



City of Westminster

Committee Agenda

Title:

Planning Applications Committee (4)

Meeting Date:

Tuesday 18th April, 2017

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Angela Harvey (Chairman)
Jonathan Glanz
Gotz Mohindra
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
Corporate Website: www.westminster.gov.uk**

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

- | | |
|---|-------------------------|
| 1. DEVELOPMENT SITE AT 105-106 NEW BOND STREET AND 18 HAUNCH OF VENISON YARD, LONDON | (Pages 3 - 32) |
| 2. 79 NEW CAVENDISH STREET, LONDON, W1G 7LT | (Pages 33 - 62) |
| 3. SERPENTINE GALLERY KENSINGTON GARDENS, EXHIBITION ROAD, LONDON, W2 3XA | (Pages 63 - 74) |
| 4. 21 WEIGHHOUSE STREET, LONDON, W1K 5LY | (Pages 75 - 82) |
| 5. ST JAMES'S SQUARE, LONDON | (Pages 83 - 92) |
| 6. 1 EATON TERRACE, LONDON, SW1W 8EX | (Pages 93 - 114) |

7. 1 QUEENSBOROUGH MEWS, LONDON, W2 3SG

(Pages 115 -
130)

Charlie Parker
Chief Executive
6 April 2017

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE – 18th April 2017
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s) : 17/00413/FULL West End	Development Site At 105-106 New Bond Street And 18 Haunch Of Venison Yard London	Demolition behind the retained New Bond Street facade and erection of a new building comprising sub-basement, basement, ground and six upper storeys for use as retail (Class A1) at basement, part ground and mezzanine floors; offices (Class B1) at part ground, second to sixth floors; and dual/alternative use of the first floor as either offices (Class B1) and/or retail (Class A1). Office access to be via Haunch of Venison Yard. Installation of plant at sub-basement and sixth floor levels, terraces at third to fifth floor levels and cycle storage and waste stores at sub-basement level.	Asset 5 Investment Management
<p>Recommendation</p> <p>1. Subject to no new issues being raised before the expiry of the consultation period on the 24 April 2017, grant conditional permission, subject to the completion of a S106 planning obligation to secure the following:</p> <p>i. Provision of £281,190 towards the City Council's affordable housing fund (index linked and payable on occupation of the first floor for office purposes);</p> <p>2. If the S106 legal agreement has not been completed within six weeks from the date of the Committee's resolution then:</p> <p>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</p> <p>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.</p>				
Item No	References	Site Address	Proposal	Applicant
2.	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 use (Class D1), and dual/alternative use of part basement and part ground floor as either medical use (Class D1) or retail purposes (Class A1).	Harley Property Holdings
<p>Recommendation</p> <p>Grant conditional permission</p>				
Item No	References	Site Address	Proposal	Applicant
3.	RN NO(s) : 17/01348/FULL Knightsbridge And Belgravia	Serpentine Gallery Kensington Gardens Exhibition Road London W2 3XA	Erection of temporary pavilion from 23 June 2017 until 8 October 2017.	The Serpentine Gallery

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 18th April 2017
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 16/11871/TCH West End	21 Weighhouse Street London W1K 5LY	Use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6025mm x 1150mm in association with the adjacent restaurant at 21-22 Weighhouse Street.	Contoir WS Ltd
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Applicant
5.	RN NO(s) : 15/11071/FULL St James's	St James's Square London	Installation on the footway on the south-west side of St James Square, opposite the junction with King Street, of a Cycle Hire docking station, containing a maximum of 28 docking points, a payment terminal and 6 cycle stands.	Transport for London
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
6.	RN NO(s) : 16/06913/FULL 16/06914/LBC Knightsbridge And Belgravia	1 Eaton Terrace London SW1W 8EX	Erection of single storey rear extension at first floor level and demolition of existing lean-to glass roof in association with creation of enlarged roof terrace at first floor level with associated screening and planters.	Mr Dominic Hollamby
Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Applicant
7.	RN NO(s) : 17/00195/FULL Lancaster Gate	1 Queensboro ugh Mews London W2 3SG	Removal of Condition 4 of planning permission dated 28 September 2015 (RN: 15/06025) which varied Condition 1 of planning permission dated 01 May 2015 (RN: 15/01872) for erection of single storey building to garden (fronting Queensborough Terrace) to house electricity substation; namely to remove requirement that the new door facing Queensborough Terrace shall be clad with timber to match the adjacent door/gate leading from Queensborough Terrace to Queensborough Studios, and maintained that way thereafter.	Mrs Judith Wells
Recommendation Grant conditional permission.				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved	
Subject of Report	Development Site At 105-106 New Bond Street And 18, Haunch Of Venison Yard, London		
Proposal	Demolition behind the retained New Bond Street facade and erection of a new building comprising sub-basement, basement, ground and six upper storeys for use as retail (Class A1) at basement, part ground and mezzanine floors; offices (Class B1) at part ground, second to sixth floors; and dual/alternative use of the first floor as either offices (Class B1) and/or retail (Class A1). Office access to be via Haunch of Venison Yard. Installation of plant at sub-basement and sixth floor levels, terraces at third to fifth floor levels and cycle storage and waste stores at sub-basement level.		
Agent	Rolfe Judd Planning		
On behalf of	Asset 5 Investment Management		
Registered Number	17/00413/FULL	Date amended/ completed	30 January 2017
Date Application Received	18 January 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Subject to no new issues being raised before the expiry of the consultation period on the 24 April 2017, grant conditional permission, subject to the completion of a S106 planning obligation to secure the following:
- i. Provision of £281,190 towards the City Council's affordable housing fund (index linked and payable on occupation of the first floor for office purposes);
2. If the S106 legal agreement has not been completed within six weeks from 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

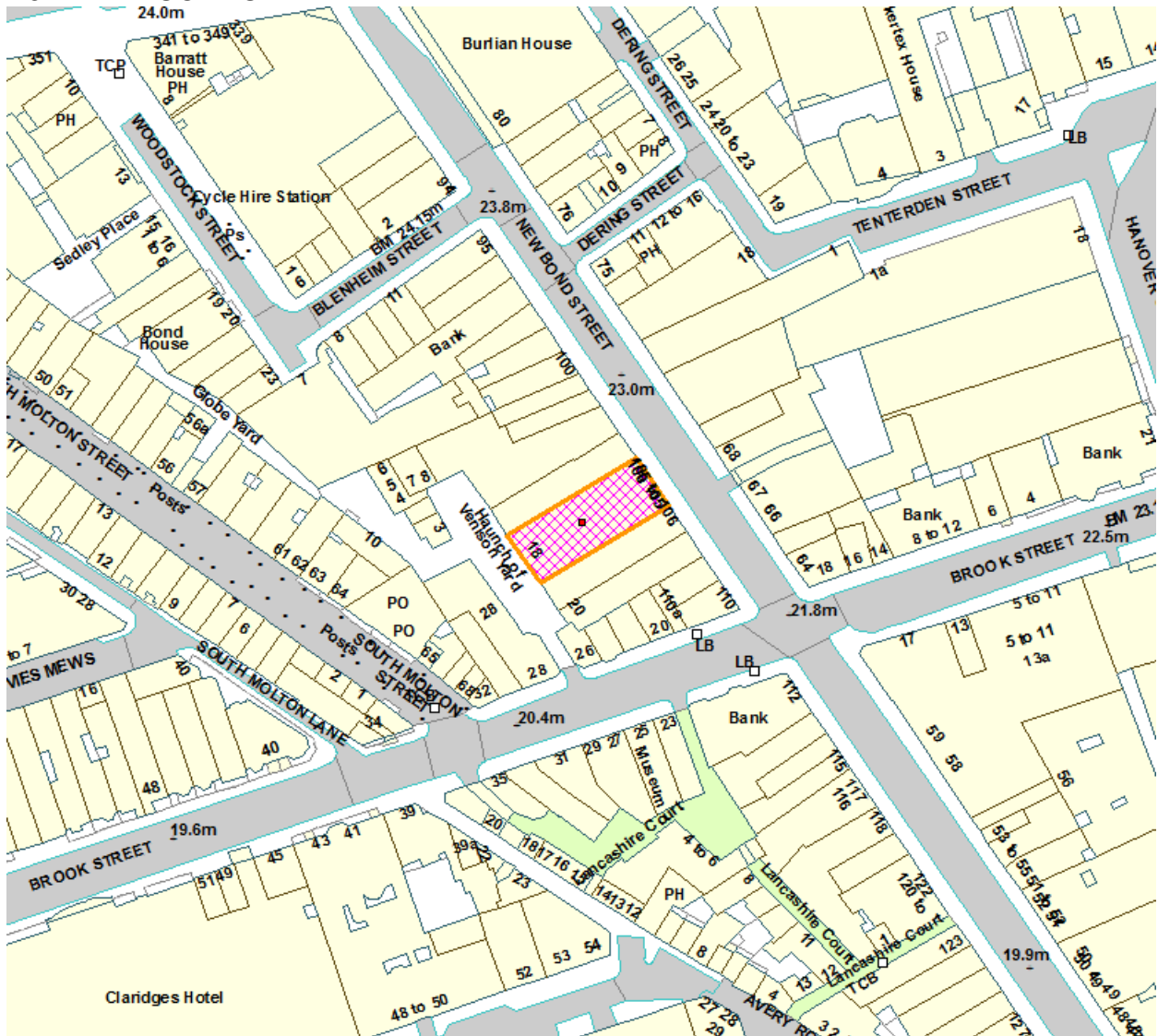
The application site is an unlisted building within the Mayfair conservation area and Core Central Activities Zone (Core CAZ) and has its primary frontage onto New Bond Street. The site is currently occupied at ground floor level by two separate retail units and the upper floors are in use as offices.

The key issues for consideration are:

- The impact on the character and appearance of the Mayfair conservation area
- The mix of land uses
- Impact on residential amenity – with particular regard to privacy and daylight

The proposals would result in an uplift of both retail and office floorspace in accordance with City Plan policies. This could all be achieved without material harm to other concerns including surrounding residential amenity. The application is considered to be acceptable in design terms and it is recommended that conditional planning consent be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1. Front Elevation



Photograph 2. Rear façade onto Haunch of Venison Yard.



5. CONSULTATIONS

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection, condition recommended to secure a Written Scheme of Investigation (WSI)

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

CROSSRAIL

No objection subject to condition

BUILDING CONTROL

No objection

CLEANSING

No objection subject to condition

ENVIRONMENTAL HEALTH

No objection subject to condition

HIGHWAYS PLANNING MANAGER

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 51

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Objections have been received on the following grounds:

- Applicant should contribute to second phase public realm improvements at Haunch of Venison Yard.
- Construction management should not conflict with Haunch of Venison Yard public realm upgrades
- Increased noise and disturbance from construction
- Construction worker litter and smoking
- Vibration damage to artefacts
- Increased dust and dirt
- Increased congestion to Haunch of Venison Yard
- Application should be supported by construction management plan

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a mixed use building comprising two retail units (class A1) at ground floor, with one of the retail units also occupying basement floorspace, and offices (class B1) on the upper floors. The upper floors are lawfully B1 offices, however they are

currently vacant with independent access from the New Bond Street frontage. At present, the existing building has a ground floor and five upper storeys with a plant room on the roof on New Bond Street. To the rear 18 Haunch of Venison Yard has three upper floors and plant area on the roof, in addition to the ground floor and basement.

The building is adjoined on either side by properties with similar configuration; A1 retail units at ground floor with B1 office uses to the upper floors. To the rear, is Haunch of Venison Yard, which provides a means of access to the rear of buildings along New Bond Street, and service yard to the Bonhams site which occupies 101 New Bond Street, 7 Blenheim Street , 3-8 and 10 Haunch of Venison Yard.

The property lies within the Core Central Activities Zone (CAZ) and is identified as part of the primary shopping frontage within the West End Special Retail Policy Area (WESRPA). It is also within the Mayfair conservation area and the Crossrail line 1 safeguarding zone.

6.2 Recent Relevant History

On 14.07.2011 a lawful development certificate was granted confirming the use of the third floor as office accommodation (Class B1) (10/08174/CLEUD)

On 30.10.2007 planning permission was refused for the demolition and redevelopment behind retained facades to create retail (Class A1) use on basement and ground floors, office (Class B1) use on first to fifth floors at Nos. 105-106 and eight residential (Class C3) units on first to fourth floors of No. 107 (07/06222/FULL). Planning permission was refused on 8 grounds including loss of daylight and increased sense of enclosure to No. 24 Brook Street; and increased height, bulk and prominence of the plant room above No. 105-106 and the height of the Haunch of Venison elevations failing to relate satisfactorily to the scale of existing development.

On 20.08.2008 planning permission was granted for the demolition and redevelopment behind retained facades to create retail use (Class A1) on basement, ground and first floors, office (Class B1) use on part ground - fifth floors at Nos. 105-106 and seven residential units (comprising of 2 x 1, 2 x 2 and 3 x 3 bed units) on part ground - fourth floors of No. 107. Sufficient amendments were made to the scheme, overcoming the previous reasons for refusal. (08/04498/FULL)

7. THE PROPOSAL

The site relates to two buildings at 105-106 New Bond Street and 18 Haunch of Venison Yard, that are split by a large lightwell at first floor level, with covered walkways/corridors enabling access between buildings at floor levels.

The application proposes to demolish the existing building behind a retained façade onto New Bond Street and to provide one larger building, facilitating greater efficiency and larger floorplates. The works include the excavation of a new sub-basement and would include a mezzanine level. The building would be maintained in both retail (A1) and office (B1) use.

There would be a single retail unit accessed from New Bond Street with a secondary access created from Haunch of Venison Yard. Independent access to the office accommodation will be relocated to the Haunch of Venison Yard frontage. A further

entrance to the shared waste and cycle storage areas will also be provided from Haunch of Venison Yard.

The application seeks the provision of terraces to be used in conjunction with the office accommodation. Terraces are indicated to be provided at third and fourth levels on the southern elevation and a wrap-around terrace at fifth floor level on the southern and western elevations and a further terrace on the northern elevation overlooking New Bond Street.

Plant areas will be provided within the new sub-basement and to the west of the sixth floor and enclosed with a screen.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The building will continue to be used for retail and office purposes. The scheme would result in additional floorspace of 828m². The application seeks dual/alternative consent for the first floor as set out in the table below.

Table 1. Land use schedule

USE	EXISTING	PROPOSED	CHANGE
RETAIL	802	(incl. 1 st floor) 1265	+463
		(excl. 1 st floor) 852	+50
OFFICE	1312	(incl. 1st floor) 2084	+772
		(excl. 1st floor) 1671	+359
ANCILLARY FLOORSPACE	58	64	+6
TOTAL	2172	3000	+828

Uplift in office

Policy S20 directs new office development to the Core CAZ. Policy S6 states that the Core CAZ is an appropriate location for a range of commercial uses to ensure it retains its important function as a business location. The uplift in office floorspace is welcomed, subject to compliance with the Council's mixed use policy.

Uplift in retail

New Bond Street is located within the West End Special Retail Policy Area (WESRPA) and is designated a Primary Shopping Frontage. UDP Policy SS3(A) states that development schemes on the Primary Shopping Frontages should provide A1 uses throughout ground, basement and first-floor levels and there should be no loss of A1 floorspace. Policy S7 seeks improved retail space in order to support its function as a world-class shopping destination and Policy S21 protects existing A1 retail units throughout Westminster and directs new retail floorspace to the designated shopping centres.

At present only the basement and ground floors are in retail use and the proposals create three floors of retail accommodation over basement, ground and mezzanine floors. The proposals also include the option of the first floor being used for retail purposes, in which case, four floors of retail would be provided. The increase in retail floorspace is supported by the shopping policies.

Policy SS3 ordinarily seeks retail provision throughout the entire first floor. However, the applicant seeks a flexible use of the first floor, and as such the first floor could be used for office purposes contrary to Policy SS3. However, the replacement floorspace on the basement, ground and mezzanine floors will be superior in qualitative terms. The existing retail accommodation, particularly in the basement which has a cellular arrangement, is poor and disjointed, whereas the new floorspace will consist of large new floorplates. In addition, there will also be a net increase in the amount of linear retail frontage along New Bond Street itself at ground floor level along the Primary Shopping Frontage. This is achieved via the relocation of the existing office entrance along the street to the rear of the site on Haunch of Venison Yard. Given the overall uplift of retail floorspace on the site, the introduction of a new mezzanine floor of retail accommodation and the fact that the proposal would introduce an active frontage onto Haunch of Venison Yard, the dual/alternative use of the first floor for retail/office purposes is considered to be acceptable.

Dual/Alternative use at first floor level

The proposals include the dual/alternative use of the first floor, to enable it to switch between the A1 retail and B1 office uses, within a 10 year period. Both retail and office uses are encouraged within the Core CAZ and are both compatible with the uses within the building.

Mixed Use Policy

Mixed uses in the Central Activities Zone (Core CAZ) that support its vitality, function and character are encouraged by Policy S1. Policy S1 requires the provision of residential to offset increases in offices (Class B1) where the net additional floorspace (of all uses) is over 30% of the existing building floorspace. In this instance, the net additional increase in all uses exceeds this threshold, and therefore residential floorspace equivalent to the net additional B1 floorspace is required. (This residential floorspace requirement is only triggered in the event that the first floor is used for office purposes, as this is the only scenario which results in net additional (some 121sqm) B1 floorspace).

The mixed use policy states that it is the applicant's discretion whether to provide the residential floorspace on or off-site, or by way of a credit or payment in lieu. The applicant has advised that they are willing to provide the uplift in residential as a payment in lieu to the Council's Affordable Housing Fund. This equates to a payment of £281,190 in accordance with Policy S1. This will be secured by legal agreement triggered on occupation of the first floor as offices.

8.2 Townscape and Design

No. 105/106 New Bond Street is faced with stone and the rear at No. 18 Haunch of Venison Yard is of plain stock brickwork. The ground floor shopfronts are of little interest other than where original architectural features survive. The building makes a positive contribution to the character and appearance of the Mayfair Conservation Area and represents A good example of its type on New Bond Street. It was built c1906 to the

design of Edward Keynes Purchase. The building is not listed, nor is its immediate neighbours. The nearest listed building is at No. 103 (Grade II) and the rear of Greybrook House (Grade II) is opposite the site in Haunch of Venison Yard.

Internally, the building has been substantially altered. Although it retains its original staircases, it is not considered that these features warrant preservation of the building in its current form. Neither is it considered the building is of sufficient merit to justify addition to the statutory list of buildings of special architectural interest. The existing stock brick facade to Haunch of Venison Yard, with an uncoordinated mixture of window types, make a neutral contribution to the appearance of the area and its loss would not be considered detrimental to the conservation area.

The proposals do result in an increase in bulk and massing, particularly at the rear on the Haunch of Venison Yard façade. The scheme is also a storey higher at the rear than the scheme approved in 2008. However, the proposals maintain its stepped design of the upper floors, which would not be visible from street level in Haunch of Venison Yard. From this vantage point the development would not appear higher than the existing tallest building in the Yard. The proposed facades to haunch of Venison Yard are of cream-coloured brick with corten steel panels and balustrades. This palette of materials and the detailed design of the facades are considered acceptable in design terms and suit the robust semi-industrial character of the Yard.

To 105-106 New Bond Street, the alterations to the façade comprise the replacement of existing mansard roof storey with a new mansard roof and plant room. The alterations to the roof and New Bond Street facade will improve the building's appearance by removing rooftop clutter and replacing the existing roof with a new sheer storey designed to match the architecture of the original building below, with a simple modern mansard roof clad in zinc with flush rooflights to the front roofslope. The alterations at roof level reflect the design that was permitted under the 2008 approved scheme.

A new shopfront would be provided at street level with one column repositioned in order to better relate to the upper floors. Whilst this is considered an improvement in design terms, there is concern that the shopfront would contain an expanse of un-subdivided glazing, and somewhat loses the relationship with the upper floors. Therefore, an amending condition is requested in order to provide more solidity and to ensure that the shopfront closely relates to the arrangement of the building above.

The area lies in an area of archaeological interest and Historic England requests a condition be imposed to secure a written scheme of investigation and watching brief. This may be dealt with by condition.

The proposed redevelopment would enhance the appearance of the building facing New Bond Street and improve the appearance of Haunch of Venison Yard. The character and appearance of the surrounding conservation area and the setting of nearby listed buildings would also be improved.

The development would ordinarily attract a requirement for public art and the applicant has been asked to address this issue. Members will be updated verbally at the committee on this issue.

Overall, the proposals accord with UDP policies DES 1, DES 5, DES 6, DES 9 and DES 10, and the council's 'Development and Demolition in Conservation Areas' supplementary planning guidance.

8.3 Residential Amenity

Sunlight and Daylight

A daylight and sunlight study by Delva Patman Redler has been submitted in support of the application and assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing developments. Properties that were assessed include 24 and 28 Brook Street, and 64, and 65 New Bond Street.

Daylight

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. For buildings that neighbour a new development, the guidance suggests that daylight will be adversely affected by the development if its windows achieve a VSC below 27% and have their levels reduced to less than 0.8 times their former value.

The report demonstrates that the windows in surrounding properties achieve compliance with the BRE guidelines in respect of VSC assessment. The proposed scheme is unlikely to have a material impact upon the living conditions of neighbouring occupiers in terms of daylight.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during winter months and the loss over the whole year exceeds 4%, then the loss would be noticeable.

In respect to sunlight, only those windows facing within 90 degrees of due south require testing. The windows located within 64 and 65 New Bond Street were therefore tested. The report demonstrates that all windows in these two properties are compliant in terms of sunlight.

Sense of Enclosure

There are a limited number of residential properties within the vicinity of the site, the closest being at 24 Brook Street and 28 Brook Street. In respect to 24 Brook Street, a residential maisonette is located over 3rd and 4th floors with north facing windows that overlook the site. The proposed development will maintain a distance of 14m (approximately) to this neighbouring property. Whilst the building will increase in height, it has been designed with setbacks at third, fourth, fifth and sixth floor levels on its southern elevation. It is not considered that the proposal would harm residential amenity by way of sense of enclosure at 24 Brook Street.

To the west of the site is Haunch of Venison Yard, beyond which is 28 Brook Street. This is a recently constructed building and it appears not yet to be occupied, however planning permission was granted for the use of the first to fifth floors of this property as residential flats, with windows facing north-east which directly overlook the application site. The separation distance between the application site and 28 Brook Street is approximately 9m, and the 6th floors would be set back from the boundary with Haunch of Venison Yard. This is not an unusual distance normally found between mews properties, and is not uncommon within the highly developed Central London area. Furthermore, the majority of windows within No. 28 facing the application site serve dual aspect habitable rooms. Therefore there would be no undue sense of enclosure to residential flats at this property.

Overlooking

There is a mutual level of overlooking from the windows in the rear and southern elevations. The proposed scheme seeks to include southern balconies at third and fourth floors and a wrap-around balcony at fifth floor level on the south and western elevations and a balcony on the northern elevation (front). Given the use of these floors as offices, distances, and the existing relationship between the site and nearby residential and commercial buildings, the proposal would not result in an unacceptable degree of overlooking.

Lightspill

There is a large amount of glazing to the Haunch of Venison Yard façade. Adjacent to the site, 28 Brook Street has limited habitable room windows (third bedrooms) and non-habitable windows (en-suite bathrooms and corridors) facing the proposed development. Views from the habitable rooms within the residential flats within this neighbouring building are orientated to the south and west and are primarily directed away from the direction of the proposed development. The impact upon 28 Brook Street in this regards is therefore acceptable.

8.4 Transportation/Parking

Servicing

Policy S42 deals with servicing, seeking to ensure that developments are managed in a way that minimises adverse impacts on the highway. TRANS20 requires convenient and safe access to premises for servicing, and generally requires that servicing is undertaken off street. In this instance the existing building operates without off-street servicing and as the site is within a Controlled Parking Zone (CPZ) loading and unloading to occur is allowed on single yellow lines in the vicinity. The largest regular service vehicle expected to be associated within this development is likely to be the refuse collection and is likely to service the property in a similar fashion to nearby properties. A servicing management plan is secured by condition to ensure that servicing can be undertaken without causing disruption to the public highway.

Trip Generation

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport and other sustainable modes. Whilst there is an increase in floorspace, the proposed development will not have a detrimental impact upon trip generation. Given that the proposed use would be similar to existing; there would be no significant change in terms of people arriving to, and departing from the site.

Given the sites proposed uses and location, the impact on parking levels is considered to be minimal and would therefore be acceptable.

Cycle parking

38 cycle parking spaces are indicated on the submitted drawings at basement level -2. It is noted that this would be an over-provision and this is welcomed. The cycle storage is located where both the B1 offices and A1 retail unit could have access through a series of internal corridors.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

All external entrances would be step free, and fully DDA compliant with level access for wheelchair users. Internal lifts would also be suitable for wheelchair users.

8.7 Other UDP/Westminster Policy Considerations

Noise

Policies ENV 6 and ENV 7 of the UDP and City Plan policy S32 require new developments to minimise noise disturbance and to protect noise sensitive properties.

Terraces in connection with the office use are sought at third, fourth and fifth floors. It is expected that the terraces would be used during normal office hours, it is not considered that the development would affect surrounding residential amenity or local environmental quality in this regards. However, it is proposed to restrict the hours of use by condition, to between 8am to 6.30pm, Mondays to Fridays only.

Plant

The application proposes the installation of plant machinery in order to meet the energy and occupancy requirements of the proposed building. The plant comprises of two air handling units and two variable refrigerant flow units and will be installed to the west of the sixth floor and enclosed with a screen.

The Environmental Health officer has reviewed the acoustic report submitted with the application. The measured background noise levels exceed WHO guidelines. Calculations indicate that with the specified acoustic louvres and distance attenuation; the plant will be compliant with the City Council's noise criteria, subject to the condensers are installed behind an acoustic barrier. A condition will secure the detailed design of the acoustic barrier and ensuring it is installed.

Refuse /Recycling

Waste and recycling would be stored at basement level -2. There would be direct access to street level and to both the retail unit and upper floor offices. Revised plans have been submitted detailing the storage arrangements for waste and recyclable materials and the means of transporting waste to street level.

The proposed arrangements for the storage of waste and recyclable materials are considered acceptable and shall be secured by condition.

Sustainability

The application proposes Photo-Voltaic (PV) panels to the roof level in order to achieve a 35% reduction in Co2 emissions, this is welcomed and full details could be secured by condition.

8.8 London Plan

Policy 2.11 (Central Activities Zone – Strategic Functions), sets out that development proposals to increase office floorspace should include a mix of uses including housing, should enhance and expand retail capacity. The provision of A1 and B1 accommodation on site would be in accordance with the intent of this policy.

Policy 4.2 (Offices) states that the modernisation of existing office stock in terms of quality and flexibility, and the mixed use redevelopment of office provision will be supported. The proposals would re-provide improved office space and would be in accordance with this policy.

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

The estimated CIL payment is:

Mayoral-	£53,589.96
Westminster-	£176,392.03
Total-	£229,981

Formal determination of the CIL liability will be made by Westminster Council when a Liability Notice is issued after the CIL liable application is approved and the final figure might change due to indexation.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure a contribution towards the Council's affordable housing fund. An objector (Bonhams) has requested that the applicant should contribute also to second phase public realm improvements at Haunch of Venison Yard since this would provide a means of access and servicing to the property.

It is noted that public realm improvements have already been secured by a legal agreement in connection with a planning permission granted in 2012 relating to works in connection with the redevelopment of Bonhams. The legal agreement secured a payment to fund public realm improvements on Haunch of Venison Yard. It was originally proposed that Bonhams would fund the resurfacing the entire Yard; however this has since been revised to their courtyard only.

The agent has advised that they are unwilling to fund any public realm improvements Bonhams and the City Council are liable to fund. Indeed, the CIL Regulations make 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.

From 06 April 2015, the CIL Regulations imposed restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. The CIL Regulations also prevent “double dipping” where contributions for infrastructure works financed by CIL (which would previously have been financed using pooled public realm contributions) cannot also be financed through s106 contributions. It would therefore not be lawful to secure a pooled S106 contribution to help fund a public realm scheme.

It is unclear at this stage the timescales for the resurfacing works to Bonhams is to be undertaken, which is primarily related to the Crossrail works, which have been delayed. Any damage during the construction of the development site to the resurfacing of Haunch of Venison Yard will be covered under S278 agreement (of the Highway Act 1980).

8.11 Environmental Impact Assessment

There are no environmental impacts associated with this proposed development.

8.12 Other Issues

Basement

The proposals involve the excavation of a part sub-basement level which therefore needs assessment against City Plan Policy CM28.1. This requires that an application is accompanied by a detailed structural methodology statement and demonstrates that the development would not increase or otherwise exacerbate flood risk, safeguard significant archaeological deposits and be designed and constructed so as to minimise the impact at construction and occupation stages.

The applicant has provided a structural engineer’s report 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 purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty

of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. Building Control officers have reviewed the submitted details and raised no concerns. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Historic England (Archaeology) states that whilst the site does not lie within an archaeological priority area and as the existing building already includes a basement which will have impacted archaeological survival; however there is some potential to survive below this truncation, and the new deeper basement level would therefore remove any surviving archaeological remains. A condition is sought in order that any archaeological interest is conserved.

The site is located inside the surface water flood risk hotspot and located within Flood Zone 1 where there is a low probability of flooding. The Flood Risk assessment concludes that there would be a low risk of flooding from surface water, groundwater, sewers and artificial sources.

For these reasons the proposed basement is considered to accord with City Plan Policy CM28.1

Construction impact

The City Council's Code of Construction Practice (CoCP) and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

Concerns from a neighbouring commercial premise have been expressed regarding construction related disturbances. The objector is seeking measures to protect the operation of nearby Bonhams during construction. Some of the objections raised, with particular regard to noise and disturbance, vibration, dust and dirt and vehicular movement and parking, would be subject to the CoCP agreement and monitored by the by the Council's Environmental Inspectorate. However, some of the objections, including window cleaning, restrictions on building works taking place when auctions/viewings are being conducted, and smoking areas to be located away from the Bonhams property are beyond the scope of the CoCP. The agent has also advised that they will engage with Bonhams; however any agreement between the applicant and Bonhams beyond the scope of the CoCP is a civil matter.

9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England (Archaeology), dated 2 March 2017
3. Response from Cross Rail Ltd, dated 20 February 2017
4. Response from Building Control, dated 20 February 2017
5. Response from Cleansing, dated 3 April 2017
6. Response from Environmental Health, dated 24 February 2017

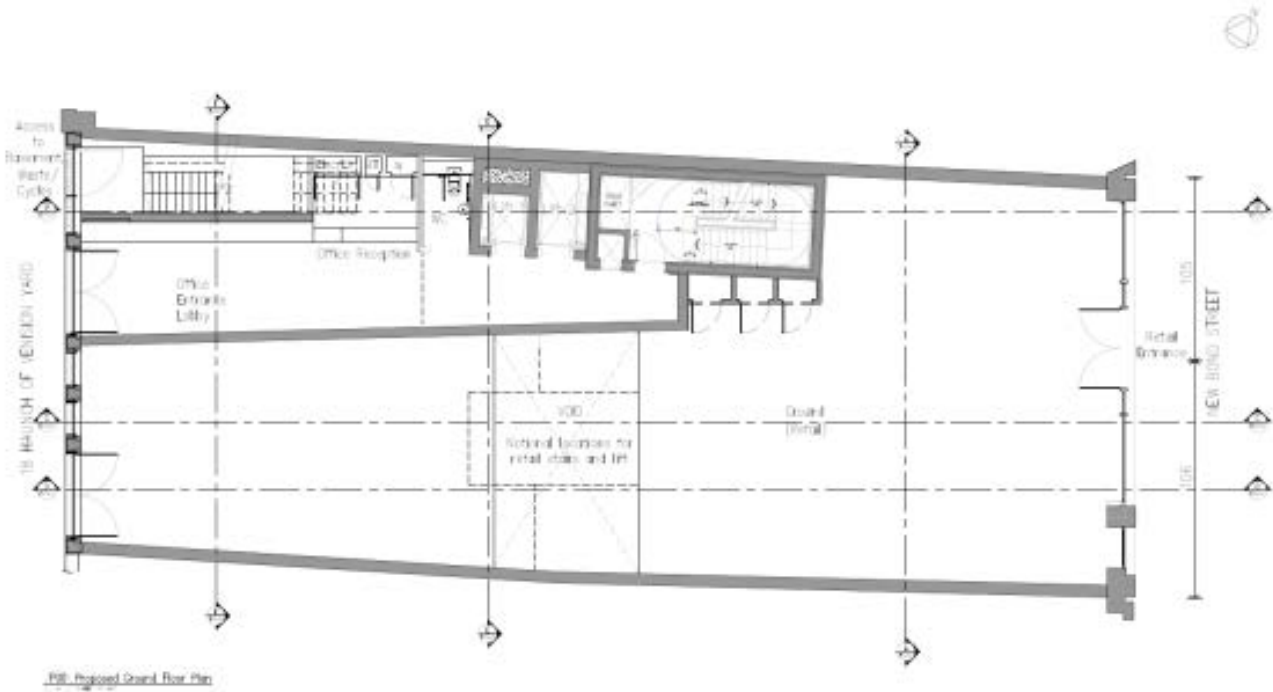
7. Response from Highways Planning Manager, dated 2 March 2017
8. Letter from JLL on behalf of Bonhams at 101 New Bond Street, 7 Blenheim Street, 3-8 and 10 Haunch of Venison Yard, dated 17 March 2017

(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

10. KEY DRAWINGS

Drawing 1. Proposed ground floor plan

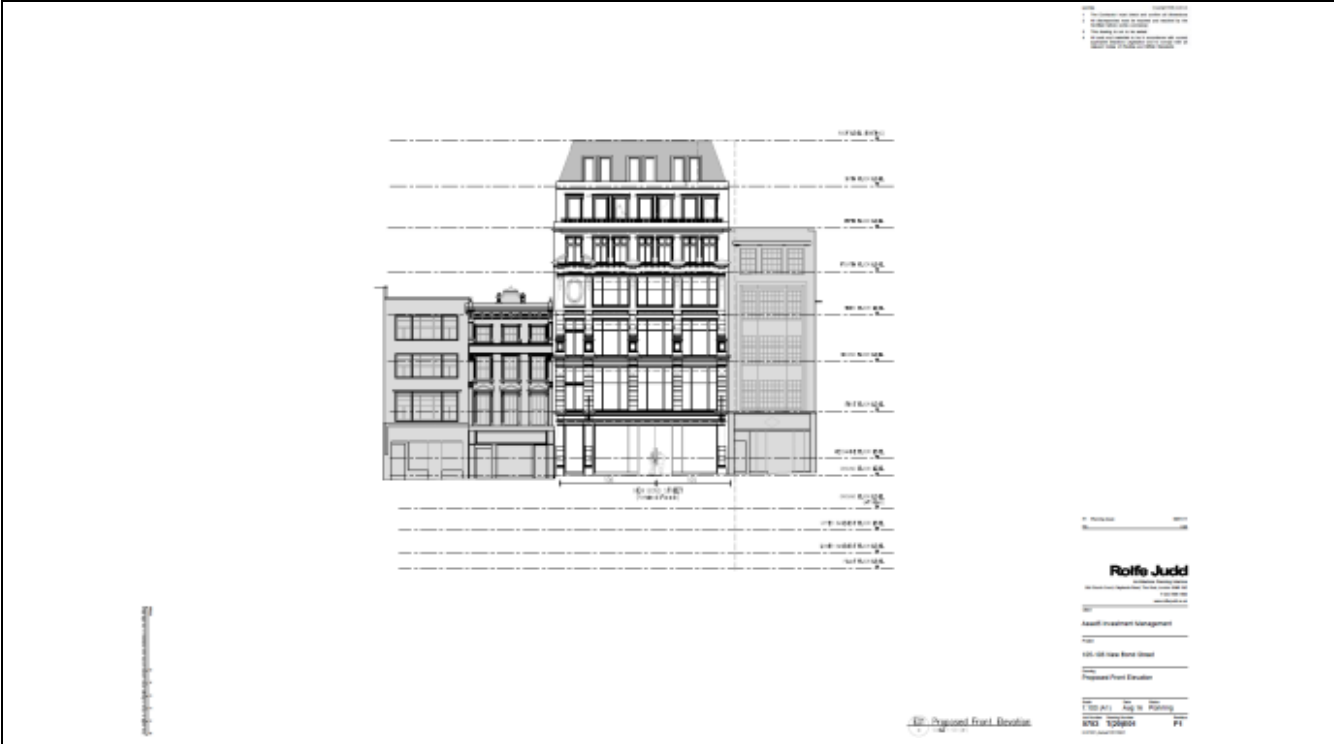


100 Proposed Ground Floor Plan

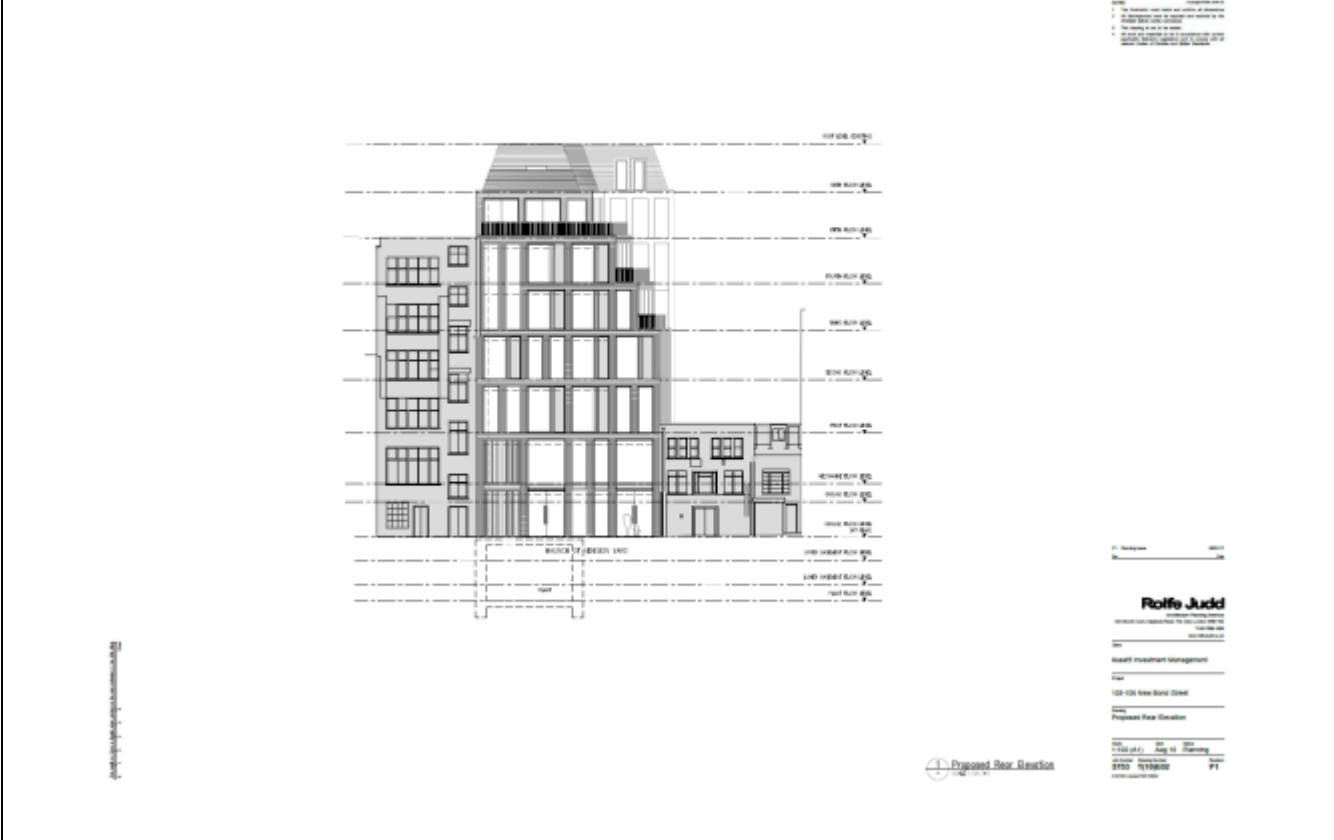
Rolfe Judd

<ul style="list-style-type: none"> 1. The drawings are to be used for the purpose of the project only and are not to be used for any other purpose. 2. The drawings are to be used in accordance with the terms and conditions of the contract. 3. The drawings are to be used in accordance with the terms and conditions of the contract. 4. The drawings are to be used in accordance with the terms and conditions of the contract. 	<p>Project Name: [Redacted]</p> <p>Client: [Redacted]</p> <p>Address: [Redacted]</p>	<p>Project: [Redacted]</p> <p>Phase: [Redacted]</p> <p>Date: [Redacted]</p>	<p>Author: [Redacted]</p> <p>Checked: [Redacted]</p> <p>Approved: [Redacted]</p>	<p>Scale: [Redacted]</p> <p>Sheet: [Redacted]</p> <p>Total: [Redacted]</p>	<p>Project Ground Floor Plan</p> <p>Scale: 1:100</p> <p>Date: 10/10/2020</p> <p>Sheet: 01 of 01</p>
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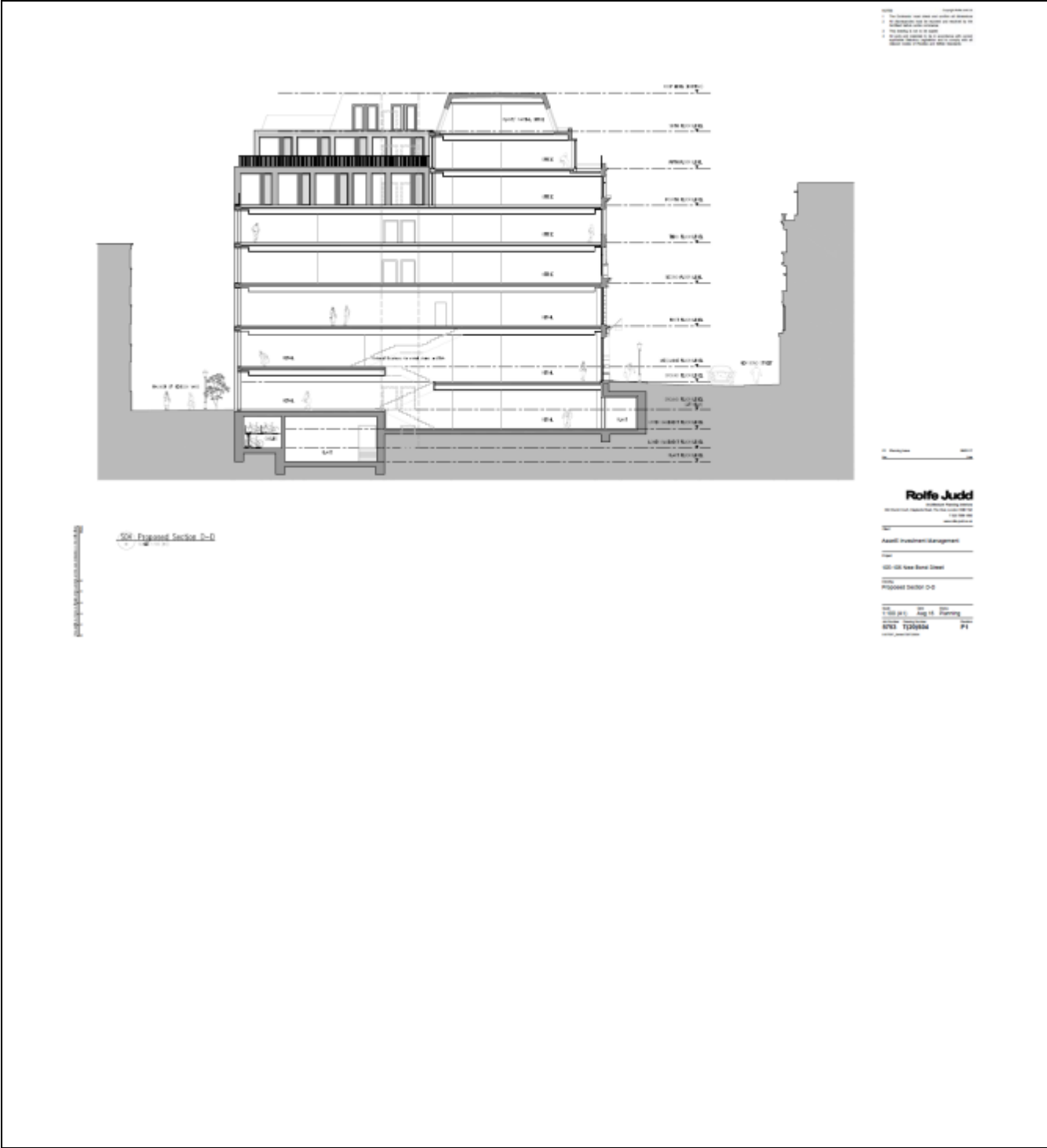
Drawing 2. Proposed front elevation



Drawing 3. Proposed rear elevation



Drawing 4. Proposed section D-D



DRAFT DECISION LETTER

Address: Development Site At 105-106 New Bond Street And 18, Haunch Of Venison Yard, London

Proposal: Demolition behind the retained New Bond Street facade and erection of a new building comprising sub-basement, basement, ground and six upper storeys for use as retail (Class A1) at basement, part ground and mezzanine floors; offices (Class B1) at part ground, second to sixth floors; and dual/alternative use of the first floor as either offices (Class B1) and/or retail (Class A1). Office access to be via Haunch of Venison Yard. Installation of plant at sub-basement and sixth floor levels, terraces at third to fifth floor levels and cycle storage and waste stores at sub-basement level.

Reference: 17/00413/FULL

Plan Nos: 5753 T(20)E01 P1; T(10)E02 P1; T(20)E03 P1; T(20)E04 P1; T(20)P-2 P1; T(20)P-1 P1; T(20)P00 P1; T(20)P00-M P1; T(20) P01 P1; T(20)P02 P1; T(20)P03 P1; T(20)P04 P1; T(20)P05 P1; T(20)P06 P1; T(20)P07 P1; T(20)S01 P1; T(20)S02 P1; T(20)S03 P1; T(20)S04 P1; T(20)S05 P1; T(20)S06 P1, T20P-2 Rev P2, T20P00 Rev 2.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

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:

In the interests of public safety 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. (R24BC)

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 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising 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. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

This is to ensure sufficient space remains for utilities and in accordance with TRANS19.

- 4 Prior to occupation by either the retail or office occupiers, a Servicing Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Servicing management plan shall be followed/maintained for life of development. The plan should identify process, internal storage locations, scheduling of deliveries and staffing.

Reason:

In the interests of public safety 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. (R24BC)

- 5 You must provide the cycle parking as shown on drawing 5753 T(20)P-2 P1 for both the B1 office and A1 retail use. The cycle parking must be provided and thereafter maintained for cycle parking only.

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.

- 6 Before the building is occupied for either retail (A1) or office (B1), you must provide the separate stores for waste and materials for recycling shown on drawing number T20P-2 Rev P2 and T20P00 Rev 2;. You must clearly mark them and make them available at all times to everyone using the B1 office space and A1 retail space. (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)

7 **Pre Commencement Condition.,**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme.

You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 8 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 9 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundation, and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:-
- (i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works
 - (ii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures
 - (iii) Mitigate the effects on Crossrail, of ground movement arising from development,

The development shall be carried out in all respects in accordance with the approved design method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1(ii) and 1(iii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 10 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangement to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 13 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 14 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces. (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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 15 (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.

- 16 Prior to the use of the building you must provide scaled plans (1:100 and 1:20) and specification of the solar photovoltaic panels to the roof. You must provide the features according to these details prior to the occupation of the building.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 17 You must apply to us for approval of detailed drawings of the design of the acoustic barrier/screen to the plant at sixth floor level.

You must put up the plant screen/barrier shown on the approved drawings before you use the plant. You must then maintain it in the form shown for as long as the plant remains in place. (C13DA)

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 18 The terraces hereby permitted shall not be used between 18:30 and 08:00 Monday to Fridays and at no time on Saturdays and Sundays except in an emergency.

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)

- 19 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme;
- detailed drawings of the ground floor shopfront to New Bond Street showing a shopfront more closely related to the upper floors with reduction in the extent of glazing.

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 building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25

and S28 of Westminster's City Plan (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 Notwithstanding the provisions of Class A1 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) the retail accommodation hereby approved shall not be used as a supermarket/food outlet (or similar) unless otherwise agreed in writing by the City Council as 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)

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.
- 2 With reference to condition 3 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.
- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must

also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 4 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the first floor can change between the B1 office and A1 retail 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)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:, , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk
- 7 Crossrail advises that the developer consult the Crossrail 'Information for Developers' guide which includes technical advice and guidance to developers wishing to undertake works close to our railway assets. , , It is also recommended that the Developer consult with Crossrail 'Third Party Interface Manager' to discuss and agree the schedule of deliverables required to demonstrate Crossrail Safeguarding (for the release of Conditions) GeoffRankin@crossrail.co.uk
- 8 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 the provision of £281,190 towards the Council's Affordable Housing Fund and the costs of monitoring the legal agreement. (I55AA)

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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Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 April 2017	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	79 New Cavendish Street, London, W1G 7LT,		
Proposal	Use of part lower ground, ground, and first to fifth floors to medical use (Class D1), and dual/alternative use of part basement and part ground floor as either medical use (Class D1) or retail purposes (Class A1).		
Agent	Turley		
On behalf of	Harley Property Holdings		
Registered Number	16/11211/FULL	Date amended/ completed	24 November 2016
Date Application Received	24 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application was presented to the Planning Applications Committee on 14 March 2017, where it was deferred to clarify the impact of the proposed parking and servicing measures on the security of the Central Synagogue and to obtain further information from the applicants about the impact of the likely intensification of the use, especially in relation to servicing, upon the locality relative to the lawful office use.

The applicants have submitted an addendum transport statement. This provides additional information with regards to the existing servicing of the office floorspace and states that this would be 10 servicing movements per day (as set out in the original committee report).

The addendum servicing statement includes servicing data from the Princess Grace Hospital (42-52 Nottingham Place). This shows that the hospital generates approximately 6-8 servicing movements per day. The applicants state that the Princess Grace Hospital is likely to generate more servicing movements than the medical use at the application site as the Princess Grace is a private hospital with operating theatres.

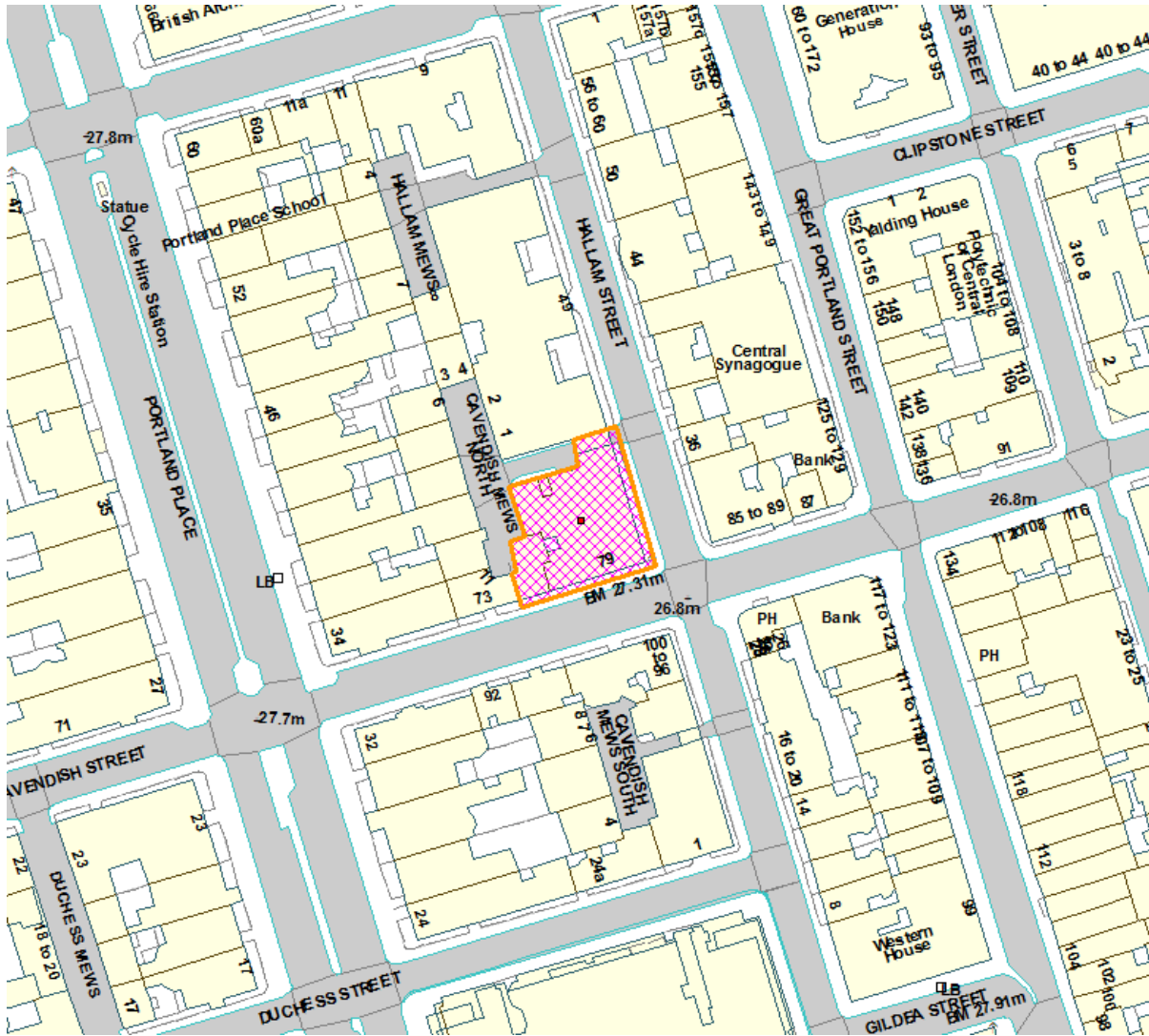
A further servicing survey was undertaken at the Platinum Medical Centre which is a private

diagnostic and outpatient centre. The results indicate that 6 deliveries were recorded on the busiest day. Therefore, the applicants maintain that proposed medical use will not generate any more servicing movements than the existing use.

In response to the number of objections received to the relocation of the residents car parking bays from the west to the east side of Hallam Street, this no longer forms part of the proposals. The servicing of the unit will be carried out on the single yellow line on the east side of Hallam Street, as per the existing situation.

The Highways Planning Manager has no objection to the revised proposals.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ADDITIONAL REPRESENTATIONS UNDERTAKEN

CRIME PREVENTION OFFICER

No comment, but has referred the case to Counter Terrorism to provide comments.

HIGHWAYS PLANNING MANAGER

No objections raised

REPRESENTATIONS RECEIVED AFTER THE PREVIOUS REPORT WAS COMPLIED BUT VERBALLY REPORTED TO MEMBERS

COUNCILLOR ROWLEY

Concern over the impact the proposed use will have on security

COUNCILLOR BOTT

- Concern of the relocation of the residents car parking bays from the west to east side of Hallam Street;
- Lack of consultation with neighbouring occupiers.

Seven letters of objection raising the following:

- Proposed use will cause disruption
- Additional vehicles and pressures on parking
- Hours of operation are too long, will have an impact on amenity
- Security implications through the moving of the parking bays
- No need for a new medical centre in this location

REPRESENTATIONS RECEIVED AFTER THE PREVIOUS COMMITTEE MEETING ON 14.03.2017

Two letters of objection raising the following:

- Building is not suitable for use as a medical centre

6. BACKGROUND PAPERS

1. Application form
2. Memorandum from Cleansing dated 9 February 2017
3. Memorandum from Highways Planning 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. Letters from occupier of Flat 3, 94 New Cavendish St, dated 17 December 2016 and 26 March 2017
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 St, London dated 4 January 2017
12. Letter from occupier of Flat 4, 96-100 New Cavendish Street dated 23 January 2017

REPRESENTATIONS RECEIVED AFTER THE PREVIOUS REPORT WAS COMPLIED

13. Email from Councillor Rowley dated 14 March 2017
14. Letter from occupier of Flat 22 49 Hallam street, London, dated 12 March 2017
15. Letter from occupier of 49 Hallam Street, London dated 13 March 2017
16. Letter from occupier of 49 Hallam Street, London dated 13 March 2017
17. Letter from occupier of Central Synagogue London, 40 Hallam Street dated 13 March 2017
18. Letter from occupier of 40 Hallam Street, London dated 13 March 2017
19. Letter from occupier of Flat 69, 49 Hallam Street dated 13 March 2017
20. Letter from occupier of Flat 23 And 26, 49 Hallam Street dated 16 March 2017
21. Email and Addendum Transport Statement from the applicants dated 30 March 2017
22. Email from the Highways Planning Manager dated 3 April 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

7. KEY DRAWINGS

Proposed ground floor



Typical upper floor plan



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 use (Class D1), and dual/alternative use of part basement and part ground floor as either medical use (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: ,
- 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 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 purposes. 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 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)

- 11 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)

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.

Minutes from 14.03.2017 – Planning Applications Committee.

3 79 NEW CAVENDISH STREET, LONDON, W1G 7LT

6

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).

Having declared a prejudicial interest Councillor Bott stood down from the committee.

The presenting officer tabled the following amendment to condition 10:

Revised wording for Condition 10

Pre Commencement Condition. You must not use any part of the development start work on the site 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.

Late representations were received from Councillor Ian Rowley (14/3/17) Rabbi B Marcus MBE (13/3/17), Mr Barry Marcus (13/3/17) Bidy Baxter (13/3/17), Helena Svojsikova (13/7/17) Stephen Glass (10/3/17) and Erhan Kazmagi (12/3/17).

Councillors Bott and Rowley addressed the committee in their capacity as Ward councillors in objection to the application.

RESOLVED: That the application be deferred to clarify the impact of the proposed parking and servicing measures on the security of the Central Synagogue and to obtain further information from the applicants about the impact of the likely intensification of the use, especially in relation to servicing, upon the locality relative to lawful office use.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	79 New Cavendish Street, London, W1G 7LT,		
Proposal	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).		
Agent	Turley		
On behalf of	Harley Property Holdings		
Registered Number	16/11211/FULL	Date amended/ completed	24 November 2016
Date Application Received	24 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	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

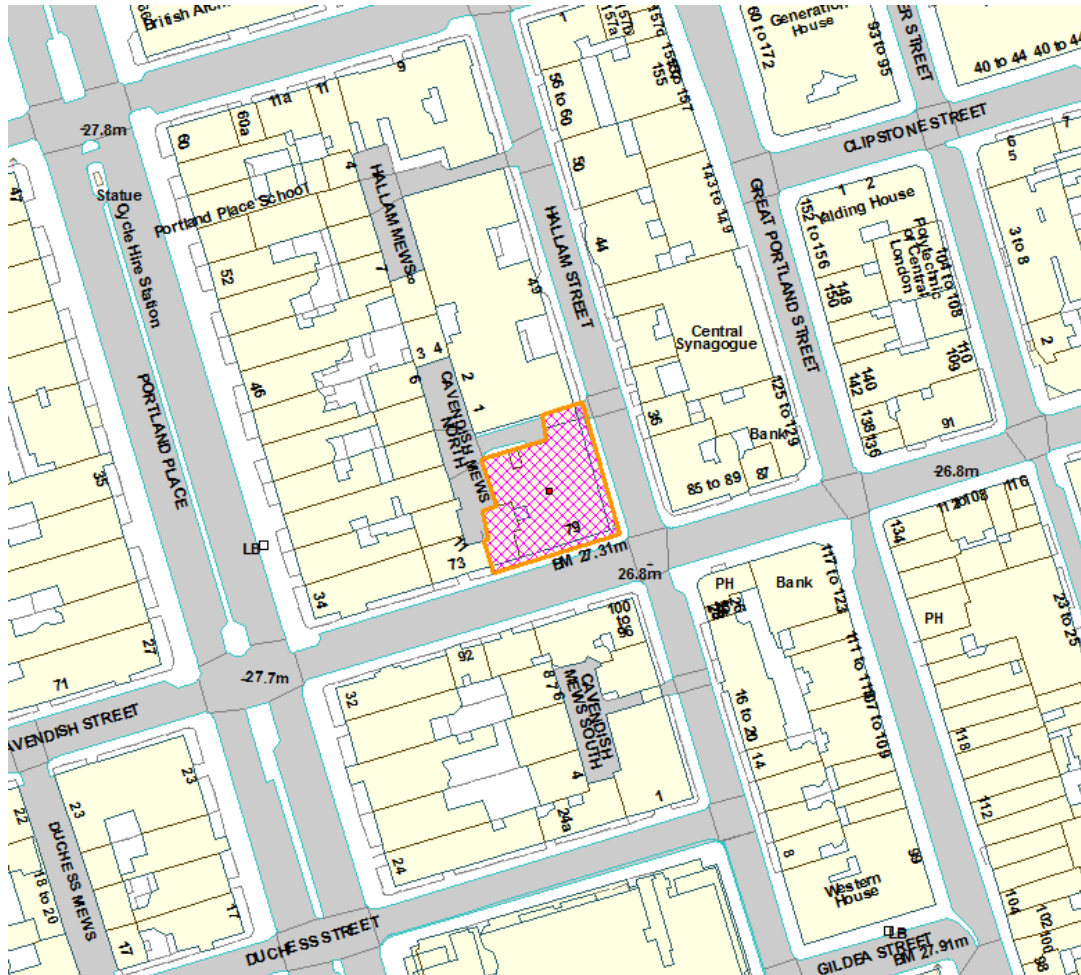
The application site is situated on the corner of New Cavendish Street and Hallam Street. There is a retail unit at part basement and ground floor and the rest of the building is in use as offices. Permission is sought to use the basement and ground floors for either retail or for medical and use the 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 3120m² 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 174m² 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

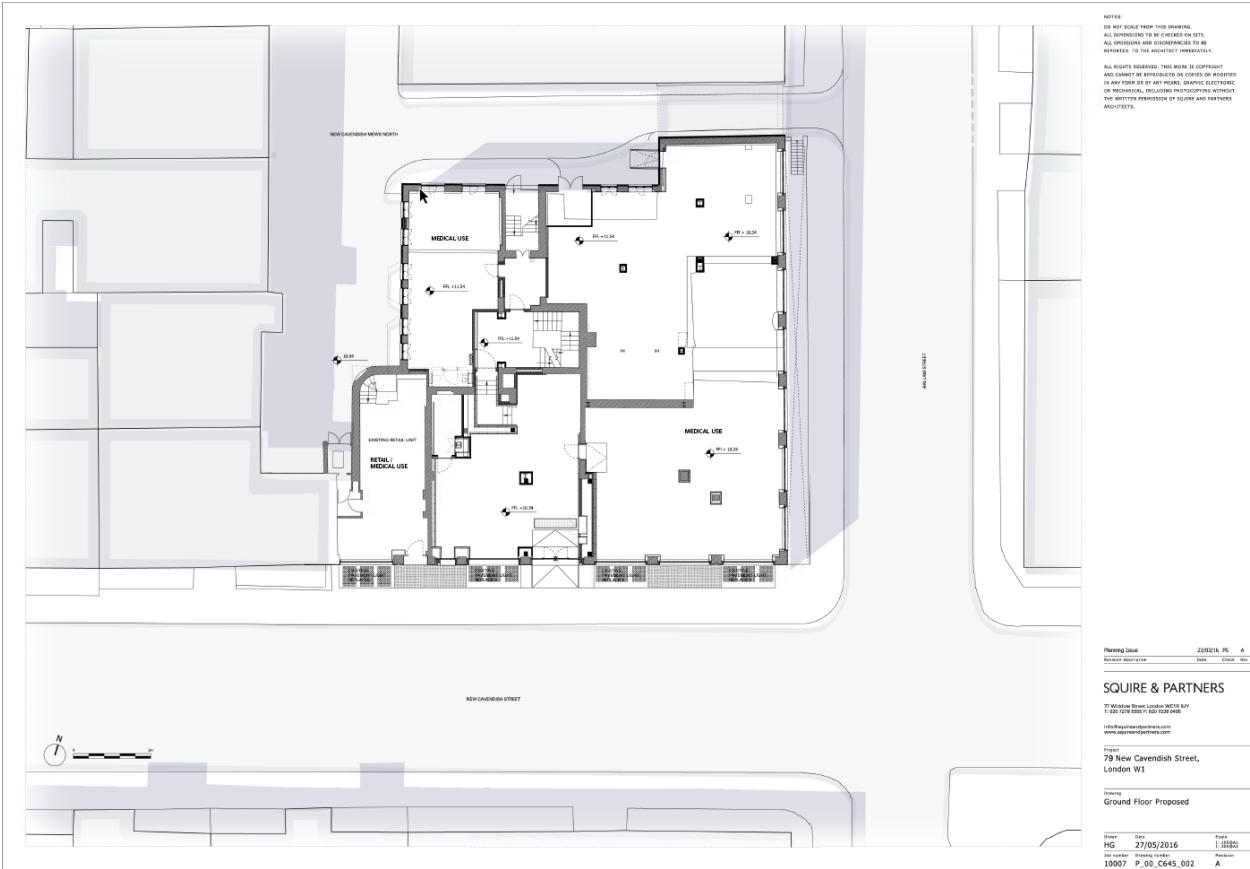
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

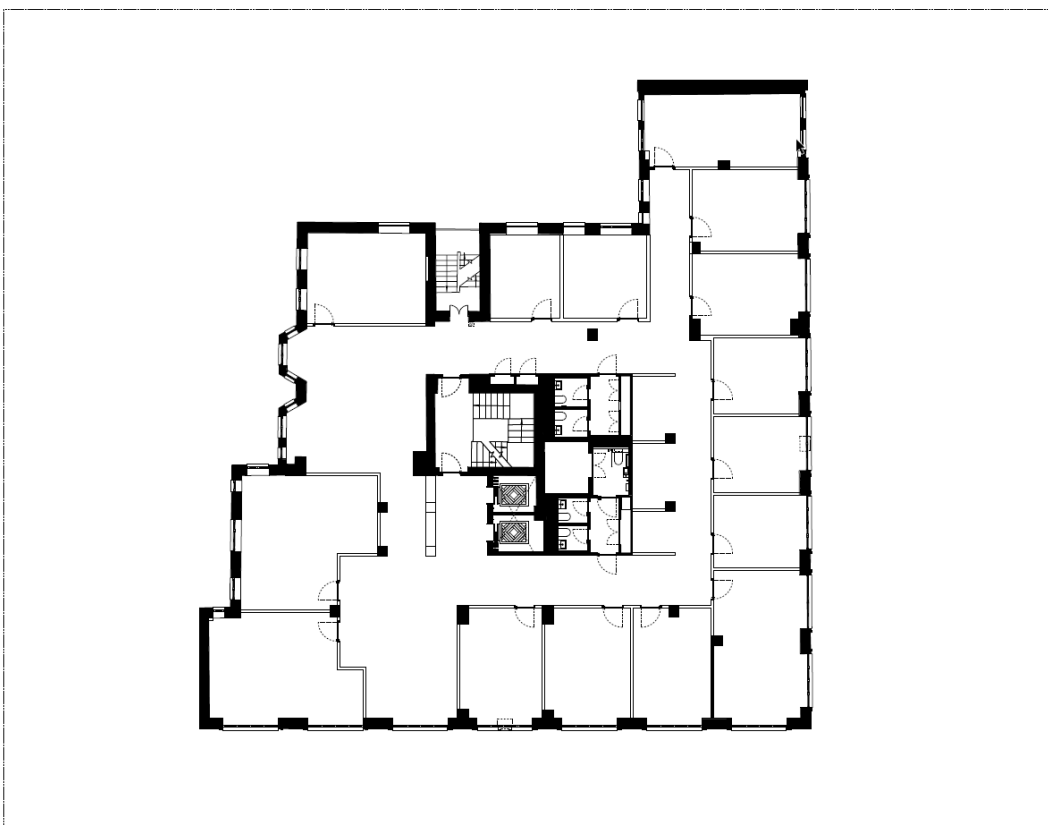
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

KEY DRAWINGS

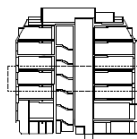
Proposed ground floor



Typical upper floor plan



NOTES
DO NOT SCALE FROM THIS DRAWING.
ALL DIMENSIONS TO BE CHECKED ON SITE.
ALL DIMENSIONS AND DISCREPANCIES TO BE
CORRECTED TO THE ARCHITECT'S DIMENSIONS.
ALL MATERIALS, FINISHES, ETC. MUST BE CONFIRMED
AND CANNOT BE REPRODUCED OR COPIED OR REPRODUCED
IN ANY FORM OR BY ANY MEANS, GRAPHIC, ELECTRONIC
OR MECHANICAL, INCLUDING PHOTOCOPYING, WITHOUT
THE WRITTEN PERMISSION OF SQUIRE AND PARTNERS
ARCHITECTS.



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

SQUIRE & PARTNERS

17 Old Broad Street, London, EC4A 3DF
T: 020 7593 3000 F: 020 7593 3000

www.squireandpartners.com
info@squireandpartners.com

PROJECT
77 New Cavendish Street,
London W1

OFFICE SCHEME 2015

FLOOR
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. 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 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Serpentine Gallery Kensington Gardens , Exhibition Road, London, W2 3XA		
Proposal	Erection of temporary pavilion from 23 June 2017 until 8 October 2017.		
Agent	DP9		
On behalf of	The Serpentine Gallery		
Registered Number	17/01348/FULL	Date amended/ completed	17 February 2017
Date Application Received	17 February 2017		
Historic Building Grade	adjacent Grade II listed Serpentine Gallery		
Conservation Area	Royal Parks		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for the erection of a temporary pavilion on the lawn to the east of the Grade II listed Serpentine Gallery in Kensington Gardens. Temporary pavilions form part of the gallery's exhibitions programme and have been erected during the summer months on an annual basis since June 2000, designed by internationally renowned and emerging architects to create their first built structure in England. This years pavilion is designed by the architect Diébédo Francis Kéré a German trained architect from Burkina Faso who is committed to designing socially engaged and ecological buildings.

The proposed pavilion will be in place over the summer months from 23 June until 8 October 2017, open daily between 10am and 11pm. The intention is that the pavilion is an exhibit in its own right and used as a public space and café during the day and for entertaining and educational activities at night.

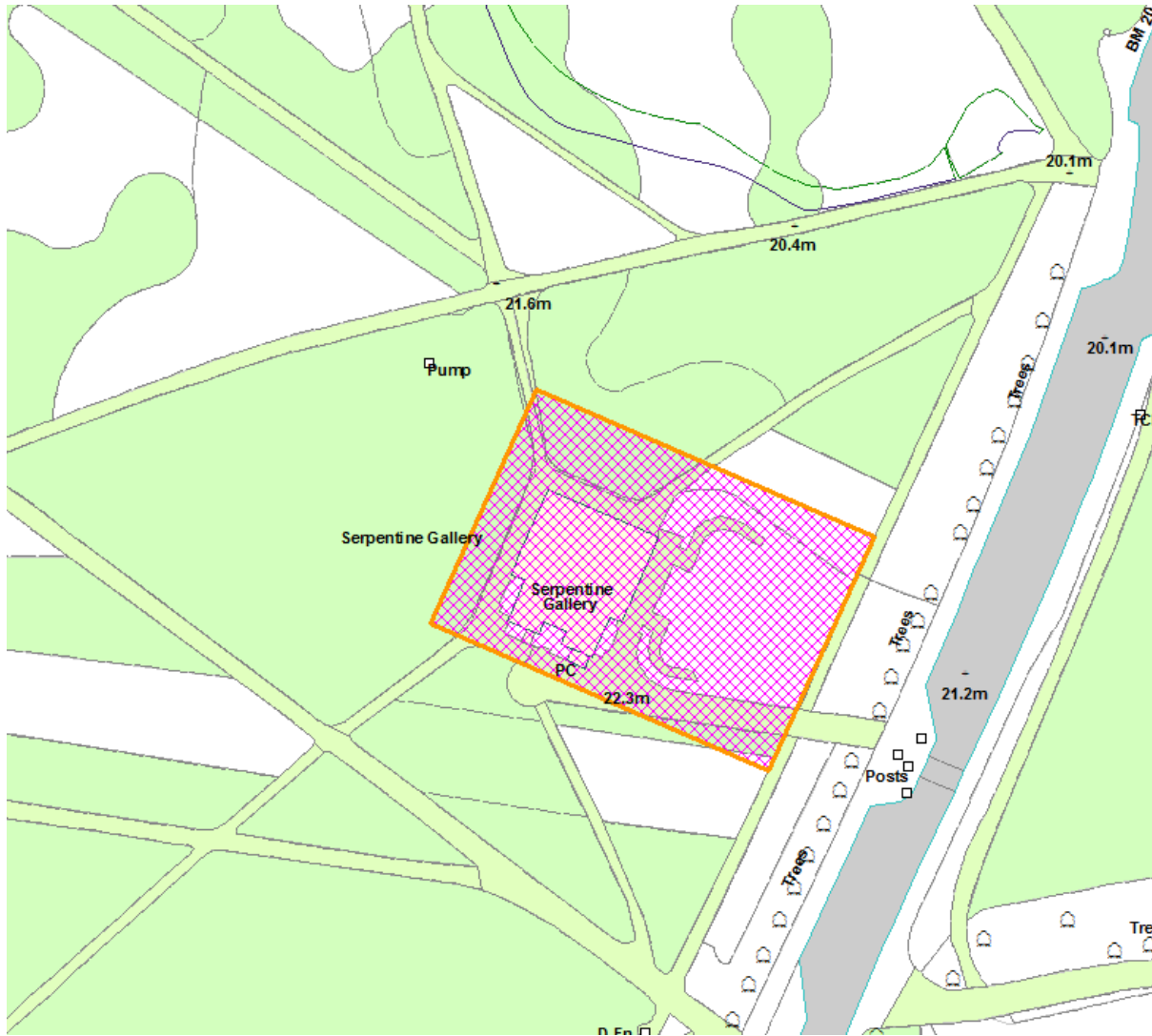
The structure is a striking design, comprising four curved walls composed of prefabricated wooden blocks (coloured blue), assembled into triangular modes with small apertures between them to give light and transparency to the building enclosure. A large over-hanging roof canopy, detached from the walls, will be made of steel with a transparent

skin (polycarbonate sheet), lined internally by timber brise soleil ceiling panels acting as shading elements. At the centre of the canopy is a large oval opening, which in the rain will become a funnel channelling water into the heart of the structure to create a connection to nature.

The Pavilion sits on a platform of poured concrete with drainage channels underneath the four walls and in the central courtyard. It measures 24.1m x 20.25m at its widest point with a maximum height of 4.8 metres. The design allows four different access points into the pavilion and has been developed to be inclusive, providing access for all members of the public.

The proposal is considered to represent a convincing contemporary statement and expresses a sense of vibrancy and creative dynamism, which is considered to contribute positively culturally to Westminster and to the Royal Parks Conservation Area. The pavilion is not considered to harm the setting of the listed gallery and is acceptable in ecological terms given the temporary nature of its installation.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Serpentine Gallery

5. CONSULTATIONS

HISTORIC ENGLAND

No Comment.

ROYAL BOROUGH OF KENSINGTON & CHELSEA

No objection.

THE ROYAL PARKS

Any response to be reported verbally.

LONDON HISTORIC PARKS AND GARDENS

Any response to be reported verbally.

THE GARDENS TRUST

Any response to be reported verbally.

FRIENDS OF HYDE PARK AND KENSINGTON GARDENS

Any response to be reported verbally.

WESTMINSTER SOCIETY

Support the application.

KNIGHTSBRIDGE ASSOCIATION

No objection.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

The proposal is not on the public highway and should not impede pedestrian movement. All servicing can occur clear of the public highway. No additional cycle parking for staff is included, the provision of 2 cycle parking spaces should be secured by condition.

CLEANSING

No objection.

ARBORICULTURAL OFFICER

Tree protection measures should be secured by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

Temporary pavilions have been erected on the lawn to the east of the Serpetine Gallery during the summer months on an annual basis since June 2000.

The architects selected to date are Bjarke Ingels Group, 2016; selgascano, 2015; Smiljan Radić, 2014; Sou Fujimoto, 2013; Herzog & Meuron and Ai Weiwei, 2012; Peter Zumthor, 2011; Jean Nouvel, 2010; SANAA, 2009; Frank Gehry, 2008; Olafur Eliasson and Kjetil Thorsen (Snøhetta), 2007; Rem Koolhaas and Cecil Balmond with Arup, 2006; Álvaro Siza and Eduardo Souto de Moura with Cecil Balmond and Arup, 2005; MVRDV with Arup, 2004 (unrealised); Oscar Niemeyer, 2003; Toyo Ito and Cecil Balmond with Arup, 2002; Daniel Libeskind with Arup, 2001 and Zaha Hadid, 2000.

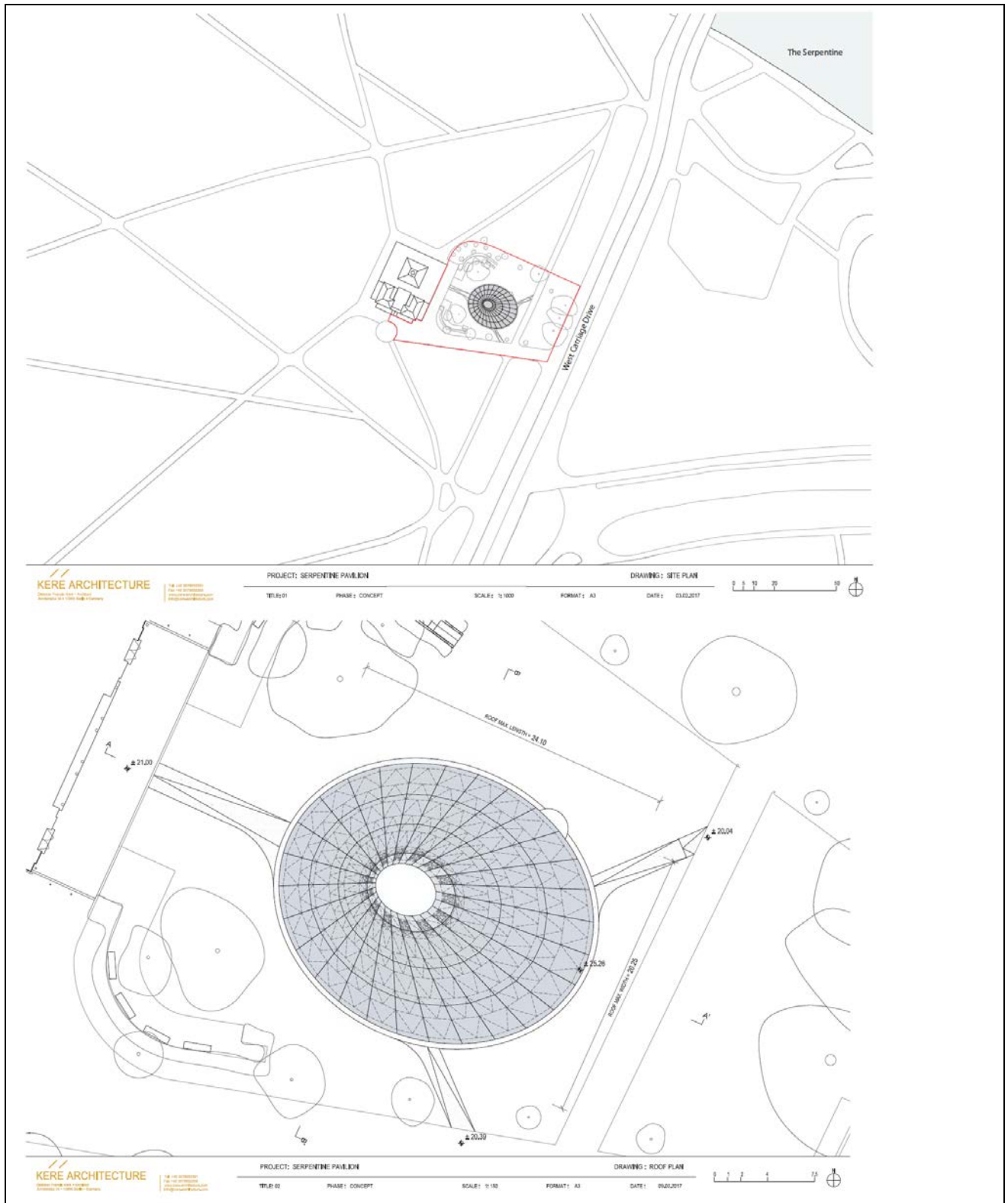
7. BACKGROUND PAPERS

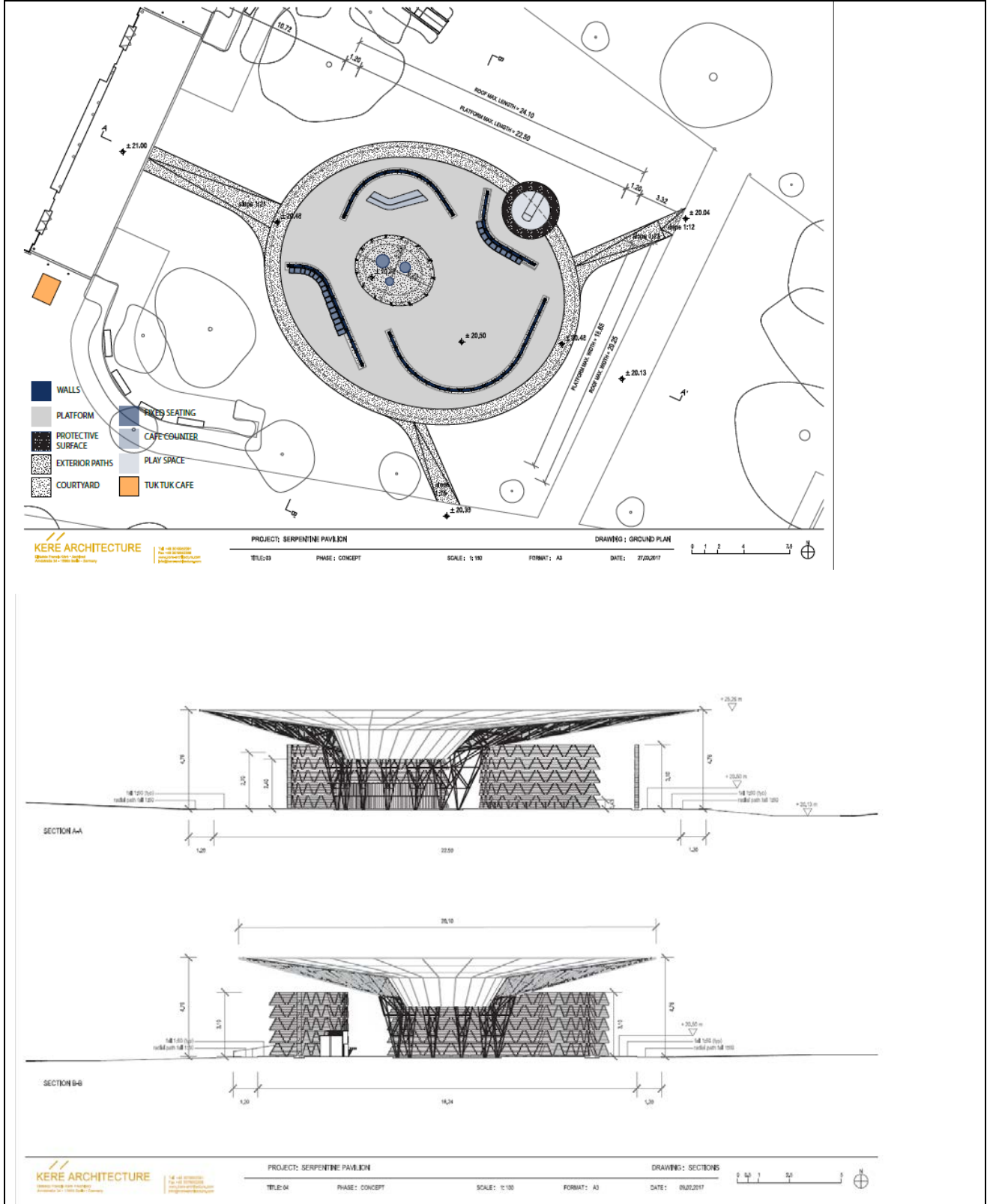
1. Application form
2. Response from Historic England (Listed Builds/Con Areas) dated 28 February 2017
3. Response from Knightsbridge Association dated 3 March 2017
4. Response from Westminster Society dated 28 February 2017
5. Response from Thorney Island Society dated 28 February 2017
6. Response from Royal Borough of Kensington & Chelsea dated 13 March 2017
7. Memorandum from Highways Planning Manager dated 10 March 2017.
8. Memorandum from Arboricultural Officer dated 30 March 2017.
9. Memorandum from Cleansing officer dated 6 March 2017.

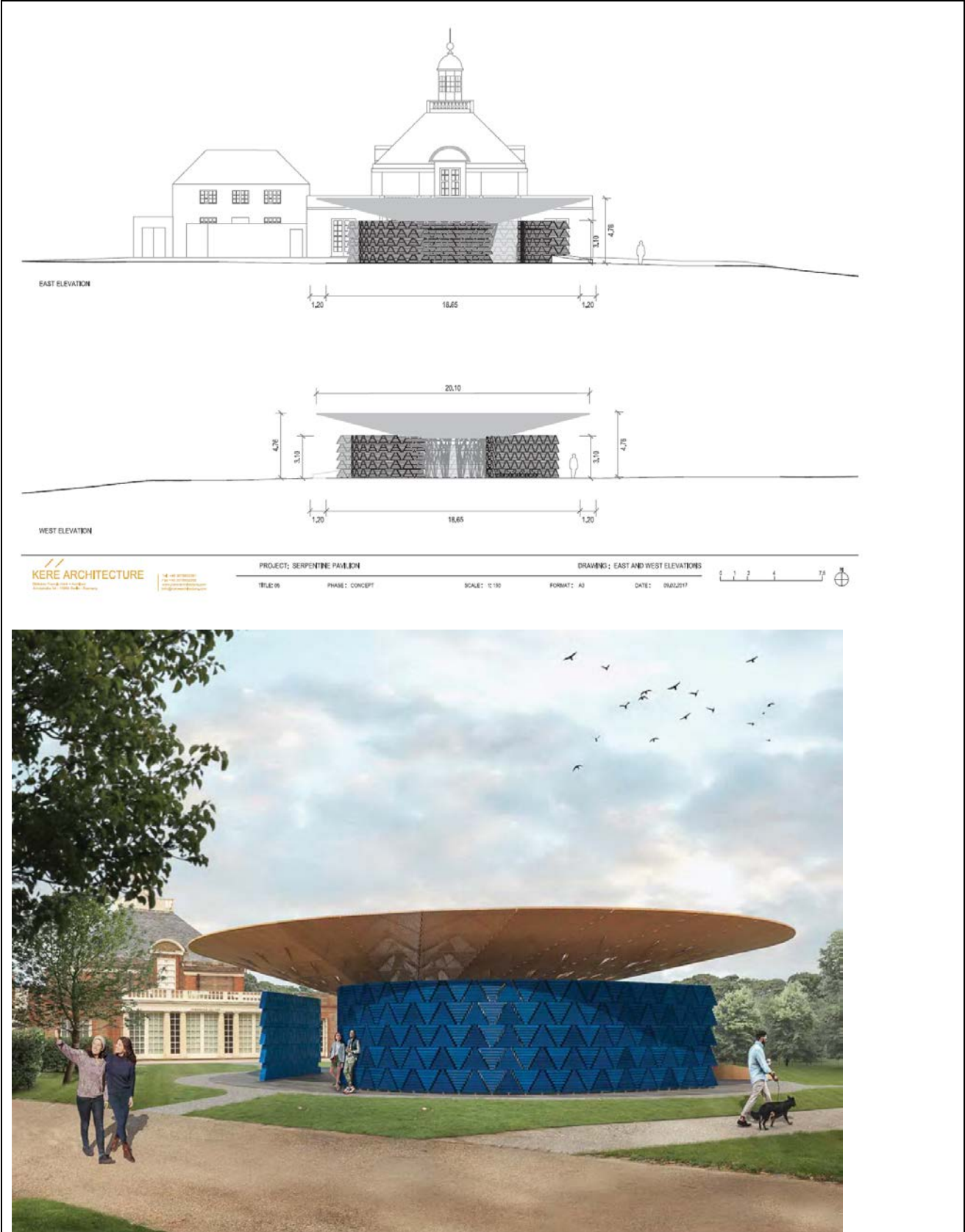
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

8. KEY DRAWINGS









DRAFT DECISION LETTER

Address: Serpentine Gallery Kensington Gardens , Exhibition Road, London, W2 3XA

Proposal: Erection of temporary pavilion from 23 June 2017 until 8 October 2017.

Reference: 17/01348/FULL

Plan Nos: A.6, 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 and Serpentine Pavillion 2017 Design and Access Statement.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641 2518

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 use of the pavilion structure hereby granted permission shall be for a limited period from 23 June until 08 October 2017 when the structure and associated works shall be removed and the land restored to its former condition.,

Reason:

The use is not as set out in DES 12 of our UDP as adopted January 2007. Use for more than a limited period would be harmful to the objectives of the Plan.,

- 3 The pavilion shall not be illuminated (either internally or externally) between the hours of 23.00 and 08.00 unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

a) 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 Royal Parks Conservation Area. This is as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2016 and DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and, , b) To make sure the conservation status of a protected species is maintained, and so protect the biodiversity of the environment, as set out in his is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2016 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 In order to minimize the impact on bats in the vicinity of the Gallery you should ensure minimal light spillage with no upward lighting of surrounding trees or light spill across the Serpentine.

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.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	21 Weighhouse Street, London, W1K 5LU,		
Proposal	Use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6025mm x 1150mm in association with the adjacent restaurant at 21-22 Weighhouse Street.		
Agent	Monmouth Planning Ltd		
On behalf of	Contoir WS Ltd		
Registered Number	16/11871/TCH	Date amended/ completed	18 January 2017
Date Application Received	14 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of one year.
--

2. SUMMARY

The application relates to a newly converted restaurant unit on the south side of Weighhouse Street, just south of Oxford Street, in the Core Central Activities Zone and Mayfair Conservation Area. Permission was granted in September 2014 to convert the three small shops and one café along this frontage into one larger retail unit and a restaurant. At that time there was no specific occupier. There is now a prospective operator, Café Comptoir, which will offer 'high quality' all day dining and artisan coffee, seasonal food and a small ancillary retail element, with an emphasis on fine wines. There is a condition on the original permission preventing any primary cooking (as there was no provision for kitchen extractor equipment).

Permission was granted on 31st January this year to increase the number of customers in the restaurant from 20 to 40, and to extend the opening hours from 07.00 to 22.00 hours each day to between 07.00 and 23.00 hours on Thursdays to Saturdays, retaining the hours of 07.00 to 22.00 hours on Sundays to Wednesdays. However, the increase in capacity and extended opening hours were granted for one year only (from the date that the restaurant use commences), so that the impact of the changes can be assessed. The premises are expected to open in April.

Another condition on the original permission specified that "No tables and chairs shall be placed outside any of the premises (unless granted separate planning permission)." There is photographic

evidence that the former café had tables and chairs outside but no record that planning permission was granted for this. In part this may be due to uncertainty about the highways status immediately in front of the premises, which may have been treated as private forecourt. Permission is now sought for a small amount of outside seating.

The current application has been amended to remove two tables and four chairs that were initially proposed on Gilbert Street, to ameliorate the potential impact on the amenity of the flats above. Gilbert Street is marginally quieter than Weighhouse Street and this reduction in the amount of external seating is welcome. A further revision has reduced the number of tables on the Weighhouse Street frontage from six to four, and reduced the number of chairs from 12 to eight: this has partly been done to address officer concerns about too much furniture being stored within the small premises but the overall reduction is also welcomed in amenity terms.

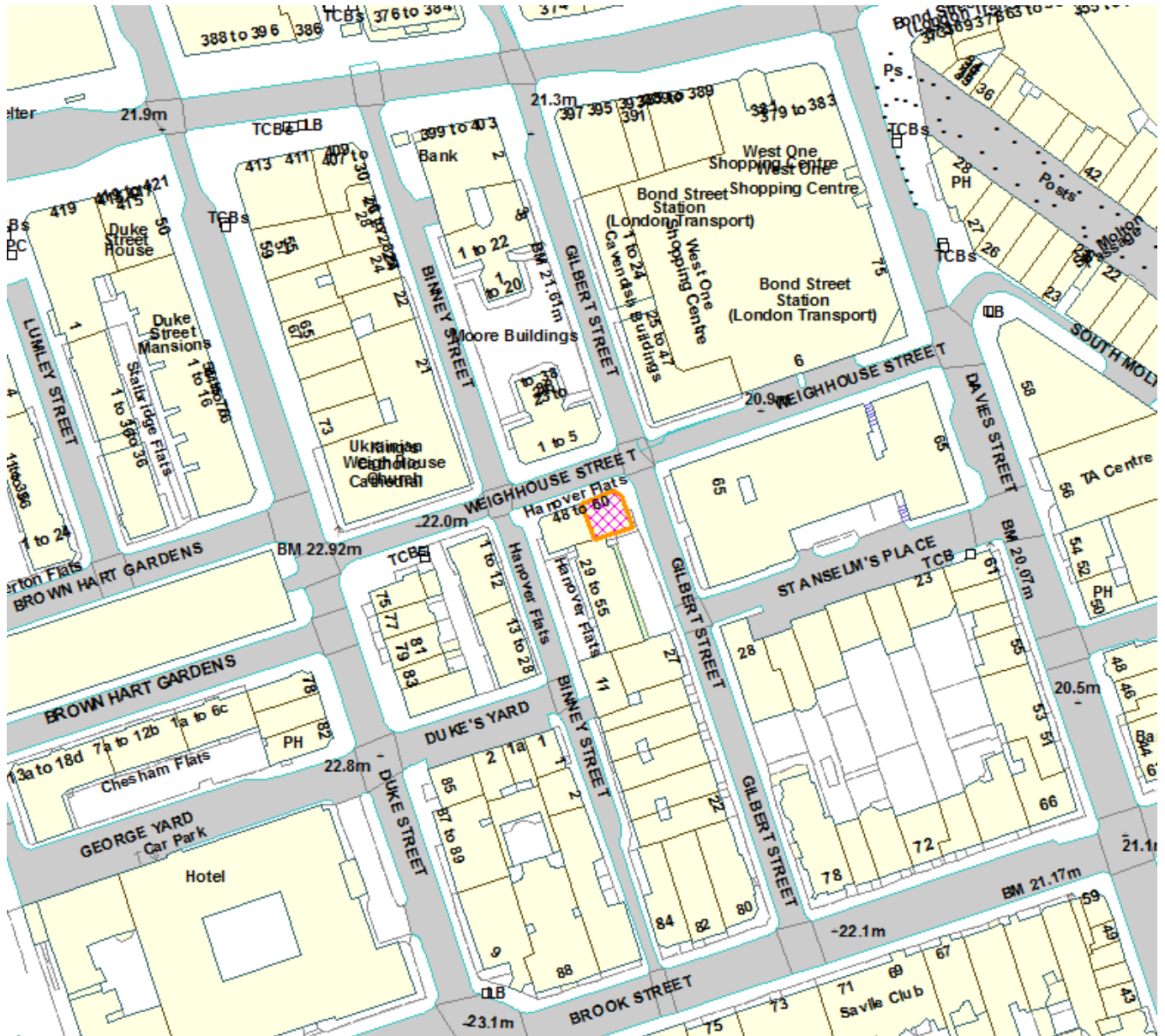
Tables and chairs on the footway are controlled by policy TACE 11 of the City of Westminster Unitary Development Plan (UDP) 2007. This states that permission will only be granted when such proposals fulfil a number of criteria, including that they will not cause an obstruction, unacceptably intensify the existing use nor cause a nuisance to residents.

There have been objections from a local amenity society and two residents to the proposals, on amenity grounds. However, the applicants are only seeking to have the tables outside from 10.00 to 22.00 hours (seven days a week). Outside of these hours and during the time the restaurant is open until 23.00 hours on Thursday to Saturdays the chairs would be removed and stored inside the premises. The amount of seating is also considered to be modest. Whilst acknowledging that the neighbouring buildings are in residential use, there is a considerable amount of entertainment and commercial activity in the wider vicinity. Objectors requests that the furniture should be removed after 19.00 or 20.00 hours, and not be put out at all on Sundays, is not considered to be reasonable. It is recommended that permission is only granted for an initial period, so the potential impact can be assessed.

The proposals are considered to be acceptable in highways terms, leaving a clear 2m area between the tables and chairs and existing street furniture. The design of the furniture itself is also considered to be acceptable.

The application does not trigger any CIL requirements nor planning obligations.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

MAYFAIR RESIDENTS GROUP

Object on the grounds that the area is primarily residential and that there have never been licensed premises in the street and that local people are very concerned that this new 'bar/restaurant' will produce late night noise and anti-social behaviour. Consider that if there are outside tables they should be removed by 7pm, and the licence for serving drinks should only be until 11pm.

HIGHWAYS PLANNING MANAGER

No objection, subject to standard conditions

CLEANSING

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 74; No. of objections: 2, on some or all of the following grounds:

- this is a residential area and the proposal will have an adverse impact on residential amenity from increased noise and disturbance, including when the tables and chairs are put away;
- if approved the hours should be restricted to between 10am and 8pm on weekdays and Saturdays and not on Sundays;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 Recent Relevant History**

September 2014 – conditional permission granted for ‘Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels.’

31 January 2017 – conditional permission granted for Variation of Conditions 4 and 5 of planning permission dated 17 September 2014 (RN: 14/06746/FULL) for ‘Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels. NAMELY, to vary the wording of conditions 4 and 5 to enable a maximum capacity of 40 people in the A3 restaurant and to enable the A3 restaurant to remain open until 23:00 Mondays to Saturdays’.

7. BACKGROUND PAPERS

1. Application form from Monmouth Planning Ltd dated 13 December 2016
2. Memorandum from the Highways Planning Manager dated 16 February 2017
3. Memorandum from the Projects Officer (Cleansing) dated 15 February 2017
4. Representation from the Mayfair Residents Group, dated 13 March 2017
5. Representation from occupier of 19 Balderton Flats, Brown Hart Gardens, dated 24 February 2017
6. Letter from occupier of 26 Moore Buildings, Gilbert Street, received 7 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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

DRAFT DECISION LETTER

Address: 21 Weighhouse Street, London, W1K 5LY,

Proposal: Use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6025mm x 1150mm in association with the adjacent restaurant at 21-22 Weighhouse Street.

Reference: 16/11871/TCH

Plan Nos: 1118-150_LIC Rev B [showing four tables and eight chairs]

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s)

- 1 You must not put the tables and chairs in any other position than that shown on drawing 1118-150_LIC Rev B. (C25AA)

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 2 You can only put the tables and chairs on the pavement between 10.00 and 22.00 hours each day. Outside these hours the furniture must be stored within the premises. After 22.00 hours, on days that the restaurant is open until 23.00 hours, you must remove the chairs and store them inside the restaurant, with the tables to be taken inside at 23.00 hours when the restaurant closes. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 3 The tables and chairs must only be used by customers of the restaurant in 21-22 Weighhouse Street.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 This use of the pavement may continue until 30th April 2018. You must then remove the tables and chairs, unless further planning permission has been granted. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the

highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 5 You can only put out on the pavement the tables and chairs shown on drawing 1118-150_LIC Rev B. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You cannot put tables and chairs in the area unless you have a street trading licence. If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter. Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 You are reminded that condition 5 of the planning permission dated 31st January 2017 states that customers shall not be permitted within the Class A3 premises before 07.00 hours or after 23.00 hours on Thursdays to Saturdays and not before 07.00 hours or after 22.00 hours on Sundays to Wednesdays.

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 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	St James's Square, London, SW1		
Proposal	Installation on the footway on the south-west side of St James Square, opposite the junction with King Street, of a cycle hire docking station, containing a maximum of 28 docking points, a payment terminal and 6 cycle stands.		
Agent	Transport for London (TfL)		
On behalf of	TfL		
Registered Number	15/11071/FULL	Date amended/ completed	30 November 2015
Date Application Received	27 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	St James's		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application has been submitted by Transport for London (TfL) as part of a comprehensive cycle hire scheme within Central London. The proposal is to install a cycle hire docking station, containing a maximum of 28 docking points, a payment terminal and 6 cycle stands. The docking station will be located on the footway on the south-west side of St James Square, opposite the junction with King Street, in two areas measuring 6.75m x 3.7m and 5.35m x 3.7m.

St. James's Square is both a Registered Park and Garden and a London Square, within the St James's Conservation Area and Core Central Activities Zone (Core CAZ). The site is within the setting of a number of listed heritage assets.

A larger docking station currently exists on the eastern side of the Square. It is felt that the arrangement of the east side of the square is successful in townscape terms; as such implementation of a similar arrangement on the western side is not opposed. The considerable distance between the two sites also prevents them being viewed simultaneously and lessens the impression of visual townscape clutter within the setting of the square, and surrounding listed buildings.

Concerns have been raised by the St. James's Conservation Trust with regard to the docking station layout which they consider to be an asymmetrical arrangement of components. However, it is considered that the detailed design, modest scale of the station compared with the surrounding larger buildings, and relatively permeable character and appearance of the docking station, would lead to less than substantial harm to the conservation area and the setting of nearby listed heritage assets. However in this particular case, the harm is considered limited and the minor visual impairment arising from the proposals is considered mitigated by the associated public and environmental benefits, complying with para 134 of the NPPF. The proposal would accord with policies DES1, DES9, DES12, and DES10 of the UDP, and S25 and S28 of the City Plan.

The application has been amended to include "Sheffield" fixed cycle stands, to cater for local demand perceived by the St. James's Conservation Trust. A condition is attached requiring details. The Highways Planning Manager raises no concerns in terms of the proposals impact on the surrounding highway network.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Footway on the south-west side of St James Square, opposite the junction with King Street

Aerial View of St James's Square



5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

ST JAMES'S CONSERVATION TRUST:

Objection on grounds:

- The layout is an asymmetrical arrangement of components; and
- Does not include much needed Sheffield fixed cycle stands (N.B the plans have been revised to include 6 fixed cycle stands).

HIGHWAYS PLANNING MANAGER:

Acceptable on transportation grounds.

CLEANSING MANAGER:

No objection

ARBORICULTURAL MANAGER:

No objection.

ADJOINING OWNERS/ OCCUPIERS

No. consulted: 76

No. of replies: 1

Neighbour made following comments neither objecting to nor supporting the proposals:

- Reservation that there must be a large corridor left for pedestrian access between the bikes for access to the Square gardens and the pavement round the gardens, as it can be difficult to find access to the road because the cars (and motor bikes) park so close together;
- Cyclists have a tendency to ignore the one way system, which can be dangerous for pedestrians and motorists.

PRESS ADVERTISEMENT/ SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

Permission granted on 05 October 2009 for 'Installation on carriageway of cycle hire docking station in an area measuring 4.8m x 28.5m for the Transport for London Cycle Hire Scheme containing a maximum of 42 docking points for scheme bicycles plus a terminal to secure and release bicycles and to provide registration and payment facilities and wayfinding mapping at 1 and 33 St James's Square' (RN: 09/06190/FULL).

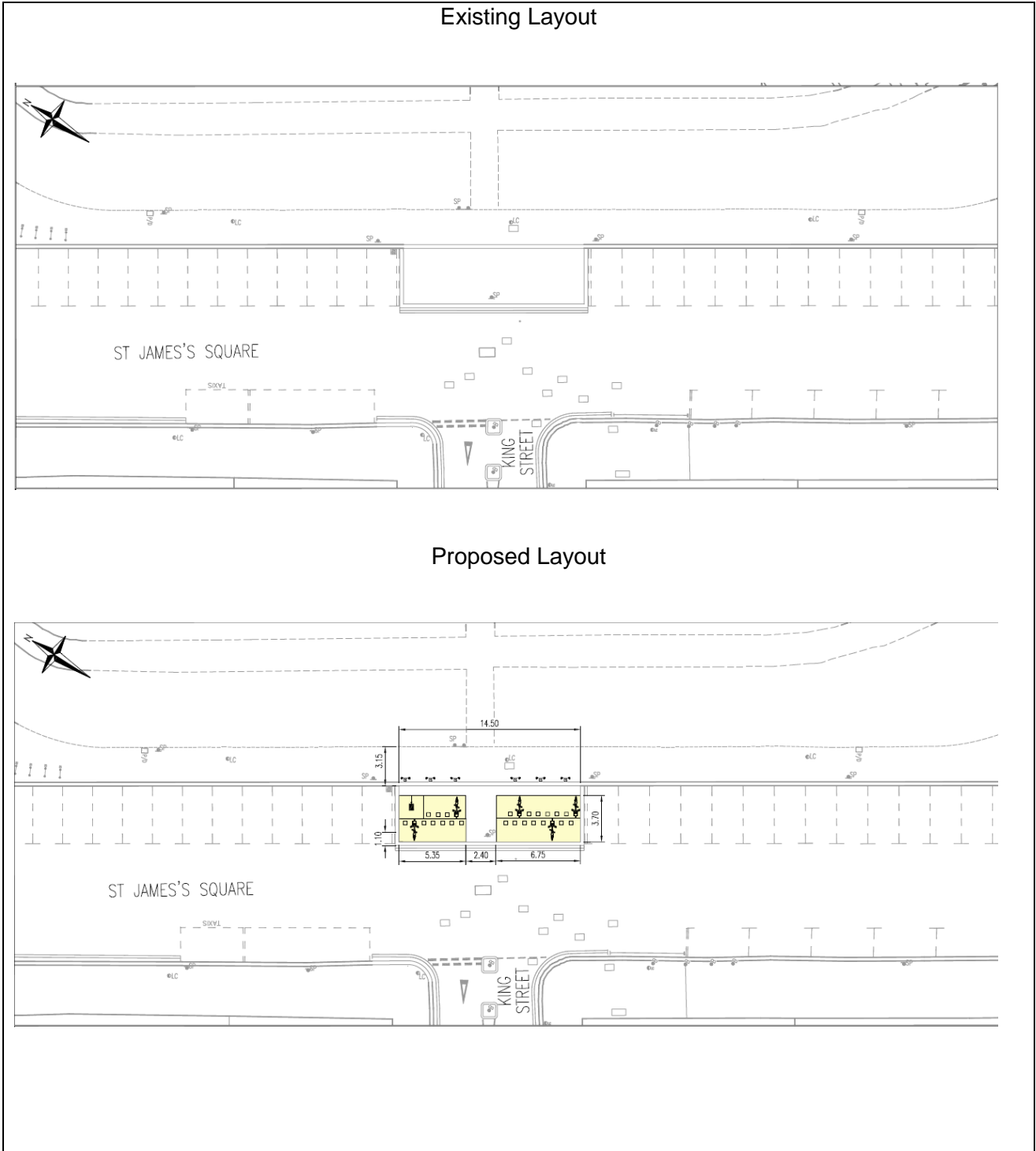
7. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society dated 12 January 2016
3. Response from St. James's Conservation Trust dated 20 January 2016
4. Response from Highways Planning Manager dated 4 April 2017
5. Response from Cleansing Manager dated 21 February 2017
6. Response from Arboricultural Manager dated 28 February 2017
7. Letter from owner/ occupier of Flat 12, 22 St James's Square dated 19 March 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 ddorward@westminster.gov.uk

8. KEY DRAWINGS



DRAFT DECISION LETTER

Address: St James's Square, London,

Proposal: Installation on the footway on the south-west side of St James Square, opposite the junction with King Street, of a Cycle Hire docking station, containing a maximum of 28 docking points, a payment terminal and 6 cycle stands.

Reference: 15/11071/FULL

Plan Nos: 01-610184-LOC; 01-610184-GA Rev. A; CHS_2_T Rev.5; TDE-FW-01-PL Rev. A; TDE-FW-T-PL Rev. A

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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 site 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.

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 James's 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 at 1:10 and sections at 1:5 of the following parts of the development:

- i. Fixed cycle stands

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved 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 St James's 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.

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 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	1 Eaton Terrace, London, SW1W 8EX		
Proposal	Erection of first floor rear extension, demolition of existing lean-to glass roof and erection of a ground floor infill extension, in association with creation of enlarged first floor roof terrace with associated screening and planters.		
Agent	Darren Oldfield Architects Ltd		
On behalf of	Mr Dominic Hollamby		
Registered Number	16/06913/FULL 16/06914/LBC	Date amended/ completed	21 July 2016
Date Application Received	21 July 2016		
Historic Building Grade	II		
Conservation Area	Belgravia		

1. RECOMMENDATION

- | |
|---|
| <ol style="list-style-type: none"> Grant conditional permission and conditional listed building consent. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter. |
|---|

2. SUMMARY

<p>1 Eaton Terrace is a Grade II listed mid-19th century townhouse located within the Belgravia Conservation Area. The property comprises basement, ground and three upper storeys, and abuts properties in Eaton Terrace Mews to the rear and West Eaton Place to the side.</p>
--

<p>Planning permission and listed building consent is sought for internal and external alterations including the erection of a half width first floor rear extension, demolition of an existing lean-to glass roof and the erection of a ground floor infill extension, in association with the creation of an enlarged first floor roof terrace with associated screening and planters.</p>
--

<p>The property has existing ground floor rear extensions, which completely infill the rear courtyard, with an existing half-width roof terrace at first floor level. The majority of adjoining properties in the terrace have comparable ground floor full-width extensions and roof terraces at first floor level. In addition, many (including the adjoining property at no. 3) have extensions at first floor level, which the proposal</p>

seeks to replicate.

In design terms, the demolition of the existing lean-to glass roof and its replacement with a new ground floor infill extension with rooflights, and enlarged terrace above is acceptable. The associated internal alterations involve the removal of modern fabric and do not affect the special interest of the building. At first floor, the new half width rear extension, matches the depth of that at no. 3, and is also acceptable as it would have a traditional design and materials. The works closely follow others elsewhere on the terrace at first floor level and are therefore considered acceptable.

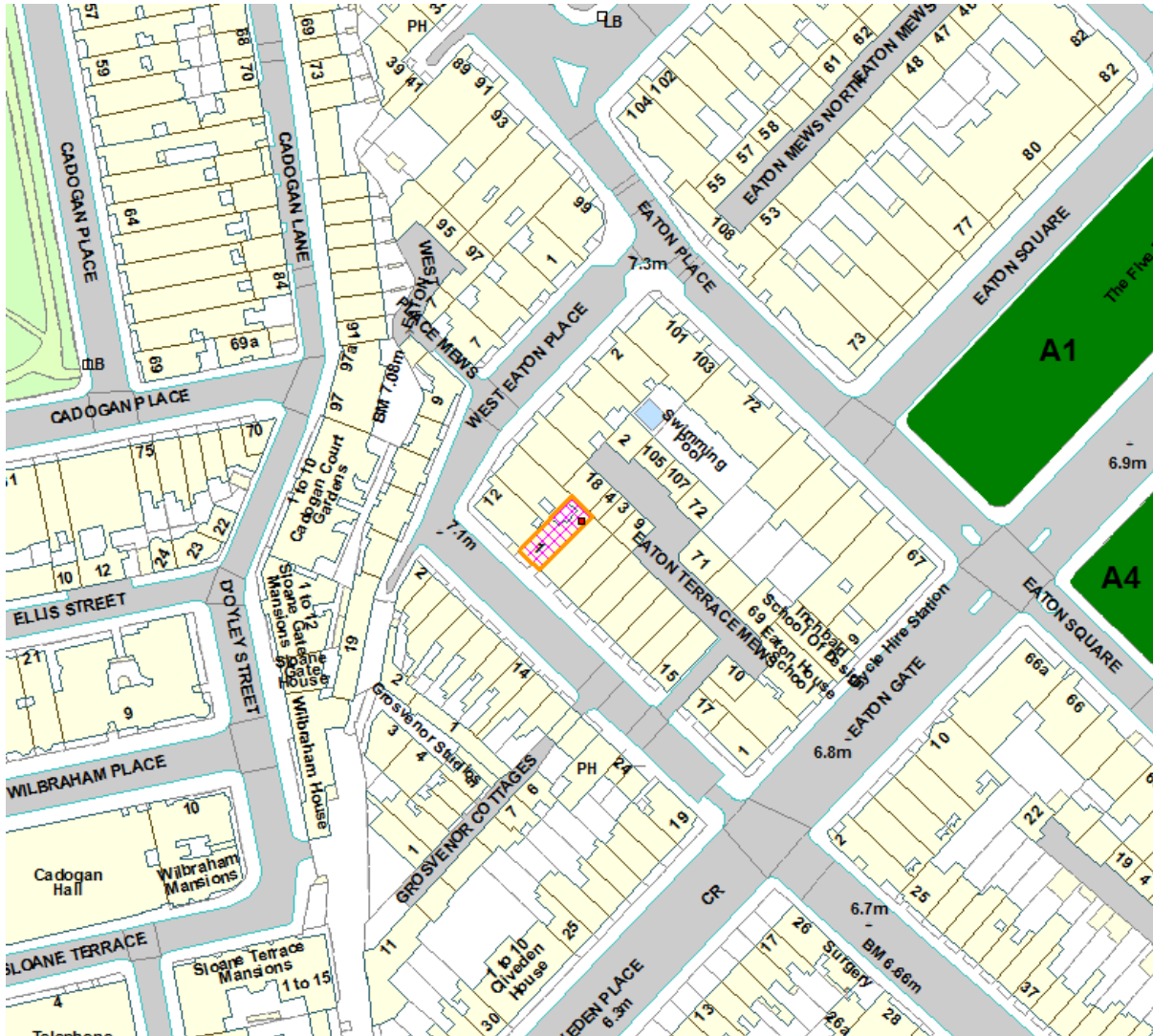
Objections have been received from neighbours on grounds the creation of an enlarged first floor terrace would harm the amenity of neighbouring occupiers in terms of overlooking, noise and disturbance, and outlook. The proposals have been amended to reduce the extent of the terrace area and set it back from the boundary with properties in West Eaton Place. It is considered that any overlooking into surrounding properties would be minimal and the terrace would not cause a material loss of privacy over the existing situation. A condition is attached requiring details of the associated screening and planter boxes, and also requiring that they are permanently retained.

The increase in size of the first floor terrace area, from approx. 14.5 sqm to 21sqm, could lead to it being used more intensively. However, it is unlikely that any increase in noise levels would be so significant to justify refusal. Given the application property is in residential use, it would not be appropriate to restrict its hours of use. On balance the proposals are considered acceptable in amenity terms.

An objection has been raised on grounds an enlarged terrace would allow easy access into adjacent properties. However, a refusal on these grounds could not be sustained and it is unlikely that the proposals will worsen the existing situation.

On balance, the proposals are considered acceptable in land use, design and amenity terms, and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, it is recommended that conditional planning permission and listed building consent are granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear of building, existing lean-to roof



View from neighbour's dining room window at Flat 3, 12 West Eaton Place



View from neighbour's kitchen at Flat 2, 12 West Eaton Place

5. CONSULTATIONS

BELGRAVIA NEIGHBOURHOOD FORUM:
Any response to be reported verbally.

BELGRAVIA RESIDENTS ASSOCIATION:
Any response to be reported verbally.

BELGRAVIA SOCIETY:
Any response to be reported verbally.

HISTORIC ENGLAND:
Do not consider it necessary for this application to be notified.

ADJOINING OWNERS/ OCCUPIERS:

No. Consulted: 30

No. of replies: 2

Objections received from neighbouring occupiers on some or all of the following grounds:

Amenity:

- Overlooking of neighbouring windows.
- Noise and disturbance from use of a larger terrace.

Other:

- Security - allow easy access into adjacent properties;
- Concerns relating to works to party walls, possible damage to adjacent properties and insurance.

6. BACKGROUND PAPERS

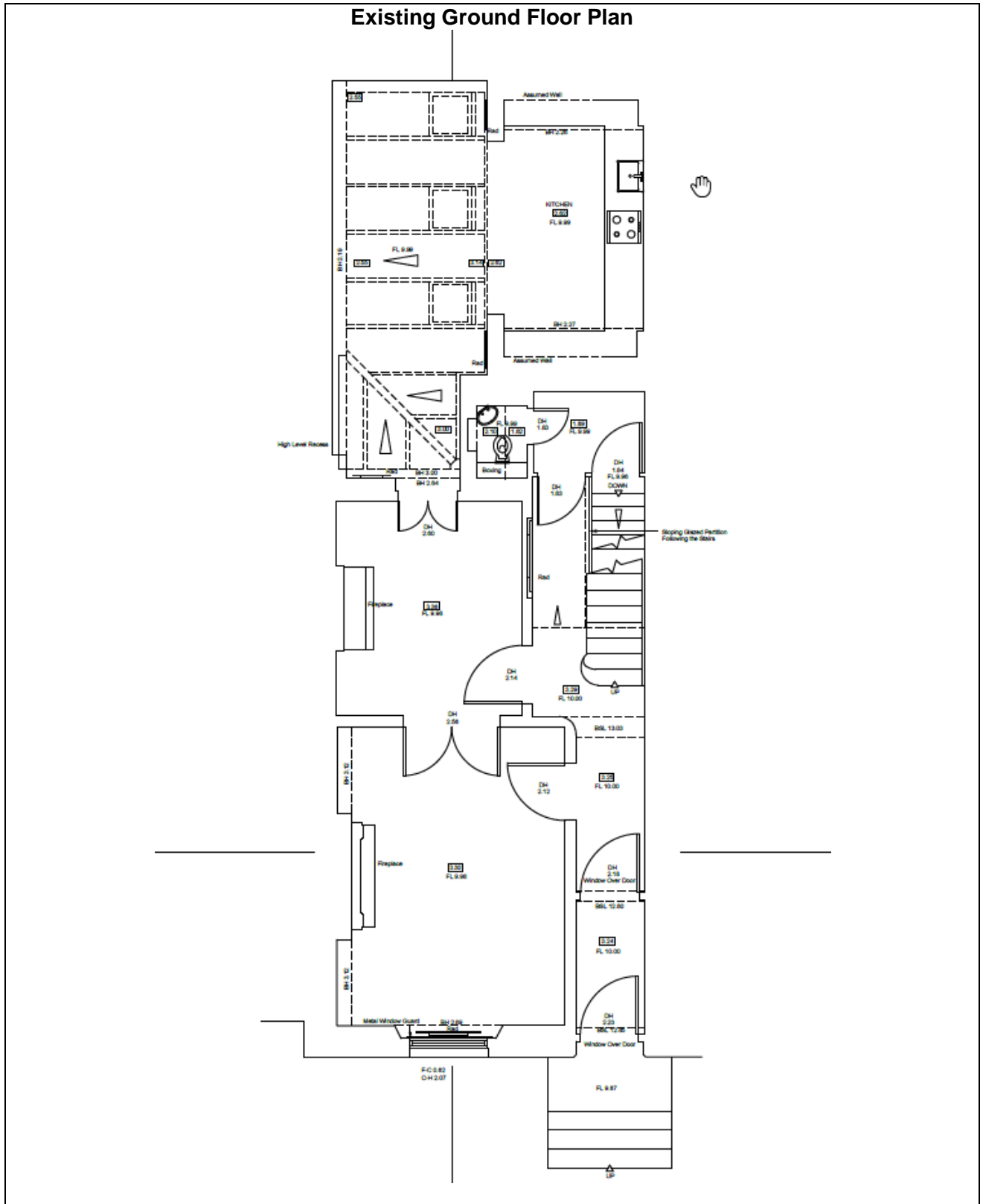
1. Application form
2. Letter from occupier of Flat 3, 12 West Eaton Place dated 8 August 2016
3. Letter from occupier of Flat 2, 12 West Eaton Place dated 10 August 2016
4. Response from Historic England dated 2 August 2016

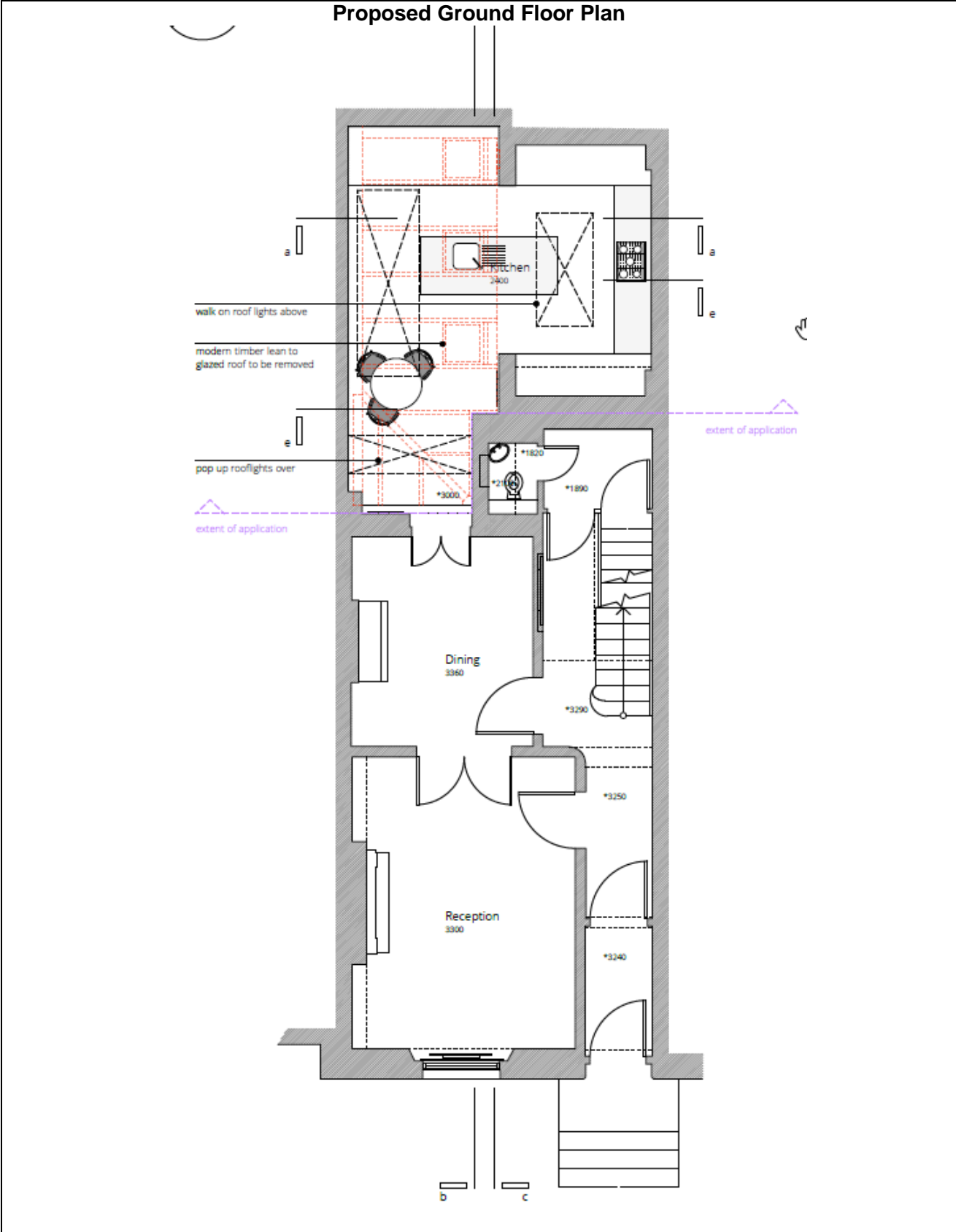
Selected relevant drawings

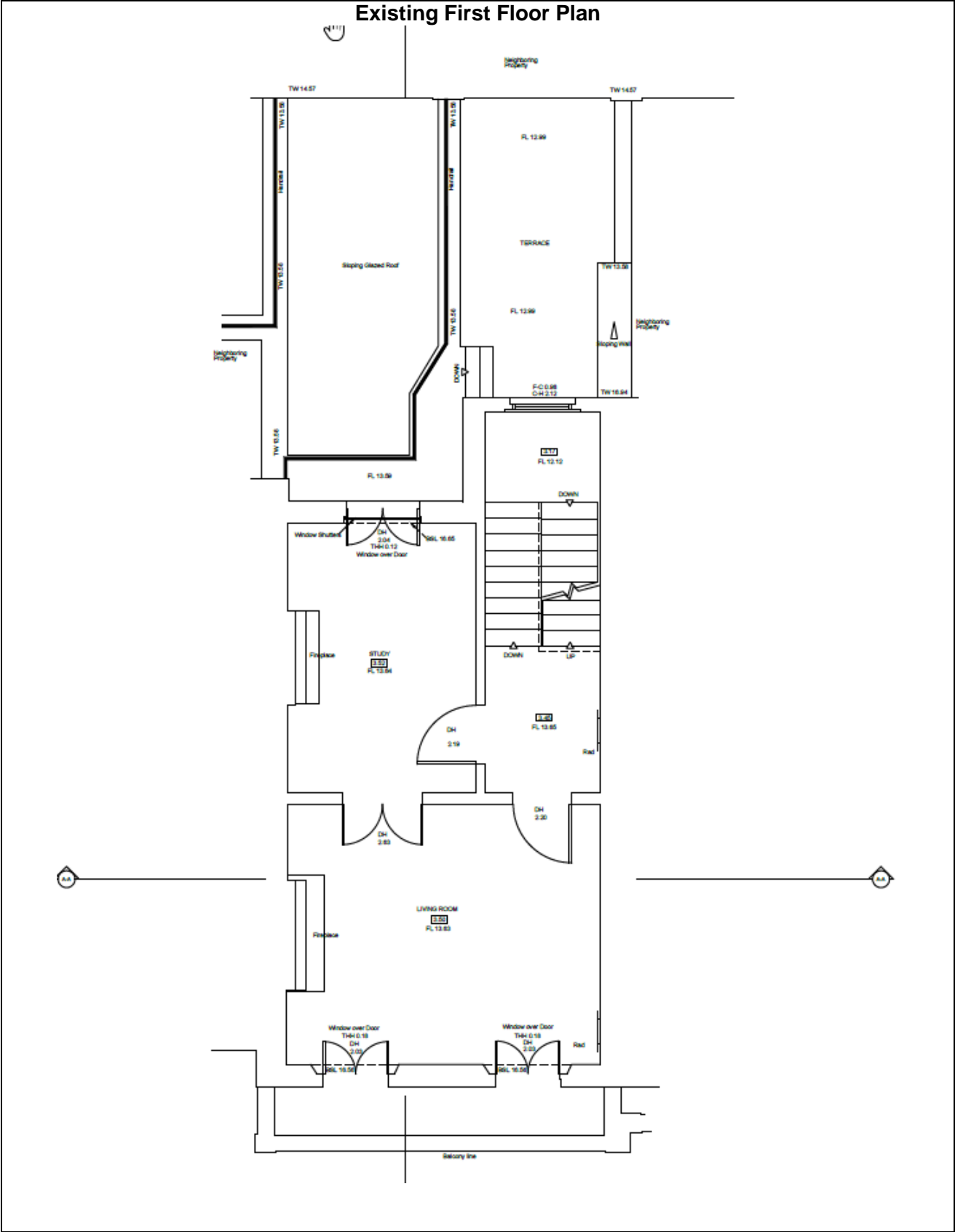
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

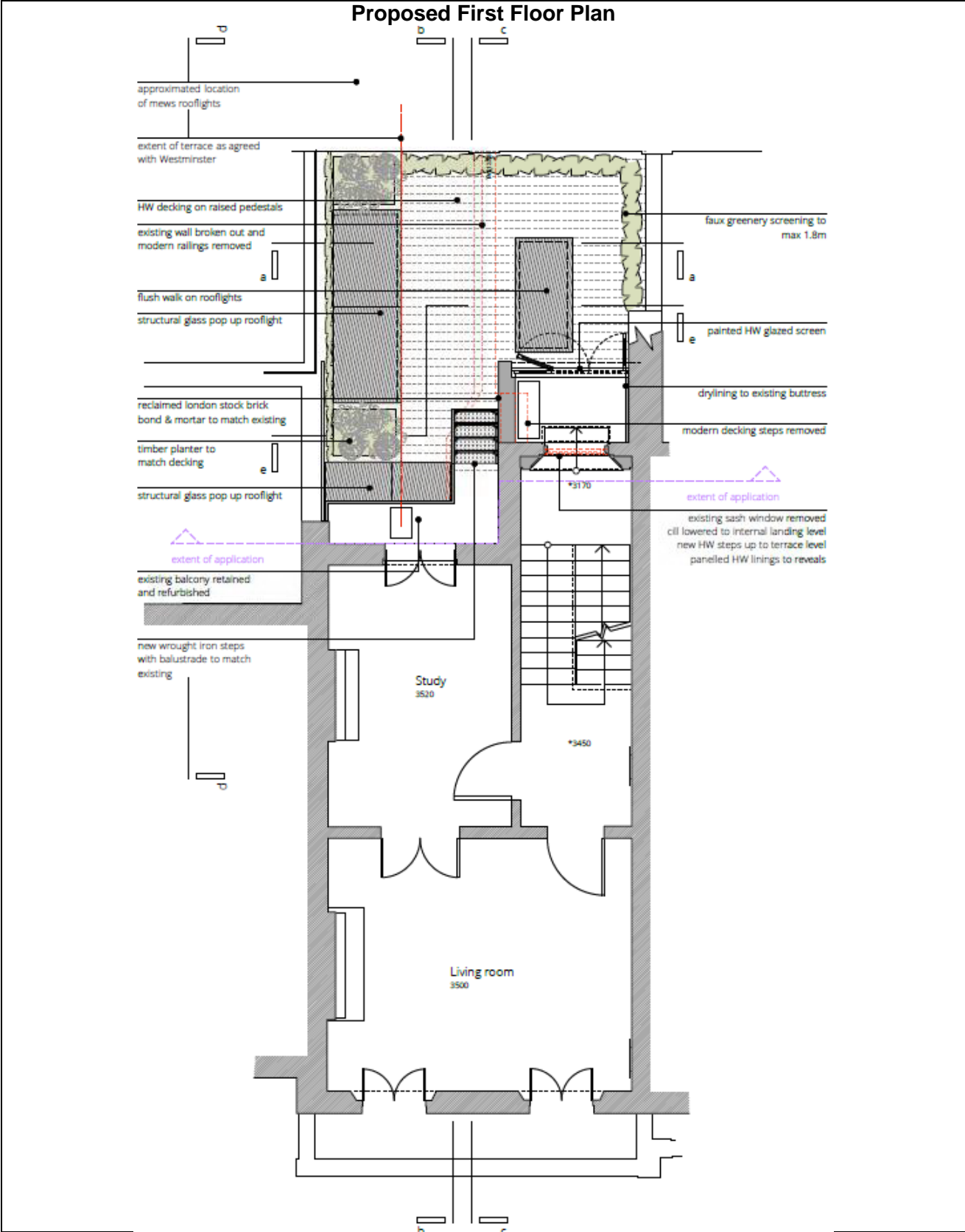
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

7. KEY DRAWINGS





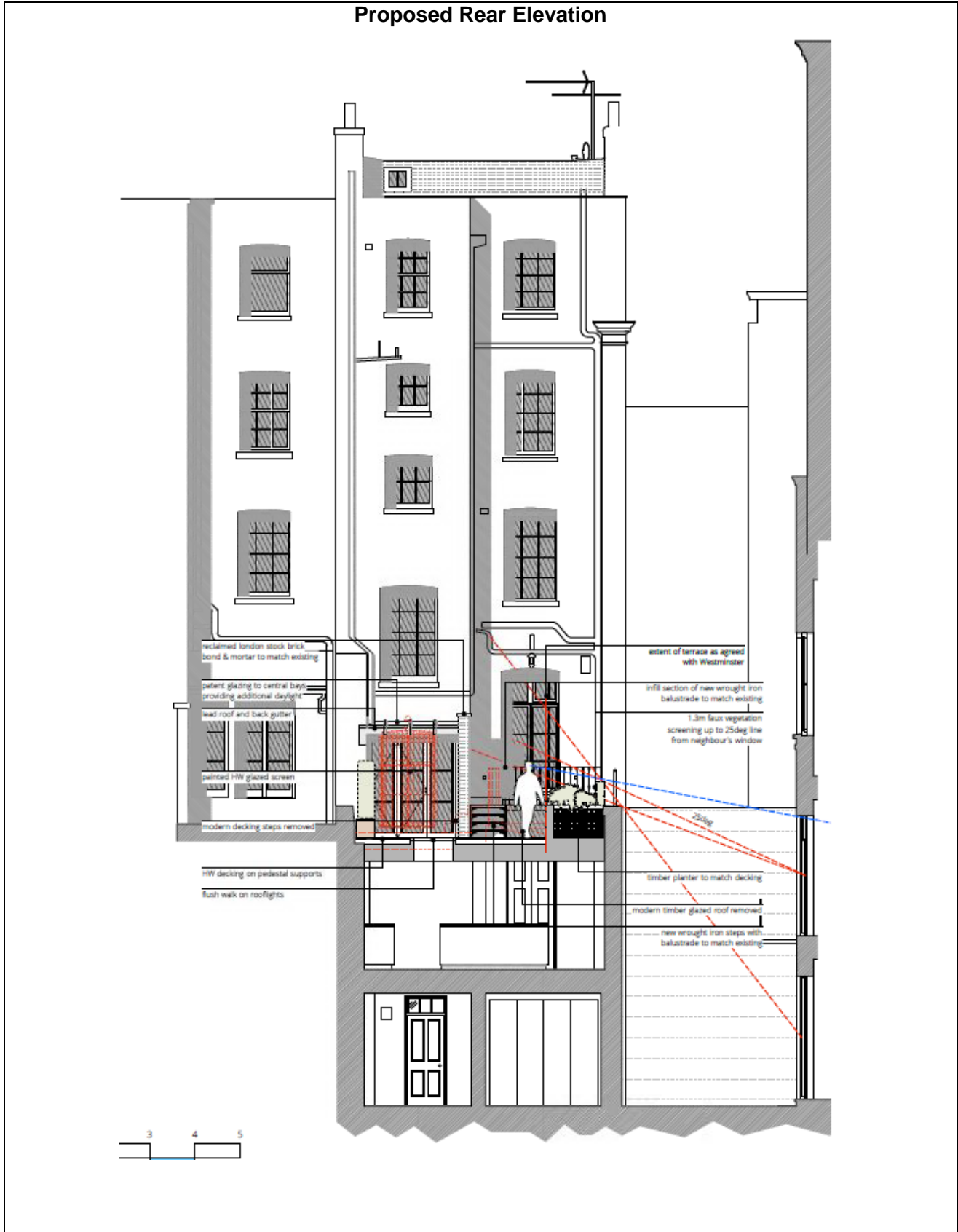




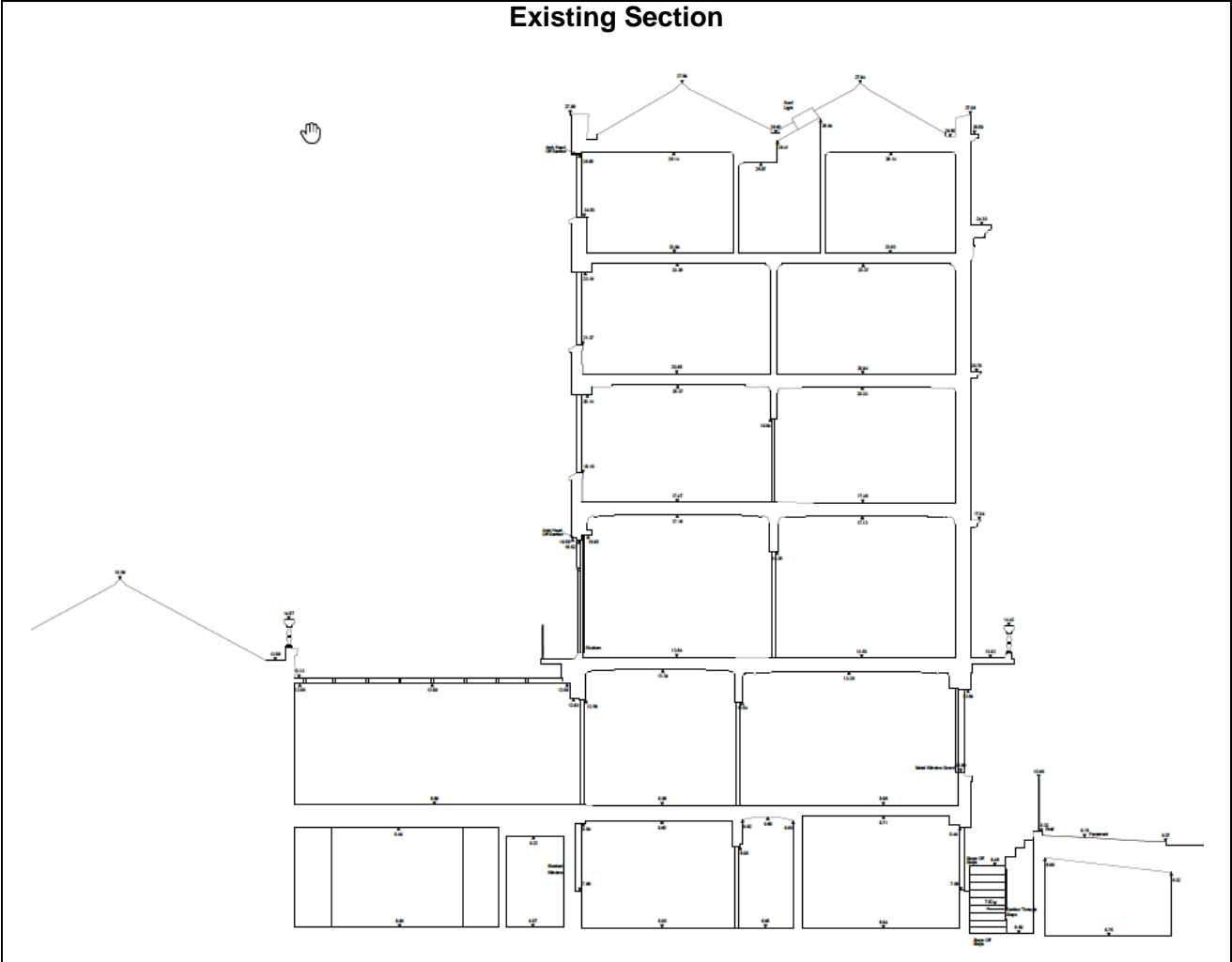
Existing Rear Elevation



Proposed Rear Elevation

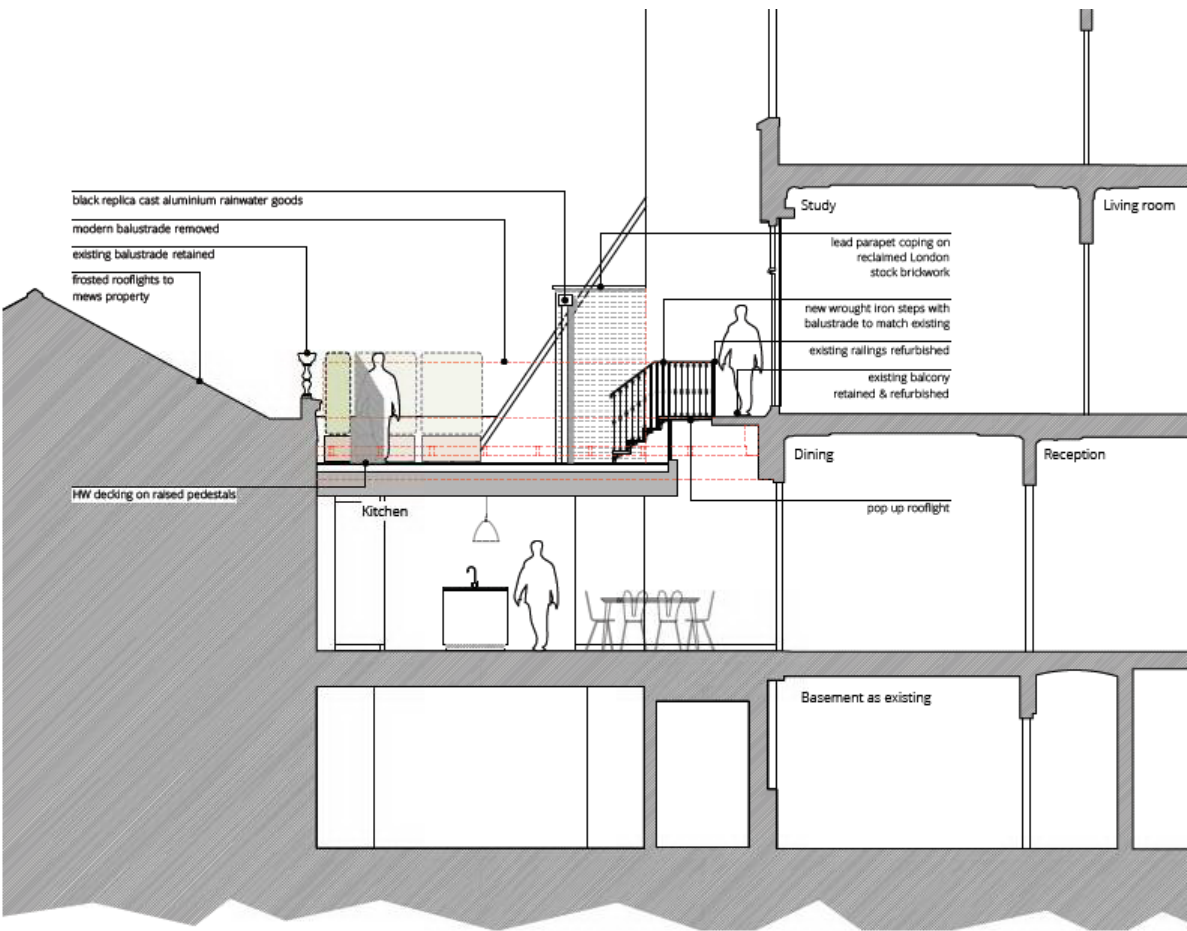


Existing Section



Section B-B

Proposed Section C-C



Section c-c

DRAFT DECISION LETTER

Address: 1 Eaton Terrace, London, SW1W 8EX

Proposal: Erection of first floor rear extension, demolition of existing lean-to glass roof and erection of a ground floor infill extension, in association with creation of enlarged first floor roof terrace with associated screening and planters.

Reference: 16/06913/FULL

Plan Nos: Site Location Plan; 161: 101 Rev .PL7; 161: 102 Rev.PL5; 161: 104 Rev.PL5

For information purposes:
Design, Access and Heritage Statement

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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 (July 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 of the following parts of the development:

-Single storey rear extension, including the roof and glazed 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 approved details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of detailed drawings (plans and elevations at 1:50) of the following part of the development:

- Privacy screening surrounding terrace, pop up rooflights, and planter boxes at first floor level.

You must not use the approved roof terrace until we have approved what you have sent us. You must then install the privacy screening according to these approved drawings before you enlarge and use the terrace area. You must then maintain the privacy screening, pop up rooflights and planter boxes for as long as the roof terrace is used for sitting out purposes.

Reason:

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

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 (July 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 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)

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: 1 Eaton Terrace, London, SW1W 8EX

Proposal: Erection of first floor rear extension, demolition of existing lean-to glass roof and erection of a ground floor infill extension, in association with creation of enlarged first floor roof terrace with associated screening and planters, and internal alterations.

Reference: 16/06914/LBC

Plan Nos: Site Location Plan; 161: 101 Rev .PL7; 161: 102 Rev.PL5; 161: 104 Rev.PL5

For information purposes:
Design, Access and Heritage Statement

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

- 1 The works 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 and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 of the following parts of the development:

-Single storey rear extension, including the roof and glazed 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 approved details. (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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 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 (July 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 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

* any extra work which is necessary after further assessments of the building's condition;

- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	1 Queensborough Mews, London, W2 3SG,		
Proposal	Removal of Condition 4 of planning permission dated 28 September 2015 (RN: 15/06025) which varied Condition 1 of planning permission dated 01 May 2015 (RN: 15/01872) for erection of single storey building to garden (fronting Queensborough Terrace) to house electricity substation; namely to remove the requirement for the new doors facing Queensborough Terrace to be clad with timber and to retain the metal louvred doors installed.		
Agent	Mr Ben Radford		
On behalf of	Mrs Judith Wells		
Registered Number	17/00195/FULL	Date amended/ completed	16 January 2017
Date Application Received	10 January 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

- | |
|----------------------------------|
| 1. Grant conditional permission. |
|----------------------------------|

2. SUMMARY

Planning permission was granted in September 2015 for the construction of a new electricity substation (operated by UK Power Network (UKPN)) fronting Queensborough Terrace (this in itself was a variation on an earlier permission). Permission is now sought to remove condition 4 of that planning permission dated which required the new doors facing Queensborough Terrace to be clad with timber and to retain the metal louvred doors already installed.

Objections have been received regarding reducing the design quality of the scheme and there is insufficient justification within the application to substantiate the argument for the design alteration.

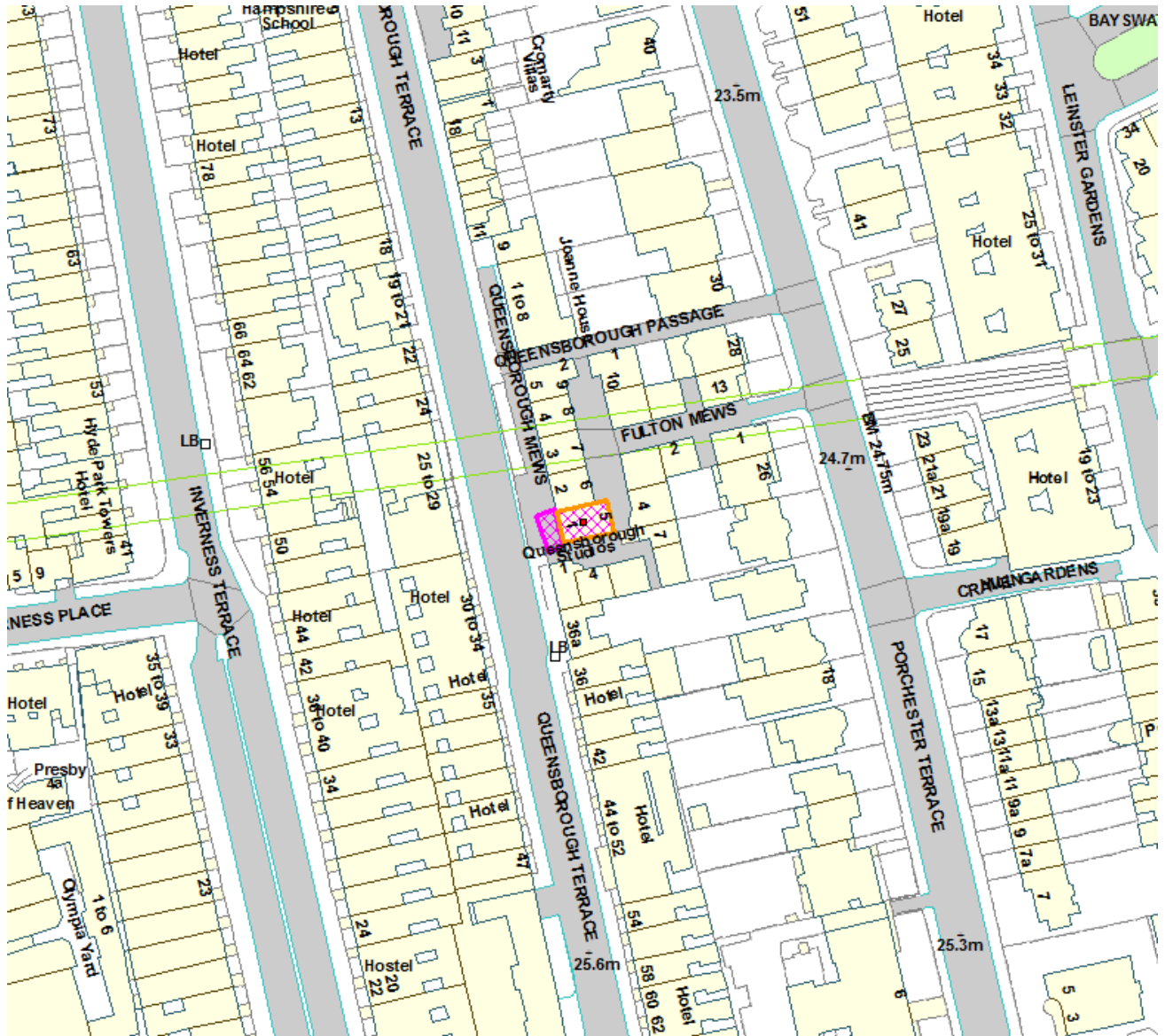
The key issues in this case is:

- The impact on the proposal on the character and appearance of the Bayswater Conservation Area.

The proposed development is considered to comply with relevant policies in relation to design in the

Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). It is therefore recommended that conditional planning permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Electricity Sub-station



Photo to shows doors



5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Prefer to keep the hardwood timber around the grills but if there is a 'health and safety' reason from UKPN then they accept the proposal. Due to its location visibility of the doors would be limited to passers-by.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7

Total No. of replies: 2

No. of objections: 2

Objection has been raised on all or some of the following grounds:

History

- There is considerable planning history relating to this site and it has been a concern to the neighbours for many years.

Design

- The proposal is a further reduction in the design quality of the new substation which is located within a residential setting and within a Conservation Area.
- The substation will not look like a garden shed, which was the original intention.
- There is insufficient justification to substantiate the argument to amend the design.
- The proposals are contrary to the City Council's planning, design and conservation policies.

Other

- This is a cost saving exercise

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site (the substation) is located to the rear of 1 Queensborough Mews, adjacent to the boundary wall with Queensborough Terrace, within the Bayswater Conservation Area.

The Applicant has advised that the construction of the substation has been completed.

6.2 Recent Relevant History

10/10566/FULL

Erection of single storey building to garden (fronting Queensborough Terrace) to house electricity substation.

Application Permitted

26 April 2012

14/12823/FULL

Variation of Condition 1 of planning permission dated 26 April 2012 (RN: 10/10566) Erection of single storey building to garden (fronting Queensborough Terrace) to house electricity substation; namely to re-position sub-station, retain wall on boundary with Queensborough Studios and alter the doors facing Queensborough Terrace.

Application Permitted 16 February 2015

15/01872/FULL

Erection of single storey building to garden (fronting Queensborough Terrace) to house electricity substation.

Application Permitted 1 May 2015

15/06025/FULL

Variation of Condition 1 of planning permission dated 01 May 2015 (RN: 15/01872) for the erection of a single storey building to garden (fronting Queensborough Terrace) to house electricity substation; namely to increase the footprint of the substation, make alterations to the elevations and remove the Sycamore tree. Removal of conditions 8, 9 and 10 which relate to tree protection measures.

Application Permitted 28 September 2015

15/10543/FULL

Variation of condition 1 and removal of condition 4 of planning permission dated 28 September 2015 (RN: 15/06025) for the erection of a single storey building to garden (fronting Queensborough Terrace) to house electricity substation; namely, alterations to footprint and elevations including the removal of requirement for doors facing Queensborough Terrace to be clad with timber to match existing gate.

Application Permitted 25 January 2016

During the course of the above application the proposals were amended and permission was granted for the variation of condition 4 also which resulted in the door facing Queensborough Terrace being oak faced doors with inset metal louvres and these were to be painted black.

7. THE PROPOSAL

Permission is sought to remove condition 4 of permission dated 28 September 2015 which required the new door facing Queensborough Terrace shall be clad with timber. It is then sought to retain the black metal louvred doors as installed.

Under the application permitted in 25 January 2016, condition 4 of permission dated 28 September 2015 was varied with the door facing Queensborough Terrace being oak faced doors with inset metal louvres. This arrangement was not secured by condition and therefore in order to remove the requirement to have any timber on the doors the applicant has had to apply to remove condition 4 from the previous application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

This application raises no land use issues.

8.2 Townscape and Design

When permission was originally granted in April 2012, the building was to be constructed from reclaimed stock bricks, with a pitched, standing seam zinc roof, at a total height of 2.8 metres and have solid timber clad doors. The permission has been amended historically and of relevance is the January 2016 permission which allowed the doors to be clad in timber with the central louvers being metal. As a point of clarification, the metal louvred doors have been installed.

Objections to the current application have been received from local residents on the grounds that the current proposals seek to further reduce the design quality of the substation and that there is insufficient justification within the application to substantiate the argument for the design alteration. The objectors note the requirement for timber doors was imposed on the original permissions to ensure appropriate materials were introduced within the Conservation Area and to prevent an 'industrial aesthetic' which was considered to be inappropriate in this location and why therefore should the City Council's view alter.

The applicant has clarified that due to UKPN regulations the requirement to have fully timber doors could not be achieved (as required under an earlier permission) and therefore under the January 2016 permission a compromise was reached which allowed for inset metal louvres within timber doors. As installed, the doors are fully metal. Further clarification was requested from the applicant with regards to why the timber doors with inset metal louvres couldn't be achieved. UKPN state that any timber on the building presents a fire risk and any potential risks should be designed out. If a fire was to break out inside the substation the timber on the external elevation could catch and present greater danger.

Whilst the introduction of cladding was not disputed at the time of the previous application by UKPN, it has since been established that the metal doors cannot be compromised with fixings and therefore the only way of securing the timber to the doors would be with glue. Notwithstanding the need to 'design out' fire risks, the methodology and resultant appearance of gluing the cladding on could be achieved, however the longevity of this approach is questioned and it is considered that once the cladding is in place for a while, it could become tatty and unsightly. The long term maintenance of the cladding could not be secured. This would result in a feature which detracts from the overall appearance of the area.

It is noted that having metal doors facing Queensborough Terrace was not the intended design and that alterations and amendments have historically been made which dilutes the consciously designed substation. However the resultant appearance of the substation, if constructed with metal doors and cladding stuck on in accordance with UKPN regulations, would not have achieved the highest standard of design required to ensure this structure complimented its setting. In this instance given the justification given by UKPN, having black painted metal louvred doors, which are easy to maintain is considered to be the most pragmatic approach to preserve the character and appearance of the conservation area in the long term.

The substation is a functional building and the harm to the character and appearance of the conservation area caused by the substation has sought to be mitigated by its design, use of materials and location, inset from the boundary wall.

The proposals are considered to preserve the character and appearance of the Bayswater Conservation Area and are in accordance with UDP policy DES 1, DES 5 and DES 9 in addition to City Plan policies S25 and S28.

8.3 Residential Amenity

This application raises no amenity issues.

8.4 Transportation/Parking

This application raises no transport issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

This application raises no access issues.

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

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

8.11 Environmental Impact Assessment

Not relevant.

8.12 Other Issues

On respondent has commented that not having timber doors or not cladding the metal doors with timber is a cost saving exercise and for this reason permission should be refused. The financial implications of the proposal are not a material planning

consideration for an application of this scale and therefore permission cannot be withheld on this basis.

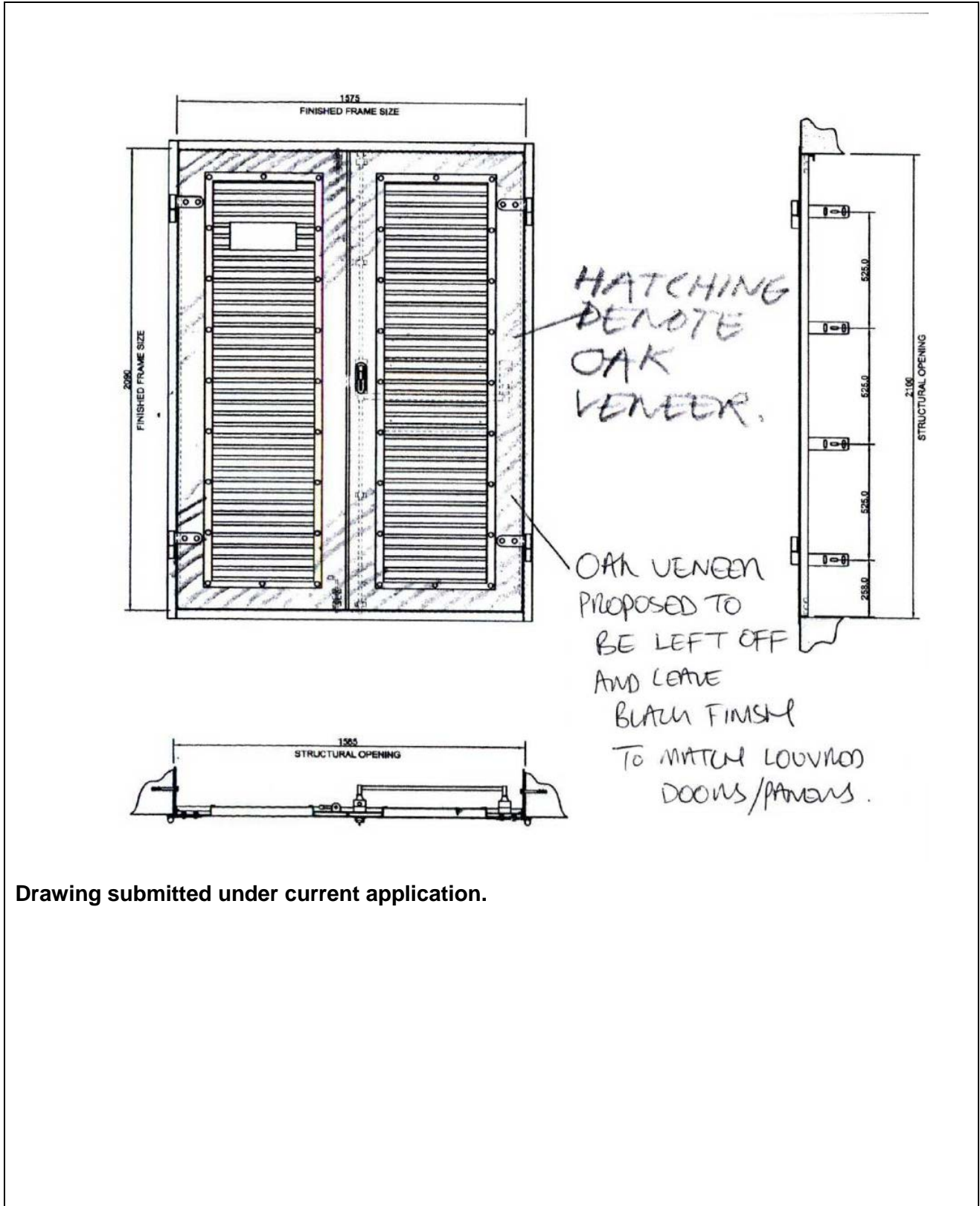
9. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of 1 Queensborough Studios dated 26 January 2017
3. Letter from occupier of 2 Claremont Court, Queensway (SEBRA) dated 12 March 2017
4. Letter from occupier of 4, Queensborough dated 21 March 2017
5. Email from applicant dated 26 March 2017

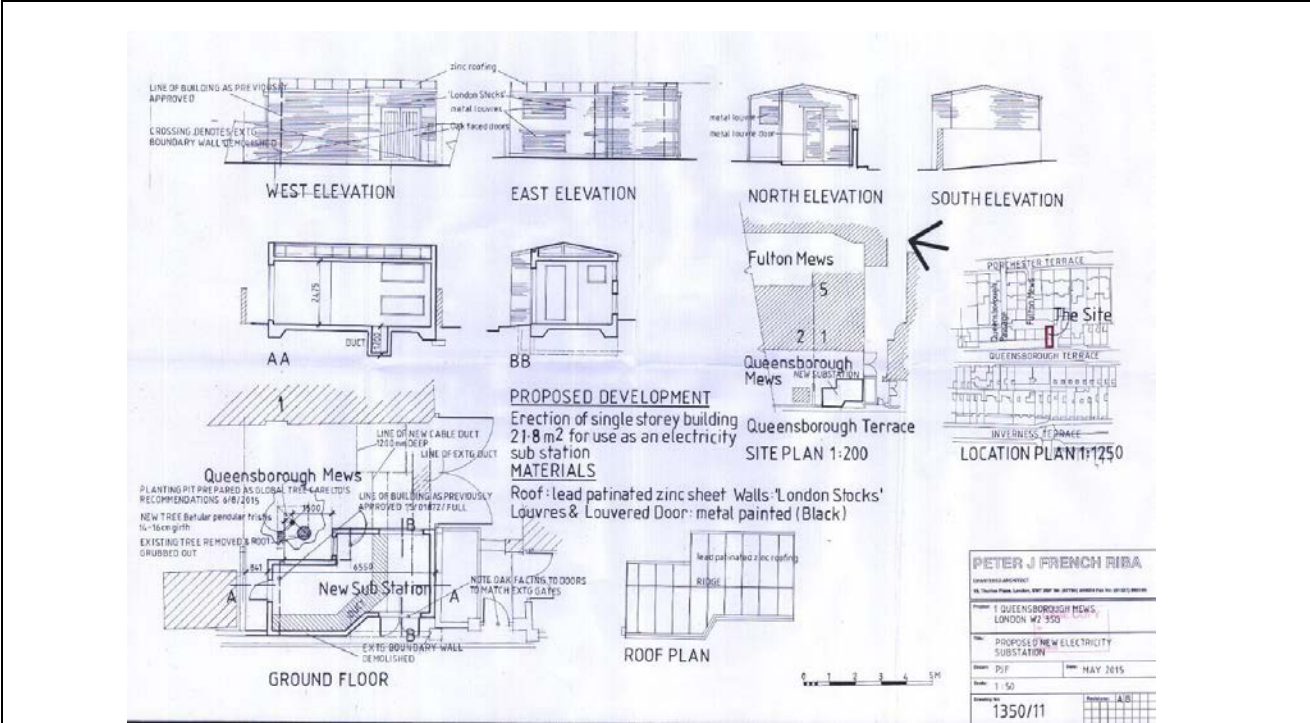
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK

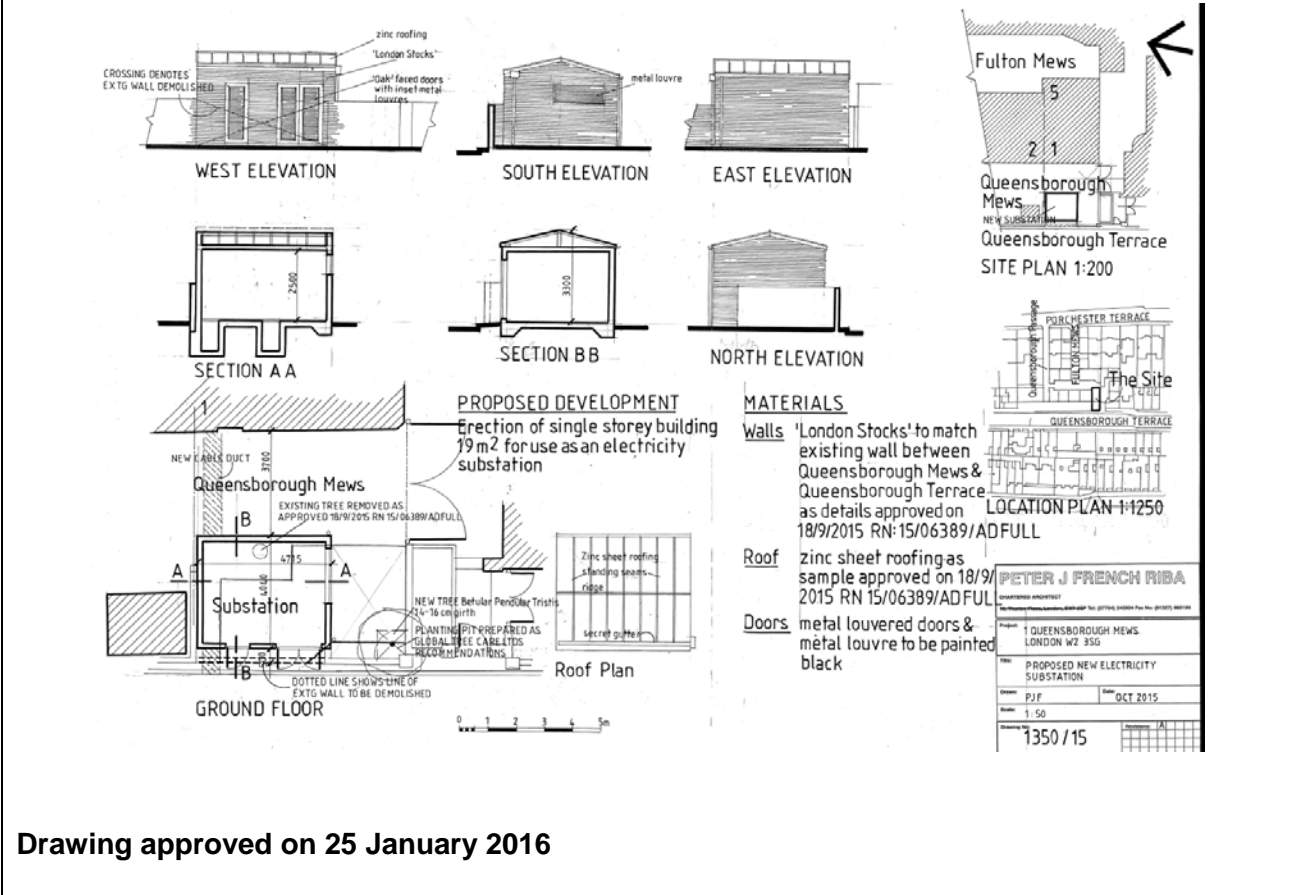
10. KEY DRAWINGS



Drawing submitted under current application.



Drawing Approved on 28 September 2015



Drawing approved on 25 January 2016

DRAFT DECISION LETTER

Address: 1 Queensborough Mews, London, W2 3SG,

Proposal: Removal of Condition 4 of planning permission dated 28 September 2015 (RN: 15/06025) which varied Condition 1 of planning permission dated 01 May 2015 (RN: 15/01872) for erection of single storey building to garden (fronting Queensborough Terrace) to house electricity substation; namely to remove the requirement for the new doors facing Queensborough Terrace to be clad with timber and to retain the metal louvre doors installed.

Reference: 17/00195/FULL

Plan Nos: V/D5/PBR Issue 5; Email from Judy Wells dated 20 February 2016; Email from Judy Wells dated 15 March 2016.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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:

1 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:

2 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:

3 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 The louvered doors and louvered panels shall be painted black and maintained that colour.

Reason:

4 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)

5 The roof of the substation shall be finished with zinc in accordance with the sample approved on 18/09/2015 (RN: 15/06389/ADFULL).

Reason:

5 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)

6 You must hang the doors fronting Queensborough Terrace so that they do not open over or across the road.

Reason:

6 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)

7 The brickwork, including bond and pointing shall be in accordance with the details approved on 18/09/2015 (RN: 15/06389/ADFULL).

Reason:

7 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)

8 (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:

- 8 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.

- 9 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:

- 9 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.

- 10 Within 90 days of the completion of the development hereby permitted, you must submit to the Council for

approval a report by a suitably qualified engineer to confirm that the EMF levels associated with the substation are in accordance with current legal requirements and appropriate guidance.

Reason:

- 10 To protect the environment of neighbouring residents in accordance with ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007 and S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 11 The plant must comply with the Council's noise criteria as set out in Condition 10 of this permission and the supplementary acoustic report approved on 18/09/2015 (RN: 15/06389/ADFULL).

Reason:

- 11 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.

- 12 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year 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 5 years of planting them, you must replace them with trees of a similar size and species.

Reason:

- 12 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)

- 13 You must apply to us for our approval of details of the depth and specifications of the of the new soil which you propose to use to create an adequate rooting environment for new tree planting and landscaping, including details of the drainage layer and other components, and the way that the proposed areas of soil will be protected from compaction during and following construction. You must not start any work until we have approved what you have sent to us. You must then carry out the work according to the approved details.

Reason:

- 13 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)

- 14 This permission must be commenced no later than 01 May 2018.

Reason:

- 14 The permission authorises amendments to the original planning permission granted on 1 May 2015 (RN: 15/01872) which must be commenced no later than the above date.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 respect of conditions 12 and 13 you are advised that a weeping silver birch, *Betula pendula* Tristis, to be planted at a size of 14-16cm girth is recommended with a soil crating system and top soil beneath the substation.

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.