



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 1st August, 2017

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Melvyn Caplan (Chairman)
Ruth Bush
Gotz Mohindra
Robert Rigby



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 Director of Law 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. 1-4 BEAR STREET AND 47-48 CRANBOURN STREET, LONDON, WC2H 7AR | (Pages 5 - 34) |
| 2. EDISON HOUSE, 223 - 231 OLD MARYLEBONE ROAD, LONDON, NW1 5TH | (Pages 35 - 56) |
| 3. 383A EUSTON ROAD, LONDON, NW1 3AU | (Pages 57 - 80) |
| 4. 23 MEARD STREET, LONDON, W1F 0EL | (Pages 81 - 102) |
| 5. PRINCES GATE COURT, EXHIBITION ROAD, LONDON, SW7 2QJ | (Pages 103 - 124) |
| 6. 23 CRAVEN HILL, LONDON, W2 3EN | (Pages 125 - 164) |
| 7. 8 LEAMINGTON ROAD VILLAS, LONDON, W11 1HS | (Pages 165 - 182) |

Charlie Parker
Chief Executive
24 July 2017

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 1st August 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 16/08454/FULL St James's	1-4 Bear Street and 47-48 Cranbourn Street, London, WC2H 7AR	Demolition of existing building and redevelopment to provide a new building comprising basement, ground and six upper floors. Use of basement, ground and first floors for restaurant purposes (Class A3), with ticket booth (Class A1) at ground floor level to Cranbourn Street. Use of upper floors as nine self-contained residential flats.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 17/03361/FULL Bryanston And Dorset Square	Edison House 223 - 231 Old Marylebone Road London NW1 5TH	Erection of a roof extension to form new sixth floor level for use as Class B1 office floorspace with mechanical plant within recessed enclosure at roof level.	
	Recommendation Refuse permission - design grounds.			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/01477/OUT Marylebone High Street	383A Euston Road London NW1 3AU	Erection of four storey dwellinghouse on land between Nos.379 and 383 Euston Road with terraces and Juliette balconies.	
	Recommendation Grant conditional outline permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 17/04859/FULL 17/04262/LBC West End	23 Meard Street and 74 Wardour Street London W1F 0EL	Use of the ground and basement floors of 23 Meard Street as a restaurant (Class A3) in association with the existing restaurant unit at basement and ground floor levels of 74 Wardour Street and installation of a new disabled access door to Meard Street.	
	Recommendation 1. Grant conditional permission and conditional listed building consent.			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 15/03741/FULL Knightsbridge	Princes Gate Court Exhibition Road London	Alterations and extensions at sixth and seventh floor levels including the installation of front, side and rear dormer windows in connection with the conversion of the roof space to create additional residential floor space for six existing flats.	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 1st August 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	And Belgravia	SW7 2QJ		
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : Application A 17/01707/FULL & 17/01708/LBC Application B 17/00852/FULL & 17/00853/LBC Lancaster Gate	23 Craven Hill London W2 3EN	Application A (17/01707/FULL and 17/01708/LBC) Alterations and extensions to existing front lower ground floor vaults to extend them below the highway and part of front garden, with associated alterations to front lightwell including removal of grille, formation of staircase and installation of railings. Alterations to rear lower ground floor comprising installation of new staircase from rear courtyard to rear garden, installation of new rear door and infill of existing below garden basement extension. Associated internal alterations. Application B (17/00852/FULL and 17/00853/LBC) Alterations and extensions to existing front lower ground floor vaults to extend them below the highway and part of front garden, with associated alterations to front lightwell including removal of grille and installation of railings. Alterations to rear lower ground floor comprising installation of new staircase from rear courtyard to rear garden and installation of new rear door. Associated internal alterations.	
Recommendation Application A 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. Application B 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/02655/FULL Westbourne	8 Leamington Road Villas London W11 1HS	Replacement of existing lower ground floor level conservatory to the rear with new single storey rear extension, alterations to existing fenestration to rear elevation at ground floor level, installation of 3 rooflights in main roof and alterations to front forecourt/ garden including new paving and installation of electric car charging point.	
Recommendation Grant conditional permission				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 1st August 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 August 2017	Classification For General Release	
Report of Director of Planning		Ward involved St James's	
Subject of Report	1-4 Bear Street and 47-48 Cranbourn Street, London, WC2H 7AR.		
Proposal	Demolition of existing building and redevelopment to provide a new building comprising basement, ground and six upper floors. Use of basement, ground and first floors for restaurant purposes (Class A3), with ticket booth (Class A1) at ground floor level to Cranbourn Street. Use of upper floors as nine self-contained residential flats.		
Agent	Montagu Evans LLP		
On behalf of	Electra Holdings Ltd & Sandy Lanes Ltd		
Registered Number	16/08454/FULL	Date amended/ completed	8 May 2017
Date Application Received	2 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	Leicester Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

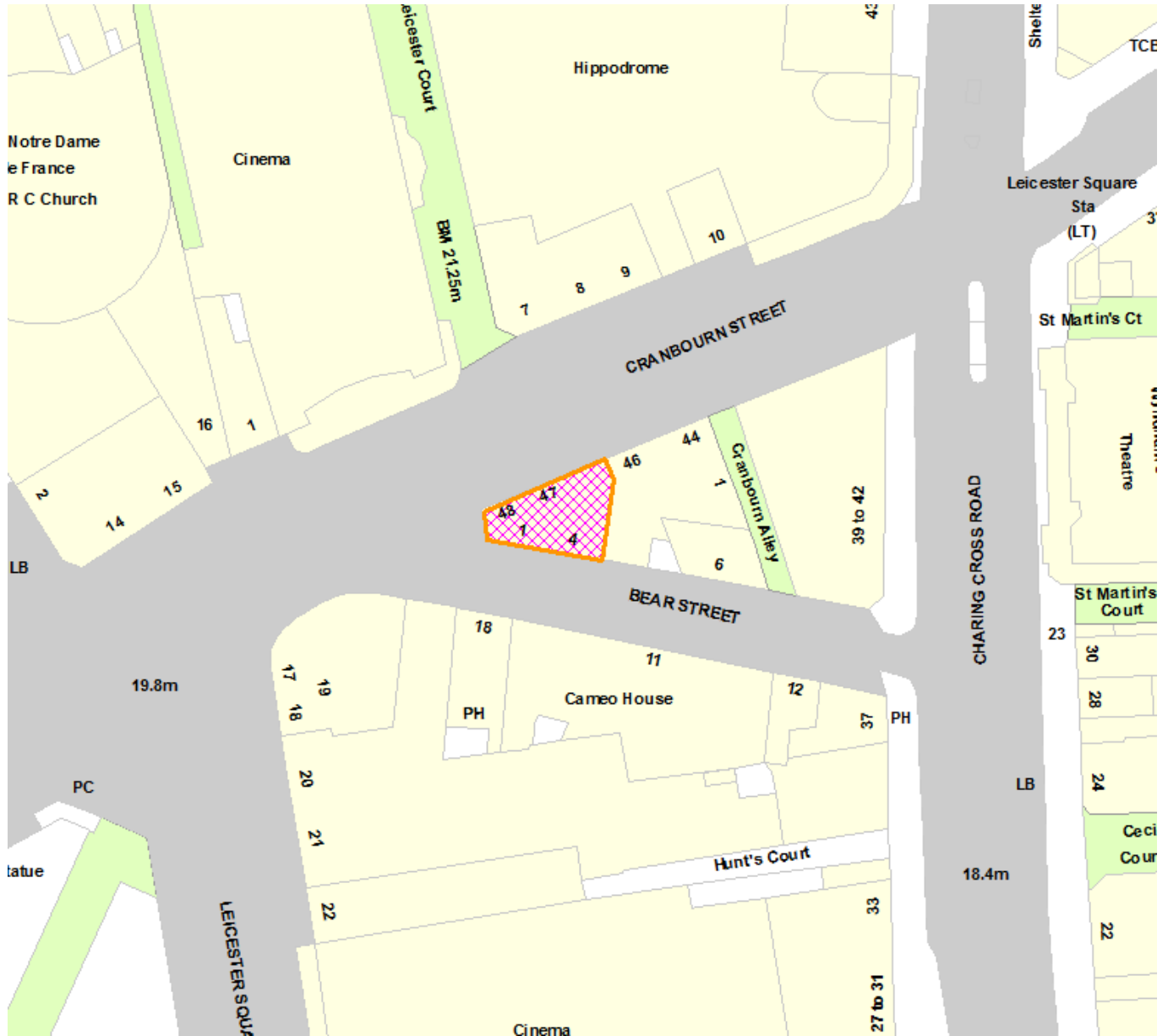
The site is located on a triangular plot at the junction of Bear Street and Cranbourn Street and comprises a mixed use building containing offices, three residential flats, two restaurants and a retail kiosk. Permission is sought to redevelop the site to create a new building over basement, ground and six upper floors containing an enlarged restaurant, a replacement retail kiosk and nine residential flats.

The key issues for consideration are:

- The acceptability of the proposals in land use terms;
- The impact of the proposals on the character and appearance of the conservation area;
- The impact of the proposals on the surrounding highway network.

Whilst it is acknowledged that there will be a small loss in office accommodation, for the reasons set out in the main report, the proposals are considered acceptable in land use, amenity, highways and design terms and comply with the City Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). The application is recommended for approval subject to the conditions as set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

SOHO SOCIETY

No objection subject to securing all mitigation measures detailed in the noise report by way of condition.

WESTMINSTER SOCIETY

Welcome redevelopment of the corner site, however believe further consideration be given to the choice of colours of external finishes and whether a greater mix of residential sizes.

DESIGNING OUT CRIME OFFICER

Recommend that the proposals achieve Secure by Design accreditation.

ENVIRONMENTAL HEALTH

Object to the bedrooms of the one bed units on fire safety grounds (remote rooms). Proposals are acceptable in terms of noise subject to standard conditions and additional conditions requiring the submission of a supplementary acoustic report and construction specifications.

HIGHWAYS PLANNING

Object to the lack of car parking and cycle parking.

CLEASNING

Conditions are required to confirm amount and separation of waste storage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 112

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located on a triangular plot at the junction of Bear Street and Cranbourn Street and is occupied by a 1950's building over basement, ground and three upper floors. The site comprises Nos. 1-4 Bear Street and Nos. 47-48 Cranbourn Street.

The ground floor is occupied by two restaurants and a retail kiosk which sells theatre tickets. The upper floors are in use as offices and three self-contained flats (2 x 1 bed and 1 x 2 bed). The footprint of the building is highly constrained in shape, being a 'wedge' between Bear Street and Cranbourn Street with a site area of approx. 100sqm.

The office floorspace was recently used as a residential 'maisonette' which was granted temporary permission until December 2014, after which the applicant occupied the offices for his own business.

The site lies within the Leicester Square Conservation Area and the Core Central Activities Zone (CAZ).

6.2 Recent Relevant History

On 27th September 2007 permission and advertisement consent was granted for demolition of existing building and redevelopment to provide a new building comprising basement, ground and six upper floors for use of ground floor and basement for restaurant purposes (Class A3), with ticket booth (Class A1) at ground floor and use of upper floors as 11 self-contained residential flats. Externally illuminated advert panels were approved which allowed advertisements of theatre and cinema productions in the West End or events in Leicester Square only. (07/04254/FULL and 07/04256/ADV)

On 3rd September 2010 permission was granted for an extension of time for the commencement of development to the granted planning permission on 27th September 2007 for a further three years. (10/04950/FULL)

On 12th December 2011 permission was granted for use of the first, second and third floors for a temporary period of three years to provide a 1 x 2 bed maisonette (Class C3) and installation of one air conditioning unit at roof level. (11/08162/FULL)

On 3rd September 2010 permission was granted for an extension of time for the commencement of development to the granted planning permission on 27th September 2007 for a further three years. (13/08710/FULL)

On 24th February 2014 advertisement consent was granted for the display of externally illuminated advertisement panel at first to fifth floor levels with neon surround measuring 3m x 13.97m and two stainless steel frames panels (2m x 3m) integrated within the Cranbourn Street elevation at ground floor level. The adverts were the same as approved on 27th September 2007 and allowed advertisements of theatre and cinema productions in the West End or events in Leicester Square only. (14/00344/ADV)

7. THE PROPOSAL

The application seeks permission to demolish the existing building and redevelop by means of erection of a new building comprising basement, ground and six upper floors. Externally the replacement building matches that originally granted permission in 2007. The replacement building will include a restaurant (Class A3) at basement, ground and first floor levels, a retail kiosk (Class A1) at ground floor level fronting Cranbourn Street and use of second to sixth floors as nine residential flats (8 x 1 beds and 1 x 2 bed)

In terms of the 2007 permission and subsequent extension of time applications, the current application differs only in terms of the use at first floor level. Rather than provide the previously permitted two residential units it is now sought to use the first floor in connection with the restaurant at basement and ground floor levels. This is in part to address the loss of offices floorspace which will be addressed later in this report.

A separate advertisement consent application for the associated theatre/cinema advertisements has not been submitted at this time due to the 2014 consent being extant until February 2019.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal would result in an increase in residential accommodation and restaurant accommodation, a reduction in office and a minor reduction in Class A1 retail floorspace. The table below sets out the existing and proposed balance of uses.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	122	0	- 122
Residential (Class C3)	170	522	+ 352
Restaurant (Class A3)	217	279	+ 62
Retail (Class A1)	23	15	- 8
Total	532	816	+ 284

Residential Use

The principle of new residential accommodation is welcomed in accordance with UDP Policy H3, subject to it providing a satisfactory standard of accommodation (which is considered below). The proposal would result in a net increase in six residential units and therefore there is no requirement for affordable housing.

Policy H5 states that the City Council will usually require a third of units in a residential scheme to be family sized (i.e. three bedrooms or more). However, given the site's location in Leicester Square and the constraints of the site with its limited and irregular footprint, it is considered that it would not be reasonable to insist on the provision of family sized units in this instance and therefore the proposed mix is considered acceptable.

All proposed flats comply with nationally described space standards for one and two bedroom units at 37sqm and 61sqm respectively.

Loss of Offices

Since the previous scheme has been permitted Policy S20 of the City Plan has been adopted. In this location within the CAZ where changes of use from office to non-commercial uses will only be acceptable where the council considers that the benefits of the proposal outweigh the contribution made by the office floorspace.

The proposals would result in a loss of 122sqm of office floorspace. For the purposes of Policy S20, which allows for the offsetting of office floorspace through increases in other commercial uses, namely the restaurant at first floor level, there would be a 68sqm loss in office floorspace which needs to be addressed under the policy.

The existing offices are arranged as three small rooms organised over three floors accessed from Bear Street with approx. 20% of the office floorspace is taken up with the stair core and access. This results in an inefficient layout in the narrowest corner of the building.

The existing offices do not allow for much in the way of staff amenities, which comprises two WCs located on two of the three floors. This limits the opportunities for dividing the

tenure. Practically the layout allows for a single office spread across three levels. It is unsuitable for wheelchair with only narrow stair access and no lift.

The offices have been occupied by the applicant in connection with the retail kiosk at ground floor which sells theatre tickets. The applicant states the space is only convenient in its current use because of its proximity to the retail kiosk and it is unlikely that the accommodation would be suitable as a stand-alone office let to an unrelated business.

The applicant has undertaken an exercise to show how a second core would compromise the floorplan and usable floorspace. Given the constraints of the site it is entirely feasible that the redevelopment would not be realised should a provision of office accommodation be required.

In terms of the benefits arising from the development, Policy S20 states that they “may relate to the significant benefit to the value of heritage assets and/or significant townscape improvements, but these and any other benefits will be considered in the context of the priority to retain office floorspace”. The proposal would allow for significant townscape and conservation area benefits compared to the existing situation and these will be detailed later in this report.

Given the irregular site constraints in terms of footprint and existing mix of land uses, it is considered that the proportionally small loss of poor quality office floorspace is outweighed by the benefits of the scheme.

Restaurant Use

The site lies within the West End Stress Area and the proposal would result in an increase restaurant floorspace of 62sqm. A single restaurant of 284sqm is proposed and therefore Policy TACE 9 is applicable which states that permission will only be granted where the proposal would not have an adverse impact on residential amenity or the local environmental quality.

In general terms the existing restaurant uses are not considered to make a positive contribution to the character and environment of Leicester Square and it is considered that a single restaurant would be more appropriate and in keeping with the wider aspirations for Leicester Square. The proposed restaurant would have 130 covers and the following hours of use are sought:

Sunday to Thursday: 0800 - 0200
Friday and Saturday: 0800 - 0400

The existing licensing hours have the same terminal hours and are a relevant consideration, as well as the benefits of a single restaurant and the existing general night time economy and active environment of Leicester Square. The 2007 permitted scheme allowed the following hours:

Monday to Thursday: 0800 - 0200
Friday and Saturday: 0800 - 0400
Sundays and Bank Holidays: 0800 - 0130

Given that the previously permitted scheme granted similar hours, it is considered that extending the closing time on Sunday by half an hour and removing the additional constraints for bank holidays and public holidays would not unacceptably impact residential amenity or local environmental quality. As well as a condition restricting the hours it is recommended to add condition restricting the restaurant to 130 covers. Any external tables and chairs would need to be the subject of a separate planning application.

8.2 Townscape and Design

This corner site is a particularly important one in the Leicester Square Conservation Area and reads as a bookend building in townscape terms which requires an appropriate design response. The existing building dates from the 1950's and is of an unexceptional appearance and contributes little to the character and appearance of this part of the Leicester Square Conservation Area.

Its demolition and replacement with a building which makes a more convincing contribution is therefore considered acceptable in principle. The redevelopment will result in an increase in height at this corner which is considered acceptable given the desirability to visually terminate the building with a robust bookend building. The height and scale of the development is therefore considered acceptable.

The elevational design is considered acceptable and strikes an appropriate balance between providing an active face on to the street and protecting the privacy of future residents. The vertical window openings are appropriately framed by re-constituted stone panels with stainless steel horizontal floor courses and coping and coloured aluminium vertical fins resulting in a building of an appropriate robust quality for a corner location. The top storey is of a more lightweight glazed design which is considered appropriate at this height. The design is considered convincing and has an appropriate vertical emphasis and a significant improvement on the existing building. The materials and detailing are considered appropriate.

The Westminster Society has said that there should be greater thought given to the 'choice and colours of the external finishes'. The building is to be clad in a composite stone cladding and a condition is recommended to secured details of all external materials.

The predominant use of stone will settle the building into the surroundings. Some interest is provided to the facade by powder coated aluminium fins, these are to be coloured, although the application does not determine the colours. The materials will be confirmed by detailed submitted through condition. The use of stone with the minimal addition of coloured elements is considered wholly appropriate to the building and the vibrancy of Leicester Square.

Elsewhere stainless steel is to form the detailed junctions and glazing is to be the predominant feature at roof level. Given the building is of modern design the use of stainless steel and glass is considered sympathetic to the overall design aesthetic and not out of place with the detailing of other modern buildings in the area.

The roof has been designed to conceal the lift overrun and any plant from street level views and other public vantage points. The design of the ground floor shopfronts are simple and sit comfortably alongside the simplicity of the remainder of the elevation.

The scheme is considered acceptable in terms of scale, height, design, detailing and materials and is not considered to harm the character or appearance of the Leicester Square Conservation Area.

Although not forming part of this application, the display of adverts on the proposed building was granted originally in 2007 and subsequently in 2014 (extant until 2019). The displays only advertise theatre productions and films in the West End and are considered to contribute positively to the distinctive character of the West End, especially as the building appears as a gateway to Theatre land.

8.3 Residential Amenity

The amenity of future residents of the development

Background noise levels in this location can be high and Policy ENV6 of the UDP states that residential developments are required to provide adequate protection from existing background noise. The applicant has submitted an Environmental Noise Report which sets out the above internal noise criteria and details have been provided of the sound insulation and ventilation measures to demonstrate that they can be complied with.

The elevations will be largely solid with narrow full height secondary glazed windows which are narrower to the bedrooms. Comfort cooling as well as opening windows which would provide fresh air and cross ventilation controlled by the residents. Acoustically attenuated vents can be opened when noise conditions are higher and base trickle ventilation will be provided within the window frames.

Environmental Health officers have recommended the imposition of safeguarding conditions including the Councils standard noise and vibration conditions to protect the residents from internal and external noise and to control noise from the proposed restaurant. Further conditions are imposed requiring the submission of supplementary acoustic reports to ensure compliance with the standard conditions and provide details of the internal building fabric and method of construction.

Environmental Health has raised concern over means of escape with regard to the bedrooms which are considered remote rooms. This is a matter for the Building Regulations and as such is not relevant to consideration of the application. Notwithstanding this the applicant has confirmed that it is their intention to include an escape through a fire rated panel in the bathroom which leads directly into the lobby which protects the vertical escape stair. This will avoid the need for escaping through the living room/kitchen. They have also confirmed that extra internal doors can easily be added within the flats next to the kitchen units if this is required by building control.

Impact on surrounding residential premises

The nearest residential premises to the site would appear to be a flat opposite at 18 Bear Street and on the upper floors of 44-46 Cranbourn Street. Whilst the new building would be higher than the existing by two floors and a recessed storey, given the orientation and separation of the windows in these premises to the new building, it is not considered that

the proposal would have a significant adverse impact on daylight, sunlight or sense of enclosure to surrounding residential premises.

8.4 Transportation/Parking

No off-street car parking is proposed for the new flats. UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels' The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement of five spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

The proposal would provide a net increase of six residential units and given the constraints of the site it is not possible to provide any off street parking. The latest survey information from 2015 indicates that the available on street parking on surrounding streets has exceeded the serious deficiency level overnight with 84.5% occupancy, but there is more availability during the day with 60.9% occupancy. The site is very well served by public transport and it is considered that the benefit of an increase in residential accommodation in this location outweighs concerns about the impact on parking demand.

The proposal would provide four cycle parking spaces within the building and whilst one space per unit would normally be expected, it is acknowledged that there are space constraints given the shape of the site and the access and core requirements for a mixed use building. The provision of four cycle parking spaces is therefore considered acceptable in this instance.

In terms of servicing, given the use of the existing buildings, it is not considered that the impact on the highway would materially worsen. Highways have raised the matter of the canopies over sailing the highway. This will be a matter for highways licencing and an informative is added to advise the applicant.

8.5 Economic Considerations

The proposal will result in a loss of 122sqm of office floorspace. This loss is partly offset by the enlarged restaurant floorspace by 62sqm which will serve the tourist and entertainment economy. In this instance it is considered that the economic implications for such a small loss of commercial floorspace would be negligible.

8.6 Access

Level access is provided to the ground floor commercial units. A passenger lift is also incorporated into the scheme which provides access to all floor levels.

8.7 Other UDP/Westminster Policy Considerations

Waste storage

The development would include separate refuse storage areas for the restaurant in the basement and the residential at ground floors. Cleansing has confirmed that conditions are required to confirm the capacity and separation of materials. The plans indicate that the doors to the ground floor refuse store would open over the highway, but given that the

doors can only be opened from the outside, it is not considered that this would significantly harm pedestrian safety, particularly given the fact that Bear Street is pedestrianised.

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 development is not of a sufficient scale to require planning obligations or a S106 legal agreement.

The estimated CIL payment for this development is £18,000 for the Mayoral CIL and £164,000 for the WCC CIL.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Construction impact

A condition is recommended to protect the amenity of the surrounding area by ensuring that building works are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday and works of demolition and piling are not undertaken on the weekend or public holidays.

The City Council's Code of Construction Practice has been developed to mitigate against construction and development impacts on sites such as this. The Code of Construction Practice was adopted in July 2016 and the applicant will be required to sign up to it. Compliance is monitored by the Environmental Inspectorate. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

Crime and security

The Designing Out Crime Officer has been consulted and recommend that the residential element is accredited by Secured by Design. It is considered reasonable to attach a condition to evidence this accreditation.

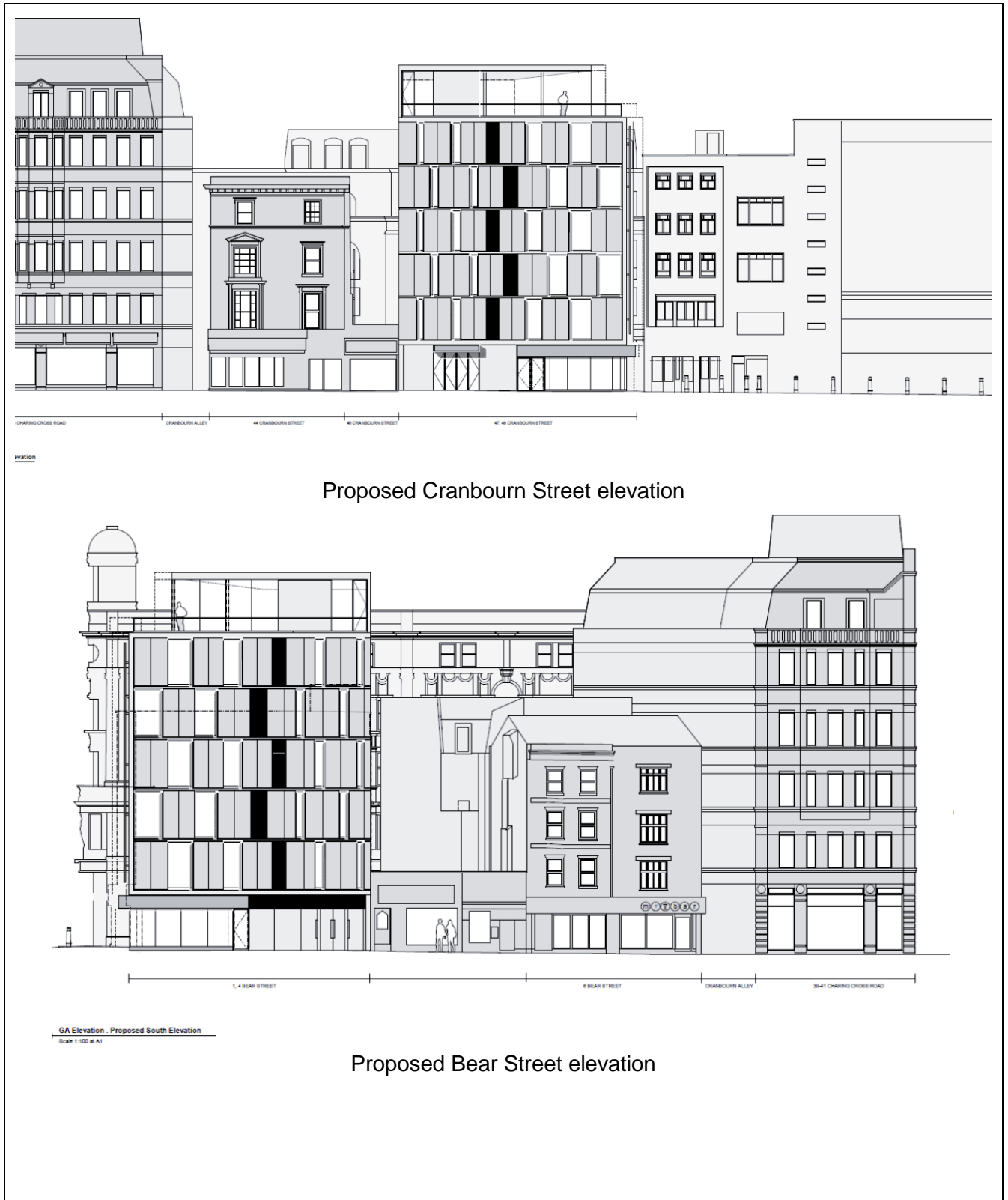
9. BACKGROUND PAPERS

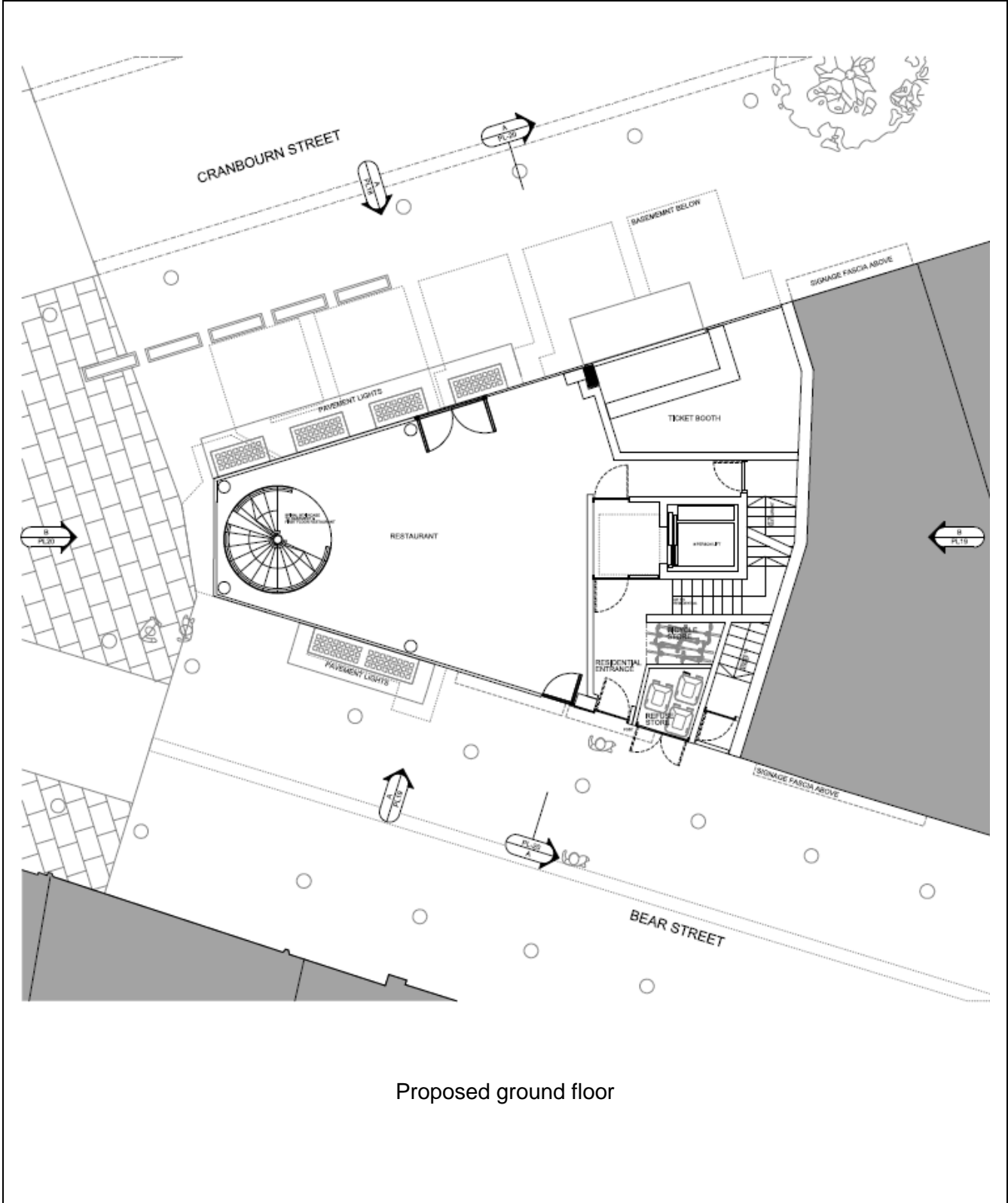
1. Application form.
2. Response from Soho Society dated 10 October 2016.
3. Response from Westminster Society dated 20 September 2016.
4. Response from Designing Out Crime Officer dated 5 July 2017.
5. Response from Environmental Health dated 4 October 2016.
6. Response from Highways Planning dated 29 November 2016.
7. Response from Cleansing dated 21 September 2106.

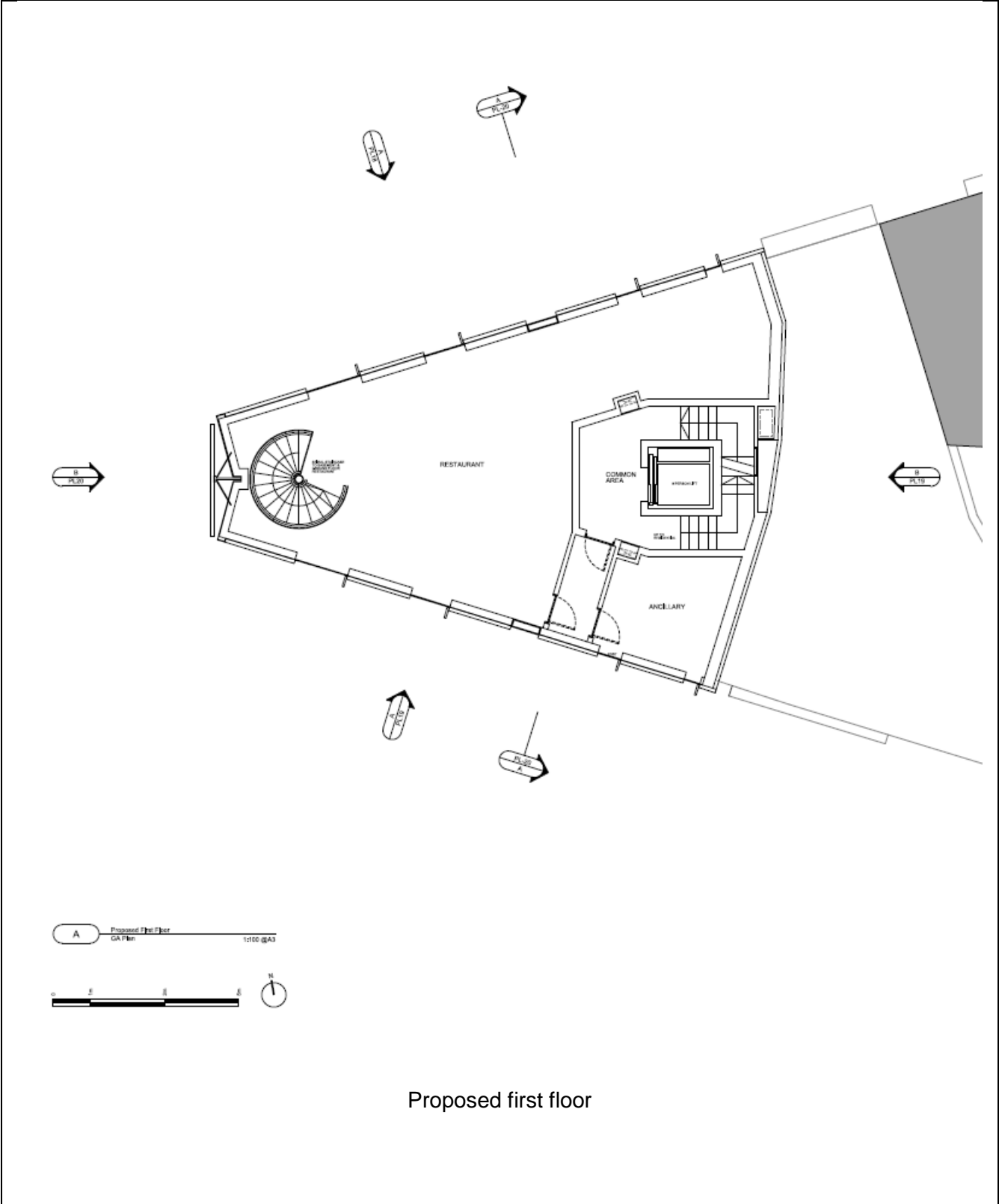
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

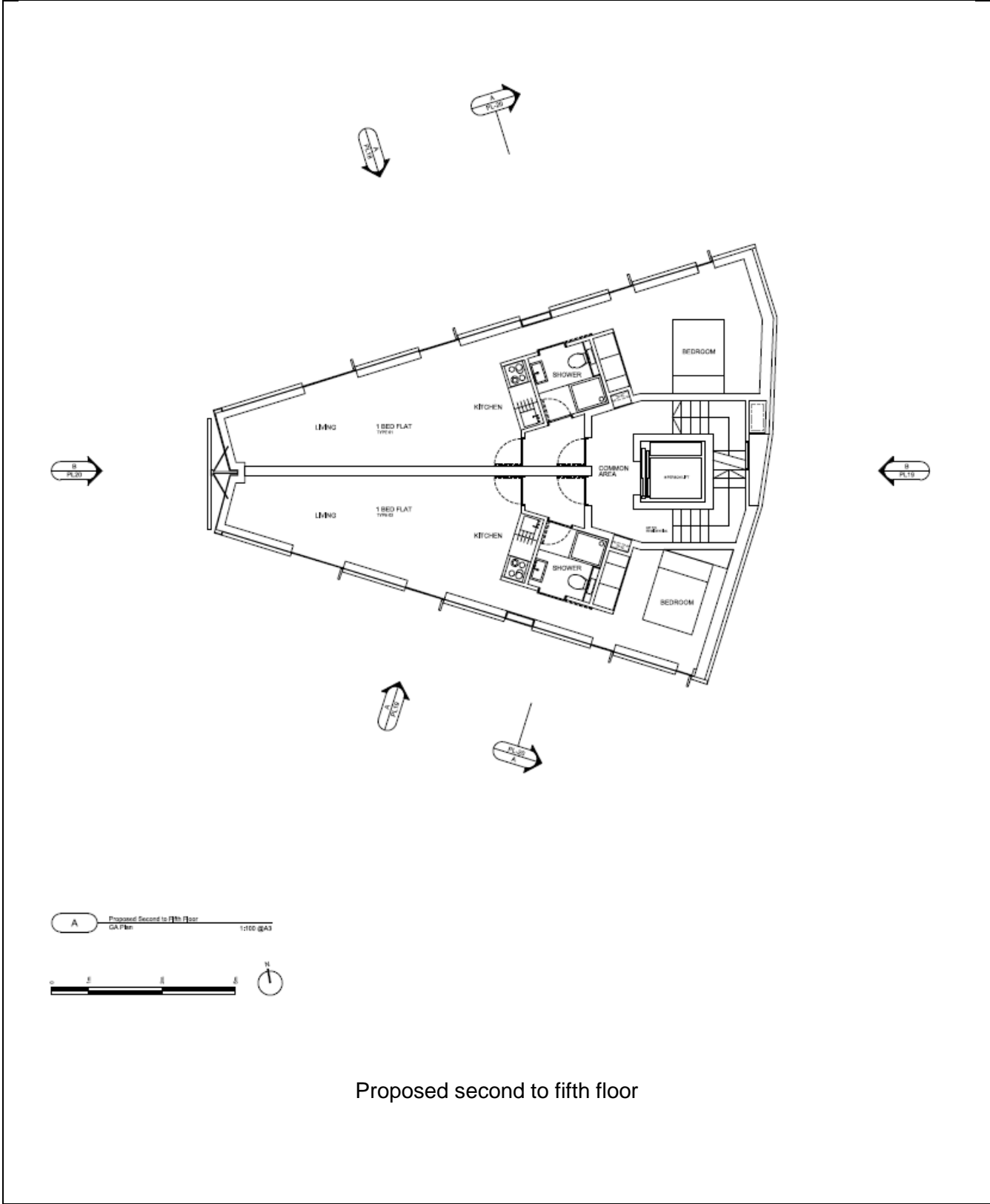
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

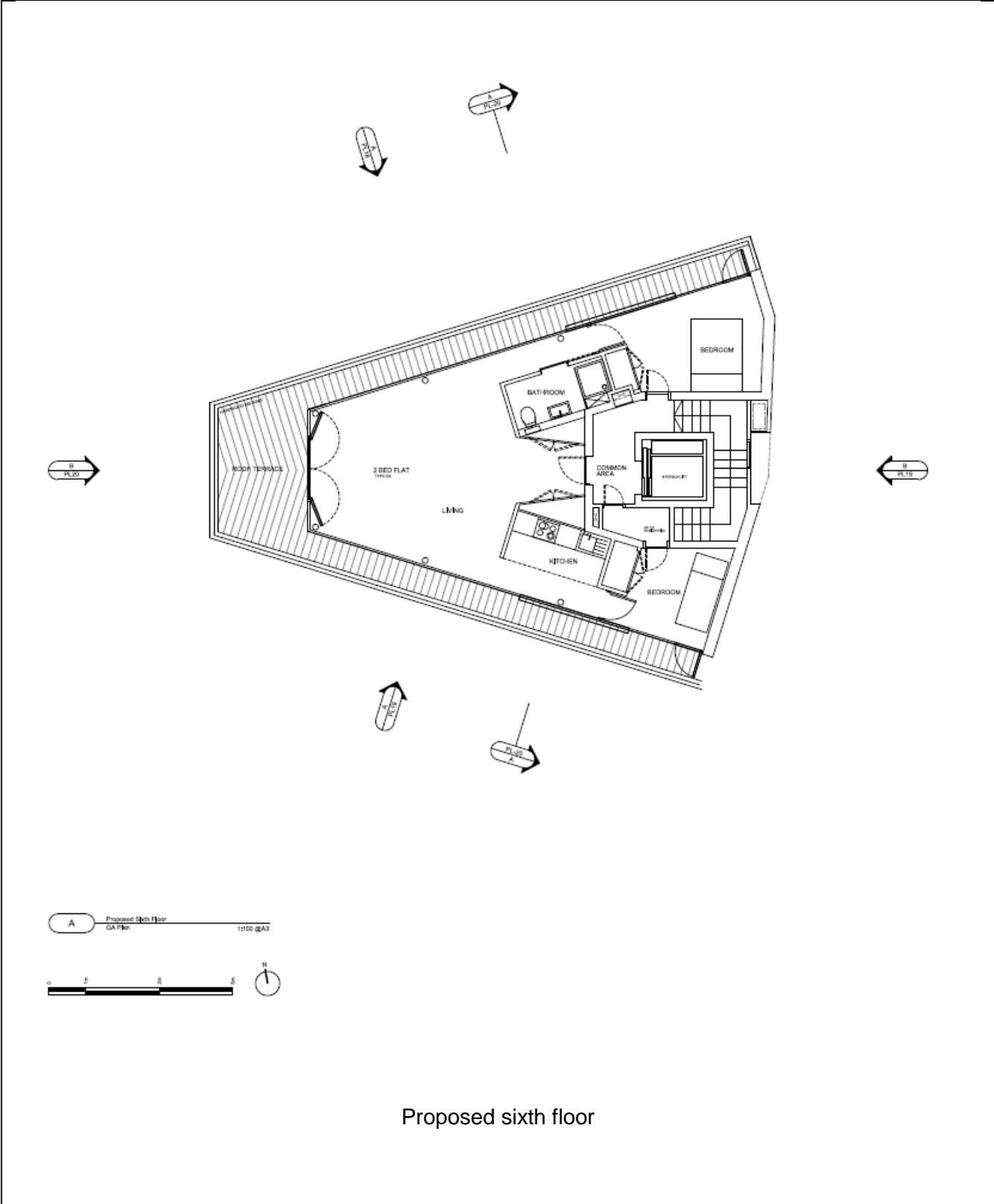
10. KEY DRAWINGS











Proposed sixth floor

DRAFT DECISION LETTER

Address: 1-4 Bear Street and 47-48 Cranbourn Street, London, WC2H 7AR.

Proposal: Demolition of existing building and redevelopment to provide a new building comprising basement, ground and six upper floors. Use of basement, ground and first floors for restaurant purposes (Class A3), with ticket booth (Class A1) at ground floor level to Cranbourn Street. Use of upper floors as nine self-contained residential flats.

Reference: 16/08454/FULL

Plan Nos: 1526.PL03; 1526.PL04; 1526.PL05; 1526.PL13 Rev P3; 1526.PL14 Rev P3; 1526.PL15 Rev P3; 1526.PL16 Rev P3; 1526.PL17 Rev P3; 1526.PL18 Rev P3; 1526.PL18 Rev C; 1526.PL19 Rev B; 1526.PL20 Rev A.

For information: Design Statement ref: ORMS 1526/02 dated April 2007

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

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 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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)

- 4 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 5 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the following times: between 08.00 and 02.00 the following day on Monday to Thursday, 08.00 and 04.00 the following day on Friday and Saturday.

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 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 You must not allow more than 130 customers into the restaurant hereby approved at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 You must apply to us for approval of detailed drawings (elevations and cross sections at a scale of 1 : 10) showing the following alteration to the scheme:

a) The ventilation grilles at ground floor level to be of a decorative design and broken up in to individual sections to relieve the current horizontal emphasis

You must not start work on these parts of the development until we have approved what you have

sent us. You must then carry out the work according to the approved drawings.

Reason:

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

- 8 You must apply to us for approval of samples of the facing and roofing materials you will use, including glazing. You must not start work until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 10 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26OA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

- a) a typical re-constituted stone panel, glazing, vertical fin and spandrel (elevations and cross section at scale 1:10)
- b) stainless steel grilles at first to fifth floor level (elevations and cross section at scale 1:5)

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

Reason:

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

- 12 (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.
- (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

- 15 Prior to the occupation of the residential part of the development, evidence that the residential part has been accreditation by 'Secured by Design' award scheme must be submitted and approved by us. The development must thereafter be carried out in accordance with the approved details.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Leicester Square Conservation Area as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

- 16 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant and residential flats. (C14EC)

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)

- 17 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.

- 18 (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.

- 19 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;

(f) The proposed maximum noise level to be emitted by the activity.

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

- 20 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.

- 21 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.

- 22 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 18 and 19 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 23 You must apply to us for approval of sound insulation measures and a Noise Assessment Report

to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 20 of this permission. 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 details approved before the residential units are occupied and thereafter retain and maintain.

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.

- 24 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 21 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

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

Reason:

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

- 26 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. 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. You must not change it without our permission. (C13BB)

Reason:

To protect the environment of people in neighbouring properties, as set out in 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. (R13BC)

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

Reason:

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

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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 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)
- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 7 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for

less than 90 consecutive nights) unless the following two conditions are met: , , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , 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).

- 8 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)
- 9 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 10 We want to preserve the archaeological remains on site. Your detailed design and method statement should include relevant drawings, technical notes and methods to show how you will do this. You should pay particular attention to the design of the foundations and new groundwork including piling, underpinning, new slab levels, slab construction, lift pits and new service trenches. Please contact Diane Abrams on 0207 973 3732 and Historic England's Archaeological Officer on 020 7973 3732 to discuss the details we need., , You should also contact our District Surveyors' Services to make sure that you meet their requirements under the Building Regulations. (I65AA)
- 11 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact: , , Contaminated Land Officer, Environmental Health Consultation Team , Westminster City Council, Westminster City Hall, 64 Victoria Street, London SW1E 6QP , , Phone: 020 7641 3153, (I73CA)
- 12 Conditions 17 and 18 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 13 You should include environmental sustainability features in your development. For more advice on this, please look at our supplementary planning guidance on 'Sustainable buildings'. This will make sure that the development causes as little damage as possible to the environment. However, if the features materially (significantly) affect the appearance of the outside of the building, this is likely to need planning permission. (I91AA)
- 14 Future residents of the new flats are advised that Cranbourn Street and Bear Street area subject

to high noise levels 24 hours a day and that the flats have been designed to incorporate measures of sound insulation and mechanical ventilation to ensure a good internal environment when the windows are closed.

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

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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Edison House, 223 - 231 Old Marylebone Road, London, NW1 5TH		
Proposal	Erection of a roof extension to form new sixth floor level for use as Class B1 office floorspace with mechanical plant within recessed enclosure at roof level.		
Agent	DP9		
On behalf of	Edison House Ltd		
Registered Number	17/03361/FULL	Date amended/ completed	7 June 2017
Date Application Received	19 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Refuse permission – on design grounds.

2. SUMMARY

The application site does not contain any listed buildings and is not within a conservation area; although the site is immediately adjacent to the boundary of the Portman Estate Conservation Area to the north east and the Molyneux Street Conservation Area to the south east. The site is also located within the immediate setting of four Grade II listed buildings, including St. Mark's Church and the Roman Catholic Church of Our Lady of the Rosary and the attached presbytery.

The application seeks permission for the erection of a single storey roof extension to form new sixth floor level for use as Class B1 office floorspace, with mechanical plant currently within a roof level enclosure, relocated to the new roof level within a new recessed enclosure.

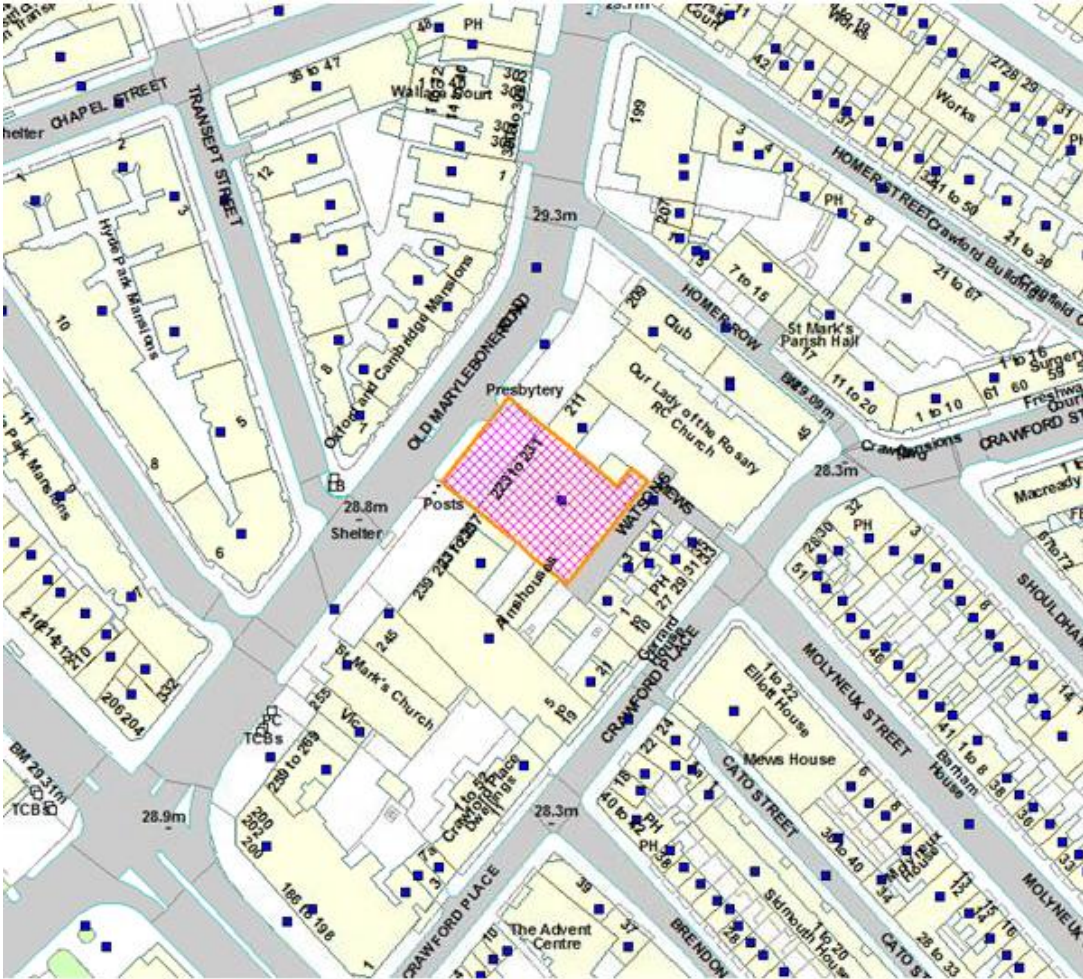
The key issues in this case are:

- The acceptability of providing additional Class B1 office accommodation in this location.
- The impact on the appearance of the building and the setting of the neighbouring conservation areas and listed buildings.

- The impact on the amenity of neighbouring residents.

Whilst the proposed development is acceptable in land use, amenity, environment and transportation terms, the proposed extension and associated alterations would have an adverse impact on the appearance of the building and the setting of the neighbouring Portman Estate and Molyneux Street Conservation Areas. The proposals would be contrary to Policies DES1, DES6 and DES9 in the Unitary Development Plan adopted in January 2007 (the UDP) and Policies S25 and S28 in Westminster's City Plan adopted in November 2016 (the City Plan). Accordingly, it is recommended that permission is refused for the reason set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and rear of top of existing building as seen from Molyneux Street (bottom).

5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Objection on grounds the building is already a completed composition and proposed roof extension appears too tall and top heavy in comparison to its immediate neighbours. Design is asymmetric, which is uncomfortable. Concern regarding the impact on Molyneux Street, where the extension would be particularly conspicuous in views from the conservation area.

CLEANSING MANAGER

No objection subject to a condition requiring details of waste and recycling storage provision.

ENVIRONMENTAL HEALTH

No objection, subject to recommended conditions to prevent noise and vibration from proposed mechanical plant.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 147.

Total No. of replies: 8.

No. of objections: 8.

No. in support: 0.

Eight emails/ letters received from seven respondents raising objection on all or some of the following grounds:

Design

- Edison House is already the tallest building surrounding Watsons Mews and Crawford Street and extension would make it appear top heavy.
- Extended building would overwhelm and dominate the two storey mews houses to the rear.
- External appearance is out of keeping with other buildings in Old Marylebone Road and this will be exacerbated by addition of an extra storey.
- Additional mass would be detrimental to the street scene.
- Increase in building height and roofline would be clearly visible from the adjacent conservation area and would have a negative and inappropriate impact on the surrounding area/ vista.

Amenity

- Loss of daylight and sunlight to neighbouring residential properties.
- Noted that a two storey side extension to No.1 Watsons Mews was refused on loss of daylight/ sunlight grounds.
- Increased overlooking.
- Noise and congestion will have an adverse impact on neighbouring business occupiers.

- Developer has previously changed the colour of the building to black reducing light reflected to neighbouring properties.
- Increased noise pollution and disturbance from mechanical plant.

Other Matters

- Noise and general disturbance from construction works.
- Note that Watsons Mews to the rear is a privately owned and maintained road for use by residents of the mews houses only. Access to the site for construction would therefore have to be from Old Marylebone Road.
- No construction works should take place on a Sunday and no evening working as it is a residential area.
- Concerned that the standard of workmanship will not be high as paint peeled off building shortly after it was painted black.
- Document on website are inaccessible (officers have since resolved this issue).

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site does not contain any listed buildings and is not within a conservation area; although the site is immediately adjacent to the boundary of the Portman Estate Conservation Area to the north east and the Molyneux Street Conservation Area to the south east. The site is also located within the immediate setting of four Grade II listed buildings, including St. Mark's Church and the Roman Catholic Church of Our Lady of the Rosary and the attached presbytery.

The site is located within the Central Activities Zone (CAZ), but is not located within the Core CAZ, an Opportunity Area or one of the Named Streets. The site lies within the Marylebone and Fitzrovia area of the CAZ.

6.2 Recent Relevant History

08/01762/FULL

Replacement of existing rear single storey ground floor level extension, erection of infill extension to side elevation lightwell between second and fifth floor levels, erection of extension to rear at fifth floor level and new lift overrun and installation of new mechanical plant within an enclosure at roof level, with associated external alterations including replacement of windows, insertion of new window openings, cladding of fire escape staircase to rear elevation, installation of sunscreens and brise soleil to rear windows, creation of access ramp to front entrance and landscaping of forecourt to front elevation at ground floor level, in connection with refurbishment of existing office accommodation (Class B1).

Application Permitted

30 April 2008

09/03215/FULL

Alteration and extension at rear fifth floor level with associated railings, infill extension to side (west) elevation between second and fifth floor levels, new canopy to front elevation, cladding to single storey rear addition, installation of replacement aluminium windows, creation of lightwell to rear within existing single storey extension, new bicycle stands and hard landscaping to front forecourt, creation of roof access stair and installation of mechanical plant behind acoustic screen at roof level and associated other minor external alterations in connection with continued use as offices (Class B1).

Application Permitted 10 July 2009

10/03026/FULL

Alterations to existing single storey rear extension, erection of infill extension to side elevation lightwell between second and fifth floor levels, erection of extension to rear at fifth floor level and new lift overrun and installation of new mechanical plant within an enclosure at roof level, with associated external alterations including replacement of windows, insertion of new window openings and relandscaping of forecourt to front elevation at ground floor level including new paving, bin stores, cycle parking, seating and retractable bollards. Works in connection with refurbishment of existing office accommodation (Class B1).

Application Permitted 20 July 2010

10/09311/NMA

Amendments to planning permission dated 20 July 2010 (RN: 10/03026) for alterations to existing single storey rear extension, erection of infill extension to side elevation lightwell between second and fifth floor levels, erection of extension to rear at fifth floor level and new lift overrun and installation of new mechanical plant within an enclosure at roof level, with associated external alterations including replacement of windows, insertion of new window openings and relandscaping of forecourt to front elevation at ground floor level including new paving, bin stores, cycle parking, seating and retractable bollards (works in connection with refurbishment of existing office accommodation (Class B1)); namely, the installation of black mounted grills to existing window openings and to existing low level plinth to front elevation of building.

Application Permitted 24 November 2010

7. THE PROPOSAL

The application seeks permission for the erection of a single storey roof extension to form new sixth floor level for use as Class B1 office floorspace, with mechanical plant currently within a roof level enclosure, relocated to the new roof level within a new recessed enclosure. The scheme would deliver an additional 342m² (GIA) of Class B1 office floorspace as set out in the table below.

	Existing GIA (m ²)	Proposed GIA (m ²)	+/-
Class B1 Offices	2,590	2,932	342
Total	2,590	2,932	342 (+13%)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Given the location of the site within the Marylebone and Fitzrovia area of the wider CAZ, the relevant policies in the City Plan are Policies S1, parts (1) and (2), and Policy S8. In land use terms, Policy S1 supports the provision of a mix of uses within the CAZ. Policy S8 supports the provision of new commercial uses within the Named Streets in Marylebone and Fitzrovia and outside the Named Streets, such as is the case in this application, it states that:

'... new commercial uses will not generally be appropriate unless they provide services to support the local residential community in that part of the Central Activities Zone'.

Policy S20 relates to all proposals for Class B1 office developments across the City and it mirrors Policy S1 in that it identifies that new office development should be directed to the Opportunity Areas, the Core CAZ, the Named Streets and the North Westminster Economic Development Area (NWEDA).

The site is not within any of these areas where Class B1 office floorspace growth is explicitly supported, but it is recognised that it is within 150 metres of the Paddington Opportunity Area, two Named Streets (Edgware Road and Marylebone Road) and the NWEDA. Given the close proximity of the site to these areas where office growth is supported, the predominantly commercial nature of the south side of Old Marylebone Road in this location and as the building is already in lawful office use, it is considered that the current case represents an exceptional circumstances where extension of the existing office building is acceptable in land use terms, subject to its impact in design and amenity terms.

8.2 Townscape and Design

The proposed roof extension would increase the height of the building by 4.8 metres from 24.4 metres to 29.1 metres (excluding existing and proposed plant enclosures and the front parapet that is incorrectly shown as existing on the front elevation). Whilst it would be set back 1.6 metres from the front elevation of the building, it would rise sheer from the side and rear elevations. The front parapet is proposed to be raised by approximately 1.3 metres in height to partially screen the proposed roof extension in views from the front of the site. To the rear it is proposed to extend the existing external open fire escape staircase up to the new sixth floor level. In terms of its detailed design and materiality, the proposed extension would include large expanses of glazing in aluminium frames with sliding doors to the front elevation providing access onto a small office terrace and an off centre horizontal 'slot' of glazing to the rear elevation. The extension would otherwise be a relatively simple rectilinear form which the applicant describes as being clad in 'in situ concrete' finished to match the existing building, which is presumed to indicate that this would be painted dark grey.

In design terms the concerns of the Marylebone Association and neighbouring residents regarding the height, bulk and form of the proposed roof extension are shared by officers. Whilst there may be scope for a modest addition to the existing building at roof level, the proposed extension would rise sheer from the side and rear elevation and increase the height of the building by 4.8 metres. Given its existing height relative to its neighbours and the significant degree to which the side and rear elevations of the building at a high level are visible in views from surrounding streets, this would mean that the proposed roof

extension would be a highly prominent and disproportionately tall addition to the building above the much shorter existing top floor at fifth floor level (the existing fifth floor level has a floor to ceiling height of approximately 3.5 metres). As a result the roof extension would appear out of scale with the proportions of the existing building in views of the front of the building and as well as harming the appearance of the building itself, this would harm the setting of the Portman Estate Conservation Area, which lies immediately to the north east of the site in Old Marylebone Road.

The form of the proposed extension and its choice of materials are such that, in addition to its bulk and height, it would appear as a discordant and alien structure at the top of the existing building. The existing building, though painted dark grey, has a rendered central section with a surrounding brickwork frame to its front elevation, around which the remaining facade is constructed in brickwork. The proposed roof extension is to be constructed in painted concrete, at odds with the range of facing materials found on the lower floors to the front elevation and lacking in the level of detail that is used on the lower floors to relieve the bulk of the building. The upward extension of the front parapet would detract from the consistent dimension of the brickwork facade around the rendered central element to the front facade and unbalance the composition of the facade. It is also unclear what material is proposed to be used to extend the upward extension of the front parapet.

To the rear the roof extension would rise up sheer from the existing predominantly glazed top storey at fifth floor level. The existing top storey has been deliberately designed to have a more lightweight appearance to terminate the building in a way which reduces the mass of the top floor, particularly in longer views of the rear from surrounding streets within the Molyneux Street Conservation Area. The provision of a predominantly solid addition with an off centre 'slot' of windows above this existing terminating roof storey consisting largely of glazing has the effect of unbalancing the otherwise ordered and symmetrical rear elevation and provides the top of the building with an awkward and top heavy appearance, which is jarring when seen in conjunction with the smaller scale traditional townscape in a number of views from within the Molyneux Street Conservation Area. The harm caused to the setting of the conservation area is exacerbated by the upward extension of the existing external fire escape staircase, which is a crude and functional structure, which also detracts from the appearance of the building.

In terms of the impact on the nearby listed buildings, given that they do not immediately abut the application site, it is not considered that the proposed roof extension would have a specific harmful effect on their setting; rather the harm caused in this case is principally to the appearance of the building itself and the wider townscape impact, particularly on the neighbouring conservation areas, as set out in the preceding paragraphs.

In summary, the proposed roof extension is considered to be unacceptable in design terms due to its bulk, height and detailed design which harm the appearance of the building and the setting of the neighbouring Portman Estate and Molyneux Street Conservation Areas. The proposed development is therefore contrary to Policies DES1, DES6 and DES9 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

In terms of daylight and sunlight loss, the proposed development would not have a significant impact on existing levels of daylight and sunlight received by neighbouring light

sensitive properties. The applicant has submitted a detailed daylight and sunlight assessment, which identifies that out of 386 windows tested only one neighbouring window serving a kitchen in Oxford and Cambridge Mansions on the opposite side of Old Marylebone Road would suffer a material loss of daylight. This window would suffer a 40% loss of its existing Vertical Sky Component. However, given this is a material impact on a single window and as the flat to which this kitchen window relates will be served by other windows to habitable rooms that would suffer no material loss of daylight as a result of the proposed development, it is not considered that permission could reasonably be withheld on loss of daylight grounds.

The submitted daylight and sunlight report includes assessment of 268 neighbouring windows facing within 90 degrees of south and the report demonstrates that the proposed roof extension would not cause a material loss of sunlight to any neighbouring light sensitive properties. According objections raised on loss of sunlight grounds cannot be supported.

In terms of increased sense of enclosure, the proposed roof extension would increase the height of the existing building. However, the existing building is separated from residential properties on the north west side of Old Marylebone Road by the width of the road and forecourt and this is sufficient to alleviate any significant increase in enclosure to these neighbouring properties. To either side the neighbouring buildings are much lower and have no side windows facing the application site.

To the rear the roof extension would be appreciable from within Watsons Mews and Crawford Place, but given the significant height of the existing building, in views from within the properties in Watsons Mews and Crawford Place the additional height now proposed would be much less appreciable. This is because the existing building already dominates the outlook from the north west facing windows in these properties and the proposed extension would be located above appreciable view from most windows when stood in the centre of the room. The proposed extension would only become more readily appreciable when stood immediately behind the face of the window. Accordingly, whilst the proposed extension would alter the outlook from neighbouring properties to the rear, this would not amount to a significantly increased sense of enclosure.

In terms of overlooking, the windows and terrace proposed to the front of the extension would be set back behind an extended parapet and this along with the significant width of Old Marylebone Road is sufficient to prevent significant overlooking to windows of residential properties on the opposite side of the street. The windows in the side elevation would be at a higher level than the neighbouring property and would not cause and overlooking as a result.

To the rear the windows proposed would be limited to a 'slot' of glazing and would not be floor to ceiling glazing as is already found to the rear at existing fifth floor level, which also has an external terrace for office workers. Given this and as the windows are at a high level, such that views towards much lower neighbouring residential windows could only be achieved when stood close to the face of the window. Therefore the proposed windows would not result in a material increase in overlooking relative to the existing situation and permission could not reasonably be withheld on this ground.

The upward extension of the escape staircase to the rear is not objectionable in amenity terms given that it is only to be used in an emergency and is an unenclosed metal framed structure. Had permission been recommended a condition would have been recommended to prevent its use for standing out on except in an emergency.

An acoustic report has been submitted in relation to the mechanical plant proposed at roof level within a sunken plant enclosure. This demonstrates that the plant to be installed within this new enclosure would operate sufficiently below the background noise level so as to accord with Policies ENV6 and ENV7 in the UDP and S32 in the City Plan. Accordingly, the objection raised on noise from mechanical plant cannot be supported.

In summary, the proposed development is acceptable in amenity terms and would accord with Policies ENV6, ENV7 and ENV13 in the UDP and S29 and S32 in the City Plan.

8.4 Transportation/Parking

Policy TRANS22 in the UDP does not require the provision of car parking for small office developments such as is proposed and the front forecourt of the building already provides a small number of car parking spaces, which can be utilised by those requiring disabled parking. As such, the non-provision of any additional parking is acceptable.

The increase in office floorspace would generate a requirement under Policy 6.9 in the London Plan to provide 4 additional cycle parking spaces. No additional spaces are proposed, but had the application been recommended or approval additional cycle parking could have been sought by condition.

The servicing arrangements for the extended office building would remain as existing and this is not objectionable given the relatively small increase in office floorspace that is proposed.

8.5 Economic Considerations

The economic benefit of providing additional office floorspace are welcomed, but this does not outweigh the harm caused in design terms as identified in Section 8.2 of this report.

8.6 Access

The existing access to this office building would not be altered. The proposed office accommodation within the new sixth floor would be served by a lift from ground floor level, which would provide level access.

8.7 Other UDP/ Westminster Policy Considerations

The Cleansing Manager has requested details of how waste from the additional office floorspace proposed would be stored. Currently waste storage is provided at ground level and had the application been considered acceptable in all other regards, a condition would have been imposed to secure details demonstrating that the existing refuse store could accommodate the additional waste and recycling generated by use of the proposed extension.

8.8 London Plan

This application does not raise any 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.

The estimated CIL liability of the proposed development based on the floorspace figures submitted by the applicant is £51,300.

8.11 Environmental Impact Assessment

The development is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

Concerns have been expressed regarding the impact of construction works on the amenity of neighbouring residents. Had the application been recommended for approval a condition would have been imposed restricting the hours of works to weekdays between 08.00 and 18.00 (excluding bank holidays) and 08.00 and 13.00 on Saturdays. To restrict the hours of works further would be unreasonable and would likely result in a prolonged overall period of construction.

9. BACKGROUND PAPERS

1. Application form.
2. Response from Marylebone Association dated 26 June 2017.
3. Response from Environmental Health dated 14 June 2017.
4. Memo from the Cleansing Manager dated 27 June 2017.
5. Email from a business occupier of 245 Old Marylebone Road dated 15 June 2017.
6. Email and letter from the occupier of 1 Watsons Mews dated 21 June 2016 and 4 July 2017.
7. Email from an occupier of 5L Hyde Park Mansions dated 27 June 2017.
8. Email from an occupier of 5L Hyde Park Mansions dated 25 June 2017.
9. Email from the occupier of Flat 1, Gerrard House, 23 Crawford Place dated 27 June 2017.
10. Email from the occupier of 3 Watson's Mews dated 30 June 2017.
11. Letter from occupier of Harrison Housing, 42-46 St James's Gardens, dated 5 July 2017.

(Please note: All the application drawings and other relevant documents and Background Papers

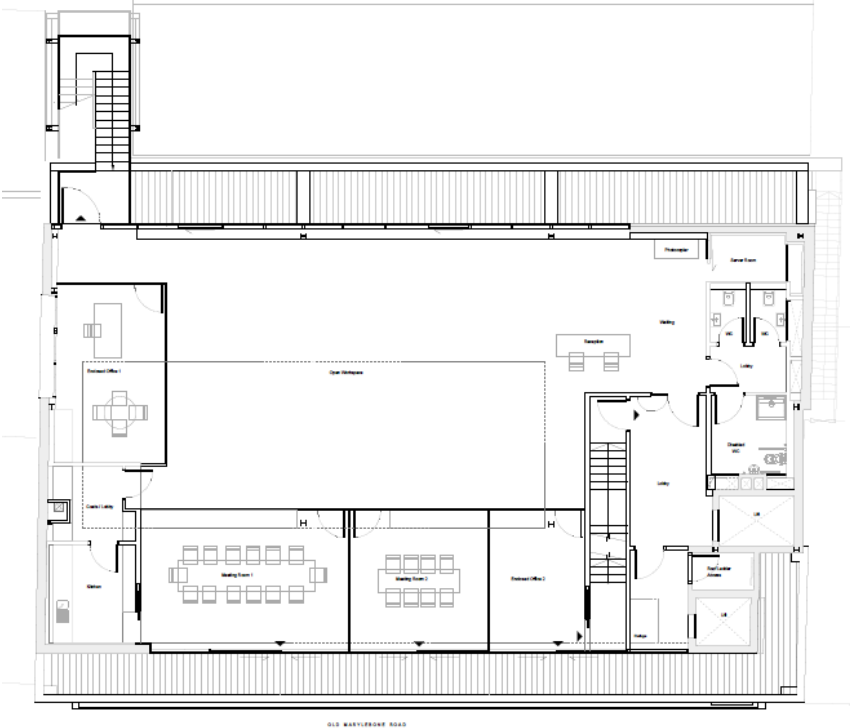
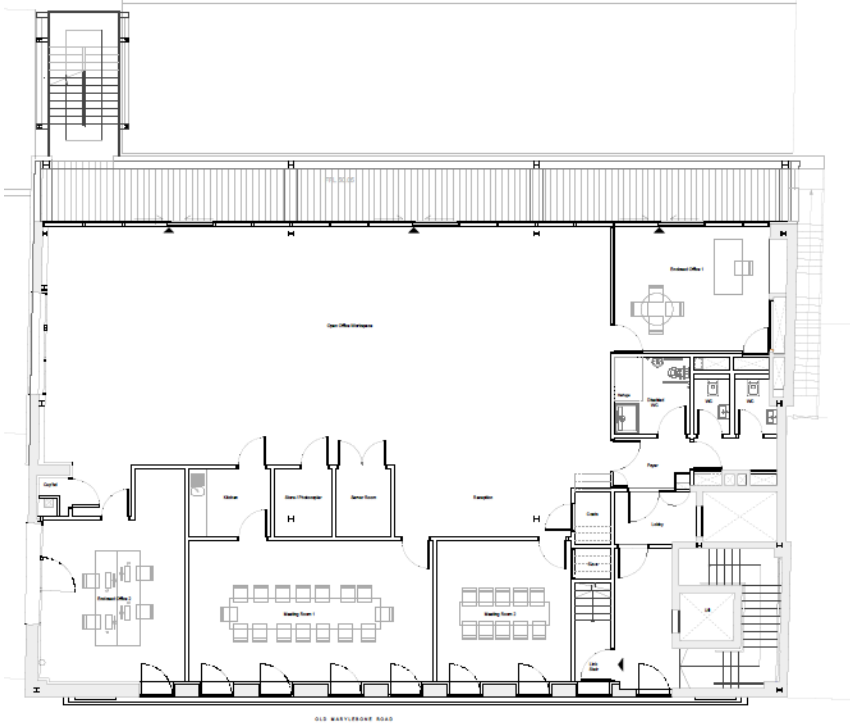
are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk .

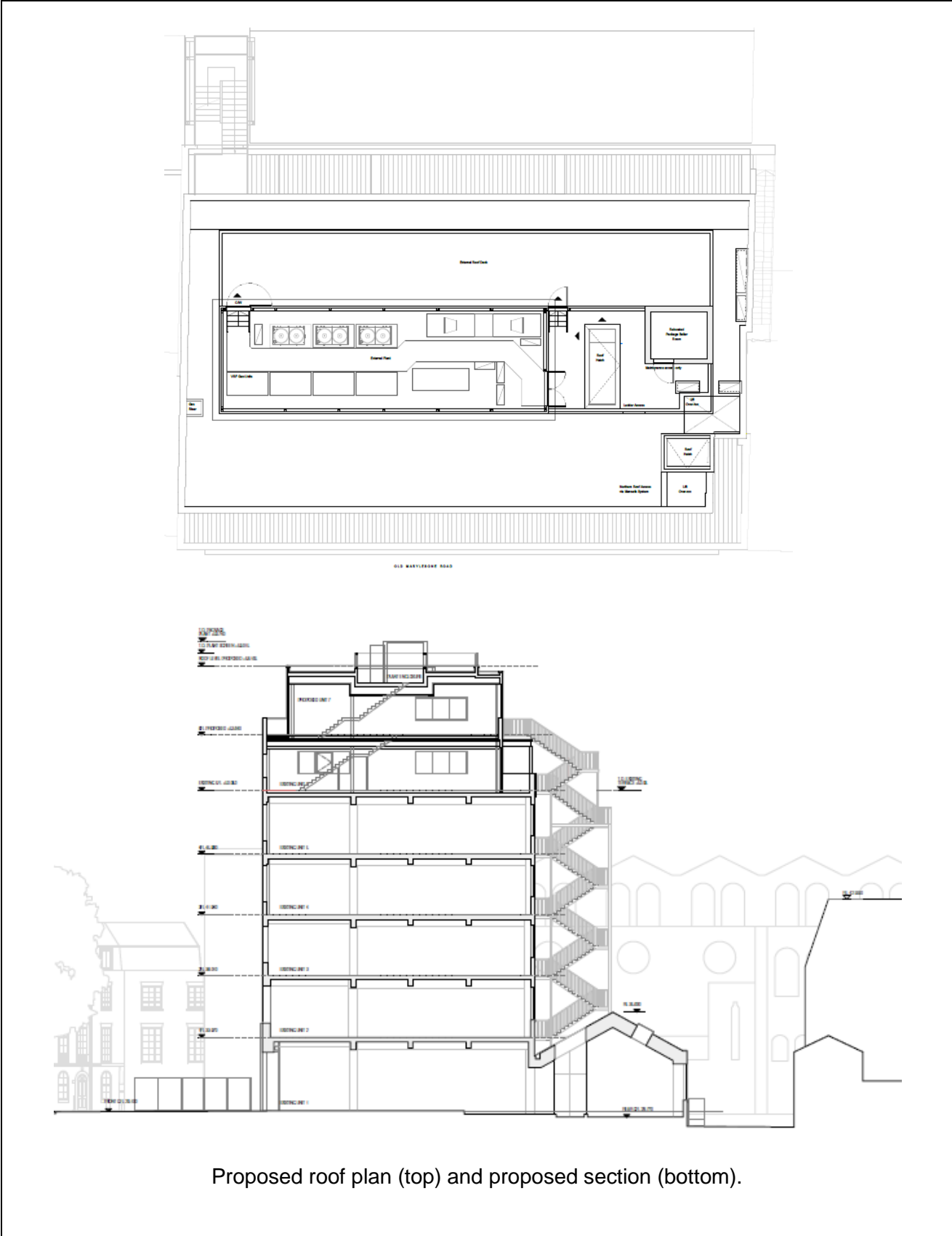
10. KEY DRAWINGS



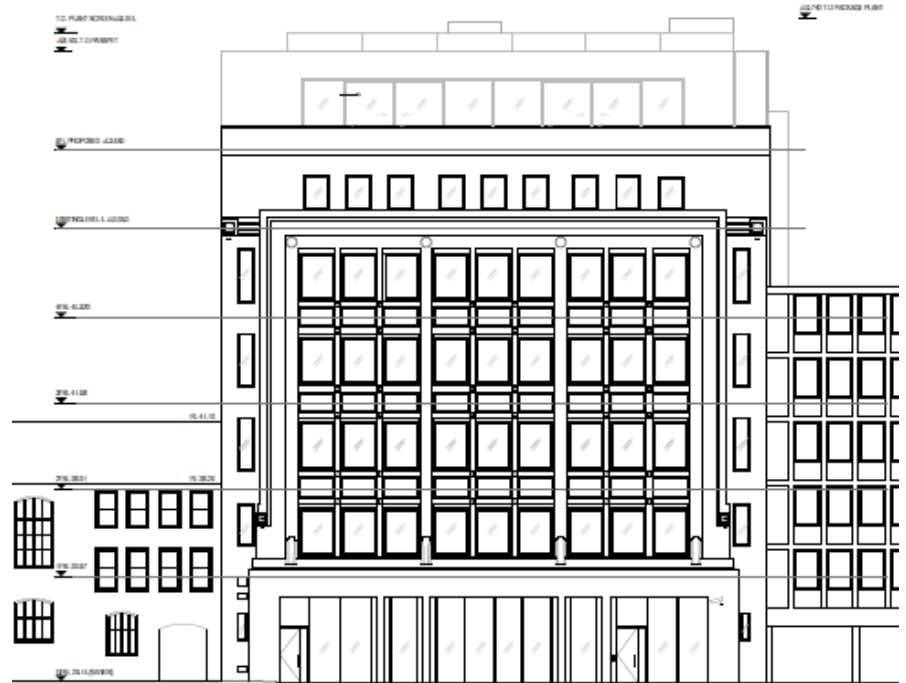
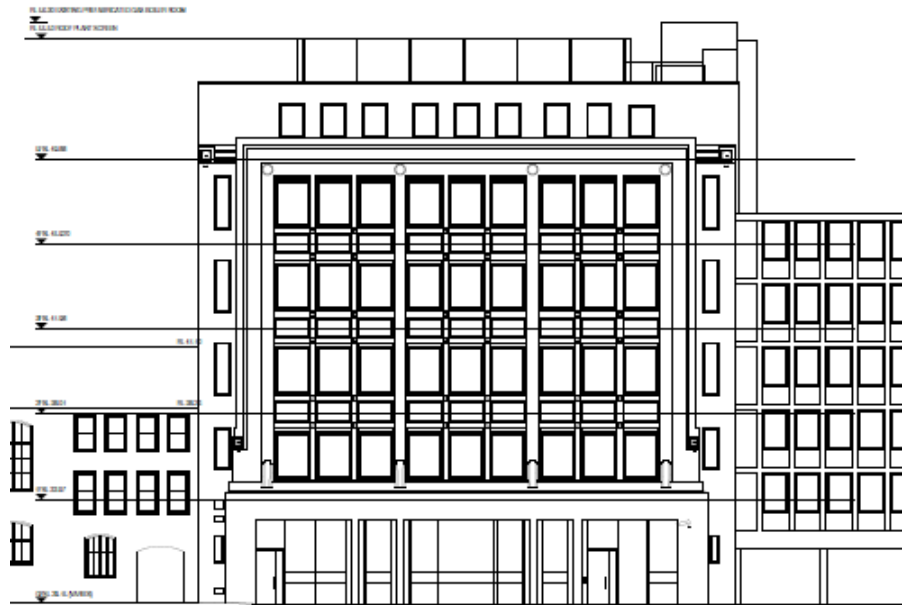
Photomontage of proposed front elevation (top) and as seen from Molyneux Street (bottom).



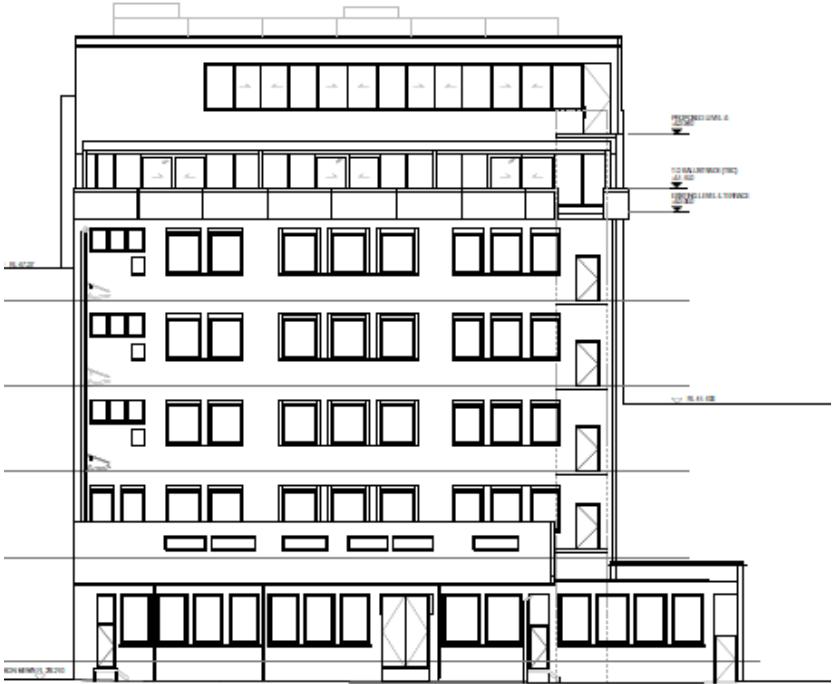
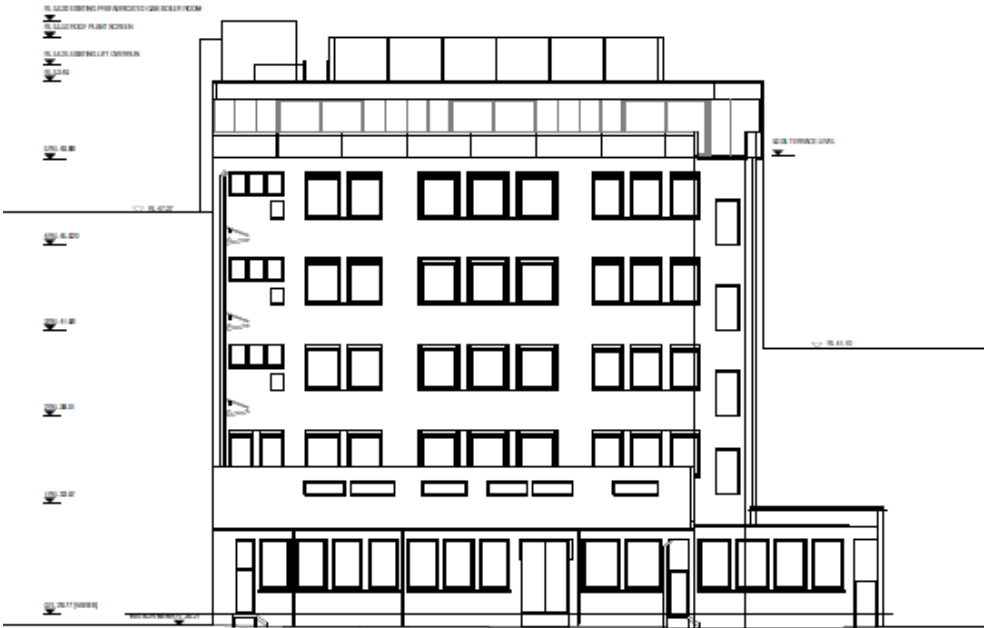
Proposed fifth (top) and new sixth (bottom) floorplans.



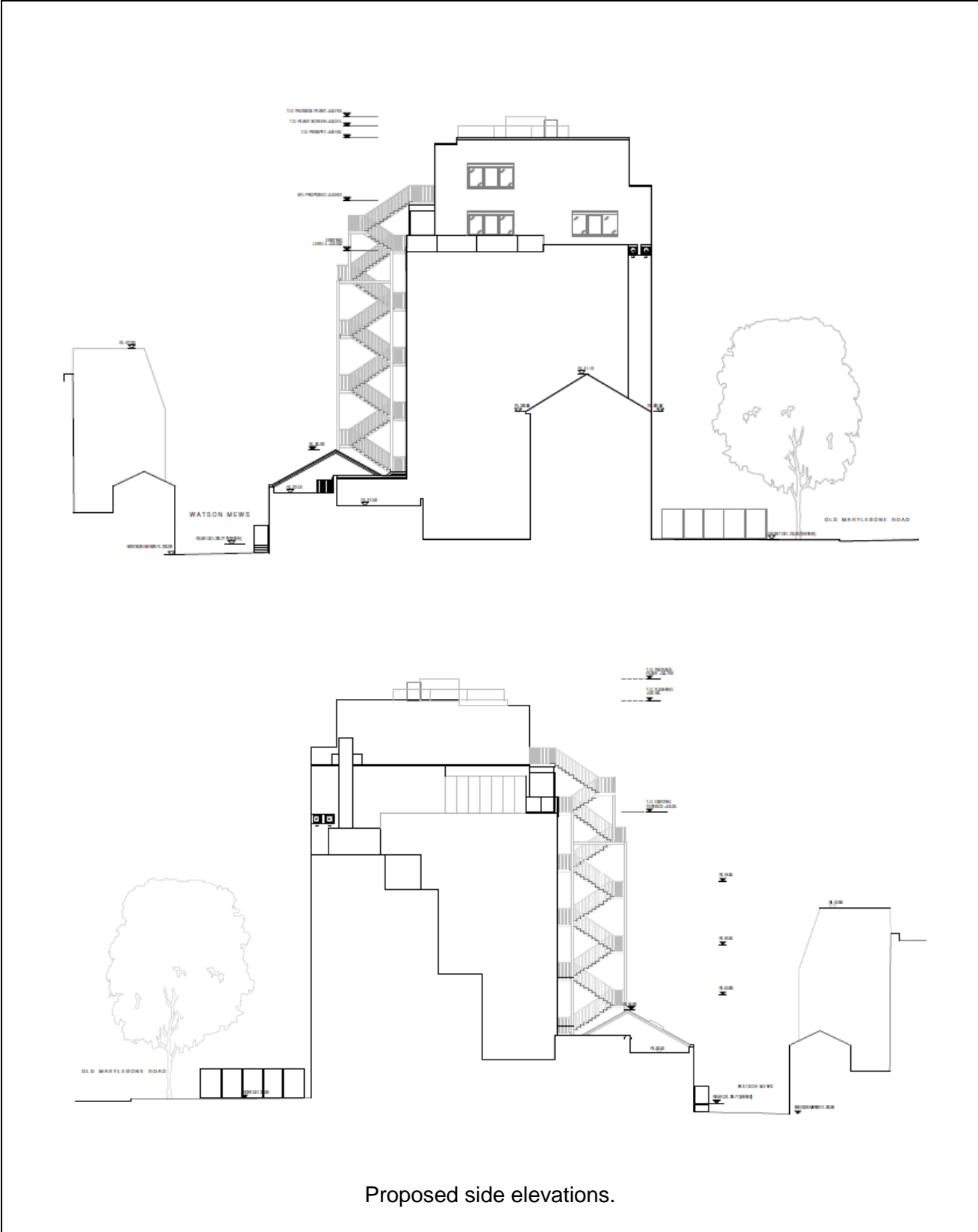
Proposed roof plan (top) and proposed section (bottom).



Existing front elevation (top) and proposed front elevation (bottom).



Existing rear elevation (top) and proposed rear elevation (bottom).



Proposed side elevations.

DRAFT DECISION LETTER

Address: Edison House, 223 - 231 Old Marylebone Road, London, NW1 5TH,

Proposal: Erection of a roof extension to form new sixth floor level for use as Class B1 office floorspace with mechanical plant within recessed enclosure at roof level.

Reference: 17/03361/FULL

Plan Nos: EDH-E-10-001, EDH-E-11-001 Rev.P1, EDH-E-11-002 Rev.P1, EDH-E-12-001, EDH-E-13-001, EDH-E-13-002, EDH-E-13-003, EDH-E-13-004, EDH-P-11-001 Rev.P1, EDH-P-11-002 Rev.P1, EDH-P-11-003 Rev.P1, EDH-P-12-001 Rev.P1, EDH-P-13-001, EDH-P-13-002, EDH-P-13-003 Rev.P1, EDH-P-13-004 Rev.P1, Design and Access Statement dated 7 April 2017, Daylight and Sunlight Assessment by GIA dated 6 March 2017, Environmental Noise Assessment dated 6 June 2017 (ref: 103376.ad.Issue1) and letter from DP9 dated 11 April 2017.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of its the bulk, height and detailed design, the proposed roof extension, including associated alterations to the front parapet and rear escape staircase, would harm the appearance of this building and harm the setting of the adjacent Molyneux Street and Portman Estate Conservation Areas. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 6, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- Significant reduction in the footprint and height of the roof extension.
- Setting in of roof extension from lower floors on the side and rear elevations.
- Adoption of an alternative detailed design that has a more lightweight and contextual appearance and provides a more suitable visual termination to 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.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	383A Euston Road, London, NW1 3AU		
Proposal	Erection of four storey dwellinghouse on land between Nos.379 and 383 Euston Road with terraces and Juliette balconies.		
Agent	Bolsover Street Ltd		
On behalf of	Bolsover Street Ltd		
Registered Number	17/01477/OUT	Date amended/ completed	21 February 2017
Date Application Received	21 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside		

1. RECOMMENDATION

Grant conditional outline permission.

2. SUMMARY

The application relates to an area of undeveloped land between Nos.379 and 383 Euston Road, which is outside of a conservation area, but is in the Central Activity Zone (wider CAZ). The land is currently permanently fenced off at both ends, preventing access through from Euston Road to a residential block behind.

Permission is sought for outline planning permission for the infilling of the townscape gap with a single family dwellinghouse. Outline applications allow for a decision on the general principles of how a site can be developed. The applicant has requested that all details such as appearance and layout are reserved for approval at a later stage. Detailed consideration is however required in relation to the proposed use and the amount of development.

Drawings have been submitted to demonstrate the approximate size, height and bulk of a building that could accommodate the site, but these plans are for illustrative purposes only and do not form part of the outline planning application.

The key issues in this case are:

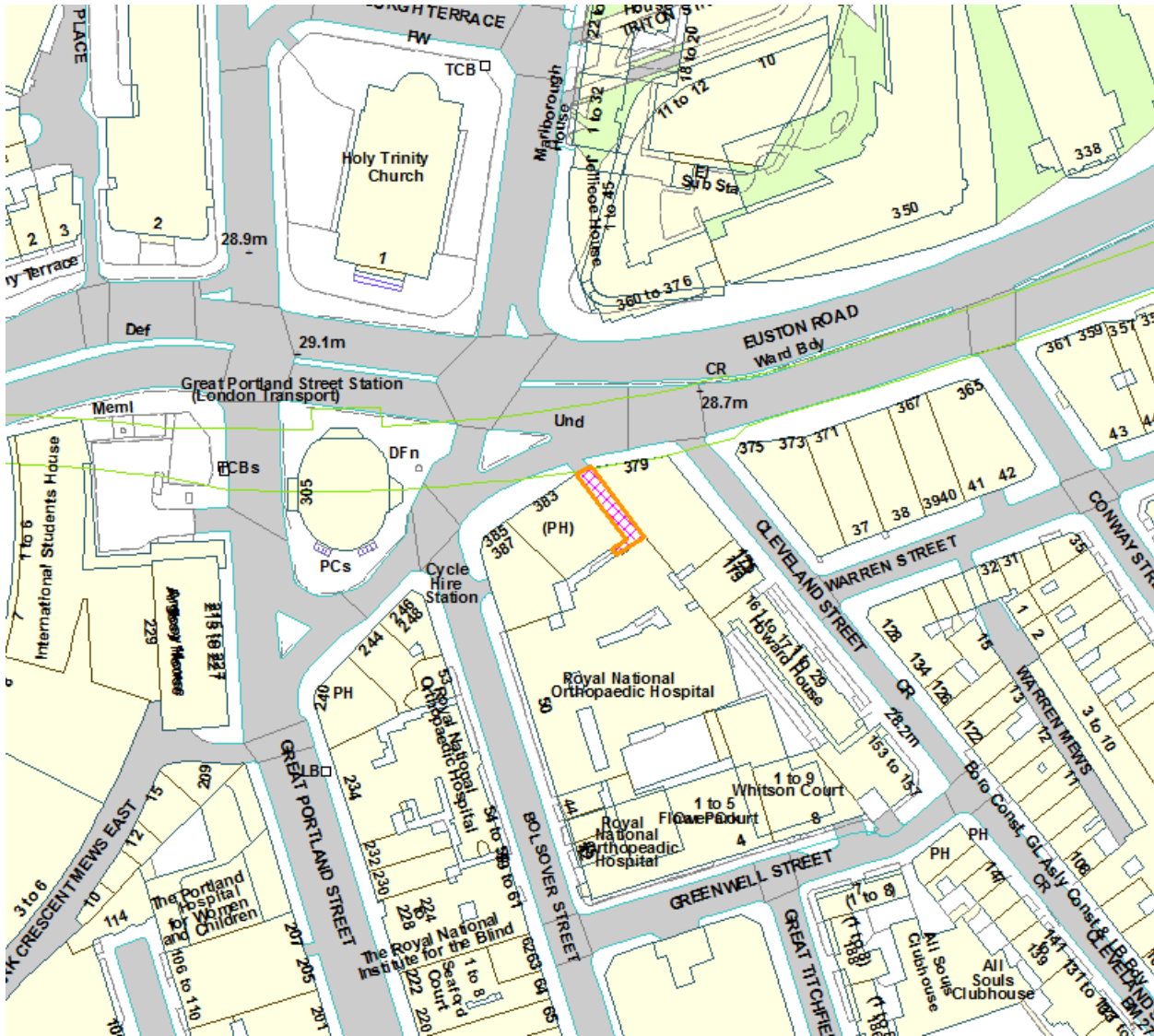
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- Whether the proposed land use is acceptable;
- Whether the height and massing of the proposed building is acceptable;
- Whether the impact of the proposed maximum building envelope on the amenity of surrounding occupiers is acceptable.

It is considered that this outline planning application is acceptable subject to the conditions to secure reserved matters.

Subject to appropriate conditions and reserved matters, as set out in the draft decision letter appended to this report, the development proposals are considered to comply with the relevant policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the outline application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation with site outlined in red (top) and View of rear of No.383 Euston Road (site comprises gap to the right of this building).

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5. CONSULTATIONS

LONDON BOROUGH OF CAMDEN

Comment that it would appear that area proposed for the development is the only servicing access for the block, which would therefore be impacted. Should permission be granted it is recommended it is car-free, a construction management plan is provided, London standards for cycle parking are met and the crossover removed and footway reinstated.

Comment that the height and relationship of the proposal in relation to neighbouring buildings as well as the detailed design, materials and proportions of the front elevation (particularly the ground floor entrance) are unacceptable.

CLEANSING MANAGER

No objection subject to a condition for further details in relation to waste storage.

CRIME PREVENTION DESIGN ADVISOR

No objection, however comment in relation to the access to the bin store providing a potential security weak spot.

ENVIRONMENTAL HEALTH

Object to the application on the following grounds:

1. The arrangements for Means of Escape in Case of Fire appear to be inadequate.
2. The arrangements for ventilation appear to be inadequate. The scheme seems to rely on mechanical air handling systems/plant rather than openable windows. The front rooms have triple glazed windows (presumably for protection against road traffic noise) and may not be capable of being opened for cooling and ventilation. Reliance on mechanical systems is not a sustainable or acceptable method of ventilation for residential dwellings. The applicant will need to show how the scheme will comply with Part F of the Building Regulations, especially purge ventilation.
3. The scheme shows some of the rooms fronting directly onto Euston road - a very busy location with respect to traffic. Insufficient information has been provided to show how occupiers will be protected from external noise or how the councils usual internal Noise Conditions will be complied with.

HIGHWAYS PLANNING MANAGER

Proposals marginally breach localised parking stress levels, however given the no objection from TfL (the Highways Authority in this location), the proximity of the site adjacent to a tube station and the difficulty of providing parking on site, a recommendation for refusal on highways grounds would be difficult to defend. Should permission be recommended conditions and informatives are recommended.

TRANSPORT FOR LONDON (TfL)

No objection subject to conditions in relation to development being car free and construction management. They also note that any basement / foundations may impact upon London Underground.

ADJOINING OWNERS AND OCCUPIERS AND OTHER REPRESENTATIONS

No consulted: 145.

No responses: 1.

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One response received raising objection on the following grounds:

Land Use:

- The proposed use is inappropriate for the site.
- Noise from road will create an unacceptable living environment.

Design:

- Negative impact on the area and adjacent listed building.
- Loss of historic service road to adjacent courtyard as shown on Horwoods Historic Plan dated 1799.

Amenity:

- Loss of light to adjacent buildings and flats.

Highways:

- No car parking provided, therefore car free development should be secured (if approved).
- Disruption of highway from construction vehicles.

Other:

- Insufficient information has been submitted to validate the application.
- The City Council has not fulfilled its obligation to consult with the freeholder of the adjacent building.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to an area of undeveloped land between Nos.379 and 383 Euston Road, which is outside of a conservation area, but is in the Central Activity Zone (wider CAZ). Euston Road is also a Transport for London Road Network (TLRN) road and is therefore maintained by Transport for London (TfL), rather than by the City Council.

It is understood that the land is under the same ownership as the residential block located directly to the rear of the application site. The land is currently permanently fenced off at both ends, preventing access through from Euston Road to this residential block behind.

6.2 Recent Relevant History

Development Site at 41 - 51 Bolsover Street (located to the rear of the application site)

Permission was granted on 16 March 2007 (RN 06/04986) for the demolition of all existing buildings on the site including the listed consulting rooms and operating theatre, retention of listed waiting hall and the erection of lower ground (basement), ground plus part four, part five, part six and part seven storey building. Mixed use scheme for residential accommodation

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(100 flats), orthopaedic clinic (Class D1) business (Class B1) use, plus basement parking and cycle parking. This scheme has been built out.

Permission granted on 3 May 2011 (RN 10/06984) for Variation of Condition 25 of planning permission dated 2 July 2007 (RN: 07/03638) for the variation of Conditions 11,12, 13, 18, 23, 27 and 33 of planning permission dated 16 March 2007 (RN: 06/04986) for demolition of all existing buildings on the site including the listed consulting rooms and operating theatre, retention of listed waiting hall and the erection of lower ground (basement), ground plus part four, part five, part six and part seven storey building. Mixed use scheme for residential accommodation (100 flats), orthopaedic clinic (Class D1) business (Class B1) use, plus basement parking and cycle parking: NAMELY, to allow for the addition of more cycle spaces and to relocate and vary the current location of the cycle spaces.

7. THE PROPOSAL

An outline planning application has been made in this case. These are generally used to find out, at an early stage, whether or not a proposal is likely to be approved by the planning authority, before any substantial costs are incurred. This type of planning application allows fewer details about the proposal to be submitted. These details may be agreed following a "reserved matters" application at a later stage. Reserved matters can include:

- Appearance - aspects of a building or place which affect the way it looks, including the exterior of the development
- Means of Access - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site
- Landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
- Layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- Scale - includes information on the size of the development, including the height, width and length of each proposed building

The applicant has submitted indicative drawings (floor plans, elevations and sections). These indicative drawings have been submitted to demonstrate the approximate size, height, and bulk of a building that could be accommodated on the site, but these plans are for illustrative purposes only and do not form part of the outline planning application. These parameter plans help to establish the maximum height, width, and length of the proposed building in relation to its surroundings.

The indicative parameter plans show a proposed replacement building of four storeys, which has a building height ranging from 13.2m at the front to 15m at the rear, a depth which ranges from 16.5m at ground floor level, 10.7m on the first to third floor levels and 6m at fourth floor level (set back from the front elevation). The new building is 3m-3.1m wide.

The plans show that the building is capable of providing cycle parking and refuse storage on the ground floor. No off-street parking is shown.

The supporting information submitted with the application states that outline planning permission is only sought for the principle of infilling the land with a residential single family

dwellinghouse. All matters outlined in the bullet points earlier in this section of the report would therefore remain reserved and would require separate reserved matters approval at a later date.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policies S14 within Westminster's City Plan and H3 within the Unitary Development Plan (UDP) seek to prioritise housing delivery within Westminster. The proposals result in an increase in the amount of residential floorspace and are considered to comply with these policies.

Policy S14 also seeks to optimise the number of units on development sites. The indicative plans only show a single family dwellinghouse; however, given the constraints of the site as a result of it being very narrow and limited to between the two adjacent buildings, a single dwelling is considered to be acceptable in this instance.

Environmental Health have objected to the proposals on the grounds of the mechanical means of ventilation and due to the location of the site on a busy road which will impact on the internal living environment. The submitted indicative drawings do not indicate any mechanical plant to provide heating and cooling. The supporting statement notes that the Euston Road frontage will have a high acoustic performance and that ventilation will be gained through opening windows and low velocity fans from the 'quiet rear courtyard'.

Given the lack of information, it is recommended that conditions in relation to the submission of details of ventilation and noise insulation to be submitted prior to the commencement of development, to ensure that it can be demonstrated that the development proposals will be acceptable in these regards. While this is not an ideal arrangement given the location of the site on a busy road and adjacent to a public house, it is not considered that refusal on the grounds of insufficient information could be upheld, given that there are numerous other examples of residential accommodation in similar locations and as dull details of ventilation and noise insulation can be secured by condition prior to the commencement of development.

8.2 Townscape and Design

The applicant is seeking to reserve the layout, scale, design, and appearance of the new building for approval at a later stage. However, indicative drawings have been submitted with this outline application, which provide some details on these issues. The drawings give an indication of the size, height and bulk of a building that could be accommodated on the site, but these plans are for illustrative purposes only and do not form part of the outline planning application. The exact layout of the proposed building, its detailed design, external appearance and landscaping will be the subject of a separate Reserved Matters application.

The principle of infilling the gap between Nos.379 and 383 Euston Road with a new residential dwelling is considered acceptable in principle in design terms subject to the building being of appropriate design and scale. Given the size of the site and the degree of separation from the north side of Euston Road, it is not considered that the infill of this gap site would have any adverse impact on the setting of the adjacent Grade I listed former Holy Trinity Church, nor

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would it have an adverse impact on the setting of the Regent's Park or Harley Street Conservation Areas, which lie a short distance to the west.

The plans indicate a four storey building, with the fourth floor set back from the front elevation to provide a terrace. The proposed height of the building is considered to be acceptable. Given the buildings on the western side of the pub and immediately to the east are of a larger scale, the provision of a taller building on the application site, which frames No.383 Euston Road is considered acceptable.

In relation to the buildings depth, this is considered to respond to the character of the rear of the terrace, with a larger ground floor level, and setback upper floors. Given the location of the site outside of a conservation area, and the existing character of the rear, the proposed depth of the building as shown on the indicative plans is therefore considered acceptable.

The proposed plans indicate a very marginal setting back of the building on the front elevation and while a greater set back would have been preferred, given that the site has an angled front elevation, the minor setback proposed is considered acceptable in this instance.

It is recommended that a condition is imposed that restricts the maximum height and depth of the proposed building so that it is no higher than four storeys (15m from pavement level) and no deeper than shown on the plans (16.5m at ground floor level and 10.7m on the first to third floor levels).

8.3 Residential Amenity

Policies ENV13 in the UDP and S29 in the City Plan seek to protect residential amenity and state that developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings whether in residential or public use.

The site is bounded by high party walls of the office building to the west (No.379 Euston Road), which has both blind and open windows located in the flank wall overlooking the development site. As these windows serve an office building and will not be covered by the proposed development, it is not considered that these windows will be so adversely affected as to justify a reduction in bulk.

No.383 Euston Road to the west is in use as a public house on the ground floor with associated offices at first floor level and what appears to be residential accommodation on the floors above. The public house has raised objection to the proposals on the grounds of loss of light to adjacent buildings as a result of the infill development.

The depth of the building has been set so that it does not project over the existing windows to the adjacent office building, which is a projection of approximately 5.8m from the existing rear elevation of the pub building at second, third and fourth floor levels. The upper floors of No 383 are recessed from the main building line of the rest of the building, which is set at approximately the same level as the building proposed.

There are windows in both the side and rear elevation of No.383 and in the rear wall of the new residential development to the rear (41-51 Bolsover Street), which look out onto the development site and these will therefore be affected.

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8.3.1 Sunlight and Daylight

The application is supported by a letter from a daylight and sunlighting specialist who concludes that any transgressions in relation to the Building Research Establishment (BRE) guidance are likely to be minor, with the most affected windows being those in the rear of Nos.41-51 Bolsover Street. An investigation of the plans indicates that these windows serve dual aspect living/kitchen/dining rooms, with the other windows not being affected as they do not look toward the development site. In this context, the proposals are therefore considered acceptable in relation to the Bolsover Street development.

Due to the orientation of the site and the existing aspect of the windows on the upper floors of No.383 Euston Road, it is not considered that the impact on these windows will be significantly affected.

8.3.2 Sense of Enclosure

The residential windows to the rear of Bolsover Street and No.383 Euston Road will be the most impacted. The Bolsover Street windows currently look on to the rear of properties facing Euston Road and have views through the existing gap where the house is proposed. While these windows will experience some increased sense of enclosure as a result of the infill, given their separation (approximately 15.8m), the narrow nature of the site (approximately 3m wide) and the character of the rear of the terrace with buildings of a similar size and bulk, it is not considered that the increased sense of enclosure would be so significant so as to reasonably warrant withholding permission.

The windows to the rear and side of the upper floors to No.383 Euston Road will experience a greater sense of enclosure as a result of the development as they will look out onto the blank flank wall of the new building (if built to the maximum depth). However, it is not considered that refusal on these grounds could be justified given that these windows are already affected by the existing larger, blank flank wall of the office building at No.379 Euston Road, which rises approximately a storey and a half above the proposed height of any new building on the application site.

8.3.3 Privacy

The indicative plans show windows and terraces to both the front and rear, including a courtyard at rear ground floor level, a terrace at rear first floor level and a terrace at front fourth floor level. The impacts in relation to privacy are hard to assess without formal layout plans being provided. As such an informative is recommended to advise the applicant that this can only be assessed as part of a reserved matters application and that any terraces should be located so that they do not cause undue overlooking or loss of privacy to neighbouring properties and include appropriate screening where necessary.

A condition is also recommended to ensure that windows are not proposed within the side elevation of any new building, overlooking No.383 Euston Road as these would be 'bad neighbour' windows, located on the boundary and would directly overlook the rear of No.383 Euston Road.

8.4 Transportation/ Parking

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Both Camden and TfL have requested that this be a car free development; however, Westminster does not currently actively promote car free developments. Policy TRANS 23 of the UDP requires car parking as part of residential development schemes. Car parking is not proposed as part of the scheme. The Highways Planning Manager has not raised objection on these grounds given the location of the site within close proximity to excellent public transport links and given constraints of the site. The lack of car parking is therefore considered acceptable in the particular circumstances of this case.

The indicative plans indicate cycle parking for two bikes at ground floor level. A condition is recommended for the submission of details of cycle parking to be agreed prior to commencement of works once the layout of the building has been finalised. Similarly details of waste storage are shown on the plans and are to be secured by condition once the layout has been finalised.

8.5 Economic Considerations

Any economic benefits of the development proposals are welcomed.

8.6 Access

An objection has been received on the grounds of the loss of the service road.

The site sits on an area of land which is under the same ownership as the recently completed residential development located to the rear (facing Bolsover Street) and is currently fenced off at both ends, preventing public access from the street to the rear courtyard and visa versa. The applicant advises that this access is not required for access to the development and this is confirmed by the planning records for the redevelopment scheme to the rear of the application site. It is therefore not considered that the loss of this service road is sustainable ground for objection and therefore refusal of the application could not reasonably be sustained on this ground.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

8.8 London Plan

This application does not raise any 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

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

The estimated Westminster CIL liability for the development as shown on the indicative plans would be £56,800 and the Mayoral CIL liability would be £7,100.

8.11 Environmental Impact Assessment

The development is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

8.12.1 Construction Impact

TfL and Camden have requested the submission of a Construction Management Plan given the location of the development on a TLRN. Whilst these comments are noted, given that the development is not a 'major development' and does not include basement excavation, it is not considered that such a condition could reasonably be justified. A condition to limit the building works to daytime hours and an informative to recommend that the developer joins the Considerate Constructors Scheme.

8.12.2 Crime and Security

Concerns have been raised in relation to the proposed bin store by the Crime Prevention Design Advisor due to the design of the proposed door and as it provides an alternative and less secure means of access to the building. As the plans are indicative only, an informative is recommended to advise the applicant that the bin store should only be accessible from within the building.

8.12.3 Other Matters

TfL have noted that foundation works may impact on tube lines below, given the location of the site above the Circle, Hammersmith and City and Metropolitan Line. As the site is within the 'safeguarding' zone for underground infrastructure of this type; notwithstanding the lack of response from London Underground, a condition is recommended for further details to be submitted to clarify that the development will not cause harm to this subterranean transport infrastructure.

The objector does not consider that the council should have validated the application due to insufficient information and that they have not undertaken sufficient consultation with the freeholder of the adjacent building. In relation to validation, given that the application is for outline permission rather than a full planning application, it is considered that sufficient information has been submitted to validate the application. In relation to consultation, letters have been sent out to all immediately adjacent occupiers, a site notice displayed on the street close to the application site and an advert published in the local paper. This is considered to meet and indeed exceed the statutory requirements in relation to consultation and the undertaking given in the City Council's 'Statement of Community Involvement in Planning' (2014). The City Council does not and indeed cannot reasonably keep records of who holds the freehold or leasehold ownership of buildings across the City. Rather it is reasonably

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expected that occupiers of neighbouring buildings will pass on relevant details of an application to freeholders when they are notified of an application (note that neighbour consultation letters ask occupiers to alert the owner of the building when they are notified of an application).

9. BACKGROUND PAPERS

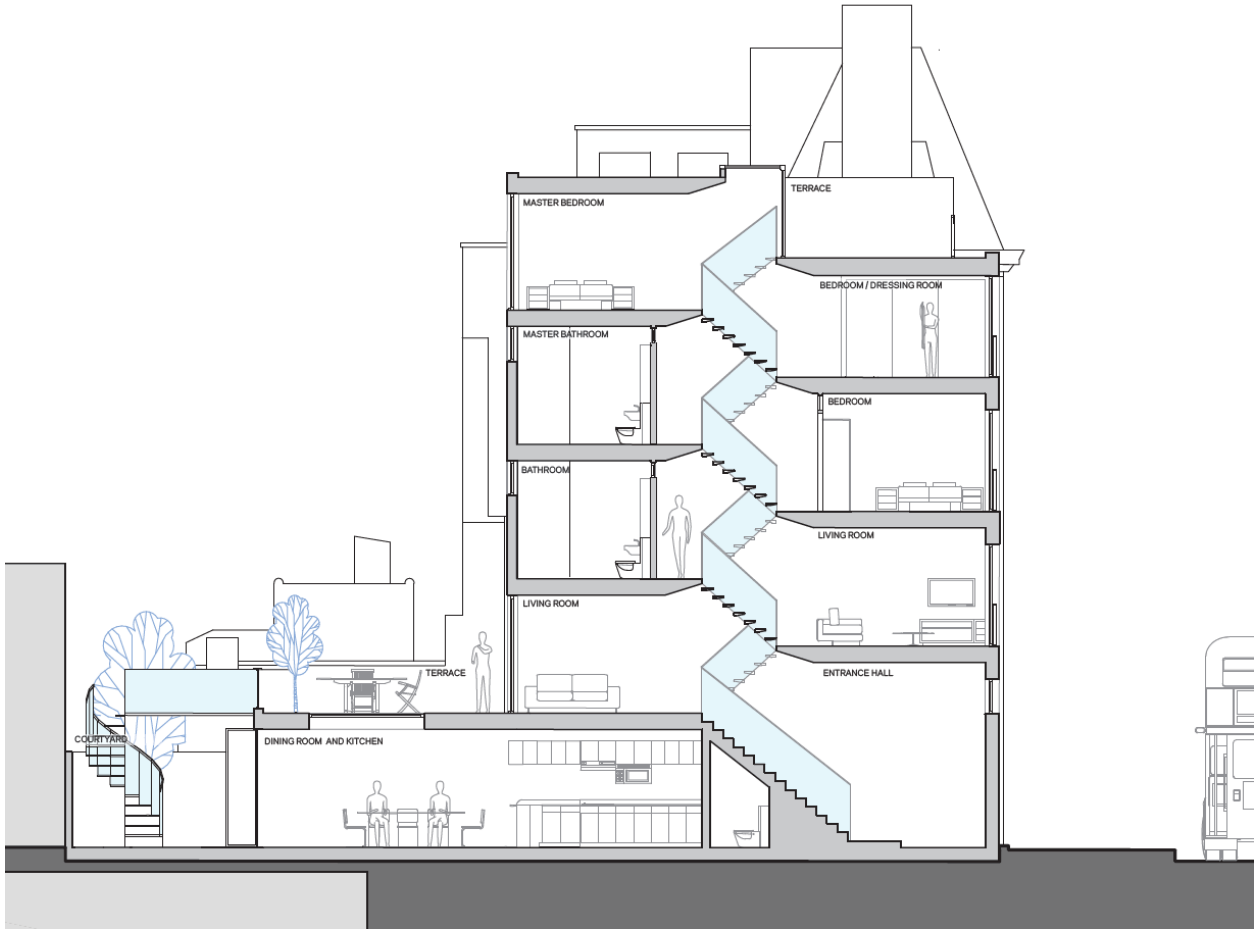
1. Application form
2. Letter from the London Borough of Camden dated 30 March 2017.
3. Email from the Designing Out Crime Advisor dated 3 March 2017.
4. Email from Transport for London dated 16 March 2017.
5. Memo from Environmental Health dated 6 March 2017.
6. Memo from the Cleansing Manager dated 8 March 2017.
7. Memo from the Highways Planning Manager dated 5 May 2017.
8. Letter on behalf of the freeholder of 383 Euston Road dated 3 April 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk

10. KEY DRAWINGS

Indicative section





Indicative proposed floorplans.

Indicative front elevation.

Indicative rear elevation.



DRAFT DECISION LETTER

Address: 383A Euston Road, London, NW1 3AU,

Proposal: Erection of four storey single family dwelling house on land between 383 and 379 Euston Road with terraces and juliette balconies.

Plan Nos: A-01; Planning Statement by HoK. For information only: A-02; A-03; A-04; A-04.2; A-04.3; A-05; Letter dated 27 January 2017 from GIA.

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 **Pre Commencement Condition.** You must apply to us for approval of all the reserved matters within three years of the date of this outline permission. You must not start work until we have approved what you have sent us. You must then carry out the work in line with what we have approved. (C01BB)

Reason:

To meet the requirements of the Town and Country Planning Act 1990. (R01BA)

- 3 **Pre Commencement Condition.** You must apply to us for approval of the layout, scale, design and outside appearance of the buildings and of the access to and landscaping of the site (the 'reserved matters'). You must not start work until we have approved what you have sent us. You must then carry out the work in line with what we have approved. (C01AB)

Reason:

To meet the requirements of the Town and Country Planning Act 1990. (R01BA)

- 4 The main roof level of any new building shall not exceed a maximum height of 15 metres (from pavement level).

Reason:

To ensure that the new development respects the surrounding townscape and the heights of the surrounding buildings and protects the privacy and environment of people in neighbouring properties. This is as set out in S28 and S29 of the Westminster City Plan adopted November 2016 and, ENV13, DES 1 and DES 4 of the Unitary Development Plan adopted January 2007.

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- 5 The maximum depth (front to back) of the proposed building at each floor level shall not exceed that shown on the indicative drawing A-02.

Reason:

To ensure that the development is carried out in accordance with the submitted indicative parameter plans.

- 6 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start work until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. 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.

- 7 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the house. (C14EC)

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)

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

Reason:

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.

- 9 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.

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- 10 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 8 and 9 of this permission. 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 details approved before the residential units are occupied and thereafter retain and maintain.

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.

- 11 (1) Where noise emitted from any plant and machinery provided as part of this development 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 any plant and machinery provided as part of this development 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

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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.

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

Reason:

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

- 13 You must not form any windows or other openings in any side elevation wall of the building facing No.383 Euston Road.

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)

- 14 Pre-Commencement Condition

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures
- demonstrate access to elevations of the building adjacent to the property boundary with

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- London Underground can be undertaken without recourse to entering our land
- demonstrate that there will at no time be any potential security risk to our railway, property or structures
 - accommodate ground movement arising from the construction thereof
 - mitigate the effects of noise and vibration arising from the adjoining operations within the structures

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 15 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)

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,

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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)
- 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 You are advised that the proposed direct street access to the bin store as shown on the indicative plans is considered unacceptable by the crime prevention officer as it provides a secondary and less secure means of access to the building. You advised that this should be omitted from any details plans application.
- 6 You are advised that the amenity implications in terms of overlooking and privacy can only be considered as part of a reserved matters application which details the location of windows and any terraces. Any terraces should be located so that they do not cause any undue overlooking into neighbouring windows and are adequately screened.
- 7 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)
- 8 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This

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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.

- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an Assumption of Liability Form immediately. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

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

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Agenda Item 4

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	23 Meard Street and 74 Wardour Street, London W1F 0EL		
Proposal	Use of the ground and basement floors of 23 Meard Street as a restaurant (Class A3) in association with the existing restaurant unit at basement and ground floor levels of 74 Wardour Street and installation of a new disabled access door to Meard Street.		
Agent	Lipton Plant Architects		
On behalf of	Consulco		
Registered Number	17/04859/FULL + 17/04262/LBC	Date amended/ completed	2 June 2017
Date Application Received	2 June 2017		
Historic Building Grade	Grade II (74 Wardour Street)		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission and listed building consent.

2. SUMMARY

23 Meard Street is an unlisted building in the Soho Conservation Area, within the designated Core Central Activities Area and the West End Stress Area. The property comprises of basement, ground and first to third floor levels, the entire property is in use as office accommodation (Class B1). The adjacent property to the west is 74 Wardour Street which is Grade II listed and currently has lawful use as restaurant accommodation at basement and ground floor levels with residential flats (Class C3) on the upper floors of the building. The property to the east at 21 Meard Street was recently granted permission to be converted from office accommodation to a single family dwellinghouse (Class C3).

Planning permission is sought for the change of use of the basement and ground floors of 23 Meard Street to restaurant use for use in association with the existing restaurant at 74 Wardour Street, with internal openings proposed at basement and ground floor levels between the two properties. Permission is also sought for the installation of a new door at ground floor level to 23 Meard Street for use as a disabled entrance and emergency exit to the restaurant use.

The key issues are:

- The impact of the proposed use on the amenity of nearby sensitive occupiers.

- The extension of a restaurant use within the West End Stress Area.

The extension of the existing restaurant at 74 Wardour Street is considered acceptable in this instance taking into account that the proposal is for an extension to an existing restaurant, the location of the property and the character of the immediate vicinity. The proposal is also considered acceptable in land use, transport, design and conservation, and amenity terms and with regard the amenity of nearby residential occupiers subject to appropriate safeguarding conditions. The internal works proposed would also not harm the special interest of 74 Wardour Street. For these reasons, the applications are recommended for conditional approval, being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

COUNCILLOR ROBERTS

Objection on the following grounds:

Detrimental impact of the restaurant operation on residential amenity in Meard Street.
Lack of control via conditions on the use of the proposed new door to Meard Street.

COUNCILLOR CHURCH

Objection on the following grounds:

Detrimental impact of the restaurant operation on residential amenity in Meard Street.

HISTORIC ENGLAND

Do not consider it necessary to have been consulted.

SOHO SOCIETY

No objection.

HIGHWAYS

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 51

Total No. of replies: 6

No. of objections: 5

No. in support: 0

Objections on the following grounds:

- Noise nuisance from the proposed door to Meard Street.
- Loss of office accommodation.
- Concerns relating to noise output from associated plant items.
- Disturbance to residents from patrons of the extended restaurant use.
- Disturbance to residents resulting from the servicing of the restaurant (deliveries and waste).
- Previous building work taking place at the property late into the evening.
- Cumulative impact of the restaurant premises.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

23 Meard Street currently has lawful use as office accommodation across basement, ground and first to third floor levels. 74 Wardour Street has lawful use as restaurant accommodation at basement and ground floor with residential flats on the upper floors of the property. Whilst 74 Wardour Street is a Grade II listed property, 23 Meard Street is unlisted with both properties located within the Soho Conservation Area, Core Central Activities Zone and the designated West End Stress Area. It is noted that there is a high level extract duct installed within 74 Wardour Street to allow for suitable odour dispersal from the existing restaurant use along with associated plant at main roof level on the property.

6.2 Recent Relevant History

74 Wardour Street –
Planning permission and listed building consent were granted on the 20th July 2014 for, 'Installation of a high level extract duct to be routed through the property to terminate at main roof level; installation of plant and removal of a skylight at main roof level. Removal of a grille at third floor level on the Meard Street elevation of the property.'

21-23 Meard Street –

Planning permission and listed building consent were granted on the 4th July 2017 for the 'Use of 21 Meard Street as a dwellinghouse (Class C3) and associated internal alterations. (Application relates to 21 Meard Street only)'

Planning permission and listed building consent were granted on the 9th November 2016 for, 'Installation of a new shopfront and additional entrance door.'

7. THE PROPOSAL

Land Use Table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	110	0	-110
Restaurant	128	238	+110
Total	238	238	0

Restaurant Use Table:

	Proposed restaurant incorporating basement and ground floor levels
Restaurant floorspace (m2)	238m ²
No of covers	60
Hours of Operation	07:00 to 00:00 (midnight) Monday to Saturday and 07:30 to 23:00 on Sundays and Bank Holidays
Ventilation arrangements	Existing kitchen extract duct to be utilised which terminates at main roof level of 74 Wardour Street.
Refuse Storage arrangements	Relevant conditions proposed.

8. DETAILED CONSIDERATIONS**8.1 Land Use****Loss of office use**

The City Council does not have any policies seeking the protection or retention of general office accommodation in the Core CAZ where the proposed change of use is to another commercial activity, as is the case in this instance. An objection has been received to the application with regard the loss of office accommodation resulting from the proposal but there is no policy basis to reject the proposal on these grounds and the objection to this aspect of the application is not therefore considered sustainable.

Proposed restaurant use

The proposal seeks an extension to the existing restaurant use at ground and basement levels of 74 Wardour Street. The existing restaurant use comprises 128m² whilst the proposed restaurant use would measure 238m².

An entertainment unit of this type and size within the Core Central Activities Zone and the West End Stress Area would be considered against Policies TACE 9 of the UDP and S24 of the City Plan.

Policy S24 of the City Plan requires that, *'New entertainment uses will need to demonstrate that they are appropriate in terms of the type and 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.'* Policy TACE9 of the UDP has similar stipulations and relates to new entertainment uses which 'may be permissible'. Where the City Council considers the proposal will not have an adverse impact (including cumulative effects) resulting from noise, vibration, odour, late night activity or traffic implications permission may be granted but conditions would be required to restrict opening hours, capacity, servicing, arrangements for waste and recycling, any

take-away from the premises, deliveries, music, bar areas and suitable arrangements should be made to prevent noise nuisance and to disperse cooking odours.

The site is located within the defined West End Stress Area, an area where the numbers of restaurants, cafés, takeaways, public houses, bars and other entertainment uses is considered to have reached a level of saturation. Paragraph 8.89 of the UDP states, *“In some parts of the city, particularly in the Stress Areas, there are significant numbers of entertainment premises close together”*. In such circumstances the City Council will consider whether any additional entertainment proposal, when taken alongside others nearby, will adversely affect residential amenity, local environmental quality, or the character or function of the surrounding area.”

It is recognised that there can be considerable variation between the uses within a Use Class in terms of their effects on the local environment and residential amenity. For example, restaurants with a waiter service tend to have fewer adverse effects than bars used by large numbers of customers. Factors that the Council will take into account when assessing new entertainment uses include the gross floorspace to be occupied by the proposed use, its capacity, the type of use, servicing arrangements and any supporting statement provided in respect of the management of a use.

The immediate vicinity along Wardour Street is characterised mainly by restaurant and retail units on the lower floors and office or residential uses on the upper floors. The nearest residential units are located on the upper floors of the Wardour Street property above the existing restaurant and also at No. 21 Meard Street where planning consent has been granted for the use of the property as a single family dwelling. Objections have been received to the application from a number of residential occupiers within Meard Street and Councillor Roberts and Councillor Church.

Other licensed premises in the vicinity include the Pickle and Toast (72 Wardour Street) with licensed opening hours of 07:00 – 23:00 Monday to Wednesday; 07:00 – 23:30 Thursday; 07:00 – 00:00 Friday and Saturday and 08:00 – 22:30 Sundays; Wahaca (76-78 Wardour Street) with licensed opening hours of 10:00 till 00:00 Monday to Saturday; 10:00 – 23:00 on Sunday and Byron Burger (99 Wardour Street) with licensed opening hours of 10:00 – 23:30 Monday to Thursday; 10:00 – 00:00 Friday and Saturday and 12:00 – 22:30 on Sunday.

It is proposed for the extended premises to have 60 covers and opening hours of 07:00 till 00:00 (midnight) Monday to Saturday and 07:30 till 23:00 on Sundays. It is noted that the existing premises license for the Wardour Street restaurant granted opening hours of 07:30 till 23:30 Monday to Saturday and 07:30 till 23:00 Sundays. Paragraph 8.88 of the UDP states, *‘As a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights’*. The proposed opening hours therefore accord with this approach and are similar to the nearby licensed premises so would not introduce additional noise from patrons at a later hour.

The restaurant proposals are speculative with no end-user identified. As such, it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, conditions are proposed to control the opening times and

activity to limit the impact. These conditions would ensure that the use would essentially be sit-down restaurant with any ancillary bar limited to a small part of the premises (15%) and this could be used only by diners before and after meals with no take-away service (including home delivery) operating from the premises.

Objections have been received from neighbouring residential occupiers concerned that the proposal may result in additional noise nuisance associated with the extended restaurant premises. However, the proposal is for a relatively minor extension to an existing small restaurant unit. The main entrance will still be on Wardour Street and, although this application includes the installation of a new entrance door to the Meard Street property, this is only to provide disabled access and as an emergency escape. A suitable condition is imposed to ensure this is the case and this has been agreed with the applicant.

A condition is also proposed stating that no music can be played in the premises which is audible externally or within adjoining properties. This is to ensure there is no noise nuisance to the adjoining residential occupiers.

The existing restaurant has a high level extract duct which provides suitable odour dispersal and a condition is proposed to ensure this is retained in association with the extended restaurant premises.

It is acknowledged that the restaurant premises is located within the designated West End Stress Area and that adjoining occupiers have objected to the extension of the restaurant use on noise grounds. However, the number of covers and the hours of use are similar to other premises in the immediate vicinity. It is therefore not considered that, subject to conditions, the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality and it is not considered the application could be reasonably refused on these grounds.

The principle of the proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

8.2 Townscape and Design

The proposal seeks to make internal physical alterations to both buildings. The alterations requiring listed building consent are limited to new modest openings being made in the adjoining party wall at ground and basement and the removal of modern commercial kitchen equipment and associated fixtures and fittings. The proposals are considered modest and are acceptable in listed building and design / conservation terms. The proposed internal alterations to 23 Meard Street do not require consent whilst the external alterations, in the form of a new shopfront and entrance door, are acceptable in design and conservation terms and have been recently granted permission / consent under separate permissions in 2016 (although these consents have not been implemented).

The proposals are considered acceptable in design terms and accord with the Council's 2007 UDP specifically Policies DES 9 and 10.

8.3 Residential Amenity

As set out above, planning permission and listed building consent were previously granted on the 9th November 2016 for the installation of a new shopfront and entrance door to 23 Meard Street. Permission is again sought for the installation of the new entrance door but this would serve the restaurant use as disabled access and an emergency fire escape. The existing main entrance from Wadour Street is stepped and alterations to make this level would be complex with implications for the floors and ceilings in the listed building. Objections have been received from residential occupiers within Meard Street concerned about the installation of the door and the potential use as general access to the restaurant unit. A condition is imposed stating it can only be used for disabled access and in the event of an emergency. The applicant has been made aware of the issue and agreed to the imposition of this condition. With this safeguarding condition in place it is not considered the door would result in any detrimental impact upon residential amenity in Meard Street and the objections on these grounds are not considered sustainable.

Objections have been received on the grounds that the increased servicing requirements of the restaurant premises may impact upon residential amenity within the vicinity. In order to address these concerns a condition is proposed requiring the submission of a detailed servicing strategy including details of delivery noise, servicing hours, trolley movements and noise from doors and gates to ensure servicing of the unit is carried out at an appropriate time and in accordance with approved details to minimise the impact upon nearby residents. The imposition of this condition is considered to address the concerns of residents and ensures that the servicing of the unit does not result in a detrimental impact upon highways movements or residential amenity.

8.4 Transportation/Parking

Policy TRANS20 of the UDP requires off-street servicing of commercial units where this can readily be provided. The proposed development does not include any off-street servicing, with the proposed unit to be serviced from the street in a similar fashion to the existing restaurant unit and surrounding businesses. The site is located within a Controlled Parking Zone and delivery vehicles will be subject to the existing single and double yellow lines in the vicinity which control the loading and unloading on the street. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service this property in a similar fashion to the existing use and nearby properties.

The Highways Planning Manger has requested that a condition be attached to any planning approval requiring the submission of amended drawings to show the provision of cycle parking within the restaurant unit. However, it is not considered in this instance the provision of cycle parking would be practical as any staff members taking their cycle in or out of the premises would have to take it through the main customer seating area. A condition is not therefore proposed with regard the provision of cycle parking.

8.5 Economic Considerations

The economic implications of the change of use from office to restaurant floorspace are likely to be neutral.

8.6 Access

It is not possible to provide disabled access from the main entrance to the restaurant off Wardour Street and therefore a new disabled access door is proposed from Meard Street which will provide level access to the restaurant unit. A disabled toilet will also be provided at ground floor level. These improvements to the disabled access are welcomed.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The proposal did not indicate the provision of waste and recycling storage within the demise of the extended unit. However, in this instance where the application is to extend an existing restaurant and there is sufficient space within the unit it is considered acceptable to condition the submission of amended drawings to show the provision of waste and recycling storage within the demise of the new unit.

Other

An objection referred to the potential for noise disturbance from plant associated with the restaurant unit. However, no plant is proposed as part of this application. There is existing plant which has been installed under a previous planning consent relating to the restaurant at 74 Wardour Street and the noise resulting from the operation of the plant will need to be compliant with the relevant conditions attached to this consent.

Another objector has commented that building works took place at the property to install a fascia sign late one evening. A condition would be attached to any planning permission to ensure noisy building works are only carried out during standard building hours in order to protect residential amenity in the area at sensitive times.

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. As the application is for a change of use without additional floor area, the proposal does not include a requirement for a CIL payment.

9. BACKGROUND PAPERS

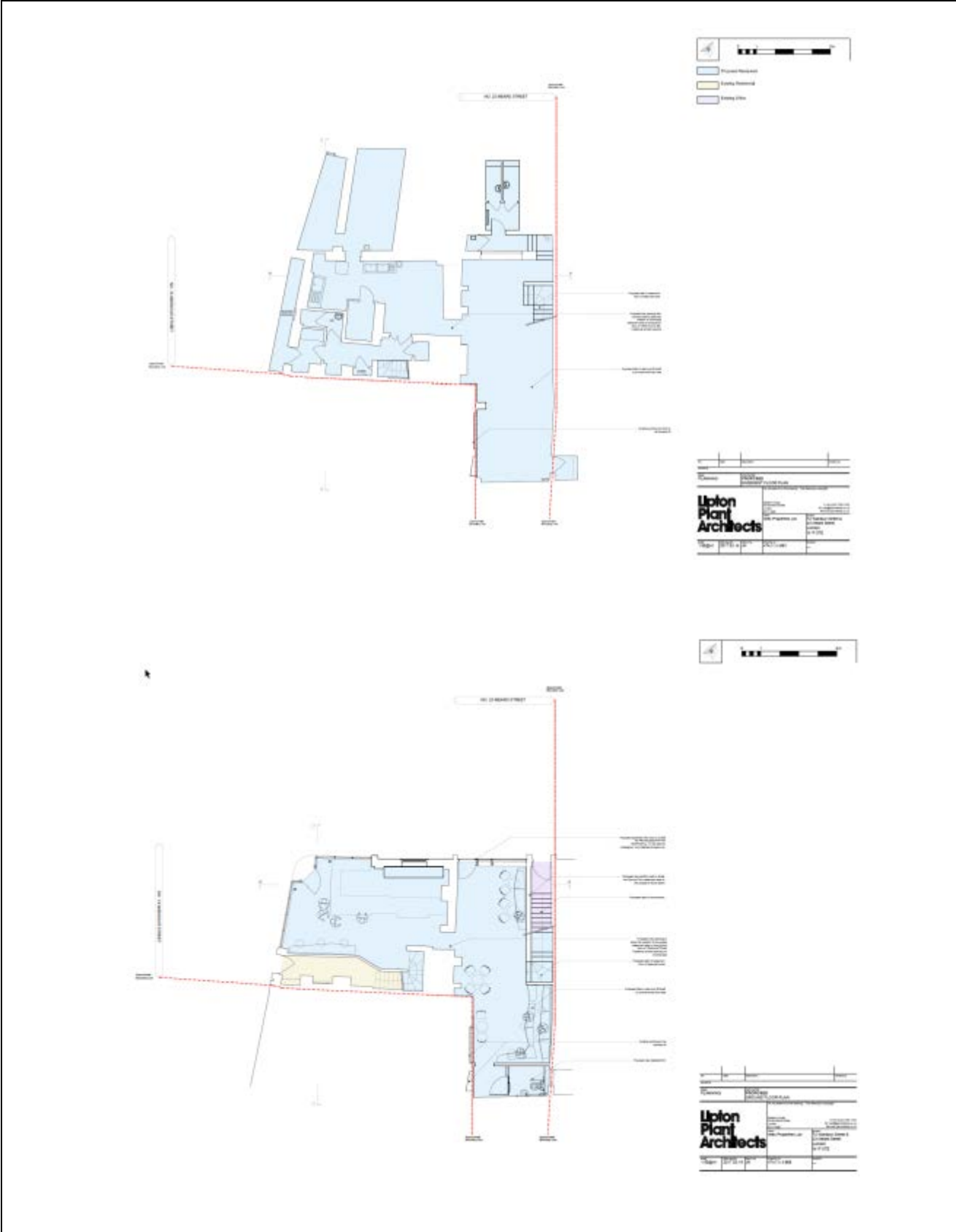
1. Application form
2. Email from Councillor Roberts dated 29 June 2017
3. Email from Councillor Church dated 29 June 2017
4. Letter from the Soho Society dated 10 July 2017
5. Letter from Historic England dated 14 June 2017.
- 6.
7. Memorandum from the Highways Planning Manager dated 13 June 2017
8. Memorandum from the Cleansing Manager dated 15 June 2017
9. Letter from occupier of 11 Meard Street, London, dated 27 June 2017
10. Letter from occupier of 11 Meard Street, London, dated 28 June 2017
11. Letter from occupier of 19 Meard street, London, dated 27 June 2017
12. Letter from occupier of 2nd / 3rd Floor, 13 Meard Street, London, dated 27 June 2017
13. Letter from occupier of 1st Floor, 13 Meard Street, London, dated 27 June 2017
14. Letter from occupier of 15 Meard Street, Soho, dated 6 July 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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 23 Meard Street, London, W1F 0EL,

Proposal: Use of the ground and basement floors of 23 Meard Street as a restaurant (Class A3) in association with the existing restaurant unit at basement and ground floor levels of 74 Wardour Street and installation of a new disabled access door to Meard Street.

Reference: 17/04859/FULL

Plan Nos: Drawings: 474 1 1.001, 474 1 1.002, 474 1 2.001, 474 1 2.002, 474 1 3.001, 474 1 3.002.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the extended restaurant

hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant. (C14EC)

Reason:

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

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

Reason:

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

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

Reason:

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

- 6 You must not allow more than 60 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 The existing restaurant extract duct serving the restaurant at 74 Wardour Street must be retained to serve the new approved restaurant unit for as long as the restaurant remains in operation.

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)

- 8 You must not sell any hot-food take-away within the approved restaurant premises (Class A3), nor operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted restaurant uses (Class A3) because it would not meet Policy TACE9 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case.

- 9 The bar area and bar seating within the restaurant, must not take up more than 15% of the floor area of the individual restaurant premises. You must use the bar (if provided) to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE9 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must not play live or recorded music within the restaurant premises that will be audible externally or in the adjacent properties.

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)

- 11 Prior to the occupation of the enlarged restaurant unit hereby approved, you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy for the restaurant accommodation to include an assessment of delivery noise combined with mechanical services, servicing hours, noise from doors and gates and activity noise from trolleys and/or human voices. All servicing shall be undertaken in accordance with the approved strategy.

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)

- 12 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours: 07:00 to 00:00 Mondays to Saturdays; and 07:30 to 23:00 (midnight) Sundays and Bank Holidays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 13 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.

- 14 The single door serving the restaurant unit on Meard Street is only to be used to provide access for disabled patrons. It is not to be used by other customers to the restaurant except in the case of an emergency.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 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 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm, The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>., , BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

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: 74 Wardour Street, London, W1F 0TE,

Proposal: Internal alterations at lower ground and ground floor levels to include the creation of new openings between 74 Wardour Street and 23 Meard Street.

Reference: 17/04860/LBC

Plan Nos: Drawings: 474 1 1.001, 474 1 1.002, 474 1 2.001, 474 1 2.002, 474 1 3.001, 474 1 3.002.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 All new work 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 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 Soho of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

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 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

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 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - all new openings in party walls. 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. 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 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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 special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Item No.
4

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

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Princes Gate Court, Exhibition Road, London, SW7 2QJ		
Proposal	Alterations and extensions at sixth and seventh floor levels including the installation of front, side and rear dormer windows in connection with the conversion of the roof space to create additional residential floorspace for six existing flats.		
Agent	Stiles Harold Williams		
On behalf of	Princes Gate Court Residents Ltd		
Registered Number	15/03741/FULL	Date amended/ completed	2 June 2015
Date Application Received	29 April 2015		
Historic Building Grade	Unlisted		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

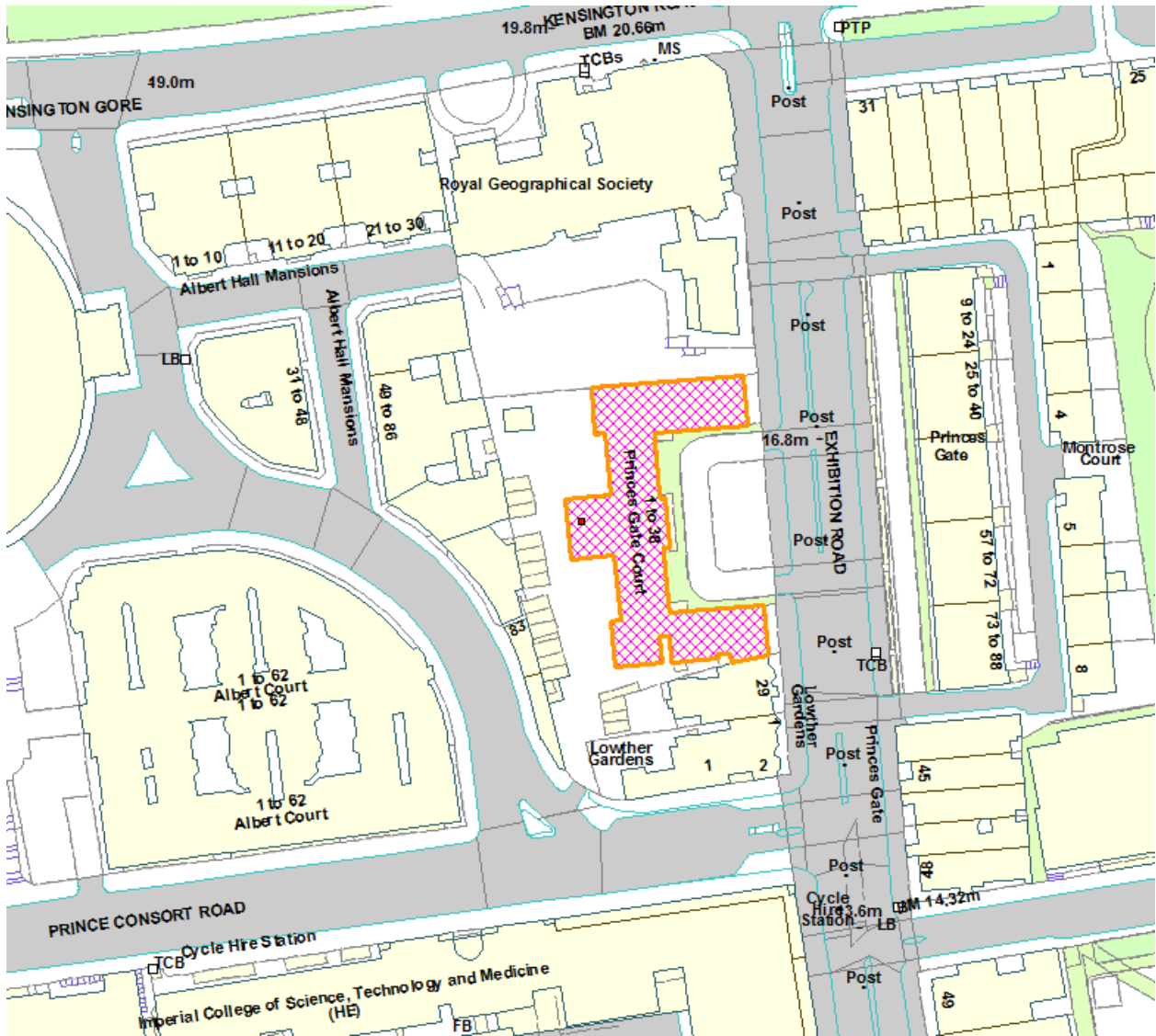
Planning permission is sought for alterations and extensions at sixth and seventh floor levels including the installation of front, side and rear dormer windows in connection with the conversion of the roof space to create additional residential floorspace for six existing flats.

The key issues in this case are:

- * The acceptability of the proposals in land use terms;
- * The impact of the proposals on the character and appearance of the building and the Knightsbridge Conservation Area;
- * The impact of the proposals on the amenity of neighbouring residents.

The proposed development is considered to be acceptable in land use, design, amenity, and transportation terms and would comply with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front view

5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION:

No objection.

HIGHWAYS PLANNING MANAGER:

Undesirable on transportation terms but could be considered acceptable subject to conditions requiring details of waste.

ENVIRONMENTAL HEALTH:

Raise concern that the plans do not show the internal layout of the new flats.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 194; Total No. of replies: 5 (incl. 2 replies from 1 neighbour).

Objections from neighbours within the block on one or more of the following grounds:

Design

- The alterations would adversely affect the look of the building.

Use

- One bed flats are out of keeping with the block which primarily consists of larger family sized units.
- Occupiers of one bed flats such as young single people and students are likely to cause noise and disturbance to existing residents by virtue of their lifestyle choices.

Parking

- Increase pressure to existing off-street parking spaces;

Other

- Noise and disturbance from building works.
- The roof space should be converted into a resident's gym.
- Additional floorspace at roof level should be used to enlarge existing flats rather than provide new one bed flats.
- One bed flats will change the nature and type of resident within the block, where the majority of residents are either families or elderly.
- The new flats are not accessible to wheelchairs.
- Prolonged building works may pose security risk/ make existing flats vulnerable to theft.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Princes Gate Court is an attractive red brick mansion block with stone dressing, identified in the Knightsbridge Conservation Area audit as an unlisted building of merit. It occupies a prominent position on Exhibition Road, with the main frontage set back from the street and two wings projecting forward. It has a pitched roofslope punctured by dormer windows.

6.2 Recent Relevant History

15/00206/FULL

Installation of external air conditioning unit at roof level adjacent to the lift motor room.
Application Permitted 24 March 2015

13/05878/FULL

Glazed roofs to the north and south stairwells.
Application Refused 30 August 2013

12/03128/FULL

Installation of railings, vehicular and pedestrian gates to the front elevation of the property.
Application Permitted 14 September 2012

7. THE PROPOSAL

Planning permission is sought for alterations and extensions at sixth and seventh floor levels including the installation of front, side and rear dormer windows in connection with the conversion of the roof space to create additional residential floorspace for six existing flats.

The application originally proposed to create three one bed flats and additional residential floorspace for five existing flats. The proposals were subsequently amended following concerns that new flats at 7th floor level would not provide an adequate living environment and would not be DDA compliant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals would provide 368 sqm of additional residential floorspace (GIA) for six existing flats. This would create larger duplex flats set over sixth and seventh floor levels, as follows:

- 6th and 7th floor extensions to Flats 24a and 24e (main block);
- 7th floor extensions to Flats 37 and 12a (main block), Flat 38 (north wing block) and Flat 11a (south wing block).

The creation of new residential floorspace is in accordance with policy S14 of the City Plan and policy H3 of the UDP.

It is not considered that permission could reasonably be withheld on these grounds given that the flats would be capable of being configured to provide an acceptable living environment.

The original proposals received objections concerned with the creation of smaller new units. The proposals have since been revised to no longer include the creation of new units.

8.2 Townscape and Design

Princes Gate Court is an attractive red brick mansion block with stone dressing, identified in the Knightsbridge Conservation Area audit as an unlisted building of merit. It occupies a prominent position on Exhibition Road, with the main frontage set back from the street and two wings projecting forward. It has a pitched roofslope punctured by dormer windows.

The works seek to install a second row of dormer windows into the roof space and erect an extension to the rear wing of the building at sixth and seventh floor levels. The building has an impressive appearance and contributes to the character and appearance of the conservation area. Whilst roof extensions are generally contentious, in this case the existing roof void is to be used and no extensions proposed to the main body of the roof. The existing roof is such that the dormers can be easily accommodated between the existing dormers and roof ridge. The proposed dormers are to be of matching design to the existing, although slightly smaller in scale. In this case the works are not considered to cause harm to the character of the building or the conservation area.

With regards to the rear extension, the proposal would extend over a currently unused section of flat roof and would remove an existing unsightly plant enclosure. The proposals are in keeping with the overall character of the building and through the removal of the existing plant area would help to improve the appearance of the rear elevation.

In summary the works are considered acceptable in design terms, subject to conditions, including conditions to ensure the development is completed in its entirety and to prevent any mechanical plant being installed on the extended rear of the building.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, overlooking and encourage development which enhances the residential environment of surrounding properties.

The alterations and extensions are not considered to cause any significant harm in terms of sense of enclosure, loss of light, or overlooking given their location and distance from neighbouring residential windows.

8.4 Transportation/Parking

The creation of larger units is considered to have a significant impact on on-street parking pressures. The site has 28 existing off-street car parking spaces, which are used by residents of the building on a first come first served basis. The applicant confirms that there is also an existing cycle store within the building. The site also has good public

transport links as it is in close proximity to South Kensington London Underground as well as several bus routes.

8.5 Access

The main access arrangements for the existing building would remain unchanged. An existing lift would provide access to all floors except for the new seventh floor level created within the roof void.

8.6 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Waste and recycling storage is not indicated on the submitted plans. However given the existing use of the building as a residential mansion block it is accepted that the facilities for waste and recycling are likely to exist.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

The scheme does not generate any requirements for planning obligations.

The estimated CIL payment is: £202,800

8.10 Environmental Impact Assessment

The scheme is of insufficient scale to require the submission of an Environmental Statement.

8.11 Other Issues

None relevant.

9. BACKGROUND PAPERS

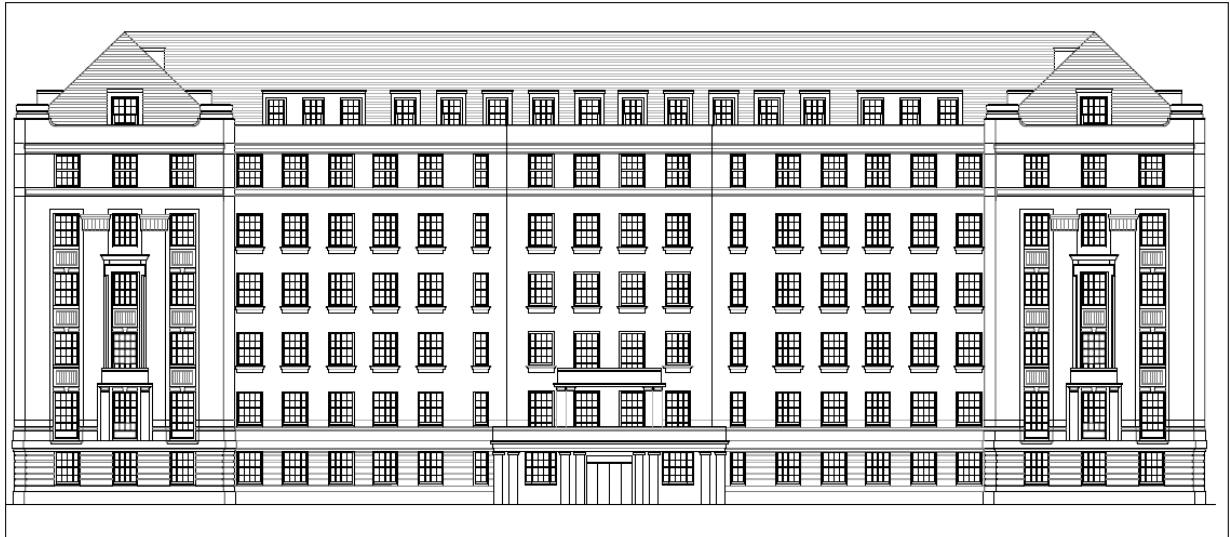
1. Application form
2. Response from Knightsbridge Association dated 8 July 2015
3. Response from Environmental Health dated 9 July 2015
4. Response from Highways Planning Manager dated 27 July 2015
5. Letter from occupier of 31 Princes Gate Court, Exhibition Road, dated 3 August 2015
6. Letter from occupier of 29 Princes Gate Court, Exhibition Road, dated 19 July 2015
7. Letter from occupier of 7 Princes Gate Court, Exhibition Road, dated 19 July 2015

8. Letter from occupier of 37 Princes Gate Court, London, dated 19 July 2015
9. Letter from occupier of 37 Princes Gate Court, London, dated 19 July 2015

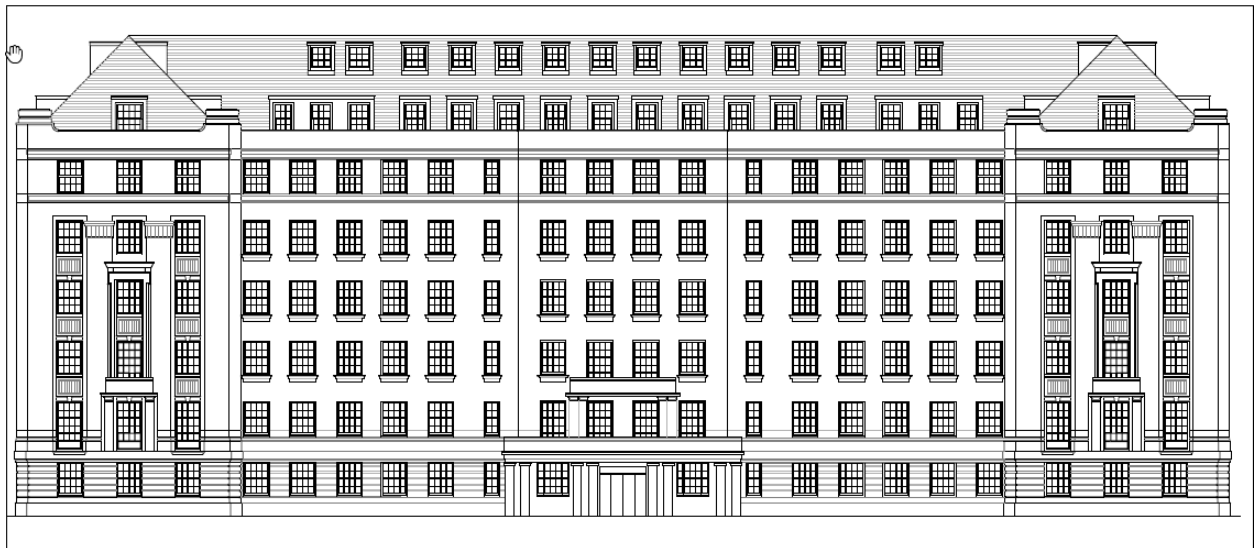
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

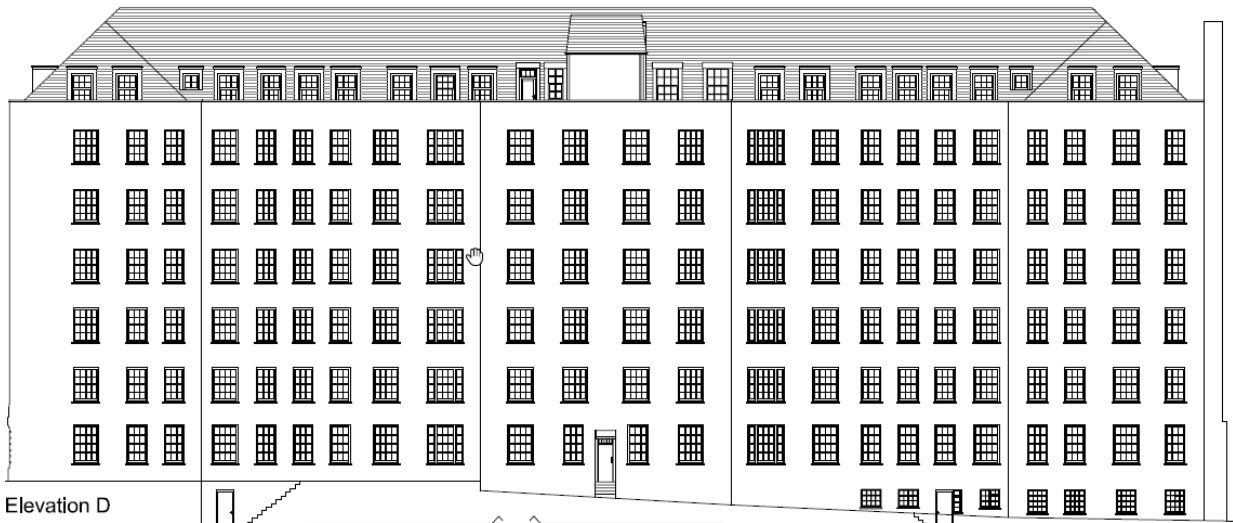
10. KEY DRAWINGS



Existing main block front elevation



Proposed main block front elevation



Existing main block rear elevation



Proposed main block rear elevation



Existing north wing block side inward facing elevation



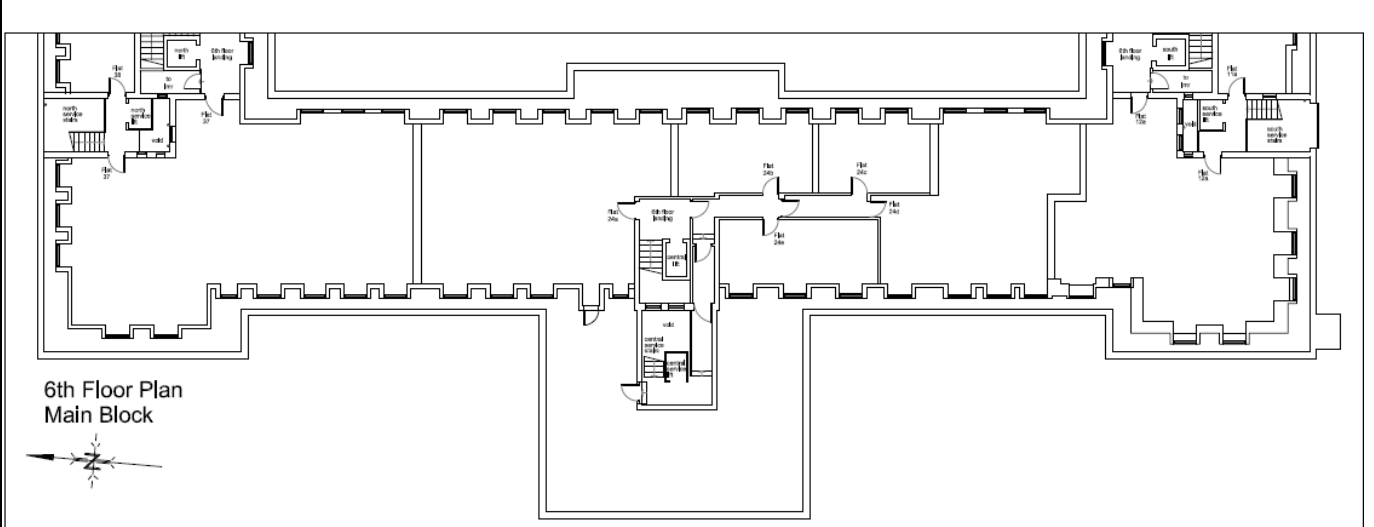
Proposed north wing block side inward facing elevation



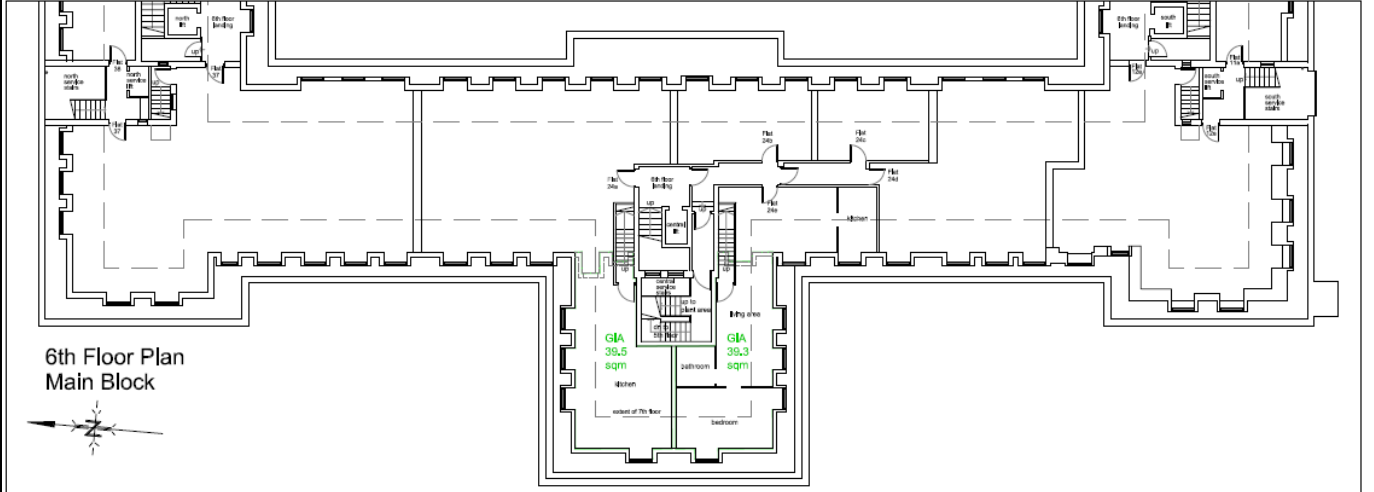
Existing south wing block side inward facing elevation



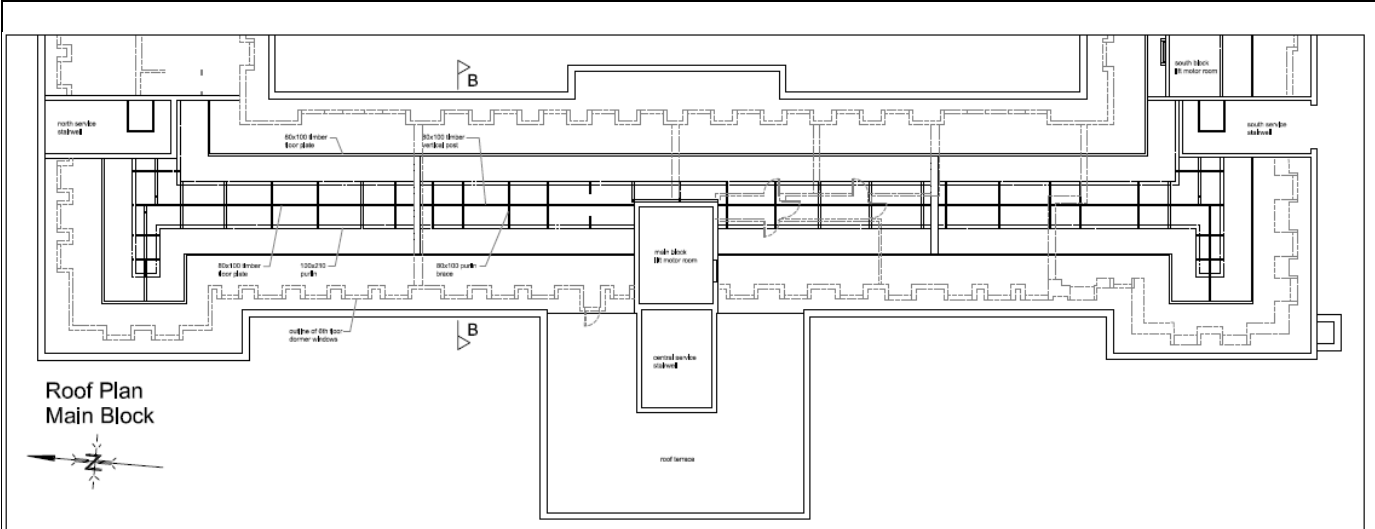
Proposed south wing block side inward facing elevation



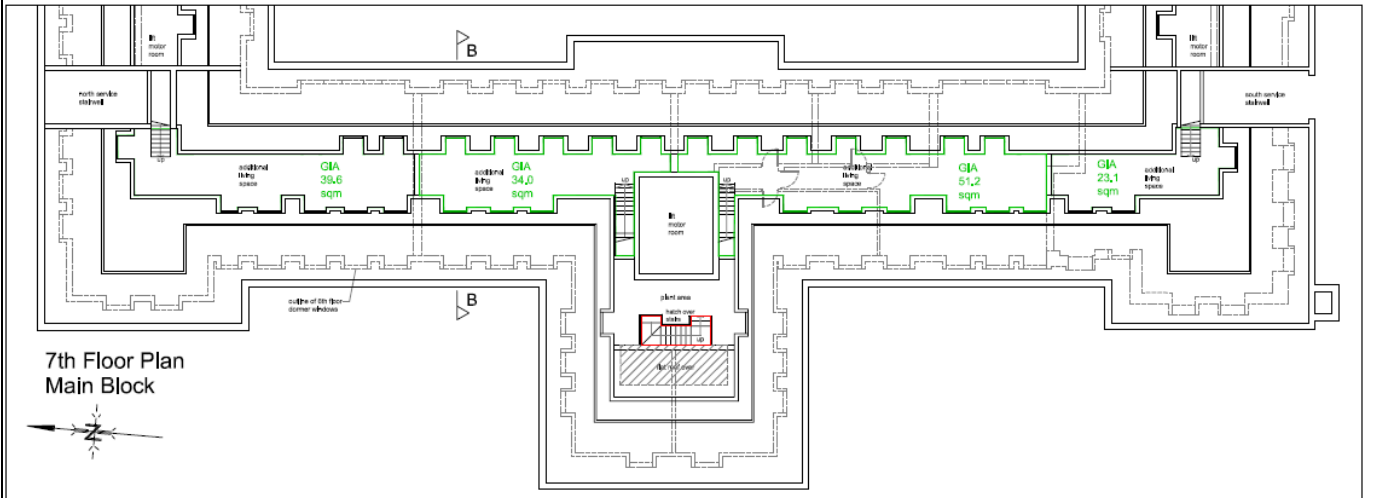
Existing 6th floor plan main block



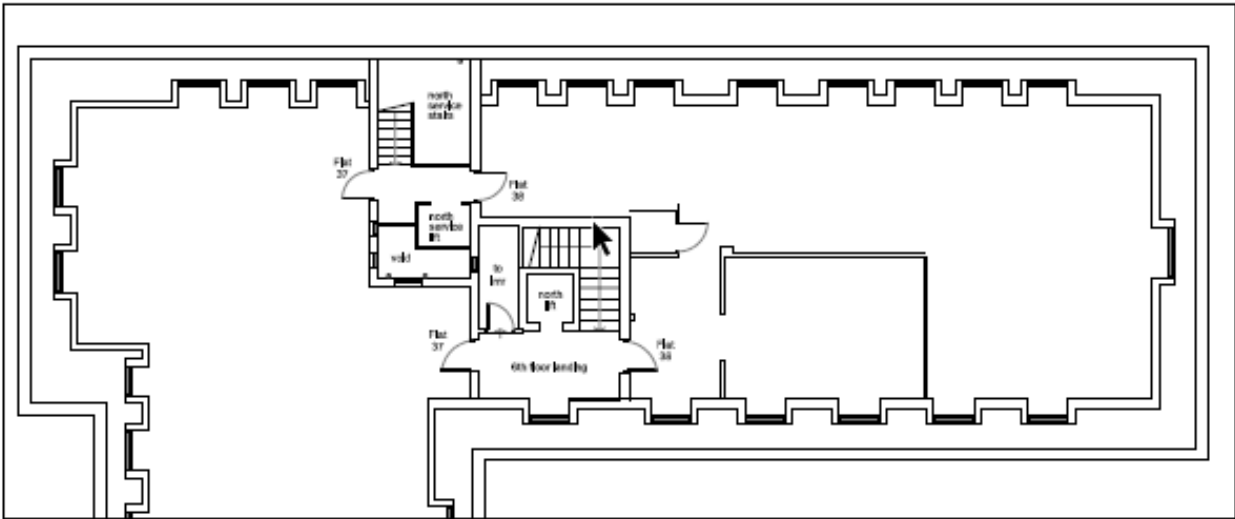
Proposed 6th floor plan main block



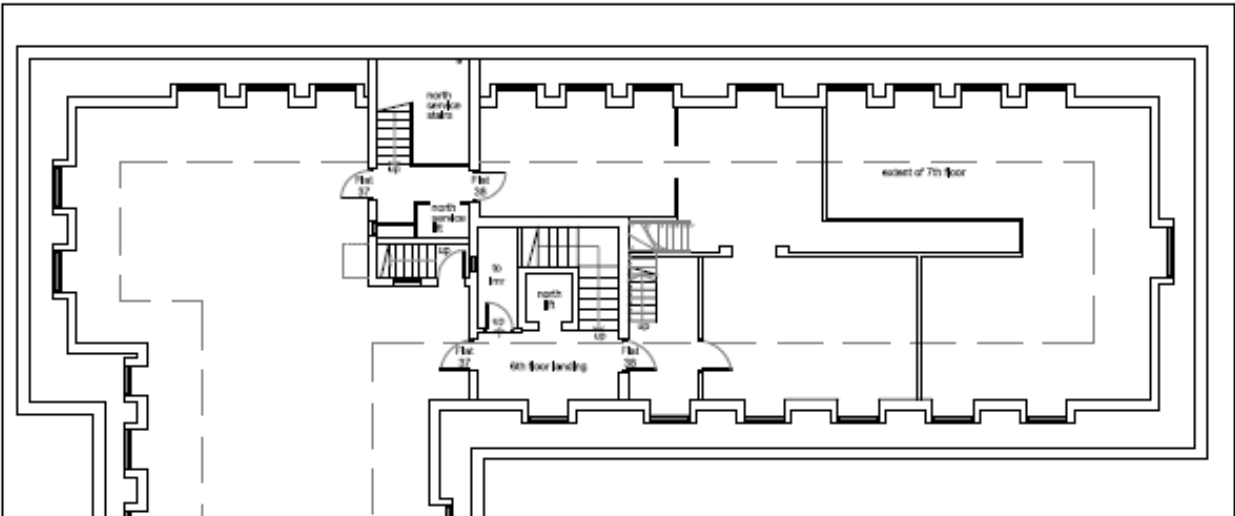
Existing roof plan main block



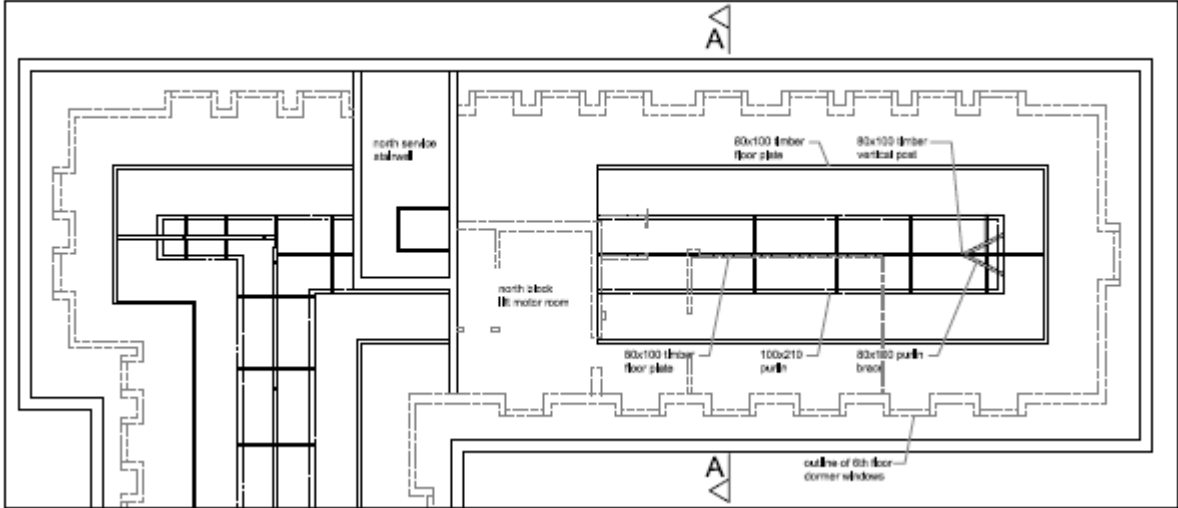
Proposed 7th floor plan main block



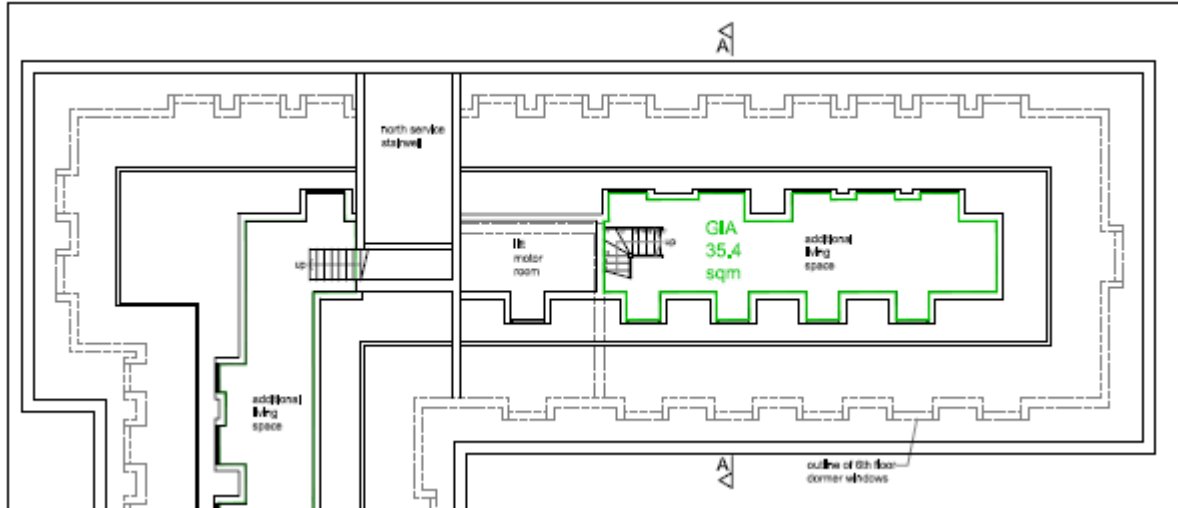
Existing 6th floor plan north wing



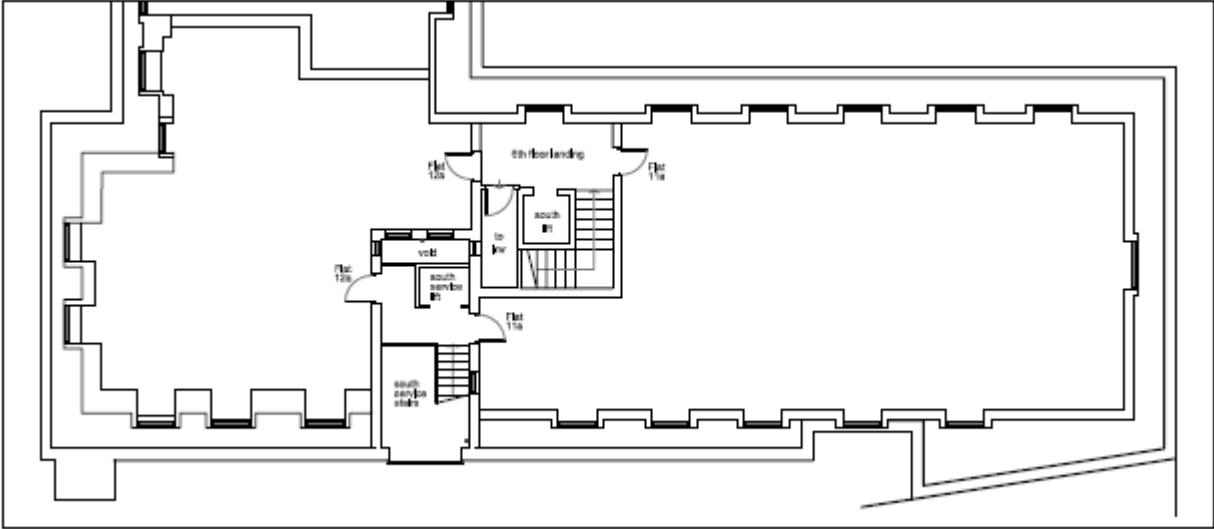
Proposed 6th floor plan north wing



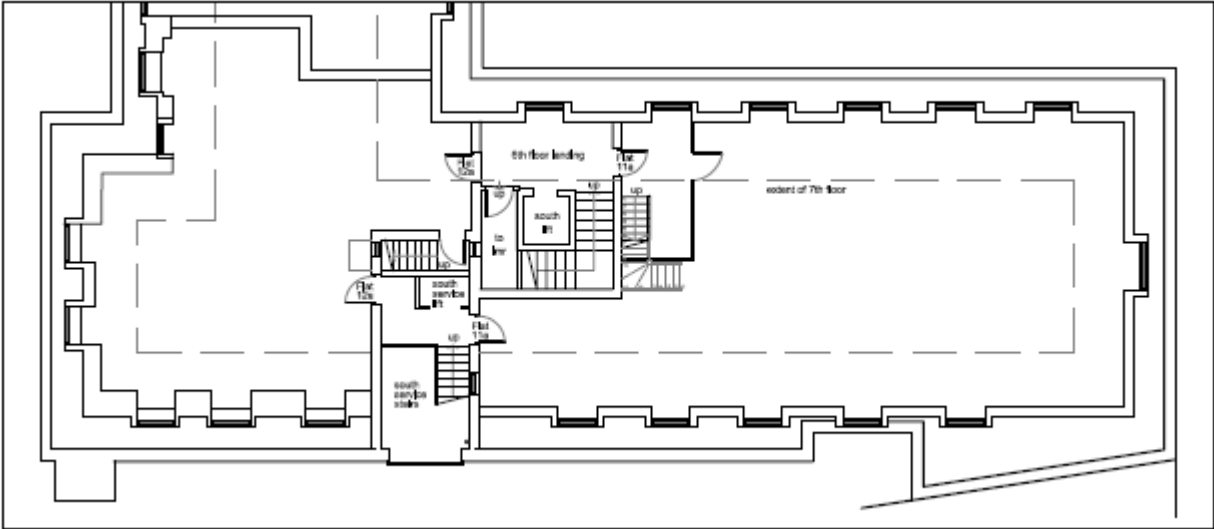
Existing roof floor plan north wing



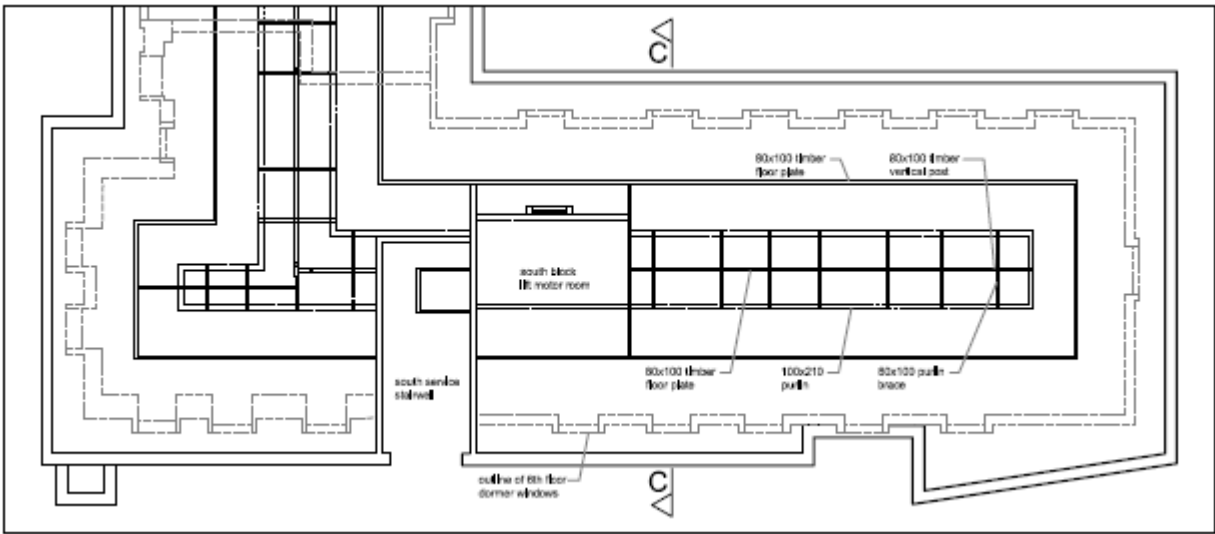
Proposed roof floor plan north wing



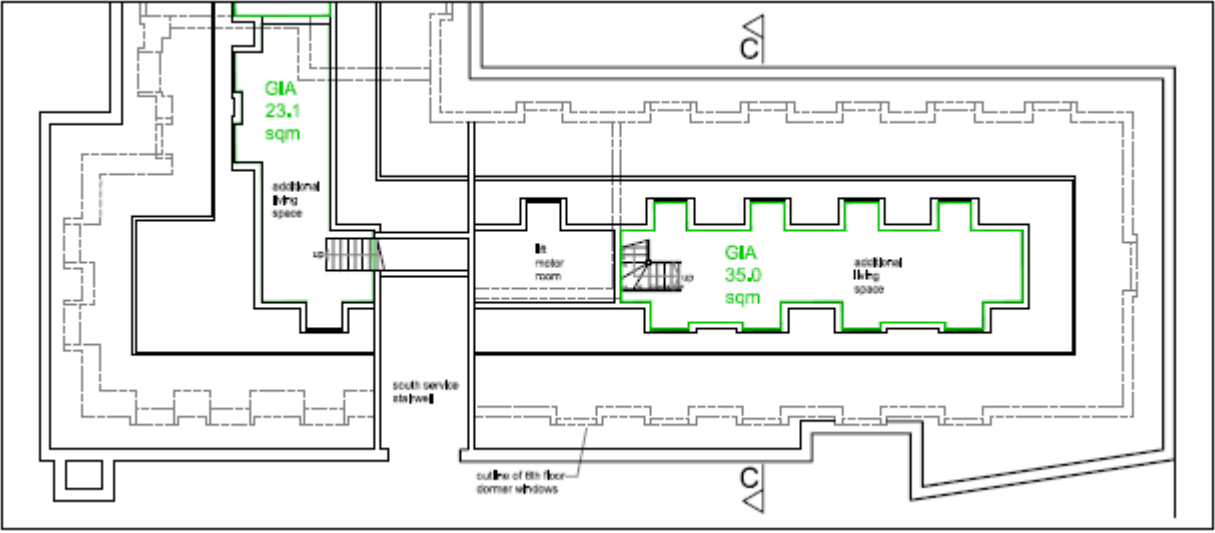
Existing 6th floor plan south wing



Proposed 6th floor plan south wing



Existing roof floor plan south wing



Proposed roof floor plan south wing

DRAFT DECISION LETTER

Address: Princes Gate Court, Exhibition Road, London, SW7 2QJ,

Proposal: Alterations and extensions at sixth and seventh floor levels including the installation of front, side and rear dormer windows in connection with the conversion of the roof space to create additional residential floorspace for six existing flats.

Reference: 15/03741/FULL

Plan Nos: 0714/05/00, 01, 02, 03, 04, 05-1, 05-2, 06, 07, 100, 102, 104, 105-1B, 105-2B, 106B, 107B, 201A, 202A; Design and Access Statement dated April 2015; Planning Statement dated April 2015; Heritage Statement dated April 2015.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:, , * between 08.00 and 18.00 Monday to Friday,, * between 08.00 and 13.00 on Saturday; and, * not at all on Sundays, bank holidays and public holidays., , Noisy work must not take place outside these hours. (C11AA)

Reason:

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

- 3 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 Knightsbridge 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 roof samples to match existing. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Knightsbridge 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 The alterations and extensions at sixth and seventh floor levels must be completed as a single construction contract with the works carried out in their entirety.

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

Informative(s):

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

- 2 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.

- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 4 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

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

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	23 Craven Hill, London, W2 3EN		
Proposal	<p>Application A (17/01707/FULL and 17/01708/LBC) Alterations and extensions to existing front lower ground floor vaults to extend them below the highway and part of front garden, with associated alterations to front lightwell including removal of grille, formation of staircase and installation of railings. Alterations to rear lower ground floor comprising installation of new staircase from rear courtyard to rear garden, installation of new rear door and infill of existing below garden basement extension. Associated internal alterations.</p> <p>Application B (17/00852/FULL and 17/00853/LBC) Alterations and extensions to existing front lower ground floor vaults to extend them below the highway and part of front garden, with associated alterations to front lightwell including removal of grille and installation of railings. Alterations to rear lower ground floor comprising installation of new staircase from rear courtyard to rear garden and installation of new rear door. Associated internal alterations.</p>		
Agent	Rundell Associates		
On behalf of	Mr Damian Chunilal		
Registered Number	17/01707/FULL and 17/01708/LBC (Application A), 17/00852/FULL and 17/00853/LBC (Application B)	Date amended/ completed	9 March 2017
Date Application Received	24 February 2017		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

Application A (17/01707/FULL and 17/01708/LBC)

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.

Application B (17/00852/FULL and 17/00853/LBC)

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.

2. SUMMARY

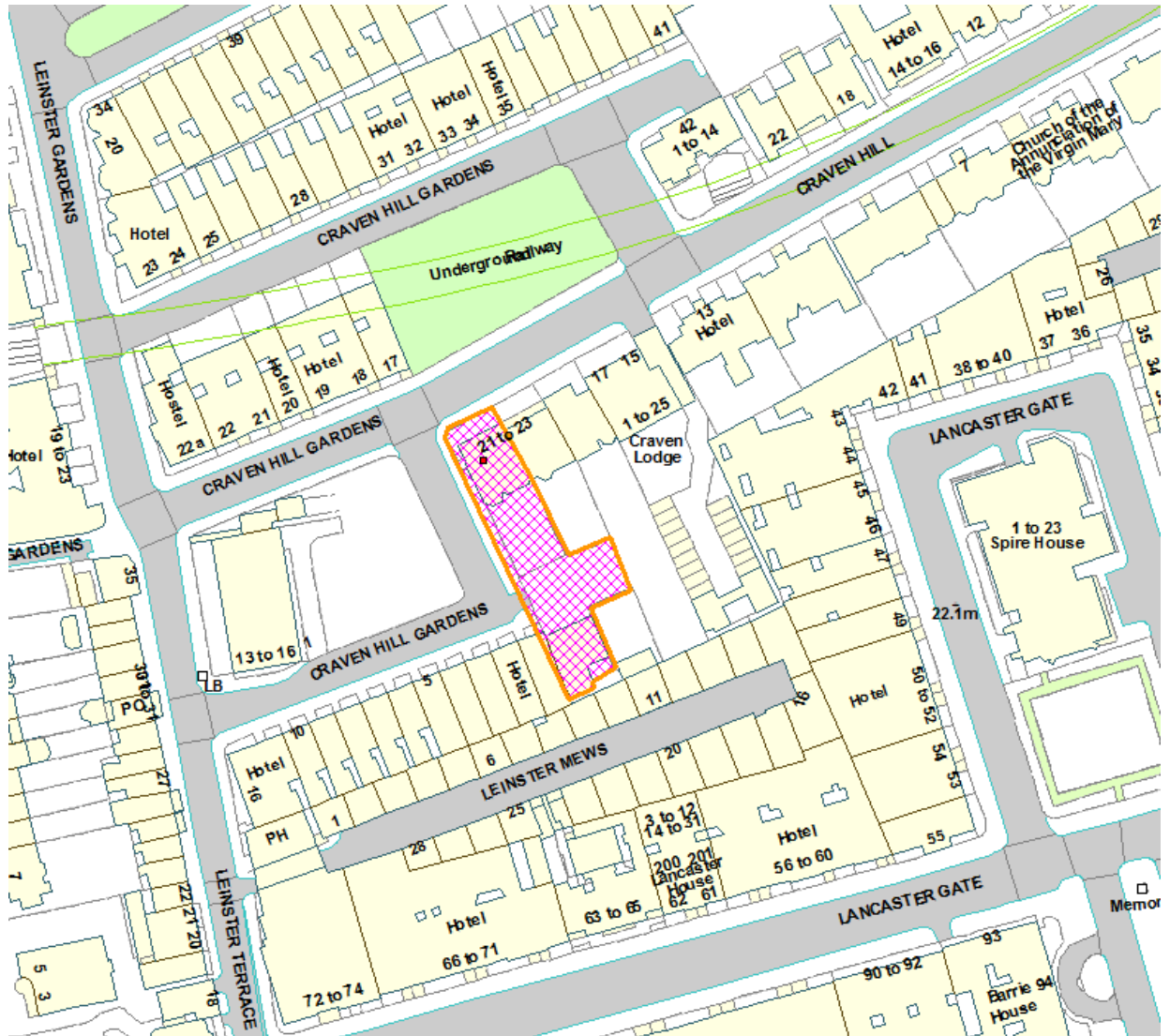
Planning permission and listed building consent are sought for two separate schemes. Both schemes (Applications A and B) propose works to the front vaults including enlargement of the vaults underneath the adjoining pavement and below the front garden with associated works to the front lightwell including the removal of the existing grille covering the lightwell and installation of railings. The works are proposed primarily to facilitate the use of the front vaults as ancillary staff accommodation to the existing use of the building as a single dwellinghouse. In addition, Application A also proposes a staircase to lower ground floor level to the front elevation and the infill of the existing subterranean accommodation below the rear garden, with associated alterations to the steps within the rear sunken courtyard leading up to rear garden level.

The key issues in this case are:

- The impact of the proposed developments on the appearance of the building and the character and appearance of the Bayswater Conservation Area.
- The compliance of the proposed basement excavation with the adopted basement development policy.
- The impact of the proposed development on trees within the site (relevant to Application A only).

The proposed development would be consistent with relevant land use, design, amenity and environment policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). As such, 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



Street elevation (top) and rear garden and lightwell (bottom).

5. CONSULTATIONS

Application A – (17/01707/FULL and 17/01708/LBC)

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

- State that they are confused by the sequence of planning applications that have been made for this site.
- State that the Design and Access Statement fails to make it clear whether this new application replaces all the previous ones, or is additional to them.
- State that this new application should be considered under the new Basement policy, taking account of the totality of what has been proposed, as it would be part of a very large basement scheme for the site.
- State that it is unsatisfactory that multiple applications have been submitted progressively increasing the size of the complete scheme.
- State that the subterranean accommodation would be unsatisfactory and that Westminster should not permit new substandard accommodation for domestic staff.
- Recognise that this application includes the demolition of the existing basements in the garden which include an existing staff flat, and state that it would be better for the surrounding residents if the existing basements were simply sealed up rather than demolished with all the noise and dust that would be created.

ARBORICULTURAL MANAGER

No objection, subject to conditions in relation to tree protection during construction works and details of hard and soft landscaping.

BUILDING CONTROL

Comment that while they do not strictly agree with the conclusions of the flood risk assessment, no objection is raised. The submitted details in relation to structural works are considered acceptable. Also make reference to building regulation issues with regards to escape in the event of a fire.

CLEANSING MANAGER

No objection, subject to a condition securing details of waste storage.

ENVIRONMENTAL HEALTH

State that they object to the use of vaults as habitable accommodation.

HIGHWAYS PLANNING MANAGER

No objection subject to condition for proposals not to be used as self contained flat and informative that technical approval for work affecting supporting structure of the highway is required.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 53.

Total No. of replies: 0.

No. of objections: 0.

No. in support: 0.

ADVERTISEMENT/ SITE NOTICE

.Yes

Application B – (17/00852/FULL and 17/00853/LBC)

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

- State that this application should be considered under the new basement policy.
- State that the approach taken by the owner and agents in submitting multiple applications progressively increasing the size of the scheme is unsatisfactory and that they should be required to resubmit the complete scheme.
- State that the subterranean accommodation proposed would be unsatisfactory and that Westminster should not permit new sub-standard accommodation for domestic staff.

BUILDING CONTROL

Comment that while they do not strictly agree with the conclusions of the flood risk assessment, no objection is raised. The submitted details in relation to structural works are considered acceptable. Also make reference to building regulation issues with regards to escape in the event of a fire.

ENVIRONMENTAL HEALTH

State that they object on grounds of the use of vaults as habitable accommodation.

HIGHWAYS PLANNING MANAGER

State that they have no objection, subject to condition for proposals not to be used as self contained flat and informative that technical approval for work affecting supporting structure of the highway is required.

LONDON UNDERGROUND

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 22.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

One objection received raising objection on the following grounds:

- There have been numerous previous applications for basements to this property, and that each application has asked for an increase in the size of the project.
- Query how the current application fits in with the previous approved plans.
- Query whether the other approvals will now cease to be valid.
- Urge the planning committee to require a total resubmission of the project showing what the total project now encompasses.
- Also state that the planning committee should review the past approval to dig under the sidewalk on the Craven Hill Gardens frontage which will require the destruction of a row of trees that are 8m tall and should be preserved as green amenity for the neighbourhood.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a five storey property sited on the south side of Craven Hill, which has two street frontages, one in Craven Hill and one facing Craven Hill Gardens. The property is grade II listed and is located within the Bayswater Conservation Area. It is in use as a single dwellinghouse. There is existing subterranean accommodation underneath the rear garden, which was granted planning permission and listed building consent in the early 1990's, and existing vaults to lower ground floor level underneath the front garden.

6.2 Recent Relevant History

Nos. 21-23 Craven Hill

5 October 1994 – Planning permission and listed building consent granted for incorporation of flats 1-3 at 21 Craven Hill and flat 1 at 23 Craven Hill in to museum and construction of a basement and new conservatory to museum (92/06499/FULL & 92/06501/LBCX).

1 January 1994 – Planning permission granted for extension of basement into area beneath conservatory in rear garden (94/02342/FULL).

7 February 1995 – Planning permission and listed building consent granted for extension of new basement into area beneath conservatory in rear garden (94/07177/FULL & 94/08404/LBC).

No.23 Craven Hill

16 September 2014 – Planning permission and listed building consent were granted for excavation underneath main building and part front and rear gardens to provide a new single storey of basement accommodation and associated replacement of rear garden staircase and garden room, replacement of storage shed to rear garden with louvred structure for air conditioning equipment (14/05224/FULL & 14/06960/LBC)

16 September 2014 – Planning permission and listed building consent were granted for excavation underneath main building and part front and rear gardens to provide a new two storey basement extension to the house and associated replacement of rear garden staircase and garden room, replacement of storage shed to rear garden with louvred structure for air conditioning equipment (14/01814/FULL & 14/01815/LBC).

19 May 2015 – Planning permission and listed building consent granted for excavation of extended two storey basement beneath building and front and rear gardens and associated internal alterations following updated tree survey information (14/11056/FULL & 14/11057/LBC).

None of the applications approved in 2014 and 2015 appear to have been implemented on site.

In addition to the previously determined applications, the following current applications remain under consideration by officers:

- Proposal: Excavation below main building and front and rear gardens to create a two storey basement and associated replacement of rear garden staircase and garden room. Replacement of storage shed with louvred structure for air conditioning equipment. Creation of tunnel connecting existing main house and mews property to convert 23 Craven Hill and 23A Craven Hill into a single household dwelling. (16/00132/FULL & 16/00133/LBC).
- Proposal: Excavation of double storey basement extending under house, front and rear gardens and underneath the pavement to Craven Hill, associated replacement of rear garden staircase and garden room and boundary railings, and alterations to front lightwell. Replacement of storage shed with louvred structure for air conditioning equipment (16/00098/FULL & 16/00099/LBC).
- Proposal: Excavation underneath main building and front and rear gardens to create a two storey basement and associated replacement of rear garden staircase and garden room. Replacement of storage shed with louvred structure for air conditioning equipment (15/07811/FULL & 15/07812/LBC).

7. THE PROPOSAL

Planning permission and listed building consent are sought for two separate schemes. Both schemes (Applications A and B) propose works to the front vaults including enlargement of the vaults underneath the adjoining pavement (by 1.8m) and below the front garden with associated works to the front lightwell including the removal of the existing grille covering the lightwell and installation of railings. The works are proposed primarily to facilitate the use of the front vaults as ancillary staff accommodation to the existing use of the building as a single dwellinghouse. In addition, Application A also proposes a staircase to lower ground floor level to the front elevation and the infill of the existing subterranean accommodation below the rear garden, with associated alterations to the steps within the rear sunken courtyard leading up to rear garden level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms, the applications propose enlargement of the existing dwellinghouse and this accords with Policy H3 of the UDP and policy S14 of the City Plan.

The South East Bayswater Residents Association (SEBRA) and Environmental Health have express concerns about the use of the basement extension to house staff. However, in planning terms such accommodation is ancillary to the lawful use of the property as a single dwellinghouse and does not comprise a separate planning unit. As such, permission could not reasonably be refused on the basis of the standard of the proposed accommodation within the proposed basement extension. A condition is though recommended to ensure the staff accommodation is only used for this purpose and is not occupied as a self-contained flat and an informative is recommended to advise that the

proposed basement may not provide a suitable standard of habitable accommodation for staff under the Housing Act 2004 and that they should discuss this matter further with Environmental Health officers.

8.2 Townscape and Design

The removal of the grille covering the existing front lightwell and installation of a simply detailed run of railings with flat handrail above and simple uprights will give the lightwell a more traditional appearance which is considered to be in sympathy with this mid 19th Century building. The new windows in the lightwell elevation lighting the accommodation within the vaults comprise three windows of traditional appearance which are considered to be in character with the building. The vaults themselves, though forming part of the overall listed building at No.23 Craven Hill, are a more modern rebuild of what could be anticipated to have been the original arched vault structures to the front of the building. Therefore their conversion and excavation to increase their floor to ceiling height and accommodate soil depth over them will not adversely affect the character of the listed building. The other internal alterations shown to lower ground floor level are not considered contentious.

Both schemes include the provision of an escape ladder within the front lightwell with a discrete gate at the top of the ladder within the lightwell railings. The ladder would be fixed to the lightwell wall such that it would not detract from the character or appearance of the listed building. The gate at the top of the ladder will be detailed to appear as part of the run of railings around the lightwell. Application A also includes an external staircase between the front forecourt of the building and lower ground floor level. Whilst the staircase would be appreciable to the front of the building, it would be a typical feature to be found to the front of a building of this period at lower ground floor level and would be set behind the proposed railings around the lower ground floor lightwell. In this context, it is not considered that the staircase would detract from the character and appearance of the listed building.

The new staircase to the rear garden will provide for a neater staircase arrangement between the lower ground floor level courtyard and the raised main rear garden area than currently exists. New doors are proposed to be installed to lower ground floor level on the rear bay, which are not well integrated into the character of the building, particularly in view of being notably wider than the windows in the upper floors of this bay. However, this concern can be overcome by imposition of an amending condition to secure a more appropriately designed pair of doors. Application A includes the infill of the existing basement extension below the rear garden that was constructed in the 1990's. This is not objectionable in design and listed building terms and would have no adverse impact on the character of the building.

Measures associated with ensuring an appropriate means of escape route are proposed internally to the building, which include fire alarm systems, smoke seals, fire doors and other measures. The building has been notably altered internally in the past, and these measures would not adversely compromise its character further.

Overall therefore, the works are considered acceptable in design and listed building terms, and in line with Policies DES 1, DES 5, DES 9 and DES 10 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

The proposed external works are limited to subterranean development to the front of the building and to the front garden, with minor works such as the provision of railings around the front lightwell at ground level, and the replacement of the existing large staircase structure within the rear lightwell with a smaller staircase structure. As such, there would be no adverse impact on the amenity of surrounding residents and the both schemes (Applications A and B) would accord with Policy ENV 13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/ Parking

The Highways Planning Manager considers the proposals to be undesirable in transportation terms on the basis that the accommodation within the vaults appears to be capable of becoming a self-contained residential unit.

The application initially included a staircase within the front lightwell, which was to be accessed directly from the front garden via a gate in the front boundary wall. However, the staircase and gate have been removed from the scheme to ensure the staff accommodation is not occupied as a self-contained unit of residential accommodation, with access to the staff accommodation now integrated into the building such that access is gained through the main house.

Following amendment and subject to the recommended condition requiring the staff accommodation to remain ancillary to the main residential unit the Highways Planning Manager's concerns have been addressed in terms of the impact the development would have on on-street parking pressure in the vicinity.

The Highways Planning Manager is content that the design of the basement extension, which is 900mm below the public highway and would not extend more than 1.8m under any part of it, is in accordance with Policy CM28.1(D) in the City Plan. He notes that further technical approvals will be required from the City Council as Local Highway Authority if permission is granted.

For the reasons set out above, both Application A and Application B are acceptable in highways terms and would accord with Policies TRANS2 and TRANS3 in the UDP and Policies S41 and CM28.1 in the City Plan.

8.5 Economic Considerations

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

8.6 Access

The proposed staff accommodation will be accessed via steps through the house, an arrangement which is considered acceptable given that this is a private dwellinghouse.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development

SEBRA are concerned that the current applications (A and B) should be assessed with regard to the recently adopted basement development policy (Policy CM28.1 in the City Plan adopted in November 2016). This assessment is set out in this section of the report, which also considers the cumulative effect of the Applications A and B when considered in conjunction with the previously approved double basement extensions, which remain extant until May 2018.

In support of the proposed excavation works necessary to alter and enlarge the existing front vaults, the applicant has submitted a detailed structural method statement based on the ground conditions of this site, which has been produced by a suitably qualified Structural Engineer (for both Application A and Application B). The submitted structural method statement has been reviewed by Building Control officers, who do not object to the structural method proposed. Whilst London Underground have not responded to consultation on the current application, in respect of previous applications for basement works on this site they have requested a condition for further detailed structural information to be submitted pursuant to a condition in light of the proximity of nearby London Underground tunnels. As such, it is recommended that such a condition is again imposed.

In terms of the impact of the excavation works on the amenity of neighbouring residents and the operation of the public highway, the applicants have confirmed that they will adhere with the Code of Construction Practice adopted in July 2016. A condition is recommended to ensure compliance with the CoCP and to ensure the basement construction works are monitored for compliance with the CoCP at the applicant's expense by the Environmental Inspectorate.

The site is located just within the Bayswater Surface Water Flood Risk Hotspot. The applicants have submitted a Flood Risk Assessment, which has been considered by Building Control. Building Control state that they don't fully concur with the conclusion of the assessment as its scope is limited to the application site and permeable area below the public highway would be reduced rather than marginally increased. However, Building Control are content that the increase in impermeable area would be so small so as to have a negligible impact in terms of surface water flooding risk. This is therefore not a ground on which permission could reasonably be withheld.

The application site is not within an Archaeological Priority Area and therefore it would not have a significant impact on archaeological deposits.

Given the above assessment, the proposed basement excavation works in Applications A and B are compliant with Part A of Policy CM28.1 in the City Plan.

In terms of Part B of Policy CM28.1, the Arboricultural Manager has confirmed that both Applications A and B are acceptable and subject to a tree protection condition, they would not have an adverse impact on existing trees. The Arboricultural Manager notes that the proposal in Application A to remove the existing basement extension below the rear garden introduces the opportunity for additional soft landscaping to the rear of the site. Given the front and rear of the site are predominantly hard landscaped at present, the re-provision of similar landscaping is not objectionable in this case.

Officers are satisfied that the basement will incorporate energy efficient measures, sustainable urban drainage measures and suitable protection from sewer flooding in accordance with Points 3, 4 and 7 of Part B of Policy CM28.1.

As set out in Section 8.2 of this report, the proposed basement would be discretely located and would not detract from the character and appearance of the listed building or the Bayswater Conservation Area. Accordingly Points 5 and 6 of Part B of Policy CM28.1 have been met.

In light of the considerations above the scheme is compliant with Part B of Policy CM28.1 in the City Plan.

Part C of the basement development policy sets limits on the extent of basement development that is acceptable under the policy. Point 1(a) sets out that basement development should not cover more than 50% of the curtilage of the site. In this case the proposed basement largely replaces existing vaults and is located below the public highway. Only an additional 8m² of what was originally 'Garden Land' would be excavated. In combination with the 1990's extension below part of the rear garden, this would mean that less than 50% of the original garden land would be built under. In terms of the extant permissions for double basements below most of the site, the level of the basement extension now proposed means that the implementation of the currently proposed schemes (Applications A and B) is not compatible with implementation of the scheme previously approved in May 2015. Accordingly there would not be a cumulative effect as the schemes cannot be lawfully implemented in combination in their currently proposed/ approved form.

In this case the front of the site is covered entirely by an impermeable paved surface and therefore there is no undeveloped garden land in the area of the site where the basement excavation is proposed. As such, the proposed basement is not required by Part C, Point 1(c) of the basement policy to be set in from the boundary of the site. Furthermore, the boundary in question is a boundary with the highway, which is excluded from this policy requirement.

Whilst a minimum of 1m of soil depth, plus a drainage layer is not proposed over the proposed basement, given the soil depth proposed is no shallower than is present over the existing front vault (approximately 1.0m, but with no additional depth for a drainage layer), this is not considered to be objectionable. This is an assessment shared by the Arboricultural Manager who concurs that given the existing situation this is not objectionable. The basement would be limited to a single storey.

For the reasons set out above the proposed basement extension is compliant with Policy CM28.1(C) having regard to the particular site specific circumstances of this site.

As set out in Section 8.4 of this report, the proposed basement is compliant with Part (D) of the basement development policy given its limited extent and location at least 900mm below the surface of the highway.

8.7.2 Mechanical Plant

The applicants make reference to the installation of a heat recovery ventilation system which they advise will be installed within the staff accommodation and that no part will be installed externally. They also advise that there are no proposals for air conditioning equipment; rather the staff accommodation would be serviced by the existing plant infrastructure within the house. As such, there would be no external impact on the character and appearance of the listed building as a result of mechanical plant. An informative is recommended advising that further permission and consent would be required for any external mechanical plant equipment.

8.7.3 Waste and Recycling

The Cleansing Manager has commented that the drawings submitted for both schemes do not include provision for storage of waste and he recommends a condition is imposed. However, given that the staff accommodation would be ancillary to the existing use of the building as a dwellinghouse, it is not considered that a condition to secure waste storage provision is necessary or reasonable as a new self-contained unit of residential accommodation is not proposed.

8.8 London Plan

This application does not raise any 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.

The floor space of the basement accommodation would be about 52sqm, of which 21sqm would be newly created floorspace, and as such the proposals would not be CIL liable.

8.11 Environmental Impact Assessment

Not relevant to these application proposals.

8.12 Other Issues

Concern has been expressed by SEBRA and a neighbouring resident about multiple applications for basement development having been submitted in recent years in relation to this site. However, the City Council cannot prevent the submission of applications, but must assess them upon their planning merits and in light of relevant policy and any site specific material considerations.

To address concerns regarding the means of escape from the new accommodation to be created within the proposed basement extension both Application A and Application B have been amended to include a ladder within the front lightwell to provide another alternative means of escape. Further means of escape are provided through the building

in the event of an emergency and the applicants have confirmed that they will install a fire alarm system, install fire doors and smoke seals, as well as other works to upgrade the fire escape routes. The amendments made during the course of the application have addressed the concerns raised by Building Control on this issue.

9. BACKGROUND PAPERS

Application A (17/01707/FULL and 17/01708/LBC)

1. Application form.
2. Responses from the South East Bayswater Residents Association dated 18 March 2017, 12 June 2017 and 13 June 2017.
3. Memo from the Highways Planning, dated 30 March 2017.
4. Responses from Building Control dated 4 May 2017, 5 May 2017, 6 July 2017 and 6 July 2017.
5. Memo from the Arboricultural Manager dated 13 April 2017.
6. Memo from Environmental Health dated 24 April 2017.
7. Memo from the Cleansing Manager dated 21 March 2017.
8. Response from the occupier of 21 Craven Hill dated 23 June 2017.

Application B (17/00852/FULL and 17/00853/LBC)

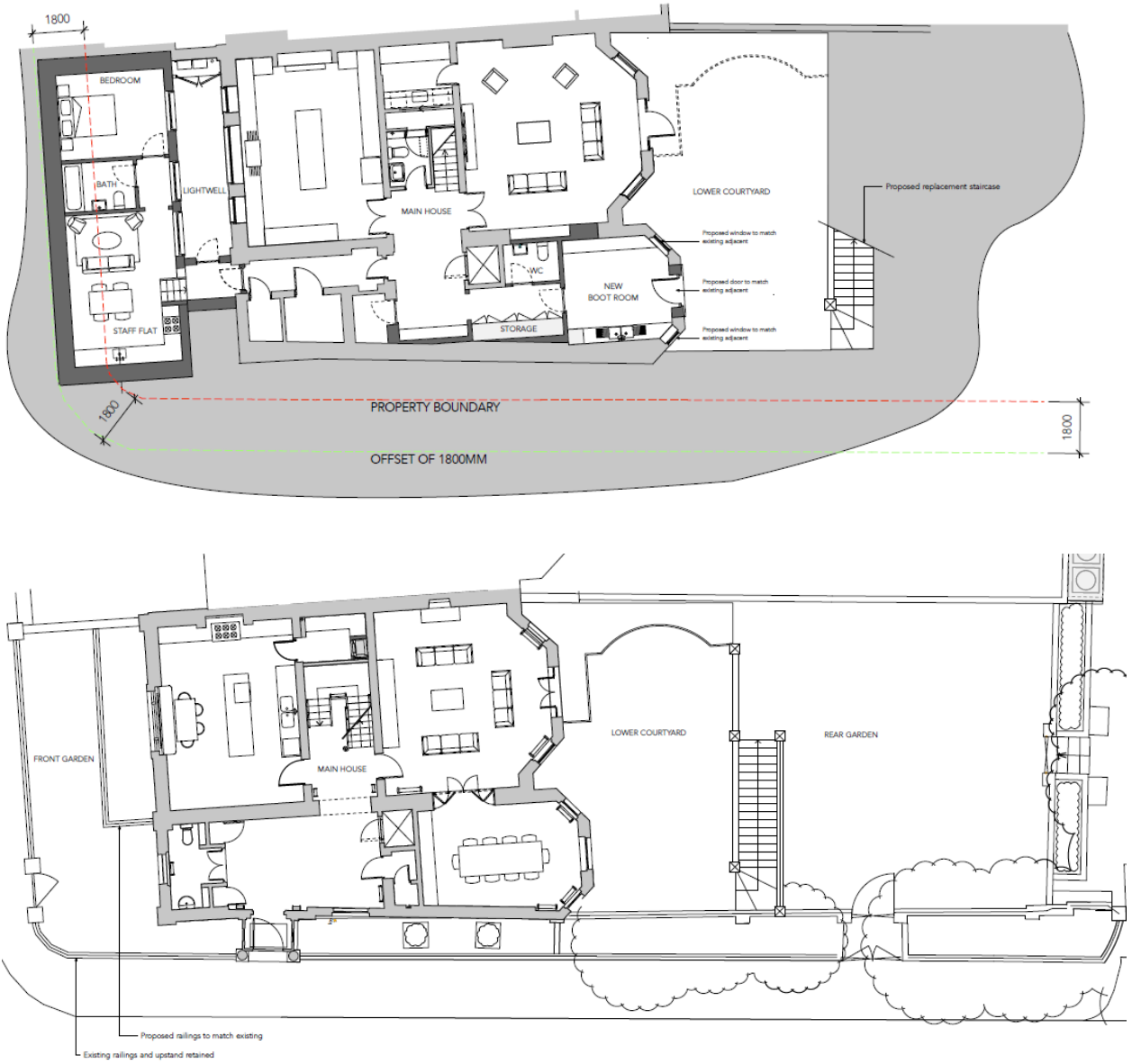
1. Application form.
2. Responses from the South East Bayswater Residents Association, dated 24 February 2017, 12 June 2017 and 13 June 2017.
3. Mem from the Highways Planning Manager dated 10 March 2017.
4. Response from Building Control dated 4 May 2017, 10 April 2017 and four further responses dated 6 July 2017.
5. Responses from the occupier of 21 Craven Hill dated 24 February 2017 and 23 June 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: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

10. KEY DRAWINGS

Application A



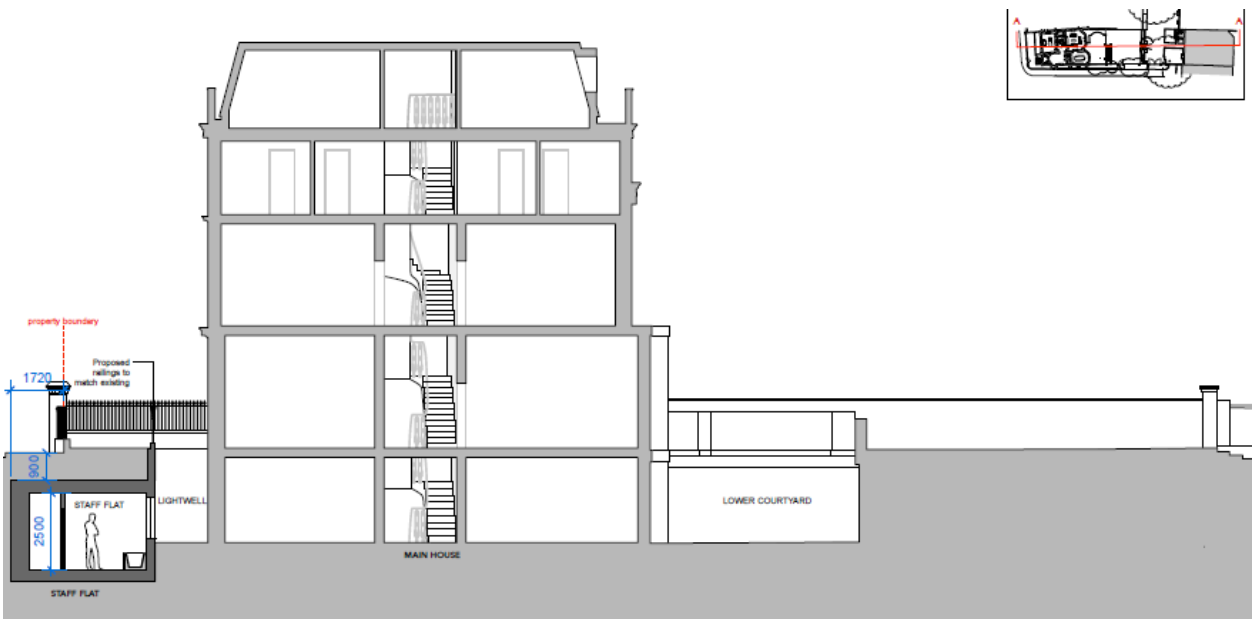
Proposed basement and ground floor plans.

Application A



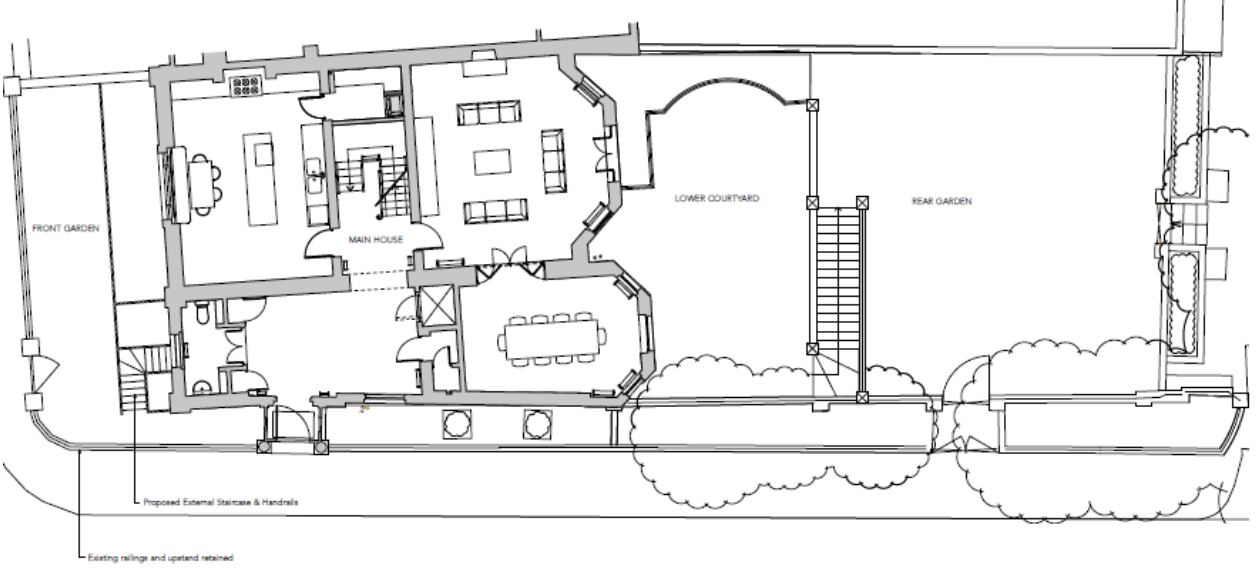
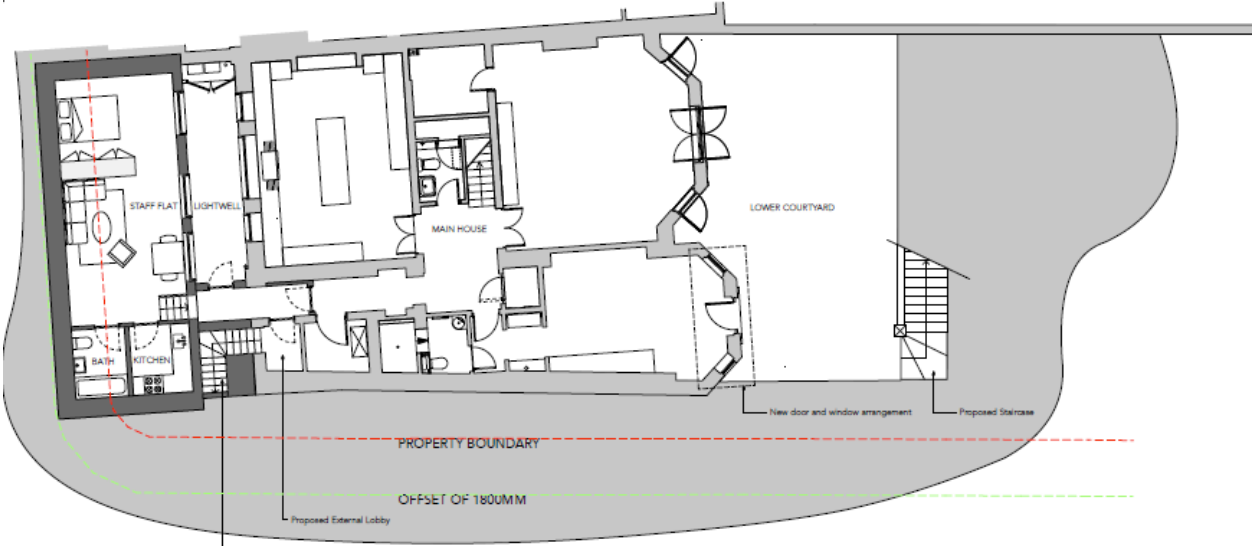
Proposed front elevation (top) and proposed rear elevation (bottom).

Application A



Proposed Section.

Application B



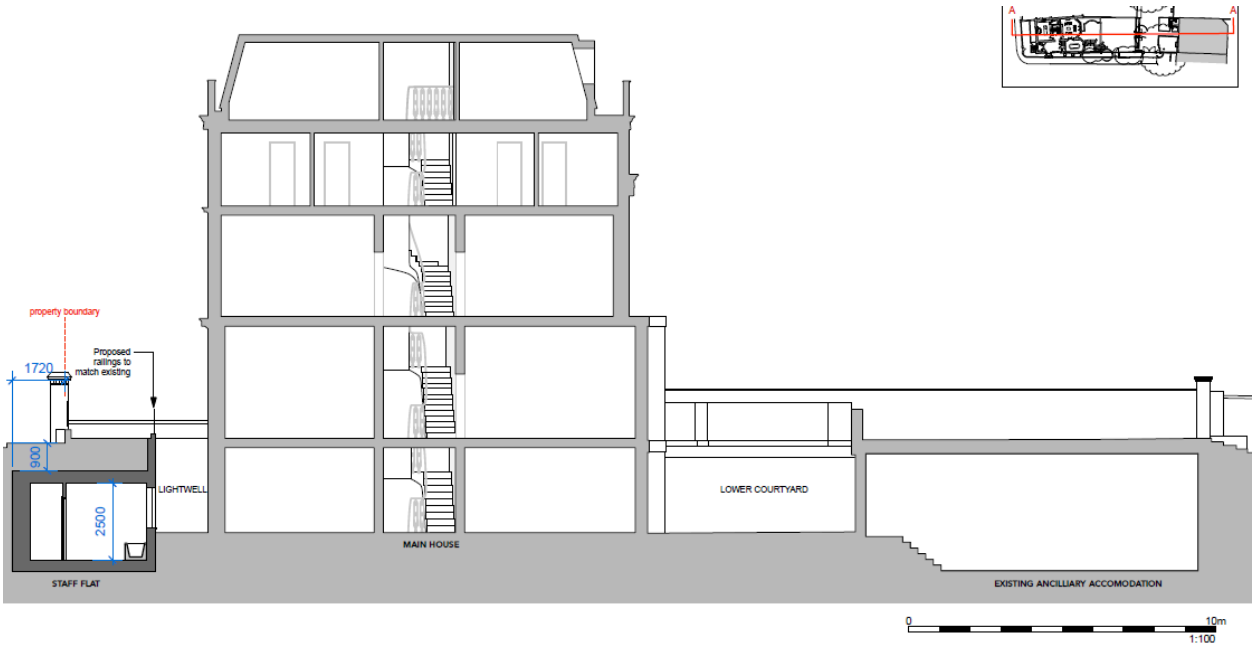
Proposed lower ground and ground floor levels.

Application B



Proposed front (top) and rear (bottom) elevations.

Application B



Proposed section.

DRAFT DECISION LETTER

Address: 23 Craven Hill, London, W2 3EN

Proposal: Alterations and extensions to existing front lower ground floor vaults to extend them below the highway and part of front garden, with associated alterations to front lightwell including removal of grille, formation of staircase and installation of railings. Alterations to rear lower ground floor comprising installation of new staircase from rear courtyard to rear garden, installation of new rear door and infill of existing below garden basement extension.

Reference: 17/01707/FULL (Application A)

Plan Nos: 001, 002, P.300B, P.100A, P.303B, P.103, P.203, P.302A, P.102, P.310, P.110, P.201, P.322, P.122, P.324, P.124, P.321B, P.121, P.323C, P.123, P.305, P.202 (as amended by above drawings), Design and Access Statement (as amended by above drawings), Appendix A Checklist B, Flood Risk Assessment from Rundell Associates dated April 2017, Letter from Rundell Associates dated 22nd June 2017, Letter from Rundell Associates dated 10th July 2017, Email from Rundell Associates dated 10th May 2017, Email from Gavin Hegarty dated 2nd March 2017, email from Rundell Associates dated 28th June 2017.

Included for Information Only, Construction Method Statement from James Frith Ltd dated January 2017.

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

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 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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)

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

Reason:

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

- 5 The railings flanking the lightwell shall be formed in black painted metal, and retained in that colour thereafter.

Reason:

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

- 6 The lightwell walls shall be faced in smooth render to match the existing colour of the existing render to the building.

Reason:

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

- 7 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with and agreed by London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- a) provide details on all structures
- b) accommodate the location of the existing London Underground structures and tunnels,
- c) accommodate ground movement arising from the construction of the development.,
- d) and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan (With Alterations Since 2011) Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 8 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

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

Reason:

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

- 10 The accommodation within the lower ground floor level front vaults extension shall remain as ancillary to the use of the building as a single dwellinghouse and shall not be occupied as a separate residential unit.

Reason:

Because the use of the vaults as a self contained unit of residential accommodation would provide sub-standard permanent residential accommodation contrary to Policy S29 in Westminster's City Plan that we adopted in November 2016 and Policy 3.5 in the London Plan (March 2016) by virtue of its size, layout, outlook and access to natural light.

- 11 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Revised design of doors at lower ground floor level on bay to western side of rear elevation showing a pair of doors lined up with the width of the window opening directly above at ground floor level, and showing the doors without a fanlight feature above.

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

Reason:

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

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 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 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 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 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 6 You are strongly advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regards to demolition, excavation and construction methods
- 7 For the avoidance of doubt, the installation of mechanical plant within the front lightwell or vaults with an external manifestation (such as vents, grilles etc) is not approved by this permission. Such installation will require the benefit of a separate application for planning permission and listed building consent, to be supported by an acoustic report.
- 8 With reference to condition IN please refer to the Council's Code of Construction Practice at (http://transact.westminster.gov.uk/docstores/publications_store/planning/code_of_construction_practice.pdf). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the

submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

- 9 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 10 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 11 Condition 9 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- * the order of work on the site, including demolition, site clearance and building work
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 12 You are reminded that the accommodation being created/adapted within the front vault structures is ancillary accommodation in association with the main single dwelling house at no. 23 Craven Hill, and that a further application for planning permission would be required for the use it as self contained accommodation.
- 13 You are further advised that you will need technical approval for the works to the highway

(supporting structure) prior to the commencement of development. In this regard you should contact Andy Foster in our Engineering and Transportation Projects on 0207 6412541 to further discuss works to the highway

- 14 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. You are advised that should further works be required with regards to access in the event of a fire, or other building regulations issues, you are advised to contact Westminster's Building Control team on 020 7641 6500. You are further advised that the City Council's Building Control team advised of concerns with regards to means of escape in the event of a lift fire.

- 15 You are advised that our Environmental Health team advise that the conversion of vault areas for human habitation is not recommended because of the low headroom and potential dampness problems. They cite concerns about the potential for rising dampness (from the ground) and penetrating dampness (from the entrance slab above) and that the risk of condensation due to lack of through ventilation is great. They further advise that experience has shown that despite through 'tanking' (complete damp-proofing) of vaults, the integrity of the tanking can be damaged by nails/screws etc., , You are recommended to seek advice from our Environmental Health Department on appropriate damp proof treatment and ventilation (including additional mechanical ventilation as necessary). However, any works that affect the external appearance may require a further planning permission. For further advice, please contact: , Residential Environmental Health Team, Website www.westminster.gov.uk, Email res@westminster.gov.uk, Tel : 020 7641 6161

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: 23 Craven Hill, London, W2 3EN

Proposal: Alterations and extensions to existing front lower ground floor vaults to extend them below the highway and part of front garden, with associated alterations to front lightwell including removal of grille, formation of staircase and installation of railings. Alterations to rear lower ground floor comprising installation of new staircase from rear courtyard to rear garden, installation of new rear door and infill of existing below garden basement extension. Associated internal alterations.

Reference: 17/01708/LBC (Application A)

Plan Nos: 001, 002, P.300B, P.100A, P.303B, P.103, P.203, P.302A, P.102, P.310, P.110, P.201, P.322, P.122, P.324, P.124, P.321B, P.121, P.323C, P.123, P.305, P.202 (as amended by above drawings), Design and Access Statement (as amended by above drawings), Appendix A Checklist B, Flood Risk Assessment from Rundell Associates dated April 2017, Letter from Rundell Associates dated 22nd June 2017, Letter from Rundell Associates dated 10th July 2017, Email from Rundell Associates dated 10th May 2017, Email from Gavin Hegarty dated 2nd March 2017, email from Rundell Associates dated 28th June 2017.

Included for Information Only, Construction Method Statement from James Frith Ltd dated January 2017.

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 All new work 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 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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 The railings flanking the lightwell shall be formed in black painted metal, and retained in that colour thereafter.

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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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- 5 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: , ,
- Revised design of doors at lower ground floor level on bay to western side of rear elevation showing a pair of doors lined up with the width of the window opening directly above at ground floor level, and showing the doors without a fanlight feature above. , , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To 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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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 special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

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

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. You are advised that should further works be required with regards to access in the event of a fire, or other building regulations issues, you are advised to contact Westminster's Building Control team on 020 7641 6500. You are further advised that the City Council's Building Control team advised of concerns with regards to means of escape in the event of a lift fire. Should a ladder be required to provide a secondary means of escape from the northern lightwell then you are advised that further applications would be required for such a structure however the principle could potentially be considered acceptable, subject to the ladder remaining below the level of the garden and on the gate in the lightwell railings being detailed to otherwise match the design of railings.

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: 23 Craven Hill, London, W2 3EN,

Proposal: Alterations and extensions to existing front lower ground floor vaults to extend them below the highway and part of front garden, with associated alterations to front lightwell including removal of grille and installation of railings. Alterations to rear lower ground floor comprising installation of new staircase from rear courtyard to rear garden and installation of new rear door.

Reference: 17/00852/FULL (Application B)

Plan Nos: 001, 002, P.300B, P.100, P.303C, P.103, P.203B, P.302B, P.102, P.202A, P.310, P.110, P.210, P.321C, P.121, P.322B, P.122, P.323C, P.123, P.324, P.124, Design and Access Statement (as amended by above drawings), Appendix A Checklist B, Flood Risk Assessment from Rundell Associates dated April 2017, Email from Rundell Associates dated 11th April 2017, Email from Rundell Associates dated 10th May 2017, Email from Rundell Associates dated 22nd June 2017, Email from Rundell Associates dated 6th July 2017, Email from Rundell Associates dated 10th July 2017.

Included for Information Only, Construction Method Statement from James Frith Ltd dated January 2017.

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

You must carry out piling, excavation and demolition work only

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

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

Reason:

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

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

Reason:

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

- 4 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with and agreed by London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- a) provide details on all structures,
- b) accommodate the location of the existing London Underground structures and tunnels,
- c) accommodate ground movement arising from the construction of the development.,
- d) and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan (With Alterations Since 2011) Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 5 The lightwell walls shall be faced in smooth render to match the existing colour of the existing render to the building.

Reason:

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

- 6 The railings flanking the lightwell shall be formed in black painted metal, and retained in that colour thereafter.

Reason:

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

- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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 accommodation within the lower ground floor level front vaults extension shall remain as ancillary to the use of of the building as a single dwellinghouse and shall not be occupied as a separate residential unit.

Reason:

Because the use of the vaults as a self contained unit of residential accommodation would provide sub-standard permanent residential accommodation contrary to Policy S29 in Westminster's City Plan that we adopted in November 2016 and Policy 3.5 in the London Plan (March 2016) by virtue of its size, layout, outlook and access to natural light.

- 9 You must apply to us for approval of a revised drawing P.324 (Proposed South Elevation and Courtyard) and revised drawing P.303 (proposed lower ground floor) showing the inclusion of doors and windows onto the the lower courtyard elevation of the existing sub-garden accommodation, , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

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 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 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 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 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all

respects.

- 6 You are strongly advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regards to demolition, excavation and construction methods
- 7 For the avoidance of doubt, the installation of mechanical plant within the front lightwell or vaults with an external manifestation (such as vents, grilles etc) is not approved by this permission. Such installation will require the benefit of a separate application for planning permission and listed building consent, to be supported by an acoustic report.
- 8 With reference to condition 3 please refer to the Council's Code of Construction Practice at (http://transact.westminster.gov.uk/docstores/publications_store/planning/code_of_construction_practice.pdf). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 9 You are reminded that the accommodation being created/adapted within the front vault structures is ancillary accommodation in association with the main single dwelling house at no. 23 Craven Hill, and that a further application for planning permission would be required for the use it as self contained accommodation.
- 10 You are further advised that you will need technical approval for the works to the highway (supporting structure) prior to the commencement of development. In this regard you should contact Andy Foster in our Engineering and Transportation Projects on 0207 6412541 to further discuss works to the highway
- 11 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. You are advised that should further works be required with regards to access in the event of a fire, or other building regulations issues, you are advised to contact Westminster's Building Control team on 020 7641 6500. You are further advised that the City Council's Building Control team advised of concerns with regards to means of escape in the event of a lift fire. Should a ladder be required to provide a secondary means of escape from the northern lightwell then you are advised that further applications would be required for such a structure however the principle could potentially be considered acceptable, subject to the ladder remaining below the level of the garden and on the gate in the lightwell railings being detailed to otherwise match the design of railings.
- 12 You are advised that our Environmental Health team advise that the conversion of vault areas for human habitation is not recommended because of the low headroom and potential dampness problems. They cite concerns about the potential for rising dampness (from the ground) and

penetrating dampness (from the entrance slab above) and that the risk of condensation due to lack of through ventilation is great. They further advise that experience has shown that despite through 'tanking' (complete damp-proofing) of vaults, the integrity of the tanking can be damaged by nails/screws etc., , You are recommended to seek advice from our Environmental Health Department on appropriate damp proof treatment and ventilation (including additional mechanical ventilation as necessary). However, any works that affect the external appearance may require a further planning permission. For further advice, please contact: , Residential Environmental Health Team, Website www.westminster.gov.uk, Email res@westminster.gov.uk, Tel : 020 7641 6161

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DRAFT DECISION LETTER

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Reference: 17/00853/LBC (Application B)

Plan Nos: 001, 002, P.300B, P.100, P.303C, P.103, P.203B, P.302B, P.102, P.202A, P.310, P.110, P.210, P.321C, P.121, P.322B, P.122, P.323C, P.123, P.324, P.124, Design and Access Statement (as amended by above drawings), Appendix A Checklist B, Flood Risk Assessment from Rundell Associates dated April 2017, Email from Rundell Associates dated 11th April 2017, Email from Rundell Associates dated 10th May 2017, Email from Rundell Associates dated 22nd June 2017, Email from Rundell Associates dated 6th July 2017, Email from Rundell Associates dated 10th July 2017.

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

Reason:

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

- 2 All new work 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 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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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Reason:

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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 special architectural and historic interest of this listed

building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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

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

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Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Westbourne	
Subject of Report	8 Leamington Road Villas, London, W11 1HS		
Proposal	Replacement of existing lower ground floor level conservatory to the rear with new single storey rear extension, alterations to existing fenestration to rear elevation at ground floor level, installation of 3 rooflights in main roof and alterations to front forecourt/ garden including new paving and installation of electric car charging point.		
Agent	TCA		
On behalf of	TCA		
Registered Number	17/02655/FULL	Date amended/ completed	25 March 2017
Date Application Received	25 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Aldridge Road Villas And Leamington Road Villas		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises a four storey mid-terrace dwellinghouse, including a lower ground, ground, first and second floors. The property is unlisted, but located within the Aldridge Road Villas And Leamington Road Villas Conservation Area.

The application proposes the replacement of the existing lower ground floor level conservatory to the rear with new single storey rear extension, which is deeper and higher than the conservatory. The application also proposes alterations to the existing fenestration to rear elevation at ground floor level, installation of three rooflights in the main roof and alterations to front forecourt/ garden, including installation of new paving and installation of electric car charging point.

When initially submitted the scheme included the provision of a basement extension below the front forecourt/ garden area with alterations to the front lightwell, including the provision of railings around the lightwell. These elements have been omitted from the scheme during the course of the application

and the proposed development is now limited to the extension and alterations described in the preceding paragraph.

The key issues in this case are:

- The impact of the proposed development on appearance of the building and the character and appearance of the Aldridge Road Villas and Leamington Road Villas Conservation Area.
- The impact of the proposed development on the amenity of neighbouring residents.

The proposed extension and alterations are considered to be acceptable in land use, design and amenity terms and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and rear elevation (bottom).

5. CONSULTATIONS

COUNCILLOR HUG

Party wall issues should be clarified, including need for sound insulation. Objection on design and amenity grounds to basement extension and associated alterations to the front forecourt/ garden and lightwell (now removed from the scheme. Roof of rear extension should not be used as a terrace. Concern regarding the impact of construction works on neighbours and ask that the hours of works are restricted at weekends and early in the morning and late in the evening.

WESTBOURNE NEIGHBOURHOOD FORUM

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Following amendment to omit the front basement extension no objection is raised, subject to a condition requiring appropriate tree protection measures for the trees in the rear garden.

BUILDING CONTROL

No objection.

HIGHWAYS PLANNING

Objects to the formation of a dwarf wall at the rear of the forecourt parking area as this will shorten the space available for car parking (note this wall has since been omitted from the scheme. No objection to other aspects of the scheme and supports provision of an electric charging point.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 39.

Total No. of replies: 4.

No. of objections: 2.

No. in support: 1.

Three emails have been received from two respondents raising objection on all or some of the following grounds:

Design

- Alterations to front of building (now omitted from the scheme) would be out of keeping with the conservation area.

Amenity

- Roof of the proposed rear extension must not be used as a terrace.
- Any alterations to the party wall should include noise insulation.
- Front staircase and pathway would overlook windows at No.6.

Other Matters

- Conditions should be imposed to manage the impact of construction including the timing of vehicular access to the site.
- Lack of pre-application consultation between applicant and neighbours.

- Concerned that the consultation letters took 8 days to be delivered, thereby limiting time for response.
- Proposals raise party wall issues and a party wall agreement must be entered into.
- Not clear if any extension at roof level is proposed adjacent to mansard at No.6.

One email of support has been received stating the proposed extension to the rear would be more aesthetically pleasing than others in the immediate area and that the minor increase in depth proposed (350mm) is negligible and would not have an impact on any neighbours.

ADVERTISEMENT/ SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a four storey mid-terrace dwellinghouse, including a lower ground, ground, first and second floors. The property is unlisted, but located within the Aldridge Road Villas and Leamington Road Villas Conservation Area.

The application property has an existing conservatory to the rear at lower ground floor level. The front garden is mainly hard-surfaced and is used as a forecourt for car parking.

6.2 Recent Relevant History

22 July 1998 – A certificate of lawfulness was issued for erection of conservatory to rear, change of use to single family dwelling (98/01999/FULL).

3 July 2003 – Planning permission refused for erection of a new mansard extension to provide additional room in roof and balcony at fourth floor level, and new front garden boundary wall and gate (03/03762/FULL).

26 May 2017 – Application withdrawn that proposed alterations and extension to an existing vault at front basement level with associated alterations to front wall, railings and front lightwell; replacement of existing conservatory to the rear with new single storey rear extension; alterations to existing fenestration to front and rear elevations and roof alterations comprising of extension to the roof between the existing butterfly pitched roof including the installation of 2 no. new square conservation rooflights and the installation of 3 rooflights to dwellinghouse (17/02656/FULL).

Application currently pending consideration – Alterations and extension to an existing vault at front basement level with associated alterations to front wall, railings and front lightwell, replacement of existing conservatory to the rear with new single storey rear extension; alterations to existing fenestration to front and rear elevations and the installation of 3 rooflights to dwellinghouse (17/02654/FULL).

7. THE PROPOSAL

The application proposes the replacement of the existing lower ground floor level conservatory to the rear with new single storey rear extension, which is deeper and higher than the conservatory. The application also proposes alterations to the existing fenestration to rear elevation at ground floor level, installation of three rooflights in the main roof and alterations to front forecourt/ garden, including installation of new paving and installation of electric car charging point.

The proposed lower ground floor rear extension would project 2.7m from the rear elevation of the original building at the boundary with No.10 and 3.7m from the rear elevation of the original building at the boundary with No.6. The proposed extension would be 350mm deeper than the existing conservatory and would be 3.0m in height. A large rooflight is proposed within the flat roof of the extension which would protrude 0.2m above the parapet.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed extension of the existing dwellinghouse is acceptable in land use terms and accords with Policy H3 in the UDP.

8.2 Townscape and Design

To the rear, the proposed rear extension would only project 350mm further in to the rear garden than the existing conservatory. This marginal increase in the depth of the rear extension is sufficiently minor so that the extension would remain subordinate to the host building and it would not appear discordant when seen in conjunction with neighbouring rear extensions. The proposed extension would have a flat roof rather than a pitched roof, as per the existing conservatory, and this would increase the bulk of the extension. However, the increase in bulk would be very limited and would not detract from the appearance of the rear of the building. The detailed design of the proposed extension comprises a simple rendered box with bi-folding glazing. Given the discrete location to the rear at lower ground floor level where the extension will not be readily appreciable, even in private views, this detailed design approach is not considered to have a harmful impact on the appearance of the building or the character and appearance of the conservation area.

The rooflights in the main butterfly profile roof are relatively modest in scale and would not be appreciable in views from surrounding properties. As such, these are not objectionable in design terms.

The two replacement windows to the rear elevation at ground and first floor levels are proposed to be formed in white timber framing and are not contentious in design terms; indeed the proposed window in the closet wing at ground floor level would improve the appearance of the building relative to the existing situation.

To the front elevation, following omission of the initially proposed basement extension, the works of development are limited to new paving and installation of an electric car charging point. These alterations are not considered to be contentious in design terms and would

not detract from the appearance of the building or the character or appearance of the conservation area.

Given the above, the proposed development would be in accordance with Policies DES 1, DES 5 and DES 9 in the UDP and Policies S25 and S28 in the City Plan, and is therefore considered to be acceptable in design terms.

8.3 Residential Amenity

Given the relatively small increase in bulk proposed, the proposed rear extension would not cause a material loss of light to neighbouring properties or a significantly increased sense of enclosure. The windows proposed within the extension would look onto the garden of the application property and would not overlook neighbouring windows or gardens.

The rooflight proposed within the proposed extension, although large, would be sufficiently distant from neighbouring windows so as not to cause significant light nuisance. Furthermore, the rooflight proposed is smaller than the fully glazed roof of the existing conservatory, which it is to replace.

A condition is recommended to prevent the use of the roof of the extension as a terrace and this addresses the concerns raised by neighbours and Councillor Hug.

The windows proposed on the upper floors would not materially increase overlooking relative to the existing situation. At roof level, the proposed rooflights at main roof level would not result in any material increase in overlooking given their roof level location.

Concerns expressed by objectors and Councillor Hug in relation to the amenity impact of the front basement extension and associated alterations to the front of the building have been addressed by the omission of this element of the scheme during the course of the application.

In summary, subject to the recommended condition, the proposals are acceptable in amenity terms and accord with Policies ENV10 and ENV13 in the UDP and S29 in the City Plan.

8.4 Transportation/Parking

The provision of an electric charging point is welcomed and will promote more sustainable forms of motorised transport.

Following amendment, the initial proposals to introduce a wall and railings to the front lightwell have been omitted and therefore the Highways Planning Manager's concerns relating to the size of the parking space provided on the front forecourt have been addressed.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to application property will remain stepped as is currently the case. Given that the application relates to a private dwelling with existing stepped access and not a publically accessible building, this access arrangement is considered to be acceptable.

8.7 Other UDP/ Westminster Policy Considerations

There are two trees located within the rear garden, but no details of how these trees will be protected from the proposed development have been submitted. However, notwithstanding this, the Arboricultural Manager is content that the trees are sufficiently distant from the proposed rear extension, which is to be largely built on the footprint of the existing conservatory, so that they would not be adversely affected by it. As requested by the Arboricultural Manager, a condition is recommended to secure details of tree protection measures to be provided to protect the trees from harm during the construction works.

8.8 London Plan

This application does not raise any 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.

The proposed extension would have a total floor area of less than 100m² and is therefore it is not CIL liable.

8.11 Environmental Impact Assessment

The development is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

Concerns were initially expressed in April 2017 that insufficient time was offered for comments on the application owing to the time taken for consultation letters to arrive with recipients via the post. However, in practice the City Council accepts and has regard to consultation responses received throughout the application period and in this case this has meant that the objectors have had a number of months within which to comment.

Concerns have been expressed regarding the potential for noise and disturbance from construction works. Following the omission of the front basement extension and other associated alterations to the front of the building, the extent of works required to implement the proposed development are much reduced. Therefore it is considered that a

condition restricting the hours of noisy works to between 08.00 and 18.00 hours Monday to Friday (excluding Bank Holidays) and between 08.00 and 13.00 hours on Saturdays is sufficient to mitigate the impact of construction works on the amenity of neighbouring occupiers.

Issues relating to party wall matters, including potential damage or alteration to internal party walls, are not material planning considerations. Such matters are subject to other legislation; namely, the Party Wall Act 1996, and the requirements of this Act cannot be duplicated via the planning process. Similarly it would not be reasonable to impose conditions requiring sound insulation to existing internal walls as internal works to an unlisted building are not development do not require planning permission.

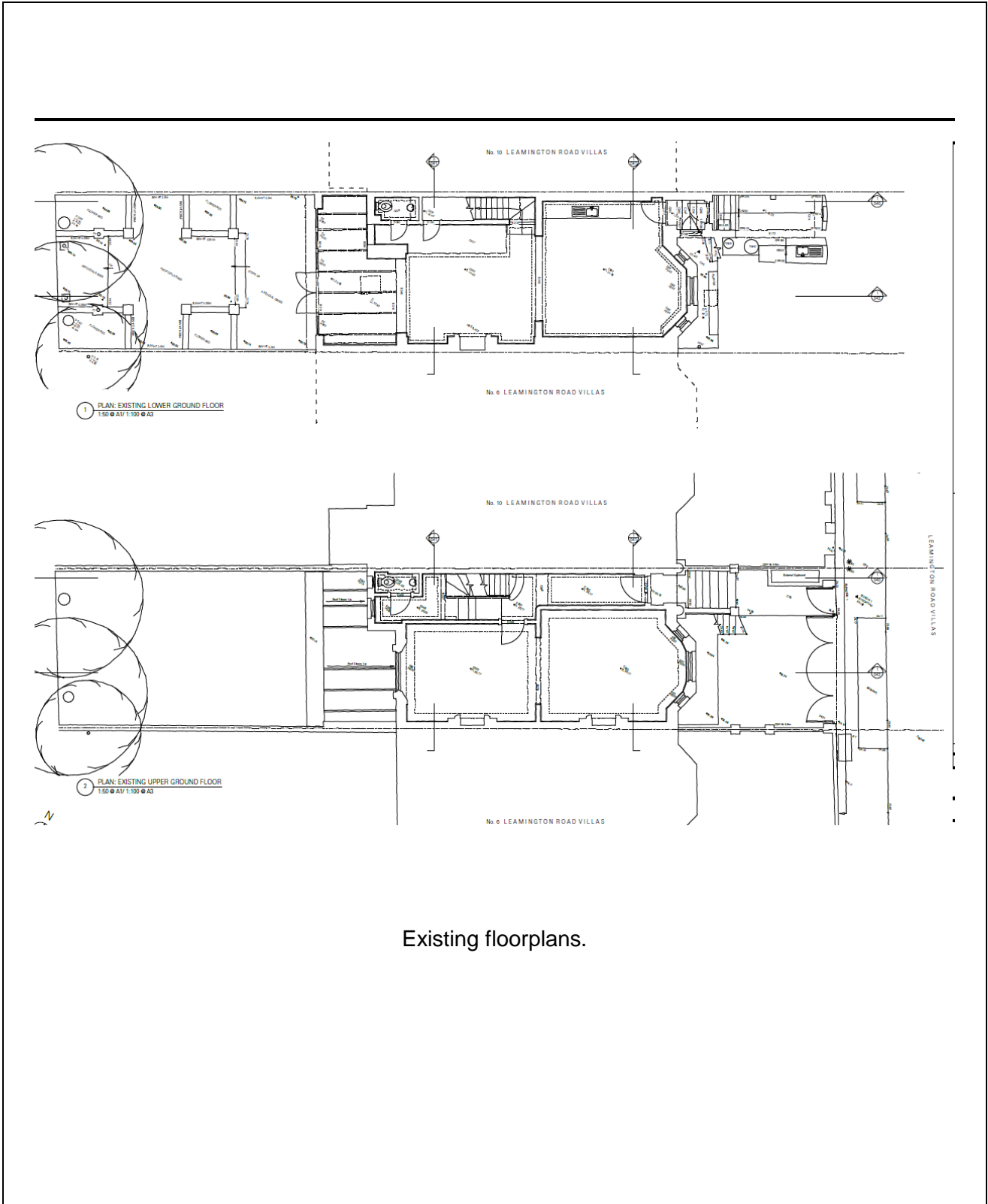
9. BACKGROUND PAPERS

1. Application form.
2. Email from Councillor Hug dated 8 May 2017.
3. Memo from the Highways Planning Manager dated 10 April 2017.
4. Email from Building Control dated 21 June 2017.
5. Memo from the Arboricultural Manager dated 17 July 2017.
6. Email from an occupier of 6 Leamington Road Villas dated 25 April 2017.
7. Emails from the occupier of Flat 1, 6 Leamington Road Villas dated 9 May 2017 and 14 July 2017.
8. Email from the occupier of 10 Leamington Road Villas dated 14 July 2017.

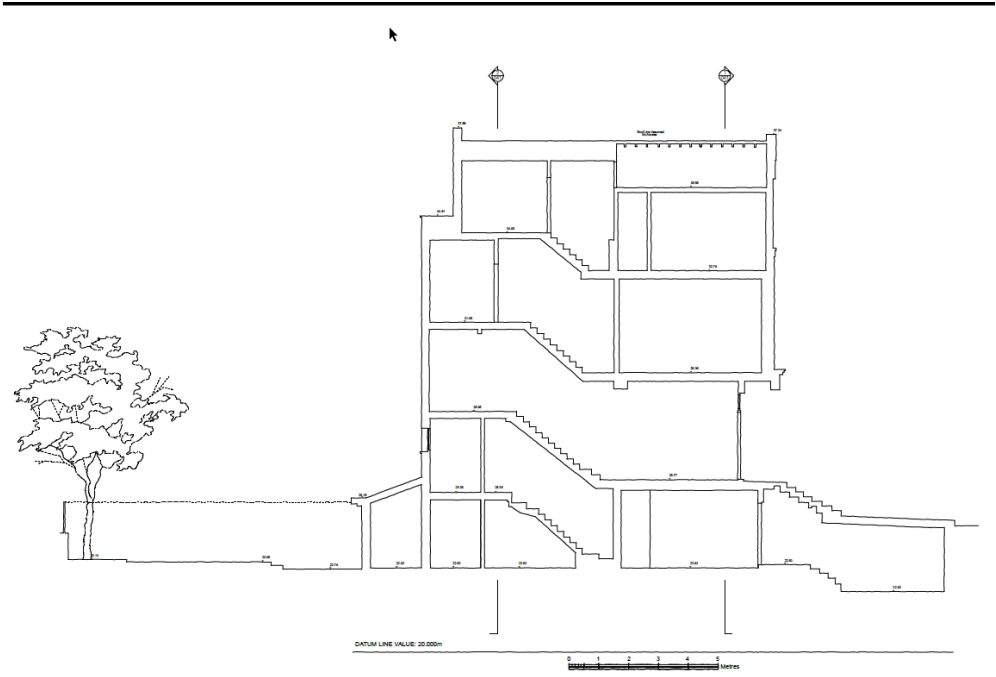
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

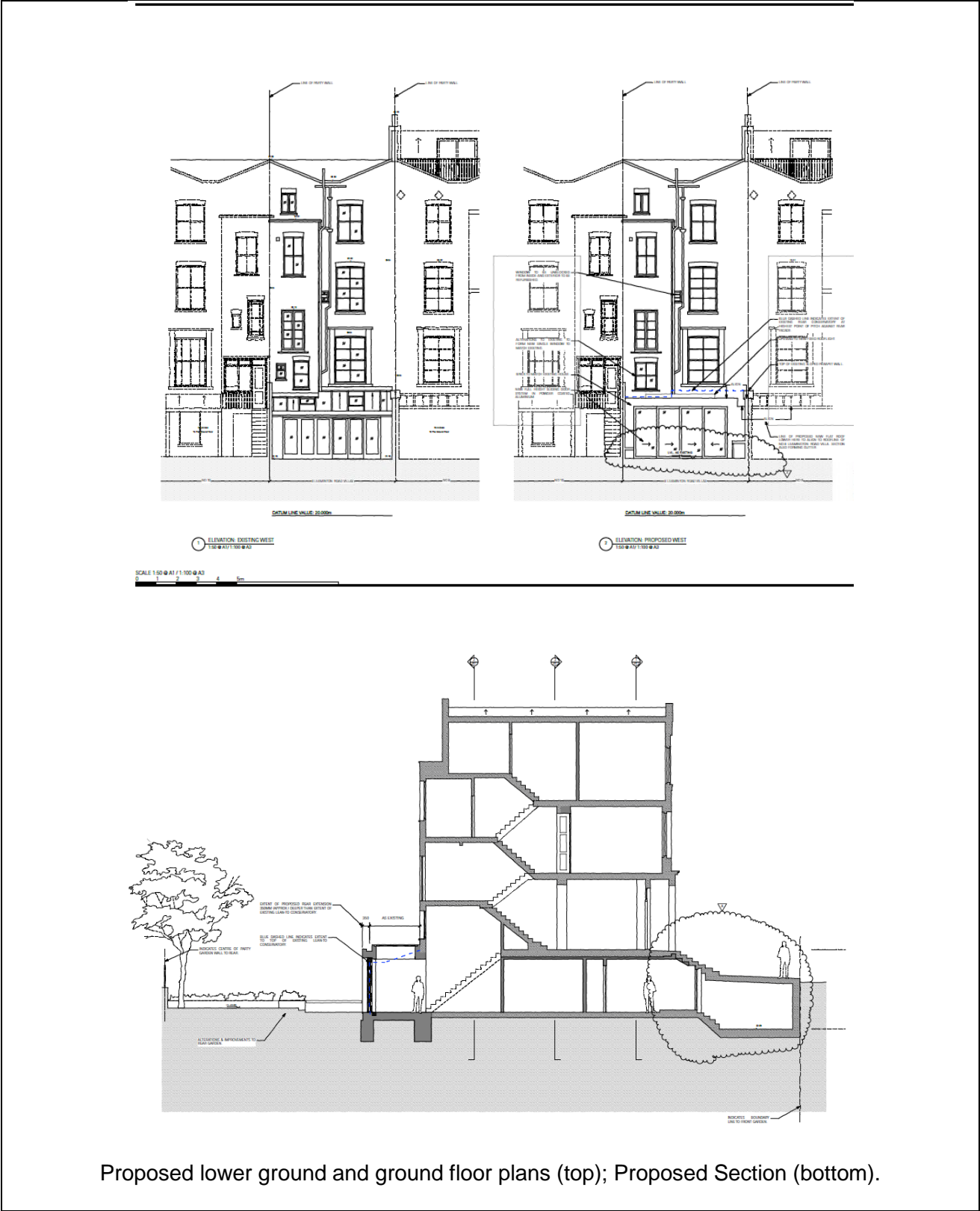
10. KEY DRAWINGS



Existing floorplans.



Existing rear elevation (top) and existing section (bottom).



Proposed lower ground and ground floor plans (top); Proposed Section (bottom).

DRAFT DECISION LETTER

Address: 8 Leamington Road Villas, London, W11 1HS

Proposal: Replacement of existing lower ground floor level conservatory to the rear with new single storey rear extension, alterations to existing fenestration to rear elevation at ground floor level, installation of 3 rooflights in main roof and alterations to front forecourt/ garden including new paving and installation of electric car charging point.

Reference: 17/02655/FULL

Plan Nos: 010; 011; 012; 140; 141; 142; 050; 051; 301; 302; 322; 351; 300 Rev A; 320 Rev A; 321 Rev A; 340 Rev A; 341 Rev A; 342 Rev A; 342 Rev A; Design and Access Statement Rev A (dated 5th June 2017).

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

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

- 4 The new windows in the rear elevation at ground and first floor levels shall be formed in glazing and white painted timber framing.

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

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

Reason:

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

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

Reason:

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

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 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)

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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