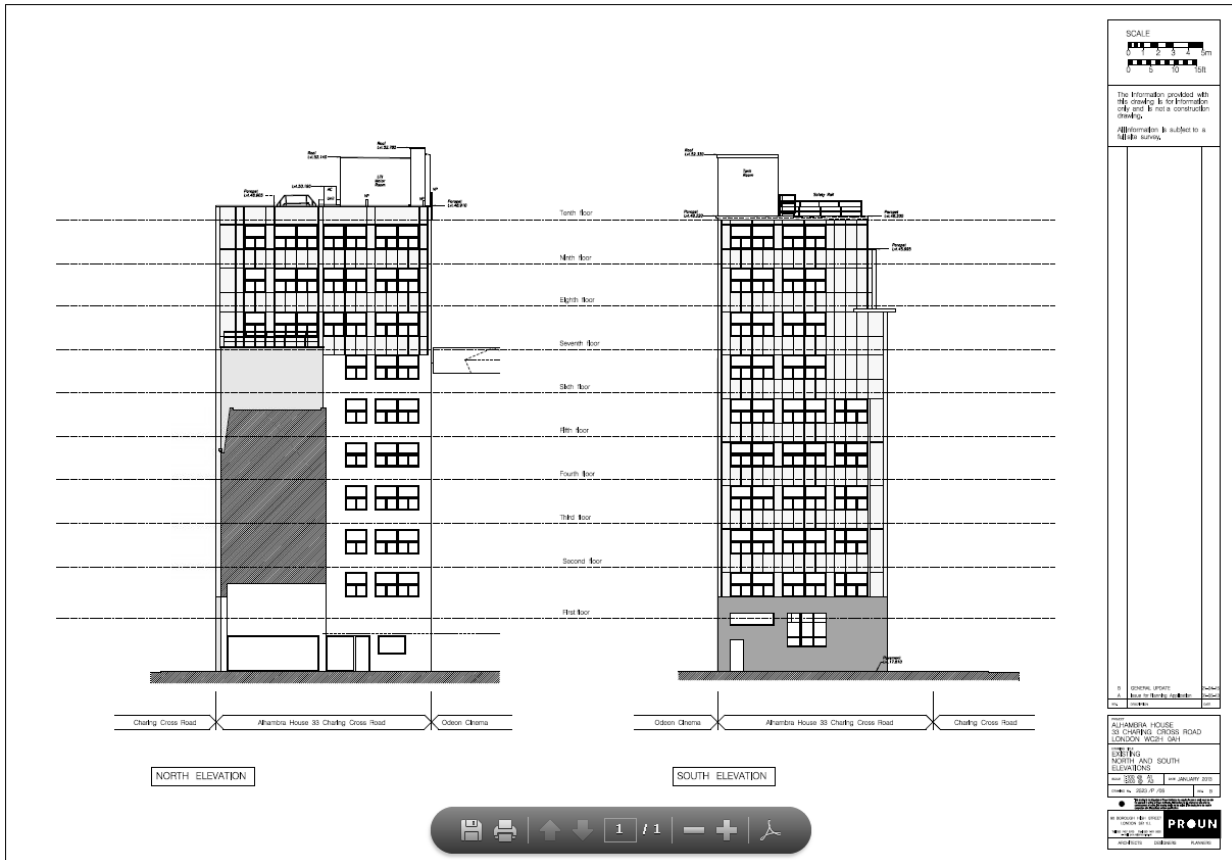
Existing basement, ground, and first floor plans



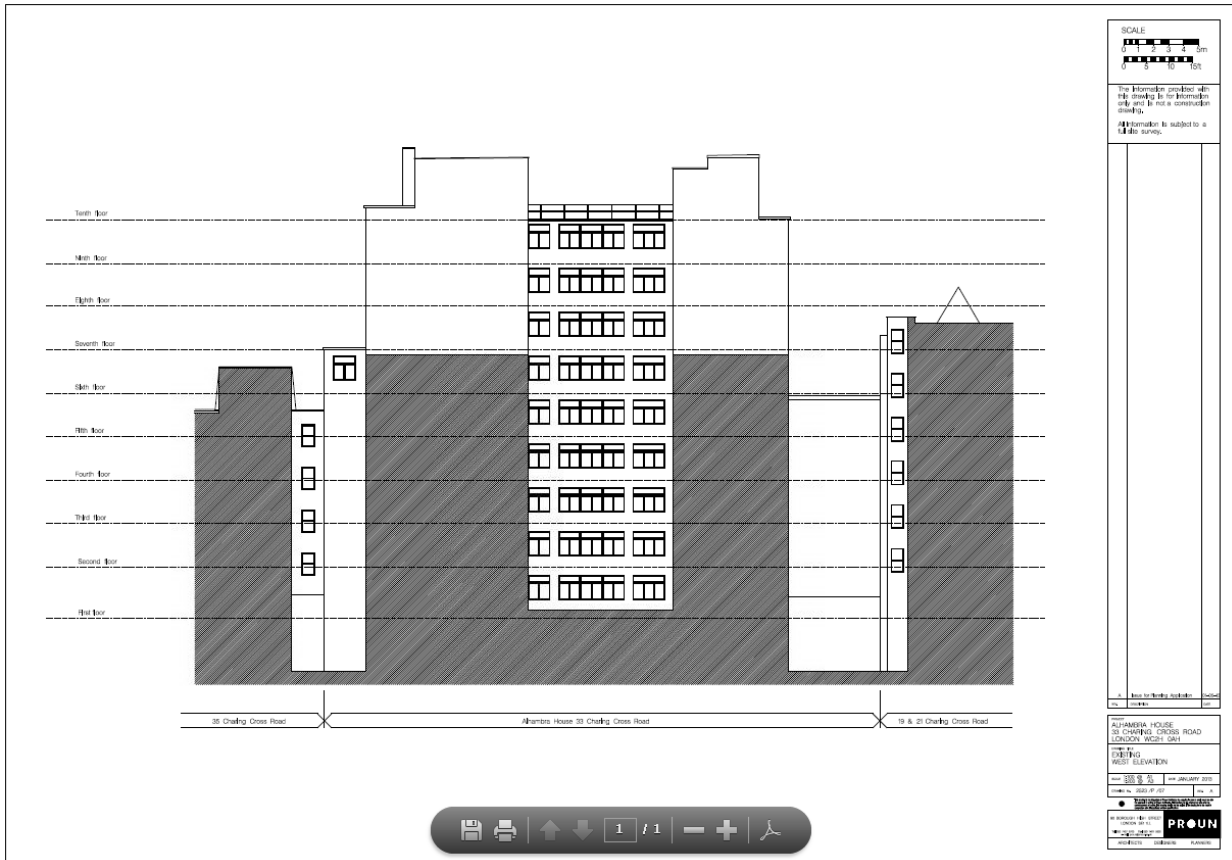
Existing eighth, ninth and roof floor plans



Existing east elevation



Existing north and south elevations



Existing west elevation



Proposed basement, ground and first floor plans

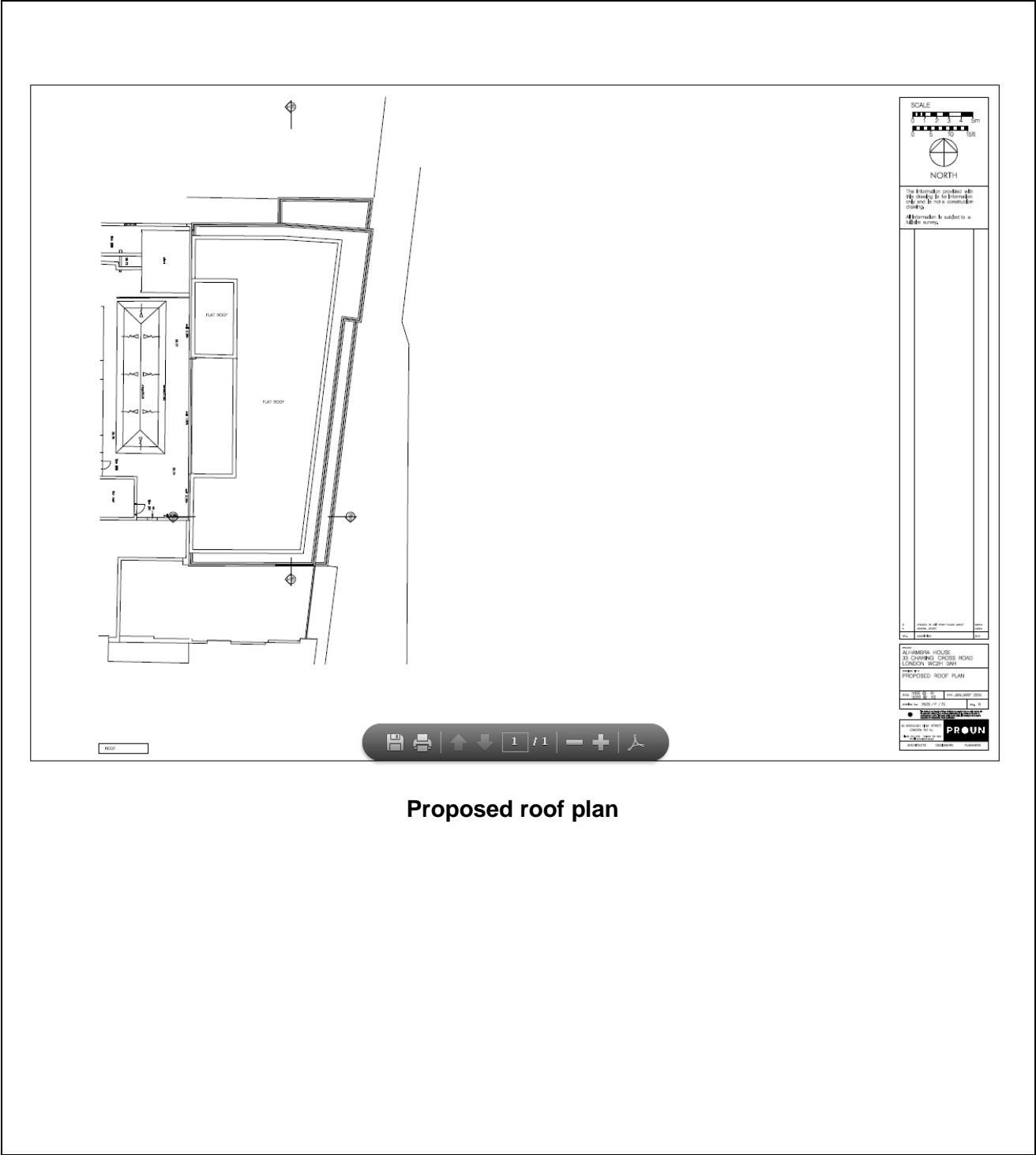


Proposed second, third and fourth floor plans



Proposed eighth, ninth and tenth floor plans





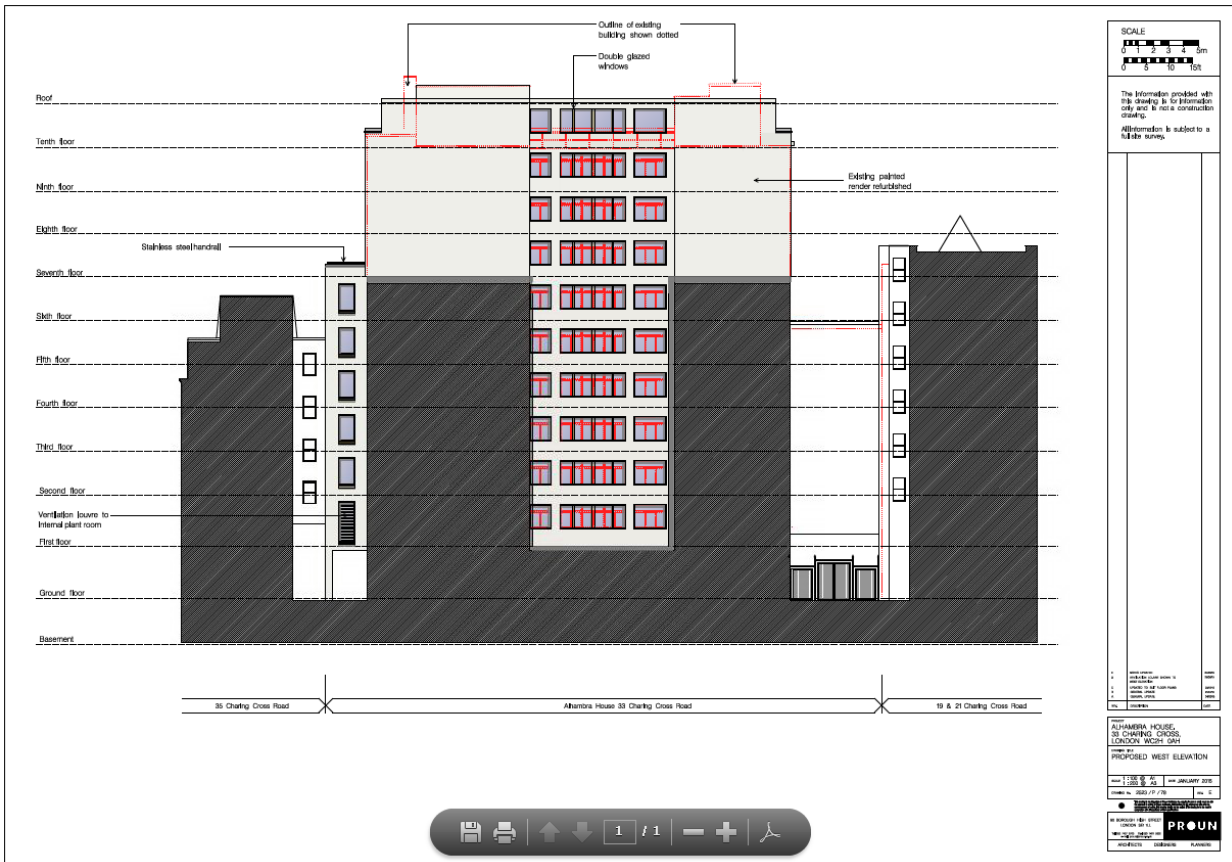
**Proposed roof plan**



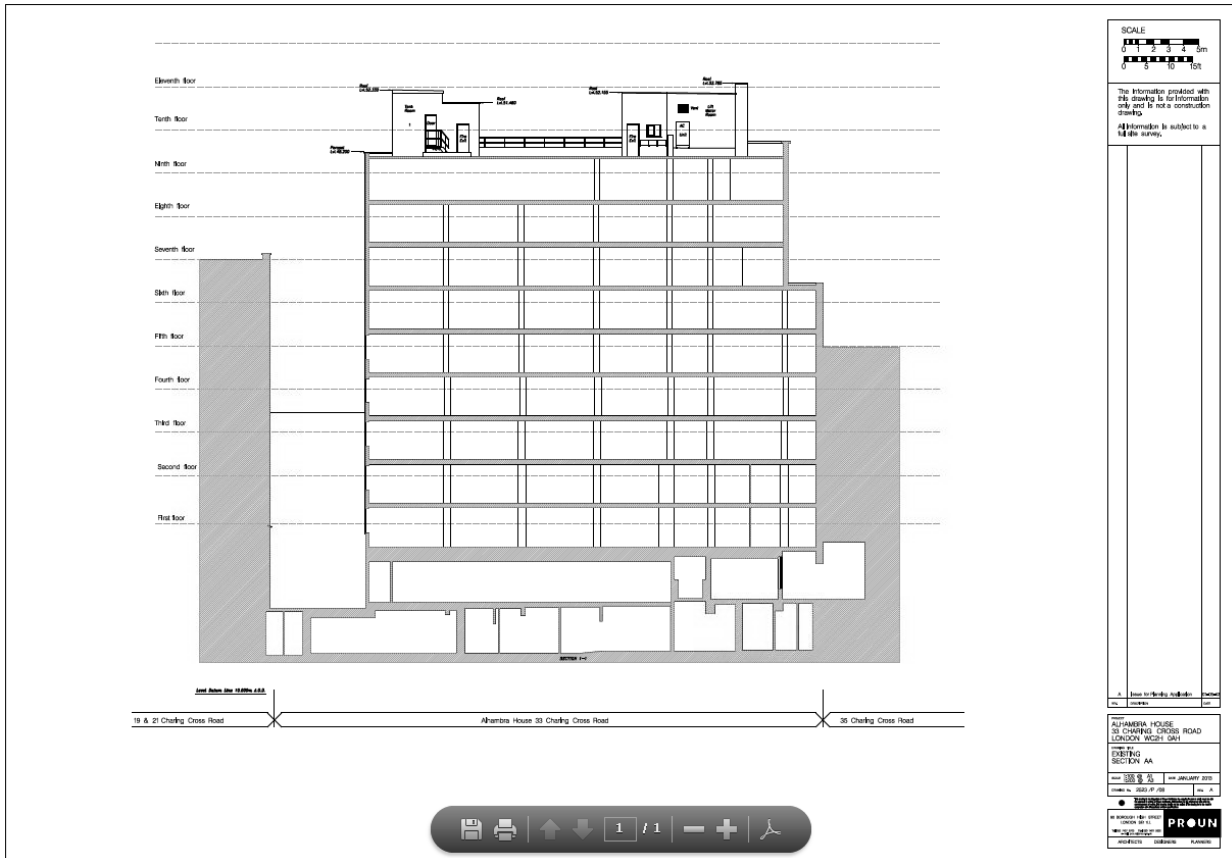
Proposed east elevation



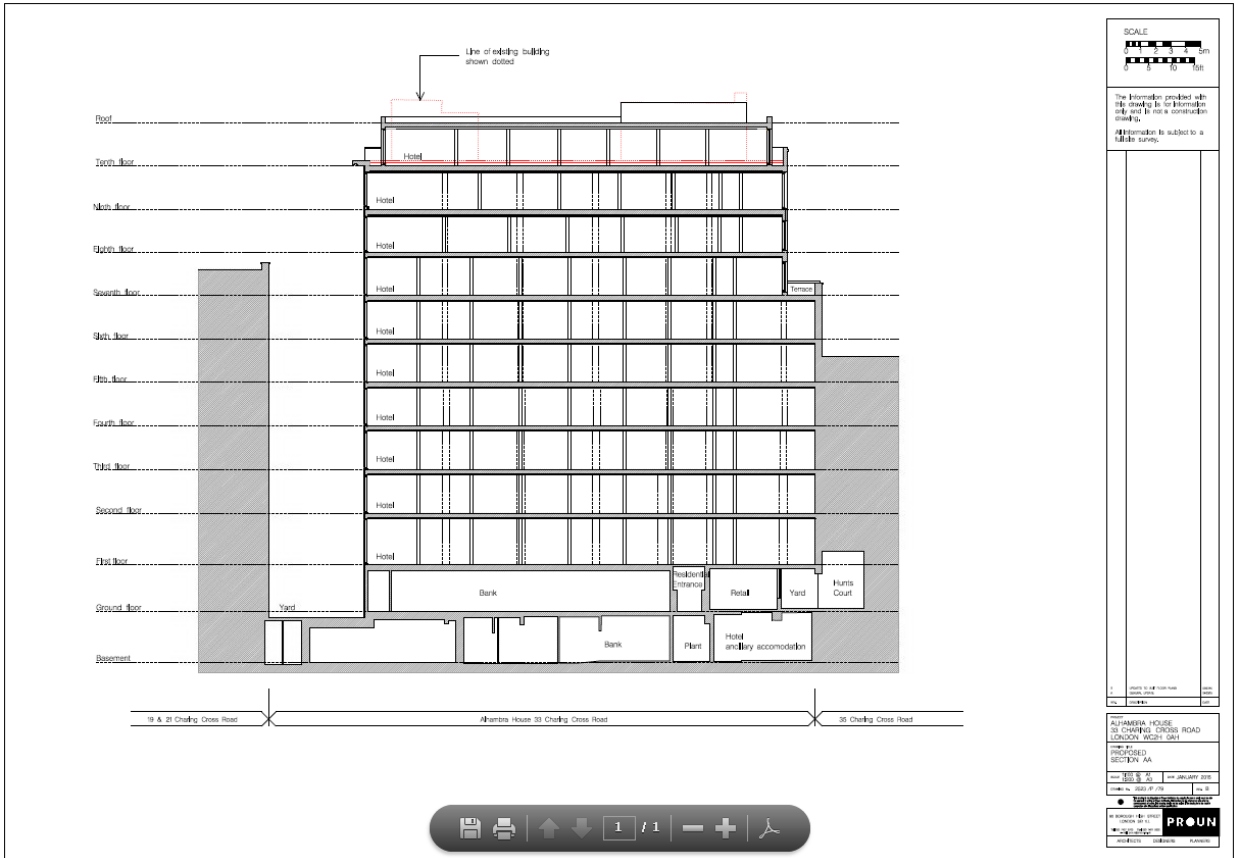
Proposed north and south elevations



Proposed west elevation



Existing section AA



Proposed section AA

**DRAFT DECISION LETTER**

**Address:** Alhambra House, 27-31 Charing Cross Road, London, WC2H 0AU,

**Proposal:** Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

**Reference:** 15/09858/FULL

**Plan Nos:** 2523/L/01, P/01A, P/02A, P/03A, P/04A, P/05B, P/06B, P/07A, P/08A, P/09A, P/71B, P/72A, P/73A, P/74C, P/75B, P/76E, P/77E, P/78E, P/79B, P/80B, P/82B, P/94, P/95, P/96, P/97, P/98, P/99; Planning Statement dated October 2015; Design and Access Statement dated September 2015; Noise Assessment dated 16.10.2015; Daylight/Sunlight Assessment dated 28.09.2015; Transport Assessment dated September 2015; Energy Statement dated 07.07.2015; Schedule of Areas and Accommodation dated 12.10.2015; Letter from dpp Planning dated 12 December 2016.

**Case Officer:** David Dorward

**Direct Tel. No.** 020 7641 2408

**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 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 occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (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 LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 4 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.



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

Reason:

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

- 6 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 hotel. 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.

Reason:

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

- 7 The hotel use hereby permitted shall not be occupied until a servicing management plan has been submitted to and approved by the City Council as local planning authority in consultation with Transport for London. Thereafter all servicing must be carried out in accordance with the approved plan.

Reason:

To ensure that servicing of the hotel does not block the surrounding street and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 8 The hotel shall not knowingly accept bookings from parties using a vehicle with a capacity of 14 or more persons to travel to and from the premises.

Reason:

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

- 9 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows
- ii) Balustrades
- iii) Shop front

You must not start works on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved 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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 Notwithstanding the approved drawings and information, you must not install uPVC windows. You must submit revised detailed drawings of the following parts of the development:

- i) Elevations annotated to show an alternative window material (scale 1:100)

You must not start works on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved 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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

- 12 You must provide details of secure cycle parking storage for the hotel use. Thereafter the cycle spaces must be retained in accordance with the approved details, they must be provided prior to the use of the building as a hotel and the space used for no other purpose.

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.

- 13 The development must be provided in accordance with the Energy Statement dated 07 July 2015. You must apply to us for approval of detailed drawings of environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application. The hotel shall not be occupied by guests until the environmental sustainability features (environmentally friendly features) we have approved have been fully implemented and are operational. You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application in accordance with S28, S39 and S40 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 14 Prior to the use of the hotel commences, you must apply to us for approval of full details and detailed drawings of the means for getting rid of cooking smells from the hotel food and beverage area, including details of how it will be built and how it will look. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details and thereafter retain and maintain for as long as the hotel food and beverage area is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area and 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 Leicester Square Conservation Area. This is as set out in S24, S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and 9, ENV 6, 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.

- 15 The food and beverage area indicated on the proposed tenth floor plan 2523/P/74C shall only be used in conjunction with and ancillary to the use of the building as a hotel and not for any independent purpose.

Reason:

An independent restaurant would constitute a material change of use that would have implications for the character of the area which would need to be assessed by the City Council in accordance with policy S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 16 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 3 and 4 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 (November 2016), by contributing to reducing excessive ambient noise levels.

- 17 The retail unit indicated on the proposed ground floor plan 2523/P/71 B shall only be used for Class A1 retail purposes.

## Reason:

To ensure that the ground floor retail unit is used for Class A1 retail purposes which will contribute to the character and function of this part of the Central Activities Zone. This is as set out in S6 and S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January 2007.

- 18 You must not use the tenth floor terrace outside the following times: between 0700hrs and 2300hrs on Monday to Saturday (not including bank holidays and public holidays) and between 0800hrs or after 2230hrs on Sundays, bank holidays and public holidays.

## Reason:

To make sure that the terrace use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

- 20 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to

10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 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)
- 6 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 7 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental

practice in developing and managing hotels. For more information, please contact:

John Firrell MHCIMA,  
Secretary - Considerate Hoteliers Association,  
C/o Wheelwright's Cottage,  
Litton Cheney,  
Dorset DT2 9AR ,  
E-mail: info@consideratehoteliers.com  
Phone: 01308 482313  
(I76AA)

- 8 Conditions 3 and 4 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 The Servicing Management Plan (SMP) required by Condition should demonstrate that the proposal is to be closely managed and serviced with the least possible impact on the public highway and its users. The plan should clearly outline how servicing will occur on a day to day basis, identifying the process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations.
- 10 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 11 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing. (I55AA)
- 12 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

- 13 The Theatre Trust request that the 'Theatreland' plaque is reinstated after refurbishment.
- 14 The use of UPVC is not considered acceptable within the conservation area. The windows should be powder coated metal or similar.
- 15 In respect of condition 12, the level of proposed cycle parking provision (10 spaces) as set out in the transport assessment would be sufficient.

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

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# Agenda Item 7

Item No.
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7
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Churchill	
<b>Subject of Report</b>	<b>77 WESTMORELAND TERRACE, LONDON, SW1V 4AH</b>		
<b>Proposal</b>	Erection of a mansard roof extension and rear extensions at ground, first and second floor levels to provide additional residential floorspace including an additional residential flat (Use Class C3).		
<b>Agent</b>	Turley		
<b>On behalf of</b>	Mr Martin Osborne		
<b>Registered Number</b>	16/12041/FULL	<b>Date amended/ completed</b>	23 February 2017
<b>Date Application Received</b>	20 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

77 Westmoreland Terrace is an unlisted building located in the Pimlico Conservation Area. The building comprises basement, ground and two upper floors and is divided into three self-contained residential flats. This application relates to the ground and upper floors which are in use as two flats.

Permission is sought for the erection of a mansard roof extension and rear extensions at ground, first and second floor levels to provide additional residential floorspace including an additional residential flat.

The main issues are:

- The impact on the character and appearance of the building and the Pimlico Conservation Area;
- The impact on the amenity of neighbouring residents; and
- The impact on on-street car parking pressures.

On 30 March 2016 permission was refused for 'erection of a mansard roof extension; rear extensions at ground, first and second floor levels; in association with the creation of an additional flat.' The reasons for refusal were as follows: harm to the character and appearance of the Pimlico Conservation Area; increase in a sense of enclosure to the people living in 75 Westmoreland Terrace and increase in on-street car parking pressure.

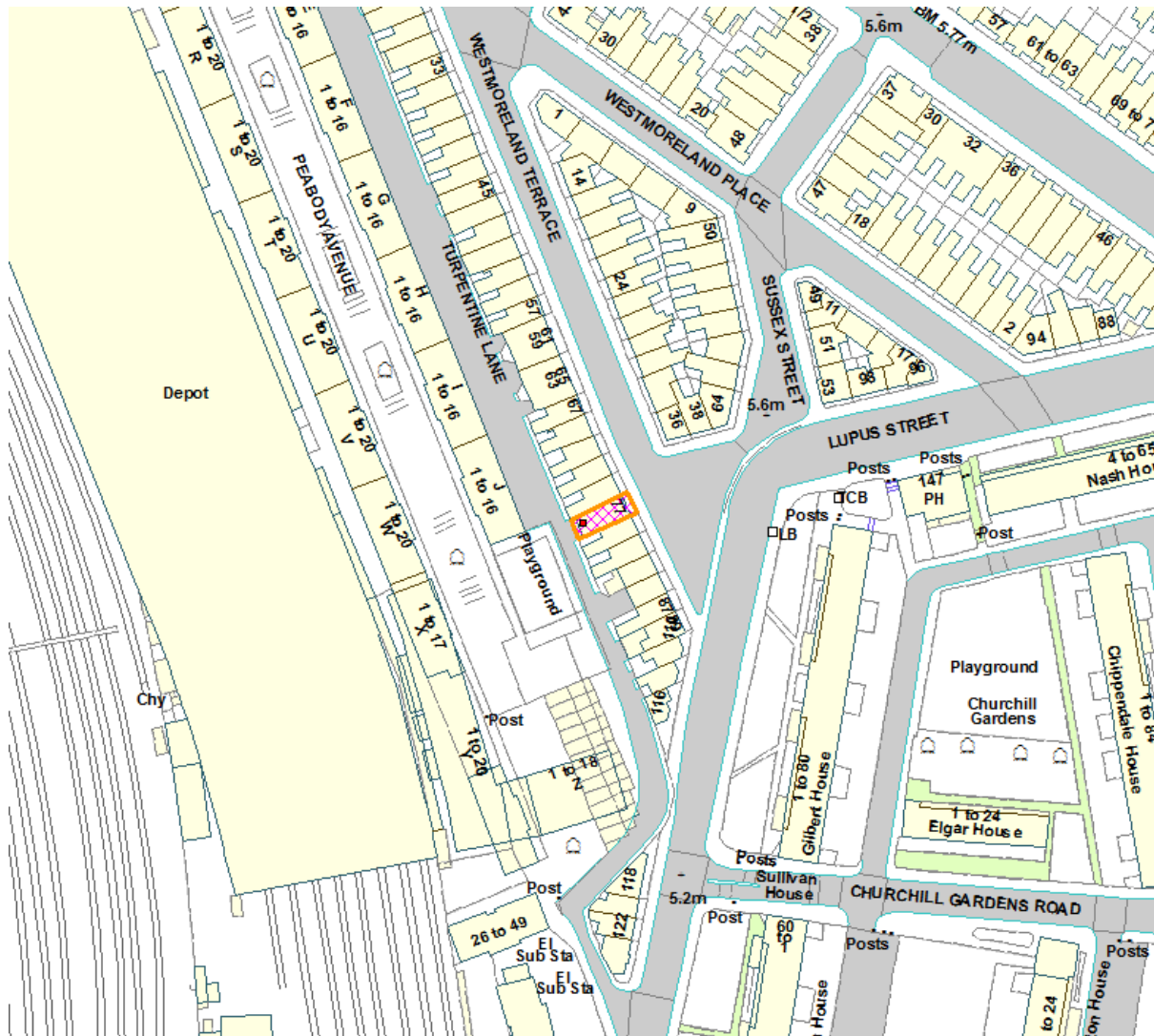
On 27 July 2016 an appeal against the Council's decision to refuse planning permission on 30 March 2016 was dismissed. The inspector agreed the proposal would harm the character and appearance of the Pimlico Conservation Area and would adversely impact on-street car parking pressure. The Inspector did not agree that the proposal would have an unacceptable impact on the people living in 75 Westmoreland Terrace in terms of an increase in sense of enclosure.

In comparison to the previously refused scheme, the rear extension at second floor level has been reduced in height and bulk and the detailed design has been reconsidered. The applicant has also offered to provide Lifetime Car Club Membership for the occupiers of the additional residential flat.

Objectors raise concerns primarily on the grounds of harm to residential amenity and harm to the character and appearance of the Pimlico Conservation Area. Supporters favour the proposals primarily on the grounds the proposal would enhance the appearance of the building and conservation area.

The latest proposal complies with the Council's policies in relation to design, conservation, residential amenity and highways as set out in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP). The application is recommended for approval subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation

## 5. CONSULTATIONS

### COUNCILLOR WILLIAMS:

Agrees with officer's recommendation to approve.

### WESTMINSTER SOCIETY:

No objection.

### HIGHWAY PLANNING MANAGER:

Objection: no off-street car parking provided and proposed cycle parking locations are unacceptable. Lifetime Car Club Membership is the strongest mechanism likely to reduce car ownership, but is not sufficient to overcome the Highway Planning Manager's objection.

### CLEANSING MANAGER:

No objection.

### BUILDING CONTROL:

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 36

Total No. of replies: 8

No. of objections: 6

No. in support: 2

Support from the Federation of Pimlico Residents Associations Limited (Pimlico FREDA) and the Chairman of the Westmoreland Triangle Residents' Association on some or all of the following grounds:

- The extensions would enhance the character and appearance of Westmoreland Terrace and the Pimlico Conservation Area;
- The three bedroom unit would provide a flat of a welcomed size and type;
- The proposals would not harm the amenity of neighbours who benefit from similar extensions; and
- Cycle parking has been provided and the deficiency in off-street car parking is outweighed by the benefits of the scheme, and the applicant has offered Lifetime Car Club Membership.

Objections from local residents on some or all of the following grounds:

#### Amenity:

- The proposed extensions would result in a loss of light to the roof terraces and windows of 75 Westmoreland Terrace;
- The new rear windows would allow overlooking of the existing roof terraces at 75 Westmoreland Terrace.

- The roofs of the proposed extensions could be used as amenity spaces which would allow overlooking of residents living at both 75 and 79 Westmoreland Terrace; and
- The development would result in increased numbers of people living in the building and this would harm neighbours in terms of increased noise and disturbance associated with increased comings and goings.

Design:

- The scale, height, massing and detailed design of the extensions and the location of cycle storage to the front railings would harm the character and appearance of Westmoreland Terrace and the Pimlico Conservation Area.

Land use:

- The development appears to propose accommodation for student House in Multiple-Occupation which would harm existing residents.

Highways:

- The additional residential unit would increase car parking pressures in the area. The loss of garage spaces to the basement flat has already occurred.

Cleansing:

- The intensification of residential use would increase refuse generated which would worsen the existing situation where there is a lack of suitable refuse storage.

Other:

- The proposals constitute an over-development of the site;
- The proposals are similar to those previously refused and subsequently dismissed at appeal;
- If permitted the proposal would set a precedent allowing similar development to be permitted in the area to its detriment;
- The proposed rear extensions may not be possible to build in accordance with building regulations because the sloped roof reduces floor to ceiling heights;
- Party wall issues have occurred in the past and may/ are more likely to occur in future if this proposal is permitted; and
- The extensions would increase chances of crime because the roofs of the extensions could be used as a route to gain access into adjoining buildings.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

77 Westmoreland Terrace is an unlisted building located in the Pimlico Conservation Area. The building comprises basement, ground and two upper floors and is divided into three self-contained residential flats. This application relates to the ground and upper floors which are in use as two flats.

## 6.2 Recent Relevant History

On 30 March 2016 permission was refused for 'erection of a mansard roof extension; rear extensions at ground, first and second floor levels; in association with the creation of an additional flat.' The reasons for refusal were as follows:

1. Because of its height and bulk the rear extensions would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Pimlico Conservation Area.
2. The rear extensions would make the people living at 75 Westmoreland Terrace feel too shut in. This is because of its bulk and height and how close it is to windows in that property.
3. Your plans do not include enough on-site car parking to serve the new housing according to the standards set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

On 27 July 2016 an appeal against the Council's decision to refuse planning permission on 30 March 2016 was dismissed. The inspector agreed the proposal would harm the character and appearance of the Pimlico Conservation Area and would adversely impact on-street car parking pressure. The Inspector did not agree that the proposal would have an unacceptable impact on the people living in 75 Westmoreland Terrace in terms of an increase in sense of enclosure.

## 7. THE PROPOSAL

Permission is sought for the erection of a mansard roof extension and rear extensions at ground, first and second floor levels to provide additional residential floorspace including an additional residential flat (Use Class C3).

In comparison to the previously refused scheme, the rear extension at second floor level has been reduced in height and bulk, and the detailed design has been reconsidered. The applicant has also offered to provide Lifetime Car Club Membership for the occupiers of the additional residential flat.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

At present, there is a one bedroom flat at ground floor level and a two bedroom flat on the upper floors. There is an existing flat at basement level but this is not affected by the proposals. The proposal is to enlarge the existing ground floor flat and reconfigure the upper floors to provide two flats (one additional unit). The proposal would provide the following mix:

Ground floor:	1 x one bedroom flat (45.2sqm)
First floor:	1 x one bedroom flat (48.3sqm)
Second and new mansard floors:	1 x three bedroom flat (94.6sqm)



Objectors raise concern on the grounds the building could be used as either student accommodation or as a 'House in Multiple-Occupation' (HMO). Supporters favour the proposal on the grounds the development would provide a new family sized residential unit.

Policy S14 of the City Plan and H3 of the UDP seek to maximise the amount of land or buildings in housing use.

Policy S14 of the City Plan and H5 of the UDP aim to protect existing family sized housing units due to the limited numbers of larger dwellings in the borough, and seek to ensure an appropriate mix of unit sizes is provided in housing developments.

The provision of additional residential floorspace and the creation of a family sized residential unit are welcomed. The proposal is considered to contribute toward housing delivery and would provide an acceptable mix of unit sizes.

With regards to concerns raised by neighbours who suspect the building may be used as either student accommodation or as a 'House in Multiple-Occupation' (HMO). The proposal is for Class C3 residential flats, a house or flat in use by a single person or by people forming a single household. It is not proposed to use the building as either student accommodation or as a HMO.

#### **Standard of accommodation**

The proposed residential flats are considered to provide an adequate internal living environment for prospective occupiers. London Plan Policy 3.5, and the 'nationally described space standard' (DCLG), requires a minimum floorspace of 37 sqm for a one person/ one bedroom flat, and a minimum floorspace of 74 sqm for a three bedroom flat. All the flats exceed the floorspace standards. All flats are also dual aspect and would provide prospective occupiers with good levels of natural light. Conditions are recommended to ensure occupiers are not harmed by noise transfer between the flats.

## **8.2 Townscape and Design**

Objectors raise concern on grounds the proposed alterations and extensions would harm the character and appearance of the building and the Pimlico Conversation Area. Supporters favour the proposals on the grounds they would enhance the appearance of the building and Pimlico Conversation Area.

Policies DES 1, DES 5, DES 6 and DES 9 of the UDP; and S25 and S28 of the City Plan seek to ensure high design standards across the city and that the character and appearance (visual amenity) of the city's conservation areas are maintained and enhanced.

The application site forms part of a wider terrace of mid-nineteenth century, stucco fronted townhouses along Westmoreland Terrace. The front of the property retains a wholly traditional appearance. In contrast, the rear is of concrete construction, likely post war in date. The site is within the Pimlico Conservation Area and to the rear is adjacent to the Peabody Avenue Conservation Area.

In July 2016 the Inspector dismissed an appeal against the City Council's decision to refuse permission in March 2016. The Inspector agreed the height and bulk of the rear extensions were harmful to the character and appearance of the Pimlico Conservation Area.

The current proposals have sought to overcome the Inspector's concerns by reducing the height and bulk of the rear extension at second floor level. In addition the detailed design of the development has been reconsidered.

Between ground and second floor levels, the proposed new rear façade displays a balanced arrangement of two-bays of vertically proportioned windows with black metal casings and frames. The brick is proposed to be in two patterns, stretcher bond with dentil patterned panels alongside the windows. The new mansard would have a traditional front and more contemporary rear. The front would replicate the general form and detailed design of mansards within the terrace, the rear would be clad in zinc and include three tall windows. Whilst this would be a hybrid design which would generally be opposed, in light of the existing contrasting architectural styles of the front and rear, this approach is not considered harmful to the overall character of the terrace which has been severely diminished by previous developments.

It is considered that the height of the rear extensions would sit comfortably within the terrace and addresses the City Council's previous concerns. The mansard is striking; however it is set back to allow for some relief. As a whole, the design approach to the redevelopment of the rear is a vast improvement to the existing. The schemes quality will lie in the materials and details which are recommended to be secured by condition. The proposals are acceptable in design terms.

### **8.3 Residential Amenity**

Policies S29 and S32 of the City Plan, and ENV6, ENV7 and ENV13 of the UDP seek to protect residential amenity in terms of noise pollution, light, privacy, sense of enclosure, overlooking and essentially encourage development which enhances the residential environment.

The site is bounded by the adjacent residential properties of nos. 75 and 79 Westmoreland Terrace, and the Peabody Buildings to the rear.

The neighbour at no. 75 Westmoreland Terrace has roof terraces at both second and third floors, with the terrace at third floor stepped behind the second floor terrace. The extensions at second and new mansard floor levels would increase the height of the party wall with no. 75. Objections have been raised on grounds the proposals would have an adverse impact on the occupiers of no. 75 in terms of loss of light and increase in sense of enclosure.

#### **Sense of Enclosure**

Planning permission was previously refused in March 2016 on grounds that the proposed rear extensions would make the people living at no. 75 Westmoreland Terrace feel too shut in because of its bulk and height and how close it is to windows in that property.

On 27 July 2016, it was noted by the Inspector at appeal against the Council's decision to refuse planning permission, that the effect of the rear extensions on those living at no.75 would be acceptable in terms of any perceived sense of enclosure. The Inspector did not agree that the height of the proposed party walls would result in an excessive degree of enclosure, particularly given that the windows concerned are sited at the highest points of the building and therefore have a more open aspect than windows on the lower levels.

Given that the revised rear extension is lower in height than the one considered by the Inspector at appeal, it is not considered a reason for refusal could be sustained in terms of harm to the amenity of neighbouring residents as a result of an increase in sense of enclosure.

### **Sunlight and Daylight**

The applicant provided a daylight and sunlight assessment with the previously refused scheme in March 2016. In comparison to the previously refused scheme, the proposed extensions have been reduced in scale at second floor level. The daylight and sunlight assessment previously submitted demonstrated that the development would not have an adverse impact on the daylight and sunlight reaching neighbouring properties. As the latest proposals have been reduced in scale, it is accepted that this is the case.

### **Privacy**

Objectors raise concern on grounds the new window openings as well as the roof at second floor level, if used as an amenity space, would allow for overlooking of neighbours.

Given the orientation of adjoining neighbours' windows relative to those proposed, the extensions would not allow for views into neighbouring rooms. The mansard extension's windows would allow for some views of the adjoining roof terraces. However, these views would be oblique and the relationship would be comparable to situations elsewhere in the terrace. It is also not proposed to use the roof of the extensions as amenity spaces. A condition restricting such a use is recommended. For these reasons, it is not considered that the proposal would have an adverse impact on neighbours in terms of overlooking/loss of privacy.

## **8.4 Transportation/Parking**

### **Car Parking**

Objectors raise concern on grounds the proposals would increase on-street car parking pressures. Supporters consider the applicant's offer of Lifetime Car Club Membership overcome these concerns.

The proposal would create an additional residential unit, which would likely require use of a car; particularly considering a family sized unit would be provided and that a third of households within the Churchill Ward have 1 or more cars (according to census figures).

Policy TRANS 23 of the UDP details an 80% on-street car parking occupancy threshold above which the provision of additional cars will result in an unacceptable level of deficiency. The Highway Planning Manager notes the on-street occupancy rates within the area are 85% at night and 79% during the day. Given the night time occupancy rates are over the threshold level the proposal does not comply with TRANS 23.

Planning permission was previously refused in March 2016 on grounds the creation of an additional unit would increase on-street car parking pressure.

On 27 July 2016, the Inspector dismissed the appeal on these grounds, stating whilst there are good transport links nearby, no mitigation measures, such as car club membership, were made.

Policy TRANS 23 of the UDP states that where additional demand would result in 80% or more of available legal on-street parking spaces being occupied during the day or night, the City Council “will normally seek to resist development unless the potential impact of additional cars being parked on-street in the vicinity is mitigated.”

The applicant now offers Lifetime Car Club Membership for the new family sized flat at second and mansard level. Lifetime Car Club Membership is considered to be the strongest mechanism that is likely to reduce car ownership of future residential occupiers. Whilst Lifetime Car Club Membership is not considered by the Highway Planning Manager as sufficient to remove their objection, given that the Inspector was conscious that no mitigation measures were previously offered, it is considered that this mitigation measure is sufficient to overcome the car parking concern. A condition is recommended to secure Lifetime Car Club Membership for the new family sized flat.

### **Cycle Parking**

London Plan policy 6.9 requires one cycle parking space for a one bedroom residential unit and two spaces per residential unit of two or more bedrooms.

The proposal originally included cycle parking provision within the ground floor flat, within the ground floor communal hallway and to the front railings. The Highway Planning Manager considered these locations unsuitable as they would not be appropriately accessible, weatherproof and secure. The applicant has revised the scheme and no cycle parking is proposed.

There are constraints associated with the site that make cycle parking difficult to achieve and this is a material planning consideration. The flats are accessed by stairs leading from street level and though a ground floor hallway, which are both too narrow to realistically accommodate bicycle storage. Whilst the absence of cycle parking is unfortunate and regrettable, in this case it is considered that the constraints of the site are such that an exception to policy can be made.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

There are no access issues arising from this proposal.

## 8.7 Other UDP/Westminster Policy Considerations

### Refuse /Recycling

Objectors raise concern on grounds the proposals would result in increased refuse generation which would worsen the existing situation where there is a lack of suitable refuse storage.

Waste and recycling stores are marked on the drawings and are located within the kitchen areas of each flat. The Cleansing Manger considers this arrangement to be suitable. A condition is recommended to secure this provision.

### Noise and Disturbance/ Increase in Number of Residents

Objectors raise concern on grounds the proposals would increase the number of residents within the building which would harm neighbours in terms of noise and disturbance from increased comings and goings. It is not considered that the creation of one additional unit would significantly increase the number of residents living in the building to justify refusing the proposals on these grounds.

## 8.8 London Plan

This application raises no strategic issues.

## 8.9 National Policy/Guidance Considerations

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

## 8.10 Planning Obligations

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

## 8.11 Environmental Impact Assessment

The proposals are of insufficient scale to require an environmental assessment.

## 8.12 Other Issues

### Crime and Security

Objectors raise concern on grounds the proposals pose a security risk as the roofs of the proposed extensions could be used as a route to gain access into adjoining buildings. Whilst concerns of neighbours are understood, it is not considered that permission could be withheld on these grounds. The roofs are not to be used for any purpose other than roofs and, given their position, access from the street would not be possible.

### Building Regulations and Party Walls

Objectors raised concern on grounds the proposals may not comply with building regulations. This is because of the floor to ceiling heights within the rear rooms with the sloped roof at second floor, and also because there could be party wall issues.

Building regulations and party wall issues are separate to planning. The District Surveyor has confirmed the proposed floor to ceiling heights (which slope in the rear rooms at second floor) would not represent an issue in terms of building regulations.

The Party Wall Act provides a framework for preventing or resolving disputes in relation to party walls. Party Wall matters are private between the building owner and adjoining owner(s).

### **Over-Development and Existing Basement Flat**

Objectors raise concern on grounds the proposals would constitute over-development of the site. The proposals include alterations and extensions as well as the creation of an additional unit, and are considered acceptable for the reasons outlined in this report.

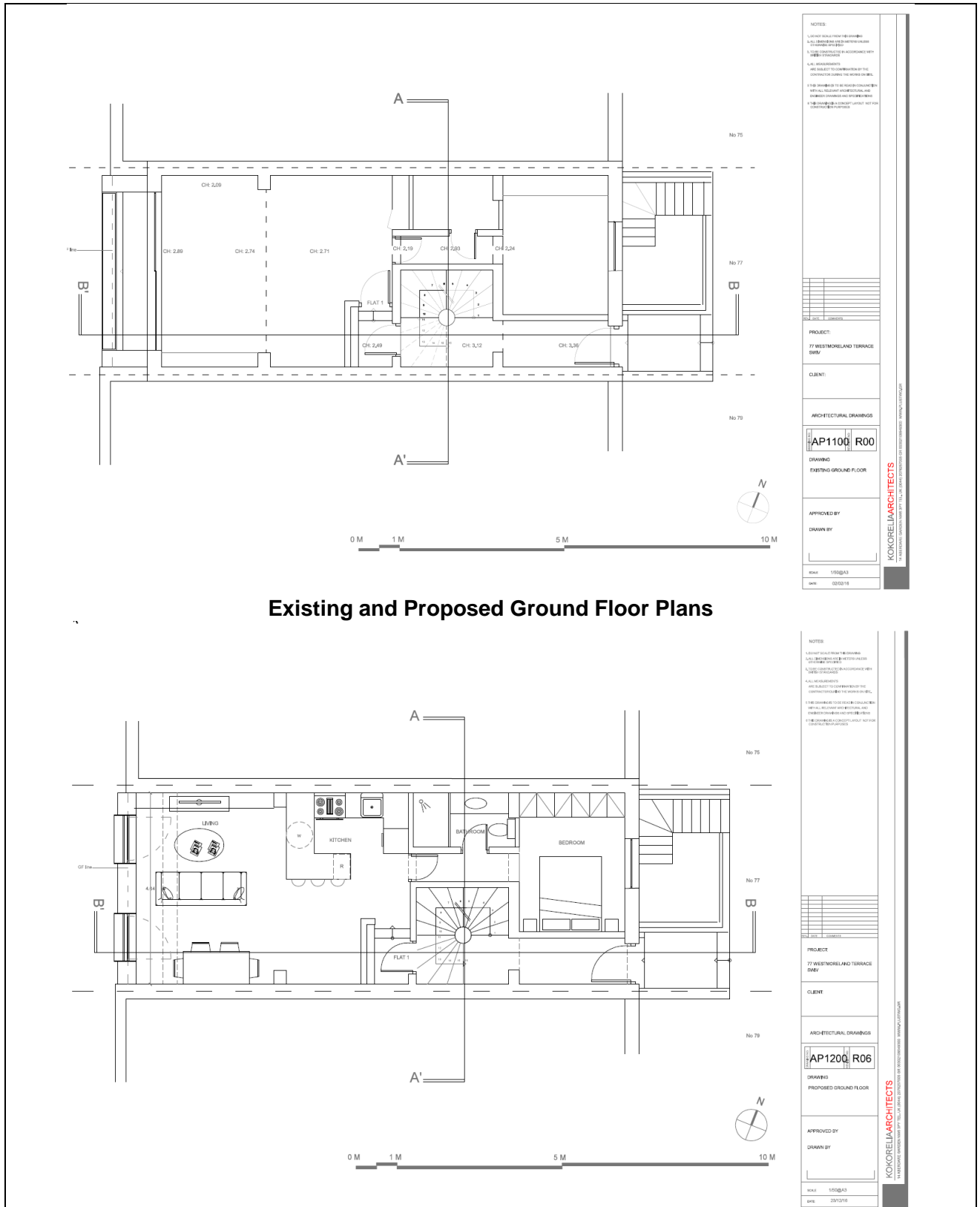
## **9. BACKGROUND PAPERS**

1. Application form
2. Email from Cllr Williams dated 8 February 2017
3. Memo from Westminster Society dated 10 January 2017
4. Memo from Highways Planning Manager dated 17 January 2017
5. Memo from Cleansing Manager dated 10 January 2017
6. Email from Building Control dated 17 February 2017
7. Response from owner/ occupier of 75 Westmoreland Terrace dated 24 January 2017
8. Response from owner/ occupier of 79 Westmoreland Terrace dated 27 January 2017
9. Response from owner/ occupier of 79 Westmoreland Terrace dated 27 January 2017
10. Response from owner/ occupier of 81 Westmoreland Terrace dated 27 January 2017
11. Response from owner/ occupier of 48 Malcolmson House dated 29 January 2017
12. Response from Federation of Pimlico Residents Associations Limited (Pimlico FREDA) dated 8 February 2017
13. Response from Chairman of Westmoreland Triangle Residents' Association dated 8 February 2017
14. Response from owner/ occupier of 75 Westmoreland Terrace dated 13 February 2017

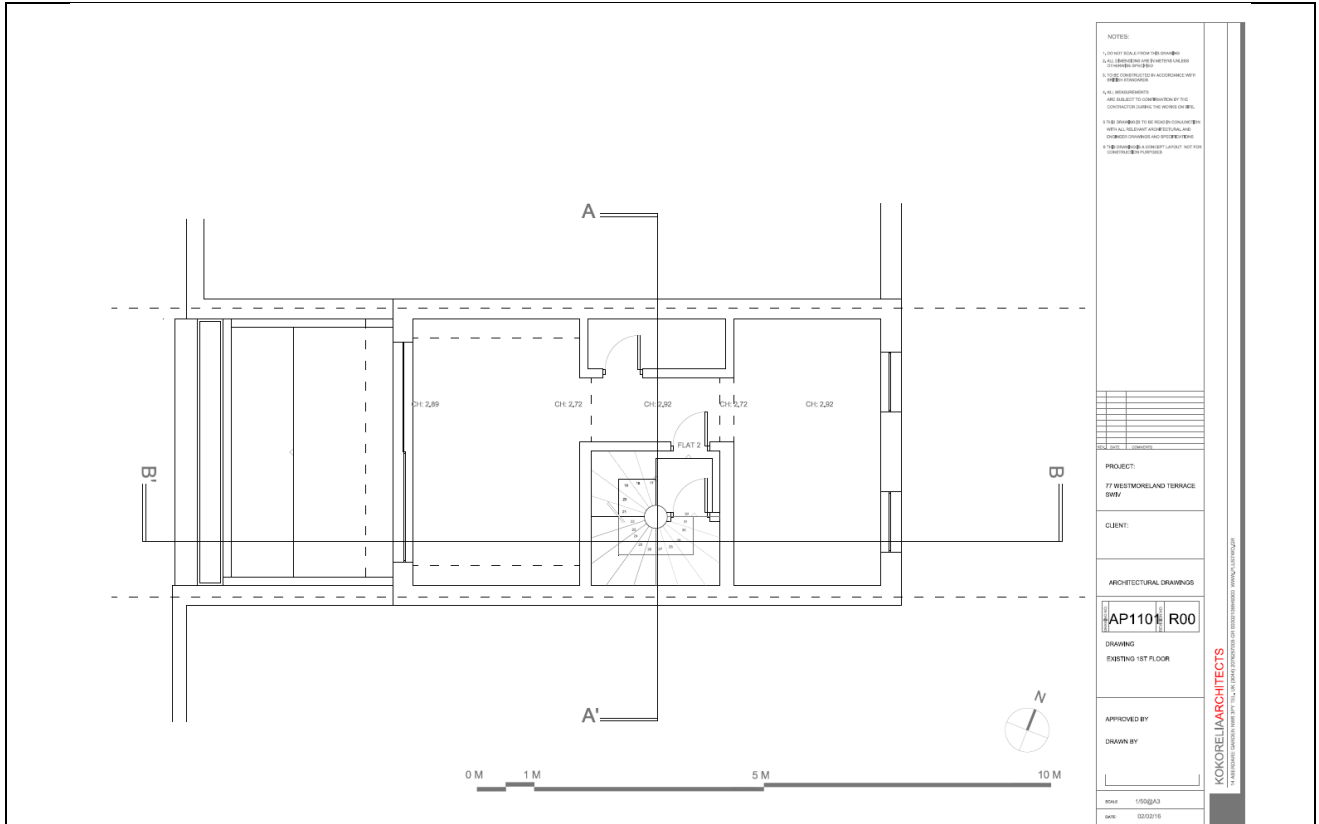
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT [ddoward@westminster.gov.uk](mailto:ddoward@westminster.gov.uk)

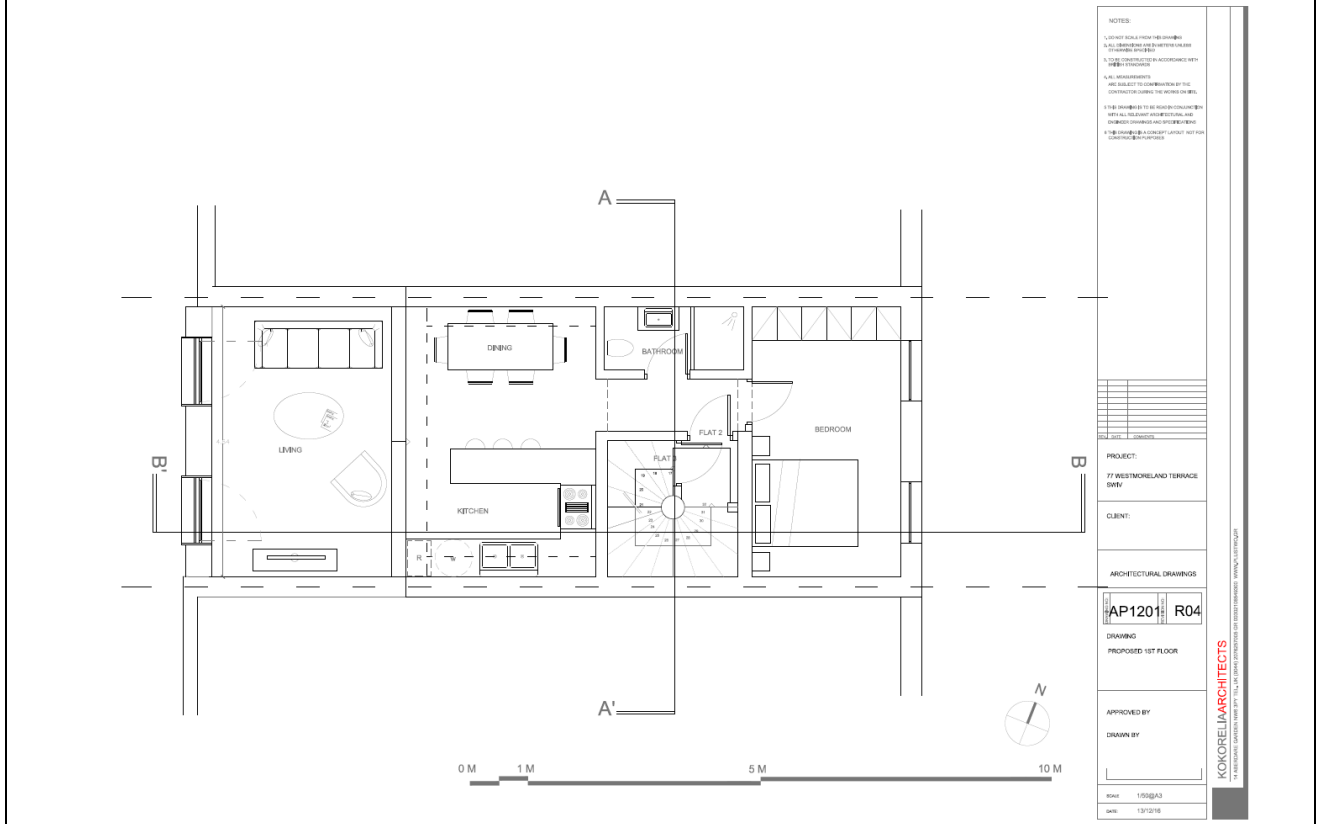
10. KEY DRAWINGS



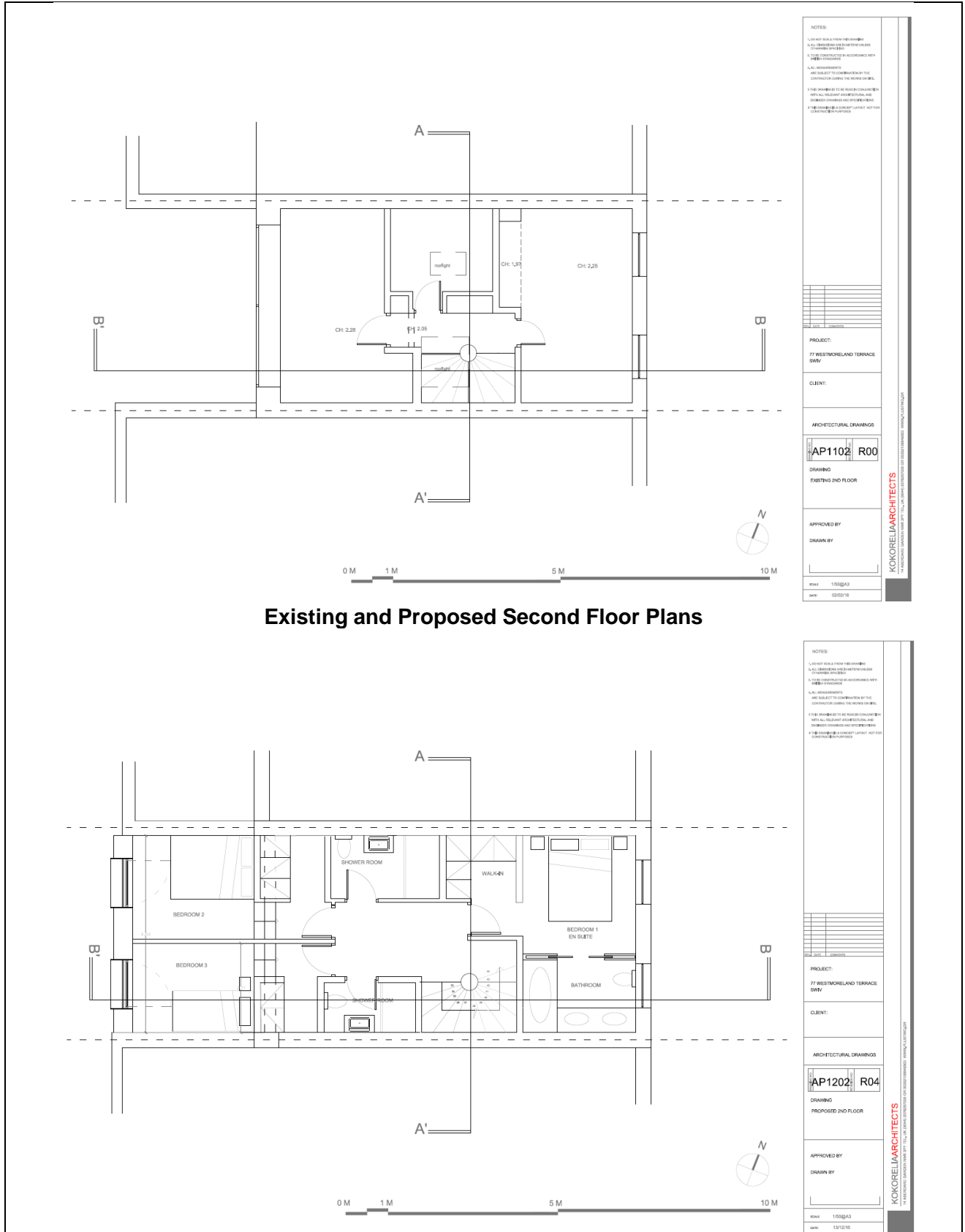
Existing and Proposed Ground Floor Plans

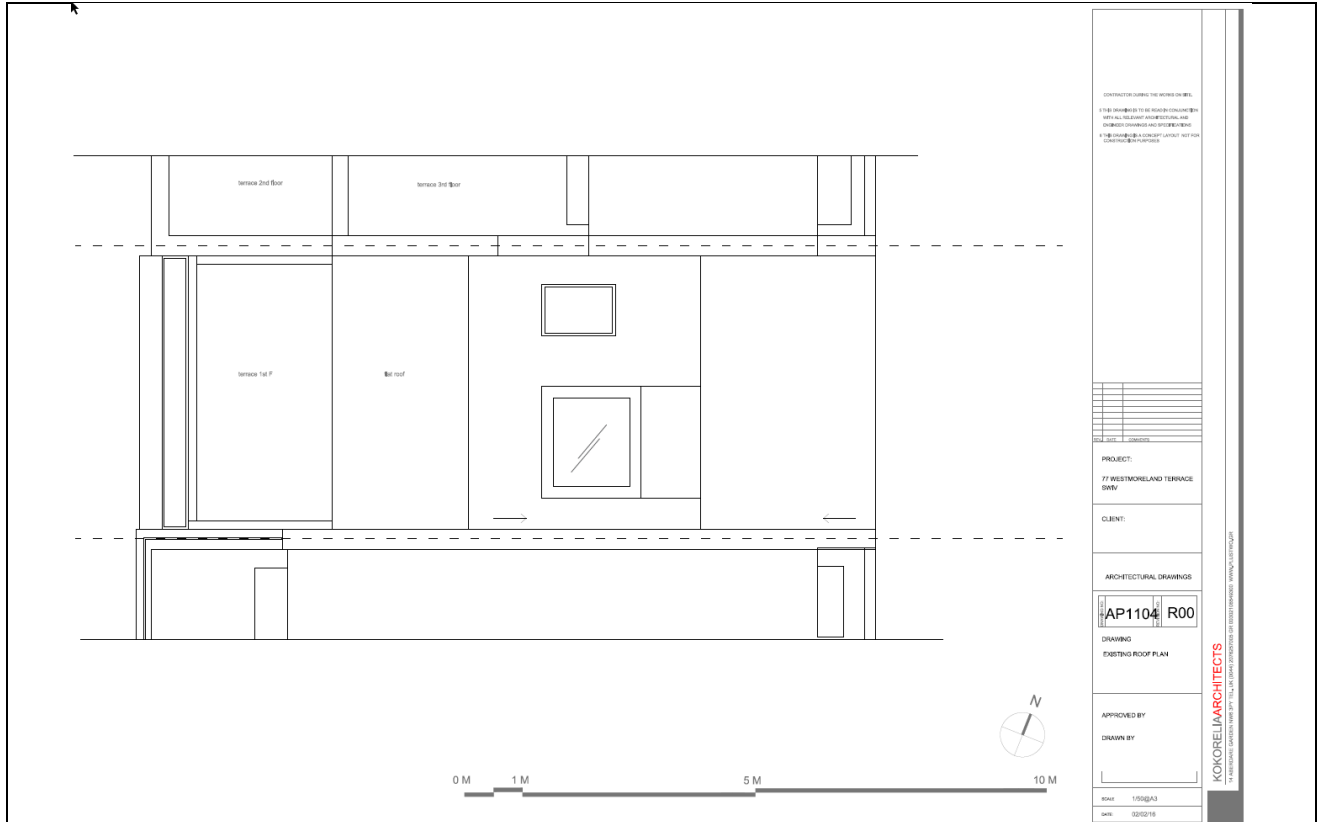


Existing and Proposed First Floor Plans

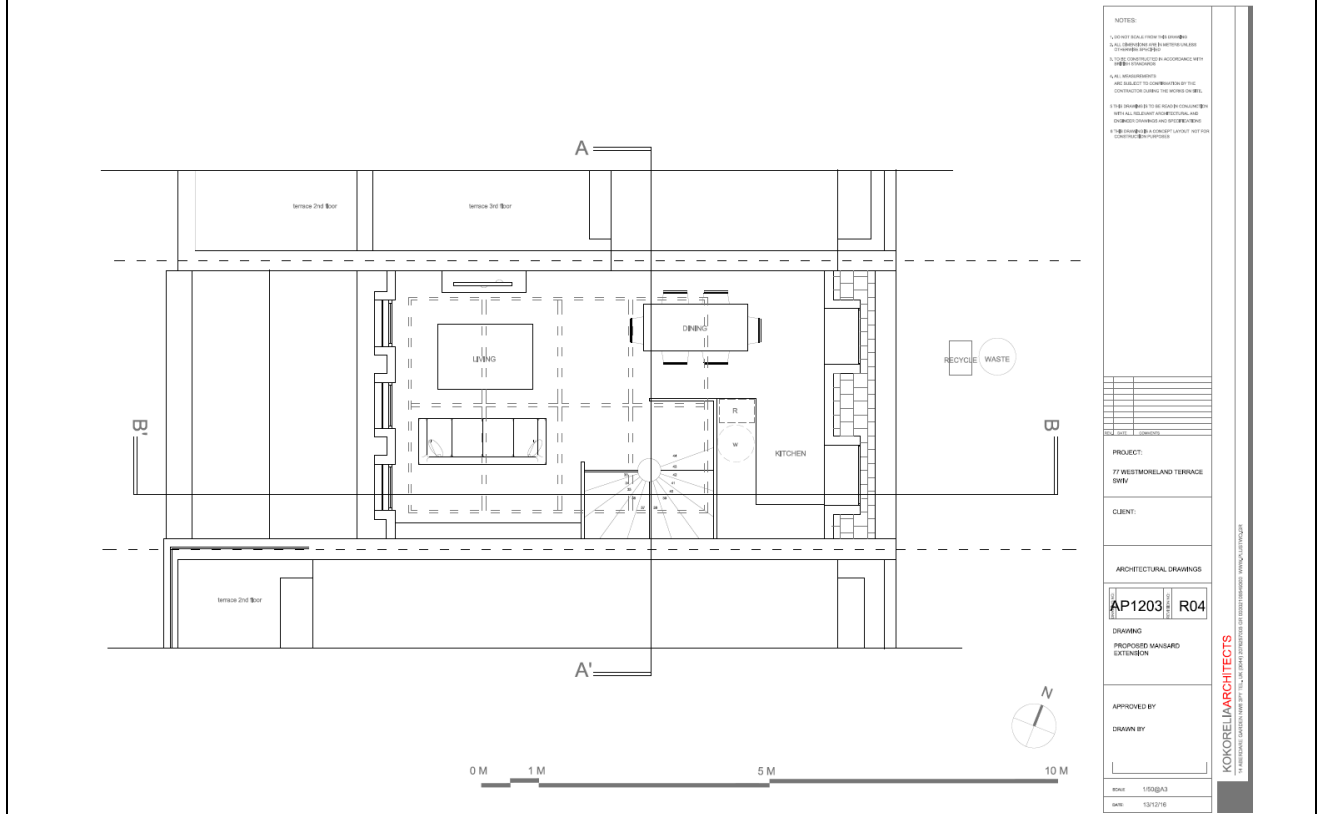


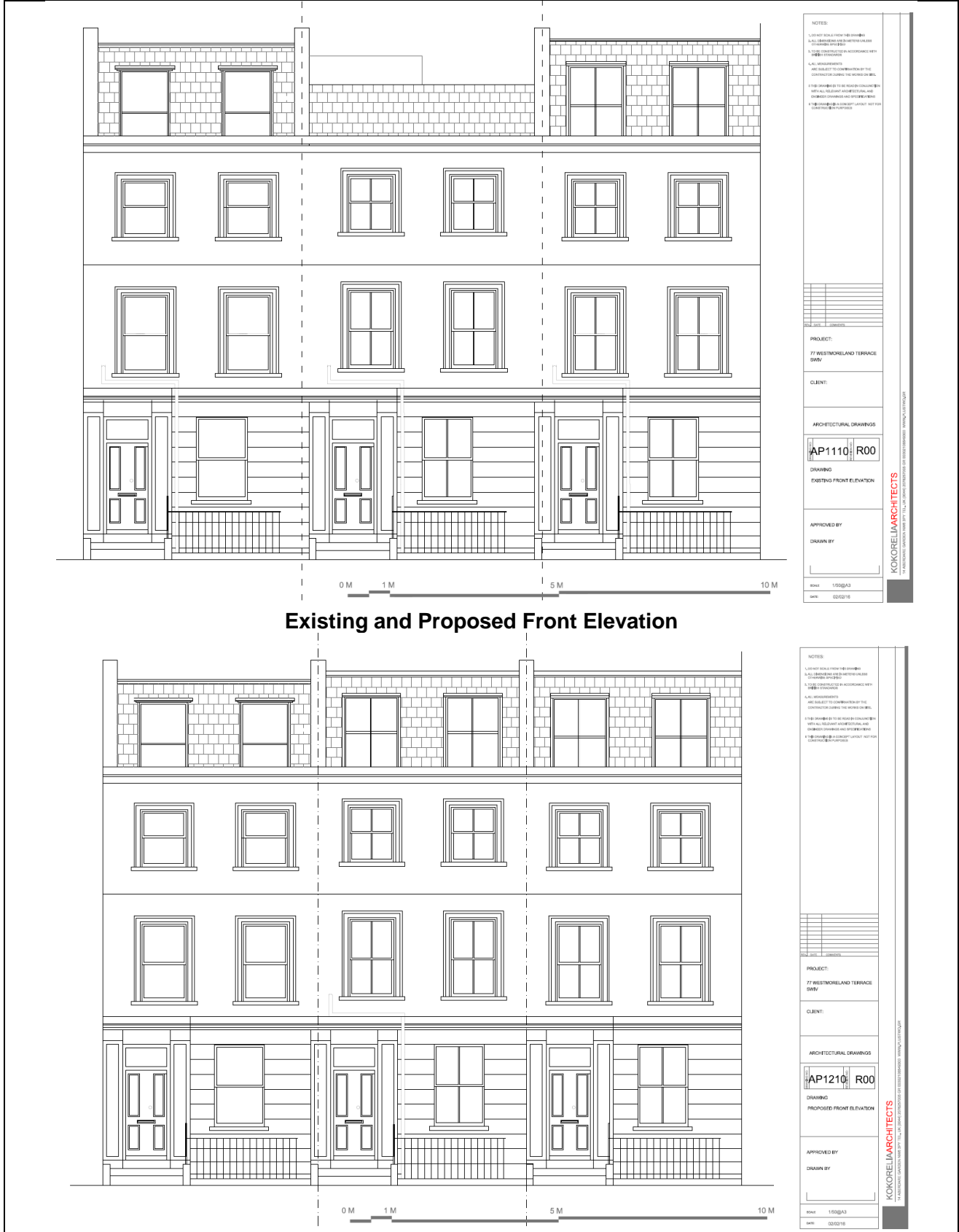




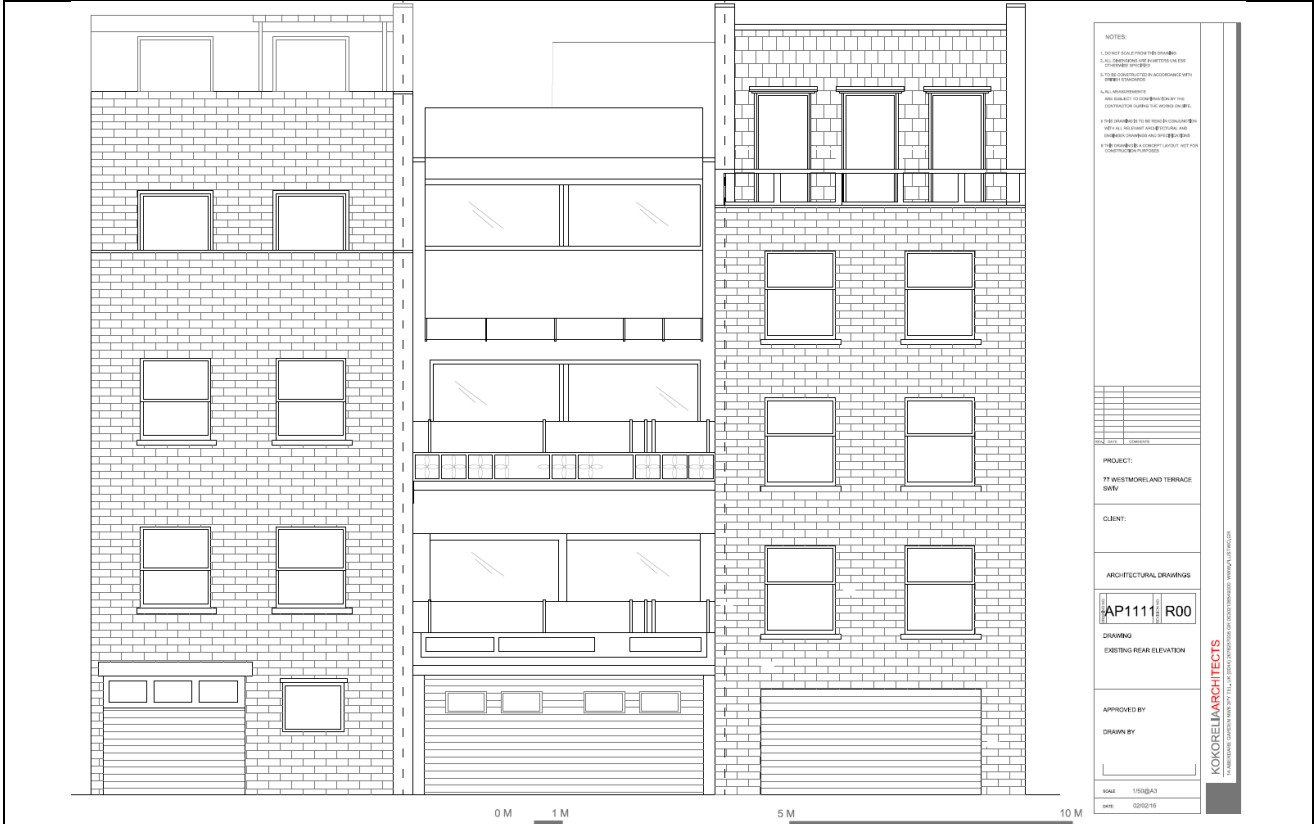


Existing and Proposed Roof Level

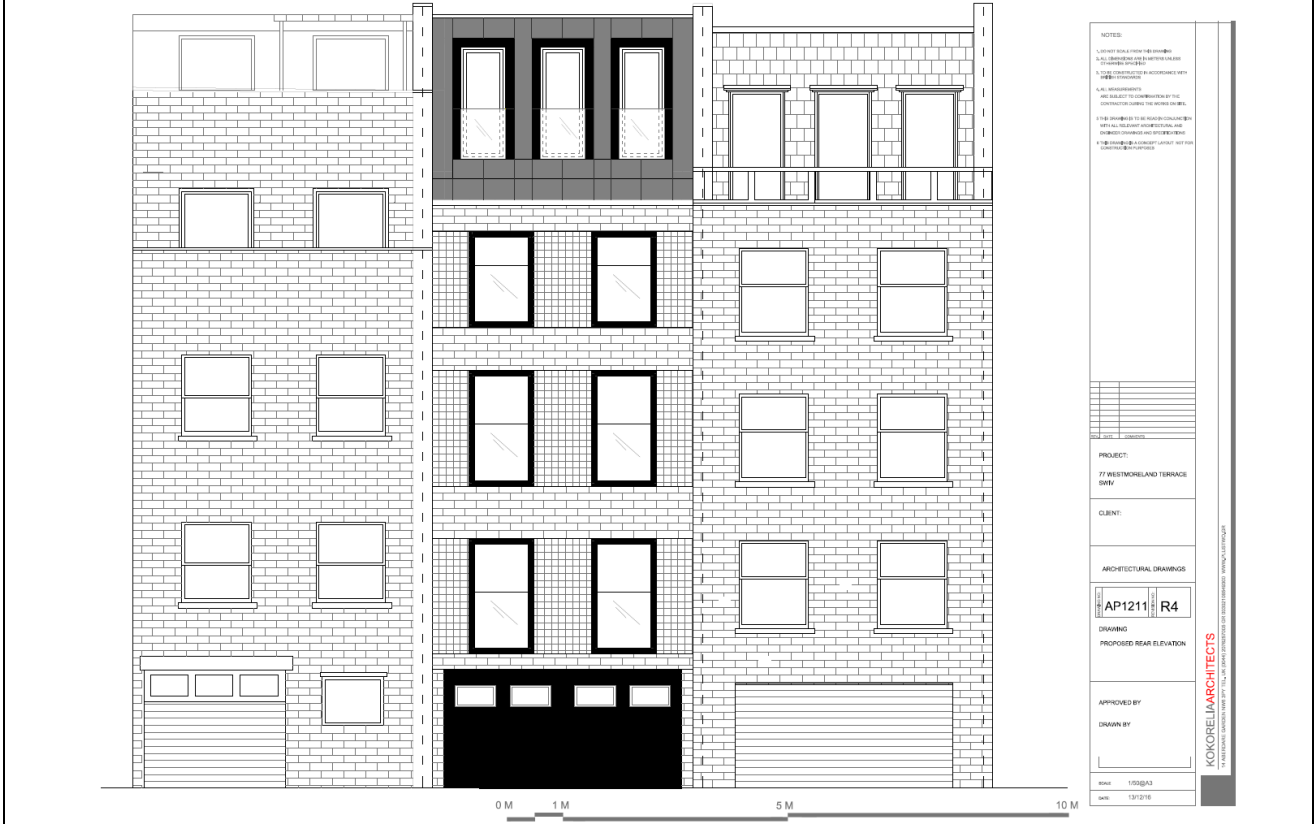


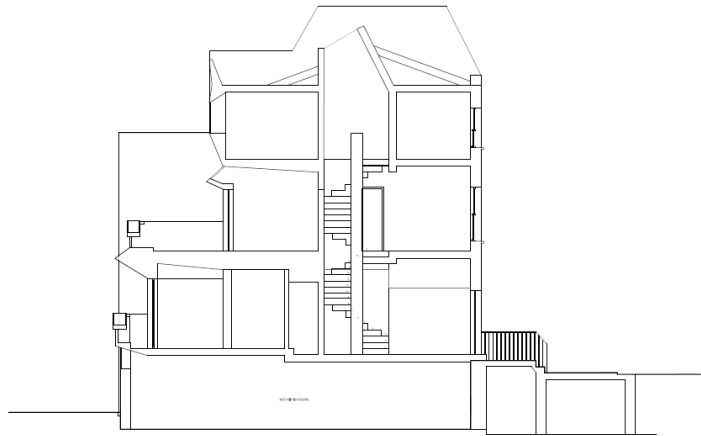


Existing and Proposed Front Elevation



**Existing and Proposed Rear Elevation**





**Existing and Proposed Long Section**

**NOTES:**

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE BRANCH REGULATIONS.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE BRANCH REGULATIONS.
3. ALL MEASUREMENTS ARE TO FACE UNLESS OTHERWISE SPECIFIED BY THE CONTRACTOR UNDER THE WORKS ORDER.
4. THE DRAWING IS TO BE USED FOR CONSTRUCTION PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
5. THE DRAWING IS TO BE USED FOR CONSTRUCTION PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.

NO.	REV.	DATE	DESCRIPTION

**PROJECT:**  
77 WESTMORELAND TERRACE  
SWBY

**CLIENT:**

**ARCHITECTURAL DRAWINGS**

**AP1120 R00**

**DRAWING**  
EXISTING LONG SECTION

**APPROVED BY:**

**DRAWN BY:**

NOVA 1/10/2023  
NOVA 02/02/18

**KOKORELIA ARCHITECTS**  
14 BEECHWOOD GARDENS, WEST PERTH, WEST AUSTRALIA 6150



**NOTES:**

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NO.	REV.	DATE	DESCRIPTION

**PROJECT:**  
77 WESTMORELAND TERRACE  
SWBY

**CLIENT:**

**ARCHITECTURAL DRAWINGS**

**AP1220 R4**

**DRAWING**  
PROPOSED LONG SECTION B

**APPROVED BY:**

**DRAWN BY:**

NOVA 1/10/2023  
NOVA 13/12/16

**KOKORELIA ARCHITECTS**  
14 BEECHWOOD GARDENS, WEST PERTH, WEST AUSTRALIA 6150

**DRAFT DECISION LETTER**

**Address:** 77 Westmoreland Terrace, London, SW1V 4AH

**Proposal:** Erection of a mansard roof extension and rear extensions at ground, first and second floor levels; to provide additional residential floorspace including an additional residential flat (Use Class C3).

**Reference:** 16/12041/FULL

**Plan Nos:** Location Plan; Existing Site Plan; Proposed Site Plan; AP1100 rev R00; AP1101 rev R00; AP1102 rev R00; AP1104 rev R00; AP1110 rev R00; AP1111 rev R00; AP1120 rev R00; AP1121 rev R00; AP1200 rev R06; AP1201 rev R04; AP1202 rev R04; AP1203 rev R04; AP1204 rev R04; AP1210 rev R00; AP1211 rev R4; AP1220 rev R4; AP1221 rev R04; Design and Access Statement; Cover Letter.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) 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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of details of the following parts of the development:

- i) Window details, including a material sample of the finish. Sections and elevations scaled 1:10;
- ii) Details of the garage doors including materials; and
- iii) You must submit to us a sample of zinc for approval.

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

Reason:

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

- 5 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. This must be provided on site for inspection. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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

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

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 You must not use any part of the development until we have approved appropriate arrangements to secure the following
- i) Lifetime Car Club Membership for the residential occupiers of the flat at second and mansard floor levels.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 8 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number AP1200 rev R06, AP1201 rev R04 and AP1203 rev R04. You must clearly mark them and make them available at all times to everyone using the flats. (C14FB)

Reason:

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

- 9 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 10 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise



and vibration from elsewhere in the development.

**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.
- 2 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
- 3 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 5 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

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<b>7</b>

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

# Agenda Item 8

Item No.
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<b>8</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Pitch 1710, Davies Street, London, W1C 2JR,</b>		
<b>Proposal</b>	Erection of replacement street trading kiosk at the junction of Oxford Street, South Molton Street and Davies Street.		
<b>Agent</b>	Mr Alberto Palmerio		
<b>On behalf of</b>	Mr Ceyhan Erdogan		
<b>Registered Number</b>	16/11212/FULL	<b>Date amended/ completed</b>	6 December 2016
<b>Date Application Received</b>	24 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		
<b>Current licensing position</b>	A licence was granted on 5 January 2011 which limits trading to between 10.30 and 21.00 daily		

## 1. RECOMMENDATION

Grant conditional permission for a temporary period of 1 year
---

## 2. SUMMARY

Permission is sought for a street trading kiosk at the junction of Davies Street and South Molton Street on the southern side of Oxford Street. Since 1998 various temporary permissions have been granted for Heritage style trading kiosks throughout the West End particularly on or near Oxford Street.

A number of temporary permissions have been granted for a heritage style kiosk in this location since 2003. Permission was refused for the retention of a kiosk in December 2012 for design reasons. South Molton Street had at that time been the subject of repaving and public realm improvements and it was considered that the kiosk would be harmful to the townscape. Permission was however granted on appeal in January 2014 for a temporary period of 1 year. Subsequently two further temporary permissions have been granted. The latest permission granted on 8 July 2016 allows the retention of a Heritage style kiosk until 31 July 2017.

This application is for a new kiosk, which differs in design terms to the kiosk previously permitted. The proposed new kiosk is larger than the existing kiosk and would occupy the whole of the pitch.

The key issues for consideration are :

- The impact on the townscape and
- The impact on pedestrian movements

The existing Heritage type kiosk appears acceptable when it is closed and not trading, but when it is open its appearance is very untidy, with various items of furniture located outside the kiosk. The proposed new kiosk is similar to others approved on Marylebone Lane and Vere Street and is larger with a glazed canopy. The provision of a larger kiosk is contentious, but it does have the benefit of tidying up the pitch. When the proposed kiosk is in operation there will be no scope to install equipment beyond it, without causing an obstruction to the highway and breaching the licence.

This is not a good location for a street trading pitch as the kiosk would block views from Oxford Street south along South Molton Street and Davies Street, however given that this was allowed on appeal in January 2014, it is not considered that permission should now be withheld for design reasons. The design initially included retractable awnings, however further to discussions with Officers' these are to be omitted. An amending condition is recommended.

The Highways Planning Manager raises no objection to the kiosk. However, as the site is close to the proposed New Bond Street Crossrail Station which is scheduled to be open in 2018, it may be that pedestrian flows in this area are significantly increased and the pitch and kiosk may have to be relocated. It is therefore recommended that permission is granted for a temporary one year period to allow the position to be monitored.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Views from South Molton Street



**5. CONSULTATIONS**

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S  
No response received

CROSSRAIL  
Do not wish to comment

ENVIRONMENTAL HEALTH:  
No objection

HIGHWAYS PLANNING MANAGER  
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS  
RECEIVED  
No. Consulted: 7; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

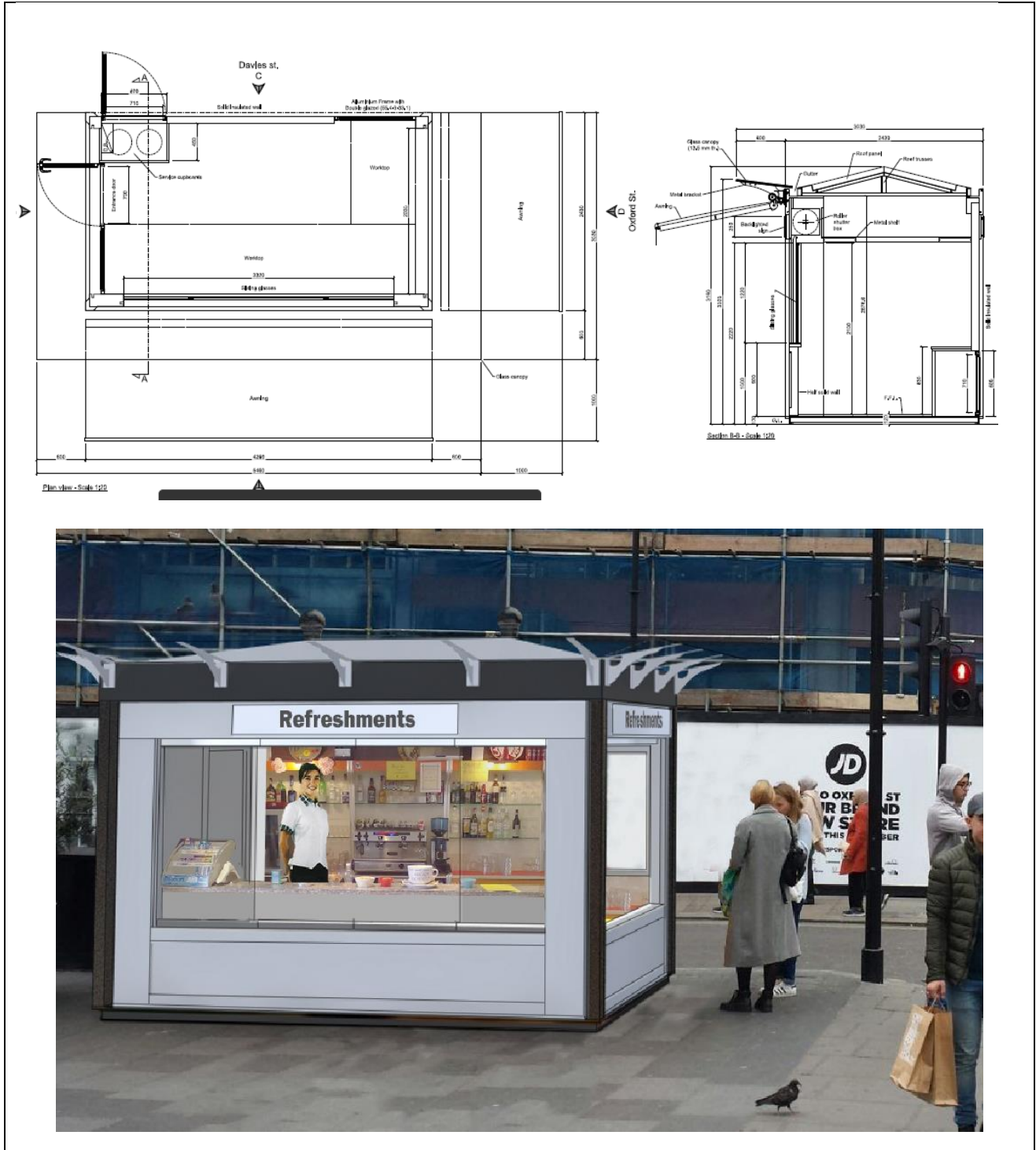
**6. BACKGROUND PAPERS**

1. Application form
2. Response from Crossrail dated 13 December 2016
3. Response from Highways Planning Manager dated 13 January 2017
4. Response from Environmental Health, dated 16 January 2017

(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](mailto:jpalme@westminster.gov.uk)

### 7. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** Pitch 1710, Davies Street, London, W1C 2JR,

**Proposal:** Erection of replacement street trading kiosk at the junction of Oxford Street , South Molton Street and Davies Street.

**Reference:** 16/11212/FULL

**Plan Nos:** Site plan received 7 December 2017, CKC-A1710, AIC 14/15

**Case Officer:** Mike Walton

**Direct Tel. No.** 020 7641 2521

**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 The kiosk can remain until 31 March 2018. After that you must remove it and return the land to its previous condition.

Reason:

So that we can assess the effect of the kiosk in light of experience and the prevailing circumstances and make sure it meets DES 7 and SS 16 of our Unitary Development Plan and CS24 and CS27 of our Core Strategy that we adopted in January 2011.

- 3 All trading activity and storage of refuse shall be within the licensed trading area.

Reason:

To prevent obstruction of the footway and make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 7 and SS 16 of our Unitary Development Plan that we adopted in January 2007 and S25 and S28 of our Strategic Policies that we adopted in January 2011.

- 4 No items of merchandise shall be displayed or installed on the outside of the kiosk. No items shall be hung from the projecting canopies.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic

Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 The windows shall remain clear of advertisements at all times. No advertisements shall be displayed on the outside or behind the windows of the kiosk, nor shall there be any advertisements on the roller shutter. Advertisements shall be displayed on the kiosk fascias only.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 No advertisements shall be displayed on the kiosk hereby approved other than those comprising the name of the trader of the kiosk and the nature of his or her business.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 The base of the kiosk shall not extend beyond the boundary of the existing pitch and shall not be formed of concrete.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Omission of retractable awnings

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB).

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 The kiosk shall be painted and maintained in a dark colour. You must apply to us for approval of the specification of that colour. 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 the specification we approve.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

**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.
- 2 You are reminded of the need to keep to the terms of the licence granted on 5 January 2011.

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# Agenda Item 9

Item No.
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9
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	London Palladium 7-8 Argyll Street London W1F 7TQ		
<b>Proposal</b>	Display of an LED advertising screen, restoration and redecoration of facades and installation of metal artwork screen, on Great Marlborough Street.		
<b>Agent</b>	Lee / Fitzgerald Architects		
<b>On behalf of</b>	Really Useful Theatres Group		
<b>Registered Number</b>	16/11351/LBC 16/11350/FULL 17/00925/ADV	<b>Date amended/ completed</b>	6 February 2017
<b>Date Application Received</b>	30 November 2016		
<b>Historic Building Grade</b>	Grade 2 Star		
<b>Conservation Area</b>	Regent Street		

## 1. RECOMMENDATION

Grant planning permission, listed building consent and advertisement consent.
---

## 2. SUMMARY

The Palladium is a Grade 2 Star listed building in the Regent Street Conservation Area. The main façade is on Argyll Street but there is also a frontage on Great Marlborough Street, which includes a service entrance and contains the stage door, fire escapes and loading/get in area. Traditional theatre adverts are displayed at ground floor level. The Great Marlborough Street buildings form part of the curtilage of the listed building. The building to the west is listed grade 2 and the Liberty building opposite, on the south side of the street, is listed grade 2 star. The Soho Conservation Area lies to the south and east.

The proposals involve the installation of a large LED screen for the display of adverts relating to the theatre. Around this is metal screen designed by the artist Lee Simmonds. The screen takes the form of metal panels with the faces of famous artists who have appeared at the Palladium. This screen incorporates a gate to the service area beyond. The art would extend in front of the central building in the form of decorative railings, replacing the existing traditional railings. The existing buildings would be renovated and painted dark grey. The large sign at ground floor level would be

removed.

The City Council has permitted LED screens on theatres, such as the Prince Edward in Old Compton Street, in accordance with policy DES 8, subject to conditions to ensure that this form of advertising is capable of being managed and controlled to ensure the preservation of amenity. The difference in this current case is that the screen is not on the main theatre building.

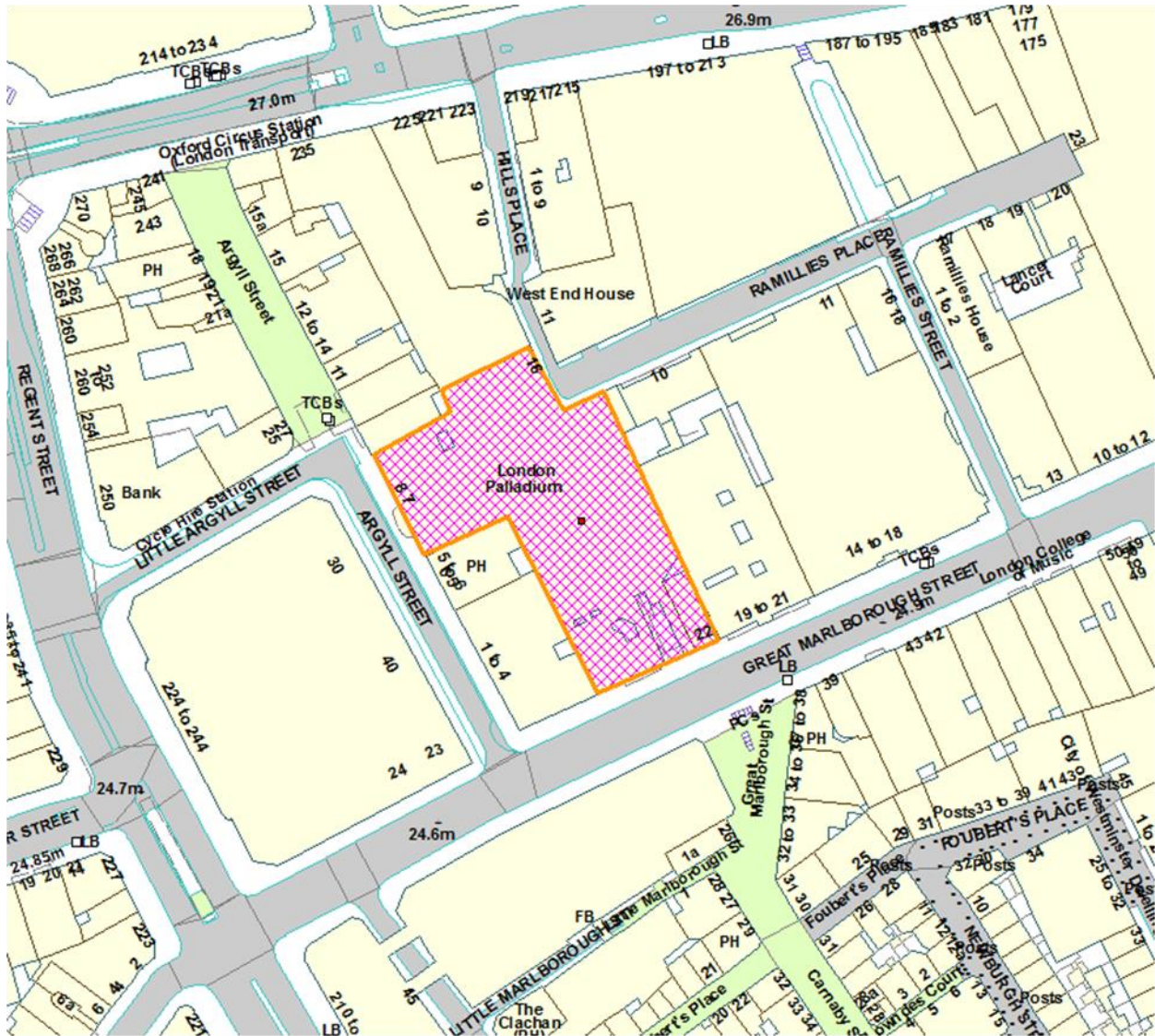
A number of objections have been received to the proposals from adjacent occupiers and from Historic England. The Soho Society does not object but has suggested revisions. The Theatres Trust supports the proposals. Other responses object to the visual impact of the screen, its impact on adjacent listed buildings, light pollution, potential crowding on the pavement resulting from activity around the stage door, and the impact on both the restaurant business and a side window of 22 Great Marlborough Street.

It is considered that the proposal does improve the appearance of this part of the theatre and the decorative metal panels are potentially attractive. If consent is to be granted, details would be required of the artwork. However, it is considered that the existing railings are attractive and should be retained.

The adjacent buildings are not in residential use and there is no impact on residential amenity. Any impact on adjacent restaurant business is not a material planning consideration. It is not considered that the alterations will affect highway safety. Painting the buildings dark grey is unusual, but given the large black building to the west, which is also listed, in this context black does not appear inappropriate or harmful.

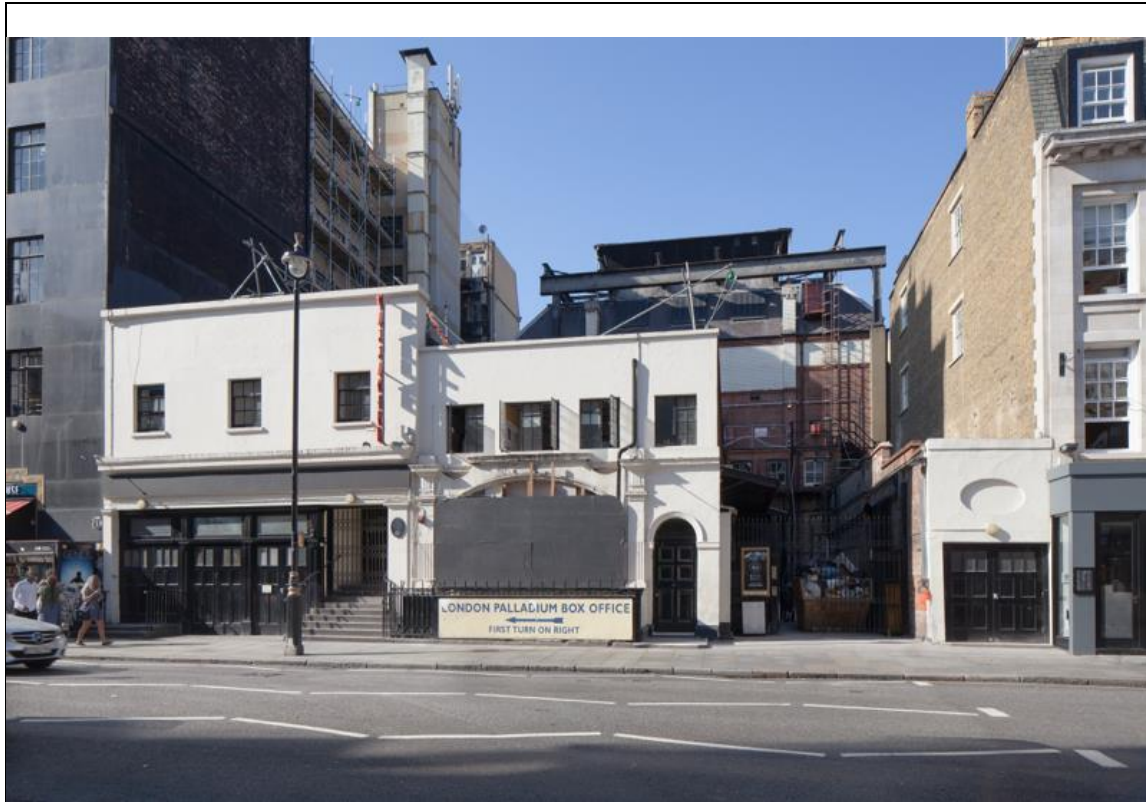
The LED screen has a significant impact on the street scene and the amenity of the area generally. If it were not on a theatre building and not advertising the theatre it would be contrary to the City Council's long standing policies on large scale advertising and would be wholly unacceptable. However, on balance, when taken as a whole, the scheme is considered acceptable and in line with the City Council's policies. If consent is to be granted then conditions should be imposed to make sure the images relate to the theatre only, and that they are static images. Moving images would be highly intrusive and damaging to amenity.

## 3. LOCATION PLAN

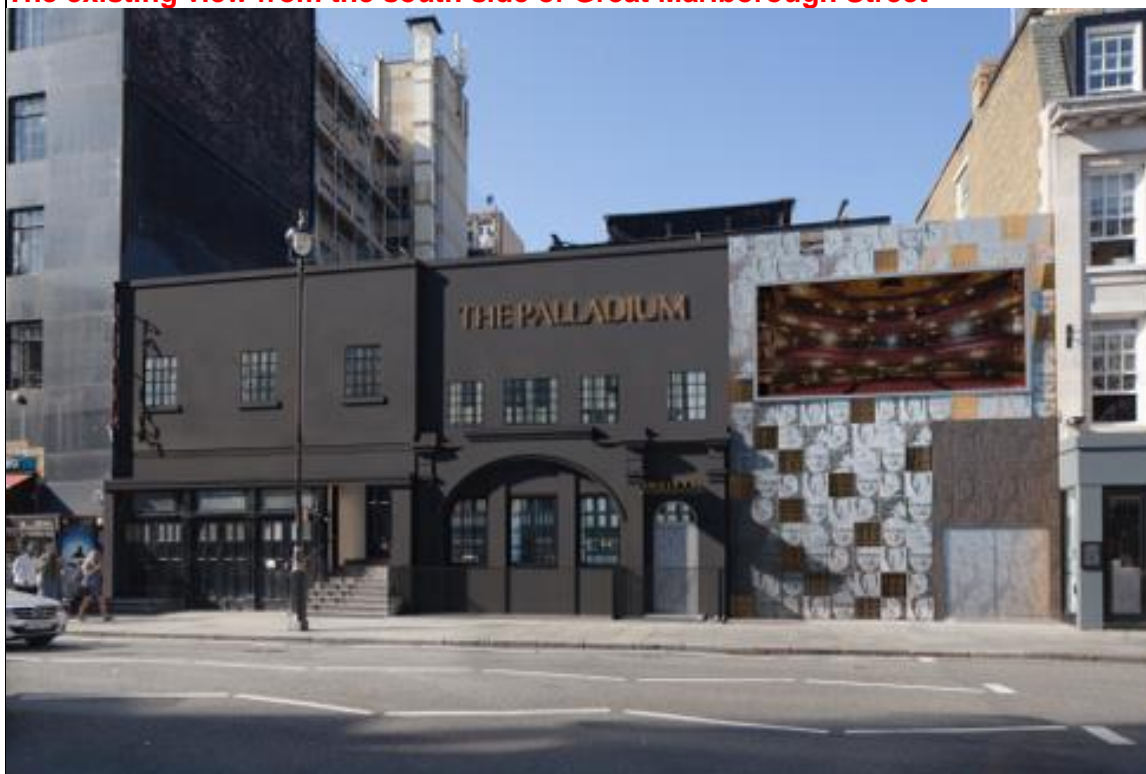


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4. PHOTOGRAPHS



The existing view from the south side of Great Marlborough Street



The proposed view from the south side of Great Marlborough Street



## 5. CONSULTATIONS

### SOHO SOCIETY

No objection in principle. Consider that the dark colour is inappropriate.

### HISTORIC ENGLAND

Request further information about the impact of the works on the listed building. Urge caution about the use of large LED screen. Size and position should be reconsidered.

### THEATRES TRUST

Support the proposals

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 64

Total No. of replies: 3

Objections on the grounds of visual impact of the LED screen, removal of recessed stage door and impact on pedestrian movement, impact on window in adjacent flank wall.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

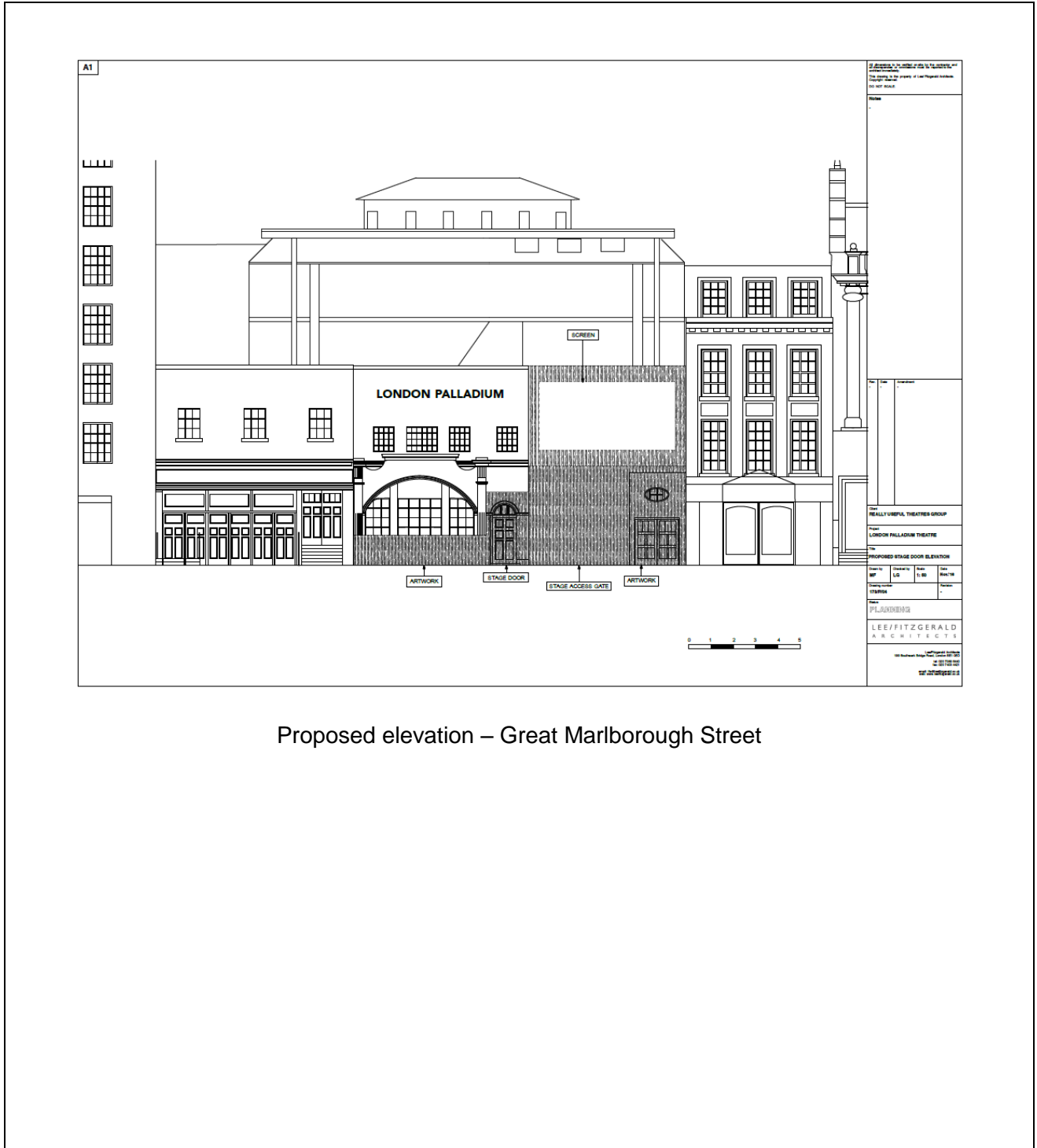
## 6. BACKGROUND PAPERS

1. Application form
2. Response from Historic England dated 2 February 2017
3. Response from Soho Society dated 8 February 2017
4. Response from Theatres Trust dated 9 February 2017
5. Response from Fergal Quinn dated 23 January 2017
6. Response from Fredo Semine dated 3 February 2017
7. Response from Thomas Beckenham dated 23 January 2017

(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](mailto:jpalme@westminster.gov.uk)

7. KEY DRAWINGS



Proposed elevation – Great Marlborough Street

**Planning permission****DRAFT DECISION LETTER**

**Address:** London Palladium, 7-8 Argyll Street, London, W1F 7TQ,

**Proposal:** Alterations to Great Marlborough Street buildings including restoration and redecoration of facades and installation of metal artwork screen. (In association with the display of an LED advertising screen).

**Reference:** 16/11350/FULL

**Plan Nos:** 173/P/04; Design and Access Statement

**Case Officer:** Robert Ayton

**Direct Tel. No.** 020 7641 2978

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of detailed drawings and samples of the following parts of the development - Public art metal screen. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings and samples. (C26DB)

Reason:

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

Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 Despite the detail shown on the drawings hereby approved, the existing railings shall be retained (and not replaced with artwork).

**Reason:**

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

**Informatives**

- 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.

**Listed building consent****DRAFT DECISION LETTER**

**Address:** London Palladium, 7-8 Argyll Street, London, W1F 7TQ,

**Proposal:** Alterations to Great Marlborough Street buildings including restoration and redecoration of facades and installation of metal artwork screen. Display of large LED screen at high level.

**Reference:** 16/11351/LBC

**Plan Nos:** 173/P/04; Design and Access Statement

**Case Officer:** Robert Ayton

**Direct Tel. No.** 020 7641 2978

**Recommended Condition(s) and Reason(s)**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.  
  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)  
  
Reason:  
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 You must apply to us for approval of detailed drawings and samples of the following parts of the development - Public art metal screen. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings and samples. (C26DB)  
  
Reason:  
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 4 Despite the detail shown on the drawings hereby approved, the existing railings shall be retained (and not replaced with artwork).

**Reason:**

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

- 5 The screen must only be used for the display of sequential static advertisements directly related to productions showing in the Theatre. The displays must not contain any motion video imagery and any message must remain static for the period of display. The duration of display of each static image must be no less than 30 seconds.

**Reason:**

In the interests of public safety and visual amenity as set out in S25, S28 and S41 of Westminster's City Plan: Strategic Policies that we adopted in January 2011 and DES 1, DES 8, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must apply to us for approval of a management plan for the operation and maintenance of the screen, this must include details of how the brightness and colour intensity of the display can be adjusted to prevent harm to the amenity of the occupiers of neighbouring buildings and to prevent colour being reflected on the facades of nearby buildings. You must not operate the display until we have approved the management plan and then operate and maintain it according to the management plan.

**Reason:**

In the interests of public safety and visual amenity as set out in S25, S28 and S41 of Westminster's City Plan: Strategic Policies that we adopted in January 2011 and DES 1, DES 8, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.,

**Informatives**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

**Advertisement Consent  
DRAFT DECISION LETTER**

**Address:** London Palladium , 7-8 Argyll Street, London, W1F 7TF

**Proposal:** Display of LED advertising screen at high level, measuring 2.8m X 6m, on Great Marlborough Street

**Reference:** 17/00925/ADV

**Plan Nos:** 173/P/04; Design and Access Statement

**Case Officer:** Robert Ayton

**Direct Tel. No.** 020 7641 2978

**Recommended Condition(s) and Reason(s)**

- 1 The screen must only be used for the display of sequential static advertisements directly related to productions showing in the Theatre. The displays must not contain any motion video imagery and any message must remain static for the period of display. The duration of display of each static image must be no less than 30 seconds.,

**Reason:**

In the interests of public safety and visual amenity as set out in S25, S28 and S41 of Westminster's City Plan: Strategic Policies that we adopted in January 2011 and DES 1, DES 8, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 2 You must apply to us for approval of a management plan for the operation and maintenance of the screen, this must include details of how the brightness and colour intensity of the display can be adjusted to prevent harm to the amenity of the occupiers of neighbouring buildings and to prevent colour being reflected on the facades of nearby buildings. You must not operate the display until we have approved the management plan and then operate and maintain it according to the management plan.

**Reason:**

In the interests of public safety and visual amenity as set out in S25, S28 and S41 of Westminster's City Plan: Strategic Policies that we adopted in January 2011 and DES 1, DES 8, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.,

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Item No.
<b>10</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Basement And Ground Floor, 60 Berwick Street, London, W1F 8SU,</b>		
<b>Proposal</b>	Installation of openable bi-folding windows in the shopfront (site includes 61 Berwick Street).		
<b>Agent</b>	Rolfe Judd Planning Ltd		
<b>On behalf of</b>	Salt Yard Group Ltd		
<b>Registered Number</b>	16/09630/FULL	<b>Date amended/ completed</b>	7 October 2016
<b>Date Application Received</b>	7 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

**1. RECOMMENDATION**

Refuse permission – amenity grounds

**2. SUMMARY**

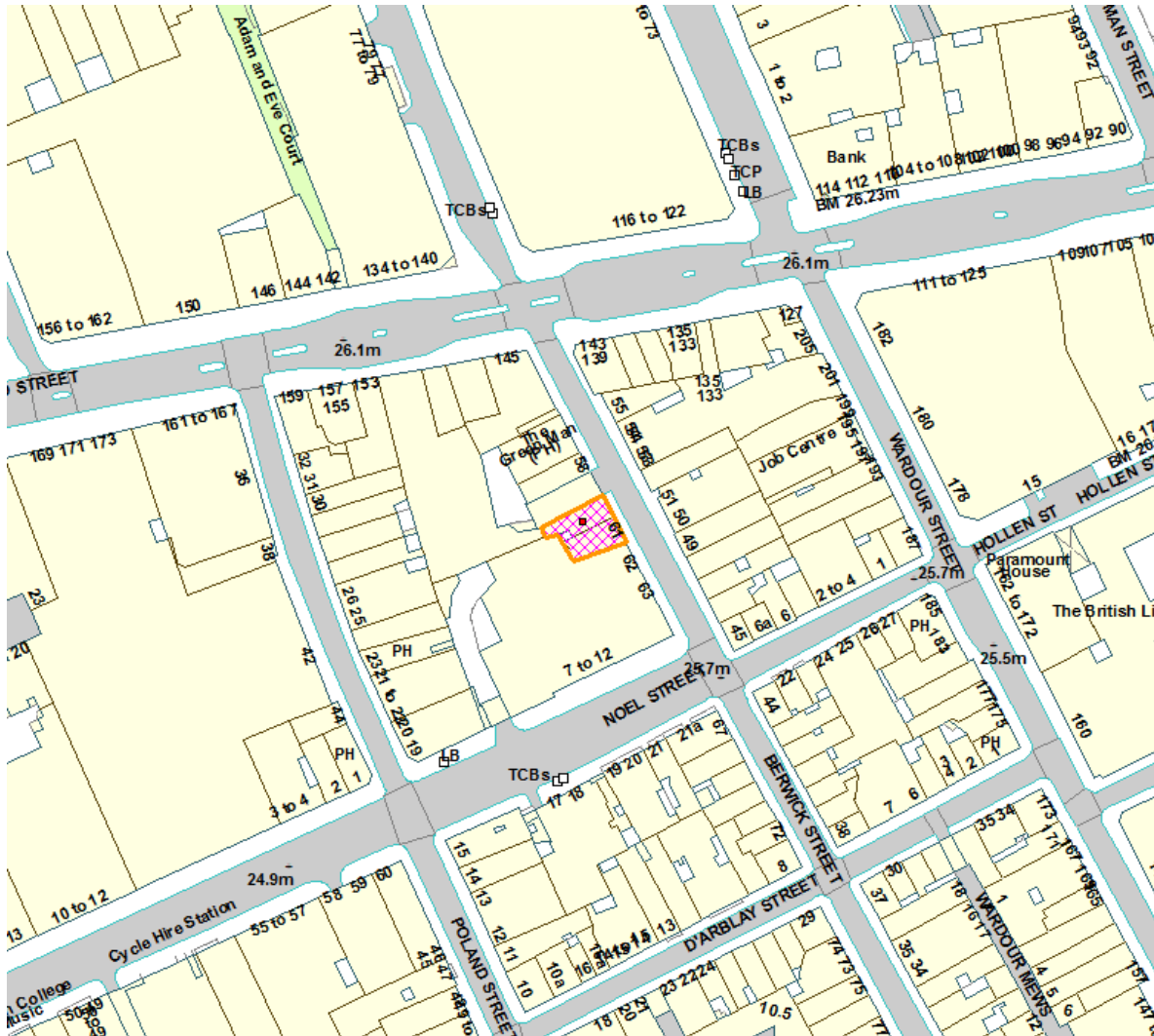
The application relates to a ground floor and basement floor restaurant at 60-61 Berwick Street. Planning permission is sought for the installation of openable bi-folding windows to the shopfront.

The key issues for consideration are:

- The impact of the proposed openable windows upon the amenities of neighbouring residential properties.
- The impact of the proposal upon the appearance of the existing building and on the character and appearance of this part of the conservation area.

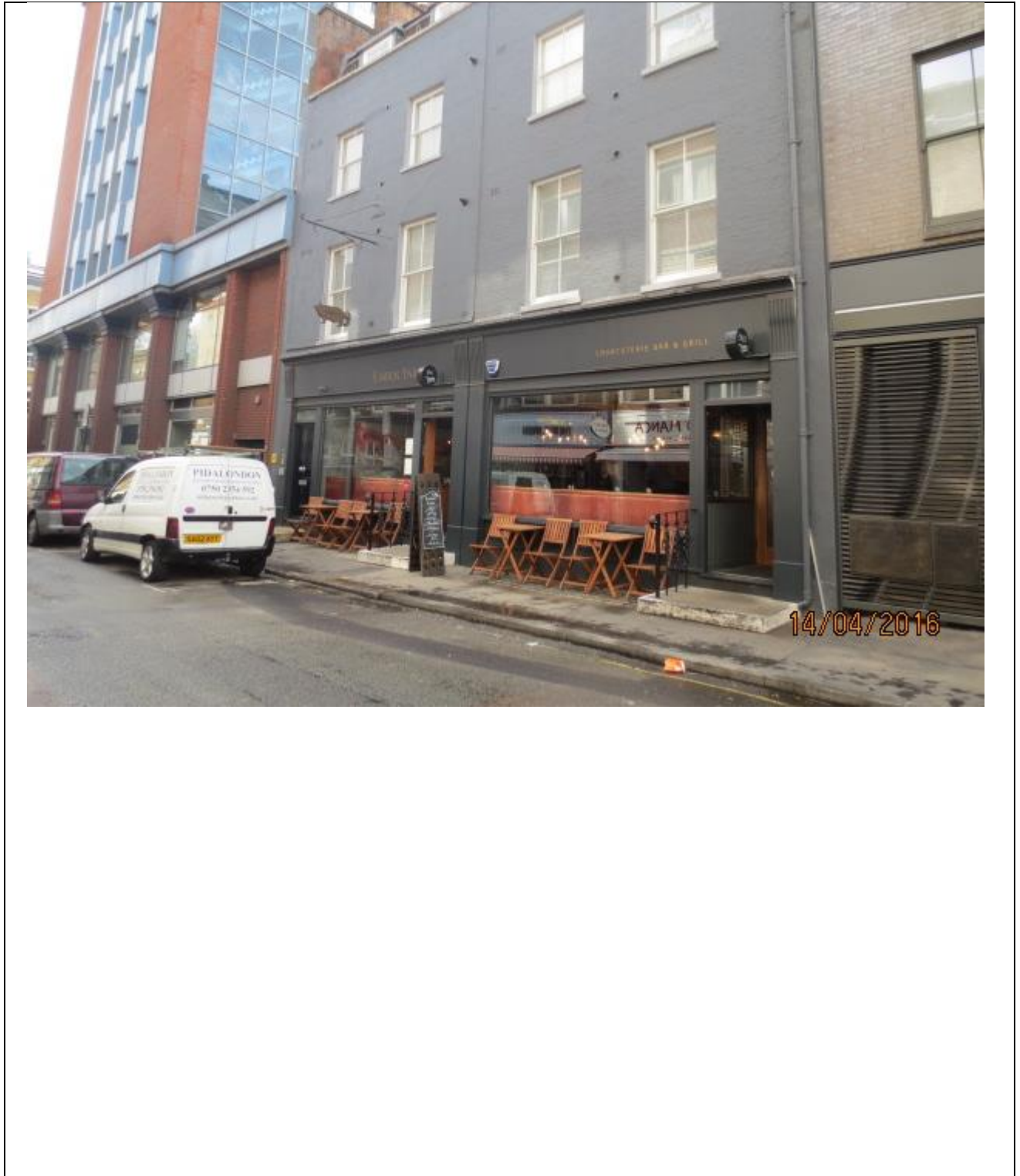
For the reasons set out in the main body of the report, and subject to appropriate conditions, the proposals are considered to comply with relevant UDP and City Plan policies and the application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### SOHO SOCIETY:

Objection on the grounds of noise nuisance from openable windows.

### ENVIRONMENTAL HEALTH:

No objection.

### HIGHWAYS PLANNING MANAGER:

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 40

Total No. of replies: 0

No. of objections: 0

No. in support: 1

Letter of support from the landlord of the property on the following grounds:

- they proactively manage disputes between commercial and residential tenants
- the operator of the restaurant has worked with the landlord for 10 years and has not caused problems
- there are existing mitigation measures in the form of secondary glazing on upper floors and enhancements to flooring
- there have been no complaints from residents to the restaurant use

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is 60-61 Berwick Street which is an unlisted building located in the Soho Conservation Area. The site is designated within the Core Central Activities Zone and the West End Stress Area. The application site relates to the ground floor and basement of the building which is lawfully in use as a restaurant (Class A3). The upper floors of the building have lawful use as residential (Class C3) or office (Class B1) accommodation. Council tax records show the upper floors are in use as residential flats (Class C3).

This area of Berwick Street is characterised by a mix of retail and restaurant uses at ground floor with residential and office accommodation on the upper floors.

### 6.2 Recent Relevant History

In 2013 planning permission was granted (RN: 12/06986/FULL) for the use of the ground floor and basement of 60-61 Berwick Street for either restaurant (Class A3) and/or retail (Class A1) purposes, and for the use of the upper floors as offices (Class B1).

In 2013, planning permission was also granted for the dual/alternative use of the first to second floors as either five residential flats (Class C3) or offices (Class B1).

## **7. THE PROPOSAL**

The application is for the installation of openable bi-folding windows to the shopfront above a fixed stallriser. The application originally proposed that the windows would be open between the hours of 08:00 to 23:00. The applicant has revised the proposed terminal hour to 19:00.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Townscape and Design**

The design implications of this scheme centre around the impact of the bi-folding doors inserted into the existing shopfront. The existing shopfront is timber and of a traditional appearance with no subdivision to the main glass window. Fully openable shopfronts can be problematic in design terms giving the appearance of a void in the street scene but this scheme retains the large timber stallriser and framing to the window. When the doors are pulled back across they will introduce more subdivision to the shopfront which is generally preferred.

The application is in accordance with DES 1; DES 5; DES 9; S 25; S 28 and the NPPF.

### **8.2 Residential Amenity**

Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development. Similarly, Policies ENV 6 and ENV 7 of the UDP seek to control noise disturbance from development. Of particular relevance, paragraph 9.108 of Policy ENV 7 relates specifically to openable shopfronts and states that: 'The City Council will discourage provision of openable shop fronts that would enable noise from inside the premises to be heard outside.'

The nearest residential properties are located on the upper floors of the application site. Records also indicate the presence of further residential properties on the upper floors of the buildings on the opposite side of Berwick Street, Nos. 52 and 50-51.

Openable shopfronts will generally be resisted where internal noise can escape and cause nuisance for nearby residents. Of particular concern in this instance is the proximity of residential properties located on the upper floors of the building. The application originally proposed that the openable windows would be open between 08:00 to 23:00. This was considered unacceptable in amenity terms due to the potential for noise and disruption to nearby residential occupiers during quieter, sensitive times of the day.

In support of their application the applicant argues that Berwick Street is a busy mixed use, commercial area with a public house nearby, in close proximity to Oxford Street and cites examples in Westminster where openable shopfronts have been approved with conditions restricting opening hours of the windows and the playing of live or recorded music when windows are open. The applicant also advises that the residential units on the upper floors

are fitted with high specification glazing and to date there have been no complaints received in relation to the restaurant use.

In addition, the applicant has revised the proposal so that the openable windows would only be open until 19:00. No objections have been received to the proposal and one letter of support has been received from the landlord of the property. The applicant has submitted an acoustic report in support of the application. Noise levels within the restaurant were measured and at street level outside the restaurant. The report predicts that the noise levels are likely to marginally elevate the existing ambient noise levels at the adjacent residential properties. The City Council's Environmental Health Officer has raised no objection to this acoustic report.

The Soho Society has objected to the proposal on the grounds of noise nuisance to residential amenity. However, the Soho Society also states that if permission were granted, conditions should be imposed to ensure the openable windows are closed at 9pm and there should be no playing of amplified music when the windows are open. The revised terminal hour of 19:00 would ensure that nearby residential amenity is protected during the most sensitive hours of day when residents expect peace and quiet. In addition, it is considered appropriate to restrict the playing of live or recorded music when the windows are open in order to ensure the proposal does not result in noise nuisance when the windows are open. Subject to these conditions, it is considered that the installation of partially openable shopfronts as proposed would be unlikely to result in noise nuisance to neighbouring residents.

### **8.3 Transportation/Parking**

The proposed works are clear of the public highway. The doors open outwards but are in the shadow of existing steps and do not extend beyond the associated railings.

### **8.4 Economic Considerations**

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

### **8.5 Other UDP/Westminster Policy Considerations**

None.

### **8.6 London Plan**

This application raises no strategic issues.

### **8.7 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.

### **8.8 Planning Obligations**

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

**9. BACKGROUND PAPERS**

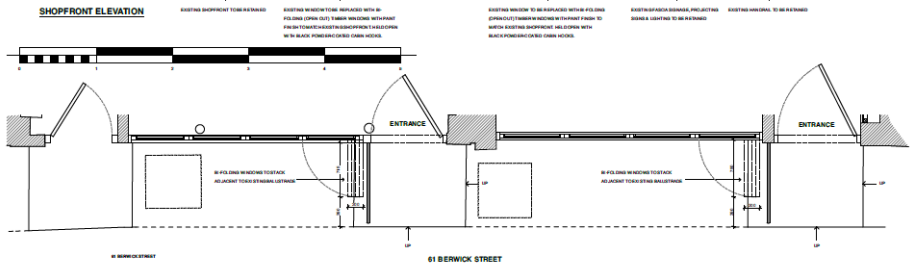
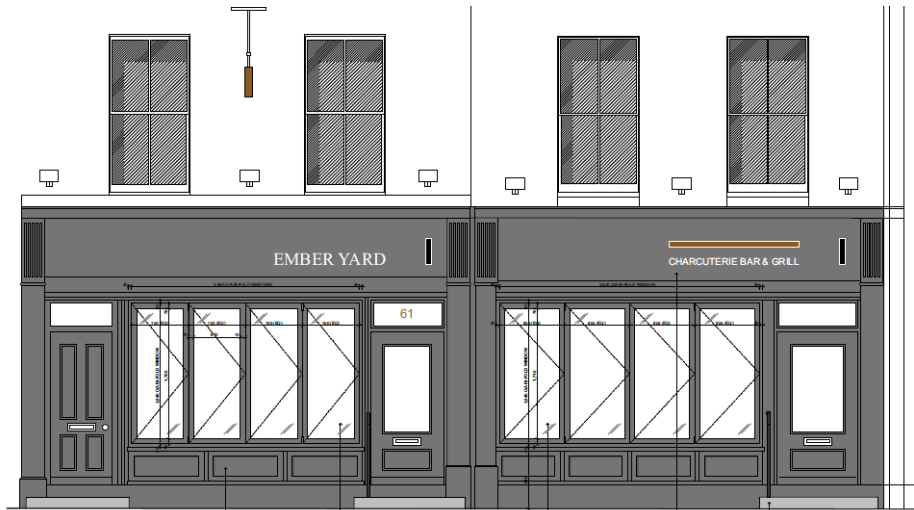
1. Application form
2. Response from Soho Society, dated 11 November 2016
3. Response from Environmental Health, dated 26 October 2016
4. Letter of from occupier of Portfolio Executive, Shaftsbury, dated 2 December 2016.

(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: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

10. KEY DRAWINGS

Proposed Elevation



SHOPFRONT PART PLAN

<table border="1"> <tr><th>REV</th><th>DATE</th><th>REVISION</th></tr> <tr><td> </td><td> </td><td> </td></tr> </table>		REV	DATE	REVISION				<table border="1"> <tr><th>REV</th><th>DATE</th><th>REVISION</th></tr> <tr><td>A</td><td> </td><td>Issue for approval</td></tr> <tr><td>B</td><td> </td><td>Change to window and door details</td></tr> <tr><td>C</td><td> </td><td>Window and door details</td></tr> <tr><td>D</td><td> </td><td>Window and door details</td></tr> <tr><td>E</td><td> </td><td>Window and door details</td></tr> <tr><td>F</td><td> </td><td>Window and door details</td></tr> </table>		REV	DATE	REVISION	A		Issue for approval	B		Change to window and door details	C		Window and door details	D		Window and door details	E		Window and door details	F		Window and door details	<table border="1"> <tr><th>PROJECT</th><th>NO. 10000000000000000000</th><th>PROJECT NO.</th><th>3301</th></tr> <tr><th>TITLE</th><td> </td><th>DATE</th><td> </td></tr> <tr><th>SCALE</th><td> </td><th>PROJECT NO.</th><td> </td></tr> <tr><th>DATE</th><td> </td><th>PROJECT NO.</th><td> </td></tr> </table>		PROJECT	NO. 10000000000000000000	PROJECT NO.	3301	TITLE		DATE		SCALE		PROJECT NO.		DATE		PROJECT NO.	
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**Macaulay**  
**Stclair**

PLANNING  
3301  
05102F



**DRAFT DECISION LETTER**

**Address:** Basement And Ground Floor, 60 Berwick Street, London, W1F 8SU,  
**Proposal:** Installation of openable bi-folding windows in the shopfront.  
**Reference:** 16/09630/FULL  
**Plan Nos:** 03(02)F; Environmental Noise Survey and Noise Impact Assessment Report 23418/ENS1, dated 1 September 2016.

**Case Officer:** Alice Dunn

**Direct Tel. No.** 020 7641 7957

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must close the shopfront windows hereby approved between 19:00 each day and 08.00 the following morning.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of

Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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

Reason:

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

- 5 You must not play live or recorded music on your property (including amplified and non-amplified music) that is audible in the nearest property, when the shopfront is open.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

#### **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.

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

Item No.
<b>11</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>34 Bark Place, London, W2 4AT</b>		
<b>Proposal</b>	Excavation of basement; erection of rear infill extension at ground floor level with rear garden trellis; alterations to windows, doors and garden stairs; installation of roof light; and associated works.		
<b>Agent</b>	Mr Oliver Bray		
<b>On behalf of</b>	Ms Victoria Davison		
<b>Registered Number</b>	16/09096/FULL	<b>Date amended/ completed</b>	28 November 2016
<b>Date Application Received</b>	21 September 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

This application relates to a single family dwelling terraced property located within the Bayswater Conservation Area. Permission is sought for the excavation of a single storey basement beneath the existing dwellinghouse, and part of the front and rear gardens and part, and erection of a side infill extension, providing additional living space in connection with the existing dwelling. Objections have been received from adjoining occupiers with respect to compliance with the Councils adopted basement policy and other related matters.

The key considerations relate to;

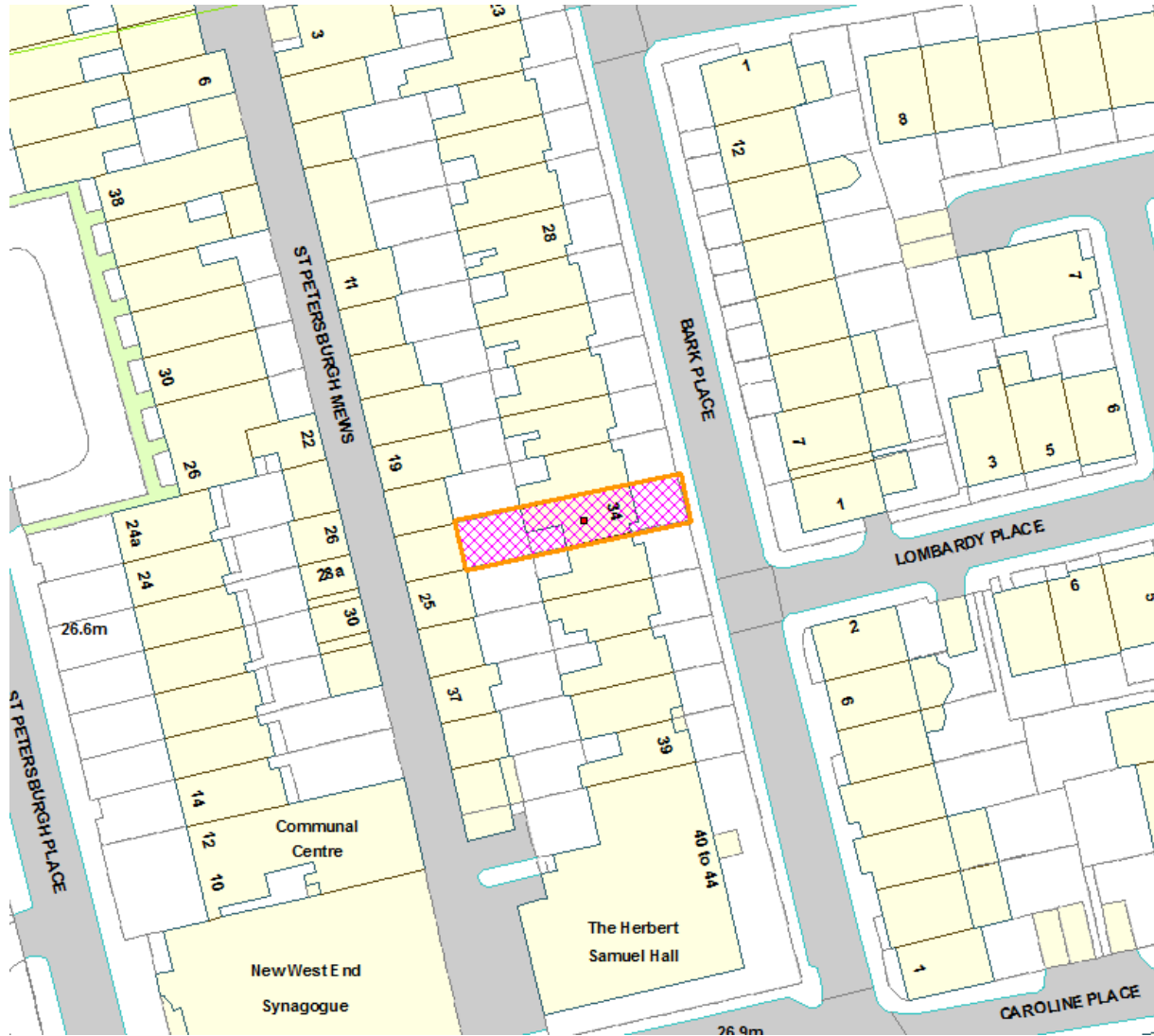
- \* Impact of the development on the amenity of adjacent occupiers.
- \* Impact of the development on the character and appearance of the Bayswater Conservation Area.

Following advice from Officers, a set of revised drawings were submitted to the Council with a further round of consultation undertaken. The revisions consist of;

- Reduction to basement floor area beneath rear garden.
- Removal of large basement light well, external basement steps and front walk on grill.
- Incorporation of soft landscaping to garden perimeter.
- Alterations to steps and landing leading into garden with incorporation of raised planters on boundary with No. 35 Bark Place.

Many of the previous objectors reiterated their concerns, however the revised scheme complies with the adopted basement policy and other related policies, as such it would not be sustainable to withhold permission on the grounds raised in objections. The revised proposals are considered to comply with policies within the Unitary Development Plan (UDP) and City Plan and conditional approval is recommended.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Rear elevation and boundary with No. 35 Bark Place



View from first floor window and from garden toward location of proposed extension on boundary with No. 33 Bark Place





## 5. CONSULTATIONS

### *Initial consultation*

BAYSWATER RESIDENTS ASSOCIATION

No reply

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No reply

HIGHWAYS PLANNING

No objections.

BUILDING CONTROL

No reply.

ENVIRONMENTAL HEALTH

Objection on grounds of unsatisfactory means of escape.

ARBORICULTURAL SECTION

\* Questions adherence with basement policy with regards to footprint of basement and lack of topsoil above basement.

\* Identifies tree protected by TPO in front garden of application site and young trees in neighbouring front garden, although proposals unlikely to cause harm.

\* Proposed tree planting in sunken courtyard not feasible.

THAMES WATER UTILITIES LTD

No reply.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 20

Total No. of replies: 19 (*Some multiple responses, see background papers. 13 representees in total, 3 on behalf of 33 Bark Place*).

No. of objections: 13

No. in support: 0

### *Design and townscape*

\* Tight knit fabric of terrace and adjacent Mews means properties not suited to large extensions. In light of this proposals are too extensive in their scope and unsympathetic to character of building and Conservation Area.

\* Building already enlarged, more so than others in street so further enlargement unacceptable.

\* Basement does not comply with basement policy in terms of footprint, lack of vertical soil depth, two storey depth (property already has lower ground level), no margin of undeveloped land, prominent rear open lightwell and unsightly grill in front garden.

\* Excessive use of glazing.

\* No possibility of greening, hard surfacing does not allow drainage and proposed tree in basement lightwell not viable

\* Set a precedence.

- \* Trees in adjoining gardens at risk and no tree protection plan provided.

#### *Amenity*

- \* Loss of natural light to neighbour, No. 33 Bark Place, No Daylight/sunlight report.
- \* Increased sense of enclosure upon occupiers of No. 33 Bark Place.
- \* Proposed boundary wall with No. 33 not reduced in comparison to previous application.
- \* Light disturbance from excessive glazing in extension and lower ground floor rear façade.
- \* Infringement on privacy of Mews buildings to rear with respect to overlooking. If permitted should remove requirements for them (No. 21 St Peterburch Mews) to include obscure glazing to the rear.
- \* If permitted, roof of extension should be solid with no opening roof lights.
- \* Sound pollution from two storey lightwell.
- \* Enlarged ground floor external landing un neighbourly
- \* Render No. 100-D-40 shows large trellis on rear boundary with No. 23 St Petersburg Mews that will block natural light and result in increased sense of enclosure. Not shown on other drawings.

#### *Construction Impact*

- \* Disturbance to tranquillity of street.
- \* Inadequate construction management plan with regards to vehicular movements with one way system likely to place pressure on neighbouring St Peterburgh Place.
- \* Risk of damage upon adjoining properties from development.
- \* Buildings designed as single terraced mansions, owners should not be able to undertake works to enlarge to the detriment of neighbouring amenity and structural satability.

#### *Other*

- \* Discrepancies in drawings.
- \* Site notice obscured from view.
- \* Development description did not include party wall trellis.
- \* Development encroaches on neighbours land.
- \* Failure of applicant to serve notice on neighbouring occupiers.
- \* Maintenance of extension not possible.
- \* Basement and kitchen open and unlikely to comply with building regulations 'means of escape'.
- \* Extension precludes ability to construct extension at No.33.
- \* 'Infill' description misleading.
- \* Design and Access statement inaccurate in its assertion that no objections to informal consultation undertaken by applicant with neighbours prior to submission of application.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

#### ***Revised proposals consultation responses***

BAYSWATER RESIDENTS ASSOCIATION

Some of the contentious issues resolved including reduction of basement. Following concerns remain;

- \* Extension too high.

- \* Extent of glazing cause of light pollution and overlooking.
- \* Support comments of neighbours and consider the scheme should be further revised.

#### SOUTH EAST BAYSWATER ASSOCIATION

- \* Object to proposals on grounds of size of basement and rear extension.
- \* Support neighbours representations.

#### HIGHWAYS PLANNING

No objections.

#### BUILDING CONTROL

- \* No objection on structural grounds.
- \* Means of escape unsatisfactory.

#### ENVIRONMENTAL HEALTH

Any further response to be reported verbally.

#### ARBORICULTURAL SECTION

Any further response to be reported verbally.

#### THAMES WATER UTILITIES LTD

Any response to be reported verbally.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 20

Total No. of replies: 9 (8 previous objectors and 1 new neighbour)

No. of objections: 9

No. in support: 0

Many of original concerns reiterated plus additional points as summarised below.

#### *Design and Townscape*

- \* Basement still not compliant with policy on following terms; footprint (new drawing 100-D-60 inaccurate portrayal of original pre 1948 building envelope), basement beneath existing lower ground level (2 storey), lack of soil depth and margin of undeveloped land, lack of permeable paving and no opportunities for onsite greening, neighbouring trees still at risk, no natural ventilation and means of escape
- \* Extension unchanged and still objectionable in terms of its design and impact on character of Conservation Area, as well as other external alterations.
- \* No tree protection plan and trees in adjoining gardens remain at risk.

#### *Amenity*

- \* Extension unchanged and would still impact upon the amenity of adjoining neighbours in terms of daylight/sunlight and sense of enclosure with no testing in accordance with the Building Research Establishment undertaken.
- \* Artificial light disturbance (suggested automated blinds).
- \* Noise/acoustic disturbance.
- \* Proposed trellis on fence likely to cause diminution of natural light upon neighbours.

*Other*

- \* Ambiguities with regards to; treatment of boundary with No. 23 St Petersburg Mews and 35 Bark Place, encroachment of neighbours land (No. 33 Bark Place).
- \* Insufficient time to respond to additional consultation, comparing original and revised documents time consuming through website.
- \* Dining room extension makes no allowance for water runoff.
- \* Other omissions and inaccuracies highlighted (see background papers
- \* Depiction of high level planting on boundary with No. 35 in revised drawing 100-D-41-REV (Exterior Perspective) unacceptable, with respect to water penetration on boundary and relationship with boundary as shown in this render unclear.

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The application site is an unlisted 3 storey building including lower ground floor mid-terrace building located within the Bayswater Conservation Area. The rear of the property adjoins the rear boundary of No 23 St Petersburg Mews, a two storey mews property with a small area of hardstanding to its rear. There are no listed buildings within the vicinity of the site.

**6.2 Recent Relevant History**

15/04966/FULL

Excavation of basement extension beneath rear garden incorporating 2no. rooflights, single storey rear infill extension, landscaping to front and rear gardens, including cycle storey in front garden, and 3no. rooflights.

Decision: Withdrawn following advice from Officers in relation to the scale of basement and impact of proposed ground floor rear extension upon neighbouring residential amenity.

**7. THE PROPOSAL**

Permission if sought for the excavation of a single storey basement; erection of rear infill extension at ground floor level with rear garden trellis; alterations to windows, doors and garden stairs; installation of roof light; and associated works.

Revisions were made during the course of the application comprising the following;

- Reduction to basement floor area beneath rear garden.
- Removal of; large basement light well, external basement steps and front walk on grill.
- Incorporation of soft landscaping to garden perimeter.
- Alterations to steps and landing leading into garden with incorporation of raised planters on boundary with No. 35 Bark Place.

**8. DETAILED CONSIDERATIONS**

## 8.1 Land Use

The basement area would provide ancillary living space in connection with the existing dwellinghouse with natural light afforded to the space through the inclusion of a lightwell to front and rear. In landuse terms the enlargement of the existing house by way of a basement and single storey rear extension accords with Policy H3 of the UDP and policies S14 and S15 of the City Plan.

## 8.2 Townscape and Design

### *Single Storey rear extension and associated alterations*

In considering the detailed design, the proposals have been assessed against UDP Policies DES 1 and DES 5. DES 1 seeks to ensure the highest quality in the form and quality of development in order to preserve or enhance the townscape of Westminster. UDP policy DES 5 specifically seeks to ensure the highest quality of design in alterations and extensions. Specifically it states that permission will generally be granted for an alteration or extension where it is confined to the rear of the existing building, where it does not visually dominate, if it is in scale with the existing building and its immediate surroundings, if its design and use of materials reflects those found on the existing building.

Presently the rear of the building has a cluttered appearance as a result of a lower ground floor extension that wraps around and beyond the original closet wing, accommodating a terrace on the roof with associated railings. The existing lower ground floor elevation contains full width French Doors leading onto an existing sunken patio area.

The proposed 'lean to' extension is situated within the side return between the host properties closet wing and the timber fence boundary with No. 33 Bark Place. It has a glazed roof and glazed rear façade. The lower ground floor wrap around element, that the extension is situated above, will be pulled back in line with the closet wing, resulting in a consolidated rear façade across ground and lower ground level with a predominantly lightweight glazed appearance serving the additions and the closet wing retaining its brick façade.

The lower ground floor leads onto a small sunken courtyard which serves as a glazed rooflight for the proposed basement below. This element was introduced during the course of the application following advice from Officers that the originally proposed large open courtyard would not adhere with the basement policy requirements. Access to the garden is facilitated by a new set of steps leading from the ground floor opening in the closet wing down to garden level, revised during the course of the application to incorporate raised planters adjacent to the boundary with No. 35 Bark Place.

As a result of the choice of materials, namely the brick party wall and a lightweight glazed rear façade, and the consolidation of the rear building line, the proposed extension and alterations are considered to sit comfortably against the existing building and will ensure the interpretation original plan form is maintained. Similarly the uncluttered lightweight appearance of the fenestration proposed will not detract from the existing timber sash windows at upper levels. As a result the alterations are considered to preserve and enhance the character of the building and Bayswater Conservation Area.

### *Basement*

The proposed basement is located beneath the existing dwellinghouse, extending marginally beneath the front and rear garden also to facilitate lightwells. It has been considered in relation to the Basement Supplementary Planning Document (SPD), adopted October 2014, and the Basement Revision to the City Plan, Policy CM28.1. Objections were received from neighbouring residents to the proposals originally submitted on grounds of the basements scale, large open lightwell at the rear and lack of vertical soil depth above the basement where it extends into the garden. These aspects were also identified by Officers and relayed to the architect to provide the opportunity to amend the drawings. Revised drawings were submitted and letters circulated to neighbours, as well as a site notice and local press advertisement. The proposals in their revised form are considered to address the basement policy requirements as follows;

The basement would be a single storey only. Representations refer to a double storey basement however it is located beneath an existing lower ground level so is not a 2 storey basement.

The floor area in its reduced form would occupy less than 50% of the garden land beyond the footprint of the original building. Representations refer to the inaccuracy of the diagrammatic plan 100-D-60 with regards to incorrect depiction of the closet wing as part of the original building envelope (pre 1948 building). Historic OS plans however confirm this part of the curtilage as historically containing a closet wing, consistent with the terrace in general, hence it is correct to interpret this part of the plot as 'original building' for the purposes of the policy. The application is nevertheless considered on its merits.

In terms of the external manifestation of the basement, in its revised form the large open rear light well has been omitted and replaced with a walkable glazed rooflight at lower ground level, and the grille at the front replaced with paving incorporating a single strip rooflight. These externalities of the basement are considered to be less imposing than originally proposed and, given their lower ground location, more discreet pursuant to the advice of the policy and basement SPD.

Neighbours have again objected to the lack of vertical soil depth and lack margin of undeveloped land where the basement extends into the front and rear garden, also pointing out the lack of greening and sustainable urban drainage. However the areas in question accommodate a single rooflight to the front and rear serving the basement so are not practical locations for the provision of soil depth. The absence of a margin of undeveloped garden land adjoining the proposed rear lightwell is regrettable, however given the large extent of remaining undeveloped front and rear garden land, capable of supporting permeable hard and soft landscaping and sustainable drainage as indicated on the revised drawings, it is not considered permission could be withheld on these grounds.

As such the proposed basement in its revised form is considered to comply with the requirements of the basement policy and supplementary guidance with respect to scale, location and design.

### **8.3 Residential Amenity**

Policy ENV 13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan aims to protect the amenity of residents from the effects of development.

In terms of the basement proposals, given its subterranean nature it will not add bulk or mass to the building such that would be appreciable from adjoining properties. The proposed timber trellis on the boundary, which was incorporated into the development description and publicised following requests by neighbours, is minor and not considered to result in a significant impact on the amenities of neighbouring properties.

In terms of the rear extension, objections from occupiers of No. 33 Bark Place and from other neighbours have been received on grounds its impact upon the ground floor habitable window of No. 33 Bark Place, with respect to losses in natural light and increased sense of enclosure. Concerns have also been raised in relation to; the external landing providing access to external steps into the garden, timber slatted trellis shown on the boundaries, artificial light, and noise disturbances. These will be addressed in turn.

The extension would be located in the side return, with a depth no greater than the original closet wing rear elevation. The reconstructed party wall would add a further 350mm to the height of the existing timber fence whilst the glazed roof slopes away from the boundary with No. 33 Bark Place. Such an increase in height on the boundary with sloping glazed roof positioned adjacent to it, in conjunction with the depth as described, is not considered to have an impact with respect to sunlight and enclosure that could sustain a reason for refusal. Similarly an application of the Building Research Establishment Guidance 45 degrees rule would indicate no losses of daylight to the neighbours window as a result of this extension.

In terms of the external staircase landing, it replaces an existing terrace at ground level with associated railings as described in the design section. Whilst being marginally deeper, it covers a smaller area confined to the top of the small flight of steps only. In addition revised details include raised planters on the boundary with No. 35. It is not considered therefore that a greater material impact would arise from its installation that could warrant withholding planning permission.

Neighbours have expressed concerns regarding the trellis shown on the original renders on the side and rear boundary, which was not shown in the actual proposed drawings. This discrepancy was addressed in revised plans that were consulted on, showing trellises to the side boundaries only and not at the rear (100-D-31-REV-A). It is not considered these trellises would result in loss of natural light or unacceptable increase in enclosure as set out in objections.

Other concerns raised relate to light disturbances from proposed extensive glazing, however this is not considered to be surmountable to causing material harm such that could sustain a reason for refusal, particularly given that glazed side extensions/conservatories are a common feature to the rear of residential buildings.

Concerns have also been raised in relation to increased noise as a result of the new basement lightwells. Given that the lightwells are located within the garden, which could

be enjoyed by existing residents, it is not considered that they will result in a significant increase in noise disturbance over and above what could occur from the existing garden levels as to justify refusal.

As such, the proposed development is not considered to result in material harm upon the amenity of adjoining occupiers pursuant to the objectives of Policy ENV 13 of the UDP and Policy S29 of Westminster's City Plan: Strategic Policies.

#### **8.4 Transportation/Parking**

The proposed enlargements would not alter the use of the property from a single dwelling and therefore the impact upon the local highways and parking impact would be negligible. The building would remain capable to providing dedicated secure cycle parking and refuse and recycling.

#### **8.5 Arboricultural matters**

The City Councils Tree Officer raised concerns in relation to the feasibility of the tree planting within the proposed basement courtyard in the original scheme, however this aspect has been omitted and replaced with a walk on rooflight to the basement as discussed above.

The tree Officer has also commented that the tree in the front garden of the application site protected by tree preservation order and young trees in the neighbouring front gardens are not likely to be at risk from the proposed development.

With regards to trees in neighbouring gardens, the Tree Officer has considered the applicants statement with regards to their root systems and crowns being contained within the neighbouring curtilages. It is acknowledged that there are no trail pit investigations or crown sizes submitted with the application to demonstrate this. However given the small size of the trees, the tree officer considers these to be reasonable assumptions and therefore unlikely to be affected by the proposed basement.

The Tree Officer has queried the compliance with the basement policy by virtue of the footprint of basement. The basement has however been reduced in scale following advice from Officers as discussed above and in its revised form is considered to meet the policy.

#### **8.6 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.7 Other UDP/Westminster Policy Considerations**

##### **Updates to City Plan**

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015 and were adopted in July 2016, with subsequent revisions to the City Plan adopted November 2016. They are material planning considerations that full weight will be attached to in the determination of planning application.



The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

### **Basement structural issues**

With regards to basement structural impact, objections have been received from adjoining occupiers in relation to potential risk of subsidence and movement as a result of basement works. To address this and the requirements of the basement SPD and policy, the applicant has provided a structural engineer's report and supporting geotechnical survey explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The level of analysis and detail submitted with the application is substantial and has been prepared by a suitably qualified Structural Engineer. Building Control officers have reviewed the submitted details and raised no concerns. Whilst this satisfies the policy for the purposes of determining this planning application, detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology and appendices have provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

### **Construction impact**

Concerns from adjoining occupiers have been expressed regarding construction related disturbances. Policy CM28.1 of the City Plan requires the applicant to supply a signed pro-forma setting out an obligation on behalf of the applicant to undertake the works in accordance with the Council's Code of Construction Practice. This is a provision of the adopted basement policy revision to provide the Council with greater monitoring powers for the construction period and details of construction practices; with the aim of reducing construction related impacts on the locality. Notwithstanding the above, a Construction Management Plan (CMP) has been provided detailing vehicular arrangements during construction and scheduling of deliveries and collections and working practice. The CMP is a useful indicator of consideration of construction related impacts. A condition will be attached to this planning permission requiring that; prior to the commencement of development, the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice.

## **8.8 London Plan**

This application raises no strategic issues.

## 8.9 National Policy/Guidance Considerations

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

## 8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. In addition the proposed development is not liable under the Community and Infrastructure Levy Act given that the works are extensions to an existing dwellinghouse.

## 8.11 Other Issues

### Procedural matters

Objections have identified that the applicant had not served the appropriate notices and signed the relevant parts of the application forms with respect to ownership certificates. In addition criticisms of the site notice were identified with respect to it being obscured from view by unrelated signage. The Council undertook additional consultation, including letters to residents and updated site and press notices, on the basis of an updated certificate being received including a signed declaration from the applicant confirming that appropriate notices had been served under certificate B. Further representations confirm this notice was subsequently received. This is as far as the Council can take such matters under the framework of a planning application.

### Discrepancies in plans

A number of irregularities were identified by a neighbour with respect to the drawings as originally submitted and revisions that were subsequently provided. These principally relate to; absence of daylight & sunlight report, no tree protection plan, alterations to mansard fenestration shown on elevations absent from development description, lack of clarity with regard to any proposed alterations to rear wall boundary wall with No. 23 St Petersburg Mews and missing pre application correspondence.

It is acknowledged that there have been some discrepancies with the submission as identified however these have been addressed over the course of the application as follows;

- An assessment of daylight and sunlight employing the services of a specialist consultant have not been undertaken, however Officers have been able to undertake an assessment with the findings set out in this report.
- Roof alterations are not subject to this application despite being shown on the proposed drawings. The agent has provided written confirmation of this and will be further advised in an informative.
- There are no alterations to the rear wall with 23 St Peterburgh Mews as clarified in revised drawing 100-D-31-REV-A (Long Section).
- Details of pre application discussions prior to the submission of the application are not required to be submitted.

It is not considered therefore that the matters raised are sustainable grounds to withhold planning permission.

### **Means of Escape**

The City Councils Environmental Health and Building Control Officers have identified the means of escape from the basement as an issue. This has also been highlighted by a neighbour. This however is a building control matter to be addressed through the buildings regulations and is not sustainable grounds to withhold planning permission.

## **9. BACKGROUND PAPERS**

### *Initial consultation*

1. Application form
2. Memo from Arboricultural Manager, dated 01/12/2017.
3. Memo from Highways Planning Manager, dated 15/11/2017.
4. Memo from Environmental Health, dated 04/11/2016.
5. Letter from occupier of 64 Porchester Terrace, London W2 3TP, dated 14/11/2016. 21/11/2016.
6. Letter from daughter of occupier of 33 Bark Place (E. Salter), London, dated 21/11/2016, 22/11/2016, 23/11/2016, 30/11/2016.
7. Letter from occupier of 33 Bark Place (G. Salter), London, dated 30/11/2016.
8. Letter from Right of Light Consulting, Rayleigh, Essex (on behalf of G. Salter, 33 Bark Place), dated 18/11/2016.
9. Letter from occupier of 19 St Petersburg mews, London, dated 07/11/2016.
10. Letter from occupier of 23 St Petersburg Mews, London, dated 22/11/2016.
11. Letter from occupier of 38 Bark Place & 31 St Petersburg Mews, London, dated 29/11/2016.
12. Letter from occupier of 25 Caroline Place, dated 17/11/2016, 22/11/2016.
13. Letter from occupier of St. Helen's Gardens, London, dated 21/11/2017.
14. Letter from occupier of 35 Bark Place, London, dated 21/11/2016.
15. Letter from occupier of 36 Bark Place, London, dated 15/11/2016
16. Letter from occupier of 10A Chepstow Road, London, 22/11/16
17. Letter from occupier of 4 Caroline Place, London, dated 14/11/2016, 22/11/2016.

### *Following further consultation 30/11/2016*

18. Letter from South East Bayswater Association, dated 15/01/2017.
19. Letter from Bayswater Residents Association, dated 11/12/2017.
20. Memo from Highways Planning Manager, dated 19/12/2017
21. Memo from Building Control, dated 18/01/2017.
22. Letter from occupier of 64 Porchester Terrace, London W2 3TP, dated 14/12/2016.
23. Letter from daughter of occupier of 33 Bark Place (E. Salter), London, dated 08/01/2017.
24. Letter from occupier of 33 Bark Place (G. Salter), London, dated 15/01/2017
25. Letter from occupier of 19 St Petersburg mews, London, dated 02/12/2016.
26. Letter from occupier of 23 St Petersburg Mews, London, dated 18/12/2016.
27. Letter from occupier of 38 Bark Place & 31 St Petersburg Mews, London, dated 14/01/2017.

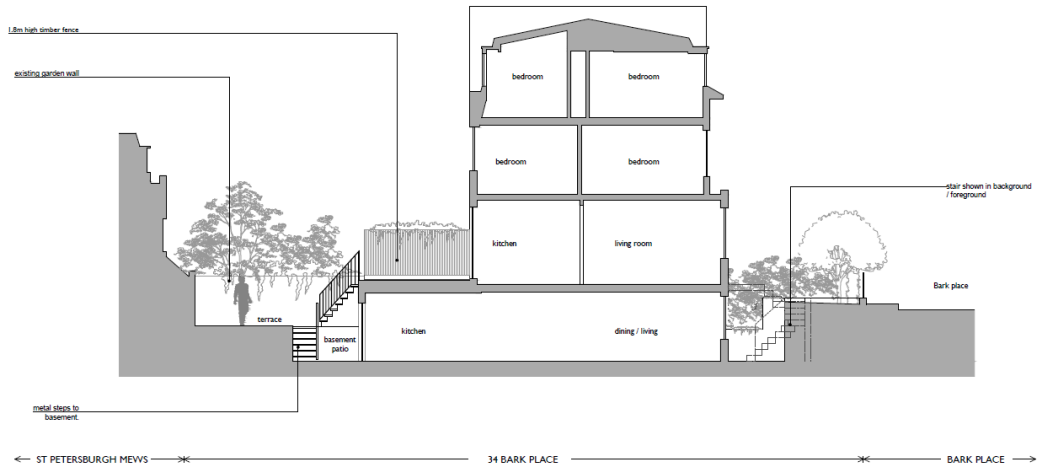
28. Letter from occupier of 25 Caroline Place, dated 16/12/2016.
29. Letter from occupier of 4 Caroline Place, London, dated 16/12/2016
30. Letter from occupier of 2 St Petersburg Mews, London, dated 21/12/2016

(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: RUPERT HANDLEY BY EMAIL [AL.rhandley@westminster.gov.uk](mailto:R.rhandley@westminster.gov.uk)

## 10. KEY DRAWINGS

### Existing and Proposed Sections



#### 01 EXISTING LONG SECTION



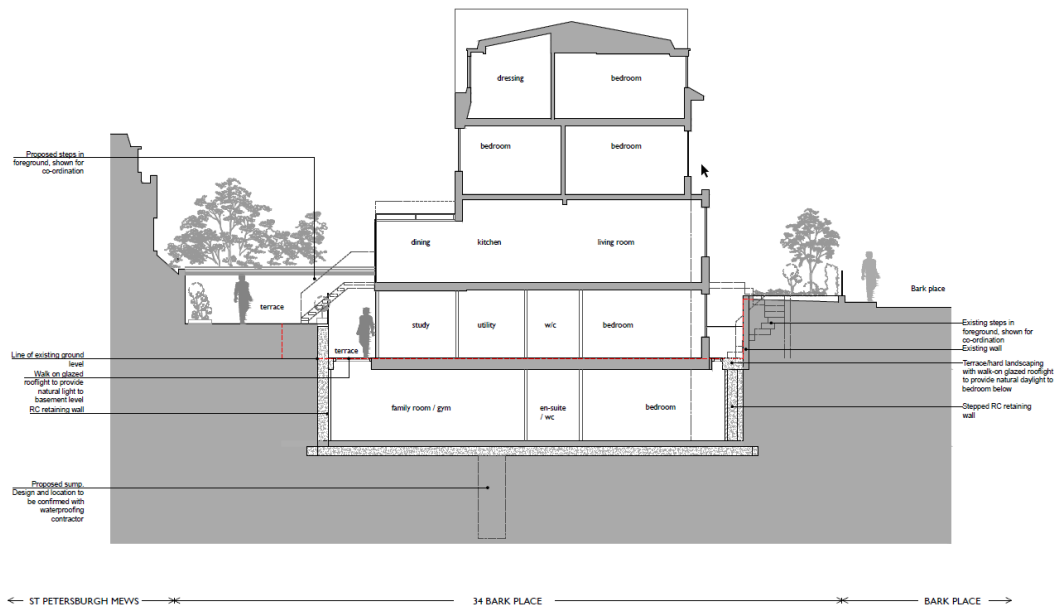
Status: PLANNING  
Scale: 1:100 @ A3

Drawing: Existing Long Section  
Dwg No: 100-D-30  
Date: 02.09.2016

Project: Bark Place  
Address: 34 Bark Place, London, W2 4AT  
Client: Mr A. Svenningsen and Mrs V. Davison

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Hampshire, SO3 9ES  
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e: info@obarchitecture.co.uk  
w: www.obarchitecture.co.uk

NOTE: This drawing is to be scaled for planning purposes only



#### 01 PROPOSED LONG SECTION A-A



Status: PLANNING  
Scale: 1:100 @ A3

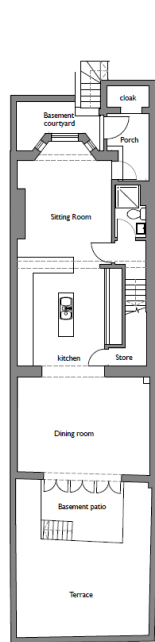
Drawing: Proposed Long Section  
Dwg No: 100-D-31-REV-A  
Date: 28.11.2016

Project: Bark Place  
Address: 34 Bark Place, London, W2 4AT  
Client: Mr A. Svenningsen and Mrs V. Davison

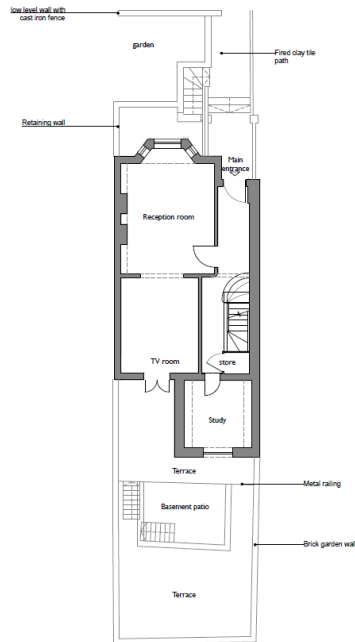
**OB ARCHITECTURE**  
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w: www.obarchitecture.co.uk

NOTE: This drawing is to be scaled for planning purposes only

Existing & Proposed floor plans



01 EXISTING LOWER GROUND FLOOR PLAN



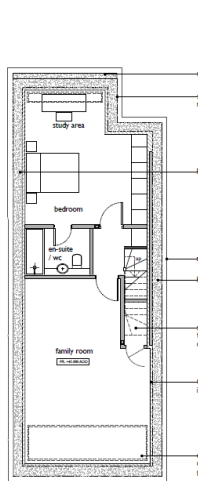
02 EXISTING GROUND FLOOR PLAN



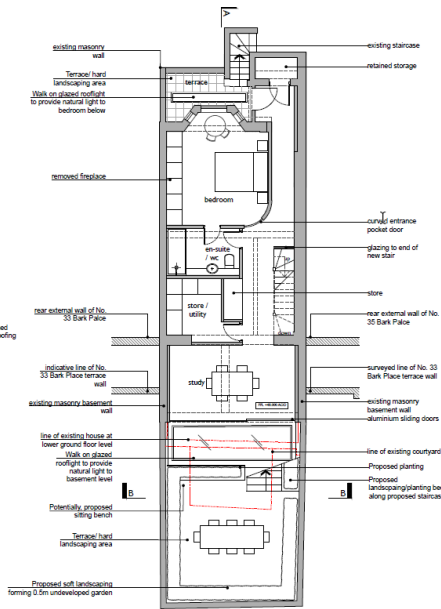
0 5 m

Status: PLANNING	Drawing: Existing Plans	Project: Bark Place
Scale: 1:100 @ A3	Dwg No: 100-D-01	Address: 34 Bark Place, London, W2 4AT
NOTE: This drawing is to be scaled for planning purposes only	Date: 02.09.2016	Client: Mr A. Svenningsen and Mrs V. Davison

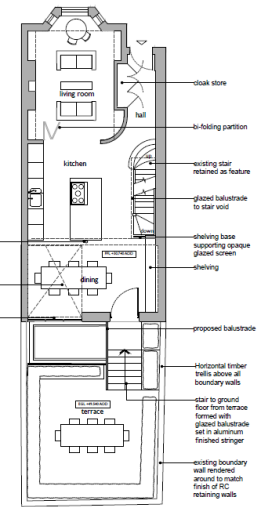
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01 PROPOSED BASEMENT FLOOR PLAN



02 PROPOSED LOWER GROUND FLOOR PLAN



03 PROPOSED GROUND FLOOR PLAN



0 5 m

Status: PLANNING	Drawing: Proposed Plans	Project: Bark Place
Scale: 1:100 @ A3	Dwg No: 100-D-11-REV.A	Address: 34 Bark Place, London, W2 4AT
NOTE: This drawing is to be scaled for planning purposes only	Date: 28.11.2016	Client: Mr A. Svenningsen and Mrs V. Davison

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**DRAFT DECISION LETTER**

**Address:** 34 Bark Place, London, W2 4AT

**Proposal:** Excavation of basement; erection of rear infill extension at ground floor level with rear garden trellis; alterations to windows, doors and garden stairs; installation of roof light; and associated works.

**Reference:** 16/09096/FULL

**Plan Nos:** 100-D-00, 100-D-01, 100-D-02, 100-D-03, 100-D-04, 100 D-10 REV A, 100 D-11 REV A, 100 D-12, 100 D-20 REV A, 100 D-30, 100 D-31 REV A, 100 D-32 REV A, 100 D-41 REV A, 100 D-50 REV A, 100 D-60, Design and Access statement, Tree Protection Plan

*For information purposes only*  
Subterranean Structural Statement dated 22/08/2016

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

- 4 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

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

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 6 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)



**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

**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.
- 2 To meet condition 5 the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)
- 3 Please read the following.
  - \* British Standard BS: 5837 (2005) and later revisions - Recommendations for trees in relation to construction
  - \* National Joint Utilities Group guide NJUG 10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees (1995)
  - \* Arboricultural Practice Note APN 1 - Driveways close to trees (1996), and the products available to provide hard surfaces close to trees. (I92AA)
- 4 With reference to condition 6 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 5 You are advised that, irrespective of the alterations shown to the fenestration on the rear roof plane, this permission relates to alterations to the ground and lower ground floor only consistent with the development description. Alterations to the roof are likely to require a separate planning permission.

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

Item No.
<b>12</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>Hallfield Estate, London, W2 6EF</b>		
<b>Proposal</b>	Replacement of the communal lighting with new surface mounted conduit and new lighting fittings to the soffit walkways to Tenby House, Reading House and Pembroke House. Also installation of new surface mounted trunking to soffit walkways for mains electricity at Tenby House.		
<b>Agent</b>	Ms Fiona Lamb		
<b>On behalf of</b>	Mr Kevin Regan (City West Homes Ltd)		
<b>Registered Number</b>	16/02898/FULL 16/02899/LBC	<b>Date amended/ completed</b>	
<b>Date Application Received</b>	1 April 2016		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Hallfield Estate		

## 1. RECOMMENDATION

<ol style="list-style-type: none"> <li>1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.</li> <li>2. Grant conditional listed building consent.</li> <li>3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol>
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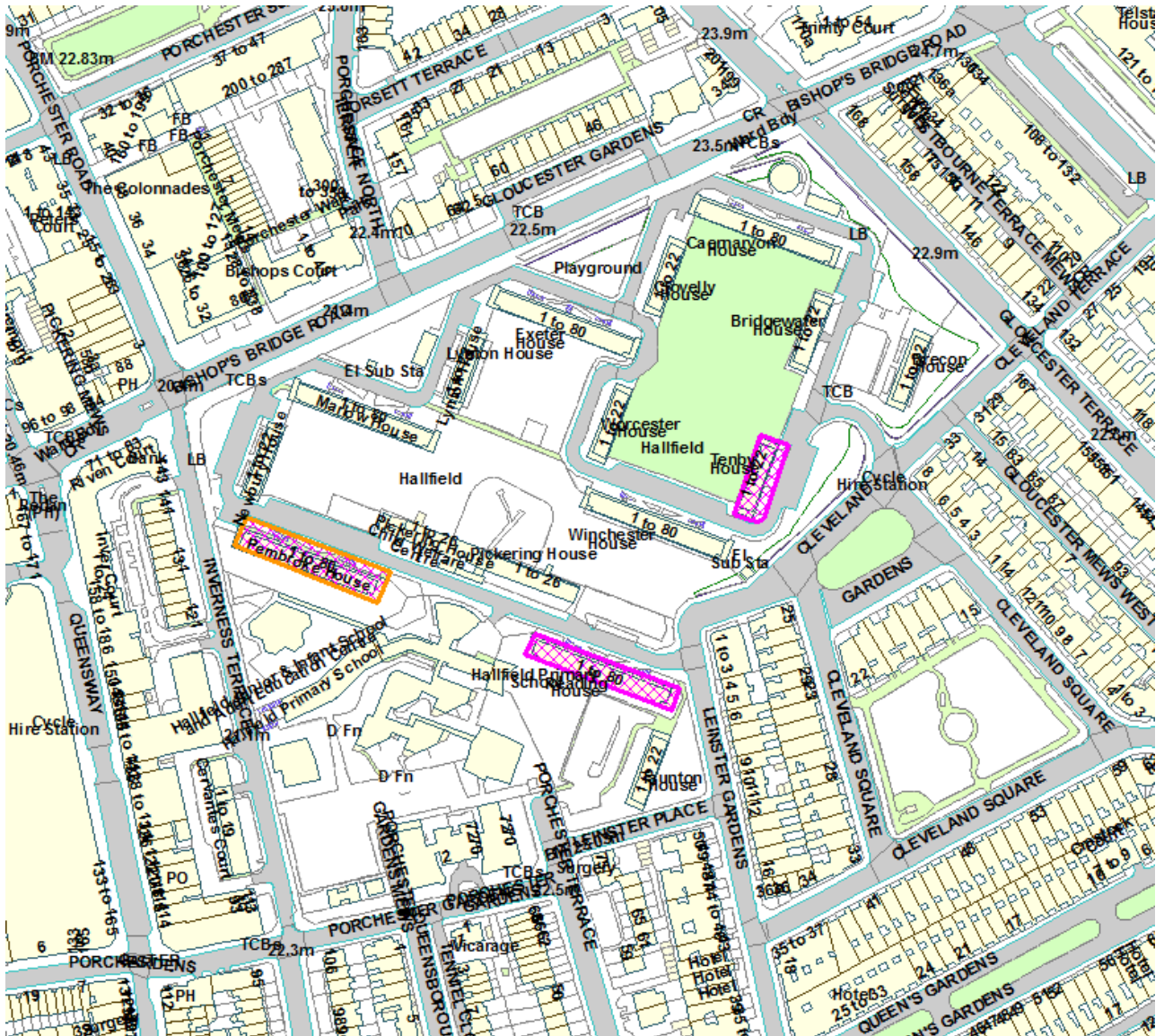
## 2. SUMMARY

<p>The Hallfield Estate is a mid 20th century housing estate which comprises its own conservation area, the Hallfield Estate Conservation Area. The estate comprises 14 residential blocks, which are all Grade II listed, and other ancillary blocks. The current planning and listed building consent applications propose the installation of surface mounted conduits, communal lighting to Tenby House, Reading House and Pembroke House. Also surface mounted trucking to contain lateral mains at Tenby House.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> <li>• The impact of the proposed works on the character, appearance and special interest of the listed</li> </ul>
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buildings and the Hallfield Estate Conservation Area.

It is considered that given the particular circumstances of this case, the less that substantial harm to the special architectural and historical interest of the designated heritage assets is balanced against the benefits to local residents of replacing a failing main electricity supply (Tenby House) and providing emergency lighting to all 3 blocks. Also City West Homes as landlords have a duty to maintain properties and building services and in this case to meet the UK national standard, BS 5266 (Emergency Lighting Code of Practice) BS, 7671:2008 (the IET Wiring Regulations) and Part B Volume 2- of the Building Regulations.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Tenby House



Pilot proposal at Tenby House



Reading House



North elevation showing walkways





Pembroke House



Close up of access decks

## 5. CONSULTATIONS

### *Initial Consultation*

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any comments to be reported verbally.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 690.

Total No. of replies: 6

No. of objections: 6

No. in support: 0.

#### Design and listed building:

- Concern expressed that the trunking at Tenby House is out of proportion with the soffit, the appearance of the trunking is unattractive and unsightly, similar to that used in factories and underground bunker, and the trunking would proliferate around the estate. Also it is unclear from the submission the material of the trunking.
- Concern expressed about the need for emergency lights and the works to the soffits as existing lights on other blocks are in working order.
- Desire expressed that if a new conduit is required then it should be internally located and why can the wires not be installed in existing concealed ducts.
- Desire expressed that the new trunking should capture other wires/cable such as telecommunications and computer services to avoid unsightly clutter around the building.
- Concern expressed that new fitting and fixtures to the exterior of a listed building should be similar in appearance to the original where rectangular/square fittings exist. This is not the case as the proposal seeks to install large round light fittings.
- Concern that the new lights are positioned in different location to the existing lights. The existing lights are positioned on the walls and vertical piers on the upper floors of the building, but the proposals seek the installation of lights to the soffit of the walkways.
- Concern that the light is too bright.
- Concern that there is no section drawing showing the trunking on the Reading and Pembroke House.
- Query raised as to how the proposal will impact on other apparatus fixed to the soffits such as the boiler vents.

#### Other Matters

- Concern regarding consultation and that the Hallfield Residents Association should be consulted.
- Problems accessing the drawings online; there is lack of information and assessment of the proposals on its impact on the listed building.
- There is a lack of detail on the submitted drawings and documents.
- Concern that the application is unclear about the power and nature of the proposed lights.
- Observations speculating reason for the proposal 1. To make commission, 2 to reduce maintenance cost, 3 to reduce power usage in relation to global warming.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

*Additional consultation following submission of additional information*

HISTORIC ENGLAND

No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6.

Total No. of replies: 0.

No. of objections: 0.

No. in support: 0.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

This application relates to 3 residential blocks Tenby House (6 storey), Reading House (10 storey) and Pembroke House (10 storey) in the Hallfield Estate, that was constructed between 1949-1955. The estate was designed by the architectural practice Tecton, and then executed by two of its members, Lindsay Drake and Sir Denys Lasdun. Lasdun in particular is one of the most respected mid 20<sup>th</sup> century architects and the estate, as designed and executed, is of particular architectural merit.

The residential buildings were Grade II listed in 2011 and all the buildings on the estate are included within the Hallfield Estate Conservation Area.

### **6.2 Recent Relevant History**

16/10752/FULL and 16/10753/LBC: Installation of gas pipe apparatus. Applications granted on 04.01.2017 with a temporary consent of 3 years.

16/04961/COFUL and 16/04962/COLBC: Mechanical extract fan installation to kitchens and bathrooms, localised external soffit insulation to ground floor level, and installation of bathroom towel-rail/radiator heating units. Applications granted on 19.12.2016

## **7. THE PROPOSAL**

The application proposes the installation of externally located conduits and new light fittings attached to the soffit walkways at all levels in all 3 blocks, in addition new distribution boards and vertical trunking to the central stair case (Reading House and Pembroke House only). In conjunction with the external emergency lighting, new trunking attached to the soffit walkways at all levels to contain lateral electrical mains cables are proposed for Tenby House only.

New distribution boards are proposed at Reading House and Pembroke House, they are located within the central recess of the lifts at ground and 5<sup>th</sup> floor levels they are connected by new metal powered coated metal trunking measuring 100 x 75 mm that would run vertically the full height of the building in the central stair core. This would provide a power supply via surface mounted conduits measuring 35 mm diameter attach

to the walkway soffits to all new external lights. The external lights are also attached to the soffit and located directly adjacent to each flat door and the staircase/lift. The LED circular lights measure 353 mm diameter with a 3 hour independent emergency power supply.

At Tenby House the metal powder coated trunking measuring 300 x 75 mm would extend from the new distribution board located behind the lift at ground floor, and run along the soffit to the north-eastern elevation of the building, then run vertically the full height of the stair core punctuating each landing. The dimension of the trunking between 1<sup>st</sup> and 5<sup>th</sup> floor level would be smaller and measuring 150 x 75 mm and run the full length of the walkway soffit. A smaller trunk measuring 100 x 75 mm at ground floor level is proposed and would service Flat 2 only. The trunking is set 400 mm from the brick wall of the flats (front elevation), with a perpendicular conduit measuring 32 mm diameter spanning this gap and enter each flat at high level through the brick work.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The scheme does not raise any land use issues.

### **8.2 Listed Building, Townscape and Design**

The main issue in this case is the impact of the proposal on the special architectural and historical interest of these grade II listed buildings in the Hallfield Estate Conservation Area.

Reading House and Pembroke House are two of the six 10 storey blocks on the Hallfield Estate. The block consists of a pair of dog-leg staircases located either end of the building. The front façade of each block are north facing and comprises of central located light and stairwell, with cantilevered reinforced concrete access decks/ balconies on each floor running the length of the façade. The balconies are faced with a solid screen of pre-cast concrete panels that appear to float from the façade with alternate vertical links between each floor level. The stair wells at either end project slightly and are enclosed by concrete panels but faced in cream tiles. The front walls of the flats are well set back and are of brown concrete brick. The rear elevation (south elevation) is arranged in a chequered pattern of windows and alternating red concrete brick and blue engineering brick panels.

Tenby House is one of the eight 6 storey blocks with similar architectural features as the taller buildings with external staircases located at either end of the building, recessed ground floor, set back red brick walls to the flats. The walkways are connected by vertical columns between the floors. They are clad in pre-cast concrete panels with a Portland stone finish. The balustrade infill panels are of dark concrete brick a later addition to the building. The south elevation comprises of angular private concrete balconies arranged in an alternate pattern.

The 14 blocks and laundry building are listed for the distinctive and sophisticated aesthetic approach to social housing whereby the facades are treated like works of abstract art. The estate provided post-war mass housing and associated landscaping in an urban

environment, as inspired by Le Corbusier's 'Radiant City'. The Hallfield Estate is the work of some of the 20<sup>th</sup> Century's most significant architects.

The statutory requirements are set out in the Planning (Listed Building and Conservation Areas) Act 1990. In particular Section 16 concerns listed building consents "*the local planning authority shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historical interest which it possesses*". Section 66 relates to planning permission affecting a listed building and states that "*the local planning authority shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historical interest which it possesses*". Section 72 set out duties relating to conservation areas where "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*".

The applicant CityWest Homes (CWH) manage the estate on behalf of Westminster City Council. In 1998 the lateral mains and lighting on the whole of the estate began to fail. At the time the incoming mains electricity supply to the flats in each block from the ground floor main outlet to the consumer units within the flats was as originally installed in the 1950's. Where cables are enclosed in steel conduits/ducts buried in situ within the structural concrete floor slabs. There is no earth cable provided within the entire mains cabling. Contractors for Paddington Churches Housing Association carried out works to upgrade the lateral mains across the estate but this was partially completed due primarily to difficulties with collapsed ducts and contractual issues. Therefore, electrical works to Tenby, Clovelly, Bridgewater, Worchester and Exeter Houses ceased and are currently failing and are not certifiable under current standards.

In 2011 CWH carried out a condition survey to investigate the works carried out in 1999. In 2012 light circuits were also tested at Tenby, Reading and Pembroke House and found the electrical system unsatisfactory. In 2012 a programme of works involving the installation of windows and balcony doors, installation of containment for electrical cabling and lighting to the walkways and external insulation to the ground floor soffits and external balcony drainage commenced but are incomplete. The light fittings on the 3 blocks were removed and replaced with temporary "festoon" lighting and this has remained in place.

In 2013 Moleys Electrical Limited carried out an intrusive inspection of the existing conduits using rods and found that over 75% of cables did not move due to collapsed or excessive bends in the conduits. The use of a lubricant to assist in the replacement of cables during the late 1990's upgrade has also blocked the ducts/conduits.

The main reason and justification for the application are set out below and address some of the concerns raised by local residents.

1. The proposal would replace a failing mains electrical supply to all the residents in Tenby House and remove the temporary "festoon" lighting.
2. The existing conduits in Tenby House cannot be reused due to collapse and blockages as described above. Given the nature of the concrete structure and walkway/soffit design, any chasing works could undermine the structural integrity of the building.

3. The arrangement of the existing lights and existing fittings (if reinstated) would not meet current standards for emergency light levels. In Reading House 17 % of light circuits cannot be reused and in Pembroke House 22 % of light circuits cannot be reused in the absence of an earth. Therefore, if the existing cables and fittings were to be refused they would not meet BS 5266 (Emergency Lighting Code of Practice) and BS, 7671:2008 (the IET Wiring Regulations).

Therefore, surface mounted conduits and trunking with new light fittings are proposed at all three blocks.

The applicant has explored alternative locations for the replacement of the lateral mains by routing the trunking vertically against the full height of the central lift shaft wall. However, this is not a viable option due to the possible position of cantilever reinforcement bars, any holes cut through this type of reinforcement would weaken the structure and would be unsafe. An alternative square light fitting has been sourced but more units would be required to meet BS 5266 (Emergency Lighting Code of Practice).

A pilot installation of the trunking and new light fitting has been installed at Tenby House and new conduits and light fittings at Reading House. The pilot installation is different to the proposal. The pilot shows trunking attached to flat entrance door frames, however the proposed drawings show a smaller conduit spanning between the trunking and the brickwork wall of the flats.

The proposed new trunking, conduits and light fittings attached to the soffit of the access decks/balconies would be visible in many private and public views. The balconies are a fundamental feature in the design of these residential blocks and are a recurring feature across the estate. The vertical trunking proposed in the stairwells are discreetly location against utilitarian walls and would be partially obscured by the forward concrete features.

The existing balconies and their soffits are largely free of fixtures, albeit it is acknowledged that there are a few examples of flues, otherwise when viewed from the ground the clutter free balconies, including soffits, significantly contribute to the elegant appearance of this intrinsic feature of this grade II listed building. Therefore, the proposal is considered to have a harmful impact on the significance of the building, and would fail to preserve the special architectural interest of this listed building and undermine the wider architectural integrity of the estate. The degree of harm that would be caused is considered less than substantial and therefore Paragraph 134 of the National Planning Policy Framework (NPPF) 2012 states that the harm caused should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In this case the replacement of a failing mains electrical supply in Tenby House and installation of emergency lighting that complies with current standards is a significant benefit to the residents of these blocks and is balance against the harm to these listed buildings and the Hallfield Estate Conservation area as a designated heritage asset. Therefore, given the specific circumstances of this case and on a balance the proposal is considered acceptable.

A concern remains and is shared by local residents how the proposal will affect existing fixtures attached to the soffits such as boiler flues, and should other building services fail such as gas supply, how would this impact on the proposals. The cumulative impact of

various installations proliferating the long horizontal soffits many potentially destroy the architectural integrity of these listed buildings. Also there appears to be limited to no exploration on a holistic and combined approach to the building services their maintenance, repair and upgrade. Therefore conditions and informative are attached to ensure the works are implemented as the approved drawings and any alteration must be the subject of a new separate application to fully assess the impact on the proposals.

### **8.3 Residential Amenity**

The proposal does not raise any residential amenity concerns.

### **8.4 Transportation/Parking**

Not applicable.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

The proposals do not affect the access arrangements to the flats in this building.

### **8.7 Other UDP/Westminster Policy Considerations**

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report where necessary.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application. The proposals do not trigger the requirement for a CIL payment.

### **8.11 Environmental Impact Assessment**

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

### **8.12 Other Issues**

Concern was raised by a local resident that the Hallfield Residents Association should have been consulted. All relevant consultations have been carried out as a standard part

of the application process and the above residents association submitted comments dated 10.05.2016.

The problem with viewing drawings online was resolved. Revised drawings and a document prepared by CityWest Homes dated 3 February 2017 was submitted, it contains more details about the proposal such as how the power is supplied to the new lights, their specification in accordance with standards, also the document provides substantiated reasons plus justification.

A local resident speculated that the proposals have financial implications, and in particular to make commission, to reduce maintenance cost and/or to reduce the power usage in relation to global warming. Some of these issues are a private matter however in CityWest Homes document dated 3 February 2017 states the proposal is anticipated to deliver sustainable reduction in energy consumption by reducing energy costs of the building services by 25% and the carbon emissions by 10-20 %.

## 9. BACKGROUND PAPERS

1. Application form.
2. Email from Councillor Andrew Smith dated 10.05.2015.
3. Email from the Chairman of the Hallfield Estate Residents Association dated 10.05.2016
4. Email from occupier of 24 Caernarvon House, Hallfield Estate dated 16.05.2016
5. Email from occupier of 60 Winchester House, Hallfield Estate dated 18.05.2016
6. Letter dated occupier of 3 Bridgewater House, Hallfield Estate dated 18.05.2016
7. Email from owner/occupiers of 68 Winchester House, Hallfield Estate dated 19.05.2016
8. Email from an owner/occupier of Hallfield Estate dated 11.05.2016
9. Letter from Historic England dated 28.2.2017.

### Selected relevant drawings

Proposed plans and sections.

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

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

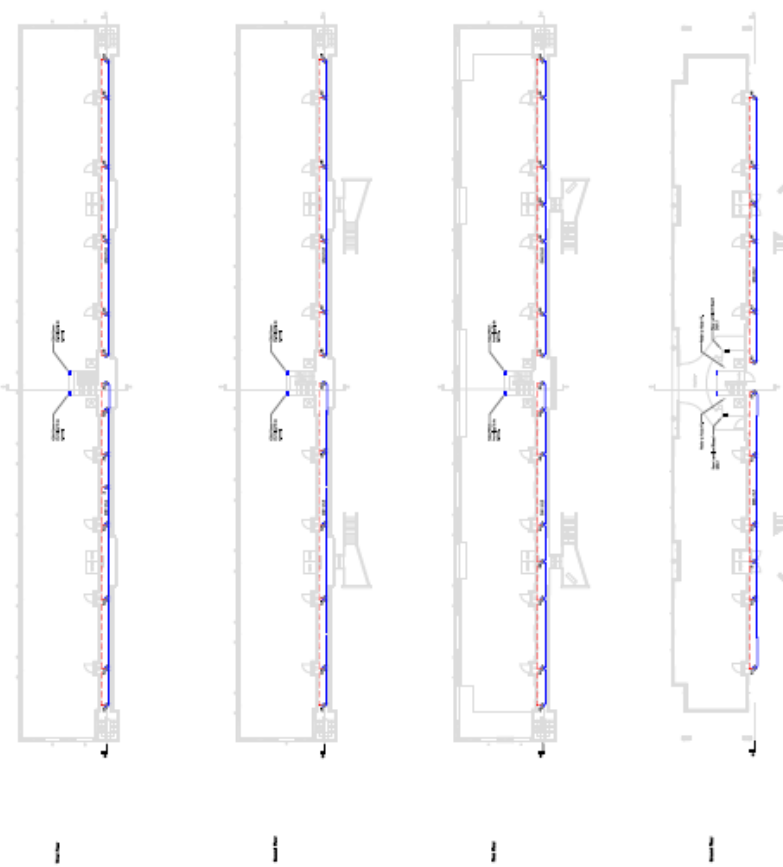
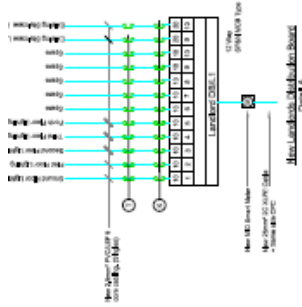


10. KEY DRAWINGS



Proposed Plan and Section Tenby House

### Proposed Plan Reading House



**DRAFT DECISION LETTER**

**Address:** Hallfield Estate, London, W2 6EF,

**Proposal:** Replacement of the communal lighting with new surface mounted conduit and new lighting fittings to the soffit walkways to Tenby House, Reading House and Pembroke House. Also installation of new surface mounted trunking to soffit walkways for mains electricity at Tenby House.

**Plan Nos:** 20002 REV 01 (Site Location Plan), 20002 REV 01 (Block Plan), 501 A, 502 A, 503 A, 504 A, 505 A, 506 A, 507a B, 507b B, Design and Access & Heritage Statement by Avanti Architects, Document dated 3 February 2017 by CityWest Homes.

**Case Officer:** Shui-Fung Siu

**Direct Tel. No.** 020 7641 2522

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) 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 Hallfield Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The trunking and conduits shall be finished/ painted in a colour to match the adjacent material and thereafter maintained in a matching colour and finish.

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

- 5 You must apply to us for approval of detailed section drawings of the following parts of the development - the conduit and new light fitting at Reading House and Pembroke House. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (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 Hallfield Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**Informative(s):**

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

Item No.
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