



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (4)

Meeting Date:

Tuesday 30th May, 2017

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Angela Harvey (Chairman)
Iain Bott
Jonathan Glanz
Jason Williams



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

Admission to the public gallery is by ticket, issued from the ground floor reception 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. 79 NEW CAVENDISH STREET, LONDON, W1G 7LT | (Pages 3 - 34) |
| 2. 37 CONDUIT STREET, LONDON, W1S 2YF | (Pages 35 - 44) |
| 3. HARLEY STREET UNDERGROUND CAR PARK,
QUEEN ANNE MEWS, LONDON, W1G 9HF | (Pages 45 - 60) |
| 4. THE PRINCE REGENT, GRAND UNION CANAL,
LONDON, W2 1WN | (Pages 61 - 76) |
| 5. 77 WESTMORELAND TERRACE, LONDON, SW1V 4AH | (Pages 77 -
112) |
| 6. 1 EATON TERRACE, LONDON, SW1W 8EX | (Pages 113 -
142) |

PART 2 (PRIVATE)

RECOMMENDED: That under Section 100 (A) (4) and Part 1 of Schedule 12A to the Local Government Act 1972 (as amended),

the public and press be excluded from the meeting for the following item of business because it relates to a claim to legal professional privilege which could be maintained in legal proceedings and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

<u>Item No</u>	<u>Grounds</u>	<u>Para. of Part 1 of Schedule 12A of the Ac</u>
7	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	5

7. 16 LEINSTER TERRACE, LONDON, W2 3EU

**(Pages 143 -
156)**

**Charlie Parker
Chief Executive
19 May 2017**

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB-COMMITTEE – 30th May 2017
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	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). (ADDENDUM REPORT)	Harley Property Holdings
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Applicant
2.	RN NO(s) : 17/02513/FULL West End	37 Conduit Street London W1S 2YF	Use of part of the ground floor for retail purposes (Class A1) in connection with the existing retail unit fronting onto New Bond Street and associated external alterations to the Conduit Street facades.	Westbury Hotel Limited
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Applicant
3.	RN NO(s) : 16/10759/FULL West End	Harley Street Underground Car Park Queen Anne Mews London W1G 9HF	Use of part of the public car park (part third basement level) as a self- storage facility (Class B8).	W1 SelfStorage Ltd
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 17/00108/FULL Hyde Park	The Prince Regent Grand Union Canal London W2 1WN	Use of mooring adjacent to pedestrian bridge opposite Sheldon Square as a restaurant (Use Class A3).	London Shell Co.
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
5.	RN NO(s) : 16/12041/FULL Churchill	77 Westmoreland Terrace London SW1V 4AH	Erection of a mansard roof extension and rear extensions at ground, first and second floor levels; to provide additional residential floor space including an additional residential flat (Use Class C3). (ADDENDUM REPORT)	Mr Martin Osborne

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB-COMMITTEE – 30th May 2017
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	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 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.(ADDENDUM REPORT)	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	CONFIDENTIAL ITEM This item is due to be published on the 'confidential' part of the agenda as the report involves the likely disclosure of exempt information relating to legal advice.			
7.	References RN NO(s) : 16/09230/CLEU D Lancaster Gate	16 Leinster Terrace London W2 3EU	Sui generis mixed hotel and short stay hostel use comprising of 16 private rooms and 28 dormitory rooms (no more than 9 beds per room) with minor temporary variations in the use of up to 8 rooms to accommodate guest requirements.	Totalvition Limited
	Recommendation Issue Certificate.			

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 30 May 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 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 proposed medical use at the application site as the Princess Grace is a private hospital with operating theatres.

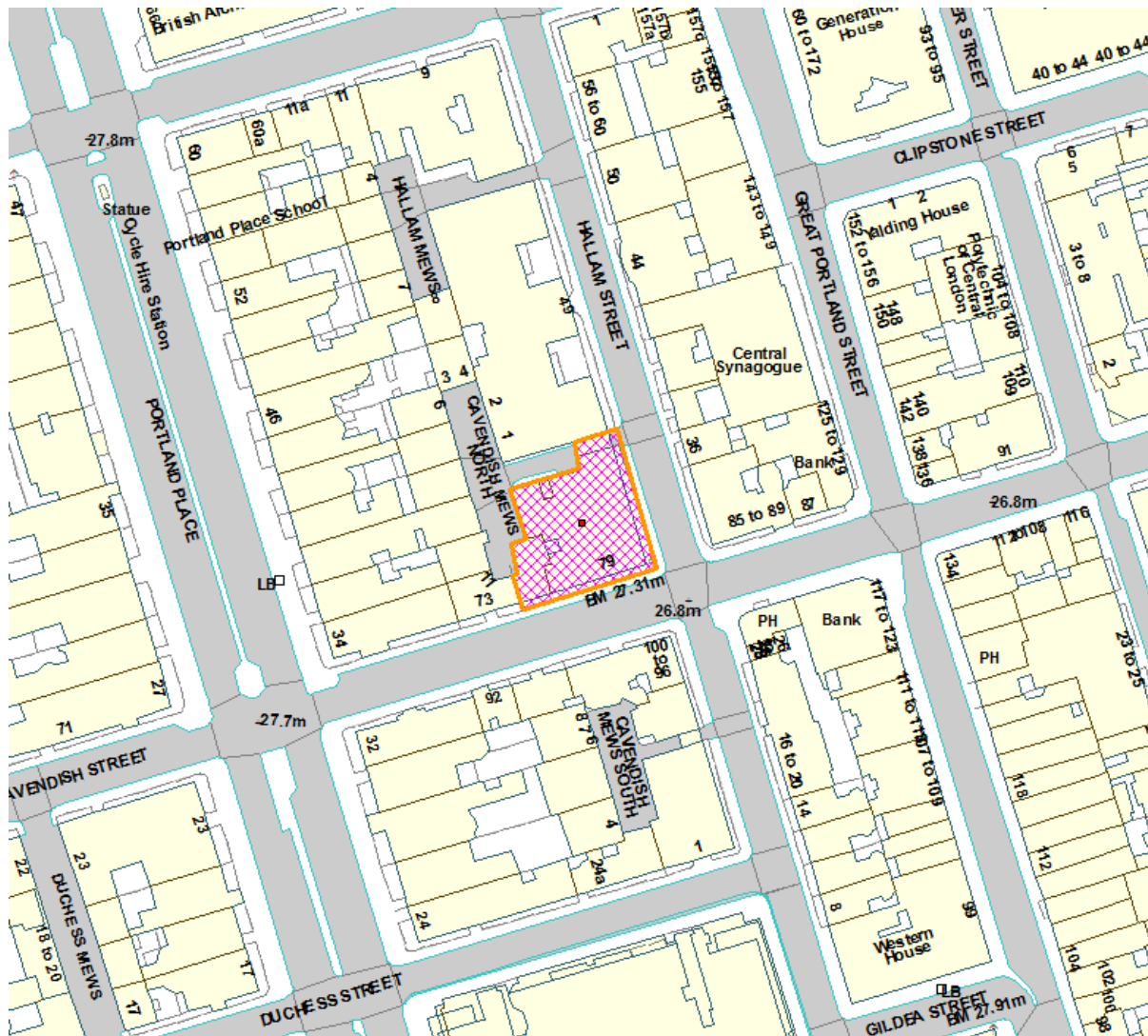
A further servicing survey was undertaken at the Platinum Medical Centre which is a private

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, the applicants advise that 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.

The Metropolitan Police have been consulted on the proposal and comment that there is no envisaged increased risk or threat to the Synagogue as a result of the change of use.

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.

COUNTER TERRORISM OFFICER

No objection

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 MEEETING ON 14.03.2017

12 letters of objection raising the following:

- Building is not suitable for use as a medical centre
- Proposed use will case disruption
- Additional vehicles and pressures on parking
- Security implications

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. Letter from Flat 3, 94 New Cavendish Street dated 26 March 2017
22. Email and Addendum Transport Statement from the applicants dated 30 March 2017
23. Email from the Highways Planning Manager dated 3 April 2017
24. Email from the Counter Terrorism Officer dated 11 April 2017
25. Letter from Chairman of the Board of Directors of 49 Hallam Street Limited on behalf of the 94 lessees of 49 Hallam Street dated 10 April 2017
26. Letter from CH Hausmann & Co Solicitors, 5 De Walden Court dated 10 April 2017
27. Letter from occupier of Flat 28, 49 Hallam Street dated 11 April 2017
28. Letter from occupier of Flat 84, 49 Hallam Street dated 12 April 2017
29. Letter from occupier of Flat 1, 50 Hallam Street dated 12 April 2017
30. Letter from occupier of Flat 27, 49 Hallam Street dated 13 April 2017
31. Letter from occupier of Flats 35 and 36, 49 Hallam Street dated 21 April 2017
32. Letter from occupier of 1 Weymouth Street dated 21 April 2017
33. Letter from occupier of Flat 11A, 9 Weymouth Street dated 26 April 2017
34. Letter from occupier of Flat 7A, 9 Weymouth Street dated 25 April 2017
35. Letter from occupier of Flat 58, 49 Hallam Street dated 20 April 2017
36. Letter from the Chairman of Hallam Court Residents Association dated 27 April 2017
37. Letter from occupier of Flat 67 49 Hallam Street dated 17 May 2017

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

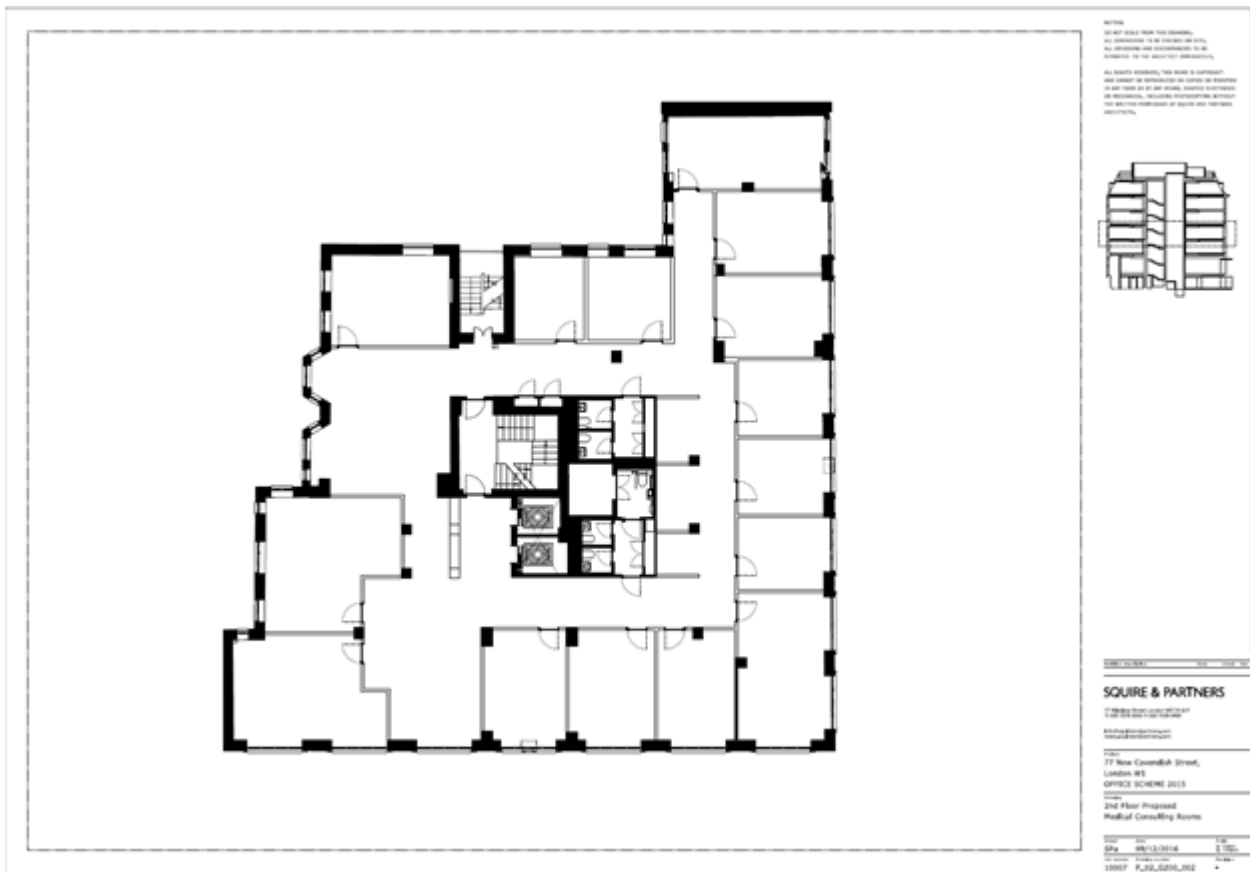
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

Item No.
1

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

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1

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) Biddy 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

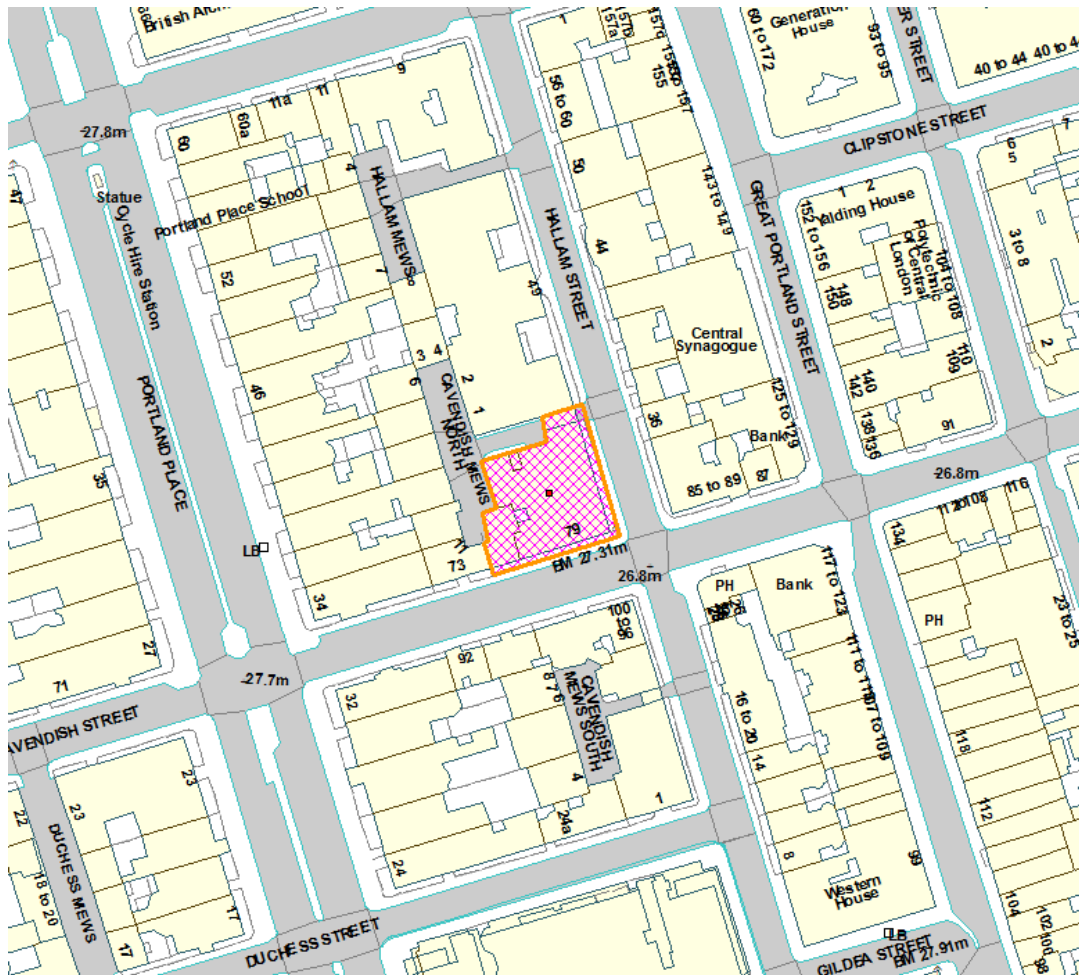
The application site is situated on the corner of New Cavendish Street and Hallam Street. There is a retail unit at part basement and ground floor and the rest of the building is in use as offices. Permission is sought to use the basement and ground floors for either retail or for medical and use the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

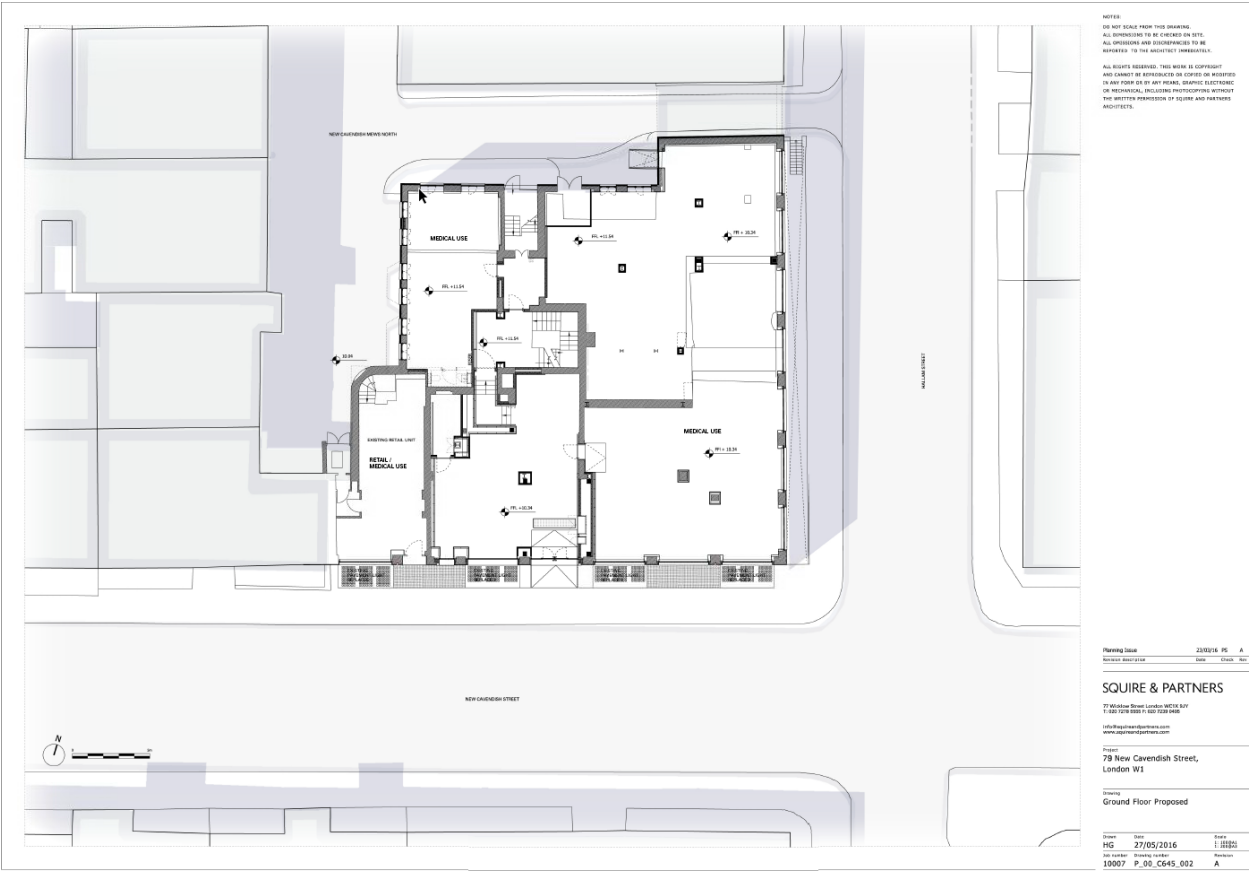
1. Application form
2. Memorandum from Cleansing dated 9 February 2017
3. Memorandum from the Highways Planning Manager dated 17 February 2017
4. Letter from occupier of Suite 2 85 New Cavendish Street dated 7 December 2016
5. Letter from occupier of Flat 5 94 New Cavendish St dated 12 December 2016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

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

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

KEY DRAWINGS

Proposed ground floor



This architectural floor plan depicts a building with a complex, irregular layout. The plan is oriented with a north arrow pointing towards the upper right. The building's footprint is roughly rectangular, with several protrusions and recessions. The central area contains a large, open space, likely a common area or a large hall, which is surrounded by various rooms and corridors. A prominent staircase is located in the center, with multiple landings and flights. To the left of the central area, there are several large rooms, some of which appear to be offices or meeting rooms. To the right, there are more rooms, including what looks like a kitchen or a break area. The plan also shows numerous doors, windows, and smaller utility spaces. The overall design suggests a functional, multi-purpose building, possibly a school, a community center, or a small office building.

Drawn	Date	Tests
SPa	09/12/2016	11 2192 11 2192
Job number	Drumming number	Revision
10007	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.

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CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 30 MAY 2017	Classification For General Release	
Addendum report of Director of Planning		Ward(s) involved West End	
Subject of Report	37 Conduit Street, London, W1S 2YF,		
Proposal	Use of part of the ground floor for retail purposes (Class A1) in connection with the existing retail unit fronting New Bond Street and associated external alterations to the Conduit Street facades.		
Agent	Mr Russell Monck		
On behalf of	Westbury Hotel Limited		
Registered Number	17/02513/FULL	Date amended/ completed	23 March 2017
Date Application Received	21 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to 37 Conduit Street, which is an unlisted building located in the Mayfair Conservation Area. The subject site is a ground floor sushi bar which is ancillary to the Westbury Hotel (Class C1). The bar has direct access onto Conduit Street and is connected by a double door to the reception lobby of the hotel.

The application involves the use of the existing bar for retail purposes in connection with the adjoining Burberry store at 21-23 New Bond Street. The key issue for consideration is the acceptability of the loss of the hotel use. Policy TACE 1 of the adopted Unitary Development Plan and Policy S23 of the City Plan state that existing hotels will be protected where they do not have significant adverse effects on residential amenity. The original use of this unit was for Class A1 retail purposes, but in 2008 planning permission was granted for the use of this unit for hotel purposes. Since then the unit has operated as an ancillary champagne bar and more recently as an ancillary sushi bar. In this instance, given the ancillary nature of the bar use, the unit is considered to be in C1 use and the use of this unit for retail purposes is contrary to hotel policies.

The proposal results in the loss of 76sqm of hotel floorspace, however, the application would result in an enlarged retail unit fronting New Bond Street, which lies both within the West End Special Retail Policy Area (WESRPA) and on the primary shopping frontage. Policy S7 states that the priority for

4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'

Any comments to be reported verbally.

CLEANSING

No objection

METROPOLITAN POLICE

No objection – fire doors should be compliant with British Standards and the building should achieve Secured By Design (Commercial) accreditation.

ADJOINING OWNERS/OCCUPIERS

No. consulted: 205

Responses: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

April 1998 – conditional permission granted for use of existing retail unit for hotel purposes. Not implemented

November 2008 – conditional permission granted for use of the ground floor retail unit and part of the basement as a champagne bar ancillary to the hotel use.

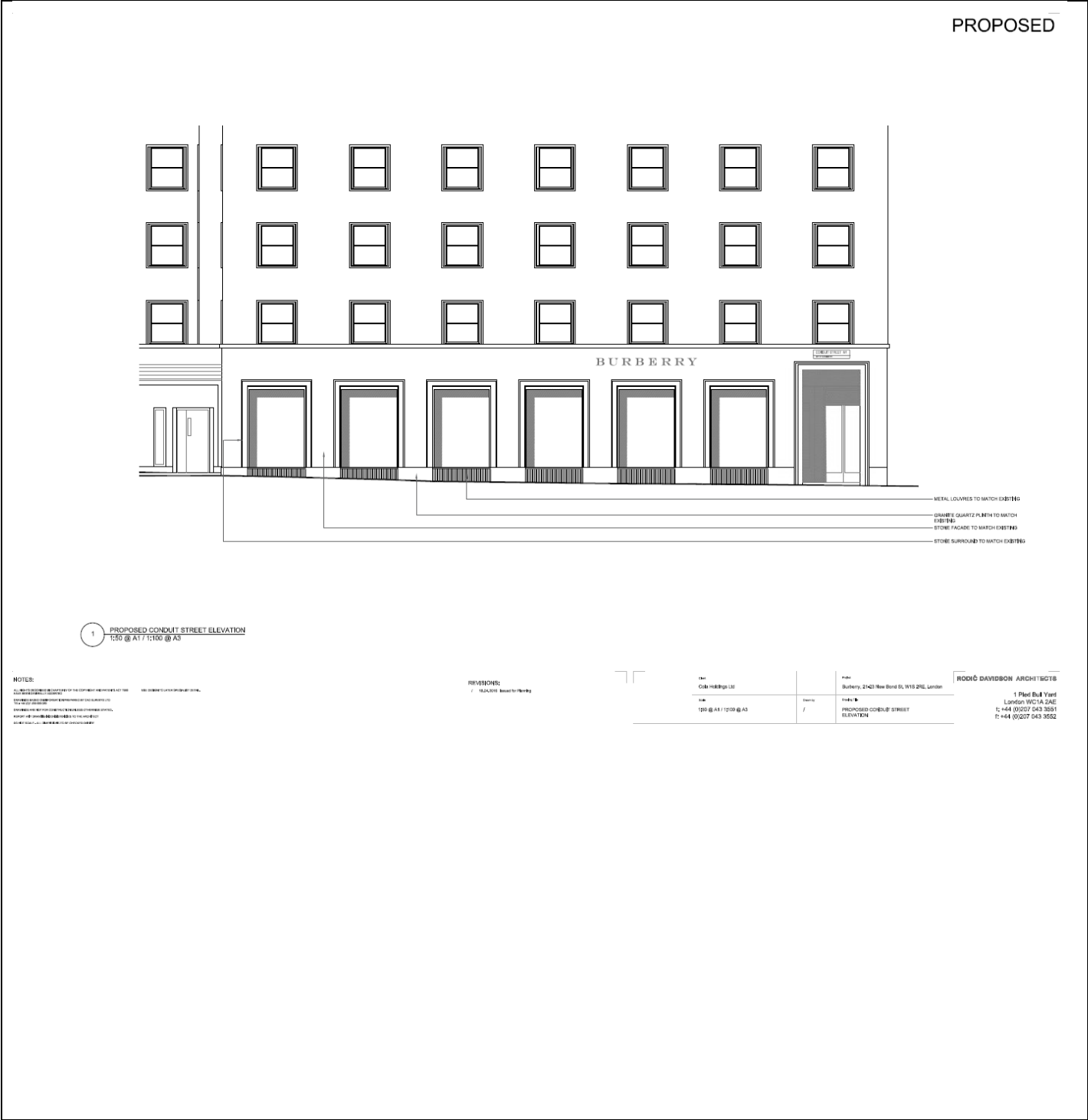
June 2010 – permission granted (as a minor amendment to the 2008 permission) for the use of the ancillary floorspace as a sushi bar.

7. BACKGROUND PAPERS

1. Application form
2. Response from Metropolitan Police dated 13 April 2017
3. Response from Cleansing - Development Planning, dated 5 April 2017 and 5 May 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.



PROPOSED



1 PROPOSED CONDUIT STREET ELEVATION
1:100 @ A1 / 1:200 @ A3

NOTES:
ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
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REVISIONS:
/ 15/05/2018 Revised for Planning

Client	Cable Holdings Ltd	Author	Busherry, 21421 New Bond St, W1S 2RS, London
Date	12/05 @ A1 / 12/05 @ A3	Project	PROPOSED CONDUIT STREET ELEVATION

RODNO DAVIDSON ARCHITECTS
1 Plot Bull Yard
London WC1A 2AE
T: +44 (0)207 543 3551
F: +44 (0)207 543 3552

DRAFT DECISION LETTER

Address: 37 Conduit Street, London, W1S 2YF,

Proposal: Use of part of the ground floor for retail purposes (Class A1) in connection with the existing retail unit fronting New Bond Street and associated external alterations to the Conduit Street facades.

Reference: 17/02513/FULL

Plan Nos: 0916-EX.002, Existing Basement Inset Plan, 0916-EX.SLP, 0916-EX.103, 0916-EX.102, 0916-PL.102, 0916-PL.002, 0916-PL.101

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

1	<p>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.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
2	<p>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: ,</p> <ul style="list-style-type: none"> * 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. <p>You must carry out piling, excavation and demolition work only: ,</p> <ul style="list-style-type: none"> * between 08.00 and 18.00 Monday to Friday; and * not at all on Saturdays, Sundays, bank holidays and public holidays. <p>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)</p> <p>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)</p>
3	<p>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)</p>

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)

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 (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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., ,
 24 Hour Noise Team,
 Environmental Health Service,
 Westminster City Hall,
 64 Victoria Street,
 London,
 SW1E 6QP, ,
 Phone: 020 7641 2000

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

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well

as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 5 The unit should achieve Secured By Design (Commercial) accreditation, there should be no ironmongery on the internal fire door, the door should comply with PAS 24, and security tested products should be used for the accessible parts (doors/windows) of the building.

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 30 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF		
Proposal	Use of part of the public car park (part third basement level) as a self- storage facility (Class B8).		
Agent	Mr Oren Barrie		
On behalf of	Mr Oren Barrie		
Registered Number	16/10759/FULL	Date amended/ completed	28 November 2016
Date Application Received	10 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to part of the Harley Street public car park. Permission was granted in October 2013 for the use of part of the third basement level as a self-storage facility. This use has commenced. The current application seeks permission for the use of the remainder of the third basement as an extension to the self-storage facility (Class B8) and would provide 122 additional storage units (249 in total) resulting in the loss of 80 car parking spaces.

The key issues in this case are:

- The impact of the proposal on on-street parking demand and traffic generation.
- The impact of the use upon residential amenity

Objections have been received on parking, highway safety and amenity grounds. The loss of public car parking spaces and the proposed use are considered acceptable, in principle, in land use terms. Subject to appropriate conditions, it is not considered that the proposals would

adversely affect the amenity of neighbouring residential properties or would compromise highway safety. The application is considered to comply with relevant UDP and City plan policies and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



13 Dec 2016, 14:14:03





5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Objection: existing facility does not operate in accordance with the approved Traffic Management Plan, noise and pollution from idling (oversized) delivery trucks and loading/unloading of trollies outside of permitted opening hours; car park exit blocked by oversized vehicles.

HIGHWAYS PLANNING MANAGER:

No objection subject to conditions

CLEANSING

Details of refuse/recycling storage arrangements required

ADJOINING OWNERS / OCCUPIERS

No. consulted: 146; No. of objections: 6 (including an objection from Milford/Harmont Residents' Association)

- Loss of additional parking spaces
- Large delivery vehicles are unable to enter the carpark and unload at the entrance, using residents' parking spaces and blocking traffic on Queen Anne Mews to the detriment of highway safety
- Would exacerbate existing noise disturbance to neighbouring residential properties from deliveries/delivery trolleys, early morning/late night deliveries, operation of roller shutters, lack of soundproofing, noise from customers using the stair access
- No vehicle management plan nor details of how vehicles will park/load/ turn on Queen Anne Mews
- The use does not operate in accordance with the approved details.
- Nuisance from 24 hour lighting

ADVERTISED/SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is Harley Street Underground Car Park, which is accessed via an entrance ramp in Queen Anne Mews. The car park is set over three basement levels beneath two blocks of residential flats (Milford House and Harmont House). There is a separate pedestrian staircase to the car park on the north side of Queen Anne Mews.

The site is within the Harley Street Conservation Area and within the Core Central Activities Zone.

The City Council has a leasehold interest in the site and the car park is operated by Q Park Ltd.

6.2 Recent Relevant History

6 August 2009: Permission granted for use of whole of basement level 3 to provide 369 lettable self-service storage units (Class B8). This scheme resulted in the loss of 132 car parking spaces. Not implemented.

9 December 2010: Permission granted for retention of a roller shutter across the entrance/exit (to close the car park when required for maintenance purposes or in an emergency). The hours of use of the roller shutter were restricted by condition.

24 November 2014: Permission granted to remove the operating hours restriction on the use of the roller shutter.

29 October 2013 Permission granted for the use of part third basement level as a self-storage facility, providing 127 self-storage units, with an administrative office at first basement level (13/07597/FULL). This scheme resulted in the loss of 47 car parking spaces. Implemented. (The approved operating hours are between 08.00 and 20.00).

12 April 2017: Details of waste and recycling, CCTV and security lighting and an Operating and Management Statement pursuant to condition 5, 6, and 9 of planning permission dated 29 October 2013 (RN: 13/07597/FULL). Granted and implemented

7. THE PROPOSAL

This application is for the use of the remainder of the third basement level as an extension to the existing self-storage facility, occupying an additional 80 public car parking spaces at that level. Three customer parking spaces would be provided in association with the use.

Prefabricated storage units would be laid out over a set grid of pedestrian walkways. A maximum of 122 storage units would be provided, of varying sizes, making a total of 249 storage units on the site. The proposals would result in the loss of 80 of the 281 remaining car parking spaces.

The expanded facility would have three employees (two full time and one part time) who would operate from the existing office. There would be no change to the permitted operating hours (08:00 to 20:00).

The application includes details of internal CCTV and security lighting, and details of waste storage. The submitted OMP has been revised to provide full operational details.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of car parking

UDP policy TRANS 25 states that the council will usually permit the loss of public off-street parking. In determining such proposals, the Council will consider the need to reduce traffic levels and encourage more sustainable modes of transport, the average and peak usage of the car park, the availability of alternative, nearby public car parks; the impact on local on-street parking facilities; the impact on traffic and local residential amenity and any other factors considered relevant.

The car park now has 281 spaces available and the proposal would result in the loss of 80 car parking spaces (retaining 201 public car parking spaces). The 2013 consent allowed the conversion of just 47 spaces to storage use. Cumulatively, the current proposal and the 2013 consent would represent a total loss of 127 parking spaces (which would be 5 spaces less than the 2009 consent which approved the loss of 132 spaces).

Objections have been received on the grounds that the scheme would increase the demand for on-street parking in the area. However, the Highways Planning Manager considers that given the general occupancy level of the car park (an average of 141 vehicles on weekdays), the proposal would not result in parking overspill to neighbouring streets, particularly given the presence of nearby public car parks at Cavendish Square and Welbeck Street, which are approximately 150m from the site. The application would maintain the provision of 55 residents' parking spaces. These parking spaces are excluded from the figures above relating to the retained public car parking spaces (201).

In view of the above, the proposals are considered to be in accordance with UDP policy TRANS 25.

8.1.2 Proposed use

Council policies do not refer specifically to self-storage facilities. However, such a use could broadly be considered to fall within the remit of UDP policy COM 11, which relates to new general industrial or commercial warehouse floorspace, albeit that the proposed use is on a smaller scale. The policy states that such uses will only be approved where they are located close to the strategic road/rail network, the accommodation is particularly suited to the proposed use, the servicing requirements can be adequately met within the site and there would be no adverse impact on residential amenity.

The use of the entire third basement level as a self-storage facility has previously been approved. On this basis, as the loss of the existing car parking is considered acceptable, and given the nature, and relatively small scale of the proposed use, the proposal accords with the objectives of policy COM 11 and is considered acceptable in principle in land use terms. The impact of the use on the highway network and residential amenity is discussed in sections 8.2 and 8.4 below.

8.2 Highways

Objections have been received on the grounds that the existing facility is not being operated in accordance with the approved Operational Management Plan (which was approved retrospectively). The OMP sets out the hours of operation will be 8am – 8pm, 7 days a week. It details security measures, vehicle access, activities and goods allowed, surveillance, requirements for customer ID and waste. It also stipulates that unloading/loading can only occur within the car park.

In particular, objectors are concerned that the facility is visited by a number of large delivery vehicles which are unable to enter the car park, due to height restrictions, and which unload at the carpark entrance, restricting access, or park in residents' parking bays or block Queen Anne Mews to the detriment of the free flow of traffic and highway safety. Objectors are also concerned that the application is not accompanied by a vehicle management plan and that details demonstrating how vehicles will park/load/ turn on Queen Anne Mews have not been provided.

The application is supported by an OMP, which, has been updated during the course of the application. This document, as in the approved OMP for the 2013 permission, sets out that only vehicles with a maximum height of 1.8m will be able to enter the facility, this height restriction is advertised at the entrance to the car park and on the W1 self storage website, customers are also required to sign an acknowledgement of the height restriction when booking.

A condition is recommended to require the premises to operate in accordance with the OMP. Further conditions are recommended to require all loading/unloading to take place within the premises and to prevent any goods being received at/dispatched from the premises other than from/to vehicles parked within the facility. Subject to these controls, it is not considered that the application could justifiably be recommended for refusal on highways grounds.

The premises layout would enable vehicles to enter and leave the site in forward gear. In these circumstances, there would be no requirement for vehicles to turn within the mews.

Both sides of Queen Anne Mews are painted with single yellow lines which control the parking of vehicles within the mews and are designed to preventing obstruction of the highway. Any breaches of parking control are dealt with by other agencies.

The Highways Planning Manager has requested a condition requiring the provision of staff cycle parking in association with the use. Details of secure staff cycle parking would be reserved by condition.

8.3 Residential Amenity

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. The City Council will apply conditions when approving schemes in order to limit noise emissions. City Plan policy S29 seeks to safeguard the amenity of neighbouring residential properties.

A number of objections have also been received on the grounds that the proposals would exacerbate noise disturbance associated with the existing operation including noise from deliveries/delivery trolleys and from the use of the entrance roller shutter, which has been the subject of previous complaints. However, subject to the conditions outlined above, which seek to ensure that all loading and unloading of goods takes place within the premises, during permitted operating hours (08:00 to 20:00 hours), it is not considered that the proposals would have any greater impact on noise levels than would the existing car park use.

The roller shutter is managed by the car park operators. The current application does not propose any change to the operation of the roller shutter, which is not subject to controls over the hours of its use. In these circumstances, it is not considered that these objections could be supported.

Objectors are also concerned that the storage facility is not adequately soundproofed, resulting in noise disturbance to neighbouring residents. However, all loading/unloading would take place at third basement level and the closest residential properties are at ground level. Subject to a requirement for the use to operate in accordance with the OMP, it is not considered that the level of disturbance arising from the proposed use would be any greater than that associated with the existing use as a public car park.

An objection has been received on the basis that customers accessing the self-storage facility via the stairwell cause unacceptable noise disturbance. Although these concerns are noted, it is not considered likely that pedestrian activity/noise from customers visiting the storage facilities have the potential to cause any greater disturbance than drivers accessing parking vehicles within the existing parking spaces.

An objection has been received with regard to disturbance from 24 hour lighting on the site being a nuisance. The current proposal includes internal security lighting at third basement level which would not be visible from any neighbouring residential properties. Objections relating to noise disturbance relating to the conversion of

the premises for the proposed use are noted and it is recommended that a condition is imposed to restrict the hours of building works.

In conclusion, subject to appropriate operating conditions, it is not considered that the proposed use could have an adverse impact upon the amenities of neighbouring residents.

8.4 Townscape and Design

No external alterations are proposed.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Access to the car park and self-storage facility would remain as existing.

8.7 UDP/Westminster Policy Considerations

8.7.1 Waste and recycling

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

8.8 London Plan

Policy 6.13 of the London Plan seeks an appropriate balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. The proposals would accord with the intent of this policy by re-developing excess parking spaces.

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

This application does not trigger any planning obligations.

8.11 Environmental Impact Assessment

No Environmental Impact Assessment is required.

8.12 Other Matters

It is noted that objections have been received on the grounds that the existing use does not operate in accordance with approved Operational Management/Traffic Plans. To date, the Council's planning department has not received any complaints to this effect.

Records indicate complaints have been received in relation to noise generated by the use of the car park roller shutter, however, no recent complaints have been received by planning enforcement. In 2014, following the installation of a silent motor to drive the roller shutter, permission was granted for the use of the shutter to enable it to be used on a 24 hour basis daily. The last noise complaint received by environmental health relating to the noise of the shutter was received in 2008.

9 BACKGROUND PAPERS

1. Application form
2. Memoranda from Project Manager (Waste) dated 9 December 2016 and 8 March 2017
3. Memoranda from Highways Planning dated 19 January
4. Letter from occupier of Flat 8, Harmont House, 20 Harley Street, dated 12 December 2016
5. Letter from occupier of Flat 19, Harmont House, dated 15 December 2016
6. Letter from occupier of 1 Queen Anne Mews, dated 19 December 2016
7. Letter from occupier of 5 Milford, 7 Queen Anne Street, dated 21 December 2016
8. Letter from occupier of 5 Milford House, dated 21 December 2016
9. Letter from occupier of 65 Alfred Road, dated 13 January 2017

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

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

DRAWING 6
PROPOSED CCTV and LIGHTING

DRAFT DECISION LETTER

Address: Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF,

Proposal: Use of part of the public car park (part third basement level) as a self- storage facility (Class B8).

Reference: 16/10759/FULL

Plan Nos: Drawing 001 - Plan of Level -1, Drawing 03 - Plan of office, Drawing 6 - Proposed CCTV and Lighting, Drawing 7 - Proposed storage units, LP 3RD Harley Street Car Park, 2209/L/01 - Location Plan, Operating and Management Statement by W1 Self Storage received 1/3/17

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must not open the self-storage premises to customers, and you must not allow customers on the premises, outside the following times: 08.00 - 20.00.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 3 The area outlined in red on approved Drawing Number 7- Proposed Storage Units shall only be used for self-storage units. You must not use it for any other purpose, including within Class B8 of the Town and Country Planning (Use Classes) Order (1987) (as amended) (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class B8 because it would not meet COM 11 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 4 You must provide each car parking space shown on approved Drawing Number 7 - Proposed Storage Units prior to the use hereby approved, and each car parking space shall only be used for the parking of vehicles of customers visiting the premises for the purpose of using the self-storage units. The car parking spaces indicated on the submitted plans should be dedicated for use by the self-storage facility implemented and maintained for the lifetime of the development

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 25 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 5 The use hereby permitted shall not result in more than 122 additional individual self storage units within level -3 of the car park, and the total number of individual self storage units at level -3 shall not exceed 249.

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)

- 6 With the exception of the collection of refuse, the delivery and collection of all goods shall take place within level -3 of the car park and not outside the car park. No delivery or collection of goods shall take place outside of the opening hours: 08.00 - 20.00

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)

- 7 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)

- 8 The Operating and Management Statement by W1 Self Storage received 1/3/17 shall be implemented and maintained for the lifetime of the development

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)

- 9 You must apply to us for approval of details of secure staff cycle storage for the self-storage facility. You must then provide the cycle storage in line with the approved details prior to the commencement of the use hereby approved. You must not use the cycle storage for any other purpose

Reason

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been

given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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

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CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 30 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	The Prince Regent, Grand Union Canal, London, W2 1WN,		
Proposal	Use of mooring adjacent to pedestrian bridge opposite Sheldon Square as a restaurant (Use Class A3).		
Agent	Miss Leah Lobek		
On behalf of	Miss Leah Lobek		
Registered Number	17/00108/FULL	Date amended/ completed	4 April 2017
Date Application Received	6 January 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a designated conservation area		
Licensed Opening hours	16/10548/LIPDPS Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought to moor a boat (The Prince Regent) on the canal opposite Sheldon Square. The boat is to be used as a restaurant with breakfast, lunch and dinner sittings. During the dinner offering the boat sets sail along the canal before returning to moor overnight. The boat is proposed to be open between the hours of 07:00-23:00 Monday to Saturday and 08:00-22:30 on Sundays and Bank Holidays.

An objection has been received from a resident of Sheldon Square on the grounds of noise and disturbance from an existing adjacent restaurant/bar and does not wish for another restaurant offering.

The key issues are:

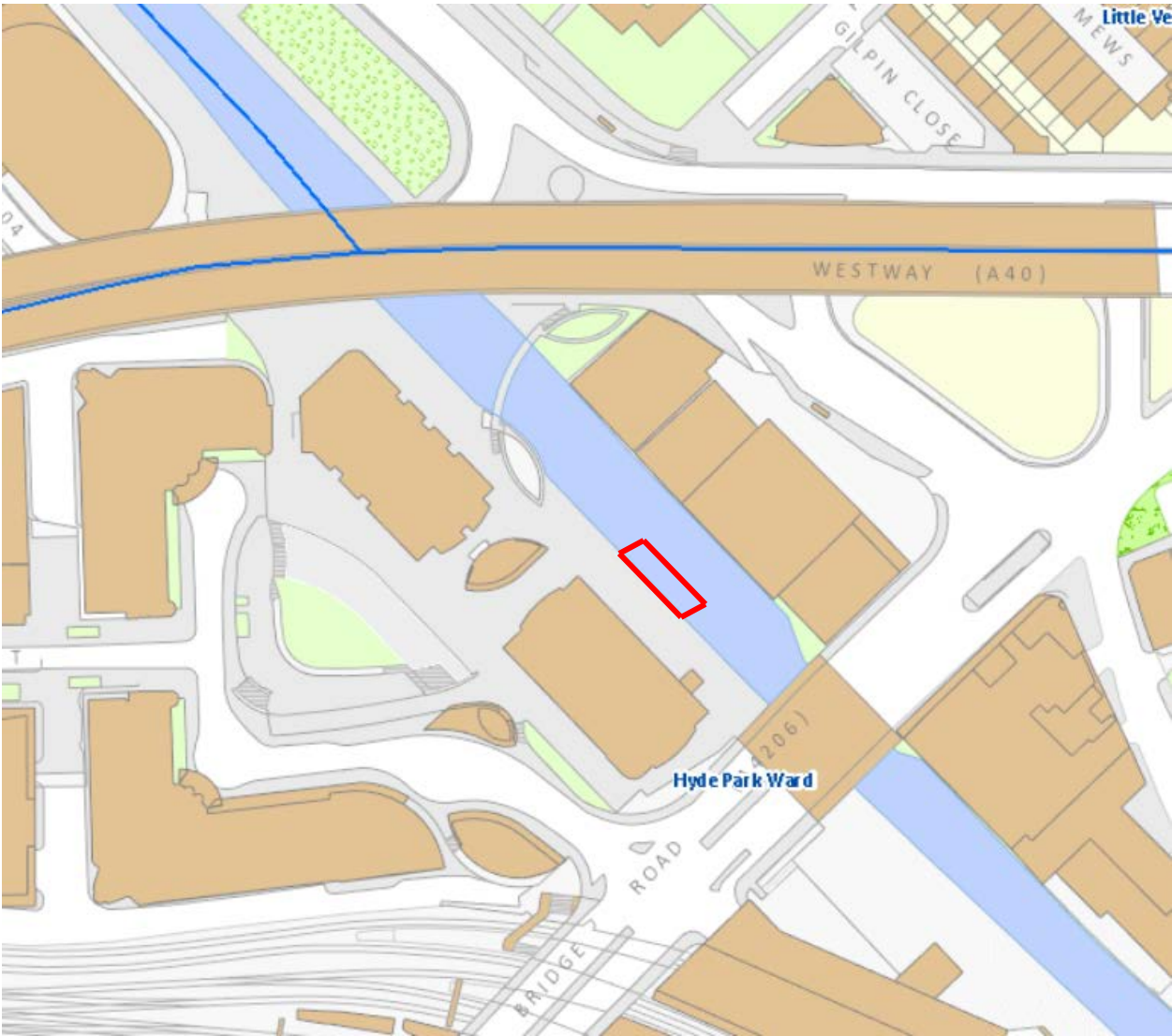
* the acceptability of a restaurant in this location in land use terms;

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- * the impact of the proposal upon the amenities of neighbouring residents;
- * whether the servicing arrangements for this mooring are satisfactory;
- * the impact of this proposal on the canal side environment and townscape.

Subject to conditions, the proposals are considered to comply with the Council's policies in relation to land use, design and amenity as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No objection. Request for neighbours comments to be taken into consideration.

HYDE PARK ESTATE ASSOCIATION:

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

PADDINGTON BID:

No objection. Support bringing quality dining offers beyond food-on-the-go to Paddington is a priority for the local community as well as people who work in surrounding offices. The water space offers the perfect opportunity to dine in the stunning, relaxing setting of the Grand Union and Regent's Canals. This is an innovative approach to bringing higher quality A3 uses to Paddington and showcasing the public realm transformation at Paddington Central.

CANAL & RIVER TRUST:

No objection but comment that the applicant will require the Trust's agreement to operate the proposed uses and that proposal could help to activate the canal side and contribute positively to the variety of retail and amenities at Paddington Central. Any additional works associated with the proposed uses such as new service bollards or tables and chairs on the towpath will also require the agreement of the Trust in addition to any necessary planning consent.

DESIGNING OUT CRIME:

Any response to be reported verbally.

CLEANSING:

No objection subject to a condition for details of waste and recyclable storage to be submitted.

HIGHWAYS PLANNING:

No objection given the location of the site within a privately managed estate.

ENVIRONMENTAL HEALTH:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 234

No. of objections: 1 objection on the grounds of existing disturbance from an adjacent restaurant, therefore an additional restaurant should not be allowed.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to a mooring located at Paddington Central opposite Sheldon Square and the pedestrian bridge. The site is located outside of a conservation area and the Central

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Activities Zone (CAZ), but is within the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area.

The mooring is adjacent to an existing boat at Baltic Wharf, currently in use by British Land as a marketing suite for development within Paddington Central (see section 6.2).

6.2 Recent Relevant History

Baltic Wharf (adjacent to site):

Permission was granted at Planning Committee on 02 April 2013 for a restaurant mooring with 42 covers on the other side of Bishops Bridge Road, at Baltic Wharf. (RN 12/08337/FULL)

Permission was subsequently granted on 25 April 2016 for the dual/alternative use of the same boat for either a marketing suite (sui generis) or A3 (restaurant) use [adjacent to towpath at Paddington Central]. The boat is currently operating as a marketing suite for an office development within Paddington Central. (RN 16/01556/FULL)

Mooring adjacent to Hammersmith and City Line:

Permission was granted on 18 October 2016 for the use of two moorings to provide one boat as a cafe/exhibition space (Use Class Sui Generis) and one boat as dual retail/restaurant (Class A1/A3). Associated installation of additional seating and railings on the roof of both vessels. (RN 16/02946/FULL)

7. THE PROPOSAL

Permission is sought to moor a boat (The Prince Regent) on the canal opposite Sheldon Square and has a floorspace of 84sqm. The boat is to be used as a restaurant with breakfast, lunch and dinner sittings with a total of 42 covers (32 within the boat and a further 10 within the bow) as well as a small bar and kitchen at the rear. During the dinner offering the boat sets sail along the canal before returning to moor overnight. In addition to the restaurant, it is also proposed to provide an off-license offering. The boat is proposed to be open between the hours of 07:00-23:00 Monday to Saturday and 08:00-22:30 on Sundays and Bank Holidays.

The proposals originally included the provision of a takeaway service from the boat, however this was withdrawn. Any takeaway is now to be ancillary to the main use as a restaurant. Should this element increase beyond an ancillary function as a restaurant, the applicant will need to make a new application for planning permission to include details of how this would operate and be managed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S3 of the City Plan relates to Paddington Opportunity Area and promotes a range of uses including retail, social and community facilities, entertainment and arts/cultural uses. The proposals are considered to be in accordance with this policy.

Policy DES 13 (B) 3) of the UDP relates to the provision of canal moorings and encourages their provision where they provide facilities for visitors and boaters, as long as such facilities will

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not hinder the navigation of the canal. As the proposals provide an additional facility in the form of a restaurant, and as sufficient canal is left clear for the navigation of the canal, the proposals are considered in accordance with this part of the policy.

Policies S24 of the City Plan and SS8 and TACE 8 within the UDP relate to new entertainment uses such as restaurants under 150sqm and are relevant.

S24 states that Planning Permission will generally be granted for such uses where the Council is satisfied that the proposed development is appropriate in terms of size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

Policies SS8 and TACE 8 specifically seeks to ensure that developments will have no adverse impact on both residential amenity and the local environmental quality as a result of noise, vibration, smells, late night activity or increased parking/traffic. In order to mitigate such issues, the Council will take account of the need for conditions to control the new use, where appropriate.

The nearest residential accommodation to the site is located at Sheldon Square, which is directly adjacent on the other side of the tow path. No objections have been received from residents of this building.

Sheldon Square, is characterised by restaurants on the ground floor, with outside seating on the canal side frontage, with residential flats on the upper floors. The terminating hour for the existing ground floor entertainment uses is 23:00. Permission was also approved for the dual use of the boat adjacent as either a marketing suite or a restaurant but is currently operating as a marketing suite.

The Prince Regent (subject to this application) is already operating as a fish restaurant. While it is noted that there are a number of bars and restaurants in this location, the proposed use does provide a different offering, including a sailing dinner service along the canal. While there are a number of other restaurants in the area, the proposed boat is considered to provide additional vitality to this part of Paddington. However, alike the recent permission for the two boats adjacent to the Hammersmith and City Line, a temporary permission is recommended so that the impact and any operational issues can be reassessed. Conditions in relation to operational management, ventilation, noise, covers, servicing and opening hours as set out on the draft decision letter are also recommended.

8.2 Townscape and Design

The site is located outside of a conservation area, but is on the canal which is part of the Blue Ribbon Network, and therefore policies S37 of the City Plan and DES13 of the UDP apply. Policies TACE 8 part (B) 2) also seeks to ensure that developments do not have an adverse effect on the character or function of its area.

The proposals are for a relatively wide berth boat, measuring approximately 3.3m in width, however it is an attractive, traditionally detailed boat. Traditional narrow boats have a maximum width of around 2m. While officers have concerns in relation to the number of untraditional boats which are being moored along this stretch of the canal, it is understood that

such boats do not provide very suitable internal floorspace to provide offerings such as the use proposed.

Given the particular character of the site, and the benefits of improving the vitality to this part of Paddington which will help to enliven the towpath, it is considered that the proposals could be considered acceptable in this instance. The proposals are considered to be acceptable in design and townscape terms in accordance with Policies S37, DES13 and TACE 8.

8.3 Residential Amenity

Please refer to the Land Use section of this report (section 8.1).

8.4 Transportation/Parking

The applicant has submitted an Operational Management Strategy (OMS) with the application, which confirms that servicing takes place within the Paddington Central development.

The Highways Planning Manager has not raised objection to the proposals but comment that Policies S42 of the City Plan and TRANS20 of the UDP require off street servicing. They note that while off-street servicing is proposed, little detail of the links to the application site is provided and thereby may cause disruption to pedestrians. However, given that the site is within a managed estate environment and the relatively small floorspace of the combined barges, no objection is raised.

While the OMS states that deliveries will be undertaken between the hours of 06:45 and 18:00 it is recommended for the servicing of the boats to only take place between the hours of 08:00 and 18:00 to match the conditions for the adjacent boat at Baltic Wharf. A condition that the trolleys are fitted with rubber wheels to ensure that servicing does not have a negative impact on the residents is also recommended.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the boats is gained via the tow path.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Plant

The plans submitted with the application indicate that a flue is proposed out of the boats rooflight. Environmental Health has not commented on the application, but has previously raised no objections to similar proposals for the other boats located adjacent. It is understood that the boat is currently naturally ventilated, but a fan may be installed to provide air flow at a later date. Alike with the applications for the other recently approved boats along the tow path, a condition is recommended for the submission of details of a ventilation system to show how cooking smells will be dealt with, including details of how it will be built and how it will look.

Westminster's standard noise condition is also recommended to ensure that any mechanical ventilation does not result in any noise disturbance.

An informative is also recommended to advise the applicant that the installation of any external mechanical heating/cooling equipment is likely to require a separate application for planning permission. Subject to these conditions and informative the proposals are considered acceptable in terms of odour.

8.7.2 Refuse / Recycling

The Cleansing Officer has commented that the proposals do not include details of the storage of waste, food and recyclable materials. A condition is recommended to secure this information.

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

The proposed floorspace of 84sqm does not trigger the requirement for a CIL payment.

8.11 Environmental Impact Assessment

The proposals are of insufficient scale to trigger the requirement to submit an EIA.

8.12 Other Issues

The applicant has stated that they wish to provide an off-license service for alcohol to be purchased and taken off the premises. An informative is recommended to advise the applicant that they will need to get a suitable license to provide such a service.

9. BACKGROUND PAPERS

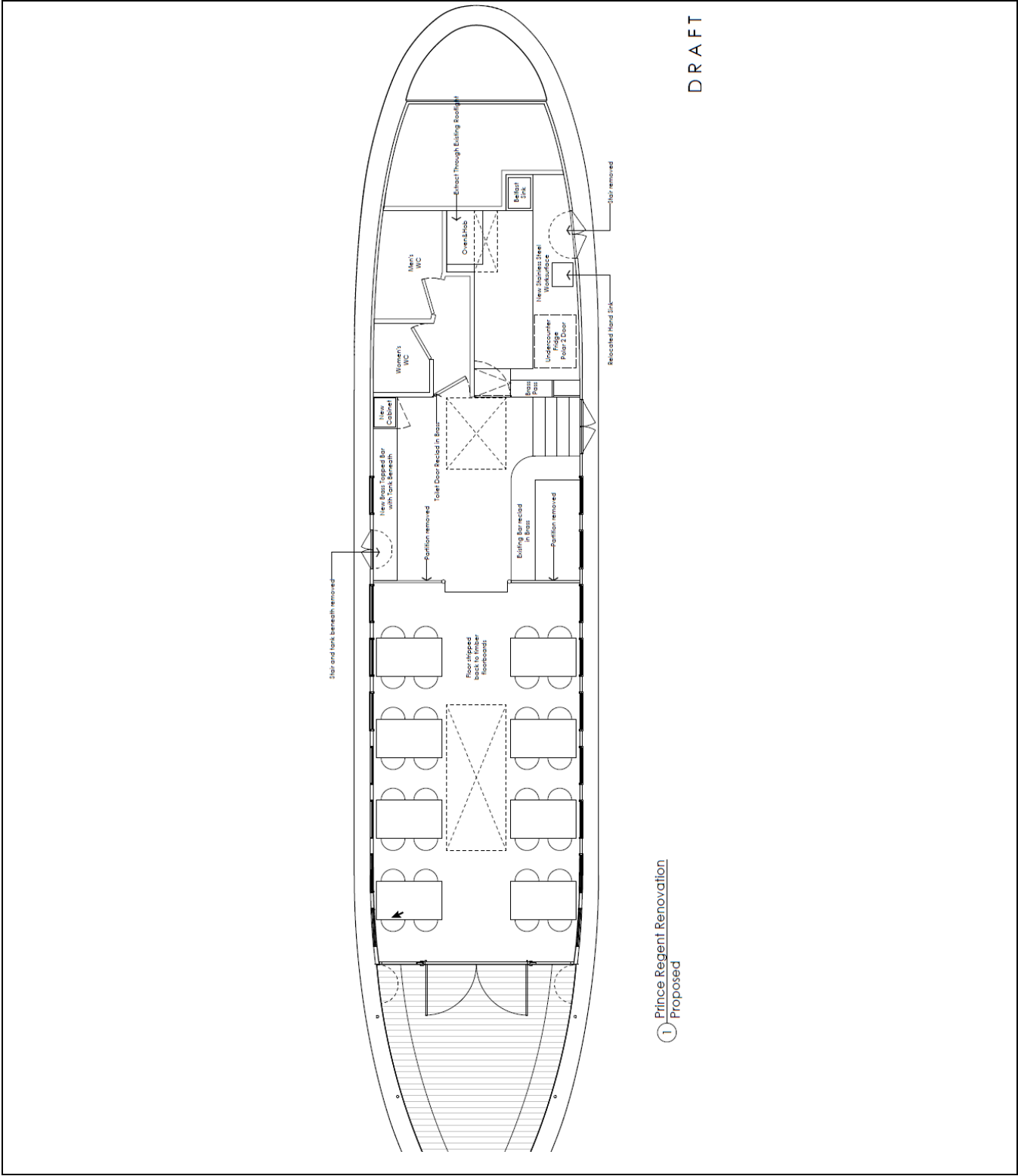
1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 18 April 2017
3. Response from Paddington Bid (Kay Buxton), dated
4. Memorandum from Highways Planning, dated 13 April 2017
5. Memorandum from Cleansing, dated 18 April 2017
6. Letter from occupier of unknown address (listed though as Flat 15, London), dated 10 April 2017

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

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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **KIMBERLEY DAVIES** BY EMAIL AT kdavies1@westminster.gov.uk.

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: The Prince Regent, Grand Union Canal, London, W2 1WN

Proposal: Use of mooring adjacent to pedestrian bridge opposite Sheldon Square as a restaurant (Use Class A3).

Plan Nos: 011_20.01; 011_30.01; Plan 1; Email dated 4 April 2017 from LSC; Operational Management Strategy; Planning Statement - Prince Regent.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

- 2 Customers shall not be permitted within the boat premises before 07:00 or after 23:00 on Monday to Saturday (not including bank holidays and public holidays) and before 08:00 or after 22:30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 3 You must not play live or recorded music which can be heard when outside the boat.

Reason:

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

- 4 You must apply to us for approval of details within 3 months of the date of this decision of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must then carry out the work according to the approved details within 3 months of this decision.

Reason:

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

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- 5 A maximum of 42 covers will be provided. In addition to this maximum capacity, an additional 20% will be allowed within the restaurant boat for patrons to wait within a designated bar/waiting area until their table within the main dining areas becomes available.

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 TACE 8 & 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 6 All servicing must take place between 08.00 and 18.00 on Monday to Sunday. Servicing includes loading and unloading goods from vehicles and transporting rubbish to the rubbish bins.

Reason:

To avoid blocking the surrounding streets and highway and to protect the local environment as set out in S42, S44 of Westminster's City Plan (July 2016) and STRA 25, ENV 12, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 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.

- 8 The uses allowed by this permission can continue until 30 May 2022. After that, the use must end and you must remove the boat.

Reason:

So that we can assess the effect of the uses and make sure it meets policies DES 13 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R03CB)

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 The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>).

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- 3 The applicant/developer is advised that any encroachment onto the canal towpath requires written consent from the Canal & River Trust, and should contact the Canal & River Trust's Estates Surveyor (martin.hime@canalrivertrust.org.uk).
- 4 You are advised that you will need to apply for a suitable premises license in relation to the consumption / sale of alcohol both on and off the premises.

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CITY OF WESTMINSTER				
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 May 2017		Classification For General Release	
Addendum Report of Director of Planning			Ward(s) involved Churchill	
Subject of Report	77 Westmoreland Terrace, London, SW1V 4AH			
Proposal	Erection of a mansard roof extension and rear extensions at ground, first and second floor levels; to provide additional residential floor space including an additional residential flat (Use Class C3).			
Agent	Turley			
On behalf of	Mr Martin Osborne			
Registered Number	16/12041/FULL	Date amended/ completed	8 May 2017	
Date Application Received	20 December 2016			
Historic Building Grade	Unlisted			
Conservation Area	Pimlico			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application was considered by Planning Applications Committee on 14 March 2017. The application was deferred to permit the objector and adjoining owner to study the daylight and sunlight data and have an opportunity to make further representations on it.

The applicant had conducted a daylight and sunlight assessment for a previously refused scheme which assessed the impact of that proposal on neighbouring residential occupiers and it concluded that that proposal would not result in a noticeable reduction in light. The current proposal reduces the scale and height of the development compared to the refused scheme, and it was considered that the current proposal would correspondingly be acceptable in terms of light.

Late representations received prior to the March 2017 committee meeting noted that the relevant data tables for 75 and 79 Westmoreland Terrace were not available in that assessment. The data tables were provided by the applicant before the meeting. However, committee resolved that the objector and adjoining owner should have a further opportunity to review this data, and as such the application was deferred.

The applicant took the opportunity to provide an updated daylight and sunlight assessment based on the current proposals, and included an assessment on overshadowing. The report concludes that proposals meet BRE guidelines. Below are brief explanations of the daylight, sunlight and overshadowing methodologies used and a summary of the results.

DAYLIGHT:

In assessing daylight levels, the Vertical Sky Component (VSC) measures the amount of light reaching the outside face of a window. If the VSC achieve 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The report assesses both the VSC and NSL for adjacent properties. The data provided demonstrates there would be no reductions in excess of 20%.

SUNLIGHT:

In respect of sunlight, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 7% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The report assesses the sunlight hours for adjacent properties. The data provided demonstrates there would be no breaches of BRE guidelines. Whilst there would be reductions in sunlight hours, the analysis shows the rooms affected will remain reasonably sunlit.

OVERSHADOWING:

The method for assessing overshadowing of amenity spaces is the sun-on-ground indicator. This has been conducted in respect of the roof terraces at 75 Westmoreland Terrace. The BRE guide recommends that for it to appear adequately sunlit throughout the year, at least half of the area should receive at least 2 hours of sunlight on 21 March.

The data provided demonstrates the roof terraces would continue to be sunlit in excess of this criterion. 87% of the second floor roof terrace would receive more than 2 hours of direct sunlight and the 92% of the third floor roof terrace continue to receive more than 2 hours of direct sunlight.

CONCLUSION:

Given the proposal would result in no breaches of BRE guidelines, and that the evidence base to demonstrate this has been provided, there would be no significant reduction in light or increased overshadowing.

The objector has had the opportunity to review the updated report and the data associated with it, and they maintain their objection. It is argued that the daylight and sunlight assessment should be considered as part of a wider assessment of the impact on their amenity, and that committee should take a real-world view.

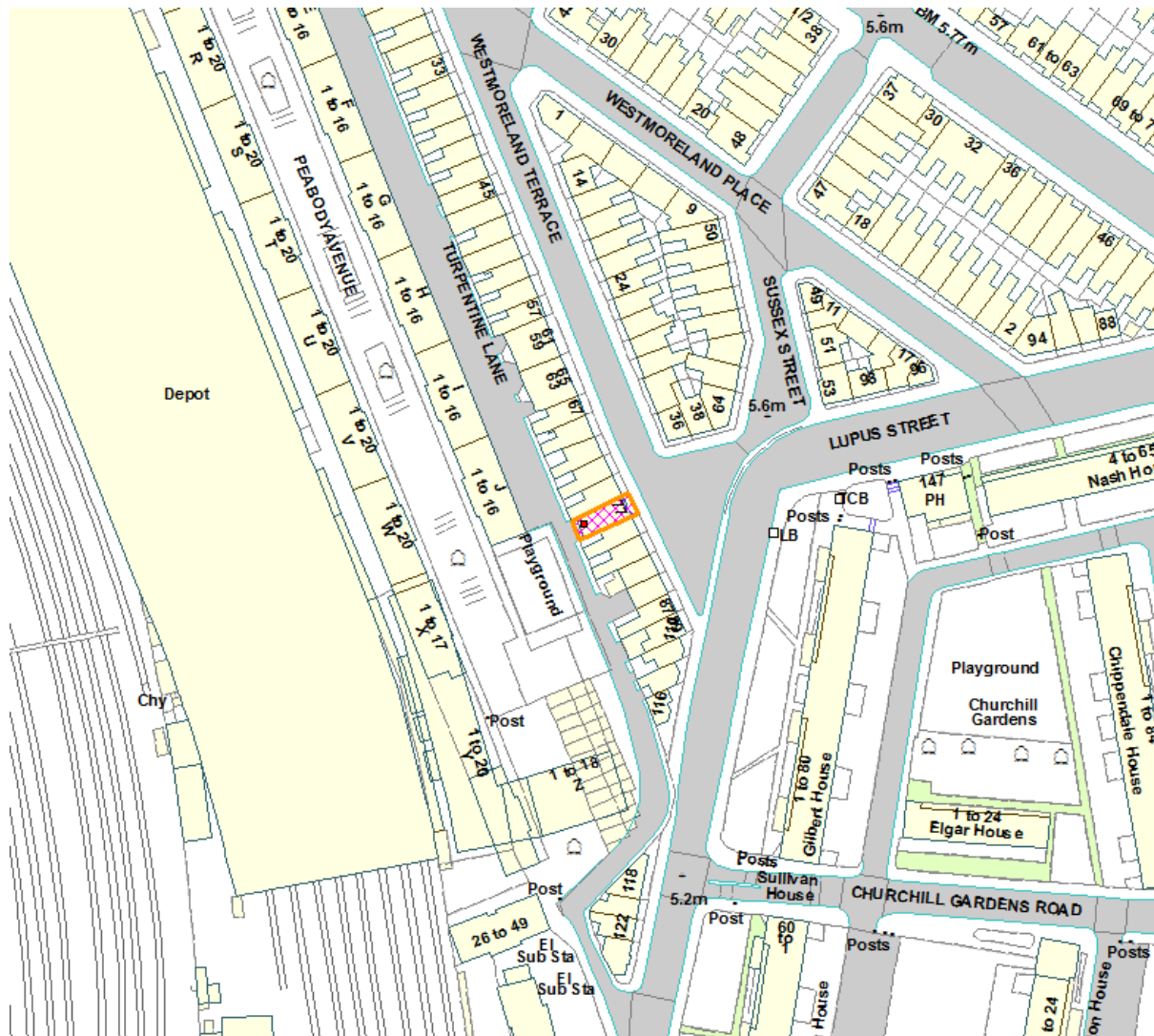
An assessment of the impact of the proposals has been conducted, and the officer report for March

2017 committee is included in the background papers.

ADDITIONAL COMMENT:

Since the application was deferred, Councillor Gassanly and 22 neighbouring owners/ occupiers have made further representations objecting to the proposals. The objectors have reiterated concerns relating to the impact on neighbours, the appearance of the area, the use of the building, the impact on the highway and other concerns as set out in section 5 of this report. These issues have been considered and are addressed in the officer report for March 2017 committee, and the circumstances have not changed.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation

5. CONSULTATIONS

ADDITIONAL RESPONSES FOLLOWING COMMITTEE'S RESOLUTION TO DEFER:

TURLEY (On behalf of the applicant):

The updated daylight and sunlight report demonstrates there would be no noticeable loss of light or harmful overshadowing, and this addresses the reason for deferral.

WARD COUNCILLOR (Councillor Gassanly):

Objection: the proposals would constitute an over development which would harm the amenity enjoyed by adjoining residential occupiers, and would harm the character and appearance of the area, because of its bulk and size. On-street parking has not been adequately addressed.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 61

Total No. of replies: 22

No. of objections: 22

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

Amenity:

- The proposed extensions would result in a loss of light to the roof terraces and windows of 75 Westmoreland Terrace;
- The new rear windows would allow overlooking of the existing roof terraces at 75 Westmoreland Terrace and the roofs may be used as roof terraces; and
- The development would result in increased numbers of people living in the building and this would harm neighbours in terms of increased noise and disturbance associated with increased comings and goings.

Design:

- The scale, height, massing and detailed design of the extensions would harm the character and appearance of Westmoreland Terrace and the Pimlico Conservation Area.

Land use:

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

Highway:

- The additional residential unit would increase car parking pressures in the area – car club membership is not considered sufficient to overcome this and it is not explained why officers consider it is. The condition to secure arrangements for car club membership is not considered enforceable; and
- Deficiency in cycle parking storage.

Cleansing:

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

Other:

- The proposals constitute an over-development of the site;
- The proposals are similar to those previously refused and subsequently dismissed at appeal;
- If permitted the proposal would set a precedent allowing similar development to be permitted in the area to its detriment;
- The proposed rear extensions may not be possible to build in accordance with building regulations because the sloped roof reduces floor to ceiling heights;
- The veracity of the inspector's appeal decision questioned; and
- The drawings and supporting information misrepresent the proposals and adjoining buildings.

6. BACKGROUND PAPERS

1. Application Form.

Additional representations received after Planning Applications Committee 14 March 2017

2. Letter from Turley dated 28 April 2017.
3. Letter from Point Surveyors and Daylight and Sunlight Report dated March 2017.
4. Responses (x2) from Councillor Gassanly dated 7 April 2017 and 17 April 2017.
5. Response from owner/ occupier of 32 Westmoreland Terrace dated 31 March 2017.
6. Response from owner/ occupier of 15 Westmoreland Terrace dated 1 April 2017.
7. Response from owner/ occupier of 26 Clarendon Street dated 1 April 2017.
8. Response from owner/ occupier of 10 Westmoreland Terrace dated 1 April 2017.
9. Responses (x2) from owner/ occupier of 41 Westmoreland Terrace both dated 3 April 2017.
10. Response from owner/ occupier of 19 London dated 3 April 2017.
11. Response from owner/ occupier of 14 Westmoreland Terrace dated 3 April 2017.
12. Response from owner/ occupier of 8 Westmoreland Terrace dated 5 April 2017.
13. Response from owner/ occupier of 22 Westmoreland Place dated 5 April 2017.
14. Response from owner/ occupier of 16 Westmoreland Terrace dated 5 April 2017.
15. Response from owner/ occupier of 71 Westmoreland Terrace dated 10 April 2017.
16. Response on behalf of owner/ occupier of 75 Westmoreland Terrace dated 13 April 2017.
17. Response from owner/ occupier of 48 Malcomson House dated 16 April 2017.
18. Response from owner/ occupier of 81 Westmoreland Terrace dated 16 April 2017.
19. Responses (x2) from owner/ occupier of 79 Westmoreland Terrace dated 16 April 2017 and 17 April 2017.
20. Response from owner/ occupier of 1 Westmoreland Place dated 18 April 2017.
21. Responses (x3) from owner/ occupier of 53 Westmoreland Terrace dated 18 April 2017, 19 April 2017 and 20 April 2017.
22. Response from owner/ occupier of 71 Westmoreland Terrace dated 20 April 2017.

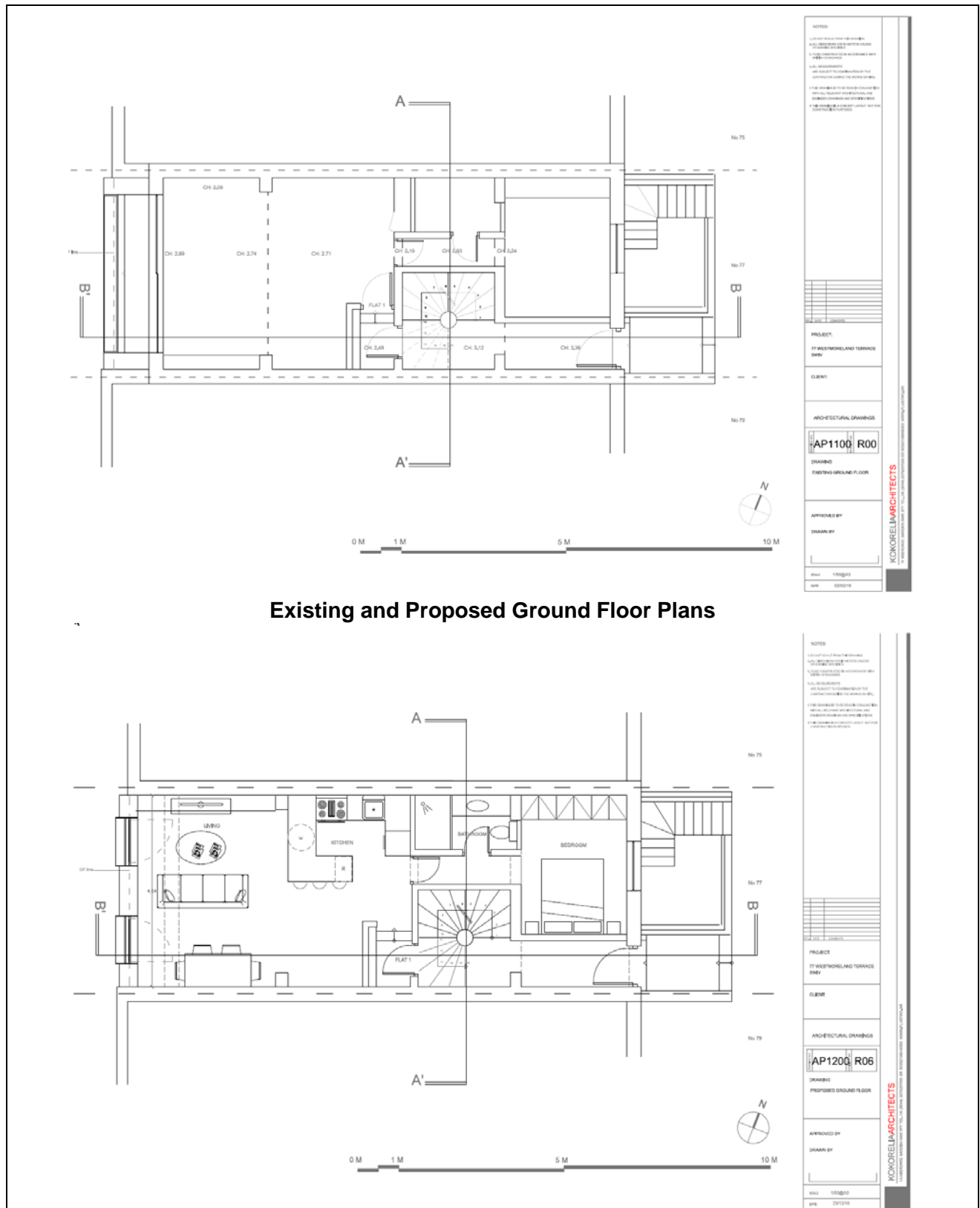
Original representations reported to Planning Applications Committee 14 March 2017

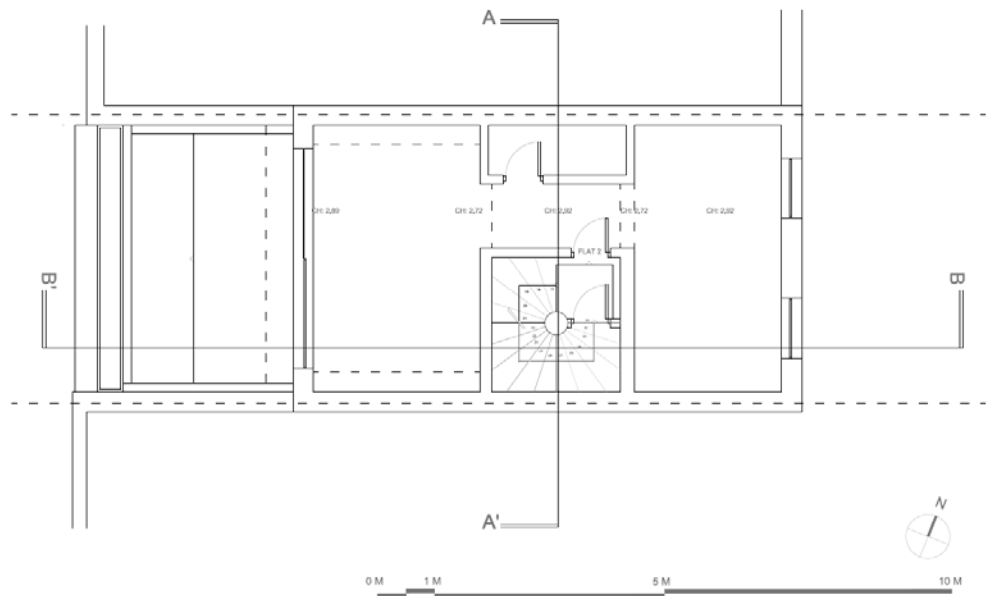
23. Email and letter from Turley dated 14 March 2017.
24. Response (x2) from owner/ occupier of 75 Westmoreland Terrace dated 13 March 2017 and 9 March 2017.
25. Response from owner/ occupier of 79 Westmoreland Terrace dated 9 March 2017.
26. Appeal decision dated 12 July 2016.
27. Email from Cllr Williams dated 8 February 2017.
28. Memo from Westminster Society dated 10 January 2017.
29. Memo from Highways Planning Manager dated 17 January 2017.
30. Memo from Cleansing Manager dated 10 January 2017.
31. Email from Building Control dated 17 February 2017.
32. Response from owner/ occupier of 75 Westmoreland Terrace dated 24 January 2017.
33. Response from owner/ occupier of 79 Westmoreland Terrace dated 27 January 2017.
34. Response from owner/ occupier of 79 Westmoreland Terrace dated 27 January 2017.
35. Response from owner/ occupier of 81 Westmoreland Terrace dated 27 January 2017.
36. Response from owner/ occupier of 48 Malcolmson House dated 29 January 2017.
37. Response from Federation of Pimlico Residents Associations Limited (Pimlico FREDA) dated 8 February 2017.
38. Response from Chairman of Westmoreland Triangle Residents' Association dated 8 February 2017.
39. Response from owner/ occupier of 75 Westmoreland Terrace dated 13 February 2017.

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

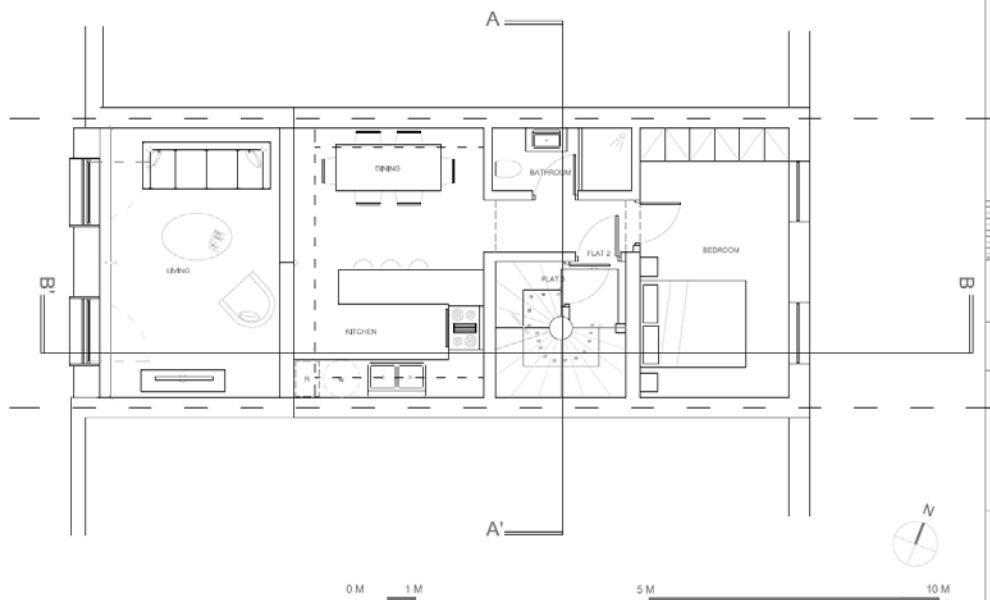
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

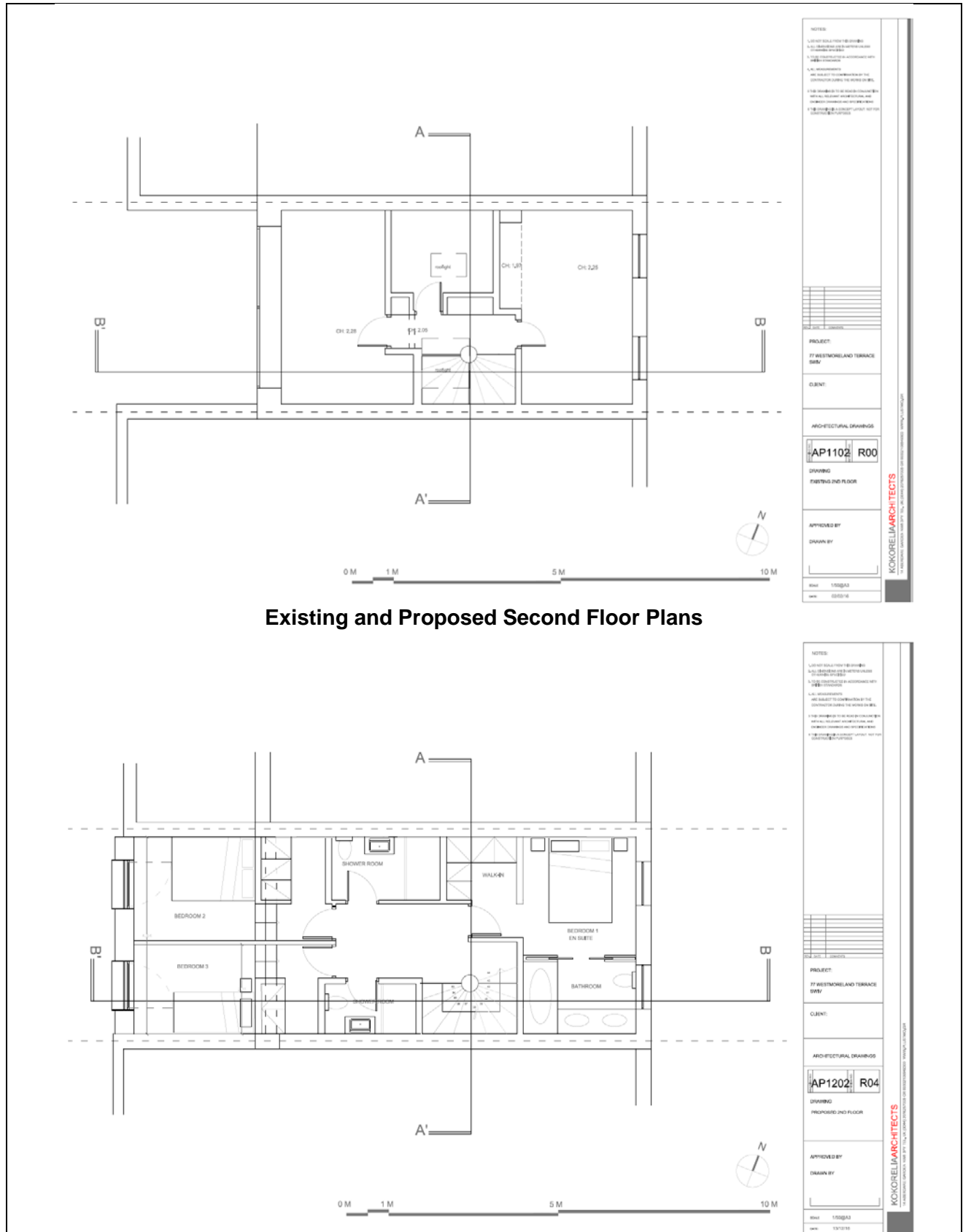
7. KEY DRAWINGS

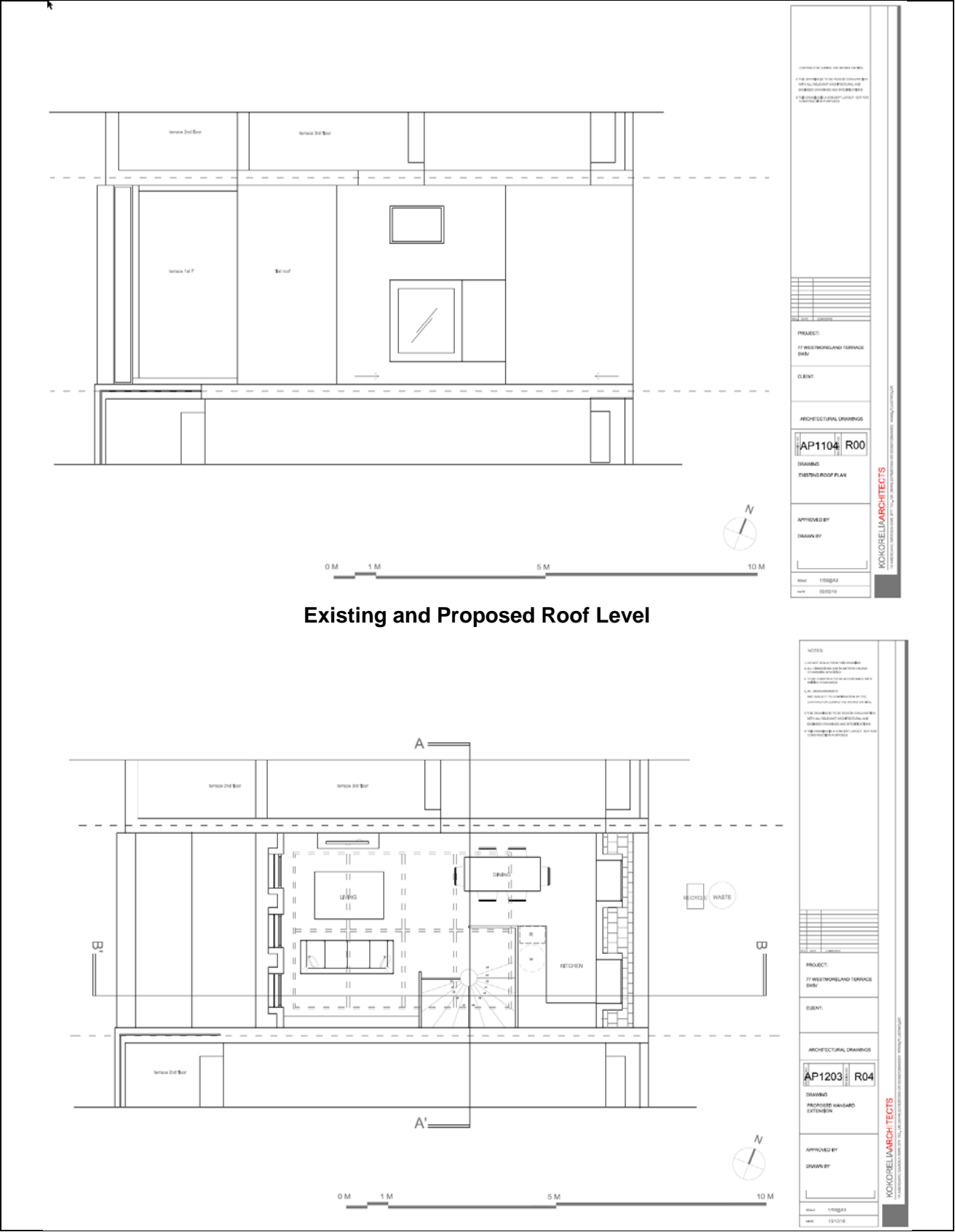




Existing and Proposed First Floor Plans

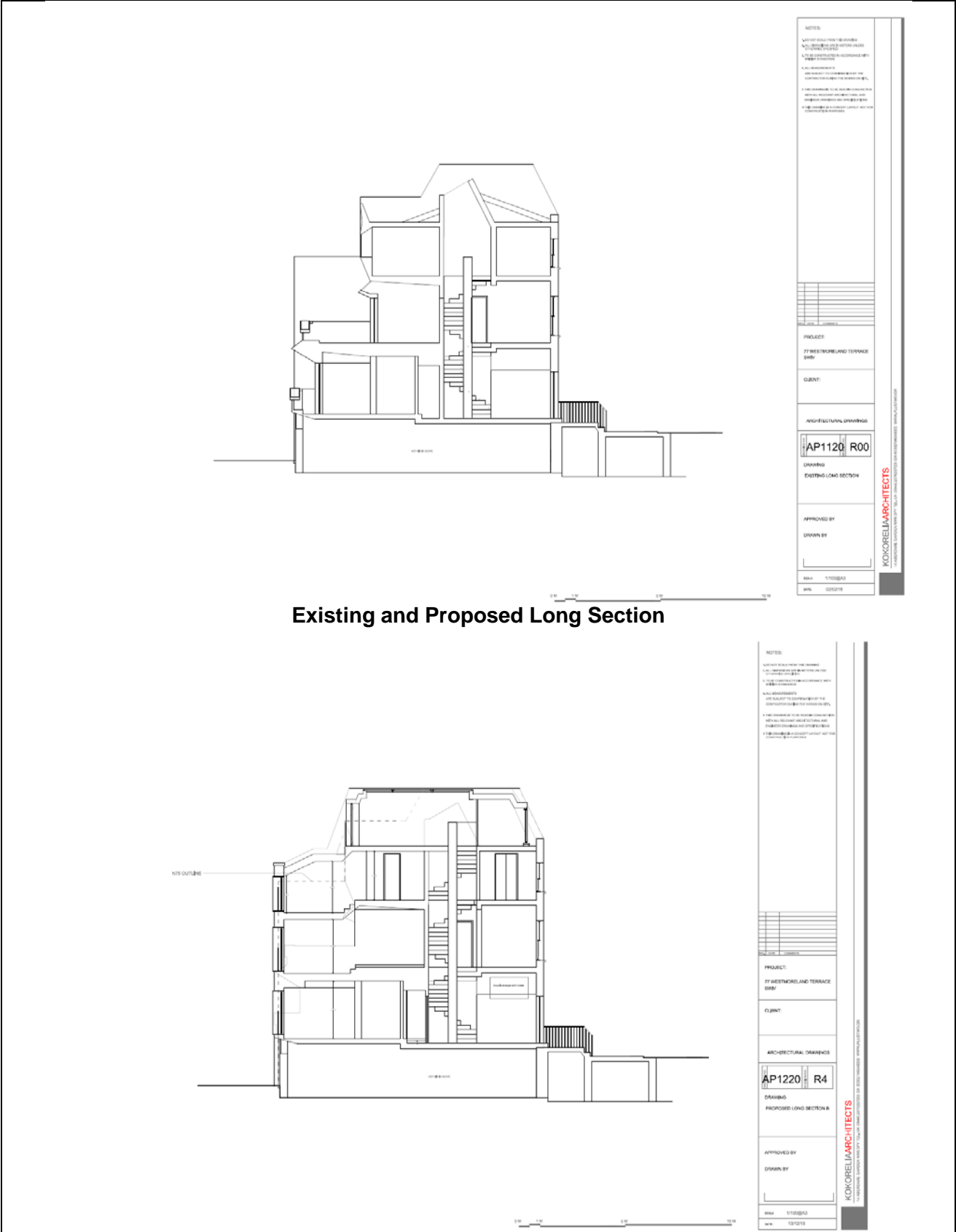












DRAFT DECISION LETTER

Address: 77 Westmoreland Terrace, London, SW1V 4AH

Proposal: Erection of a mansard roof extension and rear extensions at ground, first and second floor levels; to provide additional residential floorspace including an additional residential flat (Use Class C3).

Reference: 16/12041/FULL

Plan Nos: Location Plan; Existing Site Plan; Proposed Site Plan; AP1100 rev R00; AP1101 rev R00; AP1102 rev R00; AP1104 rev R00; AP1110 rev R00; AP1111 rev R00; AP1120 rev R00; AP1121 rev R00; AP1200 rev R06; AP1201 rev R04; AP1202 rev R04; AP1203 rev R04; AP1204 rev R04; AP1210 rev R00; AP1211 rev R4; AP1220 rev R4; AP1221 rev R04; Design and Access Statement; Daylight and Sunlight Report and Overshadowing Addendum dated March 2017; Cover Letter dated 20 December 2016; Letter dated 28 April 2017.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only:

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of details of the following parts of the development:

- i) Window details, including a material sample of the finish. Sections and elevations scaled 1:10;
- ii) Details of the garage doors including materials; and
- iii) You must submit to us a sample of zinc for approval.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

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

- 5 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. This must be provided on site for inspection. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

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

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

Reason:

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

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

- i) Lifetime Car Club Membership for the residential occupiers of the flat at second and mansard floor levels.

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

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 8 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number AP1200 rev R06, AP1201 rev R04 and AP1203 rev R04. You must clearly mark them and make them available at all times to everyone using the flats. (C14FB)

Reason:

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

- 9 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of

more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 5 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

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 7

PREVIOUS REPORT

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	77 WESTMORELAND TERRACE, LONDON, SW1V 4AH		
Proposal	Erection of a mansard roof extension and rear extensions at ground, first and second floor levels to provide additional residential floorspace including an additional residential flat (Use Class C3).		
Agent	Turley		
On behalf of	Mr Martin Osborne		
Registered Number	16/12041/FULL	Date amended/ completed	23 February 2017
Date Application Received	20 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

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

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

The main issues are:

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

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

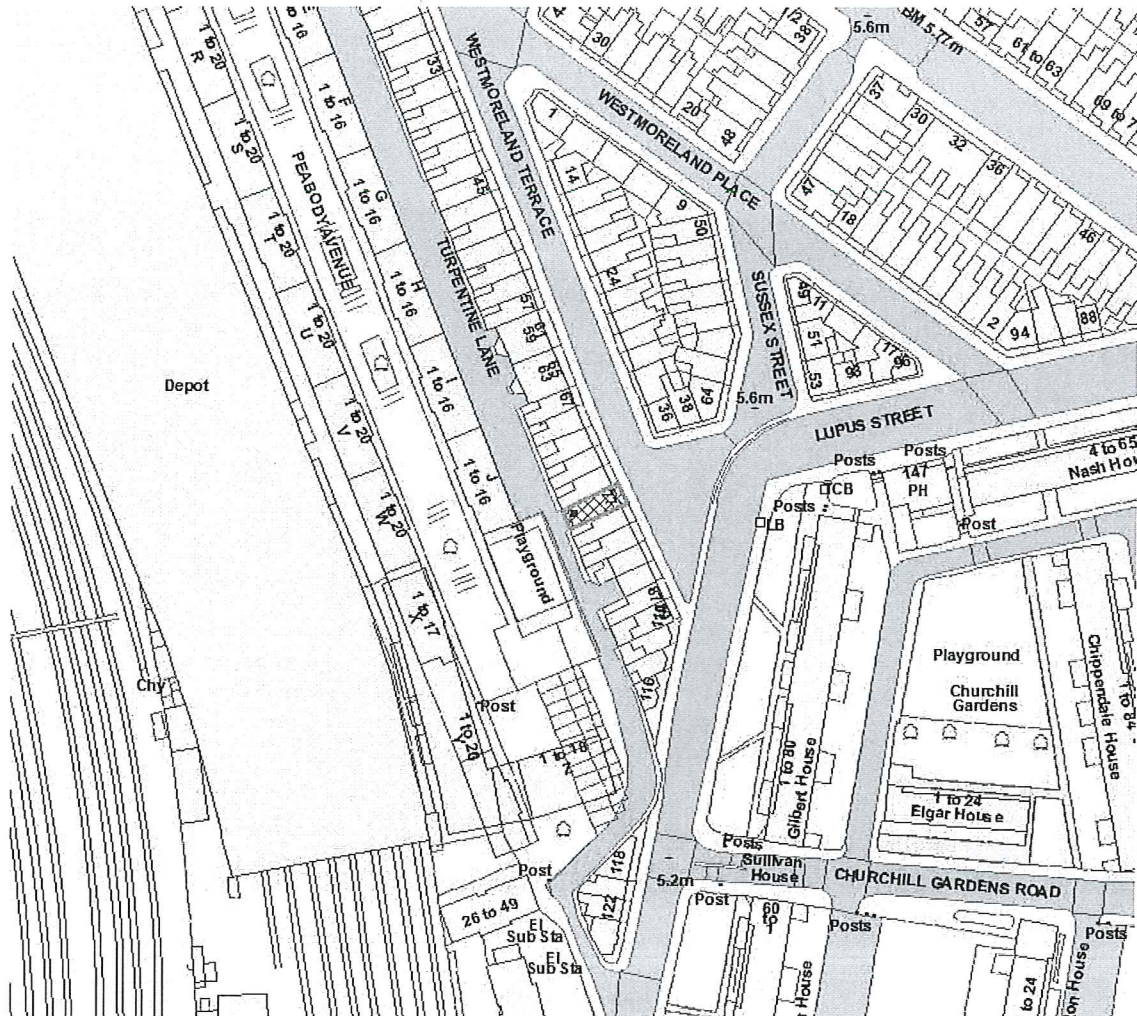
On 27 July 2016 an appeal against the Council's decision to refuse planning permission on 30 March 2016 was dismissed. The inspector agreed the proposal would harm the character and appearance of the Pimlico Conservation Area and would adversely impact on-street car parking pressure. The Inspector did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

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

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

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation

5. CONSULTATIONS

COUNCILLOR WILLIAMS:

Agrees with officer's recommendation to approve.

WESTMINSTER SOCIETY:

No objection.

HIGHWAY PLANNING MANAGER:

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

CLEANSING MANAGER:

No objection.

BUILDING CONTROL:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 36

Total No. of replies: 8

No. of objections: 6

No. in support: 2

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

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

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

Amenity:

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

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

Design:

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

Land use:

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

Highways:

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

Cleansing:

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

Other:

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

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

6.2 Recent Relevant History

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

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

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

7. THE PROPOSAL

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

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

8. DETAILED CONSIDERATIONS

8.1 Land Use

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

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

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

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

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

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

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

Standard of accommodation

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

8.2 Townscape and Design

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

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

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

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

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

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

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

8.3 Residential Amenity

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

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

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

Sense of Enclosure

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

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

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

Sunlight and Daylight

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

Privacy

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

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

8.4 Transportation/Parking

Car Parking

Objectors raise concern on grounds the proposals would increase on-street car parking pressures. Supporters consider the applicant's offer of Lifetime Car Club Membership overcome these concerns.

The proposal would create an additional residential unit, which would likely require use of a car; particularly considering a family sized unit would be provided and that a third of households within the Churchill Ward have 1 or more cars (according to census figures).

Policy TRANS 23 of the UDP details an 80% on-street car parking occupancy threshold above which the provision of additional cars will result in an unacceptable level of deficiency. The Highway Planning Manager notes the on-street occupancy rates within the area are 85% at night and 79% during the day. Given the night time occupancy rates are over the threshold level the proposal does not comply with TRANS 23.

Planning permission was previously refused in March 2016 on grounds the creation of an additional unit would increase on-street car parking pressure.

On 27 July 2016, the Inspector dismissed the appeal on these grounds, stating whilst there are good transport links nearby, no mitigation measures, such as car club membership, were made.

Policy TRANS 23 of the UDP states that where additional demand would result in 80% or more of available legal on-street parking spaces being occupied during the day or night, the City Council "will normally seek to resist development unless the potential impact of additional cars being parked on-street in the vicinity is mitigated."

The applicant now offers Lifetime Car Club Membership for the new family sized flat at second and mansard level. Lifetime Car Club Membership is considered to be the strongest mechanism that is likely to reduce car ownership of future residential occupiers. Whilst Lifetime Car Club Membership is not considered by the Highway Planning Manager as sufficient to remove their objection, given that the Inspector was conscious that no mitigation measures were previously offered, it is considered that this mitigation measure is sufficient to overcome the car parking concern. A condition is recommended to secure Lifetime Car Club Membership for the new family sized flat.

Cycle Parking

London Plan policy 6.9 requires one cycle parking space for a one bedroom residential unit and two spaces per residential unit of two or more bedrooms.

The proposal originally included cycle parking provision within the ground floor flat, within the ground floor communal hallway and to the front railings. The Highway Planning Manager considered these locations unsuitable as they would not be appropriately accessible, weatherproof and secure. The applicant has revised the scheme and no cycle parking is proposed.

There are constraints associated with the site that make cycle parking difficult to achieve and this is a material planning consideration. The flats are accessed by stairs leading from street level and through a ground floor hallway, which are both too narrow to realistically accommodate bicycle storage. Whilst the absence of cycle parking is unfortunate and regrettable, in this case it is considered that the constraints of the site are such that an exception to policy can be made.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

There are no access issues arising from this proposal.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Objectors raise concern on grounds the proposals would result in increased refuse generation which would worsen the existing situation where there is a lack of suitable refuse storage.

Waste and recycling stores are marked on the drawings and are located within the kitchen areas of each flat. The Cleansing Manger considers this arrangement to be suitable. A condition is recommended to secure this provision.

Noise and Disturbance/ Increase in Number of Residents

Objectors raise concern on grounds the proposals would increase the number of residents within the building which would harm neighbours in terms of noise and disturbance from increased comings and goings. It is not considered that the creation of one additional unit would significantly increase the number of residents living in the building to justify refusing the proposals on these grounds.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The proposals are of insufficient scale to require an environmental assessment.

8.12 Other Issues

Crime and Security

Objectors raise concern on grounds the proposals pose a security risk as the roofs of the proposed extensions could be used as a route to gain access into adjoining buildings. Whilst concerns of neighbours are understood, it is not considered that permission could be withheld on these grounds. The roofs are not to be used for any purpose other than roofs and, given their position, access from the street would not be possible.

Building Regulations and Party Walls

Objectors raised concern on grounds the proposals may not comply with building regulations. This is because of the floor to ceiling heights within the rear rooms with the sloped roof at second floor, and also because there could be party wall issues.

Building regulations and party wall issues are separate to planning. The District Surveyor has confirmed the proposed floor to ceiling heights (which slope in the rear rooms at second floor) would not represent an issue in terms of building regulations.

The Party Wall Act provides a framework for preventing or resolving disputes in relation to party walls. Party Wall matters are private between the building owner and adjoining owner(s).

Over-Development and Existing Basement Flat

Objectors raise concern on grounds the proposals would constitute over-development of the site. The proposals include alterations and extensions as well as the creation of an additional unit, and are considered acceptable for the reasons outlined in this report.

9. BACKGROUND PAPERS

1. Application form
2. Email from Cllr Williams dated 8 February 2017
3. Memo from Westminster Society dated 10 January 2017
4. Memo from Highways Planning Manager dated 17 January 2017
5. Memo from Cleansing Manager dated 10 January 2017
6. Email from Building Control dated 17 February 2017
7. Response from owner/ occupier of 75 Westmoreland Terrace dated 24 January 2017
8. Response from owner/ occupier of 79 Westmoreland Terrace dated 27 January 2017
9. Response from owner/ occupier of 79 Westmoreland Terrace dated 27 January 2017
10. Response from owner/ occupier of 81 Westmoreland Terrace dated 27 January 2017
11. Response from owner/ occupier of 48 Malcolmson House dated 29 January 2017
12. Response from Federation of Pimlico Residents Associations Limited (Pimlico FREDA) dated 8 February 2017
13. Response from Chairman of Westmoreland Triangle Residents' Association dated 8 February 2017
14. Response from owner/ occupier of 75 Westmoreland Terrace dated 13 February 2017

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

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 May 2017	Classification For General Release	
Addendum 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

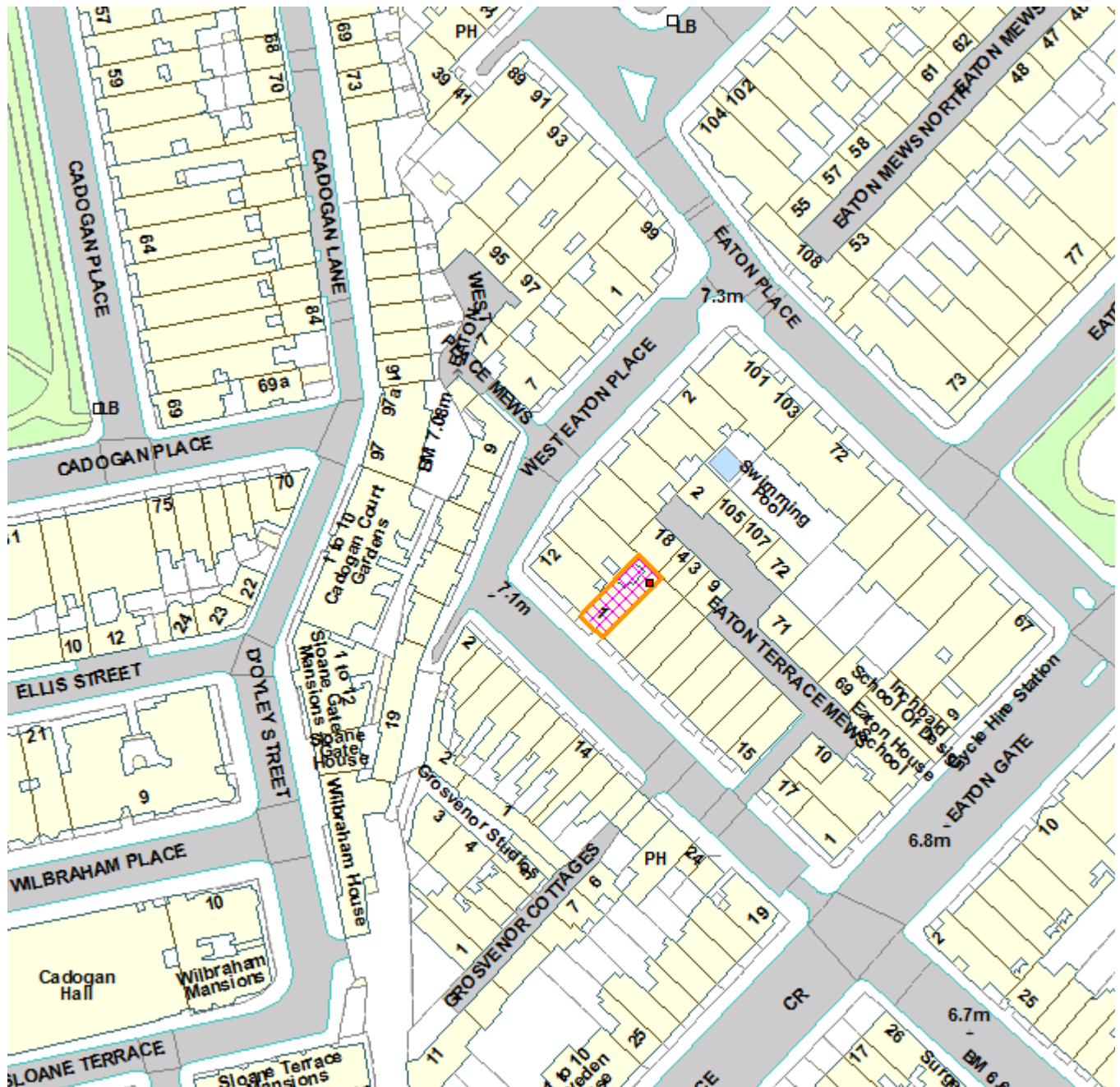
1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

This application was reported to the Planning Applications Committee on the 18 April 2017 where the committee deferred the application for a site visit in order to assess the impact of the proposal on adjoining residential properties. A site visit has been arranged for 24 May 2017.

No additional representations have been received since the proposal was last presented at committee.

3. LOCATION PLAN



4. PHOTOGRAPHS





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

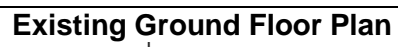
5. BACKGROUND PAPERS

1. Application form
2. Response from Historic England dated 2 August 2016
3. Letters from occupier of Flat 3, 12 West Eaton Place, dated 8 August 2016 and 13 April 2017
4. Letters from occupier of Flat 2, 12 West Eaton Place, dated 10 August 2016 and 12 April 2017

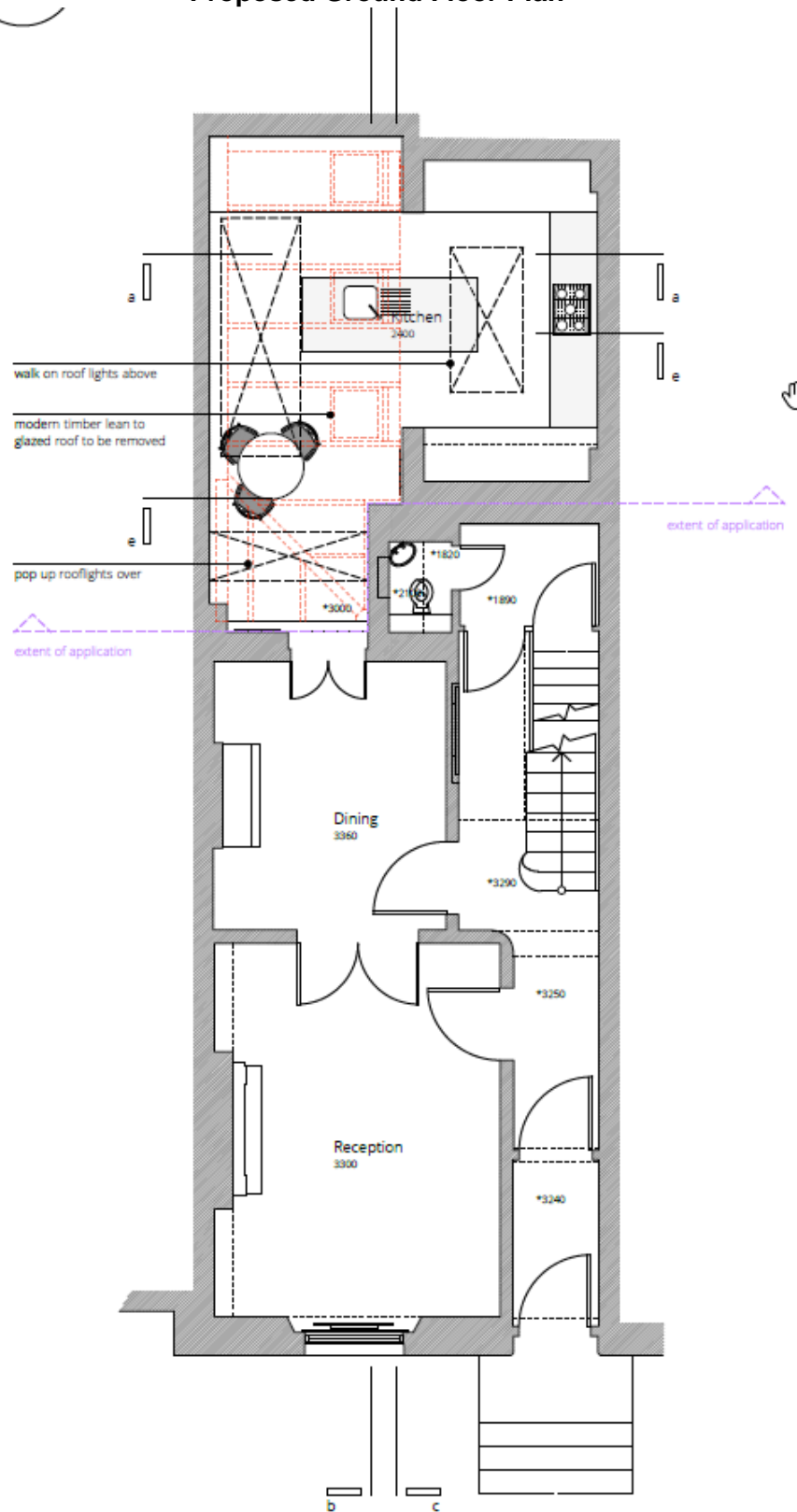
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT MMASON@WESTMINSTER.GOV.UK

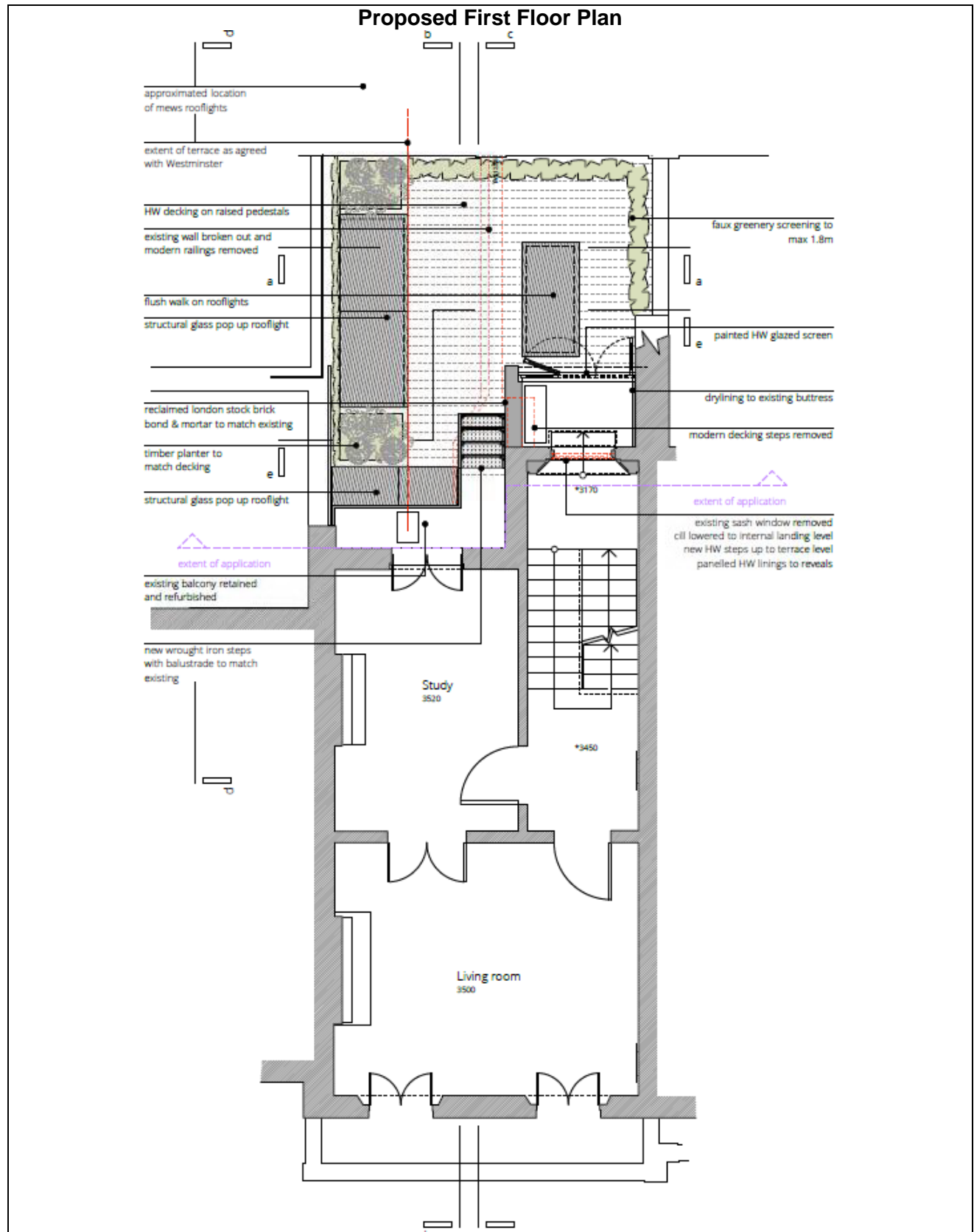
7



Proposed Ground Floor Plan



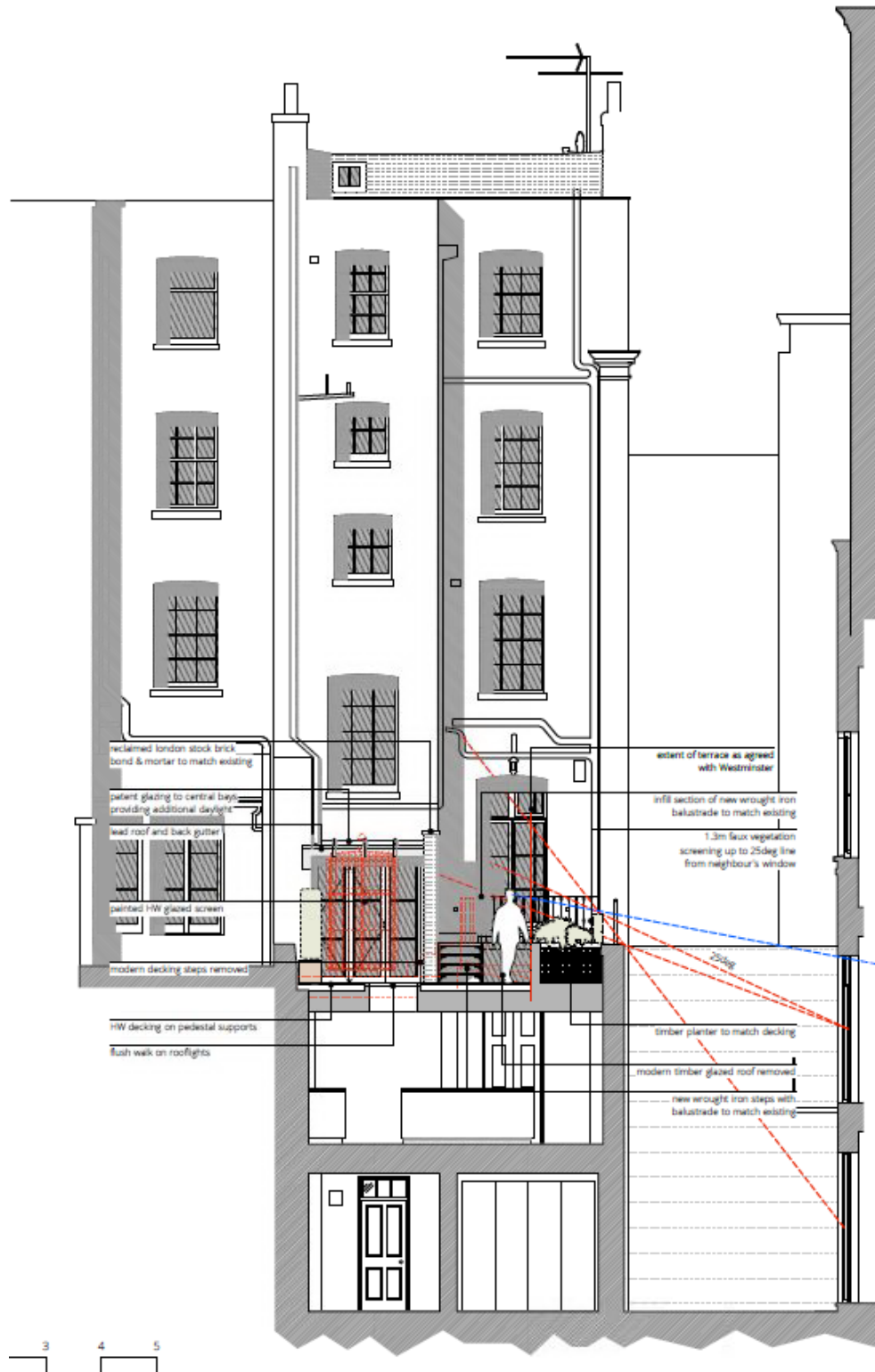
Existing First Floor Plan

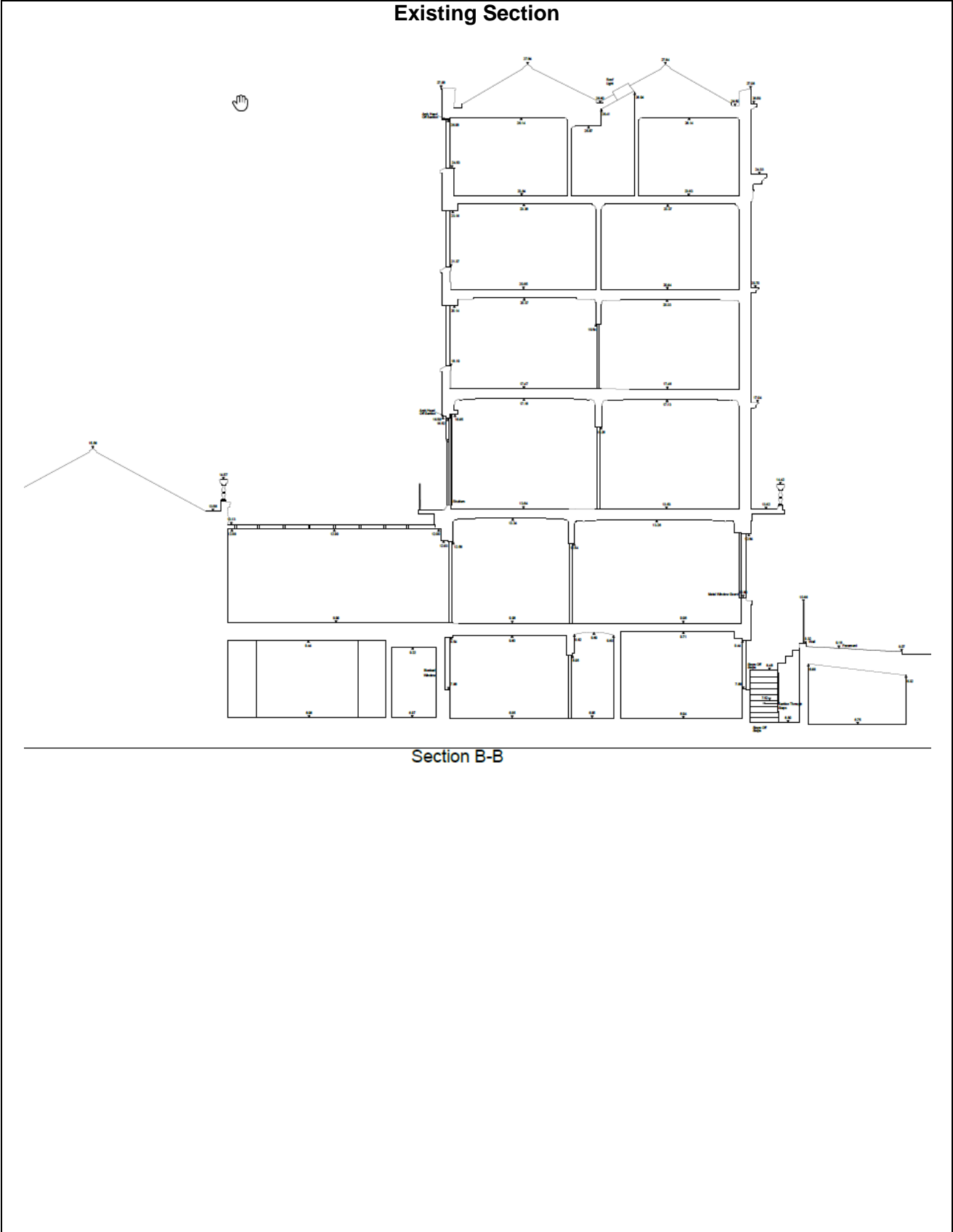


Existing Rear Elevation

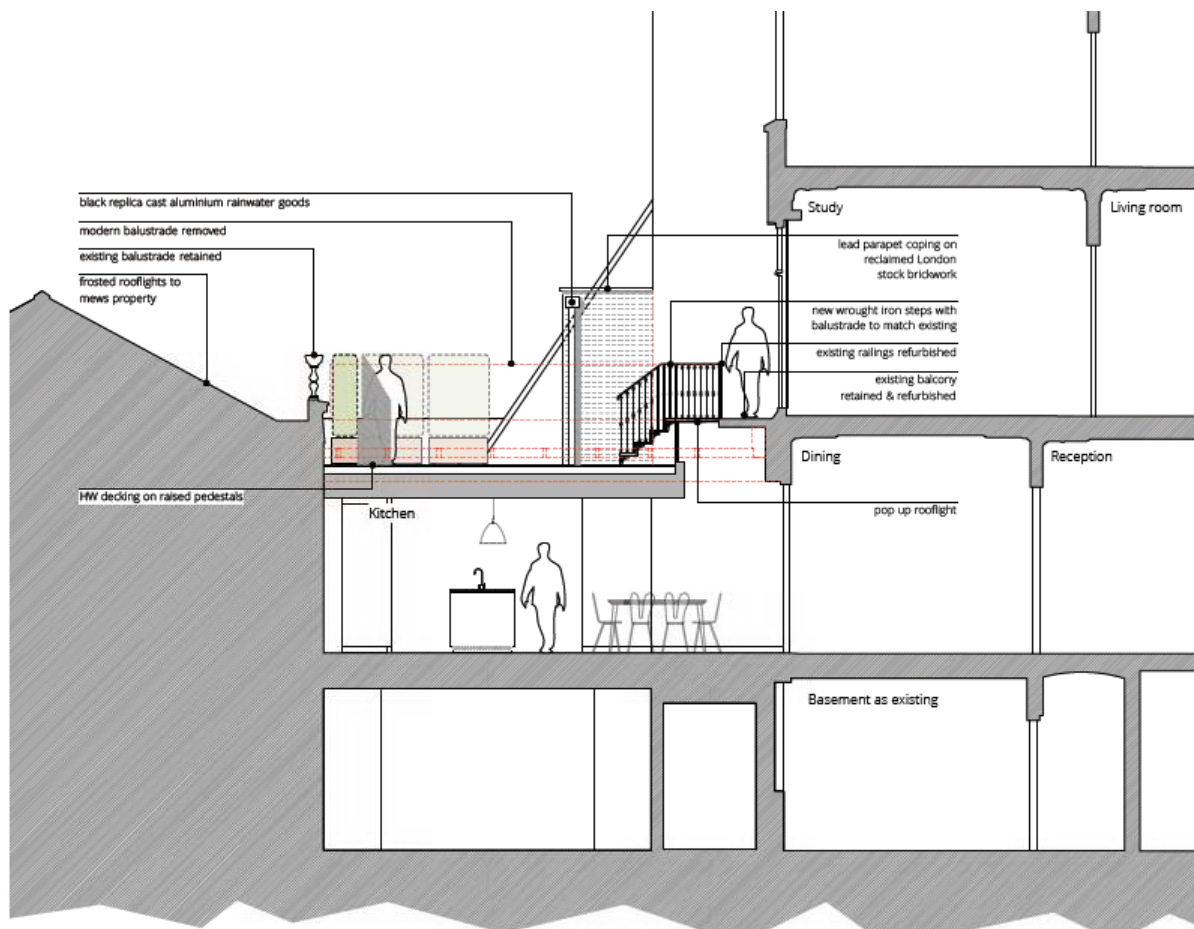


Proposed Rear Elevation





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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To 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 (November 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 (November 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)

- 6 You must not use the structural glass pop up rooflight (as shown on drawing number 161:101 Rev PL7) for sitting out or for any other purpose. You can however use the structural glass pop up rooflight for maintenance purposes or to escape 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)

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 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 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.

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 (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 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 (November 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 (November 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 (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3-2.4 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.

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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)

PREVIOUS REPORT

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

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

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.

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.

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

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.

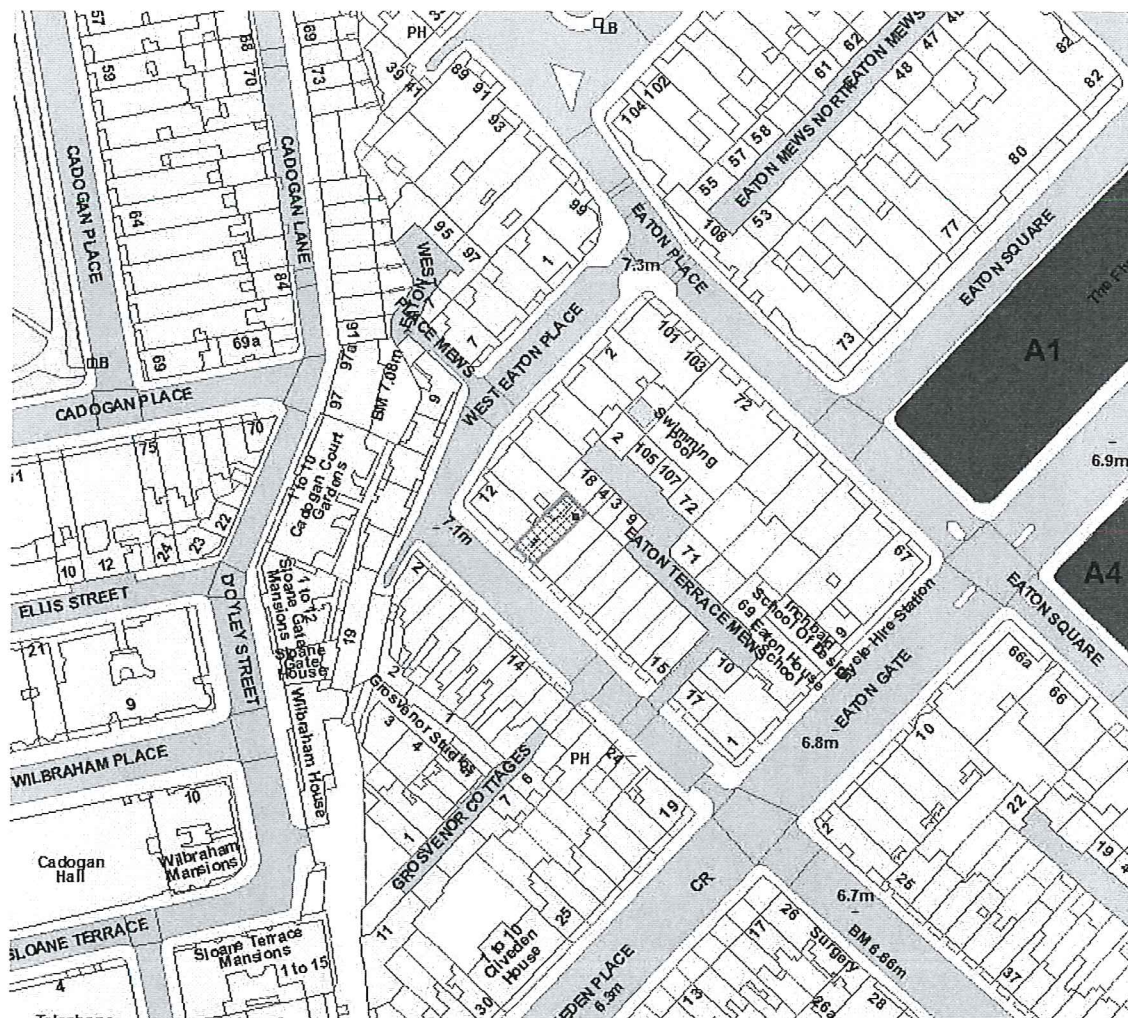
Objections have been received from neighbours on grounds the creation of an enlarged first floor terrace would harm the amenity of neighbouring occupiers in terms of overlooking, noise and disturbance, and outlook. The proposals have been amended to reduce the extent of the terrace area and set it back 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

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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